

THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES
July 9th, 2014 (14-17)

The regular meeting of the Council of the Corporation of the Municipality of Huron Shores was held on Wednesday, July 9th, 2014, and called to order by Mayor Gil Reeves at 7:00 p.m.

PRESENT WERE: Mayor Gil Reeves, Councillors Jane Armstrong, Georges Bilodeau, Gord Campbell, Eloise Eldner, Debora Kirby, Ted Linley, Kent Weber and Dale Wedgwood.

REGRETS: None.

ALSO PRESENT: Municipal Solicitor Paul Cassan, Wishart Law Firm; Susan Singleton; Lorne Singleton; Will Samis (arrived 7:50 p.m.); Dennis Kirby (arrived 7:50 p.m.); Brishen Hoff (arrived 7:50 p.m.); Connie Miller (arrived 7:50 p.m.); Anastasia Hoff (arrived 7:50 p.m.); John Hoff (arrived 7:50 p.m.); Clerk/Administrator Deborah Tonelli; Administrative Assistant Carla Slomke

AGENDA REVIEW

Clerk/Administrator Tonelli advised that General Business Items 8-8 and 8-10 be deferred at this time as further details are required prior to Council consideration.

2-1. Proceed in Closed Session following Adoption of Accounts in order to receive information from Municipal Solicitor Paul Cassan that is subject to solicitor-client privilege re: access off Chevis Rd. leading to Woods Side Rd.

14-17-01 BE IT RESOLVED THAT Council proceed in Closed Session following Adoption of Accounts in order to address a matter pertaining to advice from **Municipal Solicitor Paul Cassan** that is subject to solicitor-client privilege, including communications necessary for that purpose, respecting access off Chevis Road leading to Woods Side Road. **CARRIED.**
J. Armstrong
E.W. Linley

DECLARATION OF PECUNIARY INTEREST

None.

ADOPTION OF MINUTES

14-17-02 BE IT RESOLVED THAT Council adopts the minutes of the Regular Meeting of Council held Wednesday, June 25th, 2014, as circulated. **CARRIED.**
E.W. Linley
J. Armstrong

ADOPTION OF ACCOUNTS

14-17-03 BE IT RESOLVED THAT Council approves payment of the **General Accounts** for the period from June 26th to July 9th, 2014, in the amount of **\$36,667.64.** **CARRIED.**
J. Armstrong
E.W. Linley

Susan and Lorne Singleton departed the Council Chambers.

CLOSED SESSION

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14-17-04 BE IT RESOLVED THAT Council proceeds in Camera at
E.W. Linley 7:07 p.m. in order to address a matter pertaining to:
J. Armstrong - litigation or potential litigation, including matters
before administrative tribunals, affecting the
municipality or local board;
- advice that is subject to solicitor-client privilege,
including communications necessary for that
purpose;
AND THAT Municipal Solicitor Paul Cassan and
Administrative Assistant Slomke be authorized to remain.
CARRIED.

OPEN SESSION

14-17-05 BE IT RESOLVED THAT Council returns to open session at
G. Campbell 7:50 p.m. CARRIED.
G. Bilodeau

Susan and Lorne Singleton returned to the gallery. The following also entered the Council Chambers: Brishen Hoff, Anastasia Hoff, Connie Miller, Dennis Kirby, Will Samis, and John Hoff.

DELEGATIONS AND PETITIONS

Anastasia Hoff departed the gallery at 7:52 p.m.

Will Samis appeared before Council, speaking as agent for Kirk and Hilary Reed, to address their access to NE ¼ Section 7, Thompson Township. Mr. Samis read the submission of Kirk and Hilary Reed, email dated 2014-07-09, in which the Reed's believe the access off Chevis Road to be their legal access to the property identified above. Mr. Samis provided a copy of the presentation to Clerk/Administrator Tonelli.

Will Samis appeared before Council to provide further information regarding the access off Chevis Road, calling into question what he believes to be ambiguous wording contained in By-law No. 206. Mr. Samis provided a copy of his presentation, dated July 9, 2014, to Clerk/Administrator Tonelli.

Dennis Kirby appeared before Council. He advised Council that he has a sharecrop arrangement with Mr. Samis to harvest hay on the Chevis property and is questioning the recommendation of the Ad Hoc Committee when two of the three members have stated that they believe the access to be a municipal road. Mr. Kirby provided a copy of his presentation to Clerk/Administrator Tonelli.

Brishen Hoff appeared before Council and spoke to the evidence as to his right to close the former access off Chevis Road.

Mayor Reeves requested that General Business Item 8-1 be addressed at this time. Council concurred.

