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RR#1  
Mackey, ON  
K0J 2B0

2012-02-13

Members of Municipal Council  
Twshps. of Head, Clara, & Maria  
15 Township Hall Road  
Stonecliffe, ON. K0J 2K0

Dear members of Council:

I am writing to express my interest in a few budget items I would like you to consider for the 2012 year.

I know that our funds are limited, but, as an act of renewal in this next phase of our municipality, I would like to see a major sign put up at each end of our Townships, expressing a bit of who we are and what we have to offer. My suggestion is for the council to form a small committee to look into costs and government funding, and to enlist the input of members of the business community and residents at large. I'd even like to suggest the phrase:

*The United Townships of Head, Clara & Maria  
- with a history as rich as the heart of its people.....*

I see this as an opportunity to market the businesses in our area, identifying them on our boards, and to give our Townships a sense of identity as a community.

I'd also like Council to consider allotting more funds to the community newsletter so that we can communicate monthly or every second month rather than the 3 or 4 times a year we now mail out. I don't see a great increase in paper and copying since the newsletters will be shorter, but there will be more postage costs. The more frequent newsletters would be largely community- based, rather than incurring much more time from Melinda.

One more request: As an offshoot from our Canada Day gathering, several of us would like to create a Townships Songbook and shall be meeting monthly to collect music together. We would appreciate the Municipality covering the cost up to \$100 to photocopy 50 copies. We think this would be a great asset for every gathering in our community. For any cost after this, we would cover the cost through donations.

Finally, many thanks for releasing the funds for the Children's Corner, and thank you very much for your time and attention.

Sincerely,

  
Catherine Balla-Boudreau

## **Townships of Head Clara & Maria**

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**From:** "Susan Freeman" <susan@cysh.ca>  
**Cc:** "Leslie Drynan" <ldrynan@lanarkcounty.ca>  
**Sent:** Tuesday, February 14, 2012 11:58 AM  
**Attach:** AMO Directors Meeting September 2011 .pdf; AMO Board report, January 2012.pdf  
**Subject:** FW: AMO Board reports from County Caucus

Dear fellow County colleague,

I was appointed to the AMO Board of Directors last year to the County Caucus. I am an eleven year member of Lanark County Council and was Warden in 2005. After attending each AMO Board meeting, I give both a written and verbal reports to my colleagues on Lanark County Council and also my own township.

So that you can see what I found, and thought that my colleagues would find interesting, I attach my past two reports. If you would like me to include you in the distribution of these reports, or you want further information about any subject matter contained in them, please let me know.

If you are attending OGRA/ROMA this year, I invite you to come by the Lanark County hospitality room and I look forward to meeting you.

Sincerely,

Susan

*Susan Freeman,*  
Deputy Reeve  
Tay Valley Township.  
Councillor, Lanark County  
[susan@cysh.ca](mailto:susan@cysh.ca)  
613-264-0613

## AMO Directors Meeting, Toronto, September 30<sup>th</sup>, 2011

/Susan Freeman

### Board meeting:

- Reminder, AMO has a meeting room in their Toronto offices for any member municipalities to use for meetings in Toronto.
- EU Trade agreement, this is the first time that sub-nationals have been invited to the table eg. Provinces & Territories. There are good discussions with FCM & AMO over this issue, including how AMO's LAS would be protected. Whilst there is no public discourse on this issue and the implications, the Council of Canadians is circulating incorrect information that FCM & AMO isn't doing anything. A recent letter from Minister Fast dispels this, he actually understands municipalities and through FCM & AMO we are involved. Suggestion not to support the proposed motion by the Council of Canadians as it is misleading.
- The Conflict of Interest session at the AMO conference will be circulated as it was excellent.
- AMO conference in Ottawa in 2012 & 2013.
- Federal Gas Tax/Public Transit Fund has been used for active transportation trails and are eligible for funding. Look at North Bay & London examples in AMO's 2010 Annual expenditures report (part 1).
- Request that, as the gas tax is becoming the only game in town for infrastructure funding, the feds & province are looking for promotion in articles, photo opportunities etc. so please promote what you are using these funds for as the Ministries are looking closely.
- Many municipalities are going to only accepting clear garbage bags. There is a real push-back from producers for taking back hazardous and special waste. Amo battling this.

