

**THE CORPORATION OF THE  
TOWN OF MATTAWA**

**AGENDA**

**REGULAR MEETING OF COUNCIL  
MONDAY, APRIL 23<sup>RD</sup>, 2012  
7:00 P.M.**

**MUNICIPAL COUNCIL CHAMBERS  
160 WATER STREET  
MATTAWA, ONTARIO**

**THE CORPORATION OF THE TOWN OF MATTAWA  
A G E N D A  
MUNICIPAL COUNCIL CHAMBERS  
160 WATER STREET  
MATTAWA, ONTARIO  
MONDAY, APRIL 23<sup>RD</sup>, 2012 @ 7:00 P.M.**

**1. Call to Order**

**2. Disclosure of Pecuniary Interest and Nature Thereof**

**3. Petitions & Delegations**

**4. Correspondence**

- 4.1 Infrastructure Ontario – Re: P3 Canada Fund Round Four Application Intake  
General Government Services Committee – Re: Clerk
- 4.2 Municipality of Mattawan – Re: Search for Chief Building Official  
Building Department Committee – Clerk
- 4.3 DNSSAB – Re: 2012 Ontario Proposed Budget Potential Impact  
Social & Family Services Committee – Clerk
- 4.4 Town of Niagara-On-The-Lake – Re: Request for Resolution of Support  
General Government Services Committee – Clerk
- 4.5 Ministry of Community Safety & Correctional Services – Re: OPP Ride Grant Allocation  
Finance Committee – Clerk
- 4.6 City of Meaford – Re: Request for Resolution of Support  
General Government Services Committee – Clerk
- 4.7 Ministry of Health and Long-Term Care – Re: Financing Redevelopment of Cassellholme  
Health Services Committee – Clerk
- 4.8 Ontario Association of Fire Chiefs – Re: Municipal Politicians Seminar  
By-law Department Committee – Clerk
- 4.9 AMO – Re: March 2012 Board Meeting Report  
General Government Services Committee – Clerk
- 4.10 Ontario's Near North – Re: 2011 Marketing Report  
Recreation, Tourism & Special Projects Committee – Director of Recreation, Tourism  
& Special Projects

**Monday, April 23, 2012**  
**Correspondence – Cont'd**

- 4.11 Stewardship Ontario – Re: 4<sup>th</sup> Quarterly Payment for 2011 Program Year  
Environmental Services Committee – Clerk
- 4.12 Vic Fedeli, MPP Nipissing – Re: Request to be Added to Agenda  
General Government Services Committee – Clerk
- 4.13 OPP – Re: Municipal Policing Bureau  
Protection to Persons & Property Committee – Clerk
- 4.14 NBPSDHU – Re: February 22<sup>nd</sup> Board Meeting Minutes  
Health Services Committee – Clerk
- 4.15 NBMCA – Re: Draft Source Protection Plan Open House  
Conservation Authority Committee – Clerk
- 4.16 FONOM – Re: Financial Sponsorship Request for Cost of Evening Reception  
Finance Committee – Clerk
- 5. Questions/Comments (public & Council) about the Content of the Agenda**
- 6. Municipal Report Number 641**
  - Minutes of Previous Meeting (s)
  - Presentation of By-laws/Resolutions
  - Adoption of Report
- 7. Committee Reports**
- 8. Questions from the Floor**
- 9. New/Old Business**
- 10. 2/3 (Special Resolutions – not previously circulated)**
- 11. In Camera (Closed) - None**
- 12. Return to Regular Session**
- 13. Adjournment**

Monday, April 23, 2012

Members of Council,

Attached please find Municipal Report Number 641 for consideration by Council.

Respectfully submitted

Wayne P. Belter  
Administrator/Clerk/Treasurer

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**THE CORPORATION TOWN OF MATTAWA**

**COMMITTEE: GENERAL GOVERNMENT SERVICES**

**CHAIRPERSON: COUNCILLOR L. MICK**

**DEPT. HEAD: WAYNE P. BELTER**

**TITLE: ADOPTION OF THE MINUTES**

Draft By-Law       Item       Policy Recommendation

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**Mayor D. Backer and Members of Council:**

It is respectfully recommended to Council that the minutes of the Regular Meeting of Tuesday, April 10, 2012 be adopted as circulated.

