

1 Transcript part august 11 2017 TSBP council re beach raking
2 Made by C Gammie
3 [un] = unintelligible
4 [00:43:15 on town recording]
5 Janice Jackson [JJ]: I have a motion that's moved by Councillor Jackson seconded by Deputy Mayor
6 Kirkland that Council directs the transfer of \$10,000 from after-hours by-law enforcement that's line
7 item (10-16-420001-0000) to parks (line item 10-15-420001-0000) to be used for beach maintenance.
8 Questions or comments on this item? Councillor Vukovic?
9 Ana Vukovic [AV]: I must introduce a motion madam mayor at that point, that is: O don't have a
10 second and anybody here to second that one I know you can't read that before it is seconded. While we
11 were [un] would you please.
12 JJ: OK we have a motion on the table so we'll just have to deal with this one first. Are there any
13 comments on this motion? Seeing none all in favour? Recorded vote please. We have a recorded
14 ...Coming right up
15 Craig Gammie (CG): What did we just do?
16 JJ: We have a recorded vote on transferring money to cover the beach maintenance.
17 Jay Kirkland {JK}: three point seven
18 Angie Cathrae [AC]: Members please indicate yes to support and no as opposed councillor Gammie
19 CG: un]
20 JJ: Transfrer money to pay for beach maintenance
21 Jay Kirkland {JK}: three point seven
22 CG: I want to talk about that
23 JJ: what? You want to talk about it?
24 CG: yeah
25 JJ: well we just called a recorded vote
26 CG: No we didn't
27 JJ: Ana did.
28 JK: ana did

1 AV: [un] discussion

2 JJ: no you called a vote. I was waiting for discussion but you called the vote.

3 AV: no I said I want a recorded vote. I didn't say call the vote.

4 JJ: Alright. [un] make a comment. I'm not going to stand in your way Mr. Gammie, but please put
5 the timer on.

6 CG:: [un]

7 AV: Nope I'm

8 JJ: she's not commenting we're allowing you to comment

9 [00:45:12 town audio]

10 CG: The report says this work can only take place after the plovers leave and before they arrive in
11 the spring. That's false. We have no legitimate permission to groom habitat before they arrive in the
12 spring, and I don't believe we have even invalid permission. That's permission granted without
13 authority. I've seen copies of emails from Suzanne Robinson's staff about [un] 2017 grooming. It gave
14 no permission to groom in the spring. Just the opposite. And Suzanne has been consistent with that
15 from 2012 on. Someone without council authority, has ordered grooming of the beach in 2017 – spring
16 2017 and as a result of that taxpayers, council members, and staff are at risk of being charged and
17 penalized for breach of the endangered species act, and we should not be grooming until that is
18 resolved and we should not be putting money into a grooming account because that could be taken as
19 council members directing, authorizing, or even acquiescing, which puts us in jeopardy one more time
20 again [un] further jeopardy. The claim that we've had oral permission is a totally useless defence. It's
21 not going to help any of us. It's challengeable by contrary evidence. More important the law is very
22 clear - only the minister can give such permission, not MNR staff. We need not to transfer the money
23 and we need to make sure that no grooming is done without express approval of council. So ..

24 JJ: Thank you

25 CG: I'm not finished

26 JJ: Oh?

27 CG: On uh I would like to have recorded votes on this. To allow those against grooming habitat to
28 protect themselves and to make sure that those who vote in favour of this are held accountable at law
29 and can't shift the blame to others.

30 Also Under the circumstances I should say that any staff who participate in grooming even with majority
31 council approval are taking a very very huge risk.

32 There's also the phragmites issue that was raised by Theresa Stafford. Theresa's got some.. a lot of
33 experience in this as former president of friends of oliphant coastal environment and has indicated that

1 there is already phragmites on the beach and by raking all we do is or disking or grooming all we do is
2 broadcast the spread and make things a lot worse.. There are a dozen reasons why we should reject this
3 resolution

4 JJ: does anybody have another comment? Angie a recorded vote's been requested on transferring
5 funds. Thank you.

6 Angie Cathrae [AC]: Members please indicate yes in support, no as opposed, Councillor Gammie?

7 CG: No

8 AC: councillor Jackson

9 Matt Jackson [MJ]: yes

10 AC: Councillor vukavic?

11 AV: No

12 AC: Deputy mayor Kirkland?

13 Jay Kirkland [JK}: yes

14 AC: Mayor Jackson?

15 Janice Jackson [JJ]: Yes. Thank you that's carried

16 48:29 on original town recording

17 JJ: so I'll read this next motion in , it will go on the next council agenda Angie?

18 AC: this is germane to the..

19 JJ: It's germane. We have two thirds to put it on the table right now?

20 Ac: no just..

21 JJ: read it in?

22 Ac: go on

23 JJ: Alright.. Moved by Councillor Vukovic, Seconded by Councillor Gammie, That Council receives
24 written approval from the MNRF prior to any Sauble Beach raking or maintenance.

