



Municipality of West Elgin

Agenda

Council Meeting

April 23, 2020, 10:00 a.m.

Electronic Participation Meeting

Due to the COVID-19 Pandemic and the Emergency Order Issued by the Province of Ontario under the Emergency Management & Civil Protection Act, prohibiting gatherings of more than 5 people, this meeting will be held electronically

Documents are available in alternate formats upon request. Please contact the Clerk's Department if you require an alternate format or accessible communication support at 519-785-0560 or by email at jnethercott@westelgin.net.

Pages

1. Closed Session - 9:00 a.m.

Under section 239(2)(b) of the *Municipal Act*, consideration will be given to personal matters about an identifiable individual(s) including municipal or local board employee(s).

2. Report from Closed Session

3. Call to Order

4. Adoption of Agenda

Recommendation:

That West Elgin Council hereby adopts the Agenda as presented.

5. Disclosure of Pecuniary Interest

6. Adoption of Minutes

5

Recommendation:

That the Minutes of the Council meeting on April 9, 2020 be adopted as circulated and printed.

7. Business Arising from Minutes

8. Staff Reports

8.1 Health and Safety

- 8.1.1 J. Simpson, Health and Safety Coordinator -April Health and Safety Committee Report** 14

Recommendation:

That West Elgin Council hereby receives the report from Jamie Simpson Health and Safety Coordinator for information purposes.

8.2 Operations & Community Services

- 8.2.1 L. Gosnell, Manager of Operations & Community Services Request from 8678 Furnival Road** 17

Recommendation:

That West Elgin Council receives the report from Lee Gosnell, Manager of Operations & Community Services; and

That West Elgin Council hereby directs public works staff to restore municipal property located at part lot 7, concession 14 (being Part 5 on RP 11R-2054) to its natural state.

- 8.2.2 L. Gosnell, Manager of Operations & Community Services - Pool Filter Replacement** 21

Recommendation:

That West Elgin Council receives the report from Lee Gosnell, Manager of Operations and Community Services; and

That West Elgin Council hereby accepts the quote submitted by Hollandia Pools & Spas at a cost of \$39,752.64 plus applicable taxes for the supply and installation of two (2) new commercial grade, horizontal sand filters at the West Elgin community pool.

8.3 Planning

8.3.1 H. James, Planner - Request for Planting Area on Municipal Land 24

Recommendation:

That West Elgin Council hereby receives the report from Heather James regarding a request from Kellie Milos to establish a planting area on an unopened portion of Sandford Street; and,

That West Elgin Council provides direction to staff on this request to _____.

8.3.2 H. James, Planner - Exemption of Planning Act from Ontario Regulation 73/20 31

Recommendation:

That West Elgin Council hereby receives the report from Heather James regarding the exemption of the Planning Act from Ontario Regulation 73/20; and,

That West Elgin Council provides direction to staff to _____.

8.4 Administration

8.4.1 M. Badura, CAO/Treasurer - 2020 Capital Project Review 35

Recommendation:

That West Elgin Council hereby receives the report from M. Badura, CAO/Treasurer and

That, Council approve deferring the projects identified in Attachment 1 to 2021 to assist with short-term cashflow needs during the COVID-19 pandemic; and That Staff ensure deferred projects are taken into consideration when preparing the 2021 capital budget and forecast.

9. Committee and Board Report

9.1 Elgin County Council 40

10. Accounts

Recommendation:

That the Mayor and Treasurer are hereby authorized to sign Payment Voucher #4A amounting to \$1,052,898.25 in settlement of General, Road, Water and Arena Accounts (including cheques # 25334-25337, EFT#2554-2590 & online Payments# 306-415 and Payroll PP08).

11. Notice of Motion

12. Council Announcements

13. Correspondence

14. By-Laws

14.1 Third and Final Reading for By-Law 2020-14 - Smith Drain

43

Recommendation:

That By-Law 2020-14, being a by-law to provide for the Smith Drain in the Municipality of West Elgin, be read a third and final time.

14.2 *By-law 2020-37 - Dedicated Gas Tax Agreement*

61

Recommendation:

That By-law 2020-37, being a by-law to authorize the Execution of an Agreement between Her Majesty the Queen Right of Ontario and The Corporation of the Municipality of West Elgin for the Dedicated Gas Tax Funds for Public Transportation Program, be read for a first, second and third and final time.

15. Confirming By-Law

66

Recommendation:

That By-law 2020-36, being a by-law to confirm the proceeding of the Regular Council Meeting on April 23, 2020, be read a first, second and third and final time.

16. Adjournment

Recommendation:

That the Council of the Municipality of West Elgin hereby adjourn at _____ to meet again at 9:30 a.m. on May 14, 2020 or at the call of the Chair.



Municipality of West Elgin

Minutes

Council Meeting

April 9, 2020, 9:30 a.m.

Electronic Participation Meeting

Meeting held via Zoom

Email Clerk@westelgin.net for meeting link/call in number prior to start of meeting

Present:
Mayor D. McPhail
Deputy Mayor R. Leatham
Councillor T. Tellier
Councillor A. Cammaert
Councillor B. Rowe

Staff Present:
M. Badura, CAO/ Treasurer
J. Nethercott, Clerk
L. Gosnell, Manager of Operations & Community Services
H. James, Planner
Susan Budden, OCWA
Sam Smith, OCWA
Jackie Morgan-Beunen, CBO

1. Call to Order

Mayor Duncan McPhail called the meeting to order at 10:15 a.m.

2. Report from Closed Session

Mayor McPhail reported out at 10:15 a.m., that direction was provided to staff regarding an identifiable individual including a municipal or local board employee and employee negotiations.

3. Adoption of Agenda

Resolution No. 2020-130

Moved: Councillor Cammaert

Seconded: Councillor Rowe

That West Elgin Council hereby adopts the Agenda as presented.

For (4): Deputy Mayor Leatham, Councillor Tellier, Councillor Cammaert, and Councillor Rowe

Abstain (1): Mayor McPhail

Carried (4 to 0)

5. Adoption of Minutes

Resolution No. 2020-131

Moved: Councillor Cammaert

Seconded: Councillor Rowe

That the Minutes of the Council meeting on March 12, 2020, and the Special Council meeting on March 20, 2020 be adopted as circulated and printed.

For (4): Deputy Mayor Leatham, Councillor Tellier, Councillor Cammaert, and Councillor Rowe

Abstain (1): Mayor McPhail

Carried (4 to 0)

7. Staff Reports

7.1 Water

7.1.1 S. Smith, OCWA - Annual Report for West Elgin Distribution System

Resolution No. 2020-132

Moved: Councillor Tellier

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby receives the report from Sam Smith, OCWA re: 2019 Schedule 22 Summary Report for the West Elgin Distribution System; and

That Council receives the 2019 Annual Report for the West Elgin Distribution System required under Section 11 of O'Reg 170/03.

For (4): Deputy Mayor Leatham, Councillor Tellier, Councillor Cammaert, and Councillor Rowe

Abstain (1): Mayor McPhail

Carried (4 to 0)

7.2 Wastewater

7.2.1 S. Smith OCWA - 2019 Annual Report for West Lorne Wastewater Treatment Plant

Resolution No. 2020-133

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That West Elgin Council hereby receives the 2019 Annual West Lorne Wastewater Treatment Report.

For (4): Deputy Mayor Leatham, Councillor Tellier, Councillor Cammaert, and Councillor Rowe

Abstain (1): Mayor McPhail

Carried (4 to 0)

7.2.2 S. Smith OCWA - 2019 Annual Report for Rodney Wastewater Treatment Plant

Mr. Smith reported that OCWA has inquired about the application submitted for funding to upgrade the Rodney Waste Water Treatment Plant, but as of yet no information is available. The plant is currently in compliance and OCWA believes they will keep it that way, however the funding to overhaul the plant is needed.

Resolution No. 2020-134

Moved: Councillor Rowe

Seconded: Councillor Tellier

That West Elgin Council hereby receives the 2019 Annual Rodney Wastewater Treatment Report.

For (4): Deputy Mayor Leatham, Councillor Tellier, Councillor Cammaert, and Councillor Rowe

Abstain (1): Mayor McPhail

Carried (4 to 0)

7.3 Building

7.3.1 Building Activity Report – March 2020

Resolution No. 2020-135

Moved: Deputy Mayor Leatham

Seconded: Councillor Rowe

That West Elgin Council hereby receives the report from Jackie Morgan-Beunen, CBO re: Building Permit Report for March 2020 for information purposes.

For (4): Deputy Mayor Leatham, Councillor Tellier, Councillor Cammaert, and Councillor Rowe

Abstain (1): Mayor McPhail

Carried (4 to 0)

7.3.2 Building Department COVID-19 Temporary Procedure for Permits and Inspections

Chief Building Official J. Morgan-Beunen clarified that previously issued permits can proceed with work, but that any new permits issued after April 4, 2020, the applicant will have to sign a disclaimer stating they understand that they are not to proceed with work until the Province lifts the emergency declaration. Ms. Morgan-Beunen state she is seeking clarification on agricultural permits and is hoping to have a response from the Province shortly.

Mayor McPhail thanked staff for their hard work in clarifying issues in this constantly changing landscape.

Resolution No. 2020-136

Moved: Councillor Tellier

Seconded: Councillor Rowe

That West Elgin Council hereby receives the report from Jackie Morgan-Beunen, Chief Building Official re: EMCPA O.Reg. 119/20 as it relates to Construction for inspections and permits.

For (4): Deputy Mayor Leatham, Councillor Tellier, Councillor Cammaert, and Councillor Rowe

Abstain (1): Mayor McPhail

Carried (4 to 0)

7.4 Emergency Management

7.4.1 Emergency Control Group Minutes - March 18, 2020

7.4.2 Emergency Control Group Minutes - March 20, 2020

7.4.4 Emergency Control Group Minutes - April 3, 2020

7.5 Operations and Community Services

7.5.1 Lee Gosnell, Manager of Operations & Community Services - 2020 Dust Suppressant

Mr. Gosnell clarified that while applying dust suppressant is not required service, to not do this would cause damage to the roads as well as a lot of complaints.

Mr. Gosnell provided a verbal update on Operations and Community Services department operations.

Councillor Rowe inquired about any water line replacement projects being put on hold. Mr. Gosnell stated that the replacement on Todd Place in West Lorne had already been awarded and due to the problems with that line it makes financial sense to move ahead with this construction, but all other work would be evaluated on a case by case basis.

Resolution No. 2020-137

Moved: Deputy Mayor Leatham

Seconded: Councillor Rowe

That West Elgin Council receives the report from Lee Gosnell, Manager of Operations and Community Services; and

That West Elgin Council hereby accepts the quote submitted by Pollard Highway Products at a cost of \$140,625.00 plus applicable taxes for supply & application of dust suppressant included in the 2020 municipal budget.

For (4): Deputy Mayor Leatham, Councillor Tellier, Councillor Cammaert, and Councillor Rowe

Abstain (1): Mayor McPhail

Carried (4 to 0)

7.6 Planning

7.6.1 H. James, Planner - Ontario Regulation 73/20 and Planning Applications

Resolution No. 2020-138

Moved: Councillor Cammaert

Seconded: Councillor Rowe

That West Elgin Council hereby receives the report from Heather James for information; and

That West Elgin Council in accordance with O. Reg 73/20 of the Emergency Management and Civil Protection Act suspend all statutes, regulations, rules, by-laws or orders establishing any limitation period or establishing any period of time within which any step must be taken in any proceeding in Ontario, including any intended proceeding for the duration of the COVID-19 emergency.

