



# TOWNSHIP OF WILMOT

## **Council Meeting Agenda**

**Monday, April 12, 2021**

**Regular Council Meeting**

**Virtual**

**7:00 P.M.**

This meeting is open to the public and is available through an online platform. Please subscribe to the [Township of Wilmot You Tube Channel](#) to watch the live stream or view after the meeting.

Delegations must register with the [Information and Legislative Services Department](#). The only matters being discussed at this meeting will be those on the Agenda.

- 1. MOTION TO CONVENE INTO CLOSED SESSION**
- 2. MOTION TO RECONVENE IN OPEN SESSION**
- 3. MOMENT OF SILENCE**
- 4. LAND ACKNOWLEDGEMENT – Councillor C. Gordijk**
- 5. ADDITIONS TO THE AGENDA**
- 6. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT**
- 7. MINUTES OF PREVIOUS MEETINGS**

### **7.1 Council Meetings Minutes Monday March 22, 2021**

#### **RECOMMENDATION**

THAT the minutes of the following meetings be adopted as presented:

Regular Council Meeting March 22, 2021.

**8. PUBLIC MEETINGS****8.4 REPORT DS 2021-013****Zone Change Application 05/21****Michael Crijan and Jessica Catana****1708 Snyder's Road East, Petersburg****RECOMMENDATION**

THAT Council approve Zone Change Application 05/21 by Michael Crijan and Jessica Catana to permit, as a temporary use, two dwellings for a period of up to 18 months, subject to the following:

1. That the implementing by-law specifically limit occupancy to only one dwelling at any time.

**Registered Delegations**

1. Susan and David Sisco
2. Paul Knipfel
3. Phil Wendland

**9. PRESENTATIONS****9.1 Mike Schout Wetlands Preserve****9.1.1 REPORT DS 2021-014****Mike Schout Wetlands Preserve****Draft Concept Plan****RECOMMENDATION**

THAT Council endorse the conceptual design presented by Mike Schout, and his wetlands designer Phil Holst, thereby allowing him to proceed with obtaining the necessary regulatory approvals for the design of the Mike Schout Wetlands Preserve;

That Council support the immediate implementation of Stage 1 being the planting of approximately 4000 trees in the reforestation areas as per the collaboration between Mr. Schout, GRCA and Forests Ontario; and,

THAT staff be directed to continue to provide assistance, as required, to advance the design and approvals in accordance with Township Official Plan and Wilmot Trails Master Plan and report back to Council upon receipt of the necessary approvals with a report on the full staging of construction, estimated costs and implementation plan.

**10. DELEGATIONS**

**10.1 Samantha Lernout**

Presentation regarding the Hallman Pit.

**10.2 Robert Cgebotys**

Presentation regarding the Hallman Pit.

**11. CONSENT AGENDA**

**11.1 COR 2021-014**

**Municipal Fire Protection Grant**

**11.2 COR 2021-015**

**Statement of Operations as of March 31, 2021 (un-audited)**

**11.3 CK 2021-002**

**Quarterly Activity Report – January, February, March 2021**

**11.4 ILS 2021-10**

**New Hamburg Identification Sign  
Highway 7&8 at Peel Street, New Hamburg  
Lease with Ministry of Transportation**

**11.5 ILS 2021-09**

**Volunteer Member Appointment:  
Sustainability Working Group**

**11.6 ILS 2021-11**

**Notice of Proposed Procedural By-law Amendments**

**Recommendation**

THAT Report Nos. COR 2021-014, COR 2021-015, CK 2021-002, ILS 2021-10, ILS 2021-09 And ILS 2021-11 be approved.

## **12. REPORTS**

### **12.1 PARKS, FACILITIES AND RECREATION SERVICES**

#### **12.1.1 REPORT NO. PFRS 2021-004**

##### **RFP 2021-11**

##### **Consulting Services for Multi-Use Trail Design**

##### **Downtown New Hamburg Nith River Promenade**

##### **Rehabilitation**

### **RECOMMENDATION**

THAT WSP Canada Inc. be awarded the contract for design of the Downtown New Hamburg Nith River Promenade Rehabilitation, as per their proposal received March 19, 2021 for the bid price, excluding HST, of \$54,640.00 plus an allowance for provisional engineering of \$4,850.00.

#### **12.1.2 REPORT NO. PFRS 2021-005**

##### **Sandhills Road Multi-Use Trail Contract**

### **RECOMMENDATION**

THAT RFT 2021-10 be awarded to 5 Star Paving (Cambridge) Inc. of Cambridge, ON for the construction of the Sandhills Road Multi-Use Trail, as per their bid submission dated March 19, 2021, in the amount of \$447,579.86, plus HST.

## **13. CORRESPONDENCE**

### **13.1 Lifesaving Society Ontario**

## **14. BY-LAWS**

### **14.1 By-law No. 2021-20**

**ZCA 05/21 – 1708 Snyder's Rd. E.**

### **14.2 By-law No. 2021-21**

**Execution of Agreement - MTO**

### **RECOMMENDATION**

THAT By-law Nos. 2021-20 and 2021-21 be introduced, read a first, second and third time and finally passed in Open Council.

**15. NOTICE OF MOTIONS**

**16. ANNOUNCEMENTS**

**17. BUSINESS ARISING FROM CLOSED SESSION**

**18. CONFIRMATORY BY-LAW**

**18.1 By-law No. 2021-22**

**RECOMMENDATION**

THAT By-law No. 2021-22 to Confirm the Proceedings of Council at its Meeting held on April 12, 2021 be introduced, read a first, second, and third time and finally passed in Open Council.

**19. ADJOURNMENT**

**RECOMMENDATION**

THAT we do now adjourn to meet again at the call of the Mayor.



# TOWNSHIP OF WILMOT

## **Council Meeting Minutes**

**Monday, March 22, 2021**

### **Council Meeting**

### **Electronic Online Participation**

**7:00 P.M.**

Members Present: Mayor L. Armstrong, Councillors A. Hallman, C. Gordijk, B. Fisher, J. Gerber and J. Pfenning

Staff Present: Chief Administrative Officer G. Whittington, Director of Information and Legislative Services D. Mittelholtz, Director of Public Works J. Molenhuis, Director of Parks, Facilities and Recreation S. Jackson, Director of Development Services H. O'Krafka, Director of Corporate Services / Treasurer P. Kelly, Fire Chief R. Leeson, Director / Curator Castle Kilbride T. Loch, Manager of Information and Legislative Services / Deputy Clerk T. Murray, Manager of Planning / EDO A. Martin

#### **1. MOTION TO CONVENE INTO CLOSED SESSION**

##### **Resolution No. 2021-46**

**Moved by: Councillor C. Gordijk**

**Seconded by: Councillor A. Hallman**

THAT a Closed Meeting of Council be held on Monday, March 22, 2021 at 6:15 p.m. in accordance with Section 239(2) of the Municipal Act, 2001, for the purposes of:

- c) a proposed or pending acquisition or disposition of land by the municipality or local board;

CARRIED.

#### **2. MOTION TO RECONVENE IN OPEN SESSION**

##### **Resolution No. 2021-47**

**Moved by: Councillor C. Gordijk      Seconded by: Councillor A. Hallman**

THAT Council reconvenes in Open Session at 7:00 p.m.

CARRIED.

**3.      MOMENT OF SILENCE**

**4.      LAND ACKNOWLEDGEMENT**

4.1 Councillor A. Hallman read the Land Acknowledgement.

**5.      ADDITIONS TO THE AGENDA**

**5.1      By-laws – Item 13.4 By-law No. 2021-19, Mornington Communications  
– Municipal Access Agreement**

**Resolution No. 2021-48**

**Moved by: Councillor J. Gerber      Seconded by: Councillor C. Gordijk**

THAT Item 13.4 be added to the agenda under BY-LAWS as By-law No. 2021-19  
- By-Law To Authorize The Execution Of An Agreement With Mornington  
Communication.

CARRIED.

**5.2      Announcements – Mayor L. Armstrong Anti-Racism, Inclusivity, and  
Diversity Education Update**

**Resolution No. 2021-49**

**Moved by: Councillor C. Gordijk      Seconded by: Councillor B. Fisher**

THAT Item 15.1 be added to the agenda under ANNOUNCEMENTS as Mayor L.  
Armstrong Anti-Racism, Inclusivity, and Diversity Education Update.

CARRIED.

**6. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT**

- 6.1** Councillor J. Pfenning reiterated her Conflict of Interest for the Closed meeting that occurred prior to the Regular meeting.
- 6.4** Councillor C. Gordijk advised that although there are no decisions being made at this meeting relative to the Hallman Pit, she restated her conflict of interest and advised she would not be taking part in any conversations on the topic.

**7. MINUTES OF PREVIOUS MEETINGS****7.1 Council Meetings Minutes Monday March 1, 2021****Resolution No. 2021-50**

**Moved by: Councillor J. Pfenning      Seconded by: Councillor B. Fisher**

THAT the minutes of the following meetings be adopted as presented:

Regular Council Meeting March 1, 2021.

CARRIED.

**8. PUBLIC MEETINGS**

- 8.4 REPORT DS 2021-009**  
**Zone Change Application 03/21**  
**2232372 Ontario Inc.**  
**73 Hincks Street, New Hamburg**

**Resolution No. 2021-51**

**Moved by: Councillor C. Gordijk      Seconded by: A. Hallman**

THAT Council approve Zone Change Application 03/21 by 2232372 Ontario Inc. to permit, as a temporary use, a take-out only restaurant on the property, subject to the following:

1. That the temporary use by-law be limited to a period of 3 years
2. That a minimum of three off-street parking spaces between the building and James Street shall be designated for patrons of the take-out restaurant only.

CARRIED.

Mayor L. Armstrong declared the public meeting open and stated that Council would hear all interested parties who wished to speak. He indicated that if the decision of Council is appealed to the Local Planning Appeal Tribunal, the Tribunal has the power to dismiss an appeal if individuals do not speak at the public meeting or make written submissions before the by-law is passed.

Mayor L. Armstrong stated that persons attending as delegations at this meeting are required to leave their names and addresses which will become part of the public record and advised that this information may be posted on the Township's official website along with email addresses, if provided.

The Manager of Planning / EDO outlined the report.

Mayor L. Armstrong asked 3 times if anyone else wished to address Council on this matter. There were none and the public meeting was declared closed.

## **9. PRESENTATIONS/DELEGATIONS**

The following persons appeared as delegations in relation to the proposed Hallman Pit. Prepared statements and / or presentations are attached as noted.

- 9.1** Mr. Russell Brownlee appeared as a delegation in relation to the Hallman Pit. Mr. Brownlee advised that he was retained by Citizens for Safe Groundwater to review road safety and the requirements of the transportation impact study provided by the Region of Waterloo. Mr. Brownlee advised the proponents had a safety impact study completed and that he is providing his findings of that review. He noted the report indicates capacity for additional traffic and impact on the road were acceptable; however, further safety measures were identified and specifically reviewed which Mr. Brownlee advised he is unaware that work has not been completed and no follow-up work has been provided to his clients.
- 9.2** Mr. Ed Dupej appeared as a delegation in relation to the Hallman Pit. Mr. Dupej commented on the road safety and geotechnical concerns he has, noting the need for reconstruction of roads. Mr. Dupej cited the number of trucks daily that would leave the site as approved by the Region and he noted that he questioned who would monitor this and was advised to contact the Ministry. He quoted traffic impact increases along Witmer Road as provided for in public documents. Mr. Dupej provided a document that suggests an alternate haul route as attached as Appendix A.

- 9.3** Mr. Rory Farnan, Citizens for Safe Ground Water, Appendix B.
- 9.4** Ms. Samantha Lernout, Appendix C.
- 9.5** Ms. Yvonne Zyma, appeared as a delegation in relation to the Hallman Pit. Ms. Zyma commented on her concerns for potential impacts on the natural environment. Ms. Zyma referenced the study area boundaries from the Dance Environmental Inc. document that outlines the site and environmental elements and the history of the site, noting it was mostly agricultural land. Ms. Zyma acknowledged the woodlands and the importance for animal protection. Ms. Zyma submitted documents are attached as Appendix D, Appendix D(1), Appendix D(2), Appendix D(3).
- 9.6** Ms. Linda Laepple, appeared as a delegation regarding the Hallman Pit. Ms. Laepple commented on her concerns for the potential impacts to the environment. Ms. Laepple noted the risks of economic changes are high. She provided an overview history of the property, noting the animal research history done on the site. Ms. Laepple noted the feedlot site was left to decay. She suggested that the geological study area be expanded and suggested consideration of an Interim By-law.
- 9.6** Ms. Paula Brown, appeared as a delegation regarding the Hallman Pit. Ms. Brown expressed her concerns for the residents of Shingletown and the potential impacts. Ms. Brown noted that the quality of life in the Township is important to all residents and advised that she drove Witmer Road and expressed her concerns for the increased truck traffic, poor site lines and increased safety concerns.
- 9.7** Mr. David Bricker appeared as a delegation regarding the Hallman Pit. Mr. Bricker expressed his opposition to the proposed pit due to the potential negative impacts on the environment and residents. He noted an agreement to not allow access on Witmer Road had been done and questioned why it has not been enforced. Mr. Bricker expressed his concern for the hours of operation and the effects on quality of life.
- 9.8** Ms. Stephanie Goertz, Appendix E.
- 9.9** Ms. Ruth Rosener, appeared as a delegation regarding the Hallman Pit. Ms. Rosner expressed her opposition to the proposed Hallman Pit due to the potential dangers of truck traffic and the environment and previously

presented concerns to Council. She spoke of the safety concerns to children, traffic, environment and the disturbance to the wildlife. She advised her main concern is the number of dump trucks that are proposed to travel along Witmer Road.

- 9.10** Ms. Martha Bricker, appeared as a delegation regarding the Hallman Pit. Ms. Bricker expressed her concerns for the proposal in relation to the environment. Ms. Bricker provided an overview of the area and showcased environmental features she has experienced on her daily walks, identifying wildlife and woodlot. Ms. Bricker provided several photos attached as Appendix F.

## **10. CONSENT AGENDA**

### **10.1 DS 2021-010**

**Zone Change Application 04/21**

**Removal of H Symbol**

**Michelle Roth**

**Wilmot Street, New Hamburg**

### **10.2 DS 2021-011**

**Lifting 1 foot reserve and open as Redford Drive**

### **10.3 COR 2021-013**

**FCM Municipal Asset Management Program (MAMP)**

## **Resolution No. 2021-52**

**Moved by: Councillor J. Pfenning      Seconded by: Councillor C. Gordijk**

THAT Report Nos. DS 2021-010, DS 2021-011 and COR 2021-013 Be approved.

CARRIED.

## **11. REPORTS**

### **11.1 Chief Administrative Officer**

**11.1.1 REPORT NO. 2021-02**  
**2020 – 2021 Work Program**

**Resolution No. 2021-53**

**Moved by: Councillor J. Pfenning      Seconded by: Councillor B. Fisher**

THAT the 2021 Work Program, as per the report dated March 22, 2021, submitted by the Chief Administrative Officer, be endorsed.

CARRIED.

The Chief Administrative Officer outlined the report.

Mr. Aaron Fewkes, President, The Community Players (TCP) appeared as a delegation. Mr. Fewkes asked that the Work Program be amended to include consultation with TCP regarding an Integrated Theatre Production Facility. Mr. Fewkes prepared statement is attached as Appendix G.

Council endorsed the recommended amendment to the Work Program and directed staff to make the necessary adjustments to the Work Program.

The Chief Administrative Officer noted that staff also support this amendment.

The Director of Public Works and Engineering clarified that the Region of Waterloo is considering options for lower tier municipalities to provide winter control.

The Director of Corporate Services / Treasurer confirmed that the grant funding application for consultation with the First Peoples Group has been submitted and has yet to be awarded.

The Chief Administrative Officer advised that he would follow-up with staff regarding Senior Management Team updates being reinstated.

The Director of Information and Legislative Services confirmed that the Cannabis Retail Policy will include community consultation and it will be moving forward during April, May and June.

The Director of Corporate Services confirmed that the Corporate Culture was deferred to the end of 2019 Novel Coronavirus pandemic at the request of the consultant.

The Director of Parks, Facilities and Recreation Services confirmed that the car pool parking will be added back into the Work Program; however, it will be a lower priority.

The Chief Administrative Officer and Director of Information and Legislative Services confirmed that the Crime Prevention Committee will be added to the Work Program.

## **11.2 INFORMATION AND LEGISLATIVE SERVICES**

### **11.2.1 REPORT NO. ILS 2021-08**

#### **Award of Contract, Request for Proposal (RFP) 2021-01**

#### **Electronic Agenda and Meeting Management Solution**

### **Resolution No. 2021-54**

**Moved by: Councillor A. Hallman      Seconded by: Councillor C. Gordijk**

THAT RFP 2021-01 be awarded to eSCRIBE, for the provision of electronic agenda, meeting management, and webcasting online modules and services, as per their proposal submitted on February 10, 2021, in the amount of \$34,675, plus HST.

CARRIED.

The Director of Information and Legislative Services outlined the report and advised that eSCRIBE has an Return on Investment document available and will provide it to Council with a calculation for Wilmot specific savings estimates.

The Director of Information and Legislative Services confirmed there are ongoing costs associated with the annual subscription as noted in the report.

## **11.3 PUBLIC WORKS AND ENGINEERING**

### **11.3.1 REPORT NO. PW 2021-04**

#### **Automated Speed Enforcement Program – Update and Endorsement of Additional Location**

### **Resolution No. 2021-55**

**Moved by: Councillor B. Fisher      Seconded by: Councillor J. Pfenning**

THAT Report 2021-04 regarding the Automated Speed Enforcement Program – update and endorsement of additional locations be received for information;

AND THAT Snyder's Road West – Sir Adam Beck Public School be endorsed as the second program location within the Region of Waterloo Program.

CARRIED.

The Director of Public Works and Engineering outlined the report and confirmed that the enforcement and display will be present throughout the year. It was also confirmed that the numbering locations can be considered for endorsement at a future time.

**11.3.2 REPORT NO. PW 2021-05**

**Annual Surface Treatment Program – Award of Contract**

**Resolution No. 2021-56**

**Moved by: Councillor C. Gordijk      Seconded by: Councillor A. Hallman**

THAT RFT 2021-05 be awarded to Cornell Construction Limited of Brantford, ON for the Annual Surface Treatment Program, as per their bid submission dated March 3, 2021, in the amount of \$286,054.00, plus HST.

CARRIED.

The Director of Public Works and Engineering outlined the report.

**11.3.3 REPORT NO. PW 2021-06**

**Mornington Communications – Municipal Access Agreement**

**Resolution No. 2021-57**

**Moved by: Councillor J. Pfenning      Seconded by: Councillor A. Hallman**

THAT Report 2021-06 be received for information;

AND THAT the Mayor and Clerk be authorized to enter into a Municipal Access Agreement (MAA) with Mornington Communications Co-operative Ltd.

CARRIED.

The Director of Public Works and Engineering outlined the report.

**11.3.4 REPORT NO. PW 2021-07**

**Co-operative Contract - Pavement Markings**

**Resolution No. 2021-58**

**Moved by: Councillor C. Gordijk**

**Seconded by: Councillor J. Pfenning**

THAT Council approve participation in the co-operative tender with the Grand River Co-operative Purchasing Group (GRCPG) for supply and placement of Pavement Markings by Guild Electric Limited for a term of one (1) year, from April 1, 2021 to December 31, 2021.

CARRIED.

The Director of Public Works and Engineering outlined the report.

**11.4 DEVELOPMENT SERVICES**

**11.4.1 REPORT DS 2021-007**

**Zone Change Application 07/20  
Caiden-Keller Homes Inc. /  
Dryden, Smith & Head Planning Consultants  
Part of Lot 27-28, Plan 532A  
18 Hincks Street, New Hamburg**

**Resolution No. 2021-59**

**Moved by: Councillor J. Pfenning**

**Seconded by: Councillor C. Gordijk**

THAT Council approve Zone Change Application 07/20 made by Caiden-Keller Homes Inc. / Dryden, Smith & Head Planning Consultants, affecting Part of Lots 27 and 28, Plan 53A, to:

1. To reduce the front yard setback and rear yard setback for the semi-detached dwelling from 7.6m and 7.5m to 4.5m and 4.77m respectively,
2. To reduce the lot area required for a lot containing a semi-detached dwelling from 560m<sup>2</sup> to 517.81m<sup>2</sup>,
3. To reduce the front and left side yard setback for a two storey single detached dwelling from 7.6m and 2.0m to 6.0m and 1.2m respectively,

4. To reduce the lot area for a single detached dwelling from 500m<sup>2</sup> to 428.85m<sup>2</sup>, and
5. To reduce the lot frontage and width for a single detached dwelling from 12m and 15m to 11.26m.

CARRIED.

The Manager of Planning / EDO outlined the report.

The following persons appeared as delegations in relation to the Zone Change Application. Prepared statements and / or presentations are attached as noted.

Ms. Ceri Nelmes, Appendix H.

Mr. Craig Nichols and Ms. Cindy Moser appeared as delegations and expressed their concerns for the Zone Change Application in relation to their privacy and property. Mr. Nichols alleged potential issues with the developer in working with the neighbours in a positive manner.

Mr. Sam Head, Dryden Smith and Head, appeared as a delegation and noted that he had been working with Township staff to address the issues raised by the community and following Provincial policy and minor variances.

Mr. Dan Fleischmann appeared as a delegation and expressed his concern for the Zone Change Application. Mr. Fleischmann expressed his concerns for neighbours feeling being pushed out due to the application. He noted that he feels it would be reasonable for a semi-detached development but feels what is being proposed is not acceptable.

The Manager of Planning / EDO confirmed that the proposed development will be further from the property line than the existing home.

#### **Resolution No. 2021-60**

**Moved by: Councillor J. Pfenning**

**Seconded by: Councillor J. Gerber**

THAT the Council meeting proceed past 11:00 p.m.

CARRIED.

#### **11.4.2REPORT NO. DS 2021-012**

**Street Names**

**Wilmot Employment Lands**

#### **Resolution No. 2021-61**

**Moved by: Councillor A. Hallman**

**Seconded by: Councillor J. Gerber**

THAT Council endorse the use of the following street names for the Wilmot Employment Lands:

Street One – Howie Meeker Boulevard

Street Two – Vernon Erb Drive

Street Three – Hahn Brass Way

Street Four – Kay Hall Place

CARRIED.

The Director of Development Services outlined the report.

## **12. CORRESPONDENCE**

**12.1 Integrity Commissioner Report Nos. IC-2020-03, IC-2020-04 and IC-2021-01**

**12.2 Integrity Commissioner Annual Report 2020**

**Resolution No. 2021-62**

**Moved by: Councillor J. Gerber**

**Seconded by: Councillor B. Fisher**

That Correspondence Item Nos. 12.1 and 12.2 be received for information.

CARRIED.

## **13. BY-LAWS**

**13.1 By-law No. 2021-15      ZCA 07/20 – 18 Hincks St**

**13.2 By-law No. 2021-16      ZCA 03/21 – 73 Hincks St**

**13.3 By-law No. 2021-17      ZCA 04/21 – Wilmot St**

**13.4 By-law No. 2021-19      Mornington Communications – Municipal Access Agreement**

**Resolution No. 2021-63**

**Moved by Councillor C. Gordijk**

**Seconded by: Councillor A. Hallman**

THAT By-law Nos. 2021-15, 2021-16, 2021-17 and 2021-19 be introduced, read a first, second and third time and finally passed in Open Council.

