AGENDA

REGULAR COUNCIL MEETING
Council Chambers
Friday, February 4th, 2022 – 1:00 p.m.

NOTE: A Closed Session will commence at the end of the meeting.

1. Call the Meeting to Order

Moment of Silence to honour of the memory of Morry VanVliet and to honour the memory of Gary Lane

2. Approval of Agenda

3. Declaration of Pecuniary Interest and the General Nature Thereof

4. Delegations/Presentations

(a) Delegations - Nil

(b) Presentations

(i) Kent Randall, Planner, EcoVue Consulting Services re: Cannabis Policy Review and Recommendations.

5. Minutes

(a) Adoption of Minutes

(i) **Regular Meeting,** Draft Minutes – January 14th, 2022; Special Meeting, Draft Minutes – January 17th, 2022

(b) Receive Committee Minutes

(i) **Kearney Community Centre Building Advisory Committee** – Minutes, January 12th, 2022; Draft Minutes, January 24th, 2022.

6. Committee Resolutions for Consideration

(a) **Kearney Community Centre Building Advisory Committee re:** Recommendation to complete repairs to KCC kitchen and gym

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

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

9. Unfinished Business

(a) Jerry Brandt, Vice President, Almaguin Community Hatchery Program re: Request for donation

10. Reports and By-laws

(a) Building

(i) **Report re**: Building Matters

(b) Planning

(i) **Report and Resolution re**: Request for Encroachment Agreement

(c) Operations

(i) **Transfer Station Report –** for the period January 7, 2022 to February 1, 2022

(ii) **Report and Resolution re:** Hwy 518 Winter Maintenance

(iii) **Report and Resolution re**: Town Excavator

(d) Administration

(i) **By-law No. 2022-xx re:** To authorize the levying of Interim Tax Rates
(ii) **By-law No. 2022-xx re**: Procedural By-law
(iii) **Resolution re:** Late payment penalty
(iv) **By-law No. 2022-xx re**: To appoint a Deputy Clerk
(v) **By-law No. 2022-xx re**: To appoint a Deputy Treasurer
(vi) **Resolution re**: Adopt 2022 Asset Management Plan
(vii) **By-law Enforcement Officer Report re**: 2021 Year in Review
(viii) **By-law No. 2022-xx re:** To enter into a Transfer Payment Agreement

(e) Treasury

(i) **Report and Resolution re**: Payment Register
(ii) **Report re:** 2021 Council Honouraria & Expenses

(f) Fire and Emergency Services

(i) **Report re**: Fire Chief, Fire Department Report for Regular Council Meeting on February 4, 2022

(g) Facilities and Buildings

(i) **Report and Resolution re**: KCC kitchen and gym renovations and alterations

(h) Council Presentations

(i) **Mayor Ballantyne, discussion re**: Public Access to Municipal Buildings

11. Correspondence

(a) Action Items

(i) **Township of Adjala-Tosorontio re:** Request for support for additional funding to rural municipalities related to major bridge and culvert replacements
(ii) **Town of Aurora re:** Request for support to dissolve the Ontario Land Tribunal

(b) Information Items

(i) **Almaguin Highlands Health Centre re**: Draft Minutes – January 7, 2022

12. Other Business – Nil

13. Closed Session

Council will enter into a Closed Session for discussion regarding:

(a) *litigation or potential litigation , including matters before administrative tribunals, affecting the municipality or local board (x 3)*

14. Business Arising from Closed Session

15. Confirming By-Law

By-Law 2022-xx being a By-law to confirm the proceedings of Council at its Special Meeting held on January 17th, 2022; and at its Regular Meeting held on February 4th, 2022.

16. Adjournment

Planning Report

To: Mayor and Council
Town of Kearney

Subject: Cannabis ZBA – Policy Review and Recommendations

Municipal File No.: N/A

EcoVue File No.: 21-2095-02

Date: February 2, 2022

1.0 Introduction

The Town of Kearney Official Plan and Zoning By-law do not contemplate the production or processing of cannabis. As such, cannabis production and processing (CPP) are indirectly permitted in several of the municipality's land use zones.

In June of 2021, the OPP closed an illegal cannabis production and processing facility on Park Road. Recently, Town staff were notified that the same individuals seek to re-establish CPP (presumably legal) on the same property. Town staff and council seek greater control over the permitting/prohibition of any such future CPP, and have retained EcoVue Consulting Services Inc. to undertake a review of existing land use polices and provisions and to provide recommendations.

2.0 Background

The Government of Canada passed the bill legalizing cannabis for recreational purposes on June 19, 2018 with a legalization date of October 17, 2018. With the legalization of production, processing and sales for both recreational and medical use now in place, individuals and businesses are actively searching for land to establish growing operations, processing and packaging facilities. CPP is usually defined as either agricultural or industrial in nature and is primarily developed in three ways:

1) **Indoor Facilities** - have total climate control and grow year-round. Indoor facilities could be greenhouses or look more like an industrial style warehouse;
2) **Outdoor Facilities** - cost significantly less to run, but are limited by the length of the growing season and the potential impact of pests;
3) **Hybrid Facilities** - utilize hoop houses or cold frames to capture some of the advantages of indoor facilities without the significant costs of climate control.

The rise of this new market has prompted public debate on the planning impacts associated with CPP. Cannabis production and processing is found mainly to produce nuisance impacts of odours (VOCs from cannabis plants), light (from artificial light) and noise (from exhaust fans). The severity of these nuisance impacts depends upon the type of CPP developed, and the extent of controls put in place for mitigation.

There are many considerations for municipal staff to determine how to appropriately define, categorize and regulate CPP through the mechanisms available under the *Planning Act*. While elements such as odour filtration and night-shading curtains can be used to alleviate some of these concerns, land use controls such as adequate setbacks can also be used to effectively reduce the impacts of CPP on neighbouring land uses. When managed well, legal CPP can offer the benefits of significant economic development to rural municipalities.

2.1 Cannabis Licenses vs. ACMPRs

The Cannabis Regulations (SOR/2018-144), published by the Federal Government, establish a number of classes and subclasses of licences that permit cannabis-related activities. The most common classes of license are related to cultivation and processing. Licenses are also available to sell medical cannabis, conduct analytical testing of cannabis, conduct research and development, and produce cannabis derived pharmaceutical products. All of these licences under the Cannabis Regulations are typically for commercial or research uses. Health Canada issues licences to growers, producers, manufacturers wholesalers, researchers, etc. that function within the cannabis and cannabis-related product industry.

Growing cannabis for personal medical purposes is regulated in a different manner. In August of 2016, the Access to Cannabis for Medical Purposes Regulations (ACMPR) came into force (as Part 14 of the Cannabis Regulations [SOR/2018-144]), and the Federal Government began accepting applications for cultivation for those that have been prescribed medical marijuana. The new regulations were in response to *Allard v. Canada*, which found that individuals requiring marijuana for medical purposes did not have "reasonable access".

An individual with a medical permit for cannabis may apply to register with Health Canada to produce a *limited* amount for their own medical purposes, or designate a third party to do so. Once an individual is successfully registered, they will receive a certificate from Health Canada including their legal authority to possess and produce cannabis as well as the location and maximum limits on production, storage and possession. If an individual wishes to designate a third party to be their producer, the application process is similar, but they must prove that the designated person has not been convicted or received a sentence for a drug offence in the last 10 years. A designated person can only produce for a maximum of two (2) individuals (including themselves). Up to two (2) designated persons may grow on one property.

The primary issue with **ACMPR operations** is that they **are not subject to the same rigorous standards required for typical Cannabis licences for commercial and industrial operations**. In order to obtain a certificate, the recipient must produce a prescription and register with Health Canada. Health Canada does not provide further requirements or standards for the cultivation of the recipient's cannabis plants through ACMPR, such as requirements for air treatment control, security fencing, parking, outside lighting, and other design elements that are normally controlled through standard Cannabis licences. As such, ACMPR growing operations can be established without any further oversight from Health Canada. Municipal land use controls can be used to reduce the land use conflicts that may arise as a result of licensed facilities or those registered with Health Canada under the ACMPR.

3.0 Town of Kearney Land Use Policy Review

The Town of Kearney Zoning By-law was reviewed to determine its efficacy at regulating the development of CPP. Out of the fifteen zones in the municipality, CPP is currently indirectly permitted in eight zones including the Residential Townsite (RTS), Residential Waterfront (RWF), Rural Residential (RR), Rural (RU), Rural Commercial (CR), Industrial (M), Mineral Aggregate (MA) and Hazard Lands (HZ) Zones (see Table 1). CPP is currently permitted in these zones due to the definitions (or lack of definition) associated with several permitted land uses including "home occupation", "home industry", "agricultural use", "farm", "commercial nursery or greenhouse", "warehouse", "light industrial use", etc. (see Table 1). At this time, CPP is permitted in these zones "as of right", without any additional requirements specific to the nature of CPP and reducing land use conflict.

Table 1. Summary of zones in the Town of Kearney where Cannabis Production and Processing (CPP) is currently permitted.

Zone (Zone Symbol)	CPP Permitted?	Permitting use
Residential Townsite (RTS)	Yes	-Home Occupation
Residential Waterfront (RWF)	Yes	-Home Occupation
Rural Residential (RR)	Yes	-Home Industry -Home Occupation
Rural (RU)	Yes	-Agricultural Use -Commercial Nursery or Greenhouse -Home Industry -Home Occupation
Commercial Townsite (CTS)	No	
Rural Commercial (CR)	Yes	-Commercial Greenhouse/Nursery Sales -Farm-related Commercial Uses -Home-based manufacturing -Warehouse
Tourist Commercial (CT)	**No**	
Industrial (M)	Yes	-Light industrial uses -Manufacturing or processing within an enclosed building -Warehouse including self-storage
Mineral Mining (MM)	No	
Mineral Aggregate (MA)	Yes	-Agricultural use, excluding buildings -A warehouse, accessory to another MA use
Waste Disposal Industrial (WD)	No	
Institutional (I)	No	
Open Space (OS)	No	
Hazard Lands (HZ)	Yes	-Agriculture use, excluding buildings
Environmental Protection (EP)	No	

4.0 Recommended Policy Actions

To reduce land use conflicts and improve the municipal oversight related to the development of CPP, there are several amendments to the Zoning By-law that we recommend:

- Define "Cannabis" and "Cannabis Production and Processing"
- Amend any definitions or land uses that currently permit CPP including "Agricultural Use". "Farm", "Home Industry", "Home Occupation", "Nursery or greenhouse, commercial", and "Warehouse" to exclude "Cannabis Production and Processing".
- Permit "Cannabis Production and Processing" in the Rural (RU), Rural Commercial (RC), Industrial (I), Mineral Aggregate (MA), and Hazard (HZ) Zones subject to CPP specific provisions. In the MA and HZ Zones, only outdoor CPP (excluding buildings) would be permitted, similar to the agricultural uses that are currently permitted in these zones.
- Create a new section within Section 3 (General Provisions) of the Zoning By-law to outline specific provisions for CPP:
    - Require a minimum setback of 70 metres from any Residential, Institutional or Open Space Zone for any CPP **with air treatment control** located in the Industrial (I), Rural Commercial (RC) zone, Mineral Aggregate (MA) or Hazard (HZ) Zones.
    - Require a minimum setback of 150 metres from any Residential, Institutional or Open Space Zone for any CPP **with air treatment control** located in the Rural (RU) Zone.
    - Require a minimum setback of 150 metres from any sensitive land use located on a separate lot (e.g., school daycare, park, crisis centre, etc.) for any CPP **with air treatment control** located in the Industrial (I), Rural (RU), Rural Commercial (RC), Mineral Aggregate (MA) or Hazard (HZ) Zones.
    - Require a minimum setback of 300 metres from any sensitive land use located on a separate lot (e.g., school daycare, park, crisis centre, etc.) for any CPP that **is <u>not</u> equipped with air treatment control** located in the Rural (RU), Rural Commercial (RC), Industrial (I), Mineral Aggregate (MA), and Hazard (HZ) Zones.
    - Permit buildings used for security purposes in the required front yard
    - Prohibit outdoor storage on properties where CPP is permitted
    - Require Site Plan Control for all development in relation to the development of CPP
        - Site Plan Control will allow the municipality to impose requirements in relation to mitigating the effects of odours, light and noise pollution, as well as elements such as security or fencing.

In addition to these recommended amendments to the Zoning By-law, we would also recommend amending the Official Plan to include a section specific to CPP to communicate the Town's vision for CPP, provide clarity for potential developers in terms of application requirements, and to ensure conformity of the Zoning By-law. This section should also include a requirement for pre-consultation for any development related to CPP and outline any studies or reports the municipality may wish to consider prior to development approval. Currently, the Official Plan only *encourages* pre-consultation for any development application. Though no specific studies are listed as required in the Official Plan, section

11.12.2 does give staff and council the ability to request additional materials such as studies and reports to satisfy the requirements of a complete application. We would recommend that the Town consider requiring Environmental Impact Studies, hydrogeological and/or site servicing studies, odour screening studies, and noise impact studies depending upon the nature of the proposed CPP.

5.0 Inclusion in the Comprehensive Zoning By-law

At this time, there are two options for amending the Zoning By-law in order to include CPP-related provisions.

Firstly, provisions related to CPP could be included within the new Comprehensive Zoning By-law. Since the CZBL has not yet been passed, there is still time to amend the document accordingly. However, it should be noted that major changes to the CZBL during an update are typically reviewed and vetted through the public consultation process. Given that the statutory public meeting for the CZBL has already taken place, and provisions related to Cannabis should be reviewed in a public forum, we recommend that any changes to the CZBL document related to CPP should involve, at the very least, an additional statutory public meeting to discuss the proposed amendment. This will result in further delays related to the passing of the CZBL.

The second option would be to amend the CZBL after it is passed, and conduct a public meeting (and perhaps an open house) separate from the CZBL process. This option will not result delays to the final passing of the CZBL.

6.0 Summary

Eight of the Town's zones currently indirectly permit CPP and no specific provisions such as setbacks for CPP can currently be enforced through the Official Plan or Zoning By-law. **Therefore, we recommend amending the Zoning By-law to differentiate "Cannabis Production and Processing" from other agricultural or industrial uses by creating a stand-alone land use and definition for CPP**. The setbacks recommended for CPP with and without air treatment control are representative of setbacks imposed in other jurisdictions which have proved successful at mitigating land use conflicts. Requiring site plan control for all development related to CPPs will also give staff and council the ability to have greater control over site design to mitigate other potential nuisance impacts.

The amendment to the Zoning By-law could take place as part of the approval of the Comprehensive Zoning By-law. However, given the general nature of the change, and the implications for future land use across the municipality, we would recommend that the Town undertake an additional statutory public meeting to discuss the proposed zoning provisions. Otherwise, an amendment to the new Comprehensive Zoning By-law may take place after its passing.

In terms of the potential future development of CPP on Park Road, the developers seeking a building permit would be required to meet the imposed setbacks and enter into a site plan agreement with the Town to carry out the building and operation of a legal facility under licence or registration with Health Canada.

7.0 Recommendation

- Direct staff to undertake an amendment to the Town of Kearney Zoning By-law to include the changes noted in this report; and
- Provide direction to staff if such an amendment should be included as part of the Comprehensive Zoning By-law Update, or to be undertaken as a separate, standalone amendment after the CZBL is passed.

