

**Minutes**

**REGULAR COUNCIL MEETING  
Council Chambers  
Thursday, September 21, 2023 – 6:00 p.m.**

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**Council Members Present:** Mayor: Cheryl Philip  
Deputy Mayor: Michael Rickward  
Councillors: Keven Beaucage, Heather Pateman and  
Jill Sharer

**Staff Present:** Nicole Gourlay, Clerk Administrator  
Cindy Filmore, Deputy Clerk

1. **Call the Meeting to Order** – the meeting was called to order at 6:01 pm
2. **Approval of Agenda**  
**Res. No. 247 – 23 Heather Pateman, Keven Beaucage**  
**BE IT RESOLVED** that the Agenda of the Regular Council Meeting of the Corporation of the Town of Kearney of September 21, 2023 agenda, be adopted as circulated  
**CARRIED**
3. **Disclosure of Interest - nil**
4. **Delegations/Presentations**  
**4.1 Muskoka Watershed Council director re: 2023 Muskoka Watershed Report Card**  
**Res. No. 248-23 Heather Pateman, Keven Beaucage**  
**BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney thanks the Muskoka Watershed Council for their presentation  
**CARRIED**  
Council advised Mr. Ross of the Kearney Watershed Environmental Foundation and provided contact names and email addresses for Mr. Ross.  
**4.2 Auditors Report & Presentation 2022 Year End**  
**Res. No. 249-23 Michael Rickward, Keven Beaucage**  
**BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney thanks Judy Kleinhuis of Grant Thornton for her presentation on the 2022 Audit Report for the Town of Kearney and approves the draft audit report as presented.  
**CARRIED**
5. **Consent List**  
**5.1 Council Minutes September 7, 2023 Regular Council Meeting**  
**5.2 Payment Register**  
**5.3 Cloud Permit Cancellation Report**  
**5.4 Transfer Station Report**  
**Res. No. 250-23 Jill Sharer, Keven Beaucage**  
**BE IT RESOLVED** that the Consent List from the Regular Council Meeting of Thursday, September 21, 2023 be accepted and that all Recommendations contained therein be adopted as Resolutions of Council.  
**CARRIED**
6. **Items Referred from the Consent List - nil**
7. **Items for Discussion**  
**7.1 Change of Council Meeting Dates for November and December 2023**  
**Res. No. 251-23 Michael Rickward, Keven Beaucage**  
**BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney determines that, due to staff and Council scheduling, Council meetings for the month of November and December shall be changed from November 2<sup>nd</sup> and 16<sup>th</sup> to November 9<sup>th</sup> and from December 7<sup>th</sup> to December 14<sup>th</sup>.  
**7.2 AMCTO Zone 7 Fall Meeting in Sault Ste. Marie**  
**Res. No 252-23 Michael Rickward, Jill Sharer**

**WHEREAS** the Clerk-Administrator is part of the AMCTO Zone 7 Executive and traditionally would attend both spring and fall conferences within the zone;  
**AND WHEREAS** Staff believes that conference and seminar training is vital to continuing education and fresh development of ideas;  
**THEREFORE BE IT RESOLVED** that the Council of the Town of Kearney approves the Clerk-Administrator to attend the fall AMCTO Zone 7 Meeting in Sault Ste. Marie from November 1 – 3, 2023 in the amount of \$130.00 plus disbursements and accommodations.  
**CARRIED**

### **7.3 2024 ROMA Attendance**

**Res. No 253-23 Heather Pateman, Keven Beaucage**  
**WHEREAS** the opening of the 2024 ROMA Conference will be happening soon  
**AND WHEREAS** Staff would like direction on which members of Council would like to attend such conferences in the new year to ensure tickets and accommodations are secured in a timely manner,  
**THEREFORE BE IT RESOLVED THAT** the Clerk-Administrator and the following members of Council Heather Pateman, Cheryl Philip, attend the 2024 ROMA Conference on January 21-23, 2024  
**CARRIED**

### **7.4 Janet Dunsmore – Appointment to Recreation Committee**

**Res. No 254-23 Jill Sharer, Michael Rickward**  
**WHEREAS** the Town of Kearney received an application from Janet Dunsmore to sit on the Recreation Advisory Committee  
**AND BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney appoints those listed above to sit on the Recreation Advisory Committee.  
**CARRIED**

### **7.5 King William Transfer Station Report re: MOL order**

**Res. No. 255-23 Keven Beaucage, Heather Pateman**  
**WHEREAS** the Ministry of Labour has issued an order to comply on the King William Transfer Station in Spring 2023;  
**AND WHEREAS** Staff have recommended in Staff Report SR-2-23-40 to move forward with a formal quotation process on obtaining formal quotes on compactors, filling in the retaining wall and running electrical as outline in this report at the King William Transfer Station to obtain compliance with the MOL Orders;  
**THEREFORE BE IT RESOLVED THAT** the Council of the Town of Kearney accepts Staff recommendations as outlined above and directs Staff to bring back quotes to a future meeting  
**CARRIED**

### **7.6 Road Maintenance Agreement Report and Letter from the Municipal Solicitor**

**Res. No. 256-23 Keven Beaucage, Jill Sharer**  
**WHEREAS** the Clerk-Administrator in conjunction with the Municipal Solicitor has advised Council on the typical procedure that is utilized by municipalities all over Ontario in dealing with municipally owned and privately maintained roads;  
**AND WHEREAS** Staff believes that the mitigation of risk to the municipality should be heavily weighted in consideration of such agreements;  
**AND WHEREAS** Staff has provided recommendations within the report that outlines best practice in the mitigation of risk to the municipality while still allowing for these agreements to proceed;  
**THEREFORE BE IT RESOLVED** that Council of the Town of Kearney accepts the Clerk-Administrator's report and directs Staff to develop a template agreement which includes:

- 2 Million Dollars Liability insurance for the business or individual facilitating the maintenance agreement
- Indemnification of the municipality
- Type of use/maintenance
- No creation of interest in the land
- \$500 application fee + legal costs related to the application

**CARRIED**

### **7.7 Support Resolution Request: Municipality of Magnetawan MTO road closure requirements**

Discussion regarding the interpretation of the requirements for such agreements arose, specifically the need for individuals obtaining the agreements to cover the costs of the agreements vs. having the entire municipality pay legal fees for each agreement as well as the level of insurance required.

After such discussion and debate, the following resolution was passed:

**Res. No, 257-23 Michael Rickward, Heather Pateman**

**WHEREAS** the Council of the Corporation of the Town of Kearney supports community events including the Kearney Regatta Parade, the Christmas Parade and the Kearney Dogsled Races;

**AND WHEREAS** due to current legislation and Ministry of Transportation policy an encroachment permit must be obtained to legally traverse and temporarily close a portion of Highway 518 running through the Town of Kearney as it is part of the Route for these events;

**AND WHEREAS** historically the Town of Kearney has obtained these permits from the Ministry of Transportation without the Ontario Provincial Police being in attendance but aware of the event;

**AND WHEREAS** the Kearney Fire Department and the Kearney Roads Department are qualified to temporarily close any roads located within the Municipality including a Provincial Highway in case of emergency;

**AND WHEREAS** due to OPP staffing complements and overwhelming requests from other surrounding communities that may be hosting events on the same day, assigning an Ontario Provincial Police Officer to these Community Events has the possibility of putting the Community at large at Risk;

**AND WHEREAS** fulfilling a paid duty request is voluntary and the cost of the paid duty request puts undue financial obligations on the ratepayers of our Municipality and non-profit organizations.

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Town of Kearney respectfully asks the Ministry of Transportation to reconsider their policy and legislation regarding having Ontario Provincial Police Officers in attendance at Provincial Highway temporary closures for Community events which includes parages in the Almaguin Region and to authorize the OPP to grant the authority for a temporary road closure to a member of the Fire Department and/or Roads Department;

**AND FURTHER THAT** this resolution be circulated to the Honourable Premier Doug Ford, MPP Graydon Smith, MP Scott Aitchson, the Ministry of Transportation and surrounding Municipalities.

**CARRIED**

**8. New Business - nil**

**9. Talk to the Mayor**

**10. Closed Session**

**Res. No. 258-23 Michael Rickward, Heather Pateman**

**BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney at 7:48 pm, moves into closed session under Section 239(2) of the Municipal Act, under the following subsections:

(a) Labour Relations or Employee Negotiations

(b) Personal Matters about an identifiable individual

**CARRIED**

**Res. No. 259-23 Heather Pateman, Keven Beaucage**

**BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney reconvenes in Open Session at 9:25 pm

**CARRIED**

**11. Confirming By-law**

**Res. No. 260-23 Michael Rickward, Jill Sharer**

**BE IT RESOLVED** that By-law 2023-53, being a By-law to confirm the proceedings of Council at its Regular Council Meeting of September 21, 2023 be approved.

**CARRIED**

**CARRIED**

**12. Adjournment**

**Res. No. 261-23      Keven Beaucage, Michael Rickward**

**BE IT RESOLVED** that the Regular Council Meeting of the Corporation of the Town of Kearney adjourn at 9:30 pm to meet again at 6:00 pm on Thursday, October 5<sup>th</sup>, 2023 in the Council Chambers, Kearney, Ontario

**CARRIED**

**THE CORPORATION OF THE  
TOWN OF KEARNEY**



Mayor



Clerk