



THE TOWNSHIP OF TARBUTT
Council Meeting Agenda
Wednesday, July 19, 2023 at 6:00 pm
Township Council Chambers, 27 Barr Road S.

1. CALL TO ORDER

2. DISCLOSURES OF PECUNIARY INTEREST

3. PREVIOUS MINUTES

- a. Minutes of the Council meeting held June 22, 2023

1-6

4. DEPUTATIONS / PRESENTATIONS

5. FINANCIAL STATEMENTS

- a. Payment log and financial statement for the month of June, 2023.

7-9

6. STAFF AND COMMITTEE REPORTS

- a. Report from the Road Superintendent
- b. Employee Compensation Policy Amendment
Re: Boot Allowance Schedule
- c. Report from the CAO/Clerk
Re: Contractor Holdback Policy
- d. Clerk's Report for July 2023

10

11-15

16-17

7. BY-LAWS

- a. Clean and Clear Yard By-law
- b. Emergency Management Appointment By-law

18-22

23-24

8. INFORMATION/ CONSENT AGENDA

- a. Consent Agenda / Correspondence

25

9. OTHER BUSINESS



10. CLOSED SESSION

Council will move into closed session under Sec. 239 2 b) of the Municipal Act, in order to discuss personal matters about an identifiable individual, including municipal or local board employees, as well as Sec. 239 2 f), advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

11. CONFIRMATION BY-LAW

12. ADJOURNMENT



3a

THE TOWNSHIP OF TARBUTT
Council Meeting Minutes
Wednesday, June 21, 2023 at 6:00 pm
Township Council Chambers, 27 Barr Road S.

Present: Lennox Smith, Mayor
 Ursula Abbott
 David Farrar
 Darren McClelland
 Jacqui Nagel

Staff: Carol Trainor, Clerk

1. CALL TO ORDER

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

2. DISCLOSURES OF PECUNIARY INTEREST

3. PREVIOUS MINUTES

a. Minutes of the Council meeting held May 24, 2023

The Clerk circulated notes from the Council roads tour which took place on June 15, 2023.

Resolution No: 2023 – 78

Moved by: D. McClelland Seconded by: D. Farrar

Be it resolved that the minutes of the regular Council meeting held on May 24, 2023 be approved as circulated; and

That the notes from the Council roads tour be received.

Carried

Follow up on Roads Tour:

- Signage for Port Findlay and Pine Island turnaround re: fire filling station
- Outhouses at the hall and the WI Park to be raised/improve drainage or eaves trough should be added
- Signage re: unsupervised swimming to be posted at WI Park
- Contact organizations regarding possible tree seedlings for cemetery
- Conveyance of property on Smith Road



4. PUBLIC MEETING

- a. **Public meeting** under Sec. 34 of the Planning Act
Re: Application for Zoning Amendment, 180 Brown's Island Road

The Mayor opened the public meeting by stating that the purpose of the public meeting is to discuss a proposed site specific amendment to the Township's Zoning By-law under Sec. 34 of the Planning Act.

The Township has received an application to amend the Zoning By-law for Lot 8, Plan M266, PCL 6479 ACS, also known as 180 Brown's Island Road. The subject property is 2.295 acres (12,430 sq ft), located in the Summer Cottage zone (SC) in the Township's Zoning By-law. The property contains a residential dwelling unit with an attached garage and an accessory structure. The Zoning By-law states that Accessory buildings (not used for habitation) shall be set back a minimum of 10 ft/3m from the side yard lot line in the SC Zone.

The purpose of the Zoning By-law Amendment is to reduce the side yard setback on the south east side of the dwelling from 3m/10 ft in the SC zone, to .91m/3 ft for the addition of a three season accessory structure. If approved, the front of the structure would measure 34 ft/10.3m from the shoreline setback, which is less than the minimum 50ft/15m shoreline setback required by the Zoning By-law but set back further than the existing deck.

Notice of this **public meeting** was circulated to all property owners within 120 m/ 400 feet of the subject property, along with agencies and organizations as required under the Planning Act. Algoma Public Health was the only agency to respond, noting no objection.

Any individual who submitted a verbal or written objection to the application can submit an appeal to the Ontario Land Tribunal once the zoning by-law amendment is passed by Council.

There were no members of the public or representatives for the applicant in attendance. No member of council offered any questions or concerns about the application.

As a result, the Clerk advised that the by-law will take effect following the 20 day appeal period, after the date of the Notice of Decision.

Resolution No: 2023 - 79

Moved by: U. Abbott

Seconded by: J. Nagel

Be it resolved that the report from the CAO/Clerk regarding Zoning Amendment application ZA-2023-02 be received; and



That Council approve an amendment to the Township's Zoning By-law 85-10, for the property legally known as Lot 8, Plan M266, PCL 6479 ACS and also known as 180 Brown's Island Road, to permit the reduced side yard setback from 3 m/10 ft to .91 m/3 ft for the construction of a three season accessory structure on the south east corner of the dwelling; and

That the Notice of Decision be circulated describing the approval date and the twenty day appeal period.

Carried

The public meeting under the *Planning Act* adjourned at 6:15 pm.

5. FINANCIAL STATEMENTS

- a. Financial Statement and payment log for the month ending May 31, 2023.

