



THE TOWNSHIP OF TARBUTT
Council Meeting Agenda
Wednesday, December 15, 2021 at 6:00 pm
Tarbutt Township Council Chambers

PLEASE BRING A DONATION FOR THE FOOD BANK

1. CALL TO ORDER

2. DISCLOSURES OF PECUNIARY INTEREST

3. PREVIOUS MINUTES

- 1-7 a. Minutes of the regular Council meeting held November 17, 2021

4. ADOPT ADDENDUM

5. FINANCIAL STATEMENTS

- 8-13 a. Financial Statements for the month of November, 2021

6. STAFF AND COMMITTEE REPORTS

- 14 a. Road Superintendent Verbal Update
 b. Sand Shed Proposal Report by M. Pigeon
 c. Clerk's Report

7. OLD BUSINESS

- 15-18 a. Puddingstone Road Boundary Agreement

8. NEW BUSINESS

- 19-23 a. Committee of Adjustment, Minor Variances
24-26 b. Recycling Proposal

9. INFORMATION

- 27 a. Correspondence items 1 through 12 listed on the Consent Agenda

10. MEETINGS/WORKSHOPS

11. NOTICES OF MOTION



12. CLOSED SESSION

- a. Closed session under Sec. 239 of the *Municipal Act* to discussion personal matters about an identifiable individual, including municipal or local board employees.

13. CONFIRMATION BY-LAW

14. ADJOURNMENT



THE TOWNSHIP OF TARBUTT
Minutes of the Council Meeting
Wednesday, November 17, 2021 at 6:00 pm
The Township of Tarbutt Municipal Office

PRESENT: L. Smith, Mayor
D. Farrar (joined virtually at 6:10 pm)
U. Abbott
D. McClelland
R. Wigmore

STAFF: C. Mahoney, Treasurer
M. Pigeon, Acting Road Superintendent
C. Trainor, CAO/Clerk/Deputy Treasurer

1. CALL TO ORDER

Mayor Smith called the regular Council meeting to order at 6:00 pm.

2. DISCLOSURES OF PECUNIARY INTEREST

3. PREVIOUS MINUTES

a. Minutes of the regular Council meeting held October 20, 2021

Resolution No: 2021 – 167

Moved by: R. Wigmore

Seconded by: D. McClelland

Be it resolved that the minutes of the regular Council meeting held October 20, 2021 be approved as circulated.

Carried

Resolution No: 2021 - 168

Moved by: D. McClelland

Seconded by: R. Wigmore

Be it resolved that By-law 10-2021 being a By-law to appoint a Clerk/Deputy Treasurer be hereby amended to revise the title to CAO/Clerk/Deputy Treasurer.

Carried

4. ADOPT ADDENDUM – no addendum

5. FINANCIAL STATEMENTS

a. Financial Statements for the month of October, 2021

Resolution No: 2021 – 169



Moved by: D. McClelland

Seconded by: R. Wigmore

Be it resolved that the financial statements for the month of October 2021 be approved as circulated.

Carried

Councillor Farrar joined the meeting virtually.

b. Year to Date Financial Update

Treasurer C. Mahoney presented a financial year to date schedule. Council discussed line item variances, shortfalls, surplus areas, and transfers of various items. Staff were authorized to pursue using the Municipal Modernization Funding to purchase and install a server which would enable staff to work remotely, access data when out of the office, and improve security.

Resolution No: 2021 – 170

Moved by: R. Wigmore

Seconded by: U. Abbott

Be it resolved that the Year to Date financial report dated November 17, 2021 be received.

Carried

c. Year End Transfers to Reserves

Resolution No: 2021 – 171

Moved by: D. McClelland

Seconded by: U. Abbott

Be it resolved that Council authorize the following:

- Transfer Funds in the amount of \$3,500.00 from the 2021 Operating Account to Reserves
- Transfer funds to cover consulting fees for the sand shed from the Municipal Efficiency Fund to the operating account;
- Establish a Reserve account for Cannabis funding in the amount of \$15,000.

Carried.

6. STAFF AND COMMITTEE REPORTS

a. Roads Report and Sand Shed Proposal – M. Pigeon

Acting Road Superintendent Mike Pigeon advised Council of discussions with his counterparts in the area and suggested that significant savings could be achieved by stockpiling winter sand in the yard, while making preparations for the construction of a sand shed in 2022. Council concurred that the savings were significant, and authorized proceeding.



Resolution No: 2021 – 172

Moved by: R. Wigmore Seconded by: U. Abbott

Be it resolved that the verbal report by M. Pigeon and cost estimates for the construction of a sand shed at 27 Barr Road S. be received; and

That Council authorize the Acting Roads Superintendent to proceed with the proposal for winter sand and salt; and

That staff be authorized to negotiate with the proposed vendors for the construction of a tarped sand shed in the 2022 budget.

Carried

b. Clerk's Report

C. Trainor updated Council on several matters including landfill administration, MacLennan Hall rental agreement, the annual Emergency Management training exercise, and progress with the sand shed project. The 2012 plough truck has been delivered to auction. Council confirmed that they do not wish to consider changes to the previous election procedures or voting method.

Resolution No: 2021 – 173

Moved by: D. McClelland Seconded by: U. Abbott

Be it resolved that the Clerk's Report dated November 17, 2021 be received.

Carried

7. OLD BUSINESS

a. Letter from K. Good, 2815 Government Road

Re: MacLennan Hall Active Transportation Hub Site Plan

Resolution No: 2021 – 174

Moved by: U. Abbott Seconded by: R. Wigmore

Be it resolved that the letter from K. Good, 2815 Government Road regarding activity at the MacLennan Hall be received; and

That a written response be provided.