#### **14. NOTICE OF MOTIONS**

#### **15. ANNOUNCEMENTS**

- 15.1** Mayor L. Armstrong advised that his update is included in the Agenda for information. Councillor A. Hallman later inquired on what Mayor L. Armstrong has learned and he advised that, as he had noted before, there is a long way to go to understanding and acceptance. He acknowledged that everyone deserves to be treated equally.
- 15.2** Councillor C. Gordijk noted the Anti-Asian hate crimes are on the rise and acknowledged the incidents in the United States and the International Elimination of Racial Discrimination Day.
- 15.3** Councillor C. Gordijk noted the fundraising for the Terry Fox Run is beginning and there will be special Terry Fox cupcakes available and on April 12, Twice the Deal Pizza will be donating a portion of sales.
- 15.4** Councillor C. Gordijk noted the Wilmot Rod and Gun Club is having a Fish and Chip take-out dinner on Good Friday, April 2.
- 15.5** Councillor J. Pfenning acknowledged the numerous recognition days and acknowledged Down Syndrome Awareness Day and Elimination of Racial Discrimination and World Water Day.
- 15.6** Councillor A. Hallman noted that Castle Kilbride is accepting bookings for their opening on April 1.
- 15.7** Councillor A. Hallman noted that March 31 is the International Transgender Day of Visibility to raise awareness.
- 15.8** Councillor A. Hallman also acknowledged the mass shooting in Atlanta and encouraged support for those affected by the shooting.

#### **16. BUSINESS ARISING FROM CLOSED SESSION**

##### **Resolution No. 2021-64**

**Moved by Councillor B. Fisher**

**Seconded by: C. Gordijk**

**THAT** Confidential Report DS 2021-008 be received for information;

**THAT** Council accept the generous donation of lands from the Cachet Developments (NH) Inc. and Cachet Developments (NH West) Inc. with the costs of surveying, preparing and registering being borne by the proponents; and,

**THAT** if requested, the Township provide a tax receipt in the amount determined by an independent certified appraisal of the value of the lands donated by Cachet Developments. The cost of the independent certified appraisal, and any review by the Township solicitor, would be borne by the Township of Wilmot.

CARRIED.

## **17. CONFIRMATORY BY-LAW**

### **17.1 By-law No. 2021-18**

#### **Resolution No. 2021-65**

**Moved by: Councillor B. Fisher**

**Seconded by: C. Gordijk**

THAT By-law No. 2021-18 to Confirm the Proceedings of Council at its Meeting held on March 22, 2021 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED.

## **18. ADJOURNMENT (11:35 PM)**

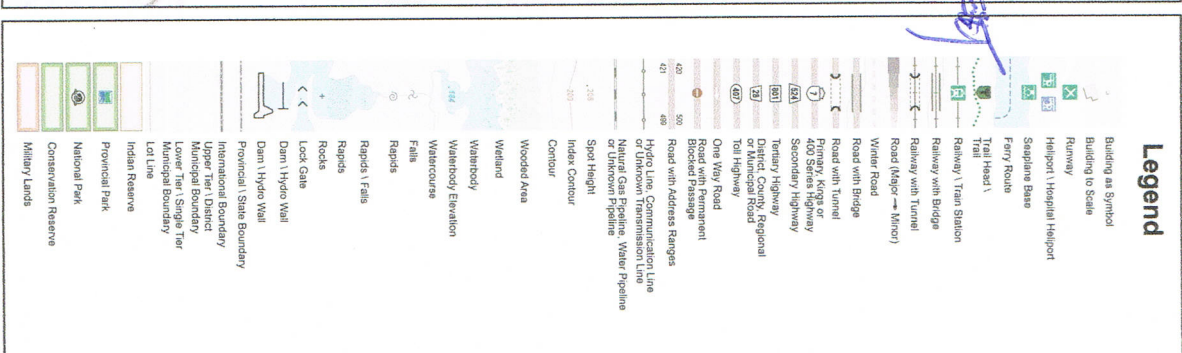
#### **Resolution No. 2021-66**

**Moved by: Councillor C. Gordijk**

**Seconded by: Councillor A. Hallman**

THAT we do now adjourn to meet again at the call of the Mayor.

CARRIED.





CITIZENS FOR  
**SAFE**  
**GROUND**  
**WATER**

Traffic Impacts Review

March 22st, 2021 - Wilmot Township Council, 7pm

# Potential Hallman Pit Impacts

## POTENTIAL IMPACTS OF THE PROPOSED HALLMAN PIT



**CUMULATIVE IMPACTS** The combined impact of all 'past, present and future' gravel pits

### HEALTH IMPACTS



Increased noise levels due to truck activity, alarms and extraction



Health effects from exposure to harmful fine particulate matter (dust)



Potential for contamination of our drinking water in sensitive recharge areas

### ECONOMIC IMPACTS



Traffic from dump trucks causes safety concerns and increased costs for municipalities

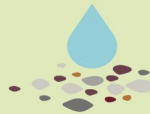


Loss of 200 acres of prime farmland. Financial viability of farming is decreased after land is used for aggregate extraction

### ECOLOGICAL IMPACTS



Destruction and fragmentation of wetlands and habitats



Auxiliary activities, such as aggregate washing, increase potential for groundwater contamination



Operational practices, such as fuel storage and asphalt recycling, increase risk of pollution

# Traffic Impacts Review

\*statements made are based on expert reviews commissioned by the Region of Waterloo, Wilmot Township and Citizens for Safe Ground Water Inc., as well as the Grand River Conservation Authority, to date\*

# Proposed “Haul Route” Using Wilmot Township Witmer Road

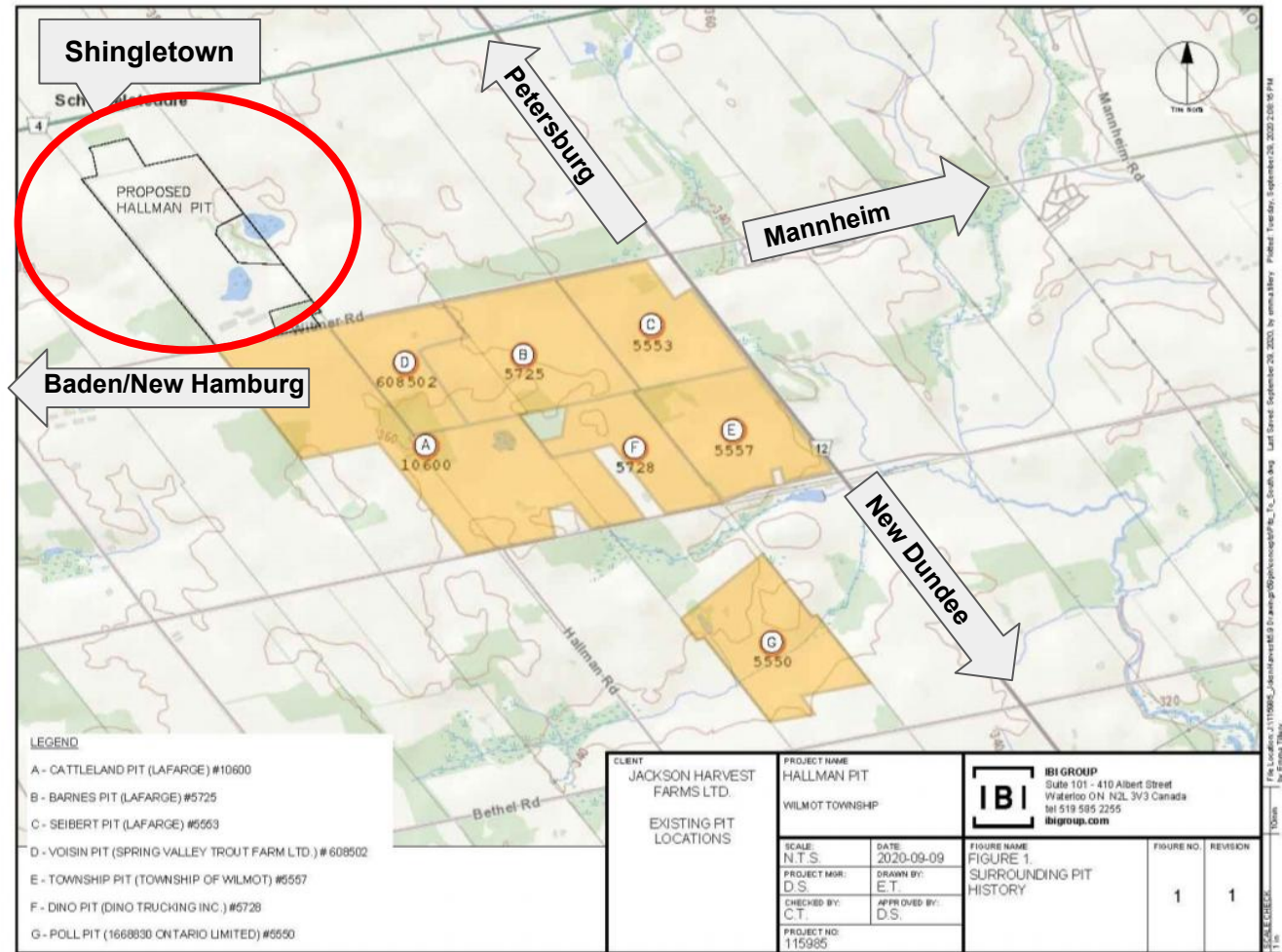


Figure 1 Existing Pit Locations

# CSGW Experts Commissioned

Purpose	Organization
Acoustic Peer Review	J.E. Coulter and Associates
Air Quality Peer Review	Di GiSci Environmental Consulting Inc.
<b>Traffic Impacts Review</b>	<b>True North Safety</b>
Conformance to the Official Plan	Ramsay Planning Inc.
Legal Representation	Canadain Environmental Law Association (CELA)

CSGW representation recognized as leaders in their field of expertise

# Russell Brownlee, P.Eng.

## True North Safety Group

- 25+ year experience in transportation engineering.
- Academic background includes Master of Applied Science in Civil Engineering, University of Waterloo
- 2017 Transportation Safety Council award recipient for leadership in the field of traffic safety.
- Consulting Engineers of Ontario appointee to Ontario Provincial Standards Traffic Safety Committee.
- Recognized as a qualified Road Safety Expert, Superior Court of Justice, Ontario



“Witmer Road is currently a *relatively low* travelled roadway, which *may not* fully exhibit the effects of the *geometric deficiencies* at the intersection due to the *low frequency* of vehicle conflicts. The additional eastbound left turn *heavy trucks* from the pit activities *may create safety issues* at this stop-controlled intersection, due to the *poor geometry* and *additional side street conflicts*.”

# True North Safety Peer Review

## Concerns Identified:

- Incomplete safety analysis conducted.
- Sight distance deficiencies exiting pit, and Witmer/Queen intersection.
- "Peak hour" use not consistent with data collected.
- Underestimated travel demands.
- Intersection geometry poorly designed, side street conflicts.

*"Incomplete safety review regarding available sight distance to and from the Pit site access and requirements for auxiliary turn lanes at the site access intersection, especially considering the impact of slow-moving heavily laden vehicles as they exit the property."*

Based on our review of Google Streetview™ images, it appears that available sight distances are in excess of 200 or more metres in either direction from the pit access location shown in Figure 5.1 of the Paradigm report.

The AECOM report does not comment on the lack of safety analysis at the intersection of Queen Street and Witmer Road intersection.

Both the Region of Waterloo TIS guidelines and the Paradigm report suggest that sight lines should be reviewed at the study access and intersections. The Paradigm report provides a qualitative comment regarding the sight lines at the proposed pit access, and does not evaluate the sightlines at the intersection of Queen Street and Witmer Road.

Based on a cursory desktop review, it is likely that adequate approach site distances (i.e., sight triangles) are not available on the southwest quadrant of the intersection of Queen Street and Witmer Road. Departure sight distances from the eastbound stop bar may also be deficient to select a gap in vehicles approaching from the south on Queen Street.

Witmer Road is currently a relatively low travelled roadway, which may not fully exhibit the effects of the geometric deficiencies at the intersection due to the low frequency of vehicle conflicts. The additional eastbound left turn heavy trucks from the pit activities may create safety issues at this stop-controlled intersection, due to the poor geometry and additional side street conflicts.

I trust the above meets your needs at this time. If you would like to discuss the provided comments, please do not hesitate to contact me.

Sincerely,



Russell Brownlee, M.A. Sc., FITE, RSP1, P. Eng.



# Township Road Risk(s)

- Hidden drive/laneways
- School Buses (children)
- EMS service
- Waste management
- Lack of proper guard rails
- “Line-of-Sight” challenges
- Recreational use
- Agricultural use
- Road lighting
- Narrow road design
- Unique land formations
- Lack of sufficient shoulders
- Close homeowner proximity
- Steep ditches

**"We're the countryside, we  
can't make every road a  
superhighway." Sue Foxton,  
Mayor of North Dumfries -  
"The Record" - Nov. 12, 2019**

Proposed hours of  
operation:

Mon 6am-7pm  
Tues 6am-7pm  
Wed 6am-7pm  
Thurs 6am-7pm  
Fri 6am-7pm  
Sat 6am-6pm

*\*potential for night  
operations.*

# Applicant's "Acknowledgement" of Road Use

6. You have raised a concern regarding the lack of shoulder space for cyclists and pedestrian traffic.

Response: First, to recognize that Witmer Road may be used by other users (pedestrians, cyclists, farm equipment), Jackson Harvest Farms Ltd. is prepared to erect an advisory sign at the pit exit for all truck drivers which will read:

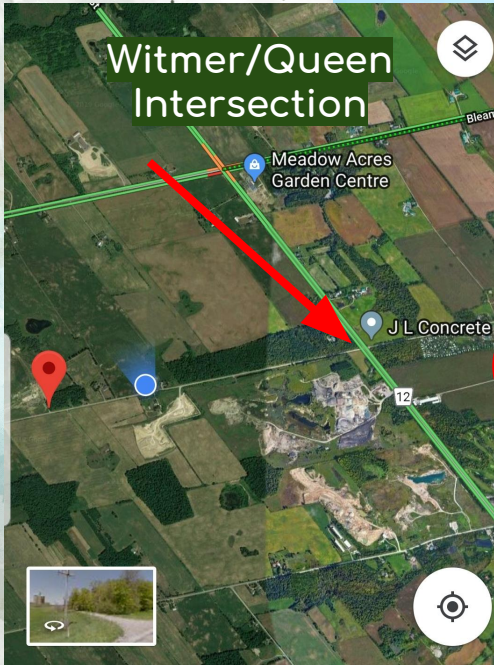
## ATTENTION DRIVERS:

- Left turn exit only!
- CAUTION: Witmer Road is also used by pedestrians, cyclists, children and slow moving vehicles!

*Jackson Harvest Farms Ltd.*

In response to Witmer Road safety concerns, the applicants is "prepared" to erect a sign for drivers exiting the "Hallman Pit".

# Witmer/Queen Intersection



Roads do not intersect at a 90 degree angle, which offers a level of complexity

# Witmer/Queen Intersection



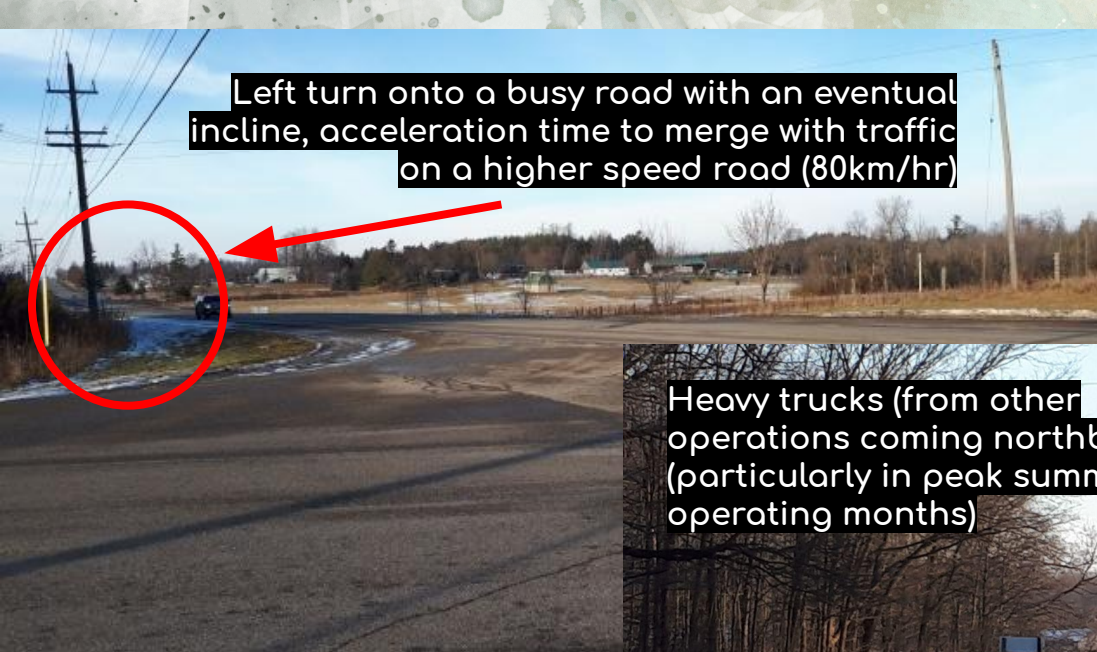
Potential safety issues with *slow acceleration* onto Queen Street.

Significant *sight obstruction* to the right can require pulling into intersection to make a "safe" turn.



# Witmer/Queen Intersection

Left turn onto a busy road with an eventual  
incline, acceleration time to merge with traffic  
on a higher speed road (80km/hr)



Heavy trucks (from other  
operations coming northbound  
(particularly in peak summer  
operating months)



Could heavy load  
vehicles (i.e. trucks)  
experience issues  
accelerating onto a  
busy Queen Street?



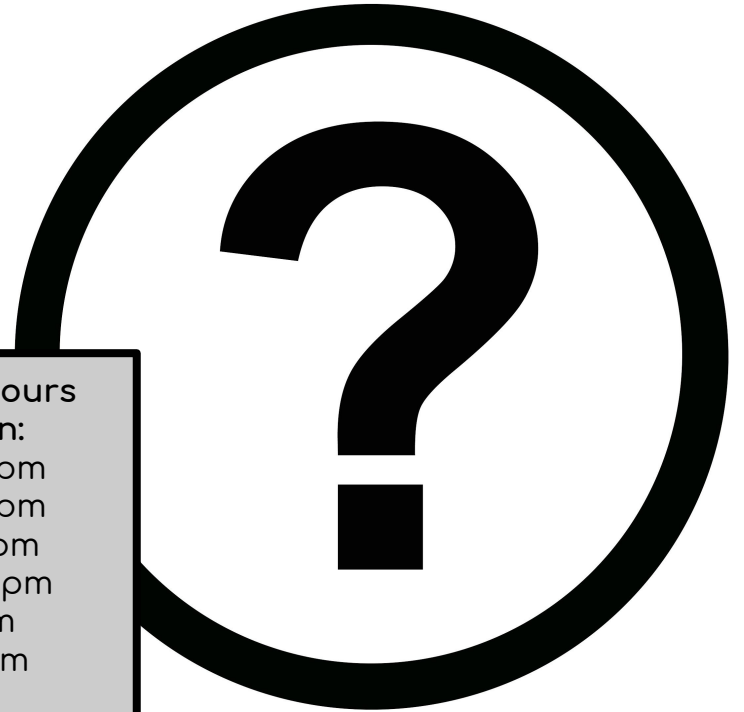
# Built for Steady Heavy Truck Capacity?



Estimated **181 trucks (per day)**,  
potential for more intensity in  
“construction season” months...

Proposed hours  
of operation:  
Mon 6am-7pm  
Tues 6am-7pm  
Wed 6am-7pm  
Thurs 6am-7pm  
Fri 6am-7pm  
Sat 6am-6pm

*\*night operations  
possible*



# Cumulative Impacts:

The consideration of the impacts of previous, present, and future gravel pits in the area

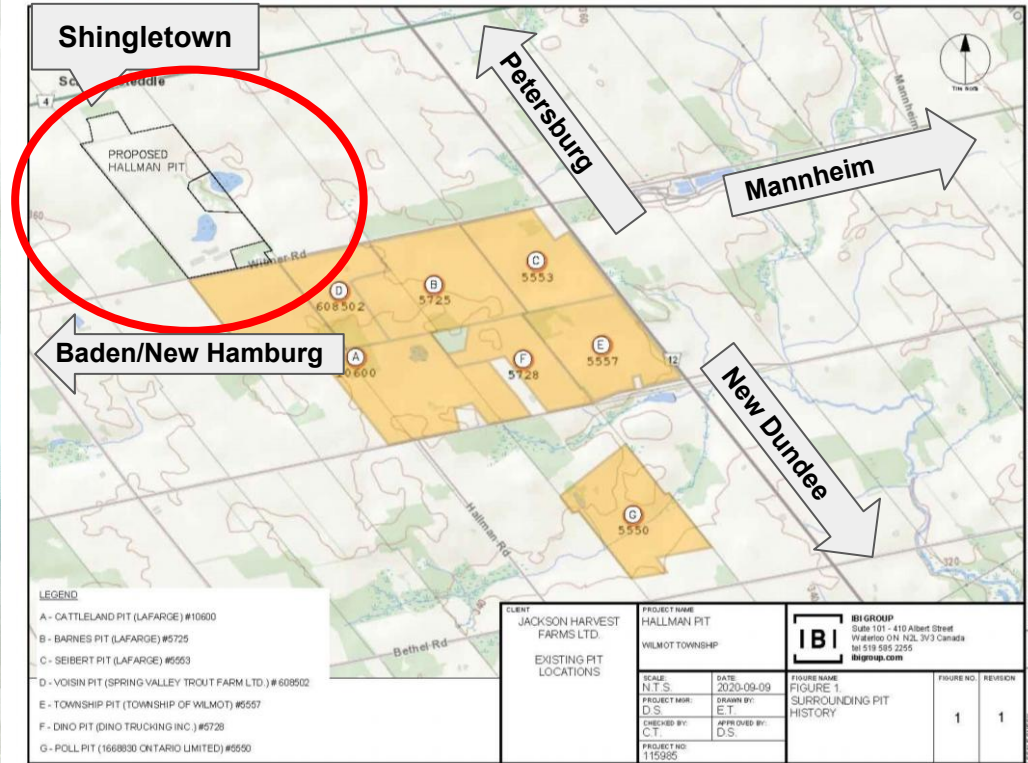


Figure 1 Existing Pit Locations

1. Coco Paving
2. Tri-City (Miller Group)
3. Steed and Evans
4. Lafarge
5. Township of Wilmot
6. Kieswetter Excavating
7. Dino Trucking
8. *Jackson Harvest Farms?*
9. And more...

All traveling throughout Wilmot Township...

# Impacts NOT addressed

The Hallman Pit can set a *dangerous* precedent

There is a need for:



1. Consideration of **safety/operations** at the Witmer Road intersection with Queen Street.



2. Consideration of the **safety** of recreational road users (cyclists, walkers, joggers, motorcyclists, etc.)



3. Consideration of the **SAFETY** (not just operations) of Witmer Road for school buses, waste management, EMS services, hidden driveways/laneways, etc.



4. Cumulative impacts (7.2.4.3) study of the Witmer/Queen intersection “area”, reviewed by an expert third party.

# Thank You



*For more information to  
show your support please  
contact:*

“Citizens for Safe Ground  
Water” on [Facebook](#)

[www.safeH2O.ca](http://www.safeH2O.ca)

wilmotgroundwater@gmail.com

# Living on Witmer Rd

March 22st, 2021 - Wilmot Township Council Meeting, 7pm

## A steady flow...

“The nature of the pit operations would be that they would want as **steady of a flow** throughout the day as possible, so loaders, scales, drivers, etc would be productive throughout the whole day” *Matt Brouwer from Paradigm Transportation Solutions Limited*

### Proposed hours of operation\*:

Mon 6am-7pm  
Tues 6am-7pm  
Wed 6am-7pm  
Thurs 6am-7pm  
Fri 6am-7pm  
Sat 6am-6pm

\*night operations?

