

# THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA

**December 2, 2011**

Minutes of a regular meeting of Council held on Friday, December 2, 2011 at 14:00 h. in the Municipal Hall.

## **1. CALL TO ORDER & MOMENT OF SILENCE**

## **2. ROLL CALL**

The following were present Reeve Tammy Stewart, Councillors: Ed Aiston, Dave Foote, Jim Gibson and Robert Reid.

Approximately 7 members of the public and media were present.

## **3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF – none**

## **4. DEPUTATIONS/PRESENTATIONS – none**

## **5. ADOPTION of MINUTES of PREVIOUS MEETINGS (INCLUDING COMMITTEES)**

### **i. Council Minutes**

Resolution # 02/12/11/001

Moved by Councillor Aiston and seconded by Councillor Reid

**BE IT RESOLVED THAT** the minutes of the regular meeting of Friday, November 18, 2011 be accepted as presented.

Carried Unanimously

## **6. CORRESPONDENCE & PETITIONS – None**

## **7. CORRESPONDENCE**

### **i. Bill Instance - re: resignation and outstanding issues**

Discussion ensued, comments from Councillors Aiston, Gibson and Foote. "No comment" from Councillor Reid. At 14:16 h. Reeve Stewart declared a pecuniary interest as witnessed by the note attached following the minutes and left the table stating "I don't want to be a part of it." Councillor Gibson assumed the duties of the chair.

Resolution # 02/12/11/001-A

Moved by Councillor Foote and seconded by Councillor Aiston

**BE IT RESOLVED THAT** HCM pay the legal bill of the amount outstanding to our Municipal Lawyer W. Instance.

Carried

### **Recorded Vote**

Reeve Stewart	- Not at Table
Councillor Aiston	Y
Councillor Foote	Y
Councillor Gibson	N
Councillor Reid	Y

After the vote was taken Councillor Gibson turned the chair over to the Reeve who resumed her position at 14:18 h.

### **ii. Melinda Reith – re: personal position and intention to not spend ratepayer's money on harassment complaints**

### **iii. Myfm radio – re: Christmas drinking and driving safety message**

Resolution # 02/12/11/001-B

Moved by Councillor Gibson and seconded by Councillor Reid

**BE IT RESOLVED THAT** Council purchase 20 promotional announcements during the Holiday Season for \$199.00 + HST.

Carried

### **Recorded Vote**

Reeve Stewart	N
Councillor Aiston	Y
Councillor Foote	N
Councillor Gibson	Y
Councillor Reid	Y

### **iv. Township of Muskoka Lakes – re: municipal planning and green energy – Action: Clerk to prepare a resolution of support for the next meeting;**

### **v. County of Renfrew – re: proposed no parking by-law - information**

### **vi. County of Huron – re: woodlot income and ODRAP - information**

### **vii. County of Huron – re: request for the OFM to not prohibit use of barns for parties and family functions in rural areas – Action: Clerk to prepare a resolution of support for the next meeting;**

### **viii. OPP – re: Updated cost recovery formula – information**

- ix. Premier’s Office – re: thank you for resolution of council regarding ambulance stations - information

8. STAFF REPORTS

- i. Clerk’s Report #02/12/11/801 - information

Resolution # 02/12/11/002  
Moved by Councillor Aiston and Seconded by Councillor Reid  
**WHEREAS** business demands are limited the days before the Christmas and New Year’s holidays;

**THEREFORE BE IT RESOLVED THAT** the Council of the United Townships of Head, Clara & Maria does hereby agree to close the Municipal office on the afternoons of Friday, December 23 and Friday, December 30.

Carried Unanimously

- ii. Treasurer’s Report #02/12/11/802

Resolution # 02/12/11/003  
Moved by Councillor Aiston and Seconded by Councillor Gibson  
**WHEREAS** obtaining a Point of Sale (POS) system will provide an additional method of paying municipal invoices including taxes and all other fees;

**AND WHEREAS** the current promotion by Moneris rebates the initial installation fee;

**AND WHEREAS** the fee for using Mastercard and Visa will be explained to the customer and charged to them if they choose to use that method of payment;

**THEREFORE BE IT RESOLVED THAT** the Council of the United Townships of Head, Clara & Maria does hereby authorize the Treasurer to contract with Moneris for a POS system to provide a convenience to ratepayers in paying municipal invoices before the promotional deadline of December 31, 2011.

Defeated

Recorded Vote	
Reeve Stewart	N
Councillor Aiston	Y
Councillor Foote	N
Councillor Gibson	N
Councillor Reid	Y

After the vote, Todd Dowser asked if he could speak to some of the information contained in the resolution. Councilor Gibson raised a Point of Order stating that this was not a public meeting and members of the public were not normally allowed to speak. Reeve Stewart upheld Councillor Gibson’s concern.

Councillor Foote questioned the Procedure By-law and the requirement therein which states that with a unanimous decision of Council a member of the gallery could address Council. A vote was taken and it was unanimously upheld that Mr. Dowser could speak.