Resolution No: 2023 - 80

Moved by: D. McClelland

Seconded by: D. Farrar

Be it resolved that the financial statements and payment log for the period ending May 31, 2023 be approved as circulated.

Carried

6. STAFF AND COMMITTEE REPORTS

- a. Clerk's Report for June 2023

Resolution No: 2023 - 81

Moved by: J. Nagel

Seconded by: U. Abbott

Be it resolved that the Clerk's Report for June 2023 be received.

Carried

7. BY-LAWS

- a. A By-law to amend the Township's Zoning By-law 10-85 to permit a reduced side yard setback.

Resolution No: 2023 - 82

Moved by: D. Farrar

Seconded by: D. McClelland

Be it resolved that leave be granted to introduce By-law 2023 - 15, being a By-law to amend Zoning By-law No. 10-85 of The Township of Tarbutt to reduce the site specific side yard setback in the Summer Cottage Zone, to permit the construction of an accessory building at 180 Brown's Island Road; and

That said By-law be read a first, and taken as read a second and third time and finally passed subject to the applicable provisions of the *Planning Act* this Twenty First day of June, 2023.

Carried



- b. Appoint a Head for MFIPPA purposes

Resolution No: 2023 – 83

Moved by: U. Abbott

Seconded by: J. Nagel

Be it resolved that leave be granted to introduce By-law 2023 - 16, being a By-law to designate the Clerk as Head for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act* for The Township of Tarbutt; and That said by-law be read a first, and taken as read a second and third time and finally passed this Twenty First day of June, 2023.

Carried

8. INFORMATION/ CONSENT AGENDA

- a. Central Algoma Freshwater Coalition Summer Newsletter
- b. Resolution to improve Municipal Codes of Conduct and Enforcement
- c. Letter from Crimestoppers of Sault Ste. Marie and District
Re: Thank you for supporting the Crimestoppers Program
- d. Letter from the Dr. H. S. Trefry Memorial Centre
Re: Thank you for the donation supporting Seniors programs and services
- e. 2024 Municipal Policing Billing Statement Property Count
- f. Letter from East Algoma Community Futures Development Corporation
Re: Invitation to Annual General Meeting and Dinner event

Resolution No: 2023 – 84

Moved by: D. McClelland

Seconded by: D. Farrar

Be it resolved that correspondence items a. through f. on the consent agenda dated June 21, 2023 be received; and

That Council fully supports the resolution circulated by AMO to improve and enforce municipal codes of conduct as follows:

WHEREAS all Ontarians can expect and deserve a safe and respectful workplace; and

WHEREAS municipal governments, as the democratic institutions most directly engaged with Ontarians, need respectful discourse; and

WHEREAS several incidents of disrespectful behaviour and workplace harassment have occurred in recent years amongst members of municipal



councils, and occur at an alarming rate, particularly among small, rural communities; and

WHEREAS these incidents seriously and negatively affect the people involved and erode the public perception of local government; and

WHEREAS municipal Codes of Conduct are helpful tools to set expectations of council member behaviour toward staff and other council members; and

WHEREAS municipal governments are not provided with the necessary tools to adequately enforce compliance with municipal Codes of Conduct;

NOW THEREFORE be it resolved that The Township of Tarbutt supports the call of the Association of Municipalities of Ontario (AMO) for the Ontario Government to introduce legislation to strengthen municipal Codes of Conduct and compliance in consultation with municipal governments; and further

THAT the legislation encompass the following AMO recommendations to:

- Update municipal Codes of Conduct to account for workplace safety and harassment;
- Create a flexible administrative penalty regime, adapted to the local economic and financial circumstances of municipalities across Ontario;
- Increase training of municipal Integrity Commissioners to enhance consistency of investigations and recommendations across the province;
- Allow municipalities to apply to a member of the judiciary to remove a sitting member if recommended through the report of a municipal Integrity Commissioner; and
- Prohibit a member so removed from sitting for election in the term of removal and in the subsequent term of office.

Carried Unanimously

9. OTHER BUSINESS

Mayor Smith raised the matter of roadside clearing and grass cutting and suggested that Council may wish to consider a policy which would delay cutting until it is safe for the nesting species, and a policy on the use of herbicide and pesticide.

The Clerk circulated a draft by-law to regulate the cleaning and clearing of yards in light of the potential health and fire hazard, as well as recent complaints received. One challenge will be compliance and enforcement, but the *Municipal Act* permits collection of the costs to perform the work, or cause the work to be done, if the account remains unpaid.



Some of the area clerks will be meeting later this week to discuss the possibility of hiring a By-law Enforcement Officer to cover several municipalities. Council was supportive of this initiative.

10. CLOSED SESSION

11. CONFIRMATION BY-LAW

Resolution No: 2023 – 85

Moved by: J. Nagel Seconded by: U. Abbott

Be it resolved that leave be granted to introduce By-law 2023 - 17, being a By-law to confirm the proceedings of the regular Council meeting held this Twenty First day of June, 2023; and

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

Carried

12. ADJOURNMENT

Resolution No: 2023 – 86

Moved by: D. McClelland Seconded by: D. Farrar

Be it resolved that the regular Council meeting held this Twenty First day of June, 2023 be adjourned at 6:48 pm, to meet again on Wednesday, July 19th, 2023 at 6:00 pm.

