

**TOWNSHIP OF TYENDINAGA**  
**Minutes of the Regular Council Meeting - NO. 2008-11`**

**Municipal Council Chambers, 859 Melrose Road, Shannonville**  
**Monday April 21, 2008 at 7:00 pm**

Meeting was called to order at 7:04 p.m.

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

**Absent: None**

MOVED BY: Councillor Iain Gardiner  
SECONDED BY: Deputy Reeve Fred Lang  
THAT the Agenda of April 21, 2008 be adopted.

**CARRIED**

**Declaration of Pecuniary Interest:** None was declared at this time

MOVED BY: Councillor Rick Phillips  
SECONDED BY: Councillor Chris Brady  
THAT the minutes of the March 17, 2008 Public Budget Meeting, the April 7, 2008 Regular Meeting and the April 8, 2008 Public Budget Meeting be approved as corrected.

**CARRIED**

**DELEGATIONS**

**Ms Pam Simpson - Indian and Northern Affairs Canada**

- Was accompanied by Ms Ginny Pearce and Mr. Doug Unsworth from Ontario Ministry of Aboriginal Affairs
- Tyendinaga's legal council, Ms Cynthia Law was unable to attend due to a family illness
- Presented Council with information regarding the Turton Penn Final Agreement dated November 3, 2004 and the Memorandum of Understanding dated 1991
- Ms. Simpson's role is the implementation of the 2004 Agreement which includes the completion of the 1991 MU
- Under the 1991 MU INAC was to purchase the leasehold interests in the Turton Penn area
- This has been completed with the exception of three road allowances that are currently vested with the Municipality. These road allowances are commonly known as George St., River St. and Robert St.
- This implementation concerns the Western Third of the Turton Penn leasehold area
- Ms Simpson is asking that the Municipality convey these road allowances to Canada so they can then be designated as reserve status

**TOWNSHIP OF TYENDINAGA**  
**Minutes of the Regular Council Meeting - NO. 2008-11`**

- Council inquired as to why we are dealing with Canada when our lands regime is ultimately a Provincial responsibility. Why would Ontario not be posing this request?
- Mr. Unsworth indicated it was because Canada was asking that the parcels be conveyed to them not the Province
- Council also inquired about where we “fit” on the agreement, as we are not signatories to it.
- It appears that although we are not signatories to the agreement we are a necessary part of its implementation
- Council inquired about legal costs incurred for our expenses and review of the file
- Ms. Simpson indicated that INAC would pay for reasonable legal costs associated with the conveyance of the property but not for a full file and legal review
- Ms. Simpson asked that INAC be treated in a consistent way with any other request to stop up, close and sell a road allowance
- Council indicated that we would get back to INAC once our legal council was able to review the file and our obligations to the agreement

**Mike Sine – Frontier Communications**

- Did not attend but provided Council with a draft lease agreement to use the Tower at the rear of the Municipal Office.
- Council did not want to discuss the proposed lease and asked that Mr. Sine be rescheduled for May 5 as a delegation

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

Reeve Margaret Walsh	1 item
Deputy Reeve Fred Lang	2 items
Councillor Chris Brady	0 items
Councillor Iain Gardiner	0 items
Councillor Rick Phillips	1 items
Clerk Steve Mercer	1 item

**CORRESPONDENCE**

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Rick Phillips

That this Council receives the correspondence from Minister David Caplan dated March 28, 2008 – MIII Award – in the amount of \$1,150,000 for reconstruction of Wyman Bridge. Be it further moved that we send a thank you card to MPP Leona Dombrowski thanking her for all her efforts to support our recent funding allocations.

**CARRIED**

MOVED BY: Councillor Rick Phillips

SECONDED BY: Councillor Iain Gardiner

WHEREAS Emergency Medical Services in Ontario are a vital public service; and

WHEREAS the members of Emergency Medical Service teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

**TOWNSHIP OF TYENDINAGA**  
**Minutes of the Regular Council Meeting - NO. 2008-11`**

WHEREAS the Emergency Medical Services in Ontario, recognize the role support staff play in meeting this vital public service; and  
WHEREAS access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and  
WHEREAS the members of Emergency Service teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and,  
WHEREAS it is appropriate to recognize the value and accomplishments of ALL Emergency Medical Services providers by designating Emergency Medical Services week;  
NOW THEREFORE I, Reeve Margaret Walsh, in recognition of this event do hereby proclaim the week of May 18<sup>th</sup>-24<sup>th</sup>, 2008 as

**EMERGENCY MEDICAL SERVICES WEEK**

**CARRIED**

MOVED BY: Councillor Chris Brady

SECONDED BY: Deputy Reeve Fred Lang

That this Council receives the correspondence from the Town of Deseronto – April 15, 2008 – Invitation – Ride for Success.

