



Regular Council Meeting Agenda

July 6, 2020, 6:00 pm

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

Accessible formats or communication supports are available upon request. Please contact the Clerk's Office at clerks@essex.ca or 519-776-7336 extension 1100 or 1101.

Pages

1. Call to Order

2. Closed Meeting Report

3. Declarations of Conflict of Interest

4. Adoption of Published Agenda

4.1 Regular Council Meeting Agenda for July 6, 2020

Moved by _____

Seconded by _____

That the published agenda for the July 6, 2020 Regular Council Meeting, be adopted as presented / amended.

5. Adoption of Minutes

5.1 Regular Council Meeting Minutes for June 15, 2020

1

Moved by _____

Seconded by _____

That the minutes of the Regular Council Meeting held June 15, 2020, be adopted as circulated.

6. Public Presentations

6.1 Mike Cowan, BDO Partner

10

2019 Audited Financial Statements

Moved by _____

Seconded by _____

That the presentation of the 2019 Audited Financial Statements for the Town of Essex by Mike Cowan, Partner BDO Canada LLP, be received; and

That the 2019 Audited Financial Statements for the Town of Essex, be adopted as presented.

7. Unfinished Business

8. Reports from Administration

8.1 Chief Administrative Officer (CAO), Chris Nepszy Verbal Report

RE: COVID-19 Town Response and Updates

RE: Policy for Establishing Speed Limits

- Policy 2020-01 - Establishing Speed Limits on Town of Essex Roads
- Petition Form - Speed Limit Review on Town of Essex Road

Moved by _____

Seconded by _____

That Infrastructure Services Report 2020-06, entitled "Policy for Establishing Speed Limits", prepared by Kevin Girard, Director, Infrastructure Services, dated July 6, 2020; and

That Council adopts the Transportation Association of Canada's Guidelines for Establishing Posted Speed Limits as the standard for establishing speed limits on Town of Essex roadways; and

That Council adopts Infrastructure Services Policy 2020-01 titled, "Establishing Speed Limits n Town of Essex Roads".

8.3 Infrastructure Services Report 2020-07

RE: Vulnerable Children and Children at Play Signage Requests

Moved by _____

Seconded by _____

That Infrastructure Services Report 2020-07, entitled "Vulnerable Children and Children at Play Signage Requests", prepared by Kevin Girard, Director of Infrastructure Services, dated July 6, 2020, be received; and

That Council authorizes and directs the Infrastructure Services Department to no longer install signage indicating "vulnerable children" or "children at play" in the Town of Essex; and

That Council authorizes the removal of the existing "vulnerable children" and "children at play" signs when the existing signs fall into disrepair or when the child it serves reaches the age of majority or moves from the area, whichever comes first.

8.4 Drainage Department Report 2020-05

RE: Adoption of Section 77(3) Engineer Letter of Opinion Richmond Drain Bank Repairs

- By-Law 1928
Being a by-law to authorize the repairs of Drainage Works pursuant to Section (3) of the Drainage Act, R.S.O. 1990, c.D. 17

Moved by _____

Seconded by _____

That Drainage Department Report 2020-05, entitled "Adoption of Section 77 (3) Engineer Letter of Opinion Richmond Bank Repairs", prepared by Norman Nussio, Manager of Operations/Drainage, dated July 6, 2020; be received and supported; and

That By-Law 1928, being a by-law to adopt the Section 77(3) Engineer's Letter of Opinion Richmond Drain Bank Repairs, be read a first, a second and a third time, and finally passed on July 6, 2020.

RE: LIFE lease of Kinsmen Fieldhouse

- By-Law 1927
Being a by-law to authorize the execution of a lease agreement between the Town of Essex and Learning in Friendship and Equality (LIFE)

Moved by _____

Seconded by _____

That Community Services Report 2020-03, entitled "CS-2020-LIFE lease of Kinsmen Fieldhouse", prepared by Doug Sweet, Director of Community Services, dated July 6, 2020, be received; and

That Council approves entering into an agreement with Learning in Friendship and Equality (LIFE) for leased space at the Kinsmen Fieldhouse located at 50 Fairview Avenue West in Essex Centre for one year commencing on the first day of August, 2020 and concluding on July 31, 2021, with an option to renew for an additional two years beginning on August 1, 2021 subject to the general terms and conditions as outlined in By-Law 1927; and further

That By-Law 1927 being a by-law to authorize the execution of a lease agreement between the Town of Essex and Learning in Friendship and Equality (LIFE), be read a first, a second and a third time, and finally passed on July 6, 2020.

RE: Essex Tourism Events Fund Application

Moved by _____

Seconded by _____

That Economic Development Report 2020-09, entitled "Essex Tourism Events Fund Application", prepared by Nelson Silveira, Economic Development Officer, dated July 6, 2020, be received; and

That Council approves the distribution of \$1,000.00 of funding to the Rotary Club of Harrow from the Essex Tourism Events Fund.

RE: Community Policing Survey Results

- Community Policing Satisfaction Survey

Moved by _____

Seconded by _____

That Communications Report 2020-03, entitled "Community Policing Survey Results", prepared by Alex Denonville, Manager, Strategic Communications, dated July 6, 2020, be received as information.

RE: Site Specific Zoning By-Law Amendment, 128 Harvey Street (Lots 23 and 25 on Registered Plan 249)

- By-Law 1923
Being a by-law to amend By-Law 1037 The Comprehensive Zoning By-Law for the Town of Essex

(128 Harvey)

Moved by _____

Seconded by _____

That Planning Report 2020-13, entitled "Site Specific Zoning By-Law Amendment, 128 Harvey Street (Lots 23 and 25 on Registered Plan 249)", prepared by Rita Jabbour, Manager, Planning Services, dated July 6, 2020, be received; and

That By-Law 1923 being a by-law to amend By-Law 1037 The Comprehensive Zoning By-Law for the Town of Essex, be read a first, a second and a third time and finally adopted on July 6, 2020.

8.9 Capital Works and Infrastructure Report 2020-05

170

RE: Results of Request for Tender - Surface Treatment 2020

Moved by _____

Seconded by _____

That Capital Works and Infrastructure Report 2020-05, entitled "Results of Request for Tender - Surface Treatment 2020", dated July 6, 2020, prepared by Jackson Tang, Assistant Manager, Business Services, be received; and

That Council awards the Request for Tender - Surface Treatment 2020 to Shepley Road Maintenance Limited in the amount of \$209,046.33 including non-refundable HST.

8.10 Capital Works and Infrastructure Report 2020-06

174

RE: Results of Request for Tender - Surface Treatment Rehabilitation 2020

Moved by _____

Seconded by _____

That Capital Works and Infrastructure Report 2020-06, entitled "Results of Request for Tender - Surface Treatment Rehabilitation 2020", prepared by Jackson Tang, Assistant Manager, Business Services, dated July 6, 2020, be received; and

That Council awards the Surface Treatment Rehabilitation 2020 to Norjohn Contracting and Paving Limited in the amount of \$1,097,501.00 including all non-refundable HST.

9. Reports from Youth Members

10. County Council Update

11. Correspondence

11.1 Correspondence to be received on Consent

Chair to ask Council Members if any correspondence to be moved to 11.2 Received and Support.

Moved by _____

Seconded by _____

That correspondence listed in Agenda Item 11.1 be received and, where indicated, to further share such information with the community using suitable methods of communication.

11.1.1	COVID-19 Virus Correspondence	
11.1.1.1	Windsor-Essex County Health Unit	179
	Class Order effective June 26, 2020	
	RE: Mandatory Face Covering inside Commercial Establishment and Establishment must ensure the availability of alcohol-based hand rub at all entrances and exits for the use of all Person entering or exiting the premises.	
11.1.1.2	Windsor-Essex County Health Unit	185
	RE: Guidance for Hosting or Attending Yard Sales	
11.1.1.3	Ontario Association of Cemetery and Funeral Professionals	187
	<ul style="list-style-type: none"> Bereavement Authority of Ontario 	
	RE: Attendance Guidance: Funerals and Visitations (June 15, 2020)	
	<ul style="list-style-type: none"> NEWS Ministry of Health 	
	RE: Ontario Eases Restrictions on Wedding and Funeral Ceremonies (June 13, 2020)	
11.1.1.4	Association of Municipalities Ontario - June 29, 2020	195
	RE: AMO Policy Update	
	<ul style="list-style-type: none"> Emergency Orders Extension Towing Industry Oversight 	
11.1.1.5	Media Release - Town of Essex	196
	RE: June 22, 2020 - Colchester Beach to Close	
11.1.1.6	Media Release - Town of Essex	197
	RE: June 19, 2020 - Town of Essex Preparing for Extension of Patios and Outdoor Retail Spaces	
11.1.1.7	Windsor-Essex County Health Unit - June 17, 2020	198
	RE: Potential expansion of licensed patios on municipal or commercial property	
11.1.2	Union Water Supply System	201
	<ul style="list-style-type: none"> Joint Board of Management Minutes - May 20, 2020 Joint Board of Management Agenda - June 17, 2020 	
11.1.3	Town of Kingsville	234
	RE: Town of Kingsville Resolution #364-2020 RE: Request to County of Essex to consider that the traffic island at the intersection of McCain Sideroad and Heritage Road in the Town of Kingsville be redeveloped into a pollinator habitat	
11.1.4	Association of Municipalities Ontario (AMO) - June 2, 2020	236

11.1.5	Town of Amherstburg	238
	RE: Town of Amherstburg supports Town of Essex's resolution regarding their request for urgent and emergency action to be taken by all levels government to support all local farm works, including migrant workers as it relates to the COVID-19 pandemic, with the exception of mandatory testing.	
11.1.6	EnerQuest	243
	RE: Tax Reprieve	
	Correspondence from Arlene Parr, Secretary/Treasurer of EnerQuest, dated June 26, 2020 asking if the Town of can assist with the amount of taxes this year, either by reduction or deferral, due to the COVID pandemic.	
11.1.7	Media Release - Town of Essex (June 22, 2020)	245
	RE: Town of Essex Seeking Feedback on County Road 50 Sign By-Law	
11.1.8	Media Release - Town of Essex (June 19, 2020)	246
	RE: Town of Essex Launches Digital Growth Grant for Local Businesses	
11.1.9	Town of Amherstburg	247
	RE: Universal Basic Income	
	Correspondence from the Town of Amherstburg, dated June 25, 2020 advising of their support of the City of Kitchener's resolution requesting that the Ontario Provincial Government pursue a partnership with the Federal Government for the establishment of a universal basic income.	
11.1.10	SWIFT (SouthWestern Integrated Fibre Technology) - June 17, 2020	251
	RE: Announcement - SWIFT Released RFP to Bring High-Speed Internet to More Residents in Essex County	
11.1.11	Ombudsman Ontario	253
	RE: Message from Ontario Ombudsman Paul Dube, dated June 30, 2020	
	Notifying that his latest Annual Report, dated June 30, 2020 is available for viewing at: https://www.ombudsman.on.ca/resources/reports-and-case-summaries/annual-reports	
11.2	Correspondence to be considered for receipt and support	
11.2.1	City of Sarnia	255
	RE: Resolution - Long Term Care Home Improvements	

Correspondence from the City of Sarnia dated June 24, 2020, asking that the Town of Essex send a letter to Premier Ford to start implementing the resolutions to the problems in the Long Term Care Homes that have been clearly identified.

Moved by _____

Seconded by _____

That correspondence from the City of Sarnia, dated June 24, 2020 requesting that the Town of Essex consider urging Premier Ford to start implementing the required resolutions to the problems that have been identified at our Long Term Care Homes, be (received/received and supported); and

If Council choses to support the City of Sarnia' s resolution, a letter be sent to the Honourable Doug Ford, Premier of Ontario requesting that the Province begin implementing the changes immediately; and

That a copy of the resolution be sent to Taras Natyshak, MPP, Chris Lewis, MP, Essex and the City of Sarnia.

12.	Committee Meeting Minutes	
12.1	Court of Revision - January 15, 2020	257
	RE: Shepley Drain: Replacement Bridges for Elwood Defour and Garry & Bonny Quick	
12.2	Drainage Board - May 6, 2020	260
	Consideration of Contract Price for Shepley Drain: Replacement Bridges for Elwood Defour and Garry & Bonny Quick	
12.3	Co-An Park - June 10, 2020	266
12.4	Committee of Adjustment - January 21 2020 (Revised)	274
13.	Financial	
14.	New Business	
15.	Notices of Motion	
15.1	The following Notice of Motion was presented at the June 15, 2020 Regular Council Meeting for Council's consideration this evening:	
15.1.1	Councillor Bondy	351
	RE: Consultant to valuate E.L.K. Energy	
	Moved by Councillor Bondy	
	Seconded by _____	
	That Council designate funds for the 2021 budget process to hire a Consultant for a valuation of E.L.K. Energy, being that it is a town owned asset and knowing its value is important to our shareholders.	
15.2	Notice of Motion moved from the June 1, 2020 Regular Council Meeting	
15.2.1	Councillor Verbeek	

Re: Improving recycling efforts in the municipality

Councillor Verbeek has asked that her Notice of Motion be deferred to the August 4, 2020 Regular Council Meeting.

16. Reports and Announcements from Council Members

17. By-Laws

17.1 By-Laws that require a third and final reading

17.1.1 By-Law 1918 352

Being a by-law to provide for the James Shepley Drain Bolger Bridge, Geographic Township of Colchester North, Project REI2020D002, Town of Essex, County of Essex

17.1.2 By-Law 1922 355

Being a by-law to confirm the proceedings of the June 15, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex

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

17.3 By-Laws that require a first and second reading

17.3.1 By-Law 1930 357

Being a by-law to confirm the proceedings of the July 6, 2020, Regular Meeting of the Council of The Corporation of the Town of Essex

18. Adjournment

Moved by _____
Seconded by _____
That the meeting be adjourned at [TIME].

19. Future Meetings

19.1 Monday, July 13, 2020 6:00 - 7:30 PM - Special Council Meeting

RE: Sign By-Law
Location: TBD

19.2 Monday, July 20, 2020 - 6:00 - 9:00 PM - Regular Council Meeting

Location: TBD



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**

June 15, 2020, 6:00 pm

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

Present: Mayor Larry Snively
Deputy Mayor Richard Meloche
Councillor Joe Garon
Councillor Morley Bowman
Councillor Kim Verbeek
Councillor Steve Bjorkman
Councillor Chris Vander Doelen
Councillor Sherry Bondy

Regrets: Cameron Soucie, Youth Council Member

Also Present: Chris Nepszy, Chief Administrative Officer
Robert Auger, Town Solicitor, Legal and Legislative
Services/Clerk
Jeffrey Morrison, Director, Corporate Services/Treasurer
Lori Chadwick, Director, Development Services
Kevin Girard, Director, Infrastructure Services
Cynthia Cakebread, Manager, Recreation and Culture
Shelley Brown, Deputy Clerk, Legal and Legislative Services
Nelson Silveira, Economic Development Officer
Ehva Hoffman, Youth Council Member

1. Call to Order

The Mayor called the meeting to order at 6:00 PM.

2. Closed Meeting Report

3. Declarations of Conflict of Interest

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

4. Adoption of Published Agenda

4.1 Regular Council Meeting Agenda for June 15, 2020

R20-06-198

Moved By Councillor Bondy

Seconded By Deputy Mayor Meloche

That the published agenda for the June 15, 2020 Regular Council Meeting, be adopted as amended with the following addition and revision:

a) Agenda item 15.2.2.,Councillor Bondy's Notice of Motion RE: E.L.K. Energy Evaluation; and

b) The Clerk advised that a petition was received by the Drainage Department with respect to the Crystal Beach Drain project. At this time agenda item 8.3, is being removed from agenda. The petition will be reviewed and the report will either be brought back for consideration at the July 6, 2020 Regular Council Meeting or deferred for the Drainage Board to reconvene to consider the petition.

Carried

5. Adoption of Minutes

5.1 Regular Council Meeting Minutes for June 1, 2020

R20-06-199

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That the minutes of the Regular Council Meeting held June 1, 2020, be adopted as circulated.

Carried

6. Public Presentations

There were no delegations at the June 15, 2020 Regular Council Meeting.

7. Unfinished Business

8. Reports from Administration

8.1 Chief Administrative Officer (CAO), Chris Nepszy Verbal Report

RE: COVID-19 Town Response and Updates

Chief Administrative Officer, Chris Nepszy updated Council on the Town's response and updates regarding the COVID-19 situation.

Community Services is actively preparing for when the Province approves the Region moving into Stage 2 of the reopening plan. Community Services, along with our Health and Safety Committee and Human Resources are looking at signage and the processes and protocols needed to open our facilities some of which include:

- Sports fields will be maintained but no lines will be painted as they will only be open for practices;
- Splash pads are being prepared including the installation of sunscreen stations at each location;
- The indoor pool will only be open to patrons who are registered for classes, no walk-ins;
- In-person and virtual day camps; and
- Discussions and preparations are taking place for the eventual opening of public washrooms.

Robert Auger, Town Solicitor and Legal and Legislative Services/Clerk:

- The Clerk advised that per usual by-law requirements, outstanding dog tag fees will such be placed on property taxes and that the Animal Control By-Law, provides that as of July 1, dog tag fees are supposed to increase to \$45.00 for a dog that has been spayed or neutered and \$75.00 for a dog not spayed or neutered. However due to COVID-19 dog tag fees have stayed at their pre COVID-19 rates of \$15 and \$25 respectively and the recommendation is to not increase the fees at this time, but keep at their pre COVID-19 rates for the balance of 2020.

R20-06-200

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That Essex Council supports dog tag fees to remain at the pre-COVID-19 fee rates, for the balance of 2020.

Carried

8.2 Chief Administrative Officer (CAO), Chris Nepszy Verbal Report

RE: Large Development Projects Toolbox

Chief Administrative Officer, Chris Nepszy spoke to Council about exploring options to develop a toolbox for large scale development in the Town of Essex. This may include looking at options to assist large scale developments as it relates to the significant upfront costs associated with Municipal Infrastructure. He stated that he is seeking direction from Council to continue moving forward with this review of options that could lead to the formation of a Policy to potentially guide future large scale development applications.

R20-06-201

Moved By Councillor Bowman

Seconded By Councillor Garon

That Council authorizes the Chief Administrative Officer to proceed with discussions and reviewing options on developing a policy that could provide assistance for large scale development projects in the municipality.

Carried

8.3 Economic Development Report 2020-06

RE: Business Support during COVID-19 Emergency

Lori Chadwick, Director, Development Services provided a background to Economic Development Report 2020-06. She advised Council that the grant would assist local businesses to develop a stronger online presence and to assist in other digital growth needs.

Nelson Silveira, Economic Development Officer advised Council that they have been trying to find ways to be creative to assist local businesses during the COVID Pandemic. He said that the creation of the digital growth grant was a partnership with the Windsor-Essex Small Business Centre, and wanted to acknowledge that the Essex B.I.A. contributed \$5000.00 towards the grant. He advised Council that the grant is available for all

businesses in the municipality, main street as well as rural, to assist in creating a stronger online presence and to reach customers beyond the town limits.

R20-06-202

Moved By Deputy Mayor Meloche
Seconded By Councillor Bjorkman

That Economic Development Report 2020-06, entitled "Business Support during COVID-19 Emergency", prepared by Nelson Silveira, Economic Development Officer, dated June 15, 2020, be received; and

That Council approves \$15,000.00 in COVID-19 related funding to support the Town of Essex Digital Growth Grant in 2020.

Carried

8.4 Economic Development Report 2020-07

RE: Building Report and Development Overview May 2020

R20-06-203

Moved By Councillor Garon
Seconded By Councillor Bowman

That Economic and Development Report 2020-07, entitled "Building Report and Development Overview May 2020", prepared by Nelson Silveira, Economic Development Officer, dated June 15, 2020, be received.

Carried

8.5 Planning Report 2020-10

RE: Site Plan Control Approval for 2636 County Road 20 East (Colchester South, Ward 3)

- Revised Site Plan (May 26, 2020) Classy Cap Revisions
- By-Law 1919

Being a by-law to enter into a Site Plan Control Agreement between The Corporation of the Town of Essex and Classy Caps Mfg Inc.

R20-06-204

Moved By Councillor Vander Doelen
Seconded By Councillor Bowman

That Planning Report 2020-10, entitled "Site Plan Control Approval for 2636 County Road 20 East (Colchester South, Ward 3)", prepared by Rita Jabbour, Manager, Planning Services, dated June 15, 2020, be received; and

That By-Law 1919, being a by-law to enter into a Site Plan Control Agreement between The Corporation of the Town of Essex and Classy Caps Mfg. Inc., be read a first, a second and a third time and finally passed on June 15, 2020.

Carried

8.6 Planning Report 2020-11

RE: Repeal of Site Plan Control Agreement (Parts 1 and 2 on 12R27717)

- **By-Law 1921**

Being a by-law to release the Site Plan Control Agreement over Parts 1 and 2 on 12R27717

R20-06-205

Moved By Councillor Verbeek

Seconded By Deputy Mayor Meloche

That Planning Report 2020-11, entitled "Site Plan Control Agreement (Parts 1 and 2 on 12R27717)", prepared by Rita Jabbour, Manager, Planning Services, dated June 15, 2020, be received; and

That By-Law 1921 being a by-law to release the Site Plan Control Agreement over Parts 1 and 2 on 12R27717, be read a first, a second and a third time and finally passed on June 15, 2020; and

That the Town's Solicitor/Clerk be directed to execute all documents necessary to give effect to take the actions taken by this Council as described in By-Law 1921.

Carried

9. Reports from Youth Members

10. County Council Update

Deputy Mayor Meloche advised that the South Western Integrated Fibre Technology (SWIFT), will be providing County Council will an update on the SWIFT project at their Council meeting on June 17. He said that SWIFT's report is available for viewing on the County of Essex's website, found in the County Council's June 17, 2020 Agenda.

11. Correspondence

11.1 Correspondence to be received on Consent

Council asked that correspondence shown as 11.1.6 Portuguese Club of Harrow RE: Property Tax Relief, on the agenda, be moved to item 11.2 to be considered for receipt and support.

R20-06-206

Moved By Councillor Garon

Seconded By Councillor Bowman

That the correspondence listed in Agenda Item 11.1 be received and, where indicated, to further share such information with the community using suitable methods of communication.

Carried

11.1.1 COVID-19 Virus Correspondence

11.1.1.1 Media Release - Town of Essex

RE: Community Update (June 3, 2020) - Town of Essex agreed to the reopening of Colchester Beach as well as the Town's parks, excluding sports fields.

- 11.1.1.2 Association of Municipalities Ontario June 3, 2020
RE: COVID-19 Update - Broadband Funding Announcement, Emergency Extended and Pandemic Pay Webinar
- 11.1.1.3 Bereavement Authority of Ontario
RE: Registrar's Directive (May 26, 2020) - Organized groupings of visitors at funerals and visitations.
- 11.1.1.4 Alcohol and Gaming Commission of Ontario
RE: June 8, 2020 - Ontario amends Regulation 719 under the Liquor Licence Act to support liquor sales licencees in temporarily extending their patios and provide additional flexibility for the location of tied houses.
- 11.1.1.5 Ontario's Action Plan in response to COVID-19
RE: A Framework for Reopening our Province - Stage 2 (June 8, 2020)
- 11.1.1.6 Ontario Association of Cemetery and Funeral Professionals (OACFP)
RE: COVID-19 Registrar's Directive (June 10, 2020)
- Registrar's Directive: 10 is still the max at funerals, visitations and burials
 - Drive-Thru Visitations
- 11.1.1.7 Windsor Essex County Health Unit
RE: Public Health Memo COVID-19 (June 11, 2020)
- 11.1.2 Essex-Windsor Solid Waste Authority
Essex-Windsor Residential Waste Diversion 2019 (March 31, 2020)
- 11.1.3 Windsor/Essex Provincial Offences (POA)
RE: Annual Report 2019
- 11.1.4 Media Release - Town of Essex
RE: June 5, 2020 - Town of Essex Launches Interactive Capital Projects Map
- 11.1.5 Media Release - Town of Essex
RE: May 28, 2020 - Credit Card Payments No Longer Accepted at Town Hall

11.2 Correspondence to be considered for Receive and Support

- 11.2.1 Portuguese Club of Harrow
RE: Property Tax Relief
- Correspondence from the Portuguese Club of Harrow, dated June 9, 2020 inquiring if the Town of Essex has any programs available for property tax relief as their building has been vacant for the last three months.

R20-06-207

Moved By Councillor Bjorkman

Seconded By Councillor Bondy

That correspondence from the Portuguese Club of Harrow, dated June 9, 2020 inquiring if the Town of Essex has any programs available for property tax relief as their building has been vacant for the last three months, be received;

That a letter be sent to the Honourable Doug Ford, Premier of Ontario requesting the Province look into all possible ways of providing tax and/or other financial relief to community non-profit service clubs and organizations, as a result of those organizations not being able to operate and be open as a result of the COVID-19 pandemic; and

That a copy of the copy of the resolution be sent to Taras Natyshak, MPP, Essex, Chris Lewis, MP, Essex, and all County of Essex municipalities.

Carried

12. Committee Meeting Minutes

R20-06-208

Moved By Councillor Bowman

Seconded By Councillor Garon

That the minutes listed in agenda item 12, be received and be adopted as circulated.

Carried

12.1 Essex Climate Adaptation Team Meeting - March 5, 2020

12.2 Essex Climate Adaptation Team Meeting - May 21, 2020

12.5 Committee of Adjustment - February 25, 2020

12.6 Arts, Culture and Tourism (ACT) Committee - May 13, 2020

12.3 Court of Revision - May 21, 2020

RE: Bayliss Drain: Bridge Replacements & Maintenance Schedule

12.4 Drainage Board - May 21, 2020

Consideration of Report RE: Crystal Beach Drain: Repair and Improvement of Covered Drains

13. Financial

14. New Business

14.1 Councillor Verbeek

RE: Protecting farm workers from Coronavirus

R20-06-209

Moved By Councillor Verbeek

Seconded By Councillor Bondy

That the Town of Essex Council requests urgent and emergency action to be taken by all levels government in order to support of all local farm workers, including migrant works, as it relates to the COVID-19 pandemic;

That the Windsor-Essex County Health Unit, Ontario Ministry of Health, Ministry of Labour and Ministry of Health and Long-Term Care and the Ministry of Agriculture, Food and Rural Affairs come together to immediately to stop the spread of COVID-19 in our farm worker population. The health and welfare of farm workers is vital to our community and to the opening up of our local economy. Farm gate delivered mandatory testing including a plan of care for COVID positive workers as well as comprehensive tracking and tracking is required to act in a proactive not reactive manner; and

That the Town of Essex Council write to the Windsor-Essex County Health Unit to express our urgent call to action and request for support from all other Essex County municipalities.

Councillor Bondy asked for a recorded vote.

Recorded	Support	Opposed
Mayor Snively	X	
Deputy Mayor Meloche	X	
Councillor Garon	X	
Councillor Bowman	X	
Councillor Verbeek	X	
Councillor Bjorkman	X	
Councillor Vander Doelen	X	
Councillor Bondy	X	
Results	8	0
		Carried (8 to 0)

15. Notices of Motion

Councillor Bondy advised that she would like to withdraw her Notice of Motion, listed as agenda item 15.2.1 RE: Extending the 50 km speed limit zone on the Third Concession.

15.1 The following Notice of Motion was presented this evening’s Council Meeting for Council’s consideration at the July 6, 2020 Regular Council Meeting:

Councillor Bondy
RE: Consultant to value E.L.K. Energy

That Council designate funds for the 2021 budget process to hire a Consultant for a valuation of E.L.K. Energy, being that it is a town owned asset and knowing its value is important to our shareholders.

16. Reports and Announcements from Council Members

Each Council member was provided an opportunity to discuss their latest news and activities in the municipality.

17. By-Laws

17.1 By-Laws that require a third and final reading

17.1.1 By-Law 1917

Being a by-law to confirm the proceedings of the June 1, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex

R20-06-210

Moved By Deputy Mayor Meloche

Seconded By Councillor Bowman

That By-Law 1917 being a by-law to confirm the proceedings of the June 1, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex, be read a third time and finally passed on June 15, 2010.

Carried

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

17.3 By-Laws that require a first and second reading

17.3.1 By-Law 1922

Being a by-law to confirm the proceedings of the June 15, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex

R20-06-211

Moved By Councillor Verbeek

Seconded By Councillor Bjorkman

That By-Law 1922 being a by-law to confirm the proceedings of the June 15, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex, be read a first and a second time and provisionally adopted on June 15, 2020.

Carried

18. Adjournment

R20-06-212

Moved By Deputy Mayor Meloche

Seconded By Councillor Vander Doelen

That the meeting be adjourned at 8:14 PM. **Carried**

Mayor

Clerk

**The Corporation of the Town of
Essex
Financial Statements
For the year ended December 31, 2019**

The Corporation of the Town of Essex
Financial Statements
For the year ended December 31, 2019

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The Corporation of the Town of Essex

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The Corporation of the Town of Essex Trust Funds

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Independent Auditor's Report

**To the Members of Council, Inhabitants and Ratepayers
of The Corporation of the Town of Essex**

Opinion

We have audited the consolidated financial statements of The Corporation of the Town of Essex, (the Town), which comprise the Consolidated Statement of Financial Position as at December 31, 2019, and the Consolidated Statement of Operations and Accumulated Surplus, Consolidated Statement of Changes in Net Financial Assets and Consolidated Statement of Cash Flows for the year then ended, and notes to the consolidated financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying consolidated financial statements present fairly, in all material respects, the financial position of the Town as at December 31, 2019, and its results of operations and cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Town in accordance with the ethical requirements that are relevant to our audit of the consolidated financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged With Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of these consolidated financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the consolidated financial statements, management is responsible for assessing the Town's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Town or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Town's financial reporting process.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the consolidated financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these consolidated financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgement and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the consolidated financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Town's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the consolidated financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Town to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the consolidated financial statements, including the disclosures, and whether the consolidated financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Chartered Professional Accountants, Licensed Public Accountants

Essex, Ontario
July 6, 2020

The Corporation of the Town of Essex Consolidated Statement of Financial Position

December 31	2019	2018
Financial Assets		
Cash and cash equivalents	\$ 56,660,184	\$ 46,894,508
Taxes receivable	1,106,168	1,053,120
Accounts receivable	4,015,108	3,447,286
Unearned revenue - development charges (Note 8)	-	564,809
Investment in E.L.K. Energy Inc. (Note 2)	12,493,891	11,800,791
Long-term investments (Note 3)	627,835	612,224
	<u>74,903,186</u>	<u>64,372,738</u>
Financial Liabilities		
Accounts payable and accrued liabilities	4,260,231	3,691,030
Other current liabilities	624,012	634,020
Accrued interest payable on long-term debt	342,110	375,099
Employee future benefits (Note 9)	4,436,721	4,406,014
Deferred revenue - development charges (Note 8)	2,084,091	-
Net long-term debt (Note 5)	18,748,371	20,764,401
	<u>30,495,536</u>	<u>29,870,564</u>
Net financial assets	<u>44,407,650</u>	<u>34,502,174</u>
Non-financial assets		
Tangible capital assets (Note 14 and Schedule 1)	184,392,051	186,083,995
Prepaid expenses and inventories of supplies	214,607	135,835
	<u>184,606,658</u>	<u>186,219,830</u>
Accumulated surplus (Note 7)	<u>\$229,014,308</u>	<u>\$ 220,722,004</u>

Contingent liabilities (Note 10)
Contractual obligations (Note 11)

_____ Treasurer _____ Mayor

The Corporation of the Town of Essex

Consolidated Statement of Operations and Accumulated Surplus

For the year ended December 31	Budget (Note 13) 2019	Actual 2019	Actual 2018
Revenue			
Taxation	\$ 17,458,757	\$ 17,755,842	\$ 16,520,274
User charges	3,397,747	3,266,507	3,114,556
Grants	9,357,520	6,851,807	6,894,120
Interest and penalties	377,000	1,495,380	1,064,385
Landfill compensation	2,241,689	3,343,971	2,312,099
Share of income from E.L.K. Energy Inc. (Note 2)	-	784,082	920,879
Commuted payments	-	152,331	44,151
Development contributions	370,443	660,707	309,879
Sewer and water charges	6,781,818	7,219,452	7,066,191
Other	1,536,899	781,607	807,586
Loss on disposal of tangible capital assets	-	(54,181)	(103,849)
Recovered drain billings	-	806,482	2,291,805
	<u>41,521,873</u>	<u>43,063,987</u>	<u>41,242,076</u>
Expenses			
General government	4,382,364	4,371,011	3,867,092
Protection to persons and property	6,402,794	6,096,070	6,077,769
Transportation services	7,976,193	7,866,324	8,370,687
Environmental services	6,936,103	6,975,625	6,667,323
Health services	270,659	295,089	291,229
Recreation and cultural services	7,216,543	7,385,337	7,017,093
Planning and development	1,566,158	1,782,227	2,193,815
	<u>34,750,814</u>	<u>34,771,683</u>	<u>34,485,008</u>
Annual surplus	6,771,059	8,292,304	6,757,068
Accumulated surplus, beginning of year	<u>220,722,004</u>	<u>220,722,004</u>	<u>213,964,936</u>
Accumulated surplus, end of year	<u>\$ 227,493,063</u>	<u>\$ 229,014,308</u>	<u>\$ 220,722,004</u>

The Corporation of the Town of Essex

Consolidated Statement of Changes in Net Financial Assets

For the year ended December 31	Budget (Note 13) 2019	Actual 2019	Actual 2018
Annual surplus	\$ 6,771,059	\$ 8,292,304	\$ 6,757,068
Acquisition of tangible capital assets	(25,888,450)	(3,960,518)	(3,448,282)
Change in tangible capital assets WIP	6,500,000	(1,222,682)	(1,658,906)
Amortization of tangible capital assets	6,804,000	6,801,294	6,825,537
Loss on sale of tangible capital assets	-	54,181	103,849
Proceeds on sale of tangible capital assets	-	19,669	11,001
	(5,813,391)	9,984,248	8,590,267
Net change inventories of supplies	-	(82,493)	78,954
Net change prepaid expenses	-	3,721	82,424
	-	(78,772)	161,378
Net change in net financial assets	(5,813,391)	9,905,476	8,751,645
Net financial assets, beginning of year	34,502,174	34,502,174	25,750,529
Net financial assets, end of year	\$ 28,688,783	\$ 44,407,650	\$ 34,502,174

The accompanying notes are an integral part of these financial statements.

The Corporation of the Town of Essex Consolidated Statement of Cash Flows

For the year ended December 31

2019

2018

Cash provided by (used in)

Operating activities

Annual surplus for the year	\$ 8,292,304	\$ 6,757,068
Items not involving cash		
Amortization	6,801,294	6,825,537
Loss on disposal of tangible capital assets	54,181	103,849
(Increase) decrease in taxes receivable	(53,048)	351,416
Increase in accounts receivable	(567,822)	(589,404)
Decrease in unearned revenue	2,648,900	293,212
Increase in accounts payable and accrued liabilities	569,201	1,081,405
(Decrease) increase in other current liabilities	(10,008)	84,366
Increase (decrease) in accrued interest payable on long-term debt	(32,989)	156,141
Changes in employee future benefits	30,707	18,000
(Increase) decrease in prepaid expenses and inventories of supplies	(78,772)	161,378
	<u>17,653,948</u>	<u>15,242,968</u>

Capital activities

Acquisition of tangible capital assets	(3,960,518)	(3,448,282)
Change in tangible capital assets work-in-process	(1,222,682)	(1,658,906)
Proceeds on disposition of tangible capital assets	19,669	11,001
	<u>(5,163,531)</u>	<u>(5,096,187)</u>

Investing activities

Increase in investment in E.L.K. Energy Inc.	(693,100)	(829,897)
Increase in long-term investments	(15,611)	(15,224)
	<u>(708,711)</u>	<u>(845,121)</u>

Financing activities

Long-term debt repaid	(1,936,210)	(1,912,562)
Changes regarding debt transferred to property owners	(79,820)	(37,986)
	<u>(2,016,030)</u>	<u>(1,950,548)</u>

Net change in cash and cash equivalents

9,765,676 7,351,112

Cash and cash equivalents, beginning of year

46,894,508 39,543,396

Cash and cash equivalents, end of year

\$ 56,660,184 \$ 46,894,508

The Corporation of the Town of Essex

Notes to the Consolidated Financial Statements

December 31, 2019

1. Summary of Significant Accounting Policies

Management Responsibility The consolidated financial statements of The Corporation of the Town of Essex (the "Town") are the responsibility of management. They have been prepared in accordance with Canadian public sector accounting standards for local governments using guidelines established by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada. The Corporation of the Town of Essex is a municipality in the Province of Ontario and operates under the provisions of the Community Charter. The Town provides municipal services such as fire, roads, water, wastewater, planning, parks, recreation and other general government services.

Use of Estimates The preparation of financial statements in accordance with Canadian public sector accounting standards requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from management's best estimates as additional information becomes available in the future.

Basis of Consolidation (i) Consolidated Financial Statements

The consolidated financial statements reflect the assets, liabilities, revenues, expenditures, reserves and changes in investment in tangible capital assets of the Town and includes the activities of all organizations, committees and local boards accountable for the administration of their financial affairs and resources to the Town and are owned or controlled by the Town. All inter-entity transactions and balances have been eliminated on consolidation.

(ii) Other entities

The investment in E.L.K. Energy Inc. is accounted for using the modified equity basis of accounting, which represents the Town's proportionate share of E.L.K.'s net assets at acquisition plus its share of undistributed earnings. The basis is consistent with the generally accepted accounting treatment of government business enterprises.

The Town's proportionate share in the Union Water Supply System is accounted for on a proportionate consolidation basis, consistent with the generally accepted accounting treatment for government units.

The Corporation of the Town of Essex

Notes to the Consolidated Financial Statements

December 31, 2019

1. Summary of Significant Accounting Policies (continued)

(iii) Accounting for County and School Board Transactions

The Town collects taxation revenue on behalf of the school boards and the County of Essex. The taxation and other revenues with respect to the operations of the County of Essex and school boards are not reflected in the Consolidated Statement of Operations. In addition, the revenues, expenses, assets and liabilities with respect to the operations of the County of Essex and school boards are not reflected in these consolidated financial statements except to the extent that any amounts due to or from are reported on the Consolidated Statement of Financial Position in "accounts receivable" or "accounts payable and accrued liabilities".

(iv) Trust funds

Funds held in trust by the Town, and their related operations are not included in these consolidated financial statements. The financial activity and position of the trust funds are reported separately.

Basis of Accounting

Revenues and expenditures are reported on the accrual basis of accounting. The accrual basis of accounting recognizes revenues as they become available and measurable; expenditures are recognized as they are incurred and measurable as a result of receipt of goods or services and the creation of a legal obligation to pay.

The consolidated statement of financial position reflects all of the financial assets and liabilities of the Town. Financial assets are those assets which could provide resources to discharge existing liabilities or finance future operations. Municipal position represents the financial position of the Town, and is the difference between its assets and liabilities. This provides information about the Town's overall future revenue requirements and its ability to finance activities and meet its obligations.

Cash and Cash Equivalents

Management considers all highly liquid investments with maturity of three months or less at acquisition to be cash equivalents.

Purchase Premium

Purchase premium arising on the acquisition of a government business enterprise will be deferred and amortized over a period of twenty years.

The Corporation of the Town of Essex

Notes to the Consolidated Financial Statements

December 31, 2019

1. Summary of Significant Accounting Policies (continued)

Taxation and Related Revenue

Taxes are recognized as revenue in the year they are levied. Property tax billings are prepared by the Town based on assessment rolls issued by the Municipal Property Assessment Corporation ("MPAC"). Tax rates are established annually by Town Council, incorporating amounts to be raised for local services, the requisition made by the County of Essex in respect of County services and amounts the Town is required to collect on behalf of the Province of Ontario in respect of education taxes. A normal part of the assessment process is the issue of supplementary assessment rolls, which provide updated information with respect to changes in property assessment. Once a supplementary assessment roll is received, the Town determines the taxes applicable and renders supplementary tax billings. Taxation revenue is recorded at the time tax billings are issued. Assessments and the related property taxes are subject to appeal and write off for physical changes to the property. Tax adjustments as a result of appeals are recorded when the results of the appeal process are known. The Town is entitled to collect interest and penalties on overdue taxes. This revenue is recorded in the period the interest and penalties are levied.

Conditional grant revenue is recognized to the extent the conditions imposed on it have been fulfilled. Unconditional grant revenue is recognized when monies are receivable. Grants for the acquisition of tangible capital assets are recognized in the period in which eligible expenditures are made.

Sanitary sewer and water operations are funded by various revenues including frontage, connection and usage charges. Charges for sewer and water usage are recorded as user fees. Connection fee revenues are recognized when the connection has been established.

User charges, landfill compensation, and other revenues are recorded on the accrual basis of accounting noted above.

Deferred Revenue

Funds received for specific purposes which are externally restricted by legislation, regulation or agreement and are not available for general municipal purposes are accounted for as deferred revenue on the consolidated statement of financial position. The revenue is recognized in the consolidated statement of operations in the year in which it is used for the specified purpose.

The Corporation of the Town of Essex

Notes to the Consolidated Financial Statements

December 31, 2019

1. Summary of Significant Accounting Policies (continued)

Government Transfers

Government transfers, which include legislative grants, are recognized as revenue in the consolidated financial statements when the transfer is authorized and any eligibility criteria are met, except to the extent that transfer stipulations give rise to an obligation that meets the definition of a liability. When transfer stipulations give rise to a liability, government transfers are recognized as deferred revenue and recognized as revenue when the stipulations are settled.

Tangible Capital Assets

Tangible capital assets are recorded at cost less accumulated amortization. Cost includes all costs directly attributable to acquisition or construction of the tangible capital asset including transportation costs, installation costs, design and engineering fees, legal fees and site preparation costs. Contributed tangible capital assets are recorded at fair value at the time of the donation, with a corresponding amount recorded as revenue. Amortization is recorded on a straight-line basis over the estimated life of the tangible capital asset commencing once the asset is available for productive use as follows:

Land - not amortized	
Land improvements	10 to 30 years
Buildings	25 to 80 years
Roads and sidewalks	15 to 80 years
Machinery and equipment	1 to 50 years
Water infrastructure	50 to 80 years
Sewer infrastructure	60 to 100 years
Vehicles	3 to 25 years
Stormwater infrastructure	55 to 90 years
Murals	10 years

One half of the annual amortization is charged in the year of acquisition and in the year of disposal. Assets under construction are not amortized until the asset is available for productive use, at which time they are capitalized.

Employee Future Benefits

The Town has adopted the accrual method of accounting for employee future benefits as required by the Chartered Professional Accountants of Canada. The cost of future benefits earned by employees is actuarially determined using the projected benefit method prorated on service and assumptions with respect to mortality and termination rates, retirement age and expected inflation rates with respect to employee benefit costs.

The estimated cost of these benefit obligations is recognized as employee future benefit obligations.

The Corporation of the Town of Essex

Notes to the Consolidated Financial Statements

December 31, 2019

1. Summary of Significant Accounting Policies (continued)

Leases

Leases are classified as capital or operating leases. Leases which transfer substantially all of the benefits and risks incidental to ownership of property are accounted for as capital leases. All other leases are accounted for as operating leases and the related lease payments are charged to expense as incurred.

2. Investment in E.L.K. Energy Inc.

The Town holds a 100% investment in E.L.K. Energy Inc. This investment is recorded using the modified equity method, wherein the investment balance represents the Town's proportionate interest in the net assets of E.L.K. Energy Inc. at acquisition, plus its proportionate share of undistributed earnings.

The investment in E.L.K. Energy Inc. at December 31, 2019 is as follows:

	2019	2018
Corporation of the Town of Essex 100% proportionate interest in the net assets of E.L.K. Energy Inc.	\$ 11,696,627	\$ 10,912,545
Purchase premium - net of amortization	797,264	888,246
	<u>\$ 12,493,891</u>	<u>\$ 11,800,791</u>

The Corporation of the Town of Essex Notes to the Consolidated Financial Statements

December 31, 2019

2. Investment in E.L.K. Energy Inc. (continued)

Supplementary information of E.L.K. Energy Inc. at December 31 is as follows:

	2019	2018
Financial Position		
Current assets	\$ 15,471,642	\$ 11,241,613
Capital and regulatory authority	12,610,487	14,354,324
Deferred tax assets	286,000	424,000
Investments	87,395	66,849
Total assets	<u>\$ 28,455,524</u>	<u>\$ 26,086,786</u>
Current liabilities	\$ 10,880,423	\$ 9,716,563
Long-term liabilities	470,557	457,382
Total liabilities	<u>11,350,980</u>	<u>10,173,945</u>
Regulatory balances	<u>5,407,917</u>	<u>5,000,296</u>
Net assets	<u>\$ 11,696,627</u>	<u>\$ 10,912,545</u>
Financial Activities		
Total revenue	\$ 35,519,866	\$ 34,583,589
Total expenditures	34,541,025	33,249,140
Payments in lieu of income taxes	335,375	322,000
Net income	643,466	1,012,449
Net movement in regulatory balances, net of tax	151,473	(132,120)
Other comprehensive (loss)	(10,857)	40,550
Total comprehensive income for the year	<u>784,082</u>	<u>920,879</u>
Corporation of the Town of Essex share of net earnings in E.L.K. Energy Inc.	<u>\$ 784,082</u>	<u>\$ 920,879</u>

E.L.K. Energy Inc. bills and collects the Town's water and sewer surcharge revenue. In 2019 these amounted to \$7,117,052 (2018 - \$7,031,191) and are included in sewer and water charges revenue. For these services, E.L.K. Energy Inc. charges the Town of Essex, amounting to \$341,381 in 2019 (2018 - \$329,832).

These transactions are in the normal course of operations and are measured at the exchange amount which is the cost of the consideration established and agreed to by the related parties.

The Corporation of the Town of Essex

Notes to the Consolidated Financial Statements

December 31, 2019

3. Equity in the Union Water Supply System

The Town's equity in the Union Water Supply System ("UWSS") is made up as follows:

	2019	2018
Cash and cash equivalents	\$ 600,625	\$ 509,695
Long-term investments	627,835	612,224
Accounts receivable	70,558	75,774
Accounts payable and accrued liabilities	(160,303)	(26,605)
Net financial assets before long-term debt	1,138,715	1,171,088
Long-term debt	(706,424)	(767,416)
Net financial assets	432,291	403,672
Tangible capital assets and non-financial assets	2,590,557	2,426,532
Accumulated surplus	\$ 3,022,848	\$ 2,830,204
Equity in reserves and reserve funds	\$ 1,138,715	\$ 1,171,088

Tangible capital assets - net book value shown previously consists of:

Water - buildings and equipment	\$ 1,363,846	\$ 1,397,905
Water - linear	1,226,711	1,028,627
	<u>\$ 2,590,557</u>	<u>\$ 2,426,532</u>

Included in the Consolidated Statement of Operations is the UWSS's share of:

	2019	2018
Amortization expense	\$ 75,816	\$ 74,103
Interest on long-term debt	78,247	84,262

Effective January 2001, the assets, liabilities, rights and obligations of the UWSS were transferred from the Ontario Clean Water Agency to the joint ownership of the System's participating municipalities pursuant to an order issued by the Minister of the Environment under the Municipal Water and Sewage Act, 1997.

The equity interest of each municipality is determined every 4 years according to its proportionate water consumption from the system. The order also provides for the establishment of a Board of Management to govern the system. The equity interests were last set January 1, 2017, where it was increased to 5.97%. The change in Essex's equity share during 2017 resulted in a loss of \$29,989.

The Corporation of the Town of Essex

Notes to the Consolidated Financial Statements

December 31, 2019

4. Bank Indebtedness

The Town has an authorized line of credit up to \$6,000,000 bearing interest at prime less 0.85%. At December 31, 2019, \$6,000,000 (2018 - \$6,000,000) in unused credit was available.

5. Net Long-Term Debt

The balance of long-term debt reported on the consolidated statement of financial position is made up of the following:

	2019	2018
<i>User Fee Supported</i>		
i) Infrastructure Improvement Debenture, OIPC - repayable in semi-annual instalments of \$321,758 including interest at 2.76%, due December 15, 2027	\$ 4,591,146	\$ 5,097,442
ii) Essex Sewage Treatment Plant Update and Expansion Debenture, Ontario Infrastructure Projects Corporation (OIPC) - repayable in semi-annual instalments of \$138,915 including interest at 2.66%, due September 1, 2026	1,763,834	1,990,220
iii) Harrow Sewage Lagoon Debenture, OIPC - repayable in semi-annual instalments of \$131,564 including interest at 2.67%, due February 3, 2025	1,337,688	1,560,626
iv) Vehicle Debenture, OIPC - repayable in semi-annual instalments of \$64,157 including interest at 2.37%, due December 15, 2022	369,468	486,934
v) Building Energy Upgrade Debenture - along with Property Tax Supported (iii), repayable based on pro rata share of payment including interest at 3.6%, due July 9, 2023	14,429	17,364
	8,076,565	9,152,586

The Corporation of the Town of Essex

Notes to the Consolidated Financial Statements

December 31, 2019

5. Net Long-Term Debt (continued)

Property Tax Supported

i) Essex Twin Pad Arena Debenture - repayable in semi-annual instalments of \$386,712 including interest at 4.65%, due March 2030	6,368,030	6,829,195
ii) Capital Works Debenture - repayable in annual instalments including interest ranging from 2.07% to 3.62%, due in various amounts from 2019 to 2034	3,378,119	3,835,751
iii) Fire Station 1 Debenture - repayable in annual instalments of \$185,850 including interest at 3.45%, due December 2023	693,457	852,397
iv) Building Energy Upgrade Debenture - along with User Fee Supported (iv), repayable based on pro rata share of payment including interest at 3.6%, due July 9, 2023	163,861	197,194
	<u>10,603,467</u>	<u>11,714,537</u>

Benefiting Property Owners

i) Drain debentures - repayable in annual instalments including interest at 3.20%, due in various amounts in November 2023	35,773	44,024
ii) Drain Debentures - repayable in annual instalments including interest at 2.61%, due in various amounts in July 2023	308,725	381,062
iii) Sanitary sewer extension debentures - repayable in annual instalments of \$48,130 including interest at 3.40%, due December 2024	217,928	257,310
iv) Drainage debentures - repayable in annual instalments including interest at 2.17%, due in various amounts in October 2021	56,066	83,209
v) Drain loans - repayable in annual instalments including interest ranging from 2.69% to 4.07%, due in various amounts from 2019 to 2020	16,864	55,738
vi) Tile Drain loans - repayable in annual instalments including interest at 6.0%, due in various amounts from 2019 to 2020	1,500	8,811
vii) Shoreline loans - repayable in annual instalments including interest ranging from 3.79% to 6.8%, due in various amounts from 2019 to 2020	6,897	13,543

The Corporation of the Town of Essex

Notes to the Consolidated Financial Statements

December 31, 2019

5. Net Long-Term Debt (continued)

viii) Watermain debentures - repayable in annual instalments including interest at 3.48%, repaid during the year	-	5,108
ix) Drain debentures - repayable in annual instalments including interest at 3.45%, due in various amounts in July 2023	14,278	-
x) Vehicle loan - repayable in annual instalments including interest at 3.45%, due in June 2024	56,405	-
xi) Drain debentures - repayable in annual instalments including interest at 3.95%, due in various amounts in July 2028	65,946	-
	<u>780,382</u>	<u>848,805</u>
Share of Union Water System obligations	<u>706,424</u>	<u>767,416</u>
Subtotal	20,166,838	22,483,344
The Municipality is contingently liable for the tile and shoreline loans included above. The responsibility for payment of principal and interest has been assumed by individual landowners	8,396	23,964
Internally financed debt	<u>1,410,071</u>	<u>1,694,979</u>
	<u>\$ 18,748,371</u>	<u>\$ 20,764,401</u>

Principal payments for the next 5 fiscal years and thereafter are as follows:

2020	\$ 1,929,516
2021	1,989,944
2022	2,063,511
2023	2,011,368
2024	2,088,792
Thereafter	8,665,240
	<u>\$ 18,748,371</u>

Interest payments included in operating fund expenditures during the year were \$722,908 (2018- \$911,571), excluding the interest on tile and shoreline loans which is recovered from the individual landowners.

The long-term liabilities issued in the name of the Municipality have received approval by the Municipal Board on or before December 31, 2019. The annual principal and interest payments required to service these liabilities are within the annual debt repayment limit prescribed by the Ministry of Municipal Affairs and Housing.

The Corporation of the Town of Essex

Notes to the Consolidated Financial Statements

December 31, 2019

6. Operations of School Boards and the County of Essex

During the year, the following taxation revenue was raised and remitted to the School Boards and the County of Essex:

	2019	2018
School Boards	\$ 4,740,215	\$ 4,841,520
County of Essex	9,346,095	8,860,920
	<u>\$ 14,086,310</u>	<u>\$ 13,702,440</u>

7. Accumulated Surplus

(a) Accumulated surplus consists of individual fund surplus/(deficit) as follows:

	2019	2018
Invested in tangible capital assets	\$184,392,051	\$ 186,083,995
To be used to offset (financed by) taxation	1,464,352	879,854
To be financed by user charges and municipal debt	(5,162,427)	(3,009,870)
Equity in E.L.K. Energy Inc.	12,493,891	11,800,791
Amounts to be recovered		
Employee benefits payable	(4,408,500)	(4,397,500)
Accrued interest on net long-term liabilities	(342,110)	(375,099)
Municipal debt	(18,748,371)	(20,764,401)
Reserves and reserve funds (Note 7(b))	59,325,422	50,504,234
Total accumulated surplus	<u>\$229,014,308</u>	<u>\$ 220,722,004</u>

(b) Reserves and reserve funds consist of individual funds as follows:

	2019	2018
Reserves set aside for specific purpose by Council:		
Working funds	\$ 1,000,000	\$ 1,000,000
Reserve funds set aside for specific purpose by Council:		
Capital purposes	33,932,241	28,410,421
Landfill	10,565,705	10,920,699
Contingencies	9,611,864	7,334,660
Other	2,864,440	2,582,719
Gas tax revenue	1,098,861	131,669
Sick leave benefits	252,311	255,735
	<u>58,325,422</u>	<u>49,635,903</u>
Total reserves and reserve funds	<u>\$ 59,325,422</u>	<u>\$ 50,635,903</u>

The Corporation of the Town of Essex Notes to the Consolidated Financial Statements

December 31, 2019

8. Unearned/Deferred Revenue

Development charges are reported as deferred revenue since provincial legislation restricts the use of the funds to specific purposes and under certain circumstances the funds may be refunded.

The net change during the year in the deferred revenue balances is as follows:

	Opening	Contributions Received	Deferred Revenue Allocated	Ending
Development charges	\$ 696,477	\$ (1,131,021)	\$ 660,707	\$ 226,163
Federal gas tax	(131,668)	(2,047,443)	1,080,267	(1,098,844)
Ontario Community Infrastructure Fund	-	(937,055)	290,207	(646,848)
Modernization grant	-	(610,527)	45,965	(564,562)
	<u>\$ 564,809</u>	<u>\$ (4,726,046)</u>	<u>\$ 2,077,146</u>	<u>\$ (2,084,091)</u>

The Corporation of the Town of Essex

Notes to the Consolidated Financial Statements

December 31, 2019

9. Employee Future Benefits

(a) Pension agreement

The Town makes contributions to the Ontario Municipal Employees Retirement Fund (OMERS), which is a multi-employer plan, on behalf of certain employees. This plan is a defined benefit plan which specifies the amount of the retirement to be received by the employees based on the length of service and rates of pay. However, as OMERS does not segregate its pension assets and liabilities information by individual employer, there is not sufficient information to enable the Town to account for the plan as a defined benefit plan. At December 31, 2019, the OMERS plan is in a deficit position, funded at 96% (2018 - 96%). The amount contributed by the Town to OMERS for 2019 was \$592,492 (2018 - \$561,301).

(b) Employee future benefit liabilities

Employee future benefit liabilities are future liabilities of the Town to its employees and retirees for benefits earned but not taken as at December 31, 2019 and consists of the following:

	2019	2018
Post employment benefits	\$ 4,408,500	\$ 4,397,500
Vacation	28,221	8,514
	<u>\$ 4,436,721</u>	<u>\$ 4,406,014</u>

Sick pay is paid annually for union employees.

(i) Post employment benefits

The post employment benefit liability is based on an actuarial valuation performed by the Town's actuaries. The actuarial valuation was performed as at December 31, 2017. The significant actuarial assumptions adopted in estimating the Municipality's liability are as follows:

Discount rate	2.73%
Health Care Trend Rate	7% for 2019 grading down to 4% in 2038
Other Medical Care Trend Rate	4% per annum
Dental	4% per annum

The Corporation of the Town of Essex

Notes to the Consolidated Financial Statements

December 31, 2019

9. Employee Future Benefits (continued)

Information about the Town's future liability with respect to these costs are as follows:

	2019	2018
Accrued benefit liability, beginning of year	\$ 4,397,500	\$ 4,379,500
Annual expense	209,700	199,300
Benefits paid	(198,700)	(181,300)
	<u>\$ 4,408,500</u>	<u>\$ 4,397,500</u>

(ii) Accrued sick leave

Under the sick leave benefit plan, approved for all union employees, unused sick leave can accumulate and employees may become entitled to a cash payment when they leave the Town's employment. The amount of the payment is equal to the number of sick days to which the employee is entitled at one-half their rate of pay at the time of termination. Sick leave unused is normally paid out to union employees before the end of each fiscal year, resulting in no accrual at the year end. Non-union employees are not entitled to sick leave benefits.

(iii) Vacation

Vacation entitlements can accumulate and employees would be entitled to a cash payment equal to the value of their unused entitlements if they were to terminate employment.

10. Contingent Liabilities

The Town has been named defendant in certain legal actions. The ultimate liability if any, which may arise, is indeterminable as the Town has established valid defence positions. In the opinion of administration and legal counsel, any payments, which may result from these actions, are subject to material coverage under the Town's insurance policies. Consequently, the consolidated financial statements contain no provision for any liability, which may occur as a result of these claims.

The Corporation of the Town of Essex

Notes to the Consolidated Financial Statements

December 31, 2019

11. Contractual Obligations

In accordance with a service agreement entered into by the Town on February 13, 1958 with the Ontario Clean Water Agency (OCWA), the existing sewage and water systems are operated by OCWA. Under this agreement, the Town is obligated to meet all operating costs and repay the long-term liabilities related to this project.

Included in the consolidated statement of financial activities are the 2019 charges from OCWA of \$1,166,046 (2018 - \$926,347). The consolidated statement of financial position does not reflect any assets or liabilities pertaining to the sewage or water systems except to the extent of service charges due to (or from) OCWA and the total long-term liabilities outstanding. The accumulated net surplus of OCWA is not reflected in the accompanying consolidated financial statements.

The Town has entered into various other service agreements. The largest of these relates to The Minister of Community Safety and Correctional Services (Police Services). The current contract expires December 31, 2021. Under the agreement, the annual obligation approximates \$3.35 million. The total expense included in the consolidated statement of financial activities for 2019 is \$3,341,388 (2018 - \$3,320,953).

12. Public Sector Salary Disclosure

The Public Sector Salary Disclosure Act requires all municipalities to disclose which, if any, employees or officers received remuneration totaling more than \$100,000 during the year. During 2019, the following met this requirement:

Position	Name	Salary Paid	Taxable Benefits
Manager, Capital Works and Infrastructure	Richard Beausoleil	119,139	1,735
Manager, Operations	Norman Nussio	111,876	1,676
Manager, Recreation and Culture	Cynthia Cakebread	114,726	1,735
Manager, Parks and Facilities	John Olsen	119,139	1,735
Manager, Environmental Services	Andrew Graf	125,813	1,830
Fire Chief	Richard Arnel	129,037	5,931
Director, Community Services/ Deputy Chief Administrative Officer	Doug Sweet	144,502	2,134
Chief Administrative Officer	Chris Nepszy	170,817	2,462
Director, Corporate Services/Treasurer	Jeffrey Morrison	138,459	1,987
Town Solicitor/Clerk	Robert Auger	110,777	1,674
Nurse Practitioner	Catherine Macpherson	113,494	733
Assistant Manager, Parks and Facilities	Jay Affleck	100,833	1,524
Chief Building Official	Kevin Carter	103,534	1,678
Superintendent, Roads	Alphonsus Diemer	102,277	1,095
Deputy Fire Chief	Rick Malott	100,386	2,966

The Corporation of the Town of Essex

Notes to the Consolidated Financial Statements

December 31, 2019

13. Budget

The Financial Plan (Budget) By-Law adopted by Council on February 25, 2019 was not prepared on a basis consistent with that used to report actual results (Public Sector Accounting Standards). The budget is unaudited and was prepared on a modified accrual basis while Public Sector Accounting Standards now require a full accrual basis. The budget figures anticipated using surpluses accumulated in previous years to reduce current year expenditures in excess of current year revenues to \$nil. In addition, the budget expensed all tangible capital expenditures rather than including amortization expense. As a result, the budget figures presented in the consolidated statements of operations and change in net financial assets represent the Financial Plan adopted by Council on February 25, 2019 with adjustments as follows:

	2019
Financial Plan (Budget) By-Law consolidated surplus for the year	\$ (5,813,391)
Add:	
Debt principal repayments	2,400,260
Capital expenditures	19,388,450
	<u>21,788,710</u>
Less:	
New debt issued	3,173,605
Amortization	6,804,000
	<u>9,977,605</u>
	<u>\$ 5,997,714</u>

14. Tangible Capital Assets

The Consolidated Schedule of Tangible Capital Assets (Schedule 1) provides information on the tangible capital assets of the Town by major asset class as well as for accumulated amortization of the assets controlled. The reader should be aware of the following information relating to tangible capital assets:

(a) Contributed Capital Assets

The Town records all tangible capital assets contributed by an external party at fair value on the earlier of the date received or of the transfer of risk and responsibility. Typical examples are roadways, water and sewer lines installed by a developer as part of a subdivision agreement. There were no such transfers in the current or prior year.

(b) Capitalization of Interest

The Town has a policy of capitalizing borrowing costs incurred when financing the acquisition of a tangible capital asset.

The Corporation of the Town of Essex

Notes to the Consolidated Financial Statements

December 31, 2019

15. Segmented Information

The Town is a diversified municipal government institution that provides a wide range of services to its citizens such as police, fire, water, wastewater and parks and recreation. Distinguishable functional segments have been separately disclosed in the segmented information. The nature of the segments and the activities they encompass are as follows:

General Government

General government consists of three categories: governance, corporate management and program support. It includes offices of the Council, Chief Administrative Officer, Information Technology, Financial and Clerk Services. General Government is responsible for the collection and administration of all formula based funding. Therefore, all of this revenue type is classified in this segment regardless of where the expenditures are classified.

Protection to Persons and Property

Protection is comprised of Fire, Police, Conservation Authority and Protective Inspection and Control. The mandate of the Police Services department is to ensure the safety of the lives and property of citizens; preserve peace and good order; prevent crimes from occurring; detect offenders; and enforce the law. Conservation Authority includes the Town's share of the Essex Region Conservation Authority. The Fire Service department is responsible to provide fire suppression service; fire prevention programs; training and education related to prevention, detection or extinguishment of fires. Protective Inspection and Control ensures an acceptable quality of building construction and maintenance of properties through enforcement of construction codes, building standards and by-laws for the protection of occupants.

Transportation

The Public Works department is responsible for the delivery of municipal public works services related to the planning, development and maintenance of roadway systems, snow clearing and removal and street lighting.

Environmental

Environmental includes Water, Wastewater, Storm Sewer, as well as Garbage Collection and Disposal. The department provides drinking water to citizens of Essex, collecting and treating wastewater, and providing collection and disposal of waste. Recycling is provided at the County level.

Health

Health services are comprised of public health services which work to improve the overall health of the population and overcome health inequalities by providing services to individuals and communities.

Recreational and Cultural

This department provides public services that respond to citizens' leisure and cultural requirements. Facilities include a wide variety of parks plus three arenas, a pool and various community facilities. Recreational and Cultural also includes services related to the harbour.

The Corporation of the Town of Essex

Notes to the Consolidated Financial Statements

December 31, 2019

15. Segmented information (continued)

Planning and Development

This department provides a number of services including town planning, maintenance and enforcement of building and construction codes and review of all property development plans through its application process.

For each reported segment, revenues and expenses represent both amounts that are directly attributable to the segment and amounts that are allocated on a reasonable basis. Municipal taxation revenue has been allocated based on the percentage of total budgeted expenditures. The accounting policies used in these segments are consistent with those followed in the preparation of the consolidated financial statements as disclosed in Note 1. For additional information see the Schedule of Segment Disclosure (Schedule 2).

16. Subsequent Events - COVID-19

Subsequent to year end, the impact of COVID-19 in Canada and on the global economy increased significantly. As the impacts of COVID-19 continue, there could be further impact on the Town, its citizens, employees, suppliers and other third party business associates that could impact the timing and amounts realized on the Town's assets and future ability to deliver services and projects. At this time, the full potential impact of COVID-19 on the Town is not known. Although the disruption from the virus is expected to be temporary, given the dynamic nature of these circumstances, the duration of disruption and the related financial impact cannot be reasonably estimated at this time. The Town's ability to continue delivering non-essential services and employ related staff, will depend on the legislative mandates from the various levels of government. The Town will continue to focus on collecting receivables, managing expenditures, and leveraging existing reserves and available credit facilities to ensure it is able to continue providing essential services to its citizens.