For (4): Deputy Mayor Leatham, Councillor Tellier, Councillor Cammaert, and Councillor Rowe

Abstain (1): Mayor McPhail

Carried (4 to 0)

7.7 Administration

Council recessed at 11:02 a.m. and reconvened at 11:15 a.m.

7.7.1 J. Nethercott, Clerk - Proposed Community Garden in Rodney

Resolution No. 2020-139

Moved: Councillor Tellier

Seconded: Councillor Cammaert

That West Elgin Council hereby receives the report from Jana Nethercott, Clerk re: Proposed Community Garden in Rodney; and

That West Elgin Council directs staff to investigate alternative locations for the community garden and to defer this item until 2021, due to the COVID-19 pandemic.

For (4): Deputy Mayor Leatham, Councillor Tellier, Councillor Cammaert, and Councillor Rowe

Abstain (1): Mayor McPhail

Carried (4 to 0)

7.7.2 M. Badura, CAO/Treasurer - Optimist Playground Equipment

Resolution No. 2020-140

Moved: Councillor Rowe

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby receives the report from M. Badura re: Optimist Playground Equipment purchase for information only; and

That West Elgin Council hereby approves and in kind Municipal Contribution for the site preparation in the amount of up to \$18,000.00; and

That West Elgin Council direct Senior Staff to work with the West Lorne Optimist Club to order the playground equipment as presented; and

That the work can proceed without a written agreement.

For (4): Deputy Mayor Leatham, Councillor Tellier, Councillor Cammaert, and Councillor Rowe

Abstain (1): Mayor McPhail

Carried (4 to 0)

7.7.3 Magda Badura, CAO/Treasurer - COVID-19 and Port Glasgow Trailer Park

Resolution No. 2020-141

Moved: Deputy Mayor Leatham

Seconded: Councillor Rowe

That West Elgin Council hereby receives the report from Magda Badura, CAO/Treasurer re: COVID-19 Pandemic and Port Glasgow Trailer Park; and

That West Elgin Council hereby approves that residents with government issued identification stating that Port Glasgow Trailer Park is here permanent residence be permitted to reside in the park during the provincially ordered closure; and

That West Elgin Council continue to require payment of all seasonal fees for Port Glasgow Trailer Park by May 1, 2020 and that prorated seasonal fee refunds be issued accordingly once the provincial order is lifted; and

That West Elgin Council hereby approve deferring of all Port Glasgow Trailer Capital Projects to the 2021 budget

For (4): Deputy Mayor Leatham, Councillor Tellier, Councillor Cammaert, and Councillor Rowe

Abstain (1): Mayor McPhail

Carried (4 to 0)

8. Committee and Board Report

8.1 Elgin County Council

8.2 Healthy Communities Partnership Committee

9. Accounts

Resolution No. 2020-142

Moved: Councillor Rowe

Seconded: Councillor Tellier

That the Mayor and Treasurer are hereby authorized to sign Payment Voucher #4 amounting to \$1,083,107.40 in settlement of General, Road, Water and Arena Accounts (including cheques # 25329-25333, EFT#2459-2553 & online Payments# 388-405 and Payroll PP06/07).

For (4): Deputy Mayor Leatham, Councillor Tellier, Councillor Cammaert, and Councillor Rowe

Abstain (1): Mayor McPhail

Carried (4 to 0)

10. Council Announcements

Councillor Cammaert stated that after discussions with the Horvat family, the Arena Renaming Committee will be announcing the postponement of the Renaming ceremony and festival until 2021.

Councillor Tellier inquired on the plans for Canada Day. CAO/Treasurer Magda Badura stated at this time no funding had been received and everything is on hold pending the Emergency Declaration being lifted.

11. Correspondence

None.

12. By-Laws

12.1 By-Law 2020-33 - By-law to Appoint Manager of Operations and Community Services

Resolution No. 2020-143

Moved: Deputy Mayor Leatham

Seconded: Councillor Tellier

That By-Law 2020-33, being a by-law to appoint Lee Gosnell as Manager of Operations and Community Services, be read a first, second and third and final time.

For (4): Deputy Mayor Leatham, Councillor Tellier, Councillor Cammaert, and Councillor Rowe

Abstain (1): Mayor McPhail

Carried (4 to 0)

12.2 By-Law 2020-34 - By-law to defer penalty and interest on property taxes

Resolution No. 2020-144

Moved: Councillor Rowe

Seconded: Councillor Tellier

That By-law 2020-34 being a By-law to amend Section 4 of the Interim Tax Levy By-law No 2020-19 to waive penalties and interest on current years taxes until April 30, 2020 and to reduce the imposition of all new interest on current years property taxes until August 31, 2020, be read a first, second and third and final time.

For (4): Deputy Mayor Leatham, Councillor Tellier, Councillor Cammaert, and Councillor Rowe

Abstain (1): Mayor McPhail

Carried (4 to 0)

13. Confirming By-Law

Resolution No. 2020-145

Moved: Councillor Rowe

Seconded: Deputy Mayor Leatham

That By-law 2020-35, being a By-Law to confirm the proceedings of the Regular Meeting of Council held on April 9, 2020 be read a first, second and third and final time.

For (4): Deputy Mayor Leatham, Councillor Tellier, Councillor Cammaert,
and Councillor Rowe

Abstain (1): Mayor McPhail

Carried (4 to 0)

14. Adjournment

Resolution No. 2020-146

Moved: Councillor Tellier

Seconded: Councillor Cammaert

That the Council of the Municipality of West Elgin hereby adjourn at 12:18 p.m. to meet again at 9:30 a.m. on April 23, 2020 or at the call of the Chair.

For (4): Deputy Mayor Leatham, Councillor Tellier, Councillor Cammaert,
and Councillor Rowe

Abstain (1): Mayor McPhail

Carried (4 to 0)

Duncan McPhail, Mayor

Jana Nethercott, Clerk



Staff Report

Report To: Council Meeting
From: Jamie Simpson, Health and Safety Coordinator
Date: 2020-04-23
Report: 2020-02
Subject: April Health and Safety Committee Report

Recommendation:

That West Elgin Council hereby receives the report from Jamie Simpson Health and Safety Coordinator for information purposes.

Purpose:

To provide Council with an update on the activities of the Health and Safety Committee for the first quarter of 2020

Background:

- Some members completed their Part I and II training in London
- The Gap Audit was instrumental, giving us a template to move forward and stay in compliance
- We have designated people for monthly building inspections within West Elgin, the Coordinator receives all copies to be kept on file
- Mike Kalita and Jamie Simpson agreed to do the annual building inspections
- The Health and Safety boards have been updated
- We have good support from Fire Station #1 and #2
- 2 new committee members joined last fall
- The Committee members to date are: Jamie Simpson, Tim Blain, John Campbell, Mike Kalita and Martha Gawley
- The Committee had a 2020 luncheon kickoff meeting where discussed meeting dates, SDS sheets, First aid recertification's, confined space training
- 2020 Green books have been ordered, arriving in May
- Extensive measures have been taken to ensure employees are safe and informed through the COVID-19 pandemic
- Some of the goals the committee has for 2020 is to keep a strong member base, carry on with monthly inspections, quarterly meetings as well as reporting to council and above all be incident free

In closing, as a committee we accomplished amazing things in 2019. Most of the workers had a hard time getting on board with the Health and Safety Committee because it had failed years before but I was determined to make it work and succeed as it is law. I truly appreciate the support of Council.

Report Approval Details

Document Title:	Health and Safety Update.docx
Attachments:	
Final Approval Date:	Apr 17, 2020

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

Jana Nethercott



Staff Report

Report To: Council Meeting
From: Lee Gosnell, Manager of Operations & Community Services
Date: 2020-04-23
Report: 2020-09
Subject: Request from 8678 Furnival Road

Recommendation:

That West Elgin Council receives the report from Lee Gosnell, Manager of Operations & Community Services; and

That West Elgin Council hereby directs public works staff to restore municipal property located at part lot 7, concession 14 (being Part 5 on RP 11R-2054) to its natural state.

Purpose:

To provide Council with background information pertaining to the request made by the owner of 8678 Furnival Road in Port Glasgow.

Background:

There is currently an old paved driveway located on municipal property which lies between 8678 Furnival Road and 8664 Furnival Road. This driveway is connected to the adjacent driveway used for 8678 Furnival Road, which is also asphalt. The adjacent property owner will be making improvements to their driveway and have requested the municipality either improve their lands or consider selling to them for cosmetic reasons.

Sale of this land is not possible as there is a municipal water line and meter pit (which services the PGTP) located on this parcel. That being said, these water services do not require a driveway, so removal of the old, broken asphalt is a relatively low cost solution to the neighbor's cosmetic concerns. This area could be seeded to grass and still be accessed by municipal staff for meter reads or water system repairs.

Financial Implications:

The total cost of this restoration work would be approx. \$2000.00 and should be taken out of Council grants/donations. The majority of cost will be 'in kind' as it consists mainly of labour and machine time.

Report Approval Details

Document Title:	8678 Furnival Road.docx
Attachments:	- 8678 Furnival Road.jpg
Final Approval Date:	Apr 20, 2020

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

Jana Nethercott

From: [Jana Nethercott](#)
To: [Jana Nethercott](#)
Subject: RE: Council Meeting Letter
Date: April 20, 2020 2:27:23 PM

From: Catherine Glanville [REDACTED] >
Sent: Thursday, April 16, 2020 7:22 PM
To: Heather James <planning@westelgin.net>
Subject: Council Meeting Letter

Council of West Elgin,

I am writing regarding my property that meets municipality property between myself and my neighbour. It used to be a roadway however I am unsure of what it's function is at this time. I would either like to purchase the property to increase the size of my lot or have the municipality pay to upgrade the pavement on your section as I plan to redo my own driveway. It may work to have you look at the property in order to assess better what can be done in this instance. I have included a photo that may also help you to understand. Please reply soon as I plan to address the driveway issue this spring.

With Thanks,

Catherine Glanville 8679 Furnival Road in Port Glasgow.

Sent from my Samsung Galaxy smartphone.





Staff Report

Report To: Council Meeting
From: Lee Gosnell, Manager of Operations & Community Services
Date: 2020-04-23
Report: 2020-08
Subject: Pool Filter Replacement

Recommendation:

That West Elgin Council receives the report from Lee Gosnell, Manager of Operations and Community Services; and

That West Elgin Council hereby accepts the quote submitted by Hollandia Pools & Spas at a cost of \$39,752.64 plus applicable taxes for the supply and installation of two (2) new commercial grade, horizontal sand filters at the West Elgin community pool.

Purpose:

To upgrade the aging/damaged filtration system at the West Elgin community pool.

Background:

When the West Elgin community pool was constructed 20 years ago, it consisted of two horizontal sand filters for pool filtration. Several years ago, one of these filters suffered a catastrophic failure and was taken out of service. Since that time, the pool has been operating on the single remaining filter, which has undoubtedly resulted in additional stress due to the increased pressures.

The 2020 capital budget included \$35,000.00 for replacement of the damaged filter, with hopes that the remaining filter would get through another year or two. Upon review of the current situation, it was decided that maintaining a two filter, commercial grade, horizontal filtration system was in the municipality's best interest. Therefore, a request for proposal was prepared which identified three options for proponents to bid on.

Option 1 – remove the existing filter and replace with two (2) new horizontal sand filters, placed side by side as per the pool's original design.

Option 2 – remove the existing filter and replace with two (2) new horizontal sand filters, stacked one above the other to provide space for future options such as bulk chlorine storage.

