



## Town of Huntsville Staff Report

**Meeting Date:** September 27, 2023

**To:** General Committee

**Report Number:** OPS-2023-44

**Confidential:** No

**Author(s):** Colleen MacDonald, Tarmo Uukkivi,

**Subject:** Pitman's Bay - Follow-up and Recommendation

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### Report Highlights

Report presenting results of public consultations and recommendation for Committee to consider regarding the use of the Pitman's Bay property imposed on the Town of Huntsville by contractual obligations dating back to the 1951 transfer of property ownership.

### Recommendation

**That:** Committee direct Operations and Protective Services staff to convene the nine (9) member Church Management Board required by the 1951 agreement to discuss the dissolution of the 1951 agreement;

**And Further That:** Committee direct staff to continue to restrict the use of the Pitman's Bay property and facilities for the purposes of conducting youth programs only for the 2024 and 2025 calendar years until such time as Staff have had the opportunity to address the 1951 agreement;

**And Further That:** Committee direct staff to develop a policy and by-law for Council to consider that would govern the use of the Pitman's Bay property in such a way as to maintain the spirit of the 1951 agreement, using the Pitman's Bay property for identified Youth Purposes programming only.

**And Further That:** Committee directs staff to consult with youth groups regarding the development of said policy and by-law.

### Background

#### History of Pitman's Bay

##### ***Pitman's Bay Prior to 1951***

Pitman's Bay was originally named for Robert Pitman who owned the southernmost parcel of land, adjacent to Mary Lake, from 1886 to 1927.

A sale of the land in 1945 was completed, transferring ownership to churches on the condition that the lands remain for use by church youth groups. In April of 1951 the land was again sold, this time to the Huntsville Boy Scouts Association. The lands were used by the church youth groups primarily for hiking and water access.

## ***The 1951 Agreement***

### What the Agreement Requires of the Parties

The Town of Huntsville entered into an agreement with the then Huntsville Boy Scouts Association on December 7, 1951 (attached).

The agreement between the Town and the Huntsville Boy Scouts Association names the Town of Huntsville as trustee of the Pitman's Bay property. The agreement also contains an indemnity clause that saves harmless the Town, as trustee of the lands, "...of and from any claims, suit demands, or any other liability whatsoever arising out of or in connection with the said lands or their use." This indemnity clause applies and is in effect only "During such period as the [Huntsville Boy Scouts] Association is in possession of said lands..." in accordance with the terms of the agreement.

The agreement entitles the Huntsville Boy Scouts Association to exclusive control of the Pitman's Bay property for the purposes of operating Pitman's Bay as a summer camp. The use as a summer camp is restricted specifically to youth only and includes: "...boy scouts, girl guides, or other types of boys, girls, and young people of Huntsville and vicinity..." The agreement goes on to give the Huntsville Boy Scouts Association the sole jurisdiction to make the arrangements for use in accordance with the agreement.

The agreement places the **responsibility** for the **operating costs** of the Pitman's Bay property with the **Huntsville Boys Scouts Association** and includes:

- Taxes
- Rates
- Local improvements
- Public utilities
- Fire insurance coverage
- Other carrying charges

The responsibility for these operating costs is only while the Huntsville Boys Scouts Association are in control of the Pitman's Bay lands in accordance with this agreement. The agreement does not specify say who is responsible for these costs should the Boy Scouts cease to operate the lands in accordance with this agreement. As trustee for the Pitman's Bay lands, this would fall to the Town of Huntsville to assume.

The responsibility for **capital costs** relating to this property, including "Any buildings that may be erected on said lands..." are the responsibility of the **Town of Huntsville** in accordance with the agreement.

### How the Agreement is Changed

There is no expiry on this agreement. This is taken to mean that the agreement is in perpetuity. However, Council may change the arrangements made with the Huntsville Boy Scouts Association by

resolution if the Boy Scouts implicitly or explicitly cease operating the Pitman's Bay lands actively as a summer camp.

This resolution, guided by the covenants in the agreement, would remove the right of the Boy Scout's Association to use, control, and operate the camp, provided that the remaining covenants in the agreement are followed.

Assuming that Council passes a resolution removing the rights of the Boy Scout's Association pertaining to the operation of the camp and land use at Pitman's bay, the 1951 agreement triggers two additional requirements:

1. The Town of Huntsville must continue to hold the land in trust as a summer camp for Boy Scouts, Girl Guides, and other groups of boys, girls and young people of Huntsville and vicinity; and,
2. The operation of the camp occurs under a management board consisting of 9 members identified in the agreement.

The nine members of the management board include:

- Two representatives nominated by the All Saints Anglican Church
- Two representatives nominated by the St. Andrews Presbyterian Church
- Two representatives nominated by the Trinity United Church
- Three additional representatives nominated by the 6 church nominated representatives that are "...persons interested in furthering the objects of this [the 1951] agreement."

The operation of Pitman's Bay would continue using this board of management and would be permitted to be used as a youth summer camp only. This arrangement and operation would continue until:

1. The Council of the Town of Huntsville passes a resolution reverting control of the lands to the Huntsville Boy Scouts Association; or,
2. The Council of the Town of Huntsville passes a by-law to authorize the sale of the Pitman's Bay lands.

The by-law and subsequent sale of the lands through by-law would only be permitted at the request or with the permission of either the Huntsville Boy Scouts Association or the management board, depending on which group has control of the property use at the time that Council is considering enacting the by-law.

In the event that either the Boy Scouts or the management board request or consent to the sale of the Pitman's Bay lands, the proceeds of the sale are also restricted by this agreement. The proceeds of the sale may only be used for improvements to the property if any portion of it remains in trust with the Town or for the the purchase of a new site and new lands to be used for the same purpose as Pitman's Bay.

### ***Uses of Pitman's Bay and Related Staff Reports and Council Decisions - 1951 - 1993***

The property was used by the Huntsville Boy Scouts Association in accordance with the 1951 agreement until 1987. All documented indications are that the Association met all the requirements in the agreement, including paying all operating costs as outlined in the agreement. During the early

part of 1987, the Huntsville Boy Scouts Association entered into a *Memorandum of Understanding* (The 1987 MOU) with the Huntsville Youth Club.

### The 1987 MOU

The Huntsville Youth Club was granted the the right to use the property primarily between June 15 and Labour Day in each year that the covenants of the MOU apply. The MOU was struck sometime in early 1987 (exact date is not clear on the MOU) and was to expire on December 31, 1990. The right of the Huntsville Boy Scouts Association to enter into this MOU, based on the interpretation of the parties to the MOU, was based on the 1951 Boy Scouts agreement with the Town of Huntsville, specifically, the clause stating:

*"...the association shall be entitled to the exclusive control of the said lands for the purposes of the Association and as a summer camp for boy scouts, girl guides, or other groups of boys, girls, and young people of Huntsville and vicinity, and **the arrangements to be made in this respect shall be under the sole jurisdiction of the Association.**"*

The MOU granted the Huntsville Youth Club the following rights and bestowed upon the Club the following obligations:

- Exclusive use of the property after March 31 of each year of the MOU
- The Exclusive use was for the period between June 15 and Labour Day each year and only during the week, i.e., Monday through Friday
- In the event that the Huntsville Boy Scouts Association wished to rent the property to other groups during this time, the Boy Scouts required the Youth Club's permission
- The Youth Club was to be responsible for use, assigning use, opening, supervision, maintenance, clean-up, and closing of the property while the MOU was valid
- Authority to place temporary structures on the property
- Permanent structures may be considered but must be authorized by the Boy Scouts Association
- All other **capital work** including repairs, maintenance, demolition, etc., were the responsibility of the **Boys Scouts Association**
- **Operating costs** were the responsibility of the **Huntsville Youth Club**
- The Youth Club was required to maintain an adequate beach front to specifications in the MOU
- The Youth club was responsible for snow removal from building roofs

The MOU also had liability and indemnity clauses that required the Huntsville Youth Club to carry insurance to cover all equipment and activities used by and undertaken by the Club. These clauses saved harmless both the Youth Club and the Boy Scouts from any liability arising from activities on the Pitman's Bay property.

The MOU was to terminate if:

1. The agreement expires; or,
2. Either party to the MOU provides 12 months notice for good and sufficient reason, e.g., repeated breach of contract.

The renewal clause also stated that the MOU was "automatically" renewable unless the 12-months notice was given.

### ***The 1993 Scouts Canada Decision Related to Pitman's Bay***

Provincial Field Executive Bill Cormack from Scouts Canada wrote His Worship Mayor Ron House on June 14, 1993. The letter from Mr. Cormack requested that the Town of Huntsville "...take back control..." of the the Pitman's Bay property allowing Scouts Canada (Huntsville Boy Scouts Association) to withdraw from the terms of the 1951 agreement. Scouts Canada requested of Mayor House that the Scouts Canada withdrawal be brought up at the next Town Council Meeting.

The 1993 letter also identifies the MOU with the Huntsville Youth Club to control and use the Pitman's Bay lands and facilities.

