

MINUTES
SPECIAL MUNICIPAL COUNCIL

Monday, January 10, 2022
5:00 PM
Council Chambers and by Zoom
18 Centre Street, Spencerville ON
Contact the Township Office to Register
(613)658-3055

PRESENT: Mayor Pat Sayeau
Deputy Mayor Tory Deschamps
Councillor Hugh Cameron
Councillor Stephen Dillabough
Councillor John Hunter

STAFF: Dave Grant, CAO
Rebecca Williams, Clerk
Candise Newcombe, Deputy Clerk

PUBLIC: Frank McAuley, Advisory Member

1. Call to Order

Mayor Sayeau called the meeting to order at 5:00 P.M.

2. Approval of Agenda

Decision: 2022-01

Moved by: H. Cameron

Seconded by: J. Hunter

That Municipal Council approves the agenda as presented.

Carried

3. Disclosure of Pecuniary Interest & the General Nature Thereof

None.

4. Action and Information Items

a. Port - Waive Conditions - Agreement of Purchase and Sale

Council outlined that the purpose of the Special Council meeting is to provide direction and authorization to sign the OREA waiver form to waive all conditions of purchase for the property located at 2822 County Road 2, Johnstown. It was noted that Council has been provided supporting due diligence documentation for review prior to this meeting.

It was noted that the question of total acreage was confirmed to be approximately 37-acres, in contrast to the assessed 27-acres, noting the need to ensure the MPAC assessment is rectified.

Members inquired about possible retro-assessed tax fees and where the onus would fall should these fees arise. It was noted that according to all previous MPAC assessment notices issued, the taxes have been paid in full. There was a general discussion about the requirement of the Port of Johnstown to pay various tax levies. It was noted that due to the Port being a municipally owned entity, it is not required to pay certain tax levies.

It was noted that in performing the due diligence of the property, the following analysis' were performed with subsequent reports submitted:

septic system, water system, all title matters to the property, and a roof inspection performed by a roofing company as well as a structural engineer. It was noted that the roof was reported to require substantial repairs, as anticipated by Council. The structural engineer noted that the superficial structure would require some repairs, noting a rough estimate of \$10,000.00 for the repairs. It was noted that the building assessment had been completed, however, the report was unable to be submitted in time for this meeting.

Council inquired if an Environmental Assessment had been performed. It was noted that a phase 1 and 2 had been completed on the property in late 2018 with no substantial concerns raised. Due to the nature of the financing agreement, it was noted that the financial institution does not require an Environmental Assessment.

Members discussed the potential of leasing the building located on the property, noting two interested parties, one confirmed and one inquiring. Council noted that while the original intent for the property was to ensure the ability for future Port expansion through the procurement of lands, the potential for the building to become an additional revenue to the Township would be an added advantage to the procurement of the property.

Decision: 2022-02

Moved by: J. Hunter

Seconded by: S. Dillabough

THAT Municipal Council authorizes the Mayor and Port General Manager to sign the document titled, "Ontario Real Estate Association WAIVER Form 123", as attached, provided that the acreage listed in the Agreement of Purchase and Sale is confirmed by a third party.

Carried

5. By-laws

- a. Agreement of Purchase and Sale - Industrial Property - Port

Decision: 2022-03

Moved by: S. Dillabough

Seconded by: J. Hunter

THAT the mover be granted leave to introduce a bylaw to authorize the Mayor and CAO to execute an Agreement of Purchase and Sale between the Corporation of the Township of Edwardsburgh Cardinal and P.C.G. Sales Limited for industrial property on behalf of the Port of Johnstown, and this shall constitute first and second reading thereof.

Carried

Decision: 2202-04

Moved by: S. Dillabough

Seconded by: J. Hunter

THAT a bylaw to authorize the Mayor and CAO to execute an Agreement of Purchase and Sale between the Corporation of the Township of Edwardsburgh Cardinal and P.C.G. Sales Limited for industrial property on behalf of the Port of Johnstown, be now read a third time and finally passed, signed, sealed and numbered 2022-01.

Carried

6. Councillor Inquiries or Notices of Motion

None.

7. Mayor's Report

Mayor Sayeau reported on the following:

- Noted disappointment that P.C.G. Sales Ltd. (B.B.L. Energy) was unable to launch their project successfully in their Johnstown location despite the Township's efforts to aid in their establishment within the municipality.
- Highlighted the property being publicly listed from March 2021 - August 2021.
- Port management recognized the opportunity of procuring lands for future Port expansion.
- All requirements have been satisfied with only the closing documents left to be signed.

Decision: 2022-04

Moved by: T. Deschamps

Seconded by: J. Hunter

THAT Municipal Council receives the Mayor's Report as presented.

Carried

8. Question Period

None.

9. Confirmation By-law

Decision: 2202-05

Moved by: H. Cameron

Seconded by: S. Dillabough

THAT a by-law to adopt, confirm and ratify matters dealt with by resolution be now passed, signed, sealed and numbered 2022-02.

Carried

10. Adjournment

Decision: 2202-06

Moved by: T. Deschamps

Seconded by: J. Hunter

That Municipal Council does now adjourn at 5:35 p.m.

Carried

Mayor

Clerk