

AGENDA / ORDRE DU JOUR

- A) Declaration of Pecuniary Interest / Déclaration d'intérêts pécuniaires
- B) Addendum and Agenda / Addenda et Ordre du jour
 B-1 Resolution to approve the Addendum
 B-2 Resolution to adopt the Agenda
- C) Delegations & Petitions / Délégations et pétitions
 C-1 Dovercourt Road – Problems with speed (Presenters: Solange Cardinal & Denis Lafond)

COMMITTEE OF THE WHOLE MEETING / COMITÉ PLÉNIER

- D-1) General Government / Gouvernement general NIL
- D-2) Planning / Planification
 D-2(a) Proposed Licensing Agreement for Camping Trailers/RV's in West Nipissing
- D-3) Emergency Measures and Public Safety / Mesures d'urgence et sécurité publique
 D-3(a) Fire Services – Dispatching
 D-3(b) Community Safety and Well-Being Plan - List of community partners
- D-4) Economic Development / Développement économique
 D-4(a) Discussion re: Structure of Economic Development Committee
- D-5) Social Services and Health / Services sociaux et santé NIL
- D-6) Public Works / Travaux publics
 D-6(a) Betty Road
 D-6(b) Nature's Trail Bridge
- D-7) Community Services / Services communautaires
 D-7(a) Sturgeon Falls – Arena Canteen
- D-8) Sewer and Water / Les égouts et l'eau NIL

D-9) Environmental / L'environnement *NIL*

**REGULAR COUNCIL MEETING /
RÉUNION RÉGULIÈRE**

E) Unfinished Business / Affaires en marche

F) Notice of Motion / Avis de motion

G) New Business / Affaires nouvelles

- G-1** Resolution to authorize By-Law **2019/86** to impose special annual drainage rates (Tamara + Ben Krause)
- G-2** Resolution to approve By-Law **2019/87** to accept, assume and dedicate lands for public highway purposes (Pt of Nipissing Rd in Sturgeon Falls)
- G-3** Resolution regarding recommendations from the Ombudsman's Report

H) Addendum / Addenda

I) Information, Questions & Mayors' Report / Information, questions et rapport du Maire

- I-1** Mayor's Report

J) Closed Meeting / Réunion à huis clos *NIL*

K) Adjournment / Ajournement

- K-1** Resolution to adopt By-law **2019/88** confirming proceedings of meeting
- K-2** Resolution to adjourn the meeting

REQUEST FOR DELEGATION / WRITTEN SUBMISSIONS

A request for a delegation or presentation before Council must be in the form of a written submission to the Municipal Clerk. The following background information form must be duly completed and submitted by not later than 4:30 p.m. on the Wednesday prior to the requested meeting.

PLEASE PRINT CLEARLY:

Council Meeting Date:	October 8, 2019 (update)		
Subject:	(New) Dovercourt Road		
Name:	Solange Cardinal		
Address:	177 Dovercourt Road, Sturgeon Falls, ON P2B 0B5		
Phone:	Home:	Business / Cell:	Fax:
		(705) 560-8558	
E-Mail:	solange_cardinal@hotmail.com		

Name of Group or Person(s) being represented (if applicable) :

- 1) Solange Cardinal
- 2) Denis Lafond

Details of nature of the business/purpose (additional information can be attached separately) :

attacher letters from concerned residents 6

"asking Town Council to help solve speeding problems on our street"

Presentation Requirements:	<input type="checkbox"/> Easel	<input type="checkbox"/> Projection Equipment
	<input type="checkbox"/> Other:	

Please be advised that your delegation/presentation will be recorded in video and audio format as part of Council meetings and will be subject to media broadcast (Eastlink and internet). Personal information on this form will be used for the purpose of sending correspondence relating to matters before Council and Committee of the Whole. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a report that is available to the general public in a hard copy format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, C.M 56, as amended.

Submit your completed form to:

Municipal Clerk (delegate)
Municipality of West Nipissing
101 - 225 Holditch Street
Sturgeon Falls, ON P2B 1T1

e-mail: mducharme@westnipissing.ca or jdupuis@westnipissing.ca

Tel: 705-753-2250 • Fax: 705-753-3950

Visit ... www.westnipissingouest.ca

Dovercourt Rd

Write a description for your map.

Legend

📍 177 Chemin Dovercourt Rd



Agenda

Town of Sturgeon Falls – Council Meeting

October 8th, 2019

New Dovercourt Road:

We know that this issue was presented to Council last April (2019) about speeding on new Dovercourt Road. Stop signs were put at the corner of Niko and 2 signs on Dovercourt Road, this summer to decrease those speeding on our street.

Update October 8th, 2019:

SPEED:

All efforts to decrease speeding has done very little for those who chose to speed. Speed limit on our street is 40 km and **40% plus** drivers chooses to speed up to 80-90 km and we've seen other vehicles passing those doing 40 km speed limit.

vehicles coming from Ottawa St. or Hwy 64 drive onto our street which offers a stretch of pavement, see map, well they're speeding by the time they get closer to the stop sign only to increase their speed until they reach Cache Bay Road.

POLICE:

95% of our Residents attended a meeting with police officers to discuss issues relating to speeding. They have since been monitoring our street and have been giving tickets. Unfortunately, the police cannot be present all the time, early morning, late afternoon till late at night we see a mixture of rolling stops and speeding.

UNRESOLVED PROBLEMS:

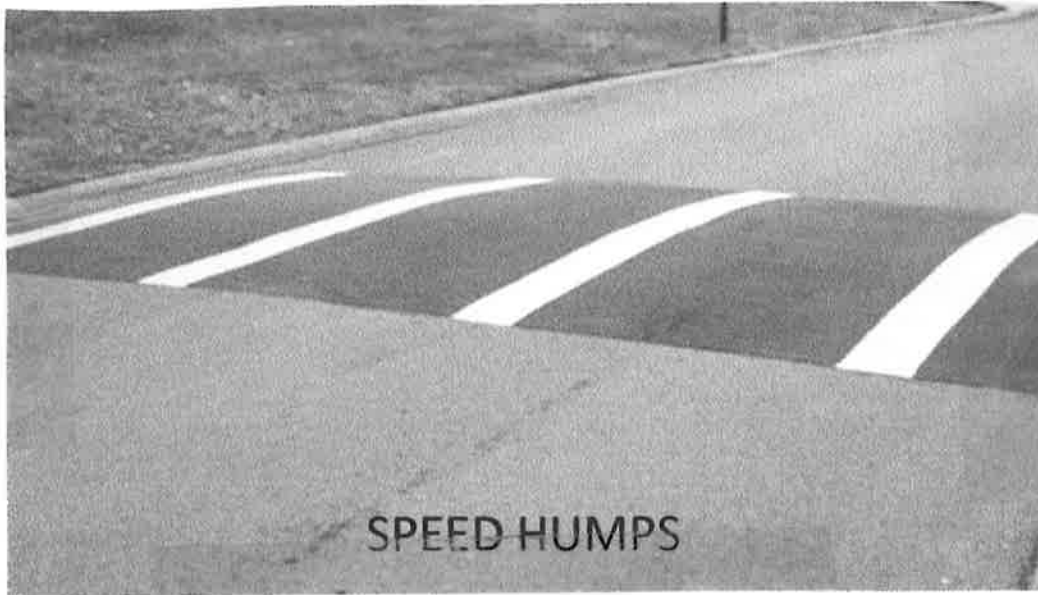
- 1) Senior Residents will not walk to the mailbox to pick up their mail for fear of being hit.
- 2) Residents who back their car into their driveway are having people honking and showing the finger because they're in a rush for the resident that they get out of their way.
- 3) Actual fact: Resident who looked both ways was backing into his driveway (in the winter) when a car was driving from Cache Bay Road, speeding where they had to veered into the ditch to avoid hitting him. The driver said in a statement with the police that it was the resident's fault, but that person was found guilty of speeding and was charged.
- 4) Residents are afraid that even driving out of their driveway, into the street, are scared that some vehicles won't even stop at the stop sign or slow down even for them.

