AGENDA

REGULAR COUNCIL MEETING
Council Chambers
Wednesday, September 21st, 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 the memory of Her Majesty Queen Elizabeth II.

2. **Approval of Agenda**

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

4. **Delegations/Presentations**

   (a) Delegations

   (i) **Kevin Kujala, OLS, KPK Surveying Inc. re**: Consent Files B052-22; B-053-22; and B-054-22

   (ii) **Gerald Wiseman re**: Concerns about current value assessments not being accurate

   (iii) **Brett Hutnik/Ognjen Kosco re**: Building Permit Penalty 140 Dallaire Lane

   (b) Presentations - Nil

5. **Minutes**

   (a) Adoption of Minutes

   (i) **Regular Meeting,** Draft Minutes – August 31st, 2022

   (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

    (i) **Report and Resolution re**: Shore Road Allowance Application (Alexanian)

    (c) Operations

    (i) **Transfer Station Report re**: Update to August 30th, 2022

    (d) Administration

    (i) **Discussion and Resolution re**: Request from Kearney Legion to borrow KCC chairs for all candidates meeting

    (e) Treasury

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

    (f) Fire and Emergency Services

(i) **Report re**: Fire Chief, Fire Department Report for Regular Council Meeting on September 21, 2022.
(ii) **Report re**: New Firefighter Application

(g) Facilities and Buildings - Nil

(h) Council Presentations
(i) **Councillor Philip re**: Sand Lake Boat Ramp; Cashman Creek bridge approach

11. Correspondence
(a) Action Items
(i) **Village of Burks Falls re**: Commitment from Muskoka Algonquin Healthcare

(ii) **Town of Kingsville re**: Opposition to Bill 3, Strong Mayors, Building Homes Act, 2022

(b) Information Items
(i) Kearney Watershed Environmental Foundation re: September 2022 Newsletter

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;

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 Regular Meeting held on September 21st, 2022.

16. Adjournment

KPK SURVEYING

Project 210041
September 9, 2022

Town of Kearney Council
8 Main Street, P.O. Box 38
Kearney, ON
P0A 1M0

Dear Mayor & Councillors,

Re: Consent Applications B-052/22; B-053-22; and B-054-22 (Pannbros Enterprises Inc.)
Part of Lot 12, Concession 7, Geographic Township of Bethune
Town of Kearney, District of Parry Sound

I am acting as the agent for the owner with respect to the above noted consent applications. In reviewing the planning report by Ecovue Consulting Services Inc. dated August 18th, 2022 and the Council Resolution dated August 31st, 2022, I note that council has recommended approval of the applications subject to the conditions outlined in the planning report. While I am very appreciative that council has recommended approval of the applications, I do have concern with respect to two of the conditions.

Please accept the following for the consideration of council to amend Condition #3 and remove Condition #4.

Condition #3 – That a scoped Environmental Impact Study (EIS) be undertaken in support of the proposed Consents, subject to review and acceptance by the Town of Kearney.

While I respect the intent of this condition, I question the need for an EIS for fish habitat at this stage of the development process. As an alternative to the current Condition #3, it is my suggestion that consent for each of the proposed lots be approved, subject to a Development Agreement/Site Plan Approval at the time of development and prior to the issuance of any development or building permits. I recognize that the Official Plan (OP) requires the need for a fish habitat assessment, however, the assessment can be implemented as a condition of Site Plan Approval rather than as a condition of consent.

The following points have been used as my rationality for this request:

1) The Town of Kearney has recently adopted Zoning By-law 2022-20. The intention of this by-law is to implement the policies of the OP. As noted in the Planning Report, the subject lands are within a Waterfront Residential (RWF) Zone. The zoning provisions of this zone require that all development be setback a minimum of 30 metres from the watercourse and a minimum of 75% of the frontage must be maintained as natural vegetation. This requirement alone provides significant protection of the shoreline and fish habitat.

2) Section 6.4.4.1(6) of the OP states "*Near-shore or in-water development, such as docks, water access points, and swimming areas will not require a fish and fish habitat assessment however they shall be carefully assessed to meet the intent of the Official Plan through appropriate review process.*"

3) Schedule 'C' Natural Features and Constraints of the OP does not identify Peter's Lake as a coldwater lake, nor are there any coldwater streams identified as leading to or from the lake.

The lots being proposed all meet and exceed the minimum lot requirements of the OP and the Zoning By-Law, particularly the lot frontage. Based on the items noted above, it is reasonable to believe that waterfront development can occur on the proposed lots and have ample space to mitigate any potential impact on fish habitat. The impact on fish habit can further mitigated by implementing a Development Agreement/Site Plan approval on each of the proposed lots.

To reiterate, it is my suggestion that consent for each of the proposed lots be approved, subject to Development Agreement/Site Plan Approval at the time of development. A fish habitat assessment can be completed as condition of Site Plan Approval, rather than as a condition of consent.

Condition #4 – That an Archaeological Assessment be undertaken in support of the proposed Consents, subject to review and acceptance by the Town of Kearney.

Section 9.2.6 of the Official Plan states that *"the Town **may** require archaeological assessments……of any development proposal affecting areas containing a known archaeological site or considered to have archaeological potential."*

The emphasis should be on the term *"may"*. Council does have the flexibility and local knowledge to decide on the applicability or need for an archaeological assessment applicable to the subject lands.

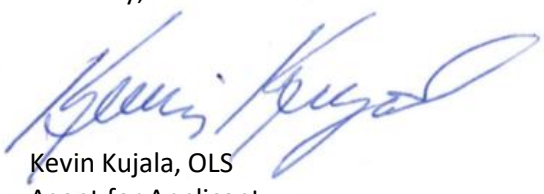
As noted in the Planning Report, the subject land does fall within the guidelines of having archaeological potential namely, it is within "*300 metres of a primary water source, such as a lakeshore, river or large creek.".* However, Peter's Lake is well removed from the historical transportation routes in the local area. The Magnetawan River system lies approximately 6 km to the northeast and the Big East River system lies approximately 9 km to the southeast. In my opinion (and I am by no means an archaeologist) it is unlikely the subject land was occupied by first inhabitants or early settlers and accordingly there is very little potential of an archaeological site on the subject land.

Furthermore, I would like to bring to council's attention that the lot adjoining to the west of the subject land (i.e. Lot 11, Concession 7) is a Crown Land lot under the jurisdiction of the Ministry of Natural Resources and Forestry (MNRF). This lot is currently subject to a logging operation permitted by the MNRF, parts of which will be within 300 metres of Peter's Lake. If there was a high potential for an archaeological site, I do not believe that the MNRF would have awarded a logging contract for this area.

In closing, I would request that Council amends Condition #3 and eliminates Condition #4 for the reasons I have outlined above.

Thank you for your consideration.

Sincerely,



Kevin Kujala, OLS
Agent for Applicant

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ABOUT MY PROPERTY (index)

192 ROCK POINT
ADD ANOTHER PROPERTY (/profile?showModal=true)

Accessibility (Opens in new tab) (https://www.mpac.ca/en/AboutUs/Policies/AccessibilityOntariansDisabilities)





(Opens in new tab) (https://www.essentialaccessibility.com/mpac-en?utm_source=aboutmypropertyenhomepage&utm_medium=iconlarge&utm_term=eachannelpage&utm_content=header&utm_campaign=aboutmypropertyen)

TM

Français (/language/setlang?lang=fr)

How Assessment Works

Property assessments are the foundation that municipalities use to base the property taxes needed to pay for services we use every day.

Every four years, our assessment experts update the assessment and classification for every property in the province as of a legislated valuation date. We do this by analyzing sales of comparable properties in your area and the key features that affect value. This approach is called Current Value Assessment.

An increase in assessed value will be phased in equally over four years, while a decrease in assessed value is introduced immediately.

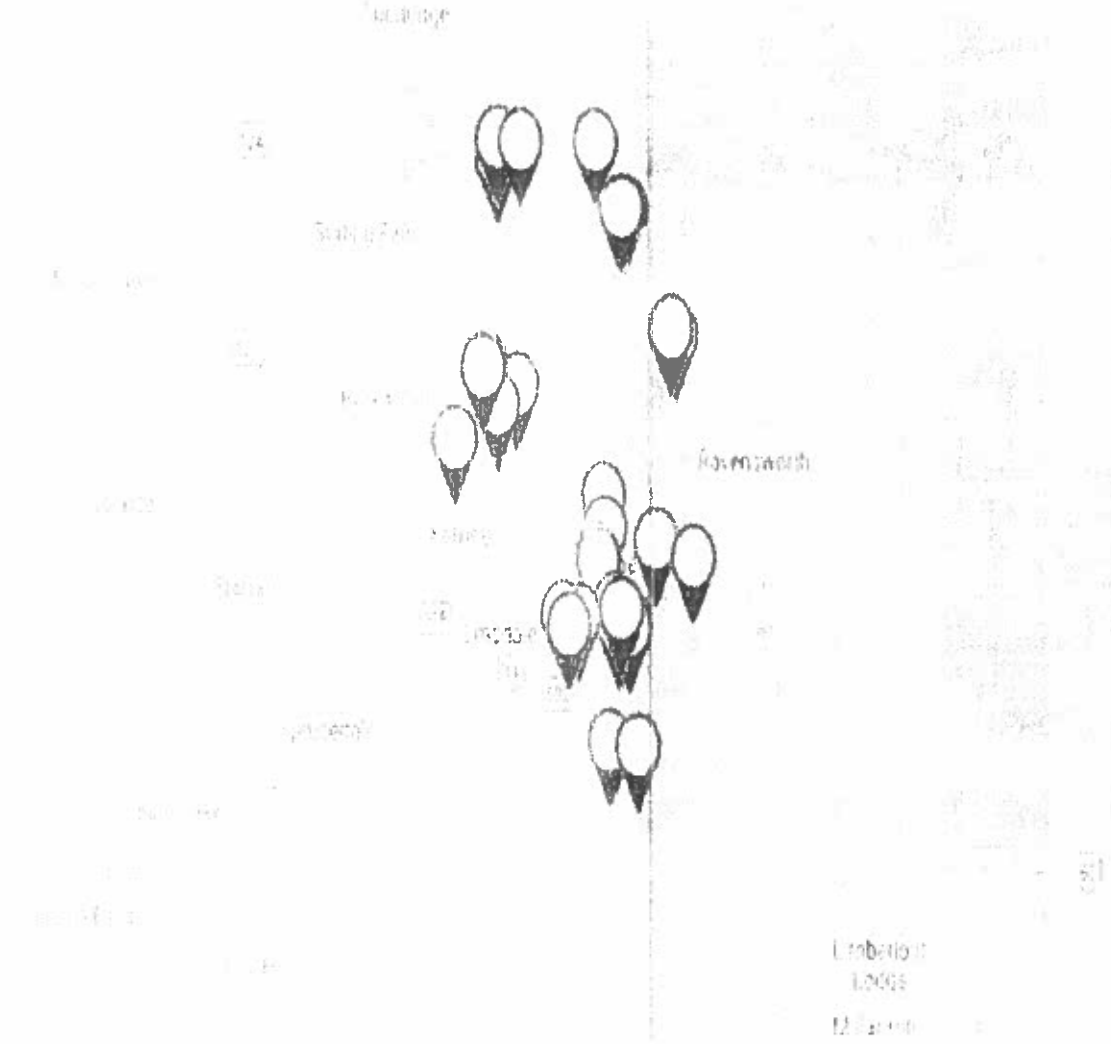
Assessments can happen outside our four-year cycle. We continue to review properties in non-Assessment Update years as new homes are built, owners renovate, structures are demolished and properties change use.

