



# The Corporation of the Town of Kearney

8 Main Street Box 38 Kearney ON P0A 1M0

## MINUTES

### REGULAR COUNCIL MEETING

Council Chambers

Wednesday, August 10<sup>th</sup>, 2022

1:00 p.m.

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

**Staff Present:** Cindy Filmore, Deputy Clerk  
Brian Horsman, Chief Building Official  
Matt Clouthier, Deputy Chief Building Official  
Scott McKay, Public Works Working Foreperson

1. **Call the Meeting to Order**

**Res. No. 1/10/08/2022 Mike Rickward, Paul Ziraldo**

**BE IT RESOLVED** that the Regular Council Meeting of the Corporation of the Town of Kearney on August 10<sup>th</sup>, 2022 be declared open and called to order at 1:01 p.m. **CARRIED**

2. **Approval of Agenda**

**Res. No. 2/10/08/2022 Cheryl Philip, Liz Stermsek**

**BE IT RESOLVED** that the Agenda of the Regular Council Meeting of the Corporation of the Town of Kearney on July 20<sup>th</sup>, 2022 be adopted as amended.

**ADD 10(c)(vii) Resolution re: Tender to repave East Avenue**

**ADD 10(c)(viii) Resolution re: Tender to surface treat Lynx Drive and Sunrise Drive**

**CARRIED**

3. **Declaration of Pecuniary Interest and the General Nature Thereof**

Councillor Mike Rickward declared a pecuniary interest with regard to 'nuisance beaver', the reason being that Les Phinney is his grandfather.

4. **Delegations/Presentations**

(a) **Delegations**

(i) **Timothy Brown re: Regatta Band Shell**

Mr. Brown requested to be rescheduled to the next Regular Meeting, due to unforeseen interruptions.

(ii) **Kyla Pratt re: Unopened Road Allowance at Kalio Road**

Ms. Pratt expressed concern regarding ATV traffic if the concession road at the end of Kalio Road was improved for use. Discussion resulted in the request for a Staff report regarding improved access.

(b) **Presentations – Nil**

5. **Minutes**

(a) **Adoption of Minutes**

**Res. No. 5(a)(i)-(iii)/10/08/2022 Liz Stermsek, Cheryl Philip**

**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* – July 20<sup>th</sup>, 2022

(ii) Public Meeting, *Draft Minutes* – July 20<sup>th</sup>, 2022

(iii) Special Meeting *Draft Minutes* – August 2<sup>nd</sup>, 2022

**CARRIED**

(b) **Receive Committee Minutes**

**Res. No. 5(b)(i)/10/08/2022 Mike Rickward, Paul Ziraldo**

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

(i) Kearney Regatta Advisory Committee re: Minutes – July 5<sup>th</sup>, 2022

**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

(i) **Report re:** Building Activity to July 29, 2022 – **Report only.**

(ii) **Report and Resolution re:** Building Department Computers

**Res. No. 10(a)(ii)/10/08/2022 Cheryl Philip, Liz Stermsek**

**WHEREAS** in the 2022 Budget, Council supported a new, on-line, Cloud Permitting System for our Building Department which included the purchase of new hardware and software;

**AND WHEREAS** this new system requires specific computer capabilities;

**NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney authorizes the Staff to purchase the Surface Pro 8 for Business systems at the best price available.

**CARRIED**

(b) Planning

(i) **By-law No. 2022-xx re:** Zoning By-law Amendment (107 Lake Haven Drive)

**Res. No. 10(b)(i)/10/08/2022 Mike Rickward, Liz Stermsek**

**By-law No. 2022-29**, Being a By-law under the provisions of Section 34 of the Planning Act, R.S.O. 1990, c. P.13 as amended, to amend By-law No. 2022-20, as amended, the Town of Kearney Zoning By-law, with respect to lands described as PT LT 14 CON 7 and 8 PROUDFOOT; KEARNEY, (107 Lake Haven Drive), being all of the lands described in ARN 4918-030-001-57313, in the Geographic Township of Proudfoot, now in the Town of Kearney, be read a first, second and third time and numbered 2022-29 and that the said By-law be signed by the Mayor and Clerk, sealed with the Seal of the Corporation, and be engrossed in the By-law Book.

