AGENDA - SPECIAL COMMITTEE OF THE WHOLE MEETING
Thursday March 12, 2015

A Special Meeting of Committee of the Whole will be held on Thursday, March 12, 2015 at 1:00 p.m., in the Council Chambers, Municipal Offices, Port Carling, Ontario.

1. Call to Order

2. Adoption of Agenda
   a. Consideration of a resolution to adopt the agenda.

3. Disclosure of Interest

4. Adoption of Minutes
   a. Consideration of a resolution to adopt the Committee of the Whole Meeting minutes held on February 17, 2015.

5. Public Works
   a. Delegations and Petitions

1. Rene Leenaars and Mike Webb, Muskoka Lakes Snow Trails Association, to attend at 1:00 p.m. Re: CP Rail Crossing Proposal in Bala

   b. Roads and Infrastructure


6. Corporate Services
   a. Delegations and Petitions

1. Eva Moore, Artistic Director, Actors' Colony Theatre to attend at 1:15 p.m. Re: Request for Financial Support 2015 Budget.
a. **Delegations and Petitions**

2. Ted Carruthers, President, Port Carling Curling Club to attend at 1:30 p.m. Re: Request for Financial Support 2015 Budget.

3. The following delegations will be received at 1:45 p.m. Re: North Bala Falls Small Hydro Project.

   1. Mitchell Shnier, SaveTheBalaFalls.com
   2. Deborah Ylanko, Moon River Property Owner’s Association
   3. Representative of Wahta Mohawks
   4. John Mascarin, Aird & Berlis, LLP
   5. Representative of Swift River Energy Limited

4. Tom Millar to attend at 2:15 p.m. Re: Municipal Governance.

b. **Finance**

c. **Administration**

1. Report from the Interim CAO Re: North Bala Falls Small Hydro Project - Working Committee Report

7. **Community**

a. **Delegations and Petitions**

b. **Community and Volunteerism**

1. Community Events Update

2. Report from the CEDC Re: Lucky Duck - Renewal of Lease Agreement (Glen Orchard Community Centre).


c. **Emergency Management**

1. Minutes of the Joint Occupational Health and Safety Committee Meeting held on December 18, 2014.

d. **Parks, Trails and Libraries**
8. Visioning and Economic Development

a. Delegations and Petitions

1. Martin Weber, Port Carling's Farmers Market Committee to attend at 3:00 p.m.
   Re: 2015 Port Carling's Farmers Market

b. Visioning

c. Economic Development and Communications

1. Report from the Interim CAO Re: Strategic Planning Update. *(To be provided prior to the meeting)*

9. New and Unfinished Business

10. Committee in Closed Session

a. Committee of the Whole in Closed Session to be held for advice that is subject to solicitor-client privilege, including communications necessary for that purpose pursuant to Section 239(2) of the Municipal Act, 2001.

11. Adjournment

a. Consideration of a resolution to adjourn.
THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

MINUTES - COMMITTEE OF THE WHOLE MEETING

Tuesday, February 17, 2015

A Regular Meeting of Committee of the Whole was held on Tuesday, February 17, 2015, at 1:00 p.m. in the Council Chambers, Municipal Offices, Port Carling, Ontario.

COUNCILLORS PRESENT:

- Mayor Don Furniss
- Jean Ann Baranik
- Linda Barrick-Spearn
- Sandy Currie
- Allen Edwards
- Phil Harding
- Donelda Kruckel, Chair
- Terry Ledger
- Ruth Nishikawa

REGRETS:

- Gault McTaggart

1. **Call to Order**
   a. Chair Kruckel called the meeting to order at 1:00 p.m.

2. **Adoption of Agenda**
   a. Consideration of a resolution to adopt the agenda as amended.

   Resolution Number COW-1-17/02/15

   Councillor Harding - Mayor Furniss: Be it resolved that the Committee of the Whole agenda dated February 17, 2015 be adopted as amended to add item 6.c.6., Report Re: Correspondence from the Village of Merrickville-Wolford and item 9.a. Discussion Re: Meeting Schedule.

   Carried

3. **Disclosure of Interest**
   a. None
4. **Adoption of Minutes**

a. Consideration of a resolution to adopt the Committee of the Whole Meeting minutes held on January 20, 2015.

   Resolution Number COW-2-17/02/15

   Councillor Baranik - Councillor Edwards: Be it resolved that the Committee of the Whole Meeting minutes held on January 20, 2015 be adopted.

   Carried

5. **Public Works**

a. **Delegations and Petitions**

   1. Eleanor Kee Wellman attended at 1:03 p.m. Re: Oka Trail / Muskoka Lakes Snow Trails Association. Sylvia Geist and Steve Bellantoni did not attend the meeting.

   Eleanor Kee Wellman delegated to request new gates be installed to replace the current three gates along the snowmobile trail in her vicinity that are able to be closed in all snow conditions. She also requested additional gates being installed in two new locations. New gates are required to restrict use as soon as the snowmobile trails are closed for the season. Additionally, she indicated that there are trespassing issues on their private driveways that are a safety hazard. Ms. Wellman requested that the Township and the MLSTA form a plan to ensure safety. A copy or the presentation is attached.

   Staff was requested to review the submission and report back to Committee with options.

b. **Roads and Infrastructure**

   1. Consideration of a Resolution re: Waste Receptacles

   Councillor Currie addressed Committee regarding this request. The Interim Director of Public Works answered questions in this regard.

   Resolution Number COW-3-17/02/15

   Councillor Currie - Councillor Edwards: With the exception of some municipal facilities, the municipal service level requires that waste receptacles be placed across the Township between the months of May to October.

   Now Therefore Be It Resolved That the Interim Director of Public Works be requested to review and report back to Committee of the Whole with respect to the implications of placing a limited number of waste receptacles in the
Township on a year-round basis.

Carried

6. **Corporate Services**

   a. **Delegations and Petitions**

   1. Walter Moon, President, Muskoka Lakes Chamber of Commerce, attended at 1:35 p.m. Re: 2015 Grants to Organizations Funding Request. *(Finance)*

      Walter Moon provided an overview of the operations of the Chamber and requested consideration of funding during the 2015 budget deliberations. Three proposed options were outlined in the request, a copy of which is attached. The delegation answered questions for Committee.

   2. Al Young, Walker’s Point Garden Diggers - Communities in Bloom attended at 2:02 p.m. Re: 2015 Funding Request. *(Finance)*

      Al Young provided a presentation to Committee requesting consideration for funding in the 2015 budget with respect to a landscaping and beautification plan for the Walker’s Point area. A copy of the request is attached. The delegation answered questions for Committee.

      The Interim Director of Public Works recommended that the group should share the plans with the District of Muskoka as works are proposed on District road allowances.

   3. Bill Van Ryn attended at 2:10 p.m. Re: Presentation of Survey - Camp Ramah land exchange. *(Refer to Item 6.c.1. Report)*

      Bill Van Ryn, CC Tatham, delegated Committee on behalf of Camp Ramah. Further to the Camp’s 2013 Township approval, Mr. Van Ryn presented the draft survey with respect to the proposed road closing and exchange of land. A copy of the presentation is attached.

   4. Josh Campbell, Rock Solid Consulting, attend at 2:17 p.m. Re: Request to change land exchange details - COOPER, 9-8-044. *(A copy of the June 2014 staff report is attached for background information.)*

      Josh Campbell, Rock Solid Consulting delegated Committee on behalf of David Cooper, applicant. He outlined the original request and tentative approval which was granted in 2014. Since receiving approval for the road closing and exchange of land, it has been determined that there is insufficient area on the north side of the property to accommodate the new road allowance and to meet setbacks. Due to this, his client is proposing alternative options in this regard. A copy of the presentation is attached.

      The Clerk indicated that the revised proposal will be reviewed by staff with a report to be presented at a future Committee meeting.
b. **Finance**

1. Correspondence from the Royal Canadian Legion - Ontario Command re: Military Service Recognition Book - Request for Support. A copy of the correspondence is attached.

   Committee directed that the Legion’s request move forward to the 2015 budget deliberations.

c. **Administration**

1. Report from the Clerk Re: Survey for Camp Ramah land exchange. A copy of the report is attached. *(Refer to Item 6.a.4. Delegations and Petitions)*

   Resolution Number COW-4-17/02/15

   Councillor Edwards - Councillor Baranik: Be it resolved that the Committee of the Whole recommend to Township Council that approval be given to the draft survey submitted by the Jewish Theological Society - Camp Ramah (2-22-001);

   AND FURTHER THAT once the Township of Muskoka Lakes receives registered copies of the survey, staff complete the exchange of Part 1 on said plan to the Township of Muskoka Lakes with Part 2 on said plan being stopped up, closed and conveyed to the Jewish Theological Society.

