

# *The Corporation of the Township of Perry*

## **MINUTES** **REGULAR MEETING** **Wednesday, June 17<sup>th</sup>, 2015** **7:00 p.m.**

**Council Chambers**  
**(1695 Emsdale Road Emsdale ON)**

Any and All Minutes are to be considered Draft until approved by Council at a Regular Meeting of Council

### **In Attendance:**

**Council Members:** Mayor Norm Hofstetter  
Councillors: Les Rowley, Jim Cushman, Margaret Ann MacPhail,  
Jeff Marshall

**Municipal Staff:** Beth Morton, Clerk-Administrator  
Brian Gilmer, Deputy Clerk

**Members of the Public:** Sign-In Sheet on File

Mayor Norm Hofstetter called the meeting to order at 7:00 p.m.

### **Declaration(s) of Pecuniary Interest**

I, Jim Cushman, declare that I have a pecuniary interest with regard to the following: Item 9.2 – Re: Miron Top Soil, because I am in the same line of work, which will be discussed on the Agenda of June 17<sup>th</sup>, 2015 Council Meeting.

### **Resolution No. 2015-265**

**Moved by: Jeff Marshall**                      **Seconded by: Jim Cushman**

***Be it resolved that*** the Council of the Township of Perry accepts the Minutes of the following Meeting(s) as presented:

- 3.1 Regular Meeting of Council on Wednesday, June 3<sup>rd</sup>, 2015; and
- 3.2 Public Meeting – Zoning By-law Amendment – 287 North Bay Lake Road –  
Wednesday, June 3<sup>rd</sup>, 2015

**Carried.**

### **Resolution No. 2015-266**

**Moved by: Les Rowley**                      **Seconded by: Margaret Ann MacPhail**

***Be it resolved that*** the Council of the Township of Perry does hereby now adjourn from this Regular Meeting at 7:01 p.m. to commence a ‘Public Meeting’ for the purpose of hearing comments from members of the public with regard to a proposed Housekeeping By-law to Amend Zoning By-law 2014-21.

**Carried.**

**Resolution No. 2015-267**

**Moved by: Les Rowley**

**Seconded by: Jeff Marshall**

*Be it resolved that* the Council of the Township of Perry does hereby now adjourn from this Public Meeting at 7:33 p.m. in order to recommence the Regular Council Meeting of June 17<sup>th</sup>, 2015.

**Carried.**

**Resolution No. 2015-268**

**Moved by: Jeff Marshall**

**Seconded by: Les Rowley**

*Be it resolved that* By-law No. 2015 – 28, “Being a By-law to amend By-law No. 2014-21, as amended, the Zoning By-law for the Township of Perry with respect to lands located in part of Lots 29 and 30, Concession 8, in the Township of Perry” be given first and second reading.

**Carried.**

**Resolution No. 2015-269**

**Moved by: Margaret Ann MacPhail**

**Seconded by: Jim Cushman**

*Be it resolved that* By-law No. 2015 – 28, “Being a By-law to amend By-law No. 2014-21, as amended, the Zoning By-law for the Township of Perry with respect to lands located in part of Lots 29 and 30, Concession 8, in the Township of Perry” be given third and final reading and enacted in open Council.

**Carried.**

**Resolution No. 2015-270**

**Moved by: Les Rowley**

**Seconded by: Margaret Ann MacPhail**

*Be it resolved that* By-law No. 2015 – 29, “Being a By-law to authorize the Corporation of the Township of Perry to enter into a Site Plan Agreement with John Gordon Boniface and Dillys Anne Boniface on lands legally described as Part of Lot 23, Concession 7, in the Township of Perry, designated as Parts 39 to 41 on Plan 42R-10459” be given first and second reading.

**Carried.**

**Resolution No. 2015-271**

**Moved by: Jeff Marshall**

**Seconded by: Jim Cushman**

*Be it resolved that* By-law No. 2015 – 29, “Being a By-law to authorize the Corporation of the Township of Perry to enter into a Site Plan Agreement with John Gordon Boniface and Dillys Anne Boniface on lands legally described as Part of Lot 23, Concession 7, in the Township of Perry, designated as Parts 39 to 41 on Plan 42R-10459” be given third and final reading and enacted in open Council.

**Carried.**

**Resolution No. 2015-272**

**Moved by: Les Rowley**

**Seconded by: Margaret Ann MacPhail**

*Be it resolved that* By-law No. 2015 – 30, “Being a By-law to authorize the Corporation of the Township of Perry to enter into a Subdivision Amending Agreement with 582838 Ontario Inc. with respect to Block 28, Plan 42M-607, Township of Perry” be given first and second reading.

**Carried.**

**Resolution No. 2015-273**

**Moved by: Jeff Marshall**

**Seconded by: Jim Cushman**

*Be it resolved that* By-law No. 2015 – 30, “Being a By-law to authorize the Corporation of the Township of Perry to enter into a Subdivision Amending Agreement with 582838 Ontario Inc. with respect to Block 28, Plan 42M-607, Township of Perry” be given third and final reading and enacted in open Council.

**Carried.**

**Resolution No. 2015-274**

**Moved by: Les Rowley**

**Seconded by: Margaret Ann MacPhail**

*Be it resolved that* By-law No. 2015 –31, “Being a By-law to Provide for the Care of Animals” be given first and second reading.

**Carried.**

**Resolution No. 2015-275**

**Moved by: Jim Cushman**

**Seconded by: Margaret Ann MacPhail**

*Be it resolved that* By-law No. 2015 – 31, “Being a By-law to Provide for the Care of Animals” be given third and final reading and enacted in open Council.

**Carried.**

**Resolution No. 2015-276**

**Moved by: Jeff Marshall**

**Seconded by: Margaret Ann MacPhail**

*Be it resolved that* By-law No. 2015 – 32, “Being a By-law authorizing the execution of a Collection Site Operator Agreement between Ontario Electronic Stewardship and The Corporation of the Township of Perry” be given first and second reading.

**Carried.**

**Resolution No. 2015-277**

**Moved by: Les Rowley**

**Seconded by: Jim Cushman**

*Be it resolved that* By-law No. 2015 – 32, “Being a By-law authorizing the execution of a Collection Site Operator Agreement between Ontario Electronic Stewardship and The Corporation of the Township of Perry” be given third and final reading and enacted in open Council.

**Carried.**

**Resolution No. 2015-278**

**Moved by: Jeff Marshall**

**Seconded by: Les Rowley**

*Be it resolved that* the Council of the Township of Perry has received the Draft Off Road Vehicles By-law and accompanying report from staff and hereby directs staff to bring forward the Off Road Vehicles By-law for adoption at the Regular Council Meeting of July 15, 2015.

**Carried.**

**Resolution No. 2015-279**

**Moved by: Jim Cushman**

**Seconded by: Jeff Marshall**

*Be it resolved that* Council has received the application submitted by Adam Watt on behalf of the James and Terri Watt for a Zoning By-law Amendment for lands legally described as Part of Lot 24, Concession 7, designated as Parts 3 to 6 on Plan PSR-660, and declares the application to be complete in accordance with the requirements of the Planning Act and hereby requests that the Clerk to schedule a Public Meeting in accordance with the Planning Act at the next available opportunity.

**Carried.**

**Resolution No. 2015-280**

**Moved by: Les Rowley**

**Seconded by: Jeff Marshall**

*Be it resolved that* Council have no objection to Consent Application B-009/15 (Grant), subject to the conditions attached to this resolution as Schedule "A".