**300 days a year**

[https://www.google.com/search?q=gravel+truck+images&rlz=1CAEAQE\\_enCA827CA829&source=lnms&tbm=isch&biw=1366&bih=665](https://www.google.com/search?q=gravel+truck+images&rlz=1CAEAQE_enCA827CA829&source=lnms&tbm=isch&biw=1366&bih=665)  
<https://developmentapplications.wilmot.ca/Home/Detail?Id=afea319e-c756-4d36-b1c5-05060c25d3ce>

\*includes site preparation, extraction, processing, and shipping







# Transportation Impact Study

384% traffic impact per day\*



[https://www.google.com/search?q=gravel+truck+images&rlz=1CAEAQE\\_enCA827CA829&source=lnms&tbn=isch&biw=1366&bih=665](https://www.google.com/search?q=gravel+truck+images&rlz=1CAEAQE_enCA827CA829&source=lnms&tbn=isch&biw=1366&bih=665)  
<https://developmentapplications.wilmot.ca/Home/Detail?Id=afea319e-c756-4d36-b1c5-05060c25d3ce>

\*calculated using information provided applicant's reports and township records



FINAL  
JUSTIFICATION REPORT - ADDENDUM  
HALLMAN PIT  
R ROAD, WILMOT TWP.  
© Jackson Harvest Farms Ltd.

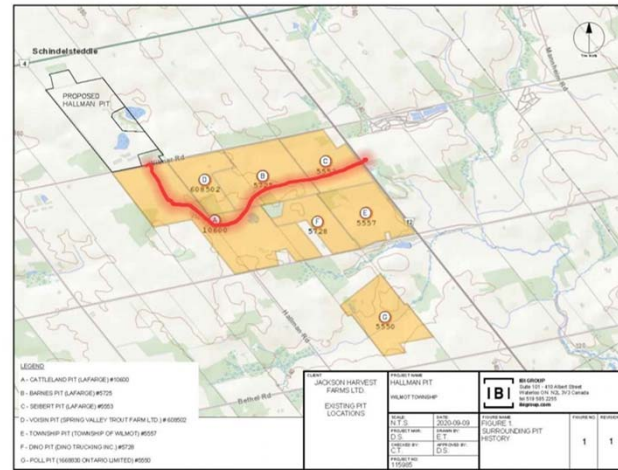


Figure 1 Existing Pit Locations

520

2

IBI GROUP FINAL  
PLANNING JUSTIFICATION REPORT - ADDENDUM  
PROPOSED HALLMAN PIT  
1894 WITMER ROAD, WILMOT TWP.  
Submitted to Jackson Harvest Farms Ltd.

- E. **Township Pit**  
Corporation of the Township of Wilmot  
ARA Licence # 5557  
Licensed Area: 41.8 hectares  
Class A, Category 2 (pit below water)  
Annual Tonnage: 75,000 tonnes
- F. **Dino Pit**  
Dino Trucking Inc.  
ARA Licence # 5728  
Licensed Area: 25.2 hectares  
Class A, Category 3 (pit above water)  
Annual Tonnage: 250,000 Tonnes
- G. **Poll Pit**  
166830 Ontario Limited  
ARA License # 5550  
Licensed Area: 45.7 hectares  
Class A, Category 3 (pit above water)  
Annual Tonnage: 50,000 Tonnes

Red line added to public document \*

<https://developmentapplications.wilmot.ca/Home/Detail?id=area319e-c756-4d36-b1c5-05060c25d3ce>

ROUP FINAL  
MINING SUMMARY REPORT  
POSED HALLMAN PIT  
WITMER ROAD, WILMOT TWP.  
Prepared for Jackson Harvest Farms Ltd.

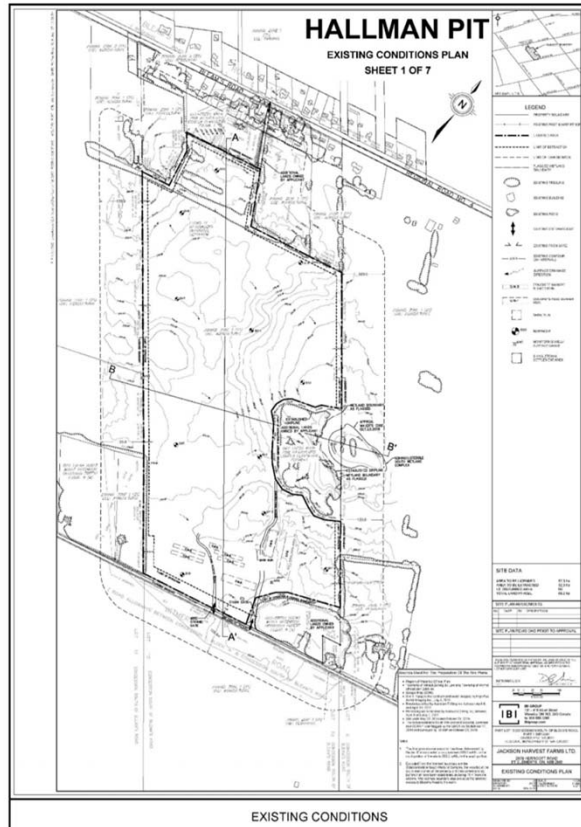


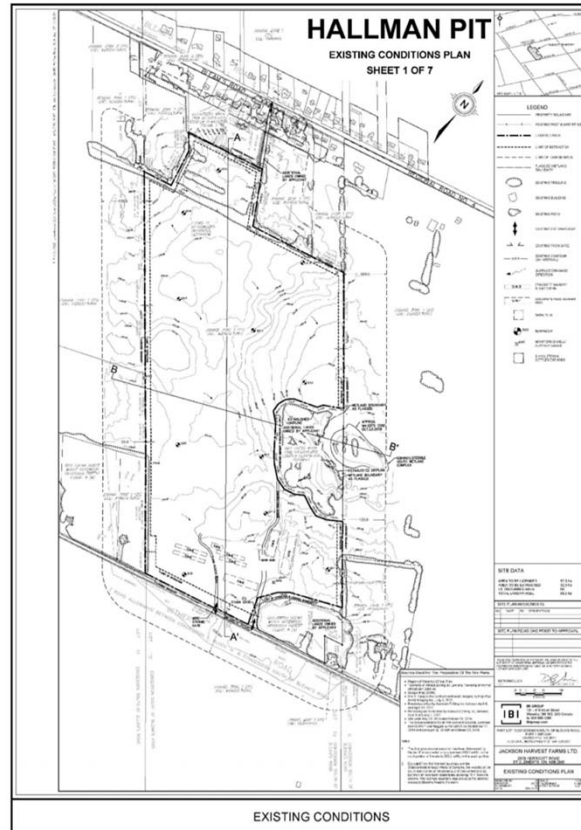
FIGURE 2  
HALLMAN PIT, JACKSON HARVEST FARMS LTD.  
TOWNSHIP OF WILMOT, REGIONAL MUNICIPALITY OF WATERLOO  
SCALE NTS  
DATE SEPTEMBER 24, 2019  
PROJECT No. 119886

**IBI** GROUP  
101 - 410 Albert Street  
Waterloo ON N2L 2V3 Canada  
tel (519) 585-2255  
ibigroup.com

<https://developmentapplications.wilmot.ca/Home/Detail?Id=afea319e-c756-4d36-b71c5-05060c25d3ce>

# What's Next?

ROUP FINAL  
MINING SUMMARY REPORT  
POSED HALLMAN PIT  
WITMER ROAD, WILMOT TWP.  
red for Jackson Harvest Farms Ltd.



**FIGURE 2**  
HALLMAN PIT, JACKSON HARVEST FARMS LTD.  
TOWNSHIP OF WILMOT, REGIONAL MUNICIPALITY OF WATERLOO  
SCALE NTS  
DATE SEPTEMBER 24, 2019  
PROJECT No. 119886

**IBI GROUP**  
101 - 410 Albert Street  
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<https://developmentapplications.wilmot.ca/Home/Detail?Id=afea319e-c756-4d36-b71c5-05060c25d3ce>



**DANCE  
ENVIRONMENTAL  
INC.**

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**Natural Environment Level 1 & 2  
Report and E.I.S.  
For Aggregate Licence Application  
Part Lot 10, German Block South of Bleams Road,  
Township of Wilmot  
Regional Municipality of Waterloo.  
Proposed Hallman Pit**

**Prepared for:**

Jackson Harvest Farms  
2879 Herrgott Road  
St. Clements, ON.  
N0B 2M0

**Prepared by:**

**Dance Environmental Inc.**  
807566 Oxford Rd. 29  
R.R. #1 Drumbo, Ontario.  
N0J 1G0  
519-463-6156

September 20, 2019.  
DE-428

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## **1.0 BACKGROUND**

The applicant is applying for a Category 3 Aggregate Licence. The study area is shown on Figure 1. The licence is proposed to cover 57.27ha. The maximum annual tonnage is proposed to be 750,000 tonnes.

This Natural Environment Level 1 & 2 Technical Report and E.I.S., was prepared to accompany the licence application. Dance Environmental Inc. was retained by the applicant to prepare this report.

A Terms of Reference for the scoped EIS for the proposed aggregate pit was prepared at the request of the GRCA and Region of Waterloo staff. The Terms of Reference was provided to the Waterloo Region EACC for review and comment. The final approved Terms of Reference is provided in Appendix I.

Within the EIS the use of the term “site” refers to the licence area for the proposed pit. The use of the term “offsite” refers to the area within 120m of the licence area for the proposed pit. Within the EIS the term “study area” refers to the site and offsite areas combined.

## **2.0 STUDY OBJECTIVES**

The objective of the Natural Environment Level 1 report under the Aggregate Resources Act, is to determine whether any of the following features exist on and within 120 metres of the site: significant wetland, habitat of endangered or threatened species, fish habitat, significant valleylands, significant wildlife habitat, significant woodlands, and Areas of Natural and Scientific Interest (ANSI).

## **3.0 STUDY METHODS**

### **3.1 Existing Information**

The following sources were contacted and researched to determine what was known about the study area. Tim Van Hinte at the Regional Municipality of Waterloo was contacted, as was Harold O’Krafka, Director of Development Services, the Township of Wilmot.

Tara McKenna at the MNR Guelph District was sent an Information Request Form along with a request for information letter on May 1, 2018, and Management Biologist Graham Buck responded on June 1, 2018. The June 1, 2018 response letter included a list of SAR species known from Wilmot Township.

A request for information was sent to Kaitlyn Rosebrugh at the Grand River Conservation Authority (GRCA) by Dance Environmental Inc., on May 1, 2018. Beth Brown from the GRCA responded to the request for information on September 7, 2018.

An information request letter was sent on May 1, 2018 to Harold O’Krafka at the Township of Wilmot. An email response to the information request was provided

on May 7, 2018, suggesting that the questions from the information request would be best directed to GRCA and the Region of Waterloo.

Environmental mapping in the Region of Waterloo Official Plan (2015) was reviewed.

A search for historical records from the Ontario Herptofauna Atlas was completed on April 25, 2018 for square 17NJ30 (Ontario Herptofauna Atlas, 2018). The Ontario Butterfly Atlas was searched for historical records for square 17NJ30 on July 29, 2019 (OBA, 2019). Information from the second Ontario Breeding Bird Atlas (OBBA) was obtained on April 25, 2018 for historical bird records for square 17NJ30 (OBBA 2018).

The Alder Creek Watershed Study and Upper Strasburg Creek Subwatershed Plan update, 2008 (CH2MHILL and North-south Environmental Inc. 2008) was reviewed in relation to the proposed Hallman Pit.

Figure 1 shows the site location.

### **3.2 Field Work**

An initial site visit in April 2018, along with a review of the historical records from the OBBA and Ontario Herptofauna Atlas for the 10x10 km square in which the study area is located (17NJ30), were used to determine the surveys to be conducted. The methodological approaches used to complete flora and wildlife surveys are provided in detail below.

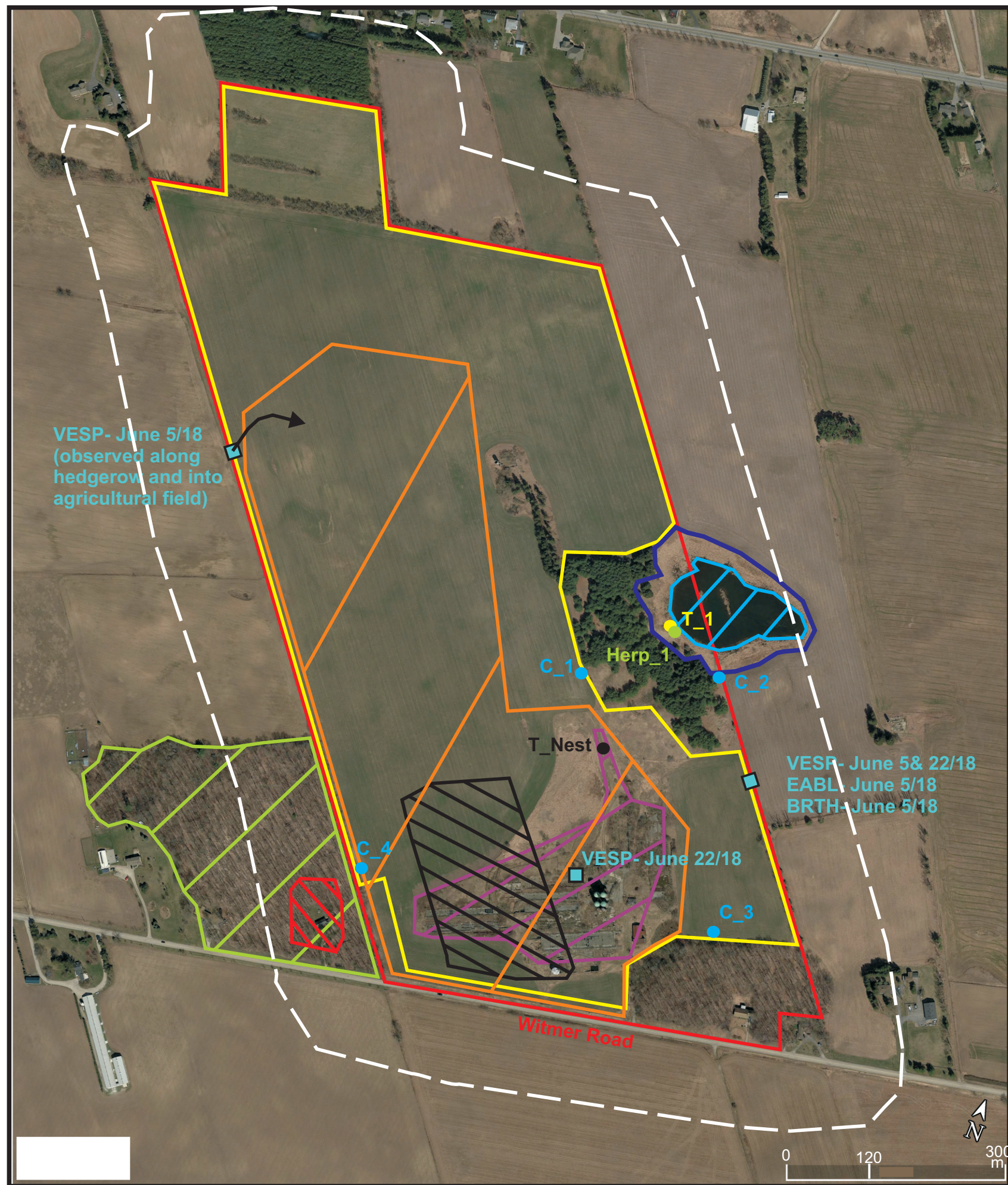
#### **3.2.1 Vegetation**

##### **Vascular Plant Inventory and ELC Community Identification**

Detailed vascular plant surveys were conducted during Spring, Summer and Autumn (see Table 1 for dates) to develop a list of plant species present within the study area, see Appendix II. The plant surveys also focused on determining whether any regionally or provincially rare plants were present within the study area.










The findings of the vascular plant inventory conducted within the study area boundaries were used to assist with the determination of ELC polygons within the licence area and offsite. Vegetation community mapping was completed using the Ecological Land Classification (ELC) methods described in Lee et al. (1998), with vegetation community types being classified using Harold Lee's 2008 update to the ELC vegetation community types and community codes (Lee 2008).

Searches for Butternut trees occurred during both leaf on and leaf off seasons to confirm whether or not this SAR tree species was present on site or adjacent to the study site. The surveys were completed by a certified Butternut Health Assessor.






**Figure 1. Study Area Boundaries, Locations of Survey Stations, SWH, and SAR Observations, Proposed Hallman Pit.**




**LEGEND**

-  Approximate Proposed Limit of Extraction Boundary.
-  Approximate Site Boundary.
-  Limit of 120m Off Site Study Area
-  Significant Woodland(Core Env. Feature)/ Eastern Wood-pewee (SWH)
-  Wintering Turtle Habitat (SWH) & Fish Habitat.
-  Monarch (SWH) -Special Concern Species
-  Area Searched for Potential Snake Hibernacula.
-  T\_Nest  
Painted Turtle Nest.
-  Regionally Rare Birds  
(VESP =Vesper Sparrow, BRTH =Brown Thrasher, EABL =Eastern Bluebird)

**Areas within which SAR species were observed**

-  Approximate Area Where Eastern Wood-Pewee Was Heard During Breeding Season 2018.
-  Approximate Area Where Barn Swallows Were Observed (foraging/perching).
-  Approximate Area Where a Bank Swallow Was Observed Foraging.

**Survey Station Locations, 2018**

-  T\_1  
Turtle Count Location.
-  C\_1  
Crepuscular Bird Survey Station Location.
-  Herp\_1  
Herpetofauna Survey Station (MMP).

### 3.2.2 Wildlife

#### 3.2.2.1 Breeding Birds

Breeding bird surveys conducted in 2018 were completed following the breeding bird survey protocol used for the Ontario Breeding Bird Atlas (OBBA 2001). The site study area is shown as the site on Figure 1. The off site study area was the off site area within 120m of the site boundary. The breeding bird surveys focused on assessing the breeding bird activity within the study area over two survey visits, at least 10 days apart. All visits were conducted during early morning hours between a half hour before sunrise and 09:00 hrs. The breeding bird surveys involved a Dance Environmental Inc. biologist conducting walking area searches throughout the various vegetation communities within the study area.

The benefits of conducting walking area searches over other methods include: being able to cover a greater amount of area within the study area; increased amount of time spent on site (compared with 5 or 10 minute point counts) and therefore a higher likelihood of observing more bird species; and allows for greater evidence of species presence to be observed such as active nests, used nests, and recently fledged young which are more likely to be observed by walking through various vegetation communities.

All bird species observed or heard within the study area during each breeding bird site visit were recorded. Any birds which were observed or heard outside of when the breeding birds surveys were being conducted, were recorded as incidental observations. If any Species at Risk were observed, their locations were to be mapped and any details of the observations recorded.

#### 3.2.2.2 Insects

Habitats where suitable vegetation was growing were carefully searched for butterflies, Odonata and bumble bees. Insects were identified on the wing if possible, if not they were captured and were identified in the hand.

Insect inventory was undertaken during sunny, low wind periods.

#### 3.2.2.3 Reptiles and Amphibians

Searches for snakes leaving hibernaculum were undertaken in the Spring due to the presence of old concrete manure pits and building foundations which were present centrally within the southern portion of the site. Searches for snakes leaving hibernaculum included searching under logs, boards, metal, mulch, debris and stones. Potential hibernation sites were checked with binoculars before they were approached. The sites were approached slowly and quietly, all the while watching for snakes. Debris near the potential hibernation sites was lifted to check for hidden snakes.

A total of six site visits were undertaken between April 22 and May 23 (April 22 & 30, May 1, 8, 15, & 23, 2018) specifically to identify any potential hibernation sites for snakes which would identify whether there was any significant wildlife

habitat present for snakes. The searches for snakes were undertaken on dates with suitable weather conditions including sunny, warm, with low wind conditions.

Amphibian surveys were undertaken using the Marsh Monitoring Protocol to identify breeding frogs within the study area.

Turtle counts were undertaken in early Spring to identify whether any turtles were present at the offsite pond. These counts were undertaken when vegetation was still low and turtles would be able to be seen in the water along the shallow pond edges or out on pond edges sunning. Binoculars were used to count individuals, identify the species present and then determine a maximum count of individuals present at one time during the count period (approximately a 15 minute survey).

Once turtles were confirmed to be present at the offsite pond, searches for turtle nests in any potential open sandy areas around the pond were undertaken. Open sandy areas were searched for evidence of recent digging and filling in of nest locations and any locations where nests were dug up by predators which are identifiable by a dug hole in the ground accompanied by turtle egg shells.

**TABLE 1. Dates, Times and Weather, 2018 and 2019 Site Visits.**

DATE	START (24hrs)	END (24hrs)	WEATHER	STAFF	PURPOSES OF VISIT
April 21/18	19:20	21:05	5.2 <sup>0</sup> C, <5% cloud, no precip.; Beauf. 0	KWD, JLD	Herp survey #1
April 22/18	11:50	13:56	16 <sup>0</sup> C, 30-40% cloud, no precip.; Beauf. 1	KSD	Snake surveys, incl. Birds, Turtle count
April 30/18	12:50	16:48	20 <sup>0</sup> C, 0% cloud, no precip.; Beauf. 2	KWD JLD	Snake surveys, incl. Birds,
May 1/18	13:36	15:29	25 <sup>0</sup> C, <5% cloud, no precip.; Beauf. 2	KSD	Snake surveys, incl. Birds, Turtle count
May 8/18	13:40	15:50	22 <sup>0</sup> C, <5% cloud, no precip.; Beauf. 1	KSD	Snake surveys, incl. Birds, Turtle count
	21:00	21:30	22 <sup>0</sup> C, <5% cloud, no precip.; Beauf. 0	KSD	Herp survey #2
May 15/18	13:55	15:30	18 <sup>0</sup> C, 60% cloud, no precip.; Beauf. 0	KWD	Snake surveys, incl. Birds, plants
May 23/18	11:34	13:02	20 <sup>0</sup> C, <5% cloud, no precip.; Beauf. 2	KSD	Snake surveys, incl. Birds, Turtle count & nesting area search
May 29/18	20:58	22:06	21.5 <sup>0</sup> C, 10% cloud, no precip.; Beauf. 2	KWD JLD	Herp survey #3, Crepuscular birds
June 5/18	06:30	09:20	14 <sup>0</sup> C, 30% cloud, no precip.; Beauf. 2	KSD	Breeding bird survey, turtle nesting area search, incidental wildlife & Butternut searches

June 22/18	05:12	07:42	23 <sup>0</sup> C, 20% cloud, no precip.; Beauf. 1	KSD	Breeding bird survey, turtle nesting area search, incidental wildlife& Butternut searches
June 26/18	22:09	22:55	16 <sup>0</sup> C, 50-80% cloud, no precip.; Beauf. 2	KSD	Crepuscular bird survey, turtle nesting area search
July 5/18	08:40	10:10	27 <sup>0</sup> C, 10% cloud, no precip.; Beauf. 1	KSD	Turtle nesting area search, incidental wildlife, insects, Butternut searches
Sept 17/18	09:48	14:48	19 <sup>0</sup> C, 10% cloud, no precip.; Beauf. 1	KSD	ELC polygon ID/vegetation list, Wetland boundary delineation, and confirmation with GRCA staff, Butternut searches
Sept 20/18	10:40	14:30	16 <sup>0</sup> C, 60% cloud, no precip.; Beauf. 1	KSD	ELC polygon ID/vegetation list, Butternut searches
Feb 5/19	19:40	21:10	-6 <sup>0</sup> C, 40% cloud, no precip.; Beauf. 1	KSD	Evening Owl Survey
Feb 19/19	14:10	16:10	-7 <sup>0</sup> C, 15% cloud, periodic light snow, Beauf. 1	KSD	Winter Wildlife
Mar 6/19	14:10	16:10	-15 <sup>0</sup> C, 30% cloud, no precip. Beauf. 3	KSD	Winter Wildlife
April 22/19	21:38	23:40	14 <sup>0</sup> C, 10% cloud, no precip. Beauf. 0-1	KSD	Evening Owl Survey
May 9/19	09:00	10:08	7 <sup>0</sup> C, 80% cloud, no precip. Beauf. 3	KSD	Vegetation and wildlife
May 23/19	11:40	13:58	17 <sup>0</sup> C, 85% cloud, no precip. Beauf. 2	KSD	Check for fish at pond

### **LEGEND**

KWD = Ken Dance, M.Sc.

