

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

TRI COUNCIL MINUTES

January 30, 2018

The Special TRI Council meeting of the Council of the Township of Armour, Council of the Township of Ryerson and the Village of Burk's Falls was held on Tuesday, January 30, 2018 at 4:30 p.m. at the Armour Council Chambers, 56 Ontario Street, Burk's Falls and hosted by the Village of Burk's Falls.

Those in attendance for were:

Ryerson Council present included Councillors Rosalind Hall, Barb Marlow, George Sterling and Doug Weddel; Staff: Judy Kosowan, Clerk and Leanne Fetterley, Deputy Clerk.

Armour Council present included Reeve Bob MacPhail; Councillors Rod Blakelock, Jerry Brandt, and Marina Hammond; Staff: Charlene Watt, Deputy-Clerk;

Burk's Falls Council present included Reeve Cathy Still, Councillors Jarvis Osborne, Lewis Hodgson and Lisa Morrison; Staff: Nicky Kunkel, Clerk and Allan Holder, Treasurer.

The meeting was called to order by Reeve Cathy Still at 4:30 p.m.

DECLARATION OF PECUNIARY INTEREST: None

SHARED SERVICES AGREEMENT:

Jody Johnson, from Aird Berlis LLP, who was retained by the three municipalities to draft a shared services agreement, made a presentation to Councils on the work that was completed to bring in a draft shared services agreement to the three municipalities. Following the presentation, the Councils discussed some points and the following amendments were requested:

1. That article 1 (o) be amended as follows: "Expenditures" means any funds used by an Administering Municipality to provide a Service, to obtain new assets, improve existing ones or reduce a liability.
2. That the following articulated be added to the agreement:

Article 10 (d) Economic Development Services: Ryerson (If this service becomes part of a Regional Economic Development Department, then Economic Development shall no longer be part of this agreement).

Article 10 (e) Burk's Falls and District Union Library Board is governed by its own Act (Library Act). It is included in this agreement for cost sharing purposes only, as per Schedule "B".

Jody Johnson indicated the economic development would not be included in the shared services agreement as there are no assets for the service. A separate agreement would be required. Jody Johnson also indicated that the Library is ruled by its own Act and shall be a separate agreement. Armour presented the other municipality's Clerks with a draft By-law and agreement regarding these services and cost sharing for review with their Councils.

3. Article 27 (b), The beginning of article 27 says that the Administering Municipality shall obtain and maintain in full force and effect a policy or policies of insurance. "The policy shall be renewed for three (3) years after contract termination" is required for legal liability reasons.
4. Article 28 (a) Armour presently has a \$5,000,000 environmental liability policy, so the missing number on the first line should be \$5,000,000. Again, in this article we should delete "The policy will be renewed for three (3) years after contract termination. As far as each municipality needing

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extra environmental insurance Council believes that this is a decision each municipality should make themselves if they believe they will need it.

The lawyer indicated that the current norm for environmental liability for municipalities is \$20,000,000.

5. Article 36 be amended as follows: If any Municipality wishes to withdraw from participation in the shared delivery of the Services and wishes to terminate the Agreement it shall give such notice in writing, one (1) year in advance of the date of expiry set out in section 2 of this Agreement, to the other Municipalities, accompanied by a resolution of Council indicating such decision to withdraw.
6. That the title of Schedule B be changed to: **COST SHARING**.
7. That a provision regarding the Landfill when it reaches capacity provide options regarding the creation of a transfer site and terms for the monitoring and closure costs. The closure of the landfill and creation of a transfer site or notice of Burk's Falls withdrawal of interest in the landfill needs to be addressed in the draft agreement. Pre-planning is required with a landfill closure and rules/laws change. There will be MOECC involvement. The lawyer will consult with her colleagues and advise.
8. A reinstatement clause will be included allowing a party to change their mind regarding termination of the agreement if provided within twelve months.
9. Budget process must be completed by the end of February each year. If Council(s) do not agree by this date, then the contributions for the provided service will remain at the previous year's budgeted amount. Until all municipalities agree to a proposed budget. If an agreement on the proposed budget cannot be settled within 6 months, a mediator would be hired. All three Councils agreed that the mediator's decision would be final.
10. In Section 37 of the draft shared services agreement, the terminology for "remove" will be replaced with the word, "withdraw".
11. Dissolution of the Fire Department and its reserves will not be transferred to the Fire Association, donations will be transferred.
12. Councils agreed that the contract will operate under the new formulas with a start date of January 1, 2018.
13. Questions regarding a potential dispute on the name of a mediator being selected resulted in the advice from the lawyer to pull a name out of a hat. A mediator's decision in the draft shared service agreement shall be final.

The lawyer indicated that she will update the draft shared services agreement and review with her colleagues.

Ryerson Township requested information from Armour Township on the costs of converting the landfill to a transfer station.

Each Council is to confirm if the \$5,000,000 environmental insurance is adequate.

The three Councils will meet again after the revised draft shared services agreement is received and reviewed by the individual Councils.

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RESOLUTIONS:

Moved by George Sterling, Seconded by Rod Blakelock, that we adjourn the Special TRI Council meeting at 6:25 p.m.

Original signed by Bob MacPhail
Robert MacPhail, Reeve

Original signed by John Theriault
John Theriault, Clerk