Select a property type for more information

Residential Properties

A1

Appendix A – Map of Vicinity



Appendix B – Sales Used in Assessment to Sales Ratio Study

Sale Number	Roll Number	Address	2016 Assessment	Sale Date	Sale Price	Time Adjusted Sale Price	Time Adjusted Sales Ratio
		[illegible]	[illegible]	2016-05-19	$228,000	$223,130	0.968
		[illegible]	$556,000	2015-05-27	$535,000	$557,600	0.972
		[illegible]	[illegible]	2016-09-	$240,000	$229,277	0.973

B1.1

		Rd		23			
4	491803000153000	305 Loon Lake Rd	$217,000	2015-08-14	$218,000	$222,864	0.974
5	491400000159000	901 Bay Lake Rd	$217,000	2016-05-27	$227,000	$222,151	0.977
6	491400000216100	184 Homeland Dr	$280,000	2016-12-13	$300,000	$286,596	0.977
7	491803000113300	140 Rock Point Rd	$596,000	2015-06-29	$589,000	$609,918	0.977
8	491400000159300	945 Bay Lake Rd	$264,000	2016-05-05	$275,900	$270,007	0.978
9	[illegible]	603 Rochester [illegible]	$242,000	2016-03-17	$250,000	$246,162	0.983
10	[illegible]	135 North Bay Lake Rd	$342,000	2015-10-29	$342,000	$347,416	0.984
11	491400000118300	75 Laugh Lane	$430,000	2015-09-15	$430,000	$436,809	0.984
12	[illegible]	796 Sam Lake Rd	$488,000	2015-07-23	$480,000	$493,858	0.988
13	[illegible]	67 Sandy Point Dr	$346,000	2015-09-25	$345,000	$350,463	0.993
14	[illegible]	35 Hillside Dr	$418,000	2016-06-23	$430,000	$418,263	0.995
15	[illegible]	57 Maple Dr	$510,000	2016-07-28	$535,000	$517,259	1.003
16	[illegible]	[illegible] Schroon	$185,000	2015-08-28	$180,000	$184,016	1.005
17	[illegible]	3 [illegible] Dr	$335,000	2016-03-01	$335,000	$329,857	1.016
18	[illegible]	[illegible]	$226,000	2016-07-22	$230,000	$222,373	1.016
19	[illegible]	[illegible] [illegible] Lake Rd	$130,000	2016-05-18	$130,500	$127,712	1.018
20	[illegible]	[illegible] Hollow Dr	$290,000	2015-07-[illegible]	$301,500	$291,502	1.019
21	[illegible]	[illegible]	$280,000	2015-[illegible]-09	$275,000	$277,323	1.024
22	[illegible]	[illegible] Rd	$320,000	2016-09-16	$328,000	$316,679	1.024
23	[illegible]	[illegible] Dr	$370,000	2016-07-29	$380,000	$367,399	1.029
24	[illegible]	[illegible]	$350,000	2016-12-02	$355,900	$345,820	1.03
25	[illegible]	[illegible]	$256,000	2016-11-15	$260,000	$248,383	1.031
26	[illegible]	[illegible] Schroon	$350,000	2015-[illegible]-[illegible]	$369,000	$345,[illegible]	1.057

B1.2

		2016-06-7	$180,000	$175,086	1.039
		2016-09-30	$340,000	$324,809	1.044
		2016-09-15	$165,000	$167,612	1.044
		2016-09-30	$395,000	$377,351	1.044

B1.3

Listing of MLS Asking Prices to Actual Sales

Address	MLS Listing	Sold Price	Year	
10 Martin Lane	1,499,000	1,485,000	2022	0.99
14 Martin Lane	699,900	600,000	2022	0.86
29A Chickadee Lane	849,900	851,000	2022	1.01
140 Rockpoint Road	969,000	945,000	2,021	0.97
144 Rockpoint Road	799,000	718,000	2021	0.9

B. Extremely large difference between CVA and MLS

Address	CVA	MLS
10 Martin Lane	375,000	1,499,000
30 Pineaire Lane	244,000	1,749,000
41 Island View Lane	292,000	1,099,900
73 Cashman Creek Road	159,000	799,000
313 Lawson Drive	36,500	999,000
350 Stoneway Road	474,000	2,500,00
500A Hazard Hill Road	269,000	1,550,000
2581A Highway 518	338,000	2,299,000
3991 ChetwyndR\ Road	29,000	549,900

82 Listing of properties with a CVA 200,000 to 299,999

Address	CVA	MLS Listing
14 Martin Lane	226,000	699,000
29A Chickadee Lane	250,000	849,900
30 Pineaire Lane	244,000	1,749,000
41 Island View Lane	292,000	1,099,900
500A Hazard Hill Road	269,000	1,550,000
554 Hazard Hill Road	248,000	699,500
622 Hazard Hill Road	230,000	799,000
1711 Highway 518 East	275,000	889,000
1783 Highway 518 East	257,000	999,000
4214A Highway 518 East	234,000	899,000

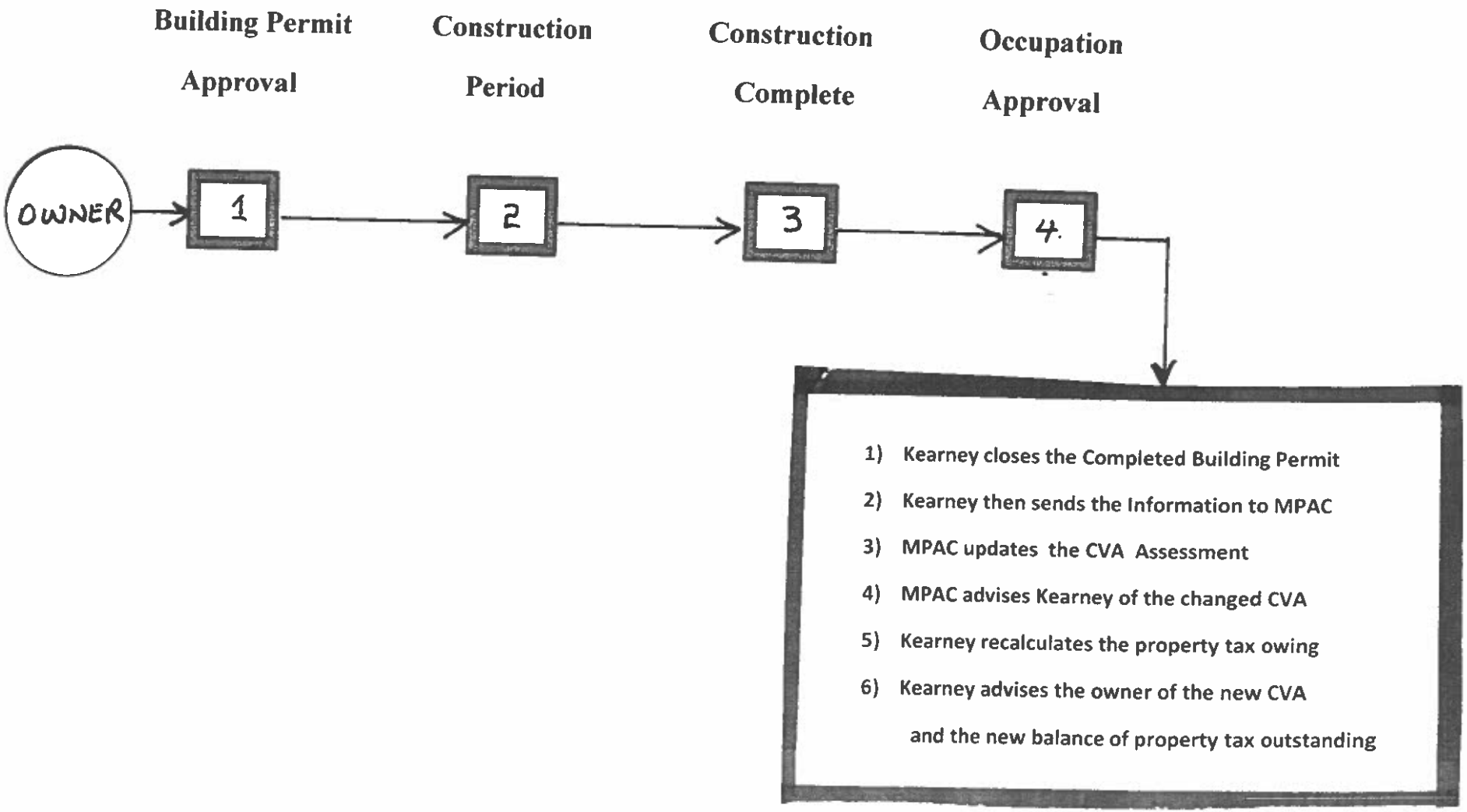
Some Reasons why MPAC valuations would be in error