Carried

Lennox Smith, Mayor

Carol O. Trainor, Clerk

Corporation of Township of Tarbutt				
Payment Log				
June 2023				
Type	Cheque No.	Cheque Date	Payee	Amount
Payment	4539	06/01/2023	NSHN Auxiliary, Matthews Site - Memorial Donation	\$ 200.00
Payment	4540	06/01/2023	Tiffany Flemming - H&S Training Summer Student	\$ 50.00
Payment	4541	06/01/2023	True North Plumbing	\$ 100.01
Payment	4542	06/02/2023	Receiver General - May Payroll Remittance	\$ 8,504.98
Payment	4543	06/02/2023	OMERS - May Remittance	\$ 5,200.24
Payment	4545	06/05/2023	Air Liquide Canada Inc	\$ 113.51
Payment	4546	06/05/2023	Krown-Rust Control	\$ 158.14
Payment	4547	06/05/2023	Algoma District Services Admin Brd	\$ 29,394.67
Payment	4548	06/05/2023	Traction Heavy Duty Parts	\$ 199.02
Payment	4549	06/05/2023	1776727 ONTARIO CORP. - Pulverizing Port Findlay	\$ 1,695.00
Payment	4550	06/05/2023	Ironside Consulting Services Inc.	\$ 565.00
Payment	4551	06/05/2023	Animal Control	\$ 200.00
Payment	4552	06/05/2023	GFL Environmental Inc	\$ 15,882.94
Payment	4553	06/07/2023	Quattrra SCS LTD.	\$ 411.44
Payment	4554	06/07/2023	Heritage Home Hardware	\$ 38.40
Payment	4555	06/07/2023	Gilbertson Enterprises	\$ 20,484.36
Payment	4556	06/07/2023	ICONIX Waterworks LP	\$ 545.23
Payment	4557	06/07/2023	17E Trading Post/Gas Bar	\$ 55.98
Payment	4558	06/02/2023	Algoma District School Board	\$ 37,375.00
Payment	4559	06/02/2023	Huron Superior Catholic District School Board	\$ 2,022.00
Payment	4560	06/02/2023	Conseil Scolaire Public Grand Nord de l'Ontario	\$ 30.00
Payment	4561	06/02/2023	Conseil scolaire catholique du Nouvel-Ontario	\$ 466.00
Payment	4562	06/19/2023	John W Sherk - Hall Maintenance	\$ 120.00
Payment	4563	06/19/2023	Benjamin M Weber - Hall Maintenance	\$ 120.00
Payment	4564	06/19/2023	Superior Propane Inc.	\$ 14.45
Payment	4565	06/19/2023	Gilbertson Enterprises	\$ 1,090.77
Payment	4566	06/19/2023	Kentvale Merchants Ltd.	\$ 229.79
Payment	4567	06/19/2023	Staff Reimburse - Fire Misc	\$ 33.89
Payment	4568	06/19/2023	Tulloch Engineering Inc.	\$ 1,379.96
Payment	4569	06/19/2023	Hall Rental Deposit - Return	\$ 75.00
Payment	4570	06/19/2023	Algoma Office Equipment	\$ 164.14
Payment	4571	06/19/2023	Heritage Home Hardware	\$ 101.84
Payment	4572	06/19/2023	ANP Office Supply	\$ 186.16
Payment	4573	06/19/2023	Algoma Power Inc.	\$ 70.67
Payment	4575	06/23/2023	Esso and Mobil Business Card	\$ 2,770.07
Payment	4576	06/26/2023	Wamco	\$ 11,045.75
Payment	4577	06/26/2023	Krown-Rust Control	\$ 412.45
Payment	4578	06/26/2023	Heritage Home Hardware	\$ 79.09
Payment	4579	06/26/2023	Ibbitson Enterprises	\$ 3,390.00
Payment	4580	06/26/2023	DataFix	\$ 706.25
Payment	4581	06/26/2023	Traction Heavy Duty Parts	\$ 372.61
Payment	4582	06/26/2023	McAsphalt Industries	\$ 12,070.21
Payment	4583	06/26/2023	Island Arboriculture	\$ 3,277.00
Payment	4584	06/26/2023	Algoma Business Computers	\$ 47.46
Payment	4585	06/28/2023	Consolidated Industrial Products Inc.	\$ 274.09

Corporation of Township of Tarbutt				
Payment Log				
June 2023				
Payment	4586	06/28/2023	Mileage - Staff Reimbursement	\$ 168.30
Payment	4587	06/28/2023	Mileage - Staff Reimbursement	\$ 261.25
Payment	4588	06/28/2023	Karhi Contracting	\$ 5,846.27
Payment	4589	06/28/2023	Kentvale Merchants Ltd.	\$ 136.56
Payment	4590	06/30/2023	Ellwood Robinson Limited	\$ 116,548.00
Payroll		June	Staff (Council, Admin, Roads, Landfill & Caretaker)	\$ 33,663.37
Visa		06/01/2023	Beta Fluid - Grader	\$ 106.93
Visa		06/07/2023	Bell Mobility	\$ 288.07
Visa		06/10/2023	Adobe	\$ 105.06
Visa		06/03/2023	Starlink	\$ 158.20
Visa		06/15/2023	Zoom	\$ 48.57
Visa		06/15/2023	Tooltown - Shop supplies	\$ 65.43
Visa		06/23/2023	Walmart - Water	\$ 29.36
Visa		06/25/2023	Bell Canada - Hall	\$ 67.21
Visa		06/25/2023	Bell Canada - Office	\$ 312.84
Visa		06/25/2023	Bell Canada - Roads/ Fire	\$ 81.29
PAP		06/01/2023	Equitable Life Insurance of Canada	\$ 2,356.32
PAP		06/01/2023	RCAP - Photocopier/ Plotter Lease	\$ 189.93
PAP		06/16/2023	Algoma Power Inc. - Hall	\$ 130.97
PAP		06/16/2023	Algoma Power Inc. - Office, Garage & Fire Hall	\$ 307.74
				\$ 284,683.95
* Please note this is a summary of payments made in June and does not include all of June's expenditures as reflected in the monthly statement.				

