

THE CORPORATION OF THE TOWNSHIP OF HILTON

MINUTES
Regular Meeting
October 9, 2024
7:00 p.m.

Present:

Deputy Reeve: Dave Leask

Councillors: Mike Garside
Janet Gordanier
Mike Trainor

Acting Clerk Treasurer: Sara Dinsdale
Road Superintendent: Lyndon Garside

Absent: Reeve Rodney Wood

The meeting was called to order at 7:00 pm.

There were no declarations of pecuniary interest.

Resolution 2024 - 236

Moved:

Seconded: Mike Trainor

BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF HILTON does accept the agenda for October 9, 2024, as presented. *CARRIED*

A public meeting was announced open in order to allow an opportunity for comments or questions about the 2024 budget. Council reviewed the budget and there were no other comments.

Resolution 2024 - 237

Moved: Mike Trainor

Seconded: Janet Gordanier

BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF HILTON does approve the 2024 Budget as presented with a net income in the amount of \$215,700.00. *CARRIED*

Resolution 2024 - 238

Moved: Mike Trainor

Seconded: Dave Garside

BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF HILTON does approve the minutes of the minutes of the regular Council meeting of September 11, 2024. *CARRIED*

Road Superintendent Lyn Garside explained that there were no road updates; however, he requested to speak about an incident that occurred recently with a dog owner as Mr. Garside is also the Township's Pound Keeper.

An incident occurred in 2021 when a community member's small dog was attacked by their neighbour's larger dogs causing damage and a large vet bill. The small dog was recently attacked and killed while on its leash, while the owner was inside their home. The family has requested guidance from the Township and the Acting Clerk provided information to the family on what actions they could take. As this falls under the Dog Owners' Liability Act, R.S.O. 1990, c. D.16, the phone number to the local OPP Dispatch was provided to the family, as well as information from the Dog Owners' Liability Act for them to research and act on. The Acting Clerk also left voicemails with the local OPP contact that took the call regarding this incident. In addition, the Acting Clerk reached out to the Township's By-Law Enforcement Officer and received contact info for an Animal Welfare Services Inspector at the Ministry of the Solicitor General. An email was sent regarding the incident.

Council wants to remind the community that dog owners should have care and control at all times. Making sure your pets are leashed on and off your property will help keep them and others safe. The Dog Owners' Liability Act, R.S.O. 1990, c. D.16, section 5.1 states, "*the owner of a dog shall exercise reasonable precautions to prevent it from, (a) biting or attacking a person or domestic animal; or (b) behaving in a manner that poses a menace to the safety of persons or domestic animals. 2005, c. 2, s. 1 (15).*" The Township's by-law #757; being a by-law to prohibit dogs from running at large in public beaches is also in effect.

To report a dog attack, or a dangerous dog, please contact the Ontario Provincial Police at 1-888-310-1122.

For general questions or comments about animal welfare, please email solgen.correspondence@ontario.ca or call 1-833-9-ANIMAL for animal-related complaints or concerns.

The following items were reported by Acting Clerk Sara Dinsdale:

1. Markers Proposing Safety Risk:

According to our By-law, “*should any monument or marker present a risk to public safety because it has become unstable, the cemetery operator shall do whatever it deems necessary by way of repairing, resetting, or laying down the monument or marker or any other remedy to remove the risk*”.

There are a few markers in Grace United Cemetery that propose a safety risk. One was recently re-set due to the ground being unstable.

These are currently being assessed and repaired.

2. Request for Dirt:

There have been several requests made by community members/cemetery lot owners to have some dirt available in the back corner where it previously was located, in order for them to fill and maintain the ground’s levelness of their family-owned plots. There has been a load of dirt purchased and placed there for the convenience of the cemetery lot owners.

3. Recent Casket Burial Request:

This could not be honoured due to BAO recommendations not to honour casket burials without an archaeological study and missing proper documentation to prove executorship of Succession Law.

This situation has since been somewhat rectified and the interment of cremated remains has been postponed to the following year.

4. A virtual meeting with the Bereavement Authority of Ontario took place on Friday, September 13, 2024, where it was recommended to not honour ANY interments; cremations and full caskets, as we really cannot guarantee that other remains will not be disturbed. I mentioned the Affidavit of Interment Rights and Consent and Release forms that I was working with our legal team to create, and they made a suggestion to add item #6 on the Affidavit if we want to continue to do cremation interments.

