

THE CORPORATION OF THE TOWNSHIP OF HORTON

## Special Council Meeting

October 15, 2012

There was a Special Meeting of Council held in the Municipal Council Chambers on Monday October 15, 2012. Present was Mayor Don Eady and Council Members Glen Campbell, Bob Kingsbury, Jamey Larone and Margaret Whyte. Staff present was Mackie McLaren, CAO/Clerk. Rose Curley, Administrative Assistant was in the audience until 5 p.m.

1. CALL TO ORDER

Mayor Eady called the meeting to order at 4:00 p.m.

2. DECLARATION OF PECUNIARY INTEREST

There was no declaration of pecuniary interest expressed by Members of Council or staff.

3. MAYOR'S WELCOME

Mayor Eady welcomed Ray Puhalski to the Meeting and approximately 10 members of the public in the gallery. He said he hopes that after this meeting Council and Mr. Puhalski will come to an understanding on the correspondence he has been writing to Council on for the past 11/2 years. He stated that all Council Members would have an opportunity to comment on each question or issue raised during this meeting.

4. DELEGATION:

4:05 Ray Puhalski – correspondence & concerns expressed to Council and Staff.

Mr. Puhalski approached the Council Table. He read an opening statement which included the following comments:

- Sept 2011 Mayor Eady was quoted in a Council Meeting that we must do things “by the book” and Mr. Puhalski filed an application under the Municipal Freedom of Information Act.
- He received a ruling from MFIPPA that staff did not follow the rules in releasing information to him.
- Horton Township did not follow its procurement procedures
- The first annual report on 2011 meetings attended by Council Members could not be reconciled with the annual remuneration.
- Council violated the Remuneration By-law when they decided to use a Project Manager to construct the Septage Treatment Facility, Municipal Office Addition, and Rink Change Room.
- His correspondence of May 1, 2012 was deemed (by the CAO/Clerk) to be a “personal” letter to each Council Member and was not part of meeting correspondence summary included in the meeting package. Council held a special council meeting immediately after the Regular Council Meeting ended to discuss the letter that was deemed “personal”.
- Rather than thank him Council got their back up and passed a resolution to forward all the correspondence from him to our solicitor and asked for a cease and desist order. Can't understand why Council would do this against a ratepayer.
- If the letter was “personal” Council used municipal funds to pay for a legal comment.

- May 5, 2012 he emailed questions to Mayor Eady and has not had a response.
- June 12, 2012 he received a letter from the Township that he was right that Council violated the procurement by-law.
- The resolution to the lawyer of May 1, 2012 remains open.
- Submitted a letter to Council on August 29, 2012 asking Mayor Eady and Councillor Kingsbury to respond how they considered his letter of May 1 was “personal”.
- He asked for Horton’s response.

Mayor Eady said that Mr. Puhalski’s comments will be discussed one item at a time.

Councillor Whyte addressed Council expressing the feeling of harassment she experiences from Mr. Puhalski’s correspondence. She said that it was Council’s job to conduct the Township’s business, not Mr. Puhalski’s.

Councillor Kingsbury said that he respond to Mr. Puhalski’s concerns on the “personal” correspondence, but unfortunately at that meeting there was no press present. He re-read the statement he made. He said that the CAO/Clerk had deemed the May 1 correspondence to be personal – so he agreed. He reviewed his campaign material that listed all his contact information. He has secured a legal opinion and has been advised that he and Mayor Eady have been defamed in recent correspondence from Mr. Puhalski. He said he has communicated previously with Mr. Puhalski by email but one answer leads to another question and another. Why has Mr. Puhalski appointed himself as opposition. He said he makes mistakes as everyone does, but you learn from your mistakes. He didn’t charge for the May 1, 2012 Special Council meeting.

Mr. Puhalski said he had no way of knowing Councillor Kingsbury hadn’t charged for the May1 Special Council Meeting.

