



**Special Council
Agenda**

Tuesday, September 25, 2018 10:00 AM

Council Chambers

- 1. Call to Order**
 - 1.09S.1 Call to Order
 - 1.09S.2 Additions, Deletions and Excused

- 2. Declaration of Pecuniary Interest**

- 3. Delegation/Presentation**
 - 3.09S.1 Spindle Drift, Pheasant Run & Tatty Hill Concerned Citizens - Road Upgrades

- 4. Facilities - Council Rep: Glenda McKay**

- 5. Public Works Department - Council Rep: Wayne Fraser**
 - 5.09S.1 Barryvale Road
 - 5.09S.2 Barrett Chute Road
 - 5.09S.3 Peaks Village Easements

- 6. Environmental Management Department - Council Rep: Wayne Fraser**

- 7. Protection Services Department - Council Reps: Brian Hunt and Glen MacPherson**

- 8. Planning Department - Council Rep: Brian Hunt**
 - 8.09S.1 Trailers - Documentation to be provided at the meeting
 - 8.09S.2 By-Law 27-2018 ZB1806.2 - Backyard Chickens and By-Law 28-2018 Animal Control

- 9. Finance & Administration Department - Council Rep: Brian Hunt**

- 10. Economic Development & Technology Department - Council Rep: Wayne Fraser**

- 11. Community & Health Committee - Council Rep: Glenda McKay**

- 12. Community Parks, Recreation and Library - Council Reps: Wayne Fraser, Brian Hunt, Harold Murphy and Glen MacPherson**

13. Minutes

14. Other

15. Closed Session

16. Open Session

17. By-Law (s)

17.09S.1 By-Law Approval

- 27-2018 To amend Zoning By-Law 22-2003 to permit the keeping of Backyard Chickens
- 28-2018 To amend By-Law 28-2018 Animal Control
- 51-2018 Confirmatory

18. Adjournment

18.09S.1 Motion to Adjourn

Note: Any submissions received by the public, either orally or in writing may become part of the public record/package.

From: Barryvale Rate-Payers [mailto:barryvaleconcernedratepayers@gmail.com]
Sent: Thursday, September 20, 2018 12:24 AM
To: cappleyard@greatermadawaska.com; cao@greatermadawaska.com
Cc: Township Roads
Subject: * SPECIAL Council Meeting: September 25th, 2018 at 10:00 AM - DELEGATION

final word.doc draft is in-transit

Delegation to Greater Madawaska Council: Tuesday September 25th, 2018 at 10:00 AM

Submitted By: Spindle Drift, Pheasant Run & Tatty Hill Concerned Citizens (Rick Brown, John Pratt and/or Murray Hicks et al)

SUBJECT: ROAD UPGRADES

We recognize that the upgrades to Barryvale Road are progressing well. On September 13th, 2018 it was learned that any road upgrades beyond Barryvale Road were unlikely.

Our delegations of 2016 & 2017 did not isolate Barryvale Road. They were inclusive of Tatty Hill, Pheasant Run & Spindle Drift.

The Construction Contract was for Barryvale Road. Spending [budgeted] dollars on Tatty Hill, Pheasant Run & Spindle Drift (after paying the Contractor for Barryvale Road) is for consideration because:

- 1. Spindle Drift has not been upgraded for over 30 years.**
- 2. Pheasant Run between Pine Hill & Barryvale Road is likewise 30+ years overdue. There are several other portions of Pheasant Run that are in serious disrepair. Just ask the impacted residents who are here today.**
- 3. Tatty Hill received tar & chip some 14 years ago and is in disrepair.**

We ask today [by motion] that council address:

A. Spindle Drift & Pheasant Run Roads being repaired using the funds as budgeted (and not utilized) for the Barryvale Road project, together with dollars from "general" or other revenue "pots". For example:

Resolution No.113-18 where 63k was recently earmarked to pave the Township Parking Lot & resurface Parnell and Mowat Streets.

Besides, on or about July 20th, 2018 Councillor Hunt & Mayor Mckay promised to let our group know if ... *there were any budget surpluses or other related funds we could seek access to* (possible slight writer emphasis). Original text & email messages from Councillor Hunt & Mayor Mckay to our group can be made available upon request.

B. Tatty Hill be upgraded in 2019 to avoid further deterioration.

Both Pheasant Run & Spindle Drift were to be upgraded in 2012 as we recall. That did not happen. Quite frankly, Spindle Drift was to be tar & chipped about 14 years ago.

The good news is that the Barryvale Road torture-test will soon be over and the Roads & Pothole Crews can return to more productive work.

As Council, you are aware of the significant tax and vote base surrounding Barryvale. Therefore, we will await your decision and individual comments. Today, a motion could be passed instructing the CAO & Public Works to fix these roads of course within budgetary reason.

Thank-you,

The Barryvale Concerned Ratepayers



Report

To: Mayor & Council
From: Jamie Doering
Date: September 18, 2018
Subject: Barryvale Road

Recommendation

That Council supports the Public Works Manager's recommendation to not complete any additional capital works to roads in the Township other than reflected in the 2018 Budget.

Background

As noted in correspondence from ratepayers in the Barryvale Area the 2013 Asset Management Plan noted the following roads were to be completed as follows:

Pheasant Run 2012
Spindle Drift 2012
Tatty Hill 2013

The Asset Management Plan is a living document and over the last number of years has expanded and developed criteria to assist with assessing the roads in the Township.

Discussion

The 2017 Asset Management Plan is recommending the following roads be addressed as follows:

Pheasant Run 2021
Spindle Drift 2024
Tatty Hill 2025

The Asset Management Plan and the 2018 Budget were both approved by Council on May 4, 2018 with no objections and/or concerns from the public.

On page 5, of the 2018 Budget Booklet, titled "2018 Capital Details" reference is made solely to Barryvale Road. There is no indication of any other roads being addressed.

The budget for the entire project is \$802,530. In a report to Council on September 17, 2018 it was projected that the cost of the project is estimated to be \$675,000 and wages are projected to be \$50,000, thereby the total projection cost is \$725,000. This project was to be funded, as per the 2018 budget as follows:

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Taxation \$47,530
Federal Gas Tax \$70,000
OCIF Top-Up \$50,000
Debenture \$635,000

As a result of the project coming in under budget the Finance Department is recommending the funding of the project be as follows:

Taxation \$47,530
Federal Gas Tax \$70,000
OCIF Top-Up \$50,000
Debenture \$557,470

The debenture would be \$77,530 less than budgeted.

Respectfully Submitted,
Jamie Doering

September 25, 2018 Version 2
Special Council

Report

To: Mayor and Council
From: Jamie Doering
Date: September 19, 2018
Subject: Barrett Chute Road

Recommendation

That Council proceed with the design of the Barrett Chute road prepared by Greenview Environmental with the following exceptions:

- slopes designed 1:1 and not 4:1
- apply 0.10m of Granular "M" to the entire length of the road and do not cut/fill on the existing road

Background

The Municipality received funding for the reconstruction of Barrett Chute Road. Greenview Environmental Management was awarded the design.

Discussion

During the design process it was determined that if we continue to use Transportation Association of Canada Guidelines (TAC) to design Barrett Chute Road it will make the project unaffordable. Preliminary costing based on TAC is expected to bring the project to a cost of 2.4 million.

One of the items recommended is 4:1 side slopes, where costing was based on 1:1 side slopes. The 4:1 slopes increase the amount of earth and rock removal approximately 3 times higher than going with the 1:1 slopes. Taking this approach also means additional utility poles will have to be relocated. The original number of poles to be relocated was 8 and that number would increase significantly.

A new centre line profile was also established during the design process which created a large number of cut/fill situations. The original plan was to add 0.10m of Granular "M" onto the existing profile which eliminates cut/fill situations. This approach still ensures that the road base is sufficient to carry the vehicle loads.

The remainder of the project falls in line with the design, the recommendation that does not follow the TAC guidelines but will address the requirements of the grant and road issues/concerns are:

- 1:1 Slope
- Apply 0.10m of Granular "M" to the entire length of road

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By taking these steps, it is expected to bring the project within our original budget.

People Consulted

CAO, Councillors Wayne Fraser and Brian Hunt, Greenview Environmental

Financial Implications

Budget as per the 2018 Budget Book \$1,403,430

Respectfully Submitted,
Jamie Doering

September 25, 2018
Regular Council



Report

To: Mayor and Council
From: Jamie Doering
Date: September 19, 2018
Subject: Peaks Village Easements

Recommendation

That Council directs staff to proceed with surveying of the drainage easements within the Peaks Village.

Background

In the Peaks Village there is water crossing private properties to allow drainage within the subdivision.

Discussion

Drainage easements are required within the subdivision which affects nine (9) property owners. The easements will allow the municipality to access the properties for future maintenance purposes.

Once the affected property owners approve the draft Surveys, by-laws and final surveys will be provided to Council.

People Consulted

CAO, Councillors Wayne Fraser Brian Hunt

Financial Implications

Cost for the easements is expected to be \$20,000

Respectfully Submitted,
Jamie Doering

October 3, 2018
Regular Council



Report

To: Mayor and Council
From: Luke Desjardins
Date: September 20, 2018
Subject: By-Law 27-2018 ZB1806.2 - Backyard Chickens and By-Law 28-2018 Animal Control

Recommendation

That Council approves By-law 27-2018 being a By-law to amend the Zoning By-law 22-2003 to permit the keeping of Backyard Chickens;

And furthermore that Council approves By-law 28-2018 to amend Animal Control By-law 9-2008.

Background

This report was previously brought to Council and was deferred related to a requested update to the Animal Control By-law. This update has been completed to better reflect the current circumstances of dog licensing and the keeping of dogs. A delay in this report occurred over the confirmation of the Provincial approval of the associated schedule of set fines. Confirmation has been received that the approval exists.

Many municipalities are choosing to permit the keeping of a small number of laying hens at ones dwelling, also known as Backyard Chickens.

There have been several requests from residents in the Township for this use.

If permitted, Backyard Chickens would be considered an accessory residential use and would be permitted on residential lots, subject to conditions. The proposed By-law suggests the following conditions:

- A maximum of 6 chickens shall be permitted on a lot with an area less than 4047 square metres.
- A maximum of 12 chickens shall be permitted on a lot with an area greater than 4047 square metres.
- In both cases the keeping of roosters is not permitted.
- Chicken coops must be located only in rear yards and in accordance with setbacks for accessory structures.
- Minimum Distance Separation (MDS) would not apply to the keeping of backyard chickens and related structures.
- The by-law would not limit the number of chickens where a farm is a permitted use.

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Discussion

The Township Animal Control By-law 9-2008 is also proposed to be amended. The amended By-law would include a new section 4.0 Backyard Chickens. This section also specifies that roosters are not permitted, and that manure must be properly disposed of etc. The schedule of set fines attached to the by-law could be used to fine a property owner who allows chickens to run at large. If in time the Township finds that other enforcement mechanisms are required then additions to the schedule can be made.

People Consulted

CAO, McNab Braeside Township

Financial Implications

Cost of advertising related notices in the newspaper ~\$750.

Respectfully Submitted,
Luke Desjardins

September 25, 2018 Version 2
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THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA

BY-LAW 27-2018

Being a By-Law to amend By-law Number 22-2003, being the Comprehensive Zoning By-law of the Corporation of the Township of Greater Madawaska, as amended

PURSUANT TO SECTION 34 OF THE PLANNING ACT, 1990, THE TOWNSHIP OF GREATER MADAWASKA HEREBY ENACTS AS FOLLOWS:

1. THAT By-law Number 22-2003 be and the same is hereby amended as follows:
 - (a) By adding the following definitions to SECTION 2.0 – DEFINITIONS, and renumbering the subsequent subsections accordingly:

“2.45 COOP means a fully enclosed weatherproof building where chickens are kept.”
 - (b) By adding the following subsection 3.6 BACKYARD CHICKENS to Section 3.0 General Provisions, immediately following Section 3.5 AUTOMOTIVE SERVICE STATIONS, GASOLINE BARS AND COMMERCIAL GARAGES, and renumbering the subsections accordingly:

