

TYENDINAGA MOHAWK COUNCIL MINUTES
JUNE 3 & 4, 2015

A meeting of the Tyendinaga Mohawk Council was held on Wednesday, June 3, 2015 at 9:00 a.m. in the Council Chambers.

Present: Chief R. Donald Maracle
Councillors: Barry Brant, Carl E. (Ted) Maracle and Douglas E. Maracle
Staff: Dan Brant, CAO and Angela Maracle, Senior Director of Operations

Chief Maracle opened the meeting with a Prayer

Guillaume Vadeboncoeur and Leanne Hall, Deloitte, attended Council to discuss a potential solar project.

Council heard the presentation.

Aubrey Charette attended Council to discuss the Matrimonial Real Property Law.

MOTION #1: Moved by Carl E. (Ted) Maracle, seconded by Barry Brant that the Tyendinaga Mohawk Council Minutes of May 20, 2015 be accepted as corrected.

Carried.

Council confirmed the following scheduled meetings:

- June 10, 7:00 p.m. – Tyendinaga Mohawk Council Local Business
- June 24, 9:00 a.m. – Tyendinaga Mohawk Council
- June 24, 7:00 p.m. – Tyendinaga Mohawk Council Local Business
- July 3, 2:30 p.m. – Pan Am/ParaPan Am Games Torch Relay Community Celebration

MOTION #2: Moved by Barry Brant, seconded by Douglas E. Maracle that Council approve the following meetings outside the Territory:
Chief: attending a OFNLP Meeting June 11, 2015 in Toronto;

Carried.

MOTION #3: Moved by Barry Brant, seconded by Douglas E. Maracle that WHEREAS, that Mr. Robert Greenwood owns and operates a business known as Cigar Chief on the Tyendinaga Mohawk Territory (the "Territory"). The business is licensed by this Council. Cigar Chief imports and sells cigars, all of which are legally acquired with all applicable Excise Tax and other taxes paid. The business sells its products in Ontario, other provinces of Canada, the US and other countries.

WHEREAS, that on April 2, 2014, Health Canada advised Mr. Greenwood that Cigar Chief's promotion of tobacco products in the Artisans Bay Magazine, on the Cigar Chief business website, and on billboards located on the Territory were in violation of the Tobacco Act. In an effort to comply with Health Canada requests, Cigar Chief no longer advertises with the Artisan Bay Magazine. However, Cigar Chief's billboards have remained in place as having been implicitly authorized by the Mohawks of the Bay of Quinte Council during Cigar Chief's years of carrying on business on the Territory.

WHEREAS, that on February 6, 2015, Health Canada wrote another letter advising that Cigar Chief's practice of delivering tobacco products to other provinces in Canada by courier and by mail is contrary to s. 13(2) of the Tobacco Act and voiced other concerns about the content of Cigar Chief's website and about possible sales to people under 18 years of age.

WHEREAS, that Mr. Greenwood and his lawyer have responded to Health Canada's letter of February 6, 2015 and a copy of that response is attached as Exhibit I to this resolution.

WHEREAS, that Mr. Greenwood asserts to Health Canada that, as a member of the Mohawk of the Bay of Quinte he has the right to use, trade and sell tobacco under the Simcoe Deed, Two Row Wampum Treaty and Silver Covenant Chain of Peace and Friendship Belt. Moreover, Mr. Greenwood asserts that these rights are also engrained in s. 35 of the Constitution Act (Canada), 1982. As such, his company's billboards and its internet-based delivery system are protected by established aboriginal treaty rights. He contends that, as a member of the Mohawks of the Bay of Quinte, he is to have "use, benefit and advantage of the...Territory...to be held and enjoyed by (the Mohawks of the Bay of Quinte) in the most free and ample manner according to the several customs and usages by them..." He also offered to work with Health Canada in dealing with some of its concerns by removing some information from his business website and by strengthening the age authentication process of his business that makes sure sales are not made to persons under 18 years of age.

WHEREAS, that as a sovereign nation, the Mohawks of the Bay of Quinte, through this Council have jurisdiction over their own land. The growing, trading and selling of tobacco is a tradition that long predates European contact. As such, the Mohawks of the Bay of Quinte have the right to govern and regulate their life on the Territory and the businesses operating on the Territory as they see fit. Further, historically, the Six Nations have grown and used tobacco in Northern America and traded tobacco in Northern America since well before the first contact with Europeans.

WHEREAS, that the Tyendinaga Mohawk Council endorses how Cigar Chief carries on its business on and from the Territory including its use of the billboard signs on the Territory.

THEREFORE BE IT RESOLVED, that the Tyendinaga Mohawk Council states that it has the jurisdiction to regulate how Cigar Chief and Robert Greenwood carry on business on and from the Territory and for Health Canada to attempt to regulate Cigar Chief's business under the provisions of the Tobacco Act (Canada) is a violation of the Treaty rights and Aboriginal rights of Mr. Greenwood and the Mohawks of the Bay of Quinte.

FURTHERMORE BE IT RESOLVED, that the Tyendinaga Mohawk Council plan to meet with appropriate representatives of Health Canada (the Deputy Minister of Health) and other departments of the Government of Canada regarding exemptions from the provisions of the Tobacco Act and the enforcement thereof for businesses such as Cigar Chief on the grounds that such provisions and such enforcement infringes on our aboriginal treaty rights.
M.C.R. #2015/16-036.

Carried.

