

**THE CORPORATION OF THE TOWNSHIP OF ESSA  
REGULAR COUNCIL MEETING  
WEDNESDAY, JUNE 17, 2009**

A Regular Council meeting was held following Committee of the Whole on Wednesday, June 17, 2009 in the Council Chambers of the Administration Centre, Township of Essa.

In attendance: Mayor David Guergis  
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 7:16 p.m.

**2. DISCLOSURE OF PECUNIARY INTEREST – Mayor declared conflict on previous minutes.**

**3. ADOPTION OF PREVIOUS MINUTES AND MOTIONS**

The Mayor declared a conflict on the minutes. Councillor Newlove assumed the Chair.

Resolution No: C146-2009 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 Third day of June, 2009 be adopted as circulated.*

Carried

**4. PRESENTING, REFERRING OR PASSING OF ACCOUNTS**

Resolution No: C147-2009 Moved by: Newlove, Seconded by: Macdonald

*Be it resolved that Payments dated May 29 to June 11, 2009 in the amount of \$3,451,332.55 be approved; and  
That Visa Accounts dated April 13, 2009 in the amount of \$11,830.40 be approved; and  
That Visa Accounts dated May 11, 2009 in the amount of \$18,848.50 be approved.*

Carried

**5. CONSENT AGENDA**

Resolution No: C148-2009 Moved by: Macdonald, Seconded by: Newlove

*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. Essa Public Library Board**

Resolution No: C149-2009 Moved by: Macdonald, Seconded by: Newlove

*Be it resolved that the minutes of the Essa Public Library Board meeting dated April 27, 2009 be received.*

Carried

**7. PETITIONS**

**8. MOTIONS AND NOTICES OF MOTIONS**

**a. Resignation**

Resolution No: C150-2009 Moved by: Macdonald, Seconded by: Henderson

*WHEREAS a letter of resignation has been received from Larry Kennard, Facility Operator; NOW THEREFORE BE IT RESOLVED that the letter of resignation from the Facility Operator be received with regret.*

Carried

The CAO is to hire a summer student to fill the gap from now to the end of the summer.

**b. Special Policy Area – Angus**

Resolution No: C151-2009 Moved by: Macdonald, Seconded by: Newlove

***The notice of motion for this resolution was given by Mayor Guergis at the June 3<sup>rd</sup> meeting of council:***

*WHEREAS portions of the town of Angus in the Township of Essa is prone to flooding each year; and*

*WHEREAS Alset Construction Company Limited is proposing a subdivision of 60 residential single family lots on Part of Lots 31 and 32, Concession 3 in the Township of Essa on 3.7 hectares; and*

*WHEREAS part of the development includes a strategic conveyance of land to the Township of Essa of 10 hectares for a barrier to provide flood protection to existing properties along the west side of the Pine River on River Drive south to Park Road; and*

*WHEREAS the Nottawasaga Valley Conservation Authority has showed opposition to this proposed draft plan of subdivision ET-0601 based on Provincial Policy Statement 3.1.2; and  
WHEREAS the Provincial Policy Statement 3.1.3 states that development and site alterations may be permitted in certain areas despite 3.1.2 where a Special Policy Area has been approved by the Ministers of Municipal Affairs and Housing and Natural Resources;  
NOW THEREFORE BE IT RESOLVED that the Township of Essa requests the Provincial Government through the Ministers of Municipal Affairs and Housing and Natural Resources give serious consideration to the approval of a Special Policy Area for this area in the Township of Essa.*

Carried

**c. Accounts**

Resolution No: C152-2009 Moved by: Macdonald, Seconded by: Henderson

*WHEREAS The Council of The Township of Essa will be on its summer recess between June 17 and September 2, 2009, and thereby will not be approving the regular payment of accounts;  
NOW BE IT RESOLVED THAT the Treasurer be authorized to pay accounts during Council's summer recess in accordance with the Township's procurement policy, providing that such expenditures have been approved in the 2009 Budget.*

Carried

**d. Return of Securities**

Resolution No: C153-2009 Moved by: Macdonald, Seconded by: Henderson

*WHEREAS 223 Mill St. has been developed and the owner considers all works as having been installed in accordance with the approved site plan; and  
WHEREAS the Township has inspected and have identified deficiencies that are to be corrected;  
NOW THEREFORE BE IT RESOLVED THAT the Township of Essa reduce a letter of credit held for securities in the amount of \$53,500 by \$26,750 to \$26,750.*

