



The Corporation of the Town of Kearney

8 Main Street Box 38 Kearney ON P0A 1M0

MINUTES

REGULAR COUNCIL MEETING

Council Chambers

Friday, October 4th, 2019

1:00 p.m.

Council Members Present: Mayor Carol Ballantyne
Councillors: Cheryl Philip; Mike Rickward; Liz Stermsek; and Paul Ziraldo

Staff Present: Brenda J. Fraser, CAO|Clerk|Treasurer
Linda Moyer, Planning Technician
Brian Horsman, Chief Building Official
Ross Gattozzi, Operations Manager

1. **Call the Meeting to Order**

Res. No. 1/04/10/2019 Paul Ziraldo, Mike Rickward

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney on October 4th, 2019 be declared open and called to order at 1:00 p.m. **CARRIED**

2. **Approval of Agenda**

Res. No. 2/04/10/2019 Mike Rickward, Paul Ziraldo

BE IT RESOLVED that the Agenda of the Regular Council Meeting of the Corporation of the Town of Kearney on October 4th, 2019 be adopted as circulated. **CARRIED**

3. **Declaration of Pecuniary Interest and the General Nature Thereof – None noted.**

4. **Delegations/Presentations**

(a) **Delegations**

(i) **Jim Sutton re: Purchase Property**

Mr. Sutton approached Council with his request to purchase the 66' road allowance adjacent to his lot. Council requested a Staff report prior to further discussion.

(ii) **Dennis Joose re: Request to make improvements to Road Allowance**

Mr. Joose approached Council to request permission to make improvements to the unmaintained road allowance north of Rain Lake Road presently used by the snowmobile clubs and by his family for access to the family property. Council requested a Staff report that includes a draft agreement addressing this proposed improvement prior to further discussion.

(iii) **Andrew Meier re: Proposed Driveway – Consent Applications B025/18, B026/18 & B027/18**

Mr. Meier provided a report in support of safe, proposed driveway locations specific to Consent Applications B025/18, B026/18 & B027/18. Further discussion under Agenda Item 10(b)(i).

(iv) **Karen and Gary Fraser re: Overview of September 11, 2019 letter**

Karen Fraser read the letter sent to Council dated September 11, 2019.

(v) **Charlene Milton, Sue Chafey, Wayne Simpson re: Meier Consent Applications**

Mr. Simpson, on behalf of Ms. Milton and Ms. Chafey reiterated the concern for safe access to the subject property (Meier Consent B025/18, B026/18 & B027/18). Ms. Milton also commented to the danger of this section of the road.

(b) **Presentations – Nil**

5. **Minutes**

(a) **Adoption of Minutes**

- (i) **Regular Meeting**, Draft Minutes – September 13, 2019
- (ii) **Public Meeting**, Draft Minutes – September 13, 2019 (WARRINER)
- (iii) **Special Meeting**, Draft Minutes – September 26, 2019

Res. No. 5(a)(i)-(iii)/04/10/2019 Cheryl Philip, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney approves the Minutes of the Council Meeting(s) as follows:

- (i) **Regular Meeting**, Draft Minutes – September 13, 2019
- (ii) **Public Meeting**, Draft Minutes – September 13, 2019 (WARRINER)
- (iii) **Special Meeting**, Draft Minutes – September 16, 2019 **CARRIED**

(b) **Receive Committee Minutes**

- (i) **Dog Sled Races Advisory Committee**: Minutes – May 9, 2019
- (ii) **Joint Waste Management Committee**: Draft Minutes – September 24, 2019; Kearney-Perry Joint Waste Management Committee 2018 Financial Statements

Res. No. 5(b)(i)-(ii)/04/10/2019 Cheryl Philip, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney receive the following Advisory Committee Minutes:

- (i) **Dog sled Races Advisory Committee**, Minutes – May 9, 2019
- (ii) **Joint Waste Management Committee**: Draft Minutes – September 24, 2019; Kearney-Perry Joint Waste Management Committee 2018 Financial Statements **CARRIED**

6. **Committee Resolutions for Consideration** - Nil

7. **Public Meetings (Pursuant to the Planning Act)** - Nil

8. **Public Meetings (Pursuant to the Municipal Act)** - Nil

9. **Unfinished Business** – Nil

10. **Reports and By-laws**

(a) **Building**

Report and Resolution re: Gabrielle Riepole and Adam Terenzio request for reimbursement

Res. No. 10(a)(i)/04/10/2019 Liz Stermsek, Cheryl Philip

WHEREAS Council received a delegation from Ms. Reipole and Mr. Terenzio asking that the cost of their abandoned permit fees at 313 Lawson Drive be waived and asking for reimbursement of their demolition permit fee for 334 Rain Lake Road;

AND WHEREAS prior to making a decision, Council requested a Staff report be prepared addressing the associated costs;

AND WHEREAS the Staff report identifies the cost of the abandoned permits to be \$650.00 and the cost of the demolition permit to be \$190.00;

