

***** AGENDA *****
Tuesday, February 7, 2023
*****START TIME 6:30 p.m.*****

1. Disclosure of pecuniary interest.
2. Committee Reports.
3. Resolution: Adopt the minutes of the meeting held January 17, 2023.
4. Receive a Report from the Ombudsman of Ontario regarding an investigation into Closed Session Meetings held February 17, 2021; March 9, 2021; April 6, 2021; May 18, 2021; June 8, 2021; July 13, 2021 and August 3, 2021.
5. Resolution: Request for Refund of Consent Application Fee for Cancelled Application.
6. Resolution: Appoint Committee Members.
7. By-Law: Deeming Part of Registered Plan 42M592 not to be a Part of a Registered Plan of Subdivision.
8. Discussion: Review By-Law 2020-35, Establishing and Regulating a Fire Department.
9. Correspondence.
10. Accounts to pay.
11. Closed Session:
 - b) Personal matters about an identifiable individual, including municipal or local board employees;
 - e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - k) a position, plan, procedure, criterion or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Professional advice to be received by Council regarding a municipal asset.
Receipt and Discussion of a Complaint.
12. By-Law: Confirming Proceedings of Council at its meeting held February 7, 2023.
13. Adjournment.

Council meetings will be held in person at 2381 Highway 654, Township of Nipissing Community Centre and virtually utilizing the Zoom platform; and will be livestreamed to the Township of Nipissing YouTube channel.

<https://www.youtube.com/channel/UC2XSMZqRNHbwVppelfKcEXw>

MINUTES

TOWNSHIP OF NIPISSING

Tuesday, January 17, 2023

A regular meeting of the Township of Nipissing Council was held on Tuesday, January 17, 2023 starting at 6:30 p.m.

The meeting was held in person at the Township of Nipissing Community Centre, and livestreamed to the Township of Nipissing YouTube Channel.

Present: Mayor Tom Piper and Councillors Tom Butler, Shelly Foote, Stephen Kirkey and Dave Yemm.

Staff: Fire Chief-MLEO-CEMC Will Bateman; Operations Superintendent Dan MacInnis; Land Planning and Technology Administrator-Deputy Treasurer John-Paul Negrinotti; Administrative Assistant-Deputy Clerk Kristin Linklater and Municipal Administrator-Clerk-Treasurer Kris Croskery-Hodgins.

Guests: Rodney Rennette and Peter Straus.

Disclosure of pecuniary interest: None.

Committee Reports:

Councillor Shelly Foote: Township of Nipissing Recreation Committee

Mayor Tom Piper: Boundary Road meeting with the Municipality of Powassan

R2023-016 S. Kirkey, T. Butler:

That the minutes of the Council meeting held January 3, 2022, be adopted as published. **Carried.**

R2023-017 D. Yemm, S. Foote:

That the Township of Nipissing supports the nomination of Blair Flowers of the Township of Machar as the Parry Sound-Northeast member to the North Bay Parry Sound District Health Unit. **Carried.**

R2023-018 S. Foote, S. Kirkey:

That we accept the resignation of Stephanie Duchesne from the Township of Nipissing Recreation Committee. **Carried.**

R2023-019 D. Yemm, T. Butler:

That we participate in the City of North Bay's Household Hazardous Waste Program for 2023. **Carried.**

R2023-020 S. Kirkey, T. Butler:

That we pass By-Law Number 2023-07, being a By-Law to stop up, close and sell part of the Original Shore Road Allowance in front of Broken Lot 12, Concession 16 designated as parts 1, 2 & 3 on Plan 42R-21515 and part of the Original Shore Road Allowance in front of Broken Lots 11 & 12, Concession 16 designated as Part 4 on Plan 42R-21515, in the Township of Nipissing, District of Parry Sound. Read a first, second and third time and finally passed this 17th day of January, 2023. **Carried.**

R2023-021 D. Yemm, T. Butler:

That we pass By-Law Number 2023-08, being a By-Law to adopt a policy respecting the management of nuisance beavers and beaver dams in the Township of Nipissing. Read a first, second and third time and passed this 17th day of January, 2023. **Carried.**

R2023-022 T. Butler, S. Foote:

That we pass By-Law Number 2023-09, being a By-Law to authorize the creation and operation of a Recreation Committee for the conduct of recreational programming and management of the Township of Nipissing Community Centre for the Corporation of the Township of Nipissing.

Read a first, second and third time and passed this 17th day of January, 2023. **Carried.**

R2023-023 S. Kirkey, T. Butler:

That we pass By-Law Number 2023-10, being a By-Law to authorize the creation and operation of a Board of management for the Nipissing Township Museum, owned by the Corporation of the Township of Nipissing.

Read a first, second and third time and passed this 17th day of January, 2023. **Carried.**

R2023-024 D. Yemm, S. Foote:

That we pass By-Law Number 2023-11, being a By-Law to authorize the creation and operation of a Cemetery Committee for the administration of the Nipissing Union Cemetery, Commanda Cemetery and the St. John's Alsace Cemetery, for the Corporation of the Township of Nipissing.

Read a first, second and third time and passed this 17th day of January, 2023. **Carried.**

Draft Capital Budget and Asset Management Forecast 2023-2033 was presented to Council and discussed.

R2023-025 D. Yemm, S. Kirkey:

That we authorize the Municipal Administrator-Clerk-Treasurer to submit funding applications for: Museum Foundation repairs to the Resilient Communities Fund

Garage/Office Construction project to the Green and Inclusive Community Buildings program, when available. **Carried.**

R2023-026 T. Butler, S. Kirkey:

That we accept the correspondence as presented. **Carried.**

R2023-027 S. Foote, D. Yemm:

That the statement of accounts dated: December 31, 2022 and January 5, 6, 13 and 17, 2023; totaling \$130,114.23 be approved. **Carried.**

R2023-028 T. Butler, S. Kirkey:

That we pass By-Law No. 2023-12, being a by-law to confirm the proceedings of Council at its meeting held on January 17, 2023.

Read a first, second and third time and passed this 17th day of January, 2023. **Carried.**

R2023-029 S. Foote, D. Yemm:

That the meeting be adjourned. Time: 7:27 p.m. Next regular meeting to be held February 7, 2023. **Carried.**

Mayor:

Municipal Administrator:

Minutes prepared as per Section 228 (1)(a) of the Municipal Act, S.O. 2001, c. 25.

Clerk to record, without note or comment, all resolutions, decisions and other proceedings of the council.

Minutes to be approved by Council at the next regular Council Meeting.



J. Paul Dubé, Ombudsman

BY E-MAIL

January 30, 2023

Council for the Township of Nipissing
45 Beatty Street
Nipissing, ON
P0H 1W0

Dear Members of Council for the Township of Nipissing:

Re: Final Report

I have completed my investigation into whether the Township of Nipissing held improper closed meetings on February 17, March 9, April 6, May 18, June 8, July 13, and August 3, 2021. Please find my final report enclosed.

In accordance with section 14.1(8) of the *Ombudsman Act*, the municipality should make my report available to the public, and we ask that this be done no later than the next council meeting. In accordance with s. 239.2(12) of the *Municipal Act, 2001*, the municipality should pass a resolution stating how it intends to address this report.

Pursuant to section 14.1(9) of the *Ombudsman Act*, I will also post a copy of the report on my website at www.ombudsman.on.ca.

Yours truly,

A handwritten signature in black ink, appearing to read 'Paul Dubé', written over a large, stylized blue 'O' that is part of the signature.

Paul Dubé
Ombudsman of Ontario

Cc: Kris Croskery-Hodgins, Municipal Administrator-Clerk-Treasurer

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Ombudsman Report

**Investigation into meetings held by council
for the Township of Nipissing on February 17,
March 9, April 6, May 18, June 8, July 13,
and August 3, 2021**

**Paul Dubé
Ombudsman of Ontario
January 2023**

Complaint

- 1 My Office received a complaint regarding numerous closed meetings held by the Township of Nipissing (the "Township"). The complaint alleged that council's *in camera* discussions during these meetings did not fit within any of the closed meeting exceptions under the *Municipal Act, 2001* (the "Act") and should have occurred in open session.
- 2 My investigation has determined that council for the Township of Nipissing did not contravene the *Municipal Act, 2001* during *in camera* meetings on February 17, March 9, April 6, May 18, June 8, and August 3, 2021. These *in camera* discussions were permissible under the Act's closed meeting exceptions.
- 3 However, my investigation found that the Township contravened the *Municipal Act, 2001* on July 13, 2021, when it discussed the Township's hiring plan *in camera*. This discussion did not fall within any of the Act's closed meeting exceptions, and could have been parsed from the rest of council's *in camera* discussion.

Ombudsman jurisdiction

- 4 Under the *Municipal Act, 2001*¹ (the "Act"), all meetings of a council, local board, and committee of either must be open to the public unless they fall within prescribed exceptions.
- 5 As of January 1, 2008, the Act gives anyone the right to request an investigation into whether a municipality has complied with the Act in closing a meeting to the public. Municipalities may appoint their own investigator or use the services of the Ombudsman. The Act designates the Ombudsman as the default investigator for municipalities that have not appointed their own.
- 6 The Ombudsman is the closed meeting investigator for the Township of Nipissing.
- 7 In investigating closed meeting complaints, we consider whether the open meeting requirements in the Act and the municipality's governing procedures have been observed.
- 8 Since 2008, my Office has investigated hundreds of closed meetings in municipalities throughout Ontario. To assist municipal councils, staff, and the public, we have developed an online digest of open meeting cases. This searchable repository was created to provide easy access to the Ombudsman's decisions on, and interpretations of, the open meeting rules. Summaries of the

¹ SO 2001, c 25.

Ombudsman's previous decisions can be found in the digest:
www.ombudsman.on.ca/digest.

Investigative process

- 9 On July 20, 2022, my Office advised the Township of Nipissing of our intent to investigate meetings held by the Township on February 17, March 9, April 6, May 4, May 18, June 8, July 13, August 3, September 7, and September 21, 2021.
- 10 We reviewed relevant portions of the Township's procedure by-law, as well as the Act. We reviewed the relevant open meeting agendas, the open and closed meeting minutes for each meeting, and the closed meeting materials.
- 11 We spoke to the complainant and interviewed the Municipal Administrator-Clerk-Treasurer (the "Municipal Administrator"²), the Acting Clerk for the July 13 and August 3, 2021 meetings, the Fire Chief, the principal of a third-party consulting company, the Mayor, and the councillors who attended these meetings.
- 12 My Office received full co-operation in this matter.

Background

- 13 On February 16, 2021, the Township's CAO-Clerk resigned. The Township began a months-long process to prepare for the hiring of a new CAO-Clerk, with the assistance of a third-party consulting company.
- 14 In September 2021, the Township hired an existing staff member, who was at the time the Acting Interim CAO-Clerk-Treasurer, to fill the newly created role of Municipal Administrator-Clerk-Treasurer, which replaced the previous role of CAO-Clerk.

February 17, 2021 meeting

- 15 A special meeting of council was held at 9 a.m. on February 17, 2021, in the Township of Nipissing's Community Centre. Council immediately passed a resolution to proceed *in camera* under section 239(2)(b) of the Act, for consideration of "personal matters about an identifiable individual, including municipal or local board employees."

² The term Municipal Administrator is used in this report to refer to the municipal employee who occupied the positions of Treasurer-Deputy Clerk (prior to February 2021), Acting Interim CAO-Clerk-Treasurer (February 2021-September 2021) and Municipal Administrator-Clerk-Treasurer (September 2021 onwards).

- 16 Once *in camera*, council discussed the Township's CAO-Clerk's resignation from the previous day.
- 17 Council then discussed the duties and responsibilities of the Township's remaining administrative employees and made various directions to staff related to the employment of specific employees. In addition, council directed that an advertisement for the position of Temporary Administrative Assistant be posted immediately.
- 18 Council was also advised that an employee was performing duties and responsibilities outside of the scope of their position. Council then passed a resolution to promote the employee and to increase their pay grade.
- 19 Council also reviewed a revised draft organizational chart and notes provided by the Township's former CAO-Clerk and discussed the modification of five position descriptions for identifiable employees.
- 20 Council directed the Municipal Administrator to make the suggested position description changes and have the Mayor review them before discussing them with the affected staff members.
- 21 At 1:28 p.m., council passed a resolution to return to open session. Once in open session, council voted to
 - a) accept the CAO-Clerk's resignation effective February 16, 2021;
 - b) pass a by-law to appoint two individuals to specified positions; and
 - c) direct the Treasurer-Deputy Clerk [Municipal Administrator] to advertise for a Temporary Administrative Assistant position, for a six-month placement.