Option 3 – leave the existing filter and install one (1) new horizontal sand filter where the damaged filter once sat, thus bringing the system back to design capacity.

An additional line was also added for 2 provisional items, being bulk chlorine storage and a VFD for the pump motor. This pricing was to be shown separately from the options listed above.

RFP pricing was received from three companies with the results listed below (before tax) –

	<u>Option 1</u>	<u>Option 2</u>	<u>Option 3</u>
Hollandia Pools and Spas (London)	\$39,752.64	\$41,992.43	\$19,929.34
Acapulco Pools (Kitchener)	\$47,842.00	\$52,239.00	\$27,037.00
AquaPRO Pools & Hot Tubs (Newmarket)	\$49,268.60	\$53,372.50	\$26,501.70

All proposals were reviewed to verify they met the criteria as presented in the RFP and warranty information was compared. After discussion with our municipal pool operators, we feel option 1, as proposed by Hollandia Pools and Spas, is best suited to West Elgin's current financial and operational needs.

Financial Implications:

While the recommended option is approx. \$5000.00 over the 2020 budget amount, it brings the pool back to its original design capacity and eliminates possible failure of the second old filter. Staff also feel there are some savings to be found within the pools maintenance budget, which can help offset the added capital cost.

Although there is merit in the two provisional items, given the current health situation, I feel these would be better left for a future budget.

Report Approval Details

Document Title:	Pool filter replacement.docx
Attachments:	
Final Approval Date:	Apr 20, 2020

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

Jana Nethercott



Staff Report

Report To: Council
From: Heather James, Planner
Date: 2020-04-23
Report: 2020-13
Subject: Request for Planting Area on Municipal Land

Recommendation:

That West Elgin Council hereby receives the report from Heather James regarding a request from Kellie Milos to establish a planting area on an unopened portion of Sandford Street; and,

That West Elgin Council provides direction to staff on this request to _____.

Purpose:

The purpose of this report is to provide Council with a request regarding establishing a planting area on an unopened portion of Sandford Street in the former Village of Rodney and for Council to provide direction to staff on this request.

Background:

A request to establish a planting area on an unopened portion of Sandford Street in the former Village of Rodney by Kellie Milos, has been received. Ms. Milos resides at 184 Victoria Street and is an abutting neighbour to the unopened road allowance to the west (see attached Key Map). In the attached letter provided by Ms. Milos, she is requesting to establish a planting area on an unopened portion of Sandford Street that intersects Victoria Street. Specifically, she wishes to plant pollinator gardens, berry producing shrubs and small trees. Also attached is a draft sketch of the proposed layout of the planting areas on the unopened portion of the Sandford Street Road allowance. Ms. Milos intends to consult with the Horticultural Society in the municipality for their expertise on where to position such pollinator gardens, bushes and small trees. Ms. Milos has also indicated the pollinator gardens would be located to the rear of the portion of the unopened road allowance to minimize the impact to neighbouring residences. Lastly, Ms. Milos has not requested to purchase the land.

This request has been reviewed by Lee Gosnell, Manager of Operations & Community Services and Mr. Gosnell has no concerns provided that no trees are planted as they could be a potential liability to the municipality should they fall down.

Should Council support this request, it is recommended that all abutting property owners be circulated this proposal and provided a 30 day time period to provide input. Should no abutting property owners have concerns on the proposal, it is recommended that the municipality enter into an agreement with Ms. Milos regarding the maintenance of this land and that should the municipality require the use of these lands, that Ms. Milos be responsible for returning the lands to their original state.

Financial Implications:

Use of municipally owned lands for private use will be required to be covered by municipality's insurance policy.

Policies/Legislation:

None.

Key Map



Report Approval Details

Document Title:	Request for Planting Area on Municipal Land.docx
Attachments:	<ul style="list-style-type: none">- Consideration of Munc land use Rodney.pdf- manulifesecuritiesstt@gmail.com_20200416_150409.pdf- IMG_0465.jpg
Final Approval Date:	Apr 20, 2020

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

Jana Nethercott

From: [Kellie Milos](#)
To: [Heather James](#)
Subject: Consideration of Munc land use Rodney
Date: Thursday, April 16, 2020 2:53:19 PM
Attachments: [REDACTED] [20200416_150409.pdf](#)
[IMG_0465.jpg](#)

Good Morning, I am requesting permission to maintain the strip of property (right of way Sandford St) that is East of mine at 184 Victoria St. I am looking to create some pollinator gardens and berry producing shrubs and small trees. Attached is a very bad graph of a quick layout. I would like to stay further back of the property so no bees are too close to the houses and the monarch butterflies have a peaceful section. If this request is approved I was going to contact the Horticultural Group and seek their expertise on plants and positioning, also I am contacting Pollinators Ontario to seek their knowledge as well. I have lived here for 18 years and would love to see the unused property go to helping wildlife and providing tranquility of view. I have attached a picture from last year when I left a thistle to grow on my fence, look at what they attract, I only wish to provide more. I look forward to discussing this plan

Thank you for your consideration and please excuse my ignorance of language or drawing, I have never before approached a council.

Kellie Milos

old tracks

Creek

existing
maple
tree " "

add Berry shrubs

add
pollinator
garden

add
pollinator
garden

my small
pollinator

cedar

add
pollinator
garden

add Berry shrubs

fence

cedar

shed

existing
tree
shrub

existing
tree

existing
tree

184

178

Victoria St





Staff Report

Report To: Council
From: Heather James, Planner
Date: 2020-04-23
Report: 2020-12
Subject: Exemption of Planning Act from Ontario Regulation 73/20

Recommendation:

That West Elgin Council hereby receives the report from Heather James regarding the exemption of the Planning Act from Ontario Regulation 73/20; and,

That West Elgin Council provides direction to staff to _____.

Purpose:

The purpose of this report is to provide Council with information regarding the exemption of the Planning Act from Ontario Regulation 73/20.

Background:

On April 15, 2020 the provincial government changed the suspension of timelines for land use planning. The changes occurred through the enactment of Bill 189 (titled the Coronavirus (COVID 19) Support and Protection Act, 2020) and the passage of new Ontario Regulation 149/20 (O. Reg. 149/20). Through these enactments, the Province has (a) retroactively exempted the Planning Act from O. Reg. 73/20 and (b) created a new set of rules to govern the timelines for decision making and appeals under the Planning Act.

The timeline changes are intended to apply for the duration of the current state of emergency. The changes are retroactive to the start of the emergency (March 17, 2020) and are relatively consistent amongst the various decisions capable of being made under the Planning Act, including official plans and official plan amendments (ss. 17 and 22), zoning by-laws and zoning by-law amendments (s. 34), site plan approvals (s. 41 and s. 114 under the City of Toronto Act, 2006), minor variances (s. 45), plans of subdivision (s. 51) and consents (s. 53). The new rules provided by O. Reg. 149/20 can be summarized in the attached document. The new rules that would apply to West Elgin are as follows:

1. If a decision on a pending application was not made prior to April 15, 2020, a decision does not need to be rendered for the duration of the state of emergency. All timelines required by the *Planning Act* for the processing of an application and the rendering of a decision are suspended until the emergency is over, after which the relevant timeline will resume. The effect of this suspension is that there can be no appeals from non-decisions until after the emergency has ended.

2. Where a Council or Committee does proceed to render a decision during the state of emergency, the usual *Planning Act* notice obligations and appeal timelines will apply to the decision. However, the timeline for the municipality to prepare a record and forward the appeal to the Local Planning Appeal Tribunal is suspended until the end of the state of emergency.

West Elgin Council has not made any decisions on any planning applications from February 26 to present. No notice of decisions for any planning applications were given from February 26 to present.

The result is that municipal council and committee of adjustment have the ability for the duration of the state of emergency to effectively control the decision-making and appeals process under the *Planning Act*:

- After April 15, where a municipal authority wishes to provide a decision and issue notice on a *Planning Act* matter during the state of emergency, it may do so.
- Where a municipal authority is unable, or chooses not, to provide a decision on a *Planning Act* matter during the state of emergency, a decision need not be required until after the state of emergency is over. No appeal rights from a non-decision will accrue.
- If a decision is given during the state of emergency, it will be subject to the usual notice requirements of the *Planning Act* and will create rights of appeal. If no appeal is filed, the decision is final. If an appeal is filed, the municipal authority is not obligated to forward the appeal record to the Local Planning Appeal Tribunal until after the state of emergency has ended.

Financial Implications:

None.

Policies/Legislation:

Planning Act R.S.O. 1990, c. P.13; Ontario Regulation 73/20; Coronavirus (COVID 19) Support and Protection Act, 2020; and, Ontario Regulation 149/20.

Changes to Planning Act Timelines During Ontario State of Emergency

Apr 17, 2020

By Patrick Harrington and Leo F. Longo

As part of its various legislative and regulatory responses to the current COVID-19 pandemic, the Province of Ontario passed Ontario Regulation 73/20 (O. Reg. 73/20) on March 20, 2020. The effect of O. Reg. 73/20 was to suspend limitation periods and procedural timelines under any statute, regulation, rule or by-law in effect in Ontario. The result was a “pause” on various forms of litigation and administrative proceedings to allow parties, adjudicators, local authorities and the Province to effectively respond to the changing needs of the crisis.

In the land use planning context, O. Reg. 73/20 had the effect of suspending all timelines under the *Planning Act*, the *Local Planning Appeal Tribunal Act*, the Tribunal’s *Rules of Practice and Procedure* and a number of other related statutes, regulations, rules and by-laws.

This week, during a limited session of Parliament, the Province moved to change the suspension of timelines in the land use planning context. This intended change was highlighted in an April 9, 2020 letter to the heads of Ontario’s various municipalities advising that the Province was preparing to take legislative steps to ensure that municipal councils would not need to worry about decision timelines under the *Planning Act* during the state of emergency. The letter indicated that municipalities would shortly have the comfort of being able to re-deploy resources as needed to combat the COVID-19 pandemic without the fear of impending development-related appeals. Equally, where municipalities did wish to proceed with decision-making under the *Planning Act* during the state of emergency, the Province would be providing a mechanism to allow such decisions to be made.

The changes occurred through the enactment of Bill 189 (titled the *Coronavirus (COVID-19) Support and Protection Act, 2020*) and the passage of new Ontario Regulation 149/20 (O. Reg. 149/20). Through these enactments, the Province has (a) retroactively exempted the *Planning Act* from O. Reg. 73/20 and (b) created a new set of rules to govern the timelines for decision making and appeals under the *Planning Act*.

The timeline changes are intended to apply for the duration of the current state of emergency. The changes are retroactive to the start of the emergency (March 17, 2020) and are relatively consistent amongst the various decisions capable of being made under the *Planning Act*, including official plans and official plan amendments (ss. 17 and 22), zoning by-laws and zoning by-law amendments (s. 34), site plan approvals (s. 41 and s. 114 under the *City of Toronto Act, 2006*), minor variances (s. 45), plans of subdivision (s. 51) and consents (s. 53). The new rules provided by O. Reg. 149/20 can be summarized as follows:

1. If a decision was made after February 26, 2020, and a notice was issued before April 15, 2020, the decision stands, but the notice is void. The notice must be re-issued “no later than 15 days after the COVID-19 emergency is terminated or disallowed.”
2. If a decision was made after March 2, 2020, but a notice had not been issued (or full notice circulation was not completed) before April 15, 2020, the decision stands, and the notice can lawfully be issued up to 15 days after the COVID-19 emergency is terminated or disallowed. Any notices given prior to April 15, 2020 are deemed to have not been given.
3. If a decision on a pending application was not made prior to April 15, 2020, a decision does not need to be rendered for the duration of the state of emergency. All timelines required by the *Planning Act* for the processing of an application and the rendering of a decision are suspended until the emergency is

over, after which the relevant timeline will resume. The effect of this suspension is that there can be no appeals from non-decisions until after the emergency has ended.

