

The Minutes of the Regular Council Meeting of the Municipality of Tweed held Tuesday, **October 22, 2013** at 5:00 p.m. in the St. Matthew Church Hall in Marlbank.

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| Mayor | Jo-Anne Albert |
| Deputy Mayor | Brian Treanor |
| Councillors | Justin Bray, Don DeGenova, James Flieler |

Mayor Albert called the meeting to order followed by the singing of the National Anthem.

REVIEW OF AGENDA

MOVED BY B. TREANOR, SECONDED BY J. FLIELER
BE IT RESOLVED THAT the Agenda for the October 22, 2013 Regular Meeting be approved as presented. Carried.

NOTIFICATION OF CLOSED SESSION

Mayor Albert advised that Council would hold a Closed Session at the end of the regular meeting, in accordance with Section 239 of the Municipal Act, to consider matters pertaining to the following: Municipal Act Section 239(2)(b)(d) Personal matters about identifiable individuals and employee negotiations – staffing of departments.

ADOPTION OF MINUTES

MOVED BY D. DEGENOVA, SECONDED BY J. FLIELER
BE IT RESOLVED THAT the Minutes of the September 24, 2013 Regular Meeting be adopted as distributed. Carried.

ERRORS AND OMISSIONS

None.

BUSINESS ARISING FROM MINUTES

None.

DISCLOSURES

None.

STATEMENT OF REVENUE AND EXPENDITURES

MOVED BY B. TREANOR, SECONDED BY D. DEGENOVA
BE IT RESOLVED THAT the Statement of Revenue and Expenditures for the period ending October 31, 2013 be accepted as presented. Carried.

DELEGATIONS

1. John Brewer – proposed motocross track.

John Brewer and Nat Pearson attended the meeting to present opposition to the motocross track proposed under zoning amendment application ZA6/13. Mr. Pearson, property owner at 104 Carss Road, provided background information on the existing track in Madoc and noted the current request before that Municipality to increase the number of race days. He questioned whether, if the zoning for the Cassidy property is approved, there would be opportunity for public input if similar requests are made. Mr. Pearson noted that he is in opposition to the Planning Committee's recommendation for a non-engineered noise study. He suggested that bikes, as well as camper trailers, generators and sound system will create nuisance noise.

Mr. Brewer advised of his opposition to the proposed motocross track and suggested that the timing of the public meeting for the zoning amendment did not take into account the cottagers who had no input into the matter. He outlined two main concerns with the proposed track, being nuisance noise and objectionable emissions of gas, fume, smoke and dust. Additional risks to surrounding wells, streams and wetlands were also included. Mr. Brewer noted that he is in agreement with the recommendation from the County of Hastings Planner for a noise study, and he presented a package of more than 100 petitioners who are requesting that a non-subjective noise assessment by a qualified professional be carried out.

2. Paula Cassidy – proposed motocross track.

Paula Cassidy attended the meeting with John and Jean McGuire to reiterate her position that she has complied with the zoning amendment process as set out by the Municipality and the County of Hastings. She advised that she has contacted an engineer who specializes in noise, and that he has suggested that a full noise study would not normally be carried out for such a project, and that an initial study would refer to textbook information rather than the use of bikes. She also noted comments from a manufacturer that bikes and ATV's are subject to strict guidelines.

John McGuire provided information on his hours of operation and noted that some testing on bikes is mandatory to meet industry standards. He provided information on the process which is undertaken if a bike is altered. He advised that during events, noise on surrounding roads and at the property lines is monitored, and suggested that race schedules can be adjusted to meet the requirements of the area. Mr. McGuire noted that the trees on the Cassidy property will be considered for buffer purposes in the design of the track, and indicated that he feels that noise will not be an issue. Mr. McGuire responded to questions from members of Council pertaining to operations and noise.

MAYOR'S REPORT

Mayor Albert reported on meetings and events attended including the following: Kiwanis Appreciation Dinner; grand opening of pet grooming business; Chamber of Commerce AGM; HOTie Awards; Library Board, County, EORN, Health Unit, Planning and Committee of the Whole meetings; Thomasburg Spring community meeting.

