

Request for Decision United Townships of Head, Clara & Maria Council

| Type of Decision | | | | | | | | | |
|---|------------------------|------------------|---|----|-----------------|--------------------------|------|--|--------|
| Meeting Date | Tuesday, Feb. 13, 2018 | | | | Report Date | Monday, February 5, 2018 | | | |
| Decision Required | | Yes | x | No | Priority | X | High | | Low |
| Direction | | Information Only | | x | Type of Meeting | X | Open | | Closed |
| <h2>Clerk's - Report #13/02/18/801</h2> | | | | | | | | | |

Subject:

1. Time since the last meeting has largely been spent on:
 - a. Budget prep – still a work in progress due to time and system limitations.
 - b. One week off – ill.
 - c. Responding to the continuous frivolous and vexatious complaints being submitted to this municipality. It really does take a considerable amount of time as staff need to be careful how they respond (or determine if they should respond) to anyone or risk being threatened with law suits, code of conduct complaints or other forms of legal action; all costing the municipality unnecessarily. To echo Mayor Reid, it really does need to end.
 - d. Updating elections policy prior to May 1, 2018 when nominations open.
 - e. Trail side café.
 - i. First event had over 80 attendees from as far away as Kingston. Others came from Sudbury and North Bay for lunch. A record for the first weekend in February.
 - ii. As usual, we could always use more volunteers if anyone feels the desire to give back to their community there is one more lunch on the 24th.

2. Resident request
 - a. Mr. Richard Baril wondered whether council would consider the purchase of a sander to be installed on the back of the township roads truck, and then offer a service to sand/salt private driveways for a fee.
 - b. With our aging population, and lack of alternate service providers within the municipality; this might be a benefit Council could add, charging a fee to offset costs.

3. Meeting Follow up and information:
 - a. Terry has taken steps to ensure compliance with Council policy in not plowing municipal roads by blocking Jennings Road near the graveyard as it was being plowed to the park. If Council wishes; it can change its policy but for years, it was council's decision to not plow down there. Although there have been negative comments within the community; staff are following Council policy.

 - b. The rail corridor has been/will be blocked in Stonecliffe, along municipal roads to prevent people from using Yate's Road as they did last year. Again, staff are

following Council policy and ensuring that municipal roads remain as clear and safe as possible.

- c. A letter was sent to the MLSC as follow up to directions from last meeting. We have been provided with an insurance certificate which meets the requirements of our municipal insurer. I have sent a letter to the club advising of council's decision to provide a short term exemption from enforcement of zoning by-law conditions for the remainder of this winter season for the Deux Rivieres area.
- d. Based on comments made at the meeting by County representatives that left many with the impression that they had a legal opinion contradicting ours; staff have asked for a copy of that legal opinion. (On January 23, 2018 Jason Davis stated "you have a general provisions by-law...no specific zones...I know you have an opinion in front of you...we have a different opinion on that. We are very confident and sure in that zoning by-law, that it is public use." And " even though we know you have a legal opinion, we have our opinion also.)

Mr. Kelley's email is below - there is no legal opinion other than an internal staff opinion which states that the upper tier has the authority to provide parks (trails) within a lower tier. That opinion has not been released yet. That opinion has also not been questioned or contested.

County staff have been directed by the County of Renfrew to obtain a review of the legal opinion we provided them with. I have included a copy of Mr. Kelley's email for your information.

- e. Although not confirmed, rumour has it that Reeve Stack is in favour of having the County take the municipality to court to contest our zoning, I would expect and to spend upwards of \$100,000 to do so. Our municipal insurer is providing a more detailed report but it is believed that our general insurance would cover costs of a defence. I will provide additional information once I know for certain.
- f. I received a phone call from Chief Grant Tysick who is the recognized Chief of the Kinouchepirini Algonquin People (People of the Pike) from the community along the Ottawa River near Petawawa. Chief Tysick has expressed concerns with the use of trails by the OFSC and the needs of his membership to purchase trail passes, even though, he claims, they are exempt through legislation. During discussion, Chief Tysick expressed that his group might consider supporting this municipality if we find that court costs are necessary. I thanked Chief Tysick for his communications and expressed that I would forward his comments to Council and get back to him.
- g. Council meeting audio is being uploaded to Youtube under Municipality the United Townships of Head, Clara, Maria. Log on to youtube and search HCM Council meetings. It takes some time to create a video from the audio and then upload to the web but we will work on uploading the entire list of audio we have into the future.
 - i. HCM Council Meeting January 23, 2018 - <https://youtu.be/3vsLQ3gZzpQ>
 - ii. HCM Council Meeting December 19, 2017 <https://youtu.be/mJe6vcCqtXM>

