

TOWNSHIP OF TYENDINAGA
Minutes of the Regular Council Meeting - NO. 2010-08

Municipal Council Chambers, 859 Melrose Road, Shannonville
Monday April 19, 2010 at 7:00 pm

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

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

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| ABSENT: | Rick Phillips | Vacation |
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Declaration of Pecuniary Interest: none declared

MOVED BY: Councillor Chris Brady
SECONDED BY: Deputy Reeve Fred Lang
THAT the Agenda of April 19, 2010 be adopted.

CARRIED

MOVED BY: Councillor Iain Gardiner
SECONDED BY: Deputy Reeve Fred Lang
THAT the minutes of the April 6, 2010 Regular Meeting be approved as presented.

CARRIED

DELEGATIONS

Ron Durkin – Helping Hands Food Bank

- The Helping Hands food Bank has been in continuous operation since 1991
- The Food Bank services both the residents of Deseronto and Tyendinaga Township
- The Food Bank is run by volunteers and is funded through donations
- The Food Bank is located in the basement of the Deseronto Lions Club
- Usage has increased significantly in recent years
- Last year alone usage was up 18%
- Just last week 850 people were services including 450 children
- Mr. Durkin listed many of the donators, including social groups, private citizens and the private sector
- Local school, and churches appear to contribute the most
- Mr. Durkin thanked Council for their contribution last year in relation to the bottle drive
- Mr. Durkin wished to thank Council and wanted to emphasize that the Food Bank, although located in Deseronto was available for residents of Tyendinaga Township
- The Council thanked the volunteer group for their fine and selfless efforts

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Mary Callaghan – Potential Severance

- Mrs. Callaghan was on the agenda as a delegation to ascertain Council's support for a severance where the frontage was quite undersized
- The Clerk explained to Council that he had discussed the matter with the Chief Building Official and the Hastings County Planning Department and this lot could be considered an in-filling lot under the Planning Act and that this request is very reasonable
- Council advised, that based on this information that they would be supportive of such a severance once formal application was made and when the application was officially circulated to Council for comment as part of the process
- Council reiterated that this would be approved as an infill lot and that special zoning may be required in order to recognize the reduced frontage

Blessington Rd Residents

- Ms Leslie Buxton was spokesperson for the group
- The property standards concern is regarding 3148 Blessington Rd owned by Ms Charlotte Jackson
- The residents claim the property is in deplorable condition and only seems to get worse
- They first complained on October 22nd
- What is Council going to do to get the place cleaned up
- One of the residents has a house for sale across the road and a letter from the Real Estate agent was circulated indicating that potential sales had been lost due to this situation
- Photographs of the property were circulated
- The residents indicated that they were aware that illegal dumping on the property had allegedly taken place
- There was also concern brought forward for the many horses that are on the property
- Fire Chief Stan Laton was in the gallery and he also acts as By-Law Enforcement Officer and offered the following
- Our current property standards by-law is antiquated and only has a fine structure
- Our by-law needs updating in order to be enforceable in the way that the delegation wished
- Chief Laton went on to describe that these issues are dealt with over a long period of time and if any efforts were made for us or a third party to clean up the property that it would involve significant legal costs and associated court orders
- Chief Laton assured the delegation that he was working towards a solution but that it would take time
- There was also an issue brought forward in relation to dogs barking late at night and Chief Laton explained that he was working with Animal Control and that the issue was being dealt with
- The Council recognized that they took the groups concern seriously and that staff would be directed to make progress on the issue

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PASSING OF ACCOUNTS

MOVED BY: Councillor Iain Gardiner
SECONDED BY: Councillor Chris Brady
THAT the following accounts be approved as presented:

| | |
|-----------------------|------------|
| General Government | 222,263.22 |
| Roads Department | 232,845.68 |
| Recreation Department | 2,748.05 |
| Protective Services | 29,546.24 |
| Fire Department | 12,377.25 |

CARRIED

STAFF REPORTS

John Farrell, Roads Supervisor
Provided written report
Highlights

- Brushing and ditching along Lazier Rd
- Gravel roads are being graded
- Cold patching and bridge washing throughout the Township
- Grubbing along Shannon Rd to support the reconstruction effort
- Beaver dams have been removed along Shannon Rd

- In relation to the roads report, Councillor Gardiner inquired about the culverts placed along Callaghan Rd to support the resurfacing project.
- Inquired on behalf of a resident whose driveway culvert was not installed and water seems to be pooling and drainage becoming an issue
- The Clerk advised he would have John look into it

Stan Laton, Fire Chief
Provided written report
Highlights

- There have been 4 calls for service since the last reporting period
- The Survivor Night scheduled for May 7 is gaining momentum
- If the military decides to participate we could be looking at as many as 150 people involved including tents to be used as well
- At the event Emergency Services partners will be educating participants about their specific roles and responsibilities during a declared emergency

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Mandi Buma, Recreation Coordinator

