

**PROVINCE OF QUEBEC
MUNICIPALITY OF PONTIAC**

MINUTES of the regular municipal council meeting held on Tuesday, August 12, 2014 at 7:30 p.m. at Lions Club Hall, situated at 2 Ferry road, Pontiac. Those who were present:

Mr. Roger Larose, Mayor, Brian Middlemiss, Pro-Mayor, and Councillors, R. Denis Dubé, Nancy Draper-Maxsom, Dr. Jean Amyotte and Thomas Howard.

Also present Mr. Benedikt Kuhn, Director General by interim, Mrs. Ginette Chevrier-Bottrill, Assistant Director General by interim and a few ratepayers.

Excused absence: Mrs. Inès Pontiroli, Councillor

The meeting began at 7:30 p.m.

FLOOR TO THE PUBLIC AND QUESTION PERIOD

- | | |
|--------------------------|---|
| Susan Birt | - Follow up on nuisances files
- Work on the shore – Authorization certificate from the Environment Ministry |
| Debbie-Cloutier-Tremblay | - Possible modifications to the signage panel for Pontiac
- Subdivision funds for parks and playgrounds - Ward 6
- Possibility of postal code changes |

14-08-2098

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 July 8, 2014 and of the specials meetings of June 25, 2014 and of July 15, 22 and 29, 2014
- 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 August
 - 5.5 Adoption of by-law 12-14 to regulate the use of drinking water in order to preserve the quality and the quantity of the resource
 - 5.6 Municipality's contribution for the study of Chats Falls Park
- 6. Public security**
 - 6.1 Letter of resignation- Lieutenant position
 - 6.2 Call for tenders for the assessment of the tanks
- 7. Public works**
 - 7.1 Repairs to Maple road
- 8. Public hygiene**
 - 8.1 Resignation – Employee # 02-0126
- 9. Urban renewal and zoning**
 - 9.1 Minor exemption – 2072 Gauvin road – Lot 17 C-1
- 10. Recreation and culture**
- 11. Miscellaneous**
- 12. Various reports and correspondence**
 - 12.1 Tabling of various municipal reports:
 - a) animals
- 13. Tabling of the register of correspondence**
 - 13.1 Register of the correspondence received in July 2014
- 14. Public question period**
- 15. Closing of meeting**

It is

Moved by: Nancy Draper-Maxsom
Seconded by: Dr. Jean Amyotte

AND RESOLVED to adopt the agenda with the following modifications:

Addition:

Item 6.3 Notice of motion to cancel by-law no. 05-12 regarding a borrowing by-law for the paving of Braun road and tabling of a new borrowing by-law for the paving of Braun road.

Carried

14-08-2099

ADOPTION OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 8, 2014 AND OF THOSE OF THE SPECIAL MEETING OF JUNE 25, 2014 AND OF JULY 15, 22 AND 29, 2014

It is

Moved by: Brian Middlemiss
Seconded by: R. Denis Dubé

AND RESOLVED TO adopt the minutes of the regular meeting held on July 8, 2014 and of those of the special meetings of June 25, 2014 and of July 15, 22 and 29, 2014.

Carried

14-08-2100

BUDGETARY TRANSFERS (AUGUST 2014)

It is

Moved by R. Denis Dubé
Seconded by Brian Middlemiss

AND RESOLVED THAT the municipality carry out the budgetary transfers as described on the attached list in the amount of \$ **35, 515.00**

Carried

14-08-2101

LIST OF INVOICES TO PAY

It is

Moved by: Nancy Draper-Maxsom
Seconded by: Brian Middlemiss

AND RESOLVED THAT this Council authorizes the payment of invoices amounting to \$ **47, 796.24** (see appendix in file no.102-102) for the period ending July 31, 2014 and to debit budget posts related to the expenses mentioned on said list.

Carried

14-08-2102

LIST OF FIXED AND PRE-APPROVED EXPENSES

It is

Moved by: R. Denis Dubé
Seconded by: Brian Middlemiss

AND RESOLVED THAT this Council approves the list of disbursements and withdrawals done from July 3, 2014 to July 29, 2014, all for a total amount of \$ **333, 627.59** (see appendix).

