

THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

Special Meeting of Council

April 26th, 2017

3:30 P.M.

PRESENT: MAYOR: Virginia Rook

COUNCILLORS: Pierre Paquette Eileen Lewis Michael Reider
Jim Rook Nancy Wirtz

ABSENT: Nil

DISCLOSURE: Nil

STAFF: Clerk-Treasurer – Candy Beauvais
Deputy Clerk-Treasurer – Gilles Legault

MEMBERS OF PUBLIC: Nil

DELEGATIONS: Nil

Mayor Rook called the meeting to order at 3:42 P.M.

17-175 BY NANCY WIRTZ – MICHAEL REIDER

BE IT RESOLVED THAT Council proceed to discuss the following item(s) listed below as an Addendum to the April 26th, 2017 Special Meeting Agenda:

1. MIS Insurance - Insurance Renewal

CARRIED

17-176 BY NANCY WIRTZ – MICHAEL REIDER

BE IT RESOLVED THAT the Municipality of Killarney contract with Municipal Insurance Services Ltd. to provide aviation liability insurance in the amount of \$2,850 plus tax, effective from May 8, 2017 to May 8, 2018, as well as municipal insurance coverage as per the quote dated April 24, 2017, in the amount of \$52,104 plus tax, effective from May 8, 2017 to May 8, 2018.

CARRIED

17-177 BY JIM ROOK – EILEEN LEWIS

BE IT RESOLVED THAT Council go into Closed Session at 3:45 P.M. in accordance with Section 239 (2) of the Municipal Act, 2001, c. 25. to discuss a legal matter involving solicitor-client privilege advice.

CARRIED

CLOSED SESSION:

Legal Matter:

- The only matter of business discussed was Solicitor/Client Privilege regarding Wharf Building Issues.

17-178 BY JIM ROOK – EILEEN LEWIS

BE IT RESOLVED THAT Council rise and report at 4:36 P.M.

CARRIED

17-179 BY NANCY WIRTZ – MICHAEL REIDER

BE IT RESOLVED THAT the Municipality advise Ross Herbert that the town is not required to, nor does it have any obligation under the lease, to pay for any of the expenses associated with the HVAC upgrade as the wharf building was constructed in accordance with the specifications set out in the lease.

However, the Municipality has no choice but to proceed with the HVAC upgrade to mitigate any ongoing damages that has been caused by the actions of the tenant.

Accordingly, the Municipality will finance a portion of the estimated upgrades in the amount of \$44,000 plus \$6,500 engineering fees plus applicable tax.

FURTHER THAT consideration of whether the Municipality should seek to recover any of the costs associated with the HVAC upgrade from the tenant will be deferred to a later date.

FURTHER THAT the Municipality is paying a portion of these costs without prejudice to any positions it has taken or will be taking in connection with the lawsuit;

FURTHER THAT the Municipality will not pay any of the costs associated with the processing room upgrades as all costs relating to the fish processing operation are the responsibility of the tenant pursuant to Exhibit C of the lease. This system is necessary for the operation of the tenants' fish processing function.

CARRIED

17-180 BY JIM ROOK – EILEEN LEWIS

BE IT RESOLVED THAT the Special Meeting of Council held April 26th, 2017 be adjourned at 4:40 P.M.

CARRIED

ORIGINAL DOCUMENT SIGNED

Virginia Rook, Mayor

ORIGINAL DOCUMENT SIGNED

Candy Beauvais, Clerk Treasurer