Respectfully submitted,

ECOVUE CONSULTING SERVICES INC.

J. Kent Randall B.E.S. MCIP RPP
Principal Planner

Sarah Bale M.Sc., M.E.S. (Planning)
Planner

The Corporation of the Town of Kearney

8 Main Street Box 38 Kearney ON P0A 1M0

MINUTES

REGULAR COUNCIL MEETING
Council Chambers
Friday, January 14th, 2022
1:00 p.m.

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

Staff Present: Brenda J. Fraser, CAO|Clerk|Treasurer

1. **Call the Meeting to Order**

Res. No. 1/14/01/2022 Liz Stermsek, Cheryl Philip
BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney on January 14th, 2022 be declared open and called to order at 1:00 p.m. **CARRIED**

Moment of Silence to honour the memory of June Lord.

2. **Approval of Agenda**

Res. No. 2/14/01/2022 Mike Rickward, Liz Stermsek
BE IT RESOLVED that the Agenda of the Regular Council Meeting of the Corporation of the Town of Kearney on January 14th, 2022 be adopted as circulated. **CARRIED**

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

4. **Delegations/Presentations** - Nil

5. **Minutes**

(a) Adoption of Minutes
Res. No. 5(a)(i)/14/01/2022 Liz Stermsek, Paul Ziraldo
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) Special Meeting, *Draft* Minutes – December 3rd, 2021; Regular Meeting, *Draft* Minutes – December 10th, 2021; Public Meeting *Draft* Minutes - December 10th, 2021 (RZ-02-21); Public Meeting *Draft* Minutes – December 10th, 2021 (RZ-05-21); and Special Meeting *Draft* Minutes – December 13th, 2021

CARRIED

(b) Receive Committee Minutes - Nil

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 - Nil

(b) Planning - Nil

(c) Operations

(i) **Transfer Station Report** – for the period December 1, 2021 to January 4, 2022 – **Report only**.

(d) Administration

(i) **Resolution re**: Change to Procedural By-law

Res. No. 10(d)(i)/14/01/2022 Paul Ziraldo, Liz Stermsek
BE IT RESOLVED that the Council of the Corporation of the Town of Kearney does hereby direct Staff to give notice of their intent to change the Procedural By-law at their Regular

Meeting scheduled to be held on February 4th, 2022;
AND FURTHER that the proposed changes include the following:

1) **Section 4 shall be amended as follows**:
   - 4.1.7 Remove 'That a' and replace it with 'All'
2) **Section 5 shall be amended as follows:**
   - 5.2.1 Change 'Fridays' to 'Wednesdays'
3) **Section 9 shall be amended as follows:**
   - 9.2.1 Change Friday' to 'Wednesday'
   - 9.2.2 Change 'Monday' to 'Friday'
4) **Section 10**
   - 10.2 Change 'Wednesday' to 'Monday'
5) **Section 21**
   - Update By-law numbers

RECORDED VOTE Requested by: Deputy Mayor Liz Stermsek

PHILIP, Cheryl	Yes
RICKWARD, Mike	Yes
STERMSEK, Liz	No
ZIRALDO, Paul	Yes
BALLANTYNE, Carol	No

CARRIED

(ii) **Report re**: 2021 Christmas Lights Contest – **Report only.**

(iii) **Report re**: Echo Ridge Road, Bennett Property – **Report only.**

(e) Treasury

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

Res. No. 10(e)(i)/14/01/2022 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 #31310 to #31354 in the total amount of $161,125.45. **CARRIED**

(f) Fire and Emergency Services

(i) **Report re**: Fire Chief, Fire Department Report for Regular Council Meeting on January 14, 2022 – **Report only.**

(g) Facilities and Buildings - Nil

(h) Council Presentations

(i) **Mayor Ballantyne, discussion re**: Public Access to Municipal Buildings
Mayor Ballantyne noted that the Province has enacted capacity restrictions again and therefore, at this time, we will maintain access to our building by appointment.

(ii) Councillor Rickward, discussion re: Website provider
Councillor Rickward requested that we consider an outside Web Site provider, during budget discussions.

(iii) Councillor Philip, discussion re: Fitness Classes
Councillor Philip advised Council that the potential yoga instructor is no longer available to provide classes at Kearney. The search for an instructor to continue.

11. Correspondence

(a) Action Items

(i) **Almaguin Community Htchery Program re**: Request for donation of $500.00

Res. No. 11(a)(i)/14/01/2022 Mike Rickward, Liz Stermsek
WHEREAS the Almaguin Community Hatchery Program (ACHP), run by a dedicated group of volunteers, is focused on restoring the Walleye population within the Magnetawan River System of the Almaguin area;
AND WHEREAS a new approach taken, has resulted in the development of a mobile hatchery;
AND WHEREAS the ACHP presently has two micro hatcheries in Almaguin, (one in the Magnetawan Public School and the other in the Almaguin Highlands Secondary School) and would like to introduce an on-line education component which requires technical equipment at an estimated cost of $10,000.00;
AND WHEREAS a request has been received from the Almaguin Community Hatchery Program, for a donation in the amount of $500.00 to assist with the purchase of this equipment for the mobile hatchery;
NOW THERFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney shall... **DEFERRED**

(ii) **Township of Southgate re**: Request for support of Resolution – Annual Emergency Exercise Requirement

Res. No. 11(a)(ii)/14/01/2022 Liz Stermsek, Paul Ziraldo

WHEREAS *Ontario Regulation 380/04: Standards under the Emergency Management and Civil Protection Act* sets the municipal standards for emergency management programs in Ontario and requires municipalities to conduct an annual exercise with their Emergency Control Group in order to evaluate the municipality's emergency response plan and procedures, *O. Reg. 380/04, s.12(6);*

AND WHEREAS Emergency Management Ontario previously granted municipalities exemption for the annual exercise requirement when the municipality experienced an actual emergency with documented proof of the municipality actively engaging their emergency management procedures and plan in response to the emergency;

AND WHEREAS on August 5, 2021 the Chief, Emergency Management Ontario issued a memo to Community Emergency Management Co-ordinators stating that effective immediately, the Chief, EMO would no longer be issuing exemptions to the *O. Reg. 380/04* requirement to conduct an annual exercise;

AND WHEREAS municipalities experience significant costs and burden to staff resources when faced with the response to an actual emergency and activation of their Emergency Control Group and/or Emergency Operations Centre;

AND WHEREAS a municipality's response to an actual emergency is more effective than an exercise in evaluating its emergency response plan and procedures as mandated by *O. Reg. 380/04*;

AND WHEREAS planning, conducting and evaluating an emergency exercise requires significant time and effort for the Community Emergency Management Co-ordinator and Municipal Emergency Control Group, that is duplicated when the municipality experiences a real emergency;

NOW THERFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby requests the Province of Ontario to amend *Ontario Regulation 380/04* under the *Emergency Management and Civil Protection Act* to provide an exemption to the annual exercise requirement for municipalities that have activated their Emergency Control Group and/or Emergency Response Plan in response to an actual emergency that year, in recognition of the significant resources used to respond to the emergency and the effectiveness of such response in evaluating the municipality's emergency response plan and procedures;

AND FURTHER that a copy of this resolution be forwarded to the Honourable Doug Ford, Premier of Ontario; the Honourable Steve Clark, Minister of Municipal Affairs and Housing; the Honourable Sylvia Jones, Solicitor General; and, Norm Miller, MPP for Parry Sound – Muskoka.

CARRIED

(iii) **Township of South Frontenac re**: Request for support of Resolution – Daylight Savings Time

Res. No. 11(a)(iii)/14/01/2022 Liz Stermsek, Cheryl Philip

WHEREAS Council supports *Bill 214*, passed by the Legislative Assembly of Ontario in 2020, to make Daylight Saving Time, Standard Time;

AND WHEREAS Council is aware that the Attorney General will only enact this *Bill* in conjunction with the Province of Quebec and the State of New York;

NOW THERFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney requests that further discussions take place with the Province of Quebec and the State of New York, supporting that the Eastern Time Zone remain at Standard Time and discontinuing Daylight Savings Time in this zone;

AND FURTHER that a copy of this Resolution be forwarded to the Township of South Frontenac.

CARRIED

(b) <u>**Information Items**</u>

(i) **Almaguin Highlands Health Centre** re: Draft Minutes – December 3rd, 2021 - **For Information only.**

(ii) **District of Parry Sound Social Services Administration Board re**: Chief Administrative Officer's Report – December 2021 - **For Information only.**

(iii) **Mike Morton re:** Licensing of Short Term Rentals - **For Information only.**

12. **Other Business** – Nil

13. **Closed Session**

Res. No. 13(a)-(b)/14/01/2022 Mike Rickward, Liz Stermsek

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 1:36 p.m. for discussion regarding:

(a) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board
(b) labour relations or employee negotiations (x 4)

CARRIED

Res. No. 13(c)/14/01/2022 Liz Stermsek, 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 2:54 p.m.

CARRIED

14. Business Arising from Closed Session

Mayor Ballantyne reported on matters discussed in Closed Session.

15. Confirming By-Law

Res. No. 15/14/01/2022 Liz Stermsek, Mike Rickward
By-law No. 2022-01, Being a By-law to confirm the proceedings of Council at its Public Meeting held on December 10th, 2021 (RZ-02-21); at its Public Meeting held on December 10th, 2021 (RZ-05-2021); at its Special Meeting held on December 13th, 2021; and at its Regular Meeting held on January 14th, 2022, be read a first, second and third time and numbered 2022-01 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. 16/14/01/2022 Liz Stermsek, Mike Rickward
BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney adjourn at 2:56 p.m. to meet again at 1:00 p.m. on January 17th, 2021 in the Council Chambers, Kearney, Ontario.

CARRIED

THE CORPORATION OF THE
TOWN OF KEARNEY

_____
Carol Ballantyne, Mayor

_____
Brenda J. Fraser, Clerk

Town of Kearney

MINUTES

SPECIAL COUNCIL MEETING

Monday, January 17th, 2022

Council Members Present: Deputy Mayor Liz Stermsek
Councillors: Carol Ballantyne (Virtual); Mike Rickward (Virtual), Cheryl Philip (Virtual) and Paul Ziraldo (Virtual)

Staff Present: Brenda J. Fraser, CAO|Clerk|Treasurer
Brian Horsman, CBO
Matt Clouthier, DCBO
Paul Schaefer, Fire Chief - Virtual

Financial Consultant: Marjorie Robinson, Financial Consultant

1. **Call the Meeting to Order**
   Res. No. 1/17/01/2022 Mike Rickward, Paul Ziraldo
   BE IT RESOLVED that the Special Council meeting of the Corporation of the Town of Kearney on Monday, January 17th, 2022, be declared open and called to order at 1:02 p.m. **CARRIED**
2. **Disclosure of Pecuniary Interest and the General Nature Thereof –** None noted.
3. **Business - Council discussion re:**
   3.1 **Marjorie Robinson, Financial Consultant re:** Continued discussion - Asset Management Planning
   The completed draft Asset Management Plan was provided to Council for their review and comments.
   Discussion took place regarding possible funding options to accomplish renovations in the KCC kitchen and gym.

   3.2 **Closed Session**
   Res. No. 3(a)-(c)/17/01/2022 Cheryl Philip, Paul Ziraldo
   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 1:30 p.m. for discussion regarding:
   - *(a) A trade secret or scientific, technical, commercial, financial or labour relation information, supplied in confidence to the Municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;*
   - *(b) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose (x 2)*
   - *(c) labour relations or employee negotiations (x 2)* **CARRIED**

   Res. No. 13(d)/17/01/2022 Cheryl Philip, Mike Rickward
   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 3:39 p.m. **CARRIED**

4. **Adjournment**
   Res. No. 4/17/01/2022 Carol Ballantyne, Mike Rickward
   BE IT RESOLVED that the Special Council Meeting of the Corporation of the Town of Kearney adjourn at 3:42 p.m. to meet again at 1:00 p.m. on February 4th, 2022 in the Council Chambers, Kearney Ontario.
   CARRIED

THE CORPORATION OF THE
TOWN OF KEARNEY

_____
Liz Stermsek, Deputy Mayor

_____
Brenda J. Fraser, Clerk

Kearney Community Centre Building Advisory Committee

MINUTES

Wednesday, January 12th, 2022

10:00 a.m.

REMOTE ACCESS

In Attendance: Brian Horsman; Matt Clouthier; Brenda Fraser; Cathy Hare; Mayor Ballantyne; and John Smeets

Regrets: Timothy Brown; Mike Rickward; Ross Gattozzi

Guests: Jean Larocque; Ruth Elder; Mitchell Martyn

1. Call to Order

   Resolution No. 1/12/01/2022

   Moved by: Brian Horsman **Seconded by:** Cathy Hare
   BE IT RESOLVED that the Meeting of the Kearney Community Centre Building Advisory Committee on Wednesday, January 12, 2022 be called to Order at 10:11 a.m. **Carried**

2. Agenda

   Resolution No. 2/12/01/2022

   Moved by: Cathy Hare **Seconded by:** Brian Horsman
   BE IT RESOLVED that the Agenda of the Kearney Community Centre Building Advisory Committee on Wednesday, January 12, 2022 be adopted as circulated. **Carried**

3. Declaration of Pecuniary Interest – None noted

4. Delegations

   4.1 **Jean Larocque and Ruth Elder**, Larocque Elder Architects re:

   - Latest set of kitchen drawings
     A quick overview of the revised drawings for the commercial kitchen was provided showing the existing layout; the removal of equipment; the new kitchen plan including plans showing elevations/millwork/finishes; relocation of the washrooms; and the mechanical drawings.

   - Preliminary cost estimate for the Kitchen improvements
     A high end cost estimate was provided that includes recommendations from Trans Canada (not as a peer review).

   - Upgrades to the Community Hall ventilation system
     The new mechanical system was explained for both the kitchen area and the gym.

   4.2 **Discussion re:** Empty parcel of land adjacent to the General Store **– Deferred.**

5. Minutes

Resolution No. 5/12/01/2022

Moved by: Cathy Hare **Seconded by:** Brian Horsman

BE IT RESOLVED that the Kearney Community Centre Building Advisory Committee accepts the Minutes of the following Meetings, as circulated.

- Wednesday, December 1st, 2021

Carried

6. Business

6.1 **Next Steps**

- Provide new drawings, quote and timeline to Council;
- Present to User groups for inclusion in process and for support to move forward
- Obtain Resolution from Council to move to Tender process

7. Correspondence - None

8. Discussion re: Next Meeting date/time

Committee members discussed moving our meetings to Monday mornings.

9. Adjourn

Resolution No. 9/12/01/2022

Moved by: Cathy Hare **Seconded by**: Brian Horsman

BE IT RESOLVED that the Kearney Community Centre Building Advisory Committee adjourns at 12:00 p.m. to meet again at 10:00 a.m. on Monday, January 24th, 2022.

Carried

Kearney Community Centre Building Advisory Committee

MINUTES

Monday, January 24th, 2022

10:00 a.m.