- 5) Our street is not Hwy. 64 it's not a highway, it's a residential street and should be treated as such. 40 km
- 6) **No room for sidewalks nor wider shoulder to walk on**, thus leaving residents to walk more on the pavement. This situation needs special attention.
- 7) Most seniors on our street have made the transition to move to Sturgeon Falls because it offers peace and a quiet compared to other places; we have everything we need in Sturgeon Falls plus it offers beautiful sceneries, good fishing, hunting, canoeing, boating on Lake Nipissing and we especially love the friendly people of Sturgeon Falls. Why are we having so many problems with speed here? We're not Sudbury or Toronto!!
- 8) A) **Stop signs** has no effects with drivers speeding or stopping since they've discovered that there wasn't any homes on Niko street and no reason to stop.
- B) **Rolling stops**; since there's no white line to indicate where to stop, people drives through and/or stops in the middle of both signs. Some you might say are slowly driving through...
- C) **Our street** is maintained by the Town of Sturgeon Falls while Hwy 64 (also named Dovercourt Road) is provincially maintained by the province of Ontario. Eventually with excessive traffic on our road it will require maintenance by the Town. Less traffic means less wear and tear on the pavement.
- D) We've had residents who's been yelled and swore at to get out of the way.
- C) We have families with young **children**, as a parent, kids often make quick decision to run. It was sad to hear that a mother had to bring her kids to a park because of the danger of speeding right in front of her home.

We're asking the Town Council if these suggestions might help solve some of our problems

- 1) 2 big signs: "RESIDENTIAL ONLY, NO THROUGH TRAFFIC"
- 2) 40 KM signs in bigger lettering.
- 3) 3 SPEED HUMPS (PHOTO ENCLOSED)
Size: 5-6' width hump
6" middle height
23' across the road.

WE NEED YOUR SUPPORT PLEASE HELP US





<https://nacto.org/publication/spe...>

National Association of City Transportation Officials

[Speed Hump | National Association of City Transportation Officials](#)

Speed Hump | National Association of City Transportation Officials

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Dovercourt Rd. Sturgeon Falls. ON
2019/10/01

Being a contractor working on Dovercourt road at times I worry for the safety of my co-worker's and I. There is a lot of through traffic that goes over the posted speed limit and driving right passed the clearly marked stop sign. We see it is difficult for the residents to pull in and back out of driveways and the same goes for when I have dump trucks, transports or concrete trucks trying to back in.

The neighbourhood agrees that a (No through traffic / Resident's only) sign should be posted near the Highway end or put seasonal speed bumps to have drivers get into the habit of staying on the highway.

On behalf of:

Stéphane Gagnon. Owner and operator of Gagnon Contracting.

Pierre Gagnon. Owner operator of Better Built Homes.

Roger Gagnon. Owner operator of Glenrock Contracting.

The block contains two handwritten signatures in black ink. The top signature is for Stéphane Gagnon, written in a cursive style. The bottom signature is for Roger Gagnon, also in cursive, and is positioned below the text for Roger Gagnon.

Chère mairesse, conseillers et conseillères,

Je suis très concerné de notre sécurité sur notre rue Dovercourt et ceci m'inquiète beaucoup.

Premièrement certains gens conduisent à une vitesse au delà de la limite. Autres sont distraits par construction, plein de véhicules sur la rue à certains moments, la limite n'est pas toujours et souvent pas observer(stop) des conducteurs nous montrent le doigt et je pourrais en dire encore beaucoup...

J'ai eut un incident ou je me suis lancé dans le faussé car je me faisait lutter. Avec tous les véhicules stationner sur la rue à certains moments, ou marcher pour ne pas être en danger dans les faussés serait la meilleure réponse. Il y a des gens en manchette , autres avec une canne, je crains pour ces gens là et

même pour moi même avec aucun de ces problèmes. J'ai toujours peur quand je vais à la boîte à mail de me faire frapper, parfois même on se fait crier par la tête, surtout quand du viens pour entre dans ta cour car les gens sont impatient ou ils trouvent que ceci les fait trop ralentir.

Je m'inquiète pour ma sécurité et celles de mes être chers, ainsi et surtout pour mes gens de notre rue, il faut agir et faire quelque chose pour la sécurité de notre rue avant que quelque chose de grave arrière ou qu'il soit trop tard. Je tiens à cœur de la sécurité des gens, de moi même et ma famille sur notre rue Dovercourt.

Une citoyenne concernée

Claire Arcand.

A handwritten signature in black ink that reads "Claire Arcand". The script is cursive and fluid, with the first name "Claire" and the last name "Arcand" clearly distinguishable.

For whomever it may concern, OPP. sergeant.

LETTER #3

My name is Judy Belifunk I am a resident at 164 clovercourt; I have 2 young children under the age of 4. My concerns are even with the new stop sign the traffic still passes by at high speed.

As a single parent I am well aware how quickly accidents happen. I believe a lower speed limit and a few speed bumps may help reduce speed and help us feel safe to play in our front yards. As the new development arrives in this area there's going to be more traffic to control. Help reduce speed in our area! Thank you!

Judy Belifunk

July 17, 2019

OPP Detachment
John Street,
Sturgeon Falls, ON

Dear Sir:

I am not able to attend this meeting today but found that I should voice my opinion in regards to our street.

I've recently moved on here because it was very quiet but since I've settled in noticed that we have an extreme amount of traffic driving by. I must say that during day time we are constantly seeing all sorts of traffic including heavy trucks which are noisy and people turning off Hwy 64 on to my street are increasing excessive speed to get to the end of my street. Why is this street so busy, noisy and **dangerous??** Why dangerous? I've seen vehicles just barely stopping then onward on Hwy 64 or vehicles coming from Cache Bay Road doing excessive speed after either rolling or driving right through the stop sign.

Our street is narrow and don't believe on walking on the side especially when 2 vehicles meet....

I would like to have police to find a solution to this situation.

I can be reached at 705-580-2267

Best regards

A handwritten signature in cursive script, appearing to read 'Lucille Hubbell', written in black ink.

Lucille Hubbell
207 Dovercourt Rd

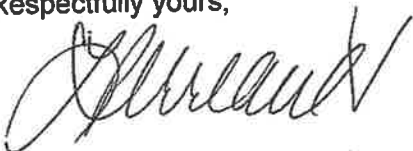
October 2, 2019

To whom it may concern,

Re: Dovercourt Road
Sturgeon Falls

Please accept this letter as a formal request to address ongoing traffic related issues on the above noted street. Since having become a resident of Dovercourt Road in May of this year, I have witnessed several vehicles travelling at excessive speeds as well as failing to stop at the posted stop sign at the corner of Dovercourt Road and Niko St. Individuals who speed up our street prevent my child from being able to play in the front yard and or use her bicycle due to the dangers attributed to same. I would be grateful if increased police presence or additional stop signs could be installed.

Respectfully yours,

A handwritten signature in black ink, appearing to read "J. Meade", written over a horizontal line.

To whom it may concern,

I am a resident of Dovercourt Rd in Sturgeon Falls and I wanted to pass along some grave concerns regarding our street. I have seen several folks speeding along Dovercourt and using it as a short cut to get into the highway. There is a complete disregard for the posted speed. There are many citizens who use this road to walk their family pets, children play along the roads and every home owner uses the mailbox at the side of the road. I am concerned that one day there will be a accident and a pedestrian could be injured. Please consider adding speed bumps to discourage the use of our road as a "fast track" to the highway.