   Carried

2. Report from the Clerk Re: Application to purchase a portion of Original Road Allowance lying in front of Concession 2, Lot 32 on Lake Rosseau, TIBBLES, 2-8-003. A copy of the report is attached.

   Resolution Number COW-5-17/02/15

   Councillor Harding - Mayor Furniss: Be it resolved that the Committee of the Whole recommend to Township Council that tentative approval be given to the request to purchase a portion of Original Shore Road Allowance submitted by Thomas and Adrienne Tibbles (2-8-033) lying in front of Concession 2, Lot 32 (Watt) on Lake Rosseau pursuant to the conditions provided in the February 17, 2015 staff report, as well as Township Council Policy C-LS-08.

   Carried
3. Report from the Clerk Re: Applications to purchase a portion of Original Shore Road Allowance lying in front of Concessions 11 and 12, Lots 31 and 32 on Lake Rosseau (Watt) LINDROS, 2-26-029. A copy of the report is attached.

Resolution Number COW-6-17/02/15

Councillor Harding - Mayor Furniss: Be it resolved that the Committee of the Whole recommend to Township Council that tentative approval be given to the request to purchase portions of Original Shore Road Allowance submitted by Eric Lindros (2-26-029) lying in front of Concessions 11 and 12, Lots 31 and 32 (Watt) Lake Rosseau pursuant to the conditions provided in the February 17, 2015 staff report, the recommendations of the Director of Planning as well as Township Council Policies C-LS-08 for the Sale of Original Shore Road Allowances and C-LS-09 for the Sale of Flooded Lands.

Carried


The Interim CAO highlighted the report for Committee. Committee discussed the current FCM membership benefits, conferences and the proposed cost sharing of the membership. Committee was not supportive of the proposed allocation of the area municipalities and the District and requested the Interim CAO to report back to Committee with alternative options.

5. Report from the Clerk Re: Correspondence from the Town of Mississippi Mills. A copy of the report is attached.

Resolution Number COW-7-17/02/15

Councillor Edwards - Councillor Baranik: Be it resolved that the Committee of the Whole recommend to Township Council that the Township of Muskoka Lakes supports the January 13, 2015 resolution passed by the Council of the Town of Mississippi Mills requesting that the Province of Ontario grant Ontario municipalities the authority to control the design, placement, and scale of any structure related to hydro generation projects in its urban heritage core.

Carried

6. Report from the Clerk: Correspondence from the Village of Merrickville-Wolford. A copy of the report is attached.

Resolution Number COW-8-17/02/15

Councillor Currie - Councillor Edwards: Be it resolved that the Committee of the Whole recommend to Township Council that the Township of Muskoka Lakes supports the January 26, 2015 resolution passed by the Council of
the Village of Merrickville-Wolford with respect to the Government’s desire to limit industrial wind turbine projects and further indicating that the Village of Merrickville-Wolford is not a “willing host” for industrial wind turbine projects.

And Further that the Township of Muskoka Lakes advise the Province of Ontario that the Township is not a “willing host” for industrial wind turbine projects.

Carried

7. Community

a. Delegations and Petitions

1. None

b. Community and Volunteerism

1. Community Events Update

Committee members provided an update on local events taking place in the municipality.

c. Emergency Management

1. None

d. Parks, Trails and Libraries

1. Minutes of the Volunteer Recreational Trails Committee meeting held on May 14, 2014. A copy of the minutes is attached for information purposes.

2. Minutes of the Public Library Board meeting held on November 27, 2014. A copy of the minutes is attached for information purposes.

8. Visioning and Economic Development

a. Delegations and Petitions

1. None

b. Visioning

1. None
c. **Economic Development and Communications**

1. None

9. **New and Unfinished Business**

a. Discussion Re: Meeting Schedule.

Further to the February 13, 2015 Council meeting, Committee members discussed the Council and Committee meeting schedule.

10. **Committee in Closed Session**

a. Committee of the Whole in Closed Session was held for litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, personal matters about an identifiable individual, including municipal or local board employees, and advice that is subject to solicitor-client privilege, including communications necessary for that purpose; pursuant to Section 239 (2) of the Municipal Act, 2001.

Resolution Number COW-9-17/02/15

Councillor Baranik - Councillor Edwards: Be it resolved that Committee of the Whole in Closed Session convene at 3:15 p.m. for litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, personal matters about an identifiable individual, including municipal or local board employees and advice that is subject to solicitor-client privilege, including communications necessary for that purpose; pursuant to Section 239 (2) of the Municipal Act, 2001.

Carried

Resolution Number COW-10-17/02/15

Councillor Baranik - Councillor Edwards: Be it resolved that Committee of the Whole reconvene at 3:35 p.m. to report on matters arising from Closed Session.

Carried

The following resolutions were considered upon arising from Closed Session.

Resolution Number COW-11-17/02/15

Mayor Furniss - Councillor Harding: Be it resolved that Committee of the Whole recommend to Township Council that the Township of Muskoka Lakes does not support or endorse the opening of the municipal road allowance between Concession G and 1, Lots 7 to 11, Medora by 1812640 Ontario Inc. (Brent);
And Further That the Township of Muskoka Lakes continue to support September 11, 2012 Committee of the Whole resolution number COW-14-11/09/12.

Carried

Resolution Number COW-12-17/02/15

Councillor Ledger - Councillor Edwards: Be it resolved that a memorial plaque honouring the late Marjorie Elliott be placed at the Muskoka Lakes Sports Park in recognition of her many contributions to the community;

And that the wording of the plaque be agreed to by the Director of Public Works and a representative of the Elliott family and / for the nominator.

And that the location of the plaque be determine on site at the Park between the Director of Public Works and a representative of the Elliott family and / or the nominator.

And Further That a staff report be brought forward prior to this expenditure being included in the 2015 Township Budget.

Carried

11. **Adjournment**

a. Consideration of a resolution to adjourn.

Resolution Number COW-13-17/02/15

Councillor Harding - Mayor Furniss: Be it resolved that this meeting adjourn at 3:40 p.m. and the next regular meeting of the Committee of the Whole will be held on Tuesday, March 17, 2015 at 9:00 a.m. or at the call of the Chair in the Council Chambers, Municipal Office, Port Carling.

Carried
February 24, 2015

To: Mayor Don Furniss & Council

CP Rail Crossing Proposal in Bala

As president of the Muskoka Lakes Snow Trails Association (MLSTA) I would like to give you a brief outline of our plans to build an elevated crossing over the CPR Rail line on the west side of Bala. Our plan is to extend the existing Oka Road trail easterly along Tower Road, turn right at the District water tower and head toward the railway right-of-way. There is a rock cut there that is approximately 24' above the rail line and CPR requires a minimum height above the tracks of 22'. Our plan is to cross here on a slight angle to the east and follow the rail line right-of-way easterly towards Bala until we meet up with the west end of Musquash Road (behind the TD Bank). The trail will head toward MR # 169 on Musquash Rd. and meet the existing trail through Bala on Bala Falls Rd.

This proposed route has been discussed with the District of Muskoka and we have their approval and support to go through the water tower property. (See DMM resolution R67/2012-PW, May 9/12).

The current trail takes us along MR # 38 to MR # 169 crossing each District roadway twice creating a very dangerous situation at these two roadway junctions. The District has asked us to establish a safer intersection than the present one. Please refer to the attached map for further clarification. The pink line is the existing trail, the blue line is the existing road trail and the yellow line is the proposed new trail crossing the rail line and heading straight into Bala along Musquash Road. This aerial photo map was produced for us by DMM commissioner Tony White.

We are currently in the process of having the engineering work done for this project. The survey work has already been completed.

Preliminary discussions with CP Rail indicated that the railway will only have dealings with a “road authority” when it comes to bridging. Initially we assumed that the District of Muskoka was the road authority and had a meeting with them to discuss this plan. It was brought to our attention that since the Township of Muskoka Lakes is the owner of the road at both ends of the trail; they would be the “road authority” to deal with on this matter.

Our Requirements from the Township

- We require the Township to be the official “road authority” in this matter.
- TML to enter into an agreement with Transport Canada declaring TML as the official road authority for the bridge.
- TML would take ownership of the bridge after completion.
Muskoka Snowmobile Region (MSR) would lease back the use of the bridge. This same arrangement is in effect with the snowmobile bridge crossing the Moon River. The MSR has a use agreement in place with the Township of Georgian Bay.

MSR/Muskoka Lakes Snow Trails, under the lease agreement, will be responsible for all maintenance repairs and upkeep of the proposed structure.

MSR/ M.L.S.T.A to cover all costs incurred with the construction and of the structure.

Township representative to meet with CPR and the club as necessary.

TML to assume liability of the bridge structure only under it's blanket insurance policy. The OFSC will provide named liability insurance as on any sanctioned snowmobile trail in the province.

