



Minutes of the Regular Meeting of Council held on Tuesday, February 13th, 2024, at 6:00 p.m. in person in the meeting room or by phone.

1. Opening of Meeting and Call to Order:

The Mayor called the meeting to order at 6:00 p.m. and welcomed those in attendance.

2. Roll Call: Mayor took a roll call:

<u>Attendance:</u>	<u>Present</u>	<u>Absent</u>
Mayor Bonita Culhane	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Louanne Caza	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Elaine Fic	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Annie Keft	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Francine Plante	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Clerk-Treasurer – Karine Pelletier
 Deputy Clerk – Melanie Jensen
 Public Works Superintendent – Mark Brown
 Bookkeeper – Debbie Monson

Members of the audience present: 5

3. Adoption of the Agenda and Addendum:

Moved by Councillor Elaine Fic
 Seconded by Councillor Annie Keft

30/2024
Adoption of Agenda

THAT the agenda for the Regular Meeting of Council held on February 13, 2024, be adopted.

Carried.

4. Disclosure of Pecuniary Interest:

- Councillor Louanne Caza declared a conflict on item #14 employee negotiation in Closed Session.
- Mayor Bonita Culhane declared conflict on item #10 (g) Township Insurance.

5. Minutes of Previous Meetings :

Moved by Councillor Francine Plante
Seconded by Councillor Elaine Fic

31/2024
Regular/ Special Minutes

THAT the minutes for the Regular Meeting of Council held on January 9, 2024 and Special minutes of Council held on January 31, 2024 be adopted.

Carried

6. Matters arising from the minutes: None

7. Deputations / Delegations: None

8. Correspondence / Information:

- a) Temiskaming Municipal Service Association – Planning Service Introduction.
- b) Ontario Provincial Police – Community Safety and Policing Act, 2019.

9. Members Update Reports :

Mayor and Members of Council gave a verbal report.

10. New Business :

- a) Moved by Councillor Elaine Fic
Seconded by Councillor Annie Keft

32/2024
Recreation Minutes

THAT the minutes of the Recreation Committee held on November 7, 2023, be adopted.

Carried

- b) Moved by Councillor Louanne Caza
Seconded by Councillor Elaine Fic

33/2024
Seniors Fee for Fitness Centre

THAT Council have received the complaint regarding the Senior's membership fee for Fitness Centre and the request to reduce the Seniors monthly membership fee to \$20.00. Council directs the Clerk to amend the new user fee By-Law 2023-54 to include this change.

AND THAT Council agree that the Seniors age requirement for this new rate be 60 years of age.

Carried

- c) Moved by Councillor Elaine Fic
Seconded by Councillor Annie Keft

34/2024
Deputy Mayor Schedule 2024

THAT Council agree to the following Monthly Deputy Mayor Schedule for the year 2024.

January 2024	-	Elaine Fic
February 2024	-	Annie Keft
March 2024	-	Louanne Caza
April 2024	-	Francine Plante
May 2024	-	Elaine Fic
June 2024	-	Annie Keft
July 2024	-	Louanne Caza
August 2024	-	Francine Plante
September 2024	-	Elaine Fic
October 2024	-	Annie Keft
November 2024	-	Louanne Caza
December 2024	-	Francine Plante

Carried

- d) Moved by Councillor Louanne Caza
Seconded by Councillor Annie Keft

35/2024
Library Minutes

THAT the minutes of the Library Board meeting held on November 27, 2023 be approved and that Council have received the 2023 Expenses and Expenditure from the Library Board.

Carried

- e) Moved by Councillor Francine Plante
Seconded by Councillor Elaine Fic

36/2024
TMA Membership

THAT Council agrees to pay the 2024 Yearly Temiskaming Municipal Association in the amount of \$150.00.

Carried

- f) Moved by Councillor Elaine Fic
Seconded by Councillor Annie Keft

37/2024
2023 Treasurer Report

THAT the 2023 report of the Treasurer prepared under Section 284 of the Municipal Act be adopted.

Carried

- Mayor Culhane declared a conflict of interest on Item #10 (g) and left the room

- g) Moved by Councillor Elaine Fic
Seconded by Councillor Louanne Caza

38/2024
2024 MIS Insurance

THAT Council agrees to renew the 2024 Membership Insurance with MIS Municipal Insurance Services at a cost of \$95,926.00 plus applicable provincial tax.

Carried

- Mayor Culhane returns to the table

- h) Moved by Councillor Louanne Caza
Seconded by Councillor Annie Keft

39/2024
Policing Minutes

THAT the minutes of the Community Policing Committee held on October 26, 2023 be approved.