AND WHEREAS the cost to the Town of Kearney for outstanding work orders against 334 Rain Lake Road for just the months of July and August 2019, was in excess of \$15,000.00;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney directs that this request is to be denied. **CARRIED**

(b) **Planning**

- (i) **Report and Resolution re:** CONSENT APPLICATIONS B-025/18, B-026/18 & B-027/18 (MEIER)

Res. No. 10(b)(i)/04/10/2019 Cheryl Philip, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney has no concerns with regard to the entrances for the proposed lots or with the drainage patterns on the subject lands and recommends approval of consent applications B-025/18, B-026/18 & B-027/18 (MEIER). **DEFERRED**

Res. No. 10(b)(i)(b)/04/10/2019 Paul Ziraldo, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney directs Staff to reduce the speed limit on Chetwynd Road from 80 km/hr to 60 km/hr;

AND FURTHER that the Town's Engineer provide a report addressing safety as a result of the reduced speed limit. **CARRIED**

- (ii) **Resolution and By-law No. 2019-xx re:** To amend Zoning By-law No. 2002-28, as amended, RZ-04-2019 (WARRINER)

Res. No. 10(b)(ii)(a)/04/10/2019 Paul Ziraldo, Mike Rickward

WHEREAS at their Regular Meeting on September 13, 2019 Council defeated Resolution 7(a)/13/09/2019 with regard to Zoning By-law Amendment Application RZ-04-19 (WARRINER); **AND WHEREAS** at their Special Meeting on September 26, 2019 Council determined to reconsider this Zoning By-law Amendment Application at the Regular Council meeting on October 4, 2019;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney approves application RZ-04-19 (WARRINER) to rezone Part of Lot 17, Concession 4, Lot 19, Plan 178, Part 6, 42R-8289, in the Geographic Township of Proudfoot, now in the Town of Kearney, from the Residential Waterfront (RWF) Zone to the Residential Waterfront Exception Fifty-three (RWF-53) Zone to permit a reduced side yard setback of 2.5 metres;

AND FURTHER Resolution 7(a)/13/09/2019 is hereby rescinded.

CARRIED

Res. No. 10(b)(ii)(b)/04/10/2019 Paul Ziraldo, Mike Rickward

By-law No. 2019-42, Being a By-law to amend Zoning By-law No. 2002-28, as amended, (WARRINER), be read a first, second and third time and numbered 2019-42 and that the said By-law be signed by the Mayor and Clerk, sealed with the Seal of the Corporation, and engrossed in the By-law Book.

CARRIED

(c) Operations

- (i) **Report and Resolution re:** Proposal for Kearney Annual Monitoring Reporting (2020-2023)

Res. No. 10(c)(i)/04/10/2019 Mike Rickward, Paul Ziraldo

WHEREAS the Town of Kearney is required to Monitor and Report environmental findings on a bi-annual basis, in accordance with the MOE regulations and the Closure Plan of the former Kearney Landfill Site;

AND WHEREAS this service is to be provided by a qualified body and is regularly tendered;

AND WHEREAS D.M. Wills was awarded the tender for the 2016 – 2018 time period and agreed to an extension of this Tender due to the necessity of test well de-commissioning;

NOW THEREFORE BE IT RESOLVED that Council supports extending the Annual Monitoring Reporting Program with D.M. Wills Associates Limited for the 2020-2023 reporting period, in accordance with the Scope of Work and Cost Estimate attached hereto.

CARRIED

(d) Administration

- (i) **By-law No. 2019-xx re:** Agreement for Annual Monitoring Reporting (2020 – 2023)

Res. No. 10(d)(i)/04/10/2019 Mike Rickward, Liz Stermsek

By-law No. 2019-46, Being a By-law to authorize the execution of an Agreement between D.M. Wills Associates Limited and the Corporation of the Town of Kearney, be read a first, second and third time and numbered 2019-46 and that the said By-law be signed by the Mayor and Clerk, sealed with the Seal of the Corporation, and engrossed in the By-law Book.

CARRIED

- (ii) **Resolution re:** Appointments to Collective Agreement(s) Negotiating Team

Res. No. 10(d)(ii)/04/10/2019 Liz Stermsek, Cheryl Philip

WHEREAS Council is desirous of creating a sub-committee whose mandate will be to negotiate a renewed Collective Agreement with Canadian Union of Public Employees (CUPE) and a renewed Agreement with United Food and Commercial Workers (UFCW) and to return to Council when an agreement, in principle, has been reached with each respective Union, for Council's review and approval;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby appoints: Carol Ballantyne, Brenda Fraser, Tom Agnew (lawyer) as members of the sub-committee to negotiate a renewed collective agreement with CUPE;

AND hereby appoints: Carol Ballantyne, Brenda Fraser, Tom Agnew, Fire Chief to negotiate a renewed collective agreement with UFCW.

