



Council Minutes

Monday, February 3, 2014

There was a regular Council meeting held at the Nairn Community Centre on Monday, February 3, 2014 at 7:00 p.m.

Present:	Laurier Falldien	Mayor
	Rod MacDonald	Deputy Mayor
	Brigita Gingras	Councillor
	Charlene Y. Martel	Councillor
	Robert Deschene	CAO

Absent:	Edward Mazey	Councillor
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OPEN MEETING

RESOLUTION # 2014-1-1

MOVED BY: Brigita Gingras

SECONDED BY: Charlene Y. Martel

RESOLVED: that the meeting of February 3, 2014 do now open for business at 7:06 p.m.

CARRIED

DECLARATION OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None were declared

COUNCIL MINUTES

RESOLUTION # 2014-1-2

MOVED BY: Charlene Y. Martel

SECONDED BY: Brigita Gingras

RESOLVED: that the following Council minutes be accepted as presented:

- a) December 2, 2013.
- b) December 16, 2013.

CARRIED

ACCEPTED MINUTES

RESOLUTION # 2014-1-3

MOVED BY: Brigita Gingras

SECONDED BY: Charlene Martel

RESOLVED: that the following be accepted as presented:

- a) Township of Nairn and Hyman Bank Reconciliation - October 2013.
- b) Township of Nairn and Hyman Bank Reconciliation - November 2013.
- c) Township of Nairn and Hyman Public Works Committee minutes - December 30, 2013.
- d) Township of Nairn and Hyman Planning and Economic Development Committee minutes - December 30, 2013.
- e) Township of Nairn and Hyman Accessibility Plan - December 2013.

- f) Township of Nairn and Hyman Public Works Committee minutes - January 27, 2014.
- g) Township of Nairn and Hyman Planning and Economic Development Committee minutes - January 27, 2014.
- h) Township of Nairn and Hyman Fire Department Report - received January 27, 2014.

CARRIED

NOTED ITEMS

RESOLUTION # 2014-1-4

MOVED BY: Charlene Martel

SECONDED BY: Brigita Gingras

RESOLVED: that the following be noted as being received:

- a) Sudbury and District Board of Health minutes - November 21, 2013
- b) Sudbury and District Board of Health minutes - January 16, 2014.
- c) Township of Nairn and Hyman Parks and Recreation Committee minutes - January 9, 2014.

CARRIED

SMALL COMMUNITY CAPITAL FUND

RESOLUTION # 2014-1-5

MOVED BY: Charlene Martel

SECONDED BY: Brigita Gingras

RESOLVED: that Council supports the concerns raised by the Township of Baldwin, as per their letter dated November 27, 2013 requesting that the Province of Ontario institute the Small Community Capital Fund through the Northern Ontario Heritage Fund Corporation whereby each community with a population of less than 1,000 would receive \$100,000 to put toward their priorities.

CARRIED

TOURISM GUIDE

RESOLUTION # 2014-1-6

MOVED BY: Brigita Gingras

SECONDED BY: Charlene Martel

RESOLVED: that Council advise the Township of Sables-Spanish Rivers Economic Development Officer that we are interested in the participating with the development of the 2015-2017 edition of the Tourism Guide and Business Directory.

CARRIED

NUTRITIOUS FOOD BASKET

RESOLUTION # 2014-1-7

MOVED BY: Brigita Gingras

SECONDED BY: Charlene Martel

RESOLVED: that Council supports the motion adopted by the Sudbury and District Health Unit, motion #58-13, urging the provincial government to ensure access to nutritious food for all Ontarians by increasing social assistance rates and the minimum wage levels that reflect the true cost of purchasing nutritious food, based on annual results from the Nutritious Food Basket costing, and

BE IT FURTHER RESOLVED:

that the Township of Nairn and Hyman agrees with the recommendations of the Sudbury and District Health Unit that the provincial government implement the recommendations of the Healthy Kids Panel report that focus on reducing poverty and that address the food system.

CARRIED

RAILWAY SELF-REGULATION

RESOLUTION # 2014-1-8

MOVED BY: Brigita Gingras

SECONDED BY: Charlene Martel

WHEREAS: the catastrophic Lac-Mégantic train accident underscores the importance of tightening the safety rules for transporting hazardous materials by all transportation modes; and

WHEREAS: petroleum refinery activities and shipments, essentially by rail and pipelines will only continue to grow and the safe transport of hazardous materials will therefore become an even more topical issue;

NOW THEREFORE BE IT RESOLVED:

that Council supports the concerns raised by Teamsters Canada that railway self-regulation must come to an end and that Transport Canada step up its surveillance of all rail companies concerning the transportation of hazardous materials to ensure that public safety is protected.

