



LOCAL SERVICES BOARD OF LORING, PORT LORING AND DISTRICT
PO Box 148, Port Loring, Ontario P0H 1Y0
secretary@loringsb.com (705)757-3947

Minutes of Board Meeting March 15, 2018

The minutes can also be viewed on our website: www.loringsb.com

Attending: Stephen Brushey, Earl Reading, Tracey Watson, Hilary Chambers, Sandra Gendron and Peggy Whitehead

ACRONYMS

Ministry of Finance (**MOF**), Municipal Property Assessment Corporation (**MPAC**), Local Services Board (**LSB**), Provincial Land Tax (**PLT**), Standard Operating Procedure (**SOP**), Activity Centre (**AC**), Argyle Community Centre (**ACC**), Argyle Heritage Celebration (**AHC**), Conflict of Interest (**COI**), Ministry of Natural Resources (**MNR**), Ministry of Tourism, Culture and Sport (**MTCS**), Request for Proposal (**RFP**), Local Roads Board (**LRB**), Ontario Fire Marshal (**OFM**), Ministry of Northern Development & Mines (**MNDM**)

Meeting brought to order by Stephen at 7:00 p.m.

Conflicts: None declared

Minutes Corrections to the minutes of November 24, 2017 where the motion for Bylaw 2017-32 was missed, but it is in the secretary's notes. It was motioned by Tracey, 2nd by Sandra, all in favour, bylaw passed.

On the February 15, 2018 minutes, Sandra had the following amendments; Bylaw 2018-02 concerns with item 10, Sandra said it is not clear on what the fire department is not responsible for. Stephen said the wording means that the fire department will not be responsible if the number is wrong when it is measured from the last number if the previous contractor numbered incorrectly. Sandra replied that if the intent of that paragraph is to protect the fire department from future liability then the liability concern has to be clearly stated and not left open to each person interpretation of what the statement could mean. Under unfinished from August 17, 2017, Sandra asked if Chris Brooks had come back with information and was this part that was ongoing. The secretary said it was the SOP was ongoing as it was not finished. Unfinished from December 21, 2017 the item should read that the Boards discussion and subsequent vote of 3-2 was whether the no trespass order should be removed or removed

with restrictions. She said this difference was very important since the interim minutes are available for the public to view before they are approved. Completed December 21, 2017 for cottage/house tours, Sandra asked what benefit would be served by the LSB insurance if someone is injured on a property the owners insurance should cover the damages not the LSB. Stephen replied that in the event of damage or injury the LSB could also be held liable. Hilary made a point of order for Tracey and Earl that they should have declared a conflict when discussing the Bylaw 2018-02. Motion to accept the minutes of February 15, 2018 with amendments by Hilary, 2nd by Tracey, all in favour, motion carried.

Financial Report: Peggy presented the financial statement for February 28, 2018. Motion to accept by Hilary, 2nd by Earl, all in favour, motion carried.

Critical Path: Grass and Dock Tenders

Bylaws, Motions and Notices of Bylaws:
None

Unfinished Business:

Unfinished from August 17, 2017

Many questions on 911 on installing, address correction and phone numbers. There are two aspects to this issue - the main piece is that there are data discrepancies in the Bell 911 system and there are issues with the 911 numbering in some areas. For the last three years, the LSBs and the 911 Committee have spent considerable effort to identify the numbering discrepancies and ensure the database is updated. This is the result of many years of inconsistencies with 911 signage (both installing and determining numbers). In order to minimize this issue, the previous LSB decided to transfer the responsibility for 911 sign installation to the Fire Department (the LSB changes Board members each year while the Fire Department remains relatively consistent). The 911 Committee has an SOP that will soon be completed/finalized and this task can then be transferred to the Fire Department. Our area of responsibility is significant in its size; as the area is audited we will identify errors and ensure residents are advised. As of October 19th, Stephen said we should have some direction to complete the SOP this year. The Board will discuss having the Fire Department complete the SOP (LSB review) and signage, in January 2018 and the final review by bylaw will be in February or March. As of January 18th, there was more discussion and it was decided that a bylaw will be on the agenda at the next meeting that the Argyle Fire Department takes over the installing of 911 signs at \$100.00 per sign. Regarding the 911 SOP the committee will get together in the next couple weeks and finalize and then a bylaw will be done. Chris Brooks said that they paid \$50.00 20 years ago for a 911 sign, but never received. Stephen said now property owners are responsible for having a 911 sign at \$200.00 – **SOP Ongoing**.