Councillor DeGenova reported on the following: new Enterprise Facilitator hired; Bob Gigure and Al McNeil on the Community Futures Boards; Waste Reduction Week; flu clinics. Councillor Flieler reported on Infrastructure Committee and CPAC meetings attended.

PUBLIC WORKS SUPERVISOR'S REPORT

Public Works Supervisor Allan Broek reported on department activities.

MOVED BY B. TREANOR, SECONDED BY J. BRAY
BE IT RESOLVED THAT the report of the Public Works Supervisor be accepted. Carried.

CAO/CLERK'S REPORT

CAO/Clerk Patricia Bergeron reported on department activities and brought forth a request from the Tweed Legion for permission to hold their annual poppy sales in the Municipality, to which Council agreed.

Mayor Albert advised that she had spoken to Quinte Source Protection regarding the Thomasburg Spring and noted their interpretation that this is not a small drinking water system. The Clerk was directed to request comments from the Municipality's insurers on liability pertaining to the supply of water from the spring.

MOVED BY J. BRAY, SECONDED BY J. FLIELER
BE IT RESOLVED THAT the report of the CAO/Clerk be accepted. Carried.

COMMITTEE REPORTS

1. Recreation Committee.
2. Planning Committee – report on October 7, 2013 meeting.
3. Library Board – CEO report for October, 2013.
4. Quinte Conservation.
5. Quinte Waste Solutions.
6. CPAC.
7. BISC.
8. Infrastructure Committee – report on October 16, 2013 meeting.
9. Persons and Property Committee – livestock claim.
10. Personnel and Finance Committee – report on Firehall renovations.

Council agreed to defer the Planning Committee report until both delegations had been received.

MOVED BY J. BRAY, SECONDED BY J. FLIELER

BE IT RESOLVED THAT the report of the Livestock Valuer be accepted for the following coyote kill claim and the claim be processed in accordance with the guidelines of the Ontario Wildlife Damage Compensation Program:

| <u>Claimant</u> | <u>Date of Loss</u> | <u>Livestock Loss</u> | <u>Amount</u> | |
|-----------------|---------------------|-----------------------|---------------|----------|
| Harold Bateman | September 17, 2013 | one calf | \$665.00. | Carried. |

MOVED BY B. TREANOR, SECONDED BY J. FLIELER

BE IT RESOLVED THAT Council accept the quotation from Eastern Overhead Doors in the amount of \$10,600.00 plus HST for replacement of five overhead doors at the Firehall. Carried.

MOVED BY B. TREANOR, SECONDED BY J. BRAY

BE IT RESOLVED THAT the Committee Reports be accepted as presented. Carried.

Planning Committee Report

Following the delegations, Council discussed the committee recommendation for a noise assessment as well as the County of Hastings Planner's recommendation for a noise study by a qualified professional. Council requested information from John McGuire on decibel levels, best time of year for a noise study, and effectiveness of trees as a buffer.

Deputy Mayor Treanor advised that he is a member of the Planning Advisory Committee and noted that he had voted against the committee's recommendation for a noise assessment. He suggested that he does not have any expertise in assessing noise and through his research has yet to find information on how far sound or vibrations travel.

Mayor Albert suggested that what is nuisance noise to one person will not be considered the same by another. She questioned the qualifications of individuals to make a determination on noise and advised that she cannot support the noise assessment exercise recommended by the Planning Committee.

Councillor Bray advised that he is favour of the noise assessment as recommended by the Planning Committee and suggested that an engineer's study could be vague and costly, and would be carried out by an engineer from outside of the area. He suggested that the committee's recommendation puts the assessment closer to home. He noted that an engineer's study might say that the noise level is okay, however people will still hear noise.

Councillor DeGenova noted the other aspects of the noise which are not included in the committee's proposed assessment, including loud speakers and generators. He advised that Council members have been doing research on the matter, and noted that he does not see any winners in this scenario. He advised that he does encourage economic development but cannot support a detailed noise study as he does not support the motocross track proposal, and does not want to see the applicants spend money on something which he does not support.

Councillor Flieler agreed that this could be an opportunity to help the youth however does not want to see anyone waste money.