The Corporation of the Town of Essex
Consolidated Schedule of Tangible Capital Assets - Schedule 1

December 31, 2019

									2019
	Land	Buildings	Vehicles	Machinery & equipment	Murals & land improvements	Roads	Underground and other networks	Assets under construction	Total
Cost, beginning of year	\$ 21,828,352	\$ 48,238,342	\$ 5,715,193	\$ 14,427,627	\$ 5,229,318	\$ 63,872,788	\$ 124,024,538	\$ 2,189,173	\$ 285,525,331
Additions	15,424	286,039	36,683	416,073	843,636	1,173,218	643,113	1,769,014	5,183,200
Disposals		(2,369)	(200,884)	(190,217)	-	(3,800)	-	-	(397,270)
Other transfers/writedowns				31,992		491,975	22,365	(546,332)	-
Cost, end of year	21,843,776	48,522,012	5,550,992	14,685,475	6,072,954	65,534,181	124,690,016	3,411,855	290,311,261
Accumulated amortization, beginning of year	-	16,895,478	3,145,713	6,404,174	1,479,746	28,135,898	43,380,327	-	99,441,336
Amortization	-	1,101,529	292,446	738,539	148,167	2,808,185	1,712,428	-	6,801,294
Disposals	-	(995)	(167,793)	(154,632)	-	-	-	-	(323,420)
Other transfers/writedowns	-	-	-	-	-	-	-	-	-
Accumulated amortization, end of year	-	17,996,012	3,270,366	6,988,081	1,627,913	30,944,083	45,092,755	-	105,919,210
Net carrying amount, end of year	\$ 21,843,776	\$ 30,526,000	\$ 2,280,626	\$ 7,697,394	\$ 4,445,041	\$ 34,590,098	\$ 79,597,261	\$ 3,411,855	\$ 184,392,051

The Corporation of the Town of Essex
Consolidated Schedule of Tangible Capital Assets - Schedule 1

December 31, 2018

									2018
	Land	Buildings	Vehicles	Machinery & equipment	Murals & land improvements	Roads	Underground and other networks	Assets under construction	Total
Cost, beginning of year	\$ 21,828,352	\$47,697,395	\$5,488,002	\$ 13,867,137	\$ 5,209,142	\$ 62,553,455	\$123,416,528	\$ 530,267	\$280,590,278
Additions	-	540,947	184,659	620,548	20,176	1,252,310	586,768	1,901,780	5,107,188
Disposals/writedowns	-	-	(36,328)	(60,058)	-	(75,749)	-	-	(172,135)
Other transfers/writedowns	-	-	78,860	-	-	142,772	21,242	(242,874)	-
Cost, end of year	21,828,352	48,238,342	5,715,193	14,427,627	5,229,318	63,872,788	124,024,538	2,189,173	285,525,331
Accumulated amortization, beginning of year	-	15,763,275	2,872,070	5,746,576	1,334,288	25,285,434	41,671,441	-	92,673,084
Amortization	-	1,132,203	293,320	695,206	145,458	2,850,464	1,708,886	-	6,825,537
Disposals/writedowns	-	-	(19,677)	(37,608)	-	-	-	-	(57,285)
Accumulated amortization, end of year	-	16,895,478	3,145,713	6,404,174	1,479,746	28,135,898	43,380,327	-	99,441,336
Net carrying amount, end of year	\$ 21,828,352	\$31,342,864	\$2,569,480	\$ 8,023,453	\$ 3,749,572	\$ 35,736,890	\$ 80,644,211	\$ 2,189,173	\$186,083,995

The Corporation of the Town of Essex
Schedule of Segment Disclosure - Schedule 2

For the year ended December 31, 2019

	General government	Protection to persons and property	Transportation	Environmental	Health services	Recreation and cultural services	Planning and development	2019 Total
Revenue								
Taxation	\$ 2,239,157	\$ 3,271,492	\$ 4,075,416	\$ 3,543,985	\$ 138,293	\$ 3,687,275	\$ 800,225	\$ 17,755,843
User charges	123,037	565,175	-	15,185	63,774	2,467,786	31,550	3,266,507
Grants (Note 15)	5,697,271	182,813	-	-	154,980	786,060	30,684	6,851,808
Interest	1,495,380	-	-	-	-	-	-	1,495,380
Landfill compensation	-	-	-	3,343,971	-	-	-	3,343,971
Share of income government business enterprise	784,082	-	-	-	-	-	-	784,082
Commuted payments	-	-	-	152,331	-	-	-	152,331
Development contributions	660,707	-	-	-	-	-	-	660,707
Sewer and water charges	-	-	-	7,219,452	-	-	-	7,219,452
Other	115,985	149,728	48,707	128,814	454	277,364	867,036	1,588,088
Loss on disposal of tangible capital assets	581	(16,600)	(40,311)	2,093	-	56	-	(54,181)
	11,116,200	4,152,608	4,083,812	14,405,831	357,501	7,218,541	1,729,495	43,063,988
Expenses								
Salaries and benefits	2,692,795	1,388,511	1,465,361	454,858	144,927	3,497,156	418,090	10,061,698
Materials and supplies	1,361,384	645,850	2,268,406	1,440,287	135,251	1,822,822	1,262,803	8,936,803
Interest	1,362	110,612	10,210	185,711	-	406,391	17,720	732,006
Contract service	7,684	3,364,535	614,570	3,441,341	1,521	370,200	10,176	7,810,027
Amortization	121,400	413,769	3,506,548	1,453,253	3,390	1,229,697	73,236	6,801,293
Other	186,386	172,793	1,229	175	10,000	59,071	202	429,856
	4,371,011	6,096,070	7,866,324	6,975,625	295,089	7,385,337	1,782,227	34,771,683
Annual surplus for the year	\$ 6,745,189	\$ (1,943,462)	\$ (3,782,512)	\$ 7,430,206	\$ 62,412	\$ (166,796)	\$ (52,732)	\$ 8,292,305

The Corporation of the Town of Essex
Schedule of Segment Disclosure - Schedule 2

For the year ended December 31, 2018

	General government	Protection to persons and property	Transportation	Environmental	Health services	Recreation and cultural services	Planning and development	2018 Total
Revenue								
Taxation	\$ 2,054,614	\$ 3,090,265	\$ 4,027,742	\$ 3,179,394	\$ 126,842	\$ 3,349,011	\$ 692,406	\$ 16,520,274
User charges	123,773	502,278	-	15,070	79,510	2,352,953	40,972	3,114,556
Grants (Note 15)	6,509,225	166,901	-	-	147,327	20,289	50,378	6,894,120
Interest	1,064,385	-	-	-	-	-	-	1,064,385
Landfill compensation	-	-	-	2,312,099	-	-	-	2,312,099
Share of income government business enterprise	920,879	-	-	-	-	-	-	920,879
Commuted payments	-	-	-	44,151	-	-	-	44,151
Development contributions	309,879	-	-	-	-	-	-	309,879
Sewer and water charges	-	-	-	7,066,191	-	-	-	7,066,191
Other	199,750	164,891	6,580	61,370	-	163,734	2,503,066	3,099,391
Loss on disposal of tangible capital assets	-	(22,450)	-	(81,399)	-	-	-	(103,849)
	11,182,505	3,901,885	4,034,322	12,596,876	353,679	5,885,987	3,286,822	41,242,076
Expenses								
Salaries and benefits	2,457,897	1,372,724	1,374,920	450,257	142,288	3,184,662	438,456	9,421,204
Material and supplies	1,119,832	618,743	2,073,392	1,386,264	137,244	1,673,066	1,671,466	8,680,007
Interest	1,596	100,499	12,750	197,445	-	593,062	6,219	911,571
Contract service	4,707	3,404,526	1,350,408	3,179,719	762	246,231	-	8,186,353
Amortization	61,188	413,643	3,555,819	1,455,209	3,435	1,259,885	76,358	6,825,537
Other	219,872	167,634	3,398	429	7,500	60,187	1,316	460,336
	3,865,092	6,077,769	8,370,687	6,669,323	291,229	7,017,093	2,193,815	34,485,008
Annual surplus for the year	\$ 7,317,413	\$ (2,175,884)	\$ (4,336,365)	\$ 5,927,553	\$ 62,450	\$ (1,131,106)	\$ 1,093,007	\$ 6,757,068

**The Corporation of the Town of Essex
Trust Funds
Financial Statements
For the year ended December 31, 2019**

Draft for discussion purposes

Independent Auditor's Report

**To the Members of Council, Inhabitants and Ratepayers
of The Corporation of the Town of Essex**

Opinion

We have audited the financial statements of the trust funds of The Corporation of the Town of Essex, (the Town), which comprise the balance sheet as at December 31, 2019, and the statement of continuity of trust funds for the year then ended, and note to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the trust funds of the Town as at December 31, 2019, and the continuity thereof, in accordance with Canadian public sector accounting standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Town in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged With Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Town's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Town or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Town's financial reporting process.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgement and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Town's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Town to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Chartered Professional Accountants, Licensed Public Accountants

Essex, Ontario
July 6, 2020

**The Corporation of the Town of Essex
Trust Funds
Balance Sheet**

December 31	2019	2018
Financial assets and liabilities		
Cash	\$ 353,042	\$ 343,590
Due from general account	-	11,602
	<u>\$ 353,042</u>	<u>\$ 355,192</u>
 Accumulated surplus	 <u>\$ 353,042</u>	 <u>\$ 355,192</u>

**Statement of
Continuity**

For the year ended December 31	2019	2018
Revenues		
Interest and other	\$ 14,534	\$ 24,915
Expenditures		
Transfer to general fund	<u>16,684</u>	<u>6,656</u>
Net change in trust funds during the year	(2,150)	18,259
Balance, beginning of the year	<u>355,192</u>	<u>336,933</u>
Balance, end of the year	<u>\$ 353,042</u>	<u>\$ 355,192</u>

**The Corporation of the Town of Essex
Trust Funds
Note to Financial Statements**

December 31, 2019

1. Summary of significant accounting policies

The Trust Fund financial statements are the representation of management and have been prepared in accordance with generally accepted accounting principles for local governments as recommended by the Public Sector Accounting Board of the Canadian Institute of Chartered Professional Accountants. Precise determination of some assets and liabilities may be dependent upon future events and involves the use of estimates and approximations. These estimates have been based upon the information available using careful judgment and review. Actual results could differ from management's best estimates as additional information becomes available in the future.

(a) Basis of accounting

- i) Sources of financing and expenditures are reported on the accrual basis of accounting
- ii) The accrual basis of accounting recognizes revenues as they become available and measurable; expenditures are recognized as they are incurred and measurable as a result of receipt of goods or services and the creation of a legal obligation to pay.



Report to Council

Department: Infrastructure Services

Division: Infrastructure Services

Date: July 6, 2020

Prepared by: Kevin Girard, P.Eng, MBA
Director of Infrastructure Services

Report Number: Infrastructure Services-2020-06

Subject: Policy for Establishing Speed Limits

Number of Pages: 13 (including attachments)

Recommendation(s)

That Infrastructure Services – 2020-06 entitled, “Policy for Establishing Speed Limits” prepared by Kevin Girard dated July 6, 2020 be received, and

That Council adopt the Transportation Association of Canada’s Guidelines for Establishing Posted Speed Limits as the standard for establishing speed limits on Town of Essex roadways, and

That Council adopt Infrastructure Services Policy #2020-01 titled, “Establishing Speed Limits on Town of Essex Roads”.

Purpose

This report has been developed to provide recommendations and a policy for reviewing speed limits review requests in the Town of Essex.

Background and Discussion

The authority for the Town of Essex to set speed limits is granted through the Highway Traffic Act (HTA). Under this legislation, the Town can set speed limits ranging from 40 to 80km/h in 10km/h intervals. The HTA also sets a default municipal speed limit of 50km/h on roadways within cities, towns, villages, or built-up areas. It further sets a default municipal speed limit of 80km/h in areas that are not built-up, and in a municipality that has the status of a Township under the Municipal Act.

The Town of Essex has the second largest road network in the region with close to 300km of roads, with varying conditions that include multiple road users, topography, surface types, road conditions, and land uses. This large and diverse network consists largely of both rural and urban sections. Every year the Town receives numerous complaints of speeding and/or requests for speed limit changes on its various roadways. As per Council's request, the attached policy provides for a formal process to guide the Town in establishing and reviewing speed limits on Town of Essex roads.

The mere reduction of posted speed limits, without changing the characteristics of the roadway to encourage reduced speeds has been shown to have a minimal impact on vehicle operating speeds. In addition the posting of additional signage and/or adjusting the posted speed limit of a roadway are generally not considered to be traffic calming measures. Alternatively and preferably, road safety may be enhanced through the posting of credible speed limits that match the expectation of drivers for a given roadway and its surrounding area. The purpose of this policy is to provide Administration with a systematic, consistent, reliable, and transparent framework to assess, review, and implement appropriate speed limits on Town of Essex roads. Implementation of this policy will also:

- Create a process for Administration to objectively review speed limit change requests from the Public, Council, and other stakeholders.

- Provide Administration and the public with an objective and reliable tool for evaluating speed limits on Town roads.
- Provide a standard format and process for resolving in a consistent manner, complaints regarding speed limits.
- Reduce the workload and duplication efforts for Town staff in responding to speed limit concerns.

A speed limit is the maximum legal speed at which vehicles may travel, but not necessarily the safe speed at which a vehicle should be driven. It is the responsibility of the driver to obey a speed limit and to ensure that the vehicle speed is appropriate for the prevailing circumstances and road conditions, even if that speed is lower than the posted speed limit. Consistency and credibility are very importance considerations. If the majority of speed limits make sense to drivers, there is a better chance of getting drivers to react to lower speed limits where there are truly issues of safety requiring lower speeds.

The current process for speed limit reviews in the Town is to utilize the 85th percentile speed of the road, which represents the speed at which 85% of the motorists are traveling at or below, based upon the fact that generally the public drives in a safe and appropriate manner to suit the road conditions. Consistency in the application of posted speed limits on the Town Road network is critical in maintaining the validity of and compliance with posted speed limits by road users. Reliable use of engineering standards backed by national and international research, such as TAC's guidelines in combination with reasoned engineering judgement, will result in a safer roadway environment.

When evaluating individual speed reduction requests, the Town reviews current literature including research, guidelines, and field reports to understand the elements of the issue. The major findings of these reviews are:

- The physical environment is a key factor in determining the most appropriate travel speed for a roadway. Controlling elements such as lane width, roadway curvature,

presence of parking and sidewalks, and surrounding land uses are critical to creating an environments appropriate to support lower travel speeds.

- Simply installing a slower speed limit sign has demonstrated that it is **not effective** and that it will have **no effect** on driver behaviour.
- It is critical that a road authority apply posted speed limits consistently and without undue influence that is not backed up by solid engineering analysis. Speeds that are set individually for non-technical reasons that are not related to the physical environment will result in disregard for the limits and may in fact decrease overall safety. This causes driver confusion and frustration and may result in the opposite of the intended effect.
- The public must be reminded of their responsibilities through appropriate education and enforcement programs. Although the majority of the burden of creating and maintaining safe travel environment is the responsibility of the road authority, this does not excuse the public from driving responsibly in all condition.
- The Transportation Association of Canada's "Canadian Guidelines for Establishing Posted Speed Limits" presents the first standardized approach to setting speed limits in Canada.

The Transportation Association of Canada (TAC) Guidelines for Establishing Posted Speed Limits is the proposed method for establishing maximum speed limits on Town roads. Road section(s) will be reviewed in accordance with the TAC guidelines in order to make recommendations regarding the appropriate posted speed limits.

Financial Impact

Ontario Regulation 239/02, being the Minimum Maintenance Standards for Municipal Highways was amended by Ontario Regulation 366/18, effective May 3, 2018. One of these changes in the amendment has revised the classification definition as determined by the Average Daily Traffic volume and posted speed limit on a section of road. These classifications are used to determine the minimum level of service on roads with respect to timing for snow plowing, road maintenance, shoulder maintenance, road cracking, road patrols, and road lighting. Table 1

below showcases the recently amended classifications of highways which represents the relationship of Average Daily Traffic to the speed limit to determine the classification of roadways. As displayed in Table 1, the highest classification of roadway is a class 1 which has the highest speed limit to average daily traffic ratio, whereas a class 6 road would have the lowest ratio of speed limit to average daily traffic. The majority of Town of Essex roads are class 3 to class 6 roadways.

Table 1: Minimum Maintenance Standards Road Classifications

Column 1 Average Daily Traffic (number of motor vehicles)	Column 2 91 - 100 km/h speed limit	Column 3 81 - 90 km/h speed limit	Column 4 71 - 80 km/h speed limit	Column 5 61 - 70 km/h speed limit	Column 6 51 - 60 km/h speed limit	Column 7 41 - 50 km/h speed limit	Column 8 1 - 40 km/h speed limit
53,000 or more	1	1	1	1	1	1	1
23,000 - 52,999	1	1	1	2	2	2	2
15,000 - 22,999	1	1	2	2	2	3	3
12,000 - 14,999	1	1	2	2	2	3	3
10,000 - 11,999	1	1	2	2	3	3	3
8,000 - 9,999	1	1	2	3	3	3	3
6,000 - 7,999	1	2	2	3	3	4	4
5,000 - 5,999	1	2	2	3	3	4	4
4,000 - 4,999	1	2	3	3	3	4	4
3,000 - 3,999	1	2	3	3	3	4	4
2,000 - 2,999	1	2	3	3	4	5	5
1,000 - 1,999	1	3	3	3	4	5	5
500 - 999	1	3	4	4	4	5	5
200 - 499	1	3	4	4	5	5	6
50 - 199	1	3	4	5	5	6	6
0 - 49	1	3	6	6	6	6	6

In accordance with subsection 128(2) of the HTA, should Council elect by by-law to prescribe a rate of speed different on a road section from the rate set out in subsection 128(1) of the HTA that is not greater than 100 km/h, such decision may potentially result in an increased road classification and therefore, increased level of service requirements associated with road maintenance operations and correction of identified deficiencies. Conversely, a reduction in speed limits may potentially result in a reduced road classification, and therefore, a decrease in level of service requirements. Adjustments to posted speed limits throughout the Town are anticipated to have a direct impact on the current road maintenance expenses.

In Addition, a speed limit change will result in costs associated with speed warning signage in accordance with 'Ontario Traffic Manual Book 5 – Regulatory Signs'.

Consultations

Norman Nussio, Manager of Operations and Drainage

Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk

Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

Report Approval Details

Document Title:	Policy for Establishing Speed Limits.docx
Attachments:	<ul style="list-style-type: none">- Establishing Speed Limits Policy_DRAFT for Council.pdf- Establishing Speed Limits Policy Appendix A_DRAFT for Council.pdf
Final Approval Date:	Jun 29, 2020

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read "Chris Nepszy".

Chris Nepszy, Chief Administrative Officer - Jun 29, 2020 - 11:47 AM

Policy Manual

Section:	Infrastructure Services
Subject:	Establishing Speed Limits on Town of Essex Roads
Policy Number:	2020-01
Approval Date:	2020-07-06
Approved By:	Resolution #
Prepared By:	Director of Infrastructure Services

1.00 Objective

The Town of Essex has a road network that is large and diverse, with varying conditions that include multiple road users, topography, surface types, road conditions, and land uses. The network consist largely of both rural and urban sections. Every year the Town receives numerous complaints of speeding and/or requests for speed limit changes on its various roadways, and so this Policy provides for a formal process to guide the Town in establishing and reviewing speed limits on Town of Essex roads.

The mere reduction of posted speed limits, without changing the characteristics of the roadway to encourage reduced speeds has been shown to have a minimal impact on vehicle operating speeds. In addition the posting of additional signage and/or adjusting the posted speed limit of a roadway are generally not considered to be traffic calming measures. Alternatively and preferably, road safety may be enhanced through the posting of credible speed limits that match the expectation of drivers for a given roadway and its surrounding area. The purpose of this policy is to provide Administration with a systematic, consistent, reliable, and transparent framework to assess, review, and implement appropriate speed limits on Town of Essex roads.

Implementation of this policy will also:

- Create a process for Administration to objectively review speed limit change requests from the Public, Council, and other stakeholders.
- Provide Administration and the public with an objective and reliable tool for evaluating speed limits on Town roads.
- Provide a standard format and process for resolving in a consistent manner, complaints regarding speed limits.
- Reduce the workload and duplication efforts for Town staff in responding to speed limit concerns.

2.00 Definitions

TAC – Transportation Association of Canada

TAC Speed Limit Guidelines

The Transportation Association of Canada's guidelines for Establishing Posted Speed Limits (2009) provides an evaluation tool to assess posted speed limits which is based primarily on factors relating to the function, classification, and physical characteristics of the road.

Urban Road

A road that is located within an urban area as defined by the TAC Speed Limit Guidelines

Rural Road

A road that is located within a rural area as defined by the TAC Speed Limit Guidelines.

Posted Speed Limit

The speed prescribed for motor vehicles on a section of road by municipal by-law in accordance with the provincial Highway Traffic Act.

Design Speed

The speed selected as a basis to establish appropriate geometric design elements for a particular section of road so that drivers can travel safely at that speed under ideal conditions.

Operating Speed

The average speed at which a driver is observed operating a vehicle at a particular location.

85th Percentile Speed

The speed at which 85 percent of drivers are observed to travel at under free flowing conditions past a monitored point.

Speed Limit Review Study

A review of the operating characteristics and infrastructure data for a roadway to determine the appropriate speed limit. For the purposes of this policy, the review will apply the Canadian Guidelines for Establishing Posted Speed Limits as produced by the Transportation Association of Canada, and as updated from time to time. This approach considers roadside environment, access density, roadway alignment, lane widths, pedestrian and cyclist activity, and pavement condition.

3.00 Scope

The authority for the Town of Essex to set speed limits is granted through the Highway Traffic Act (HTA). Under this legislation, the Town can set speed limits ranging from 40 to 80km/h in 10km/h intervals. The HTA also sets a default municipal speed limit of 50km/h on roadways within cities, towns,

villages, or built-up areas. It further sets a default municipal speed limit of 80km/h in areas that are not built-up, and in a municipality that has the status of a Township under the Municipal Act.

The Transportation Association of Canada (TAC) Guidelines for Establishing Posted Speed Limits is the proposed method for establishing maximum speed limits on Town roads. Road section(s) will be reviewed in accordance with the TAC guidelines in order to make recommendations regarding the appropriate posted speed limits.

4.00 Establishing Speed Limits on Roadways

4.01 Setting Speed Limits on Town Roads

- Speed limits are intended to be an upper boundary when all other conditions are considered favourable such as the geometry of the road and the capabilities of the vehicles travelling them. Road users are expected to adjust their speed to suit varying road, weather, visibility, and traffic volumes.
- The TAC Guidelines for Establishing Posted Speed Limits (April 2009) are used for best practices management. These guidelines provide an evaluation tool to assess appropriate speed limits based primarily on the classification, function, and physical characteristics of a roadway. It is an objective and reliable assessment based on measurable criteria.
- The risks associated with each of the criteria determine the appropriate speed limit. A higher level of risk results in a lower recommended speed limit. The guidelines take into consideration roadway element risk factors, including 85th percentile speed, road classification, whether the road is divided or undivided, the condition of the pavement surface, and other roadside hazards, all to determine the appropriate speed limit for the subject roadway.

4.02 Timing for Speed Limit Reviews

- Speed limit reduction and/or increase requests will require a written request with an explanation or reasons for the request which shall be filed with the Operations Department of Infrastructure Services by April 1st or September 1st of each year.
- Studies on such written and eligible requests will be completed on a bi-annual basis. The timing for the traffic count period should consider a representative time of day, day of month, and month of year to be studied. Counts are typically most reliable in May and October of each year.

4.03 Eligibility for Speed Limit Reviews

- In order for a roadway to be eligible for review, it must meet **all** of the following criteria:
 - Town of Essex road
 - Road length must be a minimum of 500m for urban sections and 1000m for rural sections.
 - Any part of the road length requested has not been evaluated in the last 5 years.

- If the road is not eligible, a speed limit review will be discontinued.
- If eligible, the process will commence through a series of structured stages until such a time as: a) a solution is implemented, or b) a speed adjustment is deemed inappropriate for implementation.

4.04 Process to Initiate a Speed Limit Review

- Requests for a speed limit reviews must follow the procedure set out in this policy.
- Speed Limit reviews are initiated periodically and/or if a traffic related concern is identified on a particular road segment.
- Traffic concerns can be identified by staff, Council, Enforcement Agencies, residents, etc.
- Resident requests for a Speed Limit Review shall require support from at least 65% of the residents residing on that section of road where the request is eligible per section 4.03. Support will be determined through petition in the format provided in 'Appendix A'. If there is not at least 65% support for the request, a written reply will be sent to the petitioner advising that the request will not be considered at this time. If there is 65% or greater support for the request, the assessment phase begins.

4.05 Speed Review Assessment

- For all eligible requests, data along the subject roadway(s) will be collected in the spring or fall to qualify and quantify the extent of the local traffic issues.
- The data collection may include any or all of the following:
 - Vehicle volume count to determine 24-hr traffic;
 - Speed study to determine existing speed data;
 - Classification count to determine heavy vehicle traffic;
 - Collision data; and
 - Existing roadway conditions (eg. Pavement condition, signing, marking).
- Evaluation criteria are related to physical and road user characteristics as follows:
 - 'Built-up-area' as defined in the Highway Traffic Act;
 - Horizontal and Vertical alignment;
 - Average lane width;
 - Roadside hazards;
 - Number of intersections;
 - Number of driveways;
 - Pedestrian and cyclist exposure; and
 - On-street parking.
- For each evaluation criterion, a risk level that appropriately matches prevailing conditions is identified. In general, three levels of risk (higher, medium, and lower) have been defined for evaluation criterion. An automated spreadsheet provided with the TAC Guidelines is to be used for the analysis.

- The spreadsheet includes all the factors to be evaluated. Each factor is assigned a risk level; once all factors are considered, a final total risk score is assigned and a resulting recommended posted speed limit is assigned.
 - Following the initial analysis using the TAC Guidelines, additional analysis may be conducted to allow for consideration of special circumstances by reviewing the road segment with enforcement personnel as deemed appropriate by the Director of Infrastructure Services.
- When recommending a change in the posted speed limit, consideration will be given to adjacent speed zones to avoid incremental speed fluctuations of more than 20km/h as outlined in the Ontario Traffic Manual Book 5: Regulatory Signs as published and updated by the Ministry of Transportation.
- Based in the analysis undertaken through the review, and the subsequent conclusions, recommendations for the speed limit and its adjustment will be determined by the Director of Infrastructure Services: and.
- If warranted, a recommendation will be made to Town of Essex Council for consideration for adoption of the appropriate by-law; if unjustified, a written response will be sent to the petitioner.

5.00 Responsibilities

- It is the responsibility of the Director of Infrastructure Services to ensure that staff is aware and follow this policy.
- It is the responsibility of the Clerk to administer and verify the validity of the petition as described in this policy.
- It is the responsibility of the Operations Manager to ensure that reviews are conducted in accordance with this policy.
- It is the responsibility of employees of the Town of Essex to ensure that the procedures set forth in the policy are adhered to.

6.00 References

Highway Traffic Act

Transportation Association of Canada (TAC) Guidelines for Establishing Posted Speed Limits

Municipal Act, 2001

Ontario Traffic Manual

Appendix “A”
Petition Form

Speed Limit Review on Town of Essex Roads 2020-01

See Notes Before Signing

We, the undersigned owners hereby petition the Town of Essex under the Municipal Act to review the speed limit along _____ from _____ to _____ in accordance with the Town’s Speed Limit Review Policy Number 2020-01.

Affected Properties	Signatures (Please sign below to indicate your choice)		
Roll No., Address & Registered Owners	In Favour	Opposed	Assessment (For Office Use Only)
Roll No., Address & Registered Owners	In Favour	Opposed	Assessment (For Office Use Only)
Roll No., Address & Registered Owners	In Favour	Opposed	Assessment (For Office Use Only)
Roll No., Address & Registered Owners	In Favour	Opposed	Assessment (For Office Use Only)
Roll No., Address & Registered Owners	In Favour	Opposed	Assessment (For Office Use Only)
Roll No., Address & Registered Owners	In Favour	Opposed	Assessment (For Office Use Only)

Petition Form
Establishing Speed Limits on Town of Essex Roads
Infrastructure Services Policy 2020-01

We, the undersigned owners hereby petition the Town of Essex under the Municipal Act to review the speed limit along _____
from _____ to _____ in
accordance with the Town’s Speed Limit Review Policy Number 2020-01.

Notes:

Your signature on this petition represents your **Expression of Interest** in proceeding with the speed limit review as outlined above. A change in the posted speed limit is subject to review per the Town’s “Establishing Speed Limits on Town of Essex Roads” Policy and signing this petition does not ensure a speed limit change.

Once a petition expressing interest has been received:

- 1. Only eligible roads as defined in section 4.03 of the policy for Establishing Speed Limits on Town of Essex Roads will be considered for review.
- 2. The sufficiency and validity of the petition shall be determined by the Clerk.
- 3. A valid petition exists where the **following criteria is met:**
 - a. **at least 65% of the property owners signing the petition are in favour;**
- 4. If more than one person is registered as an owner on the property, all owners must sign the petition in order to be counted.
- 5. If one or more people are registered as owners, the property shall be counted as one property only.
- 6. No person has the right to withdraw the person's name from, and no name shall be added to, a petition after the Clerk has certified as to its sufficiency.

Initiator Contact Name: _____
Date Submitted: _____
Address: _____
Telephone: _____
Email: _____



Report to Council

Department: Infrastructure Services

Division: Infrastructure Services

Date: July 6, 2020

Prepared by: Kevin Girard, P.Eng, MBA
Director of Infrastructure Services

Report Number: Infrastructure Services-2020-07

Subject: Vulnerable Children and Children at Play Signage Requests

Number of Pages: 6 pages

Recommendation(s)

That Infrastructure Services – 2020-07 entitled, "Vulnerable Children Signage Requests" prepared by Kevin Girard dated July 6, 2020 be received, and

That Council authorize and direct the Infrastructure Services Department to no longer install signage indicating 'vulnerable children' or 'children at play' in the Town of Essex, and

That Council authorize the removal of the existing 'vulnerable children' and 'children at play' signs when the existing signs fall into disrepair or when the child it serves reaches the age of majority or moves from the area, whichever comes first.

Purpose

This report was developed to provide Council with a recommendation for requests to install 'children at play' and 'vulnerable children' signs within the Town of Essex.

Background and Discussion

The US Federally adopted Manual on Uniform Traffic Control Devices (MUTCD) and the Ontario Traffic Manual (OTM) states the following about warning signs:

"The purpose of a warning sign is to provide advance warning to the road user of unexpected conditions on or adjacent to the roadway that might not be readily apparent."



Figure 1: Vulnerable Children and Children at Play Signs

However, child warning signs that convey the message "Blind Child", "Deaf Child" or "Autistic Child" (or such variables thereof), as shown in Figure 1, are not recognized by the Province of Ontario or Government of Canada as official traffic control devices and in many areas are no longer installed on public streets across the country. In fact, the MUTCD states:

"The use of warning signs should be kept to a minimum as the unnecessary use of warning signs tends to breed disrespect for all signs."

Child warning signs, such as those in Figure 1, have historically been installed in the Town of Essex, but have been discontinued in the last decade. The existing signs have been left in place until such a time as they are no longer serviceable as per the OTM reflectivity guidelines, or until the Town becomes aware that the family for which the signage was originally installed has moved from the neighbourhood. At that time, the signs are removed and not replaced.

Public agencies across the province, country, and continent have a variety of policies on 'children at play' and 'vulnerable children signage'. However numerous municipalities and public agencies have discontinued the installation of these signs for many reasons including:

- These signs do not describe where the child might be. Most streets within a residential area have children who react in the same way, and each driver must be aware of all children in a neighborhood environment.
- These signs often provide parents, drivers, and children with a false sense of security that all will be on guard when their children are playing in or near the street.
- When the novelty of such a sign wears off, the signs often become "part of the scenery" for drivers and thus can become ineffective quite quickly.
- Unique or unusual warning signs are a target for vandals and souvenir hunters and have a high replacement cost.
- Unique message signs have no legal meaning or enforceability nor established precedent for use in basic traffic engineering references. In fact, their use is discouraged because of both the lack of proven effectiveness and potential liability exposure. The presence of such signs could actually increase exposure to legal liability in that such signs could be seen to imply that safer conditions now exist for children to play in those identified areas or that by identifying some areas with unique warning signs but not other areas inconsistencies have now been created that may also incorrectly imply that there are certain areas where drivers need not be as vigilant. Drivers must be vigilant at all times and at all locations in the Town and by the same token there is no substitute for proper supervision and education of children as it relates to safety and traffic.
- Requests for placement of such signage typically are emotionally driven and the requests for signage placement are often seen as a remedy to traffic speed issues.

Furthermore, 'children at play' signs tend to propagate throughout residential neighborhoods, popping up on every block that has a child living on it. Again, when these signs appear too often, drivers tend not to give as much credibility to the signs, particularly if no children are seen

playing near the 'children at play' signs. When these signs appear too often, they raise questions like, "If there is no sign does that mean there are no children present and no need to watch for children?"

There is little to no evidence to suggest that these signs will result in any behavioural changes by drivers. The Institute of Transportation Engineer's (ITE's) Design and Safety of Pedestrian Facilities states that "No accident-based studies have been able to determine the effectiveness of [such] warning signs."

There is also little to no evidence to suggest that these signs provide any additional benefit to the safety of children. In fact, the ITE's Traffic Control Devices Handbook states that "Children at Play" and "[vulnerable] Children" signs should not be used since they may encourage children to play in the street and may encourage parents to be less vigilant.

Further, reports from many highway research programs, including the National Cooperative Highway Research Program (NCHRP), indicate that "Non-uniform signs, should not be permitted at any time, and the removal of any non-standard signs should carry a high priority".

For many of the reasons previously discussed, the public agencies and municipalities that have decided to continue to install these signs require some or all of the following from the requesting resident as part of their respective Sign Installation Procedure Policy:

- A physician's statement identifying the extent of the disability.
- Concurrence from the parents of their understanding that the sign will only remain in place for a predefined period (Typically five (5) year increments), and will be removed when the child reaches a specified age (typically thirteen (13) years of age), or no reconfirmation from the parents requesting the sign that the requirement for the sign is still valid after the initial five (5) year installation period. (Age confirmation may include a sworn statement of the child's date of birth).
- Written acknowledgement from the parents of their understanding that the sign is no guarantee of their child's safety and that they remain responsible for the monitoring of their child's activities.

- A commitment to notify the public agency in a timely manner of any positive changes in their child's impairments (for example, cochlear implants, use of a hearing aids etc. for children with hearing impairments).
- A commitment to notify the public agency in a timely manner of any relocation to another place of residence.

These stipulations may require a commitment of disclosing personal information that many parents are uncomfortable and or unwilling to provide, and it requires close tracking from the governing public agency utilizing various forms including roll numbers and ownership information.

However, for the same reasons outlined in this report, it is recommended that Council support discontinuing the installation of this type of signage within the Town. Further, the recommendation to Council is that the existing signs shall remain in place only until the sign is no longer in good repair or the child reaches the age of majority or moves from the area, whichever comes first. At such time, the Town shall remove said signs.

Financial Impact

Discontinuing the installation of 'children at play' and 'vulnerable children' signage will result in cost savings from not replacing signs once they are removed, as described in the discussion section. In addition, there would be a future cost savings to the Town from not installing new signs in the future.

Consultations

Norman Nussio, Manager of Operation and Drainage

Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk

Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

Report Approval Details

Document Title:	Vulnerable Children and Children at Play Signage Requests.docx
Attachments:	
Final Approval Date:	Jun 29, 2020

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read "Chris Nepszy".

Chris Nepszy, Chief Administrative Officer - Jun 29, 2020 - 11:35 AM



Report to Council

Department: Infrastructure Services
Division: Drainage
Date: July 6, 2020
Prepared by: Norman Nussio Manager of Operations/Drainage
Report Number: Drainage-2020-05
Subject: Adoption of Section 77(3) Engineer Letter of Opinion
Richmond Drain Bank Repairs
Number of Pages: 3

Recommendation(s)

That Drainage Report -2020-05 entitled "Adoption of Section 77(3) Engineer Letter of Opinion Richmond Bank Repairs" as prepared by Norman Nussio, Manager of Operations and Drainage dated July 6th 2020 be received and supported, and

That By-law # 1928 being a by-law to adopt the Section 77(3) Engineer Letter of Opinion Richmond Drain Bank Repairs, be read a first, a second and third time, and finally passed on July 6th 2020.

Purpose

The Richmond Drain banks have become compromised after several years of intense rain events and high water levels. The drain is specifically damaged on the north bank of the 5th Concession between Ferris road and McCormick road, as shown in the figure below. Many attempts have been made to repair the north bank to avoid large capital expenses. Unfortunately, they have been unsuccessful and the drain requires an engineer's opinion and design to stabilize the bank.

The Richmond Drain has become a public health and safety concern as it continues to erode the banks and compromise the adjacent roadway, therefore, an engineer's letter of opinion in lieu of a report Section 77 has been prepared to address the deteriorating north bank of the Richmond drain.

Therefore, the Drainage department procured Rood Engineering to consider alternative construction practices and complete a design that would stop the erosion and protect the Town's road in the subject section.

The design, as shown in the letter of opinion attached, will consist 108 lineal meters of steel sheet pile wall installed at the toe of the north bank. The bank will then be backfilled with gabion armor stone to stop the eroding soil from being washed downstream, therefore, preventing the roadside from sliding further into the drain.

Financial Impact

Council approved \$275,000 (including applicable taxes) in the 2020 capital budget for the design and construction of repairs to this identified section of the Richmond Drain. The attached Engineer's letter of opinion provides an estimate of the detailed works, however, actual costs will be identified following a request for tender process. The approval and award of these works will be brought to Council at a future date.

Consultations

Kevin Girard, Director of Infrastructure Services

Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

Report Approval Details

Document Title:	Section 77 Richmond Drain.docx
Attachments:	<ul style="list-style-type: none">- y-Final Rpt Richmond Dr Bank Repair REI2016D016.pdf- By-Law No. 1928 - To Approve Section 77 engineers report Richmond Drain Repairs with Schedule A.pdf
Final Approval Date:	Jun 30, 2020

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Norm Nussio, Manager Operations and Drainage was completed by workflow administrator Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk

Norm Nussio, Manager Operations and Drainage - Jun 30, 2020 - 9:03 AM

No Signature - Task assigned to Kevin Girard, Director, Infrastructure Services was completed by workflow administrator Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk

Kevin Girard, Director, Infrastructure Services - Jun 30, 2020 - 9:05 AM

No Signature - Task assigned to Chris Nepszy, Chief Administrative Officer was completed by workflow administrator Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk

Chris Nepszy, Chief Administrative Officer - Jun 30, 2020 - 9:08 AM

RICHMOND DRAIN

5th Concession Road Bank Repair

Geographic Township of Colchester South



TOWN OF ESSEX
33 Talbot Street South
ESSEX, Ontario N8M 1A8
519-776-7336

Rood Engineering Inc.

Consulting Engineers

9 Nelson Street

Leamington, Ontario N8H 1G6

519-322-1621

REI Project 2016D016

2020-03-30

March 30th, 2020

Mayor and Municipal Council
Corporation of the Town of Essex
33 Talbot Street South
Essex, Ontario
N8M 1A8

Mayor Snively and Members of Council:

RICHMOND DRAIN
5th Concession Road Bank Repair
Geographic Twp. of Colchester South
Project REI2016D016
Town of Essex, County of Essex

I. INTRODUCTION

In accordance with the instructions confirmed by letter of May 4th, 2016 from the Town Manager, Legislative Services/Clerk, Robert Auger, we have made the necessary survey, examination, etcetera of that portion of the Richmond Drain along the south side of the 5th Concession Road east of the concrete bridge crossing, and prepared the following letter of opinion report that provides for repair and improvements of the open drain north bank along the south side of the road together with ancillary work. The Richmond Drain comprises of an open drain commencing at the Shepley Drain on the south side of County Rd 20; then it runs north across the County Road to the middle of Concession 5 and turns east between Pt. Lot 7 and 8, where it continues east through Concession 5 until turning southeast at Lot 11 to the 5th Concession Road; it then continues east along the north side of the road, crossing under the road to the south side in Lot 13 and outletting into Cedar Creek at Pt. Lot 14 Concession 4, in the geographic township of Colchester South, Town of Essex. A plan showing the Richmond Drain affected portion, is included herein as part of the report.

Our appointment and the works relative to the repair and improvements to the Richmond Drain, proposed under this report, is in accordance with Section 77.(3) of the "Drainage Act, R.S.O. 1990, Chapter D.17, as amended 2010". This section of the Drainage Act provides as follows:

Written opinion in lieu of report

(3) Where the relocation of a drainage works or part thereof referred to in subsection (2) is to be effected within the lands under the jurisdiction of the road authority, the engineer may prepare a written opinion instead of a report. R.S.O. 1990, c. D.17, s. 77 (3).

We have performed all of the necessary survey, investigations, etcetera, for the proposed repairs and improvements to the drain to protect the road, and we report thereon as follows.

II. BACKGROUND

From our review of the information provided from the Town's drainage files we have established the following reports that we utilized as reference for carrying out this project:

1)	July 25th, 1978	Richmond Drain Plan and Profile	Maurice Armstrong, P.Eng.
2)	April 27th, 1995	Richmond Drain Emergency Work Plans	Gerard Rood, P.Eng. Nick Peralta, P.Eng.
3)	October 31st, 1995	Richmond Drain Emergency Work Report	Nick Peralta, P.Eng. Gerard Rood, P.Eng.
4)	August 1st, 1996	Richmond Drain Geotechnical Report	Golder Associates

The 1995 report by Nick Peralta and Gerard Rood provided for emergency repairs and improvements to the drain section immediately east of the road bridge crossing and has the latest profile for the grading of the drain.

III. PRELIMINARY EXAMINATION AND ON-SITE MEETING

After reviewing all of the drainage information provided by the Town, we arranged with the former Town Drainage Superintendent Dan Boudreau, to schedule an on-site meeting for May 25th, 2017. The following people were in attendance at said meeting: Al Diemer (Town Public Works), Paul McCormick, Albert Catherwood, Manuel Mendes, Dan Boudreau (Town Drainage Superintendent), Norm Nussio (Assistant Drainage Superintendent), Kory Snelgrove (Rood Engineering) and Gerard Rood (Rood Engineering). Details of the drain bank problems were discussed, and the primary concern was some serious bank slumping and erosion and risk to the road surface collapsing. Once the work scope is confirmed, a final report is then prepared and submitted to Council and goes through the Drainage Act process.

The previous work on the drain bank entailed regrading of the slope and additional rock being placed to try and stabilize the bank. Some shifting of the bank occurred after the work was done and further touch ups were required. The 1996 report from Golder Associates suggested that there is a layer of unstable soil approximately 2.4m below the surface that is allowing for the bank to shift and slump. The Town has attempted to repair the slumping along the new problem area, but stability has not been achieved. Based on the past information and current observations, the alternatives that will be considered include a steel sheet pile wall or precast concrete block wall at the toe of the slope, and regrading and protection of the slope behind the wall with rip rap on filter cloth to achieve a more stable cross section. The drain bottom will be cleared to achieve the original design bottom width and grade to restore the design capacity of the drain. An owner asked about shifting the roadway to the north away from the drain bank. It was pointed out that this would involve land acquisition from private lands, would impact the existing drainage along the north side of the road, and create a road curvature that would have safety concerns. This alternative would fail to address the obstruction in the drain caused by the slumping that has occurred and is likely to continue unless addressed.

It was discussed that all trees within the drain cross section from top of bank to top of bank will be removed to prevent obstruction of drainage along the affected portion. The south side of the

drain will be basically cleared for access to carry out the work and dispose of material; however, some mature trees may be able to be saved if the Contractor can work around them.

IV. FIELD SURVEY AND INVESTIGATIONS

Subsequent to the on-site meeting we arranged for a topographic survey of the affected drain and road section to be completed. Preliminary plans were prepared, and repair options investigated.

The Town made initial submissions to the Essex Region Conservation Authority (E.R.C.A.) regarding their requirements or any D.F.O. (Department of Fisheries and Oceans) requirements for work that would be proposed to be carried out on the Richmond Drain. The Town must apply for a permit from E.R.C.A. and follow standard mitigation requirements. We also reviewed the Town maps for fish and mussel species at risk and find that there are no species indicated in the vicinity of this project. A copy of the concerns and requirements to satisfy E.R.C.A. and D.F.O. is included in **Appendix "REI-A"** of this report.

Former Ministry of Natural Resources & Forestry (M.N.R.F.) agreements are replaced with new legislation provisions under Ontario Regulation 242/08, Section 23.9, administered by the Ministry of Environment, Conservation and Parks (M.E.C.P.), which allows repairs, maintenance and improvements to be conducted by the Municipality within existing municipal drains. These works are exempt from Sections 9 and 10 of the Endangered Species Act provided that the rules in the regulations are followed by the Municipality and their contractor. When eligible, the new regulations allow Municipalities to give notice to M.N.R.F. by registering their drainage activities through an online registry system. A review of the former Agreement plans indicate that snake species are a concern for this work area and although turtles are not indicated, they are mobile and could be encountered. The Agreement includes mitigation measures to be followed as outlined in "Schedule C Mitigation Measures" of the former agreement document and a copy of same as it relates to turtles and snakes is included herein in **Appendix "REI-B"**.

V. INVESTIGATIONS

As part of our investigations, we prepared preliminary designs for the steel sheet pile wall and precast concrete block wall installation at the toe of the slope. Cost estimates were determined for these options as well as for simple regrading of the slope and rock on filter cloth installation. These details were provided to the Town Road Department for review and consideration. Based on their observations over time, it was deemed that simply regrading and trying to protect the slope with rock is unlikely to address the problem of the drain bank and road shoulder stability. Based on their investigations for long term stability of the drain bank and road, the decision was made to proceed with the steel sheet pile wall option.

VI. FINDINGS AND RECOMMENDATIONS

We find that the profile included in the 1976 report plans by engineer Maurice Armstrong provides a good fit to the existing profile of the affected portion of the drain, as utilized in the 1995 emergency work.

Based on our detailed survey, investigations, examinations, and input from the Town Road Department, we would recommend that drain improvement works be carried out as follows:

- a) We recommend that all drain improvements, be carried out in accordance with the requirements established by E.R.C.A. and D.F.O. as set out in the documents within **Appendix "REI-A"** attached to this report.
- b) As this is an existing Municipal drain, and conditions have not changed and there is no information to indicate any new species concerns, the repair and improvement can be carried out based on the provisions included within the former Agreement that the Municipality had with M.N.R.F. and the mitigation measures included within same. A copy of said mitigation measures is included in **Appendix "REI-B"** within this report. We recommend that any work being completed shall be carried out in accordance with the **Schedule "C" Mitigation Plan** of the former agreement as included in **Appendix "REI-B"** for reference by the land owners, the Town of Essex, and the Contractor who will be conducting the works.
- c) We find that portions of the open drain have significant accumulation of silt and debris along the affected portion of the drain and we recommend that these be cleaned out as set out further in this report and shown on the plans.
- d) We recommend that the section of the drain bank experiencing slumping be stabilized by installation of a steel sheet pile wall at the toe of the slope. The wall shall include a channel iron cap secured to the sheets, clear stone backfill with filter cloth separation from the native fill, along with weep holes in the wall face to relieve any water pressure behind the wall.
- e) We further recommend that the north bank of the drain behind the proposed steel wall be regraded and protected with quarried limestone rip rap on non-woven filter cloth and all necessary auxiliary works be completed to provide a stable and secure installation.

We recommend that the Richmond Drain be repaired and improved, in accordance with this letter of opinion report, the attached specifications and the accompanying drawings, and that all works associated with same be carried out pursuant to Section 77. (3) of the "Drainage Act, R.S.O. 1990, Chapter D.17 as amended 2010".

VII. ALLOWANCES

We have provided that all of the work will generally be completed from the road side of the drain. Access will be provided along the top of the south bank utilizing the corridor provided in past drainage reports for maintenance work including brushing and clearing the drain bank and restoring the bank slope as shown on the cross sections. The Contractor will be required to restore any existing grassed buffer and driveway areas damaged by the work. We recommend that any materials removed from the open drain be hauled away and disposed of by the Contractor to a site arranged by them. Based on all of the above we find that no allowances for damages are payable pursuant to Sections 29 and 30 of the Drainage Act.

VIII. ESTIMATE OF COST

Our estimate of the Total Cost of this work, including all incidental expenses, is the sum of **TWO HUNDRED SEVENTY EIGHT THOUSAND ONE HUNDRED DOLLARS (\$278,100.00)**, made up as follows:

CONSTRUCTION

Item 1)	<u>Station 0+236.2 to Station 0+336.2;</u> supply and install "Z55" or equal steel sheet piling cantilever front wall and wing walls including channel iron cap bolted or welded to the sheets and weep holes in the front face, approximately <u>108</u> lineal metres at <u>\$1,500.00</u> per lineal metre, complete.	\$	162,000.00
Item 2)	<u>Station 0+236.2 to Station 0+336.2;</u> supply and install 300mm thick quarried limestone rip rap on non-woven filter cloth behind steel wall including all slope preparation and grading and at road pipe outlet, approximately <u>830</u> tonnes at <u>\$60.00</u> per tonne, complete.	\$	49,800.00
Item 3)	<u>Station 0+236.2 to Station 0+336.2;</u> Supply and install approximately <u>730</u> square metres of synthetic filter mat for general erosion protection, at <u>\$5.00</u> per square metre, complete.	\$	3,650.00
Item 4)	<u>Station 0+236.2 to Station 0+336.2;</u> supply and install Granular "A" to restore road shoulder between asphalt and rock protection including preparation, grading and compaction, approximately <u>40</u> tonnes at <u>\$25.00</u> per tonne, complete.	\$	1,000.00
Item 5)	<u>Station 0+236.2 to Station 0+336.2;</u> supply and install 300mm thick clear stone on non-woven filter cloth behind steel wall above drain bottom elevation to top of wall for drainage including all preparation and placement, approximately <u>135</u> tonnes at <u>\$25.00</u> per tonne, complete.	\$	3,375.00
Item 6)	<u>Station 0+236.2 to Station 0+336.2;</u> clear and dispose of all trees and brush, approximately <u>100</u> lineal metres at <u>\$15.00</u> per metre, complete.	\$	1,500.00
Item 7)	<u>Station 0+236.2 to Station 0+336.2;</u> excavate drain cross section as shown on the plans including all loading, hauling and disposal, approximately <u>270</u> cubic metres at <u>\$10.00</u> per cubic metre, complete.	\$	2,700.00
Item 8)	Clean up and restoration including seed and mulch on disturbed drain banks and work areas, complete.		
	Lump Sum	\$	1,500.00

Report - Richmond Drain
5th Concession Road Bank Repair
Town of Essex - REI2016D016

2020-03-30

Item 9)	Contingency amount for construction.	Lump Sum	\$	10,000.00
				<hr/>
TOTAL FOR CONSTRUCTION				\$ 235,525.00
				<hr/>

INCIDENTALS

1)	Report, Estimate, & Specifications	\$	10,000.00
2)	Survey, Assistants, Expenses, and Drawings	\$	15,000.00
3)	Duplication Cost of Report and Drawings	\$	500.00
4)	Estimated Cost of Letting Contract	\$	1,000.00
5)	Estimated Cost of Layout and Staking	\$	1,200.00
6)	Estimated Cost of Full-Time Supervision and Inspection During Construction (based on 2 week duration)	\$	12,500.00
7)	Net H.S.T. on Incidental Items Above (1.76%)	\$	708.00
8)	Estimated Cost of E.R.C.A. permit	\$	150.00
9)	Contingency Allowance	\$	1,517.00
TOTAL FOR INCIDENTALS		\$	42,575.00
TOTAL FOR CONSTRUCTION (brought forward)		\$	235,525.00
TOTAL ESTIMATE		\$	278,100.00

IX. DRAWINGS AND SPECIFICATIONS

As part of this report, we have attached design drawings for the construction of the drain bank repair and improvements. The design drawings show the subject improvement locations and the details of the work, as well as the approximate location within the watershed area. The drain design drawings are attached to the back of this report and are labelled **Appendix "REI-E"**.

Report - Richmond Drain
5th Concession Road Bank Repair
Town of Essex - REI2016D016

2020-03-30

Also attached, we have prepared Specifications which set out the required construction details for the drain repair and improvements, which also include Standard Specifications labelled therein as **Appendix "REI-C"**.

X. SCHEDULE OF ASSESSMENT

We would recommend that the Total Cost for construction of this project, including incidental costs, be charged against the 5th Concession Road, Town of Essex. This reflects that the work required to be done is for the preservation of the roadway and public safety and in general accordance with Section 77 of the "Drainage Act, R.S.O. 1990, Chapter D.17 as amended 2010".

XI. FUTURE MAINTENANCE

When maintenance work is carried out in the future on the open drain portion, the cost for said future maintenance shall be assessed in accordance with the current drainage report assessment schedule for work on the open drain.

When maintenance work is carried out on the bank protection installed under this letter of opinion report, the full cost of same shall be assessed to the 5th Concession Road, Town of Essex.

We further recommend that the maintenance cost sharing as set out above shall remain as aforesaid until otherwise determined and re-established under the provisions of the "Drainage Act, R.S.O. 1990, Chapter D.17 as amended 2010".

All of which is respectfully submitted.

Rood Engineering Inc.



Gerard Rood, P.Eng.



att.

Rood Engineering Inc.

Consulting Engineers
9 Nelson Street
LEAMINGTON, Ontario N8H 1G6

SCHEDULE OF ASSESSMENT
RICHMOND DRAIN BANK REPAIR
(Geographic Township of Colchester South)
TOWN OF ESSEX

3. MUNICIPAL LANDS:

<u>Tax Roll</u> <u>No.</u>	<u>Con. or Plan No. & Lot or</u> <u>Part</u>	<u>Hectares</u> <u>Afft'd</u>	<u>Acres</u> <u>Afft'd</u>	<u>Owner's Name</u>	<u>Value of</u> <u>Benefit</u>	<u>Value of</u> <u>Outlet</u>	<u>Value of Special</u> <u>Benefit</u>	<u>TOTAL</u> <u>VALUE</u>
	5th Concession Road			Town of Essex	\$ 274,800.00	\$ 3,300.00	\$ -	\$ 278,100.00
Total on Municipal Lands.....					\$ 274,800.00	\$ 3,300.00	\$ -	\$ 278,100.00
TOTAL ASSESSMENT					\$ 274,800.00	\$ 3,300.00	\$ -	\$ 278,100.00

=====

1 Hectare = 2.471 Acres
Project No. REI2016D016
March 30th, 2020

SPECIFICATIONS**RICHMOND DRAIN****5th Concession Road Bank Repair****(Geographic Township of Colchester South)****TOWN OF ESSEX****I. GENERAL SCOPE OF WORK**

The Richmond Drain comprises of an open drain generally located commencing at the Shepley Drain on the south side of County Road 20, then running north across to the middle of Concession 5 and turns east between Pt. Lot 7 and 8, where it then continues east along Concession 5 until turning southeast at Lot 11 and proceeds to the 5th Concession Road; it then continues east along the north side of the road, crossing under the road at Lot 13 and outletting into Cedar Creek at Pt. Lot 14 Concession 4, in the geographic township of Colchester South, Town of Essex. The work on the drain generally comprises of stabilizing the north drain bank on the south side of the 5th Concession Road in the Richmond Drain just east of the concrete bridge roadway crossing.

All work shall be carried out in accordance with these specifications and the plans forming part of this drainage project. The bank stabilization shall be of the size, type, depth, etcetera, as is shown in the accompanying drawings, as determined from the Benchmarks, and as may be further laid out at the site at the time of construction. All work carried out under this project shall be completed to the full satisfaction of the Town Drainage Superintendent and the Consulting Engineer.

II. E.R.C.A. AND D.F.O. CONSIDERATIONS

The Contractor will be required to implement stringent erosion and sedimentation controls during the course of the work to help minimize the amount of silt and sediment being carried downstream into Cedar Creek. It is intended that work on this project be carried out during relatively dry weather to ensure proper site and drain conditions and to avoid conflicts with sediment being deposited into the outlet drainage system. All disturbed areas shall be restored as quickly as possible with grass seeding and mulching installed to ensure a protective cover and to minimize any erosion from the work site subsequent to construction. The Contractor may be required to provide temporary silt fencing and straw bales as outlined further in these specifications.

All of the work shall be carried out in accordance with any permits or authorizations issued by the Essex Region Conservation Authority (E.R.C.A.) or the Department of Fisheries and Oceans (D.F.O.), copies of which will be provided, if available, and the notes in **Appendix "REI-A"**. The Contractor is advised that no work may be carried out in the existing drain from March 15th to June 30th of any given year because the drain is directly connected to a downstream area that is classified as sensitive to impacts on aquatic life and habitat by E.R.C.A. and D.F.O.

As part of its work, the Contractor will implement the following measures that will ensure that any potential adverse effects on fish and fish habitat will be mitigated:

- a) As per standard requirements, work will not be conducted at times when flows in the drain are elevated due to local rain events, storms, or seasonal floods. Work will be done in the dry.

- b) All disturbed soils on the drain banks and within the channel, including spoil, must be stabilized immediately upon completion of work. The restoration of the site must be completed to a like or better condition to what existed prior to the works. The spoil material must be hauled away and disposed of at a suitable site, or spread an appropriate distance from the top of the drain bank to ensure that it is not washed back into the drain.
- c) To prevent sediment entry into the Drain, in the event of an unexpected rainfall, silt barriers and/or traps must be placed in the channel during the works and until the site has been stabilized. All sediment and erosion control measures are to be in accordance with related Ontario Provincial Standards. It is incumbent on the proponent and their Contractors to ensure that sediment and erosion control measures are functioning properly and are maintained and upgraded as required.
- d) Silt or sand accumulated in the barrier traps must be removed and stabilized on land once the site is stabilized.
- e) All activities including maintenance procedures should be controlled to prevent the entry of petroleum products, debris, rubble, concrete, or other deleterious substances into the water. Vehicular refuelling and maintenance should be conducted away from the water.

III. M.N.R.F. - M.E.C.P. CONSIDERATIONS

The Contractor is to note that the Ministry of Natural Resources and Forestry (M.N.R.F.) screening process by way of a Species at Risk (S.A.R.) review of the M.N.R.F. "Endangered Species Act, 2007" (E.S.A.) will be completed as a self-assessment by the Town pursuant to Section 23.9 of the E.S.A. now administered by the Ministry of Environment, Conservation and Parks (M.E.C.P.) prior to construction. This Section allows the Town to conduct eligible works of repair, maintenance and improvement to existing municipal drains under the Drainage Act, and exemptions from Sections 9 and 10 of the E.S.A., provided that the requirements are followed in accordance with Ontario Regulation 242/08. The results of the review will be provided to the Contractor and copies of the mitigation measures, habitat protection and identification sheets will be included within **Appendix "REI-B"**.

The Contractor is to review **Appendix "REI-B"** in detail and is required to comply in all regards with the contents of said M.N.R.F. measures, and follow the special requirements therein included during construction. Throughout the course of construction, the Contractor will be responsible to ensure that all necessary provisions are undertaken to protect all species at risk and their habitats. If a threatened or sensitive species is encountered, the Contractor shall notify the Town and M.N.R.F. and provide all the equipment and materials stipulated by the mitigation requirements for handling the species and cooperate fully with the Town and M.N.R.F. staff in the handling of the species.

Notwithstanding the above, the Contractor is advised that the Town had a signed Agreement with the Ministry of Natural Resources and Forestry (M.N.R.F.) regarding the maintenance operations on Municipal drains and the Endangered Species Act, 2007 (E.S.A.). The Drainage Superintendent has reviewed the endangered species maps and any concerns will be provided in **Appendix "REI-B"**. Certain species such as turtles and snakes are mobile and may be encountered during construction. Therefore, the **"SCHEDULE C MITIGATION PLAN"** of the former **Agreement** (pages 13 through 23) has been included in **Appendix "REI-B"** in its entirety along with a timing window chart for further information and use by the Contractor.

The Contractor shall contact the Drainage Superintendent if an endangered species is encountered during construction. The Contractor shall be responsible for providing the necessary equipment and materials outlined in the **"SCHEDULE C MITIGATION PLAN"** to address the handling of any endangered species encountered during the course of the construction work. The Contractor shall cooperate fully and assist the Drainage Superintendent or M.N.R.F. –

M.E.C.P. staff in the proper handling of the endangered species as outlined in the “**MITIGATION PLAN**”, and as may be further directed by the Drainage Superintendent or the M.N.R.F. - M.E.C.P., and shall govern all its operations accordingly.

IV. ACCESS TO WORK

The Contractor is advised that the majority of the work to be carried out on this project extends along the north side of the Richmond Drain on the 5th Concession Road. The Contractor shall have access for the full width of the roadway abutting the proposed drainage works as well. The Contractor may utilize the right-of-way as necessary, to permit the completion of all of the work required to be carried out for this project. The Contractor shall also have access into the driveways and along the south top of bank as necessary to construct the new bank stabilization, brushing, and drain excavation as set out on the plans and in these specifications, along with a sufficient area in the vicinity of the work to carry out the required construction of the new structure installation and ancillary work.

The Contractor shall ensure that the traveling public is protected at all times while utilizing the roadway for its access. The Contractor shall provide traffic control, including flag persons when required. Should the Contractor have to close the 5th Concession Road for the proposed works, it shall obtain the permission of the Town Drainage Superintendent or Consulting Engineer and arrange to provide the necessary notification of detours around the site. The Contractor shall also ensure that all emergency services, school bus companies, etcetera are contacted about the disruption to access at least 48 hours in advance of same. All detour routes shall be established in consultation with the Essex Works Department.

Throughout the course of the work it is imperative that the Contractor protect as much landscaping and vegetation as possible when accessing along the drain. This will be of particular concern along the grass areas of the properties. Due to the extent of the work and the area for carrying out the work, the Contractor will be required to carry out all of the necessary steps to direct traffic and provide temporary diversion of traffic around work sites, including provision of all lights, signs, flag persons, and barricades required to protect the safety of the traveling public. Any accesses or areas used in carrying out the works are to be fully restored to their original conditions by the Contractor at its cost, including topsoil placement and lawn restoration as directed by the Town Drainage Superintendent and the Consulting Engineer. Restoration shall include but not be limited to all necessary levelling, grading, shaping, topsoil, seeding, mulching, and granular placement required to make good any damage caused.

V. REMOVAL OF BRUSH, TREES AND RUBBISH

Where there is any brush, trees or rubbish along the course of the drainage works, including the full width of the work access, all such brush, trees or rubbish shall be close cut and grubbed out, and the whole shall be chipped up for recycling, burned or otherwise satisfactorily disposed of by the Contractor. The brush and trees removed along the course of the work are to be put into piles by the Contractor in locations where they can be safely chipped and disposed of, or burned by it, or hauled away and disposed of by the Contractor to a site to be obtained by it at its expense. Prior to and during the course of any burning operations, the Contractor shall comply with the guidelines prepared by the Air Quality Branch of the Ontario Ministry of the Environment, and shall ensure that the Environmental Protection Act is not violated. The Contractor will be required to notify the local fire authorities to obtain any permits and co-operate with them in the carrying out of any work. The removal of brush and trees shall be carried out in close consultation with the Town Drainage Superintendent or Consulting Engineer to ensure that no decorative trees or shrubs are disturbed by the operations of the Contractor that can be saved. It is the intent of this project to save as many trees and bushes as practical within the roadway allowances and on private lands. Where decorative trees or shrubs are located directly over drainage pipes, the Contractor shall carefully extract same and turn them over to

the Owner when requested to do so, and shall cooperate with the Owner in the reinstallation of same if required.

The Contractor shall protect all other trees, bushes, and shrubs located along the length of the drainage works except for those trees that are established, in consultation with the Town Drainage Superintendent, the Consulting Engineer, and the Owners, to be removed as part of the works. The Contractor shall note that protecting and saving the trees may require the Contractor to carry out hand work around the trees, bushes, and shrubs to complete the necessary final site grading and restoration.

Following the completion of the work, the Contractor is to trim up any broken or damaged limbs on trees which are to remain standing, and it shall dispose of said branches along with other brush, thus leaving the trees in a neat and tidy condition.

The Contractor shall remove all deleterious materials and rubbish along the course of the open drain in the location of the work areas and any other such materials located in the immediate area while carrying out its cleaning of same. All such deleterious materials and rubbish shall be loaded up and hauled away by the Contractor to a site to be obtained by it at its cost.

VI. FENCING

Where it is necessary to take down any fence to proceed with the work, the same shall be done by the Contractor across or along that portion of the work where such fence is located. The Contractor will be required to exercise extreme care in the removal of any fencing so as to cause a minimum of damage to same. The Contractor will be required to reinstall any fence that is taken down in order to proceed with the work, and the fence shall be reinstated in a neat and workmanlike manner. The Contractor will not be required to procure any new materials for rebuilding the fence provided that it has used reasonable care in the removal and replacement of same. When any fence is removed by the Contractor, and the Owner thereof deems it advisable and procures new material for replacing the fence so removed, the Contractor shall replace the fence using the new materials and the materials from the present fence shall remain the property of the Owner.

VII. DETAILS OF OPEN DRAIN WORK

The open drain shall be excavated to the lines, levels, grades and cross-sections as shown on the accompanying drawings, or as may be further established by the Town Drainage Superintendent or the Engineer at the time of the work. The drain shall be carefully excavated so as not to disturb the existing banks, rock protection and vegetation, except for those portions of the drain where widening or restoration of a stable drain bank configuration is required. The bottom width of the drain and the sideslopes of the excavation shall conform to the dimensions given on the drawings.

The drain shall be of the size, type, depth, etcetera as shown on the accompanying drawings. When completed, the drain shall have a uniform and even bottom and in no case shall such bottom project above the grade line, as shown on the accompanying drawings, and as determined from the Benchmarks. The finished side slopes of the drain shall be as shown on the plans.

The excavated material and any refuse or other materials removed from the drain shall be hauled away by the Contractor and disposed of at a site to be obtained by it at its expense.

Where the drain crosses any lawn, garden, orchard, roadway or driveway, etcetera, the excavated material for the full width of the above-mentioned areas shall be hauled away by the

Contractor and disposed of to a site to be obtained by the Contractor at its expense. All work at the disposal site shall be established between the Contractor and the site owner. The Contractor shall be responsible for any permits required and shall provide copies of same to the Town and Consulting Engineer when requested.

Where there is any brush or rubbish in the course of the drain, including both side slopes of the drain, all such brush or rubbish shall be close cut and grubbed out. Where there is any brush or rubbish where the earth is to be spread, or on that strip of land between where the earth is to be spread and the edge of the drain, all such brush or rubbish shall be close cut and grubbed out. The whole is to be burned, chipped or otherwise satisfactorily disposed of by the Contractor as outlined above.

VIII. DETAILS OF THE DRAIN AND BANK WORK

The Contractor shall provide all material, labour and equipment to repair and improve the drain bank in the Richmond Drain requiring work, along with the other improvements as noted. Any fill that is placed shall be compacted in maximum 300mm thick lifts utilizing a hoe pack or other suitable equipment. All areas that that require rip rap rock on filter cloth fabric placement shall be compacted with a hoe pack or equivalent equipment prior to placement of the filter fabric and rip rap protection.

The bank stabilization installation on this project shall be set to the grades as shown on the plans or as otherwise established herein and the Town Drainage Superintendent or the Consulting Engineer may make minor changes to the alignment as they deem necessary to suit the site conditions. All work shall be carried out in general accordance with the plans provided.

IX. STEEL SHEET PILING INSTALLATION

The new steel sheet piling to be installed on this project is required to be provided in the specified lengths with allowance for any damage caused during the driving installation. The finished wall and wingwalls shall not be less than 5.0 metres in length upon completion. The walls shall be installed in accordance with the manufacturer's recommendations. The steel sheeting shall be cut to a uniform top elevation and a channel iron cap installed as shown on the plans. The cap shall be securely bolted or welded to each sheet. The Contractor shall create weep holes in the front wall sheets approximately 150mm above the standard water elevation in the drain. The sheet piling shall be "Z" series as available from Roll Form Group Division of Samuel and be section Z55, or equal.

The Contractor shall note that an envelope of clear stone is to be installed behind the wall to allow for seepage and drainage of water from the bank behind the wall. The clear stone installation shall be a minimum of 300mm thick with non-woven filter cloth between the stone and the native backfill materials to prevent soil migration into the clear stone and prevent settlement from occurring.

The installation of the complete length of the new steel sheet pile wall and wingwalls, including all appurtenances, shall be completely inspected by the Town Drainage Superintendent or the Consulting Engineer's Inspector prior to backfilling any portions of same. Under no circumstance shall the Contractor commence the construction or backfill of the new walls without the site presence of the Town Drainage Superintendent or the Consulting Engineer's Inspector to inspect and approve said installation. The Contractor shall provide a minimum of two (2) working days' notice to the Town Drainage Superintendent or the Consulting Engineer prior to commencement of the work. The installation of the new wall structure is to be performed during normal working hours of the Town Drainage Superintendent and the Consulting Engineer from Monday to Friday unless written authorization is provided by them to amend said working hours.

The Contractor will be responsible to restore any damage caused to the roadways at its cost. All damaged hard surface roadway areas shall be neatly saw cut and the damaged materials removed and disposed of by the Contractor prior to carrying out any restoration work. The extent of the repairs shall be established in consultation with the Town Drainage Superintendent, the Road Authority, and the Consulting Engineer and the repairs shall be completed to their full satisfaction.

The Contractor is to note that any intercepted pipes or tiles along the length of the proposed works are to be extended and connected at its cost to the open drain at the face of the new wall unless otherwise noted in the accompanying drawings.

The Contractor shall also note that the placing of the new steel wall shall be completed so that it totally complies with the parameters established and noted in the plans and cross sections for the wall construction. The wall placement shall be performed totally in the dry, and the Contractor should be prepared to take whatever steps are necessary to ensure same, all to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer. The Contractor shall also be required to supply a minimum of 300mm (12") of 20mm (3/4") clear stone backfill with filter cloth behind the walls above the drain bottom elevation all to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer.

