



REGULAR COUNCIL MEETING MINUTES

Held on Tuesday, December 21, 2021 at 6:00 PM

Held via WebEx Video and Teleconference

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
	Dennis O'Connor	Gord Howard, Fire Chief
	David Osmond	Doug Wark, Manager of Community Services
		Scott Gee, Chief of Police
	Guest:	
		Tony Fleming, Integrity Commissioner

1.	Call Meeting to Order
	Mayor Lojko called the meeting to order at 5:02 PM, with the following Council Members present: Deputy Mayor Osmond, Councillor Anderson, Councillor Harper, Councillor Kench, and Councillor O'Connor.
2.	Disclosure of Pecuniary Interest & General Nature Thereof
	1. Mayor Lojko declared a pecuniary interest with respect to Report Council-FIN-2021-41 – Municipal Accommodation Tax (MAT) Agreement with the Thousand Islands Accommodation Partners (TIAP), as he is a co-owner of a bed and breakfast.
	2. Councillor O'Connor declared a pecuniary interest with respect to Report Council-FIN-2021-40, 2021 Community Grants – Final Intake as the co-applicant is his Gallery's landlord.
3.	Closed Meeting of Council (Beginning at 5:00 PM)
	Move into Closed Session
	Moved by Deputy Mayor 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 5:02 PM for the purpose of discussing one (1) item under Personal Matters Concerning an Identifiable Individual, Including Municipal or Board Employees, regarding an Integrity Commissioner Report.
	CARRIED – UNANIMOUS, by those present
4.	Move Out of Closed Session at 5:23 PM
	Council resumed the Open Session at 6:00 PM
5.	Matters Arising from Closed Session
	<ul style="list-style-type: none"> A Closed Meeting was held. Council discussed one (1) item under Personal Matters Concerning an Identifiable Individual, Including Municipal or Board Employees regarding an Integrity Commissioner Report. The following was considered.

10.	Presentations / Awards / Deputations
	<p>1. urbanMetrics – Peter Thoma – Age-Friend Gananoque Action Plan (+Ref. Report Council-CS-2021-43)</p> <ul style="list-style-type: none"> • Peter Thoma, urbanMetrics, Consulting Partner, presented a PowerPoint providing an overview of the Age-friendly Gananoque Action Plan.
***At this point, Council considered Council Report-CS-2021-43.	
	<p>2. Tourism Advisory Panel (TAP) – Annual Update – Councillor Dennis O’Connor, Chair and John Nagy, TAP Member (+TAP Report)</p> <ul style="list-style-type: none"> • Mayor Lojko advised that John Nagy forwarded his regrets. This item will be presented to Council at the next scheduled meeting being held on January 11, 2022.
***Councillor Anderson reconnected at 7:11 PM	
11.	Mayor’s Declaration – None
12.	Public Meetings – None
13.	Correspondence
	1. Accounts Payable – November 29 to December 16, 2021
	2. United Counties of Leeds and Grenville – Housing Affordability Task Force Report
	***It was generally agreed that the United Counties of Leeds and Grenville – Housing Affordability Task Force request be brought back to the next regular Council meeting scheduled for January 11, 2022.
	3. Municipal Property Assessment Corporation (MPAC) – Gananoque Assessment Change Summary and 2021 Municipal Partnerships Report
	4. Minutes – Tourism Advisory Panel (TAP) – December 2, 2021
	5. Rural Economic Development (RED) Project – New Business Chronicle Video
	***A YouTube video was played with respect to the RED Project – New Business Chronicle.
14.	Unfinished Business
Council-CS-2021-42 – The Rotary Club of Gananoque – Community Gardens Agreement	
	<p>By-law No. 2021-126 – The Rotary Club of Gananoque – Community Gardens Agreement</p> <p>Moved by: Deputy Mayor Osmond Seconded by: Councillor Haird</p> <p>BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE, PASS BY-LAW NO. 2021-126, BEING A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO SIGN A TEN (10) YEAR LEASE AGREEMENT WITH THE ROTARY CLUB OF GANANOQUE GRANTING PERMISSION TO USE TOWN PROPERTY FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING A COMMUNITY GARDEN AT 355 ARTHUR STREET, AND 200 SECOND STREET, AS PRESENTED IN COUNCIL REPORT CS-2021-42.</p> <p style="text-align: right;">CARRIED – UNANIMOUS</p>
	<p>Motion #21-216 – The Rotary Club of Gananoque – 2022 Community Grant</p> <p>Moved by: Councillor Haird Seconded by: Councillor Anderson</p> <p>BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE APPROVES A 2022 COMMUNITY GRANT IN THE AMOUNT OF \$2,000 TO THE ROTARY CLUB OF GANANOQUE COMMUNITY GARDENS COMMITTEE FOR THE PURCHASE AND INSTALLATION OF A COMMUNITY GARDEN SIGN AT 200 SECOND STREET, AS PRESENTED IN COUNCIL REPORT CS-2021-42.</p> <p style="text-align: right;">CARRIED – UNANIMOUS</p>

Council-CS-2021-43 – Age Friendly Final Survey Results and Action Plan Approval (+Presentation)

Motion #21-215 – Age Friendly Final Survey Results and Action Plan Approval
Moved by: Deputy Mayor Osmond **Seconded by:** Mayor Lojko
BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES THE AGE-FRIENDLY GANANOQUE BACKGROUND REPORT AND ACTION PLAN FOR INFORMATION AND DIRECT STAFF TO SEEK OUT SUPPORTING GRANT OPPORTUNITIES, AS PRESENTED IN COUNCIL REPORT CS-2021-43.

CARRIED – UNANIMOUS

15. Consent Agenda

Moved by: Councillor Haird **Seconded by:** Councillor Harper
Be it resolved that the Motion and By-law listed on the Consent Agenda be passed accordingly:

MOTION:

#21-213 – Approval of Minutes – Tuesday, December 7; Thursday, December 2 and 9, 2021

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE HEREBY ADOPTS THE REGULAR MINUTES OF TUESDAY, DECEMBER 7TH, 2021 AND THE SPECIAL MINUTES OF THURSDAY, DECEMBER 2ND AND 9TH, 2021 MEETINGS.

