

**MINUTES**  
**OF THE EIGHTEENTH REGULAR MEETING OF THE ONE HUNDRED**  
**AND TWENTY EIGHTH COUNCIL OF THE TOWN OF CARLETON PLACE**

**The Eighteenth Regular Meeting of the One Hundred and Twenty Eighth Council of the Town of Carleton Place was held in the Town Hall Council Chambers on Tuesday, November 14, 2017 at 7:00 p.m.**

**PRESENT:** Mayor Antonakos                      Deputy-Mayor Flynn  
                  Councillor Black                         Councillor Doucett  
                  Councillor Redmond                      Councillor Fritz  
                  Councillor Trimble

**STAFF:**       D. Rogers, Clerk                      S. Blair, Deputy-Clerk

**I        OPENING PRAYER**

Mayor Antonakos asked members of Council and the public present to stand for a moment of silence.

**II       DISCLOSURE OF PECUNIARY INTEREST**

None

**III      MINUTES OF PREVIOUS MEETING**

Motion No. 18-128-01

Moved by Deputy-Mayor Flynn, seconded by Councillor Doucett

**THAT** the Minutes of the Seventeenth Regular Meeting of the 128<sup>th</sup> Council held on October 24, 2017 be adopted as printed.

**CARRIED**

**IV      DELEGATIONS**

Motion No. 18-128-02

Moved by Councillor Black, seconded by Councillor Trimble

**THAT** Mr. Jim Collins be permitted to speak to Council.

**CARRIED**

Mr. Jim Collins appeared before Council and read a prepared statement in reference to the recommendations of the Ombudsman's Report of October 2017 regarding the in-camera Policy Review Committee meeting of March 14, 2017.

Mr. Collins reviewed the events of the above-noted Policy Review Committee meeting and referred to quotes from both the press release of April 3, 2017 to Lake 88.1 and the Ombudsman's Report of October 2017.

Mr. Collins concluded his remarks by requesting a detailed press release, apology and retraction regarding this matter.

**V       COMMUNICATIONS**

128413 – 128432

**VI READING OF BY-LAWS**

**By-law No. 63-2017**

Motion No. 18-128-03

Moved by Councillor Redmond, seconded by Councillor Trimble

**THAT** By-law No. 63-2017 **(To Remove a One Foot Reserve - Ridell Street)**

be read a first, a second and third time and finally passed.

**CARRIED**

**By-law No. 64-2017**

Motion No. 18-128-04

Moved by Councillor Fritz, seconded by Councillor Doucett

**THAT** By-law No. 63-2017 **(To Specify Voting Hours at an Institution and/or**

**Retirement Home)** be read a first, a second and third time and finally passed.

**CARRIED**

**VII STANDING COMMITTEES**

**Policy Review Committee – October 24, 2017**

Motion No. 18-128-05

Moved by Councillor Doucett, seconded by Councillor Fritz

Communication: 128406 128407 128408 128411

**THAT** Council hereby accepts the Policy Review Committee's decisions related to the consent items of October 24, 2017 and approves the Council Actions.

**CARRIED**

Motion No. 18-128-06

Moved by Councillor Trimble, seconded by Councillor Black

Communication: 128425(1)

**THAT** Council hereby instruct the Clerk to amend the Striking Committee Report to add Dena Comley as a member of Downtown Carleton Place BIA Board.

**CARRIED**

Motion No. 18-128-07

Moved by Deputy-Mayor Flynn, seconded by Councillor Doucett

Communication: 128425(2)

**THAT** Council hereby authorizes the Mayor and the Clerk to execute an Agreement of Purchase and Sale to sell Part 1 Hooper Street to Jim Licari Automotive for \$110,000.00.

**CARRIED**

**Physical Environment Committee – November 7, 2017**

Motion No. 18-128-08

Moved by Councillor Black, seconded by Councillor Trimble

Communication: 128416 128417 128418 128419 128421 128422 128424 128409

**THAT** Council hereby accepts the Physical Environment Committee's decisions related to the consent items of November 7, 2017 and approves the Council Actions.

**CARRIED**

Motion No. 18-128-09

Moved by Councillor Fritz, seconded by Councillor Doucett

Communication: 128428

**THAT** Council hereby authorized submitting an application to the GHG Challenge Fund for \$474,307.00, which is 50% of the estimated cost of \$948,614.00, to replace streetlighting with energy efficient streetlights;

**AND THAT** Council hereby adopts the GHG Emissions Reduction Statement and commits to preparing a community-wide GHG inventory and adopting GHG Emissions Reduction Plan which includes targets for GHG reduction of 15% in 2020, 37% in 2030 and 80% in 2050 within 18 months of approval of the Town's GHG Challenge Fund application.

**CARRIED**

Motion No. 18-128-10

Moved by Councillor Doucett, seconded by Councillor Fritz

Communication: 128420

**THAT** Council commits to funding 50% of the Engineering consulting fees incurred by Batten Holding associated with the design of the road and sewer and water services on Allan St. between Charles and Victoria Streets.

**CARRIED**

Motion No. 18-128-11

Moved by Councillor Trimble, seconded by Councillor Redmond

Communication: 128389

**THAT** staff issue a purchase order to A-L Air to install the new HVAC system at the Carambeck Community Centre for the price of \$181,945.00+HST;

**AND THAT** Patterson Electric be engaged to undertake electrical upgrades for \$70,000+HST.

**CARRIED**

### **Planning and Protection Committee – November 7, 2017**

Motion No. 18-128-12

Moved by Councillor Redmond, seconded by Councillor Black

Communication: 128412 128413 128414 128415

**THAT** Council hereby accepts the Planning and Protection Committee's decisions related to the consent items of November 7, 2017 and approves the Council Actions.

**CARRIED**

## **VIII OTHER BUSINESS**

Council acknowledged receipt of the Ombudsman's Report of October 2017.

## **IX MAYOR'S ANNOUNCEMENTS/DATES TO REMEMBER**

Mayor Antonakos reminded members of Council of the BIA Shopping Downtown Event scheduled for Thursday, November 16, 2017. The Mayor also noted the upcoming "One Cold Night Event" and invited members of Council to participate.

**X BY-LAW CONFIRMING COUNCIL PROCEEDINGS**

**By-law No. 65-2017**

Motion No. 18-128-13

Moved by Deputy-Mayor Flynn, seconded by Councillor Doucett

**THAT** By-law No. 65-2017 (**Confirm Council Proceedings**) be read a first time, second time and third time and finally passed.

**CARRIED**

**XI SINGING OF O CANADA**

Members of Council, Staff and the public present stood for the singing of O Canada.

**XII ADJOURNMENT – 7:32 p.m.**

Motion No. 18-128-14

Moved by Councillor Doucett, seconded by Councillor Fritz

**THAT** the Eighteenth Regular Meeting of the One Hundred and Twenty Eighth Council be hereby adjourned.

**CARRIED**

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Louis Antonakos, Mayor

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D.H. Rogers, Clerk



## AGENDA

EIGHTEENTH REGULAR MEETING OF THE ONE HUNDRED AND TWENTY EIGHTH COUNCIL OF THE TOWN OF CARLETON PLACE  
Tuesday, November 14, 2017 Council Chambers at 7:00 p.m.