4. Appeal timelines that would have ended between March 17, 2020 and April 15, 2020 are deemed to have not ended, and any appeals or motions filed within that time period are deemed to have not been made or filed.
5. Where a Council or Committee does proceed to render a decision during the state of emergency, the usual *Planning Act* notice obligations and appeal timelines will apply to the decision. However, the timeline for the municipality to prepare a record and forward the appeal to the Local Planning Appeal Tribunal is suspended until the end of the state of emergency.

The rules for Committees of Adjustment differ slightly, but only for decisions made between February 26, 2020 and April 15, 2020. For these decisions, the secretary-treasurer must still give notice of the decision (regardless if notice has already been given), but the notice may be issued up to 10 days after the state of emergency is ended. As well, the appeal period under s. 45(12) is amended to allow appeals to be filed within 20 days after the new notice has been issued.

The result of the foregoing is that municipal councils and committees are empowered for the duration of the state of emergency to effectively control the decision-making and appeals process under the *Planning Act*.

- After April 15, where a municipal authority wishes to render a decision and issue notice on a *Planning Act* matter during the state of emergency, it may do so.
- Where a municipal authority is unable, or chooses not, to render a decision on a *Planning Act* matter during the state of emergency, a decision need not be rendered until after the state of emergency is over. No appeal rights from a non-decision will accrue.
- If a decision is rendered during the state of emergency, it will be subject to the usual notice requirements of the *Planning Act* and will create rights of appeal. If no appeal is filed, the decision is final. If an appeal is filed, the municipal authority is not obligated to forward the appeal record to the Local Planning Appeal Tribunal until after the state of emergency has ended.

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This communication offers general comments on legal developments of concern to business organizations and individuals and is not intended to provide legal advice. Readers should seek professional legal advice on the particular issues that concern them.



Staff Report

Report To: Council Meeting
From: Magda Badura, CAO/Treasurer
Date: 2020-04-23
Report: 2020-10
Subject: 2020 Capital Project Review

Recommendation:

That West Elgin Council hereby receives the report from M. Badura, CAO/Treasurer and That, Council approve deferring the projects identified in Attachment 1 to 2021 to assist with short-term cashflow needs during the COVID-19 pandemic; and That Staff ensure deferred projects are taken into consideration when preparing the 2021 capital budget and forecast.

Purpose:

On April 9, 2020 Council received Staff Report and approved an interim cashflow relief for property owners and residents as it relates to property tax and utility payment requirements. These interim measures were to waive penalty and interest of past due taxes and water/wastewater billings until April 30th and reduce interest on current balance by .5% from May 1 – June 30th.

In order to properly address the financial needs during the current global crisis, staff is providing Council with an update and recommendation regarding approved capital projects. The projects selected represent a combination of considerations: legislative restrictions during the COVID-19 pandemic; health and safety of staff and contractors; cash-flow impacts; and the current status/stage of procurement. The deferral of projects contained in Attachment 1 would not require further approval, subject to Council direction otherwise, to advance once the current situation resolves and there is a return to “normal” cashflow, and revenue receipt required to fund the projects. For all projects where Provincial or Federal funding is being received or offered based on the 2020 approved budget, staff will ensure these continue to be advanced accordingly, so as not to jeopardize this important funding source. Staff will also be undertaking a more detailed cashflow analysis to determine when progress draws, supplier/consultant payments and vendor holdbacks are estimated to occur.

Operating Impacts

Staff will be providing Council with the year-to-date financials as of April 30th, 2020 at the May 14th regular council meeting. I feel it is important to provide preliminary info and seek direction regarding specific operational items from a financial perspective.

As you know we have to stay in compliance with Provincial order, access to facilities is still restricted and closed to the public, efforts to ensure staff and public are safe but essential services are delivered have been made and various programs have or will be canceled such as the Canada Day events. These cancellations and changes will require refunds/loss of revenues to occur while costs to keep facilities in various operational states will need to continue.

Initiatives are underway to address all staffing level needs and temporarily revamp operational levels of service under the current health and financial constraints being experienced.

Exact savings are not able to be quantified as some expenditures have already occurred and may still be in process of being recorded. Staff will report back on this at the May 14 meeting along with a detailed analysis of the operating budget.

Financial Implications:

2020 Operating and Capital Budget

Respectfully Submitted by:

Magda Badura, CAO/Treasurer

Report Approval Details

Document Title:	2020 Capital Review.docx
Attachments:	- 2020 Capital.pdf
Final Approval Date:	Apr 20, 2020

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

Jana Nethercott

MUNICIPALITY OF WEST ELGIN
2020 CAPITAL SUMMARY

		BUDGET		External Funding	Levy/User Fee					Deffer	
		2020	External Funding Source	Amount	Funding	Donations	Reserves	Total	PROCEED	to 2021	Comments
Administration General											
	Security cameras	10,000.00	Ontario Invests - Improve Service Delivery & Efficiency	10,000.00				10,000.00		YES	
	Keyless access control	35,000.00	Ontario Invests - Improve Service Delivery & Efficiency	35,000.00				35,000.00		YES	
	Asset Management Software	80,000.00	Ontario Invests - Improve Service Delivery & Efficiency	80,000.00				80,000.00	YES		
Buildings											
	Municipal Office - Roof and ceiling repairs & council chambers reno, accessible washrooms	300,000	Reserves - Building				300,000.00	300,000.00		YES	with the exception of septic system and design & engineering \$30K
	Old Town Hall Building	675,000	INVESTING IN CANADA INFRASTRUCTURE PROGRAM: Community Culture and Recreation				675,000.00	675,000.00		YES	TBD - awaiting grant funding announcement
Transit											
	Transit Bus	70,000	INVESTING IN CANADA INFRASTRUCTURE PROGRAM: Public Transit Stream	45,188.00			24,812.00	70,000.00		YES	
Libraries											
	West Lorne Complex - Lighting retro fit	30,000	Tax Levy		30,000.00			30,000.00	YES		
Arena											
	Drain repair and eavestrough	10,000	Tax Levy/Share of Deficit with Dutton-Dunwich		10,000.00			10,000.00	YES		
	Security cameras	10,000	Tax Levy/Share of Deficit with Dutton-Dunwich		10,000.00			10,000.00		YES	
	Keyless Access Control	15,000	Tax Levy/Share of Deficit with Dutton-Dunwich		15,000.00			15,000.00		YES	
	Boards repair	30,000	Tax Levy/Share of Deficit with Dutton-Dunwich		30,000.00			30,000.00	YES		looking for alternative savings
Parks & Recreation											
	PLAYGROUND EQUIPMENT - Miller Park	170,000	Trillium Grant - Optimist Club	150,000.00		20,000.00		170,000.00	YES		Playground equipment ordered 4/20/2020
	Keyless Access Control - Rec Centre	30,000	Ontario Invests - Improve Service Delivery & Efficiency	30,000.00				30,000.00	YES		
	Tennis Court	50,000	Levy		50,000.00			50,000.00	YES		Estimating \$10,000 to repair paved surface
	Rec Centre - Tables and Chairs (21T & 200C) Total of 60 tables and 550 chairs	11,000.00	Levy		11,000.00			11,000.00		YES	purchase of chairs is under review
	Lawn Bowling Porch & Roof replacement	15,000.00	Levy		15,000.00			15,000.00	YES		Health & Safety
	Recreation Centre Ceiling replacement	30,000.00	Levy		30,000.00			30,000.00		YES	
	Bridge at the Marina	20,000.00	Levy		20,000.00			20,000.00	YES		Safety concern - obtain cost estimates
	Pool - Filters	35,000.00	Levy		35,000.00			35,000.00	YES		estimated cost \$42K
	Fish Cleaning Station	60,000.00	Reserves				60,000.00	60,000.00	YES		Unable to ship due to COVI-19 border crossing open to essential services only.
Port Glasgow Trailer Park											
	Pavillion ceiling	18,000	PGTP Reserves				18,000.00	18,000.00		YES	
	Consulting & engineering for septic system	180,000	PGTP Reserves				180,000.00	180,000.00	YES		Design only
	Refurbish war monument & install gates	15,000	PGTP Reserves				15,000.00	15,000.00	YES		under review; operations manager & community services to provide options
Roads											
	GRADER 2 (Champion)	45,000.00	Levy		45,000.00			45,000.00	YES		refurbish to extend the life of the asset.
	TRACTOR #5 - Upgrade	8,250.00	Levy		8,250.00			8,250.00	YES		completed
	TRUCK 12	280,000.00	Roads Reserves				280,000.00	280,000.00	YES		order placed in February.
	BLACKS RD RECONSTRUCTION - (Queen Ln and 401)	125,000.00	Federal Gas Tax	151,529.00				151,529.00	YES		
	RIDOUT STREET PAVING (Queen St to Centre St)	55,000.00	Federal Gas Tax						YES		
	MUNROE STREET PAVING (Graham Rd to Wellington Street)	70,000.00	Federal Gas Tax						YES		
	RESURFACING OF SURFACE TREATED ROADS - Marsh line	200,000.00	Levy		200,000.00			200,000.00		YES	
	CAPITAL - DRAIN REPLACEMENT CSP #2	20,000.00	Levy		20,000.00			20,000.00		YES	part of bridge & culvert replacement project
	CAPITAL - CULVERT#6 REPLACEMENT - BLACKS@KINTYRE	20,000.00	Investing in Canada Infrastructure Program (ICIP) – Rural and Northern Funding Stream		20,000.00			20,000.00		YES	with the exception of engineering
	CAPITAL - BRIDGE #6 REPLACEMENT (BLACKS@MCDOUGALL)	30,000.00	Investing in Canada Infrastructure Program (ICIP) – Rural and Northern Funding Stream	1,119,026.70	30,000.00			1,149,026.70		YES	with the exception of engineering

MUNICIPALITY OF WEST ELGIN
2020 CAPITAL SUMMARY

		BUDGET		External Funding	Levy/User Fee					Deffer	
		2020	External Funding Source	Amount	Funding	Donations	Reserves	Total	PROCEED	to 2021	Comments
Sewer Maintenance - Rodney											
	Lagoon Clean-out	148,000	Rodney Sewage Reserves				148,000.00	148,000.00		YES	
	Filter Sand Replacement	15,000	Rate				15,000.00	15,000.00		YES	
	Process Pumps and Motor Rebuilds	10,000	Rate				10,000.00	10,000.00		YES	
	Auto-Samplers & Valves, Sand Filters						52,500.00	52,500.00	YES		Critical items only \$52,500.00
Sewer Maintenance - West Lorne											
	Collection System Flushing	10,000	Rate		10,000.00			10,000.00	YES		has to be done annually
Sidewalks & Street Lights											
	SIDEWALKS -FGT - Rodney (TBD)	50,000	Levy					-		YES	
Water											
	Waterline Extension	50,000	Water Reserves				50,000.00	50,000.00	YES		residents requests only
	Meter Replacement -	60,000	Water Reserves				60,000.00	60,000.00		YES	COVID-19, practicing social distancing
	Todd Place water line replacement	540,000	Water Reserves				540,000.00	540,000.00	YES		tender process done, awaiting schedule from the contractor.
	Cast iron main behind library (Rodney)	200,000	Water Reserves				200,000.00	200,000.00	YES		tender package complete, awaiting council's approval

April 14, 2020

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- Warden's Message
- Grant and Festival Events Partnership Allocations
- County to Pilot Electronic Bidding for 1 Year
- 2020 Tourism Membership and Program Fees Waived
- Cycling Master Plan Update
- Tender Awards
- Warren Street Intersection Improvements Tender Award
- Changes to Fees and Charges in Response to COVID-19
- Council Committees – Electronic Participation
- Support for Bill 156 – Security from Trespass and Protecting Food Safety Act, 2020

Contact Us

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Warden's Message



The Warden acknowledged the community's efforts to slow the spread of COVID-19 and thanked residents for their strict adherence to physical distancing. With the recent spike in positive cases in Ontario, the Warden highlighted the importance of practicing physical distancing and emphasized that staying home is the safest thing people can do for themselves and their families. The Warden also encouraged residents to follow the directives and guidelines set out by the Province and Southwestern Public Health.