Thank you for your kind attention in this matter.

Rene' P. Leenaars, Pres. M.L.S.T.A.
Muskoka Lakes Snow Trails Association
Proposed Rerouting Of A Snowmobile Trail In The Community Of Bala
June 1, 2012

Muskoka Lakes Snow Trails Association
1434-9 Mortimer’s Point Road
Port Carling, ON P0B 1J0

Attention: Mike Webb, Special Project Coordinator

Dear Mr. Webb:

Re: Letter of Support for a Project to Construct a Snowmobile Bridge over the CP Railway in the Community of Bala

Further to your letter of March 19, 2012, I am pleased to confirm that The District Municipality of Muskoka supports the proposal of the Muskoka Lakes Snow Trails Association to construct a snowmobile bridge over the CP railway in the Community of Bala.

The District’s support for the MLSTA’s plans was confirmed when the Muskoka District Council adopted resolution R67/2012-PW of its Engineering and Public Works Committee on May 28, 2012. A certified copy of the resolution is attached. The District concurs with the MLSTA’s assessment that the proposed snowmobile route, the approximate location of which is shown in the attachments to the resolution, will allow for safer passage of snowmobiles into the Community of Bala.

The District Municipality of Muskoka is pleased to offer its support to the MLSTA for this important project. If you require anything further, please contact Muskoka’s Engineering and Public Works Department.

Yours truly,

[Signature]

John W. Klinck
District Chair

c.c. A. Murphy, Mayor, Township of Muskoka Lakes
May 9, 2012

MOVED BY: [Signature]

SECONDED BY: [Signature]

THAT the proposal made by the Muskoka Lakes Snow Trails Association (MLSTA) to construct a snowmobile bridge over the Canadian Pacific railway and related snowmobile trails in the community of Bala, as shown in Attachment No. 1, be supported;

AND THAT subject to the execution of such documents as may be required by the District Solicitor and the Commissioner of Engineering and Public Works, the MLSTA be granted permission to use a portion of the Bala water tower property for a snowmobile trail, as shown in Attachment No. 2, with all costs relating to the establishment, maintenance and repair of the trail being met by the MLSTA.

Carried

Defeated

Chair
TO: Mayor Furniss and Members of Committee of the Whole

MEETING DATE: March 17, 2015

SUBJECT: Appointment of 2015 Wharf Managers

RECOMMENDATION: THAT The Committee of the Whole recommends to Council the appointment of the following as Wharf Managers for the 2015 season in accordance with Section 1.4 of By-Law 2003-29.

Michael Buwalda – Beaumaris Wharf
Tracey Fitchett – Foot’s Bay Wharf
Marjorie Knight – Windermere Docks

And that the remuneration terms be set at 60% of Revenue to the township, 40% of the revenue to the Wharf Managers.

APPROVALS:

Submitted By: L. Troup
Interim Director of Public Works
Date: 06/03/15
Signature: Original Signed by L Troup

Acknowledged By: Clayton Harris,
Interim CAO
Date: 06/03/15
Signature: Original Signed by C Harris

ORIGIN:
Township By-Law 2003-29 indicates that the municipality may appoint Wharf Managers for the purpose of managing the afore mentioned facilities and set terms and conditions.
BACKGROUND:

All three (3) recommended candidates have provided this service to the municipality in previous years. Staff has no reservations in recommending that they continue in the capacity for the 2015 season.

FINANCIAL:

In recent years the municipality’s revenue per season is an average of $10,000.00 from the Beaumaris facility and $6,000.00 from the Windermere dock.
COMMITTEE OF THE WHOLE
AGENDA REPORT

TO: Mayor Don Furniss and Members of Council

MEETING DATE: March 12, 2015

SUBJECT: Bala Falls Working Committee Report 1

RECOMMENDATION:
That the attached Working Committee minutes from the February 26th, March 3rd and March 4th meetings be received;

That attached Resolution from the Working Committee be approved.

APPROVALS:
Submitted By: Clayton Harris, Interim CAO  Date: March 9/16
On Behalf on the Working Committee  Signature: Original signed by C. Harris

ORIGIN:
At the December 16, 2014 Committee of the Whole, the Township received a number of requests from various individuals and organizations with respect to the proposed Bala Falls Hydro Project. One of the requests was from SREL to establish a Working Committee. A Working Committee was subsequently created. It reports to the Committee of the Whole. This is the first report of the Working Committee.

BACKGROUND:
During their delegation SREL indicated they wanted to finalize their engineering and design specifications in preparation for the issuance of construction tenders. To finalize these documents requires a determination as to whether or not it will include the use of any municipal lands. The more time sensitive aspect of this question is with respect to the widening of a portion of the west shoulder of Muskoka Road 169, next to the project site. The use of this parcel of land would require the support of the Township and the issuance of a Road Occupancy Permit from the District.
To put their requests into context the Working Committee requested SREL to provide a synopsis of the context for the project, the physical context as well as their approvals and timelines. For the purpose of this report SREL has provided the following summary:

**Status of Approvals**

“SREL is currently awaiting final approval of the Lakes and Rivers Act Approval (LRIA) from MNRF for the project. This approval is expected to be resolved in tandem with the Crown lease; however, if the lease isn’t ready at the time for some reason, we will be able to begin construction work under our current Land Use Permit with MNRF. We have been told unofficially by MNRF that there are no issues with the technical aspects of this project and we should be receiving the LRIF approval in short order after final review by the Crown attorneys. Their legal review is apparently taking significantly longer than expected given the high profile nature of this project. Upon receipt of the LRIA approval, SREL will be in a position to begin Phase 1 of construction that will consist of site preparation i.e. vegetation clearing, fencing, and exploratory excavation for further geotechnical investigation. All other federal, provincial and municipal permits have been received to commence construction.

**Status of Design**

Design of the temporary works (i.e. cofferdams and excavation), generating equipment and water passages is complete. The design of the building is ongoing and currently scheduled to be completed late April with building permit submission expected in May. Meanwhile, SREL will be issuing a tender call for general contractors in May while it awaits the issuance of the building permit.

**Timing**

In order to go to tender in May, SREL needs closure in April on what lands will be made available to them for construction. The bulk of construction is expected to commence in early summer. However, as noted above, Phase 1 - site preparation will start immediately upon receipt of the LRIA approval.

**Lands**

Based on feasibility studies conducted by the project’s engineers and input from experienced contractors, SREL is confident that there is sufficient space on the Crown lands it currently has to complete the project. Therefore, if there is no municipal land made available for use during construction, SREL will continue with its current plan and build the project using the Crown lands available to it. This will include the Project lands, Margaret Burgess Park, Divers Point and the Crown land between MR-169 and Purk’s Place. SREL can make no guarantees with respect to preserving vegetation or access on these lands.”
The Chair of the Working Committee, Mr. Mike Fitton illustrated the purpose of
the committee using the following three (3) scenarios.

**Scenario 1** – The project does not proceed. In this event the Working
Committee would have no work to do.

**Scenario 2** – SREL builds in accordance with the existing approvals
using Crown lands. Council is not a consenting agency for those
approvals. The Working Committee would have no work to do.

**Scenario 3** – SREL builds the hydro plant. The Township meets with
SREL to provide input, including the potential use of Township lands to
mitigate the impact on the community. In this scenario there is plenty of
work for the Working Committee to undertake.

The Working Committee met on three (3) occasions, February 26th, March 3rd
and March 4th. The minutes are attached to this report. In addition the Working
Committee approved a resolution with respect to the widening of a portion of the
west shoulder of Muskoka Road 169, next to the project site. A copy of the
resolution is attached.

**FINANCIAL:** No financial implications.
Whereas the possibility exists that the majority of Council does not wish this project to proceed;

Whereas it is our understanding that part of the Working Committee’s terms of reference is to look at alternatives if the project does proceed;

Whereas the Committee has had the assistance of District Public Works staff and the Township of Muskoka Lakes Interim Director of Public Works to weigh the effects of obstructing Muskoka Road 169 for a period of time against the widening of Muskoka Road 169;

Whereas widening is considered a better option given the circumstances;

Whereas there appear to be advantages to the community in retaining the widening after construction for purposes for which Council may wish input at a later date;

Whereas Swift River Energy Limited is prepared to fund the permitting, design and construction of the widening subject to District of Muskoka approval and that the widening may be permanent;

Whereas should the District of Muskoka direct the removal of the widening after construction, Swift River Energy Limited will assume the costs of this removal and rehabilitation of the underlying lands;

Whereas Swift River Energy Limited agreed that the design parameters shall be reviewed by this Committee for finalization;

Now Therefore Be it Resolved that we recommend to Council that they advise the District of Muskoka that the road widening is a better option than obstructing Muskoka Road 169 for a period of time, provided the review of the design parameters by the Working Committee takes place and the widening is at no cost to the Township.
The first meeting of the Bala Falls Working Committee was held on Thursday, February 26, 2015 at 9:30 a.m. in the Board Room, Municipal Offices, Port Carling, Ontario.

