

THE CORPORATION OF THE TOWN OF COBALT
REGULAR MEETING OF COUNCIL
COBALT COUNCIL CHAMBERS
TUESDAY, August 11, 2015
MINUTES

MINUTES OF THE REGULAR COUNCIL MEETING HELD TUESDAY, August 11, 2015 COMMENCING AT 6:30 PM.

PRESENT:

T. Sartoretto	Mayor
S. Nielsen	Councillor
P. Wuest	Councillor
G. Othmer	Councillor
M. Harrison	Councillor
G. Bigelow	Councillor
R. Schwartz	Councillor

STAFF: Candice Bedard

MEDIA: Darlene Wroe (Print), Jim Patrick (Radio)

The meeting was called to order at 6:30 pm by Mayor T. Sartoretto

ADOPTION OF THE AGENDA

15-167

MOVED BY: P. Wuest

SECONDED BY: G. Bigelow

BE IT RESOLVED THAT: The regular council meeting Agenda dated August 11, 2015 be adopted as amended.

CARRIED

DECLARATION OF CONFLICT OR PECUNIARY INTEREST

Councillor Othmer declared a pecuniary interest for item 7 a) Schedule 15-17.

ADOPTION OF THE MINUTES

15-168

MOVED BY: G. Bigelow

SECONDED BY: R. Schwartz

BE IT RESOLVED THAT: The Minutes of the Regular meeting of Council held on July 21, 2015 be adopted as amended.

CARRIED

BUSINESS ARISING FROM THE MINUTES

None.

PRESENTATIONS AND DELEGATIONS

The Protect Lorrain Valley Coalition presented their position on the proposed wind generation project. The following motion was read:

15-169

MOVED BY: G. Bigelow

SECONDED BY: R. Schwartz

BE IT RESOLVED THAT: Council receives the presentation by the Protect Lorrain Valley Coalition.

CARRIED

The Municipal Insurance Advisor, Mr. Bill Riley was present to answer questions on two items under the municipal insurance coverage, the municipal trails and the Bunker Museum's Bren Gun Carrier. The following resolution was read:

15-170

MOVED BY: P. Wuest

SECONDED BY: R. Schwartz

BE IT RESOLVED THAT: Council receives the presentation by the Municipal Insurance Advisor.

CARRIED

REPORTS, RESOLUTIONS AND DISCUSSION ITEMS PRESENTED BY COUNCIL COMMITTEES

6.1 Mayor's Update

15-171

MOVED BY: G. Bigelow

SECONDED BY: R. Schwartz

BE IT RESOLVED THAT: Council approves the assignment of the Tourism Portfolio to Perry Wuest.

CARRIED

Mayor Sartoretto read a statement pertaining to the duties of Council. (*A copy of the statement is attached to these minutes*). Mayor Sartoretto reported that she had met with the new OPP Inspector and was confident in his leadership role.

6.2 Finance and Public Safety

Councillor Othmer provided a report on behalf of the Finance Committee:

The finance committee has initiated a review of financial reporting and oversight procedures of the corporation.

A report, along with recommendations will be brought to council upon conclusion of the review. There has been a significant improvement to collections since the introduction of the credit card payments. A decline of approximately 24% in utilities receivables in the first quarter since implementation. The finance committee reviewed outstanding receivables for 2014-2015 arena rentals and discussed collections strategies. The finance committee had a brief and preliminary discussion on alternative uses for the arena that could offer revenue generating potential. The committee looks forward to Councillor Wuest's committee recommendation. The implementation and testing of the new accounts receivable module is underway. While staff continue to work toward completion by the end of 2015, there have been some delays due to design issues. Staff are working with the software firm to these resolve issues.

15-172

MOVED BY: G. Othmer

SECONDED BY: G. Bigelow

BE IT RESOLVED THAT: Council receives the report by the Finance Committee.

CARRIED

6.3 Public Works and Safety

Councillor Bigelow provided a report on behalf of the Public Works Committee:

Current projects include manhole repairs under the Lang Street project. Sewer repairs as outlined in the 2015 capital plan are underway. The Committee continues to work with the staff toward a plan for the salt shed. The Environmental Intern has given her notice; she will leaving her position to pursue further education within her field. Staff are exploring the potential for an extension of the internship funding agreement.

15-173

MOVED BY: P. Wuest

SECONDED BY: S. Nielsen

BE IT RESOLVED THAT: Council receives the report by the Public Works Committee.

CARRIED

6.4 Culture, Tourism & Heritage

Mayor Sartoretto read a statement in response to the requests from the Board of Directors of the Bunker Military Museum. *(A copy of the statement is attached to these minutes).*

6.5 Economic Development & Property Management

Mayor Sartoretto announced that the CCL Committee has hired an Economic Development Officer. Michelle Anderson will begin work on August 19th.

6.6 Housing & Social Services

Councillor Schwartz announced the next meeting of the Housing and Social Services Committee on Thursday, August 13th at 11am. The committee hosted a fundraising bbq during the 2015 Mining Competition. The upkeep of the gardens continues and one final coating is needed on the mural at the Fraser.

6.7 Recreation

Councillor Nielsen provided a report on behalf of the Recreation Committee:

It was felt the movie night set up has been logistically taken care of and hopefully we have a good turnout. Because of the social media policy, it was felt that advertising the event was challenging. Tina explained that if the message was about the movie night and not political in nature then social media could be used. We talked about moving the movie night indoors during the winter and possibly having it at the Classic Theatre, with the Board's blessing. The committee rejected the idea of bringing the mining competition under the town's recreation umbrella for liability reasons. It was felt that private partnerships are best suited to this event. There was a discussion about adding events to the August long weekend lineup. Beautification of the mini putt area with small round cedars, hostas and other annual plants that require low maintenance would make the facility that much more attractive. The committee would either fundraise to cover costs or incorporate the costs for plants into the town's budget. It was felt at some point the Cobalt Lake park area could be turned into a mini wetlands area. The committee talked about ways to use the arena in the off-season but costs to heat and light the facility are to be considered. An indoor soccer facility proposal was discussed with talk of contacting the Tri-Town Soccer Club for feedback. A lengthy discussion resulted about creating a skating oval at a central location in town. The skating oval would be low maintenance, centrally located for everyone to use and benefit. Sue will look into a partnership with the new owner of the Cobalt Public School as it was felt this location would be ideal. Perhaps benches and a warm up building could be installed also. The mayor said social media can be used if the items are strictly informational, not political and not negative concerning the Town of Cobalt. The Committee will submit a greenspace proposal for the Teck Park. The next Recreation Committee meeting will take place on Thursday, August 27 2015 at 5:30pm.

15-174

MOVED BY: R. Schwartz

SECONDED BY: G. Bigelow

BE IT RESOLVED THAT: Council receives the report by the Recreation Committee.

CARRIED

Outside Boards, Committees and Commissions

a) Transit

Councillor Schwartz reported that new transit busses have been delivered. It is anticipated that they will be active by October 1, 2015.

SCHEDULE OF ACCOUNTS

15-175

MOVED BY: G. Bigelow

SECONDED BY: P. Wuest

That the accounts as per Schedule No. 15-17 in the amount of \$121,752.03 be approved as paid in the month of July, 2015.

That the accounts as per Schedule No. 15-18 in the amount of \$72,836.67 be paid after receiving Council approval.

CARRIED

CORRESPONDENCE FOR COUNCIL COMMENT

15-176

MOVED BY: P. Wuest

SECONDED BY: G. Bigelow

BE IT RESOLVED THAT: Council receives the report by the Animal Control Officer.

CARRIED

CORRESPONDENCE FOR COUNCIL INFORMATION

15-177

MOVED BY: P. Wuest

SECONDED BY: G. Bigelow

BE IT RESOLVED THAT: The correspondence for Council Information items be noted, filed and recorded in the minutes of this meeting.