### **I OPENING PRAYER**

### **II DISCLOSURE OF PECUNIARY INTEREST**

### **III MINUTES OF PREVIOUS MEETING**

Minutes of the Seventeenth Regular Meeting of the 128<sup>th</sup> Council of October 24, 2017

### **IV DELEGATIONS**

Mr. Jim Collins – Ombudsman Report of October 2017 and Press Statement

### **V COMMUNICATIONS**

128413 – 128432 (*copies of communications are available to view in the Clerk's Dept.*)

### **VI READING OF BY-LAWS**

By-law 63-2017 – To Exempt Certain Lands from Part Lot Control 72-82 Ridell Street  
By-law 64-2017 – To Specify Voting Hours at an Institution and/or Retirement Home

### **VII STANDING COMMITTEES**

**Policy Review Committee** – October 24, 2017  
128406 128407 128408 128411 128425

**Physical Environment Committee** – November 7, 2017  
128416 128417 128418 128419 128420 128421 128422 128423 128289 128424 128409

**Planning and Protection Committee** – November 7, 2017  
128412 128413 128414 128415

### **VIII OTHER BUSINESS**

Ombudsman Report of October 2017

### **IX MAYOR'S ANNOUNCEMENTS/DATES TO REMEMBER**

### **X BY-LAW NO. 65-2017 CONFIRMING COUNCIL PROCEEDING**

### **XI SINGING OF O'CANADA**

### **XII ADJOURNMENT**

**BY-LAW NO. 63-2017**

**A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO REMOVE A ONE FOOT RESERVE LEGALLY DESCRIBED AS BLOCK 126 AND BLOCK 127 ON PLAN 27M-77 AND TO DEDICATE SAID RESERVE AS A PUBLIC HIGHWAY, AS PART OF RIDELL STREET.**

**WHEREAS** a one foot reserve was retained by the Corporation of the Town of Carleton Place at Block 126 and Block 127 on Plan 27M-77 in the Town of Carleton Place.

**AND WHEREAS** the retention of the above-noted one foot reserve is deemed no longer necessary.

**NOW THEREFORE** the Council of the Corporation of the Town of Carleton Place enacts as follows:

1. **That** the one foot reserve legally described as Block 126 and Block 127 on Plan 27M-77 be hereby removed.
2. **That** Block 126 and Block 127 on Plan 27M-77 be hereby dedicated as a public highway, as part of Ridell Street.
3. **That** a copy of this By-law be deposited on title in the Lanark Land Titles Division Office No. 27.

READ A FIRST TIME, SECOND TIME AND A THIRD TIME AND FINALLY PASSED THIS 14<sup>TH</sup> DAY OF NOVEMBER 2017.

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Louis Antonakos, Mayor

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D.H. Rogers, Clerk

**BY-LAW NO. 64-2017**

**A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE  
TO SPECIFY THE HOURS OF THE VOTING STATIONS AT STONERIDGE  
MANOR, WATERSIDE VIVA RETIREMENT COMMUNITY, RIVERVIEW  
SENIORS RESIDENCE AND CARLETON PLACE TERRACE  
(formerly known as Carleton Place Manor)  
FOR THE 2018 MUNICIPAL/SCHOOL BOARD TRUSTEE ELECTION**

**WHEREAS** Section 46(3) of the Municipal Elections Act, 1996 permits a Council to regulate the hours of the operation of a voting station at an institution and/or a retirement home and

**WHEREAS** it is deemed appropriate to regulate the hours of voting at Stone Ridge Manor, located at 256 High Street, Riverview Seniors Residence located at 204 Lake Avenue West, Waterside Viva Retirement Community at 105 McNeely Avenue and Carleton Place Terrace (formerly known as Carleton Place Manor) located at 6 Arthur Street in Carleton Place.

**NOW THEREFORE**, The Council of the Corporation of The Town of Carleton Place enacts as follows:

1. That the hours of operation for the 2018 Municipal Election for the voting stations located at Stone Ridge Manor (256 High Street), Riverview Seniors Residence (204 Lake Avenue West), Waterside Viva Retirement Community (105 McNeely Avenue) and Carleton Place Terrace (formerly known as Carleton Place Manor) (6 Arthur Street) shall be between the hours of 2:00 p.m. and 8:00 p.m. on Monday, October 22, 2018.
2. That By-law No. 55-2013 be hereby repealed in its entirety.

READ A FIRST TIME, SECOND TIME AND A THIRD TIME AND FINALLY PASSED THIS 14<sup>TH</sup> DAY OF NOVEMBER 2017.

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Louis Antonakos, Mayor

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D.H. Rogers, Clerk



**Policy Review Committee  
Council Report  
October 24<sup>th</sup>, 2017**

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The following items are for information only and will not be discussed unless the Committee chooses to do so. The Chair will entertain a motion to proceed as recommended for those items not pulled out for discussion.

**COMMUNICATION 128406**

Received from Clerk's Department  
Addressed to Policy Review Committee  
Date October 17, 2017  
Topic By-law for Voting Hours at Seniors' Residences

**SUMMARY**

As in past elections and as permitted by the Municipal Elections Act, it is deemed appropriate that the hours of voting by paper ballot for the following seniors' residences: Stone Ridge Manor (256 High Street), Riverview Seniors Residence (204 Lake Avenue West), Waterside Viva Retirement Community (105 McNeely Avenue) and Carleton Place Terrace (formerly known as Carleton Place Manor) (6 Arthur Street) be between the hours of 2:00 p.m. and 8:00 p.m. on Monday, October 22, 2018.

For the residents of the above-noted facilities, should they so wish, internet voting shall commence on Monday, October 15, 2018 and will end at the close the voting stations on Voting Day, Monday, October 22, 2018.

**STAFF RECOMMENDATION**

THAT a by-law be forwarded to Council dedicating the voting hours of the above-noted seniors' residences.

**COMMITTEE DECISION**

THAT a by-law be forwarded to Council dedicating the voting hours of the above-noted seniors' residences.

**COUNCIL ACTION**

Receive and record



**COMMUNICATION 128407**

Received from Clerk's Department  
Addressed to Policy Review Committee  
Date October 17, 2017  
Topic Bill 148 – Fair Workplaces, Better Jobs Act

**SUMMARY**

Bill 148 proposes to amend the Employment Standards Act, 2000 (ESA), the Labour Relations Act, 1995. Of primary interest to the Town are the ESA changes being proposed by the bill which include, increases in minimum wage, equal pay for equal work, scheduling, vacation increases, holiday pay and statutory leaves.

**COMMENT**

**Bill 148 – Fair Workplaces, Better Job Act, 2017**

On June 1, 2017, the Ontario government introduced Bill 148, the Fair Workplaces, Better Jobs Act, 2017 (Bill 148). Per Hicks Morley, some ESA changes will be effective January 1<sup>st</sup>, 2018.