8-1. Approve Ad Hoc Committee recommendation that pursuit of an interpretation of the status of the subject access between Woods Side Rd. & Chevis Rd. remains a civil matter among the property owners involved

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Councillor Campbell, a member of the Ad Hoc Committee, spoke to the motion and provided historical context with respect to the Township of Thompson and the disputed area. Councillor Bilodeau also spoke to his opposition of the motion.

14-17-DEFEATED WHEREAS two Huron Shores property owners disagree as to the status of a trail or road (hereinafter referred to as the "Road") traversing the area between Chevis Road and Wood's Side Road (aka Woodside Road);
G. Campbell
G. Bilodeau

AND WHEREAS one of the disagreeing property owners has petitioned Council to consider the status of the Road;
AND WHEREAS based upon documentation available at this time, the Ad Hoc Committee has discovered the following facts:

- A municipal road in the area was established by By-law 151 of the Corporation of the Township of Thompson;
- The Road clearly does not follow the description in By-law 151 establishing a municipal road in this area;
- Historic evidence presented to the Committee suggests that a number of roads, trails or paths existed in this area leading to uncertainty as to what road was described by the municipal By-laws, 205 and 206;
- It appears that no proceedings to appeal the closure by-law(s) or the judicial Order were taken;
- There is no evidence of municipal acceptance of the Road either expressly or by expenditure of public funds or statute labour after the closure by-laws;
- There is some historic evidence that the Road was used by local farmers but there is no indication that this was municipally maintained;
- The Road is not on the road inventory for the municipality;
- The Road does not appear as a road allowance made by a Crown Surveyor;
- The Road does not appear as a road allowance, highway, street or lane on a registered plan of subdivision;

AND WHEREAS the petitioner can resort to the *Road Access Act* to crystalize the situation and potentially obtain some relief and resolve to this issue;

NOW THEREFORE BE IT RESOLVED THAT the Ad Hoc Committee recommends to Council, that Council take the position **it has not been established that the Road is a Municipal Road** as defined by the *Municipal Act*, 2001 and therefore that the matter of access over the Road remains a civil matter between the property owners involved in accordance with the *Road Access Act*.

DEFEATED.

Councillor Bilodeau brought forward a motion from the floor. Mayor Reeves requested that Councillor Bilodeau illustrate the described road on the posted map. Council deliberated the concerns and issues involved.

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14-17-06
G. Bilodeau
G. Campbell

WHEREAS a close examination of By-laws 151, 205 and 206 in the Township of Thompson, in conjunction with relevant review by Judge Stone of Sault Ste. Marie, dated the 10th day of October, 1930, confirms that a short section of road in the north east corner of northwest quarter of Section 7 connecting Chevis Road to the northeast quarter of Section 7, is a municipal road;
NOW THEREFORE BE IT RESOLVED THAT the Municipality of Huron Shores declares that the road in the northeast corner of the northwest quarter of Section 7 connecting Chevis Road to the northeast quarter of Section 7 in the geographical Township of Thompson in the Municipality of Huron Shores is a municipal road;
AND THAT any barriers to its use be removed immediately.
CARRIED.

RECORDED VOTE:

L. C. (Gil) Reeves	Nay	D. Kirby	Yea
J. Armstrong	Yea	<u>E.W. Linley</u>	Nay
G. Bilodeau	Yea	K. Weber	Nay
G. Campbell	Yea	D. Wedgwood	Yea
E. Eldner	Yea		

Municipal Solicitor Paul Cassan and all additional gallery members departed Council Chambers at 8:30 p.m.

COUNCIL AND STAFF REPORTS

Council Reports:

Councillor Armstrong reported that the inaugural meeting of the **Iron Bridge Recreation Committee** will be Monday, July 14/14.

Mayor Reeves advised that he had visited the members of the Elliot Lake Amateur Radio Operators' **Amateur Radio Field Day** at Beharriell Park the weekend of June 28-29/14.

He also advised that the **Highway 17 Bridge Rehabilitation Project** is still expected to be completed by the end of July 2014, as per e-mail correspondence from Roberto Lauricella of MTO.

GENERAL BUSINESS

Agenda Item 8-1 was addressed previously.

8-2. By-law: to Enter into an Agreement with JL Farms re: 2014 Municipal Roadside Brushing/Grass-Cutting Contract

14-17-07
G. Campbell
G. Bilodeau

BE IT RESOLVED THAT **By-law #14-45** being a by-law of the Corporation of the Municipality of Huron Shores to enter into an Agreement with **JL Farms** in order to fulfill the **2014 Municipal roadside brushing and grass cutting requirements** was read a first, second and third time and passed in open Council this 9th day of July, 2014.
CARRIED.

8-3. By-law: to Enter into a Preventative Maintenance Agreement with Nortrax re: Ward 1 John Deere 2013 Model 770GP Grader

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14-17-08 BE IT RESOLVED THAT **By-law #14-46** being a by-law of
G. Campbell the Corporation of the Municipality of Huron Shores to
G. Bilodeau Enter into a **Preventative Maintenance (PM)**
Agreement with Nortrax for the **Ward 1 John Deere**
2013 Model 770GP Grader for a 3-year period (as per
Resolution #14-15-10 dated June 25th, 2014), was read a
first, second and third time and passed in open Council
this 9th day of July, 2014. CARRIED.

8-4. By-law: to Amend the Fire Dept. Constitution & Repeal By-law #13-23

14-17-09 BE IT RESOLVED THAT **By-law #14-47** being a by-law of
G. Bilodeau the Corporation of the Municipality of Huron Shores for the
E. Eldner purpose of **Amending the Constitution of the Huron**
Shores Fire Department, and to Confirm All Other Items
in Establishing a Fire Department, was read a first, second
and third time and passed in open Council this 9th day of
July, 2014;
AND THAT By-law #13-23 be hereby rescinded. CARRIED.

8-5. Approve Payment to J.S. Sewer Cam (CAMSpec) re: Iron Bridge Storm Drainage Investigations

14-17-10 WHEREAS Resolution #14-05-09 specified that expenses
G. Bilodeau pertaining to Storm Drainage that are not included in the
E. Eldner 2014 Budget shall be brought to future meetings of
Council for consideration;
AND WHEREAS \$6,000.00 was included in the 2014
Municipal Budget for the camera inspection;
AND WHEREAS J.S. Sewer Cam (CAMSpec) has presented
its final invoice for said Storm Drainage Inspections in the
amount of \$10,798.73 including taxes;
NOW THEREFORE BE IT RESOLVED THAT Council
authorizes payment to **J.S. Sewer Cam (CAMSpec)** for
the completed **Storm Drainage Camera Inspections**;
AND THAT the additional funds required for payment,
exceeding the budgeted \$6,000.00 and less the \$1,074.14
GST Tax Rebate, in the amount of \$3,724.59 be drawn
from Road Reserves. CARRIED.

8-6. Authorize Treasurer to Commence Application to obtain Municipal MasterCard through Northern Credit Union & Cancel RBC Visa

14-17-11 WHEREAS the Northern Credit Union (NCU) in Iron Bridge
G. Bilodeau has been providing banking services for the Municipal
E. Eldner Corporation since 2010;
NOW THEREFORE BE IT RESOLVED THAT Council
authorizes the Municipal Treasurer to apply for **Municipal**
MasterCards through Northern Credit Union in the names
of the Municipal Clerk/Administrator, Treasurer and Public
Works Superintendent;
AND THAT following receipt of said MasterCards to proceed
with cancellation of the Municipal Visas with RBC, the
former banking services provider. CARRIED.

8-7. Receive the Minutes of the Sowerby Heritage Centre Committee, March 20/14

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14-17-12 BE IT RESOLVED THAT Council receives the Minutes of the
G. Bilodeau **Sowerby Heritage Centre Committee** meeting held
E. Eldner March 20th, 2014. CARRIED.

8-8. Increase 2016 Rental Fee For Historic Cordukes/Weber 12-Sided Barn
Deferred.

8-9. Direct staff to prepare a summary of ongoing Work Contracts to
address re-tender scheduling as per December 18/13 Meeting of
Council

14-17-13 BE IT RESOLVED THAT Council directs staff to prepare a
G. Bilodeau **summary of ongoing Service Contracts** in order to
E. Eldner address re-tender scheduling as per the Minutes of the
December 18th, 2013 Regular Meeting. CARRIED.

8-10. By-law #14-37: to Enter into a Secondary Fire Services Agreement
with Twp. Of Plummer Add'l (2nd & 3rd Reading pending)
Deferred.

8-11. By-law: to Enter into a Lease Agreement with Twp. of Parkinson Fire
Dept. re: 1989 Freightliner Tanker (2nd & 3rd Reading pending)
Clerk/Administrator Tonelli advised of the costs to retrofit the tanker for
service, as well as discussions with John Southgate, Parkinson Twp. Fire
Chief. Following discussion, Council directed that a \$2,000.00 fee for
administrative and legal costs should be included in the lease agreement and
that it should be vetted by the Municipal Solicitor prior to being forwarded to
the Parkinson Township Advisory Board for signature.