Present:

Mike Fitton – Chair
Jean-Ann Baranik – Member of Council
Sandy Currie – Member of Council
Linda Barrick-Spearn – Member of Council
Karen McGhee – SREL
Frank Belerique – SREL
Clayton Harris – Interim CAO

Cheryl Hollows (recording secretary)

1. Call to Order
Clayton Harris called the meeting to order at 9:30 a.m.

2. Confirmation of the Chair

Mr. Harris introduced Mike Fitton to the Working Committee. Mr. Fitton indicated that he had been recommended by Mr. Harold Elston, the Township’s solicitor. Mike stated that he had a law practice in Bracebridge for 38 years. During that time, he was the municipal solicitor for a number of municipalities, including the Township of Muskoka Lakes. He has presented to the Ontario Bar Association and the Law Society of Upper Canada on municipal and real estate matters. He currently chairs the Committee of Adjustment for Consents for the Town of Bracebridge. Mr. Fitton lives in Bracebridge and declared that his knowledge of the matter at hand was superficial and that he had no opinion either for or against the Hydro Project.

Mr. Fitton was confirmed as Chair of the Bala Falls Working Committee by consensus of the meeting group.

3. Adoption of the Agenda

The Chair called for the adoption of the Meeting agenda dated February 26, 2015 as amended to add correspondence from Aird and Berlis LLP.

Councillor Currie requested that he be permitted to make an audio recording of the meeting proceedings. He indicated that he wished to retain a copy of the recording and that he would supply a copy of same to Clayton Harris and the Committee Members if requested.

Upon motion duly made by Karen McGhee, seconded by Jean Ann Baranik, and carried, it was resolved that Bala Falls Working Committee Meeting proceedings would not be recorded unless the audio recording would be stored in the office of the Township of Muskoka Lakes only.

Councillor Currie voted in opposition to the motion.

Councillor Currie left the meeting at 10:04 a.m.

By consensus, the Committee confirmed the agenda as amended.
4. Introductions

Mr. Fitton asked each Committee Member to introduce themselves and to provide the meeting group with synopsis of the expertise and experience they would contribute to the Committee.

Councillor Currie returned to the meeting at 10:20 a.m.

5. Correspondence form Aird and Berlis

Correspondence form Aird and Berlis LLP was circulated to Committee Members on February 25 by the Interim CAO. Mr. Fitton noted that it was addressed to the Mayor and Council and as such did not fall within the mandate of the Bala Falls Working Committee. Clayton Harris reported that the letter was reviewed by the Township Solicitor who indicated that it was appropriate for the Working Committee to proceed to meet. He distributed an email received from Mr. Elston.

Councillor Currie raised concerns about the adjusted Council Meeting schedule and the possibility that could be available to present recommendations from this Working Committee to the March Committee of the Whole which could then be ratified the following day at the March Council Meeting. Mr. Fitton responded that that concern did not fall under the mandate or jurisdiction of this Working Committee.

6. Overview of the Working Committee Process

Mr. Fitton advised that this Working Committee was appointed by Council and that those appointed possess all rights associated with that appointment including the Chair and the Interim CAO. All members may execute their right to vote. Voting will be with a show of hands. The Ministry of Natural Resources and Forestry was appointed a seat on the Working Group. Due to shortage of staff resources, they have declined the appointment, however they will make themselves available to answer technical questions and attend as necessary.

The Working Committee agreed that minutes of the Committee meetings would be presented to Council prior to being made available to the public. The meeting group agreed that Councillor Jean Ann Baranik as Deputy Mayor would speak on behalf of the Committee to the press. Individuals would not be restricted from providing their individual opinion, but would not make comments regarding the views of other members of the Committee.

7. Review of the Working Committee Mandate

Councillor Currie requested that the January 20, 2015 (COW-4-20/01/15) and February 13, 2015 (C-27-13/02/2015) COW and Council resolutions regarding the Working Committee mandate be provided to the Committee. Upon the reading of the resolutions, Councillor Currie provided his opinion that the mandate was not clearly delineated and that the Working Committee did not have a clear mandate from Council.

Mr. Fitton requested that Council be asked to re-confirm the mandate that would clarify and resolve the matter. He indicated that if necessary, approvals such as this can be applied retro-actively.

8. Project Context, Presentation by SREL

Frank Belerique distributed a memo dated February 26, 2015 regarding the North Bala Small Hydro Project – Working Committee.

Karen McGhee gave a detailed description of the lands in the vicinity of the North Bala Small Hydro Project. Utilizing visual images, she noted those lands which are owned by the Crown and are included in the lease arrangement.
SREL expects to have with the Province. She also detailed those lands owned by the Township of Muskoka Lakes and the Crown (that would not part of the lease agreement) that are of interest to SREL to use during construction of the Project. Councillor Currie asked if Crown lands behind the Bala United Church were included in the lease agreement. Ms. McGhee responded that they were not at this time. She indicated that a survey of the included lands was prepared for inclusion with the lease. She agreed to distribute same to the Working Committee.

9. Alternatives for Construction Staging

Ms. McGhee indicated that under the current conditions some staging for the construction of the Project would be at Margaret Burgess Park. Ms. McGhee was of the opinion that trees would have to be removed and that those remaining would likely suffer long-term damage to their root systems. Further, parking utilized by the community on surrounding road allowances would be compromised. It is anticipated that Margaret Burgess Park will be needed for 18 months.

Access to the Project is proposed to come from Margaret Burgess Park via a temporary bridge across and over the Falls. A coffer dam will be installed to dry out the river bed. The river bed will be deepened. Trucks and equipment will drive over the river bed to facilitate the extraction. Access will be from the Crown land between Purk’s Place and Muskoka Road 169. It is expected that the coffer dam will be in place for approximately 9 months.

Installation of the turbine to the Project is expected to take two weeks. Under current conditions, one lane of Muskoka Road Highway 169 will need to be closed for that time. Other short-term road closures will also be required. Ms. McGhee indicated that these closures would not be necessary if the District of Muskoka would give permission for SREL to widen the road at the delivery site. Further, this road-widening could be a permanent installation that could be used for community parking etc. Access to the plant for maintenance would also be much less intrusive. The District Public Works department has indicated that such a road widening is possible should the Township of Muskoka Lakes be supportive. Councillor Currie asked if it would be possible for District Public Works staff to appear at the Working Group to provide professional expertise. Ms. McGhee agreed to make that request.

Councillor Currie asked if the river bed would be part of the lease agreement. Ms McGhee indicated that it was. Councillor Currie asked if SREL had Transport Canada permissions to put construction on the river bed. Ms. McGhee said they had that permission.

Ms. McGhee reported that lease included the lands known as Diver’s Point. SREL will be required to operate the dam at the South Falls and the Diver’s Point lands are needed for that purpose. These lands will likely also be used for temporary storage and to house temporary administrative facilities during construction. Councillor Currie indicated that the Bala United Church used this land as a location for “Sunrise Services”

Frank Belerique reported that the primary concern of the community communicated to SREL was the potential closing of and damage to Margaret Burgess Park. He indicated that SREL could negate the need for the MB Park by using the lands adjacent to the project site as well as the lands known as the Shield Parking Lot and Portage Landing Parking Lot for staging and construction. SREL had made previous proposals to the TML regarding this opportunity which to date have not been responded to. Mr. Bererique indicated the offer still stands and SREL would be open to discussion around matters other than money. Potential town improvements such as aesthetic design, integration of the plant with Heritage concepts and other wish list items could be contemplated.

Councillor Currie requested that the offer to lease Township land be confirmed.

Mr. Belerique reported that the Project had satisfied four sets of elevation requests, had been evaluated by all government levels and had all permits in place excepting the LIRA. Turbine contracts have been awarded. In May 2015, the construction tender will be issued and a building permit will be applied for. Therefore if changes to the design and construction staging are to be made, they need to be authorized very shortly.

Mr. Fitton asked that if the Committee makes no recommendations, could the project proceed, even if it was more awkward for people? Mr. Belerique answered affirmatively, indicating that sufficient lands will be included in the
lease to proceed. He indicated that SREL is passionate about maintaining Margaret Burgess Park and the trees and it is important to them that they make every effort to do so.

Councillor Currie indicated that he had a number of questions of SREL and that he would forward them to the recording secretary. Others had questions also. The responses of Ms. McGhee and/or Mr. Belerique follow each question.

Councillor Currie asked if communication been received from Wahta?

Nothing has been received from Wahta to date regarding this Committee.

Mr. Fitton asked what concerns Wahta identified and have they been resolved.

