

## THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

### MINUTES

June 14, 2011

The regular meeting of the Council of the Township of Armour was held on Tuesday, June 14, 2011 at 7:00 p.m. Those attending were Reeve Bob MacPhail, Councillors, Jerry Brandt, Marty Corcoran, Rod Blakelock (arrived at 7:15 p.m.), and Pat Hayes (arrived at 7:35 p.m.); Delegate, Jill Kulchar; Staff present included Bill Stewart, Road Supervisor, Robert Miller, Municipal Planning Consultant, and Karen Fraser, Deputy Clerk; members of the public present were Dave Roulston, Easter Tonelli, John Wilson, Ted Shelley, Joan Shelley, Debbie Plumstead, Anne Moore, Marg Herrington, Judi Elmer, Jeff Buell (Bluesky), Susan Church (Bluesky), Eric Kannen (Spectrum), Jason Bionda (Spectrum), and Wayne Lynch (Spectrum).

#### **DECLARATION OF PECUNIARY INTEREST:**

Pecuniary interest was declared by Councillor Jerry Brandt regarding a General Fund item for payment, repairs to the municipal water heater.

#### **CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING:**

The minutes of the regular meeting May 24, 2011 were approved as circulated. The minutes of the closed meeting May 24, 2011 were approved as circulated.

#### **DELEGATIONS:**

Prior to hearing from the first delegate, Reeve Bob MacPhail presented opening remarks about the proposed communications tower. Members of the public were asked to substantiate any negative comments about the proposed tower. The Reeve also spoke about the municipality's current tower policy, stating that he believes it was drafted by a previous council to address a situation that occurred over 9 years ago, and does not reflect current council's intent with respect to high speed internet. Rescinding the by-law was considered, but such an action at this fragile point in the approval process would not be appropriate. The municipality opted to have Spectrum follow Industry Canada's guidelines. In summary, the Reeve stated that the issue comes down to whether or not high speed internet is desired; with the tower being part and parcel of this service. The Reeve then asked if everyone in attendance had signed the attendance sheet, and also asked that any speakers identify themselves by name prior to their statement.

The first delegate, Jill Kulchar, was in attendance to put forward concerns about the proposed telecommunications tower in Katrine. Jill spoke on behalf of a group of concerned citizens, as presented on her written submission. Jill read the written submission in its entirety, requesting that it be entered into the minutes for public record. Jill also asked that each of the 8 questions in the letter be answered, with a focus on the possibility of a 60 day extension before making a decision. Council worked through each of the points in the letter, with public participation throughout. The following determinations were made as a result of the discussion;

- ▶ Council and Bluesky have been listening to the needs of the community since 2003;
- ▶ the current location is the best possible location to satisfy the greatest number of residents;
- ▶ other sites were given consideration, but were immediately ruled out for serviceability reasons;
- ▶ ground surface area covered by structures related to the tower are less than the average garage, therefore environmental studies for flora, fauna, and water would seem extreme;
- ▶ sight line with the tower must be realized in order to achieve reception;

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#### DELEGATIONS: Continued

- ▶ there are various types of high speed service available; Spectrum is proposing "fixed wireless", which is the type being promoted by the province;
- ▶ cell phone coverage is different than high speed internet service;
- ▶ a 60 day extension would detrimentally impact the timing of the project due to this being a Stimulus project with a December 31, 2011 deadline for completion;
- ▶ there is no agreement entered into at this time, nor will there be until the land use authority gives support;

At the request of the public, and with concurrence from Bob MacPhail, individual members of council were polled for their opinion and comments. Consensus was in favour of support for the tower. Bob MacPhail indicated that council will be making a decision about the tower later in the meeting.