### Reports from caucuses:

- *Large Urban*: Conflict of interest debate, at a recent meeting 2/3 of a Council was in conflict (some paid up to \$5000 for a legal opinion) and thus could not vote. Provincial dispatch of ambulance continues to be a huge problem and getting worse, Hamilton & Peel average of 1½ hrs, some 6-9hrs in hospital delays for Code 0's. Niagara area has a pilot project, which is working well in huge savings and efficiencies in local dispatch. Feeling that bureaucracy in the Ministry is blocking resolution.
- *Northern Caucus*: 62 mills closed in Northern Ontario and with the new provincially supported Community Forest Management Plans, the wood allocation has been reduced. The North wants jobs there; they don't want a forest playground! Forestry job are an important and vital part of their economy. Arbitration award in Fort Francis caused them to lay-off 2 fire-fighters to pay for the arbitration award!
- *Regional & Single Tier*: Professional fire-fighters are working to bring the ambulance and paramedics into their membership and we'll see a big increase in costs if this happens. Same concerns with ambulance dispatch.
- *Rural*: OGRA/ROMA is asking/wanting your ideas on sessions for their next conference.
- *Small Urban*: Challenges all municipalities to donate \$1000.00 towards Goderich's tornado disaster. AMO has donated from its disaster fund as have some

municipalities; donations will be matched by government. Damage \$75 m - \$300m. It took 13 seconds for the tornado to go through the town, devastated the town core, County Clerk's office wiped-out! Insurance companies arguing, disputes with Ministry of the Environment. Town has had to hire an environmental clean-up company because of asbestos concerns, paying \$75,000/\$1000.00 to pick-up small pieces of material, large area cordoned off while people in hazard suits pick up pieces the size of shredded paper, postage stamps size etc. They have appointed a Planning Advisory Committee to look at bylaw amendments for re-building (non conforming), OP amendments etc. Goderich and Huron hope to do a "lessons learnt" when they have time!

AMO developing Strategic Objectives for 2012 research using unrestricted funds. The Board Members broke into small mixed groups to brainstorm what the priorities should be and welcome municipal feedback by November. Priorities identified in discussion:

- *Emergency service delivery* (Ambulance dispatch as #1);
- *Municipal role in health care*, it is not a municipal responsibility, but with downloads it is a growing responsibility;
- *Municipal affordability wages/salaries/benefits* – this cost containment is front and centre;
- *Conflicting legislation* e.g. Watershed protection versus agriculture, Places to Grow legislation targets for intensification with no supporting fiscal tools or funding for increased capacity or development planning, the need to expand development charges.

Other topics:

- The development & benefits of long term municipal integrated capital plans reaching out 30-40 years.
- Diversity in Local Government.
- OMB practice review.
- Housing.

County Caucus update:

- Wellington County: Has had County wide OPP for 12 years. There was concern at the inception that all local municipalities should have representation on the Police Services Board, but for a County it is limited to 5 people. It is no longer an issue nor has it been for quite some time. There is \$'s saved across the board for fewer admin board costs. All concerns are gone e.g. Service rural versus urban. They think they actually get better service overall.
- Huron County: Has County wide mandatory septic inspections, the protection of the watersheds was the impetus. It is full cost recovery using septic haulers as the inspectors. Big concerns over wind farms across the County & in Bruce County.
- County has a relationship with their public school board and meet once a year to partner, where mutually beneficial, in using school spaces for libraries, social services etc. Commissioned a legal paper re. Crown patents and landowner rights.