Carried

**e. Devonleigh Homes – Development Charges**

Resolution No: C154-2009 Moved by: Macdonald, Seconded by: Newlove

*WHEREAS Devonleigh Homes Inc has submitted a verbal appeal to the municipality regarding \$18,441.60 in outstanding development charges owing to the municipality; and  
WHEREAS the municipal portion of the outstanding development charge is \$15,648, with the education portion being \$1,104 and the county charge being \$1,689 for a total of \$18,441.60; and  
WHEREAS due to tough economic times Devonleigh Homes Inc is requesting consideration of waiving the outstanding fees;*

*NOW BE IT RESOLVED THAT the municipality waive the \$15,648 in township development charges and supports Devonliegh Homes Inc in its request for the waiving of fees from the County of Simcoe and the educational portions of the development charge, subject to verification from Hemson Consulting that such action complies with the Development Charges Act.*

**DEFERRED**

**g. Essa Recreational Trails Committee**

Resolution No: C155-2009 Moved by: Newlove, Seconded by: Macdonald

*WHEREAS the Essa Recreational Trails Committee wishes to submit a grant application to the National Trails Coalition in the amount of \$100,000 to perform trail upgrades to approximately 8 km of trails in Essa Township; and  
WHEREAS as part of the submission process, the Essa Recreational Trails Committee requests a letter from the Township of Essa, authorizing the funding application submission, and confirming that the trail and the Committee are covered under the Township's insurance policies; and  
NOW THEREFORE BE IT RESOLVED THAT the Clerk be authorized to provide a letter to the Essa Recreational Trails Committee.*

Carried

**9. UNFINISHED BUSINESS**

**10. BY-LAWS**

**a. By-law 2009 – 39**

Resolution No: C156-2009 Moved by: Macdonald, Seconded by: Newlove

*Be it resolved that leave be granted to introduce By-law 2009 - 39, being a by-law to authorize the CAO to approve Tenders, Quotations and Request for Proposals during the Months of July and August; and that said By-law be read a first, and taken as read a second and third time and finally passed.*

Carried

**11. QUESTIONS**

**12. IN CAMERA**

Resolution No: C157-2009 Moved by: Macdonald, Seconded by: Henderson

*Be it resolved that Council proceed In Camera in order to address matters pertaining to litigation or potential litigation, including matters before administrative tribunals, affecting the*

*Municipality or local board; personal matters about an identifiable individual, including Municipal or local board employees, including matters before administrative tribunals affecting the Municipality or local board.*

Carried

Council came out of the in-camera session at 8:52 p.m. and adopted the following resolutions:

**a. Fedco Matter**

Resolution No: C158-2009 Moved by: Macdonald, Seconded by: Henderson

*Be it resolved that Confidential Report PW-09-37 from the CAO/Manager of Public Works be received and that the contents of this report be approved.*

Carried

**b. Employee Request**

Resolution No: C159-2009 Moved by: Henderson, Seconded by: Macdonald

*Be it resolved that Confidential Report PW-09-39 from the CAO/Manager of Public Works be received.*

Carried

**c. Proposed Willoughby Road Bridge and Road Construction Project**

Resolution No: C160-2009 Moved by: Macdonald, Seconded by: Newlove

*Be it resolved that Confidential Report PW-09-40 from the CAO/Manager of Public Works be received; and further,  
That the CAO/Manager of Public Works be authorized to negotiate with the affected landowners for the acquisition of the required lands needed for the Willoughby Road Bridge and Road Construction project.*

Carried

**d. Request to make offer to hire a Tax Clerk/Cashier**

Resolution No: C161-2009 Moved by: Newlove, Seconded by: Macdonald

*Be it resolved that Report No. TR-2009-15 from the Treasurer be received; and  
That the contents of this confidential report be approved.*

Carried

**e. Request to create full time position description - Senior Accounting Clerk.  
Request to make offer to hire current Contract Employee for full time Senior Accounting Clerk position.**

Resolution No: C162-2009 Moved by: Henderson, Seconded by: Newlove

*Be it resolved that Report No. TR-2009-16 from the Treasurer be received; and  
That the contents of this confidential report be approved.*

Carried

**f. CAO's Performance Review**

Resolution No: C163-2009 Moved by: Macdonald, Seconded by: Henderson

*Be it resolved that Confidential Report PW-09-42 from the CAO/Manager of Public Works be  
received; and  
That the contents of this report be approved, as directed by Council.*

Carried

**13. CONFIRMATION BY-LAW**

**By-law 2009 - 40**

Resolution No: C164-2009 Moved by: Macdonald, Seconded by: Henderson

*Be it resolved that leave be granted to introduce By-law 2009 - 40 , being a by-law to confirm  
the proceedings of the Council and Committee of the Whole meetings held on this Seventeenth  
Day of June 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: C165-2009 Moved by: Macdonald, Seconded by: Newlove

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

Carried

Original Signed By:

*David Guergis, Mayor*

*Mike Galloway, Clerk*