Grant and Festival Events Partnership Allocations

Chair of the Rural Initiatives and Planning Advisory Committee, Councillor Ketchabaw, recommended that the following organizations receive funding immediately through the Grant and Festival Events Partnership Program:

Tillsonburg and District Multi-Service Centre	\$4780
Quad County Support Services	\$2000
Second Stage Housing	\$13400

Funding was granted to these organizations based on the frontline service they are providing to the community. The Committee received \$82,890 funding requests and will meet again in the coming weeks to review outstanding applications.

County to Pilot Electronic Bidding for 1 Year

Council consented to a pilot project which will allow individuals wishing to bid on our County projects including construction projects to submit their bids electronically. Electronic bid

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submission will save time and money for the County's purchasing department and will reduce bid turnaround time for vendors.

2020 Tourism Membership and Program Fees Waived

Elgin County's tourism industry has been hit particularly hard because of COVID-19 and as a result, and in support of local businesses, Council made the decision to waive Tourism and Membership Fees for businesses in 2020.

Cycling Master Plan Update

A comprehensive review of the 2014 Cycling Master Plan is underway. A revised Cycling Master Plan is anticipated following revisions to the Ontario Traffic Manual.

Tender Awards

Contract award of tenders for nine (9) capital projects including Asphalt Crack Sealing, Cold-in-place Recycling with Expanded Asphalt Material and Granular 'A' Shouldering, were awarded. The report can be accessed [here](#).

Warren Street Intersection Improvements Tender Award

Russell Construction was selected for the Warren Street Intersection Improvements Project at a total price of \$505,745.19 (exclusive of HST). To accommodate increased traffic demands throughout the duration of the pending King George VI Lift Bridge Rehabilitation Project in Port Stanley, intersection improvements will be made on Warren Street (CR 21) at both Colborne Street (CR 4) and Carlow Road (CR 20) and will involve the installation of turning lanes, temporary signals, and permanent upgrades to three existing pedestrian crossovers.

Changes to Fees and Charges in Response to COVID-19

COVID-19 will impose a number of hardships on businesses, families and individuals as normal economic activity has been restricted in an attempt to slow the progression of the virus. Council made the decision to provide levy penalty relief to local municipal partners who may elect to provide tax relief to their residents as they deal with the financial ramifications of the COVID-19 crisis.

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Council Committees – Electronic Participation

Council approved amendments to Procedural By-Laws for their Committees which will allow Council's Committees, including Land Division Committee, to meet electronically during the declared state of emergency.

Support for Bill 156 – Security from Trespass and Protecting Food Safety Act, 2020

Council expressed their support for Bill 156, a Bill intended to protect farm animals, the food supply, farmers and others from risks that are created when trespassers enter places where farm animals are kept or when persons engage in unauthorized interactions with farm animals. The Warden has sent a letter of support to Ontario's Minister of Agriculture, Food and Rural Affairs.

The complete April 14, 2020 County Council Agenda package can be found [here](#).



MUNICIPALITY OF **West Elgin**

The Corporation Of the Municipality Of West Elgin

By-Law No. 2020-14

Being A By-Law to provide for the Smith Drain in the Municipality of West Elgin.

Whereas the Council of the Municipality of West Elgin has procured a report under Section 78 of the *Drainage Act, R.S.O. 1990*, as amended, for the improvement of the Smith Drain; and

Whereas the reported dated November 11, 2019 has been authored by J.M Spriet of Spriet Associates Engineers and Architects and the attached report forms part of this By-Law; and

Whereas the estimated total cost of the drainage work is \$137,900.00; and

Whereas \$114,141.00 is the estimated amount being assessed to the Municipality of West Elgin; and

Whereas \$ 23,759.00 is the estimated amount being assessed to the Municipality of Chatham-Kent; and

Whereas the Council of The Corporation of the Municipality of West Elgin is of the opinion that the drainage of the area is desirable;

Now Therefore be it resolved that the Council of The Corporation of the Municipality of West Elgin pursuant to the *Drainage Act, R.S.O. 1990*, as amended, enacts as follows:

1. That the report dated November 11, 2019 and attached hereto is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized and shall be completed in accordance therewith.
2. That The Corporation of the Municipality of West Elgin may borrow on the credit of the Corporation the amount of \$114,141.00, being the amount necessary for the improvement of the drainage works. This project may be debentured.

3. The Corporation may issue debenture(s) for the amount borrowed less the total amount of:
 - a) grants received under Section 85 of the *Drainage Act*;
 - b) monies paid as allowances;
 - c) commuted payments made in respect of lands and roads assessed with the municipality;
 - d) money paid under subsection 61(3) of the *Drainage Act*; and
 - e) money assessed in and payable by another municipality.
4. Such debenture(s) shall be made payable within 5 years from the date of the debenture(s) and shall bear interest at a rate not higher than 2% more than the municipal lending rates as posted by Infrastructure Ontario on the date of the sale of such debenture(s).
5. A special equal annual rate sufficient to redeem the principal and interest on the debenture(s) and shall be levied upon the lands and roads as shown in the schedule and shall be collected in the same manner and at the same as other taxes are collected in each year for 5 years after the passing of this By-Law.
6. For paying the amount of \$22,382.00 being the amount assessed upon the lands and road belonging to or controlled by the municipality a special rate sufficient to pay the amount assessed plus interest thereon shall be levied upon the whole rateable property in the Municipality of West Elgin in each year for 5 years after the passing of this By-Law to be collected in the same manner and at the time as other taxes collected.
7. All assessments of \$5,000.00 or less are payable in the first year in which assessments are imposed.
8. That this By-Law comes into force and effect upon the final reading thereof.

Read a first and second time and provisionally adopted this 23rd day of January, 2020.



Duncan McPhail
Mayor



Jana Nethercott
Clerk

Read for a third and final time this 26th day of March, 2020

Duncan McPhail
Mayor

Jana Nethercott
Clerk

SMITH DRAIN
Municipality of West Elgin



**SPRIET
ASSOCIATES**
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London, Ontario
November 11, 2019

SMITH DRAIN
Municipality of West Elgin

To the Mayor and Council of
the Municipality of West Elgin

Mayor and Council:

We are pleased to present our report on the reconstruction of the Smith Municipal Drain serving parts of Lots A and B, Concessions 8 and 9 in the Municipality of West Elgin and parts of Lots 17 and 18, Concession A in the Municipality of Chatham-Kent. The total watershed area contains approximately 43.0 hectares.

AUTHORIZATION

This report was prepared pursuant to Section 78 of the Drainage Act. Instructions were received from your Municipality with respect to a motion of Council. The work was initiated by a request signed by some of the affected landowners.

HISTORY

The Smith Drain was last reconstructed pursuant to a report submitted by W. Cnossen P. Eng. dated February 27, 1990 and consisted of the cleanout of the open drain located in Lot A, Concession 9 and the replacement of the existing road crossing under Pioneer Line. The report also called for the incorporation of the existing Smith Award Drain from the open drain through Lot A, Concessions 8 and 9 into the Municipality of West Elgin to its head in Lot 18 Concession 4 in the Municipality of Chatham-Kent. A total 1215 meters of 200mm to 300mm diameter pipe were incorporated.

EXISTING DRAINAGE CONDITIONS

A site meeting held with respect to the project and through later discussions, the owners reported the following:

- that the requesting landowner, 571419 Ontario Ltd. (Roll No. 30-002) indicated that the existing closed drain was no longer functioning adequately to serve his lands. He further indicated that he had recently tiled his lands and the drain was not a sufficient outlet
- that the general consensus among the landowners in attendance was that the drain was no longer functioning adequately, was undersized, and subject to frequent repair



EXISTING DRAINAGE CONDITIONS (cont'd)

A field investigation and survey were completed. Upon reviewing our findings, we note the following:

- that the existing closed drain is undersized by current design standards and in poor condition
- that, given the depth and age of the drain, repairs to it are no longer a viable option
- that the open ditch would require a bottom cleanout in conjunction with any potential closed drain work upstream

Preliminary design, cost estimates and assessments were prepared and an informal public meeting was held to review the findings and preliminary proposals. Further input and requests were provided by the affected owners at that time and at later dates. Based on the proposed design it was decided to proceed with the report.

DESIGN CONSIDERATIONS

The proposed drain was designed, with respect to capacity, using the Drainage Coefficient method contained in the "DRAINAGE GUIDE FOR ONTARIO", Publication 29 by the Ontario Ministry of Agriculture, Food, and Rural Affairs. The Drainage Coefficient defines a depth of water that can be removed in a 24-hour period and is expressed in millimetres per 24 hours. The coefficient used for the Main Drain was 38mm.

We would like to point out that there have been no indications of any adverse soil conditions, but no formal soil investigation has been made.

All of the proposed work has been generally designed and shall be constructed in accordance with the DESIGN AND CONSTRUCTION GUIDELINES FOR WORK UNDER THE DRAINAGE ACT.

RECOMMENDATIONS

We are, therefore, recommending the following:

- that the existing closed Smith Drain be improved with a new, larger diameter closed drain in relatively the same location as the existing drain, from the open portion in Lot A, Concession 9 (Municipality of West Elgin), to the westerly limits of McPherson Road, just within the Municipality of Chatham-Kent
- that a portion of the closed drain be constructed utilizing sealed H.D.P.E. pipe through the land of R. Hyslop (Roll No. 30-001) to prevent any damage to the drain through his barn yard, further the drain in the vicinity of his well, shall also be constructed using clay collars to minimize interference with the well in that area.
- that catchbasins be installed along the course of the drain to alleviate surface flows and provide access to the drain at various locations



RECOMMENDATIONS (cont'd)

- that the existing road crossing under Pioneer Line and McPherson Road be done by open cut with H.D.P.E. bell and spigot pipe
- that the open drain, from Pioneer Line downstream for 383 meters, be cleaned out to provide a sufficient outlet for the new and the existing drains
- that the existing Smith Drain, from the outlet at the open drain to the west side of McPherson Road, be officially abandoned from municipal status pursuant to Section 19 of the Drainage Act

If areas of poor soil are encountered at the time of construction, it may become necessary to install the tile on crushed stone bedding wrapped with geotextile or substitute plastic filter tile through such areas. The additional costs of such work would be an extra to the project. These areas are typically identified at the time of construction but may only become apparent after construction is completed. In this case, the extra costs for removal and reinstallation on stone bedding would be an extra to the project and if already billed become a supplementary billing.

