



## CORPORATION OF THE TOWNSHIP OF MCKELLAR

Council Meeting Minutes

November 7, 2023

Mayor Moore called the meeting to order at 5:49 p.m.

### ROLL CALL

Mayor Moore took Roll Call.

**Present:** Mayor David Moore  
Councillors Morley Haskim, Mike Kekkonen, Nick Ryeland, Debbie Zulak  
**Staff:** Clerk/Administrator, Ina Watkinson  
Deputy Clerk/Planning Assistant, Karlee Britton

### DECLARATIONS OF PECUNIARY AND/OR PERSONAL INTEREST AND GENERAL NATURE THEREOF

There were no conflicts of interest declared.

**Moved by: Councillor Ryeland**  
**Seconded by: Councillor Haskim**

**23-677** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby approve the Agenda for this Regular Meeting of Council, as amended; and

**FURTHER** to add Item 23.1 under New Business, Committee of Adjustment Appointments.

**Carried**

**Moved by: Councillor Zulak**  
**Seconded by: Councillor Kekkonen**

**23-678** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar, pursuant to the Municipal Act, S.O. 2001, as amended, move into closed session at 5:50 p.m. to discuss the following items;

- 5.1 Minutes of Closed Session – October 17, 2023
- 5.2 Acquisition or Disposition of Land; pursuant to Ontario Municipal Act, Section 239(2)(c) – Land Disposition & Land Acquisition
- 5.3 Plans and Instructions for Negotiations; pursuant to Ontario Municipal Act, Section 239(2)(k) – West Parry Sound Recreation & Cultural Centre Joint Municipal Services Board Agreement
- 5.4 Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them; Section 239(2)(h) – Data Sharing & Security Agreement with MPAC (Municipal Property Assessment Corporation)
- 5.5 Personal matters about an identifiable individual, including Municipal or local board employees, pursuant to Ontario Municipal Act, Section 239(2)(b) – Staffing & Human Resources Policy

**Carried**

**Moved by: Councillor Haskim**  
**Seconded by: Councillor Ryeland**

**23-679** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby reconvene into open session of Council at 6:37 p.m.

**Carried**

Mayor Moore called the meeting to order at 6:37 p.m.

### ROLL CALL

Mayor Moore took Roll Call.



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**Present:** Mayor David Moore  
Councillors Morley Haskim, Mike Kekkonen, Nick Ryeland, Debbie Zulak

**Staff:** Clerk/Administrator, Ina Watkinson  
Deputy Clerk/Planning Assistant, Karlee Britton  
Treasurer, Roshan Kantiya  
Chief Building Official, Chris Bordeleau

### RESPECT AND ACKNOWLEDGEMENT DECLARATION

In the spirit of reconciliation and co-operation, we wish to acknowledge that the land on which we gather is the traditional territory of the Anishinaabe and Mississauga people. Its boundaries fall within the Robinson-Huron Treaty of 1850 and the Williams Treaty of 1923. We are grateful to live here and we thank all the generations of people who have taken care of this land for thousands of years. To honour the suffering of Indigenous people and the love and wisdom they have carried for thousands of years, we pledge to work in community and harmony with each other and the environment we inhabit and work towards Truth and Reconciliation.

### DECLARATIONS OF PECUNIARY AND/OR PERSONAL INTEREST AND GENERAL NATURE THEREOF

There were no conflicts of interest declared.

**Moved by: Councillor Zulak**  
**Seconded by: Councillor Kekkonen**

**23-680** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby accept the reports, recommendations and directions arising from the closed session held November 7, 2023.

**Carried**

**Moved by: Councillor Ryeland**  
**Seconded by: Councillor Haskim**

**23-681** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby approve the Minutes of the October 17, 2023 Regular Meeting of Council, as circulated.

**Carried**

**Moved by: Councillor Zulak**  
**Seconded by: Councillor Kekkonen**

**23-682** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby receive report PLN-2023-04 Fox Farm Road Allowance Closure from Deputy Clerk/Planning Assistant, Karlee Britton, for information purposes.

**Carried**

**Moved by: Councillor Kekkonen**  
**Seconded by: Councillor Zulak**

**23-683** **WHEREAS** a public meeting was held on October 17, 2023 for the proposed road allowance closure on Fox Farm Road where the public was able to comment on the application and Council had taken all comments into careful consideration;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does deem the original road allowance between Part Lot 26 Concession 9 and Lots 24 & 25 Concession 9 surplus; and

**FURTHER** proceed with the By-law to Stop Up, Close and Sell the property in accordance with By-law 2011-24, as amended.



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**DIVISION VOTE**

**YEAS:** Councillor Haskim, Councillor Ryeland, Councillor Zulak, Mayor Moore  
**NAYS:** Councillor Kekkonen  
**ABSTAIN:** None.  
**ABSENT:** None.

**Carried**

**Moved by: Councillor Haskim**  
**Seconded by: Councillor Ryeland**

**23-684** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby receive the Minutes of the September 28, 2023 meeting of the Township of McKellar Recreation Committee.

**Carried**

**Moved by: Councillor Kekkonen**  
**Seconded by: Councillor Zulak**

**23-685** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby receive the Minutes of the July 17, 2023, August 28, 2023 and September 27, 2023 Meetings of the Belvedere Heights Board of Management.

**Carried**

**Moved by: Councillor Ryeland**  
**Seconded by: Councillor Haskim**

**23-686** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby receive the Minutes of the September 25, 2023 Meeting of the Township of McKellar Public Library Board.

**Carried**

**Moved by: Councillor Kekkonen**  
**Seconded by: Councillor Zulak**

**23-687** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby receive Report BP23-02 Municipal Enforcement of On-Site Sewage Systems from Chief Building Official, Chris Bordeleau, for information purposes.

**Carried**

Chief Building Official, Chris Bordeleau left the meeting.

**Moved by: Councillor Haskim**  
**Seconded by: Councillor Ryeland**

**23-688** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby receive Report No. PW-2023-11 New Fuel Tanks for Public Works Yard; and

**FURTHER THAT** Resolution No. 23-664 be rescinded; and

**FURTHER THAT** the quotation provided by Parry Sound Fuels be accepted in the amount of \$10,738.00 plus HST of \$1,395.94 for a total of \$12,133.94 for two fuel tanks and (2) metered electric pumps; and

**FURTHER THAT** the Parry Sound Fuels supply fuels for the tanks as the lowest quoted price in the area.

**Carried**



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**Moved by: Councillor Kekkonen**

**Seconded by: Councillor Zulak**

**23-689** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby receive Report No. ADMIN-2023-17 St. Stephen's Church Renovation Tender Results for information and award RFP No. PW-2023-15 St. Stephen's Church Renovations to Northern View Construction in the amount of \$70,156.00 plus HST of \$9,120.28 for a total amount of \$79,276.28; and

**FURTHER THAT** a 10% contingency be added to the contract for any unforeseen structural repairs when removing the chimney, as recommended by the Chief Building Official.

**Deferred**

**Moved by: Councillor Ryeland**

**Seconded by: Councillor Haskim**

**23-690** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby give By-law No. 2023-73, Being a By-law to Impose Charges on Property Owners in a Designated Area (Craigmore Subdivision) for the Provision of Road Upgrades by the Township, a First and Second reading.

**Carried**

**Moved by: Councillor Ryeland**

**Seconded by: Councillor Haskim**

**23-691** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby receive Report T-2023-13 Budgetary Control report for the Nine Months Ending September 30, 2023 from Treasurer, Roshan Kantiya, for information purposes.

**Carried**

**Moved by: Councillor Zulak**

**Seconded by: Councillor Kekkonen**

**23-692** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby receive Report FD-2023-19 Alternate CEMC Appointment from Fire Chief, Robert Morrison; and

**FUTHER THAT** Tom Stoneman be appointed Alternative CEMC for the Township of McKellar.

**Carried**

**Moved by: Councillor Haskim**

**Seconded by: Councillor Ryeland**

**23-693** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby receive Report FD-2023-17 Placement of a Dry Hydrant for Firefighting Operations from Fire Chief, Robert Morrison; and

**FUTHER THAT** the installation of a dry hydrant into the flowing water area of Minerva Park, approximately 60' to the north of the Cenotaph, be approved.

**Carried**

**Moved by: Councillor Zulak**

**Seconded by: Councillor Kekkonen**

**23-694** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby receive Report FD-2023-18 Emergency Plan Changes from Fire Chief, Robert Morrison; and



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**FURTHER THAT** the changes made by the Fire Chief in the Emergency Management Plan are approved.

**Carried**

**Moved by: Councillor Ryeland**

**Seconded by: Councillor Haskim**

**23-695** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby receive Report FD-2023-19 Month End Status Updates for October 2023 from Fire Chief, Robert Morrison, for information purposes.