Analysis

- 22 Section 239(2)(b) of the Act allows a meeting to be closed to the public when discussions pertain to a personal matter about an identifiable individual, including about a municipal employee. Personal information is information that can be reasonably expected to identify an individual.³

³ *Ontario (Attorney General) v. Pascoe*, 2002 CanLII 30891 (ONCA) at para 1, online: <<https://canlii.ca/t/1chz2>>, cited in *Amherstburg (Town of) (Re)*, 2022 ONOMBUD 11 [Amherstburg] at para 19, online: <<https://canlii.ca/t/jr5rc>>.

- 23 My Office has found that to qualify as “personal information”, information must be about an individual in their personal capacity, rather than their professional, official or business capacity.⁴ However, information about an individual in their professional capacity may qualify as personal information if it reveals something of a personal nature about the individual.⁵ For example, my Office has found that discussions of employee conduct, performance, and salary fit within the exception.⁶
- 24 My Office has also found that discussion of a specific staff member’s resignation or retirement is inherently personal in nature and fits within the exception.⁷ Furthermore, my Office has found that discussions regarding a particular candidate or candidates for a position fit within the exception.⁸
- 25 In addition, discussion of staff retention and reorganization as it affects individuals and their roles is permitted in closed session under both the exception for personal matters and the exception for labour relations and employee negotiations.⁹
- 26 In the context of the February 17, 2021 meeting, council discussed the former CAO-Clerk’s resignation. Since my Office has found that information about an individual’s resignation qualifies as personal information, this discussion fit within the exception for personal matters.
- 27 Council also discussed appointing two employees to new positions. Given that my Office has previously found that discussion of an employee’s candidacy for another role falls within the exception, this discussion fit within the exception for personal matters.
- 28 In addition, council discussed promoting and increasing the pay grade of an employee. My Office has previously found that discussions regarding employee conduct, performance, and their candidacy for a particular position fit within this exception. Accordingly, this discussion fit within the exception for personal matters.

⁴ *Lanark Highlands (Township of) (Re)*, 2018 ONOMBUD 1 at para 46 [*Lanark Highlands*], online: <<https://canlii.ca/t/hvmtf>>.

⁵ *Ibid.*

⁶ *Greater Sudbury (City of) (Re)*, 2017 ONOMBUD 2 [*Greater Sudbury*], online: <<https://canlii.ca/t/h4rwp>>; and *Russell (Township of) (Re)*, 2015 ONOMBUD 29 [*Russell*], online: <<https://canlii.ca/t/qtp73>>.

⁷ *Lanark Highlands*, *supra* note 3 at para 47.

⁸ *Russell*, *supra* note 5.

⁹ Letter from Ombudsman of Ontario to Town of Amherstburg (9 December 2013) [Town of Amherstburg], online: <<https://www.ombudsman.on.ca/resources/reports-and-case-summaries/municipal-meetings/2013/town-of-amherstburg-en>>.

- 29 Council further discussed a revised draft organizational chart, notes provided by the Township's former CAO-Clerk, and the modification of five position descriptions. Given that council discussed reorganization as it would impact particular employees, this discussion fit within the exception for personal matters.
- 30 Accordingly, council's discussions on February 17, 2021 fit within the exception for personal matters about an identifiable individual.

March 9, 2021 meeting

- 31 A special meeting of council was held on March 9, 2021 in the Township of Nipissing's Community Centre. The meeting began at 5:30 p.m. Council passed a resolution shortly thereafter to proceed *in camera* under section 239(2)(b) of the Act for consideration of "personal matters about an identifiable individual, including municipal or local board employees."
- 32 Once *in camera*, council once again reviewed the five position descriptions for identifiable employees and made suggestions for corrections.
- 33 Council directed the Municipal Administrator to make the suggested changes to the position descriptions and have the Mayor review those changes before speaking to the affected staff members about them.
- 34 Council then passed two resolutions to enter into Memoranda of Understanding (MOU) with two employees. My Office was told that the discussion of the MOUs included discussion of the employees' salaries.
- 35 Council then passed a resolution authorizing the Municipal Administrator to offer an identified individual an employment contract with the Township.
- 36 Finally, council directed that the draft position descriptions and the organizational chart be sent to a human resources consultant.
- 37 Council passed a resolution at 6:33 p.m. to return to open session. Once in open session, council voted to accept a quote to review the Township's five position descriptions and organizational chart, and passed a by-law to amend the Township's Human Resources Policy and Procedures Manual.

Analysis

- 38 Council cited the exception for personal matters under section 239(2)(b) of the Act to proceed into closed session on March 9, 2021. As noted above, a meeting or part of a meeting may be closed to the public if the discussion would reveal personal information about an identifiable individual.

- 39 In this case, council discussed five position descriptions and the organizational chart. Given that council discussed reorganization as it would impact identifiable employees, this discussion fit within the exception for personal matters.
- 40 Council's discussion of entering into MOUs with two employees also fit within the exception for personal matters, as it included discussion of the individuals' new roles and salaries.
- 41 Council also authorized the Municipal Administrator to offer an identified individual an employment contract with the Township. As this discussion pertained to an identifiable candidate, it fit within the exception for personal matters.
- 42 Accordingly, council's discussions on March 9, 2021 fit within the exception for personal matters about an identifiable individual.

April 6, 2021 meeting

- 43 The April 6, 2021 meeting of council began at 6:30 p.m. in the Township of Nipissing's Community Centre.
- 44 Council passed a resolution at 7:03 p.m. to proceed *in camera* under section 239(2)(b) of the Act for consideration of "personal matters about an identifiable individual, including municipal or local board employees."
- 45 Once *in camera*, council heard from the Township's Operations Superintendent about unproven allegations concerning an identified company and an identified individual.
- 46 Once the Operations Superintendent left the meeting, the Township's Fire Chief joined the meeting to review job applications of identified candidates with council.
- 47 During the meeting, council discussed a complaint that the Township had received from an identified individual about another identified individual which involved health and safety concerns.
- 48 Council passed a resolution at 7:57 p.m. to return to open session.

Analysis

- 49 Council cited the exception for personal matters under section 239(2)(b) of the Act to proceed into closed session on April 6, 2021. As noted above, a meeting or part of a meeting may be closed to the public if the discussion would reveal personal information about an identifiable individual.

- 50 In this case, council discussed job applications from identified candidates. My Office has previously found that council's review of an application for a staff position comes within the exception for personal matters.¹⁰ Accordingly, this discussion fit under the exception for personal matters.
- 51 Council also discussed unproven allegations relating to an identified company and an identified individual. My Office has previously found that a discussion about unproven allegations fit within the exception for personal matters, as the allegations had not been investigated, proven, or made public at the time.¹¹ Similarly, this discussion fit under the exception for personal matters.
- 52 Council then discussed another complaint involving unproven allegations and resulting health and safety concerns. Given that the individuals were identified by name and the allegations were unproven, this portion of the meeting also fit within the exception for personal matters.
- 53 Accordingly, council's discussions on April 6, 2021 fit within the exception for personal matters about an identifiable individual.

May 18, 2021 meeting

- 54 The May 18, 2021 meeting of council began at 6:30 p.m. in the Township of Nipissing's Community Centre.
- 55 Council passed a resolution at 7:06 p.m. to proceed *in camera* under section 239(2)(b) of the Act for consideration of "personal matters about an identifiable individual, including municipal or local board employees."
- 56 Once *in camera*, council reviewed its new position descriptions and organizational chart. We were told that employees were identified by name and that council discussed their job performance.
- 57 Council also received a quote for the advertising and selection process of a CAO-Clerk-Deputy Treasurer position and, in the context of reviewing the quote, discussed the performance of an identifiable individual at length.
- 58 Council passed a resolution at 7:26 p.m. to return to open session. Council subsequently voted to pass a by-law to adopt the new position descriptions and a revised organizational chart.

¹⁰ *Magnetawan (Municipality of) (Re)*, 2015 ONOMBUD 20 at para 41, online: <<https://canlii.ca/t/gtp6h>>.

¹¹ Letter from the Ombudsman's of Ontario to the City of Elliot Lake (8 September 2014) online: <<https://www.ombudsman.on.ca/resources/reports-and-case-summaries/municipal-meetings/2014/city-of-elliott-lake-1>>.

Analysis

- 59 Council cited the exception for personal matters under section 239(2)(b) of the Act to proceed into closed session on May 18, 2021. As noted above, a meeting or part of a meeting may be closed to the public if the discussion would reveal personal information about an identifiable individual.
- 60 Council discussed where employees would fit within the municipality's new organizational chart. The information contained in the new organizational chart was not public at the time. Further, council identified employees by name and discussed their job performance. Accordingly, this discussion fit within the exception for personal matters.
- 61 Council's discussion of the quote primarily focused on the performance of an identifiable individual. As such, this discussion also fit within the exception for personal matters.
- 62 Accordingly, council's discussions on May 18, 2021 fit within the exception for personal matters about an identifiable individual.

June 8, 2021 meeting

- 63 The June 8, 2021 meeting of council began at 6:30 p.m. in the Township of Nipissing's Community Centre.
- 64 Council passed a resolution at 7:08 p.m. to proceed *in camera* under section 239(2)(b) of the Act for consideration of "personal matters about an identifiable individual, including municipal or local board employees."
- 65 Once *in camera*, council passed a resolution to change the pay grade of three employees. We were told that council discussed the employees' qualifications and job performance, as well as what their pay would be upon being moved to a higher pay grade.
- 66 Council passed a resolution at 7:20 p.m. to return to open session.

Analysis

- 67 Council cited the exception for personal matters under section 239(2)(b) of the Act to proceed into closed session on June 8, 2021.

- 68 In closed session, council discussed increasing the pay grade for three employees who were identified by name. We were told that council discussed the qualifications and performance of these employees, as well as the salaries that they would earn if they were moved up to a new pay grade.
- 69 My Office has found that discussions of salary ranges for a position are not considered personal information for the purposes of the exception.¹² However, my Office has found that discussions of employee conduct, performance, and specific salary fit within the exception.¹³ Accordingly, council's discussions on June 8, 2021 fit within the exception for personal matters about an identifiable individual.

July 13, 2021 meeting

- 70 The July 13, 2021 meeting of council began at 6:30 p.m. in the Township of Nipissing's Community Centre.
- 71 Council passed a resolution at 7:06 p.m. to proceed *in camera* under section 239(2)(b) of the Act for consideration of "matters pertaining to Subsection (2)(b) personal matters about an identifiable individual, including municipal or local board employees, with respect to filling the vacancy in the CAO/Clerk position."
- 72 Staff members were not present for council's *in camera* discussion.
- 73 Once *in camera*, a third-party consultant led council in a discussion about the need to fill the vacant CAO-Clerk position. As part of this discussion, council and the consultant discussed identifiable Township employees and assessed their job performance in the context of determining their suitability for the vacant position.
- 74 During this discussion, the consultant reviewed the mandatory and optional positions under the Act and discussed cross-training staff for various positions. Council also discussed the new job description for the position, which included discussion of the roles of other staff in the office.
- 75 The consultant also proposed a hiring plan, which included a high-level overview of proposed steps in the hiring process. My Office was told that the discussion of the hiring plan took place in closed session because the consulting company did not want its proposed hiring process to be made public.

¹² *The Nation (Municipality of) (Re)*, 2019 ONOMBUD 4 at para 56 [*The Nation*], online: <<https://canlii.ca/t/j2b4c>>; *South Huron (Municipality of) (Re)*, 2015 ONOMBUD 6 at para 18, online: <<https://canlii.ca/t/gtp80>>.

¹³ *Greater Sudbury*, *supra* note 5 and *Russell*, *supra* note 5.

76 Council passed a resolution at 8:18 p.m. to return to open session.

Analysis

Applicability of the exception for personal matters about an identifiable individual

- 77 Council cited the exception for personal matters under section 239(2)(b) of the Act to proceed into closed session on July 13, 2021.
- 78 In this case, council discussed the job performance of identifiable employees and assessed their suitability for the vacant position. Accordingly, these portions of the discussion fit within the exception for personal matters.
- 79 However, the discussions regarding the mandatory and optional positions under the Act, the new job description for the position, the roles of other staff in the office, and the hiring plan did not fit in the exception for personal matters, as they did not pertain to identified individuals.

Applicability of the exception for information supplied in confidence by a third party

- 80 Although not cited by the Township, we have considered whether the exception for information supplied in confidence by a third party under section 239(2)(i) of the Act may have allowed the discussion of the hiring plan to take place *in camera*. We considered this exception because we were told that the consulting company engaged by the Township did not want the details of its hiring process to be made public.
- 81 In considering this exception, my Office has previously found that a third party's assertion that it would like a discussion to remain private does not mean that the Act permits this.¹⁴ In order for the exception to apply, the discussion must be about information that
- (1) Falls into one of the listed types: trade secret, scientific, technical, commercial, financial, or labour relations information;
 - (2) Was supplied confidentially, whether explicitly or implicitly, to the municipality by a third party; and

¹⁴ *St.-Charles (Municipality of) (Re)*, 2019 ONOMBUD 6 at para 29, online: <<https://canlii.ca/t/j2p1h>>.

- (3) If disclosed, could reasonably be expected to cause harm, either by prejudicing significantly the competitive position or by interfering significantly with the contractual or other negotiations of a person, group of persons or organization.¹⁵
- 82 Our review indicated that the discussion of the hiring plan focused on a high-level overview of the procedural steps that the Township could take to hire for the vacant position. Accordingly, the information discussed does not fall into one of the categories covered under section 239(2)(i) of the Act.
- 83 Moreover, we were not presented with any evidence that the discussion about the hiring plan could create a reasonable expectation of harm to the consulting company if it were discussed in open session. As my Office noted in a report to the Town of Pelham,¹⁶ the Ontario Superior Court has found that the onus is on the party seeking to withhold information to supply “detailed and convincing” evidence to establish a reasonable expectation of harm.¹⁷ My Office further noted in the Pelham report that “[...] speculation does not establish a reasonable expectation of harm.”¹⁸
- 84 Accordingly, my Office's review has determined that the discussion of the hiring plan did not fit within the exception for information supplied in confidence by a third party.

Parsing the discussion

- 85 The discussions regarding the mandatory and optional positions under the Act, new job description for the position, the roles of other staff in the office, and the hiring plan do not appear to come within any of the Act's closed meeting exceptions. Accordingly, it is necessary to assess whether these topics could have been parsed from the other portions of council's *in camera* discussion.
- 86 In *St. Catharines v. IPCO, 2011*, the Ontario Divisional Court found that it is unrealistic to expect municipal councils to split up discussions between open and closed sessions where it would “detract from free, open and uninterrupted discussion.”¹⁹ In other words, where it would be unrealistic to expect council to

¹⁵ Letter from the Ontario Ombudsman to Town of South Bruce Peninsula (14 October 2021), online: <<https://www.ombudsman.on.ca/resources/reports-and-case-summaries/municipal-meetings/2021/town-of-south-bruce-peninsula>>.

¹⁶ *Pelham (Town of) (Re)*, 2022 ONOMBUD 9 at para 40 [*Pelham*], online: <<https://canlii.ca/t/jpsh5>>.

¹⁷ *Corporation of the Town of Arnprior v. Information and Privacy Commissioner of Ontario*, 2016 ONSC 2904 (CanLII) at paras 22-24, online: <<http://canlii.ca/t/gpqlx>>.

¹⁸ *Pelham*, *supra* note 15 at para 41.

¹⁹ *St. Catharines (City) v. IPCO*, 2011 ONSC 2346 at para 42 [*St. Catharines*], online: <<https://canlii.ca/t/fkqfr>>.

parse intertwined subjects, topics that do not otherwise fit within a closed meeting exception may still be discussed *in camera*.²⁰ However, if the topics can be separated, council is expected to return to open session for those portions of the discussion that do not fit within an open meeting exception.

- 87 We were told that the discussions about the positions under the Act, the roles of staff, and the job descriptions were intermingled with the discussion about employee performance. Accordingly, these discussions could not have been easily separated. As such, it would not be realistic to expect council to have parsed their discussions by extracting these topics for discussion in open session.
- 88 However, the discussion of the hiring plan took place as a separate and distinct discussion following the discussions about the positions under the Act and employees' performance. My Office has previously found that general discussion of hiring and recruitment does not fall within the Act's closed meeting exceptions.²¹ Discussion of the hiring plan was not interrelated with the discussion of employees' job performance. Accordingly, council could have parsed the discussion between open and closed session without creating an unreasonable interruption to the conversation.

August 3, 2021 meeting

- 89 Council held a special meeting on August 3, 2021. The meeting began at 6:30 p.m. in the Township of Nipissing's Community Centre.
- 90 Council passed a resolution at 7:06 p.m. to proceed *in camera* under section 239(2)(d) of the Act for consideration of "matters pertaining to Subsection (2)(d) labour relations or employee negotiations, with respect to filling the vacancy in the CAO/Clerk position."
- 91 Staff members were not present for council's *in camera* discussion.
- 92 Once *in camera*, the third-party consultant reviewed the results of a survey that she had asked council members to complete regarding the CAO-Clerk position. The consultant and council discussed council's priorities for hiring a new CAO-Clerk.

²⁰ *Plympton-Wyoming (Town of) (Re)*, 2021 ONOMBUD 4, online: <<https://canlii.ca/t/jd49k>>.

²¹ *Timmins (City of) (Re)*, 2017 ONOMBUD 3 at paras 29-31 online: <<https://canlii.ca/t/h4rwr>>; Letter from Ombudsman of Ontario to Township of Leeds and the Thousand Islands (8 September 2016), online: <<https://www.ombudsman.on.ca/resources/reports-and-case-summaries/municipal-meetings/2016/township-of-leeds-and-the-thousand-islands-en>>.

93 In addition, the consultant once again led council in a discussion about the need to fill the vacant CAO-Clerk position. As part of this discussion, council and the consultant discussed identifiable Township employees and assessed their job performance in the context of determining their suitability for the vacant position.

94 Council passed a resolution at 8:29 p.m. to return to open session.

Analysis

Applicability of the exception for labour relations or employee negotiations

95 Council cited the exception for labour relations or employee negotiations under section 239(2)(d) of the Act to proceed into closed session on August 3, 2021.

96 The purpose of this exception is to protect discussions relating to the relationship between a municipality and its employees.²²

97 My Office has previously found that discussions pertaining to specific employees' work conditions and more generally, work environment, fit within the exception for labour relations or employee negotiations.²³ In addition, my Office has found that this exception applies to discussions of employees' conduct and job performance.²⁴ As noted above, my Office has found that discussion of reorganization as it affects individuals and their roles is permitted in closed session under the exception for labour relations and employee negotiations.²⁵ However, discussions focused on the nature and role of a proposed staff position do not fit within the exception for labour relations.²⁶

98 Council's discussion regarding identifiable employees' job performance fit within the exception for labour relations. This discussion would also fit within the exception for personal matters about an identifiable individual.

99 However, the portion of council's discussion that focused on the results of the survey and council's priorities for hiring a new CAO-Clerk did not fit within the exception for labour relations as it did not pertain to the relationship between the Township and its employees. These topics also do not appear to come within any of the Act's other closed meeting exceptions.

²² *The Nation*, *supra* note 11 at para 53.

²³ *Amherstburg (Town of)*, 2015 ONOMBUD 33, online: <<https://canlii.ca/t/gtp7d>>.

²⁴ *Amherstburg*, *supra* note 2

²⁵ *Town of Amherstburg*, *supra* note 8.

²⁶ *St. Catharines (City of) (Re)*, 2019 ONOMBUD 1, online: <<https://canlii.ca/t/hxrk5>>.

Parsing the discussion

- 100 The discussions regarding the survey and council's priorities for hiring a new CAO-Clerk do not appear to come within any of the Act's closed meeting exceptions. Accordingly, it is necessary to assess whether these topics could have been parsed from the other portions of council's *in camera* discussion.
- 101 As noted above, municipal councils are not expected to split up discussions between open and closed sessions where it would "detract from free, open and uninterrupted discussion."²⁷ However, if the topics can be separated, council is expected to return to open session for those portions of the discussion that do not fit within an open meeting exception.
- 102 The discussion of the survey results and council's priorities for hiring a new CAO-Clerk was used as a background to analyze identifiable employees' performance. Council sought to understand whether a current staff member could meet the responsibilities of the new position.
- 103 Discussions of the survey results, council's priorities for hiring a new CAO-Clerk, and employees' job performance were interwoven and informed one another. An attempt to parse these discussions would have stifled free, open and uninterrupted discussion. In the circumstances, it would not have been realistic to expect council to parse their discussions by extracting these topics for discussion in open session.

Opinion

- 104 My investigation found that council for the Township of Nipissing did not contravene the *Municipal Act, 2001* during *in camera* meetings on February 17, March 9, April 6, May 18, June 8, and August 3, 2021. These *in camera* discussions were permissible under the Act's closed meeting exceptions.
- 105 However, the Township contravened the *Municipal Act, 2001* on July 13, 2021, when it discussed the Township's hiring plan *in camera*. Discussion of the hiring plan did not fit within the exception for personal matters, nor did it come within any of the Act's other closed meeting exceptions. The hiring plan discussion was separate and distinct from council's other discussions in closed session. Accordingly, council could have parsed this discussion between open and closed session.

²⁷ *St. Catharines*, *supra* note 18.

Recommendations

- 106 I make the following recommendations to assist the Township of Nipissing in fulfilling its obligations under the Act:

Recommendation 1

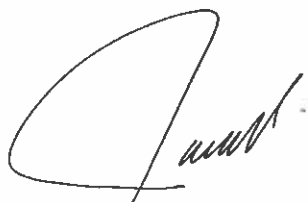
Members of council for the Township of Nipissing should be vigilant in adhering to their individual and collective obligation to ensure compliance with their responsibilities under the *Municipal Act, 2001*.

Recommendation 2

Members of council for the Township of Nipissing should ensure that no subject is discussed in closed session unless it clearly comes within one of the statutory exceptions to the open meeting requirements.

Report

- 107 Council for the Township of Nipissing was given the opportunity to review a preliminary version of this report and provide comments to my Office. All comments we received were considered in the preparation of this final report.
- 108 In its response, council accepted the report's two recommendations and affirmed its commitment to ensuring compliance with its responsibilities under the *Municipal Act, 2001*. I applaud the municipality's commitment to improving the accountability and transparency of its meeting practices.
- 109 This report will be published on my Office's website, and should be made public by the Township of Nipissing. In accordance with s. 239.2(12) of the *Municipal Act, 2001*, council is required to pass a resolution stating how it intends to address this report.



Paul Dubé
Ombudsman of Ontario



TOWNSHIP OF NIPISSING

RESOLUTION

DATE: February 7, 2023

NUMBER: R2023-

Moved by

Seconded by

WHEREAS Council has received a request for a refund of Consent Application Fees provided for a matter that is no longer legally viable due to unforeseen circumstances on the part of the applicant;

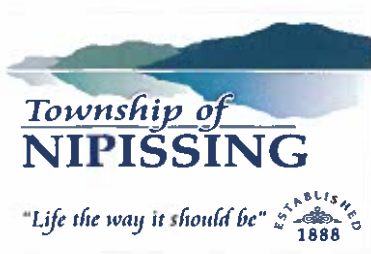
NOW THEREFORE Council approves the refund of the application fee, less any expenses incurred on the file to date, to the applicant Susan Baribeau.

For Against

PIPER
BUTLER
FOOTE
KIRKEY
YEMM

Carried

Mayor: Tom Piper



TOWNSHIP OF NIPISSING

RESOLUTION

DATE: February 7, 2023

NUMBER: R2023-

Moved by

Seconded by

WHEREAS there are currently advertised vacancies on the Township of Nipissing Recreation Committee and Cemetery Committee, Council has received a letter of interest for the Recreation Committee from TerriLynn Paynter;

NOW THEREFORE Council appoints TerriLynn Paynter to the Township of Nipissing Recreation Committee for this term of Council.