Carried

8. NEW BUSINESS

a. Proposed Boundary Road Agreement for Puddingstone Road

Johnson Township has proposed an agreement whereby they will perform year round general maintenance on Puddingstone Road, and have asked that Tarbutt maintain the road access at the joint landfill site, year round. The cost of Puddingstone Road attached Boundary Road Agreement outlines an exception for capital works.



Resolution No: 2021 – 175

Moved by: D. McClelland

Seconded by: R. Wigmore

Be it resolved that Council authorize the Mayor and the Clerk to authorize the boundary road agreement between The Township of Tarbutt and The Township of Johnson for the general maintenance of a portion of Puddingstone Road, as presented; and

That leave be granted to introduce By-law 2021 – 28 being a by-law to enter into a Boundary Road Agreement with The Township of Johnson for the general maintenance of a portion of Puddingstone Road; and

That said by-law be read a first, and taken as read a second and third time and finally passed.

Carried

b. Automatic Aid Agreement with Johnson Township

At the request of The Township of Johnson, Council had previously approved, in principle, entering into an Automatic Aid Agreement for fire services where the Tarbutt Chief and Deputy would automatically be dispatched for Johnson calls, and would then assess and determine if the VFD is to respond.

Resolution No: 2021 – 176

Moved by: D. McClelland

Seconded by: U. Abbott

Be it resolved that leave be granted to introduce By-law 2021 – 29 being a by-law to authorize the Mayor and the Clerk to enter into agreement with The Township of Johnson for Automatic Aid for the Fire Department; and

That said by-law be given a first, and taken as read a second and third time and finally passed this Seventeenth day of November, 2021.

Carried

c. Emergency Planning

Council reviewed the previous list of roles and positions within the Emergency Control Group and agreed to the proposed revisions. The revisions were agreed to, and will be circulated prior to the next annual exercise which will take place on Nov. 18, virtually.

9. INFORMATION

a. Thank you card from the users of the MacLennan Hall

b. E-mail from Lavera Crack, Chair, Matthews Memorial Hospital Association

Re: Thank you for your support and successful resolution to recruitment funding issues



- c. Letter from the Ministry of Finance
Re: 2022 Ontario Municipal Partnership Fund (OMPF) allocations
- d. Resolution from The City of Sarnia
Re: Request Provincial government to address the practice of “renovictions” and to take steps to address the affordable housing crisis
- e. Resolution from the Township of Adelaide Metcalfe
Re: Increased funding for rural infrastructure projects
- f. Resolution from the Municipality of Mattice-Val Cote
Re: Direction to MPAC over the continued postponement of property valuation and assessment update
- g. Letter and proposed resolution from CUPE
Re: Calls for an Independent Review of OMERS Investment Performance
- h. Letter from the Ontario Fire Marshall
Re: COVID 19 Vaccination – Third Dose Eligibility

Resolution No: 2021 – 177

Moved by: D. McClelland

Seconded by: R. Wigmore

Be it resolved that correspondence items 1 through 8 on the consent agenda dated November 17, 2021 be received; and

That Council acknowledges receipt of the Thank you card from MacLennan Hall users; and the message from the Matthews Memorial Hospital Association Chair regarding physician recruitment funding; and

That Council supports the resolutions from the City of Sarnia; and

That the proposed resolution regarding an independent review of OMERS investment performance be approved for circulation.

Carried as amended

10. MEETINGS/WORKSHOPS

- a. C. Trainor attended one day AMCTO Zone meeting on November 4.
- b. J. Brice has successfully completed Unit 2 of the AMCTO Municipal Administration Program.
- c. C. Mahoney has participated in training for OPTA, PSAB updates, and asset management as well as attending a one day Finance Forum hosted by AMCTO.



- d. Planning Technical Workshop hosted by the Municipal Services Office of the Ministry of Municipal Affairs and Housing will be held via Zoom on November 24 and 25. J. Brice, C. Trainor and L. Smith will attend.

11. NOTICES OF MOTION

None

12. CLOSED SESSION

Resolution No: 2021 – 178

Moved by: D. McClelland

Seconded by: U. Abbott

Be it resolved that Council move into closed session at 8:17 pm in accordance with Section 239 of the Municipal Act, to consider personal matters about an identifiable individual, including municipal or local board employees.

Carried

a. Administrative/Planning Assistant Job Description

b. Road Superintendent / Acting

Resolution No: 2021 – 179

Moved by: D. McClelland

Seconded by: R. Wigmore

Be it resolved that Council does rise from closed session at 9:03 pm.

Carried

Resolution No: 2021 – 180

Moved by: R. Wigmore

Seconded by: D. McClelland

Be it resolved that the job description for the Administrative/Planning Assistant be approved as circulated.

Carried.

Staff were authorized to make changes to the Township's cellular phone practices and to purchase a new phone for M. Pigeon.

Roundtable discussion included the following:

- a report on the Remembrance Day services at Port Findlay Cenotaph;
- consider an RFP for emptying the bunker at the landfill;
- vaccination status of volunteer fire fighters;
- circulating an RFP for Engineering services;
- Proposals for individuals with building certification; and
- a Council and staff Christmas gathering.



13. CONFIRMATION BY-LAW

Resolution No: 2021 – 181

Moved by: D. McClelland Seconded by: R. Wigmore

Be it resolved that leave be granted to introduce By-law 2021 - 30 being a by-law to confirm the proceedings of the regular Council meeting this Seventeenth day of November, 2021; and

That said by-law be given a first, and taken as read a second and third time and finally passed in open council.

Carried

14. ADJOURNMENT

Resolution No: 2021 – 182

Moved by: D. McClelland Seconded by: R. Wigmore

Be it resolved that the regular Council meeting of November 17, 2021 be adjourned at 9:48 pm, to meet again on Wednesday, December 15, 2021 at 6:00 pm.

