

THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

-MINUTES-

Regular Council (Committee of the Whole) Meeting

Monday, March 15, 2010

6:30 p.m., at the Community Centre in Dunchurch

Present: Chris Armstrong, Mayor
Bill Church, Councillor
Alan Ladd, Councillor
Joe Lamb, Councillor
Morley Moore, Councillor

Staff: Liliane Nolan, CAO-Clerk
Floyd Thomson, Facilities Manager
Paul Rossiter, By-Law Enforcement Officer
Bob Whitman, Fire Chief

Visitors: 20

Mayor Chris Armstrong called this meeting to order at 6:30 p.m.

Disclosure of Pecuniary Interest and General Nature Thereof: None noted as presented.

Adoption of the Agenda

2010-114 Moved by Councillor Alan Ladd
Seconded by Councillor Bill Church
That the Council Agenda for this meeting be adopted as printed and circulated. **Carried**

Adjourn to Public Meeting

2010-115 Moved by Councillor Joe Lamb
Seconded by Councillor Morley Moore
That Council hereby adjourns the Regular Council Meeting (Committee of the Whole) into Public Meeting Close Up and Stop Up Parts of the original shore road allowance (Comrie) at 6:30 p.m. **Carried**

Reconvene to Regular Council Meeting (Committee of the Whole)

2010-116 Moved by Councillor Morley Moore
Seconded by Councillor Bill Church
That Council reconvenes to Regular Council Meeting at 6:33 p.m. **Carried**

Move into Committee of the Whole

2010-117 Moved by Councillor Alan Ladd
Seconded by Councillor Joe Lamb
That Council hereby moves into Committee of the Whole at 6:33 p.m. **Carried**

Delegations/Presentations:

- EMS – Jamie McGarvey, Sharon Montgomery-Greenwood and Gord Harrison.
- Ontario Federation of 4-Wheel Drive Recreationists (OF4WD) – Peter Wood – and Justin Leyland from Bolger Area.

Reconvene to Regular Council Meeting

2010-118 Moved by Councillor Alan Ladd
Seconded by Councillor Morley Moore
That Committee be adjourned to Regular Council at 9:14 p.m. **Carried**

2010 Loan

2010-119 Moved by Councillor Morley Moore
Seconded by Councillor Bill Church
That Council of the Municipality of Whitestone approves the following loan:

2009 Loans

Belvedere Loan	\$ 48,773	Carried
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Acceptance of Operating Budget for Landfill

2010-120 Moved by Councillor Joe Lamb
Seconded by Councillor Alan Ladd
That the Council of the Municipality of Whitestone hereby accepts and approves the operating budget of \$254,000 for Landfill to reflect a \$10,000.00 reduction in compaction cost and \$5,000.00 site upgrade. **Carried**

2010 Capital Budget

2010-121 Moved by Councillor Morley Moore
Seconded by Councillor Bill Church
That Council approves the 2010 Capital Budget in the amount of \$356,090 as per Schedule “A”. **Carried**

Schedule “A”

Capital:

General Government	Server	22,000
Roads	Bridge Study	10,000
	Grader Purchase	230,000

Landfill	York Street Expansion	55,840
	2 Retaining Walls	26,000
Cemetery	Fairholme	500
	Maple Island	1,000
	Whitestone	750
	Whitestone Plot Survey	10,000
	Total Capital	356,090

2010 Reserves

2010-122 Moved by Councillor Bill Church
 Seconded by Councillor Joe Lamb
 That Council approves the 2010 Reserves in the amount of \$29,500.

Carried

Schedule “A”

Reserves:

Roads Construction	10,000
Infrastructure	15,000
Thrift Shop	3,000
Seniors Xmas	<u>1,500</u>
Total Reserves	29,500

2010 Levies- Amended

2010-123 Moved by Councillor Bill Church
 Seconded by Councillor Morley Moore
 That Council of the Municipality of Whitestone hereby amends Resolution
 2010-78 Levies as follows:

- decrease Local Services Realignment (Policing) by \$11,150 to \$100,356; and
- increase North Bay Parry Sound Health Unit by \$649 to \$23,609.