1. Information never communicated to MPAC by municipality

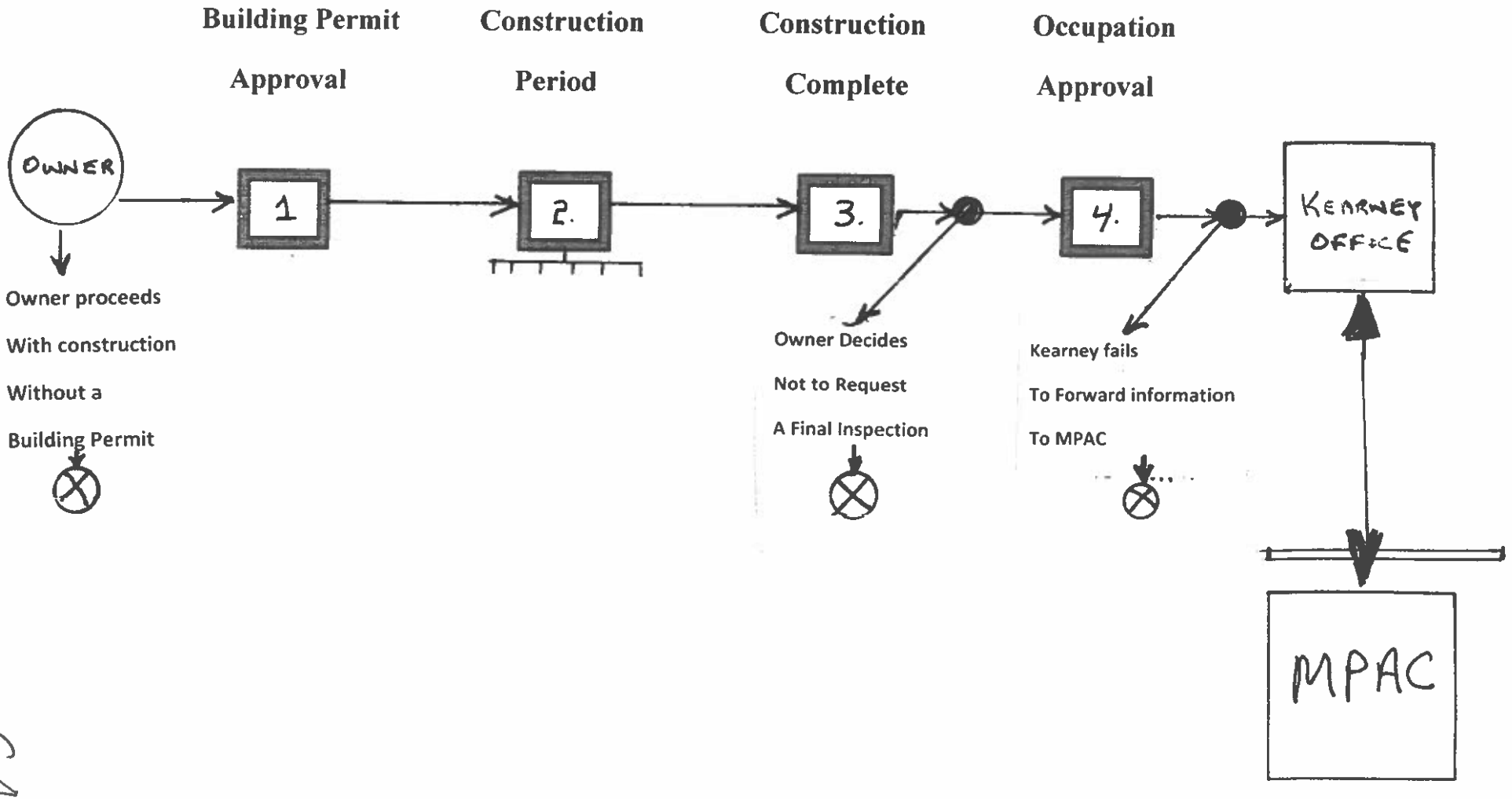
2. Interruption in the flow of information

   a) Structures built without a Building Permit application by the owner

   b) Building permit information transfer interrupted and never sent to MPAC


Building Permit Approval
Construction Period
Construction Complete
Occupation Approval
OWNER
1
2
3
4.
1) Kearney closes the Completed Building Permit
2) Kearney then sends the Information to MPAC
3) MPAC updates the CVA Assessment
4) MPAC advises Kearney of the changed CVA
5) Kearney recalculates the property tax owing
6) Kearney advises the owner of the new CVA and the new balance of property tax outstanding

C1.2


Building Permit
Approval
Construction
Period
Construction
Complete
Occupation
Approval
OWNER
1
2.
3.
4.
KEARNEY
OFFICE
Owner proceeds
With construction
Without a
Building Permit
Owner Decides
Not to Request
A Final Inspection
Kearney fails
To Forward information
To MPAC
MPAC

D.V.3

REALTOR.ca



$549,900

3997 CHETWYND Road
Kearney, Ontario P0A1M0

MLS® Number: 40312764

2 + 0 | 1

D1.1

Description

Looking for a getaway location near Algonquin Park? -- 2022 Built 4-Season Log Cabin on 2+acres on a year-round municipally maintained road in Kearney, ON (don't miss the video!) ---This perfect forest retreat is right near Algonquin Park entrance in Kearney, about 30min from Huntsville, Muskoka. Cabin has 2 bedrooms, 1 (3pc) bathroom, steel roof, drilled well, back deck, , on-demand hot water, hydronic heated floors + cozy wood-stove! --full kitchen with quartz countertops, storage loft, high speed internet --on a year-round, maintained road. Your perfect retreat!! -- Buy as a Cottage, Buy as a Home, Buy as a rental/investment property! Property taxes are not yet assessed with the new house on the lot. (65112005)

Location Description

Chetwynd Rd from either Kearney or Burks Falls, # 3997 is near Chetwynd and Grass Lake Rd

Property Summary

Property Type Single Family	**Building Type** House	**Subdivision Name** Proudfoot
Title Freehold	**Land Size** 2.66 ac|2 - 4.99 acres	**Total Parking Spaces** 5
Time on REALTOR.ca 7 days		

D1.2

Address:	CHETWYND RD
Property Description:	Vacant residential land not on water
Year Built:	N/A
Building - exterior square footage:	N/A
Lot Size:	2.99 A
Number of Storeys:	N/A
Current Value Assessed:	$29,000
Sales Indicator:	Sales Indicator: No valid sales within 5 years

Address: CHETWYND RD

Property Description: Vacant residential land not on water

Year Built: N/A

Building -

exterior square footage: N/A

Lot Size: 2.89 A

Number of Storeys: N/A

Current Value Assessed: $29,000

Sales Indicator: Sales Indicator: No valid sales within 5 years

Address: CHETWYND RD

Property Description: Vacant residential land not on water

Year Built: N/A

Building -

exterior square footage: N/A

Lot Size: 2.89 A

Number of Storeys: N/A

Current Value Assessed:$29,000

Sales Indicator: Sales Indicator: No valid sales within 5 years

Address:	58 ROCK POINT RD
Property Description:	al/recreational dwelling - second tier on water
Year Built:	N/A
Building - exterior square footage:	N/A
Lot Size:	0.54 A
Number of Storeys:	N/A
Current Value Assessed:	$208.000
Sales Indicator:	Sales Indicator: N/A

D2

Address:	51 ROCKPOINT RD
Property Description:	al/recreational dwelling - second tier on water
Year Built	N/A
Building - exterior square footage:	N/A
Lot Size:	16.37 A
Number of Storeys:	N/A
Current Value Assessed:	$93,000
Sales Indicator	Sales Indicator N/A

PRINTED AUG 15, 2022

D3.1

MUNICIPAL PROPERTY ASSESSMENT CORPORATION

My Neighbourhood - My Favourites

	Subject Property	Property #5	Property #6	Property #7	Property #8
Roll Number	49 18 030 001 15100 0000	49 18 030 001 05000 0000	49 18 030 001 11850 0000	49 18 030 001 11895 0000	49 18 030 001 11875 0000
Property Address	192 ROCK POINT RD	PROUDFOOT CON 1 PT LOT 16 PT ORG SHORE RD ALLOW AND RP 42R10422 PARTS 2 AND 4 PCL 5813 SECSS SAND LAKE	51 ROCKPOINT RD	67 ROCK POINT RD	ROCK POINT RD
Legal Description	PROUDFOOT CON 2 PT LOT 15 PT SHORE RD ALLOW RP PSR1107 PART 15 RP 42R19659 PART 1 PCL 16879 SS	PROUDFOOT CON 1 PT LOT 16 PT ORG SHORE RD ALLOW AND RP 42R10422 PARTS 2 AND 4 PCL 5813 SECSS SAND LAKE	PROUDFOOT CON 2 PT LOTS 14 AND 15 RP 42R13258 PT PART 1	PLAN 42M664 LOT 8	PLAN 42M664 LOT 4
Property Description	391 - Seasonal/recreational dwelling - first tier on water	110 - Vacant residential/ recreational land on water	593 - Gravel pit, quarry, sand pit	301 - Single-family detached (not on water)	101 - Second tier vacant lot
Location Identifier	W11	W11	4670	R33	R33
Municipality	KEARNEY TOWN	KEARNEY TOWN	KEARNEY TOWN	KEARNEY TOWN	KEARNEY TOWN
spatial					
Valuation					
Current Assessment Value	$565,000	$189,000	$93,000	$275,000	$31,000
Realty Tax Classes	RT $565,000	RT $189,000	RT $65,300 RT $23,300 IT $2,000 RT $2,400	RT $275,000	RT $31,000
Returned Base Year	2016	2016	2016	2016	2016
Sale Information					
Sale Date	No valid sales within 5 years	No valid sales within 5 years	No valid sales within 5 years	No valid sales within 5 years	2012 Nov
Sale Amount	N/A	N/A	N/A	N/A	$12,000
Site					
Effective Frontage	195.39 F	835 F	N/A	182.87 F	421.52 F
Effective Depth	265.3 F	4,808 F	N/A	619.23 F	378.55 F
Effective Site Area	1.19 A	92.16 A	16.37 A	2.6 A	4.63 A
Site Area	1.19 A	92.16 A	16.37 A	2.6 A	4.63 A
Structure					
Year Built	1995	N/A	N/A	2014	N/A

