

**THE CORPORATION OF THE TOWNSHIP OF TAY
REGULAR COUNCIL MEETING
WEDNESDAY, APRIL 14, 2010
7:00 P.M.**

PRESENT: Deputy Mayor Michael Ladouceur
Councillor Rick Black
Councillor Axel Frandsen
Councillor Bill Rawson
Councillor James Pearsall
Councillor Nelson Baumgardner

STAFF PRESENT: Simone Latham, CAO/Deputy Clerk
Alison Thomas, Clerk
Mara Burton, Director of Planning & Development
Nick Colucci, Director of Public Works
Joanne Sanders, Director of Finance
Brian Thomas, Fire Chief

REGRETS: Mayor Scott Warnock

1. CALL TO ORDER:

Deputy Mayor Ladouceur called the meeting to order at 7:00 p.m.

2. MOMENT OF SILENT REFLECTION:

Deputy Mayor Ladouceur called for a moment of silent reflection.

3. DECLARATIONS OF INTEREST:

Councillor Axel Frandsen declared a pecuniary interest on Item 7.3 as he is the President of the Waubaushene Lions Club.

4. CORRESPONDENCE:

MOVED BY: COUNCILLOR JIM PEARSALL

SECONDED BY: COUNCILLOR BILL RAWSON

THAT THE CORRESPONDENCE BE DIRECTED TO FILE WITH THE EXCEPTION OF THOSE ITEMS BEING REFERRED TO COMMITTEE CHAIRPERSONS.

CARRIED.

5. DELEGATIONS:

7:00 p.m. – 20 Year Fire Services Exemplary Service Medal Presentation – Captain Steve Byers

Fire Chief Brian Thomas presented the award for 20 years of fire services to Captain Steve Byers.

Council extended their congratulations to Mr. Byers for his exemplary years of service.

COUNCIL TEMPORARILY RECESSED TO CONSIDER THE PLANNING PUBLIC MEETING FOR 4958 VASEY RD AT 7:06 P.M.

COUNCIL RECONVENED AT 7:17 P.M.

7:00 p.m. - Report – Deputy Treasurer – Re: 2007, 2008 & 2009 Tax Write-Offs

Council reviewed a report from the Deputy Treasurer, under date of April 14, 2010 outlining the properties recommended for an adjustment of 2007, 2008 & 2009 taxes under Section 357 and 358 of the Municipal Act.

MOVED BY: COUNCILLOR BILL RAWSON

SECONDED BY: COUNCILLOR JIM PEARSALL

THAT THE 2007 WRITE-OFFS UNDER SECTION 357 AND 358 OF THE MUNICIPAL ACT, R.S.O. 2001 IN THE AMOUNT OF \$172.66 BE GRANTED.

CARRIED.

MOVED BY: COUNCILLOR NELSON BAUMGARDNER

SECONDED BY: COUNCILLOR JIM PEARSALL

THAT THE 2008 WRITE-OFFS UNDER SECTION 357 AND 358 OF THE MUNICIPAL ACT, R.S.O. 2001 IN THE AMOUNT OF \$179.37 BE GRANTED.

CARRIED.

MOVED BY: COUNCILLOR NELSON BAUMGARDNER

SECONDED BY: COUNCILLOR JIM PEARSALL

THAT THE 2009 WRITE-OFFS UNDER SECTION 357 AND 358 OF THE MUNICIPAL ACT, R.S.O. 2001 IN THE AMOUNT OF \$622.75 BE GRANTED.

CARRIED.

6. MUNICIPAL REPORT NO. 2010-04-01:

MOVED BY: COUNCILLOR JIM PEARSALL

SECONDED BY: COUNCILLOR NELSON BAUMGARDNER

THAT MUNICIPAL REPORT NO. 2010-04-01 BE AND IS HEREBY ADOPTED AS FOLLOWS:

- | | | |
|--------------------|--------------------------------|---------------------|
| 1. CARRIED. | 8. CARRIED. | 15. CARRIED. |
| 2. CARRIED. | 9. CARRIED. | 16. CARRIED. |
| 3. CARRIED. | 10. DEFERRED. | 17. CARRIED. |
| 4. CARRIED. | 11. CARRIED. | 18. CARRIED. |
| 5. CARRIED. | 12. CARRIED. | 19. CARRIED. |
| 6. CARRIED. | 13. CARRIED AS AMENDED. | |
| 7. CARRIED. | 14. CARRIED. | |

CARRIED.

**MOVED BY: COUNCILLOR JIM PEARSALL
SECONDED BY: COUNCILLOR NELSON BAUMGARDNER
THAT RECOMMENDATION #13 OF MUNICIPAL REPORT NO.
2010-04-01 BE AMENDED TO READ AS FOLLOWS:**

**THAT WHEREAS THE TRAILS CONNECTING COMMUNITIES
PROGRAM APPLICATION PROCESS REQUIRES THAT THE
COUNCIL OF THE MUNICIPALITY ENDORSES THE
APPLICATION FOR FUNDING;**

**NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL FOR
THE TOWNSHIP OF TAY ENDORSES THE APPLICATION TO
THE TRAILS CONNECTING COMMUNITIES PROGRAM FOR
THE ALBERT STREET PARK LINKAGE.**

CARRIED.

7. OTHER BUSINESS:

**7.1 Verbal Report – Clerk – Re: Appointment – Municipal Law
Enforcement Officer**

Council considered a verbal report from Clerk regarding the appointment of new Municipal Law Enforcement Officer.

The Clerk noted that the respective by-law will come before Council for consideration later in the meeting.

**7.2 Verbal Report – Clerk – Re: Lease Extension Agreement –
LCBO, Port McNicoll:**

Council considered a verbal report from Clerk regarding a Lease Extension Agreement with the LCBO, Port McNicoll.

The Clerk noted that the respective by-law will come before Council for consideration later in the meeting.

**COUNCILLOR AXEL FRANDBEN DECLARED A PECUNIARY
INTEREST ON ITEM 7.3.**

**7.3 Report – CAO – Re: Waubaushene Lions Community Farmers’
Market**

Council considered a report from the Chief Administrative Officer, under date of March 30, 2010 regarding the Waubaushene Lions Community Farmers’ Market.

**MOVED BY: COUNCILLOR JIM PEARSALL
SECONDED BY: COUNCILLOR BILL RAWSON**

**THAT THE WAUBAUSHENE LIONS CLUB BE PERMITTED TO
PLACE ADVERTISING ON THE TAY COMMUNITY PAGE TO
ADVERTISE THE WAUBAUSHENE LIONS COMMUNITY
FARMERS’ MARKET, WITH THE COST TO BE REIMBURSED TO
THE MUNICIPALITY.**

CARRIED.

MOVED BY: COUNCILLOR BILL RAWSON

SECONDED BY: COUNCILLOR JIM PEARSALL

THAT IN THE EVENT THAT COUNCIL APPROVES A SPECIAL EVENTS POLICY THE WAUBAUSHENE LIONS CLUB BE EXEMPT FROM APPLYING FOR A SPECIAL EVENTS PERMIT FOR THE WAUBAUSHENE LIONS COMMUNITY FARMERS' MARKET.

CARRIED.

MOVED BY: COUNCILLOR JIM PEARSALL

SECONDED BY: COUNCILLOR BILL RAWSON

THAT STAFF BE AUTHORIZED TO ENTER INTO AN AGREEMENT WITH THE WAUBAUSHENE LIONS CLUB FOR THE OPERATION OF A COMMUNITY FARMERS' MARKET.

CARRIED.

COUNCILLOR AXEL FRANSEN RESUMED HIS SEAT.

7.4 Report – Dir. Of Planning & Development – Re: Rezone – 3350 Fesserton Side Road – Application No.2008ZBA05:

Council considered a report from Director of Planning & Development, under date of April 7, 2010, regarding the rezoning application for 3350 Fesserton Side Road – Application No.2008ZBA05.

MOVED BY: COUNCILLOR AXEL FRANSEN

SECONDED BY: COUNCILLOR RICK BLACK

THAT APPLICATION NO. 2008ZBA05 FOR PART OF LOT 6, CONCESSION 10, AND BEING ADDRESSED AS 3350 FESSERTON SIDE ROAD BE APPROVED.

CARRIED.

7.5 Verbal – C.A.O. – Re: Physician Recruitment Letter – Request to Insert with Tax Billing

Council considered a verbal report from the Chief Administrative Officer regarding a request to have the amended Physician Recruitment Letter inserted with the tax billing.

Following discussion, Council agreed that the Physician Recruitment Letter would not be inserted into the municipality's tax billing.

7.6 Verbal – Clerk – Re: 911 Dispatch CERB Agreement

Council considered a verbal report from Clerk regarding the 911 Dispatch CERB Agreement.

The Clerk noted that the respective by-law will come before Council for consideration later in the meeting.

7.7 Verbal Report – Councillor Frandsen – Re: Lawson Lane:

Council considered a verbal report from Councillor Frandsen regarding Lawson Lane and spring grading of the Lane.

The Director of Public Works advised that the necessary work order will be submitted and that the work will be done shortly.

7.8 Verbal Report – Director of Planning & Development – Re: Rezone – 4958 Vasey Road – Application No.2010ZBA01:

Council considered a verbal report from Director of Planning & Development regarding the rezoning application for 4958 Vasey Road – Application No.2010ZBA01.

MOVED BY: COUNCILLOR RICK BLACK

SECONDED BY: COUNCILLOR AXEL FRANSEN

THAT APPLICATION NO. 2010ZBA01 TO PASS THE BY-LAW TO REZONE PART OF 4958 VASEY ROAD FROM VILLAGE COMMERCIAL “C1” ZONE TO THE NEIGHBOURHOOD COMMERCIAL EXEMPTION THREE “C2-3” ZONE BE APPROVED.

CARRIED.

7.9 Verbal Report – C.A.O. – Re: Newmarket-Tay Power Shareholders Meeting:

Council received a verbal report from the C.A.O. regarding proposed dates for the joint Newmarket-Tay Power Shareholders Meeting.

The C.A.O. requested that Council advise her regarding their availability to attend either of the proposed meeting dates.

8. BY-LAWS:

MOVED BY: COUNCILLOR AXEL FRANSEN

SECONDED BY: COUNCILLOR RICK BLACK

THAT LEAVE BE GRANTED TO INTRODUCE BY-LAWS 2010-03, 2010-21, 2010-23, 2010-24, 2010-25, 2010-26, 2010-27, 2010-28, 2010-29, 2010-30, 2010-31, 2010-32, 2010-34, 2010-36, 2010-37 AND 2010-38.

CARRIED.

MOVED BY: COUNCILLOR RICK BLACK

SECONDED BY: COUNCILLOR AXEL FRANSEN

THAT BY-LAWS 2010-03, 2010-21, 2010-23, 2010-24, 2010-25, 2010-26, 2010-27, 2010-28, 2010-29, 2010-30, 2010-31, 2010-32, 2010-34, 2010-36, 2010-37 AND 2010-38 BE READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED.

CARRIED.

9. NOTICES OF MOTION:

None were presented.

10. IN CAMERA SESSION:

MOVED BY: COUNCILLOR RICK BLACK

SECONDED BY: COUNCILLOR AXEL FRANSEN

**THAT COUNCIL ADJOURN TO AN IN CAMERA SESSION;
AND FURTHER THAT THIS PORTION OF THE MEETING BE
CLOSED TO THE PUBLIC PURSUANT TO THE FOLLOWING
SECTION(S) - AS MARKED, OF SECTION 239, SUBSECTION (2)
OF THE MUNICIPAL ACT, 2001;**

- **LITIGATION OR POTENTIAL LITIGATION, INCLUDING
MATTERS BEFORE ADMINISTRATIVE TRIBUNALS,
AFFECTING THE MUNICIPALITY OR LOCAL BOARD
(RINK PROJECT – CONTRACT EXECUTION).**

CARRIED.

MOVED BY: COUNCILLOR RICK BLACK

SECONDED BY: COUNCILLOR AXEL FRANSEN

**THAT COUNCIL ADJOURN FROM THE IN CAMERA SESSION AT
8:48 P.M. AND RETURN TO THE REGULAR MEETING.**

CARRIED.

MOVED BY: COUNCILLOR RICK BLACK

SECONDED BY: COUNCILLOR AXEL FRANSEN

**THAT THE REPORT OF THE COMMITTEE OF THE WHOLE BE
ADOPTED AS READ.**

CARRIED.

MOVED BY: COUNCILLOR AXEL FRANSEN

SECONDED BY: COUNCILLOR RICK BLACK

**THAT THE TENDER SUBMITTED BY COVER ALL LIMITED IN
THE AMOUNT OF \$364,266.00 INCLUDING GST FOR CONTRACT
2010-09 – OUTDOOR RINK ROOF BE ACCEPTED; AND**

**THAT STAFF BE DIRECTED TO PREPARE THE BY-LAW
AUTHORIZING THE EXECUTION OF THE CONTRACT
BETWEEN THE TOWNSHIP OF TAY AND COVER ALL LIMITED;
AND**

**THAT ALL BID DEPOSITS SUBMITTED BY FIRMS OTHER THAN
THE SUCCESSFUL BIDDER BE RETURNED ONCE THE
CONTRACT IS EXECUTED BY THE CLERK AND COVER ALL
LIMITED.**

DEFEATED.

**MOVED BY: COUNCILLOR AXEL FRANSEN
SECONDED BY: COUNCILLOR RICK BLACK
THAT ALL TENDERS SUBMITTED FOR CONTRACT 2010-09 –
OUTDOOR RINK ROOF BE REJECTED; AND
THAT STAFF BE DIRECTED TO RE-TENDER CONTRACT 2010-09
– OUTDOOR RINK ROOF IMMEDIATELY, SUBJECT TO LEGAL
ADVICE.**

CARRIED.

11. ADJOURNMENT:

**MOVED BY: COUNCILLOR AXEL FRANSEN
SECONDED BY: COUNCILLOR RICK BLACK
THAT THIS REGULAR MEETING OF COUNCIL ADJOURN AT
8:52 P.M. AND TO RECONVENE ON MAY 12, 2010 AT 7:00 P.M.**

CARRIED.

DEPUTY MAYOR

CLERK