5. Documents for review to add to the By-Law:

Affidavit of Interment Rights
Consent and Release

6. There have been multiple burials taking place in the Grace United Cemetery that have not been registered with the office. Families have either received authorization from funeral homes directly or they have taken it upon themselves to open and close their family plot on their own. In order to conduct a legal interment, it needs to be organized with the cemetery operator. If it is to be organized with the funeral home, the funeral home still needs to notify the cemetery operator and provide all the proper documentation including proof of interment rights, payments for opening and closing, and monument permit fees. Our legal team has advised the below:

“Unauthorized Burials at the Cemetery

*Regarding the issue of unauthorized burials and the scattering of ashes, this is a significant concern that could potentially breach both the **Criminal Code** and the **Funeral, Burial and Cremation Services Act, 2002**:*

- **Criminal Code, Section 430(c):** *Unauthorized burials could meet the actus reus of Mischief, as they obstruct, interfere with, or interrupt the lawful use, enjoyment, or operation of the cemetery.*
- **Funeral, Burial and Cremation Services Act, 2002, Section 5:** *The Act clearly states that only licensed cemetery operators can authorize burials, cremations, or the scattering of ashes.*

*If needed, an investigation could be escalated by filing a complaint with the **Registrar of Cemeteries** under **Section 66** of the Act, which could result in fines of up to **\$50,000**. However, Under the Act, an investigator has the authority to impose penalties on the cemetery operator for discrepancies under **Part III: Prohibitions and***

General Duties Regarding the Operation of Businesses. *Given the issues with the cemetery's plotting and record-keeping, we want to avoid drawing attention that might prompt an investigation of the cemetery itself. Instead, we suggest issuing a public statement (or utilizing another method that quickly reaches township residents) to clearly inform everyone that all burials must go through the proper channels and that unauthorized use of the cemetery will not be tolerated”*

Organizing interments with the township office is clearly stated in the Cemetery By-Law as well as posted on the new sign at the cemetery. BAO suggested that we get the OPP involved, install cameras in the cemetery, and install a gate with a sign on it explaining that access to the cemetery will need to be arranged with the township office. Access by foot would still be available for those who want to visit their loved one's graves.

7. Notices of the new by-law and pricing that state we are not honouring full casket burials were mailed out in June to the local funeral homes and monument suppliers. I have spoken to one funeral home regarding this, after they authorized and organized a burial in the cemetery without my knowledge, and they said they did not receive it. They have agreed to advise families to contact the township office to arrange interments going forward.

8. I am still waiting for our new cemetery by-law to be approved by the Bereavement Authority of Ontario.

Acting Clerk Dinsdale explained that a new public notice will be sent, as per the lawyer's suggestion, to inform everyone that all burials must go through the proper channels and that unauthorized use of the cemetery will not be tolerated. The notice will also be re-issued to funeral homes and monument dealers stating that we are not honouring full casket burials.

Resolution 2024 - 239
Moved: Janet Gordanier
Seconded: Mike Trainor

BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF HILTON does agree to the addition of the Affidavit of Interment Rights form and the Consent and Release form to the Cemetery By-law #1418-24.
CARRIED

Resolution 2024 - 240
Moved: Mike Garside
Seconded: Mike Trainor

BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF HILTON does agree to restrict unauthorized vehicular access to the Grace United Cemetery by installing 4 gates, locks and two signs.
CARRIED

Resolution 2024 - 241
Moved: Janet Gordanier
Seconded: Mike Trainor

BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF HILTON does give first, second and third and final reading and pass by-law No. 1430-24 to authorize an agreement for the joint management and operation of a Fire Department. *CARRIED*

Resolution 2024-242
Moved: Janet Gordanier
Seconded: Mike Trainor

BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF HILTON does agree to the by-law complaint procedure and general complaint form. *CARRIED*

Council reviewed information received from Algoma Public Health regarding inspections of short-term rental properties. The information stated that *“Algoma Public Health (APH) conducts inspections of premises that fall under O. Reg. 319/08 (Small Drinking Water Systems), and short-term rentals would only be inspected if they qualify as small drinking water system under this regulation.*

Regarding your question about including provisions in the by-law, you could consider adding a clause that all STRs must comply with relevant public health requirements and regulations, particularly those concerning potable water and waste disposal services – as you mentioned. This would ensure that owners are responsible for maintaining safe conditions without the need for individual inspections in every case.”