**Carried.**

**Resolution No. 2015-281**

**Moved by: Jeff Marshall**

**Seconded by: Jim Cushman**

*Whereas* Gabrielle Kramer, of Borden Ladner Gervais, representing Lynn McIntosh, along with the Emsdale Water Committee provided Council with an overview and update on the status of the claim against MTO arising out of the alleged salt groundwater contamination from MTO salt storage shed; and

*Whereas* testing has been completed and notes that MTO favours installing a reverse osmosis system in the households with elevated sodium and chloride as a resolution to the current contamination issue; and

*Whereas* Gabrielle Kramer notes that each resident's groundwater will remain contaminated and the upkeep will fall to successive homeowners based on MTO's resolution; and

*Whereas* the Emsdale Water Committee retained BluMetric to assist in the investigation into a more permanent solution to the problem; and

*Whereas* BluMetric is in favour of an engineered solution that would hydraulically isolate the salt yard and would provide for clean water in the long term; and

*Whereas* MTO has approved further testing to be completed in June/July 2015, however the costs associated with determining the feasibility of BluMetric's preferred alternative are in excess to what MTO will support; and

*Whereas* the Emsdale Water Committee have made a request to Council for financial assistance in the form of a grant in the amount of \$40,700 in order to cover the additional tests that are not covered by MTO; and

*Whereas* Section 107.(1) of the *Municipal Act, 2001* specifies that despite any provision of this or any other Act relating to the giving of grants or aid by a municipality, subject to section 106, a municipality may make grants, on such terms as to security and otherwise as the council considers appropriate, to any person, group or body, including a fund, within or outside the boundaries of the municipality for any purpose that council considers to be in the interests of the municipality;

*Now therefore be it resolved that* the Council of the Township of Perry hereby supports in principle a grant in the amount of \$40,700 to cover the additional tests that are not covered by MTO.

Carried.

**Resolution No. 2015-282**

**Moved by: Jim Cushman**

**Seconded by: Margaret Ann MacPhail**

*Be it resolved that* Council hereby approves the schedule 4500 hour grader maintenance for approximately \$8,150 plus hst to be completed by John Deere Inc.

Carried.

**Resolution No. 2015-283**

**Moved by: Les Rowley**

**Seconded by: Jim Cushman**

*Be it resolved that* the Council of the Township of Perry supports the partnership initiative between the Town of Kearney, Township of McMurrich/Montieth, and the Municipality of Magnetawan for the hiring of one Economic Development Intern through the Northern Ontario Heritage Fund Corporation funding program; and

*Further that* an Agreement be developed, for endorsement by each of the participating municipalities, identifying the particulars of this partnership.

Carried.

**Resolution No. 2015-284**

**Moved by: Margaret Ann MacPhail**

**Seconded by: Jeff Marshall**

*Be it resolved that* the Council of the Township of Perry hereby receives Correspondence 8.1 to 8.5, as outlined in the Agenda of June 17<sup>th</sup>, 2015.

Carried.

**Resolution No. 2015-285**

**Moved by: Les Rowley**

**Seconded by: Margaret Ann MacPhail**

In accordance with Section 239(2), (3) and (3.1) of the *Municipal Act 2001*, as amended, Council shall proceed into Closed Session in order at 8:23 p.m. to address matters pertaining to: 2(d) labour relations or employee negotiations – By-law Enforcement Officer; and 2(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board – OMB Matter (A. Miron Topsoil Ltd.).

Carried.

**Resolution No. 2015-289**

**Moved by: Les Rowley**

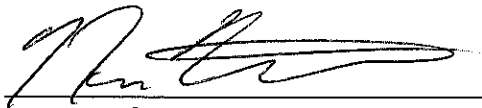
**Seconded by: Jeff Marshall**

***Be it resolved that*** the Council of the Township of Perry does hereby now reconvene the Regular Meeting of Council on Wednesday, June 17th, 2015 at 8:44 p.m

**Carried.**

The meeting was adjourned at 8:45 p.m.

Dated this 15<sup>th</sup> day of July, 2015.

  
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Norm Hofstetter, *Mayor*

  
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Beth Morton, *Clerk/Administrator*