

**THE CORPORATION OF THE TOWNSHIP OF ESSA
REGULAR COUNCIL MEETING
WEDNESDAY, 11 JULY 2007**

A Regular Council meeting was held following Committee of the Whole on Wednesday, 11 July 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: Greg Murphy, CAO/Manager of Public Works
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 7:30 p.m.

2. DISCLOSURE OF PECUNIARY INTEREST

3. ADOPTION OF PREVIOUS MINUTES AND MOTIONS

Resolution No: C225-2007 Moved by: Henderson Seconded by: Macdonald

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 Twentieth day of June, 2007 be adopted as circulated.

Carried

4. PRESENTING, REFERRING OR PASSING OF ACCOUNTS

Resolution No: C226-2007 Moved by: Macdonald Seconded by: Henderson

Be it resolved that Payment Voucher #7 dated June 14 to July 4, 2007 in the amount of \$1,007,137.98 be approved; and

That Net Payroll for the month of June 2007 in the amount of \$148,327.48 be approved.

Carried

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

- a. Letters from the County of Simcoe**
Re: Addition of new units for curbside garbage and recycling collection
Updates to County required right-of-way widths
- b. Letter from Resident of 25th Sideroad**
Re: Traffic concerns
- c. Letter from the Municipality of Trent Hills**
Re: Canadian Advocates for Tax Awareness
- d. Letter from Huronia Trails and Greenways**
Re: Trail Guidebook Project for Simcoe County Municipalities
- e. Report from Essa Public Library Board**
Re: Statistics for May 2007
- f. AMO Member Communication Items**
Re: Public Review of Transportation Standard
- g. Report from the Economic Development Office**
Re: Statistics for June 2007
- h. Letter from the County of Simcoe**
Re: Response to letter re: Establishment of Tax Ratios
- i. Letter from Agricultural Groups Concerned about Resources**
Re: Caring for the Land – Our Farm Environment Commitment

Resolution No: C227-2007 Moved by: Macdonald Seconded by: Henderson

Be it resolved that Information Items 5(a) to (i) be received; and that a letter be sent to the author of the letter in item b) advising that OPP patrols and enforcement will be increasing, that speeding is a serious problem throughout the Township, and providing statistics from the OPP showing the number of traffic offences issued on Township roads.

Carried

6. CORRESPONDENCE - Action Items

- a. Letter from the Wolf’s Den Archers Inc.**

Resolution No: C228-2007 Moved by: Newlove Seconded by: Macdonald

Be it resolved that the letter from the Wolf’s Den Archers Inc. regarding the Canadian 3D Archery National Championships being held at 7560 8th Line on August 3 through 6, 2007 be received; and

That the Township does approve of the use of the 8th Line Township gravel pit for parking of up to 500 vehicles; and

That the Township takes no responsibility and accepts no liability for any damage incurred to any vehicle while on Township property; and further

That the Wolf's Den provide proof of liability insurance showing the Township of Essa as co-insured.

Carried

b. Report regarding Bell Mobility Cell Tower CS 1548, Thornton

Resolution No: C229-2007 Moved by: Macdonald Seconded by: Newlove

Be it resolved that the report from Bell Mobility Inc. Wireless Network Operations and Engineering regarding the proposed Bell Mobility Cell Tower near Thornton be received.

Carried

c. Resolution from United Counties of Stormont, Dundas and Glengarry

Resolution No: C230-2007 Moved by: Newlove Seconded by: Macdonald

Be it resolved that the Resolution from the United Counties of Stormont, Dundas and Glengarry regarding diversification of the Farmland and Managed Forest funding program be received; and that The Township of Essa does endorse the Resolution requesting the Province to separate the farmland and managed forest component from the Ontario Municipal Partnership Fund and establish a separate and distinct provincial funding program to reimburse municipalities with lost property tax revenue.

Carried

d. Resolution from the Municipality of Huron East

Resolution No: C231-2007 Moved by: Macdonald Seconded by: Henderson

Be it resolved that the Resolution from the Municipality of Huron East regarding delays obtaining Certificates of Approval and Permits to Take Water be received; and that The Township of Essa does endorse the resolution.