**Carried**

**Moved by: Councillor Zulak**

**Seconded by: Councillor Kekkonen**

**23-696** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby receive the September and October 2023 Chief Administrative Officer's Reports from the District of Parry Sound Social Services Administration Board, for information purposes.

**Carried**

**Moved by: Councillor Haskim**

**Seconded by: Councillor Ryeland**

**23-697** **WHEREAS** a letter was received from Waterloo MPP Catherine Fife requesting support for Bill 21, Fixing Long-Term Care Amendment Act (Til Death Do Us Part), 2022;

**BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby support Bill 21, amending the Resident's Bill of Rights set out in Section 3 of Fixing Long-Term Care Act, 2021 by adding the right of residents not to be separated from their spouse upon admission but to have accommodation made available for both spouses so they may continue to live together; and

**FURTHER THAT** a copy of this resolution be forwarded to Waterloo MPP Catherine Fife and Parry Sound-Muskoka MPP Graydon Smith.

**Carried**

**Moved by: Councillor Zulak**

**Seconded by: Councillor Kekkonen**

**23-698** **WHEREAS** an email was received from Mushkegowuk-James Bay MPP Guy Bourgouin requesting support for his private members Bill;

**BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby support the private members Bill making it illegal for a vehicle to pass on the left side of a lane when it is marked with two solid yellow lines; and

**FURTHER THAT** a copy of this resolution be forwarded to Mushkegowuk-James Bay MPP Guy Bourgouin and Parry Sound-Muskoka MPP Graydon Smith.

**Carried**

**Moved by: Councillor Ryeland**

**Seconded by: Councillor Haskim**

**23-699** **WHEREAS** the Council of the Corporation of the Township of McKellar passed By-law No. 2023-55, being a By-law to regulate the use and operation of the Township Transfer Station, on the 5<sup>th</sup> day of September, 2023, after consultation with the Director of Operations;



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**AND WHEREAS** one of the changes to the new By-law from previous By-laws is the shortened duration of the 'grace' or free period for the dumping of brush and leaves from two months in the spring and two months in the fall seasons to one month in each of said seasons;

**AND WHEREAS** some ratepayers have questioned the short notice period for the aforementioned change in the 'free' or 'no charge' times and the associated costs if those new times are not strictly adhered to;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar, for the 2023 year only, hereby refund the monies to those residents who have paid for leaf and brush disposal between the time period from October 15, 2023, to November 15, 2023, the identify of whom to be ascertained from the Transfer Station attendant's receipt book;

**AND FURTHER BE IT RESOLVED THAT** further advertising be provided by the Township for the shortened time period stipulated in By-law No. 2023-55 and in force for 2024 and following.

**Carried**

**Moved by: Councillor Kekkonen**

**Seconded by: Councillor Zulak**

**23-700** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby accept the resignation of Linda Filion, with regrets, on the Township of McKellar Recreation Committee; and

**FURTHER** thank her for time and dedication she has given to the Committee.

**Carried**

**Moved by: Councillor Haskim**

**Seconded by: Councillor Ryeland**

**23-701** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby accept the quotation from Iron Design Welding for the supply of labour and materials as required to custom manufacture and install an exterior handrail on both sides of the Municipal Office to aid those walking down the stairs to the Post Office in the amount of \$6,580.00 plus HST of \$855.40 for a total of \$7,435.40.

**Deferred**

**Moved by: Councillor Zulak**

**Seconded by: Councillor Kekkonen**

**23-702** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby direct the Treasurer to apply for the Celebrate Canada Funding Program for activities organized on June 27, 2024 for Canadian Multiculturalism Day.

**Carried**

Treasurer, Roshan Kantiya left the meeting.

**Moved by: Councillor Zulak**

**Seconded by: Councillor Kekkonen**

**23-703** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby give By-law No. 2023-74, Being a By-law to Amend By-law 2019-07 being a By-law to Adopt a Council-Staff Relations Policy, a First and Second reading.