Carried

14-08-2103

LIST OF INCURRED EXPENSES FOR THE MONTH OF AUGUST 2014

It is

Moved by: Brian Middlemiss
Seconded by: R. Denis Dubé

AND UNANIMOUSLY RESOLVED to accept the incurring expenses that appear in appendix A (see file 102-102), for a total amount of \$ 4, 919.27 taxes included.

Carried

14-08-2103-1

ADOPTION OF BY- LAW 12-14

MUNICIPAL BY-LAW TO REGULATE THE USE OF DRINKING WATER IN ORDER TO PRESERVE THE QUALITY AND THE QUANTITY OF THE RESOURCE.

WHEREAS the notice of motion of the present by-law, given at the regular meeting of April 8, 2014;

It is

Moved by : R. Denis Dubé
Seconded by : Dr. Jean Amyotte

AND RESOLVED THAT the Pontiac Municipal Council decrees and rules as follows :

1. BY-LAW OBJECTIVES

The present by-law aims to regulate the use of drinking water in order to preserve the quality and the quantity of the resource.

2. DEFINITION OF TERMS

« Automatic watering » designates all watering equipment, connected to the water network, which is automatically activated, including electronic or underground equipment.

« Manual watering » designates watering with a hose, connected to the water network, and equipped with a locking mechanism, which is hand held during the period of use.

« Building » designates all structure used for or intended to be used for sheltering or accommodating people, animals or things.

« Meter » or « water meter » designates a device used to measure water consumption.

« Housing » means any building intended to accommodate human beings, including, amongst others, single and multi-family homes, apartment buildings and intergenerational homes.

« Property » designates the land, the buildings and the improvements.

« Accommodations » designates a suite serving or intended to serve as a residence for one or many individuals, and which generally includes sanitary installations as well as installations to prepare and consummate meals, and also to sleep.

« Lot » signifies a piece of land identified and defined on a cadastral plan, done and tabled in accordance with the requests of the Civil Code.

« Municipality » designates the **Municipality of Pontiac**

« Individual » includes natural and legal person, partnerships, trusts and cooperatives.

« Owner » in addition to the registered owner, it designates the occupant, the user, the tenant, the lessee, the dependents or any other usufructuary, one not necessarily excluding the others.

« Stop valve » designates a device installed by the Municipality outside a building on the service connection, used to stop the water supply of the building.

« Indoor pipes » designates the installation inside a building, from the indoor cut-off valve.

« Indoor cut-off valve » designates a device installed inside a building and used to stop the water supply of the building.

3. APPLICATION FIELDS

This by-law determinates the usage standards of drinking water coming from the distribution network of the Municipality and is applicable to the all the Municipality's territory of **QUYON'S AREA**.

This present by-law is not to limit the use of drinking water for horticultural production activities which represent all the activities required to produce vegetables, fruits, flowers, trees or ornamental shrubs for commercial purposes, including the preparation of soil, sowings, maintenance, harvesting, storing and marketing.

4. RESPONSIBILITY TO REINFORCE MEASURES

The reinforcement of the present by-law is the responsibility of the **chief operator of the water treatment plant** in collaboration with the **Director General and the Director of Public Works**.

5. GENERAL AUTHORITY OF THE MUNICIPALITY

5.1 Impediment to execute tasks

Whoever keeps a Municipal employee or anyone serving the Municipality from doing repair, reading or verification work, hinders or disturbs him in the performance of his duties, or damage in anyway the aqueduct, its equipment or accessories, hampers or prevents the functioning of the drinking water system, of its dependant accessories or equipment, is responsible of the damages to the equipment mentioned previously, in view of his acts, contrive to the present by-law and becomes liable to the penalties provided with the present by-law.

