



TOWNSHIP OF DRUMMOND/NORTH ELMSLEY

#19 Council Meeting, October 13, 2015

AGENDA

COUNCIL – CALL TO ORDER 5:00 p.m.

PLEASE NOTE: *Meetings of Council and the Committee of the Whole are open to the public however they are not a public forum. Members of the public are welcome to attend and your interest is appreciated, however due to time constraints, we request that individuals or groups wishing to appear before Council or the Committee at a regular meeting shall advise the Clerk not later than 4:30 p.m. on the Thursday prior to the meeting as per By-law No. 2015-011*

MEMBERS WISHING TO DISCLOSE A PECUNIARY INTEREST DO SO NOW.

	Page
1.0 MINUTES	
1.1 Regular Session Minutes of September 22, 2015	3 - 9
2.0 APPROVAL OF AGENDA	
3.0 DELEGATIONS/PUBLIC MEETINGS	
4.0 COMMITTEE & BOARD REPORTS	
4.1 Committee of the Whole Report to Council (Consent Agenda) September 22, 2015	10
5.0 BY-LAWS:	
5.1 2015-042 Establishment and Operation of the Fire Board	11 - 21
5.2 2015-043 Assumption of Wellington Street - Innisville	22
5.3 2015-044 Stop Up and Close - Wellington Street	23 - 25
6.0 RESOLUTIONS/NOTICE OF MOTIONS	
7.0 CLOSED SESSION	
8.0 COMMUNICATIONS/CORRESPONDENCE	
9.0 UNFINISHED/NEW BUSINESS	
9.1 Purchase Used 2008 John Deere Track Loader	26 - 28
10.0 CONFIRMATION OF COUNCIL PROCEEDINGS	
10.1 By-law 2015.045 Confirmatory By-law	29
11.0 ADJOURNMENT	



Township of Drummond/North Elmsley
#17 Council Meeting of September 22, 2015
Township Council Chambers

Minutes

Call To Order: Reeve Churchill called the meeting to order at 5:00 p.m.

Present:

Council:	Reeve	Aubrey Churchill
	Deputy Reeve	Gail Code
	Councillor	Steve Fournier
	Councillor	George Sachs
	Councillor	Ray Scissons

Staff:	Clerk-Administrator	Cindy Halcrow
	Deputy Clerk	Cathy Ryder

Members Wishing To Disclose A Pecuniary Interest Do So Now. No members disclosed a pecuniary interest at this time.

1.0 Minutes

1.1 Regular Minutes of September 8, 2015

Moved By: Gail Code
Seconded By: George Sachs

BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley does hereby approve the minutes of the Regular Meeting of September 8, 2015, as circulated.

Carried
15-110

2.0 Approval Of Agenda

2.1 Approval of Agenda

Moved By: George Sachs
Seconded By: Gail Code

BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley does hereby adopt the agenda for the meeting of September 22, 2015 as circulated.

Carried
15-111

3.0 Delegations: None

4.0 Committee & Board Reports

4.1 Committee of the Whole Report to Council

- **September 8, 2015**

Councillor George Sachs presented and read Report #11-CoW-September 8, 2015 to Council on behalf of the Committee of the Whole.

Moved By: George Sachs
Seconded By: Gail Code

“A” 1 Friends of the Tay – Lake Management Resolution

“B” 1 **THAT** the Council of the Corporation of the Township of Drummond/North Elmsley on the occasion of the 10th Anniversary of the general lake management planning program in the Tay and adjoining watersheds, wishes to recognize the foresight of the Friends of the Tay Watershed Association, Otty Lake Association, Rideau Valley Conservation Authority, Mississippi Valley Conservation Authority, the Community Stewardship Council of Lanark County, and the Tay Valley Council in 2005 in obtaining a Trillium grant to establish lake management planning in this region to ensure the continued environmental health of lakes and the concurrent economic value of lakeshore properties.

“A” 2. Environmental Initiatives Committee Terms of Reference

“B” 2. **THAT** the Council of the Corporation of the Township of Drummond/North Elmsley approves the Terms of Reference for the Environmental Initiatives Committee;

AND FURTHERMORE THAT George Sachs be appointed to the Committee.

“A” 3. Tax Transfer - Estate of Russell H. Willows

“B” 3. **THAT** the Council of the Corporation of the Township of Drummond/North Elmsley authorizes staff to proceed with the transfer of an orphaned parcel of land described as Con 12 Pt Lot 22, Roll# 919-025-76412-0000, in the ownership of the Estate of Russell H Willows to the Township of Drummond/North Elmsley.

BE IT RESOLVED THAT the Report #11 CoW-September 8, 2015 is hereby adopted this 22nd day of September 2015.

**Carried
15-112**

5.0 BY-LAWS - None

6.0 RESOLUTIONS/NOTICE OF MOTIONS

7.0 CLOSED SESSION - None

8.0 COMMUNICATIONS/CORRESPONDENCE

9.0 UNFINISHED/NEW BUSINESS

10.1 Solar Resolutions

Moved By: Gail Code
Seconded By: George Sachs

WHEREAS capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 4.0.1.

AND WHEREAS the Province's FIT Program encourages the construction and operation of PV Solar Ground Mount generation projects (the "Projects");

AND WHEREAS one or more Projects may be constructed and operated in the Township of Drummond/North Emsley;

AND WHEREAS pursuant to the FIT Rules, Version 4.0.1, Applications whose Projects receive the formal support of Local 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 Corporation of the Township of Drummond/North Emsley supports the construction and operation of the Projects anywhere in Township of Drummond/North Emsley;

This resolution's sole purpose is to enable the participants in the FIT Program to receive Priority Points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Projects, or for any other purpose;

This resolution shall expire twelve (12) months after its adoption by Council.