Councillor L. Mick

## THE CORPORATION OF THE TOWN OF MATTAWA

The minutes of the regular meeting of Council held Tuesday, April 10<sup>th</sup>, 2012 at 7:00 p.m. in the Municipal Council Chambers.

Present: Mayor D. Backer  
Councillor N. Walters  
Councillor L. Mick  
Councillor M. L. Arrowsmith  
Wayne P. Belter, Clerk

\*When a recorded vote is requested and the minutes indicate the recorded vote was "Unanimous" it means all Councillors present and noted above voted in favour unless otherwise indicated.

1. Meeting Called to Order
2. No Disclosure of Pecuniary Interest and Nature Thereof
3. Petitions & Delegations
4. Correspondence
5. No Questions/Comments about the Content of the Agenda
6. Municipal Report Number 640

Page No. 57

*It is respectfully recommended to Council that the minutes of the Regular Meeting of Monday, March 26, 2012 be adopted as circulated.*

Carried

### Resolution Number 12-09

Moved by Councillor L. Mick

Seconded by Councillor N. Walters

*That the Municipal Report Number 640 be adopted.*

Carried

7. Committee Reports
8. Questions from the Floor

9. New/Old Business
10. 2/3 (Special Resolutions – not previously circulated)
11. In Camera (Closed) Session – No
12. Return to Regular Session – N/A
13. Adjournment

The regular meeting of Council Tuesday, April 10, 2012 adjourned at 7:22 p.m.

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Mayor

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Clerk

**THE CORPORATION TOWN OF MATTAWA**

**COMMITTEE: GENERAL GOVERNMENT SERVICES**

**CHAIRPERSON: COUNCILLOR L. MICK**

**DEPT. HEAD: WAYNE P. BELTER**

**TITLE: 2012 FONOM CONFERENCE**

Draft By-Law                       Item                       Policy Recommendation

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**Mayor Backer and Members of Council:**

The annual FONOM conference is being held in North Bay May 9-11 this year. Council representatives have attended this conference regularly in the past and have always reported it as being a very informative and worthwhile conference.

Council discussed this year's conference and its location in North Bay. It was agreed Council presence is encouraged and Mayor Backer and Councillors M. L. Arrowsmith and L. Mick indicated they would represent the Town of Mattawa and attend the conference.

**Recommendation:**

That Mayor Backer and Councillors M. L. Arrowsmith and L. Mick are authorized to attend the 2012 FONOM conference in North Bay May 9-11, 2012. Normal travel policy will apply.

Respectfully submitted

Councillor L. Mick



**THE CORPORATION TOWN OF MATTAWA**

**COMMITTEE: GENERAL GOVERNMENT SERVICES**

**CHAIRPERSON: COUNCILLOR L. MICK**

**DEPT. HEAD: WAYNE P. BELTER**

**TITLE: FONOM SPONSORSHIP FOR RECEPTION**

Draft By-Law                       Item                       Policy Recommendation

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**Mayor Backer and Members of Council:**

Correspondence in this agenda, (4.16), from Councillor Mac Bain of the City of North Bay requested our participation in hosting the FONOM reception prior to the Thursday evening banquet at the annual conference in North Bay May 9-11, 2012.

He indicated to Mayor Backer they are requesting each of the Nipissing area municipalities to contribute approximately \$400.00 each towards the reception costs. Since we are expecting to have three members of Council attending it is reasonable to assist the FONOM organization with the operating costs associated with the cost of the reception.

**Recommendation:**

That the Town of Mattawa contribute \$400.00 towards the cost of the FONOM pre-banquet reception at the May 9-11, 2012 conference in North Bay.