X. REMOVALS

Where the steel sheet pile walls are to be constructed, the Contractor shall be required to excavate and completely any other deleterious materials that may be encountered including all rock, concrete pieces and other debris. The Contractor shall also be required to completely dispose of all removed materials to a site to be obtained by it at its own expense.

All unsuitable and deleterious materials from the excavation for the wall installation and drain cleaning shall be hauled away and disposed of by the Contractor to a site to be obtained by it at its expense.

XI. SLOPED BANK PROTECTION

Where sloped bank protection is specified, the top 305mm (12") of backfill material over the drain bank, from the top of the sheet pile wall to the top of the roadway elevation shall be quarried limestone. The quarried limestone shall be provided as shown and detailed on the plans or as indicated in the Standard Specifications in Appendix "REI-C" and shall be graded in size from a minimum of 100mm (4") to a maximum of 250mm (10"). The quarried limestone to be placed on the sloped drain banks shall be underlain with a synthetic **non-woven** geotextile filter fabric. All work shall be completed to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer.

The installation of the sloped quarried limestone bank protection, unless otherwise specified herein, shall be provided in total compliance with Item 2, Item 3, and Item 4 of the **"STANDARD SPECIFICATIONS FOR ACCESS BRIDGE CONSTRUCTION"**. These are attached to the back of these specifications and labelled Appendix "REI-C". The Contractor shall comply in all respects with the General Conditions included in Item 4 and the **"Typical Quarried Limestone End Protection Detail"** also in Appendix "REI-C".

The quarried limestone erosion protection shall be embedded into the sideslopes of the drain a minimum thickness of 305mm and shall be underlain in all cases with non-woven synthetic filter mat. The filter mat shall not only be laid along the flat portion of the erosion protection, but also contoured to the exterior limits of the quarried limestone and the unprotected slope. The width of the erosion protection shall be as established in the accompanying drawings or as otherwise directed by the Town Drainage Superintendent or the Consulting Engineer during construction. In placing the erosion protection, the Contractor shall carefully tamp the quarried limestone

pieces into place with the use of the excavator bucket so that the erosion protection when completed will be consistent, uniform and tightly laid. In no instance shall the quarried limestone protrude beyond the exterior contour of the unprotected drain sideslopes along either side of said protection. The synthetic filter mat to be used shall be non-woven geotextile GMN160 conforming to O.P.S.S. 1860 Class I, as available from Armtec Construction Products, or equal. The quarried limestone to be used shall be graded in size from a minimum of 100mm to a maximum of 250mm, and is available from Walker Aggregates Amherst Quarries, in Amherstburg, Ontario, or equal.

XII. BENCHMARKS

Also, for use by the Contractor, we have established Benchmarks along the course of the work and especially at the locations where the stabilization is being constructed.

For the bank stabilization, the plans include details illustrating the work to be carried out. A Benchmark has been indicated and the Elevation has been shown and may be utilized by the Contractor in carrying out its work. A table sets out the size, materials, and other requirements relative to the installation of the bank stabilization. In all cases, the Contractor is to utilize the specified drain grade. The Contractor shall ensure that it takes note of the direction of flow and ensures that all grades flow from west to east to match the direction of flow within the drain.

XIII. ANCILLARY WORK

During the course of any work to the bank stabilization along the length of the project, the Contractor will be required to protect or extend any existing tile ends or swales and connect them to the drainage works to maintain the drainage from the adjacent lands. All existing tiles shall be extended utilizing solid Big 'O' "standard tile ends" or equal plastic pipe of the same diameter as the existing tile and shall be installed in accordance with the "**Standard Lateral Tile Detail**" included in the plans or Appendices, unless otherwise noted. Connections shall be made using a manufacturer's coupling where possible. All cuts to steel pipes shall be touched up with a thick coat of zinc rich paint (Galvicon or equal) in accordance with the manufacturer's recommendations. For other connections, the Contractor shall utilize a grouted connection. Grouted mortar joints shall be composed of three (3) parts of clean, sharp sand to one (1) part of Portland cement with just sufficient water added to provide a stiff plastic mix, and the mortar connection shall be performed to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer. The mortar joint shall be of a sufficient mass around the full circumference of the joint on the exterior side to ensure a tight, solid seal. The Contractor is to note that any intercepted pipes along the length of the work are to be extended and connected to the open drain unless otherwise noted in the accompanying drawings.

As a check, all of the above bank stabilization design grade elevations should be confirmed before commencing to the next stage of the installation. The Contractor is also to check that the grades are correct by referencing the Benchmark.

Although it is anticipated that the installation shall be undertaken in the dry, the Contractor shall supply and install a temporary straw bale or silt curtain check dam in the drain bottom immediately downstream of the site during the time of construction. The straw bale or silt curtain check dam shall be to the satisfaction of the Town Drainage Superintendent or Consulting Engineer and must be removed upon completion of the construction along with any accumulated silt or debris. All costs associated with the supply and installation of this straw bale or silt curtain check dam shall be included in the cost bid for the bank stabilization.

XIV. TOPSOIL, SEED AND MULCH

The Contractor shall be required to restore all existing grassed areas and drain side slopes disturbed by the construction, by placing topsoil, and then seed and mulch over said areas including any specific areas noted on the details. The Contractor shall be required to provide all the material and to cover the above mentioned surfaces with approximately 50mm of good, clean, dry topsoil on slopes and 100mm of good, clean, dry topsoil on horizontal surfaces, fine graded and spread in place ready for seeding and mulching. The placing and grading of any topsoil shall be carefully and meticulously carried out in accordance with Ontario Provincial Standard Specifications, Form 802 dated November 2010, or as subsequently amended, or as amended by these specifications and be readied for the seeding and mulching process. The seeding and mulching of all of the above mentioned areas shall comply in all regards to Ontario Provincial Standard Specifications, Form 803 dated November 2010 and Form 804, dated November 2013, or as subsequently amended, or as amended by these specifications. The seeding mixture shall be the Standard Roadside Mix (Canada No. 1 Lawn Grass Seed Mixture) as set out in O.P.S.S. 804. All cleanup and restoration work shall be performed to the full satisfaction of the Town Drainage Superintendent or Engineer.

When all of the work for this installation has been completed, the Contractor shall ensure that positive drainage is provided to all areas, and shall ensure that the site is left in a neat and workmanlike manner, all to the full satisfaction of the Town Drainage Superintendent or Engineer.

XV. GENERAL CONDITIONS

- a) The Town Drainage Superintendent or Consulting Engineer shall have authority to carry out minor changes to the work where such changes do not lessen the efficiency of the work.
- b) The Contractor shall satisfy itself as to the exact location, nature and extent of any existing structure, utility or other object which it may encounter during the course of the work. The Contractor shall indemnify and save harmless the Town of Essex and the Consulting Engineer and their representatives for any damages which it may cause or sustain during the progress of the work. It shall not hold the Town of Essex or the Consulting Engineer liable for any legal action arising out of any claims brought about by such damage caused by it.
- c) The Contractor shall provide a sufficient number of layout stakes and grade points so that the Drainage Superintendent and Consulting Engineer can review same and check that the work will generally conform to the design and project intent.
- d) The Contractor will be responsible for any damage caused by it to any portion of the Town road system, especially to the travelled portion. When excavation work is being carried out and the excavation equipment is placed on the travelled portion of the road, the travelled portion shall be protected by having the excavation equipment placed on satisfactory timber planks or timber pads. If any part of the travelled portion of the road is damaged by the Contractor, the Town shall have the right to have the necessary repair work done by its' employees and the cost of all labour and materials used to carry out the repair work shall be deducted from the Contractor's contract and credited to the Town. The Contractor, upon completing the works, shall clean all debris and junk, etc., from the roadside of the drain, and leave the site in a neat and workmanlike manner. The Contractor shall be responsible for keeping all public roadways utilized for hauling materials free and clear of mud and debris.
- e) The Contractor shall provide all necessary lights, signs, and barricades to protect the public. All work shall be carried out in accordance with the requirements of the Occupational Health

and Safety Act, and latest amendments thereto. If traffic control is required on this project, signing is to comply with the M.T.O. Manual of Uniform Traffic Control Devices (M.U.T.C.D.) for Roadway Work Operations and Ontario Traffic Manual Book 7.

- f) During the course of the work the Contractor shall be required to connect existing drainage pipes to the Municipal Drain. In the event that polluted flows are discovered, the Contractor shall delay the connection of the pipe and leave the end exposed and alert the Town, the Drainage Superintendent and the Consulting Engineer so that steps can be taken by the Town to address the concern with the owner and the appropriate authorities. Where necessary the Contractor shall cooperate with the Town in providing temporary measures to divert the drain or safely barricade same. Should the connection be found acceptable by the authorities, the Contractor shall complete the connection of the drain as provided for in the specifications, at no extra cost to the project.
- g) Following the completion of the work, the Contractor is to trim up any broken or damaged limbs on trees which are to remain standing, and it shall dispose of said branches along with other brush, thus leaving the trees in a neat and tidy condition.
- h) The whole of the work shall be satisfactorily cleaned up, and during the course of the construction, no work shall be left in any untidy or incomplete state before subsequent portions are undertaken.
- i) All driveways, laneways and access bridges, or any other means of access on to the job site shall be fully restored to their former condition at the Contractor's expense. Before authorizing Final Payment, the Town Drainage Superintendent and the Consulting Engineer shall inspect the work in order to be sure that the proper restoration has been performed. In the event that the Contractor fails to satisfactorily clean up any portion of these accesses, the Consulting Engineer shall order such cleanup to be carried out by others and the cost of same be deducted from any monies owing to the Contractor.
- j) The Contractor will be required to submit to the Town, a Certificate of Good Standing from the Workplace Safety and Insurance Board prior to the commencement of the work and the Contractor will be required to submit to the Town, a Certificate of Clearance for the project from the Workplace Safety and Insurance Board before Final Payment is made to the Contractor.
- k) The Contractor shall furnish a Performance and Maintenance Bond along with a separate Labour and Material Payment Bond within ten (10) days after notification of the execution of the Agreement by the Owner. One copy of said bonds shall be bound into each of the executed sets of the Contract. Each Performance and Maintenance Bond and Labour and Material Payment Bond shall be in the amount of 100% of the total Tender Price. All Bonds shall be executed under corporate seal by the Contractor and a surety company, authorized by law to carry out business in the Province of Ontario. The Bonds shall be acceptable to the Owner in every way and shall guarantee faithful performance of the contract during the period of the contract, including the period of guaranteed maintenance which will be in effect for twelve (12) months after substantial completion of the works.

The Tenderer shall include the cost of bonds in the unit price of the Tender items as no additional payment will be made in this regard.
- l) The Contractor shall be required, as part of this Contract, to provide Comprehensive Liability Insurance coverage for not less than \$5,000,000.00 on this project and shall name the Town of Essex and its' officials and the Consulting Engineer and their staff as additional insured under the policy. The Contractor must submit a copy of this policy to both the Town Clerk and the Consulting Engineer prior to the commencement of work.
- m) Monthly progress orders for payment shall be furnished the Contractor by the Town Drainage Superintendent. Said orders shall be for not more than 90% of the value of the

work done and the materials furnished on the site. The paying of the full 90% does not imply that any portion of the work has been accepted. The remaining 10% will be paid 60 days after the final acceptance and completion of the work and payment shall not be authorized until the Contractor provides the following:

- i) a Certificate of Clearance for the project from the Workplace Safety and Insurance Board
- ii) proof of advertising
- iii) a Statutory Declaration, in a form satisfactory to the Consulting Engineer and the Town, that all liabilities incurred by the Contractor and its Sub-Contractors in carrying out the Contract have been discharged and that all liens in respect of the Contract and Sub-Contracts thereunder have expired or have been satisfied, discharged or provided for by payment into Court.

The Contractor shall satisfy the Consulting Engineer or Town that there are no liens or claims against the work and that all of the requirements as per the Construction Act 2018 and its' subsequent amendments have been adhered to by the Contractor.

- n) In the event that the Specifications, Information to Tenderers, or the Form of Agreement do not apply to a specific condition or circumstance with respect to this project, the applicable section or sections from the Canadian Construction Documents Committee C.C.D.C.2 shall govern and be used to establish the requirements of the work.

APPENDIX "REI-A"

STANDARD E.R.C.A. AND D.F.O.
MITIGATION REQUIREMENTS

As part of its work, the Contractor will implement the following measures that will ensure that any potential adverse effects on fish and fish habitat will be mitigated:

1. As per standard requirements, work will not be conducted at times when flows in the drain are elevated due to local rain events, storms, or seasonal floods. Work will be done in the dry.
2. All disturbed soils on the drain banks and within the channel, including spoil, must be stabilized immediately upon completion of work. The restoration of the site must be completed to a like or better condition to what existed prior to the works. The spoil material must be hauled away and disposed of at a suitable site, or spread an appropriate distance from the top of the drain bank to ensure that it is not washed back into the drain.
3. To prevent sediment entry into the drain in the event of an unexpected rainfall, silt barriers and/or traps must be placed in the channel during the works and until the site has been stabilized. All sediment and erosion control measures are to be in accordance with the related Ontario Provincial Standards. It is incumbent on the proponent and Contractors to ensure that sediment and erosion control measures are functioning properly and maintained/upgraded as required.
4. Silt or sand accumulated in the barrier traps must be removed and stabilized on land once the site is stabilized.
5. All activities including maintenance procedures should be controlled to prevent the entry of petroleum products, debris, rubble, concrete, or other deleterious substances into the water. Vehicular refuelling and maintenance should be conducted away from the water.
6. Any drain banks trimmed outside of the July 1st to September 15th timing window will require erosion control blankets to be installed to promote re-vegetation and to protect the slope from erosion in the interim.

APPENDIX "REI-B"

SCHEDULE C

MITIGATION PLAN

The Municipality shall undertake measures to minimize adverse effects on species at risk in accordance with the general conditions described in Part B and taxa-specific conditions described in Part C, and the monitoring and reporting requirements described in Part D of this Mitigation Plan.

PART A. DEFINITIONS

1. Definitions:

1.1. In this Schedule, the following words shall have the following meanings:

"DFO" means Fisheries and Oceans Canada;

"MNR" means the Aylmer District Office of the Ministry of Natural Resources;

"Contact" means to contact the MNR in accordance with the notification/contact schedule provided to the Municipality by the MNR Designated Representative from time to time;

"Holding Tub" means a large, light-coloured container fitted with a non-airtight latchable lid approved by the MNR for the temporary storage of captured snakes, turtles, amphibians, birds or eggs;

"Interagency Notification Form" means the form issued by DFO, available at www.dfo-mpo.gc.ca, which is required to be completed when a drain is being maintained or constructed;

"Monitoring and Reporting Form" means the document that must be completed by the Municipality in accordance with Part D to this Schedule and will be provided to the Municipality;

"Ontario Operational Statement" means one of the documents issued by DFO, available at www.dfo-mpo.gc.ca, that sets out the conditions and measures to be incorporated into a project in order to avoid negative impacts to fish and fish habitat in Ontario, as modified from time to time;

"Process Charts" means the charts attached as Part E to this Schedule which describe the steps set out in this Mitigation Plan;

"Seasonal Timing Windows Chart" means the chart attached as Part G to this schedule which describes the Sensitive Periods applicable to each Taxonomic Group;

"Sensitive Area" means a geographic area in the Municipality where additional mitigation measures are required to be undertaken for one or more Taxonomic Groups;

"Sensitive Areas Map" means any one of the maps attached as Part F to this schedule which sets out the applicable Sensitive Areas;

"Sensitive Period" means a time of year set out in the Seasonal Timing Windows Chart during which taxa-specific mitigation measures are required to be undertaken for a Taxonomic Group because of ambient air/water temperatures, water-levels or important life-history stages;

"Taxonomic Group" means the distinct group comprising one or more Species based on their taxonomic relationship and common approaches to mitigating adverse effects (i.e., fish, mussels, turtles, snakes, amphibians, birds or plants); and

"Work Zone" means the geographic area in the Municipality where an Activity in respect of one of the Drainage Works is being conducted.

- 1.2. For greater certainty, any defined terms that are not defined in section 1.1 have the same meanings as in the Agreement.

PART B. GENERAL MEASURES TO MINIMIZE ADVERSE EFFECTS

2. Process Charts

- 2.1. The general steps set out in this Part B are visually described in the Process Charts (Part E).

3. Review of Documentation

- 3.1. Prior to conducting any Activities in respect of the Drainage Works the Municipality shall determine if conditions apply to the place, time or manner in which the Municipality wishes to pursue them by reviewing:
 - (a) the Sensitive Areas Maps (Part F) to determine if the Work Zone for the proposed Activities will occur within a Sensitive Area;
 - (b) the DFO Reference Guide for Fish and Mussel Species at Risk Distribution Maps: A Referral Review Tool for Projects Affecting Aquatic Species at Risk;
 - (c) the Seasonal Timing Windows Chart (Part G) to determine if the proposed Activities will occur during a Sensitive Period for one or more of the Taxonomic Groups; and
 - (d) the Process Charts to determine if prior notification is required;
 - (e) the mitigation measures for each applicable Taxonomic Group in Part C to determine what additional site-specific mitigation measures, if any, are required.
- 3.2. The Municipality shall document the results of the review undertaken in accordance with section 3.1 using the Monitoring and Reporting Form.

4. Sensitive Areas Maps

- 4.1. The Sensitive Areas Maps contain sensitive information about the distribution of species at risk, are provided for the sole purpose of informing this Agreement and are not to be copied or distributed for any other purposes or to any other party without the prior written authorization of the MNR Designated Representative.

5. Prior Notification to Seek Direction

- 5.1. If, after completing the review of documents described in section 3.1, the Municipality determines that the proposed Activities will be undertaken:
 - (a) in a place;
 - (b) at a time; or
 - (c) in a manner,

that requires prior notification in accordance with the Process Charts, the Municipality shall provide prior notification to the MNR in order for the MNR to determine if the Municipality must undertake additional site-specific or Species-specific mitigation

- measures to minimize adverse effects on the Species and, if applicable, to identify such measures.
- 5.2. The prior notification under section 5.1 shall include a completed Interagency Notification Form:
- (a) in respect of maintenance/repair where the proposed Activities are being undertaken pursuant to subsection 3(18) or section 74 of the *Drainage Act*; or
 - (b) in respect of construction/improvement where the proposed Activities are being undertaken pursuant to section 77 or 78 of the *Drainage Act*.
- 5.3. Where an Activity is undertaken in accordance with section 124 of the *Drainage Act* and would otherwise have required prior notification under section 5.1, the Municipality shall Contact the MNR by email prior to the commencement of the Activity, and complete and submit the applicable Interagency Notification Form within one week of the Activity's completion, unless otherwise directed in writing by the MNR Designated Representative.

6. General Mitigation Measures

- 6.1. Notwithstanding that prior notification or additional mitigation measures may be required in accordance with this schedule, in undertaking any Activity at any time in respect of the Drainage Works the Municipality shall:
- (a) undertake the mitigation measures for sediment control and for erosion control and bank stabilization set out in The Drain Primer (Cliff Evanitski 2008) published by DFO (ISBN 978-0-662-48027-3), unless otherwise authorized in writing by the MNR Designated Representative;
 - (b) use net free, 100% biodegradable erosion control blanket for all erosion control or bank stabilization done in conjunction with their Activities or, if authorized in writing by the MNR Designated Representative, alternative erosion control blankets that provide equal or greater protection to individual Species; and
 - (c) where applicable, follow the guidelines set out in the following Ontario Operational Statements:
 - (i) Beaver Dam Removal;
 - (ii) Bridge Maintenance;
 - (iii) Culvert Maintenance;
 - (iv) Isolated Pond Construction;
 - (v) Maintenance of Riparian Vegetation in Existing Right of Ways; and
 - (vi) Temporary Stream Crossing.

PART C. TAXA-SPECIFIC MEASURES TO MINIMIZE ADVERSE EFFECTS

ADDITIONAL MITIGATION MEASURES FOR MUSSEL SPECIES

7. Activities undertaken in Sensitive Areas for Mussels

- 7.1. Subject to section 7.2, where a proposed Activity will occur in a Sensitive Area for a mussel Species, the Municipality shall Contact the MNR to seek further direction.
- 7.2. Section 7.1 does not apply where the applicable Drainage Works are:
- (a) in a naturally dry condition;
 - (b) classified as a Class F drain in DFO's *Class Authorization System for the Maintenance of Agricultural Municipal Drains in Ontario* (ISBN 0-662-72748-7); or
 - (c) a closed drain.

ADDITIONAL MITIGATION MEASURES FOR TURTLE SPECIES

8. Training and Required On Site Materials for Turtles

- 8.1. The Municipality will ensure any person:
- (a) involved in the capture, temporary holding, transfer and release of any turtle Species has received training in proper turtle handling procedures; and
 - (b) who undertakes an Activity has a minimum of two Holding Tubs and cotton sacks on site at all times.

9. Activities undertaken in Sensitive Areas and Sensitive Periods for Turtles

- 9.1. Subject to section 9.2, where a proposed Activity will occur in a Sensitive Area for any turtle Species and during a Sensitive Period for that Species, the Municipality shall:
- (a) not undertake any Activities that include the excavation of sediment or disturbance to banks during the applicable Sensitive Period unless otherwise authorized;
 - (b) undertake Activities in accordance with any additional site-specific measures provided in writing by the MNR Designated Representative;
 - (c) avoid draw-down and de-watering of the Sensitive Area during the applicable Sensitive Period; and
 - (d) if authorized by the MNR Designated Representative under (a) above to undertake Activities that include excavation of sediment or disturbance of banks, in addition to any other measures required under (b) above, ensure any person undertaking an Activity has at least two Holding Tubs on site at all times.
- 9.2. Section 9.1 does not apply where the applicable Drainage Works are:
- (a) in a naturally dry condition;
 - (b) classified as a Class F drain in DFO's *Class Authorization System for the Maintenance of Agricultural Municipal Drains in Ontario* (ISBN 0-662-72748-7); or
 - (c) a closed drain.

10. Measures for Encounters with Turtles During a Sensitive Period

- 10.1. Where one or more individuals belonging to a turtle Species is encountered in the undertaking of an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) during a Sensitive Period for that Species, the Municipality shall:
- (a) capture and transfer all uninjured individuals of that Species into a Holding Tub;
 - (b) capture and transfer all individuals injured as a result of the Activities into a Holding Tub separate from any Holding Tub containing uninjured individuals;
 - (c) ensure that the Holding Tubs with the captured individuals are stored at a cool temperature to prevent freezing until the individuals can be transferred; and
 - (d) immediately Contact the MNR to seek direction and to arrange for the transfer of the individual turtles.

11. Measures for Encounters with Turtles Laying Eggs or Nest Sites

- 11.1. Where one or more individuals belonging to a turtle Species laying eggs, or an active nest site of any turtle Species, is encountered in undertaking an Activity in a Work Zone, the Municipality shall:
- (a) not disturb a turtle encountered laying eggs and not conduct any Activities within 20 metres of the turtle while it is laying eggs;
 - (b) collect any displaced or damaged eggs and capture any injured dispersing juveniles and transfer them to a Holding Tub;
 - (c) store all captured injured individuals and collected eggs out of direct sunlight;
 - (d) immediately Contact the MNR to seek direction and to arrange for the transfer of any injured individuals and eggs;
 - (e) immediately stop any disturbance to the nest site and recover exposed portions with soil or organic material to protect the integrity of the remaining individuals;
 - (f) not drive any equipment over the nest site or conduct any Activities within 5 metres of the nest site;
 - (g) not place any dredged materials removed from the Drainage Works on top of the nest site;
 - (h) mark out the physical location of the nest site for the duration of the project but not by any means that might increase the susceptibility of the nest to predation or poaching; and
 - (i) where there are no collected eggs or captured individuals, record relevant information and Contact the MNR within 72 hours to provide information on the location of the nest site.

12. Measures for Encounters with Turtles Outside of a Sensitive Period

- 12.1. Where one or more individuals belonging to a turtle Species is encountered while undertaking an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) but outside of any Sensitive Period for that Species, the Municipality shall:
- (a) briefly stop the Activity for a reasonable period of time to allow any uninjured individual turtles of that Species to leave the Work Zone;

- (b) where individuals do not leave the Work Zone after the Activity is briefly stopped in accordance with (a) above, capture all uninjured individuals and release them in accordance with section 13.1;
- (c) where circumstances do not allow for their immediate release, transfer captured uninjured individuals for a maximum of 24 hours into a Holding Tub which shall be stored out of direct sunlight and then release them in accordance with section 13.1;
- (d) capture and transfer any individuals that have been injured into a Holding Tub separate from any Holding Tub containing uninjured individuals; and
- (e) store all captured injured individuals out of direct sunlight and immediately Contact the MNR to seek direction and to arrange for their transfer.

13. Release of Captured Individuals Outside of a Sensitive Period

- 13.1. Where uninjured individuals are captured under section 12.1, they shall be released:
 - (a) within 24 hours of capture;
 - (b) in an area immediately adjacent to the Drainage Works;
 - (c) in an area that will not be further impacted by the undertaking of any Activity; and
 - (d) not more than 250 metres from the capture site.
- 13.2. Following a release under section 13.1, the Municipality shall Contact the MNR within 72 hours of the release to provide information on the name of the Drainage Works, the location of the encounter and the location of the release site.

14. Measures for Dead Turtles

- 14.1. Where one or more individuals of a turtle Species is killed as a result of an Activity in a Work Zone, or if a person undertaking an Activity finds a deceased individual of a turtle Species within the Work Zone, the Municipality shall:
 - (a) place any dead turtles in a Holding Tub outside of direct sunlight; and
 - (b) Contact the MNR within 72 hours to seek direction and to arrange for the transfer of the dead individuals.

ADDITIONAL MITIGATION MEASURES FOR SNAKE SPECIES

15. Training and Required On Site Materials for Snakes

- 15.1. The Municipality will ensure any person:
 - (a) involved in the capture, temporary holding, transfer and release of any snake Species has received training in proper snake handling procedures; and
 - (b) who undertakes an Activity has a minimum of two Holding Tubs and cotton sacks on site at all times.

16. Activities undertaken in Sensitive Areas and Sensitive Periods for Snakes

- 16.1. Where a proposed Activity involves physical infrastructure (e.g., culverts, pump houses, etc.) and will occur in a Sensitive Area for any snake Species and during a *Sensitive Period – Hibernation* for that Species, the Municipality shall undertake the Activity outside of the Sensitive Period, unless otherwise authorized by and in accordance with any site-specific measures provided in writing by the MNR Designated Representative.

- 16.2. Where a proposed Activity will occur at or adjacent to a known hibernacula (as identified by the MNR) for any snake Species and during a *Sensitive Period – Staging* for that Species, the Municipality shall:
- (a) erect effective temporary snake barriers approved by the MNR that will not pose a risk of entanglement for snakes and that shall be secured so that individual snakes may not pass over or under the barrier or between any openings to enter or re-enter the Work Zone;
 - (b) inspect the temporary snake barriers daily during periods when snakes are active, capture any individuals incidentally encountered within the area bounded by the snake barrier and release the captured individuals in accordance with section 20.1; and
 - (c) remove the temporary snake barriers immediately upon completion of the Activity.
- 16.3. Where a proposed Activity that does not involve physical infrastructure will occur in a Sensitive Area for any snake Species and during a *Sensitive Period – Staging* for that Species, the Municipality shall undertake the Activity outside of the Sensitive Period, unless otherwise authorized by and in accordance with any site-specific measures provided in writing by the MNR Designated Representative.

17. Measures for Encounters with Snakes During a Sensitive Period

- 17.1. Where one or more individuals belonging to a snake Species is encountered, or should an active hibernacula be uncovered, while conducting an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) during a Sensitive Period for that Species, the Municipality shall:
- (a) capture and transfer all injured and uninjured individual snakes of that Species into individual light-coloured, drawstring cotton sacks;
 - (b) place all cotton sacks filled with the captured individuals into a Holding Tub;
 - (c) ensure that the Holding Tub with the captured individuals is stored at a cool temperature to protect the snakes from freezing until the individuals can be retrieved or transferred;
 - (d) if an active hibernacula is uncovered, cease all Activities at the hibernacula site; and
 - (e) immediately Contact the MNR to seek direction and to arrange for the transfer and/or retrieval.

18. Measures for Encounters with Snake Nests

- 18.1. Where an active nest of any of the snake Species is encountered and disturbed while undertaking an Activity in any part of a Work Zone, the Municipality shall:
- (a) collect any displaced or damaged eggs and transfer them to a Holding Tub;
 - (b) capture and transfer all injured dispersing juveniles of that Species into a light-coloured drawstring cotton sack;
 - (c) place all cotton sacks with the captured injured individuals into a Holding Tub;
 - (d) ensure that the Holding Tub with the captured injured individuals is stored out of direct sunlight;
 - (e) immediately Contact the MNR to seek direction and to arrange for the transfer of the injured individuals;
 - (f) immediately stop any disturbance to the nest site and loosely cover exposed portions with soil or organic material to protect the integrity of the remaining individuals;

- (g) not drive any equipment over the nest site or conduct any Activities within 5 metres of the nest site;
- (h) not place any dredged materials removed from the Drainage Works on top of the nest site;
- (i) mark out the physical location of the nest site but not by any means that might increase the susceptibility of the nest to predation or poaching; and
- (j) where there are no collected eggs or captured individuals, Contact the MNR within 72 hours to provide information on the location of the nest site.

19. Measures for Encounters with Snakes Outside of a Sensitive Period

- 19.1. Where one or more individuals belonging to a snake Species is encountered while undertaking an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) but outside of any Sensitive Period for that Species, the Municipality shall:
- (a) follow the requirements in section 15;
 - (b) briefly stop the Activity for a reasonable period of time to allow any uninjured individual snakes of that Species to leave the Work Zone;
 - (c) if the individuals do not leave the Work Zone after the Activity is briefly stopped in accordance with (b) above, capture all uninjured individuals and release them in accordance with section 20.1;
 - (d) where circumstances do not allow for the immediate release of captured uninjured individuals, they may be transferred into individual, light-coloured, drawstring cotton sacks before placing them in a Holding Tub which shall be stored out of direct sunlight for a maximum of 24 hours before releasing them in accordance with section 20.1;
 - (e) capture and transfer any individuals injured as a result of conducting the Activities into a Holding Tub separate from any Holding Tub containing uninjured individuals; and
 - (f) store all captured injured individuals out of direct sunlight and immediately Contact the MNR to seek direction and to arrange for their transfer.

20. Release of Captured Individuals Outside of a Sensitive Period

- 20.1. Where uninjured individuals are captured under section 19.1, they shall be released:
- (a) within 24 hours of capture;
 - (b) in an area immediately adjacent to the Drainage Works where there is natural vegetation cover;
 - (c) in an area that will not be further impacted by the undertaking of any Activity; and
 - (d) not more than 250 metres from the capture site.
- 20.2. Following a release under section 20.1, the Municipality shall Contact the MNR within 72 hours of the release to provide information on the name of the Drainage Works, the location of the encounter and the location of the release site.

21. Measures for Dead Snakes

- 21.1. Where one or more individuals belonging to a snake Species is killed as a result of an Activity in a Work Zone, or if a person undertaking an Activity finds a deceased individual of a snake Species within the Work Zone, the Municipality shall:

- (a) collect and transfer any dead individuals into a Holding Tub outside of direct sunlight; and
- (b) Contact the MNR within 72 hours to seek direction and to arrange for the transfer of the carcasses of the dead individuals.

ADDITIONAL MITIGATION MEASURES FOR HERBACEOUS PLANTS

22. Activities Undertaken in Sensitive Areas for Herbaceous Plants

- 22.1. Where a proposed Activity will occur that involves physical disturbance to vegetated banks or the killing and/or removal of vegetation through chemical or mechanical means in a Sensitive Area for any herbaceous plant Species, the Municipality shall:
- (a) undertake the Activity outside of the Sensitive Period, unless otherwise authorized;
 - (b) limit equipment access and operations to the side of the Drainage Works that will minimize disturbances where any of the plant Species occur;
 - (c) locate temporary storage sites for excavated sediments or bank materials on areas of open soil away from where any of the plant Species are likely to occur;
 - (d) not use any broad spectrum herbicides in Sensitive Areas; and
 - (e) undertake Activities in accordance with any additional site-specific measures provided in writing by the MNR Designated Representative.

ADDITIONAL MITIGATION MEASURES FOR TREE SPECIES

23. Additional Measures for Butternut

- 23.1. Where Butternuts may exist in a Work Zone and may be affected by an Activity, the Municipality shall:
- (a) identify and mark as retainable trees all individual Butternut trees within the Work Zone during work planning site visits unless the individual Butternut has been assessed as a non-retainable tree due to infection by Butternut canker by a person designated by the Minister as a Butternut Health Assessor;
 - (b) retain and avoid disturbance to all individuals identified under (a) above that have been identified as retainable trees or that have not been assessed, unless otherwise authorized in writing by the MNR Designated Representative;
 - (c) conduct Activities by:
 - (i) limiting equipment access and operations to the side of the Drainage Works that will minimize disturbance to where any of the individual Butternut trees occur,
 - (ii) working around trees,
 - (iii) avoiding compacting and/or disturbing the soil by keeping excavation and other heavy equipment a minimum of 2 metres away from the main stem of retained individuals to avoid damaging roots and stems,
 - (iv) placing excavated materials on areas not within 2 metres of the main stem of retained individuals; and
 - (v) where branches are required to be removed to allow for safe operation of equipment, removing them using appropriate equipment, such as pruning saws, chain saws or lopping shears, in accordance with good forestry practices.

24. Measures for Other Trees

- 24.1. Where Kentucky Coffee-tree, Common Hoptree, Eastern Flowering Dogwood and American Chestnut may exist in a Work Zone and may be affected by an Activity, the Municipality shall:
- (a) identify and mark all individual Kentucky Coffee-tree, Common Hoptree, Eastern Flowering Dogwood and American Chestnut within the Work Zone during work planning site visits;
 - (b) avoid disturbance to all individuals identified under (a) above, unless otherwise authorized in writing by the MNR Designated Representative;
 - (c) conduct Activities by:
 - (i) limiting equipment access and operations to the side of the Drainage Works that will minimize disturbance where any of the individuals occur,
 - (ii) working around trees,
 - (iii) avoiding compacting and/or disturbing the soil by keeping excavation and other heavy equipment a minimum of 2 metres away from the main stem of retained individuals to avoid damaging roots and stems, and
 - (iv) placing excavated materials on areas not within 2 metres of the main stem of retained individuals; and
 - (d) where branches are required to be removed to allow for safe operation of equipment, remove them using appropriate equipment, such as pruning saws, chain saws or lopping shears, in accordance with good forestry practices.

PART D. MONITORING AND REPORTING REQUIREMENTS

25. Compliance Monitoring.

- 25.1. The Municipality shall inspect the undertaking of the Activities at the locations described in Part F of this Schedule C, and shall record the results of the inspections in the Monitoring and Reporting Form.
- 25.2. The Municipality shall record all encounters with Species and the resulting mitigation measures taken by the Municipality in the Monitoring and Reporting Form.

26. Reporting

- 26.1. Prior to March 31 of each year the Mitigation Plan is in effect, the Municipality shall submit a completed Monitoring and Reporting Form containing all of the information collected under sections 25.1 and 25.2 during the previous twelve months to the MNR Designated Representative.

27. Review

- 27.1. Within six months of the expiry of this Mitigation Plan but no later than three months from the time of its expiry, the Parties shall meet to review the measures and actions taken and the Activities undertaken during its term and to discuss the terms and conditions of the next Mitigation Plan.

APPENDIX "REI-C"

STANDARD SPECIFICATIONS **FOR ACCESS BRIDGE CONSTRUCTION**

1. CONCRETE FILLED JUTE BAG HEADWALLS

After the Contractor has set the new pipe in place, it shall completely backfill same and install new concrete filled jute bag headwalls at the locations and parameters indicated on the drawing. When constructing the concrete filled jute bag headwalls, the Contractor shall place the bags so that the completed headwall will have a slope inward from the bottom of the pipe to the top of the finished headwall. The slope of the headwall shall be one unit horizontal to five units vertical. The Contractor shall completely backfill behind the new concrete filled jute bag headwalls with Granular "B" and Granular "A" material as per O.P.S.S. Form 1010 and the granular material shall be compacted in place to a Standard Proctor Density of 100%. The placing of the jute bag headwalls and the backfilling shall be performed in lifts simultaneously. The granular backfill shall be placed and compacted in lifts not to exceed 305mm (12") in thickness.

The concrete filled jute bag headwalls shall be constructed by filling jute bags with concrete. All concrete used to fill the jute bags shall have a minimum compressive strength of 25 MPa in 28 days and shall be provided and placed only as a wet mix. Under no circumstance shall the concrete to be used for filling the jute bags be placed as a dry mix. The jute bags, before being filled with concrete, shall have a dimension of 460mm (18") x 660mm (26"). The jute bags shall be filled with concrete so that when they are laid flat, they will be approximately 100mm (4") thick, 305mm (12") to 380mm (15") wide and 460mm (18") long.

The concrete jute bag headwall to be provided at the end of the bridge pipe shall be a single or double bag wall construction as set out in the specifications. The concrete filled bags shall be laid so that the 460mm (18") dimension is parallel with the length of the new pipe. The concrete filled jute bags shall be laid on a footing of plain concrete being 460mm (18") wide, extending for the full length of the wall, and 305mm (12") thick extending below the bottom of the culvert pipe.

All concrete used for the footing, cap and bags shall have a minimum compressive strength of 25 Mpa at 28 days and shall include 6% \pm 1% air entrainment.

Upon completion of the jute bag headwall the Contractor shall cap the top row of concrete filled bags with a layer of plain concrete, minimum 100mm (4") thick, and hand trowelled to obtain a pleasing appearance. If the cap is made more than 100mm thick, the Contractor shall provide two (2) continuous 15M reinforcing bars set at mid-depth and equally spaced in the cap. The Contractor shall fill all voids between the concrete filled jute bags and the corrugated steel pipe with concrete, particular care being taken underneath the pipe haunches to fill all voids.

The completed jute bag headwalls shall be securely embedded into the drain bank a minimum of 500mm (20") measured perpendicular to the sideslopes of the drain.

As an alternate to constructing a concrete filled jute bag headwall, the Contractor may construct a grouted concrete rip rap headwall. The specifications for the installation of a concrete filled jute bag headwall shall be followed with the exception that broken pieces of concrete may be substituted for the jute bags. The concrete rip rap shall be approximately 460mm (18") square and 100mm (4") thick and shall have two (2) flat parallel sides. The concrete rip rap shall be fully mortared in place using a mixture composed of three (3) parts of clean sharp sand and one (1) part of Portland cement.

The complete placement and backfilling of the headwalls shall be performed to the full satisfaction of the Town Drainage Superintendent and the Engineer.

2. QUARRIED LIMESTONE ENDWALLS

The backfill over the ends of the corrugated steel pipe shall be set on a slope of 1-½ units horizontal to 1 unit vertical from the bottom of the corrugated steel pipe to the top of each end slope and between the drain banks. The top 305mm (12") in thickness of the backfill over the ends of the corrugated steel pipe shall be quarried limestone. The quarried limestone shall also be placed on a slope of 1-½ units horizontal to 1 unit vertical from the bottom of the corrugated steel pipe to the top of each bank of the drain adjacent each end slope. The quarried limestone shall have a minimum dimension of 100mm (4") and a maximum dimension of 250mm (10"). The end slope protection shall be placed with the quarried limestone pieces carefully tamped into place with the use of a shovel bucket so that, when complete, the end protection shall be consistent, uniform, and tightly laid in place.

Prior to placing the quarried limestone end protection over the granular backfill and on the drain banks, the Contractor shall lay non-woven geotextile filter fabric "GMN160" conforming to O.P.S.S. 1860 Class I or approved equal. The geotextile filter fabric shall extend from the bottom of the corrugated steel pipe to the top of each end slope of the bridge and along both banks of the drain to a point opposite the ends of the pipe.

The Contractor shall take extreme care not to damage the geotextile filter fabric when placing the quarried limestone on top of the filter fabric.

3. BRIDGE BACKFILL

After the corrugated steel pipe has been set in place, the Contractor shall backfill the pipe with Granular "B" material, O.P.S.S. Form 1010 with the exception of the top 305mm (12") of the backfill. The top 305mm (12") of the backfill for the full width of the excavated area (between each bank of the drain) and for the top width of the driveway, shall be Granular "A" material, O.P.S.S. Form 1010. The granular backfill shall be compacted in place to a Standard Proctor Density of 100% by means of mechanical compactors. All of the backfill material, equipment used, and method of compacting the backfill material shall be inspected and approved and meet with the full satisfaction of the Town Drainage Superintendent and Engineer.

4. GENERAL

Prior to the work commencing, the Town Drainage Superintendent and Engineer must be notified, and under no circumstances shall work begin without one of them being at the site. Furthermore, the grade setting of the pipe must be checked, confirmed, and approved by the Superintendent or Engineer prior to continuing on with the bridge installation.

The alignment of the new bridge culvert pipe shall be in the centreline of the existing drain, and the placing of same must be performed totally in the dry.

Prior to the installation of the new access bridge culvert, the existing sediment build-up in the drain bottom must be excavated and completely removed. This must be done not only along the drain where the bridge culvert pipe is to be installed, but also for a distance of 3.05 metres (10 ft.) both upstream and downstream of said new access bridge culvert. When setting the new bridge culvert pipe in place it must be founded on a good undisturbed base. If unsound soil is encountered, it must be totally removed and replaced with 20mm (3/4") clear stone, satisfactorily compacted in place.

When doing the excavation work or any other portion of the work relative to the bridge installation, care should be taken not to interfere with, plug up, or damage any existing surface drains, swales, and lateral or main tile ends. Where damage is encountered, repairs to correct same must be performed immediately as part of the work.

The Contractor and/or landowner performing the bridge installation shall satisfy themselves as to the exact location, nature and extent of any existing structure, utility or other object that they may encounter during the course of the work. The Contractor shall indemnify and save harmless the Town, the Engineer and their staff from any damages which it may cause or sustain during the progress of the work. It shall not hold them liable for any legal action arising out of any claims brought about by such damage caused by it.

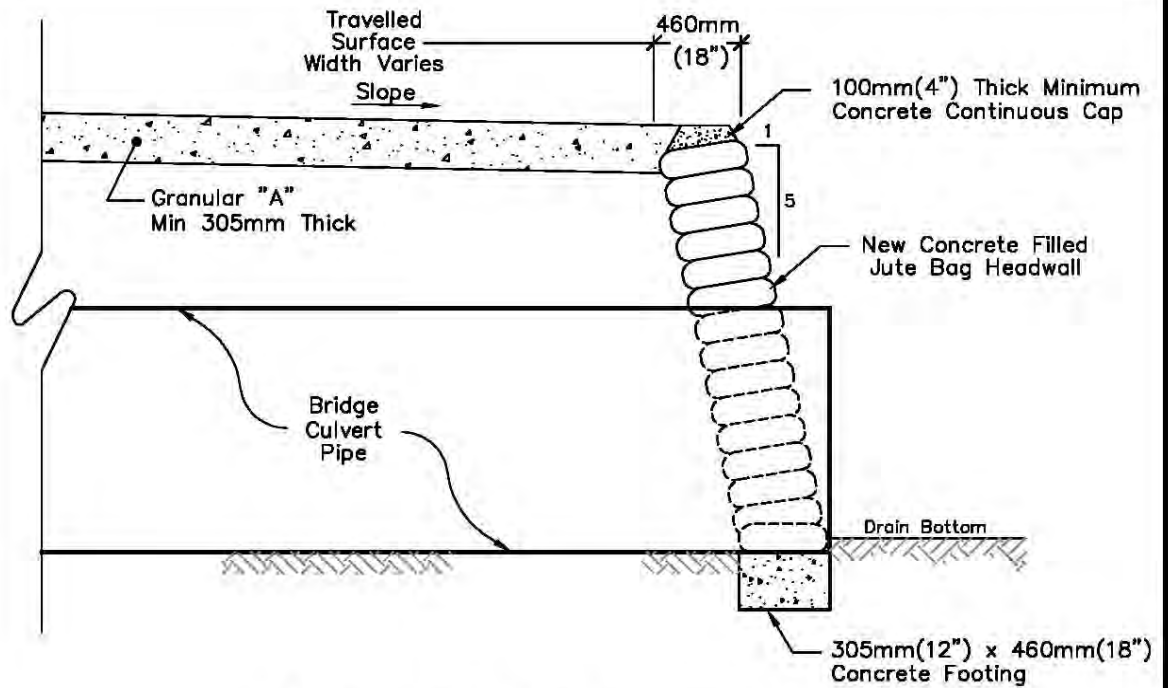
Where applicable, the Contractor and/or landowner constructing the new bridge shall be responsible for any damage caused by them to any portion of the Town road right-of-way. They shall take whatever precautions are necessary to cause a minimum of damage to same and must restore the roadway to its original condition upon completion of the works.

When working along a municipal roadway, the Contractor shall provide all necessary lights, signs, barricades and flagpersons as required to protect the public. All work shall be carried out in accordance with the requirements of the Occupational Health and Safety Act, and latest amendments thereto. If traffic control is required on this project, it is to comply with the M.T.O. Traffic Control Manual for Roadway Work Operations.

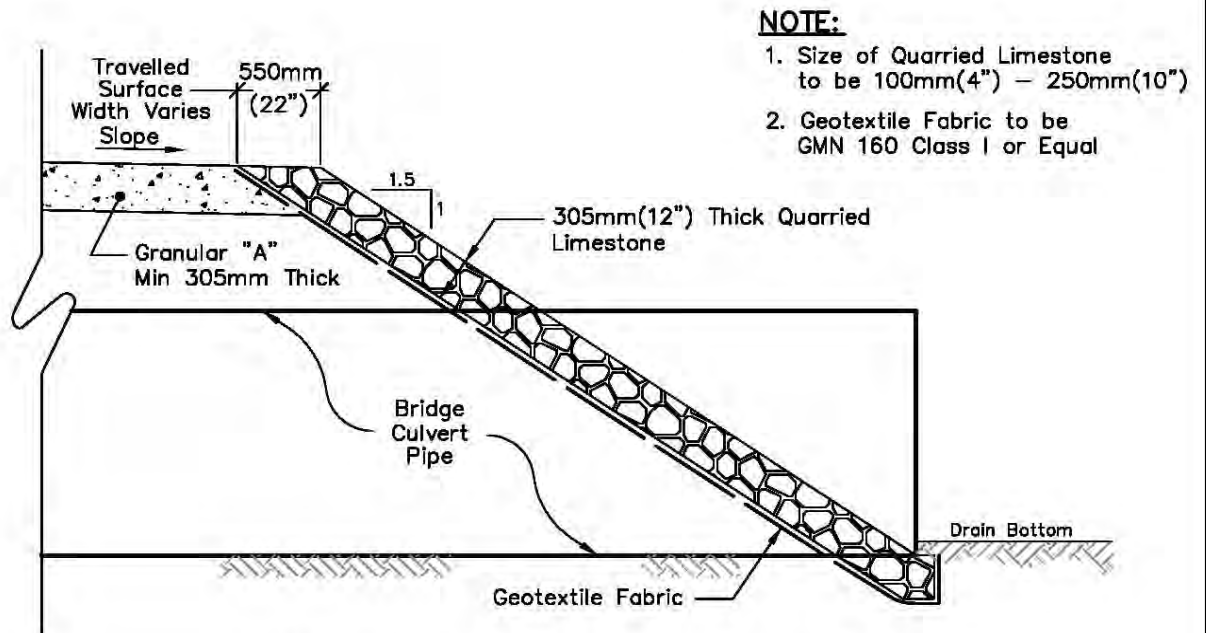
Once the bridge installation has been completed, the drain sideslopes directly adjacent the new headwalls and/or endwalls are to be completely restored including revegetation, where necessary.

All of the work required towards the installation of the bridge shall be performed in a neat and workmanlike manner. The general site shall be restored to its' original condition, and the general area shall be cleaned of all debris and junk, etc. caused by the work

All of the excavation, installation procedures, and parameters as above mentioned are to be carried out and performed to the full satisfaction of the Town Drainage Superintendent and Engineer.



Typical Jute Bag Headwall



Typical Quarried Limestone End Protection

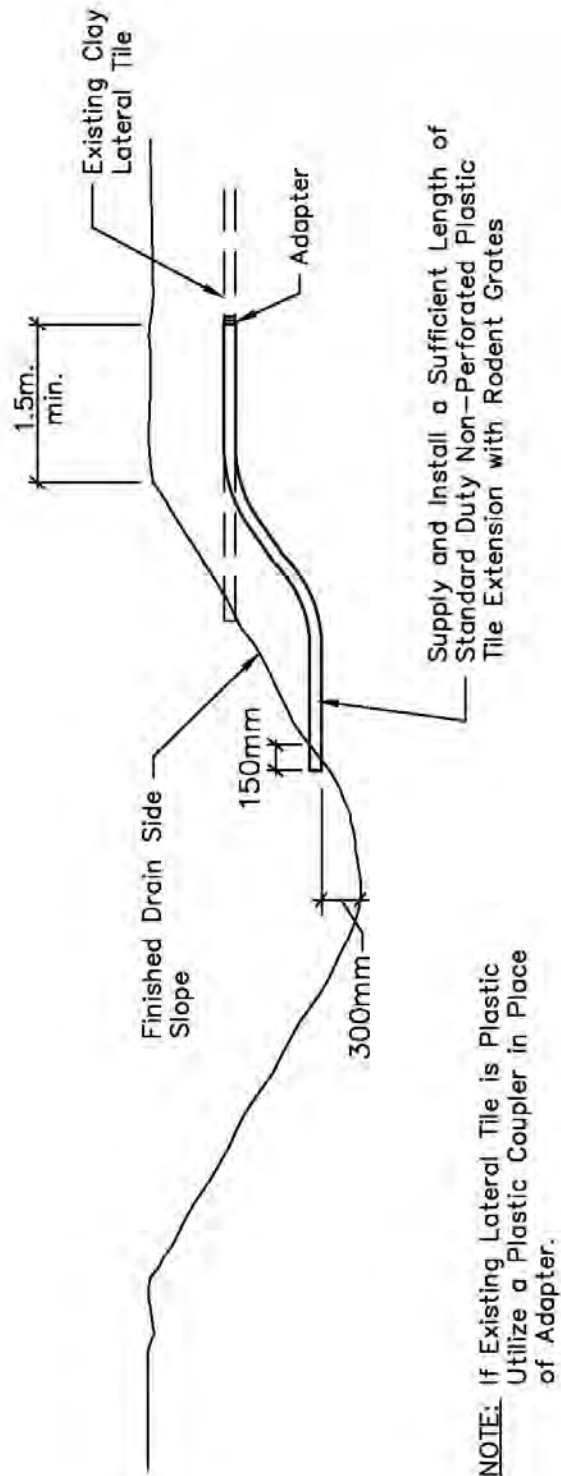
Rood Engineering Inc.

Consulting Engineers

9 Nelson Street

Leamington, Ontario N8H 1G6

519-322-1621



STANDARD LATERAL TILE DETAIL

N.T.S.

Block Headwall Installation Instructions for Culverts

1. A swift lift device will be required to place the blocks. A 75mm eye bolt will be required to place the caps.
2. The bottom course of blocks shall be founded on a firm solid base. The contractor shall provide a minimum levelling course of 150mm of compacted 3/4" Clear Stone, or a 100% compacted granular A, or lean concrete as a foundation base.
3. Ensure that the base is level and flat as this will greatly improve speed of installation.
4. On new culverts a minimum of 150mm of block wall will extend below the culvert to prevent scouring under the culvert.
5. The bottom course of blocks shall be embedded into the drain bottom to achieve the desired top elevation of the wall.
6. Blocks shall extend from the pipe invert across the full height and width of the drain and be imbedded a minimum of 300mm into the drain banks. Where possible the top of the block wall will match the height of the completed driveway.
7. Blocks shall be placed such that all joints are staggered.
8. Any excavation voids on the ends of block walls below subsequent block layers shall be filled with ¾" Clear Stone.
9. Where block walls extend beyond three blocks in height, they should be battered a minimum of 1 unit horizontal for every 10 units vertical throughout the wall's full height and width. This can be achieved using pre-battered base blocks, or by careful preparation of the base.
10. Filter cloth (270R or equivalent) should be placed behind the wall to prevent the migration of fill material through the joints.
11. The walls should be backfilled with a free draining granular fill.
12. A uni-axial geogrid (SG350 or equivalent) should be used to tie back the headwalls where walls extend beyond 1.8m in height.
13. The face of the block wall shall not extend beyond the end of the pipe culvert.
14. Any gaps between the blocks and culvert shall be sealed with non-shrink grout for the full depth of the block.

APPENDIX "REI-D"

NOT REQUIRED FOR THIS REPORT

APPENDIX "REI-E"

PLAN, PROFILE & DETAILS
OF THE
RICHMOND DRAIN
(5TH CONCESSION ROAD BANK STABILIZATION)
(Geographic Township of Colchester South)
IN THE
TOWN OF ESSEX
IN THE
COUNTY OF ESSEX • ONTARIO

Gerard Rood
GERARD ROOD, P.ENG.

REGISTERED PROFESSIONAL ENGINEER
G.ROOD
2020-03-30
PROVINCE OF ONTARIO

ROOD
ENGINEERING
INC.

CONSULTING ENGINEERS
Leamington, Ontario
519-322-1621

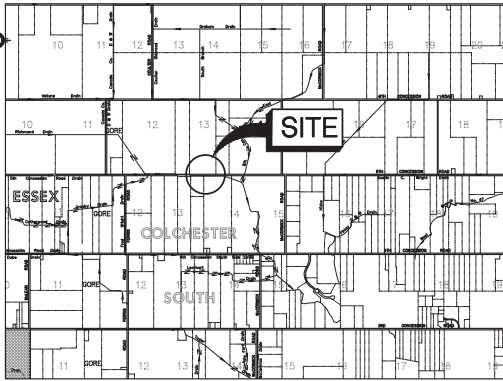
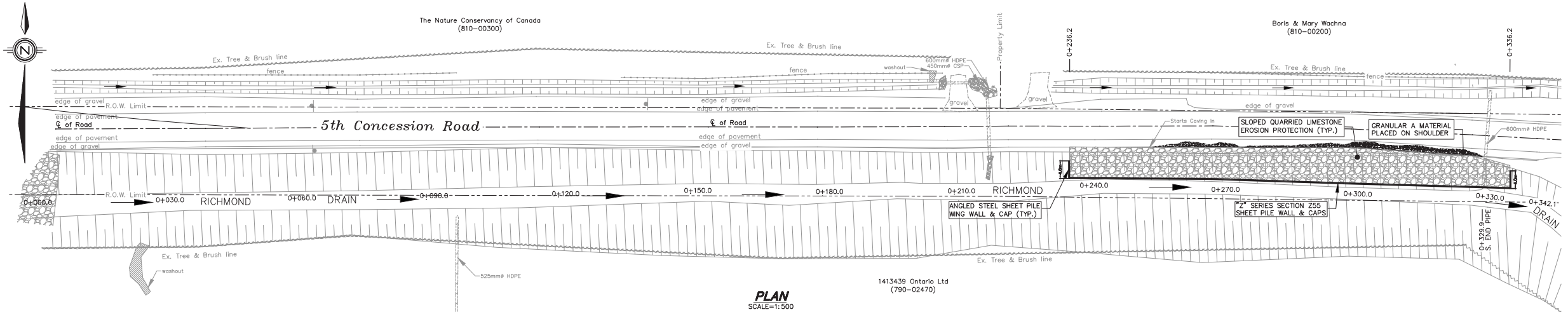
DATE: March 30th, 2020

TOWN OF ESSEX

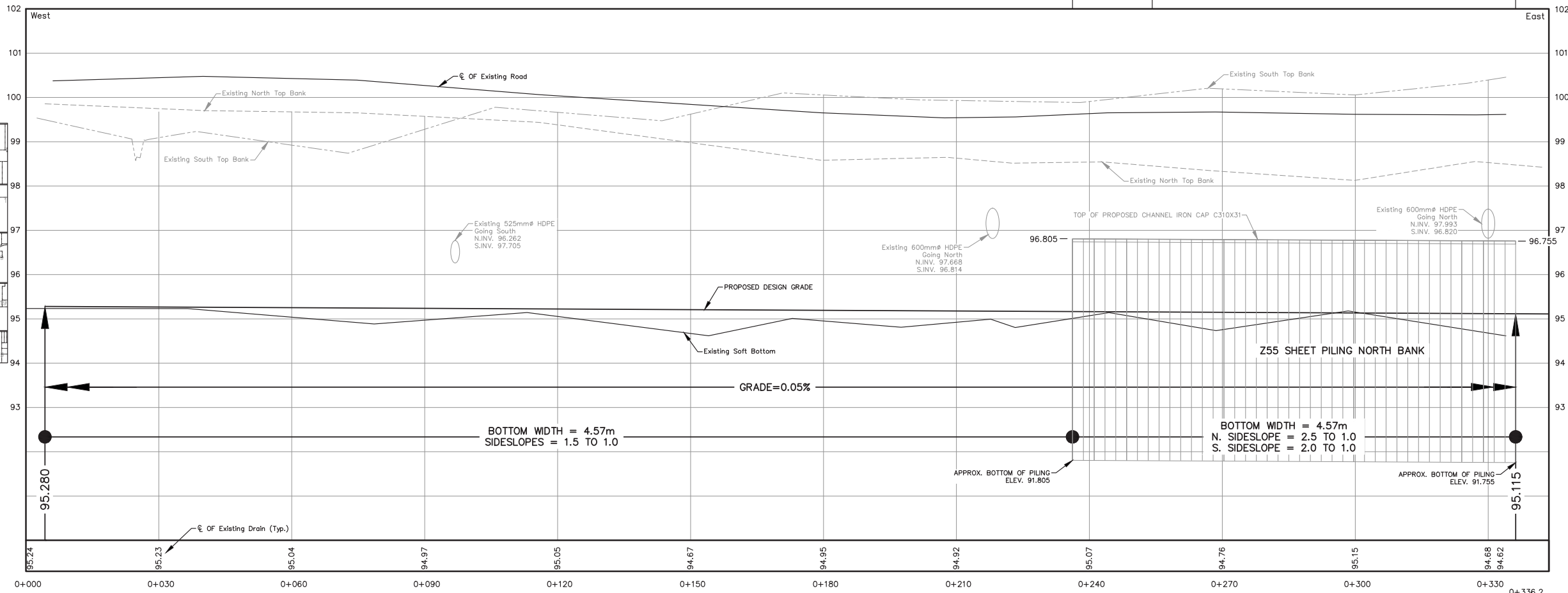
MAYOR: Larry Snively
CLERK: Robert Auger
DRAINAGE SUPERINTENDENT: Lindsay Dean

BENCHMARK:

TOP WEST END OF NORTH CONCRETE CURB OF
ROADWAY BRIDGE OVER RICHMOND DRAIN AT
5TH CONCESSION ROAD JUST WEST OF SITE
ELEV. = 101.284 m



KEY PLAN
Scale = 1:50,000



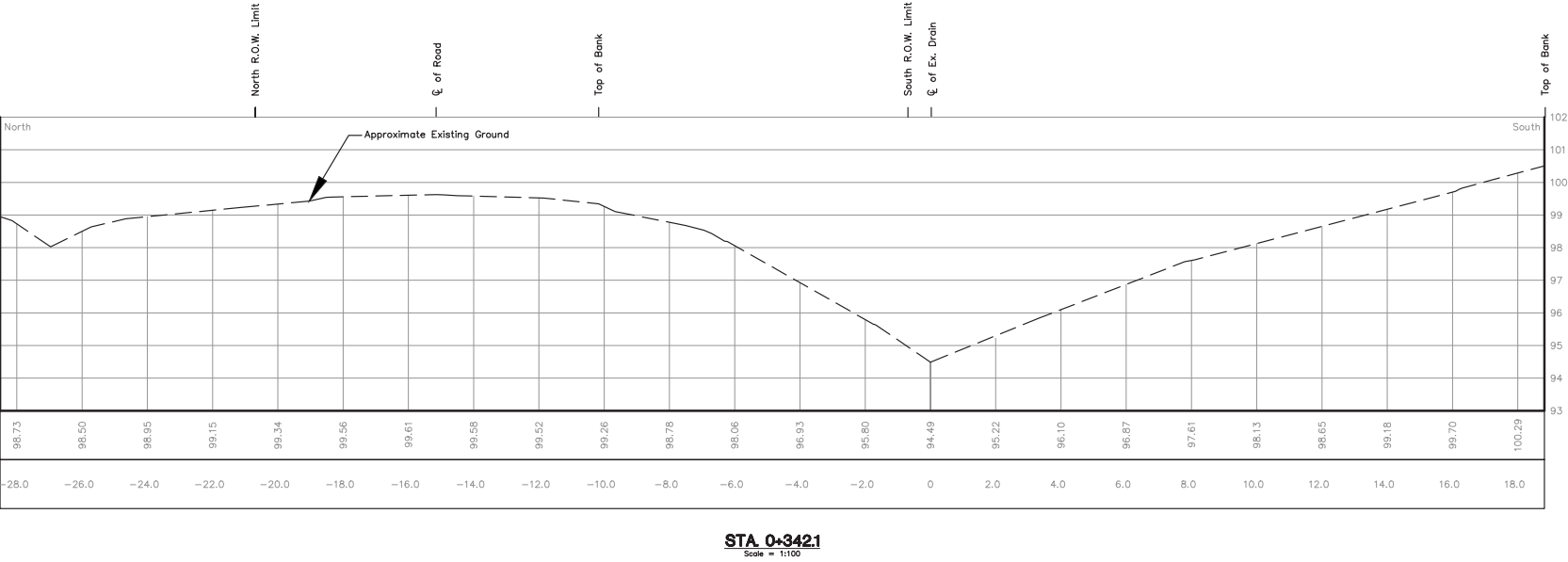
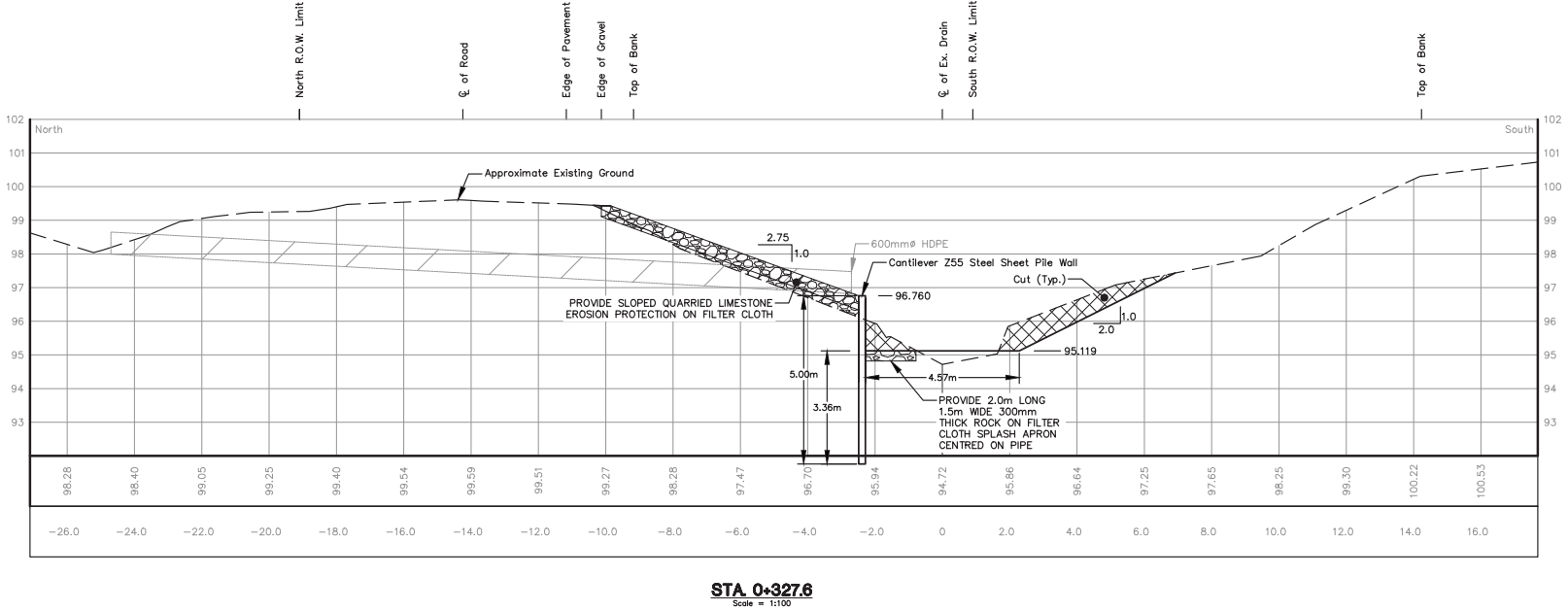
PROFILE
SCALE=1:500 hor.
1:50 vert.

THESE PLANS HAVE BEEN REDUCED
AND THE SCALE THEREFORE VARIES.
FULL SCALE PLANS MAY BE VIEWED
AT THE MUNICIPAL OFFICE.

DRAWN BY: G.S. & K.S.
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FILE No.: REI2016
SHEET No.: 1 of 1

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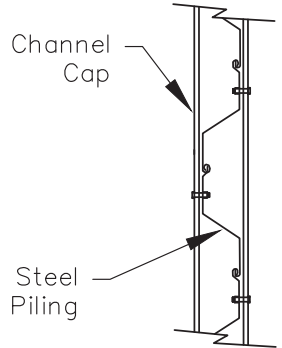
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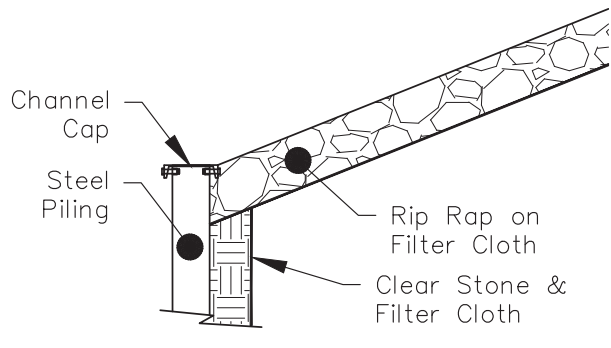
'Z' SERIES

(PAIRED SHEETS)

SECTION	THICKNESS T in (mm)	HEIGHT H in (mm)	NOMINAL WIDTH W in (mm)	SECTION AREA in ² (cm ²)	WEIGHT lbs/lin ft. (kg/lin m)	HEIGHT H in (mm)	WEIGHT lbs/lin ft. (kg/lin m)	MOMENT OF INERTIA in ⁴ /wall ft. (cm ⁴ /wall m)	RADIUS OF GYRATION in (mm)	SECTION MODULUS in ³ /wall ft. (cm ³ /wall m)
Z-55	.217 (5.50)	8.64 (219)	24.0 (610)	7.57 (48.8)	25.8 (38.4)	12.0 (30.5)	48.7 (6790)	3.61 (91.7)	11.4 (615)	1.4 (687)
Z-60	.236 (6.00)	8.68 (220)	24.0 (610)	8.26 (53.3)	28.2 (42.5)	14.1 (35.8)	54.2 (7490)	3.62 (91.8)	12.4 (687)	1.4 (687)
Z-65	.256 (6.50)	8.68 (220)	24.0 (610)	8.95 (57.7)	30.6 (45.5)	15.3 (39.1)	58.7 (8010)	3.62 (91.8)	13.4 (720)	1.4 (687)
Z-70	.276 (7.00)	8.70 (221)	24.0 (610)	9.64 (62.2)	33.0 (49.1)	16.5 (41.9)	63.2 (8630)	3.62 (91.8)	14.4 (774)	1.4 (687)
Z-75	.295 (7.50)	8.72 (221)	24.0 (610)	10.3 (66.5)	35.2 (52.4)	17.6 (45.9)	67.7 (9250)	3.63 (92.2)	15.6 (839)	1.4 (687)



Top View of Wall



End View of Wall

THESE PLANS HAVE BEEN REDUCED
AND THE SCALE THEREFORE VARIES.
FULL SCALE PLANS MAY BE VIEWED
AT THE MUNICIPAL OFFICE.

DRAWN BY: G.S. & K.S.
PLOT CODE: 1:1
COMPUTER FILE: REI2016D016.DWG

File No.: 125-01
Sheet No.: 358

The Corporation of the Town of Essex

By-Law Number 1928

**Being a by-law to authorize the repairs of
Drainage Works pursuant to Section 77(3) of
the Drainage Act, R.S.O. 1990, c. D. 17**

Whereas Council of The Corporation of the Town of Essex at its July 6, 2020 regular meeting received and supported Drainage Report 2020-05 which Report recommends the adoption of a Engineers Letter of Opinion in reference to the recommended repairs of the Richmond Drain Bank;

And Whereas Section 77(3) of the Ontario Drainage Act, R.S.O. 1990, c. D. 17 (the "Act") provides that where the relocation of a Drainage works or part thereof referred to in subsection 77(2) of the Act is to be effected within the lands under the jurisdiction of the Road Authority, the engineer has the option to prepare a written opinion instead of a report.

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

1. That the Engineer's Letter of Opinion to repair the Richmond Drain Bank as attached hereto as Schedule "A" to this by-law be approved and adopted and that the repair of Drainage Works referenced therein be hereby authorized;
2. That the Mayor and Clerk be hereby authorized to sign such documents and give such assurances as may be necessary to give effect to this By-law.
3. That this by-law shall come into force and effect upon its final passing thereof.

Read a first, a second and a third time and finally passed on July 6, 2020.

Mayor

Clerk



Report to Council

Department: Community Services
Division: Community Services
Date: July 6, 2020
Prepared by: Doug Sweet, Director of Community Services
Report Number: Community Services-2020-03
Subject: CS-2020-LIFE lease of Kinsmen Fieldhouse
Number of Pages: 5

Recommendation(s)

The following three recommendations are provided for Council's consideration:

1. That Community Services Report 2020-007 entitled "Learning in Friendship and Equality (LIFE) Lease of Kinsmen Fieldhouse" **be received**; and
2. That Council **approve** entering into an agreement with Learning in Friendship and Equality (LIFE) for leased space at the Kinsmen Fieldhouse located at 50 Fairview Avenue West in Essex Centre for one year commencing on the first day of August, 2020 and concluding on July 31, 2021 with an option to renew for an additional two years beginning on August 1, 2021 subject to the general terms and conditions as outlined in By-Law 1927; and further
3. That Bylaw 1927 **receives** First, Second, Third readings at the July 6, 2020 Council meeting.

Purpose

To obtain Council approval to enter into an agreement with Learning in Friendship and Equality (LIFE) to lease space at the Kinsmen Fieldhouse located at 50 Fairview Avenue West in Essex Centre for their day program offering individuals with intellectual disabilities to learn life skills.

Background and Discussion

The Town of Essex owns the facility known as the Kinsmen Fieldhouse located at 50 Fairview Avenue West in Essex Centre and the facility has been used as rental space over the years. Previously, the facility space was leased to a fitness organization who utilized the space until 2019 when they ended their lease with the Town. Town Administration posted a public notice of a Request for Interest for any organizations who may be interested in leasing this space. The Town received 3 submissions– a sport organization, the LIFE organization and a private business. The Town developed a committee to review the submissions which consisted of the Director of Community Services, the Manager of Parks and Facilities, the Manager of Recreation and Culture and the Assistant Manager of Businesses Services. Prior to reviewing all submissions the sport organization withdrew their submission as they were no longer interested in potentially leasing the space.

After reviewing the submissions, the committee is recommending the Learning in Friendship and Equality (LIFE) applicant be offered to lease exclusive space at the Kinsmen Fieldhouse as per Appendix "A". The LIFE program is a day program that offers individuals that have intellectual challenges to learn life skills. The program would run Monday to Friday from 9:00 am to 2:00 pm and offer many activities including:

- Daily personal hygiene skills;
- Daily life skills development;
- Occasional recreational and leisure outings;
- Weekly community access;

- Weekly pre-vocational activities;
- Weekly vocational activities; and
- Cause and effect activities, including computer and other accessible technology.

The LIFE organizer has been working with the local Small Business Bureau on developing their business plan and would be ready to begin to offer the program in the fall of 2020 pending current COVID-19 restrictions.

The LIFE organization would like to enter into a one year lease agreement with the Town of Essex for exclusive space within the Kinsmen Fieldhouse and have an option to renew for another two years depending on the success of their program.

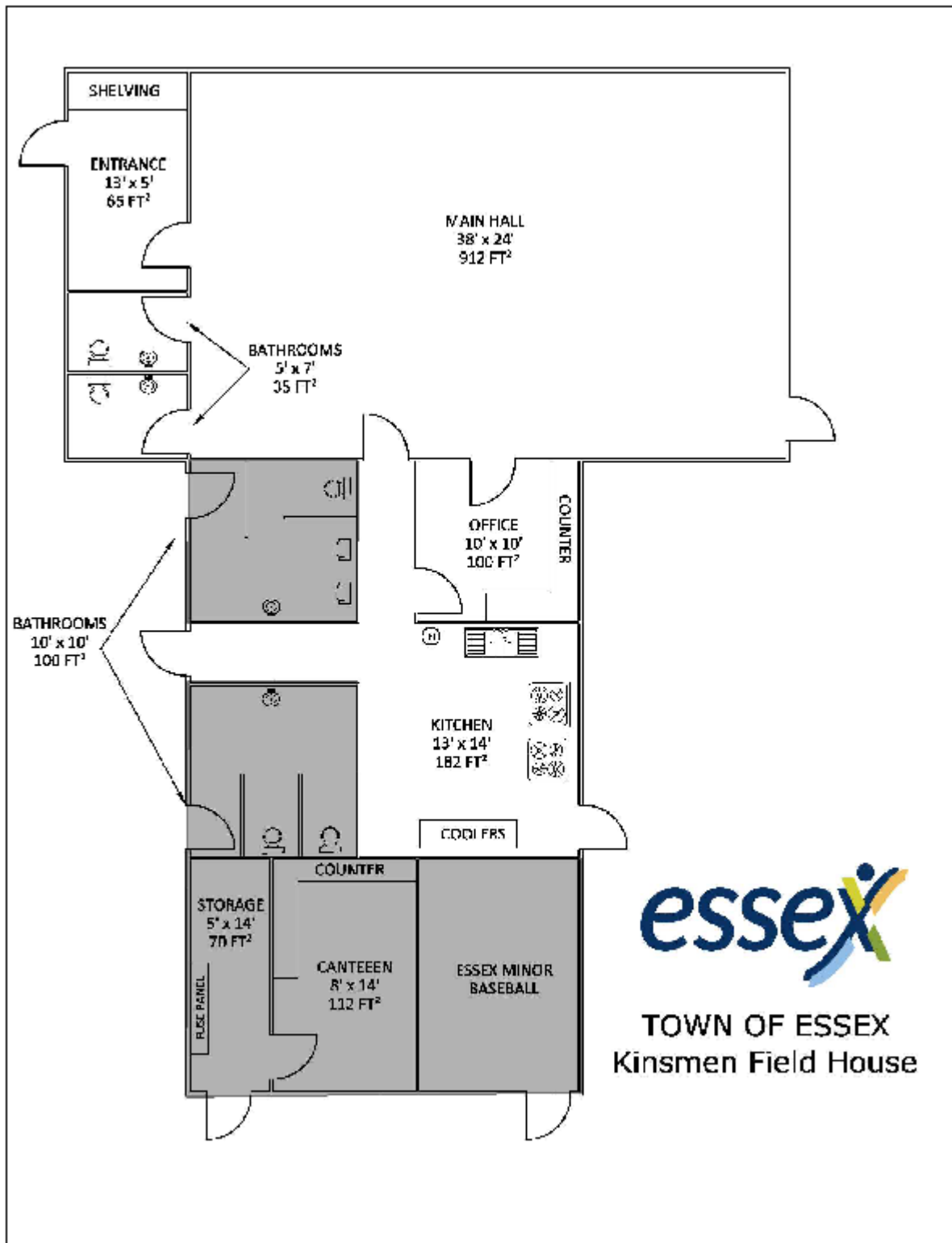
Financial Impact

The lease will require the Tenant pay an annual rate of \$5,424 including harmonized sales tax for a monthly total of \$452 including harmonized sales tax which is comparable to all other Town leased properties. It is recommended for the lease agreement that the Consumer Price Index (CPI) be incorporated into the annual rate as of July 1st prior to the the new annual term beginning.

The Tenant shall also be required to provide monthly rental payments in the form of twelve post-dated cheques based on the recommended renewed rental amount as provided above at the time of entering into this Lease Agreement.

Consultations

Appendix "A" – Kinsmen Fieldhouse Leased Property



Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☒ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☒ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

Report Approval Details

Document Title:	CS-2020-LIFE lease of Kinsmen Fieldhouse - Community Services-2020-03.docx
Attachments:	- By Law 1927 Lease of Kinsmen Fieldhouse to LIFE 2020.docx
Final Approval Date:	Jun 30, 2020

This report and all of its attachments were approved and signed as outlined below:

No Signature found

**Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - Jun 30, 2020
- 9:27 AM**

No Signature found

Jeffrey Morrison, Director, Corporate Services/Treasurer - Jun 30, 2020 - 9:30 AM

No Signature - Task assigned to Chris Nepszy, Chief Administrative Officer was completed by workflow administrator Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk

Chris Nepszy, Chief Administrative Officer - Jun 30, 2020 - 9:30 AM

The Corporation of the Town of Essex

By-Law Number 1927

**Being a by-law to authorize the execution of a lease agreement
between the Town of Essex and Learning in Friendship and
Equality (LIFE)**

Whereas the Town is the owner of the property and buildings located at 50 Fairview Avenue West in the Town of Essex known as the Kinsmen Fieldhouse as set out in schedule "A" attached to said by-law;

And Whereas the Town is desirous of leasing the space at the Kinsmen Fieldhouse located at 50 Fairview Avenue West in the town of Essex;

And Whereas the organization known as Learning in Friendship and Equality (LIFE) is desirous of leasing said space located at the Kinsmen Fieldhouse;

And Whereas the Town is desirous of entering into a lease agreement with LIFE the terms and conditions of which are attached hereto as Schedule "A" to this By-law;

Now therefore the Council of The Corporation of the Town of Essex hereby enacts as follows:

1. That the Mayor and Clerk are hereby authorized to execute a lease agreement between The Corporation of the Town of Essex and the organization known as Learning in Friendship and Equality (LIFE) pursuant to the terms and conditions of the the lease agreement attached hereto as Schedule "A" to this By-Law 1927.
2. This by-law shall come into force and take effect upon the final passing thereof.

Read a first, a second and a third time and finally passed on July 6, 2020

Mayor

Clerk

Schedule "A" to By-Law Number 1927

This Agreement made in duplicate this 6th day July, 2020

In Pursuance of the Short Forms of Lease Act

Between:

The Corporation of the Town of Essex

"Corporation" or "Lessor"

Learning in Friendship and Equality (LIFE)

Represented by Lea Anne Shepley

"Lessee"

Witnesseth:

Whereas the Municipal Act, 2001, S.O. 2001, Chapter 25, provides the Municipality may, for its own purposes, exercise its powers under the culture, park, recreation and heritage sphere of jurisdiction in the Municipality;

And Whereas Section 11 provides that the Municipality may pass By-Laws respecting matters relating to culture, parks, recreation and heritage;

And Whereas the Corporation is the owner and Lessor Operator of the building located at 50 Fairview Avenue West, Essex, Ontario;

And Whereas in consideration of the rents, covenants and agreements hereinafter reserved and contained on the part of LIFE to be paid observed and performed, the said Corporation hereby demises and leases unto the said LIFE all those lands and/or buildings located in the municipality of Essex and being more specifically described as follows:

Kinsmen Fieldhouse indoor all-purpose space totalling 1294
square feet located at 50 Fairview Avenue West, Essex

and being composed of the area as shown on Schedule "A" attached hereto (hereinafter called the "premises" or the "LIFE Leased Space"), upon the following terms and conditions:

To have and to hold the premises for a one (1) year term (subject to an option for a further term of two (2) years as herein further described below), to be computed from the first day of August 2020, and ending on the 31st day of July, 2021.

Yielding and paying therefore rental as follows:

The initial rental amount ("base rate") for the Lease for the initial one (1) year term shall be the sum of \$5,424.00 including Harmonized Sales Tax (HST) or the monthly rate of \$452.00

Schedule "A" to By-Law Number 1927

including applicable HST due and payable on the 1st day of the initial term and continuing monthly thereafter for the duration of this lease. If the option to lease for a further term of two years is exercised then the rental amount thereafter shall be the base rate but with the applicable Consumer Price Index (CPI) to be further incorporated into the base rate annually commencing on the first day of July of each annual renewal of this lease.

The Tenant shall also annually on the first anniversary date of each year of this lease provide monthly rental payments in the form of twelve post-dated cheques based on the applicable rental amount in each year of this Lease.

In the event that any payments required to be made by the Lessee hereunder are not paid when due then interest at the rate of 1.25 percent per monthly from the date when such overdue amounts were due to the date when such overdue amounts are paid shall accrue and due and payable as additional rent pursuant to this lease.

LIFE covenants with the Corporation as follows:

1. To pay the rent when due and payable,
2. To pay any and all costs associated with the reasonable operation of the leased premises but excluding those charges for utilities relating to heat, air-conditioning (if provided), hydro, water, gas, electricity consumed in the Premises. Lessee acknowledges that Lessor shall not be liable for any interruption or failure in the supply of any such utilities to the Premises.
3. Lessee, except as herein otherwise specifically provided, shall, at Lessee's expense, repair, maintain and keep the Demised Premises and every part or portion thereof, in good, substantial repair and condition,
4. Not to assign or sublet the premises without the consent of the Corporation, such consent not to be arbitrarily or unreasonably withheld and LIFE shall pay the Corporation's reasonable expenses incurred thereby,
5. Not to carry on upon the premises any activities that may be deemed a nuisance or unlawful or by which the insurance on the premises will be increased, and further not to carry on any other business or activities other than the normal operations of LIFE without the consent of the Corporation, such consent not to be arbitrarily or unreasonably withheld.
6. To leave the premises in good repair, reasonable wear and tear and damage by fire lightning and tempest only excepted,

Schedule "A" to By-Law Number 1927

7. To maintain the premises including the exterior areas located at 50 Fairview Avenue West, Essex, including all common areas, in good condition and free from litter.
8. That it has inspected the Premises and conducted such examinations and tests as it deems desirable. The Lessee LIFE acknowledges that the Lessor does not warrant or represent the condition of the Demised Premises to the Lessee, and the Lessee accepts the Demised Premises in its present condition.
9. That, except as herein otherwise specifically provided, LIFE assumes the entire responsibility for the condition, operation, maintenance and management of the interior the Demised Premises and Lessor shall have no responsibility whatsoever for same or for damage to the Lessee's property in and upon the Demised Premises under any circumstances whatsoever.
10. That if, after reasonable notice given by the Lessor to the Lessee, the Lessee refuses or neglects to repair properly and promptly as required hereunder and to the reasonable satisfaction of the Lessor, the Lessor may make such repairs without liability to the Lessee for any loss or damage that may accrue to the Lessee's merchandise, fixtures or other property or to the Lessee's business by reason thereof, and upon completion thereof the Lessee shall pay the Lessor's costs for making such repairs upon presentation of a bill therefor, as rent.
11. That it shall throughout the term of this lease, at its own expense, keep in force for the benefit of the Corporation and LIFE, comprehensive general liability insurance in respect of injury to or death of one or more persons or property damage with limits of not less than Two Million Dollars (\$2,000,000) per occurrence covering the leased premises described herein. The Corporation of the Town of Essex shall be named as an additional insured in the policy of insurance and the policy shall contain a cross liability and separation clause. Such policy of insurance shall not be changed, cancelled or allowed to lapse without providing the Corporation with thirty (30) days' notice in writing. LIFE will provide a Certificate of Insurance for such comprehensive liability insurance upon entering into this Lease Agreement,
12. That it shall throughout the term of this lease, at its own expense, keep in force insurance against loss or damage by fire on any equipment, inventory and supplies owned by LIFE and maintained on site,
13. That it will indemnify Lessor and save Lessor harmless from and against any and all claims, actions, damages, liability and expense in connection with loss of life, personal injury and/or damage to property arising from or out of any occurrence in, upon or at the premises or any part thereof, or occasioned wholly or in part by any act or omission

Schedule "A" to By-Law Number 1927

of Lessee, or Lessee's agents, contractors, employees, servants, licensees, invitees or the Lessor.

14. That it shall not make any alterations, additions or improvements to the leased premises at its own expense without first submitting the plans and specifications (including materials to be used) thereof to the Corporation and without first obtaining approval in writing of the Corporation, such approval may not be unreasonably withheld. LIFE shall further covenant be responsible for any applicable fees and all applicable inspections and the costs thereof, including but not limited to, those of the Town of Essex Fire and Building Departments
15. To permit the Town and its agents' access to areas of the building that can only be accessed through the LIFE rental space, upon providing reasonable notice to LIFE.
16. LIFE is a duly incorporated not-for profit corporation whose not-for profit and corporate status is and shall remain in good standing for the duration of this lease.

The Corporation covenants with LIFE

1. To provide LIFE with quiet enjoyment of the premises, and
2. The Corporation shall, during the term of this Lease and any renewal thereof make any required structural repairs to the roof, exterior walls, foundations, drains and sewers of the building caused by the structural defect or weakness unless caused by the misconduct or negligence of LIFE, its agents, servants, invitees or those for whom LIFE is at law responsible in which event such repair shall be made by the Corporation but at the expense and cost of LIFE.

Provided that LIFE is not in breach of the terms of this Agreement, LIFE may remove his fixtures, if such removal may be, and is done without injury to the premises.

Provided that in the event of damage to the premises by fire, lightning or tempest, rent shall cease until the premises are rebuilt.

Provided that, where the premises become vacant and so remain for a period of thirty (30) days, it shall be presumed that LIFE has abandoned the premises and the Corporation may re-enter and take immediate possession of the premises.

Proviso for re-entry by the Corporation on non-payment of rent or non-performance of covenants, provided that such re-entry shall, at all times, be in accordance with the provisions of The Commercial Tenancies Act.

Schedule "A" to By-Law Number 1927

Provided LIFE has not been in default during the term of this Lease and it is mutually agreeable between the Corporation and LIFE, LIFE shall have and is hereby granted, an option to extend the term of this Lease for an additional 2 year period upon providing such notice in writing to the Corporation 90 days prior to the end of this Lease term, with such renewal to begin upon the expiration of the term of this Lease. If the option to lease for a further term of two years is exercised then the rental amount thereafter shall be the base rate but with the applicable Core Consumer Price Index (CPI) as of December 31 of the previous year plus Harmonized Sales Tax (HST) to be further incorporated into and added to the base rate annually commencing on the first day of July of each annual renewal of this Lease.

Provided that, if at the end of the Term of the lease or any renewal thereof, whether by effluxion of time or any other reason, the Lessor permits Lessee to remain in possession of the Premises and accepts rent in respect thereto, a tenancy from year to year shall not be created by implication of law but the Lessee shall be deemed to be a monthly Lessee only subject in all respects to the provisions of this Lease.

Provided that the Corporation shall have the right to cancel this Lease Agreement at any time during the term of the Agreement for reason of any default by Lessee under this lease such default being a failure to pay rent when due or a failure to perform its covenants or any other of its obligations under this lease and such default has not been remedied within 5 days written notice of such default.

Provided further that the Corporation shall have the right to cancel this Lease Agreement at any time during the term of the Agreement as a result of declaring the building surplus or determining another use for the building, upon providing notice in writing to LIFE of at least ninety (90) days.

It is hereby declared and agreed that the expressions "Corporation" and "LIFE" wherever used in this Indenture, shall, when the context allows, include, be binding on and enure to the benefit of not only the parties hereto, but also their respective executors, administrators and assigns.

And it is further agreed between the parties hereto that wherever the singular and masculine are used throughout this Lease they shall be construed as if the plural or feminine had been used, where the context or the party or parties hereto so require, and the rest of the sentence shall be construed as if the grammatical and terminological changes thereby rendered had been made.

Lessor and Lessee acknowledge and agree that each has joined in and contributed to the drafting of this Lease and as a result there shall be no presumption in construing the provisions of this Lease favoring or burdening either Lessor or Lessee based upon draftsmanship or

Schedule "A" to By-Law Number 1927

similar rule of construction. Lessor and Lessee further acknowledge and agree that each have had the opportunity to consult and obtain independent legal and professional advice in conjunction with this lease and its obligations thereto.

This Lease may be executed in any number of separate counterparts, each of which, when executed and delivered, shall be an original, but such counterparts shall together constitute one and the same document. Delivery of an executed counterpart of this Lease with a facsimile signature shall have the same binding effect as delivery of an executed original.

The following addresses are provided for the Corporation and LIFE for purposes of providing notice:

Corporation:

The Corporation of the Town of Essex
33 Talbot Street South, Essex, Ontario, N8M 1A8
Telephone: 519-776-7336

Organization Name:

Lea Anne Shepley
238 County Road #27
Cottam, Ontario NoR 1Bo
Telephone: 519-791-1532

In Witness Whereof the said parties hereto have duly executed this Agreement.

Signed, Sealed and Delivered in the presence of:

Learning in Friendship and Equality (LIFE)

Witness as to signature of

Lea Anne Shepley, Owner

I have authority to bind the Corporation

Signed, Sealed and Delivered in the presence of:

The Corporation of the Town of Essex

Witness as to signature of

Mayor, Larry Snively

Witness as to signature of

Clerk, Robert Auger

We have authority to bind the Corporation

Receipt of Lease Agreement:

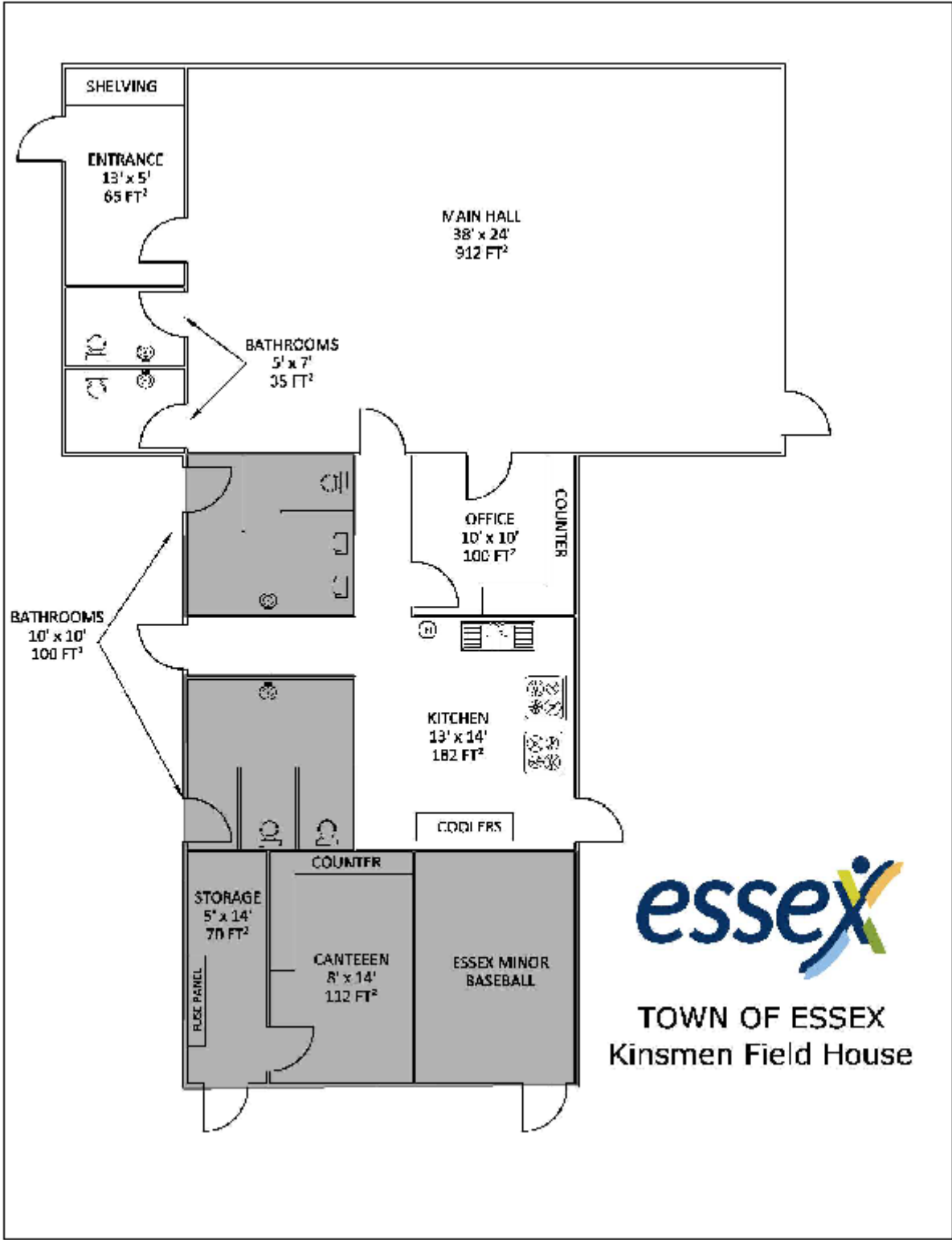
Schedule “A” to By-Law Number 1927

I hereby acknowledge receiving a duplicate original copy of the herein Lease Agreement.

Date of Signature

Lea Anne Shepley, Owner

Schedule 'A' – LIFE Leased Space





Report to Council

Department: Development Services
Division: Economic Development
Date: July 6, 2020
Prepared by: Nelson Silveira, Economic Development Officer
Report Number: Economic Development-2020-09
Subject: Essex Tourism Events Fund Application
Number of Pages: 3

Recommendation(s)

That Economic Development-2020-09 entitled Essex Tourism Events Fund prepared by Nelson Silveira, Economic Development Officer dated July 6, 2020 be received, and

That Council approve the distribution of \$1,000.00 of funding to the Rotary Club of Harrow from the Essex Tourism Events Fund.

Purpose

To provide Council with a brief description of how the applicants will use funding provided through the Essex Tourism Events Fund.

Background and Discussion

The maximum grant payable through the Essex Tourism Events Fund for projects with an operating budget of less than \$35,000.00 is \$1,000.00 and the maximum payable for project

budgets over \$35,000.00 is \$2,000.00. The maximum grant that may be made to any non-profit organization from the Tourism Events Fund is \$2,000.00.

In accordance with the Essex Tourism Events Fund Policy, Administration has reviewed the applications to ensure all criteria are met.

Rubber Duck Derby 2020:

Proponent	Request	Project	Date of Event
Rotary Club of Harrow	\$1,000.00	The funds will be used to purchase gift certificates from 15 local businesses in Harrow and Colchester for prize packages.	August 22, 2020

The Rotary Club's Rubber Duck Derby is an annual event that typically takes place on the second Saturday in June during the Rotary's Walleye Fishing Derby. With the assistance of the Colchester Guardian, approximately 2000 rubber ducks are released into lake Erie and swim to shore where the first to cross the "finish line" wins. This year due to the COVID-19 emergency, the event had to be postponed and re-formatted and will be streamed online for the safety of the participants and ticket holders. Although this event will not be attracting tourists due to COVID-19, the applicant has demonstrated a strong commitment to supporting the Town of Essex and will be using funds approved by Council to support local businesses in Harrow and Colchester. As a result of demonstrating support for local businesses, the applicant has aligned with the mandate of the Essex Tourism Events Fund and it is recommended that they be approved for funding.

Financial Impact

The Essex Tourism Events Fund has a total budget of \$30,000.00 for 2020. If approved, a total amount of \$1,000.00 of funding will be distributed to the successful applicant leaving a balance of \$29,000.00 in the fund.

Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☒ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☒ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

Report Approval Details

Document Title:	Essex Tourism Events Fund Application - Economic Development-2020-09.docx
Attachments:	
Final Approval Date:	Jun 29, 2020

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read "Lori Chadwick".

Lori Chadwick, Director, Development Services - Jun 26, 2020 - 12:35 PM

A handwritten signature in black ink, appearing to read "Chris Nepszy".

Chris Nepszy, Chief Administrative Officer - Jun 29, 2020 - 8:50 AM



Report to Council

Department: Office of the CAO
Division: Communications
Date: July 6, 2020
Prepared by: Alex Denonville, Manager, Strategic Communications
Report Number: Communications 2020-03
Subject: Community Policing Survey Results
Number of Pages: 15

Recommendation(s)

That Communications Report 2020-03 entitled Community Policing Survey Results prepared by Alex Denonville, Manager, Strategic Communications, dated July 6, 2020 be received as information.

Purpose

To provide Council a summary of the results of the online Community Policing Survey conducted in May of this year.

Background and Discussion

Summary of Survey

In January of this year, Council directed administration to conduct an online survey to gauge citizens' perceptions of the quality of policing provided by Town's contracted policing service, the Ontario Provincial Police.

The survey, launched in May, provided citizens the opportunity to give their feedback on three categories related to their perceptions of local policing: general satisfaction, interactions with police, and community safety. The survey was advertised on the Town's website, via social media, as well as in the monthly half-page newspaper ad in both the Essex Free Press and Harrow News.

Methodology

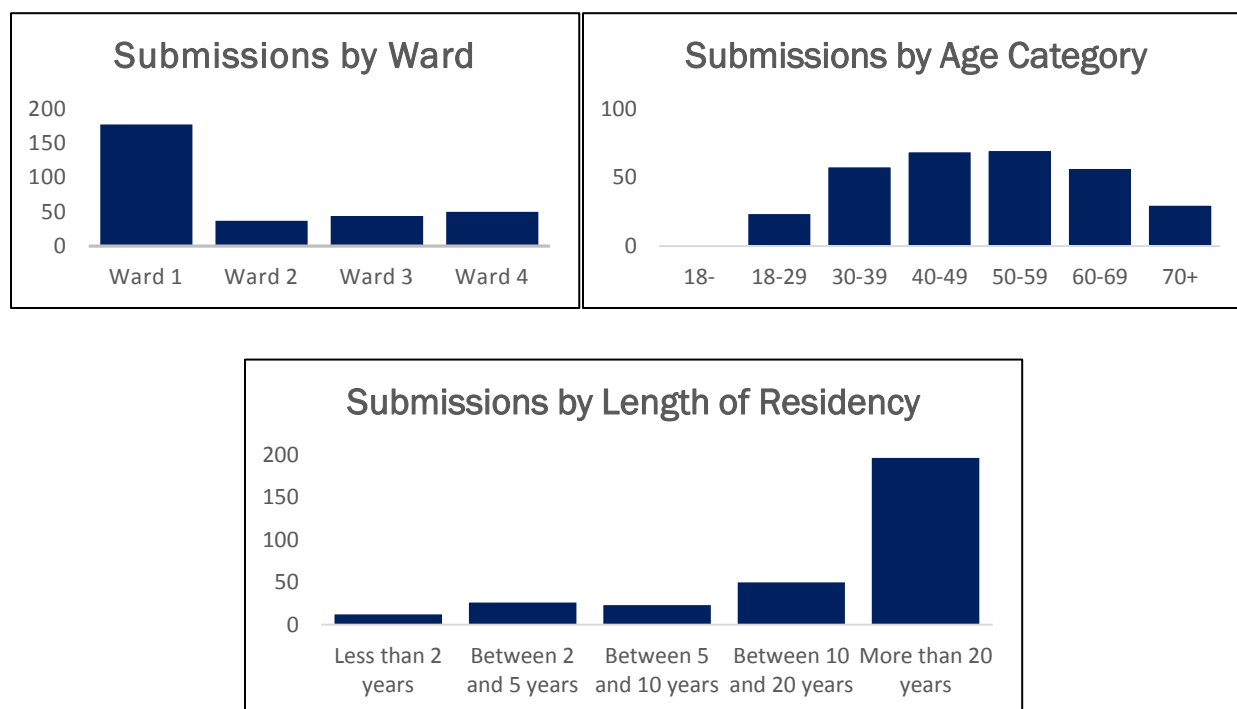
The survey was designed to provide both quantitative and qualitative data from survey respondents. Quantitative questions asked respondents to rate their opinion on 5-point Likert scales. The points on the scales were then converted to numerical values for the analysis of results. Qualitative questions provided respondents an opportunity to give general feedback and other comments not captured by the quantitative questions. These comments were reviewed by administration for categorization and identification of overarching themes. Some comments were categorized into more than one theme. A copy of the survey is attached for reference.

Of note, online surveys are generally not considered to provide a representative sample of a population. Access to a computer or the Internet, for example, may limit access to the survey and skew results towards particular demographics. Typically, surveys conducted by the Town include paper copies which can be picked up or dropped off at local facilities. However, this was not possible because of the restrictions in place due to COVID-19. Even though the survey was only offered online, the number of respondents indicated significant interest from community members as compared to previous surveys conducted by the Town.

Summary of Results and Demographics

The survey garnered 308 submissions from citizens. Of the respondents, 177 were from Ward 1, 37 from Ward 2, 44 from Ward 3, and 50 from Ward 4. The sex of respondents was evenly split between male and female. Similarly, the age breakdown of respondents was well distributed.

A large majority of respondents have lived in the Town of Essex for more than 20 years. See below for graphs summarizing the demographics of survey respondents.



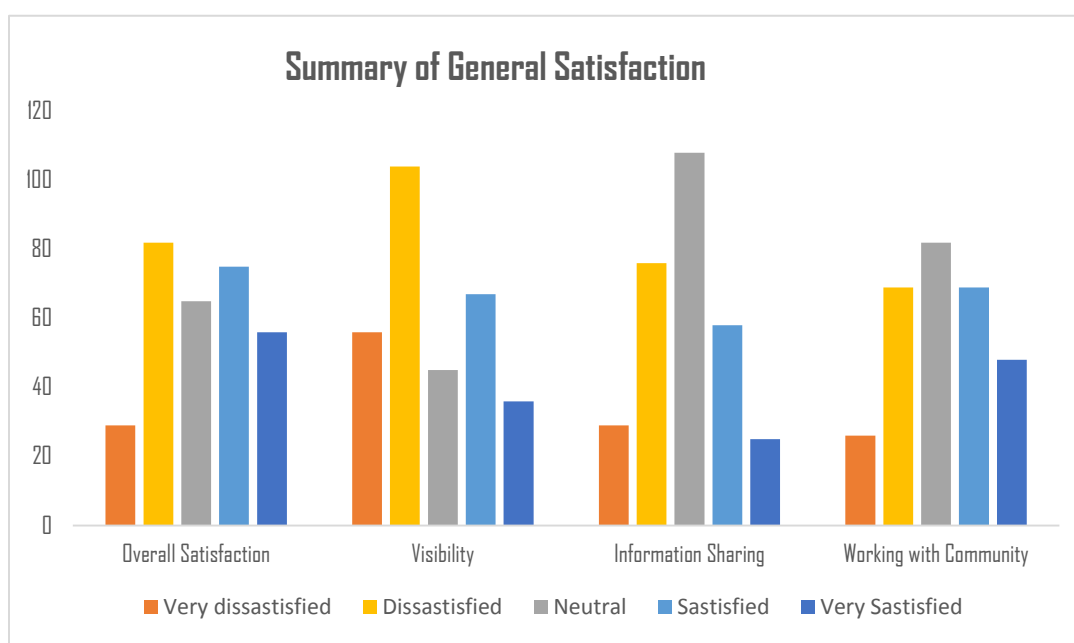
Analysis

The three sections of questions asked respondents to rate their satisfaction on 5-point Likert scales. Each text-based scale was converted to a five point numerical scale (1 being very dissatisfied and 5 being very satisfied). Responses on these numerical scales were then analyzed to provide the mean, or average, score. The analysis under each category also briefly describes whether responses garnered a majority of satisfaction, dissatisfaction, or neutral answers. Graphs of the distributions of answers also provide a summary of how respondents rated each category.

Category 1: General Satisfaction

The first category of questions focused on respondents' general satisfaction with local policing. It asked respondents to rate their satisfaction on the following metrics: overall satisfaction, visibility, information sharing, and working with the community.

For “overall satisfaction,” the mean was 3.15, with slightly more respondents indicating they were satisfied/very satisfied than dissatisfied/very dissatisfied. For “visibility,” the mean was 2.75, with a majority (52%) indicating dissatisfaction. For “information sharing,” the mean was 2.91, with slightly more indicating dissatisfaction but a large portion choosing the neutral position. Similarly, “working with the community” garnered a mean of 3.15, with slight favour to satisfaction and many respondents choosing neither satisfied nor dissatisfied. The chart below provides a graphic representation of the responses from the general satisfaction section of the survey.



The general satisfaction portion of the survey also garnered the most comments compared to the other two. These comments were reviewed by administration to identify themes as well as to assess if a comment was positive, negative or neutral. Administration identified five themes from the 147 comments received in this section.

The theme of “visibility” was the most prominent and garnered 65 comments. These comments remarked generally on a lack of police presence within neighbourhoods or the wider community. Of those 65 comments, 58 were negative, three were neutral, and four were positive.

The second theme of “service quality” garnered 50 comments which focused on interactions with police officers, OPP administration or access to services. Of the 50 comments, 32 were negative, one was neutral, and 17 were positive.

The third theme of “comparison to municipal force” garnered 22 comments and related to how the OPP compare to the Town’s previous municipally-run police force. Of those comments, 18 were negative, one was neutral, and three were positive. Respondents who provided comments related to this theme generally preferred the services offered by a municipal police force.

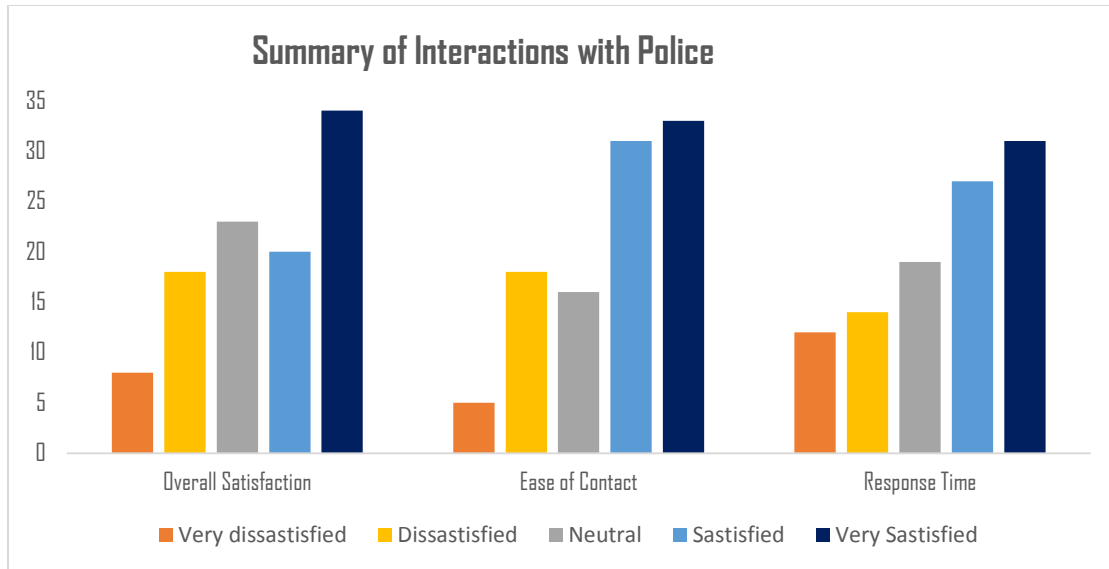
The fourth theme of “communications” garnered five negative responses and related to the OPP’s sharing of information with residents.

The eight “other” comments remarked more generally about local policing or were unrelated to the other themes. Five comments were negative and three neutral.

Category 2: Interactions with Police

The second category of questions focused only on respondents who had contact with the OPP in the last year. Of the 308 total survey respondents, 104 indicated that they had contact with the OPP. This portion of the survey asked respondents to rate their interaction(s) on Likert scales on the following metrics: overall satisfaction, ease of contact, and response time.

For “overall satisfaction,” the mean was 3.52, with a majority (52%) of respondents indicating satisfaction with their interaction. For “ease of contact,” the average score was 3.67, with a majority (62%) indicating satisfaction. For “response time,” the mean was 3.50, and a majority (56%) choosing either satisfied or very satisfied. The chart below provides a graphic representation of the responses from the police interactions section of the survey.



The comment portion of the police interaction section of the survey garnered 46 comments. These comments were grouped into four themes.

The theme of “service quality” was the most prominent and garnered 33 comments. These comments generally remarked on the quality of the interaction the respondent had with police. Of those 33 comments, 19 were negative, one was neutral, and 13 were positive.

The second theme of “response time” garnered eight comments, five negative and three positive. These comments revolved around the timeliness of officers responding to calls or complaints.

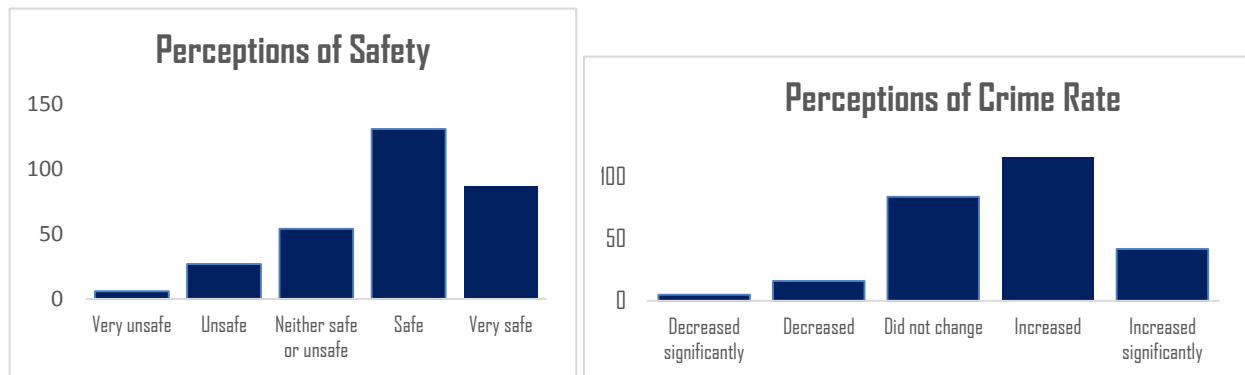
The third theme of “visibility” garnered three negative comments about the lack of visibility of officers within neighbourhoods or the community in general.

Three comments in the “other” theme were neutral and one negative.

Category 3: Perceptions of Community Safety and Crime

The third category of questions asked respondents’ to rate their feelings on 5-point Likert scales on two metrics: perceptions of community safety and perceptions of changes to local crime rates.

A large majority of respondents (over 70%) indicated they feel safe or very in the Town of Essex, with a mean score of 3.87. However, a majority (60%) of respondents indicated that they believe crime has either increased or increased significantly, which was reflected in the mean score of 3.66. Less than 10% of respondents believe that crime has decreased while 31% believe it has not changed. The graphs below show the distribution of answers for questions related to perceptions of community safety and crime.



The comment section for the community safety and crime portion of the survey garnered 103 comments broken down into five themes.

The first and most common theme, "crime," garnered 44 comments which focused generally on the local crime rate or individual instances of crime. Of these comments, 33 were negative, eight were neutral, and six were positive.

The theme of "visibility" was also common in this section, with comments revolving around how the visibility of officers may be affecting crime rates or particular instances of crime. All 29 of these comments were noted to be negative.

The third theme, "safety," included comments related to respondents' feelings of safety within the Town. Of the 23 comments in this theme, 14 were positive, six negative, and three neutral.

The "service" theme garnered 16 comments which focused on how local policing correlates to perceptions of safety, either positively or negatively. Of these comments, nine were negative and seven were positive.

The final theme, “other,” garnered ten comments which were generally unrelated to local policing or perceptions of community safety and crime.

Category 4: Other Comments

The final comment section of the survey provided respondents the opportunity to add any additional comments which had not been covered by the previous questions. This section garnered 28 comments.

Of these comments, eight fell into the “service” theme, which noted general or specific instances of satisfaction with the current community policing model. Of these comments, four were negative, three positive, and one neutral.

Comparisons to the previous municipal police force represented an additional seven comments in this section. All of these comments were negative and conveyed respondents’ unhappiness with the switch to OPP-provided community policing. An additional three neutral comments were related to the potential implementation or exploration of a regional policing model.

Finally, “visibility” arose again as a theme. This section garnered six negative and one neutral comment about the visibility of police within the community.

Summary of Results

In terms of general satisfaction with community policing, more survey respondents indicated they were either satisfied or very satisfied (42%) than dissatisfied or very dissatisfied (36%).

The visibility of police officers was identified as particularly problematic for survey respondents. The visibility question on the survey garnered the most negative feedback of any of the questions, with a majority of respondents indicating they were either dissatisfied or very dissatisfied with the visibility of police in the community. These findings were also reflected in the number of comments about visibility made in the optional comment sections.

Respondents who had been in contact with the police over the past year indicated satisfaction with those experiences. A majority (more than 50%) indicated they were satisfied or very satisfied on all three metrics.

Overall, most respondents indicated that they feel safe or very safe in the Town of Essex even though a majority (60%) believe that crime has increased or increased significantly.

Financial Impact

N/A

Consultations

This survey was created in consultation with Members of Council and the Chief Administrative Officer.

Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☒ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

Report Approval Details

Document Title:	Community Policing Survey Results.docx
Attachments:	- Community Policing Satisfaction Survey Printed.pdf
Final Approval Date:	Jun 29, 2020

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read "Chris Nepszy".

Chris Nepszy, Chief Administrative Officer - Jun 29, 2020 - 12:31 PM



Community Policing Survey

Council for the Town of Essex is seeking resident feedback on the current local policing service by the Ontario Provincial Police. The information provided in this survey will be given to Council for consideration. All responses will be anonymized and identifying information will be removed.

Survey responses are limited to one per resident. Only responses from individuals who reside in the Town of Essex will be considered.

A little about you

These questions will help the Town better understand how survey responses differ between demographics such as age and gender. If you're unsure of which ward you reside in, please refer to the online Ward Map (https://www.essex.ca/en/town-hall/resources/Ward_Map.pdf).

In what Town of Essex ward do you live in? *

- ☐ Ward 1 (Essex Centre)
- ☐ Ward 2 (former Colchester North)
- ☐ Ward 3 (former Colchester South)
- ☐ Ward 4 (Harrow Centre)

What is your age? *

- ☐ Under 18
- ☐ 18-29
- ☐ 30-39
- ☐ 40-49
- ☐ 50-59
- ☐ 60-69
- ☐ 70 or older

What gender do you identify with? *

- ☐ Prefer not to disclose
- ☐ Other
- ☐ Male
- ☐ Female
- ☐ Non-binary

How long have you lived in the Town of Essex? *

- ☐ Less than 2 years
- ☐ Between 2 and 5 years
- ☐ Between 5 and 10 years
- ☐ Between 10 and 20 years
- ☐ More than 20 years

Please provide an email address. Email addresses and other identifying information will be removed prior to publication. *

General Satisfaction Questions

Below are a number of general questions related to the work of the Ontario Provincial Police within the Town of Essex.

Overall satisfaction: How satisfied are you with the overall quality of service provided by the Ontario Provincial Police within the Town of Essex. *

- ☐ Very dissatisfied
- ☐ Dissatisfied
- ☐ Neither dissatisfied or satisfied
- ☐ Satisfied
- ☐ Very satisfied
- ☐ Don't know

Visibility: How satisfied are you with the visibility, or presence, of the Ontario Provincial Police within the Town of Essex? *

- ☐ Very dissatisfied
- ☐ Dissatisfied
- ☐ Neither dissatisfied or satisfied
- ☐ Satisfied
- ☐ Very satisfied
- ☐ Don't know

Information sharing: How satisfied are you with the quality and amount of information that is distributed (eg. newspaper articles, social media) by the Ontario Provincial Police within the Town of Essex? *

- ☐ Very dissatisfied
- ☐ Dissatisfied
- ☐ Neither dissatisfied or satisfied
- ☐ Satisfied
- ☐ Very satisfied
- ☐ Don't know

Working with community: How satisfied are you with the ability of the Ontario Provincial Police to work with the community to solve problems. *

- ☐ Very dissatisfied
- ☐ Dissatisfied
- ☐ Neither dissatisfied or satisfied
- ☐ Satisfied
- ☐ Very satisfied
- ☐ Don't know

Please provide any additional comments about your general satisfaction with the Ontario Provincial Police in the Town of Essex.

Within the last year, have you contacted the Ontario Provincial Police for a matter within the Town of Essex? *

- ☒ Yes
☐ No

Police Interaction Questions

Below are a number of questions related to your interaction with Ontario Provincial Police within the Town of Essex.

Overall satisfaction: How satisfied were you with the overall quality of your interaction with the Ontario Provincial Police within the Town of Essex. *

- ☐ Very dissatisfied
☐ Dissatisfied
☐ Neither dissatisfied or satisfied
☐ Satisfied
☐ Very satisfied
☐ Don't know

Ease of contact: How satisfied were you with the process of contacting the Ontario Provincial Police within the Town of Essex. *

- ☐ Very dissatisfied
☐ Dissatisfied
☐ Neither dissatisfied or satisfied
☐ Satisfied
☐ Very satisfied
☐ Don't know

Response time: After contact, how satisfied were you with the response time of the Ontario Provincial Police within the Town of Essex. *

- ☐ Very dissatisfied
- ☐ Dissatisfied
- ☐ Neither dissatisfied or satisfied
- ☐ Satisfied
- ☐ Very satisfied
- ☐ Don't know

Please provide any additional comments about your interaction with the Ontario Provincial Police in the Town of Essex.

Community Safety Questions

Below are a number of questions related to your perceptions of the safety of the Town of Essex.

Safety: Please indicate how safe you feel within your neighbourhood. *

- ☐ Very unsafe
- ☐ Unsafe
- ☐ Neither safe or unsafe
- ☐ Safe
- ☐ Very safe
- ☐ Don't know

Crime rate: Please indicate how you feel the crime rate, or the number of crimes committed in the community, has changed over the past two years *

- ☐ Decreased significantly
- ☐ Decreased
- ☐ Did not change
- ☐ Increased
- ☐ Increased significantly
- ☐ Don't know

Please provide any additional comments about your perceptions of safety in the Town of Essex.

Comments, questions, or concerns

Please provide any additional comments, questions, or comments that you feel are relevant to local policing in the Town of Essex.



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reCAPTCHA
Privacy - Terms

Submit

Address: Town of Essex, 33 Talbot Street South, Essex, Ontario, N8M 1A8

Phone: 519-776-7336, Fax: 519-776-8811

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Report to Council

Department: Development Services

Division: Planning

Date: July 6, 2020

Prepared by: Rita Jabbour, RPP, Manager, Planning Services

Report Number: PLANNING2020-13

Subject: Site Specific Zoning Bylaw Amendment, 128 Harvey Street (Lots 23 and 25 on Registered Plan 249)

Number of Pages: 5

Recommendation(s)

That Planning report PLANNING2020-13 entitled Site Specific Zoning Bylaw Amendment, 128 Harvey Street prepared by Rita Jabbour, RPP, Manager, Planning Services dated July 6, 2020 be received, and

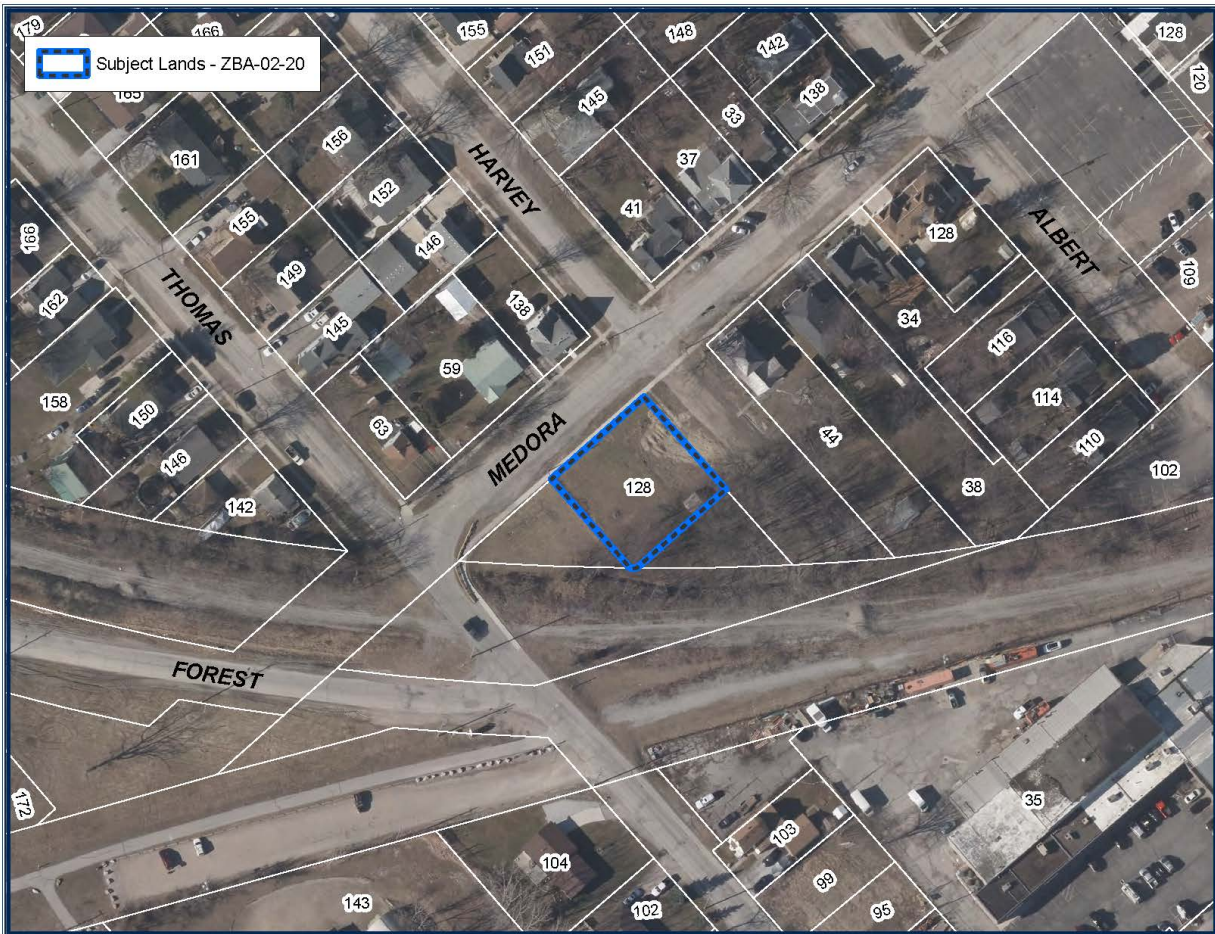
That By-law 1923, permitting a semi-detached dwelling and reductions in the exterior side yard width and setback from a railway right of way for the property at 128 Harvey Street (Lots 23 and 25 on Registered Plan 249), be adopted.

Purpose

To recommend adoption of By-law 1923 to permit the development of a semi-detached dwelling at 128 Harvey Street (Lots 23 and 25 on Registered Plan 249) in the Essex Centre.

Background and Discussion

An application for a site specific zoning bylaw amendment to the Comprehensive Zoning By-law, By-law 1037, was received at the Town of Essex for the vacant residential lands located at 128 Harvey Street (Lots 23 and 25 on Registered Plan 249) in the Essex Centre, herein referred to as the “subject lands”. A location map of the subject lands is provided below:



The subject lands are designated “Residential” on Schedule A-2 of the Town of Essex Official Plan and zoned Residential District 1.1 (R1.1) for low density housing on urban lots on Map 3 of Bylaw 1037. Lands designated “Residential” are either currently developed for residential uses or have been determined to be appropriate for future residential development. The Official Plan permits two unit dwellings and secondary dwelling units in the low density residential zone. The current zoning (R1.1) only permits the construction of one (1) *single*

detached dwelling on each lot. A *single detached dwelling* is defined as one (1) dwelling, other than a mobile home, having one (1) dwelling unit. A *dwelling unit* is defined as a room or suite of rooms used by or designed to be used by one (1) or more individuals as an independent and separate housekeeping unit.

The subject lands are located at the corner of Medora Avenue West and Harvey Street and parallel a discontinued railway Right of Way (ROW) to the South belonging to CN Rail. In accordance with Bylaw 1037, the applicants must maintain a minimum separation of 30 metres (99 feet) between the railway ROW and a residential main building, and maintain a side yard width of 4.5 metres (15 feet) between the main building and an exterior side lot line. (Note: An *exterior lot line* is defined as a lot line which parallels and abuts a street).

Therefore, the applicants are requesting a site specific zoning amendment to Bylaw 1037 for the subject lands to allow for the following uses and setbacks:

- One (1) semi-detached dwelling
- A 1.2 metre (4 foot) setback from the exterior side lot line facing Harvey Street
- A 7.5 metre (25 foot) setback from the main residential building and the railway Right of Way (ROW)

A *semi-detached dwelling* is defined as one (1) dwelling divided vertically into two (2) dwelling units by a common interior wall.

Comments

The subject lands have full access to municipally owned and operated storm, water and sanitary sewers and front on public roads constructed to municipal standards.

A statutory public meeting –required to hear public comments on the application for site specific zoning amendment prior to the rendering of a decision of Council – was held virtually on Monday July 6, 2020. At this meeting, Council was informed that internal departments and external agencies were circulated on the proposal. At the time of writing of this report, no objections

to the proposal were received from the Town's Department of Infrastructure Services, Chief Building Official, nor the Essex Region Conservation Authority (ERCA). Correspondence was also received from CN Rail with respects to the reduced setback from the railway ROW. They had no objections on the matter as the ROW is discontinued and is unlikely to become a rail again.

One (1) letter of objection was received in advance of the public meeting from a member of the public within 214 metres of the subject site expressing concerns with the loss of natural habitat, parking and drainage. Council was informed that the subject lands are not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined under the Provincial Policy Statement (PPS). The applicant will be responsible for providing on-site parking for each dwelling unit and will be required to install individual storm services with all necessary valves and cleanouts to the satisfaction of Infrastructure Services.

Bylaw 1923 adds one (1) semi-detached dwelling subject to the regulations of subsection 14.1, R1.1 district, as an additional permitted use for the subject property, in addition to allowances for a minimum exterior side yard width of 1.2 metres (4 foot) and a 7.5 metre (25 foot) setback from the main dwelling and a railway right of way.

Financial Impact

None. The applicants will be responsible for paying any applicable service connection fees and development charges at the time of building permit.

Consultations

Kevin Girard, Director, Infrastructure Services

Kevin Carter, Manager, Building Services, Chief Building Official

Fernando Cirino, Resource Planner, Essex Region Conservation Authority (ERCA)

Daniel Chan, CN Rail

Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☒ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

The Corporation of the Town of Essex

By-Law Number 1923

Being a By-Law to Amend By-Law Number 1037

The Comprehensive Zoning By-Law for the Town of Essex

Whereas By-law Number 1037 is the Town's Comprehensive Zoning By-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Essex;

And whereas the Council of the Corporation of the Town of Essex deems it expedient and in the best interest of proper planning to amend By-law Number 1037;

Now therefore the Corporation of the Town of Essex enacts as follows:

1. That subsection 1, of Section 28, of By-law 1037, is hereby amended by adding the following paragraph:

"50. For the lands comprising in combination Lots 23 and 25 on Registered Plan 249, the following provisions shall apply:

- i. Additional permitted main use: one (1) semi-detached dwelling subject to the regulations of subsection 14.1, R1.1 district
- ii. And, for the lands comprising Lots 23 and 25 on Registered Plan 249, a minimum exterior side yard width of 1.2 metres (4 foot)
- iii. And, for a main dwelling on Lots 23 and 25 on Registered Plan 249, a 7.5 metre (25 foot) setback from the railway right of way
- iv. And the following accessory uses: any use accessory to the main use.

ZDM 3"

2. That Zoning District Map number 3 be amended accordingly
3. This bylaw shall come into force and take effect on the date of its passing thereof by Council.

Read a first, second and third time and finally adopted on July 6, 2020.

Mayor

Clerk



Report to Council

Department: Infrastructure Services
Division: Capital Works and Infrastructure
Date: July 6, 2020
Prepared by: Jackson Tang, Assistant Manager, Business Services
Report Number: Capital Works and Infrastructure-2020-05
Subject: Results of Request for Tender – Surface Treatment 2020
Number of Pages: 3

Recommendation(s)

That Capital Works and Infrastructure 2020-05 entitled Results of Request for Tender – Surface Treatment 2020 prepared by Jackson Tang, Assistant Manager, Business Services dated July 06, 2020 be received, and

That Council award the Request for Tender – Surface Treatment 2020 to Shepley Road Maintenance Limited in the amount of \$209,046.33 including non-refundable Harmonized Sales Tax.

Purpose

In accordance with the Town Procurement By-Law Number 1043, Council approval is required for purchases in excess of \$100,000.00. This report is to seek Council's approval to appoint a qualified contractor for the 2020 Surface Treatment Contract.

Background and Discussion

The Town of Essex sought Tenders from qualified contractors for the 2020 Surface Treatment including the supply and application of surface treatment pavement in accordance with Ontario Provincial Specification Standards 304 for various roads. As identified in the approved 2020 budget, this maintenance contract is used to conduct repairs on various town roads that will extend the useful life of the road.

A Request for Tender, following the guidelines as set out in the Town's Procurement By-Law Number 1043 was posted both on the Town's website and Merx, and closed on May 27, 2020 at 3:00:00 pm.

The Tenders were reviewed for arithmetic errors, completeness, legibility, revisions and irregularities. In addition, there were no apparent unbalanced prices in the Schedule of Items and Prices. The results of the submitted tender prices are noted in Table below:

Name of Tenderer	Total Tender Price including Harmonized Sales Tax (13%)	Total Tender Price including non- refundable Harmonized Sales Tax (1.76%)
Shepley Road Maintenance Limited	\$232,136.75	\$209,046.33
Norjohn Contracting and Paving Limited	\$253,894.05	\$228,639.46

Shepley Road Maintenance Limited submitted the lower bid and they are the previous supplier for surface treatment with satisfactory services.

Financial Impact

The approved Capital Budget (PW-20-0011, GL Account: 2-3-31-310-55450) and Operating Budget (GL Account: 1-3-31-310-55455) for the 2020 surface treatment works, including spray patching is \$150,000 and \$170,000 respectively. As a result, there are sufficient funds in the approved budget to proceed with the works as detailed within this report by Shepley Road Maintenance Limited in the amount of \$209,046.33 including non-refundable Harmonized Sales Tax.

Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

Report Approval Details

Document Title:	Results of Request for Tender - Surface Treatment 2020 - Capital Works and Infrastructure-2020-05.docx
Attachments:	
Final Approval Date:	Jun 30, 2020

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read "Kevin Girard", written over a light blue horizontal line.

Kevin Girard, Director, Infrastructure Services - Jun 30, 2020 - 9:55 AM

A handwritten signature in black ink, appearing to read "Chris Nepszy", written over a light blue horizontal line.

Chris Nepszy, Chief Administrative Officer - Jun 30, 2020 - 2:39 PM



Report to Council

Department: Infrastructure Services
Division: Capital Works and Infrastructure
Date: July 6, 2020
Prepared by: Jackson Tang, Assistant Manager, Business Services
Report Number: Capital Works and Infrastructure-2020-06
Subject: Results of Request for Tender – Surface Treatment Rehabilitation 2020
Number of Pages: 4

Recommendation(s)

That Capital Works and Infrastructure 2020-06 entitled, "Results of Request for Tender – Surface Treatment Rehabilitation 2020" prepared by Jackson Tang, Assistant Manager, Business Services dated July 06, 2020 be received, and

That Council award the Surface Treatment Rehabilitation 2020 to Norjohn Contracting and Paving Limited in the amount of \$ 1,097,501.00 including all non-refundable Harmonized Sales Tax.

Purpose

In accordance with the Town Procurement By-Law Number 1043, Council approval is required for purchases in excess of \$100,000. This report is to seek Council's approval to appoint qualified contractors to provide the Town with Surface Treatment Rehabilitation contract for 2020.

Background and Discussion

The Town of Essex sought Tenders from qualified tenderers for Surface Treatment Rehabilitation utilizing a Cold Recycled Asphalt Mix Paving process.

A Request for Tender, following the guidelines as set out in the Town's Procurement By-Law Number 1043 was posted both on the Town's website and Merx, and closed on May 27, 2020 at 3:00:00 pm.

The Tenders were reviewed for arithmetic errors, completeness, legibility, revisions and irregularities. In addition, there were no apparent unbalanced prices in the Schedule of Items and Prices. The results of the submitted tender prices are as follows:

Name of Tenderer	Total Tender Price including Harmonized Sales Tax (13%)	Total Tender Price including non-refundable Harmonized Sales Tax (1.76%)
Coco Paving Inc.	\$1,270,233.57	\$1,143,884.67
Norjohn Contracting and Paving Limited	\$1,223,747.63	\$1,102,022.64

Norjohn Contracting and Paving Limited submitted the lower bid and they are the previous supplier for surface treatment rehabilitation with satisfactory services.

Financial Impact

During the 2020 budget deliberations, Council approved the resurfacing of Gore Road, the 8th Concession, and the 4th Concession. Prior to tendering, further investigation of the 8th Concession was conducted by Infrastructure Services and it was determined that the road surface had significantly deteriorated over the year and required pulverizing and grading to help shape the road prior to resurfacing. Therefore, the 8th Concession was tendered as such and resulted in an overage of \$78,451.64. To offset this additional expense on the 8th Concession, the

4th Concession resurfacing was reduced to accommodate the additional expenses. Hence, this resulted in savings in the 4th Concession of \$76,248.24. Although the rehabilitation area was reduced on the 4th Concession, the tender costs allow for the rehabilitation of the roadway from County Road 23 to just east of McCormick Road, or approximately 3.1km. The impact to the budget, as tendered, is displayed in the following table.

Project Number	Project Name	Approved Budget	Total Tender Price including non-refundable Harmonized Sales Tax (1.76%)	Difference between Approved Budget and Tender Price
PW-19-0006	Gore Road between Wright Road and County Road 13	\$376,000.00	\$378,318.24	-\$2,318.24
PW-19-0007	8 th Concession between Ferris and County Road 23	\$271,501.00	\$349,952.64	-\$78,451.64
PW-20-0041	4 th Concession (Start CR23)	\$450,000.00	\$373,751.76	\$76,248.24
Total		\$1,097,501.00	\$1,102,022.64	-\$4,521.64

It is recommended that Council award the contract to Norjohn Contracting and Paving Limited in the amount of \$1,097,501.00 by further reducing the surface treatment rehabilitation area of the 4th Concession which reduces the costs by \$4,521.64 from \$373,751.76 to \$369,230.12. Therefore, creating no impact to the overall net budget for these three projects.

Consultations

Kevin Girard, Director of Infrastructure Services

Kate Giurissevich, Manager, Finance and Business Services

Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
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Report Approval Details

Document Title:	Results of Request for Tender - Surface Treatment Rehabilitation 2020 - Capital Works and Infrastructure-2020-06.docx
Attachments:	
Final Approval Date:	Jun 30, 2020

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read 'K. Girard', written over a horizontal line.

Kevin Girard, Director, Infrastructure Services - Jun 30, 2020 - 11:45 AM

A handwritten signature in black ink, appearing to read 'Chris Nepszy', written over a horizontal line.