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D3.2

MUNICIPAL PROPERTY ASSESSMENT CORPORATION

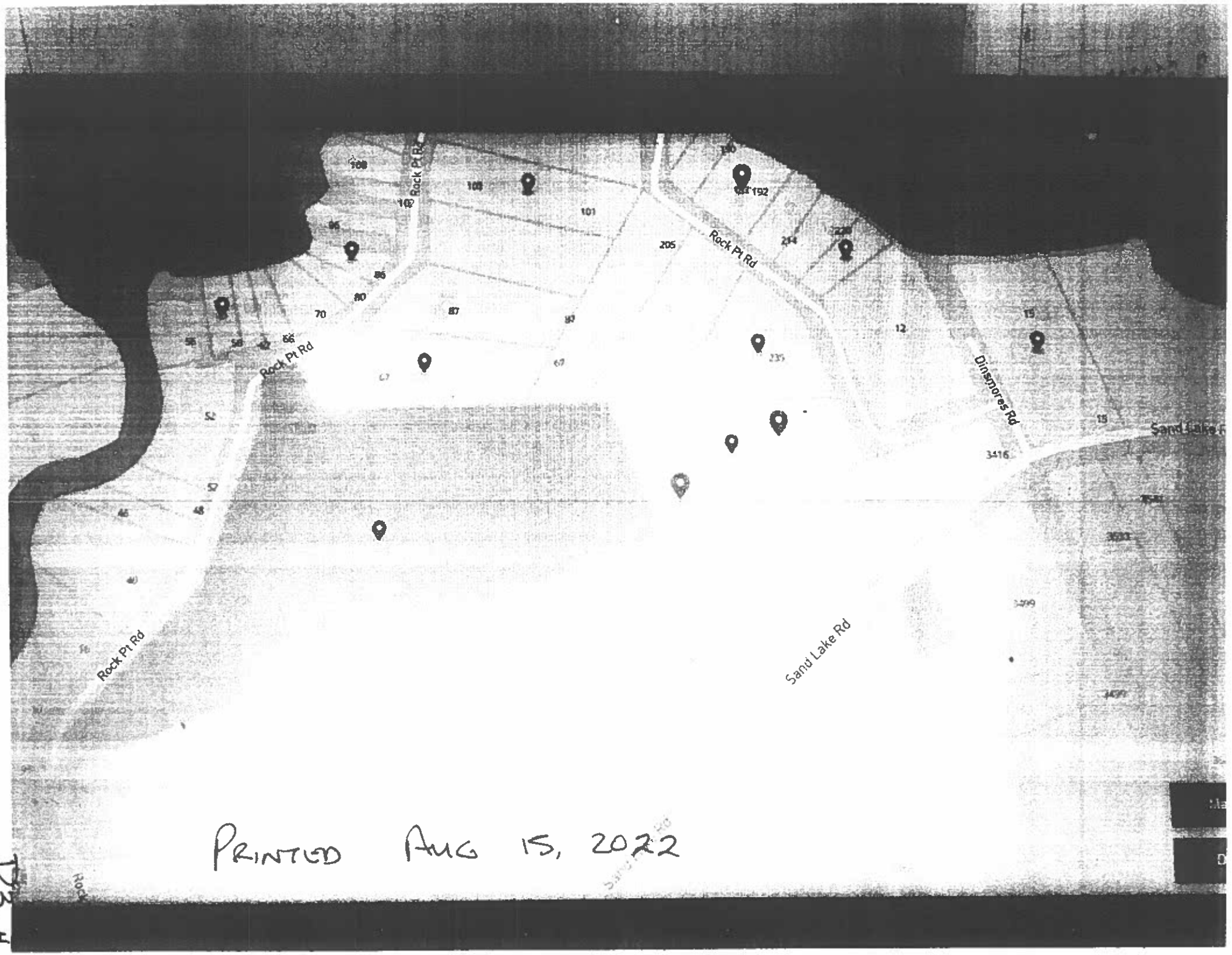
My Neighbourhood - My Favourites

Quality of Construction	6	N/A	N/A	6	N/A
Heat Type	Forced Air	N/A	N/A	Forced Air	N/A
Full Baths	2	N/A	N/A	2	N/A
Half Baths	N/A	N/A	N/A	N/A	N/A
Bedrooms	4	N/A	N/A	3	N/A
Full Storeys	1	N/A	N/A	1	N/A
Partial Storey	No part storey	N/A	N/A	No part storey	N/A
Building - exterior square footage	2,313 Sq. Ft.	N/A	N/A	1,639 Sq. Ft.	N/A
Basement Area	2,313 Sq. Ft.	N/A	N/A	1,639 Sq. Ft.	N/A
Finished Basement Area	2,081 Sq. Ft.	N/A	N/A	1,393 Sq. Ft.	N/A

3.3.A

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About Property.ca


Rock Pt Rd
Rock Pt Rd
Rock Pt Rd
Rock Pt Rd
Dinsmores Rd
Sand Lake Rd
Sand Lake R
3416
3399
PRINTED AUG 15, 2022

D3.4



49 18 030 001 11850 0000

ROCKPOINT RD

PROUDFOOT CON 2 PT LOTS 14 AND 15 RP 42R13258 PT PART 1

593 - Gravel pit, quarry, sand pit

4670

$76,000

RI $2,400
RT $23,300
RT $48,300
IT $2,000

2016

No valid sales since Jan 1, 2012

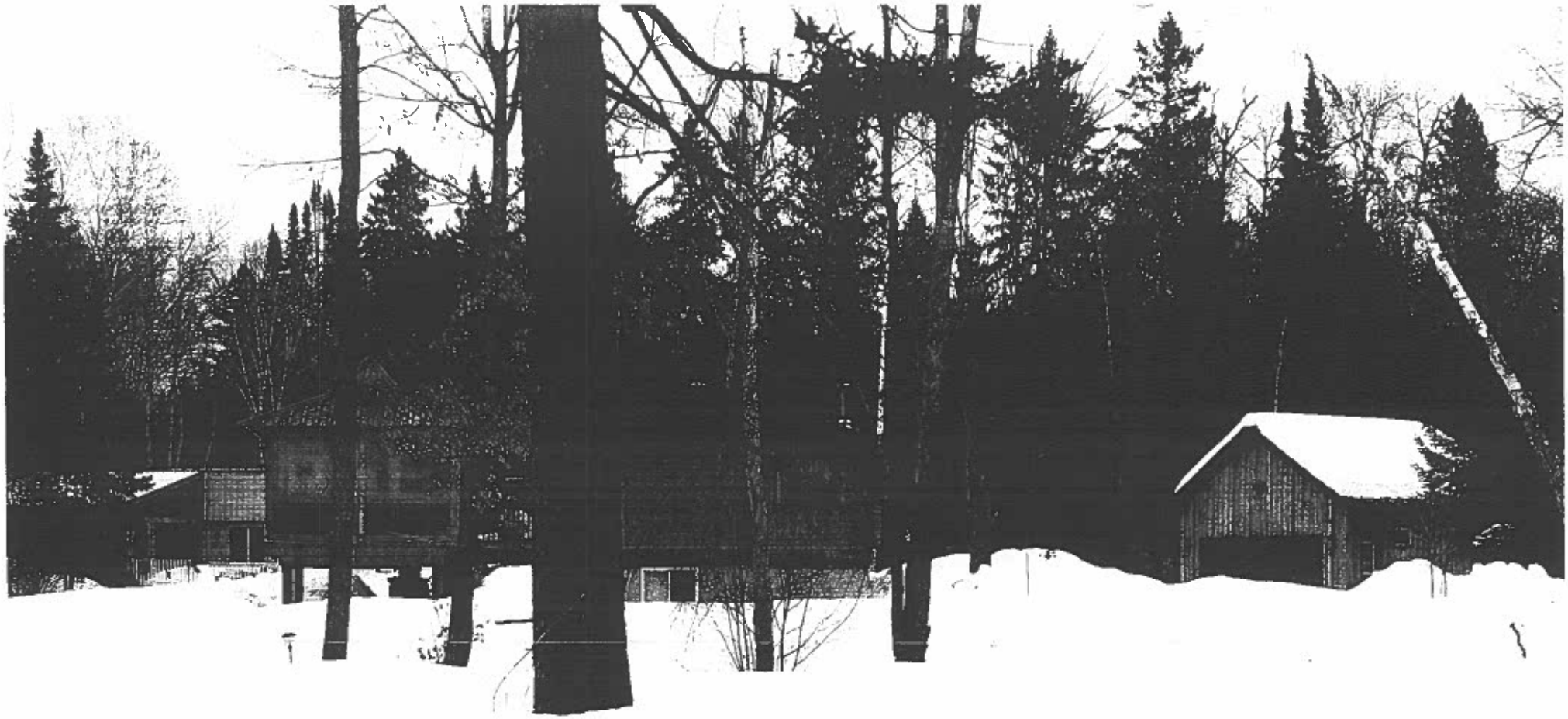
16.37 A

16.37 A

2019

D3.5

G-11



D3-6

G-12

Rock Point Road

March 24, 2019

What happens if you build without a permit in Ontario?

Consequences for violating the Building Code Act, 1992

An individual who is charged and found guilty of an offence under the Building Code Act, 1992 , such as building without a permit, can be **fined up to $50,000 for a first offence and up to $100,000 for subsequent offences**.Jan 15, 2019

What is the penalty for building without a permit?

It is also an offence to use or permit the use of a building which is dangerous or insanitary, or if it has inadequate means of escape from fire. This offence carries **a fine of up to $100,000**. If you continue this offence, there is a further fine not exceeding $10,000 for every day the offence is continued.Mar 15, 2016

How big can you build without a building permit in Ontario?

Specifically, a permit is required when you are: 1. Building a new structure that is **larger than ten metres squared (108 square feet)**. 2.

What is required for an occupancy permit in Ontario?

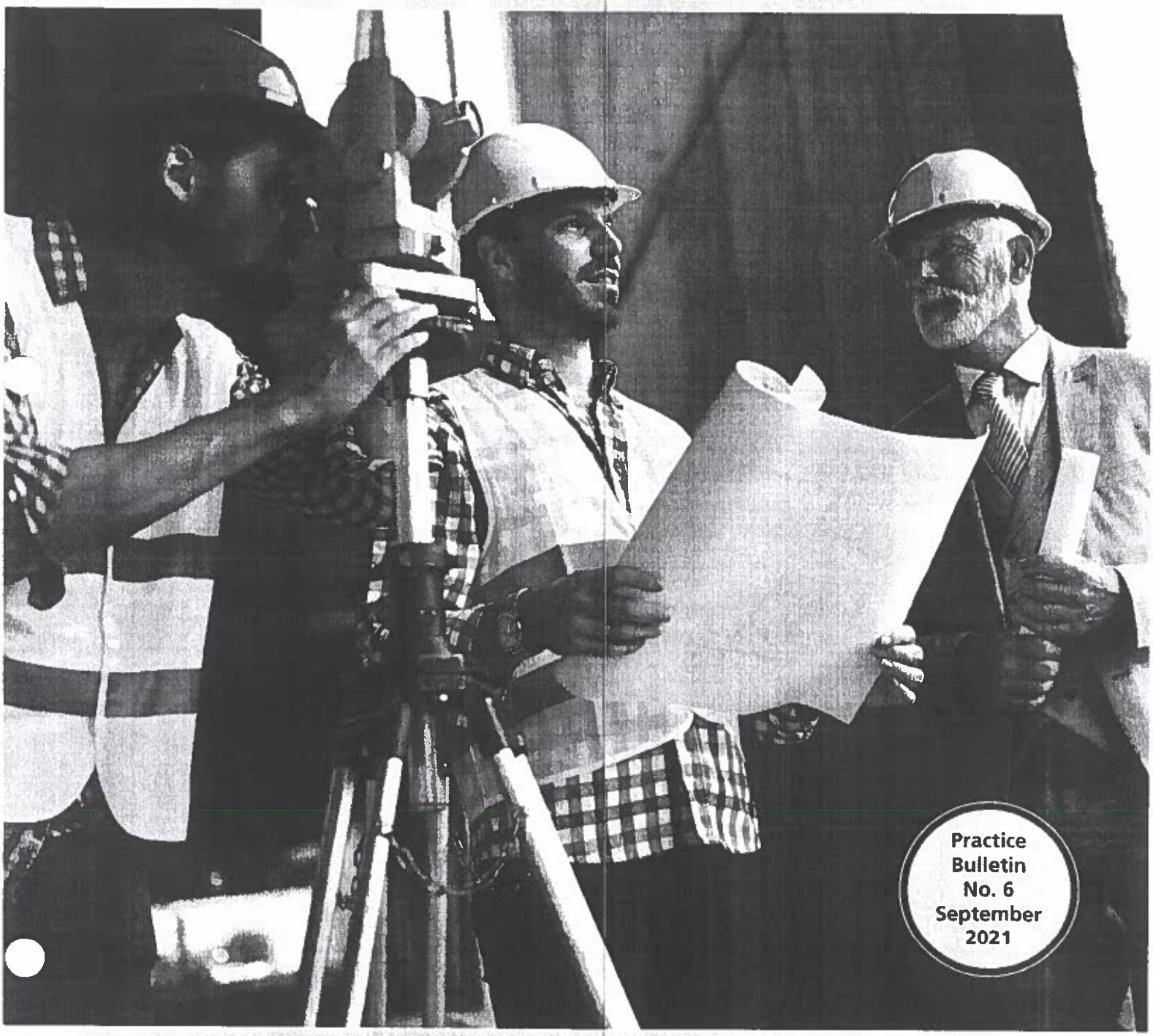
Submit an Authority to Occupy permit application by email. **Applications must be submitted a minimum of 10 business days before your proposed occupancy date**. Before any part of an unfinished building can be occupied, the structure must meet Ontario Building Code (Division C, Part 1, Subsection 1.3.

