



# Corporation of the Municipality of Calvin

## Council Resolution

**Date:** May 28, 2024

**Resolution Number:** 2024-214

**Moved By:** Councillor Latimer

**Seconded By:** Councillor Grant

**NOW THEREFORE BE IT RESOLVED THAT** Council has received the CAO Report regarding Calvin Fire Department Water Delivery Policy and that Council consider its insurers and legal counsel's input on the Municipality's pool filling policy and determine that the Municipality of Calvin's Fire Dept should not continue to provide pool filling services and agrees with the Fire Chief's recommendation.

**Results: Carried**

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Grant	<input type="checkbox"/>	<input type="checkbox"/>
Latimer	<input type="checkbox"/>	<input type="checkbox"/>
Manson	<input type="checkbox"/>	<input type="checkbox"/>
Moreton	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Gould	<input type="checkbox"/>	<input type="checkbox"/>



## CAO REPORT

Council Meeting Date: May 28, 2024

Matter: Fire Dept. Water Delivery Policy

## BACKGROUND

Municipality of Calvin Fire Dept. Water Delivery Policy approved by Council Resolution 2018-111, July 2018. Staff report at that time indicated insurance company and legal counsel both had concerns surrounding liability and insurance coverage.

Not included in fees/services bylaw.

Current insurance provider cautions carrying out the water delivery policy practice.

"I would recommend having a legal professional review. I do want to highlight that while a waiver is a good way of deterring a potential claim, the third party can always take legal action against the Municipality, even if a waiver is signed. Our policy will respond in the event of an incident, but we must acknowledge that the Municipality is exposing itself to additional potential claims by using their equipment to provide this service. We want to be cautious, as we want to make sure you can deliver needed services to your residents, but we do not want to offer these services if it puts the Municipality in a risky situation. "

Legal opinion:

"Why expose yourself to such risks for such a minimal pay off. Insurer's concerns are very legitimate and spot on. I've reviewed the policy and I can't see any specific exclusion that deny coverage. I also don't see any clear language that would say you would be covered. On a practical application of reality, I would position that an insurance company will, at least at first, deny any claim arising from "pool filing". It would be best to get written confirmation from Aviva that the Township will indeed receive coverage for pool filing claims.

With all of that said, so long as the Township charges for this service, providing it will be in compliance with the Municipal Act, there is nothing the policy expressly excluding coverage. There is nothing at law, that would prevent the pool filing service.

I think council could pass a policy to continue on this practice of pool filling, but I would suggest they think very hard ..”

Fire Chief recommendation:

“In regards to the pool filling by-law I am recommending the Fire department no longer offer this service as it greatly interferes with the training, as it stands, we have 8 hours of training monthly and we need to cover as much material as possible, being a review for seasoned Firefighters or educate the new members. Not to mention the potential litigation associated with this service, damage of property or in worst case our underground tank being left depleted of water in the event of an emergency.”

<b>RECOMMENDATION</b>
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That Council consider its insurers, legal counsel’s and the Fire Chief’s input on the Municipality’s pool filling policy and determine whether or not the Municipality of Calvin’s Fire Dept should continue to provide pool filling services.

## WATER DELIVERY CALVIN FIRE DEPARTMENT

### POLICY – JULY 24, 2018

- That all requests must be submitted in writing to the Municipal Office on the 'Request for Special Services' form and signed by all "Pool Owner/s"
- That all property owners listed on the ownership of the property must sign a 'Release of Liability, Waiver of Claims and Indemnification' form at the Municipal office and pay, by cash or cheque only, to the Municipality of Calvin, for the water prior to delivery to their site
- That filling of swimming pools will be limited to the months of May through July each year subject to seasonal weight restrictions on municipal roads and also limited to properties within the boundaries of the Municipality of Calvin
- That written/signed requests will be received at the municipal office on a "first come first served basis" only, based on the date the Waiver has been signed and full payment received
- That delivery of water to pools is considered to be a training exercise and, as such, Volunteer Firefighters will be paid on the "points" system for their participation on training nights (currently Thursday evenings approximately 7 p.m. – 9 p.m.)
- That the cost per minimum approximately 2500 gallons of water shall be two hundred dollars (\$200.000) with an additional administration fee of twenty-five dollars (\$25.00) per completed waiver form
- That water for these requests shall be drawn from the nearest water source so as not to leave the Fire Hall water reservoir depleted
- That it is clearly understood that "Fire Calls" will take absolute priority over any other situation at all times, and may interfere with pre-arranged requests for filling of pools or other water requests
- That swimming pools shall be filled on training nights only, other requests for water may be approved and delivered at the discretion of the Fire Chief once the 'Release of Liability, Waiver of Claims and Indemnification' form has been completed, signed, and full payment received
- That all revenues received for the filling of swimming pools or other water delivered by the Calvin Volunteer Fire Department (other than administration fees) shall be moved to the Fire Reserve fund at each year end
- At his discretion, the Fire Chief is hereby approved to have volunteer fire fighters swimming pools filled free of charge, provided they live within the municipal boundaries. No points will apply. Such fills will be considered training but will not take place on training nights. Must be pre-approved by the Fire Chief. Waiver must be signed at the municipal office, prior to filling.
- That the 'Release of Liability, Waiver of Claims and Indemnification' form and the 'Request for Special Services' form be hereto attached as part of the policy