## REPORT: AMO Board Meeting – January 27<sup>th</sup>, 2012

/S. Freeman, County Caucus

### Board Meeting

- Remembrance of Past President Michael Power.
- Memberships, 46% of budget in & 2 new members.
- AMO Conference: 2013 – Ottawa; 2014 – London; 2015 – Niagara Falls; 2016 – Windsor.
- Counties & Regions Conference to be replaced by a Fall Symposium, 1½ days in late October/November. An opportunity to talk with provincial government and bring staff and politicians together.
- Board training on Accessibility for Ontarians with Disabilities Act. Board members must pass their test by February 17<sup>th</sup>.
- New MPAC Board appointments from Eastern Ontario: Mayor of Maitland, Mayor of Cornwall, Reeve of Lakefield.
- AMO's new sustainability training seminars will be available this year, a 7 minute promotional video for this training will be online shortly. Board had preview of video.
- Report and review of task force on improving the collection of unpaid fines under the Provincial Offences Act. One third of fines go unpaid = an estimated \$1 million each week! Board reviewed and made recommendation to report on top ways to improve the collection of fines.
- Active lobby file: Infrastructure funding discussions with government to test the direction on making infrastructure funding permanent, government seems to be supportive but may well want to see municipal asset management planning first. AMO also continuing to seek commitment for government to finalize the Roads & Bridges review so that we can work collectively on a provincial Municipal Infrastructure Investment Strategy.
- AMO tracks resolutions sent to it for circulation and keeps track so as to assess them in terms of AMO's strategies and strategic objectives, which by the most they are. In the last 3 months of 2011, 194 resolutions were received from members and the top five topics were: Energy (Green Energy Act); Insurance (Joint & Several liability); Trade (CETA); Public Health (Senior care, Lyme disease); Wildlife (Bear management, shark fins, endangered species act).
- Board received an update on current government & members bills of municipal interest, look on an AMO update, they include: Bill 10 to give municipalities planning decisions under the Green Energy Act – LOST; Bill 30 to give family caregivers leave – Carried on 1<sup>st</sup> reading; Bill 9 requiring MTO to pave shoulders on certain highways – Carried 1<sup>st</sup> reading; Bill 24 to ensure all organizers, and those involved in any way, of amateur sports programs for those under 18 years must have a criminal record check - Carried on 1<sup>st</sup> reading.
- Changes to tax regulations for renewable energy: No change for rooftop structures; All professional generation taxed at industrial rate; Ground generation that is secondary to property's main activity - up to 10kW no new assessment; over 10kW and up to 500kW taxed at same rate as surrounding, over 500kW proportional, with proportion over 500kW taxed as industrial.

- Presentation from the Mowat Centre on their recommendations on the Employment Insurance Task Force. In essence their recommendations state that the inter-regional redistribution of funding support should end and that it no longer meets the needs of Canada today (it is a program designed in the 50's). That the system is obsolete for today's Canada.
- Downloading is continuing eg. Small drinking water no longer 100% funded anymore, now cost shared with Health Units. What other creeping downloading/cost sharing will we see with changes to EI training and ODSP admin.???
- AMO has negotiated the new Phase 1 waste management contract, not great, but improvement. Prior contracts are retroactive. MOE has capped Steward's fees and some municipalities are seeing a 2% increase in haulage rates.
- Watch for the Drummond report on transforming government services coming out mid February and AMO's response.

Caucus reports:

- Across the province concerns over endangered species/species at risk regulations: rat snakes, barn swallows, caribou, eagles etc.
- Non urgent ambulance issues.
- MOE & hazardous waste e.g. Rain falling off green houses now considered hazardous!

General frustrations, incredulity as to new regulations .....

**Townships of Head Clara & Maria**

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**From:** "Jack Radecki" <info@oufc.org>  
**To:** "Jack Radecki" <info@oufc.org>  
**Sent:** Tuesday, February 14, 2012 7:04 PM  
**Attach:** Townships of Head.pdf; Urban Forestry Resolution related to EAB Feb 2012 from OUFC.doc  
**Subject:** Emerald Ash Borer Correspondence + Resolution to Municipalities to help raise awareness through Councils

Hello,

**The Ontario Urban Forest Council is trying to raise the awareness of the Emerald Ash Borer as it continues to kill Ash trees unabated across the natural distribution area of all species and varieties of Ash, with the exception of Blue Ash, in the Province of Ontario.**

Please, if your Council has not already, consider the attached letter and resolution to pursue bringing attention to this "creeping environmental disaster" affecting all property owners with Ash trees in the next two months if possible.

As mentioned in the correspondence it will be the Municipal Taxpayer and Municipal Staff and financial resources that will bear the brunt of dealing with this "uncosted aspect of International Trade".

Your Municipalities help in increasing attention at the various levels of government noted in the proclamation, can lead to change that will hopefully provide tools and resources. This would help those Municipalities that are now struggling to recover from this multi-year challenge created by EAB or will be soon driven by its' presence for many years to come.

Respectfully submitted,

The Ontario Urban Forest Council



Townships of Head, Clara and Maria

February 12, 2012

Dear Ms. Reith,

You may be aware that Ontario, along with many other jurisdictions, is being hit hard by the imported pest Emerald Ash Borer, *Agrilus plannipennis*. It has already killed tens of thousands of ash trees. The Municipal Arborists and Urban Foresters, a Committee of the International Society of Arboriculture and the Ontario Urban Forest Council are working to raise awareness about EAB and the environmental and economic fallout.

Public property owners, homeowners, businesses, institutions, and utilities will have to deal with thousands of ash trees before they become a liability and bear the cost of implementing programs to deal with this terrible loss to our urban forest.