KSD = Kevin Dance, M.E.S.

JLD = Janet Dance

## 4.0 FINDINGS

### 4.1 Physical Conditions

#### 4.1.1 Groundwater and Surface Water

Harden Environmental Services Ltd. (HESL) has prepared a Level 1 and Level 2 hydrological impact assessment for the proposed Hallman Pit (HESL 2019).

There is a wetland with a permanent open water pond located within the study area boundary, with approximately  $\frac{3}{4}$  of the wetland being located on the adjacent neighbour's property (but within 120m of the licence area). The wetland is approximately 2.2ha in size, with a catchment of approximately 182 ha (HESL 2019). GRCA GRINNS mapping shows that there is estimated floodplain and a regulation limit area around the open water pond. There are no surface inflow or outflow features from the wetland feature, but it is permanently water filled. Approximately 36% of the site drains to the off site wetland (MAMM1-3) and open water aquatic habitat (OAO) (HESL 2019).

The offsite wetland is supported hydrologically from three sources including precipitation, overland runoff and groundwater (HESL 2019). The wetland is not considered to be isolated from the ground water system, rather the local water table supports the pond water levels during seasonal low periods (HESL 2019). Further details of this are discussed in the HESL report (2019).

Figure 2 shows the floodplain and regulation limits.

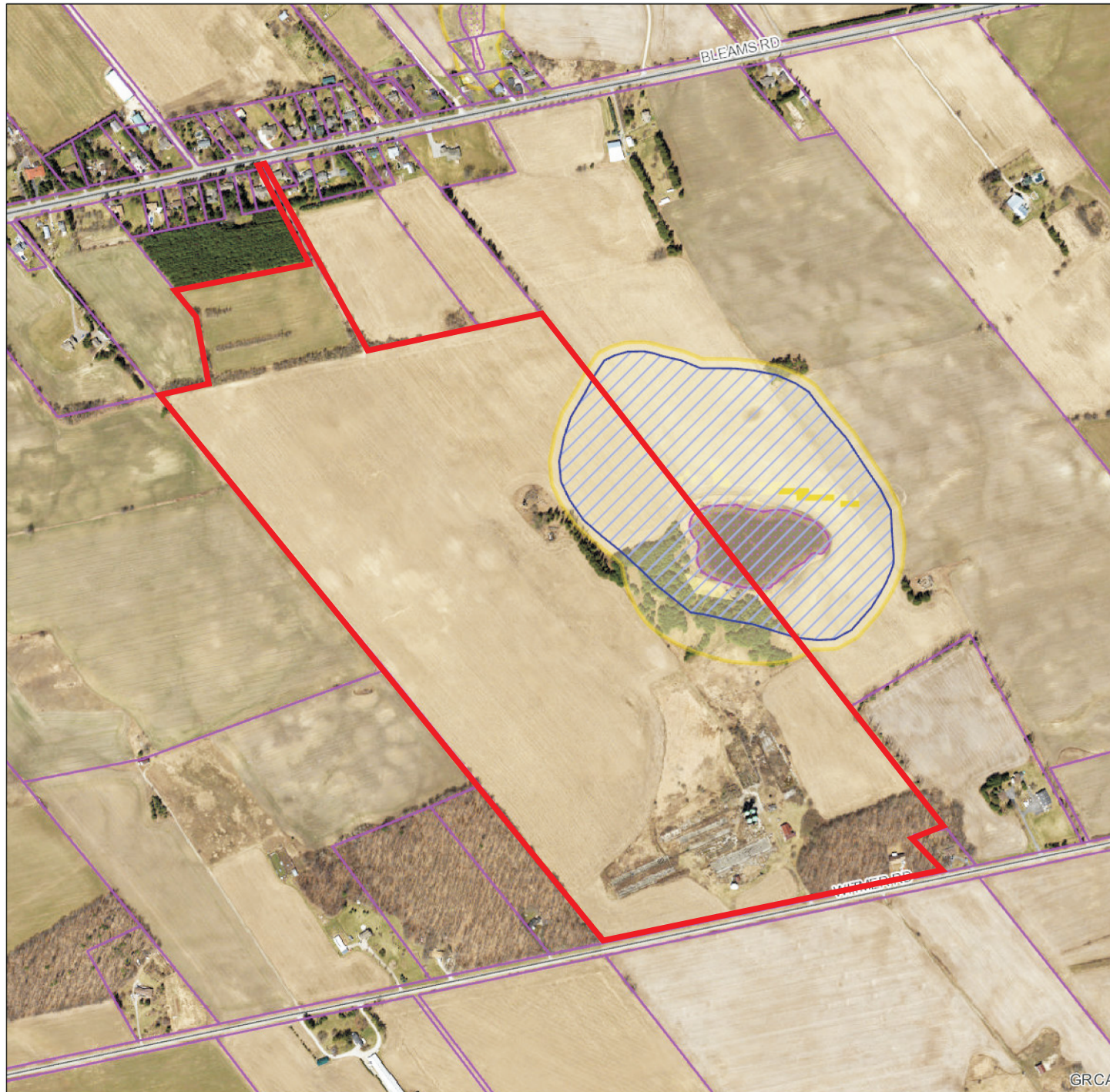
#### 4.1.2 Ecological, Hydrological and hydrogeological, Economic and Social Functions

The site is located in an upland area of the Nith River and Alder Creek Subwatersheds which is an area of significant groundwater recharge. The underlying Kame sand deposits facilitate infiltration of precipitation and snow melt (HESL 2019). The Alder Creek Subwatershed Study (2008) indicates that the groundwater flow direction to be southerly to southeasterly. According to the HESL report (2019) groundwater flow direction on site in the northern portion was confirmed to be in a southerly direction.

The HESL report (2019) indicates that groundwater from the site supports the wetland for most of the year and the spring freshet or significant snow melt results in rapid rise of surface water levels causing bank storage (water level in the wetland being higher than surrounding groundwater for several months).

There are 52 private water wells located within five hundred metres of the site, with several wells which obtain water from the sand and gravel unit being extracted (HESL 2019). According to the HESL report (2019) the proposed above-water-table extraction will not interfere with the quality or quantity of the water available to those wells.

**Figure 2. Wetland Regulation Mapping From GRCA (GRINs Mapping), Proposed Hallman Pit**



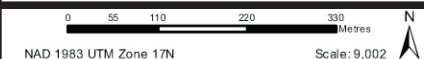
**Legend**

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
  - Engineered
  - Estimated
  - Approximate
- Special Policy Area
- Slope Valley (GRCA)
  - Steep
  - Oversteep
  - Steep
- Slope Erosion (GRCA)
  - Oversteep
  - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)



**DANCE  
ENVIRONMENTAL  
INC.**

DE-428  
Sept. 3, 2019



The hydrogeological report from HESL (2019) recommends that a certain progression of extraction of the aggregate take place in order to mitigate any potential impacts on the wetland and pond on the east side of the extraction boundary. The phasing approach recommended in the HESL report (2019) will result in three drainage areas being created on site post-construction. Post extraction drainage area 1 is to be designed to have a gradual slope to the off site wetland, increasing its catchment area from 24.8 ha to 32.3 ha (details of this are provided in the HESL report (2019)). Through implementing the proposed approach the only change in hydrology for the wetland will be an increase in its onsite catchment area. The result is estimated to be a 4.4% increase in the surface water input to the wetland, and a 3.9% increase of infiltration to the wetland (HESL 2019).

Through implementing the recommended approach there is not anticipated to be a significant impact on hydrologic input into the wetland. If a similar hydrologic regime is maintained and the projected small change to the water input into the system it is anticipated that there will be no significant impact on the herpetofauna and fish which require the wetland for their survival.

Ground water monitoring is proposed to be continued at the site and in the wetland during the pit operation so that if any changes in hydrological inputs to the system occur they will be known, and can be dealt with.

#### 4.1.3. Geology and Soils

The northern and western areas of the site have the highest elevations on the site. The elevations on the site range from 375m AMSL to 355m AMSL (Harden 2019). The lowest areas of elevation on site are located adjacent to the off site wetland (centrally along the eastern site boundary).

Chapman and Putnam (1986) was reviewed and indicated that the site is located within the Waterloo Hills physiographic region. The soils types on site are well drained and are identified as Lisbon Sand Loam, Fox Sandy Loam and Burford Gravel Loam (HESL 2019).

## **4.2 Regulated Area**

As was noted previously there is regulated area around the open water pond located centrally on the eastern study site boundary.

The historical GRCA mapping (2018) showed a wetland with regulation limit in the central part of the southern portion of the site. This area was reviewed and examined on site by Tony Zammit with Dance Environmental Inc. staff on September 17, 2018. It was indicated by GRCA staff on that site visit that the GRCA mapping was not accurate regarding that feature (due to a lack of key wetland feature characteristics being present). It was therefore deemed appropriate that based on the on site review, the GRCA would remove inaccuracy from their mapping as no wetland was present. GRCA has since

updated their mapping and the current GRINNS Mapping for the site is shown on Figure 2.

The limits of the wetland vegetation associated with the on site portion of the pond were flagged by Dance Environmental Inc. and confirmed on site by Tony Zammit on September 17, 2018. The wetland limit was surveyed in and was plotted, see Figure 3. This wetland is part of the locally significant Schindelsteddle South Wetland Complex.

### **4.3 Vegetation**

Figure 4 shows the pattern of vegetative cover and agricultural crop cover within the study area. The study area ELC polygons are shown and labelled on Figure 4.

The majority of the site (within the proposed licence boundary) is active farmland, with much of the proposed licence area boundary being against agricultural fencerows with limited tree cover. The remaining areas adjacent to the licence area boundary are woodland edges located to the east and west in the south end of the study area and along with some of the northern licence area boundary.

The majority of offsite habitat is also active farmland with crop fields being present to the north, east, south and west. In 2018 there was one hayfield to the northwest but within 120m of the proposed limit of extraction.

Within the offsite area (lands within 120m) there are woodland communities to the north, as well as in the southern portion there is woodland to the west and east. Within the 120m offsite area there is also a wetland community and a permanent open water pond. Appendix II lists the plant species present in the ELC vegetation units shown on Figure 4.

#### **4.3.1 Vegetation Within the Proposed Licence Area**

##### **Annual Row Crops (OAGM1):**

The majority of the area within the licence area boundary is in active agriculture and is classified as annual row crops (OAGM1) under the ELC classification system. In 2018 the onsite agricultural fields were planted in Soybean and Corn. Figure 4 shows the areas planted in annual row crops.

##### **Agricultural Infrastructure (IAG):**

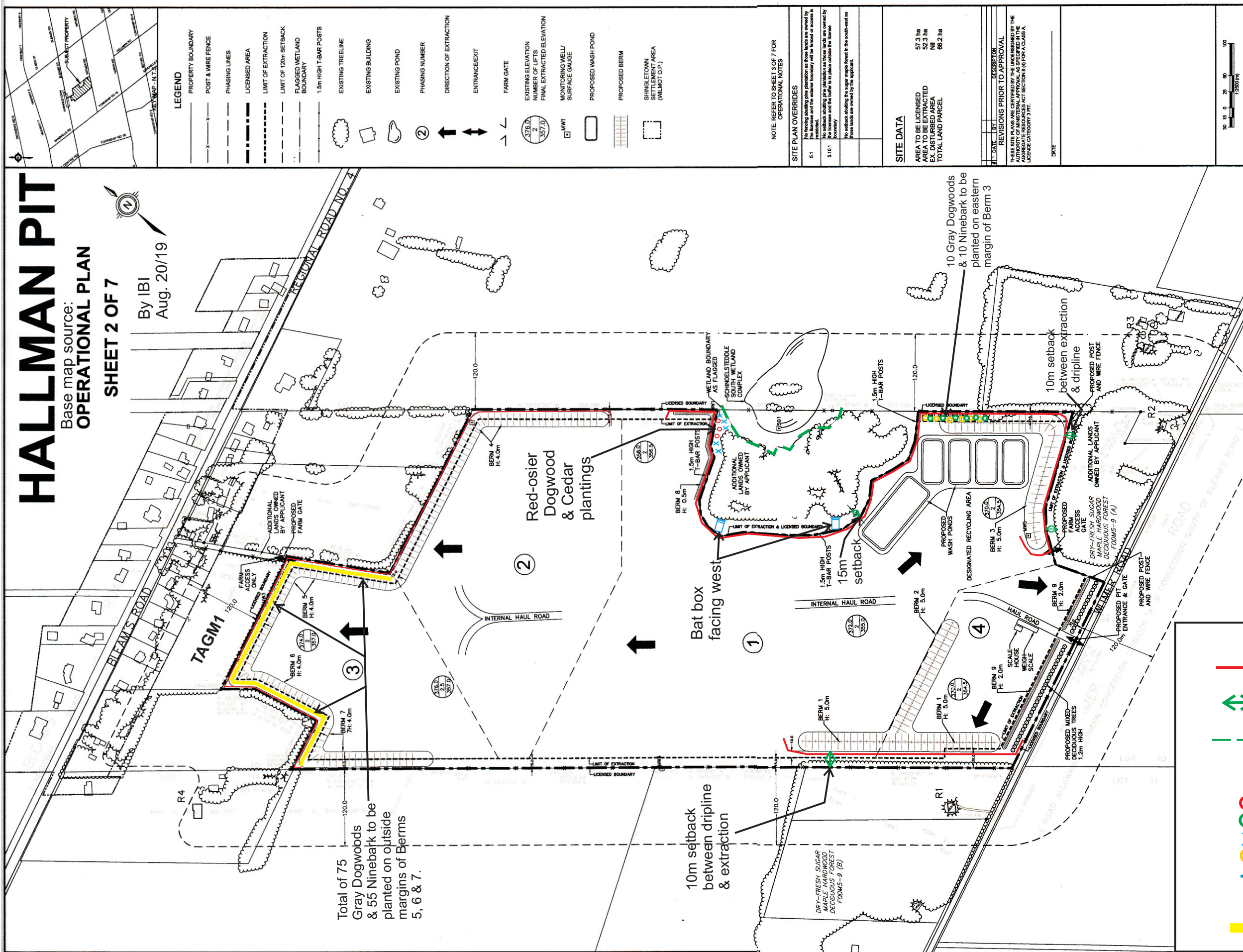
A portion of the central part of the southern end of the site is classified as Agricultural Infrastructure as it comprises remnants of the old concrete manure bunkers and concrete pads from old farm buildings/structures which are no longer present on site. As a result of the concrete debris in this area it was not put into active agriculture in 2018 and as a result a variety of weedy groundcover species and others which are primary establishing species were recorded in this ELC polygon. A list of the species identified within this polygon are shown in Appendix II.

# HALLMAN PIT

Base map source:  
**OPERATIONAL PLAN**

**SHEET 2 OF 7**

By IBI  
Aug. 20/19



LEGEND	
PROPERTY BOUNDARY	---
POST & WIRE FENCE	-X-X-
PHASING LINES	---
LICENSED AREA	---
LIMIT OF EXTRACTION	---
LIMIT OF 120m SETBACK	---
FLAGGED WETLAND BOUNDARY	---
1.5m HIGH T-BAR POSTS	---
EXISTING TREELINE	---
EXISTING BUILDING	---
EXISTING POND	---
PHASING NUMBER	②
DIRECTION OF EXTRACTION	---
ENTRANCE/EXIT	---
FARM GATE	---
EXISTING ELEVATION NUMBER OF LIFTS	---
FINAL EXTRACTED ELEVATION	---
MONITORING WELL / SURFACE GAUGE	---
PROPOSED WASH POND	---
PROPOSED BERM	---
SHINGLETON SETTLEMENT AREA (WILMOT O.P.)	---

SITE PLAN OVERLAYS	
5.1	No existing building (any structure) on these lands are owned by the licensee and the entire boundary will be fenced or secured as specified.
5.10.1	No setback excluding pine plantations as those lands are owned by the licensee and the entire boundary will be fenced or secured as specified.
5.10.2	No setback excluding the sugar maple forest in the south-east as those lands are owned by the licensee.

SITE DATA	
AREA TO BE LICENSED	57.3 ha
AREA TO BE EXTRACTED	52.3 ha
EXTRACTED AREA	52.3 ha
TOTAL LAND PARCEL	66.2 ha

REVISIONS PRIOR TO APPROVAL	
DATE	DESCRIPTION

THESE SITE PLANS ARE CERTIFIED BY THE UNDERSIGNED BY THE AUTHORITY OF MINISTRIAL APPROVAL AS REQUIRED IN THE REGULATION OF THE MINISTRIAL ACT SECTION 4 (4) FOR A CLASS A LICENSE CATEGORY 3 PT.

DATE: \_\_\_\_\_

<b>IBI GROUP</b> 101 - 410 Albert Street Suite 200 Windsor, ON N9A 6K5 Tel: 519 585 2255 ibi@ibi.com
<b>JACKSON HARVEST FARMS LTD.</b> 2875 HERRGOTT ROAD ST. CLEMENTS, ON N0B 2M0
<b>OPERATIONAL PLAN</b>

DATE: 2019-08-20  
DRAWN BY: JACOB  
CHECKED BY: JACOB  
SCALE: 1:1000  
SHEET NUMBER: 2 OF 7

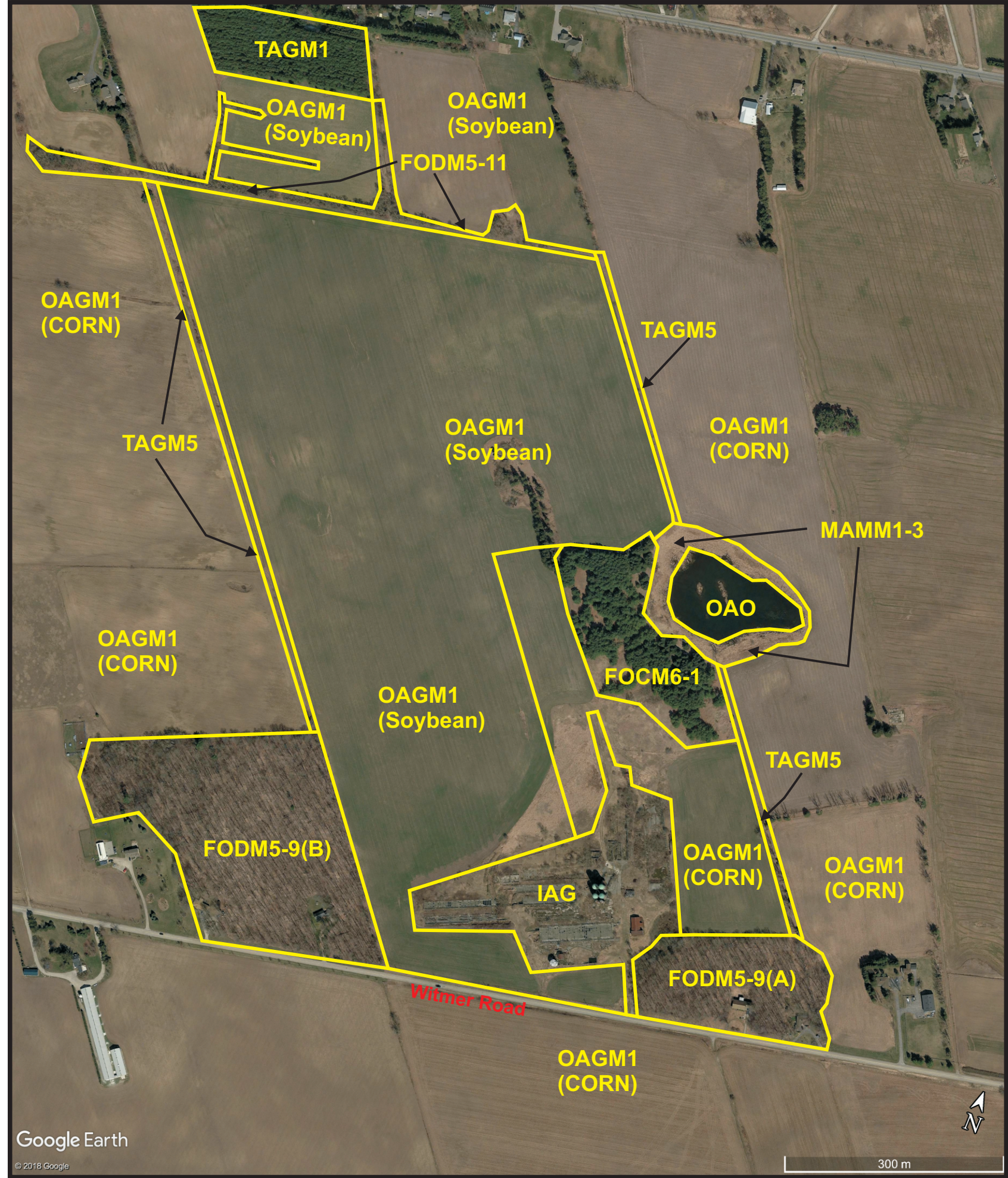
**FIGURE 3.**  
Operational Plan  
Concept & Mitigation  
Recommendations.



DE- 428  
Sept. 4, 2019.

LEGEND	
---	Silt control fence
---	Setback of specified width
---	Wetland boundary as surveyed and plotted
SHRUBS	
○	Red-osier Dogwood
○	Ninebark
○	Eastern White Cedar
○	Gray Dogwood
□	Bat box
---	Berm shrub planting area

Figure 4. ELC Vegetation Community Polygons, Proposed Hallman Pit, Wilmot.



**LEGEND**

**On Site**

ELC Code	Name
OAGM1	Annual Row Crops (2018)
IAG	Agricultural Infrastructure
TAGM5	Fencerow
FODM5-11	Naturalized Deciduous Hedgerow

**Off Site**

FODM5-9	Dry-Fresh Sugar Maple -Hardwood Deciduous Forest
OAGM1	Annual Row Crops (2018)
FOCM6-1	Dry-Fresh White Pine Naturalized Conifer Plantation
MAMM1-3	Reed-Canary Grass Graminoid Mineral Meadow Marsh
OAO	Open Aquatic
TAGM1	Coniferous Plantation

 Approximate ELC Community Polygon Boundary

#### **Fencerow (TAGM5):**

There are three sections along the licence area boundary which have been identified as Fencerow using the ELC classification system. One section of fencerow runs north-south along the majority of the western study area boundary, and two sections of fencerow are located along the eastern licence area boundary and are broken up by the open water pond. This community type is characterized by a narrow band of naturalized vegetation in line with post and wire fence which mark the property boundary. The TAGM5 community is dominated by Awnless Brome, along with abundant Canada Goldenrod, Green Foxtail and Common Ragweed. A list of the species identified within this polygon are shown in Appendix II.