Carried

Lennie Smith, Mayor

Carol Trainor, Clerk

TARBUTT GENERAL
November 2021

TARBUTT GENERAL REVENUES		Amount	NOTES
Taxes November		17891.49	
Tax Interest		1316.2	
TOTAL TAXES AND INTEREST		19,207.69	
Admin Fee(s)		5.00	
Dog License(s)		0.00	
Tax Certificate(s)		25.00	
Build Permit(s)		730.00	
Printing/Phones		155.05	
Plotter		48.00	
Covid Funding		11925.00	
Agricorp - Rain Gauge		100.00	
HST Jan-Jun Rebate		15041.95	
TOTAL CASH BOOK RECEIPTS		28,030.00	
GRAND TOTAL REVENUES		47,237.69	

TARBUTT GENERAL EXPENSES	Cheque	Amount	NOTES
Admin Payroll - (3220,3221,3222,3239,3250,3251		10,046.02	
Council Honourariums (3234-3238)		2,457.84	
CFDC - Employee Benefits	3183	1401.63	
Ironside Consulting	3211	656.35	
Hughes Supply	3213	41.66	
ADSAB November Levy	3214	27992.00	
Perdiem - Zone meeting Sudbury 2 day	3223	150.00	
Royal Canadian Legion - Poppy fund	3224	50.00	
Omers- October Remittance	3225	2779.94	
Algoma Office Equipment - Monthly Contract	3226	99.48	
17E Trading Post (Misc office)	3228	16.21	
Home Hardware - Cleaning Supplies	3229	8.98	
Realtax - tax sale	3241	890.40	
Algoma Business Computers - (laptop-Roads&Treasurer-Covid fund))	3243	3382.90	
Staff Mileage, phone & misc. reimbursements (3245,3247,3261&3263)		203.62	
Mark Anderson - TMM misc	3260	50.00	
Staples-misc office supplies - Visa	3262	21.70	
Bell-Internet, Landline- Visa	3262	358.77	
AMCTO-Municipal Finance Forum webinar-Visa	3262	335.81	
Home Hardware - Vacuum for office-Visa	3262	284.92	
Holiday Inn - Sudbury Zone meeting accomodation-Visa	3262	123.82	
Adobe - monthly mem - Visa	3262	20.35	
Canada Post - Stamps, Newsletter- Visa	3262	526.86	
Amazon - Misc office supplies - Visa	3262	41.01	
By-law enforcement	3264	87.81	
Care taker - Admin Office portion	3273	172.57	
Animal Control - November	3274	200.00	
McClelland's Hardware - salt office	3275	9.86	
Receiver General - Nov Remittance	3280	3892.14	
Algoma Power - Sep Hydro usage	EFT	76.42	

TOTAL OPERATING EXPENSES		56,379.07	
GENERAL EXPENSES		\$ 56,379.07	
ROADS EXPENSES		\$ 18,045.39	
LANDFILL EXPENSES		\$ 6,943.73	
FIRE EXPENSES		\$ 639.31	
HALL EXPENSES		\$ 5,426.63	
GENERAL REVENUE		\$ 47,237.69	
ROADS REVENUE		\$ -	
LANDFILL REVENUE		\$ 511.50	
FIRE REVENUE		\$ -	
HALL REVENUE		\$ 1,217.36	
TOTAL EXPENSES NOVEMBER 2021		\$ 87,434.13	
TOTAL REVENUE NOVEMBER 2021		\$ 48,966.55	
TOTAL REVENUE LESS EXPENSES NOVEMBER 2021		-\$ 38,467.58	

TARBUTT ROADS STATEMENT			
November 2021			
ROADS REVENUES:		Amount	
TOTAL REVENUES		0.00	
ROADS OPERATING EXPENSES	Cheque	Amount	
Roads Payroll - (3219,3227,3248,3249,		4585.80	
Gilbertson - granular A (recovered Dalton culverts)	3215	1614.05	
Air Liquide - Cylinder lease	3216	107.87	
Omers- October Remittance	3225	246.02	
17E Trading Post (Fuel, Diesel)	3228	327.80	
Raker-Etest '12 snow plow to auction	3230	198.43	
Minister of Finance- Temp sticker ('12 snow plow)	3231	330.00	
Perdiem - 3X2 day deliver Plow to auction, mileage	3232,33,53,54	1260.70	
Tulloch - Building Inspector	3242	958.12	
Reimburse - note books	3244	17.77	
COOP - furnace oil	3246	18.15	
Home Hardware- push broom	3256	38.66	
Pine Ridge - Tow	3258	1130.00	
Bell Mobility	3262	163.97	
MTO-CVOR renewal	3262	51.00	
Bell Canada	3262	31.88	
Parry Sound Inn & Suites-3 nightsx2-snow plow delivery -Visa	3262	474.19	
Staples - printer,misc supplies - Visa	3262	184.41	
Currie Truck Centres- Snow plow tow-Visa	3262	904.49	
Onroute - Gas-Snow plow delivery-Visa	3262	135.08	
Amazon - Misc office supplies - Visa	3262	67.29	
Traction Heavy Duty - misc plow parts	3265	548.68	
Algoma Power- Sep Hydro	EFT	76.41	
Receiver General - Nov Remittance	3280	1612.84	
TOTAL OPERATING EXPENSES		15,083.61	
ROADS CAPITAL EXPENSES			
Loan Payment - Backhoe (Payment 60 of 60)		2284.66	
Loan Interest - Backhoe		5.73	
Loan Payments - F250 (Payments 60 of 60)		669.71	
Loan Interest - F250		1.68	
TOTAL OPERATING & CAPITAL EXPENSES		18,045.39	
NET ROADS EXPENSES		18,045.39	