Carried

Tree Trimming/Removal Policy

2010-124 Moved by Councillor Bill Church
 Seconded by Councillor Joe Lamb
 That Council of the Corporation of the Municipality of Whitestone hereby
 approves the Tree Trimming and/or Removal Policy as per Schedule “A”.

Carried

Schedule “A”

**The Corporation of the Municipality of Whitestone
 Tree Trimming and/or Removal Policy**

1. Authority

- 1.1 The authority for the Tree Trimming and/or Removal Policy shall be by the approval of the Council for the Municipality of Whitestone.
- 1.2 The inspection and removal of decayed, damaged or dangerous trees or branches of trees is authorized by the Municipal Act, 2001 Section 62.

2. Policy Statement

- 2.1 Both public safety and the protection of the environmental are important to Council. For various reasons, it may be necessary to remove mature trees along road allowances that are adjacent to settlement areas and homes.

3. Definitions

- 3.1 “Council” means the Council for the Corporation of the Municipality of Whitestone.
- 3.2 “Municipality” means the Corporation of the Municipality of Whitestone.
- 3.3 “Road Allowance” means a common and public road way, street, avenue, parkway, driveway, or any part thereof, including bridges, which is intended for or used by the general public for the passage of vehicles and/or pedestrians and includes the area between the lateral property lines thereof.
- 3.4 “Road Superintendent” means the Superintendent for the roads department of the Municipality of Whitestone.
- 3.5 “Tree” means a plant having a permanently woody main stem or trunk, ordinarily growing to a considerable height, and usually developing branches at some distance from the ground.
- 3.6 “Tree stump” means the lower end of a tree remaining in the ground after most of the stem or trunk has been cut off.

4. Purpose

- 4.1 The purpose of the Tree Trimming and/or Removal Policy is to authorize the removal of trees along public road allowances for the purpose of street widening, maintenance and public safety or for other reasons as determined by the Road Superintendent.

5. Scope

5.1 This policy applies to the removal of trees on public road allowances.

6. Procedures for the Tree Trimming and/or Removal Policy

6.1 Authority

The authority for the inspection, removal, and trimming of trees upon land along the road allowances is authorized through the Municipal Act, 2001 Section 62:

6.1.1 Entry on land, tree trimming

6.2. *(1) A municipality may, at any reasonable time, enter upon land lying along any of its highways,*
(a) to inspect trees and conduct tests on trees; and
(b) to remove decayed, damaged or dangerous trees or branches of trees if, in the opinion of the municipality, the trees or branches pose a danger to the health or safety of any person using the highway.
2001, c. 25, s. 62 (1).

6.1.2 Immediate danger

(2) An employee or agent of the municipality may remove a decayed, damaged or dangerous tree or branch of a tree immediately and without notice to the owner of the land upon which the tree is located if, in the opinion of the employee or agent, the tree or branch poses an immediate danger to the health or safety of any person using the highway. 2001, c. 25, s. 62 (2); 2006, c. 32, Sched. A, s. 26.

6.2 Tree Trimming

Within the course of their work, staff may be required to trim trees along road allowances. Trees may be trimmed along the road allowance if:

6.2.1 The tree branches are obstructing the visibility of an intersection, or road sign;

6.2.2 The tree appears to have dead sections, however does not meet the requirements for removal;

6.2.3 The tree branches shade a portion of the road causing ice to form on the road; and/or

6.2.4 Branches over hang sidewalks maintained by the municipality so to not interfere with pedestrian traffic or maintenance equipment.

6.3 Tree Removal

6.3.1 Within the course of their work, staff may be required to remove trees along road allowances for the purpose of street widening,

maintenance, and/or public safety. Tree removal will be authorized by the Road Superintendent.

- 6.3.2 When Staff are conducting tree removals, they will follow the Tree Cutting and Disposal Policy - Appendix A.
- 6.3.3 A property owner may request for a tree located on Municipal property to be removed. However, due to the restrictions of municipal resources, the Municipality may be unable to remove the tree in a timely fashion. The property owner may submit a request to the Municipality to remove the tree themselves. At the discretion of the Road Superintendent, and upon the receipt of satisfactory information (such as receipt of proper insurance), the property owner may be authorized to remove the tree and tree stump on their own accord – qualified under Appendix A.
- 6.3.4 As a courtesy, the wood from the removed trees will be offered to those property owners adjacent to the tree removal to be removed within one (1) week. If the property owners would not like the wood or the wood has not been removed within the specified time period:

OPTION A – DECLARE SURPLUS - The wood from the removal of trees will be stockpiled in logs at the Municipal Yard until all the tree removal is completed on said road or project.

The wood will then be measured, declared surplus and sold to the highest bidder. The successful bidder will remove the logs from the Municipal property before processing the wood within a specified time period.

OPTION B – DECLARE SURPLUS – The whole project of removing the trees with the identified fluorescent “x” s will be tendered out.

The successful bidder will be responsible to cut and remove the trees including the stump and brush.

Notification or Tender for Removal as Construction Project

1. **Prior to the trimming and/or removal of tree(s), property owners within 400 ft. the tree maintenance areas shall be notified in writing.**
2. **The notices shall include the approximate date of the tree removal, location, and municipal contact information.**
3. **Notice will be posted:**
 - 3.1 **in the immediate area of the trimming or removal site; and**
 - 3.2 **in the Municipal Office; and**

3.3 Municipal signboards; and

3.4 the Municipal website.

- 4. In all events of municipal tree removal, the Municipality will make every effort to paint the tree with a fluorescent “x” to identify the tree at least one (1) week prior to the start of work.**

Tree Stump Removal

The Municipality may remove tree stumps if any portion of the stump is located on a municipal road allowance or right-of-way, if:

The tree was removed by the Municipality of Whitestone, and

The stump is deemed by the Road Superintendent, to interfere with an adjacent sidewalk or municipal utility, and

In the case where a stump is located in part on private property, the adjacent property owner has signed a Consent form authorizing the work.

The Municipality may remove tree stumps when the stump is located on the property line between a municipal road allowance or right-of-way, if:

The tree was removed by the Municipality of Whitestone, and

The stump is deemed by the Road Superintendent, to interfere with an adjacent sidewalk or utility, and

The adjacent property owner has signed a Consent form authorizing the work and has paid to the Municipality an amount equal to the estimated cost of the work times the percentage of the stump located on private property.

Upon the removal of a tree stump, the Municipality may fill in the area with topsoil and grass seed.

General

This Policy shall be administered by the Roads Department.

This Policy shall be referred to as the “Tree Trimming and/or Removal Policy”.

This Policy shall come into force and effect on the day of passing.

This Policy shall be reviewed as required.

Appendix “A”

**The Corporation of the Municipality of Whitestone
HEALTH & SAFETY
SUBJECT: TREE CUTTING AND DISPOSAL**

Reference: *Occupational Health and Safety Act, Industrial Regulation 692, Section 43*

1. All tree cutting operations carried out by employees or by a Contractor’s employees, acting for the Corporation of the Municipality of Whitestone, shall be carried out in accordance with Sections 107-120 of the Occupational Health and Safety Act of Ontario and Regulations for Industrial Establishments (latest revision).
2. Each chain saw operator shall be equipped with the necessary personal protective equipment (hard hat, face shield or safety glasses, ear muffs or equivalent, chaps of ballistic nylon and safety boots).
3. When replacing chain saws, all new chain saws must be equipped with the latest safety devices (anti-kickback chain and chain brake).
4. All repair work shall be carried out by trained personnel who are familiar with the equipment.
5. If the tree is to be burned, due care should be used when starting the fire or keeping the fire going. Fire extinguishers and a mobile radio shall be made available and consultation and permission from the Fire chief are required.
6. If the tree is to be chipped, a foreman who has been trained shall train the employees in the chipper’s proper use.
7. During the chipping process, each operator shall be equipped with the necessary proper protective equipment (ear protection, glasses, tight fitting gloves). Each employee shall ensure that there is no loose clothing.
8. During all tree cutting and chipping operations during both regular working hours and in an emergency call in situation, there **MUST** be a minimum of two staff present.

Letter dated March 9, 2010 from John and Brenda Neilson regarding Lot Severance Wahwashkesh.

Adoption of Minutes for the Regular Council as Amended

2010-125 Moved by Councillor Alan Ladd
Seconded by Councillor Joe Lamb
That the minutes of the Regular Council meeting of March 1, 2010 be amended by replacing the word “\$200” with “\$300” in Schedule “F” of By-Law No. 19-2010;

And Further that the Council minutes be adopted as amended and circulated.

Carried

Approval of Accounts Payable

2010-126 Moved by Councillor Joe Lamb
Seconded by Councillor Alan Ladd
That the Accounts Payable in the amount of \$408,198.49 and payroll in the amount of \$17,926.76 (two pay periods) be approved. (Full report for viewing can be seen at the municipal office) **Carried**

Acceptance of Monthly Reports

2010-127 Moved by Councillor Alan Ladd
Seconded by Councillor Bill Church
That Council hereby accepts the following monthly reports prepared/submitted by department heads:

Building Department: Building Permit Report – February 2010. **Carried**

Summer Student Grant

2010-128 Moved by Councillor Morley Moore
Seconded by Councillor Bill Church
That Council hereby authorizes staff to apply to the Province of Ontario for the \$2.00 per hour grant for a summer student. **Carried**

Staff Report from Doug Pawlech, Roads Superintendent regarding hiring of extra full time staff.

Staff Report from Doug Pawlech, Roads Superintendent regarding by-law for speed limit and cautionary signs.

Staff Report from Floyd Thomson, Facilities Manager regarding Car Pool Parking (Information Only).

District of Parry Sound Municipal Association – Spring Meeting

2010-129 Moved by Councillor Alan Ladd
Seconded by Councillor Joe Lamb
That Council hereby authorizes the following Members of Council to attend the District of Parry Sound Municipal Association – Spring Meeting on Friday, April 30, 2010 at the Sundridge, Strong, and Joly Arena/Hall in Sundridge:

Mayor, Chris Armstrong
Councillor, Bill Church
Councillor, Alan Ladd
Councillor, Joe Lamb
Councillor, Morley Moore

And Further that all expenses be paid as per travel policy. **Carried**

Acceptance of Minutes for Whitestone Public Library Board Meeting

2010-130 Moved by Councillor Morley Moore
Seconded by Councillor Alan Ladd
That the minutes of the Whitestone Public Library Board meeting of
January 26, 2010 be accepted as presented and circulated. **Carried**

Supporting Resolutions

2010-131 Moved by Councillor Alan Ladd
Seconded by Councillor Bill Church
That Council hereby supports the resolutions as per Schedule "A". **Carried**

SCHEDULE "A"

1. That Council of the Municipality of Whitestone hereby supports resolution#24 put forth by the Town of Gravenhurst at its meeting of February 2, 2010 to petition the Premier of Ontario to take the necessary steps in a timely manner to amend the Ombudsman Act to include hospitals under the jurisdiction of the Ombudsman;

And Further that in the event the Premier responds negatively, the Council of the Town of Gravenhurst respectfully requests and expects a full complete explanation as to why the Province will not amend the Act as requested;

And Further that a copy of this resolution be forwarded to the Premier Dalton McGuinty, Minister of Health and Long-term Care Deborah Matthews, Speaker of the Ontario Legislative Steve Peters, M.P.P. Norm Miller, Chief Medical Officer Arlene King, Ontario's Ombudsman, Association of Local Public Health Agency (alPHa) and town of Gravenhurst.

Correspondence – Noted and Filed:

- Almaguin News Article dated March 4, 2010 regarding EMS Budget Up 15% Again.
- Almaguin News Article dated March 4, 2010 regarding Water Bill Falls Off Table.
- Email dated March 9, 2010 from Tony Clement's Office regarding the Dunchurch Post Office.

By-Law No. 21-2010, Close Up and Stop Up Parts of the Original Shore Road Allowances and Original Road Allowance (Comrie)

2010-132 Moved by Councillor Morley Moore
Seconded by Councillor Bill Church
That By-Law No. 21-2010, being a by-law to Close Up and Stop Up Parts of the original shore road allowance along the shores of Wahwaskesh Lake, in front of Lots 25 and 26, Concession 6, in the Geographic Township of McKenzie, now Municipality of Whitestone, District of Parry Sound, designated as Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, Plan 42R-18797; and in front of Lot 26, Concession 6, in front of Lots 1, 2, 3, 4, 5, 6 and 7, Plan 42M-518, designated as Part 1, Plan 42R-18899 and Parts 12, 13, 14, 15, 16 and 17, Plan 42R-18792;

And to Close and Stop Up Parts of the original concession road allowance between Lots 25 and 26, Concession 6, and the shore road allowance in front thereof, in the Geographic Township of McKenzie, now Municipality of Whitestone, District of Parry Sound, designated as Parts 8, 9, 10 and 11, Plan 42R-18792;

AND TO CLOSE AND STOP UP Parts of Comrie Drive, Plan 42M-518, in the Geographic Township of McKenzie, now Municipality of Whitestone, District of Parry Sound designated as Parts 1, 2, 3, 4, 5, 6 and 7, Plan 42R-18792;

AND TO SELL those Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, Plan 42R-18797, Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, Plan 42R-18792 and Part 1, Plan 42R-18899, be Read a First and Second time this 15 day of March, 2010;

And Further Read a Third time, Passed, properly Signed and Sealed this 15th day of March 2010 and numbered No. 21-2010. **Carried**

By-Law No. 22-2010, Amending Agreement - Transfer of Federal Gas Tax Revenue

2010-133 Moved by Councillor Joe Lamb
Seconded by Councillor Alan Ladd
That By-Law No. 22-2010, being a by-law to enter into an Amending Agreement for the Transfer of Federal Gas Tax Revenue with the Association of Municipalities of Ontario (AMO) be Read a First and Second time this 15th day of March, 2010;

And Further Read a Third time, Passed, properly Signed and Sealed this 15th day of March 2010 and numbered No. 22-2010. **Carried**

Curfew Past 3½ Hours for Regular Council Meeting

2010-134 Moved by Councillor Bill Church
Seconded by Councillor Joe Lamb
That Council hereby continues its Regular Council Meeting past the allotted time of three and a half (3½ hours) and continue for additional one-half (1/2) hour. **Carried**

Unfinished Business

- Review of Road Standards By-Law – speed limits, cautionary signs, etc. proposed by-law to be presented at April 6, 2010 Council Meeting.

In Camera

2010-135 Moved by Councillor Alan Ladd
Seconded by Councillor Bill Church
That Council proceeds with the meeting in Closed Session at 10:09 p.m. to discuss the following:

- 1) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
- 2) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
- 3) Personal matters about an identifiable individual, including municipal or local board employees – (Closed Session Minutes – March 1, 2010). **Carried**

Open Session

2010-136 Moved by Councillor Alan Ladd
Seconded by Councillor Morley Moore
That Council moves out of Closed Session at 10:20 p.m. and continue the Open Council meeting. **Carried**

By-Law No. 24-2010, Confirming By-Law

2010-137 Moved by Councillor Bill Church
Seconded by Councillor Alan Ladd
That By-Law No. 24-2010, being a by-law to confirm the proceedings of the Regular Council (Committee of the Whole) meeting held on March 8, 2010, be Read a First and Second time this 15th day of March, 2010;

And Further Read a Third time, Passed, properly Signed and Sealed this 15th day of March 2010 and numbered No. 23-2010. **Carried**

Adjournment

2010-138

Moved by Councillor Joe Lamb

Seconded by Councillor Alan Ladd

That this Council meeting be adjourned at 10:21 p.m. to meet again on Tuesday, April 6, 2010 at 6:30 p.m. at the Community Centre in Dunchurch or at the call of the Mayor.

Carried

Chris Armstrong

Mayor

Liliane Nolan

CAO-Clerk