Mr. Dowser then expressed that he simply had some additional information that in fact, as a long time merchant he was aware that charging a premium to Mastercard and Visa customers was not allowed.

Council thanked him for his information and continued with the meeting.

- iii. CBO Report – Information
- iv. Road Super Report – Information

9. FINANCIAL REPORTS

- i. Cheque Log Report #02/12/11/901

Resolution # 02/12/11/004  
Moved by Councillor Aiston and Seconded by Councillor Gibson  
**BE IT RESOLVED THAT** the Cheque Log dated November 29, 2011 be accepted as presented.  
Carried - Unanimously

10. BY-LAWS

- i. Report #02/12/11/1001 – By-Law 2011-21 Waste Management

Resolution # 02/12/11/005  
Moved by Councillor Aiston and Seconded by Councillor Foote  
**BE IT RESOLVED THAT** By-Law #2011-21 being a by-law dealing with the collection, removal and disposal of solid waste within the municipality of the United Townships of Head, Clara & Maria be read a 3<sup>rd</sup> time short and passed this 2<sup>nd</sup> day of December, 2011.  
Carried Unanimously

- ii. Report #02/12/11/1002 – By-Law 2011-28 Adopting the Municipal Emergency Management Program and Plan

Resolution # 02/12/11/006

Moved by Councillor Aiston and Seconded by Councillor Foote

**BE IT RESOLVED THAT** By-Law #2011-28 being a by-law to adopt the municipality's Emergency Management Program and Emergency Response Plan by-law to be read a 1<sup>st</sup> and 2<sup>nd</sup> time this 2<sup>nd</sup> day of December, 2011.

Carried Unanimously

Resolution # 02/12/11/007

Moved by Councillor Aiston and Seconded by Councillor Foote

**BE IT RESOLVED THAT** By-Law #2011-28 being a by-law to adopt the municipality's Emergency Management Program and Emergency Response Plan by-law to be read a 3<sup>rd</sup> time short and passed this 2<sup>nd</sup> day of December, 2011.

Carried Unanimously

- iii. Report #02/12/11/1003 – By-Law 2011-29 Declaring a Council Seat Vacant and Authorizing a By-Election

Resolution # 02/12/11/008

Moved by Councillor Gibson and Seconded by Councillor Aiston

**BE IT RESOLVED THAT** By-Law #2011-29 being a by-law to declare a seat on Council vacant and to authorize a by-election be read a 1<sup>st</sup> and 2<sup>nd</sup> time this 2<sup>nd</sup> day of December, 2011.

Carried Unanimously

Resolution # 02/12/11/009

Moved by Councillor Foote and Seconded by Councillor Gibson

**BE IT RESOLVED THAT** By-Law #2011-29 being a by-law to declare a seat on Council vacant and to authorize a by-election be read a 3<sup>rd</sup> time short and passed this 2<sup>nd</sup> day of December, 2011.

Carried Unanimously

## 11. UNFINISHED BUSINESS

- i. Report #02/12/11/1101 – Alternative Energy Request for Support

Resolution # 02/12/11/010

Moved by Councillor Gibson and Seconded by Councillor Foote

**WHEREAS** the Province has taken control away from Municipalities as it relates to comment and/or approval for "green energy" projects;

**AND WHEREAS** the Township of Mulmur has passed a resolution requesting amendments to the current process to reduce the number of challenges with problem installation such as on road allowances;

**THEREFORE BE IT RESOLVED THAT** the Council of the United Townships of Head, Clara & Maria does hereby joins and supports the Township of Mulmur in its request that the Province either adopt a standardized compliance checklist of requirements to ensure appropriate installation or amend the current requirements so that all facilities are subject to municipal consultation.

Carried Unanimously

- ii. Report #02/12/11/1102 – Appoint an External Investigator

Resolution # 02/12/11/011

Moved by Councillor Foote and Seconded by Councillor Gibson

**WHEREAS** the Council of the United Townships of Head, Clara & Maria decided at its meeting of Friday, November 18, 2011 to hire an external investigator to look into the harassment complaints filed in early October;

**AND WHEREAS** Council has reviewed the resumes and proposals as solicited by staff in an attempt to make an informed decision;

**THEREFORE BE IT RESOLVED THAT** the Council of the United Townships of Head, Clara & Maria does hereby appoint THE DELFI GROUP (RAY BONENBERG) to conduct a workplace harassment investigation and to propose resolutions to the current workplace challenges.

Carried Unanimously

There was some discussion as to the use of spending taxpayer dollars if the report could be ignored by Council upon its conclusion.

Prior to the vote being taken, all Council members (aside from Councillor Aiston who will no longer be on Council) agreed to uphold the decision of Mr. Bonenberg and follow any recommendations he may make upon conclusion of his investigation.

