

**TYENDINAGA MOHAWK COUNCIL MINUTES  
DECEMBER 4, 2009**

A meeting of the Tyendinaga Mohawk Council was held on Friday, December 4, 2009 at 10:15 a.m. in the Council Chambers.

Present: Chief R. Donald Maracle  
Councillors: Barry Brant, Roy C. Maracle, Trevor Lewis and Velma Hill-Dracup  
Staff: Brian Hamilton, CAO, and Angela Maracle, AO

Council met with a community member in private then returned to regular business.

Tsi Tyonnheht Onkwawenna Representatives Callie Hill, Janice Hill, Bonnie Jane Maracle, Lesley Spencer, Nikki Auten, Aubrey Auten, Kyla Brant and Laura Maracle arrived at 11:20 a.m. to discuss the proposal for Casino Rama funds for the Language Program.

MOTION #2: Moved by Trevor Lewis, seconded by Roy C. Maracle that this Council agrees to support the Tsi Tyonnheht Onkwawenna proposal in principle and Brian Hamilton will review the budget and deliverables and bring an update to Council the second meeting in January 2010.

Carried.

The Tsi Tyonnheht Onkwawenna Representatives left at 12:25 p.m.

Council met with Mike Murray, Project Manager, regarding security at the Community Wellbeing Centre.

MOTION #3: Moved by Velma Hill-Dracup, seconded by Roy C. Maracle that this Council agree to the current security measures at the Community Wellbeing Centre until Mike Murray, Two Row Architects and Build-All Contractors meet to discuss and make a recommendation.

Carried.

Note: No sprinkler system until water is in place.

MOTION #4: Moved by Velma Hill-Dracup, seconded by Trevor Lewis that this Council approve to sign the Community Wellbeing Centre Site Construction Contract from G.D. Jewell Engineering Inc. between the Mohawks of the Bay of Quinte and Build-All Contractors in the amount of \$1,313,177.30.

Carried.

MOTION #5: Moved by Trevor Lewis, seconded by Velma Hill-Dracup that this Council acknowledge the verbal update on the Aboriginal Healing and Wellness Strategy meeting on November 30, 2009 attended by Brian Hamilton, CAO.

Carried.

MOTION #6: Moved by Trevor Lewis, seconded by Velma Hill-Dracup that the Tyendinaga Mohawk Council Minutes of November 18, 2009 be accepted as read.

Carried.

MOTION #7: Moved by Roy C. Maracle, seconded by Trevor Lewis that this Council acknowledge the Kanhiote Tyendinaga Territory Public Library Minutes dated November 3, 2009 and December 1, 2009.

Carried.

Council acknowledged the following meeting:

- December 8-10 – Assembly of First Nations Special Chiefs Assembly in Ottawa

MOTION #8: Moved by Trevor Lewis, seconded by Velma Hill-Dracup that this Council defer setting the January 2010 Council Meetings for the new Council taking office.  
Carried.

MOTION #9: Moved by Trevor Lewis, seconded by Velma Hill-Dracup that this Council approve the following meetings outside the Territory:  
Chief Maracle and Velma Hill-Dracup: attending meeting with National Chief Shawn Atleo, Assembly of First Nations, on December 7, 2009 in Ottawa  
Chief Maracle: attending Five Large First Nations meeting with Patrick Macklem – date to be determined  
Carried.

MOTION #10: Moved by Trevor Lewis, seconded by Velma Hill-Dracup that this Council acknowledge the Hastings and Prince Edward District School Board Trustee Report for November 2009 submitted by Mike Brant, MBQ Representative, and Trevor informed Council that the Roots to Routes course will not be offered next semester as there is no teacher with the unique qualifications and experience needed to run the course.  
Carried.

