

Regular Meeting of Council

Minutes

Date: Tuesday, June 27, 2023
Time: 7:00 pm
Location: Tecumseh Town Hall - Council Chambers
917 Lesperance Road
Tecumseh, Ontario N8N 1W9

Present:

Deputy Mayor, Joe Bachetti
Councillor, James Dorner
Councillor, Alicia Higgison
Councillor, Brian Houston
Councillor, Tania Jobin
Councillor, Rick Tonial

Absent:

Mayor, Gary McNamara

Also Present:

Chief Administrative Officer, Margaret Misek-Evans
Director Legislative Services & Clerk, Robert Auger
Director Public Works & Engineering Services, Phil Bartnik
Director Community Safety & Fire Chief, Wade Bondy
Director Technology & Client Services, Shaun Fuerth
Director Community & Recreation Services, Beth Gignac
Director Development Services, Brian Hillman
Director Financial Services & Chief Financial Officer, Tom Kitsos
Deputy Clerk & Manager Legislative Services, Jennifer Alexander
Deputy Clerk - Clerks Services & Policy Advisor, Christina Hebert

A. Roll Call

B. Order

The Deputy Mayor calls the meeting to order at 7:00 pm.

C. Report Out of Closed Meeting

There is no Closed meeting scheduled.

D. Moment of Silence

The Members of Council and Administration observe a Moment of Silence.

E. National Anthem

The Members of Council and Administration observe the National Anthem of O Canada.

F. Land Acknowledgement

We acknowledge that we are on land and surrounded by water, originally inhabited by Indigenous Peoples who have travelled this area since time immemorial. This territory is within the lands honoured by the Wampum Treaties; agreements between the Anishinaabe, Haudenosaunee, Lenni Lenape and allied Nations to peacefully share and care for the resources around the Great Lakes. Specifically, we would like to acknowledge the presence of the Three Fires Confederacy Ojibwe, Odawa, Potawatomi and Huron/Wendat Peoples. We are dedicated to honouring Indigenous history and culture while remaining committed to moving forward respectfully with all First Nations, Inuit and Métis.

G. Disclosure of Pecuniary Interest

There is no pecuniary interest declared by a Member of Council.

H. Minutes

1. Regular Council Meeting - May 23, 2023
2. Public Council Meeting - May 23, 2023, New Zoning By-Law
3. Public Council Meeting - May 23, 2023, East Townline Drain

Motion: RCM - 163/23

Moved by Councillor James Dorner
Seconded by Councillor Tania Jobin

That the May 23, 2023 minutes of the Regular Council Meeting and Public Council Meetings for the New Zoning By-Law and East Townline Drain, as were duplicated and delivered to the members, **be adopted**.

Carried

I. Supplementary Agenda Adoption

There are no Supplementary Agenda items.

J. Delegations

1. Local Government Week Contest Winners

1st Place Essay Contest Winner – Deanna Roberts

2nd Place Essay Contest Winner – Brock Donais

Poster Contest Winner – Matilda Shafer

Members of Council introduce and congratulate the contest winners for local government week.

2. Source Water Protection 2022 Annual Progress Reports

Katie Stammer, PhD, Water Quality Scientist/Source Water Protection Project Manager, Essex Region Conservation Authority

Ms. Stammer presents the Source Water Protection 2022 Annual Progress Reports as appended on the agenda.

Motion: RCM - 164/23

Moved by Councillor Tania Jobin

Seconded by Councillor Alicia Higgison

That Report PWES-2023-51 entitled "Source Water Protection 2022" **be brought forward** on the agenda for discussion and consideration.

Carried

a. PWES-2023-51 Source Water Protection 2022 Annual Progress Reports

Motion: RCM - 165/23

Moved by Councillor Brian Houston

Seconded by Councillor James Dorner

That Report PWES-2023-51 Source Water Protection 2022 Annual Progress Reports, **be received**.

