



**The Corporation of the Town of Essex**

**Regular Council Meeting Minutes**

**This meeting was held electronically during a time of Declared Emergency  
pursuant to Town of Essex By-Law 1902**

May 17, 2021, 6:00 pm

Location: <https://www.youtube.com/user/EssexOntario>

This meeting was hosted and chaired from the Essex Municipal Building. Due to the ongoing COVID-19 pandemic this meeting was not open to the public for in person attendance but was available electronically via livestream and also for viewing post-meeting on YouTube at [www.youtube.com/EssexOntario](http://www.youtube.com/EssexOntario)

Present: Deputy Mayor Richard Meloche  
Ward 1 Councillor Joe Garon  
Ward 1 Councillor Morley Bowman  
Ward 2 Councillor Kim Verbeek  
Ward 3 Councillor Steve Bjorkman  
Ward 3 Councillor Chris Vander Doelen  
Ward 4 Councillor Sherry Bondy

Regrets: Mayor Larry Snively

Also Present: Chris Nepszy, Chief Administrative Officer  
Doug Sweet, Director, Community Services/Deputy CAO  
Jeffrey Morrison, Director, Corporate Services/Treasurer  
Lori Chadwick, Director, Development Services  
Kevin Girard, Director, Infrastructure Services  
Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk  
Shelley Brown, Deputy Clerk, Legal and Legislative Services  
Rick Arnel, Fire Chief  
Jake Morassut, Manager, Parks and Facilities  
Edua Marczinko, Youth Council Member

**1. Call to Order**

Deputy Mayor Meloche as Chair called the meeting to order at 6:05 PM.

**2. National Anthem**

**3. Closed Meeting Report**

Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk, provided a verbal report on the Closed Meeting held on May 17, 2021. He reported that Council met electronically in Closed Session, on May 17, 2021 at 3:00 PM as permitted to do so by sections 239 (2) (c) and 239 (2) (e) of the Municipal Act.

At this meeting Council received information and gave direction to Administration with respect to two litigation matters.

At this meeting Council also received information and provided administrative direction with respect to two proposed land matters in the municipality.

**4. Declarations of Conflict of Interest**

There were no declarations of conflict of interest at this time.

**5. Adoption of Published Agenda**

**5.1 Regular Council Meeting Agenda for May 17, 2021**

**R21-05-196**

Moved By Councillor Bondy

Seconded By Councillor Bowman

**That** the published agenda for the May 17, 2021 Regular Council Meeting be adopted as presented.

**Carried**

**6. Adoption of Minutes**

**6.1 Regular Council Meeting Minutes for May 3, 2021**

**R21-05-197**

Moved By Councillor Vander Doelen

Seconded By Councillor Bjorkman

**That** the minutes of the Regular Council Meeting held May 3, 2021 be adopted as circulated.

**Carried**

**7. Public Presentations**

**7.1 Office of Integrity Commissioner**

Report to Council in Open Session

RE: Multiple Code of Conduct Complaints against Councillor Chris Vander Doelen

Robert Swayze, Town of Essex Integrity Commissioner provided a summary of his written Report to Council regarding his review of the current Code of Conduct Complaints against Councillor Vander Doelen and provided the following recommendations to Council.

Recommendation:

It is hereby recommended that Councillor Chris Vander Doelen be required to accomplish the following within 3 months of the date of this report:

1. Remove all Tweets from his Twitter account which refer to the Chinese Flu, China Virus, the Chinese Origin Virus and/or the Murderous China Regime
2. Prepare a draft apology for the approval of the Integrity Commissioner to be read by him in an open session of Council, and
3. Attend an in-person Diversity and Inclusion training session chosen by staff and paid for by the Town. (Staff to confirm his attendance to the Integrity Commissioner.) If staff advises the Integrity Commissioner

that the course is only available remotely, the training may be attended online.

It is further recommended that if the respondent fails to perform any one or more of the above 3 requirements by 4:30pm on Monday, July 19, 2021, that the compensation paid to the respondent as a member of Council, be suspended for a period of 60 days commencing with the pay period following that date.

**R21-05-198**

Moved By Councillor Bondy  
Seconded By Councillor Bjorkman

**That** the Report and presentation by Robert Swayze, Town of Essex Integrity Commissioner, dated May 17, 2021 concerning the Code of Conduct Complaints filed against Councilor Vander Doelen, be received and that the recommendations therein be supported and adopted by Council.

Councillor Bondy requested a recorded voted:

	Support	Opposed
Deputy Mayor Meloche	X	
Councillor Garon	X	
Councillor Bowman	X	
Councillor Verbeek	X	
Councillor Bjorkman	X	
Councillor Vander Doelen		X
Councillor Bondy	X	
<b>Results</b>	6	1

**Carried**

- 8.    **Unfinished Business**
- 9.    **Reports from Administration**
  - 9.1   **Fire and Rescue Services-2021-10**

RE: Results of Request for Proposal - Delivery of Custom Stock or Demo Pumper/Rescue Fire Truck

**R21-05-199**

Moved By Councillor Bowman  
Seconded By Councillor Vander Doelen

**That** Fire and Rescue Services–2021-10 entitled Results of Request for Proposal – Supply and Delivery of Custom Stock or Demo Pumper/Rescue Fire Truck dated March 09, 2021 be received; and

**That** Council award the Request for Proposal - Supply and Delivery of Custom Stock or Demo Pumper/Rescue Fire Truck to Commercial Emergency Equipment Corporation in the total amount of \$637,282.18 including non-refundable Harmonized Sales Tax.

**Carried**

## **9.2 Parks and Facilities-2021-06**

RE: Expansion of Scope for Replacement of Rubber Floors in Two Dressing Rooms and the Main Hall of Libro Rink at the Essex Centre Sports Complex

### **R21-05-200**

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

**That** Parks and Facilities-2021-06 entitled Expansion of Scope for Replacement of Rubber Floors in Two Dressing Rooms and the Main Hall of Libro Rink at the Essex Centre Sports Complex prepared by Jake Morassut, Manager, Parks and Facilities dated May 17, 2021 be received; and

**That** Council approve the additional budgeted expenditures of \$13,931.62 for the Capital Project: Expansion of Scope for Replacement of Rubber Floors in Two Dressing Rooms and the Main Hall of Libro Rink at the Essex Centre Sports Complex (CS-21-0044) through additional funding from the Asset Management Plan Lifecycle Reserve (AMP Reserve).

**Carried**

## **9.3 Capital Works and Infrastructure-2021-06**

RE: Results of Request for Tender – Surface Treatment 2021

### **R21-05-201**

Moved By Councillor Bjorkman

Seconded By Councillor Verbeek

**That** Capital Works and Infrastructure 2021-06 entitled, Results of Request for Tender – Surface Treatment 2021 prepared by Kevin Girard, Director, Infrastructure Services dated May 17, 2021 be received;

**That** Council award the Request for Tender – Surface Treatment – 2021 (RFT-ID-21-013) to Shepley Road Maintenance Limited in the amount of \$621,103.55 including non-refundable Harmonized Sales Tax; and

**That** Council approve the additional funding of \$7,694.42 including non-refundable Harmonized Sales Tax above the approved 2021 Capital Budget of \$150,000 for Project PW-21-0013 to be funded from the Asset Management Lifecycle Reserve.

**Carried**

#### **9.4 Capital Works and Infrastructure-2021-07**

RE: Results of Request for Tender – Concrete Sidewalk Construction 2021

##### **R21-05-202**

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

**That** Capital Works and Infrastructure 2021-07 entitled, Results of Request for Tender – Concrete Sidewalk Construction 2021 prepared by Kevin Girard, Director, Infrastructure Services dated May 17, 2021 be received;

**That** Council award the Request for Tender – Concrete Sidewalk Construction 2021 (RFT-ID-21-014) to Windsor Concrete and Construction Ltd. in the amount of \$217,434.66 including non-refundable Harmonized Sales Tax; and

**That** Council authorize that the additional expense of \$6,003.30 for PW-21-0042 be funded from Trails Reserve and that the additional expense of \$4,721.44 for PW-21-0007 be funded from the Asset Management Lifecycle Reserve.

**Carried**

#### **9.5 Environmental Services-2021-02**

RE: Harrow Lagoons Sludge Removal – Cell No. 2

Kevin Girard, Director, Infrastructure Services, provided a summary of his report regarding the Harrow Lagoons Sludge Removal and noted that regular cleaning of the lagoon cells is necessary to ensure their efficient operation.

##### **R21-05-203**

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

**That** Environmental Services–2021-02 entitled, Harrow Lagoons Sludge Removal – Cell No. 2 prepared by Kevin Girard, Director, Infrastructure Services dated May 17, 2021 be received; and

**That** Council appoint Ontario Clean Water Agency (OCWA) to provide engineering, operational, and contract administration services to design, procure, and administer the Harrow Lagoons Sludge Removal project (SS-19-004 and SS-19-0013) in the amount of \$1,000,000 including non-refundable Harmonized Sales Tax, in accordance with the completed request under Section 22 of the Town of Essex Procurement By-Law 1043.

**Carried**

#### **9.6 Economic Development-2021-06**

RE: Building Report and Development Overview April 2021

##### **R21-05-204**

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

**That** Economic Development-2021-06 entitled Building Report and Development Overview April 2021 prepared by Nelson Silveira, Economic Development Officer dated May 17, 2021 be received for Council and public information.

**Carried**

#### **9.7 Legal and Legislative Services-2021-07**

RE: Appointment of Court of Revision Member for the Charles Shepley Drain, Town of Amherstburg (initiating Municipality)

##### **R21-05-205**

Moved By Councillor Bowman  
Seconded By Councillor Bondy

**That** Kirk Carter, member of the Drainage Board, be selected and appointed to sit as the third member of the Court of Revision for the Charles Shepley Drain, Town of Amherstburg (initiating Municipality) and Town of Essex (neighbouring Municipality), County of Essex, Project No. 2019-1021 as per the report prepared by Mike Gerrits, Professional Engineer, R. Dobbin Engineering Inc. dated January 18, 2021 and including amendments for June 1, 2021 (hereinafter the "Report"), such Court of Revision to be scheduled for 6:00 pm on June 1, 2021, in the Town of Amherstburg.

**Carried**

#### **9.8 Infrastructure Services-2021-07**

RE: Amherstburg-McGregor Downspout Disconnections

Kevin Girard, Infrastructure Services, provided a summary of his report regarding the Amherstburg-McGregor Downspout Disconnections and explained the need for a site specific review to identify which areas could be disconnected to avoid concerns of safety or flooding.

##### **R21-05-206**

Moved By Councillor Garon  
Seconded By Councillor Bondy

**That** Infrastructure Services–2021–07 entitled Amherstburg-McGregor Downspout Disconnections prepared by Kevin Girard, Director, Infrastructure Services dated May 17, 2021 be received; and

**That** Council direct Administration to develop a by-law specific to the community of McGregor to support the mandatory downspout disconnection program proposed by the Town of Amherstburg.

**Carried**

#### **9.9 Community Services-2021-05**

RE: Request for Interest – Colchester Park Bike Rental Lease Space

- By-Law 2021, being a By-law to authorize the execution of a lease agreement between the Corporation of the Town of Essex and The Grove Bike Co.

- Schedule A to By-law 2021: Lease Agreement

**R21-05-207**

Moved By Councillor Bjorkman

Seconded By Councillor Verbeek

**That** Community Services Report 2021-008 entitled Request for Interest – Colchester Park Bike Rental Lease Space be received;

**That** Council approve the entering into of an agreement with The Grove Bike Co. for leased space within Colchester Park located 325 Jackson Street in Colchester for three years commencing on May 20, 2021 and concluding on April 30, 2024 with an option to renew for an additional two years beginning on May 1, 2024 subject to the general terms and conditions as outlined in By-Law 2021 and its Schedule A; and

**That** By-Law 2021 be read a first, second and third time and be finally adopted on May 17, 2021.

**Carried**

**10. Reports from Youth Members**

**11. County Council Update**

**12. Correspondence**

**12.1 Correspondence to be received**

**R21-05-208**

Moved By Councillor Bjorkman

Seconded By Councillor Bondy

**That** all of the correspondence listed in Agenda Item 12.1 be received and, where indicated, to further share such information with the community using suitable methods of communication.

**Carried**

**12.1.1 Correspondence relating to COVID-19 Pandemic**

**12.1.1.1 The Town of Shelburne**

RE: Universal Paid Sick Days for Ontario Workers

**12.1.1.2 Association of Municipalities of Ontario**

RE: AMO Policy Update - Stay-at-Home Order Extended

**12.1.2 The Corporation of The Town of Perth**

RE: Provincial Hospital Funding of Major Capital Equipment

**12.1.3 The Corporation of The Town of Amherstburg**

RE: Planning Act Timelines

**12.1.4 The Corporation of The Town of Amherstburg**

RE: Regional Food and Organics Waste Management Program

**12.1.5 Essex Firemen's Association Inc.**

RE: Letter of thanks for Community Partnership Fund donation

12.1.6 The Corporation of The Town of Amherstburg

RE: Request for Funding for Tree Planting in Windsor-Essex County

12.1.7 Councillor Bondy

RE: Harrow High School Property

**12.2 Correspondence to be considered for receipt and support**

12.2.1 Town of Essex Accessibility Advisory Committee

RE: National AccessAbility Week - May 30 - June 5, 2021

**R21-05-209**

Moved By Councillor Verbeek

Seconded By Councillor Bjorkman

**That** the correspondence by the Town of Essex Accessibility Advisory Committee's, Vice Chair Lisa Wallace, asking Council to consider proclaiming National AccessAbilityWeek in the Town of Essex, be received and supported; and

**That** Council proclaims the week of May 30- June 5, 2021 as National AccessAbilityWeek in the Town of Essex by adopting the following resolution:

**Whereas**, National AccessAbility Week (NAAW) takes place every year starting on the last Sunday in May. It is a time when accessibility and inclusion is promoted across communities and workplaces and a time to celebrate the contributions of Canadians with disabilities. It is also an opportunity to recognize the efforts of Canadians who are actively removing barriers and ensuring persons with disabilities have an equal chance to participate in all aspects of Canadian society;

**And Whereas**, the increased social and economic inclusion of persons with disabilities has positive economic and social benefits, for persons with disabilities, for business, the economy, and society in general;

**And Whereas**, when persons with disabilities can access meaningful employment, resources and services, Canada's economy grows. Businesses have the chance to welcome more customers, service satisfaction improves and workplaces reflect Canada's diversity;

**And Whereas**, by bringing Canadians together to recognize the valuable contributions of persons with disabilities, we are strengthening the collaborative effort needed to create a country that is fully accessible and inclusive;

**Therefore**, I Mayor Larry Snively, do hereby designate the week of May 30 to June 5, 2021 as National AccessAbility Week (NAAW) in the Town of Essex.

**Carried**

12.2.2 Ministry for Seniors and Accessibility

RE: 2021 Senior of the Year Award: Request for Nominee

It was noted by the Clerk that the deadline for submitting a nomination was May 31, 2021 and given that Council already has a Special Meeting scheduled for May 31 this item could be received but then brought forward to the May 31, 2021 meeting as unfinished business for Council to action this item by nominating a person at that time.

**R21-05-210**

Moved By Councillor Bjorkman

Seconded By Councillor Garon

**That** Council receive the correspondence dated May 7, 2021 received from the Ministry for Seniors and Accessibility.

**Carried**

**13. Committee Meeting Minutes**

**R21-05-211**

Moved By Councillor Bowman

Seconded By Councillor Verbeek

**That** all the Committee Meeting minutes listed in Agenda Item 13, together with any recommendations to Council noted therein, be received, approved and adopted as circulated.

**Carried**

**13.1 Co-An Park Committee Meeting Minutes - February 10, 2021**

**13.2 Arts, Culture and Tourism Committee Meeting Minutes - April 14, 2021**

**13.3 Court of Revision Minutes - May 5, 2021**

**14. Financial**

**15. New Business**

**16. Notices of Motion**

**16.1 The following Notices of Motion were presented at the May 3, 2021 Regular Council Meeting and are being brought forward this evening for Council's consideration:**

16.1.1 Councillor Bondy

RE: Public Education Campaign

**R21-05-212**

Moved By Councillor Bondy

Seconded By Councillor Bjorkman

**That** the Town of Essex do a public education campaign in print and social media regarding the dangers of blowing cut grass onto the road,

**Whereas** we do not have a question and answer period in our public agendas,

**Whereas** New Business items are up to the discretion of the Mayor,

**Whereas** this is a community and resident safety issue that has no by-law to address it,

**Whereas** increasing public awareness of the dangers is something council can do and should do; and

**Therefore** be it resolved that each Spring The Town of Essex will work to educate individuals on the impact grass on the road can have on cyclists and motorists.

**Carried**

**17. Reports and Announcements from Council Members**

**18. By-Laws**

**18.1 By-Laws that require a third and final reading**

**18.1.1 By-Law 2019**

Being a by-law to confirm the proceedings of the May 3, 2021, Regular Meeting of Council of The Corporation of the Town of Essex.

**R21-05-213**

Moved By Councillor Vander Doelen

Seconded By Councillor Garon

**That** By-Law 2019 being a by-law to confirm the proceedings of the May 3, 2021, Regular Meeting of Council of The Corporation of the Town of Essex be read a third time and finally adopted on May 17, 2021.

**Carried**

**18.2 By-Laws that require a first, second, third and final reading**

**18.3 By-Laws that require a first and second reading**

**18.3.1 By-Law 2020**

Being a by-law to confirm the proceedings of the May 17, 2021, Regular Meeting of Council of The Corporation of the Town of Essex.

**R21-05-214**

Moved By Councillor Verbeek

Seconded By Councillor Bjorkman

**That** By-Law 2020 being a by-law to confirm the proceedings of the May 17, 2021, Regular Meeting of Council of The Corporation of the Town of Essex be read a first, a second time and provisionally adopted on May 17, 2021.

**Carried**

19.    **Adjournment**

**R21-05-215**

Moved By Councillor Verbeek  
Seconded By Councillor Bondy

**That** the meeting be adjourned at 7:16 PM.

**Carried**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk