

TOWNSHIP OF TYENDINAGA
Minutes of the Regular Council Meeting - NO. 2007-22

Municipal Council Chambers, 859 Melrose Road, Shannonville
Monday November 5, 2007 at 7:00 pm

Meeting was called to order at 7:00 p.m.

PRESENT:	Margaret Walsh	Reeve
	Fred Lang	Deputy Reeve
	Iain Gardiner	Councillor
	Rick Phillips	Councillor
	Chris Brady	Councillor
	Steve Mercer	Clerk-Treasurer

Absent: None

Declaration of Pecuniary Interest – None was declared at this time.

MOVED BY: Councillor Iain Gardiner
SECONDED BY: Councillor Chris Brady
THAT the Agenda of November 5, 2007 be adopted.

CARRIED

MOVED BY: Deputy Reeve Fred Lang
SECONDED BY: Councillor Rick Phillips
THAT the minutes of the Regular Council Meeting of Monday October 15, 2007 be approved as presented.

CARRIED

The following declarations were provided for items to be added to the agenda under ‘New Business’:

Reeve Margaret Walsh	2 items
Deputy Reeve Fred Lang	1 item
Councillor Chris Brady	0 items
Councillor Iain Gardiner	0 items
Councillor Rick Phillips	0 item
Clerk Steve Mercer	0 items

PASSING OF ACCOUNTS

MOVED BY: Deputy Reeve Fred Lang
SECONDED BY: Councillor Rick Phillips
THAT the following accounts be approved as presented:

General Government	47661.58
Roads Department	32275.25
Recreation Department	9,638.19
Fire Department	10,052.17
Protective Services	940.00

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CARRIED

STAFF REPORTS

Liette Osborne, Recreation Coordinator

Provided written report

Highlights

- Continuing to work on the establishment of a dart league
- Community lunches appear to be gaining momentum, next one is scheduled for Thursday November 22, 2007
- Discussed quotes for staff Christmas dinner
- Remembrance Day service is scheduled for November 11 at 2pm
- Discussed the nature of the four contributing factors to cost overruns in related to the holding tank installation at Recreation Complex. Cost will now be closer to \$12,000 versus the \$7,500 allocated in budget for this project. The overall Recreation Capital budget is not in a deficit.
- Has met with Shannonville Agricultural Society in relation to the trailers located beside the Jarrell building and hydro costs the Township is assuming in relation to this building

MOVED BY: Councillor Rick Phillips

SECONDED BY: Deputy Reeve Fred Lang

That this Council approves to engage Corey Wilson as caterer for the Christmas Staff dinner at a quoted price of \$12.00 per plate.

CARRIED

John Farrell, Road Supervisor

Provided written report

Highlights

- Deseronto Rock cut project is essentially complete with the exception of some clean-up and ditching
- the Blessington Road Project is well underway – all gravel has been applied
- winter sand haulage is complete
- trucks are being made ready for snow removal
- cold patching, grading and driveway installation are underway
- Roads Supervisor and interested Councillors can meet with Quinte Conservation next Wednesday to review five bridges in the Township that are in need of repairs
- brought forward that one of our contract snow plow drivers is not interested in continuing contract but may offer his truck for hire
- Roads Supervisor was asked to investigate further and the Clerk was asked to investigate insurance parameters

Council discussed the work on the hill on Blessington Road just west of the CP tracks. This hill is being redesigned to improve sightlines for the approach to the CP track. This area is being redesigned for safety reasons and Council reiterated that all this work must keep in mind the safety of this crossing.

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MOVED BY: Councillor Iain Gardiner
SECONDED BY: Councillor Rick Phillips
THAT this Council accepts the staff reports as presented.
CARRIED

CORRESPONDENCE

MOVED BY: Deputy Reeve Fred Lang
SECONDED BY: Councillor Iain Gardiner
That this Council receives the correspondence Mosey & Mosey – October 25, 2007, County of Hastings – County Wide Plan, Claims Experience
CARRIED

NEW BUSINESS

MOVED BY: Councillor Rick Phillips
SECONDED BY: Councillor Chris Brady
That this Council receives the correspondence from Honorable Leona Dombrowsky – October 25- Request for Township meeting with new Minister of Aboriginal Affairs
CARRIED

MOVED BY: Councillor Iain Gardiner
SECONDED BY: Deputy Reeve Fred Lang
That this Council receives the County Council Report from Jim Pine – October 18- MBQ Land Claim – Request for County Support David Ramsey
CARRIED

MOVED BY: Councillor Iain Gardiner
SECONDED BY: Deputy Reeve Fred Lang
That this Council receives the Correspondence and material from James Moxon – October 29, 2007- Archival Material Culbertson Tract & Terms of Reference – Community Working Group Table
CARRIED

MOVED BY: Councillor Chris Brady
SECONDED BY: Councillor Iain Gardiner
That this Council defers discussion the Terms of Reference, Community Working Group Table as presented by James Moxon until the Council has had further opportunity to review the situation and determines next steps.
CARRIED

A concern was brought forth concerning a recent article published in the Mohawk Drummer which Council feels does not accurately portray our role and desire in the Culbertson Land Tract situation. There was discussion regarding a letter of rebuttal, however it was agreed that it may not be wise to get into a war of words with the press. However, the public record must show that Council takes great exception to the accuracy of this article.

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The Clerk updated Council on his attendance at an OMAA meeting in Ajax concerning Native Land Claims.