Bill Stewart, Road Supervisor, attended to discuss the following:

- Tenders for Roads Department projects; tenders were verified, reviewed, and recommendations made on Monday, June 13, 2011. Council reviewed the summary report, and tenders were awarded as follows:
  - #1-2011 - provide surface pulverization - Fowler Construction Company Ltd. for \$53,989.14, including taxes;
  - #2-2011 - provide and apply 7/8" quarried granite - G T Bolton Inc. for \$132,923.03 including taxes;
  - #3-2011 - provide and apply surface treatment - Miller Paving Ltd. for \$84,614.40 including taxes;
  - #4-2011 - provide 7/8" granular "A" gravel - Whitmell Ltd (Option A) for \$25,357.20 including taxes;
  - #5-2011 - provide screening and stockpiling of winter sand - A Miron Topsoil Ltd. for \$16,091.20 including taxes;
- Staff Report, mechanic, direction given for mechanical service;
- Staff report, magnesium, approval granted to proceed on a trial basis;
- Nulty Lane request for maintenance, staff to send letter of decline;
- Three Mile Lake Community Club, installation of signs was discussed, staff to invite Rod Ward to attend July 12, 2011 council meeting;
- Leggett's Road bridge, progress of work was discussed; payment #9 to Greer Galloway, approved by resolution;
- road accounts, approved by resolution;
- hiring of two summer students, approved by resolution;
- Duncor road repair, direction given to proceed at time suitable to Road Supervisor;
- Material list from Davis Industries reviewed, no action at this time;
- property at 152 Skyline Drive discussed, french drain to be constructed across road to re-direct watercourse;

Robert Miller, Municipal Planner attended to discuss a proposed amendment to the Armour Township zoning by-law which will better address children's camps in rural areas. Current reliance on Site Plan Control to regulate new development, can and should be addressed through the Zoning By-Law. Council supports the proposed amendment, and gave direction for Mr. Miller to commence the process.

#### BUSINESS ARISING FROM A PREVIOUS MEETING:

- Katrine telecommunications tower (Doe Lake), resolution authorizing signing of concurrence letter passed;
- Shared Service Budgets, resolutions approving budgets for arena, fire, economic development, landfill, recycling, library, and museum were passed;

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#### BUSINESS ARISING FROM A PREVIOUS MEETING: Continued

- 2011 Municipal Budget, resolution to approve was passed;
- OGRA Minimum Maintenance Standards Litigation, update letter reviewed;
- Almaguin Highlands Ontario invoice, staff directed to maintain communication with area municipalities;

#### APPROVAL OF ACCOUNTS:

- road accounts voucher # 6-2011, approved by resolution.
- general accounts voucher # 6-2011, approved by resolution.
- landfill accounts voucher # 6-2011, approved by resolution.

#### BY-LAWS:

- By-law # 26-2011, being a by-law to adopt optional tools for the purposes of capping commercial, industrial and multi-residential classes for 2011 was read a first, second and third time.
- By-law # 27-2011, being a by-law to set tax ratios for municipal purposes for 2011 was read a first, second and third time.
- By-law # 28-2011, being a by-law to set and levy rates of taxation for 2011 was read a first, second and third time.

#### REPORTS:

- Steering, Jerry and Marty reported
- Almaguin Highlands Health Centre Update, report included
- Tri R , Bob and Pat reported, minutes included
- Planning Board, Bob gave a verbal report
- Staff Report, Air Conditioner repair
- Economic Development, Rod gave a verbal report
- Arena, Pat gave verbal report

#### CORRESPONDENCE:

- Village of Burk's Falls, request to share in cost of Canada Day Fireworks approved by resolution;
- United Counties of Leeds and Grenville, request to support amendments to the Municipal Elections Act to create similarities in treatment of municipal and provincial candidates with respect to financial reporting violations; a resolution in support was passed;
- Almaguin Highlands Health Centre, notice of upcoming public meeting dates;
- Almaguin Highlands Judo Club, request for financial support; not supported;
- Emergency Preparedness, request for council to attend annual exercise on July 7, 2011;
- Liisa Dickinson, letter of appreciation, public meeting for Doe Lake tower;
- Ryerson Township, letter to library board members outlining recommendations from Grant Thornton
- The Ontario Family Fishing Weekend, letter requesting assistance in promoting of event from July 2, 2011 to July 10, 2011;
- Community Schools Alliance, letter requesting Executive Committee membership;
- AMO Communication, highlights of municipal related policies under the Ontario Progressive Conservative "Changebook" platform;
- AMO Communication, pledge from Ontario Progressive Conservative Party to provide gas tax to municipalities that do not currently get gas tax for transit funds;
- AMO Communication, Bill 181 receives third reading, mandatory retirement at age 60 for provincial salaried firefighters;