REMOTE ACCESS

In Attendance: Timothy Brown, Mike Rickward, Brian Horsman; Matt Clouthier; Brenda Fraser; Cathy Hare; Mayor Ballantyne; and John Smeets

Regrets: Ross Gattozzi

1. Call to Order

   Resolution No. 1/24/01/2022

   Moved by: Cathy Hare **Seconded by:** Brian Horsman

   BE IT RESOLVED that the Meeting of the Kearney Community Centre Building Advisory Committee on Monday, January 24, 2022 be called to Order at 10:00 a.m. **Carried**

2. Agenda

   Resolution No. 2/24/01/2022

   Moved by: Tim Brown **Seconded by:** Cathy Hare

   BE IT RESOLVED that the Agenda of the Kearney Community Centre Building Advisory Committee on Monday, January 24, 2022 be adopted as circulated. **Carried**

3. Declaration of Pecuniary Interest – None noted

4. Delegations

   4.1 Discussion re: User Group meeting to view Preliminary Drawings

   Committee members were advised that eight of the twelve *User Groups* viewed and supported moving forward with the renovations proposed to the KCC kitchen and gym, in accordance with the drawings provided by Larocque Elder Architects. It was also noted that the User Groups were advised of the projected cost for this project.

   Resolution No. 4/24/01/2022

   Moved by: Cathy Hare **Seconded by:** John Smeets

   BE IT RESOLVED that the Kearney Community Centre Building Advisory Committee, in consultation with the Town User Groups, recommends that Council move forward to complete the repairs to the KCC kitchen and gym in accordance with the plans provided by Larocque Elder Architects. **Carried**

   Tim Brown left the meeting at this time.

5. Minutes

Resolution No. 5/24/01/2022

Moved by: Cathy Hare **Seconded by:** Carol Ballantyne

BE IT RESOLVED that the Kearney Community Centre Building Advisory Committee accepts the Minutes of the following Meetings, as circulated.

- Wednesday, January 12th, 2022

Carried

6. Business

6.1 **Next Steps**

- Obtain Resolution from Council to move to Tender process
- Review our Committee Terms of Reference

7. Correspondence

The User Group survey questions and results were shared with the Committee.

Cathy Hare noted that although representatives from eight User Groups attended to view the Architect's preliminary design documents, many represent more than one User Group, resulting in a reliable survey.

8. Discussion re: Next Meeting date/time

Committee members discussed holding our next meeting following the upcoming Regular Council meeting.

9. Adjourn

Resolution No. 9/24/01/2022

Moved by: Brian Horsman **Seconded by**: Carol Ballantyne

BE IT RESOLVED that the Kearney Community Centre Building Advisory Committee adjourns at 10:37 a.m. to meet again at 10:00 a.m. on Monday, February 7th, 2022.

Carried

Kearney Community Centre Building Advisory Committee

RESOLUTION

Monday, January 24th, 2022

10:00 a.m.

REMOTE ACCESS

MOVED BY: Cathy Hare.

SECONDED BY: John Smeets

BE IT RESOLVED that the Kearney Community Centre Building Advisory Committee, in consultation with the Town User Groups, recommends that Council move forward to complete the repairs to the KCC kitchen and gym in accordance with the plans provided by Larocque Elder Architects.

DEFERRED ☐ **WITHDRAWN** ☐ **DEFEATED** ☐ **CARRIED** ☐

COPY

RECORDED VOTE: Requested by:			
Member	**Yes**	**No**	**Absent**
Timothy Brown CHAIR			
Matt Clouthier			
Brenda Fraser			
Ross Gattozzi			
Cathryn Hare			
Brian Horsman			
Mike Rickward			
John Smeets			

CHAIR: Tim Brown

DATE: Monday, January 24, 2022

RES. NO: 4 / 24/01/2022

Town of Kearney

8 Main Street PO Box 38 Kearney ON P0A 1M0

TOWN COUNCIL RESOLUTION

MOVED BY: M Rickward SECONDED BY: E Stermsek

WHEREAS the Almaguin Community Hatchery Program (ACHP), run by a dedicated group of volunteers, is focused on restoring the Walleye population within the Magnetawan River System of the Almaguin area;

AND WHEREAS a new approach taken, has resulted in the development of a mobile hatchery;

AND WHEREAS the ACHP presently has two micro hatcheries in Almaguin, (one in the Magnetawan Public School and the other in the Almaguin Highlands Secondary School) and would like to introduce an on-line education component which requires technical equipment at an estimated cost of $10,000.00;

AND WHEREAS a request has been received from the Almaguin Community Hatchery Program, for a donation in the amount of $500.00 to assist with the purchase of this equipment for the mobile hatchery;

NOW THERFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney shall _____

DEFERRED ☑ **WITHDRAWN** ☐ **DEFEATED** ☐ **CARRIED** ☐

RECORDED VOTE Requested by:			
Member	**Yes**	**No**	**Absent**
PHILIP, Cheryl			
RICKWARD, Mike			
STERMSEK, Liz			
ZIRALDO, Paul			
BALLANTYNE, Carol *Mayor*			

Mayor: C Ballantyne

Date: January 14, 2022

Res No: 11(a)(i)/14/01/2022

Brenda Fraser

From: Councillor Jerry Brandt <jbrandt@armourtownship.ca>
Sent: Monday, December 13, 2021 4:03 PM
To: John Theriault (Clerk-Treasurer Administrator); Brenda Fraser; Beth Morton; clerk@mcmurrichmonteith.com; clerk@burksfalls.ca; Judy Kosowan (clerk@ryersontownship.ca)
Subject: FW: Almaguin Community Hatchery Program Funding Request
Attachments: ACHP 2021 Almaguin Request 1.jpg; ACHP 2021 Almaguin Request 2.jpg; ACHP 2021 Almaguin Request 3.jpg

Hello everyone

Could you please pass on to your councils for consideration of assistance in our Hatchery / School project.

Thank you
Jerry Brandt

ALMAGUIN COMMUNITY HATCHERY PROGRAM

WE HATCH'EM - YOU CATCH'EM

DATE: DEC 8/2021

ACHP would like to invite you to help fund our quest in restoring our Walleye population, presently within the Magnetawan River System of the Almaguin area by purchasing and installing new educational data monitoring components.

Our hatchery group of volunteers have been in existence for over 30 years. Mother Nature played a big role in our successes of the past, however Global Warming has forced us to change our operations. With this being said, we took a new approach and have been able to develop and build a State of the Art new mobile hatchery. It employs modern technology, born and raised in Almaguin, and built during the Pandemic. We are Wheelchair accessible! We were able to prove our concept this year. The first run produced an 80% hatch rate and we placed 1.6 million fry into the Magnetawan River Ahmic Lake system with permits via MNRF. With community help, we expect to increase our success rate to between 95-100% next year.

With this year's success behind us we are ready to introduce the next phase, which is on-line education. We presently have two micro hatcheries in Almaguin, one in the Magnetawan Public School and the other in the Almaguin Highlands Secondary School. Our children's education of the Almaguin area is very important to us.

In order to achieve this we need to purchase high tech equipment to monitor in real time, water levels, water flow rates, oxygen levels, PH levels, ammonia levels, temperatures, all via sensors, camera, computer equipment and software programs, etc.

Our hatchery has the capability of being able to hatch close to 5 million fry with limited manpower. Our mobile hatchery is simple, sophisticated and modern.

ALMAGUIN COMMUNITY HATCHERY PROGRAM

WE HATCH'EM - YOU CATCH'EM

Please help us give our once sought after Walleye fishery and local tourist industry of Almaguin area a big economic boost.

With your $500.00 donation, this will help us reach our goal of $10,000.00 to proceed with the educational component in our mobile hatchery because we can make a difference.

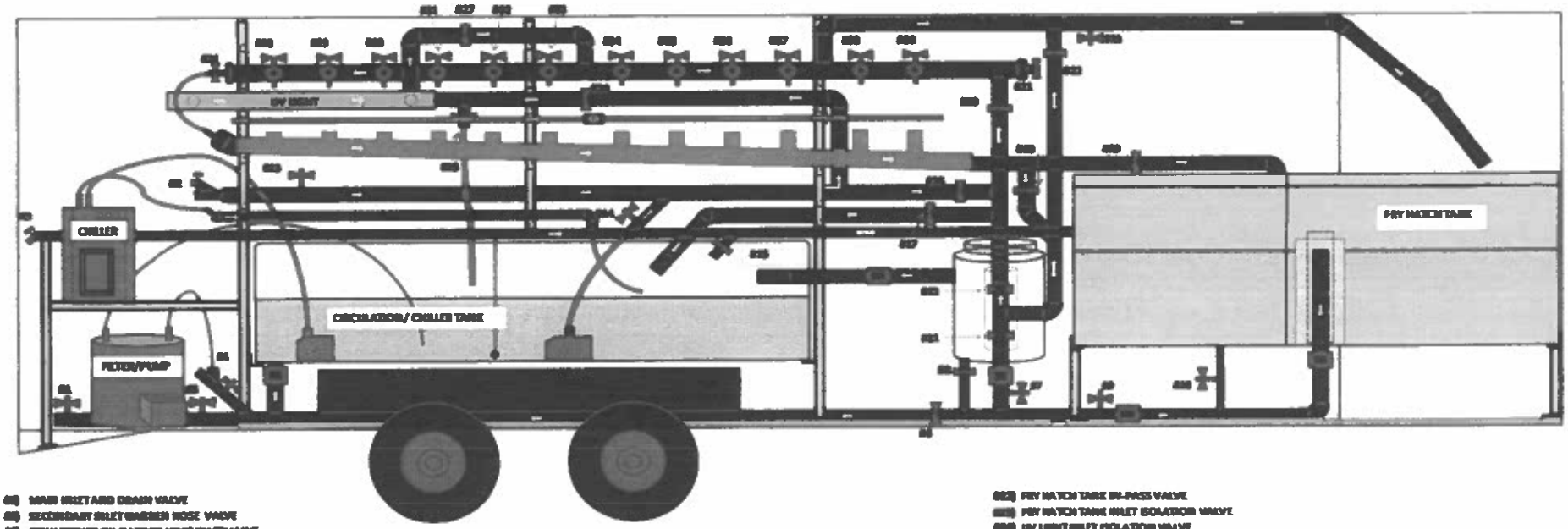
Please make cheques payable to Almaguin Community Hatchery Program and mail to Jerry Brandt, P.O. Box 980, Burk's Falls, ON, P0A 1C0.

You can visit our website at https://almaguinhatchery.com

Thanking you in advance

Vice-President
Jerry Brandt
P.O. Box 980, Burks Falls, ON, P0A1C0
Almaguin Community Hatchery Program
minibs2010@hotmail.com

ALMAGUIN COMMUNITY HATCHERY TRAILER
WE HATCH'EM - YOU CATCH'EM



- (01) MAIN INLET AND DRAIN VALVE
- (02) SECONDARY INLET GARDEN HOSE VALVE
- (03) FRY HATCH TANK GARDEN HOSE INLET VALVE
- (04) FILTER/PUMP INLET VALVE
- (05) CIRCULATION TANK INLET/DRAIN VALVE
- (06) RADIAL FLOW SEDIMENT FILTER BY-PASS VALVE
- (07) RADIAL FLOW SEDIMENT FILTER MAIN INLET VALVE
- (08) RADIAL FLOW SEDIMENT FILTER DRAIN VALVE
- (09) FRY HATCH TANK MAIN OUTLET ISOLATION VALVE
- (010) FRY HATCH TANK DRAIN VALVE
- (011) SECONDARY RPSF ISOLATION VALVE
- (012) INLET PROCESS FUNCTION BY-PASS/ISOLATION VALVE
- (013) SECONDARY INLET ISOLATION VALVE
- (014) MAIN PUMP OUTLET ISOLATION VALVE
- (015) FRY HATCH TANK OVERFLOW ISOLATION VALVE
- (016) UV UNIT INLET BY-PASS VALVE
- (017) CIRCULATION TANK RETURN BY-PASS VALVE
- (018) RACEWAY OUTLET BY-PASS VALVE
- (019) RACEWAY OUTLET ISOLATION VALVE
- (020) MAIN HEADER DRAIN VALVE
- (021) MAIN HEADER ACCESSORY VALVE
- (022) FRY HATCH TANK BY-PASS VALVE
- (023) FRY HATCH TANK INLET ISOLATION VALVE
- (024) UV UNIT INLET ISOLATION VALVE
- (025) UV UNIT DRAIN VALVE
- (026) RACEWAY INLET BUBBLE DIFFUSER VALVE
- (027) UV UNIT OUTLET ISOLATION VALVE

HATCHING JAR FLOW CONTROL VALVES
(028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039)

DWG# H2019
SCALE: 1/4" =1'
DATE 14/12/19
MURRAY CALDWELL

Town of Kearney

Email: admin@townofkearney.ca
Website: http://townofkearney.ca
Phone: 705 636 7752
Fax: 705 636 0527

P.O. Box 38
8 Main Street
Kearney, Ontario
P0A 1M0

REPORT

To: Mayor and Council

From: Brian Horsman CBO

Re: Various concerns and complaints received from Rate Payers

Date: January 28, 2022

We have been receiving several complaints regarding various issues and properties around town , please be informed that we are aware of the concerns and we have been investigating them and resolution is forthcoming.

We are restricted from further comments as litigation has been initiated on two of the complaints. Our ability to resolve some of the issues have been restricted by Covid-19 (during Covid the Courts have been closed), however they are slowly opening and we can now proceed.

The purpose of this report is to inform Council that all concerns and complaints received are being processed and resolution is forthcoming.

Recommendation: That Council receives this report from the Chief Building Official.

THE CORPORATION OF THE TOWN OF KEARNEY

STAFF REPORT

TO: Mayor and Council

FROM: Cindy Filmore, Administrative Services Coordinator

SUBJECT: Encroachment Agreement - Bradt

DATE: February 4, 2022

Recommendation:

WHEREAS a request for an encroachment agreement was received regarding the placement of a dock on a shore road allowance in front of a private property;

AND WHEREAS this request does not appear to impact adjoining landowners or municipal access points

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby supports in principle the encroachment agreement of Ryan & Jennifer Bradt

Background

Staff received a request for an encroachment agreement from Ryan & Jennifer Bradt as attached.

Considerations

Mr. & Mrs. Bradt (and family) own a vacant lot on Loon Lake, on which they wish to build a dock. This dock will aid in their enjoyment of their land, and of Loon Lake. It is their first step to potentially building a cottage on their lot in the future.

Their property is located at the south-west corner of Loon Lake and accessed off Island Lake Road (#571B).



Respectfully submitted by: *Cindy Filmore*

January 26th, 2022

Dear Mayor and Council members,

We (Ryan and Jennifer Bradt) would like to request an encroachment agreement on the shoreline lake road of 571 B Island Lake Road. We have been the owners of this 1.5-acre lot for approximately six years and are preparing to develop the land for a cottage in 2023.

The request of this encroachment agreement includes an approximately 2.44 metre by 1.8 metre platform to which we will attach a floating dock to. The measurement is approximate because we intend to keep all trees intact along the shoreline and will potentially need to build around them. This dock will provide us with:

-water access to our land which will aid in our site preparation for the delivery of materials (when necessary)

-allow our family to enjoy the beautiful Northern view once our cottage is complete.

We greatly appreciate your consideration in our request and would like you to know that we intend to uphold the integrity of this land in a natural and sustainable manner.

