

THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA

November 18, 2011

Minutes of a regular meeting of Council held on Friday, November 18, 2011 at 14:00 h. in the Municipal Hall.

1. CALL TO ORDER & MOMENT OF SILENCE

2. ROLL CALL

The following were present Reeve Tammy Stewart, Councillors: Ed Aiston, Dave Foote, and Jim Gibson. Absent: Robert Reid.

Approximately 11 members of the public and media present.

3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF – none

4. DEPUTATIONS/PRESENTATIONS – none

5. ADOPTION of MINUTES of PREVIOUS MEETINGS (INCLUDING COMMITTEES)

i. Council Minutes

Resolution # 18/11/11/001

Moved by Councillor Aiston and seconded by Councillor Foote

BE IT RESOLVED THAT the minutes of the regular meeting of Friday, November 4, 2011 be accepted as presented.

Carried

Recorded Vote

Reeve Stewart	N
Councillor Aiston	Y
Councillor Foote	Y
Councillor Gibson	Y

ii. Library Board minutes – October 19, 2011 – for information only

6. CORRESPONDENCE & PETITIONS – None

7. CORRESPONDENCE

Jennifer Barr, Township of Horton – re: MFOAs Issues in Small Municipalities – Clerk to bring the taxation of Crown Lands and PIL on unpatented lands to their attention;

- i. OVTA – re: request for reconsideration of Visitor’s Information Centre funding from membership municipalities - information**
- ii. Bill Instance – re: request for information following October 7, 2011 meeting - information**
- iii. MNR - re: Dump Report and work to be completed before next fire season - information**
- iv. Deep River Science Academy – re: request for support - information**
- v. Township of Mulmur – re: amendment to authorization process for alternate energy installations – Clerk to prepare resolution of support for next meeting;**
- vi. County of Renfrew – re: 5 year plan review – information – Council will be given a more detailed review with an opportunity to comment later on in the process;**
- vii. MPAC – re: Property Assessment Notice Mailings - information**
- viii. Ministry of Transportation – re: Introduction to new ministers and portfolios - information**
- ix. L1 – Lita Therrien – re: request for Council resolution to penalize its members financially for actions contrary to “good government” of the municipality – resolution follows**
- x. L2 – Meredith Line – re: request for Council resolution to penalize its members financially for actions contrary to “good government” of the municipality – resolution follows**
- xi. L3 – Ruth Morin – re: request for Council resolution to penalize its members financially for actions contrary to “good government” of the municipality – resolution follows**
- xii. L4 – Mary Pichette – re: request for Council resolution to penalize its members financially for actions contrary to “good government” of the municipality – resolution follows**

Resolution # 18/11/11/001-A

Moved by Councillor Foote and Seconded by Councillor Gibson

WHEREAS the Council of Head, Clara & Maria have had extra costs that were not budgeted for due to unforeseen circumstances;

AND WHEREAS Council may have failed to adhere to the exact letter of the law;

THEREFORE BE IT RESOLVED THAT Council penalizes itself by not applying the annual Cost of Living increase to the total honorarium for the year 2011.

Defeated

Recorded Vote

Reeve Stewart	N
Councillor Aiston	N
Councillor Foote	Y
Councillor Gibson	N

8. STAFF REPORTS

- i. Clerk’s Report #18/11/11/801 - information

Resolution # 18/11/11/002

Moved by Councillor Aiston and Seconded by Councillor Foote

WHEREAS the municipal recycling contract is expiring at the end of 2011;

AND WHEREAS the procurement by-law allows sole source and single source procurement in special circumstances as approved by Council;

AND WHEREAS the service provided by Andre Bergeron is so inclusive that the municipality will be unlikely to obtain a similar level of service from other area providers;

AND WHEREAS the previous attempt to attract alternate contractors provided no interest;

THEREFORE BE IT RESOLVED THAT the Council of the Municipality of the United Townships of Head, Clara & Maria does hereby authorize staff to contact Andre Bergeron of B.A.G. Recyclage with an intent to determine an equitable price for the continuation of recycling services and failing to come to an equitable agreement, to make arrangements for alternate service delivery;

Carried Unanimously

Resolution # 18/11/11/003

Moved by Councillor Aiston and Seconded by Councillor Gibson

WHEREAS Council has declared the property known as Chapman Park surplus to municipal purposes and will advertise it for sale by closed bid with a reserved bid which must be advertised;

THEREFORE BE IT RESOLVED THAT Council does hereby set the reserved bid at \$4,000;

Carried Unanimously

- ii. Treasurer’s Report #18/11/11/802 – information only

9. FINANCIAL REPORTS

- i. Comparative Income Statement Report #18/11/11/901

Resolution # 18/11/11/004

Moved by Councillor Aiston and Seconded by Councillor Gibson

BE IT RESOLVED THAT the Comparative Income Statement dated, November 10, 2011 be accepted as presented.