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#### CORRESPONDENCE: Continued

- AMO Policy Update, bills receiving Royal Assent in Session 2 of Provincial Parliament;
- AMO Communication, outlining the tabled 2011 Federal budget;
- AMO Communication, proposed changes to OMERS plan;

#### NEW BUSINESS:

- Lease of 12 Three Mile Lake Road, sub-let not supported by council;
- MNR Data Logging Centre at Doe Lake, direction from council to proceed with by-law to enter into agreement;
- Museum Board, appointment of Rod Blakelock to committee supported by resolution;
- Use of Unopened Road Allowance between Lots 15 & 16, Con 4 (McGlynn), staff report discussed; staff to ask applicant to attend subsequent meeting;
- List of correspondence received and not on agenda;
- resolution to move into closed;
- resolution to move out of closed.

#### RESOLUTIONS:

- Moved by Jerry Brandt, Seconded by Marty Corcoran, That the Council of the Township of Armour hereby approve the minutes of the regular meeting held on May 24, 2011. Carried
- Moved by Jerry Brandt, Seconded by Marty Corcoran, That the Council of the Township of Armour hereby approve the minutes of the closed meeting held on May 24, 2011. Carried
- Moved by Jerry Brandt, Seconded by Marty Corcoran, That the Council of the Township of Armour hereby accept the tender submitted by Fowler Construction Company Ltd. in the amount of \$53,989.14 including taxes to **provide surface pulverization** (tender #01-2011). Carried
- Moved by Marty Corcoran, Seconded by Jerry Brandt, That the Council of the Township of Armour hereby accept the tender submitted by G T Bolton Inc. in the amount of \$132,923.03 including taxes to **provide and apply 7/8" quarried granite** (tender #02-2011). Carried
- Moved by Marty Corcoran, Seconded by Jerry Brandt, That the Council of the Township of Armour hereby accept the tender submitted by Miller Paving Ltd. in the amount of \$84,614.40 including taxes to **provide and apply surface treatment** (tender #03-2011). Carried
- Moved by Marty Corcoran, Seconded by Jerry Brandt, That the Council of the Township of Armour hereby accept the tender submitted by Whitmell Ltd. (Option A) in the amount of \$25,357.20 including taxes to **provide 7/8 "Granular "A" gravel** (tender #04-2011). Carried
- Moved by Marty Corcoran, Seconded by Jerry Brandt, That the Council of the Township of Armour hereby accept the tender submitted by A Miron Topsoil Ltd. in the amount of \$16,091.20 including taxes to **provide screening and stockpiling of winter sand** (tender #05-2011). Carried
- Moved by Jerry Brandt, Seconded by Marty Corcoran, That the Council of the Township of Armour authorize payment of Certificate No. 9 to Rideau Valley Constructors Limited in the amount of \$210,852.12, dated May 31, 2011, as approved by Greer Galloway for the Leggett's Bridge. Carried

**THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR**

**MINUTES**

June 14, 2011

**RESOLUTIONS: Continued**

- Moved by Jerry Brandt, Seconded by Marty Corcoran, That the Council of the Township of Armour approve Road Voucher # 6-2011, in the amount of \$253,823.50 for payment, and the Reeve and Treasurer are hereby authorized to sign cheques for same. Carried

- Moved by Jerry Brandt, Seconded by Marty Corcoran, That the Council of the Township of Armour hereby approve the hiring of Garry Anderson and Ian McCandless as labourers/flag persons for the roads department for 40 hours per week for 14 weeks, with training to start June 18, 2011. Carried

- Moved by Jerry Brandt, Seconded by Marty Corcoran, WHEREAS Spectrum Telecom Group Ltd. (Spectrum Group) wishes to erect a 300 ft (91 metre) guyed telecommunication tower on private lands located on Doe Lake Road being Lot 7, Concession 2, Part 1 (per reference plan 42R13390) PIN 52143-0563, in the Township of Armour, District of Parry Sound for the delivery of wireless internet, broadband data, emergency service 2 way radio and paging services to the Katrine, Little Doe Lake and surrounding areas;