- iii. Report #02/12/11/1103 – Appoint an Integrity Commissioner

Resolution # 02/12/11/012

Moved by Councillor Gibson and Seconded by Councillor Foote

**WHEREAS** the Council of the United Townships of Head, Clara & Maria currently has a Municipal Code of Conduct applicable to staff and Council;

**AND WHEREAS** members of Council have taken actions that may be perceived to be contrary to the provisions of the Municipal Code of Conduct and the best interests of the municipality as a whole;

**THEREFORE BE IT RESOLVED THAT** in a move to develop an impartial resolution to the current uncongenial environment an Integrity Commissioner be hired to complete an objective investigation into infractions by members of Council contrary to Municipal Code of Conduct.

Motion withdrawn by Councillors Foote and Gibson pending the by-election.

## **12. ADDENDUM (NEW BUSINESS)**

### **i. Report #02/12/11/1201 – Request for COLA Increase**

Resolution # 02/12/11/013

Moved by Councillor Foote and Seconded by Councillor Gibson

**BE IT RESOLVED THAT** the salary grid, Council honorarium and applicable contracts be adjusted by a 2.9% increase to reflect the cost of living over the past year based on Stats Can's CPI of 2.9% for the year October 2010 to October 2011.

Carried Unanimously

### **ii. Report #02/12/11/1202 – Staff Christmas Party**

Resolution # 02/12/11/014

Moved by Councillor Gibson and Seconded by Councillor Foote

**WHEREAS** in previous years Council contributed funds towards a token of appreciation for staff by financing a Christmas lunch;

**AND WHEREAS** most employers (private and public) provide some type of compensation for their staff at Christmas;

**THEREFORE BE IT RESOLVED THAT** the Council of the United Townships of Head, Clara & Maria does hereby agree to contribute \$300 towards the costs of a staff Christmas celebration for 2011.

Carried Unanimously

### **iii. Report #02/12/11/1203 - Transfer Year End Reserve Funds**

Resolution # 02/12/11/015

Moved by Councillor Foote and Seconded by Councillor Gibson

**WHEREAS** the Council of the United Townships of Head, Clara & Maria annual expenses has resulted in a surplus for 2011;

**AND WHEREAS** some funds specifically allocated are not yet spent on the projects and will flow over to 2012;

**AND WHEREAS** in the 2011 budget, money was removed from various other reserves committed to purposes but not used in 2011 for various reasons, some due to grants not being awarded;

**THEREFORE BE IT RESOLVED THAT** the Council of the United Townships of Head, Clara & Maria does hereby authorize the Treasurer to move the following to (reserve) funds to be utilized to specific purposes in the future:

- \$10,212 to Contingency reserve;
- \$500 to IT reserves;
- \$30,330 to Disposal Sites maintenance and replacement;
- \$3,200 to Disposal Site Vehicle;
- \$30,000 to Landfill Closure;
- \$10,000 to Bissett Creek Post Closure;
- \$800 to Stonecliffe Post Closure;
- \$130 to Roads Capital;
- \$500 to Roads Truck;
- \$2,000 to Gravel Crushing;
- \$7,431 to Facility Management and Maintenance;
- \$4,000 to Parks;
- For a total transfer of \$99,103 of surplus to reserves.

Carried Unanimously

### **iv. Report #02/12/11/1204 - Request for PA**

Resolution # 02/12/11/016

Moved by Councillor Gibson and Seconded by Councillor Foote

**WHEREAS** there is some doubt that the Clerk will receive an objective performance appraisal for 2011 based on past practice;

**AND WHEREAS** during the last appraisal the Clerk was tasked with developing a more effective process for appraisal of the Clerk's position;

**THEREFORE BE IT RESOLVED THAT** a 360 Degree Feedback process be combined with the current process to provide an overall effective and objective appraisal to determine grid placement and to identify required performance improvements.

Carried Unanimously

### 13. CLOSED SESSION – None

### 14. BUSINESS ARISING FROM CLOSED SESSION - none

### 15. QUESTIONS AND ANSWERS

- i. Councillor Gibson took this opportunity to explain why he raised a point of order earlier in the meeting. It had nothing to do with the individual or the information that he was to share. Councillor Gibson was simply attempting to ensure that Council was following proper protocol and the Procedure By-Law.
- ii. Councillor Aiston took the opportunity to thank the public, staff and Council for their support during his term on Council.
- iii. Reeve Stewart expressed her gratitude to Councillor Aiston for serving.

### 16. CONFIRMATION OF PROCEEDINGS

Resolution # 02/12/11/017

Moved by Councillor Foote and Seconded by Councillor Gibson

**BE IT RESOLVED THAT** By-Law 2011-30 being a by-law to confirm proceedings of the Council of the United Townships of Head, Clara & Maria at its meeting held on December 2, 2011 be read a first time short and passed.

Carried Unanimously

### 17. ADJOURNMENT

Resolution # 02/12/11/018

Moved by Councillor Gibson and seconded by Councillor Foote

**BE IT RESOLVED THAT** this meeting adjourn at 15:55 h to meet again Friday, December 16, 2011 at 14:00h.

Carried Unanimously

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Reeve – Tammy Lea Stewart

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Clerk – Melinda Reith

Dec 2, 2011

Conflict of interest with resolution  
dealing with correspondence item #1  
- now ~~read~~ resolution 001-A, financial  
implications.

T. Stewart