

Regular Council Meeting Agenda

Date: Tuesday, June 28, 2022, 7:00 pm

Location: Electronic meeting live streamed at: <https://video.isilive.ca/tecumseh/live.html>.

Pages

- A. Roll Call**
- B. Order**
- C. Report Out of Closed Meeting**
- D. Moment of Silence**
- E. National Anthem**
- F. Land Acknowledgement**

We acknowledge that we are on land and surrounded by water, originally inhabited by Indigenous Peoples who have travelled this area since time immemorial. This territory is within the lands honoured by the Wampum Treaties; agreements between the Anishinaabe, Haudenosaunee, Leni Lenape and allied Nations to peacefully share and care for the resources around the Great Lakes. Specifically, we would like to acknowledge the presence of the Three Fires Confederacy Ojibwe, Odawa, Potawatomi and Huron/Wendat Peoples. We are dedicated to honouring Indigenous history and culture while remaining committed to moving forward respectfully with all First Nations, Inuit and Métis.

- G. Disclosure of Pecuniary Interest**
- H. Minutes**

- | | |
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| 1. Regular Council Meeting - May 24, 2022 | 6 - 17 |
| 2. Public Council Meeting - May 24, 2022 - 12332 Riverside Drive | 18 - 20 |
| 3. Public Council Meeting - May 24, 2022 - 6780 Holden Road | 21 - 23 |
| 4. Public Council Meeting, June 7, 2022 - CIP - Industrial Incentives | 24 - 27 |
| 5. Special Council Meeting - June 7, 2022 | 28 - 31 |

I. Supplementary Agenda Adoption

J. Delegations

1. Essex Region Conservation Authority 32 - 51
Re: Katie Stammler, PHD, Water Quality Scientist/Source Water Protection Manager

K. Communications - For Information

1. City of Windsor dated May 27, 2022 52 - 54
Re: Notice of Study Area Expansion and Public Consultation for Stormwater Management for the Lauzon Parkway and County Road 42 Improvements
2. Prime Minister Response dated May 20, 2022 55 - 55
Re Gravenhurst Resolution on Russian Sanctions
3. In Honour of the Ones We Love dated May 19, 2022 56 - 56
Re: Henri Breault Award
4. City of Windsor dated June 22, 2022 57 - 57
Re: Required rezoning for the proposed EV Battery manufacturing facility resolution
5. Town of LaSalle dated June 21, 2022 58 - 59
Re: Notice of Public Information Centre No. 2 - LaSalle Detroit River Storm Sewer Outfalls Study

L. Communications - Action Required

1. CN Rail dated June 15, 2022 60 - 61
Re: National Rail Safety Week

It is recommended:

"That The Corporation of the Town of Tecumseh **support** National Rail Safety week to be held from September 19 to 25, 2022".

M. Committee Minutes

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N. Reports

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 - a. CAO-PC-2022-04 Right to Disconnect Policy 75 - 82
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 - a. DS-2022-24 Bill 109, The More Homes for Everyone Act, 2022 - Summary Report 110 - 119
 - b. DS-2022-26 Site Plan Control, 13605 St. Gregory's Road, L'Essor High School 120 - 150
 - c. DS-2022-27 Zoning By-Law Amendment - Housekeeping ARU Guidelines, Scheduling of Public Meeting 151 - 158
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4. Legislative & Clerk Services
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 - b. LCS-2022-23 Request for Noise By-Law Exemption - Nick Aujla - India 47 187 - 191
 - c. LCS-2022-25 Request for Noise By-Law Exemption - St. Charbel's Church 192 - 195
 - d. LCS-2022-22 Request for Noise By-law Exemption - Tabouli by Eddy's 196 - 200
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O. By-Laws

1.	By- Law 2022-044	358 - 361
	Being a by-law to amend By-Law No. 2003-58, being a by-law to prohibit parking on private property without consent of the owner or occupant and to provide for the towing away of motor vehicles thereon	
2.	By-Law 2022-045	362 - 363
	A by-law to assess actual costs incurred for maintenance of various drains	
3.	By-Law 2022-046	364 - 404
	Being a by-law to authorize the execution of a Site Plan Control Agreement between The Corporation of the Town of Tecumseh and Greater Essex County District School Board	
4.	By-Law 2022-047	405 - 408
	Being a by-law to amend By-law 85-18, the Town's Comprehensive Zoning By-law for those lands in the former Township of Sandwich South (Planning File: D19 6780HO – 6780 Holden Road Condition of Consent Application B-01-22)	
5.	By-Law 2022-048	409 - 412
	Being a by-law to confirm and appoint certain officers, servants and employees of The Corporation of the Town of Tecumseh	

6. By-Law 2022-049 413 - 414
Being a by-law to appoint an authorized person to approve site plan control applications on behalf of the municipality

7. By-Law 2022-050 415 - 418
Being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and Coco Paving Inc. for the construction of the Tecumseh Road East - Street and Storm Sewer Improvements

P. Unfinished Business

1. June 28, 2022 419 - 419

Q. New Business

R. Motions

1. Confirmatory By-Law 2022-051 420 - 421

S. Notices of Motion

T. Next Meeting

Tuesday, July 12, 2022

6:00 pm Public Council Meeting - South Talbot Road Drain East and 12th Line Drain

6:30 pm Public Council Meeting - Sullivan Creek Drain

7:00 pm Regular Council Meeting

U. Adjournment

Regular Meeting of Council

Minutes

Date: Tuesday, May 24, 2022
Time: 7:00 pm
Location: Electronic meeting live streamed at:
<https://video.isilive.ca/tecumseh/live.html>.

Present:
Mayor, Gary McNamara
Deputy Mayor, Joe Bachetti
Councillor, Bill Altenhof
Councillor, Brian Houston
Councillor, Tania Jobin
Councillor, Rick Tonial

Absent:
Councillor, Andrew Dowie

Also Present:
Chief Administrative Officer, Margaret Misek-Evans
Director Community & Recreation Services, Paul Anthony
Director Public Works & Engineering Services, Phil Bartnik
Director Community Safety & Fire Chief, Wade Bondy
Director People & Culture, Michelle Bonnici
Director Technology & Client Services, Shaun Fuerth
Director Development Services, Brian Hillman
Director Financial Services & Chief Financial Officer, Tom Kitsos
Deputy Clerk & Manager Legislative Services, Jennifer Alexander
Manager Committee & Community Services, Christina Hebert
Manager Planning Services & Local Economic Development,
Chad Jeffery

A. Roll Call

B. Order

The Mayor calls the meeting to order at 7:00 pm.

C. Report Out of Closed Meeting

There was no closed meeting scheduled.

D. Moment of Silence

The Moment of Silence is waived in light of the electronic holding of this meeting.

E. National Anthem

The National Anthem is waived in light of the electronic holding of this meeting.

F. Land Acknowledgement

We acknowledge that we are on land and surrounded by water, originally inhabited by Indigenous Peoples who have travelled this area since time immemorial. This territory is within the lands honoured by the Wampum Treaties; agreements between the Anishinaabe, Haudenosaunee, Lenni Lenape and allied Nations to peacefully share and care for the resources around the Great Lakes. Specifically, we would like to acknowledge the presence of the Three Fires Confederacy Ojibwe, Odawa, Potawatomi and Huron/Wendat Peoples. We are dedicated to honouring Indigenous history and culture while remaining committed to moving forward respectfully with all First Nations, Inuit and Métis.

G. Disclosure of Pecuniary Interest

There is no pecuniary interest declared by a Member of Council.

H. Minutes

- 1. Regular Council Meeting - May 10, 2022**
- 2. Special Council Meeting - May 5, 2022 - Strategic Priorities**
- 3. Special Council Meeting - May 10, 2022 - Clerk's Service Delivery Review**

Motion: RCM - 157/22

Moved by Deputy Mayor Joe Bachetti
Seconded by Councillor Tania Jobin

That the minutes of the May 10, 2022 Regular Meeting of Council, the minutes of the May 5, 2022 Special Meeting of Council, and the minutes of the May 10, 2022 Special Meeting of Council, as were duplicated and delivered to the members, **be adopted**.

Carried

I. Supplementary Agenda Adoption

There are no Supplementary Agenda items.

J. Delegations

There are no Delegations presented to Council.

K. Communications - For Information

- 1. City of Barrie dated March 17, 2022**

Re Joint and Several Liability

- 2. Township of Zorra dated April 20, 2022**
Re: Support of the City of Barrie's resolution on Joint and Several Liability
- 3. Township of Alnwick dated April 25, 2022**
Re: Support of the City of Barrie's resolution on Joint and Several Liability
- 4. City of Vaughan dated April 28, 2022**
Re: Municipal Final Authority for Development Planning
- 5. City of Waterloo dated March 23, 2022**
Re: Ontario Must Build it Right the First Time
- 6. Multi-Municipal Wind Turbine Working Group dated April 22, 2022**
Re: Installation of industrial-commercial wind generation facilities
- 7. Office of the Solicitor-General dated May 2, 2022**
Re: Windsor-Essex Regional Community Safety and Well-Being Plan
- 8. Tay Valley Township dated May 3, 2022**
Re: Support for AMO's resolution on Firefighter Certification
- 9. Town of South Bruce Peninsula dated April 21, 2022**
Re: New Home Tax Rebate Program
- 10. Township of Amaranth dated April 26, 2022**
Re: Support of Township of Mulmur's Resolution on More Homes for Everyone Act
- 11. Township of Cramahe dated April 27, 2022**
Re: Bill 109 More Homes for Everyone Act
- 12. Township of Arnprior dated April 28, 2022**
Re: Support for Humanitarian Efforts in Ukraine
- 13. Township of East Hawkesbury dated May 9, 2022**
Re: Support for the Township of Clearview's resolution on Funding Support for Infrastructure Projects
- 14. Township of Horton dated May 3, 2022**
Re: Support for the Township of Clearview's resolution on Funding Support for Infrastructure Projects
- 15. County of Essex dated May 5, 2022**
Re: Active School Travel Charter for Windsor Essex County

Motion: RCM - 158/22

Moved by Councillor Bill Altenhof
Seconded by Councillor Rick Tonial

That Communications - For Information 1 through 15 as listed on the Tuesday, May 24, 2022 Regular Council Agenda, **be received**.

Carried

L. Communications - Action Required

- 1. 33rd Annual Essex Region Conservation Foundation Golf Tournament scheduled for Thursday, July 21, 2022**

[View link here](#)

Motion: RCM - 159/22

Moved by Deputy Mayor Joe Bachetti
Seconded by Councillor Brian Houston

That the Mayor and Members of Council **be authorized** to attend the 33rd Annual Essex Region Conservation Foundation Golf Tournament scheduled for Thursday, July 21, 2022 from 11:45 am to 5:00 pm at the Kingsville Golf & Country Club, in accordance with the Education and Travel Policies and subject to 2022 Budget funding.

Carried

M. Committee Minutes

- 1. Tecumseh Accessibility Advisory Committee dated April 28, 2022 and May 10, 2022**

Motion: RCM - 160/22

Moved by Councillor Brian Houston
Seconded by Councillor Tania Jobin

That the April 28, 2022 and May 10, 2022 minutes of the Tecumseh Accessibility Advisory Committee, as were duplicated and delivered to the members, **be accepted**.

Carried

N. Reports**1. Community & Recreation Services**

- a. CRS-2022-13 Awarding for the Supply and Install of Two (2) HVAC Units at Cada Library

Motion: RCM - 161/22

Moved by Councillor Bill Altenhof
Seconded by Councillor Brian Houston

That the cost proposal of \$48,183 (plus \$848 non-refundable HST) submitted by Trane Canada ULC for the supply and install of two (2) HVAC Units for the CADA Library located at 13675 St. Gregory's Road, **be approved**;

And that the project overage in the amount of \$5,031 **be funded** through the Buildings Lifecycle Reserve.

Carried

2. Development Services

- a. DS-2022-19 Site Plan Control, Bear Development Inc. 5395-5405 Outer Drive

Motion: RCM - 162/22

Moved by Councillor Brian Houston
Seconded by Deputy Mayor Joe Bachetti

That "Site Plan – SP1", as prepared by Bear Construction and Engineering, and attached hereto as Attachment 2A, which depicts the construction of an 876.5 square metre (9,435 square foot) industrial building, 91.0 square metre (980 square foot) accessory storage structure, along with associated on-site works, on a 0.71 hectare (1.77 acre) property located on the west side of Outer Drive, approximately 30 metres (98 feet) north of its intersection with Blackacre Drive (5395-5405 Outer Drive), **be approved**, subject to:

- i. the Owner depositing with the Town security in the form of cash or letter of credit in the amount of twenty-five thousand dollars (\$25,000) to ensure that all of the services and other obligations of the Owner are completed to the satisfaction of the Town, which cash or letter of credit security deposit shall be returned to the Owner upon completion and final inspection of all obligations of the Owner; and
- ii. storm water management report and associated servicing drawings being approved by the Town.

all of which is in accordance with Section 41 of the *Planning Act, R.S.O. 1990*.

Carried

- b. DS-2022-20 Site Plan Control, 1808250 Ontario Limited (c/o Rosati Construction), 5515 Roscon Industrial Drive

Motion: RCM - 163/22

Moved by Councillor Rick Tonial

Seconded by Councillor Tania Jobin

That “Site Plan – A1.0”, as prepared by Rosati Construction, and attached hereto as Attachment 2A, which depicts the construction of a 1,340.5 square metre (14,430 square foot) addition to an existing 2,920.4 square metre (31,435 square foot) industrial building, along with associated on-site works, on a 0.97 hectare (2.40 acre) property located on the west side of Roscon Industrial Drive, approximately 190 metres (623 feet) south of its intersection with Blackacre Drive (5515 Roscon Industrial Drive), **be approved**, subject to:

- i. the Owner depositing with the Town security in the form of cash or letter of credit in the amount of twenty-five thousand dollars (\$25,000) to ensure that all of the services and other obligations of the Owner are completed to the satisfaction of the Town, which cash or letter of credit security deposit shall be returned to the Owner upon completion and final inspection of all obligations of the Owner; and
- ii. storm water management report and associated servicing drawings being approved by the Town;

all of which is in accordance with Section 41 of the *Planning Act, R.S.O. 1990*.

Carried

- c. DS-2022-22 Financial Incentive Program Grant Application - Tecumseh Road Main Street Community Improvement Plan - 1122 Lesperance Road

Motion: RCM - 164/22

Moved by Councillor Bill Altenhof

Seconded by Councillor Brian Houston

That the Grant Application for the Tecumseh Road Main Street Community Improvement Plan (CIP) Financial Incentive Program for the property located at 1122 Lesperance Road (Roll No. 374415000002200), **be deemed eligible and approved** for the Parking Area Improvement

Grant Program in the amount of \$7,680 in relation to the parking lot improvements proposed for the subject property, all of which is in accordance with Section 11.3 (5) of the CIP and with DS-2022-22.

Carried

3. Legislative & Clerk Services

- a. LCS-2022-13 Election 2022 - Tecumseh Elections Compliance Audit Committee Applications

Motion: RCM - 165/22

Moved by Deputy Mayor Joe Bachetti
Seconded by Councillor Rick Tonial

That Report LCS-2022-13 regarding the Tecumseh Election Compliance Audit Committee for the 2022 Municipal and School Board Elections **be received;**

And that the Tecumseh Election Compliance Audit Committee consist of the following four (4) members to **be appointed** for the term of November 15, 2022 to November 14, 2026:

- Mary Birch
- Katherine Hebert
- Jerry Marion, and
- Mary Masse.

Carried

- b. LCS-2022-17 Rodent Abatement

Motion: RCM - 166/22

Moved by Councillor Bill Altenhof
Seconded by Councillor Rick Tonial

That Report LCS-2022-17 entitled "Rodent Abatement", **be received;**

And that the Pilot Rodent Abatement Program for Residential Properties concept set out in Report LCS-2022-17 **be approved** for the remaining 2022 calendar year to provide a partially subsidized rebate to assist property owners with rat eradication, under funding approved in the amount of \$10,000 in the 2022 annual operating budget;

And further that an Informal Quotation process **be authorized** to contract a licensed extermination company for rodent abatement at a fixed rate per property.

Carried

c. LCS-2022-18 Licensing of Mobile Food Vendors

Motion: RCM - 167/22

Moved by Councillor Brian Houston
Seconded by Councillor Rick Tonial

That Report LCS-2022-18 entitled "Licensing of Mobile Food Vendors", **be received**;

And that Report LCS-2022-018 and draft By-Law 2022-040 on Mobile Food Vendors on the Town's PlaceSpeak platform for 30 days to provide opportunity to receive public input on the draft by-law;

And further that Administration report back to Council on the outcome of the public consultation and recommended changes to the draft by-law.

Carried

d. LCS-2022-19 Donation of Bronze Sculpture of Tecumseh

Motion: RCM - 168/22

Moved by Councillor Bill Altenhof
Seconded by Councillor Tania Jobin

That Report LCS-2022-19 entitled "Donation of a Bronze Sculpture of Tecumseh", **be received**;

And that By-Law 2022-041 being a by-law to enter into an agreement with Guy R. Greve for the donation of the bronze sculpture of Chief Tecumseh, **be adopted**;

And further that the Mayor and Clerk **be authorized** to execute the Agreement between the Town of Tecumseh and Guy R. Greve for the donation of the sculpture for permanent display.

Carried

- e. LCS-2022-20 Illumination of Town Buildings Policy

Motion: RCM - 169/22

Moved by Councillor Brian Houston
Seconded by Deputy Mayor Joe Bachetti

That Report LCS-2022-20 entitled "Illumination of Town Buildings Policy",
be received;

And that the Illumination of Town Buildings Policy, as appended to Report
LCS-2022-20, **be adopted;**

And further that Council **authorize** illuminating Town Hall red on Monday
May 30 to Friday June, 3, 2022 in honour of National AccessAbility Week.

Carried

O. By-Laws

1. By-Law 2022-038

Being a by-law to authorize the execution of a Development Agreement
between The Corporation of the Town of Tecumseh and Old Castle
Heights Inc.

2. By-Law 2022-039

Being a by-law to adopt a Cannabis Retail Stores Policy Statement and to
delegate authorities and duties associated with providing municipal
comments to an Application for a Proposed Retail Cannabis Store.

3. By-Law 2022-040

Being a by-law to confirm and appoint certain officers, servants and
employees of The Corporation of the Town of Tecumseh.

4. By-Law 2022-041

Being a by-law to authorize the execution of an Agreement between The
Corporation of the Town of Tecumseh and Guy R. Greve.

Motion: RCM - 170/22

Moved by Councillor Bill Altenhof
Seconded by Councillor Rick Tonial

That By-Law 2022-038 being a by-law to authorize the execution of a
Development Agreement between The Corporation of the Town of
Tecumseh and Old Castle Heights Inc.;

That By-law 2022-039 being a by-law to adopt a Cannabis Retail Stores
Policy Statement and to delegate authorities and duties associated with

providing municipal comments to an Application Proposed Retail Cannabis Store;

That By-Law 2022-040 being a by-law to confirm and appoint certain officers, servants and employees of The Corporation of the Town of Tecumseh;

That By-law 2022-041 being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and Guy R. Greve.

Be given first and second reading.

Carried

Motion: RCM - 171/22

Moved by Councillor Brian Houston

Seconded by Councillor Tania Jobin

That By-Law 2022-038 being a by-law to authorize the execution of a Development Agreement between The Corporation of the Town of Tecumseh and Old Castle Heights Inc.;

That By-law 2022-039 being a by-law to adopt a Cannabis Retail Stores Policy Statement and to delegate authorities and duties associated with providing municipal comments to an Application Proposed Retail Cannabis Store;

That By-Law 2022-040 being a by-law to confirm and appoint certain officers, servants and employees of The Corporation of the Town of Tecumseh;

That By-law 2022-041 being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and Guy R. Greve.

Be given third and final reading.

Carried

P. Unfinished Business

1. May 24, 2022

The Members receive the Unfinished Business listing for Tuesday, May 24, 2022.

Q. New Business

St. Mary's Parish

A Member advises that St. Mary's church is celebrating 175 year Anniversary and requests that the celebratory events be shared on the Town's website.

Festa della Repubblica

The Deputy Mayor advises on a request from the Ciociaro Club to celebrate Italian Republic Day, known as 'Festa della Repubblica' for Italians, which is nationally celebrated in Italy on June 2, every year. The historical day commemorates the institutional referendum of 1946 when Italians were called to take a vote and decide the form of their government after World War II.

Motion: RCM - 172/22

Moved by Deputy Mayor Joe Bachetti
Seconded by Councillor Rick Tonial

That Administration assist with the Ciociaro Club's request of a flag raising ceremony on June 2, 2022 at Town Hall to celebrate Festa della Repubblica.

Carried

R. Motions

1. Confirmatory By-Law 2022-042

Motion: RCM - 173/22

Moved by Councillor Bill Altenhof
Seconded by Councillor Rick Tonial

That By-Law 2022-042 being a by-law to confirm the proceedings of the Tuesday, May 24, 2022, regular meeting of the Council of The Corporation of the Town of Tecumseh **be given** first, second, third and final reading.

Carried

S. Notices of Motion

There are no Notices of Motion presented to Council.

T. Next Meeting

Tuesday, June 7, 2022

5:30 pm Public Council Meeting - Town Wide CIP - Industrial Incentives

6:30 pm Court of Revision - Lachance Drain

U. Adjournment

Motion: RCM - 174/21

Moved by Councillor Bill Altenhof

Seconded by Councillor Brian Houston

That there being no further business, the Tuesday, May 24, 2022 meeting of the Regular Council **be adjourned** at 8:25 pm.

Carried

Gary McNamara, Mayor

Jennifer Alexander, Deputy Clerk

Public Meeting of Council

Minutes

Date: Tuesday, May 24, 2022
Time: 5:30 pm
Location: Electronic meeting live streamed at:
<https://video.isilive.ca/tecumseh/live.html>.

Present: Mayor, Gary McNamara
Deputy Mayor, Joe Bachetti
Councillor, Bill Altenhof
Councillor, Brian Houston
Councillor, Tania Jobin
Councillor, Rick Tonial

Absent: Councillor, Andrew Dowie

Also Present: Chief Administrative Officer, Margaret Misk-Evans
Director Public Works & Engineering Services, Phil Bartnik
Director People & Culture, Michelle Bonnici
Director Technology & Client Services, Shaun Fuerth
Director Development Services, Brian Hillman
Director Financial Services & Chief Financial Officer, Tom Kitsos
Deputy Clerk & Manager Legislative Services, Jennifer Alexander
Manager Committee & Community Services, Christina Hebert
Manager Planning Services & Local Economic Development, Chad Jeffery

A. Roll Call

B. Call to Order

The Mayor calls the meeting to order at 5:30 pm.

C. Land Acknowledgement

We acknowledge that we are on land and surrounded by water, originally inhabited by Indigenous Peoples who have travelled this area since time immemorial. This territory is within the lands honoured by the Wampum Treaties; agreements between the Anishinaabe, Haudenosaunee, Leni Lenape and allied Nations to peacefully share and care for the resources around the Great Lakes. Specifically, we would like to acknowledge the presence of the Three Fires Confederacy Ojibwe, Odawa, Potawatomi and Huron/Wendat Peoples. We are

dedicated to honouring Indigenous history and culture while remaining committed to moving forward respectfully with all First Nations, Inuit and Métis.

D. Disclosure of Pecuniary Interest

There is no pecuniary interest declared by a Member of Council.

E. Introduction and Purpose of Meeting

The purpose of the meeting is to hear public comment on a Zoning By-law amendment application (Application/File: D19 12322RIV) that has been submitted for a 0.12 hectare (0.29 acre) parcel of land situated on the north side of Riverside Drive (12322 Riverside Drive), approximately 45 metres (147 feet) east of its intersection with Lesperance Road. The purpose of the application is to amend Zoning By-law 1746 by rezoning the subject property from “Residential Zone 1 (R1)” to a site-specific “Residential Zone 1 (R1)” in order to permit the conversion of an existing accessory structure (garage) into a stand-alone Additional Residential Unit (ARU), in accordance with subsection 4.2.2 viii) of the Tecumseh Official Plan.

The Manager Planning Services outlines the report as appended on the agenda.

F. Delegations

1. Patricia Warren, Applicant

The applicant is present at the meeting and available to answer any questions from the Members. There are no questions from the Members.

G. Communications

1. Notice of Public Meeting
2. Essex Region Conservation Authority dated May 20, 2022

Motion: PCM - 20/22

Moved By Councillor Brian Houston
Seconded By Deputy Mayor Joe Bachetti

That Communications - For Information 1 and 2 as listed on the Tuesday, May 24, 2022 Public Council Meeting Agenda, **be received.**

Carried

H. Reports

1. DS-2022-13 ZBA 12322 Riverside Drive, Scheduling of a Public Meeting

Motion: PCM - 21/22

Moved By Councillor Tania Jobin

Seconded By Councillor Brian Houston

That Report DS-2022-13 entitled "Zoning By-Law Amendment 12322 Riverside Drive, Scheduling of a Public Meeting", **be received.**

Carried

I. Adjournment

Motion: PCM - 22/22

Moved By Councillor Rick Tonial

Seconded By Councillor Bill Altenhof

That there being no further business, the Tuesday, May 24, 2022 meeting of the Public Council Meeting **be adjourned** at 5:43 pm.

Carried

Gary McNamara, Mayor

Jennifer Alexander, Deputy Clerk

Public Meeting of Council

Minutes

Date: Tuesday, May 24, 2022
Time: 6:00 pm
Location: Electronic meeting live streamed at:
<https://video.isilive.ca/tecumseh/live.html>.

Present: Mayor, Gary McNamara
Deputy Mayor, Joe Bachetti
Councillor, Bill Altenhof
Councillor, Brian Houston
Councillor, Tania Jobin
Councillor, Rick Tonial

Absent: Councillor, Andrew Dowie

Also Present: Chief Administrative Officer, Margaret Misk-Evans
Director Public Works & Engineering Services, Phil Bartnik
Director People & Culture, Michelle Bonnici
Director Technology & Client Services, Shaun Fuerth
Director Development Services, Brian Hillman
Director Financial Services & Chief Financial Officer, Tom Kitsos
Deputy Clerk & Manager Legislative Services, Jennifer Alexander
Manager Committee & Community Services, Christina Hebert
Manager Planning Services & Local Economic Development, Chad Jeffery

A. Roll Call

B. Call to Order

The Mayor calls the meeting to order at 6:00 pm.

C. Land Acknowledgement

We acknowledge that we are on land and surrounded by water, originally inhabited by Indigenous Peoples who have travelled this area since time immemorial. This territory is within the lands honoured by the Wampum Treaties; agreements between the Anishinaabe, Haudenosaunee, Lenni Lenape and allied Nations to peacefully share and care for the resources around the Great Lakes. Specifically, we would like to acknowledge the presence of the Three Fires Confederacy Ojibwe, Odawa, Potawatomi and Huron/Wendat Peoples. We are

dedicated to honouring Indigenous history and culture while remaining committed to moving forward respectfully with all First Nations, Inuit and Métis.

D. Disclosure of Pecuniary Interest

There is no pecuniary interest declared by a Member of Council.

E. Introduction and Purpose of Meeting

The purpose of the meeting is to hear public comment on a Zoning By-law amendment application has been submitted for a 20.68 hectare (51.1 acre) parcel of land situated on the east side of Holden Road, approximately 1.1 kilometres north of its intersection with County Road 8 (6780 Holden Road). The purpose of the application is to amend Zoning By-law 85-15 by:

i. rezoning the 0.55 hectare (1.35 acre) non-farm related residential lot (6780 Holden Road), from “Agricultural Zone (A)” to a site specific “Agricultural Zone (A-37)” in order to establish a maximum lot area of 0.55 hectares (1.35 acres); and

ii. rezoning the 20.13 hectare (49.7 acre) agricultural parcel from “Agricultural Zone (A)” to a site specific “Agricultural Zone (A-38)” in order to prohibit a residential dwelling from being constructed.

The Manager Planning Services outlines the report as appended in the agenda. The Mayor opens the floor to questions.

A Member inquires on the minimum lot severance requirements. The Manager advises of the minimum farm lot area and notes that the subject farm parcel exceeds this minimum requirement.

F. Delegations

1. Ralph Meo, Applicant

In response to an inquiry, Mr. Ralph Meo explains he was born and raised on a farm and his intentions to farm the property.

G. Communications

1. Notice of Public Meeting

H. Reports

1. DS-2022-14 Zoning By-law Amendment, Condition of Consent Application B-01-22, 6780 Holden Road, Scheduling of a Public Meeting

Motion: PCM - 23/22

Moved By Deputy Mayor Joe Bachetti

Seconded By Councillor Tania Jobin

That Report DS-2022-10 entitled "Zoning By-Law Amendment, Condition of Consent Application B-01-22, 6780 Holden Road, Scheduling of a Public Meeting", **be received**.

Carried

I. Adjournment

Motion: PCM - 24/22

Moved By Councillor Bill Altenhof

Seconded By Councillor Brian Houston

That there being no further business, the Tuesday, May 24, 2022 meeting of the Public Council Meeting **be adjourned** at 6:22 pm.

Carried

Gary McNamara, Mayor

Jennifer Alexander, Deputy Clerk

Public Meeting of Council

Minutes

Date: Tuesday, June 7, 2022
Time: 5:30 pm
Location: Electronic meeting live streamed at:
<https://video.isilive.ca/tecumseh/live.html>.

Present: Mayor, Gary McNamara
Deputy Mayor, Joe Bachetti
Councillor, Bill Altenhof
Councillor, Brian Houston
Councillor, Tania Jobin
Councillor, Rick Tonial

Absent: Councillor, Andrew Dowie

Also Present: Chief Administrative Officer, Margaret Misek-Evans
Director People & Culture, Michelle Bonnici
Director Development Services, Brian Hillman
Director Financial Services & Chief Financial Officer, Tom Kitsos
Manager Committee & Community Services, Christina Hebert
Manager Engineering Services, John Henderson
Manager Planning Services & Local Economic Development,
Chad Jeffery

Others: David Doyon, Systems Analyst

A. Roll Call

B. Call to Order

The Mayor calls the meeting to order at 5:30 pm.

C. Land Acknowledgement

We acknowledge that we are on land and surrounded by water, originally inhabited by Indigenous Peoples who have travelled this area since time immemorial. This territory is within the lands honoured by the Wampum Treaties; agreements between the Anishinaabe, Haudenosaunee, Leni Lenape and allied Nations to peacefully share and care for the resources around the Great Lakes. Specifically, we would like to acknowledge the presence of the Three Fires Confederacy Ojibwe, Odawa, Potawatomi and Huron/Wendat Peoples. We are dedicated to honouring Indigenous history and culture while remaining committed to moving forward respectfully with all First Nations, Inuit and Métis.

D. Disclosure of Pecuniary Interest

There is no pecuniary interest declared by a Member of Council.

E. Introduction and Purpose of Meeting

The purpose of the meeting is to hear public comment on a proposed Industrial Community Improvement Plan pursuant to the provisions of the *Planning Act, R.S.O. 1990*.

The Director Development Services introduces Dillon Consulting who is assisting with the development of an Industrial Community Improvement Plan (Industrial CIP). The Town currently has an established Main Street Community Improvement Plan to provide incentives to promote development in the downtown area.

The Director explains that the draft Industrial CIP is being developed to provide incentives for significant industrial development in the Town. The Industrial CIP is being prepared in accordance to Section 28 of the Planning Act.

The purpose of this meeting is to summarize the draft Industrial CIP and to hear public comments on it.

F. Delegations

1. Town Wide Community Improvement Plan - Industrial Incentives

Re: Rory Baksh and Zoe Sotirakos, Dillon Consulting Inc.

Mr. Rory Baksh is joined with Zoe Sotirakos to present the Town of Tecumseh Community Improvement Plan - Industrial Incentives as appended to the agenda. The draft Industrial CIP focuses on attracting major new industrial investment and development in the Town. The Consultants provide an overview of the economic landscape and opportunities available with the recent Provincial announcements of investments for the automotive industry. The Industrial CIP will allow the Town to become a significant contender for attracting major industrial development in emerging industries with financial incentives and enhance synergies within the automotive industry.

The Consultants advise that establishing clear eligibility criteria in the Industrial CIP for financial incentives is key and reviews the proposed incentive rebate programs. Next steps are reviewed and the final presentation of the Industrial CIP will be presented in July at a Council meeting.

In response to a query, Mr. Baksh advises the importance of land designation, sites ready for development and coordinating incentive programs as strategic priorities.

Motion: PCM - 25/22

Moved By Councillor Rick Toniai
Seconded By Councillor Brian Houston

That the presentation entitled "Town of Tecumseh Draft Industrial Community Improvement Plan," **be received.**

Carried

2. James Sylvestre Developments

Re: Josette Eugeni and Jeff Sylvestre

Mr. Sylvestre expressed excitement for opportunities like this coming forward to attract investment. He inquires on the land size criteria to qualify for the Industrial CIP incentives and indicates that the land size criteria is too large to attract into existing areas. The Director Development Services advises that there are some lands identified along the 401 Highway in the recently enlarged Oldcastle Settlement Area that would accommodate and notes that there would be need for some land consolidation required.

3. Invest WindsorEssex

Re: Stephen MacKenzie

Mr. MacKenzie advises that Investment WindsorEssex is in full support of this initiative with an Industrial CIP program.

G. Communications

1. Notice of Public Meeting dated May 18, 2022

Motion: PCM - 26/22

Moved By Deputy Mayor Joe Bachetti
Seconded By Councillor Rick Toniai

That Communications - For Information item 1 as listed on the Tuesday, June 7, 2022 Public Council Meeting Agenda, **be received.**

Carried

H. Reports

1. DS-2022-23 Tecumseh Industrial CIP, Draft CIP Document for Public Meeting on June 7, 2022

Motion: PCM - 27/22

Moved By Councillor Brian Houston
Seconded By Councillor Tania Jobin

That Report DS-2022-23, entitled “Draft Industrial Community Improvement Plan, June 7, 2022 Public Meeting”, **be received;**

And that the scheduling of a public meeting, to be held on Tuesday, July 12, 2022 at 5:30 p.m. in accordance with the *Planning Act* for the purpose of seeking public and stakeholder input on an amendment to the Tecumseh Official Plan that would have the effect of establishing that the entire municipality constitutes the Community Improvement Area, within which individual community improvement project areas may be designated by by-law, **be authorized.**

Carried

I. Adjournment

Motion: PCM - 28/22

Moved By Councillor Bill Altenhof
Seconded By Councillor Rick Tonial

That there being no further business, the Tuesday, June 7, 2022 meeting of the Public Council Meeting **be adjourned** at 6:27 pm.

Carried

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk

Special Meeting of Council

Minutes

Date: Tuesday, June 7, 2022
Time: 5:00 pm
Location: Electronic meeting live streamed at:
<https://video.isilive.ca/tecumseh/live.html>.

Present:

Mayor, Gary McNamara
Deputy Mayor, Joe Bachetti
Councillor, Bill Altenhof
Councillor, Brian Houston
Councillor, Tania Jobin
Councillor, Rick Tonial

Absent:

Councillor, Andrew Dowie

Also Present:

Chief Administrative Officer, Margaret Misek-Evans
Director Community & Recreation Services, Paul Anthony
Director People & Culture, Michelle Bonnici
Director Development Services, Brian Hillman
Director Financial Services & Chief Financial Officer, Tom Kitsos
Deputy Clerk & Manager Legislative Services, Jennifer Alexander
Manager Committee & Community Services, Christina Hebert
Manager Engineering Services, John Henderson

A. Roll Call

B. Call to Order

The Mayor calls the meeting to order at 5:09 pm.

C. Reporting Out of Closed Session

An electronic closed session was held earlier this afternoon at 4:30 pm in accordance with section 239(b) of the Municipal Act. At the meeting, Members were given an update and provided direction regarding an identified individual, including a municipal employee.

D. Land Acknowledgement

E. Disclosure of Pecuniary Interest

There is no pecuniary interest declared by a Member of Council.

F. Delegations

There are no Delegation presented to Council.

G. Communications - Action Required

1. Councillor Andrew Dowie dated June 5, 2022

Re: Resignation

The Members congratulate Councillor Dowie on his position as MPP Windsor-Tecumseh elect.

Motion: SCM - 19/22

Moved By Deputy Mayor Joe Bachetti
Seconded By Councillor Bill Altenhof

That Council acknowledges receipt of the resignation of Councillor Andrew Dowie dated June 5, 2022 from his position as Councillor in Ward 1;

And that Council, under subsection 262 (1) of the *Municipal Act, 2001*, as amended, declare a vacancy in the office of Councillor, Ward 1;

And further that Council **direct** Administration to provide a report to Council on the options for filling a vacancy on Council to be presented at the June 28, 2022, Regular Council Meeting.

Carried

H. Reports

1. By-Law 2022-043 Appointments By-law

Motion: SCM - 20/21

Moved By Councillor Brian Houston
Seconded By Deputy Mayor Joe Bachetti

That the procedural rules on the order of business **be suspended** to allow for By-law 2022-043 to be read and approved; and to introduce an item under New Business.

Carried

Motion: SCM - 21/22

Moved By Councillor Brian Houston
Seconded By Councillor Bill Altenhof

That By-Law 2022-043 being a by-law to confirm and appoint certain officers, servants and employees of The Corporation of the Town of Tecumseh **be given** first and second reading.

Carried

Motion: SCM - 22/22

Moved By Councillor Brian Houston
Seconded By Councillor Bill Altenhof

That By-Law 2022-043 being a by-law to confirm and appoint certain officers, servants and employees of The Corporation of the Town of Tecumseh **be given** third and final reading.

Carried

I. New Business

1. Appointment to the Essex County Library Board

The CAO advises that a vacancy of Council representation on the Essex County Library Board has arisen from Councillor Dowie's resignation.

Motion: SCM - 24/22

Moved By Deputy Mayor Joe Bachetti
Seconded By Councillor Rick Tonial

That Councillor Brian Houston **be nominated** to serve as Council representation to the Essex County Library Board;

And that Administration submit the nomination to appoint Councillor Brian Houston to Essex County Council for approval.

Carried

J. Adjournment

Motion: SCM - 25/22

Moved By Councillor Rick Toniai

Seconded By Councillor Tania Jobin

That there being no further business, the Tuesday, June 7, 2022 meeting of the Special Council Meeting **be adjourned** at 5:32 pm.

Carried

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk

Tecumseh Council Meeting

28 June, 2022. Via Zoom teleconference



DRINKING WATER
SOURCE PROTECTION

Our Actions Matter

32



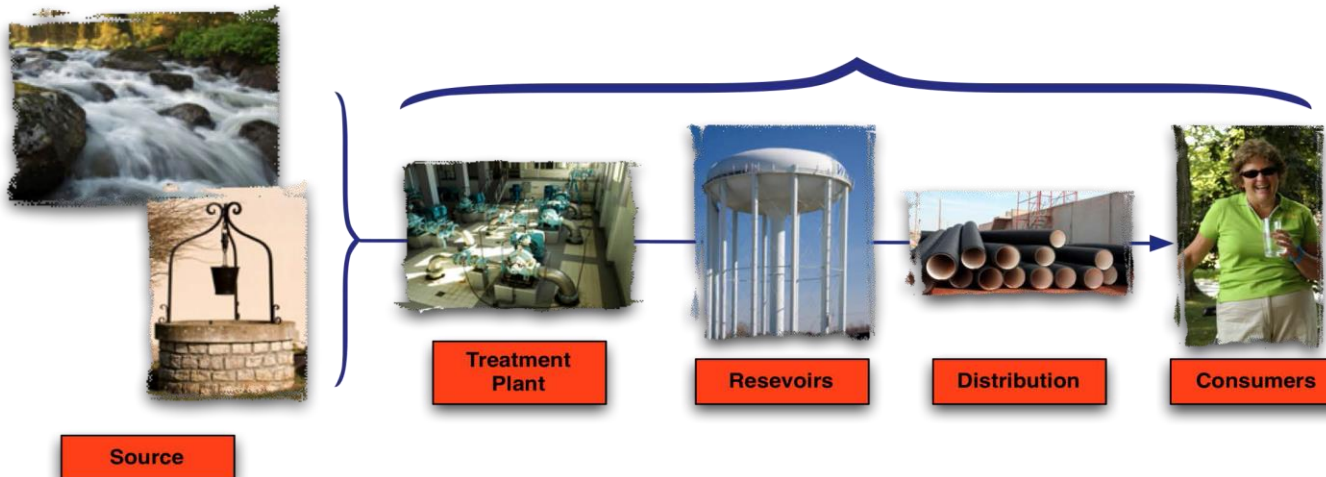
Essex Region
Conservation Authority
sustaining the place for life

Source Water Protection

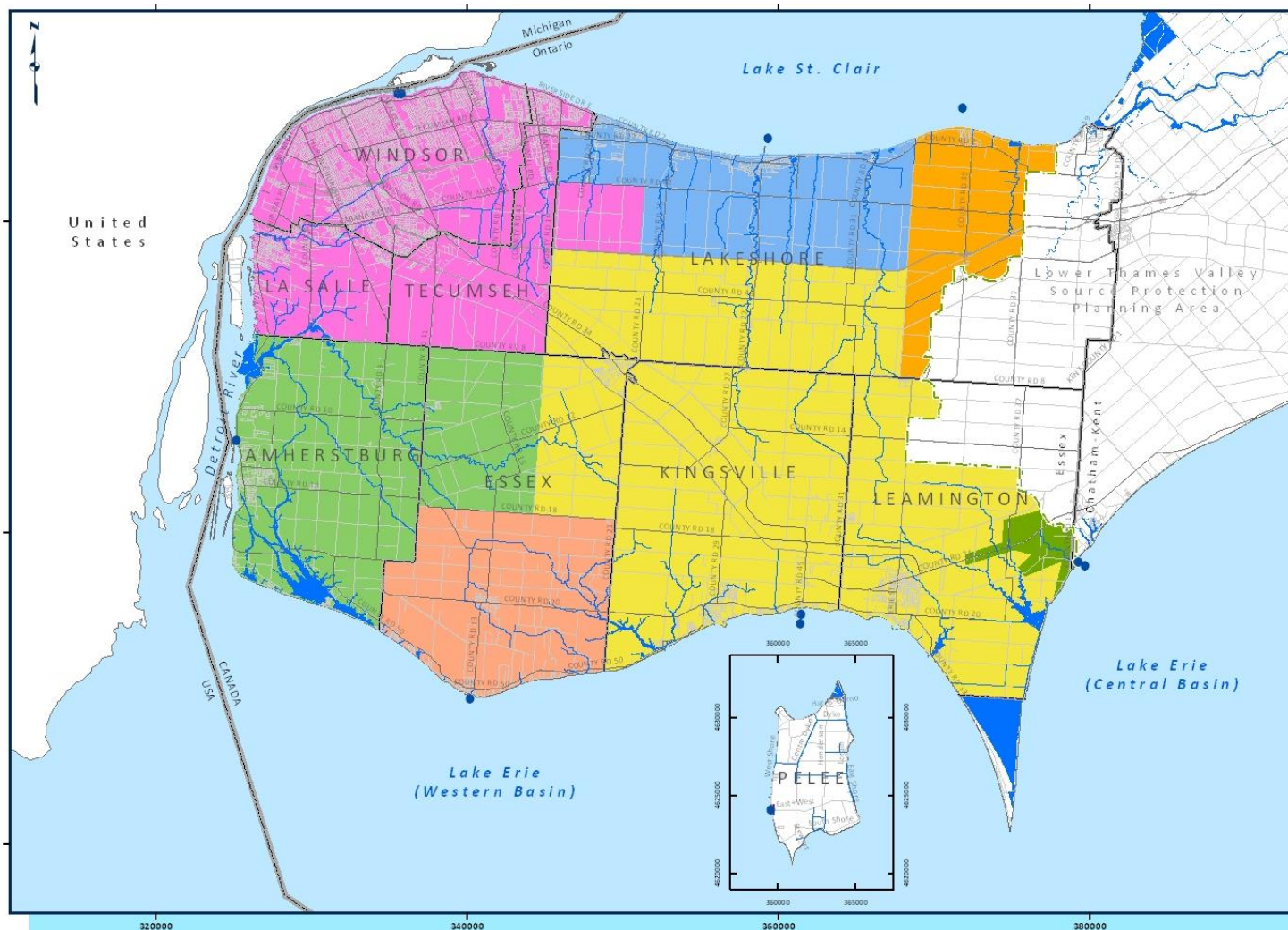
- Following the Walkerton tragedy in 2000, safeguards were put into place to protect municipal drinking water sources as part of the *Clean Water Act, 2006* (CWA)
- The CWA fulfills 12 of the 121 recommendations in the Walkerton Inquiry report and is part of a multi-barrier approach

Clean Water Act, 2006

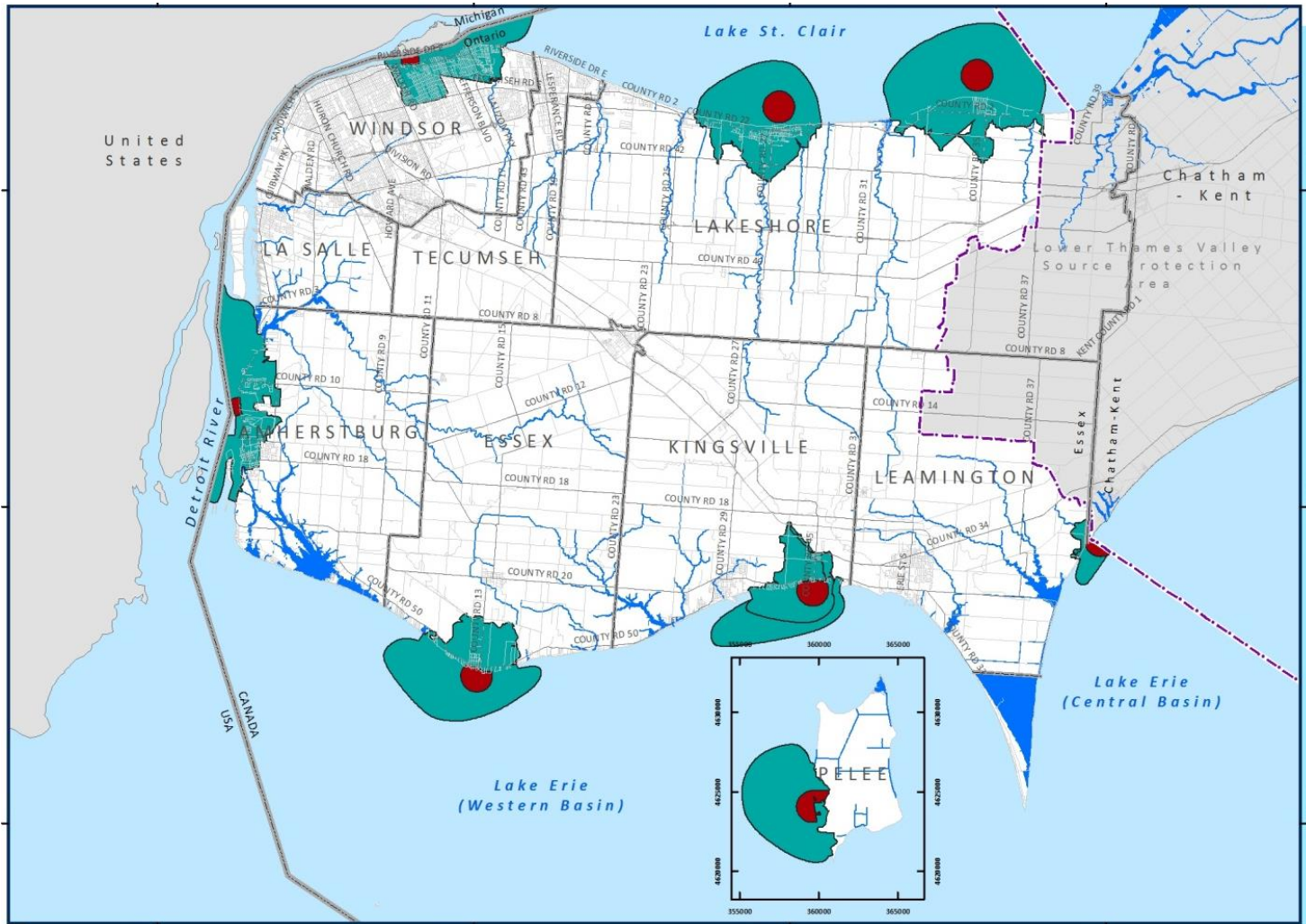
Safe Drinking Water Act, 2006



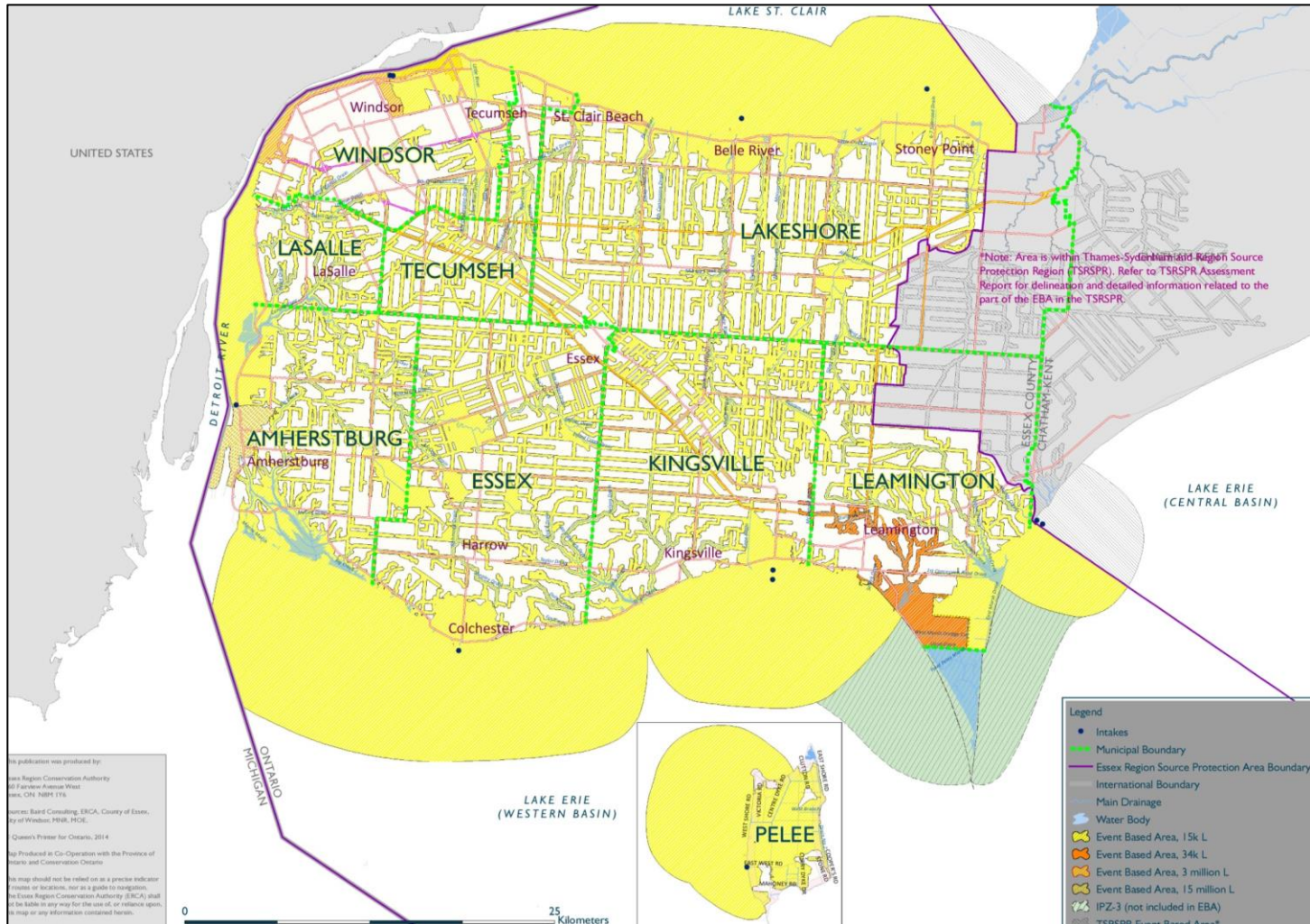
Essex Region Source Protection



Intake Protection Zones



Event Based Areas



Annual Progress Reports

- Annual Progress Reports are required by May 1st each year
- Reports are generated from data collected from Implementing Bodies, received by February 1
- The Report covers progress toward implementation cumulatively from October 1, 2015 (effective date) to December 31, 2021.
- Progress in 2021 is highlighted
- Reports are produced using a template provided by MECP
- This is the fourth Annual Progress Report produced by the ERSPA



Scoring in Annual Progress Report

P – Progressing Well

S – Satisfactory

L – Limited progress

- Overall Score - **P**
- Implementation Progress – **P**
- Provincial Progress - **P**
- Municipal Progress - **P**
- Risk Management Plans - **P**



Implementation Progress

Score since 2018 : **P – progressing well**

- The percentage of fully implemented policies for SDWTs has increased from 2018 (54%) to 2019 (57%) to 2020 (61%) to 2021 (66%)

Implementation Status	Significant Threat Policies	Low/Moderate Policies	Other Policies
Implemented	29	2	1
No further action required	2	1	0
In progress	13	1	1
No progress made	0	0	0
No response received	0	0	0
TOTAL	44	4	2



Change in Implementation Status

- Two (2) policies directed to the City of Windsor and are related to Combined Sewer Overflows
- One (1) policy to manage the threat of airplane de-icer chemicals in Lakeshore, Windsor and Amherstburg IPZ-1



In-progress policies (13) total

- Six (6) s.57 (Prohibit) policies affecting Windsor, Lakeshore and Amherstburg IPZ-1
 - Complete for Lakeshore and Amherstburg
- Five (5) s.58 (Risk Management Plans) policies affecting Windsor, Lakeshore and Amherstburg IPZ-1 and/or Windsor IPZ-2
 - Complete for Lakeshore and Amherstburg
- One (1) s.58 (Risk Management Plans) policies for existing handling and storage fuel (as described in the RMO report)
 - Two remaining existing threats
- One (1) policy requires Windsor, Lakeshore and Amherstburg to prohibit sewage treatment tanks in IPZ-1's
 - Implemented in Windsor and Lakeshore; will be included in Amherstburg's next Official Plan update.



Provincial Progress

Score since 2018: **P – progressing well**


- Provincial Ministries:
 - Screen new applications for all Provincial Instruments and have incorporated SWP into their processes
 - Reviewed PIs for all existing threats in 2018
 - Examined three (3) applications for wastewater/sewage works in vulnerable areas; 33 new applications have been reviewed since 2016
 - No new SDWTs were identified



Municipal Progress

Score since 2018: **P – progressing well**

- Municipalities have:
 - Delegated Part IV to ERCA – agreement extended to December 2024
 - Have screening mechanisms in place for s.59 policies
 - Completed or working on OP and ZBL updates
 - Completed or working on road sign installation
 - Tecumseh completed OP review in 2021; Lakeshore and Leamington have been reviewed

Progress	OP	ZBL
Complete	4 	1
In process	7	7
Not started	0	2
Not required	0	1



Risk Management Plans

Score since 2018: **P – progressing well**

Summary

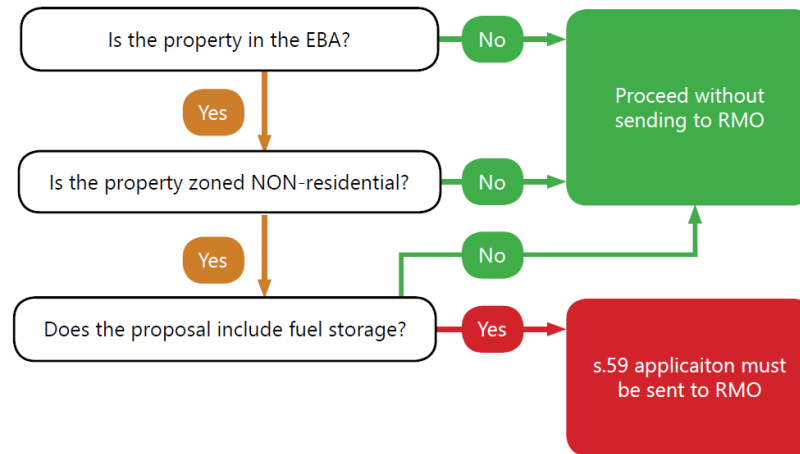
- **384** threats identified in the Assessment Report
 - **295** properties do not require a RMP
 - **8** additional threats (not identified in the Assessment Report) were identified through field verification
 - **7** RMPs for existing threats established in 2021
 - **4** of these were issued by Order for empty tanks stored on site
 - **8** RMPs for new threats established in 2021
 - **97** RMPs established overall
 - **2 sites remaining in Essex Region** (oil pumping)

>95% of existing threats are addressed with RMPs!



S.59 Future Threats – fuel tanks

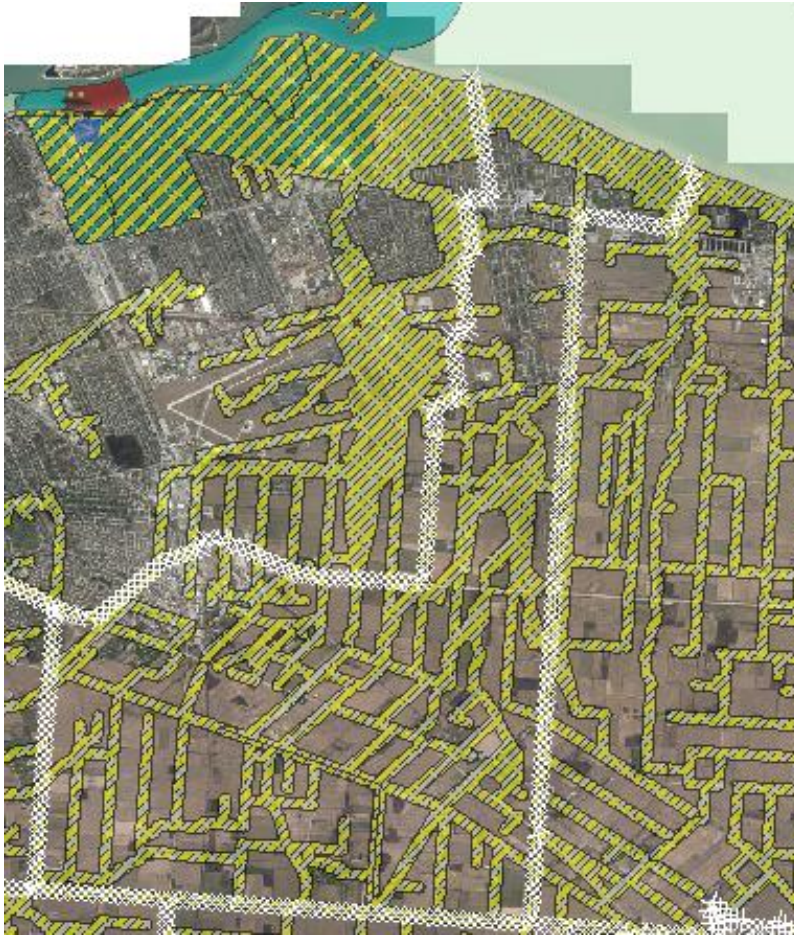
- Municipalities screen for new threats through s.59 policy following the Written Direction. Annual refresher training is provided, Tecumseh staff participated in Spring of 2021



- The RMO determines whether a RMP is required and establishes them immediately if needed
- The RMO established 8 RMPs for new fuel tanks in 2021, all of which were for greenhouses in Leamington/Kingsville
- 16 RMPs have been established for new threats since the Plan came into effect in 2015



Town of Tecumseh Event Based Area (EBA)



- Two (2) existing fuel tanks have RMPs established
- There have been no new fuel tanks installed that require RMPs since 2016

<http://gisweb.countyofessex.on.ca/svlerca25/Viewer.html?Viewer=Public>

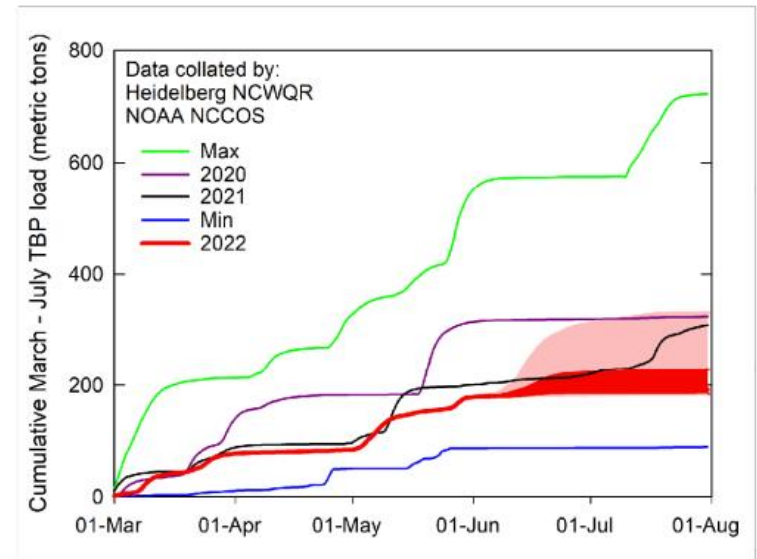
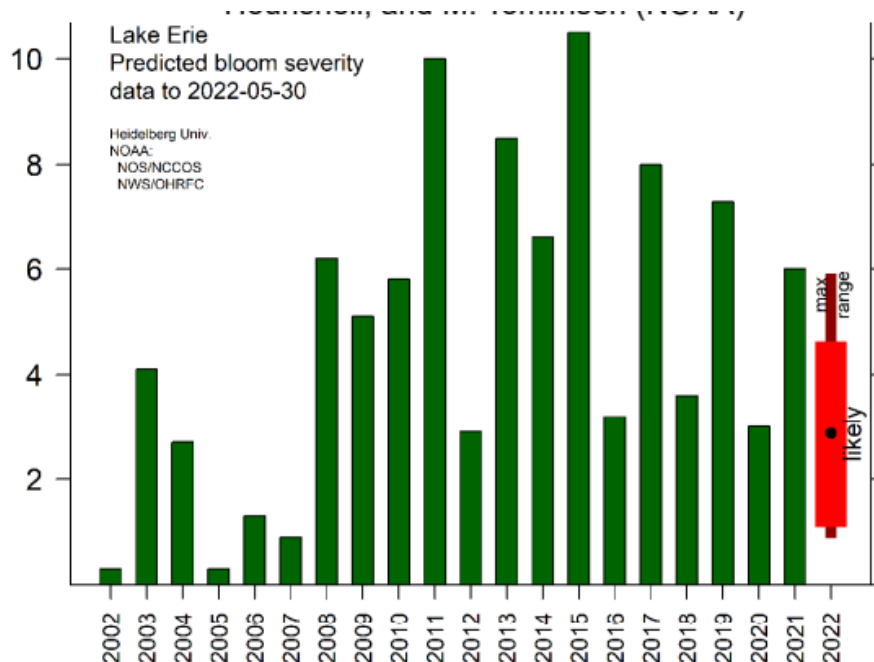
Risk Management in 2022

- Introduce formal compliance procedures with established risk management plans to ensure compliance with RMP
- Continue to review Section 59 Applications
- Deliver municipal training sessions on Section 59 processes
- Respond to requests from developers, consultants and municipal staff during pre-planning for sites identified through Section 59 processes
- Continue working with local businesses and landowners on negotiating and establishing Risk Management Plans; continue to assist and provide guidance to those affected by Part IV policies

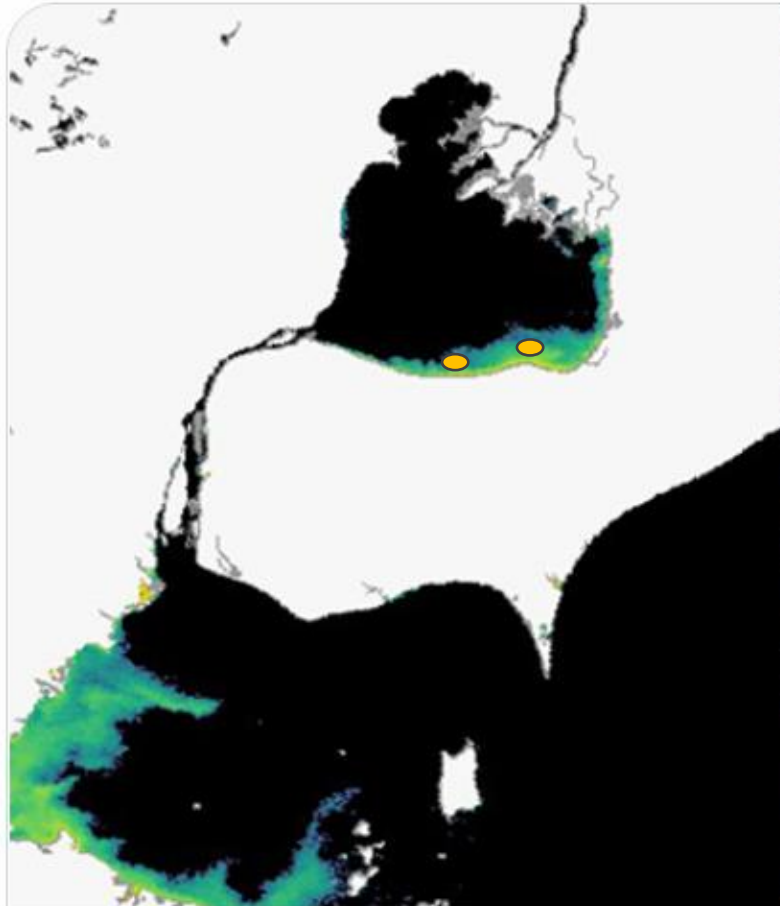


Harmful Algal Blooms

- Annual occurrence affect intakes in Lake St.Clair and Lake Erie, particularly on Pelee Island
- Water monitoring through DWSP has been transferred to municipalities
- No toxin ever found in treated drinking water
- International efforts to reduce HABS



Identification of Microcystin as an issue in Lake St. Clair



Rendered model image Aug 15, 2021



Satellite image Sept 27, 2021

Image credit: NOAA <https://coastwatch.glerl.noaa.gov/modis/modis.php?region=e&page=2>



Source Water in 2022

- Comprehensive review and update to Source Protection Plan and Assessment Report
 - Microcystin analysis
 - Vulnerable area delineation and scoring
 - Climate Risk Assessment
 - AODA compliance
- New and amended policies to align with 2021 Director Technical Rules
- Consultation on updated documents is expected in 2023



More from the SPC

- The SPC and ERCA staff created a new video to help explain signage in vulnerable areas:
<https://www.youtube.com/watch?v=MwO3V1zsUAs>
- To learn more about our source protection region/area:
<https://essexregionconservation.ca/source-water-protection/>



NOTICE OF STUDY AREA EXPANSION AND PUBLIC CONSULTATION

STORMWATER MANAGEMENT FOR THE LAUZON PARKWAY/CR42 IMPROVEMENTS

We are holding a public consultation review period from June 6 and July 4, 2022. Material available online will feature a video detailing the revisions to the study scope and findings of this stormwater assessment as well as other supporting information.

For additional information on the project and how to engage with us,
please refer to the notice below.



NOTICE OF STUDY AREA EXPANSION AND PUBLIC CONSULTATION

STORMWATER MANAGEMENT FOR THE LAUZON PARKWAY/CR42 IMPROVEMENTS

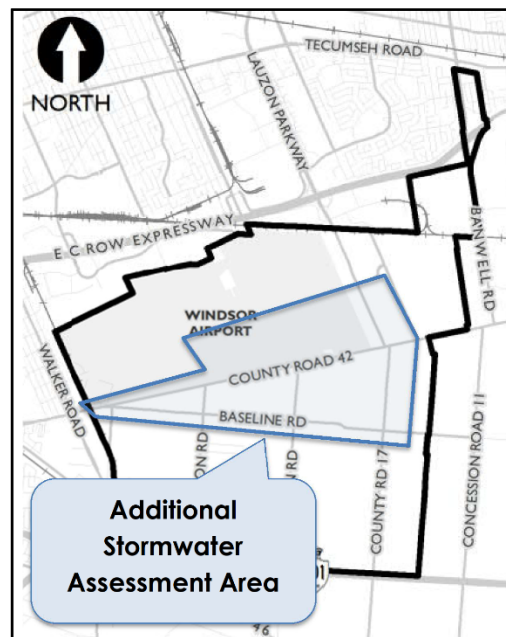
The Master Servicing Plan (Plan) for the Sandwich South Area is being completed to develop a coordinated and sustainable approach to providing municipal infrastructure in support of population growth. The Sandwich South area is designated as an area for development over the next 20 years and will include a variety of residential, commercial, institutional and industrial land uses. The map below shows Sandwich South and the Study Area, defined by the black outline.

The purpose of this study is to determine the location and capacity of collector roads, storm and sanitary sewers and how stormwater will be managed throughout the study area.

In order to be development ready, the City is proposing to include the detailed drainage assessment and functional design of stormwater management facilities proposed in the vicinity of the realignment of the Lauzon Parkway at County Road 42 (CR42). The City has prioritized the Lauzon Parkway and CR42 intersection improvements to support planned development. For more information on the roadway improvements, please refer to the Lauzon Parkway Improvements Environment Assessment (2014) on the project website at www.sandwichsouth.ca.

In order to develop a recommended solution and stormwater outlet configuration for those road improvements, additional refinement of the stormwater management (SWM) strategy within this area is required. The City would like to invite the public and relevant stakeholders to provide comments on the stormwater servicing alternatives developed for this area. Various drainage options to incorporate lands south of CR42, between Walker Road and 10th Concession Road were evaluated. The detailed functional design of the preferred solution will follow this consultation session and will be incorporated into the overall strategy for SWM within the Sandwich South area.

The draft servicing strategy and stormwater management pond alternatives pertaining to this expanded scope area will be available for the public and stakeholders to review and comment.



The materials will be online and available for review on the project website:

www.sandwichsouth.ca

REVIEW PERIOD: June 6 and July 4, 2022

This material will feature a video presentation detailing the revisions to the study scope and findings of this assessment. To receive comments and feedback related to material presented during this session, a survey will be available on the project website. Comments related to the Additional Stormwater Assessment shall be provided by July 4, 2022.

The study is being conducted in accordance with the requirements of Phase 1 and 2 of the Municipal Class Environmental Assessment process (2000, as amended), which is an approved process under the Environmental Assessment Act.

Visit the website between **June 6 and July 4, 2022** and engage with us! If you have any site specific questions and/or would like to have an individual meeting with the project team to discuss the proposed works, please reach out to Laura Herlehy, P.Eng. (Dillon Consulting Limited), the project coordinator, at lherlehy@dillon.ca or **519-948-4243 ext. 3216**. Please reach out to learn more about the future of Sandwich South and provide your feedback to help us shape it together.



Patrick Winters, P.Eng.
City of Windsor, Development
Project Manager
350 City Hall Square, Suite 210
Windsor, Ontario, N9A 6S1
Ph: (519) 255-6257 ext. 6462
Email: pwinters@citywindsor.ca



Andrea Winter, P.Eng.
Dillon Consulting Limited,
Consultant
3200 Deziel Drive, Suite 608
Windsor, Ontario, N8W 5K8
Ph: (519) 354-7868 ext. 3331
Email: sandwichsouth@dillon.ca

From: [Prime Minister | Premier Ministre](#)
To: [Sue White](#)
Cc: [Mélanie Joly](#)
Subject: Office of the Prime Minister / Cabinet du Premier ministre
Date: May 20, 2022 9:35:07 AM
Attachments: [2022-04-26 Prime Minister-Gravenhurst.pdf](#)

Dear Ms. Alexander:

On behalf of Prime Minister Justin Trudeau, I would like to acknowledge receipt of your correspondence of May 18, 2022, attaching a resolution supporting the Government of Canada's sanctions imposed against Russia.

Thank you for taking the time to write. Please be assured that your comments, offered on behalf of The Corporation of the Town of Tecumseh, have been carefully reviewed.

I have taken the liberty of forwarding your email and attachments to the Honourable Mélanie Joly, Minister of Foreign Affairs, so that she may be made aware of your correspondence.

Once again, thank you for writing to the Prime Minister.

H. Clancy
Executive Correspondence Officer
/Agente de correspondance
Executive Correspondence Services/
Services de la correspondance de la haute direction



"IN HONOUR OF THE ONES WE LOVE", INC.

ONE FOCUS, ONE PURPOSE, OUR COMMUNITY

RECEIVED

JUN 03 2022

Town of Tecumseh

May 19, 2022

Mayor Gary McNamara
Town of Tecumseh
917 Lesperance Road
Tecumseh, Ontario
N8N 1W9

Dear Gary,

On behalf of In Honour of the Ones We Love and myself, thank you for making us the recipient of the "Henri Breault" Community Excellence Award.

For the past 25 years, the mission of our charitable organization has been to support patients and their families facing cancer, other life threatening illnesses, disabilities or mental health.

All our accomplishments have been beneficial to adults and children. We continue to fund ongoing programs and strive each day to establish new ones.

With your belief and support, In Honour of the Ones We Love will make new goals a reality for our loved ones!

Sincerely,

Anita Imperioli, Founder
In Honour of the Ones We Love, Inc.

**CITY HALL
WINDSOR, ONTARIO
N9A 6S1**

Phone: (519)255-6211

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

**City Council
Decision
Monday, June 13, 2022**

Moved by: Councillor Gignac
Seconded by: Councillor McKenzie

Decision Number: CR261/2022

- I. That the Mayor **BE AUTHORIZED** to submit a letter to the Deputy Minister of Economic Development, Job Creation and Trade outlining City Council's support for the required zoning for the proposed EV battery manufacturing facility to be located at Banwell Road and E.C. ROW Avenue East and requesting assistance with expediting such approval; and,
- II. That supporting studies, reports, and information related to the zoning **BE ATTACHED** to the Mayor's letter; and,
- III. That Administration **CONTINUE** to work with staff from the Ministry Economic Development, Job Creation and Trade to support and expedite the required zoning; and further,
- IV. That, within the letter to the Deputy Minister of Economic Development, Job Creation and Trade, the Mayor **BE DIRECTED** to state the need for the Government of Ontario to meet with the indigenous communities immediately as part of the consultation process for this economic development project with an expectation of a resolution to be reached.

Carried.

Report Number: C 86/2022

Clerk's File: Z/14409 8.1

Anna Ciacelli

Deputy City Clerk
June 22, 2022

NOTICE OF PUBLIC INFORMATION CENTRE #2 (STAGE 1)

LaSalle Detroit River Storm Sewer Outfalls Master Plan and Environmental Assessment Study

THE STUDY

The Town of LaSalle has retained Stantec Consulting Ltd. to complete the preparation of a Stormwater Master Plan (SWMP) reviewing all of the drainage system with a direct connection/discharge point into the Detroit River and the associated Municipal Class Environmental Assessment (EA) Study.

The main objective of the SWMP is to identify opportunities for potential infrastructure enhancements and improvements to protect public and private property from the effects of stormwater flooding while preserving the natural environment.

The project will be undertaken in three Stages, with each Stage covering a different stormwater catchment area within the town (see the Study Area key plan on the next page).

PURPOSE OF MEETING

Public Information Centre (PIC) #2 will focus on the improvements to the Stage 1 catchment area, Front Road between Turkey Creek and Gary Avenue. The PIC will include an overview of the study, present the alternative solutions, evaluation criteria, and next steps. The PIC will be held in-person on:

Date:	Wednesday, June 29, 2022
Time:	Drop-in between 4:00 – 7:00 p.m.
Location:	Town of LaSalle Town Hall (5950 Malden Road, LaSalle, ON)

PIC materials will be available on the Town's Studies and Special Projects website www.lasalle.ca/studies for your review on Wednesday, June 29, 2022. Two additional PICs are planned for this study, with the following anticipated scheduled:

- PIC 3 – Stage 2, catchments serviced by the Marentette Drain (winter 2022)
- PIC 4 – Stage 3, Front Road between Victory Street and Malden Road (spring 2023)

PROVIDE YOUR COMMENTS

Please visit the link above or contact a member of the study team for more information, to provide your feedback, or be added to the mailing list by **Friday, July 29, 2022**:

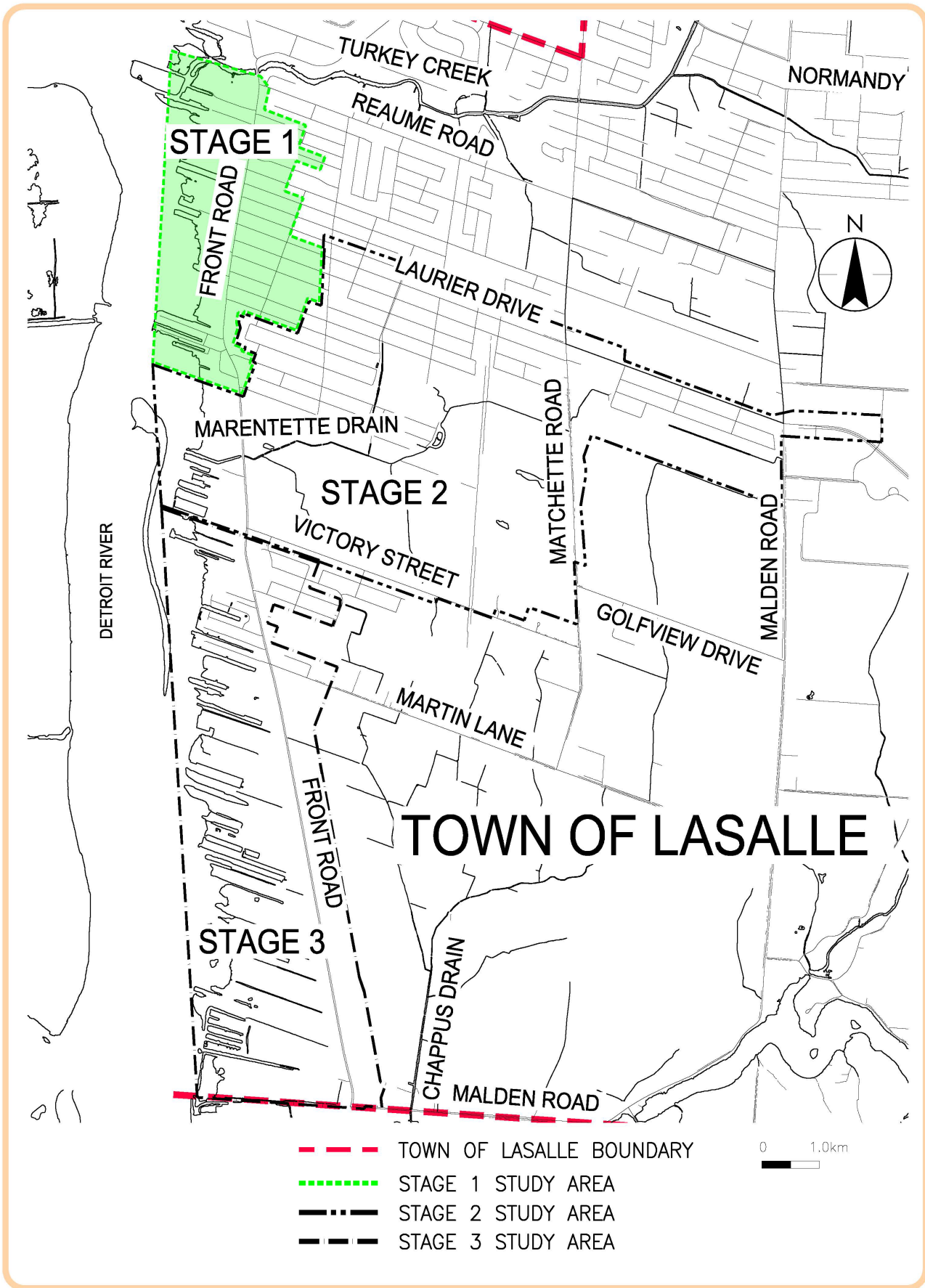
Mr. Steve Brown, MBA, P.Eng
Project Manager
Stantec Consulting Ltd.
Tel: 519-585-7446
Email: steve.brown@stantec.com

Mr. Jonathan Osborne, P.Eng.
Director of Public Works
Town of LaSalle
Tel: 519-969-7770 ext. 1255
Email: josborne@lasalle.ca

Mr. Peter Marra, P.Eng.
Deputy Chief Administrative Officer
Town of LaSalle
Tel: 519-969-7770 ext. 1475
Email: pmarra@lasalle.ca

If you have any accessibility requirements in order to participate in this project, please contact one of the Project Team members listed above. Information collected will be used in accordance with the *Freedom of Information and Protection of Privacy Act*. With the exception of personal information, all comments will become part of the public record.