**OVERVIEW OF ESA CHANGES**

- Minimum wage increasing to \$14.00/hr (\$13.15 for under 18) Effective Jan. 1, 2018; \$15/hr January 1, 2019
- Equal Pay for Equal Work – no employee may be paid less than what is paid to full-time employees of the same employer, performing the same job (does not include seniority or merit based differences). Effective April 1, 2018.
- Scheduling – employees may refuse a shift if given less than 4 days' notice; employer obligated to pay for 3 hours at regular rate if shift is cancelled within 48 hours of scheduled start; "3-hour reporting rule" required to be paid at regular rate; minimum "on call" payment if employee is placed on call and not called into work (3 hrs. at regular rate)
- Vacation and Public Holidays – changes in how holiday pay is calculated; new formula based on number of days worked in the pay period immediately preceding the public holiday
- Personal Emergency Leave – changing to 10 days (2 paid + 8 unpaid), no note required
- Family Medical Leave – increasing from 8 weeks to 27 (with proof of serious medical condition)

**128407 Continued**

The Association of Municipalities Ontario (“AMO”) have submitted to the Standing Committee on Finance and Economic Affairs for their review a submission pertaining to the draft Bill 148 legislation. Of concern are the consequences that the proposed changes could have on the ability of municipalities to provide critical daily and emergency services.

**Financial Considerations:**

- Increase to minimum wage will impact job rates (at a minimum) and may result in additional increases where minimum wage is used as Step 1 in the pay band
- Increases on the base line of the compensation structure may require increases to job rates for other positions to realign pay/relative value in the hierarchy

It is not known how on-call provisions could impact volunteer fire fighter services.

Attached is a resolution from the Township of Montague regarding this matter.

**STAFF RECOMMENDATION**

THAT the Town support efforts to reduce the impact of Bill 148 to municipalities and seek further information regarding implementation of the Bill.

**COMMITTEE DECISION**

THAT the Town support efforts to reduce the impact of Bill 148 to municipalities and seek further information regarding implementation of the Bill.

**COUNCIL ACTION**

Receive and record.

**COMMUNICATION 128408**

Received from	Paul Knowles, CAO
Addressed to	Policy Review Committee
Date	October 18, 2017
Topic	Ontario Good Roads Association

The OGRA 2017 Annual Conference will be held February 25 - 28. The deadline to submit requests for a Municipal Delegation is January 18, 2018.

**128408 Continued**

**STAFF RECOMMENDATION**

THAT Committee determine if they wish to submit a delegation request.

**COMMITTEE DECISION**

THAT staff submit the same Ministry delegation requests to OGRA as were submitted for ROMA.

**COUNCIL ACTION**

Receive and record.

**COMMUNICATION 128411**

Received from	Clerk's Department
Addressed to	Policy Review Committee
Date	October 18, 2017
Topic	Integrity Commissioner Contract

**SUMMARY**

Mr. Swayze informed the Town that he has completed his five-year term with Council as Integrity Commissioner for the Town of Carleton Place.

**COMMENT**

Neither By-law No. 29-2012 nor the motion of Council appointing Mr. Swayze as Integrity Commissioner for the Town of Carleton Place note a five-year term of office. Staff have contacted Mr. Swayze to determine if he would be interested in remaining as the Integrity Commissioner for the Town.

**UPDATE**

Mr. Swayze has informed the Town that he is prepared to accept a renewal of his term as integrity Commissioner but that his rates and other terms have changed. Mr. Swayze now charges \$320.00/hr and \$160.00 for travel time. He also requires an annual retainer of \$2,000.00. Currently, Mr. Swayze charges \$260.00 per hour and \$130.00 for travel time. Mr. Swayze has provided a sample draft service agreement that he now uses.

**STAFF RECOMMENDATION**

THAT Committee review the rates and terms of Mr. Swayze and also the draft service agreement.

**128411 Continued**

**COMMITTEE DECISION**

THAT the Mayor and Clerk enter into an agreement to engage Mr. Swayze as Integrity Commissioner for the Town of Carleton Place;  
AND FURTHERMORE, THAT this contract be subject to a 30 day notice of termination provision.

At the request of Councillor Doucett, staff administered the following recorded vote:

Mayor Antonakos:	Absent
Deputy Mayor Flynn:	Yay
Councillor Black:	Yay
Councillor Doucett:	Yay
Councillor Fritz:	Yay
Councillor Redmond:	Yay
Councillor Trimble:	Yay

The committee secretary declared the vote as CARRIED.

**An additional motion was passed regarding this matter:**

**THAT** the Clerk be instructed to proceed with engaging the services of Mr. Swayze as Integrity Commissioner for the Town of Carleton Place immediately pending the signing of the contract.

**COUNCIL ACTION**

Receive and record.

**COMMUNICATION 128425**

Received from	Clerk's Department
Addressed to	Policy Review Committee
Date	October 17, 2017
Topic	Closed Meetings

**SUMMARY**

As authorized by the Municipal Act, Council should review selected items in closed session.

**STAFF RECOMMENDATION**

THAT in accordance with Section 239 of the Municipal Act, S.O. 2001, that the meeting be closed to the public with the following agenda.

***128425 Continued***

**AGENDA**

- 17-10-24-1 personal matters about an identifiable individual, including municipal or local board employees – General Nature – Striking Committee (BIA)
  
- 17-10-24-2 a proposed or pending acquisition or disposition of land by the municipality or local board – General Nature – sale of land.

**COMMITTEE DECISION**

- 17-10-24-1 THAT Council hereby instructs the Clerk to amend the Striking Committee Report to add Dena Comley as a member of Downtown Carleton Place BIA Board.
  
- 17-10-24-2 THAT Council hereby authorizes the Mayor and the Clerk to execute an Agreement of Purchase and Sale to sell Part 1 Hooper Street to Jim Licari Automotive for \$110,000.00.

**COUNCIL ACTION**

- 17-10-24-1 THAT Council hereby instructs the Clerk to amend the Striking Committee Report to add Dena Comley as a member of Downtown Carleton Place BIA Board.
  
- 17-10-24-2 THAT Council hereby authorizes the Mayor and the Clerk to execute an Agreement of Purchase and Sale to sell Part 1 Hooper Street to Jim Licari Automotive for \$110,000.00.



Physical Environment Committee  
Council Report  
November 7, 2017

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**COMMUNICATION 128416**

Received from Paul Knowles, Chief Administrative Officer  
Addressed to Physical Environment Committee  
Date November 1, 2017  
Topic Municipal Asset Management Program

**SUMMARY**

The Town's recent application to the Municipal Asset Management Program for \$48,000 of a \$60,000 project to complete Sanitary Pumping Stations Condition Assessment has been approved. Staff and OCWA have begun working on this project and an RFP to engage a consultant will be released shortly.

**STAFF RECOMMENDATION**

Receive and record.

**COMMITTEE DECISION**

Receive and record.

**COUNCIL ACTION**

Receive and record.

**COMMUNICATION 128417**

Received from Dave Young, Director of Public Works  
Addressed to Physical Environment Committee  
Date November 1, 2017  
Topic DQWMS 2017 3<sup>rd</sup> Quarter Report

**SUMMARY**

The attached report identifies significant activities relating to the Carleton Place Drinking Water System. Items of note include the commissioning of over 2600m of new watermains in two new developments, and preliminary investigation relating to the upcoming watermain relining project.

**128417 Continued**

**COMMENT**

For Council's information.

**RECOMMENDATION**

Receive and record.

**COMMITTEE DECISION**

Receive and record.

**COUNCIL ACTION**

Receive and record.