BY-LAW:

By-law No. 2021-118 – Adopt the 2022-2027 Multi-Year Accessibility Plan (Third and Final Reading)

BEING A BY-LAW TO ADOPT THE 2022-2027 MULTI-YEAR ACCESSIBILITY PLAN.

CARRIED – UNANIMOUS

16. Motions (Council Direction to Staff)

1. Notice of Motion – Reduce Transfer to Capital Reserve – 2022 Budget – Mayor Lojko

Motion #21-220 – Notice of Motion – Reduce Transfer to Capital Reserve – 2022 Budget

Moved by: Councillor Haird **Seconded by:** Councillor Anderson
WHEREAS, AT THE DECEMBER 9TH, 2021 SPECIAL COUNCIL BUDGET MEETING, COUNCIL DIRECTED THE TREASURER TO REDUCE THE TRANSFER TO CAPITAL RESERVES BY \$23,600 TO ACHIEVE A 2% 2022 TAX LEVY INCREASE,

AND WHEREAS FURTHER REDUCTIONS TO THE CONTRIBUTION TO CAPITAL RESERVES CAN FURTHER REDUCE THE TAX LEVY,

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE DIRECTS THE TREASURER TO FURTHER REDUCE THE TRANSFER TO CAPITAL RESERVES BY \$0.00, MAINTAIN 2% 2022 TAX LEVY INCREASE.

CARRIED – 6 Ayes, 1 Nay

2. Notice of Motion – Add Funds to 2022 Budget to Hire a Temporary Labourer in Community Services – Councillor Anderson

Motion #21-221 – Notice of Motion – Add Funds to 2022 Budget to Hire a Temporary Labourer in Community Services

Moved by: Councillor Anderson **Seconded by:** Deputy Mayor Osmond
BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE DIRECTS THE TREASURER TO ADD \$19,161 TO THE 2022 COMMUNITY SERVICES OPERATIONAL BUDGET TO HIRE A TEMPORARY LABOURER FOR 20 WEEKS DURING THE SPRING/SUMMER SEASON TO ASSIST WITH TRAILS AND PARK MAINTENANCE.

DEFEATED – 2 Ayes, 5 Nays

	<p>3. Notice of Motion – Amend Special Events Policy – Recycling and Environmental Plan – Deputy Mayor Osmond</p> <p>Motion #21-222 – Notice of Motion – Amend Special Events Policy – Recycling and Environmental Plan Moved by: Deputy Mayor Osmond Seconded by: Councillor Haird BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE DIRECTS STAFF TO AMEND THE SPECIAL EVENTS POLICY TO MANDATE THAT ALL APPLICANTS WHO SEEK A PARK PERMIT FOR AN EVENT BE REQUIRED TO SUBMIT A RECYCLING/ENVIRONMENTAL PLAN SHOWING HOW THE EVENT WILL USE ONLY BIODEGRADABLE/COMPOSTABLE CUPS, PLATES, FORKS, ETC.;</p> <p>AND FURTHER, THAT THE APPLICANT ATTEST THAT THE PLAN WILL BE STRICTLY ENFORCED THROUGHOUT THE EVENT AND SHOULD IT NOT BE, THAT THE PERMIT FOR FUTURE YEARS WILL BE DENIED.</p> <p style="text-align: right;">CARRIED – UNANIMOUS</p>
17.	Notice Required Under the Notice By-law – None
18.	Committee Updates (Council Reps)
	<ul style="list-style-type: none"> • Councillors provided their updates.
19.	Discussion of Additional Items
	<p>1. Amphitheatre Wind Damage – Councillor Anderson</p> <ul style="list-style-type: none"> • Councillor Anderson informed Council that he contacted staff regarding the damage to the Amphitheatre during the recent wind storm and requested that staff provide rationale as to why the Amphitheatre cover remained up this year. • David Armstrong and Doug Wark explained that the Amphitheatre “tarping” is very fragile due to its age, and; the decision to leave it up was to avoid tearing and damage while in storage. • It was noted, that the Public Works bucket truck that is used to remove the “tarping” was also out of service at the time. • The Town’s insurer has been notified of the loss and a claim has been created.
20.	Staff Reports
	Council-FIN-2021-40 – 2021 Community Grants – Final Intake
	***Councillor O’Connor declared a pecuniary interest with respect to the Community Grant Application from the Gananoque Arts Network, as his Gallery’s landlord is named on the application, and refrained from voting and discussion.
	<p>Motion #21-217 – 2021 Community Grants – Final Intake – Gananoque Arts Network Moved by: Councillor Anderson Seconded by: Deputy Mayor Osmond BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE APPROVES A 2021 COMMUNITY GRANT TO THE GANANOQUE ARTS NETWORK, IN THE AMOUNT OF \$5,000, AS PRESENTED IN COUNCIL REPORT FIN-2021-40.</p> <p style="text-align: right;">CARRIED – UNANIMOUS, by those voting</p>
	<p>***Moved by Mayor Lojko and seconded by Councillor Anderson to add “AND FURTHER THAT COUNCIL SET ASIDE THE PROVISIONS OF THE COMMUNITY GRANTS POLICY TO AUTHORIZE AN ADDITIONAL \$10,000 TO THE GANANOQUE ROTARY CLUB RIBFEST.”.</p> <p style="text-align: right;">CARRIED – 6 Ayes, 1 Nay</p>

Motion #21-218 – 2021 Community Grants – Final Intake – Gananoque Rotary Club Ribfest

Moved by: Councillor Haird

Seconded by: Councillor O'Connor

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE APPROVES A 2021 COMMUNITY GRANT TO THE GANANOQUE ROTARY CLUB RIBFEST EVENT, IN THE AMOUNT OF \$5,000, AS PRESENTED IN COUNCIL REPORT FIN-2021-40,

AND FURTHER THAT COUNCIL SET ASIDE THE PROVISIONS OF THE COMMUNITY GRANTS POLICY TO AUTHORIZE AN ADDITIONAL \$10,000 FOR THE GANANOQUE ROTARY CLUB RIBFEST.