Unfinished from February 15, 2018

Fire Inspection report for the ACC for work to be completed by June 1, 2018. The Board discussed this and will make arrangements to complete by June 1st – **ongoing**.

Completed from December 21, 2017

Sandra was approached by Jim and James Berriau to have the no trespassing orders removed. This was discussed and the Board will table this until the next meeting as unfinished business. Any decision on this matter should be made with the full Board present. OPP was not contacted, but Sandra will have an answer for the next meeting. Sandra checked with the OPP and said we can amend or remove the no trespassing order. There was a discussion amongst the Board and a vote of 3-2 in favour of removing the no-trespassing order. However, the Board has to send a letter in which they all agreed to sign and a copy of the minutes to the OPP before the no-trespassing order can be removed. The OPP will notify Jim and James Berriau and the LSB when this is done. The secretary got written instructions from the OPP on how to proceed and presented the letter to be signed by the Chair. The secretary will send this to the OPP and the LSB will notify Jim and James Berriau when the no-trespassing order has been removed.

Completed from February 15, 2018

Stephen received a letter from MNDM where they have received several complaints regarding the manner in which the meetings are conducted. One concern for passing bylaws pertaining to the budget and advised the Board that a new vote will be needed to be held in order to validly pass the 2017-18 budget. Second, to review the conflict of interest policy pertaining to the fire service budget. Third, asked that the board might want to review its position on teleconference. Fourth, an inhabitant was asking for clarity on how the LSB is collecting fees with respect to multi-properties. MNDM has asked for a response by February 21, 2018, however Stephen got an extension by February 28, 2018. Stephen asked the Board for their approval to retain a lawyer Thomas Davis, Valin Partners at \$275.00/hour to answer the questions for MNDM and compile a letter to them to be in a legal compliance with the ACT. 3 were in favour, Sandra against and Hilary abstained. The Board will proceed with the lawyer. Stephen had the lawyer send the letter of reply on February 26, 2018. The letter of complaint and reply will be posted with the minutes.

Stephen has contacted MNDM regarding Brown Township and since it has been 2 years the Board has to all agree on whether they will move forward or not. There is some conflict with what was told to the community that has been changed to date. Regarding the fire department, insurance and roads. Apparently what was said in 2015/2016 has to be the same information for the proposed township. Stephen will forward the minutes from 2015/2016, a map and an email from the insurance. He will also check to see if we have to have a bylaw or just make a motion in the minutes. After the Board reviews they will decide at the next meeting. The letter we received from the lawyer said the vote was not valid; letter from Lawyer will be attached to the minutes. Hilary said at the time Carole Mantha gave the Board on instructions on how to proceed. Since new information has come to light that the public was not made aware of (roads & insurance). This Board agreed that they will not pursue the amalgamation of Brown Township. Secretary will let Carole Mantha know of the decision.

Correspondence

1. Draft audit for 2016/2017 for the Board's approval and a letter to be signed by Stephen and the secretary.

Action Required: Motion to approve the draft audit 2016/2017 by Hilary, 2nd by Earl, all in favour, motion carried.

2. Almaguin Adult Learning Centre for the March calendar.

Action Required: None

3. Letter by Christopher Ballard to Tony Clement's office regarding the problem with the 911 service in the area.

Action Required: Christopher received a reply from Bell and suggested that the LSB is responsible to do an audit every year. Christopher suggested that the LSB have the lawyer send another letter of complaint to Tony Clement's office. The Board all agreed to have the lawyer do this. Stephen will get a ball park figure for the next meeting. Lana Reading said she will forward an email she received on funding for cellular and broadband expansion projects.