Sincerely,

Ryan, Jennifer, Lyla, and Charlise Bradt

Date Jan17 2022	Bin Pick Up	Kearney	$	Sand Lake	$	Notes
Jan17		11		8	30	30F
Jan18		38		16		
Jan21		31		6		
Jan22		38		9	14	2G 10F
Jan23		37		19		
Jan24		33		16	50	50C
Jan25		27		17	30	30C
Jan28		33		14	20	20C
Jan29		13		17	10	10E
Jan30		36	4	19	5	5C
Jan31		33		13	5	5C
Feb 1						
Feb 4						
Feb 5						
Feb 6						
Totals					164	

All 3 bins at Transfer station in town emptied Jan. 20th
Social distancing still in effect
Garbage & cardboard emptied at Kalio transfer station Jan, 20th
construction bins & recycle bin emptied Kalio Rd Jan. 27th

Josh Dresser, Transfer Stn. Attendant

THE CORPORATION OF THE TOWN OF KEARNEY

STAFF REPORT

TO: Mayor and Council

FROM: Scott Mckay

SUBJECT: Hwy 518 Winter Maintenance

DATE: February 4, 2022

Recommendation:

WHEREAS the Council of the Corporation of the Town of Kearney recognizes the need to safeguard the welfare of its residents, ratepayers and visitors to the Town of Kearney;

AND WHEREAS one method of ensuring this safety is to provide continuous levels of maintenance on road surfaces;

AND WHEREAS Fowler Construction provides plowing, sanding and winter maintenance services to Hwy 518 at the easterly and westerly edges of Town limits;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney authorizes staff to enter into an agreement with Fowler Construction to provide winter plowing and sanding to Hwy 518 within the Town limits (Pineaire Lane to Cherry Hill Road) at the costs as outlined (attached)

Background

The Town of Kearney received ownership of Hwy 518 in 1998 and, over the years had utilized agreements with first the MTO, and then the contractors charged with local Hwy 518 maintenance to maintain the portion of road from the Town's westerly limits (east of Pineaire Lane) to its easterly limits (Cherry Hill Road) along this highway. This provided the Town with a continued "clear" path and maintained the sanding/salting/plowing through this section and past the Main Street corner.

The Town of Kearney did have a maintenance contract with Carillion that was to continue until 2023, however when Fowler Construction took over the local maintenance, this contract did not carry through.

Considerations

While Town employees strive to keep all our roads clean and clear, the Town does not utilize salt at the same levels as MTO/Fowler uses on Hwy 518, and this can create issues at both the westerly and easterly ends of our limits as well as at the "STOP" light at Main Street (as the MTO plows drop ice and slush burdens when stopping and starting).

There have been issues noted of iced areas coming into Kearney as salt "stops" at the Welcome to Kearney sign. This creates a poor first impression of the Town, as well as safety concerns. Similarly, at the "STOP" sign, ice/slush falling off the blade and salt falling off the sander can create ice problems. If the salt were to continue through the "STOP" sign, it would help considerably to keep the intersection clear. As well, this would better allow staff to concentrate their time more effectively on the remainder of our roads system.

Staff were able to contact Fowler Construction to discuss the possibility of having their plow/sander units provide continuous service along the Town portion of Hwy 518, and Fowlers provide the following costings for Council to consider:

Year	Costs
2021-2022	$3,477.58
2022-2023	$5,014.20
2023-2024	$5,114.49
2024-2025	$5,216.78

By using Fowlers services, we can better ensure the safety of all drivers using this route.

Respectfully submitted by: *Scott McKay*

THE CORPORATION OF THE TOWN OF KEARNEY

STAFF REPORT

TO: Mayor and Council

FROM: Scott Mckay

SUBJECT: Town Excavator

DATE: February 4, 2022

Recommendation:

Staff requires direction to determine budgetary considerations.

Background

Staff approached Council with details surrounding the mechanical condition of the current CAT Excavator, and the possible costs to both repair and replace this piece of machinery.
Council directed that staff should tender and receive quotations for both repair and replacement options.

Considerations

Staff tendered both the repair and replacement of the CAT Excavator and the results were:

Repair of current model:

1. Quotation received prior to tender from CAT — $24,756.94 + float to/from shop
2. Tender received from Mactek — $23,559.50 (incl. float to/from shop)(Aftermarket parts)
3. Tender received from Mactek — $26,329.18 (incl. float to/from shop) (using CAT undercarriage parts)

Replacement of CAT Excavator with 15 Ton Compact Radius Hydraulic Excavator

1. Tender received from Toromont (CAT) — $164,920.20 (after trade-in)
2. Tender received from JR Brisson (CASE) — $146,577.00 (after trade-in)
3. Tender received from GF Preston (DOOSAN) — $139,495.00 (after trade-in)

Staff requires direction to determine budgetary considerations.

Respectfully submitted by: *Scott McKay*

THE CORPORATION OF THE TOWN OF KEARNEY

By-law No. 2022 - 02

Being a By-law to authorize the levying of Interim Tax Rates

WHEREAS Section 317 of the *Municipal Act 2001*, as amended, provides that the Council of a local municipality, may pass a By-law levying amounts on the assessment of property in the local municipality ratable for local municipality purposes;

AND WHEREAS the Council of the Corporation of the Town of Kearney deems it appropriate to provide such interim levy on the assessment of property in this municipality;

NOW THEREFORE the Council of the Corporation of the Town of Kearney hereby enacts as follows:

1. **In this By-law**:

   1.1 **"Property"** shall mean property within the geographic limits of the Town of Kearney;

   1.2 **"Act"** shall mean the Municipal Act, 2001, S.0.2001, C.25, as amended;

   1.3 **"Minister"** shall mean the Minister of Finance;

   1.4 **"Treasurer"** shall mean the Treasurer appointed by the Council of the Corporation of the Town of Kearney or a person delegated the Treasurer's powers and duties under Section 286(5) of the Act;

   1.5 "**the commercial property class**" shall Include all commercial office property, shopping centre property and parking lot property; and

   1.6 "**the industrial property class**" shall include all large industrial property.

2. **The interim taxes are hereby levied in the following manner**:

   2.1 The amount levied on a property shall not exceed the prescribed percentage, or fifty (50) percent if no percentage is prescribed, of the total amount of taxes for municipal and school purposes levied on the property for the previous year.

   2.2 The percentage under paragraph 2.1 may be different for different property classes but shall be the same for all properties in a property class.

   2.3 For the purposes of calculating the total amount of taxes for the previous year under paragraph 2.1, if any taxes for municipal and school purposes were levied on a property for only part of the previous year because assessment was added to the tax roll during the year, an amount shall be added equal to the additional taxes that would have been levied on the property if the taxes for municipal and school purposes had been levied for the entire year.

3. All taxes levied under this By-law shall be payable into the hands of the Treasurer in accordance with the provisions of this By-law.

4. **Installment Dates**:

   4.1 The said interim tax levy shall become due and payable in two installments, namely February 25th, 2022 and April 29th, 2022.

   4.2 Non-payment of the amount due on the dates stated in accordance with this section shall constitute default.

5. The Treasurer is hereby authorized to mail or cause to be mailed to the address or the residence of each person taxed, a notice specifying the amount of taxes payable by such a person pursuant to the provision hereof.

6. The notice to be mailed under this By-law shall contain particulars provided for in this By-law and the information required to be entered in the tax roll under Section 340 of the Act.

7. The subsequent levy for the current year to be made under the Municipal Act shall be reduced by the amount to be raised by the levy Imposed by this By-law.

8. The provisions of Section 317 of the Municipal Act, as amended, apply to this By-law with necessary modifications.

9. The Treasurer is hereby authorized to accept part payment from time to time on account of any taxes due or to become due and to give a receipt for such part payment, provided that the acceptance of any such part payment shall not affect the collection of any percentage charge imposed and collectable in respect of non-payment of any taxes or of any installment thereof.

10. In default of payment of any installment of real property taxes levied herein, by the required due date for payment thereof, a percentage charge of one and one-quarter percent (1.25%) is hereby imposed as a penalty for non-payment of such taxes, or an installment thereof remaining unpaid on the first day of each calendar month thereafter in which default continues, but not after December 31 of the current year.

11. Nothing in this By-law shall prevent the Treasurer from proceeding at any time with the collection of any tax, or any part thereof, in accordance with the provisions of the statutes and By-laws governing the collection of taxes.

12. Bill 68, Modernizing Ontario's Municipal Legislation Act, allows a municipality to commence Tax Sale Arrears Registration after two (2) years are outstanding.

13. In the event of any conflict between the provisions of this By-law and any other By-law, the provisions of this By-law shall prevail.

This By-law shall come into force and take effect upon being passed.

READ A FIRST, SECOND AND THIRD TIME, passed, signed and the Corporate Seal attached hereto, this 4th day of February, 2022.

THE CORPORATION OF THE
TOWN OF KEARNEY

_____
Carol Ballantyne, *Mayor*

_____
Brenda J. Fraser, *Clerk*

THE CORPORATION OF THE TOWN OF KEARNEY

By-law No. 2022-xx

BEING A BY-LAW TO GOVERN THE CALLING, PLACE AND PROCEEDINGS OF MEETINGS OF COUNCIL AND COMMITTEES

WHEREAS Section 238 (2) of the *Municipal Act, S.O. 2001*, as amended, states that "Every municipality and local board shall pass a Procedure By-law for governing the calling, place and proceedings of meetings";

AND WHEREAS it is deemed expedient to establish rules governing the order, procedure and members' conduct of the Council and its Committee meetings;

AND WHEREAS Council has given notice that it proposes to consider a By-law to amend By-law No. 2020-41 as amended, being a By-law to govern the calling, place and proceedings of meetings of Council and Committees;

NOW THEREFORE the Council of The Corporation of the Town of Kearney enacts as follows:

1. DEFINITIONS

1.1 **Act** means the *Municipal Act 2001, as amended*;

1.2 **Amendment** means to alter or vary the terms of the main motion without materially changing its purpose;

1.3 **Attendance** means either physical or electronic presence at a meeting open to the public;

1.4 **By-law** means a By-law in a form approved by the Council prepared or passed for the purposes of giving general effect to a previous decision or proceedings of the Council;

1.5 **Censure** means an expression of strong disapproval or harsh criticism; an official reprimand, as by a governmental body of one of its members;

1.6 **Clerk** means the Clerk, or designate, of The Corporation of the Town of Kearney;

1.7 **Closed Session** means the conduct of a meeting, or part of a meeting, of Council or a Committee of Council, which is closed to the public as permitted by the Act;

1.8 **Committee** means any advisory committee, ad hoc committee, Standing Committee, Committee of the Whole or other committee, subcommittee, board, or similar entity, governed by Council;

1.9 **Council** means the Council of the Corporation of the Town of Kearney;

1.10 **Delegation** means a presentation to Council or a Public Hearing;

1.11 **Electronic Recording Device** means preservation by analog (audio and/or VHS videotape) or digital (digital audio tape, CD and/or DVD non-rewritable discs, mobile communication devices) means through the use of audio or audio/video recording equipment or any other similar piece of technological equipment;

1.12 **Expulsion** means immediate removal of an individual from a meeting;

1.13 **Head of Council** means the Mayor of The Corporation of the Town of Kearney;

1.14 **In Camera** means the conduct of a meeting, or part of a meeting, of Council or a Committee of Council, which is closed to the public as permitted by the *Act*;

1.15 **Local Newspaper** means the Almaguin News;

1.16 **Laptop** (also known as a Notebook, Tablet or iPad) means a personal computer designed for mobile use;

1.17 **Majority** for the purposes of voting means more than half the total of Members present and not prohibited by statute from voting;

1.18 **Mayor** means the Head of the Council of the Town of Kearney;

1.19 **Meeting** means any meeting duly convened at the proper time and place with adequate notice and includes meetings designated as regular, special, public, committee, committee-of-the whole, informational or other meetings of Council or a local board that has the authority to and furthers the business of Council or the local board;

1.20 **Member** means a Member of Council, including the Mayor, or a member of a Committee;

1.21 **Mobile Electronic Device** includes a cellular phone, pager, smart phone, computer with a link to the internet, or any other similar piece of technological equipment used for communication purposes;

1.22 **Motion** means a subject being presented for the consideration of Council and duly moved and seconded;

1.23 **Notice of Motion** means a motion received by the Clerk, in writing, moved by a Member for inclusion on a future agenda of a meeting of Council or Committee;

1.24 **Point of Order** means the right of a Member to bring to the attention of the Mayor or Chair any deviation or departure from the rules of procedure;

1.25 **Procedural By-law** means this By-law and as may be amended when required by a majority of Council at its discretion;

1.26 **Present,** when referring to **attendance at a meeting**, shall include electronic participation;

1.27 **Presiding Officer** means the Member of Council presiding at any meetings of Council or Committee;

1.28 **Question of Privilege** means questions relating to the rights and privileges of a Member of the Council;

1.29 **Quorum** means a majority of the whole number of Members of Council or Committee, or as otherwise determined by Council, in order that a legal meeting can be held for the transaction of business;

1.30 **Recorded Vote** means the recording of a vote of every Member of Council voting on any matter or question;

1.31 **Rules of Procedure** means the provisions governing the proceedings of Council which are set forth in this By-law;

1.32 **Special Meeting** means a Meeting of Council that is summoned, when necessary, by the Head of Council or Clerk or designate;

1.33 **Town** means The Corporation of the Town of Kearney;

1.34 **Votes Cast** means votes cast based on the majority of the members present.

2. APPLICABILITY

2.1 The rules and regulations contained in this By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the dispatch of business by Council and, with necessary modifications, its Committees.

2.2 No standing rule, procedure or order shall be suspended except by a majority vote of the Council. Council is not permitted to suspend any statutory requirement with respect to its proceedings.

2.3 The Rules of Debate of the Provincial Legislature and Robert's Rules of Order shall prevail where applicable in all circumstances not covered by this By-law.

3. ROLE OF COUNCIL AND HEAD OF COUNCIL

3.1 It is the role of Council;

3.1.1 To represent the public and to consider the well-being and interest of the municipality;

3.1.2 To evaluate the policies and programs of the municipality;

3.1.3 To determine which services the municipality provides;

3.1.4 To ensure the administrative and controllership policies, practices and procedures are in place to implement the decisions of Council;

3.1.5 To ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;

3.1.6 To maintain the financial integrity of the municipality;

3.1.7 To carry out the duties of Council under the Municipal Act, 2001 or any other Act;

3.1.8 Under special circumstances, if the Clerk and/or Deputy Clerk becomes unavailable at a Council meeting, Council may appoint a Deputy Clerk.

3.2 It is the role of the Head of Council;

3.2.1 To act as Chief Executive Officer of the municipality;

3.2.2 Preside over Council meetings so that its business can be carried out efficiently and effectively;

3.2.3 To provide leadership to the council;

3.2.4 Without limiting Section 3.2.3 to provide information and recommendations to the council with respect to the role of council described in Section 3.1.4 and 3.1.5;

3.2.5 To represent the municipality at official functions; and

3.2.6 To carry out the duties of the head of council under this or any other *Act*.

4. COMMITTEES

4.1 Advisory Committees of Council

4.1.1 Council shall appoint by resolution, members to volunteer Advisory Committees at the beginning of each term of Council for the four-year term of the Council that appointed them. Appointments may be altered by resolution of Council.

4.1.2 All volunteer Advisory Committees shall include a minimum of one (1) member of Council.

4.1.3 All volunteer Advisory Committees shall meet at a time to be determined by the individual Committees.

4.1.4 All volunteer Advisory Committees shall draft a Terms of Reference to govern its committee and provide said document to the Clerk's office, for approval by Council.

