

TOWNSHIP OF TYENDINAGA
Minutes of the Regular Council Meeting - NO. 2009-19

Municipal Council Chambers, 859 Melrose Road, Shannonville
Monday November 2, 2009 at 7:00 pm

Meeting was called to order at 7:04 p.m.

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

ABSENT: Iain Gardiner – Councillor Illness

Declaration of Pecuniary Interest: none declared

MOVED BY: Councillor Rick Phillips
SECONDED BY: Deputy Reeve Fred Lang
THAT the Agenda of November 2, 2009 be adopted.

CARRIED

MOVED BY: Councillor Chris Brady
SECONDED BY: Councillor Rick Phillips
THAT the minutes of the October 19, 2009 Regular Meeting and October 19, 2009 Public Meeting be approved as presented.

CARRIED

DELEGATIONS

Bill McFarlane – Occupational Health & Safety

- Wanted to approach Council regarding the Health and Safety Policy adopted by Council in 2007
- Upon review of the policy it seems that some parts may not be applicable
- For example we have protocols for forklift checks yet we don't have a forklift
- Other sections it appears we may need to be more diligent i.e. contractor and sub contractor sign-offs on Township policy
- This role is taking more and more time as the program evolves
- Bill recognizes that this initial manual was set up to be a place to start from, but now it needs to be more clearly written for our purposes
- What type of program does Council want to see and how much resources are they willing to put behind it
- Council was clear that we wish to be legislatively compliant and offer all employees a safe and healthy workplace
- Council is also not sure what that entails as far as program and resource allocation
- Bill suggested a company he has dealt with who may be able to come in and review our entire regime, see what is needed and what may be overkill
- Perhaps they can make suggestions on the number of hours our Coordinator, based on the size of our Municipality should be spending on these tasks

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MOVED BY: Councillor Rick Phillips

SECONDED BY: Councillor Chris Brady

That this Council asks that Bill McFarlane, our Health and Safety Coordinator, secure a quote from a qualified consultant to come in and review current policy, recommend additions, deletions and amendments and to bring to Council recommendations regarding the intensity of program and resources that is required to do the job and remain compliant with Ministry of Labour Standards. Be it further moved that based on an acceptable quote that this full review will take place.

CARRIED

PASSING OF ACCOUNTS

MOVED BY: Councillor Chris Brady

SECONDED BY: Deputy Reeve Fred Lang

THAT the following accounts be approved as presented:

General Government	20,144.57
Roads Department	254,745.48
Recreation Department	1575.40
Protective Services	0
Fire Department	2340.17

CARRIED

STAFF REPORTS

John Farrell, Roads Supervisor

Provided written report

Highlights

- Smith Rd project is coming along
- Some grass cutting, grading, cold patching
- The crew has also been dealing with beaver dams, brushing and shoulder grading
- Plow mounts and other winter readiness activities are taking place

- Council asked John about the construction progress of Wymans Bridge
- All looks in order for a mid November opening as per notices and schedule

- Council also asked John about the fencing project for the roads yard as it was identified by the Health & Safety Committee as an issue
- There was a long conversation regarding the kind of fencing required and where exactly it should go – what do we need ?, how high ?
- Council recognizes that our main goal is to relay a Keep Out message at the roads works area
- John will secure some quotes promptly based on a chain link and page wire combination

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Stan Laton, Fire Chief
Provided written report
Highlights

- There have been two calls since last reporting period
- The Chief shared with Council the successful pumpkin carving evening for Township children held on October 28
- The Fire Department also handed out Halloween treat bags on Halloween night with candy and educational material
- As Community Emergency Management Coordinator, Chief Laton was able to advise Council that we were again compliant under legislative requirements prescribed by Emergency Management Ontario for 2009

MOVED BY: Councillor Chris Brady
SECONDED BY: Deputy Reeve Fred Lang
THAT this Council accepts the staff reports as presented.
CARRIED

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

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

CORRESPONDENCE

MOVED BY: Councillor Chris Brady
SECONDED BY: Councillor Rick Phillips
That this Council receives the correspondence from:

- October 17, 2009 – MMAH – Proposed Changes to Municipal Elections Act

CARRIED

NEW BUSINESS

A draft Noise By-law was presented to Council for consideration, review and comment