Councillor Whyte said she has not stolen from the Township. For him to suggest that she was stealing funds upsets her. Mr. Puhalski responded that he did not accuse her of stealing.

Councillor Larone relied on senior members comments on the “personal” letter. He referred to the remuneration by-law and that Council had decided on Dec 21 2010 that the two free monthly meetings would be Council and Planning rather than historically being the first two meetings of the month. He noted that this decision would save tax dollars are they are usually the two longest meetings held each month.

Mr. Puhalski said he reviewed the meeting report in February 2012. He was a member of the Remuneration Committee that brought in a recommendation that the meetings attended by each Council Member be listed in a report by the end of January of the next year. He wanted to see if his committee did a good job with the recommendations and if Council was following the by-law.

Councillor Campbell reviewed the meeting remuneration discussion. He said that he is accountable. He discussed the “personal” letter. He noted that he doesn’t always claim for all the meetings that he can claim. He discussed the request that his email address be forwarded to Mr. Puhalski so he could be publicize it. Mr. Puhalski responded. He said Council sets examples. Why should the ratepayers follow township by-laws when Council doesn’t.

Mayor Eady discussed the remuneration issue. He said Council passed a resolution December 21, 2012 to do the right thing to take a loop hole out

of the remuneration policy and use 2 longer meetings as the free meetings. Out lawyer stated that technically Mr. Puhalski may be right but it was a very minor issue. He agreed that the entire remuneration policy needs to be reviewed before the next term of Council begins.

Mr. Puhalski agreed that the Compensation Committee got it wrong and wants it on record. He didn't realize that some Council Members do not claim for all the meetings they are entitled to. He said the Compensation Committee must know this for the next review.

Mr. Puhalski discussed his September 25, 2012 correspondence to Council. He noted that the Council Meeting package received by Council Members on the Friday preceding the Council Meeting gets onto the website on the day after the Council Meeting. He said that the package should be put on the website the same day that Council receives it so that the public can review it and comment on it. He also requested that the draft meeting minutes be posted on the website as soon as they have been typed.

Councillor Campbell said he spoke with the CAO/Clerk regarding the timelines. He has no problem as long as staff has the time to upload the package. He noted that the press report on the meeting outcomes in the local paper and local radio station soon after the meeting is over.

Councillor Larone suggested that the package could be on the website the weekend before the Council Meeting. Great issue. Need disclaimers that this is draft information and additional items may be added at the start of the meeting.

Councillor Kingsbury said that the agenda is posted on website on the Friday before the Council Meeting so people could call council members if they see an issue on the agenda they have concerns about. He expressed concerns that the packages are not complete until approved by Council at the meeting.

Councillor Whyte apologized to Council for losing her temper earlier. She really believes that this Council is doing the best job it can. Concerning council packages, strides have been made on the technical side. She would want to work with staff. She said there is no reason principally why we don't.

Mr. Puhalski said the agenda is never posted on the website on the Friday before the Meeting. Rose Curley, Administrative Assistant who was in the audience challenged this as she is the one to do so. Mr. Puhalski then acknowledged that he doesn't look for the agenda on the website.

Mayor Eady said that putting the package on the website before the meeting is a suggestion that Council will consider. No decision will be made until the cost to do so is determined. The website is 6 months old and still revolving. Not everyone in Horton has a computer. How do we get the same information to people who don't.

Mayor Eady discussed the transparency of Council, stating that this council has been more transparent than all others he has sat on – we have a new and better website, we have Horton Corner in the Mercury and on Heritage Radio. Literature is mailed out to ratepayers. Can we do better – possibly he said. He provided examples from three local municipal websites which lists the Council Members phone numbers as the municipal office number and email is addressed through the municipal office.

Mr. Puhalski said that the September 25, 2012 letter is not criticism but suggestions to improve.

Councillor Whyte said that transparency is through her and the office, not through Mr. Puhalski.