#### **Naturalized Deciduous Hedgerow (FODM5-11):**

The Naturalized Deciduous Hedgerow runs east-west along the northern study area boundary and a small section also extends north-south. The FODM5-11 hedgerow is dominated by fast growing deciduous species, with Manitoba Maple being the dominant tree species in the hedgerow. White Ash is also present, particularly in the western portion of the hedgerow, however, most of the White Ash in the canopy were noted to be dead or dying due to the Emerald Ash Borer. Other canopy trees within the hedgerow include Eastern Cottonwood, Black Cherry, Wild Apple, Large-toothed Aspen and White Mulberry. The understory of the hedgerow is scattered with Manitoba Maple, Common Buckthorn, White Mulberry etc., many of which were covered with Woodbine. A full list of the species identified within this polygon are shown in Appendix II.

#### **4.3.2 Vegetation Outside of Licence Area but Within 120m**

##### **Dry-Fresh White Pine Naturalized Conifer Plantation (FOCM6-1):**

This treed ELC vegetation community is located centrally off site along the eastern edge of the licence area. This community is adjacent to annual row crop fields to the north, west and south and downslope to the east is the MAMM1-3 community. The FOCM6-1 community is dominated by White Pine in the canopy with the occasional White Spruce, and in the understory Common Buckthorn, White Ash, White Mulberry etc. have established naturally. The conifer plantation exhibited a rather limited ground layer with many of the species present being non-native species including Garlic Mustard, Dog-Strangling Vine, European Stinging Nettle, and Crown Vetch. A list of the species identified within this polygon are shown in Appendix II.

##### **Reed-Canary Grass Graminoid Mineral Meadow Marsh (MAMM1-3):**

This ELC vegetation community is located centrally along the eastern edge of the licence area boundary, offsite and downslope of the FOCM6-1 community surrounds the open water pond to the east.

Reed-Canary Grass dominates this ground layer community and comprises of a variety of wetland indicator plant species which are tolerant to temporary or long-term submersion in water. Other abundant ground layer species in this community include Broad-leaved Cattail, Purple-stemmed Aster, Canada Goldenrod, and Boneset. There is also Crack Willow in the canopy and

Red-osier Dogwood is the predominant shrub species scattered occasionally throughout the community. A list of the species identified within this polygon are shown in Appendix II.

#### **Open Water Aquatic (OAO)**

There is an open water aquatic community (Pond), located centrally along the eastern study area boundary which is surrounded by Reed-Canary Grass Graminoid Mineral Meadow Marsh (MAMM1-3). This feature is a permanent open water area, which has no inflow or outflow channels.

#### **Dry-Fresh Sugar Maple –Hardwood Deciduous Forest Type (FODM5-9):**

This vegetation community type was found offsite in two separate locations, one was adjacent to the southeast corner of the licence area boundary (FODM5-9A). There was once a house located in the center of the woodland, fronting on Witmer Road, but that residence has been removed and an open area of lawn grass in the forest is now all that remains of the house. The second FODM5-9 polygon (FODM5-9B) is located on the southern end of the western licence area boundary. There are two houses located within the southern edge of the woodland which fronts onto Witmer Road. The FODM5-9(B) woodland is designated by the Region as a Core Environmental Feature (Significant Woodland) due to meeting the Region's criterion for woodland size.

Both woodland polygons showed similar characteristics to each other including the herbaceous plant species identified at each location, as well as the tree species within the communities. The canopy of the two woodland communities was dominated by Sugar Maple, with other species being present but to a lesser degree, including American Basswood, Black Walnut, Black Cherry and Bur Oak. The understory of both communities had limited understory growth and the ground layer comprised of a mix of native woodland species such as Wild Ginger, White Trillium, Zig Zag Goldenrod and non-native invasive species such as Herb-Robert, Garlic Mustard and Dame's Rocket. A list of the species identified in this woodland type are shown in Appendix II.

#### **Annual Row Crops (OAGM1):**

The majority of the adjacent land use is planted in annual row crops, which in 2018 was predominantly corn. The cropping of the adjacent lands in 2018 is shown on Figure 4.

#### **Coniferous Plantation (TAGM1):**

Offsite to the north of the proposed limit of extraction there is a coniferous plantation which is comprised predominantly of White Pine. The ground layer of the plantation was characteristically sparse due to the high acidity of the fallen pine needles. Herbaceous species were therefore present mainly along the plantation edges adjacent to the agricultural fields. Herbaceous species were comprised of weed species such as Celandine, Velvet-leaf, Garlic Mustard, Common Dandelion and Kentucky Blue Grass.

#### 4.3.3 Significance of Plant Species

In the June 1, 2018 response letter from MNRF the Wilmot SAR list was provided, it included three SAR plant species recorded within Wilmot, they included: American Ginseng, Butternut and Green Dragon.

Habitats required by these species are:

- (a) for American Ginseng – rich, moist, undisturbed and relatively mature deciduous woods in area of neutral soils (such as over limestone or marble bedrock)
- (b) for Butternut – rich moist and well-drained soils often along streams or also on well-drained gravel sites especially those made up of limestone.
- (c) for Green Dragon- generally grows in damp deciduous forest along streams.

There isn't anywhere within the study area which would provide the necessary habitat conditions for either American Ginseng or Green Dragon. Neither of these two species were observed within the study area.

There was considered to be potential for Butternut to be present and so all areas of potentially suitable habitat were searched to see if any Butternut were present on site or in the offsite study area in June, July and September. No Butternut were found within the study area during the 2018 surveys. The surveys were completed by a Certified Butternut Health Assessor.

#### Regionally Significant Plants

A few Eastern Cottonwood (Populus deltoides) seedlings were found on the site. Although this tree is considered to be regionally significant, it is our experience that this species is widespread along the Grand River basin and its tributaries. Similarly White Spruce and Black Walnut are listed as regionally rare but only if they are present naturally and are not planted. The White Spruce on site were located in the plantation ELC community and are therefore not present naturally. Black Walnut is present in many areas of Waterloo region and its presence is not seen as being significant.

No other regionally significant plant species were found to be present on site or in the larger off site study area.

### **4.4 Wildlife**

#### 4.4.1 Birds

The bird species observed on the site and those present in off site locations are listed in Appendix III. Appendix III indicates in which ELC polygon they were observed and in what seasons they were observed (Spring, Breeding Season, and Post-breeding season). Most of the birds observed were common species which are typically present in rural habitats.

The SAR birds known from Wilmot were provided in the MNRF response letter, and indicated 13 different species. The 2018 breeding bird surveys which covered all habitats of the study area, provides suitable reference to confirm whether any of the listed SAR birds for Wilmot were present. Bank Swallow, Barn Swallow, Eastern Wood-Pewee were confirmed by the breeding bird surveys. There was no suitable breeding habitat on site for most of the other birds species on the Wilmot SAR bird list or from the Second OBBA data (see Appendix III).

Review of the bird species confirmed during the breeding bird surveys identified four regionally significant breeding birds species were present in 2018 including: Pied-billed Grebe, Eastern Bluebird, Brown Thrasher and Vesper Sparrow. The proposed setbacks from the wetland and the FOCM6-1 woodland will provide protection for the wetland habitat where the Pied-billed Grebe was found.

The Eastern Bluebird, Brown Thrasher and Vesper Sparrow were all observed along fencerows and the fencerows along the property boundaries are proposed to be retained. Retaining the fencerows will result in continued habitat for these species to be present, and with extraction to be done in phases there will continue to be areas suitable for foraging for all three species for much of the life of the proposed pit. As agricultural cropping is temporarily reduced on the site, there is also potential for increased insect populations due to a reduction in insecticide use, which will provide greater food sources for the three regionally rare birds which are all insectivorous.

Two additional species which are listed as regionally significant breeding birds were observed during the breeding season in 2018 but were only observed flying over the site and no suitable habitat for their breeding was present within the study area, they were Great Blue Heron and Turkey Vulture.

The Barn Swallow which is listed as Threatened on the ESA, was observed foraging over the site during the Spring, breeding season and the post-breeding season. There were no nests of Barn Swallow found on the site during the 2018 breeding season.

A single observation of a Bank Swallow foraging over the onsite crop fields, along with some Barn Swallows, was made during the spring, on May 23, 2018. No Bank Swallows were observed during either of the two breeding bird surveys and no suitable nesting locations for this species were found within the study area.

To confirm whether Common Nighthawk (and Eastern Whip-poor-will which was not on the Wilmot list) was present or absent, crepuscular bird surveys were conducted.

A crepuscular bird survey was conducted on May 29, 2018 during full moon conditions. Weather was favorable for the survey with air temperature at 23<sup>o</sup>C,

cloud cover was 5%, wind was 0, and no precipitation. Four locations were surveyed starting at 20:58 were completed by 22:06. A full moon also occurred in June and a second survey was conducted on June 26, 2018 around the time of the full moon (Temperature =16°C, Wind=2 Beaufort, no precipitation and cloud was 50-80%). On June 26, 2018 the crepuscular survey started at 22:09 and ended at 22:55. No crepuscular birds which are listed as Species at Risk were heard or seen during either the May 29<sup>th</sup> or the June 26<sup>th</sup> survey dates.

As per the terms of reference and the requirements as outlined in the Region of Waterloo Greenlands Network Implementation Guide (2016) two evening surveys for owls were completed during suitable weather conditions. One survey was conducted on February 5, 2019 and the other on April 22, 2019. A single Eastern Screech Owl was heard calling from the FODM5-9 woodland in the southeastern corner of the study area during the February 5<sup>th</sup> survey. No owls were heard on the April 22, 2019 owl survey. It is also of note that Great Horned Owl was observed in Spring and Post-breeding season 2018.

#### 4.4.2 Other Wildlife

##### ***Reptiles and amphibians***

Based on site conditions three specific surveys were undertaken, they were: snake surveys to identify whether any hibernacula were present on site, turtle count surveys around the offsite wetland and thirdly amphibian call surveys at the offsite wetland to identify breeding amphibians. Otherwise reptiles and amphibians were recorded when observed or evidence of their presence was found incidentally during all site visits.

Searches for snakes around potential locations where hibernacula could exist were undertaken in the Spring when vegetation was limited and snakes would be out sunning after emerging from underground hibernacula. Searches were undertaken on 6 dates during spring 2018 under suitable search conditions (April 22, 30 and May 1, 8, 15, and 23, 2018). Searches were focused in the south central portion of the study area where old concrete manure bunkers and farm structures had been, and debris piles in that area were also present.

No snakes were found during any of the six site visits when looking for emerging or sunning snakes. A single Eastern Garter Snake (approximately 40cm long) was observed incidentally in the Reed Canary Meadow adjacent to the on site pond. The Eastern Ribbonsnake was listed on the SAR list for Wilmot, potential habitat is present for this species around the pond area, however, no individuals were observed on any of the survey dates in 2018.

Turtle counts were undertaken in Spring while vegetation was low and turtles would be out sunning in the area of the pond. A central observation point was chosen to scan the pond and its edges with binoculars to count and identify what if any turtles were present. A total of six observation dates between April and May were made (April 22, 30 and May 1, 8, 15, and 23, 2018). Eastern Painted Turtle was observed on 4 of the 6 survey dates with a maximum of 19 individuals

counted on May 1, 2018. By May 23<sup>rd</sup> the vegetation around the pond had grown up so much that no turtles were able to be seen.

The turtles which were observed comprised of various size classes ranging from large adults to those a few years in age and small individuals (hatchlings from the previous year). Eastern Painted Turtle was the only turtle species observed at the offsite wetland. The Wilmot SAR list from MNRF included Blanding's Turtle and Snapping Turtle. Neither of these species were observed on any of the numerous turtle counts undertaken in 2018, and therefore are not believed to be present.

Confirmation of nesting by Eastern Painted Turtle was made when a nest which was dug up by a raccoon or other mammal species was found on June 26, 2018. The location of the confirmed nest is shown on Figure 1. On July 5, 2018 the field edges, area around the MAMM1-3 community, and roadway where the confirmed turtle nest was found were searched to find any additional nests, but none were found. There are no other nearby open water ponds for Eastern Painted Turtle and it is therefore anticipated that all of the individuals that were recorded overwinter in the pond.

Amphibian surveys were undertaken as per the Marsh Monitoring Program protocol, and surveys were undertaken on April 21, May 8, and May 29, 2018. The April 21, 2018 survey resulted in Spring Peeper being recorded at Call Code level 2(8-10 individuals). The May 8, 2018 survey resulted in Spring Peeper being recorded at Call Code Level 3 (>30 individuals). The May 29, 2018 survey represented the late survey date to capture late season breeding frogs and resulted in Green Frog at Call Code 1, Spring Peeper at Call Code 1, and Grey Treefrog at Call Code 1. Amphibians which were observed on site included Spring Peeper, Green Frog and Grey Treefrog, while off site a Grey Treefrog was heard in the FODM5-9 woodland to the southeast.

The Ontario Herpetofauna Atlas was reviewed for historical records, for the 17NJ30 10x10km square, within the last 20 years (1998 to 2008). Examination of the Atlas data indicated 15 different species with records for the square, with 7 frog species, 2 turtles, 2 snakes, and 4 salamanders being noted. The only provincially listed Species at Risk was Common Snapping Turtle which is listed as Special Concern. No other Species at Risk were noted to be in the Atlas square.

### ***Mammals***

Mammals which were observed or any evidence of their presence was recorded during each survey visit. Winter surveys on Feb 19, 2019 and March 6, 2019 allowed for mammal tracks to be observed and identified. A total of 7 mammal species were identified to be present on site including Eastern Cottontail, Eastern Chipmunk, Raccoon, Grey Squirrel, Coyote, Red Fox, and White-tailed Deer. There were 4 mammal species confirmed to be present offsite within 120m of the licence area boundary, they included: Eastern Chipmunk, White-tailed Deer,

Coyote, and Grey Squirrel. The Wilmot SAR list includes four bat species, which may potentially use trees as maternity roosts. None of the woodland communities offsite or adjacent to the study area are proposed for removal and therefore it is not anticipated that these species will be negatively impacted, so no bioacoustical surveys for bats were undertaken.

Winter wildlife surveys were conducted on February 19, 2019 and March 6, 2019, as per the Terms of Reference prepared for the ROW. The 2019 winter wildlife surveys indicated that there were no deer yards present anywhere on site and there were no deer tracks, scat, or evidence of winter deer browse, found within the licence area or offsite within 120m. The winter wildlife surveys resulted in tracks/evidence of Coyote, Eastern Cottontail Rabbit, Gray Squirrel and Red Fox being present within the study area.

The potential for bat habitat within the licenced area and with offsite within 120m was assessed during 2018 and 2019 surveys, see discussion in report section 4.12.1 regarding potential for bat maternity colonies.

### ***Insects***

A total of 9 butterfly species were observed on site during the 2018 and 2019 surveys and two species were observed offsite. The butterflies observed on site included: Red Admiral, Black Swallowtail, Clouded Sulphur, Common Wood-nymph, Cabbage White, Mourning Cloak, Milbert's Tortoiseshell, Silver-spotted Skipper and Monarch.

The butterflies observed off-site were Cabbage White and Spring Azure. The SAR list for Wilmot includes two butterfly species: Monarch and West Virginia White. The Monarch was confirmed to be present, but no West Virginia White butterflies were observed in 2018. The West Virginia White requires moist deciduous woodlands and the presence of Two-leaved Toothwort, neither of which were found to be present in the on site or off site study area.

The Ontario Butterfly Atlas (OBA 2019) data was reviewed for observations within the 10x10km square, 17MJ30. Examination of the historical data for butterflies within the square showed 13 butterfly species records from the closer vicinity of the proposed Hallman Pit. The Monarch was the only provincially listed species from the historical records for the area.

A variety of *Odonata* (Dragonflies and Damselflies) were observed on site as a result of the permanent wetland located offsite. *Odonata* species which were identified during the 2018 and 2019 surveys include: Green Darner, Black Saddlebags, White-faced Meadowhawk, Eastern Pondhawk, Common Whitetail, Twelve spotted Skimmer, Marsh Bluet, and Common Spreadwing.

The Wilmot SAR list includes the Rusty-patched Bumble Bee, none were noted to be present within the study area during any of the surveys on site.

#### **4.5 Fish Habitat**

There is fish habitat in the off site study area due to the open water pond located centrally along the eastern study area boundary. There is no inflow or outflow from the open water pond and it provides permanent year-round aquatic habitat. On May 23, 2019 the open water pond edges were checked for fish species using a dip net and visual observations. No minnows or larger fish species were caught or observed during the nearly 2 hours of dip netting along the pond edges. Despite the negative results on May 23, 2019 it is expected that the pond contains difficult to observe small fish.

The MNRF list for known Species at Risk in Wilmot included two fish species: Black Redhorse and Silver Shiner (both Threatened species). Both of these species require streams with moderate to fast currents, and this habitat is not present on site or within the off site study area. Wavy-rayed Lampmussel was also listed on the Wilmot SAR list but there is no suitable habitat in the study area, since this species requires rivers with steady flow.

#### **4.6 Species at Risk**

The 2018 inventory visits revealed the presence of two Threatened swallow species and a species of Special Concern, the Monarch within the proposed licence boundary. Eastern Wood-Pewee (Special Concern) was the only other SAR species found to be present in 2018, but it was present outside of the proposed licence boundary, but within 120m of it (the FODM5-9B woodland).

##### **4.6.1 Habitat of Endangered and Threatened Species**

###### **Barn Swallow**

No nests were confirmed to be present on the site in 2018. Any potential nest sites would be located in off site barns 120m or more away, and are shown on Figure 1. Category 3 foraging habitat is present on the site as Barn Swallows were observed during Spring and the breeding season foraging over the onsite annual row crop fields.

###### **Bank Swallow**

No nests were present on the site as there were no areas of sandy vertical slopes which they require to create their nest burrows in. There are some sand and gravel pits in the vicinity which are more likely to be the locations where they would nest. Bank Swallow was observed on only one date, with one individual foraging over the annual row crop fields in the southern portion of the study site on May 23, 2018. The site at the most (due to only one observation over the study period) comprises of Category 3 foraging habitat for Bank Swallow.

##### **4.6.2 Habitat of Species of Special Concern**

###### **Eastern Wood-Pewee**

The Eastern Wood-Pewee was recorded on both breeding bird survey visits in 2018 within the FODM5-9 (B) woodland (designated as a Core Environmental Feature by the Region) which is located off site, but adjacent to the proposed pit. On both survey visits the Eastern Wood-Pewee was heard in the southeastern

corner of the woodland near the house in the woods, resulting in confirmed breeding, see Figure 1. No direct impact on the Core Environmental Feature woodland is anticipated, as no trees are proposed to be removed as a result of the proposed aggregate pit. The Level 2 report will indicate proposed setbacks from the Core Environmental Feature, and will consider the mitigation value of the sound berm that is proposed due to the presence of the house in the woodland.

### **Monarch**

Monarch butterflies were observed on site during the 2018 study period in various locations. The Monarch butterfly was seen foraging in openings in the FOCM6-1 community, the TAGM5 fencerows between annual row crop fields, and the MAMM1-3 community. Common Milkweed was present in all three of the communities where the Monarch butterfly was observed in 2018. Monarchs were observed on July 5, Sept 17 and 20, 2018 which was later in the season suggesting they may have been migrants. The woodland edges and fencerows where Common Milkweed and a variety of flowering plants were seen are proposed to be left intact, as setback areas. Some of those areas will in fact be expanded as a result of implementing setbacks around various natural features which are to remain (ie. FOCM6-1, FODM5-9, TAGM5, and the MAMM1-3 communities). This means more potential areas for Milkweed and flowering plants, which are important to the Monarch's life cycle.

### **4.7 Significant Wetlands**

No Provincially Significant Wetlands are present on the site or within 120m. The pond area located along the eastern proposed licence boundary is part of the Schindelstедdle South Wetland Complex, which is locally significant (GRCA 2018). The small portion of the locally significant wetland present in the off site study area, is surrounded by the coniferous plantation community which will remain intact. The coniferous plantation and a recommended buffer around it will provide a vegetated protection zone around the wetland. Details of the recommended buffer from the wetland and coniferous plantation are discussed in the Level 2 report.

The Alder Creek Watershed Study and Upper Strasburg Creek Subwatershed Plan Update report (CH2MHILL and North-South Environmental Inc. 2008), was reviewed in relation to the proposed undertaking, as 80% of the watershed is located within Wilmot Township. This EIS, therefore, has considered the studies' goals and recommendations and the EIS provides recommendations to help meet these goals to the greatest extent possible. This EIS speaks to the proposed undertakings potential to impact water quantity and quality, how wetlands, woodlands, linkages and wildlife are proposed to be protected, as well as protecting ground water from contamination through implementation of the EIS recommendations. The recommendations and conclusions of the EIS will help to meet the goals and objectives of the Alder Creek Watershed study.

#### **4.8 GRCA Regulated Areas**

GRCA staff confirmed in their September 7, 2018 response letter to the request for information from Dance Environmental Inc. that there is regulated area surrounding the pond along the eastern proposed licence boundary. A second location of regulated area and wetland was shown on GRCA GRINS mapping located centrally in the southern end of the study area. During the September 17, 2018 site visit with GRCA staff (Tony Zammit) this area was examined (in 2018 it was corn field) and was determined by GRCA staff to be inaccurately mapped and it would not be considered wetland. The GRCA subsequently updated their mapping to remove wetland and regulated area in this location. Figure 2 in the present document illustrates the current extent of regulated area.

#### **4.9 Significant Woodlands**

Region of Waterloo mapping of the Greenlands Network (Map 4 of Waterloo Region O.P., 2015) indicates that there are no Core Environmental Features (Significant Woodlands) within the proposed licence area.

The Dry-Fresh Sugar Maple –Hardwood Deciduous Forest (FODM5-9B) located adjacent to the southwestern study area boundary (within 120m) is considered a Core Environmental Feature (Significant Woodland). The designation of that woodland was confirmed by Tim Van Hinte, from the Region of Waterloo, in his response letter to our background information request. This woodland is considered a significant woodland as a result of it meeting the woodland size criterion, as set out in the Region of Waterloo O.P. (2015). The presence of the Eastern Wood-Pewee in 2018 also contributes to its designation due the presence of a Species at Risk.

A second Dry-Fresh Sugar Maple –Hardwood Deciduous Forest (FODM5-9A) is located adjacent to the southeastern study area boundary, however, it is not designated as a Core Environmental Feature in the Regional O.P. (Map 4 of Waterloo Region O.P., 2015). The southeastern FODM5-9 woodland was not designated a Core Environmental Feature due to the woodland not being large enough to meet the size criterion for designation. The presence of Species at Risk within a woodland can also contribute to a woodland being designated as a Core Environmental Feature in Waterloo Region. The 2018 surveys which were conducted did not result in any Species at Risk being confirmed to be present in the southeastern FODM5-9 (A) woodland. Based on the Region's designation criteria and the results of the 2018 surveys the woodland is not considered a Significant Woodland, nor a Core Environmental Feature.

The Level 2 report will provide recommendations for setbacks from extraction for each of the FODM5-9 woodlands.

#### **4.10 Significant Valleylands**

The Region of Waterloo mapping of the Greenlands Network (Map 4 of Waterloo Region O.P., 2015) confirms that there are no significant valleylands within the study area.

#### **4.11 Greenlands Network**

The Region of Waterloo mapping of the Greenlands Network (Map 4 of Waterloo Region O.P., 2015) indicates that none of the following systems or features are present within the study area: Significant Valley or Environmentally Sensitive Landscape. Within 120m of the present study area boundary, however, the Region Waterloo mapping of the Greenlands Network (Map 4 of Waterloo Region O.P., 2015) indicates there is Core Environmental Features, namely the FODM5-9 (B) woodland located adjacent to the site to the west, and is considered to be a Significant Woodland. The significant woodland is not owned by Jackson Harvest Farms, and as such there is no intention to enter or disturb the significant woodland due to the proposed undertaking. With the FODM5-9 (B) woodland being a significant environmental feature, buffers will be recommended to be implemented to reduce any potential impacts. Also due to the proximity of a residential dwelling within the significant woodland a berm will be required to be put in place between the woodland and the proposed extraction boundary. Details on recommendations for buffers and berms will be provided in the Level 2 report.