4. Email from the Fire Underwriters Survey requiring information on the fire department.

Action Required: Forward to the Fire Department, no further action required.

5. Minutes from the Library for December 2017, January, February and March 2018.

Action Required: These have been posted on the website.

6. Email from MOF saying the \$92.12 from 2017 tax roll changes will be deducted from our annual payment.

Action Required: None

7. MTCS reminder to the Library to make purchases by March 31, 2018 for the Digital Grant.

Action Required: Forward to the Library.

8. Email looking for information and contact for Stan Brooks family on trapping. Also looking for photos.

Action Required: None

9. The fire department has received information from the health unit on Naloxone regarding opioid overdoses.

Action Required: The fire department has decided to accept their offer to install kits in each fire truck.

10. Letter regarding changes to the Provincial Land Tax.

Action Required: None

11. 911 Bell, Phaedra Van Buuren asking to clarify 12 numbers to update the addresses and offered to meet with the Board to discuss the issues of 911.

Action Required: The secretary is working on the list and said the Board can meet with 911 bell at our monthly meetings on the 3rd Thursday of the month at 7 p.m.

12. Humane Society would like the contact for the Animal Control Bylaw Officer.

Action Required: Earl had contacted the Humane Society about 3 stray dogs at their home. Earl said they have found their owner. No further action required.

13. Board member asked for a list of residents that attended the June 23, 2016 vote for Brown Township.

Action Required: The secretary has provided the list.

14. Farmer's Market would like to know if the charge per event will increase or stay the same.

Action Required: Earl, Hilary and Tracey declared a conflict. The Board all agreed to leave it at \$125.00/event and I am to ask to get a copy of the insurance as the LSB being an additional insured.

15. Phone call from a group using the ACC asking if we accept donations.

Action Required: The Board said they can do a cash donation as they see fit.

16. Property owner asked for the contact for the Ess Narrows Landfill.

Action Required: The secretary answered, no further action required.

17. Property owner asked for the contact for the North Road Landfill.

Action Required: The secretary answered, no further action required.

18. Thank you card from the Quilters Guild.

Action Required: None

19. Earl said the Quilters Guild was having trouble getting the tables out of the room.

Action Required: The Board agreed putting a few tables in the corner of the room which will be much easier to access.

Committee Reports

Library (Sandra) There was some discussion regarding the library agreement. Stephen said that the agreement should come from the NNDSB. Sandra will contact the principal and discuss. For the WHMIS/CPR training; the WHMIS can be done online and the Fire Department will check to see if they can offer a First Aid course or a CPR course.

AC (Earl) Ice is still open. Shane Hamilton said 3 lights are out and will be replaced with LEDs. Shane will quote and advise the Board. Blinds for the office will be looked after by Earl.

ACC (Earl) Quote for duct cleaning by Mason Cleaning Systems at \$1,212.00 plus HST. Regarding the kitchen lights to bring up to health code, the plug issue and the rear parking lights was quoted by Curran Electric at \$2,300.00 plus HST and Riverside Contracting at \$2,271.80 plus HST. Called a third local contractor and they said they would not quote. The Board accepted the quote of Riverside Contracting and a bylaw will be on the agenda at the next meeting. Earl discussed the changes to the rental fees bylaw and the secretary will work on a bylaw and forward this to the Board for review. Checking into a buffer for the floor, the Board decided not to do this.

Fire/911
(Stephen) Fire Department meeting on March 20, 2018

Website (Hilary) 509 visits to the page. Referring websites (sites that send people to our website), Google and Almaguin Highlands. Hilary said that some bylaws come up as an error and she said they were copied from the old website. Hilary suggested removing the old bylaws and just keeping the latest; the secretary keeps all the bylaws if anyone wants access to them. Sandra and Hilary will work on the bylaws in the website.