- h. Microphones for use during council meetings have been ordered and will be installed when time allows. As explained via email, as this is an administrative issue; there is no need for a resolution of Council.
 - i. We have received notice that we are to receive up to \$36,000 for “Main Street Revitalization”. I have no idea at this point in time what the spending conditions and guidelines are and will follow up asap. It may be as has occurred in the past with the \$150,000 geared towards water systems that the funds will not be forthcoming as we have no corresponding infrastructure. Details to follow.
4. Set date for training – Council and staff – everyone has to attend to be in compliance – Accessibility/Accommodation, MOL - Worker Awareness Training, review of obligations under OHSA – would be most of a full day. **Please be prepared to determine at least two dates you can make yourself available to set aside for this purpose at the meeting Tuesday.** Staff will accommodate Council members’ schedules.

WHEREAS Council, staff and volunteers are mandated to participate in some training to be compliant under various legislation;

AND WHEREAS compliance has not been attained for a couple of years due to conflicting schedules and other obligations;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby set aside the following dates for required training, with the actual date to be confirmed as soon as possible by staff:

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5. Grant applications submitted but awaiting notice:
 - a. Seniors Community Grant Program – ongoing seniors activity programming – 2018.

Issues added after report printed for packages

1. Review trail management plan – provide resolution to Council to forward to county before end of the month.

WHEREAS municipal employees have reviewed the Draft Trail Management Plan and have provided a list of concerns which we feel need to be addressed;

THEREFORE BE IT RESOLVED THAT THE Council of the United Townships of Head, Clara & Maria does hereby authorize staff to forward a copy of those concerns to County staff responsible for management of this plan.

2. Council’s authorization to contract with legal counsel to present reports to Council.

WHEREAS obvious relationship and trust issues exist amongst some council members and staff resulting in recent Code of Conduct and Harassment complaints;

AND WHEREAS having municipal legal counsel present to answer questions when reports are received will assist in having any questions that arise answered immediately allowing everyone the opportunity to move forward towards productive governance and management of this municipality;

THEREFORE BE IT RESOLVED THAT council does hereby authorize staff to arrange a presentation of the final reports by legal counsel as soon as possible calling a special Council meeting to do so.

3. The Environmental Compliance Certificate for expansion of the Bissett Creek waste disposal site expansion application has been received and registered on title. Stonecliffe property transfer is still in the works and is in the hands of the MNR and MOE.
4. With all that has been happening at Council and within the community, including false accusations made against staff; it is felt that now might be a good time to schedule a staff/council discuss session where conversations can be held in private to discuss the effects of what has been happening on everyone and hopefully come to an agreement on what is required to move forward in a constructive manner. Again, Council members schedules will be accommodated by staff.

Trail Management Plan Concerns – All previously identified in January and December Reports to Council...

1. How does the County plan to address any potential class action law suit based on the successful one in Quebec.
2. Will lower tier residents and council be consulted in an appropriate manner prior to designation of use of sections of the trail?
3. The OFSC trail agreement located in the Draft Management Plan indicates at clause 4. *“The Licensee and Co-Licensee agree to use and maintain the licensed premises at their sole risk and expense, all to the satisfaction of the County, and in compliance with all laws, by-laws, orders, rules and regulations of lawful authorities whether federal, provincial, municipal or otherwise; such maintenance to include, but not be limited to:...”*
 - a. Currently, motorized use is not in conformance with the Township’s Zoning By-Law; both the County and the MLSC have ignored this fact and direction from HCM staff. Will local by-laws be respected?
4. Should buffers, sound barriers, traffic calming devices etc. not already be installed prior to trail use in proximity to residences?
5. Will a written commitment from the County of Renfrew be provided to commit resources to enforce trail rules, and/or to provide and finance an increased police presence;
6. Will a written commitment from the County of Renfrew be provided to commit to assistance with fire management and suppression costs due to increased trail use and to assume the municipal cost of fires that can be linked to trail use;

