

**THE CORPORATION OF THE TOWNSHIP OF ESSA  
SPECIAL MEETING OF COUNCIL  
THURSDAY, AUGUST 2, 2012**

A Special Meeting of Council was held on Thursday, August 2, 2012 in the Council Chambers of the Administration Centre, Township of Essa.

In attendance: Mayor Terry Dowdall  
Deputy Mayor Macdonald  
Councillor Keith White  
Councillor Michael Smith  
Councillor Ron Henderson

Staff in attendance: G. Murphy, CAO/Manager of Public Works  
J. Barrett, Treasurer/Deputy CAO/Deputy Clerk

**1. OPENING OF MEETING BY THE MAYOR**

Mayor Dowdall opened the Regular Council meeting at 9:00 a.m.

**2. DISCLOSURE OF PECUNIARY INTEREST**

None.

**3. MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE**

**Resolution No: CR199-2012 Moved by: Macdonald Seconded by: White**

*Be it resolved that Council proceed into Committee of the Whole.*

**Carried**

**STAFF REPORTS**

**4. FINANCE**

**a. Staff Report TR030-12 submitted by the Treasurer/Deputy CAO,  
re: Community Infrastructure Improvement Fund (CIIF).**

**Resolution No: CW157-2012 Moved by: Macdonald Seconded by: Smith**

*Be it resolved that Staff Report TR030-12 be received; and  
That the Treasurer be directed to apply for Community Infrastructure Improvement  
Funding (CIIF) for the Thornton Arena replacement and upgrading of the existing ice pad  
surface and refrigeration system; and  
That the application be submitted by indicating that the Township seeks Federal CIIF  
funding of no more than 33.3 per cent of eligible costs.*

**Carried**

**5. MOTION TO RISE FROM COMMITTEE OF THE WHOLE**

**Resolution No: CW158-2012 Moved by: Henderson Seconded by: Smith**

*Be it resolved that Committee of the Whole rise and return back to its Council session.*

**Carried**

**6. MOTIONS**

**a. Community Infrastructure Improvement Fund Application for Thornton Arena Improvements.**

**Resolution No: CR200-2012 Moved by: Macdonald Seconded by: Henderson**

*Whereas Federal Development Ontario has announced the Community Infrastructure Improvement Fund (CIIF); and*

*Whereas the Township of Essa is eligible to apply for 1/3 funding under this program;*

*Now therefore be it resolved that the Council of the Township of Essa supports an application under the Community Infrastructure Improvement Fund for the Thornton Arena replacement and upgrading of the existing ice pad surface and refrigeration system.*

**Carried**

**7. CLOSED SESSION**

**Resolution No: CR201-2012 Moved by: Macdonald Seconded by: Smith**

*Be it resolved that this Special Meeting of Council proceed to a Closed Session in order to address matters pertaining to litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality or local board; and, advice that is subject to solicitor/client privilege, including communications necessary for that purpose.*

**Carried**

Council arose from Closed Session at 9:10 a.m. and adopted the following resolution:

**a. Solicitor-Client Privilege / Potential Litigation**

**Resolution from HGR Graham Partners LLP**

**Re: Stonemount Developments Subdivision Phase 4 Hazard Limits.**

**Resolution No: CR202-2012 Moved by: Macdonald Seconded by: Smith**

*Whereas Stonemount Development Inc. (Stonemount) developed a Subdivision registered as Plan 51M-844 called Nottawasaga Village in the Township of Essa which borders on the Nottawasaga River; and*

*Whereas it has come to the attention of the Corporation of the Township of Essa that the erosion rate of the Nottawasaga River has a higher than normal erosion rate for other rivers in the Province of Ontario and it appears that this erosion rate may impact on certain lots within Plan 51M-844; and*

*Whereas the Council for the Corporation of the Township of Essa wishes to address the erosion issue to protect the interests of the Corporation of the Township of Essa and the current residents living in Plan 51M-844; and*

*Now therefore be it resolved that the Council of the Corporation of the Township of Essa approves providing direction to the Chief Building Official that the Township agrees to the release of Building Permits for Lots 76 to 84 on Plan 51M-844 in Nottawasaga Village, providing all other usual requirements have been complied with, and once the following additional provisions have been complied with as evidenced by written confirmation of the CAO.*

*The following are the additional conditions to be imposed:*

- 1. Stonemount must provide additional security to the satisfaction of the Township to cover all remedial work required by the Township, as set out in the Parish Geomorphic Study dated February 29, 2012 as amended by the Parish Geomorphic Study dated June 20, 2012, and to cover the cost of moving the cul-de-sac on Nadmarc Court.*
- 2. Stonemount must provide their warranty for all work completed by their engineers, contractors, or otherwise, as set out in the Parish Geomorphic Studies, and all work is to be completed to the satisfaction of the Township, the Township engineers and any other required governmental bodies.*
- 3. Stonemount must agree to assign the Township any contractual warranties and common law rights that they have acquired or may legally acquire against their contractors, engineers or any others involved in preparing studies or completing construction.*
- 4. Stonemount must agree that the work is to be carried out as with any other services in the subdivision under the supervision and inspections of the Township and the Townships engineers from time to time, as required by them.*
- 5. Stonemount must agree that in addition to any additional securities posted by them, any securities currently posted with the Township pursuant to this subdivision or pursuant to any other subdivision developed by the same developer in Essa Township may be used for the same purposes as the additional security being posted, in the Townships sole and unfettered discretion.*
- 6. Stonemount must indemnify the Township fully from any or all liability in relation to this matter.*
- 7. Stonemount must agree to enter into a Subdivision Agreement Amendment setting out all of these required terms in detail.*
- 8. Stonemount must agree to put their liability insurance provider on notice of a possible claim relating to this matter and provide the Township with a copy.*

**Carried**

## **6. CONFIRMATION BY-LAW**

### **By-law 2012 - 43**

**Resolution No: CR203-2012 Moved by: Macdonald Seconded by: Smith**

*Be it resolved that leave be granted to introduce By-law 2012-43, being a by-law to confirm the proceedings of the Special Council meeting held on this 2<sup>nd</sup> day of August 2012; and that said By-law be read a first, and taken as read a second and third time and finally passed.*

**Carried**

7. ADJOURNMENT

**Resolution No: CR204-2012 Moved by: Macdonald Seconded by: Henderson**

*Be it resolved that this Special Meeting of the Township of Essa Council adjourn at 9:13 a.m. until the Regular Council meeting on Wednesday, September 5, 2012 at 6:00 p.m. or at the call of the Mayor.*

**Carried**

Original signed by:

*Terry Dowdall*  
Terry Dowdall, Mayor

*Julie Barrett*  
Julie Barrett, Treasurer/Deputy Clerk