"google" search Sept 2022

E1

Professional Engineers
Ontario

PROCEDURE FOR PROJECTS WITHOUT BUILDING PERMITS



Practice Bulletin No. 6 September 2021

E2.1

THIS PRACTICE BULLETIN APPLIES ONLY TO THE FIELD REVIEW BY PROFESSIONAL ENGINEERS OF CONSTRUCTION OR DEMOLITION PROJECT SITE WORKS FOR WHICH THE ISSUANCE OF A BUILDING PERMIT UNDER THE *BUILDING CODE ACT* AND REGULATIONS IS REQUIRED.

This practice bulletin applies only to the field review by professional engineers of construction or demolition project site works for which the issuance of a building permit under the *Building Code Act* and regulations is required. For the purposes of this practice bulletin, the term "construction" also includes demolition. The *Building Code Act* states under "Construction and Demolition":

> Building permits
>
> 8 (1) No person shall construct or demolish a building or cause a building to be constructed or demolished unless a permit has been issued therefor by the chief building official. 1992, c. 23, s. 8 (1); 1997, c. 30, Sched. B, s. 7 (1).
>
> ...
>
> Issuance of permits
>
> (2) The chief building official shall issue a permit referred to in subsection (1) unless,
>
> (a) «the proposed building, construction or demolition will contravene this Act, the building code or any other applicable law;
>
> ...

Based on the above, it is reasonable to conclude that the construction of a building without a permit could create an illegal situation. Yet, despite the risks of penalties and fines, there have been cases where contractors have begun construction without a permit or, having started construction under a partial permit, have continued construction past the point that the partial permit allowed.

The *Professional Engineers Act* also imposes on practitioners a professional duty to comply with this statutory requirement. Section 72(2)d of Regulation 941 defines "failure to make responsible provision for complying with applicable statutes, regulations, standards, codes, bylaws and rules in connection with work being undertaken by or under the responsibility of the practitioner" as professional misconduct. In other words, by failing to comply with any law affecting the work, a practitioner could face discipline by Professional Engineers Ontario, in addition to the *Building Code Act* penalties. Therefore, for their own protection, practitioners shall not: "*...cause a building to be constructed...unless a permit has been issued.*" In other words, professional engineers must refrain from performing site reviews on projects where construction is occurring without an appropriate building permit since a site reviewer could be seen as a participant under the "cause a building to be constructed" prohibition in the *Building Code Act*.

Often, there is preliminary or preparatory site work that can be undertaken at the start of a project for which neither a building permit nor field review is required. Some temporary works may also fall outside of the scope of the *Building Code Act*. Practitioners should be careful if they are advising owners on what site activities may be carried out before a building permit is issued. The field review conflict for the practitioner occurs when the work onsite reaches a stage where field review services are required and a building permit has not yet been obtained.

It should be rare that a practitioner finds themselves in this situation since, unless the practitioner has just been retained to replace another, the practitioner would most likely have been involved in the design and bidding of the works and in the application for a building permit. The practitioner who has been involved with the project for some time before field review services are required would have ample time to discuss building permit options, such as requesting a partial permit for foundations only if it is a fast-tracked project, and to explain that no field review can be done by the practitioner before a building permit is issued for the work requiring a field review.

In situations where there are time constraints on construction, such as projects with public funding that would be lost if the project is unduly delayed, the appropriate timeframe for the building permit application process needs to be considered and discussed with the building department well before the permit application is made. Based on the circumstances of the project, staging of partial permits could be discussed as well as the documentation required in each partial building permit application to allow for a proper review of the application to meet the required schedule. Open, early and ongoing communication between the project manager and the building department, including the Chief Building Official (CBO), will improve the likelihood that schedules will be met.

Practitioners need to be mindful that their design documents submitted with the permit application need to be complete for the portions of the work for which a permit is being requested, and their seal should be qualified to limit its scope as appropriate (refer to the *Use of the Professional Engineer's Seal* practice guideline for more information). Responsibility for a delay in the building permit being issued due to incomplete documentation usually rests with the design professional. Where the delay in issuing a building permit is not due

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to an incomplete application, and the delay could cause significant financial harm to a project, particularly if the delay seems unwarranted, there may be cause for a discussion with the CBO.

Procedure

Recognizing the concerns of professional engineers perceiving a potential conflict between their professional obligations to protect the public and faithfully serve clients, and their legal obligations to comply with all applicable laws, PEO's Professional Standards Committee has developed a procedure that strikes a reasonable balance between these various duties. Should a professional engineer discover on arrival at a construction site that no building permit has been issued for the work they have been engaged to review, the engineer should, before conducting any field review services:

1. Discuss the situation with the owner to ascertain whether a building permit application has been made at all, and if so, whether the owner knows the status of the application approval process.
2. Inform the owner that professional engineers have an obligation to report to the municipality's CBO if work on a construction site that requires issuance of a building permit is proceeding prior to a permit for that work being issued.
3. If no building permit application has been made, the engineer should inform the owner:
   a. that the engineer is not able to provide field review services;
   b. that the owner should stop work on any aspects of the project for which a building permit is required until a permit is issued; and
   c. that the owner should apply for the required building permit with the municipality.

The engineer may offer their services to assist with the building permit application process or advise whether applying for a partial permit (such as for foundations only) while the full permit application is being processed is a practical option for the particular situation.

The engineer should also inform the owner that if construction activities requiring a building permit continue, the engineer will have to inform the CBO of the situation, and then do so.

4. If a building permit application has been made but no building permit has been issued, the engineer should inform the owner that:
   a. the engineer is not yet able to provide field review services;
   b. the owner should suspend work on any aspects of the project for which a building permit is required;
   c. the owner should not cover any work already done that will need to be inspected once a building permit is issued;
   d. the owner should consider discussing with the municipality whether a partial permit could be issued for the current area of work; and
   e. if work continues on aspects of the project for which a building permit is required, the engineer will have to inform the CBO of the construction activity.

If the owner is unable to remedy the situation within a reasonable time or if work continues contrary to the engineer's recommendations, then the engineer should inform the CBO of the situation. Noting that practitioners have a duty to report and a duty to warn, the above procedure may need to be altered based on the particulars of a situation. For more information on these obligations involving safety refer to the *Professional Engineering Practice* guideline.

Agreements

To prevent a situation where an owner demands that the professional engineer visit a construction site despite there being no permit, engineering firms should work with their legal counsel and professional liability insurance providers to ensure that agreements contain wording that assures that professional engineers can only perform site review on construction sites once there is a permit. For example, an agreement could state that the owner needs to provide the building permit information to the professional engineer before the engineer goes onsite.

Exceptions

This practice bulletin is meant to cover situations where construction began and a building permit was required. It does not cover the numerous situations where a professional engineer goes to site and there was no need for a building permit.

Furthermore, there are situations where a municipality is aware that construction occurred without a permit and, to normalize the situation, orders the owner to engage a professional engineer to make an assessment of the work to date and provide an engineering report. In these situations, the municipality clearly has requested a professional engineer go to the site. However, a reasonably prudent practitioner would contact the municipality to discuss the objective of the municipal order.

Finally, there are emergency situations where professional engineering services are required on a site with no permit. For example, a municipality requires a forensic engineering report on a fire in a construction site that had no permit. And, consequently, a professional engineer must visit the site as part of their forensic engineering study. In that case, the professional engineer is not providing general review of the construction, rather the engineer is assessing the damage due to fire, which is an activity that does not require a building permit.

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The Corporation of the Town of Kearney

8 Main Street Box 38 Kearney ON P0A 1M0

MINUTES

REGULAR COUNCIL MEETING
Council Chambers
Wednesday, August 31st, 2022
1:00 p.m.

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

Staff Present: Brenda J Fraser, CAO | Clerk | Treasurer
Cindy Filmore, Deputy Clerk (Virtual)
Matt Clouthier, Deputy Chief Building Official
Scott McKay, Public Works Working Foreperson (Virtual)

1. **Call the Meeting to Order**

Res. No. 1/31/08/2022 Liz Stermsek, Paul Ziraldo
BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney on August 31st, 2022 be declared open and called to order at 1:00 p.m. **CARRIED**

Moment of Silence to honour the memory of Ron Waites, to honour the memory of Mary Flavelle and to honour the memory of Erich Schaefer.

2. **Approval of Agenda**

Res. No. 2/31/08/2022 Paul Ziraldo, Liz Stermsek
BE IT RESOLVED that the Agenda of the Regular Council Meeting of the Corporation of the Town of Kearney on August 31st, 2022 be adopted as amended.
ADD 10(c)(iv) Resolution re: Winter Sand **CARRIED**

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

4. **Delegations/Presentations**

(a) Delegations

(i) **Gary Swance re**: Access to Sunken Island Lane
Mr. Swance approached Council regarding the long-time access to his property that is now being threatened.

(ii) **Kendra Couling re:** Concerns about access on Gray Jay Lane
Ms. Couling provided a power point presentation to Council, noting that the historical access to properties located in Plan PSR 309 and Plan PSR 188 has been from Gray Jay Lane and noting that Gray Jay Lane is the only motor vehicle access to these properties.

(b) Presentations

(i) **Amber Boissonneault, Interior Design Co-ordinator, Larocque Elder Architects re:** Proposed Interior Colour Schedule for KCC
Ms. Boissonneault provided a printout showing the chosen colour palettes for the KCC Kitchen renovation project.

