

THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE

MUNICIPAL COUNCIL

REGULAR MEETING

A G E N D A

- DATE:** September 13, 2010
- TIME:** Following Committee of the Whole  
Planning and Development
- PLACE:** Council Chambers  
Oliver Paipooonge Municipal Complex
- PRESIDING:** Mayor L. Kloosterhuis
- MEMBERS OF COUNCIL:** Councillor K. Grootenboer  
Councillor D. Hearn  
Councillor S. Pinner  
Councillor A. Vis
- MUNICIPAL OFFICERS:** Jamie Cressman, CAO/Clerk  
Judy Jacobson, Deputy Clerk
- ORDERS OF THE DAY:** OPENING THE MEETING  
DISCLOSURES OF INTEREST  
ADOPTION OF THE AGENDA  
MINUTES OF PREVIOUS MEETINGS  
REPORTS OF COMMITTEES  
MAYOR'S REPORT  
REPORTS OF MUNICIPAL OFFICERS  
BY-LAWS  
PETITIONS AND COMMUNICATIONS  
NEW BUSINESS  
ADJOURNMENT

CALL TO ORDER

DISCLOSURES OF INTEREST

ADOPTION OF THE AGENDA

RES THAT with respect to the September 13, 2010, Regular Agenda we recommend that the agenda as printed including any additional information and new business be confirmed.

MINUTES OF PREVIOUS MEETING

Regular Meeting

6 – 18

Minutes of Regular Meeting held on August 9, 2010, for approval.

RES THAT the Minutes of the Regular Meeting held on August 9, 2010, be approved as submitted.

Discussion on the above noted minutes.

Committee of the Whole Closed Session

19 – 20

Minutes of the Committee of the Whole Closed Session Meeting held on August 9, 2010, for approval.

RES THAT the Minutes of the Committee of the Whole Closed Session Meeting held on August 9, 2010, be approved as submitted.

MAYOR’S REPORT

CONFERENCE/SESSION REPORTS

REPORTS OF MUNICIPAL OFFICERS

BY-LAWS

RES THAT the following By-laws be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

- 1. THAT By-law No. 601-2010 being a By-law to authorize the assumption of ownership of a domestic water supply system in the development known as King George's Park, BE APPROVED; 21

AND THAT the Mayor and Clerk be authorized to affix their signatures to said by-law.

- 2. THAT By-law No. 602-2010 relative Being a By-law to provide protection against pecuniary loss or liability for Members of the Compliance Audit Committee established under Section 81.1 of the *Municipal Elections Act*. 22 – 27

AND THAT the Mayor and Clerk be authorized to affix their signatures to said by-law.

PETITIONS AND CORRESPONDENCE

Action Items

Request for Financial Support  
Regional Food Distribution Association 28 – 33

Letter from Larry Brigham, Chair, Regional Food Distribution Association, requesting financial support for their new building at 570 Syndicate Street South.

September 29, 30 & October 1, 2010  
Northwestern Ontario Regional Conference 34 – 37

Agenda and Registration Form for the 28<sup>th</sup> Annual Northwestern Ontario Regional Conference September 29, 30 and October 1, 2010.

For Information Only

Emergency Executive Meeting  
Thunder Bay Area Emergency Measures Organization 38

Fax from Ron Nelson, Chair, EMO Executive received August 24, 2010, advising of a meeting scheduled for October 1, 2010.

Nan Launches Anti-Bill 191 Campaign 39 – 43

News Release dated August 31, 2010, relative to the Nishnawbe Aski Nation (NAN) launched of their campaign opposing the Ontario Government’s proposed Bill 191 (Far North Act).

AMO Watch File 44 – 51

Copies of the Association of Municipalities of Ontario communications entitled Watch File dated August 12, 19 & 26 and September 2, 2010, for information.

NOMA Energy Taskforce 52 – 53

Email from Iain Angus dated August 13, 2010, providing information relative to the NOMA Energy Taskforce.

Open for Business Act  
Northwestern Ontario Municipal Association 54

Media Release from the Northwestern Ontario Municipal Association dated August 5, 2010, entitled the “Open for Business Act” Will Hurt Rather Than Help Our Struggling Forest Sector.

Chief Administrative Officer to Retire  
The District of Thunder Bay Social Services Administration Board 55

Media Release dated August 13, 2010, from the TBDSSAB advising of the retirement of Mary Lucas, Chief Administrative Officer of The District of Thunder Bay Social Services Administration Board.

Second Phase of Pension Reform  
Municipal Employer Pension Centre of Ontario 56

Communication from AMO’S Municipal Employer Pension Centre of Ontario (MEPCO) dated August 25, 2010, providing information with respect to the second phase of reform of Ontario’s pension system.

Mayor John Rowswell, Sault Ste Marie ON 57

News Release from the Northwestern Ontario Municipal Association dated August 31, 2010, advising of the passing of Mayor John Rowswell, Mayor, Sault Ste Marie.

Atikokan GS Biomass  
Power Purchase Agreement

58

Email from Chris Young, Vice President, Thermal Generation Development, Ontario Power Generation dated August 27, 2010, providing information with respect to the above noted.

Meetings with Provincial Ministers  
Northwestern Ontario Municipal Association

59

Media Release from the Northwestern Ontario Municipal Association dated August 24, 2010, advising of their productive meeting held with Provincial Ministers regarding Municipal Issues at the AMO Annual Conference August 16, 2010.

Superior North EMS  
2009 Municipal Report

60

Letter from Norm Gale, Chief of EMS dated August 24, 2010, attaching a copy of the Superior North EMS 2009 Municipal Report. A copy of the Report is available in the Municipal Office for perusal.

2009 Audited Financial Statements  
Lakehead Region Conservation Authority

61

Letter from Mervi Henttonen, General Manager/Secretary-Treasurer, Lakehead Region Conservation Authority dated September 7, 2010, attaching a copy of the 2009 Audited Financial Statements. A copy of the Statements are available in the Municipal Office for review.

NEW BUSINESS

ADJOURNMENT

RES THAT the Regular Meeting held on September 13, 2010, be adjourned the hour being \_\_\_\_\_ p.m.

THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE

REGULAR MEETING

MINUTES

DATE: August 9, 2010  
TIME: 6:30 p.m.  
PLACE: Council Chambers  
Oliver Paipoonge Municipal Complex  
CHAIR: Mayor Lucy Kloosterhuis  
PRESENT: Councillor K. Grootenboer  
Councillor D. Hearn  
Councillor S. Pinner  
Councillor A. Vis  
MUNICIPAL OFFICERS: Jamie Cressman, CAO/Clerk  
Judy Jacobson, Deputy Clerk  
Margaret (Peggy) Dupuis  
Sharron Martyn, Planner  
Dan Calvert, Community Services Assistant

CALL TO ORDER

Mayor Lucy Kloosterhuis called the meeting to order.

DISCLOSURES OF INTEREST

No disclosures of interest noted at this time.

ADOPTION OF AGENDA

**Resolution No. 246A-2010**

MOVED BY Councillor S. Pinner  
SECONDED BY Councillor D. Hearn

THAT with respect to the August 9, 2010, Regular Meeting Agenda we recommend that the agenda as printed including any additional information and new business be confirmed.

CARRIED

DEPUTATIONS

Highway 11/17 Route Planning Study  
Kakabeka Falls and Shabaqua Corners

Mr. Gregg Cooke, P.Eng, with Stantec Consulting Ltd. and Rick Inman, Project Manager, MTO made a PowerPoint Presentation providing a study update, an overview of the screening evaluation of Preliminary Route Alternatives and an overview of the Feasible Route Alternatives.

Letter from Maya Caron, B. Sc., MCIP, RPP, Environmental Planner, Stantec Consulting Ltd. dated July 19, 2010, inviting Council to the second series of Public Information Centres (PIC's) for the above noted.

Official Plan and Comprehensive Review

Don Manahan, Manahan Consulting appeared before Council and provided an update with respect to the above noted.

A copy of the MMAH Comments and Questions, Oliver Paipoonge – Comprehensive Review January 2010 was distributed to Council with the agenda packages.

A copy of the MMAH Comments and Questions, Oliver Paipoonge – Comprehensive Review January 2010 marked DRAFT FOR DISCUSSION PURPOSES ONLY was distributed to Council at the meeting.

Don Manahan, Manahan Consulting distributed copies of the Summary of Changes to the Comprehensive Review after reviewed by the Ministry of Municipal Affairs and Housing to Council at the meeting.

Don Manahan, Manahan Consulting circulated a growth chart he had prepared to Council at the meeting and also distributed a diagram showing the new boundaries of the Rosslyn Village.

It was the consensus of Council that Don Manahan rewrite the Comprehensive Report, make the necessary changes to the maps as indicated in the report under section B, and include the change of date.

MINUTES OF PREVIOUS MEETING

Regular Meeting

Minutes of Regular Meeting held on July 12, 2010, for approval.

**Resolution No. 247-2010**

MOVED BY                      Councillor D. Hearn  
SECONDED BY                Councillor S. Pinner

THAT the Minutes of the Regular Meeting held on July 12, 2010, be approved as submitted.

CARRIED

Discussion on the above noted minutes.

Committee of the Whole Closed Session

Minutes of the Committee of the Whole Closed Session Meeting held on July 12, 2010, for approval.

**Resolution No. 248-2010**

MOVED BY                      Councillor S. Pinner  
SECONDED BY                Councillor D. Hearn

THAT the minutes of the Committee of the Whole Closed Session Meeting held on July 12, 2010 be approved as submitted.

CARRIED

Committee of the Whole  
Planning and Development

Minutes of the Committee of the Whole Planning and Development Meeting held on July 12, 2010, for approval.

**Resolution No. 249-2010**

MOVED BY                      Councillor D. Hearn  
SECONDED BY                Councillor S. Pinner

THAT the Minutes of the Committee of the Whole Planning and Development Meeting held on July 12, 2010, be approved as submitted.

CARRIED

MAYOR'S REPORT

Lakehead Source  
Protection Committee Meeting

Mayor L. Kloosterhuis provided a verbal report from the above noted meeting advising that there were funds available to the end of September from the ODWSP - Ministry of the Environment for septic systems. It was noted that the residents on the Rosslyn Water System would be eligible to apply for this funding.

Thunder Bay BeeKeepers' Association

Mayor L. Kloosterhuis advised a request for support from the Municipality had been received for the above noted and a letter be forwarded to the Province for a quarantine to be put in place from Dryden to points East and not to allow any purchases from outside this area.

**Resolution No. 250-2010**

MOVED BY                      Councillor K. Grootenboer  
SECONDED BY                Councillor A. Vis

THAT the Oliver Paipoonge Council recommends that a letter of support be forwarded to the Province on behalf of the Thunder Bay Beekeepers Association that all the necessary measures be taken to keep the area disease free.

CARRIED

CONFERENCE/SESSION REPORTS

PLANNING DEPARTMENT

Monthly Report -- Planning Department

Committee of Adjustment

Bruce and Aili Ahola  
Application No. 1B/16/10

Application on behalf of Bruce and Aili Ahola on property known as Con. 2, N/T Part Lot 3, 55R10875 – 45 Haniak Road former Geographic Municipality of Paipoonge, now Municipality of Oliver Paipoonge for consent to sever.

Application 1A/17/10  
Alexander (Sandy) Ouellette

Application on behalf of Alexander (Sandy) Ouellette on property known as Con. 1, N/R Pt. Lot 6, 55R1719 Part 2, MR931, PCL 16316 – 15 Pinewood Drive, Rosslyn Village area, Geographic Township of Paipoonge, now the Municipality of Oliver Paipoonge, for a minor variance.

Robert St. Amand  
Application Nos. 1B/18/10 & 1B/19/10

Applications on behalf of Robert St. Amand on property known as Con. 8 PT N ½ Lot 5, PCL 3500, 5456 Dawson Road, former Geographic Township of Oliver, now Municipality of Oliver Paipoonge for consent to sever.

FINANCE DEPARTMENT

List of Accounts for July 2010

A copy of the List of Accounts for July 2010, for approval of payment.

**Resolution No. 251-2010**

MOVED BY                      Councillor S. Pinner  
SECONDED BY                Councillor D. Hearn

THAT we recommend that the List of Accounts as of July 30, 2010, prepared by the Finance Department in the amount of \$820,315.84 be approved for payment.

CARRIED

List of the General Ledger, distributed separately.

Financial Statements

A copy of the Financial Statement to July 31, 2010, distributed separately.

A copy of the Income Statement to July 31, 2010, distributed separately.