Respectfully submitted

Councillor L. Mick

## THE CORPORATION TOWN OF MATTAWA

COMMITTEE: BY-LAW DEPARTMENT

CHAIRPERSON: COUNCILLOR L. PERREAULT

DEPT. HEAD: WAYNE P. BELTER

TITLE: REGULATE SMOKING OUTDOORS ON MUNICIPAL PROPERTY

X  Draft By-law                            Item                            Policy Recommendation

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### Mayor D. Backer and Members of Council:

Council has discussed and directed that promoting and protecting the health, safety and welfare of our residents, especially the youth of the Corporation of the Town of Mattawa is a priority. One way to accomplish this is to ensure and aid in the prohibition of tobacco-use and second hand smoke in our parks, playgrounds, recreational facilities and beaches within our municipality. For these reasons it is recommended we pass a By-Law prohibiting smoking in these areas. It is intended that once this By-Law is approved an educational campaign of signage & information will be implemented before strict enforcement is carried out.

### Recommendation:

That the Town of Mattawa adopt By-Law 12-11 being a By-law to regulate smoking outdoors on municipal property.

Respectfully submitted

Councilor L. Perreault

# CORPORATION OF THE TOWN OF MATTAWA

## BY-LAW NUMBER 12-11

### BEING A BY-LAW TO REGULATE SMOKING OUTDOORS ON MUNICIPAL PROPERTY.

WHEREAS Section 115 of the *Municipal Act, S.O. 2001 Chapter 25*, as amended enables the Council of a municipality to pass a by-law to prohibit or regulate the smoking of tobacco products in public places and workplaces in the municipality;

AND WHEREAS Section 12 of the *Smoke-Free Ontario Act, S.O. 1994, c 10* permits municipalities to enact smoking by-laws that are more restrictive than sections 9 and 10 of the Act, subject to subsection 13(3);

AND WHEREAS according to health Canada, there is no known safe level of exposure to second-hand smoke;

AND WHEREAS it is desirable for the purpose of promoting and protecting the health, safety and welfare of the inhabitants, especially the youth of the Corporation of the Town of Mattawa to ensure and aid in the prohibition of tobacco-use and second hand smoke within the provisions of this by-law, in municipal parks, playgrounds, recreational facilities and beaches in the Town of Mattawa;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MATTAWA ENACTS AS FOLLOWS:

#### PART 1 - DEFINITIONS

1.1 In this by-law:

1.2 “ashtray” means a receptacle of any type used for tobacco ashes and for cigarette and cigar butts;

1.3 “beaches” means any area where the public is permitted to swim in the Town;

1.4 “council” means the Municipal Council of the Town of Mattawa;

1.5 “entranceway” means the area within a nine (9) metre radius surrounding any entrance to a building owned and/or leased by the Town of Mattawa but does not include a street, road or highway;

1.6 “employer” means any person who, as the owner, proprietor, manager, contractor, superintendent, supervisor, overseer, receiver or trustee of any activity, business, work, trade, occupation, profession, project or undertaking who has control over or direction of, or is directly or indirectly responsible for the employment of a person therein;

- 1.7 **“inspector”** means a person appointed by Council as a municipal by-law enforcement officer to enforce this by-law or any police officer of the Ontario Provincial Police;
- 1.8 **“municipal parkland”** means any and all lands owned by, or made available by lease, agreement or otherwise to the Town that have been or hereafter may be set apart, designated, dedicated or established by Council as a public parkland, but does not include a highway as defined by the *Municipal Act, 2001*;
- 1.9 **“municipal property”** means any and all lands owned by, or made available by lease, agreement or otherwise to the town, but does not include a highway as defined by the *Municipal Act, 2001*;
- 1.10 **“outdoor area”** means any open space which is outside of a facility, building, structure or premise including any temporary building, structure or part thereof, whether covered by a roof or not, but does not include a highway as defined by the *Municipal Act, 2001*;
- 1.11 **“person”** includes an individual, firm, business, corporation or partnership and all shall include the plural where the context requires;
- 1.12 **“proprietor”** means the person who controls, governs or directs the activity carried on within the premises designated as prohibited areas under this by-law and includes the person actually in charge of the premises at any particular time;
- 1.13 **“public place”** means any buildings or part thereof including a hospital or municipal facility, out of doors playground equipment zone or recreation field;
- 1.14 **“recreational field”** means any field and/or land man made composition that is used for athletic purposes to conduct organized or unorganized sporting activities in a municipal park which includes but is not limited to a baseball field, soccer, slow pitch, player or spectator bench and a football field;
- 1.15 **“smoke”** or **“smoking”** includes the holding or carrying of lighted tobacco in any form or receptacle;
- 1.16 **“town”** means the Corporation of the Town of Mattawa.

## **PART II – OUTDOOR AREAS – DESIGNATED**

- 2.1 The following outdoor areas are designated as smoke-free for the purpose of this by-law:
- a) Any entrance to municipal buildings as set out in **Schedule “A”** located within a nine (9) metre perimeter of any municipal building.
  - b) Any municipal parkland, playground, recreation field and beaches as set out in **Schedule “B”**.

### **PART III – GENERAL PROHIBITION**

#### **3.1 Smoking – Prohibited**

No person shall smoke in any outdoor area designated as smoke-free under section 2.1 of this by-law, whether or not a No Smoking sign is posted. This does not include a highway as defined by the *Municipal Act, 2001*.

#### **3.2 Every employer and proprietor in charge of an outdoor area designated as smoke-free under section 2.1 of this by-law shall:**

- (a) Ensure compliance with this by-law;
- (b) Prohibit smoking in the outdoor area designated as smoke-free;
- (c) Post no smoking signs in accordance with Part IV of this by-law; and
- (d) Ensure that no ashtrays or like paraphernalia are placed or permitted to remain in the designated smoke-free area.

### **PART IV – SIGNAGE REQUIRED**

#### **4.1 Every proprietor and every employer in charge of any outdoor area designated as smoke-free under Part II of this by-law shall ensure that a sufficient number of signs as prescribed by section 4.2 are conspicuously posted so as to clearly identify that smoking is prohibited.**

#### **4.2 The signs referred to in section 4.1 of this by-law shall include:**

- (a) a description of the international No Smoking Symbol, as set out in **Schedule “C”**, with a diameter at least 50% of the sign’s height; and
- (b) lettering sized proportionately, which reads “Town of Mattawa; By-Law #”.

#### **4.3 The signs referred to in section 4.1 of this by-law shall be sized as follows:**

- (a) for the outdoor area designated in section 2.1 (a), a minimum size of 14 centimetres (5.5 inches) by 14 centimeters (5.5 inches); and
- (b) for the outdoor areas designated as sections 2.1 (b), a minimum size of 30.5 centimeters (12 inches) in width and 45.7 centimeters (18 inches) in height.

#### **4.4 The signs referred to in section 4.1 of this by-law shall read:**

- (a) for the area set out in section 2.1 a):  
“NO SMOKING WITHIN 9 METRES OF THIS BUILDING”; and

- (b) for the area set out in section 2.1 b):  
“NO SMOKING ON THIS PROPERTY AT ANY TIME”.

#### **4.5 Where a No Smoking sign is required to be placed or posted under this by-law, the sign shall have the proportions, characteristics and minimum measurements as set out in Part IV of this by-law, and shall consist of two (2) contrasting colours, or, if the lettering and graphic symbol is to be applied directly to a surface or to be mounted on a clear panel, the lettering and graphic symbol shall contrast with the background.**

- 4.6. Despite the fact that the symbol referred to in section 4.2.0 is a cigarette, it shall include a lighted cigar, cigarette, pipe or any other lighted smoking equipment or product.
- 4.7. Deviations from the colour or content of the signs prescribed by this section that do not affect the substance or that are not calculated to mislead do not vitiate the signs.

#### **PART V - INSPECTIONS**

- 5.1. An Inspector may, at any reasonable time, enter any outdoor area as defined in Part II of this by-law for the purposes of determining compliance with this by-law.