CARRIED

**RETROACTIVELY ASSESSING PROPERTIES
WITHOUT BUILDING PERMITS**

RESOLUTION # 2014-1-9

MOVED BY: Charlene Martel

SECONDED BY: Brigita Gingras

RESOLVED: that Council supports the motion adopted by the Township of Mulmur, dated December 11, 2013, advising the Municipal Property Assessment Corporation (MPAC) that it is entirely inappropriate and unacceptable to not immediately and retroactively assess a building that has been erected without a building permit for the current year and up to two prior years (depending on when it was built and occupied), when such is the norm for buildings with building permits and that MPAC be requested to automatically and immediately re-assess all properties once the improvements have been discovered and apply the resulting increase to the current year and for the two previous taxation years, and that the onus be placed on the landowner to prove that the building has not existing for that entire time period.

CARRIED

**LIMITING INDUSTRIAL WIND
TURBINE PROJECTS**

RESOLUTION # 2014-1-10

MOVED BY: Brigita Gingras

SECONDED BY: Charlene Martel

RESOLVED: that Council supports the Township of Killaloe, Hagarty and Richards resolution number 13, dated December 3, 2013 wherein the Township of Killaloe, Hagarty and Richards supported the Provincial Government's desire to limit Industrial Wind Turbine (IWT) Projects to communities that are willing hosts.

CARRIED

**HIGHWAY WINTER MAINTENANCE
STANDARDS**

RESOLUTION # 2014-1-11

MOVED BY: Charlene Martel

SECONDED BY: Brigita Gingras

RESOLVED: that Council supports the concerns raised by the LaCloche Foothills Municipal Association concerning the correspondences forwarded to the Ministry of Transportation dated December 17, 2013 regarding the highway winter maintenance standards on the Trans Canada Highway between Sudbury and Spanish.

CARRIED

**JOINT AND SEVERAL LIABILITY INSURANCE
FOR MUNICIPALITIES**

RESOLUTION # 2014-1-12

MOVED BY: Charlene Martel

SECONDED BY: Brigita Gingras

RESOLVED: that Council supports the private member's resolution prepared by Randy Pettapiece, MPP, Perth-Wellington regarding the implementation of a comprehensive, long-term solution to reform joint and several liability insurance for municipalities by no later than June 2014, addressing the alarming rise in insurance premiums due to rising litigation and claim costs.

CARRIED

POLICING IN SMALL COMMUNITIES

RESOLUTION # 2014-1-13

MOVED BY: Brigita Gingras

SECONDED BY: Charlene Martel

WHEREAS: municipalities have been legislated to provide police services; and

WHEREAS: municipalities have been paying inequitable costs for policing service; and

WHEREAS: the Ontario Provincial Police have developed a model for billing their services to municipalities; and

WHEREAS: there are a number of small municipalities who disagree with this funding model and do not believe that they will be beneficiaries of any proposed billing model;

NOW THEREFORE BE IT RESOLVED:

that the Province of Ontario take back the responsibility for policing small municipalities with a population of 5,000 or less.

CARRIED

**PAVED SHOULDERS ON PORTIONS
OF KING'S HIGHWAY**

RESOLUTION # 2014-1-14

MOVED BY: Charlene Martel

SECONDED BY: Brigita Gingras

RESOLVED: that Council supports the motion adopted by the Sudbury and District Board of Health, dated January 16, 2014, #04-14 requesting support to an amendment to the Private Member's Bill 79 *Public Transportation and Highway Improvement Amendment Act, 2013* to construct 1.2 meter paved shoulders on prescribed portions of the King's Highway.

CARRIED

NOTED CORRESPONDENCES

RESOLUTION # 2014-1-15

MOVED BY: Brigita Gingras

SECONDED BY: Charlene Martel

RESOLVED: that correspondences 7a) to 7b) on the February 3, 2014 Council agenda be noted as being received.

