

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

A Regular Council meeting was held following Committee of the Whole on Wednesday, 5 September 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 8:10 p.m.

2. DISCLOSURE OF PECUNIARY INTEREST

Councillor Newlove declared a conflict of interest with item 6h, as he is involved with this matter through his employment with the County of Simcoe.

3. ADOPTION OF PREVIOUS MINUTES AND MOTIONS

Resolution No: C253-2007 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 Eleventh day of July, 2007 be adopted as circulated.*

Carried

4. PRESENTING, REFERRING OR PASSING OF ACCOUNTS

Resolution No: C254-2007 Moved by: Newlove, Seconded by: Dowdall

*Be it resolved that Payment Voucher #8 dated July 5 to August 29, 2007 in the amount of \$1,975,026.91 be approved; and
That Visa Accounts dated May 16 to June 15, 2007 in the amount of \$12,216.03 and June 16 to July 13, 2007 in the amount of \$5,562.65 be approved; and*

That Payroll for the month of July 2007 in the amount of \$143,897.62 and August 2007 in the amount of \$203,816.30 be approved.

Carried

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

- a. **Letters from the Township of Tiny**
Re: Policy Statement on Waste Management Planning
- b. **Judgement from the Ontario Superior Court of Justice**
Re: Ontario Vipassana Foundation
- c. **Letter from the Town of Innisfil**
Re: Relationship with municipalities
- d. **Letter from the Township of Oro-Medonte**
Re: Lake Simcoe Regional Airport
- e. **Letter from the Nottawasaga Ontario Provincial Police**
Re: Speeding Concerns
- f. **Letter from The Learning Centres, Alliston Campus**
Re: Thank you for Donation
- g. **Letter from the Ministry of Transportation**
Re: Response to Failure of Minnesota Interstate 35W Bridge
- h. **Letter from Ontario Electrical Construction Company Limited**
Re: Renewable Green Energy Partnership Program
- i. **Letter from Local Authority Services Ltd.**
Re: LAS Natural Gas Program - Reserve Fund Surplus
- j. **Low Water Response Committee**
Re: July Meeting Minutes
- k. **Report from the Economic Development Office**
Re: Statistics for June 2007
- l. **Statistics from Essa Public Library Board**
Re: June 2007
- m. **Letter from Environment Canada****
Re: State of the Great Lakes 2007 Highlights Report
- n. **Provincial Offences Charges laid by Municipality**
Re: January to June 2007
- o. **AMO Member Communication Items**
Re: MTO Amends Hours of Service Regulation

Resolution No: C255-2007 Moved by: Macdonald, Seconded by: Henderson

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

Carried

6. CORRESPONDENCE - Action Items

a. Resolution from the City of Greater Sudbury

Resolution No: C256-2007 Moved by: Macdonald, Seconded by: Newlove

Be it resolved that the Resolution from the City of Greater Sudbury regarding the provincial minimum wage be received.

Carried

b. Resolution from the City of Owen Sound

Resolution No: C257-2007 Moved by: Macdonald, Seconded by: Newlove

Be it resolved that the Resolution from the City of Owen Sound regarding court costs be received; and that The Township of Essa does support the Resolution requesting that the Provincial Government fulfill its responsibility and pay for 100% of Court Security costs.

Carried

c. Resolution from the Town of Erin

Resolution No: C258-2007 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that the Resolution from the Town of Erin regarding the cumulative impacts of the large scale water taking from Ontario's aquifers be received; and that The Township of Essa does support the Resolution to petition the Minister of the Environment to place a moratorium on issuing any new permits-to-take-water for commercial water bottling companies until such time as a meaningful levy royalty, payable to local municipalities, is put into place that will allow for infrastructure development to safeguard involved source water areas.

Carried

d. Resolution from the City of Kawartha Lakes

Resolution No: C259-2007 Moved by: Henderson, Seconded by: Macdonald

Be it resolved that the Resolution from the City of Kawartha Lakes regarding incentives provided to Family Physicians be received; and that The Township of Essa does support the request that the Minister of Health offer effective incentives to family physicians in Ontario to encourage them to continue to practice comprehensive, community based family medicine.

Carried

e. Resolution from the Municipality of North Grenville

Resolution No: C260-2007 Moved by: Henderson, Seconded by: Macdonald

Be it resolved that the Resolution from the Municipality of North Grenville regarding metering private residential wells be received; and that The Township of Essa does endorse the resolution requesting the Premier of Ontario to provide written assurance no policy for metering private residential wells will be implemented.

Carried

f. Resolution from the Township of South Stormont

Resolution No: C261-2007 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that the resolution from the Township of South Stormont regarding the review process for drain maintenance be received; and that The Township of Essa does endorse the resolution requesting that the Department of Fisheries and Oceans review and shorten the time frame required for approval of drainage maintenance requests to allow a more flexible and reasonable construction/maintenance season.

Carried

g. Resolution from the Municipality of Marmora and Lake

Resolution No: C262-2007 Moved by: Macdonald, Seconded by: Newlove

Be it resolved that the Resolution from the Municipality of Marmora and Lake respecting the Current Value Assessment (CVA) system be received; and that The Township of Essa does support the resolution requesting the Provincial government to reform the property tax system during this assessment freeze to eliminate volatility and provide a more stable and fair system.

Carried

h. Letter from the County of Simcoe regarding Residential Development

Resolution No: C263-2007 Moved by: Macdonald, Seconded by: Henderson

Be it resolved that the letter from the County of Simcoe, Corporate Services Division, regarding residential subdivision development in the Angus Settlement Area be received; and that the Township of Essa does agree to applying the County's requested traffic condition to those plans of subdivision that are pending or already draft plan approved, provided that The County of Simcoe pays all legal or other costs that may arise from such condition, should the matter be appealed to the Ontario Municipal Board or a court of law.

Carried as amended

7. COMMITTEE REPORTS

a. Nottawasaga Police Services Board

Resolution No: C264-2007 Moved by: Macdonald, Seconded by: Dowdall

Be it resolved that the minutes of the June 27, 2007 meeting of the Nottawasaga Police Services Board be received.

Carried

b. Essa Parks & Recreation Committee

Resolution No: C265-2007 Moved by: Macdonald, Seconded by: Henderson

Be it resolved that the report of the August 27, 2007 meeting of the Essa Parks and Recreation Committee be received; and that the recommendations contained therein be approved as amended, changing Community Park to Bush Park.

Carried as amended

c. Economic Development Committee

Resolution No: C266-2007 Moved by: Macdonald, Seconded by: Newlove

Be it resolved that the minutes of the Economic Development Committee dated June 27 and July 25, 2007 be received.

Carried

8. PETITIONS

9. MOTIONS AND NOTICES OF MOTIONS

a. Request for Water Connection Exemption

Resolution No: C267-2007 Moved by: Henderson, Seconded by: Newlove

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 2 Robert Street, 4 Robert Street, 8 Robert Street, 18 Robert Street, 261 Barrie Street and 269 Barrie Street, Thornton, until August 2009 as outlined in Township of Essa By-law 96-58, for the reasons provided in the application.

Carried

b. County Collection

Resolution No: C268-2007 Moved by: Macdonald, Seconded by: Dowdall

Be it resolved that the July 10, 2007 correspondence from the County of Simcoe concerning optional collections be received; and further

That the dates for Christmas tree collection be confirmed as January 14, 2008 and January 12, 2009 respectively.

Carried

c. Release of Securities

Resolution No: C269-2007 Moved by: Newlove, Seconded by: Henderson

WHEREAS 1604605 Ontario Inc. provided a security deposit in the amount of \$106,516.00 for pre-servicing of the site at 7 Commerce Road, Angus; and

WHEREAS the Township Engineer has confirmed that all deficiencies have been corrected and the "as constructed" drawings have been completed to the satisfaction of the Engineer;

NOW THEREFORE BE IT RESOLVED THAT the securities retained for the 7 Commerce Road (Angus) Site Plan Agreement in the amount of \$10,000.00 be released to 1604605 Ontario Inc., as recommended by TSH Engineering, provided the municipality receives a Statutory Declaration that all accounts have been paid including all legal and engineering fees associated with this commercial development.

Carried

d. Review of Solicitor Fees

Resolution No: C270-2007 Moved by: Dowdall, Seconded by: Macdonald

WHEREAS the Township's solicitor has provided notice of a fee increase effective September 1, 2007; and

WHEREAS staff have suggested that more competitive rates may be obtained from another legal firm with municipal, planning and human resource expertise;

NOW THEREFORE BE IT RESOLVED THAT the letter from Graham, Wilson & Green regarding a fee increase be received, and that proposals be sought from other legal firms for the provision of the municipality's legal services.

Carried

e. 2006 Draft Financial Statements

Resolution No: C271-2007 Moved by: Newlove, Seconded by: Henderson

WHEREAS the Council of The Township of Essa received a presentation of the 2006 Financial Statements from Collins Barrow LLP on this date;

NOW THEREFORE BE IT RESOLVED THAT the 2006 draft Financial Statements, as presented by Collins Barrow LLP, be received and approved

Carried

f. Nottawasaga Community Centre Water Connection Agreement

Mr. Murphy advised that the agreement provides that the Township will pay the property owners \$100 per month for hydro and costs, and that they be relieved of any liability. Either party may terminate the agreement with six months notice.

Resolution No: C272-2007 Moved by: Macdonald, Seconded by: Dowdall

WHEREAS the Township of Essa owns the property formerly known as the NVCA Building at 380 Mill Street which is used annually for the Essa Salmon Derby and other events from time to time; and

WHEREAS the water supply to the building was previously provided from a well on the neighbouring property, known as Don and Ron's Auto Sales;

NOW THEREFORE BE IT RESOLVED that the Mayor and the Clerk be authorized to enter into an agreement with 1304196 Ontario Limited (Don and Ron's Auto Sales) for the supply of water to the Nottawasaga Community Centre located at 380 Mill Street in Angus; and

THAT Joe VanLeeuwen Plumbing be authorized to reconnect the water supply to this building from that source.

Carried

g Declaration of Surplus Lands – Church Street

Resolution No: C273-2007 Moved by: Dowdall, Seconded by: Macdonald

WHEREAS Township of Essa By-law 2004-46, a procedural by-law for the Sale of Land, and the Municipal Act, 2001, as amended, require every municipality to declare publicly any land that is surplus and intended to be sold; and

WHEREAS The Township of Essa no longer requires the property for public highway purposes;

NOW THEREFORE BE IT RESOLVED THAT The Township of Essa does hereby state that the lands legally described as Church Street, Plan 1, 333 (former Roth subdivision) be declared surplus and intends to sell the subject property by call for proposal.

Carried

h. Declaration of Surplus Lands – Pt Lot 22, Plan 1372

Resolution No: C274-2007 Moved by: Dowdall, Seconded by: Macdonald

WHEREAS Township of Essa By-law 2004-46, a procedural by-law for the Sale of Land, and the Municipal Act, 2001, as amended, require every municipality to declare publicly any land that is surplus and intended to be sold; and

WHEREAS The Township of Essa no longer requires the property for municipal purposes;

NOW THEREFORE BE IT RESOLVED THAT The Township of Essa does hereby state that the lands legally described as Part of Lot 22, Plan 1372, being PIN 58981-0053(LT) (McGeorge Subdivision) be declared surplus and intends to sell the subject property by call for proposal.

Carried

10. UNFINISHED BUSINESS

11. BY-LAWS

a. By-law 2007 – 43

Resolution No: C275-2007 Moved by: Dowdall, Seconded by: Newlove

Be it resolved that leave be granted to introduce By-law 2007 - 43, being a by-law authorizing the Clerk and the Mayor to enter into agreement with Street Construction Ltd. for the construction of sidewalks in Angus; 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 - 44

Resolution No: C276-2007 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that leave be granted to introduce By-law 2007 - 44, being a By-law to establish Procedures for the Sale and Disposition of Land, and for providing notice to the public for such sale or disposition; and to repeal By-laws 2004-46, 2006-55 and 2006-59; and that said By-law be read a first, and taken as read a second and third time and finally passed.

Carried as amended

c. By-law 2007 – 45

Resolution No: C277-2007 Moved by: Macdonald, Seconded by: Henderson

Be it resolved that leave be granted to introduce By-law 2007 - 45, being a By-law to establish a Municipal Alcohol Risk Management Policy for municipal facilities and municipally owned property, and to repeal By-law 2001-64.; 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 – 46

Resolution No: C278-2007 Moved by: Macdonald, Seconded by: Newlove

Be it resolved that leave be granted to introduce By-law 2007 - 46, being a By-law Authorizing the Mayor and the Clerk to enter into an Agreement with Daryl and Nancy Vercaigne for the supply and maintenance of a treed barrier on the adjoining municipal property boundary; and that said By-law be read a first, and taken as read a second and third time and finally passed.

Carried

e. By-law 2007 – 47

Resolution No: C279-2007 Moved by: Dowdall, Seconded by: Newlove

Be it resolved that leave be granted to introduce By-law 2007 - 47, being a by-law to remove from the Part Lot Control provisions of the Planning Act, R.S.O. 1990, c.P.13, Block 122, being Parts 1 to 8 inclusive of Plan 51R-35456, and Block 123, being Parts 9 to 20 inclusive of Plan 51R-35456, all on Plan 51M-844 (Lands), Cassavia Estate Homes, Angus Heights Inc.; and that said By-law be read a first, and taken as read a second and third time and finally passed

Carried

f. By-law 2007 – 48

Resolution No: C280-2007 Moved by: Macdonald Seconded by: Henderson

Be it resolved that leave be granted to introduce By-law 2007 – 48, being a by-law to regulate the fishing in the Nottawasaga River from municipal property, and to require individuals to obtain and hold a valid Fishing Access Pass permitting them to fish from municipal parks; 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: C281-2007 Moved by: Macdonald, Seconded by: Newlove

Be it resolved that Council proceed In Camera at 8:35 p.m. in order to address matters pertaining to 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. Defence of a Municipal By-law

Resolution No: C282-2007 Moved by: Macdonald, Seconded by: Newlove

Be it resolved that Confidential Report C16-2007 from the Clerk be received.

Carried

14. CONFIRMATION BY-LAW

a. By-law 2007 - 48

Resolution No: C283-2007 Moved by: Macdonald, Seconded by: Newlove

Be it resolved that leave be granted to introduce By-law 2007 - 48, being a by-law to confirm the proceedings of the Council and Committee of the Whole meetings held on this Fifth 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

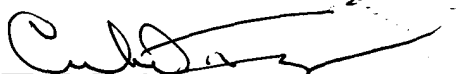
Resolution No: C284-2007 Moved by: Dowdall, Seconded by: Macdonald

Be it resolved that this meeting of the Council of the Township of Essa adjourn at 9:04 p.m. to meet again on the nineteenth day of September 2007 following Committee of the Whole.

Carried



David Guergis, Mayor



Carol O. Trainor, Clerk