

THE CORPORATION OF THE MUNICIPALITY OF NEEBING

MINUTES OF THE REGULAR MEETING OF COUNCIL

Held at the Municipal Office
On Wednesday, March 15, 2017

PRESENT: Mayor Ziggy Polkowski
Councillor Erwin Butikofer
Councillor Brian Wright
Councillor Roger Shott
Councillor Bill Lankinen
Councillor Mike McCooney (arrived at 8:30 p.m.)

REGRETS: Councillor Curtis Coulson

Rosalie A. Evans, Solicitor-Clerk

1. PRELIMINARY MATTERS:

- (a) Call to Order: Mayor Polkowski called the meeting to order at 6:30 p.m.
- (b) Attendance: Attendance was recorded.
- (c) Accept/Amend the Agenda:

Res. No. 2017-03-055

Moved by: Councillor Wright
Seconded by: Councillor Lankinen

BE IT RESOLVED THAT the agenda circulated for this regular meeting of Council be amended to add, as Item 5.4, a by-law to approve the Wildfire Agreement with the Ministry of Natural Resources and Forestry (MNRF), and to delete Item 7.6.

CARRIED ✓

- (d) Declarations of Interest:

Councillor Shott advised that he would declare an interest and leave the room during Closed Session in the event that Administrative Salaries came up, as his spouse is employed by the Municipality.

2. HEAR DEPUTATIONS FROM AUDIENCE MEMBERS:

2.1 Dan Cheal will address Council regarding a Service he wishes to offer the Residents of Neebing

Mr. Cheal introduced himself as principal of the company "Junkaway Inc." He explains that his company is in the business of pick-up of household waste and transporting it to landfill on behalf of residents. He has contracts with Thunder Bay Housing, the City of Thunder Bay and the Workers Safety and Insurance Board in Thunder Bay. He is in the process of commencing business in Shuniah, and is interested in expanding to other rural municipalities.

He stated his company is local and operates with strict customer service rules. His staff are uniformed, professional and courteous.

In a question-and-answer period with Council members, Mr. Cheal confirmed that he would prefer to offer the service through the Municipality, however, if there was sufficient interest among residents, he would enter into contracts one-on-one with them, catered to their needs. Council indicated that it would prefer not to be involved.

Mr. Cheal was advised of the tipping fees charged by Neebing, and our bag-tag regulations. He was advised of the proposed gasification/bio-diesel plant, and would like to be introduced to the developer when he is next in town. Once his business reaches a certain threshold, he will be required to have approvals from the Ministry of Environment and Climate Change. He has commenced the procedure for obtaining those approvals.

There was a brief discussion about the Province's plans for a zero waste economy, and how that would affect Mr. Cheal's operations.

It was left that Mrs. Evans will include a summary of the discussion in her "What's Been Happening at Council" article for the Neebing News. Mr. Cheal will place an advertisement in the publication himself, as he did in Shuniah. Interested persons can contact either the Municipal Office (who will advise Mr. Cheal) or Mr. Cheal's business directly. This way, he can assess whether the numbers of persons interested in the service will warrant his embarking on the endeavor.

Mr. Cheal was thanked for his presentation and left the Council Chambers at 6:58 p.m.

3. CONSENT AGENDA: MINUTES, REPORTS AND CORRESPONDENCE

- 3.1 Minutes of the Open Session portion of the Special Meeting of Council held on March 1, 2017
Administration had recommended the draft minutes be approved, for both the open session (Item 3.1) and the closed session (Item 7.1), with any error corrections, as required. No errors or omissions were brought forward in open session.
- 3.2 Voucher Report for February
(Administration had recommended that Council approve the vouchers.)
- 3.3 Variance Report: Year to date as of the end of February (based on DRAFT 2017 budget)
(Administration had recommended that Council receive the report for information)
- 3.4 Report from Solicitor-Clerk Regarding Administrative Activity
(Administration had recommended that Council receive the report for information)
- 3.5 Report from Working Roads Foreman Regarding Departmental Activity in February
(Administration had recommended that Council receive the report for information)
- 3.6 Report from Fire Chief Regarding Departmental Activity in February
(Administration had recommended that Council receive the report for information)
- 3.7 Report from Solicitor-Clerk Regarding difference between WETT certification and Building Permit for Fire Place installation
(Administration had recommended that Council receive the report for information)