CARRIED

DISBURSEMENT SHEETS

RESOLUTION # 2014-1-16

MOVED BY: Charlene Martel

SECONDED BY: Brigita Gingras

RESOLVED: that the following disbursement sheets are hereby approved:

a)	2014 GEN-1	General	\$124,115.16
b)	2014 PW-1	Public Works	\$ 34,394.11
c)	2014 FIRE-1	Fire	\$ 26,079.64
d)	2014 GEN-2	General	\$ 39,668.06
e)	2014 PW-2	Public Works	\$ 36,261.59
f)	2014 FIRE-2	Fire Department	\$ 1,971.19

CARRIED

ADDITIONAL INVOICE SUMMARY

RESOLUTION # 2014-1-17

MOVED BY: Brigita Gingras

SECONDED BY: Charlene Martel

RESOLVED: that additional invoice summary 2014-1 in the amount of \$160.00 be authorized for payment.

CARRIED

EMERGENCY RESPONSE PLAN BY-LAW

RESOLUTION # 2014-1-18

MOVED BY: Charlene Martel

SECONDED BY: Brigita Gingras

RESOLVED: that "Being a by-law to adopt a Municipal Emergency Management Program and to establish an Emergency Response Plan" be read a first and second time.

CARRIED

EMERGENCY RESPONSE PLAN BY-LAW

RESOLUTION # 2014-1-19

MOVED BY: Brigita Gingras

SECONDED BY: Charlene Martel

RESOLVED: that "Being a by-law to adopt a Municipal Emergency Management Program and to establish an Emergency Response Plan" be read a third time and finally passed in open Council and its number shall be 2014-1.

CARRIED

HEAD OF MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT BY-LAW

RESOLUTION # 2014-1-20

MOVED BY: Charlene Martel

SECONDED BY: Brigita Gingras

RESOLVED: that "Being a by-law to designate a head of the Municipal Corporation for the purposes of the Municipal Freedom of Information and Protection of Privacy Act" be read a first and second time.

CARRIED

HEAD OF MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT BY-LAW

RESOLUTION # 2014-1-21

MOVED BY: Brigita Gingras

SECONDED BY: Charlene Martel

RESOLVED: that "Being a by-law to designate a head of the Municipal Corporation for the purposes of the Municipal Freedom of Information and Protection of Privacy Act" be read a third time and finally passed in open Council and its number shall be 2014-2.

CARRIED

COMMUNITY EMERGENCY MANAGEMENT COORDINATOR APPOINTMENT BY-LAW

RESOLUTION # 2014-1-22

MOVED BY: Charlene Martel

SECONDED BY: Brigita Gingras

RESOLVED: that "Being a by-law to appoint a Community Emergency Management Coordinator" be read a first and second time.

CARRIED

**COMMUNITY EMERGENCY MANAGEMENT
COORDINATOR APPOINTMENT BY-LAW**

RESOLUTION # 2014-1-23

MOVED BY: Brigita Gingras

SECONDED BY: Charlene Martel

RESOLVED: that "Being a by-law to appoint a Community Emergency Management Coordinator" be read a third time and finally passed in open Council and its number shall be 2014-3.

CARRIED

**ALTERNATE COMMUNITY EMERGENCY
MANAGEMENT COORDINATOR APPOINTMENT
BY-LAW**

RESOLUTION # 2014-1-24

MOVED BY: Charlene Martel

SECONDED BY: Brigita Gingras

RESOLVED: that "Being a by-law to appoint an alternate Community Emergency Management Coordinator" be read a first and second time.

CARRIED

**ALTERNATE COMMUNITY EMERGENCY
MANAGEMENT COORDINATOR APPOINTMENT
BY-LAW**

RESOLUTION# 2014-1-25

MOVED BY: Rod MacDonald

SECONDED BY: Brigita Gingras

RESOLVED: that "Being a by-law to appoint an alternate Community Emergency Management Coordinator" be read a third time and finally passed in open Council and its number shall be 2014-4.

CARRIED

INTEREST RATE ON TAX ARREARS BY-LAW

RESOLUTION # 2014-1-26

MOVED BY: Charlene Martel

SECONDED BY: Rod Macdonald

RESOLVED: that "Being a by-law to charge a rate of interest on tax arrears" be read a first and second time.

CARRIED

INTEREST RATE ON TAX ARREARS BY-LAW

RESOLUTION # 2014-1-27

MOVED BY: Rod MacDonald

SECONDED BY: Brigita Gingras

RESOLVED: that "Being a by-law to charge a rate of interest on tax arrears" be read a third time and finally passed in open Council and its number shall be 2014-5.