Bylaws Sandra has completed reviewing the old bylaws.

Administration/Long
Term Planning
(Sandra) None

Events/Grant
(Hilary) The Content Marketing seminar went very well with approximately 30 people attending. There was a draw for free marketing that was won by to Board's Honey Farm and Bain Lake camp, and the Argyle Farmers Market. The LRBA (Loring-Restoule Business association) is also planning on hosting an introduction to Facebook for business. And a Tourism Excellence North seminar to help improve your business for incoming local and international travelers.

New Business None

Pay Bills: 17 bills presented to be paid.

Peggy Whitehead \$750.00 (March honorarium)

Jim Moore Petroleum \$1,216.81 (furnace oil)

Moore Propane \$235.09

Mike Legault \$720.00 (rink)

North Bay Security \$84.75

Dan Feasby \$938.68 (Camcorder & Accessory Kit for Library)

Jim Martin \$734.50 (snowplowing)

Whitehots Inc. \$255.16 (books)

Indigo Books & Music \$263.08

Dianne Feasby \$348.65 (DVD's & Computer classes)

Albert Lamb \$525.00 (February cleaning)

North Bay Mat Rental \$49.72

Valin Partners \$1,494.43 (letters from lawyer)

Stephen Brushey \$156.83 (kitchen supplies)

The following bill have already been paid

Hydro One \$920.77

Southern Ontario Library \$605.12 (overdrive)

Bell Canada \$354.18

Motioned to pay bills by Earl, 2nd by Tracey, all in favour, motion passed.

Public Comment

1. Karen Wassink said the cottage/house tours will be postponed until 2019.

Action Required: None

2. Karen Wassink said that when they entered the ACC for the computer class that the smelled of mould and musty.

Action Required: The duct cleaning could help with this. Stephen said we have budgeted for a new HVAC system.

3. Mike Legault asked if he should keep the ice going after the March break is over.

Action Required: The Board said continuing as long as the weather stays cold.

Meeting adjourned at 9:07 p.m.

Next meeting will be on April 19th, 2018 at 7:00 p.m.

Prepared By
Peggy Whitehead
Peggy Whitehead
Secretary/Treasurer

Posted on March 26, 2018

Ministry of
Northern Development and Mines

Ministère du
Développement du Nord et des Mines

Regional Economic Development Branch

Direction du développement économique régional

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February 6, 2018

Stephen Brushey, Chair
Local Services Board of Loring, Port Loring and District

Re: Response to complaints received

Dear Mr. Brushey,

The Ministry of Northern Development and Mines (the "Ministry") has received several complaints regarding the manner in which the meetings of the Local Services Board of Loring, Port Loring and District (the "LSB") are being conducted. The Ministry reviewed the issue raised and conducted a review of the Board's 2017-18 meeting minutes. This letter outlines the issues raised and provides a recommended course of action to resolve these issues.

One issue that has been raised concerns the passing of by-laws. The minutes of the November 24, 2017 meeting show that three (3) board members were present, two (2) of whom declared a conflict of interest related to the Fire Department budget. Further, the minutes indicate that the budget was voted on by the inhabitants of the LSB.

While the Ministry appreciates that the Board was attempting to pass its budget while coping with absentees and conflicts, the solution used at this meeting is not in compliance with the *Northern Services Boards Act* (the *NSBA*), which requires at section 10 that the concurrent vote of the majority of the whole number of Board members is necessary to pass any by-law or approve any measure (including, for clarity, the budget). A new vote will need to be held in order to validly pass the 2017-18 budget.

It appears that 4 out of 5 board members have potential conflicts of interest with respect to the Fire Services Budget. The Ministry is aware that the LSB of Loring, Port Loring and District has passed a by-law to address conflict of interest situations. It is recommended that the LSB review its conflict of interest by-law to ensure that it includes mitigating measures that enable the Board to deal with conflict of interest issues in a manner that also allows to LSB to continue conducting its affairs in a reasonable and straight forward manner. For further guidance, please review the *NSBA*, s.10 (1) (2) and page 25 of the *Local Services Boards Guide for Inhabitants and Board Members*.

