

TOWNSHIP OF TYENDINAGA
Minutes of the Regular Council Meeting - NO. 2007-17

Municipal Council Chambers, 859 Melrose Road, Shannonville
Monday, August 13, 2007 at 7:00 pm

Meeting was called to order at 7:15 p.m.

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

Absent: none

Declaration of Pecuniary Interest – None was declared at this time.

MOVED BY: Councillor Iain Gardiner
SECONDED BY: Councillor Chris Brady
THAT the Agenda of August 13, 2007 be adopted.

CARRIED

MOVED BY: Deputy Reeve Fred Lang
SECONDED BY: Councillor Rick Phillips
THAT the minutes of the Regular Council Meeting of Monday July 9/10, 2007 and the Public Meeting of July 9, 2007 be approved.

CARRIED

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

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

DELEGATIONS

Matt Taft – Quinte Waste Solutions

- Attended Council regarding a new initiative being implemented by Quinte Waste Solutions
- This initiative is regarding the removal of mercury switches from discarded white goods at the waste transfer station
- This is a diversion of hazardous waste initiative
- Mercury is very potent – can cause neurological disorders
- Mercury is safe as long as it is contained
- Biomagnification is the problem

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- The ultimate goal is that mercury will not end up in the water or air
- Removal of the switches from white goods is safe as long as precautions are taken
- QWS will coordinate training of municipal staff in relation to mercury switch removal from white goods as long as Council is supportive

MOVED BY: Deputy Reeve Fred Lang

SECONDED BY: Councillor Rick Phillips

That this Council supports, in principle, the mercury mitigation program that Quinte Waste Solutions is undertaking in relation to white goods and the removal of mercury switches. Be it further moved that QWS is to provide the training and other materials so that Council can make final approval once municipal staff has determined that they are comfortable.

CARRIED

Ron Marsh/ Bernie Boudreau

- Mr. Boudreau spoke to Council on behalf of community members who were concerned about recent protest activity and potential land claims in Tyendinaga by the Mohawks of the Bay of Quinte
 - Was concerned about property values and the way of life to which we have become accustomed
 - What was Council doing to protect the Municipal interest?
 - The community wants to be kept up to date
 - Council needs to communicate more with the general public
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- Council advised Mr. Boudreau that they too are frustrated by their lack of influence in these processes
 - Council advised those in attendance that there were many pieces of correspondence and updates on tonight's agenda and that they should not yet go home
 - the remainder of the meeting would hopefully satisfy those in attendance
 - Any talk of future claims is pure speculation.
 - A full communication piece will be going out to all community members, hopefully by the end of the week
 - Letters are being written
 - A meeting is planned with Minister Dombrowsky this Monday August 20 to gain support and to explain our position

PASSING OF ACCOUNTS

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Rick Phillips

THAT the following accounts be approved as presented:

General Government	72,683.23
Roads Department	114,641.12
Recreation Department	15,690.21
Fire Department	9,515.45
Protective Services	30,368.88

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CARRIED

STAFF REPORTS

Liette Osborne, Recreation Coordinator

Provided written report

Highlights

- Seniors lunch attendance is showing steady progress in terms of attendance. The next lunch is Thursday September 27th
- Soccer schedule is complete, baseball is winding down
- Youth Recreation nights are underway
- Hastings County Plowing Match is scheduled for August 22/23 hosted by Quinte West. Tyendinaga will be participating in the County Tent. After some discussion Liette will purchase some pens as a giveaway at the Plowing match
- Thornton Portt field was officially dedicated earlier in the day
- Shannonville Worlds Fair will run August 24-26

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Rick Phillips

That this Council wishes and approves to hold a community volunteer appreciation BBQ, scheduled for September 23, 1-2:30pm at the Recreation Centre as a measure to thank and recognize our many critical community volunteers.

CARRIED

John Farrell, Road Supervisor

Provided written report

Highlights

- Roads crew just returned on August 7 from two week shutdown
- Shared a letter from GD Jewell engineering regarding the bridge near the catholic Church on Highway 2
- As long as it is cost neutral to the municipality, Jewell will do some site work and prepare a proposal to the Ministry of Transportation as this bridge was turned over to the County/Municipality in poor condition. MTO should supply funding for repairs
- Work along the Deseronto Rock Cut has begun, detours are underway
- Blasting is nearly complete, now crushing hauling and storage of material begins
- We are able to use the material to work on the Blessington Road portion of the 2007 construction plan
- Installation of cross culverts in the area is well underway

Dan Callaghan, Fire Chief

Provided written report

Highlights

- The Fire Department responded to 12 calls this past month
- Monthly training focussed on Pumper Operations – thanks extended to Todd Eakins for all his help

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- The rescue truck is falling into critical disrepair – it was purchased in 1998 for approximately \$80,000
- Callaghan provided a proposal and four options to Council concerning the purchase of a new/used Pumper or the refurbishing of existing vehicles
- This will be brought up on Saturday August 18 when the fire committee meets to discuss 2008 human resources planning

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Rick Phillips

THAT this Council accepts the staff reports as presented.

CARRIED

As many people in the gallery were present to hear from Council regarding the Culbertson Tract Land Claim, it was agreed to move ahead the items to be discussed later in the evening so that people did not have to wait.

OLD BUSINESS

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Rick Phillips

That this Council approves of distributing the Community Land Claim Communications Newsletter and the letter to Daryl Kramp regarding representation on the Land Claim issue. Be it further moved that this Council accepts the costing presented by the Clerk in relation to the National Day of Action. Be it finally moved that the Clerk is asked to send this costing as invoice to all parties included in Reeve Walsh's letter of July 5, 2007.

CARRIED

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Rick Phillips

WHEREAS aboriginal Land Claims in Ontario are encompassing many municipalities and there is no mechanism to legally protect the municipal interest

WHEREAS the Mohawks of the Bay of Quinte initiated a Land Claim known commonly as the Culberstson Tract in 1995

AND WHEREAS the Culbertson Claim is for approximately 827 acres within the Town of Deseronto and the Township of Tyendinaga

AND WHEREAS the Federal Government reviewed the Claim and accepted it for negotiation in 2003

AND WHEREAS negotiations began in 2004

AND WHEREAS the Government of Ontario is our primary partner in regards to municipal affairs

AND WHEREAS the Government of Ontario has been invited to, but has declined to sit at the negotiating table

AND WHEREAS the Municipality of the Township of Tyendinaga has not been invited to sit at the negotiating table

THEREFORE BE IT RESOLVED that negotiations be stayed until the Township of Tyendinaga is granted a place at the negotiating table as the property being discussed is partly within the municipal boundaries

BE IT FURTHER RESOLVED that negotiations be stayed until the Government of Ontario comes to the negotiating table and begins to take an active role in protecting the municipal interest

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BE IT FURTHER RESOLVED that municipal interests in these matters are given concrete legal standing within the Government of Canada's land claim framework.

BE IT FINALLY RESOLVED this resolution be sent to the Association of Municipalities of Ontario for distribution and support from all upper and lower tier municipalities in Ontario, the Minister of Indian and Northern Affairs Canada, the critic for Indian and Northern Affairs Canada, the Member of Parliament, the Ontario Minister of Aboriginal Affairs, the Member of Provincial Parliament, and the Premier of Ontario seeking support of this resolution.

CARRIED

Reeve Walsh read aloud to all present:

1. Letter penned to various Ministries - July 5
2. Draft letter to Daryl Kramp - August 15
3. Community Land Claim Communications Newsletter
4. Tyendinaga costs associated with the National Day of Action
5. The Municipal Resolution from above

CORRESPONDENCE

MOVED BY: Councillor Rick Phillips

SECONDED BY: Deputy Reeve Fred Lang

That this Council receives the following correspondence

- Hastings County – July 10 – Ontario Works
- GD Jewell Engineering – July 12 – Inspection of Lonsdale and Wymans Bridges
- Hastings County – July 4 – EMS Command Post-National Day of Action
- INAC – July 9- Ministerial Receipt of Correspondence
- MPP Leona Dombrowsky – July 9 – 2 letters

CARRIED

NEW BUSINESS

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Chris Brady

That this Council accepts the 2007 consolidated Municipal Audit (municipal operations & library) prepared by Collins Barrow.

CARRIED

The Clerk presented information that as a positive outcome to the May 22 Council meeting where Council agreed to solicit interest for Broadband service in the municipality; 132 households have provided a positive response. The County is working on a broadband infrastructure proposal. It appears as if community interest is significant.

Council reviewed the request from Mr. Paul Picard, representing Conporec, asking for a meeting with Council regarding establishing a composting facility in Tyendinaga Township. Clerk is directed to contact Mr. Picard and ask him to meet with Council Tuesday September 4 at 6pm, prior to the regular Council meeting.

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Councillor Iain Gardiner and Councillor Rick Phillips provided a written presentation on behalf of the Fire Committee. The minutes from the July 10 Fire Committee meeting were tabled. The Fire Committee believes that the Township Fire Department has grown steadily over the years and responsibilities have expanded greater than what a volunteer fire chief can accomplish.

The Fire Committee recommends that Tyendinaga Township make the transition towards a permanent fulltime Fire Chief on January 1, 2008. Councillor Iain Gardiner (member of Fire Committee) tabled a second document stating his reasons for wishing to move forward with this initiative.

Council asked for time to review and digest the document and agreed to a working meeting with the Fire Committee on Saturday August 18 at 8:00am to discuss this recommendation. Full Council, at an open meeting, will make a final decision on the matter.