REPORTS OF MUNICIPAL OFFICERS

CAO Report

Report from Jamie Cressman, CAO providing responses to Council concerns and an update of current matters.

Slate River Rink  
Pump Replacement

Dan Calvert, Community Services Assistant distributed information with respect to the above noted and provided a verbal report on the cost of a new system.

It was the consensus of Council that Administration proceed to purchase the pump.

Lame Duck Council  
Restricted Acts After Nomination Day

Report No. 2010.38 relative to restrictions on Municipal Council's after Nomination Day as provided in the *Municipal Act*, for information.

2010 Municipal Election  
Compliance Audit Committee

Report No. 2010.39 relative to the establishment of a Compliance Audit Committee for the 2010 Municipal Election.

**Resolution No. 252-2010**

MOVED BY                      Councillor S. Pinner  
SECONDED BY                Councillor D. Hearn

THAT with respect to Report No. 2010.39, we recommend that a Compliance Audit Committee be established for the Municipality of Oliver Paipoonge as outlined in this Report;

AND THAT the City of Thunder Bay be advised of the Municipality of Oliver Paipoonge's interest in utilizing the City of Thunder Bay's Compliance Audit Committee.

CARRIED

Municipal Website

Report No. 2010.40 relative to obtaining Council input on the website navigation chart.

Draft ATV By-law

Copy of the Draft ATV By-law for Council review and comments prior to the September 27, 2010 Council Meeting was distributed separately.

Council directed Administration to publish the Draft ATV By-law in the September Newsletter for comment by the residents and advise that the By-law will be presented at the Regular Meeting held on September 27, 2010.



1. Murillo Hall
2. Race Track
3. Race Track area
4. Parking Lot behind the Murillo Hall
5. Hockey Rink

Provided that all the following conditions are met:

1. A copy of the insurance policy in the amount of \$5,000,000.00 naming the Municipality of Oliver Paipoonge and its property as the third party on its insurance policy is submitted to the Municipal Office.
2. A deposit in the amount of \$500.00 is made for the use of the Municipal Property which is refundable following the fair.
3. Hall rental is \$150.00 per day.
4. Grounds are to be cleaned up within 48 hours after the Fair has closed.

CARRIED

It was noted that the Hockey Rink was added as No. 5 as requested by the President of the OAS.

Rosslyn Water System

Copy of the ALS Laboratory Group Analytical Reports, for information.

PROTECTIVE SERVICES

By-law Enforcement

Monthly report for July 2010 from By-law Enforcement.

Building

Monthly report for July 2010 relative to Building Permits issued.

COMMUNITY SERVICES

Library

Letter from Maxine McCulloch, CEO, Oliver Paipoonge Public Library requesting financial assistance.

Resolution No. 256-2010

MOVED BY                      Councillor A. Vis  
SECONDED BY                Councillor K. Grootenboer

THAT we recommend that the request from the Oliver Paipoonge Public Library for a loan of \$2,000.00, BE APPROVED.

CARRIED

REPORTS OF COMMITTEES

Lakehead Source Protection Committee Meeting

Minutes of the Thirty-Second Regular Lakehead Source Protection Committee Meeting held on May 25, 2010, for information.

BY-LAWS

Resolution No. 256-2010

MOVED BY                      Councillor S. Pinner  
SECONDED BY                Councillor D. Hearn

THAT the following By-laws be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1. THAT By-law No. 598-2010 being a By-law for the Appointment of Officers for the Corporation of the Municipality of Oliver Paipoonge, BE APPROVED;

AND THAT the Mayor and Clerk be authorized to affix their signatures to said by-law.

CARRIED

**At the Regular Meeting held on July 12, 2010, By-law No. 598-2010 was deferred pending additional information. By-law No. 598-2010 represented.**

Resolution No. 257-2010

MOVED BY                      Councillor D. Hearn  
SECONDED BY                Councillor S. Pinner

2. THAT By-law No. 599-2010 to establish policies with respect to the hiring of employees;

AND THAT the Mayor and Clerk be authorized to affix their signatures to said by-law.

CARRIED

**At the July 12, 2010 meeting it was requested that Schedule "A" No. 7 be amended and represented to the next meeting. By-law No. 599-2010 represented.**

PETITIONS AND CORRESPONDENCE

Action Items

Murillo Mudhens  
Donation/Sponsorship

Letter from Dan Reid, Head Coach/President and Jamie Hauth, Assistant Coach, Murillo Mudhens advising the Junior Lady's Fastball team have qualified for the Western Canadian Finals August 5-8, 2010 and requesting a donation/sponsorship.

**Resolution No. 259-2010**

MOVED BY Councillor A. Vis  
SECONDED BY Councillor K. Grootenboer

THAT the Oliver Paipoonge Council recommends a donation of \$100.00 be approved for the Murillo Mudhens Junior Ladies Fastball Team to represent Manitoba (and Oliver Paipoonge) in the Western Canadian Championship August 5 – 8, 2010.

CARRIED

Child Care Worker  
& Early Childhood Educator Appreciation Day

Letter from Fred Hahn, President, CUPE Ontario and Tracy Saarikoski, President, OCBCC dated July 9, 2010 requesting endorsement of the above noted.

**Resolution No. 260-2010**

MOVED BY Councillor S. Pinner  
SECONDED BY Councillor D. Hearn

WHEREAS years of research confirm the benefits of high quality child care for young children's intellectual, emotional, social and physical development and later life outcomes;

AND WHEREAS child care promotes the well-being of children and responds to the needs of parents, child care workers and the broader community by supporting quality of life so that citizens can fully participate in and contribute to the economic and social life of their community;

AND WHEREAS many studies show trained and knowledgeable Early Childhood Educators and Child Care Staff are the most important element in quality child care, and that good wages and working conditions are associated with higher job satisfaction and morale, lower staff turnover which leads to high quality education and care;

THEREFORE BE IT RESOLVED that October 27, 2010 be designated the 10<sup>th</sup> annual "Child Care Worker & Early Childhood Educator Appreciation Day" in recognition of the education, dedication and commitment of child care workers to children, their families and quality of life of the community.

CARRIED

Infrastructure Consultation  
Northwestern Ontario Municipal Association

Email from Charla Robinson, Executive Director, Northwestern Ontario Municipal Association dated July 30, 2010 requesting responses to questions pertaining to the above noted.

