

REGULAR COUNCIL MEETING MINUTES

Held on Tuesday, June 7, 2022 at 5:00PM Closed Session and 6:00PM Open Session Held via WebEx Video, Teleconference and; In-Person

COUNCIL MEMBERS PRESENT		STAFF PRESENT
Mayor:	Ted Lojko	Shellee Fournier, CAO
Councillors:	Dave Anderson	Penny Kelly, Clerk/CEMC
	Adrian Haird	Melanie Kirkby, Treasurer
	Matt Harper	David Armstrong, Manager of Public Works
	Mike Kench	Brenda Guy, Manager of Planning and Development
	David Osmond	Doug Wark, Manager of Community Services
		Scott Gee, Chief of Police
		Gord Howard, Fire Chief
Regrets:	Dennis O'Connor	

2.	Mayor Lojko called the meeting to order at 5:00 PM, with the following Council Members present: Deputy Mayor Anderson, Councillor Harper, Councillor Kench and Councillor Osmond. Disclosure of Pecuniary Interest & General Nature Thereof	
2.	Disclosure of Pecuniary Interest & General Nature Thereof	
	 Mayor Lojko declared a pecuniary interest with respect to Report Council-RDS- 2022-10 – Award of Contract – Detail Engineering Design Arthur Street – Request for Proposal, as the street he resides on abuts Arthur Street. 	
	2. Councillor Kench declared a pecuniary interest with respect to Report Council-PD-2022-11 – Deeming By-law – Kench, as the he is the owner of the property / lands being considered.	
3.	Closed Meeting of Council (Beginning at 5:00 PM)	
	Move into Closed Session	
	Moved by Councillor Osmond that the Council of the Town of Gananoque, in accordance with Section 239.2 of the <i>Municipal Act</i> , moves into Closed Session at 5:00 PM for the purpose of discussing two (2) items under Personal Matters Concerning an Identifiable Individual, Including Municipal or Board Employees.	
	CARRIED – by those present	
4.	Move Out of Closed Session at 5:24 PM	
	Council resumed the Open Session at 6:00 PM	
5.	Matters Arising from Closed Session	
	A Closed Meeting was held. Council discussed two (2) items under Personal Matters Concerning an Identifiable Individual, Including Municipal or Board Employees. Council considered the following.	

Integrity Commissioner Report – Councillor Dennis O'Connor

**Moved by Councillor Kench and Seconded by Deputy Mayor Anderson that the recommendation be amended to remove the words "AND FURTHER THAT A LETTER OF REPRIMAND BE ISSUED TO COUNCILLOR O'CONNOR."

DEFEATED - 3 Ayes, 3 Nays

Motion #22-104 – Integrity Commissioner Report – Councillor Dennis O'Connor **Moved by:** Councillor Harper Seconded by: Councillor Osmond BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES THE INTEGRITY COMMISSIONER REPORT REGARDING COUNCILLOR DENNIS O'CONNOR AND AUTHORIZES THAT THE REPORT BE MADE AVAILABLE TO THE PUBLIC AS AN ATTACHMENT TO THE COUNCIL MINUTES OF TUESDAY, JUNE 7, 2022, AS PER SECTION 223.6 (3) OF THE MUNICIPAL ACT, 2006, C. 32, SCHED. A. S. 98, AND FURTHER THAT A LETTER OF REPRIMAND BE ISSUED TO COUNCILLOR O'CONNOR. CARRIED - 5 Ayes, 1 Nay Motion #22-105 - Request to Council - Purchase of a Bench for the Water Treatment Plant – Richard Ferguson Seconded by: Councillor Osmond Moved by: Councillor Harper BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE APPROVES A COUNCIL GRANT IN THE AMOUNT OF \$500.00 TO ASSIST IN FUNDING A COMMEMORATIVE BENCH IN MEMORY OF RICHARD FERGUSON, FORMER EMPLOYEE OF THE TOWN OF GANANOQUE, TO BE LOCATED AT THE WATER TREATMENT PLANT. **CARRIED – UNANIMOUS** 6. Land Acknowledgement Statement Mayor Lojko read the Land Acknowledgement Statement. 7. Public Question / Comment (Only Addressing Reports on the Agenda) A Member of the public addressed Reports on the Agenda. 8. **Disclosure of Additional Items** 1. Correspondence from Rotary Club of Gananoque regarding Confederation Park Fountain – (Ref. Report Council-CAO-2022-09) 9. **Delegations** – None 10. **Presentations / Awards / Deputations** 1. Oscar Poloni, KPMG – Town of Gananoque Asset Management Plan (AMP) (+Ref. Council Report FIN-2022-23) Oscar Poloni from KPMG appeared before Council and presented a PowerPoint presentation entitled "Town of Gananoque's Asset Management • At this point, Council considered Report Council-FIN-2022-23. 11. Mayor's Declaration - None 12. **Public Meeting** 1. Development Permit Application - DP2021-23A - 425 Fourth Street -Horizon Legacy (+Council Report PD-2022-10 - Brenda Guy, Manager of Planning and Development) A Public Meeting was held with respect to a Proposed Class III Development Permit Amendment Application received from Frank Belerique, Horizon Legacy (Horizon Marco Polo Lp / Horizon Marco Polo Inc.), requesting to amend the Site Plan for the property municipally and legally described as 425 Fourth Street (vacant Lands) PLAN 86 LOTS 161 TO 163 LOT 165, 167, 169, 171, 173, 175, 177, 179, 180 and; PLAN 86 PT LOT 314 PT LOT 316 (Town of Gananoque), to include a fifth residential building (containing three (3) units) and alter the overall layout of the property (including reduction of distance between buildings and relocation of proposed community garden amenity). Brenda Guy, Manager of Planning and Development provided an overview of Council Report PD-2022-10.

