

**PROVINCE OF QUEBEC
MUNICIPALITY OF PONTIAC**

MINUTES of the regular municipal council meeting held on Tuesday, December 8, 2009 at 8:00 p.m. at the Pontiac community centre situated at 2024 route 148, Pontiac, those who were present :

Edward McCann, mayor, Dr Jean Amyotte acting mayor, and councillors: Roger Larose, Lynne Beaton, Jim Coyle, Inès Pontiroli and Brian Middlemiss.

Equally present were the director general and a few ratepayers.

The meeting began at 8:00 p.m.

FLOOR OPEN TO PUBLIC

- | | |
|------------------|--|
| Willy Kovacs | - Complaint pertaining to community nuisances and the inspector's work. |
| Ken Stanton | - The inspector's rights; - Pictures taken on-site – would like copies; - Does a councillor have the right to send the inspector when outside his ward? <i>Mayor's answer:</i> Yes. |
| William Spekkens | - Drainage – Cedarvale |
| Patricia Lusk | - Acknowledgement for the Christmas lights - Stray dogs - SPCA complaint |
| Bill Twolan | - Hurdman road – snow removal |
| Daniel Albert | - Minor derogation |
| André Rivet | - Complaint – Mrs. Bolan and the SPCA |

09-12-400

ADOPTION OF THE AGENDA

- 1. Opening of the meeting**
- 2. Floor open to public**
- 3. Adoption of the agenda**
- 4. Adoption of the minutes of previous meetings**
 - 4.1 Minutes of the special meetings of November 17th and 24th, 2009
- 5. Administration**
 - 5.1 List of invoices to pay
 - 5.2 List of fixed expenses
 - 5.3 List of incurred expenses for the month of December
 - 5.4 2010 calendar re : council meetings
 - 5.5 Irrecoverable debt
 - 5.6 Christmas
- 6. Public security**
 - 6.1
- 7. Public works**
 - 7.1 Snow removal - sidewalks – bridge on Egan street
 - 7.2 Notice of motion – to modify by-law no. 15-08
 - 7.3 Decreasing the speed limit – highway 148 between Crégheur road and the 4 lanes
 - 7.4 By-law allowing the use of A.T.V.s on certain municipal roads

- 8. Public hygiene**
 - 8.1
- 9. Urban renewal and zoning**
 - 9.1 Request for a minor derogation – Johanne Chausse, 21 chemin du Lac
 - 9.2 Vacant positions – P.A.C.
 - 9.3 Delorme road
- 10. Recreation and culture**
 - 10.1
- 11. Miscellaneous**
 - 11.1
- 12. Various reports and correspondence**
 - 12.1 Tabling of various municipal reports: a) animals; b) Suveys pertaining to paving certain roads ; c) Correspondence – Madeleine Carpentier
- 13. Tabling of the registre of correspondence**
 - 13.1 Register of the correspondence received in November 2009
- 14. Question period**
- 15. Closing of meeting**

It is

Moved by Dr. Jean Amyotte

Seconded by Inès Pontiroli

AND RESOLVED to adopt the agenda with the following modifications:

- Additions:
- | | |
|------|--|
| 5.7 | Notice of motion – By-law aiming to modify the by-law regarding nuisances |
| 5.8 | MRC budget |
| 8.1 | Extension of the contract for the collection of household waste and recyclable materials |
| 10.1 | Maintenance – Luskville skating rink |

Withdrawal: 9.3 Delorme road

Carried

09-12-401

ADOPTION OF THE MINUTES OF THE SPECIAL MEETINGS HELD ON NOVEMBER 17TH AND 24TH 2009

Moved by Dr. Jean Amyotte

Seconded by Roger Larose

AND RESOLVED to adopt the minutes of the regular council meeting held on November 10, 2009 and that of the special meetings held on November 17th and 24th, 2009 as written and distributed.

Carried

09-12-402

LIST OF INVOICES TO PAY

Moved by Inès Pontiroli

Seconded by Jim Coyle

AND RESOLVED THAT this Council authorizes the payment of invoices amounting to **\$150,393.05** (see appendix in file no.102-102) for the period ending November 26, 2009 and to debit budget posts related to the expenses mentioned on said list.

Carried

09-12-403

LIST OF FIXED EXPENSES

Moved by Jim Coyle
Seconded by Dr. Jean Amyotte

AND RESOLVED THAT this Council approves the list of expenses from the history of cheques which includes:

- fixed expenses;
- payments via Internet;
- the true amount of invoices paid following approval by incurring expenses or by resolution;

all for a total of **\$160,816.74** (see appendix) for the period ending November 26, 2009 and to debit related budget accounts for the expenses mentioned on said list.