**CARRIED**

**NEW BUSINESS**

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Chris Brady

That this Council approves the placement of a work trailer in concurrence with Municipal By-law 03-16 at 366 Bayshore Rd for six months to assist in the renovating of a cottage. Be it further moved that Mr. Frank is asked to work with our Chief Building Official in regards to fees and administration associated with the granting of this request.

**CARRIED**

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Rick Phillips

That this Council receives the OPP 2007 Actuals provided to the Municipality in relation to 2007 OPP policing costs costs. Be it further moved that this Council accepts the \$29,021.00 from the OPP now that actuals have been reconciled against estimates.

**CARRIED**

MOVED BY: Councillor Rick Phillips

SECONDED BY: Councillor Iain Gardiner

WHEREAS The Township of Tyendinaga is experiencing infrastructure decay of our Municipal roads and bridges

AND WHEREAS the Township of Tyendinaga has difficulty raising taxes to cover the exorbitant costs of repairing and maintaining our municipal infrastructure

AND WHEREAS the Municipality sees the Ontario Government and the Federal Government as having equal responsibilities towards Canada's aging and decaying infrastructure

AND WHEREAS the Ontario government has released a portion of its 2007/2008 surplus towards municipal infrastructure

**TOWNSHIP OF TYENDINAGA**  
**Minutes of the Regular Council Meeting - NO. 2008-11`**

AND WHEREAS by way of correspondence dated March 31, 2008 the Ontario government through Ministry of Transportation has allocated \$987,222 towards Tyendinaga's Municipal road and bridge capital investment needs.

THREFORE BE IT RESOLVED that this Council accepts the allocation of the \$987, 222 towards Tyendinaga's Municipal road and bridge capital investment needs

BE IT FURTHER RESOLVED that the allocation will be used for Municipal road and bridge capital needs

BE IT FURTHER RESOLVED that a final summary report detailing expenditures, use of provincial funding, and outcomes achieved shall be submitted to the Ministry and the Ministry may request an independent audit of the projects

BE IT FINALLY RESOLVED that any funds intended for the project hat are not used in accordance with rehabilitation Municipal road and bridge capital investment needs or the terms outlined above will be returned to the Ministry

**CARRIED**

MOVED BY: Councillor Chris Brady

SECONDED BY: Councillor Rick Phillips

That this Council directs the Clerk to contact our banker, namely CIBC, and arrange for a one year Guaranteed Investment Certificate in the name of the Township in the amount of one million (\$1,000,000) dollars.

**CARRIED**

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Rick Phillips

That this Council directs and approves the Clerk and Reeve to sign and execute the two Memorandums of Understandings with the Corporation of the County of Hastings in relation to two Automatic External Defibrillators secured by the County and destined for use in Tyendinaga Township at the Recreation Hall and Municipal Office.

**CARRIED**

MOVED BY: Councillor Rick Phillips

SECONDED BY: Councillor Iain Gardiner

WHERAS the Township of Tyendinaga is responsible for the capital, seasonal and winter maintenance of the road grid within the Township.

AND WHERAS over the past several years the pressure to maintain roads has increased significantly

AND WHERAS the Township has enlisted casual help to help cover the extra requirements not able to be completed by our Roads Department. AND WHERAS our current Roads complement of staff includes and Roads Supervisor, Lead Hand and four (4) Operators

THEREFORE BE OIT RESOLVED that this Council deems it an organizational necessity to increase our permanent Roads staff by the factor of one (1) Operator.

BE IT FURTHER RESOLVED that the Municipal Budget be presented to include this desire.

BE IT FINALLY RESOLVED THAT this position is to be added to the permanent organizational structure and budget of the Municipality.

**CARRIED**

**TOWNSHIP OF TYENDINAGA**  
**Minutes of the Regular Council Meeting - NO. 2008-11`**

Gary Jewell attended Council in relation to the quote his firm provided in relation to the Engineering and contract administration of Wyman Bridge. Mr. Jewell discussed the various pros and cons of our "timing" in the upcoming months. He suggested that the regulatory regime take a while to get through and that if we went to tender in October or November with a start date of July 1, 2009, that this avenue may be the way to secure best price as he is seeing significant price escalation based on the significant amounts of provincial funds that have been allocated in the past weeks.

MOVED BY: Councillor Rick Phillips

SECONDED BY: Councillor Chris Brady

That this Council accepts the quote from Jewell Engineering presented to Council and asks that Gary Jewell resubmit page 19, which is in effect the time frames of the major tasks, to reflect a November tender and a construction start date of July 1, 2009.

