

**PROVINCE OF QUEBEC  
MUNICIPALITY OF PONTIAC**

MINUTES of the regular municipal council meeting held on Tuesday, January 19, 2010 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.

ALSO PRESENT : the director general and several ratepayers.

**FLOOR OPEN TO PUBLIC**

- |                      |   |
|----------------------|---|
| William Kovacs       | - Notice of offence<br>- Rules of implementation – nuisance by-law  |
| Jean-Claude Carisse  | - Contratulations re: signs<br>- Journal editorial  |
| Tyler Lamont         | - Wishes to retrieve his horse  |
| Madeleine Carpentier | - Remittance of documents<br>- Complaint – drainage from neighbouring lots, changed by the Quebec Ministry of Transport<br>- Inspection of culverts |
| Robert Lussier       | - Paving of Cedarvale road  |
| Céline Gougeon       | - Signs announcing activities<br>- List of committees   |
| André Rivet          | - Complaint – dogs barking  |

**10-01-11  
AJOURNMENT**

It is

Moved by            Jim Coyle  
Seconded by        Dr Jean Amyotte

AND RESOLVED to adjourn the meeting at 9:10 p.m.

Carried

**10-01-12  
REOPENING OF THE MEETING**

It is

Moved by            Jim Coyle  
Seconded by        Dr Jean Amyotte

AND RESOLVED to reopen the meeting at 9:30 p.m.

Carried

**10-01-13**

**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 regular meeting held on December 8<sup>th</sup>, 2009 and that of the special meetings of December 1st, 14th and 22nd, 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 January
  - 5.4 Irrecoverable debt
  - 5.5 Caretaker and management of community centres
- 6. Public security**
  - 6.1
- 7. Public works**
  - 7.1 By-law no. 14-09 – modifying by-law no. 15-08 – regarding the constitution of a local reserved business fund
- 8. Public hygiene**
  - 8.1
- 9. Urban renewal and zoning**
  - 9.1 Request for a minor derogation - Sophie Pombert - 33 chemin de la Sapinière
  - 9.2 Request for a minor derogation - Christine Landry, 231 chemin Dubois
  - 9.3 Request to the C.P.T.A.Q. – Vidéotron (Telecommunications tower) – 160 Braun 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) Incident occurred at Terry-Fox and Baillie road intersection
- 13. Tabling of the registre of correspondence**
  - 13.1 Register of the correspondence received in December 2009
- 14. Question period**
- 15. Closing of meeting**

It is

Moved by Dr. Jean Amyotte

Seconded by Lynne Beaton

AND RESOLVED to adopt the agenda with the following modifications:

Additions: 5.6 Auction sale  
5.7 RCM study - MAMROT

Carried

**10-01-14**

**ADOPTION OF THE MINUTES OF THE REGULAR COUNCIL MEETING  
HELD ON DECEMBER 8, 2009 AND THAT OF THE SPECIAL MEETINGS  
HELD ON DECEMBER 1<sup>ST</sup>, THE 14<sup>TH</sup> AND THE 22<sup>ND</sup>, 2009**

Moved by Roger Larose

Seconded by Inès Pontiroli

AND RESOLVED to adopt the minutes of the regular council meeting held on December 8, 2009 and that of the special meetings held on December 1<sup>st</sup>, the 14<sup>th</sup> and the 22<sup>nd</sup>, 2009 as written and distributed.

Carried

**10-01-15**  
**LIST OF INVOICES TO PAY**

Moved by Lynne Beaton  
Seconded by Jim Coyle

AND RESOLVED THAT this Council authorizes the payment of invoices amounting to \$97,635.26 (see appendix in file no.102-102) for the period ending January 8, 2010 and to debit budget posts related to the expenses mentioned on said list.

Carried

**10-01-16**  
**LIST OF FIXED EXPENSES**

Moved by Jim Coyle  
Seconded by Inès Pontorili

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 **\$1,149,970.93** (see appendix) for the period ending January 8, 2010 and to debit related budget accounts for the expenses mentioned on said list.

Carried

**10-01-17**  
**LIST OF INCURRED EXPENSES FOR THE MONTH OF JANUARY**

Moved by Dr. Jean Amyotte  
Seconded by Inès Pontiroli

AND UNANIMOUSLY RESOLVED to accept the incurring expenses that appear in annex A (see file 102-102), for a total amount of **\$4,152.46** taxes included.