Councillor George Sachs requested a Recorded Vote

Yeas: Reeve Churchill, Deputy Reeve Gail Code, Councillor Steve Fournier

Nays: George Sachs

Carried
15-113

Moved By: Steve Fournier
Seconded By: Gail Code

WHEREAS Capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 4.0.1;

AND WHEREAS the Township of Drummond/North Emsley (the "Applicant") proposes to construct and operate a Non-Rooftop Solar Project (the "Project") on 310 Port

Elmsley Road (the “Lands”) in the Township of Drummond/North Elmsley under the Province’s FIT Program;

AND WHEREAS, the Applicant has requested that the Council of the Corporation of the Township of Drummond/North Elmsley indicate by resolution that the Project has an exemption from any or all of the residential, commercial and industrial land-use restrictions as identified in Sections 2.3(e), 2.3(f), 2.3(g) and 2.3(h) of the FIT Rules, Version 4.0.1;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley exempts the Project on the Lands as described above from any or all of the residential, commercial and industrial land-use restrictions as identified in Sections 2.3(e), 2.3(f), 2.3(g) and 2.3(h) of the FIT Rules, Version 4.0.1.

This resolution's sole purpose is to provide municipal exemption from the above noted specific residential, commercial and industrial land-use restrictions under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Project, or for any other purpose.

**Carried
15-114**

Moved By: Gail Code
Seconded By: Steve Fournier

WHEREAS Capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 4.0.1;

AND WHEREAS the Township of Drummond/North Elmsley (the “Applicant”) proposes to construct and operate a Non-Rooftop Solar Project (the “Project”) on Stone Road Concession 7 Part Lot 11 RP 27R1801 Part 1 (the “Lands”) in the Township of Drummond/North Elmsley under the Province’s FIT Program;

AND WHEREAS, the Applicant has requested that the Council of the Corporation of the Township of Drummond/North Elmsley indicate by resolution that the Project has an exemption from any or all of the residential, commercial and industrial land-use restrictions as identified in Sections 2.3(e), 2.3(f), 2.3(g) and 2.3(h) of the FIT Rules, Version 4.0.1;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley exempts the Project on the Lands as described above from any or all of the residential, commercial and industrial land-use restrictions as identified in Sections 2.3(e), 2.3(f), 2.3(g) and 2.3(h) of the FIT Rules, Version 4.0.1.

This resolution's sole purpose is to provide municipal exemption from the above noted specific residential, commercial and industrial land-use restrictions under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Project, or for any other purpose.

**Carried
15-115**

Moved By: Steve Fournier
Seconded By: Gail Code

WHEREAS Capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 4.0.1;

AND WHEREAS the Corporation of the County of Lanark (the "Applicant") proposes to construct and operate a Non-Rooftop Solar Project (the "Project") on Concession 3 Part Lot 25 Drummond (the "Lands") in the Township of Drummond/North Elmsley under the Province's FIT Program;

AND WHEREAS, the Applicant has requested that the Council of the Corporation of the Township of Drummond/North Elmsley indicate by resolution that the Project has an exemption from any or all of the residential, commercial and industrial land-use restrictions as identified in Sections 2.3(e), 2.3(f), 2.3(g) and 2.3(h) of the FIT Rules, Version 4.0.1;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley exempts the Project on the Lands as described above from any or all of the residential, commercial and industrial land-use restrictions as identified in Sections 2.3(e), 2.3(f), 2.3(g) and 2.3(h) of the FIT Rules, Version 4.0.1.

This resolution's sole purpose is to provide municipal exemption from the above noted specific residential, commercial and industrial land-use restrictions under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Project, or for any other purpose.

**Carried
15-116**

Moved By: Gail Code
Seconded By: Steve Fournier

WHEREAS the Township of Drummond/North Elmsley (the "Applicant") proposes to construct and operate a Non-Rooftop Solar Project (the "Project") on 310 Port Elmsley Road which are considered Rural-Residential Lands that do not Abut a Residential Cluster in the Township of Drummond/North Elmsley under the province's FIT Program;

AND WHEREAS, the Applicant has requested that the Council of the Corporation of the Township of Drummond/North Elmsley indicate by resolution that the Project have a Setback in the amount of 20 metres;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley supports that the Project have a Setback in the amount of 20 metres.

This resolution's sole purpose is to enable the Applicant to design, construct and operate the Project with a particular Setback in accordance with the FIT Rules, Version 4.0. This resolution may not be used for the purpose of any other form of municipal approval in relation to the Application or Project, or for any other purpose.

**Carried
15-117**

Moved By: Gail Code
Seconded By: Steve Fournier

WHEREAS the Township of Drummond/North Elmsley (the "Applicant") proposes to construct and operate a Non-Rooftop Solar Project (the "Project") on Stone Road Concession 7 Part Lot 11 RP 27R1801 Part 1 which are considered Rural-Residential Lands that do not Abut a Residential Cluster in the Township of Drummond/North Elmsley under the province's FIT Program;

AND WHEREAS, the Applicant has requested that the Council of the Corporation of the Township of Drummond/North Elmsley indicate by resolution that the Project have a Setback in the amount of 20 metres;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley supports that the Project have a Setback in the amount of 20 metres.