AND WHEREAS Spectrum Group has complied with Industry Canada's Default Public Consultation Process, CPC-2-0-03, issue 2 by circulating and posting notice with regard to the construction of the proposed tower and participated in other consultation requirements as requested by the Township of Armour;

AND WHEREAS Spectrum Group is required by Industry Canada to consult with the local land-use authority and to obtain a statement of concurrence from the Municipality;

AND WHEREAS the Council of the Township of Armour, having consulted with the citizens of Armour and having determined that there is a great need for broadband Internet and other services, and having also acknowledged concerns raised about the aviation obstruction lighting/marketing scheme proposed for the tower;

AND WHEREAS Council does not approve of the use of medium or high intensity white flashing or strobe style lighting systems on the proposed tower;

NOW THERE BE IT RESOLVED that the Council of the Township of Armour provide conditional concurrence and hereby authorize the Clerk Administrator to issue a statement of support to Spectrum Group to erect the proposed telecommunication tower on Lot 7, Concession 2, for the delivery of broadband wireless and other services to the area, subject to the following:

- ▶ the lighting/marketing scheme be limited to a standard paint scheme for daytime marking;
- ▶ the top light consist of a gradually pulsating flashing red beacon;
- ▶ lighting at the midpoints consist of steady burning red lights for night marking.

Carried

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#### RESOLUTIONS: Continued

- Moved by Jerry Brandt, Seconded by Marty Corcoran, That the Council of the Township of Armour accept the 2011 arena budget totalling \$170,000, Armour share (44%) being \$74,800. A total of \$6,189 to be transferred to an arena reserve. Carried.
- Moved by Rod Blakelock, Seconded by Pat Hayes, That the Council of the Township of Armour hereby accept the 2011 Economic Development Committee net budget totalling \$15,000. Armour's share (44%) being \$6,600. Carried
- Moved by Pat Hayes, Seconded by Rod Blakelock, That the Council of the Township of Armour hereby accept the 2011 fire budget totalling \$324,120, Armour's share (44%) being \$142,612. A total of \$25,979 to be transferred into a fire reserve. Carried
- Moved by Rod Blakelock, Seconded by Pat Hayes, That the Council of the Township of Armour accept the 2011 landfill budget totalling \$278,879.48, Armour's share (44%) being \$122,706.97. A total of \$3,328.00 to be transferred into a landfill reserve. Carried
- Moved by Pat Hayes, Seconded by Rod Blakelock, That the Council of the Township of Armour accept the 2011 recycling budget totalling \$140,200. Armour's share (44%) being \$61,688.00. A total of \$1,854.00 to be transferred into a recycling reserve. Carried
- Moved by Rod Blakelock, Seconded by Pat Hayes, That the Council of the Township of Armour accept the 2011 Library budget, expenditures totalling \$112,031.68, Armour's share (44%) being \$35,037.00. Carried
- Moved by Pat Hayes, Seconded by Rod Blakelock, That the Council of the Township of Armour accept the 2011 Museum committee budget totalling \$6,195. Armour's share (44%) being \$2,726.00. Carried
- Moved by Jerry Brandt, Seconded by Marty Corcoran, That the Council of the Township of Armour agree to continue beyond the 11:00 p.m. curfew. Carried
- Moved by Pat Hayes, Seconded by Rod Blakelock, That the Council of the Township of Armour hereby approve the 2011 municipal budget, as presented on June 14, 2011. Carried
- Moved by Pat Hayes, Seconded by Rod Blakelock, That the Council of the Township of Armour approve General Voucher # 6-2011, in the amount of \$153,196.95 for payment, and the Reeve and Treasurer are hereby authorized to sign cheques for same. Carried
- Moved by Pat Hayes, Seconded by Rod Blakelock, That the Council of the Township of Armour approve Landfill Voucher # 6-2011, in the amount of \$23,935.39 for payment, and the Reeve and Treasurer are hereby authorized to sign cheques for same. Carried
- Moved by Rod Blakelock, Seconded by Pat Hayes, That leave be given to introduce a bill # 26-2011, being a by-law to adopt optional tools for the purposes of administering limits for the Commercial, Industrial and Multi-Residential Property Classes for the year 2011. Carried

