

**THE CORPORATION OF THE TOWNSHIP OF ESSA
REGULAR COUNCIL MEETING
WEDNESDAY, 19 SEPTEMBER 2007**

A Regular Council meeting was held following Committee of the Whole on Wednesday, 19 September 2007 in the Council Chambers of the Administration Centre, Township of Essa.

In attendance: Mayor David Guergis
Deputy Mayor Terry Dowdall (arrived at 6:55 p.m.)
Councillor Sandie Macdonald
Councillor Rick Newlove
Councillor Ron Henderson

Staff in attendance: Greg Murphy, CAO/Manager of Public Works
Carol Trainor, Clerk/Deputy-Treasurer
Paul Macdonald, Fire Chief
Jim Hosick, Acting Manager of Planning and Development

1. OPENING OF MEETING BY THE MAYOR

Mayor Guergis opened the Regular Council meeting at 6:38 p.m.

2. DISCLOSURE OF PECUNIARY INTEREST

Councillor Newlove declared a Conflict of Interest with the previous minutes and abstained from voting.

3. ADOPTION OF PREVIOUS MINUTES AND MOTIONS

Resolution No: C285-2007 Moved by: Macdonald, Seconded by: Henderson

*Be it resolved that the motions duly passed and approved at the Committee of the Whole meeting of this date be approved; and
That the minutes of Committee of the Whole and Regular Council meetings held on the Fifth day of September, 2007 be adopted as amended as to the Auditor's Report.*

Carried

4. PRESENTING, REFERRING OR PASSING OF ACCOUNTS

Resolution No: C286-2007 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that Payment Voucher #9 dated August 30 to September 12, 2007 in the amount of \$2,870,225.41 be approved.

Carried

5. CORRESPONDENCE – Information Items (Available in the Clerk’s office)**

- a. Letter from the County of Simcoe**
Re: Resolution regarding Centralized Trails Program
- b. Letter from Minister for Federal Economic Development Initiative for Northern Ontario**
Re: Funding for water project upgrades
- c. Report from Essa Public Library Board**
Re: Statistics for July and August 2007
- d. Letter from the Federation of Canadian Municipalities****
Re: Green Municipal Fund Annual Report

Resolution No: C287-2007 Moved by: Macdonald, Seconded by: Henderson

Be it resolved that Information Items 5(a) to (d) be received.

Carried

6. CORRESPONDENCE - Action Items

- a. Request for Thornton Arena Fee Waiver**

Resolution No: C288-2007 Moved by: Macdonald, Seconded by: Newlove

Be it resolved that the letter from the Thornton Area Action Committee regarding their annual Valentines Dance fundraiser be received; and that Council does agree to waive the rental fee for the banquet room on Saturday, February 9, 2007, but the renter remains responsible to pay the applicable SOCAN fees.

Carried

7. COMMITTEE REPORTS

- a. Economic Development Committee**

Resolution No: C289-2007 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that the minutes of the Economic Development Committee dated August 29, 2007 be approved.

Carried

- b. Essa Parks & Recreation Committee**

Resolution No: C290-2007 Moved by: Macdonald, Seconded by: Newlove

Be it resolved that the minutes of the Essa Parks and Recreation Committee dated August 27, 2007 be approved.

Carried

8. PETITIONS

9. MOTIONS AND NOTICES OF MOTIONS

a. Placement of a Sales Trailer

Resolution No: C291-2007 Moved by: Macdonald, Seconded by: Newlove

WHEREAS Essa Developments, Phase II, has requested approval to locate a sales trailer on their development site on the East Half of Concession 4, Part Lot 28, fronting the 5th Line; and

WHEREAS the parking lot and driveway have been sufficiently graveled to allow for vehicles to enter/exit and park at the subject site;

NOW THEREFORE BE IT RESOLVED THAT The Council of The Township of Essa does hereby approve of the placement of a sales trailer at the aforementioned site, pending the application and issuance of a building permit, and the posting of securities in the amount of \$2,500.00.

Carried

b. Release of Securities

Resolution No: C292-2007 Moved by: Newlove, Seconded by: Henderson

WHEREAS a security deposit in the amount of \$20,000 was provided by McKick Masonry (Jim McIvor) in accordance with Schedule 'E' of the Site Plan Agreement for the property located at 8866 County Road 56 (Part Lot 32 Concession #6, Part 1 on Plan 51R-8595); and

WHEREAS the Township Engineer has reviewed the site and confirmed that the works are substantially completed with a few noted deficiencies, and therefore recommends the reduction of securities;

NOW THEREFORE BE IT RESOLVED THAT Council approves the reduction of securities in the amount of \$15,000, resulting in remaining securities of \$5,000 to be retained until the deficiencies are rectified to the satisfaction of the Township of Essa and TSH.