**CARRIED**

*Clerk Steve Mercer*

- *Updated Council on the days events in relation to the Culbertson Land Claim*
- *Deseronto has been essentially blockaded by three road blocks, one of which is in Tyendinaga Township on Deseronto Rd and Bridge St*
- *There has been a fire set on the road*
- *It has been burned up and will require significant repairs*
- *We applied for and received a Special Assistance Grant last year due to the National Day of Action and were fully reimbursed for our damages related to June 23, 2007*
- *Mercer asked for a motion to direct him to apply for another SAG grant in relation to these latest damages*

MOVED BY: Councillor Chris Brady

SECONDED BY: Councillor Rick Phillips

That this Council directs the Clerk to contact the regional MMAH office to initiate the application process for a Special Assistance Grant to reimburse the Township for costs and damages incurred in relation to the native road blockade of April 21, 2008.

**CARRIED**

*Deputy Reeve Fred Lang*

- *Brought forward the request from the library to have some sort of dump box for garbage*
- *Wanted to be clear that they were not looking for something elaborate*
- *The other offices have garbage as well and we could all use it since we were centrally located*
- *John advise that he could see what he could do with his men when he gets and opportunity*
  
- *Advised Council that John Hopkins, Chair of the Tyendinaga Township Library Board has resigned*
- *It is up to a Council to appoint a new member*
- *Council asked that the Clerk contact Frances Smith at the Library to solicit the Board for a recommendation as it is the library community who is best versed in who may be appropriate*

**TOWNSHIP OF TYENDINAGA**  
**Minutes of the Regular Council Meeting - NO. 2008-11`**

- *It is expected that, all things being equal, that Council would accept the Library Board's Recommendation*

*Councillor Iain Gardiner*

- *Reiterated his commitment to safety in the workplace*
- *Inquired about the status of our various initiatives including Job Safety Appraisals*
- *The Clerk advised that Bill has been extremely busy and all work was not yet complete*
- *However, Bill has brought us far more forward in a short amount of time than we ever have been before*

*Councillor Rick Phillips*

- *Brought up the Smith Road and any updates we may have from Tweed*
- *It appears as if Tweed will not be doing any substantial work on Smith Rd in 2008 and it appears they have it designated in their 2009 plans*
- *The Clerk shared the correspondence from himself to Clerk Patti Bergeron and a letter written by Reeve Walsh to Reeve Albert*
- *Both letters were an attempt to get something definitive on the issue*
- *We have not yet had a formal response but it is reasonable to assume at this point that Tweed will not be contributing capital funding towards this shared road in 2008*
- *Tweed was having budget discussions today so we expect something definitive shortly*

**OLD BUSINESS**

The item and information concerning the Smith Road was covered in Councillor Phillips addition.

MOVED BY: Councillor Chris Brady

SECONDED BY: Councillor Iain Gardiner

That this Council receives the following correspondence in relation to the Culberstson Tract Land Claim.

- Deseronto Press Release April 11, 2008
- Governor Generals Canadian Leadership Conference 2008

The Clerk also confirmed with Council, the upcoming meeting with Ms. Vivian Bercouici April 29, 2008 at 4 pm

MOVED BY: Councillor Rick Phillips

SECONDED BY: Councillor Chris Brady

That this Council directs the Clerk to prepare a second Land Claim Update newsletter for the Community to be approved by Council and distributed with the June tax bills.

**CARRIED**

**TOWNSHIP OF TYENDINAGA**  
**Minutes of the Regular Council Meeting - NO. 2008-11`**

**STAFF REPORTS**

Liette Forestell, Recreation Coordinator

Provided written report

Highlights

- Baseball and soccer associations are starting to come together
- Liette is confident that they will be up and running in time for next summer
- Provided Council with our latest registration totals – a late registration on Saturday April 12, was held to catch all stragglers – registration is now closed
- Fields are drying out and we are getting requests for use
- Attended SEOPRA meeting on April 16, 2008
- Annual Golf Tournament is scheduled for July 26 at poplars
- Canada Day planning is well underway
- Job competitions are currently open for Recreation summer staff
- It was agreed we would continue our participation in the Hastings County Plowing Match
- We had a strong community turnout for TrashBash

John Farrell, Road Supervisor

Provided written report

Highlights

- The works crew has been involved with patching a grading
- Intersections are swept
- We experienced limited flooding during the recent heavy melt and subsequent regional troubles with high water
  - A portion of Marysville Rd at the north end
  - Portions of Maple Sugar Rd
  - About a 1,000 ft stretch of Phillips Rd
- We have some dust issues due the dry weather but we are watering down when necessary
- Our old half-ton truck #4 is becoming a maintenance issue. Costs are rising for repairs and it is becoming a drain on resources

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Chris Brady

That this Council asks the Roads Supervisor to proceed with a disposal tender for truck #4

**CARRIED**

- Provided Council with his research in relation to quotes associated with a new half ton which we anticipate will pass with the budget later this evening

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Chris Brady

**TOWNSHIP OF TYENDINAGA**  
**Minutes of the Regular Council Meeting - NO. 2008-11`**

That this Council asks that staff proceed with the purchase of a 2008 Ford F150 at an up-set cost of \$30,000

**CARRIED**

John provided Council with the results of his research into speed limits and our authority. John also tabled a letter from a group of concerned citizens in the neighborhood of Lazier and McFarlane who are requesting “Slow Children Playing” signage in the area as they feel there is a safety concern.