CARRIED

TEMPORARY BORROWING BY-LAW

RESOLUTION # 2014-1-28

MOVED BY: Charlene Martel

SECONDED BY: Rod MacDonald

RESOLVED: that "Being an Ontario Municipal Corporations Temporary Borrowing By-law" be read a first and second time.

CARRIED

TEMPORARY BORROWING BY-LAW

RESOLUTION # 2014-1-29

MOVED BY: Rod MacDonald

SECONDED BY: Brigita Gingras

RESOLVED: that "Being an Ontario Municipal Corporations Temporary Borrowing By-law" be read a third time and finally passed in open Council and its number shall be 2014-6.

CARRIED

INTERIM TAX RATE BY-LAW

RESOLUTION # 2014-1-30

MOVED BY: Charlene Martel

SECONDED BY: Rod MacDonald

RESOLVED: that "Being a by-law to provide for an interim tax levy to provide for the payment of taxes and to provide for penalty and interest of 15% per annum" be read a first and second time.

CARRIED

INTERIM TAX RATE BY-LAW

RESOLUTION # 2014-1-31

MOVED BY: Rod MacDonald

SECONDED BY: Brigita Gingras

RESOLVED: that "Being a by-law to provide for an interim tax levy to provide for the payment of taxes and to provide for penalty and interest of 15% per annum" be read a third time and finally passed in open Council and its number shall be 2014-7.

CARRIED

COMMITTEE OF ADJUSTMENT BY-LAW

RESOLUTION # 2014-1-32

MOVED BY: Charlene Martel

SECONDED BY: Rod MacDonald

RESOLVED: that "Being a by-law to appoint a committee of adjustment for the Township of Nairn and Hyman" be read a first and second time.

CARRIED

COMMITTEE OF ADJUSTMENT BY-LAW

RESOLUTION # 2014-1-33

MOVED BY: Rod MacDonald

SECONDED BY: Brigita Gingras

RESOLVED: that "Being a by-law to appoint a committee of adjustment for the Township of Nairn and Hyman" be read a third time and finally passed in open Council and its number shall be 2014-8.

CARRIED

LIBRARY SERVICES AGREEMENT BY-LAW

RESOLUTION # 2014-1-34

MOVED BY: Charlene Martel

SECONDED BY: Rod MacDonald

RESOLVED: that "Being a by-law to adopt an agreement for library services between the Corporation of the Township of Nairn and Hyman and the Espanola Public Library Board" be read a first and second time.

CARRIED

LIBRARY SERVICES AGREEMENT BY-LAW

RESOLUTION # 2014-1-35

MOVED BY: Brigita Gingras

SECONDED BY: Rod MacDonald

RESOLVED: that "Being a by-law to adopt an agreement for library services between the Corporation of the Township of Nairn and Hyman and the Espanola Public Library Board" be read a third time and finally passed in open Council and its number shall be 2014-9.

CARRIED

**WINTER ROAD MAINTENANCE STANDARDS
BY-LAW**

RESOLUTION # 2014-1-36

MOVED BY: Rod MacDonald

SECONDED BY: Charlene Martel

RESOLVED: that "Being a by-law for the purpose of establishing winter road maintenance standards" be read a first and second time.

CARRIED

WINTER ROAD MAINTENANCE STANDARDS

BY-LAW

RESOLUTION # 2014-1-37

MOVED BY: Brigita Gingras

SECONDED BY: Rod MacDonald

RESOLVED: that "Being a by-law for the purpose of establishing winter road maintenance standards" be read a third time and finally passed in open Council and its number shall be 2014-10.

CARRIED

AGREEMENT WITH PROVINCE FOR

SNRNIF GRANT

RESOLUTION # 2014-1-38

MOVED BY: Rod MacDonald

SECONDED BY: Charlene Martel

RESOLVED: that "Being a by-law of the Corporation of the Township of Nairn and Hyman to enter into an agreement with her Majesty the Queen in Right of Ontario as represented by the Minister of Rural Affairs ("MRA") and the Corporation of the Township of Nairn and Hyman ("Recipient") a local government established under the laws of Ontario" be read a first and second time.