This resolution's sole purpose is to enable the Applicant to design, construct and operate the Project with a particular Setback in accordance with the FIT Rules, Version 4.0. This resolution may not be used for the purpose of any other form of municipal approval in relation to the Application or Project, or for any other purpose.

**Carried
15-118**

Moved By: Steve Fournier
Seconded By: Gail Code

WHEREAS the Corporation of the County of Lanark (the "Applicant") proposes to construct and operate a Non-Rooftop Solar Project (the "Project") on Concession 3 Part Lot 25 Drummond which are considered Rural-Residential Lands that do not Abut a Residential Cluster in the Township of Drummond/North Elmsley under the province's FIT Program;

AND WHEREAS, the Applicant has requested that the Council of the Corporation of the Township of Drummond/North Elmsley indicate by resolution that the Project have a Setback in the amount of 20 metres;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley supports that the Project have a Setback in the amount of 20 metres.

This resolution's sole purpose is to enable the Applicant to design, construct and operate the Project with a particular Setback in accordance with the FIT Rules, Version 4.0. This resolution may not be used for the purpose of any other form of municipal approval in relation to the Application or Project, or for any other purpose.

**Carried
15-119**

10.0 CONFIRMATION OF COUNCIL PROCEEDINGS

Moved By: Steve Fournier
Seconded By: Gail Code

BE IT RESOLVED THAT By-law #2015-041 being a By-law to confirm the proceedings of Council at its meeting of September 22, 2015, be read a first, second and third time and finally passed in open Council.

**Carried
15-120**

11.0 Adjournment

Moved By: Gail Code
Seconded By: Steve Fournier

BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley adjourn their regular meeting of Council.

Adjourned at 5:16 p.m.

**Carried
15-121**

Reeve

Clerk Administrator



**REPORT OF THE COMMITTEE OF THE WHOLE
REPORT #12 CoW-September 22, 2015**

To the Members of Council

We, the Members of your Committee of the Whole beg leave to report Section “A” as information and Section “B” as follows:

“A” 1 Recycling Council of Ontario – Resolution

“B” 1 WHEREAS the generation of solid waste and the needless waste of water and energy resources are recognized as global environmental problems; and

WHEREAS municipal and provincial governments have an important role to play in promoting waste reduction, reuse, recycling, composting and other conservation measures; and

WHEREAS communities, businesses and organizations across Canada have committed to working together to raise awareness of these issues during Waste Reduction Week in Canada; and

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Township of Drummond/North Elmsley does hereby proclaim October 19 – 25, 2015 as Waste Reduction Week.

“A” 2 Inter-Municipal Service Delivery

“B” 2 THAT the Council of the Corporation of the Township of Drummond/North Elmsley endorse, in principle, the inter-municipal service delivery concept as presented in Report #CA 2015-20.

All of which is respectfully submitted by:

Councillor George Sachs

Direction by the Head of council:

Council may remove items in Section “B” to be voted on separately prior to introducing a motion to accept the report in its entirety.

Resolution #: 15-_____

Moved and Seconded by:

Moved By

Seconded By

BE IT RESOLVED THAT, Report # CoW-, 2015 is hereby adopted this 13th day of October, 2015.

AUBREY CHURCHILL, REEVE

THE CORPORATION OF DRUMMOND/NORTH ELMSLEY

BY-LAW NO. 2015-042

**ESTABLISHMENT AND OPERATION OF THE FIRE BOARD
(DRUMMOND/NORTH ELMSLEY TAY VALLEY FIRE BOARD)**

WHEREAS, the Council of the Corporation of the Township of Drummond/North Elmsley and the Council of the Corporation of Tay Valley Township have passed by-laws to Establish and Regulate the Drummond/North Elmsley Tay Valley Fire Rescue;

AND WHEREAS, the Council of the Corporation of the Township of Drummond/North Elmsley and the Council of the Corporation of Tay Valley Township have agreed to jointly manage and operate the Drummond/North Elmsley Tay Valley Fire Rescue, and wish to do so by means of a joint local board;

AND WHEREAS, Section 202 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that two or more municipalities may enter into agreements to establish a joint municipal service board and to provide for those matters which, in the opinion of the participating municipalities, are necessary or desirable to facilitate the establishment and operation of the joint municipal service board;

AND WHEREAS, Section 5 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Township of Drummond/North Elmsley enacts as follows:

1. **THAT**, the Reeve and Clerk are hereby authorized to execute a Joint Municipal Service Board Agreement with the Corporation of Tay Valley Township for the Establishment and Operation of the Drummond/North Elmsley Tay Valley Fire Board, attached hereto as Schedule "A".
2. **ULTRA VIRES**

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. THAT By-Law No. 2005-061 is hereby amended.

3. EFFECTIVE DATE

ENACTED AND PASSED this 13th day of October, 2015.

Read a first, second and third time and finally passed this 13th day of October 2015.