For Against

PIPER
BUTLER
FOOTE
KIRKEY
YEMM

Carried

Mayor: Tom Piper

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

BY-LAW NUMBER 2023-__

**A BY-LAW TO DEEM PART OF REGISTERED PLAN 42M592 IN THE TOWNSHIP
OF NIPISSING NOT TO BE A PART OF A REGISTERED PLAN OF SUBDIVISION
FOR THE PURPOSES OF SECTION 50(4) OF THE PLANNING ACT**

WHEREAS Section 50(4) of the *Planning Act*, R.S.O. 1990, Chapter P.13, (hereinafter the *Planning Act*) authorizes a municipality to designate any plan of subdivision or part thereof that has been registered for eight years or more as not being a plan of subdivision for subdivision control purposes;

AND WHEREAS Plan 45M592, in the Township of Nipissing, was originally filed and registered on May 29th, 1992 and is a registered plan of subdivision for the purposes of section 50 of the *Planning Act*;

AND WHEREAS the Plan has been registered for more than eight years;

AND WHEREAS it is deemed expedient in order to control the development of land in the municipality that a by-law be passed pursuant to Section 50(4) of the *Planning Act* affecting certain lands contained in the Plan;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF NIPISSING HEREBY ENACTS AS FOLLOWS:

1. THAT Lot 1, PL 42M592 and Lot 2, PL 42M592, Township of Nipissing are hereby deemed not to be part of a registered plan of subdivision for the purposes of Subsection 50(3) of the *Planning Act*, R.S.O. 1990, Chapter P.13.
2. THAT this By-law shall take effect as the date of registration as provided for in subsections 50(27) and (28) of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended.

BY-LAW read a first, second and third time and passed this 7th day of February, 2023.

Tom Piper, Mayor

Kris Croskery-Hodgins,
Municipal Administrator-Clerk-Treasurer

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

By-Law Number 2020-35

Being a By-law to establish and/or continue a Fire Department.

WHEREAS Section 8.(1) of the Municipal Act, S.O. 2001, Part II, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on a municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the Municipal Act, S.O. 2001, Part II, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS the Fire Protection and Prevention Act, 1997, Part II, section 5(0.1), as amended, permits the Council of a municipality to establish, maintain and operate a fire department for all or any part of the municipality;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Township of Nipissing as follows:

1. In this By-law, unless the context otherwise requires,
 - a) "Approved" means approved by the municipal council.
 - b) "Automatic Aid" means any agreement which the Corporation has entered into with a neighbouring municipality to provide or receive an initial response to fires, rescues and emergencies which may occur in an area more quickly accessed by the other fire department which is capable of responding to the incident.
 - c) "CAO-Clerk" means Chief Administrative Officer – Clerk for the Township of Nipissing.
 - d) "Company" means a complement of fire department personnel operating one or more pieces of apparatus or equipment.
 - e) "Corporation" means the Corporation of the Township of Nipissing.
 - f) "Council" means the Council of the Township of Nipissing.
 - g) "Department" means the Township of Nipissing Fire Department.
 - h) "Deputy Fire Chief" means the person(s) appointed by the Council of the Township to act in the place of the Fire Chief in the Fire Chief's absence.
 - i) "Fire Chief" means a Fire Chief appointed under subsection 6(1), (2), or (4) of the *Fire Protection and Prevention Act*.
 - j) "Fire Department" means a group of firefighters authorized to provide fire protection services by a municipality, and/or group of municipalities, and/or by agreement under Section 3 of the *Fire Protection and Prevention Act*.
 - k) "Fire Protection" means a range of programs designed to protect the lives and property of the inhabitants of the fire department response area from the adverse effects of fire, sudden medical emergency or exposure to dangerous conditions created by man or nature and includes fire suppression, fire prevention, fire safety education, communication, training of persons involved in the provision of the fire protection services, rescue and emergency services and the delivery of all of those services.
 - l) "Firefighter" means a Fire Chief and any other person employed in, or appointed to, a fire department and assigned to undertake fire protection services, and includes a volunteer firefighter.

- m) “Limited Service” means a variation of service significantly differentiating from the norm as a result of extenuating circumstances, such as deployment of Volunteer Firefighters in insufficient numbers to safely carry out the delivery of Fire Protection Services, environmental factors, remote properties, impeded access, private roadways, lanes and drives, obstructions, or extraordinary hazards or unsafe conditions.
 - n) “Medical Response” means responding to emergent or urgent medical requirements at a fire scene or a motor vehicle accident in the course of responding to the emergency or call.
 - o) “Member” means any defined firefighter or employee of the department.
 - p) “Mutual Aid” means a program to provide/receive assistance in the case of a major emergency in a municipality, community or area where resources in a municipality, community or area have been depleted, but does not include “Automatic Aid”.
 - q) “Mutual Aid Plan” means the Province of Ontario Mutual Aid Plan, which incorporates the county, regional and district mutual aid plans developed under the authority of the *Fire Protection and Prevention Act, 1997*, and under the direction of the Fire Marshal, facilitate the provision of fire protection services to the residents of counties, regions and districts under a coordinated and cooperative provincial plan.
 - r) “NPPA” means the *Fire Protection and Prevention Act, 1997*, S.O., c 4, as may be amended from time to time, or any successor legislation, and any regulation made thereunder.
 - s) “Officer” means Fire Chief, Deputy Fire Chief, Captain, Lieutenant, Fire Prevention Officer, or any person designated by the fire Chief to supervise Firefighters.
 - t) “Private Roads” means any private road, lane, ramp, un-assumed and unmaintained Municipal road allowance, or other means of vehicle access to or from a building or structure and may include part of a parking lot.
 - u) “Property” means any real property located within the geographical boundaries of the Township of Nipissing, including buildings, structures and erections of any nature and kind in or upon such lands, but excludes real property owned by the Crown either Federally or Provincially.
 - v) “Volunteer Firefighter” means a firefighter who provides fire protection services either voluntarily or for a nominal consideration, honorarium, training or activity allowance.
- 2.
- a) A department for the Township of Nipissing to be known as the Township of Nipissing Fire Department is hereby continued and the head of the department shall be known as the Fire Chief.
 - b) The (goals/mission statement) of the department shall be as those contained in Appendix “A” of this by-law.
 - c) The department shall be organized as per Appendix “B” forming part of this by-law.
 - d) The core services provided by the Township of Nipissing Fire Department shall be those contained in Appendix “C” of this by-law.
 - e) Fire Prevention and Public Education shall be performed as contained in Appendix “D” of this by-law.
 - f) Private Road Standards required for fire and emergency response shall be detailed in Appendix “E” of this by-law.
- 3.
- In addition to the Fire Chief, the department personnel may consist of a Deputy Fire Chief (s) and such number of officers and members as from time to time be deemed necessary by the Council.

4.
 - a) The Fire Chief may recommend to Council the appointment of any qualified person as a member of the department subject to the approved hiring policies of the Township and the Promotional Policy stated in 4(c) of this By-Law.
 - b) A person appointed as member of the department shall be on probation for a period of one year, during which period the probationary member shall take such special training and examinations as may be required to acquire competencies of an active firefighter.
 - c) The method of Promotion within the Township of Nipissing Fire Department shall be as follows:
 - i) Following the probationary year and completion of required competencies, the title of Firefighter shall be earned;
 - ii) Following three (3) consecutive, active years as a Firefighter, and completion of all required competencies of an officer to level of Lieutenant, any posted openings for the position of Lieutenant may be applied for and the Firefighter may be considered for the competition;
 - iii) Following the completion of competencies of an officer to level of Captain, which will include competencies of Firefighter and Lieutenant, any posted openings for the position of Captain may be applied for and the Firefighter may be considered for the competition.
5.
 - a) The Fire Chief may reprimand, suspend or recommend dismissal of any member for non-compliance with any of the provisions of this by-law or general orders and departmental rules that in the opinion of the Fire Chief, would be detrimental to the discipline, health, safety and efficiency of the department.
 - b) Following the suspension of any member the Fire Chief shall immediately report, in writing, the suspension and recommendations to the CAO-Clerk.
 - c) A member shall not be dismissed without being afforded the opportunity for a hearing before Council, if the member makes a written request for such hearing within seven working days after receiving the proposed dismissal.
6. The remuneration of all members of the department shall be as determined by Council.
7. The Fire Chief is responsible to Council for the proper administration and operation of the department and is under the general direction of the CAO-Clerk.
The Fire Chief shall provide the following administrative and operational items:
 - a) Develop, review and publish policies, operational guidelines, general orders and departmental rules as may be necessary for the care and protection of the personnel, department, department equipment and for the efficient operation of the department, provided that such policies, orders and rules do not conflict with the provisions of any by-laws of the municipality. The Fire Chief shall be responsible for the enforcement of this by-law, general orders and departmental rules.
 - b) Establish a review schedule and adhere to that schedule for periodical review of all department policies and procedures. The Fire Chief may establish an advisory committee consisting of such members of the department as may be determined to assist in these duties.
 - c) Establish a comprehensive Fire Prevention and Education Program which will encompass proper measures for the prevention, control and extinguishment of fires and for the protection of life and property. The department, under direction of the Fire Chief, will enforce all provincial legislation and municipal by-laws respecting fire prevention and shall adhere to the provisions of the Fire Protection and Prevention Act.
 - d) Review and update the Municipal Fire Risk Assessment annually.

8. RECOVERY OF COSTS – ADDITIONAL EXPENSES

a) The Fire Chief may require property owners or persons within or outside the municipality to pay costs or fees for fire and emergency response or other administrative services provided to them. Invoicing for response services or recovery of fees will be conducted in accordance with the Township of Nipissing User Fees By-Law in-force.

b) If as a result of a Fire Department response to a fire or emergency incident, the Fire Chief or his/her designate determines that it is necessary to incur additional expenses, retain a private contractor, rent special equipment not normally carried on a fire apparatus or use more materials than are carried on a fire apparatus (the “Additional Service”) in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, control and eliminate an emergency, carry out or prevent damage to equipment owned by or contracted to the Corporation, assist in or otherwise conduct fire cause investigation or determination or otherwise carry out the duties and functions of the Fire Department and/or to generally make “safe” an incident or property, the owner of the property requiring or causing the need for the Additional Service or expense shall be charged the full costs to provide the Additional Service including all applicable taxes. Property shall mean personal and real property.

9. The Deputy Fire Chief(s) is/are responsible to the Fire Chief for the functions that are supervised by the Deputy Fire Chief(s) and shall have the same authority and responsibilities as the Fire Chief and shall perform all the duties of the Fire Chief in the Fire Chief’s absence.

FIRE CHIEF DUTIES:

The Fire Chief is responsible for ensuring the following duties are carried out:

Administration

- a) Provide administration facilities and provide for the completion of all general administration duties for the department.
- b) Prepare and monitor the departmental budget.
- c) Prepare the points calculations semi-annually of the department and maintain all personnel records in accordance with the policy of the Township, certify all accounts and initiate requisitions for materials and services of the department.
- d) Maintain and ensure that the Promotional Procedure in effect is followed.
- e) Prepare the monthly and annual report of the department.
- f) Provide liaison with the local firefighters’ association(s) and Mutual Aid Coordinator.
- g) Assist the District Fire Coordinator in the preparation of a Mutual Aid Plan and Program.

Apparatus and Equipment

- a) Maintain and keep in good repair all existing buildings, apparatus and equipment of the department.
- b) Prepare specifications for the purchase of apparatus and equipment when required and approved.
- c) Prepare the annual budget and forecast capital requirements for apparatus and equipment.

Fire Suppression

- a) Prevent, control and extinguish fires,
- b) Conduct investigations of fire scenes in order to determine cause and origin, and where required, to request appropriate agencies to assist with the investigation,
- c) Respond and assist at such emergencies as may be deemed necessary by the Fire Chief,
- d) Perform pre-emergency planning,
- e) Perform apparatus and equipment maintenance and cleaning duties,

- f) Captains or designates are in command of the company to which they are assigned and are responsible to the Fire Chief and Deputy Fire Chief.
- g) Where the Fire Chief designates a member to act in the position of an officer, such member when so acting, has all the authority and responsibility of such officer and shall perform all the duties of the officer replaced.

Fire Prevention

- a) Develop approved fire prevention and public fire safety education policies and procedures.
- b) Ensure compliance with the Fire Protection and Prevention Act.
- c) Maintain fire loss records.

Training

- a) Establish a fire department training program and conduct training for all members in accordance with the approved training program.
- b) Administer training programs and maintain records.
- c) Prepare and conduct examinations of members as required.

