

**PROVINCE OF QUEBEC
MUNICIPALITY OF PONTIAC**

MINUTES of the regular municipal council meeting held on Tuesday, April 9, 2013 at 8:00 p.m. at the Community Center, situated at 2024, route 148, Pontiac. Those who were present:

Edward McCann, Mayor, Dr. Jean Amyotte, Pro-Mayor and Councillors, Roger Larose, Thomas Howard, Lynne Beaton and Brian Middlemiss.

Also present the Director General, assistant to the Director General and several ratepayers.

The meeting began at 8:00 p.m.

EXCUSED ABSENCE: Inès Pontiroli, Councillor.

FLOOR TO THE PUBLIC AND QUESTION PERIOD

Leonard Lloyd	- 19 Egan
Joan Belsher	- Letter of consideration for a municipal employee
Kevin Brady	- Withdrawn
Blake Draper	- Is requesting that the cutting of the grass in the ditches starts earlier
Jean Vaillant	- Working dogs
Barry Marfleet	- Minutes on the Web before the meeting - Data bank – E-mails
Charles Ethier	- Changing MRC - Public consultation - Contacts with the 2 MRC
Jane Gardner	- Braun road
Nancy Maxsom	- Legal advice regarding containers
Ricky Knox	- Withdrawn
Bill Twolan	- Hydro Poles – Elm road
James Reid	- Available land for small businesses and contractors
James Eggleton	- Voice mail – French / English

13-04-1512

ADOPTION OF THE AGENDA

- 1. Opening of the meeting**
- 2. Floor open to public and questions**
- 3. Adoption of the agenda**
- 4. Adoption of the minutes of previous meetings**
 - 4.1 Minutes of the regular meeting held on March 12th, 2013 and that of the special meetings of the 19th and 26th of March 2013

- 5. Administration**
 - 5.1 Budgetary transfers
 - 5.2 List of invoices to pay
 - 5.3 List of fixed expenses
 - 5.4 List of incurred expenses for the month of April
 - 5.5 Tabling of the financial statements
 - 5.6 Notice of motion – Borrowing by-law – pumper truck
 - 5.7 Notice of motion – By-law 06-13 in order to increase the working capital
 - 5.8 By-law 06-13 in order to increase the working capital
 - 5.9 By-law 05-13 abrogating by-law 15-08 regarding the constitution of a local reserved business fund for the repairs and maintenance of certain public roads in the Municipality of Pontiac
- 6. Public security**
 - 6.1 Employment relationship – Kurt Fraser
 - 6.2 End of employment relationship – Volunteer firefighter – Guy Marcotte
- 7. Public works**
 - 7.1 Engineering report - Hollow Glen dam
 - 7.2 Paving of Stanton road
 - 7.3 Work on de la Montagne road
- 8. Public hygiene**
 - 8.1 Concrete slab - ecocenter
 - 8.2 Tabling of the summary of the report regarding potential dumping of septic wastes in the municipal sewer system
- 9. Urban renewal and zoning**
 - 9.1 Strategic planning
- 10. Recreation and culture**
 - 10.1
- 11. Miscellaneous**
 - 11.1
- 12. Various reports and correspondence**
 - 12.1 Tabling of various municipal reports: a) animals;
- 13. Tabling of the registre of correspondence**
 - 13.1 Register of the correspondence received in March 2012
- 14. Public question period**
- 15. Closing of meeting**

It is

Moved by : Brian Middlemiss
 Seconded by : Dr. Jean Amyotte

AND RESOLVED to adopt the agenda with the following modifications:

Additions: 7.4 Repair of sidewalks
 7.5 Tenders - Repair of McKay, Dubois and Cedarvale roads
 8.3 Tabling of the documents by Councillor Roger Larose

Withdrawn 9.1 Strategic planning

Carried

13-04-1513

ADOPTION OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 12, 2013 AND THAT OF THE SPECIAL MEETINGS OF MARCH 19 AND 26, 2013

It is

Moved by: Roger Larose
 Seconded by: Brian Middlemiss

AND RESOLVED TO adopt the minutes of the regular meeting held on March 12, 2013 and that of the special meetings of March 19 and 26, 2013;

Carried

13-04-1514
BUDGETARY TRANSFERS (April 2013)

It is

Moved by: Dr. Jean Amyotte
Seconded by: Brian Middlemiss

AND RESOLVED THAT the municipality carry out the budgetary transfers as described on the attached list in the amount of **\$ 70, 253.00**

Carried

13-04-1515
LIST OF INVOICES TO PAY

Moved by: Dr. Jean Amyotte
Seconded by: Brian Middlemiss

AND RESOLVED THAT this Council authorizes the payment of invoices amounting to **\$ 50, 789.68** (see appendix in file no.102-102) for the period ending March 31, 2013 and to debit budget posts related to the expenses mentioned on said list.

