

**THE CORPORATION OF THE TOWNSHIP OF ESSA
REGULAR COUNCIL MEETING
WEDNESDAY, MARCH 6, 2024**

MINUTES

The Regular Meeting of Council was held in person on Wednesday March 6, 2024, following the Committee of the Whole in the Council Chambers of the Administration Centre, Township of Essa.

In attendance: Mayor Sandie Macdonald
Deputy Mayor Michael Smith (Absent)
Councillor Pieter Kiezebrink
Councillor Henry Sander
Councillor Liana Maltby

Staff in attendance: M. Mikael, Interim CAO/Manager of Public Works
C. Rankin, Manager of Parks and Recreation
D. Dollmaier, Manager of Finance
S. Corbett, Deputy Clerk
L. Lehr, Manager of Legislative Services

1. OPENING OF MEETING BY THE MAYOR

Mayor Macdonald opened the meeting at 6:12 p.m.

2. DISCLOSURE OF PECUNIARY INTEREST

Councillor Kiezebrink declared an interest on Items 9(a) and 9(b) as his employer has a pecuniary interest in the proposal.

3. ADOPTION OF PREVIOUS MINUTES AND MOTIONS

Resolution No: CR041-2024 Moved by: Maltby Seconded by: Sander

***BE IT RESOLVED THAT** the motions duly passed and approved at the Committee of the Whole meeting of this date be approved; and
THAT the minutes of the Committee of the Whole, Public, Closed and Regular Council meetings held on the 21st day of February, 2024 be adopted as circulated.*

----Carried-----

4. CONSENT AGENDA

Resolution No: CR042-2024 Moved by: Maltby Seconded by: Sander

***BE IT RESOLVED THAT** the items listed in the Consent Agenda dated March 6th, 2024, be received for information; and
THAT Items A6, A8 and A10 be referred to section B for staff action.*

----Carried-----

5. COMMITTEE REPORTS

a. Minutes of the Essa Public Library Board

Resolution No: CR043-2024 Moved by: Kiezebrink Seconded by: Maltby

BE IT RESOLVED THAT the Minutes of the Essa Public Library Board from their meeting on January 22, 2024, be received.

----Carried-----

6. PETITIONS

a. Petition to Oppose Zoning By-law Amendment for 58 Vernon Street, Angus

Resolution No: CR044-2024 Moved by: Sander Seconded by: Maltby

BE IT RESOLVED THAT the petition as provided regarding opposition to the proposed Zoning By-law Amendment Z11-23 for 58 Vernon Street, Angus, be received.

----Carried-----

7. MOTIONS AND NOTICES OF MOTIONS

a. 2024 Amendment to the Occupational Health and Safety Act to Clarify the Definition of "Employer"

Resolution No: CR045-2024 Moved by: Kiezebrink Seconded by: Maltby

WHEREAS in 2015 the City of Greater Sudbury (the "City") entered into a contract with a contractor experienced in road construction projects to complete a project on Elgin Street in the City's downtown core; and

WHEREAS the contract provided that the contractor would be the constructor for the project as that term is defined in the Occupational Health and Safety Act (the "Act"); and

WHEREAS an employee of the constructor operating a grader on the project struck and killed a pedestrian; and

WHEREAS the City was charged with offences under the Act as the constructor and the employer; and

WHEREAS after being acquitted at trial and on appeal, the Ontario Court of Appeal, in a decision issued on April 23, 2021, found the City to be liable for contraventions of the Construction Regulations as an employer as it employed quality control inspectors to monitor the quality of work on the project from time-to-time; and

WHEREAS the Supreme Court of Canada, in a decision issued on November 10, 2023, was evenly divided 4-4 on the issue resulting in dismissal of the City's appeal; and

WHEREAS the consequence of this decision is that municipalities in Ontario, as well as all other owners of property in the province, who wish to undertake construction, are subject to being charged and convicted as an employer for offences in relation to project sites for which they have no control and have, in accordance with the Act, contracted with an entity to assume plenary oversight and authority over the work on such site as the constructor; and

WHEREAS the potential of an owner being charged as an employer as that term is defined in the Act in circumstances where it has engaged a constructor disregards and renders meaningless the owner-constructor provisions contained in the Act and presents an unacceptable level of increased risk and confusion for owners and contractors throughout the province; and

WHEREAS the Township believes that the safety of workers is paramount however the safety of workers on construction projects in Ontario is not increased by placing liability on parties that do not have control of and are not responsible for the conduct of the work on such sites;

NOW THEREFORE BE IT RESOLVED THAT the Council for the Township of Essa requests that the province amend the Occupational Health and Safety Act to clarify the definition of "employer" to exclude owners that have contracted with a constructor for a project; and

BE IT FURTHER RESOLVED THAT this motion be provided to the Honourable Doug Ford – Premier of Ontario, the Honourable David Piccini – Minister of Labour, Immigration, Training and Skills Development, the Honourable Paul Calandra – Minister of Municipal Affairs and Housing, Brian Saunderson – MPP Simcoe-Grey, and the Association of Municipalities of Ontario.

----Carried-----

8. **UNFINISHED BUSINESS**

9. **BY-LAWS**

Councillor Kiezebrink declared an interest on Items 9(a) and 9(b). He recused himself from Council Chambers and did not participate in any discussion on this Item.

- a. **By-law 2024-15 – A By-law to amend Essa’s Zoning By-law to allow for the rezoning of lands known municipally as 14 and 18 Margaret Street.**
- b. **By-law 2024-16 – A By-law to adopt Amendment No. 41 to the Official Plan for the Township of Essa for lands known municipally as 14 and 18 Margaret Street.**

Resolution No: CR046-2024 Moved by: Maltby Seconded by: Sander

BE IT RESOLVED that By-laws 2024-15 and 2024-16 be read a first, and taken as read a second and third time and finally passed.

----Carried-----

Councillor Kiezebrink resumed his seat for the remainder of the meeting.

10. **QUESTIONS**

11. **CLOSED SESSION**

Council did not proceed into Closed Session for deliberations.

- a. **PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL [s.239(2)(b)]
LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS [s.239(2)(d)]
Confidential Staff Report CAO004-24 submitted by the Interim CAO,
re: Staffing**

Resolution No: CR047-2024 Moved by: Kiezebrink Seconded by: Sander

BE IT RESOLVED THAT Confidential Staff Report CAO004-24 regarding personal matters about identifiable individuals be received: and

THAT Council direct staff in accordance with Option 2 as contained within the body of the Report.

----Carried-----

12. **CONFIRMATION BY-LAW**

- a. **By-law 2024-17**

Resolution No: CR048-2024 Moved by: Sander Seconded by: Maltby

BE IT RESOLVED THAT leave be granted to introduce By-law 2024-14, that being a By-law to confirm the proceedings of the Committee of the Whole, Closed and Council meetings held on this 21st day of February, 2024; and, that said By-law be read a first, and taken as read a second and third time and finally passed.

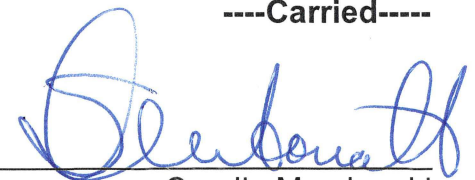
----Carried-----

13. **ADJOURNMENT**

Resolution No: CR2049-2024 Moved by: Maltby Seconded by: Sander

BE IT RESOLVED THAT this meeting of Council of the Township of Essa adjourn at 6:21 p.m. to meet again on the 20th day of March, 2024 at 6:00 p.m.

----Carried-----



Sandie Macdonald
Mayor



Lisa Lehr
Manager of Legislative Services