



MINUTES OF THE REGULAR MEETING OF COUNCIL

held in the Council Chambers
French River Municipal Complex
September 19, 2012 at 7:00 p.m.

Members Present:

Mayor Claude Bouffard(Chair), Councillors Michel Bigras, Larry Bouffard, Mike Bouffard, Ronald Garbutt, Shawnda Martin-Cross, Denny Sharp

Members Excused:

Officials Present:

Julie Bouthillette, Treasurer/Tax Collector
Mélanie Bouffard, Deputy Clerk, Recording Secretary

Guests:

5 guests

1. CALL TO ORDER, ROLL CALL AND ADOPTION OF THE AGENDA

The Chair called the meeting to order at 7:05 p.m.

Moved By: Mike Bouffard
Seconded By: Larry Bouffard

Resol. 2012- 304

BE IT RESOLVED THAT the agenda be accepted as distributed and amended to withdraw the following items:

- 1) 4.3.4 Resolution for a Funding Application to the Ontario Trillium Foundation - Accessibility at the Noëlville Community Centre
- 2) 5.5.11 By-law 2012-42 for a Zoning By-law Amendment (Gro-Bark Ontario Ltd)

Carried

2.0 DISCLOSURE OF PECUNIARY INTEREST

Mayor Bouffard declared a pecuniary interest at Item 4.3.1; he is the owner of Jean's Home Hardware.

Councillor Ronald Garbutt declared a pecuniary interest at Item 6.2; he is a member of the board of directors of the French River Stewardship Council.

3.0 DELEGATIONS

3.1 Ontario Provincial Police

The Ontario Provincial Police was not present.

4.0 MANAGEMENT AND COMMITTEE REPORTS

4.1 Mayor's Report

Mayor gave a verbal report.

4.1.2 Federal Redistribution of Boundaries

The Mayor informed the Members that the Federal Government is currently studying a redistribution of boundaries; the proposed changes would separate our municipality into two separate ridings.

The Members agreed to direct staff to submit a notice of presentation for the public hearing in Sudbury to allow the Mayor to present his opinions to the Ontario Commission.

4.2 CAO/Clerk's Report

CAO/Clerk was absent.

Moved By: Michel Bigras
Seconded By: Mike Bouffard

Resol. 2012- 305

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby formally endorses the Municipal Infrastructure Investment Initiative, and directs staff to prepare the expression of interest form before the October 22, 2012 deadline.

Carried

Moved By: Michel Bigras
Seconded By: Mike Bouffard

Resol. 2012- 306

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby directs staff to submit an application to the Sudbury East Planning Board to amend the Zoning By-law Amendment No. 2008-24 of the Industrial Park so it will remain Commercial Highway with a special provision to recognize the permitted uses on the site while removing those uses which would have a greater potential to negatively impact the environment.

Carried

4.3 Treasurer's Report

4.3.1 Disbursements

Moved By: Mike Bouffard
Seconded By: Larry Bouffard

Resol. 2012- 307

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby ratifies the total disbursement for the month of August 2012 in the amount of \$820,060.01.

Carried

Disclosure of Pecuniary Interest

Name: Mayor Claude Bouffard

Disclosed his/her (their) interest(s), abstained from discussion and did not participate on this Item.

4.3.2 Tax Reductions

Moved By: Michel Bigras
Seconded By: Mike Bouffard

Resol. 2012- 308

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby accepts the Treasurer's report dated September 19, 2012 regarding the MPAC Assessment Changes as per the attached sheet and that the necessary changes and write-off of any late penalty charges be made to each individual tax file to reflect theses changes.

Carried

4.3.3 Report on the options for the re-allocation of the Budgeted Capital Funds of the Industrial Park

Moved By: Larry Bouffard
Seconded By: Michel Bigras

Resol. 2012- 309

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby refers the item of the options for the re-allocation of the Industrial Park Budgeted Capital Funds to the Finance and Administration Committee meeting scheduled for October 10, 2012.