MOTION #11: Moved by Trevor Lewis, seconded by Roy C. Maracle that this Council acknowledge the Tyendinaga Community Development Fund approved funding for:

<u>March 2009</u>		
Elijah Diaz	Ball Hockey	\$170.00
Isaac Andrew	Soccer	\$700.00
Emily Andrew	Soccer	\$700.00
Madison Brant	Gymnastics	\$492.00
	<b>Total</b>	<b>\$2,062.00</b>
<u>June 2009</u>		
Lesley Beck	Dance	\$860.00
Rachael Beck	Dance	\$860.00
Shayna Maracle	Dance	\$709.00
Kailey Sager	Dance	\$361.00
Trey Maracle	Summer Hockey	\$1080.00
Tristan Nugent	Hockey	\$500.00
Cole Maracle	Lacrosse	\$206.25
Isaac Maracle	Lacrosse	\$206.25
Tyendinaga Fitness Ctr.	Fitness Equipment	\$5000.00
Reese Nugent	Swimming Lessons	\$65.00
Tyendinaga Pow Wow	Pow Wow	\$4000.00
	<b>Total</b>	<b>\$13,847.50</b>
<u>September 2009</u>		
Shannon Butcher	Mohawk Play	\$3500.00
Marni Maracle	Dance	\$680.00
Sadie Maracle	Dance	\$777.00
Keelan Maracle	Dance	\$900.00
Kennedy Maracle	Dance	\$855.50
Feather Barberstock	Ringette	\$575.00
Tristan Nugent	Hockey	\$535.00
Reese Nugent	Hockey	\$635.00
Bailey Maracle	Hockey	\$700.00
Brett Maracle	Hockey	\$700.00
Brodie Maracle	Hockey	\$715.00
Nathan Brant	Hockey	\$375.00

Noah Brant	Hockey	\$900.00
Block Parent	Hunted Movie Night	\$1500.00
Reagan Leween	Modeling	\$400.00
Zach Andrew	Boxing	\$750.00
Dan Whalen	Candies for Kids	\$1500.00
	<b>Total</b>	<b>\$15,997.50</b>

Carried.

MOTION #12: Moved by Trevor Lewis, seconded by Velma Hill-Dracup that this Council supports the Job/Career/Information Session planned for our members on January 19, 2010 at the Community Centre.

Carried.

MOTION #13: Moved by Velma Hill-Dracup, seconded by Trevor Lewis that the Tyendinaga Mohawk Council appoints:

Wilkinson and Company  
139 Front St., Suite 100  
P.O. Box 757  
Belleville, ON  
Contact: Dan Dickinson  
1-888-728-3890

as the auditor for Mohawks of the Bay of Quinte for the fiscal year ending March 31, 2010.

Furthermore, Tyendinaga Mohawk Council authorizes the Minister to release revenue and trust information to the auditor for purposes of completing its audit. M.C.R. #2009/10-104

Carried.

MOTION #14: Moved by Trevor Lewis, seconded by Velma Hill-Dracup that this Council approve to close the petty cash for the Before and After Program as the Before and After Program will be able to access petty cash through the Daycare when needed.

Carried.

MOTION #15: Moved by Trevor Lewis, seconded by Roy C. Maracle that this Council approve the Indian and Northern Affairs Canada 2008/2009 Band Advisory Services Program Annual Report.

Carried.

MOTION #16: Moved by Velma Hill-Dracup, seconded by Trevor Lewis that this Council approve payment of the following invoices from Hicks Morley for employment matters:

For the period ending September 30, 2009

Inv. #181168 in the amount of \$355.50

Inv. #181169 in the amount of \$1,178.71

For the period ending October 31, 2009

Inv. #183236 in the amount of \$1,220.50

Inv. #183237 in the amount of \$874.50

Carried.

MOTION #17: Moved by Barry Brant, seconded by Trevor Lewis that this Council approve to sell by tender a 1996 Suzuki King Quad 300 and a 4X8 Metal Landscape Trailer.

Carried.

MOTION #18: Moved by Trevor Lewis, seconded by Velma Hill-Dracup that this Council approve to be a registered collector in the Ontario Tire Recovery Program.

Carried.