This notice was first published on June 15, 2022.



From: Marie-Pier Triganne [<mailto:marie-pier.triganne@cn.ca>]
Sent: June 15, 2022 9:57 AM
To: Margaret Misk-Evans <mevans@tecumseh.ca>
Subject: Rail Safety Week 2022 | Proclamation request

Dear Ms. Misk-Evans:

Every year, more than 2,100 North Americans are killed or seriously injured because of unsafe behaviour around tracks and trains. Every one of these incidents and deaths are preventable. By looking out for each other and working together, we can help keep our communities safe and prevent injuries and fatalities on or near railway property.

Safety is a core value at CN and we continue to take all necessary steps to protect our employees, communities, customers, vendors and partners with the objective of reducing rail related injuries and fatalities to zero. As we safely serve our customers and keep the economy moving, we remain committed in our efforts to educate the public on rail safety.

Rail Safety Week will be held in Canada, the United States, and Mexico from September 19-25, 2022. Once again this year, efforts to get the rail safety message out will be stronger than ever and represent a unique opportunity to work together with you, *Operation Lifesaver*, local authorities, CN Police Service officers and all CN employees to help prevent accidents and injuries at rail crossings in your community, and ensure everyone's safety on and around railroad infrastructure year-round.

Rail Safety is a shared responsibility

As leaders in your community, your council can continue to play a key role in preventing incidents and saving lives by adopting the attached draft proclamation, as you have done in previous years. Please send a copy of your proclamation by e-mail to Marie-Pier.Triganne@cn.ca and let us know about your plans to promote rail safety in your community.

If you have any questions or concerns about rail safety in your community, please contact our Public Inquiry Line at 1-888-888-5909. For additional information about Rail Safety Week 2022, please consult cn.ca/railsafety or operationlifesaver.ca.

Stephen Covey
Chief of Police and Chief Security Officer

Cyrus Reporter

RESOLUTION IN SUPPORT OF RAIL SAFETY WEEK

Whereas *Rail Safety Week* is to be held across Canada from September 19 to 25, 2022;

Whereas it is in the public's interest to raise citizens' awareness of the dangers of ignoring safety warnings at level crossings and trespassing on rail property to reduce avoidable deaths, injuries and damage caused by incidents involving trains and citizens;

Whereas Operation Lifesaver is a public/private partnership whose aim is to work with the public, rail industry, governments, police services, media and others to raise rail safety awareness;

Whereas CN has requested City Council adopt this resolution in support of its ongoing efforts to raise awareness, save lives and prevent injuries in communities, including our municipality;

It is proposed by Councillor _____

seconded by Councillor _____

It is hereby **RESOLVED** to support national ***Rail Safety Week*** to be held from September 19 to 25, 2022.

Minutes of a Regular General Meeting of the
Town of Tecumseh Business Improvement Area (TOTBIA)

A Regular General Meeting of the Town of Tecumseh BIA (TOTBIA) Members held as of
Wednesday, April 20, 2022 at 6:00 PM.

Meeting Minutes are available on the BIA website at www.tecumsehbia.com

Link to Tecumseh BIA Agenda:

<https://tecumseh-pub.escribemeetings.com/Meeting.aspx?Id=9b6d5273-804d-4d8e-9de0-939cf1e06c94&Agenda=Agenda&lang=English>

(TOTBBM-37-04)

Call to Order

The meeting is called to order at 6:10 PM by Vice Chair, Linda Proctor.

(TOTBBM –38-04)

Roll Call

Vice Chair	Linda Proctor
Treasurer	Paul Bistany
Director	Leo Demarce
Director	Jessica Fowler
Director	Eddy Hammoud
Councillor	Andrew Dowie
Councillor	Brian Houston

Regrets:	Director	Jules Champoux
	Director	Sandra Zanet
	Director	Travis Dorner

Absent:

Minute Taker: Coordinator Denise Pelaccia

Guest:

(TOTBBM – 39-04)

Disclosure of Pecuniary Interest – No disclosures of pecuniary interest at this meeting.

(TOTBBM –40-04)

Delegations – No delegations at this meeting.

(TOTBBM – 41-04)

Communications

TOTBIA Board of Management Meeting Minutes

Motion: (BBM-25/04)

Moved by: Paul Bistany

Second by: Jessica Fowler

That the minutes of the Town of Tecumseh TOTBIA Regular General Meeting held on March 16, 2022 be approved as distributed.

Approved.
Carried.

Letters From– Letter from Mayor thanking Tecumseh BIA for sponsorship.

(TOTBBM – 42-04)

SUPPLEMENTAY Agenda Adoption- Mural Agreement- Final Copy.

Motion: (BBM-26/04) Moved by: Jessica Fowler
Second by: Eddy Hammoud

That Linda Proctor, Chair, and Paul Bistany, Treasurer, be authorized to execute agreements between:

The Town of Tecumseh Business Improvement Area and J. Kalbol Enterprise;

The Town of Tecumseh Business Improvement Area and Kona Sushi Inc.; and

The Town of Tecumseh Business Improvement Area and Derkz Murals & Fine Art Inc.

And to do such further and other acts which may be necessary to implement these Agreements.

(TOTBBM – 43-04)

Reports

Chair Report:

Chair Report- March 2022:

- See Agenda attachment.

Motion: (BBM-27/04) Moved by: Jessica Fowler
Second by: Brian Houston

That the Chair Report for March 2022 be accepted.

Approved.

Carried.

Treasurer Report:

Tecumseh BIA

2021 Month End Financials:

- See PDF of Financial Reports for March 2022 in Agenda.

March 2022 Financial Report:

Motion: (BBM-28/04) Moved by: Paul Bistany
Second by: Leo Demarce

That the March 2022 Financial Report be accepted.

Approved.

Carried.

Coordinator Report – D. Pelaccia reports the following:

- See Agenda attachment.

Motion: (BBM-29/04)

Moved by: Jessica Fowler
Second by: Eddy Hammoud

That the Coordinator Report for March 2022 be accepted.

Approved.

Carried.

519Culture Gift Boxes

Motion: (BBM-30/04)

Moved by: Paul Bistany
Second by: Leo Demarce

That the Tecumseh BIA Board reconsiders their previous decision about the 519Culture Gift Boxes. That there will be a maximum of 100 519Culture Gift Boxes to sell. If more than 100 are ordered, a motion will then be required to approve further sales.

Approved.

Carried.

Council Report –

- See PDF of Council Reports for March 2022 in Agenda.

Motion: (BBM-31/04)

Moved by: Brian Houston
Second by: Paul Bistany

That the Council Reports for March 2022 be accepted.

Approved.

Carried.

**Committee Reports –
(TOTBBM – 44-04)**

Marketing Committee: (Keep 5-10 minutes.)

- See Agenda attachment.

Membership Committee: (Keep 5-10 minutes.)

- See Agenda attachment.

Beautification Committee: (Keep 5-10 minutes.)

- See Agenda attachment.

Events Committee: (Keep 5-10 minutes.)

- See Agenda attachment.

Governance Committee: (Keep 5-10 minutes.)

- See Agenda attachment.

Motion: (BBM-32/04)

Moved by: Paul Bistany
Second by: Jessica Fowler

That the Committee Reports for March 2022 be accepted.

Approved.

Carried.

Constitution

Motion: (BBM-33/04)

Moved by: Paul Bistany
Second by: Jessica Fowler

That the Constitution will be reviewed prior to the next AGM.

Approved.

Carried.

(TOTBBM – 45-04)

Unfinished Business

- Strategic Plan for 2022 - Need to schedule during a special meeting to complete. – Deferred
- MOU- Finalize

Strategic Plan for 2022

Motion: (BBM-34/04)

Moved by: Jessica Fowler
Second by: Leo Demarce

That the Tecumseh BIA Board of Management agrees to have the Executive vote next meeting if quorum is present, no matter the attendance of Directors.

Approved.

Carried.

(TOTBBM – 46-04)

New Business

- Chair & Vice Chair Elections – Deferred
- “Tecumseh Proud” License Plate Covers for 100th Anniversary
- Tecumseh BIA Email & Web Domain- Town to take back our email and web domain, would need to create new ones and update all our Members and marketing materials.
- Way-Finding Signage
- Commemorative Tree Program for 100th Anniversary – Deferred
- Fall 2022 Night Market
- Raise for Coordinator due to Minimum Wage Increase & Benefits

(TOTBBM – 47-04)

Next Meeting

The next regular general meeting is scheduled on Wednesday, May 18, 2022 at 6:00 PM at the Tecumseh BIA office. Meeting Minutes will be available on the BIA website at www.tecumsehbia.com

(TOTBBM – 48-04)
Adjournment

Motion: (BBM-35/04)

Moved by: Brian Houston

Second by: Paul Bistany

That there being no further business, the April 20, 2022 regular general meeting of the TOTBIA Board of Management be adjourned at 7:49 PM.

Carried.

Approved.

DRAFT

Linda Proctor, Vice Chair

DRAFT

Denise Pelaccia, Coordinator

MINUTES NOT YET APPROVED.

Minutes of a Regular General Meeting of the
Town of Tecumseh Business Improvement Area (TOTBIA)

A Regular General Meeting of the Town of Tecumseh BIA (TOTBIA) Members held as of
Wednesday, May 18, 2022 at 6:00 PM.

Meeting Minutes are available on the BIA website at www.tecumsehbia.com

Link to Tecumseh BIA Agenda:

<https://tecumseh-pub.escribemeetings.com/Meeting.aspx?Id=ab14dbda-033b-4686-aa9a-bbfa94a9cace&Agenda=Agenda&lang=English>

(TOTBBM-49-05)

Call to Order

The meeting is called to order at 6:05 PM by Vice Chair, Linda Proctor.

(TOTBBM –50-05)

Roll Call

Vice Chair	Linda Proctor
Treasurer	Paul Bistany
Director	Jessica Fowler
Director	Leo Demarce
Director	Sandra Zanet
Councillor	Brian Houston

Regrets:

Absent:	Director	Jules Champoux
	Director	Travis Dorner
	Director	Eddy Hammoud

Minute Taker: Coordinator Denise Pelaccia

Guest:

(TOTBBM – 51-05)

Disclosure of Pecuniary Interest – No disclosures of pecuniary interest at this meeting.

(TOTBBM –52-05)

Delegations – No delegations at this meeting.

(TOTBBM – 53-05)

Communications

TOTBIA Board of Management Meeting Minutes

Motion: (BBM-36/05)

Moved by: Jessica Fowler

Second by: Paul Bistany

That the minutes of the Town of Tecumseh TOTBIA Regular General Meeting held on April 20, 2022 be approved as distributed.

Approved.

Carried.

Letters From– Letter from Mayor thanking Tecumseh BIA for sponsorship.

(TOTBBM – 54-05)

SUPPLEMENTAY Agenda Adoption- Mural Agreement- Final Copy.

Motion: (BBM-37/05) Moved by: Brian Houston
Second by: Sandra Zanet

That Linda Proctor, Chair, and Paul Bistany, Treasurer, be authorized to execute agreements between:

The Town of Tecumseh Business Improvement Area and 1945487 Ontario Inc.; and

The Town of Tecumseh Business Improvement Area and Derkz Murals & Fine Art Inc.

And to do such further and other acts which may be necessary to implement these Agreements.

SUPPLEMENTAY Agenda Adoption- Andrew Dowie- Notice of Leave of Absence

Andrew Dowie has requested and been granted a leave of absence by Council between Wednesday, May 11th, 2022 until Monday, June 6th, 2022 while at the Tuesday, May 10th, 2022 Town of Tecumseh Regular Council Meeting as he campaigns for the Windsor-Tecumseh MPP position.

(TOTBBM – 55-05)

Reports

Chair Report:

Chair Report- April 2022:

- See Agenda attachment.

Motion: (BBM-38/05) Moved by: Brian Houston
Second by: Paul Bistany

That the Chair Report for April 2022 be accepted.

Approved.

Carried.

Treasurer Report:

Tecumseh BIA

2022 Month End Financials:

- See PDF of Financial Reports for April 2022 in Agenda.

April 2022 Financial Report:

Motion: (BBM-39/05) Moved by: Jessica Fowler
Second by: Brian Houston

That the April 2022 Financial Report be accepted.

Approved.

Carried.

Coordinator Report – D. Pelaccia reports the following:

- See Agenda attachment.

Motion: (BBM-40/05)

Moved by: Leo Demarce

Second by: Jessica Fowler

That the Coordinator Report for April 2022 be accepted.

Approved.

Carried.

Council Report –

- See PDF of Council Reports for April 2022 in Agenda.

Motion: (BBM-41/05)

Moved by: Paul Bistany

Second by: Jessica Fowler

That the Council Reports for April 2022 be accepted.

Approved.

Carried.

**Committee Reports –
(TOTBBM – 56-05)**

Marketing Committee: (Keep 5-10 minutes.)

- See Agenda attachment.

Membership Committee: (Keep 5-10 minutes.)

- See Agenda attachment.

Beautification Committee: (Keep 5-10 minutes.)

- See Agenda attachment.

Events Committee: (Keep 5-10 minutes.)

- See Agenda attachment.

Governance Committee: (Keep 5-10 minutes.)

- See Agenda attachment.

Motion: (BBM-42/05)

Moved by: Jessica Fowler

Second by: Leo Demarce

That the Committee Reports for April 2022 be accepted.

Approved.

Carried.

(TOTBBM – 57-05)

Unfinished Business

- MOU- Finalize

(TOTBBM – 58-05)

New Business

- Chair & Vice Chair Elections
- New Hours of Operation – Defer to In-Camera Meeting
- Coordinator Vacation Notice
- Tecumseh BIA Email & Web Domain- Town to take back our email and web domain, would need to create new ones and update all our Members and marketing materials.
- Commemorative Tree Program for 100th Anniversary – Choose Tree & Location
- Fall 2022 Night Market
- Christmas Party 2022

(TOTBBM – 59-05)

Executive Nominations- Chair & Vice Chair

L. Proctor hands over the meeting to the Coordinator to conduct the nominations of Chair, Vice Chair and Treasurer for the remainder of 2022.

Chair Nomination

D. Pelaccia states Nominations are now open for the position of Chair.

D. Pelaccia hears a nomination and restates the nomination for Chair.

Linda Proctor is nominated for the position of Chair.

D. Pelaccia asks Linda Proctor if she accepts the position. Linda Proctor accepts the nomination for Chair.

Motion: (BBM-43/05) Moved by: Paul Bistany

Second by: Jessica Fowler

That as of 7:27 PM, Linda Proctor be appointed as Chair of the BIA Board of Management until December 31, 2022.

CARRIED.

APPROVED.

Vice Chair Nomination

D. Pelaccia states Nominations are now open for the position of Vice Chair.

D. Pelaccia hears a nomination and restates the nomination for Vice Chair.

Leo Demarce is nominated for the position of Vice Chair.

D. Pelaccia asks Leo Demarce if he accepts the position. Leo Demarce accepts the nomination for Vice Chair.

Motion: (BBM-44/05) Moved by: Sandra Zanet

Second by: Linda Proctor

That as of 7:28 PM, Leo Demarce be appointed as Vice Chair of the BIA Board of Management until December 31, 2022.

CARRIED.

APPROVED.

The nominated Chair takes over the Board of Management meeting as of 7:29 PM.

(TOTBBM – 60-05)

Next Meeting

The next regular general meeting is scheduled on Wednesday, June 15, 2022 at 6:00 PM at the Tecumseh BIA office. Meeting Minutes will be available on the BIA website at www.tecumsehbia.com

(TOTBBM – 61-05)

Adjournment

Motion: (BBM-45/05)

Moved by: Paul Bistany

Second by: Leo Demarce

That there being no further business, the May 18, 2022 regular general meeting of the TOTBIA Board of Management be adjourned at 7:36 PM.

Carried.

Approved.

DRAFT

Linda Proctor, Vice Chair

DRAFT

Denise Pelaccia, Coordinator

MINUTES NOT YET APPROVED.

Court of Revision Meeting

Minutes

Date: Tuesday, June 7, 2022
Time: 6:30 pm
Location: Electronic meeting live streamed at:
<https://video.isilive.ca/tecumseh/live.html>.

Present: Mayor, Gary McNamara - Chair
Deputy Mayor, Joe Bachetti
Councillor, Brian Houston
Councillor, Tania Jobin

Absent: Councillor, Andrew Dowie

Also Present: Chief Administrative Officer, Margaret Misek-Evans
Director Financial Services & Chief Financial Officer, Tom Kitsos
Deputy Clerk & Manager Legislative Services, Jennifer Alexander
Manager Committee & Community Services, Christina Hebert
Manager Engineering Services, John Henderson
Drainage Superintendent, Alessia Mussio

A. Roll Call

B. Call to Order

The Mayor calls the meeting to order at 6:30 pm.

C. Land Acknowledgement

We acknowledge that we are on land and surrounded by water, originally inhabited by Indigenous Peoples who have travelled this area since time immemorial. This territory is within the lands honoured by the Wampum Treaties; agreements between the Anishinaabe, Haudenosaunee, Leni Lenape and allied Nations to peacefully share and care for the resources around the Great Lakes. Specifically, we would like to acknowledge the presence of the Three Fires Confederacy Ojibwe, Odawa, Potawatomi and Huron/Wendat Peoples. We are dedicated to honouring Indigenous history and culture while remaining committed to moving forward respectfully with all First Nations, Inuit and Métis.

D. Disclosure of Pecuniary Interest

There is no pecuniary interest declared by a Member of the Court.

E. Introduction and Purpose of Meeting

The purpose of the meeting is to hear from any affected owner who wishes to appeal his/her assessment or any part thereof as set out in the Drainage Report for the Lachance Drain (Lachance Bridge), prepared by Mark D. Hernandez, P. Eng., dated February 24, 2022.

The Drainage superintendent provides an update to the Members and remarks that there were no appeals filed with the Town on the assessment schedule.

F. Delegations

1. Mark Hernandez, P.Eng., Drainage Engineer

The Drainage Engineer indicates that no affected property owner or concerns related to the assessment schedule have come forward.

G. Communications

1. Notice - First Sitting of the Court of Revision - Lachance Drain (Lachance Bridge)
2. By-Law 2022- 029 Lachance Drain (Lachance Bridge)
3. PWES-2022-14 Request to Consider Engineers Report - Lachance Drain

Motion: CR - 04/22

Moved By Councillor Tania Jobin

Seconded By Deputy Mayor Joe Bachetti

That Communications - For Information 1 through 3 as listed on the Tuesday, June 7, 2022 Court of Revision Agenda, **be received**.

Carried

H. Adjournment

Motion: CR - 05/22

Moved By Councillor Brian Houston
Seconded By Councillor Tania Jobin

That there being no further business, the Tuesday, June 7, 2022 meeting of the Court of Revision **be adjourned** at 6:35 pm.

Carried

Chair Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk



The Corporation of the Town of Tecumseh

Chief Administrative Officer - People & Culture

To: Mayor and Members of Council

From: Michelle Bonnici, Director People & Culture

Date to Council: June 28, 2022

Report Number: CAO-PC-2022-04

Subject: Right to Disconnect Policy

Recommendations

It is recommended:

That Report CAO-PC-2022-04 entitled “Right to Disconnect Policy”, **be received;**

And that Attachment 1 to Report CAO-PC-2022-04, “Right to Disconnect Policy” **be approved.**

Background

On November 30, 2021, the Ontario government passed Bill 27, Working for Workers Act, 2021. It received Royal Assent on December 2, 2021.

Bill 27 incorporates recommendations made by the Ontario Workforce Recovery Advisory Committee (OWRAC). The right to disconnect is a policy requiring employers who “employ 25 or more employees to have a written policy on disconnecting from work in place for all employees.” Employers must have a right to disconnect policy in place by June, 2022 and must provide a written policy to their employees.

According to the Employment Standards Act, 2000, Section 21.1.1, the right to disconnect is “not engaging in work-related communications, including emails, telephone calls, video calls or sending or reviewing other messages, to be free from the performance of work.” Bill 27 required an amendment to the Employment Standards Act

imposing a requirement for employers to establish a right to disconnect policy and introduces specific obligations that are required by the policy that include:

- Employees must receive a copy within 30 days of preparing the policy
- If there are any changes or updates, employees must receive the amended policy within 30 days of changes
- New employees must be provided a copy within 30 days of the first day of employment
- Each disconnecting from work policy must be retained by the company for three years after the policy ceases to be in effect.

Comments

The Town of Tecumseh recognizes that employees have a right to disconnect from work. The policy provides the framework for disconnecting from work in consideration of the requirements of Bill 27.

It should be noted that the policy does not supersede the provisions outlined in the Employment Standards Act or the individual employee contracts for all Non-Union Management and administrative staff.

While the right to disconnect is vital, the policy also outlines situations that can arise where it is not possible to deal with matters during normal working hours. There may be unavoidable situations when it is necessary to contact employees outside of normal working hours.

The policy also highlights specific roles for the Town, Management and each Employee and establishes specific protocols for correspondence, communication and meetings.

In addition, the Policy provides a recourse mechanism for employees that are experiencing challenges disconnecting.

Consultations

All Departments

Financial Implications

No financial implications at this time.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Michelle Bonnici, BA, LL.M
Director People & Culture

Recommended by:

Margaret Misk-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Right to Disconnect Policy



The Corporation of the Town of Tecumseh

Policy Manual

Policy Number:	113
Effective Date:	June 28, 2022
Supersedes:	N/A
Approval:	June 28, 2022
Subject:	Right to Disconnect Policy

1.0 Policy Statement

- 1.1 A policy to identify the parameters concerning the right to disconnect for all Town of Tecumseh employees.

2.0 Application

- 2.1 This Policy applies to all Town of Tecumseh employees and excludes members of Town Council.

3.0 Purpose

- 3.1 The Town of Tecumseh prioritizes the health and well-being of employees, including their mental health. This Policy provides the framework for disconnecting from work, understanding that it is vital for a person's wellbeing to maintain a balance between their work and personal lives.

4.0 Right to Disconnect (Bill 27, Working For Workers Act, 2021)

- 4.1 Disconnecting from work is defined as not engaging in work related communications, including emails, telephone calls, video calls/conferencing or the sending or reviewing of other messages, to be free from the performance of work.

-
- 4.2 While technology allows the flexibility to work anywhere and at any time, the Town recognizes that an always connected work culture has the potential for psychosocial risks, such as anxiety, depression, and burnout.
- 4.3 The Town of Tecumseh recognizes that employees have a right to disconnect from work. This includes answering emails, telephone calls, video conferencing or the sending and reviewing of messages outside normal working hours, unless there is an emergency, emerging crisis or agreement within a Job Description, such as having to be “on-call” for a set schedule or to be available for “call in.”
- 4.4 This policy will not supersede the provisions of the Employment Standards Act (ESA) or the individual employee contracts for Non-Union Management.
- 4.5 For some Town of Tecumseh staff, it is a requirement of their role to be a contact in emergency situations. These employees are aware of this requirement and will be contacted through channels established for emergency response as required.
- 4.6 Situations can arise where it is not possible to deal with matters during normal working hours. In these situations, it is necessary to contact employees outside of normal working hours, including but not limited to:
- Fill in at short notice for an unscheduled absence of a team member;
 - Attend to urgent unforeseeable circumstances which may arise;
 - Attend to an emergency which may arise;
 - Attend to urgent or important operational matters requiring contact outside of normal working hours; and
 - People & Culture team contact regarding facilitation of attendance, safe return to work/workplace accommodation.
 - Attend Council meeting or Corporation meetings as necessary that are outside of regular working hours to perform all duties and obligation
- 4.7 Role of the Town of Tecumseh**
- Ensure employees are aware of their required working hours and the terms and conditions of their employment, including what their normal working hours and schedules are reasonably expected to be.
 - Support and manage employees in taking their rest periods and vacation time/time off.

- Ensure all employees receive a copy of this Policy within thirty (30) days of being in effect and all new hires are provided with a copy during orientation.
- Communicate to all employees any updates/revisions to the Policy within thirty (30) days of the revised policy taking effect.

4.8 Role of the Employee

- Take reasonable care to protect their safety, health and welfare, and the health and safety of co-workers.
- Be mindful of co-workers, and all others, right to disconnect by observing this policy. Be conscious and aware of their work-related well-being, and remedy if necessary.
- If unable to disconnect, discuss with their Manager/Supervisor.

4.9 Role of Management

- Support employees within their team to enable them to disconnect from work outside of normal working hours.
- Take measures to resolve employee concerns surrounding their working time, or their ability to disconnect from work.
- Monitor electronic communications and minimize those occurring outside of normal working hours, as appropriate.

4.10 Resolution

Should an employee continue to experience challenges in disconnecting, and measures taken in accordance with Sections 4.7 and 4.8 have not resolved the problem, they may reach out to a member of the People & Culture Team to assist in finding a resolution.

4.11 Correspondence and Communication

Where possible, emails and other communications should be monitored and/or sent during normal working hours. Appreciating that normal work hours differ for some employees, this may result in sending communications at a time which is inconvenient to others (i.e., where one employee works during the weekend and another does not). Where communications are received outside an employee's normal working hours, unless business and operational needs dictate that an immediate response is required, email recipients may respond to such communications during their normal working

hours. To assist with determining urgency, communications should be marked as “Urgent” if a response outside of normal working hours is expected/required.

4.12 Automatic Replies

All employees are required to activate an automatic response when taking vacation or time off. The response should advise the sender that the employee is off, including the start and end date and that the employee will respond to their email upon their return and/or provide alternative contact.

4.13 Meetings

When scheduling meetings, be respectful of normal working hours and set meetings within typical core hours (i.e. 8:30 a.m. to 4:30 p.m. Monday to Friday), avoiding the typical lunch period (i.e. 12 p.m. to 1 p.m.). Core hours and lunch may vary based on the individual departmental operations and therefore, exceptions may apply. Similarly, as noted in S. 4.6, it may be necessary to schedule meetings in accordance with need, rather than normal working hours.

5.0 Amendments and Compliance with Applicable Law

- 5.1 This Policy may be amended from time to time as necessary or appropriate, as relevant circumstances change, and at all times will be applied in accordance with Bill 27, all other applicable law and collective agreements.

6.0 Contact

Director, People & Culture

7.0 Approvals

Personnel Committee approval



The Corporation of the Town of Tecumseh

Community & Recreation Services

To: Mayor and Members of Council

From: Paul Anthony, Director Community & Recreation Services

Date to Council: June 28, 2022

Report Number: CRS-2022-09

Subject: 2023 – 2026 Parks Capital Works Plan

Recommendations

It is recommended:

That the Parks Capital Projects as summarized in Attachment 1 to Report CRS-2022-9, 2023 - 2026 Parks Capital Works Plan, **be adopted**

And that the 2023 - 2026 Parks Capital Projects **be funded** through the Lifecycle Reserves, the Infrastructure Reserve and available grants as set out in Attachment 1.

Executive Summary

The purpose of this report is to present to Council for its formal adoption of the 2023-2026 Parks Capital Works Plan supplementary to the concurrent 2022 Parks Capital Works Plan as previously approved in Report CRS-2022-01.

At the December 14, 2021, Regular Meeting of Council, an alternative strategy for the Town's Multi-Use SportsPlex was presented and supported in principle as set out in Report CRS-2021-18, capturing priority elements including a triple gymnasium, artificial turf fields and upgrades to the Lacasse Ball Diamond.

Furthermore, outcomes following the SCM – Strategic Priorities Workshop on March 29th support recommendations as presented by Administration along with additional

directions as outlined in Motion: SCM 12/22, which have been included and prioritized accordingly.

The detailed capital project plan includes park infrastructure upgrades, renovations and improvements planned for completion in 2023 to 2026.

Funding is allocated through the Lifecycle Reserves to support asset replacement and repair projects, whereas the Infrastructure Reserve is generally utilized to fund enhancements or new development projects.

The Lifecycle Parks Reserve, Lifecycle Reforestation Reserve, and Lifecycle Trails Reserve have sufficient balances and annual allocations to fund the proposed scheduled projects outlined in the 2023 -2026 Capital Works Plan.

Background

Adoption of 2023-2026 CRS Capital Works Plan is sought to maintain a consistently high level of service and to improve the Town's park-related infrastructure components in a timely manner.

The recommended projects are intended to upgrade existing parks and to develop playgrounds that are most in need of improvements. The objective is to deliver high quality park amenities at a consistent level throughout the Town. The proposed projects reflect needs identified in the Parks and Recreation Master Plan completed in 2008 (and updated in 2021), as well as through consultations with various individual park users and formal user groups such as Tecumseh Minor Baseball, Tecumseh Minor Soccer, and St. Mary's Athletic Association.

At the December 14, 2021, Regular Meeting of Council, an alternative strategy for the Town's Multi-Use SportsPlex was presented and supported in principle as set out in Report CRS-2021-18, capturing priority elements including a triple gymnasium, artificial turf fields and upgrades to the Lacasse Ball Diamond.

Furthermore, outcomes following the SCM – Strategic Priorities Workshop on March 29th support recommendations as presented by Administration along with additional directions as outlined in Motion: SCM 12/22, which have been included and prioritized accordingly.

Comments

The following are identified for improvements for 2023 – 2026 as summarized in Attachment 1.

Parks Development 2023

Bench and Garbage Can Installations \$12,000

- Requests for new garbage cans and benches are received throughout the year, including memorial benches, and the units will be installed in various parks.

Sports Fields Top Dressing and Over Seeding \$15,000

- With the elimination of pesticides for the control of weeds in turf areas, the Town now relies on cultural practices to maintain and enhance the sports fields in Town such as the application of sand, compost and topsoil to level the fields, as well as over seeding to improve the thickness of the turf. All the sports fields used by soccer and baseball will be treated as required to keep them in excellent playing condition. This is an ongoing annual allocation for years 2023 to 2026.

Install Manufactured Wood Chips under Playsets \$15,000

- By the end of 2022, only 2 of our 22 park playgrounds will have pea stone underneath the equipment as the fall protection material. Manufactured wood chips are now the preferred surfacing; these meet current standards, provide the required fall protection, and improve accessibility. Of the 2 remaining playsets, Baillargeon will be replaced in 2023 as part of capital equipment replacements leaving Century that is slated for retention beyond this 5-year period. The funding allocation will allow for the pea stone to be converted to the manufactured wood chips at Century in 2023.

Annual Project Allocation \$45,000

- The requested funding will allow the parks department to address smaller issues that come up during the year, such as an emergency replacement of a swing set, unforeseen small drainage work, etc. As well, annual inspections may reveal equipment failures. Any use of Annual Project Allocation will be reported to Council through the regular budget variance reporting.

Baillargeon – Playset Replacement \$70,000

- The playset at Baillargeon has reached the end of its useful life, showing signs of deterioration in the metal structure and badly faded paint and plastic components. The existing pea stone surfacing material will also be removed and replaced with the engineered woodchips.

Southfield Multi Use Court \$110,000

- During public consultations for the Skyline apartment developments, residents brought forth their concerns regarding park amenities. The most popular amenities were a perimeter trail, a multi use court, a splash pad, and washrooms. This funding is to allow for the construction of a multi use court within the park.

Artificial Turf – McAuliffe \$1,600,000

- As part of the Council endorsed 2022 Parks Capital Works Plan, the funding request allows for the replacement of one turf field with an artificial turf field and perimeter fencing. Artificial turf soccer field will allow for extended periods of play both in early spring and later in the fall season. McAuliffe Park Sports is also committing \$100,000 to add 2 small training fields to this project.

Artificial Turf – l’Esson \$2,000,000

- As part of the 2022 Parks Capital Works Plan the above noted funding allows for a partnership with l’Esson High School to artificially turf the main field. The Town would commit \$1,000,000 of a proposed project cost of \$2,000,000 and l’Esson would commit to the other \$1,000,000. Artificial turf allows for extended periods of play both in early spring and later in the fall season. This project is dependant on successful negotiation with the French Catholic School Board

Lakewood Park Washrooms and Splash Pads \$2,000,000

- The 2008 Parks Master Plan identified the need for a splash pad at Lakewood Park and Recreation Report 22/17 was presented and approved by Council with the recommendation of a splash pad and required washrooms/change rooms to be constructed in 2022. The project has been pushed back one year; the design of the washrooms will be undertaken in 2022 and the proposed construction of the washrooms/change rooms and the splash pad will be undertaken in 2023.

Parks Development 2024

Sports Fields Top Dressing and Over Seeding \$15,000

- With the elimination of pesticides for the control of weeds in turf areas, the Town now relies on cultural practices to maintain and enhance the sports fields in Town such as the application of sand, compost and topsoil to level the fields, as well as over seeding to improve the thickness of the turf. All of the sports fields used by soccer and baseball will be treated as required to keep them in excellent playing condition. This is an ongoing annual allocation for years 2023 to 2026.

Annual Project Allocation \$45,000

- The requested funding will allow the parks department to address smaller issues that come up during the year, such as an emergency replacement of a swing set, unforeseen small drainage work, etc. As well, annual inspections may reveal equipment failures. Any use of Annual Project Allocation will be reported to Council through the regular budget variance reporting.

Lacasse Ball Diamond – Artificial Turf and LED Lighting \$5,300,000

- As part of the 2022 Parks Capital Works Plan, the funding request allows for the remaining work to be completed at Lacasse ball Diamond as per the Capital works presentation. The total project was estimated at cost of \$8.5 million. In the 2022 capital budget, Council approved a project cost of \$3,321,000 to cover the cost of the grandstand, backstop and entrance plaza, anticipated to be completed in 2023. This leaves a remaining balance of \$5,180,000 plus project management of \$120,000 for the artificial turf and LED lighting. This portion of the project is contingent on upper levels of government grant funding before it proceeds.

Artificial Turf – McAuliffe Ball Diamond \$1,000,000

- As part of the 2022 Parks Capital Works Plan, the funding request allows for the replacement of one baseball diamond field with an artificial turf field. An artificial turf baseball field allows for extended periods of play both in early spring and later in the fall season.

Pickleball Lighting – Lacasse Pickleball Complex \$70,000

- Installation of lighting poles and LED fixtures onto existing bases installed as part of the original construction completed in 2021. This will allow for additional playing time in early spring and late fall.

Southfield Park Splash Pad & Washrooms \$1,000,000

- The original 2008 Parks Master identified the need for 3 splash pads (St. Mary's in 2018, McAuliffe in 2020, and Lakewood in 2023). Given the ever-increasing summer temperatures and the need for cooling opportunities for nearby residential uses, one additional splash pad is recommended in Southfield Park. In addition, outdoor washrooms would be required to service the splash pad as well as all park users.

Artificial Turf – l'Essor – Field #2 \$1,000,000

- As part of the 2022 Parks Capital Works Plan the above noted funding allows for a partnership with l'Essor High School to artificially turf a secondary field. The Town would commit \$500,000 of a proposed project cost of \$1,000,000. L'Essor would commit to the other \$500,000. Artificial turf allows for extended periods of play both in early spring and later in the fall season. This project is dependant on successful negotiation with the French Catholic School Board.

Parks Development 2025

Sports Fields Top Dressing and Over Seeding \$15,000

- With the elimination of pesticides for the control of weeds in turf areas, the Town now relies on cultural practices to maintain and enhance the sports fields in Town such as the application of sand, compost, and topsoil to level the fields, as well as over seeding to improve the thickness of the turf. All the sports fields used by soccer and baseball will be treated as required to keep them in excellent playing condition. This is an ongoing annual allocation for years 2023 to 2026.

Annual Project Allocation \$45,000

- The requested funding will allow the parks department to address smaller issues that come up during the year, such as an emergency replacement of a swing set, unforeseen small drainage work, etc. As well, annual inspections may reveal equipment failures. Any use of Annual Project Allocation will be reported to Council through the regular budget variance reporting.

Lakewood Park: Picnic Shelter \$1,000,000

- The design concept for Lakewood was approved by Town Council in 2013. The plan highlighted several capital improvements that were raised during the public consultation process. Several improvements have been completed to date, with the final major improvement being the construction of a large picnic shelter.
- With the construction of this picnic shelter, Pavilion # 2 at Lacasse will be removed since it is well beyond its useful life, and the new Lakewood Pavilion will be available for rental.

Parks Development 2026

Sports Fields Top Dressing and Over Seeding \$15,000

- With the elimination of pesticides for the control of weeds in turf areas, the Town now relies on cultural practices to maintain and enhance the sports fields in Town such as the application of sand, compost, and topsoil to level the fields, as well

as over seeding to improve the thickness of the turf. All the sports fields used by soccer and baseball will be treated as required to keep them in excellent playing condition. This is an ongoing annual allocation for years 2023 to 2026.

Annual Project Allocation \$45,000

- The requested funding will allow the parks department to address smaller issues that come up during the year, such as an emergency replacement of a swing set, unforeseen small drainage work, etc. As well, annual inspections may reveal equipment failures. Any use of Annual Project Allocation will be reported to Council through the regular budget variance reporting.

Peace Park- Playset Replacement \$80,000

- The playset at Peace Park will be over 20 years old and at the end of its useful life. The equipment will be replaced, and accessible wood fiber surfacing will be installed.

Reforestation - 2023 - 2026

Tree Planting \$30,000

- New trees will be planted on an annual basis to replace trees removed throughout the Town, as well as in response to individual requests from homeowners wishing to have a tree planted in the right-of-way in front of their house. Additional trees will be planted in various parks to expand the available forest cover and/or to have a tree planted in Town rights-of-way. This will be an ongoing annual planting program, modified to meet the needs identified in the town-wide tree inventory.

Trails 2023 - 2026

Southfield Park – Perimeter Trail \$150,000

- With the construction of the neighbouring Skyline apartment development, residents have brought forth their requests regarding park amenities. The most popular amenity was a perimeter trail around the park, which will allow for increased passive park use, along with improved connectivity to the adjoining neighbourhoods.

Consultations

Financial Services

Chief Administrative Officer

Financial Implications

Associated costs of each capital project item are outlined within the Comments section of this report.

The funds required for Parks, Reforestation and Trail development are generally allocated through the Lifecycle (LC) Reserves as outlined in the attachment that provides an updated Projected Lifecycle Reserve schedule for the five (5) year planning period.

Additional funding sources, including potential Federal/Provincial Grant funding, Community Funding primarily through joint projects with the French Catholic School Board, Other funding, which includes the proposed use of Canada Community-Building Fund reserves (former Federal Gas Tax) and support from the Town's Infrastructure Reserve for projects identified as alternative Sportsplex projects are also quantified in the attachment and will be relied upon to fund the large majority of the proposed expenditures.

The Town currently allocates \$1,750,000 annually to the Infrastructure Reserve with a target annual allocation of \$2,350,000. A portion of the annual allocation since 2018 has been identified for Sportsplex or Sportsplex-related projects.

Projects proposed for Council consideration are limited by LC balances available. The adequacy of annual LC contributions is reviewed regularly as part of the annual budget process and Asset Management Plan.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Casey Colthurst, HBScF
Manager Parks & Horticulture

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Reviewed by:

Paul Anthony, RRFA
Director Community & Recreation Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	2023 - 2026 Parks Capital Works Plan Schedules B, C, D

CRS-2022-09 Attachment 1 - Appendix B - Town of Tecumseh 2023 - 2026 Park Development
Capital June 15

	2023	2024	2025	2026
Opening Balance	\$ 1,124,310	\$ 1,267,310	\$ 1,412,310	\$ 1,262,310
Budget allocation	\$ 390,000	\$ 390,000	\$ 390,000	\$ 390,000
DC Reserve Fund re Previously Unfunded Projects	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000
Infrastructure Reserve	\$ -	\$ -	\$ -	\$ -
Funds Available	\$ 1,534,310	\$ 1,677,310	\$ 1,822,310	\$ 1,672,310
Lakewood North - Historical Storyboard	\$ -	\$ -	\$ -	\$ -
McAuliffe Park - Washroom Renovation	\$ -	\$ -	\$ -	\$ -
Chippewa Park - Courtyard Refurbishing	\$ -	\$ -	\$ -	\$ -
Park Sign Replacement	\$ -	\$ -	\$ -	\$ -
Lacasse Baseball Grandstand - replacement design	\$ -	\$ -	\$ -	\$ -
Lakewood and McAuliffe - Community LED Signs	\$ -	\$ -	\$ -	\$ -
Total Committed	\$ -	\$ -	\$ -	\$ -
Balance Uncommitted	\$ 1,534,310	\$ 1,677,310	\$ 1,822,310	\$ 1,672,310
Proposed - Net Lifecycle Funding Required	\$ 267,000	\$ 265,000	\$ 560,000	\$ 140,000
Balance available	\$ 1,267,310	\$ 1,412,310	\$ 1,262,310	\$ 1,532,310
Expenditure Forecast	2023	2024	2025	2026
Lakewood and McAuliffe - Community LED Signs	\$ -	\$ -	\$ -	\$ -
St Mary's Park - Baseball Dugouts	\$ -	\$ -	\$ -	\$ -
Bench and Garbage Can Replacements	\$ 12,000	\$ -	\$ -	\$ -
Sports Fields Top Dressing Overseeding	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
Install Manufactured Wood Chips at Play Sets	\$ 15,000	\$ -	\$ -	\$ -
Park Sign Replacement	\$ -	\$ -	\$ -	\$ -
St Mary's Park - Backflow Preventor and Booster Pump	\$ -	\$ -	\$ -	\$ -
Lakewood Pickleball - Fencing and Landscaping	\$ -	\$ -	\$ -	\$ -
Rocheleau Park - Toddler Playset	\$ -	\$ -	\$ -	\$ -
Annual Project Allocations TBD	\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000
Weston Park - Washroom Holding Tanks	\$ -	\$ -	\$ -	\$ -
Weston Park Tennis Court Refurbishing	\$ -	\$ -	\$ -	\$ -
Shawano Park - Playset Replacement	\$ -	\$ -	\$ -	\$ -
Lakewood Park Design Washrooms & Splash Pad	\$ -	\$ -	\$ -	\$ -
Baillergeon Park - Playset Replacement	\$ 70,000	\$ -	\$ -	\$ -
Southfield Multi Use Court	\$ 110,000	\$ -	\$ -	\$ -
Lacasse Ball Diamond Upgrades	\$ -	\$ 5,300,000	\$ -	\$ -
Artificial Turf - McAuliffe Park	\$ 1,600,000	\$ 1,000,000	\$ -	\$ -
Artificial Turf - L'essor	\$ 2,000,000	\$ 1,000,000	\$ -	\$ -
Lakewood Park Design Washrooms & Splash Pad	\$ 2,000,000	\$ -	\$ -	\$ -
Pickleball Lighting - Lacasse Complex	\$ -	\$ 70,000	\$ -	\$ -
Southfield Park Splash Pad & Washroom	\$ -	\$ 1,000,000	\$ -	\$ -
Lakewood Park: Picnic Shelter	\$ -	\$ -	\$ 1,000,000	\$ -
Peace Park: Playset replacement	\$ -	\$ -	\$ -	\$ 80,000
Project Management	\$ 75,000	\$ 100,000	\$ -	\$ -
Total Expenditure Forecast	\$ 5,942,000	\$ 8,530,000	\$ 1,060,000	\$ 140,000
Non Lifecycle Funding	2023	2024	2025	2026
Grant Funding MMF	\$ -	\$ -	\$ -	\$ -
Federal/Provincial Grant 73%	\$ -	\$ 3,869,000	\$ -	\$ -
Community Funding	\$ 1,160,000	\$ 500,000	\$ -	\$ -
Other funding	\$ 940,000	\$ -	\$ -	\$ -
Infrastructure Reserve	\$ 3,575,000	\$ 3,896,000	\$ 500,000	\$ -
Total Non Lifecycle Funding	\$ 5,675,000	\$ 8,265,000	\$ 500,000	\$ -
Net Lifecycle funding required	\$ 267,000	\$ 265,000	\$ 560,000	\$ 140,000

APPENDIX C - 2023 - 2026 Reforestation Capital Works Projects
LC Reforestation (1560)

	2023	2024	2025	2026
Opening Balance	\$ 91,300	\$ 91,300	\$ 91,300	\$ 91,300
Budget allocation	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000
Funds Available	\$ 121,300	\$ 121,300	\$ 121,300	\$ 121,300
Tree Inventory CFW	\$ -	\$ -	\$ -	\$ -
Total Committed	-	-	-	-
Balance Uncommitted	\$ 121,300	\$ 121,300	\$ 121,300	\$ 121,300
Proposed - Net Lifecycle Funding Required	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000
Balance available	\$ 91,300	\$ 91,300	\$ 91,300	\$ 91,300
Expenditure Forecast	2023	2024	2025	2026
Tree Planting	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000
Total Lifecycle Expenditure Forecast	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000
Non Lifecycle Funding	2023	2024	2025	2026
Federal / Provincial Infrastructure Grant	\$ -	\$ -	\$ -	\$ -
Town Funding	\$ -	\$ -	\$ -	\$ -
Community Fundraising	\$ -	\$ -	\$ -	\$ -
Debt Financing	\$ -	\$ -	\$ -	\$ -
Total Non-Lifecycle Funding	\$ -	\$ -	\$ -	\$ -
Net Lifecycle Funding Required	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000

APPENDIX D - 2023 - 2026 Trails Capital Works Projects
LC Trails (1640)

	2023	2024	2025	2026
Opening Balance	\$ 394,800	\$ 314,800	\$ 384,800	\$ 454,800
Budget Allocation	\$ 70,000	\$ 70,000	\$ 70,000	\$ 70,000
Funds Available	\$ 464,800	\$ 384,800	\$ 454,800	\$ 524,800
Total Committed	-	-	-	-
Balance Uncommitted	\$ 464,800	\$ 384,800	\$ 454,800	\$ 524,800
Proposed - Net Lifecycle funding required	150,000	-	-	-
Balance available	\$ 314,800	\$ 384,800	\$ 454,800	\$ 524,800
Expenditure Forecast	2023	2024	2025	2026
Shouthfield Park - Perimeter Trail	\$ 150,000	\$ -	\$ -	\$ -
Total Lifecycle Expenditure Forecast	\$ 150,000	\$ -	\$ -	\$ -
Non Lifecycle Funding	2023	2024	2025	2026
Federal / Provincial Infrastructure Grant	\$ -	\$ -	\$ -	\$ -
Town Funding	\$ -	\$ -	\$ -	\$ -
Community Fundraising	\$ -	\$ -	\$ -	\$ -
Debt Financing	\$ -	\$ -	\$ -	\$ -
Total Non-Lifecycle Funding	\$ -	\$ -	\$ -	\$ -
Net Lifecycle Funding Required	\$ 150,000	\$ -	\$ -	\$ -



The Corporation of the Town of Tecumseh

Community & Recreation Services

To: Mayor and Members of Council

From: Paul Anthony, Director Community & Recreation Services

Date to Council: June 28, 2022

Report Number: CRS-2022-11

Subject: 2023 – 2026 Municipal Buildings Capital Works Plan

Recommendations

It is recommended:

That the Municipal Buildings Capital Projects as summarized in Attachment 1 to Report CRS-2022-10, 2023 – 2026 Municipal Buildings Capital Works Plan, **be adopted**;

And that the 2023 – 2026 Municipal Buildings Capital Projects **be funded** through the Buildings Lifecycle Reserve.

Executive Summary

The purpose of this report is to present to Council for its formal adoption the proposed capital project items as referenced in the 2023 - 2026 Municipal Buildings Capital Works Plan supplementary to the concurrent 2022 Municipal Buildings Capital Works Plan as previously approved in Report CRS-2022-03.

Furthermore, outcomes following the SCM – Strategic Priorities Workshop on March 29th support recommendations as presented by Administration along with additional directions as outlined in Motion: SCM 12/22, which have been included and prioritized correspondingly.

The developed plan for capital projects will provide a detailed synopsis articulating necessary renovations, asset replacement and repair, and new infrastructure developments as prioritized.

Funding is allocated through the Lifecycle Reserves to support asset replacement and repair projects, whereas the Infrastructure Reserve is generally utilized to fund enhancements or new development projects.

Background

The repair and replacement of capital assets as identified in this report are intended to upgrade existing municipal buildings according to the building lifecycle plan based on the expected useful life of major components. These consist of the building envelope and infrastructure within, including mechanical systems, roofing, flooring, interior and exterior work.

In 2018, a category reflective of facilities was incorporated into the Town's Asset Management Plan (AMP). Condition assessments of facilities were undertaken in 2020 to generate inclusive evaluations and prioritize upcoming projects that also aligned and integrated with the 2021 AMP update.

The Department conducted visual inspections of identified building components that have surpassed their expected useful life and equipment displaying an indication of systematic or mechanical issues through monitored performance requiring immediate remediation.

Comments

The following outlines the 2023 - 2026 Capital Works Plan for Municipal Buildings, as itemized in Attachment 1:

Municipal Buildings

2023

CADA Library HVAC Unit Replacement \$60,000

- The four (4) HVAC units at the library are at the end of their life expectancy and require replacement. This proposed project will allow for the replacement of the remaining two (2) units and will enhance indoor air quality and lower energy consumption due to the higher efficiency of these units.

CADA Library Building - Renovations \$1,000,000

- The proposed funding is to undertake renovations to the CADA Library in partnership between the Town of Tecumseh and the Essex County Library Board. The public consultation and detailed design for the renovation project is underway in 2022, with renovation work to be undertaken in 2023.

Fire Hall #1 HVAC Unit Replacement \$25,000

- An HVAC unit at Fire Hall #1 needs replacement and has surpassed its life expectancy. The new unit will improve indoor air quality and efficiency along with reducing energy consumption.

Maidstone Recreation Centre – Outdoor Washrooms \$500,000

- As the Town moves forward with the acquisition of the Maidstone Recreation Centre, certain improvement projects are planned for this facility. Cost to include services for the architectural design and the construction of new outdoor washrooms to improve services for the outdoor recreational amenities.

Annual General Building Repairs \$40,000

- Annually an amount is budgeted to address smaller capital projects that have not been specifically identified. Some situations arise that require attention, such as pump replacements, light fixtures, etc. Any use of the Annual General Repairs Allocation will be reported to Council through the regular budget variance reporting.

2024

St. Clair Beach Community Centre 'B' Side HVAC Replacement \$30,000

- These two (2) units are at the end of their life expectancy. It is planned to replace the two units on the 'B' side with one upgraded unit that will provide improved indoor air quality and energy efficiency.

St. Clair Beach Community Centre Upgrades \$100,000

- Interior upgrades, including the kitchenette area, flooring surface and accessibility improvements.

Fire Hall #1 Expansion - Construction TBD

- Dependant of the outcome of the Fire Master Plan slated to be completed in late 2023 and approvals therein, including cost of the conceptual design for additional space and architectural services. Overall costs to be determined.

Town Hall Pavilion Replacement \$125,000

- The structure is requiring replacement due to reaching its life expectancy and existing conditions displaying fatigue. A new pavilion will achieve an aesthetic enhancement along with producing connectivity to the surrounding amenities.

Maidstone Recreation Centre – Parking Lot and Pickleball Facility \$1,300,000

- Upgrades to include the hard surfacing (paving) of the designated parking lot area to improve accessibility and the development of a new four (4) court pickleball facility to provide an additional recreational outlet for the community.

Annual General Building Repairs not to exceed annual budget allocation \$40,000

Annually an amount is budgeted to address smaller capital projects that have not been specifically identified. Some situations arise that require attention, such as pump replacements, light fixtures, etc. Any use of the Annual General Repairs Allocation will be reported to Council through the regular budget variance reporting.

2025

Maidstone Recreation Centre – Building Renovations \$200,000

- Dependant on the initial condition assessments from assuming the ownership of the building. Improvements may include replacement of HVAC unit(s) and roof, further interior and exterior renovations as necessary.

Weston Park - Washroom Building Renovations \$250,000

- The facility is displaying fatigue based on its age and intended use. This project will provide a general upgrade of the building envelope and interior components which align with community improvement planning and the expected sanitary infrastructure through upcoming developments. This project is subject to the development of new sanitary infrastructure and may advance earlier pending completion.

Annual General Building Repairs not to exceed annual budget allocation \$40,000

- Annually an amount is budgeted to address smaller capital projects that have not been specifically identified. Some situations arise that require attention, such as pump replacements, light fixtures, etc. Any use of the Annual General Repairs Allocation will be reported to Council through the regular budget variance reporting.

2026

Building Lifecycle Improvements \$150,000

- Funding placeholder reflective of the comprehensive asset management update and inventory review of municipal facilities in determining necessary improvements.

Annual General Building Repairs not to exceed annual budget allocation \$40,000

- Annually an amount is budgeted to address smaller capital projects that have not been specifically identified. Some situations arise that require attention, such as pump replacements, light fixtures, etc. Any use of the Annual General Repairs Allocation will be reported to Council through the regular budget variance reporting.

The foregoing outlook provided on capital investments pertaining to municipal buildings is based on the condition and life expectancy of equipment and related infrastructure. The actual capital projects/replacements as identified are reflective of condition assessments as part of the updated Asset Management Plan (AMP) and annual capital plan exercise.

Consultations

Financial Services
Community Safety

Financial Implications

Associated costs of each capital project item are outlined within the Comments section of this report.

The funds required for Municipal Buildings are generally allocated through the Lifecycle (LC) Reserves as outlined in the attachments. However, in cases where asset enhancements and/or new asset additions are contemplated, such as with the Cada Library renovation and Maidstone Recreation Centre projects, other sources of funding are necessary.

Additional funding sources, including the Town's Infrastructure Reserve and County contributions will be relied upon for \$3M of the total proposed \$4.5M in expenditures for the 2023-2026 timeframe.

The Town currently allocates \$1,750,000 annually to the Infrastructure Reserve with a target annual allocation of \$2,350,000. A portion of the annual allocation since 2018 has been identified for Sportsplex or Sportsplex-related projects. The Maidstone Recreation

Centre projects represent Sportsplex-related or alternative projects and amount to \$2M during the 2023-2026 timeframe.

Projects proposed for Council consideration are limited by LC balances available. The adequacy of annual LC contributions is reviewed regularly as part of the annual budget process and Asset Management Plan.

A comprehensive review of all municipal buildings commenced in 2020 to classify and prioritize capital replacements according to performed condition assessments. The exercise of annual condition assessments ensures allocations remain sufficient in recognizing the investment value and its importance.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Daniel Wolicki
Manager Facilities & Energy Management

Reviewed by:

Paul Anthony, RRFA
Director Community & Recreation Services

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Town of Tecumseh 2023 – 2026 Municipal Buildings Capital Works Plan

**Appendix A 2023 - 2026 Building Five Year Capital
Project Expenditure Forecast**

LC Buildings (1540)

Lifecycle Buildings Reserve	2023	2024	2025	2026
Opening Balance	\$ 268,600	\$ 348,600	\$ 258,600	\$ 173,600
Budget allocation	\$ 205,000	\$ 205,000	\$ 205,000	\$ 205,000
Funds Available	\$ 473,600	\$ 553,600	\$ 463,600	\$ 378,600
CADA Library Architect Services	\$ -	\$ -	\$ -	\$ -
Total Committed	\$ -	\$ -	\$ -	\$ -
Balance Uncommitted	\$ 473,600	\$ 553,600	\$ 463,600	\$ 378,600
Proposed - Net Lifecycle Funding Required	\$ 125,000	\$ 295,000	\$ 290,000	\$ 190,000
Balance available	\$ 348,600	\$ 258,600	\$ 173,600	\$ 188,600

Lifecycle Expenditure Forecast	2023	2024	2025	2026
Town Hall HVAC Unit Replacement (10 units)	\$ -	\$ -	\$ -	\$ -
Town Hall Portable Air Filtration Units	\$ -	\$ -	\$ -	\$ -
St. Clair Beach Comm. Centre HVAC Replacement (2 units each year)	\$ -	\$ 30,000	\$ -	\$ -
CADA Library HVAC Replacement (2 units each year)	\$ 60,000	\$ -	\$ -	\$ -
Fire Hall #1 Expansion Architect Services Contract	\$ -	\$ -	\$ -	\$ -
CADA Library – Remediation Work	\$ -	\$ -	\$ -	\$ -
OPP Fire Panel Upgrade	\$ -	\$ -	\$ -	\$ -
Fire Hall #2 HVAC Unit Replacement	\$ -	\$ -	\$ -	\$ -
Electric Vehicle (EV) Charging Stations	\$ -	\$ -	\$ -	\$ -
CADA Library Building - Renovations	\$ 1,000,000	\$ -	\$ -	\$ -
Fire Hall #1 HVAC Unit Replacement	\$ 25,000	\$ -	\$ -	\$ -
Maidstone Recreation Centre - Outdoor Washrooms	\$ 500,000	\$ -	\$ -	\$ -
St. Clair Beach Comm. Centre Upgrades	\$ -	\$ 100,000	\$ -	\$ -
Fire Hall #1 Expansion - Construction	\$ -	tbd	\$ -	\$ -
Town Hall Pavilion Replacement	\$ -	\$ 125,000	\$ -	\$ -
Maidstone Recreation Centre - Parking Lot and Pickleball Facility	\$ -	\$ 1,300,000	\$ -	\$ -
Maidstone Recreation Centre - Building Renovations	\$ -	\$ -	\$ 200,000	\$ -
Weston Park - Washroom Building Renovations	\$ -	\$ -	\$ 250,000	\$ -
Building Lifecycle Improvements	\$ -	\$ -	\$ -	\$ 150,000
Annual General Building Repairs	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000
Total Lifecycle Expenditure Forecast	\$ 1,625,000	\$ 1,595,000	\$ 490,000	\$ 190,000

Non-Lifecycle Funding	2023	2024	2025	2026
New Infrastructure Levy	\$ 1,080,161	\$ 1,300,000	\$ 200,000	\$ -
Town Funding	\$ 119,839	\$ -	\$ -	\$ -
Essex County Library	\$ 300,000	\$ -	\$ -	\$ -
Debt Financing	\$ -	\$ -	\$ -	\$ -
Total Non-Lifecycle Funding	\$ 1,500,000	\$ 1,300,000	\$ 200,000	\$ -
Net Lifecycle Funding Required	\$ 125,000	\$ 295,000	\$ 290,000	\$ 190,000



The Corporation of the Town of Tecumseh

Community & Recreation Services

To: Mayor and Members of Council

From: Paul Anthony, Director Community & Recreation Services

Date to Council: June 28, 2022

Report Number: CRS-2022-12

Subject: Essex Power Youth in Community Fund

Recommendations

It is recommended:

That Parks and Recreation Report No. CRS-2022-12, regarding the Essex Power Youth in Community Fund, **be received** for information.

Background

In 2014, Essex Power Corporation approved the “Youth in Community” (YIC) Fund policy that distributes funding equally amongst the Shareholders of Essex Power Corporation for Essex Power Corporation to support its communities by sponsoring organizations that offer activities and projects geared towards youth. In accordance with the funding requirements, the Town of Tecumseh is responsible for administering the allocation of the YIC funding and each group that receives funding agrees to identify Essex Power as the sponsor through acknowledgement on various promotional materials including signage, flyers and websites.

YIC Fund programing has continued annually since 2014, and throughout the years has sponsored a variety of recreation programs, events and local sport organizations including Breakfast with Santa, Canada Day Celebration, Christmas in Tecumseh, Earth Day Celebration, In Motion 12 o'clock Walk, McAuliffe Park Sports, Outdoor Movie Nights, Public Recreational Skating/Swimming, St. Mary's Sports, Summer Concert Series, Tecumseh Minor Baseball Association, Tecumseh Shoreline Minor Hockey

Association, Tecumseh Skating Club, Tecumseh Soccer Association, and the Tecumseh Summer Day Camp.

In 2020, in response to the COVID-19 pandemic, only a limited number of programs and events were able to run which resulted in \$6,700 surplus of YIC funds. In 2021, the Community & Recreation Services department had \$16,700 in available YIC funds and even with several COVID-19 restrictions still in place, was able to offer a significant number of funded events and programs. At the end of 2021 the year-end surplus was down to \$1,563 which was reported in the Bi-Annual report to the Essex Power Corporation Board of Directors.

Comments

Administration received confirmation that the Essex Power Corporation (EPC) Board of Directors has once again approved funding for its Shareholders to continue to support organizations that offer activities and projects geared towards youth in 2022. EPC has approved \$40,000 Youth in Community Funding to be distributed among its four communities. Furthermore, EPC approved the carry over of the 2021 unused funds to be used in 2022.

The Tecumseh Community and Recreation Services Department is exploring several options to provide the Tecumseh community with opportunities to participate in recreational programs and events in 2022. It is anticipated that YIC funding will support many of these initiatives as it has done in the past.

2022 will be the ninth year of the funding. Over the years, EPC has invested \$360,000 to support youth in its four communities of Amherstburg, LaSalle, Leamington and Tecumseh.

According to the funding requirements:

- Fund allocations are restricted by the Corporate Shareholders to a maximum of \$2,500 for each youth organization activity/event/project
- Special consideration for funding requests above \$2,500 may be given only upon request
- The Corporate Shareholder is the sole administrator and distributor of funds.

The Guidelines and Eligibility Requirements of the Program include:

- Youth organizations activities/events/projects must take place within the shareholder community which is serviced by Essex Power Corporation
- Must be youth driven; eighteen (18) years of age or under
- Must include an element of education, fitness, art/culture, or social responsibility
- Projects benefiting a larger number of youth are given greater consideration

- Essex Power is to be prominently acknowledged as the source of the funding through the placement of Essex Power Corporation's logo on various promotional items whenever possible.

The Town will be required to provide the Essex Power Board of Directors a bi-annual report detailing fund recipients and amount received.

The Community and Recreation Services department will continue to manage the Town of Tecumseh's allotment of YIC funding by coordinating activities throughout the year through direct programming and partnerships with community groups.

Consultations

Financial Services

Financial Implications

YIC funds available to the Town in support of eligible municipal programs for 2022 total \$11,563 as detailed in the following table.

Description	Amount
2021 YIC Surplus Funds	\$1,563
2022 YIC Approved Funds	\$10,000
Total	\$11,563

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Brett Palmer
Senior Manager Recreation Services

Reviewed by:

Paul Anthony, RRFA
Director Community & Recreation Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None



The Corporation of the Town of Tecumseh

Development Services

To: Mayor and Members of Council

From: Brian Hillman, Director Development Services

Date to Council: June 28, 2022

Report Number: DS-2022-24

Subject: Bill 109 - The More Homes for Everyone Act, 2022
Summary Report and Delegation of Site Plan Approval

Recommendations

It is recommended:

That Development Services report DS-2022-24 entitled “Bill 109 - The More Homes for Everyone Act, 2022 – Summary Report and Delegation of Site Plan Approval”, **be received;**

And that a by-law delegating site plan approval authority to the Director Development Services or, in the Director’s absence, the Manager Planning Services & Local Economic Development, in accordance with Section 41 of the *Planning Act*, **be adopted;**

And further that a by-law authorizing and directing the execution of site plan control agreements by the Clerk and Chief Administrative Officer, which agreements are satisfactory in form and content to the Town’s Solicitor and the Director Development Services or the Manager Planning Services & Local Economic Development, **be adopted.**

Background

On April 14, 2022, Bill 109, the *More Homes for Everyone Act* (“Bill 109”) received Royal Assent by the Province. Bill 109 amended provincial legislation with respect to

various legislation, and particularly to the *Planning Act* and *Development Charges Act*, with the stated goal being the introduction of a range of initiatives intended to increase housing supply, address market speculation, and protect homebuyers, owners and renters. Specifically, Bill 109 makes changes to the:

- *Planning Act*
- *Development Charges Act*
- *City of Toronto Act*
- *New Home Construction Licensing Act*
- *New Home Warranties Plan Act*

The purpose of this report is to summarize the changes specifically related to the *Planning Act* and the *Development Charges Act* and to provide a commentary on how the changes may impact the Town of Tecumseh.

Comments

Changes to the Planning Act

Bill 109 makes numerous changes related to site plan, zoning and plan of subdivision applications. The changes that have implications for planning and development approvals within the Town are summarized as follows:

i) **Mandatory Delegation of Site Plan Control Approval to Municipal Staff**

Site plan control is a tool that is used by the Town in accordance with the provisions of Section 41 of the *Planning Act*, to ensure that commercial, industrial, institutional, and multi-unit residential development is designed, built and maintained appropriately. In addition to a list of matters to be addressed as contained in Section 41 of the *Planning Act*, the Town's Official Plan ("Town OP"), under Section 10.4, establishes the following objectives in using site plan control:

- To ensure a high standard of site design for new development;
- To ensure safety and efficiency of vehicular and pedestrian access;
- To minimize incompatibilities between new and existing development;
- To control the location of driveways, parking, loading and garbage collection facilities;
- To secure easements or grading and alterations necessary to provide for public utilities and site drainage;
- To ensure the exterior design of new development, including the character, scale, appearance and design feature, and their sustainable design, is in accordance with Council-approved architectural guidelines, where applicable; and

- To ensure that the development proposed is built and maintained as approved by Council.

No public meetings are required for the Town to approve a site plan control application, and no external appeals are permitted. Under the *Planning Act*, only the Applicant can appeal a site plan control application decision.

At present, the Town's site plan control applications are approved by Town Council by way of reports being brought forward to Regular Council Meetings seeking either a resolution approving site plan drawings with specific conditions or a resolution seeking the passage of a by-law authorizing the Mayor and Clerk to execute a site plan control agreement.

Bill 109 removes Council's approval authority for site plans and requires that the responsibility be delegated to Town staff. This means that site plan applications will no longer be brought forward for Council's approval, synonymous with building permit applications, which are exclusively within the purview of staff.

The intent of the change is to streamline the municipal approval process for site plan control applications. For the Town, it has the effect of removing what had been the last step in the approval process, being the preparation of a report and its consideration by Council at a Regular Council Meeting. The balance of the approval process will remain intact (pre-consultation, followed by internal multi-departmental review of applications, discussions and negotiations with applicant, all of which is led by Development Services).

Bill 109 requires municipalities pass a by-law to appoint an authorized staff to approve site plan control applications. The delegation of authority is required to be in place for site plan applications received on or after July 1, 2022. The effect of this will be that site plan control applications will no longer be brought forward for Council approval (by way of Development Services Reports), but rather, will be reviewed and ultimately approved by the designated Town staff.

The other municipalities in Essex County have also commenced this transition of delegation of site plan approval authority to staff. The following chart provides a comparison of what our peer municipalities are proposing with respect to delegated authority, signing authority for site plan agreements and methods to keep Council updated on site plan approvals. In addition, Administration has contacted other municipalities in Ontario, which have indicated the move towards similar protocols as those being implemented in Essex County.

Municipality	Delegated Approval Authority	Signing Authority for Agreements	Information Provided to Council
Amherstburg	Senior Planning Staff (Director or Manager) or CAO	Clerk/CAO	None
Essex	Senior Planning Staff (Director or Manager)	Clerk	Information Emails or Monthly Report (if required)
Kingsville	Senior Planning Staff (Director or Manager) or CAO	Clerk/CAO	Information Emails or Quarterly Report (if required)
Lakeshore	Senior Planning Staff (Director or Manager) or CAO	Clerk/Mayor	Quarterly Report
LaSalle	Senior Planning Staff (Director or Manager) or CAO	Clerk/Mayor	Semi-Annual Report (if required)
Leamington	Senior Planning Staff (Director or Manager) or CAO	Senior Planning Staff (Director or Manager) and/or CAO	None, unless a contentious development proposal.
Recommended for Tecumseh	Director Development Services or, in Director's absence, Manager Planning Services & Local Economic Development	Clerk/CAO	Information Emails (at least quarterly)

As noted in the table, Administration recommends the following site plan approval delegation protocols for Tecumseh:

- the delegation of approval authority, by way of a by-law, to the Director Development Services or in the Director's absence, the Manager Planning and Local Economic Development.
- the delegation of signing authority for site plan control agreements to the Clerk and Chief Administrative Officer. To avoid the need for individual by-laws authorizing the execution of each agreement, the delegation by-law will include blanket authority.
- that an information email be provided to Council at least quarterly summarizing recent site plan approvals.

ii) Site Plan Control – Complete Application Requirements

Complete application requirements are prescribed within the new legislation, mandating that the municipality inform the applicant of a “complete” *Planning Act* application within 30 days of it being formally received (similar to what is currently required for Official Plan and Zoning By-law Amendments). This requirement will come into effect for all applications received on or after January 1, 2023.

iii) Site Plan Control – Refund of Application Fees

Municipalities will be required to gradually refund site plan control application fees if an approval is not made within the following legislated timelines (contingent on a request for a refund being made by the applicant):

- 50% of the application fee if the decision is not made within 60 days from the date the municipality received the complete application and fee;
- 75% of the application fee if the decision is not made within 90 days from the date the municipality received the complete application and fee, and
- 100% of the application fee if the decision is not made within 120 days from the date the municipality received the complete application and fee.

This requirement will apply to all applications received on or after January 1, 2023. In order to avoid placing the municipality in the circumstance of having to issue refunds and based on past experience, emphasis will be placed on clarifying not only the nature of the submissions (e.g. traffic impact study, stormwater study) but also the quality of the submissions. It is important to avoid the scenario where timelines go beyond the thresholds due to inadequate supporting reports necessitating further analysis. The planners in our region are continuing to meet on this issue to arrive at a common approach for ease of use by the development industry.

iv) Zoning By-law Amendment – Refund of Application Fees

Municipalities will be required to gradually refund zoning by-law amendment application fees if they fail to make a decision on an application within the following legislated timelines (contingent on a request for a refund being made by the applicant):

- 50% of the application fee if the decision is not made within 90 days (or 120 days if concurrent with an official plan amendment application) from the date the municipality received the complete application and fee;
- 75% of the application fee if the decision is not made within 150 days (or 180 days if concurrent with an official plan amendment application) from the date the municipality received the complete application and fee; and
- 100% of the application fee if the decision is not made within 210 days (or 240 days if concurrent with an official plan amendment application) from the date the municipality received the complete application and fee.

This requirement will apply to all applications received on or after January 1, 2023. A similar approach is intended as that noted in the commentary under paragraph iii) above regarding site plans.

v) Plan of Subdivision

The ability to establish a one-time discretionary authority to allow municipalities to reinstate draft plans of subdivision that have lapsed within the past five years without the need for a new application. This authority only applies where no agreements of purchase and sale had been entered into prior to the lapsing of the draft plan of subdivision. The changes also establish regulation-making authority for the province to prescribe what can and/or cannot be required as a condition of draft plan of subdivision approval.

Changes to the Development Charges Act

Historically, the municipal treasurer has been required to provide Council with an annual financial statement related to development charges and reserve funds. The changes being introduced require that this statement to also be made available to the public on the Town's website.

Consultations

Chief Administrative Officer
Financial Services
Legislative Services & Clerk

Public Works & Engineering Services

Financial Implications

Any financial impacts arising from Bill 109 are difficult to determine until the regulations are in place and final details are established regarding “complete applications”. While there are no immediate financial implications resulting from the amendments required by way of Bill 109, the changes ultimately may have an impact on the Town’s ability to comprehensively review applications in a timely manner without a financial penalty, given the potential for refund requirements legislated as part of the Bill. Moreover, there are additional requirements for financial tracking and reporting associated with development fees and development charges. These changes may raise capacity issues for Development Services, Public Works & Engineering Services and Financial Services, which will be monitored and reported to Council.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Enrico DeCecco, BA (Hons), MCIP, RPP
Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services & Local Economic Development

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Reviewed by:

Jennifer Alexander, MPA
Acting Clerk

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None



The Corporation of the Town of Tecumseh

Development Services

To: Mayor and Members of Council

From: Brian Hillman, Director Development Services

Date to Council: June 28, 2022

Report Number: DS-2022-26

Subject: Site Plan Control
L'Essor High School
13605 St. Gregory's Road
OUR FILE: D11 LES

Recommendations

It is recommended:

That a by-law authorizing the execution of the “Conseil Scolaire De District Des Écoles Catholiques Du Sud-Ouest” site plan control agreement, satisfactory in form to the Town’s Solicitor, which allows for the introduction of additional parking areas and improvements to existing parking areas, along with on-site services/works on an 11.7 hectare (28.9 acre) parcel of land situated on the south side of St. Gregory’s Road, approximately 225 metres (738 feet) east of its intersection with Manning Road (13605 St. Gregory’s Road), **be adopted**, subject to the following occurring prior to the Town’s execution of the Agreement:

- i) final stormwater management design and stormwater management calculations, and associated site service drawings being approved by the Town;
- ii) the Owner executing the site plan control agreement; and
- iii) the Owner posting security for performance pursuant to paragraph 6.1 of the agreement;

And that the execution of such further documents as are called for by the site plan control agreement approved above including, but not limited to, the execution of the acknowledgement/direction required to register the site plan control agreement on title to the lands and such other acknowledgements/directions for any related transfers or real property registrations contemplated by the site plan control agreement, by the Mayor and Clerk and minor modifications as the Director Development Services may approve as necessary and appropriate upon conferring with the Town's Solicitor, **be authorized.**

Background

Property Location

Conseil Scolaire De District Des Écoles Catholiques Du Sud-Ouest ("Conseil Scolaire") owns an 11.7 hectare (28.9 acre) parcel of land situated on the south side of St. Gregory's Road, approximately 225 metres (738 feet) east of its intersection with Manning Road, having the municipal address 13605 St. Gregory's Road ("school property"). The school property is occupied by the existing L'Essor High School and accessory classroom portables, parking and recreational areas (see Attachment 1).

Proposed Development

Conseil Scolaire is proposing improvements to the existing parking areas along with the introduction of new parking areas. Accordingly, the Board has filed an application for site plan control approval to facilitate parking lot improvements as detailed below (see Attachment 2):

- introduction of a new access lane that will provide vehicular connection between the existing parking area located along the south side of St. Gregory's Road that provides parking for the Town-leased soccer fields and the primary parking area located to the west of the school that provides parking for staff, students and visitors;
- reconstruction and enlargement of the primary parking area located to the west of the school that will provide a total of 149 spaces;
- introduction of three new barrier-free parking spaces to be located to the north of the school, adjacent to the main entrance;
- introduction of 20 new parking spaces to be located to the southeast of the school, adjacent to the areas where existing portable classrooms are located;

- reconstruction of an access lane located to the south of the school, which provides vehicular connection between the eastern and western parking areas; and
- introduction of appropriate signage to facilitate the orderly movement of vehicles on the school property.

In addition to the site plan, the Owner has submitted a site grading plan and a site service plan, all of which are attached to the site plan agreement as schedules. These are important components of the approval process as they ensure appropriate stormwater measures are introduced with the hard-surfacing of the land for the parking lots.

Comments

Official Plan and Zoning

The proposed development and corresponding site plan conform to the "Community Facility" designation policies and Site Plan Control Objectives contained in the Official Plan with respect to the location of driveways, parking areas, ensuring safe and efficient vehicular and pedestrian access along with the introduction of stormwater management measures. In addition, the site plan complies with all regulations established by the "Institutional Zone (I)" that applies to the portion of the property being used for school purposes, as well as the Parking Requirements for secondary schools established in subsection 5.22 d) of Zoning By-law 2065. It should be noted that the portion of the subject property currently being leased by the Town for use as soccer fields is zoned "General Commercial Zone (C1)" (see Attachment 3).

Servicing

The proposed development will be on full municipal services (sanitary, water and stormwater drainage). A Stormwater Management Study, which includes quantity and quality control measures, and associated site service drawings have been reviewed by Town Administration. As a result, revisions are currently being finalized by the Owner's consultant. The site plan control agreement requires that final approval of the Stormwater Management Study and associated servicing drawings, to the satisfaction of the Town, shall be required prior to the issuance of a building permit. Public Works and Engineering Services has advised that it has no concerns with the proposed development.

Summary

In summary, it is the opinion of the writer, along with Town Administration, that the proposed site plan control agreement will result in appropriate development that is based on sound land use planning principles. Accordingly, Administration is prepared to recommend approval of the attached site plan agreement, as prepared by Wolf Hooker Law Firm (Town Solicitor) (see Attachment 4, with site plan drawing attached thereto as Schedule B) which facilitates the noted improvements. As has been the practice of the Town to date, the agreement establishes that a security deposit in the amount of \$10,000 (cash or letter of credit) is required as a condition of approval to ensure all performance obligations of the Owner are fulfilled.

