

MINUTES

THE CORPORATION OF THE
TOWNSHIP OF NAIRN AND HYMAN



Monday, November 8, 2021

There was a Public Meeting and a Regular Council Meeting held at the Nairn Community Centre on Monday, November 8th, 2021, at 7:00 p.m.

Present: Laurier Falldien Mayor
 Katherine Bourrier Councillor
 Rod MacDonald Councillor
 Brigita Gingras Councillor

 Belinda Ketchabaw CAO Clerk Treasurer
 Derek Wilson Municipal Superintendent

Also present were:

Ivon Chaumont President of the Agnew Lake Property Group (ALPG)
Warner Woodley Member of the Board of Directors ALPG
Sarah Vereault Planner for the Municipality – J.L. Richards & Assoc. Ltd.

Plus 31 members of the public were present.

DECLARATION OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None.

DELEGATIONS

- a) Sarah Vereault, Municipal Planner with J.L. Richards & Assoc. Ltd. provided Council with information regarding the Zoning By-law Amendment and the Application for Consent.
- b) Ivon Chaumont and Warner Woodley from the Agnew Lake Property Group were in attendance to speak regarding the Agnew Lake Property Group proposed Zoning By-law Amendment.
- c) Ladonna Sproule, Jim Sproule from Jim's Portable Toilets & Septic Service spoke regarding the revoking of dumping rights at the Nairn Centre Landfill.

COUNCIL MEETING ADJOURNED

RESOLUTION NUMBER 2021-13-256

MOVED BY: Katherine Bourrier

SECONDED BY: Rod MacDonald

RESOLVED: that the Council meeting is now adjourned at 7:01 p.m. for the purpose of a public meeting.

CARRIED

PUBLIC MEETING CONCERNING A ZONING BY-LAW AMENDMENT

RESOLUTION NUMBER 2021-13-257

MOVED BY: Katherine Bourrier

SECONDED BY: Rod MacDonald

RESOLVED: that pursuant to Section 34 of the Planning Act, the public meeting is declared open for the purpose of hearing comments regarding the amendment for the following:

- a) Zoning By-law Amendment to rezone the following property described as land owned by the Agnew Lake Property Group, PINS 733840125, 733840126, 733840127, part of the annulled portion of Hyman Township. The amendment seeks to update lot and block areas in accordance with the final plan of subdivision that were established in By-law #2020-25, an amending zoning by-law. There are no substantive changes contemplated by the proposed amendment.

CARRIED

OPENING REMARKS FROM SARAH VEREAULT- J.L. RICHARDS & ASSOCIATES

Sarah Vereault, representing the Township of Nairn and Hyman, gave a brief overview of the amendment to the Zoning By-law Amendment. The purpose and effect of the Zoning By-law Amendment is to amend the minimum lot and block areas for the lands in the Agnew Lake Property Group Subdivision. The minimum lot areas were established in By-law # 2020-25, an amending zoning by-law passed in July of 2020. The lot areas have since been refined following a legal survey in accordance with the finalizing of the Plan of Subdivision. This amendment is considered technical in nature, as it is updating minimum lot areas, while maintaining the overall intent of the plan, and implements a condition of approval of the draft plan. There are no substantive changes contemplated by the amendment. The amendment is consistent with the Provincial Policy Statement and conforms to the Township’s Official Plan.

REMARKS RECEIVED FROM IVON CHAUMONT – PRESIDENT OF THE AGNEW LAKE PROPERTY GROUP

Ivon Chaumont gave a brief overview of how the Agnew Lake Property Group was formed and a chronology of the events of forming the Subdivision. He emphasized that there had been a large amount of time, effort and money expended to date. He briefly spoke of the Zoning By-law Amendment, explaining that it clarifies and corrects the minimum lot areas established in By-law # 2020-25. He requested that Council grant approval for the amendment.

QUESTIONS FROM THE FLOOR

Mayor Laurier noted before he opened up the floor for questions or comments that the Township of Nairn and Hyman had received written correspondence and comments from Ed and Pat Wyrwas, Ron and Holly Duffy and Sylvia Burden, pertaining to driveway access and road frontage, these were then read by the Clerk.