Carried

**10-01-18**  
**BAD DEBTS**

WHEREAS it is necessary for the municipality to strike off irrecoverable debts;

It is

Moved by Inès Pontiroli  
Seconded by Dr. Jean Amyotte

AND RESOLVED THAT this council authorizes the following irrecoverable debts are stricken off:

<u>Role number</u>	<u>Amount</u>
D5060	\$ 12.25
2541-65-6351	\$6.14
4040-44-5988	\$4.62
	\$23.01

Adoptée

Councillors Brian Middlemiss and Roger Larose step out of the meeting.

**10-01-19**

**CARETAKER AND MANAGEMENT OF COMMUNITY CENTRES**

WHEREAS offers received;

It is

Moved by           Dr. Jean Amyotte  
 Seconded by       Inès Pontiroli

AND RESOLVED THAT the municipality award a contract to the Pontiac firefighters association for the management and caretaker duties of the Breckenridge fire station for the sum of \$200 per month;

IT IS FURTHER RESOLVED THAT the municipality award a one-year contract to Daniel Leblond for the management and caretaker duties of the Albert Kennedy Centre, the Luskville Community Centre as well as the 2 libraries and municipal offices for the sum of \$20,700.00.

Carried

Councillors Brian Middlemiss and Roger Larose return to the meeting.

**10-01-20**

**AUCTION SALE – HORSE**

WHEREAS on November 18<sup>th</sup> 2009, the municipality was informed about a roaming horse on River road;

WHEREAS for the safety of motorists, the Municipality decided to capture the horse;

WHEREAS the horse's owner was officially notified of the situation and all related fees;

WHEREAS article 942 & 943 of the Quebec Civil Code;

CONSEQUENTLY, it is

Moved by           Edward McCann  
 Seconded by

AND RESOLVED that Council proceed to an auction within a minimum of 10 days after the publication of a notice stating the nature of the sale as well as the location, day and time of the auction.

**COUNTER PROPOSAL**

It is

Moved by           Dr Jean Amyotte  
 Seconded by       Jim Coyle

AND RESOLVED THAT the horse be returned to the property owner and that the municipality assume the said costs.

The mayor, Edward McCann votes against the motion.

Carried on a divided vote

**10-01-21**  
**MRC STUDY – MAMROT**

It is

Moved by Edward McCann  
Seconded by Dr. Jean Amyotte

AND RESOLVED THAT the municipality ask the M.A.M.R.O.T. to produce a study regarding the opportunity for the Municipality of Pontiac to join the MRC Pontiac. The said study should include all financial implications.

Councillor Brian Middlemiss votes against the motion.

Carried on a divided vote

**10-01-22**  
**BY-LAW No. 14-09 MODIFYING 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**

**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 December 8, 2009.

**CONSEQUENTLY**, it is

Moved by Jim Coyle  
Seconded by Roger Larose

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

**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 **municipal** public road;
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 who transits 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 1<sup>0</sup> 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 15<sup>th</sup> and July 15<sup>th</sup> of each year for materials which have been carried from January 1<sup>st</sup> to May 31<sup>st</sup>;
2. Between October 15<sup>th</sup> and November 15<sup>th</sup>, for materials which have been carried from June 1<sup>st</sup> to September 30<sup>th</sup>;
3. Between January 15<sup>th</sup> and February 15<sup>th</sup> for materials which have been carried from October 1<sup>st</sup> to December 31<sup>st</sup>;

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

Following reception of the operators' 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 1<sup>st</sup> and December 1<sup>st</sup> of each year, as well as the March 1<sup>st</sup> 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 1<sup>st</sup> of that fiscal year for materials that have been carried from January 1<sup>st</sup> to May 31<sup>st</sup> of the same fiscal year;
2. December 1<sup>st</sup> of that fiscal year, for materials that have been carried from June 1<sup>st</sup> to September 1<sup>st</sup> of the same fiscal year;
3. March 1<sup>st</sup> of that fiscal year, for materials that been carried from October 1<sup>st</sup> to December 31<sup>st</sup> of the same fiscal year;

## **11. VERIFYING THE ACCURACY OF THE DECLARATION**

Once a year, by December 31<sup>st</sup>, the operator must supply a document showing his returns. This document must be certified by a professional accountant (c.a., c.m.a., c.g.a.).