4.1.5 It shall be the duty of the volunteer Advisory Committees to report to the Standing Committee and/or Council, on all matters connected with their duties or referred to them, and to recommend such action, as they deem necessary. This is to be done under a separate report to include recommendations to Council through the Clerk's office.

4.1.6 Advisory Committees are advisory bodies to Council, and do not have any decision-making authority.

4.1.7 ~~That a~~All volunteer Advisory Committees provide to Council, through the Clerk's Office, the minutes of meetings, immediately upon completion, marked as Draft, where necessary.

4.2 Informational, Sub or Ad Hoc Committees

4.2.1 Council may appoint a sub or Ad Hoc Committee to consider a specific matter on an 'as required' basis.

4.3 Ad-hoc Budgetary Advisory Committee

An Ad hoc Budgetary Advisory Committee of Council, may be established for the preparation of the annual estimates of revenues and expenditures. The Ad-hoc Budgetary Advisory Committee of Council shall meet on an 'as required' basis.

5. SCHEDULING/CALLING/NOTICE OF COUNCIL MEETINGS

5.1 First (Inaugural) Meeting

5.1.1 The Inaugural Meeting of Council, after a regular election, shall be held in the Council Chambers not later than the second (2nd) Wednesday in December.

5.1.2 Council-elect must attend the Inaugural meeting in person.

5.2 Regular Meetings

5.2.1 Regular Meetings of Council shall be held at 1:00 p.m., in the Council Chambers, at 8 Main Street, Kearney, every three weeks on ~~Fridays~~ Wednesdays:

5.2.2 Council may, by resolution, alter the date and/or time and/or access of a Regular Meeting provided that adequate notice of the change is posted and published in accordance with the Public Notice By-law.

5.2.3 Closed Session shall commence at the end of the meeting.

5.3 Special Meetings

5.3.1 The Head of Council may, at any time, call a Special meeting;

5.3.2 Upon receipt of a petition of the majority of the members of Council, the clerk shall call a special meeting for the purpose and at the time mentioned in the petition.

5.3.3 In either case of Subsection 5.3.1 or 5.3.2, the Special Meeting shall be held not sooner than forty-eight (48) hours following the summons of the Head of Council or receipt of the petition, as the case may be, and the Clerk or his/her designate shall provide written notice of the Special Meeting immediately following receipt of the summons or petition.

5.3.4 Notice to Council may be in the form of a phone message, an e-mail or written notice mailed or directed to Council members home or normal place of business. The forty-eight (48) hours is deemed to have been given when the message or notice is mailed, sent or delivered. The notice shall state the time, date, location and the purpose of the special meeting.

5.3.5 Notwithstanding the notice requirements set out above, in the event of a bona fide emergency, the Meeting may be held as soon as practicable following receipt of the summons or petition, as the case may be, and notice may be given by telephone or personal contact as determined by the Mayor or his/her designate.

5.3.6 Unless otherwise specified in the notice described in Subsection 5.3.3, a Special Meeting shall be held in the Council Chambers.

5.3.7 The Agenda of a Special Meeting shall specify the purpose(s) for the meeting. No matter shall be discussed except that for which the meeting was called.

5.3.8 The Agenda for a Special Council meeting shall be generally formatted as follows, however, modifications to the matters to be included or the order of business may be affected without requiring amendment to this By-law:

1. Call the Meeting to Order
2. Declaration of Pecuniary Interest and the General Nature Thereof
3. Business
4. Closed Session, if required
5. Adjournment

5.3.9 Notice shall be provided according with the Public Notice By-law.

5.4 Sub-Committee, Ad-Hoc, Informational Meetings

5.4.1 Sub-Committee, Ad-Hoc, Information, Committee and other Meetings may be called as required by Council or staff.

5.5 Notice of Meeting

5.1 Notice of meetings shall be thorough, shall include a notice on the Municipal website and shall be posted on the Municipal Bulleting Board. Notice of Regular Meetings shall also be included in the monthly calendar.

6. OPEN/CLOSED ("IN-CAMERA") MEETINGS

6.1 All Council, Committee, Ad Hoc, Sub-committee, Information and other Meetings shall be open to the public.

6.2 Notwithstanding Subsection 6.1 above, a meeting or part of a meeting may be closed to the public if the subject matter being considered is:

(a) the security of the property of the Municipality or local board;

(b) personal matters about an identifiable individual, including municipal or local board employees;

(c) a proposed or pending acquisition or disposition of land by the municipality or local board;

(d) labour relations or employee negotiations;

(e) litigation or potential litigation including matters before administrative tribunals affecting the Municipality or local board;

(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(g) a matter in respect of which a Council, board, or other body may hold a closed meeting under another Act;

(h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;

(i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;

(j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or

(k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

6.3 Notwithstanding Subsection 6.1 above, a meeting or part of a meeting shall be closed to the public if the subject matter being considered is:

6.3.1 a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or

6.3.2 an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under

the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13(1) of this *Act*, or the investigator referred to in subsection 239.2(1).

6.4 A meeting of a Council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

6.4.1 The meeting is held for the purpose of educating or training the members.

6.4.2 at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.

6.5 Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution:

6.5.1 the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or

6.5.2 in the case of a meeting under subsection (3.1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection;

6.6 Subject to Section 6.5 a meeting shall not be closed to the public during the taking of a vote.

6.7 A meeting may be closed to the public during a vote if,

6.7.1 Subsection 6.2 or 6.3 permits or requires the meeting to be closed to the public, and

6.7.2 the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality, local board or committee or either of them or persons retained by or under contract with the Municipality or local board.

7. QUORUM

7.1 A quorum of Council or a Committee shall be a majority of the total members thereof, unless a two-third (2/3) majority shall be required by statute or By-law.

7.2 Four (4) members of council may participate electronically to be counted in determining whether or not a quorum of members is present, so long as the Head of Council or their designate is in attendance in the Council chamber.

7.3 The Mayor in his/her ex officio role as a member of all committees will be considered a committee member for determining quorum when he/she is present at a Committee meeting.

7.4 If no quorum is present one-half (1/2) hour after the time appointed for a Council or Committee meeting, the Clerk or his/her designate shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting or until rescheduled.

8. PRESIDING OFFICER

8.1 The Mayor shall preside at all meetings of Council.

8.2 When the Mayor is absent, refuses to act, or the office is vacant, the appointed Deputy Mayor shall preside over the meeting, having all the rights, powers and authority of the Mayor.

8.3 Notwithstanding Subsection 8.2, the members may appoint another presiding officer from among themselves for the purpose of chairing a particular meeting.

8.4 Council shall appoint a Deputy Mayor(s) by Resolution.

9. AGENDAS AND SUPPORTING MATERIAL

9.1 The Clerk or designate shall prepare agendas for Council and other meetings as assigned.

9.2.1 Insofar as is practicable, Council and Committee agendas, along with supporting material, shall be prepared and made available to all Council members by 4:30 p.m. on the ~~Friday~~ Wednesday one (1) week prior to the regularly scheduled Council Meeting.

9.2.2 Insofar as is practical, agendas shall be made available to the public via the Town website and bulletin boards on the following ~~Monday~~ Friday by the close of business on that day.

9.2.2 All Council administrative enquires which cannot be answered without further investigation will be directed by the Clerk Administrator to Council to authorize the use of staff time and resources without debate.

9.3 In the event of an agenda that falls on a Statutory Holiday, insofar as is practicable, Council and Committee agendas, along with supporting material, shall be prepared and made available to members by 4:30 p.m. on the first business day prior to the Statutory Holiday. Insofar as is practical, agendas will be made available to the public via the Town website and bulletin boards on the next business day following delivery to Council, subject to Section 9.7.

9.4 The agendas for regular Council meetings shall be generally formatted as follows, however, modifications to the matters to be included or the order of business may be affected without requiring amendment to this By-law.

1. **Call the Meeting to Order**
   followed by A Moment of Silence for Deceased Members of the Community (Specific names of deceased community members will be noted at the request of their family members)
2. **Approval of Agenda**
3. **Declaration of Pecuniary Interest and the General Nature Thereof**
4. **Delegations/Presentations**
5. **Minutes**
   - **Adoption of Minutes**
   - **Receive Committee Minutes**
6. **Committee Resolutions for Consideration**
7. **Public Meetings (Pursuant to the *Planning Act*)**
8. **Public Meetings (Pursuant to the *Municipal Act*)**
9. **Unfinished Business**
10. **Reports & By-laws**
    - **(a) Building**
    - **(b) Planning**
    - **(c) Operations**
      - **(i) Transfer Station Report**
    - **(d) Administration**
    - **(e) Treasury**
    - **(f) Fire and Emergency Services**
    - **(g) Facilities and Buildings**
    - **(h) Council Presentations**
11. **Correspondence**
    - **Action Items**
    - **Information Items**
12. **Other Business**
13. **Closed Session**
14. **Business Arising from Closed Session**
15. **Confirming By-law**
16. **Adjournment**

9.5 The business of the Council/Committee shall be taken up in the order as listed and approved on the agenda unless otherwise decided by majority consent of the Council/Committee.

9.6 Those additions to the Agenda prior to its approval shall be limited to time sensitive documents and must be authorized by a resolution of the Council/Committee. Such resolution requires a majority of votes cast, is debatable, requires a seconder, and, if defeated, item(s) can be discussed under 'Other Business' if time permits, but no vote can be taken on the issue.

9.7 The agenda to be considered at a special meeting of Council, save and except those discussed in Closed Session, shall be made available to the public at the time of giving Notice of the meeting.

9.8 The agenda to be considered at a public meeting of Committee, save and except those discussed in Closed Session, shall be made available to the public one (1) business day prior to that meeting.

9.9 Minutes of Council shall record, without note or comment, all resolutions, decisions and other proceedings of the Council as per the *Municipal Act*, Section 228(1)(a). Directions of Council to staff and others will be in resolution form.

9.10 Minutes of Public Meetings pursuant to the Municipal Act and Planning Act will capture detailed discussion.

9.11 Notes of Information Meetings will capture detailed discussion.

10. DELEGATIONS

10.1 The Council will hear a maximum of four (4) delegations per meeting.

10.2 An individual, group or Committee wishing to appear before Council, at a regular meeting, shall advise the Clerk, in writing, of the general nature of the business to be addressed prior to 3:00 p.m. on the ~~Wednesday~~ Monday before the meeting.

10.3 All delegations shall provide a brief overview of their presentation, in writing, as an attachment at the time of their request for a delegation;

10.4 Persons appearing before Council at a regular meeting shall be limited in speaking to not more than ten (10) minutes. A delegation consisting of more than five (5) persons shall be limited to two (2) speakers, who shall be restricted to speaking for no more than fifteen (15) minutes in total.

10.5 In special circumstances, the Mayor, or presiding officer, may extend the number of delegates and time limitations outlined in Section 10.4.

10.6 Minutes of Delegations will record no detail but include a very limited brief explanation of the topic and/or request.

11. COUNCIL/COMMITTEE - DUTIES OF THE MAYOR/CHAIR

11.1 It shall be the duty of the Mayor, or Presiding Officer or Chair, where applicable:

11.1.1 to open the meeting by taking the Chair and calling the members to order;

11.1.2 to announce the business before Council/Committee in the order in which it is to be acted upon;

11.1.3 to receive and submit, in the proper manner, all motions presented by the members;

11.1.4 to put to a vote, all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;

11.1.5 to decline to put to a vote, motions which infringe upon the rules of procedure;

11.1.6 to enforce on all occasions the observance of order and decorum among the members;

11.1.7 to call by name any member persisting in breach of the rules of order of the Council/Committee, thereby ordering the member to vacate the Council Chambers;

11.1.8 the Mayor or presiding officer shall authenticate by signature all By-laws, resolutions and minutes of the Council / Committee;

11.1.9 to inform the Council/Committee when necessary or when referred to for the purpose, on a point of order or usage;

11.1.10 to represent and support the Council/Committee, declaring its will and implicitly obeying its decisions in all matters;

11.1.11 to ensure that the decisions of Council/Committee are in conformity with the laws and By-laws governing the activities of the Municipal Corporation;

11.1.12 to adjourn the meeting without question in the case of grave disorder arising in the Council Chambers;

11.1.13 to order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chambers where such behaviour persists.

12. CONDUCT OF MEMBERS OF COUNCIL, COMMITTEES AND STAFF

12.1 No member shall:

12.1.1 Speak disrespectfully of the Reigning Sovereign, the Royal Family, the Governor-General, the Lieutenant Governor of any province, any Member of the Senate, any member of the House of Commons of Canada, or any member of the Legislative Assembly of the Province of Ontario;

12.1.2 Use indecent, threatening, abusive, belittling, insulting or offensive words or gestures, profanity or unparliamentary language in or against the Council or against any member, staff, guest or individual and in so doing shall be considered to be in violation of the By-law and shall be subject to an immediate vote of censure and expulsion from the meeting;

12.1.3 Disturb another, or the Council, staff, guest, or individual, by any disorderly conduct disconcerting to the speaker or the assembly;

12.1.4 Speak on any subject other than the subject in debate;

12.1.5 Be allowed to address Council or the committee or speak in debate without permission of the Mayor or presiding officer, who may consult with Council or the committee regarding permission;

12.1.6 Interrupt the member who has the floor except to raise a point of order and/or point of personal privilege;

12.1.7 Resist the rules of Council or disobey the decision of the presiding officer or of Council or the committee on questions of order or practice or upon the interpretation of the rules of Council;

12.1.8 Leave a meeting without first obtaining permission from the Mayor or presiding officer;

12.1.9 Leave their seat or make any noise or disturbance when the Mayor or presiding officer is reading a motion and shall remain in their seat while a vote is being taken and until the result of the vote is declared;

12.1.10 Be permitted to retake their seat after being ordered to leave a meeting, having committed a breach of any rule of the Council and without making an apology to Council and having the consent of Council or the committee expressed by a majority vote of the other members present, determined without debate.

12.1.11 Leave their seat at adjournment until the Mayor or presiding officer leaves the chair or grants permission;

12.1.12 Release, make public or in any way divulge any matters or information dealt with in camera or any aspect of in camera deliberations, unless expressly authorized or required by law;

12.1.13 Use mobile electronic devices during a meeting without prior permission of Council. Failure to comply will result in the individual's immediate removal from the meeting and non-compliance by a Council member shall also result in a vote of censure.

12.2 Unless otherwise authorized by the Mayor or presiding officer, all members and staff shall address Council or the committee through the chair and only when recognized to do so;

12.3 In all matters and under all circumstances, the members shall be guided by and shall have regard to the *Municipal Conflict of Interest Act*;

12.4 Laptops shall be permitted at the Council table for the purpose of accessing the agenda electronically; use of such laptops shall be at the discretion of each Council member;

12.5 If the Mayor, Chair, Member of Council, Committee member or Staff disobeys a rule in the Procedure By-law or a Chair's ruling, the Chair upon:

12.1.17.1 the first occurrence, gives a formal, verbal warning to the member; and

12.1.17.2 the second occurrence, requests that Council censure the member and/or by notice of motion request that Council remove the member from the Committee.