Consultations

Community & Recreation Services
Community Safety
Public Works & Engineering Services
Town Solicitor

Financial Implications

None.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Enrico DeCecco, BA (Hons), MCIP, RPP
Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services & Local Economic Development

Reviewed by:

Paul Anthony, RRFA
Director Community & Recreation Services

Reviewed by:

Wade Bondy
Director Community Safety & Fire Chief

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1.	Property Location Map
2.	Proposed Site Plan, Detail View
3.	Zoning Map
4.	Site Plan Control Agreement



Prepared By:
Development Services



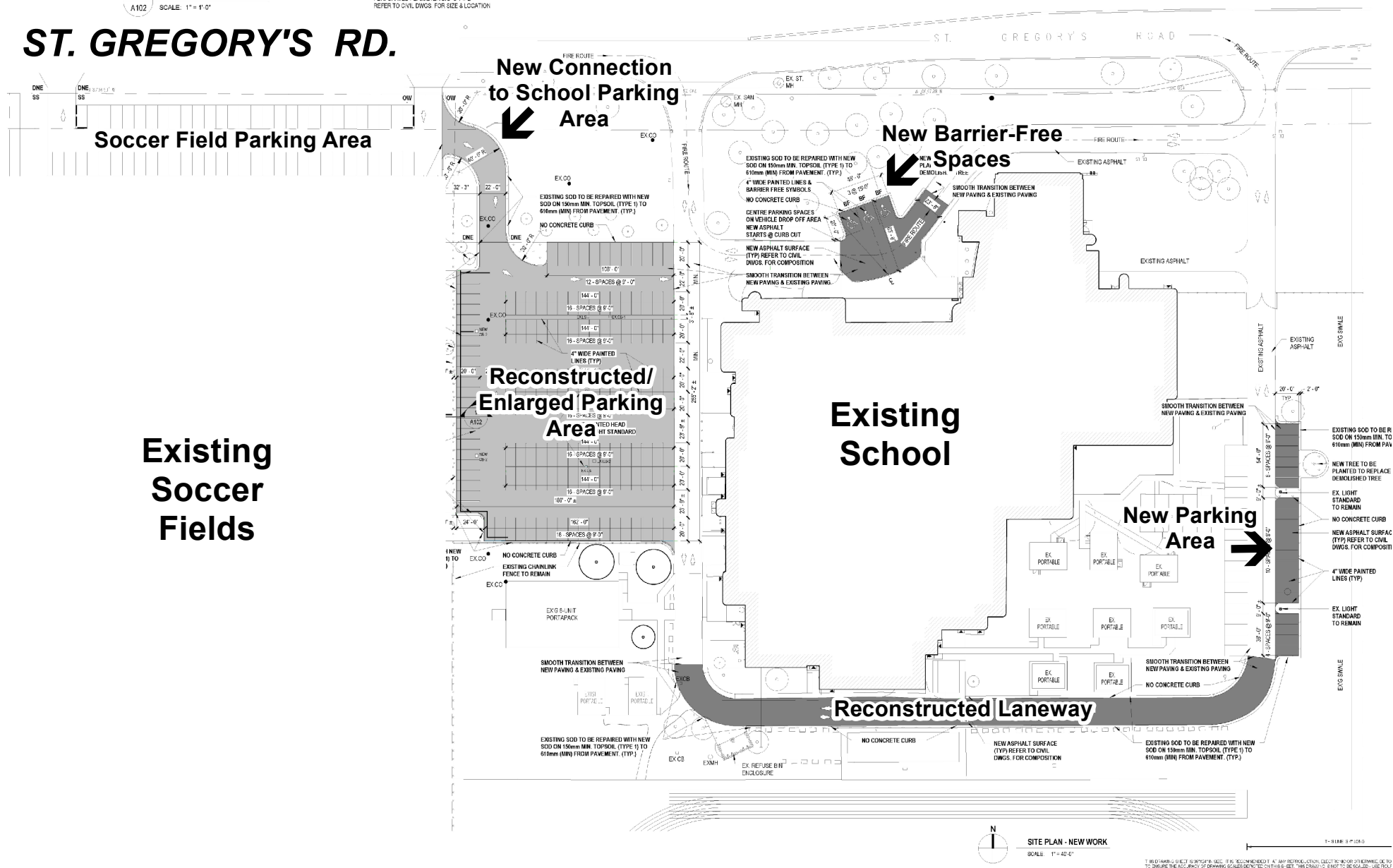
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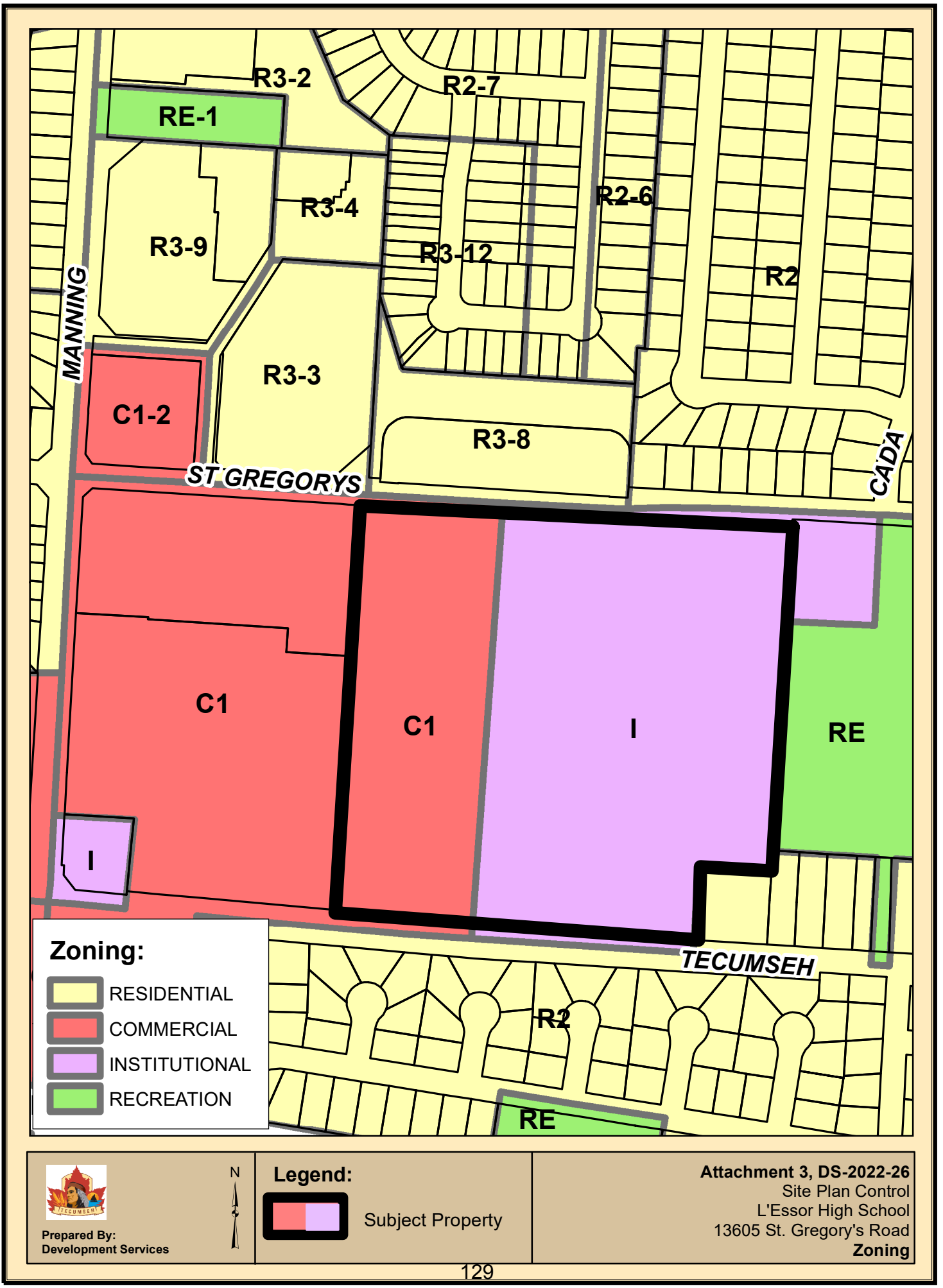
Subject Property

Attachment 1, DS-2022-26
Site Plan Control
L'Essor High School
13605 St. Gregory's Road
Property Location

ST. GREGORY'S RD.



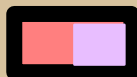
**Prepared By:
Development Services**



Prepared By:
Development Services



Legend:



Subject Property

Attachment 4, DS-2022-26
L'Essor High School
13605 St. Gregory's Road
Site Plan Control Agreement

SITE PLAN CONTROL AGREEMENT

Between:

The Corporation of the Town of Tecumseh

-and-

**Conseil Scolaire De District Des Écoles
Catholiques Du Sud-Ouest**

PREPARED BY:

WOLF HOOKER PROFESSIONAL CORPORATION
Barristers & Solicitors
72 Talbot Street North, Suite 100
Essex, Ontario N8M 1A2

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- 3.2 - Buffer Area
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ARTICLE 4 - PAYMENTS

- 4.1 - Costs
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- 6.2 – Release of Security

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- 9.13 - True Copy
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- 9.15 – Contra Proferentem Rule Not Applicable
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SCHEDULES

- Schedule “A” – Legal Description
- Schedule “B” - Site Plan
- Schedule “C” - Site Grading Plan
- Schedule “D” = Site Service Plan
- Schedule “E” – Insurance Agreement

SITE PLAN CONTROL AGREEMENT

THIS AGREEMENT made in triplicate this _____ day of _____, 2022.

B E T W E E N:

THE CORPORATION OF THE TOWN OF TECUMSEH,
hereinafter called the "**Municipality**" or "**Town**"

OF THE FIRST PART

-and-

***CONSEIL SCOLAIRE DE DISTRICT DES ÉCOLES
CATHOLIQUES DU SUD-OUEST***
hereinafter called the "**Owner**"

OF THE SECOND PART

HEREINAFTER collectively referred to as the "**Parties**"

RECITALS

WHEREAS the Owners, own certain lands situated within the corporate limits of the Municipality, said lands being more particularly described in Schedule "A" hereto (the "**Lands**");

AND WHEREAS the Municipality has enacted a by-law designating the Land as a site plan control area, pursuant to Section 41(2) of The Planning Act, R.S.O 1990, c.P.13 and amendments thereto;

AND WHEREAS where site plan control is in effect, Section 41 of The Planning Act, R.S.O. 1990, c.P.13 and amendments thereto, states that the approval of plans by Municipal Council is required prior to development of the Lands, and that the Municipality may require the Owners to enter into an Agreement with the Municipality respecting certain prescribed matters;

AND WHEREAS as a condition of agreeing to development, the Municipality has requested the Owner enter into a Site Plan Agreement;

AND WHEREAS the Owner covenants and agrees to develop the Lands in accordance with this agreement;

AND WHEREAS the proposed development of the Lands is in accordance with the Official Zoning Plan and Zoning By-Law of the Municipality as of the date of this Agreement;

WITNESSETH that in consideration of these presents, and other good and valuable consideration, the Parties hereto mutually covenant, promise and agree as follows:

***ARTICLE I
MUNICIPALITY CONSULTANTS***

1.1 MUNICIPALITY TO RETAIN

In addition to persons in the employ of the Municipality, the Municipality shall retain the following professionals:

- a) a consulting/professional civil engineer registered with the Professional Engineers of

Ontario (the “Municipality’s Engineer”), for the purpose of reviewing all plans, specifications, engineering documents, contracts, details, elevations and other relevant information as well as the occasional inspection of the construction, repair and maintenance of the Services;

b) the Municipality’s solicitor for the purpose of reviewing all necessary legal matters incidental to the development of the Lands, including, without limiting generality, the preparation of this agreement together with all other documentation required by the Municipality to give effect to this Agreement and/or the development of the Lands;

ARTICLE 2

THE OWNER AGREES

2.1 OWNER AGREES

The Owners jointly and severally make the following covenants, all of which shall be carried out at the Owner's expense:

2.1.1 Owner to Provide

The following facilities, works or matters shall be provided by the Owner to the satisfaction of and at no expense to the Municipality: all buildings, landscaping, fencing, parking, storage and access areas, lighting, walkways, garbage disposal facilities, grading and provision for storm, surface and waste water in accordance with the attached site plan set out in Schedule "B" (the Site Plan) and “Schedule “C” (the Site Grading Plan) in accordance with all the applicable provisions of the Municipality's By-Laws;

2.1.2 Construction and Maintenance

The Owners agree that the development of the Lands shall be constructed and forever maintained in accordance with the Site Plan, Site Grading Plan and Site Service Plan;

2.1.3 The Development

The owners shall construct, install and provide the facilities and works required in and for the development at its own expense and in accordance with the Site Plan and other provisions of the Agreement.

2.1.4 Plans

2.1.4.1 Criteria

All plans, construction, installation, facilities and works shall be completed in accordance with:

- a) Sound engineering practice;
- b) The criteria laid down by governmental authorities having jurisdiction including, without limiting the generality of the foregoing, the Municipality, the Corporation of the County of Essex, the Essex Power Corporation or Ontario Hydro Corporation (whichever is the applicable hydro authority), the Ministry of the Environment, Conservation and Parks, the Ministry of Transportation and the Essex Region Conservation Authority (ERCA);
- c) Such criteria as approved by Council of the Municipality.

2.1.4.2 Preparation of Plans

The Owner shall, at its own expense and prior to issuance of a building permit:

- a) prepare the Site Plan delineating the Owner’s plans for the development of the Lands, which site plan shall be subject to the approval of the Municipality. It is hereby acknowledged that the Site Plan and Site Grading Plan required to fulfill this condition have been prepared and approved, and are attached hereto as Schedule “B” and “C”, respectively;
- b) prepare and submit to the Municipality all plans for off-site and on-site Services not detailed or fully described in the Site Plan, which plans shall also be subject to approval of the Municipality; and

- c) provide to the Municipality all requisite copies of the Site Plan and the said plans for Services as may be required by the Municipality.

2.1.4.3 Lot Grading Plan

The Owner shall complete all required works in accordance with the Site Grading Plan which shall be to the satisfaction of the Chief Building Official and/or ERCA. The Owner also agrees to have the approved elevation as per the Site Grading Plan verified by an Ontario Land Surveyor at the following stages of construction:

- (a) Prior to the laying of new asphalt; and
- (b) Following completion of construction;

Where the finished grade of lot deviates from the original lot grading plan presented to and accepted by the Municipality's Chief Building Official and/or ERCA, the Owner shall either submit a new Site Grading Plan to the satisfaction of the Municipality's Chief Building Official and/or ERCA or regrade the lands to the elevations indicated on the original Site Grading Plan.

2.1.4.4 Drainage Plan

The Owner shall provide for grading and drainage of the subject lands all in accordance with a Drainage Plan and the Engineering Data. Drainage facilities and requirements shall be constructed and installed contemporaneously with the construction of the development. The Owner shall supply, construct or install all facilities and works necessary to connect the Owner's drainage system to the Municipality's storm sewer system, and shall pay to the Municipality any connection charges associated therewith.

2.1.4.5 Landscaping Plan

The Owner shall landscape the subject lands all in accordance with the Site Plan and Site Grading Plan annexed hereto and marked Schedules "B" and "C". The Owner further agrees to maintain such landscaping for so long as the buildings exist on the lands. Any topsoil removed from the subject lands during grading operations shall be stockpiled thereon in areas compatible for the reception of the same and the Owner covenants and agrees that it will not remove such topsoil from the boundaries of the lands without the approval of the Municipality. Any topsoil excavated but not immediately required for landscaping or for grading purposes shall be contoured and bermed to the satisfaction of the Municipality. Alternatively, the Owner, at its sole risk and expense, shall move such topsoil to such area within the Municipality as may be designated by the Municipality or, in the further alternative, the Owner shall, after receiving permission from the Municipality, at its sole risk and expense, remove such topsoil out from within the boundaries of the Municipality.

2.1.4.6 Reference Plan

The Owner, at the Owner's expense, shall engage a registered Ontario Land Surveyor to prepare, submit and register a Reference Plan, which must delineate the all of the Lands. The Owner, at the Owner's expense, shall initially provide Two (2) copies and (1) diskette of the Plan. All files are to be projected to North American Datum (NAD 83) UTM Zone 17 Geographic Coordinate System. The Owner at the Owner's expense shall provide additional copies of the reference plan in the required format upon the request of the Town. Any additional Reference Plans required to describe any portion of the Lands for which an interest (in fee simple or otherwise) is to be conveyed by the Owner shall be prepared, registered and copies supplied to the Municipality in the manner indicated above and at the expense of the Owner. Notwithstanding the foregoing, the Town acknowledges that Plan 12R-11069 satisfies this requirement.

2.1.5 Engineer

The Owner shall employ at its expense a Consulting Engineer to:

- a) Design and submit drawings with respect to all services required (herein "the Engineering Data")..
- b) Visit the site as required by the Municipality and inspect all services, etc.
- c) Submit to the Municipality (and all other authority having jurisdiction) at the end of construction a letter confirming that all services have been completed in accordance with the approved plans/reports including as-built drawings showing as-built details and elevations for underground services and final grading.

2.1.6 Services

2.1.6.1 Stormwater Management

The Owner agrees that stormwater management measures shall be applicable to the development of the Lands, in a manner which is in accordance with the provisions of The Drainage Act, R.S.O. 1990, c.D.17 as amended (when and if applicable) and otherwise in accordance with the Windsor-Essex Regional Stormwater Standards Manual (2019) and amendments thereto, and to the satisfaction of the Municipality's Engineer.

2.1.6.2 Sanitary Sewers

The Owner, at its own expense, shall maintain in perpetuity all existing and otherwise supply, construct or install all required sanitary sewer connections necessary to service the site all in accordance with the Engineering Data. No new work, if any, shall be carried out until the Engineering Data has been approved by the Town.

2.1.6.3 Water Services

The Owner, at its own expense, shall maintain in perpetuity all existing and otherwise supply, construct or install all required all water connections necessary to supply water to the site all in accordance with the Engineering Data. No such new work, if any, shall be carried out until the Engineering Data has been approved by the Town. Remote registry water meters shall be installed as specified by the Town. All costs of connecting water services to existing services shall be borne by the Owner.

2.1.6.4 Electrical Services

All hydro services shall be underground. The Owner, at its expense, shall supply, construct or install all underground hydro services in the manner, location and design depicted in the Engineering Data but subject to the manner, design and specifications established from time to time by Ontario Hydro and the Essex Power Corporation for such services. All costs of connecting hydro services to existing services shall be borne by the Owner.

2.1.6.5 Underground Telephone and Gas

The Owner shall ensure that all Bell Canada and Union Gas Company installations shall be underground.

2.1.6.6 Notification and Permits

The owner hereby agrees to notify all local, Provincial or Federal authorities having jurisdiction as to its proposed development, and to obtain all necessary permits and/or approvals which may be required from any authority having jurisdiction with respect thereto.

2.1.6.7 Co-ordination of Services

The Owner shall be responsible for co-ordinating the installation of all facilities and works including without limitation the services to be installed by Bell Canada and Union Gas Company. The Municipality will send to the Owner's engineer all plans of installations received from time to time from Bell Canada and Union Gas Company.

2.1.7 Traffic Signs

The Owner shall provide, install and maintain suitable traffic direction and information signs, all in accordance with The Highway Traffic Act of Ontario, R.S.O. 1990, c.H.8 and amendments thereto, and The Public Transportation and Highway Improvement Act, R.S.O. 1990, c.P.50 and amendments thereto, to the satisfaction of the Municipality. The Owner shall provide, install and maintain suitable traffic direction and information signs painted or otherwise marked on the surface of the parking area and driveway approaches, all to the satisfaction of the Municipality.

2.1.8 Entrances

The Owner hereby agrees to construct and install all entrances, driveways, and curbing to the satisfaction of the Municipality and the County of Essex Road Department if applicable; and further agrees that the same shall be barrier free. The Owner shall maintain all entrances and driveways on the Lands to the satisfaction of the Municipality and the County of Essex Road Department if applicable. Any driveway approaches which become redundant following the

development of shall be closed and the area restored to the satisfaction of the Municipality.

2.1.9 Repair

The Owner agrees that any Municipal property, including without limiting the generality of the foregoing, curbs, gutters, pavements, sidewalks, or landscaped areas on the public highway, and any property belonging to a third party, which are damaged during construction or otherwise, shall be restored by the Owner at its expense, and to the satisfaction of the Municipality. The Owner shall keep the subject lands in a state of good repair (including the cutting of weeds) and upon written notice from the Municipality shall correct deficiencies in the state of repair within ten (10) days thereof.

2.1.10 Dirt and Debris

The Owner further agrees to keep the public highways adjacent to the subject lands free from dirt and debris caused by the construction of the subject lands, and to provide reasonable dust control for the site and adjacent municipal streets during the course of construction.

2.1.11 Address Sign

The municipal address of the building shall be provided in a prominent location on the site and shall be designed to be easily readable from the adjacent street(s).

2.1.12 Environmental Laws

The Owner shall at all times in connection with the development and the implementation of this agreement comply fully with all environmental laws.

2.1.13 Noise By-Laws

The owner shall at all times insure that the provisions of the noise by-law for the Municipality be strictly adhered to.

2.1.14 Local Improvements / Drainage Act

Intentionally Deleted

2.1.15 Parking, Driveways and Loading Areas

The Owner at its own expense shall provide parking driveways and loading areas in accordance with the Site Plan and/or the Site Grading Plan. All such areas shall be paved with asphalt or concrete. All handicapped parking areas shall be identified with signage and logos to the satisfaction of the Municipality and identified as such using the then-current form available from the Office of the Clerk of the Municipality.

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2.1.16 Snow Removal

The Owner, and not the Municipality, shall be responsible for keeping the parking and access areas free and clear of all snow and ice regardless of who owns those improvements or the lands upon which they are situate. No snow or ice from the subject lands shall be deposited on any municipal streets.

2.1.17 External Lighting

The Owner shall erect exterior lighting on the subject lands as depicted in the Site Plan and/or the Site Services Plan all in accordance with the Engineering Data. The Owner shall not erect any exterior lighting on the subject lands, other than that provided for in the Engineering Data or depicted in the Site Plan, unless the consent therefor is first had and obtained from the Municipality. The Owner further agrees that all lighting of the said lands shall be oriented and its intensity so controlled as to prevent glare on adjacent roadways and residential properties.

Should the Municipality, in its sole discretion determine that the lighting of the said lands has an adverse impact on the adjacent roadways or residential properties, then the Owner shall take all necessary measures to correct the adverse impact to the satisfaction of the Municipality.

2.1.18 Signs

The Owner shall not erect any signs on the subject lands other than signs which are allowed by this Agreement, as shown on Schedule “B” and/or Schedule “C”, and are consistent with the Town’s Sign Bylaw or which are otherwise required by applicable law.

2.1.19 Refuse Collection

The Owner agrees to provide on-site facilities for refuse collection. Such facilities shall be screened from view in accordance with the requirements of the Municipality. The Owner, and not the Municipality, shall be responsible for the removal of any garbage, refuse or other wastes from the waste storage facility.

2.1.20 Licence Agreement Unaffected

The Owner acknowledges that its Licence Agreement made March 1, 2003 notice of which is registered as CE44347 remains in full force and effect in accordance with its terms.

ARTICLE 3 ***TIMING***

3.1 CONDITIONS

3.1.1 Conditions Precedent

It is a condition precedent to the coming into force of this Agreement that the Owner complete the following simultaneously with the execution of this Agreement:

- a) Security for performance is posted pursuant to Paragraph 6.1;
- b) Construction lien deposit pursuant to Paragraph 6.3;

3.1.2 Conditions Subsequent

It is a condition subsequent of this Agreement that the Owner complete the following as soon as is reasonably possible subsequent to the execution of this Agreement failing which, the Town may at its option elect to terminate this Agreement:

- a) Workplace Safety Insurance Board Clearance Certificate issued if required;
- b) Proof of Insurance is provided pursuant to Paragraph 6.4 if required;
- c) Due registration against the title of the land of this Agreement;
- d) Postponement to this Agreement by all encumbrances;
- e) Receipt of the opinion of the Owner's lawyer confirming 3.1.2(c) and 3.1(d) if required by the Town;

3.2 BUFFER AREA

Where the Site Plan calls for new landscaping, the Owner agrees to landscape all of the buffer and/or planting areas shown on the Site Plan and/or the Site Service Plan annexed hereto and marked Schedule “B” and "C" within One (1) YEAR of completion of site servicing and parking lot improvements as determined by the Chief Building Official..

3.3 COMPLETION

The Owners agree to fulfil all of the covenants set out herein to the satisfaction of the Municipality within ONE (1) year of the date of execution of this Agreement.

ARTICLE 4

PAYMENTS

4.1 COSTS

The Owner shall reimburse the Municipality for all the Municipality costs with respect to the development, including without limiting the generality of the foregoing, the fees and disbursements of its Engineer, and Solicitor. The Municipality shall deliver invoices to the owner in a timely fashion payment for which shall be due immediately.

4.2 DEVELOPMENT CHARGES

The Owner agrees to pay development charges with respect to the development in accordance with the Municipality's Development Charges By-Law.

ARTICLE 5

CONVEYANCES

5.1 EASEMENTS

The Owner shall convey or dedicate to the Municipality upon demand and without cost and free of encumbrance the easements provided for in the Engineering Data and Site Plan, in, through, over and under the subject lands as required for drainage purposes, sewers, hydro, gas, watermains, telephones etc. If the Municipality determines that additional easements are required, the Owner shall also convey or dedicate such additional easements upon demand and without cost and free of encumbrance.

5.2 ROAD WIDENING

The Owner shall convey or dedicate to the Municipality upon demand and without cost and free of encumbrance the lands shown on the Site Plan for road widening. If the Municipality determines that additional lands are required for road widening, the Owner shall also convey or dedicate such additional lands for road widening upon demand and without cost and free of encumbrance.

ARTICLE 6

SECURITY

6.1 PERFORMANCE

The Owner agrees, so as to assure the performance by the Owner of each of the terms and conditions of this Agreement during the development of the Lands, that the Owners shall, upon execution of this Agreement, forthwith deposit with the Municipality security in an amount which is equal to \$ 10,000.00 plus an amount equal to the value of the road work, if any, to be completed within any municipal road allowance (as calculated by the Owner's Engineer and approved by the Municipality). For greater certainty, the amount of said security shall be subject to approval by the Municipality's Clerk and Solicitor.

Said security shall be either by way of

- a) cash, or
- b) a Standby Letter of Credit pursuant to UCP500 only, issued by a chartered bank of Canada in form satisfactory to the Municipality's Clerk and Solicitor. (not a Letter of Guarantee or Bond)

Provided that in no event shall the Municipality be required to pay interest on this security.

6.2 RELEASE OF SECURITY

The Municipality agrees to return the said security to the Owner upon the completion and final approval of the works specified in this Agreement which approval is at the Municipality's sole discretion.

6.3 CONSTRUCTION LIENS

In as much as the Owner is obligated at the Owner's entire expense and not at the expense of the Municipality, to make improvements to the municipal infrastructure, the Owner shall deposit with the Municipality, in order to satisfy the requirements of Section 17(4) of the Construction Act, R.S.O. 1990, c.C.30 and amendments thereto, cash or a letter of credit in form satisfactory to the Municipality and its Solicitor and in an amount of the holdbacks (under Part IV of the Construction Act, R.S.O. 1990, c.C.30 and amendments thereto) that would have been required were the improvements made at the expense of the Municipality. The Owner may, at its option, obtain a single letter of credit with respect to its responsibilities pursuant to Paragraph 6.1 of this Article, provided that the Municipality and its solicitor is satisfied that the Municipality's security under each paragraph, if read separately, would not be compromised by the Letter of Credit proposed by the Owner.

Provided that in no event shall the Municipality be required to pay interest on this security.

6.4 INDEMNITY AND INSURANCE

The Owner shall indemnify and save harmless the Municipality , from and against all actions, claims, loss, damage and liability connected with the development as contemplated herein arising directly or indirectly out of the negligence or unlawful performance or the non-performance of any obligation of the Owner or any contractors to the Owner under this Agreement. While any of the facilities and works herein have not been approved by the Municipality, the Owner shall maintain in full force and effect a policy of Commercial General Liability insurance covering personal and bodily injury liability and property damage with a limit of not less than \$5,000,000.00 and otherwise in form satisfactory to the Municipality's solicitor wherein the Owner shall be insured as principal and the Municipality insured as an additional named insured against such liability to the limits noted. The Owner shall provide the Municipality with a Certificate of Liability Insurance prior to the commencement of construction of any of the facilities and works referred to herein and shall within 15 days of request by the Municipality, provide to the Municipality a certified copy of such policy. Where the Owner is unable to obtain or provide the requested Certificate of Insurance prior to commencement of construction of the facilities, and the Owner is not otherwise in default of any of its obligations under this agreement, the Owner may allow for its Contractor to provide the necessary insurance subject to the Owner and Contractor entering into the agreement attached hereto as Schedule E to this agreement.

ARTICLE 7 DEFAULT

7.1 STOP WORK

In the event of any default by the Owner in the performance of any of the terms and conditions of this Agreement, the Municipality at its discretion shall, in addition to other remedies available to the Municipality, be entitled to refuse building permits with respect to the development and/or shall be entitled to refuse building and/or occupancy permits with respect to any buildings, and/or shall be entitled to issue stop work orders with respect to any matters in respect of which a building permit has been issued and/or may refuse to grant to the Owner any permissions, permits, certificates, approvals or authorities of any kind or nature which the Owner would have been entitled to receive had the Owner otherwise complied with the Municipality's requirements in this agreement, and/or shall be entitled to refuse to issue releases, all of which may be done until such time as the default has been cured in a manner satisfactory to the Municipality.

7.2 MUNICIPALITY MAY COMPLETE

The owner acknowledges that this agreement is entered into pursuant to section 41(11) of the Planning Act, R.S.O. 1990 c.P.13 and amendments thereto, and that a bylaw has been passed by the Municipality approving the entering into of this Agreement by the Municipality and incorporating the terms of this Agreement into that bylaw, and further that section 446 of

The Municipal Act, S.O. 2001, c.25 and amendments thereto, applies to all requirements of this Agreement. If the Owner neglects to undertake any matter or thing required to be done by this Agreement and such default continues after SEVEN (7) days of the Owner being given written notice by the Municipality of such default, in addition to other remedies available to the Municipality, the Municipality may direct that such matter or thing shall be done at the expense of the Owner, and the Municipality may recover the costs incurred in doing it, by action or by adding such costs to the tax roll and collecting them in the same manner as taxes; the Owner hereby authorizes the Municipality (including, without limiting the generality of the foregoing, its employees, agents and servants) to enter upon the Lands to do any such matter or thing.

ARTICLE 8

REGISTRATION AND CONSENTS

8.1 REGISTRATION AND ENFORCEMENT

Pursuant to Section 41(10) of the said Planning Act, R.S.O. 1990, c.P.13 and amendments thereto, this Agreement may be registered against the Lands to which it applies, as a first charge, at the Owner's expense, and the Municipality is entitled to enforce the provisions hereof against the Owners, who shall be jointly and severally liable for the Owners' covenants and obligations outlined herein, and, subject to the provisions of The Registry Act, R.S.O. 1990, c.R.20 and amendments thereto, and the Land Titles Act, R.S.O. 1990, c.L.5 and amendments thereto, against any and all subsequent owners of the Lands.

8.2 CONSENT

The Owners hereby consent to the registration of this Agreement on the title of the Lands, said registration (as well as the preparation of this Agreement) to be at the Owners' expense.

8.3 MORTGAGEES

The owners agree to obtain a postponement of any mortgages or other encumbrances which may affect the Lands.

ARTICLE 9

MISCELLANEOUS

9.1 COMMUNICATION

Subject to the express provisions of this Agreement, all communications provided for or permitted hereunder shall be in writing, personally delivered to an officer of the addressee or sent by registered and receipted mail, charges prepaid, or by facsimile transmission or other means of recorded telecommunication, charges prepaid, to the applicable address set forth below or to such other address as either party hereto may from time to time designate to the other in such manner.

Communications sent to the Municipality shall be addressed to:

917 Lesperance Road, Tecumseh, Ontario N8N 1W9

Communications sent to the Owner shall be addressed to:

7515 Forest Glade Dr., Windsor, Ontario N9T 3P5

Any communication so personally delivered shall be deemed to have been validly and effectively given on the date of such delivery. Communications so sent by registered and receipted mail shall be deemed to have been validly and effectively given on the Business Day next following the day on which it is received, as evidenced by the postal receipt. Communications so sent by facsimile transmission or other means of recorded telecommunication shall be deemed to have been validly and effectively given on the Business Day next following the day on which it is sent. Any party may from time to time change his or its address for service on written notice to the others.

“Business Day” means any day, other than a Saturday, Sunday or any other day on which the principal chartered banks located in the Town are not open for business during normal banking hours

9.2 TIME OF ESSENCE

Time shall be of the essence of this Agreement and of every part thereof.

9.3 WAIVER

No waiver by any part of a breach of any of the covenants, conditions and provisions herein contained shall be effective or binding upon such party unless the same shall be expressed in writing and any waiver so expressed shall not limit or affect such party's rights with respect to any other future breach.

9.4 FURTHER ASSURANCES

Each of the Parties covenants and agrees that he, his heirs, executors, administrators and assigns will sign such further agreements, assurances, waivers and documents, attend such meetings, enact such by-laws or pass such resolutions and exercise such votes and influence, do and perform or cause to be done and performed such further and other acts and things as may be necessary or desirable from time to time in order to give full effect to this Agreement and every part thereof.

9.5 HEADINGS

The headings of the Articles of this Agreement are inserted for convenience only and do not constitute part of this Agreement.

9.6 SUCCESSORS AND ASSIGNS

The covenants hereunder shall run with the land and this Agreement shall be binding upon and enure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns.

9.7 GENDER

All words and personal pronouns relating thereto shall be read and construed as the number and gender of the party or parties referred to in each case require and the verb shall be construed as agreeing with the required word and pronoun.

9.8 SEVERABILITY

If any covenant or provision contained herein is determined to be in whole or in part, invalid or unenforceable by reason of any rule of law or public policy, such invalidity or unenforceability shall not affect the validity or enforceability of any other covenant or provision contained herein and, in the case of partial invalidity or unenforceability of a covenant or provision, such partial invalidity or unenforceability shall not affect the validity or enforceability of the remainder of such covenant or provision, and such invalid or unenforceable covenant or provision or portion thereof, as the case may be, shall be severable from the remainder of this Agreement.

9.9 ENTIRE AGREEMENT

This Agreement expresses the final agreement among the parties hereto with respect to all matters herein and no representations, inducements, promises or agreements or otherwise among the parties not embodied herein shall be of any force and effect. This Agreement shall not be altered, amended or qualified except by a memorandum in writing, signed by all the parties hereto, and any alteration, amendment or qualification thereof shall be null and void and shall not be binding upon any such party unless made and recorded as aforesaid.

9.10 EXECUTION IN COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which when so executed shall be deemed to be an original and all of which together shall constitute one and the same instrument.

9.11 JURISDICTION

This Agreement and all other agreements, security and documents to be delivered in connection with this agreement shall be governed by and construed in accordance with the applicable laws of the Province of Ontario and of Canada.

9.12 ASSIGNMENT

Subject to the terms of this agreement, this agreement is not assignable by the owner prior to completion of the works without the consent of the Municipality.

9.13 TRUE COPY

All of the parties hereto acknowledge having received a true copy of this document.

9.14 SCHEDULES

Those Schedules marked as Schedules “B”, “C” and “D” have been signed by the parties and are on file with the Municipality. A reduced copy of those schedules are annexed hereto. A reduced copy of those schedules are annexed hereto which copy may be removed prior to registration on title should the Land Registry Office so determine or require.

9.15 CONTRA PROFERENTEM RULE NOT APPLICABLE

It is agreed and acknowledged that both parties, directly or through their agents, principals, representatives and/or solicitors, have participated in the preparation and/or negotiation of the provisions of this agreement.

Should any provision of this agreement require judicial interpretation, mediation or arbitration, it is agreed that the court, mediator or arbitrator interpreting or construing the same shall not apply a presumption that the terms thereof shall be more strictly construed against one party or so as to disadvantage any party on the basis that such party and/or its solicitor or agent:

- a. *Prepared this agreement or any part of it; or*
- b. *Seeks to rely on this agreement or any part of it."*

9.16 INDEPENDENT LEGAL ADVICE

To the extent that the solicitors of Wolf Hooker Professional Corporation has been involved in the preparation of this agreement, such solicitors act solely as solicitors for the Town and with regard to the interests of the Town and not for any other party to this agreement. It is strongly recommended that all other parties to this agreement obtain independent legal advice prior to signing this agreement. Each such party acknowledges:

- 1) having obtained independent legal advice from his, her, or its’ own solicitor with respect to the terms of this Agreement prior to its execution or having otherwise been given a reasonable opportunity to obtain such advice and declined to so;
- 2) that he *or* she *or* it understands the terms, and his *or* her rights and obligations, under this Agreement.

IN WITNESS WHEREOF the Parties hereto have hereunto set their hands and seals.

SIGNED, SEALED AND DELIVERED }
in the presence of }
 }
 }
 }

**THE CORPORATION OF THE
TOWN OF TECUMSEH**

} Per: _____
} **Gary McNamara – MAYOR**
}
}
} _____
} Per: _____
} **Laura Moy - CLERK**
} “We have authority to bind the Municipality”
} }
} **CONSEIL SCOLAIRE DE**
} **DISTRICT DES ÉCOLES**
} **CATHOLIQUES DU SUD-OUEST**
}
}
} Per: _____
} }
Carolyn Bastien – }
} }
SURINTENDANTE DES }
} }
AFFAIRES

SCHEDULE "A"
THE LANDS

Property Address: 13605 St. Gregory’s Road, Tecumseh, ON

PIN: 75271-0017

**Legal Description: Pt. Lot 1 Con. West of River Peche Maidstone (St Clair Beach) Pt.
1 on 12R-11069; Tecumseh**

146



architectural association of america



SCHEDULE "E"

AGREEMENT RE INSURANCE

THIS AGREEMENT made as of the ____ day of _____, 20____ (the “**Agreement**”).

B E T W E E N:

THE CORPORATION OF THE TOWN OF TECUMSEH
(hereinafter the “**Municipality**”)

OF THE FIRST PART

-and-

(hereinafter the “**Owner**”)

OF THE SECOND PART

-and-

(hereinafter the “**Contractor**”)

OF THE THIRD PART

WHEREAS the Municipality and the Owner entered into a Site Plan Control Agreement dated _____, 20____, relating to the development of the property municipally known as _____, Tecumseh, Ontario (the “**Site Plan Agreement**”);

AND WHEREAS the Site Plan Agreement stipulates in Section 6.4 that the Owner shall maintain certain minimum insurance requirements;

AND WHEREAS the Owner has retained the Contractor to complete the works required under the Site Plan Agreement and the Contractor is willing to provide such minimum insurance requirements as required under the Site Plan Agreement;

NOW THEREFORE this agreement witnesses that in consideration of the sum of two dollars (\$2.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The Contractor hereby covenants and agrees to maintain in full force and effect a policy a policy of Commercial General Liability insurance covering personal and bodily injury liability and property damage with a limit of not less than \$5,000,000.00 and otherwise in form satisfactory to the Municipality's solicitor wherein the Contractor shall be insured as principal and the Municipality insured as an additional named insured against such liability to the limits noted. The Contractor shall provide the Municipality with a Certificate of Liability Insurance prior to the commencement of construction of any of the facilities and works referred to herein and shall within 15 days of request by the Municipality, provide to the Municipality a certified copy of such policy.
2. The parties hereby acknowledge and agree that the Contractor's policy of insurance pursuant to Section 1 herein shall satisfy the Owner's obligations as set forth in Section 6.4 of the Site Plan Agreement on an interim basis until such time as the Owner can obtain its own policy of insurance which the Owner undertakes to obtain within 30 days from the date of this agreement set out above. The Contractor's policy of insurance shall be maintained in full force and effect until such time as the Owner has directly satisfied its obligations under Section 6.4 of the Site Plan Agreement.
3. Time shall be of the essence of this Agreement and of every part thereof.
4. This Agreement shall inure to the benefit of and be binding upon the parties, their executors, administrators, successors and assigns.
5. No waiver by any party of a breach of any of the covenants, conditions and provisions herein contained shall be effective or binding upon such party unless the same shall be expressed in writing and any waiver so expressed shall not limit or affect such party's rights with respect to any other future breach.
6. This Agreement may be executed in one or more counterparts, each of which when so executed shall be deemed to be an original and all of which together shall constitute one and the same instrument. The parties hereto consent and agree to the use of electronic signature pursuant to the Electronic Commerce Act 2000 S.O. 2000, C.17 as amended from time to time with respect to this Agreement.
7. This Agreement and all other agreements, security and documents to be delivered in connection with this Agreement shall be governed by and construed in accordance with the applicable laws of the Province of Ontario and the laws of Canada applicable therein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

THE CORPORATION OF THE TOWN OF TECUMSEH

Per: _____
Name: Gary McNamara
Title: MAYOR

Per: _____
Name: Laura Moy
Title: CLERK

XXX Inc. - Owner

Per: _____
Name:
Title:

YYY Inc. - Contractor

Per: _____
Name:



The Corporation of the Town of Tecumseh

Development Services

To: Mayor and Members of Council

From: Brian Hillman, Director Development Services

Date to Council: June 28, 2022

Report Number: DS-2022-27

Subject: Zoning By-law Amendment
Housekeeping Amendment to Town Zoning By-laws
Additional Residential Unit (ARU) Zoning Regulations
Scheduling of a Public Meeting
OUR FILE: D19 ARU

Recommendations

It is recommended:

That the scheduling of a public meeting, on August 9, 2022 at 6:00 p.m., in accordance with the *Planning Act*, for the consideration of draft housekeeping amendments to the Town's Zoning By-laws (By-laws 1746, 2065 and 85-18) having the effect of introducing zoning regulations for Additional Residential Units (ARUs), in accordance with the Town's Official Plan, **be authorized**.

Background

In June 2021, the Town of Tecumseh Official Plan ("Tecumseh OP") was approved by the County of Essex (the Approval Authority). The approval of the Tecumseh OP introduced permissive policies dealing with Additional Residential Units (ARUs), both for attached and stand-alone ARUs within the urban and rural areas of the Town.

These policies were established in order to meet the requirement of subsection 16(3) of the *Planning Act* which establishes that an official plan shall authorize

the use of an ARU in a detached house, semi-detached house or rowhouse as well as in a structure ancillary to one of these dwelling types. By way of example, the result is that where there is currently one detached house, an additional residential unit could be added to the existing dwelling and a second stand alone residential unit could be placed on the property, resulting in a total of three dwelling units. The Province views this approach as one of the ways to address housing affordability, responding to changing demographics, ensuring the optimization of municipal infrastructure and achieving sustainable compact communities. It should also be noted that in accordance with subsection 34(19.3) of the *Planning Act*, there is no appeal related to a zoning by-law amendment that introduces provisions or standards that implement ARU official plan policies.

In addition, the Tecumseh OP ARU policies ensured local conformity to the County of Essex Official Plan, which also contains policy regarding the establishment of ARUs.

The Tecumseh OP policies establish that the Zoning By-law shall permit ARUs as-of-right in the settlement areas, while site-specific zoning by-law amendments are required in order to introduce an ARU within the Town's agricultural areas. This "as-of-right" policy requires a housekeeping amendment to the Town's three zoning by-laws (By-law 1746, 2065 and 85-18, referred to as "Existing ZBLs"), in order to specifically permit ARUs as a permitted use in each of the respective residential zones and to also establish general zone provisions with respect to ARU minimum building setbacks, maximum floor areas, maximum height and servicing required (e.g. municipal piped water, municipal sanitary sewer or private septic facilities).

Comments

Owner-Initiated Re-Zonings To Date

Soon after the approval of the new Tecumseh OP in June of 2021, the Town began to receive applications to amend the individual Existing ZBLs (as Owner-initiated site-specific rezonings) in advance of the required housekeeping amendments. Administration concluded that in the interim, the establishment of proposed ARUs could be contemplated, subject to a site-specific zoning by-law amendment for individual properties. These five site-specific rezonings allowed the Town to evaluate ARU proposals on an individual basis, providing for their vetting through a public consultation process, and at the same time, assisting Administration with the formulation of standard

ARU zoning regulations that could then be implemented within the Existing ZBLs by way of a housekeeping amendment.

To date, five Owner-initiated rezoning applications have been received for an ARU. Of those, four were within the urban areas of the Town, two of which involved stand-alone ARUs with the other two involving attached ARUs. The lone rural area ARU application was for the conversion of a temporary stand-alone garden suite into a permanent stand-alone ARU. Through the five separate public consultation processes held for these applications, no public comments or concerns were received.

Recommended ARU Zoning Regulations

Administration conducted a survey of various municipalities throughout the Essex County region and Ontario with respect to currently-established guidelines and zoning regulations governing ARUs. The survey results informed the establishment of draft ARU zoning regulations for Tecumseh (see Attachment 1). These draft zoning regulations establish standards for the number of ARUs per property, location/setbacks, size/height, lot coverage, services, parking and other requirements. The draft regulations apply to both ARUs within an existing dwelling and stand-alone ARUs and address ARUs proposed on properties within and outside of the settlement areas of the Town.

Town-Wide Housekeeping Amendment for ARU Zoning Regulations

Administration has initiated preparations for a new Town-wide Zoning By-law (new Town-wide ZBL) through the recent issuance of an RFP to retain a suitable consultant. Council approved funding for this project commencing in 2022 and carrying into 2023. The new Town-wide ZBL will consolidate and update the Existing ZBLs, including zoning regulations for ARUs.

However, given the recent demand for ARUs along with the Provincial expectation that they be permitted as-of-right, it was believed a more expeditious process was necessary to implement ARU permissive zoning regulations sooner by way of a housekeeping amendment to the existing ZBLs.

Accordingly, a public meeting under the *Planning Act* to consider the housekeeping amendments will provide an opportunity to hear concerns and comments, if any, of Town residents and public agencies. If issues with the proposed ARU zoning regulations arise that cannot be resolved at the public meeting, a follow-up report will be provided to Council along with a final recommendation on the housekeeping amendment. If no issues are outstanding after the public meeting, Town Administration

will bring forward housekeeping zoning by-law amendments based on the attached ARU zoning regulations.

Consultations

None

Financial Implications

None

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☐

Website ☒ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Enrico DeCecco, BA (Hons), MCIP, RPP
Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services & Local Economic Development

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1.	Proposed ARU Zoning Regulations

Town of Tecumseh Additional Residential Units (ARU)

Proposed ARU Zoning Regulations

Regulation	Residential Zones Attached ARU	Residential Zones Stand-Alone ARU	Agricultural Zone Attached ARU	Agricultural Zone Stand-Alone ARU
Permitted Use	<ul style="list-style-type: none"> As-of-right in each of the following dwelling unit types: single unit detached; semi-detached and townhouse dwellings 	<ul style="list-style-type: none"> As-of-right associated with each of the following dwelling unit types: single unit detached and semi-detached dwellings 	<ul style="list-style-type: none"> As-of-right in a single unit detached dwelling (maximum of one ARU per property) 	<ul style="list-style-type: none"> Subject to site-specific rezoning (maximum of one ARU per property)
Location/Setbacks	<ul style="list-style-type: none"> Subject to zoning that applies to main dwelling 	<ul style="list-style-type: none"> 1.5 metres from interior side and rear lot lines 0.6 metres if located above first storey of accessory structure abutting a rear laneway A two-storey ARU having a window adjacent to a property line requires a 3 metre setback from side and rear lot lines Permitted in rear and interior side yards except on the north side of Riverside Drive in which case a detached ARU shall be permitted in the front yard only Shall not be closer than 3 metres from main dwelling 	<ul style="list-style-type: none"> Subject to zoning that applies to main dwelling 	<ul style="list-style-type: none"> 1.5 metres from interior side and rear lot lines 0.6 metres if located above first storey of accessory structure abutting a rear laneway A two-storey ARU having a window adjacent to a property line requires a 3 metre setback from side and rear lot lines Permitted in rear and side yards Must be within 30 m of primary dwelling and no closer than 3 metres
Size/Height	<ul style="list-style-type: none"> GFA maximum of 50% of primary dwelling unit except that it can occupy the whole of a basement 	<ul style="list-style-type: none"> 6.5 metres in height GFA maximum of 100 square metres and no greater than 50% of primary dwelling unit 	<ul style="list-style-type: none"> GFA maximum of 50% of primary dwelling unit except that it can occupy the whole of a basement 	<ul style="list-style-type: none"> 6.5 metres in height GFA maximum of 100 square metres and no greater than 50% of primary dwelling unit

Regulation	Residential Zones Attached ARU	Residential Zones Stand-Alone ARU	Agricultural Zone Attached ARU	Agricultural Zone Stand-Alone ARU
Municipal Services	<ul style="list-style-type: none"> One water and sanitary service per lot for main dwelling and ARU Shall be on full municipal sanitary and water services Except where no municipal sanitary sewer is available, ARU on a private septic system must meet the requirements of the Ontario Building Code (OBC). 	<ul style="list-style-type: none"> One water and sanitary service per lot for main dwelling and ARU Shall be on full municipal sanitary and water services Except where no municipal sanitary sewer is available, ARU on a private septic system must meet the requirements of the OBC. 	<ul style="list-style-type: none"> One water and sanitary service per lot for main dwelling and ARU ARU on a private septic system must meet the requirements of the OBC 	<ul style="list-style-type: none"> One water and sanitary service per lot for main dwelling and ARU ARU on a private septic system must meet the requirements of the OBC
Parking/ Access	<ul style="list-style-type: none"> 1/ARU Must have direct pedestrian access (i.e. cannot be accessed through primary unit) 	<ul style="list-style-type: none"> 1/ARU 	<ul style="list-style-type: none"> 1/ARU Must have direct pedestrian access (i.e. cannot be accessed through primary unit) 	<ul style="list-style-type: none"> 1/ARU
Other Requirements	<ul style="list-style-type: none"> The accessory residential dwelling unit shall have its own exterior entrance separate from the exterior entrance to the primary dwelling unit, but shall not be permitted on an elevation, or façade of the building that faces a public street or private road; and shall have no means of internal access to the primary dwelling unit, except that access to a primary and second dwelling through a common vestibule entry is permitted 	<ul style="list-style-type: none"> Detached ARU cannot be severed from lot 	<ul style="list-style-type: none"> The accessory residential dwelling unit shall have its own exterior entrance separate from the exterior entrance to the primary dwelling unit, but shall not be permitted on an elevation, or façade of the building that faces a public street or private road; and shall have no means of internal access to the primary dwelling unit, except that access to a primary and second dwelling through a common vestibule entry is permitted 	<ul style="list-style-type: none"> Detached ARU cannot be severed from lot.



The Corporation of the Town of Tecumseh

Development Services

To: Mayor and Members of Council

From: Brian Hillman, Director Development Services

Date to Council: June 28, 2022

Report Number: DS-2022-30

Subject: Site Plan Control
Rosati Development Corp.
5485 Roscon Industrial Drive
OUR FILE: D11 5485ROS

Recommendations

It is recommended:

That “Site Plan – A1.0”, as prepared by Rosati Construction, and attached hereto as Attachment 2A, which depicts the construction of a 1,366.6 square metre (14,710 square foot) industrial building, along with associated on-site works, on a vacant 0.48 hectare (1.2 acre) property located on the west side of Roscon Industrial Drive, approximately 155 metres (508 feet) south of its intersection with Blackacre Drive (5485 Roscon Industrial Drive), **be approved**, subject to:

- i) the Owner depositing with the Town security in the form of cash or letter of credit in the amount of twenty-five thousand dollars (\$25,000) to ensure that all the services and other obligations of the Owner are completed to the satisfaction of the Town, which cash or letter of credit security deposit shall be returned to the Owner upon completion and final inspection of all obligations of the Owner; and
- i) storm water management report and associated servicing drawings being approved by the Town;

all of which is in accordance with Section 41 of the *Planning Act, R.S.O. 1990*.

Background

The subject 0.48 hectare (1.2 acre) property, located at 5485 Roscon Industrial Drive, is located on the west side of Roscon Industrial Drive, approximately 155 metres (508 feet) south of its intersection with Blackacre Drive (see Attachment 1). The property is currently vacant.

Rosati Development Corp. ("the Owner") is proposing the construction of a 1,366.6 square metre (14,710 square foot) industrial building in which a tool making company is proposed. The proposed building will occupy the southern portion of the property with a parking lot to the north of the building, along with associated on-site works (i.e., stormwater management) needed to facilitate this development.

Although the subject property is subject to site plan control in accordance with Section 41 of the *Planning Act*, it is in an area of the Town which requires Council approval of the site plan drawing only, without the need for a formal site plan agreement. Based on the foregoing, an application for site plan approval has now been filed by the Owner to permit the aforementioned industrial development. The associated site plan drawing submitted with the application (see Attachments 2A and 2B) depicts the following:

- the proposed 1,366.6 square metre (14,710 square foot) industrial building;
- a parking lot providing 25 parking spaces including one barrier-free space. All parking and laneways are to be hard-surfaced asphalt and curbed; and
- associated on-site works such as landscaping, stormwater management features and private on-site septic facilities.

Comments

Zoning

The subject property is zoned "Industrial Zone (M1)" in the Zoning By-law 85-18 (see Attachment 3) and its use for industrial uses is permitted. The proposed site plan complies with the regulations of this zone except for the southerly side yard for which a variance was previously granted to permit a 3.0 metre side yard width (Minor Variance applications A-22-00 to A-26-00).

Servicing

All development will be serviced by municipal water and stormwater services, along with a private on-site septic facility. Stormwater servicing for the proposed building will be provided by new stormwater connections. Municipal sanitary sewers are currently not available to the subject property and are not anticipated in the foreseeable future.

A Stormwater Management Report and associated site service drawings, which includes appropriate quantity and quality control measures, are currently under review by Town Administration. The results of this review will be provided to the applicant for incorporation into the final design. Final approval of the Stormwater Management Report and associated servicing drawings, to the satisfaction of the Town, will be required prior to the issuance of a building permit. Sufficient performance security is being provided to ensure the installation of an approved stormwater quality unit. Public Works & Engineering Services is satisfied with the proposed development, subject to the final approval of the Stormwater Management Report and associated drawings.

Summary

The proposed new industrial building and associated on-site improvements such as stormwater management are being addressed through this site plan approval process. Town Administration believes the proposed development is of an acceptable design and therefore recommends that Council approve "Site Plan – A1.0", as prepared by Rosati Construction, attached hereto as Attachment 2A.

As is the practice of the Town, a security deposit in the amount of \$10,000 (cash or letter of credit) is required as a condition of approval to ensure all performance obligations of the Owner are fulfilled. In this instance, an additional \$15,000 (cash or letter of credit) is required as a condition of approval to ensure the installation of an approved stormwater quality unit, resulting in a total security deposit of \$25,000.

Consultations

Community Safety
Public Works & Engineering Services

Financial Implications

None.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Enrico DeCecco, BA (Hons), MCIP, RPP
Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services & Local Economic Development

Reviewed by:

Wade Bondy
Director Community Safety & Fire Chief

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1.	Property Location Map
2A.	Site Plan
2B.	Site Plan, Detail View
3.	Zoning Map



Prepared By:
Development Services

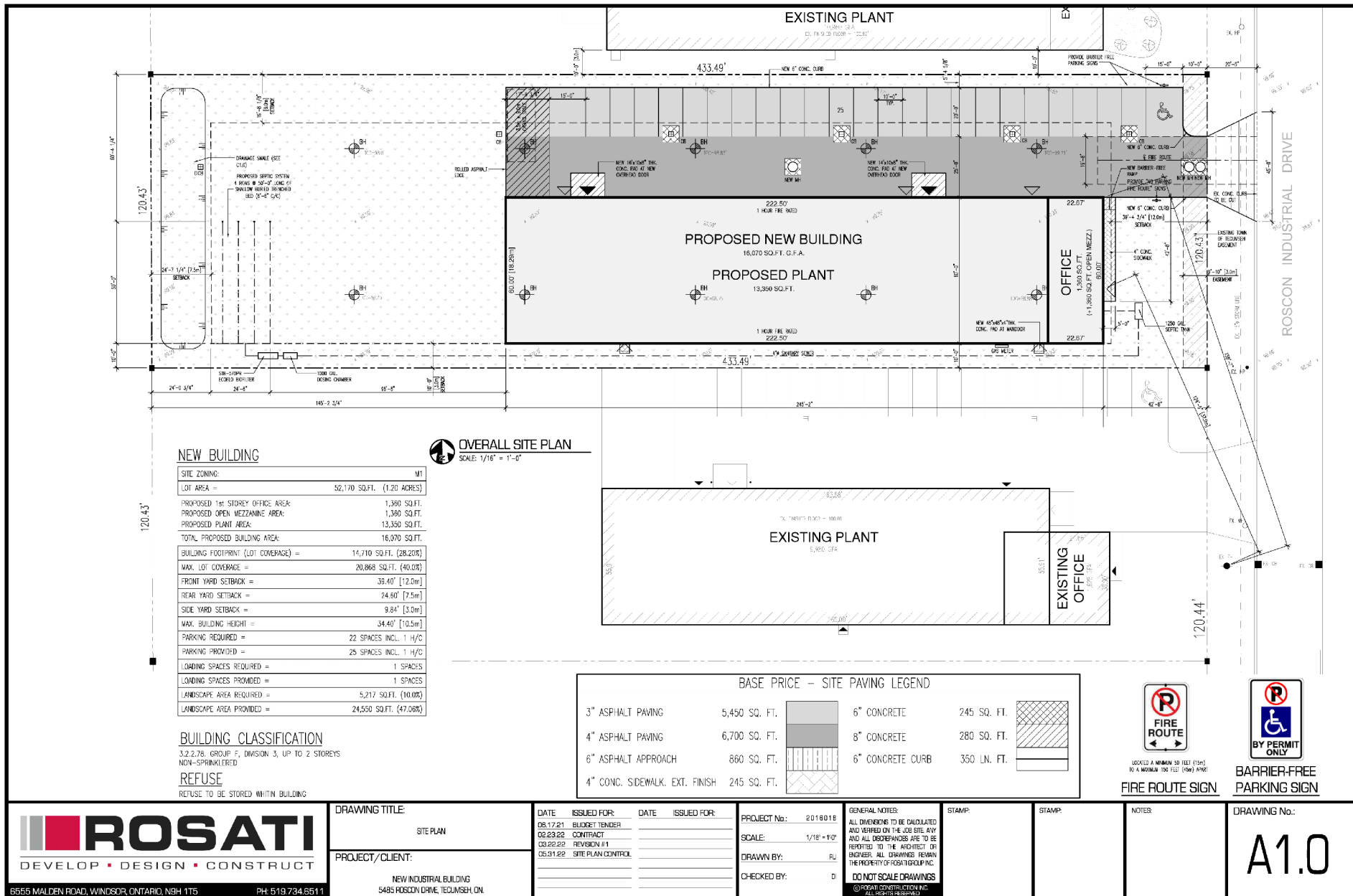


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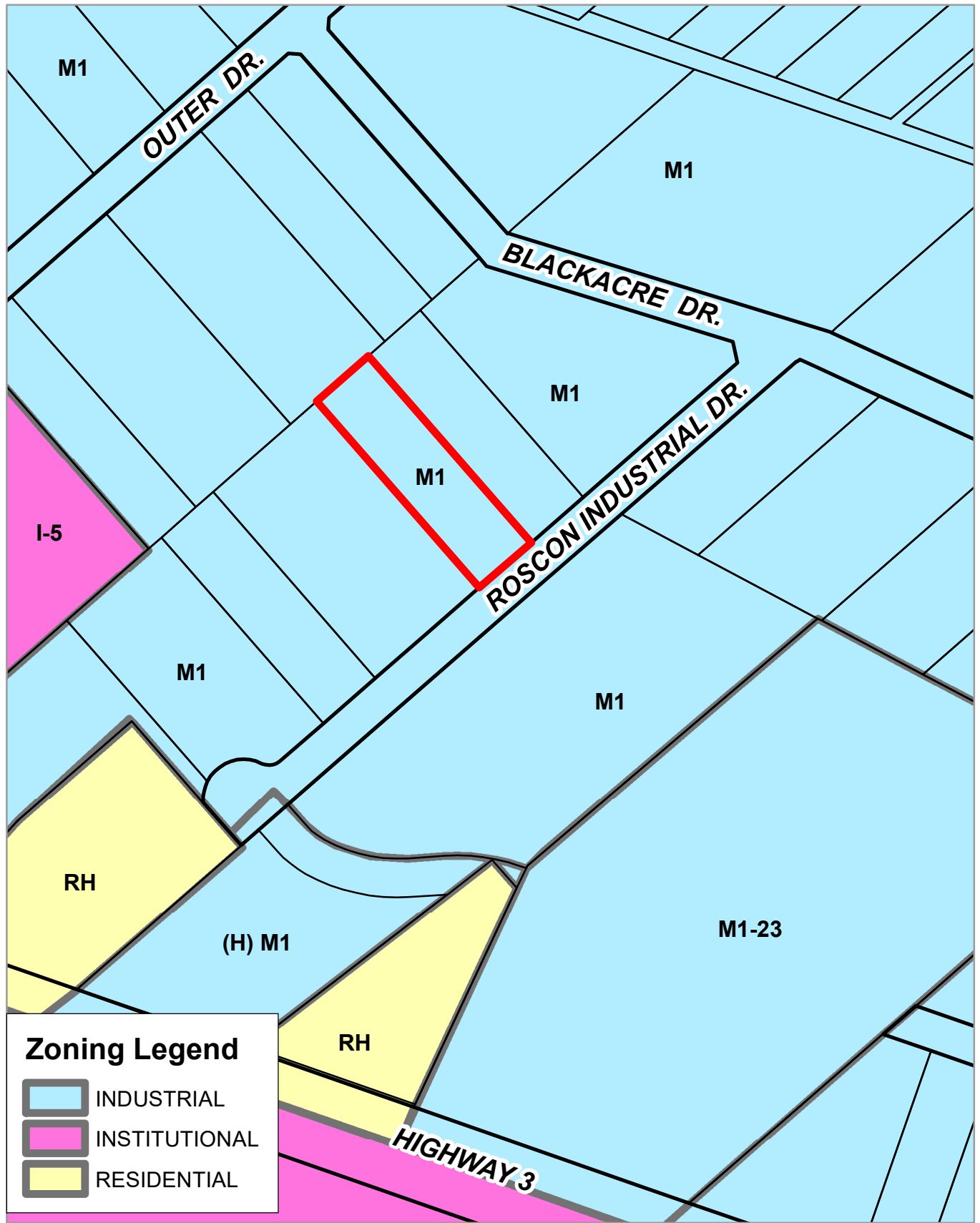


Subject Property

Attachment 1, DS-2022-30
Site Plan Control
Rosati Development Corp.
5485 Roscon Industrial Drive
Property Location



Prepared By:
Development Services



Zoning Legend

- INDUSTRIAL
- INSTITUTIONAL
- RESIDENTIAL



Prepared By:
Development Services



Legend:



Subject Property

Attachment 3, DS-2022-30

Site Plan Control

Rosati Development Corp.

5485 Roscon Industrial Drive

Zoning



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Mayor and Members of Council
From: Jennifer Alexander, Acting Clerk
Date to Council: June 28, 2022
Report Number: LCS-2022-21
Subject: Method to Fill Vacancy of the Office of Councillor Ward 1

Recommendations

It is recommended:

That Report LCS-2022-21 entitled "Method to Fill Vacancy of the Office of Councillor Ward 1", **be received**;

And that direction be given to Administration to conduct the appointment process outlined in Option __ (Select A or B) of Policy 89, Council Vacancy;

And further that the selection of a qualified candidate be scheduled for a Special Council meeting to occur on Tuesday, July 26, 2022 with appointment to follow at the Regular Council meeting of the same date.

And furthermore that a Council Vacancy public notice **be posted** on the Town's website and in a local newspaper for three weeks and be funded through the Council advertising budget.

Background

On June 5, 2022, the former Councillor for Ward 1 submitted a letter of resignation to the Chief Administrative Officer, effective immediately. At the next Council meeting, June 7, 2022, Council passed resolution SCM 19/22 to formally adopt a motion to declare the seat vacant. The formal declaration satisfies the provisions of Section

262(1) of the *Municipal Act, 2001* (Act). Section 263 of the Act provides guidance for filling a vacancy on Council. When a vacancy is declared in advance of 90 days prior to voting day of the next regular election, Council is obliged to fill the vacancy by either:

1. appointing a person who has consented to accept the office if appointed; or
2. Requiring a by-election to be held to fill the vacancy in accordance with the *Municipal Elections Act, 1996*.

Council has 60 days from the date of declaration to fill the vacancy using one of the two options above. In accordance with the *Municipal Elections Act* (MEA), if the vacancy occurs after March 31 in an election year, Council must appoint someone as a by-election is not permitted. Accordingly, in this case, only the appointment option is available to Council.

To be considered for appointment, individuals must satisfy the following qualifications, as outlined in the *Municipal Elections Act*:

- a. Reside in or be an owner/tenant of land in the municipality, or spouse.
- b. Must be a Canadian citizen.
- c. Be at least 18 years of age; and
- d. Not prohibited from voting under section 17(3) of the *Municipal Elections Act* or otherwise by law.

Further, an appointee cannot be one who is disqualified from holding office by the *Municipal Elections Act* or any other Act.

The Town adopted Policy No. 89 in 2016 regarding Council Vacancy ([Attachment 1](#)) that outlines options for Council to fill a vacancy. Under the option to appoint, the Policy has two sub-options available to fill a Council member vacancy by appointment.

Comments

Option A – Filling a Vacancy by Appointment of Previous Election Candidate

In this option, Council may fill the vacancy by appointing the candidate who ran for the position that is vacant during the last regular election who received the most votes but was not elected and who currently meets the eligibility requirements of office.

Option B – Filling a Vacancy by Call for Nominees

The other option is filling the vacancy by a call for nominees. Where this option is selected, the Policy indicates that the Clerk shall post a Council Vacancy Notice on the Town's website and in a local newspaper for a minimum of three (3) consecutive weeks. Any individuals wishing to be considered for the appointment will need to complete an application and a Declaration of Qualification form. Candidates may submit, along with their application, a personal statement of qualification for consideration of Council, up to a maximum of two pages in length.

Under this option, the Clerk creates a list of all candidates and posts the Candidate Listing on the Town's website. The Listing is updated as eligible applications are received.

Under Option B, no sooner than fourteen (14) days after the Notice of vacancy has been given, an information session must be conducted by the Clerk for all interested candidates.

The procedure for selecting an appointee from the pool of qualified candidates includes opportunity for each candidate to address Council at the meeting scheduled for the selection process. Council members are permitted two (2) questions for each candidate. Once the voting process set out in Paragraph 11 of Option B is completed, the Clerk declares the selected candidate. The appointment of the selected candidate will be made by by-law at the next Council meeting and the Clerk is to administer the Declaration of Office required by Section 232(1) of the Municipal Act.

With respect to **Option A** above, it is noted that during the last municipal election, the Councillor Ward 1 seat was acclaimed. It is possible for Council to appoint a former candidate from another Ward, should Council wish to consider Option A. A list of former candidates can be vetted for qualification by the Acting Clerk and provided to Council for consideration at a Special Meeting scheduled to satisfy the 60-day timeline required for appointment.

Should Council prefer **Option B**, the Acting Clerk will carry out the procedures set out in Policy 89. An [online eform](#) will be available for candidates to submit their application via the Town website. It is anticipated that the required information session will be conducted on Tuesday, July 19, 2022 at 5:30 pm in Council Chambers. Further, at the end of the notice period, it is recommended that a Special Meeting of Council be scheduled within the required 60-day timeline to select a qualified candidate. The proposed date for the Special Council meeting is July 26, 2022. The appointment can be made by by-law at the Regular Council meeting on the same evening.

While not specified by legislation or Policy 89, it is generally advised that Council avoid appointing a person to fill a vacancy on Council who plans to run for municipal office in the next regular election. This is particularly relevant advice when an appointment is

made close to a municipal election. This advice is predicated on avoiding bestowing an unfair advantage to any candidate leading up to a regular election.

Consultations

Chief Administrative Officer
Financial Services

Financial Implications

There are no financial implications associated with Option A. For Option B, there are external costs associated with publishing a public notice in a local newspaper for three (3) consecutive weeks. It is anticipated that the estimated cost for this notice is \$2,000 which can be funded from the Council advertising budget.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☐

Website ☒ Social Media ☐ News Release ☐ Local Newspaper ☒

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Jennifer Alexander, MPA
Acting Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Policy No. 89 Council Vacancy



The Corporation of the Town of Tecumseh

Policy Manual

Policy Number:	89
Effective Date:	June 28, 2016
Supersedes:	Click or tap here to enter text.
Approval:	June 28, 2016 (RCM 229/16)
Subject:	Council Vacancy

1.0 Purpose

- 1.1 The Corporation of the Town of Tecumseh (Town) is committed to an open, accountable, and transparent government.
- 1.2 The purpose of this policy is to provide for an accountable and transparent process for the filling of Council vacancies which occur during a term of office.

2.0 Scope

- 2.1 In accordance with the Municipal Act, S.O. 2001, c.25, when the seat of a member of council becomes vacant during the term of office, Council may fill a vacancy by appointing a person who has consented to accept the office if appointed, or requiring that a by-election be held to fill a vacancy in accordance with the Municipal Elections Act, S.O., 1996, c.32.
- 2.2 This policy will provide for a clear, accountable, and transparent process for filling vacancies on Council.

3.0 Definitions

- 3.1 **Act** means the Municipal Act, S. O. 2001, c. 25, as amended.

- 3.2 **Appointment** means the appointment of a qualified individual, by majority vote of Council, to fill a vacancy on Council for the remainder of the current Council term.
- 3.3 **By-election** means an election, other than a regular election, held to fill a vacancy on Council and that is conducted in accordance with Section 65 of the Municipal Elections Act, 1996, as amended.
- 3.4 **Candidate** means an individual seeking to be appointed to fill a vacancy in the office of Councillor, having met the eligibility requirements and who has completed the requisite documentation as required by this policy.
- 3.5 **Clerk** means the Clerk or his/her designate of The Corporation of the Town of Tecumseh as appointed by Council.
- 3.6 **Council** means the Council of The Corporation of the Town of Tecumseh.
- 3.7 **Eligible Elector** has the same meaning as subsection 17(2) of the Act, namely a person:
- who is a resident of the Town of Tecumseh, or an owner or tenant of land in the Town or the spouse of such an owner or tenant;
 - who is a Canadian Citizen;
 - who is at least 18 years old; and,
 - who is not prohibited from voting under any other Act or from holding municipal office.
- 3.8 **Lot** means a method of determination by placing the names of the Candidates on equal size pieces of paper and placed in a container with one Candidate name being drawn by the Clerk.
- 3.9 **Municipal Elections Act** means the Municipal Elections Act, S.O., 1996, c.32, as amended.
- 3.10 **Nominee** means those individuals seeking to fill a vacancy on Council who meet the eligibility requirements and who have completed the requisite documentation as outlined in this policy.
- 3.11 **Regular Election Year** means the year established for a regular municipal election in accordance with the Municipal Elections Act, 1996, as amended.
- 3.12 **Term of Office** means the period of time a Member is elected to hold office for which he/she is elected in accordance with the Municipal Elections Act, 1996, as amended.

3.13 **Town** means The Corporation of the Town of Tecumseh.

3.14 **Vacancy** means when a seat on Council has become vacant in a manner described in section 259 of the Act.

4.0 General

4.1 Council is required to declare a seat vacant in accordance with the Act.

4.2 In accordance with the Act, if a vacancy occurs within 90 days before voting day of a regular election, the municipality is not required to fill a vacancy on Council.

4.3 Within 60 days after the day a declaration of vacancy is made by Council according to Section 262 of the Act, Council shall determine whether to fill the vacancy by by-election or by appointment in accordance with the Act, subject to:

- a) the limitation on filling a vacancy only by appointment if the vacancy occurs after March 31 in the year of a regular election set out in Section 65(2) of the Municipal Elections Act; and
- b) the restriction on filling a vacancy that occurs within 90 days of voting day of a regular election in Section 263(5)(b) of the Act.

4.4 In making its determination, Council will consider the costs and timelines associated with filling a vacancy by appointment or by by-election.

5.0 Eligibility Requirements

5.1 Any individual filling a vacancy must meet the eligibility requirements of office as outlined in the Act and the Municipal Elections Act as an eligible elector.

5.2 If an employee of the Town seeks appointment to Council, the employee shall give Council written notice, in advance, of his or her intention to take unpaid leave. If the employee is appointed to office, they will be deemed to have resigned from their position with the Town immediately before making the declaration of office.

6.0 Policy

6.1 A) Filling a Vacancy by Appointment of Previous Election Candidate

- 6.1.1 Within 60 days of declaring a seat vacant, Council shall appoint a new member by By-law.
- 6.1.2 Council may fill the vacancy by appointing the Candidate who ran for the position that is vacant from the last regular election who received the most votes but was not elected.
- 6.1.3 The Candidate shall reaffirm they meet the eligibility requirements of office as outlined in the Act and the Municipal Elections Act.
- 6.1.4 If he or she is no longer qualified to hold office, the appointment shall be to the next Candidate who ran for the position that is vacant from the last regular election who received the second most votes but was not elected, and so on.
- 6.1.5 A vote to fill a vacancy on Council by appointment shall occur at an open Special Council Meeting.
- 6.1.6 The successful Candidate shall formally be appointed by by-law and complete the Oath of Office at the next Council meeting.

6.2 B) Filling a Vacancy by Call for Nominees

- 6.2.1 Within 60 days of declaring a seat vacant, Council shall appoint a new member by By-law.
- 6.2.2 The Clerk shall post a Council Vacancy notice (Appendix A) on the Town's website and in the local newspaper for a minimum of three (3) consecutive weeks following Council's decision to fill a vacancy by appointment. The notice shall indicate Council's intention to appoint an individual to fill a vacancy and shall outline the nomination process.
- 6.2.3 Any individual wishing to be considered for appointment to fill the Council vacancy will complete and sign the Council Vacancy Appointment Application Form (Appendix B) and a Declaration of Qualification Form (Appendix C) approved by the Clerk and will submit the forms to the Clerk in-person by the date and time established by the Clerk.

-
- 6.2.4 Candidate(s) may submit, to the Clerk, a personal statement of qualification for consideration of Council. Personal statements will be typewritten in a 12-point font on letter size (8 ½" x 11") paper, shall not exceed two (2) pages in length, and will include the Candidate(s) name and address. Statements that do not meet these requirements shall not be included in any Council meeting agenda or provided to Council by the Clerk. The Clerk will advise Candidate(s) of the deadline for submission of a personal statement.
- 6.2.5 Any individual wishing to be considered for appointment to fill the Council vacancy will be required to provide identification to prove his or her identity and qualifying address to the satisfaction of the Clerk.
- 6.2.6 No sooner than 14 days after a notice of vacancy has been given, an information session shall be conducted by the Clerk for all interested Candidates.
- 6.2.7 It is the Candidate(s) sole responsibility to meet any deadline or otherwise comply with any requirement of this policy, the Act or the Municipal Elections Act.
- 6.2.8 The Clerk will create a list of all Candidates and publicly post the Candidate Listing on the Town's website. The Listing will be updated as eligible Applications are received.
- 6.2.9 Notwithstanding the requirement of the Procedural By-law, the agenda for the meeting shall be set by the Clerk to allow for the orderly proceeding of selecting a Candidate. The agenda shall include the following:
- a) A certified list of all Candidates listed in alphabetical order by last name.
 - b) Any personal statement of qualification for consideration of Council.
- 6.2.10 At the meeting, the following shall take place:
- a) The Chair will make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
 - b) The Clerk will provide to the Chair a list of the names of those individuals who have indicated, in writing, their interest in being appointed to the vacancy and the Chair will call for a motion from Council in the following form: "THAT the following individuals, who have signified in writing that they are legally qualified to hold office and consented to accept the office if they are appointed to fill the vacancy, be considered for appointment to fill such vacancy."

- c) Candidates will be sequestered in an adjacent room until it is their time to answer the questions posed by Council. Once a candidate has answered the questions, they may remain in the Council Chambers.
- d) Each of the nominees shall be afforded the opportunity to address Council for a period of not more than ten (10) minutes. The order of speaking will be determined by alphabetical order by last name.
- e) Each member of Council will be permitted two (2) questions to each Candidate. Responses from the Candidates shall be limited to a maximum of two (2) minutes per question.

6.2.11 Upon hearing all the submissions of the Candidates, Council will proceed to vote as follows:

- a) Candidate names will be displayed on the monitor in alphabetical order, in the Council Chambers by the Clerk.
- b) Each Member of Council will be provided with a ballot by the Clerk with their name on it listing all Candidates in alphabetical order.
- c) Each Member of Council will cast their vote on the ballot and sign their name
- d) Members of Council will cast their vote for one (1) Candidate only.
- e) The Clerk will collect the ballots, place the ballots of all Members of Council in a container and randomly draw the completed ballots.
- f) When a ballot is drawn, the Clerk will publicly announce the name of the Member of Council whose vote it is and announce the Candidate in which they voted for.
- g) The Clerk will tabulate and announce the results.
- h) If the Candidate receiving the greatest number of votes cast does not receive more than one-half the votes of all voting members of Council, the Candidate or Candidates who received the fewest number of votes will be excluded from further consideration. The vote will be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the Candidate or Candidates who receive the fewest number of votes. This process will be repeated until the Candidate receiving the greatest number of votes has also received more than one-half of the votes of the voting Members of Council.
- i) Where the votes cast are equal for all remaining Candidates and if:

- There are three or more Candidates remaining, the Clerk will by Lot select one such Candidate to be excluded from the subsequent voting.
- If only two (2) Candidates remain, the tie will be broken by selecting a Candidate by Lot, as conducted by the Clerk.

- 6.2.12 Upon conclusion of the voting, the Clerk will note the Candidate receiving the votes of more than one-half of the number of the voting Members of Council or the Candidate selected through Section 11 i) ii.
- 6.2.13 The appointment of the Candidate will be made by By-law. A By-law confirming the appointment will be enacted by Council at the next Council meeting.
- 6.2.14 The Clerk will administer the Declaration of Office required by subsection 232(1) of the Act, at the meeting where the By-law referred to in section 13 of this policy is enacted by Council, or as directed by Council.

6.3 C) Filling a Vacancy by Appointment for the Position of Mayor or Deputy Mayor

- 6.3.1 Within 60 days of declaring a seat vacant, Council shall appoint a new member by By-law.
- 6.3.2 Council may fill the vacancy by appointing any Member of Council wishing to be considered for appointment.
- 6.3.3 Any Member of Council wishing to be considered for appointment to the vacancy shall advise the Clerk in writing and by complete and sign the Council Vacancy Appointment Application Form (Appendix B) by 12:00 Noon on the Wednesday prior to the meeting.
- 6.3.4 Individuals seeking appointment to the position of Mayor or Deputy Mayor who are current members of Council (nominees) shall declare a pecuniary interest.
- 6.3.5 A vote to fill a vacancy of Mayor or Deputy Mayor by appointment shall occur at an open Council Meeting in accordance with sections 10 and 11 of this policy under "Filling a Vacancy by Call for Nominees".
- 6.3.6 The vacant seat of Councillor shall be filled in accordance with the provisions of this Policy.

6.4 D) Filling a Vacancy by By-election

- 6.4.1 Within 60 days of declaring a seat vacant, Council shall pass a By-law to fill the vacancy by By-election.
- 6.4.2 A By-election shall be held in accordance with the Municipal Elections Act.
- 6.4.3 The Clerk or designate shall be responsible for conducting any By-election in accordance with the Municipal Elections Act and all applicable policies and procedures.

7.0 Responsibilities

- 7.1 The Clerk or designate shall be responsible for interpreting and where appropriate administering the Council Vacancy Policy and applicable procedures.

8.0 Policy Administration and Review

- 8.1 This policy shall be administered by the Clerk.
- 8.2 This policy will be reviewed every three (3) years or as required based on revisions to corporate practices or Provincial legislation.

9.0 Related Documents:

- Appendix A Council Vacancy Public Notice Template
- Appendix B Council Vacancy Appointment Application Form
- Appendix C Council Declaration of Qualification

Appendix A – Council Vacancy Policy Number 89

Council Vacancy Public Notice Template

Public Notice Town of Tecumseh Municipal Council Vacancy

Take Notice that a vacancy exists on the Town of Tecumseh Council for **Council Position**. Council has determined that it wishes to fill this vacancy by appointment through a **Call for Nominees** in accordance with the Town of Tecumseh Council Vacancy Policy.

The term of this position is from the date of Council appointment **(DATE)** for the balance of the term of Council being November 30, **20XX**.

A candidate for municipal office must be a qualified municipal elector as set out in the *Municipal Elections Act, 1996*. Qualified electors must be:

- 18 years of age or older;
- a Canadian citizen;
- a resident of the Town of Tecumseh, or an owner or tenant of land in the Town or the spouse of such an owner or tenant; and
- not prohibited from voting under any other Act or disqualified from holding municipal office.

Qualified Persons interested in being appointed must complete a Council Vacancy Application Form and a Declaration of Qualification through with the Clerk's Office. **Applications will be accepted by the Clerk's Office during regular business hours until **(DATE)** at 2:00 p.m., at the address shown below.**

Candidate(s) may also submit, to the Clerk, a personal statement of qualification for consideration of Council. Personal statements will be typewritten in a 12 point font on letter size (8 1/2" x 11") paper, shall not exceed two (2) pages in length, and will include the Candidate's name and address. Statements that do not meet these requirements shall not be included in any Council meeting agenda, or provided to Council by the Clerk.