5.2 Right of ways

The employees specifically designated by the Municipality have the right to enter, at any reasonable time, in all public or private place, inside or outside the Municipality's limits and to stay as long as need it in order to do a repair, a reading or to see if the dispositions of the present by-law have been respected. All required collaboration must be granted in order to facilitate the access. These employees must have and show, if needed, a proof of identification issued by the Municipality. Furthermore, these employees have access, inside the building, to the cut-off valves; to this effect, they, only, can remove or install seals.

5.3 Shut-off of water inlet

Authorized Municipal employees have the right to shut-off the water inlet to do repairs to the distribution network, without the Municipality being responsible of any damages as a result of these interruptions; the employees must however notify, by all reasonable means, the affected consumers, except in case of emergency.

5.4 Water pressure and debit

Whatever the type of connection, the Municipality does not guarantee neither an uninterrupted service, nor a determined pressure or debit; no one can refuse to pay a bill, partially or totally, because of a lack of water, and this, whatever the cause.

The Municipality, if it deems appropriate, can require from the owner to install a pressure reducer with a manometer, which must be kept in good working condition, when it goes over 525 kPa. The Municipality is not responsible for the damages cause by a pressure being too high or too low.

The Municipality is not responsible for loss or damages caused by an interruption or a lack of water supply, if it is due to an accident, a fire, a strike, a riot, a war or for any other reason beyond its control. Furthermore, the Municipality can take the necessary steps to restrict the consumption if the water supply becomes insufficient. In such cases, the Municipality can provide water with a preference to the buildings deemed a priority, before providing the private owners connected to the drinking water distribution network.

5.5 Request for plans

The Municipality can require to be provided with one or many plans of the inside plumbing of a building, or details of the operation of an equipment using water from the Municipal drinking water distribution network.

6. USAGE OF THE INFRASTRUCTURES AND WATER EQUIPMENT

6.1 Plumbing Code

The design and the execution of all plumbing system related work, done since the coming into force of the present by-law, must be in compliance with the Quebec Construction Code, chapter III – Plumbing, and of the Quebec Security Code, chapter I – Plumbing, latest versions.

6.2 Air conditioning and refrigeration

With this by-law coming into force, it is prohibited to install any air conditioning or refrigeration system using drinking water. Any air conditioning or refrigeration system using drinking water before the coming into force of this by-law must be replaced before January 1st, 2017, with a system which does not use drinking water.

Despite the first paragraph of this article, it is allowed to use a water tower as long as this is the only equipment which may, on a technical plan, do the transfer in the atmosphere, of the heat coming from a process using water and that the maximum volume of drinking water does not exceed 6.4 liters per hours, per nominal kilowatt of refrigeration or air conditioning.

6.3 Usage of the fire hydrants and of the municipal valve network

The fire hydrants are only used by authorized Municipal employees. Any other person will not be able to open, close, manipulate or operate a fire hydrant or a valve on the supply line of a fire hydrant without the authorization of the Municipality.

The opening and shut-off of the fire hydrants must be done in compliance with the procedures prescribed by the Municipality. A backflow protection device must be used in order to eliminate any possibility of backflow or siphoning.

6.4 Replacement, movement and disjuncture of a service connection

Everyone must notify the person in charge of enforcing the by-law before disconnecting, replacing or moving a service connection. He/she must get a permit from the Municipality, pay the excavation and cutting fees, as well as any other incurred expenses caused by this disjuncture, replacement or move.

The same is applicable for connection of service to a sprinkler system.

6.5 Failure of a supply pipe

Any occupant of a building must notify the person in charge of enforcing the by-law as soon as he/she hears an abnormal noise or notice any irregularity on the connection service. The Municipal employees will then be able to locate the problem and fix it. If the problem is located on the private pipes between the shut-off tap and the water meter, or between the shut-off tap and the building's indoor shut-off valve, if there is no water meter or if the water meter is installed in a room near the street line, then the Municipality notify the owner to do the repair within 15 days.

6.6 Pipes and equipment located inside or outside a building

A plumbing installation, in a building or in an equipment intended for public use, must be maintained in good working, secured and clean condition.

