

The Independent

Serving Petrolia and Central Lambton

Vol. 5, Issue 6

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Thursday, October 12, 2017

FREE FALLING



There was lots of happy faces and excited laughter as The Cannonball at the 167th Brighden Fair made its way to the top of its tower and a few frightened faces as the ride hurtled toward the ground only to stop gently about ten feet from the bottom. Some of the riders heaved a sigh of relief when they hit the ground, others looked at their friends saying "that wasn't as bad as I thought." For more photos of the last fall fair of the season see pages 7 and 8.

Heather Wright Photo

Petrolia CAO owns youth centre building

Baron says he didn't disclose ownership to council because he's giving centre free rent

Heather Wright
The Independent

Petrolia's chief administrative officer owns the building which houses a town run youth and seniors centre called The Rec Room - a fact not disclosed to council when the project was approved.

On March 13, 2017, Dave Menzies, director of facilities and community services, came to council for support for a youth and seniors drop in centre. "In discussions with programming staff at the OHDCC over the last year, one of the goals for continuous improvement was to develop and implement a youth drop in centre," wrote Menzies. The centre was to be located at "4168 Robert Street (rear, vacant LCDS offices)" according to the report. The owner of the building was not disclosed nor did councillors at the time ask who owned the property.

A budget attached to the report said it would cost \$38,000 to run the centre. The biggest cost was wages at \$16,400 per year. The report says one year of rent was to be \$9,600. The budget also included \$1,800 for utilities.

Town councillors agreed to set aside \$11,000 for the project. The budget projected service clubs would pay \$5,000, and when the building opened, the town recognized the Fiddick family as the major sponsor, contributing \$10,000 to the project.

SEE YOUTH CENTRE PG 2

Alvinston water tower repair costs soar \$100,000

Heather Wright
The Independent

Brooke-Alvinston will pay about \$100,000 more than expected to repair the Alvinston water tower.

The Alvinston standpipe is used to keep the water pressure up during high usage - especially in the case of a major fire.

It has been in need of repair for a number of years, according to Randy Hills, the municipality's manager of public works. The municipality recently received over \$60,000 in grants to complete the project this year.

But when Brooke-Alvinston asked for

estimates for the job which was estimated at first to cost about \$165,000, the cost escalated.

One company, which erects scaffolding inside the empty water tower and then sandblasts and coats the interior of the tower gave a price of \$775,000. The other, Jacques Daoust Coatings Mgt. Inc, offered to do the work for \$269,000.

The Daoust tender was much lower because the company lowers workers into the standpipe in "bucket" according to Mayor Don McGugan which saves a large amount of time and labour.

Council briefly considered putting the project off for another year, hoping to get

more grant money from the federal and provincial governments. "We could take a gamble and see if there is another grant," said Hills at a recent council meeting.

Instead, council decided it was time to move ahead with the work. The extra \$100,000 will come from the yearly payout the municipality receives after merging its utility into Bluewater Power years ago.

"It doesn't leave us a lot of money left in that reserve, but at least it will be done," says McGugan.

The work is expected to begin this month and the mayor says it is scheduled to take about seven weeks.

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PUMPKIN PROUD



Travis Thompson of Florence proudly displays his championship pumpkin at the Brigden Fair this weekend. It weighed in at 1,544 pounds. He grew the pumpkin from special seeds he acquired from the Giant Vegetable Growers Club of Ontario. Thompson says seeds from the prize-winning pumpkin will be harvested and made available to those who wish to grow their own mammoth gourd.

Bonnie Stevenson Photo

Ownership of youth centre never disclosed

CON'T FROM PG 1

What councillors didn't see in the report that was co-signed by the CAO was Baron had already signed an agreement with Countryside Realty, owned by developer Horst Richter. The agreement for the building is dated March 2, 11 days before the proposal went to council according to documents filed with the Land Registry Office in Ontario.

Baron paid \$150,000 for the building. There were minor renovations done to the centre including painting before it was opened. Town staff have also been seen on the site cutting the grass at the building.

The Independent tried to contact seven of the eight town councillors about the issue including Mayor John McCharles.

Only Councillors Grant Purdy and Ross O'Hara were available for interviews.

Both Purdy and O'Hara said they were not made aware of who owned the building before council accepted the proposal.

"I do recall wondering why that place, we have all kinds of town space," says Purdy.

At the time, Purdy was told there was no space available in the community centre for the drop in centre.