#### **4.12 Significant Wildlife Habitat**

A review of existing data was used along with site investigations to determine if Significant Wildlife Habitat exists in the study area. Analysis was completed using the Significant Wildlife Habitat Technical Guide (SWHTG) created by ONMR (2000).

Wildlife habitat was investigated in the study area to identify candidate Significant Wildlife Habitat (SWH). The ELC community mapping was used as the basis for determining the presence (or absence) of candidate SWH.

In accordance with the SWHTG (2000) the Ecoregion 6E (OMNRF 2015) Significant Wildlife Habitat Criteria Schedules were used to guide the SWH evaluation.

##### **4.12.1 Seasonal Concentration Areas of Animals**

- Waterfowl Stopover and Staging Areas (Terrestrial and Aquatic) and Shorebird Migrating Stopover Area: the required ELC Ecosites are not present, so no candidate nor confirmed SWH. Waterfowl were observed on the pond but not in the numbers of individuals required.
- Raptor Wintering Area: the required ELC Ecosites are not present, so no candidate nor confirmed SWH.

- Bat Hibernacula: no caves, mine shafts, underground foundations or Karst, no candidate nor confirmed SWH.
- Bat Maternity Colonies: There are no woodlands within the site (licence area) boundary. A section of one hedgerow in the north end of the site is proposed to be removed which contains some mature Manitoba Maples a few Black Cherry (not preferred bat roost trees). There are approximately 22 standing dead White Ash trees at the west end of the hedgerow which is not proposed for removal, and which provides the best potential habitat for bats. Other recommendations such as timing of removal of the middle part of the hedgerow, placement of bat boxes, timing of season to build proposed berms are all anticipated to address the loss of the small area of potential bat roost habitat. Through the use of the proposed mitigation measures it is anticipated that no significant impacts on any low potential maternity colony trees will occur during the maternity season for bats.
- Turtle Wintering Areas: the required ELC Ecosite is present, the pond is permanent and suitable for overwintering so there is candidate SWH. With 19 Eastern Painted Turtles being observed at one time, it is logical that there is confirmed SWH for wintering turtles.
- Reptile Hibernaculum: candidate SWH was found in the form of old concrete foundations and debris piles. Detailed searches for congregations of snakes on sunny days in Spring 2018 did not confirm the presence of a hibernaculum – no snakes were found, therefore there is no confirmed SWH.
- Colonially – Nesting Bird Breeding Habitat (Bank and Cliff): A single Bank Swallow was observed in Spring 2018, and since no vertically sloped banks for nesting habitat exist on site or within 120m candidate SWH is not present.
- Colonially – Nesting Bird Breeding Habitat (Tree/Shrubs): none of the specified Ecosite types are present, so there is no candidate SWH.
- Colonially – Nesting Bird Breeding Habitat (Ground): no rocky island or peninsula or watercourses nor field or shrub habitat is present, so there is no candidate SWH.
- Migratory Butterfly Stopover Areas: There is forest on site (FOCM6-1) but no field habitats, and the site is not within 5km of Lake Ontario; therefore there is no candidate SWH nor confirmed SWH.
- Landbird Migratory Stopover Areas: The study site is not near Lake Ontario and there are no woodlots >10ha, so no candidate SWH or confirmed SWH.

- Deer Yarding and Deer Winter Congregation Areas: The study site contains a small area of ELC community type FOC (significantly less than the >100ha size that the SWHTG indicates is preferred by yarding deer), however, the presence of forest means there is candidate SWH. There is no confirmed SWH as OMNRF did not identify any deer yards being present in their response to the request for information, the snow depths required as per the SWHTG outlines would not be met and the FOC community is well below 100ha in size. During the winter wildlife surveys no signs such as heavy deer browse, scat, deer bedding, or observations of numerous individuals were made. No confirmed SWH.

#### 4.12.2 Rare Vegetation Communities or Specialized Habitat for Wildlife

##### 4.12.2.1 Rare Vegetation Communities

All of the rare community types were considered, namely: cliffs and talus slopes, sand barren, alvar, old growth forest, savannah, tallgrass prairie, and other rare vegetation communities. None of the pertinent ELC Ecosite types were found on the site or within 120m. No candidate or confirmed SWH is present in the study area for rare vegetation communities.

##### 4.12.2.2 Specialized Habitat for Wildlife

All of the specialized habitat for types were considered, namely: waterfowl nesting area; Bald Eagle and Osprey nesting, foraging and perching habitat; woodland raptor nesting habitat; turtle nesting areas; seeps and springs; amphibian breeding habitat – woodland and wetlands; and area – sensitive bird breeding habitat.

Candidate SWH is present on site for waterfowl nesting area as MAM2 habitat surrounds the pond, however, it is not 120m wide. Mallard Duck is the only species listed in the SWHTG, which was observed but based on the breeding bird surveys undertaken and the number of Mallards pairs breeding (2) means that there is no confirmed SWH.

Candidate SWH was confirmed for turtle nesting area as a Painted Turtle nest that was dug up by a raccoon or other mammal was found on an old sand/gravel farm lane on site (within 100m from the on site pond). Searches for turtle nests did not result in 5 or more nesting Painted Turtles being found in 2018, therefore, there is no confirmed SWH for turtle nesting in the study area.

Candidate SWH was found for Amphibian Breeding Habitat (Woodland) due to the FOC community (FOCM6-1) along with the off site pond being an appropriate size and permanent. Monitoring in 2018 using the Marsh Monitoring Program protocol did not result in two frog species on the list being heard at Call Level Code 3, and no other criteria were met. Therefore, there is no confirmed SWH for Amphibian Breeding Habitat (Woodland).

Candidate SWH was confirmed for Amphibian Breeding habitat (wetland) due to the presence of ELC ecosite class OAO (off site pond) but the pond has limited shrub and log structure present. None of the criteria to confirm SWH for Amphibian Breeding habitat (Wetland) were met, therefore there is not confirmed SWH for this specialized habitat type.

None of the pertinent ELC Ecosites types were found on the site or within 120m for all other specialized habitat for wildlife types. No candidate or confirmed SWH is present in the study area for all of the other specialized habitat for wildlife types.

#### 4.12.3 Habitat for Species of Conservation Concern (not including Endangered or Threatened Species)

- Marsh Breeding Bird Habitat: There is candidate SWH due to the ELC Ecosite MAM2 being present (MAMM1-3) and Pied-billed Grebe was confirmed breeding in the pond/wetland communities. None of the confirmed SWH criteria were met. Therefore there is no confirmed SWH for Marsh Breeding Bird Habitat.
- Open Country Bird Breeding Habitat: no large grasslands are present in the study area; off site occurrences of Savannah Sparrow and Vesper Sparrow during the breeding season were along Fencerows. There is no candidate SWH as no ELC community types or habitat criteria are present. There is therefore no candidate or confirmed SWH for this factor.
- Shrub/Early Successional Bird Breeding Habitat: no large shrub areas present and only one of the indicator or common species confirmed nesting (Brown Thrasher), so evaluation of needed criteria are not met for candidate or confirmed SWH for this factor.
- Terrestrial Crayfish: There is MAM2 habitat within the study area (MAMM1-3) but no crayfish burrows or chimneys were observed on any of the numerous site visits which occurred in 2018, therefore, there is candidate SWH but there is not confirmed SWH for terrestrial crayfish.
- Special Concern and Rare Wildlife Species:  
The 2018 surveys resulted in two special concern species being confirmed to be present on site or adjacent to the study area, they include: Eastern Wood-Pewee and Monarch.

Eastern Wood-Pewee was confirmed to be present within the off site FODM5-9 (B) woodland in the southern part of the western study area boundary. Breeding bird surveys confirmed there was a single pair of this species, breeding within the woodland, therefore, there is confirmed SWH for Eastern Wood-Pewee as an important life stage (nesting) for this species was confirmed. This area of SWH is shown on Figure 1.

Only adult Monarch butterflies were observed foraging in openings in the FOCM6-1 community, the TAGM3 fencerows between annual row crop fields, and mainly in the MAMM1-3 community. Common Milkweed was present only in small numbers in the FOCM6-1 and TAGM3 communities where the Monarch was observed. The MAMM1-3 community contains the contiguous habitat and amount of Common Milkweed and flowering plants which Monarchs were seen using (approximately half of this habitat is located on the adjacent property). The MAMM1-3 vegetation community is therefore considered the confirmed SWH for Monarch, see Figure 1.

#### **4.12.4 Animal Movement Corridors**

Amphibian breeding habitat was present within the study area but it was determined not to be SWH, based on the criteria outlined in the SWHTG. No deer wintering habitat was found to be present within the study area so there is no candidate or confirmed SWH for deer movement corridors in the study area.

### **SUMMARY**

Review of the SWHTG criteria schedules identified one seasonal concentration area for animals was present within the study area, wintering turtle area. The wintering turtle area is restricted to the pond located centrally along the eastern study area boundary. The only area for the Painted Turtles which live in the pond to overwinter is the bottom of the pond itself as it is an isolated pond with no inlets or outlets.

#### **4.13 Areas of Natural or Scientific Interest**

No Areas of Natural or Scientific Interest (ANSI) are present within the proposed licence area or within 120m of it.

#### **4.14 Nuisance/Problem species**

##### **Phragmites:**

A small patch of Phragmites was found to be present in the south central portion of the study site at the base of the slope for the laneway in the middle of the site that leads towards the coniferous plantation. Phragmites in such a location is suggestive of it being the non-native species which can be highly invasive. It is believed that the Phragmites is there because its at the base of a slope where surface flow may accumulate periodically. When site alteration occurs due to extraction the area with Phragmites would be removed along with the laneway with is >2m in height above the adjacent fields.

##### **Garlic Mustard:**

Garlic mustard is a non-native herbaceous plant species which is highly invasive and was found in the naturalized conifer plantation on site, within the hedgerows which border the proposed extraction area and both of the off site Sugar Maple – Hardwood deciduous forests (FODM5-9) including the significant woodland to the southwest. Garlic Mustard was found in these locations but was not so abundant that it was the predominant ground layer species in those ELC communities.

#### **4.15 Impacts of Previous Development or Site Alterations**

The site is currently in agricultural use, as it has been for decades. Unused sites and manure pits have been removed over the past few years as mandated by the Township for safety reason.

These minor site alterations have not impacted the significant environmental features in the study area.

#### **4.16 Anticipated Direct and Indirect Impacts**

The details of the impact assessment are contained in the Level 2 Study report section, Chapter 7.0.

### **5.0 CONCLUSIONS OF LEVEL1 STUDY**

Natural Environment Level 1 elements that have been confirmed on the site or within 120m are:

- Habitat of Endangered or Threatened Species –Category 3 habitat for Barn Swallow and Bank Swallow;
- Fish Habitat;
- Seasonal Concentration Area for Animals- turtle wintering area (Midland Painted Turtle);
- Special Concern Species –Eastern Wood-Pewee and Monarch; and
- Within 120m of the site there is a Core Environmental Feature, namely Significant Woodland (FODM5-9 (B) community adjacent to the southwestern study area boundary).

### **6.0 LEVEL 2 STUDY**

A Level 2 impact analysis is required by the Aggregate Resources Act if any of the Level 1 features are present on or within 120m of the study site.

The impact assessment will also address features of interest to the Region of Waterloo and EEAC namely:

- (1) wetland and pond feature;
- (2) upland woodland located in the southeastern portion of the study area;  
and
- (3) regionally significant breeding birds.

#### **6.1 Proposed Site Alterations**

As shown on Figure 3, aggregate will be extracted from an area of 52.3ha, during 3 phases. The annual extraction limit will be 750,000 tonnes.

Topsoil will be scrapped from the surface of each phase in sequence and it will be stored, for use during progressive rehabilitation.

There will be a wash plant which will consume approximately 89L of water per tonne of aggregate that is washed. The wash water ponds will be internal to the pit with no flow of water off site.

The Consulting Hydrologist has completed an analysis of the wash water use impact on the Regional Middle Nith River Groundwater Assessment area. HESL (2019) has concluded that the proposed wash water use for the Hallman Pit will not change the low stress level which currently exists for the Middle Nith River.

Noise berms are required in several locations, see Figure 4. These berms will be placed outside of setbacks from woodland.

The Consulting Hydrogeologist for this application has addressed equipment fueling and maintenance in the Spills Mitigation and Contingency Plan that is part of the Hydrogeological Evaluation (Harden Environment Services Limited 2009).

Pit phasing and final grading has been designed to ensure that there is not a reduction in volumes of water recharging the wetland/pond feature located along the central eastern margin of the study area.

The HESL (2019) report describes this grading and the predicted results as follows: “There is a “hinge” line along the final pit floor. All lands north of the “hinge” line will drain towards the on-site wetland, thus maintaining its surface water catchment area. The slope is somewhat less, thus promoting infiltration in the lands upgradient of the pond.

It is predicted that infiltration at the site will be greater than presently occurs, thereby maintaining the water table position in the vicinity of the wetland. There is a small potential increase in runoff to the wetland, however, no change in the hydroperiod of the wetland is anticipated.”

In order to monitor water levels during the site development HESL (2019) has recommended that hourly water levels be recorded at MW1 and SG1. These two monitoring locations are located near the wetland/pond feature.

All woodlands present on site and around the site margins will be retained. Setbacks from the driplines of these woodlands are addressed on a case by case basis in the Impact Assessment section of this report.

Routine dust control operations in the pit should protect vegetation and wildlife from dust impacts.

## **6.2 Mitigation**

The following recommendations are made which will contribute to minimizing the potential for impact on the natural environment.

Mitigation recommendations are as follows:

1. Clearing of any vegetation within the limit of extraction should occur between September 1 and April 15 to prevent any destruction of birds, eggs or nests.
2. Effective dust control should be maintained along the access road and in the pit so that dust does not impact adjacent vegetation and wildlife.
3. Adequate undisturbed setbacks should be established between the limit of extraction and the Level 1 features. Rationale for setback widths, locations, management and maintenance should be determined through the impact assessment process, report section 6.2.
4. Setback areas should be allowed to naturalize to wild vegetation cover, be seeded to a grass/legume mix or planted with shrubs, as specified.
5. Progressive rehabilitation should be undertaken.
6. Equipment fueling, maintenance and fuel storage should be located on the portion of the site recommended by the hydrogeologist, away from the wetland/pond feature.
7. Extraction should be kept 1.5m above the shallow ground water elevation so that there are no impacts on the wetland/pond feature.
8. Silt control fence should be installed to protect the wetland/pond to the east. See Figure 3 for where conceptually silt fence should be installed.
9. The limits of extraction should be fenced with post and wire fencing or other posts to prevent equipment from impacting the significant natural features.
10. If Bank Swallows begin to nest in the new pit margins, pertinent regulatory requirements should be followed to avoid impacts on this species.

## **7.0 IMPACT ASSESSMENT**

Each Level 1 feature and other regionally significant features are assessed for potential impact, taking into account the mitigation recommended in report section 6.1.

### **7.1 Habitat of Threatened and Endangered Species**

#### **A. Bank Swallow**

A single Bank Swallow was seen foraging over the proposed extraction area on a single date, May 23, 2018. No nesting sites are present on the site where flat farmland is present. No June or July breeding season occurrences were observed so there probably is no nesting of this species within 120m.

A small portion of the foraging area of Bank Swallows would be disturbed temporarily during extraction, but would be replaced as the lands are progressively rehabilitated to agriculture.

If Bank Swallows begin to nest in the new pit, pertinent regulations at the time will be followed to avoid impacts on nesting Bank Swallows.

In our opinion the proposed extraction will not negatively impact Bank Swallows.

#### **B. Barn Swallow**

During the breeding season and post-breeding Barn Swallows were observed foraging over the proposed extraction area. There were no Barn Swallow nests on the site, nor immediately adjacent.

Figure 1 shows where off site barns and sheds are located relative to the study area. All of these barns are more than 120m away from proposed extraction. This means that the present study site is a Habitat Category 3 area: habitat used for rearing, feeding and resting.

The Barn Swallows present in the study area currently contend with agricultural activity. It is our opinion that the undertaking will not negatively impact foraging Barn Swallows.

### **7.2 Fish Habitat**

The pond located along the eastern central margin of the off site study area is permanent and has wetland and aquatic vegetative cover present. It is reasonable to assume that sticklebacks and minnows are present in this water body.

The extent of wetland and aquatic vegetation present will be protected by the presence of a coniferous plantation growing between the wetland/ pond and the eastern extent of the extraction. Extraction will be 60m or more away from the closest margin of the pond.

Water quality in the pond will be protected by silt control fence, an earth berm, and the wetland vegetation fringe would function to filter any silty runoff.

The hydrogeological study has predicted that water quality will not decline but rather the volume of surface water input reaching the wetland/pond will increase by approximately 4.4 %. This will have a positive impact by potentially increasing the areal extent of habitat.

Based on the foregoing it is concluded that there will be no negative impacts of fish habitat and that the aggregate operation may impact fish habitat positively.

### **7.3 Turtle Wintering Habitat**

It is expected that the pond located along the eastern central margin of the off site study area provides wintering habitat for the Midland Painted Turtle population that is present.

As was described in 7.2 (the fish habitat impact analysis) the quality and quantity of water in the pond is protected, so no negative impacts on turtle wintering habitat are expected.

### **7.4 Special Concern Species**

#### **7.4.1 Eastern Wood-Pewee**

This species was heard calling in the off site southwestern woodland during both 2018 breeding bird inventory visits.

Figure 1 shows the location and extent of the inferred territory of the Eastern Wood-Pewee present in the off site southwestern woodland. The habitat of the entire woodland will be protected by the perimeter fence placed around the pit. A 10m wide extraction setback from the southeastern edge of the woodland will result in a 65m± setback between extraction and the eastern margin of the wood-Pewee inferred territory.

A sound berm which will be constructed to the east of the woodland margin will function to reduce extraction noise within the FODM5-9 (B) woodland. This berm will be constructed between September 1 and April 15, outside the of the breeding bird season. The sound berm should mitigate any potential for noise impacts on the Eastern Wood-Pewee and other woodland nesting birds.

Once extraction proceeds below grade any noise and motion effects would be reduced considerably.

The aggregate pit is not expected to have a negative impact on the use of the FODM5-9 (B) woodland by breeding Eastern Wood-Pewees.

#### 7.4.2 Monarch

Adult Monarchs were present in at least 3 of the wild vegetation polygons within the study area: FOCM6-1, TAGM5, MAMM1-3. These areas are woodland edges and site margin fencerows. These habitats will be protected by setbacks from the property boundary and setbacks from woodlands. Some of the area within these setbacks is currently in row crop production. Naturalization of the entire setback area will increase the area available for Common Milkweed and nectar plant growth, thus increasing the area of Monarch habitat around the margins.

Silt fence will protect some of these new wild vegetation patches from machinery intrusion and siltation, see Figure 3. This figure also shows where perimeter fencing and other fence posts will be placed which will protect wild vegetation patches.

The increase in habitat for Common Milkweed and other flowering plants should be a positive benefit to Monarch populations in the study area.

#### **7.5 Significant Woodland**

Figure 1 shows the location of the off site woodland which is adjacent to the southwestern corner of the proposed licence. This woodland meets the size criterion for designation as a Significant Woodland.

Figure 3, which is based on the Operational Plan, shows a setback between extraction and the dripline of the Significant Woodland.

Recommendations to protect the eastern margin of this woodland are as follows:

- (a) the western margin of the noise berm should be 10m or more from the dripline of the woodland;
- (b) before the berm is constructed the paige wire fence which marks the licence boundary in this location should be installed, since the existing boundary fence is in disrepair. This paige wire fence will protect the core of the woodland from machinery intrusion;
- (c) before the berm is constructed a silt fence should be installed 10m from the dripline of the Significant Woodland – this silt fence would mark the western margin of the noise berm and will prevent sediment from washing into the woodland;
- (d) this silt fence should be inspected at weekly intervals and should be repaired as soon as is practical, as needed, until such time as the ground cover vegetation is established;
- (e) the noise berm should be vegetated with a legume/grass mix to stabilize the berm surface;

- (f) extraction should occur no closer than 10m from the eastern dripline of the Significant Woodland; and
- (g) dust control should occur on a regular, on-going basis to ensure that dust does not leave the pit and accumulate in the Significant Woodland.

If all of the foregoing recommendations are implemented successfully no impact is expected on the features and functions of the Significant Woodland which is a Core Environmental Feature of the Greenlands Network.

## **7.6 Meadow Marsh and Pond**

This wetland and pond are located centrally off site to the east of the proposed licence area. Figure 3 shows the plotted margin of the staked wetland edge.

Figure 3 shows mitigation elements recommended to protect the wetland and pond, namely:

- (a) the entire conifer plantation, which is located upslope of the wetland and pond, is to be retained and extraction is to remain 15m away from the edge of the plantation;
- (b) T-bar fence posts will define the licence boundary and extraction limit 15m away from the conifer plantation.
- (c) silt fence is to be installed along the outside of the fence posts before any topsoil stripping occurs;
- (d) the silt fence is to be inspected and maintained for one year and thereafter until such time as the ground cover vegetation is established;
- (e) routine dust control is to occur so that the plantation, wetland vegetation and pond are not impacted by dust;
- (f) as shown on Figure 3, three Red-osier Dogwoods and 5 Eastern White Cedars will be planted to provide a visual barrier between the pit and the pond where there is currently a gap in vegetation between the pond edge and the extraction, these shrubs should be 1m tall when planted; and
- (g) a 0.5m high earthen berm is to be constructed to the north of the northwestern corner of the pond to intercept any runoff and to filter runoff before it flows towards the pond – this berm should be seeded with a grass – legume mix.

The hydrogeologist has predicted that there will not be any negative impacts from the aggregate operation on the surface water nor shallow groundwater quality and water quantity associated with the wetland and pond (HESL 2019).

If all of the foregoing recommendations are successfully implemented no impact is expected to the features and functions of the Meadow Marsh and pond complex.

#### **7.7 Southeastern Woodland (FODM5-9 (A))**

The upland deciduous woodland (FODM5-9 (A)) that is located off site and adjacent to the southeastern corner of the proposed licence boundary is not a Significant Woodland, however, we have included this feature in the impact analysis.

As can be seen from Figure 3 the woodland will be protected from impact by a paige wire fence along the licence boundary placed 15m from the dripline of the woodland.

A noise berm located to the north of the woodland within the licenced area would function to minimize the impact for noise and motion impacts on wildlife within the woodland.

Figure 3 shows a number of mitigation components that are recommended in this area:

- (a) silt fence should be placed along the southern margin of the berm to prevent sediment transport from the berm toward the woodland;
- (b) it is recommended that the 15m setback between the woodland and the licence boundary be allowed to naturalize – woodland herbs, shrubs and trees will quickly colonize this area;
- (c) the berm should be planted with a legume/grass mix to prevent erosion of the berm surface;
- (d) routine dust control is to occur so that the woodland is not impacted by dust; and
- (e) vegetation in the existing hedgerow which connects this woodland to the marsh/pond to the north will remain along the property boundary so that this corridor is maintained.

If all of the foregoing recommendations are implemented successfully no impact is expected on this woodland.

## **7.8 Regionally Significant Bird Breeding Habitat**

Four Regionally Significant bird species were encountered during breeding season inventories. Each species is addressed in the present impact assessment.

