

Township of Seguin
Draft Minutes of Council Meeting
October 15th, 2007

A regular meeting of the Township of Seguin Council was held October 15th, 2007 at the Township of Seguin Council Chambers. Mayor Conn presided with Councillors Adams, Chidley, Gibbon, Jacklin, Sainsbury and Sturgeon present.

After the meeting was called to order Mayor Conn asked for approval of the agenda. Council approved the agenda as presented with the following amendments. Addition of a request to waive rental fees at the Humphrey Community Centre for a fund raising event sponsored by the Humphrey and District Figure Skating Club. The moving of the Closed Session to the end of the Agenda. Addition of correspondence received from Larry Douglas on behalf of Harald Bachmann regarding Agenda item 9. a) Consent Application B-2007-0031-H (Canadian National Railway). Addition of By-law No. 2007-136, Being a By-law to enter into an Agreement with Ambraska Construction Co. Ltd. and Werner E. Faihst Limited related to an agreement under Section 51(26) of the Planning Act R.S.O. as amended.

Mayor Conn requested that any disclosures of pecuniary interest be declared for the record. Councillor Sainsbury declared a possible pecuniary interest in regard to Consent Application B-2007-0031-H (Canadian National Railway) as the matter involves his nephew. Councillor Sainsbury vacated his seat during Council consideration of this matter.

The following resolutions were considered by Council:

2007-418 Gibbon-Chidley **Carried**
“**THAT** Council of The Corporation of the Township of Seguin does hereby approve the accounts in the amount of \$773,932.96.”

2007-419 Gibbon-Chidley **Carried**
“**THAT** Council of The Corporation of the Township of Seguin does hereby adopt the minutes of the regular and closed session meetings of Council of October 15th, 2007 as circulated.”

2007-420 Chidley-Gibbon **Carried**
“**THAT** Council of The Corporation of the Township of Seguin does hereby receive the Staff Reports as presented on the agenda for the October 15th meeting of Council.

Public Works:

- Lawson Bay Road Realignment Transfer, Windfall Lake Road Connection Transfer and Roberts Lake Road (East and West) Realignment/Extension Transfer.
- Report PW-RD-2007-015, Tender No. 2007-023, Two 2008, 3500 Series, 1 Ton, 4 Wheel Drive Pickups.

Community Services:

- Report CS-PL-2007-145, Application B-2007-0031-H (Canadian National Railway).”

2007-421 Chidley-Gibbon **Carried**
“**WHEREAS** the Ministry of Transportation (MTO) has constructed and opened the new four-lane controlled access Highway 69 in the vicinity of Lawson Bay Road;

AND WHEREAS parcels of lands, were acquired on each side of the Highway 400/69 Right-Of-Way (ROW) in order to accommodate and construct the realignment of Lawson Bay Road;

AND WHEREAS Lawson Bay Road is now carried under the new four-lane controlled access Highway 400/69;

AND WHEREAS the portion of Lawson Bay Road, within the four-lane controlled access Highway 69 ROW, will be vested in the Crown and under the jurisdiction and control of the MTO as per Sub-section 20(1) of the Public Transportation and Highway Improvement Act;

AND WHEREAS the maintenance and repair of the surface of Lawson Bay Road, within the four-lane controlled access Highway 69 ROW, will be the responsibility of The Corporation of the Township of Seguin as per Sub-section 20(2) of the Public Transportation and Highway Improvement Act;

AND WHEREAS Lawson Bay Road does not serve as a provincial highway;

AND WHEREAS Lawson Bay Road is situated in The Corporation of the Township of Seguin;

AND WHEREAS the MTO has proposed that the realigned Lawson Bay Road is transferred to The Corporation of the Township of Seguin for future maintenance and reconstruction.

THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Township of Seguin agrees to accept the transfer of the realigned Lawson Bay Road, as per attached Key Plan, and assume the responsibility for future maintenance and reconstruction.”.

2007-422 Gibbon-Chidley

Carried

“**WHEREAS** the Ministry of Transportation (MTO) has constructed and opened the new four-lane controlled access Highway 69 in the vicinity of Windfall Lake Road;

AND WHEREAS parcels of lands, were acquired by the MTO in order to construct the connection of Windfall Lake Road to Rankin Lake Road;

AND WHEREAS Windfall Lake Road does not serve as a provincial highway;

AND WHEREAS Windfall Lake Road is situated in The Corporation of the Township of Seguin;

AND WHEREAS the MTO has proposed that the Windfall Lake Road connection is transferred to The Corporation of the Township of Seguin for future maintenance and reconstruction.

THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Township of Seguin agrees to accept the transfer of the Windfall Lake Road connection, as per attached Key Plan, and assume the responsibility for future maintenance and reconstruction.”.

2007-423 Gibbon-Chidley

Carried

“**WHEREAS** the Ministry of Transportation (MTO) has constructed and opened the new four-lane controlled access Highway 69 in the vicinity of Roberts Lake Road;

AND WHEREAS parcels of lands, were acquired by the MTO in order to construct the realignment and extension of Roberts Lake Road;

AND WHEREAS Roberts Lake Road does not serve as a provincial highway;

AND WHEREAS Roberts Lake Road is situated in The Corporation of the Township of Seguin;

AND WHEREAS the MTO has proposed that the realigned and extended Roberts Lake Road is transferred to The Corporation of the Township of Seguin for future maintenance and reconstruction.

THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Township of Seguin agrees to accept the transfer of the realigned and extended Roberts Lake Road, as per attached Key Plan, and assume the responsibility for future maintenance and reconstruction.”.

2007-424 Sturgeon-Sainsbury

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby accept the Grant Request from Georgian Bay Country for funding to operate 24th Seguin Mail Run and Mush Rush;

AND THAT Council does hereby authorize and direct the Treasurer to provide funding in the amount of \$3,000 to the Seguin Mail Run and Mush Rush from the 2008 Grants and Donations Budget.”.

2007-425 Sturgeon-Sainsbury

Carried

“**THAT** By-law No. 2007-133, Being a By-law to Change the Name of a Highway, within the Township of Seguin (Short Street to Jim Swift Drive) and to Repeal By-law No. 2007-130, is hereby deemed to have been read a first, second and third time and passed by Council.”.

2007-426 Jacklin-Sturgeon

Carried

“**THAT** By-law No. 2007-134, Being a By-law to Authorize the Execution of an Addendum to a Canada - Ontario Municipal Rural Infrastructure Fund (COMRIF) Initiative Funding Agreement (Culvert N0.12, Bridge No.7 and Bridge No.6), is hereby deemed to have been read a first, second and third time and passed by Council.”.

2007-427 Sturgeon-Sainsbury

Carried

“**THAT** By-law No. 2007-136, Being a By-law to enter into an Agreement with Ambraska Construction Co. Ltd. and Werner E. Faihst Limited related to an agreement under Section 51(26) of the Planning Act R.S.O. as amended, is hereby deemed to have been read a first, second and third time and passed by Council.”.

2007-428 Jacklin-Sturgeon

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby receive the Correspondence as presented on the Agenda and the Addendum for the October 15th meeting of Council.”.

2007-429 Gibbon-Chidley

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby proceed to a closed meeting in order to address a matter(s) pertaining to:

- personal matters about an identifiable individual, including municipal employees.
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
- the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act.”.

2007-430 Chidley-Gibbon

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby declare the regular meeting reconvened.”.

The Mayor advised Council would now hear Consent Application B-2007-0031-H (Canadian National Railway) and that Council would consider all matters placed before it prior to making a Decision.

The Mayor advised, as required by Section 53 Subsection 31 of the Planning Act, R.S.O. 1990, c. P.13., if a person or public body that files an appeal of a decision of the Township of Seguin in respect of the proposed consent does not make written submissions to the Township before it gives or refuses to give a provisional consent, the Ontario Municipal Board may dismiss the appeal. Anyone wishing to receive Notice of the Consent Decision who has not submitted such a request in writing should give their full name and address to the Clerk before leaving the meeting.

The Mayor advised that Consent Application B-2007-0031-H (CNR) is for the lands located between the CNR Railway Line and Portage Lake.

The Mayor asked if there was anyone present who wished to speak to this Application for Consent.

Larry Douglas, Agent for Mr. Harald Bachmann addressed Council to explain Mr. Bachmann’s concerns with the Application. Mr. Bachmann claims to own a boathouse which he believes is located partially on the shore road allowance between the subject property and Portage Lake. Mr. Bachmann has concerns regarding this application and his prescriptive rights on the property and access across the subject lands.

Wes Crown, Director of Planning stated the Applicants have agreed to grant Mr. Bachmann a Right-Of-Way for access to the boathouse and this would be a condition in a favourable Decision on the application.

The Mayor asked if any letters had been received in opposition to or support of the proposed Consent.

The Clerk advised the Ministry of Transportation Ontario has stated they have no objection and a letter of concern was received from Larry Douglas solicitor for Mr. Harald Bachmann.

2007-431 Jacklin-Sturgeon **Carried**
“**THAT**, as per Report CS-PL-2007-145, Council of The Corporation of the Township of Seguin does hereby grant provisional approval to Consent Application B-2007-0031-H (Canadian National Railway), subject to the conditions setout in the Decision.”.

2007-432 Gibbon-Chidley **Carried**
“**THAT** Council of The Corporation of the Township of Seguin, as Head under the Municipal Freedom of Information and Protection of Privacy Act, does hereby approve the release of information as per the attached request.”.

2007-433 Gibbon-Chidley **Carried**
“**THAT** Council of The Corporation of the Township of Seguin, as Head under the Municipal Freedom of Information and Protection of Privacy Act, does hereby approve the release of information as per the attached request.”.

2007-434 Chidley-Gibbon **Carried**
“**THAT** Council of The Corporation of the Township of Seguin, as Head under the Municipal Freedom of Information and Protection of Privacy Act, does hereby approve the release of information as per comments from legal counsel for the attached request.”.

2007-435 Sturgeon-Sainsbury **Carried**
“**THAT** By-law No. 2007-135, Being a By-law to confirm the proceedings of meetings of Council, is hereby deemed to have been read a first, second and third time and passed by Council.”.

2007-436 Jacklin-Sturgeon **Carried**
“**THAT** Council of The Corporation of the Township of Seguin does hereby adjourn to meet again on November 5th, 2007 or at the call of the Mayor.”.

*David Conn,
Mayor*

*Craig Jeffery,
Clerk*