ENVIRONMENTAL CONSIDERATIONS AND MITIGATION MEASURES

There are no significant wetlands or sensitive areas within the affected watershed area or along the route of the drains. The proposed construction of the Smith Drain includes quarry stone outlet protection and surface inlets which greatly help reduce the overland surface flows and any subsequent erosion. A temporary flow check of silt fencing is to be installed in the ditch downstream of the tile outlet and bottom end of the ditch work for the duration of the construction.

It is to be noted that both the existing and newly vegetated banks as well as the existing natural and newly created buffer strips along each side of the ditch are permanent parts of the Smith Municipal Drain and shall not be disturbed or destroyed.

SUMMARY OF PROPOSED WORK

The proposed work consists of approximately 383 lineal meters of open ditch cleanout including bank seeding and sediment basins; approximately 1,104 lineal meters of 300mm (12") to 525mm (21") concrete field tile and H.D.P.E. sewer pipe, including related appurtenances.

SCHEDULES

Four schedules are attached hereto and form part of this report, being Schedule 'A' - Allowances, Schedule 'B' - Cost Estimate, Schedule 'C' - Assessment for Construction, and Schedule 'D' - Assessment for Maintenance.

Schedule 'A' - Allowances. In accordance with Sections 29 and 30 of the Drainage Act, allowances are provided for right-of-way and damages to lands and crops along the route of the drain as defined below.



SCHEDULES (cont'd)

Schedule 'B' - Cost Estimate. This schedule provides for a detailed cost estimate of the proposed work which is in the amount of \$ 137,900.00. This estimate includes engineering and administrative costs associated with this project. The estimated assessment in the Municipality of West Elgin is \$114,140.00 and the estimated assessment in the Municipality of Chatham-Kent is \$23,760.00.

Schedule 'C' - Assessment for Construction. This schedule outlines the distribution of the total estimated cost of construction over the roads and lands which are involved.

Schedule 'D' - Assessment for Maintenance. In accordance with Section 38 of the Drainage Act, this schedule outlines the distribution of future repair and/or maintenance costs for portions of, or the entire drainage works.

Drawing No. 1, Job No. 219093, and specifications form part of this report. They show and describe in detail the location and extent of the work to be done and the lands which are affected.

ALLOWANCES

DAMAGES: Section 30 of the Drainage Act provides for the compensation to landowners along the drain for damages to lands and crops caused by the construction of the drain.

The amounts granted are based on the following:

- a) for closed drain installed with wheel machine - \$3,613.00/ha.
- b) for open ditch work with excavated material levelled adjacent to drain - \$4,647.00/ha.

These base rates are multiplied by the hectares derived from the working widths shown on the plans and the applicable lengths.

RIGHT-OF-WAY Section 29 of the Drainage Act provides for an allowance to the owners whose land must be used for the construction, repair, or future maintenance of a drainage works.

For tile drains where the owners will be able to continue to use the land, the allowance provides for the right to enter upon such lands, and at various times for the purpose of inspecting such drain, removing obstructions, and making repairs. Also, the allowance provides for the restrictions imposed on those lands to protect the right-of-way from obstruction or derogation. The amounts granted for right-of-way on tile drains is based on a percentage of the value of the land designated for future maintenance. Therefore, the amounts granted are based on \$6,670.00/ha. through cropped lands. This value is multiplied by the hectares derived from the width granted for future maintenance and the applicable lengths.

ASSESSMENT DEFINITIONS

In accordance with the Drainage Act, lands that make use of a drainage works are liable for assessment for part of the cost of constructing and maintaining the system. These liabilities are known as benefit, outlet liability and special benefit liability as set out under Sections 22, 23, 24 and 26 of the Act.



ASSESSMENT DEFINITIONS (cont'd)

BENEFIT as defined in the Drainage Act means the advantages to any lands, roads, buildings or other structures from the construction, improvement, repair or maintenance of a drainage works such as will result in a higher market value or increased crop production or improved appearance or better control of surface or sub-surface water, or any other advantages relating to the betterment of lands, roads, buildings or other structures.

OUTLET liability is assessed to lands or roads that may make use of a drainage works as an outlet either directly or indirectly through the medium of any other drainage works or of a swale, ravine, creek or watercourse.

In addition, a Public Utility or Road Authority shall be assessed for and pay all the increased cost to a drainage works due to the construction and operation of the Public Utility or Road Authority. This may be shown as either benefit or special assessment.

ASSESSMENT

A modified "Todgham Method" was used to calculate the assessments shown on Schedule 'C'- Assessment for Construction. This entailed breaking down the costs of the drain into sections along its route. Special Assessments were then extracted from each section.

The remainder is then separated into Benefit and Outlet costs. The Benefit cost is distributed to those properties receiving benefit as defined under "Assessment Definitions", with such properties usually being located along or close to the route of the drain. The Outlet Costs are distributed to all properties within the watershed area of that section on an adjusted basis. The areas are adjusted for location along that section, and relative run-off rates. Due to their different relative run-off rates roads and residential properties have been assessed for outlet at higher rates than cleared farmlands.

The actual cost of the work involving this report, with the exception of Special Assessments, is to be assessed on a pro-rata basis against the lands and roads liable for assessment for benefit and outlet and for special assessments as shown in detail below and on Schedule 'C' - Assessment for Construction. The Special Assessments shall be levied as noted in the Section "Special Assessment".

SPECIAL ASSESSMENT

In accordance with Section 26 of the Drainage Act, a Special Assessment has been made against the Municipality of West Elgin being the increased cost to the drainage work for installing an HDPE pipe across their road allowance on the Main Drain, due to the construction and operation of Pioneer Line. The Special Assessment shall be made up of the actual cost of this work and both the final and estimated values of the Special Assessment are to be calculated as follows:

Drain	Cost of Work	Less Equivalent Drain Cost (Fixed)	Plus Administration Cost	Plus Interest & Net H.S.T.	Special Assessment
Main Drain 525mm	\$7,700.00	\$1,080.00	\$2,250.00	\$220.00	\$9,090.00



SPECIAL ASSESSMENT (cont'd)

In accordance with Section 26 of the Drainage Act, Special Assessments have been made against the Municipality of West Elgin and the Municipality of Chatham-Kent being the increased cost to the drainage work for installing a 300mm diameter HDPE pipe across their road allowance on the Main Drain, due to the construction and operation of McPherson Road. The Special Assessments shall be made up of the actual cost of this work and both the final and estimated values of the Special Assessment are to be calculated as follows:

Drain	Cost of Work	Less Equivalent Drain Cost (Fixed)	Plus Administration Cost	Plus Interest & Net H.S.T.	Special Assessment
Main Drain 300mm	\$6,100.00	\$890.00	\$2,250.00	\$190.00	\$7,650.00

The Special Assessment to McPherson Road (Townline) shall be borne equally by both the Municipality of West Elgin and the Municipality of Chatham-Kent as shown in Schedule 'C' - Assessment for Construction.

The above special assessments shall not apply for future maintenance purposes.

If any additional work is required to the drainage works due to the existence of buried utilities such as gas pipe lines, communications cables, etc. or if any of the utilities require relocation or repair, then, the extra costs incurred shall be borne by the utility involved in accordance with the provisions of Section 26 of the Drainage Act.

GRANTS

In accordance with the provisions of Section 85 of the Drainage Act, a grant **may** be available for assessments against privately owned parcels of land which are used for agricultural purposes and eligible for the Farm Property Class Tax rate. Section 88 of the Drainage Act directs the Municipality to make application for this grant upon certification of completion of this drain. The Municipality will then deduct the grant from the assessments prior to collecting the final assessments.

MAINTENANCE

Upon completion of construction, all owners are hereby made aware of Sections 80 and 82 of the Drainage Act which forbid the obstruction of or damage or injury to a municipal drain.

After completion, the closed portion of the Smith Drain located within the Municipality of West Elgin shall be maintained by the Municipality of West Elgin and the entire portion of the Smith Drain, located within the Municipality of Chatham-Kent, shall be maintained by the Municipality of Chatham-Kent at the expense of all upstream lands and roads assessed in Schedule 'D' - Assessment for Maintenance and in the same relative proportions until such time as the assessment is changed under the Drainage Act.



MAINTENANCE (cont'd)

Special Assessments shall **not** be pro-rated for future maintenance purposes. Special Benefit Assessments shall only be pro-rated for future maintenance purposes, if the work assessed for special benefit is part of the maintenance.

The closed portion of the Smith Drain, located in the Municipality of Chatham-Kent incorporated under the February 27, 1990 report shall be maintained & assessed for maintenance in accordance with this report.

The open portions of the drain shall be maintained in accordance with the grades and dimensions set out in the plans and specifications contained in the report by W. Clossen, P.Eng., dated February 27, 1990.

Respectfully submitted,

SPRIET ASSOCIATES LONDON LIMITED



JMS:bv



SCHEDULE 'A' - ALLOWANCES

SMITH DRAIN

Municipality of West Elgin

In accordance with Sections 29 and 30 of the Drainage Act, we determine the allowances payable to owners entitled thereto as follows:

CONCESSION	LOT	ROLL NUMBER (Owner)	Section 29 Right-of-Way	Section 30 Damages	TOTALS
MAIN DRAIN (OPEN PORTION)					
Municipality of West Elgin					
9	NW Pt. A	30-072 (A. Dewild)	\$	\$ 2,670.00	\$ 2,670.00
Total Allowances			\$	\$ 2,670.00	\$ 2,670.00
TOTAL ALLOWANCES ON THE MAIN DRAIN (OPEN PORTION)					\$ 2,670.00
MAIN DRAIN (CLOSED PORTION)					
Municipality of West Elgin					
8	NW¼ A	30-001 (R. Hyslop)	\$ 1,440.00	\$ 1,170.00	\$ 2,610.00
8	SW¼ A	30-002 (571419 Ontario Limited)	3,300.00	2,680.00	5,980.00
8	E½ A	30-003 (M. McMillan Estate)	1,690.00	1,380.00	3,070.00
9	NW Pt. A	30-072 (A. Dewild)	610.00	580.00	1,190.00
Total Allowances			\$ 7,040.00	\$ 5,810.00	\$ 12,850.00
TOTAL ALLOWANCES ON THE Municipality of West Elgin					\$ 12,850.00
Municipality of Chatham-Kent					
4	Pt. 18	3-020 (R. & M. Vantighem)	\$ 40.00	\$ 30.00	\$ 70.00
Total Allowances			\$ 40.00	\$ 30.00	\$ 70.00
TOTAL ALLOWANCES ON THE Municipality of Chatham-Kent					\$ 70.00
TOTAL ALLOWANCES ON THE MAIN DRAIN (CLOSED PORTION)					\$ 12,920.00
TOTAL ALLOWANCES ON THE SMITH DRAIN					\$ 15,590.00

SMITH DRAIN**Municipality of West Elgin**

We have made an estimate of the cost of the proposed work which is outlined in detail as follows:

MAIN DRAIN (OPEN PORTION)

Clearing & grubbing of ditch bank (Approx. 383m)	\$	1,000.00
383 meters of open ditch cleanout	\$	2,000.00
Levelling of excavated material	\$	900.00
Seeding of ditch banks and buffer strips (Approx 900m ²)	\$	500.00
Allowances under Sections 30 of the Drainage Act	\$	2,670.00

MAIN DRAIN (CLOSED PORTION)