Concerns raised – fisheries that was dealt with and portaging which the courts ruled on, First Nations consultations confirmed by the Ministers.

Councillor Currie asked what SREL is asking of the TML.

Ms. McGhee referred to the February 26/15 letter.

Mr. Harris asked what the maximum length of time the construction project might take.

As a contractor has not been selected, a schedule has not been created. The construction project is expected to take 14-18 months. The maximum should not exceed two years. Remediation of lands will be dependent on weather/season.

Mr. Fitton advised SREL to keep Council briefed concerning schedules as they become known.

Councillor Currie asked if the lease of Township lands would include penalty clauses.

SREL indicated that was a reasonable request.

Councillor Currie asked in the event the road is widened, what would prevent the road from caving in while construction is underway?

The road widening will not occur unless design and implementation is approved by District engineers. The agreement to widen will contain restrictions that SREL would be required to work within

The road widening is a stand-alone request, not contingent on other requests.

Councillor Currie asked if SREL does not get road widening permission, but receives access to Parcel 1 from TML, will you have driveway access?

Yes

Councillor Currie asked if using the Parcel 1 property, will all trees will be removed? Will they be re-planted? Will there be a retaining wall on the downstream side of roadway? If so will it be permanent or can it be removed? People are skeptical about how the property will look after construction.

All options are negotiable

Mr. Fitton indicated that the District will approve lane restrictions/road closures on their roads and that it is beyond the mandate of this Committee to be involved in District matters.

Digital Recording of Meeting procedures

Mr. Harris reported that the TML does have to capacity to permit digital recording of the meetings. Respecting the will of the Working Committee earlier, the Township can keep these recordings in the custody and care of the Clerk. A process to release the recordings needs to be determined.

The consensus of the Working Committee was to store the recordings with the Township Lawyer and that the Working Committee would recommend rules for accessing the recordings.
10. Future Meetings

The Chair announced the next two meetings to be on Tuesday March 3 from 9:30 a.m. - 12:45 p.m. and Wednesday March 4 from 9:30 a.m. - 1 p.m. in the Board Room at the Township of Muskoka Lakes Office.

11. Adjournment

The meeting was adjourned at 1:03 p.m. by the Chair.
The second meeting of the Bala Falls Working Committee was held on Tuesday March 3, 2015 at 9:30 a.m. in the Board Room, Municipal Offices, Port Carling, Ontario.

Present:

Mike Fitton – Chair
Jean-Ann Baranik – Member of Council
Sandy Currie – Member of Council
Linda Barrick-Spearn – Member of Council
Karen McGhee – SREL
Frank Belerique – SREL
Clayton Harris – Interim CAO

Cheryl Hollows (recording secretary)

1. Call to Order

Mike Fitton called the meeting to order at 9:34 a.m.

Mr. Fitton read four emails to the meeting. The first was from a community member to him expressing an opinion on the construction of the Hydro Plant at the North Bala Falls dated March 1, 2015. The second, dated March 1 was from Mr. Fitton to Councillor Currie asking Councillor Currie, in the event he knew the author of the first email to advise him/her that as he was appointed as an impartial chair he would not respond to such emails and would delete them as it is necessary to do so to maintain impartiality. The third email, dated March 2, 2015 was Councilor Currie’s response to Mr. Fitton taking exception to the tone and implications in the second email and putting forth that TML citizens have a right to be heard by this Committee and that as Chair, Mr. Fitton should receive these communications and convey them to the Committee. To not do so would be a dereliction of the Chair’s duties. In the fourth email , dated March 3, 2015, Mr. Fitton clarified his intent to Councillor Currie and restated that he would not communicate with anyone other than Committee members or Members of Council during the term of the Committee on Hydro Plant matter. He also asked that if Councillor Currie knows the community member, could he advise the individual that he his lack of response was not a matter of discourtesy, but a matter of necessity.

It was noted that Councillors on the Working Committee could bring forward citizen input. Input that is specific to the mandate of the Committee would be most useful. Those articulating general dis-satisfaction with the project have already been heard by Council. Councillor Baranik noted that the will of Council is for this committee to provide advice to Council that will mitigate issues that have been identified. Councillor Currie was concerned that there was a lack of full understanding in the community about what may or may not happen with the Project and the Committee should be aware of this. Mr. Fitton commented that the mandate of this Committee was to report only to Council. It is Council’s role to respond to the public.

Mr. Fitton has a view on the appropriate way to execute his duties and Councillor Currie has another. Mr. Fitton asked the Committee to vote on whether they wished him to remain Chair under these conditions.

Upon motion duly made by Karen McGhee, seconded by Jean-Ann Baranik and carried, it was resolved that Mike Fitton be re-confirmed as Independent Chair of the Bala Falls Working Committee and agreed to his communication criteria as outlined in the email correspondence.

Councillor Currie opposed the motion and Mr. Fitton abstained.
Mr. Fitton set-out three possible scenarios with respect to the Hydro Project and the Committee’s role relative to these scenarios.

Scenario 1.
The Project does not proceed. In that event, the Working Committee would have no work to do.

Scenario 2
SREL builds in accordance with existing approvals using Crown lands. Council is not a consenting agency for those approvals. The Working Committee would have no work to do.

Scenario 3
SREL proceeds with the Hydro Plant. The Township meets with SREL to provide input, including the potential use of Township Lands to mitigate the impact to the community. In this case there is plenty of work for the Working Committee to undertake.

Ms. McGhee commented when SREL appears in front of Council, they are given only 5 minutes to speak. It is not enough time to adequately convey their message, given the complexity of the information SREL wishes to impart. The creation of this Working Committee would overcome this restriction. The composition and mandate of this Working Committee was again questioned. Mr. Fitton confirmed that the Group was appointed by Council and we are unable to make changes and that the mandate is also under Council control.

Mr. Harris agreed to contact the Township Insurance Agency to ensure that Council members and staff are covered for legal indemnification while working on this Committee.

2. Adoption of the Agenda

The Working Committee adopted the Agenda by consensus.

3. Approval of Minutes of February 26, 2015

The amended minutes were approved by consensus.

4. Business Arising from the Minutes
   a. Audio recording of the meetings

Mr. Harris advised that he had communicated with the Township solicitor about the Committee requests from the last meeting regarding audio recording and storage. Mr. Elston indicated that his opinion and advice to the Committee that the best approach is to assume that the sound recordings would be considered a record, that would likely be produced upon a proper FOI request.

Upon motion duly made by Jean-Ann Baranik, seconded by Karen McGhee and carried, it was resolved that the Bala Falls Working Committee Meetings not be audio recorded.

Councillor Currie opposed the motion and Mr. Fitton abstained from the vote.

Councillor Currie noted that he had other matters arising from the November 26 minutes. They are

   a. Agenda alignment with mandate
   b. Correspondence from Aird and Berlis
   c. Working Committee mandate and process
   d. Alternatives to construction staging
e. Appropriateness of discussing matters with the developer who is currently litigating the Township. Mr. Fitton ruled that to be out of order. The Mayor had indicated in their initial conversation that the litigation was not part of the Committee’s mandate.

f. Appropriateness of staff voting on this Working Committee. Mr. Fitton ruled this to be out of order. It was dealt with at the last Committee Meeting and vetted by legal counsel.

It was noted that there were aspects of the mandate document that have not been addressed by this Committee. The focus so far has been on construction staging. The Committee is also charged with design, safety/water levels and community improvement. The Chair concurred with this observation.

Councillor Currie requested that Council be asked to re-affirm the mandate of this Committee. He re-iterated that he would be bringing concerns from the community to this Working Committee. Mr. Fitton requested that these items of concern be sent in advance of the meeting to members so they can be prepared to address them.

At 11:00 a.m., Kevin Austin, District Director of Transportation & Engineering Services, Mark Misko, District Transportation Services Coordinator and Len Troup, TML Interim Director of Public Works joined the meeting.

Ms. McGhee explained that a proposal to widen Muskoka Road 169 adjacent to Portage Landing was in front of the District Public Works Committee in May of 2014 but was removed from the Agenda by the Committee as it did not have the support of the TML. SREL is requesting that the TML support the proposal, so that it can be placed back on the District Public Works Agenda.

SREL advised that no lengthy double lane road closures will be sought for the construction. However single lane closures, one for as long as two weeks, will be required. These would not be necessary if there was a road widening that would accommodate the trucks and equipment needed to off load equipment to the site. Should it be decided to make the widening permanent it could be used for parking, a scenic look out and for plant maintenance. SREL will pay for the permitting, design and construction. It would remain in the ownership of the District.

It was asked what the length of the widening would be. The response was approximately 45m., allowing a truck to park away from the plant entrance. Staff indicated that the widening could be built without utilizing the TML lands known as Portage Landing. If the concept for the widening is approved, it will be engineered to District specifications. As a District project, it would be up to the District to determine if a peer review is required.