#### Impacts on the original agreement

- Boy Scouts have no jurisdiction to make arrangements for the use in accordance with the agreement
- Town assumes responsibility for operating costs in addition to the capital costs
- Town assumes liability for property and loses indemnity afforded by the 1951 agreement - the Town must insure the property for the activities permitted
- The Town needed to consider the interest of the Huntsville Youth Club to continue to operate in a stewardship role similar to that outlined in the MOU

### ***Staff Reports and Council Decisions Related to Pitman's Bay from 1993 to Present***

At the October 11, 1990, Culture, Parks, and Recreation Committee meeting (CPR-07-90) Ian Smith was to follow-up with Brian Maxwell about "...the Pitman Bay issue..." specifically referencing weekend rentals.

At the January 17, 1991, Culture, Parks, and Recreation Committee meeting (CPR-01-91) Pitman's Bay usage was noted as an item for follow-up at a future meeting.

Mr. Ian Smith, the then Director of the Town's Culture, Parks, and Recreation committee had received a letter from the Huntsville Youth Club, dated March 8, 1991, that explained the Youth Club's anticipated use of Pitman's Bay in 1991. The letter included a detailed itinerary of Youth Camp dates, times, and activities. The letter also outlined the Public Use of Pitman's Bay stating: "...the public has been using Pitman's Bay for years now by making application to the booking officer. That post, until recently, has been filled by a volunteer from the Scouting organization." The letter outlines that in 1988, the Youth Club took over the booking for outside groups. The letter noted that: "...additional public use of the site is possible but there are time and staffing limitations..." noting that there was only one free weekend at the camp during the summer period.

At the April 16, 1992 Culture, Parks, Recreation, and Waterfront Committee meeting (CPRW-05-92), an update was provided to the committee that outlined the existing agreement with the Town, the Boy Scouts Association, and the Huntsville Youth Club. The report goes on to identify that the Youth Club does rent out the Pitman's Bay lands for "...some weekend for special family reunions, etc." **This was the first time that there was a discussion, on the record, that referenced rental to the public, at a committee or Council meeting.**

At the September 16, 1993 Culture, Parks, Recreation, and Waterfront Committee meeting (CPRW-08-93), Dave Rider, the Committee Chair, reported that the Town had met with Scouts and that the status of Pitman's Bay would remain virtually the same as it was under the 1951 agreement. Mr. Rider's report to the committee went on to state that the 1951 agreement would be updated to to include the Town's role as the booking agent for third-party rentals. The report to the committee went

on to say that the agreement between the Boy Scouts Association and the Huntsville Youth Club would also be updated. These agreements were to be presented to Council when ready.

At the October 14, 1993 Culture, Parks, Recreation, and Waterfront Committee meeting (CPRW-09-93), "...Mr. Rider updated the committee on Pitman's Bay." The update was that the original agreement had been rewritten and that it was now with Scouts Canada for review. The commitment to the committee was that the agreement would be brought to committee once it was returned by the Scout leader.

At the December 16, 1993 Culture, Parks, Recreation, and Waterfront Committee meeting (CPRW-11-93), it was reported that the Scouts had passed a resolution to withdraw their stewardship of Pitman's Bay. It was reported that the Town, at that time, had no other choice but to follow the requirements of the 1951 agreement. This required the establishment of the 9 member management board led by the identified 3 churches as outlined in the 1951 agreement. The committee wished to request Council's permission to seek legal advice on the Town's direction and how to proceed with the existing agreement.

At the January 19, 1994 Culture, Parks, Recreation, and Waterfront Committee meeting (CPRW-01-94), the Committee passed **Resolution 03-94**, adopting the "Pitman's Bay proposal" that was considered a short-term solution for 1994. The proposal was made by Mr. Dave Arnold who made three recommendations to consider for the short-term. The proposal went on to make two recommendations for the long-term solution.

#### Short-term Proposal

- Enter into agreement with Huntsville Youth Club
- Allow Youth Club to continue operation of summer day camp
- In exchange for this continued use, Youth Club was to be responsible for upkeep and maintenance
- Culture, Parks, and Recreation department to book weekends and other available times
- Local youth organizations were to be given free use of the lands and facilities
- Other users were to be charged a yet-to-be specified rental fee
- Conditions were to be established for other users
- All proceeds less a 10% administrative fee, were to be placed into a separate trust to be used for the upkeep of the property and facilities
- The agreement stated that all necessary insurance was already in place
- The clerk was to officially register all buildings on the property with the insurer

#### Long-term Proposal

- Seek legal opinion about the responsibilities and obligations placed on the Town by the 1951 agreement as soon as possible
- develop a practical, workable, and sustainable strategy that respects the spirit of the 1951 agreement, maintaining the use of the land and facilities for youth, based on the legal advice received

The minutes of CPRW-01-94 were adopted by **Resolution 07-94** at the February 17, 1994 Culture, Parks, Recreation, and Waterfront Committee meeting (CPRW-02-1994).

At the CPRW-02-1994 meeting, it was reported that a new fee structure for Pitman's Bay bookings had been approved by committee as well as the short-term agreement allowing youth use of Pitman's Bay.

On April 14, 1994, at the Culture, Parks, Recreation, and Waterfront Committee meeting (CPRW-03-94), staff reported the results of the legal advice received from the Town's solicitor:

- The **1951 agreement** remained **legally binding**
- The 9 member management board outlined in the 1951 agreement remained **legally binding**
- It is possible to amend the 1951 agreement

With respect to the legal advice about amending the agreement, there was no detail provided as to how, or what the process would need to be to amend the agreement. Mr. Dave Arnold was on record communicating concerns about both liability insurance coverage required by the management board as well as the stability of the management board. These concerns were allayed with the suggestion by committee to establish the management board as a committee of Council. Staff were directed to set up meetings with the three churches identified by the 1951 agreement to "...explore the interest in setting up a new committee."

At the May 12, 1994 meeting of the Culture, Parks, Recreation, and Waterfront Committee (CPRW-04-94), it was reported that the "Director" had contacted the three churches and that the responses from the churches was "positive." It was further reported that the Director would then set up a meeting with the designated representatives from each of the churches together with Town of Huntsville staff.

At the August 11, 1994 Culture, Parks, Recreation, and Waterfront Committee meeting (CPRW-06-94) it was reported that Town staff had held their initial meeting with the newly formed "Pitman Bay Camp Committee" on July 28, 1994. A second meeting was reportedly schedule for August 16, 1994 for the purpose of "...determining if they are definitely interested in undertaking this project." The meeting minutes recorded that there was discussion about what the Town's involvement would be in the new setup.

At the September 15, 1994 Culture, Parks, Recreation, and Waterfront Committee meeting (CPRW-07-94) staff were asked about the outcome of the August 16, 1994 meeting. Staff reported that the meeting had been cancelled and that there was no update available.

At the October 13, 1994 Culture, Parks, Recreation, and Waterfront Committee meeting (CPRW-08-94) staff reported that the Acting Chair of the newly formed Pitman Bay Camp Committee was Father Patterson. However, staff further reported that the Committee had not yet met. Staff reported that, for the 1995 season, the Culture, Parks, Recreation, and Waterfront department would go ahead and book events in accordance with the terms defined for the 1994 season.

Community Services took a report to council on March 4, 1998 (CS-01-98) recommending the Town of Huntsville enter into a 5-year agreement with the Huntsville Youth Club. This report outlines the 10-year history of the Youth Club operating a day camp, during the summer months. The report also references the rental, for a fee, of the Pitman's Bay lands. However, this report does not identify to whom the lands are rented, under what direction, e.g., Council, and how the rental meets the existing agreements.

**Resolution 82-98** was passed at the March 10, 1998 Council meeting. This motion ratified the staff recommendation (CS-01-98) to enter into the 5-year agreement with the Huntsville Youth Club.

It was reported at the March 19, 1998 Community Services Advisory Committee that the agreement referenced in CS-01-98 had been approved and that the Youth Club was moving ahead with repairs toward the end of April 1998.

At the May 4, 1998 Committee of the Whole meeting, Councillor Fran Coleman quoted the Town of Huntsville's then *Municipal Alcohol Policy* that specifically listed Pitman's Bay as "not suitable" for special occasion permit events.

At the June 14, 1999 Council meeting, **Resolution 278-99** was passed. This resolution was made in response to a deputation by the Rotary Club of Huntsville. The resolution approved, **in concept**, the building of a new 1,700 square foot building intended to house 16 - 20 youth with up to 2 leaders. This building was to replace the existing buildings at Pitman's Bay Camp.

Staff Report CS-06-2000 from June 14, 2000 was presented to Council on a matter unrelated to Pitman's Bay (consideration to extend a restaurant's licensed section out on to Town Dock). The report contained the Huntsville Municipal Alcohol policy as an attachment to the report. This policy again references Pitman's Bay as being "not suitable for special occasion permit events."