- MOTION #19: Moved by Roy C. Maracle, seconded by Trevor Lewis that this Council acknowledge the report regarding the delay costs paid to date for the Police Building in the amount totaling \$331,675.93.  
Carried.
- MOTION #20: Moved by Roy C. Maracle, seconded by Trevor Lewis  
Whereas, the Tyendinaga Mohawk Council have committed funds towards the new police services building; and  
Whereas, the Mohawks of the Bay of Quinte have incurred additional costs due to delays of delivering the building to the territory:  
Therefore be it Resolved that the Tyendinaga Mohawk Council hereby approves to increase the previously approved Casino Rama component of the budget for the police services building from \$1,090,923.79 to \$1,323,292.72 under the Community Development Component. M.C.R. #2009/10-105  
Carried.
- MOTION #21: Moved by Barry Brant, seconded by Roy C. Maracle that this Council approve the Land Transfer from Kenneth Russell Ferrill to Mario Maurice Baptiste II, the whole of Lot 25C-5, Concession 2, as shown on Plan No. RSO 4642R.  
Carried.
- MOTION #22: Moved by Velma Hill-Dracup, seconded by Barry Brant that this Council approve the Land Transfer from Marlene Gail Murphy and Margaret Florence Loft as joint tenants to Marlene Gail Murphy, the whole of Lot 11C-2, Concession 1, as shown on Plan No. CLSR 76097.  
Carried.
- MOTION #23: Moved by Barry Brant, seconded by Trevor Lewis that this Council approve the Land Transfer from Garnet Dennis Maracle to Kenneth Percy Leonard Maracle, the whole of Lot 22L-2-3, Concession A, as shown on Plan No. RSO 698.  
Carried.
- MOTION #24: Moved by Velma Hill-Dracup, seconded by Barry Brant that this Council defer the Land Transfer from Linda Eilleen LeFort to Seth James LeFort, the whole of Lot 30D-3 and Lot 30E-1, both in Concession A, and as shown on Plan No. RSO 7018R and Lot 6E-2, Concession 2, as shown on Plan No. CLSR 60495, for further clarification.  
Carried.
- MOTION #25: Moved by Velma Hill-Dracup, seconded by Roy C. Maracle that this Council defer the Request for Information business practice to allow Council more time to review the document.  
Carried.
- MOTION #26: Moved by Trevor Lewis, seconded by Roy C. Maracle that this Council approve to award the Snowplowing Tenders for the 2009/2010 Season to Build All Contractors in the amount of \$1,666.00 for contract 1 and \$2,154.00 for contract 2. Other tenders received for contract 1 were KC Builders – the tender was incomplete and TSC Construction – the tender was incomplete. Other tenders received for contract 2 were TSC Construction – the tender was incomplete.  
Carried.

MOTION #27: Moved by Velma Hill-Dracup, seconded by Barry Brant that the Council of the Mohawks of the Bay of Quinte do hereby resolve:  
That the Mohawks of the Bay of Quinte Band Council requests the Minister of Indian Affairs and Northern Development to guarantee repayment of the loan in the remaining amount of \$885,500.00 to Canada Mortgage and Housing Corporation as lender.  
Whereas the outstanding principal balance of this existing loan will be refinanced, for which loan, the Mohawks of the Bay of Quinte Band is a party to a Project Operating Agreement for the receipts of operating subsidies under Section 95 of the National Housing Act.  
Whereas Project operating subsidies under Section 95 of the National Housing Act will be available to assist with the rental housing project's financial viability while the Band is in compliance with the Section 95 Project Operating Agreement.  
Whereas The Band is responsible for the management of the project under the terms of the Section 95 Operating Agreement as long as the loan is in effect.  
Whereas:  
Financing shall be as follows:  
Existing Loan (where applicable)  
Outstanding Principal Balance \$885,500.00 (approximately)  
Of Loan at Renewal  
Whereas the loan is to be amortized over a period of 14 years & 10 months at interest rate and term maturity to be determined by Canada Mortgage and Housing Corporation as lender, and pursuant to the provisions of the National Housing Act.  
Therefore monthly payments on the loan will be the responsibility of the Band.  
Therefore the rental housing project shall remain the property of the Band while the loan is in effect.  
Therefore the Property insurance shall be provided as required under the terms and conditions of the project countersigned Offer to Lend for a loan under Section 15.1(1) of the national Housing Act.  
Therefore be it Resolved the Minister of Indian Affairs and Northern Development is hereby authorized to direct the transfer of Indian monies of the Band to the extent that such monies are or may become available, for the purpose of reimbursing Her majesty the Queen in right of Canada as represented by the Minister of Indian Affairs and Northern Development for any payment made by her Majesty to Canada Mortgage and Housing Corporation as lender at any time in the future in respect of repayment of the loan requested by this resolution. Repayment of which we hereby request the Minister to guarantee. The authority conferred herein is irrevocable. M.C.R. #200910-106

Carried.

MOTION #28: Moved by Barry Brant, seconded by Trevor Lewis that this Council approve payment of invoice #3435 from Alan Pratt in the amount of \$1,374.02 re: Culbertson Tract Claim and invoice #3434 in the amount of \$285.50 re: General Matters for the period ending November 30, 2009.

Carried.

MOTION #29: Moved by Barry Brant, seconded by Velma Hill-Dracup that this Council approve payment of invoice #423 from Patrick Schindler in the amount of \$8,512.00 re: Johnson Brant Litigation for the period ending October 31, 2009.

Carried.

- MOTION #30: Moved by Trevor Lewis, seconded by Barry Brant that this Council approve payment of invoice dated October 31, 2009 from Blaney McMurtry in the amount of \$12,878.88 and invoice #273/09 from Lina Beard, Court Reporting Services, in the amount of \$969.00 re: Bench Tech/Mohawk Liquidation.  
Carried.
- MOTION #31: Moved by Trevor Lewis, seconded by Barry Brant that this Council instruct Roger Horst to petition the Court for a determination on the tanks located at Mohawk Liquidation to see if they are chattels.  
Carried.
- MOTION #32: Moved by Trevor Lewis, seconded by Velma Hill-Dracup that this Council approve to purchase the Canon Imagerunner for Central Registry in the amount of \$23,194.91 that can be used to do the Newsletter in-house and will result in cost savings.  
Carried.
- MOTION #33: Moved by Trevor Lewis, seconded by Velma Hill-Dracup that this Council approve to sign the Formal Minutes of Settlement, Memorandum of Agreement and Mutual Full and Final Release documents regarding the Johnson Brant Litigation as submitted by Patrick Schindler.  
Carried.
- MOTION #34: Moved by Trevor Lewis, seconded by Velma Hill-Dracup that this Council approve to obtain the team of Radius Contracting, LANDinc, Spectrum Skate Park Creations and the BlackWell Bowick Partnership for the construction of the Skate Park pending RInC approval.  
Carried.
- MOTION #35: Moved by Trevor Lewis, seconded by Velma Hill-Dracup That the Tyendinaga Mohawk Council hereby approve for Chief Maracle to remove the Queen Anne Silver from the Bank of Montreal vault for Parish Christmas Eve Service on December 24, 2009. M.C.R. #2009/10-107  
Carried.
- MOTION #36: Moved by Trevor Lewis, seconded by Velma Hill-Dracup that this Council acknowledge the letter from Health Canada dated November 27, 2009 confirming the Health Canada's commitment that operating funds of approximately \$52,000 for the existing Health Centre will be transferred to the New Wellbeing Centre once programs relocate there.  
Carried.
- MOTION #37: Moved by Roy C. Maracle, seconded by Trevor Lewis  
WHEREAS: Construction of the new multipurpose health facility is currently underway and is expected to be completed and ready for occupancy by April 2010.  
WHEREAS: There is an existing health centre, currently owned by Health Canada, which will remain on the First Nation after completion of the new facility;  
WHEREAS: Health Canada has informed the First Nation of its intention to decommission and transfer ownership of the existing building to the Mohawks of the Bay of Quinte;  
THEREFORE BE IT RESOLVED: That pending the receipt of a favourable Environmental Assessment Study Report (EASR) on the old health centre, the Mohawks of the Bay of Quinte accept ownership of the old health centre building as is from Health Canada; and, that the intended use of the facility upon occupation

by the First Nation will be as a Library and cultural facility. M.C.R.  
#2009/10-109

Carried.

MOTION #38: Moved by Trevor Lewis, seconded by Velma Hill-Dracup to go in  
private. (3:10 p.m.)

Carried.

Summary of Private Minutes:

- Approval of Private Minutes: November 18, 2009
- Approved six (6) Mortgage Discharges and five (5) Rewrites
- Approve one (1) Bank of Montreal Loan Guarantee in the amount of \$37,600.00
- Approve one (1) Home Renovation Loan in the amount of \$3,500.00

Recorded by:  
Shelley Bowden

Brian Hamilton  
Chief Administrative Officer

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Chief R. Donald Maracle