Aubrey Churchill, Reeve

Cindy Halcrow, Clerk Administrator

**THE CORPORATION OF DRUMMOND/NORTH ELMSLEY
BY-LAW NO. 2015-042**

SCHEDULE “A”

**JOINT MUNICIPAL SERVICE BOARD AGREEMENT
FOR THE ESTABLISHMENT AND OPERATION OF THE FIRE BOARD**

THIS AGREEMENT made in triplicate this 22nd day of September, 2015

BETWEEN: **The Corporation of Tay Valley Township**

AND: **The Corporation of the Township of Drummond/North Elmsley**

WHEREAS, the Council of the Corporation of the Township of Drummond/North Elmsley and the Council of the Corporation of Tay Valley Township have passed by-laws to Establish and Regulate the Drummond/North Elmsley Tay Valley Fire Rescue;

AND WHEREAS, the Council of the Corporation of the Township of Drummond/North Elmsley and the Council of the Corporation of Tay Valley Township have agreed to jointly manage and operate the Drummond/North Elmsley Tay Valley Fire Rescue, and wish to do so by means of a joint local board;

AND WHEREAS, Section 202 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that two or more municipalities may enter into agreements to establish a joint municipal service board and to provide for those matters which, in the opinion of the participating municipalities, are necessary or desirable to facilitate the establishment and operation of the joint municipal service board;

AND WHEREAS, Section 5 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power, including a municipality’s capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

NOW THEREFORE BE IT RESOLVED THAT, the Councils agree that:

1.0 DEFINITIONS

For the purpose of this By-Law:

1.1 “Administrative Assistant/Treasurer” – means the person appointed to provide clerical and accounting services to the Fire Department.

- 1.2 **“Councils”** – means both the Council of the Corporation of the Township of Drummond/North Elmsley and the Council of the Corporation of Tay Valley Township.
- 1.3 **“Fire Board”** – means the Drummond/North Elmsley Tay Valley Fire Board.
- 1.4 **“Fire Chief”** – means the person or designate appointed under subsection 6 (1), (2) or (4) of the *Fire Protection and Prevention Act, 1997*, as amended, appointed by Council.
- 1.5 **“Fire Department”** – means the Drummond/North Elmsley Tay Valley Fire Rescue.
- 1.6 **“Fire Marshal”** – means the Fire Marshal appointed under subsection 8 (1), of the *Fire Protection and Prevention Act, 1997*, as amended.
- 1.7 **“Fire Protection Services”** – means fire suppression, fire prevention, fire safety education, communication, training of persons involved in the provision of fire protection services, rescue and emergency services and the delivery of all those services, as outlined in the Establishing and Regulating By-Laws of the Councils.
- 1.8 **“Municipality”** – means The Corporation of Tay Valley Township and/or the Corporation of the Township of Drummond/North Elmsley.

2.0 ESTABLISHMENT AND PROCEDURES

- 2.1 A Joint Municipal Service Board shall be established for the management and operation of the Fire Department, and shall be known as the Drummond/North Elmsley Tay Valley Fire Board.
- 2.2 The Fire Board shall be composed of three (3) elected members from the Council of the Township of Drummond/North Elmsley and three (3) elected members from the Council of Tay Valley Township. The Councils shall appoint the Fire Board members for a four-year term. Each Council shall appoint their members in December, upon assuming their elected offices. The Fire Board members will take office effective January 1st, the following year. Any vacancy occurring on the Fire Board shall be filled within thirty (30) days by the Council of the Municipality from which the vacancy occurred.
- 2.3 The Fire Board shall appoint a Chair and Vice-Chair annually, from amongst its members, at the first annual meeting of the Fire Board. The term of such appointment shall be for twelve (12) months commencing

January 1st. The following year the Fire Board shall appoint a new Chair and Vice-Chair by rotating the members of Tay Valley Township and the Township of Drummond/North Elmsley.

- 2.4** The Chair shall preside at all meetings of the Fire Board.
- 2.5** Members of the Fire Board shall be responsible for attending meetings, contributing to the debate of issues before the Fire Board, voting on issues rightly within the jurisdiction of the Fire Board, supporting and aiding in the implementation of Fire Board decisions and reporting Fire Board activities to their respective Councils.
- 2.6** The Chair, Vice-Chair and Administrative Assistant/Treasurer shall have signing authority for the Fire Board.
- 2.7** The Fire Board shall appoint an auditor who shall audit the accounts of the Fire Board on an annual basis and shall submit copies of the audited statements to the Fire Board and the Councils.
- 2.8** The Administrative Assistant/Treasurer shall give, or cause to be given, all notices required to members of the Fire Board and auditors and shall attend all meetings of the Fire Board and enter, or cause to be entered, in books kept for that purpose, minutes of all proceedings at such meetings and be the custodian of all books, papers, records and documents belonging to the Fire Board and perform and do such other duties as may from time to time be prescribed by the Fire Board.
- 2.9** The Administrative Assistant/Treasurer shall keep full and accurate books of account in which all receipts and disbursements of the Fire Department shall be recorded, and, under the direction of the Fire Board, shall deposit all monies with respect to the operation of the Fire Department, in a special bank account designated for that purpose, and shall render to the Fire Board at the meetings thereof, or whenever required, an account of all transactions and of the financial position of the Fire Department. The Administrative Assistant/Treasurer shall pay only such items as are approved and authorized by the Fire Chief in accordance with the approved budget.
- 2.10** The Fire Board shall hold at least four (4) regularly scheduled meetings annually, and at such other times at the call of the Board Chair or on petition of a majority of the members of the Fire Board.
- 2.11** The Fire Board shall ensure the attendance of the Fire Chief and/or his/her designate at each regular and special Fire Board meeting.

- 2.12** The Fire Board shall ensure that all meetings are convened and continued only when a majority of its members are present; namely four (4) members from the total of six (6) appointed.
- 2.13** Fire Board meetings shall adhere to the Procedural By-Law passed by the Council of the Township of Drummond/North Elmsley and govern the conduct of its meetings, unless otherwise specifically stated herein.
- 2.14** All Fire Board meetings shall have business conducted by written motion, duly moved, seconded, and carried by a majority of the members present. Each member of the Fire Board shall have one vote, including the Chair. In the case of a tie, the motion shall be recorded as defeated.
- 2.15** The Administrative Assistant/Treasurer shall record each motion verbatim, without note or comment, in the minutes of the meeting that shall be presented for approval at the next following Fire Board meeting. Copies of all minutes of regular and special meetings of the Fire Board are to be promptly submitted, after their approval, to the Clerks of the Councils.
- 2.16** Upon the written request of any three (3) members of the Fire Board, the Board Chair shall refer a specific, well-defined matter duly within the scope of the Fire Board mandate to the Office of the Fire Marshal for comment and advice. In the alternative or in addition to Office of the Fire Marshal comment, any three (3) members of the Fire Board may request the appointment of a mediator to attend the next duly called meeting of the Fire Board to discuss the specific matter and the rationale behind its support and opposition. The Board Chair shall be responsible for choosing an appropriate mediator depending upon the subject matter and the mediator chosen shall agree to act in an unbiased, professional manner toward a reasonable resolution. The mediator shall further agree to provide a summary of the issue and proposed resolution for the Fire Board's consideration. Upon receipt of the mediator's report, the Board Chair shall immediately forward copies to the respective Councils that shall be afforded an opportunity to provide written comment to the Fire Board prior to its final vote on the subject matter.

3.0 PURPOSE AND AUTHORITY

- 3.1** The Fire Board shall govern the provision of adequate facilities and equipment for the operation of the Fire Department, within the financial limitations established by the Councils through the annual budget.
- 3.2** The Fire Board shall be responsible for governing the provision of Fire Protection Services to areas within the municipal boundary lines of Tay Valley Township and the Township of Drummond/North Elmsley.

- 3.3** The Fire Board shall formulate policy directed toward the effective and efficient operation of the Fire Department enabling it to respond as soon as possible to all emergency calls with such resources as are deemed appropriate.
- 3.4** It shall be the responsibility of the Fire Board, Fire Chief and Administrative Assistant/Treasurer to prepare draft by-laws for consideration by the Councils, to formulate and adopt policies for the operation of the Fire Department, and to offer guidance and direction to the Fire Chief for the administration of the Fire Department.
- 3.5** The Fire Board, Fire Chief and Fire Department shall operate in conformity with all by-laws passed by the Councils for the purposes of providing fire protection to the residents, ratepayers and visitors within the municipalities, it being the intent of this agreement that such by-laws are common to the Councils. The Councils agree, generally that:

 - a) Matters which direct the public to act or refrain from acting in a specific manner, allocate assets and resources outside the response area, approve the hiring or termination of the Fire Chief, Station Chiefs and Administrative Assistant/Treasurer of the Fire Department, or authorize annual budget expenditures shall be approved by by-law of the Councils;
 - b) Matters which direct or govern the standards and operations of the Fire Department, approve the hiring or termination of volunteers, or establish compensation and benefits for the employees or volunteers of the Fire Department shall be approved by written policy of the Fire Board; and
 - c) Matters which are specifically dictated by legislation or regulation or which are administrative in nature shall be undertaken according to practices and procedures established by the Fire Chief.
- 3.6** Notwithstanding the above, any joint direction from the Councils to the Fire Board shall take precedent over a policy established by the Fire Board and any policy established by the Fire Board shall take precedent over the practices and procedures of the Fire Chief, unless otherwise dictated by legislation or regulation.
- 3.7** The Councils shall give such authority as may be necessary to the Fire Board and to the members of the Fire Department, acting in accordance with established by-laws, policies and procedures for the delivery of all services pertaining to fire protection.

4.0 BUDGET AND FINANCIAL MANAGEMENT

- 4.1** Each year the Fire Board shall submit in writing to each of the Councils a draft budget for the operation of the Fire Department for the upcoming year. The budget shall be structured such that Administration, BBD&E Station and South Sherbrooke Station operating and capital costs, transfers to and from reserves, and any other revenue sources are readily identifiable.
- 4.2** Each party hereto shall approve such draft budget, or any amendments thereto as agreed to by both Councils.
- 4.3** The Municipalities shall share the net costs of both the Administration budget and BBD&E Station budget based on the assessment ratio. This ratio shall be reviewed annually. Tay Valley Township shall pay all net costs relating to the South Sherbrooke Station budget.
- 4.4** The Municipalities shall pay an amount equal to 25% of their previous year's Fire Board requisitions on February 28th and on May 30th of each year. The amounts paid shall be deducted from the current year requisition, and the balance of the current year requisition shall be paid on September 30th of each year.
- 4.5** Any revenues collected through cost recovery for BBD&E Station shall be used to offset any BBD&E Station firefighter honorarium over expenditures in the budget during the same fiscal year. In the event that there are no firefighter honorarium over expenditures the Fire Board shall transfer the revenue into the appropriate reserve at the recommendation of the Fire Chief.
- 4.6** Any revenues collected through cost recovery for South Sherbrooke Station shall be used to offset any South Sherbrooke Station firefighter honorarium over expenditures in the budget during the same fiscal year. In the event that there are no firefighter honorariums over expenditures for South Sherbrooke Station the revenue will be paid to Tay Valley Township.
- 4.7** Any surplus arising from South Sherbrooke Station, BBD&E Station or administration operations shall be transferred to a reserve maintained by the Fire Board. The applicable contingency reserve shall fund any deficit arising from the operations of any of those three components of the Fire Department in the year that the deficit was realized.
- 4.8** The Fire Board shall maintain separate asset replacement/purchase reserves for Administration and the BBD&E Station and the South Sherbrooke Station.

