

**THE CORPORATION OF THE TOWNSHIP OF ESSA
REGULAR COUNCIL MEETING
WEDNESDAY, OCTOBER 7, 2009**

A Regular Council meeting was held following Committee of the Whole on Wednesday, October 7, 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 7:49 p.m.

2. DISCLOSURE OF PECUNIARY INTEREST

Councillor Newlove declared a conflict on item 8g and the minutes from the September 16th meeting where the same subject was discussed..

3. ADOPTION OF PREVIOUS MINUTES AND MOTIONS

Resolution No: C210-2009 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 Sixteenth day of September, 2009 be adopted as circulated; and
That the minutes of the Special Council meeting held on the Twenty-Fifth day of September, 2009 be adopted as circulated.*

Carried

4. PRESENTING, REFERRING OR PASSING OF ACCOUNTS

Resolution No: C211-2009 Moved by: Newlove, Seconded by: Macdonald

*Be it resolved that Payments dated September 11 to October 1, 2009 in the amount of \$1,516,648.89 be approved; and
That Payroll for the month of September in the amount of \$165,507.93 be approved.*

Carried

5. CONSENT AGENDA

Resolution No: C212-2009 Moved by: Macdonald, Seconded by: Newlove

Be it resolved that the items listed in the Consent Agenda dated October 7, 2009 be approved as presented, and that the necessary action be taken.

Carried

6. COMMITTEE REPORTS

a. Essa Public Library Board

Resolution No: C213-2009 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that the minutes of the Essa Public Library Board meeting dated August 24, 2009 be received.

Carried

b. Nottawasaga Police Services Board

Resolution No: C214-2009 Moved by: Henderson, Seconded by: Macdonald

Be it resolved that the minutes of the August 26, 2009 Police Services Board meeting be received.

c. Thornton-Cookstown Trans Canada Trail Committee

Resolution No: C215-2009 Moved by: Newlove, Seconded by: Henderson

Be it resolved that the minutes of the June 9, 2009 Thornton- Cookstown Trans Canada Trail Committee meeting be received.

Carried

7. PETITIONS

8. MOTIONS AND NOTICES OF MOTIONS

a. Optional Collection Dates

Resolution No: C216-2009 Moved by: Macdonald, Seconded by: Henderson

*Be it resolved that the September 15, 2009 correspondence from the County of Simcoe concerning optional collections be received; and further
That the dates for Christmas tree collection be confirmed as January 11, 2010 and January 10, 2011 respectively.*

Carried

b. Petition for Speed Reduction on the 5th Line between Denney Drive and the Nottawasaga River

At the September 2nd meeting council dealt with the following resolution:

Petition for Speed Reduction on the 5th Line, between Denney Drive and the Nottawasaga River (Miller's Bridge)

Resolution No: CW151-2009 Moved by: Macdonald, Seconded by: Newlove

Be it resolved that Report PW-09-44 from the CAO/Manager of Public Works be received; and further

That it is recommended that the petitioners' request for a reduced speed limit to be implemented on the 5th Line, between Denney Drive and the Nottawasaga Bridge be denied and a copy of Report PW-09-44 be sent to each petitioner.

Carried

A resident has submitted a request asking council to reconsider the matter and allow a delegation to appear at either the October 21st or November 4th meeting to have further discussion. If council agrees to the request a resolution to this effect should be passed.

Resolution No: C217-2009 Moved by: Macdonald, Seconded by: Henderson

That council supports a delegation to appear on an item that was dealt with at the September 2nd meeting, regarding a petition for speed reduction on the 5th Line, between Denney Drive and the Nottawasaga Bridge; and further

That the delegation be invited to the November 4th council meeting at 6:00pm.

Carried

c. Topsoil Removal – Simcoe County District School Board

Resolution No: C218-2009 Moved by: Newlove, Seconded by: Macdonald

WHEREAS the Simcoe County District School Board has submitted a site plan approval application for a high school in Angus and the Township is working towards reviewing and approving the site plan drawings; and

WHEREAS the Simcoe County District School Board has made application to remove the topsoil to prepare their site under the Township's Topsoil Removal By-law,

NOW THEREFORE BE IT RESOLVED THAT the Township authorize the removal of topsoil on the Simcoe County District School Board's lands once approval has been granted by the Township's Engineer.

Carried

d. Lease Renewal Agreement – OPP Station, Angus

Resolution No: C219-2009 Moved by: Newlove, Seconded by: Macdonald

*Be it resolved that the Lease Renewal Agreement with the Van Leeuwen Group for the rental of the OPP office at 211 Mill Street in Angus be accepted; and
That the Mayor and Clerk be authorized to sign the said Renewal Agreement.*

Carried

e. Essa-Innisfil Trail Funding

Resolution No: C220-2009 Moved by: Newlove, Seconded by: Henderson

*Whereas the Thornton Cookstown Trans Canada Trail Committee had been unsuccessful in a grant application for funding, and has approached Council with a request for funding of \$15,000; and
Whereas Council approved this \$15,000 funding commitment, contingent on the Town of Innisfil's commitment for matching funding;
Now therefore be it resolved that funding be approved, to be transferred from the Parks and Recreation reserve fund.*

Carried

f. Request for Exemption from Time Prohibitions of Noise By-law

Resolution No: C221-2009 Moved by: Newlove, Seconded by: Dowdall

*Whereas McCormick Rankin Corporation has been retained by the Ministry of Transportation to make improvements to the Nottawasaga River Bridge located on Highway 89; and
Whereas McCormick Rankin Corporation are requesting an exemption to Section 2(e) and Schedule "A", Activity #9 for Time Prohibitions of Essa Township Noise By-law 2005-66 to permit evening construction;
Now therefore be it resolved that Council does not approve this request.*

Carried

**g. Nottawasaga Valley Conservation Authority
(Deferred from September 2 and 16, 2009 Council Meetings)**

*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.*

The Mayor requested his motion be withdrawn. A request for an amending motion to be

considered was put on the floor for consideration.

Resolution No: C222-2009 Moved by: Macdonald, Seconded by: Henderson

THAT the Council of the Township of Essa has identified the need for an independent review of the NVCA regarding how they collect and charge for permit fees, levy fees and the duplication of planning for residents, businesses and the municipalities in the NVCA catchment area;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Township of Essa requests municipalities in the NVCA watershed to support an immediate review by an independent third party who will be asked to develop an action plan on matters such as but not limited to, the duplication and required level of planning in the NVCA catchment area; halting collection of permit fees by the NVCA, but instead with municipalities collecting reasonable fees to meet the objectives set out in the Conservation Act, and passing along appropriate fees to the NVCA for services performed; streamlining of services and a strategy for reduction of levy fees; and further

THAT Essa Council looks forward to working with the NVCA in order to provide a better service to all residents of the area.

It is requested that a copy of this resolution be sent to all NVCA member municipalities for consideration and support.

A recorded vote was called:

Councillor Henderson	Yea
Councillor Macdonald	Yea
Deputy Mayor Dowdall	Yea
Mayor Guergis	Yea
Councillor Newlove	Declared Conflict

Carried

9. UNFINISHED BUSINESS

10. BY-LAWS

a. By-law 2009 – 52

Resolution No: C223-2009 Moved by: Dowdall, Seconded by: Henderson

Be it resolved that leave be granted to introduce By-law 2009 - 52, being a by-law authorizing the Mayor and the Chief Administrative Officer to enter into an Agreement with Her Majesty the Queen in Right of Ontario as represented by the Minister of Energy and Infrastructure and the Minister of Agriculture, Food and Rural Affairs for a Contribution Agreement for the Infrastructure Stimulus Fund (ISF) initiative; 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 – 53

Resolution No: C224-2009 Moved by: Dowdall, Seconded by: Macdonald

Be it resolved that leave be granted to introduce By-law 2009 - 53, being a by-law to enter into a Pre-Servicing Agreement with Excelland Development Ltd., et al, to permit pre-servicing of the lands known as Part of West half Lot 21, Concession 4, designated as Part 1 on Plan 51R-34405; and that said By-law be read a first, and taken as read a second and third time and finally passed.

Carried

11. QUESTIONS

The media asked various questions about the NVCA resolution.

12. IN CAMERA

Resolution No: C225-2009 Moved by: Henderson, Seconded by: Newlove

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; advice that is subject to solicitor/client privilege, including communications necessary for that purpose, including matters before administrative tribunals affecting the Municipality or local board.

Carried

Council came out of the in-camera session at 8:54 p.m. and adopted the following resolutions:

a. Rainbow Campground (62 Brentwood Rd.)

Resolution No: C226-2009 Moved by: Macdonald, Seconded by: Newlove

Be it resolved that the correspondence regarding Rainbow Campground be received.

Carried

b. Utopia Conservation Area – Arbitration

Resolution No: C227-2009 Moved by: Macdonald, Seconded by: Dowdall

*Be it resolved that Confidential Report PW-09-55 from the CAO/Manager of Public Works be received; and
That the CAO proceed with this matter as directed by Council.*

Carried

c. Purchase/Sale Agreement with Simcoe County District School Board

Resolution No: C228-2009 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that Confidential Report C05-2009 from the Clerk be received.

Carried

d. Elmgrove Community Centre – Proposed Sale

Resolution No: C229-2009 Moved by: Newlove, Seconded by: Henderson

Be it resolved that the correspondence from the Township's Solicitor regarding the Elmgrove Community Centre be received for information.

Carried

13. CONFIRMATION BY-LAW

By-law 2009 - 54

Resolution No: C230-2009 Moved by: Newlove, Seconded by: Dowdall

Be it resolved that leave be granted to introduce By-law 2009 - 54 , being a by-law to confirm the proceedings of the Council and Committee of the Whole meetings held on this Seventh Day of October 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: C231-2009 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 Twenty First day of October 2009 following Committee of the Whole.

Carried

Original Signed By:

David Guergis, Mayor

Mike Galloway, Clerk