Carried

09-12-404

LIST OF INCURRED EXPENSES FOR THE MONTH OF SEPTEMBER

Moved by Jim Coyle
Seconded by Brian Middlemiss

AND UNANIMOUSLY RESOLVED to accept the incurring expenses that appear in annex A (see file 102-102), for a total amount of **\$6,124.53** taxes included.

Carried

09-12-405

CALENDAR OF THE REGULAR COUNCIL MEETINGS

WHEREAS article 148 of the *Quebec municipal code* (or 319 of the *Act on cities*) foresees that, before the beginning of the calendar year, council set the calendar of the regular council meetings for the next year, by stating the date and time of each meeting;

CONSEQUENTLY, it is

Moved by Lynne Beaton
Seconded by Jim Coyle

AND RESOLVED THAT the following calendar is hereby adopted, with respect to the regular council meetings for 2010, which will be held on Tuesdays and will begin at 8:00 p.m.:

- January 19
- February 19
- March 9
- April 13
- May 11
- June 8
- July 13
- August 10
- September 14
- October 12
- November 9
- December 14

Carried

09-12-406

IRRECOVERABLE DEBTS

WHEREAS no tax for the collection of household refuse was collected for 2007, 2008 and 2009 for the property situated at 4053 Russell road;

WHEREAS the present owner has taken ownership of the said property on January 1st, 2008;

It is

Moved by Inès Pontiroli
Seconded by Dr. Jean Amyotte

AND RESOLVED to cancel the debt for the year 2007, in the amount of \$182.48 and to consider it as an irrecoverable debt.

Carried

09-12-407

CHRISTMAS HOLIDAY

It is

Moved by Dr. Jean Amyotte
Seconded by Inès Pontiroli

AND RESOLVED THAT the Municipality grant a maximum budget of \$30.00 per employee, as a contribution towards a Christmas gift.

IT IS FURTHER RESOLVED THAT the municipal offices will be closed from December 24, 2009 at 12:00 noon until January 5, 2010 at 8:30 a.m.

Carried

NOTICE OF MOTION

Notice of motion is given by councillor Roger Larose for the preparation of a by-law aiming to modify the nuisance by-law.

09-12-408

MRC BUDGET

WHEREAS the MRC adopted their budget on December 1st, 2009;

WHEREAS the MRC budget was increased by 20%;

WHEREAS the Municipality of Pontiac's budget will be raised because of this increase;

WHEREAS the MRC seemingly has not taken into consideration the economical crisis;

WHEREAS for the last 4 years, the Municipality of Pontiac has been trying to maintain its annual budget increase under the cost of living;

WHEREAS the current council at the Municipality of Pontiac has no intention to make cuts or decrease any of the services offered to their citizens;

WHEREAS the current council has no intention to irresponsibly increase the tax rates;

It is

Moved by Dr. Jean Amyotte
Seconded by Jim Coyle

AND RESOLVED:

- THAT the MRC and the mayors who sit on the board of directors be informed of the rejection of their budget by the council of the Municipality of Pontiac;
- THAT a copy of the present resolution be sent to the M.A.M.R. and to the provincial and federal elected officials;
- THAT a copy of the present resolution be sent to all of the councillors of the various MRC municipalities;
- THAT the MRC produce a new budget which maintains any increase under the consumer price index;
- THAT the MRC take the necessary means in order to achieve this.

Councillor Brian Middlemiss votes against the motion.

Carried on a divided vote

09-12-409

SNOW REMOVAL – SIDEWALKS – EGAN STREET

WHEREAS Mr. Ricky Knox's request concerning additional charges for the snow removal off sidewalks on Egan street, from Clarendon up to the northern end of the bridge;

WHEREAS this request is in relation to the work being done on the bridge on Egan street;

It is

Moved by Dr. Jean Amyotte
Seconded by Jim Coyle

AND RESOLVED THAT the municipality inform Mr. Ricky Knox that his request should be sent to the Quebec Ministry of Transport for consideration.

Carried

NOTICE OF MOTION

Notice of motion is hereby given by councillor Dr. Jean Amyotte that at a subsequent council meeting he intends to present a by-law to modify by-law no. 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.

The reading of the by-law will not be necessary given that the request for its' exemption is given at the same time as the notice of motion and that a copy of the draft was immediately given to council members who are present and at the latest 2 days before the meeting at which it shall be adopted, and if during this meeting, all council members are present declare having read it and renounce to its reading (art. 445 C.M.).