CARRIED – 6 Ayes, 1 Nay

Council-FIN-2021-41 – Municipal Accommodation Tax (MAT) Agreement with the Thousand Islands Accommodation Partners (TIAP) (+Delegation)

****Mayor Lojko declared a pecuniary interest as he is the co-owner of a bed and breakfast, and refrained from discussions and voting. Mayor Lojko vacated the Chair.**

****Deputy Mayor Osmond took the chair.**

By-law No. 2021-127 – Municipal Accommodation Tax (MAT) Agreement with the Thousand Islands Accommodation Partners (TIAP)

Moved by: Councillor Harper

Seconded by: Councillor Haird

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2021-127, BEING A TO AMEND BY-LAW NO. 2019-124 TO AMEND THE TERM OF THE AGREEMENT FOR AN ADDITIONAL FOUR (4) YEARS (JANUARY 1, 2022 TO DECEMBER 31, 2025);

AND FURTHER AUTHORIZE THE MAYOR AND CLERK TO SIGN THE AMENDING AGREEMENT WITH THE THOUSAND ISLANDS ACCOMMODATION PARTNERS (TIAP) REGARDING THE MUNICIPAL ACCOMMODATION TAX (MAT), AS PRESENTED IN COUNCIL REPORT FIN-2021-41.

CARRIED – UNANIMOUS, by those present and voting

****Deputy Mayor Osmond vacated the chair.**

****Mayor Lojko resumed the chair.**

Council-CSC-2021-06 – Alternative Method of Voting – 2022 Municipal and School Board Election

By-law No. 2021-128 – Alternative Method of Voting – 2022 Municipal and School Board Election

Moved by: Councillor Anderson

Seconded by: Councillor Haird

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2021-128, BEING A BY-LAW TO AUTHORIZE THE USE OF ALTERNATIVE VOTING METHODS FOR THE 2022 MUNICIPAL AND SCHOOL BOARD ELECTION, AS PRESENTED IN COUNCIL REPORT CSC-2021-06.

CARRIED – UNANIMOUS

By-law No. 2021-129 – Alternative Method of Voting – 2022 Municipal and School Board Election – Agreement with Intelivote Systems Inc.

Moved by: Councillor Haird

Seconded by: Councillor Kench

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2021-129, BEING A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO SIGN AN AGREEMENT WITH INTELIVOTE SYSTEMS INC., FOR THE SUPPLY OF INTERNET AND TELEPHONE VOTING SYSTEM FOR THE 2022 MUNICIPAL ELECTION AT AN ESTIMATED COST OF \$9,153, BEING DEPENDENT ON THE ACTUAL FINAL ELECTION COUNT FOR THE 2022 MUNICIPAL AND SCHOOL BOARD ELECTION, AS PRESENTED IN COUNCIL REPORT CSC-2021-06.

CARRIED – UNANIMOUS

Council-CS-2021-44 – Ice Booking Cancellations Due to COVID-19

Motion #21-219 – Ice Booking Cancellations Due to COVID-19 – Uphold Ice Allocation Policy

Moved by: Councillor Kench

Seconded by: Councillor Haird

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE APPROVES OPTION #1 (DIRECTS STAFF TO CONTINUE TO UPHOLD THE ICE ALLOCATION POLICY AND INVOICE THE USER GROUPS FOR CANCELLED ICE BOOKINGS), AS IT RELATES TO THE ICE BOOKING CANCELLATIONS DUE TO COVID-19 AND, AS PRESENTED IN COUNCIL REPORT CS-2021-44.

CARRIED – 5 Ayes, 2 Nays

21. Questions from the Media

- There being none, the Chair moved on to the next order of business.

22. Confirmation By-law

By-law No. 2021-125 – Confirming By-law – December 21, 2021 (3 Readings)

Moved by: Deputy Mayor Osmond

Seconded by: Councillor Haird

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2021-125, BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS REGULAR MEETING HELD ON TUESDAY, DECEMBER 21ST, 2021, BE READ THREE TIMES AND FINALLY PASSED THIS 21ST DAY OF DECEMBER 2021.

CARRIED – UNANIMOUS

23. Next Meeting – Tuesday, January 11, 2022

24. Adjournment

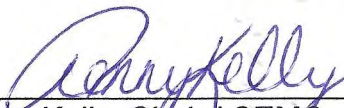
Moved by: Deputy Mayor Osmond

Be it resolved that Council hereby adjourns this regular meeting of Council at 8:51 PM.

CARRIED – UNANIMOUS



Ted Lojko, Mayor



Penny Kelly, Clerk / CEMC



Cunningham Swan

LAWYERS

• EST 1894 •

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

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December 17, 2021

SENT BY EMAIL TO: clerk@gananoque.ca

Members of Council
c/o Penny Kelly, Clerk
The Town of Gananoque
30 King Street East
Gananoque, Ontario
K7G 2T6

Dear Members of Council:

**RE: Municipal Code of Conduct Complaint – Councillor Mike Kench
Our File No. 16418-153**

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.

As a financial sanction was recommended, the Member has a direct pecuniary interest in the report and they would not normally be able to participate in the discussion about the penalty. However, amendments to the MClA now allow the Member to make submissions to Council and attempt to influence their decision as it relates to the recommendation financial sanction only:

Section 5

....

Exception, consideration of penalty

(2.1) The following rules apply if the matter under consideration at a meeting or a part of a meeting is to consider whether to suspend the remuneration paid to the

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EMAIL: [INFO@CSWAN.COM](mailto:info@cswan.com)
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member under subsection 223.4 (5) or (6) of the *Municipal Act, 2001* or under subsection 160 (5) or (6) of the *City of Toronto Act, 2006*:

1. Despite clauses (1) (b) and (c), the member may take part in the discussion of the matter, including making submissions to council or the local board, as the case may be, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting. However, the member is not permitted to vote on any question in respect of the matter.
2. Despite subsection (2), in the case of a meeting that is not open to the public, the member may attend the meeting or part of the meeting during which the matter is under consideration. [emphasis added]

The Member is not permitted to attempt to influence Council's decision as to receipt of the report itself. The Act creates an exemption that only permits the Member to attempt to influence the decision on penalty or any question related to that recommended financial penalty.

We recommend that the Member follow the process set out below when Council receives and considers the report:

1. The Member must declare a conflict of interest and abide by section 5(1)(a) of the MCIA for any part of the consideration of the report that does not relate to Council's consideration of the recommended financial penalty;
2. The Member may take part in the debate on Council's decision on whether to implement the financial penalty or the amount of the penalty;
3. They may not vote.

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

TEF:mj



Cunningham Swan

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December 17, 2021

SENT BY EMAIL TO: clerk@gananoque.ca

Members of Council
The Town of Gananoque
30 King Street East
Gananoque, Ontario
K7G 2T6

Dear Members of Council:

RE: Municipal Code of Conduct Complaint – Councillor Mike Kench
Our File No. 16418-153

The Complaint

A complaint was received on September 1, 2021, alleging that Councillor Mike Kench was, “a proponent of the anti-vax movement and is using his position on Council to promote this movement to the detriment of Council business and the community.” The complaint then attached a series of emails related to Councillor Kench’s response to the YMCA COVID-19 protocol news release, a response to an internal email thanking staff for their support at a vaccination clinic and an internal email with the Mayor and CAO.

Councillor Kench was provided with a copy of the complaint and supporting emails on September 10, 2021, and was asked to provide a written response. A response was received on September 19, 2021. The complainant was provided with a copy of the response on September 21, 2021, and asked if they had any further submissions to make. No further comments were received, and the Integrity Commissioner conducted a preliminary review of the complaint. There was sufficient evidence contained in the complaint to warrant further investigation. The investigation consisted of additional document review and interviews.

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FINDINGS OF FACT

Vaccine Clinic

On July 22, 2021 the Fire Chief sent an email to the senior management team, firefighters, Council and the Mayor thanking everyone who volunteered their time for the COVID-19 vaccine clinics. On July 22, 2021, Councillor Kench responded, asking the Fire Chief not to include him on future emails as “COVID is over”. Councillor Kench went on to state,

“The below message is for all, and not just for [the Fire Chief].

Have you ever heard of the Nuremberg trials?

... I have been doing a ton of reading about this so-called ‘health crisis’, and nothing seems to add up.

I graduated with a four year health degree from Queen’s and I owned a gym for five years. I’m very passionate about healthy living and the human body. These vaccines are not something I can support. They are almost completely useless and unnecessary from what I can understand.

I took a few statistics courses in university and learned how to read, understand and manipulate statistics to show something that might not be true. This non-deadly Covid-19 has been hijacked and sensationalized to make you feel like you need these suspicious vaccines. This is only a massive play by big pharmaceutical companies so they can make a pile of \$\$\$.

...”

When asked what he meant with his reference to the Nuremberg Trials, Councillor Kench responded that the Pandemic and the government’s response to the Pandemic has certain parallels to the Nuremberg Trials. In the Councillor’s view, the trials were about a circumstance where people on trial were defending their actions by claiming that they were simply doing what they were directed to do by the government. Councillor Kench does not want to be associated with COVID-19 vaccines that he does not know are safe. He then stated that it is a slippery slope to coerce people to take COVID-19 vaccinations, “it reeks of Nazi Germany and the Holocaust”. It is his view that the government is effectively coercing people to get vaccinated and they are doing so in a way that is segregating society; similar to what occurred in Nazi Germany.

When asked why he felt it was appropriate to equate the Pandemic response to Nazi Germany and the Holocaust Councillor Kench replied that it was not genocide he was referring to, only the segregation inherent in the Holocaust.

When asked what he meant by COVID -19 being “non-deadly” Councillor Kench replied that of the more than 29,000 deaths reported in Canada, they are reported as “COVID related” and that it is primarily pre-existing health issues that actually cause death; it is not the COVID-19 virus itself that is killing the majority of people.

The complaint asserted that the Councillor was a proponent of the “anti-vaccination” movement. The Councillor disagreed with that characterization as he was in favour of some vaccines, just not the vaccines for COVID-19. His rationale for the distinction was that there is no evidence that the vaccine prevents transmission of the virus. Although he acknowledged that the vaccine does protect individuals from the virus, unless it stops transmission of the virus there is no community benefit in the Councilor’s view.

Throughout this decision the Integrity Commissioner will refer to the Councillor’s “views” or “opinions” of the issues. During the interview process the Councillor took issue with the Integrity Commissioner characterizing his statements as his view or his opinion, arguing that it was not his “opinion” and stressing that his statements were scientific facts.

YMCA

On August 26, 2021, the YMCA of Eastern Ontario issued a press release setting out its COVID-19 protocols. Councillor Kench responded the same day by email to the employee issuing the press release stating,

“Disgusting. You should be ashamed to represent the YMCA. You should resign from any group that would discriminate like this.”

The CEO of the YMCA responded to Councillor Kench to express that he was,

“... very disappointed that someone in your position would attack one of my staff as you have in your email. Not only is this unprofessional, but takes aim at an individual who has dedicated over 30 years to help better her surrounding communities, especially individuals who are less fortunate.”

Councillor Kench replied the same day, August 27, 2021, that “we obviously share different perspectives on what is taking place.” The councillor then went on to explain his perspective:

“I see a tyrannical government that is doing everything in its legal powers (sic) for force and coerce our citizens to injecting something into their body that they might not want to do.

...

In my opinion, if you and [YMCA employee named in the original email] cared about our fellow citizens and our children, you would push back on any kind of vaccine

mandates and/or resign to illustrate your commitment to the health and safety of our people. We need to band together to push back anywhere we can.

My concern is that I am disappointed that you would support any kind of discrimination in the buildings and programs that you offer.”