TARBUTT FIRE DEPARTMENT			
November 2021			
		Amount	NOTES
FIRE REVENUES			
TOTAL REVENUES		0.00	
FIRE EXPENSES	Cheque	Amount	
Quattra - Monthly Dispatch Service	3212	329.30	
Heritage Home Hardware - Cleaning Supplies	3229	8.98	
Bell Mobilty	3262	54.89	
Bell Canada	3262	31.87	
Caretaker Wages - FireHall Portion	3273	38.34	
Legal fees (MTO reimbursement)	3278	99.51	
Algoma Power-Sep hydro usage	EFT	76.42	
FIRE TRAINING EXPENSES		639.31	
TOTAL FIRE OPERATING & TRAINING		639.31	
NET EXPENSES		639.31	

MACLENNAN HALL, TARBUTT			
November 2021			
REVENUE:		Amount	NOTES
Church Rent		500.00	
Algoma Power- Solar		717.36	
TOTAL REVENUES		1,217.36	
OPERATING EXPENSES	Cheque	Amount	
Caretaker Wages - Hall Portion	3273	268.43	
Heritage Home Hardware - Cleaning Supplies	3229	8.98	
Bell Canada - landline	3262	58.92	
E Sherk- progress pmt for OCIF Hall project	3266	5,000.00	
Algoma Power-Sep hydro usage		90.30	
CAPITAL EXPENSES		5,426.63	
TOTAL CAPITAL EXPENSES		0.00	
TOTAL OPERATING & CAPITAL EXPENSES		5,426.63	
NET EXPENSES		4,209.27	

JOHNSON-TARBUTT LANDFILL			
November 2021			
REVENUE:		Amount	NOTES
Tipping Fees		120.00	
EPRA Electronic Recycling		391.50	
TOTAL REVENUES		511.50	
EXPENSES:	Cheque	Amount	
Landfill - Payroll & Allowance (3268,3269,3270,3271,3272)		2,833.81	
GFL - Landfill Recycling Bins (October)	3210	3,174.91	
Omers- October Remittance	3225	406.04	
Karhi - building move	3259	486.92	
Staples-batteries	3262	21.69	
Spypoint - camera monthly mem	3262	20.36	
TOTAL OPERATING EXPENSES		6943.73	
TOTAL NET EXPENSES		6432.23	



The Township of Tarbutt
27 Barr Road South
Desbarats, Ontario P0R 1E0
Ph: 705-782-6776 Fax: 705-782-4274

REPORT TO COUNCIL

Date: December 15, 2021
From: Mike Pigeon, Road Superintendent
Re: Sand Shed Proposal

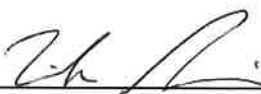
Further to the Council discussion and agreement at the November meeting, the following is an estimate of the costs and materials and labour proposed for the construction of a sand shed in the Works yard.

Building (tarp structure)	\$70,000
A gravel for base (12 loads)	\$ 3,840
B gravel for bracing walls (8 loads)	\$ 2,160
Filter cloth for under base	\$ 618
Labour for Base layout @25 hours	\$ 3,950
Asphalt Pad	\$22,000 plus HST
Packer rental (800 lbs)	\$ 150 per day
Block Wall	\$30,000
Labour for building	\$50,000
Backhoe (90 hours x \$15)	\$ 1,350
Grader (2 hours)	\$ 280

TOTAL ESTIMATED COST	\$184,348 plus HST
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Where possible, Township employees shall conduct as much of the work as possible.

Sources and suppliers can be discussed. In accordance with the Procurement Policy, three quotes will be obtained where applicable and where possible, for items exceeding \$5,000, except where sole source or single source purchasing exemptions apply.



M. Pigeon, Road Superintendent

7a



The Township of Johnson
1 Johnson Drive, Box 160 Desbarats, Ontario, P0R 1E0
Phone: 705 782 6601 Fax: 705-782-6780
gmartin@johnsontownship.ca

November 18th 2021

Tarbutt Township
Council and Clerk

RE: Joint By-Law Puddingstone Road

Generally Joint by-laws are prepared and agreed to before being simultaneously passed, thereby ensuring one by-law that contains the agreed to schedule. With regard to Tarbutt's By-law 2021-28 Boundary Road maintenance, there are a couple of items that require clarification.

1. Where the Municipal Act does require authority to be exercised by By-Law it does also provide authority for Boundary Road Agreements specifically as I had indicated in the joint draft by-law I prepared for Councils.
2. There is a contradiction in your By-Law, in the third WHEREAS your by-law states ...'... to exchange the **cost** of the general maintenance of Puddingstone Road for the general maintenance of the Joint Landfill Site.' This is followed in Schedule 'A' with the request to provide a ... 'reconciliation of a 50/50 split.'

The cost of maintenance of the Landfill would most definitely exceed the cost of maintenance of the Boundary Road, so it would not be in Tarbutt's interest to exchange the costs.

The intent was never to exchange the cost of doing one for the cost of doing the other or to in anyway link the two by-laws together. A reconciliation is necessary for each. The Boundary Agreement and the Landfill Agreement should be treated as two entirely separate agreements able to exist or not exist, be repealed or amended accordingly but independent of one another. As this by-law is currently worded the repealing of the Boundary Agreement by-law would also cause the Landfill by-law to be repealed ... 'in exchange'?

3. Under sec. 4. of the By-law it states that the Tarbutt Clerk (being a Tarbutt By-law not a joint by-law) shall have the authority to ... 'execute any renewal agreements or administrative amendments.'

Currently the way Schedule 'A' is written this by-law ends in one year and will have to be redone. ...'trial basis of one year.' To renew or continue this agreement a new by-law will need to be written when this one ends in a year and amendments to the schedule in the future would also require an amending by-law, approved by council, as per the Municipal Act.

Under sec. 2. of this by-law previous by-laws are *hereby repealed*, therefore at the end of one year there will be no Boundary Road Agreement to go back to or to continue on with.

Johnson Council did provide first reading to a Joint Boundary Road by-law.