09-12-410

REQUEST TO THE MINISTRY OF TRANSPORT – SPEED LIMIT

WHEREAS the main part of the area between Crégheur road at the East, and the beginning of the 4 lanes at the Ouest on highway 148, is a commercial zone consisting of high traffic;

WHEREAS the narrowness of the road;

WHEREAS the risk of accidents in that area;

It is

Moved by Inès Pontiroli
Seconded by Brian Middlemiss

AND RESOLVED THAT the municipality ask the Quebec Ministry of Transport to have a study done aiming at decreasing the speed limit between the Crégheur road and highway 148 where they intersect with the beginning of the 4 lanes.

Carried

09-12-411

BY-LAW #NO 13-09 - ALLOWING THE USE OF ALL TERRAIN VEHICLES (ATVs) ON CERTAIN MUNICIPAL ROADS

WHEREAS the *Act respecting all terrain vehicles* establishes the rules related to the users of off-road vehicles, notably by determining the traffic rules applicable to off-road vehicles and allowing their usage which is subject to conditions;

WHEREAS in virtue of article 626, paragraph 14 of the *Road safety Code*, a local municipality whose maintenance is its responsibility, may by way of a by-law, allow the use of off-road vehicles on all or part of a road;

WHEREAS this municipal Council agrees that the usage of all terrain vehicles promotes the tourist and economic development;

WHEREAS the “Pontiac Quad Club” is seeking the Municipality of Pontiac’s authorization to run on certain municipal roads;

WHEREAS a notice of motion for the present by-law was given at a council meeting held on September 8, 2009;

FOR THESE PURPOSES, it is

Moved by Dr. Jean Amyotte
Seconded by Inès Pontiroli

AND RESOLVED THAT council adopts by-law no. 13-09 and rules the following by the said by-law:

ARTICLE 1: PREAMBLE

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

ARTICLE 2: TITLE AND NUMBER

The title of the present by-law “By-law allowing the use of all-terrain vehicles on certain municipal roads” under number 13-09 is part of the Municipality of Pontiac’s by-laws.

ARTICLE 3: PURPOSE

The purpose of the present by-law is to establish which public roads on the Municipality of Pontiac's territory, will all terrain vehicles be permitted to use, in accordance with the *Act respecting all terrain vehicles*.

ARTICLE 4: AFFECTED ALL TERRAIN VEHICLES

- a) The present by-law applies to the following all terrain vehicles: Motorized all terrain vehicles equipped with handlebars and at least four (4) wheels, that can be sat on and weighs no more than 600 kg.
- b) The authorization given by the present by-law is to official members of the "Quebec federation of quad clubs"

ARTICLE 5: The use of all terrain vehicles is permitted on the following municipal roads:

- on the 5th concession, between Proven and Murray
- on Murray as far as Clarendon
- West on Clarendon for 0.7 km
- Wolf Lake road at 5th concession intersection
- route 148 at Eardley-Masham intersection
- route 148 at 5th concession intersection
- route 148 at Murray intersection

ARTICLE 6: MANDATORY EQUIPMENT

All vehicles noted in article 4 must be equipped to reflect those required in virtue of the *Act respecting all terrain vehicles*.

ARTICLE 7: OFF-ROAD VEHICLE CLUBS

The authorization granted by the present by-law is valid only under the condition that the Pontiac Quad Club ensures that the provisions of the *Act respecting all terrain vehicles* as well as the present by-law are being respected, notably:

- The improvement of trails being used ;
- The installation of pertinent and adequate street signs ;
- The maintenance of trails ;
- Monitoring by trail surveillance officers ;
- Have public liability insurance of at least 2 000 000 \$

ARTICLE 8: RESPECTING ROAD SIGNS

The authorization to travel on municipal roads is granted for the duration and areas provided for by the appropriate road signs.

ARTICLE 9: AIMED TIME PERIOD

- a) The authorization given to all terrain vehicles to travel on streets and roads described in article 5, is valid throughout the year.
- b) It is however forbidden to travel the said streets and roads between 10:00 p.m. and 7:00 a.m.

ARTICLE 10: TRAFFIC RULES

a) Speed

The speed limits allowed which are posted on the streets and roads affected by the present by-law, are to be respected.

b) Signs

The driver of an all terrain vehicle must observe the signs and maintain his (her) vehicle the farthest possible to the right of the lane being used. He (she) must yield right of way to an all terrain vehicle coming the opposite way and must give priority to any other road vehicle.

ARTICLE 11: CONTROL OVER THE IMPLEMENTATION OF THE PRESENT BY-LAW

According to the *Act respecting all terrain vehicles*, peace officers and trail surveillance officers are responsible for the implementation of the present by-law, by exercising all powers and authority.

