

MINUTES

**THE CORPORATION OF THE MUNICIPALITY OF
MARKSTAY-WARREN
REGULAR COUNCIL MEETING
FOR THE TERM OF 2022-2026**

**TUESDAY, FEBRUARY 20TH, 2024 @ 7:00 P.M.
Markstay-Warren Council Chambers
21 Main Street South, Markstay, ON**

1. Opening Remarks and call meeting to order – 7:00 pm

Mayor Olsen welcomed everyone in attendance and performed land acknowledgement.

2024-30

Moved by: Francine Bérubé

Seconded by: Rachelle Poirier

THAT Council opens the Regular Council Meeting at 7:00 pm.

CARRIED

2. Land acknowledgment

3. Roll Call

Mayor: Steven Olsen

Councillor Francine Bérubé
Rachelle Poirier
Laura Schell (Absent)
Maurice Turcot

Staff: Kim Morris, CAO/Clerk
Ronny Theiss, Manager of Public Works

4. Approval of the Agenda

2024-31

Moved by: Maurice Turcot

Seconded by: Francine Bérubé

THAT Council accepts the agenda as amended.

CARRIED

5. **Disclosure of Pecuniary Interest and General Nature Thereof**
6. **Petitions and Delegations**
7. **Public Inquiries**
8. **Reports from Committees, Municipal Officers, Department Heads**
9. **Consent Agenda**
 1. Adoption of Minutes

That the following minutes be adopted:

1. Regular Meeting of Council – January 15th, 2024
2. Special Council Meeting – February 8, 2024
3. Finance Committee – January 9th, 2024
4. Committee of the Whole – January 25th, 2024
5. Recreation Committee – Nov 2, 2023
6. Library Board Meeting – January

2024-32

Moved by: Maurice Turcot

Seconded by: Rachelle Poirier

THAT Council approves the Consent Agenda as presented.

CARRIED

10. **Routine Management Reports**
 - a) Library CEO Report for January 2024

2024-33

Moved by: Francine Bérubé

Seconded by: Maurice Turcot

THAT Council receive Library CEO Report for January 2024 as presented.

CARRIED

- b) Cash Disbursements for January 2024

2024-034

Moved by: Rachelle Poirier

Seconded by: Maurice Turcot

THAT Council receive the Cash Disbursements Report for January 2024 as presented.

CARRIED

11. Correspondence for Council's information only

1. Manitoulin-Sudbury District Services Board
 - a. None
2. Sudbury East Planning Board
 - a. None
3. Public Health Sudbury and District
 - a. None
4. Municipal Property Assessment Corporation (MPAC)
 - a. None
5. Sudbury East Municipal Association (SEMA)
None
6. Association of Municipalities of Ontario
ROMA presentations

12. Business Arising from Meeting Minutes

13. New Business

1. Provincial Cemetery Management Support Request

2024-35

Moved by: Francine Bérubé

Seconded by: Maurice Turcot

WHEREAS under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), when a cemetery is declared abandoned by a judge of the Superior Court Justice, the local municipality within whose geographic boundaries the land of the cemetery is located, becomes the owner of the cemetery with all the rights and obligations in respect of the cemetery and the assets, trust funds and trust accounts related to it that the previous owner or operator possessed;

AND WHEREAS over the last decade, there has been an increase in the number of churches and local cemetery boards initiating processes to transfer ownership or abandon their owned and operated cemeteries to the local municipality due to such issues as high maintenance costs, inaccuracy of records, lack of financial and human resources to effectively operate and maintain the cemetery, increased regulatory processes regarding training, selling of interment rights, financial operation of the care and maintenance fund, etc.;

AND WHEREAS municipalities experience the same issues and pressures that churches and local boards experience with the operation and maintenance of cemeteries within its jurisdiction, and additional transfers of cemetery lands only compound the burden on municipal taxpayers;

AND WHEREAS cemeteries are important infrastructure where the reasonable costs for interment rights, burials, monument foundations, corner stones and administration charges do not sufficiently support the general operation of cemeteries;

AND WHEREAS the interest earned from the care and maintenance fund(s) of a cemetery do not provide adequate funding to maintain the cemetery with the rising costs of lawn and turf maintenance contracts and monument restoration;

NOW THEREFORE BE IT RESOLVED that Council of the Municipality of Markstay-Warren requests that the Province through the Ministry of Public and Business Services Delivery and the Bereavement Authority of Ontario (BOA) consider the following to assist municipalities in this growing concern of cemetery transfers:

- Amending the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), to have the Province, through the BAO, identified as the default owner and operator of a cemetery when it is abandoned;
- Provide annual funding (based on the number of cemeteries a municipality owns and operates) to municipalities to assist with the maintenance of inactive and active cemeteries;
- Provide free training opportunities for municipalities regarding cemetery administration;
- Investigate and support the design of universal cemetery software for use by municipal cemetery operators that can be offered at an affordable cost;

AND THAT THIS RESOLUTION be circulated to the Hon. Todd McCarthy, Ministry of Public and Business Service Delivery, Jim Cassimatis, BAO Interim CEO/ Registrar, MPP Jill Dunlop and all Ontario municipalities.