**COMMUNICATION 128418**

Received from	Paul Knowles, Chief Administrative Officer
Addressed to	Physical Environment Committee
Date	November 2, 2017
Topic	Replacement of Stone Retaining Walls – Townline Road

**SUMMARY**

The 2017 budget included \$50,000 to repair the stone retaining walls along Townline Rd., however, a detailed examination of the walls has shown that repairs are not practical as the actual stone has deteriorated. Instead, the walls will need to be removed and replaced at a cost of \$160,000. Although the walls are deteriorated, they are not yet structurally failing so the replacement of these walls can be delayed.

**COMMENT**

The walls are located on a County road and exist to support the private property because the road grade is lower than the original grade. Staff feel that the walls are a component of the road and should be the County's responsibility. However, the County feels that anything behind the road curb is the local municipality's responsibility.

**RECOMMENDATION**

THAT replacement of the stone walls on Townline Rd. be tentatively included in the Town's 10-year capital forecast and that responsibility for these walls and other facilities on County roads be clarified with the County.

**128418 Continued**

**COMMITTEE DECISION**

THAT replacement of the stone walls on Townline Rd. be tentatively included in the Town's 10-year capital forecast and that responsibility for these walls and other facilities on County roads be clarified with the County.

**COUNCIL ACTION**

Receive and record.

**COMMUNICATION 128419**

Received from Paul Knowles, Chief Administrative Officer  
Addressed to Physical Environment Committee  
Date October 29, 2017  
Topic Community Enrichment Grants

**SUMMARY**

2018 will be the Canoe Club's 125th anniversary and among other special initiatives and events to celebrate this incredible milestone, we hope to have a specific fundraiser initiative to purchase a new war canoe for the club. The Town is being asked to kick off the campaign to raise \$28,000 with a donation. The Canoe Club would be very pleased and proud to put the name Carleton Place and the Town logo on the boat in exchange for this contribution.

**COMMENT**

The Town has also recently received requests for funding from other groups – Big Brothers Big Sisters, Interval House, Municipal Drug Strategy Committee of Lanark County and Smiths Falls. There are many worthwhile organizations and causes that would benefit from a contribution. The Town should give careful consideration while distributing taxpayer's funds to these worthwhile organizations as some taxpayer's may have different priorities that they would choose to support. To properly administer requests for funding, the Town has established the Community Enrichment Program which has an annual budget established by Council. However, a conflict arises when Council chooses to support an organization outside of the Community Enrichment program. This removes the merit of the Community Enrichment Program and what it was designed to achieve. Information about this program is available on the Town's web site and attached for reference. The priorities for funding include: Arts, Culture and Heritage projects or events; Community Events/Festivals/Programs; and Special Events.



**128419 Continued**

Contributions towards ongoing operations are not considered a priority and would not likely receive funding. Each request for funding needs to be considered on its merits.

It is important that funding support remain within the allocated budget so the relative merits of each application need to be compared. Some other factors that should likely be considered when evaluating a request;

- Is the organization a charitable organization operated by community volunteers? Or is it a non-profit with staff and external sources of funding?
- Is the organization or event specifically focused on Carleton Place?
- How much other support has the Town provided to the organization?
- Is the event/request a non-Carleton Place event but where there is strong community support to provide a contribution?

**STAFF RECOMMENDATION**

THAT all requests for funding be directed to the Community Enrichment Program and not be considered individually by Council;  
AND THAT Council review and revise the Community Enrichment Program criteria and adjust the budget for this program if desired.

**COMMITTEE DECISION**

THAT all requests for funding be directed to the Community Enrichment Program and not be considered individually by Council;  
AND THAT Council review and revise the Community Enrichment Program criteria and adjust the budget for this program if desired.

**COUNCIL ACTION**

Receive and record.

**COMMUNICATION 128420**

Received from Robin Daigle, Engineering Manager  
Addressed to Physical Environment Committee  
Date November 7, 2017  
Topic Charles and Allan St. Development Cost Sharing

**SUMMARY**

A Developer has proposed plans to construct a 33-unit condominium along Charles and Allan Street. In order to service the proposed Development, the Developer will be required to perform works on existing sewer and water main within the right of way on Allan Street. The proposed work provides an opportunity for the Town to participate in a cost shared project to eliminate a sanitary pumping station, loop two dead end water mains and reconstruct Allan Street from Charles to Victoria Streets.

**128420 Continued**

At this time, the Developer’s Consultant has provided an estimate for Engineering consulting fees for design work, tendering, and services during construction associated with works within the municipal right of way for a total of \$62,000 + HST.

**STAFF RECOMMENDATION**

THAT Council commits to funding 50% of the Engineering consulting fees incurred by Batten Holdings associated with the design of the road and sewer and water services on Allan St between Charles and Victoria Streets.

**COMMITTEE DECISION**

THAT Council commits to funding 50% of the Engineering consulting fees incurred by Batten Holdings associated with the design of the road and sewer and water services on Allan St between Charles and Victoria Streets.

**COUNCIL ACTION**

THAT Council commits to funding 50% of the Engineering consulting fees incurred by Batten Holdings associated with the design of the road and sewer and water services on Allan St between Charles and Victoria Streets.

**COMMUNICATION 128421**

Received from	Paul Knowles, Chief Administrative Officer
Addressed to	Physical Environment Committee
Date	October 31, 2017
Topic	Parkland Projects Along OVR Trail

**SUMMARY**

The first draft of the 2018 budget that we discussed on October 24<sup>th</sup> included a project to develop parkland along the OVR trail. As noted at that meeting, specific details related to the project need to be reviewed. Conceptual plans for the area have been posted on Facebook reached almost 25,000 people and had 208 likes, 21 loves and 8 Wows. Comments posted were generally positive and are attached. Development of this parkland is really a series of smaller projects that do not necessarily need to all be completed at the same time. Staff have re-examined the estimated costs and potential funding and suggest the following projects for 2018.

- Parking Lot – 2 gravel parking areas
- Drainage/Ponds - This work is included in the 2017 budget and much of this work has been completed.
- Pavilion/Time Capsule – Proposed budget is an allowance. Details need to be determined.
- Granular/Topsoil/Seed/Trees – This work will cover the current rough grading.

**128421 Continued**

- Lighting – This would allow for lighting between Coleman and Moore. Should lighting also be included from Moore to the river?
- Signage - Proposed budget is an allowance. Details need to be determined.
- Pave Trail to Almonte – Cycling grant application has been submitted. Funding of at least \$100,000 is allocated.
- Skateboard Park - Proposed budget is an allowance. Details need to be determined.
- Fence at Police/Fire - Proposed budget is an allowance. Details need to be determined. Fencing may interfere with snowplowing at access to Tim Hortons
- Skating Rink – water supply and granular base only. Concrete pad in the future.

Component Project	Town Cost	Funds Other	Total Cost
Parking Lot	3,850	7,150 DC	11,000
Drainage/Ponds	20,000	60,000 (CWFF)	80,000
Pavilion/Time Capsule	26,250	5,000 (donations) 48,750 DC	80,000
Granular/Topsoil/Seed/Trees	28,000	52,000 DC	80,000
Play Structure	24,500	45,500 DC	70,000
Canoe Display	3,500	6,500 DC	10,000
Lighting	11,500	19,500 DC	30,000
Viewing Platforms	2017	2017	2017
Signage	3,500	6,500 DC	10,000
Pave Trail to Almonte	30,000	100,000 (cycling grant) 270,000 DC	400,000
Skateboard Park	35,000	65,000DC	100,000
Fence at Police/Fire	6,300	11,700 DC	18,000
Total	172,400	531,600 DC 185,000 (Other)	889,000

**STAFF RECOMMENDATION**

THAT the proposed parkland along the OVR Trail be included in the 2018 budget.