6.7 Connections

- a) It is prohibited to connect pipes from an accommodation or a building supplied by the municipal distribution network of drinking water to other accommodations or buildings, located on another lot.

- b) It is prohibited, for the owner or the occupant of an accommodation or a building supplied by the municipal distribution network of drinking water, to provide this water to other accommodations or buildings or to use it in any other way than for the accommodation or the building.

7. INDOORS AND OUTDOORS USE

7.1 Filling of a tanker

Anyone wishing to fill-up a water tanker from the municipal distribution network of drinking water must do it with the approbation of the person in charge of enforcing the by-law, and at the location designated by this person, in compliance with the regulations set by the latter, according to the current rate. Furthermore, an anti-backflow device must be used in order to eliminate the possibility of backflow or siphonage.

7.2 Watering of vegetation

Manual watering of a garden, a vegetable garden, a flower box, a planter, a flower bed, a tree and a shrub, with the help of a hose equipped with a locking mechanism, is allowed at all time.

7.2.1 Watering periods

Watering of the lawns, hedges, trees, shrubs or other vegetables, distributed by removable sprinklers or by drip irrigation is only allowed from 8:00 p.m. to 11:00 p.m. the following days:

- a) A day where the date is an even number for the occupant of a dwelling whose address is an even number;
- b) A day where the date is an uneven number for the occupant of a dwelling whose address is an uneven number;

As for the automatic system, it is only allowed to water from 3:00 a.m. to 6:00 a.m. on Sundays, Tuesdays and Thursdays.

7.2.2 Automatic watering systems

An automatic watering system must be equipped with the following:

- a) An automatic humidity sensor or an automatic power switch in case of rain, keeping the watering cycle from starting when the atmospheric precipitations are sufficient or when the ground's humidity is sufficient;
- b) A reduced pressure anti-backflow device to reduce the risk of any contamination of the drinking water distribution network;
- c) An electric valve to be started by an electric control device and used for automatically command watering or watering cycle. It must be installed downstream of the anti-backflow system;
- d) a handle or a gate valve with a manual shut-off, to be used only in case of breakage, malfunction or in any other cases deemed urgent. The handle or the gate valve must be accessible from the outside.

However, an automatic watering system, installed before this by-law came into force and incompatible with the demands for this article, can be used but must be upgraded, replaced or disabled before January 1st, 2015.

7.2.3 New lawn and new landscaping

Despite article 7.2.1, it is allowed to water a new lawn, a new tree or shrub and a new landscaping, every day for a 15 days period following the beginning of the sowing, planting or laying sod.

The watering of turf is allowed at all time the day of the installation.

Owners watering a new lawn, a new tree or shrub plantation or a new landscaping during this period must produce a proof of purchase of the vegetables or the seeds at the request of the person in charge of enforcing the present by-law.

7.2.4 Water run-off

It is prohibited for anyone to deliberately use watering equipment in such a way that the water runs-off in the street or on the neighbouring properties. However, a certain tolerance will be granted to take into consideration the wind factor.

7.3 Pool and spa

Filling up a pool is prohibited from 6:00 a.m. to 8:00 p.m. However it is allowed to use the aqueduct water when assembling a new pool, to maintain the structure and this, after getting a permit for the installation of a pool.

7.4 Vehicles, driveways, sidewalks, street, patios or external walls of a building

Washing of vehicles is allowed at all time, on the condition of use a washing pail or a watering hose equipped with a locking mechanism.

Washing of driveways, sidewalks, street, patios or external walls of a building is only allowed from April 1st to May 15th of each year or during painting, construction, renovation or landscaping jobs, justifying the cleaning-up of the driveways, sidewalks, street, patios or external walls of a building.

It is strictly prohibited, at all time, to use drinking water to melt snow or ice in driveways, on the ground, on patios or sidewalks.

7.5 Car wash

Any automatic car wash using the aqueduct water must be equipped with an operable recovery, recycling and recirculation system, of the water used for the car wash.

The owner or the operator of an automatic car wash must comply to the first paragraph before January 1st 2017.