The Township of Tarbutt
Financial Statement
General Statement for the Month of June 2023

	BUDGET	ACTUALS - JUNE	PRIOR JAN-MAY	TOTAL
REVENUE				
Tax Levy	1,243,482.07	-	600,160.39	600,160.39
Payments in Lieu of Taxes/Railway	1,387.67	-	-	-
Provincial Grants	465,715.04	239.00	300,774.94	301,013.94
Federal Grants	37,444.00	-	-	-
Shared Services Cost Recovery	119,885.15	34,308.53	17,044.26	51,352.79
Fees and Charges	99,800.00	6,758.85	25,621.95	32,380.80
Other/Misc. Income	49,260.00	10,322.86	26,752.37	37,075.23
TOTAL REVENUE	2,016,973.94	51,629.24	970,353.91	1,021,983.15
EXPENSES - OPERATING				
General Government	557,006.17	74,291.89	210,391.61	284,683.50
Protection to Person and Property	182,268.52	10,858.85	66,917.30	77,776.15
Transportation	328,222.58	39,327.81	132,892.18	172,219.99
Environmental	240,878.76	25,637.10	91,465.93	117,103.03
Social and Family Services	352,736.00	29,394.67	146,993.66	176,388.33
Health Services	37,171.00	2,184.45	16,783.12	18,967.57
Recreation and Cultural Services	51,931.52	2,381.01	20,353.12	22,734.13
Planning and Development	40,514.98	2,012.81	13,204.92	15,217.73
TOTAL OPERATING EXPENSES	1,790,729.53	186,088.59	699,001.84	885,090.43
LOANS AND INTEREST PAYMENTS				
2020 Western Star Truck	52,329.84	-	26,164.92	26,164.92
TOTAL LOANS AND INTEREST PAYMENTS	52,329.84	-	26,164.92	26,164.92
CAPITAL EXPENSES				
NOHFC - Rural Enhancement	5,200.00	-	-	-
Covid Funding	15,000.00	284.92	2,348.87	2,633.79
Capital - Roads	199,556.00	117,055.77	20,464.19	137,519.96
TOTAL CAPITAL EXPENSES	219,756.00	117,340.69	22,813.06	140,153.75
LESS: TRANSFERS TO RESERVES				
OCIF - Unused	1,375.89	-	-	-
TOTAL TRANSFERS TO RESERVES	1,375.89	-	-	-
ADD: TRANSFERS FROM RESERVES				
Transfer from Landfill	14,000.00	-	-	-
Transfer from Culverts	8,000.00	-	-	-
Transfer from Building Maintenance	10,217.32	-	-	-
Transfer from Covid Capital - Restart	15,000.00	-	-	-
TOTAL TRANSFERS FROM RESERVES	47,217.32	-	-	-
NET SURPLUS OR DEFICIT	- 0.00	- 251,800.04	222,374.09	- 29,425.95



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

REPORT TO COUNCIL

Date: July 19, 2023
From: Michael Pigeon, Road Superintendent
Re: July Roads Report

The Roads Department is in good shape with the budget and the condition of the Township.

The Road Super met with the Mayor at the MacLennan Hall regarding the source of ponding of water and concerns of the abutting neighbours. The neighbour acknowledged there was a misunderstanding and the matter is resolved.

Roadside grass cutting is complete and the ditching on the east side of Smith Road is underway.

The summer student is everything and more than we expected, and is settling in comfortably. She is a great asset to the team, for the Superintendent and the Roads Department.

Roads crew is currently working on brushing back corners and blind spots.

Roads crew working on road patching.

The outhouses at the Hall and the WI Park have been fitted with ventilation pipes and flashing in order to divert water away from the buildings.

The Road Super will be on vacation the next two weeks; Keith Barber will be on the job and on call, if necessary.

THE TOWNSHIP OF TARBUTT POLICY AND PROCEDURES

DEPARTMENT: HUMAN RESOURCES
DATE DEVELOPED: 3 March 2022
DATE AMENDED: 19 JULY 2023

EMPLOYEE COMPENSATION POLICY
DATE APPROVED: 15 June 2022

POLICY:

The Township of Tarbutt strives to be a leading edge employer with a competitive compensation system that is legally compliant. The Township supports attraction and retention of highly qualified employees and provides for recognition and reward of service and excellent performance.

RATIONALE:

The Township of Tarbutt ensures all employees are appropriately paid in accordance with the requirements of the *Employment Standards Act*¹ and the *Pay Equity Act*². In addition to legislative compliance. The Township of Tarbutt strives to ensure internal equity in pay practices and market competitiveness.