**Carried**



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**Moved by: Councillor Haskim**

**Seconded by: Councillor Ryeland**

**23-704** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby appoint the whole of Council for one year and Reg Moore for the present term of Council to sit on the Committee of Adjustment for the Township of McKellar; and

**FURTHER THAT** Resolution No. 22-475 be rescinded.

**Carried**

**Moved by: Councillor Zulak**

**Seconded by: Councillor Ryeland**

**23-705** **WHEREAS** the Corporation of the Township of McKellar ("McKellar") recognizes that a recreation and cultural centre is an important amenity for the economic and social well being of the residents of West Parry Sound, including the residents of McKellar;

**AND WHEREAS** McKellar has always attempted to be a willing participant and contributor in area-wide initiatives that are practical, responsible and especially affordable to its ratepayers;

**AND WHEREAS** McKellar entered into the 'West Parry Sound Recreation and Cultural Centre Joint Municipal Service Board ("Board") Agreement' ("Agreement") on September 10, 2021;

**AND WHEREAS** McKellar has since obtained legal advice regarding an interpretation of obligations contained within said Agreement;

**AND WHEREAS** the Board was provided delegated authority to act on behalf of the Corporation of the Township of McKellar to "provide for those matters which, in the opinion of the participating municipalities are necessary or desirable to facilitate the establishment and operation of the joint municipal service board";

**AND WHEREAS** the Agreement states in Clause No. 3 that "the capital costs for the design and construction of the Centre shall not exceed \$32 Million (the amount of Municipal and ICIP funding available at the time of signing this agreement)...";

**AND WHEREAS** McKellar was of the understanding that its capital contribution to the project would be collected over time as invoices were submitted during construction instead of the surprising demand of full payment at one time, necessitating the requirement of obtaining a loan in the amount of \$775,000 at an interest rate of 4.41% for a period of ten years, to be repaid in annual payments of \$96,678.54 which follows a ten-year amortization period and equal to approximately 2.5% of McKellar's current levy, to fund the capital cost of the pool complex;

**AND WHEREAS** the Agreement states in Clause No. 4 that "the Board is authorized to add capital improvements (i.e. new projects) to the Centre from time to time up to a limit of \$350,000 per budget year, as adjusted by the annual building construction price index (BCPI) for Ontario," the line item in McKellar's annual budget being approximately \$30,000;

**AND WHEREAS** the Agreement states in Clause No. 9 that "joint municipal contributions to fund the annual operating deficit shall be capped at \$350,000, annually, indexed to CPI," and further that "any deficit larger than this amount, to be covered by municipal contributions, shall require approval of the Municipalities", resulting in another line item in McKellar's annual budget in the amount of approximately \$30,000;



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**AND WHEREAS** the Agreement states in Clause No. 13 that “the Capital Budget shall project capital replacement and rehabilitation expenditures for the upcoming ten (10) year period which shall be determined by an asset management plan prepared within two (2) years of this Agreement coming into effect to address future capital requirements for the Centre over a ten (10) year period,” resulting in another line item in McKellar’s annual budget in the amount of approximately \$30,000;

**AND WHEREAS** an independent study conducted by BDO, dated June 15, 2023, concluded that the Board will “need to address a [projected] cash flow shortfall of \$740,000,” 8.5% of which McKellar is responsible;

**AND WHEREAS** the independent study conducted by BDO noted that “medium risk considerations include revenue assumptions, construction of a 6-lane pool and funding contributions”;

**AND WHEREAS** the Agreement states that “the Municipalities shall share the burden of the annual contributions to the operating budget and the capital budget (including contributions to the capital reserve as determined by the asset management plan) according to the following percentages:” with McKellar’s percentage listed as 8.5%;

**AND WHEREAS** the Agreement states in Clause No. 23 that “any term in this Agreement may be changed upon a two-thirds vote of the Municipalities, save and except where another municipality wishes to join the Board and enter into this Agreement, or where a municipality wishes to withdraw from the Board and this Agreement, or where the funding formula is to be changed, in which case all Municipalities to this Agreement must give their consent”;

**AND WHEREAS** the Project has dramatically changed in scope, with little attempt at descoping, since its inception and since this Agreement was signed; with the potential addition of two more 25m pool lanes, a possible relocation which may result in a change of ownership and the urging of the Fundraising Committee for the public to forward suggestions regarding additions to the design of the facility regardless of extra cost;

**AND WHEREAS** many of these potential changes are proposed to be financed through fundraising, the nature of which is uncertain and without guarantees, with any deficits to be covered by municipal funding;

