

MINUTES of a Special Meeting of Council for the Township of North Frontenac, held Wednesday, July 11, 2007 at the Clar/Mill Community Hall, Plevna, Ontario

PRESENT: Mayor Ron Maguire; Councillor Fred Perry and Councillor Wayne Good – Ward 1; Councillor Wayne Cole and Councillor Lonnie Watkins – Ward 2; and Deputy Mayor Jim Beam and Councillor Bob Olmstead – Ward 3.

ALSO PRESENT: Brenda Defosse, Clerk

1. CALL TO ORDER

The Mayor called the meeting to order at 11:00 a.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

None noted

3. DELEGATIONS

Bob Walroth, Mitch Close and Monique Rolf von den Baumen-Clark, of the Ministry of Natural Resources (MNR) in attendance to discuss:

a) Conditions of the Municipal Land Use Permit

MNR was asked about the status of the boat launch at Pine Lake should a Land Use Permit (LUP) be issued to AAFNA. Council was advised that the LUP with the municipality provides for maintaining up to 22 boat launches including Pine Lake, but that does not mean the municipality maintains all of them and it is specific to launches, not the road(s) providing access to the launches. Maintenance is at the discretion of the Municipality and that was the reason for not having a specific description of the different areas in the LUP. MNR felt the Pine Lake launch was one the municipality did not maintain. Due to AAFNA's interest in the Pine Lake site some Councillors have expressed some doubt as to whether AAFNA's LUP will disallow North Frontenac residents and campers from using the launch. It was MNR's understanding that the Public's access will not be unduly affected by AAFNA, other than the weekend of the annual POW WOW at which time there will be congestion. Some Councillors recommended and encouraged MNR to open an alternate access on Pine Lake for the public to alleviate uprising.

The Mayor stated AAFNA has always been willing to allow cottagers access to the lake via the boat launch. Is it incumbent on the Township or AAFNA to continue to maintain the access or would MNR be in a position to open another entrance to the lake?

MNR advised this would be complicated as they would require another EA and do not feel they need to entertain another access point, advising MNR could remove that access point from the Municipality's LUP.

Cole stated the access is presently on Crown Land and asked if removing it from the LUP would change the cottagers' access. MNR clarified that the shore road allowance is municipally owned and the road into the shore road allowance is Crown Land.

MNR confirmed the present Environmental Assessment being undertaken is looking at the feasibility of providing land for a building or buildings at the site, accommodating a small footprint of approximately 3000 square feet, approximately 2 or 3 acres . (Area presently staked out 70' X 30' = 2100 sq., ft., plus area for a septic system for a total of

approximately 3000 sq. ft.) It does not include the access road itself. The tent pads are not part of the land tenure.

Cole stated he estimated the tent pads would cover 4000 sq. ft., (i.e. Forty 10'X10' square pads) which causes him concern with the status of the property. This coverage indicates considerable use from that site without any authority from the municipality.

The EA for Pine Lake by AAFNA in consultation with MNR – Comments due June 16 was for improving the tent pads, arbour, parking lot and pow wow area. The outcome will be to authorize work to be done on Crown Land, that is deposit fill and complete the parking lot.

Entrance Permit – MNR has sanctioned same so MNR does not see any problem with access being permitted by the Municipality. There have been no meetings with the Municipality since last November regarding the entrance concerns. AAFNA met with the Public Works Manager at the site regarding a proposed entrance and safety concerns if such an entrance was permitted. If an entrance is to be provided the safest location was one that could be placed as far North as possible. When the question was asked if AAFNA was going to purchase a permit, Maguire confirmed that we already know AAFNA will not be applying for or paying for a permit and should not expect same.

Arbour Construction – To what standard will it be constructed? Will the Municipality be monitoring the construction of same or has MNR considered it not coming under the Ontario Building Code? MNR expects that AAFNA will comply with all municipal requirements.

Pow Wow Grounds – Looking for authority to complete the Pow Wow grounds. However AAFNA has been silent on asking MNR to seek authority from the Township.

The Architect for AAFNA has committed to meet the Ontario Building Code and adhere to same.

Monique advised that until a resolution of the Land Claim negotiations MNR is trying to work in good faith according to their responsibilities, short or long term.

Cole asked if that wasn't a matter for the Courts?

Monique stated we are working together and all work according to our legislation.

Entrance – Monique asked if there had been any other meetings since last November regarding an entrance. An entrance to the proposed parking lot was discussed with the Public Works Manager last November. At that time he indicated if an entrance was necessary then the most safe location would be as far north on Ardoch Road as possible, taking it as far away from the foot of the hill as possible.