“3.6 BACKYARD CHICKENS

 - (i) The keeping of backyard chickens shall be permitted as an accessory use to a single detached dwelling.
 - (ii) A maximum of 6 chickens shall be permitted on a lot with an area less than 4047 square metres.
 - (iii) A maximum of 12 chickens shall be permitted on a lot with an area less than 2 hectares and greater than 4047 square metres.
 - (iv) A coop must be located a minimum of 7.5 metres from any lot line.
 - (v) The keeping of roosters is prohibited.
 - (vi) Minimum Distance Separation shall not apply to the keeping of backyard chickens and related structures.
 - (vii) This section does not limit the number of chickens where a farm is a permitted use.”
2. THAT save as aforesaid all other provisions of By-law 22-2003, as amended, shall be complied with.
3. This By-law shall come into force and take effect on the day of final passing thereof.

READ a first and second time this 25th of September, 2018

READ a third time and passed this 25th of September, 2018

Glenda McKay
Mayor

Allison Holtzauer
CAO Clerk/Treasurer

THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA

BY-LAW 28-2018

Being a By-Law to amend By-law 9-2008 of the Corporation of the Township of Greater Madawaska, as amended.

PURSUANT TO SECTION 11 OF THE MUNICIPAL ACT THE TOWNSHIP OF GREATER MADAWASKA HEREBY ENACTS AS FOLLOWS:

1. THAT By-law Number 9-2008, as amended, be and the same is hereby further amended as follows:
 - (a) By adding to Section 2.0 Definition, immediately following subsection b, and renumbering the subsequent sections accordingly, the following:

“c. Built-Up Area means any three (3) abutting residential properties each 4047 square metres in area or less.”
 - (b) By replacing Section 2.0 - Definitions, subsection r, as follows:

“r. **“Registration Period”** shall mean the period from January 1 to December 31 of each year with an extended period to March 31 of the next year which shall be an extension of the prior year registration period to allow owners of Animals that were registered in the prior year to purchase new dog tags.”
 - (c) By adding to Section 3.0 – KEEPING OF ANIMALS, immediately following the last sentence:

“Except as outlined in section 4.0 below.”
 - (d) By adding subsection 3.3 to Section 3.0 – KEEPING OF ANIMALS, immediately following subsection 3.2, as follows:

“Notwithstanding section 3.2, more than three (3) dogs per location may be kept on land outside of a Built-up Area”
 - (e) By adding to Section 4.0 – BACKYARD CHICKENS, and renumbering all subsequent sections, as follows:

“4.0 BACKYARD CHICKENS

 - a. Any person wanting to keep or raise chickens for the production of eggs or meat must do so in compliance with the provisions of Township Zoning By-law.
 - b. The keeping of roosters shall not be permitted on a property less than 2 hectares in area.
 - c. Chickens must be secured and confined inside their coops or shelters from 9:00 p.m. to 6:00 a.m.
 - d. Manure produced by backyard chickens must not be stockpiled on the property where the chickens are kept. Such manure shall be deposited as fertilizer, where applicable, or transported in sealed containers to a Township waster transfer site.
 - e. Any deceased chicken must be transported in sealed containers to a Township waster transfer site.”

- (f) By replacing Section 4.0 – Licensing and Animal Identification System, subsection a, as follows:
- “a. The owner of every Dog three (3) months of age or older, within (3) days of his / her becoming such, shall cause it to be licensed with a valid pet tag, numbered and described with the Township, which provision shall be called the Animal Identification System.
- The Pet Tag, Registration and Identification Fees shall be indicated in the Township current Fees and Charges By-law.
- Such license and registration shall expire on December 31st of each year.”
- (g) By replacing Section 4.0 – Licensing and Animal Identification System, subsection b, as follows:
- “b. Upon payment of the required fee, the owner shall be furnished with a tag for each Dog owned by him with a serial number and the year in which it was issued marked thereon and the owner shall keep said tag securely fixed on the Dog for which it was issued at all times during the year and until he procures a tag for the following year. A record shall be kept by the licensing officer showing the name and address of the owner and the serial number on the tag. In the event that a tag is lost, the person to whom it was issued shall immediately claim another from the License Issuer and shall pay the fee indicated in the current Fees and Charges By-law.”
- (h) By replacing Section 5.0 – Kennels, subsections a, as follows:
- “a. Every person who owns, operates or conducts a Kennel for the purpose of breeding pure bred Dogs shall be registered with the Canadian Kennel Club pursuant to the Statutes of Ontario enacted in that behalf, shall obtain a License and shall pay to the Township of Greater Madawaska, prior to March 31 in any year, a License fee as indicated in the current Fees and Charges By-law. Each Dog kept shall be licensed by the Township at the fee in the current Fees and Charges By-law with the exception of unweaned pups.”
- (i) By replacing Section 5.0 – Kennels, subsection b, as follows:
- “b. Every person who owns operates or conducts a kennel for the purpose of breeding or housing working or sporting Dogs shall obtain a License and shall pay to the Township of Greater Madawaska, a license fee as indicated in the current Fees and Charges By-law. Each Dog kept shall be licensed by the Township at the fee in the current Fees and Charges By-law with the exception of unweaned pups.”
2. THAT save as aforesaid all other provisions of By-Law 9-2008, as amended, shall be complied with.
3. This By-law shall come into force and take effect on the day of final passing thereof.