O'Hara told *The Independent* he didn't think he had been told who owned the property prior to council giving the okay adding "it's hard to remember that far back."

He said it was his impression at the time that a service club or a third party was paying the rent.

O'Hara planned to meet with Baron to talk about the issue - he had heard a complaint from a resident about the CAO owning the property now used by the town. The councillor hoped to speak to the CAO prior to Tuesday night's council meeting.

O'Hara did not want to comment further until he'd talked to the CAO.

But Purdy says he would not have approved the contract had he know Baron owned it. "Had I know that, I would have said something. That's a conflict of interest. Had I had known, I wouldn't have voted for it."

For his part, Baron says he didn't disclose his ownership of the building because "no rent was being charged... I'm not charging rent, Town of Petrolia is getting free rent out of that."

But a well-known analyst of municipal politics, Professor Andrew Sancton of Western University, says even if Baron is donating the rent to the town, he should have disclosed his ownership in the building. "If he's not making any money out of it and he's actually making a form of contribution ...it would have been better to be totally open," Sancton told *The Independent*.

"He should have disclosed it. The real conflict issue is if he has benefited financially...If he is contributing rent, you would think he would be looking for a tax receipt," he added.

Sancton also wondered who had signed a lease agreement since that is generally left to the upper levels of management in a municipality.

It's a question Purdy also raised.

"We don't know who signed the lease agreement," he says. "We have been told the day-to-day operations is the responsibility of the senior staff."

"I think I want to start seeing things like that now."

Purdy is also questioning why the centre came up so suddenly to council.

The councillor had suggested the town engage teens with a youth council in the past but that didn't come to pass.

There have also been calls in the past four years for a skateboard park and a splash pad in the community.

"It upsets me to think that I've been pushing for things for our youth...it doesn't benefit me personally because my kids are too old for them... but...there is no money to fund these things," he says.

When The Rec Room opened in April 12 youth had signed up for memberships at a cost of \$30 each. Today it has 15. "Understanding that this is the beginning of a long-term program, we are very encouraged by the numbers at this time," wrote Marketing Director Laurissa Ellsworth in an email late Tuesday.

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Thursday, October 19, 2017

Petrolia's CAO cashes in on town's storage needs

Baron's numbered company owns 395 Fletcher, town paying rent for it

Heather Wright
The Independent ©

Petrolia's Chief Administrative Officer owns a building the town is now renting for storage – an interest he didn't reveal to councillors when they asked point blank who owned the building during a open public council meeting.

In September, town public works crews could be seen cleaning out 395 Fletcher St. a building which formerly housed World Data Service Ltd.

Dumpsters of garbage were taken away and old props from Victoria Playhouse could be seen.

The building which had been listed for sale by Remax Realty, was bought by Petrolia developer Horst Richter in July, according to Land Registry documents.

By the end of September, there were visible signs of renovations at the building including new garage doors and windows. Plywood has also been placed on windows which were not replaced.

Documents from the Land Registry office show the same Ontario numbered company which owns 4168 Robert St. – the town's youth and seniors centre – bought the building Sept. 29.

Petrolia's CAO, Manny Baron, is the

sole owner of the numbered company according to documents obtained by *The Independent* from the Ministry of Government Services.

On Oct. 10, councillors started asking questions about the new storage building.

Councillor Ross O'Hara raised the issue of the cost of renting storage space in the long term.

While the reporter for *The Independent* had left the council chambers during the discussion, three people confirmed that during that discussion, Councillor Grant Purdy directly asked who owned 395 Fletcher St.

Purdy says Dave Menzies, director of facilities and community services, told council he didn't know who owned the building but he "does his hand shakes" on the rent deal with Richter.

"Then Manny (Baron) responded to me, 'I can answer that – it's Horst Richter,'" Purdy told *The Independent*. By then, Baron's numbered company had owned the building, which cost \$290,000, for 12 days.

Questions had been raised about Baron's involvement by two councillors last week, after it was learned Baron's company bought 4168 Robert St. just 10 days before council approved the concept of the youth and seniors drop in centre in the building.

Last week, the CAO told *The Independent* the town was not paying rent on the building so he didn't feel he had to disclose his interest in the building.

SEE CAO PG 3

CLEAN GETAWAY



Julia Daniels passes the ball at mid court - in the nick of time - as the LCCVI Lancers dominated Tilbury during senior girls basketball Thursday. See more details in the sports section.