**AND WHEREAS** the professional fundraisers have been put on hold or paused at this time;

**AND WHEREAS** it has been demonstrated on numerous occasions that the weighted voting system and the funding formula are grossly inadequate and unfair with McKellar’s vote weighted as 1/12 of the total and the other partner municipalities weighted as: Seguin 3/12, Parry Sound 3/12, McDougall 2/12, Archipelago 2/12, Carling 1/12;

**AND WHEREAS** McKellar’s recent five-year capital budget forecast indicates that the Township could experience a projected shortfall of \$5,000,000 for necessary infrastructure, in particular roads, bridges and facilities, excluding any costs associated with the proposed Recreation and Cultural Centre project;

**AND WHEREAS** the Municipal Act, 2001, S.O. 2001, c.25, specifically states, and is referenced by the recent independent study completed by BDO financial experts, the role of Council is, among other responsibilities, to maintain the financial integrity of the municipality (224[d]);





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**AND WHEREAS** Council is of the opinion that McKellar cannot agree to sign a 'blank cheque' with a potential minimum of five percent (5%) increase in annual levies to finance this Project over and above the historical capital and operating budget for the municipality;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby notify the Board that it wishes to invoke Clause No. 23 of the Agreement and requests all Municipalities to this Agreement to agree to McKellar's immediate withdrawal from this Board and this Agreement;

**AND FURTHER BE IT RESOLVED THAT** McKellar shall honour its one time maximum financial commitment towards capital construction in the amount of approximately \$735,000 and its commitment to contribute annually towards any operating deficit of the Facility, up to 8.5% of such annual deficit, provided that the annual maximum contribution shall not exceed \$30,000, commencing in the first year of the Facility's operation for a total of ten (10) years, with the annual maximum amount to be increased by the annual consumer price index as of September of the preceding year;

**AND FURTHER BE IT RESOLVED THAT** Operating deficit means where the operating costs and expenses incurred by the Facility, as determined under Generally Accepted Accounting Principles (GAAP), that are related to the operation of the Facility and which shall not include depreciation or reserve funds, exceed the membership revenue and any other operating revenue received by the Board. McKellar shall have the ability to review all operating costs, revenues and expenses and satisfy itself with the said deficit;

**AND FURTHER BE IT RESOLVED THAT** McKellar's role in respect of the Project is limited to making a financial contribution to the Project and McKellar will henceforth not be involved in the Project or its operation, as decision makers nor administrators, as evidenced by McKellar's rescinding of its delegated authority to the Board, acting as an agent of the municipality, and its rescinding of Council Resolutions appointing Council representatives and of its Clerk Administrator, acting as a member of the Steering Committee;

**AND, FINALLY BE IT RESOLVED THAT** a copy of this Resolution be forwarded to each of the participating partners in this proposed project (i.e. the Township of the Archipelago, the Township of Carling, the Municipality of McDougall, the Town of Parry Sound, the Township of Seguin, the Municipality of Whitestone); Shawanaga First Nation; Wasauksing First Nation; MPP Graydon Smith; MP Scott Aitchison; MPP Kinga Surma, Minister of Infrastructure for the ICIP Community, Culture and Recreation infrastructure stream; the Province of Ontario; and the Federal Government of Canada.

**Carried**

**Moved by: Councillor Zulak**

**Seconded by: Councillor Kekkonen**

**23-706 BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby receive the consent agenda for correspondence.

**Carried**

**QUESTION/COMMENT PERIOD (RELATED TO ITEMS ON THE AGENDA)**

There were no questions from the in-person audience or via Zoom.



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**Moved by: Councillor Ryeland**

**Seconded by: Councillor Haskim**

**23-707** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar does hereby give By-law No. 2023-75, Being a By-law to Confirm the Proceedings of Council, a First and Second reading;

**And further Read a Third time and Passed** in Open Council this 7<sup>th</sup> day of November, 2023.

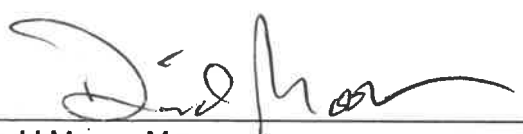
**Carried**

**Moved by: Councillor Kekkonen**

**Seconded by: Councillor Zulak**

**23-708** **BE IT RESOLVED THAT** the Council of the Corporation of the Township of McKellar adjourn this meeting at 10:30 p.m. to meet again on November 21, 2023; or at the call of the Mayor.

**Carried**

  
\_\_\_\_\_  
David Moore, Mayor

  
\_\_\_\_\_  
Ina Watkinson, Clerk/Administrator