Mayor Albert agreed that this was a difficult decision for Council and suggested first dealing with the recommendation from the Planning Committee.

Deputy Mayor suggested that Council should be considering the following: if they want a motocross in the municipality; if they want another trailer park, which will have to be monitored; the short term and long term effects on the community. He suggested deferring the matter until these questions can be answered.

Councillor DeGenova suggested that a noise study may say that noise will dissipate, however there will still be close neighbours whose life will be altered.

Councillor Bray suggested that Council may have to look at other areas where noise is a factor, including ATV's on trails and roads.

MOVED BY J. BRAY, SECONDED BY J. FLIELER

BE IT RESOLVED THAT Council accept the recommendation from the Planning Advisory Committee for a noise assessment as specified in the report from the October 7, 2013 Planning Committee meeting.

One member only voted in favour and the motion was lost.

Mayor Albert referred to the report from the County of Hastings Planner and suggested that the applicants could look into what a noise assessment from a qualified person would involve.

MOVED BY B. TREANOR, SECONDED BY J. FLIELER

BE IT RESOLVED THAT the applicants obtain a report from a qualified professional which demonstrates that the development will not have a negative impact with regards to noise on the surrounding area and/or which recommends adequate measures to mitigate excess noise, as recommended by the County of Hastings Planning Dept.

A recorded vote was taken with the results as follows:

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|---------------------|-----|
| Councillor DeGenova | No |
| Councillor Bray | No |
| Deputy Mayor | Yes |
| Councillor Flieler | Yes |
| Mayor Albert | Yes |

The motion carried.

MOVED BY J. FLIELER, SECONDED BY B. TREANOR

BE IT RESOLVED THAT Council accept the report of the Planning Advisory Committee. Carried.

BY-LAWS

1. By-Law No. 2013-34 By-Law to authorize a contribution agreement for funding under MIII Capital Program – Bogart Bridge replacement project.
2. By-Law No. 2013-35 By-Law to convey property for road widening –Severance B100/12.

MOVED BY J. BRAY, SECONDED BY D. DEGENOVA

BE IT RESOLVED THAT the following By-Laws be read a first, second, and third and final time, passed, signed and sealed in open Council this 22nd day of October, 2013:

By-Law No 2013-34,
By-Law No. 2013-35. Carried.

MOTIONS AND NOTICE OF MOTIONS

None.

UNFINISHED BUSINESS

- 1. Bell Communications Tower.

This matter will be addressed at the upcoming Persons and Property Committee meeting.

NEW BUSINESS

- 1. Small, Rural and Northern Municipal Infrastructure Fund – new funding program.

MOVED BY B. TREANOR, SECONDED BY D. DEGENOVA
BE IT RESOLVED THAT Council authorize the submission of an Expression of Interest for the Small, Rural and Northern Municipal Infrastructure Fund - Capital Program for the following project: reconstruction of Louisa Street from River Street East to Moira River Bridge; AND FURTHER THAT the reconstruction be an integrated project to include road and sidewalk, stormwater and water and sewer services as per the municipal Asset Management Plan; AND FURTHER THAT the project include a water main crossing of the river to provide for a second feed for drinking water services to the area northeast of the river; AND FURTHER THAT the supply of drinking water to residents to maintain public health and safety is identified as a priority in the municipal Asset Management Plan. Carried.

MOVED BY J. BRAY, SECONDED BY J. FLIELER
BE IT RESOLVED THAT Council confirm that the Municipality of Tweed is committed to completing a comprehensive Asset Management Plan by December 31, 2013 which includes all of the information and analysis described in ‘Building Together: Guide for Municipal Asset Management Plans’; AND FURTHER THAT Council commits to making the plan publicly available, including on the municipal website, by May 30, 2014. Carried.

CORRESPONDENCE - ACTION

None.

CORRESPONDENCE – OTHER MUNICIPALITIES

- 1. Municipality of East Ferris – request for support of resolution re: reduction in funding for blood-glucose test strips under Ontario Drug Benefit Program.