Carried

K. Communications - For Information

1. County of Essex dated May 24, 2023

Re: Waste Diversion Programs for Industrial, Commercial and Institutional Sector - Food and Organic Waste

2. Ministry of Natural Resources and Forestry dated May 29, 2023

Re: Streamlining of Approvals under the Aggregate Resources Act and Supporting Policy

3. Town of Amherstburg dated May 29, 2023

Re: Support for Highway Traffic Act Amendments

4. Municipality of Lakeshore dated May 31, 2023

Re: Notice of Study Commencement and Public Information Centre - Water & Wastewater Master Plan Update

5. Police Services Board dated June 1, 2023
Re: Letter of Condolence
6. Town of Essex dated June 19, 2023
Re: Local Emergency Response System ad Gaps in Healthcare regarding Code Red and Black
7. Tourism Windsor Essex Pelee Island dated June 15, 2023
Re: 2023 Annual General Meeting Highlights - [View here](#)
8. County of Essex dated June 15, 2023
Re: Highway Traffic Amendments

Motion: RCM - 166/23

Moved by Councillor Rick Tonial
Seconded by Councillor Tania Jobin

That Communications - For Information 1 through 8 as listed on the Tuesday, June 27, 2023 Regular Council Agenda, **be received**.

Carried

L. Communications - Action Required

1. Association of Municipalities of Ontario dated June 12, 2023
Re: Navigating the Road to Resilience Risk Management Symposium, October 4-5, 2023. View [here](#)

Motion: RCM - 167/23

Moved by Councillor Rick Tonial
Seconded by Councillor Brian Houston

That the Mayor and Members of Council **be authorized** to attend the Association of Municipalities of Ontario - Navigating the Road to Resilience Risk Management Symposium on October 4 and 5, 2023 at a cost of \$550 plus taxes in accordance with the Town's Professional Development Policy and subject to funding in the 2023 Budget.

Carried

M. Committee Minutes

There are no Committee Minutes presented to Council.

N. Reports

1. Community & Recreation Services
 - a. CRS-2023-11 Lakewood Park North Boardwalk Replacement

Motion: RCM - 168/23

Moved by Councillor Alicia Higgison
Seconded by Councillor Rick Tonial

That Report CRS-2023-11 Lakewood Park North Boardwalk Emergency Replacement, **be received**;

And that the Lakewood Park North Boardwalk replacement as outlined in Report No. CRS-2023-11, in the amount of \$165,000 (plus non-refundable HST) **be authorized for funding** from the Parks Lifecycle Reserve.

Carried

- b. CRS-2023-12 CADA Library Renovation Project - Tender Award

Motion: RCM - 169/23

Moved by Councillor James Dorner
Seconded by Councillor Brian Houston

That the tender of the Cada Library Renovation Project in the amount of \$1,234,185 (excluding HST) **be awarded** to Vince Ferro Construction Ltd;

And that By-Law 2023-75 be given first, second, third and final reading, **to authorize** the Mayor and Clerk to execute an agreement, satisfactory in form to the Town's Solicitor, with Vince Ferro Construction Ltd;

And further that the total budget requirement of \$1,234,185, which includes an increase in the amount of \$234,185, **be approved** for funding from the Lifecycle Building Reserve (LC);

And furthermore, that Administration **be authorized** to establish a Memorandum of Understanding for cost sharing between the Town of Tecumseh and the Essex County Library Board as follows:

- \$879,136.60 Town of Tecumseh
- \$376,772.00 Essex County Library.

Carried

2. Legislative & Clerk Services
- a. LCS-2023-13 Amendments to By-Law 2009-01 Retail Business Holiday Act

Motion: RCM - 170/23

Moved by Councillor Rick Toniai
Seconded by Councillor Alicia Higgison

That Report LCS-2023-08 entitled “Amendments to By-Law 2009-01 Retail Business Holidays Act”, **be received**;

And that By-Law 2023-066, being a by-law to amend By-Law 2009-01, to provide for retail business establishments to be open on holidays in the Town of Tecumseh, **be considered** for first, second, third and final readings.

Carried

- b. LCS-2023-17 Town of Tecumseh Procedural By-Law

Motion: RCM - 171/23

Moved by Councillor Alicia Higgison
Seconded by Councillor Tania Jobin

That Report LCS-2023-19 entitled “Town of Tecumseh New Procedural By-Law”, **be received**;

And that the recommended revisions to the Procedural By-Law as outlined in Attachment 1 to Report LCS -2023-19 **be accepted**;

And further that By-Law 2023-076 **be presented for first and second reading** at the June 27, 2023 Regular Meeting of Council.

Carried

- c. LCS-2023-18 Essex Power Corporation - Appointment of Proxyholder for Shareholder's 2022 Annual Meeting

Motion: RCM - 172/23

Moved by Councillor Rick Toniai
Seconded by Councillor Alicia Higgison

That Mayor McNamara be appointed proxyholder for the Town of Tecumseh to cast its shareholder's votes at Essex Power Corporation's 2022 Shareholders' Annual Meeting scheduled to be held on Thursday, June 29, 2023;

And that Tom Burton be appointed as an alternate proxyholder for the Town of Tecumseh to cast its shareholder's votes at Essex Power Corporation's 2022 Shareholders' Annual Meeting, if Mayor Gary McNamara is absent from the meeting;

And further that the Clerk **be authorized** to sign all necessary proxy forms to implement this resolution and to forward them to Essex Power Corporation.

Carried

3. Public Works & Engineering Services
 - a. PWES-2023-44 DMAF Scully-St. Mark's Pump Station and Riverside Drive Reconstruction Tender Award

Motion: RCM - 173/23

Moved by Councillor Tania Jobin

Seconded by Councillor James Dorner

That the tender for the Scully-St. Mark's Pump Station and Riverside Drive East Reconstruction Project in the amount of \$19,202,990.28, excluding HST, **be awarded** to Sterling Ridge Infrastructure Inc.;

And that By-Law 2023-074 **be given** the first, second, third and final reading to authorize the Mayor and Clerk to execute an agreement, satisfactory in form to the Town's solicitor, with Sterling Ridge Infrastructure Inc.;

And further that funding allocations, reflecting a total budget requirement of \$23,346,900 with an \$11,900 increase to the original allocation **be accommodated** as follows:

- Road Lifecycle Reserve – increase from \$2,100,000 to \$2,626,700
- Watermain Reserve Fund – increase from \$0 to \$410,600
- Wastewater Sewer Reserve Fund – increase from \$635,000 to \$1,180,900
- Storm Sewer Lifecycle Reserve – decrease from \$20,600,000 to \$19,128,700.

Carried

- b. PWES-2023-45 Adoption of Municipal Drain By-Law - 4th Concession Drain

Motion: RCM - 174/23

Moved by Councillor Rick Tonial
Seconded by Councillor Brian Houston

That report PWES-2023-45 titled 'Adoption of Municipal Drain By-law, 4th Concession Drain' **be received**;

And that By-Law 2023-069 being a By-law to adopt the Engineer's Drainage Report for the 4th Concession Drain (prepared by RC Spencer Associates Inc. and dated August 5, 2022) for the completion of drain improvement and collection of drainage assessments, as approved by the Town of LaSalle By-law 8764, **be given** first, second, third and final reading.

Carried

- c. PWES-2023-47 Amendment to Drainage Assessment Schedules for Works Completed under Section 78 of the Drainage Act in 2022

Motion: RCM - 175/23

Moved by Councillor James Dorner
Seconded by Councillor Alicia Higgison

That Report PWES-2023-47 titled "Amendment to Drainage Assessment Schedules for Works Completed under Section 78 of the Drainage Act in 2022" **be received**;

And that By-Law 2023-071 being a Capital Drain Levying By-law to provide for the collection of construction drainage assessments for the McLean-Hergott Drain, approved by By-Law 2021-77, **be given** first, second, third and final reading.

Carried

- d. PWES-2023-48 DMAF Phase 1 Scully-St. Marks Pump Station and Riverside Drive Construction – Award of Engineering Consulting Services

Motion: RCM - 176/23

Moved by Councillor Rick Tonial
Seconded by Councillor Brian Houston

That Council **award** the Engineering Consulting Services for the Scully-St. Mark's Pump Station Replacement and Riverside Drive East Reconstruction Project in the amount of \$941,056.50 excluding HST to

Dillon Consulting Ltd. as an Irregular Result under the Town of Tecumseh Purchasing Policy and Schedule 'A' of By-Law 2021-60;

And that a by-law **be prepared** to authorize the Mayor and Clerk to execute an agreement, satisfactory in form to the Town's solicitor, with Dillon Consulting Ltd.