Councillor Kench ended by indicating that his intent was not to offend and that he could have articulated his position better, but that, “we need people like [redacted] and yourself to speak up against discriminatory restrictions. I hope you will get on board and help protect our communities with me.”

Internal Email

A separate exchange occurred between Councillor Kench and the Town’s CAO and Mayor Lojko on August 26, 2021, where Councillor Kench requested confirmation that Town staff did not “.. think it is their job to harass people that cannot wear masks. Businesses are starting to come around and learn what the mandate means.” The Mayor responded by excerpting what the YMCA required and confirming that Public Health protocols must continue to be enforced for Town facilities.

Councillor Kench responded, “I see that the YMCA is moving along with the tyrannical Trudeau and Ford governments. It’s sad how many people are complicit in the Holocaust 2021.”

Councilor Kench was asked if he understood what the Holocaust was and how it related to his comment. He reiterated that his comment was highlighting what he perceived as government sponsored segregation, not genocide. When asked if he could understand why people might be offended by his reference, his response was that people need to develop thicker skin.

Council Position

The Integrity Commissioner reviewed various documents such as minutes of the Municipal Emergency Control Group and Council, the declaration of an emergency, and motions passed by Council related to COVID-19 to understand the nature of the Town’s response to COVID-19 and how Council dealt with Public Health and Provincial mandates regarding COVID-19 protocols. This exercise was necessary to determine if the complaint was correct that Councillor Kench was not representing the views of Council and the Town. In addition, we were provided with Notices issued by the Town at various times during the Pandemic to advise residents of service and facility disruptions and closures to respond to the Pandemic and direction from Public Health.

Early in the Pandemic, Council issued an emergency order and throughout the Pandemic has issued multiple facility notices in conformity to Public Health guidance. Council moved to virtual Council meetings to respect the health and safety of councillors and staff. Council passed a Resolution on July 21, 2020, to support border closures. Throughout the Pandemic the Emergency Management Group met frequently and made decisions related to managing municipal facilities and events in accordance with Public Health guidance. Later in the Pandemic, after the Emergency order was rescinded, Council passed a resolution on May 18, 2021, encouraging the Province to end the lockdown and increase its efforts, “to educate Ontarians on how to maintain their maximum immunity with a healthy diet, getting regular exercise and maintaining proper vitamin D levels.”

Our review confirms that Council consistently managed Town facilities in accordance with Public Health and Provincial protocols and health protections measures were implemented as required. Although Council did not pass any resolutions that addressed vaccinations, on April 19, 2021, the Town issued a press release titled “vaccination update” in which the Mayor is quoted as saying, “While we may not see large numbers in our own community it does not give us the right to become complacent. Enjoy the fresh air and take a walk but let’s be smart about it and not gather in groups. And please, get your vaccine.”

The Integrity Commissioner found no evidence that Council passed any resolution, by-law or policy that supports Councillor Kench’s personal view that COVID-19 is not a serious health risk, that the Provincial and Public Health protocols were not necessary or that vaccines were ineffective, dangerous or that they should not be promoted. To the contrary, Council has adopted policies and passed resolutions to consistently promote safe conduct that is consistent with public health guidance and scientific advice.

Code of Conduct

The Council Code of Conduct provides at s. 1 that Members of Council are governed by a series of legislation, including, “by-laws and policies of Council as adopted and amended from time to time.” The Integrity Commissioner includes in the list of policies and by-laws of Council resolutions passed and actions taken to respond to the Pandemic.

The purpose of the Code of Conduct is stated, in part, as, “... protect and maintain the Town of Gananoque’s reputation and integrity... The public is entitled to expect the highest standards of conduct from members that are elected or appointed to serve their local Government.”

Section 4 contains a list of matters that are titled “General integrity”. Included in this section are the following requirements that are relevant to this complaint:

- Members are committed to performing their functions with integrity, accountability and transparency;

- Members are responsible for complying with all applicable legislation, by-laws and policies pertaining to their position as an elected official;
- Members shall at all times serve and be seen to serve the interests of their constituents and the Town in a conscientious and diligent manner and shall approach decision-making with an open mind.”

Section 8 provides, ‘All members have a duty to treat members of the public, one another and staff with respect and without abuse, bullying or intimidation...’

Section 11 provides, ‘Members are expected to: (a) represent the public and to consider the well-being and interests of the municipality;’

Councillor Kench’s Position

In his written response, Councillor Kench suggested that it was ironic that when he was attempting to prevent discrimination and harassment that he would be attacked. He suggested that his defence of people’s rights to their own bodies was not a detriment to the community and then asked whether Betty Friedan, Rosa Parks or Harry Hay were a detriment to their communities. The Councillor then attached a series of links to websites and videos that he claimed supported his position, the majority of which were found on YouTube, with almost no peer-reviewed scientific data.

Betty Friedan was a champion for women’s rights and equality and the author of ‘The Feminine Mystique’. Rosa Parks famously resisted segregation in the US and was a prominent civil rights activist. Harry Hay was an influential gay rights activist, described by many as the founder of the modern gay movement. The Integrity Commissioner finds no parallel between these leaders of civil rights and the actions of Councillor Kench.

In addition to his written response, Councillor Kench provided more links to the Integrity Commissioner after being interviewed, stating, ‘A number of times [during the interview with the Councillor] he [the Integrity Commissioner] suggested that it was my 'opinion' that the vaccines didn't stop the spread of Covid 19. I wanted to make sure he understood that it is a matter of fact and it is undisputable at this point.’

The various links provided by Councillor Kench in support of his ‘opinion’ are not relevant to this complaint. During the interview the Integrity Commissioner made it clear that this complaint is not about whether the Councillor’s views are right or wrong. While the Integrity Commissioner disagrees with many of the Councillor’s views, what is relevant to this complaint is the manner in which the Councillor disseminated his views: did Councillor Kench use his position as a Member of the Town of Gananoque Council to attack those who disagree with his personal view in a manner contrary to the Code? Additionally, it is relevant to the complaint to compare the Councillor’s public statements with Council’s public position on the Pandemic.

During his interview, the Councillor repeatedly asked what reading the Integrity Commissioner had done on the issue of COVID-19 and vaccines and told the Integrity Commissioner to do more investigation so that he would come to understand the science better. It was very clear that the Councillor has formed very strong opinions based on his personal reading and there is no doubt in the Integrity Commissioner's mind that Councillor Kench believes he is correct and that all of his beliefs are supported by sound science.

The Integrity Commissioner finds that Councillor Kench has treated and continues to treat as misguided anyone who does not share his views on COVID-19 and he (often aggressively) advances his position in an attempt to convince his audience that he is right and they are wrong.

From our interview, the Integrity Commissioner understands that Councilor Kench disputes that COVID-19 has the fatality rates that are reported and believes that some deaths reported as related to COVID-19 are in fact deaths from other causes, where the deceased also had COVID-19. This means to the Councillor that the Pandemic is not as serious as the media and government are reporting. He in fact refers to COVID-19 as the "so called health crisis" in his emails, excerpted above.

The Councilor's belief that COVID-19 is not a true health crisis fuels his belief that the government is "coercing" the population to become vaccinated, and is doing so in a manner that "segregates" or "discriminates" against those who choose not to become vaccinated. The Councillor believes that vaccines offer protections to individuals (primarily those who are predisposed to do poorly if they contract COVID-19) but the decision to become vaccinated should be a personal choice.

Councillor Kench further believes that because vaccinations do not stop the transmission of COVID-19, the government should not be "coercing" people to get vaccinated. This is equivalent to segregation on the basis of race or sexual orientation according to the Councillor.

ANALYSIS

Code of Conduct

A Member of Council is obligated to:

- protect and maintain the Town of Gananoque's reputation and integrity... The public is entitled to expect the highest standards of conduct from members that are elected or appointed to serve their local Government. (Code of Conduct purpose statement)
- perform their functions with integrity, accountability and transparency (section 4)
- comply with all applicable legislation, by-laws and policies pertaining to their position as an elected official (section 4)
- treat members of the public, one another and staff with respect and without abuse, bullying or intimidation (section 8)

- represent the public and to consider the well-being and interests of the municipality (section 11)

Comply with By-law and Policy

The Integrity Commissioner finds that Councillor Kench's opinions about COVID-19 are not consistent with actions taken by Council to respond to the Pandemic. His views and his forceful manner of advocating for his views do not, "represent the public and ... consider the well-being and interests of the municipality" as required by section 11.

The Integrity Commissioner finds that the Councillor was actively encouraging and, in some cases, bullying individuals to act in a manner contrary to the general direction of Council related to the Pandemic. Council declared a state of emergency and managed its public facilities in accordance with Provincial and Public Health guidance. The Town supported and advocated for vaccines. Council's actions were in the public interest and represented what Council felt was important for the well-being of the public.

For the Councillor to suggest that Covid-19 is not a "true" health crisis or that it is "non-deadly" demeans Council's actions and sends a message to the public that Council's decisions were wrong. More importantly, the Councillor's statements support a view opposed to Council's clear direction designed to preserve the safety of the public.

Expressing a minority view on the topic of vaccinations or policies that encourage vaccinations is not a breach of the Code. What breaches the Code is the fact that the Councillor has taken such aggressive steps to advocate for "pushing back" on these directives. That is not the Councillor's role and it is a message that is contrary to the direction Council has advocated.

Treat Members of the Public and Staff with Respect

Councillor Kench has not treated members of the public with respect and has engaged in email correspondence (specifically with the YMCA staff) that is abusive in an attempt to bully or intimidate them. There is no other way to interpret Councillor Kench's email where he states the policy is "disgusting". Further, Councillor Kench stated:

"In my opinion, if you [CEO] and [YMCA employee named in the original email] cared about our fellow citizens and our children, you would push back on any kind of vaccine mandates and/or resign to illustrate your commitment to the health and safety of our people. We need to band together to push back anywhere we can.

My concern is that I am disappointed that you would support any kind of discrimination in the buildings and programs that you offer."

The Integrity Commissioner finds that the Councillor was using his position as an elected official to advocate for his personal belief and that he did so in a manner that was abusive.

In his July 22, 2021, email to the Fire Chief and senior management team, firefighters, Council and the Mayor, Councillor Kench asked the Fire Chief not to include him on future emails as, “COVID is over”, going on to state,

“The below message is for all, and not just for [the Fire Chief].

Have you ever heard of the Nuremberg trials? ...”

The Integrity Commissioner does not accept the explanation offered by the Councillor that his reference to the Nuremberg Trials was meant to suggest that he did not want to follow government guidance on COVID vaccines when he did not believe in their efficacy. Using the Nuremberg Trials evokes a very specific and negative set of emotions and images associated with Nazi Germany and the atrocities committed in World War II. The Councillor also referred to the Holocaust in another email and in his interview with the Integrity Commissioner. The Integrity Commissioner finds that this was a deliberate use of language to evoke a negative perception of the current government’s handling of the Pandemic.

The Councillor deliberately equated the promotion of COVID vaccinations with Nazi Germany’s forced segregation of various groups into Concentration Camps for purposes of genocide. The Integrity Commissioner rejects the Councillor’s explanation that his reference was only intended to be a commentary on the segregation of non-vaccinated individuals. To equate policy that seeks to ensure a majority of the population obtains a vaccine to combat a global Pandemic with actions taken by Nazi Germany to exterminate targeted segments of society is wrong it is nothing more than an attempt to bully those who disagree with the Councillor into accepting his view. In the case of the YMCA, he went so far as to label their policy as “disgusting” and encouraged staff to resign if they had beliefs different than his.

The Integrity Commissioner finds that using the Holocaust and Nuremberg Trials was a course of action designed to make those who disagreed with the Councillor feel that their actions were more than just wrong; that they were complicit in something morally repugnant and that they should be “disgusted”.

It is simply unacceptable for the Councillor to use the tragedy of the Holocaust in a cavalier and demeaning attempt to attack those who disagree with his opinions on COVID. The Integrity Commissioner rejects Councillor Kench’s position that anyone who is offended by his use of this imagery needs to grow a thicker skin.

Councillor Kench has crossed the line from having a strongly held view to using his position to attack members of the public and staff who disagree with him.

The actions described above are a breach of the Code of Conduct, section 8.

Recommendations

The Integrity Commissioner is aware that Councillor Kench was the subject of a previous Integrity Commissioner's report where the Integrity Commissioner found that Councillor Kench has been disrespectful to staff and the public. Council imposed a penalty on the Councillor by suspending his remuneration for a period of 60 days.

While the issues in this investigation and report are different, the commonality is a finding that Councillor Kench advocates for a position he believes in strongly in a manner that is disrespectful. In the current investigation his advocacy was more than simply disrespectful; it crossed the line into bullying and intimidation.

The Integrity Commissioner recommends that Council suspend the Councillor's remuneration for a period of 90 days.

In making this recommendation, the Integrity Commissioner is guided by the fact that the Councillor is not remorseful and does not see his behaviour as inappropriate. His sole motivation during the interview process appeared to be to advance his views on COVID and vaccinations, going so far as to chastise the Integrity Commissioner for what he perceived as a lack of research by the Integrity Commissioner into the issue of vaccines. Rather than appreciating that his aggressive approach is not appropriate, the Councillor advocated that anyone offended by his reference to the Holocaust should grow a thicker skin. This behaviour does not reflect well on Council, the Town or its residents and requires a significant penalty to deter future incidents.

The Integrity Commissioner also recommends that Council issue a formal reprimand so that the public understand that Council and the Town of Gananoque do not support the views of the Councillor and especially do not condone the manner in which he expressed his views. While Council may not have a specific vaccination policy, it is clear that the Town has taken important public safety measures during the Pandemic to respect Provincial guidance and Public Health direction on fighting the Pandemic. Views expressed by the Councillor undermine the severity of the Pandemic and the legitimacy of efforts taken to protect the most vulnerable in society from the Pandemic.

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:mj

**1000 Islands Accommodation Partners
Expenditures from \$170,000 DMP Replacement Funds from
Town of Gananoque 01/01/21 to 12/31/21**

REVENUE

FUNDING REVENUE - PROGRAM

MAT TRANSFER -Town of Gananoque	170,000.00
TOTAL FUNDING REVENUE - PROGRAM	<u>170,000.00</u>

TOTAL REVENUE	<u>170,000.00</u>
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EXPENSE

PAYROLL EXPENSES

WAGES	37,956.90
EI EXPENSE	839.61
CPP EXPENSE	1,855.60
WSIB EXPENSE	185.99
TOTAL PAYROLL EXPENSE	<u>40,838.10</u>

ADMINISTRATIVE EXPENSES

GENERAL OFFICE & ADMINISTRATION	2,952.65
PHONE & INTERNET	761.54
TOWN OF GANANOQUE RENT EXPENSE	2,970.00
BANK CHARGES AND INTEREST	75.00
INSURANCE	3,176.28
PROFESSIONAL FEES	6,781.25
TOTAL ADMINISTRATION	<u>16,716.72</u>

MARKETING & DEVELOPMENT

MEMBERSHIPS	1,114.00
CONVENTIONS	3,409.68
MARKETING - TRAVEL TRADE/ MEDIA	37,423.16
ADVERTISING (Digital ad campaigns, print ads, etc.)	37,316.78
ARTWORK & COMMUNICATIONS	5,131.31
EVENT SUPPORT (Poker Run, Curling Club Bonspiels, Artisan Market, etc.)	27,924.66
WORKFORCE TRAINING	425.00
TOTAL MARKETING & DEVELOPMENT	<u>112,744.59</u>

TOTAL EXPENSE	<u>170,299.41</u>
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NET INCOME(LOSS)	<u><u>-299.41</u></u>
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2022 Projected TIAP Budget Proposal

Expenses		
	Marketing Budgeted items include: <ul style="list-style-type: none"> - Digital Ad Campaigns for Summer & Fall of 2022 - Odessa Billboard Rental - Digital & Print ads (ex. Ontario by Bike, Visit 1000 Islands Visitor Guide, 1000 Islands Gananoque Chamber Visitor Guide) 	\$63,000.00
	Events Additional financial support available for events & marketing expenses related to event promotion.	\$15,000.00
	Travel Media Budgeted items include: <ul style="list-style-type: none"> - Rendezvous Canada 2022 - Influencer/Blogger/Travel Writer visits & FAM tours - Travel Media Association of Canada - Association Memberships 	\$42,150.00
	Administrative Publicity/Marketing Staff Expenses <ul style="list-style-type: none"> - Staff wages & Mandatory Employment Related Costs Other Administration Expenses <ul style="list-style-type: none"> - Rent to Town - Phone - Professional Fees - Insurance - Office Supplies 	\$53,900.00
		\$16,620.00
Total expenses		\$190,674.00
Revenue		
	DMP receipts	\$15,000.00
	MAT	\$170,000.00
	Service Canada Summer Student	
	RTO9 Funding	
	Destination Ontario Funding	
	Tourism & Hospitality Recovery Program	
	Ministry of Heritage, Sport, Tourism and Culture Funding	
Total revenue		\$185,000.00
Profit / Loss		-\$5,674.00

Marketing Campaigns 2021

Winter social media Campaign in partnership with the United Counties of Leeds & Grenville through the month of March – all campaigning went through the 1000 Islands Tourism Facebook/Instagram & Twitter

Summer campaign plans ran from June - October, including the “Win a Two Night Getaway to the 1000 Islands” contest as the highlight

Separate fall campaign ran from September - October featuring the beauty of the area in the autumn.

RESULTS

- A total of over **258,000 impressions** for the winter campaign with over **13,600 clicks** through to the campaign landing page
- A total of **12,636 unique contest entries** were received for contesting, including information and insight re: their travel preferences.
- Email subscribers increased from 14,305 subscribers at the beginning of the campaign to **22,242 email subscribers** at the end
- Between January 1 and October 31, we received **144,877 visits** to the TIAP website and **309,957 page views**. A focus in this campaign was to push website visits to our partners/attractions where promoted. This generated **1000s of clicks to their websites**.
- There was an email **open-rate of 23%** generated over the 5 emails launched during the campaign period of Jun - Oct.

Social media quick stats (Jan 1, 2021 – Dec 15, 2021):

Facebook Reach: **754K+**

Instagram Reach: **218.7K+**

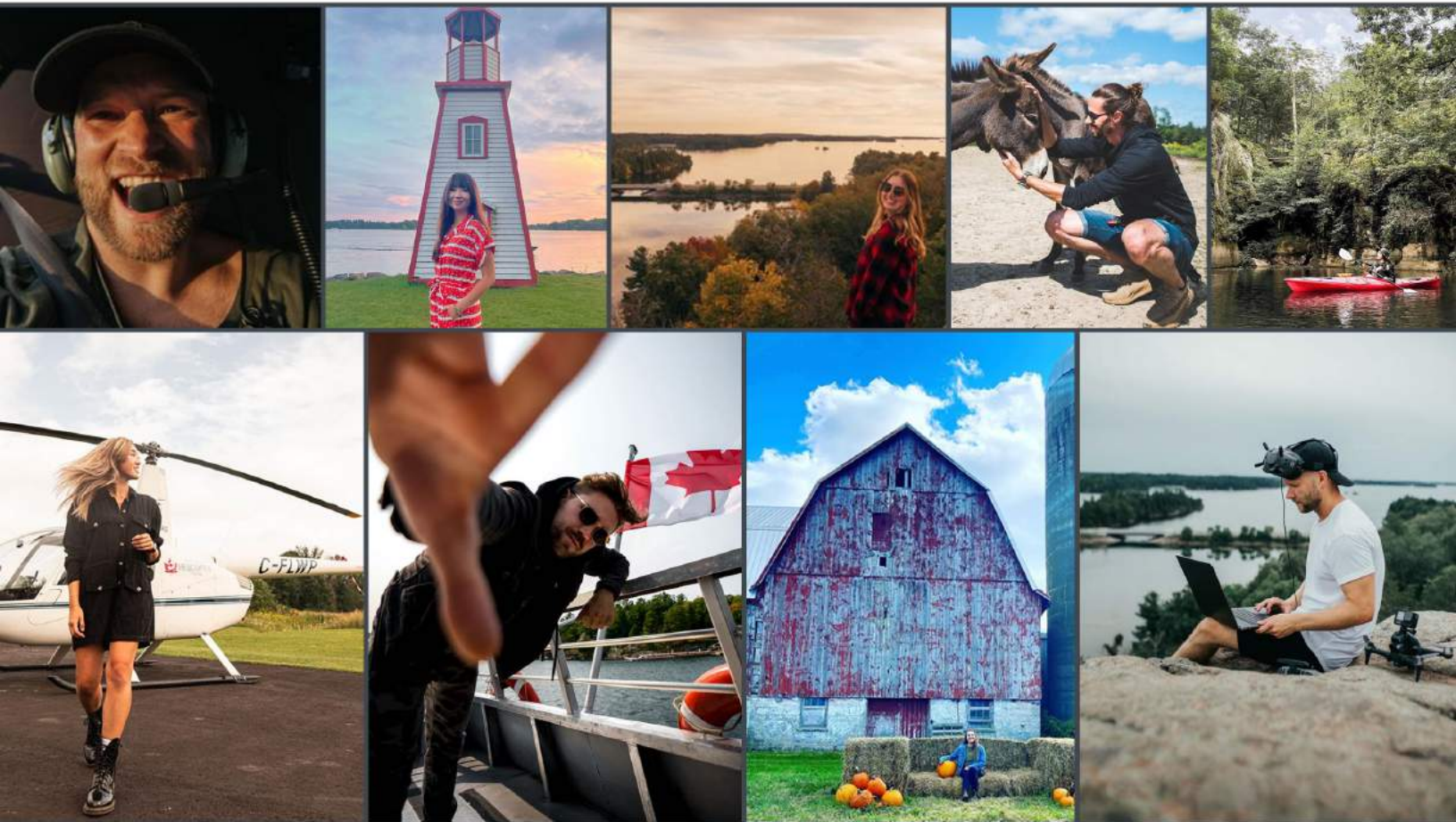


Travel Media 2021

TIAP welcomed the following travel media members and influencers in 2021 both independently & through partnership opportunities with: RTO9, Destination Ontario and Destination Canada. Media personnel are the most valuable way to incur organic reach and act as an authentic testimonial for the traveller experience to their followers & readers.

Mel Whang - Mel Inspired | @melwhang | **142K Followers**
Elise Purdon - Tiny Town Tours | @apoelise / @elisepurdon | **48.3K Followers**
Brigitte Truong - Tiny Town Tours | @brigittetruong | **21.4K Followers**
Megan Renaud - Ottawa River Lifestyle | @ottawariverlifestyle | **7.7K Followers**
Julia Weber - Little Miss Ottawa | @littlemissottawa | **48.7K Followers**
Matti Haapoja | @mattih | **398K Followers - 1.14M Subscribers**
Teppo Haapoja | @teppohaapoja | **45.6K Followers - 76.3K Subscribers**
Jay Kana - Modern Mississauga Media | @modernmississauga | **2.9K Followers**
Stephen Johnson - Family Fun Canada | @familyfuncanada | **5.6K Followers**
Andrea Traynor - Mommy Gearest | @mommygearest | **29.6K Followers**
Dave Pereira - See Dave Do | @seedavedo | **10.6K Followers**
Adam Waxman - Dine Magazine

Gananoque & the 1000 Islands saw over 2,000,000,000+ Impressions through paid & earned media in 2021! (source: Beattie Tartan, RTO9)



10 King St. East, Gananoque, ON K7G 1E6 | www.1000Islandstourism.com

1000 points of view