The department shall not respond to a call with respect to a fire or other emergency outside the approved response areas of the municipality with the following exceptions:

- a) That in the opinion of the Fire Chief, or designate, threatens property in the municipality or property situated outside the municipality that is owned or occupied by the municipality,
- b) In a municipality with which an Automatic Aid Agreement has been entered into to provide fire protection when required,
- c) On property with respect to which an agreement has been entered into with any person or corporation to provide fire protection therefore,
- d) At the discretion of the Fire Chief, to a municipality authorized to participate in the Mutual Aid Plan and Program on a reciprocal basis, or
- e) On property beyond the municipal boundary where the Fire Chief, or designate, determines that immediate action is necessary to preserve and protect life and/or property and the correct department is notified and/or assumes command. The Fire Chief shall subsequently inform the head of Council of such response.

LIMITED SERVICE

In consideration of the reliance by the Fire Department on the response of Volunteer Firefighters, whose deployment to emergencies in sufficient numbers cannot in all instances be guaranteed, adverse climate conditions, delays or unavailability of specialized equipment required by the Fire Department, or other extraordinary circumstances which may impede the delivery of Fire Protection Services, any Approved Service set out in Schedule “B” may from time to time be provided as a Limited Service as defined in this by-law, as determined by the Fire Chief, his or her designate, or the highest ranking Officer in charge of a response.

This By-Law comes into effect the day it is passed by Council.

That By-law 2018-14 is hereby repealed.

READ A FIRST TIME THIS 1ST DAY OF SEPTEMBER, 2020.

READ A SECOND AND THIRD TIME AND PASSED THIS 15TH DAY OF SEPTEMBER, 2020.

THE CORPORATION OF THE
TOWNSHIP OF NIPISSING


TOM PIPER, MAYOR


CHARLES BARTON, CAO-CLERK

**TOWNSHIP OF NIPISSING FIRE DEPARTMENT
ESTABLISHING AND REGULATING BY-LAW NO. 2020-35**

APPENDIX "A"

PRIMARY GOALS OF THE TOWNSHIP OF NIPISSING FIRE DEPARTMENT

The goal of the Township of Nipissing Fire Department is to provide fire protection services through a range of programs designed to protect the lives and property of the inhabitants from adverse effects of fires, sudden medical emergencies or exposure to dangerous conditions created by man or nature; first to the municipality; second, to those municipalities requiring assistance through authorized mutual fire aid plan and program activities; and third, to those municipalities which are provided fire protection by the fire department via authorized agreement.

In order to achieve the goals of the fire department, an accurate budget and capital forecast method must be incorporated to adequately review and identify the fire protection service requirements of the municipality on an annual basis.

Provide an administrative process consistent with the needs of the fire department,

Ensure that fire suppression apparatus, equipment and personnel are available within the municipality to provide adequate response to a fire/emergency call within a reasonable length of time.

Provide departmental training to an accepted standard which will ensure the continuous education of all personnel in the latest techniques of fire prevention, fire suppression and control of emergency situations and to work with other departments of the Corporation with respect to training and other programs.

Provide a maintenance program to ensure fire protection apparatus and equipment, is ready to respond to emergency calls.

Provide an effective fire prevention program to reduce or eliminate fire hazards.

Develop and maintain an effective public education system and educational program with particular emphasis on children and seniors fire safety and fire prevention practices for water access properties.

Ensure in the event of a major incident in the municipality, assistance to cope with the situation is available from outside departments and other agencies.

Develop and maintain a good working relationship with all federal, provincial and municipal departments, utilities and agencies, related to the protection of life and property.

Interact with other departments of the Corporation respecting the aspects of fire on any given program,

Ensure these objectives are not in conflict with any other department of the Corporation.

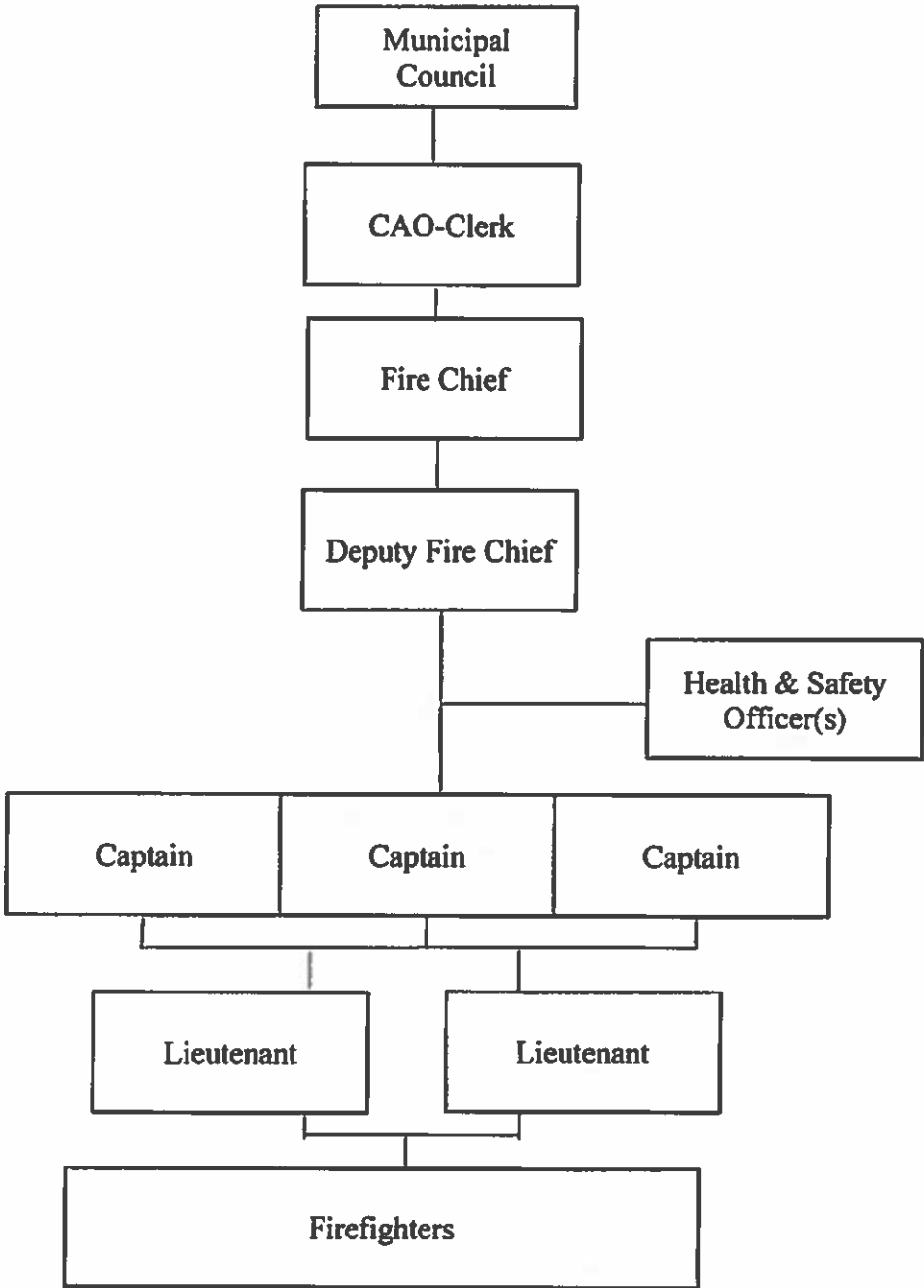
Township of Nipissing Fire Department Mission Statement:

The primary mission of the Township of Nipissing Fire Department is to provide a range of programs to protect the lives and property of the inhabitants of the Township of Nipissing from the adverse effects of fires, sudden medical emergencies or exposure to dangerous conditions created by humankind or nature.

**TOWNSHIP OF NIPISSING FIRE DEPARTMENT
ESTABLISHING AND REGULATING BY-LAW NO. 2020-35**

APPENDIX “B”

TOWNSHIP OF NIPISSING FIRE DEPARTMENT ORGANIZATIONAL CHART



**TOWNSHIP OF NIPISSING FIRE DEPARTMENT
ESTABLISHING AND REGULATING BY-LAW NO. 2020-35**

APPENDIX "C"

**TOWNSHIP OF NIPISSING FIRE DEPARTMENT
CORE SERVICES PROVIDED**

EMERGENCY RESPONSE

1. Basic firefighting

The Fire Department shall respond to fires, alarms of fire, and pre-fire conditions to provide fire suppression services, and shall exercise best efforts to conform to the most recent edition of National Fire Protection Association (NFPA) 1720, Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments as revised from time to time.

2. Structural firefighting including rescue

For the purpose of this Schedule, "Structural Firefighting" shall have the same meaning as Structural Firefighting as defined by NFPA 1720, Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments.

Emergency responses to water access properties including islands and to those properties accessed via waterways subject to the following limitations. Water access properties will be limited to public education, there will be no fire suppression or rescue.

A) *Interior Search and Rescue* – Shall be provided when possible and as appropriate in accordance with the following:

- Service shall be provided to search for and rescue endangered, trapped or potentially trapped persons within the structure.
- Service shall be provided only when, in the opinion of the Fire Chief or most senior Officer in charge, all of the following are true:
 - i. A scene risk assessment has been completed, and the level of risk reasonably justifies entry into the structure;
 - ii. Building integrity permits entry into the structure;
 - iii. Sufficient Trained Firefighter staffing is deployed at the fireground;
 - iv. Reliable water supply with adequate flow can be sustained;
 - v. Adequate fireground supervision and support is provided.

B) *Interior Fire Suppression (Offensive Operations)* – Shall be provided when possible and as appropriate in accordance with the following:

- Service shall be provided to contain the fire and prevent further loss of property.
- Service shall be provided only when, in the opinion of the Fire Chief and or Deputy Chief in charge, all of the following are true:
 - i. A scene risk assessment has been completed, and level of risk reasonably justifies Firefighter entry into the structure;
 - ii. Building integrity permits entry into the structure;
 - iii. Sufficient Trained Firefighter staffing is deployed at the fireground;
 - iv. Reliable water supply with adequate flow can be sustained;
 - v. Adequate fireground supervision and support is provided.

C) *Exterior Fire Suppression (Defensive Operations)* – Shall be provided when possible and as appropriate, in the opinion of the Fire Chief or most senior Officer in charge, in accordance with the following:

- There shall be no expected rescue component with this service.
- Service shall be provided to prevent fire spread to adjacent areas.

- Service shall be provided when Interior Fire Suppression is not possible or appropriate.
- Service shall be provided as water supply permits.

3. Vehicle firefighting

Service shall be provided to control and extinguish vehicle fires and prevent the spread of fire to adjacent areas.

4. Grass, brush, forestry firefighting

Service shall be provided and best efforts shall be exercised to conform to NFPA 1143, Standard for Wildland Fire Management

5. Automatic Aid Response Services

Service shall be provided in accordance with any Automatic Aid agreements in place and duly approved by Council

6. Mutual Aid Response Services:

Service shall be provided in accordance with the Mutual Aid Plan established in respect to the municipalities within the County/District/Region pursuant to clause 7(2)(a) of the Fire Protection and Prevention Act.

7. Awareness level hazardous materials

The most appropriate agency shall be contacted to address the concern with the Township of Nipissing Fire Department providing support and containment of the area and retaining command of the incident.

8. Vehicle accidents

The Fire Department shall respond to vehicle accidents to provide the following services:

- i. Stabilizing the scene of the accident;
- ii. Stabilizing the vehicles involved in the accident;
- iii. Providing aid to injured or trapped persons;
- iv. Mitigating adverse effects to the natural environment.

9. Vehicle extrication

Auto Extrication can include performing automobile and/or equipment extrication using hand tools, and/or hydraulic tools, as required.

10. Transportation incidents involving vehicles, aircraft

Response shall be provided to large-scale transportation incidents that may involve large numbers of casualties, widespread damage to property, and/or significant environmental impact.

11. Remote Extrication

Remote Extrication shall be provided when possible and as appropriate in accordance with the following:

Service for Remote Extrication may occur on land or on a frozen body of water;

Service shall be provided only when the following criteria have been met AND the Fire Chief or Deputy Fire Chief have considered and approved of the safety of Fire Personnel, weather conditions and terrain:

- i. A scene risk assessment has been completed and the level of risk reasonably justifies the extrication.
- ii. Extrication applies to human life only.
- iii. Extrication may involve an MVC and/or Medical Emergency.
- iv. A frozen body of water shall have at least 20.32cm (8 inches) of approved ice, consulting with local tourism operators and Fire Department evaluations, see Operating Guideline for appropriate procedure for evaluation.
- v. Extrication operations will be limited to a traveled portion of the frozen body of water or if ice is evaluated to be safe as per line (iv).
- vi. Remote Extrication response shall require an initial minimal response of (2) sufficiently trained personnel. Personnel will be trained as per the corresponding Operating Guideline, which will be reviewed annually.
- vii. Remote Extrication shall be limited to Fire Service equipment only.