For Information Only

O'Connor Municipal Office  
And O'Connor Day Celebrations

Letter from Linda Racicot, Deputy Clerk-Treasurer dated July 29, 2010, relative to an invitation to the above noted on August 28, 2010 (rain date August 29, 2010) at 2:00 p.m.

Ontario Heritage Trust  
2010 Volunteer Recognition Programs

Letter from Thomas H.B. Symons, CC, OOnt, FRSC, LL.D dated June 23, 2010 addressed to Mayor Kloosterhuis relative to the above noted. Copies of the brochures are available in the Municipal Office for perusal.

Crown Land Patent Grants

Letter from the Ontario Landowners Association dated July 12, 2010 providing information with respect to the above noted.

AMO Board of Directors  
Nominations to 2010-2012

Report of the Secretary-Treasurer on nominations to the 2010 – 2012 AMO Board of Directors.

Request for Support  
Presidential Candidate AMO

Letter from Gary McNamara, Mayor, Town of Tecumseh dated July 28, 2010, relative to a request for support for the position of President of AMO.

AMO Watch Files

Emails from the Association of Municipalities of Ontario dated July 15, 2010 and July 22, 2010, respectively providing updates.

OMERS Update  
Changes to Contribution Rates and Benefits

Communication from the Municipal Employer Pension Centre of Ontario (MEPCO) dated July 6, 2010, relative to the above noted.

Changes to the 2011 Census  
And Cancellation of the Long Form Census Questionnaire

Letter from Iain Angus, Chair TBDSSAB addressed to the Honourable Tony Clement dated July 21, 2010, requesting the decision to eliminate the mandatory long term census questionnaire in 2011 and beyond be reconsidered.

Media Release from the Northwestern Ontario Municipal Association dated July 15, 2010, entitled Changes to Census Collection will have Negative Impact on Northwestern Ontario.

Letter from Anne Krassilowsky, President, Northwestern Ontario Municipal Association addressed to the Honourable Tony Clement dated July 15, 2010, requesting the Government reverse their decision on the above noted and return to the previously applied mandatory long form process for the 2011 National Census.

Letter from Anne Krassilowsky, President, Northwestern Ontario Municipal Association dated July 21, 2010, attaching a resolution with respect to the above noted and requesting endorsement of their position.

**Resolution No. 261-2010**

MOVED BY                      Councillor S. Pinner  
SECONDED BY                Councillor D. Hearn

THAT the Municipality of Oliver Paipoonge supports the Northwestern Ontario Municipal Association on calling on the Federal Government to reverse their decision on changes to the 2011 Census immediately and return to the previously applied mandatory long form process for the 2011 National Census.

CARRIED

Canadian Council of the Blind

Letter from Harold Schnellert, President, Canadian Council of the Blind dated July 2010, relative to vital programs offered and to solicit funds.

Province's Commitment to Waste Diversion

A communication from the Association of Municipalities of Ontario dated July 20, 2010, relative to the above noted.

Support for Wind Energy in Ontario

Email from Robert Hornung, President, Canadian Wind Energy Association dated July 20, 2010 attaching a copy of CanWEA's news release and a summary of the survey for review.

Funding Awareness Forum

Email from Carla Armstrong, Northern Development Advisor, Ministry of Northern Development Mines and Forestry dated July 19, 2010, relative to the Funding Awareness Forum on August 24, 2010.

PENDING ITEMS

Council reviewed the list of Pending Items.

NEW BUSINESS

Thunder Bay District Health Unit

Minutes of the Thunder Bay District Health Unit Meeting held on June 15, 2010, for information.

HST -- Gasoline and Diesel Fuel

Letter from the Township of Malahide dated July 23, 2010 forwarding a copy of their resolution relative to HST -- Gasoline and Diesel Fuel.



COMMITTEE OF THE WHOLE CLOSED SESSION

**Resolution No. 265-2010**

MOVED BY                      Councillor K. Grootenboer  
SECONDED BY                Councillor A. Vis

THAT we resolve into a Committee of the Whole Closed Session to discuss personal matters pertaining to identifiable individuals, labour relations or employee negotiations and advice subject to solicitor client privilege the hour being 9:52 p.m.

CARRIED

**Resolution No. 266-2010**

MOVED BY                      Councillor A. Vis  
SECONDED BY                Councillor K. Grootenboer

THAT we revert back to the Regular Meeting to complete the business at hand the hour being 10:13 p.m.

CARRIED

ADJOURNMENT

**Resolution No. 267-2010**

MOVED BY                      Councillor K. Grootenboer  
SECONDED BY                Councillor A. Vis

THAT the Regular Meeting held on August 9, 2010, be adjourned the hour being 10:14 p.m.

CARRIED

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Mayor Lucy Kloosterhuis

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Jamie Cressman  
Chief Administrative Officer/Clerk

THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE

COMMITTEE OF THE WHOLE CLOSED SESSION

MINUTES

DATE: August 9, 2010

TIME: 9:53 p.m.

PLACE: Council Chambers  
Oliver Paipoonge Municipal Complex

CHAIR: Mayor Lucy Kloosterhuis

PRESENT: Councillor K. Grootenboer  
Councillor D. Hearn  
Councillor S. Pinner  
Councillor A. Vis

MUNICIPAL OFFICER: Jamie Cressman, CAO/Clerk  
Judy Jacobson, Deputy Clerk

CALL TO ORDER

Mayor L. Kloosterhuis called the meeting to order.

DISCLOSURES OF INTEREST

No disclosures were noted.

REPORTS OF MUNICIPAL OFFICERS

Staff Unused Holidays and Banked Time

Verbal report from Mayor L. Kloosterhuis relative to the above noted.

It was the consensus of Council that matters pertaining to the above noted as well as any increases in staff wages be submitted to Council in a report and signed by the Mayor and CAO.

Kam Power Corporation  
Memorandum of Understanding

Email from Robert Whiteside dated July 29, 2010, relative to the above noted.

Letter from Allan G. McKitrick, McKitricks dated August 3, 2010, relative to the above noted.

Robert Whiteside appeared before Council at the April 12, 2010, meeting and provided an overview of the history of this project and information on future plans. At that time Council requested that a report on this matter be submitted for review.

Council directed the CAO to prepare a response to Robert Whiteside as discussed.

NorWest Recreation Centre Agreement

Letter from Phil Harris, Business Representative, Construction and Allied Workers Local Union 607 dated July 8, 2010, relative to the above noted.

