

CORPORATION OF THE TOWNSHIP OF JOHNSON

September 16, 2015

5:30 P.M.

COUNCIL MEETING

Location: Township of Johnson Council Chambers

1 Johnson Drive, Desbarats, ON

AGENDA

PLEASE NOTE – ALL ELECTRONIC COMMUNICATIONS MUST TO BE TURNED OFF DURING COUNCIL MEETINGS

A. CALL TO ORDER

B. CONFLICT OF INTEREST: Declaration of Pecuniary Interest

C. ACCOUNTS: As presented

D. MINUTES:

1. Approve minutes of Councils regular meetings for August 26, 2015 as presented.

E. DELEGATIONS: None

F. STAFF REPORTS: None

G. COUNCIL/COMMITTEE MINUTES & REPORTS: None

H. CORRESPONDENCE/INFORMATION:

1. Ray Roznik – complaint on horse dropping on the township roads.
2. Algoma Public Health – requesting the donation of a venue for the flu clinic.

I. OLD BUSINESS: None

J. NEW BUSINESS:

1. Proposed public meeting – discussion on ideas, format and dates.
2. Association of Municipal Clerks and Treasurers of Ontario (AMCTO) – Zone 7 conference in Sault Ste. Marie October 22 and 23, 2015. This is the 50th Anniversary of the Zone – looking for a financial donations towards the conference.
3. Ontario Community Infrastructure Fund (OCIF) – With the assistance of Tulloch Engineer, we have submitted an “expression of interest” (first round) for 90% funding for the Black Creek Bridge Replacement. If funding approved the township would be able to proceed due to the leverage of the existing AMO Gas Tax rebate reserves. This bridge was flagged for replacement under the “Asset Management” Study – it was ascertained by the Engineer to be the only project which qualifies under the safety component for this funding.
4. CBO/By-Law Enforcement Officer – hiring.

K. BY-LAWS:

1. By-Law # 2015- 804, being a bylaw to permit the operation of off road vehicles on highways within the township of Johnson.
2. By-Law # 2015- 805, being a by-law to confirm meeting proceedings.

L. HEALTH & SAFETY: None

M. CLOSED MEETING: None

N. ADJOURNMENT:

CORPORATION OF THE TOWNSHIP OF JOHNSON
Council Meeting
August 26, 2015

These minutes are comprised of resolutions and the Clerk's interpretation of the meeting held on Wednesday August 26, 2015 at the Township of Johnson Council Chambers at 1 Johnson Drive, Desbarats.

Presided by: Mayor Ted Hicks

PRESENT:

Council: Councillors – Marlee Hopkins, Jason Kern, Lorne Robinson, Cameron Ross

Staff: Clerk – Ruth Kelso, Treasurer - Paula Spurway, Public Works Superintendent (PWS) – Randy Spurway

Ratepayers/Visitors: Louise Oak, Cathy Smith, David Smith, Jim Carter, Ellwood McKinnon, Alex McRae

A) CALL TO ORDER:

Res: 342 Moved by: J. Kern Seconded by: C. Ross
Be it resolved that the Council of the Township of Johnson open the meeting at 5:30 p.m.
Carried

B) CONFLICT OF INTEREST: None Declared

C) ACCOUNTS:

Res: 343 Moved by: C. Ross Seconded by: J. Kern
Be it resolved that the Council of the Township of Johnson approve the Accounts as presented.
Carried

D) MINUTES:

Res: 344 Moved by: C. Ross Seconded by: J. Kern
Be it resolved that the Council of the Township of Johnson approves the minutes of July 15, 2015 as presented. Carried

E) DELEGATION: None

F) STAFF REPORTS: None

G) COUNCIL/COMMITTEE MINUTES & REPORTS: None

H) CORRESPONDENCE/INFORMATION:

1. James Carter – Request for 3 loads of gravel at the end of Diamond Lake Road they will arrange to have spread on Cottage Road. Original request came to Council September 14, 2014.
 - Mayor Hicks - When the request came in 2014 it was the end of the present Councils mandated time.
 - Mayor Hicks - The Cottage Road – is on Crown land and you would need permission to do any work on the road.
 - Discussed the need for work other than gravel on Cottage Road i.e. culverts and ditching.
 - Councillor Ross – Would not want to set a precedent, have other private roads in the township.
 - Councillor Hopkins – After the last bad storm in 2013, culverts went out on Diamond Lake Road. The Cottage Road would give another access to property owners.
 - J. Carter said that it is a unique situation and that he felt that more traffic would be diverted to Cottage Road and save Diamond Lake Road.
 - Councillor Kern – No problem with gravel, but road needs lots of work. Does not agree to the gravel right now.
 - Councillor Robinson – Is not for giving on private roads.

- R. Spurway, PWS – to put crushed gravel on road would be throwing it away. Needs the road built up with pit run. Three loads of gravel would be 30 yards.
- Mayor Hicks – is the MNR or other residents willing to give anything towards the road? J. Carter has not asked anyone else.
- J. Carter – would like to see surface treatment on Diamond Lake Road.
- Councillor Ross – Road would need culvert work and ditching before surface treatment could be considered.
- Funding assistance would be required and road must be “shovel ready”
- Discussed the roads and bridges study completed for the township. It does categorize and prioritize the work that needs to be completed.

