

Information Package # 2

Lakeshore Boat Launch – 2021



Township of McKellar

701 Hwy #124, P.O. Box 69, McKellar, Ontario P0G 1C0

Phone: (705) 389-2842

Fax: (705) 389-1244

July 6, 2021

Mayor's response to those with questions/issues concerning the closing of the Lakeshore Boat Launch, with options for exploration.

To those of you who have contacted Council and staff, thank you for reaching out and raising your issues regarding the impact of closing the Lakeshore Boat Launch. Staff and Council welcome your input as it has always done in the past. We welcome and will listen to your delegation at a special meeting recently announced for Thursday July 15th, at 6:00pm, following the process outlined under the Public Notice on the Township's website and FB page.

All sides will be heard. More importantly, we need to find common sense solutions going forward. In the past, Council has always been open and transparent and will continue to be so. We strive towards continuous improvement in all matters. There is always a better way of doing something if we are looking for them. There is always more than one side to an issue. In the past, there have been several community delegations that have presented what they believe are legitimate concerns to Council that have led to a reconsideration or modification of a previous decision that we arrived at collectively. A win-win-win for all – citizens, staff and council. Council tries hard to ensure that our decisions are open, fact – based and best suit the interests and safety of the majority of our citizens while ensuring the integrity of the Municipality. We will take a "sober second look" at all sides and together make the appropriate decision for all of McKellar.

Various options are available for review, including:

- a) There are issues and concerns with all of the public boat launches servicing Lake Manitouwabing. Let's examine the pros and cons of closing all public boat launches. The Township could then examine the feasibility of subsidizing ratepayers to use the three (3) commercial boat launches on the lake.
 - i. This would result in gating Stewart Park for EMS access only.
 - ii. Sell off the Lakeside Crescent properties, boat launch and parking area, or retain the lands designated for parking as active recreation parkland (potentially a children's playground park).
- b) Sell the Lakeside boat ramp to local residents and permit them to create a private boat ramp (similar to what the Deerfield Road Association has). This would provide local access for residents of the Lakeside Drive neighbourhood; however, use of the narrow channel access to the main part of Lake Manitouwabing would be discouraged.
- c) Maintain Stewart Park as the only public boat launch available until another site is found for a new boat launch at the north end of Lake Manitouwabing. Improvements would have to be made to parking, lighting, signage, etc. at Stewart Park.

Looking forward to our discussion on Thursday July 8, 6pm, Agenda and format to follow has been circulated.

Respectfully,

Peter Hopkins, Mayor
705 389 2228
peterhopkins1942@gmail.com

Mayor's response to issues raised by [REDACTED] and others regarding the closing of the Lakeshore Boat Launch:

Thank you to you and others for raising your issues regarding the impact of closing the Lakeshore Boat Launch. Staff and Council welcome your input as it has always done in the past. We welcome and will listen to your delegation at a special meeting recently announced for Thursday July 8, at 6:00pm following the process outlined under the Public Notice on the Township's website and FB page.

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2. Sell the Lakeside boat ramp to local residents and permit them to create a private boat ramp (similar to what the Deerfield Road Association has). This would provide local access for residents of the Lakeside Drive neighbourhood; however, use of the narrow channel access to the main part of Lake Manitouwabing would be discouraged.
3. Maintain Stewart Park as the only public boat launch available until another site is found for a new boat launch at the north end of Lake Manitouwabing. Improvements would have to be made to parking, lighting, signage, etc. at Stewart Park.

Looking forward to our discussion on Thursday July 8, 6pm, Agenda and format to follow has been circulated.

Respectfully,

Peter Hopkins, Mayor 705 389 2228, peterhopkins1942@gmail.com

7/6/2021

Gmail - RE: Mayor's response to boat launch

kekkonen <mikeonmckellarcouncil@outlook.com>; don carmichael <don4mckellar@gmail.com>; marco ancinelli <ancinelli@gmail.com>; Peter Hopkins <peterhopkins1942@gmail.com>; greg gostick <roads@township.mckellar.on.ca>

Subject:

See attached sent to concerned ratepayers. Peter



Mayor's response to boat launch e mails July 21- revised.docx
15K

7/6/2021

Gmail - RE: Mayor's response to boat launch



Peter Hopkins <peterhopkins1942@gmail.com>

RE: Mayor's response to boat launch

1 message

lance.sherk@township.mckellar.on.ca <lance.sherk@township.mckellar.on.ca> Tue, Jul 6, 2021 at 10:43 AM
To: Peter Hopkins <peterhopkins1942@gmail.com>, morely hasklm <mhasklm@hotmail.com>, mike kekkonen
<mikeonmckellarcouncil@outlook.com>, don carmichael <don4mckellar@gmail.com>, marco andinelli
<andinelli@gmail.com>

Peter and Council,

For your review, before we post to the website.

Also, given that the new Audio system is ready to go in the CC, we may want to delay Thursday's meeting to the 15th. This would provide a window for us to learn how to use the system. We could also allow a few more people into the CC than in Council Chambers.

Lance Sherk, MSc.

CAO/Clerk

Township of McKellar

701 Hwy 124, P.O. Box 69

McKellar, ON P0G 1C0

P: 705-389-2842



From: Peter Hopkins [mailto:peterhopkins1942@gmail.com]

Sent: July 5, 2021 5:10 PM

To: Lance Sherk <lance.sherk@township.mckellar.on.ca>; morely hasklm <mhasklm@hotmail.com>; mike

Public Notice: McKellar Township Public Boat Launches on Lake Manitouwabing

Date: July 8th

Time: 6:00 – 7:30 PM

Location: Zoom link:

McKellar Council Chamber, 701 Hwy 124

The Council for the Township of McKellar is hosting a Public Meeting on July 8th, 2021, at 6:00 PM to discuss Public Boat Launches on Lake Manitouwabing.

Due to Step-2 Covid-19 restrictions, this will be primarily an Electronic Meeting via Zoom.

Step 2 allows for a maximum of 10 people to occupy indoor space. Consequently, Council will accept delegations of 2 people at one time to make in-person delegations to council in Council Chambers.

Purpose of the Public Meeting:

The purpose of a Public Meeting is to hear input from the public on a particular matter. Accordingly, Members shall not enter into debate or discussion of the matter during the Public Meeting.

One Spokesperson is allowed per organization.

Each person/organization is limited to three (3) minutes to speak.

Each person/organization is entitled to ask one (1) question and one (1) subsequent question.

Each person speaking at a Public Meeting will be asked to provide their name and organization (if applicable) prior to providing comments. Such person will also be invited to provide their name, address and email address in writing in order that future notice of the matter may be provided.

Mayor's response to issues raised by [redacted] and others regarding the closing of the Lakeshore Boat Launch:

Thank you to you and others for raising your issues regarding the impact of closing of the Lakeshore Boat Launch. Staff and Council welcome your input as it has always been done in the past. We welcome and will list to your delegation at a special meeting as soon as the new A-V in the community center is ready, to allow more in-person representation. All sides will be heard, issues aired but more importantly finding common-sense solutions going forward. In the past, Council has always been open and transparent and will continue to do so. We strive towards continuous improvement in all matters. There is always a better way of doing something if we are looking for them. There is always more than one side to an issue. There have been several community delegations in the past that have presented what they believe are legitimate concerns to Council that have led to a reconsideration or modification of a previous decision that we arrived at collectively. A win-win-win for all - citizens, staff and council. Council tries hard to ensure that our decisions are open, fact-based which best suit the interests and safety of the majority of our citizens while ensuring the integrity of the Municipality. We will take a "sober second look" at all sides and together make it right for McKellar.

Looking forward to our discussion on ----- Agenda and format to follow

Respectfully,

Peter Hopkins, Mayor

we are permitted to have two members of a two with fazzmark to present the issues in 5 minutes, we will allow the other 2 at a time to hear all sides to Lakeshore

To: Jim Barron
- Su Keen

Special Meeting on Boat Launches In McKellar: tbd

Mayor's Introduction:

I would like to sincerely welcome everyone to our special meeting on Boat Launches In McKellar. Just for the record, there are many examples where Council has welcomed depositions from our rate payers and by working together we will arrive at realistic, pragmatic, safe and viable solutions for everyone. It is well documented that our community reacts quickly to key issues: development projects, clean yards and boat launches and Council has reacted responsibly in all cases.

Also for the record, It is not appropriate for anyone to prevent our staff on public municipal property from doing what they were assigned to do. *Thank Kelly,*
~~We could have called in our By Law Officer or the OPP to prevent this altercation as what happened was illegal and unsafe.~~
what you did
Our staff used common sense and walked away to diffuse the moment. Since this was a staff recommendation, supported by Council all your many e mails were forwarded to staff to be addressed today. Our CAO has responded to many inquiries with what really happened and was well received.. It would not be appropriate for Council to respond without all the facts as we do not conduct business via e mail but through proper channels which are fact - based. Your ~~email~~ attacks on our staff and council are of concern. *shows no merit*
Served notice

The format we follow is to hear a representatives from all sides have an opportunity to have their say for five minutes, followed by some discussion and an Q and A. The intent is to outline the background and facts regarding boat launches in McKellar and find positive solutions to everyone concerns - that are legal, safe, risk free and environmentally sound.

Before we hear from some of you, I would like to begin by giving everyone a little factual and historical background on Boat Launches in McKellar, followed by what has been done to date, what got us here today and options going forward. It is always important to understand that Council makes decisions on your behalf based on factual evidence and reports from staff and experts. We are encouraged to accept the expertise recommendations from our staff and others.

Background:

We have four municipally owned public boat launches in McKellar: three on Lake Manitouwabing at Lakeshore, Lakeside and Stewart Park and one on McKellar Lake. There are two closed to the public launches on Deerfield and Grey Owl -- unsuccessful attempts have been made to have them open to the public - and three private launches are marinas -- Talts Landing, The Outpost and Glenwood -- some free others a fee

McKellar owns, maintains, operates and is legally responsible for our public launches. They are provided for public use and for service to our local community as well as serving and welcoming our guests and visitors.

has a history of
Boat launches have been an issue of Council for a sometime. They were a priority in our 2018-2022 McKellar Action Plan, page 12. There ~~have always~~ been some safety concerns on Lakeshore. Council directed staff to find ways of improving our launches -- safety, parking, slope and docking - after *hang*

concerns were raised about a new launch on the Harris property near Hurdville a few years back. Staff were asked to look for a new launch site to replace the current one on Lakeshore. Early in 2019, Council approved a new site on Lakeshore by the government dock and beach to be installed this spring - 2020. Due to Covid 19, it was deferred to this spring. There were some public concerns after the oil spill and ~~the~~ ^{this} site was abandoned. Again staff were asked to review the current Lakeshore site and make a report and recommendation to Council. Their report, besides the on-going safety concerns, raised new issues regarding numerous lake water intake pipes close by which if a spill occurred could contaminate their water supply which puts the municipality at risk. Staff recommended we immediately close the launch and Council unanimously received this report and staff closed it immediately as a liability concern which is in their purview to act.

It should be noted that staff has the authority and responsibility to act immediately in matters that involve legal, safety, environmental and liability issues supported by Council. Recently, they did so dealing with so regarding an oil spill in the Village, high e coli counts and the siting of blue green algae.

I will ask our CAO, Lance Clerk to address your specific concerns and present various options moving forward.

Today we will listen to your concerns through your representatives and provide options for your comment and consideration moving forward. - *The Department will provide*

I will ask our CAO, Lance Sherk to address your specific concerns and look after future options that are safe and viable. *for your comments & considerations moving forward*

Please indicate who you are representing & your
lay area
we need to hear from both Lakeshore & Lakeside

Intro

Special Meeting on Boat Launches in McKellar: Thurs July 8, 21 6pm

I would like to sincerely welcome everyone to our special meeting on Boat Launches in McKellar. Just for the record, there are many examples where Council has welcomed depositions from our rate payers and together we will arrive at realistic, pragmatic, safe and viable solutions for everyone.

Also for the record, it is not appropriate for anyone to prevent our staff on public municipal property from doing what they were assigned to do. We could have called in our By Law Officer or the OPP to prevent this altercation as what happened was illegal and unsafe. Our staff used common sense and walked away to diffuse the moment.

The format we follow is to hear a representative from all sides have an opportunity to have their say for five minutes, followed by some discussion and an Q and A. The intent is to outline the background and facts regarding boat launches in McKellar and find positive solutions to everyone's concerns - that are legal, safe, risk free and environmentally sound.

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Township of McKellar

701 Hwy #124, P.O. Box 69, McKellar, Ontario P0G 1C0

Phone: (705) 389-2842

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PUBLIC NOTICE

Take Notice that the Special Meeting of Council which was scheduled for Thursday, July 29, 2021 at 6:00 p.m. to discuss **Municipal Boat Launches** has been cancelled due to the passing of a member of Mr. Sherk's family.

This matter will be place on the Agenda of the Regular Meeting of Council which will be held on August 10, 2021 at 6:30 p.m.

Ina Watkinson,
Acting Deputy Clerk

July 28, 2021

Special Meeting on Boat Launches in McKellar: Thurs July 8, 21 6pm

Mayor's Introduction:

I would like to sincerely welcome everyone to our special meeting on Boat Launches in McKellar. Just for the record, there are many examples where Council has welcomed depositions from our rate payers and by working together we will arrive at realistic, pragmatic, safe and viable solutions for everyone. It is well documented that our community reacts quickly to key issues: development projects, clean yards and boat launches and Council has reacted responsibly in all cases.

Also for the record, it is not appropriate for anyone to prevent our staff on public municipal property from doing what they were assigned to do. We could have called in our By Law Officer or the OPP to prevent this altercation as what happened was illegal and unsafe. Our staff used common sense and walked away to diffuse the moment. Since this was a staff recommendation, all your many e mails were forwarded to staff to be addressed today. It would not be appropriate for Council to respond without all the facts as we do not conduct business via e mail but through proper channels which are fact based..

The format we follow is to hear a representatives from all sides have an opportunity to have their say for five minutes, followed by some discussion and an Q and A. The intent is to outline the background and facts regarding boat launches in McKellar and find positive solutions to everyone concerns - that are legal, safe, risk free and environmentally sound.

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Boat launches have been an issue of Council for a sometime. They were a priority in our 2018-2022 McKellar Action Plan, page 12. There have always been some safety concerns on Lakeshore. Council directed staff to finds ways of improving our launches – safety, parking, slope and docking -after concerns were raised about a new launch on the Harris property near Hurdville a few years back. Staff were asked to look for a new launch site to replace the current one on Lakeshore. In 2019, Council approved a new site on Lakeshore by the government dock and beach to be installed this spring- 2020.

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It should be noted that staff has the authority and responsibility to act immediately in matters that involve legal, safety, environmental and liability issues supported by Council. Recently, they did so dealing with so regarding an oil spill in the village.

Today we will listen to your concerns and provide options for your consideration moving forward.

I will ask our CAO, Lance Sherk to address your specific concerns and look after future options that are safe and viable.

Hwy124+--*lance.sherk@township.mckellar.on.ca

From: Peter Hopkins <peterhopkins1942@gmail.com>
Sent: July 10, 2021 8:16 AM
To: Lance Sherk; Peter Hopkins
Attachments: PUBLIC MEETING ON BOAT LAUNCHES IN MCKELLAR- REVISED FORMAT.docx

revised boat launch agenda and handout for mon 9:30- attached

JUL 13 2021

July 12, 2021

To: Mayor and Council - Correspondence for Consideration on the July 15, 2021 Special Public Mtg.

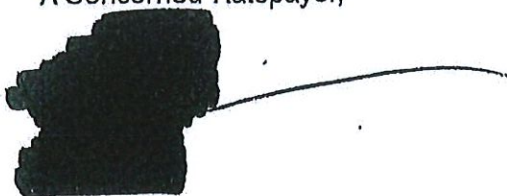
In following the process of the Lakeshore boat launch I have found that there is a concern for how things have unfolded from when the original subject matter to relocate the boat launch to across from Henry Street was discussed by Council. Since this time in late February/early March of 2021 there has been very little request for Public Input from the Council. At the June 08/21 Council Meeting, Council received a report # Admin-2021-02 from the CAO under Res. #21-220. This report outlined the reason for the closure of the boat launch but there was never a resolution from Council to authorize the closure. Does the CAO have the power to unilaterally make such a decision? Is this part of the CAO's job description? Again, why was no Public Input requested prior to the closure?

The CAO released a Media Statement in regards to the Manitowabing public boat launches dated June 18/21. In his report he stated that "While there were several factors under review with respect to the Lakeshore boat launch, it was a combination of Public safety and environmental concerns along with extensive repairs which lead to a staff report to Council recommending the closure of the boat launch." Does the closure of the boat launch mitigate the public safety and environmental concerns to the extent that the closure was required? In my view the repairs are ongoing for any launch. Do these public safety and environmental concerns not exist for the private docks located on public land, lawns, structures, trees etc. all located on public lands, people swimming from their docks on public lands, existing water lines located on public lands, etc. all along Lakeshore Road.

I believe that council should pursue the location of a boat launch on the south shoreline of Minerva Park. This boat launch could be gated, signed and closed for public functions at the Park. The alternative would be to swallow your pride and reopen Lakeshore launch. Council should also determine the ownership of lands from the north and east boundaries of Catherine Street and Lakeshore Road to the original and present high water marks. If any lands including those around Minerva Park are still in the Armstrong Estate Council should proceed to have these lands registered in the name of the Township. Once this is completed the Council should determine the location of existing water lines, docks, structures, etc. and have the owners sign a document stating that they carry an Insurance policy with the Township named in it or whatever is necessary to legally exempt the Township of any liability. Lakeshore Road should be widened to the north boundary to the extent and location required to permit safe launching, parking etc. This could be achieved with as little impact of the abutting lands owners as possible and by entering into encroachment agreements where required.

I await your response,

A Concerned Ratepayer,

A large black rectangular redaction box covers the signature area. A thin, curved line extends from the right side of the redaction box across the page.

JUL 13 2021

Hwy124+ -*lance.sherk@township.mckellar.on.ca

From: Peter Hopkins <peterhopkins1942@gmail.com>
Sent: July 11, 2021 10:19 AM
To: Lance Sherk; Peter Hopkins
Attachments: PUBLIC MEETING ON BOAT LAUNCHES IN MCKELLAR- REVISED FORMAT.docx

Boat launch materials revised for Mon am - attached

Lance Sherk, MSC.
CAO/Clerk
Township of McKellar
701 Hwy 124, P.O. Box 69
McKellar, ON
P0G 1C0

J. 1/12

RE: Lakeshore Boat Launch

Dear Lance,

As per our correspondence regarding this boat launch, I've compiled all of our comments and recommendations into this letter. I trust that all of the below will be found to be in order.

June 22, 2021 our Risk Management department has responded with:

* In review of that attached report, we agree with the closure of the Lakeshore boat launch. The Townships concerns are sufficient for removing the boat launch from use.

It looks like barricades have already been situated to prevent usage. Signs should be posted in conjunction with barriers, we recommend signage stating "Boat Launch Closed – No Access Permitted"

Also, we recommend posting the addresses of nearby boat launches that residents are allowed to use.

July 5, 2021 our Risk Management team supplied the following recommendations:

* From a coverage standpoint should the Township reopen this boat launch there is no specific exclusion that would restrict coverage. We would however assume the Township has reopened this launch implementing proper risk management controls to assist in eliminating potential hazards. Please note we do not have any lawyers on staff, so this is not legal advice. I also sent this information back to our risk department and they've provided the following recommendations.

* Pursuant to the *Occupiers' Liability Act*, municipalities "owe a duty to take such care as in all the circumstances of the case is reasonable to see that persons entering on the premises, and the property brought on those persons are reasonable safe while on premises."

As the Township is the Occupier they owe a duty to take reasonable care to keep their premises safe for the public. Having said that if a vehicle were to hit a child running for a beach while launching their boat, it would be a catastrophe regardless, especially if the municipality knows, or should know, that the hazard exists.

* Ample and adequate signage should be in place and proper inspections and maintenance should be completed and documented on a regular basis. Adequate lighting should be installed on the shore to ensure safe docking and boat removal operation. Also, adequate parking areas that can handle a truck and trailer sized vehicle should be available.

- Continued -

Lakeshore Boat Launch

The signage posted at the boat launch can include the following:

- ✓ - Use at your own risk, this area is unsupervised ✓
- ✓ - The rules such as no fishing or no swimming, no bare feet, no alcohol, etc. ✓
- ✓ - State the hours it is open (dawn to dusk for example) ✓
- ✓ - Emergency numbers to call, as well as location to the nearest telephone ✓
- ✓ - Contact information to report damages or maintenance requirements ✓
- ✓ - Indicate inherent hazards – the boating activity and a drop off. The Township should ensure that shallow water areas or below surface rocks that could damage boat operation be marked.
- ✓ - Ensure appropriate signage and warnings regarding Covid-19 be placed around the area.

SLOW - SLOW DOWN, BOAT LAUNCH - CHILDREN AT PLAY

On July 12, 2021 our Roads Specialist provided the following comments:

I did find the boat launch in question on Google Street view. Lakeshore Road appears to be a low traffic volume road serving residential properties. I did not see any speed limit signs so I assume the speed limit is 80km/h. I did observe that No Parking signs are in place in the area of the boat launch. In the area of the boat launch residential is on the north side of the road, the lake is on the south side. In my opinion, the majority of drivers on the roads would be people familiar with the area and accustomed to the boat launch and the issues of backing a trailer onto the ramp and the maneuvering required to launch or load a boat and block the road during this time. The liability concern would be for those unfamiliar with the road and the boat launch. The issue on blocking the road could be mitigated via the use of sensors and advance warning signs with flashing beacons that would advise approaching drivers that the boat ramp was in use (that is providing my assumption that this is a low traffic volume road used by local residents is correct). The main concern would be the lack of parking for those who may want to launch at this location for day trip on the lake and park the vehicle and trailer plus the location of water intakes near the ramp and potential for a discharge of gasoline and motor oil. For these reasons I would agree with the reports recommendation to permanently remove the boat launch.

July 20, 2021 Risk Management and I have commented the following:

Having the boat launch open or closed does not jeopardize how coverage responds. Ultimately the Municipality must choose how they'd like to move forward with this decision and implement proper controls to reduce exposures whether it's open or closed.

Thank you,



Jason Gervais, CRM, C.Tech, R.I.B. (Ont.)
Regional Manager
Intact Public Entities

/kn
Encls.

June 22, 2021

Intact Public Entities - Risk Management Department

Intact Public Entities

278 Pinebush Road, Suite 200

Cambridge, Ontario, N1T 1Z6

Lakeshore Road Boat Launch

In review of that attached report, we agree with the closure of the Lakeshore boat launch. The Townships concerns are sufficient for removing the boat launch from use.

Barricades have already been situated to prevent usage. Signs should be posted in conjunction with barriers, we recommend signage stating "Boat Launch Closed – No Access Permitted"

Also, we recommend posting the addresses of nearby boat launches that residents are allowed to use.

July 12, 2021

Intact Public Entities Roads Specialist - this recommendation is to minimize exposure to a claim.

No Parking signs are in place in the area of the boat launch. In the area of the boat launch, residential is on the north side of the road, the lake is on the south side. The liability concern would be for those users unfamiliar with the road and the boat launch. The issue on blocking the road could be mitigated via the use of sensors and advance warning signs with flashing beacons that would advise approaching drivers that the boat ramp was in use (assuming this is a low traffic volume road used by local residents). The main concern would be the lack of parking for those who may want to launch at this location for day trip on the lake and park the vehicle and trailer plus the location of water intakes near the ramp and potential for a discharge of gasoline and motor oil. For these reasons I would agree with the report's recommendation to permanently remove the boat launch.

July 5, 2021

Intact Public Entities

Pursuant to the Occupiers' Liability Act, municipalities "owe a duty to take such care as in all the circumstances of the case is reasonable to see that persons entering on the premises, and the property brought on those premises are reasonably safe while on premises."

As the Township is the Occupier, they owe a duty to take reasonable care to keep their premises safe for the public. Having said that, if a vehicle were to hit a child running for a beach while launching their boat, it would be a catastrophe regardless, especially if the municipality knows, or should know, that the hazard exists.

Ample and adequate signage should be in place and proper inspections and maintenance should be completed and documented on a regular basis. Adequate lighting should be installed on the shore to ensure safe docking and boat removal operation. Also, adequate parking areas that can handle a truck and trailer sized vehicle should be available.

The signage posted at the boat launch can include the following:

- Use at your own risk, this area is unsupervised
- The rules such as no fishing or no swimming, no bare feet, no alcohol, etc.
- State the hours it is open (dawn to dusk for example)
- Emergency numbers to call, as well as location to the nearest telephone
- Contact information to report damages or maintenance requirements
- Indicate inherent hazards – the boating activity and a drop off. The Township should ensure that shallow water areas or below surface rocks that could damage boat operation be marked.

June 22, 2021

Intact Public Entities - Risk Management Department

Lakeside Boat Launch

Signage posted at the boat launch should include the following:

- Use at your own risk, this area is unsupervised.
- The rules such as no fishing or no swimming, no bare feet, no alcohol, etc.
- State the hours it is open (dawn to dusk for example)
- Emergency numbers to call, as well as location to the nearest telephone.
- Contact information to report damages or maintenance requirements.
- Indicate inherent hazards – the boating activity and an undertow, or drop off.
- Ensure that shallow water areas or below surface rocks that could damage boat operations are marked. (Extra inspections and maintenance should be done at this boat launch). Due to water fluctuating, this can make previously safe water routes hazardous, we recommend that water height status should be posted near the launch so that when the water is particularly low, boaters can be aware that previously hidden rocks or obstructions, may be present so to cap their speed.

Additional considerations include:

- The production of a wake can be very disturbing to surrounding shorelines, and will only cause more strife with the neighbouring property owners, strict rules about speed, noise and production of wake should be posted (especially as to when they can increase their speed).
- The Township mentions a narrow access to a neighbouring lake – there ought to be warnings about that as well. Warnings about the routes that people will take once on the water.
- Perhaps, if there is pushback from the neighbouring properties, one consideration would be to put up signage reminding patrons to be respectful of houses close by (no tailgate-type congregations).
- Adequate lighting should be installed on the shore to ensure safe docking and boat removal operation.
- Proper inspections and maintenance should be completed and documented on a regular basis. If the ramp is used frequently, environmental concerns should be addressed. A regular inspection schedule ought to be implemented. A checklist should be created and utilized each time and any deficiencies noted and acted upon immediately.

Hwy124+--*lance.sherk@township.mckellar.on.ca

From: Peter Hopkins <petehopkins1942@gmail.com>
Sent: July 13, 2021 4:47 PM
To: Lance Sherk; greg gostick
Subject: Fwd:

fyi

----- Forwarded message -----

[REDACTED]
Date: Tue, Jul 13, 2021 at 4:32 PM
Subject: Re:
To: Peter Hopkins <petehopkins1942@gmail.com>, [REDACTED], Lance Sherk
<lance.sherk@township.mckellar.on.ca>, morely haskim <mhaskim@hotmail.com>, mike kekkonen
<mikeonmckellarcouncil@outlook.com>, don <don@carmichael-co.ca>, marco ancinelli
<ancinelli@gmail.com>
[REDACTED]
[REDACTED]

Hey everybody I wanted to wait until this boat launch was a true issue for the campers. Yesterday we had a very serious close call and its because of the boat traffic from the boat launch . We must now officially ask that you close this boat launch immediately for the safety of the campers. As you know I didn't want to jump on the bandwagon until it was an issue but the amount of traffic this weekend as a was a result of the launch is just out of control in the little river.

Kindly please confirm that you will be closing this so the safety of our campers is not an issue.

Thanks so so much.

Hwy124+-*lance.sherk@township.mckellar.on.ca

From: Peter Hopkins <peterhopkins1942@gmail.com>
Sent: July 13, 2021 3:35 PM
To: Lance Sherk
Subject: Fwd: Boat launch special meeting agenda

fyi

----- Forwarded message -----

[REDACTED]
Date: Tue, Jul 13, 2021 at 1:44 PM
Subject: Boat launch special meeting agenda
To: Peter Hopkins <peterhopkins1942@gmail.com>
Cc: marco ancinelli <ancinelli@gmail.com>, mike kekkonen <mikeonmckellarcouncil@outlook.com>, don
<don@carmichael-co.ca>, morely haskim <mhaskim@hotmail.com>, Lance Sherk
<lance.sherk@township.mckellar.on.ca>, [REDACTED]

Dear Mayor Hopkins:

In your public notice outlining your response to the boat launch issue, you state that "Agenda and format has been circulated." At first, I didn't recognize the public notice dated July 5 as an actual meeting agenda, but I have to assume that's what you're referring to.

Can you provide more details on the agenda? For example, is there a time limit for the meeting? Will you begin the meeting by providing background on the actions that led us to the current situation? Will you be presenting the new options that Council is suggesting?

Regarding people wanting to participate:

- For people wanting to attend in person, how will they be democratically selected to enter the Community Hall? There may be people who want to attend in person, but are unable to arrive at the Hall before 6 p.m.
- Once people in the Hall ask their questions, can they stay and attend the rest of the meeting, or must they leave?
- When taking questions from participants, will you alternate between questions from those attending in-person and those attending via Zoom?
- Will you explain the ground rules clearly at the beginning of the meeting?

There are many details that you haven't outlined in your meeting "agenda." I look forward to a quick response.

Thanks



Hwry124+ - *lance.sherk@township.mckellar.on.ca

From: Peter Hopkins <peterhopkins1942@gmail.com>
Sent: July 13, 2021 4:06 PM
To: Lance Sherk
Attachments: PUBLIC MEETING ON BOAT LAUNCHES IN MCKELLAR- REVISED FORMAT.docx

Public meeting on Boat Launches see attached. Has a notice been sent out with all the particulars? See attached as to my idea of format, Mayor's introduction and Handout to be typed up. Peter

Hwy124+ - *lance.sherk@township.mckellar.on.ca

From: Peter Hopkins <peterhopkins1942@gmail.com>
Sent: July 14, 2021 12:04 AM
To: Lance Sherk
Subject: Fwd: Boat Ramp Closure

fyi

----- Forwarded message -----

[REDACTED]
Date: Tue, Jul 13, 2021 at 10:11 PM
Subject: Boat Ramp Closure
To: peterhopkins1942@gmail <peterhopkins1942@gmail>, ancinelli@gmail.com <ancinelli@gmail.com>, don@carmichael-co.ca <don@carmichael-co.ca>, mhaskim@hotmail.com <mhaskim@hotmail.com>, mikeonmckellarcouncil@outlook.com <mikeonmckellarcouncil@outlook.com>
Cc: lance.sherk@township.mckellar.on.ca <lance.sherk@township.mckellar.on.ca>

Mayor Hopkins

I understand that there is an upcoming council meeting pertaining to the Lake shore boat ramp closure. As I suspect that this may be a very busy meeting, I would like to ask the following questions and hopefully I will have answers before meetings end.

1. Was there ever any documents from any Provincial or Federal authorities that stated the ramp be closed and if so can these documents be made public.
2. Was there any consultation with any citizens prior to this poor spontaneous decision?
3. If this ramp was in need of upgrading was there any estimates asked for, to see what the cost to the taxpayer may be and if so can these documents be made public.
4. I may stand to be corrected but there may have been discussion to install electric vehicle charging stations at the municipal offices and discussions are going on in regards to the West Parry Sound wellness centre. both of which I am opposed to.
Would these funds not be better spent on repairing and upgrading the Lakeshore boat ramp facility that draws people to the local businesses

respectfully submitted

[REDACTED]

Hwy124+-*lance.sherk@township.mckellar.on.ca

From: Peter Hopkins <peterhopkins1942@gmail.com>
Sent: July 14, 2021 8:34 AM
To: Lance Sherk
Subject: Fwd: Boat Launch

fyi

----- Forwarded message -----

Date: Wed, Jul 14, 2021 at 8:07 AM
Subject: Boat Launch
To: peterhopkins1942@gmail.com <peterhopkins1942@gmail.com>

Good Morning Peter!

I would like to express my concern again for the safety of the children at the camp....I have heard there was a close incident and I am very concerned as you should be!!

This boat launch situation is more than out of control and I strongly feel amongst all the concerns and lack of transparency regarding the closure of Lakeshore ramp that at the very least a temporary decision should be made to re-open it or a safer alternative until this mess can be resolved properly!

The liability for the camp and the children should be priority in this matter!!

As I mentioned in a previous email that the residents are very familiar with the waterway through the narrows that have so many children enjoying the water there. People launching their boat for a day of fun are not aware of all the activity in that very narrow waterway to the big lake!! We went through the other day and had to stop for a bit for all the young children to move to the side in their canoes, swimming...etc.

I sincerely hope a change is made sooner than later for the safety of the children!!

Thanks so much!

Get [Outlook for iOS](#)

Hwy124+--*lance.sherk@township.mckellar.on.ca

From: Peter Hopkins <peterhopkins1942@gmail.com>
Sent: July 14, 2021 8:35 AM
To: Lance Sherk
Subject: Fwd: Postpone - Thursdays meeting

fyi

----- Forwarded message -----

[REDACTED]
Date: Wed, Jul 14, 2021 at 7:47 AM
Subject: Re: Postpone - Thursdays meeting
To: <lance.sherk@township.mckellar.on.ca>
Cc: Peter Hopkins <peterhopkins1942@gmail.com>, <ancinelli@gmail.com>, <don@carmichael-co.ca>, <mhaschim@hotmail.com>, Mike Kekkonen <mikeonmckellarcouncil@outlook.com>

Mr Sherk

Please see below my response to your answers regarding the letter addressed to the Mayor on July 6th, which was returned by you. As you will see below I would appreciate copies or access to all missing reports, analysis and missing audio.

We now have issues with the safety of Camp Manitouwabing children and still you refuse to re-open the Lakeshore launch until a new location can be found in the north end of the lake. When are you going to wake up and realize you made an error in judgement ?

The Town needs to move forward immediately with the re-opening of the launch and then dig in and find a new location, or simply repair lakeshore launch as scheduled with the budget that is set aside. to complete the work !

From: <lance.sherk@township.mckellar.on.ca>
Subject: RE: Postpone - Thursdays meeting
Date: July 7, 2021 at 9:40:40 AM EDT
[REDACTED], "Peter Hopkins" <peterhopkins1942@gmail.com>, <ancinelli@gmail.com>, <don@carmichael-co.ca>, <mhaschim@hotmail.com>, "Mike Kekkonen" <mikeonmckellarcouncil@outlook.com>

[REDACTED]
With respect to the points in your letter:

The Township is allowed more than one (1) Public Meeting on this, and many other issues. What you are referring to is matters pertaining to the Planning Act.

1. This Public Meeting does not fall under the auspices of the Planning Act; consequently, the statutory requirements of meeting notice are not applicable.

OK

2. The Township's Procedural By-Law is applicable for this meeting, and it states speakers are permitted 3 minutes. The Procedural By-Law was quoted in the Public Meeting Notice posted on the Township's website.

Unfortunately, the Procedural By-Law was NOT quoted in the Public Meeting Notice posted on the Township's website.

3. Staff reports often make recommendations to Council. Standard process in all municipalities. It is at Council's discretion to decide if they want to debate the report, the report's recommendations, etc.

I agree the "Staff reports often make recommendations to Council" as you stated above, however as I mentioned in my email, the staff report states that **Council directs staff**;

"THAT the Council of the Township of McKellar does hereby direct staff to permanently remove the Lakeshore boat launch from service due to liability and safety concerns."

That's not typical and definitely NOT the same as staff making a recommendation, is it!

4. The staff report was part of the agenda package, which was available on the website. The report remains on the website.

As you know, I am aware that the report is part of the agenda, however as I expressed in my email;

- concerns were expressed by the report but NO detail analysis or assessment performed
- no environmental report
- no alternative solutions proposed
- Audio of June 8 Council meeting is still NOT on line (5 weeks have passed)

If you require further information, I can be contacted at the number below.

I would appreciate copies or access to the missing reports, analyses and missing audio mentioned above.

Lance Sherk, MSc.
CAO/Clerk
Township of McKellar
701 Hwy 124, P.O. Box 69
McKellar, ON P0G 1C0
P: 705-389-2842 X4

On Jul 7, 2021, at 9:40 AM, lance.sherk@township.mckellar.on.ca wrote:

[REDACTED]
With respect to the points in your letter:

The Township is allowed more than one (1) Public Meeting on this, and many other issues. What you are referring to is matters pertaining to the Planning Act.

1. This Public Meeting does not fall under the auspices of the Planning Act; consequently, the statutory requirements of meeting notice are not applicable.

2. The Township's Procedural By-Law is applicable for this meeting, and it states speakers are permitted 3 minutes. The Procedural By-Law was quoted in the Public Meeting Notice posted on the Township's website.
3. Staff reports often make recommendations to Council. Standard process in all municipalities. It is at Council's discretion to decide if they want to debate the report, the report's recommendations, etc.
4. The staff report was part of the agenda package, which was available on the website. The report remains on the website.

If you require further information, I can be contacted at the number below.

Lance Sherk, MSc.
CAO/Clerk
Township of McKellar
701 Hwy 124, P.O. Box 69
McKellar, ON P0G 1C0
P: 705-389-2842 X4

-----Original Message-----

Sent: July 6, 2021 1:51 PM
To: Peter Hopkins <peterhopkins1942@gmail.com>; ancinelli@gmail.com;
don@carmichael-co.ca; mhaskim@hotmail.com; Mike Kekkonen
<mikeonmckellarcouncil@outlook.com>
Cc: lance.sherk@township.mckellar.on.ca
Subject: Postpone - Thursdays meeting

Mr Hopkins please see below my letter requesting you provide the following information before any Public meeting is to take place !

Russell, Christie, LLP

Barristers & Solicitors

W.D. (Rusty) Russell, Q.C. (1925-2019)
Douglas S. Christie, B.A., LL.B.
William B. Kongban, LL.B.
Edward B. Velaborn, MSc, PL, LL.B.

Michael E. Sirdewan, B.A. (Hons), LL.B.
Jennifer E. Bigger, B.A. (Hons), LL.B.
Tugba Karademir, O.Y., B.A. (Hons), LL.B.

July 14, 2021

Please reply to: Douglas S. Christie, Ext. 248
Email: dchristie@russellchristie.com

SENT BY EMAIL

The Corporation of the
Township of McKellar
701 Highway 124, P.O. Box 69
MCKELLAR, ON, P0G 1C0
Attention: Mr. Lance Sherk

Dear Mr. Sherk:

Re: Township of McKellar – Boat Launch
Our File No. 64-103-042

* I have reviewed the material which you sent me regarding the Lakeshore Road boat launch and have confirmed that both Lakeshore Road and the boat launch are owned by the Township and, in fact, it would appear that the boat launch could be considered as being a part of the highway. If that is the case, then Section 10(2) of the *Occupiers' Liability Act* states that the Act does not apply to a highway owned by a municipality. However, that would not relieve the Township of liability as Section 44 of the *Municipal Act* imposes a responsibility on a municipality to maintain and repair public highways. This responsibility could also extend to the boat launch and ensuring that Lakeshore Road in the area of the boat launch is properly sized, signed and maintained to meet the requirements for the safe use of it.

* As indicated in the Report to Council dated June 8, 2021, the potential of a spill from a boat being launched would be a major concern given that the launch is in close proximity to private residential water lines serving homes in the Village of McKellar. If there was a spill it may be difficult to determine who caused it, and under Section 97 of the *Environmental Protection Act* the Minister of the Environment, Conservation and Parks can order the municipality to clean up the spill initially at the municipality's expense. While there may be an opportunity to recover those costs from the owner of the pollutant or the person having control of the pollutant, that person may be difficult to identify and may not have the resources to cover the expense.

* Given all of the circumstances and issues raised in the Report to Council, and the comments from your insurer, it would be our opinion that the boat launch should remain closed.

Yours very truly,

DOUGLAS S. CHRISTIE
DSC/adm

505 Memorial Ave., Box 158, Oshawa, ON L1V 6J3
Tel: 708-425-1326, Fax: 708-327-1811

Website: www.russellchristie.com General Email: info@russellchristie.com

Mayor's welcome for Boat Launch meeting July 15, 21

On behalf of Council and staff, I would like to sincerely welcome everyone to our special meeting on public boat launches in McKellar. We appreciate all of your correspondence to date. Council prides itself on always being open and transparent and engages our citizens in many ways. There are numerous examples of councils' ability to listen – property standards, committees, action plans, depositions, public meetings and more. Council always reacts quickly and responsibly to issues on a fact-based, realistic, pragmatic, safe, viable and that is affordable and meets the needs of a majority of our community. Do we always get it right – of course not.

However, for the most part, our community has appreciated all the successes of our Action Plan to date.

More importantly, today we are here to listen to your concerns about boat launches in McKellar – take a “sober second look” and work together to find positive solutions to these issues.

Proper process and decorum is to be respected and maintained at all times.

Our CAO, Lance Sherk will outline the proper procedures for the meeting.

PUBLIC MEETING ON BOAT LAUNCHES IN MCKELLAR: THURSDAY JULY 15, 21 6:30 PM

REVISED FORMAT

1. PROPOSED AGENDA:
2. Protocols and procedures
3. Mayor's welcome – and brief outline of public involvement
4. Delegations
5. CAO's review of issues and possible alternatives
6. Q and A
7. Handout
8. Future Actions –
 - Next steps: -i- install new signage immediately
 - ii- staff find a new location in the north end
 - iii- plan to meet in a month or so on recommendations
9. Other
10. Thank you and Adjourn

Mayor - Protocols: Covid 19 stage 2- about to go into stage 3 – July 16 must follow health and safety protocols: masks, sanitizing, distancing, limited attendees – 25 including Council (5), staff (3), designated delegates(6), public – 10 plus via zoomlink

CAO - Procedural Regulations: proper decorum, through the chair, 3 minutes, new items, on topic of boat launches – follow up questions; once exhausted the chair can ask Council to hear more.

MAYOR'S WELCOME AND INTRODUCTION

ON BEHALF OF COUNCIL, I WOULD LIKE TO SINCERELY WELCOME EVERYONE TO OUR SPECIAL PUBLIC MEETING ON BOAT LAUNCHES IN MCKELLAR. WE PRIDE OURSELVES ON ALWAYS BEING OPEN AND TRANSPARENT. THERE ARE MANY WAYS IN WHICH WE ENGAGE OUR CITIZENS AS OUTLINED IN THE RECENT THREE PART PRESS RELEASE ON COUNCILS VALUES; WAYS OF LISTENING TO OUR CITIZENS AND KEEPING OUR COMMUNITY WELL INFORMED WHICH IS ON LINE. THERE ARE NUMEROUS EXAMPLES OF COUNCIL LISTENING TO OUR RATEPAYERS – PROPERTY STANDARDS, COMMITTEES, ACTION PLANS FOR EXAMPLE. COUNCIL ALWAYS REACTS QUICKLY, RESPONSIBLY AND TRIES TO ENSURE THAT DECISIONS ARE FACT – BASED, REALISTIC, PRAGMATIC, SAFE, VIABLE, AFFORDABLE AND MEET THE NEEDS OF A MAJORITY OF OUR COMMUNITY. DO WE ALWAYS GET IT RIGHT – OF COURSE NOT BUT FOR THE MOST PART OUR ACTIONS TO DATE HAVE BEEN WELL- RECEIVED.

TODAY, WE ARE HERE TO LISTEN TO YOUR CONCERNS ABOUT BOAT LAUNCHES AND WORK TOGETHER TO FIND POSITIVE SOLUTIONS TO THE BOAT LAUNCH ISSUES.

DRAFT HANDOUT ON THE BACKGROUND OF BOAT LAUNCHES IN MCKELLAR,
CLARIFICATIONS OF SOME MAJOR ISSUES AND A FEW CONCERNS THAT NEED TO BE
ADDRESSED

1. BACKGROUND AND HISTORY OF BOAT LAUNCHES:

THERE ARE FOUR MUNICIPALLY OWNED BOAT LAUNCHES IN MCKELLAR – THREE ON LAKE MANITOUWABING – LAKESHORE (NOW CLOSED); LAKESIDE AND STEWART PARK AND ONE ON MCKELLAR LAKE. THERE ARE TWO PRIVATE LAUNCHES ON DEERFIELD AND GREY OWL ROAD THAT WE HAVE UNSUCCESSFULLY TRIED TO OPEN. AS WELL, THERE ARE THREE PRIVATE LAUNCHES AT TAIT'S LANDING, THE OUTPOST AND GLENWOOD MARINA – SOME FREE WHILE OTHERS CHARGE

THE TOWNSHIP OF MCKELLAR OWNS, OPERATES, INSURES, REGULATES, MAINTAINS AND IS LEGALLY RESPONSIBLE FOR OUR PUBLIC LAUNCHES. THEY ARE PROVIDED FOR PUBLIC USE AND SERVICE TO OUR LOCAL COMMUNITY AS WELL AS SERVING AND WELCOMING OUR GUESTS AND VISITORS.

BOAT LAUNCHES HAVE BEEN AN ISSUE FOR COUNCIL AND STAFF FOR A WHILE. OUR "2018-2022 MCKELLAR ACTION PLAN" IDENTIFIED BOAT LAUNCHES AS A PRIORITY TO BE REVIEWED. HISTORICALLY, THERE HAVE ALWAYS BEEN SAFETY ISSUES ASSOCIATED WITH THE LAKESHORE SITE. OUR NEW COUNCIL DIRECTED STAFF TO FIND WAYS OF IMPROVING OUR LAUNCHES – OTHER LOCATIONS, SAFETY, PARKING, DOCKING AND SIGNAGE. THERE WAS A PUBLIC OUTCRY WHEN AN ATTEMPT BY SOME TO HAVE A LAUNCH NEAR HURDVILLE WAS BROUGHT FORWARD AND DISMISSED BY COUNCIL. STAFF WAS ASKED IN 2019 TO FIND ANOTHER LOCATION TO REPLACE THE CURRENT LAKESHORE LAUNCH. A NEW LAUNCH WAS APPROVED BY COUNCIL AND MNRF TO BE INSTALLED IN THE SPRING OF 2020 NEAR THE PUBLIC BEACH AND GOVERNMENT DOCK ON LAKESHORE. DUE TO COVID 19, THE PROJECT WAS DEFERRED TO THE SPRING OF 2021.

DUE TO THE RECENT OIL SPILL IN THE VILLAGE AND THE OBJECTION OF SOME RESIDENTS, THE SITE WAS ABANDONED. AGAIN COUNCIL ASKED STAFF TO FIND A NEW LOCATION FOR THE LAKESHORE RAMP AND MAKE A REPORT TO COUNCIL WITH RECOMMENDATIONS. STAFF FOUND THAT BESIDES THE ON-GOING LAKESHORE SAFETY CONCERNS, A NEW ONE EMERGED WHEN STAFF DISCOVERED THAT NUMEROUS WATER INTAKE PIPES RAN UNDER THE ROAD IN CLOSE PROXIMITY TO THE LAUNCH. A SPILL COULD CONTAMINATE THEIR WATER SUPPLY AND THEREFORE PUT THE MUNICIPALITY AT RISK. THE STAFF REPORT TO COUNCIL RECOMMENDED THAT THE LAKESHORE BOAT LAUNCH BE CLOSED IMMEDIATELY ON A SAFETY AND RISK MANAGEMENT BASIS. COUNCIL UNANIMOUSLY RECEIVED THEIR REPORT AND THE LAUNCH WAS CLOSED IMMEDIATELY.

STAFF HAVE AN OBLIGATION AND AUTHORITY TO ACT IMMEDIATELY WHEN OUR MUNICIPALITY AND COMMUNITY ARE AT RISK THAT INVOLVE LEGAL, SAFETY, RISK MANAGEMENT, ENVIRONMENTAL AND LIABILITY ISSUES. WE HAVE HAD ROAD WASH OUTS; A RECENT OIL SPILL IN THE VILLAGE; APPREANCE OF BLUE GREEN ALGAE AS WELL AS HIGH E COLI COUNTS AT ONE OF OUR PUBLIC BEACHES. STAFF HAS ALWAYS ACTED IMMEDIATELY IN THESE MATTERS. STAFF HAS THE PURVIEW AND AUTHORITY TO ACT IN THESE MATTERS.

IT IS NO DIFFERENT FROM ANYONE FINDING A SAFETY OR OTHER MAJOR LIABILITY CONCERN ON THEIR PROPERTY THAT PUTS YOU AND OTHERS AT RISK. YOU TAKE IMMEDIATE ACTION.

AS A RESULT, WE ARE STILL ONE LAUNCH SHORT, ESPECIALLY IN THE NORTH END. STAFF CONTINUE TO INVESTIGATE NEW, SAFER AND AFFORDIBLE OPTIONS GOING FORWARD.

ANY AND ALL POSITIVE SOLUTIONS ARE WELCOMMED. IN THE MEANTIME, WE WILL LISTEN TO YOUR IDEAS TO IMPROVE THE TWO REMAINING TWO LAUNCHES IN MCKELLAR.

B: CLARIFYING SOME ISSUES AND CONCERNS:

-1- PROPER COMMUNITY DEVELOPMENT PROCESSES:

COUNCIL HOLDS THE BELIEF THAT FOR NORMAL ISSUES, THE MORE PEOPLE YOU INVOLVE IN THE DECISION-MAKING THE BETTER THE DECISION. THERE ARE MANY PROPER WAYS IN WHICH OUR COMMUNITY IS INVOLVED IN COUNCIL OPERATIONS AS OUTLINED IN PREVIOUS PUBLIC DOCUMENTS, REPORTS, NEWSLETTERS AND SOCIAL MEDIA. UTLIMATELY COUNCIL IS RESPONSIBLE FOR MAKING DECISIONS THAT BEST SUIT THE MAJORITY OF OUR CITIZENS. OUR RECORD IS A POSITIVE ONE AS OUR ACTION PLAN PROGRESSES.

WE ARE QUITE CONCERNED ABOUT WHAT HAPPENED AT THE PUBLIC MUNICIPALLY OWNED LAKESIDE BOAT LAUNCH WHICH PUT OUR STAFF AT RISK FOR DOING WHAT THEY WERE ASKED TO DO – PUT IN A NEW DOCK AS WE HAVE DONE AT OTHER LAUNCH SITES. THERE ARE MORE ACCEPTABLE WAYS OF RAISING CITIZEN CONCERNS AS WE HAVE ALREADY MENTIONED. THIS ACTION BY A FEW WAS NOT APPRECIATED AND FRANKLY ILLEGAL WHICH COULD HAVE ESCALATED EXCEPT FOR THE COMMON SENSE OF OUR STAFF. THERE ARE MANY MORE APPROPRIATE WAYS TO BE HEARD.

-2- STAFF AUTHORITY:

STAFF HAS THE RIGHT TO ACT IMMEDIATELY ON LEGAL, RISK MANAGEMENT, ENVIRONMENTAL AND SAFETY ISSUES IN A FINANCIALLY RESPONSIBLE MANNER. COUNCIL IS ADVISED UNDER THE MUNICIPAL ACT TO ACCEPT THE ADVICE OF EXPERTS LIKE LAWYERS, PLANNERS, AUDITORS, STAFF OTHER PROFESSIONALS AND

RECOMMENDATIONS FROM STAFF. COUNCIL UNANIMOUSLY RECEIVED STAFF'S REPORT TO IMMEDIATELY CLOSE THE LAKESHORE BOAT LAUNCH.

-iii- COUNCIL'S RESPONSES TO ISSUES.

NORMALLY, COUNCIL WILL RAISE ISSUES OF CONCERN FROM THE PUBLIC AT LARGE IN COUNCIL. IT IS NOT THE PRACTISE FOR COUNCIL TO ENGAGE IN SOCIAL MEDIA CAMPAIGNS. COLLECTIVELY THEY CAN ISSUE A PRESS RELEASE OR UPDATE ON MATTERS AT HAND. RATHER THEY ARE TO ENSURE THAT THEY DIRECT THE CORRESPONDENCE TO THE CAO AND TO ENSURE THE ISSUE IS ON AN AGENDA, FULLY DISCUSSED AND ULTIMATELY TO RECOMMEND FURTHER ACTION. SINCE THIS WAS A STAFF RECOMMENDATION TO COUNCIL, WHICH COUNCIL SUPPORTED, ALL CORRESPONDENCE WAS DIRECTED TO STAFF FOR COMMENT. OUR CAO HAS TRIED TO ANSWER MANY OF YOUR CONCERNS, AS WELL AS ARRANGING FOR TODAY'S PUBLIC MEETING TO LOOK AT POSITIVE WAYS OF MOVING FORWARD.

4. GETTING IT RIGHT:

SOMETIMES COUNCIL DOES NOT GET IT TOTALLY RIGHT. YOU ALWAYS LET US KNOW. MORE IMPORTANTLY IS HOW TO CORRECT IT AND FIND MORE POSITIVE SOLUTIONS GOING FORWARD. THAT IS WHAT TODAY IS ALL ABOUT - WORKING TOGETHER TO FIND WAYS TO PROVIDE FOR ACCESSIBLE, SAFE, AFFORDABLE PUBLIC BOAT LAUNCHES IN MCKELLAR

5. MOVING FORWARD:

TODAY WE HOPE TO LISTEN TO YOUR CONCERNS BUT MORE IMPORTANTLY TO LISTEN TO YOUR SOLUTIONS. WE NEED TO EXPLORE ALL OPTIONS AND COLLECTIVELY ARRIVE AT A COMMON SENSE APPROACH WHICH MEETS OUR LEGAL AND OTHER REQUIREMENTS. WE HOPE THAT WE CAN GATHER IN A MONTH OR SO TO MAKE RECOMMENDATIONS TO IMPROVE OUR PUBLIC BOAT LAUNCHES IN MCKELLAR.

THANK YOU FOR TAKING THE TIME TO HELP RESOLVE THIS ISSUE.

ON BEHALF OF COUNCIL, RESPECTFULLY,

MAYOR

PETER HOPKINS, 705 389 2228, PETER.HOPKINS1942@gmail.com

Special Meeting on Boat Launches in McKellar: Thurs July 15, 6pm CC

Mayor's Introduction:

I would like to sincerely welcome everyone to our special meeting on Boat Launches in McKellar. Just for the record, there are many examples where Council has welcomed depositions from our rate payers and by working together we arrived at realistic, pragmatic, safe, viable and affordable solutions for everyone. It is well documented that our community reacts quickly to key issues: development projects, clean yards and boat launches. Council has reacted quickly and responsibly in all cases.

Also for the record, we have several concerns about what has happened. It is not appropriate for anyone to prevent our staff from doing what they were assigned to do on municipal property. We could have called in our By Law Officer or the OPP to prevent this altercation. What happened was illegal, unsafe and could have escalated. Our staff used common sense and walked away to diffuse the moment. There are proper ways to raise your concerns.

Since this was a staff recommendation, unanimously supported by Council, all your many e mails were forwarded to staff to be addressed today. Our CAO has responded to many inquiries with what really happened and has been well received. It is not appropriate for Council to respond individually without all the facts as we do not conduct business via e mail but through proper channels. Your e mail attacks on our staff and council are of concern.

The format we follow is to all sides have an opportunity to have their say for three minutes, followed by some discussion and an Q and A. The Intent is to outline the background and facts regarding boat launches in McKellar and find positive solutions to everyone concerns - that are legal, safe, risk free, environmentally, and financially sound.

Before we hear from some of you, I would like to begin by giving everyone a little factual and historical background on Boat Launches in McKellar, followed by what has been done to date, what got us here today and options going forward. It is always important to understand that Council makes decisions on your behalf based on factual evidence and reports from staff and experts. We are encouraged to accept the expertise recommendations from our staff and others.

Boat Launch Background:

We had four municipally owned public boat launches in McKellar: three on Lake Manitouwabing at Lakeshore, Lakeside and Stewart Park and one on McKellar Lake. There are two closed to the public launches on Deerfield and Grey Owl - unsuccessful attempts have been made to have them open to the public - and three private launches are marinas - Talts Landing, The Outpost and Glenwood - some free others a fee

McKellar owns, maintains, operates and is legally responsible for our public launches. They are provided for public use and for service to our local community as well as serving and welcoming our guests and visitors.

Boat launches have been an issue of Council for sometime. They were raised as a priority in our 2018-2022 McKellar Action Plan, page 12. Historically, there have always been some safety concerns on Lakeshore. Our new Council directed staff to find ways of improving our launches – safety, parking, slope and docking. Several improvements- docking, signage were installed. There was major public outcry after concerns were raised about a proposed new launch on the Harris property near Hurdville a few years back. It was not considered appropriate. Staff were asked to look for a new launch site to replace the current one on Lakeshore. In 2019, Council approved a new site on Lakeshore by the government dock and beach to be installed this spring - 2020. Due to Covid 19, it was deferred to this spring-2021. There were some public concerns after the recent oil spill and the site was abandoned. Again staff were asked to review the current Lakeshore site, make a report and recommendation to Council. Their report, besides the on - going safety concerns, raised new issues regarding numerous lake water intake pipes close by the site which if a spill occurred could contaminate their water supply which puts the municipality at risk. Staff recommended we immediately close the launch and Council unanimously received this report and staff closed it immediately as a liability concern which is in their purview to act. This was supported by a risk management report

It should be noted that staff have the authority and responsibility to act immediately in matters that involve legal, safety, environmental and liability issues supported by Council. Recently, they did so in dealing with an oil spill in the Village as well as high e coli counts at our public beach and the siting of blue green algae in the lake. As a result of their immediate action, proper environmental action was taken. Similarly on your own property, you act immediately if there is a safety issue and correct the issue

YOUR ISSUES: delegations:

We will listen to your delegations and look forward to hearing positive solutions moving forward

SUMMARY OF YOUR ISSUES - CAO

I will ask our CAO, Lance Clerk to address your specific concerns and present various options moving forward.

Q and A –

Discussion – council

Next meeting

Thank you

Adjourn

Hwy124+-*lance.sherk@township.mckellar.on.ca

From: Peter Hopkins <peterhopkins1942@gmail.com>
Sent: July 16, 2021 3:51 PM
To: Lance Sherk
Subject: Fwd: Boat Launches

please add to the list

----- Forwarded message -----

[REDACTED]
Date: Fri, Jul 16, 2021 at 12:01 PM
Subject: Boat Launches
To: Peter Hopkins <peterhopkins1942@gmail.com>

Sir,

Further to the Public Meeting last evening I wish to ensure that Council understands the position of water access seasonal residents.

My septic tank needs pumping, my building needs repairs and right now there is no option for a barge to launch near me on "Island B". There are others in the same position.

Please give consideration to Minerva park and the works yard for parking.

This has severely impacted the value and viability of our property. I understand that unintended consequences have arisen as a result of the Lakeshore closure; I just want Council to understand the severity of the impact on this resident.

Sincerely,

[REDACTED]

Hwy124+-*lance.sherk@township.mckellar.on.ca

From: Peter Hopkins <peterhopkins1942@gmail.com>
Sent: July 16, 2021 3:57 PM
To: Lance Sherk; morely haskim
Subject: Fwd: Legal opinion

Further to our conversation this am. to have all council sign the the follow up letter to the community, we should meet wed evening - 5pm - to all be on the same page Peter

----- Forwarded message -----

From: morley haskim <mhaskim@hotmail.com>
Date: Fri, Jul 16, 2021 at 9:34 AM
Subject: Re: Legal opinion
To: lance.sherk@township.mckellar.on.ca <lance.sherk@township.mckellar.on.ca>, Peter Hopkins <peterhopkins1942@gmail.com>, don@carmichael-co.ca <don@carmichael-co.ca>, Mike Kekkonen <mikeonmckellarcouncil@outlook.com>, M 1 Ancinelli <ancinelli@gmail.com>

Hi lance and Peter
we should have a special meeting early next week on the boat ramp issues.
morley

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: lance.sherk@township.mckellar.on.ca
Date: 2021-07-16 8:29 AM (GMT-05:00)
To: Peter Hopkins <peterhopkins1942@gmail.com>, don@carmichael-co.ca, morley haskim <mhaskim@hotmail.com>, Mike Kekkonen <mikeonmckellarcouncil@outlook.com>, M 1 Ancinelli <ancinelli@gmail.com>
Subject: Legal opinion

All,

Please see attached.