Provided written report

Highlights

- Grounds crew started this week
- The proposed playground equipment to be purchased with the funds raised in the golf tournament was presented
- Including installation the cost \$5,141.11
- Council agreed to proceed as the overage can be expended within the budget
- To date Minor Ball has 92 registrations
- Soccer teams have been put together, sponsorships are full, but still looking for some coaches
- 12 teams have signed up for 3-pitch and 9 for beach volleyball
- TV collection day is next Saturday, April 24th
- Canada Day Committee has started meeting and plans are underway

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Chris Brady

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':

| | |
|--------------------------|-------------------|
| Clerk Steve Mercer | 2 items |
| Deputy Reeve Fred Lang | 1 item –in camera |
| Reeve Margaret Walsh | 1 item |
| Councillor Chris Brady | 0 items |
| Councillor Iain Gardiner | 0 items |

CORRESPONDENCE

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Chris Brady

That this Council receives the correspondence:

- April 12, 2010 – Ministry of the Environment- Application for Approval of Closure Plan – Richmond Landfill

CARRIED

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NEW BUSINESS

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Chris Brady

WHEREAS, a life saving organ or tissue donation can provide thousands of men, women, and children on waiting lists with a second chance at life; and

WHEREAS, our society unfortunately lacks widespread knowledge of the real need for organ donations, and the list of Ontarians in need of transplants grows annually; and

WHEREAS, the tireless efforts of the Trillium Gift of Life Network members, volunteers and individual donors and their families can, and do save many lives each year; and

WHEREAS, education and increased public awareness enable Ontarians to make the important, informed decision to donate their organs and/or tissues and help give the gift of life;

THEREFORE, I, Margaret Walsh, Reeve of the Township of Tyendinaga, do hereby proclaim April 18-25 2010 as Organ and Tissue Donor Awareness Week in the Township of Tyendinaga, and encourage all residents of the Township of Tyendinaga to register their consent to donate their organs and/or tissues and help save lives.

CARRIED

MOVED BY: Deputy Reeve Fred Lang

SECONDED BY: Councillor Chris Brady

WHEREAS Tyendinaga Township does recognize the importance of Emergency Management in Ontario; and

WHEREAS the goal of Emergency Preparedness Week is to raise community awareness and the need to prepare for the possibility of an emergency; and

WHEREAS the safety of our community is the responsibility of each and every one of us we must prepare now and learn how to secure a strong and healthy tomorrow.

THEREFORE I, Margaret Walsh, so hereby proclaim the week of May 2 to 8, 2010, to be EMERGENCY PREPAREDNESS WEEK IN Tyendinaga Township, and encourage all citizens to participate in the Emergency Preparedness Challenge. The Challenge can be accessed by visiting www.ontario.ca/beprepared.

CARRIED

- In relation to the municipal budget process for 2010, the Clerk advised Council that he had spent the day in Peterborough going over the revised year end numbers for 2009
- This meant that there was little time to adequately prepare Council for the budget meeting scheduled for April 20th
- The Clerk asked that the meeting be rescheduled to the following week so that all the necessary changes could be made and so that Council received solid information
- It was agreed that the Council would meet with the Clerk on Tuesday April 27th at 5:30pm with the intention remaining that the budget be passed at the Council meeting of May 3rd, 2010

MOVED BY: Councillor Chris Brady

SECONDED BY: Councillor Iain Gardiner

THAT this Council waives the rental fee for the Recreation Hall to support the Tyendinaga Minor Baseball Association in their desire to hold a teen dance as a fundraiser.

CARRIED

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MOVED BY: Councillor Iain Gardiner

SECONDED BY: Deputy Reeve Fred Lang

THAT this Council approves of the 2010 submission provided by Jardine Lloyd Thompson to provide full municipal insurance protection for the Township at a cost of \$48,675.00

CARRIED

Deputy Reeve Lang asked the Clerk to investigate the need for further coverage in certain areas

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Deputy Reeve Fred Lang

1. This Council approves the form of draft by-law and franchise agreement attached hereto and authorizes the submission thereof to the Ontario Energy Board for approval pursuant to the provisions of Section 9 of The Municipal Franchises Act
2. This Council requests that the Ontario Energy Board make an Order declaring and directing that the assent of the municipal electors to the attached draft by-law and franchise agreement pertaining to the Corporation of the Township of Tyendinaga is not necessary pursuant to the provisions of Section 9(4) of the Municipal Franchises Act

CARRIED

MOVED BY: Deputy Reeve Fred Lang

SECONDED BY: Councillor Iain Gardiner

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

| | | |
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| Ray Brennan | ewe | \$200.00 |
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CARRIED

MOVED BY: Deputy Reeve Fred Lang

SECONDED BY: Councillor Chris Brady

That Council approves a severance by HADDEN (B23/10), Concession 5, Part Lots 19 & 20 with the following conditions applied:

1. Payment in Lieu of Parkland fee of \$750.00 per new lot created (made payable to the Township of Tyendinaga)
2. Proof of potable water and adequate flow rate.
3. Prior to the endorsing of deeds for the severed lot, proof be lodged with the Land Division Office from the Township of Tyendinaga that an entrance can be established suitable to the Township Road Supervisor.
4. The severed lot be rezoned to "RURAL RESIDENTIAL" and proof of completion and approval of same be lodged with the Land Division Office prior to the endorsing of deeds for the severed lot. (See Township for rezoning procedure)