Effective EAB programs involve the following:

- Identifying ash trees, size and locations (an inventory)
- Monitoring the distribution of the pest within local areas
- Identifying and treating trees worthy of preservation
- Tree removal on public and private lands, and disposal of wood waste
- Replanting replacement trees.

Currently, neither the Federal nor Provincial Governments are providing sufficient financial/management support to municipalities for implementation of any part of an EAB program. Therefore, we have prepared the attached proclamation calling for **A FEDERAL and PROVINCIAL ROLE IN URBAN FORESTRY**.

Attached is a proclamation we are sending to Clerks across Ontario. We are seeking your Council's endorsement of this proclamation, if they have not done so already, and would ask that you present this to your respective Council for consideration. Thank you for your assistance in bringing this to your Council's attention. If you have any questions, please contact me at 519-362-9469

A handwritten signature in cursive script that reads "Toni Ellis".

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Toni Ellis,  
President, Ontario Urban Forest Council

Ontario Urban Forest Council  
1523 Warden Avenue – Units 23 + 25  
Toronto, ON M1R 4Z8  
[www.oufc.org](http://www.oufc.org)



## **A FEDERAL and PROVINCIAL ROLE IN URBAN FORESTRY**

**WHEREAS** over 80% of Canadians now live in urban areas and have come to rely on the environmental, ecological and economic benefits of urban forests;

**AND WHEREAS** the health of Canadians is sustained by their urban forests which provide services through improving air quality, cooling city streets and buildings, acting as a windbreak, shading from harmful UV rays, and filtering storm water, as well as beautifying our communities;

**AND WHEREAS** neither the federal nor provincial governments currently include urban forestry in their mandates except in a limited role with respect to exotic, invasive pests;

**AND WHEREAS** the Canadian Food Inspection Agency has not been able to stop the spread of the Emerald Ash Borer throughout Ontario and Quebec

**AND WHEREAS** the Emerald Ash Borer is expected to cost Canadians over \$2 Billion dollars in treatment and replanting;

**AND WHEREAS** Canadian forestry programs and research are solely focused on industrial forests and do not at present include urban tree planting, appropriate species research, and insect control and management; and

**AND WHEREAS** other jurisdictions such as the United States Forest Service and the European Urban Forestry Research and Information Centre include urban forestry as a program and research area;

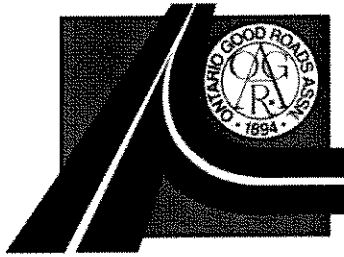
**AND WHEREAS** Canada engages municipalities in a number of substantial infrastructure programs;

**THEREFORE BE IT RESOLVED** that the Municipality of \_\_\_\_\_ calls on the Federal and Provincial governments to take leadership roles in recognizing the need to support urban forestry, by establishing urban forestry mandates and programs which includes funding assistance to municipalities for the control and management of the Emerald Ash Borer- and any future significant imported diseases and insects -as well as the creation and funding of programs designed to support the on-going sustainable management of urban forests.

**BE IT FURTHER RESOLVED** That all municipalities across Ontario be encouraged to endorse this proclamation and that this resolution be distributed to The Honourable Gerry Ritz, Minister of Agriculture and Agri-Food; The Honourable Joe Oliver, Minister of Natural Resources; The Honourable Denis Lebel, Minister of Transport, Infrastructure and Communities; The Honorable Jim Flaherty, Minister of Finance; Local Federal Member of Parliament \_\_\_\_\_;

Honourable Michael Gravelle, Minister of Natural Resources; Honourable Kathleen Wynne, Minister of Municipal Affairs and Housing; Honourable Dwight Duncan, Minister of Finance; Local Provincial Member of the Ontario Legislature \_\_\_\_\_, Tim Hudak, MPP, Leader of Progressive Conservative Party of Ontario and the Opposition Party; Andrea Horvath, MPP, Leader of the New Democratic Party of Ontario;

Association of Municipalities of Ontario; Federation of Canadian Municipalities;



*Working for Municipalities*

# Heads UP



keeping members informed.