Carried - Unanimously

10. BY-LAWS - none

11. UNFINISHED BUSINESS

- i. Report #18/11/11/1101 – Auto-Ex

Resolution # 18/11/11/005

Moved by Councillor Foote and Seconded by Councillor Gibson

WHEREAS section 23 of the joint agreement dated 11th March 2010 states that “any of the municipalities shall be entitled to withdraw from this agreement and the operation or the said “North Renfrew Emergency Response Unit” upon giving to the other municipalities sixty (60) days notice in writing of their intention to do so.”

AND WHEREAS it further states that “Upon withdrawal from this agreement, that municipality forfeits all of its interest in the unit and in any monies that may be set aside for unit.”

AND WHEREAS Council passed a resolution of their intent to withdraw from the agreement effective December 31, 2011 at its meeting of September 9, 2011;

AND WHEREAS Council agreed at its meeting of Friday, October 7, 2011 to reconsider its previous decision;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby agree to reverse its previous decision and authorizes the Clerk to contact Deep River and Laurentian Hills with its intent to remain in the current agreement.

Carried

Recorded Vote	
Reeve Stewart	Y
Councillor Aiston	Y
Councillor Foote	Y
Councillor Gibson	N

ii. Report #18/11/11/1102 – Cost of Investigator/Mediator
Resolution # 18/11/11/006

Moved by Councillor Gibson and Seconded by Councillor Foote

WHEREAS the Clerk has requested that Council follow its policy and have an external entity investigate the harassment complaints filed in October of 2011;

AND WHEREAS Council as an employer has a responsibility to the public and to staff to undertake impartial and independent investigation into allegations;

AND WHEREAS Council has requested that the costs of investigations be determined prior to committing to any action;

AND WHEREAS it has been found that investigators/mediators may be obtained for as little as \$175 per hour or as much as \$300 per hour;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria hereby authorizes the Clerk to hire an investigator/mediator to look into the allegations and complaints as filed by the Clerk and work towards settling these issues in a timely manner as directed by Council.

Carried Unanimously

The following document was read by Councillor Foote prior to the above vote being taken.

“Over the past number of months this year I have heard, what I consider to be, frivolous complaints regarding the clerk’s performance. To date, such complaints have gone undocumented. I do not agree with these comments as I regard the clerk’s performance of her assigned duties as being commendable and her integrity of the highest order. Some time before April of this year the Reeve approached me outside the council chambers and commented that we should do something about the clerk as currently she is running Council. At that time I suggested the Reeve should speak to the clerk regarding these concerns or, failing that, make a formal complaint to be considered at a meeting of Council. She did not follow my advice at that time and to date has not lodged such a complaint. During the Form 4 series of meetings, the Reeve contacted me by telephone. During one these conversations the Reeve commented that with 2 council members gone we could then have a closed meeting and deal with the clerk. With this conversation in the back of my mind I finally left the Council table during one of the meetings in an attempt to block the Reeve continuing with any action that would further upset the clerk.

It is my opinion the clerk does not want a formal investigation into the pending harassment charges unless it is a last resort to end the continuation of the atmosphere of animosity that appears to be directed against her. So I reiterate: if the Reeve or any other member of Council or the public has a problem with the clerk’s performance please go to Policies in the HCM website and document that complaint giving specifics along with substantive references. Council can then deal with the root cause of this ongoing harassment experienced by the clerk. I would reasonably expect some formal response by our next meeting or I must consider any undocumented complaints against the clerk to be no more than frivolous bordering on slander.”

Action: The Clerk is to arrange interviews with Council and service providers so that Council can select an appropriate firm/individual to conduct the investigation.

iii. Report #18/11/11/1103 – MHSW Collection

Resolution # 18/11/11/007

Moved by Councillor Foote and Seconded by Councillor Gibson

WHEREAS Drain-All cannot complete a Municipal Hazardous and Special Waste collection event for our municipality until 2012;

AND WHEREAS the dates available are June 2, and October 6 (Thanksgiving Weekend) or October 28;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby select June 2/12 as the most effective date to hold its collection for 2012.