Carried

4.3.4 Funding Application to the Ontario Trillium Foundation - Accessibility at the Noëlville Community Centre

Resolution withdrawn.

4.3.5 Funding Application to Economic Partners on behalf of the French River Multi Use Trails Association (FRMUTA)

Moved By: Michel Bigras
Seconded By: Mike Bouffard

Resol. 2012- 310

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby directs staff to prepare a funding request to Economic Partners on behalf of the French River Multi Use Trails Association (FRMUTA) for the promotion of the multi-use trail system, including website design, logo design, advertising, a map/brochure and a public meeting.

Carried

4.4 Roads Committee

4.4.1 Amendments to Terms of Reference

Moved By: Ron Garbutt
Seconded By: Michel Bigras

Resol. 2012- 311

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby adopts the amended Public Works Committee Terms of Reference dated September 19, 2012.

Carried

4.4.2 Appointment of three members of Council

Mayor opened nominations for appointment of members.

Councillor Larry Bouffard Nominated Councillor Ron Garbutt
Seconded by Councillor Denny Sharp

Councillor Michel Bigras Nominated Councillor Shawnda Martin-Cross
Seconded by Councillor Michel Bigras

Councillor Michel Bigras Nominated Councillor Denny Sharp
Seconded by Councillor Shawnda Martin-Cross

Councillor Ron Garbutt Nominated Councillor Larry Bouffard
Seconded by Councillor Denny Sharp

Councillor Larry Bouffard declined.

Nominations closed.

Moved By: Ron Garbutt
Seconded By: Michel Bigras

Resol. 2012- 312

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby appoints the following three Members of Council to the Public Works Committee:

- 1) Shawnda Martin-Cross
- 2) Ron Garbutt
- 3) Denny Sharp

Carried

4.4.3 Appointment of Chair

Mayor opened nominations for appointment of chair.

Councillor Michel Bigras Nominated Councillor Shawnda Martin-Cross
Seconded by Councillor Mike Bouffard

Nomination closed.

Moved By: Michel Bigras
Seconded By: Ron Garbutt

Resol. 2012- 313

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby appoints the following Member of Council as Chair of the Public Works Committee:

Councillor Shawnda Martin-Cross

Carried

4.5 Finance and Administration Committee

4.5.1 Adoption of Terms of Reference

Moved By: Ron Garbutt
Seconded By: Larry Bouffard

Resol. 2012- 314

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby adopts the Finance and Administration Committee Terms of Reference dated September 19, 2012.

Carried

4.5.2 Appointment of three members of Council

Mayor opened nominations for appointment of members.

Councillor Larry Bouffard Nominated Councillor Michel Bigras
Seconded by Councillor Shawnda Martin-Cross

Councillor Shawnda Martin-Cross Nominated Councillor Larry Bouffard
Seconded by Councillor Mike Bouffard

Councillor Michel Bigras Nominated Councillor Mike Bouffard
Seconded by Councillor Larry Bouffard

Nomination closed.

Moved By: Ron Garbutt
Seconded By: Michel Bigras

Resol. 2012- 315

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby appoints the following three Members of Council to the Finance and Administration Committee:

- 1) Michel Bigras
- 2) Larry Bouffard
- 3) Mike Bouffard

Carried

4.5.3 Appointment of Chair

Mayor opened nominations for appointment of chair.

Councillor Larry Bouffard Nominated Councillor Michel Bigras
Seconded by Councillor Shawnda Martin-Cross

Nomination closed.

Moved By: Larry Bouffard
Seconded By: Ron Garbutt

Resol. 2012- 316

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby appoints the following Member of Council as Chair of the Finance and Administration Committee:

Councillor Michel Bigras

Carried

5.0 CONSENT AGENDA

The following motion was presented to adopt the items contained in the Consent Agenda:

Moved By: Michel Bigras
Seconded By: Mike Bouffard

Resol. 2012- 317

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby approves the Items of the Consent Agenda under Sections 5.1, 5.3 and 5.5 and receives the Items under Sections 5.2 and 5.4.