MOVED BY D. DEGENOVA, SECONDED BY J. BRAY
BE IT RESOLVED THAT the following action be taken in regards to Correspondence from Other Municipalities:

| <u>No.</u> | <u>Municipality</u> | <u>Request for Support of:</u> | <u>Action</u> |
|------------|-----------------------------|---|-----------------|
| 1. | Municipality of East Ferris | Resolution re: reduction in funding for blood-glucose test strips under Ontario Drug Benefit Program. | Receive & File. |

Carried.

CORRESPONDENCE – INFORMATION

1. Tweed Music Festivals Inc. / Tweed Tribute to Elvis Festival – report on 2013 Tweed Tribute to Elvis Festival.
2. County of Hastings – new Enterprise Facilitation Coordinator appointment.
3. Federation of Canadian Municipalities – Building Canada Fund update.
4. Ontario Aggregate Resources Corporation – 2012 annual report.
5. Sylvia Jones, MPP – update on Private Member’s Bill, the Aggregate Recycling Program Act.
6. Ontario Community Newspapers Association – Ontario Junior Citizen of the Year Award program.
7. Ministry of Citizenship and Immigration – June Callwood Outstanding Achievement Award for Voluntarism in Ontario.
8. Association of Municipalities of Ontario – member communications:
 - i. Development Charges Act consultations
 - ii. Bill 73 Fair and Open Tendering Act
 - iii. Bill 91 Waste Reduction Act
 - iv. Municipal consultation on New OPP billing model
 - v. Small, Rural and Northern Municipal Infrastructure Fund
 - vi. AMO September 2013 board meeting highlights.

MOVED BY D. DEGENOVA, SECONDED BY J. FLIELER
BE IT RESOLVED THAT Correspondence – Information Item Numbers 1 to 8 be received and filed, #'s 6 & 7 to be further addressed. Carried.

COMMITTEE MINUTES

1. Quinte Waste Solutions – minutes of July 15, 2013 C&SHWSB meeting.
2. Quinte Conservation – minutes of May 16, 2013 and June 29, 2013 meetings.
3. Community Policing Advisory Committee – minutes of September 25, 2013 meeting.
4. Quinte Source Protection – minutes of September 26, 2013 meeting.
5. Building Inspection Services Committee – minutes of June 18, 2013 meeting.
6. Planning Advisory Committee – minutes of September 3, 2013 meeting.
7. Infrastructure Committee – minutes of September 16, 2013 meeting.

MOVED BY J. BRAY, SECONDED BY J. FLIELER
BE IT RESOLVED THAT the Committee Minutes be accepted. Carried.

RESPONSE TO DELEGATIONS

None.

QUESTION PERIOD

Council responded to questions from members of the press. Council opened the question period to members of the community and responded to concerns about various matters including the following: ice making in the dome; gravel requirements for the parking lot for new postal boxes; second entrance in the parking lot.

CONFIRMATORY BY-LAW

MOVED BY J. FLIELER, SECONDED BY J. BRAY
BE IT RESOLVED THAT Confirmatory By-Law No. 2013-36 be read a first, second, and third and final time, passed, signed and sealed in open Council this 22nd day of October, 2013.
Carried.

CLOSED SESSION

MOVED BY D. DEGENOVA, SECONDED BY J. BRAY

BE IT RESOLVED THAT Council go into Closed Session at 7:30 p.m. to address the following matter:

1. Municipal Act Section 23992)(b)(d) – Personal matters about identifiable individuals and employee negotiations – staffing of departments. Carried.

MOVED BY J. FLIELER, SECONDED BY B. TREANOR

BE IT RESOLVED THAT Council go out of Closed Session at 7:55 p.m. Carried.

MOVED BY D. DEGENOVA, SECONDED BY J. FLIELER

BE IT RESOLVED THAT Council approve an extension of the short-term contract with Lucas Wales to December 31, 2013. Carried.

MOVED BY B. TREANOR, SECONDED BY J. BRAY

BE IT RESOLVED THAT staff follow all direction given in the Closed Session. Carried.

ADJOURNMENT

MOVED BY J. BRAY, SECONDED BY J. FLIELER

BE IT RESOLVED THAT Council adjourn at 8:00 p.m. Carried.

MAYOR

CLERK