**CARRIED**

(ii) **Report and Resolution re:** Consent B-045-22; B-046-22 and B-047-22 (Mosmann)

**Res. No. 10(b)(ii)/10/08/2022 Paul Ziraldo, Mike Rickward**

**BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney recommends approval of Consent Applications B-045-22; B-046-22; and B-047-22 (Mosmann) subject to the following conditions:

1. **That** an application for a Zoning By-law Amendment that rezones the subject lands from the Rural-15 (RU-15) Zone to the Rural Residential (RR) Zone is required to recognize the reduced lot area and frontage of the proposed severed lots;
2. **That** an Environmental Impact Study be undertaken which shows no negative impact to the present key hydrologic features the proposed lot lines would be intersecting;
3. **That** prior to the finalization of consent, confirmation that the North Bay Mattawa Conservation Authority has no concerns or objections with regard to sewage disposal systems on the subject lands, shall be provided;
4. **That** confirmation in writing from the Town of Kearney that 911 Address Numbers to the new lots created have been assigned;
5. **That** payment-in-lieu of a parkland dedication shall be paid in accordance with Section 51.1 of the *Planning Act* acceptable to the Town of Kearney in cash or certified cheque;
6. **That** all municipal taxes to date shall be paid in full;
7. **That** the applicant provides confirmation from the Town of Kearney Roads Foreman with respect to entrance approval;
8. **That** all Town fees and disbursements (legal, engineering, planning) if any, incurred by the Town with respect to this application, shall be paid by the owner;
9. **That** a draft reference plan of survey be provided to the Town of Kearney for review prior to registration; and
10. **That** four copies of the final reference plan of survey, together with one digital copy, be provided to the Town of Kearney.

**CARRIED**

(c) Operations

(i) **Transfer Station Report re:** Update to August 2<sup>nd</sup>, 2022 – **Report only.**

(ii) **Discussion and Resolution re:** Sand Lake Boat Launch repair

**Res. No. 10(c)(ii)/10/08/2022 Cheryl Philip, Liz Stermsek**

**WHEREAS** the Sand lake Boat Launch requires repair as a result of ice damage;

**AND WHEREAS** Council has received a draft Tender for the proposed reconstruction of this boat ramp;

**NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney

**DEFERRED**

(iii) **Discussion and Resolution re:** Plowing of Church parking lot on Rain Lake Road  
**Res. No. 10(c)(iii)/10/08/2022 Cheryl Philip, Liz Stermsek**  
**WHEREAS** it has been a past practice of the Roads Department to plow the parking lot of the Church located on Rain lake Road;  
**NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney get a legal opinion on plowing private property in the church parking lot. **CARRIED**

(iv) **Discussion and Resolution re:** Nuisance Beaver  
**Res. No. 10(c)(iv)/10/08/2022 Mike Rickward, Paul Ziraldo**  
**WHEREAS** the Ministry of Natural Resources works with trappers to protect wildlife populations and habitat by: managing wildlife populations; supporting conservation through license fees and royalties from pelt sales; reducing conflicts between humans and wildlife by removing and deterring problem animals; and by collecting harvest information from trappers that provide critical information on animal populations;  
**AND WHEREAS** Les Phinney is a licensed trapper in the Province of Ontario;  
**AND WHEREAS** Les Phinney has offered his trapping services at a cost of approximately \$100.00 per beaver which would assist the Town of Kearney in managing nuisance fur bearing animals;  
**AND WHEREAS** Les Phinney will provide the Town with a copy of his insurance policy for trapping purposes;  
**NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney authorizes Les Phinney to trap on the Road Allowances in the municipality in accordance with the Fish and Wildlife Conservation Act, 1997, S. O. 1997, c. 41 and the Regulations under that Act. **CARRIED**

(v) **Discussion re:** Cashman Creek Bridge approaches – **Verbal update provided.**

(vi) **Discussion re:** Bare Rock Trail – **Verbal update provided.**

(vii) **Report and Resolution re:** Tender to repave East Street  
**Res. No. 10(c)(vii)/10/08/2022 Mike Rickward, Paul Ziraldo**  
**WHEREAS** a Request to Quote for Repaving East Avenue was requested by our Public Works Working Foreperson;  
**AND WHEREAS** two (2) quotations were received:  

1. Fowler Construction Company Ltd.	\$29,772.00 + HST
2. Hall Construction	\$29,798.38 + HST

  
**NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney hereby awards the tender to: Fowler Construction Co. Ltd. in the amount of \$29,772.00 + HST. **CARRIED**

(viii) **Resolution re:** Surface treat Lynx and Sunrise  
**Res. No. 10(c)(viii)/10/08/2022 Cheryl Philip, Liz Stermsek**  
**WHEREAS** a Request to Tender to Surface Treat Lynx Drive and Sunrise Drive was requested;  
**AND WHEREAS** one (1) Tender was received:  

1. Duncor Enterprises	\$89,544.00 + HST
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**NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney hereby awards the tender to: Duncor Enterprises in the amount of \$89,544.00 + HST. **CARRIED**