25 JJ: was there?...

26 AV: recorded vote please

27 JJ: here we go. Vote's been called

1 JK: So we can't ask any questions?

2 JJ: I guess not.

3 Various [un]

4 Jj: I'll let you ask questions. Gammie talked the last time a recorded vote was called.

5 [00:49:12]

6 JK: So through the mayor, this will be directed at the manager of public works. Um the .. do you feel
7 that council has gave you direction.. our own direction .. to go against what the ministry is saying.. or
8 approvals or anything to [un] groom and disc and everything on the beach without the proper consents
9 from the proper people?

10 Andrew Sprunt [as]: Madam mayor ..

11 CG: That's a loaded question.

12 AS: different things that [un]. So I would suggest that direction would be given to me now to groom
13 the beach. Otherwise we follow our policies and past record with the beach and from the past and I
14 don't have a big history with the plovers. There's been grooming done after the plovers leave. And we
15 received word today, um, from the um, from the people who watch the plovers, basically no birds, I'm
16 done, that's the word I had today so, the question of plovers, I don't see plovers being the issue at the
17 moment, uh, I think council has to make that determination if staff is going to do the grooming at this
18 time.

19 JJ: but we have a policy. Which ... which dictates that you do grooming of the beach.

20 As: correct. [un]

21 JJ: so I'm not sure why we would pass something at this point. Because we already have a policy
22 for beach maintenance.

23 AS: And for the mayor I'm not asking that or anything I'm just making a statement.

24 JJ: Ok. Now what I personally would like to see is over the course of the wintertime have our legal
25 team work with the MNR to come up with a beach policy that they will put in writing that dictates
26 everything moving forward so that we don't run into this springtime squabble with them again and to
27 also arrange for maintenance periodically throughout the summer, outside of the habitat of course but
28 uh I mean you know that's something that can be worked out between our legal team and the MNR
29 over the course of the winter. We're beyond that issue .. that spiky issue right now because they've
30 never had any problem with us doing it .. any post plover maintenance ... and it is in our policy .. and
31 we're just doing what we have been doing year after year, including last year. Councillor Vukovic.

32 AV: My motion is to protect myself , to protect the staff, and to protect the council. We're going to
33 run into things.. he says she says .. going to say over the phone we can't give nothing in writing. I just

1 don't want this. MNR 's getting their fingers in our beach and I don't want to put anybody in jeopardy
2 especially myself because we are personally liable. If something is done contrary to the act .. provincial
3 and federal act. What I'm doing here is just introducing it says you want it in writing. Simple as that.
4 Unless we have it in writing, we don't have to, you know, you got it in writing you can go in any court ..
5 you gave us permission to do it. Be it the dunes, be it the plovers, be it whatever it is.

6 JJ: well that's the issue Ana they've never allowed anything in writing. That's why we're here
7 today.

8 AV: well I'm not going at the beach as councillor being responsible for something.. Ok please ..

9 JJ: Did you want to speak councillor Jackson?

10 Matt Jackson {mj}: Just going to echo your comments that what seems to be what got us into this
11 problem is that full time reluctance from the ministry to put anything in writing and leave the poor
12 municipality trying to navigate the act and a changing target. At some point, you have to stick with what
13 we've always done. We've got a policy that directs it, and it would be great if the ministry would come
14 to the table and take those requests seriously, and give us some clear direction that we can all move
15 forward on. But we're not proposing anything here that we haven't done in the past, and uh, move
16 forward.