In 2004, amending **By-law 2004-73** set Pitman's Bay Rates as follows:

- Resident Children/Youth - no charge
- Resident Adult and Non-resident Youth - Daily \$175.00, Weekend \$400.00, and Weekly \$800.00
- Non-resident Adult - Daily \$225.00, Weekend \$450.00, and Weekly \$900.00

These rates remained in effect, being renewed each year in the Fees and Charges By-law, until in 2010 they were increased.

The September 3, 2010 the Unity Plan listed Pitman's Bay uses as Picnic/Camping area.

The Community Services Committee Meeting on April 6, 2011 recommended that the Mayor should meet with Pitman's Bay user groups "in the near future" to discuss this facility. This meeting was to bring suggestions back at a later date.

At the November 1, 2011 Corporate Services Committee meeting, a draft of the Community Master Plan was presented. Of the Priorities identified, the "growth of events tourism" was a top priority. Pitman's Bay was listed as requiring specific funding for development. This was identified in the growth of events section that included discussion of events such as weddings, trade shows, local and regional meetings and conventions, as well as signature events that attract international delegates and visitors. The report made no specific mention as to which of these events Pitman's Bay was suited. The Community Master Plan was adopted by **Council Resolution 362-11** at the December 19, 2011 Regular Council Meeting.

At the May 22, 2012 Regular Council Meeting, Cameron White provided a deputation on the condition of Pitman's Bay and its buildings.

At the Community Services Committee meeting of November 7, 2012, staff committed to reviewing Pitman's Bay with the Community Master Plan and would bring a plan for Pitman's Bay back to Committee "in the near future."

At the March 25, 2013 Council Meeting, **Resolution 82-13** was passed that resolved:

**BE IT RESOLVED THAT:** Report Reference No. PI- 2013 -10 prepared by Colleen MacDonald, Manager of Parks and Cemeteries, dated March 25, 2013 regarding "Phase One of Pitman's Bay Reconstruction, be received;

**AND FURTHER THAT:** Council approve the following reconstruction options:

- Option 1— Road and Driveway Upgrade
- Option 2 — Install Potable Water System
- Option 4F — New Lodge building with change rooms attached
- Option 5 — Install New Septic System, if necessary

**AND FURTHER THAT:** Council authorize the use of funds from the Reserves - Capital Replacement line 1 -3- 00004 -30075 in order to complete this project in the amount of \$205,700.00

This was followed by Council **Resolution 125-13** resolving:

**BE IT RESOLVED THAT:** Report, Reference No. PI- 2013 -15 dated April 17, 2013 prepared by Colleen MacDonald, Manager of Parks and Cemeteries, regarding "Award of RFP - Pitman's Bay —Phase One" be received;

**AND FURTHER THAT:** Council authorize the award of the RFP — Phase One of Pitman's Bay Reconstruction to DaviCor Construction Inc. for the amount of \$175,847.00 plus HST;

**AND FURTHER THAT:** The balance of the approved \$205,700.00 remain available to cover contingencies such as tipping fees, concept drawings, materials for volunteer projects where necessary

At the Community Services Committee meeting of February 11, 2014, **Resolution CS-18**, based on Staff Report CS-2014-05, was passed allowing alcohol at a wedding held at Pitman's Bay. This was an exemption granted to the Huntsville Municipal Alcohol policy that listed Pitman's Bay as not suitable for this type of permit. There was no clear rationale in Report CS-2014-05 for granting this exemption and there was no indication in the same report as to whether this was a one-time exemption or not. At this same meeting, the Director of Community Services committed to addressing the need for a more equitable policy for public rentals of Pitman's Bay. At a subsequent Community Services Committee meeting, another resolution, **CS-39-14**, based upon report CS-2014-30, granted a similar exemption for another wedding.

This granting of exemptions at Council's direction, based on Staff recommendations became more frequent and began to include other events, e.g., birthday celebrations, in addition to weddings. Reports of this nature began to proliferate in 2015.

Special Event By-Law, SEAT Team and Municipal Alcohol Policy:

By-Law #2017-115 was passed November 2017: Permitting, regulating and governing of special events on Town owned property and created the Special Event Advisory Team (SEAT).

“Special Event Advisory Team (SEAT)” means a review and inspection team comprised of Town staff and if required other external participants that include the Ontario Provincial Police, Emergency

Medical Services (EMS), Ministry of Transportation, Alcohol and Gaming Commission of Ontario, District of Muskoka, Simcoe Muskoka District Health Unit, Township of Lake of Bays that meet at the request of the Director of Community Services regarding application for special events, and SEAT shall have a corresponding meaning;

Also at this meeting on November 27th 2017 a Municipal Alcohol Policy was passed (POLICY NUMBER: Communication-08). The Policy states: The Corporation of the Town of Huntsville (the Town) owns and manages facilities where alcohol consumption is not permitted, and other facilities where alcohol consumption is permitted under the authority of a Special Occasion Permit or governed by a Liquor License (including a Catering Endorsement) all issued by the Alcohol and Gaming Commission of Ontario. The Town has developed an alcohol policy in order to prevent alcohol-related problems that arise from alcohol consumption within its facilities and to promote a safe, enjoyable environment for those who use these facilities. The Municipal Alcohol Policy consists of a range of measures designed to reduce alcohol related problems and to increase the enjoyment of all those who use the facilities. By reducing the potential for alcohol related problems, the Town concurrently reduces its risk of liability actions.

By-law 2017-26 was passed as an amending by-law, amending By-law 2015-25 with, among other amendments, the following:

2.Delete and replace subsection 3.4 with the following:

3.4 Exclusive use for a specific location will be considered and detailed on the permit for the following locations — **Pitman's Bay**, sports fields including tracks, pavilions at Avery Beach, Hutcheson Beach, McCulley Robertson Recreation Park, Indian Landing and Lions Lookout

It was this amended Parks and Public Places By-law that opened up Pitman's Bay to allow staff to issue permits for exclusive use. This was passed by Council on March 27, 2017.

Staff Report CS-2017-52 was presented at the December 19, 2017 General Committee meeting. The Report resulted in resolution **GC-222-17**. The resolution directed staff to issue a request for proposal (RFP) for the purpose of providing youth programming at Pitman's Bay for years 2018 through 2019. The youth programming was to be scheduled for the months of July and August in each year on week day, Monday through Friday each week. The results of the RFP were to be brought back to General Committee. Staff reported back to General Committee at the March 28, 2018 meeting. Staff report CS-2018-13 lead Council to approve resolution **GC-51-18** (152-118) directing staff as follows:

**WHEREAS:** Staff issued an RFP for the purpose of Youth Programming and Use of Pitman's Bay;

**AND WHEREAS:** No responses were received;

**IT IS RECOMMENDED THAT:** In 2018 and moving forward staff be directed to issue permits for use of Pitman's Bay based on availability and the Fees & Charges Bylaw;

**AND FURTHER THAT:** the week before Labour Day each season be reserved for the Recreation & Leisure Services Department for the delivery of the final week of summer camp;

**AND FURTHER THAT:** for the 2018 season all operating expenses

related to maintenance by the Parks Department be funded from the Pitman's Bay Reserve;

**AND FURTHER THAT:** Staff investigate the legal history related to the splitting of revenue, 25% to operating and 75% to reserve, and report back with findings and a recommendation.

Further to the Council direction from GC-51-18, Staff Report CS-2018-41 was presented at the September 26, 2018 General Committee meeting. This report led to Council Resolution **GC-151-18** (105-115) directing staff to accept the June 14, 1993 Scouts Canada Letter asking the Town to take control of Pitman's Bay. The motion continues to state that the letter be accepted allowing Scouts Canada to withdraw from the 1951 agreement. GC-151-18 went on to direct staff to meet with each of the churches in the 1951 agreement to determine their level of interest in forming the management board identified in the agreement. This management board structure requirement is triggered by the withdrawal of the Boy Scouts from the terms of the 1951 agreement. Staff was to report back to General Committee with an update.

The 2018 - 2022 Term of Council Mandate Letter lists "finalize a plan for Pitman's Bay" as part of the mandate for Operations and Protective Services. The target date to "develop a long-term plan for Pitman's Bay" (Strategic Plan RdINF.3.9) presented in the 2020 to 2023 Business Plan was set for 2023 Q1 to Q4.

At the September 29, 2021 General Committee meeting, Staff Report CORP-2021-65 was presented. Included in this report was a section about strategic plan goals that required further direction from Council. The report identified Pitman's Bay strategic plan goal Rd I N F.3.9: Finalize a plan for Pitman's Bay, as needing "further direction as to the future use expectations." This resulted in resolution **GC-165-21** that committee was to provide the requested clarification about Pitman's Bay, among other goals.

The March 2022 Community Services Master Plan recommends that selected objectives and sub-goals from the Town's current strategic plan be removed from the strategic plan due to their operational nature. This list includes the finalizing of a plan for Pitman's Bay. The Master Plan also lists Pitman's Bay as having a Community/Banquet Hall. In section 9.4 of the Master Plan, Pitman's Bay lodge is listed as a multi-use space/hall that is suitable for rental for events such as recreation programming, social activities, community meetings, events, family reunions, and more. The Master Plan describes Pitman's Bay lodge as follows:

"Pitman's Bay Lodge is different from the other rural halls in that it is a seasonal (summer) operated by the Town (not a community group) on a turnkey basis with no general public on Mary Lake, Pitman's Bay Lodge is accessed by a non -maintained private road and offers open space and small beach. The property was donated by the Scouts and is used largely gatherings, private retreats, scouts/guides, and for Town day camps on a limited basis."