14-17-14 BE IT RESOLVED THAT **By-law #14-38** being a by-law of
G. Bilodeau the Corporation of the Municipality of Huron Shores to
E. Eldner Enter into a Lease Agreement with the **Township of
Parkinson Fire Department** for the use of the Huron
Shores Fire Department's **1989 Freightliner Tanker** was
read a second and third time and passed in open Council
this 9th day of July, 2014. CARRIED.

Councillor Bilodeau advised of an auction company in Sudbury that
specializes in selling heavy equipment/machinery. He will forward the
information to Clerk/Administrator Tonelli.

LETTERS & COMMUNICATIONS FOR ACTION

9-1. Algoma Kinniwabi Travel Assn. (AKTA) – Invitation to Advertise in
2015 Algoma Outdoors Travel Guide, Submission Deadline September
30/14

14-17-15 BE IT RESOLVED THAT Council authorizes the purchase of
D. Wedgwood a 1/8 page advertisement in the **Algoma Kinniwabi**
G. Campbell **Tourism Association (AKTA)** publication "Algoma
Outdoors 2015", at a cost of \$550.00 + HST, less 10% if
paid in full prior to November 1st, 2014. CARRIED.

9-2. Friends of the Earth – Request Support re: Ban Neonicotinoid
Pesticides to Protect Honey Bees

9-3. Town of Penetanguishene – Request Support re: Formation of Small &
Rural School Alliance

- 9-4. Iron Bridge Historical Museum Committee – Request to Transfer Funds from Reserves for Eaves Trough Repair to Tulloch-Carlyle House

14-17-16

G. Campbell
D. Wedgwood

WHEREAS the Iron Bridge Historical Museum Committee has advised of a budget shortfall of approximately \$700.00 for planned eaves trough repair and gutter guards for the Tulloch Carlyle House and the Museum Cabin;
NOW THEREFORE BE IT RESOLVED THAT Council authorizes the Treasury Department to **transfer funds from the Museum Reserve** the amount necessary to cover the additional cost to complete the aforementioned repairs to the Iron Bridge Historical Museum buildings as per the request of the Committee dated July 2nd, 2014.

CARRIED.

- 9-5. Minister of Energy Hon. B. Chiarelli – Invitation for Applications to Municipal Energy Plan (MEP) Program Fund

14-17-17

D. Wedgwood
G. Campbell

WHEREAS the Municipality has adopted a provincially-mandated **Municipal Energy Plan (MEP)** via By-law #14-41;
AND WHEREAS the Ministry of Energy has advised of a new funding stream available to enhance an existing Energy Plan, successful applications being funded on a first come, first served basis;
NOW THEREFORE BE IT RESOLVED THAT Council authorizes staff to investigate if the Municipality would qualify for funding under the **Ministry of Energy's** new MEP funding stream and if so, submit an application.

CARRIED.

LETTERS & COMMUNICATIONS FOR INFORMATION

- 10-1. AMO – Highlights of the June 2014 Board Meeting, June 23/14
10-2. Fire Underwriters Survey & Canadian Assn. of Fire Chiefs – National Fire Chief of the Year Awards, Submission Deadline: August 1/14
10-3. Northern Policy Institute – Introduction to Northern Policy Institute & Notice of By-law Change
10-4. AMO – New Provincial Cabinet Names, June 24/14
10-5. AMO Watch File, June 26/14
10-6. Hon. Bob Chiarelli, Min. of Energy – Update re: Long-Term Energy Plan & Mandatory Energy Consumption Reporting, June 27/14
10-7. AMO Watch File, July 3/14
10-8. Elliot Lake Amateur Radio Operators – Thank you re: Use of Beharriell Park, July 3/14
10-9. AMO – Ontario Speech from the Throne Delivered Today in the Legislature, July 3/14

CLOSED SESSION

None.

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CONFIRMING BY-LAW #14-48

14-17-18
D. Wedgwood
G. Campbell

BE IT RESOLVED THAT **By-law #14-48**, being a By-law of the Corporation of the Municipality of Huron Shores to **Adopt the Minutes** of the Regular Council Meeting held on Wednesday, July 9th, 2014, and authorizing the taking of any action authorized therein and thereby, was read a first, second and third time and passed in open Council this 9th day of July, 2014. CARRIED.

ADJOURNMENT

14-17-19
D. Kirby
J. Armstrong

BE IT RESOLVED THAT Council does adjourn at 8:50 p.m. CARRIED.

MAYOR

CLERK