- viii. Remote Extrication on a frozen body of water shall be limited to the dates of January 1st to March 31 of any given year. These dates may be reduced or extended as indicated in line (iv) AND approved by the Fire Chief.

12. Water, (swift, surface, through the ice)

Rescue of persons from water by reaching or throwing from a shore-based location or from a location assessed as per 11 criteria.

13. Public assistance

Carbon monoxide Incidents – Response shall be provided to carbon monoxide alarms and emergencies.

14. Ambulance assistance – first response

Service shall be provided to assist Emergency Medical Services with emergency and non-emergency situations with respect to providing access and/or the provision of care to patients

15. Police assistance

Service shall be provided to assist Police with emergency and non-emergency situations for which the Fire Department has equipment and/or specialized skills to assist in the mitigation.

16. Public utilities assistance

Service shall be provided to assist the public with emergency and non-emergency situations for which the Fire Department has the equipment and/or specialized skills to mitigate the incident. Costs associated with Fire Department response may apply.

17. Community emergency plan participation

Service shall be provided in accordance with the Approved Emergency Management Program.

18. Assistant to Fire Marshal re: suppression

Duties of Assistant to the Fire Marshal shall be carried out as prescribed by the *Fire Protection and Prevention Act*.

19. Marine firefighting

Marine firefighting service shall be limited to shore-based, defensive firefighting operations only.

20. Highway Incident Services

Fire Protection Services shall be provided to the provincial highways. Costs associated with Fire Department response to provincial highways shall be recovered in accordance with applicable provincial fire service agreements and municipal User Fee By-Laws.

21. Tiered Medical Assistance Services

Service shall be provided in accordance with the Emergency Medical Tiered Response Agreement between the Parry Sound, Emergency Medical Services and the Township of Nipissing.

22. Emergency Pre-Hospital Care Response

Emergency pre-hospital care responses and medical acts or other first aid/CPR /AED services shall be maintained as per local protocol as appropriate and instituted as per the latest Emergency Services Agreement (nee tiered response agreement) and appropriate to the needs of the municipality as recommended by the Fire Chief and as agreed

23. Other Specialized Rescue

Other specialized rescues such as Surface Water Rescue, HUSAR (Heavy Urban Search and Rescue), Rope Rescue, Confined Space rescue, Trench Rescue, Cave, Mine, and Tunnel Rescue Hazardous Materials Response (Technical Level), and Swiftwater Rescue, Industrial and Machinery Rescue, Farm and Silo Rescue will not be provided by the Township of Nipissing beyond the awareness level.

Notwithstanding, the Township of Nipissing may contract other agencies to provide this service in an emergency incident and will provide assistance as appropriate to the level of skills and training afforded at the awareness level or its current capability.

FIRE PREVENTION AND PUBLIC EDUCATION

1. inspection practices, including:
 - a. complaint inspections
 - b. conducting routine inspections per Fire Prevention Policy
 - c. dealing with code compliance issues (mandated)
 - d. enforcing municipal by-laws
 - e. conducting inspections, preparing reports and issuing written responses to requests
2. public education practices, including
 - a. providing routine education programs as per Fire Prevention Policy, Schedule “D”
 - b. facilitating smoke and carbon monoxide alarm initiatives
 - c. providing access for media
 - d. delivery of specialized programs
3. fire investigation practices, including
 - a. determining cause and origin
 - b. assessing code compliance
 - c. assessing fire suppression effectiveness
 - d. interacting with OFMEM investigator
 - e. supporting legal proceedings, as required
 - f. consulting with police and other agencies

The Nipissing Fire Department will follow the recommended staffing levels provided by the Office of the Fire Marshal and Emergency Management.

The minimum number of firefighters shall be twenty (20) and the maximum number shall be thirty (30) for the Township of Nipissing Fire Department.

Any additional applicants after maximum levels have been reached will be placed on a waiting list and will be contacted as required.

**TOWNSHIP OF NIPISSING FIRE DEPARTMENT
ESTABLISHING AND REGULATING BY-LAW NO. 2020-35**

APPENDIX "D"

FIRE PREVENTION AND PUBLIC SAFETY PROGRAMS POLICY

Purpose:

To develop a policy and establish programs which include public education with respect to fire safety and certain components of fire prevention. 2(1) Fire Protection and Prevention Act states that every municipality shall establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention.

It is the policy of the Township of Nipissing Fire Department:

- That the Fire Chief and/or designated firefighters will conduct inspections of the properties specified, at the frequencies indicated.

Inspection Schedule

ASSEMBLY OCCUPANCIES	FREQUENCY
General	
Churches	Request or Complaint
Community Halls	Annually
Museum	Annually
School	Annually
Municipal Office	Annually
Township Garage	Annually
Residential	
Detached & Semi-detached houses	Request or Complaint
Houses with two dwelling units	Request or Complaint
Residence with attached business	Request or Complaint
Hotels/Motels	Request or Complaint
Bed & Breakfast	Request or Complaint
Recreational Camp	Request or Complaint
Recreational Trailer Facilities	Request or Complaint
Commercial	
Stores/Businesses	Request or Complaint
Restaurants/Food Service	Request or Complaint
Industrial	
Spray Painting Operations	Request or Complaint
Repair Garages	Request or Complaint
Woodworking Factories	Request or Complaint
Marinas	Request or Complaint

Township of Nipissing Fire Department Public Education Program

The Public Education Program will be an ongoing program, operating 12 months of the year and will be conducted in accordance with the FPPA and the Establishing and Regulating By-Law.

◀Public Education events will be scheduled as per the Simplified Risk Assessment.

◀Public Education materials will be distributed during each event.

◀Public Education will focus on youth, schools and senior's groups with added attention to fire prevention methods for water access properties.

◀South Shore Education Centre will be contacted to become a working partner in Fire Safety. An annual fire safety event will be held at South Shore Education Center.

◀The Township of Nipissing website will be utilized to distribute Public Fire Safety Material. This will be done monthly and at pre-scheduled events.

◀Signs located at fire stations 1 & 2 will be utilized to delivery Fire Safety Messages as per an annual schedule, with the topic changing monthly and corresponding to the messages used on the municipal website and social media.

◀The Fire Department will be distributing Fire Safety Material after each fire related incident to the affected parties. An education package focused to this purpose will be prepared, reviewed regularly and available on all apparatus for distribution by fire personnel.

◀Individual Fire Prevention Education Packages will be developed, reviewed and circulated regularly to the following:

- Water Access Properties
- Trailers
- Cottages/Seasonal Dwellings/Hunt Camps

**Township of Nipissing Fire Department
Smoke and Carbon Monoxide Alarm Program**

The Smoke and Carbon Monoxide (CO) Alarm Program will be an ongoing program, operating 12 months of the year and will be conducted in accordance with the FPPA and the Establishing and Regulating By-Law.

◀The Fire Department will actively work on circulating information on this programming, concentrating on the period between April 1 to November 1 each year.

◀In accordance with the Simplified Risk Assessment, a goal of 100 property visits annually will be set. This goal will be re-evaluated each year for attainability.

◀All firefighters shall receive an education package and in-class training regarding facts about smoke and CO alarms, legislation and by-laws prior to conducting home inspections.

◀A Smoke and Carbon Monoxide Alarm Inspection form shall be completed for each home inspection. As part of each inspection a Pre-Incident information form will be completed. All completed forms shall be kept in secure files within the Fire Chief's control.

◀Outreach will be done to all Trailer Parks and Resorts to provide ongoing education to owners and guests.

◀An Alarm Loaner Program shall be developed and maintained by the Fire Department to ensure that all properties are in compliance with the Smoke and CO Alarm legislation, *Fire Protection and Prevention Act, 1997 (FPPA)*. An Alarm Loaner form shall be completed for all properties found to be not in compliance.

Following clearance of each occurrence the Township of Nipissing Fire Department is called to, a Property Release Form shall be completed and an information package shall be provided to the property owner and/or resident. Completed forms shall be kept in care and control of the Fire Chief.

SMOKE & CARBON MONOXIDE ALARM INSPECTION

Date of Inspection:

Month/day/year

Time of Inspection:

Address:

Visible from Road:

Yes ☐ No ☐

Person Contacted:

Owner ☐ Occupant ☐

Signature:

Telephone: _____

Email: _____

ALARMS HAVE BEEN TESTED AS A RESULT OF:

☐ Fire Related Incident ☐ Transfer of Property Ownership ☐ Fire Inspection

☐ Request by the Occupant or Property Owner ☐ Other: _____

ALARM INSPECTION:

Smoke and CO alarms shall be installed between each sleeping area and the remainder of the dwelling unit, and where the sleeping areas are served by hallways, the smoke and CO alarms shall be installed in the hallways.

In addition to the requirements above, at least one smoke alarm and CO alarm shall be installed on each storey that does not contain a sleeping area in a dwelling unit.

Smoke Alarms present and installed where required: Yes ☐ No ☐

**If no Alarm present, an Alarm Loaner Form must be completed.*

If battery operated, was the battery working: Yes ☐ No ☐

If FD supply a new battery, was it installed and tested: Yes ☐

Carbon Monoxide Alarms present and installed where required: Yes ☐ No ☐

**If no Alarm present, an Alarm Loaner Form must be completed.*

If battery operated, was the battery working: Yes ☐ No ☐

If FD supply a new battery, was it installed and tested: Yes ☐

Did the required alarm(s) operate normally: Yes ☐ No ☐

**If “No”, an Alarm Loaner Form must be completed.*

Are the alarms expired: Yes ☐ No ☐

**If “Yes”, an Alarm Loaner Form must be completed.*

Is a follow-up inspection required: Yes ☐ No ☐

ALL ALARMS ARE TO BE INSTALLED AS PER MANUFACTURER SPECIFICATIONS.

ESCAPE PLANNING:

Does The occupancy have a Home Escape Plan: Yes ☐ No ☐

Home Escape Planning Information has been provided: Yes ☐

Inspection Completed by: _____

Print

Signature

In accordance with the Establishing and Regulating By-Law, Appendix “D”

PRE-INCIDENT PLANNING NOTES:

Viable water source close by?
Yes
No

Possible Winter water source?
Yes
No

If yes, approximate depth of water:

Propane tank(s) located on property?
Yes
No
If yes, where and what type?

Solar Panels onsite?
Yes
No
If yes, where are they located and how many?

Outbuildings located on property?
Yes
No
If yes, any dangerous chemicals/hazards identified within?

Driveway (note any dangerous areas/line of sight difficulties):

Other information:

ALARM LOANER PROGRAM

Smoke Alarm <input type="checkbox"/>	CO Alarm <input type="checkbox"/>	Call Number:
Date:	Time:	Alarm Expiration Date:
Building Owner: <div>Print</div>		Occupant: <div>Print</div>
Address:		
Number of alarms left:		Basement: <input type="checkbox"/> First Floor: <input type="checkbox"/> Second Floor: <input type="checkbox"/> Other:
This alarm was received in good condition by: <div>Signature</div>		
Station Officer:		

A loaner alarm was provided to the owner/occupant for your immediate protection. A new battery was provided with the alarm. Township of Nipissing FD staff demonstrated the operation of the alarm and ensured it was functional before departing the scene. You are required by law to ensure the required alarm is maintained in working condition. Failure to do so may result in a fine.

The loaned alarm MUST be returned to the Township of Nipissing Office (45 Beatty Street, Nipissing, 705-724-2144) during regular business hours (Monday to Friday 8:30 a.m. to 4:30 p.m. excluding lunch 12:00 to 12:30 pm). The alarm must be returned in operable condition within one week of being loaned or an invoice will be issued to the property owner as outlined in the current User Fee By-Law. The alarm will not be accepted at any other location.

Refused Alarm

The owner/occupant refused the provision of an alarm. Both provincial legislation and municipal by-law require the installation of a working Smoke Alarm and CO alarm. Failure to do so may result in prosecution. It is the owner/occupant’s responsibility to ensure a working smoke and CO alarm is properly installed and maintained. The undersigned will ensure an alarm is put into place immediately and will ensure the property remains safe until an alarm can be installed.