The Master Plan references the Town's Strategic Plan and provides options for the future of the Pitman's Bay lodge and property. The options include:

1. Status Quo - No change
2. Sale of the Property
3. Reimagination of the site with full Public Access

Of these options, the Master Plan recommends Option 3 as the preferred option. The recommendation made in the Community Services Master Plan states:

"Support full public access to Pitman's Bay Lodge and Park similar to other waterfront parks. Prepare a design strategy for Pitman's Bay that solicits public input and examines potential improvements, financial and operational requirements, and environmental impacts."

### **Current Uses**

The current use of Pitman's Bay is limited to organized youth groups, running youth programming and camping, for Youth from Huntsville and vicinity in keeping with the 1951 agreement.

### **Current Issues**

The rental of Pitman's Bay came to the attention of staff as a result of staff's risk assessment. The risk assessment included a routine evaluation of the Town's insurance coverages for the activities that were taking place at Pitman's Bay and were advised that overnight camping was never disclosed to the Town's insurance broker (BFL) as a municipal activity. It was also further noted that camping and over night stays are not an insurable activity through BFL's facility user program. The staff evaluation also determined that Town Parkland Use By-laws does not allow overnight camping or fires.

The challenge that the Town faced was that Pitman's Bay was booked through the summer into October by groups for a number of large and small activities and many included over night stays.

The Town faced a decision where it could cancel all events or permit events without adequate insurance. A special Council meeting was convened to address this matter. The solution presented to Council was to allow events to proceed provided they conformed to the Town's By-laws, e.g., By-Law 2015-25 - By-law to Regulate and govern the use of parks and outdoor public places within the Town of Huntsville. Campers were also required to purchase additional insurance, naming the Town as additional insured, that includes specific coverage for camping overnight. Some customers were able to purchase outside insurance for this purpose.

Groups that were willing to conform to the requirements were permitted to continue with their planned event. Those unwilling were not permitted and were able to cancel their booking with a full refund of any rental fees paid.

The current issues include:

1. Insurance for the property as a camp ground (if this is the intended use)
2. Town By-laws for Parkland does not currently allow for overnight camping, parking or fires
3. If the intention is to operate a camp ground, the zoning of the property needs to be amended
4. If the intention is to operate a campground the Town must determine with the health unit any requirements and limitations for use. The Town would need to create policies and procedures to address the use as a campground.
5. Uses permitted in accordance with intended use based upon 1951 agreement

### **Insurance**

The Town does not have Insurance coverage for overnight camping as this is not a standard municipal operation. If the Town wished to operate a campsite there are several requirements, including Regulation under the *Health Protection and Promotion Act, R.S.O. 1990, c. H.7*. Additionally, Town By-Laws would require amendment to clearly permit camping, including associated activities. The additional coverage would incur additional cost to the Town.

Even with the appropriate user's insurance, the Town is still at risk for liability. Under the current common law system and joint and several liability, if the Town is found at fault by even a fraction, the Town would possibly be responsible for the payment of all damages resulting from an incident. To ensure that the Town is in the best position to defend any potential claims, it is important that the Town's By-laws and Policies are aligned.

### Town By-laws and Policies

Town By-laws pertaining to rentals and use of parks and outdoor public places require a review. The review would consider private versus public events and permitted activities.

Prior to contemplating the future use(s) of Pitman's Bay, the Town should review all applicable Policies and By-laws and make amendments, as required, to align By-laws and Policies and give clear direction to the Public, authorities, and Town staff in holding and regulating activities on Town properties.

### Uses Contemplated by and Permitted in Accordance with the 1951 Agreement

The only use contemplated and permitted in accordance with the 1951 agreement is the holding of child and youth camps. The agreement further requires that these camps be for children and youth from Huntsville and vicinity.

Town Policies, By-laws, and Council Resolutions do not change this intended use. In fact, the Fees and Charges By-law, as amended annually, acknowledges this use by not charging any fees or rent for activities and camps held for children and youth from Huntsville. Further to this, there have been several Council resolutions over many years, that direct staff to identify children and youth programming and activities for Pitman's Bay.

The original use remained intact until sometime near 1987. The 1987 MOU between the Scouts Association and Huntsville Youth Club states, among other things, that camping had been permitted on weekends and other times when the property was not used by youth. However, there was no amendment of the original 1951 agreement between the Town and the Scouts Association to allow this type of activity.

Legal Advice received by the Town and presented to committee in 1994 clearly identifies that the 1951 agreement remained in force and effect. The legal advice also stated that the agreement could be changed. The change could only be made to the agreement by the Town working with Scouts or, in the case that the Scouts abandoned the property, with the successor management board defined in the agreement.

### ***Additional and Emerging Issues***

Council contemplated the "issue" of weekend rentals as early as 1990 (and perhaps even earlier). This contemplation as an "issue" demonstrates acknowledgement by the Town that weekend rentals were not in accordance with the understood uses permitted by existing agreements. It is clear that Pitman's Bay is intended for local children and youth programming. It is unclear whether weekend rentals to others is a permitted use. Weekday use should be interpreted as not being permitted.

### ***Council Direction Related to Pitman's Bay***

Council has directed staff to limit the current use of Pitman's Bay in accordance with the 1951 agreement. This means restricting the use of the property and facilities for youth programming and camping for youth groups from Huntsville and vicinity. Council has delegated the authority to approve

activities that require an exemption from [By-law #2015-25](#) being a by-law to regulate Town Parks and Outdoor Public Spaces to the Director of Operations and Protective Services. The Delegated Authority provides the Director the discretion to allow for over-night camping, over-night parking, and having campfires that would otherwise be prohibited by by-law.

Council further directed staff to hold public consultations to gather public input on the current and potential future uses of Pitman's Bay. Public Consultations were held at the Active Living Centre on August 23, 2023 from 7 pm until 9 pm. A Public Survey was also posted to on the My Huntsville web page. The results of these consultations and web-based survey are summarized in the Discussion section of this Report. Raw input and commentary are attached to this report for reference.

## **Discussion**

### ***Current Use***

The Current use, for the 2023 season, is restricted to that outlined in the 1951 agreement. This was a decision made by Committee in the previous term of Council. Further Committee direction was to conduct a public consultation and report back with options for Committee to consider for the future use of Pitman's Bay. The current use restricts the use of the park space for youth programming only. Other than the 1951 agreement (attached to report) and the [Parks and Outdoor Spaces By-law #2015-25](#), there are no other policy or by-law directions directly regulating the use of Pitman's Bay municipally.

### ***Public Consultation - Summary and Themes***

- Pitman's Bay must remain a Town owned property.
- Pitman's Bay should be used exclusively for youth purposes programming according to the intent of the 1951 agreement.
- Future use of Pitman's Bay should include unrestricted public access- ie. a park
- Rental of the space for revenue or other purposes should not be permitted and certain activities, e.g., fireworks, should be prohibited on the property.

Consultation of the public occurred in two parts:

1. Online survey found on [myhuntsville.ca](http://myhuntsville.ca) from August 11, 2023 until September 1, 2023 which had 1726 visitors and resulted in 522 contributors completing the survey (pie chart summaries and all surveys attached); and,
2. In-person consultation held on 23 August 2023 at 7 pm at the Active Living Centre with approximately 63 members of the public in attendance.

In addition to the two formal methods, there were also 11 emails and one hard copy of the survey sent to Town Staff with more comments (attached).

One question posed by Staff related to the sale of the property. This was an option that needed to be addressed through this process. The clear response from the public was that Pitman's Bay must remain property of the Town and that sale of the property should not be a consideration.

A second theme that emerged through the consultation was that the property remain exclusively for youth purposes programming.

Finally, through public feedback, there were concerns raised about the rental of the property for other uses. In particular, concerns were expressed about parties, fireworks, etc. that have the potential to damage the property and disturb neighbors on Mary Lake.

### ***Changes to Use***

The use of this space cannot currently be changed. Staff sought a legal opinion regarding the applicability of the 1951 agreement. There is currently no covenant within the agreement that absolves the Town from its responsibilities under the agreement and the Town cannot unilaterally make changes to the terms of use of Pitman's Bay.

Within the agreement, there is an identified mechanism through which the Town can seek to change or end the agreement. The nine (9) member management board identified in the 1951 agreement can be convened to discuss dissolution and other matters pertaining to the property. Provided that the management board agrees, the uses can be changed, the 1951 agreement changed, or the agreement can be abandoned altogether.

To allow the Town the greatest flexibility for stewardship of this property, staff recommend the dissolution of the agreement. However, in place of the agreement, staff recommend amending the parks and open spaces by-law #2015-25 to develop a schedule specific to Pitman's Bay based on a Council-directed policy for use of this space.