### **Pied-billed Grebe**

A single adult was present from late Spring and during the 2018 breeding season. It was heard calling and seen swimming on the pond located in the central, eastern margin area. Although neither a pair nor young were seen it is probable that nesting occurred here.

This species' habitat is confined to the wetland/pond area, with no specific expected use of the adjacent upland buffer area nor the site lands.

In order to minimize the potential for motion, noise and sedimentation impacts on the Pied-billed Grebe habitat the following mitigation measures are recommended:

- (a) a 50m wide undisturbed wild vegetation buffer will separate the extraction limit from the closest margin of the pond habitat;
- (b) paige wire fence and/or fence posts and silt control fence will be placed at the limit of extraction to prevent machinery and sedimentation damage to the conifer plantation and other buffer vegetation;
- (c) a 0.5m high earth berm will be constructed to the north of the northwestern corner of the pond to intercept runoff and to filter runoff before it flows toward the pond;
- (d) as described in 7.6, above, dogwoods and cedars will be planted between the margin of the conifer plantation and the eastern property boundary; and
- (e) the conifer plantation, wetland, pond and associated buffer lands should be zoned Open Space Z.11.

The hydrogeologist has predicted that there will be no negative impact on the surface water/groundwater system of the wetland/pond. With the foregoing recommendations successfully implemented we do not expect any negative impacts to occur to Pied-billed Grebe habitat nor to the population of this species at this off site location.

### **Eastern Bluebird, Brown Thrasher and Vesper Sparrow**

These three Regionally Significant breeding birds were observed along the fencerow at the eastern property boundary, east of where the wash ponds and a noise berm are proposed. A Vesper Sparrow was present on both June 5 and 22, which suggests that a breeding territory was present.

The Eastern Bluebird and Brown Thrasher were both present only on June 5 but not on June 22, so, a breeding territory may not have been present. Also, Eastern Bluebird breeding is only considered significant when a natural cavity is being used, this was not observed. We are aware of nest boxes along the southern margin of Witmer Road, approximately 340m away. It may have been the case that the Bluebird observed, nested off site in a box along Witmer Road, if so, this would not be a breeding of Regional Significance.

Noise berms are proposed across the entire northern portion of the Phase 2 and 3 extraction areas. These berms are to be built adjacent to existing vegetated hedgerows, see FODM5-11 on Figure 3. Based on existing habitat conditions these hedgerows may provide cover and/or nesting sites for shrub nesting species.

In order to enhance habitat for the 3 Regionally Significant grassland/shrub habitat breeding bird species the following recommendations are made:

- (a) construction of the noise berms located east of the wash ponds and in the northern sector of the pit should occur between September 1 and April 15 to avoid impacts on nesting birds;
- (b) silt fence will be installed along the outer margins of the berm footprints before berm construction begins, so that adjacent natural features including the fencerow vegetation are protected from sedimentation;
- (c) the berms will be seeded with a grass/legume mix to stabilize the berm surface against erosion; and
- (d) Gray Dogwoods and Ninebark shrubs will be planted in clumps on 3m centres along the eastern half of Noise Berm 3, which has a north-south axis, to the east of the wash ponds. Similarly, Gray Dogwood and Ninebark shrubs should be planted in clumps on 3m centres along the outside slopes of Noise Berms 5, 6 and 7.

Numbers of shrubs to be planted are shown on Figure 3. These shrubs will provide habitat for the 3 Regionally Significant breeding bird species and will reinforce and enhance the fencerow habitat and north-south/east-west linkages.

With the foregoing recommendations successfully implemented we do not expect any negative impacts to occur to grassland/shrub habitat nesting birds.

### **7.9 Regionally Significant Plant Species**

A few Eastern Cottonwood seedlings are found scattered around the site. Several would be preserved by the setbacks from fencerows and the berms and retained fencerows will provide habitat for Eastern Cottonwood during the life of the pit.

The White Spruce present in the study area have been planted and will be protected by setbacks and fencing to be placed around the margins of the conifer plantation.

Black Walnut is widespread in the Region and in our opinion should not be considered to be a Regionally Significant species. The retained fencerows and the two upland deciduous forest polygons will protect most specimens of Black Walnut that are present in the study area.

Mitigation to protect certain fencerows, hedgerows and both upland deciduous forest blocks will provide habitat for specimens of all three Regionally Significant tree species that have been identified in the study area.

### **7.10 Possible Bat Habitat Trees**

As noted in report section 4.12.2.1, a section of one hedgerow at the north end of the site is proposed for removal to accommodate noise berm construction and some Phase 3 extraction. The trees in this hedgerow were checked for potential as bat roost maternity colony habitat. The trees present are primarily Manitoba Maple, with a few scattered Black Cherry. No large diameter hollow trees were seen.

In order to minimize the potential for negative impact from removing this hedgerow and building a noise berm near other northern hedgerow areas (Berms 4, 5, 6 and 7) the following recommendations are made:

- (1) Removal of any hedgerow trees and building of any sound berm 4, 5, 6, and 7 sections adjacent to hedgerows will occur between September 1 and April 15;
- (2) Two bat boxes will be erected on the western margins of the conifer plantation, as shown on Figure 3.

With the foregoing recommendations successfully implemented we do not expect any negative impacts to occur to any bat populations that may be present.

### **7.11 GRCA Regulated Area**

The key natural environment elements of the wetland/pond feature which the Regulated Area is meant to preserve are protected from pit activities by the following:

- (a) an undisturbed setback of 50m or more from the pond margin and 30m from the flagged wetland;
- (b) 1.5m T-bar posts and silt fence;
- (c) new shrub plantings;
- (d) extraction 1.5m or more above the water table to any existing groundwater contributions;
- (e) Open Space Z.11 zoning on the buffer/wetland/pond lands for long-term protection of the area; and
- (f) a 0.5m high Berm 8.

With the foregoing mitigation measures successfully implemented we do not expect any negative impacts to the wetland/pond feature within the Regulated Area.

## **8.0 OPPORTUNITIES FOR ECOLOGICAL ENHANCEMENT, RESTORATION, LONG TERM CONSERVATION OF ECOLOGICAL LINKAGES AND ENVIRONMENTAL FEATURES.**

### **8.1 Ecological Enhancement**

During the life of the pit new setbacks from woodland and some hedgerows present in the study area will be established on lands which currently have intensive row crop agriculture occurring. The cessation of tillage and chemical spraying on the setbacks will be an improvement over current conditions. In addition, naturalization of some setbacks, grass/legume plantings on berms and new shrub plantings on some berms will enhance conditions for grassland and shrub habitat bird species and will also enhance conditions for insect pollinators.

### **8.2 Restoration**

Post-extraction, the lands will be returned to agriculture, so much of the top soil stored in the noise berms will be placed on the pit floor to re-create a substrate for farming. The berm margins along the outer edges of the licence could be left intact.

The setbacks along the outer margins of the former pit could be left in the naturalized condition or in the grass-legume mix that was planted on any berm margins that are left intact.

### **8.3 Long Term Conservation of Ecological Linkages and Environmental Features**

#### **8.3.1 Ecological Linkages**

The key existing linkages are the fence rows/hedgerows which run north-south along both sides of the proposed pit. Also the east-west hedgerow present in the northern sector of the licence area connects to the two north-south pit margin linkages.

All of these linkages will benefit from naturalized site margin setbacks and/or berm plantings.

These new vegetated areas are expected to preserve and/or add to the width of the linkage polygons from the time of pit establishment onward.

#### **8.3.2 Environmental Features**

The two off site woodlands, the conifer plantation and the wetland/pond complex are the key environmental features.

The cessation of intensive row cropping and establishment of naturalized and/or planted grass/legume/shrub berms and setbacks will be a benefit during the life of the pit and into the more distant future, when these areas will probably remain untilled because of the topography of the rehabilitated agricultural lands.

In the case of the conifer plantation, the wetland/pond and adjacent buffers, these will be protected by the Open Space Z.11 zoning.

### **8.4 Ecologically Appropriate Boundary of the Significant Woodland**

We recommend that the eastern dripline of the woodland be considered the boundary of the significant woodland adjacent to the proposed pit.

This recommendation is based on the following considerations:

- 1) The eastern drip line falls within lands that the proponent owns;
- 2) The edge is obvious and clearly defined because agricultural cropping is present up to, and along most of the interface, beneath the drip line;
- 3) The dripline is the functional outer edge of the woodland vegetation and the associated wildlife habitat; and
- 4) Given the flat topography and soils present there are no significant hydrologic contributions to the woodland from outside the drip line.

### **8.5 Delineation and Design of a Suitable Buffer Between the Significant Woodland and the Proposed Aggregate Operation**

We recommend that a 10m wide undisturbed, ungraded buffer be established to the eastern margin of the drip line of the Regionally Significant Woodland. This width is consistent with the GNIG (2016).

We recommend that once the NETR/EIS report is accepted by all of the pertinent agencies, Dance Environmental Inc. staff should flag or stake the edge of the drip line and this demarcation should be checked in the field by Region of Waterloo staff. The final placement of the drip line that is agreed upon in the field should be surveyed by a professional third party and this line should be plotted. The plotted line will be circulated to the Regional staff person who checked the line in the field. Following agreement on the plotted drip line it should be drafted onto the Operational Plan by IBI.

Other elements of the buffer design include the following implementation recommendations:

- a) Before any earthmoving occurs adjacent to the eastern margin of the buffer, silt control fence should be installed, it should be inspected at weekly intervals and repaired as soon as it is practical if repairs are necessary;
- b) The 10m wide buffer should be allowed to naturalize with wild species which invade it from the Significant Woodland.
- c) The closest toe of the noise berm should be located east of the silt fence, and as berm construction occurs the silt fence inspections and repairs should continue.
- d) The noise berm should be seeded with a grass/legume restoration mix as soon as is practical, the germination of the seeding should be monitored and any follow up action required to achieve complete vegetation cover should be implemented; and
- e) Removal of stored top soil in the berm and aggregate extraction shall occur only up to the eastern margin of the naturalized buffer, which will be 10m from the drip line of the Significant Woodland.

## **9.0 ECOLOGICAL MONITORING PROGRAM**

The terrestrial features will be protected by buffers, setbacks, and fencing and no impacts are expected.

Although the wetland/pond features are expected to be protected by the range of mitigation measures recommended, there is a concentration of features in this location which will benefit from monitoring to ensure that impacts are not occurring. These features include:

- a Regionally Significant breeding bird;
- fish habitat;
- Significant Wildlife Habitat in the form of turtle overwintering habitat; and
- a Midland Painted Turtle population – a species which is pending status under the Ontario Species at Risk Act.

The proposal for ecological monitoring is as follows: implement the Marsh Monitoring Protocol to document the strength of amphibian choruses at one station adjacent to the pond on three nights during the breeding season. It is recommended that this monitoring occur for 5 consecutive years, to begin once extraction has begun in Phase 1.

Additional factors that will be documented will include:

- any sediment transport into the wetland;
- width and health of the wetland vegetation; and
- any other pertinent facts about wetland and pond conditions that are observed.

An annual report on monitoring results will be provided to the Region of Waterloo, GRCA, and MNR. The amphibian chorus results will be interpreted relative to the 2018 baseline results and the water table monitoring results from the hydrogeologist at stations MW1 and SG1 will also be considered.

After 5 years, the need for continuing the monitoring will be reviewed.

## **10.0 SUMMARY AND RECOMMENDATIONS**

### **10.1 Summary**

Assuming that the recommended mitigation measures are successfully implemented no negative impacts on any significant natural environment features or functions are expected, this includes Level 1 factors under the ARA and significant elements of the Natural Heritage System under the Waterloo ROPP.

### **10.2 Recommendations**

Specific recommendations are found in report sections 6.2 and 7, and the locations where many of the recommendations are to be implemented are illustrated on Figure 3.

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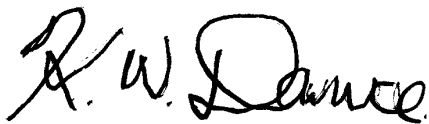
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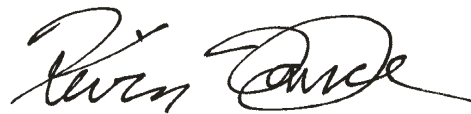
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**Report prepared by:**  
Dance Environmental Inc.

A handwritten signature in black ink that reads "K.W. Dance". The letters are cursive and fluid, with the first name and last name clearly legible.

K.W. Dance, M.Sc.  
President

A handwritten signature in black ink that reads "K.S. Dance". The signature is more stylized and cursive than the one to its left, with a large, sweeping "D" for the last name.

K.S. Dance, M.E.S.  
Senior Terrestrial Ecologist  
And Partner

## **APPENDIX I**

Final Terms of Reference  
Prepared for  
EACC.  
March 6, 2019.



March 6, 2019

**Terms of Reference  
for an EIS  
for the Proposed Hallman Pit  
Located at 1894 Witmer Road  
Township of Wilmot, Regional Municipality of Waterloo.**

**Prepared by:**

Dance Environmental Inc.  
807566 Oxford Rd. 29  
R.R. #1 Drumbo, ON  
N0J 1G0  
519-463-6156  
Attn: Kevin Dance

**A. BACKGROUND**

At a Pre-consultation Meeting held on November 29, 2018, GRCA and Region of Waterloo staff requested that a Terms of Reference for the Scoped EIS for the proposed aggregate pit be prepared and submitted for review by the GRCA and the Region of Waterloo.

The content of the Final Draft Region of Waterloo Greenlands Network Implementation Guideline (GNIG) dated May 18, 2016 was referred to while preparing the EIS Terms of Reference.

The requirements of the Aggregate Resources Act will also be consulted to guide the content of the Natural Environment Technical Study Level 1 and Level 2 reports. Where applicable other important documents will be consulted in the completion of the EIS including the Provincial Policy Statement, 2014 (PPS); Growth Plan for the Greater Golden Horseshoe, 2017 (and specifically within it the Mineral Aggregate Resources Section 4.2.8).

The attached Figure 2 shows the site location and certain environmental features that are present in the study area.

## **B. EIS TERMS OF REFERENCE**

### **1. Purpose and Rationale**

The purpose and rationale of the above water table, proposed aggregate extraction would be described.

**2. Maps**, recent air photos and the Operational Plan will be provided to illustrate the location of the Greenlands Network; GRCA wetlands and regulated areas; and features and functions mapped by or administered by OMNRF as they pertain to the site and an off site study area of 120m.

Features and functions to be mapped will include all of those listed in 2.1.1 through 2.1.13, inclusive from the Scoped EIS guidelines in the GNIG.

**3.** The **EIS Terms of Reference** will be included as an Appendix to the EIS.

### **4. Existing Conditions**

4.1 Environmental features and ecological communities will be mapped on a recent air photo base using ELC vegetation type descriptors.

4.2 An assessment of on site and adjacent vegetation quality will be provided.

#### **4.3 Ecological Inventory**

Biophysical surveys are to be undertaken in order to identify natural habitat and/or populations of Regionally significant plant and animal species in the natural areas on the subject lands that might be adversely affected by the proposed aggregate operation. The following sections indicate the types of inventories and the approaches which will be taken to complete the biophysical surveys.

##### **4.3.1 Vegetation**

Spring, Summer and Autumn inventory of natural habitats will occur.

##### **4.3.2 Breeding Birds**

OBBA methods will be used for 2 visits. Crepuscular birds will also be inventoried.

##### **4.3.3 Herpetofauna**

Marsh Monitoring Program methods will be used for frog chorus inventories on three dates.

Turtle basking and nesting surveys will be conducted.

Given the presence of former barn foundations on the site, visits will be made to detect basking snakes on warm, sunny days in Spring, to determine if a snake hibernaculum is present.

#### 4.3.4 Fish

The pond that is present on the margin of the site will be evaluated for potential as fish habitat.

#### 4.3.5 Insects

Surveys for Lepidoptera, Odonata and Bumble bees will be conducted during appropriate weather conditions.

#### 4.3.6 Mammals

Mammal observations will be recorded based on sightings, tracks and scat occurrence.

#### 4.3.7 Significant Wildlife Habitat

The SWH Technical Guide and the Ecoregion 6E SWH Criteria Schedule will be used to determine which SWH criteria are confirmed to be present on site and/or in the adjacent off site study area. This section will also address the offsite Significant Woodland which is considered a Core Environmental Feature by the Region.

#### 4.3.8 Nuisance/Problem Species

Any pertinent species will be noted.

#### 4.3.9 Other Species at Risk

Any other SAR will be addressed.

#### 4.3.10 Wetland

The on site wetland margin will be flagged and confirmed with GRCA staff during a site visit before the boundary is surveyed in. The wetland boundary will be plotted on the Existing Conditions Plan of the ARA application and will be shown on Figures contained in the EIS. There is no Provincially Significant Wetlands (PPSW) on the subject lands or adjacent to the subject lands. The on site wetland which extends to the adjacent property, to the east, is part of the Schindelstедdle South Wetland Complex which is locally significant. The EIS will address the locally significant wetland which is present.

#### 4.4 Ecological, Hydrological and Hydrogeological, Economic and Social Functions.

These will be addressed for the environmental features identified in 4.3, above. The EIS will discuss maintaining quantitative and qualitative aspects of the hydrological and hydrogeological regimes sustaining the wetlands on the subject lands, based on the findings and information from the hydrogeology report produced for the proposed undertaking.

#### 4.5 Groundwater and Surface Water

Results of groundwater monitoring and interpretation of groundwater/surface water interactions will be summarized from reporting prepared by the water resource specialist Harden Environmental.

This discussion will address implications for wetland habitat and the pond located along the eastern margin of the site.

#### **4.6 Sub-watershed Study**

Findings of the Alder Creek Sub-watershed Study will be summarized as they relate to the present study area.

#### **4.7 Impacts of Previous Development or Site Alternations**

A description of the effects of any past site alterations on the environmental features and functions will be provided.

### **5.0 Proposed Site Alterations**

The Operational Plan will illustrate proposed grading, extraction and berming limits and sequencing.

The proposed annual extraction quantities, haul routes, dust and noise control methods will be described.

The estimated duration of extraction at the pit in years will be indicated, as will the rehabilitation proposed.

The extent and timing of grading and any vegetation clearing will be described.

### **6.0 Anticipated Direct and Indirect Impacts**

Text descriptions of expected direct and indirect impacts on site and off site natural environmental features and functions will be prepared. The analysis will include the likelihood of occurrence, areal extent, duration and potential for reversibility of impacts.

### **7.0 Prevention, Minimization and Mitigation of Impacts**

This chapter will indicate how potential impacts are to be prevented, minimized and mitigated. This will include descriptions of setbacks, buffers and timing of activities to reduce the potential for and duration of impacts.

An ecologically appropriate boundary of the Significant Woodland at the western boundary of the area proposed to be licensed for extraction will be identified through the EIS.

The EIS will identify and show the design of a suitable buffer between the Significant Woodland and the other woodland features and the proposed aggregate extraction operation within the subject lands.

## **8.0 Opportunities for Ecological Enhancement, Restoration, Long Term Conservation of Ecological Linkages and Environmental Features**

The EIS will identify opportunities for ecological enhancement, restoration and long-term stewardship on the subject lands which can be incorporated into the site rehabilitation plan.

## **9.0 Summary, Including Recommendations**

The summary will discuss any predicted adverse environmental impacts and recommended measures that will be taken to prevent, minimize and mitigate any impacts.

Recommended conditions of development will be provided.

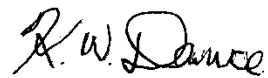
Recommendations will be made for long term management, conservation, enhancement or restoration of significant environmental features and functions on site and adjoining lands.

Recommended content of ecological monitoring will be described in terms of parameters, locations, timing, frequency and reporting. The content of a groundwater monitoring program for the proposed aggregate operation.

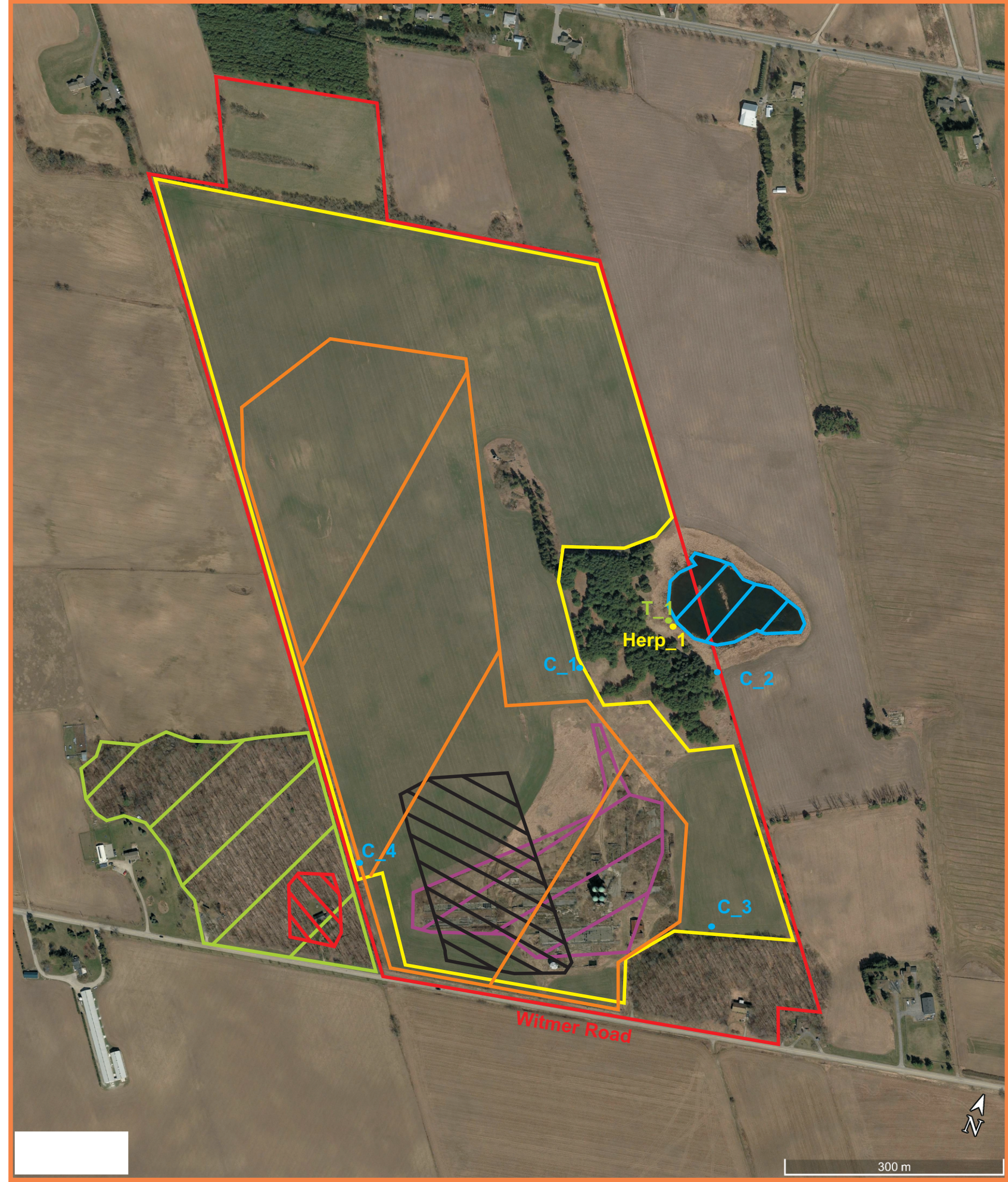
## **10.0 Appendices**

Species lists including plants, ELC communities, breeding birds, Species at Risk, study methods, agencies contacted, bibliography and CV's of the EIS authors will be provided in appendices or text chapters, depending on which seems most effective to communicate the technical information.

**Submitted by:**








K.W. Dance, M.Sc.  
President  
Dance Environmental Inc.  
March 6, 2019.