Mayor L. Kloosterhuis and Councillor A. Vis agreed to sit on the Negotiating Team and will review the proposal from the Construction and Allied Workers Local Union 607 once received.

Payment of Fees

Planning Consultant

Verbal report from Jamie Cressman, Chief Administrative Officer relative to the above noted.

Council directed the CAO to advise that payment for services rendered are to be invoiced upon completion and the activities identified. There will be no payment in advance.

ADJOURNMENT

The meeting adjourned at 10:12 p.m.

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Mayor L. Kloosterhuis

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Jamie Cressman  
Chief Administrative Officer/Clerk

THE CORPORATION OF THE MUNICIPALITY  
OF OLIVER PAIPOONGE

BY-LAW NO. 601 - 2010

*A bylaw to authorize the assumption of ownership of a domestic water supply system in the development known as King George's Park.*

WHEREAS by agreements dated June 4, 2004 and February 28, 2006 (referred to as the main subdivision agreement and the townhouse subdivision agreement and, collectively, "the agreements") the municipality agreed under the Planning Act to the manner in which portions of the development known as King George's Park would be developed;

AND WHEREAS under the terms of the agreements, the Bruno's Contracting (Thunder Bay) Limited and Sibru Holdings Inc agreed to construct a water supply and distribution system to serve various portions of the development;

AND WHEREAS the agreements also provided for various aspects of the operation and maintenance of the system and for eventual takeover of the system by the municipality, after certain time limits or other events had occurred;

AND WHEREAS the municipality has been advised that the system has been constructed and operated according to the agreements;

AND WHEREAS certain changes in the regulatory framework under which the system is operated has led the municipality to consider that, even though not all of the time limits or events set out in the agreements have occurred, a takeover of ownership of the system by the municipality is in the best interests of the municipality, provided that any or all of the original contracting parties of the developer or the current owner of the system King George's Park Inc., (as transferee of the original developers), will continue to operate, maintain and be responsible for the system as provided in the agreements.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE ENACTS AS FOLLOWS:

1. Upon delivery of the necessary easements and other interests in land, transfer documents and a water supply agreement with the City of Thunder Bay, all as described in the agreements, the municipality shall assume ownership of the water system for King George's Park.
2. The terms of the agreements respecting operation and maintenance of the system, and in particular paragraphs 75 to 79 and 98, shall continue to apply.
3. The Mayor and CAO are authorized to execute any documents necessary to complete the assumption of ownership, including the water supply agreement with the City of Thunder Bay.

Enacted and passed this 13<sup>th</sup> day of September, A.D. 2010, as witnessed by the Seal of the Corporation and the hands of its proper Officers.

THE CORPORATION OF THE MUNICIPALITY  
OF OLIVER PAIPOONGE

\_\_\_\_\_  
Mayor Lucy Kloosterhuis

\_\_\_\_\_  
Jamie Cressman  
Chief Administrative Officer/Clerk

THE CORPORATION OF THE MUNICIPALITY  
OF OLIVER PAIPOONGE

BY-LAW NO. 602 - 2010

*Being a By-law to provide protection against pecuniary loss or liability for Members of the Compliance Audit Committee established under Section 81.1 of the Municipal Elections Act.*

WHEREAS Subsection 279(1) of the *Municipal Act* provides that the Corporation may act as an insurer with respect to the following matters:

- (a) Subject to Section 14 of the *Municipal Conflict of Interest Act*, the protection of the Members or former Members of a Local Board against risks that may involve pecuniary loss or liability on the part of the Members;
- (b) Subject to Section 14 of the *Municipal Conflict of Interest Act*, the payment of any damages or costs awarded against Members or former Members of a Local Board, or expenses incurred by them, as a result of any Proceeding arising out of acts or omissions that were done or made by them in their capacity as Members; and
- (c) Subject to Section 14 of the *Municipal Conflict of Interest Act*, the payment of any sum required in connection with the settlement of a Proceeding, and for assuming the cost of defending the Members in the Proceeding;

AND WHEREAS Subsection 14(1) of the *Municipal Conflict of Interest Act*, provides that the Corporation may pass By-Laws to enable it to act as an insurer to protect a Member of a Local Board who has been found not to have contravened Section 5 of the *Municipal Conflict of Interest Act* against any costs or expenses incurred by that Member as a result of the Proceeding brought under that legislation, and for paying on behalf of, or reimbursing the Member for any costs or expenses in that regard;

AND WHEREAS it is advisable to protect Members of the Compliance Audit Committee against pecuniary losses, liabilities, risks, costs and expenses that relate to their offices or arise because of their being Members;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE ENACTS AS FOLLOWS:

Article 1:00: Definitions and Interpretation

1.01 Definitions:

Wherever a word is used in this By-Law with its first letter capitalized, the term is being used as it is defined in this Section 1.01. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.

- (a) "Act" means the *Municipal Act, 2001*, S.O. 2001 c. 25;
- (b) "By-Law" means this By-Law, as it may be amended from time to time. The recitals to, and the Schedules attached to this By-Law are considered integral parts of it;
- (c) "CAO" means the person within the Corporation's employ who holds the title of "Chief Administrative Officer" or an equivalent office, including his or her delegates;
- (d) "Municipal Solicitor" means legal Counsel employed or retained to represent the interests of the Corporation, including his or her

- delegates;
- (e) "Claimant" means a Member (or former Member) who claims coverage pursuant to this By-Law.
  - (f) "Compliance Audit Committee" means the committee established by the Council pursuant to Section 81.1 of the *Municipal Elections Act*;
  - (g) "Corporation" means The Corporation of the Municipality of Oliver Paipoonge.
  - (h) "Council" means the elected municipal Council for the Corporation.
  - (i) "Legal Counsel" means the Municipal Solicitor or other legal counsel engaged to represent the interests of any particular Claimant in any Proceeding. In any given Proceeding, depending on the number of Claimants involved, there may be more than one person meeting the definition of "Legal Counsel". The legal counsel involved in the Proceedings on behalf of each individual Claimant is the "Legal Counsel" under this By-Law for that particular Claimant.
  - (j) "Local Board" means a local board, as defined in the *Municipal Affairs Act*, under the jurisdiction of the Corporation;
  - (k) "Member" means a person who is, or who was at the applicable time, a member of the Compliance Audit Committee;
  - (l) "Proceeding" means any civil, criminal or administrative action or proceeding initiated or claim made by a Third Party arising out of acts or omissions done or made (or alleged to be done or made) by a Claimant acting in his or her capacity as a Member.
  - (m) "Third Party" means any person or authority including the Crown, other than the Member, the Corporation or a Local Board.