## MUNICIPALITY OF CALVIN

1355 Peddlers Dr, Mattawa, ON P0H 1V0

Tel: 705-744-2700

### Request for Special Services Form

Please use this form to report all municipal related issues.  
FAX # 705-744-0309 or email: [administration@calvintownship.ca](mailto:administration@calvintownship.ca)

Once submitted, your request will be routed to the appropriate department head for review.  
Lines with (\*) must be filled in.

Date & Time: \* \_\_\_\_\_

Your Name: \* \_\_\_\_\_

Email Address: \_\_\_\_\_

Contact Telephone: \* \_\_\_\_\_

Department: Fire Department ☐ Filling Swimming Pools ☐ (May to July Only)

Other: ☐ \_\_\_\_\_

Location of Pool\*: \_\_\_\_\_

Department: Municipal Council – Request for Petitions/Delegations to Council ☐

*(Any person desiring to be heard must submit to the Clerk a request in writing and signed, stating the purpose of the deputation, not later than 12:00 noon on the Thursday preceding the Council Meeting. Only one spokesperson shall speak on behalf of a delegation to Council.)*

Date of Meeting: \_\_\_\_\_

Reason for Request (details): \_\_\_\_\_

#### Tracking Information – for office use only

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Assigned to: \_\_\_\_\_ Date: \_\_\_\_\_

Brief description of Action Taken \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fees for Services: \_\_\_\_\_ Owing ☐ Paid ☐

Closed by: \_\_\_\_\_ Date: \_\_\_\_\_

**RELEASE OF LIABILITY, WAIVER OF CLAIMS AND INDEMNIFICATION**

(Hereinafter referred to as the "Release Agreement")

BY SIGNING THIS DOCUMENT YOU WILL WAIVE CERTAIN LEGAL RIGHTS INCLUDING THE RIGHT TO SUE OR CLAIM COMPENSATION FOR PROPERTY DAMAGE OR PERSONAL INJURY AND YOU WILL BE INDEMNIFYING THE CORPORATION OF THE MUNICIPALITY OF CALVIN, ITS FIRE DEPARTMENT AND ALL THOSE FOR WHOM THE MUNICIPALITY IS IN LAW RESPONSIBLE (COLLECTIVELY THE "MUNICIPALITY") FROM ALL CLAIMS OR DEMANDS FOR PROPERTY DAMAGE OR PERSONAL INJURY TO MY CHILDREN AND ANY OTHER PERSONS ON MY PROPERTY LOCATED AT:

\_\_\_\_\_  
(insert address)

I/We, \_\_\_\_\_ and \_\_\_\_\_,  
(Print full name here) (Print full name here)

As owner/s of the property located at

\_\_\_\_\_  
(insert address)

hereby request that the Municipality of Calvin Fire Department enter on my/our property and deposit water in my/our:

[ ] Swimming Pool [ ] \_\_\_\_\_  
(Check One)

For a fee of \$\_\_\_\_\_ per minimum approximately 2500 gallon load plus a \$25.00 administration fee per Waiver .

I fully understand that the Municipality makes no representation whatsoever regarding the quality of the water and acknowledge that this water has not been treated, filtered or purified in any way. I further acknowledge that this water is not intended for human or animal consumption and that the place where the water is being deposited is equipped with a water treatment and filtration device in proper working order.

In consideration of the acceptance of this request and by signing this Release Agreement I, for myself, my heirs, executors, administrators, successors and assigns release, waive and forever discharge the Municipality from all claims, demands, damages, costs, expenses, actions and causes of action, whether in law or in equity, in respect of death, injury, loss or damage to my person or property however caused, arising or to arise by reason of the Municipality entering and depositing water on my property as requested **notwithstanding that same may have been caused, contributed to or occasioned by the negligence of the Municipality.**

I further agree in consideration of the acceptance of this request and by signing this Release Agreement to indemnify and save harmless the Municipality from all claims, demands, damages, costs, expenses, actions and causes of action, whether in law or in equity, which may be brought against the Municipality by a third party including my children, in respect of death, injury, loss or damage to any person or property however caused, arising or to arise by reason of the actions of the Municipality taken in accordance with this request **notwithstanding the same may have been caused by, contributed to or occasioned by the negligence of the Municipality.**

I acknowledge that the fee charged for the service requested is intended to raise funds for the Municipal Fire Hall and the Municipal Fire Department.

**I confirm that I have read and understand this Release Agreement.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Owner



CORPORATION OF THE MUNICIPALITY OF CALVIN  
MINUTES OF THE REGULAR MEETING TUESDAY JULY 24, 2018

The regular meeting of Council was held this date at the Calvin Community Centre. Present were Mayor Brown, Deputy Mayor Pennell, Coun Adams, Coun O'Connor, Coun Cross, Chris Whalley, Dean Maxwell, Jacob Grove, Cindy Pigeau and Lynda Kovacs.

Regrets: None      Guests: 1

The meeting was called to order at 7:00 p.m. by Mayor Brown

PECUNIARY/CONFLICT OF INTEREST: None

PRESENTATIONS/DELEGATIONS: None

## 2018-109 MINUTES OF COUNCIL MEETING

Moved by Coun Pennell and seconded by Coun O'Connor that the Minutes of the regular meeting of Council held on Tuesday July 10, 2018 be hereby adopted and signed as circulated.

Carried

2018-110 SEALED BIDS RECEIVED AND SUCCESSFUL BIDDER – USED STEEL SIDING FIRE HALL

Moved by Coun O'Connor and seconded by Coun Pennell that Council has reviewed the Sealed Bids received by the deadline of 3:00 p.m. on July 24, 2018 for the used steel siding removed from the Calvin Fire Hall, which has been declared surplus to the needs of the Municipality, and that the successful bidder is recorded as Mike Leblond with the highest bid in the amount of \$560.00.

Carried

\* 2018-111 ADOPT POLICY TO ALLOW FIRE DEPARTMENT TO DELIVER WATER FOR FILLING OF SWIMMING POOLS  
WITHIN THE MUNICIPALITY

Moved by Sandy Cross and seconded by Corey Adams that

WHEREAS the Calvin Volunteer Fire Department has requested that Council consider allowing the Department to fill swimming pools and other requests for water needs, within the boundaries of the Municipality of Calvin only, at the discretion of the Fire Chief (e.g. filling holding tanks), using Calvin Volunteer Firefighters and Fire Services equipment owned by the Municipality,

AND WHEREAS Council supports the positive aspects of providing said service;

AND WHEREAS there are no providers of said service within the local community;

AND WHEREAS this practice is covered as training practice by the Municipal Insurance Company;

NOW THEREFORE BE IT RESOLVED that Council authorize the Volunteer Fire Department to fill private swimming pools and other approved water needs according to the following policy;

- That all requests must be submitted in writing to the Municipal Office on the 'Request for Special Services' form and signed by all "Pool Owner/s"
- That all property owners listed on the ownership of the property must sign a 'Release of Liability, Waiver of Claims and Indemnification' form at the Municipal office and pay, by cash or cheque only, to the Municipality of Calvin, for the water prior to delivery to their site
- That filling of swimming pools will be limited to the months of May through July each year subject to seasonal weight restrictions on municipal roads and also limited to properties within the boundaries of the Municipality of Calvin
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- That delivery of water to pools is considered to be a training exercise and, as such, Volunteer Firefighters will be paid on the "points" system for their participation on training nights (currently Thursday evenings approximately 7 p.m. – 9 p.m.)

- That the cost per minimum approximately 2500 gallons of water shall be two hundred dollars (\$200.000) with an additional administration fee of twenty-five dollars (\$25.00) per completed waiver form
- That water for these requests shall be drawn from the nearest water source so as not to leave the Fire Hall water reservoir depleted
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Carried

2018-112 DISBURSEMENTS

Moved by Coun Adams and seconded by Coun Cross that the disbursements dated July 19, 2018 in the amount of \$8,853.82 and July 24, 2018 in the amount of \$47,233.64 be hereby authorized and passed for payment.

Carried

2018-113 ADJOURNMENT

Moved by Coun Cross and seconded by Coun Adams that this regular meeting of Council now be adjourned at 7:48 p.m.

Carried

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk-Treasurer