5. **Minutes**

(a) Adoption of Minutes

Res. No. 5(a)(i)-(iii)/31/08/2022 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 – August 9th, 2022
(ii) Regular Meeting, Draft Minutes – August 10th, 2022
(iii) Special Meeting Draft Minutes – August 18th, 2022 **CARRIED**

(b) Receive Committee Minutes

Res. No. 5(b)(i)/31/08/2022 Paul Ziraldo, Liz Stermsek

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

(i) Joint Waste Management Committee re: *Draft* Minutes – August 24th, 2022

CARRIED

6. Committee Resolutions for Consideration

(a) Regatta Advisory Committee re: Request for reimbursements

Res. No. 6(a)/31/08/2022 Mike Rickward, Paul Ziraldo

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, in accordance with the request from the Regatta Advisory Committee authorizes payment of the following invoices:

☑ Lisa Lahn (Face paint sidewalk chalk)	$ 49.69
☑ Great North Arrow (advertising)	$ 226.00
☑ Silver Screen Printing (shirts, brochures)	$ 863.47
☑ Dorothy Hopson (envelopes)	$ 9.46
☑ Teresa Manning (buckets)	$ 70.58
☑ Teresa Manning (mileage)	$ 209.25

CARRIED

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

(i) **Report and Resolution re:** Consent B-052-22; B-053-22 and B-054-22 (Pannbros Enterprises Inc.)

Res. No. 10(b)(i)/31/08/2022 Mike Rickward, Paul Ziraldo

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney recommends approval of Consent Applications B-052-22; B-053-22; and B-054-22 (Pannbros Enterprises Inc.) subject to the following conditions:

1. **That** the property owner, in consultation with the Town of Kearney, upgrade the existing private driveway to Private Road standards and include the private driveways to be established to each proposed severed lot;
2. **That** the property owners of the retained and future severed lots enter into a Private Road Agreement with the Town of Kearney regarding the future maintenance of the Private Road;
3. **That** a scoped Environmental Impact Study (EIS) be undertaken in support of the proposed Consents, subject to review and acceptance by the Town of Kearney;
4. **That** an Archaeological Assessment be undertaken in support of the proposed Consents, subject to review and acceptance by the Town of Kearney;
5. **That** prior to the finalization of the consents, confirmation that the North Bay Mattawa Conservation Authority has no concerns or objections with regard to existing or proposed sewage disposal systems on the subject lands, shall be provided;
6. **That** a payment-in-lieu of a parkland dedication shall be paid in accordance with Section 51.1 of the *Planning Act* acceptable to the Town of Kearney in cash or certified cheque;
7. **That** all municipal taxes to date shall be paid in full;
8. **That** the applicant provides confirmation from the Town of Kearney Roads Foreman with respect to entrance approval;
9. **That** all Town fees and disbursements (legal, engineering, planning) if any, incurred by the Town with respect to this application, shall be paid by the owner;
10. **That** a draft reference plan of survey be provided to the Town of Kearney for review prior to registration; and
11. **That** four copies of the final reference plan of survey, together with one digital copy, be provided to the Town of Kearney.

CARRIED

(ii) **Report and Resolution re**: Purchase of Shore Road Allowance (70 Sunken Island Lane)

Res. No. 10(b)(ii)/31/08/2022 Mike Rickward, Paul Ziraldo

WHEREAS a request to purchase a portion of the adjacent Shore Road Allowance in front of their property has been received from the property owner;

AND WHEREAS this request does not appear to impact adjoining land owners nor municipal access points;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby supports in principle, the purchase of the Shore Road Allowance at 70 Sunken Island Lane, by the adjacent land owner o/a 2866185 Ontario Limited. **CARRIED**

(c) Operations

(i) **Transfer Station Report** re: Update to August 16th, 2022 – **Report only**.

(ii) **Report and Resolution re**: Hydro seeding at Island Lake new parking lot

Res. No. 10(c)(ii)/31/08/2022 Mike Rickward, Paul Ziraldo

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, in accordance with the recommendation of our Public Works Working Foreperson, accepts the quote from Near North Hydro Seed, in the amount of $4,400.00 + HST to hydroseed, at the recently constructed Island Lake parking lot. **CARRIED**

(iii) **Discussion and Resolution re**: Contractor storing materials on Town Lot

Res. No. 10(c)(iii)/31/08/2022 Paul Ziraldo, Cheryl Philip

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, in accordance with the request to store building materials on Town property determines _____. **DEFERRED**

(iv) **Resolution re:** Winter Salt

Res. No. 10(c)(iv)/31/08/2022 Cheryl Philip, Paul Ziraldo

WHEREAS Winter Salt was purchased in conjunction with the Algmaguin Road Supervisors joint purchasing initiative;

AND WHEREAS Kearney's portion of the purchase is $12,858.00 + HST;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney authorizes the purchase of Winter Salt from Compass Minerals Canada Corporation in the amount of $12,858.00 + HST. **CARRIED**

(d) Administration

(i) **Resolution re:** Appointment of Selection Team for Equipment Operator position

Res. No. 10(d)(i)/31/08/2022 Cheryl Philip, Paul Ziraldo

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

(ii) **Resolution re:** Appointment of Selection Team for General Maintenance Attendant position

Res. No. 10(d)(ii)/31/08/2022 Cheryl Philip, Paul Ziraldo

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby appoints Mike Sims, Brenda Fraser and Councillor Philip as members of the Selection Team, for the **General Maintenance Attendant** position. **CARRIED**

(iii) **Discussion and Resolution re:** Integrity Commissioner

Res. No. 10(d)(iii)/31/08/2022 Mike Rickward, Cheryl Philip

WHEREAS Council has received a 'Notice of Retirement and Delegation' from our Integrity Commissioner H. G. Elston;

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

- ❑ in accordance with the recommendation of Mr. Elston, supports appointing John Mascarin as our Integrity Commissioner;

OR

- ☑ authorizes Staff to advertise for an Integrity Commissioner for the 2022 – 2026 Council term. **CARRIED**

(iv) **Resolution re:** Appointment of Selection Team for Communications and Public Relations Co-ordinator Intern position

Res. No. 10(d)(iv)/31/08/2022 Mike Rickward, Cheryl Philip

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby appoints Brenda Fraser, Cindy Filmore and Councillor Rickward as members of the Selection Team for

the Communications and Public Relations Co-ordinator Intern position. **CARRIED**

(e) Treasury

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

Res. No. 10(e)(i)/31/08/2022 Mike Rickward, Cheryl Philip

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney has received the 'List of Accounts' for Cheques #31933 to #31995 in the total amount of $289,971.00. **CARRIED**

(f) Fire and Emergency Services

(i) **Report re**: Fire Chief, Fire Department Report for Regular Council Meeting on August 31, 2022 – **Report only.**

(ii) **Resolution re:** New Firefighter

Res. No. 10(f)(ii)/31/08/2022 Paul Ziraldo, Liz Stermsek

BE IT RESOLVED that, effective immediately, the Council of the Corporation of the Town of Kearney accepts **Jason Hebblethwaite** to the Kearney Fire and Emergency Services Department, as a volunteer firefighter/first responder, subject to the conditions agreed to in the United Food and Commercial Workers Collective Agreement. **CARRIED**

(g) Facilities and Buildings

(i) **Information and Resolution re:** KCC Generator

Res. No. 10(g)(i)/31/08/2022 Paul Ziraldo, Liz Stermsek

WHEREAS Council has received information with regard to options for the new generator at the Kearney Community Centre;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney determines to:

☑ Purchase a Propane Generator

OR

❑ Purchase a Diesel Generator

and for the conductor material, to use:

☑ All Copper

OR

❑ Aluminum where possible **CARRIED**

(h) Council Presentations

(i) **Deputy Mayor Stermsek re**: Library updates – **Report only.**

11. Correspondence

(a) Action Items

(i) **David Gray, Director of Economic Development, Almaguin Community Economic Development re**: Almaguin Brand Adoption

Res. No. 11(a)(i)/31/08/2022 Liz Stermsek, Paul Ziraldo

WHEREAS the Council of the Corporation of the Town of Kearney recognizes the value of working together to promote the Almaguin Highlands Region to visitors, businesses and investors, and residents, through implementing the Almaguin Brand Strategy;

AND WHEREAS the support of the Federal and Provincial Governments has provided the opportunity to create a foundation for regional scale marketing and promotional efforts, including the development of marketing material, assets, and initiatives;

AND WHEREAS Kearney Council acknowledges that from time to time, minimal staff efforts may be required to support action items associated with the Almaguin Brand Strategy, including brand incorporation on municipal assets;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby adopts the Almaguin Brand, and its associated brand elements, as the collective brand for destination marketing;

AND FURTHER that the Town of Kearney supports, in-principle, the continued implementation of the Almaguin Brand Strategy through the Spotlight Almaguin Project. **CARRIED**

(b) Information Items

(i) **Kearney Watershed Environmental Foundation** – August 2022 Newsletter – **Newsletter only.**

12. Other Business – Nil

13. Closed Session

Res. No. 13(a)-(c)/31/08/2022 Liz Stermsek, 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 2:24 p.m. for discussion regarding:

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

(b) A proposed or pending acquisition or disposition of land by the municipality or local board;

(c) labour relations or employee negotiations (x2) **CARRIED**

Res. No. 13(d)/31/08/2022 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 4:33 p.m. **CARRIED**

14. Business Arising from Closed Session

Mayor Ballantyne reported on matters discussed in Closed Session.

15. Confirming By-Law

Res. No. 15/31/08/2022 Paul Ziraldo, Liz Stermsek

By-law No. 2022-32, Being a By-law to confirm the proceedings of Council at its Special Meeting held on August 9th, 2022; at its Special Meeting held on August 18th, 2022; and at its Regular Meeting held on August 31st, 2022 be read a first, second and third time and numbered 2022-32 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. 16/31/08/2022 Paul Ziraldo, Liz Stermsek

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney adjourn at 4:35 p.m. to meet again at 1:00 p.m. on Wednesday, September 21, 2022, in the Council Chambers, Kearney, Ontario. **CARRIED**

THE CORPORATION OF THE TOWN OF KEARNEY

_____

Carol Ballantyne, Mayor

_____

Brenda J. Fraser, Clerk

DRAFT

THE CORPORATION OF THE TOWN OF KEARNEY

STAFF REPORT

TO: Mayor and Council

FROM: Cindy Filmore, Deputy Clerk

SUBJECT: Purchase of Shore Road Allowance

DATE: September 21, 2022

Recommendation:

WHEREAS a request to purchase a portion of adjacent Shore Road Allowance has been received;

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 ability of Susan Alexanian to file an application to purchase Shore Road Allowance

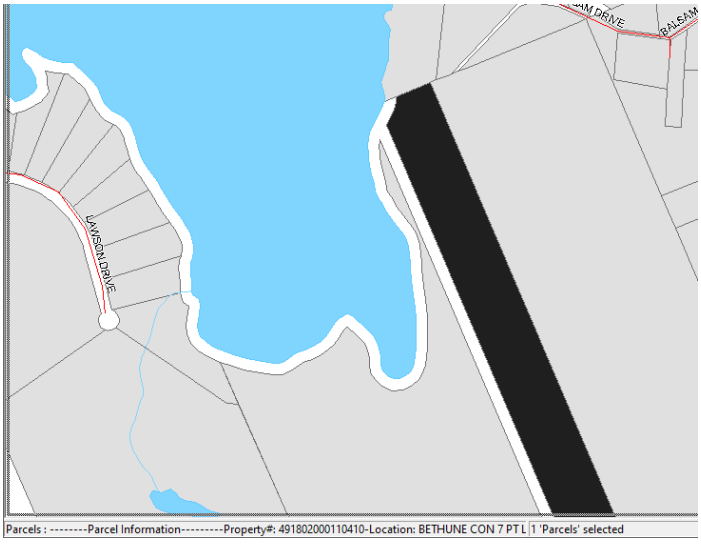
Background

Staff received a request to purchase a portion of the Shore Road Allowance on Lynx Lake from the adjacent landowners. Their desire to purchase the shore road allowance does not appear to impact adjoining landowners or municipal access to the water.