Thank you for reading.



-Concerned property owner on Dovercourt Rd.

Resident has requested to remain anonymous

To the Council of West Nipissing,

I am writing at this time to express my concerns with the traffic on Dovercourt Road.

As a builder I am concerned with safety on the street. The street is still being developed and for the most part is still under construction. This means there are material deliveries, construction implements and people on the roadway at some time or another. Also due to the amount of work being done in the development, means there are vehicles parked on the side of the road. There is a lot of traffic on Dovercourt and in my observation, 90% of it is non resident. Most of this non-resident traffic is using the street as a shortcut between John St and Highway 64. Undoubtedly to try to advance pass slower traffic on those streets. The concern is the rate of speed at which they travel as well as the disregard for the stop sign recently erected at the corner of Nikko. In fact, many of these non-resident speeders get visibly annoyed when we have concrete trucks making deliveries or when materials are getting delivered.

The other concern is the age of the residents on the street. This becoming a retirement community and the people of this age don't need the speeding traffic or hasty drivers who really have no business being on the street.

Thank you for your consideration.

Regards,

Mike Kelly, 192 Dovercourt Rd.

MEMORANDUM

TO: West Nipissing Planning Advisory Committee

FROM: Melanie Ducharme, Municipal Clerk/Planner

DATE: October 10, 2019

RE: **Proposed Licensing By-Law for Camping Trailers**

Subsequent to recent meetings of the Planning Advisory Committee and Council and following delegations made by the Ministry of the Environment and North Bay Mattawa Conservation Authority on September 10, 2019, I am seeking direction from Council as to the following:

1. Does council agree that a by-law to control and regulate campers in West Nipissing?
2. If the answer is yes, then does council wish to regulate the following?
 - a. **Maximum Numbers:** Should there be a maximum number of camping trailers which can be set up on a lot?
 - b. **Lot Size:** Should different lot sizes and/or zoning designations have different maximum numbers allowed?
 - c. **Vacant Lots:** Should vacant lots have different standards than lots containing an existing dwelling?
 - d. **Development Standards:** What standards relating to the location of trailers on lots should be imposed such as minimum set-backs, placement of septic installations, shoreline buffering, etc.,
 - e. **Sanitary Facilities** Should a lot containing a camping trailer be required to have an approved field bed or an approved grey water pit, or a pit privy (outhouse)?;
 - f. **Legal Non-Conforming Campers:** Will existing lots containing trailers be required to comply to the new regulations?

Joie de vivre



www.westnipissingouest.ca

MEMORANDUM

TO: Mayor and Council
FROM: Jean-Pierre (Jay) Barbeau, CAO
DATE: October 4, 2019
RE: **COMMUNITY SAFETY AND WELL-BEING PLAN
LIST OF COMMUNITY PARTNERS**

As discussed at the October 1st meeting, Council wished to identify potential community partners who could assist and actively participate in the development of the Community Safety and Well-Being Plan for the Municipality.

The following list of organizations would be contributing partners in the development of said plan:

- Municipality of West Nipissing
- Ontario Provincial Police (OPP)
- West Nipissing General Hospital
- Au Chateau Home for the Aged
- Centre Alliance
- West Nipissing Community Health Centre
- District of Nipissing Social Services Administration Board (DNSSAB)
- North Bay Parry Sound District Health Unit (NBPSDHU)
- All four (4) School Boards

Council has the opportunity to amend this list as they wish.

Thank you,

From the desk of:
Jay Barbeau, CAO

Joie de vivre



West Nipissing Ouest

Joie de vivre

www.westnipissingouest.ca

MEMORANDUM

TO: Mayor and Council

FROM: Melanie Ducharme, Municipal Clerk/Planner and
Shawn Remillard, Manager of Public Works

DATE: October 3, 2019

RE: Drainage Matters – Betty Road

BACKGROUND:

In 2017 Council received concerns from landowners in the Betty Road area concerning flooding problems arising out of the improper functioning of the municipal drains. Following investigation, staff reported to Council (see memorandum attached) regarding the functionality of the municipal drains in the area and, further, provided a letter from the Province's Drainage Analyst (see attached).

As a result of these discussions and ongoing discussions with the affected landowners, in May, 2018, the affected landowners executed Requests under Section 78 of the Drainage Act, for improvements to the Gingras Drain and the R. Gareau Drain. By Resolution No. 2018/41, Council acted on the Requests and directed the firm of KSmart & Associates to proceed with preparation of a Report under Section 78 of the Drainage Act for improvements to the R. Gareau and Gingras Municipal Drains.

On October 2, 2018 the first public meeting was held with the area residents to discuss the project and potential options. A landowner suggested that the engineer consider redirecting water easterly along Betty Road to an existing ditch located between 905 and 909 Betty Road. The ditch is not currently a municipal drain. This option was briefly discussed to at the meeting; however, after reviewing the work necessary to redirect flow eastward to the ditch, the Engineer determined the most cost-effective solution would be to improve the Gingras Drain along its historic route. The Engineer's findings in this regard will be shared in more detail with the affected landowners at a public meeting in the near future.

905/909 BETTY ROAD

Following the October 2018 meeting the owner of 905 Betty Road reached out to the municipality and to the Engineer to discuss concerns with respect to the watercourse between 909 and 905 Betty Road which she indicated was creating erosion damage to hers and her neighbours' properties. The Engineer assured them that putting additional water in this ditch was not being considered at this time. In Spring 2019, the landowners, of their own volition, obtained a report on the status of the erosion on their properties. By letter dated June 6, 2019, the report was delivered to the municipality and the owners requested that the municipality repair the alleged damage to their property, at its cost.

Joie de vivre



www.westnipissingouest.ca

On August 19, 2019, there was a site meeting with the owners of 905 and 909 Betty Road to discuss their concerns and to view their properties. At the meeting, the Drainage Engineer provided a sketch of the contributing watershed of approximately 20 hectares and explained to the owners that the water which is entering the ditch between their properties is not solely road water, but is also coming from other residential and farm properties.. He explained that there is a small section of Betty Road (approximately 1 hectare) which is not assessed into any existing municipal and which is draining to the ditch between the landowners' properties. He also explained that the fact that the highway immediately abutting places additional constraints as MTO will not permit municipalities to re-direct water into their ditches.

Since all of the properties on Betty Road west of this small area are already assessed and paying for drainage through one of the several municipal drains along Betty Road, the Engineer presented 3 options to the landowners:

1. Enter into a Mutual Agreement Drain with the parties in the 20 hectare watershed;
2. Execute a Petition for a Municipal Drain; or
3. The Road Authority could petition for a Municipal Drain

Each option was explained and discussed in detail with the landowners. A follow up memorandum was sent to the landowners by mail following the meeting.

On September 9, 2019, a response was received from the landowners, which is attached hereto. The landowners have rejected the options presented and are again requesting that the municipality repair their properties and remediate the ditch, at its cost.

RECOMMENDATION:

Since the owner's letter made many references to case law and legal precedent, I forwarded it to our lawyer and to the Drainage Engineer for review and comment. The Drainage Engineer's comments are attached. The municipality's solicitor, Ed Veldboom, has also reviewed the letter and provided comments. Notwithstanding the owners' position, both have indicated that a municipal drain petition would be the most fair and equitable process to ensure that the cost of the requested repairs, and future maintenance be borne by the parties benefitting from the drainage. Therefore, I am recommending that Council direct the Manager of Public Works to execute a Petition for Drainage under Section 4(1)(c) of the Drainage Act. Further, since a report is already being prepared for the improvements to the Gingras and R. Gareau Drains, the Engineer may, if Council directs, combine the reports to reduce costs and administration.