### ***Required Resourcing***

Maintaining youth programming at Pitman's Bay park at the current levels of activity would not require any significant increase in staff or other resourcing.

If the use of the park were increased either through a significant increase in youth programming use, or through a change in use that would allow broader use of the park space, both the Community Services and the Operations and Protective Services Divisions would require additional staffing. This need for additional staffing would include the potential addition of events coordinators as well as additional parks attendants (or equivalent additional contracted services) to be able to properly maintain the property. There are also other considerations such as the septic system. The system currently has the capacity to accept the use by youth programming. However, increased use would place additional strain on the system, e.g., campers dumping sewage directly from camping vehicles/trailers into system, requiring, at best, more frequent servicing, and, at worst, risking failure of the system. Finally, with additional resourcing comes an overall increase in the workload for Town departments and divisions supporting Community Services and Operations and Protective Services, e.g., finance, human resources, legislative services, etc.

### ***Sale of Pitman's Bay***

The question related to the sale of Pitman's Bay was posed through the public consultation process. This question was posed as this is one option for the Town to consider in a thorough analysis of all available options. Of all the public feedback received relating to Pitman's Bay, the overwhelming response was to keep and maintain Pitman's Bay. The public was overwhelmingly opposed to the sale of the Pitman's Bay property.

### **Options**

1. Operations and Protective Services staff convene the nine (9) member Church Management Board to discuss the dissolution of the 1951 agreement. Continue to restrict the use of the Pitman's Bay property and facilities for the purposes of conducting youth programs for the 2024 and 2025 calendar years until such time as Staff have developed a Policy and By-law, governing the use of Pitman's Bay, for Committee's consideration. (**Recommended**).
  - a. The main benefit of this option is that it will allow Council the flexibility to consider unrestricted use of the property.
  - b. Staff continue to recommend restricting the use of this property in the spirit of the original agreement based on public input received.
  - c. The main drawback is the complexity of finding the key membership that is linked to legacy church leadership and the potential for a reluctance to dissolve the agreement.
2. Continue to operate Pitman's Bay in accordance with the 1951 Agreement, limiting use to youth programming only. (Not Recommended).
  - a. The main benefit of this option is simplicity. There are no changes to current direction for use.
  - b. The main drawback of this option is that the use cannot be legally changed by Council and the longer the time passage, the more challenging it will be to get the church group together in the future.
  - c. Camping activities are currently prohibited by the Town at Pitman's bay with some specific exceptions.
3. Sale of the Pitman's Bay property or any portion thereof, on the open, public market. (Not Recommended).
  - a. While this was posed as an option on the table, the public input overwhelmingly opposed this option.
  - b. The main benefit is the addition of the capital funds to the Town for the purposes of Youth Programming.
  - c. The main drawback to this option is the loss of a prime greenspace that facilitates Town and not-for-profit youth programming.

## **Capital**

There are no immediate Capital implications. Capital repairs and improvements will continue in accordance with the Council approved budget.

## **Operational**

The Operational Impact will remain the cost of maintenance and utilities for the property. These costs will continue to be included in annual operating budgets until the future use of Pitman's Bay is determined.

## **Council Strategic Direction / Relevant Policies / Legislation / Resolutions**

Strategic Direction  
RdINF.3.9

Council Resolutions

**82-98**

**278-99**

**362-11**

**82-13**

**125-13**

Committee Resolutions

**03-94**

**07-94**

**CS-18**

**GC-222-17**

**GC-51-18**

**GC-151-18**

**GC-165-21**

*Health Protection and Promotion Act, R.S.O. 1990, c. H.7.*

Town's Volunteer Placement Management Policy

Community Services Master Plan (March 2022)

**Attachments**

[1951 Pitman's Bay Agreement](#)

[Pitman's Bay - Data Visualization of Survey Responses](#)

**Consultations**

Simone Babineau, Director of Community Services

Denise Corry, Chief Administrative Officer

**Respectfully Submitted:** Colleen MacDonald, Tarmo Uukkivi,

**Manager Approval (if required):** Colleen MacDonald - Manager of Parks and Cemeteries

**Director Approval:** Tarmo Uukkivi - Director of Operations and Protective Services

**CAO Approval:** Denise Corry - Chief Administrative Officer

MEMORANDUM OF AGREEMENT made in duplicate this seventh day of December, One thousand nine hundred and fifty-one

Between:

THE CORPORATION OF THE TOWN OF HUNTSVILLE

hereinafter called the Corporation  
of the First Part

-and-

HUNTSVILLE BOY SCOUT ASSOCIATION

hereinafter called the Association  
of the Second Part.

WHEREAS the Boy Scout Association is presently operating a summer camp on Lot number twenty-nine (29) in the eighth (8th) Concession and the southerly fifty (50) acres more or less of Lot number twenty-nine (29) in the ninth (9th) Concession of the Township of Stephenson in the District of Muskoka;

AND WHEREAS the said property has been conveyed to The Corporation of the Town of Huntsville and the said Corporation has agreed to hold the title to the said lands in trust as hereinafter provided;

NOW THIS AGREEMENT WITNESSETH that the said Corporation, for itself, its successors and assigns, hereby covenants and agrees with the Association as follows:

1. THE CORPORATION shall be a trustee within the meaning of The Trustee Act for the purpose of holding title of the above lands for the Association and others as hereinafter provided.
2. THE ASSOCIATION shall be entitled to the exclusive control of the said lands for the purposes of the Association as a summer camp for boy scouts, girl guides, or other groups of boys, girls and young people of Huntsville and vicinity, and the arrangements to be made in this respect shall be under the sole jurisdiction of the Association.
3. DURING such time as the Association is in possession of the said lands under clause two, it shall be responsible for

all taxes, rates, local improvements, public utilities and other carrying charges as well as fire insurance coverage on any buildings that may be on the said lands.

4. ALL buildings that may be erected on the said lands shall vest in the Corporation and shall thenceforth be dealt with according to the terms hereof.

5. DURING such period as the Association is in possession of the said lands as aforesaid it shall indemnify and save harmless the Corporation of and from any claims, suit demands or any other liability whatsoever arising out of or in connection with the said lands or their use.

6. IF at any time it should appear that the Association has ceased to operate the said lands actively as a summer camp, the council of the Corporation of the Town of Huntsville may, at a regular meeting, consider the question, and, if in its sole discretion it is deemed justified, a resolution may be passed by the council in the usual way to that effect, following which the right of the Association to use, control and operate the camp shall forthwith cease and be determined, except as hereinafter provided.

7. AFTER a resolution pursuant to the immediately preceding clause has been passed, the said Corporation shall continue to hold the said lands in trust as a summer camp for Boy Scouts, Girl Guides, and other groups of boys, girls and young people of Huntsville and vicinity under the management of a board consisting of nine members constituted as follows:

All Saints Anglican Church shall nominate two representatives; St. Andrews Presbyterian Church shall nominate two members; Trinity United Church shall nominate two members; and the six so named shall nominate three further persons interested in furthering the objects of this agreement.

8. THE MANAGEMENT and control of the said property shall continue as aforesaid unless it is deemed expedient by the

municipal council of the Town of Huntsville that it shall revert to the control of the Association, which shall be effected by a resolution of the council passed at a regular meeting of the council in the usual way.

9. IN THE EVENT that it is deemed expedient to sell the property or any part thereof, such sale may be effected by the Corporation pursuant to a by-law which shall be passed for such purpose, provided that such by-law shall only be passed at the request or with the consent of the Association or the above mentioned board, as the case may be, whichever at the time has the control of the property.

10. PROCEEDS of any such sale shall be used only for the purpose of improvements on the remaining property including buildings, if any, or for the purchase of another site to be used for the same purposes.

IN WITNESS WHEREOF the Corporation of the Town of Huntsville has hereunto affixed its Corporate Seal attested by the hands of the Mayor and Clerk-Treasurer respectively.