- The old By-Law, 1983, is antiquated and unenforceable
- Council asked that a new by-law be brought forward as a result of the noise complaints on Tracy Rd
- Council has concerns about permits and costs of permits for special occasions
- What hours do we want to regulate and where
- How involved do we want to be in enforcement
- Council wants to protect rural living and recognizes that rural living can be noisy i.e. chainsaws, construction, agricultural equipment, recreation vehicles etc

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- By-Law Enforcement Officer was asked to bring back a new draft that was a bit less restrictive, in keeping with rural realities and that captured the conversation concerning the draft by-law

MOVED BY: Councillor Chris Brady
SECONDED BY: Councillor Rick Phillips

That this Council approves of the Recruitment and Selection Policy for Fire Department personnel put forward by Chief Laton on behalf of the Tyendinaga Township Volunteer Fire Department

CARRIED

MOVED BY: Councillor Iain Gardiner
SECONDED BY: Councillor Rick Phillips

That this Council receives the recommendation from the Joint Health and Safety Committee concerning storage at the recreation complex and that there just isn't enough and has become a safety issue. Be it further moved that once an infrastructure planning meeting is scheduled that a new storage building for the recreation area be brought forward for consideration

CARRIED

MOVED BY: Councillor Rick Phillips
SECONDED BY: Councillor Chris Brady

WHEREAS Tyendinaga Township is situate of a cemetery on Lot 3, Concession 3 on lands donated to the Township in 1824 by Caleb Garrison

AND WHEREAS the owner of the Cemetery is Tyendinaga Township registration # 01494, license # 3277542

AND WHEREAS on November 6, 2008 Tyendinaga Township Council changed the name to Garrison Pioneer Cemetery as it was previously referred to as "abandoned"

AND WHEREAS the Kawarthas Branch of the United Empire Loyalists have been diligent in ensuring the cemetery is well kept, headstones repaired and in its preservation as a heritage cemetery

AND WHEREAS it is the Kawarthas Branch of the United Empire Loyalists who have undertaken initiatives to have the Garrison Pioneer Cemetery designated as Heritage Cemetery, recognized by the Government of Ontario as such

AND WHEREAS it is requested that the Township designate the Garrison Pioneer Cemetery as a Heritage Cemetery from a municipal perspective

AND WHEREAS the Township of Tyendinaga is most grateful and supportive of the efforts of the United Empire Loyalists in this regard

THEREFORE BE IT RESOLVED that the Garrison Pioneer Cemetery located in the Township of Tyendinaga Lot 3, Concession 3 be hereby designated as a Municipal Heritage Cemetery

BE IT FURTHER RESOLVED That the Township Council fully supports the efforts of the Kawarthas Branch of the UEL to attain their goal of having said cemetery designated as a Heritage Cemetery by the Government of Ontario

CARRIED

MOVED BY: Councillor Rick Phillips
SECONDED BY: Councillor Chris Brady

That this Council hereby rescinds the resolution and subsequent motion made by Council on October 19, 2009 concerning the immediate closure of the Richmond Landfill site

CARRIED

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MOVED BY: Councillor Chris Brady

SECONDED BY: Councillor Rick Phillips

WHEREAS a landfill has been in operation in Richmond Township RR #6 1271 Beechwood Road, Napanee for over 50 years.

AND WHEREAS in 2006 a major landfill expansion at this site was rejected by the Minister of the Environment. Ministry of the Environment Review makes strong recommendation against the proposed landfill expansion, concluding "There are significant environmental risks associated with expanding the landfill".

AND WHEREAS local citizens and area municipalities have been fighting this dump for decades at their own cost.

AND WHEREAS the Richmond Landfill remains in operation and further waste disposal options are being considered at the site.

AND WHEREAS it has been estimated that the Richmond Landfill is creating 20 million liters of leachate per year and up to half could be leaking, and that the Environmental Commissioner stated that "Contamination of the groundwater appears to be inevitable", and that the geology of the site makes it "difficult and perhaps impossible to determine the movement and impact of the leachate".

BE IT RESOLVED THAT in his 2008-09 annual report to the legislature, The Environmental Commissioner of Ontario recommended that the Ministry of the Environment require the immediate closure of the Richmond Landfill.

BE IT RESOLVED THAT the Municipality of Tyendinaga Township supports the recommendation of the Environmental Commissioner of Ontario and agrees that the Province should require the immediate closure of the Richmond Landfill.