#### 1.02 Interpretation Rules:

- (a) Wherever this By-Law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-Law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.
- (c) The words "include", "including", "included" or "includes" are not to be read as limiting the phrases or descriptions that precede or follow them.
- (d) Headings are inserted for ease of reference only and are not to be used as interpretation aids.

#### 1.03 Statutes:

Unless otherwise defined, specific references to Statutes in this By-Law are printed in italic font and are meant to refer to the current Statutes applicable within the Province of Ontario as at the time this By-Law was enacted, as they are amended and revised from time to time. For Provincial laws, the reference is to the relevant chapter of the R.S.O. 1990 edition, as amended and revised from time to time, including successor legislation.

### Article 2:00: Indemnity for Members

#### 2.01 Indemnity:

The Corporation shall, subject to the provisions of this By-law, indemnify Members with respect to all Proceedings brought against them, by:

- (a) assuming the cost of defending the Member in the Proceeding;
- (b) assuming the cost of representation where a person is compelled to

- give evidence in a Proceeding by reason of being a Member;
- (b) paying any fines, monetary penalties, damages or costs imposed on or awarded against that person as a result of a Proceeding;
- (d) paying, either by direct payment or reimbursement, any expenses reasonably incurred by that person as a result of the Proceeding;
- (e) paying any sum required in connection with the settlement of a Proceeding.

2.02 Proceedings under the *Municipal Conflict of Interest Act*:

In the case of Proceedings under the Municipal Conflict of Interest Act, the following shall apply:

- (a) the indemnity is limited to the costs and expenses reasonably incurred by the Member as a result of the proceedings brought under that statute; and
- (b) the Member is not entitled to any indemnity unless the Member is found not to have contravened Section 5 of that statute.

Article 3:00: Limitation and Restrictions

3.01 Circumstances of Applicability:

The provisions of this By-Law apply to Claimants only with respect to matters that arise out of the exercise of the Claimants' duties as a Member of the Corporation or applicable Local Board. It is understood that all Claimants have a duty to uphold the law at all times, and that acting negligently or willfully contrary to law is not considered exercising these duties.

3.02 Exclusions:

- (a) The provisions of this By-Law do not apply:
  - (i) where the Proceeding has arisen out of the dishonest, fraudulent or malicious act of the Claimant, or his or her willful or reckless violation of any law, duty, contract or obligation;
  - (ii) where the Claimant has failed to comply with the provisions of this By-Law, unless strict compliance has been waived by resolution of the Corporation; and
  - (iii) to the extent by which the Corporation is prejudiced, where the claim is of a nature covered by an insurance policy or indemnity, whether placed or provided by the Corporation, the Claimant or otherwise, and there has been a policy violation or other act on the part of the Claimant prejudicing the right of indemnity under that policy or other right of indemnity.
- (b) The liability of the Corporation under this By-Law shall be reduced by the amount of indemnity paid pursuant to an insurance policy or indemnity as referenced in Clause 3.02(a)(iii) of this By-Law. At the reasonable request of the Corporation, the Claimant shall assign to the Corporation his or her rights pursuant to that insurance policy or indemnity and to any amount payable under it.

- (c) Whether or not the Corporation has assumed the defense of a Proceeding or the cost of a Proceeding, it shall be considered to have reserved its rights with respect to the applicability of any exclusions under this By-Law.

3.03 Limit:

The immunity and indemnification provided under this By-Law shall not exceed five million (\$5,000,000.00) dollars in respect of any loss or losses arising from the same circumstances.

Articles 4:00: Process

4.01 Notice to Corporation:

A Claimant shall promptly give written notice to the CAO of any threatened or actual Proceeding. Where a Claimant is served with any process or notice with respect to a Proceeding, he or she shall immediately deliver a true copy of the document to the CAO.

4.02 Determination of Coverage:

- (a) The CAO shall determine whether or not a Claimant is covered under the provisions of this By-Law.
- (b) Where the CAO determines that a Claimant is not entitled to coverage under this By-law, he or she shall prepare a report to the Council as to the circumstances involved. The Council may substitute its decision on coverage for the CAO's decision under Subsection 4.02(a) of this By-Law.

4.03 Legal Counsel:

- (a) Subject to the requirements of the Law Society of Upper Canada, all Legal Counsel in any Proceeding shall co-operate fully with, and provide all relevant information to, the Municipal Solicitor. Unless otherwise agreed to by the CAO, Legal Counsel retained by a Claimant shall render detailed accounts to the Claimant on a monthly basis for all services rendered in the immediately preceding month, and deliver the statement of account to both the Claimant and the CAO. Upon approval of such accounts by the Claimant and the CAO, the Corporation shall pay same. Legal accounts may be submitted for assessment in accordance with the *Solicitors Act* and/or policies of the Corporation. The Corporation shall not be liable for payment of an account which has been assessed unless it has been given notice of, and the full opportunity to participate in, the assessment process.
- (b) The Municipal Solicitor may, in appropriate cases, provide representation to a Claimant at the cost of the Corporation, and the Corporation may take general carriage of the Proceeding where the Corporation and the Claimant are both parties to the Proceeding, and it is in the best interest of the Corporation to do so.
- (c) The Corporation may apply for party, intervener or other status in any Proceeding with which a Claimant is or may be involved if to do so is in the interest of the Corporation. The Municipal Solicitor may,

in proper cases, also represent the Claimant, or may take general carriage of the Proceeding at the cost of the Corporation.

- (d) Any Legal Counsel retained by the Corporation or its insurers to defend the Corporation in any Proceeding shall also represent the Claimant with respect to that Proceeding unless the Corporation requires or consents to the retainer of different Legal Counsel.
- (e) Except as otherwise provided in this Section of this By-Law, the Corporation has the right to select and retain Legal Counsel to represent the Claimant.
- (f) A Claimant may request in writing the approval of the CAO of Legal Counsel of the Claimant's own choosing. Any such request shall include the name and contact information of the counsel requested, together with a statement of his or her rates, fees and charges. The CAO shall, in accordance with policies of the Corporation, determine whether or not the Claimant's request for particular counsel is approved.
- (g) If the Corporation retains other Legal Counsel to act on behalf of the Claimant in place of the counsel originally retained by the Claimant, the Corporation shall, subject to the *Solicitors Act*, pay to the Claimant's counsel all of his or her reasonable legal fees and disbursements from the time that the Claimant retained the counsel until replaced by Legal Counsel retained by the Corporation.