Action – Council did not approve the gravel request.

I) OLD BUSINESS: None

J) NEW BUSINESS:

1. Excavator Tenders Received.
 - Three tenders were received – \$40,000.00, \$48,997.00 and \$55,555.55.
 - Mayor Hicks – concern that we would not have a piece of equipment to brush with in future.
 - R. Spurway, PWS – contract out verses having your own equipment. There is some issues with the excavator – need float to move, no ditching bucket, cost of operation and wear and tear.

Res: 345 Moved by: M. Hopkins Seconded by: J. Kern
 Be it resolved that Council of the Township of Johnson accepts the tender of \$55,555.55 for the 2007 Case Excavator from Alex McRae. Carried

2. Proposed public meeting/open house – discussion on ideas, format and dates.
 - Set for Wednesday October 28, 2015 at 7:00 p.m., at the JTCC Hall
 - One possible format – setup, with welcome speech from Mayor, then break off into different area's i.e. roads, fire department, recreation etc., with each Councillor picking an area/department of interest or one they are working with. They would represent this area and reach out to the ratepayers with information and respond to questions.
 - Council to bring their ideas on format etc., at next meeting.
 - Council will send in suggestions for a survey questions to be sent out by end of September. Questions arising from the survey may be responded to at the public meeting/open house.
3. Canteen Tender – none received. What is next step?
 - Councillor Kern – people want the canteen
 - Councillor Robinson & Ross – want canteen closed

Action: Council approved the re-advertising the Canteen operations – for weekends only.

4. Special Council Meeting – pertaining to the Gordon Lake Hall Survival and maintenance costs and repairs needed. Wednesday September 16th at 7 p.m., at the JTCC Hall.

K) BY-LAWS:

1. By-Law # 2015-802, being a by-law to execute an Agreement with James and Mary Kettles re: Site Plan Agreement 119B Lantern Lane, Desbarats.

Res: 346 Moved by: M. Hopkins Seconded by: C. Ross
 Be it resolved that the Council of the Township of Johnson reads and passes By-Law # 2015-802, being a by-law to execute an Agreement with James and Mary Kettles re: Site Plan Agreement 119B Lantern Lane, Desbarats. Carried

2. By-Law # 2015-803, being a by-law to confirm meeting proceedings.

Res: 347 Moved by: M. Hopkins Seconded by: C. Ross
Be it resolved that the Council of the Township of Johnson reads and passes By-Law # 2015 --
803, being a by-law to confirm meeting proceedings. Carried

L) **HEALTH & SAFETY:** None

M) **CLOSED MEETING:** None

N) **ADJOURNMENT:**

Res: 348 Moved by: M. Hopkins Seconded by: J. Kerns
Be it resolved that the Council of the Township of Johnson adjourn the meeting at 6:55 p.m.
Carried

Date Adopted

Ted Hicks, Mayor

Ruth Kelso, CAO/Clerk



H(1)

09/16/15

COMPLAINT FORM

Complaint #: 1 Date: Aug-12/2015

Reported by: Ray Roznik

Address: 5 Hiawatha Drive

Phone #: 705 943 6000

I have a concern about the following: PROPERTY/ ROAD / ANIMAL / OTHER Safety

Location: On Government Rd. + Lake Huron Drive

The following are my concerns:

As I was driving back to cottage from the dump, was almost in a head on car collision as the other vehicle swerved around horse poop. This was a very close call. Just missed each other. I suggest, the horses wear a "poop bag", like w southern ont. This would keep our roads cleaner as well.

Signature: [Handwritten Signature]

Received by: Frieda Lebel

Referred to: Ruth Kelso

H (2)

09/16/15

Ruth Kelso

From: Melanie Lees <MLEes@algomapublichealth.com>
Sent: Thursday, September 10, 2015 10:58 AM
To: 'ruth.kelso@bellnet.ca'
Subject: APH Flu Clinic in Desbarats

Good Morning Ruth,

Once again we are entering the flu season and planning our flu clinics in Blind River and surrounding areas. Last year we held our Desbarats flu clinic at the Johnson Township Community Centre upstairs. The event ran smoothly and was well attended.

We are interested in holding our clinics at the Community Centre again this season if you are agreeable . The date we are looking at is Tuesday November 17, 2015 and would likely run the clinic in the afternoon from about 2:00 PM – 6:00 PM.

Thank you!

Melanie Lees RN, BScN
Public Health Nurse
Algoma Public Health
9B Lawton Street
Blind River, ON P0R 1B0
Telephone: (705) 356-2551 Extension 5015
Fax: (705) 356-2494
E-mail: mlees@algomapublichealth.com
Visit our website at www.algomapublichealth.com

CORPORATION OF THE TOWNSHIP OF JOHNSON

BY-LAW NO. 2015 - 804

BEING a By-Law to permit the OPERATION OF OFF ROAD VEHICLES on highways within the Township of Johnson that is under the jurisdiction of the Township of Johnson.