Second drafts of the new Short-Term Rental Licensing by-law and the new Short-Term Rental Regulations by-law were reviewed by Council. Some suggestions were documented and requested to be sent back to Mr. Jagger.

There was also a discussion regarding the Cost & Recovery By-law that was requested by Council previously to be created by Mr. Jagger from Island Resources Development Consultants, and it was suggested that since the creation of it has been unsuccessful to date, that it be put off until the Acting Clerk is able to research existing by-laws to establish whether cost & recovery is already incorporated in those or if they can be amended to include it.

Council reviewed the final audit report and financial statements received by BDO Canada LLP.

Resolution 2024-243
Moved: Mike Garside
Seconded: Mike Trainor

BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF HILTON does recommend that the Acting Clerk confirm Council's attendance at the free Midterm Council Training session, presented by the Ministry of Municipal Affairs and Housing on Thursday, November 28, 2024, at 1:00 p.m. taking place at the Echo Bay Hall, 257 Church St. Echo Bay. *DEFEATED*

Resolution 2024-244
Moved: Janet Gordanier
Seconded: Mike Garside

Resolved that this Council move into closed session at 8:28 p.m. in accordance with:

Municipal Act section 239 (2)(d) labour relations or employee negotiations, and section 239 (2)(b) personal matters about an identifiable individual and section 239 (b)(c) acquisition or disposition of land

Further be it Resolved that should the said closed session be adjourned, the Council may reconvene in closed session to discuss the same matters without the need for a further authorizing resolution. *CARRIED*

Resolution 2024-245
Moved: Mike Trainor
Seconded: Mike Garside

BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF HILTON returns to open session at: 10:15 pm. *CARRIED*

Resolution 2024-246
Moved: Mike Garside
Seconded: Mike Trainor

BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF HILTON accepts the employment contract between Leonard Bringleston and the Township of Hilton. *CARRIED*

Resolution 2024-247
Moved: Mike Garside
Seconded: Janet Gordanier

BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF HILTON does direct the Acting Clerk to schedule an interview with the candidate discussed in closed session for the position of Temporary Deputy Clerk-Treasurer on October 28, 2024, at 5:00 pm OR October 29, 2024, at 5:00 pm. *CARRIED*

Resolution 2024-248
Moved: Mike Trainor
Seconded: Janet Gordanier

BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF HILTON does direct the Acting Clerk to re-post for the position of Temporary Deputy Clerk-Treasurer with a closing date of October 25, 2024. *CARRIED*

CORPORATION OF THE TOWNSHIP OF HILTON
MINUTES – October 9, 2024

Resolution 2024 - 249
Moved: Mike Trainor
Seconded: Mike Garside

BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF HILTON does direct the Acting Clerk to engage the township's By-Law Enforcement Officer regarding the complaints discussed in closed session.
CARRIED

Resolution 2024 - 250
Moved: Mike Garside
Seconded: Mike Trainor

BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF HILTON give first, second and third and final reading and pass By-law No. 1434-24 being a by-law to appoint a Road Superintendent/Public Works Foreman in the Township of Hilton in the District of Algoma for a probationary period. *CARRIED*

Resolution 2024 - 251
Moved: Janet Gordanier
Seconded: Mike Trainor

BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF HILTON does agree to the payment of Township bills for the month of August 2024 in the amount of \$39,566.36 and the month of September in the amount of \$97,492.12 as per the attached vouchers. *CARRIED*

Resolution 2024 - 252
Moved: Mike Garside
Seconded: Mike Trainor

BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF HILTON does pass By-Law #1435 being a by-law to confirm the proceedings of this meeting. *CARRIED*

Resolution 2024 - 253
Moved: Mike Trainor
Seconded: Janet Gordanier

BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF HILTON does adjourn at 10:22 p.m. Council to meet again at the Hilton Township Municipal office on November 6, 2024, at 7:00 pm or at the call of the Reeve. *CARRIED*


Deputy Reeve Dave Leask


Acting Clerk Sara Dinsdale