As per the current joint by-law Johnson is providing winter maintenance for Puddingstone Road so we there is no great pressure to have this in place for January 1st.

Glenn Martin, Clerk
Cc Johnson Council

7a

**THE TOWNSHIP OF TARBUTT
BY-LAW 2021 – 28**

A by-law authorizing the Mayor and the Clerk to enter into a Boundary Road Agreement with The Township of Johnson for the maintenance of Puddingstone Road.

WHEREAS pursuant to section 2 (5) subsection (3) of the *Municipal Act*, S.O. 2001, c 25, as amended, the power of the Council of the Corporation of The Township of Tarbutt shall be exercised by By-Law; and


WHEREAS Section 9 of the *Municipal Act*, 2001, as amended, grants municipalities the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act; and

WHEREAS the Council of The Township of Tarbutt deems it advisable to enter into an agreement with The Township of Johnson to exchange the cost of the general maintenance of Puddingstone Road for the general maintenance of the Joint Landfill Site;

NOW THEREFORE the Council of The Corporation of The Township of Tarbutt enacts as follows:

1. THAT the Mayor and the Clerk are hereby authorized to execute the above noted Boundary Road Agreement between The Township of Tarbutt and The Township of Johnson, which shall be in effect for a trial period of one year, and which may be renewed upon agreement by both parties.
2. THAT this Agreement is hereby attached as Schedule "A" to this By-law.
3. THAT any previous by-law or resolution which conflicts with this by-law shall be and is hereby repealed.
4. THAT the Clerk shall have the authority and direction to execute any renewal agreements or administrative amendments.
5. THAT this Agreement shall come into force and take effect January 1, 2022.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME and finally passed this Seventeenth day of November, 2021.


Lennie Smith, Mayor


Carol O. Trainor, Clerk

Schedule "A" to By-law 2021 – 28
BOUNDARY ROAD AGREEMENT FOR
A PORTION OF PUDDINGSTONE ROAD

The Township of Tarbutt and The Township of Johnson acknowledge and accept that the road known as Puddingstone Road, from Government Road North to the intersection of Cave Road, constitutes the boundary between Johnson Township, being their most westerly boundary, and Tarbutt Township, being their most easterly boundary.

The two municipalities further acknowledge and accept that the Boundary Road originated as a forced road and, as such, does not lie precisely along the identifiable limits of the municipalities, and may, at times, be completely within one municipality or the other. Despite this fact, the traveled portion of the road is still considered the boundary road between the two municipalities.

All general maintenance work shall be performed or coordinated by Johnson Township on a trial basis of one year. Each municipality shall be responsible for the ditches, brushing and entrance culverts on their respective side of the boundary road.

General Maintenance shall be considered to be the work done on or within the traveled portion of the road between the ditches, including:

- Maintenance of gravel
- Grading
- Snow ploughing
- Sanding
- Maintenance of bridges and guiderails
- Washouts
- Dust control
- Cross road pipes

The Johnson Township Road Superintendent will conduct patrol and to advise Tarbutt Township in the event of any issues which require their attention, and for which Johnson Township shall hold no liability.

Reconciliation

Johnson Township shall track all General Maintenance work performed on the boundary portion of Puddingstone Road and provide a comprehensive invoice annually showing the 50/50 split on expenses. Reconciliation shall include 50% of the invoiced maintenance of the Railway Crossing.

Capital Work

Capital work will be considered annually on an "as needed" basis and shall be the responsibility of Johnson Township. No capital work shall commence without the prior written approval of both municipalities.



The Township of Tarbutt
27 Barr Road South
Desbarats, Ontario P0R 1E0
Ph: 705-782-6776 Fax: 705-782-4274

REPORT TO COUNCIL

Date: December 15, 2021
From: Carol Trainor, Clerk/Deputy Treasurer
Re: Minor Variance / Committee of Adjustment

Council is aware that the Zoning By-law establishes use of land, the location and size of buildings, lot sizes and dimensions, and measures such as shoreline setbacks, building setbacks, and property lines. Property owners frequently want to make changes to their property that exceed or cannot meet the limits established in the zoning by-law, and so they can apply for an exemption.

For exemptions that are of a minor nature, i.e. reducing a shoreline setback, height of a building or allow more than the maximum footprint, the Planning Act provides that a Committee of Adjustment be established to decide whether these exceptions would be allowed on an individual property. For projects that do not meet the definition of "minor" such as rezoning from residential to commercial, adding density or multiple units, a Zoning By-law Amendment would be required.

Council is being asked to determine which process they wish to use in such circumstances. Each process, C of A or ZBLA, requires an application to be submitted with a site plan, public notice to be given of a public hearing, a special meeting to be held, the opportunity for neighbours to object, the right to appeal a decision, and a 20 day appeal period following the decision.

- With a C of A, a new body would have to be established by by-law, approved by the Minister, have individuals appointed (not all councilors) and a set of rules and procedures put in place.
- With a site specific zoning amendment, Council would receive the application and make a decision at a regular council meeting while still fulfilling the public notice and appeal timelines.

Summary

The Zoning By-law Amendment and the Minor Variance processes are very similar, both can be appealed to the Ontario Land Tribunal (OLT), and both are subject to the same public notice requirements; however, Zoning Amendments are decided by Council, and Minor Variances can only be decided upon by a Committee of Adjustment appointed by Council. Consideration has been given to authorizing the Planning Board to grant minor variances but the Ministry advisor states that a C of A is required.

See attached e-mail exchange.

Decisions such as lot coverage, set backs to the shore or to an adjacent property are minor; but in the situation of Tarbutt Township, their permission may best be granted through a Zoning Amendment and decided by municipal council to prevent additional building delays and red tape.