**COMMITTEE DECISION**

THAT the proposed parkland along the OVR Trail be included in the 2018 budget, as amended:

AND THAT the Total Cost of the Pavilion/Time Capsule be changed to \$60,000.00;

AND THAT the Total Cost of Lighting be changed to \$80,000.00.

**COUNCIL ACTION**

Receive and record.

**COMMUNICATION 128422**

Received from Paul Knowles, Chief Administrative Officer  
Addressed to Physical Environment Committee  
Date October 31, 2017  
Topic McNeely Ave. Fence Cost Sharing By-law

**SUMMARY**

The fence along McNeely Ave., north of Lake Ave., has now been replaced and the total actual cost of the project was \$307,517.54 (estimate in May 2017 was \$312,938.73). This project was not unanimously supported by adjacent owners that are to share in the cost, but generally, it seems the community is pleased with the completed project. One owner has complained that they no longer have access from the rear road (McNeely/Lake) into their backyard. However, there never was access without removal of the previous fence. The new fence was shifted from the homeowner's property onto the road allowance so it would be a municipal fence and the municipality's responsibility to maintain in the future. One homeowner is pleased with the fence and the decision for the fence to become a municipal responsibility but asked how this will be documented for the future.

Based on the advice of the Town's solicitor, the bylaw imposing the charges shall include a clause confirming that the new fence is owned and maintained by the Town. This bylaw will be registered on title so it is permanently recorded and so that future property owners will be aware of this matter.

Shifting the new fence onto the municipality's side of the property line means that there is a small gap between the new fence and the termination of the existing perpendicular fences. One owner asks that the Town fill in the small gap and reconnect the perpendicular fences to the fence along McNeely. This work was not planned and not included in the contract. Some owners are not impacted as there are two fences at the rear of their property parallel to the road (one on each side of the rear easement). For these owners, their perpendicular fences never reached to fence along the road. Most owners that were impacted have resolved the fence connection issue themselves and staff is not proposing any further work. As outlined in the spring (Communication #128257) the adjacent owners are expected to contribute to this project.

**STAFF RECOMMENDATION**

THAT the attached draft bylaw to authorize collecting a share of the cost to install a fence along McNeely/Lake Ave be forwarded to Council for approval and that the Treasurer implement collecting these costs beginning with the 2018 tax billing.

**COMMITTEE DECISION**

THAT the attached draft bylaw to authorize collecting a share of the cost to install a fence along McNeely/Lake Ave be forwarded to Council for approval and that the Treasurer implement collecting these costs beginning with the 2018 tax billing.

**COUNCIL ACTION**

Receive and record.

**COMMUNICATION 128423**

Received from Paul Knowles, Chief Administrative Officer  
Addressed to Physical Environment Committee  
Date October 31, 2017  
Topic GHG Challenge Fund

**SUMMARY**

Previously, the government of Ontario launched the Municipal GHG Challenge Fund, a competitive, application-based program. Ontario is inviting municipalities to submit applications for the fund by November 14, 2017. Selected projects will be announced in 2018. Since this announcement, the province has heard feedback from many municipalities that, although they do not have a complete community-wide inventory of GHG emissions, GHG reduction targets and/or a plan to achieve them, they are eager to participate in the Municipal GHG Challenge Fund.

The eligibility requirements for the first round of funding will now be opened to allow all municipalities to apply, so long as applicants demonstrate a commitment to completing their community-wide GHG inventory, targets and plan within 18 months, through a council resolution. If approved for funding, the council resolution must occur before the transfer payment agreement is completed.

Applications will be scored using the criteria outlined in the Program Guide. If applicants do not have an inventory, targets, and/or a GHG reduction plan, this will impact their score in the section entitled “Alignment with Municipal GHG Planning”.

**COMMENT**

Earlier, Council considered this program (Communication 128354) and decided not to pursue an application. However, with the new announcement, staff suggest submitting two applications – one for funding to install energy efficient street lighting and one to support implementing the Active Transportation Commuter Transit Plan that is currently under development. To support these applications to the GHG Challenge Fund, staff have drafted a GHG Emissions Reduction Statement (attached).

**STAFF RECOMMENDATION**

THAT Council hereby authorized submitting an application to the GHG Challenge Fund for \$425,000, which is 50% of the estimated cost of \$850,000, to replace streetlighting with energy efficient streetlights;

AND THAT Council hereby adopts the GHG Emissions Reduction Statement and commits to preparing a community-wide GHG inventory and adopting GHG Emissions Reduction Plan which includes targets for GHG reduction of 15% in 2020, 37% in 2030 and 80% in 2050 within 18 months of approval of the Town’s GHG Challenge Fund application.

AND THAT Council review and revise the Community Enrichment Program criteria and adjust the budget for this program if desired.

**128423 Continued**

**COMMITTEE DECISION**

THAT Council hereby authorized submitting an application to the GHG Challenge Fund for \$474,307.00, which is 50% of the estimated cost of \$948,614.00, to replace streetlighting with energy efficient streetlights;

AND THAT Council hereby adopts the GHG Emissions Reduction Statement and commits to preparing a community-wide GHG inventory and adopting GHG Emissions Reduction Plan which includes targets for GHG reduction of 15% in 2020, 37% in 2030 and 80% in 2050 within 18 months of approval of the Town's GHG Challenge Fund application.

**COUNCIL ACTION**

THAT Council hereby authorized submitting an application to the GHG Challenge Fund for \$474,307.00, which is 50% of the estimated cost of \$948,614.00, to replace streetlighting with energy efficient streetlights;

AND THAT Council hereby adopts the GHG Emissions Reduction Statement and commits to preparing a community-wide GHG inventory and adopting GHG Emissions Reduction Plan which includes targets for GHG reduction of 15% in 2020, 37% in 2030 and 80% in 2050 within 18 months of approval of the Town's GHG Challenge Fund application.

**COMMUNICATION 128389**

Received from	Paul Knowles, Chief Administrative Officer
Addressed to	Policy Review Committee
Date	November 2, 2017
Topic	HVAC System for Carambeck Community Centre

**SUMMARY**

Staff have obtained the following three price quotes for the installation of new HVAC system at Carambeck Community Centre:

- Carleton Refrigeration - \$198,650.00+HST
- A-L Air - \$181,945.00+HST
- CorCann – \$236,000.00+HST

**COMMENT**

The upgrade of the HVAC system is the result of the Canada 150 Community Infrastructure Program grant received by the Town. In order for this project to continue to be eligible for this funding, the project must be completed by March 2018.

The above prices include necessary purchase and installation of the HVAC system, however, significant upgrades to the building's electrical system are required to provide enough power to operate the new HVAC system due to the addition of air conditioning

**128398 Continued**

to the building. The Town has been using Patterson Electric for all electrical work on this building. The estimated cost to upgrade the electrical service to the building is \$70,000 which includes Hydro One costs, a generator to power the building while to new electrical service in being installed and Patterson's cost to install the electrical panel.

**STAFF RECOMMENDATION**

THAT staff issue a purchase order to A-L Air to install the new HVAC system at the Carambeck Community Centre for the price of \$181,945.00+HST.