Re-opening will put the 6 of us in a very precarious position if anything were to happen from a personal injury to an environmental issue.

Lance Sherk, MSc.

CAO/Clerk

July 17th 2021

Mr Peter Hopkins
Mayor of McKellar

Mr Hopkins:

I am writing this letter to you to let you know that I felt the way Councillor Kekkonen was treated by yourself and Councillor Carmichael at the recent public meeting was an insult to him and a complete lack of respect! I'm not sure who's running the "Show" but it appeared to me Councillor Carmichael seemed to be the one who would not allow Councillor Kekkonen more than two minutes to speak on such a contentious issue. Only after an uproar by the public did he allow the time extended to five minutes.

Councillor Kekkonen started to touch on some pertinent points regarding the procedural steps that were not in place prior to the launch closure. As soon as he tried to go further you and Councillor Carmichael cut him off at the knees. I as well as all other attendees to the meeting were completely disgusted with your behaviour towards Councillor Kekkonen. Both of you should be embarrassed. This type of behaviour is totally unacceptable, especially by elected officials who are suppose to be working together to find a reasonable solution to a very contentious issue such as this one!

It is completely clear, given the amount of push back you have received from the community, that the Lakeshore Launch needs to be reopened immediately. Councillor Carmichael appears to be a road block in this process. He stated at the public meeting that he was in no way in favour of re-opening the launch. I would suggest if he is not happy about this temporary solution, he should resign and make way for someone who would like to address the fact that no proper process was taken prior to the launch being closed, therefor it should still be open!

At the very least, the Lakeshore Launch should have been allowed to remain active until a suitable location for a new Launch had been identified. During the meeting several residents including Mr Moore brought up the ideal location for the ramp at Minerva Park, again with huge resistance. This point was previously brought forward by myself and Ms Keen at the very start of this issue and was also shut down by yourself and Mr Sherk. Your answers were that due to MNRF's Denial to approve a launch in the area because this area is a fish Spawning area, erosion of shoreline as well as depth of water.

The truth was uncovered by Mr Moore at the public meeting when he asked Mr Sherk for a copy of the report. Mr Sherk then stated that there never was a written report from the MNRF, denying approval for a launch at Minerva Park, only a verbal communication. In other words, Mr Sherk as well as you have in fact lied all along the about the fact that there was no written report at all. Why does the community have to keep trying to uncover from our Elected officials ?? The truth is that you have made a serious error in judgement by not following the proper procedure and or obtaining the proper facts necessary in making an informed decision.

There have been numerous requests for reports, studies, Council resolutions approving the closure, June 8th Audio tape and on and on and on! You have provided nothing to date! As far as I'm concerned it's time to come clean and provide the public all of the requested information in a timely manner. Now is the time to disclose all of the facts. You owe that to the community that you represent!

Not in Comm. the

It needs to be a Council

He undermined
a Council decision that is valid in favour of
fact based

OK - noted in favour
- no criticism of others
- were not his thoughts
- following process
=

Legal

Verbal
only
not written

OK

I can't help but believe this launch closure was all a set up and is now a cover up! After all council had approval and the budget set aside to repair the Lakeshore Launch, why was it instead closed ?? There was no urgency!

Now you have put at serious risk all of the residents of the area by forcing them to use the Lakeside Launch. There is no access for Island dwellers, who's septic system emptying cannot be done as the barges are too large to pass thru the narrow channel at Camp Manitou. The safety of the camps children are at serious risk. Emergency response units and of course the Police are also at risk, now trying to launch in such a congested location. It is extremely apparent that none of these factors were taken into consideration prior to your hasty and uninformed decision to close the Lakeshore Launch.

We have been led to believe all along that the reason the Lakeshore Launch was closed was due to liability and that a new Launch in the same area or near Minerva park was not possible due to a report filed by MNFR denying permits, only to find out this and many other facts are not the truth!

You have one chance now to repair this serious error in judgement and to reverse the decision to close Lakeshore and make things right for all concerned. Failing to do so will only make this situation a lot worse than it already is. More and more residents are now finding out about the complete lack of transparency and trust embedded in this Council and Clerk.

As I want to be part of the solution and not the problem, I have put forth my name to try and help find a suitable location for a new Launch in the north end of the lake. Mr Moore also offered his support at the public meeting to help with this matter. Given his obvious length of time in the community and his tremendous knowledge of the lake and the surrounding area, it would only seem natural to me that he would be an excellent fit to try to relocate this launch in a fair and equitable manner, given his straight forward approach. I'm sure if called upon there would be an abundance of individuals who take a fair and honest approach to help find a reasonable solution to this issue.

In closing, I believe it is imperative for you to consider the following:

- 1) Present a letter of apology to Councillor Kekkonen for your rude behaviour towards him at the recent Public Meeting.
- 2) Present all facts, reports, audio, council resolutions, etc to the public immediately. This can be done by posting all documents on your web site or at the very least be made available in email format for all of those who have requested them. This situation has gone on long enough.
- 3) Arrange for an Emergency Council Meeting for this coming week, to re-open the Lakeshore Launch immediately and to also have a NEW Launch committee formed as soon as possible to find a legitimate solution to this contentious issue. The end of August is far too long for this situation to continue.
- 4) Show the constituents that from this point on you are going to be completely open and transparent by these actions....

note
is
made

[REDACTED]

[REDACTED]

McKellar Boat Launch Short and Long Term Resolutions: July 17, 21

Based on our staff report June 8, supported unanimously by council; our risk management report and our legal opinion as circulated by our CAO on July 16 along with the summary of our public meeting held on July 15, 21, the following Immediate, short and long term actions should be considered asap at a special meeting of Council Wed July 21 at 6:30pm or Thurs 22 July 4:30 pm. It should be noted that all public launches were built a long time ago in poor locations and have various deficiencies that need to be addressed to ensure they are safe and suitable for public use

1. Immediate:

- a- continue to keep the Lakeshore boat launch closed - permanently
- b- temporarily close the Lakeside launch until recommended safety measures are in place - signage, lighting, channel markers and related Camp concerns
- c- contact the MNRF for a written report on the potential use of Minerva Park as a public boat launch site

2. Short term

- a- Follow the recommendations for new signage, lighting, speed, children, vehicles turning, boat launch ahead, for Lakeside and Stewart Park launch sites
- b- Inform everyone about the private launch sites on Lake Manitouwabing at Talts landing and the Outpost in Hurdville after discussing with the owners.

3. Long term:

- a- Form a 7 member community – based committee from MLCA members along with a staff and council rep with terms of reference to review the key points raised by current meeting and reports; and make recommendations to Council of improving existing public launches, and the appropriate location of a new launch location in the north end for the 2022 budget considerations to report to council by Oct 1, 21 or earlier

For Your Consideration
P.H. - Mayes

Hwy124+ -*lance.sherk@township.mckellar.on.ca

From: Peter Hopkins <peterhopkins1942@gmail.com>
Sent: July 18, 2021 1:11 AM
To: morely haskim; don; marco ancinelli; mike kekkonen; Peter Hopkins; Lance Sherk; greg gostick
Attachments: - July 18, 21.docx

Boat launches going forward. Please see attached. We need a meeting next week to move this issue forward asap. Peter

Hwy124+--*lance.sherk@township.mckellar.on.ca

From: Peter Hopkins <peterhopkins1942@gmail.com>
Sent: July 19, 2021 8:59 AM
To: Lance Sherk
Subject: Fwd: Boat launch

fyi

----- Forwarded message -----

[REDACTED]
Date: Sun, Jul 18, 2021 at 8:30 PM
Subject: Boat launch
To: <peterhopkins1942@gmail.com>

Hello Peter

I was most distressed to learn of the closure of the launch in McKellar. It came as a surprise to us. As residents of Tait's Island many of us are seniors who own boats. It is much more inconvenient for us to go to the other locations. And with summer camps in progress The passage to and from Lakeside is very busy with campers on the water.

Also with the Lakeside location, since it is a public launch, there should be a dock. Most seniors do suffer from arthritis and to expect us to land or launch a boat without a dock is insensitive and unsafe.

I met you when you were campaigning for the job, and I felt you were the type of leader who would find solutions. I trust that you will do your best to help us out.

Thank you for your time.
[REDACTED]

Sent from my iPad

Hwy124+--*lance.sherk@township.mckellar.on.ca

From: Peter Hopkins <peterhopkins1942@gmail.com>
Sent: July 20, 2021 11:16 AM
To: Lance Sherk
Subject: Fwd: Boat Launch Handout

fyi

----- Forwarded message -----
[REDACTED]

Date: Tue, Jul 20, 2021 at 9:45 AM
Subject: Re: Boat Launch Handout
To: Peter Hopkins <peterhopkins1942@gmail.com>

Thanks Peter. I appreciated receiving the info.
I hope the council can see to put a dock in at lakeside because it is rather awkward for seniors with no dock. I was by the site a week ago and did not see a dock. Fortunately
We did not need to land. A site in the north end would be very convenient as there are several cottages on this side of McKellar.
[REDACTED]

Sent from my iPad

On Jul 20, 2021, at 8:02 AM, Peter Hopkins <peterhopkins1942@gmail.com> wrote:

FYI - a little history on boat launches in McKellar, We continue to look for a new launch in the north end that is safe, and accessible. Please call if you have any questions Peter 705 389 2228

----- Forwarded message -----

From: <lance.sherk@township.mckellar.on.ca>
Date: Thu, Jul 15, 2021 at 2:52 PM
Subject: Boat Launch Handout
To: <lance.sherk@township.mckellar.on.ca>

Please find attached a little background and history on public boat launches on Lake Manitouwabing, as well as additional background information.

Best Regards,

Lance Sherk, MSc.

CAO/Clerk

Introduction to the Public Meeting on Boat Launches in McKellar - July, 21

Immediate Action: June 24, 21

- Re open Lakeshore boat launch on a "Use at Your Own Risk" - like the Balsam Trail
- Open until the end of the 2021 boating season
- Put up new speed signs near All public boat launches - 40 kph and "Caution Boat Launch- Vehicles Turning- and Children Playing"
- Get a risk report from Insurance
- Hold a public meeting early July
- Establish a Boat Launch review committee to look at alternatives and option for 2022, involve a community rep from Lakeshore and Lakeside along with staff.

Background: Boat Launches in McKellar:

Public: Lake Manitouwabing: Lakeshore, Lakeside, Stewart Park

Private: Lake Manitouwabing: Deerfield, Talts Landing - fees; Outpost - free

Public: McKellar Lake -

Private: Grey Owl - Mallory's landing at bridge

Needs: a new public launch in the north end and upgrades to existing public ones- parking, docks

Public Meeting Format: July, 21

- I- Mayor - welcome and introduction of format order and process
- II- Review background of Boat launches in McKellar
- III- Staff updates on boat launches
- IV- Representatives of Lakeside present
- V- Council comments
- VI- options, alternatives
- VII- Action - moving forward

*2. Disturb credibility, members & transparency of staff & Council
2. resolve - staff / new solutions*

** moving forward - upon reflection, Council & staff need to do the following:
a. review the "process" issues arising out of
b. improve communication
c. immediate action - on shore
d. long term solutions*

*Name: To Sumnerge / itonge
all issues - from correspondence*

Introduction.:

On behalf of staff and council, I would like to thank those that have raised some excellent issues regarding the recent decision to close the Lakeshore Boat Launch. It appears that several "Hot Topics" stimulate considerable community involvement: Clean Yards and Boat Launches. In the past we have held standing room only gatherings to reconsider these and other items. Council believes in a community development philosophy of involving our members input in many ways in the working of council – from the creation of our Action Plan to becoming a member of a committee to depositions. – the greater the input the better the decision. For the most part, Council and staff ~~do it~~ and get it right. Ultimately we need to follow our actions with evidence - based information with community, staff, and expert input with a draft report for due consideration. If our initial resolution needs revision, then we need to rethink of how to make it better for all concerned before implementation. It should also be noted that Council has the authority to make emergency and immediate decisions due to legal and safety reasons – such as declaring a state of emergency due to Covid 19 and Fire bans and the like. Normally, we would and have done so many times, create working groups – ad hoc or standing committees – to address key issues like Rental properties, Roads, the Environment and have them hold a public meeting and make a report with recommendations to Council for consideration. We will continue to ensure that our community is aware and involved in decisions that affect them.

Boat Launch Background:

The safety, location and quality of our boat launches in McKellar have been long - standing issues. We have been trying to improve them with adequate parking, accessibility, docking and signage for a while now. A few people wanted to put a new one in Hurdville but public outcry negated that idea. We have tried to officially open the private launches on Deerfield and Grey Owl – to no avail. We had staff, council and MNRF approval and budget to relocate a new replacement launch on Lakeshore near the public beach and docks for this spring but due to the recent oil spill and public concerns we took it off the table. The recent staff report raised more serious issues regarding the safety, liability and environmental concerns re the Lakeshore Boat launch. Normally council receives, discusses, accepts and approves staff and legal reports as presented. The staff report was received with little objection and the launch was closed for those reasons.

Obviously we did not give enough thought to the impact on other launches in McKellar. Again, thank you for raising your concerns.

What is most important is how we rethink that decision and what is best for our McKellar community and addresses our safety and liability issues relating to boat launches.

Moving forward immediately: June 24, 21

- Immediately Reopen Lakeshore Boat Launch on a "Use at your Own Risk" basis
- Put up speed signs near all boat launches 40kms
- Put up new Boat Launch signs indicating "Slow Down- Vehicles Turning"
- Put up: "Children at Play" signs near all boat launches

- Continue to improve our boat launches with docks, accessibility, parking and safety concerns
- Obtain an opinion on the safety and liability of our Boat Launches
- Form a working group with citizen involvement to review our Boat Launches and recommend their future use – or not – a new site in the north end and report to Council for the new 2022 budget year.
- Hold a public meeting early in July.

8/8/2021

Gmail - FW: Risk Management Commentary



From: Samantha Elliott [mailto:saelliott@brokerlink.ca]
Sent: July 21, 2021 1:33 PM
To: 'lance.sherk@township.mckellar.on.ca' <lance.sherk@township.mckellar.on.ca>
Cc: Jessica Stone <jestone@brokerlink.ca>
Subject: Risk Management Commentary

Hi Lance,

~~Great chatting with you Monday and really looking forward to meeting with you in the near future.~~

A reminder we do still require the COVID and CRIME apps (attached) at your earliest so we may obtain renewal terms.

~~Further to our discussion on Monday and I will apologize in advance for the long-winded email:~~

X **Boat Launch Closure** – Intact Public Entities will be forwarding me their response regarding the boat launch closure on their letterhead. I will forward same as soon as I have received along with my commentary as your broker.

Audio System – As I suspected, Risk Management does not think that the broadcasting of public meetings should be much of a concern regardless of the distance of broadcast, as long as the information discussed in those meetings will be a part of the public record. Obviously we caution that if the meetings include private information than those meetings should not be broadcasted. Please do ensure the Township is in compliance with the following guidelines:

<https://www.ontario.ca/document/freedom-information-and-protection-privacy-manual/chapter-7-privacy-fundamentals>

Farmer's Market – It looks like the insurer was not previously aware of the McKellar Market, but since it is a seasonal market they can extend coverage at no additional charge. They have asked if I can gather some more underwriting information for them. I have found most on the Township website but please advise any revisions or additional pertinent details:

Location – Minerva Park Waterfront, McKellar – 677 Hwy 124?

Duration – Saturdays 10AM – 1PM (Canada Day Weekend – August 31st annually)?

Vendors – Proof of Insurance required? I see that Insurance is the responsibility of the vendors but do you request a Certificate of Insurance adding the Township as additional insured to their liability insurance? Are you working with local health unit for any additional guidance/directives to be followed with respect to COVID19 protocols? Lance – If you are not currently requesting proof of insurance from your vendors I would highly suggest that the Township reconsiders this as a requirement to become a vendor. This covers both the vendor and the Township in the event of a claim and is usually quite inexpensive for the vendors. If you are interested in setting up a Facility User Group (see attached) so that vendors may obtain insurance through you I can provide additional information on how it works, pricing, etc. as well as assist any staff who would be overseeing that.

Vendors on Private Property – coverage would depend on how this is working. If the resident is just doing their own thing at the same time as the township's market then we're obviously not able to extend coverage for the resident. If the Township is in control of the market and the resident is simply renting you the land or letting you use it then we could possibly extend coverage by way of adding them as an additional insured to the Township's policy. We would; however, need to see and review the written agreement between the Township and the resident, which lays out the roles and responsibilities of each party including but not limited to insurance, indemnification, maintenance, damage to property, etc. Once this agreement has been drafted I would send to Risk Management for review and further comments.

Risk Management also provided the following additional information regarding farmer's markets:

For farmers markets, we recommend the Township keep accurate and robust recordings of the regular cleaning and disinfecting that is done to keep the market safe. Please ensure the records are retained for safekeeping to confirm that regular replenishment of hand sanitizer was carried out, cleaning and disinfection was done regularly, and rules were adhered to.

We recommend the vendors provide proof of liability insurance naming the Township as additional insured. Sample wording is provided below.

Covid-19 Public Safety Protocols for Ontario's Farmer's Markets can be found below:

<https://www.farmersmarketsontario.com/covid-19-modifying-market-operations/>

I have also attached articles from our Centre of Excellence relating to farmers markets.

In particular to this situation where a private property owner would like to host additional vendors on their property and be covered under the Township's policy, at first glance we would not recommend this as a structured plan with formalized agreements should be in place. The Township is not the occupier of this land and the risk to both the property owners property and third party liability is too great.

With that being said, with proper agreements and expectations and responsibilities stated, we would like to review to ensure the Townships best interest are being considered. Furthermore, the insurer of the property owner could potentially deny any claim due to this exposure.

Sample Wording

When the Vendor is a corporation or organization:

Commercial General Liability Insurance

Commercial General Liability Insurance satisfactory to the Owner and underwritten by an insurer licensed to conduct business in the Province of _____. The policy shall provide coverage for Bodily Injury, Property Damage and Personal Injury and shall include but not be limited to:

- (a) A limit of liability of not less than \$_____ /occurrence with an aggregate of not less than \$_____
- (b) Add the Owner as an additional insured with respect to the operations of the Named Insured
- (c) The policy shall contain a provision for cross liability and severability of interest in respect of the Named Insured
- (d) Non-owned automobile coverage with a limit not less than _____ (usually \$2,000,000) and shall include contractual non-owned coverage (SEF 96)
- (e) Products and completed operations coverage
- (f) Broad Form Property Damage
- (g) Contractual Liability
- (h) Work performed on Behalf of the Named Insured by Sub-Contractors
- (i) The policy shall provide 30 days prior notice of cancellation

When the Vendor is an individual:

Homeowner's Liability Insurance

Homeowner's liability insurance satisfactory to the Owner and underwritten by an insurer licensed to conduct business in the Province of _____. The policy shall provide coverage for Bodily Injury, Property Damage and Personal Injury and shall have a limit of liability of not less than \$_____. The Owner must be named as additional insured.

Primary Coverage

The Vendor's insurance shall be primary coverage and not additional to and shall not seek contribution from any other insurance policies available to the municipality.

Certificate of Insurance

The Vendor shall provide a Certificate of Insurance evidencing coverage in force at least 10 days prior to contract commencement.

I hope all of this is helpful and not too overwhelming. Please feel free to give me a call if anything is unclear or if you have any questions at all. I am out of the office July 26 – Aug 2nd but will be monitoring emails and voicemails during that time. Jessica will also be available should you require immediate assistance.

Thanks,

8/8/2021

Gmail - FW: Risk Management Commentary

Sam





Samantha Elliott, CAIB, RIBO, B.A.

Pronouns: She/Her

Commercial Account Executive | **BrokerLink**

Cell: 705-358-1140 | T: 705-476-3411 ext. 83261 | F: 705-476-8102 | saelliott@brokerlink.ca

Brokerlink Inc. | 591 Main Street E North Bay, Ontario P1B 1B7

Visit us online: BrokerLink.ca     cid:image030.jpg@01D77EF2.F61389E0  

Rivet Insurance and Tench-MacDiarmid Insurance have joined BrokerLink, please note my new contact information

 cid:image033.jpg@01D77EF2.F61389E0

KINCENTRIC
Best Employer
CANADA 2019

Please note new policies, policy changes or amendments cannot be bound or made unless you speak directly to a licensed insurance broker.

This communication and any attachments are confidential. If you are not the intended recipient, please immediately notify the sender and delete this communication including all attachments. Any other use, disclosure, distribution or copying is prohibited.

COVID-19 Advisory Alert

Please note that Brokerlink remains open for business, although we are not accepting walk-in traffic at this time. We ask that our customers reach us by phone or email, instead of visiting our branches in person.

This is a temporary measure, as we all do our part to keep our community safe.

You may be receiving an email request from Brokerlink to complete a Customer Survey with respect to our transaction today. We appreciate your feedback. If you could take a few minutes to fill out the survey, a 9 is a pass and a 10 is a compliment. Thank you.

8/8/2021

Gmail - FW: Risk Management Commentary

 Pronouns: She/Her

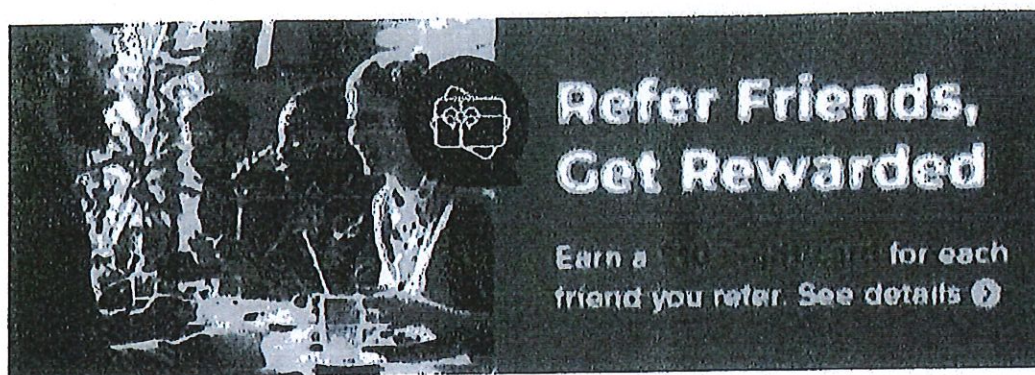
Commercial Account Executive | BrokerLink

Cell: 705-358-1140 | T: 705-476-3411 ext. 83261 | F: 705-476-8102 | saelliott@brokerlink.ca

Brokerlink Inc. | 591 Main Street E North Bay, Ontario P1B 1B7

Visit us online: [BrokerLink.ca](https://www.brokerlink.ca)     

Rivet Insurance and Tench-MacDiarmid Insurance have joined BrokerLink, please note my new contact information



KINCENTRIC
Best Employer
2019-2020
CANADA 2019

Please note new policies, policy changes or amendments cannot be bound or made unless you speak directly to a licensed insurance broker.

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Poss, five Ideas

29 Inside

*** Reopen Lakeshore
Temp → until new location ***

— Now —

*** MINERVA PARK ***



*** when Salifman

*** longer Ten



no overnight Chops

30,000

—

60,000

Improve

FORMAT

Public Meeting

Public Boat Launches on Lake Manitouwabing

This Public Meeting is to hear input from the public on Public Boat Launches on Lake Manitouwabing.

Protocols:

COVID: Step 2 Covid-19 Protocols will be in effect for this meeting. Social Distancing (2 meters) must be respected, unless you are from a family bubble. Chairs will be set-up in the Community Hall and will be spaced 2 meters apart. Indoor capacity is limited to 20 people. Masks must be worn.

Meeting

- One Spokesperson is allowed per organization.
- Members shall not enter into debate or discussion of the matter during the Public Meeting.
- Each person/organization is limited to three (3) minutes to speak.
- Each person/organization is entitled to ask one (1) question and one (1) subsequent question.
- Members are asked to bring forward fresh concerns/issues from each speaker.
- The Chairperson asks that all comments be addressed through the Chairperson.
- Please respect meeting protocol and do not interrupt the meeting. The Municipality reserves the right to remove attendees who are disruptive or disrespect meeting protocol.

Procedures:

- Each person speaking at a Public Meeting will be asked to provide their name and organization prior to providing comments. Each person will also be invited to provide their name, address and email address in writing in order that future notice of this matter may be provided.
- For those Members who would like to speak, we ask that you contact the Municipal office by 3:00 PM, Thursday, July 15th and register your name, and the specific concern you would like to speak to. (705-389-2842 X2)

Agenda

1. Mayor's welcome – and brief outline of public involvement
2. Delegations
3. CAO's review of issues and possible alternatives
4. Handout
5. Future Actions

Capacity of the Hall is limited to 20 people; however, audio will be available at FM 98.5 for those within 500m of the Hall and wish to listen in.

Next steps:

- I. Working Advisory Committee of no more than 7 people, with one staff and one councillor to be formed by August 1st. Report back to Council by October 31st
- II. Approach Coast Guard or OPP for enforcement on the Lake.
- III. Other

Thank you and Adjourn

Lance

- many boat launches issues
- increased boat traffic - lake
- camp issues
- reasonable measures
+ safety
- MPRF - VORR - signs,
lake, speed
- over 20 years - comments
- No good location
not in residential area
- not enough room allowances
- well lit, signage, paths
non residential
- walkability - narrow, hilly,
all roads
- erosion
- MPRF, coast guard
- improve economic development
for M-Lula

~~DRAFT HANDOUT ON THE BACKGROUND OF BOAT LAUNCHES IN MCKELLAR,~~
CLARIFICATIONS OF SOME MAJOR ISSUES AND A FEW CONCERNS THAT NEED TO BE
ADDRESSED

1. BACKGROUND AND HISTORY OF BOAT LAUNCHES:

THERE ARE FOUR MUNICIPALLY OWNED BOAT LAUNCHES IN MCKELLAR – THREE ON LAKE MANITOUWABING – LAKESHORE (NOW CLOSED); LAKESIDE AND STEWART PARK AND ONE ON MCKELLAR LAKE. THERE ARE TWO PRIVATE LAUNCHES ON DEERFIELD AND GREY OWL ROAD THAT WE HAVE UNSUCCESSFULLY TRIED TO OPEN. AS WELL, THERE ARE THREE PRIVATE LAUNCHES AT TAIT'S LANDING, THE OUTPOST AND GLENWOOD MARINA – SOME FREE WHILE OTHERS CHARGE

THE TOWNSHIP OF MCKELLAR OWNS, OPERATES, INSURES, REGULATES, MAINTAINS AND IS LEGALLY RESPONSIBLE FOR OUR MUNICIPAL PUBLIC LAUNCHES. THEY ARE PROVIDED FOR PUBLIC USE AND SERVICE TO OUR LOCAL COMMUNITY AS WELL AS SERVING AND WELCOMING OUR GUESTS AND VISITORS.

BOAT LAUNCHES HAVE BEEN AN ISSUE FOR COUNCIL AND STAFF FOR A WHILE. OUR "2018-2022 MCKELLAR ACTION PLAN" IDENTIFIED BOAT LAUNCHES AS A PRIORITY TO BE REVIEWED. HISTORICALLY, THERE HAVE ALWAYS BEEN SAFETY ISSUES ASSOCIATED WITH THE LAKESHORE SITE. OUR NEW COUNCIL DIRECTED STAFF TO FIND WAYS OF IMPROVING OUR LAUNCHES – OTHER LOCATIONS, SAFETY, PARKING, DOCKING AND SIGNAGE. THERE WAS A PUBLIC OUTCRY WHEN AN ATTEMPT BY SOME TO HAVE A LAUNCH NEAR HURDVILLE WHICH WAS DISMISSED BY COUNCIL. STAFF WAS ASKED IN 2019 TO FIND ANOTHER LOCATION TO REPLACE THE CURRENT LAKESHORE LAUNCH. A NEW LAUNCH WAS APPROVED BY COUNCIL AND MNRF TO BE INSTALLED IN THE SPRING OF 2020 NEAR THE PUBLIC BEACH AND GOVERNMENT DOCK ON LAKESHORE. DUE TO COVID 19, THE PROJECT WAS DEFERRED TO THE SPRING OF 2021.

DUE TO THE RECENT OIL SPILL IN THE VILLAGE AND THE OBJECTION OF SOME RESIDENTS, THIS SITE WAS ABANDONED. AGAIN COUNCIL ASKED STAFF TO FIND A NEW LOCATION FOR THE LAKESHORE RAMP AND MAKE A REPORT AND RECOMMENDATION TO COUNCIL. STAFF FOUND, THAT BESIDES THE ON-GOING LAKESHORE SAFETY CONCERNS, A NEW ONE HAD EMERGED WHEN STAFF DISCOVERED THAT NUMEROUS WATER INTAKE PIPES RAN UNDER THE ROAD IN CLOSE PROXIMITY TO THE LAUNCH. A SPILL COULD CONTAMINATE THEIR WATER SUPPLY AND THEREFORE PUT THE MUNICIPALITY AT RISK. THE STAFF REPORT TO COUNCIL RECOMMENDED THAT THE LAKESHORE BOAT LAUNCH BE CLOSED IMMEDIATELY ON A SAFETY AND RISK MANAGEMENT BASIS. COUNCIL UNANIMOUSLY RECEIVED THEIR REPORT AND THE LAUNCH WAS CLOSED IMMEDIATELY.