As a result, council may consider the following options:

1. Establish a Committee of Adjustment, appoint members (not all council members) and appoint a Secretary-Treasurer, establish a fee schedule, processes, Terms of Reference, application forms and composition. Must comply with Planning Act requirements.
2. Continue to process minor Zoning Amendments but distinguish between a minor amendment (setbacks) and major amendments, such as changing the zone of a property from rural to industrial.

A varied fee structure would allow zoning amendments of a "minor nature" to be less costly.

In the most recent fee schedule for the Township (2002), Zoning Amendment applications are \$2000, and a Minor Variance was listed at \$250 but it is possible it may have increased to \$500.

Many municipalities now set the fee higher, at \$2,000, then refund a portion of the application fee if it is simple and no additional costs for legal or survey fees are incurred.

Carol O. Trainor

Excerpt from the Ontario Municipal Councilor's Guide to Planning

Zoning by-laws

A zoning by-law controls the use of land. It implements the objectives and policies of the official plan by regulating and controlling specific land uses (and as such, must conform with the plan). A zoning by-law achieves this by stating exactly:

- what land uses may be permitted (for example, residential or commercial)
- where buildings and other structures can be located
- which types of buildings are permitted (for example, detached houses, semi-detached houses, duplexes, apartment buildings, office buildings, etc.) and how they may be used
- lot sizes and dimensions, parking requirements, building heights and densities, and setbacks from a street or lot boundary

Zoning by-law amendments (or rezonings) may be necessary when the existing by-law does not permit a proposed use or development of a property. A rezoning follows the same basic process as passing the zoning by-law itself, including opportunities to appeal to the Ontario Land Tribunal (OLT). An amendment can be initiated by the municipality or by the public.

As with a new, comprehensive official plan, privately-initiated applications to amend a new, comprehensive zoning by-law are not permitted for two years after the new by-law comes into effect, unless your council passes a resolution to allow these applications to proceed.

Any person or public body, provided certain requirements are met, may appeal your council's decision to the Ontario Land Tribunal within 20 days of the date the notice of the passage of the by-law is given. This can be done by filing the appeal with your municipal clerk. When an appeal is filed, the OLT holds a public hearing and may approve, repeal or amend the by-law. If no appeal is filed within the appeal period, the by-law is considered to have taken effect on the day it was passed by council.

A municipality must update its zoning by-law to conform with its official plan within three years following the adoption of a new official plan, or following an official plan's five or 10-year update. A municipality is required to hold an open house to give the public an opportunity to review and ask questions about the proposed by-law at least seven days before the public meeting.

Having an up-to-date zoning by-law ensures that the locally developed policies in the official plan are capable of being fully carried out in a timely way. It is an important element of being an investment-ready community.

Minor variances

Generally, if a development proposal does not conform exactly to a zoning by-law, but is desirable and maintains the general intent and purpose of the official plan and the zoning by-law, an application may be made for a minor variance. For example, a property owner with an odd-

shaped lot may propose a development that does not meet the zoning by-law's minimum side yard setbacks. In this case, granting a minor variance eliminates the need for a formal re-zoning application. However, unlike a zoning amendment, it does not change the existing by-law. A minor variance allows for an exception from a specific requirement of the zoning by-law for a specific property, and allows the owner to obtain a building permit.

Minor variances are obtained by applying to the local committee of adjustment, which is appointed by council to hear applications for permission to vary from zoning by-law standards applications. The application process includes a public hearing and a decision by the committee of adjustment. Applications for minor variances are generally assessed against four tests set out in the *Planning Act*, however municipalities can augment these tests through locally-developed ones as set out in an applicable by-law.

Any person or a public body may appeal a decision of the local committee of adjustment to the Ontario Land Tribunal or a Local Appeal Body if the municipality has chosen to establish one. The Ontario Land Tribunal or Local Appeal Body may dismiss an appeal or make any decision that the committee could have made on the original application.

Excerpt from A Citizen's Guide to Land Use Planning

Minor variances

If your proposed change doesn't conform exactly to the zoning bylaw, but follows its general intent, you can apply for a minor variance. For example, you might want to locate something on your property, but you are unable to meet the minimum setback requirements because of the shape of your lot. Your municipality may have a bylaw that sets out local criteria to further clarify what constitutes a minor variance in your community.

To obtain a minor variance, you will have to apply to your local committee of adjustment appointed by council to deal with minor problems in meeting bylaw standards. Your application should explain how your proposed variance is minor in nature and why it is needed.

The committee of adjustment will hold a hearing and decide on your application. Anyone who disagrees with the decision has 20 days to appeal to the OLT or, if one is established by the municipality, a local appeal body. The appeal should be filed with the secretary-treasurer of the committee. The secretary-treasurer will tell you who has the authority to hear such appeals in your area. You should set out the reasons supporting the objection and pay the fee required by the OLT/local appeal body.

The OLT or local appeal body has the power to dismiss your appeal without holding a hearing. (See [section 7, the Ontario Land Tribunal](#))

The OLT or local appeal body can allow or dismiss your appeal, or amend the application. A minor variance does not change a zoning bylaw. It simply excuses you from a specific requirement of the bylaw and allows you to obtain a building permit.

Carol Trainor

Subject: FW: Planning Workshop - November 24 -25, 2021 - Microsoft Teams Guide and Links - Presentations

From: Howard, Dellarue (MMAH) <Dellarue.Howard@ontario.ca>

Sent: Friday, November 26, 2021 2:34 PM

To: Carol Trainor <clerk@tarbutt.ca>

Cc: Little, Anna (MMAH) <Anna.Little@ontario.ca>; Grant, Megan (MMAH) <Megan.Grant@ontario.ca>

Subject: FW: Planning Workshop - November 24 -25, 2021 - Microsoft Teams Guide and Links - Presentations

Hi Carol,

I have summarized your follow-up questions into the three main questions below. If there's anything that I've omitted, please let me know.