Councillor Kingsbury said it appears by recent ads in the local newspaper that Mr. Puhalski is trying to be an agent for the ratepayers rather than Council.

Mr. Puhalski said that he is not doing this. When he came to the budget meeting last winter the total debt was not known. Financial Statements are difficult to read and very few people can read them. He tried to say to people that he will put into plain English by trying to condense a meeting package to a page.

Mayor Eady challenged his comment on the debt. On election day he did not know the total debt but by the first budget meeting all Council Members were aware.

Councillor Campbell agreed that the Financial Statements are a pile of numbers to look at, but we have no one better than Jennifer Barr, Finance Manager who knows these numbers.

Councillor Larone said he has had discussion on the issue of condensing the minutes and questioned if we could take 5 bullet points from each meeting to inform the people after the meeting. He asked if Mr. Puhalski could help with this.

Mr. Puhalski said he feels that he is exercising his rights to free speech to post his comments.

Councillor Campbell said he went out to several ratepayers for opinions and had received a suggestion and now public meetings are held later in the meeting when people are home from work to attend.

Mayor Eady said that Council is elected to look after the finances of the Township. Councillor Larone is Vice Chair. The finances start with the CAO/Clerk and filter down to staff and Committees. Every month Council and Department Head receive a monthly statement. It takes a whole team to make this township run. He cited the recent example of purchasing a new stove for the Community Centre where two volunteers created a cook book fundraiser to offset ½ the cost of the stove. Provincial downloading costs us on the budget. He pointed out that Horton has 6 municipalities with a lower tax rate and 10 municipalities with a higher tax rate in the County. This is virtually the same as 12 years ago when he came on Council.

Mr. Puhalski suggested that people who believe he is harassing them should apply for a restraining order and he will abide. In the meantime he will evoke his democratic right to speak out.

Councillor Larone said Council Members do not always agree on matters, but in the end they have resolved a number of issues. There is a good background of members at the table. Concerning publishing his email address, he said he doesn't check emails regularly. Giving out his phone number would be OK. He commented on the good dialogue at this meeting. He has no concerns that a ratepayer wants to show their democratic right, but only so many hours in the day and the information is not always at their fingertips. He thanked Ray.

Councillor Kingsbury commented on the resolution to define which two meetings would be “free” each month. As he is chair of Planning Committee, the resolution provided that he could claim a different meeting as the second free meeting in the month. He advised that he saw a lawyer at his cost. He added that with democratic rights comes responsibility. After Mr. Puhalski claimed that he didn’t have Council Member emails, Councillor Kingsbury gave him his email address.

Mayor Eady said that the problem with Mr. Puhalski’s correspondence is that it rubs some the wrong way. He said he wouldn’t respond in the future to this type of letter. He added that every member of council is as transparent as possible. In the past 12 years a lot of good has happened in Horton: new community centre – tax free; rink and a cover and dressing rooms; purchased 6 acres for the recreation complex; addition to the municipal office; Garden of Eden Road reconstruction; Thomson Road culvert replacement by the County saved \$800,000; Storyland Road resurfacing. Council has inherited what the last Council left. Every council is faced with this. We try to do what is the right thing. To be scrutinized to the point we have been is not right.

Councillor Campbell said that anyone he has spoken to, he tells them to put their concerns in writing to the staff to be distributed to the appropriate Committee. He said it will be heard and be transparent.

Mayor Eady said Council can bring in speakers for a public meeting to discuss what is “open” and “transparency”. He again said that we try to do what is right all the time.

There were no further questions or comments.

5. CONFIRMING BY-LAW 2012-54

Moved by Glen Campbell  
Seconded by Bob Kingsbury

Resolution No. 2012-348

That Council enact by-law 2012-54

Carried

6. ADJOURNMENT

Moved by Bob Kingsbury  
Seconded by Jamey Larone

Resolution No. 2012-349

That this Special Council Meeting be adjourned at 5:39 p.m.

Carried

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MAYOR

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CAO/Clerk