Carried

13-04-1516
LIST OF FIXED AND PRE-APPROVED EXPENSES

It is

Moved by: Lynne Beaton
Seconded by: Brian Middlemiss

AND RESOLVED THAT this Council approves the list of disbursements and withdrawals done from February 27, 2013 to March 26, 2013, all for a total amount of **\$ 410, 609.18** (see appendix).

Carried

13-04-1517
LIST OF INCURRED EXPENSES FOR THE MONTH OF APRIL 2013

Moved by: Dr. Jean Amyotte
Seconded by: Brian Middlemiss

AND UNANIMOUSLY RESOLVED to accept the incurring expenses that appear in appendix A (see file 102-102), for a total amount of **\$ 36, 563.70** taxes included.

Carried

The Director General tables the financial statements for the year ending on December 31, 2012.

NOTICE OF MOTION

I, the undersigned, **Dr. Jean Amyotte**, Councillor of the electoral district number **6**, at the Municipality of Pontiac, give notice of the presentation of a draft borrowing by-law for the purchase of a pumper truck for the Municipality of Pontiac.

NOTICE OF MOTION

I, the undersigned, **Brian Middlemiss**, Councillor of the electoral district number **5**, at the Municipality of Pontiac, give notice that he intends to present at a subsequent meeting, a draft by-law in order to increase the working capital.

The reading of the by-law is not necessary since the request for waiving the reading is done at the same time as the notice of motion and that a copy of the by-law has been immediately given to all present Council members and to the others two juridical days before the meeting at which it will be carried and if, during this meeting, all present members of the Municipal Council declare having read it and waive to its reading (art. 445 C.M.)

BY-LAW 06-13 TO INCREASE THE WORKING CAPITAL

WHEREAS the Municipality has created with by-law # 06-02 a working capital in the amount of \$250, 000.00;

WHEREAS THE Council agrees that it is necessary to increase said working capital;

WHEREAS a notice of motion was given at the regular Council meeting of April 9, 2013;

WHEREAS the sums available in the surplus of its general fund as shown on the financial statements dated December 31, 2012;

THEREFORE,

It is

Moved by :

Seconded par :

AND RESOLVED to adopt present by-law as follow:

- ARTICLE 1.** The present by-law is entitled “By-law 06-13 to increase the working capital”
- ARTICLE 2.** The preamble is an integral part of the present by-law as if reproduced in its entirety;
- ARTICLE 3.** The Municipality of Pontiac increases said working capital by \$250, 000.00 bringing its total to \$500, 000.00;
- ARTICLE 4.** The sums necessary to increase said working capital will be taken from the surplus of the general fund;
- ARTICLE 5.** The present by-law will come into force in accordance with the law.

13-04-1518

BY-LAW 05-13 ENTITLED: “BY-LAW 05-13 ABROGATING BY-LAW 15-08 REGARDING THE CONSTITUTION OF A LOCAL RESERVED BUSINESS FUND FOR THE REPAIRS AND MAINTENANCE OF CERTAIN PUBLIC ROADS IN THE MUNICIPALITY OF PONTIAC”

WHEREAS articles 78.1 and the following of the *Municipal Powers Act* (R.S.Q. c. C-47.1) requires that every local municipality with a quarry or a sand pit on its territory create a reserved fund for the repairs and maintenance of certain public roads;

WHEREAS the presence of a quarry and/or a sandpit on the territory of the Municipality;

WHEREAS the absence of a regional reserved fund for the repairs and maintenance of certain public roads, in the sense of article 110.1 of the *Municipal Powers Act*;

WHEREAS a notice of motion for this by-law was duly given at the Council meeting of March 12, 2013 and that a draft of the present by-law was tabled on the same date.

CONSEQUENTLY, it is

Moved by: Roger Larose
Seconded by: Dr. Jean Amyotte

AND RESOLVED that the Municipality of Pontiac Council decrees and rules on the by-law as follow:

BY-LAW 05-13 ABROGATING BY-LAW 15-08 REGARDING THE CONSTITUTION OF A LOCAL RESERVED BUSINESS FUND FOR THE REPAIRS AND MAINTENANCE OF CERTAIN PUBLIC ROADS IN THE MUNICIPALITY OF PONTIAC

1. PREAMBLE

The above noted preamble is an integral part of the present by-law.