1. When to decide on using a MV vis-à-vis a ZBA?

There isn't a precise demarcation for when to use a minor variance rather than a ZBA. The type of development being proposed, and the specifics of the changes being sought should be used to determine whether a MV or ZBA is needed. Think of it as operating along a continuum where the closer the proposed development matches the existing zoning by-laws, the more likely it is that a MV will suffice. If a change of use is being proposed, then consideration should be given to doing a ZBA. The MV test helps to determine the extent to which the proposed development deviates from the zoning by-law. In addition, section 45 (1.0.1(b) and (1.0.3) of the Planning Act gives a municipality the power to establish by by-law additional criteria to help determine when a MV should be authorized.

Please refer to the following links for more information on MV and ZBA:

<https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws#section-10>

<https://www.ontario.ca/document/ontario-municipal-councillors-guide/10-land-use-planning#section-8>

<https://www.ontario.ca/laws/regulation/960200>

<https://www.ontario.ca/laws/regulation/060545>

2. If there is no Committee of Adjustment, can council make a decision on a MV the same way they do for a ZBA?

No. A CoA needs to be constituted by council and empowered by by-law in order to grant MV.

— See Section 45(3) of the Planning Act.

3. Can the Planning Board function as the Committee of Adjustment?

No. A CoA of adjustment is needed to authorize a MV. See comment above.

Again, if you need further clarification feel free to reach out to me using my contact information below.

Regards



The Township of Tarbutt
27 Barr Road South
Desbarats, Ontario P0R 1E0
Ph: 705-782-6776 Fax: 705-782-4274
REPORT TO COUNCIL

Date: December 15, 2021
From: Carol Trainor, CAO/Clerk
Re: Landfill Recycling Proposal

Recycling Program

Green For Life (GFL) has presented the information below for consideration. It would result in changes to the collection of recycling materials at the landfill into larger but fewer bins, and allows for a full 1 through 7 plastic collection (currently 1 – 6) which reduces the amount of material going into the landfill. A summary of my questions and GFL answers is as follows:

Johnson Tarbutt Landfill

- Q: We would like to switch small bins out for larger 40 yard enclosed roll off bins. How many?
A: Suggest one bin for mixed recycling and one for fibre (cardboard and newsprint). Additional bins can be added seasonally, as needed.
- Q: What is the cost for the rental and collection using 40 yard enclosed bins?
A: \$250/month for rental and \$450 per bin haulage.

Bin rental would be \$250/month, and collection rate \$450/bin. If two bins (one paper and one mixed) are collected every second week, monthly cost would be \$1150 per bin. This increase in costs comes with larger bins, fewer collections, greater ease of recycling, and a cleaner, user friendly site. Small bins are collected every week so the large ones should be less so.

**** It will be very important that we get as much material as possible into each bin. Attendants will be required to monitor what goes into them, and to try and push material to the back to make room for more. We pay per collection, so bins should be as full as possible to provide recycling rebates.**

- Q: Transportation costs should be reduced with larger bins, and transportation to/from SSM rather than Blind River should be less costly, no?
A: Not quite. The current system with more front load containers can get dumped into the truck before it has to return to the processing facility, whereas the proposed roll off system is a single haul, one collection per trip. GFL cannot guarantee which location will collect as it depends on the capacity of the facility at the time of the pick up. If we can agree to the enclosed container system, lifts will be scheduled and it is more likely the SSM plant will provide the service. More municipalities are moving to this system because it increases the types of recycling accepted, and the cleanliness of the site. It is also easier on staff.

The current bin system tends to overflow regularly causing an unsightly mess, and therefore increased staffing costs to keep it clean year round. Landfill staff also cannot see into bins at present so the walk in bins will be easier to monitor and keep out contaminated materials.



Q: We would like scale tickets provided with each invoice rather than once a year.

A: Yes, with the new collection system, the scale ticket will automatically be attached to the invoice once the truck weighs in at the recycling facility.

Q: We would like roll off containers to be open on the end so people can walk in to deposit; not with the slot for paper to be slid through at the top.

A: Agree; a walk in system and no slots on the container.

Q: People dump bags or boxes of recycling into the bins; cannot guarantee they will be bagged.

A: The ideal situation to keep costs down is to flood the communities with education emphasizing the importance of reducing contamination. If landfill attendants can talk to people about putting plastics into bags rather than loose items, that will keep costs down.

Q: We would prefer to have a contract for up to three years at a time to maintain fees.

A: No problem. An agreed upon annual increase will need to be established for years 2 and 3 due to fluctuations in the market.

Recycling Depot at the Turnoff (NB: not municipal property; important to keep clean)

GFL would like to keep this status quo, plus a 3.5% increase to cover inflation rates. GFL will purchase new containers for the site and affix recycling labelling to each container to ensure the proper materials in each bin. This is key to limiting the amount of contamination collected, which is very costly to us and not environmentally friendly.

Q: Recycling Depot is often overflowing, unsightly. Current monthly rate to empty the bins is \$1,000 per bin. Laird and Jocelyn pay a portion of these costs.

A: GFL will switch these out to cleaner bins and can offer 1 – 7 recycling which will further reduce what goes into the landfill. Proposed monthly rate will be \$1,035/bin, an increase of \$35/month. They will provide bin labels for each type of product.

Public Education will be key while users adjust to changes. Additional bins can be provided for the busier summer months as needed. Eager recyclers who live elsewhere will also be tempted to use these bins rather than putting them into other municipal landfills.

Scrap Metal

The Tarbutt Road Superintendent and the Johnson Works Superintendent have met with a representative from AIM Recycling, who are scrap metal collectors. At the time of writing, they have collected the scrap that was on site (some was frozen in). M. Pigeon has reached out to another collector who operates in both Laird and MacDonald Meredith for comparison purposes.