Certified registered candidates will be afforded the opportunity to address Council for a period of not more than ten (10) minutes and will be asked questions by Council in an open Public Meeting to be held on **(DATE)** at 7:00 p.m. in Council Chambers at Town Hall.

An information session for interested Nominees will be held on **(DATE) at 7:00 p.m. at the Tecumseh Town Hall in Council Chambers, located at 917 Lesperance Road, Tecumseh.**

For further information or to complete a Council Vacancy Application Form and a Declaration of Qualification, please contact:

Jennifer Alexander, Acting Clerk
Tecumseh Town Hall
917 Lesperance Road, Tecumseh, ON N8N 1W9
519-735-2184, ext. 139
jalexander@tecumseh.ca

The Corporation of the Town of Tecumseh Council Vacancy Application Form Councillor Position



Note

- An Application Form may only be filed in person or by an agent; it may not be faxed or e-mailed.
- It is the responsibility of the person being nominated to file a complete and accurate nomination paper.

Instruction

- Please print or type information (except signatures).

Nominee's Name as it is to appear on all correspondence (subject to agreement of the municipal clerk)

Last Name

Given Name(s)

Nominee's full qualifying address within municipality

Suite/Unit No.

Street No.

Street Name

City/Town

Province

Postal Code

Mailing Address ☐ Same as qualifying address

Suite/Unit No.

Street No.

Street Name

City/Town

Province

Postal Code

Telephone No. (incl. area code)

Business

Home

Fax No.

Email Address

Declaration of Qualification

I, _____, the nominee mentioned in this application form, declare that

I am presently legally qualified, or would be presently legally qualified if I were not a member of the Legislative Assembly of Ontario or the Senate or House of Commons of Canada, to be elected and to hold the office for which I am nominated and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me

at the _____

of _____

in the _____ of _____

this _____ day of _____, 20____.

Signature of Clerk or Commissioner, etc.

Signature of Nominee

Date Filed (yyyy/mm/dd)

Time Filed

Nominee or Agent Initial

Signature of Clerk or Designate

Certification by Clerk or Designate

I, the undersigned Clerk of this municipality, do hereby certify that I have examined the application form of the aforesaid nominee filed with me and am satisfied that the nominee is qualified to be nominated and that the nomination complies with the Act.

Signature

Date (yyyy/mm/dd)



**DECLARATION OF QUALIFICATIONS
FOR THE TOWN OF TECUMSEH COUNCIL VACANCY**

I, _____, a nominated candidate for the office of Councillor,

Do Solemnly Declare That:

1. I am qualified pursuant to the *Municipal Elections Act, 1996* and the *Municipal Act, 2001* to be elected to and to hold the office of Councillor.
2. Without limiting the generality of paragraph 1, I am at least eighteen (18) years of age, a Canadian citizen, a resident of the Town of Tecumseh or the owner or tenant of land in the Town of Tecumseh or the spouse or same sex partner of such owner or tenant.
3. I am not ineligible or disqualified under the *Municipal Elections Act, 1996*, the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act* or any other Act to be elected to or hold the above-mentioned office.
4. Without limiting the generality of paragraph 3,
 - I am not an employee of the Town of Tecumseh, or if I am an employee of the Town of Tecumseh, I am on an unpaid leave of absence as provided for by section 30 of the *Municipal Elections Act, 1996*.
 - I am not a judge of any court.
 - I am not a member of the Assembly as provided in the *Legislative Assembly Act* or of the Senate or House of Commons of Canada or, if I am such a person, I will provide proof of my resignation in a form satisfactory to the Clerk of the Town of Tecumseh prior to 2:00 p.m. on Nomination Day, (DATE). I understand that the Clerk of the Town of Tecumseh will reject my nomination for the above-mentioned office if I fail to provide proof of resignation by this deadline.
 - I am not a member of the Executive Council of Ontario or a federal Minister of the Crown.
 - I am not a Crown employee within the meaning of the *Public Service Act*, or if I am a Crown employee, I have followed and will continue to follow all the relevant provisions of Part III of such Act.
5. I am not prohibited from voting at the municipal election under subsection 17(3) of the *Municipal Elections Act, 1996*.

6. Without limiting the generality of paragraph 5,
 - I am not a person who is serving a sentence of imprisonment in a penal or correctional institution.
 - I am not a person who was convicted of a corrupt practice described in subsection 90(3) of the *Municipal Elections Act, 1996*, during an election that occurred less than four years prior to Monday, October 27, 2014.
7. I am not a candidate who was convicted of a corrupt practice under the *Municipal Elections Act, 1996* or of an offence under the Criminal Code (Canada), in connection with an act or omission with respect to a municipal election if the Voting Day in that election is less than six years prior to Monday, October 27, 2014.
8. I am not disqualified from being elected to or holding office by reason of any violations of the election campaign financial requirements or violations for not filing the financial statement pursuant to the *Municipal Elections Act, 1996*.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me at the Town of Tecumseh

This _____ day of _____, 20

(Signature of candidate)

(Signature of Clerk or designate)

Personal information on this form is collected under the authority of the *Municipal Elections Act, 1996* and will be used for the nomination process for office in the municipal election and will be available for public inspection in the office of the Clerk, Town of Tecumseh until the next municipal election. Questions about this collection of personal information should be directed to Town Clerk, Town of Tecumseh, 917 Lesperance Road, ON N8N 1W9, Tel: 519-735-2184 ext. 116 or email lmoy@tecumseh.ca.



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Mayor and Members of Council

From: Jennifer Alexander, Acting Clerk

Date to Council: June 21, 2022

Report Number: LCS-2022-23

Subject: Request for Noise By-Law Exemption – Nick Aujla – India 47

Recommendations

It is recommended:

That Mr. Nick Aujla, located at 12245 Westlake Drive, **be granted** an exemption from the Town's Noise By-law No. 2002-07, as amended, on Thursday, July 7 and Friday, July 8, 2022, to permit music entertainment from 6 pm to 12:00 am and at India 47, 1640 Lesperance Rd on July 6, 2022 from 6 pm to 12:00 am;

And that the area residents **be informed** by Mr. Nick Aujla of this exemption from the Noise By-law, and Administration communicate the exemption to the OPP;

And further that the OPP be requested **to monitor** the event for concerns and/or complaints respecting the emissions of sound, resulting from musical entertainment.

Background

Nick Aujla has requested an exemption from the Town's Emission of Sounds By-law No. 2002-07, as amended (Noise By-law). The exemption has been requested to permit outdoor music entertainment for his daughter's wedding which will take place over three days from July 6 – 8, 2022 at his residence and at the India 47 restaurant. Mr. Aujla is the owner and occupant of 12245 Westlake Drive, the property for which a noise exemption is requested for July 7th and 8th. He is also one of the owners of India 47 at 1640 Lesperance Road, for which a noise exemption is requested for July 6th.

On Wednesday, July 6, the requested noise by-law exemption is for the hours of 6:00 pm to 12:30 am where there will be outdoor entertainment. A tent permit has been approved by the Town for a tent to be set up for the estimated 200 guests in the parking lot of India 47. On Thursday and Friday, July 7th and 8th Mr. Aujla is requesting a noise by-law exemption for his residence also from 6:00 pm to 12:30 am, where he will be hosting wedding celebrations each night for 100 guests. There will be music played with a stereo system and speakers set up outdoors.

Comments

The Noise By-law prohibits the emission of sound resulting from:

“The sound from or created by any radio, phonograph, tape player, television, public address system, sound equipment, loudspeaker, or any musical or sound producing instrument of whatever kind when the same is played or operated in such a manner or with such volume as to disturb the peace, quiet, comfort or repose of any individual in any office, dwelling house, apartment, hotel, hospital, or any other type of residence,”

at all times in all residential, agricultural, and commercial areas (Table 4-1, Part 4).

Paragraph 6 of the Noise By-law allows for persons to make application to Council for an exemption from the By-law’s provisions with respect to any source of sound, or vibration, for which they may be prosecuted. Council may, by resolution, grant the exemption, together with any additional terms or conditions deemed appropriate.

Council, at their September 14, 2021 Regular Meeting, provided authorization to the Director Corporate Services & Clerk to grant exemptions to the Noise By-law no later than 11:30 pm.

Mr. Aujla is seeking an exemption to permit music entertainment during a special event (daughter’s wedding) being planned for his backyard at 12245 Westlake Drive on July 7 and 8, 2022 and at the parking lot located at India 47 on July 6, 2022. The exemption requested is from 6 pm to 12:30 am for each weeknight evening and venue.

It is recommended that an exemption to the Noise By-law be granted to Mr. Nick Aujla to permit music entertainment from 6:00 pm to 12:00 am for all three evenings and that the area residents be informed by Mr. Aujla of this exemption from the Noise By-law. Consideration has been made in favour of the request to recognize that the wedding is a one-time special occasion, however, as the event is planned for weeknights, a 12:00 am end-time is recommended, being mindful of the surrounding residential uses.

Complaints or concerns from area residents regarding this Noise By-law exemption will be monitored by the OPP on the event dates and any concerns which may be raised

after 12:00 am. Any complaints received by the Town will be followed-up by the Acting Clerk.

Consultations

Tecumseh OPP

Financial Implications

There are no financial implications to this report.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Sue White

Administrative Assistant to Director Legislative Services & Clerk

Reviewed by:

Jennifer Alexander, MPA

Acting Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP

Chief Administrative Officer

Attachment Number	Attachment Name
None	None



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Mayor and Members of Council

From: Jennifer Alexander, Acting Clerk

Date to Council: June 28, 2022

Report Number: LCS-2022-25

Subject: Request for Noise By-Law Exemption – Friday, July 15 to Sunday July 17, 2022 at St. Charbel Antonin Maronite Catholic Church

Recommendations

It is recommended:

That an exemption from the Town's Noise By-law No. 2002-07, as amended, **be granted** on Friday, July 15 and Saturday July 16th from 12 pm to 11:30 pm and Sunday July 17, from 12 pm to 11:00 pm to permit musical entertainment for a Community Festival at St. Charbel Antonin Maronite Catholic Church outdoor grounds located at 5700 Outer Drive, Tecumseh (event);

And that the OPP **be informed** of this exemption from the Noise-By-Law and the applicant also notify residents;

And further that the OPP be requested **to monitor** the event for concerns and/or complaints respecting the emissions of sound, resulting from musical entertainment.

Background

By-way of correspondence dated June 5, 2022, a request was received for an exemption from the Town's Emission of Sounds [By-law No. 2002-07](#), as amended (Noise By-law) for their annual Community Festival at St. Charbel Antonin Maronite Catholic Church (St. Charbel's Church) outdoor grounds located at 5700 Outer Drive.

The exemption has been requested to permit musical entertainment on Friday July 15, from 6:00 pm to 1:00 am; Saturday July 16, from 12:00 pm to 1:00 am; and Sunday, July 17, from 12:00 pm to 12:00 am to celebrate the Feast of St. Charbel. The location of St. Charbel's Church is in a predominantly business area with a few residential homes in the vicinity.

Comments

The Noise By-law prohibits at all times in all residential, agricultural and commercial areas (Table 4-1, Part 4) the emission of sound resulting from:

"The sound from or created by any radio, phonograph, tape player, television, public address system, sound equipment, loud speaker, or any musical or sound producing instrument of whatever kind when the same is played or operated in such a manner or with such volume as to disturb the peace, quiet, comfort or repose of any individual in any office, dwelling house, apartment, hotel, hospital, or any other type of residence."

Paragraph 6 of the Noise By-law allows for persons to make application to Council for an exemption from the by-law with respect to any source of sound, or vibration, for which they may be prosecuted. Council may, by resolution, grant the exemption, together with any additional terms or conditions deemed appropriate.

In previous years, Council has granted an exemption to St. Charbel's Church for events held outdoors until 11:00 pm on a Sunday. The OPP has received complaints from an area resident resulting from the outdoor music.

It is recommended that an exemption to the Noise By-law be granted to permit musical entertainment at 5700 Outer Drive from 12:00 pm to 11:30 pm on July 15th and 16th and from 12:00 pm to 11:00 pm on July 17th, consistent with previous exemptions for this one weekend festival. Area residents should also be informed by the applicant about the exemption from the Noise By-Law. The OPP will be notified of the exemption by Administration.

Complaints or concerns from area residents regarding this Noise By-law exemption will be monitored by the OPP, in particular any concerns which may be raised **after** these extensions on each night of the festival.

Consultations

Tecumseh OPP

Financial Implications

There are no financial implications to this report.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Sue White

Administrative Assistant to Director Legislative Services & Clerk

Reviewed by:

Jennifer Alexander, MPA

Acting Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP

Chief Administrative Officer

Attachment Number	Attachment Name
None	None



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Mayor and Members of Council
From: Jennifer Alexander, Acting Clerk
Date to Council: June 28, 2022
Report Number: LCS-2022-22
Subject: Request for Noise By-Law Exemption – Tabouli by Eddy's

Recommendations

It is recommended:

That Report LCS-2022-22 entitled "Request for Noise By-law Exemption - Tabouli by Eddy's", **be received**;

And that Council **authorize** Administration to grant Tabouli by Eddy's, located at 1614 Lesperance Road, an exemption from the Town Noise By-Law 2022-07, as amended, on Saturdays between the hours of 9 pm and 11:30 pm to permit music entertainment for the summer months ending September 25, 2022;

And further that the area residents **be informed** by Tabouli by Eddy's of this exemption from the Noise By-law, and Administration communicate the exemption to the OPP;

And furthermore that concerns and/or complaints respecting the emission of sound, resulting from the entertainment, are to **be monitored**;

And furthermore over that the Chief Administrative Officer be given authority to revoke the exemption granted to Tabouli by Eddy's for non-compliance with this exemption and emitting noise outside of the exempted days and hours.

Background

Tabouli by Eddy's (Tabouli) has requested an exemption from the Town's Emission of Sounds By-law No. 2002-07, as amended (Noise By-law). The exemption has been requested to permit outdoor music entertainment on their patio on Fridays between 6:00 pm and 11:30 pm; and to permit live music entertainment on Saturdays from 9 pm to 1 am.

Comments

The Noise By-law prohibits the emission of sound resulting from:

"The sound from or created by any radio, phonograph, tape player, television, public address system, sound equipment, loudspeaker, or any musical or sound producing instrument of whatever kind when the same is played or operated in such a manner or with such volume as to disturb the peace, quiet, comfort or repose of any individual in any office, dwelling house, apartment, hotel, hospital, or any other type of residence,"

at all times in all residential, agricultural and commercial areas (Table 4-1, Part 4).

Paragraph 6 of the Noise By-law allows for persons to make application to Council for an exemption from the By-law's provisions with respect to any source of sound, or vibration, for which they may be prosecuted. Council may, by resolution, grant the exemption, together with any additional terms or conditions deemed appropriate.

Council has granted authorization to the Director Legislative Services & Clerk to grant exemptions to the Noise By-law no later than 11:30 pm. Accordingly, the request has been granted for exemption to permit music entertainment between 6:00 and 11:30 pm on Fridays which is within the Acting Clerk's delegated authority. However, the request for exemption on Saturdays extending to 1:00 am is outside the delegated authority and is therefore brought before Council for decision.

For Council's information, the Alcohol and Gaming Commission of Ontario (AGCO) regulates licensing of patios and has approved a temporary physical extension of the premises from November 29, 2021, until 3:00 a.m. on January 1, 2023, subject to following certain criteria. Recently, the Province announced it was terminating the temporary Patio Order as part of the release of restrictions relating to COVID-19. The Town currently has a temporary patio program in effect, which is consistent with the AGCO extension. Earlier this month, the Town approved Tabouli's temporary outdoor patio application.

In 2021, the OPP and the Town received complaints from area residents resulting from outdoor music events held at Tabouli. Tabouli obtained approval from Council in July 2021 for an exemption from the Noise By-law until 11:00 pm, to address concerns

regarding noise expressed by at least one neighbour. The complainant expressed concerns about the music prior to 11:00 pm. The OPP observations off premises were that the noise levels were acceptable and that some of the area residents were more tolerant than others.

The Town has consulted with the OPP on this request and it is recommended that an exemption to the Noise By-law, be granted to Tabouli to permit outdoor music entertainment on Saturdays until 11:30 pm and that the area residents be informed by Tabouli of this exemption from the Noise By-law.

In prior years, requests from other businesses have been approved for summer music entertainment until 11:30 pm.

The Noise By-Law is enforced by the OPP. If complaints or concerns from area residents regarding this Noise By-Law are received by the Town, the Acting Clerk will monitor and consult with the OPP regarding concerns which may be raised after the exempted time. If complaints are received and Tabouli cannot remain in compliance with the exemption granted, it is recommended that the Chief Administrative Officer be granted delegated authority to revoke the exemption.

Consultations

Tecumseh OPP
Development Services

Financial Implications

There are no financial implications.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Jennifer Alexander, MPA
Acting Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Mayor and Members of Council

From: Jennifer Alexander, Acting Clerk

Date to Council: June 28, 2022

Report Number: LCS-2022-24

Subject: Essex Power Corporation – Appointment of Proxyholder
for Shareholders' 2022 Annual Meeting

Recommendations

It is recommended:

That Mayor Gary McNamara **be appointed** proxyholder for the Town of Tecumseh to cast its shareholder's votes at Essex Power Corporation's 2022 Shareholders' Annual Meeting scheduled to be held on Wednesday, June 29, 2022;

And that Mr. Tom Burton **be appointed** as an alternate proxyholder for the Town of Tecumseh to cast its shareholder's votes at Essex Power Corporation's 2022 Shareholders' Annual Meeting, if Mayor Gary McNamara is absent from the meeting;

And further that the Acting Clerk **be authorized** to sign all necessary proxy forms to implement this resolution and to forward them to Essex Power Corporation.

Background

The Corporation of the Town of Tecumseh (Town), together with the Municipality of Leamington, and Towns of LaSalle and Amherstburg are the shareholders of Essex Power Corporation. Essex Power is required to hold an annual meeting of shareholders and occasionally requires a special shareholders' meeting.

The Town is entitled to appoint two directors to the Essex Power Board and has currently appointed Mayor Gary McNamara and Mr. Tom Burton. The directors have authority to represent the Town and vote at Board Meetings but are not authorized to represent or vote at Shareholders' meetings.

Essex Power Corporation and its related companies are incorporated pursuant to the *Ontario Business Corporations Act* (OBCA). Section 110 of the OBCA provides that a shareholder may appoint a proxyholder to vote by proxy for the shareholder at any shareholder meeting.

The section provides:

[110. \(1\)](#) Every shareholder entitled to vote at a meeting of shareholders may by means of a proxy appoint a proxyholder or one or more alternate proxyholders, who need not be shareholders, as the shareholder's nominee to attend and act at the meeting in the manner, to the extent and with the authority conferred by the proxy. R.S.O. 1990, c. B.16, s. 110 (1).

[\(2.1\)](#) A proxy appointing a proxyholder to attend and act at a meeting or meetings of shareholders of an offering corporation ceases to be valid one year from its date.

Comments

The only practical way for a Municipal Council to cast its shareholder vote at a Shareholder Meeting is by proxy. In keeping with the past practice of Council, it is recommended that Mayor Gary McNamara be appointed as the Town's proxyholder to vote at the 2022 Shareholders' Annual Meeting, and that Mr. Tom Burton be appointed as an alternate proxyholder, in the absence of the Mayor.

Since a proxy is not valid for more than one year, the appointment of a proxyholder is necessary every year prior to the Shareholders' Annual Meeting.

The agenda for the Shareholders' Annual Meeting is circulated prior to the meeting and often the matters to be voted on are routine business matters. If the Mayor determines there is a matter on the Shareholders' Annual Meeting Agenda of special importance, then the Mayor can seek direction from Council on how the Town's shareholder vote should be cast on that issue.

This recommended appointment is only for the 2022 Shareholders' Annual Meeting, which is scheduled for Wednesday, June 29, 2022 at 6:00 pm as an in-person meeting. If at any time there is a need for a special shareholders' meeting to vote on an issue, then the matter should be brought before Council.

The form of proxy, including the routine matters to be voted on, is attached as [**Appendix 1**](#).

Consultations

Essex Power Corporation

Financial Implications

There are no financial implications for the Town.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Sue White
Administrative Assistant to Director Legislative Services & Clerk

Reviewed by:

Jennifer Alexander, MPA
Acting Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Proxy Form



ANNUAL GENERAL MEETING PROXY FORM

We, _____
Please insert FULL LEGAL CORPORATE NAME in BLOCK CAPITALS

being a shareholder of ESSEX POWER CORPORATION ("EPC"), entitled to vote at the annual shareholder meeting of EPC hereby appoint as our duly authorized representative,

Please insert FULL NAME and ADDRESS in BLOCK CAPITALS

or, in the alternative and only in the absence of the above-named proxy we hereby appoint as our duly authorized representative,

Please insert FULL NAME and ADDRESS in BLOCK CAPITALS

As our proxy to attend and vote on our behalf on the resolutions to be proposed at the Annual Shareholder Meeting to be held on the **29th of June 2022 at 6:00 p.m.** via a virtual web meeting (meeting link to be provided closer to date), and at any adjournment thereof.



We direct our proxy to vote on the Agenda items, which are detailed in the notice convening the AGM, as follows.

Ordinary Resolutions

FOR

AGAINST

Resolution #1

To adopt the minutes of the 2020 Annual Shareholder Meeting held on June 23, 2021.

☐☐

Resolution #2

To receive and approve the Annual Report, 2021 which includes the Auditors Report for year ending December 31, 2021.

☐☐

Resolution #3

To approve the auditors for the corporation for the year 2021.

☐☐

NOTE

1. Please indicate with an "X" in the appropriate boxes how you wish your vote to be cast. If no indication is given, your proxy will be deemed to have authority to vote or abstain as he/she thinks fit.

DATED this ____ day of _____, 2022.

SIGNATURE:

CLERK

I have authority of behalf of Corporation.



The Corporation of the Town of Tecumseh

Public Works & Engineering Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Engineering Services

Date to Council: June 28, 2022

Report Number: PWES-2022-18

Subject: Request to Levy 2021 Municipal Drain Maintenance Costs

Recommendations

It is recommended:

That Report PWES-2022-18 Request to Levy 2021 Municipal Drain Maintenance Costs, **be received;**

And that By-Law 2022-045 to levy maintenance costs for the drains attached in Appendix A, **be adopted.**

Background

The purpose of this report is to authorize the Chief Financial Officer to recover the costs incurred during maintenance of the Municipal Drains listed in Appendix A (Attachment 1) in accordance with section 61(1) of the *Drainage Act* (Act).

Section 74 of the Act instructs that any drainage works constructed under a by-law passed under the Act shall be maintained and repaired by each municipality through which it passes at the expense of all upstream lands and roads in the proportions determined by the then current by-law.

The Town has completed maintenance and applied for a grant on May 9, 2022 to the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) for the Municipal Drains listed in Appendix A. Costs associated with these projects are now eligible to be levied and collected by the Town.

Comments

Section 61(1) of the Act stipulates that Council shall by by-law impose upon the land assessed for drainage works the assessment with which it is chargeable, and the amount so imposed is payable in such instalments as Council may prescribe. The individual assessments to the affected lands are to be in the proportions set out in the current adopted by-law for the respective municipal drain. Through recent communication with OMAFRA regarding the availability of grant funds, OMAFRA advised that municipalities not yet completing maintenance levying should do so in accordance with the Act.

Consultations

Financial Services

Financial Implications

Other than the costs to administer the projects, the cost of maintenance is 100% recoverable by the affected lands and road authorities including the Town's portion as detailed in Appendix A.

The total drainage assessment to the Town for the Drain maintenance in Appendix A is \$60,500.907. The Town's drainage assessment will be funded out of the Municipal Drain Lifecycle Reserve.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Alessia Mussio, E.I.T.
Assistant Drainage Superintendent

Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Appendix A – Drain Maintenance Costs
2	Schedule A – Drainage Act Excerpts

Appendix A					
Name of Drain	Governing By-Law	Maintenance Costs	OMAFRA Grant	Net Assessment	Town Assessment
East Townline (Pike Creek)	2016-53	\$ 2,323.28	\$ 487.19	\$ 1,836.09	-
O'Keefe	2015-74	\$ 2,450.48	\$ 167.91	\$ 2,282.57	\$ 751.32
Cunningham	84-07	\$ 34,001.80	\$ 7,546.81	\$ 26,454.99	-
East Townline (St. Clair)	2012-67	\$ 70,890.62	\$ 2,361.25	\$ 68,529.37	\$ 53,189.23
South Talbot	2006-047, 2019-25	\$ 822.32	\$ 121.25	\$ 701.07	\$ 234.49
Eleventh Concession	1999-27	\$ 1,407.44	\$ 97.56	\$ 1,309.88	-
Cyr	2021-41	\$ 47,662.77	\$ 2,990.04	\$ 44,672.73	\$ 1,684.09
Lachance	2019-42	\$ 1,539.04	\$ 228.05	\$ 1,310.99	\$ 559.75
Kavanagh	1418-62	\$ 5,051.65	\$ 603.20	\$ 4,448.45	\$ 2,631.27
Watson	2009-41	\$ 644.24	\$ 145.45	\$ 498.79	-
South Talbot Holden Branch	2009-40	\$ 1,432.88	\$ 251.57	\$ 1,181.31	\$ 229.27
Colchester Townline Drain	2014-14	\$ 618.80	-	\$ 618.80	\$ 44.04
Quick Drain	2014-17	\$ 17,002.79	-	\$ 17,002.79	\$ 1,177.51
TOTAL		\$ 185,848.11	\$ 15,000.28	\$ 170,847.83	\$ 60,500.97

Legislation

Petition

4 (1) A petition for the drainage by means of a drainage works of an area requiring drainage as described in the petition may be filed with the clerk of the local municipality in which the area is situate by,

- (a) the majority in number of the owners, as shown by the last revised assessment roll of lands in the area, including the owners of any roads in the area;
- (b) the owner or owners, as shown by the last revised assessment roll, of lands in the area representing at least 60 per cent of the hectarage in the area;
- (c) where a drainage works is required for a road or part thereof, the engineer, road superintendent or person having jurisdiction over such road or part, despite subsection 61 (5);
- (d) where a drainage works is required for the drainage of lands used for agricultural purposes, the Director. R.S.O. 1990, c. D.17, s. 4 (1).

Form of petition

(2) A petition under subsection (1) shall be in the form prescribed by the regulations and, where it is filed by an owner or owners under clause (1) (a) or (b), shall be signed by such owner or owners. R.S.O. 1990, c. D.17, s. 4 (2).

Petition where area lies on each side of boundary line

(3) Where it is desired to construct a drainage works for the drainage of an area composed of lands or roads lying on each side of a boundary line between two or more local municipalities, the council of any of them may proceed upon a petition as required by this Act in all respects, including the sending of notices, as if such area were entirely within the limits of the municipality. R.S.O. 1990, c. D.17, s. 4 (3).

Person deemed owner

(4) Where a person who is the owner of land, but does not appear by the last revised assessment roll of the municipality to be the owner, is a petitioner, the person shall be deemed an owner if the person's ownership is proved to the satisfaction of the clerk, and, if the person who appears by the assessment roll to be the owner is a petitioner, the person's name shall be disregarded in determining the sufficiency of the petition. R.S.O. 1990, c. D.17, s. 4 (4).

Persons jointly assessed

(5) Where two or more persons are jointly assessed for a property, in determining the sufficiency of a petition, they shall be deemed to be one owner. R.S.O. 1990, c. D.17, s. 4 (5).

Section 25(1) – Engineer may assess a block, etc.

The council of the local municipality may direct the engineer to assess as a block, a built-up area designated by the council, and the sum assessed therefor may be levied against all the ratable properties in the designated area proportionately on the

basis of the assessed value of the land and buildings.

Section 25(2) – Assessments to be charged against public roads

Where the engineer makes a block assessment under subsection (1), the engineer shall designate the proportion of the assessment to be charged against the public roads in the designated area.

Section 26 – Increased cost, how borne

In addition to all other sums lawfully assessed against the property of a public utility or road authority under this Act, and despite the fact that the public utility or road authority is not otherwise assessable under this Act, the public utility or road authority shall be assessed for and shall pay all the increase of cost of such drainage works caused by the existence of the works of the public utility or road authority.

Section 41(1) – Notice of drainage works

Upon the filing of the engineer's report, the council of the initiating municipality, if it intends to proceed with the drainage works, shall, within thirty days of the filing of the report, cause the clerk of the initiating municipality to send a copy of the report and a notice stating,

- 1) the date of the filing of the report;
- 2) the name or other designation of the drainage works; and
- 3) the date of the council meeting at which the report will be considered, to;
 - a) the owners, in the initiating municipality, as shown by the last revised assessment roll to be the owners of lands and roads assessed for the drainage works or for which compensation or other allowances have been provided in the report;
 - b) the clerk of every other local municipality in which any land or road that is assessed for the drainage works or for which compensation or other allowances have been provided in the report is situate;
 - c) the secretary-treasurer of each conservation authority that has jurisdiction over any land affected by the report;
 - d) any railway company, public utility or road authority affected by the report, other than by way of assessment;
 - e) the Minister of Natural Resources where land under his or her jurisdiction may be affected by the report; and
 - f) the Director.

Section 41(3) – Copy of report not required

Despite subsections (1) and (2), where a block assessment is made, the notice to the owners of the lands so assessed need not be accompanied by a copy of the report.

Section 41(3.1) – Same

Despite subsections (1) and (2), the council of a local municipality is not required to send a copy of the report to owners of lands and roads assessed for a sum of less than \$100.

Section 42 – Consideration of report

The council of the initiating municipality at the meeting mentioned in section 41 shall consider the report, and, where the drainage works is requested on petition, shall give an opportunity to any person who has signed the petition to withdraw from it by filing a signed withdrawal with the clerk and shall also give those present owning lands within the area requiring drainage who have not signed the petition an opportunity to do so, and should any of the lands or roads owned by the municipality within the area requiring drainage as described in the petition be assessed, the council may by resolution authorize the head of the municipality to sign the petition for the municipality, and such signature counts as that of one person in favour of the petition.

Section 65(1) – Subsequent subdivision of land

If, after the final revision of an engineer's assessment of land for a drainage works, the land is divided by a change in ownership of any part, the clerk of the local municipality in which the land is situate shall instruct an engineer in writing to apportion the assessment among the parts into which the land was divided, taking into account the part of the land affected by the drainage works.

Section 65(2) – Agreement on share of assessment

If the owners of the subdivided land mutually agree on the share of the drainage assessment that each should pay, they may enter into a written agreement and file it

with the clerk of the local municipality and, if the agreement is approved by the council by resolution, no engineer need be instructed under subsection (1).

Section 76(1) - Varying original assessments for maintenance

The Council of any local municipality liable for contribution to a drainage works in connection with which conditions have changed or circumstances have arisen such as to justify a variation of the assessment for maintenance and repair of the drainage works may make an application to the Tribunal, of which notice has been given to the head of every other municipality affected by the drainage works, for permission to procure a report of an engineer to vary the assessment, and, in the event of such permission being given, such council may appoint an engineer for such purpose and may adopt the report but, if all the lands and roads assessed or intended to be assessed lie within the limits of one local municipality, the council of that municipality may procure and adopt such report without such permission.

Section 76(2) – Proceedings on report of engineer

The proceedings upon such report, excepting appeals, shall be the same, as nearly as may be, as upon the report for construction of the drainage works.

Section 76(3) – Appeal from report of engineer

Any council served with a copy of such report may, within 45 days of such service, appeal to the Tribunal from the finding of the engineer as to the portion of the cost of the drainage works for which the municipality is liable.

Section 76(4) – Appeal from assessment

Any owner of land assessed for maintenance or repair may appeal from the assessment in the report on the grounds and in the manner provided by Section 52 in the case of the construction of the drainage works.

Section 76(5) – Basis of future assessments

An assessment determined under this section shall thereafter, until it is further varied, form the basis of any assessment for maintenance or repair of the drainage works affected thereby.

Section 78(1) – Improving, upon examination and report of engineer

If a drainage works has been constructed under a by-law passed under this Act or any predecessor of this Act, and the council of the municipality that is responsible for maintaining and repairing the drainage works considers it appropriate to undertake one or more of the major improvement projects listed in subsection (1.1) for the better use, maintenance or repair of the drainage works or of lands or roads, the municipality may undertake and complete the project in accordance with the report of an engineer appointed by it and without the petition required by section 4. 2010, c.16, Sched. 1, s. 2 (27); 2020, c. 18, Sched. 4, s. 9 (1).

Section 78(1.1) – Projects

The projects referred to in subsections (1) are:

- 1) 1. Changing the course of the drainage works.
- 2) 2. Making a new outlet for the whole or any part of the drainage works.
- 3) 3. Constructing a tile drain under the bed of the whole or any part of the drainage works.
- 4) 4. Constructing, reconstructing or extending embankments, walls, dykes, dams, reservoirs, bridges, pumping stations or other protective works in connection with the drainage works.
- 5) 5. Extending the drainage works to an outlet.
- 6) 5.1 Improving or altering the drainage works if the drainage works is located on more than one property.
- 7) 6. Covering all or part of the drainage works.
- 8) 7. Consolidating two or more drainage works.
- 9) 8. Any other activity to improve the drainage works, other than an activity prescribed by the Minister as a minor improvement. 2010, c. 16, Sched. 1, s. 2 (27); 2020, c. 18, Sched. 4, s. 9 (2-4).

Section 78(2) – Notice to conservation authority

2) An engineer shall not be appointed under subsection (1) until 30 days after a notice has been sent to the following persons advising them of the municipality's intent to undertake the major improvement project:

1. The secretary-treasurer of each conservation authority that has jurisdiction over any lands that would be affected by the project.
2. The prescribed persons. 2020, c. 18, Sched. 4, s. 9 (5).

Section 78(3) – Powers and duties of engineer

(3) The engineer has all the powers and shall perform all the duties of an engineer appointed with respect to the construction of a drainage works under this Act. R.S.O. 1990, c. D.17, s. 78 (3).

Section 78(4) – Proceedings

(4) All proceedings, including appeals, under this section shall be the same as on a report for the construction of a drainage works. R.S.O. 1990, c. D.17, s. 78(4).

Minor improvements to drainage works

(5) Despite subsections (2) to (4), the Minister may prescribe the process for approving minor improvements to a drainage works mentioned in paragraph 8 of subsection (1.1). 2020, c. 18, Sched. 4, s. 9 (6).

AMENDMENTS TO ENGINEER'S REPORT

84.1 (1) This section applies with respect to engineer's reports that are prepared for

the purpose of a petition under section 4 or for the purpose of section 78 and that are adopted by a municipal by-law. 2020, c. 18, Sched. 4, s. 10.

Approval process

(2) The Minister may, by regulation, set out the process by which the engineer's report may be amended and the process by which those amendments are to be approved. 2020, c. 18, Sched. 4, s. 10.

Section Amendments with date in force (28/09/2021)



The Corporation of the Town of Tecumseh

Public Works & Engineering Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Engineering Services

Date to Council: June 28, 2022

Report Number: PWES-2022-21

Subject: Investing in Canada Infrastructure Program
Agreement for Green Stream Stage II, 2021 Intake
Watermain Replacement Project: Centennial Drive & Woodridge Drive

Recommendations

It is recommended:

That the Watermain Replacement Project: Centennial Drive & Woodridge Drive **be added** to the 2022 Public Works & Engineering Services Capital Works Plan, with detailed design commencing in September 2022;

And that the total project expenditures of \$3,500,000 **be funded** through the Watermain Reserve Fund, with the understanding that the Town's anticipated net costs will be \$933,450 under the Investing in Canada Infrastructure Program: Green Stream Stage II, 2021 Intake;

And further that a by-law **be prepared** to authorize the Mayor and Clerk to sign a Transfer Payment Agreement between Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Infrastructure for the Province of Ontario ("Province") and The Corporation of the Town of Tecumseh ("Town"), in a form satisfactory to the Town's Solicitor, financial content satisfactory to the Town's Chief Financial Officer and technical content satisfactory to the Town's Engineer, for the grant received from the Investing in Canada Infrastructure Program: Green Stream Stage II, 2021 Intake for the Watermain Replacement Project: Centennial Drive & Woodridge Drive that includes:

- Centennial Drive from Riverside Drive to St. Thomas Street
- Woodridge Drive from Dillon Drive to St. Thomas Street
- Interconnections with Little River Boulevard and St. Thomas Street.

Background

The Investing in Canada Infrastructure Program (ICIP) is a federal-provincial infrastructure program designed to create long-term economic growth, build inclusive, sustainable and resilient communities and support a low-carbon economy. The Green Stream Stage II 2021 Intake prioritizes drinking water projects that address critical health and safety issues associated with water infrastructure under the Environmental Quality sub-stream.

Projects under this intake are subject to a \$5 million funding cap for total eligible costs, with funding allocations of **40% Federal, 33.33% Provincial and 26.67% Municipal**.

At the September 8, 2021 Special Meeting of Council, Council authorized Administration, under [Report PWES-2021-38](#), to submit an application to the ICIP Green Stream Stage II 2021 Intake prior to the deadline of September 9, 2021 for the watermain replacement on the full length of Centennial Drive, a section of Woodridge Drive (from Dillon Drive to St. Thomas Street) and interconnections with Little River Boulevard and St. Thomas Street (Motion: SCM-20/21). A map of the Town's water infrastructure project submitted under the Green Stream Stage II 2021 Intake is provided in Attachment 1.

On April 11, 2022, the Town received correspondence from the Honourable Kinga Surma, Minister of Infrastructure, congratulating the Town of the funding approval, in principle, for the Watermain Replacement Project submitted under the Green Stream Stage II 2021 Intake. A copy of the correspondence is provided in Attachment 2.

Further to the correspondence received from the Minister of Infrastructure, a [news release](#) published April 14, 2022, announced the federal and provincial governments' investment in [144 community water infrastructure projects](#), including Tecumseh's water distribution system.

Comments

A Transfer Payment Agreement must be executed between Her Majesty the Queen in Right of the Province, as represented by the Minister of Infrastructure, and The Corporation of the Town of Tecumseh respecting the grant received from the Infrastructure Canada Improvement Program: Green Stream Stage II 2021 Intake.

The Town is waiting to receive a copy of the draft agreement and it will be reviewed by Administration and the Town's Solicitor. The agreement will be finalized following evidence that Tecumseh Town Council has approved the execution of the agreement and the Town provides evidence that all project funding other than the federal and provincial contributions has been secured (via Council Resolutions).

The final agreement will be brought to Council for approval and execution by means of a future by-law.

With the approval in principle, eligible costs as determined under the terms and conditions of the ICIP will be eligible for federal and provincial reimbursement subject to the timely execution of the agreement. Once signed, the agreement represents the final federal approval of the Project.

Consultations

Financial Services
Town Solicitor

Financial Implications

With the Town's successful application to the ICIP: Green Stream Stage II, 2021 Intake, the following financial implications are anticipated:

Total project costs:	\$3,500,000
Federal funding (40%):	\$1,400,000
Provincial funding (33.33%):	\$1,166,550
Town of Tecumseh (26.67%):	\$933,450

The Town's costs are recommended to be funded through the Watermain Reserve Fund. It is also recommended that the detailed design commence in 2022 (by September 2022 in accordance with the funding program criteria). Construction is anticipated to commence in 2025.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Cheryl Curran, BES
Project Technician

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

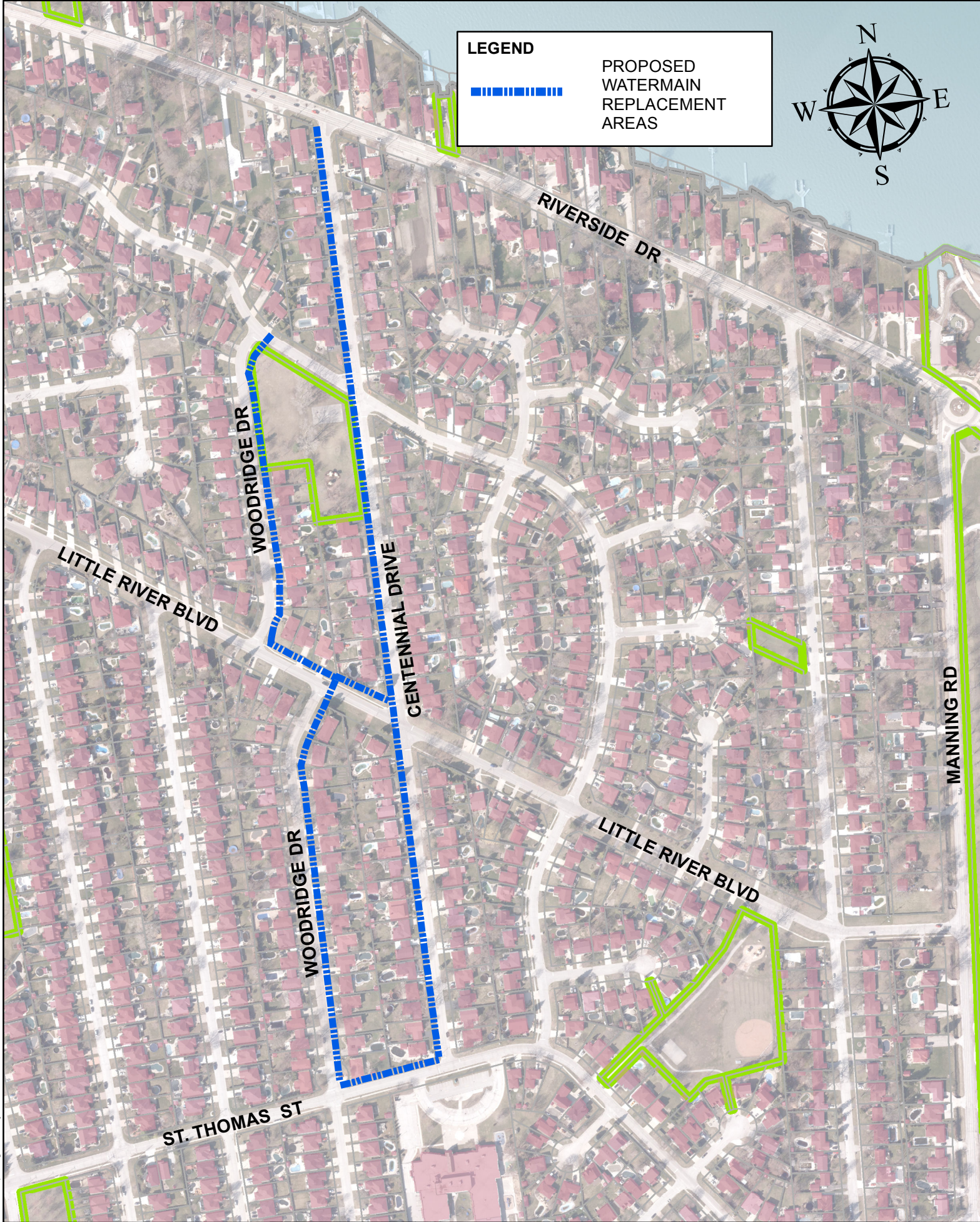
Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services


Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Map: Town of Tecumseh Water Infrastructure Project
2	Correspondence received April 11, 2022



LEGEND



PROPOSED
WATERMAIN
REPLACEMENT
AREAS



DISCLAIMER
The information within this map is provided "as is" without warranty of any kind, either expressed or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The Corporation of the Town assumes no liability for any alleged or actual, incidental or consequential damages resulting from the furnishing, performance or use of this map.



TOWN OF
Tecumseh
ONTARIO - CANADA

223

Work Done:
Author: jell
Date: 8/4/2021
Scale: NTS

**PROPOSED WATERMAIN
REPLACEMENT**

- Centennial Dr.	- Little River Blvd
- Woodridge Dr.	- St. Thomas St

PROJECT No.
SHEET No. 1

From: Minister of Infrastructure <Minister.MOI@ontario.ca>
Date: April 11, 2022 at 12:37:27 PM EDT
To: Gary McNamara <gmcnamara@tecumseh.ca>
Subject: A message from the Minister of Infrastructure

His Worship Gary McNamara
Mayor
The Town of Tecumseh
gmcnamara@tecumseh.ca

RE: 2021-08-1-1621310924 - Centennial Drive and Woodridge Drive Watermain Replacement

Dear Mayor McNamara:

I am pleased to inform you that the federal government has approved your organization's project, **Centennial Drive and Woodridge Drive Watermain Replacement**, which was submitted under the 2021 intake of the Green Infrastructure funding stream of the Investing in Canada Infrastructure Program (ICIP). The federal and provincial funding is conditional on your organization entering into a comprehensive Transfer Payment Agreement (TPA) with the Province and meeting the conditions outlined therein.

The federal government is contributing **40 per cent** in total eligible costs up to a maximum of **\$1,400,000.00** and Ontario is contributing **33.33 per cent** in total eligible costs up to a maximum of **\$1,166,550.00** towards your project. Your organization is responsible for any cost overruns that you may incur throughout the course of the project.

Please note: This funding decision is to be kept confidential and cannot be shared in any public forums (except for municipal or band council meetings) until an official announcement can be made by both provincial and federal partners. Canada and/or Ontario will contact your organization to arrange joint public communications regarding the funding of your organization's project.

While you may now enter into contracts for the project, for some projects, construction cannot begin until the federal government has provided notification that federal environmental impact assessment and Indigenous consultation obligations have been met. In the near future, you will receive a letter indicating whether there are federal requirements that must be satisfied before you start construction. In order for costs to be eligible for reimbursement, they must have been incurred on or after March 2, 2022. Please note that any costs associated with third party vendor contracts entered into before this date are not eligible.

Please note that Canada and/or Ontario reserve the right, upon short notice, to change the terms and conditions of the Green infrastructure funding stream or to cancel the Green infrastructure funding stream and/or the ICIP program.

Ministry staff will be sending your organization a detailed email outlining the terms and conditions of funding. They will continue to work with you to answer any questions and provide additional information as required for next steps. If you have any inquiries, please send them to ICIPGreen@ontario.ca.

We look forward to working with your organization to implement this important local infrastructure priority that will help advance public safety.

Sincerely,

The Honourable Kinga Surma
Minister of Infrastructure



The Corporation of the Town of Tecumseh

Public Works & Engineering Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Engineering Services

Date to Council: June 28, 2022

Report Number: PWES-2022-24

Subject: Source Water Protection 2021 Annual Progress Reports

Recommendations

It is recommended:

That Report No. PWES-2022-24 Source Water Protection 2021 Annual Progress Reports, **be received**.

Background

Source Protection Plans protect municipal wells and surface water intakes from specific activities that may pose a threat to drinking water. The Ontario government passed the Clean Water Act in 2006 to protect drinking water because of the Walkerton E. coli outbreak tragedy in May 2000. The Clean Water Act established a process for developing local, watershed-based Source Protection Plans.

Lake St. Clair, the Detroit River and Lake Erie provide the Windsor-Essex Region with its municipal drinking water.

The Essex Region Source Protection Plan (SPP) contains policies to ensure that identified potential risks to the source water are prohibited or managed in a way that protects the municipal drinking water supply.

The Essex Region SPP was first developed in 2015 by a Source Protection Committee (SPC) in consultation with municipalities, community groups and residents, and is

supported by the Essex Region Conservation Authority's Board of Directors, which is the Source Protection Authority (SPA).

Source Protection Progress Reports are submitted to the Town on an annual basis. The 2021 Source Protection Annual Progress Report and the 2021 Risk Management Official Annual Progress Report (Attachment 1) highlight the progress made toward implementation of the Essex Region SPP up to December 31, 2021 and highlights the actions taken from January 1 to December 31, 2021.

Representatives from Essex Region Conservation Authority will be in attendance at the June 28, 2022 Council meeting to present the Annual Progress Reports (Attachment 2) and to answer any questions and/or provide additional information as requested.

Comments

The Source Protection Annual Progress Report is summarized below

1. Source Protection Plan Policies and Addressing Significant Risks

There are 44 Essex Region SPP policies to address Significant Drinking Water Threats (SDWT). Twenty-nine policies are now fully 'implemented', up from 27 in 2021, with only 13 policies remaining 'in progress'. These 13 policies are on target to be fully 'implemented' in 2022.

Section 59 policies respecting Restricted Land Uses were reviewed and considered to be 'implemented': there are processes in place to screen building permits and planning application for new activities that could be a SDWT.

The airplane de-icer policy was moved from 'no progress made' to 'implemented – policy outcome evaluated; no further action required': commercial airports are not a permitted use in the identified vulnerable areas.

2. Municipal Progress: Addressing Risks on the Ground

Planning and building decisions must correspond with policies that address vulnerable areas within the municipalities in the Essex Region Source Protection Area (ERSPA) where SDWT have been identified.

Of the 11 municipalities in the ERSPA, the Towns of Tecumseh, LaSalle and Essex in addition to the County of Essex have completed their required Official Plan conformity exercises. The remaining seven municipalities are in the process of amending their respective Official Plans to conform to the policies in the Essex Region SPP.

3. Septic Inspections

This is not applicable to the Essex Region SPA.

While mandatory septic inspections are not required, landowners are encouraged to have their septic systems inspected and maintained.

4. Risk Management Plans

In the ERSPA, the handling and storage of large volumes of liquid fuel (>15,000 L) was identified as a SDWT. To mitigate these threats, Risk Management Plans (RMPs) are established, in consultation with a Risk Management Official (RMO/I), to show actions are being taken to prevent spills.

In 2021, seven RMPs were established to address existing threats and two remain outstanding. The process for establishing RMPs for the remaining two threats are nearing completion.

Eight RMPs were also established in 2021 for future (new) fuel threats.

There have been no cases of non-compliance with the established RMP.

5. Provincial Progress: Addressing Risks on the Ground

All policies in the Essex Region SPP that use Provincial Instruments (i.e. Environmental Compliance Approvals) are fully implemented.

In 2021, Provincial Ministries examined three applications for wastewater/sewage works in vulnerable areas of the Essex Region; none were determined to be SDWT.

6. Source Protection Awareness and Change in Behaviours

Road signs have been installed across the ERSPA to identify sections of road where accidental spills could contaminate our sources of drinking water. In 2021, four new signs were placed in Kingsville. If a spill is observed, residents are advised to contact the Spills Action Center at 1-800-268-6060.

7. Source Protection Plan Policies: Summary of Delays

All policies in Essex Region SPP are on track to be fully implemented in 2022.

8. Source Water Quality: Monitoring and Actions

The Essex Region SPP includes a policy to continue monitoring for phosphorus and microcystin as a drinking water issue and harmful algae blooms in general.

In 2021, the predicted severity score of the harmful algae blooms was 3.0 (on Lake Erie). On November 1, 2022, the National Oceanic and Atmospheric Administration (NOAA) announced that the actual bloom severity received a score of 6, which is a moderate bloom and more severe than 2020. The severity index ranges from 0 to 10.

Lake St. Clair also experiences annual harmful algae blooms affecting the Stoney Point and Belle River drinking water intakes. In 2021, Lake St. Clair experienced a severe enough bloom to trigger a response from the Ministry of the Environment, Conservation and Parks. The Water Treatment Operators were required to modify treatment to account for the algal toxins in the water. Following this occurrence, the Source Protection Committee determined that microcystin should be identified as a drinking water issue for Lake St. Clair intakes as part of the update to the Source Protection Plan and Assessment Report. This is expected to occur in 2023.

ERCA continues to work on a regional Phosphorus Management Plan to identify phosphorus sources and develop phosphorus reduction management strategies for selected tributaries in the Lake Erie watershed. ERCA has also integrated harmful algae blooms into their educational programs directed at targeted groups such as the agricultural community, youth, and special interest groups.

9. Science-based Assessment Reports: Work Plans

An update of the Essex Region SPP per Section 36 of the Clean Water Act (2006) is planned for the end of 2023.

10. More from the Watershed

In 2021, the Essex Region Source Protection Committee launched an educational campaign to increase awareness and understanding of Drinking Water Protection Zone road signs. In addition, the Committee co-developed a communication strategy with Conservation Ontario that resulted in a three-week social media campaign that included a new online mapping tool showing the location of road signs around Ontario.

Additional information is shared via social media year-round to engage users of Twitter, Facebook and Instagram on various topics relevant to Source Water Protection.

Progress scores for achieving the source protection plan objectives are: (1) Progressing Well/On Target; (2) Satisfactory; or (3) Limited Progress. The overall score for the Essex Region SPP is the top rating of **Progressing Well**.

Consultations

Essex Region Conservation Authority

Financial Implications

There are no financial implications arising from this report.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Cheryl Curran, BES
Project Technician

Reviewed by:

Brad Dupuis, C. Tech.
Manager Water Services

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

Recommended by:

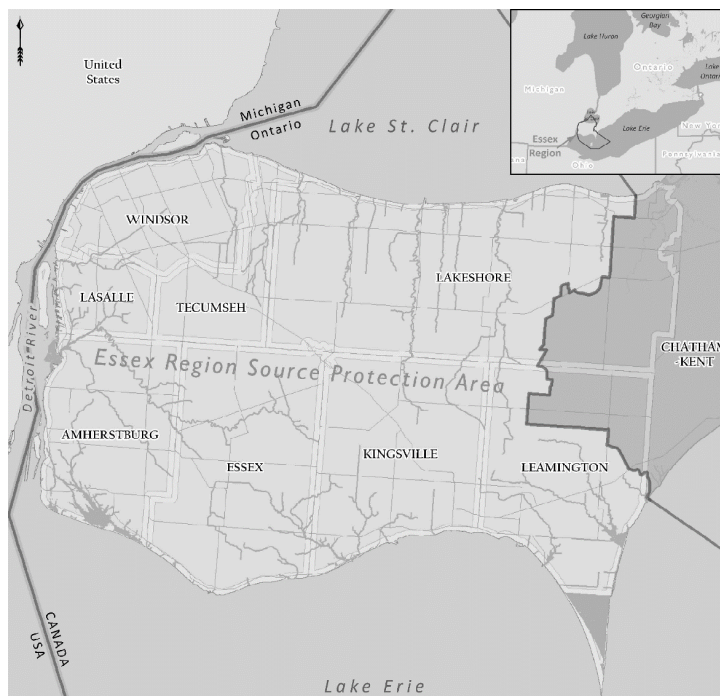
Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	2021 Source Protection Annual Progress Reports
2	Essex Region Conservation Authority, Council Presentation

2021 ERSPA Source Protection Annual Progress Report 05/01/2022

I. Introduction

This annual progress report outlines the progress made toward implementing the policies in the Essex Region Source Protection Plan (SPP) for the Essex Region Source Protection Area (ERSPA), as required by the Clean Water Act and its Regulations. Our policies work by either eliminating or managing activities that could be considered a threat to our sources of drinking water and are based on the foundational knowledge that the actions we take on land impact our local waterways and, ultimately, our sources of drinking water. Following an extensive process that included broad public input, the Essex Region SPP came into effect on October 1, 2015. This report highlights progress made toward implementation up to December 31, 2021, and highlights the actions taken from January 1 to December 31, 2021.



Scoring for certain elements of the Annual Progress Reports is based on the following options:

Progressing Well/On Target (P) – Most of the policies have been implemented and/or are progressing.

Satisfactory (S) – Some of the policies have been implemented and/or are progressing.

Limited progress (L) – A few of policies have been implemented and/or are progressing.

II. A message from your local Source Protection Committee

Overall Score: P – Progressing Well

The Essex Region Source Protection Committee has reviewed this report and it is again our unanimous opinion that implementation of the policies in the Essex Region Source Protection Plan is progressing well. Further, the Committee notes that the Covid-19 pandemic is still affecting progress, but to a much lesser degree as staff from all Implementing Bodies have become accustomed to a hybrid work model. We would like to acknowledge that the Committee continues to remain engaged in spite of the virtual environment. The Committee has achieved quorum at all meetings and engages in productive conversation during virtual meetings. We have congratulated the SPA and Risk Management staff in their persistence, even to the extent of developing and implementing an enforcement process to deal with uncooperative absentee business owner leadership in the negotiation of Risk Management Plans. A detailed supplemental Risk Management report is also available online.

The Committee is aware of the growing concern over harmful algal blooms in Lake St. Clair, and has begun the process of identifying microcystin as a drinking water issue for the Stoney Point and Belle River intakes. This work and the comprehensive section 36 update have been delayed by about 6 months pending the now available revised Director Technical Rules. We acknowledge the hard work that MECP DWSP technical staff undertook to develop this updated document.

We also acknowledge the MECP's effort to continue to provide resources that can be useful to communities that have drinking water systems that are not included in the Source Protection Program. Their web resource, <https://www.ontario.ca/document/best-practices-source-water-protection>, will help those communities take advantage of knowledge gained through MECP Source Water Protection Branch and SPA efforts.

The Committee and SPA staff members also contributed to a road sign video that became available in the fall of 2021. No Oscar nominations, but it was a worthy effort and has garnered attention locally and across the Province. We look forward to seeing future videos from other Source Protection Regions and Areas to help raise awareness of the work we all do to protect our sources of drinking water!

III. Our Watershed

The Essex Region Source Protection Area (ERSPA) is approximately 1681 km² and coincides with the watershed boundaries of the Essex Region Conservation Authority (ERCA). The ERSPA is comprised of 28 smaller sub-watersheds, flowing north into Lake St. Clair, west into the Detroit River, or south into Lake Erie. The area predominantly consists of a flat clay plain with the exception of some sandy areas, primarily in the southern portion of the Region. The predominant land use in the watershed is agriculture, due to the region's excellent farmland and growing conditions.

Municipal drinking water supplies in the Essex Region Watershed are drawn from surface water intakes in the Great Lakes system - Lake Erie, Lake St. Clair and the Detroit River. There are seven municipal Water Treatment Plants (WTPs) in the ERSPA, and one WTP outside of the ERSPA in Wheatley serving part of the Municipality of Leamington. Stoney Point and Lakeshore (Belle River) WTPs have their water intakes located in Lake St. Clair; the A. H. Weeks (Windsor) and Amherstburg WTPs have their intakes in the Detroit River; and the Harrow-Colchester South, Union, Pelee Island West Shore and the Wheatley WTPs have their intakes in Lake Erie. These municipal WTPs serve over 95 percent of the population in the ERSPA. The remaining population, less than five percent, depends on groundwater or hauled water.

In the ERSPA, the handling and storage of large volumes of liquid fuel (>15,000 L) was identified as a significant drinking water threat (SDWT). Modeling exercises showed that a spill of this volume of fuel close to any body of water could result in contamination of the source water at our drinking water intakes. This resulted in the delineation of an extensive Event Based Area (EBA) in which large volumes of fuel are considered a threat to our drinking water. To mitigate these threats, Risk Management Plans (RMPs) that show actions are being taken to prevent spills are required to be established in consultation with a Risk Management Official.

To learn more about Source Protection in the Essex Region, please visit our website:
<https://essexregionconservation.ca/source-water-protection/>

IV. At a Glance: Progress on Source Protection Plan Implementation

1. Source Protection Plan Policies and Addressing Significant Risks

P – Progressing Well

Of the 44 policies in the Essex Region SPP that address SDWTs, 29 (66%) are now fully implemented and 13 (30%) are in progress and on target to be fully implemented in 2022. The remaining two policies have been reviewed and it has been determined that no further action is required. All section 57 and 58 policies remain 'in progress' as existing threats continue to be addressed. Section 59 policies are considered to be 'implemented' because there are processes in place to screen building permits and planning applications for new activities that could be a SDWT.

Two policies moved from 'in-progress' to 'implemented' in 2021. These two policies were directed at the City of Windsor to address combined sewer discharge. One policy required the City to initiate the development of a sewer and stormwater management plan, and the other policy required the City to initiate a research program to characterize CSOs to provide input to the sewer master plan. In 2021, the Sewer and Coastal Flood Management Plan was approved by City Council along with the 2021-2028 implementation plan. In addition, the West Windsor RTB has been put forward for funding under Infrastructure Canada. These actions satisfy the intent of the above named policies. The airplane de-icer policy was moved from 'No progress made' to 'Implemented – policy outcome evaluated; no further action required' as commercial airports are not a permitted use in the identified vulnerable areas.

2. Municipal Progress: Addressing Risks on the Ground

P – Progressing Well

All of the 11 municipalities in the ERSPA have vulnerable areas where SDWT policies apply. Municipalities are required to ensure that their planning and building decisions conform with the Essex Region SPP and must also ensure that their Official Plans conform with the SPP upon the next Planning Act review. The Committee acknowledges the challenge in completing Official Plan updates due to the challenges faced by Covid-19 restrictions. Public consultation is an important part of the Official Plan update process and it is challenging to complete this effectively through virtual meetings. The Committee acknowledges the efforts made by municipalities in spite of these difficulties.

The County of Essex, Town of Essex, Town of LaSalle and Town of Tecumseh have completed their required Official Plan conformity exercises. The remaining seven municipalities are in the process of amending their Official Plan to conform with the policies in the Essex Region SPP. Municipalities have been undertaking this process for several years and ERSPA staff have had the opportunity to review some draft OP revisions, but it is unknown at this time when the revisions will be complete.

All lower tier municipalities are responsible for day-to-day land use planning and building permit decisions and have integrated source protection requirements to ensure that their planning and building decisions conform with the policies in the Essex Region SPP. The Essex Region Conservation Authority has been delegated by all of these municipalities to implement Part IV policies on their behalf. At the request of municipalities, ERSPA will deliver additional training to municipal staff in 2022.

3. Septic Inspections

Not applicable to the ERSPA. There are currently no policies in the Essex Region SPP that require mandatory septic inspections. However, the Committee notes that high levels of E.coli remain a concern for our local waterways and beaches. Landowners are encouraged to have their septic systems inspected and maintained regularly.

4. Risk Management Plans

P – Progressing Well

As of January 2019, threat verification inspections were carried out in accordance with the *Clean Water Act* by the RMO/I for all 384 existing properties originally identified in the ERSPA to determine whether existing activities identified in the Source Protection Plan meet the criteria to be considered a SWDT (the handling & storage of fuel). Of these, 96 were identified to be SDWTs, and 94 have been managed with Risk Management Plans (RMPs) since our SPP took effect. RMPs for all existing threats were required to be established by October 1, 2020.

In 2021, seven (7) RMPs were established to address existing threats, and two (2) RMPs remain outstanding. Of the seven RMPs established, four (4) were completed by Order. These were cannabis operations where the landowner had been unresponsive. The remaining two properties are Petroleum Wells and the process for establishing RMPs is nearing completion.

In 2021, 8 RMPs were established for future (new) fuel threats through s.59 municipal screening processes. Since the SPP took affect, 16 RMPs have been established through the s. 59 process for new threats. Ten (10) inspections were carried out by the RMO for regulated activities in 2021. The inspections that were carried out resulted in the Notice of Intent and RMO Official Order to Establish a Risk Management Plan for four properties with cannabis operations. There have been no cases of non-compliance with the established RMPs.

Please refer to the supplementary Part IV 2021 Risk Management Services Report for further information and details.

5. Provincial Progress: Addressing Risks on the Ground

P – Progressing Well

The Essex Region SPP includes 17 policies that use Provincial Instruments (e.g. Environmental Compliance Approvals) to address future (new) and existing SDWTs. Screening for future threats became mandatory on the date the SPP came into effect (October 1, 2015) and existing threats were to be addressed by October 1, 2020. All of these policies have been fully implemented since 2018.

As of December 2018, all 38 of the existing PIs were reviewed and five were considered to be SDWTs where the PI was sufficient and no additional conditions were required to mitigate the SDWT. In 2018, Ontario ministries implemented a screening mechanism for new applications and PIs are amended as needed to address any new SDWTs. In 2021, Provincial Ministries examined three (3) applications for wastewater/sewage works in vulnerable areas of the Essex Region; all were determined not to be a SDWT. Since 2016, a total of 33 new applications for PIs have been reviewed in the ERSPA. No new SWDTs have been identified through this process.

6. Source Protection Awareness and Change in Behaviour

Road signs have been installed across the ERSPA as part of a provincial awareness initiative. The Ontario Ministry of Transportation (MTO) installed signs on provincial roads, while municipalities coordinated installation on local municipal and county roads. The MTO installed five signs in the Essex Region in 2017 and 2018 on Hwy 401, Hwy 77 and Hwy 3, and there are over 60 signs on municipal roads. In 2021, four new signs were placed in Kingsville in addition to existing signs.

The road signs identify sections of road where accidental spills could contaminate our sources of drinking water. As part of the Essex Region Source Protection Plan implementation, emergency responders have been notified about these zones so that our sources of drinking water can be protected in the event of a spill. The use of standardized signs throughout Ontario help to raise public awareness about the importance of protecting our local sources of drinking water.

The main risk to drinking water in our local area has been identified as the handling and storage of liquid fuel. If a spill is observed, residents are advised to contact the Spills Action Center at 1-800-268-6060.

7. Source Protection Plan Policies: Summary of Delay

All policies in the Essex Region Source Protection Plan are on track to be fully implemented in 2022. Please refer to Section 1 - Source Protection Plan Policies and Addressing Significant Risks for more information on policies that are considered be In Progress.

8. Source Water Quality: Monitoring and Actions

Harmful algal blooms (HABs) are an annual occurrence in Lake Erie and Lake St. Clair. HABs are largely made up of a species of blue-green algae (or cyanobacteria) called microcystis. The cyanobacteria produce a neurotoxin called microcystin, which is released into water when the cell wall breaks. Microcystin is a parameter listed on Schedule 2 of the Ontario Drinking Water Quality Standards and has a standard of 1.5 ug/L. In 2014, the SPC reviewed microcystin concentration data for the raw water at the intakes of our Lake Erie water treatment plants and determined that microcystin should be identified as a drinking water issue pursuant to rule 115.1 in the Technical Rules associated with the *Clean Water Act*. Because the data were not sufficient to support the delineation of an Issue Contributing Area, no Significant Drinking Water Threats nor associated policies could be written. However, the Source Protection Plan does include a policy to continue monitoring for phosphorus and microcystin as well as a regional education and outreach policy related to phosphorus, microcystin as a drinking water issue, and algae blooms in general. These policies are not legally binding. However, ERCA continues to be a leader in phosphorus monitoring and research, and has integrated HABs into all of our educational programs directed at a variety of target audiences including youth, special interest groups and the agricultural community.

Each spring, NOAA releases an estimate for the severity of the Harmful Algal Bloom that will occur the following summer. These predictions are made using a suite of sophisticated models that incorporate weather variables (e.g. precipitation; temperature) as well as phosphorus loads from the main contributing tributaries like the Maumee River in Ohio. The severity index ranges from zero to 10, and indicates the amount of bloom biomass over the peak 30 days of the bloom. These models are not currently able to predict the toxicity of the bloom. In 2021, the predicted severity score of the HAB was 3.0. On 1 November, 2022, NOAA released a seasonal assessment announcing that the actual bloom severity received a score of 6.0, making it a moderate bloom and more severe than 2020. Bloom severity seems to be highly correlated to weather conditions, with more severe blooms in years with wetter springs. Although May and June were dry, July was unseasonably wet, leading scientists to investigate the influence of this later delivery of nutrients on algal growth. The HAB in 2021 was particularly slow growing, lasting well into October due to sustained warm temperatures. The HAB covered a large area, mainly in US waters, but it was less dense and less toxic than in severe bloom years like 2017 and 2019. It is not yet possible to declare any trend in bloom severity, nor to determine whether on-the-ground actions are responsible for lowering bloom severity.

While Lake Erie tends to be the focus for Harmful Algal Blooms, Lake St.Clair also experiences annual HABs in the nearshore areas on the north shore of the Essex Region, affecting the Stoney Point and Belle River drinking water intakes. In 2021, Lake St.Clair experienced a severe enough bloom to trigger a response from the MECP, and it was necessary for Water Treatment Operators to modify treatment to account for the algal toxins in the water. In October, the SPC held a meeting where they heard presentations from local researchers and Water Treatment Operators speaking about the severity of HABs in Lake St.Clair and treatment options. The SPC also discussed a report outlining the analysis of microcystin data for the Stoney Point and Belle River drinking water intakes. Following the necessary lines of evidence, the SPC determined that microcystin should be identified as a drinking water issue for Lake St. Clair intakes as part of our comprehensive update to the Source Protection Plan and Assessment Report. This will be included in public consultation when all updates are completed. This is expected to occur in 2023 and the report will be updated with any new data collected prior to consultation.

ERCA continues its many monitoring programs to track phosphorus in our local watersheds. ERCA is also working on a regional Phosphorus Management Plan. The objectives of this project are to establish priorities for the application of phosphorus reduction measures, including the most appropriate best management practices (BMPs) for this region. This work will contribute to the identification of critical nutrient source areas and implementation of BMPs to achieve phosphorus load targets for this priority region.

9. Science-based Assessment Reports: Work Plans

The Essex Region SPA continues to make progress towards completing our s.36 update with a goal of finalizing the update by the end of 2023. Technical work that was planned for 2021 was pushed to 2022 due to a delay in publication of the 2021 Director Technical Rules, which were finalized in December 2021. The Director Technical Rules are the instructions for completing technical work.

10. More from the Watershed

In 2021, the Essex Region Source Protection Committee participated in a Province wide campaign to increase awareness and understanding of Drinking Water Protection Zone road signs. The SPC along with ERPA staff created a YouTube video that features signs located all around the Essex Region. The video can be viewed on ERCA's YouTube channel:

<https://www.youtube.com/watch?v=MwO3V1zsUAs>. The video was been widely viewed online and is played at the John R. Park Homestead where thousands of Windsor-Essex residents visit. The road signs are an important piece of the Source Protection program as they are highly visible reminders to the public of the vulnerable areas that surround our sources of drinking water. Even though these signs are found all over the province, there had been little communication or education about what they meant. In the fall of 2021, Conservation Ontario co-developed a communication strategy in partnership with Source Protection staff. The end result was a three week social media campaign that included a unique song and a new online mapping tool showing the location of road signs around Ontario. For more information and to view the map, visit this website:

<https://storymaps.arcgis.com/stories/06e315c7de6c4b289993e01534104a2e>.

In addition to sharing information about road signs, the DWSP Communication team also prepares content for social media year round focussing on different seasonal topics that are relevant to Source Water Protection. ERSPA staff participate on this committee and have helped to co-develop content specifically related to contamination from urban and agricultural runoff. ERCA shares this content on Twitter, Facebook and Instagram and finds that engagement rates on these posts is above average. The SPC is excited to see so much interest in Source Water Protection and is planning ahead for our next viral video!

To learn more about our source protection region/area, visit our homepage:

<https://essexregionconservation.ca/source-water-protection/>



Have you see this Drinking Water Protection Sign?

These signs are appearing across Ontario to raise awareness about the vulnerability of our municipal drinking water sources. Governments at the local and provincial level are placing signs along roadways where a pollution spill could have a negative impact on our drinking water sources. The main risk to drinking water in the Essex Region Source Protection Area has been identified as the handling and storing of liquid fuel. These signs indicate areas where a spill of a large volume of liquid fuel could impact one of our drinking water intakes. If a spill is identified, residents should contact the Spills Action Centre at 1-800-268-6060.

Essex Region Source Protection Area 2021 Risk Management Official Annual Progress Report

Prepared by:



PART IV IMPLEMENTATION – RISK MANAGEMENT SERVICES

INTRODUCTION

Source water is the water that we take from lakes or rivers to supply people with drinking water. Based on some of the recommendations of the Walkerton Inquiry, the *Clean Water Act, 2006* is part of the Ontario government's commitment to protecting municipal drinking water systems from contamination and overuse, now and into the future. The *Clean Water Act* led to the implementation of Source Protection Plans (SPPs) across Ontario following an extensive process that included the development of science-based watershed assessments, broad public input, and collaboration with stakeholders. The [Essex Region SPP](#) came into effect on October 1, 2015 and the [Thames-Sydenham and Region SPP](#) came into effect on December 31, 2015.

Both SPPs contain policies written under Part IV of the *Clean Water Act*, which municipalities are required to implement, to ensure that [Significant Drinking Water Threat \(SDWT\) activities](#) identified in vulnerable areas of surface water intakes do not pose a risk to source water. Part IV policies must be implemented by a specially trained and certified Risk Management Official and Risk Management Inspector (RMO/I). The municipalities in the Essex Region and the Municipality of Chatham-Kent have delegated their obligations under Part IV of the *Clean Water Act* to the Essex Region Conservation Authority (ERCA). The RMO/I is responsible for providing Part IV services on behalf of the municipalities in the Essex Region Source Protection Area (ERSPA), and the southernmost portion of the Thames-Sydenham and Region Source Protection Region (TSRSPR). This agreement began in 2015 and is renewed on a three-year cycle. The terms of the current agreement expire on December 31, 2024.

There are eight municipal surface water intake systems serving the municipalities in the ERSPA and the southernmost portion of the TSRSPR that have vulnerable areas where Part IV policies apply:

- Stoney Point Intake (Lake St. Clair)
- Lakeshore (Belle River) Intake (Lake St. Clair)
- Windsor (A.H) Weeks Intake (Detroit River)
- Amherstburg Intake (Detroit River)
- Harrow - Colchester Intake (Lake Erie)
- Union Intake (Lake Erie)
- Wheatley Intake (Lake Erie)
- Pelee Island (Lake Erie)

This annual progress report was developed to detail the progress made by the RMO/I toward the implementation of Part IV policies in the Source Protection Plans for municipal drinking water intake systems within the ERSPA and portions of the TSRSPR, as required annually by the *Clean Water Act* and its Regulations. The report includes actions taken by the RMO/I between October 1, 2015 and December 31, 2021, highlighting actions between January 1, 2021 and December 31, 2021.

SIGNIFICANT DRINKING WATER THREATS

Activities carried out in vulnerable areas on the land can pose threats to sources of municipal drinking water. The above grade handling and storage of large volumes of liquid fuel was determined to be a Significant Drinking Water Threat (SDWT) in both the ERSPA and TSRSPR. Using the event based approach to model fuel spills during the development of the SPPs, an extensive vulnerable area (Event Based Area) was established where this activity is considered to be a SDWT. There are additional SDWT activities identified within Lakeshore IPZ-1, Windsor IPZ-1, Windsor IPZ-2 and Amherstburg IPZ-1. The land portion of these areas, however, are small and/or predominantly residential or municipal land use where the identified activities are not likely to exist. SDWTs can be prohibited or managed through a variety of policies including those written under Part IV of the *Clean Water Act*.

PART IV POLICIES, *CLEAN WATER ACT*

Policies written under Part IV of the *Clean Water Act* can be used to prohibit (Section 57) or manage (Section 58) activities identified as SDWTs. These policies apply to both existing and future (new) SDWTs located within vulnerable areas identified as Intake Protections Zones (IPZs) or Event Based Areas (EBA). Policies written using restricted land uses (Section 59) are intended to act as a screening tool by municipal planning and building staff to identify any potential future (new) SDWTs that would be subject to Section 57 or Section 58 policies. In the Essex Region Source Protection Area, activities are only prohibited if they are not known to occur in identified vulnerable areas and are not likely to occur in the future. Most of the policies written to address identified and future SDWTs in the SPPs use Section 58, which requires the development of a Risk Management Plan (RMP) to minimize the risks to sources of municipal drinking water.

RISK MANAGEMENT PLANS (SECTION 58, PART IV POLICIES)

[Risk Management Plans \(RMPs\)](#) are agreements between the RMO/ I and the person engaged in the activity, typically the landowner or business operator, to prescribe how a SDWT activity is managed on a specific property using appropriate risk management measures (RMMs) to manage the threat. RMPs outline existing RMMs, and identify additional RMMs that are required to prevent fuel spills and contain one should it occur. RMPs may be straightforward in circumstances where persons are already implementing RMMs to manage a SDWT activity. RMPs are meant to be flexible and allow the activity to continue to occur, provided that RMMs agreed upon are followed.

The RMO/I provides guidance and assistance in the development of RMPs through site visits, emails, phone calls and additional meetings. Resources and templates were developed by Risk Management staff and are provided to the proponent during the negotiation of the RMP. The following risk management measures are typically included in RMPs: documentation of regular fuel tank inspections, an updated spill prevention and containment plan, spill emergency response plan and training for staff, and documentation that fuel storage tanks adhere to applicable fuel regulations and remain safe for refuelling and storage.

The person engaged in the activity is responsible for maintaining RMMs on site. The RMO/I monitors the implementation of RMPs once they are established, and conducts compliance inspections. RMPs can be amended at any time following the effective to date to accurately reflect any changes on the site or to the SDWT activity.

The total number of Risk Management Plans established for existing and future (new) significant drinking water threats, the number of Orders issued and the number of outstanding existing SDWTs in each municipality in the ERSOA and TSRSPR are reported in Table 1a and Table 1b. Table 2 provides a detailed annual accounting of the activities the RMO/I is required to report to the MECP in compliance with Section 81 of the *Clean Water Act* for the ERSOA. The RMO/I provides responses to the TSRSPR for inclusion in their report to the MECP

EXISTING ENUMERATED SIGNIFICANT DRINKING WATER THREAT ACTIVITIES

There were 384 potential SDWTs identified in the ERSOA Source Protection Plan and 33 potential SDWTs identified in the TSRSPR Source Protection Plan when the Plans were written. As of January 2019, threat verification inspections were completed for all of the identified potential existing SDWTs in both the ERSOA and TSRSPR to determine whether the fuel tanks installed on site met the criteria to be considered a SDWT (e.g. capacity, location in relation to the Event Based Area and contents of the fuel tanks). These threat verification inspections and windshield surveys confirmed that there were 96 existing SDWTs in the ERSOA and 10 existing SDWTs in the TSRSPR that required a RMP. The remainder were determined not to be SDWTs. Of the existing threats, RMPs have been established for 94 SDWT activities in the ERSOA and 3 SDWT activities in the TSRSPR. The 2 outstanding *existing* properties identified within the ERSOA and 7 outstanding *existing* properties identified within the TSRSPR are all crude oil and brine operations. These RMPs are currently being negotiated or remain in progress.

Crude oil and brine extraction and storage operations

The Risk Management Official is working closely with the one corporation, Lagasco, who oversee the crude oil and brine operations on all 9 remaining locations in both the Essex Region and Thames Sydenham and Region that require the completion of a RMP. The company received the S. 58 Applies Notices on April 16, 2021 and communication has been ongoing. While these RMPs are nearing completion, the RMO/I may have to contemplate issuing Orders to have the RMPs signed and implemented in due course. These properties are also regulated by the [Oil, Gas and Salt Resources Act \(OGSRA\)](#) and are required to follow the [Oil, Gas and Salt Resources of Ontario Provincial Operating Standards V 2.0](#) (Standards).

Greenhouse cannabis operations

The Risk Management Official had previously identified challenges with several small-scale cannabis greenhouse operations on properties where SDWTs were confirmed to exist. Despite numerous attempts at contact, no response to requests to establish a RMP were received. Risk management staff felt that they were at an impasse with these properties due to unsafe site conditions and a lack of returned communication from landowner and onsite operators in response to numerous phone calls,

section 58 notices, and risk management plan guidance documents provided by the Risk Management Official/Inspector.

Risk management staff met with staff from MECP Source Protection Branch via Microsoft Teams on February 17, 2021 for Part IV Enforcement support and to consider options on moving forward with these properties. All properties were previously determined to have a large fuel tank on site meeting the criteria to be a significant drinking water threat.

Risk management staff carried out drive by site visits to monitor and further investigate these properties throughout the spring of 2021. Staff determined that due to the current status of the sites and likelihood of completing a successfully negotiated agreement to a risk management plan, that it would be necessary for the Risk Management Official to establish the risk management plans by Order under s. 58 (10) of the *Clean Water Act*, 2006. A Notice of Intent to establish a risk management plan under Section 58 (7) was delivered to each of the sites by April 2021. Following a period of 120 days of no returned communication, the RMO formally proceeded with the ordered risk management plan under s. 58 (10) of the *Clean Water Act*, 2006.