MOVED BY: Councillor Chris Brady  
SECONDED BY: Councillor Rick Phillips

That this Council directs the Clerk and Roads Supervisor to furnish for Council a by-law setting the speed of McFarlane Rd (Melrose to Lazier) at 60km/per hour and that the section of Blessington that is posted at 40km/hr near the ball field be reassigned a 60km/hr limit.

**CARRIED**

Dan Callaghan, Fire Chief  
Provided written report

Highlights

- Have responded to six calls since last report
- There continue to be several calls associated with the native situation at the south east portion of the Township and the Fire Marshall has been kept apprised
- Has attended training on the new Napanee dispatch system
- Has attended training in Livestock Emergency Responder
- Is becoming acquainted with the By-law Enforcement function
- It appears many of our by-laws are stale dated and will require work over the next few years to bring them up to date

MOVED BY: Councillor Rick Phillips  
SECONDED BY: Councillor Iain Gardiner

That this Council directs the Clerk to contact the Ministry of Transportation to deal with the signage, within the jurisdiction of the MTO, along the 401 on the trailer at the rear of Clifford Maracle’s property. Be it further moved that it is the references to Tyendinaga that is the troubling point in that this is a shared name between ourselves and the First Nation.

**CARRIED**

MOVED BY: Councillor Iain Gardiner  
SECONDED BY: Councillor Chris Brady

THAT this Council accepts the staff reports as presented.

**CARRIED**



**TOWNSHIP OF TYENDINAGA**  
**Minutes of the Regular Council Meeting - NO. 2008-11`**

**PASSING OF ACCOUNTS**

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Chris Brady

THAT the following accounts be approved as presented:

General Government	28,406.56
Roads Department	33,386.38
Recreation Department	6,358.96
Fire Department	5,603.26
Protective Services	27,947.83

**CARRIED**

**MEMBERS REPORTS**

MOVED BY: Councillor Rick Phillips

SECONDED BY: Deputy Reeve Fred Lang

That this Council receives the February and March BISC reports.

**CARRIED**

**BY-LAWS**

MOVED BY: Councillor Fred Lang

SECONDED BY: Councillor Chris Brady

That this Council passes by-law 08-06 Being a By-law to establish a wage scale for Municipal staff positions and to establish Council and employee wages, benefits and vacation entitlements for the years 2008, 2009 and 2010

**CARRIED**

MOVED BY: Councillor Fred Lang

SECONDED BY: Councillor Chris Brady

That this Council approves the 2008 Municipal Budget as provided to Council on this date, showing a total municipal tax requirement of \$1,918,930.00 and a municipal only tax increases of 2.86% and an aggregate increase of 1.96%. Be it further moved that this includes approval of the Library budget supplied to the Clerk on April 9, 2008 and provided to Council at this meeting in conjunction with the Municipal Budget.

**CARRIED**

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Chris Brady

That this Council passes By-law 08-07 Being a By-law to Provide for the Adoption of Tax Rates for the Year 2008 and to Provide for Penalty and Interest in Default of Payment Thereof.

**CARRIED**

**TOWNSHIP OF TYENDINAGA**  
**Minutes of the Regular Council Meeting - NO. 2008-11`**

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Rick Phillips

That this Council passes By-law 08-08 Being a By-law to amend By-law 03-16 regarding Concession 1, Part Lot 5, Shannonville Rd, its short title shall be known as the Remouche- Hamilton By-law.

**CARRIED**

MOVED BY: Councillor Chris Brady

SECONDED BY: Deputy Reeve Fred Lang

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

**CARRIED**

MOVED BY: Councillor Chris Brady

SECONDED BY: Councillor Rick Phillips

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

**CARRIED**

MOVED BY: Councillor Rick Phillips

SECONDED BY: Councillor Iain Gardiner

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

**CARRIED**

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Deputy Reeve Fred Lang

That this Regular Council Meeting be adjourned 10:10 pm.

**CARRIED**

---

Margaret Walsh, Reeve

---

Steve Mercer, Clerk-Treasurer