Both Mr. Austin and Mr. Misko have seen the site on the ground. Both have reviewed the concept over the years. It is fairly tight at the end closest to the Plant entrance and it would not be a simple construction site. Trucks could drive straight into the widened area if coming from the north without the need for flagging. The previous District Commissioner of Public Works favoured the proposal in his staff report of May 21, 2014. Should it be a permanent widening, it would be an asset to the District Road system as the two bridges in Bala are high on the list of priorities for maintenance and the widening would be of use for that purpose. Also the entrance to the plant, which has District approval, would be aided.

Mr. Fitton asked the District Representatives if the use of a small triangle on TML lands would help resolve their concerns about the small area at the end closest to the plant entrance and they indicated that it would help.

It was agreed that former Commissioner White’s staff report would be circulated to this Committee. It was asked what barriers would protect the public from going over the widening. At this point there are guard rails proposed. That is what there is now. Concrete jersey barriers could be put in place if requested. Construction fencing could also be used. The MTO, who is responsible for public safety will have specs on what is required and SREL acknowledged that all work would meet specifications.

The District agreed to share high season traffic data with those interested on the Committee. District staff were asked if the trucks involved in the river bed extraction exiting Bala Falls Road would significantly affect traffic on Muskoka Road 169. Mr. Troup did not expect them to be an impediment. Mr. Fitton indicated that designated supplier routes during construction could be incorporated into any arrangement with SREL.
Mr. Troup asked if a stairway from the widening to the Portage Landing lands could be contemplated so the public could access those lands. It was asked if the widening would promote speed through town and the District staff advised that it would not. Types of parking were discussed. Angle parking was not favoured as backing out poses a hazard.

The invited guests were thanked for their contribution to the Working Committee and left the meeting at 12:00 p.m.

Councillor Currie asked if steps could be placed from the road widening to Portage Landing to provide a portage opportunity during construction. Ms. McGhee was concerned about the safety aspects of portaging in that area during Project construction. She noted that Transport Canada was of the opinion that the portaging opportunity be moved to the other side at the Township docks. It was commented that Transport Canada does not regulate portaging.

Ms. McGhee indicated an urgency to the request to widen the shoulder of Muskoka Road 169 particularly as it is required to be processed through Committee and Council at the Township and the District.

Timing and District meeting schedules were discussed should this working group proceed with a recommendation to COW. Councillor Baranik stressed that opportunities for public input be available. There is always an option to call a Special Council Meeting if necessary.

Permission for SREL to use the road widening during construction would be from the District who would issue a Road Occupancy Permit.

Mr. Fitton asked if this Committee could have input into the engineering process. Although not legally obligated to, SREL would entertain this.

It was asked if the road widening concept could be peer reviewed. The Township has a report from CC Tatham dated April 29, 2014 which comments on this proposal. As it is a District road, the District would determine if a peer review was required. The TML is only considering support.

The consensus of Committee was to review the District Staff report and the CC Tatham report to the TML for the next meeting.

Matters to be placed on the March 4 Committee Agenda were discussed.

The Chair adjourned the meeting at 12:43 p.m.
Bala Falls Working Committee
Minutes of Meeting
March 4, 2015

The third meeting of the Bala Falls Working Committee was held on Wednesday March 4, 2015 at 9:15 a.m. in the Board Room, Municipal Offices, Port Carling, Ontario.

Present:

Mike Fitton – Chair
Jean-Ann Baranik – Member of Council
Sandy Currie – Member of Council
Linda Barrick-Spearn – Member of Council
Karen McGhee – SREL
Frank Belerique – SREL
Clayton Harris – Interim CAO

Cheryl Hollows (recording secretary)

1. Call to Order

Mike Fitton called the meeting to order at 9:22 a.m.

2. Adoption of the Agenda

The Working Committee adopted the Agenda by consensus.

3. Terms of Reference

Mr. Fitton followed up on a point made at the last meeting, namely that we have not fully utilized the Committee’s terms of reference to guide our discussions. At times, topics discussed have exceeded the terms of reference.

Upon motion duly made by Linda Barrick Spearn, seconded by Jean-Ann Baranik and carried unanimously, it was resolved that all comments/questions be directly related to those items contained in the terms of reference.

4. May 21, 2014 Staff Report to the District of Muskoka EPWC

Committee members had received a link to the May 21, 2014 District Staff report. It was noted that the Former Commissioner of Public Works, Tony White was supportive of the road widening. The report included everything related to the matter including comments from the community. There were no further questions.

5. April 29, 2014 CC Tatham letter to the TML Director of Public Works

It was noted that the report commented on a crosswalk. More information on this crosswalk would be helpful. Public safety around this has not been discussed. There is concern in the community about safety at the crosswalk location. The crosswalk has not been built. Entrance permits were issued by the District with knowledge of the crosswalk and it does not affect the road widening proposal.

Mr. Fitton stated any information about the crosswalk could be forwarded to interested Committee Members (SC, CH, JB, LBS) and that the crosswalk matter is beyond this Committee. It was a request of Council to the District and is a matter for those two groups.
The Committee noted that the report indicated that “expected traffic volumes at this access will be minimal at most.”

Page 2 of the report contained a number of questions regarding the road widening. The responses were provided by SREL:

1. What loading/unloading operations are expected when a truck is parked in the shoulder area and how will these impact traffic operations? - Equipment will be unloaded to the project site, no anticipated impact on traffic operations
2. Is this area wide enough to accommodate a crane and its stabilizer legs without impacting traffic operations? - The crane will be staged on project lands and will not impact traffic operations.
3. Comment on need for tractor trailers to reverse into area which would require lane closures in both directions. - Former Commissioner White did an analysis and determined that the trucks could front in.
4. West Bala Falls Road access – Not relevant as CPR overpass too low to permit usage.
5. Special Provisions – protection of public traffic - Utilization of the widening will be specified in the entrance permit and occupancy permit issued from the District.

6. Shoulder Widening – Muskoka Road 169

Barriers will be installed on the MR169 side for the protection of crews using the widening and those using the road.

Flagging has been approved. Extended road closures will require District approval.

Mr. Fitton asked how the community was circulated information relating to this Project. There seems to be inaccurate information out there. It was noted that a Town Meeting had not been held since 2009. Information is presented at Council and COW Meetings but as SREL only has 5 minutes in which to present information, there isn’t sufficient time to have a proper interchange of information. It was also noted that many property owners were not in Muskoka in the winter to attend such meetings.

At the last meeting it was suggested that the barriers around the project site would be jersey barriers with fencing. The road widening area has been drawn with guardrails as barriers. The road widening barriers will be engineered as the Bridge Code and Highway Act dictates. Another factor will be whether the widening is permanent or temporary. Should Portage Landing be leased to SREL, then the lands will be graded as a slope rather than an edge. SREL would be receptive to input from this Committee.

Mr. Fitton asked the Working Committee to consider whether a third option exists to permit the off-loading requirements of the Project. He reviewed the three scenarios he discussed at the March 3rd Working Committee Meeting. He asked the Working Committee to consider whether something better than the road widening exists.

Councillor Currie suggested closing Bala Falls Road on the Anglican Church side for construction staging. It would be easier to control. Financial arrangements could be made with affected businesses in the area. This option was considered but would not alleviate road closures as the crane could not reach from the site to the staging area, the Bala Falls Road businesses were not in favour of this when suggested in 2008, and there are litigation concerns. This option was not recommended by the Working Committee.

The Working Committee commenced constructing a resolution.

Councillor Currie will not support the resolution as he is concerned for personal liability and the potential for litigation. The lands below the road widening have been designated under the Heritage Act and further the Wahta have concerns expressed in two letters submitted to the Interim CAO on February 17 and March 2. The Committee may be knowingly making a decision that will lead to litigation.

Mr. Fitton made it clear that any litigation to the road widening would be directed at the District as they are the group that will decide on the outcome of the request. The Heritage aspects are not related to the widening but would be part of the discussion later in our process. At this time the matter is the road widening recommendation only.
The road widening matter is being discussed separately to meet District meeting timelines. It is proposed that the recommendation in the Working Committee resolution would be considered at the March 12 Committee of the Whole. The Working Committee agreed that opportunities for public input need to be accommodated. COW could recommend calling a Special Council Meeting or have the matter heard at the April Council Meeting.