Considerations

Ms. Alexanian is requesting to purchase the shore road allowance adjacent to her property in order to increase her land holdings. This appears as Part 2 on the draft survey below.





Staff seeks Council's support to move forward with this purchase.

Respectfully submitted by: *Cindy Filmore*

TRANSFER STATION REPORT

Date	Bin Pick-up	Kearney	$	Sand Lake	$	Notes
Aug 19		108	88	62	154	45F/89C/20B. 3
Aug 20		98	30	45	72	62C/10B
Aug 21		68	24	43	110	50F/50C/10B
Aug 22	28	51	54	31	125	125S
Aug 23		51	18	58	176	145S/31C
Aug 26		76	44	34	66	66S
Aug 27		69	32	38	151	121C/30B
Aug 28		73	22	62	58	58C
Aug 29	2C	54	8	53	27	27C
Aug 30		60	6	62	118	80S/18C/20B.
Totals	54	#708	$326 ✓	#486	$1057 ✓	1383.00

Comments – Numbers Are Showing A Steady Decline Since The Last Report, As Seasonals And Campers Are Ending Their Summer Vacationing.

Transfer Station Attendant Date:

TRANSFER STATION REPORT

Date	Bin Pick-up	Kearney	$	Sand Lake	$	Notes
SEPT 2		72	24	50	535	F 100 C 190 B 245
SEPT 3		63	6	28	90	C 80 B 10
SEPT 4		45	0	21	0	
SEPT 5		94	34	69	230	F 80 S 40 B 30 C 80
SEPT 6	24	71	6	68	380	F 40 S 270 C 70
SEPT 9		53	2	44	110	C 90 B 20
SEPT 10		48	2	30	100	C 200
SEPT 11		45	4	40	103	C 103
SEPT 12	22	46	8	21	Ø	
SEPT 13		54	6	23	117	F 10 S 60 C 47
Totals	46	546	92	373	1665	**Grand Total Cash** 1757 ✓

Comments ATTENDANCE AT BOTH TRANSFER SITES HAS DROPPED CONSIDERABLY MID REPORT, AS SEASONALS ARE CLOSING COTTAGES AFTER THE LABOUR DAY WEEKEND.

KENT HARVIE Transfer Station Attendant **Date:** SEPT 13/22

Date Printed
2022-09-14 2:46 PM

Town of Kearney

ACCOUNTS REPORT

Batch: 2022-00068 to 2022-00068

August 30/22

Bank Code: AP - GENERAL AP

COMPUTER CHEQUE

Payment #	Date	Vendor Name		Payment Amount
31996	2022-08-31	Abell Pest Control	Monthly Invoices	394.48
31997	2022-08-31	Aird & Berlis LLP	legal Re: Silversands	4,457.86
31998	2022-08-31	Bell Canada (Internet)	Monthly Internet	180.68
31999	2022-08-31	Bowman Fuels Ltd.	P/U Vehicle Diesel	1,849.51
32000	2022-08-31	Brendar Environmental Inc	Hazardous Waste Day	14,779.95
32001	2022-08-31	Burk's Falls Building Ctr Ltd	F/D/Trans Sta/Pks Supplies	173.30
32002	2022-08-31	CRA - Receiver General	August Payroll Deductions	23,809.97
32003	2022-08-31	Cedar Signs	F/D No Parking Signs	318.57
32004	2022-08-31	CGIS Spacial Solutions	Server Fee	2,954.94
32005	2022-08-31	Cupe Local 1813	August Union Remittance	556.99
32006	2022-08-31	Edwards, Michele	Reimburse Expired Fitness Pass	10.00
32007	2022-08-31	Fetterley's Gas & Convenience	Various Vehicle Fuel	1,133.51
32008	2022-08-31	Fowler Construction	Roads Winter Sand	1,445.68
32009	2022-08-31	Jones Motor Lines	Porta-Potties	555.96
32010	2022-08-31	Kawartha Credit Union - Visa	Monthly Statement	891.84
32011	2022-08-31	Kidd's Home Hardware Bldg. Centre	Roads Supplies	16.11
32012	2022-08-31	Min Of Fin-Ontario	July OPP Billing	25,870.00
32013	2022-08-31	Muskoka Rent-All Huntsville	Parks Maintenance	140.06
32014	2022-08-31	Muskoka Rock Company	Roads Shanty Pit Crushed Gravel	95,485.00
32015	2022-08-31	Northern Nerds	Admin Comp Maintenance/Repair	1,833.71
32016	2022-08-31	OMERS	August Pension Remittance	11,161.52
32017	2022-08-31	Pyroworld	Regatta Fireworks	11,300.00
32018	2022-08-31	Ryman Titles Inc.	Title Search Re Eva Goya	109.50
32019	2022-08-31	Schaefer Paul	Reimburse Incident Safety Training	847.50
32020	2022-08-31	Spectrum Telecom Group Ltd.	Monthly Tower Rental	264.42
32021	2022-08-31	Township Of Ryerson	3rd Qtr Regional Fire Training	4,170.40
			Total Computer Cheque:	204,711.46

Total AP: 204,711.46

Paul Schaefer
Fire Chief - Town of Kearney
paul.schaefer@townofkearney.ca

705-636-7402
705-571-3761 (Cell)
705-636-9743 (Fax)

Kearney Fire & Emergency Services
Postal Box 38
Kearney, ON P0A 1M0

September 19th, 2022

To; Brenda Fraser

Council Town of Kearney

From; Paul Schaefer

Fire Chief

For Information

Carrier Truck Centers have been to the fire hall on several occasions in the last couple of weeks diagnosing and repairing Pumper 311 and Tanker 314. Some repairs were diagnosed during our annual pump testing. As you are aware we and our area fire departments rely on these vehicles during extreme times.

Pumper 311 has been fully repaired and works as it should. Tanker 314 is still having issues with the communication between the engine and the electronic governor. The repairs to date have not worked. In this state we cannot rely on it in an emergency situation. Carrier has suggested and I agree that Tanker 314 will have to go back to Wood stock where they can diagnose fully in their shop and repair. This type of repair was not expected or included in my budget.

Carrier will be supplying me with a few dates to consider. The truck will be out of service for a week and I will have to make arrangements for myself and firefighters to assist in delivery and return.

If there are any questions or concerns, please contact me via email or my cell at 705 571 3761

Respectfully submitted

CHIEFS REPORT TO COUNCIL

September 14th, 2022.

Training

We have had two tanker shuttle practices and one RIT practice as well as a medical practice for this report period. We are also doing ongoing hall maintenance.

Fire Prevention

Ongoing safety messages on our Facebook page. We still have a limited supply of free smoke alarms at the firehall for residents.

Equipment

The pumper and tanker are both undergoing several repairs identified in the pumper certification tests. We also received a new to use set of extrication tools complete with a new power pack. Our old equipment we could no longer get repair parts.

We have had five medical calls. Six fire calls.

I have submitted a separate report for a new recruit.

I have scheduled our oil tank repair.

One double sided fire sign has been replaced at Chetwynd and 518.

The air compressor has been replaced.

Water system repairs are almost complete, there is a part back ordered to get this in service. Thank you, Mike Sims, for looking after this for us.

The wood pile at the dump has been burned last week.

Daily ongoing hall duties, gear checks and paperwork and fire permit issuance.

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

REPORT TO COUNCIL

September 14th, 2022.

To: Members of Council

From: Paul Schaefer Fire Chief

Re: New Firefighter

Overview: The Town of Kearney has received an application from Matt Stead for a position on Kearney Fire and Emergency Services. Matt has recently relocated to our area and has expressed an interest to join Kearney Fire and Emergency Services.

Recommendation: That Council accept the application from Matt as a Firefighter/ First Responder for the Town of Kearney and pass the appropriate resolution of council accepting him as a new member to Kearney Fire and Emergency Services.

Submitted for your consideration.

The Municipality of the

Moved By: _____ Date: August 23, 2022

Seconded By: _____ Resolution # 2022-264

Be it resolved;

WHEREAS the municipalities of Almaguin Region have proven their continued commitment to healthcare services for the region despite health care being a provincial mandate; and

WHEREAS Muskoka Algonquin Health Care has significantly contributed to the direct services of x-ray, laboratory testing and post-surgery physiotherapy even when the Burk's Falls District Health Care was converted to the community led Almaguin Highlands Health Center; and

WHEREAS these services play a critical role in maintaining the health of the Almaguin region; and

WHEREAS in 2021 a nineteen-week sampling yielded a total of 4,168 person visits for an average of 43 patient visits a day for the x-ray and laboratory services; and

WHEREAS to date in 2022 a twelve-week sampling has yielded 2,579 person visits maintaining the 43 patient visits a day for the services; and

WHEREAS the Almaguin Highlands Health Center operates at a deficit to provide the space for these services to the region; and

WHEREAS providing Muskoka-Algonquin Healthcare with the space, at no cost, to provide x-ray, laboratory testing and post-surgery physiotherapy services results in an annual operating deficit at the Almaguin Highlands Health Centre; and

WHEREAS over the past ten years there has been discussion at various levels of Muskoka Algonquin Healthcare management of discontinuing the service or reducing the operating hours *at the Almaguin Highlands Health Centre.*

NOW THEREFORE the Council for the Village of Burk's Falls hereby requests a commitment from Muskoka Algonquin Healthcare to indefinitely continue the services at the Almaguin Highlands Healthcare Center; and

FURTHER that Muskoka Algonquin Healthcare communicate an evidence-based benchmark determined by use of services indicating when x-ray, laboratory and post-surgery physiotherapy service levels may be reviewed for to the Almaguin region; and

FURTHER that this resolution be forwarded to all municipalities in Almaguin for support.