- MOTION #4: Moved by Barry Brant, seconded by Douglas E. Maracle that Council approve payment of the invoices #985683 from Dickinson Wright in the amount of \$51,590.52; #990959 in the amount of \$1,840.20; #990960 in the amount of \$1,158.94; #990961 in the amount of \$18,520.79 and #998178 in the amount of \$15,925.10 regarding Ernestown Wind Park Project.
Carried.
- MOTION #5: Moved by Douglas E. Maracle, seconded by Barry Brant that Council approve signing the Aboriginal Affairs and Northern Development Canada 2015/2016 Agreement Amendment #0002 – increase in funding \$35,000.00 New Paths and \$55,500.00 for National Child Benefits.
Carried.
- MOTION #6: Moved by Barry Brant, seconded by Douglas E. Maracle that Council decline a donation to Taylor-Rain Tabobandung of \$500.00 to play on the Junior Womens Ontario Box Lacrosse Team in Calgary, due to financial restraints and all donation requests need to be made to the the Tyendinaga Community Development Fund which is a funding body of the Mohawks of the Bay of Quinte.
Carried.
- MOTION #7: Moved by Barry Brant, seconded by Douglas E. Maracle that the Tyendinaga Mohawk Council approves to utilize the Casino Rama funds under the Education component in the amount of \$791,503.87 for the Post Secondary Education Program for 2015-16. M.C.R. #2015/16-038.
Carried.
- MOTION #8: Moved by Barry Brant, seconded by Douglas E. Maracle that Council approve signing a letter for Michael A. Brant for the fees to be waived for his application for his Possession and Acquisition License.
Carried.
- MOTION #9: Moved by Barry Brant, seconded by Douglas E. Maracle that Council approve scheduling a meeting with Staff on June 30, 2015 at 2:30 p.m. to review of the current process for request of letters for permission to harvest in MBQ traditional area.
Carried.
- MOTION #10: Moved by Barry Brant, seconded by Douglas E. Maracle that Council defer the 28(2) Permit for Union Gas for further discussion with staff.
Carried.
- MOTION #11: Moved by Barry Brant, seconded by Douglas E. Maracle that Council approve the Land Transfer from Betty Ann Choma to Joseph Daniel Peterbaugh the whole of Lot 6A-7, Concession 1, as shown on Plan No. 76771 CLSR.
Carried.
- MOTION #12: Moved by Barry Brant, seconded by Douglas E. Maracle that Council approve the Land Transfer from David Allen Lewis to Marlin Dean & Cathy Anne Brant the whole of Lot 5E-3-1 Concession 2 as shown on Plan No. RSO 5159R and the whole of Lot 5E-4 Concession 2 as shown on Plan No. RSO 921 and the whole of Lot 5E-5 Concession 2 as shown on Plan No. RSO 921.
Carried.

- MOTION #13: Moved by Barry Brant, seconded by Douglas E. Maracle that Council approve the Land Transfer from Rachel Lynn Volkman to Jason Christopher Maracle and Tara Marie Joy Green the whole of Lot 31E-7-1, the whole of Lot 31E-7-2 and the whole of Lot 31E-11 Concession A as shown on Plan No. RSO 6146R.
Carried.
- MOTION #14: Moved by Barry Brant, seconded by Douglas E. Maracle that Council approve the Land Transfer from Eldon Howard Maracle to Kevin Joseph Brant the whole of Parcel C Lot 19, Parcel B Lot 20, and Parcel C Lot 20, Concession 2 as shown on Plan No. CLSR 4489.
Carried.
- MOTION #15: Moved by Barry Brant, seconded by Douglas E. Maracle that Council approve the Land Transfer from Roger Neal Lefort to Kristen Marie Lynn Bird the whole of Lot 14A, the whole of Lot 14C, the whole of Lot 14D-1, Concession 2 as shown on Plan No. CLSR 76102 and the whole of Lot 14B-1 and the whole of Lot 14D-2-1, Concession 2 as shown on Plan No. RSO 5989R.
Carried.
- MOTION #16: Moved by Barry Brant, seconded by Douglas E. Maracle that Council approve the Land Transfer from Veronica Joy Maracle and Annette Michelle Maracle to Steven Louis Maracle the whole of Lot 27A-2-1, Concession 2 as shown on Plan No. RSO 5511R.
Carried.
- MOTION #17: Moved by Douglas E. Maracle, seconded by Carl E. (Ted) Maracle that Council defer the issue of soil use on the Territory.
Carried.
- MOTION #18: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that Council approve signing the Aboriginal Community Energy Plan Funding Agreement with S. Burnett & Associates.
Carried.
- MOTION #19: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that Council approve the revised FNIP 2015/2016 Project list.
Carried.
- MOTION #20: Moved by Barry Brant, seconded by Douglas E. Maracle that Council approve the contracts with Greer Galloway for the Ridge Road Soft Spot in the amount of \$6,510.00; G.D. Jewell for Snookies Road drainage in the amount of \$6,484.00 and Traffic Logix for Speed Radar Signs in the amount of \$9,657.00.
Carried.
- MOTION #21: Moved by Douglas E. Maracle, seconded by Carl E. (Ted) Maracle that Council approve attending the SELHIN's orientation on June 29, 2015 at 9:30 a.m. at the Community Wellbeing Centre.
Carried.
- MOTION #22: Moved by Douglas E. Maracle, seconded by Barry Brant that Council approve signing a letter to Todd Smith, MPP regarding more Ontario Social Assistance Changes: more concerns for First Nations.
Carried.

MOTION #23: Moved by Barry Brant, seconded by Douglas E. Maracle to go in private. (4:35 p.m.)

Carried.

Summary of Private Minutes:

- Approved the Private Minutes: May 20, 2015;
- Approved seven (7) Mortgage Discharges, seven (7) Rewrites and four (4) paid in full

Recorded by:
Shelley Bowden

Dan Brant
CAO

Chief R. Donald Maracle