2. DEFINITIONS

Quarry or sandpit : Any place as described in article 1 of the *By-law with respect to quarries and sandpits* (R.R.Q. c. Q-2, r.2). The word sandpit also includes the word gravel pit in the sense of this by-law.

Sandpit or quarry operator: A person or a business who operates a quarry or a sandpit; meaning the extraction or the recycling of its subjected material, be it for sale or personal use.

Subjected material : Material which is transformed or not, that is transported out from the site of a quarry or a sandpit is subject to this by-law. The materials include surface mineral substances listed in article 1 of the *Act respecting mines* (L.R.Q. c. M-13.1), particularly sand, gravel, clay, broken ashlar, crushed stone and ore, used to make cement and inert mine tailings, with the exclusion of peat. Also included are mineral substances coming from the recycled fragments of demolished buildings, bridges, roads or other structures.

Municipality : Refers to the Municipality of Pontiac.

Public roads : The surface of an area or an engineering structure which is under the maintenance of the Municipality and on a part of which one or more road surfaces are open to public traffic.

3. ESTABLISHMENT OF FUND

With this by-law the Council decrees the creation of a local reserved fund for the repairs and maintenance of certain public roads.

4. PURPOSE OF THE FUND

The amounts put in the fund, with the exception of the amounts needed for the cost of administration of the present by-law, will be used for the following :

1. For the repairs or maintenance of all, or part of a public road on which subjected material is carried or is likely to be carried, coming from the site of a quarry or a

sandpit, on the territory of the Municipality and for which a fee is payable in virtue of article 5;

2. For work aimed at compensating for inconveniences related to the transportation of subjected materials;

5. RECEIVABLE FEES

Each operator of a quarry or a sandpit located in the Municipality and who might transit on a municipal road carrying subjected material, will have to pay a fee to have the right to do so;

Fees payable by a quarry or a sandpit operator is based on quantity, shown in metric ton, *if the operator uses a scale* or in cubic meters *if the operator does not have access to a scale*, of materials transformed or not, which is being carried from the site and that are materials subjected to the present by-law;

6. EXCLUSIONS

There is no fee for materials transformed in a structure within an evaluation unit on the site and identified under category « 2-3---MANUFACTURING INDUSTRY » with the exception of category « 3650 ready-mixed concrete » and « 3791 fabrication of bituminous concrete », included in the guide to which the by-law refers to paragraph 1⁰ of article 263 of the *Act respecting municipal taxation* (R.S.Q. c. F-2.1). The exclusion also applies when the structure is located in an evaluation unit and is adjacent to the one with the site.

The operator of a quarry or a sandpit is also exempt of all fees pertaining to the period covered by the declaration, if his declaration is made under oath, as provided for in article 8, and that the declaration states that none of the subjected material is likely to be carried from his site via municipal public roads.

7. PAYABLE FEES PER METRIC TON

For the 2009 municipal fiscal year, the fee is \$0.50 per metric ton for all subjected material.

For all subsequent years, the fee for each metric ton will be the result you get when indexing an increased rate of the fee applicable from the previous year. The percentage corresponds to the increased rate of the Consumer's price indicator for Canada, according to Statistics Canada. In accordance to article 78.3 of the *Municipal Powers Act*, this percentage as well as the applicable fee are published annually in the *Québec official gazette*, before the beginning of the said year.

7.1. AMOUNT OF PAYABLE FEES PER CUBIC METERS

For the 2009 municipal fiscal year, the fee is \$0.95 per cubic meter for all subjected material, except in the case of broken ashlar, for which the amount is \$1.35 per cubic meter.

For all subsequent years, the fee for each cubic meter will be the result you get when multiplying the amount payable per metric ton by the conversion factor 1.9 or, in the case of broken ashlar, by the factor 2.7. In accordance with article 78.3 of the *Municipal Powers Act*, the applicable fee is published annually in the *Québec Official Gazette*, before the beginning of the said year.

8. DECLARATION FROM THE OPERATOR OF A QUARRY OR A SANDPIT

Any sandpit or quarry operator must declare the following information to the Municipality, using the form entitled « *Formulaire pour les redevances des exploitants de carrières et sablières* » which is attached to the present by-law as appendix 1:

1. If some subjected materials for which a fee is payable in virtue of the present by-law, which will possibly be carried via Municipal public roads from each of the sites being worked, for the period covered by the declaration.
2. If so, the quantity of the subjected materials, in metric tons or cubic meters, that have been carried from each site during the period covered by the declaration.

