

**THE CORPORATION OF THE TOWNSHIP OF ESSA
REGULAR COUNCIL MEETING
WEDNESDAY, SEPTEMBER 2, 2009**

A Regular Council meeting was held following Committee of the Whole on Wednesday, September 2, 2009 in the Council Chambers of the Administration Centre, Township of Essa.

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

Staff in attendance: M. Galloway, C. Healey, G. Murphy, P. Macdonald, J. Barrett

1. OPENING OF MEETING BY THE MAYOR

Mayor Guergis opened the Regular Council meeting at 8:19 p.m.

2. DISCLOSURE OF PECUNIARY INTEREST - None

3. ADOPTION OF PREVIOUS MINUTES AND MOTIONS

Resolution No: C166-2009 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 Seventeenth day of June, 2009 be adopted as circulated.*

Carried

4. PRESENTING, REFERRING OR PASSING OF ACCOUNTS

Resolution No: C167-2009 Moved by: Newlove, Seconded by: Dowdall

*Be it resolved that Payments dated June 12, 2009 to August 27, 2009 in the amount of \$2,863,477.04 be approved; and
That Visa Accounts dated June 12, 2009 in the amount of \$19,549.04 be approved; and
That Visa Accounts dated July 12, 2009 in the amount of \$11,382.16 be approved; and
That Visa Accounts dated August 12, 2009 in the amount of \$10,340.68 be approved; and
That Payroll for the month of June 2009 in the amount of \$160,667.13 be approved; and
That Payroll for the month of July 2009 in the amount of \$234,875.59 be approved; and
That Payroll for the month of August 2009 in the amount of \$162,601.17 be approved.*

Carried

5. CONSENT AGENDA

Resolution No: C168-2009 Moved by: Macdonald, Seconded by: Dowdall

Be it resolved that the items listed in the Consent Agenda dated June 17, 2009 be approved as presented, and that the necessary action be taken.

Carried

6. COMMITTEE REPORTS

a. Nottawasaga Police Services Board

Resolution No: C169-2009 Moved by: Macdonald, Seconded by: Newlove

Be it resolved that the minutes of the April 22, 2009 and June 24, 2009 Police Services Board meeting be received.

Carried

b. Economic Development Committee

Resolution No: C170-2009 Moved by: Macdonald, Seconded by: Newlove

Be it resolved that the minutes of the Economic Development Committee dated July 22, 2009 be received.

Carried

7. PETITIONS

8. MOTIONS AND NOTICES OF MOTIONS

a. Olympic Torch Relay Budget

Resolution No: C171-2009 Moved by: Macdonald, Seconded by: Dowdall

BE IT RESOLVED THAT a 2009 budget not to exceed \$5,000.00 for the Township's participation in the Olympic Torch Relay be approved; and THAT actual expenditures for this project be transferred from the Reserve for Special Projects.

Carried

b. United Way Day Proclamation

Resolution No: C172-2009 Moved by: Dowdall, Seconded by: Henderson

WHEREAS The Township of Essa does recognize the importance of the United Way in Simcoe County; and

*WHEREAS the goal of United Way Day is to raise community awareness and promote community participation in fundraising activities; and
WHEREAS fundraising provides United Way member agencies to provide support for local programs such as mental health, domestic violence and abuse, and affordable housing and homelessness;
NOW THEREFORE BE IT RESOLVED THAT The Council of The Township of Essa does hereby proclaim November 26, 2009 as United Way Day in our community, and encourages all citizens to participate in activities in support of the United Way of Greater Simcoe County.*

Carried

c. 2008 Draft Financial Statements

Resolution No: C173-2009 Moved by: Newlove, Seconded by: Macdonald

*WHEREAS the Council of The Township of Essa received a presentation of the 2008 Financial Statements from Collins Barrow LLP on this date;
NOW THEREFORE BE IT RESOLVED THAT the 2008 draft Financial Statements, as presented by Collins Barrow LLP, be received and approved; and
THAT the 2008 Financial Information Return be received and approved.*

Carried

d. Nottawasaga Valley Conservation Authority

(resolution at the request of Mayor Guergis)

Resolution No: C174-2009 Moved by: Macdonald, Seconded by: Henderson

*THAT the Council of the Township of Essa support the dissolution of the Nottawasaga Valley Conservation "Authority"; and
THAT they re-form into an Association to provide advice to local councils much the same as the Severn Sound Watershed Association; and
THAT the Essa Township representatives table and support this motion at the NVCA Board meeting.*

Deferred

Councillor Macdonald stated that she would like to see more information come back to the next meeting.

Deputy Mayor Dowdall indicated that this resolution caught his attention as an NVCA board member. He remembers in years past the same issue coming forward and at that time the rules and regulations for dissolution were different. He would also like to see more information at the next meeting of council on September 16th.

Mayor Guergis indicated he placed this item on the agenda. He made reference to Orillia were landowners have a one stop place for planning approvals. In Essa there are three stops, which he

feels is a duplication of taxpayer services. He feels an association structure similar to Severn Sound would better suit the taxpayers of our area.

Councillor Newlove indicated that staff may have a problem bringing back an independent report based on the situation and suggested that a third party be looked at for information.

The Clerk noted that a letter of support from Brookvalley Developments (Angus) Inc. was received and noted in the minutes.

Staff was directed to bring back information to the next meeting of council for consideration. Council is to contact staff with topics they would like addressed in the report. A copy of the *Conservation Act* is to be given to each member of council.

e. Flood Proofing of the Angus Area

(resolution at the request of Mayor Guergis)

Resolution No: C175-2009 Moved by: Macdonald, Seconded by: Dowdall

*BE IT RESOLVED THAT staff seek proposals from suitable consultants in order to prepare options and estimated costs for the flood proofing of the Angus area in for consideration during the 2010 budget deliberations; and
THAT staff report back options of suitable consultants and costs.*

Carried

f. License Bureau

(resolution at the request of Mayor Guergis)

Resolution No: C176-2009 Moved by: Macdonald, Seconded by: Henderson

BE IT RESOLVED THAT Council request a permanent license bureau be located in the Angus-Borden area under the new guidelines announced by the Minister representing Service Ontario.

Carried

g. Hard Surfacing Township Roads

(resolution at the request of Mayor Guergis)

Resolution No: C177-2009 Moved by: Macdonald, Seconded by: Newlove

*BE IT RESOLVED THAT a report be prepared showing the potential cost of hard surfacing the remaining 43 km of gravel roads left in the Township and that the report estimate timelines and debenture options; and
THAT staff report back.*

Carried

9. UNFINISHED BUSINESS

Councillor Macdonald reminded council that the Salmon Derby is the third Saturday in September.

Councillor Newlove asked about grass cutting in the urban areas in the municipality and requested that the CAO/Public Works Manager investigate these public ditching areas.

Deputy Mayor Dowdall indicated that some ditching near Baxter requires attention. The Public Works Department will follow-up on the matter with the County.

Councillor Macdonald indicated that the log jam problem on the Nottawasaga River just south of Centre Street needs to be addressed. She asked for this item to be investigated further with NVCA.

The CAO/Public Works Manager gave an update to council on the 6th Line bridge project.

The Clerk indicated that reporter Kurtis Elsner from the Alliston Herald had contacted him and notified him that he would be leaving the newspaper. Kurtis indicated that he had enjoyed working with council over his time on the Essa beat.

10. BY-LAWS

a. By-law 2009 – 41

Resolution No: C178-2009 Moved by: Newlove, Seconded by: Henderson

Be it resolved that leave be granted to introduce By-law 2009 - 41, being a by-law authorizing the Mayor and Clerk to enter into a Joint Use Agreement with The County of Simcoe for the Township's Winter Material Storage Facility; 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 2009 – 42

Resolution No: C179-2009 Moved by: Macdonald, Seconded by: Henderson

Be it resolved that leave be granted to introduce By-law 2009 - 42, being a by-law to provide for reduced load periods within the Township of Essa, and to repeal By-law 96-37; 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 2009 – 43

Resolution No: C180-2009 Moved by: Newlove, Seconded by: Dowdall

Be it resolved that leave be granted to introduce By-law 2009 - 43, being a by-law to declare surplus and authorize the transfer of a permanent easement over Part of Lot 21 and Part of Lot 22, Plan 1372, Township of Essa, County of Simcoe as in RO124858, now described as Parts 1 and 2 on Plan 51R-36257, being all of PIN: 58981-0053(LT) to Hydro One Networks Inc.; 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 2009 – 44

Resolution No: C181-2009 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that leave be granted to introduce By-law 2009 - 44, being a by-law to authorize the execution of a tax arrears extension agreement pursuant to Section 378 of the Municipal Act, 2001; 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 2009 – 45

Resolution No: C182-2009 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that leave be granted to introduce By-law 2009 - 45, being a by-law to authorize the execution of a tax arrears extension agreement pursuant to Section 378 of the Municipal Act, 2001; 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 2009 – 46

Resolution No: C183-2009 Moved by: Macdonald, Seconded by: Newlove

Be it resolved that leave be granted to introduce By-law 2009 - 46, being a by-law to appoint a Municipal Law Enforcement Officer; and also a Tobacco Enforcement Officer, Weed Inspector and Zoning By-law Administrator; and that said By-law be read a first, and taken as read a second and third time and finally passed.

Carried

Deputy Mayor Dowdall asked for the names of the short listed individuals who applied for the position be made available to him.

11. QUESTIONS - None

12. IN CAMERA

Resolution No: C184-2009 Moved by: Macdonald, Seconded by: Henderson

Be it resolved that Council proceed In Camera in order to address matters pertaining to a proposed or pending acquisition or disposition of land for Municipal or local board purposes, litigation or potential litigation, including matters before administrative tribunals affecting the Municipality or local board.

Carried

Council came out of the in-camera session at 9:41 p.m. and adopted the following resolutions:

a. Essa Secondary School – Proposed Land Acquisition/Sale

Resolution No: C185-2009 Moved by: Henderson, Seconded by: Newlove

Be it resolved that In-Camera Report 03-2009 from the Clerk be received; and That Council authorizes the Clerk to negotiate with the SCDSB as directed.

Carried

b. Rainbow Campground (62 Brentwood Rd.)

Resolution No: C186-2009 Moved by: Macdonald, Seconded by: Henderson

Be it resolved that the Correspondence regarding Rainbow Campground be received for information purposes and staff proceeds as directed by council.

Carried

c. Willoughby Road – Proposed Land Acquisition

Resolution No: C187-2009 Moved by: Newlove, Seconded by: Henderson

Be it resolved that Confidential Report PW-09-45 from the CAO/Manager of Public Works be received; and further That the proposal submitted by the McMaster family for the Township's purchase of approximately 3.74 acres of land from their property located at West Part of Lot 28, Concession 4 be accepted and a Township Solicitor be directed to prepare the necessary documentation to facilitate such transfer to the municipality.

Carried

d. Litigation

Resolution No: C188-2009 Moved by: Macdonald, Seconded by: Henderson

*Be it resolved that Confidential Report PW-09-46 from the CAO/Manager of Public Works be received; and further
That the attached Outdoor Pad Protocol, Outdoor Maintenance Policy and checklist for Outdoor Rinks be adopted for use by Essa's Parks and Recreation Department.*

Carried

e. Willoughby Road – Proposed Land Acquisition

Resolution No: C189-2009 Moved by: Henderson, Seconded by: Newlove

*Be it resolved that Confidential Report PW-09-47 from the CAO/Manager of Public Works be received; and further
That the proposal submitted by Brookvalley Angus South Inc. for the Township's purchase of approximately 0.81 acres of land from their property located at East and West Parts of Lot 28, Concession 4 be accepted and a Township Solicitor be directed to prepare the necessary documentation to facilitate such transfer to the municipality.*

Carried

f. Willoughby Road – Proposed Land Acquisition

Resolution No: C190-2009 Moved by: Macdonald, Seconded by: Henderson

*Be it resolved that Confidential Report PW-09-48 from the CAO/Manager of Public Works be received; and further
That the proposal submitted by 811550 Ontario Ltd. for the Township's purchase of approximately 0.92 acres of land from their property located at East Part of Lot 28, Concession 3 be accepted and a Township Solicitor be directed to prepare the necessary documentation to facilitate such transfer to the municipality.*

Carried

g. Utopia Conservation Area Lease Agreement – Arbitration

Resolution No: C191-2009 Moved by: Macdonald, Seconded by: Dowdall

*Be it resolved that Confidential Report PW-09-50 from the CAO/Manager of Public Works be received; and
That staff proceed as directed by Council.*

Carried

h. Essa et al.ats Evans

Resolution No: C192-2009 Moved by: Macdonald, Seconded by: Dowdall

*Be it resolved that Confidential Report PW-09-52 from the CAO/Manager of Public Works be received; and further
That the CAO be authorized to execute the mutual release in connection with the Ontario Superior Court of Justice Act Action Nos. 07-0856-SR and 07-0973-SR.*

Carried

13. CONFIRMATION BY-LAW

By-law 2009 - 47

Resolution No: C193-2009 Moved by: Henderson, Seconded by: Macdonald

Be it resolved that leave be granted to introduce By-law 2009 - 47 , being a by-law to confirm the proceedings of the Council and Committee of the Whole meetings held on this Second Day of September 2009; and that said By-law be read a first, and taken as read a second and third time and finally passed.

Carried

14. ADJOURNMENT

Resolution No: C194-2009 Moved by: Macdonald, Seconded by: Dowdall

Be it resolved that this meeting of the Council of the Township of Essa adjourn to meet again on the Sixteenth day of September 2009 following Committee of the Whole.

Carried

Original Signed By:

David Guergis, Mayor

Mike Galloway, Clerk