Carried

7. COMMITTEE REPORTS

a. Essa Public Library Board

Resolution No: C232-2007 Moved by: Newlove Seconded by: Dowdall

Be it resolved that the minutes of the Essa Public Library Board dated May 28, 2007 be received.

Carried

b. Essa Parks & Recreation Committee

Resolution No: C233-2007 Moved by: Newlove Seconded by: Macdonald

Be it resolved that the report of the June 25, 2007 Parks and Recreation Committee be received; and that the recommendations contained therein be approved.

Carried

c. Nottawasaga Police Services Board

Resolution No: C234-2007 Moved by: Henderson Seconded by: Newlove

Be it resolved that the minutes of the May 23, 2007 meeting of the Nottawasaga Police Services Board be received.

Carried

d. Thornton Cookstown Trans Canada Trail Committee

Resolution No: C235-2007 Moved by: Newlove Seconded by: Macdonald

Be it resolved that the minutes of the Thornton-Cookstown Trans Canada Trail Committee meeting of 4 June 2007 be received.

Carried

8. PETITIONS

9. MOTIONS AND NOTICES OF MOTIONS

a. County of Simcoe Centralized Trails Program

Council questioned whether the restrictions for certain uses that have been placed on the trails through Essa would remain in place if this were approved. The Clerk advised that there was no indication that any uses would be changed, as the trails running through the many municipalities in the County all have various levels and restrictions in place. The intent is not to standardize the use of all trails, but the planning, promotion, development and mapping of them.

Resolution No: C236-2007 Moved by: Macdonald Seconded by: Dowdall

WHEREAS a recent survey conducted by the County of Simcoe revealed that there are at least 44 different trails across Simcoe County of which 33 are owned by the different municipalities; and

WHEREAS the County of Simcoe has the forestry expertise, geographic information systems, roads, planning, tourism, and emergency management resources to create a Centralized Trails Program; and

WHEREAS a trails program would promote improved communications, tourism and business activity; enable greater emergency response capacity; maximize funding opportunities; improve trail planning, development and coordination; and promote the development of healthier communities; and

WHEREAS a centralized trails program would enable each municipality to benefit from consistent standards in trail development and maintenance, risk management programs, signage, expand and connect trail systems across neighbouring municipalities; coordinate trail activities, and realize potential efficiencies;

NOW THEREFORE BE IT RESOLVED THAT The Township of Essa hereby supports a Centralized Trails Program to be implemented and staffed by the County of Simcoe.

Carried

b. Request for Water Connection Exemption

Resolution No: C237-2007 Moved by: Newlove Seconded by: Henderson

WHEREAS Section 2 of Township of Essa By-law 96-58, being a By-law to require owners of buildings to connect such buildings to water works, provides that every owner of a building shall connect the building to the water works; and

WHEREAS Section 6 of By-law 96-58 provides that the owners of a building affected by this By-law may be exempted from the provisions of Section 2 upon request having been received by the Clerk, and the owner requesting exemption shall be billed a flat charge equal to 100% of the minimum residential water rate service rate in lieu of user rates;

NOW THEREFORE BE IT RESOLVED THAT Council agrees to provide an exemption from the mandatory water hook-up requirement for the owners of 260 Barrie Street and 25 Robert Street, Thornton, until August 2009 as outlined in Township of Essa By-law 96-58, for the reasons provided in the application provided.

Carried

c. Delegation of Clerk's Duties

Resolution No: C238-2007 Moved by: Henderson Seconded by: Newlove

WHEREAS Section 228 (4) of The Municipal Act, 2001, as amended, states that the Clerk may delegate in writing to any person, other than a member of Council, any of the Clerk's powers and duties under this and any other Act; and

WHEREAS the Clerk's Assistant will be replaced on a temporary basis by another individual with the knowledge and skills required to fulfill this position;

NOW THEREFORE BE IT RESOLVED THAT the Clerk's duties, as delegated to the Clerk's Assistant/Information Coordinator, are hereby delegated to Helen Cyr for the period of Monday, July 9 to Friday, July 20, 2007; and

THAT Helen Cyr be appointed to conduct and fulfill all statutory duties under the Municipal Act, the Vital Statistics Act, the Gaming Control Act, and any other statute or regulation applicable to the duties of the Clerk's Office for the time stated.