The landscaping and site preparation are complete so we are ready to accept scrap once we have a contract and a bin arrives. There is no cost to the municipalities for this service; we will be paid for the scrap they collect minus their fee. This price will vary and be adjusted according to market conditions. We have incurred some costs for materials and the concrete blocks.

ST. JOE DEPOT

Turnoff. - No change

↑ \$35/mth per bin

QTY.	BIN SIZE	COMMODITY	CURRENT MONTHLY RATE	NEW MONTHLY RATE
-	-	-	\$1000.00	\$1035.00
1	4	MIXED RECYCLING	INCLUDED IN MONTHLY RATE	-
3	6	MIXED RECYCLING	INCLUDED IN MONTHLY RATE	-
4	6	OCC	INCLUDED IN MONTHLY RATE	-

- NOTES – EACH BIN WILL BE COLLECTED “WEEKLY”
- CURRENT DAYS ARE MONDAY FOR OCC AND TUESDAY FOR MIXED RECYCLING (THIS MAY BE SUBJECT TO CHANGE DEPENDING ON WEATHER, HOLIDAYS, ROUTING, ETC...)
- MONTHLY RATE IS SUBJECT TO FUEL SURCHARGE

LANDFILL – 3860 GOVERNMENT ROAD

QTY.	BIN SIZE	COMMODITY	CURRENT MONTHLY RATE	NEW MONTHLY RATE
-	-	-	\$1000.00	\$1035.00
1	4	OCC	INCLUDED IN MONTHLY RATE	
5	6	OCC	INCLUDED IN MONTHLY RATE	
5	6	MIXED RECYCLING	INCLUDED IN MONTHLY RATE	

- NOTES – EACH BIN WILL BE COLLECTED “WEEKLY”
- CURRENT DAYS ARE MONDAY FOR OCC AND TUESDAY FOR MIXED RECYCLING (THIS MAY BE SUBJECT TO CHANGE DEPENDING ON WEATHER, HOLIDAYS, ROUTING, ETC...)
- MONTHLY RATE IS SUBJECT TO FUEL SURCHARGE
- CURRENTLY THERE ARE 3 EXTRA OCC & 3 EXTRA OCC BINS ON SITE WITH A \$600/MONTH RENTAL FEE.

LANDFILL – PROPOSED NEW SYSTEM

BIN SIZE	COMMODITY	RENTAL	HAUL RATE	FREQUENCY
40 Yard Enclosed	Mixed Fibre (Paper & OCC)	\$250/month	\$450.00/ bin	WEEKLY or BIWEEKLY
40 Yard Enclosed	Mixed Containers (1-7)	\$250/month	\$450.00 / bin	WEEKLY OR BIWEEKLY

- NOTES – BINS CAN BE HAULED/EMPTIED EITHER WEEKLY OR BI-WEEKLY (DEPENDING ON VOLUMES)
- CONTENTS MUST BE IN CLEAR OR RECYCLE BLUE PLASTIC BAGS *
- PROCESSING SURCHARGE OF \$75/MT APPLICABLE (TYPICAL WEIGHT IS 1 M/T PER CONTAINER)
- THIS PROGRAM ALLOWS FOR A FULL 1-7 PLASTIC COLLECTION PROGRAM, REDUCING A SIGNIFICANT AMOUNT OF LANDFILL COSTS ← *
- TWO LARGE ROLL-OFF CONTAINERS KEEP THE SITE EXTREMELY CLEAN, ELIMINATING THE AMOUNT OF COMMODITY BLOWING AROUND
Reducing
- THIS SYSTEM IS A BIT MORE COSTLY, HOWEVER MORE AND MORE MUNICIPALITIES ARE FAVORING THIS TYPE OF COLLECTION METHOD BECAUSE OF THE ADDITIONAL ALLOWABLE COMMODITIES –
- COMMODITIES IN TODAY'S MARKET ARE SCRUTINIZED FOR CONTAMINATION AND MOISTURE, HENCE THE MOST SIGNIFICANT REASON FOR THESE TYPES OF CONTAINERS.
- FUEL SURCHARGE APPLICABLE TO HAUL

**THE TOWNSHIP OF TARBUTT
COUNCIL MEETING OF DECEMBER 15, 2021
CONSENT AGENDA**

1. Thank you card from Janet Boucher, Acting Treasurer
2. Letter from the Matthews Memorial Hospital Association
Re: Community Donations
3. Resolution from The Town of Thessalon
Re: Physician Recruitment and filling vacancies at the Thessalon Hospital
4. Resolution from the City of St. Catharines
Re: .National Childcare Program Agreement with Ontario
5. Resolution from the Town of Georgina
Re: Recycling of Agricultural Wrap and Boat wrap
6. Resolution from the Town of LaSalle
Re: COVID-19 Testing at Land Borders
7. Resolution from the Region of Durham
Re: Bus Stop Dead End Roads
8. Resolution from the County of Simcoe
Re: Request to amend O. Reg 380-04 for Emergency Management annual requirements
9. An Introduction to Habitat for Humanity, Sault Ste. Marie and Area
10. Letter from the Ministry of Northern Development, Mines, Natural Resources and Forestry
Re: Annual allocation for Northern Ontario Resource Development Support (NORDS)
11. Letter from the Ministry of the Environment, Conservation and Parks
Re: Noise Prediction for assessing road and rail traffic noise levels
12. FONOM Media Release
Re: Physician Nurse and Health Care Professional Shortage in Northern Ontario

Recommendation: Be it resolved that correspondence items 1 through 12 on the consent agenda dated December 15, 2021 be received; and
That the MMHA request be deferred to budget deliberations; and
That the resolution supporting physician recruitment at the Thessalon Hospital be supported; and
That Council supports the resolutions from the City of St. Catharines, the Town of Georgina and Town of LaSalle, the Region of Durham and the County of Simcoe; and
That the Resolution from The Town of Thessalon regarding supporting physician recruitment and retention at the Thessalon Hospital be supported.