Carried

- i) Moved by Councillor Francine Plante
Seconded by Councilor Elaine Fic

40/2024
Strategic Minutes

THAT the minutes of the Strategic Planning Committee held on October 24, 2023, be approved.

Carried

- j) Moved by Councillor Annie Keft
Seconded by Councillor Louanne Caza

41/2024
New Member Policing Committee

THAT Council accepts the recommendation from the Community Policing Committee to appoint Daniel Quevillon as a new member on the Committee.

Carried

- k) Moved by Councillor Francine Plante
Seconded by Councillor Annie Keft

42/2024
MMHA Training

THAT Council direct the Clerk to set up training with the Ministry of Municipal Affairs at no cost for all Staff and Council on the following topics:

- Roles of Council, Councillor and Staff
- Accountability and Transparency
- Meetings
- Municipal Government and Organization
- Changes to Council Composition
- Council as Lawmakers
- Exercising Municipal Powers
- The fiscal Context

Carried

- l) Moved by Councillor Elaine Fic
Seconded by Councillor Francine Plante

43/2024
DTSSAB Report

THAT Council have read the budget packages from the District of Timiskaming Social Services Administration Board and agree with the apportionment cost to the Township of McGarry being as Follows:

2024 appointment	\$126,661.00
Reverse Contribution	\$ 6,448.00
2024 Owed to DTSSAB	\$120,213.00

Carried

- m) Moved by Councillor Annie Keft
Seconded by Councillor Elaine Fic

44/2024

FONOM Resolution Support

WHEREAS many municipalities in Ontario have seen an increase to their insurance rates due to Joint and Several Liability;

WHEREAS in 2015 the City of Greater Sudbury (the "City") entered into a contract with a contractor experienced in road construction projects to complete a project on Elgin Street in the City's downtown core;

AND WHEREAS the contract provided that the contractor would be the constructor for the project as that term is defined in the Occupational Health and Safety Act (the "Act");

AND WHEREAS an employee of the constructor operating a grader on the project struck and killed a pedestrian;

AND WHEREAS the City was charged with offences under the Act as the constructor and the employer;

AND WHEREAS after being acquitted at trial and on appeal, the Ontario Court of Appeal, in a decision issued on April 23, 2021, found the City to be liable for contraventions of the Construction Regulations as an employer as it employed quality control inspectors to monitor the quality of work on the project from time-to-time;

AND WHEREAS the Supreme Court of Canada, in a decision issued on November 10, 2023, was evenly divided 4-4 on the issue resulting in dismissal of the City's appeal;

AND WHEREAS the consequence of this decision is that municipalities in Ontario, as well as all other owners of property in the province, who wish to undertake construction, are subject to being charged and convicted as an employer for offences in relation to project sites for which they have no control and have, in accordance with the Act, contracted with an entity to assume plenary oversight and authority over the work on such site as the constructor;

AND WHEREAS the potential of an owner being charged as an employer as that term is defined in the Act in circumstances where it has engaged a constructor disregard and renders meaningless the owner-constructor provisions contained in the Act and presents an unacceptable level of increased risk and confusion for owners and contractors throughout the province;

AND WHEREAS the Corporation of the Township of McGarry believes that the safety of workers is paramount however the safety of workers on construction projects in Ontario is not increased by placing liability on parties that do not have control of and are not responsible for the conduct of the work on such sites;

NOW THEREFORE BE IT RESOLVED THAT the Council for the Corporation of the Township of McGarry requests that the province amend the Occupational Health and Safety Act to clarify the definition of "employer" to exclude owners that have contracted with a constructor for a project;

AND BE IT FURTHER RESOLVED THAT this motion be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, France Gelin, MPP for Nickel Belt, Jamie West, MPP for Sudbury, the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities, Ontario's Big City Mayors, Mayors and Regional Chairs of Ontario, Northern Ontario Large Urban Mayors, the Council of Ontario Construction Associations, the Ontario Chamber of Commerce and all Ontario municipalities, and the Clerk of the City of Greater Sudbury.

Carried

- n) Moved by Elaine Fic
Seconded by Francine Plante

45/2024
THU Budget

THAT Council have read the budget package from the Timiskaming Health Unit and understand the breakdown of the cost for the Township of McGarry in the amount of \$35,175.00 for the year 2024.