READ a first and second time this 25th day of September, 2018.

READ a third time and passed this 25th day of September, 2018.

Glenda McKay
Mayor

Allison Holtzhauer
CAO/Clerk-Treasurer

THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA

BY-LAW 51-2018

Being a By-Law to confirm the proceedings of
The Council of The Corporation of The Township of Greater Madawaska

WHEREAS Section 8 of the Municipal Act, 2001, as amended, provides that a municipality has the capacity, rights and powers of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Subsection 5(1) of the Municipal Act, 2001, as amended, provides that the powers of a municipality shall be exercised by its Council;

AND WHEREAS Subsection 5(3) of the Municipal Act, 2001, as amended, provides that a municipal power, including the municipality's capacity, rights, powers and privileges under Section 8 of the Municipal Act 2001, as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS in many cases, action which is taken or authorized to be taken by the Council does not lend itself to the passage of an individual by-law;

AND WHEREAS the Council of the Corporation of the Township of Greater Madawaska adopted By-Law No. 09-2018 on March 12, 2018, establishing the rules of order and procedures for the Council;

AND WHEREAS provision was made in By-Law No. 09-2018 for enactment of a Confirmatory By-Law at the end of each Regular Meeting to confirm recommendations and actions approved at that meeting;

AND WHEREAS the Council of the Corporation of the Township of Greater Madawaska deems it advisable and expedient that the proceedings of this meeting be confirmed and adopted by by-law;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA ENACTS AS FOLLOWS:

- 1) THAT the actions of the Council of the Corporation of the Township of Greater Madawaska at its Regular or Special meeting(s) held on the date(s) listed below in respect of every report, motion, resolution, or other action passed and taken by Council, including the exercise of natural person powers, except where approval of another authority is required by law or where implementation is subject to other legislation, are hereby adopted, ratified, and confirmed as if each report, motion, resolution or other action was adopted, ratified, and confirmed by a separate by-law.

DATE OF MEETING(S)

September 25, 2018 Special Council Meeting

- 2) THAT where no individual by-law has been or is passed with respect to the taking of any action authorized in or by the above mentioned minutes or with respect to the exercise of any powers by the Township of Greater Madawaska in the above-mentioned minutes then this by-law shall be deemed for all purposes to be the by-law required for approving and authorizing and taking of any action authorized therein and thereby or required for the exercise of any powers therein by the Township of Greater Madawaska.

- 3) THAT any member of Council who dissented from any action or proceeding or has abstained from discussion and voting thereon shall be deemed to have dissented or abstained, as the case may be, in respect to this By-Law as it applies to such action or proceeding.
- 4) THAT the Mayor or designate and the proper officials of the Township of Greater Madawaska are hereby authorized and directed to do all things necessary to give effect to the said actions or to obtain approvals where required, are to execute all documents as may be necessary in that behalf, and the CAO or his/her designate is hereby authorized and directed to affix the Corporate Seal to all such documents.

READ a first and second time this 25th of September, 2018

READ a third time and passed this 25th of September, 2018

Glenda McKay
Mayor

Allison Holtzhauer
CAO Clerk/Treasurer