CARRIED

AGREEMENT WITH PROVINCE FOR

SNRNIF GRANT

RESOLUTION # 2014-1-39

MOVED BY: Brigita Gingras

SECONDED BY: Rod MacDonald

RESOLVED: that "Being a by-law of the Corporation of the Township of Nairn and Hyman to enter into an agreement with Her Majesty the Queen in Right of Ontario as represented by the Minister of Rural Affairs ("MRA") and the Corporation of the Township of Nairn and Hyman ("Recipient") a local government established under the laws of Ontario" be read a third time and finally passed in open Council and its number shall be 2014-11.

CARRIED

NOISE BY-LAW

RESOLUTION # 2014-1-40

MOVED BY: Rod MacDonald

SECONDED BY: Charlene Martel

RESOLVED: that "Being a by-law to provide for the regulation and prohibition of unusual noises for noises likely to disturb the public and for the prevention of public nuisances" be read a first and second time.

CARRIED

NOISE BY-LAW

RESOLUTION # 2014-1-41

MOVED BY: Charlene Martel

SECONDED BY: Rod MacDonald

RESOLVED: that "Being a by-law to provide for the regulation and prohibition of unusual noises for noises likely to disturb the public and for the prevention of public nuisances" be read a third time and finally passed in open Council and its number shall be 2014-12.

CARRIED

SHORT FORM NOISE BY-LAW

AMENDMENT

RESOLUTION # 2014-1-42

MOVED BY: Rod MacDonald

SECONDED BY: Charlene Martel

RESOLVED: that " Being a by-law to amend By-law Number 2014-12 Being a by-law to provide for the regulation and prohibition of unusual noises likely to disturb the public and for the prevention of public nuisances" be read a first and second time.

CARRIED

SHORT FORM NOISE BY-LAW

AMENDMENT

RESOLUTION # 2014-1-43

MOVED BY: Brigita Gingras

SECONDED BY: Rod MacDonald

RESOLVED: that "Being a by-law to amend By-law Number 2014-12 Being a by-law to provide for the regulation and prohibition of unusual noises for noises likely to disturb the public and for the prevention of public nuisances" be read a third time and finally passed in open Council and its number shall be 2014-13.

CARRIED

ROAD DEVELOPMENT AGREEMENT

BY-LAW

RESOLUTION # 2014-1-44

MOVED BY: Rod MacDonald

SECONDED BY: Charlene Martel

RESOLVED: that "Being a by-law to authorize the Mayor and Clerk to execute a road development agreement with ROK Pipeline Inc." be read a first and second time.

Councillor Rod MacDonald requested a recorded vote with resolution number 2014-1-44

Recorded Vote:	FOR	AGAINST
Gingras, Brigita	X	
MacDonald, Rod		X
Martel, Charlene	X	
Mazey, Edward		
Falldien, Laurier	X	

CARRIED

**ROAD DEVELOPMENT AGREEMENT
BY-LAW**

RESOLUTION # 2014-1-45

MOVED BY: Brigita Gingras

SECONDED BY: Rod MacDonald

RESOLVED: that "Being a by-law to authorize the Mayor and Clerk to execute a road development agreement with ROK Pipeline Inc." be read a third time and finally passed in open Council and its number shall be 2014-14.

Councillor Rod MacDonald requested a recorded vote with resolution number 2014-1-45

Recorded Vote:	FOR	AGAINST
Gingras, Brigita	X	
MacDonald, Rod		X
Martel, Charlene	X	
Mazey, Edward		
Falldien, Laurier	X	

CARRIED

**PREPARE BY-LAW TO BORROW FROM RESERVES
FOR PLOW TRUCK**

RESOLUTION # 2014-1-46

MOVED BY: Rod MacDonald

SECONDED BY: Charlene Martel

RESOLVED: that the CAO prepare the necessary by-law to provide for the borrowing from reserves for the purchase of a new plow truck.

CARRIED

NEW COMMITTEE NAME

RESOLUTION # 2014-1-47

MOVED BY: Brigita Gingras

SECONDED BY: Rod MacDonald

RESOLVED: that the name of the Fire and Emergency Preparedness Committee be changed to Fire & Emergency Preparedness Advisory Committee.

CARRIED

ADJOURNMENT

RESOLUTION # 2014-1-48

MOVED BY: Rod MacDonald

SECONDED BY: Charlene Martel

RESOLVED: that the Council meeting of February 3, 2014 do now adjourn at 8:33 p.m. to meet again on the 3rd day of March, 2014 at 7:00 p.m. or at the call of the Mayor.

CARRIED

Mayor

Clerk/CAO

These minutes shall not be considered as official minutes until they have been approved by council at their next meeting.