K. SMART ASSOCIATES LIMITED
CONSULTING ENGINEERS & PLANNERS

85 McIntyre Drive
Kitchener, ON N2R 1H6
Tel: (519) 748-1199
Fax: (519) 748-6100

884 Clinton Ave, Unit 2
Sudbury, ON P3B 2T2
Tel: (705) 222-6175
Fax: (705) 674-2332

October 4, 2019

Ref. Num.: 16-333

Melanie Ducharme, Municipal Clerk/Planner
Municipality of West Nipissing
101-225 Holditch St.
Sturgeon Falls, ON P2B 1T1

Regarding: Existing ditch at 909 Betty Road, Verner

As requested, I have reviewed the September 9, 2019 letter from the Bazinets regarding the ditch on their property at 909 Betty Road in Verner.

As I indicated at the August 19, 2019 meeting, the ditch in question is not currently a municipal drain, but it does provide outlet for a 14 hectare catchment, of which the Betty Road allowance amounts to approximately 1 hectare. This catchment is shown on the enclosed watershed plan, along with municipal drains in the vicinity that serve lands and the road allowance west of 909 Betty Road. The 14 hectare catchment reaches the subject ditch via a 900mm (36-inch) culvert under Betty Road.

Based on my on-site observations in August 2019, I understand why the landowners have expressed concern about the stability of the ditch banks.

However, I do not believe the 2-part proposal provided in the numbered paragraphs on page 4 is consistent with the requirements of the Drainage Act. In essence, the proposal appears to be asking the Municipality to guarantee a pre-defined outcome will result from an open, public Drainage Act process.

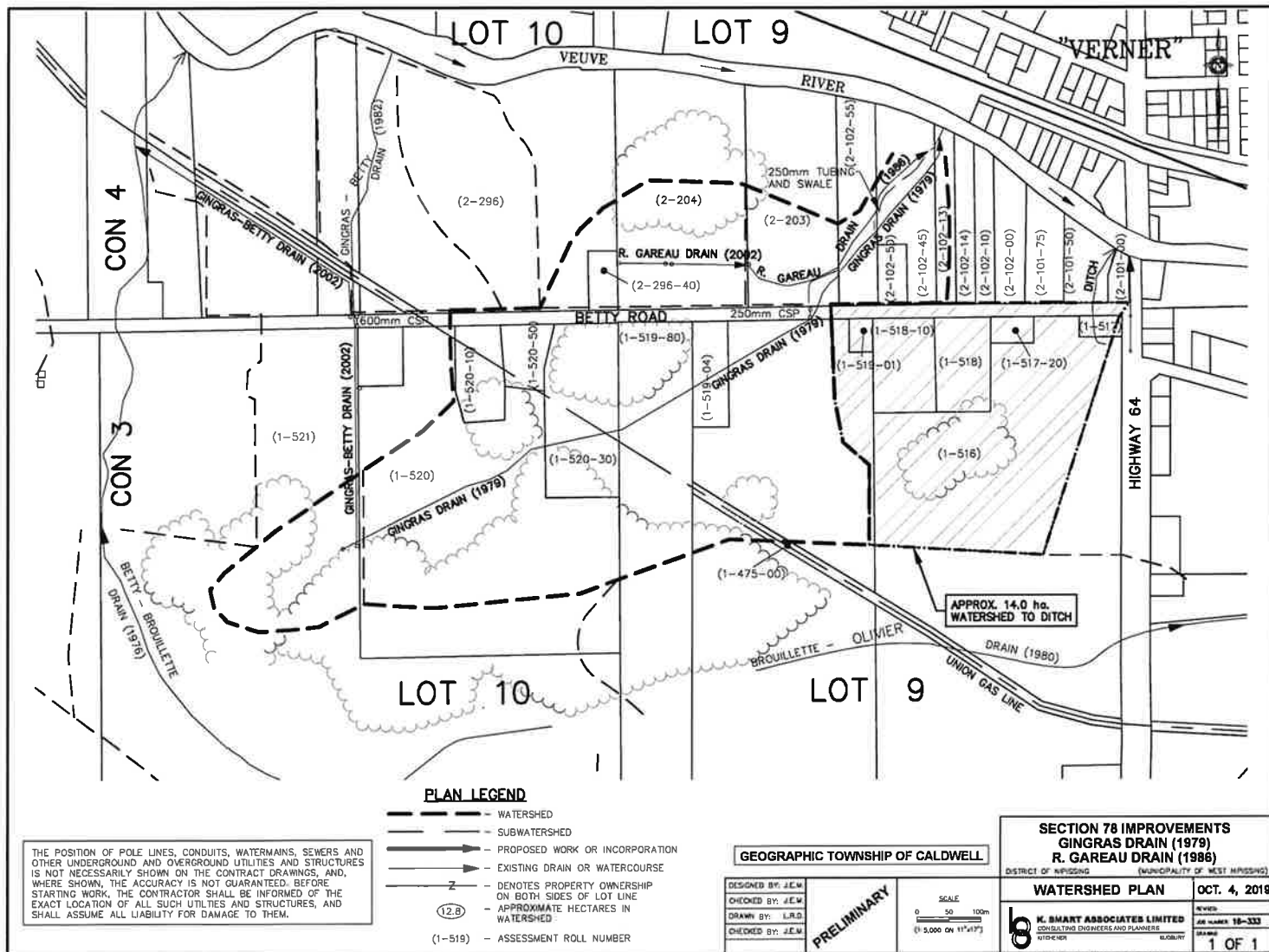
Since the Drainage Act provides landowners a venue to offer design input and appeal the distribution of costs, it is not clear to me why a separate agreement between the landowners and the municipality is necessary.

If you have any questions please feel free to call.

Joel Miller, P. Eng.
K. Smart Associates Limited
519.748.1199, x228

Cc: John Linley, Drainage Superintendent

Enclosure(s): Watershed Plan dated October 4, 2019



Registered Mail

September 9, 2019

Denis and Linda Bazinet
909 Betty Road
Verner, Ontario
POH 2M0
705-594-2789

Municipal Clerk / Planner, Melanie Ducharme
The Corporation of the Municipality of West Nipissing
101-225 Holditch Street
Sturgeon Falls, Ontario
P2B 1T1

Dear Melanie:

Re: 909 Betty Road, Verner, Ontario - Property Damage

We thank you for meeting with us on August 19.

We have considered the three options proposed and explained by Joel Miller of K. Smart & Associates Limited on behalf of the Municipality.

Unfortunately, we do not consider these options reasonable in the circumstances.

Option 1 – a mutual agreement drain under the Drainage Act would have us pay to repair, reconstruct and maintain our ditch and then deal contractually with other property owners to recover the costs.

Options 2 and 3 – a petition drain under the Drainage Act, according to your proposal, would have us and the land owners south of Betty Road, pay to repair damage caused by the Municipality.

In explanation, the ditch is on private land. The damage is already done. Bringing the ditch under the Drainage Act does not change this fact. The problem with the properties in the neighboring watershed up the road is not the same. Those properties have had municipal drains crossing them for decades.

Your reasoning that it would be unfair for the Municipality to pay the full cost of repairs and reconstruction, that all property owners draining into our private ditch, including ourselves, should pay these costs, is flawed. It is the Municipality, not the upstream land owners nor ourselves, who collected surface water from other lands and redirected it under Betty Road into our ditch. It is also the Municipality who issued building permits allowing increased development along Betty Road without proper infrastructure in place to support the runoff from new development. It is the Municipality who recently deepened the ditches and increased the size of culverts along the south side of the road, increasing the amount and flow

of surface water collected from other lands and then discharged that water into our private ditch, causing the ditch to collapse on both sides. The Municipality does not have an easement, nor a municipal drain, permitting it to discharge surface water onto our land, and our ditch is not a 'natural watercourse'. It is a ditch which is fast-becoming a gully. The Municipality is trespassing.