13. CONDUCT OF GUESTS AND THOSE IN ATTENDANCE

13.1 All present shall not:

13.1.1 Speak disrespectfully of the Reigning Sovereign, the Royal Family, the Governor-General, the Lieutenant Governor of any province, any Member of the Senate, any member of the House of Commons of Canada, or any member of the Legislative Assembly of the Province of Ontario;

13.1.2 Use indecent, threatening, abusive, belittling, insulting or offensive words or gestures, profanity or un-parliamentary language in or against the Council or Committee or against any member, staff, guest or individual and in so doing shall be considered to be in violation of this By-law and shall be subject to immediate expulsion from the meeting;

13.1.3 Disturb another, or the Council, member, staff, or individual, by any disorderly conduct disconcerting to the speaker or the assembly;

13.1.4 Be allowed to address Council or the committee or speak during a meeting without permission of the Mayor or presiding officer, who may consult with Council or the committee regarding permission;

13.1.5 Resist the rules of Council or disobey the decision of the presiding officer or Council or the committee on questions of order or practice or upon the interpretation of the rules of Council;

13.1.6 Be permitted to retake their seat after being ordered to leave a meeting, having committed a breach of any rule of the Council and without making an apology to Council and having the consent of Council or the committee, expressed by a majority vote of the other members present, determined without debate;

13.1.7 Use mobile electronic recording devices for recording purposes during a meeting without advising Council or Committee prior to doing so. Should issues arise with the videotaping then by vote of Council the recording shall cease immediately. Failure to comply will result in the individual's immediate removal from the meeting.

13.2 Unless otherwise authorized by the Mayor or presiding officer, all guests shall address Council or the committee through the chair and only when recognized to do so;

14. MOTIONS, RULES OF DEBATE, VOTING ON MOTIONS

14.1 Subject to Subsection 14.2, and insofar as is practicable, notice of motions, except those listed in Subsection 14.24, shall be given in writing to the Clerk or his/her designate not later than 12:00 noon four (4) business days prior to the Regular Council meeting so that the matter may be included in the Council agenda package;

14.2 Any motion may be introduced without notice, if Council, without debate, agrees on a majority vote to dispense with notice;

14.3 A motion must be formally moved and seconded before the question can be put or a motion recorded in the Minutes;

14.4 When a motion is presented to Council or a committee in writing, it shall be read by the Mayor or presiding officer;

14.5 After a main motion has been made and before the question has been stated by the chair, any member can quickly rise and, with little or no explanatory comment, informally suggest one or more modifications in the motion, which at this point the maker can accept or reject as he wishes.
After the question has been stated by the chair, Council then has control of the wording, the maker can request unanimous consent to modify the motion. If any member then objects, the desired modification must be introduced in the form of a motion to Amend, as noted below:

14.5.1 That a motion to amend shall:

14.5.1.1 be presented in writing, unless minor in nature, duly moved and seconded, before it is voted on;

14.5.1.2 be made only to a previous question or to amend an amendment to the question;

14.5.1.3 not be further amended more than once provided that further amendment may be made to the main motion;

14.5.1.4 be relevant to the main motion;

14.5.1.5 not propose a direct negative to the main motion;

14.5.1.6 be put in the reverse order to that which it is moved.

14.6 Once read by the Mayor or presiding officer, a motion belongs to the meeting and may not be withdrawn without the consent of the mover and seconder. The Motion is to be entered into the Minutes and noted as being "WITHDRAWN";

14.7 Immediately prior to voting on a motion, the Mayor or presiding officer shall state the question in the precise form it is to be recorded in the Minutes, including any amendments to the question;

14.8 After a motion as amended is finally put, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result is declared;

14.9 A member shall not speak more than once to the same question without the consent of the Mayor or presiding officer except:

14.9.1 In explanation of a material part of his speech which may have been interpreted incorrectly; or

14.9.2 With leave of the Mayor or presiding officer, after all other members so desiring have spoken; or

14.9.3 A Mayors objective role means he or she does not participate in the debate. Therefore the Mayor must not speak, ask questions, or make a motion about a matter under debate while in the chair. Should the Mayor wish to participate in the debate he or she must relinquish the Chair role to the Deputy Mayor or member of Council respectively;

14.9.4 To reply by leave of the Mayor or presiding officer to the member who presented the motion to Council or the committee;

14.10 On an unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the Mayor or presiding officer and may be by voice, show of hands, standing or otherwise;

14.11 No member shall speak on any subject other than the subject under debate;

14.12 No member shall interrupt a member who has the floor except to raise a point of order;

14.13 No member shall reflect upon, review, discuss, recount, or criticize any decision of the Council or committee except for the purpose of moving that the question be reconsidered;

14.14 Where a vote is taken for any purpose and a member requests, either immediately before or immediately after the vote, that the vote be recorded, each member present, except a member disqualified from voting by any Act, shall, in alphabetical order, announce their vote openly, and the Clerk shall record each vote. The Head of Council shall vote following all other members;

14.15 Any failure to vote by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote;

14.16 The Mayor or presiding officer, except where disqualified to vote, may vote on all questions;

14.17 If the Mayor or presiding officer leaves the chair for the purpose of taking part in the debate or otherwise, he/she shall call a member of Council to the chair and shall not resume the chair until discussion on the matter is concluded and should the Mayor or presiding officer retire from the chair before adjournment, and fail to call some member to the chair, the Council may elect some member to reside over the meeting until the business of the meeting is finished;

14.18 Except where expressly provided in Statute, any question on which there is a tie vote shall be deemed to be defeated;

14.19 No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect;

14.20 Telephone polls are used for informational purposes only;

14.21 Unless otherwise authorized by the Mayor or presiding officer, all members, staff and guests shall address Council through the Chair and only when recognized to do so;

14.22 When two (2) or more members seek to address Council, the Mayor or presiding officer shall designate the member who may speak first;

14.23 Any member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking;

14.24 The following matters and motions may be introduced orally without written notice and without leave except as otherwise provided by these rules:

14.24.1 A point of order or personal privilege;

14.24.2 To defer;

14.24.3 To postpone indefinitely or to a specific day;

14.24.4 To move the question (immediate vote on the main motion); ("call the question"/stop debate on the question);

14.24.5 To refer;

14.24.6 To amend.

14.25 The following motions may be introduced without notice and without leave but shall be in writing and moved and seconded:

14.25.1 To adjourn;

14.25.2 To suspend the rules of procedure.

14.26 A motion to refer the question shall include the name of the body or official to whom the question is to be referred, may include instructions respecting the terms upon which the question is to be referred; and is not debatable except where instructions are included, in which case, only the instructions shall be debatable;

14.27 Except as provided in 14.24, all motions shall be in writing and moved and seconded;

14.28 Subject to Section 14.2, the Clerk, other officers, Councillors, and members of a committee may introduce matters to be dealt with;

14.29 Council shall employ a Confirmatory By-law immediately prior to adjournment for the purpose of validating decisions made in a resolution or direction given at that same meeting and which are not set out in another By-law;

14.30 Reconsideration of a Motion:

14.30.1 When a motion/By-law has been decided on, it shall be in order for any member to move for reconsideration and requires a seconder. Such motion must be in writing and, therefore, can only be presented at a Regular or Special Meeting of Council.

14.30.2 Council shall not reconsider a substantive motion/By-law until a motion to reconsider has been disposed of by Council.

14.30.3 After a substantive motion/By-law has been decided, either in the positive or the negative, it may not be reconsidered within the calendar year following the decision of the Council unless Council decides to do so by a two-thirds majority vote, and in any case shall not be reconsidered more than once in a six-month period or more than two times in a 12-month period. Any motion to reconsider that is presented after one calendar year requires a majority vote.

14.30.4 A motion for reconsideration shall not be in order if Council is made aware that the motion/By-law has been implemented resulting in legally binding commitments as of the date the motion to reconsider is moved.

14.30.5 Debate on a motion to reconsider shall be limited and confined to discussion that new information has come forward, errors in documentation were presented, incorrect statements were made during the original debate, or other brief and concise statements outlining the reasons for reconsideration. Debate on original motion/By-law proposed for reconsideration shall be prohibited until the motion to reconsider has been disposed of.

14.30.6 A motion to reconsider shall not be reconsidered.

14.30.7 If a motion to reconsider is disposed of in the affirmative, it shall not be in order to reconsider the original motion/By-law until the next Regular meeting of Council or a Special Meeting of Council if so directed by Council by a two-thirds majority vote.

14.30.8 Once the substantive motion/By-law is reopened, it is reopened in its entirety unless the motion to reconsideration specifies otherwise. The original motion/By-law being reconsidered shall be subject to the rules of debate and amendment outlined herein.

14.30.9 If a motion to reconsider has been disposed of in the affirmative, no action shall be taken to carry into effect the original motion/By-law until Council has made a decision on the original motion/By-law after reconsideration.

14.31 Votes cast are calculated on the basis of the majority of those members present at a meeting.

15. POINTS OF ORDER AND PRIVILEGE

15.1 The Mayor or presiding officer shall maintain order and decide questions of order, and may consult with the Clerk on rules of order.

15.2 Any member may appeal to Council or the committee on a decision of the Mayor or presiding officer on a point of order.

15.3 The Council, if appealed to, shall decide the question without debate and its decision shall be final. The question so interrupted shall be resumed at the point where it was suspended.

16. BY-LAWS

16.1 No By-law shall be presented to Council unless the subject matter has been considered by Council and/or Committee and approved by Council.

16.2 Each By-law heading shall appear on the Council Agenda of the meeting and such heading shall contain a short description of its contents.

16.3 Every By-law shall be introduced upon a motion by a member specifying the title of the By-law.

16.4 Every By-law when introduced shall be in typewritten form and shall contain no blanks except as may be required to conform to the accepted procedure or to comply with provisions of any Act.

16.5 Every By-law shall be given three (3) readings prior to passage.

16.6 The first and second readings of a By-law shall be decided without amendment or debate.

16.7 By-laws may be given three (3) readings on the same day except when requested otherwise by motion of the majority of the members present or as otherwise provided in law.

16.8 The Clerk shall include on all By-laws enacted by Council, the dates of its readings.

16.9 Upon passage, By-laws shall be numbered, signed by the Mayor or presiding officer, and the Clerk, or his/her designate, and embossed with the Seal of the Corporation.

16.10 Any proposed By-law may be referred to a Committee, Department Head or other officer for review and comment, including a solicitor.

17. CURFEW

Regular Council meetings shall not exceed four (4) hours in duration.

18. SUSPENSION OF RULES

Any procedure under this By-law, which is discretionary and not mandatory under statute, may be suspended with unanimous consent of the members present and indicated in a motion.

19. FINANCES

19.1 The Treasurer or designate shall furnish Council members with a quarterly statement of Revenues and Expenditures and a monthly Payment Register.

19.2 After the introduction and passing of the estimates for the year, any By-laws, reports, or resolutions proposing an expenditure of money not specifically provided in the estimates for the year must receive a majority vote of all the members of Council.

19.3 When any three (3) members of Council are absent under no circumstances shall the Council make a decision regarding capital spending unless provision for the capital spending is included in the estimates for that given year as approved by By-law or unless the expenditure is required as a result of an emergency.

20. GENERAL

20.1 In all matters and under all circumstances the members shall be guided by and shall have regard to the *Municipal Conflict of Interest Act.*

20.2 No member shall be absent from the meetings of the Council, Standing or Advisory Committees for three (3) consecutive meetings without being authorized to do so by a resolution of the Council entered upon the minutes.

20.3 No individual member shall request a staff report or give direction at a meeting on any item unless authorized by a majority of Council or Committee.

20.4 Following a regular or new/by-election, the Clerk or his/her designate shall provide each member of Council with a copy of this By-law, including any amendments thereto.

20.5 Election Campaign materials such as signs, buttons, brochures, etc., are not allowed in the Council Chambers or in any location where Council or Council Committee meetings are held.

20.6 No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal is given at a previous regular meeting of the Council and the waiving of notice is prohibited, in these cases.

20.7 The Council meetings shall be electronically recorded and said recording shall be made part of the public record.

20.8 As the Council Chambers (Seniors Room) in the Kearney Community Centre can safely social distance a maximum of fourteen (14) people, during the times when social distancing is required, in-person attendance will be limited. Those that cannot attend in person, or are not comfortable attending in person, will be accommodated by electronic means.

21. PREVIOUS BY-LAWS RESCINDED

By-law No. 2020-41 and all previous By-laws and resolutions and parts of By-laws and resolutions inconsistent with the provisions of this By-law, governing the calling, place and proceedings of Council, the conduct of its members and the calling of meetings, are hereby repealed.

22. EFFECTIVE DATE

This By-law shall come into force and take effect on the date of its final passing.

READ A FIRST and SECOND TIME on the _____ day of _____, 2022.

THE CORPORATION OF THE
TOWN OF KEARNEY

_____
Carol Ballantyne, *Mayor*

_____
Brenda J. Fraser, *Clerk*

READ A THIRD TIME AND FINALLY PASSED, SIGNED and the Corporate Seal attached hereto, this _____ day of_____, 2022.

THE CORPORATION OF THE
TOWN OF KEARNEY

_____
Carol Ballantyne, *Mayor*

_____
Brenda J. Fraser, *Clerk*

Town of Kearney

8 Main Street PO Box 38 Kearney ON P0A 1M0

TOWN COUNCIL RESOLUTION

MOVED BY: [signature] SECONDED BY: [signature]

WHEREAS in 2020, as a result of the COVID-19 Pandemic, Council resolved to keep the tax installment due dates in effect, however no late payment penalty would be applied;

AND WHEREAS the COVID-19 Pandemic restrictions are continuing in 2021;

AND WHEREAS the Province has provided Ontario Municipalities with funding expressly for COVID-19 expenses;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, determines to continue to offer a 0% late payment penalty effective March 1, 2021, on current 2021 outstanding property taxes.

2021 Resolution...

DEFERRED ☐ **WITHDRAWN** ☐ **DEFEATED** ☐ **CARRIED** ☑

RECORDED VOTE Requested by: MAYOR BALLANTYNE			
Member	**Yes**	**No**	**Absent**
PHILIP, Cheryl	✓		
RICKWARD, Mike	✓		
STERMSEK, Liz	✓		
ZIRALDO, Paul	✓		
BALLANTYNE, Carol *Mayor*	✓		

Mayor: [signature]

Date: January 29, 2021

Res No: 10(d)(iv)/29/01/2021

	By-Law Report
To:	Mayor and Council
From:	By-Law Enforcement Officer Caitlin Deevey
Date of Meeting:	
Report Title:	2021 By-Law Year in Review
Report Date:	January 13, 2021

Recommendation

Receive for Information purposes.

Summary

Matters in progress:
Previous report\year -17
End 2021 – 76
Total in progress – 93

Training and Education:
-Property Standards Officer 1 and 2.
-Site alteration
-Use of force
-Licensing
-Short term rentals
-Administrative monetary penalties seminars
-Body worn cameras
-Mental health seminars
-Residential tendencies act
- Dog owners liability act
-Situational awareness

Upcoming training

- Training dates are all currently pending for all courses covid numbers pending

COVID Vaccination clinics

-COVID Vaccination clinics took place in Sundridge/Strong/Joly, at the arena. The request for by-law officers to aid with check in and parking enforcement was answered. The joint effort between all communities was well organized and regarded as a positive collaboration between services for any

future emergency needs within the district. Mass vaccination clinics ended in September and are now smaller done in smaller scales.