Another issue that was raised is the refusal by the Chair to allow Board members to participate in meetings via telephone. While the Board is permitted to establish its own procedures for transacting the business of the Board (*NSBA*, s.11), it is the Ministry's view that participation by telephone may help facilitate the meeting the requirements of the *NSBA*, including ensuring quorum. In reviewing the minutes of previous meetings, it appears that the participation in

board meetings by members via telephone was an accepted practice in the past. We also understand that a Board member presented a by-law recently substantially to this effect. The LSB might want to consider reviewing its position on this matter and developing a by-law that supports and facilitates the participation of all board members at board meetings.

The Ministry also received a complaint from an inhabitant seeking clarity on how the LSB is collecting fees with respect to multi-properties. We are told that the inhabitant has not been provided with adequate correspondence. Please refer to section 7(2) of the NSBA for assistance in replying to the inhabitant.

Please provide a response to this letter on or before February 21, 2018 outlining how the LSB will address the issues listed above in a manner that is consistent with the NSBA

I look forward to your response.

Yours truly,



Théo Noel de Tilly
Manager, North Bay and Sudbury Area Teams

Cc: Carole Mantha, NDO
Dominique Marleau, LSB Coordinator, NE



February 26th, 2018

VIA FACSIMILE (705) 752-2779

Ministry of Northern Development and Mines
447 McKeown Avenue Suite 203
North Bay, ON
P1B 9S9

Attn: Theo Noel de Tilly

**Re: LSB of Loring, Port Loring and District
Our File No. 18-129**

We are the lawyers for the Local Services Board of Loring, Port Loring and District (the "LSB"). We have been asked by the LSB to provide advice and response to the contents of your letter dated February 6th, 2018. Below is the LSB's responses, as per your request.

1) The Issue of the Budget Vote

On November 24th, 2017, the LSB conducted a vote on the 2017/2018 budget. The passing of the 2017/2018 was moved by Tracey Watson, seconded by Sandra Gendron and voted in favour of unanimously. The results of the vote were accidentally omitted from the Minutes of the Board Meeting, but were recorded in the Secretary's notes. Given the aforementioned, a new vote will not need to take place.

2) The Issue of Potential Conflicts of Interest

If and when this issue arises the LSB will act in accordance with the *MCIA* and its own bylaws and Standard Operating Procedures.

3) The Issue of Attendance by Telephone

The LSB will not be permitting board members to attend meetings for the purpose of casting votes by way of telephone. There is nothing in the *NSBA* or the LSB's Standard Operating Procedures that would permit attendance by telephone. Further, we believe that allowing attendance by telephone is contrary to s. 10 of the *NSBA* as it does not constitute a true quorum. Lastly, permitting board members to attend by telephone reduces the accountability and responsibility of board members to the constituents.

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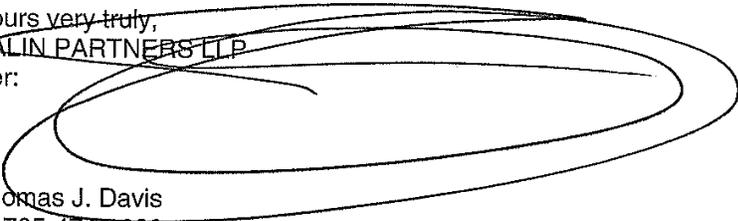
140 Main St. W., P.O. Box 97, North Bay, ON, P1B 8G8 T 705 474.1220 F 705 474.5630 W valinpartners.net

4) The Issue of the Inhabitant's Complaint

The LSB received an inquiry from Darrell Rogerson regarding multiple property levies. The LSB addressed this inquiry at its October 19th, 2017 meeting. The individual was notified that the LSB did not possess the information he sought and that no further action could be taken by the LSB at that time.