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**MINUTES**

June 14, 2011

**RESOLUTIONS: Continued**

- Moved by Rod Blakelock, Seconded by Pat Hayes, That By-law # 26-2011 be read a second time. Carried
- Moved by Rod Blakelock, Seconded by Pat Hayes, That by-law # 26-2011 be read a third time, signed and the seal of the Corporation affixed thereto and finally passed in open Council this 14<sup>th</sup> day of June, 2011. Carried
- Moved by Pat Hayes, Seconded by Rod Blakelock, That leave be given to introduce a bill # 27-2011, being a by-law to set tax ratios for Municipal Purposes for the year 2011. Carried
- Moved by Pat Hayes, Seconded by Rod Blakelock, That By-law # 27-2011 be read a second time. Carried
- Moved by Pat Hayes, Seconded by Rod Blakelock, That by-law # 27-2011 be read a third time, signed and the seal of the Corporation affixed thereto and finally passed in open Council this 14<sup>th</sup> day of June, 2011. Carried
- Moved by Rod Blakelock, Seconded by Pat Hayes, That leave be given to introduce a bill # 28-2011, being a by-law to set and levy the Rates of Taxation in the Township of Armour for the year 2011. Carried
- Moved by Rod Blakelock, Seconded by Pat Hayes, That By-law # 28-2011 be read a second time. Carried
- Moved by Rod Blakelock, Seconded by Pat Hayes, That by-law # 28-2011 be read a third time, signed and the seal of the Corporation affixed thereto and finally passed in open Council this 14<sup>th</sup> day of June, 2011. Carried
- Moved by Pat Hayes, Seconded by Rod Blakelock, That the Council of the Township of Armour agrees to share the cost of the Canada Day Fireworks with the Village of Burk's Falls, as per the request of May 25, 2011, and upon receipt of the request for payment. Carried
- Moved by Pat Hayes, Seconded by Rod Blakelock, WHEREAS Section 43 of the *Election Finances Act* sets out the penalty for provincial candidates who have not complied with the financial reporting requirement of the Act and provides for a 60 day period following the announcement of non-compliance by a member to comply with the reporting requirements prior to the seat being declared vacant; and

WHEREAS Section 80 of the *Municipal Elections Act* sets out the penalty applicable to municipal candidates who have not complied with the financial reporting requirements; stating the candidate must forfeit office to which they were elected and the office is deemed to be vacant and the candidate is ineligible to be elected or appointed to office until after the next regular election; and

WHEREAS a discrepancy exists between the standards to which municipal candidates are held and the standards to which provincial candidates are held with respect to the penalty for non-compliance for election financial reporting; and

WHEREAS the penalty to municipal candidates amounts to eight years of ineligibility and is deemed to be far in excess of what is fair and reasonable;

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**MINUTES**

June 14, 2011

**RESOLUTIONS: Continued**

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Armour calls upon the Province of Ontario to amend the *Municipal Elections Act* to ensure that municipal candidates are held to the same standard as their provincial counterparts with respect to penalties for non-compliance with election financial reporting; and

THAT the Province of Ontario make allowance for candidates who have not completed financial reporting for the 2010 Municipal Election; and

THAT a copy of this resolution be circulated to the Premier, the Minister of Municipal Affairs and Housing, M.P.P. Norm Miller, the Rural Ontario Municipal Association and to the Association of Municipalities of Ontario for support and circulation to all Ontario municipalities. Carried

- Moved by Pat Hayes, Seconded by Rod Blakelock, That the Council of the Township of Armour hereby appoint Councillor Rod Blakelock to the Burk's Falls & District Museum Committee for this term of council. Carried
- Moved by Pat Hayes, Seconded by Rod Blakelock, That the Council of the Township of Armour hereby move into closed session at 11:43 p.m. to discuss matters pursuant to Section 239 (c) of the Municipal Act, disposition of land (Chetwynd Community Centre). Carried
- Moved by Pat Hayes, Seconded by Rod Blakelock, That the Council of the Township of Armour hereby move out of closed session at 11:50 p.m. Carried
- Moved by Rod Blakelock, Seconded by Pat Hayes, That the Council of the Township of Armour adjourn this regular meeting at 11:52 p.m. until the next regular council meeting scheduled for June 28, 2011, or at the call of the Reeve. Carried

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REEVE

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CLERK