WHEREAS the Highway Traffic Act, R.S.O. 1990 Section 191.8 Chapter H8, as amended, authorizes the Council of a municipality to pass by-laws permitting the operation of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway;

AND WHEREAS the Highway Traffic Act, R.S.O. 1990 c. H8 Ontario Regulation 316/03 defines "off road vehicle" and provides the regulations governing the operation of off-road vehicles within municipalities;

AND WHEREAS the Municipal Council of the Township of Johnson deems it advisable to regulate the operation of all Off-Road Vehicles as defined in Section 1 of the Ontario Regulation 316/03 on highways within the jurisdiction of the Township of Johnson, or on any part or parts of such highways;

NOW THEREFORE the Council of The Corporation of the Township of Johnson enacts as follows;

1. Definitions:

I) "all-terrain vehicle" means an off-road vehicle that,

(a) has four wheels, the tires of which are all in contact with the ground,

(b) has steering handlebars,

(c) has a seat that is designed to be straddled by the driver, and

(d) is designed to carry,

(i) a driver only and no passengers, or

(ii) a driver and only one passenger, if the vehicle,

(A) has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and

(B) is equipped with foot rests for the passenger that are separate from the foot rests for the driver;

II) "multi-purpose off-highway utility vehicle" means an off-road vehicle that,

(a) has four or more wheels, the tires of which are all in contact with the ground,

(b) has a steering wheel for steering control,

(c) has seats that are not designed to be straddled, and

(d) has a minimum cargo capacity of 159 kilograms;

III) "off-road vehicle" has the same meaning as in the *Off-Road Vehicles Act*;

IV) "recreational off-highway vehicle" means an off-road vehicle that,

(a) has four or more wheels, the tires of which are all in contact with the ground,

(b) has a steering wheel for steering control,

(c) has seats that are not designed to be straddled, and

(d) has an engine displacement equal to or less than 1,000 cubic centimeters;

V) "seat belt assembly" means a device or assembly composed of a strap or straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person. O. Reg. 316/03, s. 1; O. Reg. 135/15, s. 1.

2. Conditions for off-road vehicles on highways:

a) An Off-Road Vehicle shall not be operated on highways unless it meets the equipment of Section 7 to 15 of the Ontario Regulation 316/03 and it is operated in accordance with Section 16 to 24 of the Ontario Regulation 316/03, 5.6.

3. Maximum speed:

a) An Off-Road Vehicle shall not be driven at a rate of speed greater than:
(i) 20 kilometers per hour, if the speed limit established under the Highway Traffic Act or by the Municipal By-Law for that part of the highway is not greater than 50 kilometers per hour; or
(ii) 50 kilometers per hour, if the speed limit established under the Highway Traffic Act or by the Municipal By-Law for that part of the highway is greater than 50 kilometers per hours.

4. Operations of the Off-Road Vehicles:

a) All applicable provisions of the Highway Traffic Act, R.S.O. 1990 as amended and Ontario Regulation 316/03 as amended shall apply to the operation of the Off-Road Vehicles on highways.
b) The operation of Off-Road Vehicles, meaning an all-terrain, a multi-purpose off-highway utility vehicle or a recreational off-highway vehicle shall be permitted on any highway within the Township of Johnson under the jurisdiction of the Township of Johnson in accordance with the Ontario Regulation 316/03 of the Highway Traffic Act and any amendments thereto.

5. Validity

(a) In any provision of this By-law is, for any reason, declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole, or any part thereof other than the provision so declared to be invalid, and it is hereby declared to be the intention that all the remaining provisions of this By-law shall continue to be in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

6. Penalty

(a) Any person operating an Off-Road Vehicle in contravention of this by-law shall be guilty of an offence and subject to the penalties provided by law.
(b) The penalties provided under the Highway Traffic Act shall apply to offences with respect to this by-law and shall be enforced by the local Ontario Provincial Police.

7. Repeals Previous By-Law

(a) By-Law # 2004 – 490 is hereby repealed.

8. Effective Date:

(a) This by-law shall come into effect on the day of its passing.

READ and passed in open Council this 16th. day of September 2015.

Seal

Ted Hicks, MAYOR

Ruth Kelso, CLERK

CORPORATION OF THE TOWNSHIP OF JOHNSON

BY-LAW NO. 2015 - 805

BEING a By-Law to confirm proceedings of the meeting of Council, September 16, 2015.

WHEREAS pursuant to Section 5 (3) of the Municipal Act, R.S.O. 2001, as amended requires a municipal council to exercise its power by bylaw except where otherwise provided;

AND WHEREAS in many cases, action which is taken or authorized to be taken by a Council or a Committee of Council does not lend itself to an individual bylaw;

THE Council of the Corporation of the Township of Johnson hereby enacts as follows:

1. That the action of the Council at its meeting September 16, 2015 in respect to each motion, resolution and other action passed and taken by the Council at its said meeting, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.
2. That the Mayor and the proper officers of the Township of Johnson are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required and to execute all documents as may be necessary and directed to affix the Corporate Seal to all such documents as required.

READ and passed in open Council this 16th. day of September 2015.

Seal

Ted Hicks, MAYOR

Ruth Kelso, CLERK