3. If the declaration noted in the first paragraph of the present article states that none of the subjected materials are going to be carried via public municipal roads from a site during the period covered by the declaration, the said declaration must be made under oath and reasons must be given.

9. COLLECTION OF FEES AND PROCEDURE

Declarations noted in paragraph « 1. and 2. » of the above article no. 8 must be submitted according to the following intervals:

1. Between June 15th and July 15th of each year for materials which have been carried from January 1st to May 31st;
2. Between October 15th and November 15th, for materials which have been carried from June 1st to September 30th;
3. Between January 15th and February 15th for materials which have been carried from October 1st to December 31st;

Declarations noted in paragraph « 3. » of the above article no. 8 must also be submitted according to the same intervals.

Following reception of the operator's declarations, the municipal officer in charge of collecting fees will make the necessary calculation in order to produce an invoice and will issue it on August 1st and December 1st of each year, as well as the March 1st of the following year.

10. PAYABILITY OF FEES AND TRANSMISSION OF THE INVOICE

The payment of fees is due 30 days following the issuance of the invoice by the municipal officer in charge of collecting. Interest is calculated from that day at the current rate for arrears on municipal taxes.

The invoice informs the debtor of the rules in the first paragraph.

Fees payable by an operator for material that have been carried from each of the sites he operates, during a municipal fiscal year, is however not eligible before:

1. August 1st of that fiscal year for materials that have been carried from January 1st to May 31st of the same fiscal year;
2. December 1st of that fiscal year, for materials that have been carried from June 1st to September 30th of the same fiscal year;
3. March 1st of that fiscal year, for materials that been carried from October 1st to December 31st of the same fiscal year;

11. VERIFYING THE ACCURACY OF THE DECLARATION

Once a year, the accuracy of information within the operator's declarations will have to be certified by a professional accountant (c.p.a.) or a recognized firm doing bookkeeping for the operator or his accounting.

Despite certification issued from a professional accountant, the Municipality may use any other form of control to validate the operator's declaration, which notably may include an aerial photograph, a site visit, etc.

The Director General of the Municipality, the Director of the Public works department or their representatives are also mandated to act in the name of the Municipality when an on-site inspection is required.

12. MODIFICATION TO THE INVOICE

If the municipal officer in charge of accounts receivable believes that, by applying the provisions in article 11, after having received all the information, that an operator was falsely exempted from fees payable with regard to a site, following a declaration made in virtue of article 8, or that the quantity of materials that have been carried from a site differs

from that which is noted in the declaration, on the invoice he must mention any change which he deems necessary to the notes of the said declaration.

Fees are payable according to the modified notes on the invoice, subject to judgment-in-law, resulting in a law suit for the implementation of the present by-law.

13. DESIGNATED MUNICIPAL OFFICER

The Municipal Council designates the Director General as the municipal officer in charge of implementing the present by-law, notably to include the collection fees.

14. PENAL PROVISIONS OF THE LAW

Any person or corporation who fails to produce a declaration, as required by the present by-law, or who submits a false declaration commits an offence and is liable for the following fines, in addition to fees:

1. For a first offence, an individual will face a minimum fine of \$500 and a maximum fine of \$3,000; a corporation will face a minimum fine of \$1,500 and a maximum fine of \$10,000;
2. In the event of a subsequent offence, an individual will face a minimum fine de \$1,000 and a maximum fine of \$5,000; a corporation will face a minimum fine of \$3,000 and a maximum fine of \$15,000;

If an offence continues, it constitutes a new and distinct offence for each passing day and the offender is liable to a fine each day that the offence continues and that a report to that effect is issued.

Any actions taken in virtue of the present by-law is done according to the provisions of the Criminal code (L.R.Q., c.C.-25.1, modified by L.Q. 1992 c.61).

15. COMING INTO FORCE

The present by-law will come into force in accordance with the law.

Carried

13-04-1519

EMPLOYMENT RELATIONSHIP – KURT FRASER

It is

Moved by: Thomas Howard
Seconded by: Lynne Beaton

AND RESOLVED THAT the Municipality ends the employment relationship with Mr. Kurt Fraser, who was acting as a volunteer firefighter.

Carried

13-04-1520

END OF EMPLOYMENT RELATIONSHIP VOLUNTEER FIREFIGHTER – GUY MARCOTTE

WHEREAS the last working day of Mr. Guy Marcotte was the March 18, 2011;

WHEREAS the article 9.01 of contract between the Municipality and the members of the brigade;

FOR THESE REASONS it is

Moved by:
Seconded by:

AND RESOLVED THAT the Municipality of Pontiac ends the employment relationship of Mr. Guy Marcotte as a volunteer firefighter.