STAFF NOT ONLY HAVE AN OBLIGATION AND AUTHORITY TO ACT IMMEDIATELY BUT A DUTY TO ACT WHEN OUR MUNICIPALITY AND COMMUNITY ARE AT RISK THAT INVOLVE LEGAL, SAFETY, RISK MANAGEMENT, ENVIRONMENTAL AND LIABILITY ISSUES. WE HAVE HAD ROAD WASH OUTS; A RECENT OIL SPILL IN THE VILLAGE; APPEARANCE OF BLUE GREEN ALGAE AS WELL AS HIGH E COLI COUNTS AT ONE OF OUR PUBLIC BEACHES AND A STATE OF EMERGENCY FOR COVID 19. STAFF HAS ALWAYS ACTED IMMEDIATELY IN THESE MATTERS. STAFF HAS THE DUTY AND AUTHORITY TO ACT IN THESE MATTERS.

IT IS NO DIFFERENT FROM ANYONE FINDING A SAFETY OR OTHER MAJOR LIABILITY CONCERN ON THEIR PROPERTY THAT PUTS YOU AND OTHERS AT RISK. YOU TAKE IMMEDIATE ACTION:

AS A RESULT, WE ARE STILL ONE PUBLIC LAUNCH SHORT, ESPECIALLY IN THE NORTH END. STAFF CONTINUE TO INVESTIGATE NEW, SAFER AND AFFORDABLE OPTIONS GOING FORWARD.

ANY AND ALL POSITIVE SOLUTIONS ARE WELCOMED. IN THE MEANTIME, WE WILL LISTEN TO YOUR IDEAS TO IMPROVE THE TWO REMAINING TWO LAUNCHES IN MCKELLAR.

B: CLARIFYING SOME ISSUES AND CONCERNS:

-1- PROPER COMMUNITY DEVELOPMENT PROCESSES:

COUNCIL HOLDS THE BELIEF THAT FOR NORMAL ISSUES, THE MORE PEOPLE YOU INVOLVE IN THE DECISION-MAKING THE BETTER THE DECISION. THERE ARE MANY PROPER WAYS IN WHICH OUR COMMUNITY IS INVOLVED IN COUNCIL OPERATIONS AS OUTLINED IN NUMEROUS PREVIOUS PUBLIC DOCUMENTS, REPORTS, NEWSLETTERS AND SOCIAL MEDIA. ULTIMATELY COUNCIL IS RESPONSIBLE FOR MAKING DECISIONS THAT BEST SUIT THE MAJORITY OF OUR CITIZENS. OUR RECORD IS A POSITIVE ONE AS OUR ACTION PLAN PROGRESSES.

WE ARE QUITE CONCERNED ABOUT WHAT HAPPENED AT THE PUBLIC MUNICIPALLY OWNED LAKESIDE BOAT LAUNCH WHICH PUT OUR STAFF AT RISK FOR DOING WHAT THEY WERE ASKED TO DO – PUT IN A NEW DOCK AS WE HAVE DONE AT OTHER LAUNCH SITES. THERE ARE MORE LEGAL AND ACCEPTABLE WAYS OF RAISING CITIZEN CONCERNS AS WE HAVE ALREADY MENTIONED. THIS ACTION BY A FEW WAS NOT APPRECIATED AND FRANKLY ILLEGAL. IT COULD HAVE ESCALATED EXCEPT FOR THE COMMON SENSE OF OUR STAFF. THERE ARE MANY MORE APPROPRIATE WAYS TO BE HEARD.

-2- STAFF AUTHORITY:

STAFF HAS THE RIGHT AND DUTY TO ACT IMMEDIATELY ON LEGAL, RISK MANAGEMENT, ENVIRONMENTAL AND SAFETY ISSUES IN A FINANCIALLY RESPONSIBLE MANNER. COUNCIL IS ADVISED UNDER THE MUNICIPAL ACT TO

ACCEPT THE ADVICE OF EXPERTS LIKE LAWYERS, PLANNERS, AUDITORS, STAFF
OTHER PROFESSIONALS AND RECOMMENDATIONS FROM STAFF. COUNCIL
UNANIMOUSLY RECEIVED STAFF'S REPORT AND RECOMENDATION TO IMMEDIATELY
CLOSE THE LAKESHORE BOAT LAUNCH.

~~III COUNCIL'S RESPONSES TO ISSUES.~~

NORMALLY, COUNCIL WILL RAISE ISSUES OF CONCERN FROM THE PUBLIC AT LARGE
IN COUNCIL. IT IS NOT THE PRACTISE FOR COUNCIL TO ENGAGE IN SOCIAL MEDIA
CAMPAIGNS. COLLECTIVELY THEY CAN ISSUE A PRESS RELEASE OR UPDATE ON
MATTERS AT HAND. RATHER THEY ARE TO ENSURE THAT THEY DIRECT THE
~~CORRESPONDENCE TO THE CAO AND TO ENSURE THE ISSUE IS ON AN AGENDA.~~
FULLY DISCUSSED AND ULTIMATELY TO RECOMMEND FURTHER ACTION. SINCE THIS
WAS A STAFF RECOMMENDATION TO COUNCIL, WHICH COUNCIL SUPPORTED, ALL
CORRESPONDENCE WAS DIRECTED TO STAFF FOR COMMENT. OUR CAO HAS TRIED
TO ANSWER MANY OF YOUR CONCERNS, AS WELL AS ARRANGING FOR TODAY'S
~~PUBLIC MEETING TO LOOK AT POSITIVE WAYS OF MOVING FORWARD.~~

4. GETTING IT RIGHT:

SOMETIMES COUNCIL DOES NOT GET IT TOTALLY RIGHT. YOU ALWAYS LET US
KNOW. MORE IMPORTANTLY IS HOW TO CORRECT IT AND FIND MORE POSITIVE
~~SOLUTIONS GOING FORWARD. THAT IS WHAT TODAY IS ALL ABOUT - WORKING~~
TOGETHER TO FIND WAYS TO PROVIDE FOR ACCESSIBLE, SAFE, AFFORDABLE PUBLIC
BOAT LAUNCHES IN MCKELLAR

5. MOVING FORWARD:

~~TODAY WE HOPE TO LISTEN TO YOUR CONCERNS BUT MORE IMPORTANTLY TO~~
LISTEN TO YOUR SOLUTIONS. WE NEED TO EXPLORE ALL OPTIONS AND
COLLECTIVELY ARRIVE AT A COMMON SENSE APPROACH WHICH MEETS OUR LEGAL
AND OTHER REQUIREMENTS. WE HOPE THAT WE CAN GATHER IN A MONTH OR SO
TO MAKE RECOMMENDATIONS TO IMPROVE OUR PUBLIC BOAT LAUNCHES IN
~~MCKELLAR.~~

THANK YOU FOR TAKING THE TIME TO HELP RESOLVE THIS ISSUE.

ON BEHALF OF COUNCIL, RESPECTFULLY,

~~MAYOR~~

PETER HOPKINS, 705 389 2228, PETER.HOPKINS1942@gmail.com

PUBLIC MEETING ON BOAT LAUNCHES IN MCKELLAR, THURSDAY JULY 15, 21 6:30 PM.

REVISED FORMAT

1. PROPOSED AGENDA:
2. Protocols and procedures
- ~~3. Mayor's welcome — and brief outline of public involvement~~
4. Delegations
5. CAO's review of issues and possible alternatives
6. Q and A
7. Handout
- ~~8. Future Actions —~~
 - Next steps:
 - I- Install new signage immediately
 - II- staff find a new location in the north end
 - III- plan to meet in a month or so on recommendations
9. Other
10. Thank you and Adjourn

Mayor - Protocols: Covid-19 stage 2- about to go into stage 3 -- July 16 must follow health and safety protocols: masks, sanitizing, distancing, limited attendees -- 25 including Council (5), staff (3), designated delegates (6), public -- 10 plus via Zoom link

CAO - Procedural Regulations: proper decorum, through the chair, proper identification, 3 minutes, new items, on topic of boat launches -- follow up questions; once exhausted the chair can ask Council to hear more.

~~MAYOR'S WELCOME AND INTRODUCTION~~

ON BEHALF OF COUNCIL, I WOULD LIKE TO SINCERELY WELCOME EVERYONE TO OUR SPECIAL PUBLIC MEETING ON BOAT LAUNCHES IN MCKELLAR. COUNCIL PRIDES ITSELF ON ALWAYS BEING OPEN AND TRANSPARENT. THERE ARE MANY WAYS IN WHICH WE ENGAGED OUR CITIZENS AS OUTLINED IN THE RECENT THREE PART PRESS RELEASE ON COUNCIL'S VALUES; WAYS OF LISTENING TO OUR CITIZENS AND KEEPING OUR COMMUNITY WELL INFORMED; WHICH IS AVAILABLE ON LINE. THERE ARE NUMEROUS EXAMPLES OF COUNCIL LISTENING TO OUR RATEPAYERS -- FOR EXAMPLE: PROPERTY STANDARDS DRAFT BY-LAW, the various COMMITTEES in place, the ACTION PLAN. COUNCIL ALWAYS REACTS QUICKLY, RESPONSIBLY AND TRIES TO ENSURE THAT DECISIONS ARE FACT-BASED, REALISTIC, PRAGMATIC, SAFE, VIABLE, AFFORDABLE AND MEET THE NEEDS OF A MAJORITY OF OUR COMMUNITY. DO WE ALWAYS GET IT RIGHT -- OF COURSE NOT, BUT FOR THE MOST PART OUR ACTIONS TO DATE HAVE BEEN WELL-RECEIVED.

Separate

July 26, 2021

Town Council
Township of McKellar
701 Highway 124
McKellar, ON P0G 1C0

Sent by email to individual councillors

Mayor Hopkins and Councillors:

As a follow up to last week's public meeting with council, I suspect there's even more to the decision to close the Lakeshore boat launch than meets the eye. As it's unclear to me at this point whether council is fully informed and aware, I offer these observations.

The clerk/CAO has hung his entire justification on a risk assessment report provided by Insurers. It's been pointed out that no one seems to have seen the actual report. The CAO's actions implies that there was a significant, immediate threat to the safety of area residents of the kind that would justify sudden action without prior consultations – and provide the basis for appropriate authority to act. It's on this basis that council has defended the CAO's actions; but evidence that such an emergency was actually present has been thin at best.

I won't belabour all that's been said about the lack of process, suspicions on motives and evasiveness of the CAO. But here's what I haven't heard discussed: Risk assessments of that type don't just happen without being prompted. As related to insurance carriers, they're most often a report that accompanies either a request for new coverage, or a policy renewal notice.

Sure, the purpose of such a report is to highlight sources of risk that could lead to potential loss (i.e. claims) and recommend ways to mitigate or eliminate those risks. The real point, however, is to identify actions the policy holder can take in order to reduce insurance premiums or, more often, *to avoid pending premium increases*. That objective is fundamentally different from a public safety assessment, or an analysis by an internal risk management committee.

This leads me to believe a possible scenario where the CAO, in discussions with the insurer on options for minimizing an increase in insurance premiums at renewal, zeroed in on the Lakeshore boat launch as one of a list of identified risks that could be eliminated. So the idea that this risk identification suddenly popped up and required an urgent response seems to me to entirely lack credibility.

The more likely assessment was that there were some liability risks identified with the launch, but not a serious threat to residents of the kind that would justify immediate closure, such as the excessive e-coli levels that required closure of the public beach. If that's true, it follows that:

- The CAO overstepped his authority in closing the launch, ignoring proper protocol and then attempting to justify his actions based on fundamentally false pretences;
- Council (whether knowingly or otherwise) compounded the situation by neither a) conducting a vote to specifically ratify the 'grey area' actions of the CAO, nor more importantly b) requiring full disclosure and evidence from the CAO, thereby becoming complicit by promoting the same pretences;

- A full assessment of the offsetting ramifications on increased risk (not to mention logistics) of eliminating northern lake access and pushing displaced boat traffic to primarily the Lakeside launch was apparently not fully conducted, and certainly not with the insurer's involvement; and
- Through this overstep and the complete lack of prior public consultation, both the CAO and council failed in their obligation to respond to public need and to best serve public interests, severely harming public trust.

Of course, *if* the insurer's report *does* support the urgent need for an immediate closure to avoid serious consequences and substantial liability, the actions of the CAO and council might be justified, even if not absolving them of the moral responsibility for prior consultations. I'm skeptical since, if that were the case, why would the insurer's report not have already been released? Did the insurer specifically indicate that coverage was conditional upon the closure taking place? What changed so suddenly on a launch that's been in questionable condition for quite some time?

It's hard not to conclude, therefore, that the Lakeshore launch was abruptly closed not because of the reasoning given by the CAO, but for reasons of expedience — as a quick fix on some cost reduction as part of premium negotiations. This would explain why the process has been to hastily "deal with that, then figure out how to spread the impact" rather than "we have a lake-wide boat launch problem that's now been confirmed as a growing risk, so we need a holistic solution." I grant that the latter is now surfacing, but only after the public outcry.

Interestingly, no one's asked if this boat launch that's existed for 50-plus years is even the property and responsibility of the Township to begin with.

Lastly, if all this is accurate, it would also mean that (although it might affect premiums) there's no substantive evidence that prompt reopening of the Lakeshore launch would pose an immediate threat to the public or sudden denial of insurance coverage as CAO reactions implied at the July 15 meeting. It would, however, help to restore some measure of public trust while a proper long-term solution is developed.

I look forward to further disclosures on the true causes of the abrupt closure, as well as productive consultations on resolving Manitouwabing's overall boat launch issues.

[REDACTED]

7/30/2021

Gmail - McKellar Council Communications and Actions



Peter Hopkins <peterhopkins1942@gmail.com>

McKellar Council Communications and Actions

1 message

Craig Smith <craig.smith.101@outlook.com>

Fri, Jul 30, 2021 at 1:59 PM

To: Peter Hopkins <peterhopkins1942@gmail.com>, marco ancinelli <ancinelli@gmail.com>, don <don@carmichael-co.ca>, mike kekkonen <mikeonmckellarcouncil@outlook.com>, morely haskim <mhaskim@hotmail.com>

Cc: "lance.sherk@township.mckellar.on.ca" <lance.sherk@township.mckellar.on.ca>, [REDACTED]
[REDACTED]

I would like this email to be included in the next council meeting agenda package under Correspondence for Consideration.

Dear Mayor Hopkins:

I am writing in reaction to the media release of "July 28, 202" (sic), entitled Moving Forward with Positivity.

The problem of critical public opinion against the township council is largely of your own making. Your communications to McKellar residents are not timely and transparent, and your actions don't live up to your ideals.

For example, at the special meeting of July 15, 2021, council committed to releasing the reports and analyses on the risks and liabilities of the Lakeshore boat ramp. Two weeks later those reports have not been released. Anyone I've talked to naturally assumes those reports didn't exist at the time of the June 8, 2021 council meeting, and that any reports you might eventually release will have been produced after-the-fact.

On the subject of liability, Councillor Carmichael's remarks about personal liability for council members has still not been clarified, despite my request on July 18, 2021.

At the conclusion of the special meeting, several people, including council members, spoke about the need to establish a working group and move quickly to find short

7/30/2024:

Gmail--McKellar Council Communications and Actions

and long term solutions. That sense of urgency among council members has obviously evaporated.

Your poor communications and lack of action are harming your standing in the community. I urge you to answer the questions and concerns of the community expressed not only in this email, but in all communications sent to council since the closure of the Lakeshore boat ramp.

[REDACTED]

[REDACTED]

[REDACTED]

July 26, 2021

Town Council
Township of McKellar
701 Highway 124
McKellar, ON P0G 1C0

Sent by email to individual councillors

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I look forward to further disclosures on the true causes of the abrupt closure, as well as productive consultations on resolving Manitouwabing's overall boat launch issues.

Yours,

A large black rectangular redaction box covering the signature area.

Hwy124+-*lance.sherk@township.mckellar.on.ca

From: Peter Hopkins <peterhopkins1942@gmail.com>
Sent: July 27, 2021 7:39 PM
To: Lance Sherk
Subject: Fwd: RMcD_Cautionary comments -Lakeshore Boat Launch
Attachments: RM_Lakeshore launch comments- risk assessment July'21.docx

fyi

----- Forwarded message -----

[REDACTED]
Date: Tue, Jul 27, 2021 at 2:11 PM
Subject: RMcD_Cautionary comments -Lakeshore Boat Launch
To: pdhopkins@lycos.com <pdhopkins@lycos.com>, ancinelli@gmail.com <ancinelli@gmail.com>, don@carmichael-co.ca <don@carmichael-co.ca>, mhaskim@hotmail.com <mhaskim@hotmail.com>, MikeonMcKellarCouncil@outlook.com <MikeonMcKellarCouncil@outlook.com>

Mr. Mayor & Members of Council:

Please see the attached comments on an aspect of the Lakeshore launch closure, which I offer in the event that the basis for the action has not been considered in quite this light.

You may recall that I was one of the last to speak via Zoom at the public meeting.

The reasoning for directing this to council only will become apparent as you read.

Comments welcome. Best wishes on a productive meeting on Thursday.

Mayor and Council's Press Release

Moving Forward with Positivity:

Revised July 27, 21

Your McKellar Council and staff continue to work diligently on our ratepayers behalf. We work hard at being open, transparent while trying to make the best decisions for our community. We have already implemented many of our community - based action items outlined in our McKellar Action Plan 2018-2022, with many more to come. We have embarked on a planned approach to economic development for McKellar. This is indicative of how staff and council by working together can accomplish many positive things while serving the best interests of the majority of our ratepayers. Ultimately we intend to grow and improve our quality of community life and will continue to work to that end.

The last 15 months have been quite difficult for everyone. Covid 19 and staffing issues has put a strain on everyone – services, finances, staff and communications. We have managed to cope with all of the above while staying afloat and implementing numerous aspects of our Action Plan. At times it has been difficult and frustrating trying to move forward in this restricted environment while continually improving the quality of life of our community.

Covid 19 is almost over if the indicators continue in the right direction and we all maintain safe protocols. We are moving to a new opening, a resumption of normal processes while intending on and hoping to open our facilities, services and programs soon - our new normal.

It is unfortunate that a few of you continue to view the staff and council decisions with a jaundiced eye. It is always easier to criticize and cajole others than actually make positive suggestions to deal with issues. It is much more rewarding and helpful to make positive and constructive suggestions that will improve our community and services than to continually undermine its operations whatever your purposes may be.

Council is not perfect. With your help, we always take a sober second look and eventually get it right. This staff and council are determined to correct long standing past actions that were not safe, with no vision and lack of a comprehensive plan. It takes time to revisit and correct these shortcomings.

Please visit our new McKellar website which shows McKellar Council's Vision and Values; the many ways Council communicates openly along with productive ways you can be more involved in the day to day life of McKellar. As well review our Action Plan to see what has already been accomplished.

Soon, we will be launching our new McKellar Website, circulating our second informative Municipal newsletter in August. We will be forming an objective Boat Launch review committee; hold public presentations on our Lake Stewardship and Environmental Committee draft report while developing a

Our new McKellar website will be live soon, so please stay-tuned for its launch. It will show case McKellar Councils' Vision and Values; the many ways Council communicates openly, along with productive ways you can be more involved in the day-to-day life of McKellar. Our Action Plan will provide an updated format so the community can see what has already been accomplished.

Watch for a post-Covid newsletter outlining what is new in the Township, what we were able to accomplish during those challenging months. We will be forming an objective Boat Launch Working Group; hosting public presentations on our Lake Stewardship and Environmental Committee draft report, and we will be developing a revised short, intermediate and long term set of priorities through to the fall of 2022. We are intent on implementing many of the remaining priority items outlined in our McKellar 2018-2022 Action Plan

Our staff and Council are always open to listen to your concerns and help answer your questions in a timely manner. Customer service is important to us in serving you. We always attempt to provide evidence-based facts in our deliberations. Positive, proactive and innovative suggestions are always welcomed.

Thank you for your patience and understanding. We are looking forward to our new normal with you and moving McKellar positively forward toward our 150th sesquicentennial in 2023.

If you have any questions, simply contact members of staff and council.

Respectfully on behalf of staff and council

Peter Hopkins, Mayor; 705 389 2228, peterhopkins1942@gmail.com .

Hwy124+ -*lance.sherk@township.mckellar.on.ca

From: Peter Hopkins <peterhopkins1942@gmail.com>
Sent: July 27, 2021 10:41 PM
To: Lance Sherk
Subject: Re: RMcD_Cautionary comments -Lakeshore Boat Launch

[REDACTED]

On Tue, Jul 27, 2021 at 7:42 PM <lance.sherk@township.mckellar.on.ca> wrote:

This is the guy I want on the Working Group.

Do you have [REDACTED] contact information? I'd like to ask him to sit on the Working Group as well.

L.

From: Peter Hopkins [mailto:peterhopkins1942@gmail.com]
Sent: July 27, 2021 7:39 PM
To: Lance Sherk <lance.sherk@township.mckellar.on.ca>
Subject: Fwd: RMcD_Cautionary comments -Lakeshore Boat Launch

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The reasoning for directing this to council only will become apparent as you read.

Comments welcome. Best wishes on a productive meeting on Thursday.

[REDACTED]

[REDACTED]



Township of McKellar Report to Council

Prepared for: Council

Department: Administration

Date: July 28, 2021

Report No: ADMIN-2021-05

Subject: Lakeshore Boat Launch Risk Management Assessment

Recommendation:

THAT the Council of the Township of McKellar does hereby read, accept and adopt the recommendations of Report ADMIN-2021-05; and

X THAT the Council of the Township of McKellar does hereby direct staff to permanently remove the Lakeshore Boat Launch from service due to liability and safety concerns.

Background:

Following the closure of the Lakeshore Road boat launch, concerns were raised that appropriate risk management materials were not consulted by the municipality. To address that concern, the following information is a summation of the information provided to the Township through its Insurer's Risk Management department and Roads Specialist unit. This information is specific to the Lakeshore Road boat launch.

From a coverage standpoint, should the Township reopen this boat launch, there is no specific exclusion that would restrict coverage. The Township's insurer would, however, assume the Township has reopened this launch implementing proper risk management controls to assist in eliminating potential hazards. This is not legal advice from the insurer, rather risk management advice provided by the insurance company's Risk Management department:

Pursuant to the *Provincial Occupiers' Liability Act*, municipalities "owe a duty to take such care as in all the circumstances of the case is reasonable to see that persons entering on the premises, and the property brought on those persons are reasonably safe while on premises."

As the Township is the Occupier, they owe a duty to take reasonable care to keep their premises safe for the public. Having said that, if a vehicle were to hit a child running for a beach while launching their boat, it would be a catastrophe regardless, **especially if the municipality knows, or should know, that the hazard exists.**

Ample and adequate signage should be in place and proper inspections and maintenance should be completed and documented on a regular basis. The issue on blocking the road could be mitigated via the use of sensors and advance warning signs with flashing beacons that would advise approaching drivers that the boat ramp was in use (assuming this is a low traffic volume road used by local residents). It is widely recognized that this launch has been used by day-trippers, seasonal residents and other residents of both McKellar and West Parry Sound District, not just local residents.

The main concern would be the lack of parking for those who may want to launch at this location for a day trip on the lake, and park the vehicle and trailer-sized vehicle, plus the location of water intakes near the ramp and potential for a discharge of gasoline, motor oil and other fluids associated with vehicle operations. For these reasons, the insurer would agree with the staff report's recommendation to permanently remove the boat launch from use.

General Risk Management Considerations for other Public Boat Launches:

General risk management measures that should be undertaken at any public launch owned and operated by the municipality should also include the following:

- Adequate lighting should be installed on the shore to ensure safe docking and boat removal operation,
- Adequate parking areas that can handle a truck and trailer sized vehicle should be available.

Signage posted at all municipally owned and operated boat launches should include the following:

- Use at your own risk, this area is unsupervised
- The rules, such as no fishing or no swimming, no bare feet, no alcohol, etc.
- State the hours the launch is open (dawn to dusk for example)
- Emergency numbers to call
- Contact information to report damages or maintenance requirements
- Indicate inherent hazards – the boating activity and a drop off, for example. The Township should ensure that shallow water areas or below surface rocks that could damage boat operation be marked.
- Ensure appropriate signage and warnings regarding Covid-19 be placed around the area.

Analysis:

The Municipal Act, 2001, S.O. 2001, Chapter 25, part XV, Municipal Liability, addresses Municipal Immunity:

448 (1) No proceeding for damages or otherwise shall be commenced against a member of council or an officer, employee or agent of a municipality or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this Act or a by-law passed under it or for any alleged neglect or default in the performance in good faith of the duty or authority. 2001, c. 25, s. 448 (1).

Given that this section of the Municipal Act makes it clear that, *"No proceeding for damages or otherwise shall be commenced against a member of council or an officer, employee or agent of a municipality or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this Act..."* the issue for Council then becomes one of the Township, as the Occupier, owing a duty to take reasonable care to keep their premises safe for the public. Having said that, if an accident were to occur during the launching of a boat at this location, it would be a catastrophe regardless, especially if the municipality knows, or should know, that the hazard exists. Implementing the various risk management measures provided to the municipality by its insurer

would assist in mitigating liability to the Township. These measures, as identified in the Background section of this report, are reiterated here:

General Risk Management Considerations for other Public Boat Launches:

General risk management measures that should be undertaken at any public launch owned and operated by the municipality should also include the following:

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- Contact information to report damages or maintenance requirements
- Indicate inherent hazards – the boating activity and a drop off, for example. The Township should ensure that shallow water areas or below surface rocks that could damage boat operation be marked.
- Ensure appropriate signage and warnings regarding Covid-19 be placed around the area.

Creating a parking area for vehicles and trailers alone has the potential to run into the hundreds of thousands of dollars, with additional costs added for the early warning lights on the road, signage and ramp lighting.

Township's Insurance agent summary:

A summary of the Broker Link agent's comments for the Township were succinct in that in this current hardened insurance market it is no secret that municipal insurance premiums are rising, particularly liability premiums. There are many factors influencing rising municipal liability premiums including long-tail claims costs, joint and several liability and lack of apportionment of liability among others. The best way to keep premiums down is through loss control and risk mitigation. It is more important than ever to focus on reducing the frequency and severity of claims. The Township has identified several liability exposures arising from the continued operation of the boat launch. As the Broker for the Township of McKellar, **the Township's decision to close the boat launch in order to reduce the Township's loss exposures is the right decision.** Should the Township decide to reopen the boat launch it is imperative that proper risk management controls are exercised as presented by the Risk Management department and the Roads Specialist unit.

Township's Solicitor summary:

The Township also received a legal opinion with respect to liability to the Township, its directors and staff involved with the matter. In summary, the boat launch and roadway are owned by the Township, and, in fact, the boat launch could be considered to be part of the highway. In that case, Section 10(2) of the *Occupiers' Liability Act* states that the Act does not apply to a highway owned by a municipality; however, that would not relieve the municipality to maintain and repair public highways. This responsibility could also extend to the boat launch and ensuring that

Lakeshore Road in the area of the boat launch is properly sized, signed, lighted and maintained to meet the requirements for the safe use of it.

As indicated in the June 8 report to Council, the potential of a spill from a boat being launched would be a major concern given the launch is in close proximity to private residential water lines servicing homes in the Village. If there was a spill it may be difficult to determine who caused it, and under Section 97 of the *Environmental Protection Act* the Minister of the Environment, Conservation and Parks can order the municipality to clean up the spill initially at the Municipality's expense.

Given all of the circumstances and issues raised in the Report to Council, and the comments from the municipality's insurer, it would be the opinion of the Township's Solicitor that the boat launch should remain closed.

Financial:

None.

Policies Affecting Proposal:

Conclusion:

Ultimately, the Municipality must choose how they'd like to move forward with this decision and implement proper controls to reduce exposures whether the launch is opened or closed.

Respectfully submitted by:

A handwritten signature in black ink, appearing to read 'Lance Sherk', written over a horizontal line.

Lance Sherk, CAO/Clerk

Thank you.

On Tue, Aug 3, 2021 at 1:45 PM [REDACTED] wrote:

Mayor Hopkins & CAO/Clerk Sherk:

Please note that I have submitted an FOI request to you. I placed the request form and cheque in an envelope addressed to you, and deposited it through the mail slot at the township office.

[REDACTED]

[REDACTED]

[REDACTED]

Hwy124+ -*lance.sherk@township.mckellar.on.ca

From: Peter Hopkins <peterhopkins1942@gmail.com>
Sent: August 4, 2021 2:29 PM
To: Lance Sherk
Subject: Re: Intact insurance inquiries

[REDACTED]

On Wed, Aug 4, 2021 at 2:27 PM Lance Sherk <lance.sherk@township.mckellar.on.ca> wrote:

Peter,

I confirmed with both [REDACTED]s and [REDACTED] that Councillor Kekkonen contacted them about having correspondence between myself and the companies sent to him. Neither company has provided any information to him at this time.

Lance Sherk, MSc.

CAO/Clerk

Township of McKellar

701 Hwy 124, P.O. Box 69

McKellar, ON P0G 1C0

P: 705-389-2842



Mayor's announcement of the immediate changes to proposed Council meetings- Saturday August 7, 21

As Mayor, as stated in the Municipal Act, I have a variety of duties to uphold such as, the Head of Council; Chief Executive Officer of the Municipality and providing leadership to Council. As Chief Executive Officer, I am required to uphold and promote the purposes of the Municipality; promote public involvement in the Municipal activities; to represent the Municipality within and outside the Municipality and to foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents.