Carried

- e. PWES-2023-49 Asphalt Paving Tender Award 2023

Motion: RCM - 177/23

Moved by Councillor Alicia Higgison
Seconded by Councillor Brian Houston

That the tender for the 2023 Asphalt Paving in the amount of \$681,000 excluding HST **be awarded** to GIP Paving Inc.;

And that By-Law 2023-072 be given first, second, third and final reading, **to authorize** the Mayor and Clerk to execute an agreement, satisfactory in form to the Town's solicitor, with GIP Paving Inc.;

And further that project allocations, reflecting a budget for the Road Works component of the Asphalt Paving Program of \$733,690, with a \$316,690 increase to the original allocation, **be funded** from the Roads Lifecycle Reserve.

Carried

- f. PWES-2023-50 Crack Sealing Tender Award 2023

Motion: RCM - 178/23

Moved by Councillor James Dorner
Seconded by Councillor Tania Jobin

That the tender for the 2023 Crack Sealing in the amount of \$132,140 excluding HST **be awarded** to Fine Line Marking Inc.;

And that By-law 2023-073 be given first, second, third and final reading, **to authorize** the Mayor and Clerk to execute an agreement, satisfactory in form to the Town's solicitor, with Fine Line Marking Inc.

Carried

O. By-Laws

1. By-Law 2023-066 Retail Businesses Open on Holidays
Being a by-law to amend By-Law 2009-01 being a by-law to provide for retail business establishments to be open on holidays in the Town of Tecumseh
2. By-Law 2023-067 Active Transportation Fund - Multi-Use Recreational Trails - Lesperance Road to Little River
Being a by-law to authorize the execution of a Transfer Payment Agreement with His Majesty the King in Right of Canada represented by the Minister of Intergovernmental Affairs, Infrastructure and Community for the Lesperance Road and Little River Boulevard Multi-Use Pathway
3. By-Law 2023-069 4th Concession Drain
Being a by-law for the repair and improvements to the 4th Concession Drain
4. By-Law 2023-071 Amendments to Drainage Assessments Schedules
A by-law to amend drainage assessments estimated in engineer reports based on actual costs incurred for the construction of the McLean-Hergott Drain
5. By-Law 2023-072 Tender Award for Asphalt Paving
Being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and GIP Paving for the construction services for asphalt paving
6. By-Law 2023-073 Tender Award for Crack Sealing
Being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and Fine Line Marking Inc for the construction services of crack sealing on roads
7. By-Law 2023-074 Disaster Mitigation and Adaptation Fund - Scully and St. Mark's Pump Station and Riverside Drive Reconstruction - Tender Award
Being a By-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and Sterling Ridge Infrastructure Inc for the Scully/St. Marks Pump Station and Riverside Drive East Reconstruction
8. By-Law 2023-075 Tender Award for Cada Library Renovation Project
Being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and Vince Ferro Construction Limited for the Cada Library Renovation Project

9. By-Law 2023-076 Procedural By-law - First and Second Readings
A by-law to govern the proceedings of Council and its Committees/Local Boards, the conduct of its members and the calling of meetings

10. By-Law 2023-043 11th Concession Drain - Third and Final Readings
Being a by-law to provide for the repair and improvements to the 11th Concession Drain Branch

Motion: RCM - 179/23

Moved by Councillor Alicia Higgison
Seconded by Councillor Rick Tonial

That By-Law 2023-066 being a by-law to amend By-Law 2009-01 being a by-law to provide for retail business establishments to be open on holidays in the Town of Tecumseh;

That By-Law 2023-067 being a by-law to authorize the execution of an Transfer Payment Agreement with His Majesty the King in Right of Canada represented by the Minister of Intergovernmental Affairs, Infrastructure and Community for the Lesperance Road and Little River Boulevard Multi-Use Pathway;

That By-Law 2023-069 being a by-law for the repair and improvement to the 4th Concession Drain;

That By-Law 2023-071 being a by-law to amend drainage assessments estimated in engineer reports based on actual costs incurred for the construction of the McLean-Hergott Drain;

That By-Law 2023-072 being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and GIP Paving for the construction services for asphalt paving;

That By-Law 2023-073 being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and Fine Line Marking Inc for the construction services of crack sealing on roads;

That By-Law 2023-074 being a By-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and Sterling Ridge Infrastructure Inc for the Scully/St. Marks Pump Station and Riverside Drive East Reconstruction;

That By-Law 2023-075 being a By-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and Vince Ferro Construction Limited for the Cada Library Renovation Project;

That By-Law 2023-076 A by-law to govern the proceedings of Council and its Committees/Local boards, the conduct of its members and the calling of meetings.

Be given first and second reading.

Carried

Motion: RCM - 180/23

Moved by Councillor Brian Houston
Seconded by Councillor Tania Jobin

That By-Law 2023-066 being a by-law to amend By-Law 2009-01 being a by-law to provide for retail business establishments to be open on holidays in the Town of Tecumseh;

That By-Law 2023-067 being a by-law to authorize the execution of an Transfer Payment Agreement with His Majesty the King in Right of Canada represented by the Minister of Intergovernmental Affairs, Infrastructure and Community for the Lesperance Road and Little River Boulevard Multi-Use Pathway;

That By-Law 2023-069 being a by-law for the repair and improvement to the 4th Concession Drain;

That By-Law 2023-071 being a by-law to amend drainage assessments estimated in engineer reports based on actual costs incurred for the construction of the McLean-Hergott Drain;

That By-Law 2023-072 being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and GIP Paving for the construction services for asphalt paving;

That By-Law 2023-073 being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and Fine Line Marking Inc for the construction services of crack sealing on roads;

That By-Law 2023-074 being a By-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and Sterling Ridge Infrastructure Inc for the Scully/St. Marks Pump Station and Riverside Drive East Reconstruction;

That By-Law 2023-075 being a By-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and Vince Ferro Construction Limited for the Cada Library Renovation Project;

That By-Law 2023-043 being a by-law to provide for the repair and improvements to the 11th concession Drain Branch.

Be given third and final reading.

Carried

P. Unfinished Business

1. June 27, 2023

The Members receive the Unfinished Business listing for Tuesday, June 27, 2023.

Q. New Business

VIA Rail Lesperance Intersection

A Member inquired on when the when the Lesperance and Tecumseh Road intersection will reopen from the construction at the VIA Rail Crossing. The Director Public Works & Engineering Services explains the recent raining weather has pushed the opening a few weeks to mid July.

Golden Age Club User Agreement

The Clerk provides a brief update on the User agreement with the Golden Age Club and will present the agreement at the next Regular Council meeting.

Chief Tecumseh Statute

The Director Community & Recreation Services announced that the statute of the Chief Tecumseh is now completed and will be unveiled on Monday, July 3, 2023 at Lakewood Park North.

R. Motions

1. Confirmatory By-Law 2023-077

Motion: RCM - 181/23

Moved by Councillor James Dorner
Seconded by Councillor Alicia Higgison

That By-Law 2023-077 being a by-law to confirm the proceedings of the Tuesday, June 27, 2023, regular meeting of the Council of The Corporation of the Town of Tecumseh **be given** first, second, third and final reading.

Carried

S. Notices of Motion

There are no Notices of Motion presented to Council.

T. Next Meeting

Tuesday, July 11, 2023

5:00 pm Special Council Meeting - Strategic Priorities

7:00 pm Regular Council Meeting

U. Adjournment

Motion: RCM - 182/23

Moved by Councillor Alicia Higgison

Seconded by Councillor Rick Toniai

That there being no further business, the Tuesday, June 27, 2023 meeting of the Regular Council **be adjourned** at 8:35 pm.

Carried

Gary McNamara, Mayor

Robert Auger, Clerk