#### **PART VI - IDENTIFICATION**

- 6.1. An Inspector conducting an inspection shall produce proper identification, on request.

#### **PART VII - OBSTRUCTION**

- 7.1. No person shall hinder, obstruct or interfere with an Inspector lawfully conducting an inspection or enforcing this by-law, refuse to answer questions on matters relevant to the inspection or enforcement, or provide the Inspector with information on matters relevant to the inspection or enforcement that the person knows to be false or misleading.

#### **PART VIII – OFFENCES**

- 8.1. Every person who smokes in an outdoor area designated as smoke-free under Parts II and III of this by-law is in contravention of this by-law and is guilty of an offence.
- 8.2. Every person who contravenes any of the provisions of this by-law is guilty of an offence.
- 8.3. Every person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence.

#### **PART IX - PENALTY**

- 9.1. Every person who is convicted of an offence under any provision of this by-law shall be liable to:
  - (a) a fine as set in **Schedule “D”** attached hereto; or
  - (b) a fine as set out in section 61 of the Provincial Offences Act, R.S.O., 1990, c. P.33, or any successor thereof.
- 9.2. If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

**PART X - CONFLICTS**

10.1 If a provision of this by-law conflicts with an Act or Regulation, the provision that is the most restrictive of smoking shall prevail.

**PART XI - SEVERABILITY**

11.1. If any section or sections of this by-law or parts thereof are found in any court of law to be illegal or beyond the power of the Town to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of the by-law shall be deemed to be separate and independent there from and have been enacted as such.

**PART XII - COMMENCEMENT**

12.1. This by-law shall come into effect on April 23, 2012

READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**SCHEDULE "A"**  
to  
**By-Law No. 12-11 of the**  
**Corporation of the Town of Mattawa**

Designated workplaces with entranceway smoking prohibitions:

<b>Workplace &amp; Address</b>	<b>Entranceway(s)</b>	<b>Date of Designation</b>
Municipal Building 160 Water Street	Water Street Entrance	
Mike Rodden Arena 450 Hurdman Street	All Entrances	
Information Centre 401 Pine Street	Front Main Entrance off Parking Lot	
Mattawa Museum 285 First Street	All Entrances (1 Public and 1 Employee)	
Mattawa Fire Department 411 Pine Street	All Entrances	
Mattawa Waterfront 285 first Street	Main Entrance	



**SCHEDULE "B"**  
**to By-Law No. 12-11 of the**  
**Corporation of the Town of Mattawa**

Designated municipal parklands, playgrounds, recreation fields and beaches with smoking prohibitions:

<b>TOWN OWNED PARKS AND BEACHES</b>
Timmins park
Dufoe Park
Annie's Park
Mattawa Island Park
Mattawa Ball Field
Fraggle Rock Beach

**SCHEDULE "C"**  
**to**  
**By-Law No. 12-11 of the**  
**Corporation of the Town of Mattawa**

**International No Smoking Symbol**



**SCHEDULE "D" to By-Law # 12-11 of the Corporation of the Town of Mattawa**

**THE CORPORATION OF THE TOWN OF MATTAWA – SET FINES  
PART 1 – PROVINCIAL OFFENCES ACT**

**REGULATE SMOKING OUTDOORS ON MUNICIPAL PROPERTY BY-LAW NO. 12-11**

<b>ITEM</b>	<b>COLUMN 1 Short form wording</b>	<b>COLUMN 2 Provision creating or defining offence</b>	<b>COLUMN 3 Set fine</b>
1.	Smoking in a prohibited area	3.1	\$150.00
2	Obstructing or interfering with an Inspector.	7.1	\$150.00

**NOTE: The penalty provisions for the offences indicated above is Section 8.1 of By-Law No. 12-11, a certified copy of which has been filed.**