The following motion was duly made by Councillor Baranik and seconded by Councillor Barrick-Spearn

  Whereas the possibility exists that the majority of Council does not wish this project to proceed;
  Whereas it is our understanding that part of the Working Committee’s terms of reference is to look at alternatives if the project does proceed;
  Whereas the Committee has had the assistance of District Public Works staff and the Township of Muskoka Lakes Interim Director of Public Works to weigh the effects of obstructing Muskoka Road 169 for a period of time against the widening of Muskoka Road 169;
  Whereas widening is considered a better option given the circumstances;
  Whereas there appear to be advantages to the community in retaining the widening after construction for purposes for which Council may wish input at a later date;
  Whereas Swift River Energy Limited is prepared to fund the permitting, design and construction of the widening subject to District of Muskoka approval and that the widening may be permanent;
  Whereas should the District of Muskoka direct the removal of the widening after construction, Swift River Energy Limited will assume the costs of this removal and rehabilitation of the underlying lands;
  Whereas Swift River Energy Limited agreed that the design parameters shall be reviewed by this Committee for finalization;

  Now Therefore Be it Resolved that we recommend to Council that they advise the District of Muskoka that the road widening is a better option than obstructing Muskoka Road 169 for a period of time, provided the review of the design parameters by the Working Committee takes place and the widening is at no cost to the Township

The following were in favour of the Resolution:
Jean-Ann Baranik
Linda Barrick-Spearn
Karen McGhee
Frank Belerique
Clayton Harris

The following opposed the resolution
Sandy Currie

The following abstained:
Mike Fitton

The motion carried.

It is not appropriate to hand out or disclose the contents of the motion, prior to it being received by the Committee of the Whole

It was noted that SREL would not be obligated to create the road widening, should they receive permission from the District.

It was reported that SREL made a presentation to the Bala United Church. According to a letter authored by church staff, SREL indicated that no trees on Margaret Burgess Park would be damaged and accesses at the exterior of the
church would not be compromised. Since then, concerns to the contrary has been raised. Ms. McGhee indicated that that this was not an accurate representation of the presentation to the church. Mr. Fitton ruled this discussion to be out of order.

Mr. Fitton noted that there is a battle going on over the Hydro Project and that misinformation is being communicated. The job of this Committee is to put forward recommendations that will mitigate concerns and make things better. He will insist on order and will not entertain discussions that are not relevant to the task at hand.

7. Business Arising from the Minutes

   a. First Nations

The Final Report of the Working Group on Natural Resource Development was introduced to the Working Committee. The report was left with the recording secretary. The report recommends that First Nations be involved in resource development during all phases as they bring the added element of ensuring the protection of lands and waters. Mr. Fitton ruled this to be out of order as Council appointed this Committee and changes to the Committee composition and/or mandate are to come from Council.

   b. Agenda Aligning with Mandate

The mandate document does not marry up to the two motions voted on by Council and COW. The chair ruled this out of order. This is a matter for Council to debate.

Councillor Currie requested that the work of the Committee be stopped until Council can clarify.

By consensus, the Working Committee voted to continue the meeting. Councillor Currie did not support this and the Chair abstained.

   c. Aird and Berlis Letter

This is a matter for Council to act on as it is addressed to them.

   d. Staff voting on this Committee

This was debated at the last meeting. The Township lawyer has no issue with staff voting on this Committee.

The coffer dam is to be engineered and installed in such a fashion that should a high water event occur, the coffer dam can be removed. Detail on how this would happen was requested. It will be engineered so that it can be removed if a high water event is anticipated and the water would flow through as it does now. The plant entrance would be shut off. The MNRF will be approving the mechanisms to ensure this occurs.

Mr. Harris is requested to submit the approved Committee Minutes and any motions or resolutions passed by this Committee to the March 12 COW Meeting.

Mr. Harris will invite David Pink to the next Working Group Meeting to answer heritage related questions.

The next two meetings will be on March 26, 2015 at 2PM and March 31 at 9 AM.

The Chair adjourned the meeting at 1p.m.
TO: Mayor Furniss and Members of Committee of the Whole

MEETING DATE: March 12, 2015

SUBJECT: 2015 LEASE AGREEMENT
Glen Orchard Community Centre - The Lucky Duck Fudgery

RECOMMENDATION: Committee of the Whole recommend to Township Council that the Mayor and Clerk be authorized to execute and affix the corporate seal to the 2015 Lease Agreement between the Township of Muskoka Lakes and The Lucky Duck Fudgery.

APPROVALS:

Submitted by: Lisa McMurray, CEDC
Date: March 5, 2015
Signature: Original Signed by L.McMurray

Approved By: Clayton Harris, Interim CAO
Date: March 5, 2015
Signature: Original Signed by C.Harris

SUMMARY: The Lucky Duck Fudgery requests renewal of their lease agreement with the Township for 2015. Staff seek authorization for the Mayor and Clerk to execute and affix the corporate seal to this agreement.

ORIGIN: President, Christine Burgess, of The Lucky Duck Fudgery, requested renewal of the lease agreement for use at the Glen Orchard Community Centre. Correspondence received on Thursday January 29, 2015 is attached.

BACKGROUND: Community Centre Fees Policy, C-PR-10 (Administrative Procedures No. 6) requires Special Agreements\(^1\) to be approved by Council. Annual lease agreements are presented for consideration. Agreements between the Township and the Lucky Duck Fudgery have been approved for the past 4 years.

The agreement would run from April 1, 2015 to December 31, 2015 and include the use of the kitchen and storage area at the Glen Orchard Community Centre. This agreement meets the needs of the renter, increases usage and revenue at a facility that sees minimal rentals and supports local business.

\(^1\) Special Agreements shall mean longer-term rentals (typically commercial rentals) where special provisions/considerations are required.
FINANCIAL: Monthly rental rate of $245 plus HST (a 2% increase from 2014.)

Lucky Duck Fudgery will be required to provide a refundable damage deposit in the amount of $200 and produce a current certificate of insurance in the amount of $2 million dollars with the Corporation of the Township of Muskoka Lakes listed as additional insured.
January 19, 2015.

To: The Corporation of the Township of Muskoka Lakes

Re: Rental Request

Dear Council:

I rented the kitchen and one storage room in the Glen Orchard Community Centre last year for my business, The Lucky Duck Fudgery, a division of Docktails Inc. I am writing to request renewing my lease for the kitchen and storage room for the 2015 season. Last year the rental fee was $240.00 plus HST of $31.20 per month.

This year’s request would cover the period April 1, 2015 to December 31, 2015, under the same terms and conditions as the previous agreement.

I would propose a monthly increase of 2% of the base fee to cover the cost of living increase as determined by the Province of Ontario.

Thank you for considering my request.

Sincerely,

Christine Burgess
President
TO: Mayor Furniss and Members of Committee of the Whole

MEETING DATE: March 12, 2015

SUBJECT: 2015 LEASE AGREEMENT
Milford Bay Community Centre – Ali Hunter Cuisine

RECOMMENDATION: Committee of the Whole recommend to Township Council that the Mayor and Clerk be authorized to execute and affix the corporate seal to the 2015 Lease Agreement between the Township of Muskoka Lakes and Ali Hunter Cuisine.

APPROVALS:

Submitted by: Lisa McMurray, CEDC  March 5, 2015  Original Signed by L.McMurray

Approved By: Clayton Harris, Interim CAO  March 5, 2015  Original Signed by C.Harris

SUMMARY: Ali Hunter Cuisine requests renewal of the lease agreement with the Township for 2015/2016. Staff seek authorization for the Mayor and Clerk to execute and affix the corporate seal to this agreement.

ORIGIN: Business owner and head chef, Ali Hunter, of Ali Hunter Cuisine, requests renewal of the lease agreement at the Milford Bay Community Centre. A copy of the request is attached.

BACKGROUND: Community Centre Fees Policy, C-PR-10 (Administrative Procedures No. 6) requires Special Agreements1 be approved by Council. Annual lease agreements are presented for consideration. Agreements between the Township and Ali Hunter Cuisine have been approved for the last 4 years.

The agreement would run from April 1, 2015 to March 31, 2016 and include the use of the kitchen and storage area at the Milford Bay Community Centre. This agreement meets the needs of the renter, increases usage and revenue and supports local business.

1 Special Agreements shall mean longer-term rentals (typically commercial rentals) where special provisions/considerations are required.
FINANCIAL: Monthly rental rate of $320 plus HST (a rounded 2% increase from 2014.)

Ali Hunter Cuisine will be required to provide a refundable damage deposit in the amount of $500 and produce a current certificate of insurance in the amount of $2 Million dollars with the Corporation of the Township of Muskoka Lakes listed as additional insured.
March 1, 2015

Dear: Lisa,

Ali Hunter Cuisine is dedicated to serving all your culinary needs; including pre-made meals ("Good to Go Meals") and full-service catering. Since 2011 I have entered into a lease agreement with the Township of Muskoka Lakes for non-exclusive use of the kitchen at the Milford Bay Community Centre.

I am looking to renew the lease for the kitchen at the Milford Bay Community Centre.

My current lease expires at the end of March 2015 and I would like to renew the lease for a 12 month term beginning April 1, 2015 - March 31, 2016.

