

The Corporation of the Town of Northeastern Manitoulin and the Islands
Minutes of a Regular Council meeting held Tuesday, February 6, 2024

PRESENT: Mayor Al MacNevin, Councillors: Patti Aelick, Al Boyd, Laurie Cook, Mike Erskine, William Koehler, Dawn Orr, George Williamson, and Bruce Wood.

STAFF PRESENT: David Williamson, CAO
Pam Myers, Clerk

Mayor MacNevin called the meeting to order at 7:00 p.m.

Disclosure of pecuniary interest and the general nature thereof – none.

Resolution No. 19-02-2024

Moved by: M. Erskine

Seconded by: G. Williamson

RESOLVED THAT the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands approves agenda.

Carried

Resolution No. 20-02-2024

Moved by: A. Boyd

Seconded by: B. Wood

RESOLVED THAT the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands now reads a first, second and third time and finally passes By-law 2024-04. Being a by-law to adopt the minutes of Council for the term commencing November 15, 2022 and authorizing the taking of any action therein and thereby.

Carried

Resolution No. 21-02-2024

Moved by: M. Erskine

Seconded by: G. Williamson

RESOLVED THAT the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands authorizes the mayor and CAO to sign a grant application with Emergency Management Ontario/Treasury Board Secretariat and further that the Mayor and CAO have the authority to bind the organization.

Carried

Resolution No. 22-02-2024

Moved by: W. Koehler

Seconded by: G. Williamson

RESOLVED THAT the Council for the Corporation of the Town of Northeastern Manitoulin and the Islands supports and encourages the Manitoulin East Municipal Airport Commission in its efforts to secure funding for the extension of the airport runway.

Carried

Resolution No. 23-02-2024

Moved by: M. Erskine

Seconded by: P. Aelick

WHEREAS many municipalities in Ontario have seen an increase to their insurance rates due to Joint and Several Liability;

WHEREAS in 2015 the City of Greater Sudbury (the "City") entered into a contract with a contractor experienced in road construction projects to complete a project on Elgin Street in the City's downtown core;

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AND WHEREAS the contract provided that the contractor would be the constructor for the project as that term is defined in the Occupational Health and Safety Act (the "Act");

AND WHEREAS an employee of the constructor operating a grader on the project struck and killed a pedestrian;

AND WHEREAS the City was charged with offences under the Act as the constructor and the employer;

AND WHEREAS after being acquitted at trial and on appeal, the Ontario Court of Appeal, in a decision issued on April 23, 2021, found the City to be liable for contraventions of the Construction Regulations as an employer as it employed quality control inspectors to monitor the quality of work on the project from time-to-time;

AND WHEREAS the Supreme Court of Canada, in a decision issued on November 10, 2023, was evenly divided 4-4 on the issue resulting in dismissal of the City's appeal;

AND WHEREAS the consequence of this decision is that municipalities in Ontario, as well as all other owners of property in the province, who wish to undertake construction, are subject to being charged and convicted as an employer for offences in relation to project sites for which they have no control and have, in accordance with the Act, contracted with an entity to assume plenary oversight and authority over the work on such site as the constructor; AND WHEREAS the potential of an owner being charged as an employer as that term is defined in the Act in circumstances where it has engaged a constructor disregards and renders meaningless the owner-constructor provisions contained in the Act and presents an unacceptable level of increased risk and confusion for owners and contractors throughout the province;

AND WHEREAS the Town of Northeastern Manitoulin and the Islands believes that the safety of workers is paramount however the safety of workers on construction projects in Ontario is not increased by placing liability on parties that do not have control of and are not responsible for the conduct of the work on such sites;

NOW THEREFORE BE IT RESOLVED THAT the Council for the Town of Northeastern Manitoulin and the Islands requests that the province amend the Occupational Health and Safety Act to clarify the definition of "employer" to exclude owners that have contracted with a constructor for a project;

AND BE IT FURTHER RESOLVED THAT this motion be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, France Gelinias, MPP for Nickel Belt, Jamie West, MPP for Sudbury, MPP Mike Mantha and the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities, Ontario's Big City Mayors, Mayors and Regional Chairs of Ontario, Northern Ontario Large Urban Mayors, the Council of Ontario Construction Associations, the Ontario Chamber of Commerce and all Ontario municipalities, and the Clerk of the City of Greater Sudbury.

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Resolution No. 24-02-2024

Moved by: G. Williamson

Seconded by: B. Wood

RESOLVED THAT the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands has no objections to the use of this location, 60 Meredith Street East, as a licensed premises under the Liquor License and Control Act, 2019. No determination or assessment has, or will be made at this time with respect to the occupant load by the Town of Northeastern Manitoulin and the Island

Carried

Resolution No. 25-02-2024

Moved by: D. Orr

Seconded by: M. Erskine

RESOLVED THAT the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands does now adjourn at 7:34 pm.

Carried

Al MacNevin, Mayor

Pam Myers, Clerk