The Township of Tarbutt desires to attract and retain highly qualified and dedicated employees who will contribute to the achievement of the municipality's goals and objectives.

Employee morale, job satisfaction and retention are impacted by compensation. The Township of Tarbutt believes they can attract and retain employees with a compensation system that acknowledges skills, abilities, and qualifications, and ensures advancement in compensation on the basis of excellence in performance demonstrating that the Township values employees.

DEFINITIONS:

Compensation	Compensation includes base pay (expressed in terms of hourly pay or annual salary), overtime pay, and benefits including pension. Accessibility to benefits and pension is defined by the employment relationship as determined by the Township.
Full Time	A full time employee is one who typically works 35 hours per week or more and who may be enrolled in the employer's benefit and pension plan.
Internal Equity	All jobs of comparable value are paid the same regardless of whether they are female, male or gender-neutral job classes.

¹ [SO 2000, c 41 | Employment Standards Act, 2000 | CanLII](#)

² [RSO 1990, c P.7 | Pay Equity Act | CanLII](#)

Market Comparability All jobs are paid relatively comparable to similar jobs found among municipalities of comparable size in the District of Algoma.

Part Time A part time employee is one who typically works less than 30 hours per week, who does not receive or pay into the benefits plan, and who may be a permanent, seasonal or contract employee, depending on the position and any agreement reached with the employer.

Pay Equity Pay equity compares the value and pay of different jobs. The *Pay Equity Act* requires employers to pay female jobs at least the same as male jobs if they are of comparable value.

Permanent A permanent employee may be full time or part time but the term of employment is expected to be long term and does not have an end date.

Salary Scale A scale for each job that denotes an entry level and subsequent levels with job classes (often one position), having seven steps on the scale. The highest step is considered the Job Rate or 100% of the value of the job.

PROCEDURE:

The Salary Grid established by Council shall form the basis of compensation for employees, whether full time, part time, permanent or seasonal. Employees shall be eligible to move to the next step in the salary grid every two years upon satisfactory completion of a Performance Appraisal.

Placement on the salary scale shall be determined based on job requirements, skill sets and experience in a similar position. The classification of a position, i.e. permanent, part time or full time, shall have no bearing on the placement on the salary scale.

Performance Appraisal

1. The Department Head or the Clerk, in the case of a Department Head, will conduct a performance appraisal of their employees once a year on their anniversary date with the input of the Clerk.
2. The Clerk will review the completed performance evaluations for all employees.
3. The Personnel Committee will conduct the performance review appraisal of the Clerk once a year and report to Council.

4. The performance appraisal system will be set up so that it measures and rates all performance indicators of the employee.
5. Approximately six months after the performance appraisal has been completed, the Department Head or the Clerk shall review the progress of the goals set out by the employees whose performance was evaluated.

Determining Job Value:

1. The Township of Tarbutt utilizes a gender-neutral job evaluation system to determine job value and which meets legislative requirements for pay equity, and also considers and supports internal equity in compensation.
2. All jobs are reviewed on a regular or annual basis by reviewing and updating position descriptions and by seeking employee input to confirm duties, roles and responsibilities, when required.
3. Results of job evaluation and external compensation information (when being considered), shall form the basis of ongoing compensation system changes.

Salary Upon Appointment:

The policy for progression through the steps of the salary grid shall be as follows:

1. Employees will be placed on the appropriate step on the salary scale for their position according to the candidate's education and experience as they relate to the qualifications defined for that position. The Clerk will make the final decision regarding placement.
2. Upon appointment a new employee will typically be placed on step 3 or less unless the employee has significant related experience. Other factors impacting starting wage that should be considered are market competitiveness, which may drive the compensation starting wage to a higher step in order to successfully recruit and retain qualified employees.
3. To determine the appropriate step for placement, the following guidelines are applicable:

Step 1 of the scale is offered if the candidate meets the minimum qualifications (education and related experience), defined in the job description for the position. Equivalencies of other related work experiences may be considered.

Step 2 of the salary scale is offered if the candidate has at least two years of experience in a similar role at another municipality.

Step 3 of the salary scale is offered if the candidate has at least three years of experience in a similar role at another municipality.

Advancement on Salary Scale:

1. Employees will be considered for advancement on the salary scale every second year, on the basis of two years of active service and the employee's performance being at a satisfactory level, following the outcome of the performance appraisal.
2. If a new employee begins on Step 1, they may advance to Step 2 at the end of the first year of active service if they have achieved a minimal performance rating of "satisfactory" in all required areas of performance, meaning they are adept and skilled and demonstrate behaviour that supports performance outcomes.
3. The same process noted in item 2. occurs for advancement to any subsequent step, except that advancement on the grid shall be every second year.
4. Once an employee reaches the highest step for their position (Step 7), further increases in pay would occur only if the Township was implementing a cost-of-living increase for all positions, or upon Council's recognition of long service.

Cost of Living Increases:

1. The Township of Tarbutt may consider annual cost of living increases following a review of the Consumer Price Index before the end of each year, rate of inflation and the financial status of the Township.
2. If the Township approves cost of living adjustments all job classifications will receive the same amount (same percentage or dollar amount) of adjustment.