#### 4.04 Costs:

Where the Corporation has provided indemnity to a Claimant pursuant to this By-Law, and costs are awarded in favour of that Claimant in the Proceeding, the Claimant shall assign the amount of the costs award and the right to collect it to the Corporation.

#### 4.05 Settlements:

- (a) The Corporation, at its option, has the right at its own expense to investigate any claim and may negotiate the settlement of any claim, or any aspect of any claim, including any non-monetary terms of settlement, as it deems expedient. The Corporation shall not commit the Claimant to any settlement without the Claimant's consent, unless the failure to consent results or may result in any continuing liability, including vicarious liability, to which the Corporation may be exposed, but which would have been released by the settlement. In that case, the Corporation has the right to settle the claim to the extent required to obtain a release of the Corporation from liability and to decline continued indemnity of the Claimant if the Claimant fails to join in the implementation of the settlement as may be required by the Corporation.
- (b) If the Claimant's consent is required and the Claimant refuses to consent to any settlement recommended by the Corporation, and the Claimant elects to contest the claim or continues to defend the Proceeding in connection with the claim, then, subject to the provisions of this By-Law, the Corporation's limit of liability for the claim or for indemnity of the Claimant shall not exceed the amount for which the claim could have been settled, including costs, charges and expenses incurred with the Corporation's consent up to the date of the refusal of the Claimant to settle.
- (c) In the event that the Corporation elects to reject a settlement and

elects to contest the claim or continue any Proceeding, and the rejected settlement was within the maximum limit of liability provided for in this By-Law, the Corporation shall be liable for any amount awarded against the Claimant in excess of the maximum otherwise applicable.

4.06 Co-Operation:

In order to be eligible for immunity and indemnity as provided under this By-Law, a Claimant shall at all times co-operate fully with the Corporation and the Municipal Solicitor. Claimants must make available to the Municipal Solicitor all information and documents relevant to the matter as are with the Claimant's knowledge, possession or control. Claimants must not do anything to compromise or prejudice the position of the Corporation in the Proceedings. Claimants shall attend at all Proceedings, and all meetings related to the Proceedings, when required to do so by operation of law or when requested to do so by the Municipal Solicitor or CAO.

Article 5:00: Miscellaneous

5.01 Right to Terminate/Amend:

The Corporation is entitled to terminate or change its obligations under this By-Law through repeal or amendment. Any repeal or amendment shall not prejudice the rights of Claimants in respect of any Proceedings that arose prior to the repeal or amendment.

5.02 Effective Date:

This By-Law shall take effect on the day it is enacted.

Enacted and passed this \_\_\_\_ day of September, A.D. 2010 as witness by the Seal of the Corporation and the hands of its proper Officers.

THE CORPORATION OF THE MUNICIPALITY  
OF OLIVER PAIPOONGE

\_\_\_\_\_  
Mayor Lucy Kloosterhuis

\_\_\_\_\_  
Jamie Cressman  
Chief Administrative Officer / Clerk



**Regional Food Distribution Association**

*Providing food to city and regional food banks*

704 McKenzie Street  
Thunder Bay, On P7C 3L4

(807) 622-7440  
(807) 622-7448 Fax

[rfdacentre@tbaytel.net](mailto:rfdacentre@tbaytel.net)  
[www.foodbanksnorthwest.ca](http://www.foodbanksnorthwest.ca)

Jamie Cressman, CAO/Clerk

August 28, 2010

Municipality of Oliver Paipoonge

Municipal Office  
P.O. Box 10,  
4569 Oliver Road  
Murillo, Ontario  
P0T 2G0

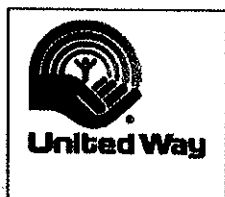
Dear Mr. Cressman, Mayor and Council:

**Re: Request to Council for Financial Support**

The Regional Food Distribution Association is a "food bank for food banks" and the hub for food distribution through the National Food Share program and through Food Banks Canada.. In 2009/2010 RFDA provided \$799,655 in food and household products to 28 food banks in Northwestern Ontario including the Rural Food Cupboard in Kakebeka. We transfer donated food to each of the food banks in a proportional manner based on historical use and according to the interest expressed in the items we have at the time. We are a not-for-profit corporation and a charity registered with CRA. We estimate that over \$30,000 in food would have been made available to your food bank for those in need in the past year. The food we provide is at no charge to your municipality although indirectly last year the DDSAB provided us with \$26,000 for transportation costs of food from Southern Ontario for all our 28 members.

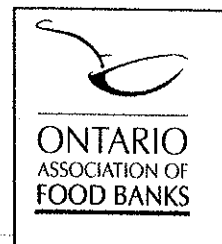
Our current facility at 704 McKenzie Street in Thunder Bay is too small for the significant increase in demand. (89% in the last 4 years) It is not particularly easy to bring in a load as it takes 20-24 volunteers, 3-4 hours to unload a transport one piece at a time.

Through a donation of the City of Thunder Bay we have purchased the Old Diamond Bingo Hall at 570 South Syndicate Street in Thunder Bay. It has a more efficient and safer arrangement that will allow for unloading pallets by a fork lift. This building requires a retrofit. We are approaching all levels of government, local service clubs, and Foundations. The DSSAB does not provide financial support for capital projects. I have enclosed a copy of a letter from Adam Spence the Executive Director of the Ontario Association of food banks encouraging the Mayor and council in Thunder Bay to assist us with this project. This is a one time appeal to assist us in locating into a more suitable facility.



*Let no one go hungry in our midst.*

*A Registered Corporate Charity for income tax purposes*



The Federal Government and Paterson Foundation have made a significant contribution to our new building as has the Fort William Rotary. We have already heard from Greenstone with \$5000, Marathon with \$10,000, Dryden, Neebing, and Nipigon (\$2500)

We do need your assistance as we approach this retrofit.

