



Special Council Meeting Minutes  
Monday, December 19, 2011  
4:30 p.m.  
Committee Room, Town Hall

Mayor M. Morrison  
D. Beffort  
N. deBoer (Absent – Personal Business)  
P. Foley  
G. McClure (Absent – Personal Business)  
R. Mezzapelli  
R. Paterak  
A. Thompson  
R. Whitehead

Chief Administrative Officer: D. Barnes  
Solicitor: P. De Sario  
Council/Committee Co-ordinator: C. Finnerty  
Director of Development Approval & Planning Policy: M. Hall  
Senior Policy Planner: O. Izirein  
Director/Chief Financial Officer/Deputy CAO: R. Kaufman  
Director of Administration/Town Clerk: K. Landry  
Manager of Policy & Sustainability: H. Xu

1. **CALL TO ORDER**

Mayor Morrison called the meeting to order at 4:32 p.m.

2. **APPROVAL OF AGENDA**

Moved by R. Mezzapelli – Seconded by P. Foley

2011-822

That the agenda for the December 19, 2011 Special Council Meeting be approved.

Carried.

3. **DISCLOSURE OF PECUNIARY INTEREST** – None stated.

4. **CLOSED MEETING**

Council was in Closed Meeting from 4:35 p.m. to 5:32 p.m.

Moved by D. Beffort – Seconded by R. Whitehead

2011-823

That Council shall go into closed session under Section 239 of the *Municipal Act* for the purpose of:

- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
  - Confidential Report from Legal Counsel – Tottenham Pit Court Application.

Carried.

Moved by R. Mezzapelli – Seconded by P. Foley

2011-824

That Council move into open session.

Carried.

5. **MATTERS ARISING FROM CLOSED MEETING**

1. Confidential Report from Legal Counsel re: Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Tottenham Pit Court Application.

Moved by R. Paterak – Seconded by A. Thompson

2011-825

That Confidential Report from Legal Counsel regarding litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Tottenham Pit Court Application be received; and

That staff be directed to proceed to meet with the MNR to achieve as a minimum the objectives and conditions outlined in Resolution No.'s 2011-800, 2011-806 and to include environmental protection and appropriate indemnification as a result of mining; and

That staff request MNR not to make a decision before March 31, 2012.

A recorded vote was requested and taken as follows:

<b>RECORDED VOTE</b>	<b>YES</b>	<b>NO</b>	<b>CONFLICT</b>	<b>ABSENT</b>
Councillor Beffort	X			
Councillor deBoer				X
Councillor Foley	X			
Councillor McClure				X
Mayor Morrison	X			
Councillor Paterak	X			
Councillor Mezzapelli	X			
Councillor Thompson	X			
Councillor Whitehead	X			
<b>TOTAL</b>	<b>7</b>			<b>2</b>

Carried.

**6. PUBLIC QUESTION PERIOD**

Cheryl Connors, resident, advised that the area residents have retained legal representation and that their legal representative has requested that Ms. Connors ask if Council or the Town will be requesting a letter of undertaking from the applicant and the Ministry of Natural Resources to not make a decision on this matter for a period of at least 30 days.

D. Barnes indicated that the Town can request written confirmation from the Ministry of Natural Resources, however it is up to them and the proponent whether they will provide it.

Cheryl Connors inquired if the Town would be amenable to the residents' legal representation communicating with staff to ensure that both parties are on the same side.

Mayor Morrison advised that the residents' legal representative could contact D. Barnes and speak with him regarding matters of common interest.

Mike McGarrell, resident, commented that the mood of Council seems to have changed since his delegation on December 13, 2011 and he questioned why the change has occurred.

Mayor Morrison emphasized that the mood of Council has not changed and that the Town is still supportive of addressing the concerns of the residents. Mayor Morrison indicated Town staff obtained a legal opinion from Legal Counsel with expertise in this area of law. Mayor Morrison reviewed the contents of the resolution wherein Council directed staff to meet with the Ministry of Natural Resources to address the concerns raised and to request that a decision not be made prior March 31, 2012.

Mr. McGarrell commented that at the December 13, 2011 Council meeting, Councillor Whitehead presented a motion that he was advised was misplaced. He noted that the motion that he received was the original motion without the edits recommended by Council.

K. Landry advised that the resolution adopted by Council was sent to the Ministry of Natural Resources and the appropriate parties on Friday, December 16, 2011. The motion that Mr. McGarrell is referring to is the version that was initially printed with the agenda.

Mr. McGarrell questioned if it is normal for it to take three days to have a document sent to the Ministry of Natural Resources.

K. Landry commented that for this particular matter, information had to be compiled prior to various letters being written with the assistance of Development Approval and Planning Policy Department.

Councillor Paterak noted the potential risks associated with individual residents initiating a court proceeding against Brock Aggregates.

K. Landry suggested that those individuals seek advice from their solicitor regarding the associated risks and incorporation.

Enza Falzone, resident, asked if Council could clarify how they plan to proceed if a letter of undertaking is not provided.

D. Barnes indicated that the Town is seeking a commitment from the Ministry of Natural Resources that a decision not be made until March 31, 2012.

Enza Falzone asked if the Town is seeking a verbal or written commitment.

D. Barnes stated the Town is looking for a commitment from the Ministry of Natural Resources, however it is uncertain whether they can provide it.

Mayor Morrison indicated that if the Town receives a verbal commitment from the Ministry of Natural Resources to delay the decision until March 31, 2012, the Mayor will write a letter to confirm a commitment was given and to indicate the Town will be working with them.

Enza Falzone requested that the residents receive a copy of the letter.

Mayor Morrison responded that the residents would receive a copy.

Cheryl Connors, resident, asked if the Town has an alternate plan should the Ministry of Natural Resources refuse the request for additional time.

Mayor Morrison commented that when the initial request for additional time until the end of the year was made it was granted by the Ministry of Natural Resources. Mayor Morrison stated Council hopes that they are amenable to continuing to work with the Town.

Cheryl Connors advised that the Ministry of Natural Resources has commented that they will be making a decision in December. C. Connors questioned whether the Town has another plan of action if the Ministry of Natural Resources does not agree to the Town's request.

D. Barnes commented that the Town has the information it requires to determine how to proceed, however it will not be disclosed at this time.

Mike McGarrell, resident, asked that Council give the residents some direction on how to move forward and coordinate its efforts with the Town.

Mayor Morrison encouraged residents to share any information they have with the Town, and stated the Town should know the first week of January if an extension has been granted by the Ministry of Natural Resources.

Mike McGarrell requested that residents be contacted on a timely basis.

Diane Olchowy, resident, inquired why the Chief Administrative Officer is unwilling to comment on an alternate plan should the request to the Ministry of Natural Resources be refused.

D. Barnes indicated the Town needs to pursue every possible avenue moving forward by working through staff at the Ministry of Natural Resources. Should the discussions be unsuccessful, staff will have to evaluate alternative plans of action.

7. **BY-LAWS**

Moved by A. Thompson – Seconded by R. Paterak

2011-826

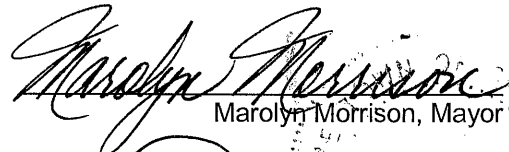
That the following by-law be taken as read three times and finally passed in open council:


2011-171 To confirm the proceedings of the December 19, 2011 Special Council Meeting.

Carried.

8. **ADJOURNMENT**

On verbal motion moved by Councillor Foley and seconded by Councillor Mezzapelli, Council adjourned at 5:56 p.m.

  
Marolyn Morrison, Mayor

  
Karen Landry, Town Clerk