Carried

Items 5.3.1, 5.3.2 and 5.3.6 were taken out of the Consent Agenda to allow debate.

5.1 Adoption of Minutes by Resolution

Moved By: Ron Garbutt
Seconded By: Michel Bigras

Resol. 2012- 318

BE IT RESOLVED THAT the following minutes be adopted as presented:

Special Meeting of Council held August 15, 2012
Regular Council Meeting held August 15, 2012
Committee of the whole meeting held September 12, 2012

Carried

5.2 Minutes Received by Resolution

Moved By: Michel Bigras
Seconded By: Ron Garbutt

Resol. 2012- 319

BE IT RESOLVED THAT the following minutes be received as presented:

Sudbury East Planning Board held July 12, 2012
Economic Development Committee held July 16, 2012
Roads Committee Meeting held August 1, 2012

Carried

5.3 Award of Tenders and Request for Proposals by Resolution

5.3.1 Item was separated from the Consent Agenda to allow debate.

5.3.2 Item was separated from the Consent Agenda to allow debate.

5.3.3 Award Contract for Culvert Replacement

Moved By: Ron Garbutt
Seconded By: Larry Bouffard

Resol. 2012- 320

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby awards the Culvert Replacement Contract to Bayview Excavating Ltd. for an amount of \$13,320.00 plus applicable taxes.

Carried

5.3.4 Award Contract for supply and installation of Steel Beam Guide Rail

Moved By: Ron Garbutt
Seconded By: Michel Bigras

Resol. 2012- 321

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby awards the Steel Beam Guide Rail Contract to M & G Fencing Inc. for an amount of \$ 29,188.90 plus applicable taxes.

Carried

5.3.5 Award Contract for Ditching

Moved By: Michel Bigras
Seconded By: Larry Bouffard

Resol. 2012- 322

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby awards the Ditching Contract to Bayview Excavating Ltd. for an amount of \$39,000.00 plus applicable taxes.

Carried

5.3.6 Item was separated from the Consent Agenda to allow debate.

5.4 Correspondence for Council's Information Received by Resolution

5.4.1 Sudbury East Planning Board, Receipt of 5 Notices of Application

Moved By: Michel Bigras
Seconded By: Larry Bouffard

Resol. 2012- 323

BE IT RESOLVED THAT the following Notice of Applications received from the Sudbury East Planning Board be received:

1. Application for Consent and Application for a Proposed Amendment to Zoning By-law by Gro-Bark Ontario Ltd (Files B/20 & 37/12/FR & ZBA 12-09FR)
2. Application for Consent and Application for a Proposed Amendment to Zoning By-law by Conrad & Murielle Potvin (Files B/24/12/FR & ZBA 12-11FR)
3. Application for Consent and Application for a Proposed Amendment to Zoning By-law by Doris Beaulieu & Joanne Bouchard (Files B/34-35/12/FR & ZBA 12-13FR)
4. Application for Consent and Application for a Proposed Amendment to Zoning By-law by 1866551 Ontario Ltd (Files B/36/12/FR & ZBA 12-14FR)
5. Application for a Proposed Minor Variance by Don & Mary Jane Vernon and Dwayne & Linda Vernon (File A/10/12FR)

Carried

5.5 Adoption of By-laws by Resolution

The following By-laws were read and adopted:

5.5.1 Janitorial Services Agreement Extension - Reliable Cleaning Services

Moved By: Larry Bouffard
Seconded By: Ron Garbutt

Resol. 2012- 324

BE IT RESOLVED THAT By-law 2012-45, being a by-law to authorize the Mayor and Clerk to enter into an extension agreement with Reliable Cleaning Services for janitorial services in the municipal complex be read a first, second and third time and finally passed.

Carried

5.5.2 Amendment to the Fees and Related Charges By-law

Moved By: Ron Garbutt
Seconded By: Michel Bigras

Resol. 2012- 325

BE IT RESOLVED THAT By-law 2012-46, being a by-law to amend By-law 2012-02, a by-law to set Fees and Related Charges be read a first, second and third time and finally passed.