Recorded Vote requested by: _____

Jarvis Osborne	*for / opposed*
Lisa Morrison	*for / opposed*
Rex Smith	*for / opposed*
John Wilson	*for / opposed*
Cathy Still	*for / opposed*

✓ *Carried* *Defeated* *Deferred*

Pecuniary Interest declared by:

_____

_____

Mayor

8.

The Corporation of the Township of Perry

Box 70 1695 Emsdale Road Emsdale, Ontario P0A 1J0

Date: September 7, 2022

Resolution No.: **2022-** 377

Moved By: Paul Sowrey **Seconded By:** Jim Cushman

Whereas the Council of the Corporation of the Township of Perry has received a request from the Village of Burk's Falls to support their Resolution No. 2022-266 in which they requested a commitment from Muskoka Algonquin Healthcare to indefinitely continue the services at the Almaguin Highlands Health Centre;

Be it resolved that Council hereby support the Village of Burk's Falls Resolution No. 2022-266 and direct that it be forwarded to MAHC and all Almaguin municipalities.

Carried: ✓ **Defeated:**

Norm Hofstetter, Mayor

RECORDED VOTE			
Council		**For**	**Against**
Councillors	Jim Cushman		
	Joe Lumley		
	Margaret Ann MacPhail		
	Paul Sowrey		
Mayor	Norm Hofstetter		

2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

COPY VIA EMAIL (Premier@ontario.ca)

September 1, 2022

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

Dear Premier Ford:

RE: Town of Kingsville Council Resolution #336-08292022 in opposition to Bill 3, Strong Mayors, Building Homes Act, 2022

At its Special Meeting held August 29, 2022 Council of The Corporation of the Town of Kingsville passed a Resolution against Bill 3 as follows:

> **Resolution #336-08292022**
> Moved by Councillor Kimberly DeYong
> Seconded by Councillor Laura Lucier
>
> **"WHEREAS** the Government of Ontario, through the Minister of Municipal Affairs and Housing, has introduced Bill 3 which is described as "An Act to amend various statutes with respect to special powers and duties of heads of council";
>
> **AND WHEREAS** this Bill, if enacted, will initially apply to the City of Toronto and City of Ottawa, but will later be expanded to include other municipalities according to a statement made by the Premier at the 2022 AMO annual conference;
>
> **AND WHEREAS** this Bill, if enacted, will give Mayors additional authority and powers, and correspondingly take away authority and powers from Councils and professional staff, and will include giving the Mayor the authority to propose and adopt the Municipal budget and to veto some decisions of Council;
>
> **AND WHEREAS** this Bill, if enacted, will give authority over professional staff to the Mayor, including that of the Chief Administrative Officer;

AND WHEREAS these changes will result in a reduction of independence for professional staff including the CAO, who currently provide objective information to the Council and public and will now take direction from the Mayor alone when the Mayor so directs;

AND WHEREAS these are surprising and unnecessary changes to the historical balance of power between a Mayor and Council, and which historically gave the final say in all matters to the will of the majority of the elected Council.

THEREFORE, this Council of the Town of Kingsville, passes this resolution to petition the Government of Ontario that:

1. These changes to the *Municipal Act, 2001*, are unnecessary and will negatively affect the Town of Kingsville;
2. That if the Ontario Government deems these changes necessary in large single-tier municipalities such as Toronto and Ottawa, that such changes should not be implemented in smaller municipalities;
3. That the Ontario Government should enact legislation clarifying the role of Mayor, Council and Chief Administrative Officer, similar to those recommended by the Ontario Municipal Administrator's Association and those recommended by Justice Marrocco in the Collingwood judicial inquiry of 2020; and
4. That if the stated goal of this legislation is to construct more housing in Ontario that this can be accomplished through other means including amendment of the *Planning Act* and funding of more affordable housing.

Council further directs the Clerk to ensure that a copy of this resolution be provided to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the "Standing Committee on Heritage, Infrastructure and Cultural Policy", Kingsville's MPP, the Association of Municipalities of Ontario, and other Municipalities in Ontario."

RECORDED VOTE – Carried Unanimously

	YEA	NAY
Deputy Mayor Gord Queen	X	
Councillor Kimberly DeYong	X	
Councillor Tony Gaffan	X	
Councillor Laura Lucier	X	
Councillor Thomas Neufeld	X	
Councillor Larry Patterson	X	
Results	6	0

If you have any questions or comments please contact Paula Parker at pparker@kingsville.ca.

Yours very truly,



Paula Parker
Town Clerk, on behalf of Kingsville Council

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing (Steve.Clark@pc.ola.org)
Standing Committee on Heritage, Infrastructure and Cultural Policy; Attn.: Committee Clerk Isaiah Thorning (schicp@ola.org)
Anthony Leardi, MPP – Essex (Anthony.Leardi@pc.ola.org)
Association of Municipalities of Ontario (AMO) (amo@amo.on.ca)
All Ontario Municipalities

KWEF
Kearney Watershed Environmental Foundation

Welcome to our September Newsletter

Included in this issue:

- **Renter's Guide for Cottage Owners**
- **The Power of Wetlands: For the love of swamps and for the sake of cities**
- **Honey Bees**
- **Trees**
- **The Municipal Election – October 24, 2022**

Renter's Guide for Cottage Owners

Do you rent your cottage? Do you have a Renter's Guide? Here are some things that we ask that you consider adding to your Renter's Guide:

- Fire permit: - are you supplying a seasonal permit or are the renter's expected to purchase one for the duration of their stay. Remind them that there is no daytime burning, and to check the current fire rating, ***and*** **where** to find that information
- No fireworks are allowed in the Town of Kearney
- What to do with garbage and recycling; Kearney requires clear plastic bags for garbage (consider supplying these), what to recycle, the cost to dispose of garbage at the transfer sites, and the location of the transfer sites.
- Remind them that bathing / shampooing humans or pets in the lake, even with bio-degradable soap is damaging to water quality
- Remind them that noise amplifies as it travels over water. Incessantly barking dogs, music, loud talking & screaming add to noise pollution & negatively impact your neighbour's enjoyment of their property. The Town of Kearney does have Noise Bylaw**.**

Cottage Life© has a series of podcasts: https://cottagelife.com/exp/podcast/. In Episode 7, Michelle Kelly, Editor of Cottage Life magazine, sits down with the executive director of the Federation of Ontario Cottagers' Associations to chat about solutions to problem renters and what cottage owners who rent out their properties can do to keep their neighbours happy.

Did you know? .... Even if a soap or shampoo is biodegradable, ***it is not safe to put that soap directly into the water.*** All soaps / shampoos, whether biodegradable or not, affects lake chemistry in a detrimental fashion. It can also have a negative impact on fish and other aquatic organisms. Please don't bathe in the lake; keep our water clean.

Source: https://www.muskokawatershed.org/blog/bathing-in-the-lake/

The Power of Wetlands: For the love of swamps and for the sake of cities

There is an excellent podcast that aired on CBC on August 21, 2022 that is all about wetlands. It is worth a listen; here is the link: https://www.cbc.ca/listen/live-radio/1-429/clip/15931674

Honey Bees



World Honey Bee Day is celebrated annually on the 3rd Saturday in August; this year it was August 20th

There is a lot to love about bees. They are crucial to growing many of our favorite and healthiest foods as they move pollen from plant to plant, pollinating more than a hundred fruits and vegetables including strawberries, potatoes and apples. Unfortunately, many bee species are under threat as a result of changes in land use, pesticides, intensive agriculture and climate change, but there are steps you can take to help them thrive.

- **Plant a garden of any size** - not only does a yard full of native flowers look beautiful, it's an open buffet for bees who feed on nectar and pollen. Planting native flowers that bloom year-round ensures that bees have a constant food source. If you don't have room for a full garden, even a bed of flowers on a windowsill can sustain bees. Be sure you're planting without pesticides or chemicals, which can poison bees.

- **Keep the mowing to a minimum.** A neatly kept lawn is nice, but letting it grow a bit long invites bees to visit dandelions, clovers and other weeds that sprout.

- **Make a bee bath.** Like any living thing, bees need water. Leaving out a small amount of water for bees helps them survive sweltering summers. All you need is a small, shallow container with an object for the bees to land on while they drink, and the bees can carry drops of water back to feed their colonies.

- **Avoid using pesticides.** Bees and other animal pollinators pollinate about 35% of the foods we eat. Pesticides are one of the primary drivers of the declining bee population.

- **Don't call pest control if you see a swarm.** Bee swarms are a sign that hives are healthy. When a colony has too many bees, the hive will split in half, and the other half will travel to find a new home. Bees aren't aggressive during the swarm, which usually dissipates within an hour.

Source: https://www.cnn.com/2019/08/17/us/national-honeybee-day-tips-save-bees-trnd/index.html

Honey bees do sting, but only if they perceive a threat: damage to their hive or being swatted at. Since they seek sweet nectar, sugary drinks and sweets will attract honey bees when flowers are not blooming yet. So, keep your beverages covered. If a honey bee comes close, either hold still or move slowly away. The honey bee will fly along to the next sweet thing as long as it doesn't feel threatened.

Did you know? .... there are 20,000 different species of bees all around the world?

Trees

By Doris Villemaire

Trees are my love! They are peaceful and always faithful to me and everyone; they share all kinds of possibilities. We are so fortunate here to live in a heaven of trees. In our area, coniferous trees include: the majestic white pine, red pine. and eastern hemlock. Some species that grow in the boreal forest also grow in Muskoka/Parry Sound. Those include white spruce, black spruce, jack pine, white birch and aspen, (sometimes called poplar) Trees native to Muskoka are red maple, eastern hemlock, black spruce tamarack, balsam fir and willow.



The most common tree in Ontario is the black spruce but it is mainly found in the boreal forest. Our region is actually a transitional zone between the northern coniferous forests and the southern deciduous forests.

The white pine (so majestic) can grow up to 40 feet (approximately). It is an evergreen with needles about 10 centimeters that grow in sets of five needles. Their cones are between 8 to 20 centimeters with the bark a dark grayish brown in colour.

Can you imagine a life without trees? I cannot! So, get out there, look up and enjoy. It's magic out there!

The Municipal Election

By Angela Benoliel

Save the date! **October 24, 2022,** is Election Day! This election, ***it is a mail in vote (only).***

On September 1, 2022, this intrepid reporter spoke to Brenda Fraser, CAO at the Town of Kearney. According to Ms. Fraser, voting packages will be mailed by the Town of Kearney on September 26. If you are travelling and do not receive your voter's package prior to your travel, then the Town office can issue you a voter's package and there will be a ballet box at the Town office to deposit your ballot.

Here is a link to the Town of Kearney's election page, which includes a list of candidates:
https://townofkearney.ca/election-2022/

All Candidates Meeting: **September 27, 2022 7:00 p.m.**
DJ's @ The Kearney Legion
58 Park Road, Kearney

What issues do *you* feel are important? Let us know at: newsletter.kwef@gmail.com

~

All the best to all of you from KWEF. Please remember to take good care of our lakes!