Cole stated this is two situations where AAFNA has occupied the land without authority and nothing was done. A well was put on the site and nothing was done, but we are told they are acting in good faith. Monique responded that there are two sides to every story.

Cole asked if we are acting responsibly in getting a settlement here. Is that site really suitable for AAFNA rather than 20 or 30 acres somewhere else? Monique confirmed that

AAFNA has shown good intentions for a resolution. All concerns received in response to the Notice of the EA will be looked at to see if they can be mitigated

Cole asked where AAFNA will go next? Monique indicated MNR are looking to see the issues resolved and want everyone to be happy with the outcome. It is for this purpose the EA is undertaken, to hear input from the public and dialogue with them. It was stated that if someone other than a native attempted to do what AAFNA has done they would not get away with it.

Monique asked if the concerns for the access to the launch was for weekends? Cole states his concern are for 365 days of the year. The application under the RED Program stated no less than three users of office space. This would put the site into a commercial use.

Monique advised the application also included the proposed Centre to be located across Ardoch Road (east side).

Cole asked where the proposed septic bed would be located on the Pine Lake side? Council was advised it was to be located on the northeast section of the land 30 meters from the lake, and it was expected that AFFNA would get the property approvals from agencies. (i.e. health unit etc.)

Walroth advised they would review impediments of the lake for another access.

- b) Ontario Federation of Anglers and Hunters (OFAH) letter dated June 6, 2007- Access issue; and
- c) MNR Public Notice for a Category B Project Evaluation for Pine Lake- Deadline for comment is July 16, 2007; Mr. and Mrs. Ferguson's letter to the MNR and the MNR's letter to AAFNA

MNR confirmed that changes have been made to the LUP with the Municipality over the years. One conclusion, after working with the first LUP was to charge a toll for the roads which tolls were to be used to pay for maintenance; otherwise the program could not sustain itself. Cole asked how much concern is access to these sites (Crown Land) and the water access sites, as the Fire Department was called to a location on Mosque Lake and they could not handle the call as the road was virtually impassible. What does that do to our liability? If we do not maintain the roads are we negligent? Good stated he did not feel the municipality would be liable as we only took over from the cottagers. MNR explained there are several areas containing thousands of roads on Crown land. These roads are not maintained by MNR. People originally purchased water access lands and eventually found their own way over Crown lands to obtain land access. The lands were purchased as "water access only". Over time cottage associations have taken over a lot of the maintenance of such roads.

Beam confirmed that the roads under the LUP are checked regularly and some maintenance is carried out.

MNR advised until this year there were 54km of roads under the municipality's LUP and under a condition in the LUP MNR expects a certain level of service of these roads.

Walroth advised they have current letters from the OFAH which encourage the program. He advised OFAH was originally opposed to charging fees in principle. They were advised of a couple of changes in the program. (i.e, residents can access their property for free; residents of the municipality have a reduced fee to access the roads if they are wishing to recreate.) OFAH has been invited to come for a site visit.

The Mayor confirmed that monies were spent last year in implementing a reservation system which seems to be going well this year. All monies are put back into the program. MNR confirmed they do not view this program as controversial.

Perry stated through this program the municipality is doing a favour for MNR making it a two way street. Adding, we cannot use the monies made on the program on the maintenance of roads that are not under our LUP.

d) Kashwakamak Lake Access Points – MNR

The Mayor advised the municipality is receiving calls and letters of concern/complaint from water access property owners from several lakes. People originally bought these properties to escape the crowded areas and now because these areas are filling up they expect more services and experiencing congestion problems.

Mitchell Island proposal for a B Category LUP – MNR advised this LUP is for a parking lot and docks but not a launch. The need seems to have arisen due to marine facilities closing down. They confirmed receipt of negative comments from some residents on the lake. MNR asked if there was any option the municipality could offer, such as the municipal access point at the west end of Mitchell Bay, off Myers Cave Road. It was confirmed the municipality will not incur liability for any docks on municipal property. MNR advised that part of the area required by the Mitchell Island application is presently covered by the municipal LUP, however there are no campsites on same. Everyone viewed the map and it was the consensus of Council to remove the area from the LUP.

e) Kashwakamak Waste Disposal Site – access concern

MNR gave the municipality permission to drop a tree to help eliminate access to the Kashwakamak disposal area, which is being abused by area taxpayers.

The Mayor thanked the MNR representatives and they left the meeting at this time.