CARRIED

2. Tender for Auditor Services
3. Update on Debentures
4. Resolution to support AMO's ongoing advocacy efforts

#2024-36

Moved by: Rachelle Poirier

Seconded by: Francine Bérubé

WHEREAS current provincial-municipal fiscal arrangements are undermining Ontario's economic prosperity and quality of life;

WHEREAS nearly a third of municipal spending in Ontario is for services in areas of provincial responsibility and expenditures are outpacing provincial contributions by nearly \$4 billion a year;

WHEREAS municipal revenues, such as property taxes, do not grow with the economy or inflation;

WHEREAS unprecedented population and housing growth will require significant investments in municipal infrastructure;

WHEREAS municipalities are being asked to take on complex health and social challenges – like homelessness, supporting asylum seekers and addressing the mental health and addiction crises;

WHEREAS inflation, rising interest rates, and provincial policy decisions are sharply constraining municipal fiscal capacity;

WHEREAS property taxpayers – including people on fixed incomes and small businesses – can't afford to subsidize income re-distribution programs for those most in need;

WHEREAS the province can, and should, invest more in the prosperity of communities;

WHEREAS municipalities and the provincial government have a strong history of collaboration

THEREFORE BE IT RESOLVED that the Province of Ontario commit to undertaking with the Association of Municipalities of Ontario a comprehensive social and economic prosperity review to promote the stability and sustainability of municipal finances across Ontario;

AND FURTHER THAT a copy of this motion be sent to the Premier of Ontario (premier@ontario.ca); Minister of Municipal Affairs and Housing (minister.mah@ontario.ca); the Minister of Finance (minister.fin@ontario.ca); and to the Association of Municipalities of Ontario (amo@amo.on.ca).

CARRIED

5. Municipal Equipment Operator Course Resolution

#2024-37

Moved by: Maurice Turcotte

Seconded by: Rachelle Poirier

WHEREAS Municipal public works departments from across the Province of Ontario provide invaluable services to our communities ensuring the health and safety of all residents;

AND WHEREAS, if it was not for our municipal public works employees from across the Province of Ontario maintaining our public works systems, our communities would not be able to function as emergency personnel could not respond to calls, school buses could not get our children to school, residents would not be able to get to work, school or appointments and many more basic functions would not be able to happen;

AND WHEREAS municipal public works departments are already feeling the impacts of a labour shortage, which will only be exasperated over the next three to five years, which will cause levels of service municipalities are able to provide to ensure the health and safety of our residents to decrease;

AND WHEREAS there is currently no provincial-wide course that properly trains potential municipal public works employees, specifically relating to municipal heavy equipment.

THEREFORE IT BE RESOLVED that the Municipality of Markstay-Warren supports the work of the Association of Ontario Road Supervisors to develop a Municipal Equipment Operator Course to address this issue;

AND THAT the Municipality of Markstay-Warren calls on the Province of Ontario's Ministry of Labour, Training, Immigration and Skilled Trades to fully fund the Municipal Equipment Operator Course in 2024 through the Skills Development Funds;

AND THAT as copy of this resolution be sent to the Minister of Labour, Training, Immigration and Skilled Trades David Piccinni, the Municipality of Markstay-Warren's Member of Provincial Parliament, Mr. John Vanthoff and the Association of Ontario Road Supervisors.

CARRIED

6. Resolution TO Amend the Occupational Health and Safety Act to Clarify the Definition of Employer

#2024-37

Moved by: Francine Bérubé

Seconded by: Maurice Turcot

WHEREAS many municipalities in Ontario have seen an increase to their insurance rates due to Joint and Several Liability;

WHEREAS in 2015 the City of Greater Sudbury (the "City") entered into a contract with a contractor experienced in road construction projects to complete a project on Elgin Street in the City's downtown core;

AND WHEREAS the Contract provided that the contractor would be the constructor for the project as that term is defined in the Occupational Health and Safety Act (the "Act");

AND WHEREAS an employee of the constructor operating a grader on the project struck and killed a pedestrian;

AND WHEREAS the City was charged with offences under the Act as the constructor and the employer;