ARTICLE 12: PENAL PROVISIONS OF THE LAW

All penal provisions decreed within the *Act respecting all terrain vehicles* are applicable to offenders of the present by-law.

ARTICLE 13: COMING INTO FORCE

The present by-law will come into force 45 days following its adoption, unless it is the object of a notice of rejection from the minister, published in the Quebec official gazette.

Carried

09-12-412

EXTENSION TO THE CONTRACT AWARDED FOR THE COLLECTION OF HOUSEHOLD WASTE AND RECYCLABLE MATERIALS

WHEREAS newly elected representatives;

WHEREAS the imminent closure of the municipal dump;

WHEREAS the municipality foresees the installation of a new eco-centre in Pontiac and that it will modify the present way of proceeding with regard to the collection of household waste and recyclable materials;

WHEREAS this council wants to take the time required in order to establish this system properly;

It is

Moved by Jim Coyle
Seconded by Roger Larose

AND RESOLVED THAT the municipality request an authorization from the Ministry of Municipal Affairs to extend the actual contract with Mountainview Turf for the collection of household waste and recyclable materials, to May 31st.

Councillor Brian Middlemiss votes against the motion.

Carried on a divided vote

09-12-413

MINOR DEROGATION – JOHANNE CHAUSSE, 21 CHEMIN DU LAC

WHEREAS council will render a decision on a minor derogation regarding the land located at 21 Chemin du Lac, lot 2 683 372;

WHEREAS the object of the request is to reduce the North-East margin of an existing garage to 0.83 meters and the South-East margin to 1.81 meters;

WHEREAS the request does not cause any serious prejudice in the surrounding area;

WHEREAS the Planning Advisory Committee recommends that the Municipal Council refuse the minor derogation;

It is

Moved by Dr. Jean Amyotte
Seconded by Roger Larose

AND RESOLVED THAT the request for the minor derogation is rejected.

A vote is requested and registered as follows:

| <u>FOR</u> | <u>AGAINST</u> |
|------------------|------------------|
| Jim Coyle | Roger Larose |
| Dr. Jean Amyotte | Lynne Beaton |
| | Inès Pontiroli |
| | Brian Middlemiss |

Rejected

AMENDMENT TO THE MOTION

WHEREAS council will render a decision on a minor derogation regarding the land located at 21 Chemin du Lac, lot 2 683 372;

WHEREAS the object of the request is to reduce the North-East margin of an existing garage to 0.83 meters and the South-East margin to 1.81 meters;

WHEREAS the request does not cause any serious prejudice in the surrounding area;

WHEREAS the Planning Advisory Committee recommends that the Municipal Council refuse the minor derogation;

It is

Moved by Dr. Jean Amyotte
Seconded by Roger Larose

AND RESOLVED THAT the request for the minor derogation is **granted**.

A vote is requested and registered as follows:

FOR

Inès Pontiroli
Brian Middlemiss
Roger Larose
Jim Coyle
Lynne Beaton

AGAINST

Dr. Jean Amyotte

Carried on a divided vote

09-12-414

PLANNING ADVISORY COMMITTEE – VACANT POSITION

WHEREAS by-law no. 06-09 concerning the planning advisory committee (P.A.C.);

WHEREAS the new status of Mrs. Inès Pontiroli;

It is

Moved by Dr. Jean Amyotte
Seconded by Inès Potiroli

AND RESOLVED THAT this Council ends Mrs. Marie-Cine Renaud's and Mrs. Inès Pontiroli's mandate as members of the P.A.C.

IT IS FURTHER RESOLVED THAT this Council agrees to have a notice publicized in order to fill the two vacant positions within the P.A.C.

Carried

09-12-415

MAINTENANCE – LUSKVILLE SKATING RINK

It is

Moved by Lynne Beaton
Seconded by Roger Larose

AND RESOLVED THAT the municipality entrusts the maintenance of the Luskville skating rink for the 2009-2010 season to Mr. Brent Mainville, for the sum of \$4,900.00.

Carried

VARIOUS REPORTS AND CORRESPONDENCE

- Tabling of various municipal reports: a) animals ; b) Suveys pertaining to paving certain roads ; c) Correspondence – Madeleine Carpentier

TABLING OF DOCUMENTS

- Register of the correspondence received in November 2009.

QUESTION PERIOD

09-12-416

ADJOURNMENT OF THE MEETING

It is

Moved by Jim Coyle
Seconded by Lynne Beaton

AND RESOLVED to close the meeting at 9:25 p.m., having gone through the agenda.

Carried

MAYOR

DIRECTOR GENERAL