Date	Owner/Occupant Signature	Station Officer Signature

Returned Alarm

Date:	Returned by:	
Alarm Condition:	Battery Replaced:	
Alarm Expiration Date:		
The alarm was received in good condition by:		

*This form is issued per the Establishing and Regulating By-Law, Appendix "D".
When completed, this form will be maintained in Fire Prevention Records.*

PROPERTY RELEASE FORM

The Nipissing Township Fire Department has responded to the address below and has taken every reasonable precaution to prevent further damage other than that caused by the incident or by NTFD taking necessary remedial action to stabilize the incident and/or eliminate obvious hazards.

Date: _____ Time of incident occurrence: _____:_____:_____

Owner/Occupant Name: _____

Incident Address: _____

Scene Description and/or Conditions: _____

Services Disconnected/Shut Off/Leaking:

Electric ☐ Oil ☐ Propane ☐ Other _____

Nipissing Township FD Incident Commander: Print _____

Signature _____

The above noted scene is hereby released to the undersigned owner/occupant/officer/agent who accepts responsibility for the site. The undersigned will endure that the site is made safe by taking whatever lawful action is necessary to do so.

Recipient's Name: _____ Owner ☐ Occupant ☐ Police ☐ Agent ☐

Phone Number: _____

Email: _____

Recipient's
Signature: _____

Date: _____ Time Incident

Released: _____:_____:_____

Fire Safety Material package distributed to Owner/Occupant: ☐

This form is issued per the Establishing and Regulating By-Law, Appendix “D”.

**TOWNSHIP OF NIPISSING FIRE DEPARTMENT
ESTABLISHING AND REGULATING BY-LAW NO. 2020-35**

**APPENDIX "E"
PRIVATE ROAD STANDARDS FOR FIRE AND EMERGENCY RESPONSE**

Purpose:

The purpose of this policy is to provide information to property owners on private roads, private lanes and/or private driveways as to the standard that private roads, private lanes and private driveways shall be maintained in order to receive Municipal Fire Services to their property.

Private roads, private lanes and/or private driveways not maintained to the standards established herein may have emergency response services withdrawn or receive a significantly delayed and diminished level of response.

Definitions:

Private Road means any private road, lane, ramp, un-assumed and unmaintained Municipal road allowance, or other means of vehicle access to or from a building or structure and may include part of a parking lot.

Dead-end driveway means a dead-end road over 150 feet in length serving a single residence.

Private Road Standards:

The private road standard must meet the following requirements:

- a) Have a clear width of not less than 6m (19'8").
- b) Have an overhead clearance of not less than 4m (13'6").
- c) Have a minimum curve radius of 14m (45') on all curves in the roadway.
- d) Have a turnaround facility for any dead-end road that allows for the parking and turning around of fire apparatus. Turnarounds must not exceed 5% in slope.
- e) Dead-end driveways exceeding 90m (295') from a public road shall provide a turn around facility sufficient to allow for turning around of fire department vehicles and apparatus.
- f) Driveways and Single lane roads that are in excess of 120m (400') shall provide 6m (20') wide by 12m (40') long turnouts at a maximum spacing of ½ the driveway length or 150m (500'), whichever is less. Wherever visibility is limited, these distances should be reduced appropriately.
- g) Have a change in gradient of not more than 1 in 12.5 over a minimum distance of fifteen (15) meters.
- h) The average road grade shall not exceed 12% and no grade shall exceed 15% gradient.
- i) Have an unobstructed path of travel for the firefighter from the vehicle to the principal entrance or entrances which shall not exceed sixty (60) meters.
- j) Be designed to support the expected loads imposed by firefighting apparatus and be surfaced with material designed to permit accessibility under all climate conditions. The structural section of the road shall be designed to support 50,000 pounds of vehicle weight.
- k) Bridges on private roads must be engineered to withstand the weight of the aforementioned apparatus and must be inspected by an engineer every ten years to certify the weight allowance.
- l) Private roads are to be maintained free of pot holes, snow, ice and foreign debris. Appropriate cross-drainage shall be provided to prevent ponding on the road.

- m) Private roads that provide access to more than one property cannot be obstructed by a fence or other mechanism that may impede through traffic.
- n) Damage to emergency service vehicles resulting from the lack of adherence to this policy will result in the property owner being liable for all vehicle towing and/or repair costs. Notwithstanding, if the property owner does not pay forthwith, the associated costs may be incorporated with their property tax roll.
- o) Have the Civic Address prominently displayed in accordance with the Municipal By-Law.

TOWNSHIP OF NIPISSING CORRESPONDENCE

February 7, 2023

1. Email from Ontario Farmland Trust regarding the 2023 Ontario Farmland Forum.
2. Minutes of the Powassan and District Union Public Library Board meeting held October 17, 2022 and January 23, 2023.
3. Letter from the Powassan Agricultural Society requesting continued financial backing.
4. Resolution from the Town of Petrolia regarding the conduct of election by municipalities on behalf of the school boards.
5. Minutes of the Golden Sunshine Municipal Non-Profit Housing Corporation Board of Director's Meeting held December 13, 2022.

Kris Croskery - Hodgins

From: tamara@ontariofarmlandtrust.ca
Sent: Wednesday, February 1, 2023 10:26 AM
To: admin@nipissingtownship.com
Subject: 2023 Ontario Farmland Forum: Attn Mayors & Staff

Greetings Kristine Croskery-Hodgins,

Please bring this information about the 2023 Ontario Farmland Forum to the attention of the Mayor in your Township. The forum is hosted by the Ontario Farmland Trust and will be held virtually and in Guelph on March 23, 2023. This year's theme, "Planning to Save the Soil," will be of interest to many elected officials and staff.

Registration and the schedule are available on the Ontario Farmland Trust [website](#). A flyer for circulation is [available here](#) as well.

Thank you,
Tamara Brown

Events & Community Outreach
Ontario Farmland Trust



**Library Board Minutes
October 17, 2022 @ 6 pm**

In-person: Tina Martin, Bernadette Kerr, Steve Kirkey, Debbie Piper, Marie Rosset

Absent with Regrets : Debbie Piekarski, Doug Walli

Absent: Bob Elliott,

1. Respect and Acknowledgement Declaration - Read by CEO

2. Disclosure of pecuniary interest – none

3. Approval of general consent motion:

Motion # 2022-24 Kirkey-Piper: That the Consent Agenda for October 2022, which includes:

- a) The October 17, 2022 Agenda,
 - b) the Minutes for the September 26, 2022 meeting,
 - c) the Financial Report for September 2022,
 - d) and the Library Report for September 2022,
- be adopted as amended.

4. Business Arising

a) Trillium Resilience Grant

- Final report and event to be completed.

b) New Board members recruitment

- Potential two members from Powassan identified.

c) Homeschool Volunteer Issue

- The H.O.P.E. Homeschool Organization is now meeting at the library and 250 Clark every second Friday. Documents were reviewed to ensure Library was not held liable in the event of an incident.

5. Correspondence

None.

6. Committee Reports

a) Property Committee Report

- Trimming and removing trees on western side of library scheduled for week of October 24th.
- Working on obtaining estimates to replace interior light fixtures. Plan is to apply for a Infrastructure Grant from the Trillium Foundation in 2023.

b) Financial Committee

- Draft1 of the 2023 Budget was presented.

c) Policy Committee Report

i. Strategic Plan 2023-2027

the first draft of the 2023-2027 Strategic Plan will be presented at the November Board Meeting.

- ii. RES-05 Library Emergency and Disruption of Services Policy and the Emergency Instruction and Calling list were presented. After suggestions, revisions will be made and approval was deferred to next month.

d) Friends of the Library Report

- With the money raised in 2022 the Friends agreed to cover the cost of the 2022 Christmas Storywalk®, the cost of a new AV cart, and modifications in the Computer Room.

7. New Business

a) Upcoming Events:

- Community Conversations Series Part 2 continues and so far is well attended.

b) Musical Instruments Library

- In early 2023, Library will start lending musical instruments, donated and maintained by members of the community. This initiative is led by Board Member Bernadette Kerr.

c) Parade of Lights – December 3, 2023

- Theme this year is from the book *Penguins Christmas Wish* by Salina Yoon which is also the story for the 2022 Christmas StoryWalk®

d) Christmas Open House – December 9, from 1 to 4pm

- Will replace the Annual Staff/Board/Volunteer Christmas Party. Paul Wilson will provide the music and the Friends will help with refreshments. Great opportunity for the community to get in the season's spirit, shop locally, and enjoy their library.

e) Children's Christmas Craft Extravaganza – Dec 10, from 11 to 2pm

- Children will be able to make four Christmas ornaments to decorate their Christmas tree. Drinks and refreshments provided. Must pre-register.

f) Holiday Schedule

Library closed on December 24, 25, and 26.

8. Adjournment

Motion # 2022- 25: Kirkey - That the September 26, 2022 meeting be adjourned at 7:30pm.

Next Meeting: Monday, November 28, 2022 at 6:00pm

Chairperson: Kristine Martin
Kristine Martin, Chair

Secretary: Marie Rosset
Marie Rosset, CEO

Powassan & District Union Public Library

Notes for Monday, January 23, 2023 – 6:00 p.m.

Board Meeting at Library and via Zoom

In-person: Tina Martin, Laurie Forth, Steve Kirkey, Leo Patey, Debbie Piper, Doug Walli, Marie Rosset

Via Zoom: Pat Stophens

Absent with Regrets: Bernadette Kerr

Item	Action	Responsibility
1. Election of Chair, Vice Chair	Chair – Tina Martin, Vice Chair – Debbie Piper	
2. Presentation on insurance alternative by Steven Johnson of the Co-operators	Alternative insurance options presented to the Board	Compare options and discuss at next meeting. CEO - get latest insurance package and forward to Steve from the Co-Operators
3. General Consent Motion a) Approval of, January 23, 2023 Agenda b) Approval of Minutes for October 24, 2022 meetings c) Financial Reports for October, November, December 2022 d) Library Report for October, November, December 2022	Adopted as presented Moved by: Debbie Piper Seconded by: Steve Kirkey Motion: 2023-01	
4. Closed Meeting Motion: That the PDUPL move into a session that is closed to the public in accordance to the Public Act, Section 16.1(d) Labour relations or employee negotiations Motion: That the PDUPL move out of a session that is closed to the public	Moved by: Leo Patey Seconded by: Steve Kirkey Motion: 2023-02 Moved by: Debbie Piper Seconded by: Doug Walli Motion: 2023-03	
5. Business Arising a) Appointment to Board Member to the Board Assembly b) Strategic Plan – next step	Pat Stephens volunteered for the position	Register with OLS

<p>c) Trillium Resilience Grant – update on final event</p> <p>d) Notes from November 2022 meeting</p> <p>e) Fundraising in 2023</p> <p>f) 2023 Powassan Maple Syrup Festival</p> <p>g) Teen Hour update</p> <p>h) Student grant applications</p> <p>i) Musical Instruments Library – Update</p>	<p>Two Board members Leo Patey and Laurie Forth volunteered to committee January 27 at 11am</p> <p>Presented to Board</p> <p>Lisa Laflamme possible speaker at library event</p> <p>Library open from 10 to 4pm.</p> <p>The teen hour is so successful at the library that it can be problematic. Up to 18 have attended the hour and only two staff member are there to manage the group.</p> <p>Completed CSJ and YCW applications for 3 students for the summer. The YCW student would continue the Powassan Historical Tours of Powassan and complete the history of Powassan by incorporating the Indigenous history</p> <p>Deferred until next month</p>	<p>First meeting in mid-February</p> <p>CEO submit final report to OTF</p> <p>Date and details to be confirmed. Debbie Piper offers to volunteer to help organize event</p> <p>Friends of the Library planning sale of craft items and Gift Basket draw. Debbie Piper will investigate partnership with Lions Club for fundraising opportunities</p> <p>New code of conduct to be implemented. Reaching out to OPP youth program for assistance.</p> <p>Library will start advertising for positions</p>
6. Correspondence	None	
<p>7. Committee Reports</p> <p>a) Property Committee</p> <ul style="list-style-type: none"> Update 	<ul style="list-style-type: none"> New coat of paint on interior walls of library – by library staff and Board volunteers – Debbie Piper and Tina Martin (thank you) 	

<p>b) Financial Committee</p> <ul style="list-style-type: none"> • Audit – week of January 23 to 26 • Audit presentation – February 27, 2023 <p>c) Policy Committee report</p> <ul style="list-style-type: none"> • RES-05 Library Emergency and Disruption of Service Policy be adopted as presented • Emergency instructions and calling list be adopted as presented • Room Rental Pamphlet be adopted as presented • RES-07T Code of Conduct Policy – Teen at the library 	<p>- Computer room and entrance modifications completed – paid by the Friends.</p> <p>Budget discussion deferred until next meeting</p> <p>Moved by Steve Kirkey, seconded by Doug Walli Motion: 2023-04</p> <p>Moved by Leo Patey, seconded by Debbie Piper Motion: 2023-05</p> <p>Moved by Debbie Piper, seconded by Leo Patey Motion: 2023-06</p> <p>Moved by Leo Patey, seconded by Doug Walli Motion: 2023-07</p>	<p>CEO will obtain wages increases adopted in 2023 by 3 municipalities</p>
<p>d) Friends of the Library</p> <ul style="list-style-type: none"> • Update 	<p>Friends are funding the purchase of a C-Pen, Radon Test Kit, and Free menstrual supplies for washrooms.</p>	
<p>8. Adjournment</p>	<p>Meeting adjourned at 8pm Moved by Leo Patey Motion: 2023-08</p>	

9. Next meeting: February 27, 2023

Chairperson: _____
Kristine Martin, Chair

Secretary: _____
Marie Rosset, CEO



POWASSAN AGRICULTURAL SOCIETY

PO Box 147
Powassan, ON
P0H1Z0

powagsoc@gmail.com
powassanfallfair.ca

Greetings :

Township of Nipissing
45 Beatty St.
Nipissing, ON
PoH 1Wo

The Ag Society is writing to ask for your continued financial backing. We are a registered charitable organization.