**COMMITTEE DECISION**

THAT staff issue a purchase order to A-L Air to install the new HVAC system at the Carambeck Community Centre for the price of \$181,945.00+HST;

AND THAT Patterson Electric be engaged to undertake electrical upgrades for \$70,000+HST.

**COUNCIL ACTION**

THAT staff issue a purchase order to A-L Air to install the new HVAC system at the Carambeck Community Centre for the price of \$181,945.00+HST;

AND THAT Patterson Electric be engaged to undertake electrical upgrades for \$70,000+HST.

**COMMUNICATION 128424**

Received from	Stacey Blair, Deputy Clerk
Addressed to	Physical Environment Committee
Date	October 31, 2017
Topic	Placement of Temporary Objects on Downtown Sidewalks Draft Guidelines

**SUMMARY**

Staff was asked to consider potential solutions to address the placement of temporary objects on downtown sidewalks and to consult with various stakeholders on this matter. Staff have prepared draft guidelines for the placement of temporary objects on downtown sidewalks (attached).

**128424 Continued**

**COMMENT**

Being a historic downtown, sidewalk space is in short supply. With the addition of the placement of various temporary objects along the downtown sidewalks, the area can become congested. The goal of the draft guidelines is to improve the placement of temporary objects (sandwich board signs, merchandise displays, moveable seating and tables, planters and removable accessibility ramps) in the downtown by placing a priority on maintaining a clear path of 1.5m for all.

This will be achieved through the on-going development of these guidelines, seeking input from community stakeholders and communicating the adoption of these guidelines to downtown businesses. In real terms, this means reasonable placement and management of all temporary objects and prioritizing snow removal.

To date, the Accessibility Advisory Committee has endorsed the draft guidelines. Staff have met with the BIA coordinator and the guidelines will be distributed for comment to BIA members at their next meeting (November 8<sup>th</sup>).

Public Works staff have also been consulted on this matter. Comments received have been integrated into the attached document.

**RECOMMENDATION**

THAT staff proceed with seeking input on the draft guidelines and that the final copy of the guidelines be brought to Council for adoption once all input is received.

**COMMITTEE DECISION**

THAT staff proceed with seeking input on the draft guidelines and that the final copy of the guidelines be brought to Council for adoption once all input is received.

**COUNCIL ACTION**

Receive and record.

**COMMUNICATION 128409**

Received from	Phil Hogan, Treasurer
Addressed to	Physical Environment Committee
Date	October 18, 2017
Topic	2018 Budget

**SUMMARY**

Staff have compiled the first draft of the 2018 Budget and will present to Council.



**128409 Continued**

UPDATE – November 7<sup>th</sup>, 2017

This item was brought forward from the Policy Review Committee meeting of October 24<sup>th</sup>, 2017. Staff will continue with the presentation of the 2018 draft budget.

**STAFF RECOMMENDATION**

To be discussed.

**COMMITTEE DECISION**

THAT a Public Meeting regarding the budget be held at the Corporate Services Committee Meeting of November 21<sup>st</sup>, 2017.

**COUNCIL ACTION**

Receive and record.



Planning and Protection Committee  
Council Report  
November 7, 2017

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**COMMUNICATION 128412**

Received From: Les Reynolds, Director of Protective Services  
Addressed To: Planning and Protection Committee  
Date: November 1, 2017  
Topic: Police Service Board Minutes

**SUMMARY**

Minutes of the Police Service Board of October 23, 2017 meeting are attached.

Noteworthy Items:

- After a successful year bicycle patrols will finish on Halloween
- Our officers are now equipped with Naloxone

**STAFF RECOMMENDATION**

Receive and record.

**COMMITTEE DECISION**

Receive and record.

**COUNCIL ACTION**

Receive and record.

**COMMUNICATION 128413**

Received From: Paul Knowles, Chief Administrative Officer  
Addressed To: Planning and Protection Committee  
Date: November 1, 2017  
Topic: Cannabis Legalization

**SUMMARY**

Attached is a letter from Charles Sousa, Minister of Finance, detailing the proposed retail and distribution system in response to the federal legalization of cannabis.

**128413 Continued**

**COMMENT**

The Ontario government is proposing that the LCBO partner with impacted municipalities in advance of launch to ensure that input from municipalities can be provided directly to the LCBO and local community interests can be heard. As municipalities are identified, letters from the Ministry of Finance will be sent to the municipal Clerk of each identified municipality. Ministry of Finance staff will also notify Heads of Councils in identified municipalities in advance of these letters and will work with municipalities to ensure that council's perspectives are considered.

**STAFF RECOMMENDATION**

Receive and record.

**COMMITTEE DECISION**

Receive and record.

**COUNCIL ACTION**

Receive and record.

**COMMUNICATION 128414**

Received from	Joanna Bowes, Manager of Development Services
Addressed to	Planning and Protection Committee
Date	October 26, 2017
Topic	Development Services - Planning Activity Report

**SUMMARY**

Attached is the monthly activity review for October regarding planning matters received within the department. The report represents only those matters that were accompanied by a submitted application or pre-consultations with Planning Staff.

**COMMENT**

For Council's Information

**STAFF RECOMMENDATION**

Receive and record.

**COMMITTEE DECISION**

Receive and record.

**COUNCIL ACTION**

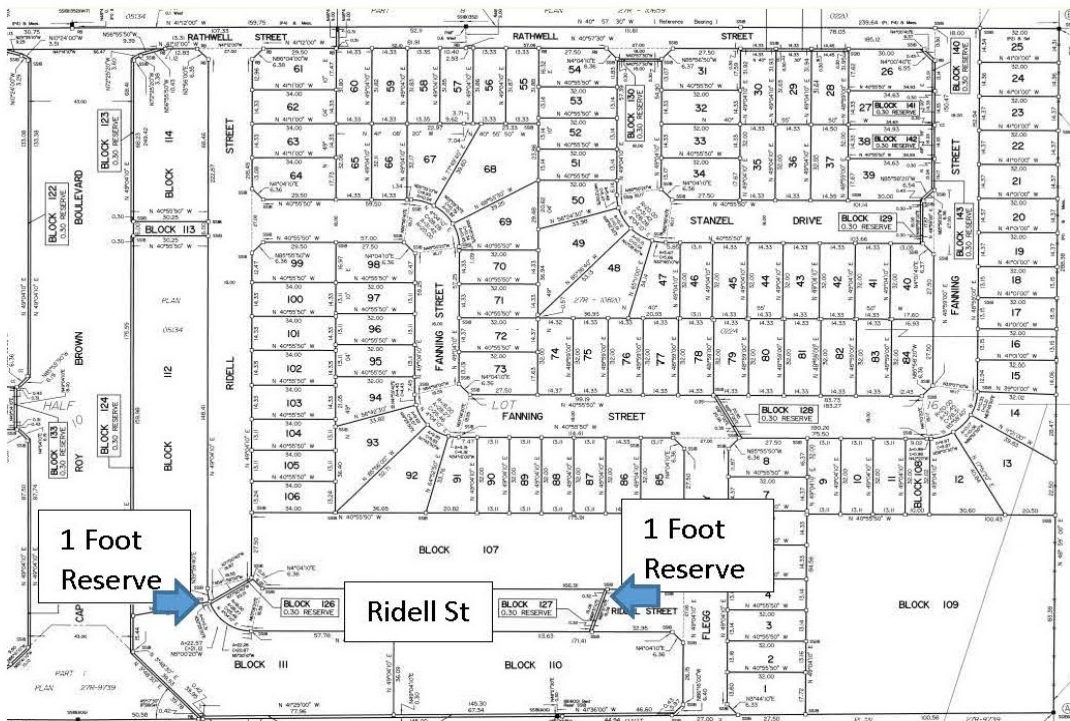
Receive and record.