6 meters of 525mm dia., H.D.P.E. plastic sewer pipe including rodent gate, quarry stone rip-rap protection around pipe and end of ditch (Approximately 6m ³ quarry stone req'd)		
Supply	\$	700.00
Installation	\$	1,300.00
Installation of the following concrete field tile & H.D.P.E. pipe, including supply and installation of geotextile around tile joints (approx. 1400m req'd)		
363 meters of 300mm dia. concrete tile	\$	6,900.00
75 meters of 300mm H.D.P.E. sewer pipe (including bedding)	\$	6,800.00
175 meters of 350mm dia. concrete tile	\$	3,500.00
108 meters of 400mm dia. concrete tile	\$	2,300.00
256 meters of 450mm dia. concrete tile	\$	5,700.00
87 meters of 525mm dia. concrete tile	\$	2,000.00
Supply of the above listed tile	\$	24,900.00
Strip, stockpile and relevel topsoil from tile trench and adjacent working area (4m wide) specified on drawings (approx. 1060m)	\$	5,300.00
Supply & install one 900mm x 1200mm ditch inlet catchbasins and four 600mm x 600mm ditch inlet catchbasins including grates,berms, leads, ditching, removal and disposal of existing catchbasins	\$	9,200.00
16 meters of 300mm dia. H.D.P.E. pipe		
Supply	\$	500.00
Installation under McPherson Road by open cut	\$	5,600.00
18 meters of 525mm dia. H.D.P.E. pipe		
Supply	\$	1,400.00
Installation under Pioneer Line by open cut	\$	6,300.00

SMITH DRAIN**Municipality of West Elgin****MAIN DRAIN (CLOSED PORTION) (cont'd)**

Exposing and locating existing tile drains and utilities	\$ 1,400.00
Restoration of Lawn areas (Sta 0+970 - Sta 1+015)	\$ 1,500.00
Restorartion of Laneway/Yard with 200m of Granular "A"	\$ 2,000.00
Installation of Clay Collars as noted on Drawings	\$ 1,500.00
Tile connections and contingencies	\$ 4,000.00
Allowances under Sections 29 & 30 of the Drainage Act	\$ 12,920.00

ADMINISTRATION

Interest and Net Harmonized Sales Tax	\$ 2,940.00
Survey, Plan and Final Report	\$ 15,900.00
Expenses	\$ 1,920.00
Supervision and Final Inspection	\$ <u>4,350.00</u>
TOTAL ESTIMATED COST	\$ <u>137,900.00</u>

SCHEDULE 'C' - ASSESSMENT FOR CONSTRUCTION

SMITH DRAIN

Municipality of West Elgin

Job No. 219093

November 11, 2019

* = Non-agricultural

CON.	LOT	HECTARES AFFECTED	ROLL No. (OWNER)	BENEFIT	OUTLET	TOTAL
MAIN DRAIN (OPEN PORTION)						
Municipality of West Elgin						
8	NW¼ A	10.9	30-001 (R. Hyslop)	\$	\$ 676.00	\$ 676.00
8	SW¼ A	14.2	30-002 (571419 Ontario Limited)		880.00	880.00
* 8	Pt.SW¼ A	0.8	30-002-02 (H. Becker & J. Willeme)		60.00	60.00
8	E½ A	25.9	30-003 (M. McMillan Estate)		1,605.00	1,605.00
9	NW Pt. A	8.9	30-072 (A. Dewild)	3,870.00	552.00	4,422.00
9	E. Pt. A	0.8	30-073 (A. Dewild)		50.00	50.00
TOTAL ASSESSMENT ON LANDS				\$	\$ 3,823.00	\$ 7,693.00
McPherson Road		0.5	Municipality of West Elgin	\$	\$ 108.00	\$ 108.00
Pioneer Line		0.8	Municipality of West Elgin		180.00	180.00
TOTAL ASSESSMENT ON ROADS				\$	\$ 180.00	\$ 288.00
TOTAL ASSESSMENT ON THE Municipality of West Elgin					\$ 7,981.00	
Municipality of Chatham-Kent						
4	Pt. 17	4.0	3-019 (Shunpiker Farms Ltd.)	\$	\$ 246.00	\$ 246.00
4	Pt. 18	4.0	3-020 (R. & M. VantygheM)		246.00	246.00
TOTAL ASSESSMENT ON LANDS				\$	\$ 492.00	\$ 492.00
Gesner Line		0.4	Municipality of Chatham-Kent	\$	\$ 86.00	\$ 86.00
McPherson Road		0.2	Municipality of Chatham-Kent		41.00	41.00
TOTAL ASSESSMENT ON ROADS				\$	\$ 127.00	\$ 127.00
TOTAL ASSESSMENT ON THE Municipality of Chatham-Kent					\$ 619.00	
TOTAL ASSESSMENT ON THE MAIN DRAIN (OPEN PORTION)					\$ 8,600.00	

SCHEDULE 'C' - ASSESSMENT FOR CONSTRUCTION (cont'd)

SMITH DRAIN**Municipality of West Elgin**

CON.	LOT	HECTARES AFFECTED	ROLL No. (OWNER)	BENEFIT	OUTLET	TOTAL
MAIN DRAIN (CLOSED PORTION)						
Municipality of West Elgin						
8	NW¼ A	10.9	30-001 (R. Hyslop)	\$ 11,180.00	\$ 13,640.00	\$ 24,820.00
8	SW¼ A	14.2	30-002 (571419 Ontario Limited)	25,450.00	11,725.00	37,175.00
* 8	Pt.SW¼ A	0.8	30-002-02 (H. Becker & J. Willeme)		725.00	725.00
8	E½ A	6.2	30-003 (M. McMillan Estate)	14,480.00	1,860.00	16,340.00
9	NW Pt. A	1.0	30-072 (A. Dewild)	4,950.00	56.00	5,006.00
TOTAL ASSESSMENT ON LANDS				\$ 56,060.00	\$ 28,006.00	\$ 84,066.00
McPherson Road				\$ 2,705.00	\$ 2,565.00	\$ 5,270.00
Pioneer Line				3,560.00	349.00	3,909.00
TOTAL ASSESSMENT ON ROADS				\$ 6,265.00	\$ 2,914.00	\$ 9,179.00

SPECIAL ASSESSMENT against Municipality of West Elgin for the increased cost of installing a 525mm dia. H.D.P.E. Pipe under Pioneer Line by open cut \$ 9,090.00

SPECIAL ASSESSMENT against Municipality of West Elgin for the increased cost of installing a 300mm dia. H.D.P.E. Pipe under McPherson Line by open cut \$ 3,825.00

TOTAL ASSESSMENT ON THE Municipality of West Elgin \$ 106,160.00

Municipality of Chatham-Kent

4	Pt. 17	4.0	3-019 (Shunpiker Farms Ltd.)	\$	\$ 5,857.00	\$ 5,857.00
4	Pt. 18	4.0	3-020 (R. & M. Vantighem)	1,830.00	5,857.00	7,687.00
TOTAL ASSESSMENT ON LANDS				\$ 1,830.00	\$ 11,714.00	\$ 13,544.00
Gesner Line				\$	\$ 2,050.00	\$ 2,050.00
McPherson Road				2,705.00	1,016.00	3,721.00
TOTAL ASSESSMENT ON ROADS				\$	\$ 3,066.00	\$ 5,771.00

SPECIAL ASSESSMENT against Municipality of Chatham - Kent for the increased cost of installing a 300mm dia. H.D.P.E. Pipe under McPherson Line by open cut \$ 3,825.00

TOTAL ASSESSMENT ON THE Municipality of Chatham-Kent \$ 23,140.00

TOTAL ASSESSMENT ON THE MAIN DRAIN (CLOSED PORTION) \$ 129,300.00

TOTAL ASSESSMENT ON THE SMITH DRAIN \$ 137,900.00

SCHEDULE 'D' - ASSESSMENT FOR MAINTENANCE

SMITH DRAIN

Municipality of West Elgin

Job No. 219093

November 11, 2019

CON.	LOT	HECTARES AFFECTED	ROLL No. (OWNER)	PERCENTAGE OF MAINTENANCE COST
MAIN DRAIN (CLOSED PORTION)				
Municipality of West Elgin				
8	NW¼ A	10.9	30-001 (R. Hyslop)	24.3 %
8	SW¼ A	14.2	30-002 (571419 Ontario Limited)	30.9
8	Pt.SW¼ A	0.8	30-002-02 (H. Becker & J. Willeme)	0.9
8	E½ A	6.2	30-003 (M. McMillan Estate)	11.5
9	NW Pt. A	1.0	30-072 (A. Dewild)	3.2
				=====
TOTAL ASSESSMENT ON LANDS				70.8 %
				=====
McPherson Road		0.5	Municipality of West Elgin	5.0 %
Pioneer Line		0.8	Municipality of West Elgin	2.7
				=====
TOTAL ASSESSMENT ON ROADS				7.7 %
				=====
TOTAL ASSESSMENT FOR MAINTENANCE IN THE Municipality of West Elgin				<u>78.5 %</u>
Municipality of Chatham-Kent				
4	Pt. 17	4.0	3-019 (Shunpiker Farms Ltd.)	7.4 %
4	Pt. 18	4.0	3-020 (R. & M. Vantyghem)	8.6
				=====
TOTAL ASSESSMENT ON LANDS				16.0 %
				=====
Gesner Line		0.4	Municipality of Chatham-Kent	2.6 %
McPherson Road		0.2	Municipality of Chatham-Kent	2.9
				=====
TOTAL ASSESSMENT ON ROADS				5.5 %
				=====
TOTAL ASSESSMENT FOR MAINTENANCE OF THE Municipality of Chatham-Kent				<u>21.5 %</u>
				=====
TOTAL ASSESSMENT FOR MAINTENANCE IN THE MAIN DRAIN (CLOSED PORTION)				<u>100.0 %</u>