Thank you for this opportunity. I look forward to hearing from you soon,

Ali Hunter

Owner/Operator

(705) 641-1433   alihunter@live.com   www.alihuntercuisine.ca
THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

MINUTES – JOINT OCCUPATIONAL HEALTH AND SAFETY COMMITTEE

A meeting of the Occupational Health and Safety Committee was held on Thursday, December 18, 2014 at 9:00 a.m., Board Room of the Municipal Office, Port Carling, Ontario.

Members Present:
Steve Strand, Non-Management Member, Union Member, Co-Chairperson
Bud Rettie, Management Member
Jack Ellis, Non-Management, Union Member
Greig Young, Management Member

Others:
Stephanie Clark, Health and Safety Coordinator

Regrets:
Sandy Bos, Non Management, Non Union Member

1. Meeting Called to Order
   a. Greig Young to call the meeting to order at 9:04 am.
   b. Minutes from October 16th, 2014 were reviewed.

   Moved by Bud Rettie / Seconded by Steve Strand
   "To accept the minutes."
   CARRIED

2. Business Arising from the Minutes
   a. Review of JHSC Action Plan

      Committee reviewed list of recently completed and outstanding issues. Due to his absence at the meeting, Mr. Bos did not provide the committee with an update of the items he is championing.

3. Correspondence to be Tabled
   a. None
4. **New Business**

   - One report noted (2014-008).

   Committee reviewed the report and discussed the incident. Property damage was inflicted to the copper water pipe at the Port Carling Arena because the operator of the Olympia Ice Resurfacer did not remove the hose before driving the resurfacer out of the room to flood the ice. The worker received training from the supervisor after the incident to help prevent the incident from happening again. All other arena workers also received training since the incident. Workers are not to leave hose while filling Olympia.

b. Review of Hazard reports
   - No reports noted

c. Review of Workplace Inspection Reports.
   - JHSC Workplace Inspection Reports

   - Mr. Strand commented that the work wasn’t complete at the Hekkla community centre (basement lighting), despite the records showing the work was completed in June. Committee suggested to Mr. Strand that if he does not believe the issue has been satisfactorily resolved, to take photos on next workplace inspection and recommend solutions. Committee suggested lights could be installed on the walls to allow for proper lighting, rather than on the ceiling.

   - Regarding the trollies under the stage at the Milford Bay Community Centre that are used to store the tables – Committee suggested posting signage that specifies the limits/appropriate number of tables that should be stacked on the trolley (similar to the signs at the Port Carling Community Centre) to help make the trollies easier to move (ie less heavy). Committee also suggested that when the wooden tables are replaced, to purchase plastic tables because they are lighter. Mr. Strand to check during the next workplace inspection how many tables should be piled on a trolley so a recommendation can be made.

   - Management Workplace Inspection Reports

   - Some senior management members are not following their workplace inspection schedule. This will be addressed once a permanent CAO has been appointed.

d. Review of outstanding Recommendations for Action.
   - None.
   - None

f. Committee Member Resignations and Replacements.
   - None

g. Health and Safety Coordinator Reports.
   - None

h. Health & Safety Award 2014
   - Congratulations to Neil Donald and Greig Young for winning the 2014 Health & Safety Award.

5. Training

a. Propane Training for Arena Staff (Propane Cylinder Exchange) was completed December 9th. Mr. Young noted that the instructor was very good.

b. Training plan for 2015: The committee suggested training for 2015 such as chainsaw training for roads staff (not use Still Chainsaw Sales Representative as a trainer this time); traffic control training for roads staff (with a training date that will allow the summer roads staff to attend).

c. Mr. Young to discuss with the Deputy Fire Chief about 2 arena workers attending the fire department’s ammonia evacuation training session, as the arena workers did not attend the training at the arena.

6. Adjournment

Moved by Steve Strand / Seconded by Bud Rettie.

“To adjourn the meeting.”

CARRIED.

This meeting was adjourned at 9:45 a.m.

The next regular meeting of committee will be held on February 15th, 2015 at 9:00 a.m. in the Board Room.

[Signatures]
THE TOWNSHIP OF MUSKOKA LAKES PUBLIC LIBRARY BOARD

MINUTES - OF THE REGULAR MEETING

Wednesday, January 14, 2015

A Regular Meeting of the Library Board was held on Wednesday, January 14 at 1:00 p.m. in the activity room, Norma and Miller Alloway Muskoka Lakes Public Library, Port Carling, Ontario.

PRESENT:
Chairperson Donelda Kruckel-Council Representative
Vice-Chairperson Douglas McIntyre
Jean-Ann Baranik-Deputy Vice-Chairperson-Council Representative
Patricia Gidley
Shirley Gordon
Sandy Tozer Spence via teleconference call
Cathy Duck-CEO, Secretary/Treasurer

ABSENT
Christine Featherstone

1. Call to Order
   a. CEO C. Duck called the meeting to order at 1:00 p.m.

2. Adoption of Agenda
   a. Consideration of a resolution to adopt the Library Board agenda.
      Resolution Number 1-14/01/15
      Moved by P. Gidley; Seconded by S. Gordon; be it resolved that the Library Board agenda dated Wednesday, January 14, 2015 be adopted.
      Carried

3. Elections
   a. Chairperson – D. Kruckel nominated and elected
   b. Vice-Chairperson – D. McIntyre by acclamation
   c. Deputy Vice-Chairperson – J. Baranik nominated and elected
      Resolution Number 2 -14/01/15
      Moved by S. Gordon; Seconded by P. Gidley that D. Kruckel be elected to the position of Chairperson, that D. McIntyre be acclaimed to the position of Vice-Chairperson and that J. Baranik be elected to the position of Deputy Vice-Chairperson.
      Carried.

4. Committees of the Board
   a. Finance: D. McIntyre, J. Baranik, D. Kruckel
   b. Policy Development: S. Tozer Spence, S. Gordon, P. Gidley
   c. Strategic Planning: D. McIntyre, S. Gordon, C. Featherstone
      Resolution Number 3 – 14/01/15
      Moved by P. Gidley; Seconded by S. Tozer Spence that the Committees be accepted as appointed.
5. Receipt/Adoption of Minutes
   a. Consideration of a resolution to adopt the Library Board minutes for the meeting held Wednesday, November 27, 2014.

   Resolution Number 4-14/01/15
   Moved by D. McIntyre; Seconded by S. Tozer Spence; be it resolved that the Library Board minutes for the meeting held Wednesday, November 27, 2014 be adopted. Carried

6. Business Arising from the Minutes
   a. None

7. Reports
   a. CEO.
      As circulated.
      Additions to report:
      - January/February library events presented
      - Update re: meeting with C. Denstedt, District Municipality of Muskoka IT Services
      - Port Carling staff are now trained to work at the Bala Branch
      - Ebook circulation numbers discussion
      - Meeting with C. Mortimer, Township of Muskoka Lakes Clerk re: Multi-Year Accessibility Plan

   b. Council Representative.
      - J. Baranik reported that the appointment of the Library Board had taken place and that the municipality is very close to passing the Comprehensive Zoning By-law.

8. Financial
   b. Budget Preparation
      The finance committee consisting of D. McIntyre, D. Kruckel, J. Baranik, and C. Duck will be meeting immediately after the regular board meeting.

9. Administrative Issues
   a. Annual Board Agenda 2015 – Agenda and meeting schedule deferred to next meeting.
   b. Discussion re: Sample MOU – The finance committee will meet to work on MOU and present to the Board at a future meeting.
   c. Ontario Funding Agreement – Decision was made to hold off on allocation of funds until after the budget is approved.
   d. Canada Summer Jobs Application – The CEO has submitted the application.

10. Policy Development and Review
    a. Discussion: The Accessibility for Ontarians with Disabilities Act, 2005 – the CEO will continue to work on the necessary policies with the assistance of the Policy Development Committee.
11. New and Unfinished Business

a. Maintenance Contract for Custodian – discussion
b. Little Libraries
   S. Gordon updated the Board on her continuing work with the Little Libraries project and reviewed with the Board a letter she has prepared to submit to the municipality for permission to set up Little Libraries outside of various community centres.

b. Friends Update – Friends of the Library Annual General Meeting will take place at the Library on Thursday, May 7, 2015 at 7 p.m.

12. Adjournment

a. Consideration of a resolution to adjourn.

Resolution Number 5-14/01/2015

Moved by J. Baranik; be it resolved that the meeting adjourn at 3:05 p.m. and the next regular meeting of the Board be held on Thursday, February 18, 2014 at 1:00 p.m. at the Norma and Miller Alloway Muskoka Lakes Public Library, Port Carling, Ontario.
Carried

CHAIRPERSON:__________________________

SECRETARY:______________________________

APPROVED: ____________________________
   Feb. 18/15