

**THE CORPORATION OF THE TOWNSHIP OF ESSA
REGULAR COUNCIL MEETING
WEDNESDAY, 5 DECEMBER 2007**

A Regular Council meeting was held following Committee of the Whole on Wednesday, 5 December 2007 in the Council Chambers of the Administration Centre, Township of Essa.

In attendance: Mayor David Guergis
Deputy Mayor Terry Dowdall
Councillor Sandie Macdonald
Councillor Rick Newlove
Councillor Ron Henderson

Staff in attendance: Carol Trainor, Clerk/Deputy-Treasurer
Paul Macdonald, Fire Chief
Jim Hosick, Acting Manager of Planning and Development
Julie Barrett, Treasurer

1. OPENING OF MEETING BY THE MAYOR

Mayor Guergis opened the Regular Council meeting at 6:50 p.m.

2. DISCLOSURE OF PECUNIARY INTEREST

Councillor Newlove declared a conflict of interest with item 9e due to his employment with the County of Simcoe, and one in camera item.

3. ADOPTION OF PREVIOUS MINUTES AND MOTIONS

Resolution No: C383-2007 Moved by: Macdonald, Seconded by: Dowdall

*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 Twenty First day of November, 2007 be adopted as circulated.*

Carried

4. PRESENTING, REFERRING OR PASSING OF ACCOUNTS

Resolution No: C384-2007 Moved by: Newlove, Seconded by: Macdonald

*Be it resolved that Payment Voucher #12 dated November 15 to 28, 2007 in the amount of \$655,431.65 be approved; and
That Visa Accounts dated September 15 to October 15, 2007 in the amount of \$6,327.13 be approved; and*

That Payroll for the month of November 2007 in the amount of \$140,698.03 be approved.
Carried

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

- a. **Letter from Nottawasaga Police Services Board**
Re: Other Force Income
- b. **Letter from the Ministry of Community Safety and Correctional Services**
Re: Emergency Management Programs
- c. **Media Release from the Ontario Federation of Snowmobile Clubs**
Re: Get Ready for Snowmobiling Week
- d. **Letter from the Ministry of Citizenship and Immigration**
Re: Volunteer Recognition Programs

Resolution No: C385-2007 Moved by: Macdonald, Seconded by: Newlove

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

Carried

6. CORRESPONDENCE - Action Items

- a. **Letter regarding Recycling Specialties – Processing/Transfer Facility**

Resolution No: C386-2007 Moved by: Macdonald, Seconded by: Newlove

Be it resolved that the letter dated November 28, 2007 from Jones Consulting regarding the Recycling Specialties Recycling Processing/Transfer Facility be received; and that Planning staff provide a written response to the comments presented in the letter.

Carried

- b. **Letter from the Nottawasaga Valley Conservation Authority**

Resolution No: C387-2007 Moved by: Macdonald, Seconded by: Henderson

Be it resolved that the request for representation from Essa Township to the Nottawasaga Valley Conservation Authority’s Stakeholder Partner Committee be received; and that no representative of Essa Township be appointed at this time.

Carried

- c. **Letter from the Township of Elizabethtown-Kitley**

Resolution No: C388-2007 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that the letter from the Township of Elizabethtown-Kitley with respect to the cost of training related to Fire Code enforcement be received; and that The Township of Essa does support requesting that the Ontario Fire Marshal (OFM) cover the cost associated with training and workshops should the OFM initiate new fire safety legislation

Carried

7. COMMITTEE REPORTS

a. Essa Public Library Board

Resolution No: C389-2007 Moved by: Macdonald, Seconded by: Dowdall

Be it resolved that the minutes of the Essa Public Library Board dated October 22, 2007 be approved as presented.

Carried

b. Nottawasaga Police Services Board

Resolution No: C390-2007 Moved by: Macdonald, Seconded by: Newlove

Be it resolved that the minutes of the Nottawasaga Police Services Board held on October 23, 2007 be received.

Carried

c. Essa Committee of Adjustment

Resolution No: C391-2007 Moved by: Dowdall, Seconded by: Macdonald

*Be it resolved that the letter regarding resident concerns received by the Committee of Adjustment be received; and
That the proposed 2008 Committee of Adjustment meeting schedule be received.*

Carried

d. Thornton-Cookstown Trans Canada Trail Committee

Resolution No: C392-2007 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that the minutes of the Thornton-Cookstown Trans Canada Trail Committee meeting of 25 September 2007 be approved.

Carried

e. Essa Parks and Recreation Committee

Resolution No: C393-2007 Moved by: Henderson, Seconded by: Macdonald

Be it resolved that the minutes of the Essa Parks and Recreation Committee held on November 13, 2007 be approved as presented.

Carried

8. PETITIONS

9. MOTIONS AND NOTICES OF MOTIONS

a. January Council Meeting Schedule

Resolution No: C394-2007 Moved by: Macdonald, Seconded by: Henderson

WHEREAS The Council of The Township of Essa has hereby affirmed that it shall meet regularly on the first and third Wednesday of each month; and

WHEREAS The Corporation of The Township of Essa shall close its offices to regular business between December 24, 2007 and January 2, 2008, except for telephone assistance; and

WHEREAS there are five Wednesdays in January;

NOW THEREFORE BE IT RESOLVED THAT The Council of The Township of Essa hereby agrees to amend its meeting schedule for the month of January 2008 to meet on the second and fourth Wednesdays, being the 9 and 23 of January, 2008; and

THAT public notice of this schedule change shall be posted on the Township website and at the Administration Office, and advertised in a newspaper having general circulation in the municipality.

Carried as amended

b. Appointment of a Closed Meeting Investigator

Resolution No: C395-2007 Moved by: Dowdall, Seconded by: Newlove

WHEREAS Section 239.1 of the revised Municipal Act, 2001 enables any person to request an investigation of whether a municipality or local board has complied with either the statutory requirements for closed meetings, or a procedure by-law; and

WHEREAS the Council of The Township of Essa did approve and forward a Resolution on May 16, 2007 requesting that the County of Simcoe appoint an individual to fulfill this role for all municipalities within its jurisdiction to ensure consistency across the County;

and

WHEREAS The County of Simcoe supports the appointment of one individual as a Closed Meeting Investigator, who's agreement with the County would include any local municipalities who concur with the recommendation and wish to participate in such agreement;

NOW THEREFORE BE IT RESOLVED THAT The Township of Essa does support the appointment of John Maddox as the Closed Meeting Investigator for the County of Simcoe, and therefore the Township of Essa, inclusive of an agreement to be signed with the County of Simcoe; and

THAT a By-law to appoint John Maddox as the Closed Meeting Investigator for the Township of Essa shall be brought forward for approval following ratification with the County of Simcoe.

Carried

c. Attendance at the 2008 OGRA/ROMA Conference

Resolution No: C396-2007 Moved by: Dowdall, Seconded by: Macdonald

Be it resolved that the following persons be authorized to attend the 2008 OGRA/ROMA Combined Conference at the Royal York Hotel, from February 24 through 27, 2008:

*Deputy Mayor Dowdall
Councillor Henderson
Councillor Macdonald
CAO/Manager of Public Works G. Murphy;*

And

That the Treasurer be authorized to forward the registration fees.

Carried

d. Waiving Landfill Tipping Fees

Resolution No: C397-2007 Moved by: Henderson, Seconded by: Newlove

WHEREAS a letter has been received from the County of Simcoe advising that landfill vouchers donated to the Helping Hand New to You store shall not be accepted as payment for materials brought to the County landfill sites, and that County staff are unable to waive or reduce tipping rates;

NOW THEREFORE BE IT RESOLVED THAT The Township of Essa shall not pay the tipping fees for vouchers that are donated by residents to the Helping Hand New to You store; and

That the County be so advised.

Carried

Councillor Newlove declared a conflict of interest with the next item and refrained from participating in the discussion.

e. Duplication of Planning Services

Deputy Mayor Dowdall requested that the word engineering be added, as the duplication occurs in both “planning and engineering services”. This resolution should also be forwarded to the MP, MPP and associated Provincial Ministers.

Resolution No: C398-2007 Moved by: Dowdall, Seconded by: Macdonald

WHEREAS there is a significant duplication of planning and engineering services between the upper tier County of Simcoe and local Conservation Authorities; and

WHEREAS the lower tier Township of Essa is also legislated to provide planning services to its property owners in accordance with its own Official Plan and the County of Simcoe Official Plan; and

WHEREAS residents and ratepayers of all lower tier municipalities are required to go to extreme measures, both financially and through due process, to receive approval for building or construction projects, regardless of their size;

NOW THEREFORE BE IT RESOLVED THAT The Township of Essa seeks the support of the municipalities within the County of Simcoe to streamline the planning and engineering duties currently undertaken by the conservation authority to avoid duplication; and

THAT the planning and engineering duties of the Conservation Authority be streamlined to avoid duplication with the County of Simcoe; and further

THAT the local Conservation Authorities continue to focus their responsibilities on vital environmental issues such as groundwater monitoring, watersheds, restoration, reforestation, wildlife and habitat conservation

Carried as amended

10. UNFINISHED BUSINESS

- a. **Broadband Gap Analysis.** Clerk Carol Trainor advised that she spoke with staff at Nottawasaga Futures regarding this initiative, and was advised that it is being done for members of the South Simcoe Economic Alliance. Essa Township opted out of the SSEA for 2007 so we are not eligible to participate.

11. BY-LAWS

a. By-law 2007 – 74

Resolution No: C399-2007 Moved by: Dowdall, Seconded by: Macdonald

Be it resolved that leave be granted to introduce By-law 2007 - 74, being a By-law authorizing the Mayor and the Clerk to enter into an Agreement with Alliance Homes Inc. to plow and maintain the roads within the Ridgehill Subdivision, Phase II, located at Part of the West Half of Lot 2 Concession 5, Plan 51M-880; 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 – 75

Resolution No: C400-2007 Moved by: Henderson, Seconded by: Dowdall

Be it resolved that leave be granted to introduce By-law 2007 - 75, being a By-law authorizing the Mayor and the Clerk to enter into an Agreement with Bestpro Corp. to plow and maintain the roads within the Utopia Village Subdivision, being the West half of Lot 30, Concession 6, Township of Essa, Plan 51M-850; 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 – 76

Resolution No: C401-2007 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that leave be granted to introduce By-law 2007-76, being a By-law authorizing the Mayor and the Clerk to enter into an Agreement with Thornton Hills Phase I Ltd. to plow and maintain the roads within the Thornton Hill Phase 2 subdivision, located on Part of Lot 1, Concession 7, formerly the Town of Innisfil, being the lands registered as Plan 51M-863; 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 - 77

Resolution No: C402-2007 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that leave be granted to introduce By-law 2007 - 77, being a By-law of the Corporation of the Township of Essa to remove Blocks 101, 102 and 108 of Plan 51M-844, Phase 4 of the Nottawasaga Village Subdivision, as shown on 51R-35726, from the Part Lot Control Provisions of the Planning Act; and that said By-law be read a first, and taken as read a second and third time and finally passed.

Carried

12. QUESTIONS

Members of the press enquired about the home security systems. Planning staff will provide a report at the next meeting on December 19.

13. IN CAMERA

Resolution No: C403-2007 Moved by: Dowdall, Seconded by: Macdonald

Be it resolved that Council proceed In Camera in order at 8:35 p.m. to address matters pertaining to advice that is subject to litigation or potential litigation, including matters before administrative tribunals, as well as a proposed or pending acquisition or disposition of land for municipal or local board purposes.

Carried

Council rose from the closed session at 10:05 p.m.

a. Facility Proposal

Resolution No: C404-2007 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that Confidential Report P07-77 from the Acting Manager of Planning and Development be received.

Carried

Staff were asked to advise Council if any amendments to the application are received.

b. Report from County of Simcoe Corporate Services Committee

Verbal update of the County Corporate Services Committee confidential item.

c. Business Licensing By-law Amendment

Resolution No: C405-2007 Moved by: Newlove Seconded by: Henderson

WHEREAS Council and Township staff have dealt with numerous complaints about noise, public safety and disruption to their quality of life from residents living close to recreational facilities;

NOW THEREFORE BE IT RESOLVED THAT the Business Licensing By-law, 2005-97,

the Business Licensing By-law, be amended to address public safety and noise affecting residents, to improve the quality of life for existing residents, and to prohibit a business license from being issued to any applicant whose operation would adversely affect the quality of life for existing residents.

Carried

Planning staff were directed to draft an amendment to the Zoning By-law to restrict or prohibit recreational facilities within 1000m of a settlement area that emit offensive noise or nuisance, or which interfere with public safety.

Mayor Guergis advised that he will not make a deputation to the NVCA Board.

A press release will come out next week regarding an exciting new endeavour taking place in Essa Township. Mayor Guergis has had preliminary meetings with representatives from a local organization planning to move into the Township.

14. CONFIRMATION BY-LAW

By-law 2007 - 78

Resolution No: C406-2007 Moved by: Newlove, Seconded by: Dowdall

Be it resolved that leave be granted to introduce By-law 2007 - 78, being a by-law to confirm the proceedings of the Council and Committee of the Whole meetings held on this Fifth Day of December 2007; and that said By-law be read a first, and taken as read a second and third time and finally passed.

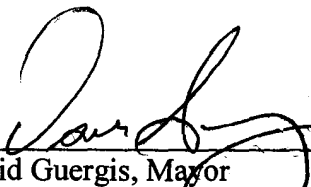
Carried

15. ADJOURNMENT


Resolution No: C407-2007 Moved by: Dowdall, Seconded by: Henderson

Be it resolved that this meeting of the Council of the Township of Essa adjourn at 10:08 p.m. to meet again on the Nineteenth day of December 2007 following Committee of the Whole.

Carried



David Guergis, Mayor



Carol O. Trainor, Clerk