THE CORPORATION OF THE TOWN OF HUNTSVILLE

CORPORATE SEAL

TOWN OF HUNTSVILLE

"R. H. Leigh"  
..... Mayor

"V. A. Adamson"  
..... Clerk-Treasurer

# Pitman's Bay Usage Survey

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## **SURVEY RESPONSE REPORT**

04 March 2019 - 04 September 2023

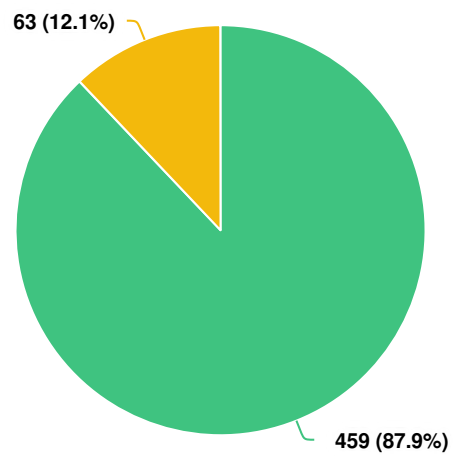
### **PROJECT NAME:**

Pitman's Bay Usage Public Consultation



SURVEY QUESTIONS

**Q1 | Are you aware that the Town of Huntsville owns a public park and outdoor facility at Pitman's Bay?**

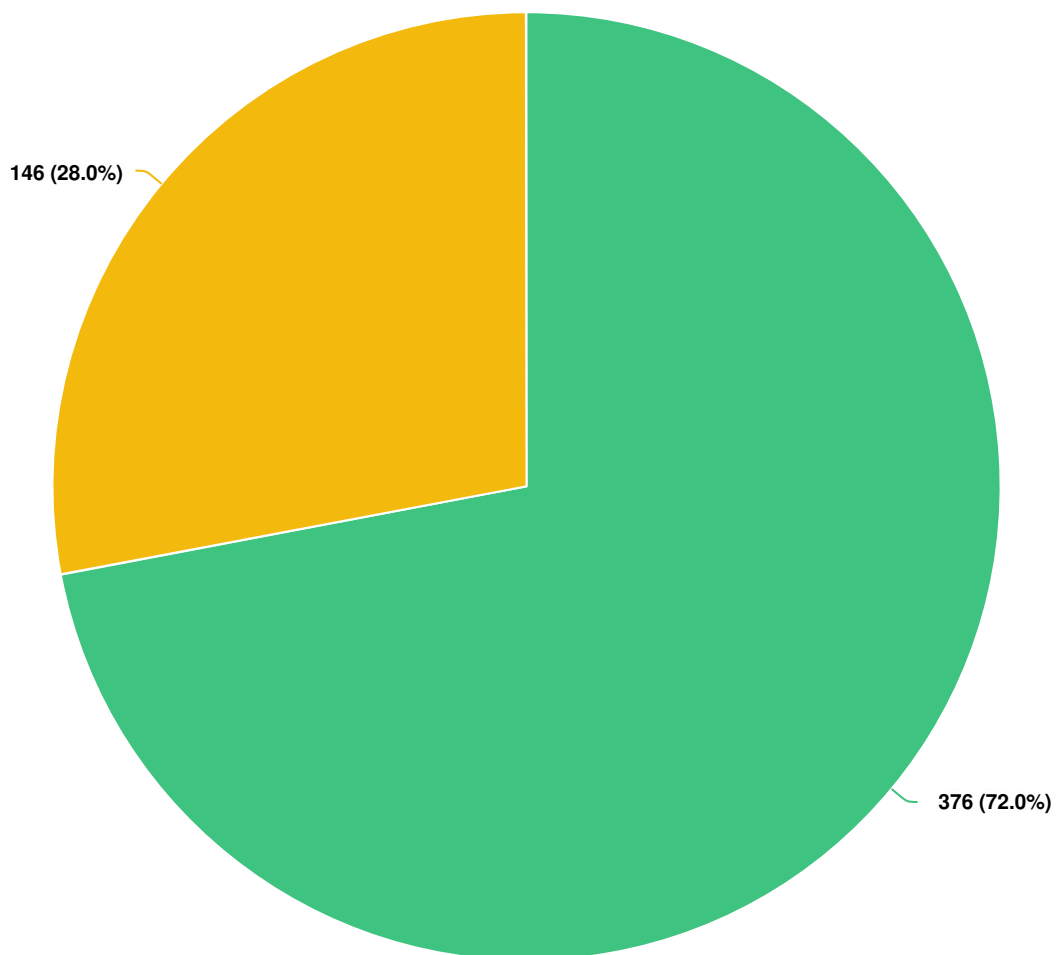


**Question options**

- Yes
- No

*Mandatory Question (522 response(s))*  
*Question type: Radio Button Question*

**Q2** Have you ever been to the Pitman's Bay property?

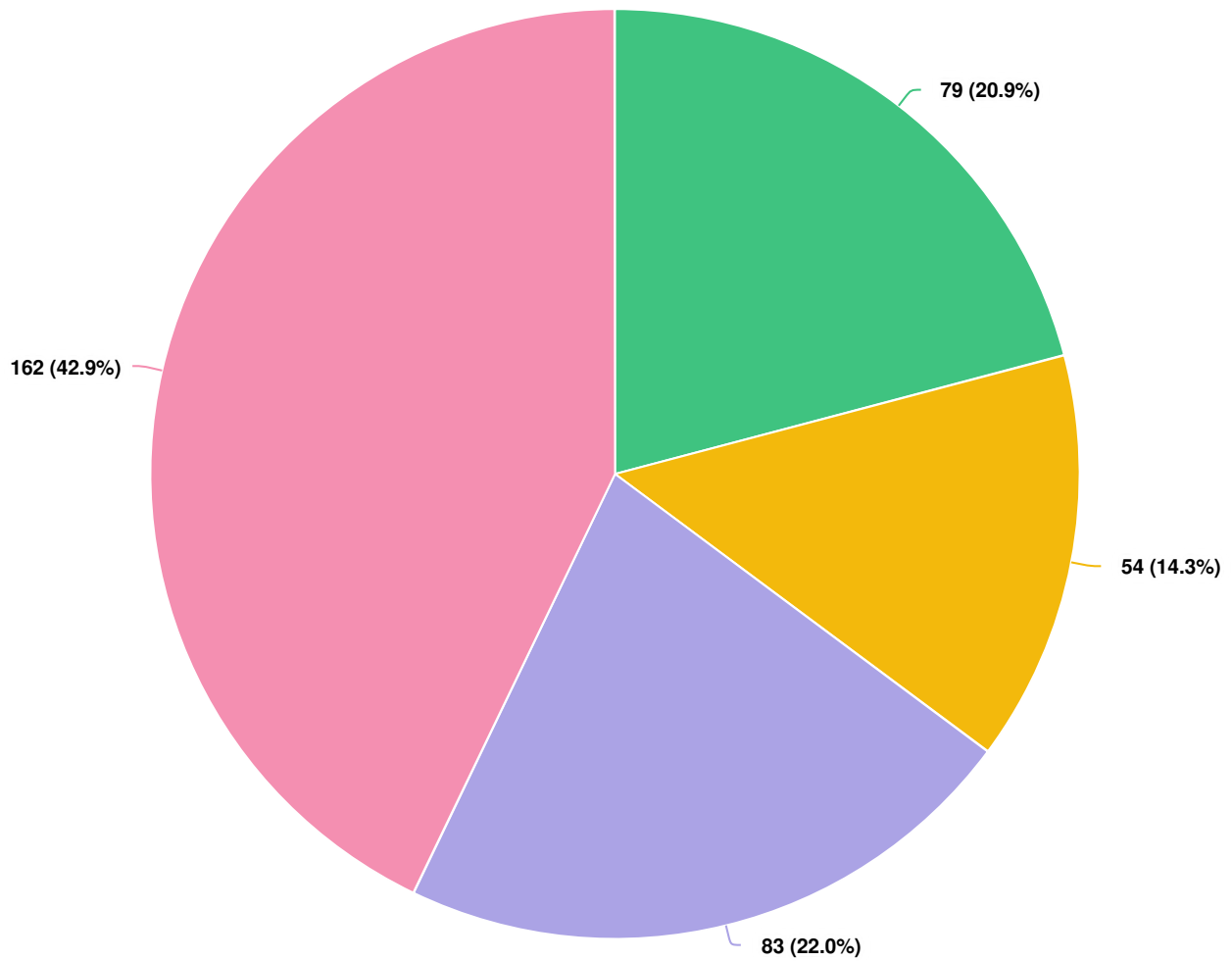


**Question options**

- Yes
- No

Mandatory Question (522 response(s))  
Question type: Radio Button Question