Carried Unanimously

iv. Report #18/11/11/1104 – Recycling By-Law

Resolution #18/11/11/008

Moved by Councillor Gibson and Seconded by Councillor Foote

WHEREAS new information has been presented to be considered for incorporation into the recycling by-law;

AND WHEREAS staff require Council input prior to finalizing the draft by-law:

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby direct staff to implement the following specific amendments:

Clause	Change
2.02	remove double colon;
2.06.1.1	change "2" to "1";
2.06.2.1	change "4" to "1";
2.06.3.1	change "4" to "1";
4.01.2	change "two" to "one", change "two" to "one", change "containers" to "container" change "are" to "is";
4.01.5	change "four" to "1", change "four" to "1";
4.02	change "two" to "one";
5.03	change "container" to "bag";
5.23.1.5	remove the number as there is no corresponding paragraph;
7.04.4	_____;
10.15	add "Schedule "N" – Part I Provincial Offences Act Contraventions"
11.03.4	Change "L" in the last sentence to "N"

In Schedule A Remove Point 1, and 2; In Point 3 remove the words "clear or transparent"; and add the words "when full" to the end of the last sentence.

In Schedule F Remove the words "As decided on a case by case basis." Insert \$300/load in the fee section;

In Schedule H Remove point (b), (c) and (m); Change point (f) from "Two (2)" to "One (1)" and "~~four (4)~~" with "~~_____ (—)~~";

In Schedule K In point 2 – change "two (2)" with "one (1)";
 In point 3 – replace the word "Any" with "all"; replace the words "other than regular household waste will" with the word "shall"; insert the phrase "the payment of" between the words "require" and "a"; Remove the words "the above" before the word schedule and add the letter "F" after the word "schedule". The new sentence would read "All material shall require the payment of a tipping fee as per schedule F."
 In point 5 – add the words "and presented to the Landfill Attendant" at the end of the sentence.

In Schedule M Use April 1, 2012 as start date of the program and modify the rest of the schedule to correspond to that start date;

Schedule N In order for staff to be able to apply penalties without going through a Justice of the Peace or other complicated process, Part I Provincial Offences fines need to be set and inserted in the by-law.

PART 1 PROVINCIAL OFFENCES ACT CONTRAVENTIONS

<u>ITEM</u>	<u>SHORT FORM WORDING</u>	<u>BY-LAW PROVISION CREATING THE OFFENCE</u>	<u>SET FINE (INCLUDES COSTS)</u>
1	Fail to pay proper tipping fee.	Schedule F	\$100
2	Fail to provide name and address at site.	5.10	\$100
3	Fail to declare origin of waste at site or provide false evidence of origin.	5.10	\$200
4	Deposit waste at site outside hours of operation.	5.05	\$200
5	Fail to transport waste in a safe manner, to avoid littering.	5.14	\$200
6	Fail to properly sort waste and dispose in designated area.	5.07	\$100
7	Improperly disposing of waste at the landfill site outside the gates	5.09	\$100
8	Dispose of Hazardous or other Prohibited Materials	5.06 and Schedule D	\$500
9	Salvaging at site without municipal permission.	5.13	\$200
10	Scavenging, removing or scattering waste on site.	5.13	\$100
11	Disposing of waste on municipal or	5.04.2 and	\$200

	private property other than the landfill site.	5.20.2	
12.	Depositing waste generated on private property into public waste receptacles.	5.04.4	\$100
13.	Deposit any burning material or set or cause to be set any fire at any waste disposal site.	5.08	\$200

Carried Unanimously

12. ADDENDUM (NEW BUSINESS)

- i. Report #18/11/11/1201 – Answers to Questions of the Reeve (For information Only)
There was no debate. Questions were answered satisfactorily.

13. CLOSED SESSION – None

14. BUSINESS ARISING FROM CLOSED SESSION - none

15. QUESTIONS AND ANSWERS - none

16. CONFIRMATION OF PROCEEDINGS

Resolution # 18/11/11/009

Moved by Councillor Foote and Seconded by Councillor Gibson

BE IT RESOLVED THAT By-Law 2011-27 being a by-law to confirm proceedings of the Council of the United Townships of Head, Clara & Maria at its meeting held on November 4, 2011 be read a first time short and passed.

Carried Unanimously

17. ADJOURNMENT

Resolution # 18/11/11/010

Moved by Councillor Gibson and seconded by Councillor Foote

BE IT RESOLVED THAT this meeting adjourn at 15:45 h to meet again Friday, December 2, 2011 at 14:00h.

Carried

Reeve – Tammy Lea Stewart

Clerk – Melinda Reith