Carried

c. Request to amend and extend the Model Home Agreement

Resolution No: C293-2007 Moved by: Newlove, Seconded by: Macdonald

WHEREAS on August 10, 2007, Previn Court Homes requested Council approval to build model homes on Lots 42 & 43 Bank Street, which was approved through execution of the Model Home Agreement dated January 10, 2005 and subsequent Staff Report dated August 23, 2006; and

WHEREAS on August 1, 2007 Previn Court Homes requested to change the location of the model homes to be built on Lots 39 & 40 to better concentrate their initial housing construction which would back on existing residential units; and

WHEREAS on August 1, 2007 Previn Court Homes further requested to extend the model home agreement expiry date, although Council would not be meeting until after the August 23 expiry date of the Agreement; and

WHEREAS under Resolution C444-2006 dated December 5, 2006, Council rescinded the Resolution of August 23, 2006 permitting two model homes through the extension of a Model Home Agreement and that no further approvals be issued respecting this property except filling the area of concern, upon approval of the NVCA, until such time that a remedial plan has been approved by the Township, the NVCA and Department of Fisheries (DFO); and

WHEREAS a Remedial plan and Permit has been approved by the NVCA, dated February 16, 2007 and set to expire February 16, 2008 although the owner has not yet completed the remediation works; and

WHEREAS the NVCA have requested that the Municipality consider that Previn Court Homes Subdivision final approval not be granted subject to the full execution of the remedial plan;

NOW THEREFORE BE IT RESOLVED THAT Council amend the Model Home Agreement (Section 2a) to approve the exchange of Lots from Lots 60, 61, 27L, 27R and 28L to Lots 39 & 40; and

THAT, at the recommendation of the NVCA, Council not extend the Model Home Agreement dated January 10, 2005 from September 19, 2007 to September 19, 2008; and further

THAT Council defer final approval to the Previn Court Subdivision pending the completion of all remedial works to the satisfaction of the NVCA, DFO and the Township of Essa.

Carried

d. Brookvalley Subdivision

Resolution No: C294-2007 Moved by: Henderson, Seconded by: Newlove

BE IT RESOLVED THAT the municipality approves Brookvalley Phase 1 (File #E-T-96006) subdivision proceeding as per the attached diagram; and

THAT a clause be included in the subdivision agreement requiring the Developer to undertake the traffic requirements of the County of Simcoe in Phase 2 of this residential development (as agreed to by the Developer and the County as part of the OMB appeal process).

Carried

10. UNFINISHED BUSINESS

11. BY-LAWS

a. By-law 2007 – 50

Resolution No: C295-2007 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that leave be granted to introduce By-law 2007 - 50, being a by-law to amend Schedule 7 of By-law 2005-97, the Township of Essa Business Licensing By-law, being a by-law for the licensing, regulating and governing owners and drivers of taxicabs; and that said By-law be read a first, and taken as read a second and third time and finally passed.

Carried

b. By-law 2007 – 51

Resolution No: C296-2007 Moved by: Henderson, Seconded by: Macdonald

Be it resolved that leave be granted to introduce By-law 2007 - 51, being a by-law authorizing the Mayor and the Clerk to enter into Agreement with the Canadian Pacific Railway Company to allow permission to construct and maintain a Gabion Wall and use of a drainage ditch on Railway Lands crossing the railway at or near County Road 21, Murphy Road, Township of Essa; and that said By-law be read a first, and taken as read a second and third time and finally passed.

Carried

c. By-law 2007 – 52

Resolution No: C297-2007 Moved by: Newlove, Seconded by: Henderson

Be it resolved that leave be granted to introduce By-law 2007 - 52, being a by-law of The Corporation of the Township of Essa to authorize the execution of a subdivision agreement

between the Corporation of the Township of Essa and Brookvalley Developments (Angus) Ltd.; and that said By-law be read a first, and taken as read a second and third time and finally passed.

Carried

d. By-law 2007 – 53

Councillor Henderson suggested that the word “animals” be removed from the by-law and that it only be applied to dog breeding. Clerk Carol Trainor explained that the By-law Officer is currently dealing with two properties where breeding of birds and exotic animals is occurring, and that the health and safety of the animals and the inhabitants of the home is at risk.

When asked about mink ranches and similar operations, the Councillor was advised that the Officer has the authority to apply common sense and discretion in every situation, and a facility that is set up for this kind of operation would not be subject to penalty as they would have sufficient space and facilities to accommodate high numbers of animals.

Resolution No: C298-2007 Moved by: Macdonald, Seconded by: Dowdall

Be it resolved that leave be granted to introduce By-law 2007 - 53, being a by-law to regulate and control the breeding of dogs and animals within the Township of Essa; and that said By-law be read a first, and taken as read a second and third time and finally passed.

Carried

12. QUESTIONS

13. IN CAMERA

14. CONFIRMATION BY-LAW

a. By-law 2007 - 54

Resolution No: C299-2007 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that leave be granted to introduce By-law 2007 - 54, being a by-law to confirm the proceedings of the Council and Committee of the Whole meetings held on this Nineteenth Day of September 2007; and that said By-law be read a first, and taken as read a second and third time and finally passed.


Carried

15. ADJOURNMENT

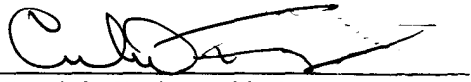
Resolution No: C300-2007 Moved by: Dowdall, Seconded by: Henderson

Be it resolved that this meeting of the Council of the Township of Essa adjourn at 6:55 p.m. to meet again on the Third day of October at 3:00 p.m. for the presentation of the Directions Report from Hemson Consulting.

Carried



David Guergis, Mayor



Carol O. Trainor, Clerk