Market Comparison:

1. The Township of Tarbutt acknowledges that paying employees according to comparably sized municipalities in the District of Algoma will assist the Township to recruit and retain employees.
2. The Township of Tarbutt may, at their discretion, consider the compensation from comparably sized municipalities in the District of Algoma for analysis and comparison to their wages and benefits, striving for industry competitiveness. This comparison is usually done approximately every five years, or more frequently if necessary, such as during unstable times like a pandemic where competition and other work life factors cause instability in recruitment and retention initiatives.

Boot Allowance

1. The Township of Tarbutt acknowledges that employees of the Roads Department, and Landfill staff, require proper safety rated footwear to ensure their safety while on the job.
2. Staff at the Landfill and the Roads Department are required to wear safety boots each day they are on the job.
3. Administrative staff that work with or under these departments shall not be eligible for boot allowance.
4. Members of the Roads Department shall be reimbursed for the purchase of one pair of safety boots, each calendar year, to a maximum of \$250.00.
5. Staff members who work at the Landfill shall be reimbursed for the purchase of one pair of safety boots every second calendar year, to a maximum amount of \$250.00.
6. Reimbursement shall be made to employees of the Landfill and Roads Department upon submission of receipts showing the amount paid for safety boots in accordance with the above provisions.

This policy is approved by Council on June 15, 2022 by Resolution No: 2022 – 71.

This policy is amended by Council by Resolution No: 2023 – on July 19, 2023.



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

REPORT TO COUNCIL

Date: July 19, 2023
From: Carol Trainor, CAO/Clerk
Re: Contractor Holdback

BACKGROUND / OVERVIEW

Over the past number of years, the Township has engaged the services of various contractors and professionals to provide for good and services, or for projects to be completed, without the benefit of a formal agreement or written statement of work. This has led to a number of issues including challenges clarifying what is expected or required of the contractor, what is expected of the municipality, inability to budget accurately for expenses, lack of clearly defined deliverables, no defined scope of work, time lines being extended or not met, or service failure, to name a few. This applies also to payments, how much, when, budget allocation and financial challenges as a result of unexpected or erratic billing.

In an effort to reduce or alleviate these concerns, the CAO/Clerk previously received Council approval to enter into a contract or agreement with any outside provider for goods or services, and the same principle should apply if the municipality agrees to provide a good or service to any individual or organization. In some cases, there are long standing verbal arrangements that were made without the benefit of a scope of work or timeline, and which are creating challenges with the work, timing, quality and expectations.

Staff are proposing that all contractors be notified that all work, contracts and service agreements will be subject to a 10% holdback as a guarantee to the municipality that the work will be completed on time, as stated, and on budget. Substantial completion.

In the event that a contractor fails to deliver the product or service, it is not as expected or specified, is damaged, incomplete, the quality is below standard, or the time line of the work was not met, the holdback may be forfeited to allow the municipality to complete, or have the work completed, using these funds.

This is a standard clause that is included in almost all construction agreements, and should not be unexpected by any contractor. The Construction Act advocates for this process and provides procedures for the lien, as well as the release of the lien, following substantial completion.

FINANCIAL IMPACT

In order to ensure that work is completed as agreed, a holdback provides a surety to the Township that some funds will be available as compensation should a contractor fail to deliver or complete a job. This will also avoid additional budget implications and unforeseen expenditures.



SUMMARY

Businesses engaging contractors typically “hold back” 10% of the amount owed to the contractor. Holdbacks function as security for a construction lien and are released when a construction lien has expired, and/or when the work is completed to the satisfaction of the owner.

RECOMMENDATION:

Be it resolved that the report from the CAO/Clerk regarding the Contract Holdback be received;
and

That the CAO/Clerk be authorized to implement this holdback process for any works or projects in progress which have not reached substantial completion and which work remains outstanding;
and

That the CAO/Clerk be authorized to include a Contractor Holdback clause in the updated Procurement Policy which shall apply to all agreements.

Carol O. Trainor, A.M.C.T.
CAO/Clerk/Deputy Treasurer

**THE CORPORATION OF THE TOWNSHIP OF TARBUTT
BY-LAW 2023 –**

**A BY-LAW respecting the Cleaning and Clearing of Yards and
Properties within The Township of Tarbutt; and to Repeal By-
law #7-75.**

WHEREAS pursuant to Section 8 (1) of the *Municipal Act, S.O. 2001, c.25*, as amended, the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues; and

WHEREAS Section 10, subs. (5), (6) and (8) of the *Municipal Act, 2001*, as amended, provides that a single tier municipality may pass by-laws respecting economic, social and environmental well being of the municipality, including respecting climate change; Health, Safety and well being of persons; and Protection of persons and property, including consumer protection; and

WHEREAS Sections 127, 128 and 131 of the *Municipal Act, 2001*, as amended, authorize municipalities to pass by-laws requiring the cleaning and clearing of yards, for prohibiting the depositing of refuse on private and public lands, and for prohibiting the wrecking, dismantling or salvaging of used motor vehicles; and

WHEREAS section 391 (1) (a) of the *Municipal Act, 2001*, as amended, authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of the municipality; and

WHEREAS section 425 of the *Municipal Act, 2001*, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001* is guilty of an offence;

WHEREAS Section 434.1 of the *Municipal Act, 2001*, as amended, provides that municipalities may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law passed under this Act; and

WHEREAS the Council of The Township of Tarbutt deems it necessary to pass a by-law to prevent the accumulation of rubbish, refuse, garbage, litter, junk, vehicles, equipment, machinery and waste material within the Township, and to reduce or eliminate health hazards and risk of fire;

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

1. TITLE AND SCOPE

This By-law shall be known as a By-law to regulate the filling up, draining, cleaning and clearing of any properties, yards or vacant lots within The Township of Tarbutt, and requiring buildings and yards to be kept in a safe and clean condition.