CARRIED

July 22/15	Ministry of Natural Resources and Forestry	Crown Land Acquisition Opportunities to Support Cottage Lot Development in the North	15-132
July 23/15	Cobalt Mining Museum/H.C.C. Board	Minutes of the Regular Meeting July 22, 2015	15-133
Aug 5/15	EDF energies nouvelle	Friday Lake Wind Energy Centre project	15-134
Aug 5/15	Ministry of Finances	2015 Ontario Municipal Partnership Fund 3rd quarterly payment	15-135
Aug 6/15	MPAC	MPAC Assessment Update	15-136

BY-LAWS

None.

ON-GOING BUSINESS

None.

NOTICE OF MOTION

Arena Alternative Use

Communication with Coleman Township

CLOSED SESSION

None.

OTHER BUSINESS

None.

CONFIRMATION BY-LAW

15-178

MOVED BY: G. Bigelow

SECONDED BY: S. Nielsen

BE IT RESOLVED THAT: By-law No. 2015-023, being a by-law to confirm the proceedings of Council of the Corporation of the Town of Cobalt, be taken as read a first, second and third time and finally passed this 11th day of August 2015; AND FURTHER THAT: the said by-law be signed by the Mayor and CAO and recorded in the by-law book.

CARRIED

ADJOURNMENT

15-179

MOVED BY: R. Schwartz

SECONDED BY: M. Harrison

BE IT RESOLVED THAT: The meeting adjourn at 8:15 pm

CARRIED

Mayor

CAO

Mayor Sartoretto's Statement - Role of Councillors and Conflict of Interest, August 11, 2015

Following our last Council meeting, I feel it important to remind all of us what we signed up for when we took our Oath of Office at the start of this term and also what our duties are with respect to the decisions of Council.

Firstly, it is the role of council to represent the public and to consider the well-being and interests of the municipality. We are not one individual making decisions here, we are seven. It is not a parliamentary system. We make decisions based on the best information at hand and it is our duty to support the decisions of Council. Some decisions are difficult: closing the arena, implementing curb side recycling, raising the water rates.

We must find comfort in the knowledge that we are acting in the best interests of our municipality. It does not mean that everyone has to toe the line and sing from the same song sheet. It means that after acceptable deliberation, appropriate information and research...once a decision is made...it is a decision of Council and we all own it.

We all swore an Oath and promised that we would

- faithfully and impartially exercise this office to the best of our knowledge and ability.
- not receive any payment or reward, or promise thereof, for the exercise of this office in a biased, corrupt or in any other improper manner
- disclose any pecuniary interest, direct or indirect, in accordance with the Municipal Conflict of Interest Act.

We make decisions on behalf of the citizens of the Town of Cobalt. We must do so without bias and must also be perceived to be without bias

Most of us come to the table with some amount of prejudgement. When that opinion is based on a personal interest that might influence the exercise of our public duty, we should declare a conflict of interest.

From a public policy point

"... so long as the 'matter' involves the expenditure of public funds and the respondents have 'an interest' in the matter which a well-informed elector would conclude conflicts with their duty as councillors, it makes no difference that they put no money into their own pockets. "... The public is disadvantaged by the conflict, whether the respondents derived any personal gain or not, because the public did not have the undivided loyalty of their elected officials."

The scope of potential conflicts that must be declared is further complicated by the fact that it is not only the direct pecuniary interest but also the indirect pecuniary interest that generates a conflict. The Act specifically provides that an indirect pecuniary interest exists where the councillor (remembering that the councillor's interest includes parent, partner, and child) is a shareholder, director, or officer of a corporation, or is a member of body that has a direct pecuniary interest in the matter.

Essentially, when we sit around this table, we are here first and foremost for the general good. If all seven of us agreed all the time, six of us would be redundant. Discourse and disagreement are

important when trying to arrive at the best possible decisions for our municipality. Our conduct however, must be guided by our Code of Conduct, our Procedural By Law and the Ontario Municipal Act.

It is incumbent upon us to take our responsibilities as **Councillors first** seriously. Our own interests, and those of our spouses, children, parents, cannot be seen to interfere with our ability to make impartial decisions.