**(d) Administration**

(i) **Information and Resolution re:** Participation in SCOOP 2023  
**Res. No. 10(d)(i)/10/08/2022 Liz Stermsek, Cheryl Philip**  
**WHEREAS** there is an opportunity for our area Municipalities to refresh our SCOOP imagery for 2023, to receive high resolution aerial imagery, which is of great use for our GIS;  
**AND WHEREAS** this is a cost sharing initiative in which the Town of Kearney has participated in, in the past;  
**AND WHEREAS** this Ministry of Natural Resources led project requires a minimum funding contribution of \$1,000.00 in order to become a 2023 participant, with the final cost being determined when all participants and their areas of interest is known;  
**AND WHEREAS** payment is not required until after acquisition in June 2023 with delivery in early 2024;  
**NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney authorizes the submission of a letter of intent for the 2023 aerial imagery project. **CARRIED**

(ii) **Discussion and Resolution re:** Request for reimbursement for exercise classes  
**Res. No. 10(d)(ii)/10/08/2022 Cheryl Philip, Liz Stermsek**  
**WHEREAS** effective June 30<sup>th</sup>, 2022, Council determined to discontinue paying a fitness class instructor, but continued to provide the venue for classes;

**AND WHEREAS** Fitness Passes purchased from the Town, prior to June 30<sup>th</sup>, 2022 are not valid for use beginning July 1<sup>st</sup>, 2022;

**AND WHEREAS** the Town has received a few requests for reimbursement from people who purchased 2022 Fitness Passes and did not attend a Class prior to July 1<sup>st</sup>, 2022;

**NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney determines to reimburse passes for fitness that ae unused in 2022. **CARRIED**

- (iii) **Resolution re:** Appointment of Selection Team for Transfer Station Attendant Position

**Res. No. 10(d)(iii)/10/08/2022 Paul Ziraldo, Mike Rickward**

**BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney hereby appoints Brenda Fraser, Councillor Ziraldo and Scott McKay as members of the Selection Team for the Transfer Station Attendant position. **CARRIED**

(e) **Treasury**

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

**Res. No. 10(e)(i)/10/08/2022 Liz Stermsek, Cheryl Philip**

**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 #31874 to #31932 in the total amount of \$160,162.06. **CARRIED**

- (ii) **Report and Resolution re:** Payments being advanced

**Res. No. 10(e)(ii)/10/08/2022 Liz Stermsek, Cheryl Philip**

**WHEREAS** Staff have been following the same process for payment of accounts accepted by past Councils;

**AND WHEREAS** this process has proven to be an effective system that is supported by our Auditors;

**NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney shall continue to use the method currently in place for processing accounts payable;

**AND FURTHER** that reoccurring payments (utilities, levies, payroll source deductions, etc.) and amounts less than \$ 5,000.00 be approved by the Treasurer and be mailed (or given to the payee) immediately in order to avoid incurring late payment penalties;

**AND FURTHER** a notation be made on the List of Accounts noting that the expense has already been paid. List of accounts should be in a report format for Council to see at every Council meeting. Any payments over \$5,000.00 will need Council approvement before being mailed out.

**RECORDED VOTE Requested by:** Deputy Mayor Stermsek

**PHILIP, Cheryl** Yes

**RICKWARD, Mike** Yes

**STERMSEK, Liz** No

**ZIRALDO, Paul** Yes

**BALLANTYNE, Carol** Yes

**CARRIED**

(f) **Fire and Emergency Services**

- (i) **Report re:** Fire Chief, Fire Department Report for Regular Council Meeting on August 10, 2022 – **Report only.**

- (ii) **Report re:** Regatta Fireworks – **Report only.**

(g) **Facilities and Buildings** - Nil

(h) **Council Presentations** - Nil

**11. Correspondence**

(a) **Action Items**

- (i) **Town of Aurora request for support of Resolution re:** Mandatory Firefighter Certification

**Res. No. 11(a)(i)/10/08/2022 Paul Ziraldo, Mike Rickward**

**WHEREAS** municipal governments provide essential services to the residents and businesses in their communities;

**AND WHEREAS** the introduction of new provincial policies and programs can have an impact on municipalities;

**AND WHEREAS** municipal governments are generally supportive of efforts to modernize and enhance the volunteer and full-time fires services that serve Ontario communities;

**AND WHEREAS** the Association of Municipalities of Ontario (AMO) believes in principle that fire certification is a step in the right direction, it has not endorsed the draft regulations regarding firefighter certification presented by the Province;