17 JJ: Councillor Gammie.

18 [00: 53:29 on town recording]

19 CG: The target is not changing. I'd like to propose a friendly amendment in a few minutes. The
20 target is not changing. The ministry has been remarkably consistent. And they've been remarkably
21 consistent in saying to us that they cannot give us permission to rake what is traditionally considered by
22 them to be plover habitat. In fact, they're warning all the time is.. we advise you, not direct you, we
23 advise you that if you groom what is considered by us, meaning the MNR, to be plover habitat, then
24 you could very well be charged. In fact in 2012, we .., there was some disking done or some kind of
25 grooming done in the spring and the MNR came in and said you've broken the law .. we could charge
26 you but.. we'll let you off this time.. it might have been done inadvertently - as long as you restore the
27 habitat that you've damaged and promise not to do it again.

28 AV: Please call the vote.

29 JK: I just had one more comment.

30 CG: Anyway I have an amendment to make. The motion I think reads: "Don't do anything without
31 written permission " is that correct?

32 Jj: Yep

33 CG: I think it should without written permission from the minister" because it's very clear ..

1 AV: that's what it says

2 CG: no you said from the ministry .

3 AV: from MNRF. So isn't that ministry?

4 CG: No ... Minister.

5 JJ" Minister, He wants minister.

6 AV: No no no no. They pass it down you know to a lower guy. And I don't care where I get it as long
7 as I get it from Ministry of natural resources and forestry.

8 JJ: OK

9 CG: The problem is ana.

10 AV: I'm not going to go to minister don't worry about it.

11 CG: Ana please listen.

12 JJ: Guys listen

13 CG: please listen ana

14 JJ: Finish your comment Craig and then we're going to let the deputy speak.

15 CG: If we get written permission from the ministry [ph].. from staff ... it doesn't protect you ..
16 because its right in

17 AV:[un]

18 CG: ...it's right in law. It's right in law that only the minister ... only the minister can give that
19 permission.

20 MJ: We'll chat with her in Ottawa.

21 JJ: OK

22 JK: So my.. I would be in favour of this ana if it said as a friendly amendment "an agreement before
23 spring of 2018, before we do anything for the spring of 2018. I don't feel right now we have any
24 problem with going on the beach we've ..

25 Av: I don't want it to touch. For all of 2017 if you want to put the spring of 2017 that's fine.

26 JK: That's.. That's the only thing I would vote for is that I want to see an agree before spring of 2018
27 before we do anything on the beach.

1 AV: But we are already in trouble with them now, and now you're just sort of putting fuel on the fire
2 if you say eighteen.

3 JK: no I want an agreement before we do anything in the spring of 2018. That's what I'm saying
4 [Several talk at once]

5 AV: but don't do it now.

6 JK well right now\
7 JJ we've never had

8 JK: there's no problem with right now going to the beach and grooming.. regular maintenance
9 which we've always done in the past.

10 JJ: OK so let's call the question it's a recorded vote, Angie please.

11 AC: yes for support, no as opposed:

12 CG: did we make any of the amendments

13 AV: No

14 Jk: that's what I would

15 JJ[un]

16 JK: no I say to anna. Before spring ... yeah we don't go there unless we've got a ...

17 JJ: you're gonna make that amendment?

18 JK: I don't mind that. Cause then we would just have to change it as council.

19 CG: That makes you vulnerable ana for 2017.

20 JJ:[un}

21 JK: there is no sring of 2017, it's gone

22 JJ: it's done it's done all we are concerned about is 2018 and ..

23 CG: The raking's not done. The raking's not done for 2017.

24 JJ: But we don't have a problem with post plover raking.

25 CG: I have a problem.

26 JJ: well you do but ...

1 CG: Ana has a problem.

2 JJ: but nobody ... the ministry doesn't

3 CG: because we want to protect ourselves

4 JJ: alright

5 CG: we want to protect ourselves

6 JJ; Alright it's going down as it is. Thank you, angie.

7 Cg: Can I have it read again please

8 JJ: she'll read it]

9 AC: that council receives written approval from the MNRF prior to any Sauble beach Raking or

10 maintenance. Members please indicate yes in support, no as opposed.

11 Gammie? Yes

12 Jackson M No

13 Kirkland No

14 Vukovic Yes

15 Jackson J No

16 JJ: It's defeated

17 AV: I'd just like a copy of that please.

18 JJ: I have a motion Moved by Concillor Gammie, Seconded by deputy mayor Kirkland. It is resolved that

19 staff are directed not to cultivate, till, disc or by any other means groom the beach at Sauble without

20 clear, specific and explicit direction by resolution of Council to do so. Again this goes against our policy.

21 But we'll vote on it anyway. Did you want a recorded vote on this, too sir?

22 CG: I do but I want to talk to it too.

23 JJ: You just talked to it.

24 CG: That was the last motion.

25 JJ: [laugh]. It's all the same thing.

26 CG: I don't care. I want to talk to it.

27 JJ: fine. You go right ahead.

1 AV: Is that three point eight?

2 CG: Yes it's three point eight.

3 JK: So can I ask a question?

4 CG: No.

5 JJ: Not yet . Let him speak to his own motion then you can.

6 00:59:14 on full town recording

7 CG: Mayor Jackson gave the order to groom in the spring Of 2015. That's right in the minutes. So I
8 can't remember which date. Council did not give order in 2017. The order that the ministry is
9 investigating ... investigating charging the town as a whole, which means the taxpayers about a million
10 dollars. They're investigating the council members, as directors, and council members are at risk of
11 \$250,000 fine plus – not or – plus a year in jail.

12 JJ: [oh}

13 CG: And also staff are being investigated. And they're vulnerable to exactly the same thing. Andrew
14 think about going to jail for that. So, it's unclear at this point who gave the order in spring 2017 that put
15 all at risk of those huge penalties. But need to ensure that that does not happen a third time. So this
16 motion puts the control with council, where it belongs. And I would like a recorded vote.

17 JJ: Deputy Kirkland.

18 CG: I'm not calling the vote.

19 JK: Even with what this resolution says, I do believe we have gave direction to staff. Through what
20 we have in our policy. And what we have in our beach maintenance program. So I don't know why this
21 is going to change anything. We've already give direction.

22 CG: I'm asking for direction every time there's a raking episode.

23 JK: I don't wanna tie this staff's hands with every time there's a raking episode. I think we already
24 have a policy in place that says what we're gonna do . There's never been any question after the plover
25 has left. We've always been able to carry on with regular beach maintenance. Councils in the past have
26 chose to not have these same type of beach maintenance but I believe in read the resolution and our
27 policy and it says we can.

28 CG: all I'm saying ...

29 JK: so I have no problem with carrying forward right now and following with 2017 to carry on with
30 regular beach maintenance and I believe the staff already has guidance from council to do so.

31 Cg: all I'm saying is somebody put us all in jeopardy two thousand ..

1 JJ: {huff}

2 CG: ... I'm talking here. Somebody put us all in jeopardy. We're under investigation by the MNR.

3 JJ: Craig..

4 CG: You could go to jail.

5 JJ: No you're wrong.

6 CG: You could go to jail

7 JJ: you're fear mongering

8 CG: I'm talking here.

9 JJ: and you're witch hunting

10 CG: I'm talking here. All I want to do is make sure that nobody other than council as a whole has the
11 authority to initiate raking, grooming at the beach

12 JJ: OK

13 CG: To keep us all out of jail.

14 JJ: We have authorized as a whole, this council, to maintain the beach, with this policy Craig. This
15 is a policy of council. I know you're against it. But it's a council policy. Nobody's going to jail, Nobody
16 is personally threatened with a fine. Only under the clean water act is council members directly
17 affected. So don't fear monger any further.

18 CG: I ..

19 JJ: because that's ridiculous. I understand you don't agree

20 CG: what you're saying.. what you're saying is wrong.

21 JJ: angie I am getting to you. No what you're saying sir is wrong.

22 CG: what you're saying ma'am is wrong.

23 JJ: Go ahead angie. Jump in

24 AC: I just need to caution. Um, the, if what councillor Gammie believes is true, and if there is the
25 type of investigation that he's indicating, it would be in everyone's best interests including councillor
26 Gammie to no longer continue this conversation and the method which it's being discussed ..

27 CG: thank you for your advice. Thank you

28 JJ: let her finish..

1 AC: [un] responsibility. You are putting us in a libelous situation by discussing potential litigation in
2 an open session.

3 JJ: Alright.

4 AC" [un]

5 JJ: I'm going to call the vote. Would you like a recorded vote did you say councillor, you did so let's
6 have a recorded vote. We'll put this to bed. Angie.

7 AC: members please indicate yes in support no as opposed. Councillor Gammie?

8 Gammie: Yes

9 AC: Councillor Jackson?

10 Jackson M: No

11 AC: Deputy Mayor Kirkland?

12 Kirkland No

13 AC: Councillor Vukovic?

14 Vukovic Yes that's the same as presented so..

15 AC: Mayor Jackson?

16 Jackson J No

17 JJ: thankyou that's defeated.

18 End 1:03:41 on town recording]