It is also important to note that the Act precludes indemnification or insurance where the councillor has been found to have contravened the duties set out in the Act. Insurance and indemnification by-laws are an important consideration given the significant costs that can arise in a Court matter.

Mayor Sartoretto's Statement – Bunker, August 11, 2015

Since the Council's decision to cease the provision of insurance for the Bren Gun Carrier as a touring vehicle, there has been noticeable tension between the Town and the Bunker. While we acknowledge that the Council decision has had a financial impact on the Bunker, the decision was made with the best interests of the tax payers of Cobalt in mind.

The Town has a long standing relationship of support for the Bunker from the time that it agreed to house the collection in the railway station. The ownership of the collection was decided upon by Judge Boissoneault in 2005 as were the parameters for the make-up of the Board of Directors. In 2011, there continued to be disagreement with the executor of the Jones' estate and the Town of Cobalt regarding the collection and this was resolved by the Town.

The Bunker receives \$10,000/year for operations, on which there are no stipulations as to how the money is allocated. Furthermore, the Bunker pays no rent or taxes for its space. Additional financial support is paid in the form of highway signage, insurance and security coverage. This is consistent with the support provided to the Classic Theatre and the Mining Museum. In addition, the Town provides a location for the Firefighters' Museum and the Golden Age Club. We are a small municipality and Council has continued to provide on-going support despite the significant increase in our municipal services costs, including policing, DTSSAB, financing the Lang Street and recycling projects, landfill costs, reduction in our Municipal Operating Grant and the cost of electricity, which alone created nearly a \$200,000 challenge this year.

The ability of the Town to continue to support these cherished assets will not be any easier going forward. That is why the Historic Cobalt Legacy Fund is so important. In addition, it is getting more and more difficult to manage risk in the delivery of services.

The Bren Gun Carrier is a wonderful artifact; there is no dispute on this. Councillor Mike Harrison, with the blessing of the Bunker Board of Directors, as the stewards of the museum, made a decision to restore the Carrier. Subsequently, it was decided that providing rides in the Carrier would be an innovative way of raising money.

The Town was not involved in this decision. When the Carrier was finally ready, it was apparent that the Board had not budgeted for the cost of insuring the vehicle as a tourist vehicle. For an interim period the Town endorsed the vehicle while there were concerns over the risk exposure of this activity. The Town also carried the Mining Museum van for one last summer.

As part of the Town's 2015 municipal insurance renewal, the Town was again advised against this practice. The Council made the decision to heed this advice. It was left to Councillor Harrison to communicate with the Bunker. There were discussions about the Bunker obtaining insurance elsewhere, assuming the costs.

Recently, the Bunker Board has reminded the Town of the Justice Boissonneault ruling which highlighted its ownership of the collection. The Board has also accused the Town of interfering in Bunker business. While the Town acknowledges the ownership, the relationship between the Town of Cobalt and the Bunker Military Museum are now in question.

The Bunker has yet to operate independently of the Town, and the Town has a very distinguishable stake in the Bunker's operations, including but not limited to the provision of insurance which covers not only the full collection, but the actions of their Board, staff and volunteers. This support totaled more than \$13,000 in 2014, and the relationship has always been based on a quid pro quo exchange in which the Town asserts a role in overseeing the operations and activities of the Board because it has assumed responsibility, and liability in situations of grievance.

I would also like to take this opportunity to put into perspective the full extent of the support of the Town. Given the significant financial challenges faced by the Town this year, the operating grant to the Bunker was not reduced by one penny. Further, in 2015, the Town Council undertook a very difficult review of the operations at its arena, and concluded with a very difficult decision to close the arena due to a rising operating deficit. In such challenging financial times, we have a museum that is asking for more support and unfortunately the Town just cannot afford to enhance its financial support, nor can it afford to extend its risk exposure particularly for artifacts whose ownership is now in question.

The support provided is fair and generous.

The Bunker has asked that Council to reconsider the provision of insurance for the Bren Gun carrier as a touring vehicle. Reconsideration of a motion is not possible under our procedural bylaw until next year.