**COMMUNICATION 128415**

Received from Joanna Bowes, Manager of Development Services  
Addressed to Planning and Protection Committee  
Date October 26, 2017  
Topic Removal of One Foot Reserves, Phase 2, Miller's Crossing Subdivision for Cardel Homes

**SUMMARY**

Cardel homes has requested the removal of one foot reserves for Block 126 and Block 127 on plan 27M- 77. The removal of one foot reserves will allow for the opening of Phase 2 in order for building permits to be issued there. A map of the reserves to be removed is below.



**COMMENT**

Cardel has completed the majority of their requirements for Phase 1 and will be receiving back some securities from the Town. They will be rolling the securities forward for in order to start Phase 2.

**STAFF RECOMMENDATION**

That staff forward a By-law to Council for approval for the removal of the one foot reserves for Block 126 and 127 on Plan 27M-77 for Miller's Crossing.

**COMMITTEE DECISION**

That staff forward a By-law to Council for approval for the removal of the one foot reserves for Block 126 and 127 on Plan 27M-77 for Miller's Crossing.

**COUNCIL ACTION**

Receive and record.



## **Ombudsman Report**

**Investigation into a closed meeting held by  
the Policy Review Committee for  
the Town of Carleton Place  
on March 14, 2017**

**Paul Dubé  
Ombudsman of Ontario  
October 2017**

## Complaint

- 1 In April 2017, my Office received a complaint about a closed meeting of the Policy Review Committee (the “committee”) for the Town of Carleton Place held on March 14, 2017. The committee consists of all members of council for the Town of Carleton Place.
- 2 The complaint alleged that the committee held an illegal closed meeting on March 14 to discuss a public statement made by Mayor Louis Antonakos on March 7, during a meeting of a different committee, the Planning and Protection Committee.

## Ombudsman jurisdiction

- 3 Under the *Municipal Act, 2001*, all meetings of council, local boards, and committees of council must be open to the public, unless they fall within prescribed exceptions.
- 4 As of January 1, 2008, the Act gives citizens 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. The Act designates the Ombudsman as the default investigator for municipalities that have not appointed their own.
- 5 The Ombudsman is the closed meeting investigator for the Town of Carleton Place.
- 6 In investigating closed meeting complaints, we consider whether the open meeting requirements of the Act and the municipality’s governing procedures have been observed.

## Committee procedures

- 7 The town’s procedure by-law (by-law no. 09-2015) states that all meetings shall be open to the public except as provided in section 239 of the Act. Prior to proceeding in camera, council and any committees must state by resolution the fact of holding a closed meeting and the general nature of the subject matter to be considered.

## Investigative process

- 8 On June 15, 2017, after conducting a preliminary review, we advised the municipality of our intent to investigate this complaint.
- 9 Members of my Office reviewed the town's procedure by-law and relevant portions of the Act. We reviewed the meeting records from the March 7 meeting of the Planning and Protection Committee and the March 14 meeting of the Policy Review Committee.
- 10 We interviewed the clerk and members of council who were present at the closed meeting on March 14, 2017.
- 11 My Office received full co-operation in this matter.

## Background

### The Mayor's statement

- 12 On March 7, 2017, during an open meeting of the Planning and Protection Committee, the Mayor made a lengthy public statement. The Mayor's statement touched on a number of local issues, including council's media relations and media reports following a report issued by the town's Integrity Commissioner that dismissed a code of conduct complaint against the Mayor. The Mayor also made comments about an identifiable individual who had lodged a subsequent code of conduct complaint against the Mayor. At the time of the meeting, the Integrity Commissioner was still investigating this complaint.
- 13 The Mayor referred to "attacks" against himself and members of council by an individual he called a "disgruntled developer." In addition to referencing the individual's code of conduct complaint, the Mayor also stated that the individual had a record of assaulting a peace officer and had contravened the town's planning and building application processes as well as various pieces of provincial legislation like the *Planning Act* and the *Building Code Act*.
- 14 A written copy of the Mayor's statement was appended to the meeting's Action Report (similar to meeting minutes). The Action Report, which included the Mayor's statement, was made publicly available on the town's website.

- 15 On March 11, 2017, the identifiable individual who was referenced in the Mayor's statement made a public Facebook post, which linked to a media article about the Mayor's statement. The Facebook post stated that the Mayor had opened himself and the town up to a discrimination lawsuit.
- 16 Following the publication of the Action Report on the town's website and the Facebook post, Councillor Sean Redmond approached the Clerk to add the Mayor's statement as an item on the closed session agenda for an upcoming Policy Review Committee meeting because he believed it opened the town up to liability. At that point, the agenda for the meeting had already been published so any additions would have to be made by motion during the meeting.

### The March 14, 2017 closed meeting of the Policy Review Committee

- 17 On March 14, 2017, the Policy Review Committee met in council chambers for a regular meeting.
- 18 According to the clerk, Councillor Redmond made a motion to add the Mayor's statement to the closed meeting agenda prior to the committee going in camera. This motion was not recorded in the open meeting minutes; however, all members of council who were interviewed recalled that the motion had been passed by the committee. My Office has found that meeting minutes should include a detailed description of the substantive and procedural matters discussed and any motions, including who introduced the motion and seconders.<sup>1</sup>
- 19 According to the open meeting minutes, the committee passed a resolution to proceed in camera to discuss a number of items. The committee cited the "litigation/potential litigation" exception found in section 239(2)(e) of the Act to discuss the Mayor's statement. The Mayor advised my Office that he voted against the resolution to proceed in camera.
- 20 While in camera, the committee discussed its concerns that the town might face potential litigation arising out of the Mayor's comments against the identifiable individual. The committee discussed the individual's Facebook post and the implications of allowing a copy of the Mayor's statement to remain appended to the Action Report and available on the town's website.

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<sup>1</sup> Ombudsman of Ontario, *Investigation into the allegation that the Public Works Committee for the Township of Bonfield violated the Municipal Act, 2001 on May 19 and June 2, 2015* (November 2015), online: < [https://www.ombudsman.on.ca/Resources/Reports/Township-of-Bonfield-\(2\).aspx](https://www.ombudsman.on.ca/Resources/Reports/Township-of-Bonfield-(2).aspx)>.



- 21 The committee directed staff to add the following item to the open session agenda:

THAT the Mayor's statement made at the March 7<sup>th</sup>, 2017 Planning and Protection Committee meeting not be included with the Action Report (128132)

- 22 After returning to open session, the committee passed the motion to remove the Mayor's statement from the Action Report in a recorded vote of 6-1, with the Mayor voting against the motion.

## Analysis

- 23 The complaint to our Office alleged that the committee's discussion about the Mayor's statement did not fit within the "litigation/potential litigation" exception and was therefore contrary to the open meeting rules.