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 of \$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

#### **10-01-23**

##### **MINOR DEROGATION – SOPHIE POMBERT - 33 DE LA SAPINIÈRE ROAD**

WHEREAS council will render a decision on a minor derogation regarding the land located at 33 de la Sapinière, lot 2 683 391;

WHEREAS the object of the request is to reduce the prescribed side margin in view of article 4.4.7 of the zoning by-law 177-01, in order to authorize the encroachment of 1.34 metres on the side margin of the property;

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

WHEREAS the recommendation of the planning advisory committee is favourable;

It is

Moved by Dr. Jean Amyotte

Seconded by Inès Pontiroli

AND RESOLVED that the request for the minor derogation is accepted.

Carried

#### **10-01-24**

##### **MINOR DEROGATION – CHRISTINE LANDRY**

WHEREAS council will render a decision on a minor derogation regarding the land located at 231 Dubois, lot 2 684 061, Township of Eardley;

WHEREAS the object of the request is to reduce the prescribed side margin in view of by-law 95-133, in force at the time of the construction and of article 4.4.7 of the zoning by-law 177-01, in force today, in order to authorize the encroachment of 2.26 meters on the side margin of the property;

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

WHEREAS the building has been there since 1996-1997;

WHEREAS the sale of the property can not be finalized, and a sum of money is being withheld;

WHEREAS the Planning advisory committee's favourable recommendation;

It is

Moved by Dr. Jean Amyotte

Seconded by Inès Pontiroli

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

Carried

**10-01-25**

**REQUEST TO THE C.P.T.A.Q – VIDÉOTRON (TELECOMMUNICATIONS TOWER) – 160 CH. BRAUN**

WHEREAS lot 2 872 208 is part of the territory of the Municipality of Pontiac;

WHEREAS the applicant, Vidéotron Limitée, is requesting the authorization from the CPTAQ to locate a telecommunication tower and its accessories on lot 2 872 208;

WHEREAS Vidéotron Limitée is a business which provides a public utility service such as cellular telephony service;

WHEREAS the choice of that precise site was made after a serious study, ensuring the least possible impact on agricultural activities in a specific area chose because of various field constraints;

WHEREAS due to the various location constraint it is impossible to find any other appropriate location and out of agricultural lands, on the territory of the Municipality, which could fulfill Vidéotron Limitée's needs;

WHEREAS the chosen site for the tower is a very small parcel of wooden and uncultivated land, without any potential for a maple exploitation, on rocky grounds and already accessible by the owner's forest road;

WHEREAS the implantation and location of said tower have been planned in conformity with the owner's requirements;

WHEREAS the project, located at said chosen site will have no negative impact on any of the owner's and the neighbourhood's agricultural activities, specially regarding the standards for the distances to be respected related to odours caused by agricultural activities, as shown on the report prepared by TERRITOIRE and submitted on the applicant's request;

WHEREAS the community will benefit of an improvement of the cellular telephone service on its territory and the area, and this improvement will largely compensate for any small inconvenient we could still claim for agricultural activities;

WHEREAS the implantation of telecommunication structures is ruled by Canada's parliament regulations, and that consequently the municipal regulations are not binding to submitted project;

WHEREAS said project is part of the objectives of telecommunication regulation by promoting the development of telecommunication in Canada, by giving access to quality, reliable and affordable telecommunication services to Canadians of all areas and in

giving the opportunity to increase the efficacy and competitiveness of Canadian telecommunication;

WHEREAS the project for the implantation of the tower is in conformity with the Security Code and Health Canada;

WHEREAS telecommunication is under federal jurisdiction and that, consequently the municipal regulation is not binding;

WHEREAS the project is in conformity with the applicable municipal regulations;

CONSEQUENTLY, it is

Moved by           Dr. Jean Amyotte  
Seconded by       Lynne Beaton

AND RESOLVED that council supports the project and strongly recommends to the CPTAQ to accede to this request.

The councillor Brian Middlemiss votes against the motion.

Carried

#### **VARIOUS REPORTS AND CORRESPONDENCE**

- Tabling of various municipal reports: a) animals; b) Incident occurred at Terry-Fox and Baillie road intersection.

#### **TABLING OF DOCUMENTS**

- Registre of the correspondence received in December 2009.

#### **QUESTION PERIOD**

**10-01-26**

#### **ADJOURNMENT OF THE MEETING**

It is

Moved by           Jim Coyle  
Seconded by       Lynne Beaton

AND RESOLVED to close the meeting at 9:10 p.m., having gone through the agenda.

Carried

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MAYOR

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DIRECTOR GENERAL

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