**THE CORPORATION TOWN OF MATTAWA**

**COMMITTEE: BY-LAW DEPARTMENT**

**CHAIRPERSON: COUNCILLOR L. PERREAULT**

**DEPT. HEAD: WAYNE P. BELTER**

**TITLE: REQUEST FOR SIX FOOT FENCE ON PROPERTY**

       Draft By-law              X   Item                   Policy Recommendation

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**Mayor D. Backer and Members of Council:**

Mr. & Mrs. Fern Levesque applied to the municipality in March (Correspondence 4.8 April 10<sup>th</sup> Agenda) to build a six foot fence on the North & South side of their property to replace their existing fence which is in disrepair. Fence By-Law # 93-35, Section 7 (b) (i) does not permit a fence to be constructed higher than 5 feet for a residential property.

The request for this fence is for privacy issues.

The fence By-Law permits Council to make exceptions to the height requirements. In the past Council has granted similar requests. For these reasons the following is recommended:

**Recommendation:**

That Council authorizes and permits a six foot fence along the Northwest and South sides on the property known as 430 Louis Street excluding the front yard. Normal front yard By-Law requirements will be observed.

Respectfully submitted

Councilor L. Perreault

**THE CORPORATION TOWN OF MATTAWA**

**COMMITTEE: PERSONNEL**

**CHAIRPERSON: COUNCILLOR P. DUPRAS**

**DEPT. HEAD: WAYNE P. BELTER**

**TITLE: HEALTH & SAFETY TRAINING**

       Draft By-law                        X   Item                             Policy Recommendation

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**Mayor D. Backer and Members of Council:**

Under the Occupational Health and Safety Act, R.S.O. 1990, c. 0.1 the Town of Mattawa, because it employs more than twenty people is required to have a Joint Health and Safety Committee made up of one management representative and one worker representative with each member having to be certified. The Town of Mattawa has no certified members on Staff.

The certification process is a legally-required two part training process. Both Wayne Chaput & Jim Aucoin have completed Part 1 last year. The Public Services Health & Safety Association through the Workplace Specific, Municipal Sector is offering Part 2 Certification training in Peterborough, Ontario on April 25 & April 26, 2012 at a cost of \$295.00 per person. Wayne Chaput will be acting as the management representative and Jim Aucoin will be acting as the workers rep. Once the course is completed both Jim & Wayne will be fully certified members for the municipal Joint Health & Safety Committee.

**Recommendation:**

It is recommended that Council authorize Wayne Chaput and Jim Aucoin to register and attend the Part 2 Health and Safety Association course in Peterborough at a cost of \$295.00 per person plus normal travel expenses.

Normal travel policy will apply.

Respectfully submitted

Councilor P. Dupras

**THE CORPORATION TOWN OF MATTAWA**

**COMMITTEE: RECREATION, TOURISM & SPECIAL PROJECTS**

**CHAIRPERSON: COUNCILLOR N. WALTERS**

**DEPT. HEAD: WAYNE P. BELTER**

**TITLE: HIRING OF SWIM INSTRUCTORS AND LIFEGUARDS**

Draft By-Law

Item

Policy Recommendation

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**Mayor D. Backer and Members of Council:**

The Corporation of the Town of Mattawa is pleased to be offering summer swimming lessons and lifeguarding at the Mattawa Island. This was a function of some very good community volunteers in the past. However, these volunteers last year requested that the Town of Mattawa take on this function. As a result of a late take-over, last year's program experienced some take over hiccups but it was important that there be some semblance of continuity.

A number of discussions and planning has already taken place and thus there is an expectation that this year's program be very successful. Both instruction sessions have been set as well lifeguarding times. There is a recruitment plan for our youth and hopefully some adult lessons and swim fitness will take place.

Qualified swim instructors are very much in demand and thus it is important that the Town of Mattawa commit to hiring these instructors as soon as possible. There were two qualified applicants for the two positions available.

**Recommendation:**

It is therefore recommended that Jessica Desrochers and Shelby Sauvé be employed as swim instructors and lifeguards for the summer swim program.

Respectfully submitted

Councillor N. Walters