In response to the Risk Management Official's Order, one property voluntarily established a risk management plan with the effective date of October 19, 2021, replacing the previously ordered risk management plan that took effect on August 23, 2021. The other 4 properties remain under the ordered risk management plan and the significant drinking water threat activities identified are considered managed and addressed. Risk Management staff will depend on annual compliance schedules to ensure compliance with the ordered risk management plans.

The risk management plans for these locations address empty fuel oil tanks that are no longer used by operations on site. The RMPs indicate that there is to be a plan in place to decommission and/or remove the tanks from the property in the future (e.g. tank is not being used and is empty, there are no plans to refuel the tank, there are plans to decommission the tank and there are no plans to install additional fuel storage, etc.). The risk management plans include a provision that the property must notify the Risk Management Services Office immediately if those plans change. The RMPs specify that the storage tank identified will not be refueled prior to the implementation of additional required risk management measures such as a emergency response plan, employee training, a required fuel oil tank inspection completed by a local TSSA certified technician and preventative actions taken as required following the inspection, etc.

RESTRICTED LAND USES AND THE WRITTEN DIRECTION (SECTION 59, PART IV POLICIES)

Section 59 (Restricted Land Use) policies serve as a screening process to identify new potential SDWTs through incoming municipal building and planning applications before they are established. When municipal staff confirm that a planning or building application for a new development is proposed within a vulnerable area, and that the proposed development includes a potential SDWT, proponents are notified that they must complete and submit a [Section 59 Application](#) to the RMO/I for review. Building or planning applications cannot proceed until the application has demonstrated that a SDWT

activity will not pose a risk to drinking water sources (e.g. RMP established) and a written notice to proceed from the RMO/I has been issued.

As of December 31, 2021, the RMO has received 45 applications in the ERSPA and 3 applications in the TSRSPR through Section 59 screening for new potential fuel threats in the Event Based Area. Of these, there were 16 instances in the ERSPA and 2 instances in the TSRSPR where an application met the criteria to be considered a SDWT, triggering the need for a RMP. In these cases, the process for developing a RMP was expedited and a notice to proceed was issued once the RMP was finalized and agreed to. In 2021, eight RMPs in the ERSPA and one RMP in the TSRSPR were established through the s.59 screening process. To date, all of the RMPs established for new fuel tanks have been for greenhouse construction. There have not been any applications reviewed for the other Part IV policies applicable to Lakeshore IPZ-1, Windsor IPZ-1, Windsor IPZ-2 and Amherstburg IPZ-1 to date. The RMO/I continues to work with municipalities affected by s. 57 Prohibition policies to determine if zoning by-laws can or are already prohibiting these uses. To date, no new applications have been received for any prohibited activities.

COMPLIANCE MONITORING

The RMO has begun working on simple compliance forms that will be sent to individuals with an existing Risk Management Plan. This will be self assessment that will allow the RMO to ensure that all documents are up to date and that properties with significant drinking water threat activities continue to implement appropriate Risk Management Measures. The forms have been completed with an anticipated start date for the compliance phase in April 2022.

MUNICIPAL INTEGRATION

The Risk Management Official provided refresher training to Planning and Building staff from several municipalities in 2021 at their request. Chatham-Kent, the Town of Essex, Kingsville, LaSalle, Leamington and Tecumseh all received training in the spring. In these municipalities, the handling and storage of fuel in the Event Based Area is the only identified significant drinking water threat. The Written Direction for Policy 32 written under s.59 (Restricted Land Use) was provided to all municipalities in 2016 and updated in 2018.

There are several additional s.57 and s.58 policies that apply to Windsor IPZ-1, Windsor IPZ-2, Lakeshore IPZ-1 and Amherstburg IPZ-1, which are accompanied by Policy 33 written under s.59 (Restricted Land Use). Implementation of this policy without an accompanying Written Direction should have resulted in the receipt of s.59 screening applications for all non-residential proposals under specific sections of the Planning Act and Building Code Act in these areas; however, none have been received to date. The Risk Management Official has now created a Written Direction for Lakeshore and Amherstburg to address implementation of Policy 32 and Policy 33 in Lakeshore IPZ-1 and Amherstburg IPZ-1. In addition, the RMO completed a screening exercise to confirm that none of the identified significant drinking water threat activities were occurring in these areas. Planning and Building staff from Lakeshore and Amherstburg received training on this new Written Direction in

October 2021. There are some vacant properties in Amherstburg IPZ-1 that the RMO is monitoring as development of these properties and/or changing land use has been observed without notice to the RMO. To date, no significant drinking water threat activities have occurred, the RMO remains in contact with the municipality and the MECP regarding these properties.

The RMO is working on updating the Written Direction and screening for potential existing threats for the City of Windsor, which includes the larger area of Windsor IPZ-2. This work is anticipated to be completed early in 2022 with training delivered shortly thereafter.

COVID-19

ERCA staff moved to a work from home model in March 2020, with some staff returning to the office part time at different points during the Covid-19 pandemic. As with all organizations, this required some changes to our policies and practices, but we are pleased to report that we did not experience any major delays as a result of Covid-19. Our staff communicate either electronically or by phone with landowners or property managers to establish RMPs. Any on-site visits are completed following ERCA's internal policies as well as those of the property being visited.

MOVING FORWARD IN 2022

Continuing actions and next steps for Risk Management Services in 2022 include:

- Introduce formal compliance procedures with established risk management plans to ensure compliance with Section 58 policies set out in the Source Protection Plans
- Address the remaining 9 existing properties within the ERSPA and TSRPR to ensure SDWT activities are managed accordingly with the completion of a risk management plan
- Review Section 59 Applications circulated to riskmanagement@erca.org as a result of incoming municipal building and planning applications for new developments
- Deliver municipal training sessions on Section 59 processes and Source Protection Plan policies on an as need basis
- Respond to requests from developers, consultants and municipal staff during pre-planning for sites identified through Section 59 processes
- Continue working with local businesses and landowners on negotiating and establishing Risk Management Plans; continue to assist and provide guidance to those affected by Part IV policies

Table 1a – Total number of Risk Management Plans established for existing and future (new) significant drinking water threats in each municipality in the ERSPA. The table also includes the number of Orders issued and the number of outstanding existing SDWTs.

Essex Region Source Protection Area (ERSPA)										
	Amherstburg	Essex	Kingsville	Lakeshore	LaSalle	Leamington	Pelee	Tecumseh	Windsor	Total
Total Identified threats in the AR	16	31	93	29	3	164	3	12	33	384
No RMP required (AR)	16	28	62	26	3	121	1	10	29	296
RMPs Required (AR)	-	3	31	3	-	43	2	2	4	88
Total threats identified after the AR through field verification (AR +)	-	-	6	-	-	2	-	-	-	8
RMPs established (AR +)	-	3	37	3	-	43	2	2	4	94
RMPs established (s.59)	-	-	2	-	-	14	-	-	-	16
Total RMPs established		3	39	3		57	2	2	4	110
Number of Orders Issued Under Part IV of the CWA	-	-	3	-	-	1	-	-	-	4
Total existing threats remaining Petroleum Well (Crude Oil/ Brine) Properties	-	-	-	-	-	2	-	-	-	2

Table 1b – Total number of Risk Management Plans established for existing and future (new) significant drinking water threats in each municipality in the TSRSPR. The table also includes the number of outstanding existing SDWTs. No Orders have been issued to date.

Thames Sydenham and Region Source Protection Region (ERSPR)				
	Lakeshore	Leamington	Chatham Kent	Total
Total Identified threats in the AR	6	9	18	33
No RMP required (AR)	5	5	13	23
RMPs Required (AR)	1	4	5	10
Total threats identified after the AR through field verification (AR +)	-	-	-	-
RMPs established (AR)	1	1	1	3
RMPs established (s.59)	-	2	-	2
Total RMPs established	1	3	1	5
Total existing threats remaining Petroleum Well (Crude Oil/ Brine) Properties	-	3	4	7

Table 2 – Detailed activity report for the ERSPA provided by the RMO/I to the MECP to comply with Section 81 of the *Clean Water Act*. The RMO/I provides responses to TSRSPR for inclusion in their report to the MECP. The table includes the total number of RMPs established, number of s.59 notices, and number of inspections carried out to fulfill the various duties of the RMO/I.

Essex Region Source Protection Area (ERSPA)						
Additional Part IV Reportables under Section 81 of the <i>Clean Water Act</i> (ERSPA)	2016	2017	2018	2019	2020	2021
RMPs established for existing threats (s.58)	0	1	14	34	38	7
RMPs established for new threats (s.59)	4	0	1	1	2	8
Total RMPs agreed to or established	4	1	15	35	40	8
s.59 Applications Received	18	2	2	4	7	12
S. 59 notices issued for activities to which neither S. 57 nor S.58 policies applied	14	2	1	3	5	4
S. 59 notices issued for activities to which a S.58 policy applied	4	0	1	1	2	8
Total S. 59 notices issued	18	2	2	4	7	12
Inspections* carried out for activities that are prohibited under S. 57	0	0	0	0	0	0
Inspections* carried out for activities that require a RMP under S. 58	14	32	47	63	32	0
Inspections* carried out for activities that were determined not to require a RMP under S.58	55	160	82	7	3	0
Total number of inspections	69	192	129	70	35	0
Notices issued where there were cases of contraventions and/or non-compliance with S.57	0	0	0	0	0	0
Notices issued where there were cases of contraventions and/or non-compliance S.58	0	0	0	0	0	0
Orders issued for contraventions and/or non-compliance found with S. 57	0	0	0	0	0	0
Orders issued for contraventions and/or non-compliance found with S.58	0	0	0	0	0	0
Total number of notices and/or orders issued under Part IV of the CWA	0	0	0	0	0	0
Number of Risk Assessments submitted under S.60	0	0	0	0	0	0
Number of times the RMO caused a thing to be done under S. 64	0	0	0	0	0	0
Number of prosecutions made under S.106	0	0	0	0	0	0
RMPs refused to be established	0	0	0	0	0	0

*Inspections imply that the RMO/I had a physical presence on the site, including follow-up site visits, e.g., threats verification visit, including drive-bys, if applicable. Phone calls and emails are not considered to be an inspection

Tecumseh Council Meeting

28 June, 2022. Via Zoom teleconference



DRINKING WATER
SOURCE PROTECTION

Our Actions Matter

252



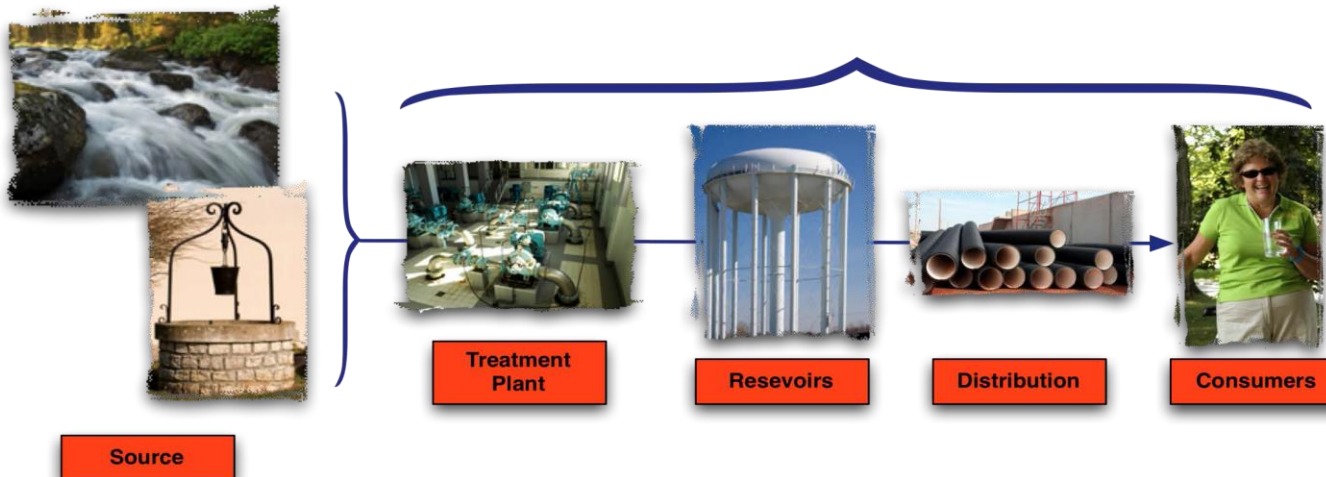
Essex Region
Conservation Authority
sustaining the place for life

Source Water Protection

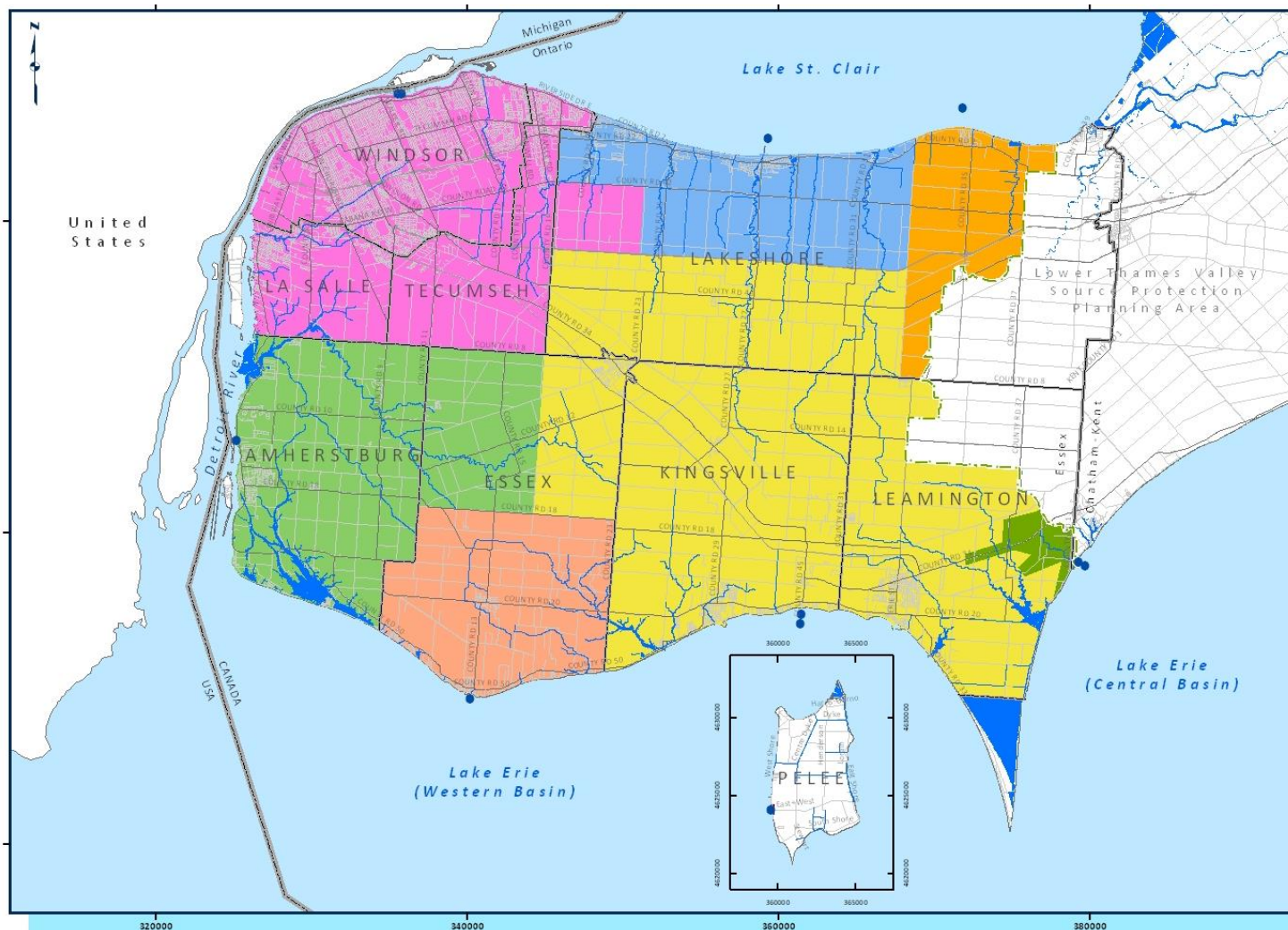
- Following the Walkerton tragedy in 2000, safeguards were put into place to protect municipal drinking water sources as part of the *Clean Water Act, 2006* (CWA)
- The CWA fulfills 12 of the 121 recommendations in the Walkerton Inquiry report and is part of a multi-barrier approach

Clean Water Act, 2006

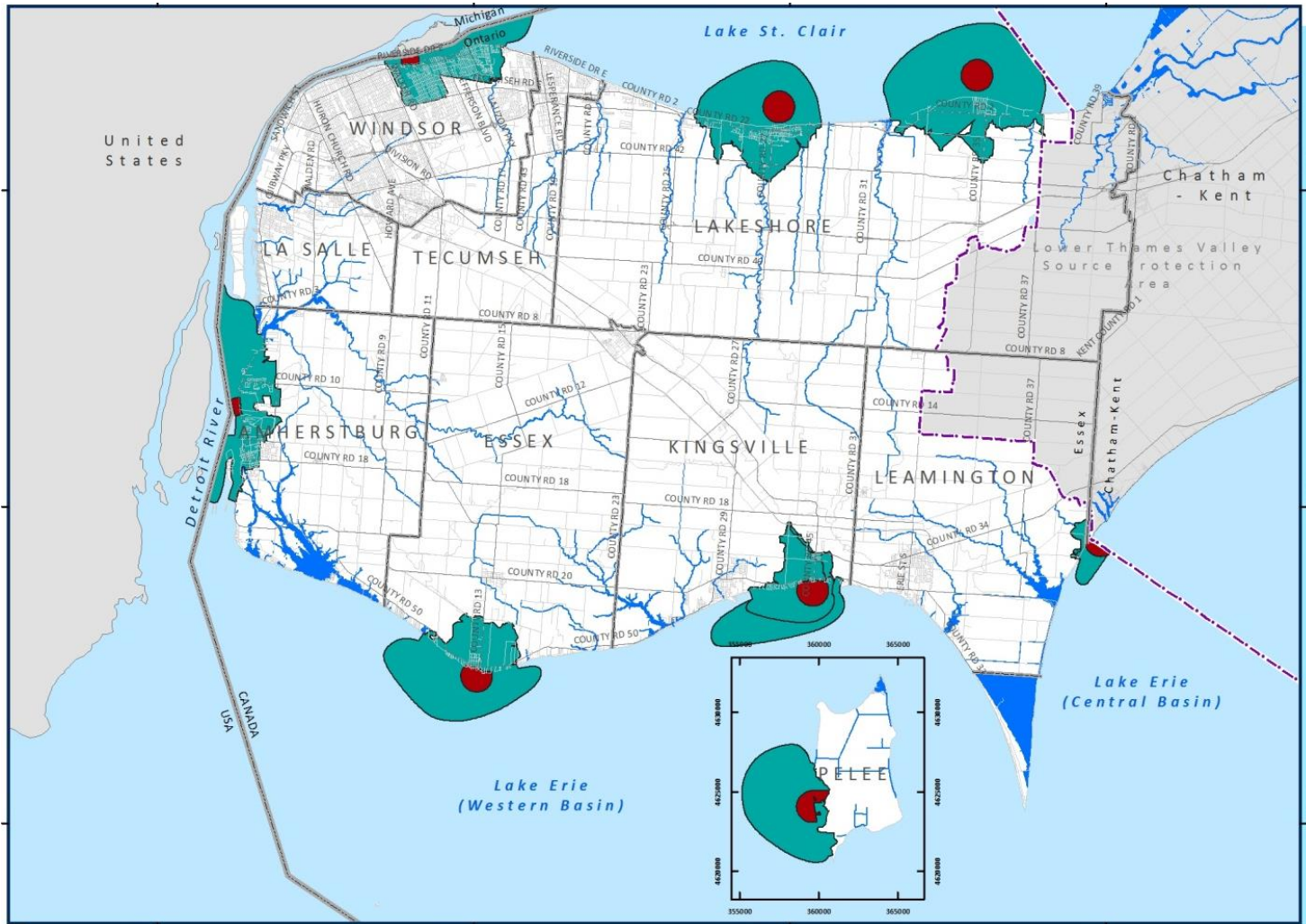
Safe Drinking Water Act, 2006



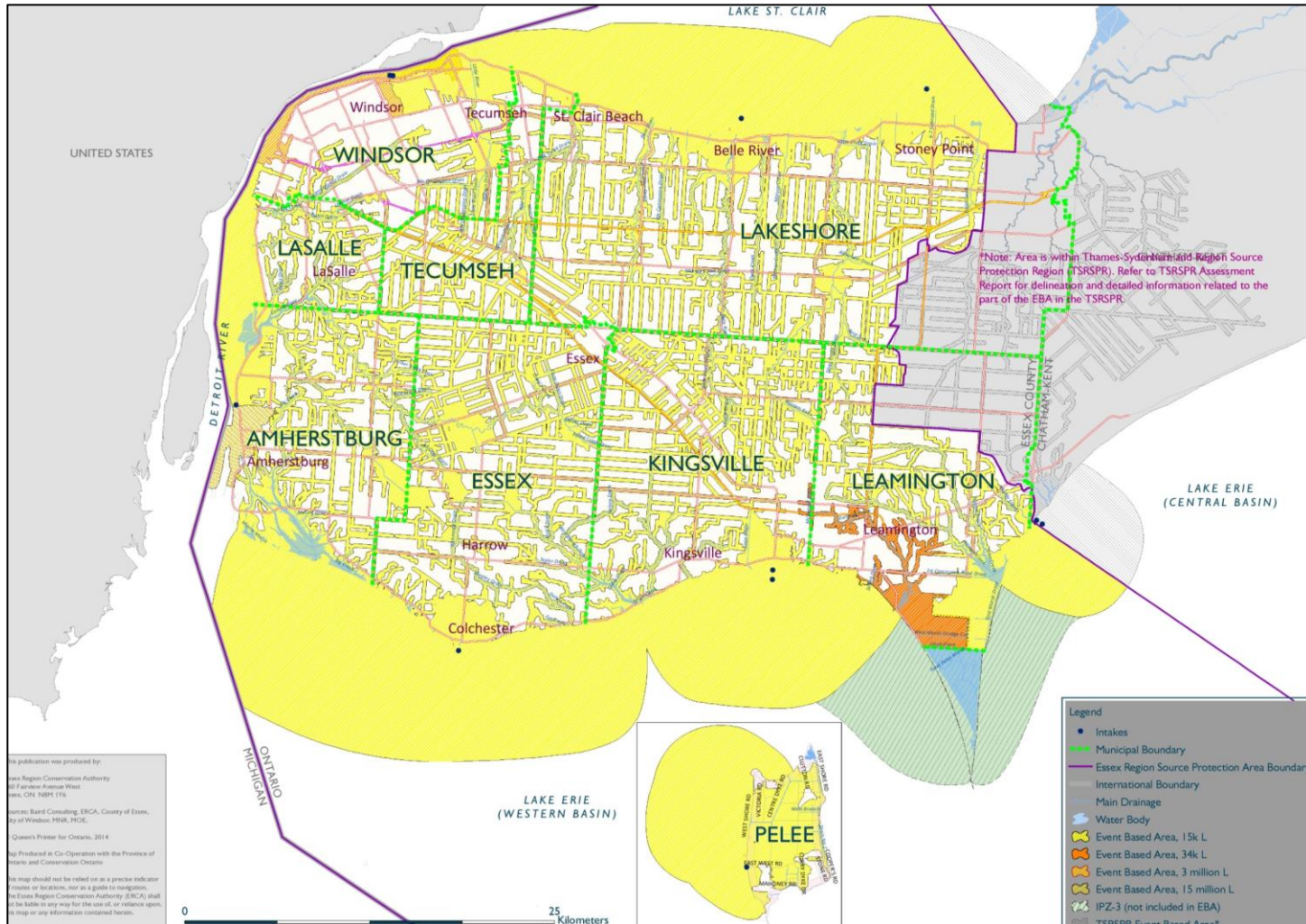
Essex Region Source Protection



Intake Protection Zones



Event Based Areas



Annual Progress Reports

- Annual Progress Reports are required by May 1st each year
- Reports are generated from data collected from Implementing Bodies, received by February 1
- The Report covers progress toward implementation cumulatively from October 1, 2015 (effective date) to December 31, 2021.
- Progress in 2021 is highlighted
- Reports are produced using a template provided by MECP
- This is the fourth Annual Progress Report produced by the ERSPA



Scoring in Annual Progress Report

P – Progressing Well

S – Satisfactory

L – Limited progress

- Overall Score - **P**
- Implementation Progress – **P**
- Provincial Progress - **P**
- Municipal Progress - **P**
- Risk Management Plans - **P**



Implementation Progress

Score since 2018 : **P – progressing well**

- The percentage of fully implemented policies for SDWTs has increased from 2018 (54%) to 2019 (57%) to 2020 (61%) to 2021 (66%)

Implementation Status	Significant Threat Policies	Low/Moderate Policies	Other Policies
Implemented	29	2	1
No further action required	2	1	0
In progress	13	1	1
No progress made	0	0	0
No response received	0	0	0
TOTAL	44	4	2



Change in Implementation Status

- Two (2) policies directed to the City of Windsor and are related to Combined Sewer Overflows
- One (1) policy to manage the threat of airplane de-icer chemicals in Lakeshore, Windsor and Amherstburg IPZ-1



In-progress policies (13) total

- Six (6) s.57 (Prohibit) policies affecting Windsor, Lakeshore and Amherstburg IPZ-1
 - Complete for Lakeshore and Amherstburg
- Five (5) s.58 (Risk Management Plans) policies affecting Windsor, Lakeshore and Amherstburg IPZ-1 and/or Windsor IPZ-2
 - Complete for Lakeshore and Amherstburg
- One (1) s.58 (Risk Management Plans) policies for existing handling and storage fuel (as described in the RMO report)
 - Two remaining existing threats
- One (1) policy requires Windsor, Lakeshore and Amherstburg to prohibit sewage treatment tanks in IPZ-1's
 - Implemented in Windsor and Lakeshore; will be included in Amherstburg's next Official Plan update.



Provincial Progress

Score since 2018: **P – progressing well**


- Provincial Ministries:
 - Screen new applications for all Provincial Instruments and have incorporated SWP into their processes
 - Reviewed PIs for all existing threats in 2018
 - Examined three (3) applications for wastewater/sewage works in vulnerable areas; 33 new applications have been reviewed since 2016
 - No new SDWTs were identified



Municipal Progress

Score since 2018: **P – progressing well**

- Municipalities have:
 - Delegated Part IV to ERCA – agreement extended to December 2024
 - Have screening mechanisms in place for s.59 policies
 - Completed or working on OP and ZBL updates
 - Completed or working on road sign installation
 - Tecumseh completed OP review in 2021; Lakeshore and Leamington have been reviewed

Progress	OP	ZBL
Complete	4 	1
In process	7	7
Not started	0	2
Not required	0	1



Risk Management Plans

Score since 2018: **P – progressing well**

Summary

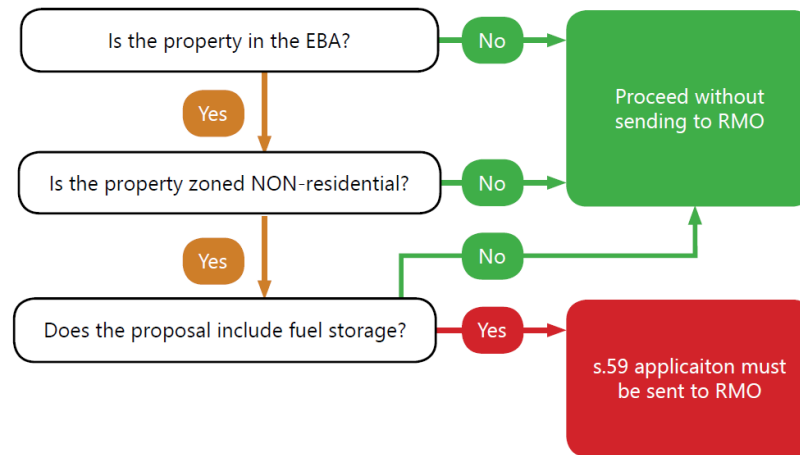
- **384** threats identified in the Assessment Report
 - **295** properties do not require a RMP
 - **8** additional threats (not identified in the Assessment Report) were identified through field verification
 - **7** RMPs for existing threats established in 2021
 - **4** of these were issued by Order for empty tanks stored on site
 - **8** RMPs for new threats established in 2021
 - **97** RMPs established overall
 - **2 sites remaining in Essex Region** (oil pumping)

>95% of existing threats are addressed with RMPs!



S.59 Future Threats – fuel tanks

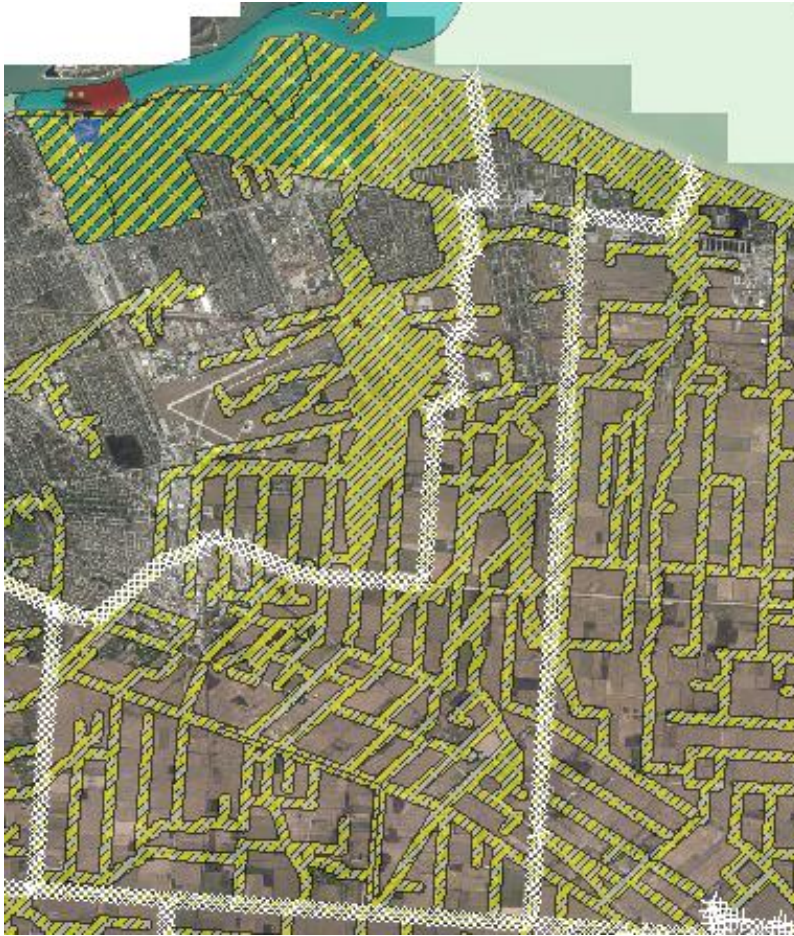
- Municipalities screen for new threats through s.59 policy following the Written Direction. Annual refresher training is provided, Tecumseh staff participated in Spring of 2021



- The RMO determines whether a RMP is required and establishes them immediately if needed
- The RMO established 8 RMPs for new fuel tanks in 2021, all of which were for greenhouses in Leamington/Kingsville
- 16 RMPs have been established for new threats since the Plan came into effect in 2015



Town of Tecumseh Event Based Area (EBA)



- Two (2) existing fuel tanks have RMPs established
- There have been no new fuel tanks installed that require RMPs since 2016

<http://gisweb.countyofessex.on.ca/svlerca25/Viewer.html?Viewer=Public>



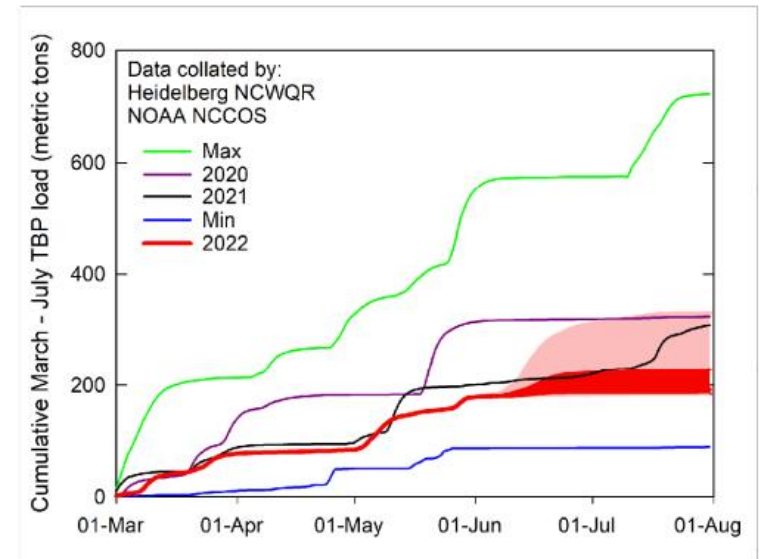
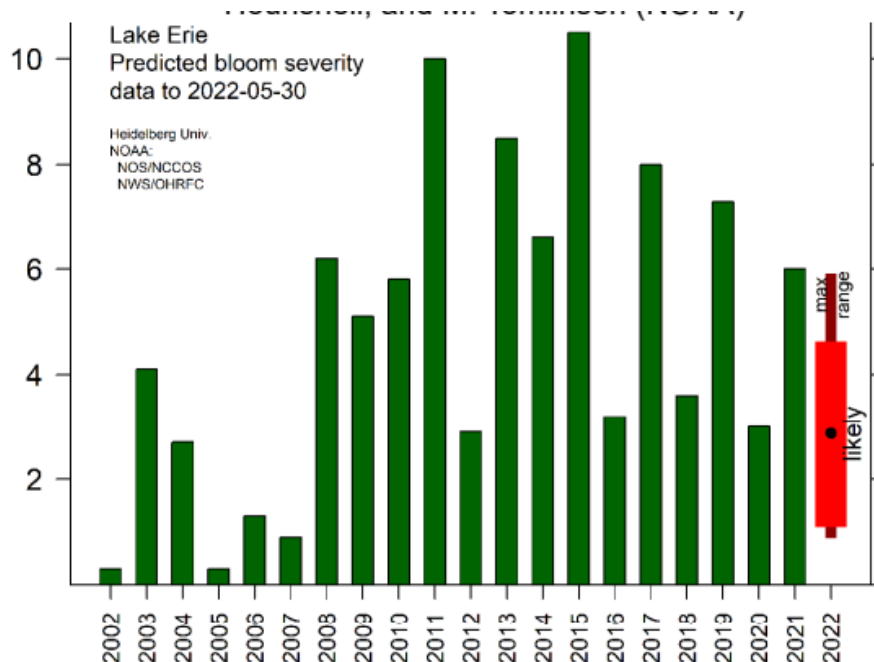
Risk Management in 2022

- Introduce formal compliance procedures with established risk management plans to ensure compliance with RMP
- Continue to review Section 59 Applications
- Deliver municipal training sessions on Section 59 processes
- Respond to requests from developers, consultants and municipal staff during pre-planning for sites identified through Section 59 processes
- Continue working with local businesses and landowners on negotiating and establishing Risk Management Plans; continue to assist and provide guidance to those affected by Part IV policies

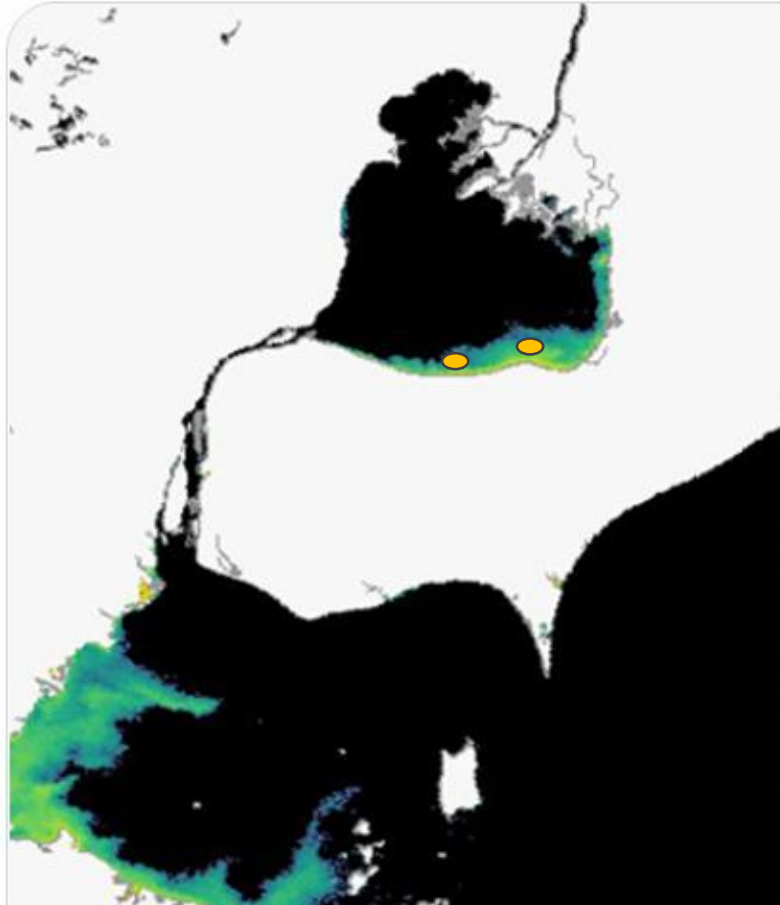


Harmful Algal Blooms

- Annual occurrence affect intakes in Lake St.Clair and Lake Erie, particularly on Pelee Island
- Water monitoring through DWSP has been transferred to municipalities
- No toxin ever found in treated drinking water
- International efforts to reduce HABS



Identification of Microcystin as an issue in Lake St. Clair



Rendered model image Aug 15, 2021



Satellite image Sept 27, 2021

Image credit: NOAA <https://coastwatch.glerl.noaa.gov/modis/modis.php?region=e&page=2>



Source Water in 2022

- Comprehensive review and update to Source Protection Plan and Assessment Report
 - Microcystin analysis
 - Vulnerable area delineation and scoring
 - Climate Risk Assessment
 - AODA compliance
- New and amended policies to align with 2021 Director Technical Rules
- Consultation on updated documents is expected in 2023



More from the SPC

- The SPC and ERCA staff created a new video to help explain signage in vulnerable areas:
<https://www.youtube.com/watch?v=MwO3V1zsUAs>
- To learn more about our source protection region/area:
<https://essexregionconservation.ca/source-water-protection/>





The Corporation of the Town of Tecumseh

Public Works & Engineering Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Engineering Services

Date to Council: June 28, 2022

Report Number: PWES-2022-25

Subject: Tecumseh Road Storm Sewer and Road Improvements –
Tender Award

Recommendations

It is recommended:

That the tender for the Tecumseh Road Storm Sewer and Road Improvements in the amount of \$4,859,000 excluding HST **be awarded** to Coco Paving Inc.

And that a by-law **be prepared** to authorize the Mayor and Clerk to execute an agreement, satisfactory in form to the Town's solicitor, with Coco Paving Inc.

And further that funding allocations, reflecting a total budget requirement of \$5,809,500 with a \$1,021,400 increase to the original allocation **be accommodated** as follows:

- Road Lifecycle Reserve – increase from \$2,687,200 to \$2,992,800
- Watermain Reserve Fund – increase from \$67,000 to \$93,300
- Wastewater Sewers Reserve Fund – increase from \$38,300 to \$112,200
- Storm Sewer Lifecycle Reserve – increase from \$1,995,600 to \$2,611,200

Background

In 2021, the Greater Essex County District School Board (GECDSB) submitted a Site Plan Control Application to build the new North Shore School at 13800 Tecumseh

Road, which is to replace the existing D.M. Eagle School located at 14194 Tecumseh Road. Existing infrastructure was determined to be inadequate to accommodate the school's stormwater needs on the site. Accordingly, the School Board expressed an interest in the new municipal storm sewer (Project B-1 from the 2019 Storm Drainage Master Plan) being installed on Tecumseh Road to facilitate the timely construction of a new school.

At the January 25, 2022 Regular Meeting of Council, Council approved the recommendations (Motion: RCM-23/22) of Report [PWES-2022-03](#) titled "Approval of 2022 Public Works & Engineering Services Capital Works Projects" that authorized Administration to proceed with the identified 2022 capital works projects including the construction of the Tecumseh Road Storm and Road Improvements.

At the March 22, 2022 Regular Meeting of Council, Council approved the recommendations (Motion: RCM-92/22) of Report [DS-2022-11](#) for the Site Plan Control Agreement with the GECD SB for the New North Shore Elementary School located at 13800 Tecumseh Road. The Site Plan Control Agreement contains terms in relation to cost sharing of municipal works included as part of the Town's capital project with the GECD SB.

Comments

A Tender call for the project was advertised on the Town's website on April 28, 2022 along with direct notification to the Windsor Construction Association. Three (3) tenders were received on May 19, 2022 and the results are as follows:

Tenderer	Total Tender Price (excluding HST)
Coco Paving Inc.	\$4,859,000.00*
Major Construction Ltd.	\$5,496,515.28*
SheaRock Construction Group Inc.	\$6,506,480.00

* denotes corrected total

Some minor mathematical errors were noted in two of the bids submitted. These mathematical errors were identified and corrected by Stantec Consulting Ltd. (Stantec), with the respective updates reflected in the above. Updates to bid prices were not significant and did not result in any changes in the original standings of the tenderers. Detailed errors and the respective corrections can be found in Attachment 1 - Summary of Tender Results and Award Recommendation Letter.

Administration, in consultation with Stantec, recommends that Council award the Tender for the Tecumseh Road Storm Sewer and Road Improvements project in the amount of \$4,859,000, excluding HST to Coco Paving Inc.

Consultations

Financial Services
Stantec Consulting Ltd.

Financial Implications

Report PWES-2022-03 provided an estimated project cost of \$4,788,100 and funding approval as follows:

Lifecycle Reserve Fund	Amount
Road Lifecycle Reserve Fund	\$2,687,200
Watermain Reserve Fund	\$67,000
Wastewater Sewers Reserve Fund	\$38,300
Storm Sewer Lifecycle Reserve Fund	\$1,995,600
Total	\$4,788,100

The tendered/projected costs are summarized below:

Cost Item	Amount
Construction (tender)	\$4,859,000
Engineering	\$661,400
MECP Application Fee	\$1,100
ERCA Permit Fee	\$2,500
Geotechnical Quality Assurance	\$30,000
Utility Relocation Allowance	\$5,000
Budgetary Contingency	\$150,000
Sub-total	\$5,709,000
Non-rebatable HST (1.76%)	\$100,500
Total	\$5,809,500

The total tendered/projected cost is over the \$4,788,100 budget by \$1,021,400. The original budget allocated for this project was based on a 2021 estimate of probable costs provided by Stantec, which had been created prior to the detailed design. During detailed design, the scope and unit prices were more accurately defined to reflect what is required for this project. This information was incorporated into an updated estimate of probable costs just prior to tendering of \$5,970,255 (excluding HST, engineering, and contingencies). In comparison with the construction bid of \$4,859,000, the Town has received a bid lower than the latest estimate.

Based on the distribution of costs within the tender, reserve funding is to be adjusted as detailed in the table below:

Tecumseh Road Storm Sewer and Road Improvements	Project Budget	Tendered / Projected Costs	Change
Road Lifecycle Reserve Fund	\$2,687,200	\$2,992,800	\$305,600
Watermain Reserve Fund	\$67,000	\$93,300	\$26,300
Wastewater Sewers Reserve Fund	\$38,300	\$112,200	\$73,900
Storm Sewer Lifecycle Reserve	\$1,995,600	\$2,611,200	\$615,600
Totals	\$4,788,100	\$5,809,500	\$1,021,400

The Town has submitted this project as a candidate for Ontario Community Infrastructure Funds (OCIF) to the Province. If approved, \$1,365,000 in grant funds would be attributable to the storm sewer component of the project.

A summary of the project costs, recoveries from the GECDSD, the County of Essex, OCIF, and the financial impact to the Town's Reserve Funds are outlined in the following table:

Lifecycle / Reserve Fund	Tender Project Cost	GECD SB Costs	County of Essex Costs	OCIF*	Net Impact to Reserve Funds
Road	\$2,992,800	\$559,000	\$1,010,200	\$0	\$1,423,600
Water	\$93,300	\$32,000	\$0	\$0	\$61,300
Wastewater	\$112,200	\$48,500	\$0	\$0	\$63,700
Storm Sewer	\$2,611,200	\$369,200	\$0	\$1,365,000	\$877,000
Totals	\$5,809,500	\$1,008,700	\$1,010,200	\$1,365,000	\$2,425,600

*Pending approval from the Province

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Dana Reid
Public Works & Engineering Services Assistant

Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Summary of Tender Results and Award Recommendation Letter



Legal Entity
Stantec Consulting Ltd.
2555 Ouellette Ave, Suite 100
Windsor, Ontario N8X 1L9
Tel: (519) 966-2250
Fax: (519) 966-5523

May 25, 2022
File: 165620235

The Corporation of the Town of Tecumseh
917 Lesperance Rd
Windsor, ON
N8N 1W9

Attention: Mr. John Henderson, P.Eng.
Manager of Engineering Services

Dear Sir,

Reference: Tender Report
TECUMSEH ROAD EAST – STREET AND STORM SEWER IMPROVEMENTS

Tenders for the above referenced project were received at the Town of Tecumseh's offices until 2:00 pm Thursday, May 19th, 2022. A total of three (3) tenders were submitted, with the tenders opened at Town Hall. on that date at 2:05 p.m. The corrected tender amounts (excluding HST) are shown below.

<u>CONTRACTOR</u>	<u>TENDER PRICE</u> <u>(Not Including HST)</u>
1. Coco Paving Inc.	\$4,859,000.00*
2. Major Construction Ltd.	\$5,496,515.28*
3. SheaRock Construction Group Inc.	\$6,506,480.00

* - denotes corrected total

Three (3) Addenda was issued during tendering. All three tenderers noted that they had received all Addenda in their Form of Tender.

Statements "A" to "D" were completed by all tenderers as required.

A 10% bid bond was included with all tenders as required.

The tenders were checked for inconsistencies, omissions, unbalanced pricing and other items that would raise concerns. No major inconsistencies, omissions or unbalanced pricing were found in any of the tenders.



Reference: Tender Report
TECUMSEH ROAD EAST – STREET AND STORM SEWER IMPROVEMENTS

Some minor mathematical and transpositional errors were noted in some of the tenders as follows:

Coco Paving Inc.

- Coco made a mathematical sum error when calculating their total for Part “F” Miscellaneous. The total for Part “F” was revised from \$780,795.70 to \$782,795.70. This increased their tender price from \$4,857,000 to \$4,859,000 (before HST).

Major Construction Ltd.

- Major made a minor mathematical sum error when calculating their total for Part “A” Removals and Road Reconstruction. The total for Part “A” was revised from \$2,398,758.50 to \$2,398,758.35. The correct total was shown in the Tender Summary.
- Part “B” of the tender saw Major make a few minor rounding errors in items B.1. Item B1a was revised from \$126,775.00 to \$126,775.80. Item B1b was revised from \$7,450.00 to \$7,450.08. These errors however were not carried forward to Major’s total of Part “B”.
- Part “D” of the tender saw Major make a few minor rounding errors in items D.11 and D.12. Item D11a was revised from \$1,955.25 to \$1,956.00. Item D11b was revised from \$1,443.75 to \$1,444.50. Item D11d was revised from \$3,843.13 to \$3,844.75. Item D11e was revised from \$6,448.75 to \$6,450.50. Item D12b was revised from \$2,406.25 to \$2,407.50. Major also made a summation error for the total of Part “D”. The total for Part “D” was revised from \$355,483.63 to \$353,489.75.
- These above revisions changed their tender price from \$5,498,509.16 to \$5,496,515.28 (before HST).

SheaRock Construction Group Inc.

- SheaRock did not make any mathematical errors in their bid and was the highest tenderer.



Reference: Tender Report
TECUMSEH ROAD EAST – STREET AND STORM SEWER IMPROVEMENTS

Some slightly imbalanced prices were noted in some of the tenders as follows:

Coco Paving Inc.

- Coco's price for drainage stone (A.26) at \$1.00 per metric tonne was significantly lower than the other two tenderers. It is anticipated that Coco carried additional cost in the subdrain item to compensate. Since this was a minor item and the low price does not detrimentally affect the tender price, no further action is necessary.
- Coco's price for traffic control (E.17) at \$127,585.70 was significantly higher than the other two tenders. Coco's submitted price was similar to the Engineer's Opinion of Probable Cost (OPC) for the same item. It is assumed that the other two tenderers carried most of the cost of the traffic control in the other tender items. No further action is necessary.
- Coco's price for item 2.(b) in the Schedule of Additional Unit Prices, for removal and disposal of category 3 soils at \$10 per tonne was significantly lower than the other two tenderers. Since this was a minor item and the low price does not detrimentally affect the tender price, no further action is necessary.

Major Construction Ltd.

- Major had no significant imbalances in their tender.

SheaRock Construction Group Inc.

- SheaRock's price for item 3 and 4 in the Schedule of Additional Unit Prices, for Granular B Type I and Type II was found to be very high compared to the other tenderers. Since SheaRock submitted the highest tender, no further action is necessary.

The engineer's Pre-Tender Opinion of Probable Cost (OPC) for this work was \$5,970,255.00 (excluding HST) which was based on historical prices for similar projects..

Coco Paving Inc. was the low bidder for this project. The corrected tender price of \$4,859,000.000 (excluding HST) includes a contingency allowance of \$449,590.00. Coco's bid is \$1,111,255.00 (22.9%) lower than the engineer's opinion of probable cost, \$637,515.28 (13.1%) lower than the second tenderer, and \$1,647,480.00 (33.9%) lower than the highest tender.



May 24, 2022
Mr. John Henderson, P.Eng.
Manager of Engineering Services
Page 4 of 5

Reference: Tender Report
TECUMSEH ROAD EAST – STREET AND STORM SEWER IMPROVEMENTS

This project requires approval from MECP prior to construction. Applications were submitted to MECP several months ago and approval is expected soon. Construction should not begin until MECP approval is received.

This project requires approval from ERCA prior to construction. Applications were submitted to ERCA and approval is expected soon. Construction should not begin until ERCA approval is received.

As part of the project, some sewer oversizing and road improvements are being undertaken to accommodate the Greater Essex County District School Board (GECDSB). The GECDSB's portion of the cost sharing amounts to \$991,073.24 (excluding HST). This amount includes \$114,017.28 Engineering and \$70,858.50 contingency allowance / provisional investigation work.

Also, as part of the project, the road structure is being reconstructed. This portion of the road is a connecting link with shared responsibilities between the Town of Tecumseh and County of Essex. As per the agreement with the County, the County's financial share of the project amounts to \$992,680.39 (excluding HST). This amount includes \$114,202.17 Engineering and \$67,438.50 contingency allowance.

The Town of Tecumseh should review the cost sharing with the County of Essex and GECDSB to ensure that they are in agreement with the funding prior to proceeding.

In our opinion, **Coco Paving Inc.** and their list of proposed subcontractors have the resources and experience to successfully complete this project. We have worked with them on other projects and those projects were completed successfully.

We recommend the project be awarded to Coco Paving at the unit prices indicated in the tender, subject to MECP approval and acceptance of the funding with the GECDSB and the County of Essex.



May 24, 2022
Mr. John Henderson, P.Eng.
Manager of Engineering Services
Page 5 of 5

Reference: Tender Report
TECUMSEH ROAD EAST – STREET AND STORM SEWER IMPROVEMENTS

Feel free to call if you have any questions or require additional information.

Regards,

STANTEC CONSULTING LTD.

Clarence Jubenville, P.Eng.
Sr. Project Engineer
Phone: (519) 966-2250 Ext. 241
Fax: (519) 966-5523
clarence.jubenville@stantec.com
c.jhenderson@tecumseh.ca



The Corporation of the Town of Tecumseh

Public Works & Engineering Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Engineering Services

Date to Council: June 28, 2022

Report Number: PWES-2022-27

Subject: Amendment to the 2022 PWES Capital Works Projects
Tecumseh Secondary Plan Area – Northwest Water &
Wastewater Infrastructure Projects

Recommendations

It is recommended:

That the Tecumseh Hamlet Secondary Plan Area – Northwest Water & Wastewater Infrastructure Projects **be added** to the 2022 Public Works & Engineering Services Capital Works Projects;

And that expenditures for the completion of detailed engineering design for the Tecumseh Hamlet Secondary Plan Area – Northwest Water & Wastewater Infrastructure Projects, **be authorized and funded from:**

- \$300,000 from the Watermain Reserve Fund
- \$720,000 from the Wastewater Sewer Reserve Fund;

And further that the project management costs of \$40,000 for 2022 and \$500,000 for 2023, to assist with the delivery of the 2022 and 2023 Public Works & Engineering Services Capital Works Projects as contained within the May 5, 2022 Special Council Meeting Presentation, including the Tecumseh Hamlet Secondary Plan Area – Northwest Water & Wastewater Infrastructure Projects, **be authorized and funded from:**

- \$135,000 from the Road Lifecycle Reserve
- \$135,000 from the Watermain Reserve Fund
- \$135,000 from the Wastewater Sewer Reserve Fund

- \$135,000 from the Storm Sewer Lifecycle Reserve;

Executive Summary

The purpose of this report is to obtain Council approval to amend PWES-2022-03, 2022 Public Works & Engineering Services Capital Works Projects to include the detailed design for the Tecumseh Hamlet Secondary Plan Area – Northwest Infrastructure Projects as well to allocate funding for project management resources in 2022 and 2023 as outlined in the May 5, 2022 Special Council Meeting PWES Capital Plan 2023-2031 Presentation to Council.

Background

At the January 25, 2022 Regular Meeting of Council, the members approved the Public Works & Engineering Services 2022 Capital Works Projects in report [PWES-2022-03](#) (Motion: RCM-23/22).

At the March 29, 2022 Special Meeting of Council, the members received the Public Works & Engineering Services [Capital Priorities 2023-2031 Presentation](#) and passed Motion: SCM-13/22, which reads as follows:

That the Public Works & Engineering Services presentation on PWES Capital Priorities 2023 to 2031, **be received**;

And that Administration **be directed** to review, refine and report back to Council with recommended scenarios based on the following:

- Council comments provided during the March 29th Special Council Meeting; and
- Administration's recent engagement and communications with various landowners and developers located within strategic growth areas.

At the May 5, 2022 Special Meeting of Council, the members received the Public Works & Engineering Services [Capital Priorities 2023-2031 Presentation](#) and passed Motion: SCM-15/22, which reads as follows:

That the May 5, 2022 Public Works & Engineering Services presentation on PWES Capital Priorities 2023 to 2031, **be received**;

And that Administration **be directed** to incorporate the recommended hybrid scenario as part of the 2022 and 2023-2027 PWES Capital Works Plan(s) for Council's consideration;

And further that Administration be directed to report back to Council with any updates on grant funding opportunities, special projects or further discussions with or actions taken by stakeholders that may impact the implementation of the hybrid scenario infrastructure as set out in the May 5, 2022 presentation.

The recommended hybrid scenario as presented at the May 5, 2022 Special Council Meeting addresses the strategic priorities of growth and economic development and Council approved mandates, and includes:

- Development and growth within the Tecumseh Hamlet Area;
- Industrial (re)development and growth in Oldcastle;
- Development and growth within the Manning Road Secondary Plan Area;
- Diversification of development and growth within multiple areas, including residential and industrial;
- Implementation of grant funding projects (climate change/flood mitigation, active transportation);
- Coordination with the County of Essex Infrastructure projects (water & wastewater);
- General projects, including asphalt program, bridge & culvert maintenance, sidewalk repairs, water and sanitary maintenance, etc.

Water and Wastewater Master Plan, 2018 Update

At the March 10, 2020 Regular Meeting of Council, the members adopted the Water and Wastewater Master Plan Update, 2018 (Motion: RCM-87/20). The 2018 Update built on the previous work undertaken as part of the 2002 Master Plan, the 2005 Master Plan Addendum, and the 2008 Master Plan Update. The 2018 Master Plan Update is a critical component in the committed approach to providing sustainable services and forms a new framework and vision for the water and wastewater servicing needs for the Town to 2038 and beyond.

The 2018 Master Plan Update identifies an updated servicing strategy with proposed capital costs of \$30.56M and \$57.64M for water and wastewater respectively. The recommended water project W-1 and wastewater projects WW-1 and WW-2 are located through the Tecumseh Hamlet West Planning Area between County Road 22 and the CP Rail (see Attachment 1). This infrastructure will strengthen the Town's water distribution system and provide water and wastewater servicing for new development lands within the Tecumseh Hamlet Secondary Plan Area.

Comments

Tecumseh Hamlet Secondary Plan, Municipal Class Environmental Assessment and Functional Servicing Study

Council has previously authorized Administration to undertake various initiatives to move forward with the Tecumseh Hamlet Secondary Plan area, which included the completion of a stormwater management analysis, finalizing the final road network and commencing the Municipal Class Environmental Assessment (Class EA) and Functioning Servicing Report (FSR), which would run concurrently with the related planning, land use and concept plan process for the Tecumseh Hamlet Secondary Plan.

Work has progressed on these initiatives, including coordination with the City of Windsor and the Essex Region Conservation Authority with other ongoing studies within the area that impact the servicing design, including the 'City of Windsor Sandwich South Master Servicing Report' and the 'Little River Watershed Floodplain Mapping Project'. Administration and the Consultants are continuing work in 2022 and aim to have the planning and engineering studies completed by Q1 of 2023.

Tecumseh Secondary Plan Area – Northwest Water & Wastewater Infrastructure Projects

At both the March 29, 2022 and May 5, 2022 Special Council Meetings (SCMs) on the Public Works & Engineering Services Capital Priorities 2023-2031, Council identified initiating development and growth within the Tecumseh Hamlet as a high priority.

The recommended hybrid scenario identified water and wastewater infrastructure projects to commence in the northwest area of the Tecumseh Hamlet between 2023 to 2026. This infrastructure would help facilitate development along the Banwell Road corridor (north of CP Rail) as well as provide sanitary relief that would allow the area along the Manning Road corridor (south of CP Rail) to develop. These areas of the Tecumseh Hamlet are denoted as Areas 1A, 1B and 3 within the May 5, 2022 SCM Presentation (see Attachment 2). The water and wastewater infrastructure includes the projects identified in the Town's Water & Wastewater Master Plan, 2018 Update, being:

- West Tecumseh Watermain (W-1)
- West Tecumseh Sanitary (WW-1)
- Diversion Sanitary Sewer (WW-2)

Approval and funding allocation in 2022 for the Tecumseh Hamlet Secondary Plan Area – Northwest Water & Wastewater Infrastructure Projects and project management will position Administration strategically to continue with the detailed engineering design of critical infrastructure to help facilitate development within the area once the Tecumseh Hamlet Secondary Plan is completed in Q1 of 2023.

Project Management of the PWES Capital Priorities 2023-2027

The recommended hybrid scenario as presented at the May 5, 2022 Special Council Meeting has been structured for proposed capital expenditures at 156% (\$15.10M annually) of the Town's past 10-year average (\$9.67M annually) for Public Works & Engineering Services. It also highlighted the need for extraordinary resources (staffing, financial, consulting services and construction) above the current annual PWES capital program. An annual cost of \$500,000 was identified as part of the recommended hybrid scenario for project management and support for the PWES capital works plans.

The allocation of project management and support funding at this time for 2022 and 2023 will strategically position the Town to ensure the required staffing resources are in place for the seamless continuity with current and planned projects related to growth and economic development.

Consultations

Chief Administrative Officer
Development Services
Financial Services

Financial Implications

Tecumseh Secondary Plan Area – Northwest Water & Wastewater Infrastructure

The estimated costs for the Tecumseh Secondary Plan Area – Northwest Water & Wastewater Infrastructure Projects are as follows:

Funding Source	Construction	Engineering	Contingency	Total	2022 / 2023	Future Costs
Watermain Reserve Fund	\$3,102,000	\$536,700	\$434,700	\$4,073,400	\$300,000	\$3,773,400
Wastewater Sewer Reserve Fund	\$7,513,000	\$1,338,700	\$1,036,200	\$9,887,900	\$720,000	\$9,167,900
Totals	\$10,615,000	\$1,875,400	\$1,470,900	\$13,961,300	\$1,020,000	\$12,941,300

The Town's 2019 Development Charges (DC) Background Study and associated By-Law identified the attributable costs for water project W-1 and wastewater projects WW-1 and WW-2 that would be funded through DCs. This relates to 95% of W-1 (\$285,000), 85% of WW-1 (\$484,500) and 30% of WW-2 (\$45,000) with respect to the requested 2022/2023 funding allocation.

This relates to an estimated \$285,000 which will be recoverable from the Town's DC Water Reserve Fund and an estimated \$529,500 which will be recoverable from the Town's DC Wastewater Reserve Fund. Both DC Reserve Funds are currently in a deficit position and at this time the project will be funded through the Watermain and Wastewater Sewer Reserve Funds.

Project Management

The estimated costs for project management and support are \$40,000 for 2022 and \$500,000 for 2023 which will be funded equally (\$135,000 each) from the Road Lifecycle Reserve, the Watermain Reserve Fund, the Wastewater Sewers Reserve Fund and the Storm Sewer Lifecycle Reserve.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Recommended by:

Margaret Misk-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Figure ES-1 & ES-3 from the Water & Wastewater Master Plan, 2018 Update
2	Slide 15 of the May 5, 2022 SCM Presentation – PWES Capital Priorities

LEGEND

EXISTING

PUMPING STATION

OUTLET LOCATION FOR DISCHARGE OF MONITORED FLOW

FLOW CONTROL CHAMBER

TRUNK SEWER

TEMPORARY DIVERSION SEWER TO LRWRP

TRUNK SEWER TO LRWRP

NORTHEAST WINDSOR TRUNK SEWER

PROPOSED

PUMPING STATION

A|B|C

POTENTIAL SITES FOR MAIDSTONE PUMPING STATION

WASTEWATER FORCEMAIN

DIVERSION SEWER

TRUNK SEWER

8TH CONCESSION ROAD SANITARY SEWER OUTLET SERVICE AREA

NORTH TALBOT ROAD SANITARY SEWER OUTLET SERVICE AREA

NOT INCLUDED IN SANITARY SEWER SERVICE AREA

WW-6

\$1.09M

PROJECT ID
ESTIMATED COST (\$MILLIONS)

OTHER FEATURES

PROVINCIAL HIGHWAY

COUNTY ROAD

LOCAL ROAD

FUTURE LAUZON PARKWAY

HIGHWAY COMMERCIAL AREA

MUNICIPAL BOUNDARY

HAMLET BOUNDARY

SETTLEMENT AREA EXPANSION AS PER COUNTY OF ESSEX
OFFICIAL PLAN UPDATE, FEBRUARY 19, 2014

NOTES:

The routing shown for proposed trunk sewers may be subject to change based on approved development plans.

The exact location of the Sewage Pumping Stations to be determined through the detailed design process and/or through the Development Approvals process.

Oldcastle Pump Station No. 1 & 2 are identified in Oldcastle Hamlet Servicing - 8th Conc. Trunk Sanitary Sewer Outlet Preliminary Design Report (Dillon Consulting, May 2017)

SCALE: 1:55,000

500 250 0 500 1,000 1,500 2,000

meters

CIMA+

CLIENT:

TOWN OF TECUMSEH

TITLE:

WATER AND WASTEWATER PLAN UPDATE
PREFERRED WASTEWATER SERVICING STRATEGY

DRAWING No:

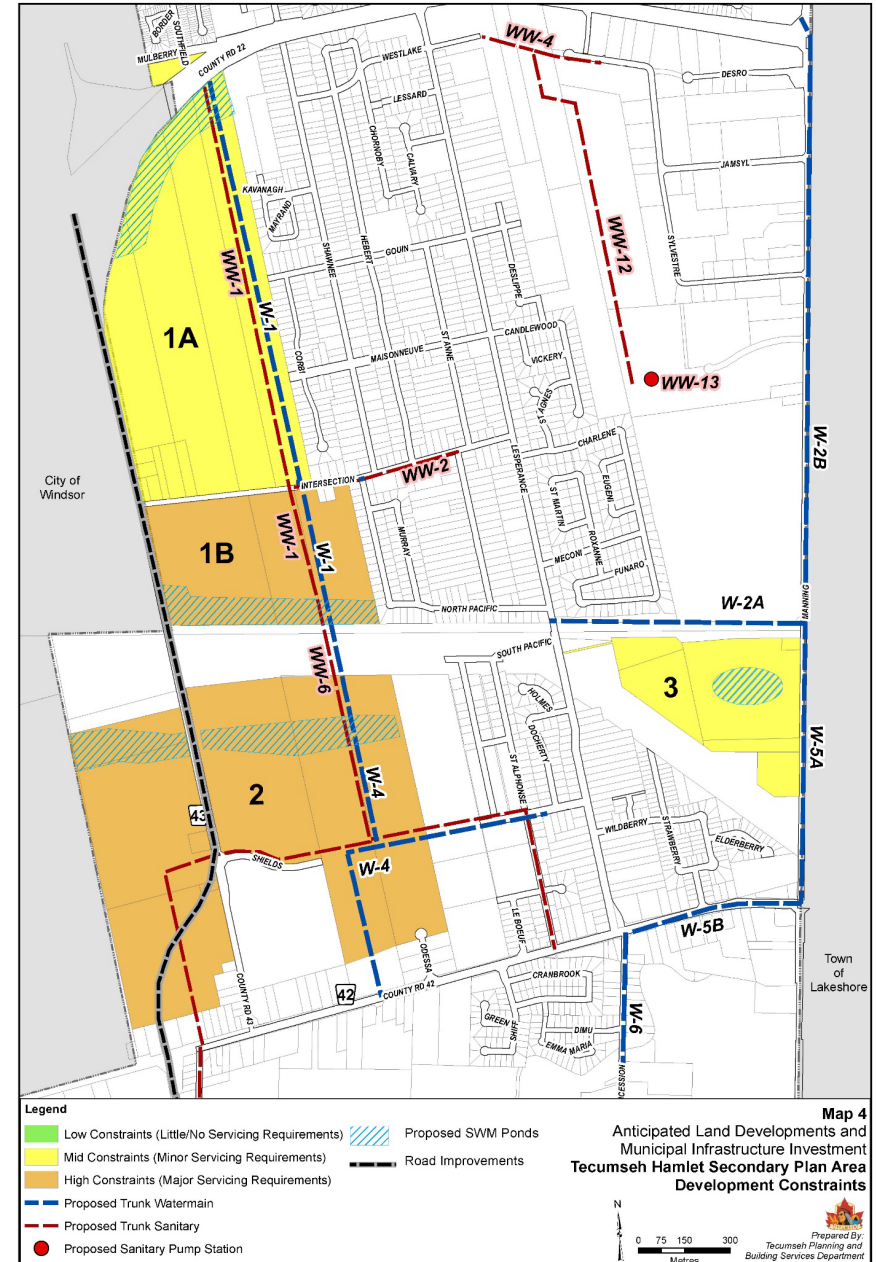
FIG ES-3

293

Recommended Hybrid Scenario

Tecumseh Hamlet

Area	Total Residential Units	Commercial GFA (sq. ft.)
1A	1,198	331,119
1B	190	0
2	1,413	69,965
3	280	0
TOTAL	3,081	401,084





The Corporation of the Town of Tecumseh

Public Works & Engineering Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Engineering Services

Date to Council: June 28, 2022

Report Number: PWES-2022-31

Subject: Oldcastle Stormwater Master Plan
Study Completion and Final Adoption

Recommendations

It is recommended:

That the Oldcastle Stormwater Master Plan, **be adopted.**

Background

As part of the Oldcastle Stormwater Master Plan, a detailed hydrologic and hydraulic model of the study area and its downstream receiving bodies was created in order to analyze and assess the performance of the existing (and future) drainage systems. The dual drainage model, which incorporates both the minor drainage system (sewers, drains and culverts) and the major drainage system (overland flow), was calibrated based on actual field observations from five separate flow-monitoring locations during six separate rainfall events over the course of the study.

The study area of Oldcastle Hamlet is located at the headwaters of three separate watersheds: Turkey Creek, Little River and Canard River (see Attachments 1 & 2).

The main objectives of the Oldcastle Stormwater Master Plan were to:

- Inventory, assess and confirm the capacities of the existing stormwater drainage system;

- Identify and define local drainage issues and areas of concern;
- Review and assess the stormwater management needs for future development;
- Identify and assess potential drainage improvements; and
- Prepare a prioritized strategy for implementing the proposed drainage improvements.

At the February 8, 2022 Special Meeting of Council, the members received a [Presentation](#) from the Town's Consultants and also received Report No. [PWES-2022-08](#) titled "Oldcastle Stormwater Master Plan, Filing the Notice of Study Completion" and subsequently authorized Administration to advertise the Notice of Completion in the local newspaper and the Town's website and social media accounts to initiate the mandatory 30-day public review period (Motion: SCM-06/22).

The Master Plan Process

Master Plans are long range plans which integrate infrastructure requirements for existing and future land use with environmental assessment planning principles. The plans examine an infrastructure system(s) or group of related projects to outline a framework for planning for subsequent projects and/or developments. At a minimum, Master Plans address Phase 1 (Identify Problem/Opportunity) and Phase 2 (Alternative Solutions) of the Municipal Class Environmental Assessment (Municipal Class EA) process. Master Plans typically outline a set of specific projects across a geographic area that will be implemented over a period of time.

The Oldcastle Stormwater Master Plan was completed following Approach No. 2. to ensure that the level of investigation, consultation and documentation were sufficient to fulfil the requirements for Schedule B projects. A Master Plan Approach No. 2 includes:

- Preparation of a Master Plan document at the conclusion of Phases 1 and 2 of the Municipal Class EA process.
- Level of investigation, consultation and documentation are sufficient to fulfil the requirements for Schedule B projects.
- The public notice for the Master Plan becomes the Notice of Completion for the Schedule B projects within it.
- Schedule C projects would have to fulfil Phases 3 and 4 of the Municipal Class EA prior to filing an ESR for public review.
- The Master Plan would provide the basis for future investigations for specific Schedule C projects identified within it.

Comments

Notice of Study Completion

The Notice of Study Completion was published in the local newspaper and on the Town's website and social media accounts and was also mailed to landowners, stakeholders and regulatory authorities on the contact list for the Oldcastle Stormwater Master Plan. The 30-day public review period expired on March 25, 2022.

During the 30-day public review period, the following comments were received from regulatory agencies and the public:

1. On February 18, 2022, the Town of LaSalle requested clarification on how the Town's previous concerns, related to downstream capacity, have been incorporated into the Master Plan. The Consultant was able to address LaSalle's questions and highlighted the sections of the Master Plan that referenced downstream capacity.
2. On February 19, 2022, the property owner at 2340 Olympia Drive expressed concerns on the recommendations adjacent to his property and on the Wolfe Drain. These concerns were documented and addressed by the Consultant.
3. On February 22, 2022, the property owner at 5445 Oldcastle Road expressed concerns with his existing rear yard drainage as well as overgrowth obstructing the outlet on the Downing Drain. These concerns were documented and addressed by the Consultant and Administration.
4. On February 23, 2022, a representative of the property owner at 5600 Roscon Industrial Drive expressed concerns with the recommended solution to install a stormwater retention pond on the southern part of the property, adjacent to Highway No.3 and the Collins/Highway 3 Municipal Drain. A meeting between the property owner, Consultant and Town was held to further discuss those concerns.
5. On March 8, 2022, Hydro One confirmed their existing distribution assets with the study area and requested to be kept informed as the details of the preferred solutions become available through the design process.
6. On March 25, 2022, the Ministry of Environment, Conservation and Parks (MECP) requested clarification on the Class EA process, evaluation of alternatives, public consultation, excess soils management, source water protection and species at risk. The Consultant worked with MECP and provided a response to their comments. All MECP comments have been integrated into the final report.

7. On March 25, 2022, the Ministry of Heritage, Sport, Tourism, Culture Industries (MHSTCI) indicated that the Stage 1 Archaeological Assessment that was submitted in 2020 had not yet been reviewed due to a backlog at the ministry. Although the Stage 1 assessment is not yet considered final, it is not anticipated that there will be any issues arising from the report and no further action is needed at this time.

Copies of all correspondence from these agencies and the public, as well as the responses confirming how these comments were addressed are appended to this report.

Given that the Town addressed all comments received during the 30-day public review period and no Part II Orders were submitted to the Minister of Environment, Conservation and Parks, the Oldcastle Stormwater Master Plan including the specified Schedule B projects that form part of the preferred solutions, is considered approved under the Municipal Class EA process and may now proceed to the detailed design and implementation phases.

Accordingly, it is therefore recommended that the Oldcastle Stormwater Master Plan be adopted by Council. A copy of the [Oldcastle Stormwater Master Plan](#) is posted on the Town's website.

Consultations

Development Services
Landmark Engineers Inc.

Financial Implications

There are no financial implications associated with this report.

As identified within the Town's 2018 Asset Management Plan (v 2.0), the recommended solutions will be incorporated into the annual Public Works & Engineering Services Capital Works Plans moving forward. It is intended to consolidate various infrastructure improvements into a singular tender package for efficiencies and economies of scale benefits.

