

**TYENDINAGA MOHAWK COUNCIL MINUTES
AUGUST 7, 2015**

A meeting of the Tyendinaga Mohawk Council was held on Friday, August 7, 2015 at 9:00 a.m. in the Council Chambers.

Present: Chief R. Donald Maracle
Councillors: Barry Brant and Carl E. (Ted) Maracle
Douglas E. Maracle absent due to prior commitment
Staff: Dan Brant, CAO

Chief Maracle opened the meeting with a Prayer

MOTION #1: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that the Tyendinaga Mohawk Council Minutes of July 22, 2015 be accepted as read. Carried.

MOTION #2: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that the Tyendinaga Mohawk Council Special Minutes of July 23, 2015 be accepted as corrected. Carried.

MOTION #3: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that Council approve to sell/rent the house at 56665 Hwy #2 Shannonville (Former Breadman House). Carried.

Council confirmed the following scheduled meetings:

- August 12, 7:00 p.m. – Tyendinaga Mohawk Council Local Business
- August 14, 10:00 a.m. – QMS Budget
- August 17, 9:00 a.m. – Tyendinaga Mohawk Council
- August 19, 2015 – AIAI Chief Council Meeting in Wahata
- August 27, 7:00 p.m. – Tyendinaga Mohawk Council Local Business

MOTION #4: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that Council approve the following meetings outside the Territory:
Chief: attending the Kagita Mikam Board Meeting on August 19 & 20, 2015 in Kingston; attending the OFNPA meeting on August 25, 2015 in Toronto; Carried.

MOTION #5: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that Council acknowledge the Mohawk Firefighters Association operating a beer tent at the Mohawk Fair on August 21 to August 23, 2015. Carried.

MOTION #6: Moved by Carl E. (Ted) Maracle, seconded by Barry Brant that Council approve payment of the invoices #58809 from Templeman Menninga in the amount of \$875.00 regarding FibreNet. Carried.

MOTION #7: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that Council approve payment of the invoices #1010349 from Dickinson Wright in the amount of \$300.00 regarding General. Carried.

- MOTION #8: Moved by Carl E. (Ted) Maracle, seconded by Barry Brant that Council approve payment of the invoices #560595 from Blaney McMurtry in the amount of \$150.00 regarding Smart vs MBQ and #560594 in the amount of \$700.00 regarding Maracle Judgment.
Carried.
- MOTION #9: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that Council approve payment of the invoices #346277 from Hicks Morley in the amount of \$245.00 regarding General and #346278 in the amount of \$665.00 regarding CHRC Complaint.
Carried.
- MOTION #10: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that Council approve the Business Registration name change from Buck Horns Convenience to Little Chiefs Convenience, Owners Joshua Maracle and Isaac Maracle.
Carried.
- MOTION #11: Moved by Carl E. (Ted) Maracle, seconded by Barry Brant that the land hereunder described and situated on the Tyendinaga Mohawk Territory be allotted to:
Erin Leigh Ferrante, Band No. 164-03136-03
In accordance with section 20, subsection 1 of the Indian Act
R.S.C. 1952.C.149
Land Description:
The whole of Lot 23E-8 Concession 2 as shown on Plan No. RSO 5792R. M.C.R. #2015/16-044.
Carried.
- MOTION #12: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that Council approve the Land Transfer from Jacqueline Lavina Brant to Clinton Dean Brant the whole of Lot 16 E-3-1, Concession A as shown on Plan No. CLSR 92772.
Carried.
- MOTION #13: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that Council approve the Land Transfer from Jacqueline Lavina Brant to Joseph Eugene Brant the whole of Lot 16E-3-2, Concession A as shown on Plan No. CLSR 92772.
Carried.
- MOTION #14: Moved by Carl E. (Ted) Maracle, seconded by Barry Brant that Council approve the Land Transfer from Edward Daniel Fletcher to Susan Harriet Wilks and Jennifer Dewal the whole of Lot 8-4 in Lot 32, Concession A as shown on CLSR 99588.
Carried.
- MOTION #15: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that Council approve the Land Transfer from Susan Harriet Wilks to Susan Harriet Wilks and Jennifer Dewal the whole of Lot 8-1-1 in Lot 32, Concession A, the whole of Lot 8-1-2 in Lot 32, Concession A and the whole of Lot 8-2-1 in Lot 32, Concession A all as shown on RSO 6880R.
Carried.
- MOTION #16: Moved by Carl E. (Ted) Maracle, seconded by Barry Brant that Council approve the Land Transfer from Harvey Lewis Maracle and Debra Maracle to Amos Carl Maracle the whole of Lot 33H-12-3, Concession A as shown on Plan No. RSO 6749R.
Carried.

MOTION #17: Moved by Barry Brant, seconded by Car E. (Ted) Maracle that Council approve the Land Transfer from Roger Neal Lefort to Harvey Lewis Maracle and Debra Maracle the whole of Lot 14D-2-2, Concession 2 and the whole of Lot 14B-2, Concession 2 as shown on Plan No. RSO 5989R.

Carried.

MOTION #18: Moved by Barry Brant, seconded by Car E. (Ted) Maracle that Council approve the Land Transfer from Daniel John Doreen and Rhonda Jane Doreen to Otsi:tsia Ashleigh Brant the whole of Lot 35A-15, Concession 1 together with right-of-way over Lot 35A-3, Concession 1 as shown on Plan No. RSO 4907R.

Carried.

MOTION #19: Moved by Barry Brant, seconded by Car E. (Ted) Maracle WHEREAS, Section 28(2) of the Indian Act provides that the Minister of Indian Affairs and Northern Development (the "Minister") has the authority to permit any person to occupy, use, reside or otherwise exercise rights on reserve;

WHEREAS, the Tyendinaga Mohawk Council negotiated terms for a 28(2) permit with Union as for the purpose of distribution of natural gas to the residences and other buildings located and to be located on the Reserve and for no other purpose whatsoever;

WHEREAS, the Tyendinaga Mohawk Council has now applied to the Minister to grant a Permit with the terms negotiated in respect of the Project;

WHEREAS, the Permit is to be for an indeterminate term commencing July 1, 2015 with the fee payable at the rate of one dollar (\$1.00) per annum along with other valuable considerations;

WHEREAS, the Tyendinaga Mohawk Council recognizes the benefit to the Mohawks of the Bay of Quinte and recognizes further, that the benefits will exceed the established permit fee;

WHEREAS, the Tyendinaga Mohawk Council, for the purpose of the Project, by way of Mohawk Council Resolution also resolved that a Waiver and Release be executed by the Tyendinaga Mohawk Council.

Now Therefore the Tyendinaga Mohawk Council hereby:

- a) Releases and saves harmless HER MAJESTY THE QUEEN IN RIGHT OF CANADA, Her officers, servants, agents and employees ("the Crown") from and against any and all liabilities, actions, causes of action, damages, claims and demands, including any costs and expenses, losses, suits or other proceedings, related to any loss, property damage, personal injury or death resulting from occasioned by, or in any way (including negligence) attributable to the construction, maintenance, or operation of the Project within the Tyendinaga Mohawk Territory No. 38;
- b) Waives any and all action, causes of action, damages, claims and demands of any nature or kind whether in contract or tort (including, but not limited to, negligence or intentional torts) or under any other laws, or pursuant to any principle, including, but not limited to, fiduciary duty, against the Crown, in any matter (including negligence) arising out of, based upon, occasioned by or attributable to the Crown's activities or the lack thereof, or

any action taken or things done or maintained, or omitted to be taken, done or maintained by the Crown in respect of its execution and issuance of the Permit;

- c) Acknowledges that in the event any proceedings in connection with any of the matters outlined herein are brought by the Tyendinaga Mohawk Council or any of their members, this Waiver and Release may be pleaded by the Crown as a complete defense and reply and may be relied upon by the Crown in any proceedings to have that proceeding dismissed on a summary basis.
- d) Requests a permit pursuant to Section 28(2) of the Indian Act be issued substantially in the form of the one appended.
M.C.R. #205/16-045.

Carried.

MOTION #20: Moved by Barry Brant, seconded by Car E. (Ted) Maracle that the Tyendinaga Mohawk Council, through their staff, are making a formal Access to Information and Privacy Act request for pertinent and relevant private information for the purpose of researching an Aboriginal Claim.

That the Tyendinaga Mohawk Council request the Minister of Aboriginal Affairs and Northern Development to provide a financial accounting of all monies due to the Trust Fund Account administered by Canada, for the benefit of the Mohawks of the Bay of Quinte, with respect to the Annuity Payment for Surrender No. 24, dated July 20, 1820.

A schedule is requested of all monies due to the Trust Fund Account in the form of an annuity payment from 1820 to the present day, and should identify proper coding, line item descriptions, and details concerning the payment of the annuity, whether in goods or monies.

That the Tyendinaga Mohawk Council hereby authorizes Amy Cowie, Research Assistant for the Mohawks of the Bay of Quinte, to submit the request on their behalf. M.C.R. #2015/16-046.

Carried.

MOTION #21: Moved by Barry Brant, seconded by Car E. (Ted) Maracle that Council approve signing the Association Iroquois and Allied Indians Funding Agreement for 2015/16 Federal Family Violence Prevention Program in the amount of \$40,906.00.

Carried.

MOTION #22: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that Council approve signing the Association Iroquois and Allied Indians Funding Agreement for 2015/16 for Aboriginal Fetal Alcohol Spectrum Disorder/Child Nutrition in the amount of \$18,596.19; Aboriginal Diabetes Education/Promotion Project in the amount of \$9,562.50; HIV/AIDS Strategy Program in the amount of \$3,298.20; Health Community Support Program in the amount of \$2,250.00.

Carried.

MOTION #23: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that Council defer the Home & Community Care Homemaking and PSW Care budget for further review and schedule a meeting with Thomas Krasnuik, Director of Community Wellbeing.

Carried.

MOTION #24: Moved by Carl E. (Ted) Maracle, seconded by Barry Brant that Council approve getting the property at 10 Church Lane resurveyed.
Carried.

MOTION #25: Moved by Carl E. (Ted) Maracle, seconded by Barry Brant that Council approve budget of \$200,000.00 from the renovation budget to rebuild the house at 12 Deyoronseh.
Carried.

MOTION #26: Moved by Carl E. (Ted) Maracle, seconded by Barry Brant that Council approve signing the Canada Mortgage and Housing Corporation Loan Renewal Agreement for Phase V Section 95 in the amount of \$739,305.15.
Carried.

MOTION #27: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that Council approve signing the Land Transfer from Andrew Clifford Maracle to Mohawks of the Bay of Quinte the whole of Lot 31C-2, Concession A.
Carried.

MOTION #28: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that Council approve advertising for a MBQ Rep on the Highland Shores Children's Aid Board of Directors.
Carried.

MOTION #29: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that Council approve the gas line construction plan as proposed by Union Gas for the Bayshore Road, York Road and Church Lane with MBQ contribution of \$320,593.00.
Carried.

MOTION #30: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle to go in private. (2:35 p.m.)
Carried.

Summary of Private Minutes:

- Approved the Private Minutes: July 22, 2015;
- Approved fourteen (14) Mortgage Discharges, eight (8) Rewrites and eight (8) paid in full
- Approved First Nations Market Housing Fund/Bank of Montreal Loan Guarantee in the amount of \$103,683.00

Recorded by:
Shelley Bowden

Dan Brant
Chief Administrative Officer

Chief R. Donald Maracle