Courts

The courts system is significantly delayed and backed up. Charges that were in the system prior to covid shutdowns are just being rescheduled now.
Currently the bylaw department is exhausting all possible solutions and enforcement types, before advancing to court charges. The Bylaw department has had some success recently in processing backed up files. Approximately 17 charges remain in queue.

Complaints and Investigations

Property Standards – 17

-All valid complaints had warnings and Orders issued. 9 have complied or been brought into compliance, 3 have been postponed due to weather restrictions but will be promptly follow up on in the spring.

-These are very time consuming and often require work with other departments and agencies. Investigations are currently only conducted upon complaint. On average a single valid property standards complaint consumes approximately 40hours of investigating, working with property owners, and follow up inspections.

Clean yards – 11

-these concerns are the milder side of property standards and are usually simpler fixes to gain compliance but can escalate into property standards. Most concerns under clean yards are to weeds and long grass.

Zoning – 14

-These are often passed to or worked with in conjunction with other enforcement agencies, planners, clerks, and other departments. These types of complaints usually require upwards of 6 hours

- these can include accessory structures, zoning uses, nonsufficient setbacks, lot clearing and land uses.

Deposit snow on/across highway/roadway – 41

Dogs at large/trespass – 36

Snowmobiles on sidewalk – 59

Fail to purchase dog license – 7

-2 charges pending

Unauthorized work on municipal lands/ damage to roadway – 5

- Education was provided.
- One charge pending.

EMCPA (covid orders and violations) – 198

-The Majority of these were gathering complaints and warnings, compliance checks on businesses and working with Health Unit and other agencies. A lot of investigations were educational based providing most everyone with at least one warning.

Trailers – 69

-Upon complaint, or observation of no trailer license an inspection is conducted to see that it is a possibility for them to obtain compliance. A letter is sent out giving the owners a chance to bring it into compliance within 14-21days. If no compliance or attempt is made a follow up letter with an Order is sent out. The order is also posted on the property giving the property owners one last chance for compliance within 14 days. If no compliance a charge is issued, the trailer is removed and impounded.

Persistent Dog Barking – 3

-2 warned
- 1 relocated

Dog bites/attacks - 1

-reported to health unit.

Dogs in prohibited areas – 27

Parking – 53

-mostly winter complaints, blocking snow routes, parking opposite of traffic or on sidewalk. Multiple charges and warnings.

Illegal dumping – 3

-all witnessed by Bylaw and compliance was obtained immediately. Education was given.

Noise – 59

- Multiple complaints received at addresses operating as short term rentals.

Burn during ban - 17

Fireworks -11

-three charges pending

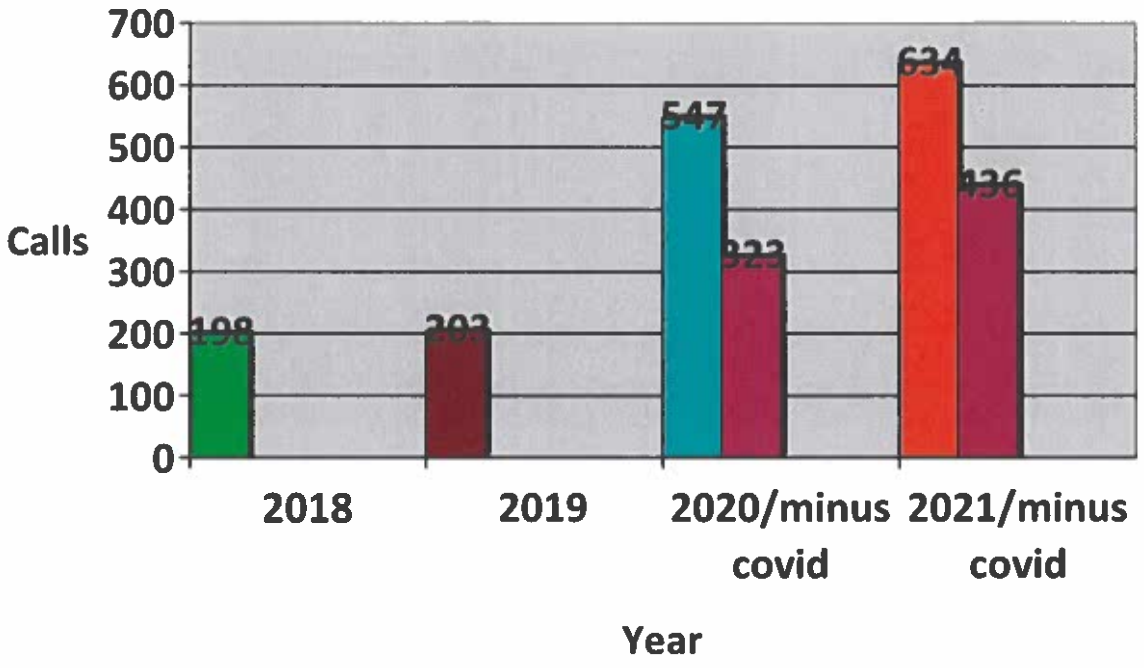
**Please note that this report does not include public inquiries regarding bylaws or complaints deferred to other departments or agencies.*

Bylaws under review to be updated and future seminars in works

Parking
Road Fouling
Trailers

* Bylaw has reached out to multiple services in hopes to provide the area public with a canine information session that includes emergency first aid, basic obedience, dog bite procedures, and provide a self defense course to emergency workers and officer in the district to aid in the rise of canine complaints.

Insights and Trends:



Respectfully Submitted,

Caitlin Deevey

Caitlin Deevey
By-law Enforcement Officer

Date Printed
2022-01-31 10:24 AM

Town of Kearney
List of Accounts for Approval
Batch: 2021-00063 to 2022-00006

Bank Code: AP - GENERAL AP

COMPUTER CHEQUE

Payment #	Date	Vendor Name		Payment Amount
31355	2021-12-31	Aird & Berlis LLP	By-law-Cannbis Prod Site	3,127.28
31356	2021-12-31	Bell Canada	Monthly Phone	66.16
31357	2021-12-31	Bowman Fuels Ltd.	P/W - Vehicle Diesel Purchases	9,078.04
31358	2021-12-31	Brandt	P/W Grader Repairs	8,993.57
31359	2021-12-31	CRA - Receiver General	Monthly Payroll Submission	30,089.16
31360	2021-12-31	ClayMar Electric	P/W Repair Receptacles	765.58
31361	2021-12-31	Cupe Local 1813	Monthly Remittance	564.01
31362	2021-12-31	Duncor Enterprises Inc	Roads Grading	5,635.88
31363	2021-12-31	Ecovue Consulting Services Inc	Nairn ZBA/Mapping/Gaskell ZBA	5,011.59
31364	2021-12-31	Fetterley's Gas & Convenience	Vehicles Fuel	967.51
31365	2021-12-31	Martin Filmore	KMS For Oct-Nov 2021	172.26
31366	2021-12-31	Fisher's Regalia	F/D Uniforms	2,883.65
~~31367~~	~~2021-12-31~~	~~Gilroy's Tire~~	"VOIDED"	~~696.08~~
31368	2021-12-31	GIN-COR	P/W 2019 Freightliner Pt	60.10
31369	2021-12-31	Glen Martin Ltd.	KCC Supplies (Cleaning)	114.38
31370	2021-12-31	Hicks Morley	General legal	2,548.15
31371	2021-12-31	Hydro One Networks Inc.	Monthly Hydro	3,720.88
31372	2021-12-31	Lakeland Energy Ltd.	Repair Streetlights	1,822.85
31373	2021-12-31	Lake Country Office Solutions	Monthly Photocopier	162.52
31374	2021-12-31	LEA-Larocque Elder Architects	KCC Kitchen	6,458.79
31375	2021-12-31	Levack Mgmt Consulting Inc.	General Consulting	1,469.00
31376	2021-12-31	Min Of Fin-Ontario	OPP Service	26,747.00
31377	2021-12-31	Munisoft	K. Harvie A/P Webinar	123.17
31378	2021-12-31	Muskoka Auto Parts	2019 Ford Oil Change	43.55
31379	2021-12-31	Near North Business Machines	Kearney Library Monthly Photocopier	39.55
31380	2021-12-31	Northern Nerds	Computer Repair/Maintenance	2,197.85
31381	2021-12-31	OGRA-Ont.Good Roads Assoc.	P/W Annual Membership	808.83
31382	2021-12-31	OMERS	Monthly Remittance	17,574.88
31383	2021-12-31	Marjorie Robinson	Contracted Accounting	9,509.19
31384	2021-12-31	Russell Christie LLP	Heise hPAT Appeal	104.17
31385	2021-12-31	StarMetroLand Media	Almaguin News - Charities/Gifts	101.70
31386	2021-12-31	Toromont Ind. Ltd.	P/W Backhoe Repairs	256.51
31387	2021-12-31	Workplace Safety & Ins.Board	Quarterly Remittance	11,297.46
31388	2021-12-31	Gilroy's Tire	F/D Small heater for Bldg	348.04
31389	2021-12-31	Three Mile Truck	P/W Clutch for 2008 Sterling	3,035.40
31390	2021-12-31	Hydro One Networks Inc.	Monthly Hydro	2,875.70
31391	2021-12-31	Russell Christie LLP	Friedland Casent	4,282.79
31392	2021-12-31	Inservus Management Systems	F/D Uniforms	129.98
31393	2021-12-31	ACI-Accelerated Connections	Monthly Internet	375.58
31394	2022-01-19	A2Z Civil	10% Holdback Cashman Creek Bridge	142,609.28
31395	2022-01-24	ACI-Accelerated Connections	Monthly Internet	381.21
31396	2022-01-24	AMCTO	B Fraser/C. Filmore Annual Membership	915.30
31397	2022-01-24	AMO	Annual Membership	1,879.50
31398	2022-01-24	Township Of Armour	Kearney/Armour Road Maint/Agmnt	3,729.00
31399	2022-01-24	Bell Mobility Inc.	Dec/Jan Cell Phone	169.91
31400	2022-01-24	Bell Canada	Jan Telephone	734.30
31419	2022-01-24	Bowman Fuels Ltd.	P/W Vehicle Diesel	2,635.53
31420	2022-01-24	ClayMar Electric	P/W Repair Outside Receptacle/F/D Repair GFI Recept	263.29
31421	2022-01-24	D C Westrop	911 Flourescent Numbers	54.00
31422	2022-01-24	FCM-Fed.of Can. Municipalities	Annual Membership	361.62
31423	2022-01-24	Fisher's Regalia	F/D Rain Jackets	2,719.44

Town of Kearney
List of Accounts for Approval
Batch: 2021-00063 to 2022-00006

COMPUTER CHEQUE

Payment #	Date	Vendor Name		Payment Amount
31424	2022-01-24	Debbie Ann Hall	By-law Paralegal	686.50
31425	2022-01-24	LAS-Local Authority Services	Admin E F/D Office Supplies	541.29
31426	2022-01-24	Linde Canada Inc	Interest Penalty	5.46
31427	2022-01-24	Munisoft	2022 Annual Billing	4,575.37
31428	2022-01-24	MPAC-Municipal Property Assmt	1st Qtr levy	14,097.32
~~31429~~	~~2022-01-24~~	~~Muskoka Auto Parts~~	Void	~~845.11~~
31430	2022-01-24	Novexco Inc	Admin Office Supply	98.71
31431	2022-01-24	Royal Bank Visa	Monthly Statement	3,081.53
31432	2022-01-24	Spectrum Telecom Group Ltd.	F/O Monthly Tower Rental	315.78
31433	2022-01-24	Stokes International	F/D Kearney Crests	681.33
31434	2022-01-24	Telequip Systems Limited	P/W Radio Air Time Fees	169.50
31435	2022-01-24	The Tin Banger	Supply/Instal Generator Gas Piping	2,385.43
31436	2022-01-24	Wood Bull L.L.P	Re: Shared Services Agrmt	932.25
31437	2022-01-31	APC Auto Parts Centres	Parks - Battery For Ford F150	191.26
31438	2022-01-31	Bowman Fuels Ltd.	P/W Diesel Vehicle Fuel	3,383.84
31439	2022-01-31	Burk's Falls Building Ctr Ltd	F/D Vehicle Oil	39.52
31440	2022-01-31	Josh Dresser	KMs for NOV 13 - Jan 4	223.30
31441	2022-01-31	Harold G. Elston	Integrity Commissioner Re: 2019 Advice	169.50
31442	2022-01-31	Kawartha Credit Union - Visa	Monthly Statement M Clouthier OBOA	372.90
31443	2022-01-31	LAS-Local Authority Services	By-law Evidence Notebooks	39.05
31444	2022-01-31	Andreas Meier	Refund 2 driveway Deposits	1,000.00
31445	2022-01-31	Munisoft	L Harvie Interim Billing Webinar	123.17
31446	2022-01-31	Muskoka Auto Parts	P/W Parts for Trackless	268.81
31447	2022-01-31	Northern Nerds	Fix Issue w/ Paymate Software	576.30
31448	2022-01-31	Olympic Printing	F/D Medical Assist Report Forms	214.70
31449	2022-01-31	Russell Christie LLP	Ogster - SRA	2,868.60
31450	2022-01-31	Spectrum Telecom Group Ltd.	F/D Radio Maintenance	56.50
31451	2022-01-31	Waste Connections of Canada	Recycling	8,328.34
			Total Computer Cheque:	366,982.54

Total AP: 366,982.54

Moved by: Seconded by:

Be it resolved that Council has received and have no objections to be noted for
Cheque #31355 to Cheque #31451 in the amount of $366,982.54

Mayor Clerk/CAO/Treasurer Administrator

THE CORPORATION OF THE TOWN OF KEARNEY

MEMORANDUM

TO: Mayor & Council

FROM: Brenda J Fraser, CAO | Clerk | Treasurer

SUBJECT: 2021 Council Honouraria & Expenses

DATE: February 4, 2022

In compliance with Section 284(1) of the Municipal Act, this annual report is to serve as notification of the total Honouraria and Expenses paid in 2021.

	Salary	**Expenses Conferences & Kms**
Carol Ballantyne Councillor/Mayor	$12,000	$102.80
Cheryl Philip Councillor	$9,600	0
Michael Rickward Councillor	$7,200	$452.00
Elizabeth Stermsek Councillor/Deputy Mayor	$9,600	0
Paul Ziraldo Councillor/Deputy Mayor	$9,600	0
Total	$48,000	$554.80

Brenda J Fraser
CAO Clerk Treasurer

CHIEFS REPORT TO COUNCIL

February 2cd, 2022.

Training

Our training has been on the side by side, driver training, Trench awareness. Also had an airway, hypothermia medical practice.

Firefighters have been updated/reminded of COVID19 protocols with the new Omnicron variant.

Fire Prevention

Ongoing safety messages on our Facebook page. Sign at Community center. Availability of a limited supply of free smoke alarms at the firehall for residents.

Equipment

Equipment is working well. Regular truck and equipment checks are performed to ensure all are in working order. The power pack for our extrication equipment has been acting up, due to its age parts are hard to source. I have contacted Firefighters without Borders; they will be keeping an eye out for a newer one to donate to the Department.

We have had eight medical calls.

We have had a PIAR meeting to discuss two previous calls.

Our MNRF agreement has been updated and submitted.

I have been attending regular Chief's meeting, A Northern Ontario Chiefs meeting, As well as an update for the new certification requirements for firefighters.