Carried

5.5.3 Winter Seasonal Road Maintenance Agreement for Silv'ry Moon Road

Moved By: Larry Bouffard
Seconded By: Ron Garbutt

Resol. 2012- 326

BE IT RESOLVED THAT By-law 2012-47, being a by-law to authorize the Mayor and Clerk to enter into an agreement for the Winter Seasonal Road Maintenance of the seasonal portion of Silv'ry Moon Rd be read a first, second and third time and finally passed.

Carried

5.5.4 Winter Seasonal Road Maintenance Agreement for Lafrenière Road

Moved By: Michel Bigras
Seconded By: Ron Garbutt

Resol. 2012- 327

BE IT RESOLVED THAT By-law 2012-48, being a by-law to authorize the Mayor and Clerk to enter into an agreement for the Winter Seasonal Road Maintenance of the private portion of Lafrenière Rd be read a first, second and third time and finally passed.

Carried

5.5.5 Agreement with the Army Cadet League of Canada (Ontario) for the use of the Alban Community Centre as the housing of the cadet program

Moved By: Michel Bigras
Seconded By: Larry Bouffard

Resol. 2012- 328

BE IT RESOLVED THAT By-law 2012-49, being a by-law to authorize the Mayor and Clerk to enter into an agreement with the Army Cadet League of Canada (Ontario) for the use of areas within the Alban Community Centre be read a first, second and third time and finally passed.

Carried

5.5.6 Lease Agreement renewal with the French River Quilters in the Noëlville Addition for a further 2 years

Moved By: Ron Garbutt
Seconded By: Michel Bigras

Resol. 2012- 329

BE IT RESOLVED THAT By-law 2012-50, being a by-law to being a by-law to authorize the Mayor and Clerk to enter into a Lease Agreement with French River Quilters be read a first, second and third time and finally passed.

Carried

5.5.7 Agreement with Richard Potvin to grant the right of access over the one foot reserve that fronts the property and Pine Beach Road

Moved By: Michel Bigras
Seconded By: Ron Garbutt

Resol. 2012- 330

BE IT RESOLVED THAT By-law 2012-51, being a by-law to authorize the Mayor and Clerk to enter into an agreement with Richard Potvin for access over a one foot reserve be read a first, second and third time and finally passed.

Carried

5.5.8 Zoning By-law Amendment (Conrad & Murielle Potvin)

Moved By: Ron Garbutt
Seconded By: Denny Sharp

Resol. 2012- 331

BE IT RESOLVED THAT By-law 2012-52, being a by-law to amend Zoning By-law 2003-23, as amended (Conrad and Murielle Potvin, File ZBA 12-11FR) be read a first, second and third time and finally passed.

Carried

5.5.9 Zoning By-law Amendment (Doris Beaulieu & Joanne Bouchard)

Moved By: Ron Garbutt
Seconded By: Michel Bigras

Resol. 2012- 332

BE IT RESOLVED THAT By-law 2012-53, being a by-law to amend Zoning By-law 2003-23, as amended (Doris Beaulieu & Joanne Bouchard, File ZBA 12-13FR) be read a first, second and third time and finally passed.

Carried

5.5.10 Zoning By-law Amendment (1866551 Ontario Ltd)

Moved By: Michel Bigras
Seconded By: Ron Garbutt

Resol. 2012- 333

BE IT RESOLVED THAT By-law 2012-54, being a by-law to amend Zoning By-law 2003-23, as amended (1866551 Ontario Ltd, File ZBA 12-14FR) be read a first, second and third time and finally passed.

Carried

5.5.11 Zoning By-law Amendment (Gro-Bark Ontario Ltd)

Resolution withdrawn.

5.5.12 Confirmation By-law

Moved By: Ron Garbutt
Seconded By: Denny Sharp

Resol. 2012- 334

BE IT RESOLVED THAT By-law 2012-55, being a by-law to confirm the proceedings of the Council of the Corporation of the Municipality of French River at a meeting held on September 19, 2012 be read a first, second and third time and finally passed.

Carried

Item separated from the Consent Agenda to allow debate

5.3.1 Capital Appropriation Request for a Motor Grader

Moved By: Larry Bouffard

Resol. 2012- 335

Seconded By: Michel Bigras

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby approves the purchase of a Motor Grader as per the recommendation made in the Capital Appropriation Request submitted August 1, 2012.

Motion to defer

Moved By: Michel Bigras

Seconded By: Shawnda Martin-Cross

Motion to defer to the Committee of the Whole meeting of October 1, 2012 in order to receive a report on additional information on other options other than purchasing a new grader.

Deferral Carried

5.3.2 Award the purchase of a Motor Grader with plow attachments

Moved By: Denny Sharp

Resol. 2012- 336

Seconded By: Michel Bigras

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby awards the Tender for a Motor Grader with plow attachments to NORTRAX for the purchase of a John Deer Model 770GP for an amount of \$258,544.00 plus applicable taxes.

Motion to defer

Moved By: Larry Bouffard

Seconded By: Mike Bouffard

Motion to defer to the Committee of the Whole meeting of October 1, 2012 in order to receive a report on additional information on other options other than purchasing a new grader.

Deferral Carried

5.3.6 Award Contract for supply and installation of Hot Mix Asphalt

Moved By: Ron Garbutt
Seconded By: Michel Bigras

Resol. 2012- 337

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby awards the Hot Mix Asphalt Contract to Pioneer Construction Inc. for an amount of \$30,925.24 plus applicable taxes.

Carried

6.0 CORRESPONDENCE FOR COUNCIL'S CONSIDERATION

6.1 Atlantic Wind and Solar Inc., Municipal Support Resolution for a solar ground-mount project

Moved By: Michel Bigras
Seconded By: Denny Sharp

Resol. 2012- 338

WHEREAS Fryer Forest Products Ltd (the "Applicant") proposes to construct and operate a ground mount solar (the "Project") on Martland Township, Concession 4, S PT Lot 7, Parcel 1141 (the "Property") in the Municipality of French River under the Province's FIT Program; and

WHEREAS the Applicant has requested that Council of Municipality of French River indicate by resolution Council's support for the construction and operation of the Project on the Property; and

WHEREAS, pursuant to the rules governing the FIT Program (the "FIT Rules"), Applications whose Projects receive the formal support of Municipalities will be awarded priority points, which may result in the Applicant being offered a FIT Contract prior to other persons applying for FIT Contracts.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Municipality of French River hereby supports the construction and operation of the Project on the Lands.

Carried

6.2 French River Delta Association/French River Stewardship Council, Request to adopt a resolution opposing the Allen-Struthers, Wanapitei River proposed modified run-of-river hydroelectric dam

Moved By: Denny Sharp
Seconded By: Michel Bigras

Resol. 2012- 339

WHEREAS Xeneca Power Development Inc. is proposing a Modified Run-of-River Hydroelectric Dam for the Wanapitei River, to be located at the Sturgeon Chutes, 200 metres from the Provincial Park boundary in Allen and Struthers townships; and

WHEREAS the Municipality of French River is in favour of responsible and sustainable green energy projects that have had the input, consensus and blessing of the municipalities affected; and

WHEREAS the modified run-of-river operating strategy would involve holding river flow back for up to 48 hours to fill up to 12 km of head ponds, and exposure to solar warming for up to 32 hours; and

WHEREAS there are 3 Waste Water Treatment Facilities releasing treated, undertreated and untreated effluent into the Wanapitei River Watershed, the cumulative negative effects could result in an increased incidence of toxic algae blooms, and an unnecessary risk to public health and safety; and

WHEREAS as seen in Sturgeon Bay in the Township of the Archipelago, blue green algae blooms combined with water use advisories negatively affect the property values; and

WHEREAS the modified peaking operating strategy would create extreme and frequent river flow velocity and water level changes on the Wanapitei River throughout the majority of the year, this could have an unacceptable negative impact on ice stability and year-round recreational activities such as swimming, boating, snowmobiling, skiing, ice and summer fishing, and create a public safety hazard and/or economic loss in tourism dollars; and

WHEREAS the operating of the dam will cause unacceptable change to a major spawning and nursery site in the French River Delta for Walleye, Lake Sturgeon, Muskellunge, Northern Pike and other species; and

WHEREAS the dam's operation, infrastructure, roads and transmission line could negatively affect the elk recovery program as well as the moose wintering yards; and

WHEREAS the operation of the dam will negatively affect the sustainability and recovery of multiple endangered and threatened species including: Lake Sturgeon, Blanding Turtles, Northern Map Turtles, Snapping Turtles, Whippoorwill, Bald Eagles, and Osprey; and

WHEREAS the Allen-Struthers project is reported to have a total Installed Capacity (IC) of 2.8 MW, when due to seasonal flows the actual real energy produced by these dams would be generously predicted to be more like 1.7 MW of power generated; and

WHEREAS the demand for power in Ontario has been significantly reduced in recent years, and there is much more that can be achieved through energy conservation and efficiencies before resorting to this project; and

WHEREAS it has come to our attention that no dam decommissioning provisions are being made for any proposed hydroelectric dams in Ontario, and with scientists' predictions of climate change to bring increasing drought conditions, there is a possibility that these dams will no longer be environmentally, ecologically, economically or socially feasible in the near future, and in that case, removal of these dams would be left to the taxpayers, and this would be unacceptable; and

WHEREAS the operation of the dam would cause damage to the French River Provincial Park, which is prohibited by Ontario policy.

THEREFORE BE IT RESOLVED THAT the Council of the Municipality of French River strongly opposes this proposal for Allen-Struthers, Wanapitei River due to the numerous negative impacts affecting water quality, water quantity, public health and safety, destruction of fish habitat and spawning areas, and the overall environmental, ecological, social and economic costs that could result from this proposed modified run-of-river hydroelectric dam.

BE IT FURTHER RESOLVED THAT communication of this decision will be made to Xeneca Power Development Inc, the Premier, Minister of Energy, Minister of Environment, Minister of Natural Resources, and also published in the local newspapers.

Carried

7.0 ADDENDUM (if required and by resolution)

8.0 NOTICES OF MOTION

9.0 ANNOUNCEMENTS AND INQUIRIES

10.0 CLOSED SESSION

Moved By: Denny Sharp
Seconded By: Michel Bigras

Resol. 2012- 340

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider directions that should be given to senior staff pursuant to section 239 (2) (b) "personal matters about an identifiable individual, including municipal or local board employees" with respect to the renewal of the Employment Agreement of the Interim CAO/Clerk and under section 239 (2) (a) "the security of the property of the municipality or local board" with respect to discussions of the potential lease of land/facility agreement.

Carried

Moved By: Michel Bigras
Seconded By: Denny Sharp

Resol. 2012- 342

BE IT RESOLVED THAT the open session reconvenes at 9:02 p.m.

Carried

10.1 Resolutions emanating from Closed Session

10.1.1 By-law 2012-57 To renew the Employment Agreement of Harold Duff for the position of Interim CAO/Clerk

Moved By: Denny Sharp
Seconded By: Michel Bigras

Resol. 2012- 343

BE IT RESOLVED THAT By-law 2012-56, being a by-law to enter into an Employment Agreement Extension with Harold Duff for the position of Interim Chief Administrative Officer/Clerk be read a first, second and third time and finally passed.

Carried

11.0 ADJOURNMENT

Moved By: Denny Sharp
Seconded By: Michel Bigras

Resol. 2012- 344

BE IT RESOLVED THAT the meeting be adjourned at 9:04 p.m.

Carried

MAYOR

CLERK