- 4.9** The Councils agree that all assets pertaining to the South Sherbrooke Station that will be transferred to the Fire Board as a result of this agreement and that will be purchased or funded during the life of this agreement will be transferred to Tay Valley Township in the event that any party to this agreement ceases to participate in the agreement. The Councils further agree that if in future years it is deemed necessary to construct, maintain and operate another fire station in either of the Municipalities, payment for such construction, maintenance and operations, and ownership of resultant assets, shall be negotiated before construction.
- 4.10** The Fire Board will arrange, in consultation with the Councils, for the issuance of policies of insurance to protect assets in the care, custody and control of the Fire Board from physical loss or damage and for protecting the Fire Board and its members, the Councils and its members as well as the members of the Fire Department against legal liability resulting from the activities of the Fire Board and the operations of the Fire Department and to ensure that all policies of insurance provide that all parties be endorsed as additional named insurers as their interest may appear.

5.0 INSURANCE AND INDEMNIFICATION

- 5.1** The Corporation of the Township of Drummond/North Elmsley shall at all times save harmless and indemnify the Corporation of Tay Valley Township, its officers, employees and agents from and against all claims, demands, losses, costs, damages, actions, suits or other proceedings by whomsoever made, sustained, brought or prosecuted in any manner resulting from or attributable to any term or provision of this agreement.
- 5.2** The Corporation of Tay Valley Township shall at all times save harmless and indemnify the Corporation of the Township of Drummond/North Elmsley, its officers, employees and agents from and against all claims, demands, losses, costs, damages, actions, suits or other proceedings by whomsoever made, sustained, brought or prosecuted in any manner resulting from or attributable to any term or provision of this agreement.
- 5.3** The Municipalities shall have at all times liability insurance and include the other Municipality as a named insured. The Municipalities shall provide the other Municipality with proof of insurance on an annual basis; due June 30th of each year.

6.0 GENERAL

- 6.1** This agreement shall remain in effect until a new agreement is made, notwithstanding, the terms of this agreement may be amended from time to time on mutual agreement of the Councils.

- 6.2** Should one of the Councils wish to propose an amendment to this agreement, such written notice shall be given to the other party at least thirty (30) days prior to the next regularly scheduled meeting of the Fire Board.
- 6.3** So often as there may be any dispute between the Councils with respect to any matter contained in this agreement, including, but not limited to the interpretation of this agreement, the same shall be submitted to arbitration under the provisions of the *Municipal Arbitrations Act*, R.S.O. 1990, c. M.48 and the decision rendered in respect of such proceedings shall be final and binding upon the parties to this agreement. If for any reason the said arbitration cannot be conducted pursuant to the provisions of the *Municipal Arbitrations Act*, then the Councils hereto shall agree to the selection of a single arbitrator and, in the absence of agreement, such arbitrator shall be appointed by a judge of the Supreme Court of Ontario pursuant to the provisions of the *Arbitration Act*, 1991. S.O. 1991, c.17 or pursuant to any successor legislation.
- 6.4** In the event that any party to this agreement wishes to cease participating in the Fire Board, they may do so provided that:
- a) One (1) year's written notice is given to the other party. Any written notice given as aforesaid shall terminate this agreement as of December 31st of the following year in which notice is given.
 - b) The terminating party's share of the Fire Board's assets and liabilities relating to Administration and to the BBD&E Station will be firstly offered to the remaining party based upon the recommendations of an independent appraiser. When formulating his or her recommendations, the appraiser shall be guided by the cost sharing formulas of this and previous fire services agreements. In accordance with Section 4.9 of this agreement, South Sherbrooke Station assets and liabilities will revert to Tay Valley Township.
 - c) If the Fire Department is completely dissolved, the Fire Board's assets and liabilities relating to the South Sherbrooke Station will revert to Tay Valley Township, and the remaining assets and liabilities will be allocated to the Municipalities in accordance with an independent appraiser's recommendations.
 - d) When formulating his or her recommendations, the appraiser shall be guided by the cost sharing formulas of this and previous fire services agreements.

- 6.5** It is agreed that, with respect to matters not dealt with in this agreement, the Fire Board may formulate policies for and relating to the administration and operation of the Fire Department unless otherwise prohibited by any applicable statute or regulation.
- 6.6** The Councils shall execute such further assurances and actions as may be reasonably required to carry out the terms thereof.
- 6.7** Upon the execution of this agreement, any existing agreements amongst the Councils as amended with respect to fire protection shall forthwith become null and void.
- 6.8** In the event that any covenant, provision or term of this agreement should at any time be held by any competent tribunal to be void or unenforceable, then the agreement shall not fail but the covenant, provision or term shall be deemed to be severable from the remainder of this agreement which shall remain in full force and effect mutatis mutandis.

In witness whereof the Councils have here unto affixed the signatures of their duly authorized officers together with their corporate seals.

