

## TOWNSHIP OF MCKELLAR

Council Meeting Minutes

April 22, 2014

Present: Reeve Peter Hopkins and Councillors Tamara Black, Jury Naklowych and Ted Stroud  
Regrets: Councillor Jim McColl  
Staff: Clerk Administrator, Shawn Boggs

Moved by: Ted Stroud  
Seconded by: Jury Naklowych

14-134 That the Township of McKellar accept the minutes of the April 7, 2014 and April 10, 2014 Council meetings as circulated.

Carried

Moved by: T. Black  
Seconded by: Jury Naklowych

14-135 That the Township of McKellar hereby go into Committee of the Whole at 6:31 p.m.

Carried

### PUBLIC FORUM

The following members of the public addressed Council: Phil Boyd, David Moore.

### REPORTS

Councillor Naklowych reported on the memorial tribute for long time Firefighter Ted Donnelly. Reeve Hopkins reminded those present of the clean up McKellar day on May 24, 2014, the Official Plan 5 year review public meeting on May 22, 2014 and the Active Living Fair on June 7, 2014. Reeve Hopkins reported on the Association of Municipalities of Ontario OPP Billing Steering Committee Final Report and stated that a meeting of the area Heads of Council was taking place on April 23, 2014 to discuss the report and possible future actions. Reeve's report on file.

Mr. John Cole was in attendance to present to Council the report which he gave to the Economic Development Committee on September 3, 2013 regarding an inventory of properties in the Township and points the EDC might consider in drafting its proposed Long Range Conceptual Plan. Reeve Hopkins thanked Mr. Cole for his presentation.

Moved by: Ted Stroud  
Seconded by: T. Black

14-136 That the Committee of the Whole rise and report at 7:52 p.m.

Carried

Moved by: T. Black  
Seconded by: Ted Stroud

14-137 That the Township of McKellar hereby give By-law No. 2014-15, being a by-law to adopt the estimates of all sums required for the year 2014, First and Second reading.

Carried

Moved by: Ted Stroud  
Seconded by: Jury Naklowych

14-138 That the Township of McKellar hereby give By-law No. 2014-16, being a by-law to adopt the 2014 tax rates and to provide for penalty and interest in default thereof, First and Second reading.

Carried

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Moved by: Ted Stroud  
Seconded by: Jury Naklowych

14-139 WHEREAS the North Bay Parry Sound District Health Unit Board would like to proceed with the option to purchase property to address the accommodation issue, and WHEREAS the consent of Councils from the majority of municipalities within the health unit service area is required,  
NOW THEREFORE be it resolved that the Council of the Township of McKellar supports the North Bay Parry Sound Health Unit Board in proceeding with the purchase of property for accommodation purposes.

Carried

Moved by: T. Black  
Seconded by: Ted Stroud

14-140 Whereas the Township of McKellar is bound by the requirements of the Municipal Act, 2001;

And Whereas, Section 224 of the Municipal Act, 2001 indicates that it is the role of council,

“a. to represent the public and to consider the well-being and interests of the municipality

b. to develop and evaluate the policies and programs of the municipality

c. to determine which services the municipality provides

d. to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council

d.1. to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality

e. to maintain the financial integrity of the municipality and

f. to carry out the duties of council under this or any other act.”;

And Whereas Council requested legal advice to assist in the resolution of the matter of certain expenses of Reeve Hopkins which were in question by Council;

And Whereas these specific questions were posed to a municipal lawyer,

1) “Council believes that your interpretation of our Remuneration By-Law (2011-12) is that the only times that a member of Council can obtain remuneration without having their attendance approved by Council is for Area Meetings or for attendance at their once monthly committee/board meetings. Can you please confirm that this is correct?”, and,

2) “It appears that although not defined in the By-Law, the description provided by the Treasurer was utilized in establishing the parameters of Area Meetings. This description indicated that; "An “Area Meeting”, in our interpretation, represents a meeting in which multiple municipalities or an area organization holds a meeting with representation from more than one municipality and the meeting is not a regular event and no Councillor has been appointed or authorized to represent the Township on a regular basis except by resolution of Council. Examples of an Area Meeting would be: invitation to Hospital Board meeting, Area meeting to host FONOM Conference, Parry Sound District Municipal Association meeting, meeting with MP or MPP or other government agency regarding an area concern or issue." Could you please advise Council as to whether the following types of meetings/events should be considered Area Meetings?