7.6 Ponds

Any ponds, with or without water jets or cascades as well as fountains for which the initial filling and the water level is done by the aqueduct, must have a functional system ensuring water recirculation. Continuous filling up with drinking water is prohibited.

7.7 Water games

All water game must be fitted with an on-demand trigger system. Continuous supply of drinking water is prohibited.

7.8 Ongoing purges

It is prohibited to let water run, except if the person in charge of enforcing the by-law duly authorizes it, and this, only in specific cases.

7.9 Agricultural irrigation

It is strictly prohibited to use drinking water for agricultural irrigation, unless a water meter is installed on the supply line and that the Municipality has authorized it.

7.10 Energy source

It is prohibited to use the pressure or the debit from the drinking water distribution network has an energy source or to operate any equipment.

7.11 Watering prohibition

The person in charge of enforcing the by-law can, because of a drought, major breakdown of the municipal aqueduct lines and when necessary to proceed to fill-up the municipal tanks, by public notice, prohibit to anyone in a certain area and during a determined period, to water lawns, trees and shrubs, to fill-up pools as well as to wash vehicles or to use water outdoors, for whatever reason. However, this prohibition does not apply for manual watering of vegetable gardens and edible plants, in soil or in pots, for gardens, flowers and other vegetables.

In the case of new lawn, new trees or shrubs plantation or filling-up of new pools, an **authorization can be obtain from the competent authority** if the climatic conditions and the water supply allow it.

8. COSTS, VIOLATIONS AND PENALTIES

8.1 Prohibitions

It is prohibited to modify the installations, to damage the seals and to interfere with the operation of any devices and accessories given or requested by the Municipality, to contaminate the water in the aqueduct or the tank and to voluntarily misguide the Municipality regarding the water quantity supplied by the distribution network, otherwise, the offenders are subject to the appropriate criminal prosecutions.

8.2 Costs of repair work

If the owner requests that his water entrance line be reconstructed or replaced by one with a bigger diameter, or that it be installed deeper in the ground, the cost of this reconstruction or repair will be the responsibility of said owner, who will have to table at the office of the Municipality's Treasurer, before the beginning of the work, the estimated cost of such work. The final real cost and fees will be adjusted at the end of the work.

8.3 Notice

For any notice or complaint regarding one or several items of the present by-law, the consumer, or his authorized representative can advise verbally or in writing, the person in charge of enforcing the by-law in regards to water distribution and supply and contact the Treasurer's office at the Municipality in regards to water bills.

8.4 Penalties

Whoever violates a disposition of the present by-law commits an offence and is liable :

- a) if it is a natural person :
 - a fine of \$100 to \$ 300 for a first offence;
 - a fine of \$ 300 \$ to \$ 500 pour a second offence;
 - a fine of \$ 500 to \$ 1 000 for any additional offence.
- b) if it is a legal person :
 - a fine of \$ 200 to \$ 600 for a first offence;
 - a fine of \$ 600 to \$ 1 000 for a second offence;
 - a fine of \$ 1 000 to \$ 2 000 for any additional offence.

In all cases, fees are added to the fine.

If the violation is ongoing, the offender will be presumed committing as much violations has there are days throughout the duration of the violation.

The provisions of the Code of Criminal Procedures are applicable during any legal procedures initiated under the present by-law.

8.5 Issuing a violation notice

The person responsible to enforce the by-law is authorized to deliver a violation notice related to any violation to the present by-law.

8.6 Sentence

In a case when the Court gives a guilty verdict regarding a violation for which the object is contrary to the standard of the present by-law, it may order, in addition to the fine and the fees provided in article 8.4, that such violations be eliminated by the offender, within a set delay, and failure to do so, the said violation be eliminated by appropriate work done by the Municipality at the offender's costs.