- Our position may be most frustrating in relation to Culbertson Claim matters but many Ontario municipalities are facing Claim issues to a greater or less degree than ourselves
- The Department of Municipal Affairs and Housing is on a learning curve on these matters
- The Province of Ontario is participating in many/most of these discussions. Clerk has contacted INAC to get a listing of Land Claims currently under discussion where the province is taking a role

The Reeve and Clerk updated Council regarding a meeting that took place this past Saturday with MP Darryl Kramp – Reeve Walsh, Deputy Reeve Lang, Deseronto Mayor Clark and Clerk Treasurer Steve Mercer.

Meeting was held in relation to comments made in the Intelligencer attributed to the MP that no land changes hands as a result of settling land claims

- MP Kramp was advised that it is the Additions to Reserve Policy that works in tandem with the Specific Claims Policy to ultimately create reserve land that used to be municipal land
- The municipal position is that although the Specific Claims Policy may be reassuring to the community, it is not well communicated that it is then the Additions to Reserve Policy which is used to provide an end result that is prohibited in the first policy
- The ATR policy like the Specific Claims Policy says that third party interests will be taken into consideration but they are not given any legal entrenchment in the process. Once an ATR application is underway the municipality does not have a veto
- Kramp offered to pen a letter to the Minister of Indian and Northern Affairs that expresses this concern so that the Minister is fully briefed before any request for decisions (RFD) are brought forth to Cabinet.
- One hand the two policies are distinct but there appears to be a movement within certain stakeholders to have them work together to grant the MBQ the eventual outcome they desire

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Deputy Reeve Fred Lang

That the Township of Tyendinaga send a letter to the Federal Minister of Indian and Northern Affairs, the Provincial Minister of Aboriginal Affairs, the Minister of Safety and Correctional Services and the Commissioner of the OPP outlining the concerns the Township has regarding access to the properties currently under occupation on the lands commonly known as the Culbertson Tract with regard to the liability the Township may face for the provision of services. This letter is to ask that the Provincial and Federal Government assume all liability of these lands.

Upon making motion, Councillor Gardiner asked for a recorded vote

Margaret Walsh -nay

Fred Lang -yeah

Iain Gardiner -yeah

Rick Phillips - nay

Chris Brady - nay

NOT CARRIED

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MOVED BY: Councillor Iain Gardiner
SECONDED BY: Deputy Reeve Fred Lang

WHEREAS the Ministry of Transportation (MTO), Ontario Provincial Police (OPP), and representatives from various municipalities comprised a task force to develop Guidelines and Best Practices that will allow a safe and orderly control of traffic on Emergency Detour Routes (EDR);
And Whereas MTO, OPP and municipal staff have reviewed designated Emergency Detour Routes in the municipality in case of a closure of Highway 401;
And Whereas MTO will assist municipalities regarding location of signs and trailblazers on EDR;
And Whereas MTO will supply EDR signs to municipalities;
And Whereas the municipality will erect and maintain EDR signs on roads under their jurisdiction;

Now Therefore be it Resolved that the Township of Tyendinaga agrees to erect EDR signing on the designated Emergency Detour Routes as set out in the documentation presented to Council at this meeting as provided by the MTO and in accordance with their planed routing.

CARRIED

Deputy Reeve Fred Lang

The Deputy Reeve attended the annual 4H Awards Banquet on October 27th

- Deputy Reeve Lang presented the Top Member Award for the South Hastings Dairy Calf Club, sponsored by Tyendinaga Township, to Julie Osborne & Donnie Jarrell
- Also presented the award for Most Enthusiastic Member, sponsored by Shannonville Agricultural Society, to Courtney Ray

Reeve Margaret Walsh

- Updated Council on a meeting she and Deputy Reeve Lang attended with Deseronto Council to discuss a proposal put forward by Veristas
- They are a lobby/marketing group who under contract would steer the lobby for representation at the Culbertson Land Claim table
- Council recognized that Deseronto's position is much more precarious than our own and that this may be an avenue that may be better suited to their particular needs

- Brought forward an idea/suggestion/request brought to her attention regarding a contract that Napanee appears to be considering where Napanee's municipal waste would be dumped at the existing Richmond landfill for possibly another two years.
- Margaret has been asked that in her capacity as Reeve that she pen a letter stating our municipalities dissatisfaction of continued use of the Richmond Dump site based on the scientific finding the past several years which in fact led to the dismissal of an application to expand the Dump

MOVED BY: Councillor Iain Gardiner
SECONDED BY: Deputy Reeve Fred Lang

That this Council, under the signature of all Municipal elected officials, agrees to send a letter to Town of Greater Napanee expressing concern for any continued use of the Richmond Landfill as it is Council's position that the dump has far exceeded its useful life and the environmental issues concerning the dump have not been mitigated to anyone's satisfaction.

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CARRIED

BYLAWS

MOVED BY: Deputy Reeve Fred Lang

SECONDED BY: Councillor Rick Phillips

That this Council hereby passes by-law 07-39, Being a By-law to authorize an agreement between the Township of Tyendinaga and Her Majesty the Queen in Right of Ontario represented by the Minister of Municipal Affairs and Housing with respect to a Special Assistance Grant.

CARRIED

With no further business to discuss, Council agreed to adjourn and the next scheduled meeting of Council will be Monday November 19, 2007 at 7:00 pm or at the call of the Reeve.

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Deputy Reeve Fred Lang

That this Regular Council Meeting be adjourned 9:20pm.

CARRIED

Margaret Walsh, Reeve

Steve Mercer, Clerk-Treasurer