4. OLD BUSINESS

a) Plevna Library Closure discussion

Maguire made reference to the letter received from the Chair of the Kingston Frontenac Library Board and stated it seemed like we are going around in circles with the issues around the closure of the Plevna Library. He reaffirmed the mould would not be eliminated until major reconstruction was undertaken. We must clarify once and for all with the Board that we are probably a long way from reopening the library as the situation is much larger than the mould removal and installation of a humidex system. Further use of the Plevna Hall is one of the matters for consideration by the Community Facilities Analysis Task Force. Beam asked if perhaps we need to have a meeting with the Board, face to face. He indicated the Ompah Library is being used but it is too small as there is no place to sit down and read. Olmstead offered that a survey of the Clar/Mill Hall by an Engineer should be done as soon as possible and proceed from there either to knock it down or do the necessary repairs. Cole added his agreement. Beam confirmed the need to know and this would mean having someone in to determine the status. It was suggested if an

Engineer was coming he may as well assess the Ompah Community Hall building at the same time. Good stated a qualified engineer should do the assessment and give a quote of the costs involved. Beam agreed that a baseline is needed.

Moved by Councillor Olmstead, seconded by Councillor Good #306-07

THAT Council authorizes the CAO to tender for a structural engineer to review the Clar/Mill and Ompah Community Centres to determine the structural integrity of each and provide estimated costs of repair/renovation.

Carried

b) Application to Broadband Program update – Mayor Maguire
Maguire explained the Program, including the benefits and proposed funding and how the funding could affect North Frontenac.

Moved by Councillor Olmstead, seconded by Councillor Good #305-07

THAT Council supports the initiative by the Eastern Ontario Wardens' Caucus (EOWC) to prepare and submit a consolidated EOWC Regional application for broadband coverage in Eastern Ontario;

AND THAT Council agrees with Frontenac County preparing a subset application and proceeding to the tender process, if successful.

Carried

c) Bon Echo Provincial Park Waste Disposal Agreement of 2004 – Scheduling of a Special Council Meeting – Clerk's Administrative Report dated July 10, 2007

The Clerk advised she had provided the Admin Report and copies of documentation from this file for review prior to a joint meeting being held so if there were questions or further information required by Council before the meeting they would have opportunity to ask and receive same. Today the Clerk asked for two tentative dates for such a meeting and would advise of the exact date and location once scheduled with the other two parties, Bon Echo Park and Addington Highlands representatives. The two dates given were 4:00 p.m., on the 17th and anytime the 23rd of July, 2007

5. NEW BUSINESS

a) Palmerston Lake Restaurant – request to sell Bag Tags

Moved by Councillor Good, seconded by Councillor Olmstead #302-07

THAT Council appoints Palmerston Lake Restaurant as a vendor of waste bag tags for the Township of North Frontenac, effective immediately.

Carried

6. BY-LAWS

a) #46-07 - To appoint an Administrative Assistant

Moved by Councillor Good, seconded by Councillor Olmstead #303-07

THAT By-law #46-07, being a by-law to appoint Tammy McQuigge as an Administrative Assistant effective July 16, 2007 be read a first and second time.

Carried

Moved by Councillor Good, seconded by Councillor Olmstead #304-07

THAT By-law #46-07 be read a third time and finally passed.

Carried

Mayor Maguire left the meeting at this time to attend another meeting in Kingston.

The Deputy Mayor called for "Other Business" at this time.

a) Cole asked that at the next Council meeting the parameters of "ASAP" (as soon as possible), that is what time limits are placed on ASAP (as soon as possible) be discussed.

b) Olmstead indicated on Sunday when he attended the Snow Road Community Centre someone had plugged in the pressure system in the basement which has not been used or required for sometime. He indicated the previous North Frontenac Council had stated the well at this location was to be capped and the pressure system removed. Beam asked the Clerk to locate the respective Council resolution.

c) Olmstead stated with respect to the complaint regarding "not" recycling by one taxpayer at the Mississippi Waste Site, that taxpayer was advised by a member of the previous Council that he did not have to recycle. The Clerk confirmed that the municipality cannot make anyone recycle, however all means are used to encourage recycling. The reason the bag tag system was introduced in the first place was as a means to encourage recycling and for most ratepayers, and especially businesses it has paid off two fold, by recycling as much as possible they are not paying anything for their garbage disposal and the life expectancy of the waste sites has actually increased.

d) Watkins stated he had received a call regarding lilacs growing out of control outside of and spreading into the Ardoch cemetery. He volunteered to brush or saw and chip the lilacs but would make contact with the Catholic Cemetery representatives first as the lilacs were there also. It was suggested that same be discussed at the Cemetery Task Force meeting on Friday.

7. ADJOURNMENT

Moved by Councillor Good, seconded by Councillor Olmstead #307-07
THAT the meeting adjourns at 1:22 p.m. until July 19, 2007 or at the call of the Chair.
Carried

Mayor

Clerk