Medical supplies have been ordered and received.

Scheduling of necessary air bank upgrades to accommodate the new air packs.

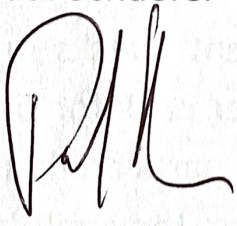
Catching up on past OFMEM Standard Incident Reports.

I can be reached on my cell at 705 571 3761 or at the firehall or email.

Stay safe

Sincerely;

Paul Schaefer



Fire Chief

Town of Kearney

Town of Kearney

REPORT TO COUNCIL

TO: Mayor and Council
FROM: Brenda J. Fraser, CAO | Clerk | Treasurer
RE: Kearney Community Centre Renovations and Alterations
DATE: February 4, 2022

Recommendation:
WHEREAS Council has reviewed the information provided by Larocque Elder Architects Inc. detailing the renovations and alterations needed for the Kearney Community Centre kitchen and gymnasium;
AND WHEREAS without this needed construction work, the kitchen and gym will remain closed for public use;
NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney supports allocating funds to complete the renovations and alterations as follows:

- ❑ *Borrow* _____ %
- ❑ *Grants* _____ %
- ❑ *Reserves* _____ %
- ❑ *Obligatory Funds* _____ %
- ❑ *Sale of Surplus Lands* _____ %

Background:

- In 2019 Council appointed Larocque Elder Architects Inc. to access the Kearney Community Centre and to report their findings and recommendations to Council;
- Larocque Elder Architects (LEA) completed a Building Condition Assessment which identified deficiencies;
- In 2021 Council established the Kearney Community Centre Building Advisory Committee (KCCBAC) to provide recommendations to Council regarding needed renovations to the Kearney Community Centre;
- Most recently, the KCCBAC engaged our local KCC User Groups to view the findings;
- Our local User Groups reviewed and supported the kitchen and gym renovations as proposed by LEA;

Considerations:
Following are sources for consideration in order to fund the needed renovations and alterations to the KCC kitchen and gymnasium:

- **Borrow Funds:** ❑ **Infrastructure Ontario** ❑ **Kawartha Credit Union**
- **Confirmed Grants**
  - ☑ **HVAC** $100,000
  - ☑ **NORDS** $96,994.28 **(2022)** $96,994.28 **(2023)** $96,994.28 **(2024)** + 2025 and 2026
- **Reserves available for renovations:**
  - ☑ Buildings $450,000
  - ☑ Modernization $337,316
  - ☑ SRA $144,654
- **Obligatory Reserve Funds available**
  - ☑ Parkland $ 11,478
- **Sale of Surplus Lands**

Respectfully Submitted by:
Brenda J. Fraser

Township of
Adjala-Tosorontio

7855 Sideroad 30
Alliston, ON L9R 1V1
P.: 705-434-5055
F.: 705-434-5051

January 25, 2022

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

sent via email: premier@ontario.ca

Re: Funding Support for Infrastructure Projects – Bridge/Culvert Replacements in Rural Municipalities

Dear Premier:

At the last regular Council meeting held January 12th, 2022, the following resolution was passed:

*"**RESOLVED** that the Council of the Corporation of the Township of Adjala-Tosorontio supports the requests from the Township of Adelaide-Metcalfe, the Township of Lake of Bays, the Township of Amaranth and Northumberland County for the Federal and Provincial Government to provide more funding to rural municipalities to support infrastructure projects related to major bridge and culvert replacements.*

***AND FURTHER THAT** this resolution be forwarded to the Premier of Ontario, Provincial Minister of Finance, Federal Finance Minister, AMO, and all Ontario municipalities."*

Sincerely,

Dianne Gould-Brown

Dianne Gould-Brown, CMO
Municipal Clerk

cc:
Hon. Peter Bethenfalvy, Ontario Minister of Finance minister.fin@ontario.ca
Hon. Chrystia Freeland, Federal Minister of Finance chrystia.freeland@fin.gc.ca
AMO amo@amo.on.ca
All Ontario Municipalities

Brenda Fraser

From: carol ballantyne <mayorballantyne@gmail.com>
Sent: Wednesday, January 26, 2022 6:59 PM
To: Brenda Fraser
Subject: Fwd: Dissolve the OLT (Ontario Land Tribunal)
Attachments: image001.jpg; Dissolve OLT Motion.docx

Hi Brenda,
Can we please add this to our next regular council agenda. Thanks Carol

---------- Forwarded message ---------
From: **Mrakas, Tom** <TMrakas@aurora.ca>
Date: Fri, Jan 21, 2022, 10:27 AM
Subject: Dissolve the OLT (Ontario Land Tribunal)
To: Councillor Cheryl Philip <councillorcherylphilip@gmail.com>, Councillor Elizabeth Stermsek <liz.stermsek@outlook.com>, Councillor Paul Ziraldo <pziraldo@live.ca>, Mayor Carol Ballantyne <mayorballantyne@gmail.com>, Michael Rickward <Michaelrickward@gmail.com>

Good day fellow elected official,

Successive provincial governments of all political stripes have failed to have due regard for municipal authority in local land use planning decisions. As a result, rather than approving much needed housing units, municipalities instead have spent decades mired in the red tape of costly, time consuming appeals hearings spending millions of taxpayer dollars defending Council decisions to uphold provincially approved Official Plans.

With delay upon delay, nothing gets built and the hope of developing the "missing middle" of housing looks at this stage, to be merely a pipe dream.

We are witnessing a crisis in attainable housing; a crisis fueled in part by a land use planning appeals process that supplants the rights of local municipalities to uphold their own provincially approved Official Plans with the power of an unelected, unaccountable third party – the OLT - to determine "good planning outcomes" for our communities.

If municipalities had the authority to enforce their provincially approved Official Plans, then thousands of units of housing could be built in York Region alone without any further delay.

To address the very real need for a diversity of attainable housing in communities across our province, we need to eliminate one of the key barriers to its realization – the Ontario Land Tribunal.

I have attached a Motion that I would respectfully ask you to put forward at your council.

This Motion requests the Government of Ontario to dissolve the OLT and recognize the authority of municipal councils in local land use planning decisions.

Please consider adding this Motion to your Council agendas. It is imperative that collectively our voices are heard. Local governments should have the authority to exercise greater control over planning matters in their own communities. By working together, we can build a positive future for all Ontarians.

Whereas Municipalities across this province collectively spend millions of dollars of taxpayer money and municipal resources developing Official Plans that meet current Provincial Planning Policy; and

Whereas an Official Plan is developed through months of public consultation to ensure, "that future planning and development will meet the specific needs of (our) community"; and

Whereas our Official Plan includes zoning provisions that encourage development of the "missing middle" or "gentle density" to meet the need for attainable housing in our community; and

Whereas our Official Plan is ultimately approved by the province; and

Whereas it is within the legislative purview of Municipal Council to approve Official Plan amendments or Zoning By-law changes that better the community or fit within the vision of the (Your Municipality) *Official Plan; and*

Whereas it is also within the legislative purview of Municipal Council to deny Official Plan amendments or Zoning By-law changes that do not better the community or do not fit within the vision of the (Your Municipality) *Official Plan; and*

Whereas municipal planning decisions may be appealed to the Ontario Land Tribunal (OLT; formerly the Ontario Municipal Board or "OMB"), an unelected, appointed body that is not accountable to the residents of (Your Municipality)*; and*

Whereas the OLT has the authority to make a final decision on planning matters based on a "best planning outcome" and not whether the proposed development is in compliance with municipal Official Plans and Provincial Planning Policy; and

Whereas all decisions—save planning decisions—made by Municipal Council are only subject to appeal by judicial review and such appeals are limited to questions of law and or process; and

Whereas Ontario is the only province in Canada that empowers a separate adjudicative tribunal to review and overrule local decisions applying provincially approved plans; and

Whereas towns and cities across this Province are repeatedly forced to spend millions of dollars defending Official Plans that have already been approved by the province in expensive, time consuming and ultimately futile OLT hearings; and

Whereas lengthy, costly OLT hearings act as a barrier to the development of attainable housing;

1. Now Therefore Be It Hereby Resolved That (Your Municipality) requests the Government of Ontario to dissolve the OLT immediately thereby eliminating one of the most significant sources of red tape delaying the development of more attainable housing in Ontario; and

2. Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, the Minister of Municipal Affairs and Housing, the Leader of the Opposition, the Leaders of the Liberal and Green Party, all MPPs in the Province of Ontario; the Large Urban Mayors' Caucus of Ontario, the Small Urban GTHA Mayors and Regional Chairs of Ontario; and

3. Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

Regards,

Tom Mrakas

Mayor Town of Aurora

416-543-1624



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705-382-2900
www.almaguin-health.org

Minutes: January 7, 2022, 11:00am via Zoom

Present: Rod Ward, Tom Bryson, Carol Ballantyne, Brad Kneller, Dennis Banka, Delynne Patterson, Barbara Belrose
Regrets: Marianne Stickland, Cathy Still, Norm Hofstetter
Guests: Kevin MacLeod, Courtney Metcalf
Secretary: Camille Barr

Called to order at 11:01am by Chair R. Ward

1. 2022-058 Moved by B. Kneller and Seconded by T. Bryson
   THEREFORE BE IT RESOLVED THAT the Almaguin Highlands Health Council adopt the minutes from December 3, 2021, as circulated. Carried.

2. **DECLARATION OF PECUNIARY OF INTEREST**: None at this time

3. **DELEGATIONS**: None at this time

4. **RESOLUTIONS PASSED**:
   2022-059 Moved by Carol Ballantyne and Seconded by Barbara Belrose

   THEREFORE BE IT RESOLVED THAT the Almaguin Highlands Health Council receives an invoice from Kevin MacLeod of the Burk's Falls Family Health Team for the purchase of an air purifier with HEPA filters for the OTN space and;

   FURTHER authorizes the Treasurer to issue payment in the amount of $598.55 to the Burk's Falls Family Health Team from the OTN reserve fund. Carried

5. ITEMS FOR DISCUSSION

1) **Revisit of the Terms of Reference for the Almaguin Highlands Health Council**
No further progress has been made on this item. At the last meeting Council was happy with the terms. R. Ward will contact N. Kunkel and C. Still of the Village of Burk's Falls to set up a meeting discussing the financial portion of the terms, being that the Village of Burk's Falls is owner of the building. R. Ward will provide an update at the next meeting.

2) **Update on the Bruce Campbell Boardroom Sign**
C. Barr purchased the sign and shared it with Council. Council is pleased with the product. R. Ward will reach out to Bruce Campbell and hopes to have a presentation for him in the month of February, pending COVID-19 restrictions.

3) **Update on the Letter and Resolution for Kearney and McMurrich-Monteith to be Included in the FHT Catchment Area**
R. Ward provided a brief review of this item to Council. C. Barr will resend the resolution and letter to C. Marshall, Clerk of McMurrich-Monteith, for their next Council meeting.

4) **Update on North East "Health Hubs" Discussions**
R. Ward and M. Stickland did attend a meeting on December 15, 2021 with the North East OHT Steering Committee. There is no further update on this item currently. R. Ward will update Council as updates become available.

5) **Update on Potential COVID-19 Vaccination Clinic at the Katrine Community Centre**
R. Ward is exploring the possibility of hosting a COVID-19 vaccination clinic at the Katrine Community Centre. He has reached out to the health unit however has received little information. EMS is willing to assist with the initiative however much support would be needed from others to handle the administrative portion of the clinic. K. MacLeod's team has some experience with running clinics and agreed there is a lot of work on the administrative side. He shared that the FHT would be willing to support it administratively and with immunizations as they are able. K. MacLeod will share his contacts with R. Ward. R. Ward to update Council as updates are available. The aim is to host this in January or February as able.

6) **Municipal Engagement with Ontario Health Teams Report**
The Association of Municipalities Ontario (AMO) published a report which was shared with Council members. In the report AMO is advocating to have municipal representation at the OHT tables. R. Ward will seek more information from AMO on this. The work being done may go a long way in supporting municipalities to have a seat and a voice at the table.

7) **NOSM Medical Students**
K. MacLeod updated Council that the FHT will be welcoming 3rd year medical students already on placement in Huntsville and Bracebridge to the practice. This placement in Almaguin will offer the students the opportunity to practice in a rural northern Ontario setting. Students will be onsite 2 at a time, 2-3 days per week, beginning in September.

K. MacLeod shared that when students come to placement, typically the area they are completing residency in will plan an orientation. This can include a welcome from the Mayor, a tour. Some have done a small amazing race. This orientation will be thought about by the Council over the next bit.

The FHT is also exploring the opportunity to have family medicine residents in rotation at the clinic.

NOSM sent C. Barr and K. MacLeod an email regarding Community Profile Development. The Council believes there is already one in place, however it may need to be reviewed. C. Barr will reach out to NOSM to understand what is currently on file. R. Ward and C. Metcalf will assist should there be changes required or content requiring development.

8) **Progress Report**
R. Ward provided a brief overview of the updates for Council.

6. **OTHER BUSINESS:** None at this time

7. **2022-060** Moved by Barbara Belrose and Seconded by Tom Bryson
THEREFORE BE IT RESOLVED THAT the Almaguin Highlands Health Council adjourn at 11:35am to meet again on February 4, 2022 at 11:00am. Carried.

Location will be via Zoom.

DRAFT

H Council – Key Areas of Focus & Progress- January 2022

ummary provides the information related to the key areas of Focus and Progress as outlined in June 2019 for the Almaguin Highlands Health Council…

o Health Team ership	High-Speed Internet Throughout Almaguin Highlands	Attract & Retain Healthcare Professionals	Coordinate Healthcare Services to Serve Entire Region
ent and communicate the healthcare needs of the entire in Highlands in order to create on of people-centred care ur own community. Establish ship with OHT (or OHT's) ligns with and supports our	Ensure that high-speed internet, a key component in the future of healthcare delivery, is available to every resident of the Almaguin Highlands. The goal is to help level the playing field and ensure our residents can access existing and future digital healthcare options.	Ensure excellent healthcare to our region through continuous efforts to both attract new professionals and retain the ones we have. The goal is to build an exceptional team of healthcare professionals, working together across the region.	Advocate for new and expande healthcare services and help influence decisions which prot region. Continually partner wit healthcare providers in suppor specific healthcare needs of o community.

ss: **Items in red and bolded below are new this month…**

- AHHC participation in MAOHT Digital Working Group (on-going)
- AHHC participation in MAOHT Collaboration Steering Committee (on-going)
- **Continued sessions with Nipissing Wellness and the discussion of "health hubs" for Almaguin region**
- **Follow-up with Association of Municipalities Ontario (AMO) with respect to municipal / OHT involvement**

- Armour Township public wi-fi / internet point-of-presence at community centre (Katrine) in progress
- High-speed fibre build-out by Lakelands is in progress for Emsdale to South River Highway 11 corridor

- **Funding to assist with renovations for BFFHT approved by participating municipalities**
- Funding requests to provide rental relief for new Physiotherapist expected to be approved by most / all Councils

- Confirmed new physiotherapist to move into AHHC location in January 2022
- Finalized Almaguin Highlands Health Council Terms of Reference
- Working to extend physician catchment area in Burk's Falls to include Kearney and McMurrich-Monteith
- **Organizing COVID Vaccine clinic for area for January 2022**