Openness and transparency are fundamental values of Council

Under our Procedural By Law the "Head of Council may at any time summon a special meeting of Council by providing a Notice of the Meeting twenty four hours before the meeting"

Just to clarify what has been of concern to some, our follow up Council meeting on Boat Launches was scheduled for Thursday July 29. Due to a CAO's family matter, it was rescheduled to be a part of our normal Council meeting Tuesday August 10. *Technical difficulties in meeting of the Council - June 1*

We fully intended to hold the August 10th Council meeting in the CC and welcome back limited community members in person due to Covid 19 protocols as well as many others on zoom due to our new technology in the CC. Unfortunately, our new system isn't technically working with word captions for those in need but should be up and running soon to ensure we are accommodating everyone.

As well, I have recently received confidential information that needs to be addressed immediately in closed session before we can proceed with numerous matters before Council

As a result of the above, I have deferred the normal Council meeting of Tues August 10th until Tues August 17 to be held in the CC at 6:30 pm assuming our system is fully functional. In lieu of new information, Council will now meet in camera to deal with confidential matters on Tuesday August 10th at 6:30 pm in Council..

If you have any questions regarding this announcement, please call me at 705 389 2228 or e mail me at peterhopkins1942@gmail.com

Thank you for your support and understanding.

Peter Hopkins, Mayor

Hwy124+~*lance.sherk@township.mckellar.on.ca

From: Lance Sherk <lance.sherk@township.mckellar.on.ca>
Sent: August 7, 2021 9:02 AM
To: Peter Hopkins
Subject: Re:

Where is that coming from?

Sent from my iPhone

On Aug 7, 2021, at 8:26 AM, Peter Hopkins <peterhopkins1942@gmail.com> wrote:

I've already sent it out. You will need to itemize in order all verbal and written documentation from your various sources regarding the boat launch issue. You can call me tonight after 7 - Sat
.Peter

On Sat, Aug 7, 2021 at 7:45 AM Lance Sherk <lance.sherk@township.mckellar.on.ca> wrote:
Can I suggest that you should confer with the rest of council on this.

Lance

Sent from my iPhone

> On Aug 7, 2021, at 1:45 AM, Peter Hopkins <peterhopkins1942@gmail.com> wrote:

>

>

> I had no choice on this. I am away on Monday but please call me Sun evening after 7pm .

Peter

> <Mayor's announcement of meeting changes in Aug, 21.docx>

Mayor's announcement of the immediate changes to proposed Council meetings- Saturday August 7,21

As Mayor, as stated in the Municipal Act, I have a variety of duties to uphold such as, the Head of Council; Chief Executive Officer of the Municipality and providing leadership to Council. As Chief Executive Officer, I am required to uphold and promote the purposes of the Municipality; promote public involvement in the Municipal activities; to represent the Municipality within and outside the Municipality and to foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents.

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As well, I have recently received confidential information that needs to be addressed immediately in closed session before we can proceed with numerous matters before Council

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If you have any questions regarding this announcement, please call me at 705 389 2228 or e mail me at peterhopkins1942@gmail.com

Thank you for your support and understanding.

Peter Hopkins, Mayor

8/8/2021

Gmail - FW: Risk Management Commentary

From: lance.sherk@township.mckellar.on.ca <lance.sherk@township.mckellar.on.ca>
Sent: Wednesday, July 21, 2021 6:09 PM
To: Samantha Elliott <saelliott@brokerlink.ca>
Cc: Jessica Stone <jestone@brokerlink.ca>
Subject: RE: Risk Management Commentary

Hi Sam,

Thank you for the detailed response: all great information to have! I appreciate the time taken to respond to each of the queries.

Obviously, the Township will require the Farmers' Market be included in our coverage (I was given to understand that it was included, so thanks for interesting bit of information). I will have to meet with our market manager (contract staff person) to go over the insurance requirements asap as some of the vendors may not have insurance. Could you please forward more information about the Facility User Group policy. In other municipalities, I was able to tap into a type of policy that allowed for specific event-type insurance that could be accessed by individuals or groups, through the municipality. This Facility User Group sounds very similar.

We may need to tap into examples of agreements for vendors on private property. I have some examples of Licenses that we used at Parks Canada that I could probably modify. I'll let you know on that score.

I look forward to the Boat Launch response, as I have too many Councillors currently looking to reopen this launch, against my best arguments to keep it closed.

I will complete the documents requested asap.

Cheers,

Lance Sherk, MSc.

CAO/Clerk

Township of McKellar

701 Hwy 124, P.O. Box 69

McKellar, ON P0G 1C0

P: 705-389-2842

8/8/2021

Gmail - FW: Risk Management Commentary



Peter Hopkins <peterhopkins1942@gmail.com>

FW: Risk Management Commentary

1 message

Lance Sherk <lance.sherk@township.mckellar.on.ca>
To: peterhopkins1942@gmail.com

* Sun, Aug 8, 2021 at 9:15 AM

Peter,

On letterhead, as Kekkonen insisted it should be, as well as the email received from [REDACTED] as you can see the BrokerLink agent assigned to McKellar's file.

Lance

From: [REDACTED]
Sent: July 22, 2021 12:29 PM
To: 'lance.sherk@township.mckellar.on.ca' <lance.sherk@township.mckellar.on.ca>
Cc: [REDACTED]
Subject: RE: Risk Management Commentary

Hi Lance,

Intact has supplied the attached letter including commentary from Risk Management as well as the Roads Specialist. Jason has asked that we let him know if you require anything further.

* I offer the following input: In this current hardened insurance market it is no secret that municipal insurance premiums are rising, particularly liability premiums. There are many factors influencing rising municipal liability premiums including long-tail claims costs, joint and several liability and lack of apportionment of liability among others. The best way to keep premiums down is through loss control and risk mitigation. It is more important than ever to focus on reducing the frequency and severity of claims. The Township has identified several liability exposures arising from the continued operation of the boat launch. As the Broker for the Township of McKellar, I agree with the Township's decision to close the boat launch in order to reduce the Township's loss exposures. Should the Township decide to reopen the boat launch it is imperative that proper risk management controls are exercised as per the attached.

Information on Facility User program to follow shortly.

Thanks,

[REDACTED]

6/22/2021

Gmail - FW: Risk Mgt and municipal boat launches - Lakeshore boat launch

. Have a great day!

X In review of that attached report, we agree with the closure of the Lakeshore boat launch. The Townships concerns are sufficient for removing the boat launch from use.

X It looks like barricades have already been situated to prevent usage. Signs should be posted in conjunction with barriers, we recommend signage stating "Boat Launch Closed – No Access Permitted"

X Also, we recommend posting the addresses of nearby boat launches that residents are allowed to use.

My email address has changed, I ask that you kindly update your file.

Jason Gervais, RIBO, CRM, C.Tech.

Regional Manager, Ontario North

Intact Public Entities

278 Pinebush Road, Suite 200

Cambridge, Ontario, N1T 1Z6

T. 1-800-265-4000

C. 705-498-7327

jason.gervais@intactpublicentities.ca

From: lance.sherk@township.mckellar.on.ca <lance.sherk@township.mckellar.on.ca>

Sent: June 18, 2021 12:06 PM

To: Jason Gervais <Jason.Gervais@intactpublicentities.ca>

Subject: Risk Mgt and municipal boat launches - Lakeshore boat launch

Hi Jason,

This may take a couple of emails to provide all the information.

As I indicated when we talked, this is the launch that has private water lines immediately adjacent to it. As you will see, the road is very narrow, with virtually no shoulders on either side, and when cars are manoeuvring and stopping on the road waiting for the ramp, access to the ramp is pretty steep, the dock in the pictures is not owned by the municipality (private dock), and there is no parking anywhere near this ramp for day-trippers. The staff report is attached.

Pictures for the Lakeshore ramp are included with this email. I will provide the others with emails specific to each of the 4 launches.

8/22/2021

Gmail - FW: Risk Mgt and municipal boat launches - Lakeshore boat launch

Regards,

Lance Sherk, MSc.

CAO/Clerk

Township of McKellar

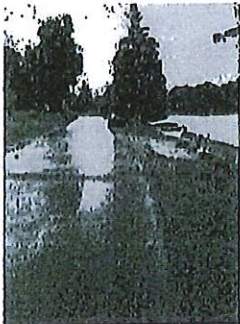
701 Hwy 124, P.O. Box 69

McKellar, ON P0G 1C0

P: 705-389-2842



5 attachments



Lakeshore boat launch2.jpg
4341K

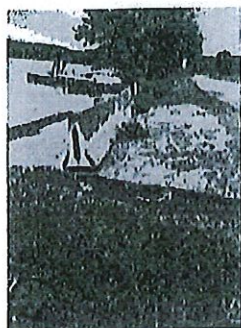


Lakeshore boat launch3.jpg
5034K

Lakeshore boat launch5.jpg
4440K

6/22/2021

Gmail - FW: Risk Mgt and municipal boat launches - Lakeshore boat launch



Lakeshore boat launch6.jpg
5221K



ADMIN-2021-02 - REPORT TO COUNCIL re Lakeshore Rd Boat Launch 062021.docx
65K

1. Restore confidence
2. Deal with facts
3. Deal with allegations
4. Immediate Launch Action
5. Other next steps to set our priorities on track

Restoring Public Confidence in Staff and Council: for Aug 10, 21

A. INTRODUCTION AND PURPOSE OF THE SPECIAL MEETING:

I called today's meeting to openly discuss what is transpiring as we speak. I am completely sick and tired of listening to inappropriate, uninformed comments and threats, from a few of the public and others. We finally have a competent and hard working staff who are working together – staff and council - to create and approve a positive and forward thinking agenda as outlined in our Action Plan. We have always been respected for being open and transparent in our operations while listening to a majority of our citizens. We do not always get it right the first time and we have at times been reminded that we need to take a sober second look at issues. Our credibility to modify actions has always been well respected and well-received. We need to immediately restore public confidence in our staff and council, working together in the best interests of our community while ensuring we keep everyone well informed and engaged.

We need to improve both the communication and working relationship between staff, council and our public.

We need to review our decision-making processes to ensure we are fact-based; covered, discussed and considered all bases before decisions are finalized;

We need to stop a few community members or councillors from undermining staff and council. We should not be publically critical of staff, council, council actions that we all agreed to that contravenes our code of conduct.

There are allegations on several fronts that need to be addressed now. On one hand, it is alleged that a council member has contravened our code of conduct on several occasions, among other questionable actions. As well, a council member informed me on Fri evening that he has received confidential documentation that alleges a member of staff has committed other questionable actions. These questionable allegations need to be aired and dealt with openly and immediately before we can move forward as a council on any issue.

There are serious repercussions for everyone if left to fester- It undermines what we are all about.

We can always learn. We can always improve. We can always make corrected decisions. We can always do better. It is up to us.

We need to use the entire Boat Launch issue as a learning experience and make any necessary adjustments to get back on track including allegations, reviewing our process and taking a second sober look on this specific issue.

Clerk shall call each Member's name in alphabetical order and request and record their vote on the Motion. Notwithstanding the alphabetical calling of names, the Chair shall vote last in a Recorded Vote. After completion of a Recorded Vote, the Clerk shall announce the result.

If a Member present at a Meeting fails to or refuses to vote, their vote will be counted as a vote against the Motion.

The Chair shall announce the results of the vote once the vote is completed.

If during a non-recorded vote, a Member disagrees with Chair's results of the vote, the Member may object immediately to the Chair's declaration and require a Recorded Vote be taken.

If there is a tie vote, the Motion will be defeated.

When the question under consideration contains multiple options/issues, the Motion shall be split without requiring a separate Motion and each option/issue will be voted on separately. The Motion shall be split without debate.

2.20 Corrections

A Motion containing a minor or typographic error may be corrected on the request of the mover and seconder and the correction shall be made in writing on the face of the Motion and initialed by the mover and seconder.

2.21 Amendments

The following rules shall apply to amendments to Motions:

- a) A "Motion Amendment" is a change to the question asked in the Motion;
- b) An "Amendment to an amendment" is a change to the proposed Motion Amendment;
- c) Only one amendment (whether a Motion Amendment or an amendment to an amendment) can be presented at a time;
- d) The order of voting shall be:
 - i. An amendment to an amendment shall be voted upon;
 - ii. A Motion Amendment shall be voted upon next; and
 - iii. The Motion, as amended, shall finally be voted upon.

An amendment which is simply a rejection of the Motion will not be permitted.



2.22 Voting – Reconsideration

When a Motion has been decided, any Member, who voted with the majority, may move for the Motion to be reconsidered. The reconsidering of the Motion shall be called the "Motion to Reconsider". Members who were not in the majority cannot move for a Motion to Reconsider.

Before a Motion to Reconsider is heard, the Motion to Reconsider must be added to the Agenda. The Motion to Reconsider shall only be added to the Agenda upon Council's approval.

The process whereby a Motion to Reconsider is added to the Agenda is set out below:

- a) A Member who voted in the majority shall move for the Motion to Reconsider to be added to the Agenda;
- b) The Chair shall ask the Member to affirm that they voted with the majority;
- c) The Chair shall hold a vote whereby the Members shall vote on whether to allow the Motion to Reconsider to be added to the Agenda;
- d) When the Member is moving to have the Motion to Reconsider added to the Agenda of the same Meeting as that at which the Motion was originally voted on, the majority of Members must agree to add the Motion to Reconsider to the Agenda.
- e) Where the Member is moving to have the Motion to Reconsider added to the Agenda of a Meeting other than that at which the Motion was originally voted on, a 2/3 majority must agree to add the Motion to Reconsider to the Agenda.
- f) Once the Motion to Reconsider is added to an Agenda, the Motion to Reconsider follows the same process as all other Motions.
- g) No Motion shall be reconsidered more than twice in the same calendar year.
- h) A Motion to Reconsider of any decided matter shall not operate to stop or delay an action on the decided matter.
- i) Debate on a motion to add a Motion to Reconsider to the Agenda must be confined to reasons for or against reconsidering the Motion.
- j) No Committee shall reconsider any question decided by Council during the current term nor consider any other matter, which could involve a decision inconsistent with such Council decision, unless specifically authorized by Council.

2.23 Voting – By-laws

Every proposed by-law shall be introduced upon motion by a Member of Council or upon report from any Committee of Council.

Every by-law shall be given three (3) readings prior to being passed by Council. A by-law may be read three (3) times at the same meeting unless otherwise provided by statute or by Council. If any member objects to the third reading being given, a majority vote of all members present is necessary to proceed with the reading.

Every by-law read before Council shall be recorded by the Clerk and upon third reading shall be signed by the Presiding Officer and the Clerk and the Corporate Seal shall be added as soon as possible thereafter.

A by-law shall be passed only at a Regular Council Meeting (or a reconvened Regular Meeting that had been properly adjourned to a specific time) or a Special

Hwy124+--*lance.sherk@township.mckellar.on.ca

From: Lance Sherk <lance.sherk@township.mckellar.on.ca>
Sent: August 12, 2021 9:21 AM
To: Peter Hopkins
Cc: morely haskim; don; marco ancinelli
Subject: Re:

All the items requested are currently in the report to council that was prepared for Aug. 10.

Additional work is required to illustrate options at Lakeshore, especially in terms of road alignment, work on the ramp, and, to Morley's point about the waterlines, a letter can be sent out to all the homeowners in the village where wells are not known to be. Assuming homeowners respond, a process and plans will have to be developed and implemented: typically, not a quick turnaround. Greg can assist with the realignment of Lakeshore plans and strategy, and assist with costing all of this.

Council may want to consider paying for the installation of wells where necessary. All waterlines through municipal road allowances and/or municipal property should be flagged for removal, but again, Council's decision.

[REDACTED]

More to follow.

Lance Sherk, MSc.

Sent from my iPhone

> On Aug 11, 2021, at 10:47 AM, Peter Hopkins <peterhopkins1942@gmail.com> wrote:

>

>

> URGENT AND CONFIDENTIAL FOLLOW UP ACTIONS Please see attached draft as

[REDACTED]

> Peter <COUNCIL ACTIONS FOR TUESDAY AUGUST 17, 21.docx>

*Land don't fight in law don't
make dying*

"URGENT AND CONFIDENTIAL"

RECOMMENDED COUNCIL ACTIONS FOR TUESDAY AUGUST 17

WE NEED TO BE ALL ON BOARD TO MOVE THE FOLLOWING ITEMS FORWARD. PLEASE RECONSIDER WHAT OCCURRED LAST NIGHT AND PREPARE TO MAKE RESOLUTIONS AT OUR NEXT COUNCIL MEETING AUG 17.

WE HAVE WORKED SO HARD AND ACCOMPLISHED SO MUCH TO DATE WITH A FULL AGENDA TO *FOR* COMPLETE BY THE END OF TERM. WE NEED TO WORK TOGETHER AND STAND UP AND FIGHT AGAINST ~~THIS SMALL BUT VOCIFEROUS GROUP AND CONTINUE TO DO~~ WHAT WE KNOW IS RIGHT AND IN THE BEST INTEREST OF THE MAJORITY OF OUR RATEPAYERS AND ~~NOT BOW DOWN AND GIVE IN TO A FEW.~~

Ministry
THE ALTERNATIVE IS NOT POSITIVE BUT CHAOS AND ALLOWS THE FEW TO WIN BY DISRUPTING AND DESTRUCTIVE COUNCIL AND STAFF. I AM NOT PREPARED TO LET THIS HAPPEN BUT WE NEED TO STAY "INTACT" SO TO SPEAK. SERIOUSLY RETHINK WHERE YOU ARE. WE NEED TO WORK AS ONE

SOME ACTIONS ARISING FROM DISCUSSIONS AT OUR MEETING ON AUG 10 BUT WERE NOT ABLE TO GIVE FORMAL DIRECTION BECAUSE OF THE UNFORTUNATE AND ABRUPT END TO THE CLOSED MEETING.

I WILL BRING THE FOLLOWING ITEMS FOR YOUR CONSIDERATION AT AUGUST 17 COUNCIL'S MEETING IF AFTER I CALL YOU HAVE OTHERS, I WILL AMEND. THIS IS SERIOUS STUFF.

- with amendment for progress*
1. RESOLUTION TO SUPPORT THE IMMEDIATE PERMANENT APPOINTMENT OF OUR CAO
 2. PURSUE ACTIONS REGARDING ALLEGED CODE OF CONDUCT AND OTHER ACTIONS TO OUR IC REGARDING A MEMBER OF COUNCIL
 3. PURSUE LEGAL SUPPORT FOR OUR CAO AGAINST ALLEGATIONS REPORTED TO THE OPP BY A MEMBER OF COUNCIL
 4. ANNOUNCE COUNCILS ACTION PLAN FOR BOAT LAUNCHES AS FOLLOWS:
 - I- SUMMARY DOCUMENTATION TO DATE; LEGAL AND INTACT, RESOLUTION ETC *CAD*
 - II- APPOINT BOAT LAUNCH WORKING GROUP
 - III- PROVIDE BACKGROUND AND VIABLE OPTIONS TO BE EXPLORED WHICH WILL IMPROVE MCKELLARS BOAT LAUNCHES AS DISCUSSED AND RECOMMENDED BY INTACT AND COUNCIL THAT ENSURE THEY ARE SAFE, ACCESSIBLE AND INSURABLE - LOW RISK
 - IV- EXPLORE ANY/ALL IMMEDIATE ACTIONS THAT CAN MAKE OUR OTHER LAUNCHES SAFER AS RECOMMENDED BY INTACT.
 - IV- IMMEDIATELY CLARIFY WITH INTACT AS TO WHAT NEEDS TO BE REMEDIATED TO ALLOW LAKESHORE LAUNCH TO REOPEN ON A SHORT AND LONG TERM.
 - V- LAKESHORE WILL REMAIN CLOSED UNTIL THE COMMITTEE RECOMMENDS IF REMEDIATION IS AN APPROPRIATE AND AFFORDABLE SOLUTION
 - VI- STAFF CONTINUE TO PURSUE WITH THE MNRF ALTERNATE SIGHTS IN THE NORTH END
- Respectfully Peter Hopkins, Mayor

Closed

McKellar Boat Launches: The Facts vs The Fiction Aug 21

1. Fact: Has the Lakeshore boat launch been under scrutiny for a long time – YES – numerous safety related issues – see history of boat launches in McKellar
2. Fact: Did Council identify Boat Launches as an issue in the 2018-2022 four year action plan – YES – see plan on the municipal website since 2019
3. Fact: Have new docks recently been placed at McKellar, Stewart Park and Lakeshore launches *to improve* for safety and accessibility - YES *in the municipality* *renew*
4. Fact: Was a new dock to be placed at Lakeside this spring for safety and accessibility - YES - but physically blocked by a few residents
5. Fact: Did staff recommend locating another launch site in the north - Yes - approved by Council in 2019 to be constructed and installed spring 2020 with MNRF approval – YES – a few citizens asked council not to be put there which would close beach – Council agreed and the site was shelved.
6. Did staff bring a report to recommend the immediate closure of the Lakeshore launch and was this recommendation received unanimously by Council – YES – staff report # 21-220
7. Did this staff report also recommend the immediate closure of the Lakeshore Boat launch - YES - resolution # 2021-02 stating "that the Council of the Township of McKellar does hereby direct staff to permanently remove the Lakeshore Boat Launch from service due to liability and safety concerns" – YES - approved unanimously by Council with little discussion *Colin - June 8, 21*

Key Issues to discuss with Morley- Aug 29,21

1. Boat Launches –

Quite disappointed that I was blind-sided by your hastily put together resolution to re-open the Lakeshore Boat Launch, bowing to public pressure and undermining staff. It seriously puts you, staff, me and the municipality at risk. You really both need to look up what risk management is all about, what is risk assessment and what needs to be done to ensure that whatever we as a municipality do, we do everything possible to create a safe environment for our community. It does not matter if there are no known incidents. It is called the duty of care. If a facility, program etc has been deemed and assessed as unsafe – in writing and in the future there is an accident, you are toast and liable because you did not take prompt and reasonable action to remedy the unsafe situation and create a safe environment. When you have staff, insurance, legal and MMAH stating that you are right to close the launch and you go against their professional advice, you leave yourselves and everyone associated with this issue, legally liable. Your motion puts our staff, council and municipality at risk. From a legal, professional, municipal point of view I cannot and will not support this resolution. I will not ask our staff to put themselves at risk in this regard. I am certain that our Risk Management, legal and other professional opinion forthcoming will reinforce this position regardless of public pressure. You seriously need to reconsider the jeopardy your resolution has and will cause. You will probably need a law suit to reopen this boat launch. You should rescind your resolution immediately.

2. Unanimous resolution to close the Lakeshore boat launch. If you carefully look at the previous June 8 staff report # 2021-02 and council resolution # 21-220 and what it actually says – (see my history of boat launch documentation) – especially in the second recommendation-

"that the council of the Township of McKellar does hereby direct staff to permanently remove the Lakeshore Boat launch from service due to liability and safety concerns"

you will soon realise that we all – 100%- of council - voted unanimously in favour of the immediate closure of the lakeshore Boat Launch. To say otherwise is inappropriate, unprofessional and simply untrue. *can*

If however, as Mike claims, ~~discover~~ and prove that he did not approve of closing the boat launch, then there is a major problem. He is in contradiction of the MA in that only those that voted in favour of a motion can bring in back to the table in the same term of office. Thus he is not allowed to bring such a resolution to council, making the resolution null and void. If this is true it would actually resolve the risk, legal liability concerns of opening the launch and cancel the motion.

See procedural by law 2.22 – members who were not in the majority cannot move for a Motion to Reconsider

3. Regardless of above, according to our Procedural By Law, the resolution is improper in that there was no notice of "a motion to reconsider" as required under the municipal act.

procedural

*didn't follow
her by law
2.22*

*until I get
risk management
legal opinion*

4. We have asked our Insurance and legal professionals to point out the concerns about your motion as to future risk, future mitigation and extra Insurance premiums or if Insurable
5. It is estimated that the cost to mitigate the risk at Lakeshore is a minimum of \$300,000 plus
6. If you recall, there was an accident on McKellar Lake Road in which two people drowned. With discussion with the Insurers, it was determined that guard rails needed to be installed to make the road safe which we did asap. Regardless, there was a large settlement that went to remaining family members

2. *we are the main / establish a safer, accident
 level - the rest at less cost, less risk
 damages go - the rest*

Points about Risk Management:

RM is the evaluation of and the preparation for future crisis along with preventative measures involved with minimizing risk

Compliance Risk: Is the process of making and carrying out decisions that will minimize the adverse effects of risk in an organization

These adverse effects of risk can be objective and quantifiable like insurance premiums and claims costs

By focusing attention on risk and committing the necessary resources to control and mitigate risk, a business will ; protect itself from uncertainty and reduce costs.

Risk = probability (likelihood of an event occurring) X severity (net extent and cost of a loss)

Why manage risk?

- a) Saving resources- people, income, property, assets and time
- b) Protecting Public Image
- c) Protecting people from harm
- d) Preventing/reducing legal liability (risk)
- e) Protecting the environment

B – Background: Facts regarding Boat Launches in McKellar

It is always important that we make decisions on an evidence – based - fact basis. We have four municipally owned public boat launches- Lakeshore, Lakeside, Stewart Park and McKellar lake; two closed private launches (Deerfield and Grey Owl) and three private boat launches at marinas- Talts, Outpost and Glenwood.- some with fees , others free, some great, others not so good

For the record, public boat launches are owned by and the responsibility of the municipality, provided for the use our local community and serve and welcome our guests and visitors.

Boat launches have been a staff and council issue for a long time – especially the one on Lakeshore. It is well - documented that our citizens seem to react quickly to three issues: large development projects, front yard resolutions or boat launches. Council has always revisited these topics and found a way to move forward with public - almost all – support. Council asked staff after the Harris-Hurdville boat launch debate to improve our boat launches – parking, docking etc - and to look at another site for Lakeshore as it was deemed unsafe for a variety of reasons- parking, slope, location, deteriorating and the like. We tried to have public access to private launches on Deerfield and Grey Owl without success. Staff has been slowly improving our public launches over the last few years. Staff recommended a new launch be put in at our government dock and beach area on Lakeshore. Council approved it, as well as approving the budget and obtaining MNRF approval to be installed in 2020. Due to Covid, it was deferred to the spring of 2021. The project was cancelled recently when local citizens complained that this site was not appropriate especially after the major oil spill nearby. Staff was then asked to review the Lakeshore sight and report back to Council. Their report brought to our attention that besides the long standing safety issues there were numerous water intake lines nearby which if a spill occurred could contaminate their water supply. Staff felt our Municipality was at risk. Staff recommend we immediately close it for a variety of long standing issues and the new liability concern. Council unanimously received their report and recommendation. The boat launch was closed

It should be noted staff has the responsibility to act immediately on safety, legal and liability issues, keeping council and the community in formed. Ultimately, in the longer term it was the right decision but we could have done things that would have helped the process. The following are suggestions that make sense for staff, council and the community. Other options may also be considered.

Just a friendly reminder that these are public launches, owned and operated by the municipality - not by the immediate rate payers - to accommodate public launches of our citizens, guest and visitors of McKellar. It is a free service of which we are ultimately liable

Suggested Actions:- Before the long weekend

Have Council and Staff agree to:

1. Immediately re-open Lakeshore boat launch with the following conditions:
 - i- Large notice- this launch is "unsafe, uninsured and use at your own risk" and will be "closed" at the end of 2021 boating season - like Balsam Trail and unsafe beaches
 - ii- Direction to other public and private boat launches in McKellar
 - iii- Immediately post signs at all launches – Caution: "children at play"; new 40 km/hr signs and Caution: "boat launch vehicles turning"
 - iv- Inform our Insurance company of our immediate action
2. Direct staff to make a recommendation of a new safer boat launch site in the north end of McKellar to be put in in spring of 2022
3. Hold a public meeting in early July regarding these immediate and long term actions and solicit their collective input and support.
4. Quickly and clearly communicate actions taken through our social media - new website, facebook, MLCA, public notices and press releases, electronic sign, to committees and electronic newsletter and other means.

Conclusion:

By implementing these suggestions, we can solve the short and long term concerns regarding boat launches, address clear lines of responsibility in decision-making between council and staff, ensure that council and staff are working as one; clearly demonstrate we listen to and engage our citizens in matters McKellar; have clear processes and authorities, improve our communications and ultimately to restore confidence of our staff and council.

Respectfully, for your consideration

Peter Hopkins, Mayor McKellar

Note: It is never wise to hang your dirty wash in public.

management and risk assessment deal with the "duty of care" and to do everything to keep everyone "out of harms way". This not a personal or emotional issue but one of common sense, reliance on experts, and possible liability concerns.

As Mayor, I have the duty and responsibility to ensure we keep our municipality, facilities, programs, services, staff and citizens safe. – a "duty of care"

When our professional staff, legal and insurance experts as well as Council recommend the immediate closure of a boat launch for safety and liability reasons, I listen and act accordingly in a professional manner.

By opening the Launch with some recommended remediation to the launch, one does not remove the RISK but may reduce the liability if an accident occurs.

This band aid solution is temporary and still has risks. There needs to be a complete and independent review of our Boat launches to make them safe for use

Hwy124+--*lance.sherk@township.mckellar.on.ca

From: Peter Hopkins <peterhopkins1942@gmail.com>
Sent: August 29, 2021 7:58 AM
To: Lance Sherk; Peter Hopkins
Attachments: Concern about your recent actions- boat launch Aug 21, 21.docx

Boat launch points: attached. Working on Councillor replacement as well. Call me tonight 705 389 2228.
Thanks Peter

Key Issues to discuss with Morley- Aug 29,21

1. Boat Launches –

Quite disappointed that I was blind - sided by your hastily put together resolution to re - open the Lakeshore Boat Launch, bowing to public pressure and undermining staff. It seriously puts you, staff, me and the municipality at risk. You really both need to look up what risk management is all about, what is risk assessment and what needs to be done to ensure that whatever we as a municipality do, we do everything possible to create a safe environment for our community. It does not matter if there are no known incidents. It is called the duty of care. If a facility, program etc has been deemed and assessed as unsafe – in writing and in the future there is an accident, you are toast and liable because you did not take prompt and reasonable action to remedy the unsafe situation and create a safe environment. When you have staff, insurance, legal and MMAH stating that you are right to close the launch and you go against their professional advice, you leave yourselves and everyone associated with this issue, legally liable. Yur motion puts our staff, council and municiplaity at risk. From a legal, professional, municipal point of view I cannot and will not support this resolution. I will not ask our staff to put themselves at risk in this regard. I am certain that our Risk Management, legal and other professional opinion forthcoming will reinforce this position regardless of public pressure. You seriously need to reconsider the jeopardy your resolution has and will cause. You will probably need a law suit to reopen this boat launch. You should rescind your resolution immediately.