Carried

- q) Moved by Councillor Francine Plante
Seconded by Councillor Annie Keft

46/2024
Police Board

BE IT RESOLVED THAT Councillor Plante be appointed to the KL O.P.P. Detachment Police Services Board (KLDPSB) effective April 1, 2024 for the remainder of this Term of Council (November 14, 2026);

AND THAT Councillor Plante be permitted to participate on a Working Group spearheaded by the Ministry of the Solicitor General's Office leading up to the inauguration of the KLDPSB on April 1, 2024;

AND THAT the Council of the Corporation of the Township of McGarry hereby approve to jointly support the remuneration of new KLDPSB Membership in the sum of up to \$8,500.00 annually for the remainder of this Term of Council, representing the total sum should all members attend 6 meetings in a calendar year, and broken down as follows;

- \$165 per meeting for the Chairperson (in absentia, Vice Chairperson)
- 6 meetings x \$165/meeting = \$1,000 per year x 1 member = \$1,000.00
- \$125 per meeting for Members (including Municipal & First Nation Council, and Community & Provincial Representatives)
- 6 meetings x \$125 = \$750 per year x 10 members = \$7,500.00

Carried

11. Passing of Accounts:

- Moved by Councillor Annie Keft
Seconded by Councillor Francine Plante

47/2024
Accounts

THAT the following accounts be approved for payment:

JANUARY 2024

Payroll: \$ 36,054.09

General: \$ 189,968.54

Carried

12. Passing of By-Laws:

- a) Moved by Councillor Louanne Caza
Seconded by Councillor Elaine Fic

48/2024
By-Law 2024-05

THAT a By-Law to appoint a Committee of Adjustment for the Township of McGarry be read three times and passed this 13th day of February 2024 and numbered By-Law 2024-05.

Carried

- b) Moved by Councillor Louanne Caza
Seconded by Councillor Annie Keft

49/2024
By-Law 2024-06

THAT a By-Law to provide for an interim tax levy and the payment of interim taxes for the year 2024 be read three times and passed this 13th day of February 2024 and numbered By-Law 2024-06.

Carried

- c) Moved by Councillor Louanne Caza
Seconded by Councillor Elaine Fic

50/2024
By-Law 2024-07

THAT a By-Law to establish a Tourist Centre Committee and Terms of Reference for the Committee be read three times and passed this 13th day of February 2024 and numbered By-Law 2024-07.

Carried

- d) Moved by Councillor Louanne Caza
Seconded by Councillor Elaine Fic

51/2024
By-Law 2024-08

THAT a By-Law to delegate the authority to the Clerk-Treasurer to authorize the execution of tax arrears extension agreements pursuant to Section 378 of the Municipal Act, 2001 be read three times and passed this 13th day of February 2024 and numbered By-Law 2024-07.

Carried

13. a) Submitted Questions : None

b) Audience Questions: A question period was held.

14. Closed Meeting:

Moved by Councillor Francine Plante
Seconded by Councillor Annie Keft

52/2024
Closed Metting

THAT Council goes into closed session at 6:53 p.m. under the Municipal Act 2001. C25, s 239, Section (2) (b) personal matters about an identifiable individual, including municipal or local board employees for negotiations of salary and benefits with the employees.

Carried

- Councillor Louanne Caza declared a conflict of interest on item #14 (a) – Employee negotiations and left the room.
- Councillor Louanne Caza returned to the table to discuss item #14 (b) – End of probationary period for an employee.

Moved by Councillor Annie Keft
Seconded by Councillor Francine Plante

53/2024
Out of Close Session

THAT Council come out of close session at 7:36 pm.

Carried

a) Moved by Councillor Elaine Fic
Seconded by Councillor Annie Keft

54/2024
Cost of Living Increase

THAT Council direct the Clerk give a 5 % cost of living increase to the all Employees and the Custodian and bring a By-Law forward at the next meeting of final approval, The cost-of-living increase will be retroactive to January 1, 2024.

Carried

Moved by Councillor Annie Keft
Seconded by Councillor Francine Plante

55/2024
Sick Days

THAT Council agrees to change the following in the Agreement between Employees and the Township of McGarry:

- 6 paid sick leave per year to 10 paid sick leave per year, they will not be cumulative from year to year.

Carried

b) Moved by Councillor Louanne Caza
Seconded by Councillor Annie Keft

56/2024
Contract Labourer Probation

THAT the Contract Labourer / Landfill Assistant has successfully completed his 6-months probationary period and be brought up to Step 1 of the pay grid, effective January 17, 2024.

Carried

15. Confirmation By-Law:

Moved by Councillor Francine Plante
Seconded by Councillor Louanne Caza

57/2024
Confirmation By-Law

THAT a By-Law to confirm the proceedings of Council be read three times and passed this 13th day of February 2024 and numbered By-Law 2024-09.

Carried

16. Adjournment

Moved by Councillor Annie Keft
Seconded by Councillor Louanne Caza

58/2024
Adjournment

THAT this meeting be adjourned at 7:40 p.m.

Carried


MAYOR


CLERK-TREASURER