CARRIED

- (iii) **Resolution re:** Appointment to Dog Sled Races Advisory Committee

Res. No. 10(d)(iii)/04/10/2019 Cheryl Philip, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, hereby appoints Amanda White, as a member of the Kearney Dog Sled Races Advisory Committee.

CARRIED

(e) **Treasury**

- (i) **Report and Resolution re: Payment Register**

Res. No. 10(e)(i)/04/10/2019 Cheryl Philip, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney has received the 'List of Accounts' and has no objections to be noted with regard to Cheques #29153 to #29233 in the total amount of \$303,123.95. **CARRIED**

(f) **Fire and Emergency Services**

- (i) **Report re: Fire Chief, Fire Department Report for regular Council meeting on October 4, 2019. – Report only.**

(g) **Transfer Station**

- (i) **Report re: September/October 2019 – Report only.**

(h) **Council Presentations - Nil**

11. Correspondence

(a) **Action Items**

- (i) **Municipality of Hastings Highlands request for support of Resolution re: Mandatory Septic System Reports**

Res. No. 11(a)(i)/04/10/2019 Liz Stermsek, Cheryl Philip

WHEREAS the Federation of Ontario Cottagers' Associations has released their latest report "Septic Re-inspection Programs in Ontario: A Guide for Lake Associations"; **AND WHEREAS** Council has serious concerns over current available septic reinspection information;

AND WHEREAS numerous companies already perform a septic pumping service and could easily perform an additional service by simply filling out a three-part one page report with one copy going to the homeowner, one to the municipality and one for their own records. This would develop an ongoing database from which septic re-inspection programs could be generated. This report could include requirements such as a visual inspection by the operator on type of system, time, date, location and noticeable system problems;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney endorses such a mandatory reporting system and that a copy of this Resolution be sent, requesting support for this initiative to our Local MP and MPP, FOCA, and ROMA.

CARRIED

- (ii) **Town of Newmarket request for support of Resolution re: More Homes, More Choice Act, 2019 – Bill 108 Proposed Regulations**

Res. No. 11(a)(ii)/04/10/2019 Cheryl Philip, Liz Stermsek

WHEREAS the Town of Newmarket has requested that the Province release final drafts of the Regulations associated with Bill 108 with a consultation period of no less than 3 months;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney supports the Town of Newmarket in this request. **CARRIED**

(b) **Information Items**

- (i) **Gary and Karen Fraser re: Letter to Council**
Council received the letter dated September 11, 2019 from Mr. and Mrs. Fraser.

12. Other Business – Nil

13. Closed Session

Council will enter into a Closed Session for discussion regarding:

- (a) A proposed or pending acquisition or disposition of land by the municipality or local board (x2)
(b) Personal matters about an identifiable individual, including municipal or local board employees (x2)

Res. No. 13(a)-(b)/04/10/2019 Liz Stermsek, Cheryl Philip

BE IT RESOLVED that in accordance with Section 239, (1), (2), (3) and (3.1) of the Municipal Act, c. 25, S.O. 2001, as amended, the Council for the Corporation of the Town of Kearney will convene in Closed Session at 2:13 p.m. for discussion regarding:

- (a) A proposed or pending acquisition or disposition of land by the municipality or local board (x2)
(b) Personal matters about an identifiable individual, including municipal or local board employees. (x2) **CARRIED**

Res. No. 13(c)/04/10/2019 Mike Rickward, Paul Ziraldo

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney reconvene in

Open Session and report on matters discussed in Closed Session. Closed Session adjourned at 3:49 p.m. **CARRIED**

14. Business Arising from Closed Session

Mayor Ballantyne reported on matters discussed in Closed Session.

15. Confirming By-Law

By-Law 2019-xx being a By-law to confirm the proceedings of Council at its Special Meeting held on September 26th, 2019 and at its Regular Meeting held on September 13th, 2019.

Res. No. 15/04/10/2019 Liz Stermsek, Mike Rickward

By-law No. 2019-47, Being a By-law to confirm the proceedings of Council at its Special Meeting held on August 24th, 2019 and at its Regular Meeting held on October 4th, 2019 be read a first, second and third time and numbered 2019-47 and that the said By-law be signed by the Mayor and Clerk, sealed with the Seal of the Corporation, and engrossed in the By-law Book. **CARRIED**

16. Adjournment

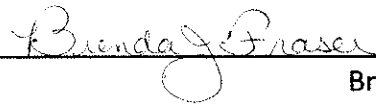
Res. No. 16/04/10/2019 Paul Ziraldo, Mike Rickward

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney adjourn at 3:53 p.m. to meet again at 10:00 a.m. on October 25th, 2019 in the Council Chambers, Kearney, Ontario. **CARRIED**

**THE CORPORATION OF THE
TOWN OF KEARNEY**



Carol Ballantyne, Mayor



Brenda J. Fraser, Clerk