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If however, as Mike claims, discover and prove that he did not approve of closing the boat launch, then there is a major problem. He is in contradiction of the MA in that only those that voted in favour of a motion can bring in back to the table in the same term of office. Thus he is not allowed to bring such a resolution to council, making the resolution null and avoid. If this is true it would actually resolve the risk, legal liability concerns of opening the launch and cancel the motion.

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Why manage risk?

Saving resources- people, income, property, assets and time

Protecting Public Image

Protecting people from harm

Preventing/reducing legal liability (risk)

Protecting the environment

Concern about your recent actions:

1. Boat Launches – Quite disappointed that I was blind - sided by your hastily put together resolution to re - open the Lakeshore Boat Launch and bowing to public pressure. It seriously puts you, staff, me and the municipality at risk. You really both need to look up what risk management is all about, what is risk assessment and what needs to be done to ensure that whatever we do, we do everything possible to create a safe environment for our community. It does not matter if there are no known incidents. It is called the duty of care. If a facility, program etc is assessed as unsafe – in writing and in the future there is an accident, you are toast and liable because you did not take prompt and reasonable action to remedy the unsafe situation and create a safe environment. When you have staff, insurance, legal and MMAH stating that you are right to close the launch and you go against their professional advice, you leave yourselves and everyone associated with this issue, legally liable. It is unconscionable that with your motion you would put our staff and council and community at risk. From a legal, professional, municipal point of view I cannot and will not support this resolution. I will not ask our staff to put themselves at risk in this regard. I am certain that our Risk Management, legal and other professional opinion forthcoming will reinforce this position regardless of public pressure. You seriously need to reconsider the jeopardy your resolution has and will cause. You will probably need a law suit to reopen this boat launch. You should rescind your resolution immediately.
2. Unanimous resolution to close the Lakeshore boat launch. If you carefully look at the previous resolution and what it actually says – see my history of boat launch documentation - especially in the second recommendation- you will soon realise that we all – 100%- of council - voted unanimously in favour of the immediate closure of the lakeshore Boat Launch. To say otherwise is inappropriate, unprofessional and simply untrue.
If however, as you claim, discover and prove that it was untrue and you did not approve of closing the boat launch, then you are in contradiction of the MA in that only those that voted in favour of a motion can bring it back to the table in the same term of office. Thus you are not allowed to bring such a resolution to council, making the resolution null and void. Which would actually resolve the risk, legal liability concerns of opening the launch and cancel the motion.

craig.smith101@outlook.com

From: Peter Hopkins <peterhopkins1942@gmail.com>
Sent: September 3, 2021 8:46 AM
To: [REDACTED]
Subject: Re: FOI Request

Under the circumstances, we have no access to stored information at this time, We are still awaiting a follow up response to the resolution before any further decisions are made. ,

On Thu, Sep 2, 2021 at 1:13 PM [REDACTED] wrote:

Dear Mayor Hopkins:

Under the legislation, you have 30 days to respond to an FOI request. It's been 30 days. Where is the response to my request?

Thanks

[REDACTED]

[REDACTED]

[REDACTED]

From: Peter Hopkins <peterhopkins1942@gmail.com>

Sent: August 3, 2021 7:44 PM

To: [REDACTED]

Cc: marco ancinelli <ancinelli@gmail.com>; don <don@carmichael-co.ca>; morely haskim <mhaskim@hotmail.com>;
mike kekkonen <mikeonmckellarcouncil@outlook.com>; lance.sherk@township.mckellar.on.ca;

Subject: Re: FOI Request

9/9/21, 4:05 PM

Gmail - FW: Boat Launch



Peter Hopkins <peterhopkins1942@gmail.com>

FW: Boat Launch

1 message

Roshan Kantiya <Roshan.Kantiya@township.mckellar.on.ca>
To: peterhopkins1942@gmail.com

Thu, Sep 9, 2021 at 10:51 AM

Hi Peter,

Please find below reply from Intact Insurance regarding boat launch.

Best regards,

Roshan Kantiya

Sentis

*1. Roshan's on line -
2.
3.*

From: Samantha Elliott [mailto:saelliott@brokerlink.ca]
Sent: September 9, 2021 10:25 AM
To: 'Roshan Kantiya' <Roshan.Kantiya@township.mckellar.on.ca>
Cc: Jessica Stone <jestone@brokerlink.ca>
Subject: RE: Boat Launch

Hi Roshan,

The Insurer has responded as follows:

The insured's liability policy extends coverage to all property owned and operated by the insured and there is no specific exclusion for the operation or ownership of a boat ramp. The original letter sent to Lance in regards to this boat launch states that having it open or closed does not affect coverage. We do however hope proper risk management controls are put in place to reduce the risk of liability exposures, but our recs are not mandatory.

I have attached a copy of the original letter as well for your reference.

I hope that helps Roshan. Please let me know if you require anything further.

Thank you,

*open - 3 weeks now out !!
Send Sam - steps taken to open*

*confidential
original letter
legal opinion*

Samantha Elliott, CAIB, RIBO, B.A.

Pronouns: She/Her

Commercial Account Executive | BrokerLink

Cell: 705-358-1140 | T: 705-476-3411 ext. 83261 | F: 705-476-8102 | saelliott@brokerlink.ca

9/13/21, 8:33 PM

Gmail - RE: Township of McKellar - Inquiries re: Lakeshore Boat Launch



Peter Hopkins <peterhopkins1942@gmail.com>

RE: Township of McKellar - Inquiries re: Lakeshore Boat Launch

1 message

Samantha Elliott <saelliott@brokerlink.ca>

Mon, Sep 13, 2021 at 12:19 PM

To: Peter Hopkins <peterhopkins1942@gmail.com>, Roshan Kantiya <roshan.kantiya@township.mckellar.on.ca>

Cc: Jessica Stone <jestone@brokerlink.ca>

Good afternoon your worship,

Thank you for your email. My responses to your inquiries are below in red:

1. Was any of the correspondence from Brokerlink and/or INTACT confidential documents? I don't think so but need your help –

I, as the broker, am bound by privacy laws which will only allow me to share insurance information with the "Named Insured", AKA an authorized representative of the Municipality (usually administrative staff). However it is at the municipality's discretion to disburse such information accordingly and as you see fit unless otherwise stated.

2. What immediate safety precautions could we implement immediately to open the Lakeshore Boat Launch for a short period until after thanksgiving to allow boats to be removed from the launch then close it permanently? "reasonable care actions"? Such as signs:

Use at your own risk, advance signage and signals as Jason advised. July 12 or just keep it closed.

I ran this by Jason again and he had no further risk management recommendations to provide other than what is already outlined in the original letter to Mr. Sherk (which I have attached herein for your reference). This includes:

* - Ample and adequate signage in place

* - Proper inspections and maintenance should be completed and documented on a regular basis.

* - Adequate lighting should be installed on the shore to ensure safe docking and boat removal operation.

* - Adequate parking areas that can handle a truck and trailer sized vehicle should be available.

* - Signage posted at the board launch can include the following:

* - Use at your own risk, this area is unsupervised

* - The rules such as no fishing or no swimming, no bare feet, no alcohol, etc.

* - State the hours it is open (dawn to dusk for example)

* - Emergency numbers to call, as well as location to the nearest telephone

* - Contact information to report damages or maintenance requirements

* - Indicate inherent hazards – the boating activity and an drop off. The Township should ensure that shallow water areas or below surface rocks that could damage boat operation be marked.


* - Ensure appropriate signage and warnings regarding Covid-19 be placed around the area.

9/13/21, 8:33 PM

Gmail - RE: Township of McKellar - Inquiries re: Lakeshore Boat Launch

The roads specialist for Intact Public Entities also provided the following comments:


I did find the boat launch in question on Google Street view. Lakeshore Road appears to be a low traffic volume road serving residential properties. I did not see any speed limit signs so I assume the speed limit is 80km/h. I did observe that No Parking signs are in place in the area of the boat launch. In the area of the boat launch residential is on the north side of the road, the lake is on the south side. In my opinion, the majority of drivers on the roads would be people familiar with the area and accustomed to the boat launch and the issues of backing a trailer onto the ramp and the maneuvering required to launch or load a boat and block the road during this time. The liability concern would be for those unfamiliar with the road and the boat launch. The issue on blocking the road could be mitigated via the use of sensors and advance warning signs with flashing beacons that would advise approaching drivers that the boat ramp was in use (that is providing my assumption that this is a low traffic volume road used by local residents is correct). The main concern would be the lack of parking for those who may want to launch at this location for day trip on the lake and park the vehicle and trailer plus the location of water intakes near the ramp and potential for a discharge of gasoline and motor oil. For these reasons I would agree with the reports recommendation to permanently remove the boat launch.

 I would suggest that any of the above risk management recommendations that can be implemented immediately should be. It is important to note that we are not lawyers, these are recommendations only and are not mandatory. Coverage will not be jeopardized by the decision to reopen the boat launch.

3. I believe we need a "third eye" expert study and opinion on what has to be done to be able to open our boat launches safely with reasonable care. Do you know of a reputable engineering, environmental firm? We have two in Parry Sound that we could approach. We understand that to bring Lakeshore alone up safety standards is considerable \$300,000 let alone the other two boat launches at issue.

Brokerlink nor Intact Public Entities has a "preferred provider" in the area for these services, if you are familiar and confident with the firms in the Parry Sound area that would be our suggestion. Please let us know if Intact's risk management department (or myself) can provide any assistance throughout the process.

I hope that the information provided above was helpful. Please do not hesitate to reach out if you have any further questions.

 **Samantha Elliott, CAIB, RIBO, B.A.**

Pronouns: She/Her

Commercial Account Executive | **BrokerLink**

Cell: 705-358-1140 | T: 705-476-3411 ext. 83261 | F: 705-476-8102 | saellott@brokerlink.ca

Brokerlink Inc. | 591 Main Street E North Bay, Ontario P1B 1B7

Visit us online: [BrokerLink.ca](https://www.brokerlink.ca) 

Rivet Insurance and Tench-MacDiarmid Insurance have joined BrokerLink, please note my new contact information

Follow up letter and photos and the reopening of the Lakeshore boat launch- Sept 17, 21

Samantha Elliott – Brokerlink: saelliott@brokerlink.ca

Jason Gervais – Intact: Jason.Gervais@Intactpublictitles.ca

Good morning Sam and Jason.

On Sept 14, 21, Council passed a resolution # _____ to reopen the launch on Lakeshore. Our staff have followed the following recommendations from your reports to make the launch safer.

- Use at your own risk sign
- Hours of operation
- Emergency numbers
- Contact information for reporting damages
- Covid 19 protocols
- Slow down- boat launch and pedestrian signs in both directions
- installed a new dock for accessibility and safety

Please see photos attached.

We will still keep looking for another site in the north end of McKellar as well as look at the financial and realistic possibilities of ensuring this boat launch is safe. We are also considering changes to other boat launches as you have suggested from earlier correspondence for 2022.

If you have any comments or concerns, please advise asap.

Thank you for your help with this issues.

Sincerely,

Peter Hopkins, Mayor

Roshan Kantiya, Acting Clerk Administrator

CC Russell Christie, LLB

- Follow up letter and photos and the reopening of the Lakeshore boat launch- Sept 17, 21

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Jason Gervais – Intact: Jason.Gervais@intactpublictitles.ca

Good morning Sam and Jason.

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- use at your risk
 - Hours of operation
 - ~~Can gain~~ ^{\$415} ~~contact~~ ^{new dock for availability} ~~info~~ for reporting damages
 - ~~Can't~~ ^{Can't} ~~down~~ ^{down} , boat launch ~~leadership~~ ^{leadership} - ~~with~~ ^{with} ways
- Please see photos attached.

We will still keep looking for another site in the north end of McKellar as well as look at the financial and realistic possibilities of ensuring this boat launch is safe. We are also considering changes to other boat launches as you have suggested from earlier correspondence for 2022.

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Thank you for your help with this issues.

Sincerely,

Peter Hopkins, Mayor

Roshan Kantiya, Acting Clerk Administrator

.9/19/21, 7:11 PM

Gmail - {no subject}



Peter Hopkins <peterhopkins1942@gmail.com>

(no subject)

1 message

Peter Hopkins <peterhopkins1942@gmail.com>

Tue, Sep 14, 2021 at 11:46 PM

To: morely haskim <mhaskim@hotmail.com>, milke kekkonen <mikeke@vianet.ca>, Roshan Kantiya <roshan.kantiya@township.mckellar.on.ca>, Peter Hopkins <peterhopkins1942@gmail.com>, greg gostick <roads@township.mckellar.on.ca>

Boat Launches: Just for the record I am not against opening the boat launches- safely as I had suggested originally. I am circulating all the key documents with high lighted sections that deal with the original approval to accept the report which included a recommendation to immediately close Lakeshore which we all agreed.. There are lots of references to why we should close as well as recommendations to keep it open.

I suggested you both research Risk Management and Risk Assessment and the duty of care.

As Mayor I have the responsibility to ensure we keep our municipality, facilities, programs, staff and services safe. I have a "duty of care" to this end,

When professional staff, our insurance company and our lawyer have stated that we should not open Lakeshore, I listen. I can not in good conscious order the staff to put our municipality, you, yourselves and our citizens "in harms way and at risk".

I also listen when the experts also say that if you mediate the risks you could open the launch. not because a few uninformed ratepayers are unhappy but because the risk can be reduced

I am meeting with Greg, Wed am to take the necessary precautions as has been outlined by Sept 17. These steps will be documented as passed onto our insurers as a step in reducing the risk.

Peter

Russell, Christie, LLP

Barristers & Solicitors

W.D. (Rusty) Russell, Q.C., (1925-2019)
Douglas S. Christie, B.A., LL.B.
William S. Koughan, LL.B.
Edward B. Veldboom, MSc. Pl. LL.B.

Michael F. Sirdevan, B.A. (Hons), LL.B.
Jennifer E. Biggar, B.A., (Hons), J.D.
Tugba Karademir, OLY, B.A. (Hons), J.D.

September 21, 2021

Please respond to:
Douglas S. Christie, Ext. 248
dchristie@russellchristie.com

Sent by email

Township of McKellar
PO Box 69,
701 Highway 124
McKellar, Ontario P0G 1C0

Attention: Roshan Kantiya

Hello Roshan:

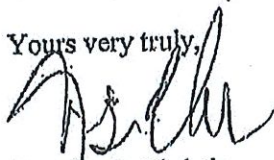
RE: Township of McKellar – Boat Launch
Our File No.: 64-103-042

Further to your letter of September 15th, I reviewed the Resolution 21-317 of Council dated August 24, 2021. The Resolution refers to the Township taking risk management measures but does not indicate what they will be. In June there was correspondence with your insurer regarding some measures that might be taken and in fact there is correspondence indicating your insurer's agreement with the closure of the boat launch.

If Council is deciding on opening the boat launch, then it is recommended that the risk management measures be put in place prior to doing so. Also, the Resolution makes in quite clear that Council is aware of potential risks and as your insurer has advised the Township has a duty to take care to ensure that persons and property are safe.

One of the risks raised by Mr. Sherk was a possible spill of oil or gasoline from the boats that could impact on persons using the nearby waters for drinking. You should check with your insurer regarding coverage if there should be a spill and the municipality is ordered to correct it.

Yours very truly,



Douglas S. Christie
DSC/tl

9/26/21, 12:17 PM

Gmail - Boat Launch



Peter Hopkins <peterhopkins1942@gmail.com>

Boat Launch

1 message

Roshan Kantiya <Roshan.Kantiya@township.mckellar.on.ca>
To: Samantha Elliott <saellott@brokerlink.ca>
Cc: Peter Hopkins <peterhopkins1942@gmail.com>

Fri, Sep 24, 2021 at 3:45 PM

Good afternoon Samantha,

On Sept 14, 21, Council passed a resolution # 21-361 to reopen the boat launch on Lakeshore from September 17, 2021. Our staff have followed below steps as per recommendations from your reports to make the launch safer:

1. Use at your own risk sign
2. Hours of operation
3. Emergency numbers
4. Contact information for reporting damages
5. Covid 19 protocols
6. Slow down- boat launch and pedestrian signs in both directions
7. Installed a new dock for accessibility and safety

Please find attached with email photos.

We will still keep looking for another site in the north end of McKellar as well as look at the financial and realistic possibilities of ensuring this boat launch is safe. If you have any comments or concerns, please advise asap.

Thank you for your help with this issues.

Sincerely,

Peter Hopkins, Mayor

Roshan Kantiya, Acting Clerk Administrator/Treasurer

3 attachments

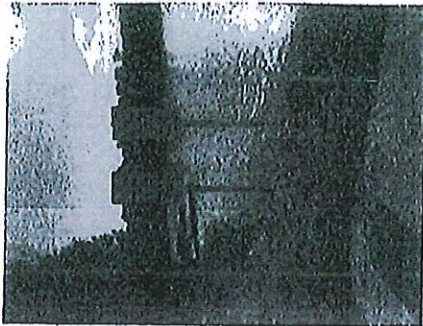


Pict 1.png
1901K

Pict 2.png
2082K

9/26/21, 12:17 PM

Gmail - Boat Launch



Pict 3.png
1875K

McKellar's Boat Launch Issue: The Facts, The Concerns and Their Future Sept 21

Introduction:

Just for the record

Mayor's responsibility:

Under the Municipal Act, the Head of Council has many duties including to "foster activities that enhances the economic, social, and environmental well-being of the Municipality and its residents". As the CEO, he is expected to follow proper procedures as outlined in the Procedural By Law, Code of Conduct and Municipal Act. The Head is to ensure that Council follow proper procedures in making decisions based on recommendations from staff. It is highly recommended that Council follow the recommendations of their staff, as well as recommendations from legal, insurance, police and other professional experts *as requested*

The Boat Launch Issue has many sides to it that really need to be aired, resolved and revisited.

With the problem with sub one null & void as a councillor is not truthful
Procedural Issues: The June 8, 21 resolution; # ; the first resolution to reopen on Sept and the subsequent resolution to reopen the launch on Sept #

On June 8, 21 Staff Report #2021-02 and Council Resolution #21-220 clearly states that "the council of the Township of McKellar does hereby direct staff to permanently remove the Lakeshore Boat Launch from service due to liability and safety concerns". Carried unanimously.

approved *say*
Issue: One councillor claims he did not approve the June 8, 21 resolution even though the evidence is that he did. If he did he has been misleading the public that he did not and contravening the Code of Conduct. He is therefore **not allowed** to reintroduce a resolution of the same topic in the same year. Therefore the recent resolutions to reopen the Boat Launch are null and void and should never have even been considered.

Issue: The first resolution to re-open the Launch again contravened our Procedural By Law in that before the same issue can be brought forward it needs a "Notice of Motion" – none has been given, therefore the resolutions were simply wrong and should not have proceeded.

Relying on Professional Reports: Documentation

It is highly recommended in the Municipal Councillors Handbook that Council listen to expert reports from many professionals when coming up with a resolution. We have had reports from our staff, our lawyer, our insurance company that support the resolution to close the launch.

McKellar's Action Plan 2018-2022 – boat launch Improvements a priority

Staff Report – June 8, 21 with two recommendations

Council minutes – June 8, 21 – council unanimously approved receiving the report and closing the launch

CAO summary to Insurance and Legal

as requested

Brokerlink Reports

Intact Insurance reports

Legal opinion reports

Mayor
Position:

The Mayor is not for or against opening or closing any Boat Launch. To ensure the safety of our ratepayers, visitors, staff and council and the Municipality at large is a serious liability responsibility. Risk management and risk assessment deal with the "duty of care" and to do everything to keep everyone "out of harms way". This not a personal or emotional issue but one of common sense, reliance on experts, and ~~possible~~ *potential* liability concerns.

As Mayor, I have the duty and responsibility to ensure we keep our municipality, facilities, programs, services, staff and citizens safe. - a "duty of care"

When our professional staff, legal and insurance experts as well as Council recommend the immediate closure of a boat launch for safety and liability reasons, I listen and act accordingly in a professional manner.

By opening the ~~Launch~~ *only* with some recommended remediation to the launch, one does not remove the RISK but may ~~reduce~~ *mitigate* the liability if an accident occurs.

This band aid solution is temporary. There needs to be a complete and Independent *engineering* review of our Boat launches to make them safe for use

Risk management

9/27/21, 12:49 PM

Gmail - RE: Boat Launch

KINCENTRIC

Best Employer

CANADA 2019

Please note new policies, policy changes or amendments cannot be bound or made unless you speak directly to a licensed insurance broker.

This communication and any attachments are confidential. If you are not the intended recipient, please immediately notify the sender and delete this communication including all attachments. Any other use, disclosure, distribution or copying is prohibited.

You may be receiving an email request from Brokerlink to complete a Customer Survey with respect to our transaction today. We appreciate your feedback. If you could take a few minutes to fill out the survey, a 9 is a pass and a 10 is a compliment. Thank you.

From: Roshan Kantiya <Roshan.Kantiya@township.mckellar.on.ca>
Sent: Friday, September 24, 2021 3:45 PM
To: Samantha Elliott <saelliott@brokerlink.ca>
Cc: 'Peter Hopkins' <peterhopkins1942@gmail.com>
Subject: Boat Launch

Good afternoon Samantha,

On Sept 14, 21, Council passed a resolution # 21-361 to reopen the boat launch on Lakeshore from September 17, 2021. Our staff have followed below steps as per recommendations from your reports to make the launch safer:

1. Use at your own risk sign
2. Hours of operation
3. Emergency numbers
4. Contact information for reporting damages
5. Covid 19 protocols
6. Slow down- boat launch and pedestrian signs in both directions
7. Installed a new dock for accessibility and safety

Please find attached with email photos.

We will still keep looking for another site in the north end of McKellar as well as look at the financial and realistic possibilities of ensuring this boat launch is safe. If you have any comments or concerns, please advise asap.

Thank you for your help with this issues.

Sincerely,

Peter Hopkins, Mayor

Roshan Kantiya, Acting Clerk Administrator/Treasurer

9/27/21; 12:49 PM

Gmail - RE: Boat Launch



Peter Hopkins <peterhopkins1942@gmail.com>

RE: Boat Launch

1 message

Samantha Elliott <saelliott@brokerlink.ca>

To: Roshan Kantiya <Roshan.Kantiya@township.mckellar.on.ca>

Mon, Sep 27, 2021 at 9:51 AM

Cc: Peter Hopkins <peterhopkins1942@gmail.com>, Jessica Stone <jestone@brokerlink.ca>

Good morning Roshan & Peter,

Thank you for the update. We have noted our files accordingly and will pass this on to the insurer as well. Please continue to keep us in the loop if there are any further developments.

Best regards,

Samantha



Samantha Elliott, CAIB, RIBO, B.A.

Pronouns: She/Her

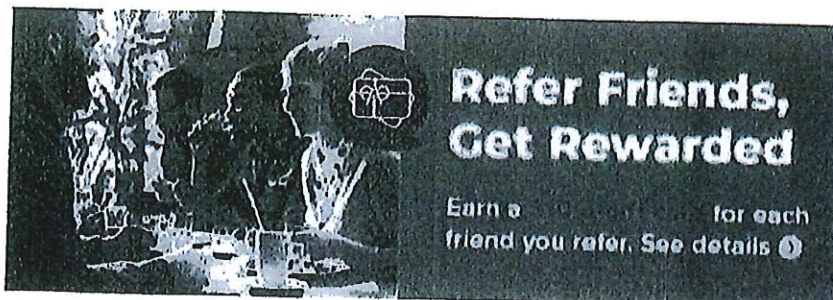
Commercial Account Executive II | **BrokerLink**

Cell: 705-358-1140 | T: 705-476-3411 ext. 83261 | F: 705-476-8102 | saelliott@brokerlink.ca

Brokerlink Inc. | 591 Main Street E North Bay, Ontario P1B 1B7

Visit us online: [BrokerLink.ca](https://www.brokerlink.ca)

Rivet Insurance and Tench-MacDiarmid Insurance have joined BrokerLink, please note my new contact information



There are some items that appear to be missing, so I'm hoping that you can either search again to find them, or confirm that they don't exist or can't be found.

- ✓ 1. In my request, I asked for electronic records, including audio recordings. The audio recordings for past council meetings are no longer available on the new township website, and I'll note that the recording of the June 8, 2021 council meeting was never posted on the website. I'm interested in all recordings that touched on the boat ramp issue, especially the recordings of the June 8 council meeting and the July 15 public meeting. I would be happy to provide you with a USB key for this purpose.

end of Sept.

2. The package you gave me includes emails and correspondence from the insurer and law office to the township. They both refer to reports received from the township, but I don't see any of this correspondence or reports. In other words, there is nothing that shows what the insurance company and lawyer are responding to, or basing their recommendations on. Could you please double-check for this specific material? →

3. With one exception (an email exchange in March 2021), there is no documentation prior to the June 8 staff report to council. For example, I expect there would have been emails between the mayor and Mr. Sherk, or between Mr. Sherk and Mr. Gostick, or emails from taxpayers on this issue, or a draft report of what was discussed at the June 8 council meeting. Could you please double-check for these?

- can't force anything
←

4. Last summer the public was told that provincial or federal government officials advised the Township that it could not locate a boat launch at Minerva Park due to environmental concerns. Please check for any correspondence or reports from the provincial and federal governments on this issue. →

5. In my request I asked for emails written by and received by the mayor and the former CAO related to the closure of the boat launch. Did they not write

or receive any emails from other members of council about this issue? There are none in the package you provided.

I can appreciate that the search for some of these items may take longer than for others. For example, providing the audio recordings may take a shorter period of time than searching for emails. If you could provide me with the "easy-to-get" items while you search for the others, that would be appreciated. On the other hand, if any the items that I'm asking for don't exist, I'd like to have that confirmed also.

Please let me know. And thanks again for the time you've spent on this.

Craig Smith

craig.smith101@outlook.com

705-389-2609

Ina Watkinson

Clerk / Administrator

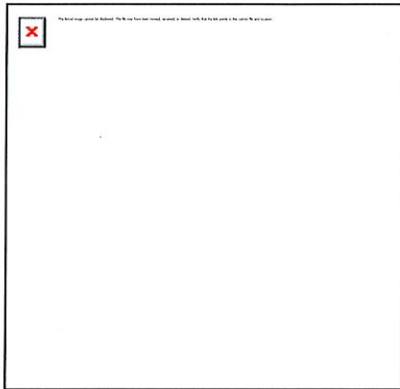
clerk@mckellar.ca

Township of McKellar

701 Hwy 124, P.O. Box 69

McKellar, ON P0G 1C0

Phone: 705-389-2842



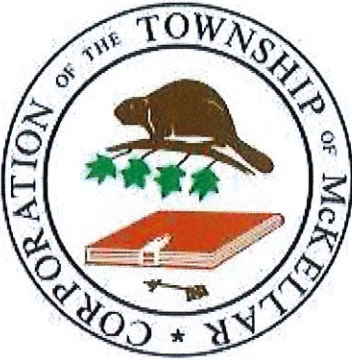
From: Craig Smith <craig.smith101@outlook.com>
Sent: April 10, 2022 5:38 PM
To: Ina Watkinson <admin@mckellar.ca>
Cc: Suzy Hodge <Suzy.Hodge@ipc.on.ca>; leen.susan@outlook.com
Subject: FOI request on the boat launch issue

Hi Ina:

Thanks again for preparing the FOI package for me.

clerk@mckellar.ca

Township of McKellar
701 Hwy 124, P.O. Box 69
McKellar, ON P0G 1C0
Phone: 705-389-2842



From: Suzy Hodge <Suzy.Hodge@ipc.on.ca>
Sent: May 16, 2022 9:43 AM
To: 'Ina Watkinson' <clerk@mckellar.ca>
Subject: RE: MA21-00605 - RE: FOI request on the boat launch issue

Hi Ina:

Just to let you know I am unexpectedly off today due to family illness. I'm keen to speak with you but am wondering if by chance you are available on Thursday or Friday of this week? If not, I will connect with you today at 11:30 all the same.

Sincerely

Suzy Hodge
Direct(e): (416) 500-2953

From: Suzy Hodge <>
Sent: Tuesday, May 10, 2022 11:55 AM
To: 'Ina Watkinson' <clerk@mckellar.ca>
Subject: RE: MA21-00605 - RE: FOI request on the boat launch issue

Perfect. I will send out a meeting invite so it's in my calendar. I look forward to speaking with you then!

Sincerely,

Suzy Hodge
Direct(e): (416) 500-2953

From: Ina Watkinson <clerk@mckellar.ca>
Sent: Tuesday, May 10, 2022 11:47 AM
To: Suzy Hodge <Suzy.Hodge@ipc.on.ca>
Subject: RE: MA21-00605 - RE: FOI request on the boat launch issue

Lets do Monday at 11:30. First thing Monday mornings are a little crazy for me.

Ina Watkinson
Clerk / Administrator
clerk@mckellar.ca
Township of McKellar
701 Hwy 124, P.O. Box 69
McKellar, ON P0G 1C0
Phone: 705-389-2842



From: Suzy Hodge <Suzy.Hodge@ipc.on.ca>
Sent: May 10, 2022 11:51 AM
To: 'Ina Watkinson' <clerk@mckellar.ca>
Subject: RE: MA21-00605 - RE: FOI request on the boat launch issue

Hi Ina:

Thanks very much for your email. Unfortunately I have a meeting that starts at 10am on Thursday (I am available before 10 on Thursday) that I must attend but on Monday morning I could meet with you either at around 11:30 (if that's not too late?) or 9am? Sorry to suggest that early timeslot! I have a meeting on Mondays that are from 9:30 to 11:30.