The Chair asked if any member of Council had any questions or comments

None

- The Chair advised that under the Development Permit By-law, comments may be made by the public, however, once a Permit has been approved the only party able to appeal to the Ontario Land Tribunal is the Applicant.
- The Chair asked if any member of the public had any questions or comments – None
- The Chair asked if the Applicant / Owner have any additional questions or comments
 - The Applicant / Owner were not in attendance.
- Council considered the following recommendation.

Motion #22-099 - Development Permit Application - DP2021-23A - 425 Fourth Street - Horizon Legacy

Moved by: Councillor Osmond

Seconded by: Councillor Harper
AS RECOMMENDED BY THE PLANNING ADVISORY COMMITTEE (PAC), BE IT
RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE APPROVES
DP2021-23A HORIZON LEGACY FOR THE PROPERTY LOCATED AT 425
FOURTH STREET BE AMENDED TO ALLOW THE OVERALL BUILDING SITE
PLAN TO INCLUDE FIVE (5) STRUCTURES, PROVIDED ALL CONDITIONS AS
SET OUT IN THE NOTICE OF DECISION DATED MARCH 7, 2022, ARE MET AND
THAT THE APPLICANT INCORPORATE AND EXTEND A NATURAL PATHWAY
TO FOURTH STREET, AS PRESENTED IN COUNCIL REPORT PD-2022-10.

CARRIED - UNANIMOUS

13. Correspondence

- 1. Accounts Payable May 11 to May 30, 2022
- 2. TI Taxi Request to Review Taxi Fares / Rates

Motion #22-106 – TI Taxi – Request to Review Taxi Fares / Rates

Moved by: Councillor Osmond Seconded by: Councillor Harper

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE

DIRECTS STAFF TO BRING BACK A REPORT FOR JUNE 21, 2022, REGARDING
TI TAXI'S REQUEST TO REVIEW TAXI FARES / RATES.

CARRIED - 5 Ayes, 1 Nay

3. Artefact Oversight Committee - Proposal to Use Third Floor at Town Hall

Motion #22-107 – Artefact Oversight Committee – Proposal to Use Third Floor at Town Hall

Moved by: Councillor Kench Seconded by: Councillor Osmond BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES AND ACCEPTS THE ARTEFACT OVERSIGHT COMMITTEE'S PROPOSAL TO USE THE TOWN HALL THIRD FLOOR FOR ADDITIONAL STORAGE SPACE FOR SMALL OBJECTS IN THE CIVIC COLLECTION.

CARRIED - UNANIMOUS

4. Scott Ewart - Request to Amend Lease Agreement

Motion #22-108 – Scott Ewart – Request to Amend Lease Agreement

Moved by: Councillor Harper Seconded by: Deputy Mayor Anderson

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE

RECEIVES MR. SCOTT EWART'S PROPOSAL DATED MAY 31, 2022,

AND FURTHER DIRECTS STAFF TO BRING BACK A COUNCIL REPORT FOR JUNE 21, 2022, AMENDING THE LEASE AGREEMENT TO ALLOW THE 15 FOOT BOAT TO BE PERMANENTLY LOCATED ON THE KAYAKING DOCK, AND THAT THE 25 FOOT BOAT BE RELOCATED TO THE CORNER DOCK.

CARRIED - UNANIMOUS

5. Minutes – Police Services Board (PSB) – Thursday, April 21, 2022

14. Unfinished Business

Council-FIN-2022-23 - Asset Management Plan (AMP)

Motion #22-098 - Asset Management Plan (AMP)

Moved by: Councillor Kench **Seconded by:** Councillor Harper BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE APPROVES AND ADOPTS THE 2022 ASSET MANAGEMENT PLAN (AMP), AS PRESENTED IN COUNCIL REPORT FIN-2022-23.

CARRIED - UNANIMOUS

Council-CS-2022-17 – Programming Plan – Canada 150 Gord Brown Memorial Outdoor Rink

By-law No. 2022-067 – Programming Plan – Canada 150 Gord Brown Memorial Outdoor Rink – Amend Fees & Rates By-law

Moved by: Councillor Kench **Seconded by:** Councillor Harper BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2022-067, BEING A BY-LAW TO AMEND THE GENERAL FEES AND RATES BY-LAW NO. 2016-047, COMMUNITY RECREATIONAL SERVICES, SCHEDULE 'H', AS IT RELATES TO THE PROGRAMMING PLAN FOR THE CANADA 150 GORD BROWN MEMORIAL OUTDOOR RINK, AS PRESENTED IN COUNCIL REPORT CS-2022-17.

CARRIED - UNANIMOUS

Council-CS-2022-18 – Ontario Trillium Foundation (OTF) Spending Plan: Canada 150 GBM Rink

**Moved by Councillor Kench and Seconded by Councillor Harper to add to the recommendation contained in Council Report CS-2022-18 "AND FURTHER THAT THE DIGITAL ROAD SIGN AMOUNT OF \$55,000 BE REMOVED AND INCLUDED IN THE CONTINGENCY LINE OF THE PROPOSED SPENDING PLAN"

CARRIED – UNANIMOUS

Motion #22-100 – Ontario Trillium Foundation (OTF) Spending Plan: Canada 150 GBM Rink

Moved by: Councillor Harper **Seconded by:** Councillor Osmond BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE AUTHORIZES STAFF TO PROCEED WITH THE ONTARIO TRILLIUM FUND (OTF) PROPOSED SPENDING PLAN FOR THE CANADA 150 GORD BROWN MEMORIAL OUTDOOR RINK, AS PRESENTED IN COUNCIL REPORT CS-2022-18,

AND FURTHER THAT THE DIGITAL ROAD SIGN AMOUNT OF \$55,000 BE REMOVED AND INCLUDED IN THE CONTINGENCY LINE OF THE PROPOSED SPENDING PLAN.

CARRIED - UNANIMOUS

15. Approval of Minutes – Tuesday, May 17, 2022

Motion #22-097 – Approval of Minutes – Tuesday, May 17, 2022

Moved by: Councillor Kench Seconded by: Councillor Harper
BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE
HEREBY ADOPTS THE REGULAR MINUTES OF TUESDAY, MAY 17, 2022
MEETING.

CARRIED - UNANIMOUS

16. Motions (Council Direction to Staff)

1. Notice of Motion - Municipal Election Signs - Councillor Kench

^{**}Councillor Osmond and Councillor Harper declared a pecuniary interest as they intend to run in the 2022 Municipal Election. Both refrained from voting. Councillor Osmond left the room.

Motion #22-101 – Notice of Motion – Municipal Election Signs – Amend Sign & Merchandise By-law

Moved by: Councillor Kench Seconded by: Councillor Haird BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE DIRECTS STAFF TO BRING BACK A BY-LAW TO AMEND THE SIGN AND MERCHANDISE BY-LAW TO ADD THE FOLLOWING WITH RESPECT TO MUNICIPAL ELECTION SIGNAGE:

- 1. A MAXIMUM OF FORTY (40) SHALL BE PERMITTED FOR EACH CANDIDATE;
- 2. THE STANDARD ELECTION SIGNAGE SIZE SHALL BE 18" X 24".

CARRIED by those voting

**Councillor Osmond returned to the room.

- 17. Notice Required Under the Notice By-law None
- **18. Committee Updates** (Council Reps)
 - Councillors provided their updates.
- 19. Discussion of Additional Items
 - 1. Correspondence from Rotary Club of Gananoque (attached) regarding Confederation Park Fountain (Ref. Report Council-CAO-2022-09)
 - This item was discussed and considered with Report Council-CAO-2022-09.

20. Staff Reports

Council-CSWB-2022-01 - Closed-Circuit Television (CCTV) Project - Award of Contract

By-law No. 2022-068 – Closed-Circuit Television (CCTV) Project – Award of Contract

Moved by: Councillor Harper Seconded by: Councillor Kench BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2022-068, BEING A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO SIGN AN AGREEMENT WITH SOUTHEASTERN TELECOMMUNICATION IN THE AMOUNT OF \$68,856.70 (PLUS THE TOWN'S PORTION OF THE HST) FOR THE CLOSED-CIRCUIT TELEVISION (CCTV) PROJECT AS APPROVED IN THE 2022 CAPITAL BUDGET, AS PRESENTED IN COUNCIL REPORT CSWB-2022-01.

CARRIED - UNANIMOUS

Council-PD-2022-11 – Deeming By-law – Kench

**Councillor Kench declared a pecuniary interest as he is the owner of the said lands being considered and left the room.

By-law No. 2022-068 – Deeming By-law – Lots 421, 423, 425, 427 Plan 86 – Kench Moved by: Councillor Harper Seconded by: Councillor Osmond BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2022-069, BEING A BY-LAW TO DEEM LOTS 421, 423, 425, AND 427 TO NOT BE REGISTERED LOTS ON PLAN 86, AS PRESENTED IN COUNCIL REPORT PD-2022-11.

CARRIED – UNANIMOUS, by those voting

**Councillor Kench returned to the room.

Council-RDS-2022-10 – Award of Contract – Detail Engineering Design Arthur Street – Request for Proposal (RFP)

- **At this point, Mayor Lojko declared a pecuniary interest as the street he resides on abuts Arthur Street, and; requested that Deputy Mayor Anderson take the Chair.
- **Deputy Mayor Anderson took the Chair.
- **Mayor Lojko left the room.

By-law No. 2022-070 – Award of Contract – Detail Engineering Design Arthur Street – Request for Proposal (RFP)

Moved by: Councillor Haird

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS
BY-LAW NO. 2022-070, BEING A BY-LAW TO AUTHORIZE THE MAYOR AND THE
CLERK TO SIGN AN AGREEMENT WITH MORRISON HERSHFIELD LTD., FOR
THE PROCUREMENT OF SERVICES TO COMPLETE A DETAILED
ENGINEERING DESIGN FOR THE REHABILITATION OF ARTHUR STREET
BETWEEN STONE STREET AND CHARLES STREET, TO AN UPSET LIMIT OF
\$80,945.00 (EXCLUDING HST), AS PRESCRIBED IN TENDER RDS-2022-08, AND
AS PRESENTED IN COUNCIL REPORT RDS-2022-10.

CARRIED - UNANIMOUS

**Mayor Lojko returned to the room.

Council-RDS-2022-11 - Project Updates for Public Works

Motion #22-102 - Project Updates for Public Works

Moved by: Councillor Haird **Seconded by**: Councillor Kench BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES FOR INFORMATION COUNCIL REPORT RDS-2022-11, PROJECT UPDATES FOR PUBLIC WORKS.

CARRIED – UNANIMOUS

Council-CAO-2022-09 – Award of Contract – Confederation Park Fountain (Rotary Fountain

By-law No. 2022-071 – Award of Contract – Confederation Park Fountain (Rotary Fountain)

Moved by: Councillor Harper Seconded by: Councillor Osmond BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2022-071, BEING A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO SIGN AN AGREEMENT WITH GERAMON IRRIGATION FOR THE PURCHASE AND INSTALLATION OF A 15 HP AERATING FOUNTAIN FOR CONFEDERATION PARK IN THE AMOUNT OF \$73,100 (PLUS THE TOWN'S PORTION OF HST) TO BE FUNDED BY THE VARIOUS PARTNERS, DRAWING THE BALANCE FROM RESERVES, AS PRESENTED IN COUNCIL REPORT CAO-2022-09.

CARRIED – UNANIMOUS

Council-FIN-2022-24 - MMAH - Financial Indicator Review (FIR) Comparisons

Motion #22-103 – MMAH – Financial Indicator Review (FIR) Comparisons
Moved by: Councillor Osmond Seconded by: Councillor Harper
BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE
RECEIVES FOR INFORMATION THE MINISTRY OF MUNICIPAL AFFAIRS AND
HOUSING (MMAH) FINANCIAL INDICATOR REVIEW (FIR), AS PRESENTED IN
COUNCIL REPORT FIN-2022-24.

CARRIED - UNANIMOUS

21. Questions from the Media – None

22. Confirmation By-law

By-law No. 2022-066 – Confirming By-law – June 7, 2022 (3 Readings)

Moved by: Councillor Haird

Seconded by: Councillor Kench

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS

BY-LAW NO. 2022-066, BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF

COUNCIL AT ITS REGULAR MEETING HELD ON TUESDAY, JUNE 7TH, 2022, BE

READ THREE TIMES AND FINALLY PASSED THIS 7TH DAY OF JUNE 2022.

CARRIED - UNANIMOUS

^{**}Deputy Mayor Anderson vacated the Chair.

^{**}Mayor Lojko resumed the Chair.

23.	Next Meeting – Tuesday, June 21, 2022		
24.	Adjournment		
	Moved by: Councillor Harper Be it resolved that Council hereby adjourns this regular meeting of Council at 9:06 PM. CARRIED – UNANIMOUS		
Ted L	ojko, Mayor	Penny Kelly, Clerk / CEMC	



Tony E. Fleming
Direct Line: 613.546.8096
E-mail: tfleming@cswan.com

CONFIDENTIAL

May 18, 2022

SENT BY EMAIL TO: clerk@gananoque.ca

Penny Kelly, Clerk Town of Gananoque 30 King Street East P.O. Box 100 Gananoque, ON K7G 2T6

Dear Ms. Kelly:

RE: Application for Inquiry to the Integrity Commissioner – Councillor Dennis O'Connor Municipal Code of Conduct Our File No. 16418-159

Please be advised that our investigation under the Code of Conduct is now complete. We attach the final report herewith and the report should now be circulated to members of the Council. We have provided a copy of the report to the member and complainant separately.

This investigation is hereby closed. If Council requires the attendance of the Integrity Commissioner when the report is dealt with by Council, please advise.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP

Tony E. Fleming, C.S.

LSO Certified Specialist in Municipal Law

(Local Government / Land Use Planning)

Anthony Fleming Professional Corporation

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Tony E. Fleming
Direct Line: 613.546.8096
E-mail: tfleming@cswan.com

CONFIDENTIAL

May 18, 2022

BY E-MAIL: clerk@gananoque.ca

Mayor and Members of Council c/o Penny Kelly, Clerk Town of Gananoque 30 King Street East P.O. Box 100 Gananoque, ON K7G 2T6

Dear Mayor and Members of Council:

RE: Application for Inquiry to the Integrity Commissioner – Councillor Dennis

O'Connor

Municipal Code of Conduct

Our File No: 16418-159

On March 2, 2022, a complaint (the "Complaint") was received alleging that Councillor Dennis O'Connor voted during the March 1, 2022 Council Meeting despite a conflict of interest. Specifically, it was alleged that Councillor O'Connor voted in favour of the development permit application DP2022-01 related to the Home Hardware operated by Councillor O'Connor's brother.

This matter was investigated under the Code of Conduct only as the *Municipal Conflict of Interest Act* does not consider the pecuniary interests of siblings as creating a conflict of interest for a member.

The Complaint was provided to the Integrity Commissioner on March 2, 2022 and we sent a letter to the named member on March 8, 2022 requesting that Councillor O'Connor provide a written response to the Complaint. The Councillor responded on March 8, 2022. The 00707765.DOCX:

T E L : 6 1 3 - 5 4 4 - 0 2 1 1 F A X : 6 1 3 - 5 4 2 - 9 8 1 4 E M A I L : I N F O @ C S W A N . C O M W E B : W W W . C S W A N . C O M Councillor's response was forwarded to the Complainant and we received the Complainant's further response on March 24, 2022. This further response was sent to the Councillor on March 25, 2022 and we received the Councillor's response on April 5, 2022.

The Integrity Commissioner has conducted an investigation and finds:

- Councillor O'Connor voted on the Development Permit Application DP2022-01;
- The Application pertained to the expansion of the Home Hardware operated by Councillor O'Connor's brother, Ken O'Connor;
- Councillor O'Connor did not declare a conflict of interest or recuse himself from the vote.

In his response, Councillor O'Connor indicated that he has severed his association with his brother and further, that his brother does not own the land or the building but merely rents it.

The Code of Conduct provides:

4. General Integrity

• Members shall avoid the improper use of the influence of their office and shall avoid conflict of interest, both apparent and real.

As noted by the Honourable Justice Bellamy in her final report on the Toronto Computer Leasing Inquiry/Toronto External Contracts Inquiry:

An apparent conflict of interest exists when someone could reasonably conclude that a conflict of interest exists. In other words, it is a matter of public perception.

Public perceptions of the ethics of public servants are critically important. If the public perceives, even wrongly, that public servants are unethical, democratic institutions will suffer form the erosion of public confidence.¹

As such, even where a real conflict of interest may not exist, an apparent conflict of interest may exist based on what a member of the public would reasonably conclude.

Conclusion/Recommendation

The Integrity Commissioner finds that Councillor O'Connor had an apparent conflict of interest when voting on development permit application DP2022-01. While Councillor O'Connor indicates that his relationship with his brother who operates the property that was

¹ The Honourable Madame Justice Denise E. Bellamy, Report on the Toronto Computer Leasing Inquiry-Toronto External Contracts Inquiry, Volume 2, "Good Government", 2005, Toronto, p. 39-40.

the subject of the application is severed, this would not be known to a member of the public. A member of the public could reasonably conclude that a conflict of interest existed.

Further, although Councillor O'Connor's brother may not own the land, this does not negate the appearance of a conflict of interest as an expansion of the store is likely to create a financial benefit to Councillor O'Connor's brother. A member of the public could reasonably make this conclusion.

The Integrity Commissioner recommends that Council issue a reprimand to Councillor O'Connor to demonstrate that Council expects its Members to avoid both real and apparent conflicts of interest when voting on matters at Council meetings. In the circumstances, a more significant penalty is not deemed necessary given that the Councillor cooperated fully with the investigation and was very candid about the reason for his participation in the vote. While the fact that the Councillor felt that his personal relationship with his brother was severed was not relevant to the matter of the public's perception, it does speak to motive and mitigates somewhat the conflict of interest.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP

Tony E. Fleming, C.S.

LSO Certified Specialist in Municipal Law (Local Government / Land Use Planning) Anthony Fleming Professional Corporation

TEF:ls

From: Barbara Fisk

Sent: Monday, June 6, 2022 12:57:05 PM

To: Ted Lojko <tlojko@gananoque.ca>; Shellee Fournier <SFournier@gananoque.ca>

Subject: Water Fountain - Rotary

Good afternoon Ted and Shellee,

Ted, thank you for the phone call just now to review the situation.

I am following up on the note you sent earlier regarding a shared costing for a new Rotary water fountain in Sculpture/Confederation Park.

Our board met on Saturday and although we don't have the club ratification of this yet, we are confident that our decision will be supported.

The Gananoque Rotary club is willing to commit to a maximum of \$15,000 as a joint cost with the BIA, TIAP, TAP, and the Town to cover the cost of a new water fountain.

We do have a couple of additional conditions.

- 1. That every effort be made to secure the overall funding for the project from the RTO9, as was initially suggested (or through another grant should it be necessary).
- 2. That should the RTO9 funding (or other grant) not be forthcoming, that payment of the Rotary commitment would be subject to negotiated payment terms over several years.
- 3. That the Town will continue to be fully responsible for ongoing maintenance, repairs, operational costs, and annual storage of the fountain.
- 4. That the fountain remain named as the Rotary Fountain, along with the plaque currently on the bridge.

We fully understand and appreciate that all of our groups are working together to beautify the Town and make it as pleasant as possible for our residents, as well as our annual tourists. Thank you for expediting this project.

Yours in Rotary,

Barbara

Barbara Fisk, President 2021-2022 & 2022-2023 Rotary Club of Gananoque

D7040 - Grants Stewardship Committee 2019-2023

D7040 - Polio Plus Chair 2021-2024

D7040 – District Rotary Foundation Chair – 2022-2025

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