Mayor Laurier Falldien entertained comments and questions from the floor concerning the proposed applications:

COMMENTS FROM THE FLOOR

NAME	COMMENTS
Patrick Duffy	His comment was that all members should have driveway access off a public road.
Sylvia Burden	Her comments were that her driveway access is shared with 6 other properties, which is sometimes impassable in the winter. She would like direct driveway access off a public road. She feels that the Agnew Lake Property Group has not been transparent in the process.
David Duffy	He had questions regarding if the Township was willing to assume all roads in the area to provide members with public road access.
Mayor Falldien	The Mayor requested that Sarah Vereault respond to the previous questions and statements.
Sarah Vereault	Her response was that the planning decision tonight was not dealing with driveway access or if the Township are assuming any roads, the amendment is to approve minimum lot areas only. Throughout the review of this development, the Township has dealt with the Agnew Lake Property Group who is the owner of said lands. Types of access for specific lots do not involve the Township, and these details need to be addressed amongst the owner’s group.
Patrick Duffy	He asked that Council scrutinize the final survey submitted to the Township, he feels that certain members of the group are receiving extra favors from the Agnew Lake Property Group Board.
Mayor Falldien	The Mayor reminded everyone that the Public Meeting was to discuss the amendment to the zoning by-law amendment which deals with minimum lot areas only.

Patrick Duffy	His comment that all driveways should front onto a public road, and the Township should assume all roads in the Agnew Lake Area to provide all residents with access off of a public road.
Mayor Falldien	The Mayor discussed that the Township was not in the position to assume any of the private roads. He asked Sarah Vereault if any of the driveway accesses have changed as to what was submitted in the approved Draft Plan of Subdivision.
Sarah Vereault	She confirmed that property access has not changed from what was approved. She explained that all properties had access either through a public road, a private road or a private right of way.

This part of the Public Meeting ended at 7:20 p.m.

PUBLIC MEETING CONCERNING A CONSENT APPLICATION

RESOLUTION NUMBER 2021-13-258

MOVED BY: Rod MacDonald

SECONDED BY: Katherine Bourrier

RESOLVED: that pursuant to Section 53 of the Planning Act, the public meeting is declared open for the purpose of hearing comments on Consent Application:

- a) File No. B-02-21 submitted by applicant Wayne Austin, for the purpose of adding approximately 0.13 ha of land from PT LT 53 PL M40 PT 1 53R18593; NAIRN AND HYMAN (128 Minto Street) to the abutting property to the east described as PT LT 53 PL M40 PT2 53R18593 (114 Minto Street).

CARRIED

No Comments were received for the Consent Application. This part of the Public Meeting Ended at 7:23 p.m.

RETURN TO COUNCIL MEETING

RESOLUTION NUMBER 2021-13-259

MOVED BY: Rod MacDonald

SECONDED BY: Katherine Bourrier

RESOLVED: that the public meeting is now officially closed at 7:23 p.m. and the Council Meeting is now reconvened.

CARRIED

NO FURTHER NOTICE TO BE GIVEN – ZONING BY-LAW AMENDMENT

RESOLUTION # 2021-13-260

MOVED BY: Katherine Bourrier

SECONDED BY: Rod MacDonald

WHEREAS that having been satisfied that the notices were given in accordance with the Planning Act;

AND WHEREAS a Public Meeting was held by the Council of the Township of Nairn and Hyman regarding the application for a Zoning By-law Amendment on November 8th, 2021 in accordance with Sections 34(12)(a)(ii) of the Planning Act;

AND WHEREAS Council has considered the public input received, and the proposed Zoning By-law amendment;

THEREFORE IT BE RESOLVED THAT Council approves the amendment to the Zoning By-law for the property owned by the Agnew Lake Property Group, PINS 733840125, 733840126, 733840127, part of the annulled portion of Hyman Township to amend By-law Number 2020-25 to correct lot areas for lots and blocks on the subdivided lands;

AND THAT the Mayor and Clerk be authorized to sign the Zoning By-law.

CARRIED

RECORDED VOTE:

	FOR	AGAINST
Bourrier, Katherine	<u> X </u>	<u> </u>
Diebel, Frederic	<u> </u>	<u> </u>
Gingras, Brigita	<u> </u>	<u> X </u>
MacDonald, Rod	<u> X </u>	<u> </u>
<u>Falldien, Laurier</u>	<u> X </u>	<u> </u>

DECLARATION OF CONFLICT OF INTEREST:

Bourrier, Katherine	<u> </u>
Diebel, Frederic	<u> </u>
Gingras, Brigita	<u> </u>
MacDonald, Rod	<u> </u>
Falldien, Laurier	<u> </u>

(The Mayor will circle the name of the council member deemed to have requested the recorded vote.)

NO FURTHER NOTICE TO BE GIVEN – CONSENT APPLICATION

RESOLUTION # 2021-13-261

MOVED BY: Rod MacDonald

SECONDED BY: Katherine Bourrier

WHEREAS that having been satisfied that the notices were given in accordance with the Planning Act;

THEREFORE BE IT RESOLVED that Consent Application No. B-02-21 be approved, subject to the outlined conditions in the Notice of Decision Document.

CARRIED

ADOPTED COUNCIL MINUTES

RESOLUTION # 2021-13-262

MOVED BY: Katherine Bourrier

SECONDED BY: Rod MacDonald

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

- a) Regular Council Meeting Minutes – October 18, 2021.

CARRIED

RECEIVED MINUTES AND REPORTS

RESOLUTION # 2021-13-263

MOVED BY: Rod MacDonald

SECONDED BY: Katherine Bourrier

RESOLVED: that the following Minutes and Reports 7 a) to h) are noted as received:

- a) Township of Nairn and Hyman Municipal Superintendent’s Report – re: Septage Lagoon – October 28, 2021.
- b) Township of Nairn and Hyman - Community Parks and Recreation Committee Minutes – Report to Council – November 2, 2021.
- c) Township of Nairn and Hyman CAO’s Report No. 2021-038 – 2021 Third Quarter Financial Update.
- d) Township of Nairn and Hyman CAO’s Report No. 2021-039 – re Proposed Municipal Office Holiday Hours for 2021.
- e) Township of Nairn and Hyman CAO’s Report No. 2021-040 – re Community Centre Events and Rentals.
- f) Township of Nairn and Hyman CAO’s Report No. 2021-041 – re Renewal of Winter Maintenance Service Agreement with MTO for Highway 7082.
- g) Township of Nairn and Hyman CAO’s Report No. 2021-042 – re Ontario Clean Water Agency Operations and Maintenance Renewal Proposal.
- h) Township of Nairn and Hyman Municipal Superintendent’s Report – Nov. 4, 2021.

CARRIED

MUNICIPAL SUPERINTENDENT REPORT RE: SEPTAGE LAGOON

RESOLUTION # 2021-13-264

MOVED BY: Katherine Bourrier

SECONDED BY: Rod MacDonald

THAT the Municipal Superintendent’s Report dated October 28, 2021, be received for information regarding the occurrences at the Nairn Landfill Site Septage Lagoon; and

WHEREAS Council has considered the comments received from the representatives of Jim’s Portable Toilets and Septic Services;

THEREFORE BE IT RESOLVED that Council revokes the dumping rights for Jim’s Portable Toilets and Septic Services at the Nairn Landfill Site Septage Lagoon henceforth.

DEFEATED

RECORDED VOTE:

	FOR	AGAINST
Bourrier, Katherine	_____	_X_____
Diebel, Frederic	_____	_____
Gingras, Brigita	_____	_X_____
MacDonald, Rod	_X_____	_____
Falldien, Laurier	_X_____	_____

DECLARATION OF CONFLICT OF INTEREST:

Bourrier, Katherine	_____
Diebel, Frederic	_____
Gingras, Brigita	_____
MacDonald, Rod	_____
Falldien, Laurier	_____

(The Mayor will circle the name of the council member deemed to have requested the recorded vote.)

CAO REPORT RE: MUNICIPAL OFFICE HOLIDAY HOURS

RESOLUTION # 2021-13-265

MOVED BY: Katherine Bourrier

SECONDED BY: Rod MacDonald

THAT the CAO's Report #2021-039, dated November 8, 2021, be received for information; and

RESOLVED THAT Council authorizes the Municipal Office to be closed the following days for the 2021 Holiday Season:

- Friday, December 24, 2021
- Monday, December 27, 2021
- Friday, December 31, 2021

CARRIED

CAO REPORT RE: COMMUNITY CENTRE RENTALS

RESOLUTION # 2021-13-266

MOVED BY: Rod MacDonald

SECONDED BY: Katherine Bourrier

THAT the CAO's Report #2021-040, dated November 2, 2021, be received for information; and

RESOLVED that Council agrees with the recommendation that the Community Centre remain closed for events and rentals other than Council Meetings and Fire Department Training until further notice.

CARRIED

CAO REPORT RE: WINTER MAINTENANCE CONTRACT

RESOLUTION # 2021-13-267

MOVED BY: Rod MacDonald

SECONDED BY: Katherine Bourrier

THAT the CAO's Report #2021-041, dated November 2, 2021, be received for information;

AND RESOLVED THAT the Mayor and the Clerk be authorized to execute the Agreement for Winter Maintenance Services, between Her Majesty the Queen in right of Ontario as represented by the Minister of Transportation and the Corporation of the Township of Nairn and Hyman;

AND FURTHER THAT Council agrees to give all three readings to By-law #2021-32 on November 8, 2021, to expedite the enactment of the agreement.

CARRIED

CAO REPORT RE: OCWA CONTRACT RENEWAL

RESOLUTION # 2021-13-268

MOVED BY: Katherine Bourrier

SECONDED BY: Rod MacDonald

THAT the CAO's Report #2021-042, dated November 3, 2021, and the confidential reports attached be received for information; and

THEREFORE BE IT RESOLVED that Council agrees to enter into a 5-year contract with the Ontario Clean Water Agency for the operations and maintenance of the Nairn Centre Water Treatment Plant and Distribution System; and

FURTHER THAT Council authorizes the CAO and the Mayor to enact the agreement, and a by-law be prepared for the next Council meeting to accept the agreement.

CARRIED

RECEIVED CORRESPONDENCE

RESOLUTION # 2021-13-269

MOVED BY: Rod MacDonald

SECONDED BY: Katherine Bourrier

RESOLVED that the following Correspondences 7 a) – d) be noted as received:

- a) Sylvia Burden – re ALPG – November 1, 2021.
- b) Ed Wyrwas – re ALPG – November 1, 2021.
- c) Jim's Portable Toilets and Septic Service – Correspondence re: Septic Tank Pumping and Grease Trap.
- d) Federation of Canadian Municipalities – Grant Approval for Asset Management Systems and Plan Development. – October 29, 2021.

CARRIED

MUNICIPAL ASSET MANAGEMENT PROGRAM

RESOLUTION # 2021-13-270

MOVED BY: Katherine Bourrier

SECONDED BY: Rod MacDonald

RESOLVED that Council acknowledges the funding granted for the Municipal Asset Management Program in the amount of \$42,922.80.

CARRIED

BY-LAW TO ADOPT AN AGREEMENT FOR WINTER MAINTENANCE SERVICES

RESOLUTION # 2021-13-271

MOVED BY: Rod MacDonald

SECONDED BY: Katherine Bourrier

RESOLVED that “Being a by-law to adopt an agreement for winter maintenance services between her Majesty the Queen in right of Ontario as represented by the Minister of Transportation and the Corporation of the Township of Nairn and Hyman”, be read a first, second and third time, and finally passed in open council and its number shall be 2021-32.

CARRIED

BY-LAW TO AMEND BY-LAW 2018-39 TO ALLOW FOR THE ELECTRONIC PARTICIPATION OF MEMBERS

RESOLUTION # 2021-13-272

MOVED BY: Brigita Gingras

SECONDED BY: Katherine Bourrier

RESOLVED that “Being a by-law to amend by-law 2018-39 being a by-law to govern the proceedings of Council, the conduct of its members and the calling of meetings to allow for the electronic participation of members”, be read a first, second and third time, and finally passed in open council and its number shall be 2021-33.

CARRIED

BY-LAW TO AMEND BY-LAW 2020-25

RESOLUTION # 2021-13-273

MOVED BY: Katherine Bourrier

SECONDED BY: Brigita Gingras

RESOLVED that “Being a by-law to amend by-law number 2020-25”, be read a first, second and third time, and finally passed in open council and its number shall be 2021-34.

CARRIED

RECEIVED FOR INFORMATION ONLY ITEMS

RESOLUTION # 2021-13-274

MOVED BY: Brigita Gingras

SECONDED BY: Katherine Bourrier

RESOLVED that the For Information Only items 11 a) – b) be noted as received.

CARRIED

MOVE TO CLOSED SESSION

RESOLUTION # 2021-13-275

MOVED BY: Brigita Gingras

SECONDED BY: Katherine Bourrier

RESOLVED that council move into closed session at 8:40 p.m. for the purpose stated in section 239 (3)(b) of the Municipal Act.

- An ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*.

CARRIED

RETURN TO OPEN MEETING

RESOLUTION # 2021-13-276

MOVED BY: Katherine Bourrier

SECONDED BY: Brigita Gingras

RESOLVED that council return to the open meeting at 9:04 p.m. and report on the general discussions held in closed session.

- Council reviewed a preliminary report from the Ombudsman

CARRIED

Mayor Falldien explained that Council reviewed and discussed a preliminary report from the Ombudsman.

BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL

RESOLUTION # 2021-13-277

MOVED BY: Brigita Gingras

SECONDED BY: Katherine Bourrier

RESOLVED: that “Being a by-law to confirm the proceedings of the Council of the Corporation of the Township of Nairn and Hyman” be read a first, second and third time, and finally passed in open council and its number shall be 2021-35.

CARRIED

ADJOURNMENT

RESOLUTION # 2021-13-278

MOVED BY: Katherine Bourrier

SECONDED BY: Brigita Gingras

RESOLVED: that the meeting of November 8th, 2021, do now adjourn at 9:06 p.m. to meet again on the 13th day of December, 2021 or at the call of the Mayor.

CARRIED

Mayor

Clerk

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