7. Will written assurance be provided to guarantee that when the corridor is brushed, waste materials will be properly disposed of and not left along the trail increasing forest fire risk;

The questions originally asked in the email to Craig Kelly sent December 20, 2017 which still have not been answered adequately by the county. Those answered have been removed.

1. We have learned that there is some talk about a representative from CP rail who along with Jason Davis contacted a landowner in Renfrew asking him to sign a quick claim deed for the rail corridor going through his farm. Does this mean the CP does in fact not own the entire length of the trail? How will this affect the planned purchase if it is not contiguous?
2. Can you speak to how municipal road allowances will be dealt with? I am certain that Head, Clara & Maria (and any other municipality) did not cede ownership to CP rail for their road allowances. Federal ownership supersedes municipal however; once ownership of land reverts to a private entity, would the road allowances not revert to the municipalities? Other property owners do not have rights over municipal road allowances? Why would this be different? (It is our understanding that once CP abandoned the railway, they lost any privileged right over municipal roads.)
3. The County does not have authority over municipal by-laws; how will it deal with conformity to lower tier zoning by-laws?
4. Similarly, what of the municipal roads over which the trail/rail crosses? Again, federal and/or provincial (crown) ownership supersedes municipal however; any other ownership does not. Assuming that zoning is worked out; is the County willing to lease these crossings from lower tier municipalities?
5. The draft management plan recognizes and notes many challenges but does not specifically detail how these concerns will be addressed. Who? When? With what funds? Section 5.3.5. recognizes this issue but does not specify plans for the County of Renfrew? Will this document be released in January?
6. In Section 2.2 of the proposed management plan the term "extensive consultation" is used. How can there have been "extensive consultation" if the Council, residents or staff of one of the municipalities through which the trail runs have not been consulted aside from an invitation to attend a meeting in Chalk River in October of 2016? Are the residents, Council and staff of Head, Clara & Maria not significant stakeholders? Would the County be satisfied if this was the level of consultation they were afforded in a decision which affects them so profoundly?
7. How will the Code of Conduct be enforced along the extent of the trail?
8. How will you ensure the safety of walkers, hikers, cyclists, snow shoe users and skiers in proximity to motorized users? Signage? How will that be enforced? Is this a liability that the County is ready to take on?

9. Who will enforce speed limits, crossings, noise, trespass, encroachment and general safety rules? Who will pay for the increased police presence required?
10. Section 5.3.6. speaks to a Memorandum of Understanding between OFSC clubs and the Managing Authority. What about the lower tier that the trail runs through? With Joint and Several liability in Ontario, how are the municipalities through which the trail run being indemnified?
11. Who will ensure that the club is complying with their agreements as it relates to maintenance and removal of garbage? What of when crossing municipal roads? Who will ensure that roads/crossings are being left bare? What of joint and several liability in these instances?
12. Section 5.3.9. speaks to the local municipality paying for by-passes. Where was the consultation when this resolution was being adopted? Were all lower tier municipalities consulted? Were they aware of the costs that were being downloaded to municipalities that the trails were running through when this resolution was passed? Or was this fact hidden in a larger report similar to omnibus bills passed at the provincial level?
13. How is it fair that a trail, developed with public funds, may only be used when leased to a club by people who have purchased permits for the club?
14. Section 7.3 speaks to Tourism Integration, what of the people who purchased land in these rural areas for the sole purpose of removing themselves from built up and commercial environments? How does the county justify this push for tourism to them?
15. The goal was to purchase a contiguous piece of land. How will the planned closing of access to the Bissett Creek bridge by MTO affect that decision? It is not possible for passage through that area on the rail corridor.