It should further be noted that On November 30th, 2017, Carol Mantha, of the Ministry of Northern Development and Mines, indicated that an investigation into the inquiry would not take place because "all facts are not available, nor has a formal complaint been placed." The MNDM has not indicated anything to the contrary since that time. Respectfully, the LSB takes the position that it has correctly addressed this inquiry at this time and that no further action is required.

Yours very truly,
~~VALIN PARTNERS LLP~~
Per:



Thomas J. Davis
P: 705-474-1220
F: 705-474-5630
tdavis@valinpartners.net

CC: S. Brushey and P. Whitehead



February 28th, 2018

Local Services Board of Loring, Port Loring and District
PO Box 148
Port Loring, Ontario
POH 1Y0
c/o Stephen Brushey, Chair *via email*
& c/o Peggy Whitehead, Secretary *via email*

**Re: LSB of Loring, Port Loring and District
Our File No. 18-129**

You have asked me to provide a legal opinion on how the LSB needs to proceed in regards to the addition of certain lands to the boundaries of the LSB. In providing you with this opinion I have reviewed by-laws 2006-08, 2016-11, as well as, the minutes from your meetings on June 8, 15 and 23, 2016.

The vote held on June 23rd, 2016 is invalid. Its not clear whether notice was posted in Brown, McConkey and Hardy Townships. Given the total absence of any residents from those areas in the voting record, I would surmise that it was not. The LSB was therefore not in compliance with the *Northern Services Board Act* and I believe a new vote will have to be held. Further, since notice and meetings occurred nearly two years ago, the LSB should conduct one new meeting that shall outline the proposal in detail. At this meeting, a vote can be held. The LSB is not required to hold more than one meeting, though, it is free to do so if it wishes.

Given the above, the LSB, if it intends on proceeding with its intended annexation(s) will need to start the process over. Conversely, if the LSB is no longer interested in these annexations, I do not believe any further action is required.

Should the LSB proceed with the annexation process, the following will need to occur, pursuant to section 31 of the *Northern Services Board Act*:

1. The LSB should pass a new by-law authorizing the calling of the meeting and the vote, within 10 days of the by-law passing. The form and content in by-law 2016-11 is sufficient and can be reused. I would recommend adding mention of the townships of McCloskey and Hardy if the LSB still intends on pursuing their annexation, in addition to the annexation of Brown Township. Section two of the by-law should be amended to remove mention of the guide and in it's place it should state that the process as dictated by section 31 of the *Northern Services*

Board Act. The Guide not binding as it is not legislation. The LSB is only required to follow the steps set out in section 31 of the *Northern Services Board Act*. If you would like, I can review the language of the proposed by-law before the LSB votes on same.

2. Notice of the meeting and vote should be posted in accordance with the requirements normally set out in the *Northern Services Board Act* as they pertain to the posting of notices. Further, notices should be posted in the townships that the LSB is looking to annex at the same time as posting in the LSB. A copy of the notice should be sent by registered mail to the Minister of Northern Mines and Development.
3. The LSB shall conduct a meeting and vote. The time of the meeting can take place at any time of the year. The LSB will need to ensure that the votes of the LSB's inhabitants and the inhabitants of the different townships are done separately and are tallied separately. I believe that it would be acceptable for the LSB to hold the meeting and vote for everyone in the same building, at the same time, and to simply use different polling stations for the inhabitants of each LSB and township area. Be sure to ensure that proof of inhabitancy in the various LSB and townships is provided, as it is a requirement in order to vote.
4. Once the voting has been completed and the results tallied, any majority vote in favour of the annexation of each township shall be forwarded to the Minister for Northern Mines and Development, in accordance with s. 31(4) of the *Northern Services Board Act*. The Minister retains the discretion to make any order as the Minister sees fit (which is to say, even with a majority of a vote in favour of annexation, the Minister may refuse to make it so).

Should you require clarification or assistance on any of the above, please do not hesitate to contact me.

Yours very truly,
VALIN PARTNERS LLP

Per. 

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