**AND WHEREAS** municipalities and AMO are concerned the thirty-day consultation period was insufficient to fully understand the effects such regulations will have on municipal governments and their fire services;

**AND WHEREAS** fire chiefs have advised that the Ontario firefighter certification process will create additional training and new costs pressures on fire services;

**AND WHEREAS** the Ontario government has not provided any indication they will offer some form of financial support to deliver this service;

**AND WHEREAS** AMO, on behalf of municipal governments, in a letter to Solicitor General Jones dated February 25, 2022, made numerous comments and requests to address the shortcomings in the draft regulations;

**NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney does hereby support AMO's recommendations and calls on the Solicitor General of Ontario to work with AMO, municipal governments and fire chiefs across Ontario to address the concerns raised so that municipalities can continue to offer high quality services to their communities;

**AND FURTHER** that a copy of this motion be sent to AMO.

**CARRIED**

(ii) **Town of Mattawa request for support of Resolution re: Draven Alert**

**Res. No. 11(a)(ii)/10/08/2022 Mike Rickward, Paul Ziraldo**

**WHEREAS** the Ontario Amber Alert is a warning system that quickly alerts the public of a suspected abduction of children who are in imminent danger;

**AND WHEREAS** the goal is to broadcast as much information about the child, the abductor and suspect vehicles as quickly as possible so that the public can respond with any relevant information that might lead to the child's safe return;

**AND WHEREAS** people are encouraged to share the Amber Alert with as many people as possible. If a child or vulnerable person is abducted, spreading the information quickly is critical to their safe return;

**AND WHEREAS** an Amber Alert makes the Public aware to keep an eye out for the child, vulnerable person, suspect and the vehicle described, in the alert. If they spot them, try to gather as many details as they can, including the specific location where they saw them, the time, the direction they were travelling in and any other identifying details that will help to locate them;

**AND WHEREAS** an Amber Alert gives citizens instructions to call 9-1-1 or the phone number included in the alert immediately if they have a trip or sighting related to an Amber Alert.

An Amber Alert will only be activated if:

- The police have confirmed that an abduction has taken place; and
- There is reason to believe the victim is in danger of serious physical injury, and there is information available that, if broadcast to the public, could assist in the safe recovery of the victim;

**AND WHEREAS** it is essential to remember that an Amber Alert is not always appropriate in every circumstance and that their continued effectiveness depends on ensuring that they are only used in cases that meet the above criteria;

**AND WHEREAS** the recent tragic death of 11 year old Draven Graham showed that the Amber Alert System is flawed when it comes to vulnerable children who can go missing but are not abducted;

**AND WHEREAS** at the time this motion was written, there have been almost 75,000 citizens who had signed a petition on Change.Org requesting that a Draven Alert be created;

**AND WHEREAS** it is clear that there needs to be an addition to the alert system to allow for law enforcement to send out an alert for vulnerable children who go missing under circumstances that do not involve abduction but are at serious risk of injury or death;

**NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney endorse the following:

**THAT** the Minister of the Solicitor General and the Commissioner of the Ontario Provincial Police, as well as the Premier's Office, be requested to make the necessary changes to the Amber Alert system and create a new alert called the Draven Alert, which will protect vulnerable children who have not been abducted but are at high risk of danger, injury or death and alert the public that they are missing;

**AND FURTHER** that a copy of this motion be sent to AMO for endorsement.

**CARRIED**

(b) **Information Items**

(i) **Almaguin Highlands Health Centre re: Draft Minutes – July 19, 2022**

(ii) **District of Parry Sound Social Services Administration Board re: CAO Report - July 2022**

(iii) **Kearney Watershed Environmental Foundation – July 2022 Newsletter**

13. Closed Session - Nil

14. Business Arising from Closed Session – Nil

15. Confirming By-Law

Res. No. 15/10/08/2022 Liz Stermsek, Paul Ziraldo

By-law No. 2022-30, Being a By-law to confirm the proceedings of Council at its Public Meeting held on July 20<sup>th</sup>, 2022; at its Special Meeting held on August 2<sup>nd</sup>, 2022; and at its Regular Meeting held on August 10<sup>th</sup>, 2022 be read a first, second and third time and numbered 2022-30 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. 16/10/08/2022 Paul Ziraldo, Mike Rickward

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney adjourn at 3:35 p.m. to meet again at 1:00 p.m. on Wednesday, August 31, 2022, in the Council Chambers, Kearney, Ontario. **CARRIED**

THE CORPORATION OF THE  
TOWN OF KEARNEY



Carol Ballantyne, Mayor



Brenda J. Fraser, Clerk