A letter of appreciation will be sent to Mrs. Marcotte to thank him for services rendered.

AMENDMENT

WHEREAS the last working day of Mr. Guy Marcotte was March 18, of 2011;

WHEREAS the article 9.01 of contract between the Municipality and the members of the brigade;

FOR THESE REASONS it is

Moved by: Thomas Howard

Seconded by: Roger Larose

AND RESOLVED THAT the Municipality of Pontiac ends the employment relationship of Mr. Guy Marcotte as a volunteer firefighter.

The vote is requested on the amendment:

For: Thomas Howard Against: Dr. Jean Amyotte
Roger Larose
Lynne Beaton
Brian Middlemiss

The amended proposition is carried on a divided vote

13-04-1521

ENGINEERING REPORT - HOLLOW GLEN DAM

It is

Moved by: Brian Middlemiss

Seconded by: Dr. Jean Amyotte

AND RESOLVED THAT in virtue of the Act on access to information, the Municipality ask for the complete report from S.M. Inc. regarding the state of the Hollow Glen dam (Beamish Lake).

Carried

13-04-1522

PAVING OF STANTON ROAD

It is

Moved by: Lynne Beaton

Seconded by: Thomas Howard

AND RESOLVED THAT the Municipality ask for tenders for the paving of Stanton road. A maximum budget of \$50, 000.00 is allowed for this purpose. Preparatory work will be performed by the municipal employees. Three tenders shall be requested.

Carried

13-04-1523

WORK – DE LA MONTAGNE ROAD

It is

Moved by : Brian Middlemiss

Seconded by : Thomas Howard

AND RESOLVED THAT the Municipality ask for two tenders for the scarification of the asphalt on de la Montagne road, one for a length of 1 km, the preparation and the laying of new asphalt, and a second one for 2 km.

Carried

13-04-1524

REPAIRS OF SIDEWALKS – VILLAGE OF QUYON

It is

Moved by: Lynne Beaton
Seconded by: Thomas Howard

AND RESOLVED THAT the Municipality have the sidewalks in front of Onslow School repaired for a length of 10 meters. Work will be done by the municipal employees.

Carried

13-04-1525

REPAIR OF MCKAY, DUBOIS AND CEDARVALE ROADS

It is

Moved by: Dr. Jean Amyotte
Seconded by: Brian Middlemiss

AND RESOLVED that the Municipality request tenders from at least three contractors for the asphalt repair on McKay, Dubois and Cedarvale roads.

Carried

13-04-1526

CONCRETE SLAB – ECOCENTER

WHEREAS THE call for tenders for the installation of a concrete slab at the ecocentre;

WHEREAS the offers received;

It is

Moved by: Brian Middlemiss
Seconded by: Thomas Howard

AND RESOLVED THAT the Municipality accept the offer of Campbell's Bay Cement in the amount of \$20, 923.08 taxes included for the concrete slab at the ecocentre, as requested.

Carried

The Director General tables the summary of the report regarding potential dumping of septic wastes in the municipal sewer system.

QUESTION PERIOD FROM THE PUBLIC

James Eggleton _____ - English summary of the letter sent to Roger Larose

Bill Twolan _____ - Meeting date for the strategic planning

Joan Belsher _____ - The letter wrote to Roger Larose is inappropriate since he is a user of the water and sewer system
- Investigation summary

- | | |
|----------------------|---|
| Kevin Brady | - Employment relationship - Firefighters |
| Ricky Knox | - Paving of Stanton
- Repairs to the asphalt
- Correspondence register – Complaint # 1981 |
| Bill Twolan | - Complaint against his property
- Exchange of lots – Change of zoning |
| Mo Laidlaw | - Repairs – Work on route 148
- Damages to forestry lots |
| Denis Dubé | - Trees to be replaced on his land, following the work on the aqueduct |
| Ricky Knox | - Management of the touristic activities (ex. Fort Coulonge’s Rodeo) |
| Madeleine Carpentier | - Work on Terry-Fox between Pink and Maple road
- Work on de la Montagne road |
| Stéphane Alary | - Road repairs – Detour |
| Nancy Maxsom | - Concrete slab |

13-04-1527

CLOSING OF THE MEETING

Moved by: Brian Middlemiss
Seconded by: Roger Larose

AND RESOLVED to close the meeting at 9:45 p.m. having gone through the agenda.

Carried

MAYOR

DIRECTOR GENERAL

« I, Mayor Edward McCann, hereby certify that the signature on the present minutes is equivalent to my signature on each and every resolution herein, as specified in article 142 (2) of the Municipal Code».