SCHEDULE OF NET ASSESSMENT

SMITH DRAIN

Municipality of West Elgin

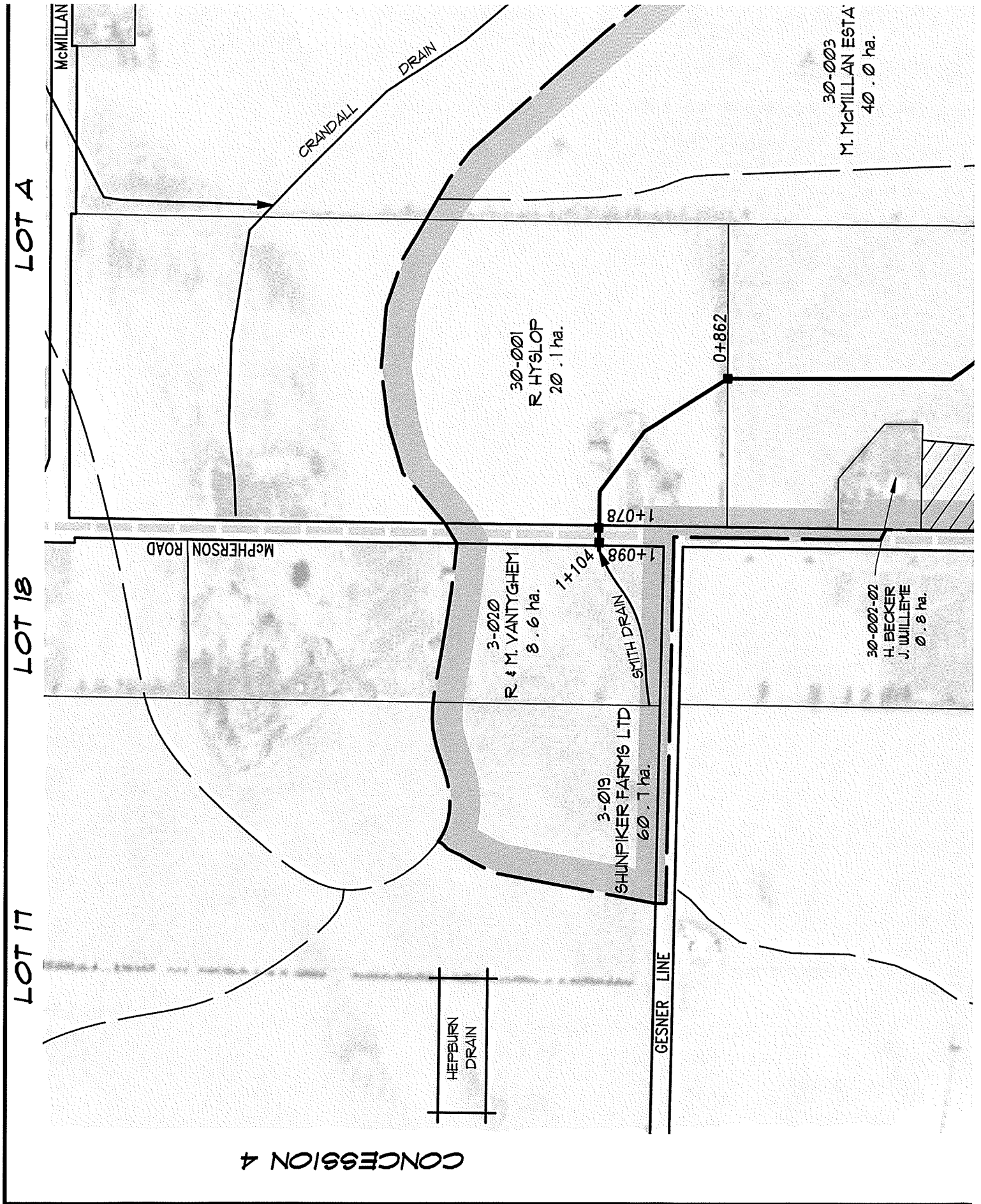
(FOR INFORMATION PURPOSES ONLY)

Job No. 219093

November 11, 2019

* = Non-agricultural

ROLL NUMBER (OWNER)	TOTAL ASSESSMENT	GRANT	ALLOWANCES	APPROX. NET
Municipality of West Elgin				
30-001 (R. Hyslop)	\$ 25,496.00	\$ 8,499.00	\$ 2,610.00	\$ 14,387.00
30-002 (571419 Ontario Limited)	38,055.00	12,685.00	5,980.00	19,390.00
* 30-002-02 (H. Becker & J. Willeme)	785.00			785.00
30-003 (M. McMillan Estate)	17,945.00	5,982.00	3,070.00	8,893.00
30-072 (A. Dewild)	9,428.00	3,143.00	3,860.00	2,425.00
30-073 (A. Dewild)	50.00	17.00		33.00
McPherson Road	5,378.00			5,378.00
Special Assessment	3,825.00			3,825.00
Pioneer Line	4,089.00			4,089.00
Special Assessment	9,090.00			9,090.00
Municipality of Chatham-Kent				
3-019 (Shunpiker Farms Ltd.)	6,103.00	2,034.00		4,069.00
3-020 (R. & M. Vantighem)	7,933.00	2,644.00	70.00	5,219.00
Gesner Line	2,136.00			2,136.00
McPherson Road	3,762.00			3,762.00
Special Assessment	3,825.00			3,825.00
TOTALS	\$ 137,900.00	\$ 35,004.00	\$ 15,590.00	\$ 87,306.00





MUNICIPALITY OF **West Elgin**

The Corporation of the Municipality of West Elgin

By-Law No. 2020-37

A By-law to Authorize the Execution of an Agreement between Her Majesty the Queen in Right of Ontario and The Corporation of the Municipality of West Elgin for the Dedicated Gas Tax Funds for Public Transportation Program

Whereas Section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority; and

Whereas it is deemed expedient that The Corporation of the Municipality of West Elgin enters into an Agreement with Her Majesty the Queen in Right of Ontario as represented by the Minister of Transportation for the purposes of providing monies to the Corporation of the Municipality of West Elgin through the Dedicated Gas Tax Funds for Public Transportation Program; and

Now Therefore the Council of the Corporation of the Municipality of West Elgin enacts as follows:

1. That the Corporation of the Municipality of West Elgin hereby authorizes the agreement with Her Majesty the Queen in Right of Ontario as represented by the Minister of Transportation, in the form of an agreement titled Dedicated Gas Tax Funds for Public Transportation Program, identified as Schedule "A" attached hereto and forming an integral part of this By-law.
2. That the Mayor and Clerk are hereby authorized and directed to execute such agreement and any related documents and affix the Seal of the Corporation of the Municipality of West Elgin thereto.
3. This by-law shall come into force and effect on April 23, 2020.

Read a first, second, and third time and passed this 23rd day of April, 2020.

Duncan McPhail
Mayor

Jana Nethercott
Clerk

**Ministry of
Transportation**

Office of the Minister

777 Bay Street, 5th Floor
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transportation

**Ministère des
Transports**

Bureau de la ministre

777, rue Bay, 5^e étage
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transports



MAR 12 2020

Mayor Duncan McPhail
Municipality of West Elgin
22413 Hoskins Line, PO Box 490
Rodney ON N0L 2C0

Dear Mayor McPhail:

RE: Dedicated Gas Tax Funds for Public Transportation Program

This Letter of Agreement between the **Municipality of West Elgin** (the "Municipality") and Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario (the "Ministry"), sets out the terms and conditions for the provision and use of dedicated gas tax funds under the Dedicated Gas Tax Funds for Public Transportation Program (the "Program"). Under the Program, the Province of Ontario provides two cents out of the provincial gas tax to municipalities to improve Ontario's transportation network and support economic development in communities for public transportation expenditures.

The Ministry intends to provide dedicated gas tax funds to the Municipality in accordance with the terms and conditions set out in this Letter of Agreement and the enclosed Dedicated Gas Tax Funds for Public Transportation Program 2019/2020 Guidelines and Requirements (the "guidelines and requirements").

In consideration of the mutual covenants and agreements contained in this Letter of Agreement and the guidelines and requirements, which the Municipality has reviewed and understands and are hereby incorporated by reference, and other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Ministry and the Municipality agree as follows:

1. To support local public transportation services in the Municipality, the Ministry agrees to provide funding to the Municipality under the Program to a maximum amount of up to **\$31,172** ("the "Maximum Funds") in accordance with, and subject to, the terms and conditions set out in this Letter of Agreement and, for greater clarity, the guidelines and requirements.
2. Letter of Agreement and a copy of the authorizing municipal by-law(s) and, if applicable, resolution(s) for the Municipality to enter into this Letter of Agreement, provide the Municipality with **\$23,379**; and any remaining payment(s) will be provided thereafter.
3. If another municipality authorizes the Municipality to provide local public transportation services on its behalf and authorizes the Municipality to request and receive dedicated gas

tax funds for those services also on its behalf, the Municipality will in the by-law(s) and, if applicable, resolution(s) described in section 2 confirm that the Municipality has the authority to provide those services and request and receive those funds.

4. The Municipality agrees that any amount payable under this Letter of Agreement may be subject, at the Ministry's sole discretion, to any other adjustments as set out in the guidelines and requirements.
5. The Municipality will deposit the funds received under this Letter of Agreement in a dedicated gas tax funds reserve account, and use such funds and any related interest only in accordance with the guidelines and requirements.
6. The Municipality will adhere to the reporting and accountability measures set out in the guidelines and requirements, and will provide all requested documents to the Ministry.
7. The Municipality agrees that the funding provided to the Municipality pursuant to this Letter of Agreement represents the full extent of the financial contribution from the Ministry and the Province of Ontario under the Program for the 2019/2020 Program year.
8. The Ministry may terminate this Letter of Agreement at any time, without liability, penalty or costs upon giving at least thirty (30) days written notice to the Municipality. If the Ministry terminates this Letter of Agreement, the Ministry may take one or more of the following actions: (a) cancel all further payments of dedicated gas tax funds; (b) demand the payment of any dedicated gas tax funds remaining in the possession or under the control of the Municipality; and (c) determine the reasonable costs for the Municipality to terminate any binding agreement(s) for the acquisition of eligible public transportation services acquired, or to be acquired, with dedicated gas tax funds provided under this Letter of Agreement, and do either or both of the following: (i) permit the Municipality to offset such costs against the amount the Municipality owes pursuant to paragraph 8(b); and (ii) subject to section 1, provide the Municipality with funding to cover, in whole or in part, such costs. The funding may be provided only if there is an appropriation for this purpose, and in no event will the funding result in the Maximum Funding exceeding the amount specified under Section 1.
9. Any provisions which by their nature are intended to survive the termination or expiration of this Letter of Agreement including, without limitation, those related to disposition, accountability, records, audit, inspection, reporting, communication, liability, indemnity, and rights and remedies will survive its termination or expiration.
10. This Letter of Agreement may only be amended by a written agreement duly executed by the Ministry and the Municipality.
11. The Municipality agrees that it will not assign any of its rights or obligations, or both, under this Letter of Agreement.
12. The invalidity or unenforceability of any provision of this Letter of Agreement will not affect the validity or enforceability of any other provision of this Letter of Agreement. Any invalid or unenforceable provision will be deemed to be severed.
13. The term of this Letter of Agreement will commence on the date of the last signature of this Letter of Agreement.

14. The Municipality hereby consents to the execution by the Ministry of this Letter of Agreement by means of an electronic signature.

If the Municipality is satisfied with and accepts the terms and conditions of this Letter of Agreement, please print it, secure the required signatures for it, and then return a fully signed copy, in pdf format, to the following email account:

MTO-PGT@ontario.ca

Sincerely,



Caroline Mulroney
Minister of Transportation

I have read and understand the terms and conditions of this Letter of Agreement, as set out above, and, by signing below, I am signifying the Municipality's consent to be bound by these terms and conditions.

Municipality

Date

Name (print):
Title (head of council or
authorized delegate):

I have authority to bind the Municipality.

Date:

Name (print):
Title (clerk or authorized delegate):

I have authority to bind the Municipality.



MUNICIPALITY OF **West Elgin**

The Corporation Of The Municipality Of West Elgin

By-Law No. 2020-36

Being a By-Law to confirm the proceedings of the Regular Meeting of Council held on April 23, 2020.

Whereas Section 5(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be exercised by council; and

Whereas Section 5(3) of the Municipal Act, the powers of Council shall be exercised by by-law; and

Whereas it is deemed expedient that proceedings of Council of the Corporation of the Municipality of West Elgin as herein set forth be confirmed and adopted by by-law;

Now therefore the Council of the Municipality of West Elgin enacts as follows:

1. That the actions of the meeting of Council held on April 23, 2020, in respect of each recommendation, motion and resolution and other action taken by the Council at this meeting, is hereby adopted and confirmed as if all such proceedings were expressly embodied in this by-law.
2. The Mayor and proper officials of the Corporation of the Municipality of West Elgin are hereby authorized and directed to do all things necessary to give effect to the action of the Council referred to in the preceding section hereof.
3. The Mayor and Clerk are hereby authorized and directed to execute all documents necessary in that behalf and to affix the Seal of the Corporation of the Municipality of West Elgin.

Read a first, second, and third time and finally passed this 23rd day of April, 2020.

Duncan McPhail
Mayor

Jana Nethercott
Clerk