SIGNED, SEALED and DELIVERED

**THE CORPORATION OF THE
TOWNSHIP OF DRUMMOND/NORTH
ELMSLEY**

**THE CORPORATION OF
TAY VALLEY TOWNSHIP**

**Aubrey Churchill
Reeve**
(I have the authority to bind the Corporation)

**Keith Kerr
Reeve**
(I have the authority to bind the Corporation)

**Cindy Halcrow
Clerk Administrator**
(I have the authority to bind the Corporation)

**Amanda Mabo
Clerk**
(I have the authority to bind the Corporation)

**THE CORPORATION OF THE
TOWNSHIP OF DRUMMOND/NORTH ELMSLEY**

BY-LAW No. 2015-043

BY-LAW FOR ASSUMPTION OF WELLINGTON STREET, INNISVILLE

BEING a By-Law to acquire land described as Wellington Street, being Parts 1, 2, 3 and 5 of Reference Plan 27R-10403, as a part of the road system of the Corporation of the Township of Drummond/North Elmsley.

WHEREAS the Corporation of the Township of Drummond/North Elmsley requires the land described herein for its purposes pursuant to Section 31(4) of the Municipal Act, R.S.O., 2001 c. 25;

AND WHEREAS the owner of the lands described herein has agreed to dedicate the said lands to the Corporation of the Township of Drummond/North Elmsley for road purposes pursuant to Section 26 of the said Municipal Act 2001 S.O. 2001 c.25;

NOW THEREFORE the Council of the Corporation of the Township of Drummond/North Elmsley enacts as follows:

1. THAT the said lands described as and currently occupied by Wellington Street, being Part 1, 2, 3 and 5 of Reference Plan 27R-10403 shall be and are hereby accepted by the Corporation of the Township of Drummond/North Elmsley for its purposes.
2. THAT the said lands shall be and are hereby assumed into the Road System for the Corporation of the Township of Drummond/North Elmsley.
3. THAT this By-law shall take effect upon its registration in the appropriate Land Registry Office.

Read a first, second and third time and finally passed this 13th day of October, 2015

Aubrey Churchill, Reeve

Cindy Halcrow, Clerk-Administrator

**CORPORATION OF THE TOWNSHIP
OF DRUMMOND/NORTH ELMSLEY**

BY-LAW NO. 2015-044

STOP UP AND CLOSE (Wellington Street)

A BY-LAW TO STOP UP, CLOSE AND CONVEY A PART OF A TOWNSHIP ROAD LOCATED IN THE VILLAGE OF INNISVILLE, GEOGRAPHIC TOWNSHIP OF DRUMMOND

WHEREAS pursuant to Section 8 of the *Municipal Act, 2001, S.O. c. 25*, provides the Township with the powers of a natural person and the authority to govern their affairs as it considers appropriate;

AND WHEREAS pursuant to Section 11 of the *Municipal Act, 2001, S.O. c.25*, the Township has the authority to pass by-laws respecting highways;

AND WHEREAS it is deemed expedient in the interest of The Corporation of the Township of Drummond/North Elmsley (the "Corporation") that part of the Township highway more particularly described in Schedule "A" be closed and stopped up and the lands conveyed to the abutting owners in the manner decided by Council.

AND WHEREAS pursuant to Section 34 of the *Municipal Act, 2001, S.O. c. 25*, and amendments thereto, a municipality has the power to close a highway by carrying out the prescribed procedures;

AND WHEREAS the lands were declared surplus to the needs of the Corporation in accordance with municipal policy;

AND WHEREAS notice to the public of the proposed road closure has been given by an ad in the local paper; notice on the Corporation's Web Page and a notice posted on the property for 14 days prior to the passing of this by-law;

AND WHEREAS the Council of The Corporation of the Township of Drummond/North Elmsley has heard in person or by his counsel, solicitor or agent all person claiming that their land will be prejudicially affected by this By-Law and who applied to be heard;

NOW THEREFORE BE IT RESOLVED THAT, the Council of The Corporation of the Township of Drummond/North Elmsley enacts as follows:

1. That that part of the Township highway, more particularly described in Schedule "A" to this By-Law, be and the same is hereby stopped up and closed.
2. That the Corporation of the Township of Drummond/North Elmsley authorizes the conveyance of the soil and freehold of the part of the Township highway, more particularly described in Schedule "A" hereto, to the Estate of Elsie Kilfoyle or its successors.

3. That the Reeve and the Clerk of The Corporation of the Township of Drummond/North Elmsley are hereby authorized to sign and execute such deeds and other documents as may be necessary to effect the conveyance of those parts of the Township highway described in Schedule "A".
4. Schedule "A" forms part of this By-Law.
5. Should any sections of this By-Law, including any section or part of any schedules attached hereto be declared by a Court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.
6. This By-Law will come into effect upon registration in the proper land registry office.

Read a first, second and third time, and finally passed and enacted this 13th day of October, 2015.

Aubrey Churchill, Reeve

Cindy Halcrow, Clerk Administrator

Schedule "A" to By-law 2015-044

Description of that part of Township Highway to be closed and sold

Part of Wellington Street, Plan 1218, Geographic Township of Drummond, now Township of Drummond/North Elmsley, County of Lanark, designated as Part 4 on Plan 27R-10403.

TOWNSHIP OF DRUMMOND/NORTH ELMSLEY

Council
October 13th, 2015

REPORT FROM THE MANAGER OF PUBLIC WORKS

Purchase Used 2008 John Deere Track Loader

1. STAFF RECOMMENDATIONS

THAT the Council of the Township of Drummond/North Elmsley approves the purchase of a used 2008 John Deere 605C Track Loader from Trailer Country Equipment Sales at a cost of \$87,000 (plus tax), and:

THAT the Council of the Township of Drummond/North Elmsley approves to waive the current purchasing practices within the Township's Procurement Policy to acquire the used 2008 John Deere 605C Track Loader and:

THAT the Council of the Township of Drummond/North Elmsley approves the Environmental Services, "Waste Disposal Reserve" be the funding source to pay for the used 2008 John Deere 605C Track Loader and:

THAT the Council of the Township of Drummond/North Elmsley approves the sale of the 2004 Liebherr Track Loader to be through the upcoming Ritchie Brothers Auction in Kemptville Ont. on October 22nd 2015.

2. PURPOSE

To maintain and upgrade the Public Works Department equipment fleet as per identified within Township's Asset Management Plan.

3. BACKGROUND

The Liebherr has been used at the Waste Site since 2004 and has approx. 9,400 hour of running time on it. Historically the Liebherr has been problematic regarding ongoing repairs and related downtime resulting in reduced productivity and higher than normal maintenance costs.

The amount of \$165,000 was identified to replace the 1999 Liebherr Track Loader in 2019 within the Township's Asset Management Plan.

4. DISCUSSION

The Public Works Department requires a track loader primarily for loading and placing daily cover onto the disposed waste at the landfill site. This piece of equipment is used year round and is estimated to accumulate 300 to 350 hours of runtime per year, which is not a significant amount of time in comparison to what

they are built for. Therefore, staff felt that a good used piece of equipment would be more practical, affordable and last many years at the waste site.

Over the past year or so, staff has been searching on-line, looking in used equipment publications, and speaking with a number of equipment sales representatives in an effort to locate a good used piece of equipment to replace the Liebherr.

Staff located a used 2008 John Deere 605C Track Loader from Trailer Country Equipment Sales (Perth) with 567 hours of use. (see Attachment "A")

With some investigation staff followed up on any issues that there may have been with the previous/original owner. We were informed that there were no major problems with the loader, and that it was maintained on a regular basis.

5. OPTIONS

Option 1 – Purchase the used 2008 John Deere 605C Track Loader from Trailer Country Equipment Sales for \$87,000.

Option 2 – Continue to search for a similar piece of equipment to replace the 1999 Liebherr.

6. FINANCIAL IMPLICATIONS

Although the purchase of a Track Loader was not identified within the 2015 Budget, staff recommends that the Environmental Services, "Waste Disposal Reserve" be the funding source to purchase this piece of equipment.

There is currently \$288,340 in this reserve which is more than adequate to cover the purchase cost of \$87,000 (plus tax).

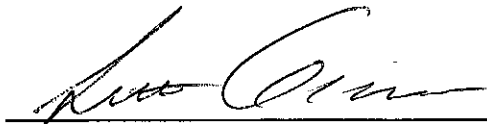
Also, any revenue received from the sale of the Liebherr would be used to offset the John Deere.

7. CONCLUSIONS

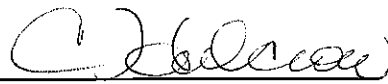
Staff recommends to purchase the used 2008 John Deere 605C Track Loader from Trailer Country Equipment Sales at a cost of \$87,000 (plus tax) and dispose the Liebherr at the upcoming Ritchie Brothers equipment auction.

Prepared and Recommended By:

Approved for Submission By:



**Scott Cameron,
Manager of Public Works**



**Cindy Halerow
Clerk/Administrator**



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Manufacturer John Deere

Details

2008 John Deere 605C Track Loader

567 Hours, Cab/Heat/Ac, Stereo/Cassette, Joy Stick Controls, 100 HP, 90" GP Bucket, 20" Tracks, New Condition, Financing OAC

Stock Number

Price\$99,000.00

**CORPORATION OF THE TOWNSHIP
OF DRUMMOND/NORTH ELMSLEY**

BY-LAW NO. 2015-045

BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL.

WHEREAS pursuant to Section 5 of the Municipal Act 2001 S.O. 2001 c.25, the powers of a municipal corporation are to be exercised by its Council through the passage of a by-law;

AND WHEREAS Subsection 2 of Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, the powers of every Council are to be exercised by By-law;

AND WHEREAS it is deemed expedient that the proceedings of the Council of the Corporation of the Township of Drummond/North Elmsley at this meeting be confirmed and adopted by By-law;

NOW THEREFORE the Council of the Corporation of the Township of Drummond/North Elmsley enacts as follows:

1. The action of the Council of the Corporation of the Township of Drummond/North Elmsley at its meeting held on October 13, 2015 in respect of each recommendation contained in each motion and resolution passed and other action taken by the Council of the Corporation of the Township of Drummond/North Elmsley at its meeting is hereby adopted and confirmed as if all such proceedings were expressly embodied in this By-law.
2. The Reeve and proper officials of the Corporation of the Township of Drummond/North Elmsley are hereby authorized and directed to do all things necessary to give effect to the action of the Council of the Corporation of the Township of Drummond/North Elmsley referred to in the preceding section hereof.
3. The Reeve and the Clerk are authorized and directed to execute all documents necessary to that behalf and to affix thereto the seal of the Corporation of the Township of Drummond/North Elmsley.

By-law read a first, second and third time and finally passed this 13th day of October, 2015.

Aubrey Churchill, Reeve

Cindy Halcrow, Clerk Administrator