CARRIED

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MOVED BY: Deputy Reeve Fred Lang

SECONDED BY: Councillor Chris Brady

That Council approves a severance by HADDEN (B24/10), Concession 5, Part Lots 19 & 20 with the following conditions applied:

1. Payment in Lieu of Parkland fee of \$750.00 per new lot created (made payable to the Township of Tyendinaga)
2. Proof of potable water and adequate flow rate.
3. Prior to the endorsing of deeds for the severed lot, proof be lodged with the Land Division Office from the Township of Tyendinaga that an entrance can be established suitable to the Township Road Supervisor.
4. The severed lot be rezoned to "RURAL RESIDENTIAL" and proof of completion and approval of same be lodged with the Land Division Office prior to the endorsing of deeds for the severed lot. (See Township for rezoning procedure)

CARRIED

Clerk Steve Mercer

- Updated Council on his meeting today in Peterborough with our municipal auditors
- Unfortunately, with Carm Milligan's accident it meant that the auditors had to do more work particularly in relation to the Reserve schedules and determining our year end surplus deficit position
- Several motions were made on February 16th to deal with a municipal surplus of 136,922
- It now appears that our 2009 surplus is \$153, 347
- The clerk asked for the associated motions for commit this extra amount to recreation reserves
- To that end.....

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Chris Brady

THAT Council rescinds the motion of February 16, 2010 whereby the "remaining surplus" of \$46,890 was to be applied to recreation reserves.

CARRIED

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Deputy Reeve Fred Lang

THAT Council applies the remaining amended surplus of \$63,315 to recreation reserves and that 46,890 be withdrawn from recreation reserves in the 2010 municipal budget as the budget amount for the new maintenance utility building at the Rec Plex

CARRIED

- Also brought to Council's attention a new requirement under Bill 212 concerning municipal elections
- Every community is required to appoint a compliance audit committee to be used in case there are complaints brought forward in regards to election spending and conduct
- Communities are going to have a difficult time getting volunteers to act in this capacity

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- The Clerk via membership in the Hastings County Clerks and Treasurers Association, have a possible solution whereby certain Clerks can Act as the Compliance Audit Committee for other Hastings municipalities
- A resolution is required from Council to support this approach

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Deputy Reeve Fred Lang

WHEREAS Bill 212 amendments have now been passed and is in effect for the upcoming 2010 municipal election to be held on October 25, 2010

AND WHEREAS each Council is required to appoint a Compliance Audit Committee

AND WHEREAS soliciting membership on such a committee may prove difficult

THEREFORE BE IT RESOLVED that this Council supports an approach whereby the Hastings Clerks via their membership in the Hastings County Clerks and Treasurers Association work together to reach a solution whereby Clerks from one municipality act as the compliance audit committee for another Hastings municipality

BE IT FINALLY RESOLVED that Council asks the Clerk to bring this model once finalized back to Council for comment and ratification

CARRIED

Reeve Margaret Walsh

- Advised Council that she had been approached by Ray and Leanne Brennan regarding permission to reside in a trailer while a new home was under construction
- The Clerk and Council advised that this probably would not be a problem but that the Brennans needed to work through the Building Department on this request and that certain criteria had to be met before Council would be asked to consider a formal motion as per our Building and Zoning By-laws

MEMBERS REPORTS

MOVED BY: Deputy Reeve Fred Lang

SECONDED BY: Councillor Chris Brady

THAT Council receives the BISC report for March 2010

CARRIED

BY-LAWS

MOVED BY: Deputy Reeve Fred Lang

SECONDED BY: Councillor Iain Gardiner

That this Council hereby passes By-law 10-09, Being a By-law to extend the current BISC Agreement from April 1 2010 to March 31, 2015.

CARRIED

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MOVED BY: Councillor Rick Phillips

SECONDED BY: Councillor Iain Gardiner

That this Council performs first and second reading of By-law 10-10, being a by-law to authorize a Franchise Agreement with Union Gas

CARRIED

IN CAMERA

MOVED BY: Councillor Chris Brady

SECONDED BY: Councillor Iain Gardiner

THAT Council agreed to continue with the Council Meeting in camera as the subject matter deals with contractual matters where confidentiality requires protection.

CARRIED

MOVED BY: Councillor Rick Phillips

SECONDED BY: Deputy Reeve Fred Lang

THAT Council has completed the discussion dealing with contractual matters where Council confidentiality requires protection.

CARRIED

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Chris Brady

THAT this Council confirms the discussion of the in-camera portion of the open meeting.

CARRIED

ADJOURNMENT

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Deputy Reeve Fred Lang

That this Regular Council Meeting be adjourned 8:30 pm.

CARRIED

Margaret Walsh, Reeve

Steve Mercer, Clerk - Treasurer