



The Corporation of the Township of Perry

MINUTES
REGULAR MEETING
Wednesday February 21st, 2024
7:00 p.m.
Municipal Office and Electronic Attendance
(1695 Emsdale Road, Emsdale, ON)

Any and all Minutes are to be considered Draft until approved by Council at a Regular Meeting of Council

In Attendance:

Council Chambers:

Joe Lumley, Acting Mayor
Councillor: Paul Sowrey, Margaret Ann MacPhail, Jim Cushman
Beth Morton, Clerk-Administrator
Kim Seguin, Treasurer-Tax Collector
Erica Cole, Deputy Clerk

Electronic Attendance: None

Members of the Public: None

Absent: Norm Hofstetter, Mayor

Declaration of Pecuniary Interest

Nil

Resolution No. 2024-44

Moved by: Margaret Ann MacPhail

Seconded by: Jim Cushman

Be it resolved that the Council of the Corporation of the Township of Perry approves the Minutes of the following Meeting as presented:

3.1. Regular Meeting of Council on Wednesday February 7th, 2024

Carried

Resolution No. 2024-45

Moved by: Jim Cushman

Seconded by: Paul Sowrey

Be it resolved that By-law 2024-10 "Being a By-law to authorize an Agreement between the Corporation of the Township of Perry and Lakeland Energy Ltd. for the Alternate Locate Agreement" be given first and second reading.

Carried

Resolution No. 2024-46

Moved by: Paul Sowrey

Seconded by: Margaret Ann MacPhail

Be it resolved that By-law 2024-10 "Being a By-law to authorize an Agreement between the Corporation of the Township of Perry and Lakeland Energy Ltd. for the

Alternate Locate Agreement” be given third and final reading and enacted in open Council.

Carried

Resolution No. 2024-47

Moved by: Margaret Ann MacPhail

Seconded by: Jim Cushman

Be it resolved that By-law 2024-11 “Being a By-law to establish a Vehicle and Equipment Idling Policy” be given first and second reading.

Carried

Resolution No. 2024-48

Moved by: Jim Cushman

Seconded by: Paul Sowrey

Be it resolved that By-law 2024-11 “Being a By-law to establish a Vehicle and Equipment Idling Policy” be given third and final reading and enacted in open Council.

Carried

Resolution No. 2024-49

Moved by: Paul Sowrey

Seconded by: Jim Cushman

Be it resolved that the Council of the Corporation of the Township of Perry hereby receives the Health and Safety Report prepared by the Clerk-Administrator dated February 21st, 2024.

Carried

Resolution No. 2024-50

Moved by: Jim Cushman

Seconded by: Margaret Ann MacPhail

Whereas current provincial-municipal fiscal arrangements are undermining Ontario’s economic prosperity and quality of life;

And Whereas nearly a third of municipal spending in Ontario is for services in areas of provincial responsibility, and expenditures are outpacing provincial contributions by nearly \$4 billion a year;

And Whereas municipal revenues, such as property taxes, do not grow with the economy or inflation;

And Whereas unprecedented population and housing growth will require significant investments in municipal infrastructure;

And Whereas municipalities are being asked to take on complex health and social challenges, like homelessness, supporting asylum seekers and addressing the mental health and addictions crisis;

And Whereas inflation, rising interest rates, and provincial policy decisions are sharply constraining municipal fiscal capacity;

And Whereas property taxpayers – including people on fixed incomes and small businesses – can’t afford to subsidize income re-distribution programs for those most in need;

And Whereas the province can and should invest more in the prosperity of communities;

And Whereas municipalities and the provincial government have a strong history of collaboration;

Be it resolved that the Council of the Corporation of the Township of Perry asks the Province of Ontario to commit to undertaking with the Association of Municipalities of Ontario a comprehensive social and economic prosperity review to promote the stability and sustainability of municipal finances across Ontario;

And further that a copy of this resolution be sent to the Premier of Ontario, Minister of Municipal Affairs and Housing, the Minister of Finance, the Association Municipalities of Ontario, the Leaders of the Opposition, and the Federation of Northern Ontario Municipalities.

Carried

Resolution No. 2024-51

Moved by: Margaret Ann MacPhail

Seconded by: Paul Sowrey

Whereas many municipalities in Ontario have seen an increase to their insurance rates due to Joint and Several Liability;

And 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 within the Act and presents an unacceptable level of increased risk and confusion for owners and contractors throughout the province;

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

Be it resolved that the Council of the Corporation of the Township of Perry 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 further 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, France Gelinias, MPP for Nickel Belt, Jamie West, MPP for Sudbury, the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities, Ontario's Big City Mayors, Mayors and Regional Chairs of Ontario, Northern Ontario Large Urban Mayors, the Council of the Ontario Construction Association, the Ontario Chamber of Commerce and all Ontario Municipalities, and the Clerk of the City of Greater Sudbury.

Carried

Resolution No. 2024-52

Moved by: Paul Sowrey

Seconded by: Jim Cushman

Whereas under Ontario Regulation 391/21: Blue Box producers are fully accountable and financially responsible for their products and packaging once they reach their end of life and are disposed of, for 'eligible' sources only;

And Whereas 'ineligible' sources which producers are not responsible to include businesses, places of worship, daycares, campgrounds, public-facing and internal areas of municipal-owned buildings, and not-for-profit organizations, such as shelters and food banks;

And Whereas should a municipality continue to provide services to the 'ineligible' sources, the municipality will be required to oversee the collection, transportation, and processing of the recycling, assumign 100% of the costs;

Be it resolved that the Council of the Corporation of the Township of Perry hereby requests that the province amend Ontario Regulation 391/21: Blue Box so that

producers are responsible for the end-of-life management of recycling products from all sources;

And further that Council hereby request the support of all Ontario Municipalities;

And further that this resolution be forwarded to the Honourable Doug Ford, Premier of Ontario, the Honourable Andrea Khanjin, Minister of the Environment, Conservation and Parks, the Honourable Graydon Smith, MPP Parry Sound-Muskoka, and to all Ontario Municipalities.

Carried

Resolution No. 2024-53

Moved by: Jim Cushman

Seconded by: Margaret Ann MacPhail

Be it resolved that the Council of the Corporation of the Township of Perry hereby receives Correspondence Items 8.1 to 8.9 as outlined in the Agenda of Wednesday February 21st, 2024.

Carried

The Meeting adjourned at approximately 7:49 p.m.

Dated this 6th day of March, 2024.

"Originally Signed"

Norm Hofstetter, *Mayor*

"Originally Signed"

Beth Morton, *Clerk-Administrator*