Chris Nepszy, Chief Administrative Officer - Jun 30, 2020 - 2:37 PM

CLASS ORDER made pursuant to Section 22 of the Health Protection and Promotion Act, R.S.O. 1990, c.H.7

THIS CLASS ORDER ISSUED AND EFFECTIVE June 26, 2020 at 12:01am.

DATE: June 23, 2020

TO: All persons who own or operate a Commercial Establishment in Windsor and Essex County

I, Dr. Wajid Ahmed, Medical Officer of Health for the Windsor-Essex County Health Unit, ORDER YOU TO TAKE THE FOLLOWING ACTIONS, effective 12:01 a.m. on June 26, 2020:

1. Have a policy in place to prohibit persons from entering the premises of the Commercial Establishment or remaining in the premises if the said person is not wearing a Face Covering. The Face Covering must be worn inside the Establishment at all times, unless it is reasonably required to temporarily remove the Face Covering for services provided by the Establishment.

A Person shall be exempt from wearing a Face Covering on the premises if:

- a. The Person is a child under the age of two years; or a child under the age of 5 years either chronologically or developmentally and he or she refuses to wear a face covering and cannot be persuaded to do so by their caregiver;
 - b. Wearing a Face Covering would inhibit the Person's ability to breathe in any way;
 - c. For any other medical reason, the Person cannot safely wear a Face Covering such as, but not limited to, respiratory disease, cognitive difficulties or difficulties in hearing or processing information.
 - d. For any religious reason, the Person cannot wear a face covering, or cannot do a face covering in a manner that would properly control source.
2. The policy should be enacted and enforced in "good faith" and should be used as a means to educate people on mask use in commercial establishments where physical distancing can be a challenge.
 3. Ensure the availability of alcohol-based hand rub at all entrances and exits for the use of all Persons entering or exiting the Establishment.

THE REASONS for this ORDER are that:

1. COVID-19, a disease caused by a novel coronavirus, is designated as a disease of public health significance and a communicable disease pursuant to Ontario Regulation 135/18 under the Health Protection and Promotion Act.
2. COVID-19 can cause acute and severe respiratory illness and death in humans.

3. The spread of COVID-19 is of immediate and compelling public health importance in the jurisdiction of the Windsor-Essex County Health Unit:
 - a. On March 11, 2020, the spread of COVID-19 was declared a pandemic by the World Health Organization;
 - b. On March 20th, 2020, the first case of COVID-19 was reported in the jurisdiction of the Windsor-Essex County Health Unit.
 - c. At the time of issuing this order, the Windsor-Essex County Health Unit has the 4th largest rate of COVID-19 cases in the province of Ontario.
 - d. On March 17, 2020 the spread of COVID-19 was declared an emergency in Ontario pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9, as amended, on the basis that COVID-19 constitutes a danger of major proportions;
 - e. As of today, there is evidence of continued community transmission of COVID-19 in the jurisdiction of Windsor-Essex County Health Unit, as evidenced by newly identified cases not connected to facility outbreaks or travel.
4. COVID-19 is transmitted from person to person predominantly through respiratory droplets that are released from the nose and mouth, through contact with contaminated surfaces, and through poor hand hygiene.
5. COVID-19 may be transmitted from persons who have minimal or no signs or symptoms of illness.
6. Accumulating epidemiological evidence indicates that the widespread use of Face Coverings by all persons decreases spread of respiratory droplets, and expert opinion supports the widespread use of Face Coverings to decrease transmission of COVID-19.
7. Use of Face Coverings is recommended by the Chief Medical Officer of Health of Ontario and the Chief Public Health Officer of Canada in situations where physical distancing (spatial separation of individuals by at least two metres) is difficult to maintain.

I am of the opinion, on reasonable and probable grounds that:

- a. A communicable disease exists or may exist or there is an immediate risk of an outbreak of a communicable disease in the health unit served by me;
- b. The communicable disease presents a risk to the health of persons in the health unit served by me; and
- c. The requirements specified in this order are necessary in order to decrease or eliminate the risk to health presented by the communicable disease.

I am also of the opinion that the delivery of notice of this Order to each and every member of the class to whom it is directed is likely to cause a delay that could significantly increase the risk to the health of any person residing in the jurisdiction of the Windsor-Essex County Health Unit, so notice shall be provided through the public media and the internet via posting at www.wechu.org

DEFINITIONS AND SCOPE OF THE ORDER

The following definitions apply to this Order:

A **Person** means any customer, patron, employee or visitor, who enters the Establishment.

Best Efforts when restricting entry to customers wearing Face Coverings are defined as follows:

- That establishment are required to post appropriate visible signage indicating that Face Coverings are required inside the establishment. Sample [signage](#) can be found on the workplace section of wechu.org in multiple languages.
- Where an establishment has a person restricting occupancy into the commercial establishment, a verbal reminder of that the customer should be wearing a Face Covering as a result of this order shall be given to any customer entering the premises without one. For greater clarity, there is not a need for a business to turn away the customer to achieve the best effort standard.
- For customers in store seen removing their Face Covering for extended periods of time, a verbal reminder to that customer of the requirement to wear Face Coverings under this order.

A **Face Covering** means a medical mask or a non-medical mask or other face coverings such as a bandana, a scarf or cloth (including hijab and niqab) that covers the mouth, and nose ensuring a barrier that limits the community transmission. Face shields can also be used in situations when an individual is unable to use any other type of face covering. Face shields are not acceptable forms of a face covering for the purpose of this order.

Commercial Establishment and Establishment mean those portions of a fixed commercial premises that are openly accessible to members of the public and that are used for the purposes of offering goods or services for sale to members of the public and include a mall or other structure containing a number of commercial premises, and, without limiting the generality of the forgoing, include the following:

- Retail stores
- Convenience stores
- Malls/plazas
- Restaurants
- Personal service settings
- Grocery stores and bakeries
- Gas stations
- Farmer's markets
- Areas of Mechanics' shops/garages / repair shops which are open to the public
- Car dealerships

Notwithstanding the foregoing, the following are not subject to this Order even if they would otherwise fall within the definition of a Commercial Establishment:

- Churches or faith settings
- Day camps
- Day care centres
- Schools
- Libraries
- Community centres
- Offices that are not open to members of the public

- Professional offices where clients receive purchased services (e.g. lawyer's/accountant's office) that are not open to members of the public
- Private transportation (bus/taxi/limo)
- Hospitals
- Independent health facilities
- Offices of regulated health professionals
- Golf courses
- Fitness facilities/gyms

The areas of a Commercial Establishment that are subject to the Face Covering requirements of this Order are:

- Any areas in which customers interact with one another or with staff members, OR
- Any areas that are open or accessible to members of the public
- Except where:
 - The area is outside, whether or not the area is covered (e.g. a restaurant patio)

For greater clarity, examples of areas that are or are not subject to the Face Covering requirements of this Order are as follows:

Example Establishment	Parts of the Establishment Covered by the Order (Examples)	Parts of the Establishment Not Covered by the Order (Examples)
Retail Store	<ul style="list-style-type: none"> • Retail floor/aisles • Cashier area/queues • Service desks/counters • Publicly accessible washrooms 	<ul style="list-style-type: none"> • Staff lounge not accessible to the public • Stock/storage room not accessible to the public • Workshop/service room not accessible to the public • Private office (e.g. manager's office) • Shipping/receiving area not accessible to the public • Outdoor patios/display areas that form part of the retail store (e.g. outdoor garden centre) • Line-ups to enter commercial establishment

Gas Station (self serve)	<ul style="list-style-type: none"> • Inside the gas station store/kiosk 	<ul style="list-style-type: none"> • Pump area
Restaurant	<ul style="list-style-type: none"> • Indoor take-out counters • Indoor dining area when indoor dining becomes permissible • Food preparation areas that are open to the public 	<ul style="list-style-type: none"> • Outdoor drive-through windows • Outdoor dining area • Kitchen area that is physically separated from dining area and not accessible to the public • Staff lounge not accessible to the public • Stock/storage room not accessible to the public • Private office (e.g. manager's office) • Shipping/receiving area not accessible to the public
Mall/Plaza	<ul style="list-style-type: none"> • Indoor areas accessible to members of the public 	<ul style="list-style-type: none"> • Outdoor areas accessible to the public • Administrative offices, service areas, or other areas that are not accessible to the public
Farmer's Market	<ul style="list-style-type: none"> • Indoor areas accessible to the public 	<ul style="list-style-type: none"> • Outdoor areas • Areas not accessible to the public

NOTICE

TAKE NOTICE THAT each member of the class to whom this Order is directed is entitled to a hearing by the Health Services Appeal and Review Board if the member has delivered notice in writing to me and to the Health Services Appeal and Review Board (Health Boards Secretariat, 151 Bloor Street West, 9th Floor, Toronto, Ontario, M5S 2T5, requesting a hearing within 15 days after publication of this Order or otherwise in accordance with applicable law. In the context of the COVID-19 outbreak, all requests for appeals and reviews, submissions, materials, and inquiries must be sent by e-mail to hsarb@ontario.ca or faxed to the Health Services Appeal and Review Board at 416-327-8524.

AND TAKE FURTHER NOTICE THAT although a hearing may be requested this Order takes effect when it is delivered to a member of the class or brought to the attention of a member of the class.



PUBLIC HEALTH MEMO

COVID-19

COVID-19: Guidance for Hosting or Attending Yard Sales

At all times, everyone should be taking measures to prevent the spread of COVID-19. Become familiar with this guidance information before holding or going to a yard sale to reduce the risk of spreading the virus. If you or anyone in your home are feeling ill (even if [symptoms](#) are mild), do not host or go to a yard sale. Stay home, self-isolate and contact a health care provider.

To keep yourselves and others safe, if you do not need to hold or go to a yard sale, consider waiting until the pandemic has passed. Arrange to sell items online or set up appointments for buyers to limit the number of people gathering at one time, if possible.

The COVID-19 pandemic is evolving rapidly, and this guidance is subject to change. Please visit the Windsor-Essex County Health Unit website (www.wechu.org) regularly for updates and additional information.

If you are holding a yard sale:

- Ensure there are no more than 10 people in total at the yard sale at one time.
 - This includes the person(s) holding the yard sale. For example, if one person is operating the yard sale no more than nine people can attend at one time. This also includes any other family members or residents of the home who are in the yard sale space. Physical distancing must be maintained with anyone outside of your household.
- You are responsible for preventing crowds and ensuring people stay 2 metres or 6 feet apart from one another at all times.
 - Consider using signs, chalk, or other markings to show buyers where to stand to keep a safe distance (2 metres is about the length of an adult-sized hockey stick or mattress).
 - Wear a non-medical mask if physical distancing cannot be maintained.
- Provide 70% alcohol-based hand sanitizer.
 - Ensure it is used often, especially after any exchange of money.
- Reduce contact when exchanging money.
 - If able, set up a contactless payment method, such as e-transfer. If exchanging money, maintain 2 metres distance (e.g. buyer provides payment and then steps back 2 metres, seller makes change if needed, then steps back 2 metres, etc.).
- Clean frequently touched surfaces, such as tables and countertops, often with household cleaner or [diluted bleach solution](#). Ask buyers to avoid touching items for sale unless they are making a purchase.
- Do not allow buyers into your home.
 - Keep items for sale in an open space outdoors or well-ventilated area.



If you are going to a yard sale:

- If possible, shop for used items online and arrange for delivery or curbside pick-up.
 - Limit your risk of being exposed to COVID-19 by avoiding groups of people.
- Limit the number of places you visit in one trip and stay local.
 - Avoid travel, stick to yard sales in your community, and shop alone if you can.
- Stay 2 metres or 6 feet from others at all times.
 - Avoid gathering in groups and having close range conversations (2 metres is about the length of an adult hockey stick).
 - Wear a non-medical mask if physical distancing cannot be maintained.
- Pay online (i.e. using e-transfer payment) or provide exact change so that you do not have to exchange money multiple times.
- Clean your hands frequently.
 - Wash your hands with soap and water for 20 seconds before leaving the house and after returning from shopping trips. Carry 70% alcohol-based hand sanitizer with you to use on your trip.
- Do not enter another person's home.
- Clean and disinfect any items purchased and wash hands after handling shopping goods. Avoid buying items that are difficult to clean.

Other important safety considerations:

- Baby walkers, infant self-feeding devices and other items are [banned in Canada](#).
- Other second-hand items like car seats, cribs, helmets, playpens, strollers, children's jewellery and kids' sleepwear must meet certain [safety requirements](#) before they can be bought or sold in Canada.

For more information:

- [More tips for buying second hand products safely](#)

This information was adapted with permission from Chatham-Kent Public Health

06/13/2020

COVID-19 Update and Information

Notice to the Membership - June 13, 2020

Provincial Government Eases Restrictions on Funeral Services

The Provincial Government today released details on the easing of restrictions on funeral services.

The maximum number of people now allowed at an indoor service is now 30 percent of the capacity of the venue. Outdoor services are now limited to 50 attendees.

Please read the directive from the BAO and the press release and related regulation amendment below.

[Registrar's Directive - June 13](#)

[Government News Release](#)

[Amended Regulation 0. Reg. 52/20](#)

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**The Ontario Association of Cemetery
and Funeral Professionals (OACFP)**

PO Box 24040
66 Josephine RPO
North Bay, ON P1B 0C7
www.oacfp.com

The Bereavement Authority of Ontario (BAO) has written this Attendance Guidance to the profession to provide rules and recommended best practices to support the implementation of the Government of Ontario's COVID-19 regulation on funeral services, introduced on Saturday, June 13, 2020.

This Attendance Guidance also supports the BAO's June 13 [Revised Registrar's Directive: Changes to funeral and visitation attendance](#), which focused on this option:

- **"...Subject to certain conditions, the COVID-19 maximum attendance restriction allows for 30 per cent capacity for indoor funerals and visitations, and 50 attendees for outdoor funeral services."**

It is important to note that [Max-10 Registrar's Directive of April 7 remains in place](#), with the new '*30% indoor / 50 attendees outdoor*' allowance being exemptions if – **and only if** – the conditions of the June 13 Registrar's Directive are met.

The only change to the Max-10 Registrar's Directive is the '*30% indoor / 50 attendees outdoor*' option – **all other government restrictions, BAO Registrar's Directives, Notices and guidance remain in place.** (*An exception is listed under the Crematoriums and Hydrolysis section of this Attendance Guidance.)

The BAO continues to act in order to **minimize the risk** of infection to families and your staff from becoming ill and your business having to shutdown for a few weeks because of a COVID-19 infection.

INDOOR OR OUTDOOR FUNERALS & VISITATIONS

- For indoor or outdoor funeral and visitation gatherings, the **funeral director (FD) is responsible** for all family and visitors, and their adherence to all current measures in government laws/restrictions and BAO Registrar's Directives, Notices and Guidance, including those which occur in a place of worship.
- All persons attending the gathering must remain at least two metres (six feet) apart from each other and from persons conducting the funeral, unless they are members of the same household.
- For every 10 people, there must be at least one funeral home staff member to monitor and ensure physical distancing of two metres.
- Continue logging/guest-booking of all family and visitors to each funeral and visitation for contact tracing purposes, in the event that this becomes needed.
- Hand sanitizer must be provided for visitors throughout funeral home facilities.

INDOOR FUNERALS & VISITATIONS

- The persons conducting the funeral or visitation (**under the responsibility of the FD**) must ensure that the number of persons occupying any room in the building or structure, while maintaining physical distancing, **does not exceed 30 per cent of the capacity of the particular room.**
 - You must consider that **30 per cent capacity is diminished by physical distancing, pews and furniture.**
 - Therefore, each funeral home must calculate how many people can actually be accommodated, while complying with the two-metre physical distancing rule. This will likely be much less than a venue's posted occupancy capacity. The number of people permitted includes clergy, officiants and musicians, but does not include funeral home staff.
 - Examples - A room of 200 square metres (2,150 square feet) has an Ontario Building Code capacity of 190 people. However, 30 per cent capacity and physical distancing will reduce the total number permitted to 36 people. Similarly, a 25x25 square foot room has a normal capacity of 60 people, but the 30 per cent rule and physical distancing will shrink that number to 10 people.
- **Wearing of masks, or face coverings, by everyone is mandatory. This includes all staff and attendees** (Paper disposable masks are sufficient, not N95. People may wear their own masks or face coverings). [Current research indicates that masks contribute significantly to the reduction of infection.](#)
- The persons conducting the funeral must ensure that it is conducted in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.
- The persons conducting the funeral must ensure that all spaces including washrooms that have been made available to persons attending the gathering are cleaned and disinfected on a continuous basis by staff dedicated to this purpose.
- The persons conducting the funeral must ensure that in the case of multiple visitation periods, attendees must wait in their car until permitted access to the visitation. There must not be a gathering of people congregating outside of their vehicles waiting for their turn.

OUTDOOR FUNERALS & VISITATIONS

- The persons conducting the funeral and visitation must ensure that no more than 50 people are in attendance (**The FD is responsible for ensuring this.**) The number of people permitted includes clergy, officiants and musicians, but does not include funeral home staff.
- All persons attending the funeral or visitation must remain at least two metres apart from each other, and from persons conducting the funeral or visitation, unless they are members of the same household.
- The persons conducting the funeral or visitation must ensure that it is conducted in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.
- The persons conducting the funeral or visitation must ensure that any washrooms that have been made available to persons attending the gathering are cleaned and disinfected as frequently as is necessary to maintain a sanitary environment.

CEMETERIES

- At cemetery, for every 10 people there must be one funeral home staff member to monitor physical distancing (**FD is responsible**).
- Cemetery operators may choose to restrict graveside to family only, with physical distancing in place. This will continue to be supported by the BAO.
- Cemetery operators may continue to further restrict attendance, in addition to restrictions already in place by government and the BAO, including those in this Attendance Guidance. FDs should communicate these restrictions to the families in advance of the service.

CREMATORIUMS AND HYDROLYSIS

- The BAO Registrar's Directives regarding witnessing and scheduled holds of cremations **are RESCINDED**. (April 21- [In-Person Witnessing at Cremations Prohibited](#); and the April 22 – [Addendum to: In-Person Witnessing at Cremations Prohibited](#)).
- ***Witnessing can now occur** with attendees' numbers limited to 30 per cent of the facilities permitted occupancy rating reduced by physical distancing requirements (two metres of separation between people).

REMEMBER

- All other COVID-19 government restrictions, BAO Registrar's Directives, Notices and Guidance remain in place.
- All are available on the BAO's website, specifically on its [*COVID-19 Ready...together*](#) web index page.

Ontario Eases Restrictions on Wedding and Funeral Ceremonies

Attendees Will Still be Required to Practice Physical Distancing

June 13, 2020 8:00 A.M.

TORONTO — The Ontario government is providing more flexibility on the number of attendees permitted at indoor and outdoor wedding and funeral ceremonies, in recognition of the importance of being with loved ones during the moments that matter most.

Based on positive public health trends the government is extending the number of people allowed to attend an indoor wedding or funeral ceremony to a maximum of 30 per cent capacity of the ceremony venue.

Wedding and funeral ceremonies taking place outdoors will be limited to 50 attendees. For both indoor and outdoor ceremonies, those attending must follow proper health and safety advice, including practising physical distancing from people who are not from the same household or their established 10-person social circle.

"With recent progress to reduce the spread of COVID-19, we are able to ease restrictions on these special ceremonies," said Christine Elliott, Deputy Premier and Minister of Health. "We have taken deliberate steps to increase testing and increase our ability to track and contain this virus. As we loosen these measures, I strongly urge everyone to remain careful and cautious as we are all still at risk."

The changes came into effect on Friday, June 12 at 12:01 a.m. The maximum number of people allowed to attend indoor or outdoor wedding and funeral receptions remains at 10 people. As the COVID-19 outbreak evolves in Ontario, further direction will be provided on capacity restrictions for weddings and funerals going forward.

LEARN MORE

- [Learn more about Stage 2 of reopening Ontario](#)
- [Learn more about A Framework for Reopening our Province](#)
- Learn more about [Ontario's Action Plan: Responding to COVID-19](#)
- Visit Ontario's [COVID-19 website](#) to learn more about how the province continues to protect Ontarians from the virus.

June 29, 2020

AMO Policy Update – Emergency Orders Extension and Towing Industry Oversight

Extension of Emergency Orders

The Ontario government has [extended all emergency orders](#) currently in force that were made under s.7.0.2 (4) of the *Emergency Management and Civil Protection Act* until **July 10, 2020**, while removing restrictions that were limiting access to certain sports training facilities.

The Province has removed certain restrictions for Stage 2 indoor sports and recreational fitness activities facilities. This will allow the facilities to be used by more businesses and organizations to train amateur or professional athletes, or to run certain non-contact amateur or professional athletic competitions. In all cases, facility owners are only able to permit activities to occur in a way that meets public health requirements. This will enable many sports and recreational organizations to again offer sport training programs.

A full list of emergency orders can be found on the [e-Laws website](#) under the *Emergency Management and Civil Protection Act* and at [Ontario.ca/alert](https://ontario.ca/alert).

Increasing Towing Industry Oversight

The Province is establishing a [ministerial task force](#) to improve provincial oversight of the towing industry. This task force will help develop a regulatory model that will increase safety and enforcement, clarify protections for consumers, improve industry standards, and consider tougher penalties for violators. This action is being taken in response to concerns raised about incidents of criminal activity and violence in the towing industry.

The task force will review several topics related to the towing industry including provincial oversight of safety, consumer protection, improved industry standards, training, and background checks. As some municipal governments do license towing operations within their jurisdictions, we will monitor any consultations or activities arising from this provincial task force.

AMO's [COVID-19 Resources](#) page is being updated continually so you can find critical information in one place. Please send any of your municipally related pandemic questions to covid19@amo.on.ca.

*Disclaimer: The Association of Municipalities of Ontario (AMO) is unable to provide any warranty regarding the accuracy or completeness of third-party submissions. Distribution of these items does not imply an endorsement of the views, information or services mentioned.

From: Denonville, Alex
Sent: Monday, June 22, 2020 5:51 PM
To: CouncilMembers <CouncilMembers@essex.ca>
Subject: Colchester Beach to Close



Media Release
June 22, 2020

Colchester Beach to Close

Essex- Town of Essex Council hosted an Emergency Meeting on Monday, June 22, voting in favour of closing Colchester Beach until further notice.

The beach saw a large number of visitors over the weekend leading up to the meeting. The crowds created challenges for beach-goers to follow the physical distancing requirements recommended by public health officials.

"We recognize that many of our residents and their families love to visit Colchester Beach but, unfortunately, the large volume of people created significant concerns for Colchester residents and Town staff," said Mayor Larry Snively. "While Colchester Beach is a destination for many people in our community and beyond, Council felt that this is a necessary step to ensure the safety of everybody so our region can move into phase 2 as soon as possible."

Prior to reopening, the Town will look to enhance procedures to ensure Colchester Beach continues to be a family-friendly destination for residents and visitors.

Media Contact

Alex Denonville
Manager, Communications
adenonville@essex.ca
519-990-7546

From: Denonville, Alex
Sent: Friday, June 19, 2020 9:34 AM
To: Town of Essex All Staff <EssexAllStaff@essex.ca>
Subject: Town of Essex Preparing for Extension of Patios and Outdoor Retail Spaces



Media Release
June 19, 2020

Town of Essex Preparing for Extension of Patios and Outdoor Retail Spaces

Essex – The Town of Essex is preparing for the extension of patios and outdoor retail spaces ahead of Phase 2 of reopening during the COVID-19 pandemic.

The Town is currently accepting applications from local businesses who would like to expand their patios or create outdoor retail space adjacent to their current properties. The application, available online at essex.ca/PatioApplication, will give the Town of Essex an opportunity to proactively review applications prior to Phase 2.

"This process will ensure our businesses are ready to open their patios and outdoor retail spaces as safely and as quickly as possible," said Mayor Larry Snively. "We appreciate all that our local businesses have done for the community throughout this crisis and we are doing all we can to help them get back to business while ensuring they can follow the guidelines of public health officials."

The application asks business owners to identify operating hours as well as layout and dimensions of their planned patio or outdoor retail space. The information will be used by the Town of Essex to identify any safety and accessibility concerns as well as potential impacts on municipal property.

Under the Town's Community Improvement Plans, businesses may also be eligible grants for up to 50 per cent of the cost of patio or outdoor cafe construction (\$4,000 maximum). Learn more online at the [Community Improvement Plan page](#).

In early June, [the Ontario government announced](#) it will allow restaurants and bars to extend outdoor patio spaces to safely accommodate patrons and staff once licensed establishments are permitted to fully reopen for business. The Alcohol and Gaming Commission of Ontario will also waive fees for the establishment of patios, effective until January 1, 2021.

Media Contact

Alex Denonville
Manager, Communications
adenonville@essex.ca
519-990-7546

June 17, 2020

Mr. Chris Nepszy, CAO
Town of Essex
33 Talbot Street South
Essex, ON N8M 1A8

Dear Chris:

Re: Potential expansion of licensed patios on municipal or commercial property

The Windsor-Essex County Health Unit (WECHU) is writing in response to the recent announcements from the [Alcohol and Gaming Commission of Ontario](#) regarding the allowance of licensed patio extensions for the duration of 2020, provided the municipality does not object to the extension, and that certain criteria are met. The expansion of licensed patios may facilitate the safe re-opening of establishments by allowing for physical distancing measures for patrons; however, municipalities can play a role in ensuring it is done in a manner that reduces the risk to public health and safety.

Public health considerations for expanding spaces for alcohol sales, service and consumption

Should Council support the expansion of licensed patios, special consideration should be given to the potential health, safety, and liability risks it may cause to patrons, event staff, and the public, including any inequitable harms to vulnerable populations (e.g., youth and those struggling with alcohol dependency). Alcohol use remains a leading, preventable cause of injury, chronic disease, and death in Ontario and consistently contributes to the highest number of substance-related emergency department visits in Windsor-Essex (WECHU, 2019).

Alcohol policy research has strongly identified that increasing access through alcohol outlets and on premise establishments increases use and associated harms, and normalizes drinking. Such harms include violence, injury (e.g. falls, motor vehicle collisions), alcohol poisoning, and public nuisance issues from noise and public intoxication. This causes not only increased poor health outcomes, but also increased use of municipal emergency medical services, police, and hospital services (Stockwell et al., 2019; OPHA, 2019; Liem, 2018). Establishing pro-active measures for potential licensed patio expansions is one way that municipalities can protect residents and reduce the burden on municipal services.

The impact of alcohol policy changes on the ability to comply with smoking and vaping legislation should also be assessed. The *Smoke-Free Ontario Act, 2017 (SFOA, 2017)* aims to reduce exposure to second-hand smoke, denormalize smoking behaviour, and create healthier environments for all. Under the *SFOA, 2017*, the smoking of tobacco or cannabis and vaping of any substance is prohibited on and within nine (9) metres of a patio where food and drink is served. This includes outdoor areas where seating tables are provided for patrons to consume their meal or beverage. It is also important to note that the *SFOA, 2017* prohibits the smoking of tobacco or cannabis and the vaping of any substance in playgrounds, recreation and sports centres, schools, and within 20 metres of those properties.

Under the *SFOA, 2017* patios are defined as an area where food and drink is served including outdoor areas where seating tables are provided for patrons to consume their meal or beverage. Bar and restaurant owners as well as event operators must:

- Give notice to staff and patrons that smoking or vaping is not allowed in the smoke-free and vape-free areas.
- Post “No Smoking” and “No Vaping” signs, or a dual “No Smoking and No Vaping” sign at entrances, exits and washrooms of the smoke-free and vape-free areas, in appropriate locations and in sufficient numbers, to ensure that staff and customers are aware that smoking and vaping is not allowed.
- Ensure that no ashtrays or similar items remain in the smoke-free and vape-free areas.
- Ensure that workers and customers do not smoke or vape in smoke-free and vape-free areas.
- Ensure that someone who refuses to comply with Ontario’s smoking and vaping laws does not remain in the smoke-free and vape-free area.

The health unit provides signs free.

Public health recommendations for expanding licensed patios

In order to minimize the above potential risks, the WECHU recommends the following:

- Require all licensed establishments to submit an application to municipal administration for any proposed patio expansions, to allow for pro-active inspections.
- Request consultation with public health inspectors and Tobacco and Vaping Enforcement Officers for all issued permits involving new or expanded areas where food and drink is served.
- Require that designated alcohol service and consumption areas be physically separated from non-designated areas, for example, with the use of temporary fencing.
 - Maintaining fenced areas reduces the risk of liability and helps ensure safety requirements are met, such as monitoring and controlling entries and exits, and enforcing sales regulations including prohibiting service to underage patrons. Proper barriers also help with ensuring no outside alcohol is brought into a space, supervising patrons for their safety while consuming alcohol, and ensuring that expelled patrons remain out (OPHA, 2019).
 - Barriers containing the event to one defined space also allow for enhanced security and improved enforcement and compliance with regulations such as those found within the *Smoke-free Ontario Act, 2017*.
- Require signage at designated exit points to ensure alcohol does not travel outside of designated spaces.
- Ensure that expansion areas for licensed patios are not adjacent to areas where youth or vulnerable populations frequent (e.g. youth-serving facility access, mental health or addiction facility access, a park or playground).
- Require physical distancing measures to be demonstrated in applications for licensed patio expansions where food and drink will be served on municipal property.
- Ensure that municipal staff are able to monitor and enforce relevant municipal bylaws at all times that alcohol service is authorized (OPHA, 2019).
- Install security cameras on municipal property where alcohol is being served, and encourage licensed establishments to do the same (Liem, 2018).
- Provide on-site education with signage for the responsible use of alcohol, in addition to the Sandy’s Law signage requirement.

The WECHU is available for further consultation on municipal alcohol policies, and the application and enforcement of the Smoke Free Ontario Act, 2017 in relation to the expansion of patios and outdoor dining areas.

Thank you,



Theresa Marentette, RN, MSc, Chief Executive Officer, Chief Nursing Officer

Windsor Essex County Health Unit

1005 Ouellette Avenue, Windsor, N9A 4J8

Ph. 519-258-2146 ext. 1475

Fx. 519-258-6003

tmarentette@wechu.org

References

1. Canadian Institute for Health Information. Alcohol Harm in Canada: Examining Hospitalizations Entirely Caused by Alcohol and Strategies to Reduce Alcohol Harm. Ottawa, ON: CIHI; 2017. Retrieved from <https://www.cihi.ca/sites/default/files/document/report-alcohol-hospitalizations-en-web.pdf>
2. Liem, S. (2018). Alcohol policy review: Opportunities for Ontario municipalities. Retrieved from <http://opha.on.ca/getmedia/4e8f860f-6e34-4036-9fa6-a1311a35852e/Alcohol-Policy-Review-Full-Report-Final.pdf.aspx>
3. OPHA. (2019). Managing alcohol at events on municipal property. Retrieved from <https://opha.on.ca/getattachment/Advocacy-and-Policy/Issues/Managing-Alcohol-at-Events-on-Municipal-Property-FINAL-Report-Nov-26.pdf.aspx>
4. Stockwell, T., Wettlaufer, A., Vallance, K., Chow, C., Giesbrecht, N., April, N., Asbridge, M., Callaghan, R.C., Cukier, S., Davis-Macnevin, P., Dube, M., Hynes, G., Mann, R., Solomon, R., Thomas, G. & Thompson, K. (2019). Strategies to Reduce Alcohol-Related Harms and Costs in Canada: A Review of Provincial and Territorial Policies. Victoria, BC: Canadian Institute for Substance Use Research, University of Victoria.
5. The Windsor-Essex County Health Unit. (2019). Community needs assessment 2019 update report. Retrieved from https://www.wechu.org/reports/community-needs-assessment-2019-update-report?mc_cid=5c232302de&mc_eid=c8538d7a87



JOINT BOARD OF MANAGEMENT

Wednesday, May 20, 2020
9:00 AM

Virtually in Zoom

MINUTES

Members Present: Mayor MacDonald (Chair); Deputy Mayor Verbeke, Councillors Dunn, Jacobs, Hammond, Thiessen (alternate) Wilkinson - Leamington
Mayor Santos, Deputy Mayor Queen, Councillors DeYong, Neufeld, Patterson - Kingsville
Councillor VanderDoelen - Essex
Councillor Walstedt, Mayor Bain (alternate) - Lakeshore

UWSS Staff Present: Rodney Bouchard, Manager UWSS
Khristine Johnson, UWSS Recording Secretary

Municipal Staff Present: Shannon Belleau - Leamington
Kevin Girard - Essex
Andrew Plancke, Shaun Martinho - Kingsville

OCWA Staff Present: Susan Budden, Dave Jubenville
Dale Dillen, Ken Penney

Call to Order: 9:03 am

Disclosures of Pecuniary Interest: none

Adoption of Board Minutes:

The Special Minutes of the Union Water Supply System Joint Board of Management meeting held virtually on Wednesday, April 15, 2020 is received; and

The Regular Minutes of the Union Water Supply System Joint Board of Management meeting held virtually on Wednesday, April 15, 2020 is received.

No. UW-25-20

Moved by: Deputy Mayor Verbeke

Seconded by: Councillor Jacobs

That Special Meeting Minutes of the UWSS Joint Board of Management meeting of April 15, 2020 be approved; and

That the Regular Meeting Minutes of the UWSS Joint Board of Management meeting of April 15, 2020 is approved..

Carried

Business Arising Out of the Minutes:

There was none.

Report UW/14/20 dated May 15, 2020 re: Status Update of the UWSS Operations & Maintenance Activities and Capital Works to May 15, 2020

The Manager thanks all members for participating in the Zoom meeting and hopes that everyone is remaining safe during these times. He confirms that some projects are still moving forward. He also confirms that Ontario is still under the Ontario Covid-19 Emergency Order and therefore all non-essential staff are working remotely at this time. This order is anticipated until June 1st. However, any necessary maintenance is being conducted in a safe manner, which includes all lawn maintenance and repairs at UWSS's remote sites. He, along with the Operations Manager, are re-evaluating how to reintroduce the work space, he further notes that some contractors will be back on site June 2nd, in a safe manner.

He reports that a new sodium hypochlorite feed has been installed at the Cottam Booster Station (CBS). The new epoxy coating is also being installed on the walls of the chemical room. The Low Lift (LL) Pump #5 is still out for repair, parts have been ordered and it is anticipated to be reinstalled by June 2020.

The Manager reminds the Board that the UWSS was asked by the Town of Essex to provide water to Harrow/Colchester. This project had been postponed, but is now rescheduled to commence on June 1st, 2020. The Manager notes that he will be working with the Town of Kingsville/Essex staff to ensure the increased flows will be billed accordingly.

The High Lift (HL) Pump #4 was reported taken out of service in February 2020, the repairs have since been made and Phasor has reinstalled and put back into service in May 2020. Also completed in May 2020 was the verification and calibration of the master billing meters, no issues were reported during this process.

The Manager reports that on May 1, 2020 Watech Services conducted an inspection of the Albuna Water Tower (AWT). The report indicates that the tower, that is now approximately eight (8) years old, is in generally good condition. A few items were noted that were in need of repairs, these include cathodic corrosion protection system and a few safety related items. This will require the tank to be drained, which cannot be completed until lower flow season in the Fall of 2020.

Watech Services also completed inspection of the raw water intakes #1 and #2. At the time of the agenda the report had not been received, however, the Manager has since received the report. The report indicates that Raw Intake #1 requires some bracing, while Raw Intake #2 is in good shape. There is some zebra mussel cleaning required,

but the control system seems to be working decently. A few other minor repairs should be completed later this year or early next year.

The Manager provides updates on the SCADA project. He notes that on site work by the contractors has ceased since March 16th due to Covid-19. The SCADA integrator has been working off site on items such as training, operations and maintenance manuals. Based on discussions with staff and the contractor it has been determined it best that the remainder of the SCADA system is integrated in October after the high demand season has been completed. The concern is that some of the SCADA integration will require some parts of the WTP to be shut down and this is best completed when flows are lower.

The Manager provides an update on the CO2 pH Adjustment system project. He is hopeful that the remaining items will be completed prior to July 1st, as the contractor should be returning to the WTP site after June 8th, following all safety protocols.

OCWA Engineering Services have been retained to assist UWSS with the Kingsville Water Tower (KWT) Rehabilitation project. The Manager notes that this work will require the construction of a small building on site to house various electrical equipment. He further notes that he will be working with the Town of Kingsville to discuss design options for the KWT. He also explains that it is interesting that UWSS does not own the land on which the KWT sits, rather the Town of Kingsville does. Therefore, it will be necessary to have a discussion with Kingsville to develop a lease agreement. The Manager asks the Board for direction on how they would like him to proceed.

Deputy Mayor Queen appreciates the fact that the Manager acknowledged that the Town of Kingsville owns the land on which the KWT sits and welcomes discussion regarding the design of the logos and the building design. He feels all board members should be included in the design process. The Manager concurs and notes that the building was identified as beneficial by both Kingsville and OCWA employees. He will certainly be bringing more information forward over the coming months. Councillor Vander Doelen inquires as to who owns the lands that the other towers are sitting. The Manager explains that UWSS is tenants in common as UWSS really doesn't own anything. He will be examining this further and was hoping to resolve this type of issue with the restructuring into a MSC. Councillor Vander Doelen indicates that this could potentially become a liability issue and should be sorted out.

The Manager moves on to item #13 of the report explaining that Eramosa has been hired to provide services to retrofit 12 hydrants. He believes that by late June these items should be installed. This will provide valuable information during the high flow summer season and will hopefully be integrated with the UWSS SCADA system.

Security quotes have been received and reviewed. The UWSS plans on moving forward with the access control security system, which will be installed by Empire Communications. This work is expected to be completed by July 2020.

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been received and is under review. The Manager is hopeful that this will allow 15 parking spots and allow UWSS WTP to get off the septic system.

The last item of the Operations Report notes that the OCWA Engineering Services have been retained to provide project management services for the rehabilitation of the concrete filter boxes #2 and #4. These two (2) appear to be leaking and have never been through a rehabilitation since 1959. It is anticipated that this work will commence in November 2020, when flows are lower.

Finally, the Manager notes the higher flows, comparing them to 2008.

The Board members then ask several questions. Councillor Jacobs asks how the water flowing to Harrow/Colchester will be billed. The Manager explains that the wholesale billing rate along with information taken from the appropriate meters will ensure accurate billing. Also, Mr. Jacobs inquires if the high flows are starting to impact the UWSS in a way that should cause the Board concern. The Manager explains that while the flows are higher, they are not peaking as high. UWSS has higher flows longer, but not the sudden peaks that were experienced in 2007/08.

Councillor Hammond asks how large the raw water intakes are and what volume of water can flow through them. The Manager asks the Operations Manager to answer. Mr. Dillen takes over and he confirms that even though the flows have been higher the raw water intakes have no problems keeping up. Councillor Hammond also asks the Manager to check as to whether UWSS has been receiving the "off-peak" rate from Hydro One during the Covid-19 outbreak. The Manager will have to check into that.

Deputy Mayor Verbeke asks how the UWSS will drain the AWT when the repairs are made. Again the Operations Manager answers that question on behalf of the Manager. He explains that the system pressure will naturally allow a large portion to drain away, then the AWT drain valve will be isolated, to allow for dechlorination.

No. UW-26-20

Moved by: Deputy Mayor Queen

Seconded by: Councillor DeYong

That report UW//14/20 dated May 15, 2020 re: Status Update of the UWSS Operations & Maintenance Activities and Capital Works to May 15, 2020 is received.

Carried (UW/14/20)

Report UW/15/20 dated May 15, 2020 re: Payments from April 10th to May 15th, 2020

No. UW-27-20

Moved by: Councillor Jacobs

Seconded by: Councillor Patterson

That report UW/15/20 dated May 15, 2020 re: Payments from April 10 to May 15, 2020 is received.

Carried (UW/15/20)

New Business

The Recording Secretary notes that the next meeting date is June 17th, with location to be determined depending on Provincial Orders.

Also, she notes that the UWSS Facebook page is up and running.

Adjournment

No. UW-28-20

Moved by: Councillor DeYong

Seconded by: Deputy Mayor Verbeke

That the meeting adjourn at 9:39 am

Carried

Date of Next Meeting: Wednesday, June 17th, 2020 9:00 am - TBD

/kmj



JOINT BOARD OF MANAGEMENT

Wednesday, June 17, 2020

9:00 AM

Virtually in Zoom

AGENDA

A. Call to Order:

B. Disclosures of Pecuniary Interest:

C. Approval of Minutes:

Minutes of the meeting of the Union Water Supply System Joint Board of Management Meeting held Wednesday, May 20, 2020
Pages 2 - 6

D. Business Arising Out of the Minutes

E. Items for Consideration:

1. UW/16/20 dated June 12, 2020 re: Status Update of UWSS Operations & Maintenance Activities and Capital Works to June 12, 2020
Pages 7 - 11
Kingsville Water Tower Information - Pages 12 - 16
Hydro One - Class A Information - Pages 17 - 22

2. UW/16/20 dated June 12, 2020 re: Payments from May 15th to June 12th, 2020
Pages 23 - 28

F. New Business:

G. Adjournment:

H. Date of Next Meeting: July 15th, 2020, 9:00 am with location TBD

/kmj



JOINT BOARD OF MANAGEMENT

Wednesday, May 20, 2020
9:00 AM

Virtually in Zoom

MINUTES

Members Present: Mayor MacDonald (Chair); Deputy Mayor Verbeke, Councillors Dunn, Jacobs, Hammond, Thiessen (alternate) Wilkinson - Leamington
Mayor Santos, Deputy Mayor Queen, Councillors DeYong, Neufeld, Patterson - Kingsville
Councillor VanderDoelen - Essex
Councillor Walstedt, Mayor Bain (alternate) - Lakeshore

UWSS Staff Present: Rodney Bouchard, Manager UWSS
Khristine Johnson, UWSS Recording Secretary

Municipal Staff Present: Shannon Belleau - Leamington
Kevin Girard - Essex
Andrew Plancke, Shaun Martinho - Kingsville

OCWA Staff Present: Susan Budden, Dave Jubenville
Dale Dillen, Ken Penney

Call to Order: 9:03 am

Disclosures of Pecuniary Interest: none

Adoption of Board Minutes:

The Special Minutes of the Union Water Supply System Joint Board of Management meeting held virtually on Wednesday, April 15, 2020 is received; and

The Regular Minutes of the Union Water Supply System Joint Board of Management meeting held virtually on Wednesday, April 15, 2020 is received.

No. UW-25-20

Moved by: Deputy Mayor Verbeke

Seconded by: Councillor Jacobs

That Special Meeting Minutes of the UWSS Joint Board of Management meeting of April 15, 2020 be approved; and

That the Regular Meeting Minutes of the UWSS Joint Board of Management meeting of April 15, 2020 is approved..

Carried

Business Arising Out of the Minutes:

There was none.

Report UW/14/20 dated May 15, 2020 re: Status Update of the UWSS Operations & Maintenance Activities and Capital Works to May 15, 2020

The Manager thanks all members for participating in the Zoom meeting and hopes that everyone is remaining safe during these times. He confirms that some projects are still moving forward. He also confirms that Ontario is still under the Ontario Covid-19 Emergency Order and therefore all non-essential staff are working remotely at this time. This order is anticipated until June 1st. However, any necessary maintenance is being conducted in a safe manner, which includes all lawn maintenance and repairs at UWSS's remote sites. He, along with the Operations Manager, are re-evaluating how to reintroduce the work space, he further notes that some contractors will be back on site June 2nd, in a safe manner.

He reports that a new sodium hypochlorite feed has been installed at the Cottam Booster Station (CBS). The new epoxy coating is also being installed on the walls of the chemical room. The Low Lift (LL) Pump #5 is still out for repair, parts have been ordered and it is anticipated to be reinstalled by June 2020.

The Manager reminds the Board that the UWSS was asked by the Town of Essex to provide water to Harrow/Colchester. This project had been postponed, but is now rescheduled to commence on June 1st, 2020. The Manager notes that he will be working with the Town of Kingsville/Essex staff to ensure the increased flows will be billed accordingly.

The High Lift (HL) Pump #4 was reported taken out of service in February 2020, the repairs have since been made and Phasor has reinstalled and put back into service in May 2020. Also completed in May 2020 was the verification and calibration of the master billing meters, no issues were reported during this process.

The Manager reports that on May 1, 2020 Watech Services conducted an inspection of the Albuna Water Tower (AWT). The report indicates that the tower, that is now approximately eight (8) years old, is in generally good condition. A few items were noted that were in need of repairs, these include cathodic corrosion protection system and a few safety related items. This will require the tank to be drained, which cannot be completed until lower flow season in the Fall of 2020.

Watech Services also completed inspection of the raw water intakes #1 and #2. At the time of the agenda the report had not been received, however, the Manager has since received the report. The report indicates that Raw Intake #1 requires some bracing, while Raw Intake #2 is in good shape. There is some zebra mussel cleaning required,

but the control system seems to be working decently. A few other minor repairs should be completed later this year or early next year.

The Manager provides updates on the SCADA project. He notes that on site work by the contractors has ceased since March 16th due to Covid-19. The SCADA integrator has been working off site on items such as training, operations and maintenance manuals. Based on discussions with staff and the contractor it has been determined it best that the remainder of the SCADA system is integrated in October after the high demand season has been completed. The concern is that some of the SCADA integration will require some parts of the WTP to be shut down and this is best completed when flows are lower.

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No. UW-26-20

Moved by: Deputy Mayor Queen

Seconded by: Councillor DeYong

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Carried (UW/14/20)

Report UW/15/20 dated May 15, 2020 re: Payments from April 10th to May 15th, 2020

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Moved by: Councillor Jacobs

Seconded by: Councillor Patterson

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Carried (UW/15/20)

New Business

The Recording Secretary notes that the next meeting date is June 17th, with location to be determined depending on Provincial Orders.

Also, she notes that the UWSS Facebook page is up and running.

Adjournment

No. UW-28-20

Moved by: Councillor DeYong

Seconded by: Deputy Mayor Verbeke

That the meeting adjourn at 9:39 am

Carried

Date of Next Meeting: Wednesday, June 17th, 2020 9:00 am - TBD

/kmj

UW/16/20

To: Chair and Members of the Union Water Supply System Joint Board of Management

From: Rodney Bouchard, UWSS General Manager

Date: June 12, 2020

Re: Status Update of UWSS Operations & Maintenance Activities and Capital Works to June 12, 2020



Aim:

To inform the UWSS Board about operational and maintenance activities and capital works projects for the Union Water Supply System since the last Board meeting on April 15, 2020.

Discussion:

The UWSS Manager conducts regular meeting with OCWA Operations staff in regards to on-going operations and maintenance programs for the UWSS facilities. The following provides an update on UWSS operations, regular maintenance and major maintenance and Capital Works at UWSS facilities:

1. Regular Maintenance on all process equipment and analyzers continue to be completed through OCWA's Workplace Maintenance Management System.
2. It should be noted that in accordance with the Province of Ontario COVID-19 Emergency Order, all non-essential staff at the UWSS facilities, including UWSS and OCWA staff, are currently working remotely as much as possible to reduce the potential impact of COVID-19 on essential drinking water treatment operators. The Essential Staff provision is anticipated to remain until the end of June 2020.
3. Greenflag Coatings was retained to refinish three damaged walls at the Cottam Booster Station in preparation for the new piping and panel for the sodium hypochlorite system. The piping and panel were then installed and commissioned by OCWA maintenance staff. This work was completed as part of improvements to the chlorine boosting system at Cottam Booster.
4. Low Lift pump #5 is still out for repair. Parts have been ordered and the retained contractor, Nevtro, will return to install as soon as it is complete. It is anticipated that the pump will be installed at the beginning of July 2020.
5. Earlier this year, the UWSS was requested by the Town of Essex to supply water to the Harrow/Colchester area due to a proposed maintenance shutdown of the Harrow/Colchester Water Treatment Plant. This proposed shut down was postponed due to the COVID-19 outbreak.

Re: UW/16/20 - Status Update of UWSS Operations & Maintenance Activities and Capital Works to June 17, 2020

- UWSS started supplying water to the Harrow/Colchester system on June 8, 2020. This will be on-going for approximately two (2) weeks. At the onset of the transition, low water pressures were reported in Harrow/Colchester. On June 9th, 2020, low water pressures were again noted in Harrow/Colchester and also the southwest portion of the Town of Kingsville. UWSS and OCWA staff worked with Town of Kingsville and Town of Essex staff to evaluate and address the issue. The UWSS and municipalities implemented lawn watering restrictions and notified the public through social media to reduce daytime water usage so as to ensure consistent supply of water with adequate pressure to residents and businesses. UWSS and OCWA will work with Town of Kingsville water dept. staff and Town of Essex staff to ensure that increased flows through Kingsville to supply Colchester and Harrow will be tracked and billed accordingly.
6. On May 6, 2020 Watech Services Inc conducted inspections of the two raw water intakes. Inspection reports have yet to be provided.
 7. Wastewater pump #2 needs to be pulled for repair. OCWA operations and maintenance staff recommend the purchase a spare wastewater pump as a backup since these pumps often need to be repaired and it is difficult to keep up with wastewater flow with only one pump in operation. Quotes for a new wastewater pump are being solicited.
 8. OCWA staff had noted some issues with sludge blow off valves on Clarifiers #1 and #4. The blow off valve for Clarifier #4 has been repaired by OCWA maintenance. Blow off valve for Clarifier #1 is functional but needs to be rehabilitated. Necessary parts have been ordered.
 9. Filter #3 drain valve isn't opening 100% which is causing issues with the auto backwash cycle. Some adjustments have been made in the interim so that the filter can be used. Parts have been ordered.
 10. Backflow preventer testing was completed on June 11th, 2020 by KZ Plumbing and Heating of Windsor, ON. Two backflow preventers failed inspection and will require service. KZ plumbing has been requested to provide a quote for parts and labor.
 11. SCADA Upgrade Project Update: On-site work for the new SCADA system integration was put on hold on March 16, 2020 due to the COVID-19 outbreak. Although outside contractors are now resuming some work at UWSS facilities, the integration of the new SCADA system requires plant shut downs and restarts, which is too risky and not feasible during the summer high water demand period. On-site work will resume in October 2020 after the summer high water demand period has passed. The SCADA system integrator, SUMMA Engineering is completing work that can be done remotely.

Re: UW/16/20 - Status Update of UWSS Operations & Maintenance Activities and Capital Works to June 17, 2020

12. CO2 pH Adjustment/ Chlorine System Improvements Project Update - Substantial Completion for this project was issued on March 31st, 2020. All the essential components of the project have been completed. The remaining items of this project include landscaping and minor deficiencies. Land grading activities were completed and the beginning of June and hydroseeding is scheduled for June 15, 2020. Deficiencies with CO2 automation have been addressed.

The contractor, Maple Reinders resumed on-site work on June 8, 2020 to address the remaining deficiencies. This work is scheduled to be completed by early July 2020.

13. OCWA Engineering Services (OCWA ES) has been retained by UWSS to provide engineering, project management and contract management services for the Kingsville Water Tower recoating and rehabilitation project. This work also proposes the construction of a small utility building on-site to house existing electrical and telecom equipment and a new chlorine analyzer.

The design of the utility building has been completed by The Municipal Infrastructure Group (TMIG), a subcontracted design engineering firm retained through OCWA ES. A copy of the site plan with proposed building is attached to this report. Also attached is a photo of an existing utility building that depicts the proposed “look” and construction of this building.

A virtual meeting was held on May 29, 2020 between UWSS, OCWA-Union Water staff and OCWA ES staff to discuss this work. It was agreed that due to the lateness of the year that it would be best to focus on completion of Kingsville WT rehab work in 2020. The construction of the proposed utility building would occur when feasible after completion of the water tower rehab work.

OCWA ES is currently preparing engineering specs and tender package for the water tower recoating, and safety upgrades. It is anticipated that tendering of this work will occur at the end of June or the first week of July. This tender will not include the construction of the building. The project team felt it would be best for scheduling and contracting purposes to keep the construction of the building separate.

It should be noted that the land occupied by the Kingsville Water Tower is owned by the Town of Kingsville. UWSS is in preliminary discussions with the Town of Kingsville regarding a lease agreement between UWSS and the Town of Kingsville for use of the land for water tower operations and construction of proposed utility building.

14. Eramosa Engineering of Guelph, ON has been retained to provide design/engineering consulting services for the provision and retrofit of 12 hydrants in the larger UWSS distribution system to include real time smart metering capabilities. These “smart hydrant” retrofits will include continual pressure and temperature monitoring capabilities. Eramosa has completed the

Re: UW/16/20 - Status Update of UWSS Operations & Maintenance Activities and Capital Works to June 17, 2020

- construction of the monitoring equipment for the 12 hydrant retrofits. In consultation with water operations staff from Leamington, Kingsville, Essex and Lakeshore, it is anticipated that the installation of these units will be initiated the second week of July 2020.
15. Empire Communications has been retained through a quoting process to supply and install an access control security system for UWSS facilities. This will include an upgrade to the video camera security system currently in-place and provide access control to UWSS facilities including the Low Lift Pumping Plant, Ruthven Water Treatment Plant and Cottam Booster Station. It is anticipated that this work will be initiated towards the end of July 2020.
 16. UWSS is soliciting quotes from local contractors to undertake the construction of the new Laboratory within the Ruthven Water Treatment Plant. To date, two quotes have been received, both within the approved budget of \$100,000. UWSS hopes that construction of the new Lab will be started in September 2020.
 17. NJ Peralta Engineering of Kingsville has been retained for engineering services for the installation of a sewage force main for the UWSS Ruthven Water Treatment Plant and for the new parking area proposed at the Treatment Plant. A preliminary design of the new parking lot and sewage force main was provided to UWSS on May 8th, 2020 and has been reviewed by UWSS. Since the proposed sewage force main would be installed in County of Essex right-of-way, the design is currently under review by County of Essex staff. In the meantime, NJ Peralta is preparing a tender document for this work.
 18. UWSS held a virtual meeting on June 10, 2020 with Associated Engineers and OCWA on to initiate preliminary discussions on installation of a new mixing system in the Cottam Booster station reservoirs. Currently, two Grid-Bee active mixers are installed in the Cottam Booster. These were installed in 2014. These mixers are approaching end of useful life and will need to be replaced. UWSS and OCWA are hoping to install a relatively low cost passive mixing system that would not have any moving parts or require electricity. Preliminary options have been identified by Associated Engineering that seem to meet these objectives.
 19. On May 27, 2020 the UWSS General Manager received an email from Hydro One indicating that UWSS *"has met the eligibility requirements for qualification into the 'Industrial Conservation Initiative' (ICI), also referred to as 'Class A', for the upcoming 2020/2021 adjustment period. As a 'Class A' customer under the criteria detailed in [Ontario Regulation 429/04](#) under the Electricity Act, 1998, you will pay for the Global Adjustment charge based on your calculated Peak Demand Factor which represents your contribution to the five coincident system peaks that occurred during the previous 'base period'"*

A review of the information and calculations provided by Hydro One (see attachment to this report) indicated that UWSS would achieve a savings of \$-

Re: UW/16/20 - Status Update of UWSS Operations & Maintenance Activities and Capital Works to June 17, 2020

127,464.99 including HST, by enrolling into the Class A program. It was also noted that the enrollment period closed on June 15, 2020. The UWSS General Manager informed the appropriate Hydro One contact on June 12, 2020 that the UWSS will not be applying to enroll in the Class A program and will remain as a Class B customer since UWSS' electrical costs are calculated to be significantly lower as a Class B customer.

The first chart shows comparative flows for 2016 through 2020 in Mega Litres (ML) and the second chart shows Millions of Imperial Gallons (MIG) for the period January 1st to June 11th, 2020.

	2016	2017	2018	2019	2020
Flow to Date (ML)	5,951.46	6,022.43	6,442.49	6,359.12	7,364.92
Max Day (ML)	69.66	70.88	70.57	63.95	85.45
Min Day (ML)	19.49	20.73	23.56	20.13	25.44
Average Day (ML)	36.51	37.18	39.77	39.25	45.18
No of Days	163	162	162	162	163

	2016	2017	2018	2019	2020
Flow to Date (MG)	1309.16	1324.78	1417.18	1398.84	1620.09
Max Day (MGD)	15.32	15.59	15.52	14.07	18.80
Min Day (MGD)	4.29	4.56	5.18	4.43	5.60
Average Day (MGD)	8.03	8.18	8.75	8.63	9.94
No of Days	163	162	162	162	163

Flows to date are up 1,005.8 ML (221.25 MIG) or 15.82% from last year. The 2020 flows to date are up 18.91% over the previous 4 year average.

Recommendation:

That this report be received by the UWSS Board for information purposes.

Respectfully submitted,

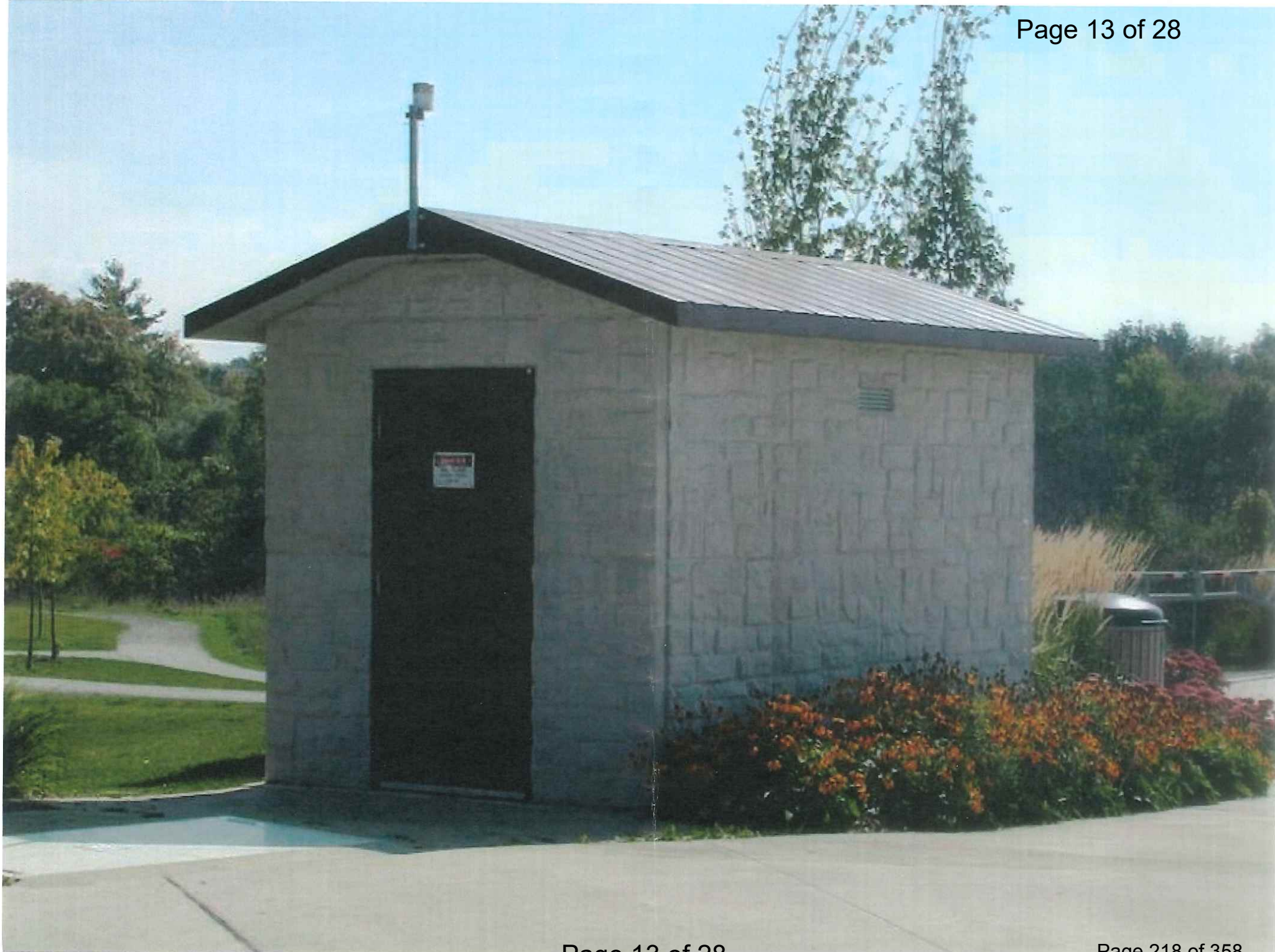


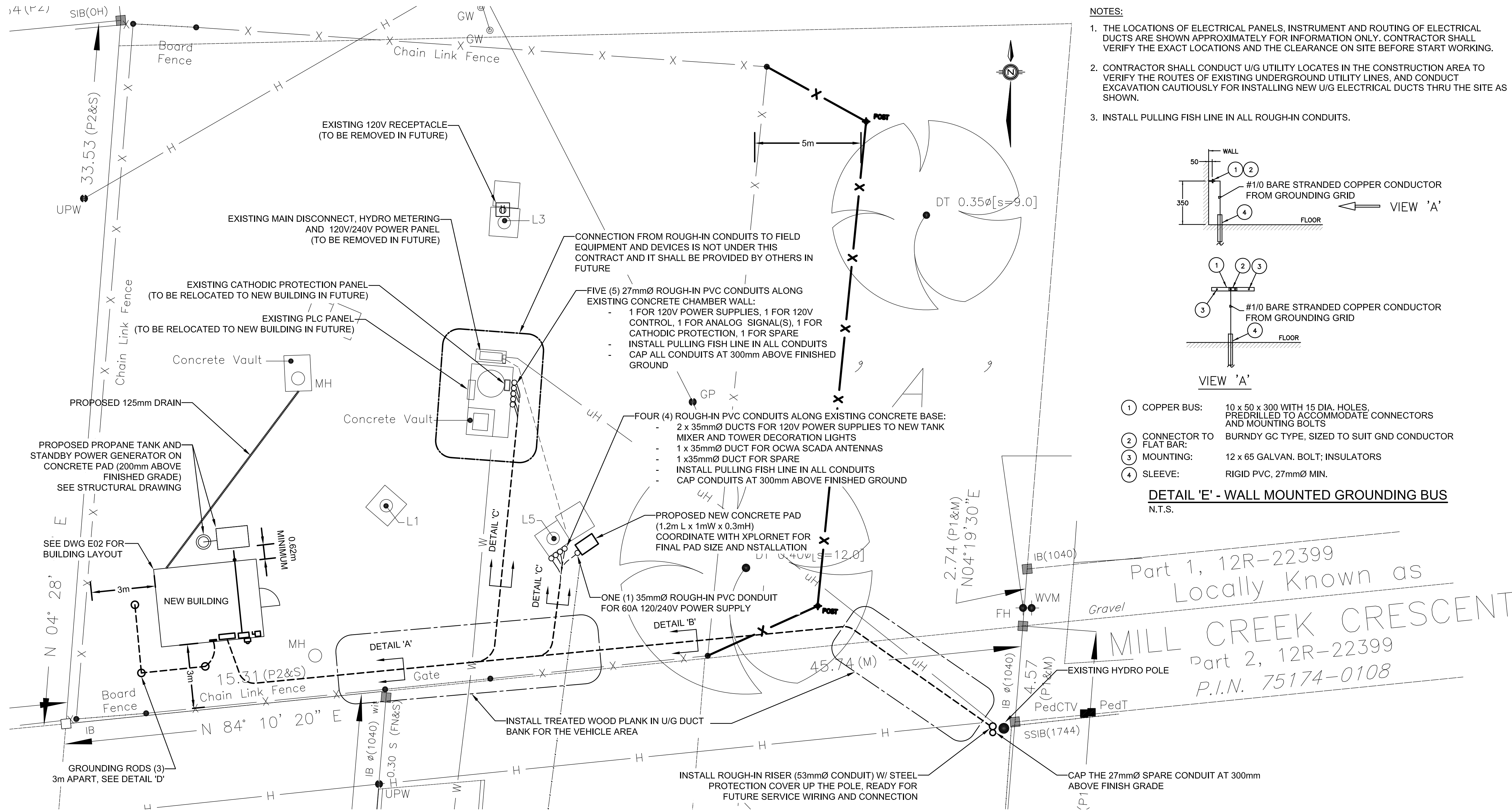
Rodney Bouchard, Manager
 Union Water Supply System Joint Board of Management
 /kmj

KINGSVILLE WATER TOWER

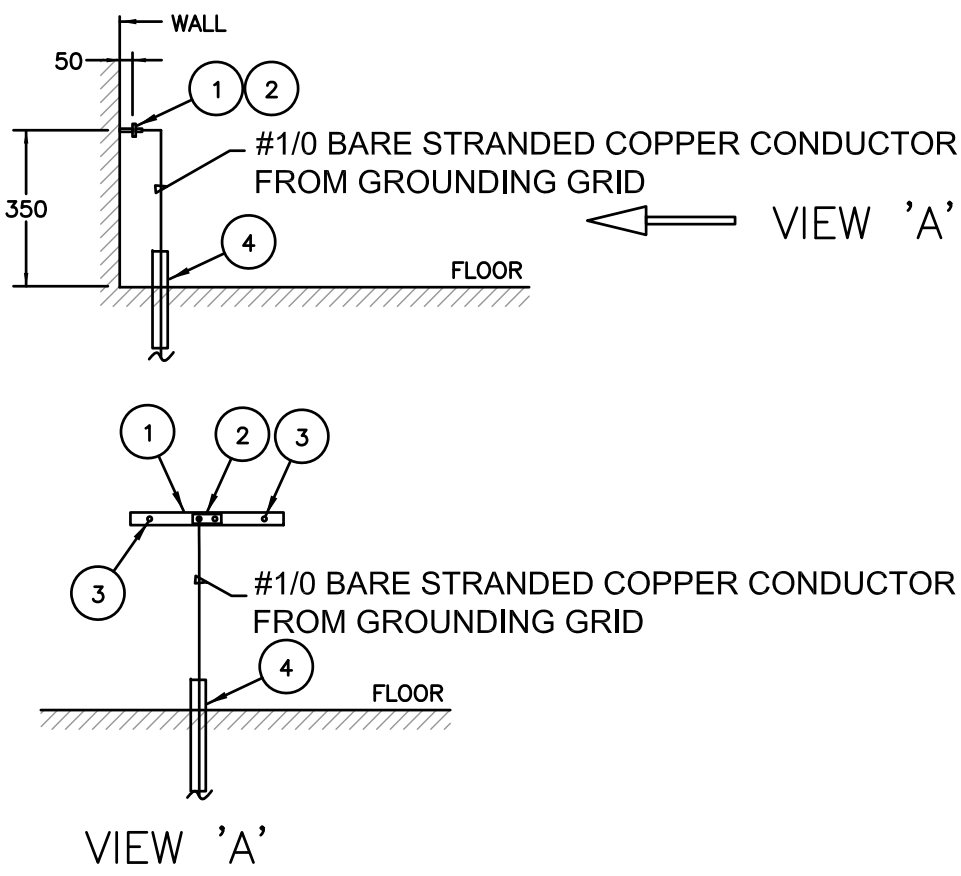
BUILDING STYLE/CONCEPTION

JUNE 2020





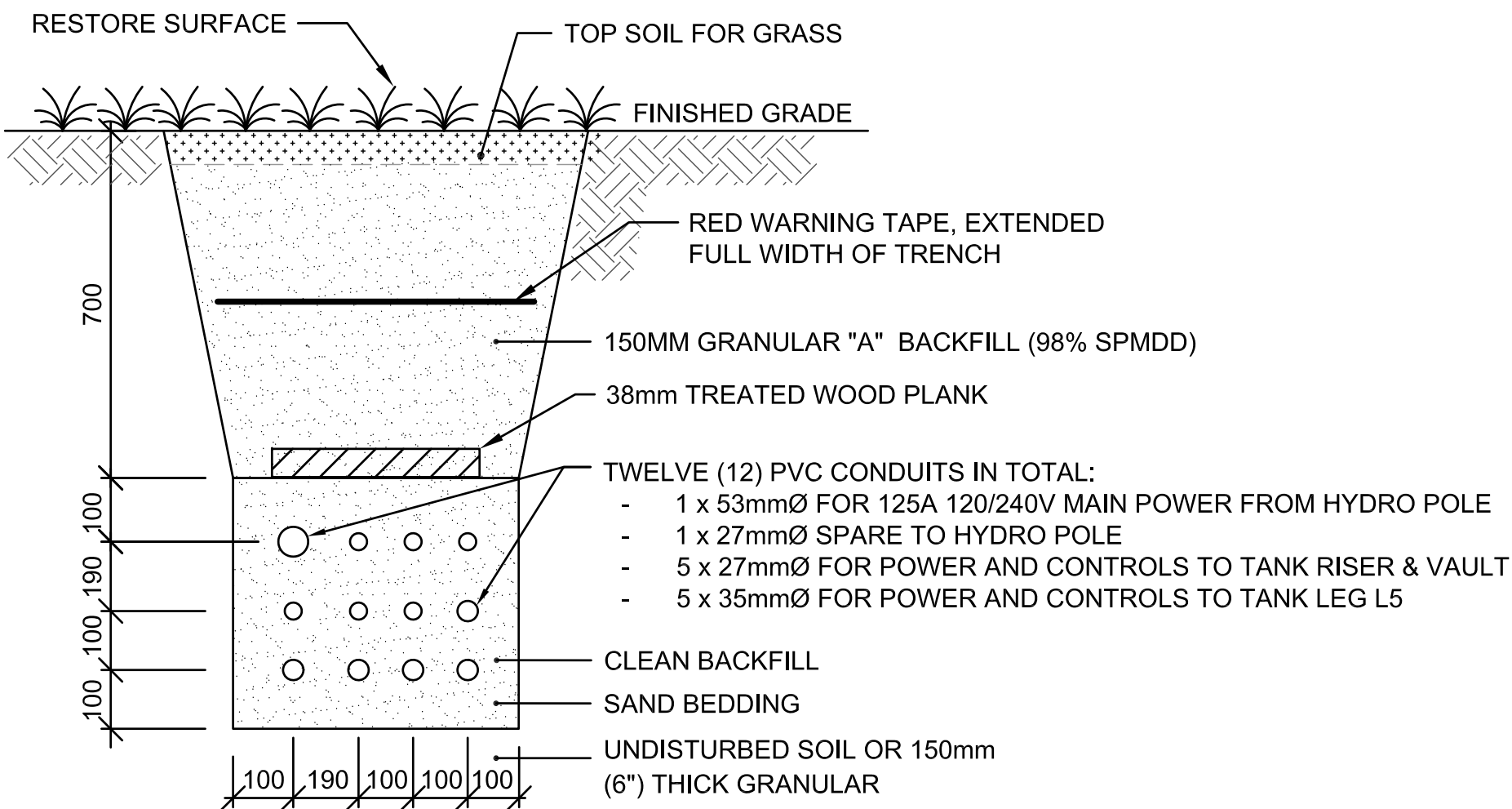
- NOTES:
- THE LOCATIONS OF ELECTRICAL PANELS, INSTRUMENT AND ROUTING OF ELECTRICAL DUCTS ARE SHOWN APPROXIMATELY FOR INFORMATION ONLY. CONTRACTOR SHALL VERIFY THE EXACT LOCATIONS AND THE CLEARANCE ON SITE BEFORE START WORKING.
 - CONTRACTOR SHALL CONDUCT U/G UTILITY LOCATES IN THE CONSTRUCTION AREA TO VERIFY THE ROUTES OF EXISTING UNDERGROUND UTILITY LINES, AND CONDUCT EXCAVATION CAUTIOUSLY FOR INSTALLING NEW U/G ELECTRICAL DUCTS THRU THE SITE AS SHOWN.
 - INSTALL PULLING FISH LINE IN ALL ROUGH-IN CONDUITS.



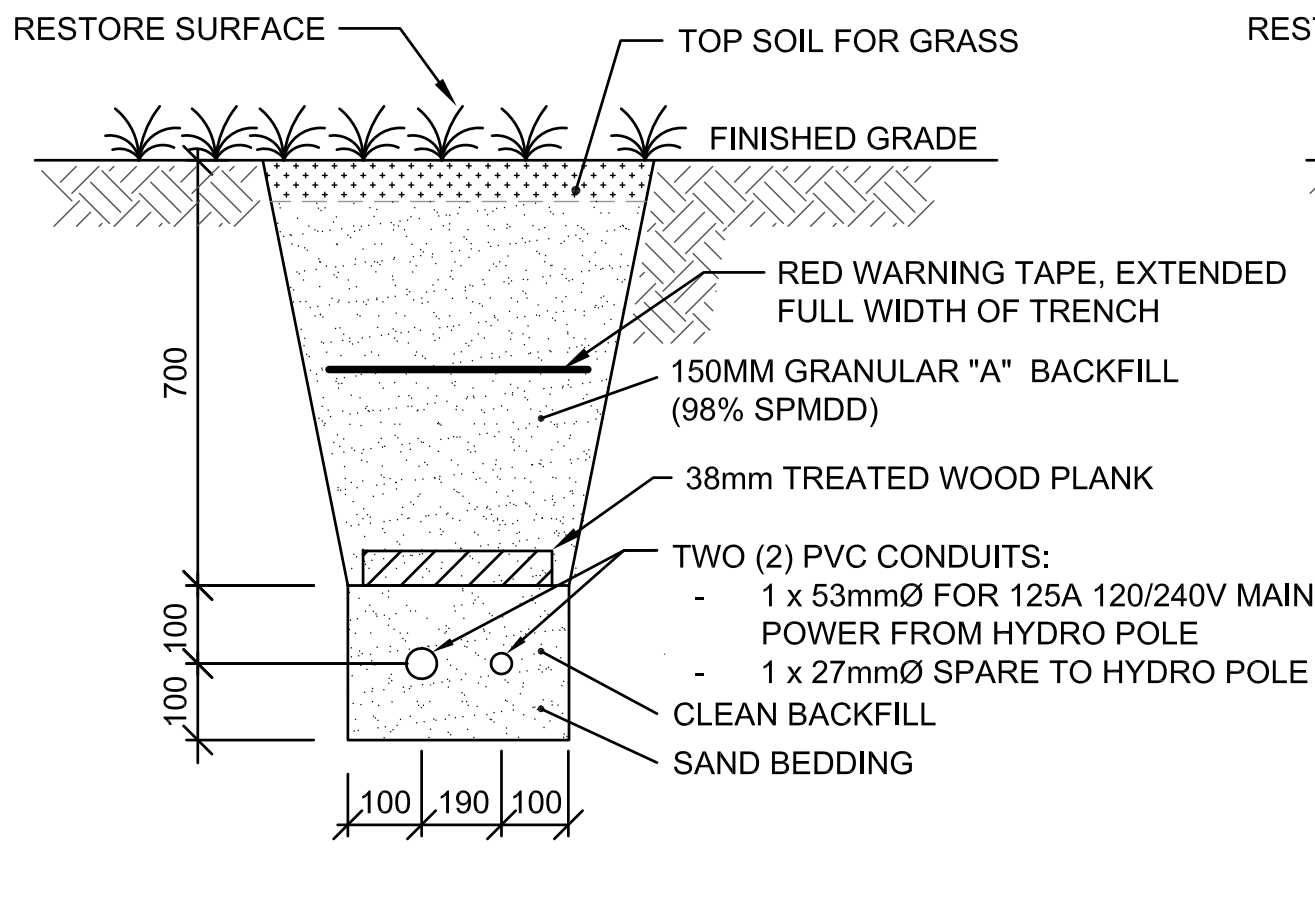
- 1 COPPER BUS: 10 x 50 x 300 WITH 15 DIA. HOLES, PREDRILLED TO ACCOMMODATE CONNECTORS AND MOUNTING BOLTS
- 2 CONNECTOR TO FLAT BAR: BURNDY GC TYPE, SIZED TO SUIT GND CONDUCTOR
- 3 MOUNTING: 12 x 65 GALVAN. BOLT; INSULATORS
- 4 SLEEVE: RIGID PVC, 27mmØ MIN.

DETAIL 'E' - WALL MOUNTED GROUNDING BUS
N.T.S.

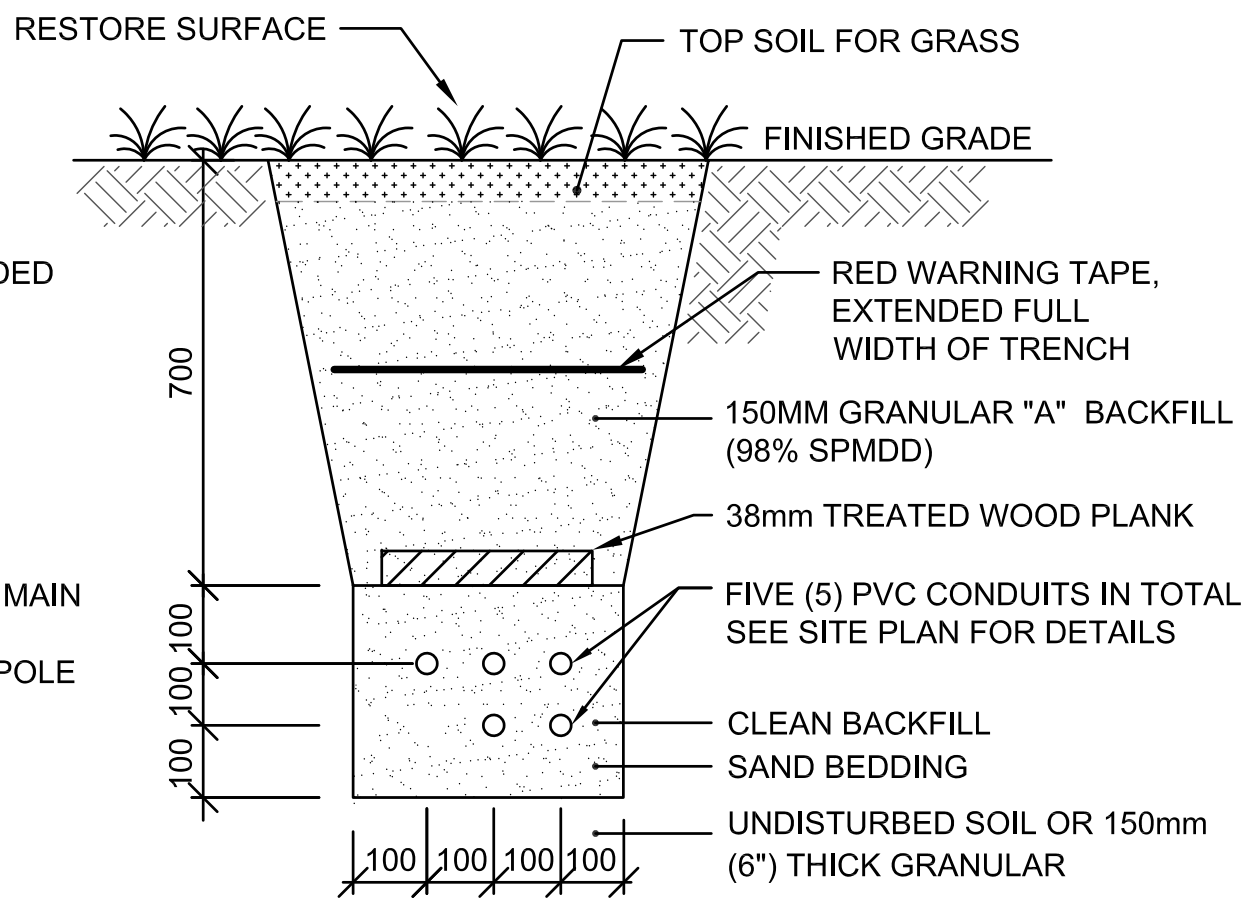
ELECTRICAL SITE PLAN
1:100



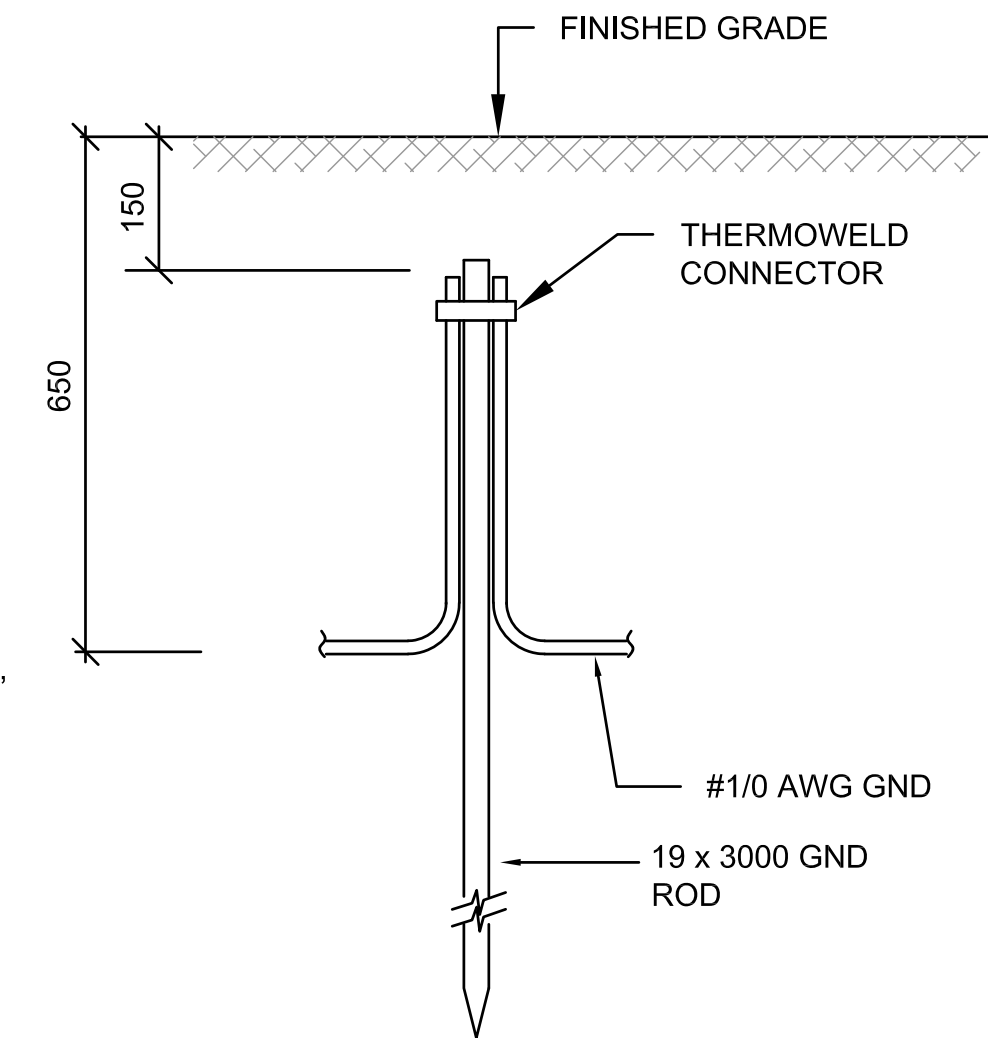
DETAIL 'A' - DIRECT BURIED DUCTBANK
N.T.S.



DETAIL 'B' - DIRECT BURIED DUCTBANK
N.T.S.



DETAIL 'C' - DIRECT BURIED DUCTBANK
N.T.S.



DETAIL 'D' - GROUNDING GRID AND ROD
N.T.S.

SERVICE DATA					
SERVICE	DATE	INIT.	SERVICE	DATE	INIT.
SAN SEWERS			GAS MAINS		
STORM SEWERS			BELL U/G CABLE		
WATER MAINS			HYDRO U/G CABLE		
TRANSIT			HYDRO ONE		
PARKS & REC.			COMMUNIC. CABLES		
CONT. CLEAN WATER					

REVISIONS		
DATE	DETAILS	INIT.
MARCH 2020	30% DESIGN SUBMISSION - NOT FOR CONSTRUCTION	J.J.

LEGEND

○ MH	DENOTES HYDRO MANHOLE	+ FH	DENOTES FIRE HYDRANT
○ MS	DENOTES SEWER MANHOLE	+ WM	DENOTES WATER METER
○ MH	DENOTES TELEPHONE MANHOLE	+ WS	DENOTES WATER VALVE (Service)
○ MH	DENOTES TRAFFIC MANHOLE	+ WM	DENOTES WATER VALVE (Main)
○ MH	DENOTES WATER MANHOLE	+ GW	DENOTES GAS METER
IB	DENOTES CATCH BASIN	+ GV	DENOTES GAS VALVE
DB	DENOTES DOUBLE CATCH BASIN	+ MH	DENOTES HYDRO METER
+ LSH	DENOTES LIGHT STANDARD CONCRETE	+ PedT	DENOTES TELEPHONE PEDESTAL
+ LSH	DENOTES LIGHT STANDARD STEEL	+ PedC	DENOTES CABLE TV PEDESTAL
+ LSH	DENOTES LIGHT STANDARD WOOD	+ TH	DENOTES TRAFFIC SIGN
+ UP	DENOTES UTILITY POLE CONCRETE	+ TH	DENOTES TRAFFIC SIGNAL
+ UP	DENOTES UTILITY POLE STEEL	+ TH	DENOTES TRAFFIC SIGNAL BOX
+ UP	DENOTES UTILITY POLE WOOD	+ TH	DENOTES TESTHOLE
+ GP	DENOTES GUY POLE	+ BM	DENOTES BENCH MARK
+ GW	DENOTES GUY WIRE	+ HCP	DENOTES HORIZONTAL CONTROL POINT
+ BP	DENOTES BOLLARD	+ VCP	DENOTES VERTICAL CONTROL POINT
+ PM	DENOTES PARKING METER	+ SHRB	DENOTES SHRUB
+ BC	DENOTES TOP OF CURB	+ SC	DENOTES SEWER CLEANOUT
+ BC	DENOTES BOTTOM OF CURB	+ AV	DENOTES INVERT

DECIDUOUS AND CONIFEROUS TREES ARE DENOTED DT AND CT RESPECTIVELY. A PREFIX TO THE DESCRIPTION DESIGNATES THE NUMBER OF TREE TRUNKS WHEN TREES ARE CLUMPED TOGETHER AND A SUFFIX DENOTES THE TREE DIAMETER OR (NTS) NOT TO SCALE.

— C —	DENOTES OVERHEAD CABLE TV LINE
— G —	DENOTES GAS LINE
— H —	DENOTES OVERHEAD HYDRO LINE
— CS —	DENOTES COMBINED SEWER
— SA —	DENOTES SANITARY SEWER
— ST —	DENOTES STORM SEWER
— T —	DENOTES OVERHEAD TELEPHONE LINE
— W —	DENOTES WATER LINE

UNDERGROUND CABLE, HYDRO OR TELEPHONE LINES ARE PREFIXED WITH THE LETTER "U" (CABLE = UC HYDRO = UH TELEPHONE = UT)

ALL MONUMENTS SHOWN THUSLY □ ARE IRON BARS (B) UNLESS OTHERWISE NOTED.

SB DENOTES 25mm x 25mm x 1.22m STANDARD IRON BAR

SSB DENOTES 25mm x 25mm x 0.61m SHORT STANDARD IRON BAR

IB DENOTES 16mm x 16mm x 0.61m IRON BAR

IB DENOTES 19mm diameter x 0.61m ROUND IRON BAR

CP DENOTES 5mm x 50mm STEEL PIN

SM DENOTES SURVEY MONUMENT FOUND

SM DENOTES SURVEY MONUMENT SET AND MARKED 1744

WIT DENOTES WITNESS (W) DENOTES PERPENDICULAR

(S) DENOTES SET (M) DENOTES MEASURED (O) DENOTES DEED

SSB'S SHOWN ON THIS PLAN HAVE BEEN SET IN LIEU OF SIB'S WHERE THE POSSIBILITY THAT UNDERGROUND UTILITIES EXIST.

(S/P) DENOTES SET PROPORTIONALLY

(P) DENOTES PLAN BY (OH) DATED: July 10, 1990, Plan File: G-368.

(P1) DENOTES PLAN BY (OH) DATED: July 10, 1990, Plan File: G-368.

(P2) DENOTES PLAN BY (OH) DATED: Aug. 1, 1951, Plan File: 203-4362.

(P3) DENOTES PLAN BY (OH) DATED: Aug. 1, 1951, Plan File: 203-4362.

(P4) DENOTES FIELD NOTES BY (1040) DATED: Oct-10, 1975, P.N.75-486.

(1744) DENOTES VERHAEGEN LAND SURVEYORS

(1040) DENOTES WILLIAM J. SETTERINGTON, O.L.S.

(OH) DENOTES ONTARIO HYDRO

ELEVATIONS
ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES TO CANADIAN GEODETIC DATUM

BENCH MARK
BENCH MARK 710103, ELEVATION 189.567
POST OFFICE ALONG DUNDAS STREET NORTH, TABLET IN WEST (NEAR) CONCRETE FOUNDATION, 3.26m NORTH OF SOUTHWEST CORNER, 2.13m NORTH OF DOOR, 12cm BELOW BRICK.

SITE BENCH MARK
AS SHOWN ON FACE OF PLAN

INTEGRATION DATA			
COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE)			
COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) OREG 216/10			
POINT	ID	NORTHING	EASTING
GRP-A	N4655739.770	E356042.588	
GRP-B	N4655769.697	E356336.550	

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

VERHAEGEN
A MEMBER OF J.R. BARNES LTD.
www.verhaegen.com

Designed by: J.J.
Checked by: B.Y.
Date: MARCH 2020

Scale: As Shown
Drawn by: A.N.
Sheet of: _____

Project No. 20122
Drawing No. E01

TMIG
A TYLIN INTERNATIONAL COMPANY

8800 Dufferin Street,
Suite 200
Vaughan, ON
L4K 0C5
p: 905.738.5700
f: 905.738.0065

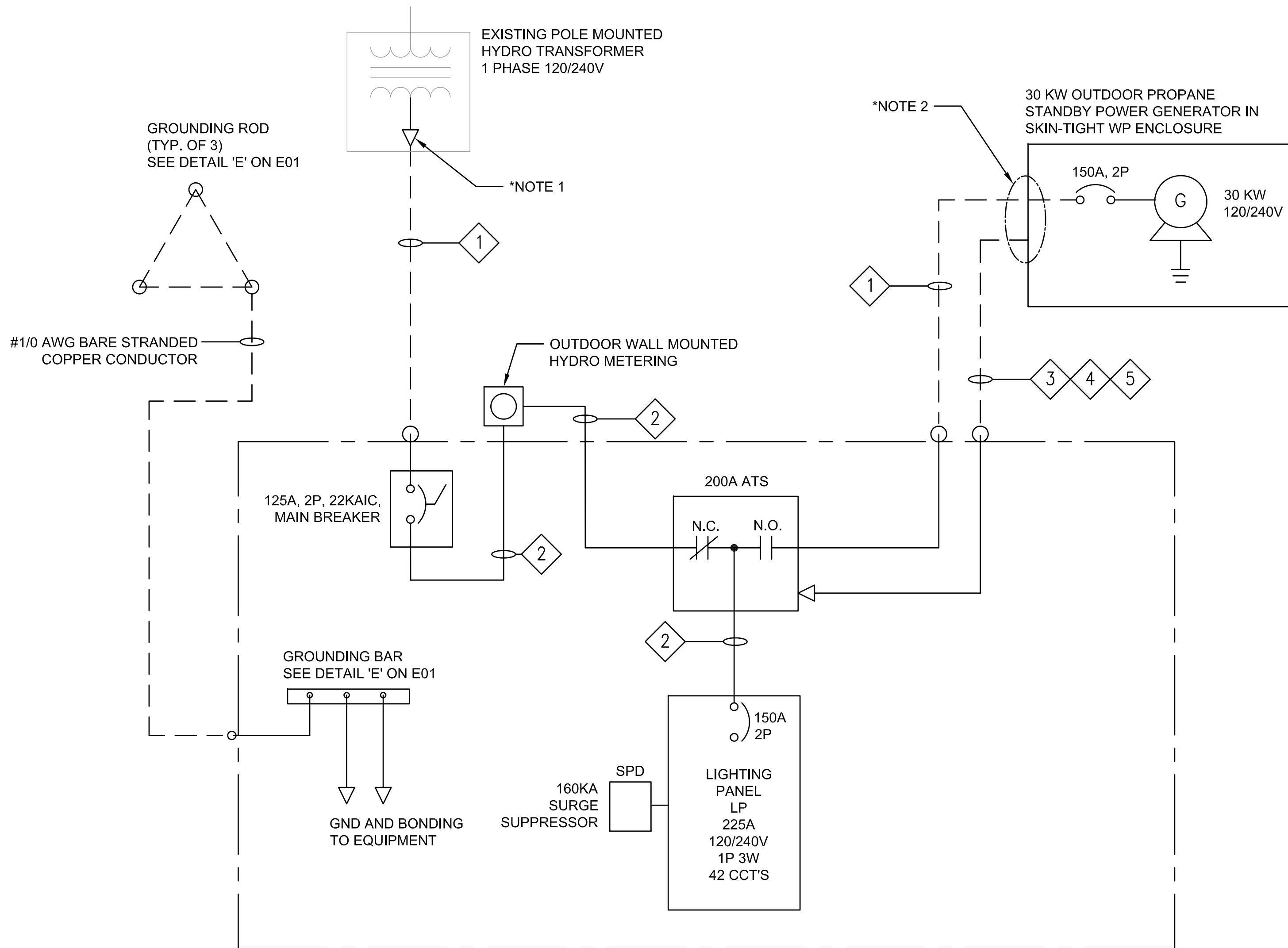
ONTARIO CLEAN WATER AGENCY
AGENCE ONTARIENNE DES EAUX

**KINGSVILLE WATER TOWER
UTILITY BUILDING**

ELECTRICAL SITE PLAN

Page 14 of 28

Page 219 of 358



POWER DISTRIBUTION SINGLE LINE DIAGRAM

NOTES:

1. THE CONTRACTOR TO PROVIDE ALL DUCT WORK AND A RISER COMPLETE WITH WEATHER HEAD AT THE POLE, AND INSTALL 120/240V CABLES WITH TERMINATION LUGS.
2. CONTRACTOR MUST VERIFY THE MANUFACTURER'S SHOP DRAWING IN TERMS OF SIZE AND LOCATION OF CABLE ENTRANCE IN GENERATOR ENCLOSURE FOR PLACING THE UNDERGROUND DUCTS BEFORE POURING THE CONCRETE PAD.

CABLE ID:

- 1 3C-#1/0 AWG + 1C-#4 GND, RWU90 IN 53mmC IN UNDERGROUND DUCT BANK, SEE DWG E01
- 2 3C-#1/0 AWG + 1C-#4 GND, RW90U IN 53mmC, SURFACE MOUNTED
- 3 4/C-#12 AWG + 1/C-#12 GND, RWU90 IN 27mmC, FOR 120/240V POWER SUPPLIES TO GENERATOR FOR ENGINE HEATER, BATTERY CHARGER
- 4 10/C-#14 RWU90 IN 27mmC, FOR GENERATOR CONTROL & MONITORING SIGNALS TO/FROM ATS AND FUTURE PLC PANEL
- 5 1C-#1/0 AWG INSULATED GROUNDING WIRE IN 21mmC FOR GENERATOR BONDING

SYSTEM LOADS	
NAME	Watt
BUILDING INTERIOR & EXTERIOR LIGHTING	100
TANK DECORATION LIGHTING / SIGN	1000
BUILDING RECEPTACLES	500
BUILDING HVAC	3,000
BUILDING HOT WATER TANK	3,000
GENERATOR ENGINE HEATER & CHARGER	1,500
XPLORNET COMMUNICATION SYSTEM	10,000
TANK VAULT LIGHTING & HEATER	750
TANK MIXER	1,000
TOTAL	
20,850	
PROPOSED GENERATOR SIZE (MINIMUM)	
25 KW	

LIGHTING PANEL LP SCHEDULE													
SERVICE DESCRIPTION	*	WATTS	WIRE	CKT. NO.	BRANCH CB	L1 N L2	BRANCH CB	CKT. NO.	WIRE	WATTS	*	SERVICE DESCRIPTION	
EXTERIOR LIGHTING		50	#12	1	15A		60A	2	#6	-		240/120V SURGE PROTECTION DEVICE (SPD)	
INTERIOR LIGHTING		-	#12	3	15A			4	#6	-			
SPARE		-	-	5	15A			6	#12	-		INTERIOR RECEPTACLES	
SPARE		-	-	7	15A			8	#12	-		EXTERIOR RECEPTACLE	
GENERATOR ENGINE HEATER		1200	#12	9	15A			10	#12	1/4 HP		EXHAUST FAN	
GENERATOR BATTERY CHARGER		300	#12	11	15A			12	#12	50		FLOOR DRAIN TRAP SEAL	
BLANK		-	-	13				14	-	-		SPARE	
BLANK		-	-	15				16	-	-		SPARE	
BLANK		-	-	17				18	#12	3000		AIR CONDITIONER (COOLING & HEATING)	
BLANK		-	-	19				20	#12				
BLANK		-	-	21				22	#12	3000		HOT WATER TANK	
BLANK		-	-	23				24	#12				
BLANK		-	-	25				26	#12	-		SPARE	
SPARE		-	-	27	15A			28	#12				
PLC PANEL	*	-	#12	29	15A			30	-			BLANK	
XPLORNET COMMUNICATION SYSTEM	*	-	#6	31	60A			32	-			BLANK	
			#6	33				34	-			BLANK	
CATHODIC PROTECTION PANEL	*		#12	35	15A			36	-			BLANK	
TANK DECORATION LIGHTING CIRCUIT #1	*	500	#12	37	15A			38	-			BLANK	
TANK DECORATION LIGHTING CIRCUIT #2	*	500	#12	39	15A			40	-			BLANK	
ELECTRIC HEATER IN TANK VAULT	*	750	#12	41	15A			42	-			BLANK	
GND													
PANEL MTD.:				SURFACE				ENCLOSURE:				NEMA 12	
MANUFACTURER:				-				TYPE:				225A, 120/240V, 1PH, 3W	
MAIN BREAKER:				150A, 2P				MAIN LUGS:				-	
FEEDER SIZE:								FEEDER ENTRY:				TOP	

SERVICE DATA

SERVICE	DATE	INIT.	SERVICE	DATE	INIT.
SAN SEWERS			GAS MAINS		
STORM SEWERS			BELL U/G CABLE		
WATERMAINS			HYDRO U/G CABLE		
TRANSIT			HYDRO ONE		
PARKS & REC.			CTV		
CONT. CLEAN WATER			COMMUNIC. CABLES		

REVISIONS

DATE	DETAILS	INIT.
MARCH 2020	30% DESIGN SUBMISSION - NOT FOR CONSTRUCTION	J.J.

KINGSVILLE WATER TOWER KEY PLAN N.T.S.

LEGEND

○ MM DENOTES HYDRO MANHOLE

○ MS DENOTES SEWER MANHOLE

○ MH DENOTES TELEPHONE MANHOLE

○ MH DENOTES TRAFFIC MANHOLE

○ MM DENOTES WATER MANHOLE

IB CB DENOTES CATCH BASIN

DBB DENOTES DOUBLE CATCH BASIN

LSL DENOTES LIGHT STANDARD CONCRETE

LSL DENOTES LIGHT STANDARD STEEL

LSL DENOTES LIGHT STANDARD WOOD

UPH DENOTES UTILITY POLE CONCRETE

UPH DENOTES UTILITY POLE STEEL

UPH DENOTES UTILITY POLE WOOD

GP DENOTES GUY POLE

GW DENOTES GUY WIRE

BB DENOTES BOLLARD

PA DENOTES PARKING METER

TK DENOTES TOP OF CURB

BC DENOTES BOTTOM OF CURB

TH DENOTES FIRE HYDRANT

WM DENOTES WATER METER

WS DENOTES WATER VALVE (Service)

WM DENOTES WATER VALVE (Main)

GV DENOTES GAS VALVE

IB DENOTES GAS VALVE

MB DENOTES HYDRO METER

MB DENOTES TELEPHONE PEDESTAL

MB DENOTES CABLE TV PEDESTAL

TH DENOTES TRAFFIC SIGN

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TH DENOTES TRAFFIC SIGNAL BOX

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BM DENOTES BENCH MARK

HCP DENOTES HORIZONTAL CONTROL POINT

VCP DENOTES VERTICAL CONTROL POINT

SHR DENOTES SHRUB

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SA DENOTES SANITARY SEWER

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(M) DENOTES MEASURED

(O) DENOTES DEED

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(S/P) DENOTES SET PROPORTIONALLY

(O) DENOTES ORIGIN UNKNOWN

(P) DENOTES PLAN OF SURVEY BY (1744) Dated: July 10, 1990, Plan File: G-368.

(P) DENOTES PLAN 128-22399

(P) DENOTES PLAN BY (H) Dated: Aug. 1, 1951, Plan File: 203-4362.

(P) DENOTES REGISTERED PLAN 1182

(P) DENOTES FIELD NOTES BY (1040) Dated: Oct-10, 1975, FN75-486.

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BENCH MARK 71U103, ELEVATION 189.567

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DESIGNED BY

CHKD

APPROVED BY

8800 Dufferin Street, Suite 200, Vaughan, ON L4K 0C5, p: 905.738.5700, f: 905.738.0065

ONTARIO CLEAN WATER AGENCY

AGENCE ONTARIENNE DES EAUX

KINGSVILLE WATER TOWER UTILITY BUILDING

ELECTRICAL SLD

Designed by: J.J.

Checked by: B.Y.

Date: MARCH 2020

Scale: As Shown

Drawn by: A.N.

Sheet of

Project No. 20122

Drawing No. E03

HYDRO ONE

CLASS A – ELIGIBILITY

JUNE 2020

Union Water Supply SystemAccount Number: **200141677460**Service Address: **1615 UNION AVE GOSFIELD SOUTH**

We have determined that your service has met the eligibility requirements for qualification into the 'Industrial Conservation Initiative' (ICI), also referred to as 'Class A', for the upcoming 2020/2021 adjustment period. As a 'Class A' customer under the criteria detailed in [Ontario Regulation 429/04](#) under the *Electricity Act, 1998*, you will pay for the Global Adjustment charge based on your calculated Peak Demand Factor which represents your contribution to the five coincident system peaks that occurred during the previous 'base period'.

Note: If your business operations have been impacted by the COVID-19 pandemic, please take these impacts into consideration when making your submission.

To Help With Your Opt In Decision**Industrial Conservation Initiative Video & Presentation**

Please check out our [Industrial Conservation Initiative video](#) designed to help you understand the Class A methodology for Global Adjustment billing.

How We Determined Your Eligibility

Greater than 1000kW with no industry sector restrictions during base period May 1, 2019 to April 30, 2020

Month	Peak Demand kW
May 2019	1,105.966
June 2019	1,222.186
July 2019	1,333.003
August 2019	1,283.824
September 2019	1,219.650
October 2019	1,104.642
November 2019	827.875
December 2019	686.956
January 2020	710.222
February 2020	988.863
March 2020	1,096.042
April 2020	1,197.266
Average Demand	1,064.708

How We Calculated Your Peak Demand Factor

Your Peak Demand Factor (PDF) is calculated by dividing your total five coincident peaks by the total five system peaks over the base period.

Date	Hour (EST)	Coincident Peak (kW)	Coincident Peak (MW)	Ontario System Peaks (MW)
Highest Peaks for Ontario from May to April	Hour Ending for the Highest Peak	Customer's Coincident use		
July 5, 2019	17	1,242.034	1.242	22,294.117
July 20, 2019	17	1,127.909	1.128	22,103.422
July 29, 2019	17	971.993	0.972	22,129.068
July 19, 2019	12	1,124.380	1.124	22,367.840
July 4, 2019	18	1,131.437	1.131	21,683.869
	TOTALS	5,597.752	5.598	110,578.316
Peak Demand Factor		5.598	divided by	110,578.316
JULY 2020 to JUNE 2021		0.00005062		

Class A vs Class B Estimated Billing Comparison

The below shows a comparison of your calculated Global Adjustment charge as a Class B customer and as a Class A during the previous base period

NOTE: the below analysis is based on historical Global Adjustment values and your historical usage, the results could significantly change if your usage were to fluctuate considerably.

Notice about Global Adjustment Cost Deferral

Comparison	Class B - Global Adjustment			Class A - Global Adjustment			% Change
	MWh	Global Adjustment Rate (\$/MWh)	Global Adjustment Bill	Peak Demand Factor	Global Adjustment \$/Month	Global Adjustment Bill	
May 2019	402.963	\$126.04	\$50,789.43	0.00005062	\$1,133,338,850.68	\$57,369.61	12.96%
June 2019	451.760	\$137.28	\$62,017.63	0.00005062	\$1,261,258,483.80	\$63,844.90	2.95%
July 2019	579.302	\$96.45	\$55,873.69	0.00005062	\$1,149,601,975.80	\$58,192.85	4.15%
August 2019	534.504	\$126.07	\$67,384.88	0.00005062	\$1,327,699,023.65	\$67,208.12	-0.26%
September 2019	449.945	\$122.63	\$55,176.74	0.00005062	\$1,082,932,624.75	\$54,818.05	-0.65%
October 2019	381.852	\$136.80	\$52,237.37	0.00005062	\$1,209,627,873.79	\$61,231.36	17.22%
November 2019	310.682	\$99.53	\$30,922.20	0.00005062	\$978,996,483.99	\$49,556.80	60.26%
December 2019	293.833	\$93.21	\$27,388.17	0.00005062	\$1,000,214,370.31	\$50,630.85	84.86%
January 2020	316.612	\$102.32	\$32,395.73	0.00005062	\$1,107,811,320.23	\$56,077.41	73.10%
February 2020	357.349	\$113.31	\$40,491.23	0.00005062	\$1,136,656,136.96	\$57,537.53	42.10%
March 2020	400.012	\$119.42	\$47,769.47	0.00005062	\$1,168,474,730.66	\$59,148.19	23.82%
April 2020	434.455	\$115.00	\$49,962.28	0.00005062	\$979,731,319.57	\$49,594.00	-0.74%
			\$572,408.82			\$685,209.69	19.71%
	Savings on Class A		\$-112,800.88				
	Savings Including HST		\$-127,464.99				

To provide immediate, temporary relief on the cost of power, a portion of the Global Adjustment charge has been deferred for April, May and June 2020. Class A customers will receive a reduction in Global Adjustment charges proportionate with the reduction received each month by non-Regulated Price Plan Class B customers. The Class B rate will not exceed \$115/MWh.

The April comparison above reflects the deferred Global Adjustment amounts. The Class A deferred amount for April is \$303,010,758.48.

For more information, please visit www.ieso.ca/en/Sector-Participants/Settlements/Global-Adjustment-for-Class-B and www.hydroone.com/GADeferral.

How to Opt In or Opt Out

Please complete the [online form](#) no later than **June 15, 2020** in order to determine your position. Please note that this email may have been sent to multiple individuals in your organization. We ask that only one submission is made for the account.

UW/17/20

To: Chair and Members of the Union Water Supply
System Joint Board of Management

From: Rodney Bouchard, Union Water Manager

Date: June 12, 2020

Re: Payments for the UWSS from May 27th to June 12, 2020



Aim:

To provide the Board with a copy of payments made by the Union Water Supply System from May 27th to June 12th, 2020

Recommendation:

For information purposes.

Respectfully submitted,

Rodney Bouchard, Manager
Union Water Supply System Joint Board of Management
/kmj

Council/Board Report By Dept-(Computer)



AP5130

Page : 19

Date : Jun 02, 2020

Page 24 of 28

Time 11:36 am

Vendor : 0011450 To PT00000191

Batch : All

Department : All

Cheque Print Date : 27-May-2020 To 02-Jun-2020

Bank : 07 To 08

Class : All

Vendor Invoice	Vendor Name Description					Batch Invc Date	Inv Due Date	
G.L. Account	CC1	CC2	CC3	GL Account Name				Amount
DEPARTMENT 0700 Union Water System								
010103 ASSOCIATED ENGINEERING (ONT) LTD								
527543	CO2 PH ADJUSTMENT - MAY8					265 14-May-2020	27-May-2020	
70-7-0700-8745	700200			Treatment Plant				4,799.00
527545	DAF RETROFIT PH 1 - MAY8					265 14-May-2020	27-May-2020	
70-7-0700-8745	700220			Treatment Plant				4,228.91
180325 RICOH CANADA INC								
SCO92807680	COPIER CONTRACT - MAR24-APR30					265 30-Apr-2020	27-May-2020	
70-5-0700-7010	002070			Office Supplies				87.21
230440 WILLIS BUSINESS LAW								
13042	COVID 19/PRIVACY POLICY					265 30-Apr-2020	27-May-2020	
70-5-0700-7950	002070	008002		Professional Services				7,710.81
Department Totals :								16,825.93



Vendor : 0011450 To PT00000191
Batch : All
Department : All

EFT Paid Date : 27-May-2020 To 02-Jun-2020
Bank : 07 To 08
Class : All

Vendor Code	Vendor Name		Description		Batch	Inv Date	Inv Due Date	Amount
Invoice No.	CC1	CC2	CC3	GL Account Name				
G.L. Account								
DEPARTMENT 0700 Union Water System								
040094 DIGITAL WATER SOLUTIONS INC								
DW11919-1				DISTRIBUTION SYSTEM MONITORING HARDWARE	274	28-Feb-2020	27-May-2020	
70-7-0700-8750		002206		Watermains				90,028.51
050099 ENBRIDGE GAS INC								
1929770177678				635M3 GAS - COTTAM BOOSTER STATION	274	12-May-2020	27-May-2020	
70-5-0700-7410		002073		Gas				209.70
1929770208308				15597M3 GAS - RUTHVEN WTP	274	22-May-2020	27-May-2020	
70-5-0700-7410		002073		Gas				4,566.12
050195 ESSEX POWERLINES CORPORATION								
220651-MAY20				294KWH - METER#4	281	20-May-2020	01-Jun-2020	
70-5-0700-7420		002073		Electricity				-28.79
70-5-0700-7420		002073		Electricity				102.31
253800-MAY20				0KWH - METER#23	281	20-May-2020	01-Jun-2020	
70-5-0700-7420		002073		Electricity				-12.10
70-5-0700-7420		002073		Electricity				42.99
080250 HYDRO ONE NETWORKS INC								
200208899066-I				MAY/20 HYDRO - METER#16	274	14-May-2020	27-May-2020	
70-5-0700-7420		002073		Electricity				127.94
70-5-0700-7420		002073		Electricity				-36.00
200220161473-I				MAY/20 HYDRO - METER#14	274	25-May-2020	27-May-2020	
70-5-0700-7420		002073		Electricity				-11.70
70-5-0700-7420		002073		Electricity				41.58
160230 N J PERALTA ENGINEERING LTD								
20-077				PARKING LOT - MAY15	274	20-May-2020	27-May-2020	
70-7-0700-8745		700035		Treatment Plant				7,410.54
150365 ONTARIO CLEAN WATER AGENCY								
INV0000000189				ENG. SERV. - KINGSVILLE WATER TOWER	274	30-Apr-2020	27-May-2020	
70-7-0700-8710				Kingsville Water Tower				38,514.73
190635 STANTEC CONSULTING LTD								
1498572				DRAWINGS - MAY15	274	22-May-2020	27-May-2020	
70-5-0700-7950		002070		Professional Services				801.80
Department Totals :								141,757.63

Council/Board Report By Dept-(Computer)



AP5130

Page : 25

Date : Jun 12, 2020

Page 26 of 28

Time 11:59 am

Vendor : 0011450 To PT00000193

Batch : All

Department : All

Cheque Print Date : 10-Jun-2020 To 12-Jun-2020

Bank : 07 To 08

Class : All

Vendor Invoice	Vendor Name Description					Batch Invc Date	Inv Due Date	
G.L. Account	CC1	CC2	CC3	GL Account Name				Amount
DEPARTMENT 0700 Union Water System								
020120 BELL MOBILITY CELLULAR								
514877178-JUI MONTHLY CELL PHONE CHARGES						284 01-Jun-2020	10-Jun-2020	
70-5-0700-7110	002070	002083		Telecommunications Usage				21.97
050003 E.L.K. ENERGY INC								
40010915-MAY 3443KWH - ESSEX WATER TOWER						285 01-Jun-2020	10-Jun-2020	
70-5-0700-7420	002073			Electricity				-110.41
70-5-0700-7420	002073			Electricity				392.33
40047150-MAY 1941KWH - METER #9						285 01-Jun-2020	10-Jun-2020	
70-5-0700-7420	002073			Electricity				-64.67
70-5-0700-7420	002073			Electricity				229.81
51976611-MAY 2213KWH - KINGSVILLE WATER TOWER						285 01-Jun-2020	10-Jun-2020	
70-5-0700-7420	002073			Electricity				-98.29
70-5-0700-7420	002073			Electricity				349.27
90006300-MAY 36960KWH - COTTAM BOOSTER STATION						285 01-Jun-2020	10-Jun-2020	
70-5-0700-7420	002073			Electricity				-1,373.08
70-5-0700-7420	002073			Electricity				4,879.17
Department Totals :								4,226.10



Vendor : 0011450 To PT00000193
Batch : All
Department : All

EFT Paid Date : 10-Jun-2020 To 12-Jun-2020
Bank : 07 To 08
Class : All

Vendor Code	Vendor Name					Batch	Inv Date	Inv Due Date	
Invoice No.	Description								Amount
G.L. Account	CC1	CC2	CC3	GL Account Name					
DEPARTMENT 0700 Union Water System									
050099 ENBRIDGE GAS INC									
1929770217397	1341M3 GAS - LOW LIFT					286	24-Apr-2020	10-Jun-2020	
70-5-0700-7410	002073			Gas					406.62
1929770217397	CREDIT - LOW LIFT					286	24-Apr-2020	10-Jun-2020	
70-5-0700-7410	002073			Gas					-536.73
1929770217397	672M3 GAS - LOW LIFT					286	26-May-2020	10-Jun-2020	
70-5-0700-7410	002073			Gas					220.15
080250 HYDRO ONE NETWORKS INC									
200141677460-I	MAY/20 HYDRO - RUTHVEN WATER TREATMENT PLANT					286	08-Jun-2020	10-Jun-2020	
70-5-0700-7420	002073			Electricity					71,814.21
200141680692-I	MAY/20 HYDRO - LOW LIFT					286	08-Jun-2020	10-Jun-2020	
70-5-0700-7420	002073			Electricity					-25.76
70-5-0700-7420	002073			Electricity					37,632.36
200141680894-I	MAY/20 HYDRO - LEAMINGTON WATER TOWER					286	01-Jun-2020	10-Jun-2020	
70-5-0700-7420	002073			Electricity					-149.18
70-5-0700-7420	002073			Electricity					530.08
200141681706-I	MAY/20 HYDRO - METER#2					286	29-May-2020	10-Jun-2020	
70-5-0700-7420	002073			Electricity					54.55
70-5-0700-7420	002073			Electricity					-15.35
200141682009-I	MAY/20 HYDRO - ALBUNA WATER TOWER					286	01-Jun-2020	10-Jun-2020	
70-5-0700-7420	002073			Electricity					-306.17
70-5-0700-7420	002073			Electricity					1,087.93
200141683019-I	MAY/20 HYDRO - METER#3					286	01-Jun-2020	10-Jun-2020	
70-5-0700-7420	002073			Electricity					-13.60
70-5-0700-7420	002073			Electricity					48.32
200141683120-I	MAY/20 HYDRO - METER#5					286	01-Jun-2020	10-Jun-2020	
70-5-0700-7420	002073			Electricity					-11.83
70-5-0700-7420	002073			Electricity					42.03
200141683423-I	MAY/20 HYDRO - METER#6					286	01-Jun-2020	10-Jun-2020	
70-5-0700-7420	002073			Electricity					-12.77
70-5-0700-7420	002073			Electricity					45.37
200141683524-I	MAY/20 HYDRO - METER#8					286	29-May-2020	10-Jun-2020	
70-5-0700-7420	002073			Electricity					-13.90
70-5-0700-7420	002073			Electricity					49.42
200141683726-I	MAY/20 HYDRO - METER#15					286	26-May-2020	10-Jun-2020	
70-5-0700-7420	002073			Electricity					44.67
70-5-0700-7420	002073			Electricity					-12.57
200141687362-I	MAY/20 HYDRO - METER#22					286	29-May-2020	10-Jun-2020	
70-5-0700-7420	002073			Electricity					-11.41
70-5-0700-7420	002073			Electricity					40.57
200141687766-I	MAY/20 HYDRO - METER#29					286	29-May-2020	10-Jun-2020	
70-5-0700-7420	002073			Electricity					-13.64
70-5-0700-7420	002073			Electricity					48.46
200141687867-I	MAY/20 HYDRO - METER#24					286	29-May-2020	10-Jun-2020	
70-5-0700-7420	002073			Electricity					-11.36
70-5-0700-7420	002073			Electricity					40.38
200141690190-I	MAY/20 HYDRO - METER#26					286	28-May-2020	10-Jun-2020	
70-5-0700-7420	002073			Electricity					-19.64
70-5-0700-7420	002073			Electricity					69.80
200152134969-I	MAY/20 HYDRO - METER #17					286	08-Jun-2020	10-Jun-2020	
70-5-0700-7420	002073			Electricity					-12.60
70-5-0700-7420	002073			Electricity					44.77



Vendor : 0011450 To PT00000193

Batch : All

Department : All

EFT Paid Date : 10-Jun-2020 To 12-Jun-2020

Bank : 07 To 08

Class : All

Vendor Code	Vendor Name				Batch	Inv Date	Inv Due Date	
Invoice No.	Description							
G.L. Account	CC1	CC2	CC3	GL Account Name				Amount
DEPARTMENT 0700	Union Water System							
190185	SGS CANADA INC. ENVIRONMENTAL SERVICES							
11335404	WATER QUALITY STUDIES CORROSION-KINGSVILLE				286	26-May-2020	10-Jun-2020	
70-5-0700-7950	002075			Professional Services				98.31
11335406	WATER QUALITY STUDIES CORROSION-LAKESHORE				286	26-May-2020	10-Jun-2020	
70-5-0700-7950	002075			Professional Services				98.31
11335409	WATER QUALITY STUDIES CORROSION-LEAMINGTON				286	26-May-2020	10-Jun-2020	
70-5-0700-7950	002075			Professional Services				116.96
11335539	WATER QUALITY STUDIES CORROSION-ESSEX				286	26-May-2020	10-Jun-2020	
70-5-0700-7950	002075			Professional Services				98.31
190755	SUN LIFE ASSURANCE COMPANY OF CANADA							
JUN-20	JUN/20 UNION WATER LOAN 3724:1				286	01-Jun-2020	10-Jun-2020	
70-5-0700-6100	002010	006901		Debenture Interest				101,085.70
70-5-0700-6000	002020	006901		Debenture Principal				134,042.19
Department Totals :								346,592.96



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

SENT BY EMAIL: mbirch@countyofessex.ca

June 19, 2020

County of Essex
360 Fairview Ave. W., Suite 202
Essex, Ontario N8M 1Y6

Attention: Ms. Mary Birch, Director of Council and Community Services/Clerk

Dear Ms. Birch:

RE: Town of Kingsville Resolution #364-2020 RE: Request to County of Essex to consider that the traffic island at the intersection of McCain Sideroad and Heritage Road in the Town of Kingsville be redeveloped into a pollinator habitat

Please be advised that at its Meeting of June 8, 2020, Kingsville Council resolved the following for County Council's consideration:

364-2020

Moved By Councillor Thomas Neufeld

Seconded By Councillor Kimberly DeYong

WHEREAS The Kingsville Communities in Bloom Committee recognizes the critical importance of pollinator habitat both restored and maintained on public and private lands;

AND WHEREAS pollinators include butterflies, bees, some birds, bats, and other insects that play a crucial role in flowering plant reproduction;

AND WHEREAS it is critical to expand efforts to take new steps to reverse pollinator losses and help restore populations to healthy levels;

AND WHEREAS monarch butterfly populations have declined and there is an imminent risk of failed migration;

AND WHEREAS 35 % of the world's food crops depend on animal pollination to reproduce;

AND WHEREAS bioretention is able to reduce the impact of local heat islands;

AND WHEREAS vegetation absorbs less solar radiation than hard surfaces.

AND WHEREAS Kingsville Communities in Bloom Committee has declared that it is their goal to collaboratively and strategically protect and enhance pollinator species and their habitat on public and private lands throughout our municipality and the County of Essex.

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kingsville endorses the Kingsville Communities in Bloom Committee's request that the traffic island at the intersection of McCain Road and Heritage Road be redeveloped into a pollinator habitat to help recover pollinator species, while reducing the former maintenance costs of cutting and spraying herbicides in summer months, while acting as a natural water aquifer as well as the added benefit of a living snow fence in winter;

AND BE IT FURTHER RESOLVED that this Resolution be forwarded to The Corporation of the County of Essex for further consideration. **CARRIED**

Thank you for your consideration of this matter, and please contact the undersigned if you require any further information.

Sincerely,



Jennifer Astrologo, Director of Corporate Services/Clerk
Corporate Services Department
JA/sjk

c.c. Paula Parker, Municipal Clerk/Risk Manager
Town of Amherstburg (pparker@amherstburg.ca)

Agatha Robertson, Director of Council Services/Clerk
Town of LaSalle (arobertson@lasalle.ca)

Kristen Newman, Director of Legislative and Legal Services/Clerk
Town of Lakeshore (knewman@lakeshore.ca)

Brenda Percy, Municipal Clerk/Manager of Legislative Services
Municipality of Leamington (bpercy@leamington.ca)

Laura Moy, Director of Corporate Services/Clerk
Town of Tecumseh (lmoy@tecumseh.ca)

Robert W. Auger, Town Solicitor, Legal and Legislative Services/Clerk
Town of Essex (rauger@essex.ca)

June 24, 2020

AMO Policy Update – Provincial Emergency Extended and Tribunals Ontario

Provincial Emergency Extended

The provincial government [has extended the provincial Declaration of Emergency](#) under s.7.0.7 of the *Emergency Management and Civil Protection Act* to **July 15, 2020**. This extension, approved by the Ontario Legislature today, was put in place to provide additional time, flexibility, and the necessary tools to safely and gradually allow more places across Ontario to reopen using the required public health measures. A full list of emergency orders can be found on the [e-Laws website](#) under the *Emergency Management and Civil Protection Act*.

Tribunals Ontario to Replace Environment and Land Tribunals Ontario

Since 2017, the Ontario Government has been working to transition tribunals or boards that arbitrate land-based matters into a single Tribunal. This work has been completed and will take effect July 1, 2020. This new organization will include the Local Planning Appeal Tribunal (LPAT), Environmental Review Tribunal, Board of Negotiation, Conservation Review Board, the Mining and Lands Tribunal, and the Assessment Review Board.

The appointed Executive Chair, Marie Hubbard, indicated that the Tribunal will “focus on land-related dispute resolution to help increase the housing supply in the province, while balancing the needs of environmental protection and conservation”.

A new website will be launched soon at olt.gov.on.ca and the former Environment and Land Tribunals Ontario website will be decommissioned. Finally, effective July 1, [fees for filing appeals](#) with the LPAT will increase. The filing fees will depend on the type of appeal being made.

AMO’s [COVID-19 Resources](#) page is being updated continually so you can find critical information in one place. Please send any of your municipally related pandemic questions to covid19@amo.on.ca.

*Disclaimer: The Association of Municipalities of Ontario (AMO) is unable to provide any warranty regarding the accuracy or completeness of third-party submissions. Distribution of these items does not imply an endorsement of the views, information or services mentioned.



The Corporation of The Town of Amherstburg

June 25, 2020

Theresa Marentette, RN, MSc
Chief Executive Officer, Chief Nursing Officer
Windsor Essex County Health Unit
1005 Ouellette Avenue
Windsor, ON N9A-4J8
tmarentette@wechu.org

VIA EMAIL

Re: Spread of COVID-19 in our Farm Worker Population

Dear Ms. Marentette,

At its meeting of June 22nd, 2020, Council passed the following resolution for your consideration:

“That Administration BE DIRECTED to send correspondence in support of the Town of Essex's resolution regarding their request for urgent and emergency action to be taken by all levels of government to support all local farm workers, including migrant workers, as it relates to the COVID-19 pandemic, with the exception of the portion of the resolution relating to mandatory testing.”

Enclosed is a copy of the Town of Essex resolution for convenience and reference purposes.

Regards,

Tammy Fowkes
Deputy Clerk, Town of Amherstburg
(519) 736-0012 ext. 2216
tfowkes@amherstburg.ca

C.C.

Honourable Doug Ford Premier of Ontario
Legislative Building, Queen's Park Toronto, ON M7A 1A1
Email: premier@ontario.ca

Honourable Minister Christine Elliott Ministry of Health and Long Term Care 5775 Yonge Street –
16th Floor Toronto, ON M7A 2E5
Email: christine.elliott@pc.ola.org

Honourable Minister Ernie Hardeman Ministry of Agriculture, Food and Rural Affairs 1 Stone Road
West
Guelph, ON N1G 4Y2
Email: Minister.omafra@ontario.ca

Honourable Minister Monte McNaughton Ontario Ministry of Labour
400 University Avenue, 14th Floor Toronto, ON M7A 1T7
Email: monte.mcnaughtonco@pc.ola.org

Valerie Critchley, City Clerk - City of Windsor
Email: clerks@citywindsor.ca

Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - Town of Essex
Email: rauger@essex.ca

Brianna Coughlin, Manager of Legislative Services - Town of Lakeshore
Email: bcoughlin@lakeshore.ca

Jennifer Astrologo, Director of Corporate Services/Clerk - Town of Kingsville
Email: jastrologo@kingsville.ca

Agatha Robertson, Director of Council Services/Clerk - Town of LaSalle
Email: arobertson@lasalle.ca

Kristen Newman, Director of Legislative and Legal Services/Clerk - Town of Lakeshore
Email: knewman@lakeshore.ca

Brenda Percy, Municipal Clerk/Manager of Legislative Services - Municipality of Leamington
Email: bpercy@leamington.ca

Laura Moy, Director of Corporate Services/Clerk - Town of Tecumseh
Email: lmoy@tecumseh.ca

Mary Birch, Director of Council and Community Services/Clerk -County of Essex
Email: mbirch@countyofessex.ca



June 17, 2020

Theresa Marentette, RN, MSc
Chief Executive Officer, Chief Nursing Officer
Windsor Essex County Health Unit
1005 Ouellette Avenue
Windsor, ON N9A 4J8
By Fax to: 519-258-6003
And by email to: tmarentette@wechu.org

URGENT CALL TO ACTION

RE: Spread of COVID-19 in our Farm Worker Population

Dear Ms. Marentette,

At its regular council meeting of June 15, 2020 Essex Town Council passed the following resolution for your consideration:

Moved By Councillor Verbeek
Seconded By Councillor Bondy

(R20-06-209) That the Town of Essex Council requests urgent and emergency action to be taken by all levels of government in order to support all local farm workers, including migrant workers, as it relates to the COVID-19 pandemic;

That the Windsor-Essex County Health Unit, Ontario Ministry of Labour, Ministry of Health and Long-Term Care and the Ministry of Agriculture, Food and Rural Affairs come together immediately to stop the spread of COVID-19 in our farm worker population. The health and welfare of farm workers is vital to our community and to the opening up our local economy. Farm gate delivered mandatory testing including a plan of care for COVID positive workers as well as comprehensive tracking and tracking is required to act in a proactive not reactive manner; and



That the Town of Essex Council write to the Windsor-Essex County Health Unit to express our urgent call to action and request for support from all other Essex County municipalities.

Carried

I trust you will find this satisfactory, but should you have any questions regarding this matter please feel free to contact the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Auger".

Robert W. Auger, L.L.B.
Town Solicitor, Legal and Legislative Services/Clerk
Ext. 1132
Email: rauger@essex.ca

RWA/sab

c.c. Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen' s Park
Toronto, ON M7A 1A1
Email: premier@ontario.ca

Honourable Minister Christine Elliott
Ministry of Health and Long Term Care
5775 Yonge Street – 16th Floor
Toronto, ON M7A 2E5
Email: christine.elliott@pc.ola.org

Honourable Minister Ernie Hardeman
Ministry of Agriculture, Food and Rural Affairs
1 Stone Road West
Guelph, ON N1G 4Y2
Email: Minister.omafra@ontario.ca



Honourable Minister Monte McNaughton
Ontario Ministry of Labour
400 University Avenue, 14th Floor
Toronto, ON M7A 1T7
Email: monte.mcnaughtonco@pc.ola.org

Paula Parker, Municipal Clerk/Risk Manager
Town of Amherstburg
Email: pparker@amherstburg.ca

Valerie Critchley, City Clerk
City of Windsor
Email: clerks@citywindsor.ca

Jennifer Astrologo, Director of Corporate Services/Clerk
Town of Kingsville
Email: jastrologo@kingsville.ca

Agatha Robertson, Director of Council Services/Clerk
Town of LaSalle
Email: arobertson@lasalle.ca

Kristen Newman, Director of Legislative and Legal Services/Clerk
Town of Lakeshore
Email: knewman@lakeshore.ca

Brenda Percy, Municipal Clerk/Manager of Legislative Services
Municipality of Leamington
Email: bpercy@leamington.ca

Laura Moy, Director of Corporate Services/Clerk
Town of Tecumseh
Email: lmoy@tecumseh.ca

Mary Birch, Director of Council and Community Services/Clerk
County of Essex
Email: mbirch@countyofessex.ca

From: [Auger, Robert](#)
To: [Hall, Robin](#); [Moroz, Lynn](#); [Brown, Shelley](#)
Subject: FW: Tax Reprieve
Date: Friday, June 26, 2020 2:54:39 PM
Attachments: [image001.png](#)

Pls add fro july 6 agenda

From: Bondy, Sherry
Sent: Friday, June 26, 2020 12:56 PM
To: CouncilMembers <CouncilMembers@essex.ca>; Morrison, Jeffrey <jmorrison@essex.ca>; Nepszy, Chris <cnepszy@essex.ca>; Sweet, Doug <dsweet@essex.ca>; Auger, Robert <rauger@essex.ca>; Chadwick, Lori <lchadwick@essex.ca>; Girard, Kevin <kgirard@essex.ca>
Subject: Fwd: Tax Reprieve

Sherry Bondy
Councillor Town of Essex
519-566-3105
Follow me on Facebook

Begin forwarded message:

From: Arlene Parr <Arlene.Parr@enerquestservices.com>
Date: June 26, 2020 at 12:39:22 PM EDT
To: "Bondy, Sherry" <sbondy@essex.ca>
Cc: Bill Parr <bill.parr@enerquestservices.com>
Subject: Tax Reprieve

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon Sherry,

Hope you are doing well and staying safe. I thought I would reach out to you and ask if there is anything that can be done regarding our 2020 property taxes. COVID has definitely been tough on our company. Although we were deemed essential as we were working on projects for Mackenzie Vaughn Hospital and projects for the pharmaceutical industry, agriculture and medical marihuana, we were down about 65% of our labour force which has made shipments to customers way behind schedule and cash flow is becoming increasingly difficult to manage. We also had issues getting product shipped to us to work on the projects as well. We are still not back to full capacity of staff and the struggle to ship to our customers continues. It is my understanding that the Portuguese club has requested some help with taxes as well. Is

there anything that the Town of Essex can do to assist with the amount of taxes we will have to pay this year, whether it is a reduction (obviously preferable) or deferral as I will really struggle to pay what is owing when it becomes due. Please let me know if there are any measures I can take to help with this request.

Your assistance is greatly appreciated as always,

Kind regards,

Arlene Parr
Secretary/Treasurer



360 Queen Street
PO Box 1210
Harrow, Ontario
N0R 1G0
Phone: (519) 325-0500
Fax: (519) 325-0300
Email: arlene.parr@enerquestservices.com
Web: www.enerquestservices.com

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From: Denonville, Alex
Sent: Monday, June 22, 2020 3:17 PM
To: Town of Essex All Staff <EssexAllStaff@essex.ca>
Subject: Town of Essex Seeking Feedback on County Road 50 Sign By-law



Media Release
June 22, 2020

Town of Essex Seeking Feedback on County Road 50 Sign By-law

Essex – The Town of Essex is currently seeking feedback on the municipality's Sign By-law related to County Road 50.

The Town of Essex Sign By-law #1350, which was adopted by Council in 2015, regulates the installation and maintenance of all signage in the community, whether related to a business or home occupation, or for general product, activity, or event advertising.

In January of this year, Council directed Administration to review the Town's Sign By-law specific to signage along County Road 50 between County Road 41 (Meadows Road) and County Road 23 (Arner Townline).

"Signs, like in all communities, have an impact on the look and feel of a place," said Lori Chadwick, Director of Development Services. "This process will provide residents, business owners, and local stakeholders an opportunity to have a say on the future of signage in this area."

The Town's Development Services department is now accepting community feedback through a survey. The survey has been mailed to all properties along County Road 50 and is also available online at www.essex.ca/CR50SignSurvey.

The feedback gathered from the survey will be provided to Council for consideration during a Virtual Public Meeting on Monday, July 13.

Learn more about the Sign By-law amendment process with the [County Road 50 Sign By-law Information Package](#).

Media Contact

Alex Denonville
Manager, Communications
adenonville@essex.ca
519-990-7546

From: Denonville, Alex
Sent: Friday, June 19, 2020 2:36 PM
To: CouncilMembers <CouncilMembers@essex.ca>
Subject: Town of Essex Launches Digital Growth Grant for Local Businesses



Media Release
June 19, 2020

Town of Essex Launches Digital Growth Grant for Local Businesses

Essex – The Town of Essex has launched a grant program designed to assist local businesses in expanding and improving their digital marketing and online sales.

Council supported the adoption of the grant program at their regular meeting on Monday, June 15. The program, offered in partnership with the WindsorEssex Small Business Centre and the Essex Centre Business Improvement Area, will provide up to \$1,000 to 20 local business owners seeking to grow their online offerings.

"COVID-19 has been particularly impactful on many of our local businesses who rely on foot traffic to generate sales and attract new customers," said Nelson Silveira, Economic Development Officer. "This grant program is designed to mitigate these impacts and assist business owners in expanding their digital presence."

Grant funds, for example, may be used to set up an online store, transition to digital services, increase digital and social media marketing, or invest in IT/digital-related training staff members. To be eligible, businesses must be a registered or incorporated business located in the Town of Essex. Please note, all eligible businesses located within the Town of Essex are welcome to apply. Franchises, multi-level level marketing, and seasonal businesses are not eligible.

Applications for the grant program can be made through the WindsorEssex Small Business Centre at essex.ca/DigitalGrowthGrant. Submissions for consideration will be accepted until August 31, 2020.

Media Contacts

Alex Denonville
Manager, Communications
Town of Essex
adenonville@essex.ca
519-990-7546

Sabrina DeMarco
Executive Director
WindsorEssex Small Business Centre
519-253-6900



The Corporation of The Town of Amherstburg

June 26, 2020

The Right Honourable Justin Trudeau, Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2
justin.trudeau@parl.gc.ca

VIA EMAIL

Re: Universal Basic Income

Dear Prime Minister Trudeau,

At its meeting of May 25th, 2020, Council passed the following resolution for your consideration:

That Administration BE DIRECTED to send correspondence in support of the City of Kitchener's resolution regarding their request for the Ontario Provincial Government to pursue a partnership with the Federal Government for the establishment of a universal basic income.

Enclosed is a copy of the City of Kitchener's resolution for convenience and reference purposes.

Regards,

Tammy Fowkes
Deputy Clerk, Town of Amherstburg
(519) 736-0012 ext. 2216
tfowkes@amherstburg.ca

cc:

Honourable Doug Ford, Premier of Ontario
premier@ontario.ca

Taras Natyshak, MPP, Essex
tnatyshak-co@ndp.on.ca

Chris Lewis, MP, Essex
Chris.Lewis@parl.gc.ca

Honourable Todd Smith, Minister of Children, Community and Social Services
todd.smithco@pc.ola.org

Honourable Steve Clark, Minister of Municipal Affairs and Housing
steve.clark@pc.ola.org

Association of Municipalities of Ontario (AMO)
amo@amo.on.ca

Federation of Canadian Municipalities (FCM)
info@fcm.ca

All Ontario Municipalities



JEFF BUNN
Manager, Council & Committee Services & Deputy City Clerk
Finance & Corporate Services Department
Kitchener City Hall, 2nd Floor
200 King Street West, P.O. Box 1118
Kitchener, ON N2G 4G7
Phone: 519.741.2200 x 7278 Fax: 519.741.2705
jeff.bunn@kitchener.ca
TTY: 519-741-2385

May 15, 2020

The Right Honourable Justin Trudeau, Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2

Dear Prime Minister Trudeau:

This is to advise that City Council, at a special electronic meeting held on May 11, 2020, passed the following resolution regarding universal basic income:

"WHEREAS The World Health Organization (WHO) on March 11, 2020 declared COVID-19 a pandemic, pointing to the growing number of cases of the coronavirus illness around the world and the sustained risk of further global spread; and,

WHEREAS in response to the COVID-19 pandemic, the Province of Ontario and the City of Kitchener have declared a state of emergency under the Emergency Management and Civil Protection Act; and,

WHEREAS the City of Kitchener has approved the Early Economic Support Plan, which provides financial and economic support measures to help reduce the financial strain on citizens and businesses during the COVID-19 pandemic; and,

WHEREAS Statistics Canada has reported that the unemployment rate has risen to 7.8 per cent, with 1,011,000 jobs lost in March 2020, and that the COVID-19 pandemic has impacted the employment of 3.1 million Canadians; and,

WHEREAS the Federal government has announced \$82 billion in relief funding for the COVID-19 Economic Response Plan, utilizing tax deferrals, subsidies, loans, and credits to support citizens, businesses, and industries; and,


WHEREAS according to a 2018 Parliamentary Budget Office report, a Canada-wide basic income of the type previously piloted in Ontario would have an annual net cost of \$44 billion; and,

WHEREAS a universal basic income would likely have many positive effects, including reducing poverty, reducing strain on health care and social assistance systems, supporting businesses and the economy, reducing crime, as well as reducing administrative complexity and creating efficiencies for those in need of financial and economic support measures;

THEREFORE BE IT RESOLVED that the Council of the City of Kitchener urges the Ontario Provincial government to pursue a partnership with the Federal government for the establishment of a universal basic income;

BE IT FINALLY RESOLVED that this resolution be forwarded to the Right Honourable Prime Minister of Canada; the Honourable Premier of Ontario; the Minister of Children, Community and Social Services; the Minister of Municipal Affairs and Housing; the Association of Municipalities of Ontario; the Local Members of Provincial Parliament; the Region of Waterloo; all Municipalities within the Province of Ontario; and, the Federation of Canadian Municipalities.”

Yours truly,



J. Bunn
Manager, Council & Committee Services/
Deputy City Clerk

- c. Honourable, Doug Ford, Premier
Honourable Amy Fee, M.P.P.
Honourable Belinda Karahalios, M.P.P.
Honourable Catherine Fife, M.P.P.
Honourable Laura Mae Lindo, M.P.P.
Honourable Mike Harris, M.P.P.
Honourable Todd Smith, Minister of Children, Community & Social Services
Honourable Steve Clark, Minister of Municipal Affairs and Housing
Monika Turner, Association of Municipalities of Ontario
Kris Fletcher, Regional Clerk, Region of Waterloo
Bill Karsten, Federation of Canadian Municipalities
Ashley Sage, Clerk, Township of North Dumfries
Danielle Manton, City Clerk, City of Cambridge
Dawn Mittelholtz, Director of Information and Legislative Services / Municipal Clerk, Township of Wilmot
Grace Kosch, Clerk, Township of Wellesley
Olga Smith, City Clerk, City of Waterloo
Val Hummel, Director of Corporate Services/Clerk, Township of Woolwich
All Ontario Municipalities



789 Broadway Street
Wyoming, ON | N0N 1T0

519.914.1308

swiftruralbroadband.ca



SWIFT Releases RFP to Bring High-Speed Internet to More Residents in Essex County

The Essex County RFP was released March 9, 2020. Contracts will be awarded, and service provider agreements will be put in place shortly after the RFP closes on July 31, 2020.

Essex, ON - June 17, 2020 - Southwestern Integrated Fibre Technology (SWIFT) is proud to announce that many more residents living in Essex County will soon have greater access to faster, reliable internet services. Today, the regional broadband project announced it has issued a **Request for Proposals (RFP)** for \$12.8 million to to expand broadband access in the County.

"Broadband has now become a necessary utility as essential activities such as work, education, shopping and accessing public services continue to move online," says David Mayberry, SWIFT Board Chair. "Our current reality has emphasized, more so than ever, the importance and need for greater connectivity across our region. That is why SWIFT, in partnership with the Government of Ontario and Canada, along with our municipal partners are pleased to announce that access to high-speed internet will soon be a reality for many more residents living in Essex County."

"We are thrilled with this announcement today, as the dedicated work of SWIFT is beginning to take shape in Essex County, ensuring residents and businesses will be provided access to fast and quality internet services. We know that broadband technology is integral to our region in order to attract investment, retain talent and create opportunities for economic prosperity. This RFP is the first step to crucial connectivity across the County and we look forward to future partnerships and successes," says Essex County Warden Gary McNamara.

Prequalified service providers have until July 31, 2020 to submit network designs and proposals to address broadband service gaps in **eligible funding areas** throughout the County.

To identify high-quality projects, SWIFT will evaluate all eligible proposals against a predefined assessment criteria.

When evaluating and selecting projects for funding, SWIFT takes into consideration the following: ability to provide 50 Mbps down, 10 Mbps up (50/10) service or greater, number of premises passed, future scalability of the network, and service provider contribution proportion, among other project selection factors.

Selected and **approved projects** will be announced once SWIFT has completed its evaluation assessment, negotiated contracts and awarded funding to projects that score the highest based on the evaluation process.



“SWIFT, through its public and private partnerships, is advancing the expansion of high-speed networks across our region to close internet service gaps,” says Barry Field, Executive Director, SWIFT. “In the race to increase connectivity in our unserved and underserved communities, today’s announcement represents a significant step in bringing high-speed internet to many more residents living in Southwestern Ontario.”

Operating on a cost sharing basis, SWIFT will leverage federal and provincial funding to subsidize up to a maximum of 2/3 of the eligible costs for awarded projects to deliver reliable internet to more people living in Essex County.

For more information about SWIFT, please visit www.swiftruralbroadband.ca.

Quick Facts:

- SWIFT is currently overseeing a \$209 million Southwestern Ontario broadband expansion plan that will connect 22% of the region's underserved premises over the next 3 years.
- As part of its expansion plan, SWIFT has issued a Request for Proposals (RFP) for \$12.8 million to expand broadband infrastructure in Essex County. Contracts will be awarded and service provider agreements will be put in place shortly after the RFP closes on July 31, 2020.
- The Government of Ontario and Canada have committed up to \$63.7 million each to support SWIFT. The project also leverages additional funding from municipal partners and private sector investors.

About SWIFT:

Southwestern Integrated Fibre Technology (SWIFT) is a non-profit regional broadband project initiated by the Western Ontario Wardens' Caucus to subsidize the construction of high-speed broadband networks across Southwestern Ontario.

The project was approved for funding under the New Building Canada Fund – Small Communities Fund (NBCF-SCF), a joint federal and provincial infrastructure funding program, and leverages additional funding from municipal partners and private sector investors to improve access to broadband services across the region.

Media Contact:

Melissa O'Brien
melissa.obrien@swiftruralbroadband.ca
Manager, Communications and Stakeholder Relations
Southwestern Integrated Fibre Technology
226.256.1640



**Message from
Ontario Ombudsman Paul Dubé**

**Message de la part de
l'Ombudsman de l'Ontario, Paul Dubé**

[La version française suit]

June 30, 2020

I am pleased to let you know that today I released my latest Annual Report, covering the 2019-2020 fiscal year.

This is our Office's fourth full fiscal year of reporting on our oversight of municipalities, universities and school boards, in addition to provincial government organizations. It is also our first year of reporting on two new areas of jurisdiction: Children and youth in care, and French language services. I hope that you and all stakeholders in these areas of jurisdiction will find the information in this report of interest.

You can find the entire report, media materials and backgrounders, and statistics on our website here: <https://www.ombudsman.on.ca/resources/reports-and-case-summaries/annual-reports>

We encourage you to read the chapters of the report that relate to the topic areas relevant to your interests. In each chapter, we discuss the most common issues and the types of cases we have resolved across the province. Please feel free to share this information with any interested colleagues and stakeholders.

We will also be happy to provide hard copies upon request, although we ask that you bear with us, as our usual printing and mailing process has been delayed due to the coronavirus state of emergency.

Should you have any questions about the report or cases related to your organization, please do not hesitate to contact us. We are also happy to assist you with any general questions about our work. You can reach our staff at info@ombudsman.on.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Dubé', with a large, stylized initial 'P'.

Paul Dubé,
Ombudsman of Ontario



**THE CORPORATION OF THE CITY OF SARNIA
City Clerk's Office**

255 Christina Street N. PO Box 3018
Sarnia ON Canada N7T 7N2
519 332-0330 519 332-3995 (fax)
519 332-2664 (TTY)
www.sarnia.ca clerks@sarnia.ca

June 24, 2020

To: All Ontario Municipalities

Re: Long Term Care Home Improvements

At its meeting held on June 22, 2020, Sarnia City Council adopted the following resolution submitted by Councillor Margaret Bird with respect to the conditions in Long Term Care homes exposed by the pandemic:

That due to the deplorable conditions exposed by the pandemic in LTC homes in the province, and because this is a time for action, not just continuous streams of investigations, commissions and committees, and because the problems have been clearly identified, that Sarnia City Council direct staff to send this motion to the 444 Ontario Municipalities, asking them to urge Premier Ford to start implementing the required resolutions immediately, as follows:

- 1. increasing hours for all part-time and casual labour***
- 2. since the government provides funding for privately-operated homes, they have an obligation to inspect these homes and see that they are being properly run, and that funds are being used for the benefit of the residents and not the huge profitability of the operators, and***
- 3. to end the neglect and unacceptable conditions being experienced, each day, by our vulnerable seniors.***

Sarnia City Council respectfully seeks your endorsement of this resolution. If your municipal council endorses this resolution, we would request that a copy of the resolution be forwarded to the following:

Doug Ford, Premier of Ontario; and

City of Sarnia, City Clerk's Office
clerks@sarnia.ca

Sincerely,



Dianne Gould-Brown
City Clerk

cc: AMO



Court of Revision Minutes

Town of Essex, Council Chambers
33 Talbot Street South, Essex, Ontario
Wednesday, January 15, 2020 – 5:00 PM

**The purpose of the meeting is to hold the Court of Revision for:
Shepley Drain: Replacement Bridges for Elwood Defour and Garry & Bonny
Quick (Part of Lots 6 & 7, Gore Concession), Geographic Township of
Colchester South, Project REI2018D024, Town of Essex, County of Essex**

This is pursuant to the report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated October 17, 2019 which was considered and adopted at a Consideration Meeting held November 12, 2019 and pursuant to By-Law 1871 which received two readings by Council at its regular meeting held December 16, 2019.

This sitting of this Court of Revision was duly appointed by Council on December 16, 2019.

Section 54 (1) of The Drainage Act provides that the decision of the Court of Revision can be appealed to the Drainage Tribunal within twenty-one (21) days from the date of the Court of Revision. The final day for appeal is February 5, 2020. At the first Council meeting after this date the third reading to By-Law number 1871 will be given.

1. Roll Call

Present: Luke Martin
Percy Dufour
Felix Weigt-Bienze

Regrets: None

Also Present: Shelley Brown, Deputy Clerk
Norm Nussio, Manager, Operations and Drainage
Tanya Tuzlova, Operations/Drainage Clerk
Gerard Rood, Professional Engineer, Rood Engineering Inc.
Kory Snelgrove, E.I.T., Rood Engineering Inc.

General Public: Elwood Defour, 2245 Roseborough, Harrow

The Deputy Clerk confirmed having administered the Oaths to the Members of the Court of Revision.

The Deputy Clerk confirmed that all notices have been sent in accordance with The Drainage Act.

The Meeting was called to order by the Chair at 5:02 PM.

2. Declarations of Conflict of Interest

None declared.

3. Adoption of Published Agenda

Court of Revision Agenda

Moved by Board Member Dufour

Seconded by Board Member Weigt-Bienzle

(DB-20-01-001) That the published agenda for the January 15, 2020 Court of Revision be adopted as presented. **“Carried”**

4. Adoption of Minutes

i) Court of Revision for Thompson Drain: New Bridge for Cindy Brockman

Moved by Board Member Weigt-Bienzle

Seconded By Board Member Dufour

(DB-20-01-002) That the minutes of the Court of Revision for Thompson Drain: New Bridge for Cindy Brockman held on December 2, 2019 be adopted as circulated. **“Carried”**

The Chair asked if there are any questions regarding the minutes. There were no questions.

5. Appeals from Landowners

The Chair advised that the purpose of the Court of Revision is to hear appeals regarding the Schedule of assessment only. The Schedule of Assessment may be altered but the total assessment must remain the same. If one assessment is reduced then another must be increased to balance.

6. List of Written Appeals of Assessment Received by the Clerk

The Chair asked if there were any appeals from landowners. The Deputy Clerk informed that there were no appeals.

7. Engineer to provide a Background on the Drain and the Proposed Project (if required)

Gerard Rood, Professional Engineer, Rood Engineering Inc. presented the overview of the Report, which provides for the construction of a replacement access bridge for Elwood Defour and the replacement access bridge for future construction for Garry and Bonny Quick.

Board Member Weigt-Bienzle asked if Mr. & Mrs. Quick had any questions since the last meeting.

Mr. Rood explained that all their questions were addressed at the Consideration of the Report meeting and he did not receive any further questions.

8. Questions from Landowners

The Chair asked if there are any questions from the Drainage Board or the public. There were no questions.

9. Court of Revision Decision

Moved by Board Member Weigt-Bienzle
Seconded by Board Member Dufour

(DB-20-01-003) That the assessments contained in the report for the Shepley Drain: Replacement Bridges for Defour and Quick, (Part of Lots 6&7, Gore Concession), Geographic Township of Colchester South, Project REI2018D024, Town of Essex, County of Essex, as prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated October 17, 2019, be confirmed as presented. **“Carried”**

10. Adjournment

Moved by Board Member Weigt-Bienzle
Seconded by Board Member Dufour

(DB-20-01-004)That the meeting be adjourned at 5:09 PM. **“Carried”**

Chair

Secretary

Date



Drainage Board

Minutes

May 6, 2020, 4:30 pm

Location: Zoom Video Conferencing

White Drain: Section 65 Subsequent Disconnection of Essex Windsor Solid Waste Authority parcel from the White Drain, Geographic Township of Colchester North, Town of Essex, County of Essex, Project REI2018D041

Consideration of Contract Price for Shepley Drain: Replacement Bridges for Elwood Defour and Garry & Bonny Quick (Part of Lots 6 & 7, Gore Concession), Geographic Township of Colchester South, Project REI2018D024, Town of Essex, County of Essex

1. Roll Call

Present: Luke Martin
Kirk Carter
Percy Dufour
Felix Weight-Bienzle

Regrets: Dan Boudreau

Also Present: Robert Auger, Clerk
Norm Nussio, Manager, Operations and Drainage
Lindsay Dean, Drainage Superintendent
Tanya Tuzlova, Operations/Drainage Clerk
Gerard Rood, Professional Engineer, Rood Engineering Inc.

General Public: Garry and Bonny Quick, 2361 County Rd. 20 West, Harrow
Elwood Defour, 2353 County Rd. 20 West, Harrow

The Clerk confirmed that all notices have been sent in accordance with The Drainage Act.

The meeting was called to order by Vice-Chair at 4:37 pm.

2. Declarations of Conflict of Interest

None declared.

3. Adoption of Published Agenda

i) Drainage Board Meeting Agenda

Moved by Board Member Weight-Bienzle

Seconded by Board Member Martin

That the published agenda for the May 6, 2020 Drainage Board Meeting be adopted as presented. "Carried"

4. Adoption of Minutes

i) Consideration of Report for James Shepley Drain Bolger Bridge on April 27, 2020.

Moved by Board Member Weight-Bienzle

Seconded by Board Member Dufour

That the minutes of the Drainage Board Meeting held on April 27, 2020, be adopted as circulated. "Carried"

5. List of Written Appeals

The Clerk informed that no written appeals were received by the Clerk's Office.

6. Public Presentations

i) Gerard Rood, Professional Engineer

Re: White Drain Section 65 Subsequent Disconnection of Essex Windsor Solid Waste Authority parcels from the White Drain, Geographic Township of Colchester North, Town of Essex, County of Essex, Project REI2018D041

Mr. Rood presented the overview of the report. The report is prepared in accordance with Section 65 of the Drainage Act and provides for a subsequent disconnection of Essex Windsor Solid Waste Authority (EWSWA) lands from the White Drain. Mr. Rood explained that the presented report is recommended for adoption by Council. Mr. Rood added that there was a conference call between Mr. Rood, Town of Essex Drainage Department and EWSWA representatives on March 31st 2020. During the meeting Mr. Rood explained EWSWA's share of cost of the maintenance works that were done prior to this report. Mr. Rood also explained that on April 28th, 2020 he has provided notes on assessment calculations to the Town of Essex and EWSWA explaining how the cut off benefit assessment was adjusted and that subsequently the parts of lots 14, 15 & 16 were taken off the maintenance schedule of assessment. Mr. Rood added that there were no questions or concerns since that time.

Board Member Dufour asked if EWSWA is totally abandoning the drain.

Mr. Rood explained the lands to the south of the drain were assessed a cut off benefit in the original report, but since that time EWSWA has built berms. The berms provide EWSWA cut off that those parcels require and subsequently the cut off benefit was removed from the schedule for these lots.

Board Member Dufour asked where the water goes from the culverts and cross overs on the White Drain.

Mr. Rood replied that EWSWA is still assessed for the flows that are contributing to the White drain and added that most of the drainage would be coming from the west portion of the drain. Mr. Rood added that the focus of this report was to adjust cut off benefit for EWSWA since they have built berms on their lands.

Moved by Board Member Weight-Bienzle

Seconded by Board Member Martin

That the presentation by Gerard Rood be received and that the Report for the **White Drain: Section 65 Subsequent Disconnection of Essex Windsor Solid Waste Authority parcel from the White Drain, Geographic Township of Colchester North, Town of Essex, County of Essex, Project REI2018D041** be received and recommended for adoption by Council. "Carried"

ii) Gerard Rood, Professional Engineer

Consideration of Contract Price for Shepley Drain: Replacement Bridges for Elwood Defour and Garry & Bonny Quick (Part of Lots 6 & 7, Gore Concession), Geographic Township of Colchester South, Project REI2018D024, Town of Essex, County of Essex

Mr. Rood informed that the Tenders were received on February 26, 2020 and were provided to Norm Nussio on February 27 and the amounts received were significantly higher than the price that was received for the similar bridge upstream on Shepley Drain. Mr. Rood explained that during the last 2-3 months there was a significant increase in the price of the various drainage projects. The tender prices were received from three companies regularly contracted by the Town for drainage works. Mr. Rood also explained that he is taking into consideration the correspondence with the Town and the feedback from owners and therefore he recommends retendering the project. Mr. Rood also explained that at this time the Drainage Board may recommend to retender the project hoping to receive a better price or to award the tender as received.

Board Member Weight-Bienzle asked what components of the cost have increased.

Mr. Rood explained that the increase in cost is related to materials, labour, steel, and fuel.

Board Member Dufour asked if this project has been to Council for approval.

Norm Nussio, Manager of Operations and Drainage, explained that this project does not need to go to Council since it is under \$100,000 threshold.

Board Member Weight-Bienzle commented that the fuel cost has dropped dramatically during the last couple months. Mr. Weight-Bienzle added that he would recommend retendering the project.

Mr. Rood agreed that retendering the project may be beneficial since at this time more contractors may be interested to participate at tender.

Elwood Defour, 2353 County Rd. 20 West, said that this project has been going on for 2 years already and this is the reason why the cost of the project has increased.

Norm Nussio, Manager of Operations and Drainage, explained that two years is a typical time for any report. Mr. Nussio added that he would like to recommend retendering this project.

Mr. Rood also explained that two years is a typical time for the report since it is needed to schedule all the meetings as per Drainage Act. Mr. Rood added that due to changing conditions there may be more competitive contractors willing to participate at this time.

Elwood Defour, 2353 County Rd. 20 West, said that at the on-site meeting he was told by Dan Boudreau that the project may be started the same year. Mr. Defour added that two years later nothing was done on the project. Mr. Defour further noted that the Atlas Tube project has started a year later and is now in progress.

Norm Nussio, Manager of Operations and Drainage, explained that the engineering for the Atlas Tube project was done under a Section 40 report a couple years prior. At that time the report was closed and reopened a year ago. Mr. Nussio added that sometimes it takes more than a year to prepare the report.

Bonny Quick, 2361 County Rd. 20 West, said the prices during the crisis are very high and the assessment to her property initially was about \$1,900 and now it will be about \$4,000 therefore Mrs. Quick asked to retender the project.

Elwood Defour, 2353 County Rd. 20 West, asked if he can tender himself or if his contractor may participate and where he can find the criteria for tender participation.

Norm Nussio, Manager of Operations and Drainage, explained the tender should go through the Town since contractors should meet tender criteria to participate in the tender such as having WISB certificate and insurance.

Board Member Dufour asked if a new tender will be higher than the current tender, can we go back to the old tender.

Mr. Rood explained that normally when the tender is abandoned we have to go with new tenders that are received. Mr. Rood added that that he did not have such situation in his practice.

Board Member Dufour commented that it looks like as of today the prices are out of control.

Moved by Board Member Weight-Bienzle

Seconded by Board Member Martin

That the tender submissions for the **Shepley Drain: Replacement Bridges for Elwood Defour and Garry & Bonny Quick (Part of Lots 6 & 7, Gore Concession), Geographic Township of Colchester South, Project REI2018D024, Town of Essex, County of Essex** be rejected and that the **project** be retendered. "Carried"

7. Adjournment

Moved by Board Member Weight-Bienzle

Seconded by Board Member Martin

That the meeting be adjourned at 5:06 pm. "Carried"

Chair

Recording Secretary

Date

Co-An Park Committee Regular Meeting Minutes

Meeting Date: Wednesday, June 10, 2020 - Time: 5:00 pm

Location: Teams Online Meeting

1. Roll Call

For the Town of Essex:

Kim Verbeek – Councillor Ward 2

Christine (Tina) McAgy – Chairman 2019-2022 Term

Jim Meloche – Vice-Chairman 2019-2022 Term

Jonathan Little

For the Town of Amherstburg:

Leo Meloche – Deputy Mayor Town of Amherstburg

Jennie Lajoie

Recording Secretary/Treasurer

Joanne Bissonnette

Absent

Murray Sellars

2. Call to Order

Tina McAgy, Chairman of the Co-An Park Committee called meeting to order

3. Declarations of Conflict of Interest

No conflict of interest was declared

4. Adoption of Published Agenda

a) June 10, 2020 Regular Co-An Park Committee Meeting Agenda

Moved by Jonathon Little

Seconded by Jim Meloche

(CAP-2020-06-11) That the published agenda for June 10, 2020 Regular Co-An Park Committee meeting be adopted as presented/amended **Carried**

5. Adoption of Minutes

5.1 Co-An Park Committee Regular Meeting Minutes February 12, 2020

Moved by Jonathon Little

Seconded by Kim Verbeek

(CAP-2020-06-12) That the minutes of the Regular Meeting for the Co-An Park held February 12, 2020 be adopted as circulated

Carried

6. NEW BUSINESS

6.1 Stage Roof

Quote #1 Gary has submitted two different scenarios and quotes;

1.1) Complete tear off, repairing rotten chip board sections, replace with new shingles, and drip edge (Material & labour \$1055)

1.2) Complete tear off, including chip board, strap ceiling joists with 1 x 4" boards and drip edge, install new White metal sheets to match existing pavilion (Material and labour \$1080) - To add new chip board additional \$143, he is suggesting no chip board just strapping

Quote #2 - J.D. Custom Construction

1) Complete tear off, strip shingles to plywood, replace sections of rotten wood, replace with new white metal sheeting, drip edge \$1500 including taxes

Quote #3 - 2010076 Ont Ltd

1) Complete tear off, replace with new shingles, 100% underlayment and drip edge - Approx. 13 bundles \$1356 incl. taxes, plus \$60 sheet (\$2 sq. ft.) to replace rotten plywood

Moved by Jonathon Little

Seconded by Jennie Lajoie

(CAP-2020-06-13 That Quote #6.1.2 be accepted and stage roof is approved to be repaired by Gary Rocheleau, with the following amendments; tear off of shingles, chipboard needs to remain on structure with repairs to rotten sections, no strapping required, drip edge to be installed and metal sheets to match existing be installed.

Carried

6.2 Pavilion Roofs

Quotes have been obtained to paint White roofs (Capital funds)

Quote# 1 – Gary Lucier Sandblasting

To prep and paint White roofs, eveastroughs, incl. unfinished trim at upper level...\$6,500 + tax

Quote #2 - Mark Damphouse Sandblasting & Painting

To prep and paint White Roofs, eveastroughs \$ N/A to date

Quote #3 – Bennett Sandblasting

To prep and paint White Roofs, eveastroughs \$5,500 plus \$1500 to complete trim on upper section plus applicable taxes

Committee discussed and would like to make a list of 2020 projects with all prices before decision is made; item to be brought back to next meeting

6.3 Security Cameras

Councilor Kim Verbeek has received the Town of Essex's approval to commit up to \$11,500 towards security cameras if the Town of Amherstburg matches funding, there were two quotes that was presented to council.

Quote #11018 – Empire Communications \$23,639.10

Quote # 11020 - Empire Communications \$18,707.94

Committee discussed cameras and have decided to seek additional options for cameras; Jonathon to look into and will advise.

6.4 Calendar of Events - See attachment, April, May, June and most of July have been cancelled, Committee to access balance of 2020 season, as well July 25 Appreciation Date

Committee discussed at great lengths and has decided to speak to larger events to get their perspectives before making decisions to cancel balance of events for 2020; Jonathon noting that if Ontario lifts restrictions events should have the option to carry on , it would be their choice for costs incurred knowing that restrictions may not be lifted as well if restrictions are lifted and our canteen feels opening would be too costly that the committee consider allowing food trucks; this item to be brought back to next meeting.

6.5 Capital Projects – Additional areas of concern

Committee discussed and would like to make a list of 2020 projects with all prices before decision is made; item 6.5 to be brought back to next meeting

6.5.1 Installation of Dug outs at Dia#3 and #4

6.5.2 Purchase of a new Small Lawn tractor

6.6 Maintenance Contract

Committee had discussion regarding maintenance deficiencies within the park; a walk around was taken and a list created.

Moved by Leo Meloche

Seconded by Kim Verbeek

(CAP-2020-06-14) That a list outlining deficiencies and a time frame for corrections be sent to Maintenance and to advise walk a rounds will be on going periodically **Carried**

7. Costing Report/ 2020 Capital Budget – See attachment

7.1 Costing Report

June 5, 2020 Costing report to be reviewed with projected loss to be discussed

Moved by Jonathon Little

Seconded by Leo Meloche

(CAP-2020-06-15) That the June 5, 2020 Costing report be approved as amended **Carried**

8. Tennis Courts

Last season we had costs of \$1200 to repair posts which were compromised by the wind screens; at that time the screens were taken down and confirming they should not be re-installed.

Moved by Jonathon Little

Seconded by Jim Meloche

(CAP-2020-06-16) That wind screens are not re-installed as they are causing structure posts to be compromised **Carried**

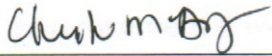
9. Adjournment

Moved by Kim Verbeek

Seconded by Jonathon Little

(CAP-2020-06 -17) That the meeting be adjourned at 6:29 pm

Carried



Christine McAgy – Chairman



Joanne Bissonnette - Secretary Treasurer

CO-AN PARK - June 5, 2020

REVENUE

Operating Line	2020 Actual	2020 Budget	2019 Actual	2020 Variance
4030 Town of Amherstburg	\$ 17,500	\$ 20,000	\$ 17,500	\$ 2,500
4020 Town of Essex	\$ 20,000	\$ 20,000	\$ 17,500	\$ -
				\$ -
2654 Town of Amherstburg - Capital	\$ -	\$ 1,285	\$ -	\$ 1,285
2654 Town of Essex - Capital	\$ 1,285	\$ 1,285	\$ -	-\$ 0
	\$ 38,785	\$ 42,569	\$ 35,000	\$ 3,784

1060 RBC Balance @ Year End 12/31	\$ 6,407	\$ 6,407	\$ 6,386	
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Investments & Other Income Capital Grants

	Held In Trust	Held In Trust	Held In Trust
1202 Town of Amherstburg - 2019 Reserve	\$ 1,508	2,793	5,379
1203 Town of Essex - 2019 Reserve	\$ 1,508	2,793	5,379
1202 Town of Amherstburg - 2020 Reserve	\$ 15,000	15,000	15,000
1203 Town of Essex - 2020 Reserve	\$ 15,000	15,000	15,000
Total Reserve Funds	\$ 33,017	35,585	40,758

User Fees & Services

	2020 Actual	2020 Budget	2019 Actual	2020 Variance
4460 Equipment sold (Pulverizer)	\$ -	\$ -	\$ 1,000	\$ -
4450 Donations - Accessible Picnic tables	\$ -	\$ -	\$ 5,654	\$ -
4422 Food Rights Sold	\$ -	\$ 1,200	\$ 907	\$ 1,200
1506 Bench Tribute (Sawyer Family)	\$ 366	\$ 750	\$ 750	\$ 384
4445 Fund Raising Events	\$ -	\$ 2,500	\$ -	\$ 2,500
4040 User fees / Baseball	\$ -	\$ 7,810	\$ 8,210	\$ 7,810
4205 Events -Family Reunions/Organizations	\$ 125	\$ 2,000	\$ 2,225	\$ 1,875
4200 Events - Jack n Jills	\$ 1,750	\$ 4,600	\$ 4,600	\$ 2,850
4430 Insurance - Town of Essex Rider	\$ -	\$ 450	\$ 763	\$ 450
4201 Events - Heater	\$ -	\$ -	\$ -	\$ -
4250 Advance deposit	\$ 450	\$ -	\$ 450	-\$ 450
4240 Rubber Base Revenue	\$ -	\$ 330	\$ 330	\$ 330
4230 Set Up Fees	\$ -	\$ 2,500	\$ 1,810	\$ 2,500
4040 User Fees / Soccer	\$ -	\$ 2,100	\$ 2,464	\$ 2,100
4420 Appreciation Day	\$ -	\$ 9,300	\$ 9,356	\$ 9,300
4210 Events - Baseball Tournaments	\$ 875	\$ 1,450	\$ 1,400	\$ 575
	\$ 3,566	\$ 34,990	\$ 39,918	\$ 31,424

Concession Stand

4220 Pop stand	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -

Total Revenue - Operating Funds	\$ 48,758	\$ 83,966	\$ 81,304	\$ 35,208
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EXPENDITURES -June 5, 2020

Contracted Services	2020 Actual	2020 Budget	2019 Actual	2020 Variance
5720 Park Maintenance Wage	\$ 6,830	\$ 23,900	\$ 23,900	\$ 17,070
5685 Insurance	\$ 1,031	\$ 1,100	\$ 977	\$ 69
5784 Office Wage	\$ 9,000	\$ 17,500	\$ 15,500	\$ 8,500
	\$ 16,861	\$ 42,500	\$ 40,377	\$ 25,639
				\$ -
				\$ -
Concession Stand -Supplies & wages				
5755 Pop Stand - repairs, maintenance	\$ -	\$ 500	\$ 576	\$ 500
	\$ -	\$ 500	\$ 576	\$ 500

Materials, Supplies & Services	2020 Actual	2020 Budget	2019 Actual	2020 Variance
5615 Advertising	\$ -	\$ -	\$ -	\$ -
4200 Security deposits reimbursed	\$ -	\$ 725	\$ 800	\$ 725
5620 Bank fees	\$ 44	\$ 132	\$ 142	\$ 88
5626 Building Maintenance - due to vandalism	\$ -	\$ -	\$ -	\$ -
5625 Building Maintenance - supplies/repairs	\$ 622	\$ 2,000	\$ 1,111	\$ 1,378
5630 Tennis Courts - supplies/repairs	\$ -	\$ -	\$ 1,107	\$ -
5630 Baseball Diamonds - supplies	\$ -	\$ 750	\$ 606	\$ 750
5630 Soccer field - supplies	\$ -	\$ 750	\$ 175	\$ 750
5645 Co-An Appreciation Day	\$ -	\$ 7,500	\$ 7,558	\$ 7,500
5680 Grounds, parking lot, landscape	\$ -	\$ 1,100	\$ 175	\$ 1,100
5685 Insurance-Town of Essex Rider-Recoverable	\$ -	\$ 725	\$ 604	\$ 725
5695 Janitorial supplies	\$ -	\$ 1,000	\$ 1,161	\$ 1,000
5700 Office supplies/Admin expenses	\$ 1,015	\$ 1,500	\$ 1,590	\$ 485
5730 Equipment Vehicle - Fuel & repair	\$ -	\$ 850	\$ 1,413	\$ 850
5755 Pop Stand - tank rental	\$ -	\$ 125	\$ 125	\$ 125
5781 Sanitation	\$ -	\$ 325	\$ -	\$ 325
5790 Utilities	\$ 3,307	\$ 9,500	\$ 9,650	\$ 6,193
5890 Waste Collection fees	\$ -	\$ 1,150	\$ 1,227	\$ 1,150
5900 Assets out of Operating	\$ -	\$ -	\$ -	\$ -
	\$ 4,989	\$ 28,132	\$ 27,444	\$ 23,143
				\$ -
				\$ -
Total Operating Expenses	\$ 21,850	\$ 71,132	\$ 68,397	\$ 49,282

Net Total - Revenue less Expenses \$ 26,908

Break Down of RBC Account

Fundraising Held @ RBC

Rubber Base Held @ RBC

Operating Funds balance - Held @ RBC

Operating held at RBC @ Jun 5/20 \$ 26,908

Capital held at RBC @ Jun 5/20 \$ 33,017

Co-An Park
5 Year Forecast

2020 - 2024

Category Buildings	Description of Requirements	Estimated Expense	Projected Capital Monetary Requirements				Beyond	Beyond
			2020	2021	2022	2023	2024	2025
Roofs - All Bldgs	Roof surface needs paint	\$ 34,000	\$ 8,500	\$ 12,750	\$ 12,750			\$ 34,000
Office	Flooring	\$ -						\$ -
Pavilion	Tarp System/Valance							\$ -
Washrooms	Update walls, ceiling							\$ -
Equipment								\$ -
Concession Equipment	Picnic tables	\$ 5,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 5,000
Concession Equipment	Indoor fridges,coolers, exhaust fan	\$ 5,000			\$ 5,000			\$ 5,000
Concession Upgrade	Facility upgrade - flooring, windows,doors, cabinets	\$ 30,000	\$ 812	\$ 188	\$ 9,000	\$ 10,000	\$ 10,000	\$ 30,000
Ground Maintenance Equipment								\$ -
Office Equipment	Cabinets, chairs, tables							\$ -
Pavilion	New Walk in cooler	\$ 5,000		\$ 5,000				\$ 5,000
Pavilion Area	Security System/Cameras	\$ 6,000				\$ 6,000		\$ 6,000
Lawn Tractor	Replace current lawn tractor	\$ 3,391	\$ 3,391					\$ 3,391
Pepsi cooler, exhaust fan	Concession equipment - emergency purchases	\$ -						
Parking Lot(s), Fencing, Lighting								
Lighting in Parking Lot/pavilion	Improved lighting to LED	\$ 1,196	\$ 1,196					\$ 1,196
Parking Lot(s)	Additional stone	\$ 1,000	\$ 562	438				\$ 1,000
Sidewalks, Walkways	Pathway - needs rubberized surface	\$ 3,250	\$ 1,625			\$ 1,625		\$ 3,250
Perimeter Fencing	Replace Western perimeter fence and entrance fence	\$ 50,000	\$ 9,000	\$ 12,000	\$ 10,000	\$ 10,000	\$ 9,000	\$ 50,000
								\$ -
Property (Grounds)								\$ -
								\$ -
Baseball Diamonds	New Bleachers - Soccer Field							\$ -
Baseball Diamonds	New Rubber Bases	\$ 2,100		\$ 700	\$ 700	\$ 700		\$ 2,100
Baseball Diamonds	Lights on Diamond #1	\$ 100,000				\$ 100,000		\$ 100,000
Baseball Diamonds	Replace lights/towers on Dia#3	\$ 30,000			\$ 30,000			\$ 30,000
Baseball Diamonds	Top Dressing for diamonds (Red Clay) Annually	\$ 15,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 15,000
Baseball Diamonds	Dug Outs (6 Diamonds)	\$ 55,000	\$ 6,500	\$ 15,500	\$ 11,000	\$ 11,000	\$ 11,000	\$ 55,000
Recreational Equipment	Basket ball court/Floor Hockey court	\$ 50,000		\$ 5,000	\$ 5,000	\$ 5,000	\$ 35,000	\$ 50,000
Soccer field	Upgrade court surface	\$ 5,000			\$ 5,000			\$ 5,000
Tennis Courts	Upgrade court surface	\$ 25,000				\$ 25,000		\$ 25,000
								\$ -
								\$ -
Parking Lot(s)	Pave Parking Lot, painted lines	\$ 440,000					\$440,000	\$ 440,000
New Land for Soccer	Land purchase, site preparation	\$ 300,000		\$ 150,000	\$ 150,000			\$ 300,000
Soccer field	New fields, washrooms, parking	\$ 150,000			\$ 50,000	\$ 50,000	\$ 50,000	\$ 150,000
Splash Pad/Change Rooms	Splash Pad/Change Rooms	\$ 350,000		\$ 150,000	\$ 150,000	\$ 50,000		\$ 350,000
Pylon Sign	New Road sign	\$ 30,000		\$ 30,000				\$ 30,000
New Playground Structure	Playground /Senior activity area	\$ 200,000				\$ 25,000	\$ 175,000	\$ 200,000
Total Forecasted Capital Requirement		\$ 1,895,937	\$ 35,586	\$ 385,576	\$ 442,450	\$ 298,325	\$ 734,000	\$ 1,895,937
		Spent Thus Far	\$ 2,570					
Capital allotted in 2020		Balance	\$ 33,016					
Balance Capital Funding previous years - Town of Amherstburg		\$ 1,508						
Balance Capital Funding previous years - Town of Essex		\$ 1,508						
2020 Capital funding Town of Essex		\$ 15,000						
2020 Capital funding -Town of Amherstburg		\$ 15,000						
Total Capital Available for 2019 Projects		\$ 33,016						

The Corporation of the Town of Essex
Minutes of Regular Committee of Adjustment Meeting
Tuesday January 21st, 2020

A regular meeting of the Town of Essex Committee of Adjustment was held on Tuesday, January 21st, 2020 at 4:00 PM in the Council Chambers at the Municipal Building at 33 Talbot Street South, Essex, Ontario

1. Roll Call:

Members Present	Percy Dufour, Chair Brian Gray, Vice Chair Phil Pocock Ray Beneteau
Also Present	Rita Jabbour, Secretary Treasurer/Manager, Planning Services Sarah Aubin, Planning Assistant
Regrets:	Dan Boudreau

2. Declaration of Conflict of Interest

None

3. Adoption of Published Agenda

3.1 That the published agenda for the January 21st, 2020 meeting of the Committee of Adjustment be adopted as circulated.

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(COA-2020-01-01) That the published agenda for January 21st, 2020 meeting of the Committee of Adjustment be adopted as circulated.

“carried”

4. Adoption of Minutes

4.1 That the minutes of the December 17th, 2019 Committee of Adjustment meeting be adopted as circulated.

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(COA-2020-01-02) That the Regular Minutes from the Committee of Adjustment Meeting of December 17th, 2019 be adopted.

“carried”

5. Reports / Applications

5.1 Rita Jabbour, Planner RE:

Application B-01-20 Burstyn Farms Limited. (Agent: David Burstyn), 2995 County Road 12 (Colchester North, Ward 2)

A consent application has been received by the Town of Essex Committee of Adjustment for the subject lands located at 2995 County Rd 12 in the former township of Colchester North. The applicants are proposing to sever a ± 1.5 acre grassed parcel from the existing ± 65.5 acre agricultural lot. The retained agricultural lot is proposed to have an area of ± 64 acres. The applicant is proposing this consent for the purpose of a lot addition. The severed parcel is proposed to be merged with the lands located directly to the East and known municipally as 11139 County Road 23.

Note: An application for consent has also been received for the subject lands (File Number: A-01-20). The public notice for the minor variance application has been included with this notice.

5.1.1 Public Presentations (if any)

Rita Jabbour, Planner wrote:

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the agricultural lands located at 2995 County Road 12 in the former township of Colchester North. The subject property is designated "Agricultural" under the Town of Essex Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a ± 1.5 acre grassed parcel from the existing ± 65.5 acre agricultural lot. The applicants are proposing this consent for the purpose of a lot addition. The severed parcel is proposed to be merged with the lands located directly to the East and known municipally as 11139 County Road 23. The severed parcel is vacant and does not form part of the farming operation. No new buildings are proposed to be constructed on the severed parcel.

The retained parcel will continue to be used for agricultural purposes. The proposed severance will not adversely impact the existing farming operation as the severed parcel is not actively farmed. Access to the retained parcel will continue to be by way of County Road 12 via an existing access bridge. The proposed severance will have no adverse impact on access to the retained lot.

Proposal Conformity with Town of Essex Official Plan Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

- a) the proposal's consistency with Provincial legislation, policies and guidelines:
the Provincial Policy Statement (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. As a condition of this consent, the applicants will be responsible for submitting evidence that indicates the severed parcel will be consolidated with the property at 11139 County Road 23;
- b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:
Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment and the consent is granted in accordance with section 50(3) of the Planning Act. The applicant has submitted for a variance to accommodate the reduction in lot area for the retained parcel.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the application for consent or minor variance. Comments were also received from the County of Essex. They note that the applicants will be required to comply with County Road regulations to provide for the protection of highways and the installation of entranceways, and to regulate the location of building and structures on land adjacent to County Roads, should they choose to make any changes to existing entrances and structures, or construct new entrances or structures in the future. Otherwise, they did not state any explicit concerns with the applications. No other comments were received from circulated public authorities or agencies;
- c) The continuation of an orderly development pattern:
The lot addition is not irregular in shape;
- d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:
Water supply, sanitary sewage treatment and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot.

Requirement for Minor Variance

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained farm parcel will be reduced from +65.5 acres, the existing lot size, to +64

acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- a) The general intent of this Plan and the Zoning Bylaw are maintained:
The main use of the retained farm parcel will remain agricultural.
- b) The variance(s) is minor and desirable for the appropriate use of the land:
No agricultural land will be taken out of production as a result of this severance. The variance will not impact ingress or egress to the retained parcel.
- c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:
Agricultural lot sizes vary greatly in the agricultural district.
- d) The variance deals with circumstances particular to the site and development:
The variance is necessary to accommodate an application for consent to facilitate a lot addition.

Public Comment

As a result of the giving of public notice, no written correspondences have been received from members of the public as of Thursday January 16, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:
 - a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
 - b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
 - c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
 - d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
 - e) That the severed parcel be consolidated with the lands located at 11139 County Road 23. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of

the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.

f) That all of the above conditions be fulfilled on or before January 21, 2021.

Additional comments resulting from circulation:

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

Portions of the above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the West Townline Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

Upon our review, we advise that these applications are consistent with the natural hazard policies of the PPS.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management. Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority. The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to these applications for Consent and Minor Variance.

Kristoffer Balallo, Engineering Technician, County of Essex wrote:

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 12. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2481 - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County By-Law Number 2480 - A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road No. 12. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned application. Should this application be approved we are requesting a copy the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

Discussion:

Rita Jabbour, Secretary-Treasurer/Manager of Planning Services, explains the nature of the application

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(CAO-2020-01-03) That application B-01-20 be granted to sever a +1.5 acre grassed parcel from the existing +65.5 acre agricultural lot subject to the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
 - b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
 - c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
 - d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
 - e) That the severed parcel be consolidated with the lands located at 11139 County Road 23.
- In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of

the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.

f) That all of the above conditions be fulfilled on or before January 21, 2021.

"Carried"

Reasons: The Application **is** in keeping with subsection 2.3.4 of the Provincial Policy Statement (PPS) respecting lot creation and lot adjustments in prime agricultural areas and subsections 6.4 and 6.5 of the Town of Essex Official Plan policies respecting consents and consents in areas designated "Agricultural".

5.2 Rita Jabbour, Planner RE:

Application A-01-20 Burstyn Farms Limited. (Agent: David Burstyn), 2995 County Road 12 (Colchester North, Ward 2)

A consent application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 2995 County Rd 12 in the former township of Colchester North. As a result of a proposed severance for lot addition, the lot area for the severed and retained parcel will be reduced from ± 65.5 acres to ± 1.5 acres and ± 64 acres, respectively. The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

Note: An application for consent has also been received for the subject lands (File Number: B-01-20). The public notice for the consent application has been included with this notice.

5.2.1 Public Presentations (if any)

Rita Jabbour, Planner wrote:

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the agricultural lands located at 2995 County Road 12 in the former township of Colchester North. The subject property is designated "Agricultural" under the Town of Essex Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a ± 1.5 acre grassed parcel from the existing ± 65.5 acre agricultural lot. The applicants are proposing this consent for the purpose of a lot addition. The severed parcel is proposed to be merged with the lands located directly to the East and known municipally as 11139 County Road 23. The severed parcel is vacant and does not form

part of the farming operation. No new buildings are proposed to be constructed on the severed parcel.

The retained parcel will continue to be used for agricultural purposes. The proposed severance will not adversely impact the existing farming operation as the severed parcel is not actively farmed. Access to the retained parcel will continue to be by way of County Road 12 via an existing access bridge. The proposed severance will have no adverse impact on access to the retained lot.

Proposal Conformity with Town of Essex Official Plan Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

- e) the proposal's consistency with Provincial legislation, policies and guidelines:
the Provincial Policy Statement (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. As a condition of this consent, the applicants will be responsible for submitting evidence that indicates the severed parcel will be consolidated with the property at 11139 County Road 23;
- f) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:
Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment and the consent is granted in accordance with section 50(3) of the Planning Act. The applicant has submitted for a variance to accommodate the reduction in lot area for the retained parcel.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the application for consent or minor variance. Comments were also received from the County of Essex. They note that the applicants will be required to comply with County Road regulations to provide for the protection of highways and the installation of entranceways, and to regulate the location of building and structures on land adjacent to County Roads, should they choose to make any changes to existing entrances and structures, or construct new entrances or structures in the future. Otherwise, they did not state any explicit concerns with the applications. No other comments were received from circulated public authorities or agencies;

- g) The continuation of an orderly development pattern:
The lot addition is not irregular in shape;

- h) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:
Water supply, sanitary sewage treatment and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot.

Requirement for Minor Variance

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained farm parcel will be reduced from +65.5 acres, the existing lot size, to +64 acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- e) The general intent of this Plan and the Zoning Bylaw are maintained:
The main use of the retained farm parcel will remain agricultural.
- f) The variance(s) is minor and desirable for the appropriate use of the land:
No agricultural land will be taken out of production as a result of this severance. The variance will not impact ingress or egress to the retained parcel.
- g) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:
Agricultural lot sizes vary greatly in the agricultural district.
- h) The variance deals with circumstances particular to the site and development:
The variance is necessary to accommodate an application for consent to facilitate a lot addition.

Public Comment

As a result of the giving of public notice, no written correspondences have been received from members of the public as of Thursday January 16, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:
 - a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
 - b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the lands located at 11139 County Road 23. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before January 21, 2021.

Additional comments resulting from circulation:

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA),
wrote:

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

Portions of the above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the West Townline Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

Upon our review, we advise that these applications are consistent with the natural hazard policies of the PPS.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management. Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority. The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to these applications for Consent and Minor Variance.

Kristoffer Balallo, Engineering Technician, County of Essex wrote:

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 12. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2481 - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County By-Law Number 2480 - A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road No. 12. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned application. Should this application be approved we are requesting a copy the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter

Discussion:

Rita Jabbour, Secretary-Treasurer/Manager of Planning Services, explains the nature of the application

Moved by: Phil Pocock

Seconded by: Brian Gray

(CAO-2020-01-04) That application A-01-20 be granted to accommodate a lot area of ± 64 acres for the retained farm lot.

“Carried”

Reasons:

The Application **is** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

- a) the general intent of this Plan and the Zoning By-law are maintained;
- b) the variance(s) is minor and desirable for the appropriate use of the land;

c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;

d) the variance deals with circumstances particular to the site and development

5.3 Rita Jabbour, Planner RE:

Application B-02-20 Burstyn Farms Limited. (Agent: David Burstyn), 2995 County Road 12 (Colchester North, Ward 2)

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 2995 County Rd 12 in the former township of Colchester North. The applicant is proposing to sever a ± 2 acre surplus dwelling lot from the existing ± 65.5 acre agricultural lot. The retained parcel is proposed to have an area of ± 63.5 acres and will continue to be used for agricultural purposes. The residence has been rendered surplus as a result of farm consolidation.

Note: An application for minor variance has also been received for the subject lands (File Number: A-02-20). The public notice for the minor variance application has been included with this notice.

5.3.1 Public Presentations (if any)

Rita Jabbour, Planner wrote:

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the lands located at 2995 County Road 12 in the former township of Colchester North. The subject property is designated "Agricultural" under the Town's Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037. The applicants are proposing to sever a +2 acre surplus dwelling lot parcel from the existing +65.5 acre agricultural lot. The severed parcel will be occupied by the existing single detached dwelling, two (2) accessory structures and accompanying infrastructure (i.e. water service connection, septic system and Access Bridge). The retained parcel is proposed to have an area of +63.5 acres and will continue to be used for agricultural purposes.

Access to the severed parcel will be by way of County Road 12 via the existing access bridge. Access to the retained parcel will continue to be way of County Road 12 via a second existing access bridge.

Proposal Conformity with Town of Essex Official Plan Policies

The applicants are proposing this consent because the residence has been rendered surplus to the farming operation. The Provincial Policy Statement (PPS) defines a residence surplus to a farming operation as an existing habitable farm residence that is rendered surplus as a result of farm consolidation. Farm consolidation is defined as the acquisition of additional farm parcels to be operated as one farm operation. In addition to the subject parcel, the applicant, Burstyn Farms Limited (David Burstyn), owns one (1) other agricultural property totalling fifty-five acres (55) just north of the subject property.

In accordance with Town of Essex Official Plan policies relating to consents in areas designated "Agricultural", one (1) lot creating consent will be permitted for a surplus dwelling on the condition that:

a) No new dwelling will be permitted on the retained farm parcel;

A restricted development layer will be applied to the property upon provisional consent approval on the Town's Geographic Information System (GIS).

b) the size of the surplus dwelling lot should not be greater than one (1) hectare, however, the choice of consolidating outbuildings with the surplus dwelling will also be considered when the size and boundaries of the surplus dwelling lot are determined and approved by consent; the size of the proposed surplus dwelling lot will not exceed one (1) hectare.

c) the lot to be created has provision for sewage disposal, a potable water supply and stormwater management systems satisfactory to the Town and other statutory approval authority having jurisdiction;

The surplus dwelling lot has access to municipal water and is serviced by the Thompson Drain. The applicant will be required to obtain satisfactory confirmation that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the consent certificate;

d) the severed dwelling lot will satisfy Minimum Distance Separation 1 (MDS 1) provisions of the Official Plan; the lot to be severed contains an existing dwelling. No additional dwellings will be permitted on this lot. Therefore, no livestock facilities will be impacted by the proposed development.

e) the severed dwelling lot has frontage on a public road; the severed dwelling lot has frontage on County Road 12, a public road which is owned and assumed by the County of Essex.

f) the surplus dwelling is in habitable condition, as determined by the Town or certified by a qualified building inspector.

No objections to the application were received from the Building Department.

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

a) the proposal's consistency with Provincial legislation, policies and guidelines:

The PPS discourages lot creation in prime agricultural areas but permits them for a residence surplus to a farming operation as a result of farm consolidation, provided that:

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and

2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance;

b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the application for consent or minor variance. Comments were also received from the County of Essex. They note that the applicants will be required to comply with County Road regulations to provide for the protection of highways and the installation of entranceways, and to regulate the location of building and structures on land adjacent to County Roads, should they choose to make any changes to existing entrances and structures, or construct new entrances or structures in the future. Otherwise, they did not state any explicit concerns with the applications. No other comments were received from circulated public authorities or agencies.

c) The continuation of an orderly development pattern:

The surplus dwelling lot is not of a configuration that would hinder the agricultural operation.

d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:

The surplus dwelling lot has access to municipal water and is serviced by the Thompson Drain. The applicants will be required to obtain satisfactory confirmation that the septic system(s) meets Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the consent certificate.

Requirement for Minor Variance

As a result of the proposed severance, the lot area for the severed and retained lots will decrease in size from +65.5 acres, the existing lot area, to +2 acres and 63 acres, respectively. The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or as existing.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a)The general intent of this Plan and the Zoning Bylaw are maintained:

Severances for surplus dwellings are permitted in the agricultural district and in accordance with the policies found under section 2.3.4.1 c) of the Town of Essex Official Plan. The main use of the retained parcel will continue to be agricultural. Construction of a new dwelling will not be permitted on the retained farm parcel;

b)The variance(s) is minor and desirable for the appropriate use of the land:

Lot areas in the agricultural district vary greatly. Additionally, no agricultural land will be taken out of production;

c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:

The dwelling and accompanying infrastructure are existing and there will be a prohibition against the construction of any new dwelling on the retained agricultural land. Thus, no new entrances or buildings that would impact traffic patterns or neighbouring lots are proposed to be constructed;

d)The variance deals with circumstances particular to the site and development:

The variance is necessary in order to accommodate a surplus dwelling application.

Public Comment

As a result of the giving of public notice, no phone calls or written correspondence objecting to the severance have been received from members of the public as of Thursday January 16, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

c)That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full

to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;

d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;

f) That all of the above conditions be fulfilled on or before January 21, 2021.

2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the severed and retained parcel.

Additional comments resulting from circulation:

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

Portions of the above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the West Townline Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

Upon our review, we advise that these applications are consistent with the natural hazard policies of the PPS.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management. Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the PPS. The comments in this section do not necessarily represent the

provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to these applications for Consent and Minor Variance.

Kristoffer Balallo, Engineering Technician, County of Essex wrote:

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 12. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2481 - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County By-Law Number 2480 - A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road No. 12. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned application. Should this application be approved we are requesting a copy the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

Discussion:

Rita Jabbour, Secretary-Treasurer/Manager of Planning Services, explains the nature of the application

Brian Gray would like it to be noted that the retained parcel will have an area of ± 62 acres not the noted ± 63.5 acre agricultural lot, due to the previous approval of severance application B-01-20.

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(CAO-2020-01-05) That application B-02-20 be granted to sever a +2 acre surplus dwelling lot from the existing +64 acre agricultural lot subject to the following conditions:

a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
- f) That all of the above conditions be fulfilled on or before January 21, 2021

“Carried”

Reason: The Application **is** in keeping with subsection 2.3.4 of the Provincial Policy Statement (PPS) respecting lot creation and lot adjustments in prime agricultural areas and subsections 6.4 and 6.5 of the Town of Essex Official Plan policies respecting consents and consents in areas designated “Agricultural”.

5.4 Rita Jabbour, Planner RE:

**Application A-02-20 Burstyn Farms Limited. (Agent: David Burstyn),
2995 County Road 12 (Colchester North, Ward 2)**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 2995 County Rd 12 in the former township of Colchester North. As a result of a proposed surplus dwelling severance, the lot area for the severed and retained parcel will be reduced from ± 65.5 acres to ± 2 acres and ± 63 acres, respectively. The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

Note: An application for consent has also been received for the subject lands (File Number: B-02-20). The public notice for the consent application has been included with this notice.

5.4.1 Public Presentations (if any)

Rita Jabbour, Planner wrote:

Official Plan Designation: “Agricultural”

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the lands located at 2995 County Road 12 in the former township of Colchester North. The subject property is designated "Agricultural" under the Town's Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037. The applicants are proposing to sever a +2 acre surplus dwelling lot parcel from the existing +65.5 acre agricultural lot. The severed parcel will be occupied by the existing single detached dwelling, two (2) accessory structures and accompanying infrastructure (i.e. water service connection, septic system and Access Bridge). The retained parcel is proposed to have an area of +63.5 acres and will continue to be used for agricultural purposes.

Access to the severed parcel will be by way of County Road 12 via the existing access bridge. Access to the retained parcel will continue to be way of County Road 12 via a second existing access bridge.

Proposal Conformity with Town of Essex Official Plan Policies

The applicants are proposing this consent because the residence has been rendered surplus to the farming operation. The Provincial Policy Statement (PPS) defines a residence surplus to a farming operation as an existing habitable farm residence that is rendered surplus as a result of farm consolidation. Farm consolidation is defined as the acquisition of additional farm parcels to be operated as one farm operation. In addition to the subject parcel, the applicant, Burstyn Farms Limited (David Burstyn), owns one (1) other agricultural property totalling fifty-five acres (55) just north of the subject property.

In accordance with Town of Essex Official Plan policies relating to consents in areas designated "Agricultural", one (1) lot creating consent will be permitted for a surplus dwelling on the condition that:

a) No new dwelling will be permitted on the retained farm parcel;

A restricted development layer will be applied to the property upon provisional consent approval on the Town's Geographic Information System (GIS).

b) the size of the surplus dwelling lot should not be greater than one (1) hectare, however, the choice of consolidating outbuildings with the surplus dwelling will also be considered when the size and boundaries of the surplus dwelling lot are determined and approved by consent; the size of the proposed surplus dwelling lot will not exceed one (1) hectare.

c) the lot to be created has provision for sewage disposal, a potable water supply and stormwater management systems satisfactory to the Town and other statutory approval authority having jurisdiction;

The surplus dwelling lot has access to municipal water and is serviced by the Thompson Drain. The applicant will be required to obtain satisfactory confirmation that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the consent certificate;

d) the severed dwelling lot will satisfy Minimum Distance Separation 1 (MDS 1) provisions of the Official Plan; the lot to be severed contains an existing dwelling. No additional dwellings will be permitted on this lot. Therefore, no livestock facilities will be impacted by the proposed development.

e) the severed dwelling lot has frontage on a public road; the severed dwelling lot has frontage on County Road 12, a public road which is owned and assumed by the County of Essex.

f) the surplus dwelling is in habitable condition, as determined by the Town or certified by a qualified building inspector.

No objections to the application were received from the Building Department.

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

a) the proposal's consistency with Provincial legislation, policies and guidelines:

The PPS discourages lot creation in prime agricultural areas but permits them for a residence surplus to a farming operation as a result of farm consolidation, provided that:

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and

2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance;

b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the application for consent or minor variance. Comments were also received from the County of Essex. They note that the applicants will be required to comply with County Road regulations to provide for the protection of highways and the installation of entranceways, and to regulate the location of building and structures on land adjacent to County Roads, should they choose to make any changes to existing entrances and structures, or construct new entrances or structures in the future. Otherwise, they did not state any explicit concerns with the applications. No other comments were received from circulated public authorities or agencies.

c) The continuation of an orderly development pattern:

The surplus dwelling lot is not of a configuration that would hinder the agricultural operation.

d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:

The surplus dwelling lot has access to municipal water and is serviced by the Thompson Drain. The applicants will be required to obtain satisfactory confirmation that the septic system(s) meets Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the consent certificate.

Requirement for Minor Variance

As a result of the proposed severance, the lot area for the severed and retained lots will decrease in size from +65.5 acres, the existing lot area, to +2 acres and 63 acres, respectively. The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or as existing.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a)The general intent of this Plan and the Zoning Bylaw are maintained:

Severances for surplus dwellings are permitted in the agricultural district and in accordance with the policies found under section 2.3.4.1 c) of the Town of Essex Official Plan. The main use of the retained parcel will continue to be agricultural. Construction of a new dwelling will not be permitted on the retained farm parcel;

b)The variance(s) is minor and desirable for the appropriate use of the land:

Lot areas in the agricultural district vary greatly. Additionally, no agricultural land will be taken out of production;

c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:

The dwelling and accompanying infrastructure are existing and there will be a prohibition against the construction of any new dwelling on the retained agricultural land. Thus, no new entrances or buildings that would impact traffic patterns or neighbouring lots are proposed to be constructed;

d)The variance deals with circumstances particular to the site and development:

The variance is necessary in order to accommodate a surplus dwelling application.

Public Comment

As a result of the giving of public notice, no phone calls or written correspondence objecting to the severance have been received from members of the public as of Thursday January 16, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
- f) That all of the above conditions be fulfilled on or before January 21, 2021.

2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the severed and retained parcel.

Additional comments resulting from circulation:

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

Portions of the above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the West Townline Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

Upon our review, we advise that these applications are consistent with the natural hazard policies of the PPS.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management. Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to these applications for Consent and Minor Variance.

Kristoffer Balallo, Engineering Technician, County of Essex wrote:

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 12. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2481 - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County By-Law Number 2480 - A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road No. 12. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned application. Should this application be approved we are requesting a copy the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

Discussion:

Rita Jabbour, Secretary-Treasurer/Manager of Planning Services, explains the nature of the application

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(CAO-2020-01-06) That application A-02-20 be granted to accommodate a lot area of +2 acres and +62 acres for the severed and retained parcels, respectively.

“Carried”

Reasons: The Application **is** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

- a) the general intent of this Plan and the Zoning By-law are maintained;
- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) the variance deals with circumstances particular to the site and development

5.5 Rita Jabbour, Planner RE:

**Application B-03-20 Carolyn & Robert Meunier (Agent: Joe DaSilva),
3724 3rd Concession (Colchester South, Ward 3)**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 3724 3rd Concession in the former township of Colchester South. The applicants are proposing to sever a ±1.1 acre surplus dwelling lot from the existing ±50.5 acre agricultural lot. The retained parcel is proposed to have an area of ±49.4 acres and will continue to be used for agricultural purposes. The residence has been rendered surplus as a result of farm consolidation.

Note: An application for minor variance has also been received for the subject lands (File Number: A-03-20). The public notice for the minor variance application has been included with this notice.

5.5.1 Public Presentations (if any)**Rita Jabbour, Planner wrote:**

Official Plan Designation: “Agricultural”

Zoning: Agricultural District 1.1 (A1.1) – General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the lands located at 3724 3rd Concession Road in the former township of Colchester South. The subject property is designated “Agricultural” under the Town’s Official Plan and zoned Agricultural District 1.1

(A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a +1.1 acre surplus dwelling lot parcel from the existing +50.5 acre agricultural lot. The severed parcel will be occupied by the existing single detached dwelling, one (1) outbuilding and accompanying infrastructure (i.e. water service connection, septic system and Access Bridge). The retained parcel is proposed to have an area of +49.4 acres and will continue to be used for agricultural purposes.

Access to the severed parcel will be by way of the 3rd Concession Road via the existing access area. Access to the retained parcel will be by way of the 4th Concession Road via an existing access bridge.

Proposal Conformity with Town of Essex Official Plan Policies

The applicants are proposing this consent because the residence has been rendered surplus to the farming operation. The Provincial Policy Statement (PPS) defines a *residence surplus to a farming operation* as an existing habitable farm residence that is rendered surplus as a result of farm consolidation. Farm consolidation is defined as the acquisition of additional farm parcels to be operated as one farm operation. In addition to the subject parcel, the applicant/agent, Jose Dasilva, owns three (3) other agricultural properties totalling eighty-seven (87) acres within the Town of Essex.

In accordance with Town of Essex Official Plan policies relating to consents in areas designated "Agricultural", one (1) lot creating consent will be permitted for a surplus dwelling on the condition that:

- a) No new dwelling will be permitted on the retained farm parcel;
A restricted development layer will be applied to the property upon provisional consent approval on the Town's Geographic Information System (GIS).
- b) the size of the surplus dwelling lot should not be greater than one (1) hectare, however, the choice of consolidating outbuildings with the surplus dwelling will also be considered when the size and boundaries of the surplus dwelling lot are determined and approved by consent;
the size of the proposed surplus dwelling lot will not exceed one (1) hectare.
- c) the lot to be created has provision for sewage disposal, a potable water supply and stormwater management systems satisfactory to the Town and other statutory approval authority having jurisdiction;

The surplus dwelling lot has access to municipal water. The applicant will be required to obtain satisfactory confirmation that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the consent certificate;

- d) the severed dwelling lot will satisfy Minimum Distance Separation 1 (MDS 1) provisions of the Official Plan;
the lot to be severed contains an existing dwelling. No additional dwellings will be permitted on this lot. Therefore, no livestock facilities will be impacted by the proposed development.
- e) the severed dwelling lot has frontage on a public road;
the severed dwelling lot has frontage on 3rd Concession Road, a public road which is owned and assumed by the Town of Essex.
- f) the surplus dwelling is in habitable condition, as determined by the Town or certified by a qualified building inspector.

No objections to the application were received from the Building Department.

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

- a) the proposal's consistency with Provincial legislation, policies and guidelines:
The PPS discourages lot creation in *prime agricultural areas* but permits them for a *residence surplus to a farming operation* as a result of farm consolidation, provided that:
 - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
 - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance;
- b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:
Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the application for consent or minor variance. No other comments were received from circulated public authorities or agencies.
- c) The continuation of an orderly development pattern:
The surplus dwelling lot is not irregular in shape.
- d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:
The surplus dwelling lot has access to municipal water. The applicants will be required to obtain satisfactory confirmation that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the consent certificate.

Requirement for Minor Variance

As a result of the proposed severance, the width of the severed lot will be reduced to 135, and the lot area for the severed and retained parcels will be reduced from +50.5 acres, the existing lot area, to +1.1 acres and +49.4 acres, respectively. The minimum lot width for lots within Agricultural District 1.1 (A1.1) is 60 metres (200 feet). The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or as existing.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- a) The general intent of this Plan and the Zoning Bylaw are maintained:

Severances for surplus dwellings are permitted in the agricultural district and in accordance with the policies found under section 2.3.4.1 c) of the Town of Essex Official Plan. The main use of the retained parcel will continue to be agricultural. Construction of a new dwelling will not be permitted on the retained farm parcel;

- b) The variance(s) is minor and desirable for the appropriate use of the land:

Lot areas and lot widths in the agricultural district vary greatly. Additionally, no agricultural land will be taken out of production;

- c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:

The dwelling and accompanying infrastructure are existing and there will be a prohibition against the construction of any new dwelling on the retained agricultural land. Thus, no new entrances or buildings that would impact traffic patterns or neighbouring lots are proposed to be constructed;

- d) The variance deals with circumstances particular to the site and development:

The variance is necessary in order to accommodate a surplus dwelling application.

Public Comment

As a result of the giving of public notice, one (1) phone call was received from a neighbour who had concerns about the state of the property. No complaints had been received by the By-law Enforcement Officer concerning the property as of Monday January 6, 2020. No further comments were received from members of the public.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
 - d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
 - e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
 - f) That all of the above conditions be fulfilled on or before January 21, 2021.
2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot width for the severed parcel and lot area for the severed and retained parcel.

Additional comments resulting from circulation:

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

A portion of the above noted retained lands is subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act

(Ontario Regulation No. 158/06). This portion of the property falls within the regulated area of the Lockhart Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration (within the vicinity of the Lockhart Drain or other activities affected by Section 28 of the Conservation Authorities Act.

Upon our review, we can advise that these applications are consistent with the natural hazard policies of the PPS.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management. Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the

PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to these applications for Consent and Minor Variance.

Discussion:

Rita Jabbour, Secretary-Treasurer/Manager of Planning Services, explains the nature of the application.

Joe Gorski, 8 Laird Ave, states that there are accessory structures in between the proposed lot line. He questions if the buildings will be demolished by the applicant.

Joe DaSilva, Agent, advises that the two accessory structures will be demolished.

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(CAO-2020-01-07) That the two (2) accessory structures between the retained and severed parcel be demolished and placed as a conditions of consent.

“Carried”

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(CAO-2020-01-08) That application B-03-20 be granted to sever a ± 1.1 acre surplus dwelling lot from the existing ± 50.5 acre agricultural lot subject to the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
- f) That the two (2) accessory structures between the retained and severed parcel be demolished.
- g) That all of the above conditions be fulfilled on or before January 21, 2021.

"Carried"

Reasons: The Application is in keeping with subsection 2.3.4 of the Provincial Policy Statement (PPS) respecting lot creation and lot adjustments in prime agricultural areas and subsections 6.4 and 6.5 of the Town of Essex Official Plan policies respecting consents and consents in areas designated "Agricultural".

5.6 Rita Jabbour, Planner RE:

Application A-03-20 Carolyn & Robert Meunier (Agent: Joe DaSilva), 3724 3rd Concession (Colchester South, Ward 3)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 3724 3rd Concession in the former township of Colchester South. As a result of a proposed surplus dwelling severance, the width of the severed lot will be reduced to 135 feet. The lot area of the severed and retained parcels will be reduced from ± 50.5 acres to ± 1.1 acres and ± 49.4 acres, respectively. The minimum lot width for

lots within Agricultural District 1.1 (A1.1) is 60 metres (200 feet). The minimum lot area for lots within Agricultural District 1.1 is 40 hectares (100 acres) or as existing.

Note: An application for consent has also been received for the subject lands (File Number: B-03-20). The public notice for the consent application has been included with this notice.

5.6.1 Public Presentations (if any)

Rita Jabbour, Planner wrote:

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) – General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the lands located at 3724 3rd Concession Road in the former township of Colchester South. The subject property is designated "Agricultural" under the Town's Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a +1.1 acre surplus dwelling lot parcel from the existing +50.5 acre agricultural lot. The severed parcel will be occupied by the existing single detached dwelling, one (1) outbuilding and accompanying infrastructure (i.e. water service connection, septic system and Access Bridge). The retained parcel is proposed to have an area of +49.4 acres and will continue to be used for agricultural purposes.

Access to the severed parcel will be by way of the 3rd Concession Road via the existing access area. Access to the retained parcel will be by way of the 4th Concession Road via an existing access bridge.

Proposal Conformity with Town of Essex Official Plan Policies

The applicants are proposing this consent because the residence has been rendered surplus to the farming operation. The Provincial Policy Statement (PPS) defines a *residence surplus to a farming operation* as an existing habitable farm residence that is rendered surplus as a result of farm consolidation. Farm consolidation is defined as the acquisition of additional farm parcels to be operated as one farm operation. In addition to the subject parcel, the applicant/agent, Jose Dasilva, owns three (3) other agricultural properties totalling eighty-seven (87) acres within the Town of Essex.

In accordance with Town of Essex Official Plan policies relating to consents in areas designated "Agricultural", one (1) lot creating consent will be permitted for a surplus dwelling on the condition that:

- g) No new dwelling will be permitted on the retained farm parcel;

A restricted development layer will be applied to the property upon provisional consent approval on the Town's Geographic Information System (GIS).

- h) the size of the surplus dwelling lot should not be greater than one (1) hectare, however, the choice of consolidating outbuildings with the surplus dwelling will also be considered when the size and boundaries of the surplus dwelling lot are determined and approved by consent;
the size of the proposed surplus dwelling lot will not exceed one (1) hectare.
- i) the lot to be created has provision for sewage disposal, a potable water supply and stormwater management systems satisfactory to the Town and other statutory approval authority having jurisdiction;

The surplus dwelling lot has access to municipal water. The applicant will be required to obtain satisfactory confirmation that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the consent certificate;

- j) the severed dwelling lot will satisfy Minimum Distance Separation 1 (MDS 1) provisions of the Official Plan;
the lot to be severed contains an existing dwelling. No additional dwellings will be permitted on this lot. Therefore, no livestock facilities will be impacted by the proposed development.
- k) the severed dwelling lot has frontage on a public road;
the severed dwelling lot has frontage on 3rd Concession Road, a public road which is owned and assumed by the Town of Essex.
- l) the surplus dwelling is in habitable condition, as determined by the Town or certified by a qualified building inspector.

No objections to the application were received from the Building Department.

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

- e) the proposal's consistency with Provincial legislation, policies and guidelines:
The PPS discourages lot creation in *prime agricultural areas* but permits them for a *residence surplus to a farming operation* as a result of farm consolidation, provided that:
 - 3. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
 - 4. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance;
- f) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the application for consent or minor variance. No other comments were received from circulated public authorities or agencies.

- g) The continuation of an orderly development pattern:
The surplus dwelling lot is not irregular in shape.
- h) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:
The surplus dwelling lot has access to municipal water. The applicants will be required to obtain satisfactory confirmation that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the consent certificate.

Requirement for Minor Variance

As a result of the proposed severance, the width of the severed lot will be reduced to 135, and the lot area for the severed and retained parcels will be reduced from +50.5 acres, the existing lot area, to +1.1 acres and +49.4 acres, respectively. The minimum lot width for lots within Agricultural District 1.1 (A1.1) is 60 metres (200 feet). The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or as existing.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- e) The general intent of this Plan and the Zoning Bylaw are maintained:
Severances for surplus dwellings are permitted in the agricultural district and in accordance with the policies found under section 2.3.4.1 c) of the Town of Essex Official Plan. The main use of the retained parcel will continue to be agricultural. Construction of a new dwelling will not be permitted on the retained farm parcel;
- f) The variance(s) is minor and desirable for the appropriate use of the land:
Lot areas and lot widths in the agricultural district vary greatly. Additionally, no agricultural land will be taken out of production;
- g) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:
The dwelling and accompanying infrastructure are existing and there will be a prohibition against the construction of any new dwelling on the retained agricultural land. Thus, no new entrances or buildings that would impact traffic patterns or neighbouring lots are proposed to be constructed;
- h) The variance deals with circumstances particular to the site and development:
The variance is necessary in order to accommodate a surplus dwelling application.

Public Comment

As a result of the giving of public notice, one (1) phone call was received from a neighbour who had concerns about the state of the property. No complaints had been received by the By-law Enforcement Officer concerning the property as of Monday January 6, 2020. No further comments were received from members of the public.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:
 - a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
 - b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
 - c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
 - d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
 - e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
 - f) That all of the above conditions be fulfilled on or before January 21, 2021.
2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot width for the severed parcel and lot area for the severed and retained parcel.

Additional comments resulting from circulation:

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA),
wrote:

**DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL
HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION
AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

A portion of the above noted retained lands is subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act

(Ontario Regulation No. 158/06). This portion of the property falls within the regulated area of the Lockhart Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration (within the vicinity of the Lockhart Drain or other activities affected by Section 28 of the Conservation Authorities Act.

Upon our review, we can advise that these applications are consistent with the natural hazard policies of the PPS.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management. Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the

PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to these applications for Consent and Minor Variance.

Discussion:

Rita Jabbour, Secretary-Treasurer/Manager of Planning Services, explains the nature of the application

Moved by: Phil Pocock

Seconded by: Brian Gray

(CAO-2020-01-09) That application A-03-20 be granted to accommodate a lot width of 135 feet for the severed lot, and a lot area of +1.1 acres and +49.4 acres for the severed and retained parcels, respectively.

“Carried”

Reasons: The Application **is** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

a) the general intent of this Plan and the Zoning By-law are maintained;

- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) the variance deals with circumstances particular to the site and development

5.7 Rita Jabbour, Planner RE:

Application B-04-20 2442747 Ontario Limited, 1241 South Malden Road (Colchester North, Ward 2)

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1241 South Malden Road in the former township of Colchester North. The applicants are proposing to sever a ± 20.5 acre agricultural parcel from the existing ± 30.5 acre agricultural lot for the purpose of developing a vineyard and winery. The retained parcel is proposed to have an area of ± 10 acres and will continue to be used for agricultural purposes. The applicants are proposing this consent for the purpose of a farm split

Note: An application for minor variance has also been received for the subject lands (File Number: A-04-20). The public notice for the minor variance application has been included with this notice.

5.7.1 Public Presentations (if any)

Rita Jabbour, Planner wrote:

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the lands located at 1241 South Malden Road in the former township of Colchester North. The subject property is designated "Agricultural" under the Town's Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037. The subject property also has supplementary permitted uses that include a health studio, spa and a retreat, consisting of a main building and ancillary outbuildings, including buildings for the overnight accommodation of persons on a short term basis, church, church hall; day nursery, medical clinic, residential care facility and a private park .

The applicants are proposing to sever a ± 20.5 acre parcel from the existing ± 30.5 acre lot for the purposes of developing a vineyard and winery. The severed parcel will be occupied by four (4) existing cottages, one (1) accessory building and the accompanying infrastructure (i.e. water service connection, septic system and access bridge). A site plan for the vineyard and winery has been provided:



The retained parcel is proposed to have an area of +10 acres. The retained parcel is currently vacant but is proposed to be used for a future maple farm brewery.

Access to the severed parcel will be by way of South Malden Road via an existing access bridge. Access to the retained parcel will be by way of South Malden Road. The applicants are proposing to install a new access area to serve the retained parcel.

Proposal Conformity with Town of Essex Official Plan Policies

The applicants are proposing this consent for the purpose of a farm split to accommodate an *agricultural use* (vineyard) and *agricultural related use* (winery and brewery). The Provincial Policy Statement (PPS) permits lot creation in prime agricultural areas for agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.

The PPS permits lot creation in prime agricultural areas for *agricultural related uses* provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*.

The PPS defines an *agricultural use* as the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

The PPS defines *agricultural-related uses* as those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

In accordance with Town of Essex Official Plan policies relating to consents in areas designated "Agricultural", generally the Town discourages the subdivision of viable farm lots in order to maintain a strong agricultural economy in the region and to limit consents for non-agricultural purposes. The division of farm lots to create lots of less than 40 hectares will be discouraged within the Agricultural designation, unless it can be demonstrated that the division will not result in loss of farm viability and operating efficiency. For that reason, the Committee of Adjustment must be satisfied that there is a demonstrated need for such consent.

A winery in combination with a vineyard, and a brewery in combination with an agricultural operation, are permitted general agricultural uses under the A1.1 zoning district and may have a minimum lot area of 4 hectares (10 acres). The subject property was previously utilized as a spa and retreat centre. It was not utilized for agricultural purposes. Therefore the proposed severance will not result in loss of farm viability and operating efficiency; it will enhance the viability of the farm by allowing for two (2) agricultural uses (brewery and winery). This consent is not for non-agricultural purposes.

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

- a) the proposal's consistency with Provincial legislation, policies and guidelines:
The Provincial Policy Statement (PPS) permits lot creation in prime agricultural areas for agricultural uses and agricultural-related uses.
- b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:
The proposed severance will not result in loss of farm viability and operating efficiency; it will enhance the viability of the farm by allowing for two (2) agricultural uses (brewery and winery).

Comments were received from the Essex Region Conservation Authority (ERCA). They have recommended that the Committee **defer** the application for consent and minor variance until such time the applicant has had an opportunity to provide the Town of Essex with the requested studies to be consistent with the natural hazard and natural heritage policies of the PPS and the Town of Essex Official Plan.

ERCA notes that the subject property contains a natural heritage feature that is identified as meeting the criteria for significant woodland, significant valley land, and significant wildlife habitat under the Provincial Policy Statement (PPS, 2014) and may support habitat of endangered and threatened species. They also note concern that portions of the proposed severed lot fall within a natural hazard area that is susceptible to flooding from the McLean Drain watercourse. They state that a Site Hazard Characterization Study is necessary to determine the limits of the floodway zone and prohibit the prohibited hazard land area. They note that the required

demonstration of no negative impact, in accordance with the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA).

An EIA was not requested of the applicant prior to submission of the application. A Site Hazard Characterization Study is not an identifies support study under the Official Plan although the Plan notes the submission of such other studies deemed necessary to properly evaluate the desirability and impacts of the proposed development.

In accordance with section 5.3 of the Town of Essex Official Plan, lands with a “Natural Heritage Overlay” are areas that maintain their underlying land use designation, but have been identified as being an Area of Natural and Scientific Interest (ANSI), Regionally Significant Woodland, Significant Woodland, Significant Wildlife Habitat or Significant Valley land. Nothing in the Official Plan is intended to limit the ability of existing agricultural uses to continue on lands within the Natural Environment Overlay or on adjacent lands. New agricultural uses that require approval under the Planning Act, however, will be permitted within a Natural Environmental Overlay or on adjacent lands, if it has been demonstrated to the satisfaction of the municipality, in consultation with ERCA, that there will be no negative impact on the natural heritage features or their ecological functions.

The applicant is proposing to reuse the existing buildings for the winery and Bed and Breakfast. No new buildings are proposed to be constructed in the area of the natural heritage feature. The natural heritage feature contains a system of trails. The applicants are proposing to maintain these trails for the enjoyment of their patrons. Trail use activities by the property owner or with the permission of the property owner are permitted in all areas, in accordance with Federal and Provincial regulations, in areas of natural heritage, as noted in the Official Plan. It is not in the interest of the applicants to disturb the feature. Any future proposal for a brewery on the retained parcel may be subject to an Environmental Impact Assessment (EIA) through the site plan control process.

Bylaw 1037 contains provisions with respects to forest clear cutting. In accordance with section 8.4, forest clear-cutting or the use of any land for high-grading or other commercial timbering activities, except in accordance with a Sustainable Forest Management Plan satisfactory to the Municipality and the Ministry of Natural Resources, is prohibited. As noted in ERCA’s correspondence, it is the proponent’s responsibility to exercise due diligence in ensuring that all issues related to the provincial Endangered Species Act and its regulations have been addressed. Section 8.4, in combination with the applicants’ site plan and proposal and responsibility under the Endangered Species Act, were deemed to be an adequate demonstration of no negative impact. Should the Committee deem it necessary, a conservation easement to protect the natural heritage feature may be made a condition of the consent.

The presence of a floodplain is not identified on the Town of Essex Zoning maps. As is discussed, no new structures are proposed to be built on the severed lands. As noted in ERCA's correspondence, the applicants will be responsible for obtaining a clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*. No further comments were received from circulated agencies.

- c) The continuation of an orderly development pattern;
- d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:
The subject property has access to a municipally owned and operated piped water supply and is serviced by the McLean and Graveline Drain. The retained and severed parcels are of an adequate size for the provision of private sanitary sewage treatment systems.

Requirement for Minor Variance

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the severed and retained farm parcel will be reduced from +30.5 acres, the existing lot size, to +20.5 acres and +10 acres, respectively. As such, a variance to accommodate a reduction in lot area for the severed and retained farm parcel is required.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- i) The general intent of this Plan and the Zoning Bylaw are maintained:
The main use of the severed and retained farm parcels will remain agricultural.
- j) The variance(s) is minor and desirable for the appropriate use of the land:
The proposed lot area for both the severed and retained lots meet and exceed the minimum lot area requirements for the proposed use.
- k) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:
Agricultural lot sizes vary greatly in the agricultural district.
- l) The variance deals with circumstances particular to the site and development:
The variances are necessary to accommodate an application for consent to facilitate the creation of new agricultural lot. The subject parcel was already under sized and underutilized as an agricultural lot.

Public Comment

As a result of the giving of public notice, no written correspondences have been received from members of the public as of Thursday January 16, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:
 - a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
 - b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
 - c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
 - d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
 - e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
 - f) That all of the above conditions be fulfilled on or before January 21, 2021.
2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the severed and retained parcel.

Additional comments resulting from circulation:

Mike Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA), wrote:

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed these circulations and understand that the intent of the consent application is to create a new lot that will continue to allow agriculture uses, and create the ability to construct a new dwelling on the retained farm parcel. There is concern that portions of the proposed severed lot fall within a natural hazard area that is susceptible to flooding from the McLean Drain watercourse. The Natural Hazard Section 3.1 of the PPS states, "Development shall generally be directed to areas outside of: b) hazardous lands

adjacent to river, stream, which are impacted by flooding hazards and erosion hazards" and further states, "Development and site alteration shall not be permitted within: "d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding". The PPS definition of "development" includes the creation of a new lots. As there are concerns that portions of the severed and retained lands lie within a natural hazard, a Site Hazard Characterization Study is necessary to determine the limits of the floodway zone and the prohibited hazard land area to determine whether this application is consistent with the natural hazard policies of the PPS. We ask that the Committee defer this application until this study can be completed and submitted to the Town and ERCA by the applicant in support of the application. It is the opinion of ERCA that this study is a required supporting study for this application for consent.

Further, we advise that the southwest portions of the above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The property owner will be required to obtain a Permit or a Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

NATURAL HERITAGE POLICIES OF THE PPS, 2014

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the

PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property contains a natural heritage feature that is identified as meeting the criteria for significant woodland, significant valleyland, and significant wildlife habitat under the Provincial Policy Statement (PPS, 2014).

Section 2.1.5 of the PPS, 2014 states - Development and site alterations shall not be permitted in significant woodland... and significant valleyland... and significant wildlife habitat...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

The required demonstration of no negative impact, in accordance with the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA).

This natural heritage feature is identified in the Town of Essex Official Plan, as being subject to Section 5.3 "Natural Heritage Overlay" policies, which states b) the preservation of the natural heritage feature is encouraged. Development and site alteration may only occur within the "Natural Heritage Overlay" if it has been demonstrated to the satisfaction of the municipality that there will be no negative impacts on the natural features or their ecological functions. This application was not accompanied by an Environmental Impact Assessment as is required by the Town's Official Plan policies. Therefore we advise the Town that this

application is premature, and ask the Committee to defer this application until such time that the applicants can submit an EIA study to the Town and ERCA for review. We would encourage the applicant to contact our office to discuss the Terms of Reference for the Environmental Impact Assessment. It should also be noted that the feature has not been evaluated to determine other types of significance per provincial standards. For example, this feature is located in the valley of the McLean drain and it should be evaluated for its potential significance as a Provincially Significant Wetland using the provincial Ontario Wetland Evaluation System guideline.

Our information also indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS – “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.” It is the proponent’s responsibility to exercise due diligence in ensuring that all issues related to the provincial Endangered Species Act and its regulations have been addressed. Please find attached a "Client's Guide to Preliminary Screening for Species at Risk" that outlines the process for contacting the Ministry of the Environment, Conservation and Parks, Species at Risk Branch, Permissions and Compliance regarding the provincial Endangered Species Act. We would recommend that you initiate a species at risk screening as outlined in the "Client's Guide to Preliminary Screening for Species at Risk". The most up to date version of this guide should be obtained from the Ministry by e-mailing them at SAROntario@ontario.ca. Further, we would recommend that you provide your communications with and from the Ministry of the Environment, Conservation and Park to the respective contact with the Municipality. Per direction from the Ministry of the Environment, Conservation and Parks, the proponent remains responsible to ensure their correspondence with staff from the province is shared with the respective Municipal staff, including confirmed details related to site plans and designs.

FINAL RECOMMENDATION

We recommend the Committee defer these applications until such time that the applicant has had an opportunity to provide the Town of Essex with the requested studies to be consistent with the natural hazard and natural heritage policies of the PPS and the Town of Essex Official Plan.

Discussion:

Rita Jabbour, Secretary-Treasurer/ Manager of Planning Services, explains the nature of the application.

Jordan Goure, Applicant, advises the members that the severed parcel would be used for a winery in the woods, a retreat for tourists to relax, a picnic area and for walking trails in the woodlot.

He states that the retained parcel will be used for a maple tree farm, as they currently own Brew Microbrewery in Windsor, Ontario.

Ray Beneteau asks the applicant why the property cannot remain as one parcel.

Jordan advises that the subject parcel will be utilized by two separate companies and for legal purposes a split is required.

Phil Pocock asks where the vineyard will be placed on the severed property.

Jordan Goure advises that it will be in the front portion of the property near the existing pond.

Zsolt Marczinko, 1225 South Malden Road, states that he is against the proposal as he is concerned about increased traffic and noise.

Robert Clozza, 7046 Britton Side Rd, states that he would accept the severance and proposed use but request that poppers are not used to scare away the birds. He states netting would be ideal.

Jordan Goure states that they are only utilizing five (5) of the seven (7) acres in front of the pond for the vineyard, therefore poppers will not be required.

Phil Pittao, 7938 County Rd 18, questions if the woodlot on the severed parcel will be used as the winery.

Jordan Goure states that there will be a section of the woodlot that will be used for the winery.

Casey Martin, 0 Briton Side Road, states that he has concerns with the drainage in the area. He advises that there is a low waterline that runs behind the subject property and has concerns with capacity.

He states that he also has concerns with the use of poppers to scare the birds from the vineyard, and also suggests netting be used.

He continues to state that he does not want to see the woodlot cleared.

Rita Jabbour advises that the applicant would need to seek permission from the Ministry of Natural Resources before clearing the woodlot but that it would be up to the applicant to seek this permission.

Casey Martin advises that his woodlot is next to the subject properties. He advises that proper signage and lot lines would be required as he hunts during certain times and the applicants are wanting to use the woodlot as a trail walking area. He advises that boundaries will be required to ensure everyone's safety.

Corinne Chiasson, Resource Planner at the Essex Region Conservation Authority (ERCA), states that ERCA would like the application to be deferred based on a hazard assessment and natural heritage. She states that there is a very low lying valley in the rear portion of the subject property and therefore an unknown hazard at this time. She continues to state that the Natural Heritage area would require an Environment Impact Assessment (EIA) which should be completed prior to the acceptance of the severance to determine environmental impacts.

Joshua Goure, applicant, advises that no structures will be erected within the retained or severed parcel therefore no EIA would be required.

Jordan states that the cost of the assessment would be on the applicant to have ERCA study the area. The study can cost upwards of \$10,000.00. He advises that no structure or change will transpire to either properties.

Lynette Bain of Tourism Windsor-Essex, states that they support the application and believes that it would bring tourism to the Colchester area.

Percy Dufour, Chair, states that applications that come before the Committee of Adjustment for a farm split have the structures or businesses in place prior to applying for the severance. He states that the Committee cannot approve an application on speculation.

Moved by: Phil Pocock

Seconded by: Brian Gray

Opposed: Ray Beneteau

Opposed: Percy Dufour

(CAO-2020-01-10) That application B-04-20 be approved to sever a +20.5 acre agricultural lot for the purpose of developing a vineyard and winery.

"Defeated"

Moved by: Ray Beneteau

Seconded by: Percy Dufour

Opposed: Phil Pocock

(CAO-2020-01-11) That application B-04-20 be denied to sever a +20.5 acre agricultural lot for the purpose of developing a vineyard and winery.

"Carried"

Reasons for Decision: The Application is **not** in keeping with subsection 2.3.4 of the Provincial Policy Statement (PPS) respecting lot creation and lot adjustments in prime agricultural areas and subsections 6.4 and 6.5 of the Town of Essex Official Plan policies respecting consents and consents in areas designated "Agricultural".

5.8 Rita Jabbour, Planner RE:

Application A-04-20 2442747 Ontario Limited, 1241 South Malden Road (Colchester North, Ward 2)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 1241 South Malden Road in the former township of Colchester North. As a result of a proposed severance for farm split, the lot area for the severed and retained parcel will be reduced from ± 30.5 acres to ± 20.5 acres and ± 10 acres, respectively. The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

Note: An application for consent has also been received for the subject lands (File Number: B-04-20). The public notice for the consent application has been included with this notice.

5.8.1 Public Presentations (if any)

Rita Jabbour, Planner wrote:

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the lands located at 1241 South Malden Road in the former township of Colchester North. The subject property is designated "Agricultural" under the Town's Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037. The subject property also has supplementary permitted uses that include a health studio, spa and a retreat, consisting of a main building and ancillary outbuildings, including buildings for the overnight accommodation of persons on a short term basis, church, church hall; day nursery, medical clinic, residential care facility and a private park .

The applicants are proposing to sever a +20.5 acre parcel from the existing +30.5 acre lot for the purposes of developing a vineyard and winery. The severed parcel will be occupied by four (4) existing cottages, one (1) accessory building and the accompanying infrastructure (i.e. water service connection, septic system and access bridge). A site plan for the vineyard and winery has been provided:



The retained parcel is proposed to have an area of +10 acres. The retained parcel is currently vacant but is proposed to be used for a future maple farm brewery.

Access to the severed parcel will be by way of South Malden Road via an existing access bridge. Access to the retained parcel will be by way of South Malden Road. The applicants are proposing to install a new access area to serve the retained parcel.

Proposal Conformity with Town of Essex Official Plan Policies

The applicants are proposing this consent for the purpose of a farm split to accommodate an *agricultural use* (vineyard) and *agricultural related use* (winery and brewery). The Provincial Policy Statement (PPS) permits lot creation in prime agricultural areas for agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.

The PPS permits lot creation in prime agricultural areas for *agricultural related uses* provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*.

The PPS defines an *agricultural use* as the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

The PPS defines *agricultural-related uses* as those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

In accordance with Town of Essex Official Plan policies relating to consents in areas designated "Agricultural", generally the Town discourages the subdivision of viable farm lots in order to maintain a strong agricultural economy in the region and to limit consents for non-agricultural purposes. The division of farm lots to create lots of less than 40 hectares will be discouraged within the Agricultural designation, unless it can be demonstrated that the division will not result in loss of farm viability and operating efficiency. For that reason, the Committee of Adjustment must be satisfied that there is a demonstrated need for such consent.

A winery in combination with a vineyard, and a brewery in combination with an agricultural operation, are permitted general agricultural uses under the A1.1 zoning district and may have a minimum lot area of 4 hectares (10 acres). The subject property was previously utilized as a spa and retreat centre. It was not utilized for agricultural purposes. Therefore the proposed severance will not result in loss of farm viability and operating efficiency; it will enhance the viability of the farm by allowing for two (2) agricultural uses (brewery and winery). This consent is not for non-agricultural purposes.

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

- e) the proposal's consistency with Provincial legislation, policies and guidelines:

The Provincial Policy Statement (PPS) permits lot creation in prime agricultural areas for agricultural uses and agricultural-related uses.

- f) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

The proposed severance will not result in loss of farm viability and operating efficiency; it will enhance the viability of the farm by allowing for two (2) agricultural uses (brewery and winery).

Comments were received from the Essex Region Conservation Authority (ERCA). They have recommended that the Committee **defer** the application for consent and minor variance until such time the applicant has had an opportunity to provide the Town of Essex with the requested studies to be consistent with the natural hazard and natural heritage policies of the PPS and the Town of Essex Official Plan.

ERCA notes that the subject property contains a natural heritage feature that is identified as meeting the criteria for significant woodland, significant valley land, and significant wildlife habitat under the Provincial Policy Statement (PPS, 2014) and may support habitat of endangered and threatened species. They also note concern that portions of the proposed severed lot fall within a natural hazard area that is susceptible to flooding from the McLean Drain watercourse. They state that a Site Hazard Characterization Study is necessary to determine the limits of the floodway zone and prohibit the prohibited hazard land area. They note that the required demonstration of no negative impact, in accordance with the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA).

An EIA was not requested of the applicant prior to submission of the application. A Site Hazard Characterization Study is not an identified support study under the Official Plan although the Plan notes the submission of such other studies deemed necessary to properly evaluate the desirability and impacts of the proposed development.

In accordance with section 5.3 of the Town of Essex Official Plan, lands with a "Natural Heritage Overlay" are areas that maintain their underlying land use designation, but have been identified as being an Area of Natural and Scientific Interest (ANSI), Regionally Significant Woodland, Significant Woodland, Significant Wildlife Habitat or Significant Valley land. Nothing in the Official Plan is intended to limit the ability of existing agricultural uses to continue on lands within the Natural Environment Overlay or on adjacent lands. New agricultural uses that require approval under the Planning Act, however, will be permitted within a Natural Environment Overlay or on adjacent lands, if it has been demonstrated to the satisfaction of the municipality, in consultation with ERCA, that there will be no negative impact on the natural heritage features or their ecological functions.

The applicant is proposing to reuse the existing buildings for the winery and Bed and Breakfast. No new buildings are proposed to be constructed in the area of the natural heritage feature. The natural heritage feature contains a system of trails. The applicants are proposing to maintain these trails for the enjoyment of their patrons. Trail use activities by the property owner or with the permission of the property owner are permitted in all areas, in accordance with Federal and Provincial regulations, in areas of natural heritage, as noted in the Official Plan. It is not in the interest of the applicants to disturb the feature. Any future proposal for a brewery on the retained parcel may be subject to an Environmental Impact Assessment (EIA) through the site plan control process.

Bylaw 1037 contains provisions with respects to forest clear cutting. In accordance with section 8.4, forest clear-cutting or the use of any land for high-grading or other commercial timbering activities, except in accordance with a Sustainable Forest Management Plan satisfactory to the Municipality and the Ministry of Natural Resources, is prohibited. As noted in ERCA's correspondence, it is the proponent's responsibility to exercise due diligence in ensuring that all issues related to the provincial Endangered Species Act and its regulations have been addressed.

Section 8.4, in combination with the applicants' site plan and proposal and responsibility under the Endangered Species Act, were deemed to be an adequate demonstration of no negative impact. Should the Committee deem it necessary, a conservation easement to protect the natural heritage feature may be made a condition of the consent.

The presence of a floodplain is not identified on the Town of Essex Zoning maps. As is discussed, no new structures are proposed to be built on the severed lands. As noted in ERCA's correspondence, the applicants will be responsible for obtaining a clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*. No further comments were received from circulated agencies.

- g) The continuation of an orderly development pattern;
- h) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:
The subject property has access to a municipally owned and operated piped water supply and is serviced by the McLean and Graveline Drain. The retained and severed parcels are of an adequate size for the provision of private sanitary sewage treatment systems.

Requirement for Minor Variance

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area

for the severed and retained farm parcel will be reduced from +30.5 acres, the existing lot size, to +20.5 acres and +10 acres, respectively. As such, a variance to accommodate a reduction in lot area for the severed and retained farm parcel is required.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

m) The general intent of this Plan and the Zoning Bylaw are maintained:

The main use of the severed and retained farm parcels will remain agricultural.

n) The variance(s) is minor and desirable for the appropriate use of the land:

The proposed lot area for both the severed and retained lots meet and exceed the minimum lot area requirements for the proposed use.

o) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:

Agricultural lot sizes vary greatly in the agricultural district.

p) The variance deals with circumstances particular to the site and development:

The variances are necessary to accommodate an application for consent to facilitate the creation of new agricultural lot. The subject parcel was already under sized and underutilized as an agricultural lot.

Public Comment

As a result of the giving of public notice, no written correspondences have been received from members of the public as of Thursday January 16, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
- f) That all of the above conditions be fulfilled on or before January 21, 2021.

2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the severed and retained parcel.

Additional comments resulting from circulation:

Mike Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA), wrote:

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed these circulations and understand that the intent of the consent application is to create a new lot that will continue to allow agriculture uses, and create the

ability to construct a new dwelling on the retained farm parcel. There is concern that portions of the proposed severed lot fall within a natural hazard area that is susceptible to flooding from the McLean Drain watercourse. The Natural Hazard Section 3.1 of the PPS states, "Development shall generally be directed to areas outside of: b) hazardous lands adjacent to river, stream, which are impacted by flooding hazards and erosion hazards" and further states, "Development and site alteration shall not be permitted within: "d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding". The PPS definition of "development" includes the creation of a new lots. As there are concerns that portions of the severed and retained lands lie within a natural hazard, a Site Hazard Characterization Study is necessary to determine the limits of the floodway zone and the prohibited hazard land area to determine whether this application is consistent with the natural hazard policies of the PPS. We ask that the Committee defer this application until this study can be completed and submitted to the Town and ERCA by the applicant in support of the application. It is the opinion of ERCA that this study is a required supporting study for this application for consent.

Further, we advise that the southwest portions of the above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The property owner will be required to obtain a Permit or a Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

NATURAL HERITAGE POLICIES OF THE PPS, 2014

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the

PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property contains a natural heritage feature that is identified as meeting the criteria for significant woodland, significant valleyland, and significant wildlife habitat under the Provincial Policy Statement (PPS, 2014).

Section 2.1.5 of the PPS, 2014 states - Development and site alterations shall not be permitted in significant woodland... and significant valleyland... and significant wildlife habitat...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

The required demonstration of no negative impact, in accordance with the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA).

This natural heritage feature is identified in the Town of Essex Official Plan, as being subject to Section 5.3 "Natural Heritage Overlay" policies, which states b) the preservation of the natural heritage feature is encouraged. Development and site alteration may only occur

within the "Natural Heritage Overlay" if it has been demonstrated to the satisfaction of the municipality that there will be no negative impacts on the natural features or their ecological functions. This application was not accompanied by an Environmental Impact Assessment as is required by the Town's Official Plan policies. Therefore we advise the Town that this application is premature, and ask the Committee to defer this application until such time that the applicants can submit an EIA study to the Town and ERCA for review. We would encourage the applicant to contact our office to discuss the Terms of Reference for the Environmental Impact Assessment. It should also be noted that the feature has not been evaluated to determine other types of significance per provincial standards. For example, this feature is located in the valley of the McLean drain and it should be evaluated for its potential significance as a Provincially Significant Wetland using the provincial Ontario Wetland Evaluation System guideline.

Our information also indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS – "Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements." It is the proponent's responsibility to exercise due diligence in ensuring that all issues related to the provincial Endangered Species Act and its regulations have been addressed. Please find attached a "Client's Guide to Preliminary Screening for Species at Risk" that outlines the process for contacting the Ministry of the Environment, Conservation and Parks, Species at Risk Branch, Permissions and Compliance regarding the provincial Endangered Species Act. We would recommend that you initiate a species at risk screening as outlined in the "Client's Guide to Preliminary Screening for Species at Risk". The most up to date version of this guide should be obtained from the Ministry by e-mailing them at SAROntario@ontario.ca. Further, we would recommend that you provide your communications with and from the Ministry of the Environment, Conservation and Park to the respective contact with the Municipality. Per direction from the Ministry of the Environment, Conservation and Parks, the proponent remains responsible to ensure their correspondence with staff from the province is shared with the respective Municipal staff, including confirmed details related to site plans and designs.

FINAL RECOMMENDATION

We recommend the Committee defer these applications until such time that the applicant has had an opportunity to provide the Town of Essex with the requested studies to be consistent with the natural hazard and natural heritage policies of the PPS and the Town of Essex Official Plan.

Discussion:

Rita Jabbour, Manager of Planning, explains the nature of the application

Moved by: Ray Beneteau

Seconded by: Brain Gray

Opposed: Phil Pocock

(CAO-2020-01-12) That application A-04-20 be denied to accommodate a lot area of +20.5 acres and +10 acres for the severed and retained parcel, respectively.

“Carried”

Reasons:

The Application is **not** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

- a) the general intent of this Plan and the Zoning By-law are maintained;
- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) the variance deals with circumstances particular to the site and development

5.9 Rita Jabbour, Planner RE:

**Application B-05-20 Marianne Vlodarchyk (Agent: Kenneth Newman),
7458 County Road 18 (Colchester North, Ward 2)**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 7458 County Road 18 in the former township of Colchester North. The applicants are proposing to sever a ±3.17 acre surplus dwelling lot from the existing ±74.17 acre agricultural lot. The retained parcel is proposed to have an area of ±71 acres and will continue to be used for agricultural purposes. The residence has been rendered surplus as a result of farm consolidation.

Note: An application for minor variance has also been received for the subject lands (File Number: A-05-20). The public notice for the minor variance application has been included with this notice.

5.9.1 Public Presentations (if any)

Rita Jabbour, Planner wrote:

Official Plan Designation: “Agricultural”

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the lands located at 7458 County Road 18 in the former township of Colchester North. The subject property is designated “Agricultural” under the Town’s Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a +3.17 acre surplus dwelling lot parcel from the existing +74.17 acre farm lot. The severed parcel will be occupied by an existing single

detached dwelling, two (2) outbuildings and accompanying infrastructure (i.e. water service connection, septic system and access bridge). The retained parcel is proposed to have an area of +71 acres and will continue to be used for agricultural purposes.

Access to the severed parcel will be by way of County Road 18 via the existing access bridge. Access to the retained parcel will continue to be way of County Road 18 via a second existing access bridge along the westerly side lot line.

Proposal Conformity with Town of Essex Official Plan Policies

The applicants are proposing this consent because the residence has been rendered surplus to the farming operation. The Provincial Policy Statement (PPS) defines a *residence surplus to a farming operation* as an existing habitable farm residence that is rendered surplus as a result of farm consolidation. Farm consolidation is defined as the acquisition of additional farm parcels to be operated as one farm operation. In addition to the subject parcel, the applicant/agent (Kenneth Newman) owns two (2) other agricultural operations totalling ninety (90) acres.

In accordance with Town of Essex Official Plan policies relating to consents in areas designated "Agricultural", one (1) lot creating consent will be permitted for a surplus dwelling on the condition that:

- a) No new dwelling will be permitted on the retained farm parcel;
A restricted development layer will be applied to the property upon provisional consent approval on the Town's Geographic Information System (GIS).
- b) the size of the surplus dwelling lot should not be greater than one (1) hectare, however, the choice of consolidating outbuildings with the surplus dwelling will also be considered when the size and boundaries of the surplus dwelling lot are determined and approved by consent;
the size of the proposed surplus dwelling lot is greater than one (1) hectare because the applicants have chosen to consolidate the outbuildings with the surplus dwelling.
- c) the lot to be created has provision for sewage disposal, a potable water supply and stormwater management systems satisfactory to the Town and other statutory approval authority having jurisdiction;

The surplus dwelling lot has access to municipal water and is serviced by the South Townline Drain. The applicants will be required to obtain satisfactory confirmation that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the consent certificate;

- d) the severed dwelling lot will satisfy Minimum Distance Separation 1 (MDS 1) provisions of the Official Plan;

the lot to be severed contains an existing dwelling. No additional dwellings will be permitted on this lot. Therefore, no livestock facilities will be impacted by the proposed development.

- e) the severed dwelling lot has frontage on a public road;
the severed dwelling lot has frontage on County Road 18, a public road which is owned and assumed by the County of Essex.
- f) the surplus dwelling is in habitable condition, as determined by the Town or certified by a qualified building inspector.

No objections to the application were received from the Building Department.

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

- i) the proposal's consistency with Provincial legislation, policies and guidelines:

The PPS discourages lot creation in *prime agricultural areas* but permits them for a *residence surplus to a farming operation* as a result of farm consolidation, provided that:

- 5. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
- 6. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance;

- j) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the application for consent or minor variance. Comments were also received from the County of Essex. They note that the applicants will be required to comply with County Road regulations to provide for the protection of highways and the installation of entranceways, and to regulate the location of building and structures on land adjacent to County Roads, should they choose to make any changes to existing entrances and structures, or construct new entrances or structures in the future. Otherwise, they did not state any explicit concerns with the applications. No other comments were received from circulated public authorities or agencies

- k) The continuation of an orderly development pattern:

The surplus dwelling lot is not irregular in shape.

- l) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:

The surplus dwelling lot has access to municipal water and is serviced by the South Townline Drain. The applicants will be required to obtain satisfactory confirmation

that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the consent certificate

Requirement for Minor Variance

As a result of the proposed severance, the width of the severed lot will be reduced to 184 feet, and the lot area for the severed and retained lots will decrease in size from +74.17 acres, the existing lot area, to +3.17 acres and 71 acres, respectively. The minimum lot width for lots within Agricultural District 1.1 (A1.1) is 60 metres (200 feet). The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or as existing.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- i) The general intent of this Plan and the Zoning Bylaw are maintained:
Severances for surplus dwellings are permitted in the agricultural district and in accordance with the policies found under section 2.3.4.1 c) of the Town of Essex Official Plan. The main use of the retained parcel will continue to be agricultural. Construction of a new dwelling will not be permitted on the retained farm parcel;
- j) The variance(s) is minor and desirable for the appropriate use of the land:
Lot widths and lot areas in the agricultural district vary greatly. Additionally, no agricultural land will be taken out of production;
- k) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:
The dwelling and accompanying infrastructure are existing and there will be a prohibition against the construction of any new dwelling on the retained agricultural land. Thus, no new entrances or buildings that would impact traffic patterns or neighbouring lots are proposed to be constructed;
- l) The variance deals with circumstances particular to the site and development:
The variance is necessary in order to accommodate a surplus dwelling application.

Public Comment

As a result of the giving of public notice, no phone calls or written correspondence objecting to the severance have been received from members of the public as of Thursday January 16, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
 - c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
 - d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
 - e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
 - f) That all of the above conditions be fulfilled on or before January 21, 2021.
2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot width for the severed parcel and the minimum lot area for the severed and retained parcel.

Additional comments resulting from circulation:

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA),
wrote:

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed this application with regards to the natural hazard policies of the PPS and have no objections.

The most southern portion of the above noted lands is subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the South Townline Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

NATURAL HERITAGE POLICIES OF THE PPS, 2014

The subject property contains a natural heritage feature that is identified as a significant woodland, significant valleyland, significant wildlife habitat under the Provincial Policy Statement (PPS, 2014).

Section 2.1.5 of the PPS, 2014 states - Development and site alterations shall not be permitted in significant woodland... and significant valleyland... and significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Based on our review of the subject application, we recommend to the Municipality that an Environmental Impact Assessment is not required in this case. The extents of the proposed surplus dwelling lot will be located well over 120 metres from the identified natural heritage feature, and we understand that the retained farm lands will be subject to a rezoning that will prohibit future dwellings. Based on these circumstances, no negative impacts are anticipated. We can advise the Municipality that this application is consistent with the natural heritage policies of the PPS 2014.

FINAL RECOMMENDATION

We have no objections to these applications for Consent and Minor Variance.

Kristoffer Balallo, Engineering Technician, County of Essex wrote:

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 18. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2481 - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County By-Law Number 2480 - A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 110 feet from the centre of the original ROW of County Road No. 18 due to the presence of the South Townline Drain. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned application. Should this application be approved we are requesting a copy the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

Discussion:

Rita Jabbour, Manager of Planning, explains the nature of the application

Moved by: Ray Beneteau

Seconded by: Brian Gray

(CAO-2020-01-13) That application B-05-20 be granted to sever a +3.17 acre surplus dwelling lot from the existing +74.17 acre agricultural lot subject to the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
- f) That all of the above conditions be fulfilled on or before January 21, 2021.

“Carried”

Reasons: The Application **is** in keeping with subsection 2.3.4 of the Provincial Policy Statement (PPS) respecting lot creation and lot adjustments in prime agricultural areas and subsections 6.4 and 6.5 of the Town of Essex Official Plan policies respecting consents and consents in areas designated “Agricultural”.

5.10 Rita Jabbour, Planner RE:

**Application A-05-20 Marianne Vlodarchyk (Agent: Kenneth Newman),
7458 County Road 18 (Colchester North, Ward 2)**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 7458 County Road 18 in the former township of Colchester North. As a result of a proposed surplus dwelling lot severance, the width of the severed lot will be reduced to 184 feet. The lot area of the severed and retained parcels will be reduced from ±74.17 acres to ±3.17 acres and ±71 acres, respectively. The minimum lot width for lots within Agricultural District 1.1 (A1.1) is 60 metres (200 feet). The minimum lot area for lots within Agricultural District 1.1 is 40 hectares (100 acres) or as existing.

Note: An application for consent has also been received for the subject lands (File Number: B-05-20). The public notice for the consent application has been included with this notice.

5.10.1 Public Presentations (if any)

Rita Jabbour, Planner wrote:

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the lands located at 7458 County Road 18 in the former township of Colchester North. The subject property is designated "Agricultural" under the Town's Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a +3.17 acre surplus dwelling lot parcel from the existing +74.17 acre farm lot. The severed parcel will be occupied by an existing single detached dwelling, two (2) outbuildings and accompanying infrastructure (i.e. water service connection, septic system and access bridge). The retained parcel is proposed to have an area of +71 acres and will continue to be used for agricultural purposes.

Access to the severed parcel will be by way of County Road 18 via the existing access bridge. Access to the retained parcel will continue to be way of County Road 18 via a second existing access bridge along the westerly side lot line.

Proposal Conformity with Town of Essex Official Plan Policies

The applicants are proposing this consent because the residence has been rendered surplus to the farming operation. The Provincial Policy Statement (PPS) defines a *residence surplus to a farming operation* as an existing habitable farm residence that is rendered surplus as a result of farm consolidation. Farm consolidation is defined as the acquisition of additional farm parcels to be operated as one farm operation. In addition to the subject parcel, the applicant/agent (Kenneth Newman) owns two (2) other agricultural operations totalling ninety (90) acres.

In accordance with Town of Essex Official Plan policies relating to consents in areas designated "Agricultural", one (1) lot creating consent will be permitted for a surplus dwelling on the condition that:

- g) No new dwelling will be permitted on the retained farm parcel;
A restricted development layer will be applied to the property upon provisional consent approval on the Town's Geographic Information System (GIS).
- h) the size of the surplus dwelling lot should not be greater than one (1) hectare, however, the choice of consolidating outbuildings with the surplus dwelling will also

be considered when the size and boundaries of the surplus dwelling lot are determined and approved by consent;

the size of the proposed surplus dwelling lot is greater than one (1) hectare because the applicants have chosen to consolidate the outbuildings with the surplus dwelling.

- i) the lot to be created has provision for sewage disposal, a potable water supply and stormwater management systems satisfactory to the Town and other statutory approval authority having jurisdiction;

The surplus dwelling lot has access to municipal water and is serviced by the South Townline Drain. The applicants will be required to obtain satisfactory confirmation that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the consent certificate;

- j) the severed dwelling lot will satisfy Minimum Distance Separation 1 (MDS 1) provisions of the Official Plan;

the lot to be severed contains an existing dwelling. No additional dwellings will be permitted on this lot. Therefore, no livestock facilities will be impacted by the proposed development.

- k) the severed dwelling lot has frontage on a public road;

the severed dwelling lot has frontage on County Road 18, a public road which is owned and assumed by the County of Essex.

- l) the surplus dwelling is in habitable condition, as determined by the Town or certified by a qualified building inspector.

No objections to the application were received from the Building Department.

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

- m) the proposal's consistency with Provincial legislation, policies and guidelines:

The PPS discourages lot creation in *prime agricultural areas* but permits them for a *residence surplus to a farming operation* as a result of farm consolidation, provided that:

- 7. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
- 8. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance;

- n) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the application for consent or minor variance. Comments were also received from the County of Essex. They note that the applicants will be required

to comply with County Road regulations to provide for the protection of highways and the installation of entranceways, and to regulate the location of building and structures on land adjacent to County Roads, should they choose to make any changes to existing entrances and structures, or construct new entrances or structures in the future. Otherwise, they did not state any explicit concerns with the applications. No other comments were received from circulated public authorities or agencies

- o) The continuation of an orderly development pattern:

The surplus dwelling lot is not irregular in shape.

- p) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:

The surplus dwelling lot has access to municipal water and is serviced by the South Townline Drain. The applicants will be required to obtain satisfactory confirmation that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the consent certificate

Requirement for Minor Variance

As a result of the proposed severance, the width of the severed lot will be reduced to 184 feet, and the lot area for the severed and retained lots will decrease in size from +74.17 acres, the existing lot area, to +3.17 acres and 71 acres, respectively. The minimum lot width for lots within Agricultural District 1.1 (A1.1) is 60 metres (200 feet). The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or as existing.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- m) The general intent of this Plan and the Zoning Bylaw are maintained:

Severances for surplus dwellings are permitted in the agricultural district and in accordance with the policies found under section 2.3.4.1 c) of the Town of Essex Official Plan. The main use of the retained parcel will continue to be agricultural. Construction of a new dwelling will not be permitted on the retained farm parcel;

- n) The variance(s) is minor and desirable for the appropriate use of the land:

Lot widths and lot areas in the agricultural district vary greatly. Additionally, no agricultural land will be taken out of production;

- o) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:

The dwelling and accompanying infrastructure are existing and there will be a prohibition against the construction of any new dwelling on the retained agricultural land. Thus, no new entrances or buildings that would impact traffic patterns or neighbouring lots are proposed to be constructed;

- p) The variance deals with circumstances particular to the site and development:

The variance is necessary in order to accommodate a surplus dwelling application.

Public Comment

As a result of the giving of public notice, no phone calls or written correspondence objecting to the severance have been received from members of the public as of Thursday January 16, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:
 - a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
 - b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
 - c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
 - d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
 - e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
 - f) That all of the above conditions be fulfilled on or before January 21, 2021.
2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot width for the severed parcel and the minimum lot area for the severed and retained parcel.

Additional comments resulting from circulation:

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed this application with regards to the natural hazard policies of the PPS and have no objections.

The most southern portion of the above noted lands is subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the South Townline Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

NATURAL HERITAGE POLICIES OF THE PPS, 2014

The subject property contains a natural heritage feature that is identified as a significant woodland, significant valleyland, significant wildlife habitat under the Provincial Policy Statement (PPS, 2014).

Section 2.1.5 of the PPS, 2014 states - Development and site alterations shall not be permitted in significant woodland... and significant valleyland... and significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Based on our review of the subject application, we recommend to the Municipality that an Environmental Impact Assessment is not required in this case. The extents of the proposed surplus dwelling lot will be located well over 120 metres from the identified natural heritage feature, and we understand that the retained farm lands will be subject to a rezoning that will prohibit future dwellings. Based on these circumstances, no negative impacts are anticipated. We can advise the Municipality that this application is consistent with the natural heritage policies of the PPS 2014.

FINAL RECOMMENDATION

We have no objections to these applications for Consent and Minor Variance.

Kristoffer Balallo, Engineering Technician, County of Essex wrote:

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 18. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2481 - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County By-Law Number 2480 - A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 110 feet from the centre of the original ROW of County Road No. 18 due to the presence of the South Townline Drain. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned application. Should this application be approved we are requesting a copy the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

Discussion:

Rita Jabbour, Secretary-Treasurer/Manager of Planning Services, explains the nature of the application

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(CAO-2020-01-14) That application A-05-20 be granted to accommodate a lot width of 184 feet for the severed lot, and a lot area of +3.17 acres and 71 acres for the severed and retained parcels, respectively.

Reasons:

The Committee of Adjustment is of the opinion that the four (4) tests for minor variances under Section 45 (1) of the Planning Act have been satisfied.

“Carried”

5.11 Rita Jabbour, Planner RE:

**Application B-06-20 Gorski Holdings Inc. (Agent: Bernard Gorski),
Vacant Land on the south side of Gore Road (Colchester South, Ward 3)**

A consent application has been received by the Town of Essex Committee of Adjustment for the vacant agricultural lands located on the south side of Gore Road in the former township of Colchester South. The applicants are proposing to sever a ± 0.497 acre parcel from the existing ± 41.5 acre agricultural lot. The applicant is proposing this consent for the purpose of a lot addition. The severed parcel is proposed to be merged with the vacant lands located directly to the East and identified as Part 1 on 12R3976. The retained parcel is proposed to have an area of ± 41.065 acres and will continue to be used for agricultural purposes.

Note: An application for minor variance has also been received for the subject lands (File Number: A-06-20). The public notice for the minor variance application has been included with this notice.

5.11.1 Public Presentations (if any)

Rita Jabbour, Planner wrote:

Official Plan Designation: “Agricultural”

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the vacant agricultural lands located on the south side of Gore Road in the former township of Colchester South. The subject property is designated “Agricultural” under the Town of Essex Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a ± 0.497 acre parcel from the existing ± 41.5 acre agricultural lot. The applicants are proposing this consent for the purpose of a lot addition. The severed parcel is proposed to be merged with the vacant lands located directly to the East and identified as Part 1 on 12R-3976. The severed parcel is presently being used for cultivation. The severed parcel, once merged, is proposed to be grassed.

The retained parcel will continue to be used for agricultural purposes. The proposed severance will not adversely impact the existing farming operation. Gorski Land Holdings Inc. owns seventeen (17) agricultural lots within the Town of Essex. The severed parcel is located between the vacant lot to the East; an existing access area serving the farming operation; and, an existing hydro pole. The location of the severed parcel makes it difficult to cultivate. Access to the retained parcel will continue to be by way of Gore Road via two (2) existing access areas. Thus, the proposed severance will not adversely impact access to the retained lot.

Proposal Conformity with Town of Essex Official Plan Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

- a) the proposal’s consistency with Provincial legislation, policies and guidelines:
the Provincial Policy Statement (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. As a condition of this consent, the applicants will be responsible for submitting evidence that indicates the severed parcel will be consolidated with Part 1 on 12R-3976 ;
- b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:
Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment and the consent is granted in accordance with section 50(3) of the Planning Act.

The applicant has submitted for a variance to accommodate the reduction in lot area for the retained parcel. Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the application for consent or minor variance. No other comments were received from circulated public authorities or agencies;

- c) The continuation of an orderly development pattern:

The lot addition is not irregular in shape;

- d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:
Water supply, sanitary sewage treatment and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot.

Requirement for Minor Variance

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained farm parcel will be reduced from +41.5 acres, the existing lot size, to +41 acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- e) The general intent of this Plan and the Zoning Bylaw are maintained:

The main use of the retained farm parcel will remain agricultural.

- f) The variance(s) is minor and desirable for the appropriate use of the land:

The variance will not impact ingress or egress to the retained parcel. The variance will allow for the lot addition which will make it easier to farm the parcel.

- g) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:

Agricultural lot sizes vary greatly in the agricultural district.

- h) The variance deals with circumstances particular to the site and development:

The variance is necessary to accommodate an application for consent to facilitate a lot addition. The area to be severed is difficult to cultivate due to the location of a neighbouring residential lot, the existing access area and an existing hydro pole.

Public Comment

As a result of the giving of public notice, one (1) written correspondence has been received from a circulated member of the public. Planning contacted the resident to clarify the purpose of the severance following which, the resident withdrew their objection. No other comments were received as of Thursday January 16, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the vacant lands to the east, described as Part 1 on 12R-3976. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before January 21, 2021.

2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained parcel.

Additional comments resulting from circulation:

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed these applications regards to the natural hazard policies of the PPS and have no objections.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

Our office has reviewed the proposal and has no concerns relating to stormwater management. Our office has reviewed the proposal and has no concerns relating to stormwater management.

NATURAL HERITAGE POLICIES OF THE PPS, 2014

The subject property is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant wetland (South Harrow Woods ER 30) under the Provincial Policy Statement (PPS, 2014).

Section 2.1.8 of the PPS states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.” The required demonstration of no negative impact, in accordance with the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA).

Notwithstanding the above noted references to the PPS policies, we understand that the purpose of this application is for a lot addition only, whereby a vacant parcel will be added to another parcel and that there will be no change in land use. We also note that the severed parcel is located well over 120 metres from the natural heritage feature. In our opinion, this type of Planning Act application does not meet the definition of development under the PPS 2014, it is only a reconfiguration of existing lots. Based on this, we advise that these applications are consistent with the natural heritage policies of the PPS.

FINAL RECOMMENDATION

We have no objections to these applications for Consent and Minor Variance.

Discussion:

Rita Jabbour, Secretary-Treasurer/Manager of Planning Services, explains the nature of the application

Moved by: Brian Gray

Seconded by: Phil Pocock

(CAO-2020-01-15) That application B-06-20 be granted to sever a +0.497 acre parcel from the existing +41.5 acre agricultural lot for the purposes of a lot addition subject to the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the vacant lands to the east, described as Part 1 on 12R-3976. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before January 21, 2021.

"Carried"

Reasons: The Application is in keeping with subsection 2.3.4 of the Provincial Policy Statement (PPS) respecting lot creation and lot adjustments in prime agricultural areas and subsections 6.4 and 6.5 of the Town of Essex Official Plan policies respecting consents and consents in areas designated "Agricultural".

5.12 Rita Jabbour, Planner RE:

Application A-06-20 Gorski Holdings Inc. (Agent: Bernard Gorski), Vacant Land on the south side of Gore Road (Colchester South, Ward 3)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the agricultural lands located on the south side of Gore Road in the former township of Colchester South. As a result of a

proposed severance for lot addition, the lot area for the retained parcel will be reduced from ± 41.5 acres to ± 41 acres. The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

Note: An application for consent has also been received for the subject lands (File Number: B-06-20). The public notice for the consent application has been included with this notice.

5.12.1 Public Presentations (if any)

Rita Jabbour, Planner wrote:

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the vacant agricultural lands located on the south side of Gore Road in the former township of Colchester South. The subject property is designated "Agricultural" under the Town of Essex Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a ± 0.497 acre parcel from the existing ± 41.5 acre agricultural lot. The applicants are proposing this consent for the purpose of a lot addition. The severed parcel is proposed to be merged with the vacant lands located directly to the East and identified as Part 1 on 12R-3976. The severed parcel is presently being used for cultivation. The severed parcel, once merged, is proposed to be grassed.

The retained parcel will continue to be used for agricultural purposes. The proposed severance will not adversely impact the existing farming operation. Gorski Land Holdings Inc. owns seventeen (17) agricultural lots within the Town of Essex. The severed parcel is located between the vacant lot to the East; an existing access area serving the farming operation; and, an existing hydro pole. The location of the severed parcel makes it difficult to cultivate. Access to the retained parcel will continue to be by way of Gore Road via two (2) existing access areas. Thus, the proposed severance will not adversely impact access to the retained lot.

Proposal Conformity with Town of Essex Official Plan Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

- a) the proposal's consistency with Provincial legislation, policies and guidelines:
the Provincial Policy Statement (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. As a condition of this consent, the applicants will be responsible for submitting

evidence that indicates the severed parcel will be consolidated with Part 1 on 12R-3976 ;

- b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment and the consent is granted in accordance with section 50(3) of the Planning Act.

The applicant has submitted for a variance to accommodate the reduction in lot area for the retained parcel. Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the application for consent or minor variance. No other comments were received from circulated public authorities or agencies;

- c) The continuation of an orderly development pattern:

The lot addition is not irregular in shape;

- d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:

Water supply, sanitary sewage treatment and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot.

Requirement for Minor Variance

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained farm parcel will be reduced from +41.5 acres, the existing lot size, to +41 acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- e) The general intent of this Plan and the Zoning Bylaw are maintained:

The main use of the retained farm parcel will remain agricultural.

- f) The variance(s) is minor and desirable for the appropriate use of the land:

The variance will not impact ingress or egress to the retained parcel. The variance will allow for the lot addition which will make it easier to farm the parcel.

- g) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:

Agricultural lot sizes vary greatly in the agricultural district.

- h) The variance deals with circumstances particular to the site and development:

The variance is necessary to accommodate an application for consent to facilitate a lot addition. The area to be severed is difficult to cultivate due to the location of a neighbouring residential lot, the existing access area and an existing hydro pole.

Public Comment

As a result of the giving of public notice, one (1) written correspondence has been received from a circulated member of the public. Planning contacted the resident to clarify the purpose of the severance following which, the resident withdrew their objection. No other comments were received as of Thursday January 16, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:
 - a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
 - b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
 - c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
 - d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
 - e) That the severed parcel be consolidated with the vacant lands to the east, described as Part 1 on 12R-3976. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
 - f) That all of the above conditions be fulfilled on or before January 21, 2021.
2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained parcel.

Additional comments resulting from circulation:

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed these applications regards to the natural hazard policies of the PPS and have no objections.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

Our office has reviewed the proposal and has no concerns relating to stormwater management. Our office has reviewed the proposal and has no concerns relating to stormwater management.

NATURAL HERITAGE POLICIES OF THE PPS, 2014

The subject property is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant wetland (South Harrow Woods ER 30) under the Provincial Policy Statement (PPS, 2014).

Section 2.1.8 of the PPS states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.” The required demonstration of no negative impact, in accordance with the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA).

Notwithstanding the above noted references to the PPS policies, we understand that the purpose of this application is for a lot addition only, whereby a vacant parcel will be added to another parcel and that there will be no change in land use. We also note that the severed parcel is located well over 120 metres from the natural heritage feature. In our opinion, this

type of Planning Act application does not meet the definition of development under the PPS 2014, it is only a reconfiguration of existing lots. Based on this, we advise that these applications are consistent with the natural heritage policies of the PPS.

FINAL RECOMMENDATION

We have no objections to these applications for Consent and Minor Variance.

Discussion:

Rita Jabbour, Secretary-Treasurer/Manager of Planning Services, explains the nature of the application.

Moved by: Ray Beneteau

Seconded by: Brian Gray

(CAO-2020-01-16) That application A-06-20 be granted to accommodate a lot area of +41 acres for the retained parcel.

“Carried”

Reasons:

The Committee of Adjustment is of the opinion that the four (4) tests for minor variances under Section 45 (1) of the Planning Act have been satisfied.

6. Unfinished Business

6.1 Committee of Adjustment Meeting Schedule 2020

Moved by: Phil Pocock

Seconded by: Ray Beneteau

(CAO-2020-01-17) That the 2020 Committee of Adjustment meeting schedule be adopted as circulated.

“Carried”

7. Correspondence

8. New Business

9. Notices of Motion

10. Adjournment

Moved by: Phil Pocock/

Seconded by: Ray Beneteau

(CAO-2020-01-18) That the meeting be adjourned at 6:42 p.m.

11. Next Meeting

11.1 No meeting scheduled for February 11th at this time.

Chair

Secretary-Treasurer

The following Notice of Motion was presented at the June 15, 2020 Regular Council Meeting for Council's consideration this evening:

Councillor Bondy

RE: Consultant to value E.L.K. Energy

Moved by Councillor Bondy

That Council designate funds for the 2021 budget process to hire a Consultant for a valuation of E.L.K. Energy, being that it is a town owned asset and knowing its value is important to our shareholders.

The Corporation of the Town of Essex

By-Law Number 1918

Being a by-law to provide for the James Shepley Drain Bolger Bridge, Geographic Township of Colchester North, Project REI2020D002, Town of Essex, County of Essex.

Whereas the Town of Essex Drainage Department recommended that Council appoint a Drainage Engineer to prepare a drainage report for the James Shepley Drain Bolger Bridge, Geographic Township of Colchester North, Project REI2020D002, Town of Essex, County of Essex;

And Whereas Section 78 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010, states that the Council of any municipality whose duty it is to maintain and repair the drainage works or any part thereof, may on the report of an Engineer appointed by it, complete the drainage works as set forth in such report;

And Whereas an Engineers Drainage report dated April 8, 2020 and considered by the Drainage Board at its April 27, 2020 Consideration of Report meeting, has been procured and made by Gerard Rood, Professional Engineer, Rood Engineering Inc. and that the said report is attached hereto and forms part of this by-law as Schedule "A" hereto;

And Whereas the Council of The Corporation of the Town of Essex is of the opinion that the said drainage works and/or improvements are warranted and desirable;

Now therefore the Council of The Corporation of the Town of Essex pursuant to the Drainage Act enacts as follows:

1. That the considered report dated April 8, 2020 and attached hereto as Schedule A to this By-law is hereby adopted and that the said drainage works and/or improvements as therein indicated and set forth are hereby authorized and shall be completed in accordance therewith.
2. That the Corporation of the Town of Essex may borrow on the credit of the Corporation the amount of \$41,000.00, the amount necessary for the construction of the said drainage works.
3. That the Corporation may issue debentures for the amount borrowed less the total amount of:

- Grants received under Section 85 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended, 2010;
- Commuted payments made in respect of lands and roads assessed within the Municipality;
- Money paid under Section 61(3) of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010;

and such debentures shall be made payable: a) in the case of assessments in value of between \$500.00 and \$9,999.99 within (5) five years from the date of the debenture and shall bear interest at a rate not higher than the lending rates published by Infrastructure Ontario for municipalities; or b) in the case of assessments in value of \$10,000.00 and greater, within (10) ten years from the date of the debenture and shall bear interest at a rate not higher than the lending rates published by Infrastructure Ontario for municipalities

4. That a special equal annual rate sufficient to redeem the principal and interest on the debentures shall be levied upon the lands and roads as set forth in the Schedule, to be collected in the same manner as other taxes collected in each year for (5) five or (10) ten years (as applicable) after the passing of this by-law.
5. For paying the amount assessed upon the lands and roads belonging to or controlled by the Municipality, a special rate sufficient to pay the amount assessed plus interest thereon, shall be levied upon the whole rateable property in the Town of Essex, in each year for five years after the passing of this by-law to be collected in the same manner and at the same time as other taxes are collected.
6. All assessments of \$499.99 or less are payable in the first year in which the assessment is imposed.
7. The by-law comes into force on the passing thereof and may be cited as-“James Shepley Drain Bolger Bridge”.

Read a first and a second time and provisionally adopted on June 1, 2020.

Mayor

Clerk

Read a third time and finally passed on

Mayor

Clerk

The Corporation of the Town of Essex

By-Law Number 1922

Being a by-law to confirm the proceedings of the June 15, 2020, Regular Meeting of Council of The Corporation of the Town of Essex

Whereas pursuant to Section 5(1) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, the powers of a municipality shall be exercised by its Council;

And whereas pursuant to Section 5(3) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

And whereas it is deemed expedient that a by-law be passed to authorize the execution of Agreements and other documents and that the proceedings of the Council of The Corporation of the Town of Essex at its meetings be confirmed and adopted by by-law.

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

1. That the actions of the Council of The Corporation of the Town of Essex in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all other actions passed and taken by the Council of The Corporation of the Town of Essex, documents and transactions entered into during the June 15, 2020 meeting of Council, are hereby adopted and confirmed as if the same were expressly contained in this by-law.
2. That the Mayor and proper officials of The Corporation of the Town of Essex are hereby authorized and directed to do all the things necessary to give effect to the actions of the Council of The Corporation of the Town of Essex during the said June 15, 2020 meeting referred to in paragraph 1 of this by-law.
3. That the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary to the actions taken by this Council as described in Section 1 of this by-law and to affix the Corporate Seal of The Corporation of the Town of Essex to all documents referred to in said paragraph 1.

Read a first and a second time and provisionally adopted on June 15, 2020.

Mayor

Clerk

Read a third time and finally adopted on July 6, 2020.

Mayor

Clerk

The Corporation of the Town of Essex

By-Law Number 1930

Being a by-law to confirm the proceedings of the July 6, 2020, Regular Meeting of Council of The Corporation of the Town of Essex

Whereas pursuant to Section 5(1) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, the powers of a municipality shall be exercised by its Council;

And whereas pursuant to Section 5(3) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

And whereas it is deemed expedient that a by-law be passed to authorize the execution of Agreements and other documents and that the proceedings of the Council of The Corporation of the Town of Essex at its meetings be confirmed and adopted by by-law.

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

1. That the actions of the Council of The Corporation of the Town of Essex in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all other actions passed and taken by the Council of The Corporation of the Town of Essex, documents and transactions entered into during the July 6, 2020 meeting of Council, are hereby adopted and confirmed as if the same were expressly contained in this by-law.
2. That the Mayor and proper officials of The Corporation of the Town of Essex are hereby authorized and directed to do all the things necessary to give effect to the actions of the Council of The Corporation of the Town of Essex during the said July 6, 2020 meeting referred to in paragraph 1 of this by-law.
3. That the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary to the actions taken by this Council as described in Section 1 of this by-law and to affix the Corporate Seal of The Corporation of the Town of Essex to all documents referred to in said paragraph 1.

Read a first and a second time and provisionally adopted on July 6, 2020.

Mayor

Clerk

Read a third time and finally adopted on July 20, 2020.

Mayor

Clerk