Administration will also continue to explore grant opportunities for funding of the storm infrastructure projects.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Dana Reid
Public Works & Engineering Services Assistant

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

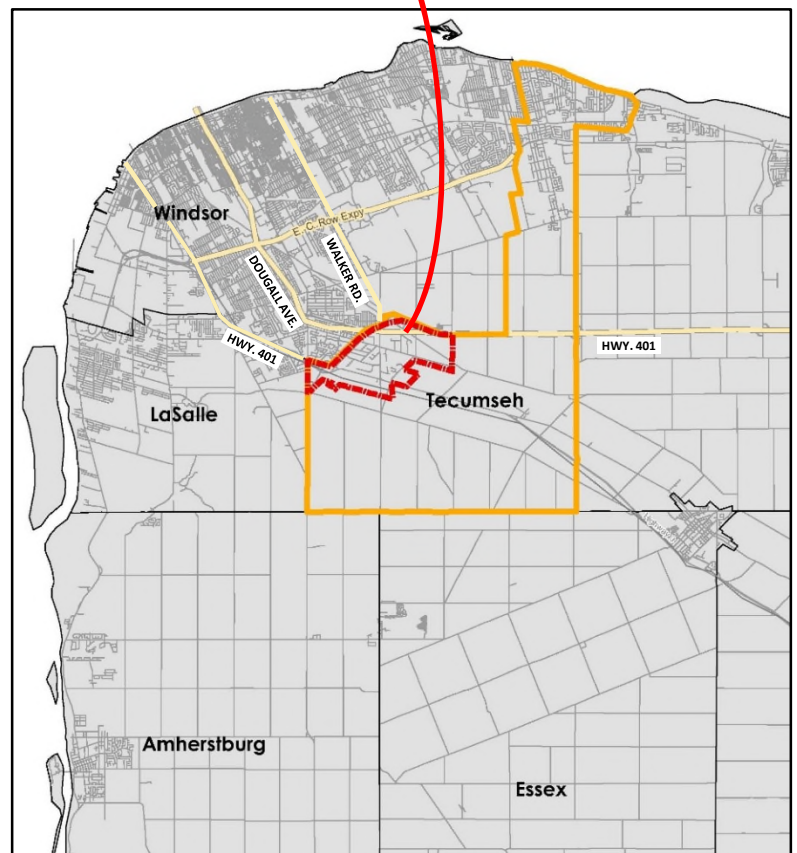
Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Figure A1: Study Area Location Map
2	Figure A5: Watershed & Sub-watershed Boundary Map
3	Figure H1 to H5: Proposed Improvements
4	Oldcastle Stormwater Master Plan: Executive Summary
5	Oldcastle Stormwater Master Plan: 30-day Public Review Period Comments & Responses



Oldcastle Business Park, Tecumseh



Title	STUDY AREA LOCATION MAP	
	Date	OCT. 2020
Project	Scale	NTS
	Project No.	19-010

FIGURE
A1

LEGEND

LITTLE RIVER WATERSHED

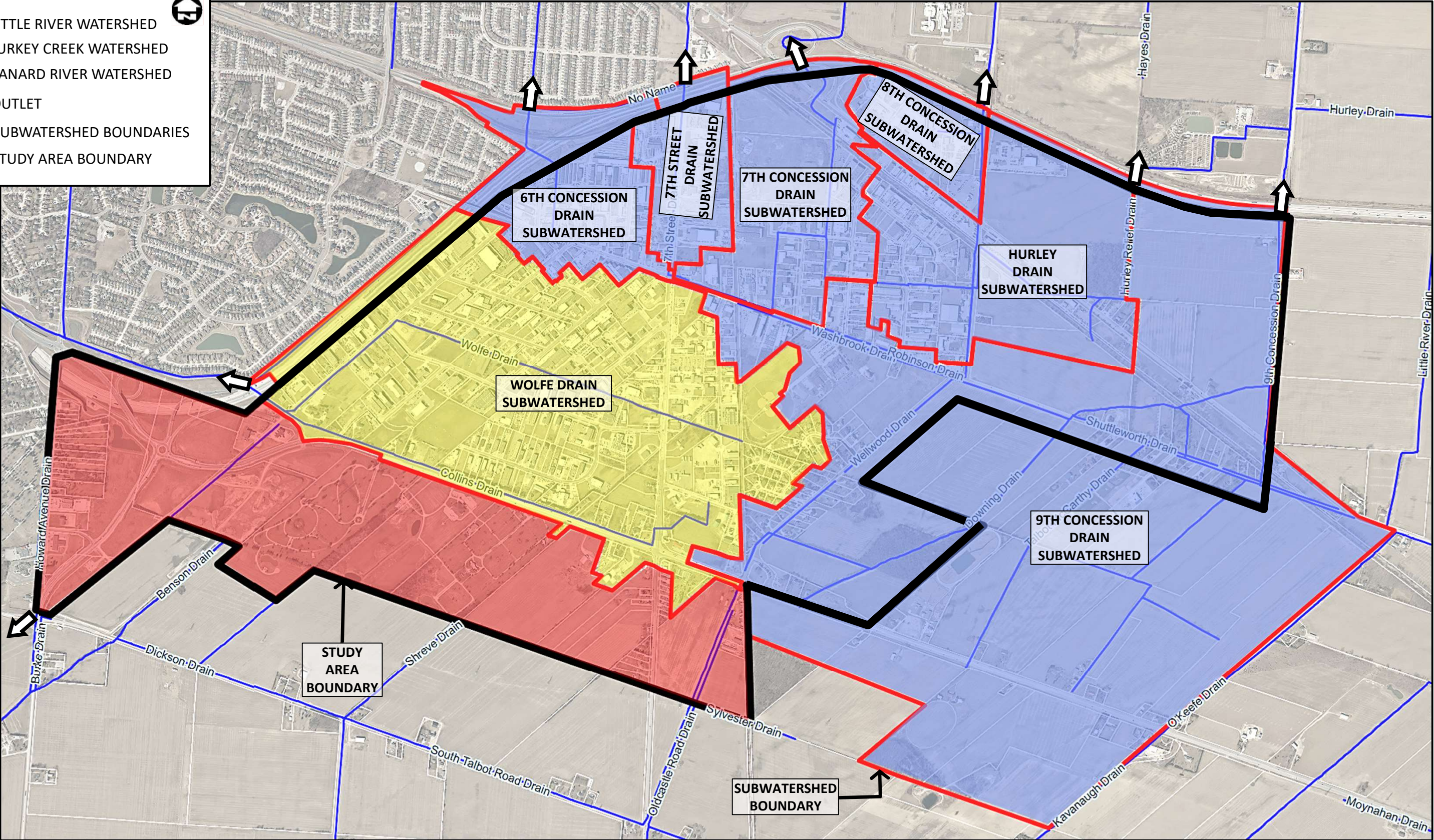
TURKEY CREEK WATERSHED

CANARD RIVER WATERSHED

OUTLET

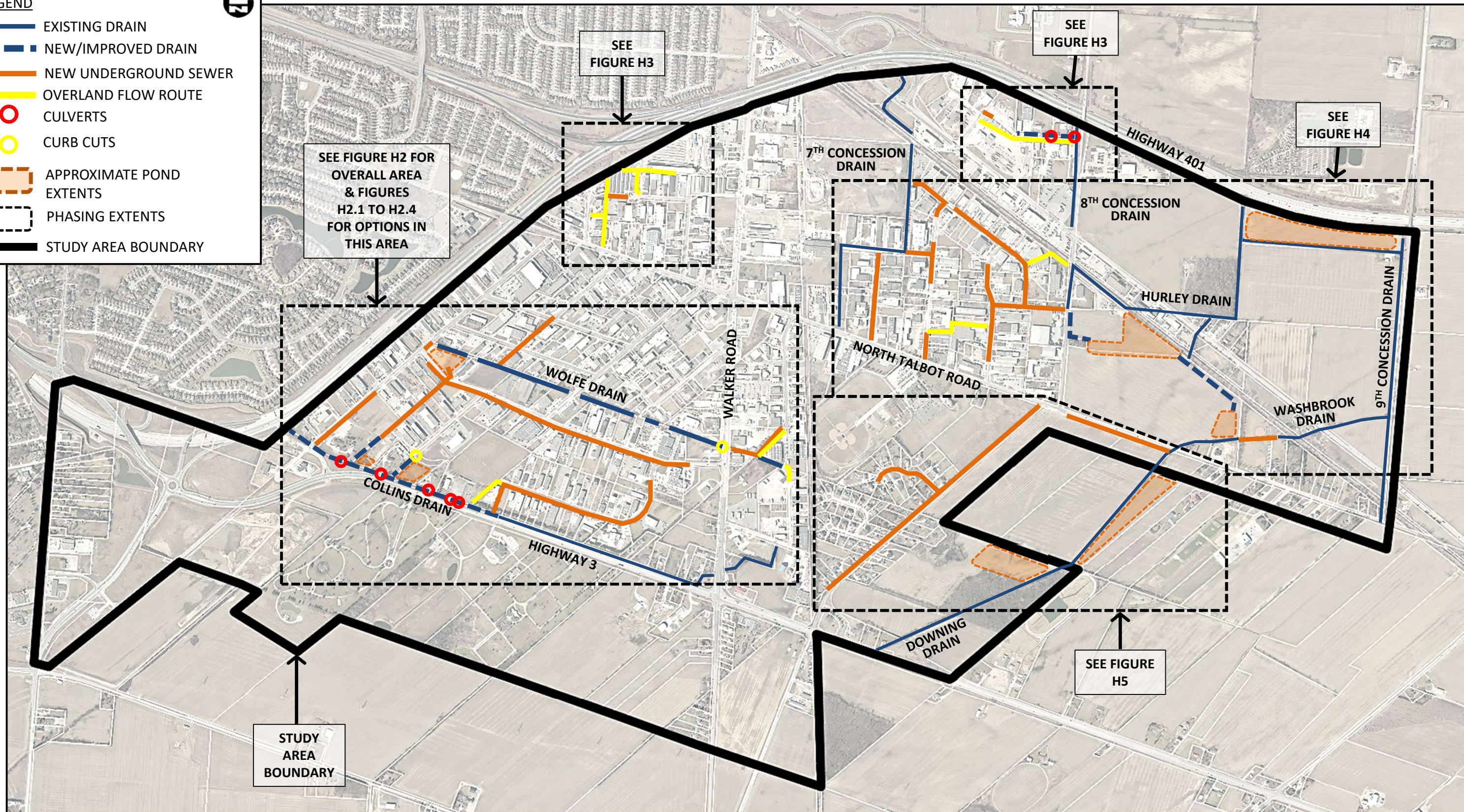
SUBWATERSHED BOUNDARIES

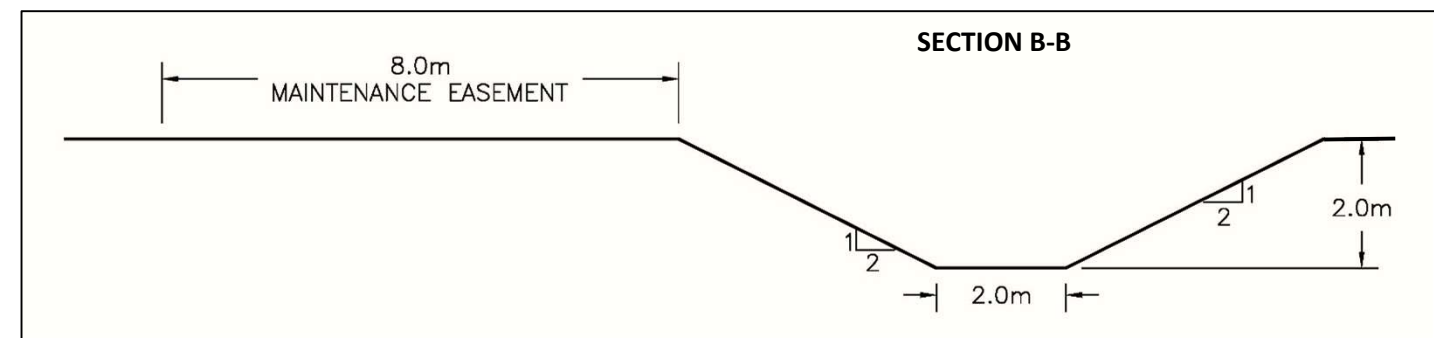
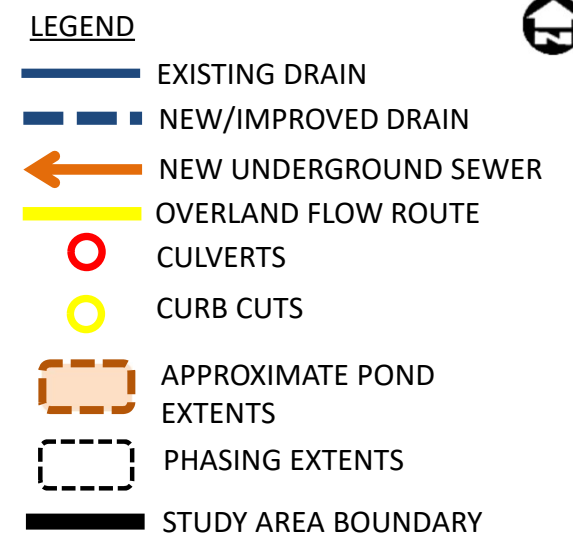
STUDY AREA BOUNDARY



LEGEND

- EXISTING DRAIN
- - - NEW/IMPROVED DRAIN
- ← NEW UNDERGROUND SEWER
- OVERLAND FLOW ROUTE
- CULVERTS
- CURB CUTS
- APPROXIMATE POND EXTENTS
- PHASING EXTENTS
- STUDY AREA BOUNDARY





WOLFE DRAIN WATERSHED IMPROVEMENT OPTIONS

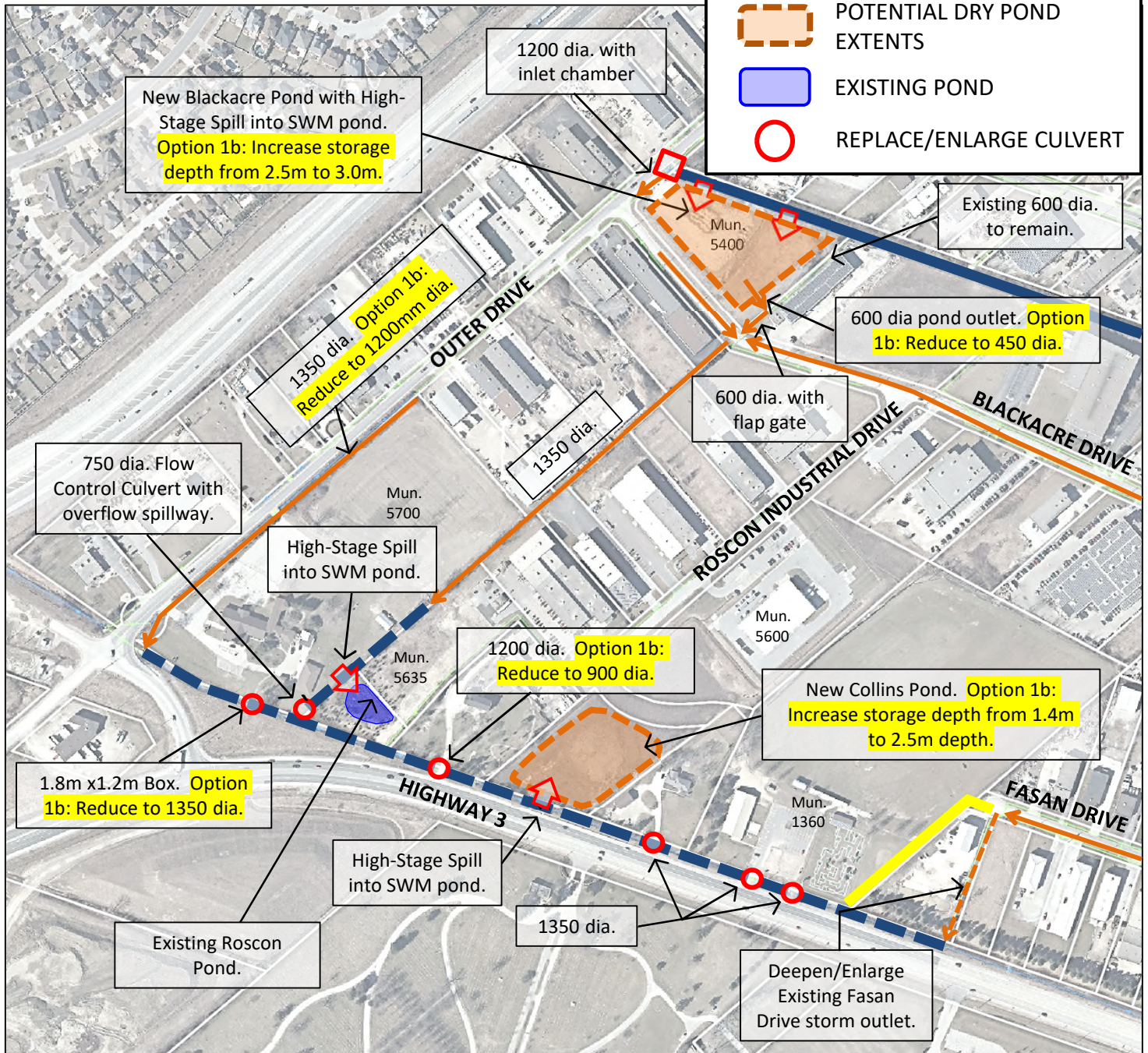
OPTION	Re-route Fasan Drive storm sewer to new Collins Pond	Deepen/Enlarge Collins Drain	New Blackacre Pond (2.5m Deep Storage)	New Blackacre Pond (3.0m Deep Storage)	New Collins Pond (1.5m Deep Storage)	New Collins Pond (2.5m Deep Storage)	Flow Control on proposed new Auxiliary Wolfe Drain	1:100 Year Peak Flow to City (m ³ /s) ¹
1a		x	x		x		x	7.55
1b		x		x		x	x	6.63
2	x		x		x		x	7.59
3*		x	x				x	8.92
4*		x						12.54

Note 1: Existing 1:100 Year Peak Flow to City is 7.7 m³/s. Parkway Design Flow is 6.1 m³/s. See Figure J4 of Appendix J for flow reference location and flow hydrographs.

* Option is only valid if the ongoing Turkey Creek Study findings determine that the downstream receivers can safely convey the peak flow rate.

**LEGEND**

- NEW/IMPROVED DRAIN
- ← NEW UNDERGROUND SEWER
- OVERLAND FLOW ROUTE
- POTENTIAL DRY POND EXTENTS
- EXISTING POND
- REPLACE/ENLARGE CULVERT



WOLFE DRAIN 1:100 YEAR PEAK FLOW DOWNSTREAM OF HIGHWAY 401 CROSSING:

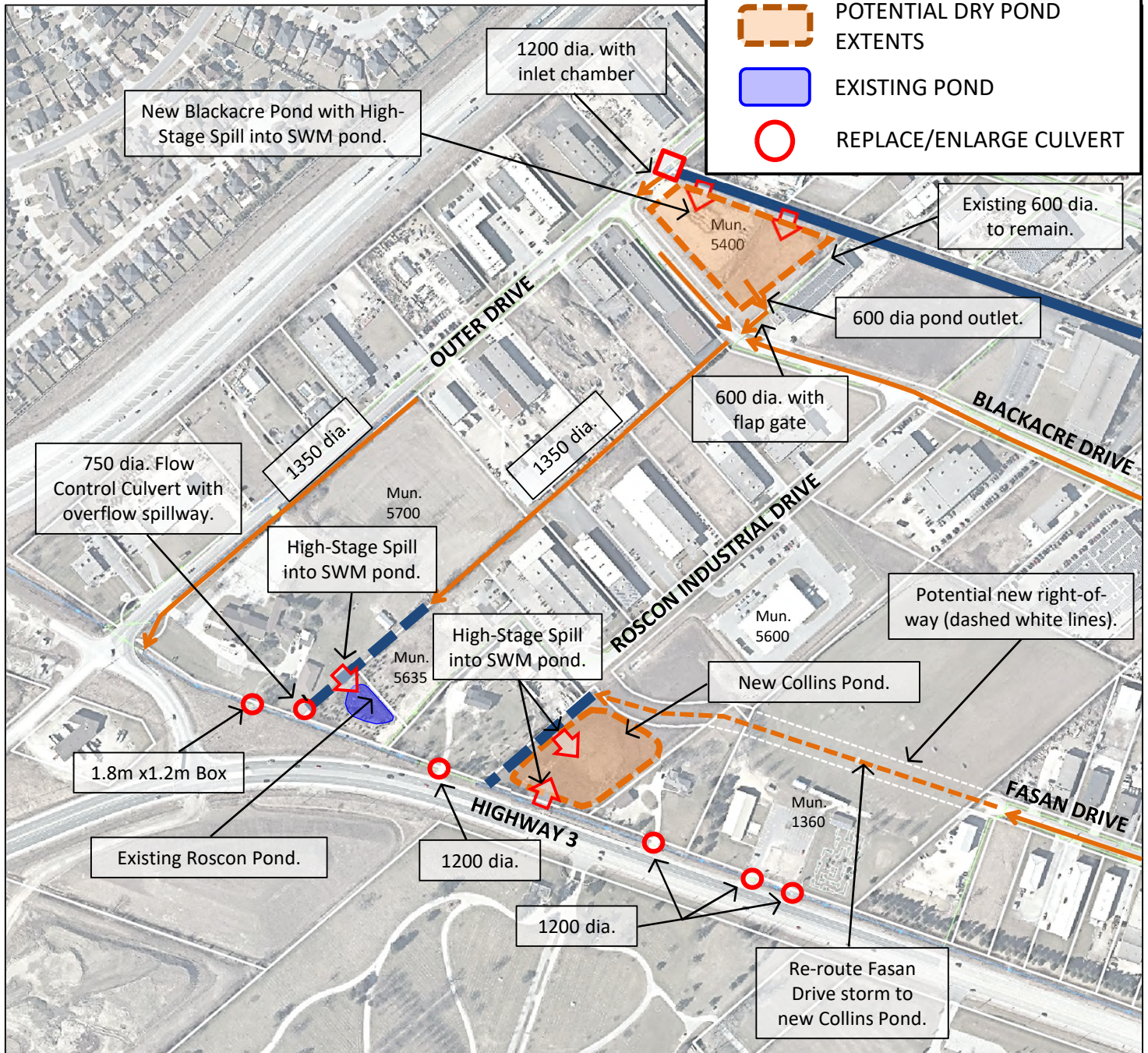
- Option 1a = 7.55 m³/s.
- Option 1b = 6.63 m³/s.



Project	Title	Date	FIGURE H2.1
	WOLFE DRAIN IMPROVEMENTS – OPTIONS 1A & 1B	JAN 2022	
	OLDCASTLE STORMWATER MASTER PLAN	Scale NTS	
		Project No. 19-010	

**LEGEND**

- NEW/IMPROVED DRAIN
- ← NEW UNDERGROUND SEWER
- OVERLAND FLOW ROUTE
- POTENTIAL DRY POND EXTENTS
- EXISTING POND
- REPLACE/ENLARGE CULVERT



WOLFE DRAIN 1:100 YEAR PEAK FLOW DOWNSTREAM OF HIGHWAY 401 CROSSING = 7.59 m³/s.



Title
WOLFE DRAIN IMPROVEMENTS – OPTION 2

Project
OLDCASTLE STORMWATER MASTER PLAN

Date
JAN 2022

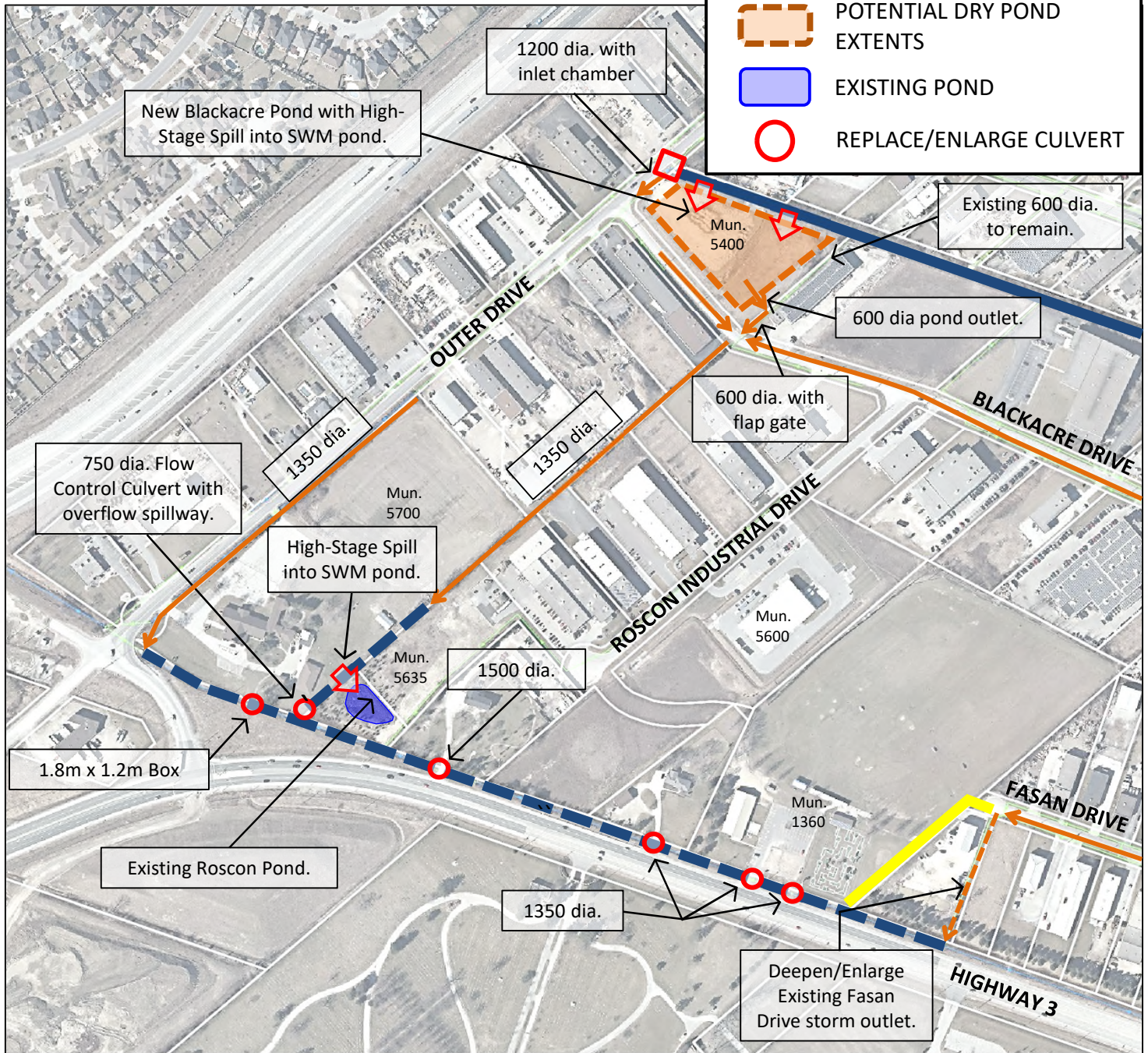
Scale
NTS

Project No.
19-010

**FIGURE
H2.2**

**LEGEND**

- — — NEW/IMPROVED DRAIN
- ← NEW UNDERGROUND SEWER
- — — OVERLAND FLOW ROUTE
- POTENTIAL DRY POND EXTENTS
- EXISTING POND
- REPLACE/ENLARGE CULVERT



WOLFE DRAIN 1:100 YEAR PEAK FLOW DOWNSTREAM OF HIGHWAY 401 CROSSING = 8.92 m³/s.

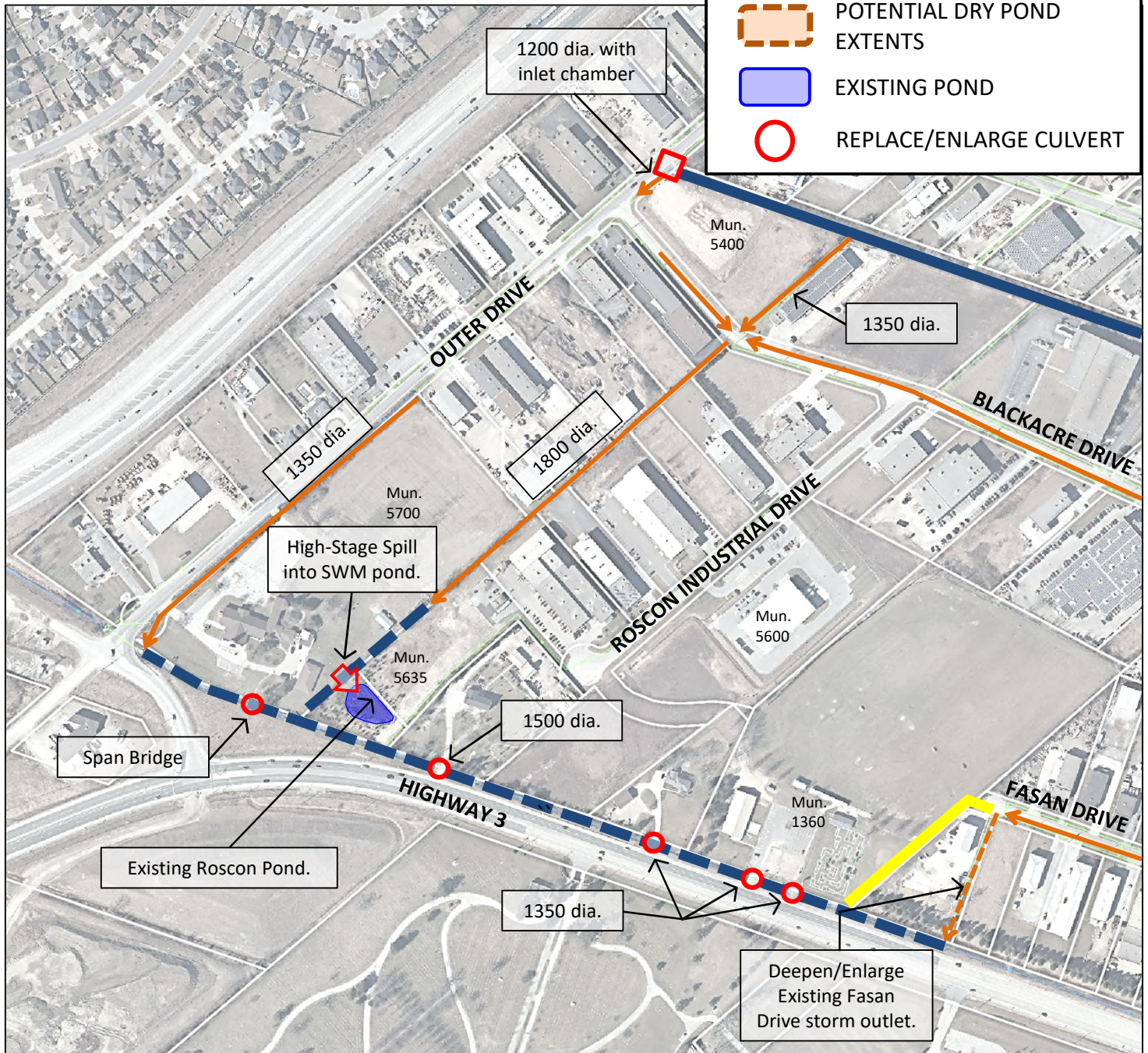


* Option 3 is only valid if the ongoing Turkey Creek Study findings determine that the downstream receivers can safely convey the peak flow rate of 8.92 m³/s.

Title	WOLFE DRAIN IMPROVEMENTS – OPTION 3*	Date	JAN 2022	FIGURE H2.3
Project	OLDCASTLE STORMWATER MASTER PLAN	Scale	NTS	
		Project No.	19-010	

**LEGEND**

- — — NEW/IMPROVED DRAIN
- ← NEW UNDERGROUND SEWER
- — — OVERLAND FLOW ROUTE
- POTENTIAL DRY POND EXTENTS
- EXISTING POND
- REPLACE/ENLARGE CULVERT

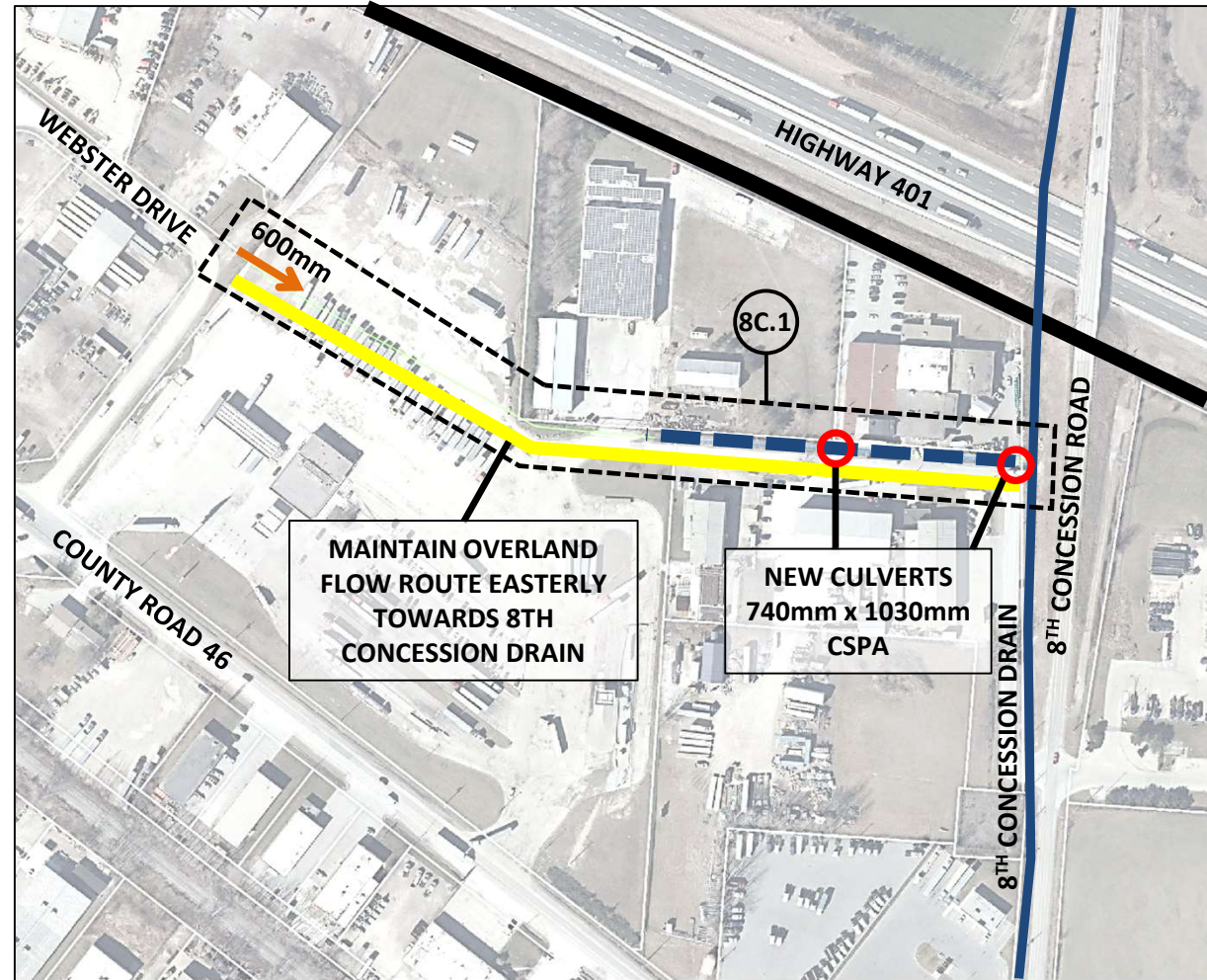


WOLFE DRAIN 1:100 YEAR PEAK FLOW DOWNSTREAM OF HIGHWAY 401 CROSSING = 12.54 m³/s.



* Option 4 is only valid if the ongoing Turkey Creek Study findings determine that the downstream receivers can safely convey the peak flow rate of 12.54 m³/s.

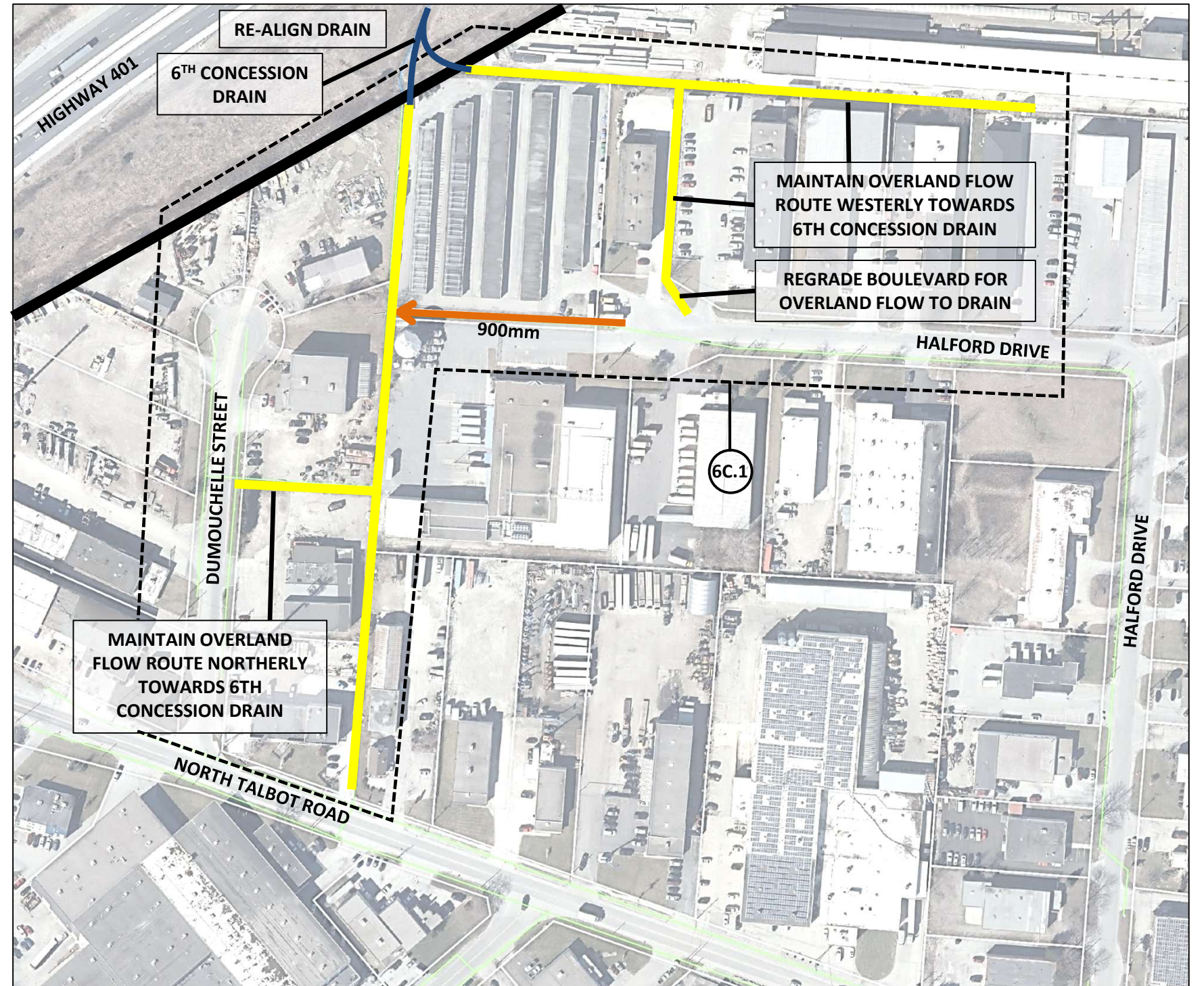
<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div> Landmark <small>Engineers Inc.</small> </div> </div>	Title	WOLFE DRAIN IMPROVEMENTS – OPTION 4*		Date	JAN 2022	<div style="text-align: center;"> FIGURE H2.4 </div>
	Project	OLDCASTLE STORMWATER MASTER PLAN		Scale	NTS	
				Project No.	19-010	



8TH CONCESSION DRAIN AREA

LEGEND

- EXISTING DRAIN
- NEW/IMPROVED DRAIN
- NEW UNDERGROUND SEWER
- OVERLAND FLOW ROUTE
- CULVERTS
- CURB CUTS
- FLOW CONTROL STRUCTURE
- APPROXIMATE POND EXTENTS
- PHASING EXTENTS
- STUDY AREA BOUNDARY



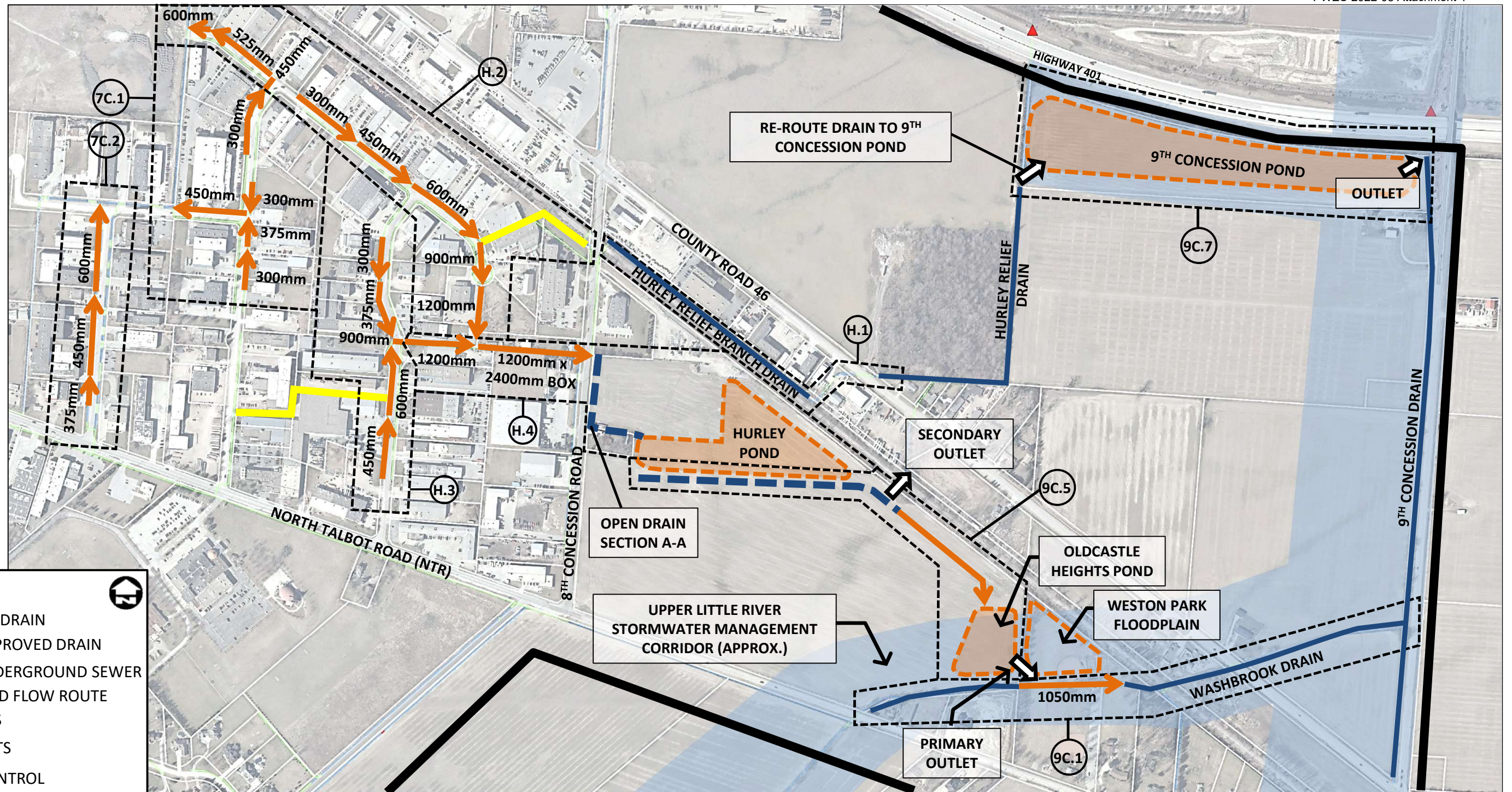
6TH CONCESSION DRAIN AREA



Title	PROPOSED IMPROVEMENTS: 6 TH & 8 TH CONCESSION DRAIN AREAS
	Project OLDCASTLE STORMWATER MASTER PLAN

Date	JAN. 2022
Scale	NTS
Project No.	19-010

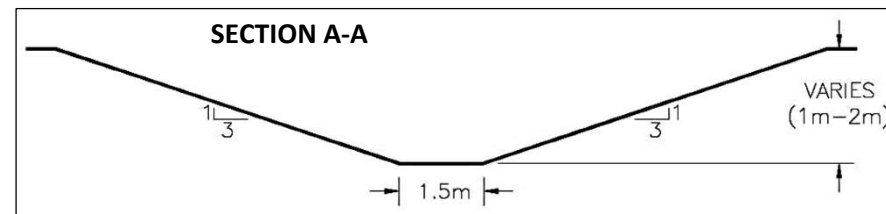
FIGURE
H3



LEGEND

- EXISTING DRAIN
- - - NEW/IMPROVED DRAIN
- ← NEW UNDERGROUND SEWER
- OVERLAND FLOW ROUTE
- CULVERTS
- CURB CUTS
- FLOW CONTROL STRUCTURE
- APPROXIMATE POND EXTENTS
- PHASING EXTENTS
- STUDY AREA BOUNDARY

OPEN DRAIN CROSS SECTION:

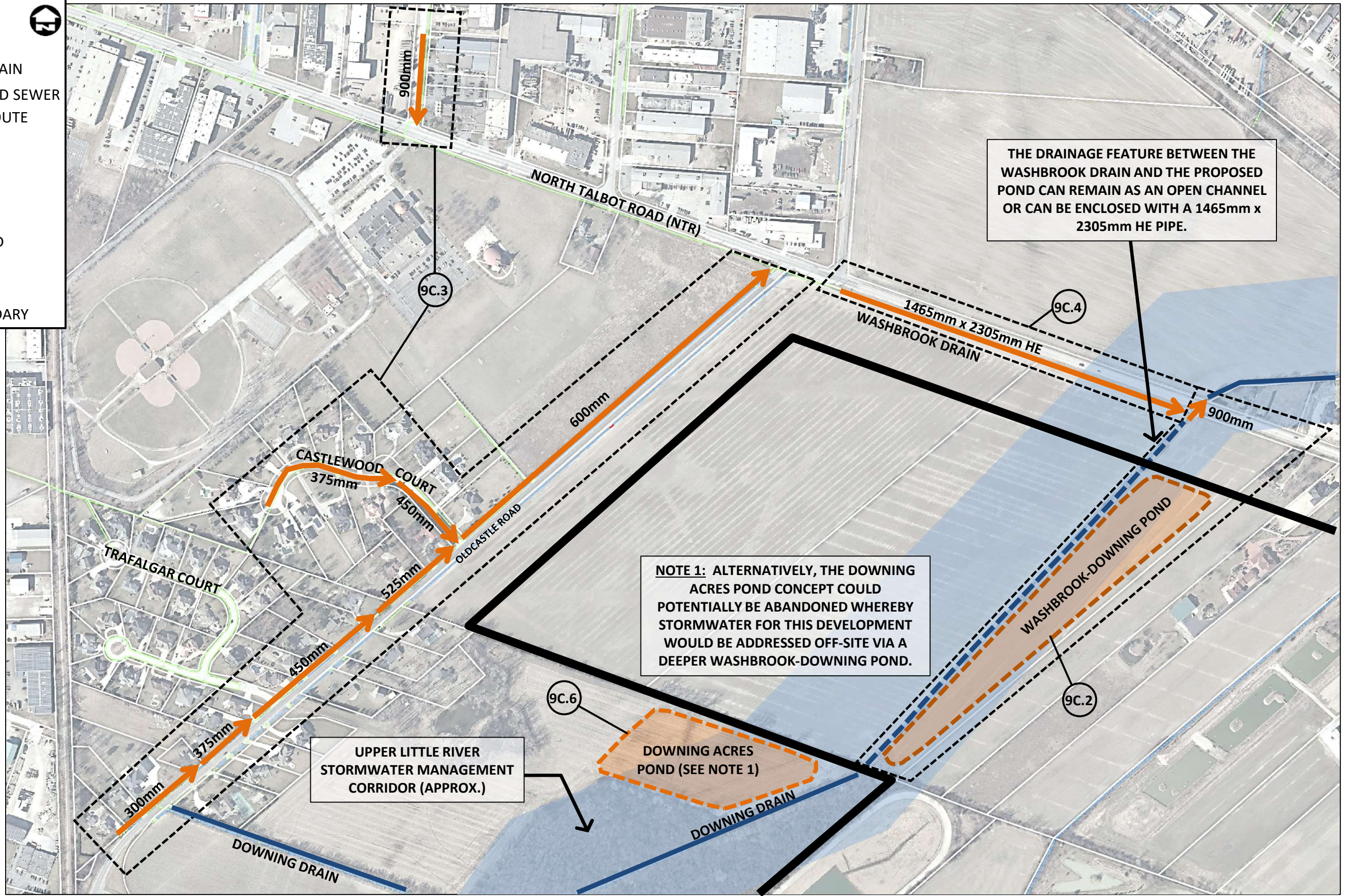


Project	Title	PROPOSED IMPROVEMENTS: HURLEY & 9TH CONCESSION DRAIN AREAS – NORTH OF NTR
	Date	JAN. 2022
	Scale	NTS
	Project No.	19-010

**FIGURE
H4**

LEGEND

- EXISTING DRAIN
- - - NEW/IMPROVED DRAIN
- ← NEW UNDERGROUND SEWER
- OVERLAND FLOW ROUTE
- CULVERTS
- CURB CUTS
- FLOW CONTROL STRUCTURE
- APPROXIMATE POND EXTENTS
- PHASING EXTENTS
- STUDY AREA BOUNDARY



Title PROPOSED IMPROVEMENTS:
9TH CONCESSION DRAIN AREA – SOUTH OF NTR
Project OLDCASTLE STORMWATER MASTER PLAN

Date JAN. 2022
Scale NTS
Project No. 19-010

FIGURE
H5

EXECUTIVE SUMMARY

INTRODUCTION

In recent years, the issue of flooding has increasingly become a major concern in the Town of Tecumseh and the Windsor-Essex Region. Extreme rainfall events in September 2016 and August 2017 each caused significant flooding of local roads, homes, and businesses – with hundreds of reports of flooding received by the Town as a result of each event. In response, the Town of Tecumseh successfully applied for funding through the *National Disaster Mitigation Program* and subsequently commissioned the *Storm Drainage Master Plan* for the northern portion of the Town that was most affected by the flooding. That study was completed in June 2019.

Landmark Engineers was subsequently retained by the Town of Tecumseh in June 2019 to develop a Stormwater Master Plan for the Oldcastle Hamlet area, in the southwest corner of the Town. The drainage infrastructure in this area (also known as the Oldcastle Business Park) has been developed over the years in fragmented manner – generally in response to individual developments, dating back to pre-amalgamation. Given the economic importance of this business park and the drainage issues that are known to exist in the area, an updated, holistic planning approach to stormwater management was deemed to be warranted.

Based on the above, the Landmark Engineers has prepared this *Oldcastle Stormwater Master Plan* on behalf of the Town of Tecumseh. It was the purpose of this report to:

- Inventory, assess, and confirm the capacities of the existing stormwater drainage system;
- Identify and define local drainage issues and areas of concern;
- Review and assess the stormwater management needs for future development;
- Identify and assess potential drainage improvements; and,
- Prepare a prioritized strategy for implementing the proposed drainage improvements.

It should be noted that this *Oldcastle Stormwater Master Plan* has been developed in accordance with the procedures set out in the MEA's *Municipal Class Environmental Assessment*. Although this report has been prepared as a standalone technical document, for broader context and details regarding the accompanying public consultation process, it should be read in conjunction with the *Environmental Assessment (EA) Project File*.

STUDY AREA / EXISTING DRAINAGE SYSTEM

The study area for this Stormwater Master Plan generally encompasses the Oldcastle Business Park in the southwest quadrant of the Town of Tecumseh, and is generally bounded by Highway 401 to the north and west. The southern and eastern limits of the study area are more variable, but generally extend southerly just beyond Highway 3 and as far east as 9th Concession Road.

The current study area is located at the headwaters of three separate watersheds: with stormwater draining westerly toward Turkey Creek; northerly and easterly toward Little River; and southwesterly toward the Canard River. The drainage divide separating these three watersheds consists of a low ridge that generally runs along the Walker Road and Highway 3 rights-of-way.

Stormwater generated from within the study area is generally conveyed to the downstream drainage systems (located within the neighbouring municipalities of Windsor and Lasalle) via local storm sewers, roadside ditches, and open-channel drains. Each of the downstream receiving bodies within the Turkey Creek and Little River watersheds have recently been subject to hydrologic and/or hydraulic analyses via the *Turkey Creek Watershed Study* (ongoing), the *Upper Little River Master Drainage and Stormwater Management Plan* (2017), and the *Little River Floodplain Mapping project* (ongoing). The information compiled via these parallel studies was used to help model the overall drainage system.

STORMWATER MODELLING METHODS

In order to analyze and assess the performance of the existing (and future) drainage system, Landmark Engineers created a detailed hydrologic and hydraulic model of the study area and its downstream receiving bodies using PCSWMM Professional 2D software. Information from the Town of Tecumseh's Geographic Information System (GIS), archived as-built sewer design drawings, municipal drain reports, and the Ontario Ministry of Natural Resources and Forestry's *LiDAR-Derived Digital Terrain Model* were all used in constructing the model, with hydrologic inputs based on the *Windsor/Essex Regional Stormwater Management Standards Manual* (ERCA, 2018).

The dual-drainage model (incorporating both the minor drainage system of sewers, drains & culverts and the major drainage system of overland surface flow routes) was then calibrated based on actual field observations from five separate flow-monitoring locations during six separate rainfall events over the course of the study - measuring both water levels and flow velocities. The model's hydrologic and hydraulic parameters were carefully adjusted to validate the predicted water levels and flows - accounting for variables such as: the antecedent moisture condition in the soil; and the level of overgrowth/vegetation in the primary drains.

EXISTING DRAINAGE ISSUES

In identifying problems with the existing system, it was noted that the current drainage infrastructure within the study area was generally designed and constructed to a lesser standard than that which would be prescribed today. While perhaps not ideal, these systems can still provide an adequate level-of-service in conveying stormwater from most rainfall events. It was also noted that a full upgrade of the system to conform with modern standards would be highly impractical, disruptive and expensive.

Thus, rather than focusing on strict compliance with current standards, the model constructed for this Stormwater Master Plan was first used to identify and address the parts of the existing stormwater system that are significantly undersized and have deficient drainage capacity – where frequent and prolonged nuisance ponding will typically result.

Based on our review of the drainage model, our observations in the field, and our consultations with both local residents and Town of Tecumseh maintenance staff, existing drainage problems were identified at the following locations:

- Deficient drainage capacity has been noted in the minor drainage system (i.e., sewers, culverts & open drains) along Fasan Drive, Blackacre Drive (particularly near the intersection with Outer Drive), Halford Drive, Webster Drive, Del Duca Drive and Ure Street;

- The existing culvert on the Wolfe Drain crossing Outer Drive and the drain section along Outer Drive are substantially undersized, limiting outflow capacity for the entire upstream subwatershed (approx. 233 hectares);
- The open-channel segment of the Wolfe Drain immediately downstream of the Outer Drive culvert is excessively steeply graded, resulting in significant erosion and downcutting due to high flow velocities;
- A low-lying road sag was noted on Blackacre Drive just east of Outer Drive, resulting in frequent ponding due to the above-noted drainage deficiencies;
- Heavy brush, overgrowth and sediment accumulations have been noted on the Hurley Relief Branch Drain and on the Washbrook Drain, substantially restricting their flow capacities;
- Substantial sediment accumulations and standing water have been noted on the culvert enclosure of the 6th Concession Drain between North Talbot Road and the Highway 401 corridor;
- Castlewood Court has been observed to be very slow to drain, likely due to a suspected blockage in the culvert enclosure feeding the Wolfe Drain; and,
- Frequent and prolonged nuisance ponding has been observed at many locations within the study area (including Fasan Drive, Blackacre Drive, Del Duca Drive, Ure Street, and Oldcastle Road) due to blockages in the driveway access culverts along the roadside ditches.

In addition to the above, our review of the dual-drainage model for the study area revealed the following deficiencies with the major (i.e., overland) storm drainage system for conveying infrequent heavy storm events within the study area:

- Roadway sags lacking a proper overland flow outlet were identified along Fasan Drive, Blackacre Drive, Halford Drive, Webster Drive, Del Duca Drive, Ure Street, Dumouchelle Street, Moro Drive, Rossi Drive, Roscon Drive, Olympia Drive, Brendan Lane, and DiCocco Court;
- The existing Wolfe Drain along Outer Drive and east of Walker Road does not have sufficient capacity to convey stormwater from a 100-year flow event;
- The existing cross-section of the Washbrook Drain between North Talbot Road and 9th Concession Road does not have sufficient capacity to convey stormwater from a 100-year flow event; and,
- The existing roadside drain along North Talbot Road between Weston Park and 9th Concession Road does not have sufficient grade and is very slow to drain.

RECOMMENDED DRAINAGE IMPROVEMENTS

In order to address the known issues with the existing stormwater system (as outlined above), the following drainage improvements are recommended:

- New storm sewers along Fasan Drive, Blackacre Drive, Del Duca Drive, Ure Street, Castlewood Court and Oldcastle Road;
- Wolfe Drain improvements, including:
 - a new auxiliary Wolfe Drain, combined with storage via a new Blackacre Pond;
 - a 1200mm-diameter (dia.) enclosure of the Wolfe Drain along Outer Drive;
 - replacement of the existing culvert adjacent to Olympia Drive;
 - replacement of the storm sewer immediately east of Walker Road; and,

- remedial works along the steep segment of the Wolfe Drain between Outer Drive and Highway 401;
- Deepening of the Collins Drain from Outer Drive to the Fasan Drive storm sewer outlet, combined with storage via a new Collins Pond - including replacement of all affected culverts;
- Replace (enlarge) existing storm sewer outlets to Wolfe Drain for Moro Drive, Rossi Drive, Olympia Drive and Brendan Lane;
- Replace (enlarge) existing storm sewer outlet to 6th Concession Drain for Halford Drive;
- Replace and re-route the Hurley Relief Branch Drain enclosure to a new Hurley Pond located along the south side of the railway;
- Washbrook Drain improvements, including:
 - immediate maintenance to remove blockages; and,
 - replacement of culvert through Weston Park;
- New Washbrook-Downing Pond to attenuate flows from Washbrook Drain, immediately upstream of the North Talbot Road crossing;
- Demonte Drain improvements, including:
 - replacement of existing storm sewer and culverts;
 - cleaning of the open-channel segments of the drain, as required to provide a reasonable level of service; and,
 - the establishment of a new overland flow route toward the 8th Concession Drain;
- Establish/secure/maintain overland flow routes at specific locations.

STORMWATER MANAGEMENT FOR FUTURE DEVELOPMENTS

In order to address the stormwater management needs for future developments within the current study area, the stormwater ponds noted above (i.e., the Oldcastle Heights Pond, the Downing Acres Pond, and the 9th Concession Pond) have all been sized to address both the stormwater quality and quantity requirements of the adjacent designated development blocks on a regional scale. Other large undeveloped areas within the study area will require individual stormwater management plans to address these requirements as set out in the *Windsor/Essex Region Stormwater Management Standards Manual* (ERCA, 2018).

For new infill developments located within the existing built-up sections of the study area, a set of simplified stormwater management criteria have been established as part of the overall study. These criteria establish clear and concise storage volume and release rate requirements for 4 separate categories of infill developments, based on the practical objective of not adversely impacting the existing drainage conditions.

ESTIMATED COSTS & IMPLEMENTATION

Based on the outcomes of our drainage model assessments, we recommend that the following measures be implemented to address the known drainage issues, and facilitate development within the study area:

Short-Term Improvements: \$5.8 Million

We recommend that the Town endeavor to complete the following improvements as soon as possible - preferably within a 1- to 2-year timeframe:

Project ID	Project Description	Planning and Approval Process	Watershed	Subwatershed	Preliminary Budget Cost Estimate
W.1	Wolfe Drain Improvements	Drainage Act	Turkey Creek	Wolfe Drain	\$3,550,000
8C.1	Demonte Drain Improvements	Drainage Act	Little River	9th Conc. Drain	\$100,000
H.1	Hurley Relief Branch Drain Improvements	Drainage Act	Little River	Hurley Drain	\$50,000
H.2	New Storm Sewer along Del Duca Drive	Schedule B	Little River	Hurley Drain	\$1,000,000
H.3	New Storm Sewer along Ure Street	Schedule B	Little River	Hurley Drain	\$450,000
9C.1	Washbrook Drain Improvements	Drainage Act	Little River	9th Conc. Drain	\$620,000

Medium-Term Improvements: \$11.2 Million

We recommend that the Town endeavor to complete the following improvements within a 10-year timeframe, or in conjunction with planned sanitary sewer improvements for the affected roadways:

Project ID	Project Description	Planning and Approval Process	Watershed	Subwatershed	Preliminary Budget Cost Estimate
W.2	Collins Drain Improvements	Drainage Act	Turkey Creek	Wolfe Drain	\$1,130,000
W.3	New Storm Sewer along Fasan Drive	Schedule B	Turkey Creek	Wolfe Drain	\$1,340,000
W.5	New Storm Sewer along Blackacre Drive	Schedule A	Turkey Creek	Wolfe Drain	\$1,870,000
W.6	Replace Storm Outlets to Wolfe Drain	Schedule B	Turkey Creek	Wolfe Drain	\$1,080,000
6C.1	Replace Halford Drive Storm Outlet	Schedule B	Little River	6th Concession Drain	\$60,000
7C.1	New Storm Sewers along O'Neil Dr. & Moyhanan St.	Schedule A	Little River	7th Concession Drain	\$230,000
H.4	Enlarge & Re-route Hurley Drain to New Hurley Pond	Schedule B	Little River	Hurley Drain	\$3,320,000
9C.2	New Washbrook-Downing Pond	Schedule B	Little River	9th Concession Drain	\$2,200,000

Long-Term Improvements: \$6.4 Million

We recommend that the Town endeavor to complete the following improvements within a 20-year timeframe, or in conjunction with planned sanitary sewer improvements for the affected roadways:

Project ID	Project Description	Planning and Approval Process	Watershed	Subwatershed	Preliminary Budget Cost Estimate
7C.2	New Storm Sewer along Hennin Street	Schedule A	Little River	7th Concession Drain	\$370,000
9C.3	New Storm Sewer along Oldcastle Road, Castlewood Court and O'Neil Drive	Schedule A	Little River	9th Concession Drain	\$1,880,000
9C.4	Extension of Washbrook Drain Enclosure	Drainage Act	Little River	9th Concession Drain	\$4,170,000

Development-Driven Works: \$8.6 Million

The following projects are stormwater ponds which serve to address stormwater management requirements of future development:

Project ID	Project Description	Planning and Approval Process	Watershed	Subwatershed	Preliminary Budget Cost Estimate
9C.5	Oldcastle Heights Pond	Schedule B	Little River	9th Concession Drain	\$1,310,000
9C.6	Downing Acres Pond	Schedule B	Little River	9th Concession Drain	\$1,630,000
9C.7	9th Concession Pond	Schedule B	Little River	9th Concession Drain	\$5,660,000



May 31, 2022

Project No.: 19-010

Town of Tecumseh
917 Lesperance Road
Tecumseh, ON N8N 1W9

Attention: Mr. John Henderson, P.Eng.
Manager of Engineering Services

Re: Oldcastle Stormwater Master Plan
Study Completion – 30 Day Review Period Comments

Dear John:

Further to our recent discussions, this is to confirm that the public review period for the Oldcastle Stormwater Master Plan (OSMP) is now complete.

In accordance with the Municipal Class Environmental Assessment process, a Notice of Completion for the OSMP was published on February 15th, 2022. The subsequent 30-day public review and appeal period closed on March 25th, 2022. During this time, the Project Team received correspondence from two (2) agencies, two (2) stakeholders and three (3) property owner stakeholders with regard to the project.

A summary of the comments received and the actions taken to address the concerns that were raised is presented below:

a) Agency Comments

i) Ministry of the Environment, Conservation and Parks (MECP):

A letter from MECP was received on 25 March 2022. This letter included 12 comments, most of which were clarifications on specific issues regarding recommendations to be added to the Project File for context. The Town of Tecumseh and Landmark met with MECP on 1 April 2022 to discuss these comments and our intentions for addressing them in the Project File. On 22 April 2022, Landmark sent a follow-up e-mail to MECP responding to each of the 12 comments. MECP replied on 26 May 2022, indicating that they are satisfied with our responses to each comment.

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Windsor, Ontario
Canada
N9C 4E4

Phone:
(519) 972-8052
Fax:
(519) 972-8644

www.landmarkengineers.ca



Professional Engineers
Ontario

All comments have been integrated into the Project File and MECP will be notified once the website has been updated. A copy of the letter received from MECP and the subsequent e-mail correspondence has been attached here for reference.

ii) Ministry of the Heritage, Sport, Tourism, Culture Industries (MHSTCI):

A letter from MHSTCI was received on 25 March 2022. The letter indicated that the Stage 1 Archaeological Assessment that was submitted in 2020 is still under technical review. We understand that this is due to a backlog of files to review at MHSTCI and is not due to any concerns or issues with the report. At this time, the report has not yet been entered into the Ontario Public Register of Archaeological Reports.

The recommendations of the Stage 1 screening explicitly state that a Stage 2 Archaeological Assessment (and any further assessment stages arising from the Stage 2 findings) should be undertaken early in the detailed design stage of any proposed works within the study area. Although the Stage 1 assessment is not yet considered final, it is not anticipated that there will be any issues arising from the report and no further action is needed at this time.

b) Stakeholder Comments

i) Town of LaSalle:

An e-mail from Peter Marra of the Town of LaSalle was received on 18 February 2022. Mr. Marra requested a summary of how the Town's concerns, related to downstream capacity, have been incorporated into the final Master Plan Report.

Landmark replied to Mr. Marra's letter later the same day, addressing his concerns and identifying the sections of the report that reference downstream capacity. No further comments have been received to date from the Town of LaSalle.

ii) Hydro One

A letter was received from Hydro One on 8 March 2022. The letter confirmed that Hydro One has existing distribution assets within the study area, but noted that it was unclear at this time whether the proposed improvements would affect their infrastructure. Hydro One would like to be kept informed as the details of the preferred solutions become available through the next steps in the design process.

Moving forward, the Town of Tecumseh will notify Hydro One if it becomes clear that any proposed improvements will present conflicts with Hydro One's assets.

c) Property Owner Stakeholder Comments

i) [REDACTED] (2340 Olympia Drive):

An e-mail was received from [REDACTED] on 19 February 2022. [REDACTED] expressed the following concerns:

- Wolfe Drain Culvert – will it be replaced and can he have assurance it will be put back the same or better;
- What ‘CV2’ is proposed on his property; and
- The building is very close to the top of slope of the Wolfe Drain – how will this work be completed though this tight corridor?

Landmark replied by e-mail to [REDACTED] on 23 February 2022, addressing all of his concerns. A copy of the letter is attached here for reference.

ii) [REDACTED] (5445 Oldcastle Road):

An e-mail was received from [REDACTED] on 22 February 2022. [REDACTED] noted concerns regarding his rear yard drainage. He also commented that the Downing Drain along his property is very overgrown and obstructed near the outlet.

Landmark replied to [REDACTED] with an e-mail on 23 February 2022 to inform him that the Master Plan includes a proposal for new underground sewers along the front of his property on Oldcastle Road. We also noted that the rear yard ponding issue would be a local drainage issue and would not be resolved through this Master Plan process. Landmark copied John Henderson of the Town of Tecumseh on this e-mail to provide direction for the local drainage issues.

John Henderson replied on behalf of the Town and provided [REDACTED] with a contact at the Essex Region Conservation Authority (ERCA) and copied Sam Paglia (Tecumseh Drainage Superintendent) on the e-mail as well.

iii) [REDACTED] (5600 Roscon Industrial Drive)

An e-mail was received from [REDACTED] (on behalf of the owners of the property at 5600 Roscon Industrial Drive) on 23 February 2022. There in, [REDACTED] noted concerns with the property acquisition proposed in order to construct a storage pond on the south half of the property.

On 9 March 2022, a virtual meeting was convened and attended by representatives of the Town, the [REDACTED] and Landmark. During the [REDACTED] shared preliminary plans for expansion of the existing [REDACTED] building and parking areas on the site. Options for future development of their property were discussed and the Town confirmed that the existing right-of-way (i.e., future Fasan Drive extension) is required to remain. A summary of the items discussed at this meeting has been attached for here reference (dated 21 March 2022).

No further correspondence has been received from the [REDACTED] as of the date of this letter.

d) Conclusion

All of the comments received during the 30-day public review and appeal period have been reviewed and addressed by Landmark in conjunction with the Town. As such, it is our opinion that the Town of Tecumseh has addressed the requirements of the Environmental Assessment (EA) Act, and may now proceed with design and construction of the works in accordance to the terms agreed to the in EA Project File.

I trust you will find the foregoing to be in order. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

Landmark Engineers Inc.

A handwritten signature in cursive script that reads "Liz Michaud".

Liz Michaud, P.Eng.

Encl.

Cc: Phil Bartnik, P.Eng., Town of Tecumseh
Alain Michaud P.Eng., Landmark Engineers Inc.

Liz Michaud

From: Badali, Mark (MECP) <Mark.Badali1@ontario.ca>
Sent: May 26, 2022 2:15 PM
To: Liz Michaud
Cc: Wilson, Marcelina (MECP); jhenderson@tecumseh.ca
Subject: RE: Oldcastle Stormwater Master Plan - Notice of Study Completion

Hi Liz,

Thank you for providing these responses to the ministry's comments on the Oldcastle Stormwater Master Plan and integrating them into the project file. The responses appear to address the ministry's comments. As you mentioned in your email, yes please do let us know when the PDF reports on the website have been updated to integrate the ministry's feedback.

Thank you,

Mark Badali ([he/him](#))

Regional Environmental Planner (REP) – Southwest Region

Project Review Unit | Environmental Assessment Branch

Ontario Ministry of the Environment, Conservation and Parks

Mark.Badali1@ontario.ca | (416) 457-2155

****I am currently unable to receive calls by phone – please feel free to email me to setup an online audio call****

From: Liz Michaud <lmichaud@landmarkengineers.ca>
Sent: April 22, 2022 2:43 PM
To: Badali, Mark (MECP) <Mark.Badali1@ontario.ca>
Cc: Wilson, Marcelina (MECP) <Marcelina.Wilson@ontario.ca>; jhenderson@tecumseh.ca
Subject: RE: Oldcastle Stormwater Master Plan - Notice of Study Completion

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Good Afternoon Mark,

Please refer to my responses below which coordinate with the comments provided in the attached Letter dated 25 March 2022.

- 1) Class EA Process - Noted and updated to reflect current project status.
- 2) Evaluation of Alternatives – As discussed in our meeting on 1 April 2022, we will update the project file to discuss our approach to evaluating the alternatives. (Identifying the types of improvements and evaluating them individually. The different improvements were then considered as a 'tool box' which were combined to determine the Preferred Solution for the project study area as a whole. As discussed, most areas only had one option for improvement based on the location and retro fit nature of the project.)
- 3) Planning and Policy – The initial report was completed in early 2020 prior to the updated PPS in 2020. We have reached out to our Biologist who confirmed that nothing in the new 2020 PPS would effect the recommendations of the report. We will add that information to the project file so it is clear.
- 4) We will add the recommendation to the project file.

5) and 6) Public Consultation - No written comments were received at either of the PICs. All e-mail correspondence can be found in Section 4 – Distribution List and Communications Inventory section of the Project File. We did not include the Full Distribution list in the online Project File in order to maintain privacy for the public and property owners/ stakeholders. The full distribution list contains a record of all correspondence sent and received. Comments or concerns received were replied to by e-mail and copies were included in the project file. E-mails addresses/names were redacted in the online versions in order to maintain public privacy. Meetings were also held with stakeholders when requested to discuss concerns related to their property. A copy of meeting summaries are also included in Section 4.

7) and 8) References to the excess soils management will be added to the project file where applicable.

9) The proposed Schedule B projects are routine construction projects. We do not anticipate any excess noise or vibration associated with the proposed Schedule B projects beyond the typical construction disruptions. The majority of the projects take place within lands zoned as Business Park and Hamlet Development.

10) Source Water Protection – At the time of the PIC, where the Environmental Inventory slide was presented, we had no formal response from ERCA regarding source water protection. The project information was sent to ERCA for review and we ultimately received a letter to confirm. The letter from ERCA was also included in the project file for reference.

11) Species at Risk – Noted and understood.

12) Surface Water – Both types of areas are designed to achieve agricultural discharge rates.

Once we have implemented all of the comments into the Project File, we will update the PDFs on the website. I will notify you when the website has been updated.

If you have any further concerns, please don't hesitate to reach out.

Thank you,

Liz Michaud, P.Eng.



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f (519) 972-8644

e-mail lmichaud@landmarkengineers.ca

From: Badali, Mark (MECP) <Mark.Badali1@ontario.ca>

Sent: March 25, 2022 2:01 PM

To: jhenderson@tecumseh.ca

Cc: Liz Michaud <lmichaud@landmarkengineers.ca>; Wilson, Marcelina (MECP) <Marcelina.Wilson@ontario.ca>

Subject: RE: Oldcastle Stormwater Master Plan - Notice of Study Completion

Good afternoon,

In response to the Notice of Study Completion and Project File provided for the Oldcastle Stormwater Master Plan Municipal Class EA, please find attached the ministry's comments for your consideration.

We look forward to receiving a written response from the Town of Tecumseh to address the comments provided.

Best regards,

Mark Badali ([he/him](#))

Regional Environmental Planner (REP) – Southwest Region

Project Review Unit | Environmental Assessment Branch

Ontario Ministry of the Environment, Conservation and Parks

Mark.Badali1@ontario.ca | (416) 457-2155

****I am currently unable to receive calls by phone – please feel free to email me to setup an online audio call****



From: Liz Michaud <lmichaud@landmarkengineers.ca>

Sent: February 18, 2022 2:01 PM

Subject: Oldcastle Stormwater Master Plan - Notice of Study Completion

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Good Afternoon,

In accordance with the approved procedures contained in the Municipal Class Environmental Assessment (EA), this letter is to advise you that the Class EA for the Oldcastle Stormwater Master Plan has now been completed. Attached is a copy of the Notice of Study Completion.

Subject to comments received as a result of this Notice, and the receipt of necessary approvals, the Town of Tecumseh may proceed with the design and construction of the Schedule B projects.

To aid in the dissemination of information, all project-related information is available for review on the Town of Tecumseh's website: <https://www.tecumseh.ca/en/town-hall/oldcastle-stormwater-master-plan.aspx>.

If you have any questions or require further details, please contact the undersigned.

Regards,

Liz Michaud, P.Eng.



Landmark Engineers Inc.

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e-mail lmichaud@landmarkengineers.ca

**Ministry of the Environment,
Conservation and Parks**

**Ministère de l'Environnement,
de la Protection de la nature
et des Parcs**

Environmental Assessment
Branch

Direction des évaluations
environnementales

1st Floor
135 St. Clair Avenue W
Toronto ON M4V 1P5
Tel.: 416 314-8001
Fax.: 416 314-8452

Rez-de-chaussée
135, avenue St. Clair Ouest
Toronto ON M4V 1P5
Tél. : 416 314-8001
Télec. : 416 314-8452

Via E-mail Only

March 25, 2022

John Henderson
Manager, Engineering Services
Town of Tecumseh
jhenderson@tecumseh.ca

**Re: Oldcastle Stormwater Master Plan
Town of Tecumseh
Municipal Class Environmental Assessment – Master Plan (Approach #2)
Project Review Unit Comments – Final Project File**

Dear John Henderson,

This letter is in response to the Notice of Completion provided for the Master Plan and Environmental Assessment (EA) Project File for the above noted Class EA project. Our understanding is that in order to improve the stormwater capacity of the Oldcastle Hamlet area, the Town of Tecumseh (the proponent) has determined that the preferred alternative is to undertake various drainage improvements including constructing new storm sewers, replacing or improving existing drains, and establishing/maintaining overland flow routes at specific locations. The Ministry of the Environment, Conservation and Parks (ministry) provides the following comments for your consideration.

Class EA Process

- 1) Section 1.1.5 *Project Status & Next Steps* in Section 1 of the EA Project File speaks to the section 16 order request (formerly referred to as a Part II order request) process. The ministry recommends that Section 1.1.5 be revised to reflect the language used in the proponent's Notice of Completion that the changes made to the *Environmental Assessment Act* in July 2020 have scoped the grounds on which a request can be made to the Minister. Section 16(6)

of the *Environmental Assessment Act* provides that a request for an order can be made only on the grounds that the order may prevent, mitigate, or remedy adverse impacts on existing Aboriginal and treaty rights of the Aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

Evaluation of Alternatives

- 2) As noted in section 3.3.2 of Section 3 of the EA Project File, the intention of the Master Plan is to fulfill the requirements set out in the Municipal Class EA document in order to proceed with the identified proposed Schedule B projects (i.e. new underground storm sewers through private property, new overland flow routes along private property, new drainage corridors on private property, establishing easements for existing overland flow routes on private property, and storage ponds).

The *Evaluation of Alternatives* slides in Section 3 of the EA Project File present the alternative solutions, most of which are used in conjunction to form the preferred solutions. However, the Project File does not present an evaluation of how each alternative was considered for each proposed Schedule B project. For instance, section 5.2 *Proposed Improvements* in Section 8 of the Project File states, “*The following subsections provide a general discussion of the drainage improvements we recommend, based on our analysis and review of the dual-drainage system model.*” However, this analysis and review of why one or more alternatives are preferred over the others for each proposed project is not provided.

The Project File should be revised to include a description of the evaluation and decision-making process that was undertaken to determine how the preferred solution was selected from the described alternatives. This is necessary in order to best meet the requirements of the Municipal Class EA document, particularly Section A.4.1 (available online at <https://municipalclassea.ca/manual/page30.html>), which requires that the project file for Schedule B projects explain, “*...the alternative solutions considered and the evaluation process followed to select the preferred solution.*”, and Section A.1.1 (available online at <https://municipalclassea.ca/manual/page3.html>), which notes that one of the key principles of successful environmental assessment planning is, “*Systematic evaluation of alternatives in terms of their advantages and disadvantages, to determine their net environmental effects.*”

Planning and Policy

- 3) Sections 1.0 *Introduction* and 4.0 *Protected Wildlife and Habitats* in Section 7 of the EA Project File indicates that the Provincial Policy Statement (PPS), **2014** was reviewed for the natural heritage study that was completed to support this Master Plan. Besides these brief references, a discussion of the provincial planning and policy context, particularly of the PPS, **2020** and any relevant updates that came into effect with that 2020 document, is missing from the EA Project File. As noted in Section C.1.1.1 of the Municipal Class EA document (<https://municipalclassea.ca/manual/page45.html>), the PPS is a key consideration for identifying land-use planning objectives and evaluating alternative solutions in Phase 2 of the Class EA process. The ministry recommends that a discussion of planning and policy context be included in the EA Project File.

Indigenous Consultation

- 4) Please continue reaching out to communities if there are any substantial changes to the project/process or if the proponent is applying for subsequent permits from the ministry that may be of interest or concern to communities. We recommend that the proponent include the record of consultation with any subsequent applications to the ministry to help in our review of those applications.

Public Consultation

- 5) Section 2.4 *Summary of Public Feedback* in Section 2 of the EA Project File discusses frequently asked questions raised during the public consultation process. The ministry recommends that the Report include a summary of how these public concerns have been addressed through the planning process in order to best meet the requirements of the Municipal Class EA document, particularly Section A.4.1 (available online at <https://municipalclassea.ca/manual/page30.html>), which requires that the project file for Schedule B projects explain, “...the public consultation program employed and how concerns raised have been addressed.”
- 6) Section 2.4 *Summary of Public Feedback* in Section 2 of the EA Project File seems to indicate that copies of all public comments and correspondence received are included in Section 2, but no emails or comment forms appear to be included other than attendance sheets. The ministry notes that there is description of some correspondence included in section 3.1.1.3 of Section 3, and there appears to be some records of public consultation regarding easements in Section 4.

Excess Materials and Waste

- 7) In December 2019, the ministry released a new regulation under the Environmental Protection Act, titled *On-Site and Excess Soil Management* (O. Reg. 406/19) to support improved management of excess construction soil. The regulation is being phased in over time, with the first phase in effect on January 1, 2021. For more information, please visit www.ontario.ca/page/handling-excess-soil. The ministry recommends that the EA Project File reference that activities involving the management of excess soil should be completed in accordance with O. Reg. 406/19 and the ministry’s current guidance document titled “[Management of Excess Soil – A Guide for Best Management Practices](#)” (2014).
- 8) All waste generated during construction must be disposed of in accordance with ministry requirements.

Noise and Vibration

- 9) Noise control measures should be addressed in construction mitigation plans in order to mitigate adverse noise impacts to nearby residential land uses within the study area during construction activities. The ministry recommends that the EA Project File include a description of impact mitigation measures for construction activities associated with the proposed Schedule B projects at a minimum.

Source Water Protection

- 10) The *Environmental Inventory – ERCA Regulated Areas* slide of Section 1 of the EA Project File states, “All of the improvements proposed within the Study Area will be sent to ERCA to review for any potential impacts to the vulnerable areas. Given the type of improvements proposed, **we do not anticipate any significant impacts.**” The ministry recommends that the proponent document in the EA Project File how the proximity of the project to any delineated vulnerable areas was considered and assessed to conclude that no significant impacts are anticipated.

Species at Risk

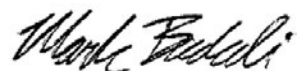
- 11) Further to discussions on Species at Risk, such as in section 7.2 *Endangered Species Act (ESA)* Review of Section 7 and in section 6.2 *Recommendations & Implementation* of Section 8 of the EA Project File, please be advised that it is the responsibility of the proponent to ensure that Species at Risk are not killed, harmed, or harassed, and that their habitat is not damaged or destroyed through the proposed activities to be carried out on the site. If the proposed activities cannot avoid impacting protected species and their habitats, then the proponent will need to apply for an authorization under the ESA. If the proponent believes that their proposed activities are going to have an impact or are uncertain about the impacts, they should contact SAROntario@ontario.ca to undergo a formal review under the ESA.

Surface Water

- 12) Figure A3 in Section 8 of the EA Project File indicates that five future development areas with stormwater management ponds are intended/anticipated to occur. Figure A3 also shows four “other future development areas” and indicates that these areas will require agricultural discharge rates. The ministry is interested in understanding what the difference is between planning for the regional scale ponds versus individual stormwater management plans. Will both types of areas be designed to achieve agricultural discharge rates?

Thank you for circulating this EA Project File for the ministry’s consideration. Please document the receipt of this Project Review Unit Comments letter in the final report. We look forward to receiving a written response from the Town of Tecumseh to address our comments above. Should you or any members of your project team have any questions regarding the material above, please contact me at mark.badali1@ontario.ca.

Sincerely,



Mark Badali

Regional Environmental Planner, Project Review Unit, MECP

cc Marcelina Wilson, Supervisor, Windsor Area Office, MECP
Liz Michaud, Consulting Engineer, Landmark Engineers Inc.