Heather Wright Photo

Cause of deadly fire undetermined

Heather Wright
The Independent

The cause of the fire which claimed two lives in Dawn-Euphemia will never be known.

Cindy Lou Beyea, 54, and Malcom McKinnon, 61, of Marthaville Road near Bentpath

died in the fire on Jan. 29.

By the time the Dawn-Euphemia Fire Department arrived at the scene, flames could be seen shooting from the house over the top of giant cedar trees which surrounded it.

After nine months of investigation, the official cause is

listed as undetermined.

Steve Martin investigated the blaze for the Ontario Fire Marshal's Office. He says because the home is in a rural area, the fire wasn't spotted for some time. By the time firefighters arrived, the evidence was destroyed.

SEE CAUSE PG 3



Investigators spent days at the scene but the cause of the fire could not be found.

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CAO didn't disclose ownership of buildings

CON'T FROM PG 3

Councillor O'Hara was concerned about the issue, but didn't comment at the time, saying he needed to talk to the CAO.

O'Hara says Baron repeated to him in a private meeting that the town wasn't paying rent. "He said he rented two apartments to people and because the utilities were not included, the town was paying the utilities in lieu of rent," says O'Hara.

In the budget for the youth/seniors centre, utilities were expected to be about \$1,800 for the year.

Purdy, who was disturbed by the fact Baron had not disclosed his interest in the youth/seniors centre, is angry after learning the CAO owns another building which the town is renting.

"It is a conflict of interest," he tells *The Independent*.

"The optics are horrible. "This new revelation is strictly a private enterprise with cash revenue coming from the town."

Purdy adds the timing of the sale of the two buildings suggests there was "foreknowledge" of the plans for both buildings. "The timing was just impeccable; way beyond coincidence.

"This is something I am not going to let slide if there is any wrong doing."

Ontario's Conflict of Interest Act prohibits elected officials from gaining financially from inside information about municipal activity. The forward to the Conflict of Interest Act says the province recognizes "The importance of integrity, independence and accountability in local government decision-making, the importance of certainty in reconciling the public duties and pecuniary (monetary) interests of members" and that council members are "expected to perform their duties of office with integrity and impartiality in a manner which bears the closest

scrutiny."

But administrators are not bound by those rules. Petrolia's CAO is also the clerk of council and most clerks are members of the Association of Municipal Managers Clerks, Treasurers of Ontario. It has its own Code of Ethics and Values.

That code calls for members to "maintain professionalism, integrity and trust." Craig Wellington, director of programs and services for AMCTO says while there are no monetary penalties for violations of the code, clerks could lose their membership if they are in conflict with the code. That may make it difficult to obtain work for other municipal governments.

A complaint of a violation of the AMCTO Code of Ethics can only be filed by another member of the association.

So far, there doesn't seem to be an investigation of any kind into the revelations Baron appears to be profiting from his position with the municipality.

Mayor John McCharles said the first he became aware the CAO owned 395 Fletcher St. was Tuesday morning, when he was informed by *The Independent*.

When asked if McCharles was concerned the top municipal administrator mislead council in an open session about the ownership of the building, McCharles responded; "I can't comment on that, it is basically a personnel matter, so I can't comment on it.

"It is a personnel issue and it will be handled as a personnel issue."

The mayor also wasn't clear if there would be council discussions about how the personnel issue would be handled.

"I'm not sure of that, with council, we're kind of on our off week here... You have to get council together," he says adding a special meeting could be called.

McCharles added at least one councillor is out of town and wouldn't be available immediately.

"I have a number of appointments and I'm sure other councillors have appointments as well, I know... to get the council together it is not as easy as saying 'Okay, we're going to have a council meeting. Everybody has other duties."

Purdy simply wants to get to the bottom of the issue. "I may consider asking for a provincial auditor to look at the town books," he tells *The Independent*.

"We're told you are supposed to have trust in the employees," he says adding right now, he doesn't.

"I feel there is a lack of transparency now - a lack of willingness to provide that information.

"When I took the oath to be on council, I promised to be a good steward of the town's finances. If that's uncomfortable and it turns up some uncomfortable things, I'm fine with that. It is my obligation."

The Independent contacted each councillor, either by phone and by email to inform them of the latest finding and seeking comment. Only O'Hara, Purdy and McCharles made themselves available for an interview.

The Independent also tried to contact the CAO. The receptionist at town hall told us all comments on any subject were now to go to the mayor citing the town's media policy as the reason.

The Independent also reached out by email to the CAO asking why he told councillors Richter owned the building and who paid for the renovations. At press time, Baron had not responded.

The town will pay \$2,500 a month for the storage space owned by Baron. A 25 year mortgage for \$290,000, according to online apps, would require a \$1,500 monthly payment.

Cause of fire which killed two undetermined

CON'T FROM PG 1

Martin says normally investigators studies want to "know where it started and what was the fuel load. I couldn't even get to that point," he tells *The Independent*.

"It was a two storey home and I can't determine which level it started on. We just can't determine fire patterns when the fire is in such an advanced state."

And he says there is no way to determine when the fire started either.

Firefighters were called to the home in the early morning hours after neighbours spotted the flames over the treetops.

"By all accounts, it was well advanced before the fire department got there, that's not to say they didn't do all they could, but it was a rural property and it wasn't discovered until later... they did the best they could."

Martin says it is believed there was a smoke detector in the home. Fire prevention

officers had been to the home just a year before the blaze and at the time the homeowner told the fire department there was a detector on site however it wasn't found in the home.

"There was no reasonable prospect of recovering the smoke detector. It's one of the first things that melts," says Martin. The investigator concedes its difficult to list the cause as undetermined. "I don't like loose ends. It's extremely frustrating."



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Thursday, November 16, 2017

REMEMBERING PETROLIA'S FALLEN



Despite the cold, people gathered at the Victoria Park Cenotaph in Petrolia to mark Remembrance Day Saturday. A blanket of snow covered the wreaths which had been laid Nov. 5. Members of the Petrolia Legion and dignitaries laid a few more in the brief ceremony which marked the 11th hour of the 11th day. **For more photos of Remembrance Day in Central Lambton, see pages 7 and 8.**

Pam Wright Photo

Petrolia CAO resigns; councillor faces investigation for conduct

Heather Wright
The Independent

Petrolia's chief administrative officer has resigned. And a councillor who spoke out against some questionable practices is facing a date with an Integrity Commissioner.

Council accepted Manny Baron's resignation after nearly a two-hour in camera session Monday where councillors heard from Investigator John Fleming.

Fleming was called in after *The Independent* reported the CAO owned two buildings being used for town purposes.

The town was paying rent for a storage building on 395 Fletcher St. It was paying utilities on The Rec Room Youth and Seniors Centre on Robert St.

Baron didn't reveal to council he owned the buildings through a numbered company. At one point, he told councillors Developer Horst Richter owned 395 Fletcher even though he had owned it for 12 days.

Mayor John McCharles read out a news release after the closed session, listing the items Baron helped the town achieve including the rebuilding of Petrolia Line and the replacement of the waste water treatment plant.

"We appreciate his contributions to the town in this regard and wish him well. I will not be commenting on the circumstances that led to his resignation," he added.

The investigator told *The Independent* his report into Baron's action would not be released.

In an interview after council, Mayor John McCharles told *The Independent* the report was through but won't be released to the public because it was a personnel issue. "The investigation is complete as far as the town is concerned."

Deputy Clerk Mandi Pearson will be the Interim CAO while Tim L. Dobbie Consulting Ltd. of Burlington searches for a new CAO. It's not clear how long that will take.

While the search goes on, another investigator has been called in. Also after the private session, Councillor Mary-Pat Gleeson read out a motion saying there "was a concern for a continued pattern of behavior" and that "a councillor" had not followed the Code of Conduct and possibly Bill 168. Gleeson, and Councillors Tim Brown, Joel Field, Liz Welsh and Mayor John McCharles all voted in favour of a motion to bring in the Integrity Commissioner from Amberley Gavel to review the complaint.

Councillor Ross O'Hara voted against the motion.

SEE INTEGRITY COMMISSIONER PG 2

Deputy Mayor back in Plympton-Wyoming

Heather Wright
The Independent

The next mayor in Plympton-Wyoming will have a back up.

Town council has agreed the position of deputy mayor will be reinstated.

In 2014, council decided to do away with the position suggesting council members could take turns filling in for the mayor should the need arise.

But recently Mayor Lonny Napper brought the issue up again, saying he wanted to be sure there would be representation for the town at county council should anything happen to the

mayor.

"At the county level, we will soon be able to have an alternate... so if the mayor cannot attend, the deputy mayor can," says Chief Administrative Officer Carolyn Tripp.

Right now, if the mayor were to be sick, a councillor would not be able to go to Lambton County Council in his place.

Napper says that has happened before.

When former Plympton-Wyoming Mayor Pat Davidson became the Member of Parliament for Sarnia-Lambton, council did not have a representative at the county level for

two months as council grappled with who would replace Davidson. There wasn't a formal process in place.

"Under amalgamation, we didn't spell that out," says Napper. Now, the rules will be clear; voters will select the deputy mayor who will replace the mayor should the need arise.

Napper adds the new deputy mayor would be able to step in at a moments notice as well. "The mayor can keep that person kind of in the loop and then when he is called upon to act, he will act."

The new deputy mayor will be on the ballot in the 2018 election.



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REMEMBERING VIMY IN WYOMING



Derek Sipkens, 3, and his dad, Brian, planted a memorial tree near Wyoming's cenotaph recently. The tree is a direct offspring of a tree planted from acorns collected by a Canadian soldier while serving in France. They were later planted at his home farm in Scarborough. The tree was donated by the Town of Plympton-Wyoming and Sipkens Nurseries. A memorial plaque will be installed in the future.

Submitted Photo

Commissioner to investigate "pattern of behaviour"

CON'T FROM PG 1

Councillor Grant Purdy abstained from the vote.

The name of the councillor was not released. McCharles said it would be up to the Integrity Commissioner to decide if that should be released.

However when *The Independent* asked Purdy why he abstained from that particular vote, he confirmed he had a conflict with the motion.

Purdy has been outspoken about the allegations surrounding the town's CAO, engaging citizens on social media and vowing to address concerns. He also stated at one point he felt there may need to be an audit of the town's books

in the wake of the controversy.

The town's Code of Conduct is given to councillors when they are first elected. It includes rules which preclude politicians from taking gifts or money for political favours or benefiting personally or financially from the office.

Councillors are also bound by rules of confidentiality.

They are banned from speaking about the private in camera meetings held by council.

Petrolia's Code reads "No member of council shall disclose the content of a matter that has been discussed at or the substance of deliberations of an in camera meeting, except for content that has been

authorized by council... types of content that a member of council must keep confidential under this section includes but is not limited to items under litigation, negotiation or personnel matters... or information deemed to be personal information under the Municipal Freedom of Information and Protection of Privacy Act.

Purdy becomes the first official in Petrolia to be examined under the Code of Conduct rules in recent memory.

In Lambton County, only Sarnia Mayor Mike Bradley has been fined and suspended after being found guilty of harassing that city's senior administrative staff.

New home coverage rules should be adequate: planner

The Independent Staff

Petrolia's planner says proposed changes to how much land a home can cover on a lot should be "more than adequate" to satisfy a growing desire for larger homes.

Town Council will be looking at changes to its zoning bylaw Nov. 27. It held a education session on the changes Monday night.

One of the major changes is the increase in the percentage of lot coverage for homes.

Now, homes may only cover 30 per cent of the lot. It is suggested that increase to 35 per cent.

Rob Nesbitt told councillors

that would mean on a 60 foot by 150 foot lot, a home could have a footprint of over 3,000 square feet without cutting back on the amount of landscaped area or driveways.

"It should be more than adequate," Nesbitt told councillors.

The average lot size is now about 50 feet by 110. If council agrees to increase the lot coverage to 35 per cent, that would mean a home on an average lot could have a 1,883 square foot footprint and not affect the amount of yard or driveway area on the lot.

Developer Bob Leaper said the change was a long time coming.

He was told by the town the idea was being considered three years ago.

Leaper said he did not apply for increased lot coverage in 2014 because town staff told him it was already being considered.

The increase in lot coverage was one of a few small changes the town is considering to its zoning bylaws.

Nesbitt says the town has no land left that is agriculture based and suggests that all references to agriculture be removed from the official plan.

There are also provisions in the bylaw which would make it illegal for someone to park a car on their lawn.

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at **CRABBY JOE'S BAR & GRILL**
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6:30-8:00pm
Refreshments Included
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5 days a week

9am-3pm

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Book Your Garage Door Tune-Up Before The Winter

Includes Overall Inspection and Maintenance Done to Garage Door & Opener

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Includes 1 Can of High Intensity Garage Door Lubricant for you to keep!

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