Our volunteers are dedicated to the preservation of the Ag Society and the traditional Fall Fair. We strive to provide an affordable family event with a limited budget.

It was great to be able to hold a fair once again after 2 years shut down and we had an amazing turnout and are forever grateful for all the support. We hope to build on that and have a very successful 2023 fair.

Thank you,

Isabel Topps
Director
Fundraising Committee

January 25, 2023

Hon. Steven Lecce, Minister of Education
MPP Bob Bailey, Sarnia-Lambton
County of Lambton
Municipalities of Lambton County and Ontario

Via email

During the December 12, 2022, regular meeting of council, the following resolution was passed:

Moved: Bill Clark Seconded: Debb Pitel

WHEREAS in the Province of Ontario, municipalities are responsible to conduct the election process on behalf of the school boards; and

WHEREAS an extensive amount of resources, time and management to advertise, co-ordinate and complete these trustee elections is placed on the municipality; and

WHEREAS municipalities do not receive any compensation or re-imbursement for use of orchestration of the school board trustee elections.

THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Petrolia request that staff forward this motion to the Hon. Steven Lecce, Minister of Education, MPP Bob Bailey, Ontario Municipal Councils and the County of Lambton requesting that school boards become responsible for conducting their own trustee elections or at minimum municipalities be compensated by the school boards for overseeing such trustee elections;

Carried

Kind regards,

Original Signed

Mandi Pearson
Clerk/Operations Clerk

Phone: (519)882-2350 • Fax: (519)882-3373 • Theatre: (800)717-7694

411 Greenfield Street, Petrolia, ON, N0N 1R0

www.town.petrolia.on.ca



**The Golden Sunshine Municipal Non-Profit Housing Corporation
Minutes of the Board of Directors Meeting**

2022-12

Tuesday December 13, 2022

A regular meeting of the Golden Sunshine Municipal Non-Profit Housing Corporation board was held on Tuesday December 13, 2022

Present: Dave Britton, Doug Walli, Bernadette Kerr, Tom Piper, Mieke Krause, Zigmas Rybij, Amber Mclsaac, Property Manager.

Regrets: Leo Patey

1. Call to order

Resolution No. 2022-78– Moved by Doug, seconded by Mieke that the meeting was called to order at 8:50 a.m. Carried

2. Additions to Agenda - None

3. Approval of the Agenda

Resolution No. 2022-79– Moved by Zigmas, seconded by Bernadette that the agenda be adopted as presented.

4. Conflict of Interest Disclosure – No conflict of interest

5. Approval of the Minutes November 22, 2022 board meeting

Resolution No. 2022-80– Moved by Bernadette seconded by Doug that the minutes from the Board meeting on Nov 22, 2022 are adopted with the following corrections, #2022-72 date changed to October 11, Resolution 2022-48 changed to 2022-77. Carried

6. Business Arising

a) Board Member Positions

Amber presented board member positions based on Letters Patent. The Municipality of Powassan appointed Dave Britton and Leo Patey. The Township of Nipissing Appointed Tom Piper and Doug Walli. The Township of Chisolm appointed Bernadette Kerr.

Resolution No. 2022-81– Moved by Doug seconded by Tom that GSMNP appoints Bernadette Kerr as Board Char and Dave Britton as Vice/Chair Treasure as at December 14, 2022. Both Bernadette and Dave accept.

b) Bank Signing Authorities

Resolution No. 2022-82– Moved by Doug seconded by Zigas that GSMNP approves the removal of Debbie Piekarski from bank signing officer with all bank accounts associated with the GSMNP and appoints Bernadette Kerr as a new signing officer. Bernadette's banking authority will be equal to Mr. Dave Britton who will remain on as signing officer.

c) Capital Project Update

Amber advised the building is still waiting on Enbridge to book the install date for the gas line for the Make Up Air project.

A draft financial report was presented by Amber for the Capital Projects as at December 6, 2022. Discussion took place about payment for the remainder of Evan Hughes Excavating. Amber discussed the Auditors Report from year end 2021, stating to transfer \$37, 588.44 to the capital account and that the board wanted to keep the money in the daily banking account to help pay for 2022 projects.

Resolution No. 2022-83– Moved by Bernadette seconded by Zigas that board approves the outstanding amount due from the GSMNP portion for the Retaining Wall Capital Project in the amount of \$18, 125.20 (HST included), be paid for out of the daily banking account and the Property Manager is advised not to withdraw funds from the GSMNP Capital Account.

d) Block Heater Poles

Tim young joined the meeting to present his plan for the block heater pole replacement. Board thank Time for his time and agreed it was the most feasible option. A discussion followed about electrical outlets and electric vehicle plug ins.

8. Correspondence

a) Managers Report

Details discussed about water leak in apartment 101. Advised the board there will be a spike in the plumbing costs for 2022/2023. Plumbers are having a difficult time fining the leak. Details of a smoking concerns discussed. Tenant submitted a request for a canopy on their patio, the board requested more information before approving. Auditors were brought in to help resolve the error and the GST refund chq has been issued from the government.

b) Financial Report –

Resolution No. 2022-84– Moved by Mieke, seconded by Zigmas that the board approves the November 2022 financials that were presented. Carried

9. Next Board Meeting - Tuesday January 17, 2022 in the Common Room @ 9:30am

10. Adjournment

Resolution No. 2022-85– Moved by Zigmas, seconded by Doug that the board meeting be adjourned at 10:45. Carried



President, Dave Britton



Property Manager, Amber McIsaac

Total Payable
\$ 180,885.56

Date	Account	Chq Total	Explanation
19-Jan	Payroll Accounts	\$ 23,190.66	Bi-weekly payroll
2-Feb	Payroll Accounts	\$ 21,598.90	Bi-weekly payroll
6-Feb	Council Expenses	\$ 65.14	Meeting supplies
	Professional Development	\$ 324.61	Room deposit
	Postage	\$ 1,778.76	postage for Interim Tax Bills
	Office Supplies/Maintenance	\$ 129.11	
	Professional Development	\$ 178.08	AMCTO Training Course
	Station 2 Building & Ground Mtc.	\$ 226.08	
	FD Office Supplies	\$ 277.90	
	FD Mileage/Expenses	\$ 67.34	
	FD Professional Development	\$ 453.60	Room Deposit for conference
	PW Professional Development	\$ 324.61	Room deposit
	Garage Supplies	\$ 174.38	
	HST and GST REBATE	\$ 436.05	This amount will be refunded in July
6-Feb	Accounts Receivable	\$ 229.57	Amounts to be received by municipality
	Developer Deposits	\$ 2,137.40	Amounts paid by applicants in planning matters
	Fitness Centre Deposits	\$ 10.00	Amounts on deposit paid by members
	A/P Other	\$ 26,609.00	December 2022 Policing Services
	Clearing Accounts re Payroll	\$ 42,522.92	OMERS, deductions, group benefits
	Council Expenses	\$ 485.61	Cell phones
	Council Professional Development	\$ 160.00	DPSMA Dues
	Cleaning and Mainteannce - office	\$ 570.18	
	Office Propane	\$ 195.04	
	Office Hydro	\$ 400.16	
	Office phone and fax	\$ 194.24	
	Office Supplies and Maintenance	\$ 1,168.70	
	Association Dues	\$ 231.50	FONOM dues
	Planning & Zoning	\$ 585.02	Maps of Zoning by-law
	Station 2 Propane	\$ 582.08	
	Station 2 Hydro	\$ 210.27	
	Station 2 Building & Ground Maintenance	\$ 7.98	
	Station 1 Telephone	\$ 97.12	
	FD Office Supplies	\$ 268.65	
	Station 1 Building & Ground Maintenance	\$ 7.98	
	FD Call Taking & Alerting	\$ 1,119.36	Who's Responding App annual fee
	FD Station Wear	\$ 2,244.62	
	FD Professional Development	\$ 681.36	
	FD Equipment Certification & Mtc	\$ 666.53	
	Commanda Tower Hydro	\$ 69.14	
	FD small engine fuel/maintenance	\$ 16.65	
	CEMC Development	\$ 97.12	
	CBO Other Expenses	\$ 50.87	
	Health Unit Levy	\$ 4,750.90	
	Landfill Hydro	\$ 115.27	
	Landfill Cell Phone	\$ 194.24	
	Landfill Materials and Supplies	\$ 285.27	
	Landfill Study	\$ 8,361.62	2022 Final Monitoring Costs
	Household Hazardous Waste Fees	\$ 2,024.00	
	Recycling Operating	\$ 4,345.16	
	PW Fuel Purchases	\$ 7,571.68	Clear diesel
		\$ 2,317.71	Dyed diesel
		\$ 900.75	Ethanol fuel
	Street Lights	\$ 160.11	
	PW Health & Safety Supplies	\$ 225.13	
	Garage Propane	\$ 1,667.64	
	Garage Hydro	\$ 620.00	
	Garage Telephone	\$ 629.46	
	PW Professional Development	\$ 160.00	AORS Dues
	Garage Materials	\$ 694.00	
	PW Fleet Repairs	\$ 88.74	2023 Wstar
		\$ 503.71	PW Pick up trucks
		\$ 2,724.36	2021 Wstar
		\$ 1,507.71	2005 Wstar
	Community Centre Hydro & Propane	\$ 1,797.20	
	Community Centre Maintenance	\$ 895.94	Annual Pest Control Contract
	Cleaning Supplies	\$ 155.53	
	Fitness Centre Maintenance	\$ 1,426.00	
	Community Centre Labour	\$ 276.00	
	Fitness Centre Supplies	\$ 127.14	
	Rink Hydro	\$ 288.25	
	Rink Materials/Supplies	\$ 125.69	
	Museum Structure Other	\$ 103.80	Key repair
	Museum Hydro	\$ 49.53	
	HST and GST REBATE	\$ 4,948.73	This amount will be refunded in July
		\$ 180,885.56	



TOWNSHIP OF NIPISSING

RESOLUTION

DATE : February 7, 2023

NUMBER: R2023-

Moved by:

Seconded by:

That this part of our meeting will be closed to the public as authorized by Section 239(2)(b) (e) and (k) of the Municipal Act, 2001, c. 25, for consideration of the following subject matter:

- 1. (k) A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.**

Council will receive a professional opinion regarding the management of a municipal asset and past performance of reporting of contracted consultants.

Council will receive a professional opinion on the disposal of a municipal asset.

- 2. (b) Personal matters about an identifiable individual, including municipal or local board employees.
(e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.**

Council will receive a complaint submitted with a request for legal involvement by the Township.

Time: p.m.

For Against

**PIPER
BUTLER
FOOTE
KIRKEY
YEMM**

Carried

Mayor: TOM PIPER