- 3.8 Report from Solicitor-Clerk Regarding Obligations associated with Beach Operations
(Administration had recommended that Council receive the report for information)
- 3.9 Report from Chair of the Neebing Economic Development Advisory Committee – Quarterly activity update
(Administration had recommended that Council receive the report for information)
- 3.10 Report from Solicitor-Clerk Regarding Ontario’s Waste-Free Strategy
(Administration had recommended that Council receive the report for information)
- 3.11 Report from Fire Chief Regarding MNRF Fire Fighting agreement
(Administration had recommended that Council receive the report for information)
- 3.12 Report from Solicitor-Clerk Regarding OWMA Conference March 1st
(Administration had recommended that Council receive the report for information)
- 3.13 Information Correspondence List (Distributed at the Meeting)
(Administration had recommended that Council receive the correspondence for information)

Mrs. Evans advised Council that the final MNRF agreement still results in considerable cost savings to the Municipality, however, the amount is higher than indicated in the report at Item 3.11.

Councillors Lankinen and Shott confirmed that they will both be able to attend the tender-opening on March 31st at noon.

Res. No. 2017-03-056

Moved by: Councillor Wright

Seconded by: Councillor Lankinen

BE IT RESOLVED THAT Council approve the recommendations from Administration with respect to all of the items on the consent agenda portion of this evening’s meeting, being Items 3.1 through 3.10, as well as Items 7.1 and 7.2, in the Closed Session portion of the agenda.

CARRIED ✓

4. REPORTS AND CORRESPONDENCE RECEIVED REQUIRING DIRECTION:

4.1 Report from Deputy Clerk Regarding Complaints Process

Members present discussed the report.

Res. No. 2017-03-057

Moved by: Councillor Lankinen

Seconded by: Councillor Butikofer

BE IT RESOLVED THAT Council approves the Policy/Procedure appended to the Report.

CARRIED ✓

4.2 Report from Solicitor-Clerk Regarding Post Traumatic Stress Disorder Prevention Plan

Members present discussed the Report, including the suggestion that an Employee Family Assistance Plan would be of benefit in implementing the Policy.

Res. No. 2017-03-058

Moved by: Councillor Lankinen

Seconded by: Councillor Shott

BE IT RESOLVED THAT the Post Traumatic Stress Disorder Prevention Plan appended to the Report be approved;

AND FURTHER THAT Administration is authorized to purchase the Employee & Family Assistance Plan from Morneau Shepell, to provide coverage to all employees (full and part-time), all volunteers with the Neebing Emergency Service Department, and all members of Council.

CARRIED ✓

4.3 Report from Solicitor-Clerk Regarding Zoning By-law and Official Plan drafts

Members present reviewed the report. The Solicitor-Clerk responded to questions.

No further changes were suggested or discussed with respect to the Zoning By-law amendments.

The map schedules for the Official Plan were reviewed. Council directed changes to some of Administration's recommendations for the maps.

Administration was requested to find out the cost to retain an appropriate consultant to undertake a review of the Provincially Significant Wetlands in Neebing, in terms of the "points" system used to identify them. There is a belief that, now that the Peregrine Falcon is no longer considered an endangered species, that the boundaries of un-developable land around these sites could be considerably smaller.

Res. No. 2017-03-059

Moved by: Councillor Butikofer

Seconded by: Councillor Shott

BE IT RESOLVED THAT Administration incorporate the changes discussed at the meeting for the open house scheduled for March 25th.

CARRIED ✓

4.4 Report from Solicitor-Clerk re Gazebos

The Solicitor-Clerk reviewed the questions being asked relating to the Gazebo tender package.

Members of Council discussed the various concerns. One issue involves the level of site preparation work that would be required for the Cloud Lake site. Given the other projects that are planned for this construction season, there was belief that the Roads crew would not have sufficient time to undertake that work.