Carried

d. Maternity Leave Replacement

Resolution No: C239-2007 Moved by: Dowdall Seconded by: Macdonald

WHEREAS the Manager of Planning and Development will be on maternity leave for a minimum of six months; and

WHEREAS the Interim Planner is unable to fulfill the contract for the remainder of the leave;

NOW THEREFORE BE IT RESOLVED THAT the CAO recruit for a full time, permanent Junior Planner; and that the services of the Interim Planner be retained for as long as he is able.

Carried

e. Aramis Holdings Ltd.

Resolution No: C240-2007 Moved by: Macdonald Seconded by: Dowdall

WHEREAS a letter has been received from Lew Associates Limited with respect to the request for Aramis Holdings Ltd. conveyance of a 20m wide right-of-way to the municipality for the possible future extension of Michael Street, the 30m setback imposed by the Barrie Collingwood Railway, and the delay in a response to the traffic study submitted;

NOW THEREFORE BE IT RESOLVED THAT this matter be referred to Planning staff for a report back to Council at their next meeting.

Carried

10. UNFINISHED BUSINESS

Mayor Guergis thanked Acting Planner Jim Hosick for his assistance over the past few weeks and expressed his wishes that he would stay with the Township in a part time capacity. Mr. Hosick acknowledged the comments, and added his appreciation of the assistance he has received.

11. BY-LAWS

a. By-law 2007 – 38

Resolution No: C241-2007 Moved by: Macdonald Seconded by: Dowdall

Be it resolved that leave be granted to introduce By-law 2007 - 38, being a by-law authorizing the Mayor and the Clerk to enter into an Agreement with Domm Construction Ltd. for the construction of a Design Build Bulk Salt/Sand and Equipment Storage Building; 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 – 39

Resolution No: C242-2007 Moved by: Macdonald Seconded by: Newlove

Be it resolved that leave be granted to introduce By-law 2007–39, being a By-law Authorizing the Mayor and the Clerk to enter into an Agreement with Her Majesty the Queen in Right of Ontario as represented by The Minister of Agriculture, Food and Rural Affairs for a Funding Agreement for the Asset Management Program (AMP) Project of the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) initiative; 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 - 40

Resolution No: C243-2007 Moved by: Macdonald Seconded by: Henderson

Be it resolved that leave be granted to introduce By-law 2007-40, being a By-law of the Corporation of the Township of Essa to remove from the Part Lot Control provisions of the Planning Act, R.S.O. 1990, c. P. 13, Lot 47, Parts 1 and 2 on Registered Plan 51R-35182 of Plan 51M-844, Nottawasaga Village; 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 – 41

Resolution No: C244-2007 Moved by: Macdonald Seconded by: Newlove

Be it resolved that leave be granted to introduce By-law 2007 -41, being a By-law to declare surplus and transfer Part of Lot 28, Concession 3, being Parts 1, 2, & 3 of Plan 51R-30966, 28 Mill Street, Township of Essa, County of Simcoe, being all of PIN 58196-0335(LT), to The Corporation of the County of Simcoe; 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

Resolution No: C245-2007 Moved by: Dowdall Seconded by: Macdonald

Be it resolved that Council proceed In Camera at 7:52 p.m. in order to address matters pertaining to labour relations or employee negotiations, and litigation or potential litigation, including matters before administrative tribunals affecting the Municipality or local board.

Carried

Council rose from the closed session at 9:00 p.m.

a. Parks and Recreation Administrative Assistant

Resolution No: C246-2007 Moved by: Newlove Seconded by: Dowdall

Be it resolved that Report PR-2007-17 from the Recreation Coordinator/Programmer be received; and

That effective July 8, 2007, the current contracted assistant be considered as a full time employee with the Municipality, serving in the capacity of Parks and Recreation Assistant; and That the probationary period which would normally apply to full time employees be waived, considering that the current contracted assistant has been employed with the Municipality for the past 6 months; and further

The current contracted assistant would then be entitled to full benefits and entitlements (such as sick days) as would normally be awarded following six months of employment, in accordance with the Terms and Conditions of Employment By-law of the Municipality.

Carried

b. Rainbow Campground Inspection Report

Planner Jim Hosick advised that there were several items in the site plan agreement that had not been addressed, some of which would put the municipality at risk. Site Plans are very difficult to enforce through the court system. For example the roads are not up to standard and emergency vehicles would have difficulty accessing the property and could not likely find the location of the call. The owners were required to connect to municipal water and sewer but have not, resulting in a loss of \$188,000.

Mr. Murphy was directed to send a letter by registered mail to the owner advising of the non-compliance issues and request a timely response outlining how compliance will be attained. Also offer to meet with the owner to discuss the outstanding issues. The owner should put forward a proposal that satisfies staff and Council to create something that is a benefit to the community.

Resolution No: C247-2007 Moved by: Henderson Seconded by: Dowdall

Be it resolved that Report P07-62 from the Acting Manager of Planning and Development be received; and further

That the CAO send a letter to the owner, with input from the Fire Chief, requesting that the owner provide an action plan to rectify deficiencies on the property within 60 days, to the satisfaction of the Township.

Carried as amended

c. Request for refund of water and sewer fees

Resolution No: C248-2007 Moved by: Newlove Seconded by: Macdonald

Councillor Macdonald called for a recorded vote on the motion.

Be it resolved that confidential Report No. TR-2007-12 from the Treasurer be received; and THAT the request for refund of water and sewer service fees be denied.

Henderson	Yea	
Macdonald		Nay
Newlove	Yea	
Dowdall		Nay
Guergis	Yea	

Motion Carried

d. Properties Eligible for Tax Sale

Resolution No: C249-2007 Moved by: Newlove Seconded by: Henderson

Be it resolved that Confidential Report No. TR-2007-13 from the Treasurer is received; and THAT the Treasurer is authorized to commence tax sale proceedings under Part XI of the Municipal Act; and

THAT the cancellation price as defined in section 371(1) of the Municipal Act will include legal fees and disbursements, the costs of preparing an extension agreement, the costs of preparing any survey required to register a document and a reasonable allowance for costs that may be incurred subsequent to advertising under section 239 of the Municipal Act; and

THAT these proceedings shall be outsourced to a consulting or legal firm upon obtaining best cost and references.

Carried

e. Notice of Application: Section 46 of the Assessment Act.

Councillor Newlove suggested sending a letter to the County of Simcoe to advise them of the impact that may be expected from the loss of tax dollars on this, and potentially other similar properties.

Resolution No: C250-2007 Moved by: Dowdall Seconded by: Newlove

Be it resolved that confidential Report No. TR-2007-14 from the Treasurer be received; and THAT staff be directed to pursue other options that may be available; and further THAT The County of Simcoe be advised of the potential tax impact to the upper tier.

Carried

14. CONFIRMATION BY-LAW

By-law 2007 - 42

Resolution No: C251-2007 Moved by: Henderson Seconded by: Macdonald

Be it resolved that leave be granted to introduce By-law 2007 - 42, being a by-law to confirm the proceedings of the Council and Committee of the Whole meetings held on this Eleventh Day of July 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

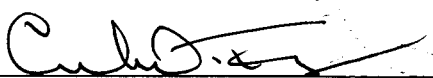
Resolution No: C252-2007 Moved by: Dowdall Seconded by: Newlove

Be it resolved that this meeting of the Council of the Township of Essa adjourn at 9:18 p.m. to meet again on the Fifth day of September 2007 following Committee of the Whole.

Carried



David Guergis, Mayor



Carol O. Trainor, Clerk