1) acting as a spectator at a McKellar Ontario Municipal Board Hearing

2) participating in a staff conduct meeting

3) attendance at a community celebration event for McKellar

4) providing a verbal report to a McKellar cottage association group”

And Whereas there was no response provided to these questions, therefore a second lawyer was retained to provide a legal interpretation;

And Whereas the legal interpretation included the following statements, “...the only times that members of Council can obtain remuneration without having their attendance approved by Council is for Area meetings and for attendance at one monthly committee/board meeting...”, and, “...the word “Area” refers to a matter that goes beyond local concern (within the Township) and the word “Meeting” suggests that it is a structured activity. Based on this my opinion is that none of the 4 examples given would qualify as an Area meeting.”

And Whereas Council applied the legal interpretation to the questioned Reeve’s expenses and determined that the following expenses would not qualify for remuneration as they did not have the approval of Council, nor could they be considered Area meetings;

- December 22/10 - lunch + meeting with Bill Spinney - \$35.50,
- January 9/11 - MP/MPP New Year’s Levee - \$23.40,
- January 12/11 - CBDC - Bill Spinney - \$23.40,
- January 20/11 - CBDC - Bill Spinney - \$23.40,
- March 29/11 - PS Strategic Plan - \$169.30,
- May 27/11 - OMB Hearing - \$145.00,
- May 19/11 - conduct hearing - \$145.00,
- June 25/11 - Celebration of Community event - \$149.35,
- July 9/11 - MLCA - progress report - \$149.35
- August 4/11 -OMB - \$149.35
- October 12 + 14/11 - 2 additional REDAC meetings per month - \$298.70
- October 27, Nov 10/11 - 2 additional REDAC meetings per month - \$298.70
- November 16, 23/11 - Waste disposal meetings - \$149.35
- November 21/11 - Canadore College - \$149.35

And Whereas based on the above there is \$1909.15 in meeting expenses which should not have been billed to the Township;

And Whereas to date Reeve Hopkins has indicated that he has reimbursed the Township only \$448.05;

Now Therefore Be it resolved that the Council of the Township of McKellar direct Reeve Hopkins to reimburse the balance outstanding to ensure that full amount of \$1909.15 is returned to the Township, and further that this occur within 30 days of the date of this Resolution.

Yea: Councillors Black, Naklowych, Stroud  
 Nay: Reeve Hopkins  
 Absent: Councillor McColl

Carried

Moved by: Jury Naklowych  
 Seconded by: Ted Stroud

14-141 That the Township of McKellar approve application for consent, file No. B3/2014 (Valo) subject to the various government agency approvals and a deeming by-law being passed and registered on title to the lot which is the beneficiary of the lot addition. An undertaking from the applicant’s solicitor guaranteeing that the parcels will merge upon registration of the lot addition will be required prior to a municipal clearance. The applicant is put on notice that an easement for drainage is registered on title to the lot addition lands and all the lands comprising the lot addition are zoned Environmental Protection.

Carried

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Moved by: T. Black  
Seconded by: Ted Stroud

14-142 That the Township of McKellar agree to accept a transfer of the Hemlock Church and Cemetery property from the United Church for a nominal fee provided that no conditions are attached to the transfer and further that the Township makes no guarantee that the building will be maintained or preserved in the future. Building and property to be transferred free and clear to the Township. The Township shall pay all legal costs to effect the transfer.

Carried

Moved by: T. Black  
Seconded by: Ted Stroud

14-143 That the Township of McKellar hereby give By-law No. 2014-17, being a by-law to confirm the proceedings of Council, First and Second reading.

Carried

Moved by: Ted Stroud  
Seconded by: T. Black

14-144 That the Township of McKellar hereby give By-law No. 2014-17, being a by-law to confirm the proceedings of Council, Third reading and Passed in Open Council this 22<sup>nd</sup> day of April, 2014.

Carried

Moved by: T. Black  
Seconded by: Jury Naklowych

14-145 That the Township of McKellar adjourn to meet again on May 5, 2014 or at the call of the Reeve. Meeting adjourned at 8:42 p.m.

Carried

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Reeve

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Clerk