AND WHEREAS after being acquitted at trial and on appeal, the Ontario Court of Appeal, in a decision issued on April 23, 2021, found the City to be liable for contraventions of the Construction Regulations as an employer as it employed quality control inspectors to monitor the quality of work on the project from time-to-time;

AND WHEREAS after being acquitted at trial and on appeal, the Ontario Court of Appeal, in a decision issued on April 23, 2021, found the City to be liable for contraventions of the Construction Regulations as an employer as it employed quality control inspectors to monitor the quality of work on the project from time-to-time;

AND WHEREAS the Supreme Court of Canada, in a decision issued on November 10, 2023, was evenly divided 4-4 on the issue resulting in dismissal of the City's appeal;

AND WHEREAS the consequence of this decision is that municipalities in Ontario, as well as all other owners of property in the province, who wish to undertake construction, are subject to being charged and convicted as an employer for offences in relation to project sites for which they have no control and have, in accordance with the Act, contracted with an entity to assume plenary oversight and authority over the work on such site as the constructor;

AND WHEREAS the potential of an owner being charged as an employer as that term is defined in the Act in circumstances where it has engaged a constructor disregards and renders meaningless the owner-constructor provisions contained in the Act and presents an unacceptable level of increased risk and confusion for owners and contractors throughout the province.

AND WHEREAS the Municipality of Markstay-Warren believes that the safety of workers is paramount however the safety of workers on construction projects in Ontario is not increased by placing liability on parties that do not have control of and are not responsible for the conduct of the work on such sites;

NOW THEREFORE BE IT RESOLVED THAT the Council for the Municipality of Markstay-Warren requests that the province amend the Occupational Health and Safety Act to clarify the definition of "employer" to exclude owners that have contracted with a constructor for a project;

AND BE IT FURTHER RESOLVED THAT this motion be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, John Vanthoff, MPP, the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities, Ontario's Big City Mayors, Mayors and Regional Chairs of Ontario, Northern Ontario Large Urban Mayors, the Council of Ontario Construction Associations, the Ontario Chamber of Commerce and all Ontario municipalities, and the Clerk of the City of Greater Sudbury.

DEFEATED

7. Request from Warren Agricultural Society

#2024-38

Moved by: Maurice Turcot

Seconded by: Francine Bérubé

THAT Council approve a venue fee waiver for the space required at the arena Upper Hall for activities and the pancake breakfast to be held on March 23, 2024.

CARRIED

8. Request from Recreation Committee

#2024-39

Moved by: Rachelle Poirier

Seconded by: Francine Bérubé

THAT Council approve that the Recreation Budget be utilized to repair the sound systems located at the Multi-Use Complex in Warren.

CARRIED

9. Request from UNIVI

#2024-40

Moved by: Maurice Turcot

Seconded by: Francine Bérubé

THAT Council approve a venue fee waiver for the space required at the arena Upper Hall for a recognition dinner and activities for the UNIVI Volunteers to be held on April 25, 2024.

CARRIED

14. By-Laws

15. Motions

16. Notice of Motions

- a) Sale of Surplus or Used Municipal Equipment
- b) Change in road usage

17. Addendum

18. Announcements and inquiries

19. Closed session

#2024-41

Moved by: Maurice Turcot

Seconded by: Rachelle Poirier

THAT Council move to Closed session at 8:41 pm

CARRIED

#2024-42

Moved by: Francine Bérubé

Seconded by: Maurice Turcot

THAT Council Open Closed session meeting.

CARRIED

#2024-43

Moved by: Maurice Turcot

Seconded by: Rachelle Poirier

THAT Council approve the Agenda for Closed
- Cash disbursements #47790 the #47789

CARRIED

#2024-44

Moved by: Francine Bérubé

Seconded by: Rachelle Poirier

THAT Council adjourn the closed meeting at 9:40 pm.

CARRIED

#2024-45

Moved by: Francine Bérubé

Seconded by: Maurice Turcot

THAT Council returns to open session at 9:40 pm

CARRIED

#2024-46

Moved by: Rachelle Poirier

Seconded by: Francine Bérubé

THAT Council approve the expenditure for the replacement of the 2008 Dodge Ram
1500 Truck for \$66,964.30.

CARRIED

20. Adjournment

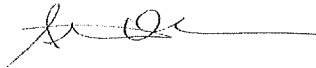
2024-47

Moved by: Francine Bérubé

Seconded by: Rachelle Poirier

THAT Council adjourn the meeting at 9:44 pm

CARRIED



MAYOR



CLERK

Minutes endorsed under resolution# 2024-52 on MARCH 18th, 2024