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Rick Phillips

That this Council directs the Reeve and Clerk to sign the letter of offer from TRENVAL, accepting \$3,500 for reconstruction of the infield of baseball field #4. This is money generated by a proposal to TRENVAL under the Local Initiative Development Program.

CARRIED

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Chris Brady

THAT this Council hereby brings into revenue \$4,000 from the Parkland Reserve as the Municipal contribution to the reconstruction of the infield of baseball field #4. The total is estimated at \$7,500, \$3,500 of which is provided by TRENVAL.

CARRIED

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Rick Phillips

That this Council agrees to approve the Clerk to seek legal advice on next steps on properties associated with the OCPC subdivision and the property located at 7781 Old Hwy #2.

CARRIED

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Rick Phillips

That this Council agrees to the conveyance of a portion of Township property, Part Lot 39 Concession 7 (1201 0000 4005 300), to the Nature Conservancy of Canada. Be it further moved that the Township is to incur no costs in relation to this conveyance and that the Township be indemnified by the Nature Conservancy of any future Claims on the property by any previous persons claiming ownership.

CARRIED

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Rick Phillips

THAT the Livestock Valuer Report for the following be declined as the death is associated with loose dogs and the Township is not reimbursed for death associated with dogs:

Dave Whalen	Limo X Heifer	\$375.00
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CARRIED

MOVED BY: Councillor Iain Gardiner
SECONDED BY: Councillor Rick Phillips
THAT the Livestock Valuer Report for the following be approved as presented:
Don Shelly Limo X Bull \$455.00

CARRIED

MOVED BY: Councillor Iain Gardiner
SECONDED BY: Councillor Rick Phillips
THAT the Livestock Valuer Report for the following be approved as presented:
Joe Brennan Ewe Lamb \$96.00

CARRIED

Councillor Rick Phillips

- *Brought forward constituents concern regarding the Smith Road and asked the Clerk to follow up with the Municipality of Tweed in regards to our joint responsibility on this road*
- *Brought up another constituent concern regarding the dust situation on Whalen Rd*

Deputy Reeve Fred Lang

- *Inquired about any outcomes or developments from the meeting that took place with himself, John Farrell and the MTO in regards to the poor asphalt on Wymans Rd. John to follow up*

Councillor Iain Gardiner

- *Brought forward a constituents concern regarding a pothole at the corner of Shannonville Rd and Hinchey Rd. Roads Supervisor indicated that it had been repaired*

Reeve Margaret Walsh

- *Would like Council to consider additional ditching in the Township*
- *Costs could come from the gas tax reserve*
- *Is receiving calls regarding ditching needed throughout the Township*

BY LAWS

MOVED BY: Councillor Iain Gardiner
SECONDED BY: Councillor Rick Phillips
That this Council hereby passes by-law 07-30, Being a by-law to amend by-law 03-16 regarding Concession 4, Part Lot 27, its short title being the Whalen By-law. B15/07

CARRIED

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MOVED BY: Councillor Chris Brady
SECONDED BY: Deputy Reeve Fred Lang
That this Council hereby passes by-law 07-31, Being a by-law to amend by-law 03-16 regarding Concession 4, Part Lot 27, its short title being the Whalen By-law. B16/07

CARRIED

MOVED BY: Councillor Iain Gardiner
SECONDED BY: Councillor Rick Phillips
That this Council hereby passes by-law 07-32, Being a by-law to amend by-law 03-16 regarding Concession 6, Part Lot 21, its short title being the Krajewsk-Morin By-law. B49/07

CARRIED

MOVED BY: Deputy Reeve Fred Lang
SECONDED BY: Councillor Chris Brady
That this Council hereby passes by-law 07-33, Being a by-law to amend by-law 03-16 regarding Concession 6, Part Lot 21, its short title being the Krajewsk-Morin By-law. B50/07

CARRIED

MOVED BY: Councillor Rick Phillips
SECONDED BY: Councillor Iain Gardiner
That this Council hereby passes by-law 07-34, Being a by-law to amend by-law 03-16 regarding Concession 1, Part Lot 19, its short title being the Collins By-law (B26/07).

CARRIED

MOVED BY: Councillor Chris Brady
SECONDED BY: Deputy Reeve Fred Lang
THAT Council directs John Farrell to investigate options for further ditching along some of the roads in the Township in 2007. Be it further moved that John Farrell is asked to work with an estimated budget of \$20,000 and to bring to Council priorities and options in regards to contracting this work or doing it in-house and is asked to bring his findings back to Council on September 4, 2007

CARRIED

With no further business to discuss, Council agreed to adjourn and the next scheduled meeting of Council will be Tuesday September 4, 2007 at 7:00 pm or at the call of the Reeve.

MOVED BY: Councillor Iain Gardiner
SECONDED BY: Councillor Chris Brady
That this Regular Council Meeting be adjourned 9:45 pm.

CARRIED

Margaret Walsh, Reeve

Steve Mercer, Clerk-Treasurer

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