February 9, 2012

*Cliquez ici pour la version française de ce signal d'alerte d'OGRA*

## **Impact on Minimum Maintenance Standards: *Giuliani v. Region of Halton et. al***

### **Did you know?**

A recent decision by the Court of Appeal for Ontario, *Giuliani v. Region of Halton et. al.* [2011] ONCA 812 (CanLII), has severely undermined the defence afforded municipalities in winter road maintenance cases with regard to section 4 and 5 of Ontario Regulation 239/02 - Minimum Maintenance Standards for Municipal Highways ("MMS"). In short, sections 4 and 5 of the MMS have been gutted by the limited interpretation given to them by the Court of Appeal, and these sections are now largely meaningless as a defence.

### **Why municipalities should be concerned with this decision**

Section 44(1) of the *Municipal Act, 2001* states that a "municipality that has jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge". Section 44(3) provides a defence for municipalities should the minimum standards established under subsection (4) be met and section 44(4) gives the Minister of Transportation the authorization to establish minimum standards. Regulation 239/02 was written in the context that a road is in a state of repair until the target in section 4 (Snow Accumulation) or the response time in section 5 (Icy Roadways) have been exceeded. The decision of the Court of Appeal for Ontario in *Giuliani* essentially renders these parts of the MMS meaningless by stating "In summary, I am of the view that the MMS did not establish a minimum standard to address the accumulation of less than five centimeters of snow on a class 2 highway, nor did it establish a minimum standard for the treatment of a highway before ice is formed and becomes an icy roadway"<sup>1</sup>. This decision indicates that a road is **NOT** deemed to be in a state of repair even though the trigger depth for action in the table under section 4 of the MMS (Snow Accumulation) has not been reached, nor does section 5 (Icy Roadways) apply as this section has been found by the Court of Appeal to be directed only at the situation when the roadway has already become icy and the municipality is aware of that fact, and not before. Therefore the old case law, which was intended to be replaced by the MMS, applies once again to most if not every winter road maintenance claim involving the presence of snow or ice on the road. Even worse, this decision goes beyond the old case law and appears to impose liability for failing to **PREVENT** the formation of ice, suggesting that, whenever it snows, no matter what the depth of accumulation municipalities now must take steps to prevent the formation of ice.

### **What should municipalities do now?**

Many municipalities have Level of Service Policies (LOS) that exceeds the MMS. Those municipalities should make reasonable efforts to continue to provide service in accordance with their LOS. For municipalities that have included the MMS in their policy, or as their policy, they should continue their efforts to provide service that is reasonable in the circumstances and document everything, but realize now that just because the trigger depth under the table to section 4 of the MMS has not been reached, there could be liability if that snow turns into ice, and reasonable steps to prevent that from happening have not been taken. In addition, all municipalities must now understand that section 5 of the MMS only applies as a defence **AFTER** the ice has formed, and **NOT** beforehand. The emphasis now, by every

<sup>1</sup> Decision Justice O'Connor – *Giuliani v Halton/Milton*, December 21, 2011

Plaintiff's counsel, will be to attack the steps taken by the municipality before the ice even formed, and this includes monitoring of weather conditions, patrolling, and steps taken to prevent ice when it reasonably could have been anticipated.

Good record keeping with or without the MMS is your best defence. Document everything, including:

- winter maintenance training given to staff and contractors;
- weather forecast records;
- winter patrol records and what variation may have been made to the patrol of representative roads in response to an approaching winter event;
- record the response made to a winter event;
  - time the response began;
  - treatment applied,
  - outcome achieved and when

**What is OGRA doing on our membership's behalf?**

OMEX, the insurer for the Town of Milton in this case, has sought leave to appeal this ruling to the Supreme Court of Canada. OGRA may request intervener status should the Supreme Court decide to hear this case. Unless the Supreme Court of Canada overturns this ruling by the Court of Appeal for Ontario, the only recourse will be for municipalities to lobby the Provincial Government for amendments to the MMS and perhaps to s.44 itself.

OGRA will be meeting with the Minister of Transportation and members of the Liberal Caucus at the ROMA/OGRA Conference later this month. We will be putting the Minister "on notice" of the *Giuliani* decision by the Court of Appeal, and advise them that there may likely be a request that the MMS be amended. We may also ask the Minister of Municipal Affairs and Housing to consider amendments to section 44(1) of the *Municipal Act, 2001*.

OGRA is also preparing a Guideline for Preparing for and Decommissioning Winter Operations. This document supplements the best practice released with the revised MMS which recommends that a municipality should have a contingency plan dealing with the pre and post winter season. The guideline will be circulated to our membership before this winter season expires.

For more information contact Brian Anderson of OGRA at 289-291- OGRA (6472) or by email at [brian@ogra.org](mailto:brian@ogra.org)

**ONTARIO GOOD ROADS ASSOCIATION**

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