It is only because the Municipality collected surface water from upstream lands and directed that water under the road and onto our private land, without authority, that the ditch is now eroding and threatening structures on both our land and our neighbour's land. Any surface water flowing from our own property into the ditch would not cause this type of erosion. If it were otherwise, then all of the ditches the length of Betty Road would be suffering the same level of erosion.

The Municipality admits that it always knew there was potential for our ditch to fail and yet at no time in the 27 years that we have owned our property, did the Municipality inspect or repair our ditch, or obtain a professional opinion to ensure the ditch could handle the flow of water being discharged from other lands into it. Nor was this done when the Municipality issued new building permits along the road. Nor was this done when the Municipality deepened the ditches and installed larger culverts to increase the volume and flow of collected surface water discharged onto our property.

Your proposal would have us paying to repair our own land, when the erosion and damage would not have occurred if not for the Municipality's trespass. Your proposal would also have the upstream land owners paying for this damage which, in our view, is entirely unfair, since the upstream land owners are not responsible for collecting and discharging water under Betty Road into our ditch.

Repairs and reconstruction aside, you indicated at the meeting that if we agreed to bring our ditch under the Drainage Act, after the initial repairs and reconstruction are completed, there would be minimal cost to us to maintain the ditch. But we would have no assurances that the Municipality will not continue to issue building permits along the road, thereby further increasing the flow of surface water, and ultimately requiring more upgrades to our ditch, again at our expense. In passing, we know of two land owners in our immediate watershed who are planning to apply for permits to further develop their properties.

We also note the problem in the neighboring watershed up the road, which appears may have been caused by a lack of maintenance and repair of those municipal drains. This hardly gives us confidence that the Municipality will properly maintain and repair our ditch if we agree to support a petition under the Drainage Act. If in fact the problem up the road is the result of improper maintenance and repair, we wonder if those land owners are aware that under section 79 of the Drainage Act, the Municipality can be held liable for the cost of repairing damage to property when a Municipality fails in its duty to maintain and repair a municipal drain.

No. The three options proposed are not acceptable. If we are going to end up with any expense as a result of this, then we are better off spending that money to bring a legal action against the Municipality, appeal any petition the Municipality may attempt under the Drainage Act, and demand that the Municipality install a proper storm drain system to support the Betty Road subdivision, because that is essentially what it has become. Given the problems in the neighbouring watershed, which have existed for 40 years or more, a storm drain system should have been installed years ago and certainly before new homes were built along the road. We are also quite certain the upstream land owners will readily oppose the Municipality's petition if they are told the Municipality intends to make them pay the bulk of the cost of repairing damage caused by the Municipality.

We are informed.

The Municipality is accumulating surface water from other lands and directing these waters onto our private property, resulting in damage. Although we have sufficient evidence of negligence on the part of the Municipality, we do not have to prove this. The mere action of collecting surface water from other lands and directing it onto private property, causing damage, establishes a case in nuisance which the Municipality will be responsible to repair. In this regard, we refer you to the decisions in *McMulkin v. Oxford (County)*, 1910 CarswellOnt 191, 16 O.W.R. 3; *Hartford v. Oshawa (City)*, (1961) O.W.N. 363; and *Skanes v. Wabana (Town)*, 1958 CarswellNfld 10, 12 D.L.R. (2d) 846, 40 M.P.R. 274.

Our private ditch is also not a 'natural watercourse' enabling upstream land owners and the Municipality to drain into it. It is in fact a ditch on private land. In this regard, we refer you to *Lee v. Arthur (Rural Municipality)*, 1965 CarswellMan 34, 52 W.W.R. 166, 52 D.L.R. (2d) 263 which, quoting from *Edwards v. Scott* (R.M., [1934] 1 W.W.R. 33, affirmed [1934] S.C.R. 332, Martin, J.A. defines a watercourse as "...a stream, usually flowing in a definite channel, having a bed and sides or banks and discharging itself into some other stream or body of water. It must be something more than surface water, spread over a tract of land, caused by unusual freshets or other extraordinary causes. A depression or natural draining which merely carries water in a rainy season is not a watercourse, nor is a ravine, which at certain seasons facilitates the drainage of the country, a watercourse. A watercourse must have the characteristics of a flowing stream, it must have source, outlet and channels; the water need not, however, flow continually: *Farnham on Waters and Water Rights*, vol. II, pp. 1554-1562..."

There was also no mention in your proposal of monetary compensation required under sections 29 through 32 of the Drainage Act, as applicable. On the contrary, we were told we would have to contribute rateably, not only to the ongoing maintenance and repair of the proposed municipal drain, but also to the cost of the initial repairs and reconstruction of our ditch. Section 74 of the Drainage Act also clearly states that a municipal drain shall be maintained and repaired by the municipality "...at the expense of all the upstream lands and roads..." We take the position that we are not 'upstream' land owners and would therefore not be required to contribute to the cost of maintaining and repairing our own ditch.

You indicated in the meeting on August 19 that the Municipality has no authority to pay for the repairs or reconstruction on our property so long as it is not a municipal drain. We take the position that this is not so. In this regard, we refer you to those sections of the Municipal Act which gives the Municipality the powers of a natural person, enabling it to enter into agreements and to settle property damage claims. The Municipality may also have in place insurance to cover this type of flood damage claim. Ultimately, a court can order the Municipality to repair the damage it caused, but this would be a very public affair that would likely raise the interest of other West Nipissing residents who find themselves in a similar position.

With all of this in mind, to assist the Municipality in keeping its costs down, to resolve the drainage issues for the upstream land owners in the immediate watershed, and to settle this matter without public action, we would be prepared to agree to the following:

1. The Municipality cover the entire cost of repairing and reconstructing the ditch to adequately support the surface water it directs into our ditch, including but not limited to all engineering and expert reports (including the June 1, 2019 report of S. A. Kirchhefer Limited) and all ministry applications and permitting that may be required to complete the work;
2. After the repairs and reconstruction are complete to our satisfaction, we would agree not to oppose the Municipality's petition under the Drainage Act (provided the surface water directed into our ditch comes from the immediate watershed only and not from the neighboring watershed), with all future costs of engineering, permitting, maintenance, repairs, etc. being contributed to rateably by the Municipality and the upstream land owners south of Betty Road, on condition that we, the owners of the ditch, will not be included as contributors to the ongoing costs of repair and maintenance of the drain, and that the Municipality enter into an agreement with us to this effect, to be registered on title to our property for the benefit of us and future owners of our land.

Given the current drainage planning taking place in the neighboring watershed and the Municipality's suggestion that it could reduce the costs associated with the work required on our property by merging the planning for our property with the planning up the road, we expect we will hear from the Municipality by this fall and no later than October 31 with respect to our counterproposal.

We remind that at this time, the Municipality continues to trespass on our land and to cause increasing erosion damage which will have to be repaired. Accordingly, any plans for further development or changes to upstream properties, including the Municipal road allowance, should be postponed until this matter is resolved. To do otherwise, would be negligent since any work that increases the volume and flow of water onto our land also increases the speed and extent of erosion in our ditch.

We trust you understand our position and we look forward to hearing from you with a view to resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Linda Bazinet".

Linda Bazinet

A handwritten signature in cursive script that reads "Denis Bazinet".

Denis Bazinet

Registered Mail

June 6, 2019

Municipality of West Nipissing
101 – 225 Holditch Street
Sturgeon Falls ON
P2B 1T1

Diane M. Rioux, B.A., LL.B., CJC.C
905 Betty Road
Verner ON
POH 2M0
(Home) 705-504-1333
(Office) 705-897-4971 ext 113

Attn: Public Works and Planning Departments

Dear Sir/Madam:

Re: 909 and 905 Betty Road, Verner, Ontario

I write on behalf of the owners of 909 and 905 Betty Road in Verner. Denis and Linda Bazinet own the property at 909 Betty Road. Alain Betty and I own the property at 905 Betty Road.

We enclose engineering report prepared by Dr. S. A. Kirchhefer, dated June 1, 2019. The content of that report is self-explanatory. We also enclose several aerial photos taken of the subject lands.

The ditch at 909 Betty Road is collapsing on both sides, and apparently has been for several years with increasing frequency and severity since the municipal ditches along Betty Road were re-dug and the culvert crossing the road was replaced, along with several driveway culverts on the south side of the road. There are now 3' diameter culverts running under those driveways and under Betty Road. We further note that winter digging to clear snow and ice from the ditch to draw water away from properties on the south side of the road and into the ditch at 909 Betty Road has occurred on at least two occasions, once in 2017 and again in 2019. We are now also aware that runoff from the watershed to the west is improperly draining east and into the ditch at 909 Betty Road. Due to the wet weather this spring, the instability of the banks is now threatening the Bazinets' home and the garage at 905 Betty Road, plainly visible from the photographs enclosed.

Until the above drainage work was done, the ditch at 909 Betty Road was stable and had been for many years since the Bazinets' purchase of the property in May of 1992. The most recent and most significant collapse was discovered by Alain Betty on May 20, 2019.

In addition to property damage, a review of title, of the *Drainage Act*, of the *Environmental Protection Act*, and of the situation in general, suggests trespass and several statutory violations have occurred.

Until our meeting in late May, the Bazinets were entirely unaware of what was happening to their property and why.

We recognize that it is not in the interests of the Municipality, the neighbours, or the rate payers of West Nipissing to take on the expense of legal action or of Ministry involvement in respect of this matter, particularly if this can be avoided. The Bazinets simply want their property repaired and protected from future erosion. Alain Betty and I do not want our garage to end up in the neighbour's ditch.

Accordingly, please provide formal plans, prepared by a qualified engineer, detailing how the Municipality intends to repair the property and landscape damage, stabilize the ditch, slow the flow of water, and correct the drainage issues along Betty Road to prevent further erosion of the Bazinets' land. It is understood that the costs of this work and of future drainage maintenance are not to be levied against the subject property owners or their lands, nor should property titles be impacted in any way. We also require reimbursement for the cost of the enclosed engineering report which has been paid by me on behalf of the land owners.

If the Municipality is agreeable with the above, Alain and I are prepared to grant reasonable access to the Municipality and/or its contractors, via our driveway, to make the necessary repairs to the Bazinets' property.

We trust the Municipality will take steps quickly to rectify this unfortunate situation and we look forward to receiving your plans in this regard. The Bazinets wish to review these plans prior to any work being done on their property. And I look forward to receiving your cheque in full reimbursement for the engineering fees expended in relation to this matter.

With a view to resolving this matter, I remain,

Yours truly,



Diane M. Rioux
Encls.

cc: Denis and Linda Bazinet, 909 Betty Road, Verner ON P0H 2M0
Alain Betty, 905 Betty Road, Verner ON P0H 2M0

Environmental Management Branch

COPY

September 11, 2017

Ms. Melanie Ducharme
Municipality of West Nipissing

Dear Ms. Ducharme:

Thank you for sending me the aerial view of the municipal drains on Betty Road.

From your email and from our conversation, I believe these are the facts:

- At various times in the past, five separate drainage systems were developed in the Betty Road area under the Drainage Act. At the time these drains were constructed, the land use in the area was almost exclusively agricultural
- Land severances and associated land development was allowed to occur in the area.
- Modifications (e.g. installation of crossings) were made to the drains by private property owners without municipal authorization.
- The watershed boundaries of at least one of the drains was modified.
- The owners of some of the properties in the area are experiencing flooding and are complaining to the municipality
- In order to alleviate flooding problems, the municipality is considering diverting part of the watershed of one drain along the road and then into a private ditch that flow across another residential property.

I have summarized your questions as follows:

- Is it advisable to divert part of the municipal drain into a private ditch to alleviate the flooding problems?
- What options are available to manage this situation?

General Comments:

Municipal drains are created through a public process defined in the Drainage Act. It results in an engineer's report that, after appeals, is fixed through the passage of a municipal by-law. Although they are predominantly located on private land, the process in the Drainage Act provides the municipality with a form of easement to perform its work.

They are municipal infrastructure.



The responsibility to ensure that this municipal infrastructure is properly managed is assigned and entrusted to the municipality. In addition to keeping the drainage systems maintained and repaired, the municipality must ensure that property owners do not block or obstruct these drains to the detriment of others. They have a responsibility to ensure that the drainage systems function as designed by:

- not allowing land use changes that will direct a greater quantity of water into the drain
- not allowing land from outside the watershed of the drain to connect to the drain.

It is very apparent that your municipality has neglected its responsibilities to the Drainage Act and have allowed their own by-laws to be disregarded. The taxpayers of Ontario, through OMAFRA, have provided significant investments in the establishment of these drainage systems (2/3 grants towards assessments on agricultural land) and towards the management of these systems (50% grant towards the cost of employing a drainage superintendent). It is concerning to me that even with these financial incentives, this infrastructure has been poorly managed.

1) Is it advisable to divert part of the municipal drain into a private ditch to alleviate the flooding problems?

No, it is not advisable. Your municipality would be taking a problem that can be resolved through legislation (the Drainage Act) and transferring it to the common law. The courts have been very clear of the following principles regarding surface water:

- Surface water has no right of drainage, but as long as it has not been collected, it is not a liability. However, a lower property owner can block the flow of surface water.
- If surface water has been collected (e.g. roadside ditches) and discharged onto a lower property, it can then become a liability. A lower property owner could sue for damages.
- However, if surface water has been collected and discharged onto a lower property for over 20 years and during that period, the flow conditions never changed, the upper property owner may be able to claim a “prescriptive right” of drainage if sued.
- A property can lose their prescriptive right of drainage if they change flow conditions. In that situation, they could be found liable for the damages resulting from the added flow.

I expect that your municipal road can claim a prescriptive right of drainage for the surface water that is currently being collected and directed into the private ditch on the private residential property. However, if water is diverted from the municipal drain, through the road ditch and then into the private ditch, your municipality would likely lose its prescriptive right of drainage and would be putting itself into a position of liability.

What options are available to manage this situation?

In my opinion, there are 2 options available to your municipality to manage this situation:

1) Enforcement:

- Use Section 80 of the Drainage Act to order property owners and/or road authorities to remove all obstructions from the drains.
- Use Section 82 of the Drainage Act to pursue property owners and/or road authorities that may have damaged the municipal drain.

- Use Section 65(5) and 65(3) of the Drainage Act to order property owners whose drainage water doesn't belong in the drain to disconnect their unauthorized connections. Since the development that has created many of these problems was allowed (or permitted) by your municipality, this may be difficult to enforce.
- 2) Use the Drainage Act to make improvements to these drains.
- Appoint an engineer under Section 78 of the Drainage Act to prepare a report that recommends improvements to the drainage systems.
 - Adopt the report by by-law and implement it; levy costs to the property owners.

Concluding Remarks:

Over the years, OMAFRA has paid a significant amount of money to your municipality to construct drains and also to assist in their ongoing management. What confidence can you provide us that this money is well-spent? What assurance can you give us that your network of municipal drains will be managed more appropriately in the future?

Yours truly,

Sid Vander Veen
Drainage Coordinator

MEMORANDUM

TO: Mayor and Council

FROM: Melanie Ducharme, Municipal Clerk/Planner and
Shawn Remillard, Manager of Public Works

DATE: August 23, 2017

RE: Drainage Matters – Betty Road

COPY

BACKGROUND

There are 6 Municipal Drains located within the first 1.75 kilometers of Betty Road, all of which have outlets in the Veuve River. The Drains are shown on Appendices "A" and "B" to this Memorandum.

- R. Gareau Drain 1986
- Gingras Drain 1979
- Gingras Betty Drain 1982
- Gingras Betty Drain 2002
- Shackleton Drain 1978
- Shackleton Drain 2004

At the time the drains were constructed, there was little residential development at the east end of the road and the Drains were originally designed for the outlet of the water from lands which were primarily agricultural.

As development took place, most particularly at the east end of Betty Road, the drainage patterns of the lands changed, driveways were constructed, culverts installed, residential lots graded and the drainage patterns of the lands changed to the extent that the drains originally which were designed for agriculture are now required to handle significantly greater volumes of water than they were originally designed for.

In addition, road ditching has altered the watershed(s) and significantly more water is being directed easterly than in the past. As a result, the Drains at the easterly end, most particularly the Gingras Drain 1979 is taking more water than was it was originally designed for.

The Drainage Superintendent and the Engineer have visited the property on several occasions over the past couple of years and have determined that the matter should be addressed.

Joie de vivre



West Nipissing Ouest

Joie de vivre

www.westnipissingouest.ca

RECENT EVENTS

With recent rain events, the Municipality has been requested to look at the situation, most particularly as it relates to the functioning of the Gingras Drain 1979, which commences at the rear of the property located at 1070 Betty Road and outlets at the rear of the property located at 941 Betty Road. The Drains consists of a closed tile with a swale on top.

The water crosses the road in front of properties known as 959 and 971 Betty Road by way of two pipes, one being a sub-drain with two catch basins as well as an overflow culvert. During significant rainfall events, the overflow swale outlined in red in Figure 1 below is intended to take the excess water overland to the River.

Figure 1



A driveway was constructed on the property known as 959 Betty Road to access a garage at the rear of the property shown outlined in blue above. The driveway creates a berm in the overflow swale path. This berm holds back water during rainfall events and, more recently as rains have been heavy, flows over the driveway causing damage by washing it out.

The photo below in Figure 2 shows the overflow swale at the cross culvert directly in front of 971 Betty Road.

Figure 2



ISSUES:

1. The watershed(s) for all 6 Municipal Drains have been altered to some extent – some more dramatically than others. Volumes of water intended to outlet in the various Municipal Drain have changed and certain drains are being overtaxed.
2. The Gingras-Betty Drain(s) are not functioning as they should due to potential blockage and/or undersizing and the excess water which the drain cannot take is flowing easterly and entering the watershed for the Gingras Drain.

3. The Gingras Drain 1979 overflow swale has been blocked by a berm, backing up the flows and creating property damage as the water attempts to reach the river by the originally intended path.

OPTIONS and RECOMMENDATIONS:

A site meeting was held on August 23, 2017 and staff were requested to provide a report. Following the site visit, the Manager of Public Works attended to take some elevation shots in order to determine the best course of action.

Having examined the area, the suggested first course of action would be to replace the Gingras Betty drain with an adequately sized pipe to avoid surcharging the existing 150mm pipes avoiding the Gingras Betty Drain's watershed from overflowing into the Gingras Drain watershed. This may involve the preparation of a new Engineer's Report pursuant to Section 78 of the Drainage Act for an Improvement to the existing drain. This repair will alleviate the burden on the Gingras Drain.

In conjunction with the repair, a culvert could be installed below the driveway of the owner at 959 Betty Road which may facilitate the flow of water in the swale during significant rainfall events and prevent the washout of the driveway. In addition, erosion control measures could be taken by the owner (paving the driveway) to mitigate damages during extreme weather events.

If the above measures do not address the problem, then other, more costly options such as a new Engineer's Report in order to create additional outlet(s) to the Gingras Drain (send the water easterly), may have to be considered.

Thank you,

MEMORANDUM

TO: Mayor and Council
FROM: Melanie Ducharme, Municipal Clerk/Planner
Shawn Remillard, Manager of Public Works
DATE: October 8, 2019
RE: Nature's Trail Bridge

As council is aware, following cessation of negotiations with the landowners for the acquisition of lands for the reconstruction of the Nature's Trail Bridge, The CAO and Manager of Public works, along with the Mayor, met with affected residents at the Wolsely Bay Lodge on May 30, 2019 to discuss the bridge repair project and the concerns by the residents with respect to the project.

The main concerns of the residents were:

1. **Relocating the Bridge** – residents stated that the relocation of the bridge would hinder access to the public boat launch area; and
2. **Timing of the Project** – residents stated that doing the work in the summer months would negatively affect tourist based businesses and quality of life for seasonal residents

Staff were requested to go back to the Engineering firm to obtain advice on these two matters.

The Engineers have now provided an estimate of \$56,750.00 for the additional engineering work to re-construct the bridge in its present location. This estimate is for engineering and project supervision only. The funds originally budgeted in 2016 for this project were \$400,000 based on an estimate of \$345,000. The construction estimate received in March 2018 was approximately \$435,000 and has now been increased to \$600,000 plus HST.

Finally, when the project was first undertaken in 2016, the existing bridge deck was indicated to have a life span 10 years. By the time the project moves to actual construction, the deck's life-span will have reduced by four (4) years. If the bridge is re-constructed with new decking, which is staff's recommendation, the construction estimated costs are approximately \$900,000 plus HST.

The engineers are optimistic about being able to obtain permission to do the work outside of the summer months, however no firm commitment from the MNRF has been obtained.

Direction from Council is being sought with respect to moving forward with this project.

Joie de vivre



West Nipissing Ouest

Joie de vivre

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THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

BY-LAW 2019/86

**A BY-LAW IMPOSING SPECIAL ANNUAL
DRAINAGE RATES IN RESPECT OF WHICH MONEY IS BORROWED
UNDER THE *TILE DRAINAGE ACT***

WHEREAS Normand and Jacinthe Dalcourt, being owners of land in the municipality has applied to the Council for the Municipality of West Nipissing under the *Tile Drainage Act* for loan for the purpose of constructing subsurface drainage works on such land;

AND WHEREAS Council has, upon the application lent the owners the total sum of **\$50,000.00** to be repaid with interest by means of the rates hereinafter imposed;

NOW THEREFORE THE COUNCIL FOR THE MUNICIPALITY OF WEST NIPISSING, PURSUANT TO THE *TILE DRAINAGE ACT*, ENACTS AS FOLLOWS:

1. That annual rates as set out in the Schedule "A" attached hereto are hereby imposed upon such lands described as Lots 9 and 10, Concession 1, Twp. Kirkpatrick (Roll No. 48-52-110-001-03000, 03100, 03200, 03300) for a period of ten years, such rates shall have a priority lien status and shall be levied and collected in the same manner as taxes.

ENACTED AND PASSED THIS 8th DAY OF OCTOBER, 2019 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.

JOANNE SAVAGE
MAYOR

MELANIE DUCHARME
CLERK



THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

SCHEDULE "A" FOR BY-LAW 2019/86

The Corporation of the Municipality of West Nipissing
Schedule 'A' to By-law Number 2019-86

Property Owner Information*			Description of Land Parcel to Which the Repayment Charge Will be Levied				Proposed date of loan (yyyy-mm-dd)	Sum to be loaned \$	Annual rate to be imposed \$
Dalcourt, Normand	Dalcourt, Jacinthe	0	Lot: 9 and 10	Con: 1			2019-Nov-01	\$ 50,000.00	\$ 6,793.40
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MEMORANDUM

TO: West Nipissing Planning Advisory Committee

FROM: Melanie Ducharme, Municipal Clerk/Planner

DATE: October 4, 2019

RE: ROAD ASSUMPTION – NIPISSING/SALTER STREETS

In 2019, the properties at the corner of Nipissing and Salter (Moniques Chip Stand and the Bait store) were severed by Consent granted by the West Nipissing Committee of Adjustment. Since that time, the store has been demolished and the vacant lands purchased by the abutting owners who wish to construct an addition to the chipstand.

Since the properties are two separate entities and there is no provision under the *Planning Act* to merge properties back together which have been legally severed, the owners have requested the municipality assume a tiny strip of property (2") which will have the effect of changing their legal description and "breaking" the consent and allow them to merge the properties back together.

Joie de vivre



www.westnipissingouest.ca



THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

BY-LAW 2019/87

**BEING A BY-LAW TO ACCEPT, ASSUME AND DEDICATE LANDS
FOR PUBLIC HIGHWAY PURPOSES – NIPISSING AND SALTER STREETS, STURGEON FALLS**

WHEREAS Section 31 (2) of the *Municipal Act 2001, S.O. 2001, c.25*, as amended, requires a municipality by by-law to establish a highway for public use.

AND WHEREAS Section 44 does not apply to the highways until the municipality has passed the by-law;

AND WHEREAS it is deemed prudent to accept and assume the lands described herewith and to dedicate the same for highway purposes;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING ENACTS AS FOLLOWS:

1. That part of the lands described in Transfers of Land to the Corporation of the Municipality of West Nipissing as listed below, be accepted and the said lands be assumed and dedicated as part(s) of the public highway(s).

Part of Lots 1 and 2, Plan 43
Part 7, Plan 36R-13242
Parts 1 and 2, Plan 36R-14374
Geographic Town of Sturgeon Falls
Municipality of West Nipissing
District of Nipissing

Being parts of the travelled roads known as chemin Nipissing and Salter Streets, Sturgeon Falls, Ontario.

ENACTED AND PASSED THIS 8th DAY OF OCTOBER, 2019 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.

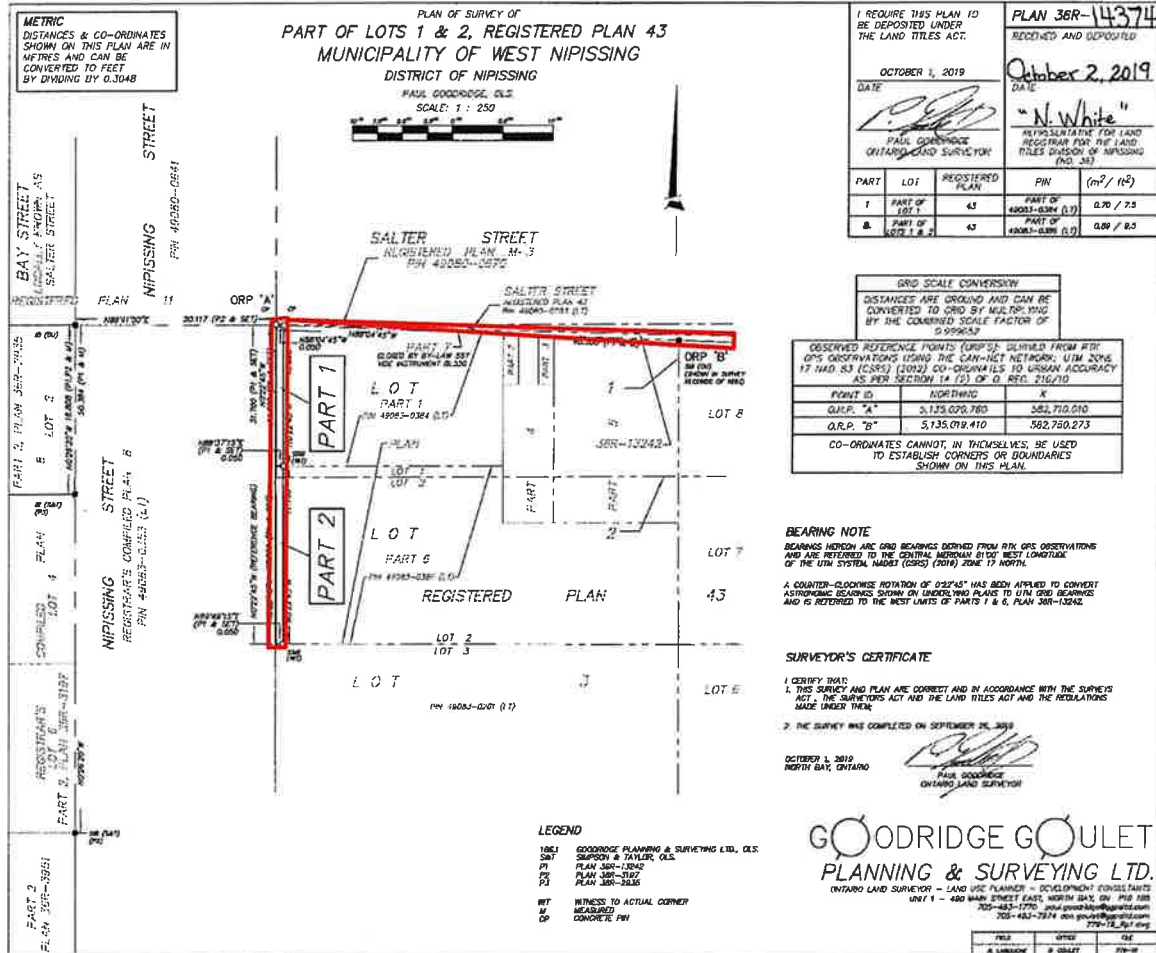
JOANNE SAVAGE
MAYOR

MELANIE DUCHARME
CLERK



THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

SCHEDULE FOR BY-LAW 2019/87





**The Corporation of the Municipality of West Nipissing
La Corporation de la Municipalité de Nipissing Ovest**

Resolution No.

2019 /

OCTOBER 8, 2019

Moved by / *Proposé par* :

Seconded by / *Appuyé par* :

WHEREAS the office of the Ombudsman for the Province of Ontario undertook an investigation regarding complaints made that the Municipality held an improper closed meeting on March 19, 2019;

AND WHEREAS on October 3, 2019, the Ontario Ombudsman completed its investigation and issued a report and recommendations;

AND WHEREAS pursuant to Section 239(2) of the *Ombudsman Act*, Council for the Municipality of West Nipissing is required to pass a resolution stating how it intends to address the report;

BE IT THEREFORE RESOLVED THAT :

1. All members of council for the Municipality of West Nipissing will be vigilant in adhering to their individual and collective obligation to ensure that council complies with its responsibilities under the *Municipal Act*, 2001 and its own Procedure By-Law.
2. The Municipality of West Nipissing will ensure that resolutions to proceed in camera will provide a general description of the issue to be discussed in a way that maximizes the information available to the public while not undermining the reason for excluding the public.
3. Council for the Municipality of West Nipissing will cite the closed meeting exceptions in the Act that apply to the matters considered during the in camera discussion.
4. All members of council for the Municipality of West Nipissing will ensure that their conduct is consistent with the expectations set out in Procedure By-Law No. 2018/26, as amended from time to time.

	YEAS	NAYS
DUHAIME, Yvon		
FISHER, Christopher		
LARABIE, Roland		
MALETTE, Léo		
ROVEDA, Dan		
SÉGUIN, Jeremy		
SÉNÉCAL, Denis		
SÉNÉCAL, Lise		
SAVAGE, Joanne (MAYOR)		

CARRIED: _____

DEFEATED: _____

DEFERRED OR TABLED: _____