Carried

14-08-2104

MUNICIPALITY'S CONTRIBUTION FOR THE STUDY OF CHATS FALLS PARK

WHEREAS an amount of \$ 5, 000.00 has been provided in the 2014 budget as a contribution for the planning and development activities for Chats Falls Park;

WHEREAS the activities are going on as planned;

It is

Moved by: Thomas Howard
Seconded by: Dr. Jean Amyotte

AND RESOLVED THAT the Municipality grants the amount of \$ 5,000.00 to the Pontiac CDE for the financing of the planning and development activities for Chats Falls Park.

Carried

14-08-2105

LETTER OF RESIGNATION- LIEUTENANT POSITION

It is

Moved by : Dr. Jean Amyotte
Seconded by : Nancy Draper-Maxsom

AND RESOLVED THAT this Council accepts the resignation of Mr. Pierre-Louis Chartrand as lieutenant of the Fire Department, as specified in his letter dated April 23, 2014.

Carried

14-08-2106

CALL FOR TENDERS FOR THE ASSESSMENT OF THE TANKS

WHEREAS the Council deems necessary to do the assessment of its tanks (gasoline, fuel, heating oil);

It is

Moved by: Dr. Jean Amyotte
Seconded by: Thomas Howard

AND RESOLVED to do a call for tenders to assess all the existing and future tanks of the Municipality in order to establish the needs in term of update of its installations.

Carried

14-08-2107

REPAIRS TO MAPLE ROAD

WHEREAS resolution # 14-05-1964 asking for tenders for the repair of Maple road;

WHEREAS the two tenders are as follow:

- Entreprise Excavation LePam Inc. in the amount of \$ 25, 926.86 taxes included
- Jason Hynes Construction Inc. in the amount of \$ 24, 684.65 taxes included

It is

Moved by: Dr. Jean Amyotte
Seconded by: Nancy Draper-Maxsom

AND RESOLVED THAT the Council accepts the tender of Jason Hynes Inc. in the amount of \$ 24, 684.65 taxes included, and this after verification of compliance of said tender.

Carried

14-08-2108

RESIGNATION – EMPLOYEE # 01-0126

WHEREAS the letter of resignation from the employee # 02-0126, dated July 21, 2014;

It is

Moved by: Brian Middlemiss
Seconded by: R. Denis Dubé

AND RESOLVED THAT this Council accepts the resignation of the employee # 02-0126 as of July 21, 2014.

14-08-2109

MINOR EXEMPTION – 2072 GAUVIN ROAD – LOT 17C-1

WHEREAS the applicant’s request regarding the position of the existing building, located at 5.2 meters of the high water mark, instead of 15 meters and at 7.41 meters of the front limit of the property, instead of 10 meters, on lot 17C-1, Range 13, Township of Onslow;

WHEREAS the existing building received a proper building permit on July 14, 1992;

WHEREAS the Act Respecting Land Use Planning and Development allows the municipalities to grant a minor exemption regarding the set margins;

WHEREAS the Act Respecting Land Use Planning and Development allows the municipalities to grant a minor exemption if a permit was issued and the work done in good faith;

WHEREAS the favourable recommendation of the Planning Advisory Committee;

It is

Moved by: Dr. Jean Amyotte
Seconded by: Nancy Draper-Maxsom

AND RESOLVED THAT this Council accepts the applicant’s request for the minor exemptions on lot 17C-1, Range 13, Township of Onslow.

Councillor R. Denis Dubé votes against the resolution.

Carried on a divided vote

QUESTION PERIOD FROM THE PUBLIC

- Susan Birt - Water flow Cimetière road and 2nd Concession
- Madeleine Carpentier - Position of employee # 02-0126
- James Eggleton - Item 9.1- Reason why Mr. Dubé voted against it?
- Ricky Knox - Follow up regarding the parking of heavy equipment
- Debbie Cloutier-Tremblay - Mayor’s press release – Deficit of \$ 128, 000.00

14-08-2110

CLOSING OF THE MEETING

It is

Moved by: Nancy Draper-Maxsom
Seconded by: R. Denis Dubé

AND RESOLVED to close the meeting at 8:35 p.m. having gone through the agenda.

Carried

MAYOR

DIRECTOR GENERAL by interim

« I, Mayor Roger Larose, 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».