### "Litigation or potential litigation" exception

- 24 The *Municipal Act* does not specifically define what constitutes "litigation or potential litigation." The exception in s. 239(2)(e) for litigation or potential litigation is reserved for circumstances where the matter discussed is the subject of ongoing litigation or there is a reasonable prospect of litigation.
- 25 In *RSJ Holdings v. London (City)*, the Ontario Court of Appeal considered the exception in s. 239(2)(e) for litigation or potential litigation. The Court observed that, "The fact that there might be, or even inevitably would be, litigation arising from the [matter discussed] does not make the "subject matter under consideration" potential litigation".<sup>2</sup>
- 26 My Office has found that the "litigation/potential litigation" exception applies in the context of anticipated litigation where there is more than a remote possibility litigation may commence, although the litigation needs not be a certainty. The municipality must believe that litigation is a reasonable prospect and must use the closed meeting to explore that prospect in some way.<sup>3</sup>

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<sup>2</sup> *RSJ Holdings Inc. v. London (City)*, [2005] OJ No 5037.

<sup>3</sup> Ombudsman of Ontario, *Investigation into the Township of West Lincoln's alleged violation of the Municipal Act, 2001 on June 15 and June 22, 2015* (November 2015), online: <<https://www.ombudsman.on.ca/Files/sitemedia/Documents/Resources/Reports/Municipal/Ontario-Ombudsman---Final-report---West-Lincoln-linked.pdf>>.

## The circumstances surrounding the meeting

- 27** When considering whether there was a reasonable prospect of litigation, the broader circumstances of the closed meeting are relevant.<sup>4</sup>
- 28** In this case, all of council, except the Mayor, claimed to believe there was potential for litigation after listening to the Mayor's statement at the March 7 meeting and seeing the subsequent Facebook post. The councillors told members of my Office that the Mayor and the identifiable individual have an open and publicly contentious relationship, which in their shared opinion could make the individual predisposed to launching a lawsuit against the town.
- 29** The councillors explained that the fact the Mayor's statement was available on the town's website deepened their concern that the town would likely be the subject of litigation by the individual. According to one councillor, he was concerned about mitigating possible future damages against the municipality if the statement remained publicly accessible on the municipality's website.

## Was there a reasonable prospect of litigation?

- 30** Some of the councillors said they relied on personal experience and business sense to rationalize why they felt the municipality was facing a reasonable prospect of litigation.
- 31** I am not satisfied that, at the time of the March 14 closed meeting, there was sufficient reason for the committee to believe there was a reasonable prospect of litigation related to the Mayor's statement. In fact, I find the prospect of litigation was too remote for the closed meeting exception to apply.
- 32** The Mayor's statement, while contentious, does not justify the committee's belief that litigation was a reasonable prospect. While the committee may have had a suspicion that the Mayor's statement opened the town up to liability, this belief alone would not constitute a reasonable prospect of litigation and I find the possibility too remote to justify closing the meeting to the public.

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<sup>4</sup> Ombudsman of Ontario, *Investigation into a complaint about closed meetings held by Council for the Township of Georgian Bay on October 13, 2015 and January 11, 2016* (January 2017), online: <[https://www.ombudsman.on.ca/Resources/Reports/Township-of-Georgian-Bay-\(1\).aspx](https://www.ombudsman.on.ca/Resources/Reports/Township-of-Georgian-Bay-(1).aspx)>

- 33** A statement by the identifiable individual that the Mayor and the town had created the potential for a lawsuit did not create “potential litigation” that justified closing the meeting to the public. The fact that the councillors believed the individual was more likely to file a lawsuit due to the nature of his relationship with the Mayor does not make him more inclined to file a lawsuit against the town itself. The identifiable individual had taken complaints to the Integrity Commissioner for investigation and was awaiting the results of that investigation. Lawsuits are expensive propositions, which most people initiate only as a last resort. The reference to a lawsuit in the Facebook post does not rise to the level of “potential litigation”, as the post was rhetorical in nature and did not contain a threat of litigation.
- 34** Finally, the committee’s belief that allowing the Mayor’s statement to remain online would aggravate the individual’s damages if a lawsuit was filed against the municipality is speculative at best.
- 35** The committee may have wished to act quickly and in the best interests of the town by meeting to discuss the Mayor’s statement and direct staff to remove the statement from the town’s website. However, at the time of the meeting on March 14, 2017, the town did not face a reasonable prospect of litigation with respect to the Mayor’s statement.
- 36** Accordingly, the committee’s discussion about the Mayor’s statement during the closed session on March 14, 2017 did not fit within the “litigation/potential litigation exception” and the meeting should have been open to the public.

## Opinion

- 37** The Policy Review Committee for the Town of Carleton Place contravened the *Municipal Act, 2001* and the town’s procedure by-law when it discussed the Mayor’s statement during its in camera meeting on March 14, 2017 under the “litigation/potential litigation” exception to the open meeting rules.

## Recommendations

**38** I make the following recommendations to assist the Town of Carleton Place in fulfilling its obligations under the Act and enhancing the transparency of its meetings.

### **Recommendation 1**

All members of council for the Town of Carleton Place should be vigilant in adhering to their individual and collective obligation to ensure that council and its committees comply with their responsibilities under the *Municipal Act, 2001* and the procedure by-law.

### **Recommendation 2**

The Town of Carleton Place 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.

### **Recommendation 3**

The Town of Carleton Place should ensure that meeting records are complete and accurately reflect all substantive and procedural items that were discussed.

## Report

**39** The municipality was given the opportunity to review a preliminary version of this report and provide comments to our Office. Comments received were considered in the preparation of this final report.

**40** My report should be shared with council and made available to the public as soon as possible, and no later than the next council meeting.



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Paul Dubé  
Ontario Ombudsman

**BY-LAW NO. 65-2017**

**A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE ONE HUNDRED AND TWENTY EIGHTH COUNCIL OF THE CORPORATION OF THE TOWN OF CARLETON PLACE AT THE EIGHTEENTH REGULAR MEETING OF COUNCIL OF NOVEMBER 14, 2017**

**AND WHEREAS** Section 5 of the Municipal Act, S.O. 2001, the powers of a municipal corporation are to be exercised by its Council;

**AND WHEREAS** it is deemed expedient that the proceeding of the Council of the Corporation of the Town of Carleton Place at this meeting be confirmed and adopted by by-law;

**NOW THEREFORE** the Council of the Corporation of the Town of Carleton Place enacts as follows:

1. **THAT** the action of the 128<sup>TH</sup> Council of the Corporation of the Town of Carleton Place at the EIGHTEENTH Regular Meeting of Council held on NOVEMBER 14, 2017, in respect of each motion and resolution passed, and other action taken by the Council of the Corporation of the Town of Carleton Place at its meeting, is hereby adopted and confirmed as if all such proceedings were expressly embodied in this By-law.
2. **THAT** the Mayor and proper officials of the Corporation of the Town of Carleton Place are hereby authorized and directed to do all things necessary to give effect to the action of the Council of the Corporation of the Town of Carleton Place referred to in the preceding section thereof.
3. **THAT** the Mayor and Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the Seal of the Corporation of the Town of Carleton Place.

READ A FIRST TIME, SECOND TIME AND A THIRD TIME AND FINALLY PASSED THIS 14<sup>TH</sup> DAY OF NOVEMBER 2017.

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Louis Antonakos, Mayor

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D.H. Rogers, Clerk