Thank you for your consideration of this request,

A handwritten signature in cursive script that reads "Larry Brigham". The signature is written in black ink and is positioned above the printed name.

Larry Brigham, Chair RFDA



Mayor Lynn Peterson and Council  
City of Thunder Bay  
500 Donald St. E.  
Thunder Bay, ON P7E 5V3

March 30<sup>th</sup>, 2009

**RE: SUPPORT FOR THE REGIONAL FOOD DISTRIBUTION ASSOCIATION**

Dear Mayor Peterson and Council,

On behalf of the Ontario Association of Food Banks (OAFB), I would like to offer our full support for the purchase and repair of a vital warehouse and service space for the Regional Food Distribution Association (RFDA).

The Regional Food Distribution Association (RFDA) is an integral part of our food distribution network across the province, as our hub servicing 25 food banks in Northwestern Ontario. Its geographic service area is the largest of any of our distribution centres or hubs in the province, which presents many challenges in terms of storage, transportation, and general distribution coordination. Fortunately, the organization is able to function extremely well with the incredible team of committed volunteers and minimal staff resources. However, despite their best efforts, RFDA does not have the required space to ensure that they are able to adequately meet the challenge of providing hunger relief to so many neighbours over such a large area. Four thousand of your neighbours in Thunder Bay alone are forced to turn to a food bank every month. In many communities that are serviced by the RFDA, the rate of food bank usage is two to three times the provincial average. Although we provide every support possible, and they make every effort to provide service to the region, they cannot currently meet the need that exists in Thunder Bay District.

It is difficult to admit that our service has become, for the short-term and as it is currently configured, a community institution that requires a permanent, functional warehouse location. However, we live in a province where 320,000 of our fellow citizens are forced to turn to food banks every month. These staggering numbers have begun to rise sharply. Between autumn of 2007 and autumn of 2008, the number of Ontarians turning to food banks increased by 13 per cent; in Thunder Bay this figure was over double the provincial average at 28.5 per cent. By the end of 2010, we estimate that 500,000 more Ontarians will fall below the poverty line due to the sharp economic downturn. Our moral responsibility to act has required that we become extremely organized to respond to a crisis that will hit many of our neighbours.

Every other designated OAFB Distribution Centre or hub has a fully functional warehouse facility to serve their region or district. Although it is safe and usable for its current purpose, the location at 704 McKenzie Street was built as a community centre. It was not designed as a warehouse or storage facility, which presents a number of challenges for the RFDA with respect to logistics of the receipt and storage of product.



ONTARIO  
ASSOCIATION OF  
FOOD BANKS

The RFDA needs your support to be able to do the same work of other communities at the level that is required to adequately serve the citizens of Thunder Bay District. There is precedent for the demonstration of this support. Financial support has been provided by a number of other municipalities who have allocated operating or capital funding to food banks in Ontario in Parry Sound, Burk's Falls, Northumberland, London, and Sudbury.

We write you this letter of support as resource partners in the operations of the RFDA. We are committed to providing a high level of support to them this year and beyond. Our organization will continue to direct shipments of food product from corporate donations made at a national and provincial level on a regular basis to the RFDA for distribution to food banks within your region. We have also made commitments to the provision of capital and operating funding to the RFDA so that it can continue to improve its level of service to Thunder Bay and the many communities it serves in Northwestern Ontario. Moving forward, we will be working together with the RFDA and other partners on local agricultural partnerships that improve the quality and quantity of food distributed to food banks in the region.

I hope that you will give strong consideration to their request for funding. We believe that they are a wonderful organization that will be able to better serve the region with an improved warehouse and service space through your kind financial support.

If you have any questions or would like to discuss this matter further, please feel free to contact me via phone at 416.656.4100 or via e-mail at [adam@oafb.ca](mailto:adam@oafb.ca).

Sincerely,

Adam Spence  
Executive Director

The Rural Cupboard Food Bank  
Box 327, Kakabeka Falls On  
POT 1W0

To Whom It may Concern

As a food bank serving families and individuals from the surrounding towns and municipalities of the City of Thunder Bay, the Rural Cupboard Food Bank supports the Regional Food Distribution Association's request for funding to purchase a larger and more accessible building. The sound reasoning and expectations for utilization of this building will tremendously facilitate the mandates of all food and feeding programs in the District of Thunder Bay and will definitely cause less of a hardship as currently experienced by all the dedicated volunteers who unload/load donated food to feed the hungry. It is realized, that economic "downturns" determine fiscal responsibilities on governing bodies, but the repercussions from hunger have far greater impact on more peoples and families, who must humbly turn to food banks for supplements in their daily nutrition.

Respectfully

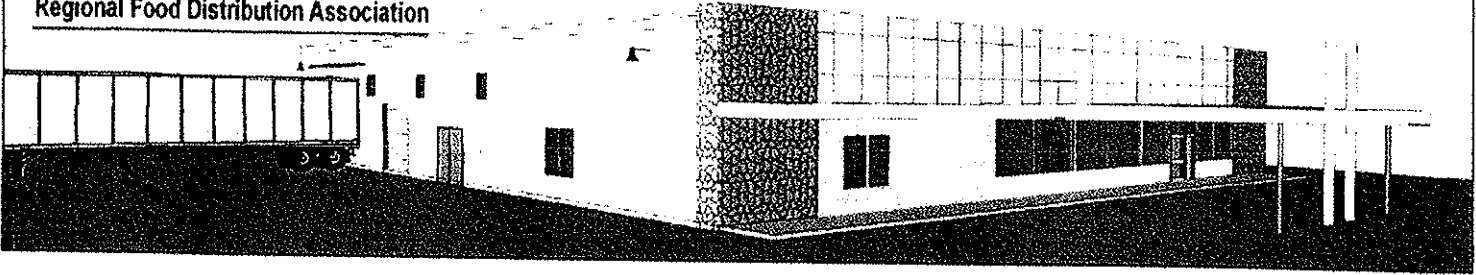


Gladys Grant Chairperson<sup>32</sup> RCFB



Regional Food Distribution Association

# Future Home 570 Syndicate Avenue South



## Building Task Force

1. Larry Brigham
2. Rolland Manning
3. Keith Bunn
4. Gerry Broere
5. Volker Kromm (PM)

Stage 1 - Retrofit / Renovation

Stage 2 - Commercial Kitchen / Training Centre

Stage 3 - Complete Paterson Family Food Centre