Please let me know if either of those times work for you and I will send a meeting invite.

Sincerely,

Suzy Hodge
Direct(e): (416) 500-2953

From: Ina Watkinson <clerk@mckellar.ca>
Sent: Tuesday, May 10, 2022 10:44 AM
To: Suzy Hodge <Suzy.Hodge@ipc.on.ca>
Subject: RE: MA21-00605 - RE: FOI request on the boat launch issue

Good Morning Suzy

I could have a telephone meeting with you either Thursday morning at 10:00 am or anytime Monday morning. Do either of those days work for you?

----- Forwarded message -----

From: **Suzy Hodge** <Suzy.Hodge@ipc.on.ca>
Date: Tue, Apr 26, 2022 at 9:57 AM
Subject: MA21-00605 - RE: FOI request on the boat launch issue
To: admin@mckellar.ca <admin@mckellar.ca>

Hi Ina:

Thanks for following up on this issue from the appellant. I am hoping there is an opportunity for us to discuss this appeal file? Do you have time this week when I can reach you by phone?

Many thanks,

Suzy Hodge

Direct(e): (416) 500-2953

From: admin@mckellar.ca <admin@mckellar.ca>
Sent: Sunday, April 10, 2022 5:59 PM
To: 'Craig Smith' <craig.smith101@outlook.com>
Cc: Suzy Hodge <Suzy.Hodge@ipc.on.ca>; leen.susan@outlook.com
Subject: RE: FOI request on the boat launch issue

Hi Craig

I will certainly start working on that for you and see what I can get together as quickly as possible. Our office has been hit with Covid again so even less staff than our usual skeleton crew, but will try to get some of it to you this week. The Audio for sure.

Again I really appreciate the patience you have extended to me. I have been left with a real mess to make sense of.

Lance Sherk

From: Mike Kekkonen <MikeonMcKellarCouncil@outlook.com>
Sent: June 17, 2021 8:44 AM
To: lance.sherk@township.mckellar.on.ca
Subject: council update and regular memorandum from the clerk

Hi Lance, it was reported on social media yesterday regarding the boat launch issue:

"Members of the Lake Association have received a follow-up email from the Treasurer indicating that "they have been talking to the CAO and one Council Member" and expect some resolution soon. I received the email because I am a member of the Lake Association but I do not expect or want them representing the interests of the entire community. There are many residents who do not belong to the association but are represented by an elected council. The council should be discussing this matter and using the Public Notice portion of the Township website to update all citizens of McKellar."

Is this reporting accurate. If it is, I was just wondering if it would be a good idea to update all of council on current issues and any future imminent decisions. In fact, as a member of council, I have not even heard back from you from a previous email to verify if the Lakeshore boat launch had been closed to the public. Once again this was information reported on social media. If you recall we had two council meetings in the week of June 7, 2021. In my humble opinion, ample opportunity to keep all of council in the loop regarding imminent decisions.

Thank you, best regards, Mike.

July 26, 2021

Town Council
Township of McKellar
701 Highway 124
McKellar, ON P0G 1C0

Sent by email to individual councillors

Mayor Hopkins and Councillors:

As a follow up to last week's public meeting with council, I suspect there's even more to the decision to close the Lakeshore boat launch than meets the eye. As it's unclear to me at this point whether council is fully informed and aware, I offer these observations.

The clerk/CAO has hung his entire justification on a risk assessment report provided by insurers. It's been pointed out that no one seems to have seen the actual report. The CAO's actions implies that there was a significant, immediate threat to the safety of area residents of the kind that would justify sudden action without prior consultations – and provide the basis for appropriate authority to act. It's on this basis that council has defended the CAO's actions; but evidence that such an emergency was actually present has been thin at best.

I won't belabour all that's been said about the lack of process, suspicions on motives and evasiveness of the CAO. But here's what I haven't heard discussed: Risk assessments of that type don't just happen without being prompted. As related to insurance carriers, they're most often a report that accompanies either a request for new coverage, or a policy renewal notice.

Sure, the purpose of such a report is to highlight sources of risk that could lead to potential loss (i.e. claims) and recommend ways to mitigate or eliminate those risks. The real point, however, is to identify actions the policy holder can take in order to reduce insurance premiums or, more often, *to avoid pending premium increases*. That objective is fundamentally different from a public safety assessment, or an analysis by an internal risk management committee.

This leads me to believe a possible scenario where the CAO, in discussions with the insurer on options for minimizing an increase in insurance premiums at renewal, zeroed in on the Lakeshore boat launch as one of a list of identified risks that could be eliminated. So the idea that this risk identification suddenly popped up and required an urgent response seems to me to entirely lack credibility.

The more likely assessment was that there were some liability risks identified with the launch, but not a serious threat to residents of the kind that would justify immediate closure, such as the excessive e-coli levels that required closure of the public beach. If that's true, it follows that:

- The CAO overstepped his authority in closing the launch, ignoring proper protocol and then attempting to justify his actions based on fundamentally false pretences;
- Council (whether knowingly or otherwise) compounded the situation by neither a) conducting a vote to specifically ratify the 'grey area' actions of the CAO, nor more importantly b) requiring full disclosure and evidence from the CAO, thereby becoming complicit by promoting the same pretences;

- A full assessment of the offsetting ramifications on increased risk (not to mention logistics) of eliminating northern lake access and pushing displaced boat traffic to primarily the Lakeside launch was apparently not fully conducted, and certainly not with the insurer's involvement; and
- Through this overstep and the complete lack of prior public consultation, both the CAO and council failed in their obligation to respond to public need and to best serve public interests, severely harming public trust.

Of course, *if* the insurer's report *does* support the urgent need for an immediate closure to avoid serious consequences and substantial liability, the actions of the CAO and council might be justified, even if not absolving them of the moral responsibility for prior consultations. I'm skeptical since, if that were the case, why would the insurer's report not have already been released? Did the insurer specifically indicate that coverage was conditional upon the closure taking place? What changed so suddenly on a launch that's been in questionable condition for quite some time?

It's hard not to conclude, therefore, that the Lakeshore launch was abruptly closed not because of the reasoning given by the CAO, but for reasons of expedience – as a quick fix on some cost reduction as part of premium negotiations. This would explain why the process has been to hastily “deal with that, then figure out how to spread the impact” rather than “we have a lake-wide boat launch problem that's now been confirmed as a growing risk, so we need a holistic solution.” I grant that the latter is now surfacing, but only after the public outcry.

Interestingly, no one's asked if this boat launch that's existed for 50-plus years is even the property and responsibility of the Township to begin with.

Lastly, if all this is accurate, it would also mean that (although it might affect premiums) there's no substantive evidence that prompt reopening of the Lakeshore launch would pose an immediate threat to the public or sudden denial of insurance coverage as CAO reactions implied at the July 15 meeting. It would, however, help to restore some measure of public trust while a proper long-term solution is developed.

I look forward to further disclosures on the true causes of the abrupt closure, as well as productive consultations on resolving Manitouwabing's overall boat launch issues.

Yours,

Ric McDonald

143 Manitou Dr.

Fall's Island

(416) 230-7416

McKellar Administrative Assistant

From: Brock Tudhope <btudhope@brokerlink.ca>
Sent: Tuesday, August 10, 2021 8:52 AM
To: 'lance.sherk@township.mckellar.on.ca'
Subject: Call from Councilor

Good Morning Lance.

As you know I was the previous Broker of Record for the Township prior to December 31st 2020. I'm still working for Brokerlink in a consulting role but primary dealing with compliance issues.

I received a phone call from 705 389 1346 on July 15th 2021, 12:46pm ,the call display said M Kekkonen. I did not recognize the name or number but did answer the call. The caller wanted to have a confidential conversation with me regarding Township affairs. I asked who was calling and what the call was about but the caller was evasive. I did ask if the caller worked for the Township and he said yes. He did ask me directly if Brokerlink and Frank Cowan were still the Broker and Insurer on the file. As this is public record I said as far as I know. I told him I was retired from the file and gave him the contact information for Brokerlink in Parry Sound.

I found this call very strange at the time and mentioned it to Ina, who happens to be my neighbor in Parry Sound.

Just though you should know of this situation .

Kind regards,
Brock

COVID 19 ADVISORY

Please call the office at 705-746-9315 for all inquiries. You can also reach us by email at ONNserviceteam@brokerlink.ca

Please stay safe.

 **Brock Tudhope, C.A.I.B**
Title | Deputy Principal Broker
T: 705-746-9315 ext. 82401 | F: 705-746-5575 | btudhope@brokerlink.ca
Brokerlink Inc. | 24 William Street, Parry Sound, ON., P2A 1V1
Branch hours: Mon-Fri: 8:30 am- 5:00 pm
Extended calling hours: Mon-Fri: 8 am-8 pm, Sat: 9am-4 pm

Lance Sherk

From: don@carmichael-co.ca
Sent: June 22, 2021 7:59 AM
To: 'Lance Sherk'
Subject: FW: Lakeshore Rd. boat launch

From: Mike Kekkonen <mikeonmckellarcouncil@outlook.com>
Sent: June 22, 2021 7:57 AM
To: peterhopkins1942@gmail.com
Cc: ancinelli@gmail.com; don carmichael <don@carmichael-co.ca>; mhaskim@hotmail.com
Subject: Fw: Lakeshore Rd. boat launch

From: Mike Kekkonen <mikeonmckellarcouncil@outlook.com>
Sent: June 21, 2021 8:42 PM
To: peterhopkins1942@gmail.com <peterhopkins1942@gmail.com>
Subject: Lakeshore Rd. boat launch

Township of McKellar Mayor Peter Hopkins,

As an elected member of McKellar Council, I have not received confirmation from McKellar CAO/Clerk, Mr. Lance Sherk if the LAKESHORE ROAD BOAT LAUNCH is CLOSED even though I have made several inquiries.

1. I ask you, Mayor Hopkins, why is it that the CAO/Clerk Lance Sherk will not provide a response to a question from a member of McKellar Council that directly impact McKellar residents at the present moment.
2. If the Lakeshore Road Boat Launch is currently closed to the public, is it acceptable for a member of council not to be updated and provided with the current status.
3. If the Lakeshore Road Boat Launch is currently closed to the public, I respectfully inform you in this email, as I had in our phone conversation on Saturday June 12, 2021 at about 4:30pm, that my position is that I have not and would not support the closure of the Lakeshore Rd. Boat Launch unless there was a suitable primary replacement boat launch providing direct access to that area of Lake Manitouwabing for residents and EMS, and with sufficient time and public notification of the intent to shut down .

4. If the Lakeshore Road Boat Launch is currently closed to the public,
- a) given that McKellar Council DID NOT PASS A RESOLUTION directing staff to close the Lakeshore Boat Launch I respectfully request to be informed who directed the closure?
 - b) given that McKellar Council did not pass a resolution directing staff to close the Lakeshore Boat Launch, and given the information that I currently have, My position is that I respectfully suggest that it be immediately re-opened, followed by a thorough assessment. Subsequently, a future plan can be developed and voted on by Council.

Again, if the Lakeshore Road Boat Launch is currently closed to the public, given the information that I currently have, it is my opinion that an error has been made and it is my position that it needs to be reversed immediately.

5. After reading Mr. Ward's June 21, 2021 email, I ask
- a) has the CAO/Clerk of McKellar Township Lance Sherk consulted with the Municipalities insurance provider in regards to the current situation? What is their assessment? Regarding Lakeshore Rd. Boat launch if there was any liability risk, what suggestions did they provide to mitigate that risk? Currently the second hand information that I have indicates that the Lakeshore Rd. public boat launch that serves a significant portion of Lake Manitouwabing is closed. Is there any associated risk that this action would bring given it does not have council's approval? Does that put McKellar Township in a position of increased risk for liability and negligence? The Lakeshore Road Boat Launch has been used for decades by McKellar residents and Emergency Services, such as the OPP and EMS.

If the Lakeshore Road Boat Launch is currently closed to the public, I believe that Mr. Ward has raised some valid concerns and I am very concerned if this situation puts me in a position, or McKellar Township in a position of Liability and Responsibility. These are serious questions worthy of consideration and a reply. I would appreciate receiving factual answers to these questions without unnecessary, irrelevant comments.

Thank you, best regards, Councillor Mike Kekkonen.



11.1

Township of McKellar Report to Council

Prepared for: Council

Department: Administration

Date: July 28, 2021

Report No: ADMIN-2021-05

Subject: Lakeshore Boat Launch Risk Management Assessment

Recommendation:

THAT the Council of the Township of McKellar does hereby read, accept and adopt the recommendations of Report ADMIN-2021-05; and

THAT the Council of the Township of McKellar does hereby direct staff to permanently remove the Lakeshore Boat Launch from service due to liability and safety concerns.

Background:

Following the closure of the Lakeshore Road boat launch, concerns were raised that appropriate risk management materials were not consulted by the municipality. To address that concern, the following information is a summation of the information provided to the Township through its insurer's Risk Management department and Roads Specialist unit. This information is specific to the Lakeshore Road boat launch.

From a coverage standpoint, should the Township reopen this boat launch, there is no specific exclusion that would restrict coverage. The Township's insurer would, however, assume the Township has reopened this launch implementing proper risk management controls to assist in eliminating potential hazards. This is not legal advice from the insurer, rather risk management advice provided by the insurance company's Risk Management department:

Pursuant to the *Provincial Occupiers' Liability Act*, municipalities "owe a duty to take such care as in all the circumstances of the case is reasonable to see that persons entering on the premises, and the property brought on those persons are reasonably safe while on premises."

As the Township is the Occupier, they owe a duty to take reasonable care to keep their premises safe for the public. Having said that, if a vehicle were to hit a child running for a beach while launching their boat, it would be a catastrophe regardless, **especially if the municipality knows, or should know**, that the hazard exists.

Ample and adequate signage should be in place and proper inspections and maintenance should be completed and documented on a regular basis. The issue on blocking the road could be mitigated via the use of sensors and advance warning signs with flashing beacons that would advise approaching drivers that the boat ramp was in use (assuming this is a low traffic volume road used by local residents). It is widely recognized that this launch has been used by day-trippers, seasonal residents and other residents of both McKellar and West Parry Sound District, not just local residents.

The main concern would be the lack of parking for those who may want to launch at this location for a day trip on the lake, and park the vehicle and trailer-sized vehicle, plus the location of water intakes near the ramp and potential for a discharge of gasoline, motor oil and other fluids associated with vehicle operations. For these reasons, the insurer would agree with the staff report's recommendation to permanently remove the boat launch from use.

General Risk Management Considerations for other Public Boat Launches:

General risk management measures that should be undertaken at any public launch owned and operated by the municipality should also include the following:

- Adequate lighting should be installed on the shore to ensure safe docking and boat removal operation,
- Adequate parking areas that can handle a truck and trailer sized vehicle should be available.

Signage posted at all municipally owned and operated boat launches should include the following:

- Use at your own risk, this area is unsupervised
- The rules, such as no fishing or no swimming, no bare feet, no alcohol, etc.
- State the hours the launch is open (dawn to dusk for example)
- Emergency numbers to call
- Contact information to report damages or maintenance requirements
- Indicate inherent hazards – the boating activity and a drop off, for example. The Township should ensure that shallow water areas or below surface rocks that could damage boat operation be marked.
- Ensure appropriate signage and warnings regarding Covid-19 be placed around the area.

Analysis:

The Municipal Act, 2001, S.O. 2001, Chapter 25, part XV, Municipal Liability, addresses Municipal Immunity:

448 (1) No proceeding for damages or otherwise shall be commenced against a member of council or an officer, employee or agent of a municipality or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this Act or a by-law passed under it or for any alleged neglect or default in the performance in good faith of the duty or authority. 2001, c. 25, s. 448 (1).

Given that this section of the Municipal Act makes it clear that, *"No proceeding for damages or otherwise shall be commenced against a member of council or an officer, employee or agent of a municipality or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this Act..."* the issue for Council then becomes one of the Township, as the Occupier, owing a duty to take reasonable care to keep their premises safe for the public. Having said that, if an accident were to occur during the launching of a boat at this location, it would be a catastrophe regardless, especially if the municipality knows, or should know, that the hazard exists. Implementing the various risk management measures provided to the municipality by its insurer

would assist in mitigating liability to the Township. These measures, as identified in the Background section of this report, are reiterated here:

General Risk Management Considerations for other Public Boat Launches:

General risk management measures that should be undertaken at any public launch owned and operated by the municipality should also include the following:

- Adequate lighting should be installed on the shore to ensure safe docking and boat removal operation,
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- Use at your own risk, this area is unsupervised
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- Emergency numbers to call
- Contact information to report damages or maintenance requirements
- Indicate inherent hazards – the boating activity and a drop off, for example. The Township should ensure that shallow water areas or below surface rocks that could damage boat operation be marked.
- Ensure appropriate signage and warnings regarding Covid-19 be placed around the area.

Creating a parking area for vehicles and trailers alone has the potential to run into the hundreds of thousands of dollars, with additional costs added for the early warning lights on the road, signage and ramp lighting.

Township's Insurance agent summary:

A summary of the Broker Link agent's comments for the Township were succinct in that in this current hardened insurance market it is no secret that municipal insurance premiums are rising, particularly liability premiums. There are many factors influencing rising municipal liability premiums including long-tail claims costs, joint and several liability and lack of apportionment of liability among others. The best way to keep premiums down is through loss control and risk mitigation. It is more important than ever to focus on reducing the frequency and severity of claims. The Township has identified several liability exposures arising from the continued operation of the boat launch. As the Broker for the Township of McKellar, **the Township's decision to close the boat launch in order to reduce the Township's loss exposures is the right decision.** Should the Township decide to reopen the boat launch it is imperative that proper risk management controls are exercised as presented by the Risk Management department and the Roads Specialist unit.

Township's Solicitor summary:

The Township also received a legal opinion with respect to liability to the Township, its directors and staff involved with the matter. In summary, the boat launch and roadway are owned by the Township, and, in fact, the boat launch could be considered to be part of the highway. In that case, Section 10(2) of the *Occupiers' Liability Act* states that the Act does not apply to a highway owned by a municipality; however, that would not relieve the municipality to maintain and repair public highways. This responsibility could also extend to the boat launch and ensuring that

Lakeshore Road in the area of the boat launch is properly sized, signed, lighted and maintained to meet the requirements for the safe use of it.

As indicated in the June 8 report to Council, the potential of a spill from a boat being launched would be a major concern given the launch is in close proximity to private residential water lines servicing homes in the Village. If there was a spill it may be difficult to determine who caused it, and under Section 97 of the *Environmental Protection Act* the Minister of the Environment, Conservation and Parks can order the municipality to clean up the spill initially at the Municipality's expense.

Given all of the circumstances and issues raised in the Report to Council, and the comments from the municipality's insurer, it would be the opinion of the Township's Solicitor that the boat launch should remain closed.

Financial:

None

Policies Affecting Proposal:

Conclusion:

Ultimately, the Municipality must choose how they'd like to move forward with this decision and implement proper controls to reduce exposures whether the launch is opened or closed.

Respectfully submitted by:

A handwritten signature in black ink, appearing to read 'Lance Sherk', written over a horizontal line.

Lance Sherk, CAO/Clerk

Russell, Christie, LLP

Barristers & Solicitors

W.D. (Rusty) Russell, Q.C., (1925-2019)
Douglas S. Christie, B.A., LL.B.
William S. Koughan, LL.B.
Edward B. Veldboom, MSc. Pl. LL.B.

Michael F. Sirdevan, B.A. (Hons), LL.B.
Jennifer E. Biggar, B.A., (Hons), J.D.
Tugba Karademir, OLY, B.A. (Hons), J.D.

July 21, 2021

Please respond to:
Douglas S. Christie, Ext. 248
dchristie@russellchristie.com

Sent by email

Township of McKellar
PO Box 69,
701 Highway 124
McKellar, Ontario P0G 1C0

Attention: Lance F. Sherk

Hello Lance:

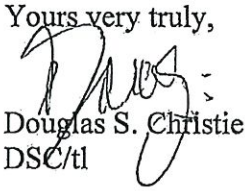
**RE: Township of McKellar – Boat Launch
Our File No.: 64-103-042**

Further to your inquiry of July 18th, Section 448 (1) of the *Municipal Act* provides immunity to members of Council or an officer, employee, or agent of a municipality for any act done in good faith in the performance or intended performance of a duty or authority under this *Act* or a by-law passed under it for any alleged neglect or default in the performance in good faith of the duty or authority.

The Township clearly has the authority to decide locations of boat launches and generally speaking unless a decision is made in bad faith which much be founded upon fraud, oppression or improper motive then those persons named would have immunity and not have personal liability. The Township, as a corporate body, however, does not have that same protection.

If Council does decide to reopen the boat launch I would advise that this decision be recorded as a resolution and the Township should try to implement as many recommendations of the insurer as possible.

Yours very truly,


Douglas S. Christie
DSC/tl

505 Memorial Ave., Box 158, Orillia, ON L3V 6J3

Tel: 705-325-1326, Fax: 705-327-1811

Website: www.russellchristie.com General Email: info@russellchristie.com

Russell, Christie, LLP

Barristers & Solicitors

W.D. (Rusty) Russell, Q.C. (1925-2019)
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Jennifer E. Biggar, B.A., (Hons), J.D.
Tugba Karademir, OLY, B.A. (Hons), J.D.

July 14, 2021

Please reply to: Douglas S. Christie, Ext. 248
Email: dchristie@russellchristie.com

SENT BY EMAIL

The Corporation of the
Township of McKellar
701 Highway 124, P.O. Box 69
MCKELLAR, ON, P0G 1C0
Attention: Mr. Lance Sherk

Dear Mr. Sherk:

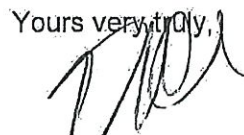
Re: Township of McKellar – Boat Launch
Our File No. 64-103-042

I have reviewed the material which you sent me regarding the Lakeshore Road boat launch and have confirmed that both Lakeshore Road and the boat launch are owned by the Township and, in fact, it would appear that the boat launch could be considered as being a part of the highway. If that is the case, then Section 10(2) of the *Occupiers' Liability Act* states that the Act does not apply to a highway owned by a municipality. However, that would not relieve the Township of liability as Section 44 of the *Municipal Act* imposes a responsibility on a municipality to maintain and repair public highways. This responsibility could also extend to the boat launch and ensuring that Lakeshore Road in the area of the boat launch is properly sized, signed and maintained to meet the requirements for the safe use of it.

As indicated in the Report to Council dated June 8, 2021, the potential of a spill from a boat being launched would be a major concern given that the launch is in close proximity to private residential water lines servicing homes in the Village of McKellar. If there was a spill it may be difficult to determine who caused it, and under Section 97 of the *Environmental Protection Act* the Minister of the Environment, Conservation and Parks can order the municipality to clean up the spill initially at the municipality's expense. While there may be an opportunity to recover those costs from the owner of the pollutant or the person having control of the pollutant, that person may be difficult to identify and may not have the resources to cover the expense.

Given all of the circumstances and issues raised in the Report to Council, and the comments from your insurer, it would be our opinion that the boat launch should remain closed.

Yours very truly,


DOUGLAS S. CHRISTIE
DSC/adm

505 Memorial Ave., Box 158, Orillia, ON L3V 6J3
Tel: 705-325-1326, Fax: 705-327-1811

Website: www.russellchristie.com General Email: info@russellchristie.com

Lance Sherk

From: Jason Gervais <Jason.Gervais@intactpublicentities.ca>
Sent: August 4, 2021 1:31 PM
To: Lance Sherk
Cc: Hannah Duivenvoorden
Subject: Re: Possible inquiry about McKellar insurance

Hi Lance,

Yes, our risk management department received an inquiry about a recent report that was sent out. They have not provided any comments but I'll discuss with them next week. I believe this is in concerns to the Lakeshore boat launch.

Jason Gervais, RIBO, CRM, C.Tech.
Regional Manager, Ontario North
Intact Public Entities
278 Pinebush Road, Suite 200
Cambridge, Ontario, N1T 1Z6
T. 1-800-265-4000
C. 705-498-7327
jason.gervais@intactpublicentities.ca

From: Lance Sherk <lance.sherk@township.mckellar.on.ca>
Sent: Wednesday, August 4, 2021 11:38 AM
To: Jason Gervais
Subject: Possible inquiry about McKellar insurance

Hi Jason,
Holidays should be sacred, so I'll send an email instead of calling.
Wanted to ask if you may have received a recent inquiry from someone (other than me) about McKellar's insurance, risk management around the municipal boat launches, and emails we have exchanged on this issue.

Many thanks,
Lance Sherk, MSc.
CAO/Clerk
Township of McKellar
701 Hwy 124, P.O. Box 69
McKellar, ON P0G 1C0
P: 705-389-2842

Lance Sherk, MSC.
CAO/Clerk
Township of McKellar
701 Hwy 124, P.O. Box 69
McKellar, ON
P0G 1C0

RE: Lakeshore Boat Launch

Dear Lance,

As per our correspondence regarding this boat launch, I've compiled all of our comments and recommendations into this letter. I trust that all of the below will be found to be in order.

June 22, 2021 our Risk Management department has responded with:

In review of that attached report, we agree with the closure of the Lakeshore boat launch. The Townships concerns are sufficient for removing the boat launch from use.

It looks like barricades have already been situated to prevent usage. Signs should be posted in conjunction with barriers, we recommend signage stating "Boat Launch Closed – No Access Permitted"

Also, we recommend posting the addresses of nearby boat launches that residents are allowed to use.

July 5, 2021 our Risk Management team supplied the following recommendations:

From a coverage standpoint should the Township reopen this boat launch there is no specific exclusion that would restrict coverage. We would however assume the Township has reopened this launch implementing proper risk management controls to assist in eliminating potential hazards. Please note we do not have any lawyers on staff, so this is not legal advice. I also sent this information back to our risk department and they've provided the following recommendations.

Pursuant to the *Occupiers' Liability Act*, municipalities "owe a duty to take such care as in all the circumstances of the case is reasonable to see that persons entering on the premises, and the property brought on those persons are reasonable safe while on premises."

As the Township is the Occupier they owe a duty to take reasonable care to keep their premises safe for the public. Having said that if a vehicle were to hit a child running for a beach while launching their boat, it would be a catastrophe regardless, especially if the municipality knows, or should know, that the hazard exists.

Ample and adequate signage should be in place and proper inspections and maintenance should be completed and documented on a regular basis. Adequate lighting should be installed on the shore to ensure safe docking and boat removal operation. Also, adequate parking areas that can handle a truck and trailer sized vehicle should be available.

- Continued -

Page 2
Lakeshore Boat Launch

The signage posted at the boat launch can include the following:

- Use at your own risk, this area is unsupervised
- The rules such as no fishing or no swimming, no bare feet, no alcohol, etc.
- State the hours it is open (dawn to dusk for example)
- Emergency numbers to call, as well as location to the nearest telephone
- Contact information to report damages or maintenance requirements
- Indicate inherent hazards – the boating activity and an drop off. The Township should ensure that shallow water areas or below surface rocks that could damage boat operation be marked.
- Ensure appropriate signage and warnings regarding Covid-19 be placed around the area.

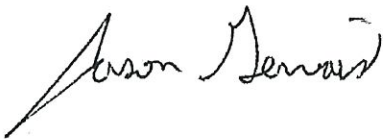
On July 12, 2021 our Roads Specialist provided the following comments:

I did find the boat launch in question on Google Street view. Lakeshore Road appears to be a low traffic volume road serving residential properties. I did not see any speed limit signs so I assume the speed limit is 80km/h. I did observe that No Parking signs are in place in the area of the boat launch. In the area of the boat launch residential is on the north side of the road, the lake is on the south side. In my opinion, the majority of drivers on the roads would be people familiar with the area and accustomed to the boat launch and the issues of backing a trailer onto the ramp and the maneuvering required to launch or load a boat and block the road during this time. The liability concern would be for those unfamiliar with the road and the boat launch. The issue on blocking the road could be mitigated via the use of sensors and advance warning signs with flashing beacons that would advise approaching drivers that the boat ramp was in use (that is providing my assumption that this is a low traffic volume road used by local residents is correct). The main concern would be the lack of parking for those who may want to launch at this location for day trip on the lake and park the vehicle and trailer plus the location of water intakes near the ramp and potential for a discharge of gasoline and motor oil. For these reasons I would agree with the reports recommendation to permanently remove the boat launch.

July 20, 2021 Risk Management and I have commented the following:

Having the boat launch open or closed does not jeopardize how coverage responds. Ultimately the Municipality must choose how they'd like to move forward with this decision and implement proper controls to reduce exposures whether it's open or closed.

Thank you,



Jason Gervais, CRM, C.Tech, R.I.B. (Ont.)
Regional Manager
Intact Public Entities

/kn
Encls.

Lance Sherk

From: Samantha Elliott <saelliott@brokerlink.ca>
Sent: July 22, 2021 12:29 PM
To: 'lance.sherk@township.mckellar.on.ca'
Cc: Jessica Stone
Subject: RE: Risk Management Commentary
Attachments: Lakeshore Boat Launch Comments.docx

Hi Lance,

Intact has supplied the attached letter including commentary from Risk Management as well as the Roads Specialist. Jason has asked that we let him know if you require anything further.

I offer the following input: In this current hardened insurance market it is no secret that municipal insurance premiums are rising, particularly liability premiums. There are many factors influencing rising municipal liability premiums including long-tail claims costs, joint and several liability and lack of apportionment of liability among others. The best way to keep premiums down is through loss control and risk mitigation. It is more important than ever to focus on reducing the frequency and severity of claims. The Township has identified several liability exposures arising from the continued operation of the boat launch. As the Broker for the Township of McKellar, I agree with the Township's decision to close the boat launch in order to reduce the Township's loss exposures. Should the Township decide to reopen the boat launch it is imperative that proper risk management controls are exercised as per the attached.