2. DEFINITIONS

“Clerk” means the Clerk of The Township of Tarbutt as appointed by Council, or their designate.

“Derelict Automobile” means a motor vehicle that is inoperable, has no market value as a means of transportation, or has a market value as a means of transportation that is less than the cost of repairs required to put it into operable condition, is unlicensed for the current year, and/or is not properly enclosed and protected.

“Municipal Act” means the Municipal Act, 2001, S.O. c.25, as amended.

“Municipality” means The Corporation of The Township of Tarbutt.

“Occupant” means any person or persons over the age of eighteen years, but not necessarily the owner of the property, who is apparently in possession of the property.

“Officer” shall include a Municipal By-Law Enforcement Officer of The Township of Tarbutt, Building Inspectors or any Inspector appointed by by-law of The Township of Tarbutt, the Fire Chief or designate, officers of Algoma Public Health, a Conservation Officer of the Ministry of Natural Resources and Forestry, or an officer of the Ontario Provincial Police.

“Owner” means the registered owner of property as listed on the most recent assessment roll for the municipality and, for the purposes of this By-law, includes any registered lessee or tenant.

“Property” means real property in the form of land and buildings, or personal, moveable property.

“Township” means The Corporation of The Township of Tarbutt.

“Vacant Lot” means any parcel of land capable of being conveyed and on which there is no structure or building being used or occupied.

“Waste Material” shall include garbage, rubbish, recyclable materials, discarded building materials, refuse or junk, tin cans, bottles, boxes or other containers, machinery, derelict automobiles as defined herein, and any material in excess to the needs of the owner.

3. GENERAL PROVISIONS

- a. No owner shall cause any grounds, yard, lot or property to remain in anything other than an orderly, tidy and litter free manner.
- b. No owner shall allow or permit the creation, presence or existence of any waste material or unsafe condition in or upon any yard, lot, ground or buildings which they own, rent, occupy or have an interest in, whether equitable or legal.

4. WEEDS

- a. An owner or occupant shall keep all grass and herbage sufficiently cut and trimmed in the following preventative manner:
 - i to discourage the spread of ticks and other harmful or annoying insects;
 - ii to prevent the ripening and dispersal of noxious weeds and plants;
 - iii to present a reasonably neat appearance to the public;
 - iv to prevent herbage from growing to an extent of more than 8" in height.
- b. In the event that the owner of a property has failed to take action to eliminate and destroy noxious weeds or long grass, the Township may do such work or cause it to be done, and the cost thereof may be recovered from the said owner as Administrative Penalties and collected in a like manner as municipal taxes.

5. VEHICLES

No vehicle, including a trailer or any part of such vehicle or trailer which is in a wrecked, discarded, dismantled, inoperative or abandoned condition shall be parked, stored or left outdoors on any property in the Township with the following exceptions:

- a. where it is part of an automotive repair establishment or use, an automotive or auto body establishment use, or a permitted Industrial use zoned in accordance with The Township of Tarbutt Zoning By-law;
- b. where it is part of any legal non-conforming automotive use or licensed salvage yard use;
- c. where the vehicle is at least 20 years of age and is being or has been actively restored as an antique vehicle, display vehicle or operational vehicle;
- d. where the vehicle is operative and has a license plate that has been registered for that vehicle, and said license is valid and up-to-date that has been issued or attached to that vehicle which has not expired for more than one year.
- e. No person shall allow the piling or stacking of vehicles on any property unless the property is licensed by the Municipality as a salvage yard.

6. EXCEPTIONS

No owner or occupant of land shall permit or allow automobiles, trucks, boats or other derelict vehicles or parts thereof or any discarded building material or any machinery or machinery parts of any kind or description to be stored upon on grounds, yard, or lot with the following exceptions:

- a. Where the items set out in Section 5 above are properly enclosed within a shed or garage or suitable building, or kept behind a barrier which protects them from view;
- b. Where the items set out in Section 5 above are being stored by an owner licensed to conduct business upon that property, and storage of such items is a necessary or normal accessory use thereof;
- c. Land which is a waste disposal site which has an ECA for such purposes issued by the Ministry of Environment, Conservation and Parks.

7. DRAINAGE

- a. No owner or occupant of a property shall:
 - i. discharge sewage onto the surface of the ground;
 - ii. allow discharge from a sump pump to enter a neighbouring property;
 - iii. allow roof run off to enter a neighbouring property;
- b. Every owner or occupant of a property shall ensure proper drainage swales are installed to direct drainage away from an abutting property.

8. INSPECTION

- a. An Officer of The Township of Tarbutt, as appointed, has the power to enter upon and examine any grounds, yard, vacant lot or building at any reasonable time.
- b. An Officer may be accompanied by such other persons as may be deemed necessary to properly carry out their duties under this By-law.