Liz Michaud

From: Liz Michaud
Sent: February 23, 2022 1:16 PM
To: John Sulaiman
Cc: jhenderson@tecumseh.ca
Subject: RE: Oldcastle Stormwater Master Plan - [REDACTED]
Attachments: 36 [REDACTED] (15April20).pdf

Good Afternoon [REDACTED]

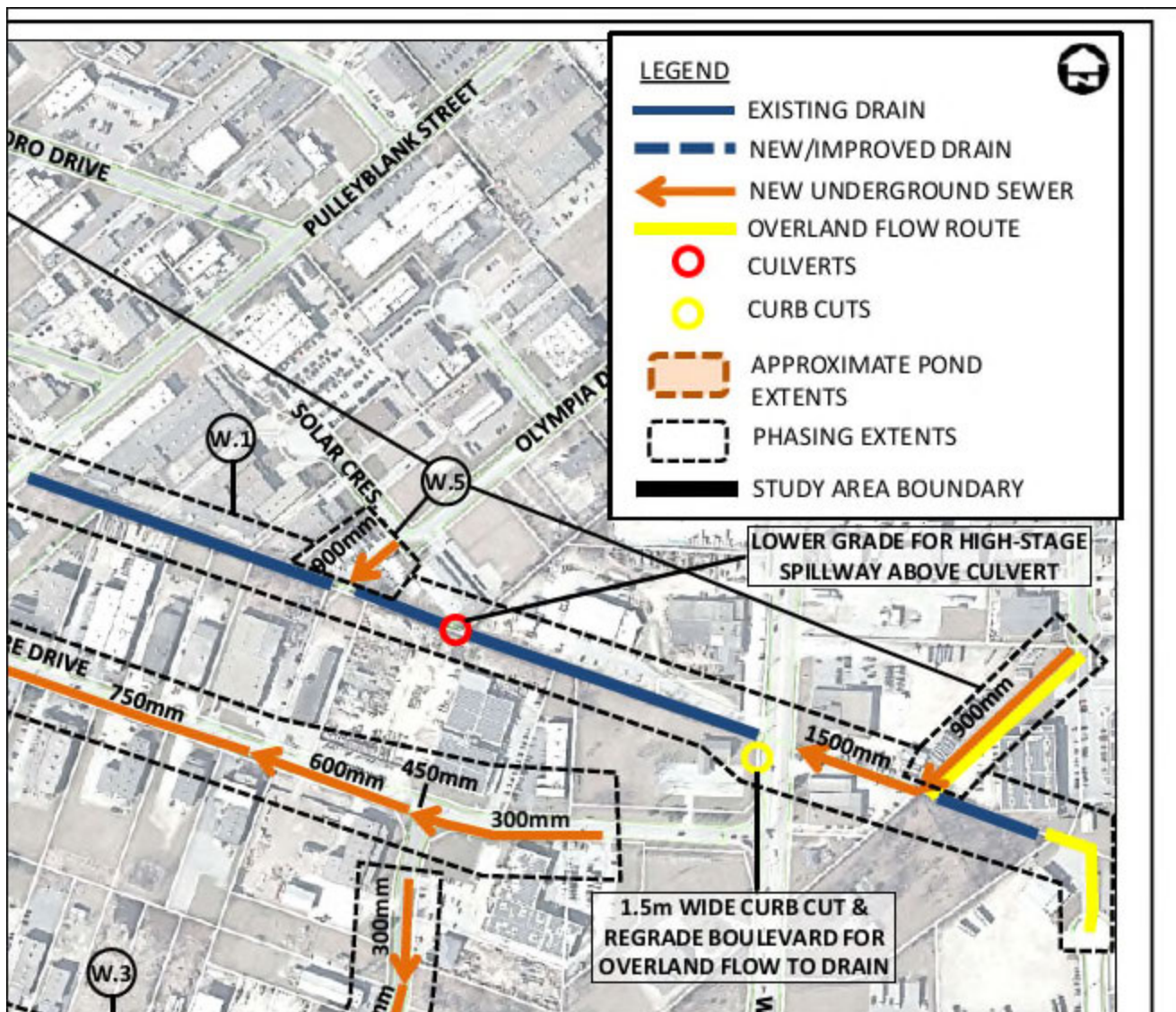
Thank you for taking the time to review the project file and for your comments regarding the proposed improvements adjacent to your property.

Regarding your first concern of the access to your parking lot, the proposed improvement is shown as CV2 – Improve existing underground sewer. It is not identified as a location for overland flow. As indicated in our e-mail correspondence of April 16, 2020, any regrading that may occur would only be to improve your local drainage. Prior to any construction, you will be notified and given the opportunity to provide further input.

Although there may be some disruption during the construction, any proposed improvements would maintain your driveway entrance function long term. The proposed improvements are not intended to alter the function of your property, only to improve the drainage.

Your second question was regarding the culvert at the south east corner of your property. The intent for this specific culvert is actually just an adjustment and not a complete “remove/replace”. The intent would be to lower the grade above the culvert to create a spillway. This image below is taken from the Stormwater Master Plan Report (Section 8 of the Project File – can be seen on the Town’s website). This plans goes into a little more detail about the proposed improvements.

A drainage report is concurrently being completed for the entire Wolfe Drain, also by Landmark. The details of the drain improvements will be communicated to you as it progresses. Construction details are not known at this time.



If you have any further questions don't hesitate to call or e-mail.

Regards,

Liz Michaud, P.Eng.



Landmark Engineers Inc.

2280 Ambassador Drive

Windsor, ON, N9C 4E4

p (519) 972-8052

f (519) 972-8644

e-mail lmichaud@landmarkengineers.ca

From:

Sent: February 19, 2022 8:34 AM

To: Liz Michaud <lmichaud@landmarkengineers.ca>

Cc: jhenderson@tecumseh.ca

Subject: Oldcastle Stormwater Master Plan - Michael Tool & Mold

Liz/John,

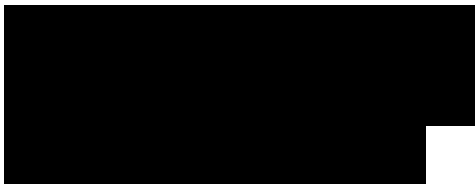
In regards to the Town of Tecumseh Stormwater Master Plan for the Oldcastle Hamlet, I do have a couple of questions and concerns regarding our property at 2340 Olympia Drive.

Please see the attached Power Point presentation the I have prepared explaining my area of concern.

If you could please review and provide any comments or concerns you might have in this regard.

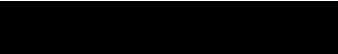
I understand that work might have to be completed, but I need the assurance that if access is temporarily removed to complete the drainage construction and or improvements, then it must be restored to its original condition or better.

Please email me that you received this correspondence.

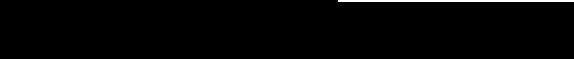


2340 Olympia Drive, RR#1
Oldcastle, Ontario
Canada, N0R 1L0

Phone:



Email:



From: Liz Michaud <lmichaud@landmarkengineers.ca>

Sent: February 18, 2022 6:00 PM

To: undisclosed-recipients:

Subject: Oldcastle Stormwater Master Plan - Notice of Study Completion

Good Afternoon,

In accordance with the approved procedures contained in the Municipal Class Environmental Assessment (EA), this letter is to advise you that the Class EA for the Oldcastle Stormwater Master Plan has now been completed. Attached is a copy of the Notice of Study Completion.

Subject to comments received as a result of this Notice, and the receipt of necessary approvals, the Town of Tecumseh may proceed with the design and construction of the Schedule B projects.

To aid in the dissemination of information, all project-related information is available for review on the Town of Tecumseh's website: <https://www.tecumseh.ca/en/town-hall/oldcastle-stormwater-master-plan.aspx>.

If you have any questions or require further details, please contact the undersigned.

Regards,

Liz Michaud, P.Eng.



Landmark Engineers Inc.

2280 Ambassador Drive

Windsor, ON, N9C 4E4

p (519) 972-8052

f (519) 972-8644

e-mail lmichaud@landmarkengineers.ca

Liz Michaud

From: Liz Michaud
Sent: March 21, 2022 3:10 PM
To: [REDACTED]
Cc: Alain Michaud; bhillman@tecumseh.ca; cjeffery@tecumseh.ca; John Henderson
Subject: Oldcastle Stormwater Master Plan - Meeting Re: 5600 Roscon Industrial Drive

Good Afternoon,

Below is a brief summary of our discussion that I will include in the Project File.

Meeting Date:
March 9, 2022
Zoom meeting
12-1pm

Attendees:

Brian Hillman – Town of Tecumseh
Chad Jeffery – Town of Tecumseh
John Henderson – Town of Tecumseh
Alain Michaud – Landmark Engineers
Liz Michaud – Landmark Engineers
[REDACTED]

Summary of Discussion:

- Expansion plans for the [REDACTED] site at 5600 Roscon Industrial Drive were provided by [REDACTED] for discussion purposes. [REDACTED] indicated that the parking requirements for future [REDACTED] expansion have doubled from the original expansion plans.
- The Town confirmed that the existing road right-of-way is required to remain. Long term plan is to extend Fasan Drive west to meet Roscon Industrial Drive. There may be opportunity for slight re-alignment of the existing road right of way.
- Options were discussed for alternative parking lot expansion opportunities, including expansion to the east (property acquisition).
- The potential for underground storage under the future parking lot to offset a reduction in storage capacity of the proposed Collins pond was briefly discussed. It was identified that this would likely be a significantly more expensive storage option.
- Timing of a new municipal sanitary sewer expansion to Roscon Industrial Drive was discussed as an option to use the existing on-site septic system area for parking area. The Town indicated that the tentative schedule for sanitary sewers in this area is at least 15 years out.
- Timelines for construction of [REDACTED] expansion is most likely 2023.

Thank you,

Liz Michaud, P.Eng.



The Corporation of the Town of Tecumseh

Public Works & Engineering Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Engineering Services

Date to Council: June 28, 2022

Report Number: PWES-2022-32

Subject: Lesperance Road VIA Rail Crossing Improvements - Tender Results

Recommendations

It is recommended:

That report PWES-2022-32 Lesperance Road VIA Rail Crossing Improvements – Tender Results, **be received**;

And that the single tender received for the Lesperance Road VIA Rail Crossing Improvements **be rejected** due to the bid being significantly over budget.

Background

Considering Transport Canada's 2014 Grade Crossing Regulations and Grade Crossing Standards, VIA Rail Canada conducted inspections on all their grade crossings within their network. There are two rail crossings in the Town of Tecumseh – Lesperance Road north of Tecumseh Road (Mile: 99.31), and Tecumseh Road just west of Lacasse Blvd (Mile: 99.13).

VIA Rail Canada's inspection identified minor improvements that were required such as faded road paint, and consideration for additional safety features. The major item that came from the inspection was the crossing inspection at Mile 99.31 (Lesperance Road),

where it was determined that the gradient for the road approach exceeds the maximum gradient of 2% within 8 metres of the nearest rail and 5% for 10 metres beyond.

In a News Release published May 20, 2021, the Minister of Transport announced more than \$21 million in funding for new projects under the Rail Safety Improvement Program (RSIP) to enhance rail safety in Canada. The Town's VIA Rail/Lesperance Road Improvement project is one of 135 initiatives approved across Canada.

At the July 13, 2021 Regular Meeting of Council, Council approved the recommendations (Motion: RCM-229/21) of Report [PWES-2021-32](#) directing that a by-law be prepared to authorize the Mayor and Clerk to enter into an agreement for the Rail Safety Improvement Program, a program in which the Town received \$1,027,200 (80% of eligible costs). The approved recommendations also expanded the project scope to include enhanced landscaping and allocated additional funding for the enhanced landscaping and property requirements.

At the January 25, 2022 Regular Meeting of Council, Council approved the recommendations (Motion: RCM-23/22) of Report [PWES-2022-03](#) titled "Approval of 2022 Public Works & Engineering Services Capital Works Projects" that authorized Administration to proceed with the identified 2022 capital works projects including the construction of the Lesperance Road VIA Rail Crossing Improvements.

Comments

A tender call was advertised on the Town's website on April 28, 2022, along with being posted on the Town's bids and tenders account. One (1) tender submission was received on May 19, 2022 and was virtually opened in the presence of Administration and the Director Financial Services & Chief Financial Officer. The Tender results are summarized as follows:

Contractor	Tender (excluding HST)
J.C.S. Construction Inc.	\$ 4,080,279.50*

* - denotes corrected total

Mathematical errors were noted in the submitted bid. These mathematical errors were identified and corrected by Dillon Consulting Limited (Dillon), with the updates reflected in the above. Updates to bid prices did not significantly affect the bid price.

Administration, through the assistance of Dillon, consulted with Contractors to provide the reasoning why they did not submit bids for this project, which may have potentially resulted in an acceptable bid. A combination of the time of work, an influx of other projects in the area, and concerns with VIA requirements were provided as the reasons that certain plan takers did not submit a bid.

Next Steps

In accordance with section 4.4(a) of the Town's Purchasing Policy, the tender will be reposted in the Fall 2022 with construction to commence in Spring 2023 to facilitate a more competitive and fair market value bid for the works. Administration will also follow up with VIA on their requirements to address the issues which resulted in only one bid for the Lesperance VIA Rail Crossing Improvements.

The recommendations contained within this report will not preclude J.C.S. Construction Inc. in submitting for the re-tendering of the project in the Fall 2022.

Included in the RSIP agreement was a project completion date of March 31, 2023. Administration has consulted with RSIP Staff on the ability to extend the funding deadline by one additional year to facilitate construction in 2023. Pre-approval from RSIP Staff has been received by email confirmation and, upon Council's approval of the recommendations contained within this report, Administration will begin the process of amending the signed agreement with Transport Canada.

Consultations

Financial Services
Dillon Consulting Limited

Financial Implications

Report PWES-2022-03 provided an estimated project cost of \$2,132,200 and funding approval as follows:

Lifecycle Reserve Fund	Construction	Engineering	Contingency	Total
Road LC Reserve Fund	\$1,456,800	\$318,700	\$73,800	\$1,849,300
Storm Sewer LC	\$224,400	\$47,300	\$11,200	\$282,900
Total	\$1,681,200	\$366,000	\$85,000	\$2,132,200

The single tendered bid received in the amount of \$4,080,279 was significantly over the construction budget (by 243%) and the total project budget (by 191%).

Since the original project application for funding and preliminary cost estimates for the total project, additional cost considerations have come to light, including the VIA Rail requirements and significant inflationary pressure. Pending the outcome of the next tender, Administration will assess project requirements relative to available budget and determine the need to request additional budget allocation to complete the work.

Rail Safety Improvement Program (RSIP)

The Town has been granted approval to receive funding on this project for 80% of the eligible costs as stipulated in the signed RSIP agreement to a maximum contribution by Canada of \$1,027,200. Property acquisition and the Streetscape components of this project are ineligible for funding and cannot be funded by this program as they are outside of the RSIP scope.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Cameron Hedges, E.I.T.
Engineering Project Manager

Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Summary of Tender Results and Recommendation Letter



Our File: 21-2044

May 27, 2022

SENT VIA EMAIL

Corporation of the Town of Tecumseh
917 Lesperance Road
Tecumseh, ON
N8N 1W9

Attention: Mr. Phil Barnik, P.Eng.
Director, Public Works and Environ.

3200 Deziel Drive
Suite 608
Windsor, Ontario
Canada
N8W 5K8
Telephone
519.948.5000
Fax
519.948.5054

**Lesperance Road VIA Rail Crossing Improvements
In the Town of Tecumseh
Summary of Bid Results**

One bidder was received on May 19, 2022, for this project. The bid result is summarized as follows:

Bidder	Total Tender Price (Excluding applicable taxes)	
J.C.S. Construction Inc.	\$4,080,279.50	*

***corrected Total Bid Amount**

Based on our review of the bid submission, mathematical errors were made in the submission of J.C.S. Construction Inc. The corrected Total Tender Price is shown above.

We understand that J.C.S. Construction Inc. submitted the required \$150,000.00 Bid Bond. This discrepancy does not affect the recommendation contained herein. The Town of Tecumseh has retained the Bid Bond. We further understand that J.C.S. Construction Inc. acknowledged receipt of Addendum No. 1.

Corporation of the Town of Tecumseh

Page 2

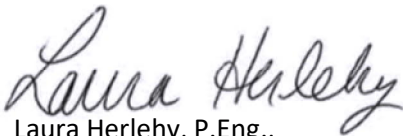
May 27, 2022

The total pre-tender project cost estimated for this project is \$2.02 Million. It is understood that due to the high demand this 2022 Construction season and the global increase in material and labour that prices that the project could exceed the estimated total project costs, however the Total Tender Price of \$4,080,279.50 provided is greater than 100% over the estimated project cost.

We recommend that the Town of Tecumseh consider not awarding the Contract as it exceeds the estimated budget allowance for this project. This project is partially funded by the Federal Government, through the Rail Safety Improvement Program (RSIP), which has a maximum contribution value. It is Dillon's understanding that through the RSIP, the Town is permitted to delay the completion of this project to 2023. Based on this assessment, it is recommended that the Town re-tender this project in 2022 for commencement in early 2023.

Yours sincerely,

DILLON CONSULTING LIMITED



Laura Herlehy, P.Eng.,
Project Manager

LH:ldm

Encl.: J.C.S. Construction Inc. Bid Submission with Errors Noted



The Corporation of the Town of Tecumseh

Public Works & Engineering Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Engineering Services

Date to Council: June 28, 2022

Report Number: PWES-2022-33

Subject: 2022 Community Safety Vehicle Tender Award

Recommendations

It is recommended:

That the purchase of a 2022 Ford F150 Crew Cab, XL 4x4 from East Court Ford Lincoln in the amount of \$56,999 plus non-refundable HST and emergency services outfitting at a cost of \$10,661 plus non-refundable HST **be authorized**;

And that the \$8,851 allocation deficit **be funded** from the Lifecycle Fleet Reserve;

And further that the funding allocation for fleet replacement **be adjusted** to reflect current vehicle replacement costs as part of the 2023 Operational Budget.

Background

At the March 8, 2022 Regular Meeting of Council, Council authorized Administration to obtain quotations for the 2022 Supply of Various Vehicles within Report [PWES-2022-07](#), which included a Command Pickup Truck for the Community Safety Department (Motion: RCM-83/22). Council had approved an allocation of \$55,000 for the vehicle and \$5,000 for outfitting, for a total of \$60,000.

Comments

A Request for Quotation (RFQ) for a 1500 HD 4x4 crew cab truck was advertised on the Town's website on April 21, 2022 and was also posted to the Town's Bids and Tenders account.

On May 12, 2022, the Purchasing Officer received two (2) submissions from two (2) dealerships in response to the RFQ that were opened electronically via the Bids and Tenders platform.

The table below summarizes the quotations received (excluding HST):

Company	Bid	Outfitting	Total (excluding HST)
Windsor Chrysler Superstore	\$61,681.86*	---	\$61,681.86
East Court Ford Lincoln	\$56,999.00	\$10,660.94	\$67,659.94

*Windsor Chrysler bid included the outfitting cost.

Administration reviewed the tenders and all were found to be mathematically correct. The bid from Windsor Chrysler included the proposed outfitting cost within the vehicle quotation. East Court Ford Lincoln's bid was only for the truck itself and the cost for the outfitting was supplied separately. The Windsor Chrysler bid was for a 2-wheel drive truck which was not the requested vehicle; therefor it was deemed to be **non-compliant** during Administration's review. The low tender contained no irregularities.

Administration therefore recommends that the low tender from East Court Ford Lincoln, in the amount of \$56,999 plus \$10,660.94 emergency services outfitting and non-refundable HST, for the Community Safety Vehicle, be approved.

Per the Town's Purchasing By-law 2021-60, Section 4.4 "Expenditures Exceeding Approved Budget Funding"; the Department Director or delegate must seek Council approval when:

- i) Regardless of which Bid Solicitation process is utilized, in the event the cost amount proposed for acceptance is higher than the Town Council approved budget for that expenditure and where the cost of a project is in excess of the greater of \$10,000 or 10% of the Council approved budget.

The proposed cost is 15% greater than the approved budget.

Consultations

Community Safety

Financial Services

Financial Implications

Report PWES-2022-07 provided an allocation of \$60,000 for the Command Pickup Truck for the Community Safety Department. The purchase of the vehicle will be funded from the Town's Lifecycle Fleet Reserve and a summary of the costs are outlined in the table below.

Item	Costs
Vehicle	\$56,999.00
Outfitting	\$10,660.94
HST non-rebatable (1.76%)	\$1,190.81
Total	\$68,850.75
Approved allocation per PWES-2022-07	\$60,000.00
Allocation deficit	\$8,850.75

The submitted costs are above the estimated and approved allocation by \$8,850.75 or 15%.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Dana Reid
Public Works & Engineering Services Assistant

Reviewed by:

Kirby McArdle, P.Eng.
Manager Public Works & Transportation

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

Reviewed by:

Wade Bondy
Director Community Safety & Fire Chief

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None



The Corporation of the Town of Tecumseh

Technology & Client Services

To: Mayor and Members of Council

From: Shaun Fuerth, Director Technology & Client Services

Date to Council: June 28, 2022

Report Number: TCS-2022-05

Subject: Farm 911 Emily Project

Recommendations

It is recommended:

That Technology & Client Services Report TCS-2022-05, regarding the Farm 911 Emily Project, **be received**;

And that the Application for Farm 911 Emily Project Access Point **be approved** for use;

And further that the Town's Fees & Charges By-law 2021-096 **be amended** to include a fee for "Emily Project Access Point (EPAP) - Civic Addressing Sign" of \$40.00 in Public Works section under Schedule 'E';

And furthermore that Farm 911- Emily Project Access Point (EPAP) Policy/Procedures, as attached to this report, **be approved**.

Background

Council will recall that at the Regular Council Meeting held on February 2, 2022, Ms. Josette Eugeni attended as a delegation and made a presentation regarding "Farm 911: The Emily Project". Ms. Eugeni inquired as to whether this program could be adopted and promoted in the Town of Tecumseh.

At that meeting, Council passed the following resolution:

Motion: RCM -30/22

Moved by Councillor Bill Altenhof
Seconded by Councillor Andrew Dowie

That the request for 911 signage for vacant rural properties and a process for assigning civic addresses **be referred** to Administration for review and recommendation.

The Emily Project (Project) was launched after a farm accident in Hastings, Ontario, in which a young girl named Emily Trudeau did not survive. The emergency services vehicles responding to the call had difficulty locating the farm field where the accident took place as there was no civic address assigned to the field entrance. The group's mission statement is to bring ideas, resources and community partners together to improve emergency services in our rural communities. The Project encourages owners of agricultural or vacant rural land to have civic addresses assigned to their access points to assist with emergency services locating the property.

Administration consulted with representatives from the Ontario Federation of Agriculture and other Municipalities that were early adopters of the Project. This information regarding process, fees and challenges assisted in forming a recommendation to Council.

There are over 75 municipalities and counties in Ontario currently participating in the Project.

Comments

Multiple options were reviewed by Administration with respect to creating a system and process to assign the civic address signs for vacant agricultural or properties.

One option considered was a program whereby the Town would be responsible for a blanket implementation to supply and install all signs, but the associated cost of approximately \$35,000 and the demand on staff time resulted with this option being deemed not feasible. Attachment 1 depicts all vacant lands (approximately 250 properties) in the Town of Tecumseh that currently do not have Municipal 911 addressing signs.

The Emily Project has the goal of addressing existing farm accesses at entrances to vacant rural properties to assist responders to easily identify vacant farm locations that do not currently have a civic address sign at the roadside. Staff reviewed whether the current Entrance Permit program would be applicable to the Emily Project Access Point (EPAP) accesses. The cost of the full Entrance Permit, and any upgrades required to bring the access points up to standard, would likely be a deterrent for many, and since EPAP is not intended to provide entrance approval, it is the recommendation of Administration that the EPAP program be processed independently of the Entrance

Permit program. This recommendation recognizes that providing an EPAP address does not provide the landowners with an approved entrance, but rather a civic address point for location purposes.

To create separation from the Entrance Permit program, it is recommended that an amendment be made to the Fees and Charges By-Law to include a line item for civic address signs. This would be used for the proposed EPAP program as well as for other applications such as entrances within other jurisdictions (MTO, County of Essex and private roads) requiring addressing, replacement signs, or in instances where previously approved entrances were not given a civic address. The proposed fee is \$40.00 to account for an average sign fee of \$19.00 and a sign post fee of \$21.00. The EPAP application will be made available to landowners on the Town's website (Attachment 2). Included with this application are the policy and procedures relative to issuance of an EPAP sign. Currently, staff from Technology & Client Services (Geographic Information System), Public Works & Engineering Services (PWES) and Development Services work together to identify new properties requiring addressing, assigning of the address and coordination for purchase and installation. As indicated in Attachment 2, applications will be directed to PWES.

The Town will promote this program with the rural community and advise on how to apply and acquire an EPAP sign through the Town's website and social media channels.

The current civic address signs for properties with a building, issued by the Town, are reflective green with white lettering. It is proposed these EPAP signs will be reflective yellow with black lettering to differentiate between properties with buildings and vacant rural properties.

It should be noted that the Federal Government through the Canadian-Radio Television and Telecommunications Commission (CRTC) is working to implement Next Generation 911 (NG911) to assist in dispatching emergency services to exact incident locations using the coordinates obtained from the caller's mobile phone. The timeline for implementation of this initiative is spring 2024. Although this will assist with dispatching emergency services, it is still necessary to have appropriate signage at the various farm locations.

Consultations

Public Works & Engineering Services
Community Safety

Financial Implications

It is estimated that there are 250 parcels that could potentially be signed through this initiative. The average sign cost with number stickers and post is approximately \$40.00. An application fee would be collected in the amount of \$40.00 per sign resulting in no external cost to the Town. This fee will be reflected in the Town's Fees and Charges By-law 2021-96.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☐

Website ☒ Social Media ☒ News Release ☒ Local Newspaper ☒

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Shaun Fuerth, BCS
Director Technology & Client Services

Reviewed by:

Kirby McArdle, P.Eng.
Manager Public Works & Transportation

Reviewed by:

Wade Bondy
Director Community Safety & Fire Chief

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

Recommended by:


Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Attachment 1 – Rural Addressing Farm 911 – 2022 Project
2	Attachment 2 – Town of Tecumseh EPAP Application (June 2022)

Attachment 1



Legend

 Eligible Rural Vacant Lands - Farm 911 Addressing
- Approx. 250 Properties -

Windsor

Lakeshore

LaSalle

Tecumseh

Amherstburg

Essex

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TOWN OF
Tecumseh
ONTARIO - CANADA

Work Done:	Author:
352	HJK
	Date: 6/13/2022
	Scale:
	NTS

ATTACHMENT 1
Eligible Vacant Rural Lands
Farm 911 Addressing

PROJECT No.
SHEET No.
ATT: 1

ATTACHMENT 2



The Corporation of the Town of Tecumseh
Public Works & Engineering Services

Office Location: 917 Lesperance Road, Tecumseh, ON

Mailing Address: Attn: Civic Addressing, Public Works & Engineering Services

917 Lesperance Rd. Tecumseh, ON N8N 1W9

Tel: 519-735-2184 x142 Fax: 519-735-6712

Email: info@tecumseh.ca

Web: www.tecumseh.ca

NOTE: COMPLETE THIS APPLICATION IN FULL AND RETURN TO PUBLIC WORKS & ENGINEERING SERVICES DEPARTMENT.

APPLICATION FOR EPAP (FARM 911: EMILY PROJECT ACCESS POINT) **(Field or Vacant Property)**

APPLICANT INFORMATION:

Names of Property Owner(s): _____

Current Mailing Address: _____

Phone: _____ Email: _____

EXISTING ACCESS POINT INFORMATION:

Road Name: _____ Side of Road: ☐ North ☐ South ☐ East ☐ West

Lot: _____ Concession: _____ Ward: _____

Reference Plan: _____ Part Number: _____

Property Roll Number: _____

Type: ☐ Field ☐ Vacant Land ☐ Other (specify): _____

Additional Comments: _____

APPLICANT'S CHECKLIST:

- ☐ Completed Application for EPAP
- ☐ Sketch/site plan, including existing entrance location(s) with distance to and in context with the property line(s)
- ☐ Application Fee

APPLICATION CONDITIONS

Submission Requirements: All requests to assign an access point address shall be submitted on the appropriate application forms to the Public Works & Engineering Services Department. One application must be submitted for each address and fees are payable for each access application. Requests shall include:

- i. Completed Application Form
 - ii. A sketch/site plan showing where the existing access to the property is located
 - iii. Application fee (cash, debit or cheque)
- Applying for an access point address does not guarantee the application will be approved.

Application Review: Applications will be reviewed by staff for completeness and compliance. The Municipality's review process will not begin until receipt of a complete application package, as described above. Changes to the application by the applicant during the review process will increase the length of the review period.

Application Approval: Applicants will be notified when their application has been approved. At this time the applicant may pick up their approved application and EPAP sign for installation.

EPAP Address Use: The address assigned to the property shall only be used to reference the location of the property (such as for Emergency Services) and shall not be used as a mailing address for the property.

Installation & Maintenance: The property owner shall be responsible for the installation of the address post and sign provided from the Municipality. The installation guidelines, as shown on in the attachment to this application, shall be followed. The owner may engage a contractor to complete the work. The property owner is responsible to ensure signage remains visible and is maintained. If the sign is damaged the property owner can contact the Municipality for a replacement sign.

Changes to Access/Entrance: Property owners must apply for an Entrance Permit, and any other permits/approvals required, for any changes to the access in which an EPAP address has been assigned, including physical changes such as material or slope, as well as classification change. An assigned address through the EPAP does not guarantee an approved Entrance Permit for this location, as at the time of the Entrance Permit Application the access/entrance will need to meet the Municipality's current standards.

Classification of Access/Entrance: The assigned address through this permit shall only be used for fields or vacant properties (classified as field entrances), and will not be suitable for residential building applications (a change to the entrance classification would be required through an Entrance Permit Application). Further, obtaining an EPAP address in no way constitutes a legal entrance.

Seasonally Maintained Roads: An address assigned to a property which has frontage on a seasonally maintained road will be recognized by the Municipality as limited access based on the classification of the road, and the limitations on access to the property will not change. As per the classification on the road, the access point may not be accessible during portions of the year.

APPLICANT(S) SIGNATURE:

It is hereby acknowledged that having an EPAP address assigned to an existing property does not replace an Entrance Permit for future upgrades, improvements, or designation changes (ex. field use to residential use) to the access point. It is hereby acknowledged that the EPAP address assignment does not permit further use or development of the property without the appropriate approvals. It is hereby acknowledged that an address assigned through the EPAP application is to reference location only (ex. for Emergency Services), and shall not be used as a mailing address. The assignment of an EPAP address does not constitute the approval of an entrance from a public highway, nor does it deem the access point safe for use or that it meets the Municipality's entrance standards. The assignment of an EPAP address does not guarantee that the access point is adequate for Emergency Services vehicles and where access is not adequate Emergency Services vehicles may not be able to enter the property. It is hereby acknowledged that the property owner is responsible to maintain and keep the access point in good repair and ensure address signage remains visible and well maintained. Should the sign be damaged, knocked down or removed, the property owner shall contact the Municipality for a replacement sign and/or post. The applicant agrees to abide by the conditions and specifications included in this application, and acknowledge this by their signature below.

Signature of Applicant(s)

Date

FOR OFFICE USE ONLY
EPAP, Permit Number: _____

☐ Payment Received: _____

☐ Address Number Assigned: _____

Additional Comments: _____

☐ Address Forwarded to Technology & Client Services (GIS)

Municipal Representative

Date Assigned

FARM 911 - EMILY PROJECT ACCESS POINT (EPAP) POLICY/PROCEDURES

PART A: Definition

Farm 911: Emily Project Access Point (EPAP) is a program to assign civic addresses to existing access points on both agricultural and vacant rural lands. The EPAP signs assist First Responders with locating rural properties during an emergency.

PART B: EPAP Application Eligibility

- B.1. The EPAP policy provides property owners with a civic address that will allow First Responders to respond to an emergency via an existing field access point that does not currently have a civic address assigned to it.
- B.2. The municipality acknowledges that some field access points currently being utilized for farming operations were constructed prior to the Town's formal entrance permitting process. The issuance of a civic address through the EPAP process does not constitute municipal approval of the physical entrance including the construction, location or condition.
- B.3. Field access points that are eligible for EPAP civic addresses shall only apply to existing access points used for agricultural or vacant rural lands that were constructed prior to the formal entrance permitting process.
- B.4. New field access points must be approved through the Entrance Permit process.

PART C: Submitting an EPAP Application

- C.1. All applicants requesting an EPAP sign shall submit an *APPLICATION FOR EPAP (FARM 911: EMILY PROJECT ACCESS POINT)* form to the Public Works & Engineering Services Department. All applications shall be accompanied with the associated fee payable to the Town of Tecumseh in the amount of \$40.00, all of which is non-refundable (administrative and material costs).
- C.2. A sketch or site plan of the property, identifying the existing access point location(s) with distance to and in context with property line(s), shall be included with the EPAP application form.
- C.3. The applicant shall be the property owner or must otherwise include a letter from the property owner designating the applicant as the property owners acting agent.

PART D: Reviewing the EPAP Application

- D.1. Administration shall review the location of the existing access point using the GIS Viewer. If the access point cannot be found using the GIS Viewer a site visit maybe required to determine the location of the access point.

PART E: Assign Civic Address Number to EPAP

- E.1. A civic address number will be determined for the access point location using the roads odd/even configuration and the civic address calculation for rural areas. The same civic address number shall not be used at more than one (1) access point location.

- E.2. All EPAP locations will be identified internally to differentiate themselves from formal entrances that have been assigned and approved through the Entrance Permit process.
- E.3. EPAP sign blades will be yellow double sided blades with black reflective numbers.

PART F: Pick-up Approved EPAP Permit with Sign and Post

- F.1. The applicant will be notified when their EPAP permit has been approved and their sign, post and accessories are ready for pick-up.
- F.2. The applicant is responsible for the installation of the sign and post combination. Display and placement guidelines will be provided with the approved permit and the applicant is responsible for ensuring the sign has been installed as per the provided guidelines.
- F.3. As per the display and placement guidelines, the post shall be installed on the left side of the access point (as viewed from the road) and shall be installed at the property line. The sign blade shall be attached to the post a minimum of 1.2 meters (48 inches) above the existing ground level.

PART G: Acknowledgements and Limitations

- G.1. The EPAP address shall only be used to identify the location of the field access point and shall not be used as a mailing address.
- G.2. As noted in Part E, the applicant shall be responsible for the installation of the address post and sign combination and shall follow the installation guidelines provided. The applicant may engage a contractor to complete the work. The applicant is responsible to ensure signage remains visible and is maintained.
- G.3. The EPAP does not provide the applicant with an approved entrance; only a civic address for an access point. If the applicant wishes to make future upgrades, improvements, or designation changes to the access point they must apply for an Entrance Permit.
- G.4. The assigned address through the EPAP shall only be used for agricultural or vacant rural properties and will not be acceptable for residential building applications. In these cases, a change to the access point classification would be required through an Entrance Permit Application.
- G.5. An EPAP address assigned to an access point which has frontage on a seasonally maintained road will be recognized as limited access based on the classification of the road, and the limitations on access to the property will not change. As per the classification on the road, the access point may not be accessible during portions of the year.
- G.6. The applicant is responsible to maintain and keep the access point in good repair and ensure address signage remains visible and well maintained. Should the EPAP sign be damaged, knocked down or removed, the applicant shall contact the Public Works & Engineering Services Department for a replacement sign and/or post.
- G.7. The EPAP address assignment does not permit further use of or development of the property without the appropriate approvals;
- G.8. The approval of the EPAP application does not deem the access point safe for use or that it meets the Municipality's entrance standards.

- G.9. The approval of the EPAP application does not guarantee that the access point is adequate for first responder vehicles and where access is not adequate EMS vehicles may not be able to enter the property.

The Corporation of the Town of Tecumseh

By-Law Number 2022-044

Being a by-law to amend By-Law No. 2003-58, being a by-law to prohibit parking on private property without consent of the owner or occupant and to provide for the towing away of motor vehicles thereon

Whereas pursuant to Section 100 of the *Municipal Act 2001*, S.O. 2001, Chapter 25, as may be amended, a local municipality may, in respect of land not owned or occupied by the municipality that is used as a parking lot, regulate or prohibit the parking or leaving of motor vehicles on that land without the consent of the owner of the land or regulate or prohibit traffic on that land if the owner or occupant has filed with the Clerk of the municipality written consent to the application of the by-law to the land and a sign is erected at each entrance to the land;

And Whereas pursuant to Section 100.1 of the *Municipal Act 2001*, S.O. 2001, Chapter 25, a local municipality may, in respect of land not owned or occupied by the municipality, regulate or prohibit the parking or leaving of motor vehicles without the consent of the owner of the land;

And Whereas pursuant to Section 101 of the *Municipal Act 2001*, S.O. 2001, Chapter 25, as may be amended, where a by-law is passed by a municipality under Section 100 or 100.1, for regulating or prohibiting the parking or leaving of a motor vehicle on land not owned or occupied by the municipality without the consent of the owner, it may provide for the removal and impounding of any vehicle, at the vehicle owner's expense, parked or left in contravention of the by-law;

And Whereas the Council of the Town of Tecumseh ('Council') enacted By-law No. 2003-58 on the 26th day of August, 2003, being a by-law to prohibit parking on private property without the consent of the owner or occupant and to provide for the towing away of motor vehicles thereon;

And Whereas the Council adopted By-law No's., 2003-102, 2004-03, 2005-35, 2005-78, 2006-71, 2008-72, 2009-65, 2012-47, 2013-26, 2014-24, 2014-47, 2015-57, 2016-10, and 2019-26 amending Schedule "A" to By-law No. 2003-58 being a list of Private Property Parking Prohibitions;

And Whereas the Council of the Town of Tecumseh deems it desirable to further amend Schedule "A" to By-law No. 2003-58, as requested by the owner of 12033 Tecumseh Road East, (Coach House Plaza), Tecumseh;

Now Therefore the Council of The Corporation of The Town of Tecumseh enacts as follows:

1. **That** Schedule “A”, as amended, to By-law No. 2003-58 is hereby deleted in its entirety and shall be replaced with Schedule “A” attached hereto.
2. **That** By-law No. 2019-26 and any by-law inconsistent with this by-law is hereby repealed.
3. **That** this By-law shall come into full force and take effect on the date of the third and final reading thereof.

Read a first, second, third time and finally passed this 28th day of June, 2022.

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk

Schedule “A”**By-Law 2003-58****As amended by By-law 2022-043****Private Property Parking Prohibition**

Street Address	Part Legal Description	Currently Known As
12050 Arbour Street	Part Lot 150 Concession No. 2	Windsor-Essex Catholic District School Board
4215 11th Concession Road	South Part Lot 17 Concession 10	St. Clair Baptist Church
4040 County Road 46	Part Lot 12 & 13 Concession 17	Windsor Husky Travel Centre (1425626 Ontario Inc.)
11559 County Road 42	Concession 11 Part Lots 19 & 20 Plan 12R4646 Part 1, 12R14113	APM Logistics Inc.
13300 Lanoue Street	Concession 2, Part Lot 156, Part 8, Plan 12R-16249	Lakeland Plaza
1050-1052 Lesperance Road	Lot 5 to 8 on Plan 634 and Pt Lots 137 to 140 on Plan 634	Shaban Dental Clinic
1071 Lesperance Rd.	Plan 526 Lot 2 Part Lot 3 Plan 12R-19087	Akasaka Restaurant
1125 Lesperance Road	Plan 468 Part Lot 13	Family Video
1613 Lesperance Rd.	Pt Lot 151 Conc. 2 Parts 1 & 2 Plan 12R-9424	Tecumseh Home Hardware
3075 Manning Road	Part Gore Lot 1, Conc. 12 Part 1, Plan 12R-8816	Tim Horton's (Store No. 1928)
12216-12218 Riverside Drive	Part Lot 151 Concession 1	
137979 Riverside Drive	Concession West Pike Creek Part Gore Lot	Lakeview School
14134 Riverside Drive	Lots 25 – 27, Part Lot 24, Plan 1261	Beach Grove Golf & Country Club

Street Address	Part Legal Description	Currently Known As
2475 St. Alphonse St.	Lots 118 to 123, Lots 203 to 208, Lots 63, 117 and 209 Part Block E RP 12R3052, Part 1 Lots 57 to 62 Plan 1380	Extendicare Tecumseh
11811 Tecumseh Road	Part Lot 147 RP 12R9599 Concession 2	Tecumseh Medical Plaza Inc.
11845 Tecumseh Road	Lot 147, Conc. 2 Parts 1, Plan 12R-9234	Tim Horton's (Store No. 1580)
11873 Tecumseh Road	Part Lots 147 & 148 Tecumseh Road Concession 2	JFJ Plaza (Windsor) Ltd.
11917 Tecumseh Road	Part Lot 148 Concession 2	Tecumseh Eastview Apartments
12053 Tecumseh Road	Part Lot 150 Concession 2	Amani's Convenience Store
12360 Tecumseh Road	Part Lots 152 & 153 Parts 2 & 4 Plan 12R-20301	Naples Pizza
13029 Tecumseh Road	Part Lot 155 Concession 2	Fong's Villa Restaurant
13039-13041 Tecumseh Road	Part 2 and 4 Plan 23R-13671	Town and Country Plaza
13278 Tecumseh Road	Conc. 1, Part Lot 156	TMC Clinic
310 Village Grove	Essex Condo Plan 52	
320 Village Grove	Essex Condo Plan 54	
1300 & 1310 Lesperance Road	Part Lot 24, 25 Plan 12R-26835 Part 1 to 6	St. Anne Arms Apartments
12033 Tecumseh Road East	GET LOT INO	Coach House Plaza

The Corporation of the Town of Tecumseh

By-Law Number 2022-045

A by-law to assess actual costs incurred for maintenance of various drains.

Whereas by-laws have been passed by The Corporation of the Town of Tecumseh to authorize the construction, maintenance, repair and/or improvement of certain drainage works;

And Whereas such construction, maintenance, repair and/or improvements have been completed and the actual costs of construction, maintenance, repair and/or improvement vary from the estimate previously adopted;

And Whereas under the provisions of the Drainage Act, R.S.O., 1990, Chap. D.17, Section 62(1), the Council of The Corporation of the Town of Tecumseh shall apply every surplus or deficiency proportionately according to the assessment schedules and the rates imposed by it for the said drainage works.

Now Therefore the Council of The Corporation of The Town of Tecumseh enacts as follows:

1. **That** the Treasurer for The Corporation of the Town of Tecumseh, is hereby authorized to levy and collect upon such lands as described in the drainage by-laws for certain drains in accordance with the attached Appendix A amended amount which reflect actual maintenance costs, and that these rates be levied and collected in the same manners as taxes.
2. **That** the actual amounts attached in Appendix A for the above drains form part of this by-law.

This By-law shall come into full force and effect upon the final passing thereof.

Read a first, second, third time and finally passed this 28th day of June, 2022.

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk

Appendix A					
Name of Drain	Governing By-Law	Maintenance Costs	OMAFRA Grant	Net Assessment	Town Assessment
East Townline (Pike Creek)	2016-53	\$ 2,323.28	\$ 487.19	\$ 1,836.09	-
O'Keefe	2015-74	\$ 2,450.48	\$ 167.91	\$ 2,282.57	\$ 751.32
Cunningham	84-07	\$ 34,001.80	\$ 7,546.81	\$ 26,454.99	-
East Townline (St. Clair)	2012-67	\$ 70,890.62	\$ 2,361.25	\$ 68,529.37	\$ 53,189.23
South Talbot	2006-047, 2019-25	\$ 822.32	\$ 121.25	\$ 701.07	\$ 234.49
Eleventh Concession	1999-27	\$ 1,407.44	\$ 97.56	\$ 1,309.88	-
Cyr	2021-41	\$ 47,662.77	\$ 2,990.04	\$ 44,672.73	\$ 1,684.09
Lachance	2019-42	\$ 1,539.04	\$ 228.05	\$ 1,310.99	\$ 559.75
Kavanagh	1418-62	\$ 5,051.65	\$ 603.20	\$ 4,448.45	\$ 2,631.27
Watson	2009-41	\$ 644.24	\$ 145.45	\$ 498.79	-
South Talbot Holden Branch	2009-40	\$ 1,432.88	\$ 251.57	\$ 1,181.31	\$ 229.27
Colchester Townline Drain	2014-14	\$ 618.80	-	\$ 618.80	\$ 44.04
Quick Drain	2014-17	\$ 17,002.79	-	\$ 17,002.79	\$ 1,177.51
TOTAL		\$ 185,848.11	\$ 15,000.28	\$ 170,847.83	\$ 60,500.97

The Corporation of the Town of Tecumseh

By-Law Number 2022-046

Being a by-law to authorize the execution of a Site Plan Control Agreement between The Corporation of the Town of Tecumseh and Greater Essex County District School Board.

Whereas the Greater Essex County District School Board (Owner) owns certain lands situated within the corporate limits of the Town of Tecumseh (Lands);

And Whereas The Corporation of the Town of Tecumseh (Corporation) has enacted a by-law designating the Lands as a site plan control area, pursuant to Section 41(2) of the *Planning Act, R.S.O 1990, c.P.13* (Act) and amendments thereto;

And Whereas where site plan control is in effect, Section 41 of the Act states that the approval of plans by a municipal council is required prior to development of the Lands, and that the municipality may require the owner to enter into an agreement with the municipality respecting certain prescribed matters;

And Whereas as a condition of agreeing to development, the Corporation has requested the Owner to enter into a Site Plan Agreement;

And Whereas the proposed development of the Lands is in accordance with the Official Plan and Zoning By-law of the Corporation;

And Whereas under section 5 of the *Municipal Act 2001, S.O. 2001 c.25*, the powers of a municipality shall be exercised by its Council by by-law.

Now Therefore the Council of The Corporation of The Town of Tecumseh enacts as follows:

1. **That** the Mayor and Clerk be hereby authorized and empowered on behalf of The Corporation of the Town of Tecumseh, to execute a Site Plan Control Agreement between The Corporation of the Town of Tecumseh and Greater Essex County District School Board dated the 28th day of June, 2022, a copy of which Site Plan Control Agreement is attached hereto and forms part of this by-law; and to do such further and other acts which may be necessary to implement the said Site Plan Control Agreement.
2. **And that** this by-law shall come into force and take effect upon the date of the third and final reading thereof.

3. **Read** a first, second, third time and finally passed this 28th day of June, 2022.

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk

SITE PLAN CONTROL AGREEMENT

Between:

The Corporation of the Town of Tecumseh

-and-

Greater Essex County District School Board

PREPARED BY:

WOLF HOOKER PROFESSIONAL CORPORATION

Barristers & Solicitors
72 Talbot Street North, Suite 100
Essex, Ontario
N8M 1A2

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SITE PLAN CONTROL AGREEMENT

THIS AGREEMENT made in triplicate this _____ day of _____, 2022.

B E T W E E N:

THE CORPORATION OF THE TOWN OF TECUMSEH,
hereinafter called the "**Municipality**" or "**Town**"

OF THE FIRST PART

-and-

GREATER ESSEX COUNTY DISTRICT SCHOOL BOARD
hereinafter called the "**Owner**"

OF THE SECOND PART

HEREINAFTER collectively referred to as the "**Parties**"

RECITALS

WHEREAS the Owners, own certain lands situated within the corporate limits of the Municipality, said lands being more particularly described in Schedule "A" hereto (the "Lands");

AND WHEREAS the Municipality has enacted a by-law designating the Land as a site plan control area, pursuant to Section 41(2) of The Planning Act, R.S.O 1990, c.P.13 and amendments thereto;

AND WHEREAS where site plan control is in effect, Section 41 of The Planning Act, R.S.O. 1990, c.P.13 and amendments thereto, states that the approval of plans by Municipal Council is required prior to development of the Lands, and that the Municipality may require the Owners to enter into an Agreement with the Municipality respecting certain prescribed matters;

AND WHEREAS as a condition of agreeing to development, the Municipality has requested the Owner enter into a Site Plan Agreement;

AND WHEREAS the Owner covenants and agrees to develop the Lands in accordance with this agreement;

AND WHEREAS the proposed development of the Lands is in accordance with the Official Zoning Plan and Zoning By-Law of the Municipality as of the date of this Agreement;

WITNESSETH that in consideration of these presents, and other good and valuable consideration, the Parties hereto mutually covenant, promise and agree as follows:

ARTICLE I
MUNICIPALITY CONSULTANTS

1.1 MUNICIPALITY TO RETAIN

In addition to persons in the employ of the Municipality, the Municipality shall retain the following professionals:

- a) a consulting/professional civil engineer registered with the Professional Engineers of

Ontario (the “Municipality’s Engineer”), for the purpose of reviewing all plans, specifications, engineering documents, contracts, details, elevations and other relevant information as well as the occasional inspection of the construction, repair and maintenance of the Services (as defined in 2.1.1 below);

b) the Municipality’s solicitor for the purpose of reviewing all necessary legal matters incidental to the development of the Lands, including, without limiting generality, the preparation of this agreement together with all other documentation required by the Municipality to give effect to this Agreement and/or the development of the Lands;

ARTICLE 2

THE OWNER AGREES

2.1 OWNER AGREES

The Owners jointly and severally make the following covenants, all of which shall be carried out at the Owner's expense:

2.1.1 Owner to Provide

The following facilities, works or matters shall be provided by the Owner to the satisfaction of and at no expense to the Municipality: all buildings, landscaping, fencing, parking, storage and access areas, lighting, walkways, garbage disposal facilities, grading and storm, surface and waste water works (all of which, including those works specifically called for in 2.1.6 below) herein termed “the Services”) in accordance with the attached site plan set out in Schedule "B" (the Site Plan) and “Schedule “D” (the Site Service Plan) in accordance with all the applicable provisions of the Municipality's By-Laws;

2.1.2 Construction and Maintenance

The Owners agree and covenants to construct and forever maintain the development of the Lands in accordance with the Site Plan and Site Service Plan. Without limiting the preceding covenant, the Owner covenants to attend to such on-going maintenance, cleaning, repair or replacement to the Services as may be identified from time to time by the Municipal Engineer or by the Town to ensure that the Services of the property continue to function as originally designed. To the extent that there is any obstruction, damage or premature wear and tear to the municipal utilities and services to which the Services are connected arising from any source emanating from the Lands or unlawful activity or contravention of any municipal by-law occurring on the Lands, the Owner shall be required to similarly maintain, clean, repair or replace such municipal utility or service or pay the cost of the Town attending to same (at the option of the Town).

2.1.3 The Development

The owners shall construct, install and provide the facilities and works required in and for the development at its own expense and in accordance with the Site Plan and other provisions of the Agreement.

2.1.4 Plans

2.1.4.1 Criteria

All plans, construction, installation, facilities and works shall be completed in accordance with:

- a) Sound engineering practice;
- b) The criteria laid down by governmental authorities having jurisdiction including, without limiting the generality of the foregoing, the Municipality, the Corporation of the County of Essex, the Essex Power Corporation or Ontario Hydro Corporation (whichever is the applicable hydro authority), the Ministry of the Environment, Conservation and Parks, the Ministry of Transportation and the Essex Region Conservation Authority (ERCA);
- c) Such criteria as approved by Council of the Municipality.

2.1.4.2 Preparation of Plans

The Owner shall, at its own expense and prior to issuance of a building permit:

- a) prepare the Site Plan delineating the Owner's plans for the development of the Lands, which site plan shall be subject to the approval of the Municipality. It is hereby acknowledged that the Site Plan and Site Service Plan required to fulfill this condition have been prepared and approved, and are attached hereto as Schedule "B" and "C", respectively;
- b) prepare and submit to the Municipality all plans for off-site and on-site Services not detailed or fully described in the Site Plan, which plans shall also be subject to approval of the Municipality; and
- c) provide to the Municipality all requisite copies of the Site Plan and the said plans for Services as may be required by the Municipality.

2.1.4.3 Lot Grading Plan

The Owner further agrees, if required by the Municipality's Chief Building Official, and/or ERCA to submit to the satisfaction of the Chief Building Official and/or ERCA, a lot grading plan covering the subject lands for their approval prior to the issuance of any building permits (This requirement has been satisfied by the Site Grading Plan attached as Schedule C hereto). The Owner also agrees to have the approved elevation as per the lot grading plan verified by an Ontario Land Surveyor at the following stages of construction:

- (a) Prior to the pouring of footings (top of forms elevation); and
- (b) Following completion of construction;

Where the finished grade of lot deviates from the original lot grading plan presented to and accepted by the Municipality's Chief Building Official and/or ERCA, the Owner shall either submit a new lot grading plan to the satisfaction of the Municipality's Chief Building Official and/or ERCA or regrade the lands to the elevations indicated on the original lot grading plan.

2.1.4.4 Drainage Plan

The Owner shall provide for grading and drainage of the subject lands all in accordance with a Drainage Plan and the Engineering Data. Drainage facilities and requirements shall be constructed and installed contemporaneously with the construction of the development. The Owner shall supply, construct or install all facilities and works necessary to connect the Owner's drainage system to the Municipality's storm sewer system, and shall pay to the Municipality any connection charges associated therewith.

2.1.4.5 Landscaping Plan

The Owner shall landscape the subject lands all in accordance with the Landscaping Plan annexed hereto and marked Schedule "E". The Owner further agrees to maintain such landscaping for so long as the buildings exist on the lands. Any topsoil removed from the subject lands during grading operations shall be stockpiled thereon in areas compatible for the reception of the same and the Owner covenants and agrees that it will not remove such topsoil from the boundaries of the lands without the approval of the Municipality. Any topsoil excavated but not immediately required for landscaping or for grading purposes shall be contoured and bermed to the satisfaction of the Municipality.

2.1.4.6 Reference Plan

The Owner, at the Owner's expense, shall engage a registered Ontario Land Surveyor to prepare, submit and register a Reference Plan, which must delineate the all of the Lands. The Owner, at the Owner's expense, shall initially provide Two (2) copies and (1) diskette of the Plan. All files are to be projected to North American Datum (NAD 83) UTM Zone 17 Geographic Coordinate System. The Owner at the Owner's expense shall provide additional copies of the reference plan in the required format upon the request of the Town. Any additional Reference Plans required to describe any portion of the Lands for which an interest (in fee simple or otherwise) is to be conveyed by the Owner shall be prepared, registered and copies supplied to the Municipality in the manner indicated above and at the expense of the Owner.

2.1.5 Engineer

The Owner shall employ at its expense a Consulting Engineer to:

- a) Design and submit drawings with respect to all services required (herein "the Engineering Data").

- b) Visit the site to inspect all services to confirm compliance to the approved plans as required by the Municipality or for other issues that may arise from time to time, etc.
- c) Submit to the Municipality (and all other authority having jurisdiction) at the end of construction a letter confirming that all services have been completed in accordance with the approved plans/reports including as-built drawings showing as-built details and elevations for underground services and final grading.

2.1.6 Services

2.1.6.1 Stormwater Management

The Owner agrees that stormwater management measures shall be applicable to the development of the Lands, in a manner which is in accordance with the provisions of The Drainage Act, R.S.O. 1990, c.D.17 as amended (when and if applicable) and otherwise in accordance with the Windsor-Essex Regional Stormwater Standards Manual (2019) and amendments thereto, and to the satisfaction of the Municipality's Engineer.

2.1.6.2 Sanitary Sewers

The Owner, at its own expense, shall supply, construct or install all sanitary sewer connections necessary to service the site all in accordance with the Engineering Data. No work shall be carried out until the Engineering Data has been approved by the Town.

2.1.6.3 Water Services

The Owner, at its own expense, shall supply, construct or install all water connections necessary to supply water to the site all in accordance with the Engineering Data. No such work shall be carried out until the Engineering Data has been approved by the Town. Remote registry water meters shall be installed as specified by the Town. All costs of connecting water services to existing services shall be borne by the Owner.

2.1.6.4 Electrical Services

All hydro services shall be underground. The Owner, at its expense, shall supply, construct or install all underground hydro services in the manner, location and design depicted in the Engineering Data but subject to the manner, design and specifications established from time to time by Ontario Hydro and the Essex Power Corporation for such services. All costs of connecting hydro services to existing services shall be borne by the Owner.

2.1.6.5 Underground Utilities

The Owner shall ensure that all Bell Canada, natural gas service and telecommunication installations shall be underground.

2.1.6.6 Notification and Permits

The Owner hereby agrees to notify all local, Provincial or Federal authorities having jurisdiction as to its proposed development, and to obtain all necessary permits and/or approvals which may be required from any authority having jurisdiction with respect thereto.

2.1.6.7 Co-ordination of Services

The Owner shall be responsible for co-ordinating the installation of all facilities and works including without limitation the services to be installed under 2.1.6.4 and 2.1.6.5 . The Municipality will send to the Owner's engineer all plans of installations received from time to time from any such third party utility service.

2.1.7 Traffic Signs

The Owner shall provide, install and maintain suitable traffic direction and information signs, all in accordance with The Highway Traffic Act of Ontario, R.S.O. 1990, c.H.8 and amendments

thereto, and The Public Transportation and Highway Improvement Act, R.S.O. 1990, c.P.50 and amendments thereto, to the satisfaction of the Municipality. The Owner shall provide, install and maintain suitable traffic direction and information signs painted or otherwise marked on the surface of the parking area and driveway approaches, all to the satisfaction of the Municipality.

2.1.8 Entrances

The Owner hereby agrees to construct and install all entrances, driveways, and curbing to the satisfaction of the Municipality and the County of Essex Road Department if applicable; and further agrees that the same shall be barrier free. The Owner shall maintain all entrances and driveways on the Lands to the satisfaction of the Municipality and the County of Essex Road Department if applicable. Any driveway approaches which become redundant following the development of shall be closed and the area restored to the satisfaction of the Municipality.

2.1.9 Repair

The Owner agrees that any Municipal property, including without limiting the generality of the foregoing, curbs, gutters, pavements, sidewalks, or landscaped areas on the public highway, and any property belonging to a third party, which are damaged during construction or otherwise, shall be restored by the Owner at its expense, and to the satisfaction of the Municipality. The Owner shall keep the subject lands in a state of good repair (including the cutting of weeds) and upon written notice from the Municipality shall correct deficiencies in the state of repair within ten (10) days thereof.

2.1.10 Dirt and Debris

The Owner further agrees to keep the public highways adjacent to the subject lands free from dirt and debris caused by the construction of the subject lands, and to provide reasonable dust control for the site and adjacent municipal streets during the course of construction.

2.1.11 Address Sign

The municipal address of the building shall be provided in a prominent location on the site and shall be designed to be easily readable from the adjacent street(s).

2.1.12 Environmental Laws

The Owner shall at all times in connection with the development and the implementation of this agreement comply fully with all environmental laws.

2.1.13 Noise By-Laws

The owner shall at all times insure that the provisions of the noise by-law for the Municipality be strictly adhered to.

2.1.14 Local Improvements / Drainage Act

Intentionally Deleted.

2.1.15 Parking, Driveways and Loading Areas

The Owner at its own expense shall provide parking driveways and loading areas in accordance with the Site Plan and/or the Site Service Plan. All such areas shall be paved with asphalt or concrete. All handicapped parking areas shall be identified with signage and logos to the satisfaction of the Municipality and identified as such using the then-current form available from the Office of the Clerk of the Municipality.

.

2.1.16 Snow Removal

The Owner, and not the Municipality, shall be responsible for keeping the parking and access areas free and clear of all snow and ice regardless of who owns those improvements or the lands upon which they are situate. No snow or ice from the subject lands shall be deposited on any municipal streets.

2.1.17 External Lighting

The Owner shall erect exterior lighting on the subject lands as depicted in the Site Plan, the Site Service Plan, and Photometric Plan and all in accordance with the Engineering Data. The

Owner shall not erect any exterior lighting on the subject lands, other than that provided for in the Engineering Data or depicted in the Site Plan or Photometric Plan, unless the consent therefor is first had and obtained from the Municipality. The Owner further agrees that all lighting of the said lands shall be oriented and its intensity so controlled as to prevent glare on adjacent roadways and residential properties.

Should the Municipality, in its sole discretion determine that the lighting of the said lands has an adverse impact on the adjacent roadways or residential properties, then the Owner shall take all necessary measures to correct the adverse impact to the satisfaction of the Municipality.

2.1.18 Signs

The Owner shall not erect any signs on the subject lands other than signs which are allowed by this Agreement, as shown on Schedule "B" and/or Schedule "C", and are consistent with the Town's Sign Bylaw or which are otherwise required by applicable law.

2.1.19 Refuse Collection

The Owner agrees to provide on-site facilities for refuse collection. Such facilities shall be screened from view in accordance with the requirements of the Municipality. The Owner, and not the Municipality, shall be responsible for the removal of any garbage, refuse or other wastes from the waste storage facility.

ARTICLE 3 ***TIMING***

3.1 CONDITIONS

3.1.1 Conditions Precedent

It is a condition precedent to the coming into force of this Agreement that the Owner complete the following simultaneously with the execution of this Agreement:

- a) Security for performance is posted pursuant to Paragraph 6.1;
- b) Construction lien deposit pursuant to Paragraph 6.3;

3.1.2 Conditions Subsequent

It is a condition subsequent of this Agreement that the Owner complete the following as soon as is reasonably possible subsequent to the execution of this Agreement failing which, the Town may at its option elect to terminate this Agreement:

- a) Workplace Safety Insurance Board Clearance Certificate issued if required;
- b) Proof of Insurance is provided pursuant to Paragraph 6.4 if required;
- c) Due registration against the title of the land of this Agreement;
- d) Postponement to this Agreement by all encumbrances;
- e) Receipt of the opinion of the Owner's lawyer confirming 3.1.2(c) and 3.1(d) if required by the Town;

3.2 BUFFER AREA

The Owner agrees to landscape all of the buffer and/or planting areas shown on the Site Plan and/or the Site Service Plan annexed hereto and marked Schedule "B" and "C" within SIX (6) months of completion of site servicing and main building construction as determined by the Chief Building Official.

3.3 COMPLETION

The Owners agree to fulfil all of the covenants set out herein to the satisfaction of the Municipality within TWO (2) years of execution of this Agreement.

ARTICLE 4

PAYMENTS

4.1 COSTS

The Owner shall reimburse the Municipality for all the Municipality costs with respect to the development, including without limiting the generality of the foregoing, the fees and disbursements of its Engineer, and Solicitor. The Municipality shall deliver invoices to the Owner in a timely fashion payment for which shall be due immediately.

4.2 DEVELOPMENT CHARGES

The Owner agrees to pay development charges with respect to the development in accordance with the Municipality's Development Charges By-Law.

ARTICLE 5

CONVEYANCES

5.1 EASEMENTS

The Owner shall convey or dedicate to the Municipality upon demand and without cost and free of encumbrance the easements provided for in the Engineering Data and Site Plan, in, through, over and under the subject lands as required for drainage purposes, sewers, hydro, gas, watermains, telephones etc. If the Municipality determines that additional easements are required, the Owner shall also convey or dedicate such additional easements upon demand and without cost and free of encumbrance. The Owner specifically covenants, without derogating from the general obligations contained in this paragraph, as follows:

1. To grant to the Town an easement to accommodate encroachment of signalization of intersection as per Schedule H and retain an Ontario Land Surveyor to prepare and register the requisite Reference Plan to facilitate the preparation of such easement all at the Owner's expense;;
2. The abutting lands to the North enjoy a servicing easement over Part 6, Plan 12R-27136 as detailed in instruments CE808919 and CE808920. To the extent that any existing water works or other services are located outside the boundaries of Part 6, Plan 12R-27136, the Owner covenants to arrange for the granting of such amendment to the easement as may be necessary to accommodate the current location of such works subject to obtaining any requisite consent under the Planning Act in that regard from the Town's Committee of Adjustment.
3. The Firstly Described Lands in Schedule A are subject to an existing easement in favour of the Town registered as R387783 to accommodate drainage and the Site Plan and Drainage Plan referenced herein shall accommodate and recognize this easement and nothing contained herein shall adversely impact the rights granted to the Town thereunder. The fence called for in the Site Plan may be located within the existing drainage easement but in a manner that does not impede the drainage rights afforded thereunder provided that the costs of any temporary removal, relocation or reconstruction required as a result of the Town repairing or maintaining the easement shall be borne by the Owner. The berm, if any, called for in the Site Plan must be located outside the location of the easement.

5.2 ROAD WIDENING

The Owner shall convey or dedicate to the Municipality upon demand and without cost and free of encumbrance the lands shown on the Site Plan for road widening. If the Municipality determines that additional lands are required for road widening, the Owner shall also convey or dedicate such additional lands for road widening upon demand and without cost and free of encumbrance.

ARTICLE 6 SECURITY & COST SHARING

6.1 PERFORMANCE

The Owner agrees, so as to assure the performance by the Owner of each of the terms and conditions of this Agreement during the development of the Lands, that the Owners shall, upon execution of this Agreement, forthwith deposit with the Municipality security in an amount which is equal to \$ 20,000.00 plus an amount equal to the value of the road work, if any, to be completed within any municipal road allowance (as calculated by the Owner's Engineer and approved by the Municipality) save and except to the extent such work is completed by the Municipality and cost-shared in the manner set forth in paragraph 6.5 of this agreement. For greater certainty, the amount of said security shall be subject to approval by the Municipality's Clerk and Solicitor.

Said security shall be either by way of

- a) cash, or
- b) a Standby Letter of Credit pursuant to UCP500 only, issued by a chartered bank of Canada in form satisfactory to the Municipality's Clerk and Solicitor. (not a Letter of Guarantee or Bond)

Provided that in no event shall the Municipality be required to pay interest on this security.

6.2 RELEASE OF SECURITY

The Municipality agrees to return the said security to the Owner upon the completion and final approval of the works specified in this Agreement which approval is at the Municipality's sole discretion.

6.3 CONSTRUCTION LIENS

In as much as the Owner is obligated at the Owner's entire expense and not at the expense of the Municipality, to make improvements to the municipal infrastructure, the Owner shall deposit with the Municipality, in order to satisfy the requirements of Section 17(4) of the Construction Act, R.S.O. 1990, c.C.30 and amendments thereto, cash or a letter of credit in form satisfactory to the Municipality and its Solicitor and in an amount of the holdbacks (under Part IV of the Construction Lien Act, R.S.O. 1990, c.C.30 and amendments thereto) that would have been required were the improvements made at the expense of the Municipality. The Owner may, at its option, obtain a single letter of credit with respect to its responsibilities pursuant to Paragraph 6.1 of this Article, provided that the Municipality and its solicitor is satisfied that the Municipality's security under each paragraph, if read separately, would not be compromised by the Letter of Credit proposed by the Owner.

Provided that in no event shall the Municipality be required to pay interest on this security.

6.4 INDEMNITY AND INSURANCE

The Owner shall indemnify and save harmless the Municipality, from and against all actions, claims, loss, damage and liability connected with the development as contemplated herein arising directly or indirectly out of the negligence or unlawful performance or the non-performance of any obligation of the Owner or any contractors to the Owner under this Agreement. While any of the facilities and works herein have not been approved by the Municipality, the Owner shall maintain in full force and effect a policy of Commercial General Liability insurance covering personal and bodily injury liability and property damage

with a limit of not less than \$5,000,000.00 and otherwise in form satisfactory to the Municipality's solicitor wherein the Owner shall be insured as principal and the Municipality insured as an additional named insured against such liability to the limits noted. The Owner shall provide the Municipality with a Certificate of Liability Insurance prior to the commencement of construction of any of the facilities and works referred to herein and shall within 15 days of request by the Municipality, provide to the Municipality a certified copy of such policy. Where the Owner is unable to obtain or provide the requested Certificate of Insurance prior to commencement of construction of the facilities, and the Owner is not otherwise in default of any of its obligations under this agreement, the Owner may allow for its Contractor to provide the necessary insurance subject to the Owner and Contractor entering into the agreement attached hereto as Schedule G to this agreement.

6.5 COST SHARING OF MUNICIPAL WORKS

During the course of the work, the Owner will be required to complete a number of improvements to the municipal right of way abutting the property being Tecumseh Road including a signalized intersection at the site entrance with left turning lanes, a sidewalk, street lighting improvements, installation of water, storm and sanitary service connections, abandonment of water and sanitary services for the two former residential lots that are now part of the site, and the oversizing of the Town's planned trunk storm sewer. The Town will be constructing the Tecumseh Road Storm & Road Improvement Project (from East of Lexham Gardens to Regent Road) in 2022 which will include the works required by the Owner relevant to facilitating development of the Lands (herein collectively termed "the Cost Shared Works"). An estimate for the Cost Shared Works is attached hereto as Schedule I.

The Owner agrees to contribute towards and pay the percentage of the costs incurred by the Town in constructing the Cost Shared Works as calculated in Schedule I. The amounts shown in Schedule I are for estimation purposes. Cost sharing shall be based on actual as-built costs.

The Cost Shared Works will be tendered by the Town in a way that facilitates the cost sharing and contemplates completion of these works with the Owner's development of the site to the extent practical. The Owner shall immediately provide a construction schedule for review and approval by the Town to facilitate this coordination.

Cost-sharing payments shall be made by the Owner within 30 days of delivery of the Town invoice following approval by the payment certifier for the applicable progress draw and otherwise as contemplated by and in accordance with section 4.1 above.

ARTICLE 7 DEFAULT

7.1 STOP WORK

In the event of any default by the Owner in the performance of any of the terms and conditions of this Agreement, the Municipality at its discretion shall, in addition to other remedies available to the Municipality, be entitled to refuse building permits with respect to the development and/or shall be entitled to refuse building and/or occupancy permits with respect to any buildings, and/or shall be entitled to issue stop work orders with respect to any matters in respect of which a building permit has been issued and/or may refuse to grant to the Owner any permissions, permits, certificates, approvals or authorities of any kind or nature which the Owner would have been entitled to receive had the Owner otherwise complied with the Municipality's requirements in this agreement, and/or shall be entitled to refuse to issue releases, all of which may be done until such time as the default has been cured in a manner satisfactory to the Municipality.

7.2 MUNICIPALITY MAY COMPLETE

The owner acknowledges that this agreement is entered into pursuant to section 41(11) of the Planning Act, R.S.O. 1990 c.P.13 and amendments thereto, and that a bylaw has been passed by the Municipality approving the entering into of this Agreement by the Municipality

and incorporating the terms of this Agreement into that bylaw, and further that section 446 of The Municipal Act, S.O. 2001, c.25 and amendments thereto, applies to all requirements of this Agreement. If the Owner neglects to undertake any matter or thing required to be done by this Agreement and such default continues after SEVEN (7) days of the Owner being given written notice by the Municipality of such default, in addition to other remedies available to the Municipality, the Municipality may direct that such matter or thing shall be done at the expense of the Owner, and the Municipality may recover the costs incurred in doing it, by action or by adding such costs to the tax roll and collecting them in the same manner as taxes; the Owner hereby authorizes the Municipality (including, without limiting the generality of the foregoing, its employees, agents and servants) to enter upon the Lands to do any such matter or thing.

ARTICLE 8

REGISTRATION AND CONSENTS

8.1 REGISTRATION AND ENFORCEMENT

Pursuant to Section 41(10) of the said Planning Act, R.S.O. 1990, c.P.13 and amendments thereto, this Agreement may be registered against the Lands to which it applies, as a first charge, at the Owner's expense, and the Municipality is entitled to enforce the provisions hereof against the Owners, who shall be jointly and severally liable for the Owners' covenants and obligations outlined herein, and, subject to the provisions of The Registry Act, R.S.O. 1990, c.R.20 and amendments thereto, and the Land Titles Act, R.S.O. 1990, c.L.5 and amendments thereto, against any and all subsequent owners of the Lands.

8.2 CONSENT

The Owners hereby consent to the registration of this Agreement on the title of the Lands, said registration (as well as the preparation of this Agreement) to be at the Owners' expense.

8.3 MORTGAGEES

The Owners agree to obtain a postponement of any mortgages or other encumbrances which may affect the Lands.

ARTICLE 9

MISCELLANEOUS

9.1 COMMUNICATION

Subject to the express provisions of this Agreement, all communications provided for or permitted hereunder shall be in writing, personally delivered to an officer of the addressee or sent by registered and receipted mail, charges prepaid, or by facsimile transmission or other means of recorded telecommunication, charges prepaid, to the applicable address set forth below or to such other address as either party hereto may from time to time designate to the other in such manner.

Communications sent to the Municipality shall be addressed to:
917 Lesperance Road, Tecumseh, Ontario N8N 1W9

Communications sent to the Owner shall be addressed to:
280 Eugenie Street E., Windsor, Ontario N8X 2X8

Any communication so personally delivered shall be deemed to have been validly and effectively given on the date of such delivery. Communications so sent by registered and receipted mail shall be deemed to have been validly and effectively given on the Business Day next following the day on which it is received, as evidenced by the postal receipt. Communications so sent by facsimile transmission or other means of recorded telecommunication shall be deemed to have been validly and effectively given on the Business

Day next following the day on which it is sent. Any party may from time to time change his or its address for service on written notice to the others.

“Business Day” means any day, other than a Saturday, Sunday or any other day on which the principal chartered banks located in the Town are not open for business during normal banking hours

9.2 TIME OF ESSENCE

Time shall be of the essence of this Agreement and of every part thereof.

9.3 WAIVER

No waiver by any part of a breach of any of the covenants, conditions and provisions herein contained shall be effective or binding upon such party unless the same shall be expressed in writing and any waiver so expressed shall not limit or affect such party's rights with respect to any other future breach.

9.4 FURTHER ASSURANCES

Each of the Parties covenants and agrees that he, his heirs, executors, administrators and assigns will sign such further agreements, assurances, waivers and documents, attend such meetings, enact such by-laws or pass such resolutions and exercise such votes and influence, do and perform or cause to be done and performed such further and other acts and things as may be necessary or desirable from time to time in order to give full effect to this Agreement and every part thereof.

9.5 HEADINGS

The headings of the Articles of this Agreement are inserted for convenience only and do not constitute part of this Agreement.

9.6 SUCCESSORS AND ASSIGNS

The covenants hereunder shall run with the land and this Agreement shall be binding upon and enure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns.

9.7 GENDER

All words and personal pronouns relating thereto shall be read and construed as the number and gender of the party or parties referred to in each case require and the verb shall be construed as agreeing with the required word and pronoun.

9.8 SEVERABILITY

If any covenant or provision contained herein is determined to be in whole or in part, invalid or unenforceable by reason of any rule of law or public policy, such invalidity or unenforceability shall not affect the validity or enforceability of any other covenant or provision contained herein and, in the case of partial invalidity or unenforceability of a covenant or provision, such partial invalidity or unenforceability shall not affect the validity or enforceability of the remainder of such covenant or provision, and such invalid or unenforceable covenant or provision or portion thereof, as the case may be, shall be severable from the remainder of this Agreement.

9.9 ENTIRE AGREEMENT

This Agreement expresses the final agreement among the parties hereto with respect to all matters herein and no representations, inducements, promises or agreements or otherwise among the parties not embodied herein shall be of any force and effect. This Agreement shall not be altered, amended or qualified except by a memorandum in writing, signed by all the

parties hereto, and any alteration, amendment or qualification thereof shall be null and void and shall not be binding upon any such party unless made and recorded as aforesaid.

9.10 EXECUTION IN COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which when so executed shall be deemed to be an original and all of which together shall constitute one and the same instrument.

9.11 JURISDICTION

This Agreement and all other agreements, security and documents to be delivered in connection with this agreement shall be governed by and construed in accordance with the applicable laws of the Province of Ontario and of Canada.

9.12 ASSIGNMENT

Subject to the terms of this agreement, this agreement is not assignable by the owner prior to completion of the works without the consent of the Municipality.

9.13 TRUE COPY

All of the parties hereto acknowledge having received a true copy of this document.

9.14 SCHEDULES

Those Schedules marked as Schedules "B", "C", "D", "E", "F" and "H" have been signed by the parties and are on file with the Municipality. A reduced copy of those schedules are annexed hereto. A reduced copy of those schedules are annexed hereto which copy may be removed prior to registration on title should the Land Registry Office so determine or require.

9.15 CONTRA PROFERENTEM RULE NOT APPLICABLE

It is agreed and acknowledged that both parties, directly or through their agents, principals, representatives and/or solicitors, have participated in the preparation and/or negotiation of the provisions of this agreement.

Should any provision of this agreement require judicial interpretation, mediation or arbitration, it is agreed that the court, mediator or arbitrator interpreting or construing the same shall not apply a presumption that the terms thereof shall be more strictly construed against one party or so as to disadvantage any party on the basis that such party and/or its solicitor or agent:

- a. *Prepared this agreement or any part of it; or*
- b. *Seeks to rely on this agreement or any part of it."*

9.16 INDEPENDENT LEGAL ADVICE

To the extent that the solicitors of Wolf Hooker Professional Corporation has been involved in the preparation of this agreement, such solicitors act solely as solicitors for the Town and with regard to the interests of the Town and not for any other party to this agreement. It is strongly recommended that all other parties to this agreement obtain independent legal advice prior to signing this agreement. Each such party acknowledges:

- 1) having obtained independent legal advice from his, her, or its’ own solicitor with respect to the terms of this Agreement prior to its execution or having otherwise been given a reasonable opportunity to obtain such advice and declined to so;
- 2) that he *or* she *or* it understands the terms, and his *or* her rights and obligations, under this Agreement.

IN WITNESS WHEREOF the Parties hereto have hereunto set their hands and seals.