**Q3** What activities have brought you to the Pitman's Bay property in the past?

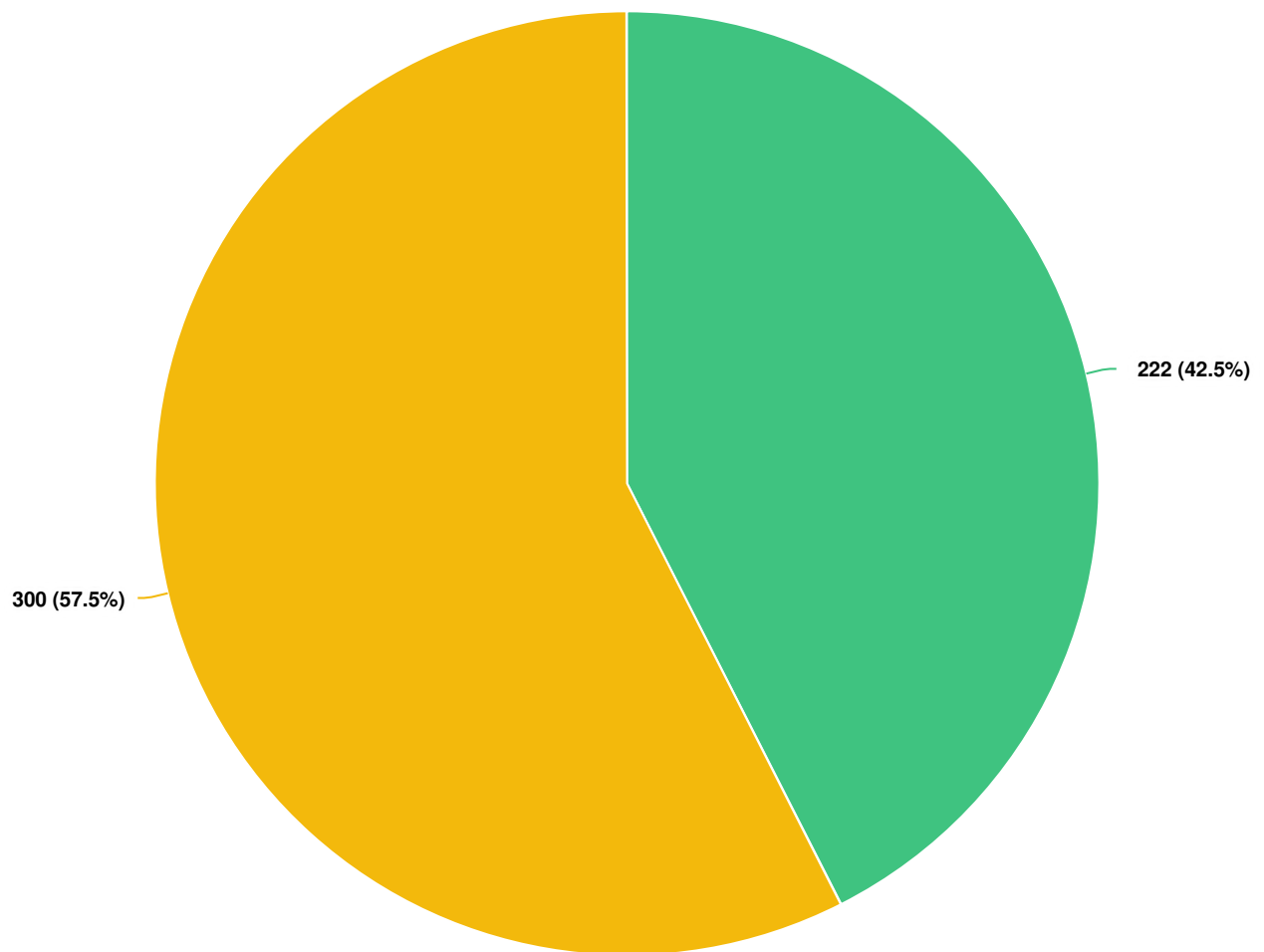


**Question options**

- Day camp
- Overnight camp
- Special events - e.g. wedding
- Other (please specify)

Mandatory Question (378 response(s))  
Question type: Radio Button Question

**Q4** Prior to this survey, were you aware of the following existing conditions that restrict the usage of Pitman's Bay? The conditions are: 1. The permitted uses are governed by a 1951 agreement. 2. The property must be insured as a campground if that is...

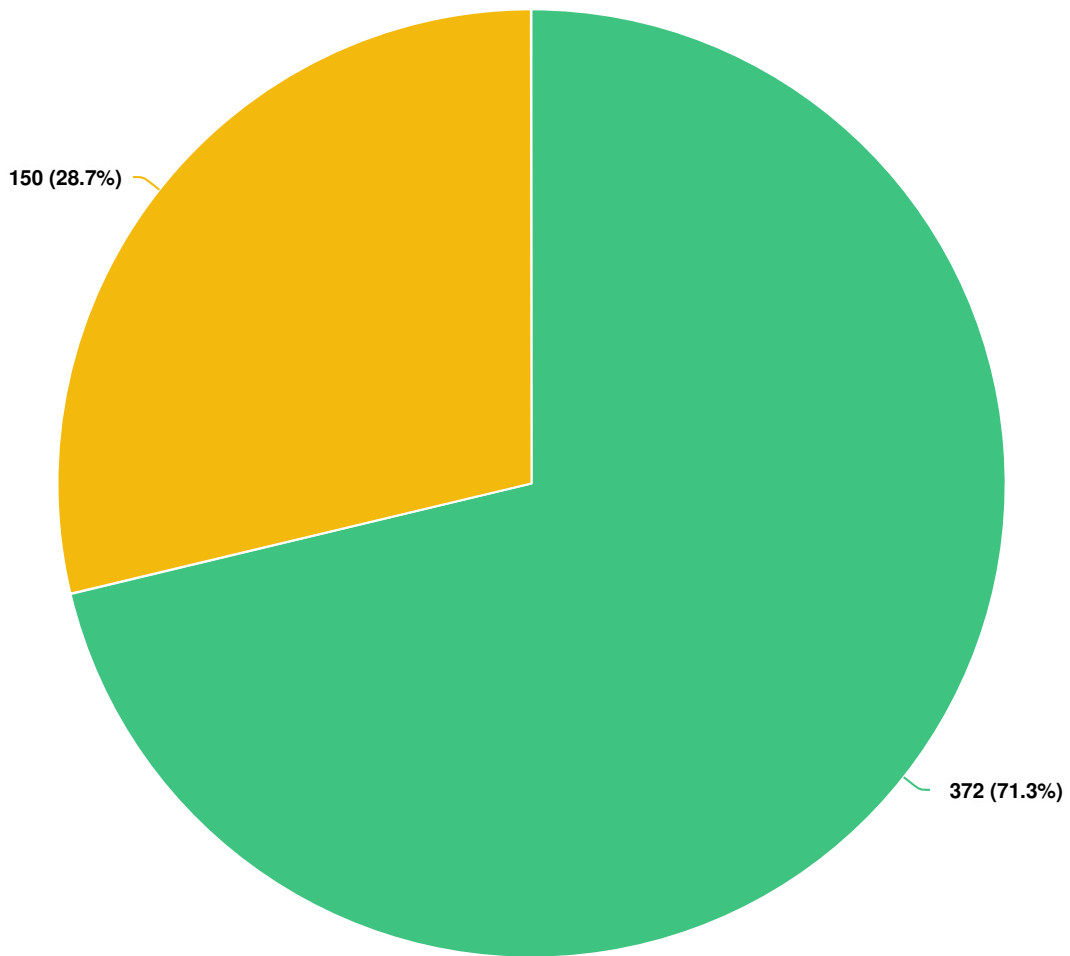


**Question options**

- Yes
- No

Mandatory Question (522 response(s))  
Question type: Radio Button Question

**Q5** Prior to this survey, were you aware how Pitman's Bay is currently being used? Current usage is as described: Since 2019, the property has primarily been used for day use rentals and camping. Prior to COVID, there was limited use by youth programmin...

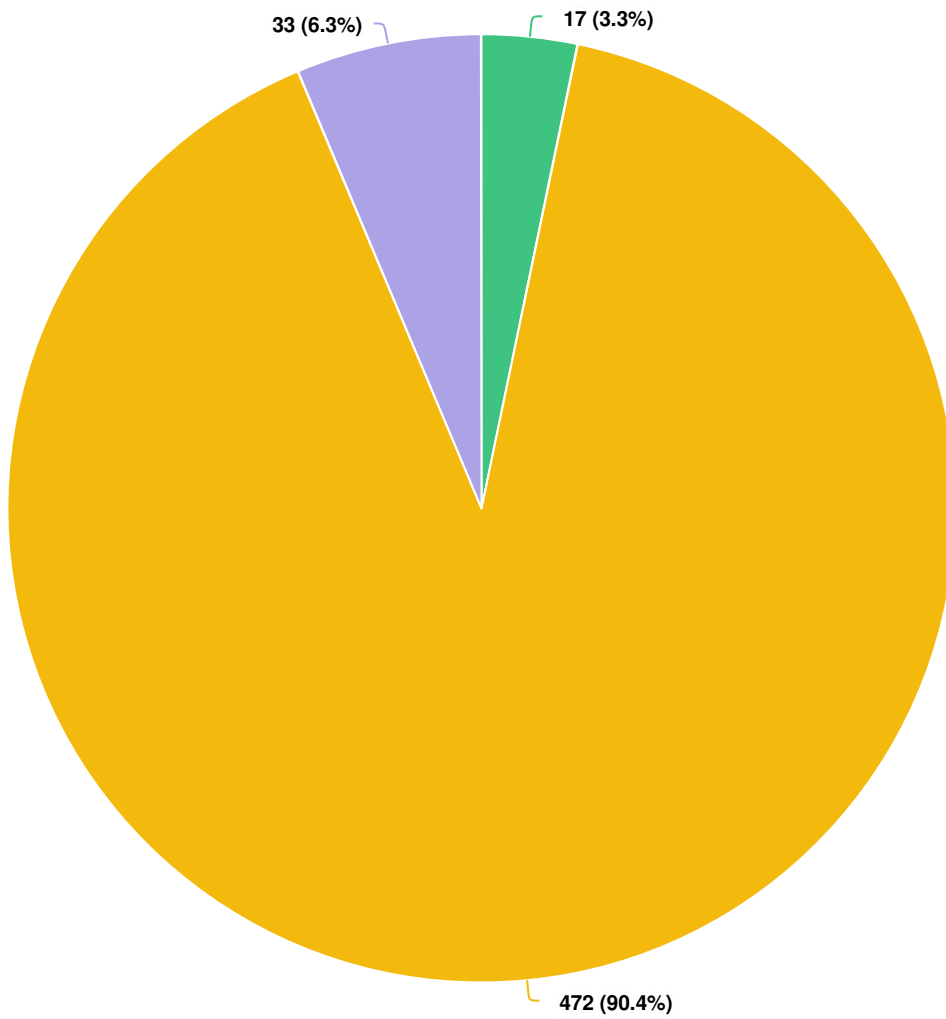


**Question options**

- Yes
- No

Mandatory Question (522 response(s))  
Question type: Radio Button Question

**Q6** In your opinion, would it be acceptable for the Town of Huntsville to sell the property?

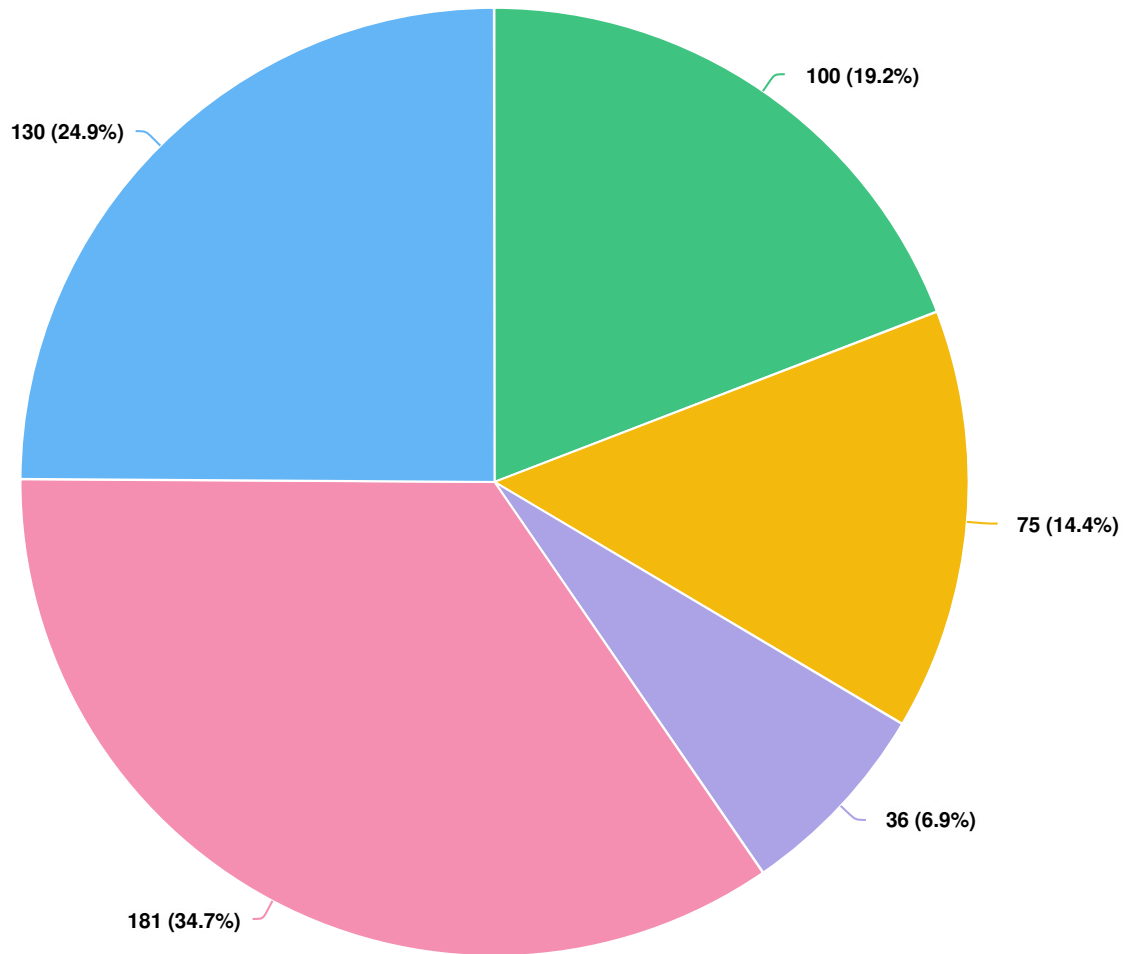


**Question options**

- Yes
- No
- Maybe, under certain conditions

Mandatory Question (522 response(s))  
Question type: Radio Button Question

**Q8** | If Pitman's Bay were to remain a public space in the Town of Huntsville, what would you like the use of this property to include?

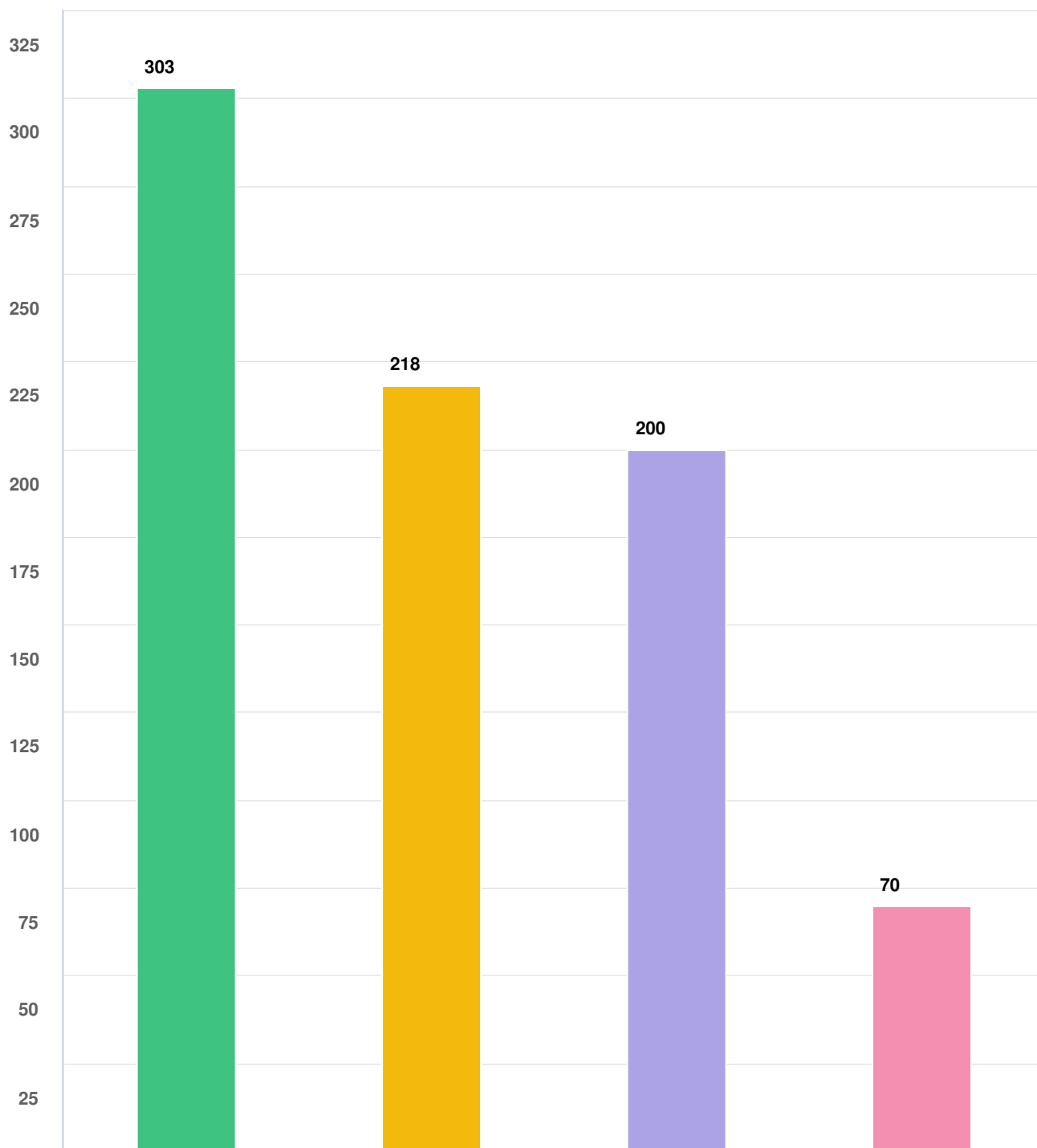


**Question options**

- Day camp
- Overnight camp
- Special event - e.g. wedding
- Unrestricted public access - i.e. a park
- Other (please specify)

Mandatory Question (522 response(s))  
Question type: Radio Button Question

**Q9** | What are the primary principles that should be guiding factors for the future use of Pitman's Bay?



**Question options**

- Youth programming including day and overnight camps
- Unrestricted public access to parks and waterways
- Public rentals
- Other (please specify)

Mandatory Question (522 response(s))  
Question type: Checkbox Question