Res. No. 2017-03-060

Moved by: Councillor Lankinen

Seconded by: Councillor Wright

BE IT RESOLVED THAT Administration issue an Addendum to the Gazebo Tender Document to effect the following changes:

- a) Reduce the maximum purchased number from “three” to “two”;
- b) Reduce the size of the pressure treated (cedar colour) posts from “eight inch by eight inch” to “six inch by six inch”;
- c) Reduce the height of the structure from “twelve feet” to “eight feet”;
- d) Specify a roof pitch of four inches per foot; and
- e) Clarify that the Municipality will prepare the sites – removing the organics, levelling the site and providing Granular material. The Contractor will be required to compact the gravel and pour the concrete as shown in the drawings.

CARRIED ✓

4.5 Report from Solicitor-Clerk Regarding Mayor’s request for Road Department Policy Updates

Mayor Polkowski relayed the following concerns:

- a) The Municipality’s vehicles and equipment are not being cleaned appropriately, which impacts their functionality and useful life;
- b) The garage floor and lunch room are not being cleaned appropriately, which causes health and safety concerns;
- c) Transport of equipment on the float in a situation where material (earth, stones, etc.) could fall from the equipment could be hazardous and could result in, if not injury/property damage, fines;
- d) Ether is being used too frequently as a cold-start fluid, which can damage engines;
- e) Some equipment, such as chain saws, are being improperly transported (i.e. without being in their cases), which can cause damage to the equipment and/or limit its useful life;
- f) Vehicles and equipment are not being greased frequently enough; and
- g) The gates to the compound are being left open and unlocked too frequently.

Mayor Polkowski suggests that appropriate policies be written so that they can be enforced. There was discussion of posting signs or posters as reminders. Administration was directed, on consensus, to bring back draft policies for discussion. When the crew is back in full force, a full departmental staff meeting will be called so that the new policies can be reviewed and instruction provided.

No resolution was passed.

4.6 Report from Solicitor-Clerk Regarding Building Code Changes with Significant Impact to Rural Municipalities

Members present expressed concern with respect to the direction the Province is headed regarding these proposed changes.

Res. No. 2017-03-061

Moved by: Councillor Butikofer

Seconded by: Councillor Wright

WHEREAS the Ontario government has amended the Supplement to the Ontario Building Code to require, as of January 1, 2017, that drain water heat recovery systems be installed in dwelling units within the scope of Part 9 of the Code, to receive drain water from all showers (or at least two showers where there are two or more showers) in the dwelling unit (MMA Supplementary Standard SB-12 to the Ontario Building Code, Section 3.1.1.12.);

AND WHEREAS the Ontario government is proposing amend the Ontario Building Code to move the wording of Section 3.1.1.12. of the Supplement to the Ontario Building Code such that it becomes Section 7.8 of the Regulation (Regulation 332/12, as amended);

AND WHEREAS this requirement can create problems for septic systems which benefit from receipt of warm wastewater during months when the ground freezes;

AND WHEREAS it would be a simple amendment to both the supplement to the Ontario Building Code, or the proposed amendment to the Ontario Building Code, to provide an exemption to this requirement for dwellings serviced by septic systems;

AND WHEREAS the Ontario government is proposing to amend the Ontario Building Code to require mandatory pumping out of privately owned septic tanks every five years, and to provide that municipalities will enforce this requirement;

AND WHEREAS this change is unnecessary, because property owners who have installed septic systems pump them out at regular intervals now, without it being a legislated requirement, as part of regular system maintenance and care;

AND WHEREAS municipalities cannot continue to absorb enforcement costs at the Province's behest;

AND WHEREAS there are far more important issues on which to spend taxpayer's money than "enhancing" maintenance on existing, functioning septic systems;

AND WHEREAS Ontario homeowners and constructors are over-regulated as it is;

THEREFORE BE IT RESOLVED THAT: The Council of The Corporation of the Municipality of Neebing respectful requests the Province of Ontario to:

1. Amend Sentence 3.1.1.12.(2) to add a third exemption to Sentence 3.1.1.12(1) as follows:
 "(c) the dwelling unit is serviced by a septic system." and
2. Amend Proposal CC-B-07-08-01 to amend the Building Code by changing Sentence 7.8.1.1(2) of the Ontario Building Code Act to add a fourth exemption to Sentence 7.8.1.1(1) as follows:
 "(d) the dwelling unit is serviced by a septic system." and
3. Rescind Proposal Number B-08-09-03 for amendment to the Ontario Building Code;

AND FURTHER THAT this Resolution be sent to the Minister of Municipal Affairs, the Premier of Ontario, AMO, NOMA, and ROMA for consideration and support.

CARRIED ✓

4.7 Correspondence from Hymers Fair, Received January 20, Regarding 2017 Sponsorship

Members present reviewed the correspondence.

Res. No. 2017-03-062

Moved by: Councillor Lankinen

Seconded by: Councillor Shott

BE IT RESOLVED THAT Neebing contribute one hundred dollars towards the 2017 Hymers Fair.

CARRIED ✓

4.8 Correspondence from the Ontario Government, Received March 2, 2017, Seeking Nominations for "Senior of the Year"

Members present reviewed the correspondence.

Res. No. 2017-03-063

Moved by: Councillor Lankinen

Seconded by: Councillor Wright

BE IT RESOLVED THAT Neebing Council nominate Eileen Pelletier for Neebing's 2017 "Senior of the Year".

CARRIED ✓

4.9 Correspondence from NOMA, Received March 7, 2017, Regarding the Upcoming Annual Meeting

Members present reviewed the correspondence. Administration was directed to enroll Mayor Polkowski and Councillors Butikofer and Shott for all three days, and Councillor Wright for Wednesday and Friday (although he may be able to make a part day on the Thursday). Administration will follow up with Councillor Coulson upon his return.

4.10 Report from the Solicitor-Clerk Regarding Council Meeting Schedule

Res. No. 2017-03-064

Moved by: Councillor Shott

Seconded by: Councillor Wright

BE IT RESOLVED THAT the Special Council Meeting originally scheduled at 4:00 p.m. March 22n, 2017, for purposes of further review of the 2017 budget, be re-scheduled to 4:00 p.m., April 5th, 2017;

AND FURTHER THAT the regular Council Meeting for July be scheduled for Wednesday, July 9th, 2017 at 6:30 p.m.;

AND FURTHER THAT the regular Council Meeting for August be scheduled for Wednesday, August 9th, 2017.

CARRIED ✓

5. TABLE BY-LAWS

- 5.1 By-law 2017-006 to make amendments to By-law 878-2011 (Blake Hall) and 810-2009 (Building Permits) as directed February 8, 2017, Tabled on March 1, 2017

Res. No. 2017-03-065

Moved by: Councillor Lankinen
Seconded by: Councillor Butikofer

BE IT RESOLVED THAT By-law 2017-006 to make amendments to By-law 878-2011 (Blake Hall) and 810-2009 (Building Permits) to alter/add fees, be passed.

CARRIED ✓

- 5.2 By-law 2017-008 to Repeal By-law 793-2008 (which approved a policy manual)

Res. No. 2017-03-066

Moved by: Councillor Butikofer
Seconded by: Councillor Shott

BE IT RESOLVED THAT By-law 2017-008 to repeal By-law 793-2008, be passed.

CARRIED ✓

- 5.3 By-law 2017-009 to Provide for a One-Year Pilot Project to allow Certain Off Road Vehicles on Municipal Roads

Res. No. 2017-03-067

Moved by: Councillor Butikofer
Seconded by: Councillor Wright

BE IT RESOLVED THAT By-law 2017-009 to provide for a one-year pilot project to allow certain off road vehicles on Municipal Roads, be passed.

CARRIED ✓

- 5.4 By-law 2017-010 to Authorize the Execution of the MNRF Wildfire Agreement

Res. No. 2017-03-068

Moved by: Councillor Shott
Seconded by: Councillor Butikofer

BE IT RESOLVED THAT By-law 2017-010 to authorize the execution of an agreement with the Province (Ministry of Natural Resources and Forestry) with respect to Wildfire response, be passed.

CARRIED ✓

6. NEW BUSINESS - ANNOUNCEMENTS

Members present had the opportunity to raise other items of new business at this point in the meeting.

Councillor Butikofer raised the issue of ice traversing across Sturgeon Bay Road. He questioned whether some beaver dam removal this fall might alleviate the problem next winter. It was agreed that, when the aerial photography recently purchased comes in, a search for relevant dams could be undertaken.

Council requested that Administration request the Municipal Property Assessment Corporation attend a future meeting with Council to discuss the Conservation Land Tax Incentive Program ("CLTIP").

Administration was directed to prepare a formal request under the Freedom of Information and Protection of Privacy Act to the Ministry of Natural Resources and Forestry, asking for copies of the reports supporting the placement of property into the CLTIP program.

Councillor Butikofer advised other members that he had booked the Blake Hall for April 20th. He will be hosting a "town hall" type public meeting to obtain feedback from constituents about the concept of reducing the number of Neebing's Council from 7 to 5. Other members of Council repeated their previously expressed opposition to any such change, however, noted that Councillor Butikofer is free to have that meeting should he wish to do so.

A brief recess was called at 8:40 p.m. Session resumed at 8:45 p.m.

Councillor Shott reported on a product for patching/repairing chipsealed road surfaces. He had seen this product while attending the Ontario Good Roads Association Conference. He also referenced a new piece of equipment available on the market which electronically records the number of vehicles that pass it and the speeds at which they travel. It can be used to flash a warning message to people who are speeding, to deter speeding, and to undertake traffic counts. The device is relatively inexpensively priced in the one thousand dollar range. Councillor Shott advised he would bring forward a report on these items, and other things he learned at the conference.

Administration asked, generally speaking, whether Council was willing to entertain another lease for its property on Highway 608, as the former tenant had been in the office to make those enquiries. Administration was directed to proceed on the same terms and conditions as the prior year.

Administration asked whether discussion should be commencing on the Lake Lenore Road blasting project. There was consensus that there is still too much snow cover to begin the project.

It was noted that "half loads" have been declared, given the unseasonable weather. Administration was directed to advertise the declaration.

7. CLOSED SESSION:

Res. No. 2017-03-069

Moved by: Councillor McCooney

Seconded by: Councillor Butikofer

BE IT RESOLVED THAT, the time being 9:00 p.m., Council close the next portion of the meeting to the public, under the authority of those paragraphs of Subsection 239(2) of the Municipal Act, 2001 for which the meeting was closed, to consider item 7.1 (minutes of the Closed session of the prior Council meeting);

under paragraph 239(2)(b) to consider items 7.3, 7.4 and 7.5, involving personal matters about identifiable individuals;

under paragraph 239(2)(d) to consider item 7.3, involving labour relations or employee negotiations; and

under paragraph 239(2)(f) to consider item 7.2, advice that is subject to solicitor-client privilege.

CARRIED ✓

Members reviewed the items scheduled for closed session. During closed session, the following procedural resolution was passed:

Res. No. 2017-03-70

Moved by: Councillor Lankinen

Seconded by: Councillor McCooney

BE IT RESOLVED THAT, the time being 9:31 p.m., Council rise from closed session and report in open session.

CARRIED ✓

7.1 Minutes of the Closed Session portion of the Regular Meeting of Council held on March 1, 2017

The approval of the minutes was included in the consent agenda resolution.

Items 7.2 through 7.6 were dealt with in a single resolution.

7.2 Report from the Solicitor-Clerk Regarding Verbal Report from Solicitor-Clerk Regarding legal advice relating to Item 3.8

7.3 Report from Solicitor-Clerk Regarding Non-Union Staff Wage increases 2016-2017 from the Solicitor-Clerk

7.4 Report from the Solicitor-Clerk Regarding Report from Solicitor-Clerk Regarding Nomination for "Senior of the Year"

7.5 Report from Solicitor-Clerk Regarding Personnel Matter

Res. No. 2017-03-071

Moved by: Councillor Butikofer

Seconded by: Councillor Lankinen

BE IT RESOLVED THAT Administration be authorized to proceed as directed in closed session.

CARRIED ✓

7. ADJOURN THE MEETING:

There being no further business to attend to, Mayor Polkowski adjourned the meeting at 9:30 p.m.

REGULAR MEETING OF COUNCIL



Ziggy Polkowski
MAYOR



Rosalje A. Evans
SOLICITOR-CLERK