CARRIED

The Clerk was asked to circulate this resolution to all member municipalities in Northumberland County, Hastings County, County of Lennox and Addington and all associated separated cities for support.

MOVED BY: Deputy Reeve Fred Lang

SECONDED BY: Councillor Chris Brady

That this Council receives the e-mail correspondence from Malcolm Elston regarding financial reporting pertaining to the Wymans Bridge project, interest income received by the Township for investing these funds and status of derelict vehicle by-law. Be it further moved that this Council is satisfied with the status of these files and realizes that work is underway. Be it finally moved that the Clerk reply to Mr. Elston in writing advising him of the status of these three items and that he is welcome to attend the office to review the payments regarding the Wymans Bridge

CARRIED

The Clerk asked for a meeting to conform our infrastructure plans for 2010

- In 2008 a plan was created for 2009 and 2010
- The 2009 portion is complete
- The exception is the fencing project which was not budgeted
- The Salt Dome project is well under budget and slippage in that area can be applied to the fencing project
- The 2010 portion needs confirmed and/or amended
- Council asked about planned discussions concerning the Fosters Bridge with Quinte Conservation as this may also figure into the planning as well

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- Clerk to follow up
- The meeting time was set for November 23, 2009 at 5:30 pm prior to Council
- Clerk is asked to have estimated reserve amounts and sub budgets with variances completed for the meeting

MOVED BY: Councillor Rick Phillips

SECONDED BY: Deputy Reeve Fred Lang

That this Council agrees to the offer of purchase for land identified by CN as pin # 40554-0213 for the sum of \$10,000. Be it further moved that this sale is in support of the VIA/CN rail works along the Toronto Montreal corridor designed to add a third rail line. Be it finally moved that the Clerk is asked to contact the Municipal Lawyers to prepare and execute such agreement and prepare all by-laws required so that the land can be transferred.

CARRIED

MOVED BY: Deputy Reeve Fred Lang

SECONDED BY: Councillor Chris Brady

That this Council agrees to the offer of purchase for land identified by CN as pin # 40553-0277 for the sum of \$10,000. Be it further moved that this sale is in support of the VIA/CN rail works along the Toronto Montreal corridor designed to add a third rail line. Be it finally moved that the Clerk is asked to contact the Municipal Lawyers to prepare and execute such agreement and prepare all by-laws required so that the land can be transferred.

CARRIED

MOVED BY: Deputy Reeve Fred Lang

SECONDED BY: Councillor Rick Phillips

THAT the Livestock Valuer Report for the following be approved as presented:

David York	Four Rideau Arcott Ewes	\$800.00
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CARRIED

MOVED BY: Councillor Rick Phillips

SECONDED BY: Councillor Chris Brady

That Council approves a severance by Duane & Bruce Boldrick (B91/09), Concession 6, Part Lots 8 & 9 with the following condition applied:

1. Payment in Lieu of Parkland fee of \$750.00 per new lot created (made payable to the Township of Tyendinaga)

CARRIED

Clerk Steve Mercer

- Advised Council that he was meeting with Nancy Pordham and Rick Phillips on Tuesday November 2 at 4pm to finalize the Remembrance Day events and schedule for next week unveiling of the new veterans memorial
- It is important that Council get the word out to all area veterans
- Any input is appreciated
- We may still require one more veteran to lay a wreath in honour of our Korean war veterans

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Deputy Reeve Fred Lang

- Brought to Council's attention a concern about a transport trailer along Highway #2 that may be sitting on the road allowance
- Stan will look into this

- Brought to Council's attention a concern brought forward by a Mrs. Empey on Tracy Rd
- She is concerned that road maintenance in the area of her access to Tracy Rd is not adequate
- This driveway is used as a bus turnaround as we do not have one installed at the end of Tracy Rd
- John indicated that we bring the Empeys a load of fresh gravel for their driveway every so often as it is a lot cheaper than the work entailed to buy property and construct a formal turnaround at the end of Tracy Rd
- John will work with Mrs. Empey to help alleviate her concerns

ADJOURNMENT

MOVED BY: Deputy Reeve Fred Lang
SECONDED BY: Councillor Chris Brady
That this Regular Council Meeting be adjourned 9:45 pm.
CARRIED

Margaret Walsh, Reeve

Steve Mercer, Clerk-Treasurer