Information on Facility User program to follow shortly.

Thanks,



Samantha Elliott, CAIB, RIBO, B.A.

Pronouns: She/Her

Commercial Account Executive | **BrokerLink**

Cell: 705-358-1140 | T: 705-476-3411 ext. 83261 | F: 705-476-8102 | saelliott@brokerlink.ca

Brokerlink Inc. | 591 Main Street E North Bay, Ontario P1B 1B7

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Rivet Insurance and Tench-MacDiarmid Insurance have joined BrokerLink, please note my new contact information



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Please note new policies, policy changes or amendments cannot be bound or made unless you speak directly to a licensed insurance broker.

This communication and any attachments are confidential. If you are not the intended recipient, please immediately notify the sender and delete this communication including all attachments. Any other use, disclosure, distribution or copying is prohibited.

COVID-19 Advisory Alert

Please note that Brokerlink remains open for business, although we are not accepting walk-in traffic at this time. We ask that our customers reach us by phone or email, instead of visiting our branches in person.

This is a temporary measure, as we all do our part to keep our community safe.

You may be receiving an email request from Brokerlink to complete a Customer Survey with respect to our transaction today. We appreciate your feedback. If you could take a few minutes to fill out the survey, a 9 is a pass and a 10 is a compliment. Thank you.

From: lance.sherk@township.mckellar.on.ca <lance.sherk@township.mckellar.on.ca>

Sent: Wednesday, July 21, 2021 6:09 PM

To: Samantha Elliott <saelliott@brokerlink.ca>

Cc: Jessica Stone <jestone@brokerlink.ca>

Subject: RE: Risk Management Commentary

Hi Sam,

Thank you for the detailed response: all great information to have! I appreciate the time taken to respond to each of the queries.

Obviously, the Township will require the Farmers' Market be included in our coverage (I was given to understand that it was included, so thanks for interesting bit of information). I will have to meet with our market manager (contract staff person) to go over the insurance requirements asap as some of the vendors may not have insurance. Could you please forward more information about the Facility User Group policy. In other municipalities, I was able to tap into a type of policy that allowed for specific event-type insurance that could be accessed by individuals or groups, through the municipality. This Facility User Group sounds very similar.

We may need to tap into examples of agreements for vendors on private property. I have some examples of Licenses that we used at Parks Canada that I could probably modify. I'll let you know on that score.

I look forward to the Boat Launch response, as I have too many Councillors currently looking to reopen this launch, against my best arguments to keep it closed.

I will complete the documents requested asap.

Cheers,

Lance Sherk, MSc.

CAO/Clerk

Township of McKellar

701 Hwy 124, P.O. Box 69

McKellar, ON P0G 1C0

P: 705-389-2842



From: Samantha Elliott [mailto:saelliott@brokerlink.ca]
Sent: July 21, 2021 1:33 PM
To: 'lance.sherk@township.mckellar.on.ca' <lance.sherk@township.mckellar.on.ca>
Cc: Jessica Stone <jestone@brokerlink.ca>
Subject: Risk Management Commentary

Hi Lance,

Great chatting with you Monday and really looking forward to meeting with you in the near future.

A reminder we do still require the COVID and CRIME apps (attached) at your earliest so we may obtain renewal terms.

Further to our discussion on Monday and I will apologize in advance for the long-winded email:

Boat Launch Closure – Intact Public Entities will be forwarding me their response regarding the boat launch closure on their letterhead. I will forward same as soon as I have received along with my commentary as your broker.

Audio System – As I suspected, Risk Management does not think that the broadcasting of public meetings should be much of a concern regardless of the distance of broadcast, as long as the information discussed in those meetings will be a part of the public record. Obviously we caution that if the meetings include private information than those meetings should not be broadcasted. Please do ensure the Township is in compliance with the following guidelines: <https://www.ontario.ca/document/freedom-information-and-protection-privacy-manual/chapter-7-privacy-fundamentals>

Farmer's Market – It looks like the insurer was not previously aware of the McKellar Market, but since it is a seasonal market they can extend coverage at no additional charge. They have asked if I can gather some more underwriting information for them. I have found most on the Township website but please advise any revisions or additional pertinent details:

Location – Minerva Park Waterfront, McKellar – 677 Hwy 124?

Duration – Saturdays 10AM – 1PM (Canada Day Weekend – August 31st annually)?

Vendors – Proof of insurance required? I see that insurance is the responsibility of the vendors but do you request a Certificate of Insurance adding the Township as additional insured to their liability insurance? Are you working with local health unit for any additional guidance/directives to be followed with respect to COVID19 protocols? Lance – If you are not currently requesting proof of insurance from your vendors I would highly suggest that the Township reconsiders this as a requirement to become a vendor. This covers both the vendor and the Township in the event of a claim and is usually quite inexpensive for the vendors. If you are interested in setting up a Facility User Group (see attached) so that vendors may obtain insurance through you I can provide additional information on how it works, pricing, etc. as well as assist any staff who would be overseeing that.

Vendors on Private Property – coverage would depend on how this is working. If the resident is just doing their own thing at the same time as the township's market then we're obviously not able to extend coverage for the resident. If the Township is in control of the market and the resident is simply renting you the land or letting you use it then we could possibly extend coverage by way of adding them as an additional insured to the Township's policy. We would; however, need to see and review the written agreement between the Township and the resident, which lays out the roles and responsibilities of each party including but not limited to insurance, indemnification, maintenance, damage to property, etc. Once this agreement has been drafted I would send to Risk Management for review and further comments.

Risk Management also provided the following additional information regarding farmer's markets:

For farmers markets, we recommend the Township keep accurate and robust recordings of the regular cleaning and disinfecting that is done to keep the market safe. Please ensure the records are retained for safekeeping to confirm that regular replenishment of hand sanitizer was carried out, cleaning and disinfection was done regularly, and rules were adhered to.

We recommend the vendors provide proof of liability insurance naming the Township as additional insured. Sample wording is provided below.

*Covid-19 Public Safety Protocols for Ontario's Farmer's Markets can be found below:
<https://www.farmersmarketsontario.com/covid-19-modifying-market-operations/>*

I have also attached articles from our Centre of Excellence relating to farmers markets.

In particular to this situation where a private property owner would like to host additional vendors on their property and be covered under the Township's policy, at first glance we would not recommend this as a structured plan with formalized agreements should be in place. The Township is not the occupier of this land and the risk to both the property owners property and third party liability is too great.

With that being said, with proper agreements and expectations and responsibilities stated, we would like to review to ensure the Townships best interest are being considered. Furthermore, the insurer of the property owner could potentially deny any claim due to this exposure.

Sample Wording

When the Vendor is a corporation or organization:

Commercial General Liability Insurance

Commercial General Liability Insurance satisfactory to the Owner and underwritten by an insurer licensed to conduct business in the Province of _____. The policy shall provide coverage for Bodily Injury, Property Damage and Personal Injury and shall include but not be limited to:

- (a) A limit of liability of not less than \$_____/occurrence with an aggregate of not less than \$_____*
- (b) Add the Owner as an additional insured with respect to the operations of the Named Insured*
- (c) The policy shall contain a provision for cross liability and severability of interest in respect of the Named Insured*
- (d) Non-owned automobile coverage with a limit not less than _____ (usually \$2,000,000) and shall include contractual non-owned coverage (SEF 96)*
- (e) Products and completed operations coverage*
- (f) Broad Form Property Damage*
- (g) Contractual Liability*
- (h) Work performed on Behalf of the Named Insured by Sub-Contractors*
- (i) The policy shall provide 30 days prior notice of cancellation*

When the Vendor is an individual:

Homeowner's Liability Insurance

Homeowner's liability insurance satisfactory to the Owner and underwritten by an insurer licensed to conduct business in the Province of _____. The policy shall provide coverage for Bodily Injury, Property Damage and

Personal Injury and shall have a limit of liability of not less than \$_____. The Owner must be named as additional insured.

Primary Coverage

The Vendor's insurance shall be primary coverage and not additional to and shall not seek contribution from any other insurance policies available to the municipality.

Certificate of Insurance

The Vendor shall provide a Certificate of Insurance evidencing coverage in force at least 10 days prior to contract commencement.

I hope all of this is helpful and not too overwhelming. Please feel free to give me a call if anything is unclear or if you have any questions at all. I am out of the office July 26 – Aug 2nd but will be monitoring emails and voicemails during that time. Jessica will also be available should you require immediate assistance.

Thanks,

Sam



Samantha Elliott, CAIB, RIBO, B.A.

Pronouns: She/Her

Commercial Account Executive | **BrokerLink**

Cell: 705-358-1140 | T: 705-476-3411 ext. 83261 | F: 705-476-8102 | saelliott@brokerlink.ca

Brokerlink Inc. | 591 Main Street E North Bay, Ontario P1B 1B7

Visit us online: BrokerLink.ca     

Rivet Insurance and Tench-MacDiarmid Insurance have joined BrokerLink, please note my new contact information



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Please note new policies, policy changes or amendments cannot be bound or made unless you speak directly to a licensed insurance broker.

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COVID-19 Advisory Alert

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Lance Sherk

From: Samantha Elliott <saelliott@brokerlink.ca>
Sent: July 21, 2021 1:33 PM
To: 'lance.sherk@township.mckellar.on.ca'
Cc: Jessica Stone
Subject: Risk Management Commentary
Attachments: COVID Application -Public Entity.docx; Comprehensive Dishonesty, Disappearance and Destruction Application.dotx; ABCs_of_Farmers_Market_Mun_0612.pdf; ABCs_of_Farmers_market_for_organization_SL_0512.pdf; Facility User Solution Coverage Highlights 1016.pdf

Hi Lance,

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A reminder we do still require the COVID and CRIME apps (attached) at your earliest so we may obtain renewal terms.

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Duration – Saturdays 10AM – 1PM (Canada Day Weekend – August 31st annually)?

Vendors – Proof of insurance required? I see that insurance is the responsibility of the vendors but do you request a Certificate of Insurance adding the Township as additional insured to their liability insurance? Are you working with local health unit for any additional guidance/directives to be followed with respect to COVID19 protocols? Lance – If you are not currently requesting proof of insurance from your vendors I would highly suggest that the Township reconsiders this as a requirement to become a vendor. This covers both the vendor and the Township in the event of a claim and is usually quite inexpensive for the vendors. If you are interested in setting up a Facility User Group (see attached) so that vendors may obtain insurance through you I can provide additional information on how it works, pricing, etc. as well as assist any staff who would be overseeing that.

Vendors on Private Property – coverage would depend on how this is working. If the resident is just doing their own thing at the same time as the township's market then we're obviously not able to extend coverage for the resident. If the Township is in control of the market and the resident is simply renting you the land or letting you use it then we could possibly extend coverage by way of adding them as an additional insured to the Township's policy. We would; however, need to see and review the written agreement between the Township and the resident, which lays out the

roles and responsibilities of each party including but not limited to insurance, indemnification, maintenance, damage to property, etc. Once this agreement has been drafted I would send to Risk Management for review and further comments.

Risk Management also provided the following additional information regarding farmer's markets:

For farmers markets, we recommend the Township keep accurate and robust recordings of the regular cleaning and disinfecting that is done to keep the market safe. Please ensure the records are retained for safekeeping to confirm that regular replenishment of hand sanitizer was carried out, cleaning and disinfection was done regularly, and rules were adhered to.

We recommend the vendors provide proof of liability insurance naming the Township as additional insured. Sample wording is provided below.

*Covid-19 Public Safety Protocols for Ontario's Farmer's Markets can be found below:
<https://www.farmersmarketsontario.com/covid-19-modifying-market-operations/>*

I have also attached articles from our Centre of Excellence relating to farmers markets.

In particular to this situation where a private property owner would like to host additional vendors on their property and be covered under the Township's policy, at first glance we would not recommend this as a structured plan with formalized agreements should be in place. The Township is not the occupier of this land and the risk to both the property owners property and third party liability is too great.

With that being said, with proper agreements and expectations and responsibilities stated, we would like to review to ensure the Townships best interest are being considered. Furthermore, the insurer of the property owner could potentially deny any claim due to this exposure.

Sample Wording

When the Vendor is a corporation or organization:

Commercial General Liability Insurance

Commercial General Liability Insurance satisfactory to the Owner and underwritten by an insurer licensed to conduct business in the Province of _____. The policy shall provide coverage for Bodily Injury, Property Damage and Personal Injury and shall include but not be limited to:

- (a) A limit of liability of not less than \$_____/occurrence with an aggregate of not less than \$_____*
- (b) Add the Owner as an additional insured with respect to the operations of the Named Insured*
- (c) The policy shall contain a provision for cross liability and severability of interest in respect of the Named Insured*
- (d) Non-owned automobile coverage with a limit not less than _____ (usually \$2,000,000) and shall include contractual non-owned coverage (SEF 96)*
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When the Vendor is an individual:

Homeowner's Liability Insurance

Homeowner's liability insurance satisfactory to the Owner and underwritten by an insurer licensed to conduct business in the Province of _____. The policy shall provide coverage for Bodily Injury, Property Damage and Personal Injury and shall have a limit of liability of not less than \$_____. The Owner must be named as additional insured.

Primary Coverage

The Vendor's insurance shall be primary coverage and not additional to and shall not seek contribution from any other insurance policies available to the municipality.

Certificate of Insurance

The Vendor shall provide a Certificate of Insurance evidencing coverage in force at least 10 days prior to contract commencement.

I hope all of this is helpful and not too overwhelming. Please feel free to give me a call if anything is unclear or if you have any questions at all. I am out of the office July 26 – Aug 2nd but will be monitoring emails and voicemails during that time. Jessica will also be available should you require immediate assistance.

Thanks,

Sam





Samantha Elliott, CAIB, RIBO, B.A.

Pronouns: She/Her

Commercial Account Executive | **BrokerLink**

Cell: 705-358-1140 | T: 705-476-3411 ext. 83261 | F: 705-476-8102 | saelliott@brokerlink.ca

Brokerlink Inc. | 591 Main Street E North Bay, Ontario P1B 1B7

Visit us online: [BrokerLink.ca](https://www.brokerlink.ca)     

Rivet Insurance and Trench-MacDiarmid Insurance have joined BrokerLink, please note my new contact information



KINCENTRIC

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CANADA 2019

Please note new policies, policy changes or amendments cannot be bound or made unless you speak directly to a licensed insurance broker.

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Lance Sherk

From: Samantha Elliott <saelliott@brokerlink.ca>
Sent: July 22, 2021 12:29 PM
To: 'lance.sherk@township.mckellar.on.ca'
Cc: Jessica Stone
Subject: RE: Risk Management Commentary
Attachments: Lakeshore Boat Launch Comments.docx

Hi Lance,

Intact has supplied the attached letter including commentary from Risk Management as well as the Roads Specialist. Jason has asked that we let him know if you require anything further.

I offer the following input: In this current hardened insurance market it is no secret that municipal insurance premiums are rising, particularly liability premiums. There are many factors influencing rising municipal liability premiums including long-tail claims costs, joint and several liability and lack of apportionment of liability among others. The best way to keep premiums down is through loss control and risk mitigation. It is more important than ever to focus on reducing the frequency and severity of claims. The Township has identified several liability exposures arising from the continued operation of the boat launch. As the Broker for the Township of McKellar, I agree with the Township's decision to close the boat launch in order to reduce the Township's loss exposures. Should the Township decide to reopen the boat launch it is imperative that proper risk management controls are exercised as per the attached.

Information on Facility User program to follow shortly.

Thanks,

 **Samantha Elliott, CAIB, RIBO, B.A.**
Pronouns: She/Her
Commercial Account Executive | **BrokerLink**
Cell: 705-358-1140 | T: 705-476-3411 ext. 83261 | F: 705-476-8102 | saelliott@brokerlink.ca
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**Refer Friends,
Get Rewarded**

Earn a \$10 e-gift card for each friend you refer. See details 

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From: lance.sherk@township.mckellar.on.ca <lance.sherk@township.mckellar.on.ca>

Sent: Wednesday, July 21, 2021 6:09 PM

To: Samantha Elliott <saelliott@brokerlink.ca>

Cc: Jessica Stone <jestone@brokerlink.ca>

Subject: RE: Risk Management Commentary

Hi Sam,

Thank you for the detailed response: all great information to have! I appreciate the time taken to respond to each of the queries.

Obviously, the Township will require the Farmers' Market be included in our coverage (I was given to understand that it was included, so thanks for interesting bit of information). I will have to meet with our market manager (contract staff person) to go over the insurance requirements asap as some of the vendors may not have insurance. Could you please forward more information about the Facility User Group policy. In other municipalities, I was able to tap into a type of policy that allowed for specific event-type insurance that could be accessed by individuals or groups, through the municipality. This Facility User Group sounds very similar.

We may need to tap into examples of agreements for vendors on private property. I have some examples of Licenses that we used at Parks Canada that I could probably modify. I'll let you know on that score.

I look forward to the Boat Launch response, as I have too many Councillors currently looking to reopen this launch, against my best arguments to keep it closed.

I will complete the documents requested asap.

Cheers,

Lance Sherk, MSc.

CAO/Clerk

Township of McKellar

701 Hwy 124, P.O. Box 69

McKellar, ON P0G 1C0

P: 705-389-2842



From: Samantha Elliott [mailto:saelliott@brokerlink.ca]
Sent: July 21, 2021 1:33 PM
To: 'lance.sherk@township.mckellar.on.ca' <lance.sherk@township.mckellar.on.ca>
Cc: Jessica Stone <jestone@brokerlink.ca>
Subject: Risk Management Commentary

Hi Lance,

Great chatting with you Monday and really looking forward to meeting with you in the near future.

A reminder we do still require the COVID and CRIME apps (attached) at your earliest so we may obtain renewal terms.

Further to our discussion on Monday and I will apologize in advance for the long-winded email:

Boat Launch Closure – Intact Public Entities will be forwarding me their response regarding the boat launch closure on their letterhead. I will forward same as soon as I have received along with my commentary as your broker.

Audio System – As I suspected, Risk Management does not think that the broadcasting of public meetings should be much of a concern regardless of the distance of broadcast, as long as the information discussed in those meetings will be a part of the public record. Obviously we caution that if the meetings include private information than those meetings should not be broadcasted. Please do ensure the Township is in compliance with the following guidelines: <https://www.ontario.ca/document/freedom-information-and-protection-privacy-manual/chapter-7-privacy-fundamentals>

Farmer's Market – It looks like the insurer was not previously aware of the McKellar Market, but since it is a seasonal market they can extend coverage at no additional charge. They have asked if I can gather some more underwriting information for them. I have found most on the Township website but please advise any revisions or additional pertinent details:

Location – Minerva Park Waterfront, McKellar – 677 Hwy 124?

Duration – Saturdays 10AM – 1PM (Canada Day Weekend – August 31st annually)?

Vendors – Proof of insurance required? I see that insurance is the responsibility of the vendors but do you request a Certificate of Insurance adding the Township as additional insured to their liability insurance? Are you working with local health unit for any additional guidance/directives to be followed with respect to COVID19 protocols? Lance – If you are not currently requesting proof of insurance from your vendors I would highly suggest that the Township reconsiders this as a requirement to become a vendor. This covers both the vendor and the Township in the event of a claim and is usually quite inexpensive for the vendors. If you are interested in setting up a Facility User Group (see attached) so that vendors may obtain insurance through you I can provide additional information on how it works, pricing, etc. as well as assist any staff who would be overseeing that.

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Thanks,

Sam

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Pronouns: She/Her
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Lance Sherk

From: Jason Gervais <Jason.Gervais@intactpublicentities.ca>
Sent: June 23, 2021 8:33 AM
To: lance.sherk@township.mckellar.on.ca
Cc: Hannah Duivenvoorden
Subject: RE: Lakeside Dr. boat launch

Good morning Lance,

Please see rm's comments as it pertains to the installation of a dock at the Lakeside boat launch. They've pointed out a few pros and cons, but ultimately it will be the Township's decision as to whether or not you'd like to install a dock.

I believe installing a dock would assist individuals when getting on and off their boat. With that being said, if the Township installs a dock, then that will come with new and more hazards such as slips, maintenance, lightening etc.

It may be a policy decision as to whether the Township will accommodate a dock.

My email address has changed, I ask that you kindly update your file.

Jason Gervais, RIBO, CRM, C.Tech.
Regional Manager, Ontario North
Intact Public Entities
278 Pinebush Road, Suite 200
Cambridge, Ontario, N1T 1Z6
T. 1-800-265-4000
C. 705-498-7327
jason.gervais@intactpublicentities.ca

From: lance.sherk@township.mckellar.on.ca <lance.sherk@township.mckellar.on.ca>
Sent: June 22, 2021 2:00 PM
To: Jason Gervais <Jason.Gervais@intactpublicentities.ca>
Cc: Hannah Duivenvoorden <Hannah.Duivenvoorden@intactpublicentities.ca>
Subject: RE: Lakeside Dr. boat launch

Thanks again Jason, et al.

Does this particular boat launch pass the risk test without a dock for boaters to use when launching or coming in to the launch to pull the boat out of the water?

Thanks again,

Lance Sherk, MSc.
CAO/Clerk
Township of McKellar
701 Hwy 124, P.O. Box 69
McKellar, ON P0G 1C0
P: 705-389-2842



From: Jason Gervais [<mailto:Jason.Gervais@intactpublicentities.ca>]
Sent: June 22, 2021 12:01 PM
To: lance.sherk@township.mckellar.on.ca
Cc: Hannah Duivenvoorden <Hannah.Duivenvoorden@intactpublicentities.ca>
Subject: FW: Lakeside Dr. boat launch

Hi Lance,

Last email, Lakeside Drive boat launch.

Signage posted at the boat launch should include the following:

- Use at your own risk, this area is unsupervised.
- The rules such as no fishing or no swimming, no bare feet, no alcohol, etc.
- State the hours it is open (dawn to dusk for example).
- Emergency numbers to call, as well as location to the nearest telephone.
- Contact information to report damages or maintenance requirements.
- Indicate inherent hazards – the boating activity and an undertow, or drop off.
- Ensure that shallow water areas or below surface rocks that could damage boat operations are marked. (Extra inspections and maintenance should be done at this boat launch). Due to water fluctuating, this can make previously safe water routes hazardous, we recommend that water height status should be posted near the launch so that when the water is particularly low, boaters can be aware that previously hidden rocks or obstructions, may be present so to cap their speed.

Additional considerations include:

- The production of a wake can be very disturbing to surrounding shorelines, and will only cause more strife with the neighbouring property owners, strict rules about speed, noise and production of wake should be posted (especially as to when they can increase their speed).
- The Township mentions a narrow access to a neighbouring lake – there ought to be warnings about that as well. Warnings about the routes that people will take once on the water.
- Perhaps, if there is pushback from the neighbouring properties, one consideration would be to put up signage reminding patrons to be respectful of houses close by (no tailgate-type congregations).
- Adequate lighting should be installed on the shore to ensure safe docking and boat removal operation.
- Proper inspections and maintenance should be completed and documented on a regular basis. If the ramp is used frequently, environmental concerns should be addressed. A regular inspection schedule ought to be implemented. A checklist should be created and utilized each time and any deficiencies noted and acted upon immediately.
- We would recommend signage in the parking area to advise that the area is not monitored and the Township will not be responsible for lost or stolen articles.
- People coming off their boats will want to dispose of all their garbage – this can either be permitted, and garbage dumpsters or cans provided, or signage advising to take all garbage out and no dumping – with a fine associated with anyone found to be in breach of that rule.
- Appropriate signage and warnings regarding Covid-19 should be placed around the area.

- As a conciliatory gesture, neighbouring homeowners could be provided a phone number (other than 911 which should be discouraged) to call if and when problems arise – this could be an aid to actual monitoring the area.

My email address has changed, I ask that you kindly update your file.

Jason Gervais, RIBO, CRM, C.Tech.
Regional Manager, Ontario North
Intact Public Entities
278 Pinebush Road, Suite 200
Cambridge, Ontario, N1T 1Z6
T. 1-800-265-4000
C. 705-498-7327
jason.gervais@intactpublicentities.ca

From: lance.sherk@township.mckellar.on.ca <lance.sherk@township.mckellar.on.ca>
Sent: June 18, 2021 12:34 PM
To: Jason Gervais <Jason.Gervais@intactpublicentities.ca>
Subject: Lakeside Dr. boat launch

Jason,
This is Lakeside Drive boat launch. It also services Lake Manitouwabing, although access to the more open part of the lake is through a narrow arm of the lake, south of the boat launch. This launch does NOT have a dock associated with it. There is ample parking across the road from the launch, all municipally owned.
Pros: Good access to the launch from Centre Rd, good access from the road to the launch and ample parking.
Cons: Neighbourhood does not want additional traffic using the launch, no dock associated with the launch, transition from water to concrete apron requires additional gravel to level out this transition area.

Lance Sherk, MSc.
CAO/Clerk
Township of McKellar
701 Hwy 124, P.O. Box 69
McKellar, ON P0G 1C0
P: 705-389-2842



Lance Sherk

From: Jason Gervais <Jason.Gervais@intactpublicentities.ca>
Sent: June 22, 2021 12:01 PM
To: lance.sherk@township.mckellar.on.ca
Cc: Hannah Duivenvoorden
Subject: FW: Lakeside Dr. boat launch
Attachments: Lakeside boat launch top of ramp.jpg; Lakeside Boat lauunch from water .jpg; Lakeside Dr Boat Launch2.PNG; Lakeside Dr Boat Launch3 location context.PNG; Lakeside launch parking.jpg

Hi Lance,

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Signage posted at the boat launch should include the following:

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- Emergency numbers to call, as well as location to the nearest telephone.
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Cons: Neighbourhood does not want additional traffic using the launch, no dock associated with the launch, transition from water to concrete apron requires additional gravel to level out this transition area.

Lance Sherk, MSc.
CAO/Clerk
Township of McKellar
701 Hwy 124, P.O. Box 69
McKellar, ON P0G 1C0
P: 705-389-2842



Lance Sherk

From: Jason Gervais <Jason.Gervais@intactpublicentities.ca>
Sent: June 22, 2021 11:55 AM
To: lance.sherk@township.mckellar.on.ca
Cc: Hannah Duivenvoorden
Subject: FW: Stewart Park Boat Launch
Attachments: Stewart Park boat launch2.PNG; Stewart Park boat launch1.PNG; Stewart Park boat launch dock.jpg; Stewart Park boat launch entrance.jpg; Stewart Park boat launch road frontage.jpg

Stewart park boat launch.

Signage posted at the boat launch should include the following:

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- The rules such as no fishing or no swimming, no bare feet, no alcohol, etc.
- State the hours it is open (dawn to dusk for example)
- Emergency numbers to call, as well as location to the nearest telephone
- Contact information to report damages or maintenance requirements
- Indicate inherent hazards – the boating activity and an undertow, or drop off
- Ensure that shallow water areas or below surface rocks that could damage boat operations are marked.

Adequate lighting should be installed on the shore and/or docks to ensure safe docking and boat removal operation. In the pictures, there does not seem to be a designated parking area. Parking areas that can handle a truck and trailer sized vehicle should be available. We would recommend signage in the parking area to advise that the area is not monitored and the Township will not be responsible for lost or stolen articles.

Proper inspections and maintenance should be completed and documented on a regular basis.

Additionally, appropriate signage and warnings regarding Covid-19 should be placed around the area.

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Jason Gervais, RIBO, CRM, C.Tech.
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From: lance.sherk@township.mckellar.on.ca <lance.sherk@township.mckellar.on.ca>
Sent: June 18, 2021 12:25 PM
To: Jason Gervais <Jason.Gervais@intactpublicentities.ca>
Subject: Stewart Park Boat Launch

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Lance Sherk

From: Jason Gervais <Jason.Gervais@intactpublicentities.ca>
Sent: June 22, 2021 11:49 AM
To: lance.sherk@township.mckellar.on.ca
Cc: Hannah Duivenvoorden
Subject: FW: McKellar Lake Boat Launch
Attachments: McKellar boat launch5.jpg; McKellar lake boat launch1.jpg; McKellar Lk boat launch1.PNG; McKellar lake boat launch4.jpg

Here's the risk management commentary for the McKellar boat launch.

Signage posted at the boat launch should include the following:

- Use at your own risk, this area is unsupervised
- The rules such as no fishing or no swimming, no bare feet, no alcohol, etc.
- State the hours it is open (dawn to dusk for example)
- Emergency numbers to call, as well as location to the nearest telephone
- Contact information to report damages or maintenance requirements
- Indicate inherent hazards – the boating activity and an undertow, or drop off
- Ensure that shallow water areas or below surface rocks that could damage boat operations are marked.

Adequate lighting should be installed on the shore and/or docks to ensure safe docking and boat removal operation. Also, parking areas that can handle a truck and trailer sized vehicle should be available. We would recommend signage in the parking area to advise that the area is not monitored and the Township will not be responsible for lost or stolen articles

Proper inspections and maintenance should be completed and documented on a regular basis.

Additionally, appropriate signage and warnings regarding Covid-19 should be placed around the area.

My email address has changed, I ask that you kindly update your file.

Jason Gervais, RIBO, CRM, C.Tech.
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From: lance.sherk@township.mckellar.on.ca <lance.sherk@township.mckellar.on.ca>
Sent: June 18, 2021 12:13 PM
To: Jason Gervais <Jason.Gervais@intactpublicentities.ca>
Subject: McKellar Lake Boat Launch

This is the only municipally-owned boat launch servicing McKellar Lake. The entrance is located immediately off of Highway 124.

The dock shown is municipally-owned as part of the launch infrastructure. Good turning radius and ramp is easily navigable.

Lance Sherk, MSc.