SIGNED, SEALED AND DELIVERED }
in the presence of }

**THE CORPORATION OF THE
TOWN OF TECUMSEH**

Per: _____
Gary McNamara – Mayor

Per: _____
Laura Moy - Clerk
“We have authority to bind the Municipality”

**GREATER ESSEX COUNTY
DISTRICT SCHOOL BOARD**

Per: _____
Giuliana Hinchliffe –
Manager of Facility Services
“I have authority to bind the Board”

SCHEDULE "A"
THE LANDS

Firstly Described Lands

PIN: 75271-0031
ADDRESS: 13814 TECUMSEH ROAD EAST, TECUMSEH

LEGAL DESCRIPTION: PT LT 1 CON WEST OF RIVER PECHE MAIDSTONE (ST CLAIR BEACH) AS IN R1005262 SAVE & EXCEPT R129011; S/T R387783; TOWN OF TECUMSEH

Secondly Described Lands

PIN: 75271-0030
ADDRESS: 13810 TECUMSEH ROAD EAST, TECUMSEH

LEGAL DESCRIPTION: PT LT 1 CON WEST OF RIVER PECHE MAIDSTONE (ST CLAIR BEACH) AS IN R1531666; TECUMSEH

Thirdly Described Lands

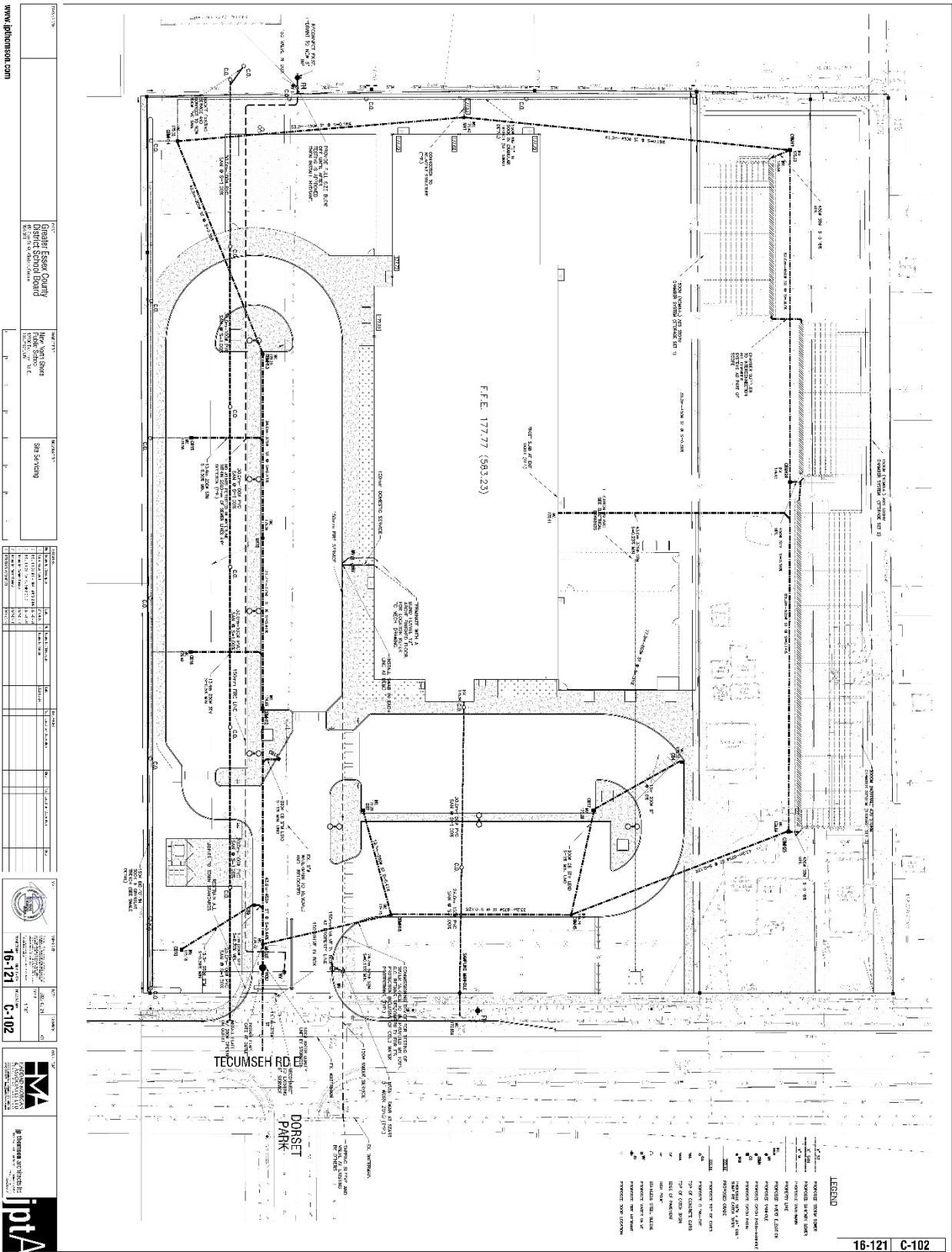
PIN: 75271-0051
ADDRESS: 13800 TECUMSEH ROAD EAST, TECUMSEH

LEGAL DESCRIPTION: PART LOT 1 CONCESSION WEST OF RIVER PECHE MAIDSTONE (ST. CLAIR BEACH) PARTS 1, 6 & 7 12R27136; SUBJECT TO AN EASEMENT OVER PART 6 12R27136 IN FAVOUR OF PARTS 2,3,4&5 12R27136 AS IN CE808919; SUBJECT TO AN EASEMENT OVER PART 6 12R27136 IN FAVOUR OF PARTS 2,3,4&5 12R27136 AS IN CE808920; TOWN OF TECUMSEH

16-121 A-102

SCHEDULE "D"

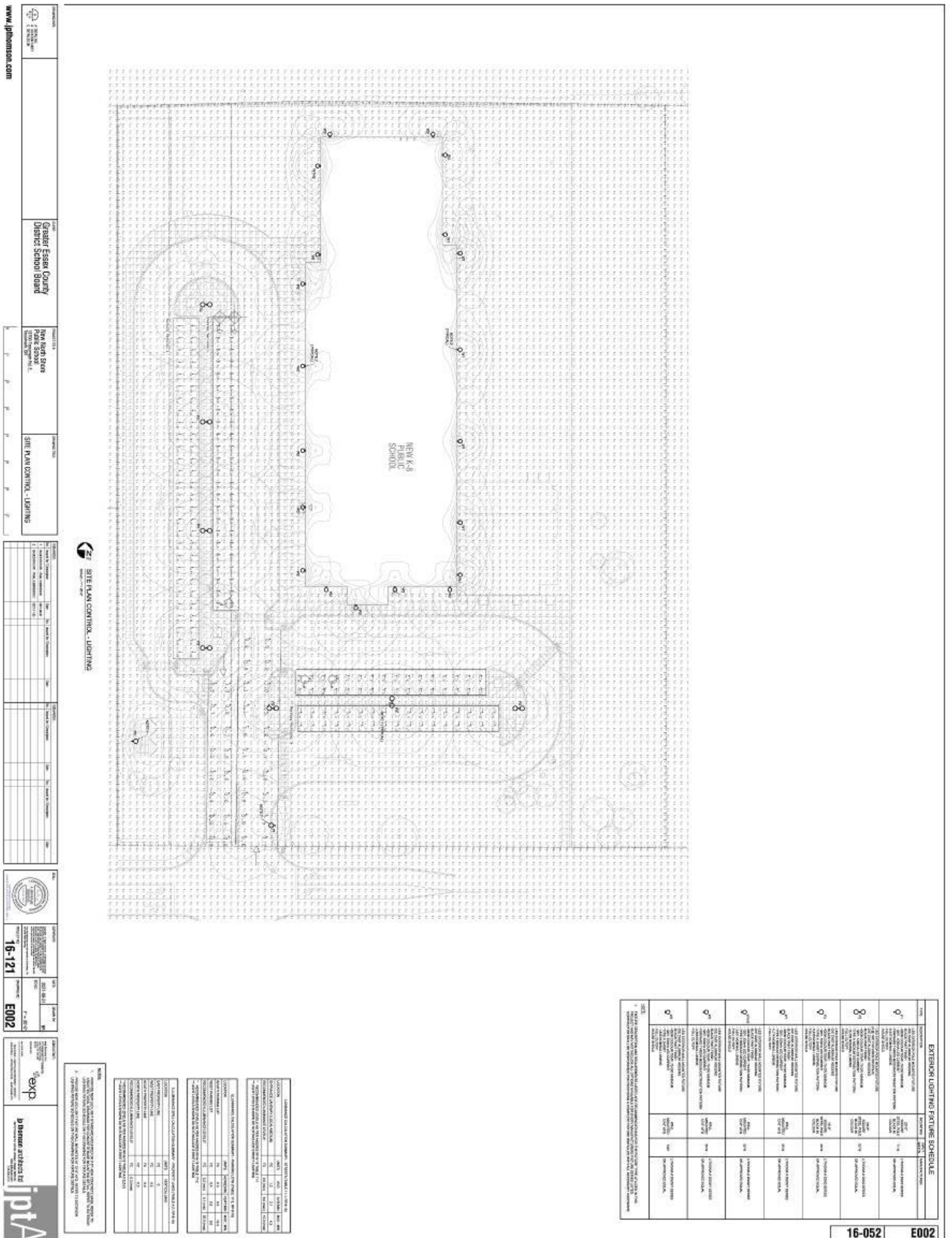
SITE SERVICE PLAN



21



SCHEDULE "F"
PHOTOMETRIC PLAN



SCHEDULE G

AGREEMENT RE INSURANCE

THIS AGREEMENT made as of the ____ day of _____, 20____ (the “**Agreement**”).

B E T W E E N:

THE CORPORATION OF THE TOWN OF TECUMSEH
(hereinafter the “**Municipality**”)

OF THE FIRST PART

-and-

(hereinafter the “**Owner**”)

OF THE SECOND PART

-and-

(hereinafter the “**Contractor**”)

OF THE THIRD PART

WHEREAS the Municipality and the Owner entered into a Site Plan Control Agreement dated _____, 20____, relating to the development of the property municipally known as _____, Tecumseh, Ontario (the “**Site Plan Agreement**”);

AND WHEREAS the Site Plan Agreement stipulates in Section 6.4 that the Owner shall maintain certain minimum insurance requirements;

AND WHEREAS the Owner has retained the Contractor to complete the works required under the Site Plan Agreement and the Contractor is willing to provide such minimum insurance requirements as required under the Site Plan Agreement;

NOW THEREFORE this agreement witnesses that in consideration of the sum of two dollars (\$2.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The Contractor hereby covenants and agrees to maintain in full force and effect a policy a policy of Commercial General Liability insurance covering personal and bodily injury liability and property damage with a limit of not less than \$5,000,000.00 and otherwise in form satisfactory to the Municipality's solicitor wherein the Contractor shall be insured as principal and the Municipality insured as an additional named insured against such liability to the limits noted. The Contractor shall provide the Municipality with a Certificate of Liability Insurance prior to the commencement of construction of any of the facilities and works referred to herein and shall within 15 days of request by the Municipality, provide to the Municipality a certified copy of such policy.
2. The parties hereby acknowledge and agree that the Contractor's policy of insurance pursuant to Section 1 herein shall satisfy the Owner's obligations as set forth in Section 6.4 of the Site Plan Agreement on an interim basis until such time as the Owner can obtain its own policy of insurance which the Owner undertakes to obtain within 30 days from the date of this agreement set out above. The Contractor's policy of insurance shall be maintained in full force and effect until such time as the Owner has directly satisfied its obligations under Section 6.4 of the Site Plan Agreement.
3. Time shall be of the essence of this Agreement and of every part thereof.
4. This Agreement shall inure to the benefit of and be binding upon the parties, their executors, administrators, successors and assigns.
5. No waiver by any party of a breach of any of the covenants, conditions and provisions herein contained shall be effective or binding upon such party unless the same shall be expressed in writing and any waiver so expressed shall not limit or affect such party's rights with respect to any other future breach.
6. This Agreement may be executed in one or more counterparts, each of which when so executed shall be deemed to be an original and all of which together shall constitute one and the same instrument. The parties hereto consent and agree to the use of electronic signature pursuant to the Electronic Commerce Act 2000 S.O. 2000, C.17 as amended from time to time with respect to this Agreement.
7. This Agreement and all other agreements, security and documents to be delivered in connection with this Agreement shall be governed by and construed in accordance with the applicable laws of the Province of Ontario and the laws of Canada applicable therein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

THE CORPORATION OF THE TOWN OF TECUMSEH

Per: _____
Name: Gary McNamara
Title: MAYOR

Per: _____
Name: Laura Moy
Title: CLERK

XXX Inc. - Owner

Per: _____
Name:
Title:

YYY Inc. - Contractor

Per: _____
Name:

[illegible]

**SCHEDULE “I”
COST SHARING WORKS**

Town of Tecumseh
Tecumseh Road East - Street and Storm Sewer Improvements

3/10/2022

Item		Description	Qty		Engineer's OPC		Qty	School		Qty	Town and County	
					Unit Price	Amount		Unit Price	Amount		Unit Price	Amount
PART "A" – REMOVALS AND ROAD RECONSTRUCTION												
1	OPSS 201	Clear and grub trees and brush including trimming within ROW and along drain	1	l.s.	\$ 8,000.00	\$ 8,000.00	0	\$ 8,000.00	\$ -	1	\$ 8,000.00	\$ 8,000.00
2	OPSS 510 SP	Tree removal (Provisional Item)										
		(a)300mm dia or larger	1	ea	\$ 500.00	\$ 500.00	1	\$ 500.00	\$ 500.00	0	\$ 500.00	\$ -
		(b)Less than 300mm dia	1	ea	\$ 500.00	\$ 500.00	1	\$ 500.00	\$ 500.00	0	\$ 500.00	\$ -
3	OPSS 510, SP	Remove and dispose of existing asphalt pavement including sawcutting at limits of removal.	7700	s.m.	\$ 10.00	\$ 77,000.00	0	\$ 10.00	\$ -	7700	\$ 10.00	\$ 77,000.00
4	OPSS 510, SP	Removal of asphalt driveways, walkways, and multi-use trails, including sawcutting at limits of removal.	2440	sm	\$ 10.00	\$ 24,400.00	0	\$ 10.00	\$ -	2440	\$ 10.00	\$ 24,400.00
5	OPSS 510, SP	Remove and dispose of existing concrete sidewalk and driveways, including sawcutting at limits of removal.	17	s.m.	\$ 15.00	\$ 255.00	0	\$ 15.00	\$ -	17	\$ 15.00	\$ 255.00
6	OPSS 510, SP	Remove, salvage existing tie border (concrete, wood) and deliver to homeowner	1	l.s.	\$ 500.00	\$ 500.00	0	\$ 500.00	\$ -	1	\$ 500.00	\$ 500.00
7	OPSS 510, SP	Remove and dispose of existing curb and gutter systems, including sawcutting at limits of removal	130	l.m.	\$ 17.00	\$ 2,210.00	0	\$ 17.00	\$ -	130	\$ 17.00	\$ 2,210.00
8	OPSS 510	Remove and dispose of existing sewers and plug piping to be abandoned as required for construction including backfill with compacted granular materials or construction of clay plug where indicated on the drawings.										
		(a)Up to 150 mm diameter	70	l.m.	\$ 150.00	\$ 10,500.00	0	\$ 150.00	\$ -	70	\$ 150.00	\$ 10,500.00
		(b)200mm to 300 mm diameter	540	l.m.	\$ 280.00	\$ 151,200.00	0	\$ 280.00	\$ -	540	\$ 280.00	\$ 151,200.00
		(c)375mm to 600 mm diameter	110	l.m.	\$ 300.00	\$ 33,000.00	65	\$ 300.00	\$ 19,500.00	45	\$ 300.00	\$ 13,500.00
		(d)675mm diameter or Larger	10	l.m.	\$ 320.00	\$ 3,200.00	0	\$ 320.00	\$ -	10	\$ 320.00	\$ 3,200.00
9	OPSS 510 SP	Cap downstream end of existing sewer pipes to be abandoned and flow fill with grout as required.	1	c.m.	\$ 450.00	\$ 450.00	0	\$ 450.00	\$ -	1	\$ 450.00	\$ 450.00
10	OPSS 510 SP	Remove and dispose of existing catch basins including plugging connections, backfilling with compacted granular material, salvaging and delivering frames and grates to the Town of Tecumseh	11	each	\$ 500.00	\$ 5,500.00	0	\$ 500.00	\$ -	11	\$ 500.00	\$ 5,500.00

11	* OPSS 510 SP	Remove to full depth and dispose of existing storm sewer maintenance holes including plugging connections, backfill with compacted granular material, restoration, salvaging and delivering frames and covers to the Town of Tecumseh	1	each	\$ 1,300.00	\$ 1,300.00	0	\$ 1,300.00	\$ -	1	\$ 1,300.00	\$ 1,300.00
12	OPSS 510, SP	Remove and salvage existing valve box, including delivery to the Town of Tecumseh	1	each	\$ 500.00	\$ 500.00	0	\$ 500.00	\$ -	1	\$ 500.00	\$ 500.00
13	OPSS 802 SP	Strip topsoil from the road right-of-way and stockpile in designated areas. Dispose of excess material offsite.	9050	s.m.	\$ 4.00	\$ 36,200.00	900	\$ 4.00	\$ 3,600.00	8150	\$ 4.00	\$ 32,600.00
14	OPSS 510, 206 SP	Earth excavation and grading to subgrade level for roadways (to 300 mm behind curbs).	16420	s.m.	\$ 20.00	\$ 328,400.00	924	\$ 20.00	\$ 18,480.00	15496	\$ 20.00	\$ 309,920.00
15	OPSS 510 SP	Strip and remove undesirable material and infill ditch with approved fill material to be compacted as specified	245	sm	\$ 25.00	\$ 6,125.00	245	\$ 25.00	\$ 6,125.00		\$ 25.00	\$ -
16	* OPSS 206, 510 SP	Undercutting for removal of unsuitable subgrade including hauling costs, disposal fees, etc.	100	c.m.	\$ 25.00	\$ 2,500.00	0	\$ 25.00	\$ -	100	\$ 25.00	\$ 2,500.00
17	* OPSS 206	Supply, place and compact approved granular backfill material in undercut areas. (Provisional Item)	250	tonnes	\$ 28.00	\$ 7,000.00	0	\$ 28.00	\$ -	250	\$ 28.00	\$ 7,000.00
18	* OPSS SP	Supply, place, grade and remove upon completion, Granular 'A' maintenance stone (300mm thick) in the trench for detouring purposes to finished grade	225	tonne	\$ 28.00	\$ 6,300.00	0	\$ 28.00	\$ -	225	\$ 28.00	\$ 6,300.00
19	* OPSS 1860, SP	Supply and install geotextile material, non-woven, Class II (E.O.S. 140 micrometres) as subgrade stabilizer. (Provisional Item)	50	s.m.	\$ 7.00	\$ 350.00	0	\$ 7.00	\$ -	50	\$ 7.00	\$ 350.00
20	OPSS 206, SP	Rough grading of boulevards	3,100.00	s.m.	\$ 6.00	\$ 18,600.00	78	\$ 6.00	\$ 468.00	3022	\$ 6.00	\$ 18,132.00
21	OPSS 206, SP	Supply, place, grade, and compact Granular Base to thicknesses shown on the drawings										
		(a)150mm thick Granular 'A' road base, 150mm thick Granular 'A' Concrete Sidewalk and Driveway Base, 300mm thick Asphalt path and Driveway base	7000	tonne	\$ 28.00	\$ 196,000.00	319	\$ 28.00	\$ 8,925.84	6681	\$ 28.00	\$ 187,074.16
		(a)300mm thick Granular 'B' road base	8000	tonne	\$ 26.00	\$ 208,000.00	638	\$ 26.00	\$ 16,576.56	7362	\$ 26.00	\$ 191,423.44
22	OPSS 405, SP	Supply and install 150 mm dia. Big 'O' perforated sub-drain with geotextile sock or equal including excavation and connection into catch basin	985	l.m.	\$ 18.00	\$ 17,730.00	50	\$ 18.00	\$ 900.00	935	\$ 18.00	\$ 16,830.00
23	OPSS 405	Supply and place open graded drainage stone for subdrain bedding and cover	459	tonnes	\$ 32.00	\$ 14,680.44	18	\$ 32.00	\$ 588.80	440	\$ 32.00	\$ 14,091.64
24	OPSS 510 SP	Mill existing asphalt (40 mm thick) in accordance with the contract drawings and specifications and as directed by the Engineer	1025	s.m.	\$ 14.00	\$ 14,350.00	0	\$ 14.00	\$ -	1025	\$ 14.00	\$ 14,350.00
25	OPSS 353, SP	Fine grade, supply materials and construct concrete curbing system										
		(a) OPSD 600.040 profile	910.00	l.m.	\$ 50.00	\$ 45,500.00	85	\$ 50.00	\$ 4,250.00	825	\$ 50.00	\$ 41,250.00

		(b) OPSD 600.060 profile	75	l.m.	\$ 48.00	\$ 3,600.00	0	\$ 48.00	\$ -	75	\$ 48.00	\$ 3,600.00
26	OPSS 310, SP	Supply and place SP12.5 surface asphalt at 40mm thick, including tack coat in accordance with the contract drawings and specifications.	966	tonnes	\$ 140.00	\$ 135,240.00	79	\$ 140.00	\$ 10,990.00	888	\$ 140.00	\$ 124,250.00
27	OPSS 310, SP	Supply and place SP-19 base asphalt at 110mm thick, including tack coat in accordance with the contract drawings and specifications.	2656.5	tonnes	\$ 140.00	\$ 371,910.00	216	\$ 140.00	\$ 30,222.50	2441	\$ 140.00	\$ 341,687.50
28	*OPSS 311, 350 SP	Supply, place and compact 80 mm thick (min. 2 lifts) HL3 asphalt for driveway or multi-use trail.										
		a)Asphalt driveways	7.2	tonnes	\$ 160.00	\$ 1,152.00	0	\$ 160.00	\$ -	7	\$ 160.00	\$ 1,152.00
		b)Multi-use trail	522	tonnes	\$ 160.00	\$ 83,520.00	0	\$ 160.00	\$ -	522	\$ 160.00	\$ 83,520.00
29	OPSS 350, 351, SP	Construct concrete sidewalks and driveways including crosswalks, wheelchair ramps with tactile walking surfaces, in accordance with the contract drawings and specifications.	615.00	s.m.	\$ 85.00	\$ 52,275.00	463	\$ 85.00	\$ 39,355.00	152	\$ 85.00	\$ 12,920.00
30	* SP	Additional cost to supply and place Crystal-Lok concrete sealer as per manufacturer's recommendations. (Provisional Item)										
		(a) Concrete sidewalk and driveways	615.00	s.m.	\$ 3.00	\$ 1,845.00	463	\$ 3.00	\$ 1,389.00	152	\$ 3.00	\$ 456.00
		(b) Concrete curb and gutter	985.00	l.m.	\$ 3.00	\$ 2,955.00	85	\$ 3.00	\$ 255.00	900	\$ 3.00	\$ 2,700.00
31	* SP	Adjust existing valve boxes to suit new grades (to base asphalt) (Provisional Item)	3	each	\$ 250.00	\$ 750.00	0	\$ 250.00	\$ -	3	\$ 250.00	\$ 750.00
32	* OPSS 408	Adjust existing maintenance hole frame and cover as required. (Provisional Item)	7	each	\$ 500.00	\$ 3,500.00	0	\$ 500.00	\$ -	7	\$ 500.00	\$ 3,500.00
33	* OPSS 407	Remove existing frame and cover and supply and install new frame and covers to suit new grades (to base asphalt or boulevard finished grades) on existing maintenance holes within asphalt pavement or boulevard.	1	each	\$ 1,000.00	\$ 1,000.00	0	\$ 1,000.00	\$ -	1	\$ 1,000.00	\$ 1,000.00
34	* OPSS 407	Supply and install Cretex inflow dishes to Town Standards in both New and Existing sanitary maintenance as directed by the Engineer. (Provisional Item)	7	each	\$ 175.00	\$ 1,225.00	0	\$ 175.00	\$ -	7	\$ 175.00	\$ 1,225.00
35	OPSS 510, 703	Remove and salvage existing traffic signs as indicated on the Drawings and as directed by the Engineer. Return these signs at the end of the project to their original locations.	1	l.s.	\$ 1,000.00	\$ 1,000.00	0	\$ 1,000.00	\$ -	1	\$ 1,000.00	\$ 1,000.00
36	* OPSS 703	Supply and install new traffic signs as indicated on the Drawings and as directed by the Engineer.	3	each	\$ 550.00	\$ 1,650.00	0	\$ 550.00	\$ -	3	\$ 550.00	\$ 1,650.00
37	* OPSS 510, SP	Remove, salvage and relocate brick wall structure located at South side of road at Regent Road and Dorset Park intersections as recommended by the Engineer, including reinstatement to suit final grade. (Provisional Item)	4	each	\$ 6,000.00	\$ 24,000.00	2	\$ 6,000.00	\$ 12,000.00	2	\$ 6,000.00	\$ 12,000.00

38	* OPSS 710, SP	Supply, labour, materials and equipment to construct temporary pavement markings to County of Essex and Town of Tecumseh requirements including coordination with paving operations on the base asphalt.										
		(a) 100 mm wide	1,230.00	l.m.	\$ 6.00	\$ 7,380.00	410.00	\$ 6.00	\$ 2,460.00	820	\$ 6.00	\$ 4,920.00
		(b) 600 mm wide	280	l.m.	\$ 12.00	\$ 3,360.00	24	\$ 12.00	\$ 288.00	256	\$ 12.00	\$ 3,072.00
		(c) Symbols	5	each	\$ 150.00	\$ 750.00	4	\$ 150.00	\$ 600.00	1	\$ 150.00	\$ 150.00
39	* OPSS 710, SP	Supply, labour, materials and equipment to construct permanent pavement markings to County of Essex and Town of Tecumseh requirements including coordination with paving operations on the surface asphalt. (Provisional Item)										
		(a) 100 mm wide	1,370.00	l.m.	\$ 8.00	\$ 10,960.00	410.00	\$ 8.00	\$ 3,280.00	960	\$ 8.00	\$ 7,680.00
		(b) 600 mm wide	280	l.m.	\$ 25.00	\$ 7,000.00	24	\$ 25.00	\$ 600.00	256	\$ 25.00	\$ 6,400.00
		(c) Symbols	5	each	\$ 200.00	\$ 1,000.00	4	\$ 200.00	\$ 800.00	1	\$ 200.00	\$ 200.00
40	* OPSS 802, 803, 804, SP	Supply, place and grade topsoil, grass seeding and sodding.										
	*	(a)Supply and place hydramulch grass seed on min. 100 mm thick approved topsoil. (Provisional Item)	3,100.00	s.m.	\$ 8.00	\$ 24,800.00	0	\$ 8.00	\$ -	3100	\$ 8.00	\$ 24,800.00
	*	(a)Supply and place hydramulch grass seed with erosion control blanket on min. 100 mm thick approved topsoil. (Provisional Item)	800.00	s.m.	\$ 13.00	\$ 10,400.00	0	\$ 13.00	\$ -	800	\$ 13.00	\$ 10,400.00
	*	(c) Supply and place sod on min. 100 mm thick approved topsoil. (Provisional Item)	500	s.m.	\$ 22.00	\$ 11,000.00	210	\$ 22.00	\$ 4,620.00	290	\$ 22.00	\$ 6,380.00
Total for Part "A" – REMOVALS AND ROAD RECONSTRUCTION					\$ 1,983,022.44		\$ 187,273.70			\$ 1,795,748.74		
PART "B" – STORM SEWER WORK												
1	OPSS 407, 410, SP	Supply and install PVC DR35 catch basin leads including granular bedding, cover, pipe, fittings, compacted granular backfill and connections										
		(a) 200 mm diameter lead	130	l.m.	\$ 250.00	\$ 32,500.00	20	\$ 250.00	\$ 5,000.00	110	\$ 250.00	\$ 27,500.00
		(b) 250 mm diameter lead	20	l.m.	\$ 275.00	\$ 5,500.00	0	\$ 275.00	\$ -	20	\$ 275.00	\$ 5,500.00
2	OPSS 410, SP	Supply all material, labour, and equipment to connect existing storm sewer to new storm sewer, including all removals, bedding, cover, backfill, restraints and restoration complete as specified, pipe, valves, bends (45°), and fittings in accordance with the drawings										
		(a) Connect existing 300mm dia	11	l.m.	\$ 900.00	\$ 9,900.00	0	\$ 900.00	\$ -	11	\$ 900.00	\$ 9,900.00
		(b) Connect existing 375mm dia.	6.2	l.m.	\$ 1,000.00	\$ 6,200.00	0	\$ 1,000.00	\$ -	6	\$ 1,000.00	\$ 6,200.00

3	OPSS 410, SP	Supply and install 375 mm dia. Reinforced concrete pipe CSA-A257.2-CL-65-D, including excavation, support/realign of any utilities/pipelines, compacted granular bedding, cover, and backfill and connections to structures all in accordance with the contract drawings and specifications										
		(a) MH 7 to MH 10	12	I.m.	\$ 750.00	\$ 9,000.00	10	\$ 750.00	\$ 7,500.00	2	\$ 750.00	\$ 1,500.00
		(b) MH 10 to MH 11	2	I.m.	\$ 750.00	\$ 1,500.00	10	\$ 750.00	\$ 7,500.00	-8	\$ 750.00	\$ (6,000.00)
		(a) MH 11 to North Plug	2	I.m.	\$ 750.00	\$ 1,500.00	10	\$ 750.00	\$ 7,500.00	-8	\$ 750.00	\$ (6,000.00)
4	OPSS 410, SP	Supply and install 675mm dia. Reinforced concrete pipe CSA-A257.2-CL-65-D, including excavation, support/realign of any utilities/pipelines, compacted granular bedding, cover, and backfill and connections to structures all in accordance with the contract drawings and specifications										
		(a)MH 11 to Stub	16	I.m.	\$ 875.00	\$ 14,000.00	0	\$ 875.00	\$ -	16	\$ 875.00	\$ 14,000.00
5	OPSS 410, SP	Supply and install 750mm dia. Reinforced concrete pipe CSA-A257.2-CL-65-D, including excavation, support/realign of any utilities/pipelines, compacted granular bedding, cover, and backfill and connections to structures all in accordance with the contract drawings and specifications										
		(a) 750mm dia. plug to MH 9	3	I.m.	\$ 1,050.00	\$ 3,150.00	3	\$ 175.00	\$ 525.00	3	\$ 875.00	\$ 2,625.00
		(b) MH 9 to MH 8	102.6	I.m.	\$ 1,050.00	\$ 107,730.00	103	\$ 175.00	\$ 17,955.00	103	\$ 875.00	\$ 89,775.00
		(c) MH 8 to MH 7	102.6	I.m.	\$ 1,050.00	\$ 107,730.00	103	\$ 175.00	\$ 17,955.00	103	\$ 875.00	\$ 89,775.00
6	OPSS 410, SP	Supply and install 825mm dia. Reinforced concrete pipe CSA-A257.2-CL-65-D, including excavation, support/realign of any utilities/pipelines, compacted granular bedding, cover, and backfill and connections to structures all in accordance with the contract drawings and specifications										
		(a) MH 7 to MH 6	103.8	I.m.	\$ 1,300.00	\$ 134,940.00	104	\$ 225.00	\$ 23,355.00	104	\$ 1,075.00	\$ 111,585.00
7	OPSS 410, SP	Supply and install 900mm dia. Reinforced concrete pipe CSA-A257.2-CL-65-D, including excavation, support/realign of any utilities/pipelines, compacted granular bedding, cover, and backfill and connections to structures all in accordance with the contract drawings and specifications										
		(a) MH 6 to MH 5	97	I.m.	\$ 1,500.00	\$ 145,500.00	97	\$ 250.00	\$ 24,250.00	97	\$ 1,250.00	\$ 121,250.00
		(b) MH 5 to MH 4	135	I.m.	\$ 1,500.00	\$ 202,500.00	135	\$ 250.00	\$ 33,750.00	135	\$ 1,250.00	\$ 168,750.00
		(c) MH 4 to MH 3	128.4	I.m.	\$ 1,500.00	\$ 192,600.00	128	\$ 250.00	\$ 32,100.00	128	\$ 1,250.00	\$ 160,500.00

8	OPSS 410, SP	Supply and install 1050mm dia. Reinforced concrete pipe CSA-A257.2-CL-65-D, including excavation, support/realign of any utilities/pipelines, compacted granular bedding, cover, and backfill and connections to structures all in accordance with the contract drawings and specifications										
		(a)MH 3 to MH 2	95.6	l.m.	\$ 1,300.00	\$ 124,280.00	96	\$ 250.00	\$ 23,900.00	96	\$ 1,050.00	\$ 100,380.00
		(a)MH 2 to MH 1	95.6	l.m.	\$ 1,300.00	\$ 124,280.00	96	\$ 250.00	\$ 23,900.00	96	\$ 1,050.00	\$ 100,380.00
		(b) MH 1 to Ex MH (STM4300)	147.3	l.m.	\$ 1,300.00	\$ 191,490.00	147	\$ 250.00	\$ 36,825.00	147	\$ 1,050.00	\$ 154,665.00
9	SP	Supply and install 1200 mm dia. SDD3 Stormcon OGS unit including excavation, connections, parging, adjustment units, frame and cover, compacted granular backfill, bedding, and backfill to surface all in accordance with contract drawings and with the manufacturer's specification. (Provisional Item)	1	l.s.	\$ 10,000.00	\$ 10,000.00	1	\$ 2,000.00	\$ 2,000.00	1	\$ 8,000.00	\$ 8,000.00
10	OPSS 410, SP	Supply and install 1500 mm dia. precast concrete storm maintenance holes including excavation, steps, Kor-N-Seal flexible connectors, adjustment units, water proofing, frames and covers, compacted granular bedding and backfill all in accordance with the contract drawings and specifications										
		(a) MH 9	1	each	\$ 10,000.00	\$ 10,000.00	1	\$ 2,000.00	\$ 2,000.00	1	\$ 8,000.00	\$ 8,000.00
		(b) MH 8	1	each	\$ 10,000.00	\$ 10,000.00	1	\$ 2,000.00	\$ 2,000.00	1	\$ 8,000.00	\$ 8,000.00
		(c) MH 7	1	each	\$ 10,000.00	\$ 10,000.00	1	\$ 2,000.00	\$ 2,000.00	1	\$ 8,000.00	\$ 8,000.00
11	OPSS 410, SP	Supply and install 1800 mm dia. precast concrete storm maintenance holes including excavation, steps, Kor-N-Seal flexible connectors, adjustment units, water proofing, frames and covers, compacted granular bedding and backfill all in accordance with the contract drawings and specifications										
		(a) MH 11	1	each	\$ 12,000.00	\$ 12,000.00	1	\$ 6,000.00	\$ 6,000.00	1	\$ 6,000.00	\$ 6,000.00
		(b) MH 6	1	each	\$ 12,000.00	\$ 12,000.00	1	\$ 6,000.00	\$ 6,000.00	1	\$ 6,000.00	\$ 6,000.00
		(c) MH 5	1	each	\$ 12,000.00	\$ 12,000.00	1	\$ 6,000.00	\$ 6,000.00	1	\$ 6,000.00	\$ 6,000.00
		(d) MH 4	1	each	\$ 12,000.00	\$ 12,000.00	1	\$ 6,000.00	\$ 6,000.00	1	\$ 6,000.00	\$ 6,000.00
		(e) MH 3	1	each	\$ 12,000.00	\$ 12,000.00	1	\$ 6,000.00	\$ 6,000.00	1	\$ 6,000.00	\$ 6,000.00
		(f) MH 2	1	each	\$ 12,000.00	\$ 12,000.00	1	\$ 6,000.00	\$ 6,000.00	1	\$ 6,000.00	\$ 6,000.00
		(g) MH 1	1	each	\$ 12,000.00	\$ 12,000.00	1	\$ 6,000.00	\$ 6,000.00	1	\$ 6,000.00	\$ 6,000.00
12	OPSS 407,	Supply and install single precast concrete catch basin										
		(a)Catch basin within the roadway	15	each	\$ 2,400.00	\$ 36,000.00	2	\$ 2,400.00	\$ 4,800.00	13	\$ 2,400.00	\$ 31,200.00
		(b)Catch basin within the roadside drain	8	each	\$ 2,400.00	\$ 19,200.00	0	\$ 2,400.00	\$ -	8	\$ 2,400.00	\$ 19,200.00

13	OPSS 407, 410 SP	Supply and install 300mm diameter HDPE sump pit catch basin including 150mm dia. piping and connection to storm sewer	6	each	\$ 1,400.00	\$ 8,400.00	6	\$ 1,400.00	\$ 8,400.00	0	\$ 1,400.00	\$ -
14	OPSS 408, 411 SP	Maintenance of existing catch basins, including removal of debris and adjustment to suit final grade. Work at existing catch basins	13	each	\$ 350.00	\$ 4,550.00	13	\$ 350.00	\$ 4,550.00	0	\$ 350.00	\$ -
15	OPSS 408, SP	Supply and install 300mmReplace existing frame and grate with new frame and grate to OPSD 400.020 (Provisional Item). thick Rip Rap on non-woven geotextile.	4	each	\$ 1,000.00	\$ 4,000.00	0	\$ 1,000.00	\$ -	4	\$ 1,000.00	\$ 4,000.00
16	OPSS 410, 510, SP	Excavate for and remove existing storm service connections up to the property line and replace complete including cleanouts, metal caps, plugs, marker stakes, compacted granular bedding, cover, and backfill and connection to mainline sewer, all in accordance with the contract drawings and specifications										
		(a) 150 mm dia. PVC DR28 connections	80	lm	\$ 250.00	\$ 20,000.00	1	\$ 250.00	\$ 250.00	79	\$ 250.00	\$ 19,750.00
		(b) 200 mm dia. PVC DR35 connections	10	lm	\$ 260.00	\$ 2,600.00	1	\$ 260.00	\$ 260.00	9	\$ 260.00	\$ 2,340.00
		(c) 250 mm dia. PVC DR35 connections	10	lm	\$ 280.00	\$ 2,800.00	1	\$ 280.00	\$ 280.00	9	\$ 280.00	\$ 2,520.00
17	OPSS 410,	Supply all material, equipment, and labour to										
		(a) 150 mm dia. DR 28	80	lm	\$ 300.00	\$ 24,000.00	1	\$ 300.00	\$ 300.00	79	\$ 300.00	\$ 23,700.00
		(a) 200 mm dia. DR 35	10	lm	\$ 325.00	\$ 3,250.00	1	\$ 325.00	\$ 325.00	9	\$ 325.00	\$ 2,925.00
		(a) 250 mm dia. DR 35	10	lm	\$ 350.00	\$ 3,500.00	1	\$ 350.00	\$ 350.00	9	\$ 350.00	\$ 3,150.00
18	OPSS 409, 411 SP	Flush and video inspect all existing storm sewers to remain within the project limits (including at side streets to limit of new pavement) and prepare deficiency report prior to commencing underground work.	1	ls	\$ 15,000.00	\$ 15,000.00	1	\$ 15,000.00	\$ 15,000.00	2	\$ -	\$ -
19	* OPSS 409, 410, 411 SP	Flush, test and video inspect the entire storm sewer system including service connections prior to construction and catch basin leads upon completion of the works, complete as specified	1	ls	\$ 10,000.00	\$ 10,000.00	2	\$ (5,000.00)	\$ (10,000.00)	1	\$ 20,000.00	\$ 20,000.00
20	* OPSS 409, 410, 411 SP	Flush and video inspect the entire storm sewer system including service connections and catch basin leads at the end of the maintenance period, complete as specified	1	ls	\$ 10,000.00	\$ 10,000.00	0	\$ 10,000.00	\$ -	1	\$ 10,000.00	\$ 10,000.00
Total for Part "B" – STORM SEWER WORK						\$ 1,701,600.00		\$ 336,530.00			\$ 1,365,070.00	
PART "C" – SANITARY SEWERS												
1	OPSS 410, SP	Miscellaneous trenchless repairs in mainline as determined from CCTV investigation	1	l.s.	\$ 5,000.00	\$ 5,000.00	0	\$ 5,000.00	\$ -	1	\$ 5,000.00	\$ 5,000.00
2	OPSS 410, SP	Excavate down and remove existing sanitary service connections to the mainline, and cap to abandon the existing sanitary service. replace complete including compacted granular bedding, cover, and backfill all in accordance with the contract drawings and specifications	2	each	\$ 1,200.00	\$ 2,400.00	2	\$ 1,200.00	\$ 2,400.00	0	\$ 1,200.00	\$ -

3	* OPSS 410, 510 SP	Excavate for, supply, and install sanitary service connections up to the property line or as shown on the drawings. Price for complete work including cleanouts, metal caps, plugs, caps, marker stakes, compacted granular bedding, cover, and backfill and connection to mainline sewer, all in accordance with the contract drawings and specifications (Provisional Item)										
		a) 125 mm dia	40	l.m.	\$ 350.00	\$ 14,000.00	16	\$ 350.00	\$ 5,600.00	24	\$ 350.00	\$ 8,400.00
	*	b) 150 mm dia	20	l.m.	\$ 375.00	\$ 7,500.00	0	\$ 375.00	\$ -	20	\$ 375.00	\$ 7,500.00
4	OPSS 407, SP	Supply and install 1200 mm dia. precast concrete sanitary maintenance holes including excavation, steps, Kor-N-Seal flexible connectors, adjustment units, water proofing, frames and covers, compacted granular bedding and backfill all in accordance with the contract drawings and specifications										
		(a) MH S-1	1	ea	\$ 5,500.00	\$ 5,500.00	1	\$ 5,500.00	\$ 5,500.00	0	\$ 5,500.00	\$ -
		(b) MH S-2	1	ea	\$ 5,500.00	\$ 5,500.00	1	\$ 5,500.00	\$ 5,500.00	0	\$ 5,500.00	\$ -
5	OPSS 407, SP	Supply all material, labour, and equipment to connect existing sanitary sewer to new sanitary service, including all removals, bedding, cover, backfill, restraints and restoration complete as specified, pipe, valves, bends (45°), and fittings in accordance with the drawings										
		(a) Sewer connection from MH S-1	1	ea	\$ 250.00	\$ 250.00	1	\$ 250.00	\$ 250.00	0	\$ 250.00	\$ -
		(a) Sewer connection from MH S-2	1	ea	\$ 250.00	\$ 250.00	1	\$ 250.00	\$ 250.00	0	\$ 250.00	\$ -
6	OPSS 409, 410, 411 SP	Flush, test and video inspect the entire sanitary sewer system including service connections prior to construction and catch basin leads upon completion of the works, complete as specified (Provisional Item)	1	l.s.	\$ 5,000.00	\$ 5,000.00	1	\$ 5,000.00	\$ 5,000.00	0	\$ 5,000.00	\$ -
7	OPSS 407, 409, 410, 411 SP	Flush and video inspect the entire storm sewer system including service connections and catch basin leads at the end of the maintenance period, complete as specified Flush and video inspect the entire storm sewer system including service connections and catch basin leads at the end of the maintenance period, complete as specified (Provisional Item)	1	l.s.	\$ 5,000.00	\$ 5,000.00	1	\$ 5,000.00	\$ 5,000.00	0	\$ 5,000.00	\$ -
Total for Part "C" – SANITARY SEWERS						\$ 50,400.00			\$ 29,500.00			\$ 20,900.00
PART "D" – ELECTRICAL & TRAFFIC SIGNALIZATION												
1	OPSS 617 SP	Supply and install streetlight c/w internal wiring, fusing, grounding, handhole, bracket arm and LED lamp/fixture with photocell as specified and shown on drawings										
		(a) Along Tecumseh rd. including stand-alone streetlight standard.	1	ea	\$ 5,000.00	\$ 5,000.00	1	\$ 5,000.00	\$ 5,000.00	0	\$ 5,000.00	\$ -

		(b) Along Tecumseh rd. on combination traffic / streetlight poles. Supply and installation of poles to be paid under a separate tender item.	2	ea	\$ 2,500.00	\$ 5,000.00	2	\$ 2,500.00	\$ 5,000.00	0	\$ 2,500.00	\$ -
		(c) Along Tecumseh rd. on existing hydro poles	13	ea	\$ 3,500.00	\$ 45,500.00	13	\$ 3,500.00	\$ 45,500.00	0	\$ 3,500.00	\$ -
2		Supply and install wiring for street lighting as specified and indicated on the drawings.										
		(a) #4 LV along Tecumseh rd.	200	lm	\$ 15.00	\$ 3,000.00	100	\$ 15.00	\$ 1,500.00	100	\$ 15.00	\$ 1,500.00
		(b) #6 Ground along Tecumseh rd.	200	lm	\$ 15.00	\$ 3,000.00	100	\$ 15.00	\$ 1,500.00	100	\$ 15.00	\$ 1,500.00
3		Supply & install concrete pole footings in earth:										
		(a) 300mm dia. footing for stand-alone	2	lm	\$ 1,200.00	\$ 2,400.00	2	\$ 1,200.00	\$ 2,400.00	0	\$ 1,200.00	\$ -
		(a) 760mm dia. footing for traffic poles	10	lm	\$ 1,900.00	\$ 19,000.00	10	\$ 1,900.00	\$ 19,000.00	0	\$ 1,900.00	\$ -
4		Supply and install aluminum pole, base mounted including all associated hardware										
		(a) 1.5 m pole	2	ea	\$ 2,000.00	\$ 4,000.00	2	\$ 2,000.00	\$ 4,000.00	0	\$ 2,000.00	\$ -
5		Supply and install sectional steel pole, base mounted including all associated hardware										
		(a) 4.0m sectional pole	2	ea	\$ 5,000.00	\$ 10,000.00	2	\$ 5,000.00	\$ 10,000.00	0	\$ 5,000.00	\$ -
		(b) 7.0m sectional pole	7	ea	\$ 6,500.00	\$ 45,500.00	7	\$ 6,500.00	\$ 45,500.00	0	\$ 6,500.00	\$ -
		(c) 10.5m sectional pole	1	ea	\$ 8,000.00	\$ 8,000.00	1	\$ 8,000.00	\$ 8,000.00	0	\$ 8,000.00	\$ -
6		Supply and install single member arms and Astrobrac signal hangers:										
		(a) 1.8m arm	1	ea	\$ 800.00	\$ 800.00	1	\$ 800.00	\$ 800.00	0	\$ 800.00	\$ -
		(b) 3.0m arm	1	ea	\$ 1,000.00	\$ 1,000.00	1	\$ 1,000.00	\$ 1,000.00	0	\$ 1,000.00	\$ -
		(c) 3.6m	2	ea	\$ 1,300.00	\$ 2,600.00	2	\$ 1,300.00	\$ 2,600.00	0	\$ 1,300.00	\$ -
		(d) 4.6m arm	2	ea	\$ 1,700.00	\$ 3,400.00	2	\$ 1,700.00	\$ 3,400.00	0	\$ 1,700.00	\$ -
		(e) 6.1m	1	ea	\$ 2,400.00	\$ 2,400.00	1	\$ 2,400.00	\$ 2,400.00	0	\$ 2,400.00	\$ -
7		Supply and install 120/240 V power supply										
		(a) Load Centre with 10 circuits, mounted on	1	ea	\$ 5,000.00	\$ 5,000.00	1	\$ 5,000.00	\$ 5,000.00	0	\$ 5,000.00	\$ -
8		Supply and install electrical handholes with lids (600 mm x 600 mm)	8	ea	\$ 1,500.00	\$ 12,000.00	8	\$ 1,500.00	\$ 12,000.00	0	\$ 1,500.00	\$ -
9		Supply and install traffic signal heads complete with reflective tape (Provisional Item)										
		a) Highway head (30, 30, 30) with backboard (LED)	1	ea	\$ 500.00	\$ 500.00	1	\$ 500.00	\$ 500.00	0	\$ 500.00	\$ -
		b) Highway head (30, 30, 30, 30) with backboard (LED)	8	ea	\$ 550.00	\$ 4,400.00	8	\$ 550.00	\$ 4,400.00	0	\$ 550.00	\$ -
		c) Pedestrian Head with Countdown Head (LED)	8	ea	\$ 550.00	\$ 4,400.00	8	\$ 550.00	\$ 4,400.00	0	\$ 550.00	\$ -

10		Supply and install rigid ducts (thick wall rigid PVC only) in road and boulevard at intersections by open cut method (Provisional Item)										
		a) 1 x 75 and 2 x 50 mm	110	lm	\$ 175.00	\$ 19,250.00	110	\$ 175.00	\$ 19,250.00	0	\$ 175.00	\$ -
		b) 2 x 75 and 2 x 50 mm	20	lm	\$ 175.00	\$ 3,500.00	20	\$ 175.00	\$ 3,500.00	0	\$ 175.00	\$ -
		c) 3 x 75 and 2 x 50 mm	8	lm	\$ 175.00	\$ 1,400.00	8	\$ 175.00	\$ 1,400.00	0	\$ 175.00	\$ -
		d) 1 x 25mm	20	lm	\$ 100.00	\$ 2,000.00	20	\$ 100.00	\$ 2,000.00	0	\$ 100.00	\$ -
11		Supply and install cable in rigid ducts for traffic										
		(a) 1/C #4	50	lm	\$ 10.00	\$ 500.00	50	\$ 10.00	\$ 500.00	0	\$ 10.00	\$ -
		(b) 1/C #6	50	lm	\$ 10.00	\$ 500.00	50	\$ 10.00	\$ 500.00	0	\$ 10.00	\$ -
		(c) 2/C #14	500	lm	\$ 8.00	\$ 4,000.00	500	\$ 8.00	\$ 4,000.00	0	\$ 8.00	\$ -
		(d) 12/C #14	400	lm	\$ 10.00	\$ 4,000.00	400	\$ 10.00	\$ 4,000.00	0	\$ 10.00	\$ -
		(e) 19/C #14	500	lm	\$ 10.00	\$ 5,000.00	500	\$ 10.00	\$ 5,000.00	0	\$ 10.00	\$ -
		(f) 6 Pair #22	50	lm	\$ 10.00	\$ 500.00	50	\$ 10.00	\$ 500.00	0	\$ 10.00	\$ -
12		Grounding System										
		(a) Grounding Rods/Plates	8	ea	\$ 350.00	\$ 2,800.00	8	\$ 350.00	\$ 2,800.00	0	\$ 350.00	\$ -
		(b) Grounding Wire #6 RWU90	150	lm	\$ 6.00	\$ 900.00	150	\$ 6.00	\$ 900.00	0	\$ 6.00	\$ -
13	OPSS 620	Supply and install 2 wire Polara Navigator LED push buttons & central control unit and all associated hardware	8	ea.	\$ 900.00	\$ 7,200.00	8	\$ 900.00	\$ 7,200.00	0	\$ 900.00	\$ -
14	OPSS 614	Supply and install a supply control cabinet assembly	1	ea	\$ 40,000.00	\$ 40,000.00	1	\$ 40,000.00	\$ 40,000.00	0	\$ 40,000.00	\$ -
15	OPSS 620	Supply and install Gridsmart detection system complete including arm, hangers, wiring and programing	1	ea	\$ 26,000.00	\$ 26,000.00	1	\$ 26,000.00	\$ 26,000.00	0	\$ 26,000.00	\$ -
16	OPSS 620	Supply and install traffic signal controller equipment	1	ea	\$ 15,000.00	\$ 15,000.00	1	\$ 15,000.00	\$ 15,000.00	0	\$ 15,000.00	\$ -
17	OPSS 620	Testing and modifications of traffic signal controllers and signals	1	ls	\$ 10,000.00	\$ 10,000.00	1	\$ 10,000.00	\$ 10,000.00	0	\$ 10,000.00	\$ -
18	OPSS 614	Excavate for, supply and install joint use trench including ducts, spacers, bedding, caution tape, and backfill as specified.										
		(a) (2 x 90mm) Bell, (2 x 100mm) Cogeco, (4 x 100mm Spare)	60	lm	\$ 500.00	\$ 30,000.00	60.000	\$ 500.00	\$ 30,000.00	0.000	\$ 500.00	\$ -
19	OPSS 614	Power supply connection (Cash Allowance)	1	ls	\$ 20,000.00	\$ 20,000.00	0.333	\$ 20,000.00	\$ 6,666.67	0.667	\$ 20,000.00	\$ 13,333.33
20	OPSS 620	Traffic signal testing (Cash Allowance)	1	ls	\$ 6,000.00	\$ 6,000.00	1	\$ 6,000.00	\$ 6,000.00	0	\$ 6,000.00	\$ -
21		Maintenance and operation of temporary traffic signal system, all stages	1	ls	\$ 10,000.00	\$ 10,000.00	1	\$ 10,000.00	\$ 10,000.00	0	\$ 10,000.00	\$ -
22	* SP	Cash Allowance – Essex Powerlines Services (Provisional Item)	1	l.s.	\$ 6,000.00	\$ 6,000.00	0.2	\$ 6,000.00	\$ 1,200.00	0.8	\$ 6,000.00	\$ 4,800.00

23	* SP	Cash Allowance – Bell Services (Provisional Item)	1	I.s.	\$ 10,000.00	\$ 10,000.00	0	\$ 10,000.00	\$ -	1	\$ 10,000.00	\$ 10,000.00
24	* SP	Cash Allowance – Cogeco Services (Provisional Item)	1	I.s.	\$ 5,000.00	\$ 5,000.00	0	\$ 5,000.00	\$ -	1	\$ 5,000.00	\$ 5,000.00
Total for Part "E" – ELECTRICAL & TRAFFIC SIGNALIZATION						\$ 416,450.00			\$ 380,316.67			\$ 36,133.33
PART "F" – MISCELLANEOUS												
1	* OPSS 801	Supply, install and maintain tree protection fencing as indicated on the drawings and as directed by the Engineer, including removal when approved by the Engineer. (Provisional Item)	100	I.m.	\$ 15.00	\$ 1,500.00	0	\$ 15.00	\$ -	100	\$ 15.00	\$ 1,500.00
2	OPSS 182, 219.110	Supply, install and maintain silt fence to OPSPD 219.110 as directed by the Engineer, including removal upon completion of the works	1	I.s.	\$ 500.00	\$ 500.00	0	\$ 500.00	\$ -	1	\$ 500.00	\$ 500.00
3	* SP	Supply, labour, materials and equipment to install 1.8m high portable fence, including relocation as construction progresses. (Provisional Item)	800	I.m.	\$ 8.00	\$ 6,400.00	0	\$ 8.00	\$ -	800	\$ 8.00	\$ 6,400.00
4	OPSS 441, 442, 450	Supply and install new 50 mm dia. PE water service connection for the New School from the 150 mm dia. main to the property line as indicated on the drawings. Exact location of existing water service connection to be determined in the field. Complete, including excavation for pits, removal/replacement of fencing and landscaping as required, saddle, corporation main stop, piping, curb stop and service box (at property line), couplings, adaptors, tracer wire, connection to existing service with any required fittings or adapters, excavation, bedding, cover, backfill and restoration as specified.	1	I.s.	\$ 8,000.00	\$ 8,000.00	0	\$ 8,000.00	\$ -	1	\$ 8,000.00	\$ 8,000.00
5	OPSS 441, 442, SP	Supply and install new fire hydrant including tee, 150 mm valve, valve box, pipe, coupler, bolted couplings, deflection under existing storm sewer as required, connection to the existing main, additional mainline piping, all thrust restraints, and Storz coupling, adjustment to final grade, and backfill complete as specified. This item shall include flow testing and field painting as specified.	2	ea.	\$ 11,000.00	\$ 22,000.00	0	\$ 11,000.00	\$ -	2	\$ 11,000.00	\$ 22,000.00
6	OPSS 441, 442, SP	Adjust existing Bell pedestal to suit new grade, including coordination with Bell services	2	ea.	\$ 1,500.00	\$ 3,000.00	0	\$ 1,500.00	\$ -	2	\$ 1,500.00	\$ 3,000.00
7	* SP	Investigation work to locate and expose unknown underground utilities and services not shown on the drawings, including backfilling. No payment will be made to expose utilities which are shown on the drawings. (Provisional Item)										
		(a) Labour and Equipment										
		i. Hydro-vacuuming machinery (including operator)	20	hours	\$ 325.00	\$ 6,500.00	3.0	\$ 325.00	\$ 975.00	17.0	\$ 325.00	\$ 5,525.00
		ii. Rubber tired backhoe/front end loader (including operator)	20	hours	\$ 150.00	\$ 3,000.00	3.0	\$ 150.00	\$ 450.00	17.0	\$ 150.00	\$ 2,550.00

		iii. Labourer	20	hours	\$ 70.00	\$ 1,400.00	3.0	\$ 70.00	\$ 210.00	17.0	\$ 70.00	\$ 1,190.00
		(b) Surface Restoration for Investigative Work										
		i. Cold patch asphalt	10	tonnes	\$ 250.00	\$ 2,500.00	1.5	\$ 250.00	\$ 375.00	9	\$ 250.00	\$ 2,125.00
		ii. Granular 'A'	20	tonnes	\$ 30.00	\$ 600.00	3.0	\$ 30.00	\$ 90.00	17	\$ 30.00	\$ 510.00
		iii. Concrete (150mm thick)	30	s.m.	\$ 125.00	\$ 3,750.00	4.5	\$ 125.00	\$ 562.50	26	\$ 125.00	\$ 3,187.50
		iv. Top Soil (100 mm thick min.)	100	s.m.	\$ 10.00	\$ 1,000.00	15.0	\$ 10.00	\$ 150.00	85	\$ 10.00	\$ 850.00
		v. Sod	100	s.m.	\$ 20.00	\$ 2,000.00	15.0	\$ 20.00	\$ 300.00	85	\$ 20.00	\$ 1,700.00
8	OPSS 310 SP	Supply, place and compact temporary 80mm HL-4 asphalt as required and directed by the Engineer including removal and disposal	60	tonne	\$ 160.00	\$ 9,600.00	0	\$ 160.00	\$ -	60	\$ 160.00	\$ 9,600.00
9		Expose and relocate existing Bell cable as required to facilitate installation of sewers, including hydro vacuuming, hand digging, coordination with Bell, etc. (Provisional Item)	30	lm	\$ 100.00	\$ 3,000.00	0	\$ 100.00	\$ -	30	\$ 100.00	\$ 3,000.00
10		Expose and relocate existing Cogeco fibre optic cable in conduit as required to facilitate installation of sewers, including hydro vacuuming, hand digging, coordination with Cogeco, etc. (Provisional Item)	30	lm	\$ 100.00	\$ 3,000.00	0	\$ 100.00	\$ -	30	\$ 100.00	\$ 3,000.00
11	SP	Preconstruction survey on existing dwellings, structures, parking lots, roadways, sidewalks and utilities.	1	l.s.	\$ 14,000.00	\$ 14,000.00	0	\$ 14,000.00	\$ -	1	\$ 14,000.00	\$ 14,000.00
12	* SP	Supply and maintain site office for duration of the project. (Provisional Item)	1	l.s.	\$ 8,000.00	\$ 8,000.00	0.15	\$ 8,000.00	\$ 1,200.00	0.85	\$ 8,000.00	\$ 6,800.00
13	OPSS 706, SP	Supply, erect and maintain all project and detour signs, including all delineators, barricades, lights, advanced warnings and flag person(s) necessary for traffic control as required and in accordance with the contract documents and Book 7 of the OTM for the duration of construction. Submit traffic control plan for approval prior to construction.	1	l.s.	\$ 75,000.00	\$ 75,000.00	0.15	\$ 75,000.00	\$ 11,250.00	0.85	\$ 75,000.00	\$ 63,750.00
14	OPSS 706, SP	Supply, erect and maintain 1.2m x 1.2m "All Businesses Open" signs at locations determined by the Engineer.	1	ea	\$ 500.00	\$ 500.00	0.15	\$ 500.00	\$ 75.00	0.85	\$ 500.00	\$ 425.00
15	* OPSS 706 SP	Supply, install, operate, and maintain two (2) portable, variable message signs, minimum 3.5m wide x 2.0m high as directed by the Engineer. (Provisional Item)	40	days.	\$ 400.00	\$ 16,000.00	6.0	\$ 400.00	\$ 2,400.00	34.0	\$ 400.00	\$ 13,600.00
16	* OPSS 506, 2501 SP	Supply and place calcium chloride for dust control as approved by the Engineer (Provisional Item)	10	tonnes	\$ 500.00	\$ 5,000.00	1.5	\$ 500.00	\$ 750.00	9	\$ 500.00	\$ 4,250.00
17	* OPSS 506, SP	Supply and place water for dust control as approved by the Engineer. (Provisional Item)	202	c.m.	\$ 14.00	\$ 2,828.00	30.30	\$ 14.00	\$ 424.20	172	\$ 14.00	\$ 2,403.80
18	* SP	Cash Allowance – Quality Control Testing. (Provisional Item)	1	l.s.	\$ 40,000.00	\$ 40,000.00	0.15	\$ 40,000.00	\$ 6,000.00	0.85	\$ 40,000.00	\$ 34,000.00

19	* SP	Cash Allowance – Asphalt Escalation. (Provisional Item)	1	I.s.	\$ 15,000.00	\$ 15,000.00	0.02	\$ 15,000.00	\$ 300.00	0.98	\$ 15,000.00	\$ 14,700.00
20	* IT	Contingency Allowance (derived from the Schedule of Additional Unit Prices) (Provisional Item)	1	I.s.		\$ 450,000.00	0.15	\$ 450,000.00	\$ 67,500.00	0.85	\$ 450,000.00	\$ 382,500.00
Total for PART “F” – MISCELLANEOUS						\$ 704,078.00			\$ 93,011.70			\$ 611,066.30
Summary												
Total for Part "A" - Road Reconstruction						\$ 1,983,022.44			\$ 187,273.70			\$ 1,795,748.74
Total for Part "B" - Storm Sewers						\$ 1,701,600.00			\$ 336,530.00			\$ 1,365,070.00
Total for Part "C" - Sanitary Sewers						\$ 50,400.00			\$ 29,500.00			\$ 20,900.00
Total for Part "D" - Electrical and Traffic Signalization						\$ 416,450.00			\$ 380,316.67			\$ 36,133.33
Total for Part "E" - Miscellaneous						\$ 704,078.00			\$ 93,011.70			\$ 611,066.30
Tender Price (Excluding HST)						\$ 4,855,550.44			\$ 1,026,632.07			\$ 3,828,918.37
Engineering (13%)						\$ 631,221.56			\$ 133,462.17			\$ 497,759.39
Construction and						\$ 5,486,772.00			\$ 1,160,094.24			\$ 4,326,677.76
HST (13%)						\$ 713,280.36			\$ 150,812.25			\$ 562,468.11
Tender Price (Including						\$ 6,200,052.36			\$ 1,310,906.49			\$ 4,889,145.87

The Corporation of the Town of Tecumseh

By-Law Number 2022 - 047

Being a by-law to amend By-law 85-18, the Town's Comprehensive Zoning By-law for those lands in the former Township of Sandwich South.

(Planning File: D19 6780HO – 6780 Holden Road
Condition of Consent Application B-01-22)

Whereas By-law No. 85-18 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 Tecumseh, for lands situated within the former Township of Sandwich South;

And whereas the Council of the Corporation of the Town of Tecumseh deems it necessary and in the best interest of proper planning to further amend By-law No. 85-18;

And whereas this By-law conforms to the Town of Tecumseh Official Plan, as amended;

Now Therefore the Council of The Corporation of The Town of Tecumseh Enacts as follows:

1. That Schedule "A", Map 15 to By-law 85-18, as amended, is hereby further amended by changing the zoning classification for those lands as depicted on Schedule "A" attached hereto and forming part of this by-law from "Agricultural Zone (A)" to "Agricultural Zone (A-37)" and "Agricultural Zone (A-38)".
2. That By-law 85-18, Section 15, Agricultural Zone (A) Regulations, as amended, is hereby further amended by the addition of a new subsection 15.3.37 to immediately follow subsection 15.3.36 and to read as follows:

"15.3.37 Defined Area A-37 as shown on Schedule "A", Map 15 to this By-Law.

a) Permitted Uses

Uses permitted in the Agricultural Zone (A).

b) Permitted Building and Structures

Buildings and Structures permitted in the Agricultural Zone (A).

c) Zone Provisions

All lot and building requirements shall be in accordance with subsections 15.1.3 to 15.2.4, inclusive, of this By-law, with the exception of the following site-specific regulation:

Maximum Lot Area 0.55 hectares (1.35 acres)”

3. That By-law 85-18, Section 15, Agricultural Zone (A) Regulations, as amended, is hereby further amended by the addition of a new subsection 15.3.38 to immediately follow subsection 15.3.37 and to read as follows:

“15.3.38 Defined Area A-38 as shown on Schedule “A”, Map 15 to this By-Law.

a) Permitted Uses

Uses permitted in the Agricultural Zone (A) as established in subsection 15.1.1, with the exception of the following uses which shall be prohibited:

- i) single family residential uses;
- ii) household occupation or agricultural household occupation;

b) Permitted Building and Structures

- i) Buildings and structures for the uses permitted in subsection 15.3.38 a);
- ii) Accessory buildings and structures for the uses permitted in subsection 15.3.38 a).

c) Zone Provisions

All lot and building requirements shall be in accordance with subsections 15.1.3 to 15.2.3, inclusive, of this By-law.”

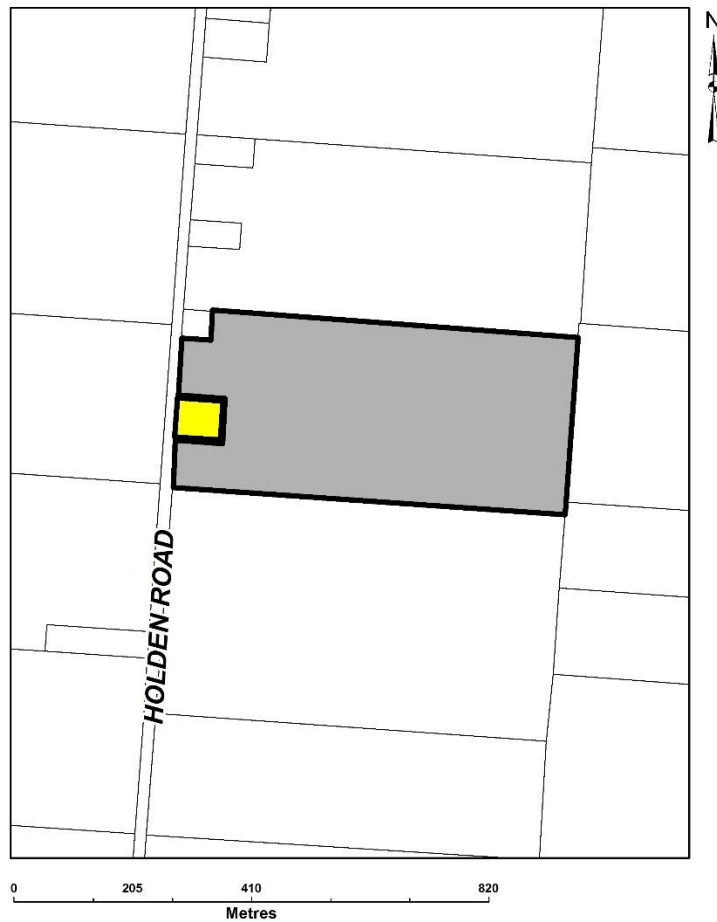
4. This By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990*.

Read a first, second, third time and finally passed this 28th day of June, 2022.

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk

SCHEDULE "A"
6780 HOLDEN ROAD
TOWN OF TECUMSEH



Change from "A" to "A-37"



Change from "A" to "A-38"

This is Schedule "A" to By-law No. 2022-047
Passed the 28th day of June, 2022.

Signed

Mayor

Clerk

The Corporation of the Town of Tecumseh

By-Law Number 2022-48

Being a by-law to confirm and appoint certain officers, servants and employees of The Corporation of the Town of Tecumseh

Whereas pursuant to Section 228(1) of the *Municipal Act* 2001, S.O. 2001 c. 25, the Council shall appoint a Clerk;

And Whereas pursuant to Section 228(2) of the *Municipal Act* 2001, S.O. 2001 c. 25, the Council may appoint a Deputy Clerk;

And Whereas pursuant to Section 3(1) of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M. 56., the members of the Council may by by-law designate from among themselves an individual or committee of Council to act as head of the municipality for the purposes of this Act;

And Whereas pursuant to Section 229 of the *Municipal Act* 2001, S.O. 2001 c.25, the Council may appoint a Chief Administrative Officer;

And Whereas pursuant to Section 286(1) of the *Municipal Act* 2001, S.O. 2001 c. 25, the Council shall appoint a Treasurer;

And Whereas pursuant to Section 286(2) of the *Municipal Act* 2001, S.O. 2001 c. 25, the Council may appoint a Deputy Treasurer;

And Whereas pursuant to Subsection 435(1)1 of the *Municipal Act* 2001, S.O. 2001 c. 25, the power of a municipality of entry under Sections 438 and 439, shall be exercised by an employee, officer or agent of the municipality or a member of the police force of the municipality.

And Whereas pursuant to Section 3(2) of the *Building Code Act* 1992, S.O. 1992 c.23, the Council of each municipality shall appoint a Chief Building Official and such Inspectors as are necessary for the enforcement of the *Building Code Act* in the areas in which the municipality has jurisdiction;

And Whereas Clause 28(o) of the *Interpretation Act*, R.S.O. 1990 Chapter I.11, confers authority to Council to appoint an Acting Chief Building Official;

And Whereas pursuant to Section 93(1) of the *Drainage Act*, R.S.O. 1990 c.D.17 the Council of a local municipality may by by-law appoint a Drainage Superintendent;

And Whereas Section 15 of the *Police Services Act* provides that, a municipal Council may appoint persons to enforce the by-laws of the municipality;

And Whereas pursuant to Section 6 of the *Fire Protection and Prevention Act* 1997, S.O. 1997 c. 4 the Council shall appoint a Fire Chief for the Fire Department if a Fire Department is established for the whole or part of a municipality;

And Whereas pursuant to O. Reg. 380/04, s. 10 (1) of the *Emergency Management and Civil Protection Act*, R.S.O. 1990 c. E.9, every municipality shall designate an employee of the municipality or a member of the Council as its emergency management program coordinator;

And Whereas pursuant to Section 93 of the *Drainage Act*, R.S.O. 1990 c.D.17 the Council of a local municipality may by by-law appoint a Drainage Superintendent;

And Whereas pursuant to the Provincial Offences Act, R.S.O. 1990, c.P.33 provincial offences officer includes a municipal law enforcement officer referred to in subsection 101 (4) of the *Municipal Act, 2001* or in subsection 79 (1) while in the discharge of his or her duties, and a by-law enforcement officer of any municipality or of any local board of any municipality, while in the discharge of his or her duties, and an officer, employee or agent of any municipality or of any local board of any municipality whose responsibilities include the enforcement of a by-law, an Act or a regulation under an Act, while in the discharge of his or her duties;

And Whereas the Attorney General of Ontario has ruled that By-law Enforcement Officers appointed by a municipality are automatically designated as Provincial Offences Officers for the purpose of enforcing the By-laws of the municipality;

And Whereas the Alcohol and Gaming Commission of Ontario by the Order of Council 1413/08 authorizes a municipal council to issue lottery licenses that they deem in the best interest of the inhabitants of a municipality, as long as it does not contravene the criteria established by the Registrar;

And Whereas Section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 confirms that a Municipality has the authority to delegate certain powers and duties.

Now Therefore the Council of The Corporation of The Town of Tecumseh enacts as follows:

1. **That** Jennifer Alexander is hereby appointed as Acting Clerk and designated Head for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act* for the municipality, and the Lottery Licensing Officer;
2. **That** Christina Hebert is hereby appointed Acting Deputy Clerk;
3. **That** Margaret Misk-Evans is hereby appointed as Chief Administrative Officer and Deputy Clerk;
4. **That** Thomas Kitsos is hereby appointed as Treasurer;
5. **That** Zora Visekruna is hereby appointed as Deputy Treasurer;
6. **That** Vanessa DaDalt is hereby appointed as Deputy Treasurer;
7. **That** Daryl Flacks is hereby appointed as By-law Enforcement Officer;

8. **That** Mike Voegeli is hereby appointed as Transitional Chief Building Official, and By-law Enforcement Officer until July 30, 2022;
9. **That** Peter Valore is hereby appointed as Chief Building Official and By-Law Enforcement Officer;
10. **That** Barry Suszek is hereby appointed as Building Inspector;
11. **That** Michael Smithson is hereby appointed as Building Inspector;
12. **That** Dan Lunardi is hereby appointed as Acting Chief Building Official for the Corporation of the Town of Tecumseh;
13. **That** the Acting Chief Building Official shall have the same powers and authority for enforcement of the Building Code Act, the Regulations and by-laws thereunder as the Chief Building Official;
14. **That** the Acting Chief Building Official is hereby empowered to act, upon notice from the Clerk of The Corporation of the Town of Tecumseh, when the Chief Building Official is absent or is unable to perform his duties for any of the following occasions or circumstances:
 - (a) annual leave or vacation;
 - (b) illness, disability or death;
 - (c) attendance at training courses, seminars or conferences;
 - (d) bereavement leave;
 - (e) attendance at court or legal proceedings; or
 - (f) a conflict of interest.
15. **That** Wade Bondy is hereby appointed as Fire Chief and Community Emergency Management Program Co-ordinator;
16. **That** Kevin Kavanagh is hereby appointed as Deputy Fire Chief and Alternate Community Emergency Management Program Co-ordinator;
17. **That** Nicole Fields is hereby appointed as Deputy Fire Chief, Alternate Community Emergency Management Program Co-ordinator and By-law Enforcement Officer;
18. **That** Alessia Mussio is hereby appointed as Drainage Superintendent;
19. **That** By-law 2022-043 and any other by-law inconsistent with this by-law is hereby repealed;
20. **That** this by-law shall come into force and take effect on the date of its final passing.

21. **Read** a first, second and third time and finally passed this 7th day of June, 2022.

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk

The Corporation of the Town of Tecumseh

By-Law Number 2022-049

Being a by-law to appoint an authorized person to approve site plan control applications on behalf of the municipality

Whereas the Town of Tecumseh's Official Plan (2021) designates the Town of Tecumseh in its entirety as a Site Plan Control Area pursuant to Section 41(2) of the Planning Act, R.S.O. 1990 (the "*Planning Act*").

And Whereas the *Planning Act* was amended by Bill 109 (short form title the "*More Homes for Everyone Act*") on April 14th, 2022, which by virtue of Section 4.0.1 will, effective July 1, 2022, require municipalities to pass a by-law to appoint an authorized person for site plan control approvals.

Now Therefore the Council of the Corporation of the Town of Tecumseh enacts as follows:

1. That the authority of the Council of the Town of Tecumseh under Section 41 of the *Planning Act* to approve site plans and drawings of development, including the authority of the Council to impose conditions of approval, is hereby delegated to the Director Development Services. Such authority delegated to the said Director Development Services shall be carried out and implemented as provided under Section 41 of the *Planning Act*.
2. In the event the Director Development Services is absent for any reason, the said authority of Council is delegated to the Manager Planning & Local Economic Development.
3. The Chief Administrative Officer and Clerk are hereby authorized and directed to execute any agreement or undertaking required of an Owner as a condition of site plan approval, which agreements are satisfactory in form and content to the Town's Solicitor and the Director Development Services or the Manager Planning Services & Local Economic Development.
4. That applicants are required to consult with the municipality before submitting plans and drawings for approval in accordance with Section 41 of the *Planning Act*.
5. This by-law shall take effect from the date of passing by Council and shall come into force in accordance with Section 41 of the Planning Act.

Read a first, second, third time and finally passed this 28th day of June, 2022.

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk

The Corporation of the Town of Tecumseh

By-Law Number 2022-050

Being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and Coco Paving Inc. for the construction of the Tecumseh Road East - Street and Storm Sewer Improvements.

Whereas Coco Paving Inc. was awarded the tender for the construction of the Tecumseh Road East Street and Storm Sewer Improvements;

And Whereas The Corporation of the Town of Tecumseh is desirous of entering into an Agreement with Coco Paving Inc., for the construction of the Tecumseh Road East - Street and Storm Sewer Improvements;

And Whereas under Section 5 of the *Municipal Act 2001*, S.O. 2001 c.M.25, the powers of a municipality shall be exercised by its Council by by-law.

Now Therefore the Council of The Corporation of The Town of Tecumseh enacts as follows:

1. **That** the Mayor and the Clerk be and they are hereby authorized and empowered on behalf of The Corporation of the Town of Tecumseh, to execute an Agreement between The Corporation of the Town of Tecumseh and Coco Paving Inc., dated the 28th day of June, 2022, a copy of which Agreement is attached hereto and forms part of the by-law and to do such further and other acts which may be necessary to implement the said Agreement.
2. **And That** this by-law shall come into force and take effect upon on the date of the third and final reading thereof.

Read a first, second, third time and finally passed this 28th day of June, 2022.

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk

THIS AGREEMENT made in triplicate this 28th day of June A.D. 2022

BETWEEN:

The Corporation of the Town of Tecumseh
(hereinafter called the '**OWNER**')

OF THE FIRST PART:

- and -

Coco Paving Inc.
(hereinafter called the '**CONTRACTOR**')

OF THE SECOND PART.

WHEREAS the tender of the Contractor respecting the construction work, hereinafter referred to and described, was accepted by the **OWNER** on the 28th day of June 2022 ;

THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the covenants hereinafter contained, the Parties hereto agree as follows:

1. The Contractor hereby covenants and agrees to provide and supply at his expense all and every kind of labour, machinery, equipment and materials for, and to undertake and complete in strict accordance with his tender dated the 19th day of May 20 , and the Contract Documents (consisting of the Form of Tender, General Conditions of Contract, Drawings, Specifications, Information for Tenderers, Special Provisions of Contract, if any, including all modifications thereof and incorporated in the said documents before their execution) prepared by STANTEC CONSULTING LTD., Consulting Engineers, and all of which said documents are annexed hereto and form part of this Agreement to the same extent as if fully embodied herein, the construction of the **Tecumseh Road East – Street and Storm Sewer Improvements**.

for the sum of: Five Million Four Hundred Ninety Thousand Six Hundred Seventy Dollars and
Zero Cents (\$5,490,670.00)
(including H.S.T.)

2. The Contractor further covenants and agrees to undertake and complete the said work in a proper workmanlike manner to the entire satisfaction of the said Consulting Engineers, within the specified time in his tender. Time shall be deemed the essence of the Contract.
3. The Contractor further covenants and agrees that he will at all times, indemnify and save harmless the Owner, its officers, servants and agents, from and against all loss or damage, and from and against all actions, suits, claims and damages whatsoever which may be made or brought against the Owner, its officers, servants and agents by reason or in consequence of the execution and performance or maintenance of the said work or of the non-execution or negligent execution thereof by the Contractor, its servants, agents or employees.
4. The Contractor further covenants and agrees to furnish, in accordance with the Contract Documents, a Performance Bond and a Labour and Material Payment Bond each in an amount equivalent to One Hundred Percent (100%) of the Tender Price, in such form and issued by such surety as may be approved by the Consultant Engineers and/or the Owner's solicitor, guaranteeing the faithful performance of the said work, in accordance with the terms of this Agreement.
5. The Owner hereby covenants and agrees that if the said work is duly and properly executed and materials are provided as aforesaid, and if the said Contractor carries out, performs and observes all of the requirements and conditions of this Agreement, the Owner will pay to the


Contractor the price set forth in his tender, such payment or payments to be made in accordance with the provisions of the General Conditions of the Contract referred to above.

6. This Agreement and everything herein contained shall enure to the benefit of and be binding upon the parties hereto, their heirs, executors, administrators, successors and assigns, respectively.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their Corporate Seals, if any, duly attested by the signature of their proper officers in that behalf, respectively.



 WITNESS AS TO SIGNATURE OF CONTRACTOR



 Contractor's Signature & Seal

Coco Paving Inc.
 Contractor's Name

485 Little Baseline Road,
 Tecumseh, Ontario N8N 2L9

 Contractor's Address

 WITNESS AS TO SIGNATURE OF OWNER

The Corporation of the Town of Tecumseh
 Owner

 Owner's Signing Officer

 Owner's Signing Officer

Unfinished Regular Council Business

No.	Meeting Date	Resolution	Subject	Action/Direction	Depart.	Status/Action Taken
19/18	May 22, 2018		Property Standards By-Law (Zoning)	It is directed that Administration harmonize the by-law regarding disconnected tractor-trailers on residential properties to be consistent within the Town.	DS	To be addressed in the new Comprehensive Zoning By-law commencing in 2022.
02/20	October 27, 2020	RCM 318/20	Regulations Regarding Storage and Parking of Commercial and Recreational Vehicles/Trailers in Residents' Zones	Administration to bring considerations to regulate the parking of these vehicles, units and trailers within the municipal right-of-way in the former Town of Tecumseh, to ensure that visibility sightlines are maintained to private driveways, and to recommend appropriate regulations surrounding the parking of such vehicles, units and trailers in the minimum side yard of a private property at the time the Town's zoning By-law is reviewed.	DS	To be addressed in the new Comprehensive Zoning By-law commencing in 2022.
03/20	October 27, 2020	RCM 319/20	Short Term Rentals	Administration undertake a regulatory review for both the short-term, owner-absent rental and the home-sharing short term rental categories.	DS	To be addressed in the new Comprehensive Zoning By-law commencing in 2022.
04/20	November 10, 2020	RCM 341/20	By-law to Prohibit and Regulate Public Nuisances Related to Odours and Lighting from Cannabis Cultivation	Administration to review and report back to Council on the appropriateness of a By-law in accordance with the <i>Municipal Act</i> that will address and regulate nuisances related to odour and lighting from the cultivation of cannabis plants; and investigate opportunities to consider the matter with the other municipalities in Essex County to try to seek a common regional regulatory approach.	DS	To be addressed in the new Comprehensive Zoning By-law commencing in 2022.
01/22	February 8, 2022	RCM 30/22	911 Signage for Vacant Rural Property	Administration to review and provide recommendation on 911 signage for vacant rural properties and a process for assigning civic addresses	TCS	Report to Council RCM June 28

The Corporation of the Town of Tecumseh

By-Law Number 2022-051

Being a by-law to confirm the proceedings of the June 28, 2022 regular meeting of the Council of The Corporation of the Town of Tecumseh.

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 the proceedings of the Council of the Corporation of the Town of Tecumseh at this Session be confirmed and adopted by by-law.

Now Therefore the Council of the Corporation of the Town of Tecumseh enacts as follows:

1. **That** the actions of the Council of The Corporation of the Town of Tecumseh in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all other action passed and taken by the Council of the Corporation of the Town of Tecumseh, documents and transactions entered into during the June 28, 2022, meeting of Council, are hereby adopted and confirmed, as if the same were expressly embodied in this By-law.
2. **That** the Mayor and proper officials of the Corporation of the Town of Tecumseh are hereby authorized and directed to do all the things necessary to give effect to the action of the Council of the Corporation of the Town of Tecumseh during the said June 28, 2022, 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 action 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 Tecumseh to all documents referred to in said paragraph 1.

Read a first, second, third time and finally passed this 28th day of June, 2022.

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk