

**TYENDINAGA MOHAWK COUNCIL MINUTES
MARCH 9, 2011**

A meeting of the Tyendinaga Mohawk Council was held on Wednesday, March 9, 2011 at 9:15 a.m. in the Council Chambers.

Present: Chief R. Donald Maracle
Councillors: Roy C. Maracle, Douglas E. Maracle, Keith A. Sero and Velma Hill-Dracup
Staff: Brian Hamilton, CAO, and Angela Maracle, AO

Chief R. Donald Maracle opened the meeting with prayer in Mohawk.

MOTION #1: Moved by Velma Hill-Dracup, seconded by Douglas E. Maracle that Council acknowledge the Hastings Children's Aid Society Report from Sandra Lewis den Otter, Community Representative, and approve of sending letters to the Minister of Children and Youth Services and the Board Chairs of Hastings, Northumberland and Prince Edward Children's Aid Society (CAS) regarding the proposed amalgamation of CAS's including MBQ maintaining our designated seat and reminding the Minister of their duty to consult with the Council particularly on decisions that affect us.

Carried.

MOTION #2: Moved by Keith A. Sero, seconded by Velma Hill-Dracup that the Tyendinaga Mohawk Council Minutes of February 16, 2011 be accepted as read.

Carried.

MOTION #3: Moved by Roy C. Maracle, seconded by Douglas E. Maracle that the Tyendinaga Mohawk Council Local Business Minutes of February 23, 2011 be accepted as corrected.

Carried.

MOTION #4: Moved by Douglas E. Maracle, seconded by Roy C. Maracle that the Tyendinaga Mohawk Council acknowledge the Kanhiote Public Library Minutes dated February 1, 2011.

Carried.

Council confirmed the following scheduled meetings:

- March 16, 7:00 p.m. – Tyendinaga Mohawk Council Local Business
- March 23, 9:00 a.m. – Tyendinaga Mohawk Council
- March 30, 7:00 p.m. – Tyendinaga Mohawk Council Local Business

MOTION #5: Moved by Velma Hill-Dracup, seconded by Douglas E. Maracle that Council approve the following meetings outside the territory:
Chief: attending a meeting with Patrick Macklem date to be determined in Toronto; attending the Sharing Our Lands gathering on March 30, 2011 in Toronto;
Doug: attending a meeting with Chiefs of Ontario regarding all day kindergarten on March 28 & 29, 2011 in Toronto;
Keith: attending a meeting with Greg Geddes on March 10, 2011 in Ottawa; attending the Assembly of First Nation Treaties Roundtable on March 29 & 30, 2011 in Ottawa;
Velma: attending the Assembly of First Nation Treaties Roundtable on March 29 & 30, 2011 in Ottawa

Carried.

MOTION #6: Moved by Douglas E. Maracle, seconded by Velma Hill-Dracup that Council approve dedicating in principle the former Library space for a Mohawk Immersion School and ask staff to provide a targeted implementation plan and costs within 30 days.

Carried.

Disclaimer: Comments of individual members may not necessarily reflect the opinion of the whole Council.

- MOTION #7: Moved by Velma Hill-Dracup, seconded by Douglas E. Maracle that Council has identified the following projects to be funded under the Via Rail and MBQ Agreement totaling \$500,000 for a term commencing February 1, 2011 to December 31, 2015:
- 3 Granny Homes up to \$375,000.00
 - Library Renovations up to \$75,000.00
 - Airport Road Reconstruction up to \$50,000.00

Carried.

For further discussion - rent from the Granny Flats is to be used towards Post-Secondary funding - concern with taking Housing money and putting somewhere else.

Chief Maracle left at 10:30 a.m. to attend a family member's funeral.

- MOTION #8: Moved by Douglas E. Maracle, seconded by Velma Hill-Dracup that Council approve Keith A. Sero chair the meeting in Chief Maracle's absence.

Carried.

- MOTION #9: Moved by Douglas E. Maracle, seconded by Velma Hill-Dracup that Council approve the Mohawks of the Bay of Quinte Personnel Policy revision to Section 6.1 Paid Leave (Sick, Emergency & Community Service Leave) to include "Regular staff of Quinte Mohawk School have available fifteen (15) leave credits for utilization between September to June annually."

Carried.

Council discussed the Old Mohawk Family Services Building and request the inspector's report be submitted to the March 23, 2011 TMC agenda.

- MOTION #10: Moved by Roy C. Maracle, seconded by Velma Hill-Dracup that Council approve the Mohawks of the Bay of Quinte Personnel Policy revision to Section 6.20 (d) Acting Pay to read, "the staff person who has been assigned to cover in the absence of a Manager, which continues for a period greater than three days, will be provided with acting pay. Acting pay will be provided retroactively to the first day of the appointment in such a case."

Carried.

- MOTION #11: Moved by Velma Hill-Dracup, seconded by Douglas E. Maracle that Council approve of scheduling a meeting with Barry Brant, Consultant, on Monday, March 14, 2011 at 1:30 p.m. to review the proposed draft Mohawks of the Bay of Quinte Tobacco Quota Policy.

Carried.

- MOTION #12: Moved by Velma Hill-Dracup, seconded by Roy C. Maracle that Council decline a request to host a Community Meeting regarding the Water Treatment Plant at this time. Ask the Community Member to put their concerns in writing and they are welcome to attend a Local Business meeting to discuss further.

Carried.

- MOTION #13: Moved by Velma Hill-Dracup, seconded by Douglas E. Maracle that Council acknowledge the Comprehensive Funding Arrangement 2010-2011 Notice of Budget Adjustment #0007 – General Welfare Assistance Income Assistance Basic Needs increase of \$1,700.00 and Income Assistance Special Needs increase of \$100.00.

Carried.

- MOTION #14: Moved by Roy C. Maracle, seconded by Douglas E. Maracle that Council approve payment of Alan Pratt invoice #3579 in the amount of \$9,524.10 for legal advice concerning the Culbertson Tract.
Carried.
- MOTION #15: Moved by Roy C. Maracle, seconded by Velma Hill-Dracup that Council approve payment of Hicks Morley invoice #216828 in the amount of \$1,500.92 to draft a letter to the Minister of Community Safety and Correctional Services for compensation for the losses incurred because of the failed delivery of the Police building.
Carried.
- MOTION #16: Moved by Velma Hill-Dracup, seconded by Roy C. Maracle that Council approve the Business Registration for Fatman's Eatery & Healthy Foods, owner Chris Maracle, type of business: restaurant on the condition all inspection are completed.
Carried.
- MOTION #17: Moved by Roy C. Maracle, seconded by Douglas E. Maracle that Council approve the Business Registration for Sun 'N' Fun Inflatables, owner Tonya Maracle, type of business: inflatable rentals.
Carried.
- MOTION #18: Moved by Roy C. Maracle, seconded by Velma Hill-Dracup that Council approve the Business Registration Renewal for HMB Coatings, owner Michael J. Loft, type of business: contracting/ construction – floor coatings & painting.
Carried.
- MOTION #19: Moved by Douglas E. Maracle, seconded by Roy C. Maracle that Council approve the Business Registration Renewal for Soaring Eagle Wholesale, owner Tonya Maracle, type of business: manufacturing wholesale crafts.
Carried.
- MOTION #20: Moved by Roy C. Maracle, seconded by Douglas E. Maracle that Council approve the purchase of window coverings for the Community Wellbeing building from Home Depot in the amount of \$11,740.08.
Carried.
- MOTION #21: Moved by Douglas E. Maracle, seconded by Velma Hill-Dracup that Council approve scheduling a meeting with H2O Global and Indian and Northern Affairs Canada on Wednesday, March 16, 2011 at 10:00 a.m. regarding a possible pilot project for in home water treatment units.
Carried.
- MOTION #22: Moved by Velma Hill-Dracup, seconded by Douglas E. Maracle that Council approve scheduling a meeting with the Ministry of Natural Resources on Wednesday, March 16, 2011 at 1:00 p.m. regarding Spring Harvest issues.
Carried.
- MOTION #23: Moved by Douglas E. Maracle, seconded by Roy C. Maracle that Council defer the request for water connection on Belles Side Road until water flow numbers have been reassessed and additional data provided.
Carried.

- MOTION #24: Moved by Douglas E. Maracle, seconded by Velma Hill-Dracup that Council approve meeting with Cherie and Joseph Brant regarding a proposed solar development project; have Cherie and Joseph submit available dates.
Carried.
- MOTION #25: Moved by Roy C. Maracle, seconded by Douglas E. Maracle that Council approve signing a dispatching agreement between the Corporation of the City of Belleville and the Mohawks of the Bay of Quinte for the 911 service.
Carried.
- MOTION #26: Moved by Douglas E. Maracle, seconded by Roy C. Maracle that Council approve awarding the tender for the installation of the Fire Suppression System in the new Police Services building to Build All Contractor in the amount of \$198,100.00. Other tenders received by Triple K Rock Coring \$251,385.00; Al White Construction \$242,800.00 and Fitzgibbons Construction \$215,000.00.
Carried.
- MOTION #27: Moved by Roy C. Maracle, seconded by Velma Hill-Dracup that Council approve appointing Lisa Maracle to be the contact person for the International Joint Commission, Canada and United States regarding a new approach to managing water levels and flow regulation in the Lake Ontario/St. Lawrence River System.
Carried.
- MOTION #28: Moved by Roy C. Maracle, seconded by Velma Hill-Dracup that Council approve Tanya King Maracle and a staff person from Community Wellbeing attend the Hastings & Prince Edward Counties Health Unit meeting regarding Healthy Communities Partnership.
Carried.
- MOTION #29: Moved by Douglas E. Maracle, seconded by Roy C. Maracle that Council approve the Land Transfer from James Robert Gordon McMurter and Ronald Gregg Powless to James Robert Gordon McMurter, the whole of Lot 21B-2, Concession A as shown on Plan No. 331 RSO.
Carried.
- MOTION #30: Moved by Douglas E. Maracle, seconded by Roy C. Maracle that Council approve the Business Registration for Aunt Sadie's Café, owner Jim McMurter, type of business: café restaurant with drive thru.
Carried.
- MOTION #31: Moved by Roy C. Maracle, seconded by Douglas E. Maracle that Council acknowledge the cost estimate for the repairs and upgrades for the old Police Services building. Ask Housing to provide recommendations.
Carried.
- MOTION #32: Moved by Velma Hill-Dracup, seconded by Douglas E. Maracle that Council acknowledge the progress report for the Market Based Housing units located at 1846 York Road and 189 Bayshore Road.
Carried.

Council recessed for lunch at 12:20 p.m. and reconvened at 1:35 p.m.

Tracey Bunnett attended Council to discuss the South East Local Health Integration Network (SE LHIN) agreement template and indicator charts.

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MOTION #33: Moved by Velma Hill-Dracup, seconded by Douglas E. Maracle that Council approve of Tracey Bunnnett contacting the Association of Iroquois and Allied Indians and the Chiefs of Ontario offices to inquire what measures they are taking regarding the SE LHIN Agreement template and indicator charts and invite Georgina Thompson, SE LHIN's, to meet with Council to obtain a layman understanding of the text within the agreement.

Carried.

Chief Maracle returned at 2:05 p.m. from a family member's funeral.

MOTION #34: Moved by Velma Hill-Dracup, seconded by Douglas E. Maracle that the chair be returned to Chief Maracle.

Carried.

MOTION #35: Moved by Velma Hill-Dracup, seconded by Douglas E. Maracle THAT The Mohawks of the Bay of Quinte First Nation requests authority to administer its own housing program for the 2011/2012 fiscal year.

THAT The Mohawks of the Bay of Quinte First Nation requests the Minister of Indian Affairs and Northern Development to guarantee repayment of a loan in the amount of two million, seven hundred and seventy thousand dollars (\$2,770,000.00) to the Canada Mortgage and Housing Corporation. The loan will be used for the construction of 25 housing units for "Indians" on "Lands" (both terms as defined in the Terms and Conditions for Ministerial Loan Guarantees as approved by Order in Council P.C. 1999-2000 dated November 4, 1999).

THAT The Council and the Band will arrange for two or three designated band members who are bonded, to sign all cheques and approve all contracts and other documents relating to the housing projects including rental contracts between band members and the Council of the Band.

THAT The Council of the Band will assume responsibility for the administration of the program and property management for as long as the loan is in effect.

THAT The houses will be built on unencumbered band land but if the land is held by individual locatees, an assignment of that land shall be made to the Council of the Band prior to requesting the Minister's guarantee.

THAT an environmental site assessment has been carried out on the subject property, either individually or as part of a sub-division or community assessment, in accordance with the Canadian Standards Association's standard Z768-94 for Environmental Site Assessment (or as may be revised from time to time), and that such as assessment confirms that there is no evidence of contamination that may, upon exposure, constitute an identifiable risk to human health or the natural environment.

THAT The immediate needs of the Mohawks of the Bay of Quinte First Nation are for \$2,770,000.00 for the construction of 25 units which shall be commenced in the 2011/2012 fiscal year, and will be built to meet or exceed the National Building Code (NBC) standards or equivalent standards.

Financing will be as follows:
 Loan from Canada Mortgage and Housing Corporation
 \$2,770,000.00
 Bands Funds
 \$1,388,175.00
 Total Costs
 \$4,158,175.00
 Total number of units 25
 Average cost per new housing Unit
 \$166,327.00

THAT The loan amount of two million seven hundred and seventy thousand dollars (\$2,770,000.00) will be amortized over a period of 25 years (not to exceed 25 years) at an interest rate in line with conventional mortgage interest rates as posted weekly by the major banks. The payments on the loan will be made by the Council of the Band.

THAT The houses will remain the property of the council of the Band, and the occupants, all of whom are band members, shall make rental payments to the Council of the Band in accordance with the National Housing Act guidelines and any shortfalls will be met from the Band's revenues.

THAT The Council of the Band will engage the services of a qualified firm of auditors who will set up a system of records and accounting and who will perform an annual audit of the books and other records relating to the housing program. Such audit shall coincide with the Federal Government's fiscal year and the audit report must reach DIAND regional offices no later than June 30th, of each year.

THAT All books and records of the housing program will be accessible at all times to the department or to an auditor appointed by the department.

THAT The Council of the Band will open a separate bank account and/or separate and distinct record of accounting, wherein only monies related to the First Nation's Housing program, including all payments made by the occupants, will be deposited. This account will be known as the Mohawks of the Bay of Quinte First Nation Housing Trust Account.

THAT Insurance will be carried on the housing units.

THAT The Council of the Band shall be responsible for the ordinary maintenance and minor repairs on the houses.

THAT Where under sections 10 and 12 of the Terms and conditions for Ministerial Loan Guarantees, as approved by O.I.C. P.C. 1999-2000, dated November 4, 1999, the Minister has paid a claim to the Lender on a Loan Guarantee, the Minister will take the necessary measures to reimburse the Consolidated Revenue Fund.

Where section 89 of the Indian Act is applicable, the Council of the Band shall provide Her Majesty in Right of Canada with a waiver to the application of section 89 with respect to assts other than land. The authority conferred herein is irrevocable.

THAT Where under Sections 4, 5 and 6 of the Terms and Conditions for Ministerial Loan Guarantees, as approved by O.I.C. P.C. 1999-2000 dated November 4, 1999:

- i. The Council of the Band and the existing Lender agree to renew an existing loan for another term
- ii. The council of the Band and the existing Lender agree to refinance an existing loan:
- iii. The Council of the Band transfers the loan to a new Lender, or
- iv. The Lender assigns the loan to a new Lender,

The council of the Band will continue to assume the responsibilities under the associated Loan Agreement and Guarantee Agreement, as set out in section 12 "Recovery on Defaulted Loans" in the Terms and Conditions for Ministerial Loan Guarantee, as approved by O.I.C. P.C. 1999-2000 dated November 4, 1999.

THAT The Council of the First Nation in undertaking of this project should practice due diligence and be aware of obligations or responsibilities associated with all applicable federal environmental acts and regulations including the Canadian Environmental Protection Act, Species at Risk Act and the Fisheries Act as to avoid potential violations.

THAT The Council of the First nation agrees that all housing units to be constructed, under the Ministerial Loan Guarantee Certificate will be on unencumbered reserve lands and shall be inspected by a qualified housing inspector form; and that property insurance against fire and other insured risks or hazards will be maintained for the term of the Ministerial Loan Guarantee Certificate. For all septic tank installation, a Health Canada Private Sewage disposal system Design (PSD) approval is required. Documentation supporting these requirements will be retained by the council of the First Nation on file at the First nation office and shall be available upon request.

THAT The Council of the First nation shall be responsible for all costs over and above the requested loan amount of \$2,770,000.00.

THAT The Council of the First Nation confirms that the First Nation's tenant selection criteria has been made known and is available to all members of the First Nation. M.C.R. #2010/11-109
Carried.

MOTION #36: Moved by Roy C. Maracle, seconded by Velma Hill-Dracup that Council approve award the tender for the Fire Deficiencies for the 59er Hall, Community Centre, Aboriginal Head Start, Fire Hall and Fire Meeting Hall to Build All Contractors in the amount of \$27,034.15. Other tenders received by RB Contracting \$23,174.00, Tyendinaga Windows and Doors \$28,000.00 and McMurter Home Centre \$29,800.00. Due to RB Contracting current workload and existing contractual obligations the recommendations is to award the tender to the next lowest bid.
Carried.

MOTION #37: Moved by Velma Hill-Dracup, seconded by Douglas E. Maracle that Council approve of sending the reports from Poh Gek Forkert, Ph.D. and Kevin Shipley, XCG Consultants Inc., to the Minister of the Environment, John Wilkinson, and Agatha Garcia Wright, Ministry of Environment, regarding the unauthorized discharge from a stormwater management pond from the Richmond Landfill.
Carried.

MOTION #38: Moved by Velma Hill-Dracup, seconded by Douglas E. Maracle that Council approve waiving the rental fees for the Community Centre upstairs for 9 days – 6 rehearsals, 1 dress rehearsal and 2 performances for the “Dr. O” play being organized by James B. Maracle.

Carried.

MOTION #39: Moved by Velma Hill-Dracup, seconded by Roy C. Maracle that Council approve of appointing Lisa Maracle as contact person for the Chiefs of Ontario Working Group regarding the shipment of nuclear waste.

Carried.

MOTION #40: Moved by Velma Hill-Dracup, seconded by Douglas E. Maracle to go in private. (1:55 p.m.)

Carried.

Summary of Private Minutes:

- Approval of Private Minutes: February 16, 2011;
- Address four (4) Human Resource Issues
- Approved one (1) Bank of Montreal Business Loan Guarantee in the amount of \$50,000.00
- Approved seven (7) Home Renovation Loans in the amount of \$88,979.00

Recorded by:
Shelley Bowden

Brian Hamilton
Chief Administrative Officer

Chief R. Donald Maracle