9. COMPLIANCE

- a. Where any grounds, yard, vacant lots or buildings fail to meet the standards as set out in the By-law, the owner of the said grounds, yard, vacant lot or building shall eliminate, repair, clean up, fill up, otherwise remove or dispose of any waste material or unsafe condition existing on the said land.
- b. Any person who hinders, disturbs or obstructs any officer in the conduct of their duties, or contravenes any provision of this By-law, unless otherwise provided herein, is guilty of an offence and, upon conviction, is liable to a fine pursuant to the Township's Administrative Penalty System.
- c. An Officer of the Township may give the owner of any property that fails to meet the standards set out in this By-law, a notice in writing delivered or sent by mail to the owner, directing the owner to correct the undesirable or unsafe condition existing on the property within the time stipulated in the notice, and notifying the owner that, in default of compliance with the notice, the Township shall cause the work to be done.
- d. In the event that the owner does not comply with the direction of the Notice noted above, the Township may do such work or cause it to be done, and the cost thereof may be recovered from the owner by court action or the same may be recovered through administrative penalty in a like manner as taxes.

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

- 1. The short title of this By-law shall be The Clean and Clear Yards By-law.

The Township of Tarbutt Clean Yards By-law

2. Words used in the singular form shall have corresponding meanings when used in the plural form.
3. The word “may” shall be construed to be permissive, and the word “shall” shall be construed as imperative.
4. Should any section, sub-section, clause, paragraph or provision of this By-law be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability or any other provision of this by-law.
5. That By-law #7-75 and any previous By-law or Resolution which conflicts with or contradicts the provisions set out herein shall be hereby repealed.
6. This By-law shall come into force and have effect upon the date it is finally passed.

READ A FIRST TIME this Nineteenth day of July, 2023.

READ A SECOND AND THIRD TIME and finally passed this _____ day of _____, 2023.

Lennox Smith, Mayor

Carol O. Trainor, Clerk

THE CORPORATION OF THE TOWNSHIP OF TARBUTT

BY – LAW 2023 -

A BY-LAW TO APPOINT A COMMUNITY EMERGENCY MANAGEMENT COORDINATOR (CEMC) AND AN ALTERNATE COMMUNITY EMERGENCY MANAGEMENT COORDINATOR (CEMC), AND TO REPEAL BY-LAW 2022-25.

WHEREAS the *Municipal Act*, 2001, c. 25 as amended permits a municipality to appoint such officers and servants as necessary for the purposes of the Corporation; and

WHEREAS O. Reg 380/04 under the *Emergency Management and Civil Protection Act*, R.S.O. 1990, provides that every municipality shall designate an employee of the municipality or a member of the council as its emergency management program coordinator, who shall complete the training that is required by the Chief, Emergency Management Ontario; and

WHEREAS the *Emergency Management and Civil Protection Act*, R.S.O. 1990, provides that every municipality shall develop and implement an emergency management program, and the council of the municipality shall, by by-law, adopt the emergency management program, which shall consist of:

- a. an emergency plan;
- b. training programs and exercises for employees of the municipality and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery activities;
- c. public education on risks to public safety and on public preparedness for emergencies; and
- d. any other element required by the standards for Emergency Management Programs set under section 14; and

WHEREAS the Council of the Corporation of The Township of Tarbutt deems it necessary to appoint a Community Emergency Management Coordinator, and an Alternate Community Emergency Management Coordinator, in accordance with Section 10 (1) and 10 (2) of O. Reg 380/04; and

WHEREAS By-law 2022-25, being a By-law to appoint a CEMC and Alternate CEMC was passed by Council on November 1, 2022, and Council now deems it necessary to repeal and replace said by-law with a new appointment by-law;

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

- a. That Edward Sadowski is hereby appointed as Community Emergency Management Coordinator (CEMC) for The Township of Tarbutt.

- b. That David MacDonald be appointed as the Alternate Community Emergency Management Coordinator.
- c. That By-law 2022-25 and any previous By-law which conflicts with or contradicts these appointments shall be hereby repealed.
- d. That the Community Emergency Management Coordinator (CEMC) has the authority to carry out all duties imposed by the applicable Statutes and Regulations of Ontario for which they have been appointed.
- e. That this By-law shall take effect on the day of passing.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED this Nineteenth day of July, 2023 .

Lennox Smith, Mayor

Carol O. Trainor, Clerk

**THE TOWNSHIP OF TARBUTT
COUNCIL MEETING OF JULY 19, 2023
CONSENT AGENDA**

- a. Message from the Secretary Treasurer of the Planning Board
Re: RFQ for Joint Official Plan
- b. Message from the Secretary Treasurer of the Planning Board
Re: Fee Increase for Consent Application Process
- c. Thank you card from the family of Patricia Strum
Re: Donation to Matthews Hospital Auxiliary
- d. Letter from the Ministry of Natural Resources and Forestry, Policy Division
Re: Occupation of Public Lands, and Crown Land Camping
- e. Resolution from the Municipality of North Perth
Re: Vacant Building Official Positions

Recommendation: Be it resolved that correspondence items a. through e. on the consent agenda dated July 19, 2023 be received; and
That Council accept the information from the Planning Board regarding the results of the Request for Quotations for the Joint Official Plan; and the increase to the Consent Application Fee.