**Figure 2. Study Area Boundaries and Survey Station Locations, Proposed Pit, Wilmot.**




**LEGEND**

-  Approximate Proposed Limit of Extraction Boundary
-  Approximate Study Area Boundary
-  Significant Woodland (Waterloo Region O.P., 20-15)
-  Wintering Turtle Habitat
-  Area Searched for Potential Snake Hibernacula

**Areas within which SAR species were observed**

-  Approximate area where Eastern Wood-pewee were heard during Breeding season 2018.
-  Approximate area where Barn Swallows were observed (foraging/perching).
-  Approximate area where Bank Swallow were observed foraging.

**Survey Station Locations, 2018**

-  T\_1 Turtle count location.
-  C\_1 Crepuscular bird survey station location.
-  Herp\_1 Herpetofauna survey station (MMP).

## **APPENDIX II**

Plant Species List  
for  
Study Area.

# Appendix I. Herbaceous Plant Species List, Hallman Pit

BOTANICAL NAME	COMMON NAME	Off Site	Off Site	On Site	On Site	On Site	Off Site	COEFFICIENT OF CONSERVATION SM	WETNESS INDEX	WEEEDINESS INDEX	PROVINCIAL STATUS	OMNR STATUS	COSEWIC STATUS	LOCAL STATUS WATE
	SOURCE:	FOCM6-1	MANM1-3	IAG	FODM5-11	TAGM5	FODM5-9 A & B	OLDHAM ET AL	OLDHAM ET AL	OLDHAM ET AL	MNR RARE 4th Ed. 2009	SARO List	SARA Registry	
<b>PTERIDOPHYTES</b>	<b>FERNS &amp; ALLIES</b>													
<b>Dryopteridaceae</b>	<b>Wood Fern Family</b>													
<i>Dryopteris carthusiana</i>	Spinulose Wood Fern						X	5	-2		S5			
<b>Equisetaceae</b>	<b>Horsetail Family</b>													
<i>Equisetum arvense</i>	Field Horsetail		X					0	0		S5			
<b>Pinaceae</b>	<b>Pine Family</b>													
<i>Picea glauca</i>	White Spruce	X				X		6	3		S5			R+
<i>Pinus strobus</i>	Eastern White Pine	X				X		4	3		S5			
<b>DICOTYLEDONS</b>	<b>DICOTS</b>													
<b>Aceraceae</b>	<b>Maple Family</b>													
<i>Acer negundo</i>	Manitoba Maple	X			X	X		0	-2		S5			
<i>Acer saccharum ssp. saccharum</i>	Sugar Maple	X				X	X	4	3		S5			
<b>Anacardiaceae</b>	<b>Sumac or Cashew Family</b>													
<i>Rhus hirta</i>	Staghorn Sumac	X		X	X	X	X	1	5		S5			
<b>Apiaceae</b>	<b>Carrot or Parsley Family</b>													
<i>Daucus carota</i>	Wild Carrot			X		X			5	-2	SE5			
<b>Aristolochiaceae</b>	<b>Duchman's-pipe Family</b>													
<i>Asarum canadense</i>	Wild Ginger						X	6	5		S5			
<b>Asclepiadaceae</b>	<b>Milkweed Family</b>													
<i>Asclepias syriaca</i>	Common Milkweed	X	X	X		X		0	5		S5			
<i>Cynanchum rossicum</i>	Swallow-wort	X									SE5			
<b>Asteraceae</b>	<b>Composite or Aster Family</b>													
<i>Achillea millefolium ssp. millefolium</i>	Common Yarrow			X					3	-1	SE?			
<i>Ambrosia artemisiifolia</i>	Common Ragweed			X		X	X	0	3		S5			
<i>Arctium minus ssp. minus</i>	Common Burdock	X	X		X	X	X		5	-2	SE5			
<i>Carduus nutans ssp. nutans</i>	Musk Thistle	X	X	X					5	-1	SE?			
<i>Cichorium intybus</i>	Chicory			X					5	-1	SE5			
<i>Cirsium arvense</i>	Canada Thistle	X	X			X			3	-1	SE5			
<i>Erigeron annuus</i>	Daisy Fleabane		X	X				0	1		S5			
<i>Eupatorium perfoliatum</i>	Perfoliate Thoroughwort		X					2	-4		S5			
<i>Euthamia graminifolia</i>	Flat-topped Bushy Goldenrod	X						2	-2		S5			
<i>Solidago altissima var. altissima</i>	Tall Goldenrod		X					1	3		S5			
<i>Solidago canadensis</i>	Canada Goldenrod	X	X		X	X		1	3		S5			

BOTANICAL NAME	COMMON NAME	Off Site	Off Site	On Site	On Site	On Site	Off Site	COEFFICIENT OF CONSERVATION SM	WETNESS INDEX	WEEDINESS INDEX	PROVINCIAL STATUS	OMNR STATUS	COSEWIC STATUS	LOCAL STATUS WATE
	SOURCE:	FOCM6-1	MAMM1-3	IAG	FODM5-11	TAGM5	FODM5-9 A& B	OLDHAM ET AL	OLDHAM ET AL	OLDHAM ET AL	MNR RARE 4th Ed. 2009	SARO List	SARA Registry	
<i>Solidago flexicaulis</i>	Zig-zag Goldenrod						X	6	3		S5			
<i>Solidago juncea</i>	Early Goldenrod						X	3	5		S5			
<i>Sonchus arvensis</i> ssp. <i>arvensis</i>	Field Sow-thistle	X				X					SE5			
<i>Symphyotrichum lanceolatum</i>	Panicked Aster	X			X			3	-3		S5			
<i>Symphyotrichum lateriflorum</i> var. <i>lateriflorum</i>	Calico Aster		X	X		X	X	3	-2		S5			
<i>Symphyotrichum puniceum</i> var. <i>puniceum</i>	Purple-stemmed Aster		X								S5			
<i>Taraxacum officinale</i>	Common Dandelion	X		X	X	X			3	-2	SE5			
<b>Berberidaceae</b>	<b>Barberry Family</b>													
<i>Caulophyllum thalictroides</i>	Blue Cohosh						X	6	5		S5			
<b>Boraginaceae</b>	<b>Borage Family</b>													
<i>Echium vulgare</i>	Blueweed			X					5	-2	SE5			
<b>Brassicaceae</b>	<b>Mustard Family</b>													
<i>Alliaria petiolata</i>	Garlic Mustard	X			X	X	X		0	-3	SE5			
<i>Hesperis matronalis</i>	Dame's Rocket	X					X		5	-3	SE5			
<b>Caprifoliaceae</b>	<b>Honeysuckle Family</b>													
<i>Lonicera tatarica</i>	Tartarian Honeysuckle				X				3	-3	SE5			
<i>Sambucus racemosa</i> ssp. <i>pubens</i>	Red-berried Elderberry	X						5	2		S5			
<b>Caryophyllaceae</b>	<b>Pink Family</b>													
<i>Saponaria officinalis</i>	Bouncing-bet					X			3	-3	SE5			
<i>Silene latifolia</i>	Bladder Campion			X							SE5			
<b>Chenopodiaceae</b>	<b>Goosefoot Family</b>													
<i>Chenopodium album</i> var. <i>album</i>	Lamb's Quarters	X	X	X	X	X	X		1	-1	SE5			
<b>Convolvulaceae</b>	<b>Morning-glory Family</b>													
<i>Convolvulus arvensis</i>	Field Bindweed			X			X		5	-1	SE5			
<b>Cornaceae</b>	<b>Dogwood Family</b>													
<i>Cornus alternifolia</i>	Alternate-leaved Dogwood						X	6	5		S5			
<i>Cornus stolonifera</i>	Red-osier Dogwood		X	X				2	-3		S5			
<b>Cucurbitaceae</b>	<b>Gourd Family</b>													
<i>Echinocystis lobata</i>	Prickly Cucumber	X	X		X	X	X	3	-2		S5			

BOTANICAL NAME	COMMON NAME	Off Site	Off Site	On Site	On Site	On Site	Off Site	COEFFICIENT OF CONSERVATION SM	WETNESS INDEX	WEEDINESS INDEX	PROVINCIAL STATUS	OMNR STATUS	COSEWIC STATUS	LOCAL STATUS WATE
	SOURCE:	FOCM6-1	MAMM1-3	IAG	FODM5-11	TAGM5	FODM5-9 A& B	OLDHAM ET AL	OLDHAM ET AL	OLDHAM ET AL	MNR RARE 4th Ed. 2009	SARO List	SARA Registry	
<b>Dipsacaceae</b>	<b>Teasel Family</b>													
<i>Dipsacus fullonum</i> ssp. <i>sylvestris</i>	Wild Teasel					X			5	-1	SE5			
<b>Fabaceae</b>	<b>Pea Family</b>													
<i>Coronilla varia</i>	Variable Crown-vetch	X	X						5	-2	SE5			
<i>Lotus corniculatus</i>	Bird's-foot Trefoil			X					1	-2	SE5			
<i>Medicago sativa</i> ssp. <i>sativa</i>	Alfalfa	X		X	X				5	-1	SE5			
<i>Mellilotus altissima</i>	Tall Sweet-clover			X					5	-1	SE1			
<i>Robinia pseudo-acacia</i>	Black Locust			X					4	-3	SE5			
<i>Trifolium pratense</i>	Red Clover			X					2	-2	SE5			
<i>Trifolium repens</i>	White Clover			X					2	-1	SE5			
<b>Fagaceae</b>	<b>Beech Family</b>													
<i>Fagus grandifolia</i>	American Beech						X	6	3		S5			
<i>Quercus macrocarpa</i>	Bur Oak						X	5	1		S5			
<i>Quercus rubra</i>	Red Oak						X	6	3		S5			
<b>Geraniaceae</b>	<b>Geranium Family</b>													
<i>Geranium robertianum</i>	Herb-robert	X					X		5	-2	SE5			
<b>Hydrophyllaceae</b>	<b>Water-leaf Family</b>													
<i>Hydrophyllum canadense</i>	Broad-leaved Water-leaf						X	8	-2		S4			
<i>Hydrophyllum virginianum</i>	Virginia Water-leaf						X	6	-2		S5			
<b>Juglandaceae</b>	<b>Walnut Family</b>													
<i>Carya cordiformis</i>	Bitternut hickory	X		X			X	6	0		S5			
<i>Juglans nigra</i>	Black Walnut				X		X	5	3		S4			R+*
<b>Lamiaceae</b>	<b>Mint Family</b>													
<i>Glechoma hederacea</i>	Creeping Charlie						X		5	-2	SE5			
<i>Leonurus cardiaca</i> ssp. <i>cardiaca</i>	Common Motherwort		X		X	X	X		5	-2	SE5			
<i>Lycopus uniflorus</i>	Northern Water-horehound		X					5	-5		S5			
<i>Mentha arvensis</i> ssp. <i>borealis</i>	American Wild Mint	X	X					3	-3		S5			
<i>Nepeta cataria</i>	Catnip			X	X		X		1	-2	SE5			
<b>Malvaceae</b>	<b>Mallow Family</b>													
<i>Abutilon theophrasti</i>	Velvet-leaf		X	X		X			4	-1	SE5			
<b>Moraceae</b>	<b>Mulberry Family</b>													
<i>Morus alba</i>	White Mulberry	X		X	X	X	X		0	-3	SE5			
<b>Oleaceae</b>	<b>Olive Family</b>													
<i>Fraxinus americana</i>	White Ash	X			X		X	4	3		S5			
<i>Fraxinus pennsylvanica</i>	Green Ash					X		3	-3		S5			
<i>Syringa vulgaris</i>	Common Lilac					X			5	-2	SE5			

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	SOURCE:	FOCM6-1	MAMM1-3	IAG	FODM5-11	TAGM5	FODM5-9 A& B	OLDHAM ET AL	OLDHAM ET AL	OLDHAM ET AL	MNR RARE 4th Ed. 2009	SARO List	SARA Registry	
<b>Onagraceae</b>	<b>Evening-primrose Family</b>													
<i>Circaea alpina</i>	Smaller Enchanter's Nightshade	X					X	6	-3		S5			
<i>Oenothera biennis</i>	Common Evening-primrose					X		0	3		S5			
<b>Oxalidaceae</b>	<b>Wood Sorrel Family</b>													
<i>Oxalis stricta</i>	Upright Yellow Wood-sorrel				X			0	3		S5			
<b>Papaveraceae</b>	<b>Poppy Family</b>													
<i>Chelidonium majus</i>	Celandine	X					X		5	-3	SE5			
<i>Sanguinaria canadensis</i>	Bloodroot	X					X	5	4		S5			
<b>Plantaginaceae</b>	<b>Plantain Family</b>													
<i>Plantago major</i>	Common Plantain			X					-1	-1	SE5			
<b>Polygonaceae</b>	<b>Smartweed Family</b>													
<i>Polygonum persicaria</i>	Lady's-thumb			X					-3	-1	SE5			
<i>Rumex crispus</i>	Curly-leaf Dock	X		X			X		-1	-2	SE5			
<i>Rumex obtusifolius</i> ssp. <i>obtusifolius</i>	Bitter Dock			X					-3	-1	SE5			
<b>Ranunculaceae</b>	<b>Buttercup Family</b>													
<i>Actaea pachypoda</i>	White Baneberry						X	6	5		S5			
<i>Actaea rubra</i>	Red Baneberry						X	5	5		S5			
<i>Anemone acutiloba</i>	Sharp-lobed Hepatica						X	6	5		S5			
<i>Aquilegia canadensis</i>	Wild Columbine						X	5	1		S5			
<b>Rhamnaceae</b>	<b>Buckthorn Family</b>													
<i>Rhamnus cathartica</i>	Common Buckthorn	X		X	X	X	X		3	-3	SE5			
<i>Rhamnus frangula</i>	Glossy Buckthorn			X					-1	-3	SE5			
<b>Rosaceae</b>	<b>Rose Family</b>													
<i>Fragaria virginiana</i>	Wild Strawberry	X									S5			
<i>Geum aleppicum</i>	Yellow Avens		X					2	-1		S5			
<i>Malus pumila</i>	Common Apple				X				5	-1	SE5			
<i>Potentilla argentea</i>	Silvery Cinquefoil			X					3	-2	SE5			
<i>Prunus serotina</i>	Black Cherry					X	X	3	3		S5			
<i>Prunus virginiana</i> ssp. <i>virginiana</i>	Choke Cherry	X				X		2	1		S5			
<i>Pyrus communis</i>	Common Pear					X			5	-1	SE4			
<i>Rubus idaeus</i> ssp. <i>idaeus</i>	Red Raspberry		X		X	X	X				SE1			
<i>Rubus parviflorus</i>	Sparse-flowered Thimbleberry	X	X				X	7	2		S4			
<b>Rubiaceae</b>	<b>Madder Family</b>													
<i>Galium triflorum</i>	Sweet-scented Bedstraw	X	X	X		X		4	2		S5			

BOTANICAL NAME	COMMON NAME	Off Site	Off Site	On Site	On Site	On Site	Off Site	COEFFICIENT OF CONSERVATION SM	WETNESS INDEX	WEEIDNESS INDEX	PROVINCIAL STATUS	OMNR STATUS	COSEWIC STATUS	LOCAL STATUS WATE
	SOURCE:	FOCM6-1	MAMM1-3	IAG	FODM5-11	TAGM5	FODM5-9 A& B	OLDHAM ET AL	OLDHAM ET AL	OLDHAM ET AL	MNR RARE 4th Ed. 2009	SARO List	SARA Registry	
<b>Salicaceae</b>	<b>Willow Family</b>													
<i>Populus deltoides</i>	Eastern Cottonwood			X	X						S5			
<i>Populus deltoides ssp. deltoides</i>	Eastern Cottonwood							4	-1		SU			R+
<i>Populus grandidentata</i>	Large-tooth Aspen				X			5	3		S5			
<i>Salix fragilis</i>	Crack Willow		X						-1	-3	SE5			
<i>Salix petiolaris</i>	Slender Willow			X				3	-4		S5			
<b>Scrophulariaceae</b>	<b>Figwort Family</b>													
<i>Verbascum thapsus</i>	Common Mullein	X	X	X	X				5	-2	SE5			
<b>Solanaceae</b>	<b>Nightshade Family</b>													
<i>Solanum dulcamara</i>	Bitter Nightshade	X		X	X		X		0	-2	SE5			
<b>Tiliaceae</b>	<b>Linden Family</b>													
<i>Tilia americana</i>	American Basswood						X	4	3		S5			
<b>Ulmaceae</b>	<b>Elm Family</b>													
<i>Ulmus americana</i>	White Elm						X	3	-2		S5			
<b>Urticaceae</b>	<b>Nettle Family</b>													
<i>Urtica dioica ssp. dioica</i>	European Stinging Nettle	X	X	X		X	X		-1	-1	SE2			
<b>Violaceae</b>	<b>Violet Family</b>													
<i>Viola pubescens</i>	Downy Yellow Violet						X	5	4		S5			
<i>Viola sororia</i>	Woolly Blue Violet						X	4	1		S5			
<b>Vitaceae</b>	<b>Grape Family</b>													
<i>Parthenocissus inserta (or P. vitacea)</i>	Woodbine			X	X	X	X	3	3		S5			
<i>Vitis riparia</i>	Riverbank Grape	X		X	X	X	X	0	-2		S5			
<b>Araceae</b>	<b>Arum Family</b>													
<i>Arisaema triphyllum ssp. triphyllum</i>	Small Jack-in-the-pulpit						X	5	-2		S5			
<b>Cyperaceae</b>	<b>Sedge Family</b>													
<i>Schoenoplectus tabernaemontani</i>	American Great Bulrush	X						5	-5		S5			
<b>Liliaceae</b>	<b>Lily Family</b>													
<i>Allium tricoccum</i>	Wild Leek						X	7	2		S5			
<i>Asparagus officinalis</i>	Garden Asparagus				X				3	-1	SE5			
<i>Maianthemum racemosum ssp. racemosum</i>	False Solomon's Seal						X	4	3		S5			
<i>Trillium erectum</i>	Purple Trillium						X	6	1		S5			

BOTANICAL NAME	COMMON NAME	Off Site	Off Site	On Site	On Site	On Site	Off Site	COEFFICIENT OF CONSERVATISM	WETNESS INDEX	WEEDINESS INDEX	PROVINCIAL STATUS	OMNR STATUS	COSEWIC STATUS	LOCAL STATUS
	SOURCE:	FOCM6-1	MAMM1-3	IAG	FODM5-11	TAGM5	FODM5-9 A&B	OLDHAM ET AL	OLDHAM ET AL	OLDHAM ET AL	MNR RARE 4th Ed. 2009	SARO List	SARA Registry	
<i>Trillium grandiflorum</i>	White Trillium						X	5	5		S5			
<b>Poaceae</b>	<b>Grass Family</b>													
<i>Agrostis stolonifera</i>	Redtop			X					-3		S5			
<i>Bromus inermis</i> ssp. <i>inermis</i>	Awnless Brome	X			X	X	X		5	-3	SE5			
<i>Dactylis glomerata</i>	Orchard Grass	X		X	X	X	X		3	-1	SE5			
<i>Digitaria ischaemum</i>	Small Crabgrass			X					3	-1	SE5			
<i>Echinochloa crusgalli</i>	Common Barnyard Grass			X					-3	-1	SE5			
<i>Glyceria striata</i>	Fowl Meadow Grass						X	3	-5		S5			
<i>Panicum capillare</i>	Witch Grass			X		X		0	0		S5			
<i>Phalaris arundinacea</i>	Reed Canary Grass		X					0	-4		S5			
<i>Phleum pratense</i>	Timothy			X					3	-1	SE5			
<i>Poa pratensis</i> ssp. <i>pratensis</i>	Kentucky Bluegrass	X		X	X			0	1		S5			
<i>Setaria faberi</i>	Giant Foxtail	X			X				2	-1	SE4			
<i>Setaria viridis</i>	Green Foxtail	X		X	X	X	X			-1	SE5			
<b>Typhaceae</b>	<b>Cattail Family</b>													
<i>Typha latifolia</i>	Broad-leaved Cattail		X					3	-5		S5			

### LEGEND

#### Floral Quality Index and Coefficient of Conservatism Values

General habitat values associated with the CC values are:

0-3: species found in a wide variety of communities, including disturbed sites

4-6: species associated with a specific community, but tolerate moderate disturbance

7-8: species associated with a community in an advanced successional stage, tolerant of minor disturbances

9-10: species with a high degree of fidelity to a narrow range of synecological parameters

#### Weediness Index

-1: little or no impact on natural areas (most non-native plants are in this category)

-2: occasional impacts on natural areas, generally infrequent or localized

-3: major potential impacts on natural areas

#### Wetness Index

**OBL** (Obligate Wetland): occurs almost always in wetlands under natural conditions (estimated >99% probability)

**FACW** (Facultative Wetland): usually occurs in wetlands, but occasionally found in non-wetlands (estimated 67-99% probability)

**FAC** (Facultative): equally likely to occur in wetlands or non-wetlands (estimated 34-66% probability)

**FACU** (Facultative Upland): occasionally occurs in wetlands, but usually occurs in non-wetlands (estimated 1-33% probability)

**UPL** (Upland): occurs almost never in wetlands under natural conditions (estimated <1% probability)

Each wetland category has been assigned a numerical value to facilitate the quantification of the wetness index. The wetland categories and their corresponding values are as follows:

OBL: -5

FACW: -2

FAC: 1

FACU: 4

FACW+: -4

FAC+: -1

FACU+: 2

UPL: 5

FACW: -3

FAC: 0

FACU: 3

#### Provincial Status

**S4: Apparently Secure**; uncommon but not rare; some cause for long-term concern due to decline or other factors; usually more than 100 occurrences.

**S5: Secure** in Ontario; common, widespread and abundant in the province

**SNR: Unranked** in Ontario; conservation status not yet assessed

**SU: Unrankable**; currently unrankable due to lack of information or due to substantially conflicting information about status or trends

**SNA: Not Applicable** - a conservation status rank is not applicable because the species is not a suitable target for conservation

**SE: Exotic**; not believed to be a native component of Ontario's flora. Numerical rankings after SE follow designations described above

## **APPENDIX III**

Bird Species List  
For  
Study Area,  
2018

**Appendix II. Hallam Pit, Wilmot**  
**Avian Species Observed and Known from Study Area**

Scientific Name	Common Name	CODE	Dance Environmental Biologist Observations						GRANK	SRANK	COSEWIC	SARO	Region of Waterloo Significant Breeding Birds
			(FOCM6-1)	(IAG)	(MAMM1-3 & OAO)	(FODM5-11)	(TAGM5)	(FODM5-9 A & B)					
Ducks, Geese & Swans													
Branta canadensis	Canada Goose	CAGO		B(o)	S, B, P				G5	S5			✓
Aix sponsa	Wood Duck	WODU			S				G5	S5			
Anas americana	American Wigeon	AMWI			S				G5	S4			
Anas platyrhynchos	Mallard	MALL		B(o)	S, B, P				G5	S5			✓
Aythya collaris	Ring-necked Duck	RNDU			S				G5	S5			
Bucephala albeola	Bufflehead	BUFF			S				G5	S4			
Partridges, Grouse & Turkeys													
Meleagris gallopavo	Wild Turkey	WITU	S	S					G5	S5			
GREBES													
Podilymbus podiceps	Pied-billed Grebe	PBGR			S, B, P				G5	S4B, S4N			✓
HERONS & BITTERNS													
Ardea herodias	Great Blue Heron	GBHE	B(o)	B(o)			B(o)		G5	S4B			✓
VULTURES													
Cathartes aura	Turkey Vulture	TUVU		S, B(o), P(o)		P(o)		S(o)	G5	S5B			✓
HAWKS, KITES & EAGLES													
Accipiter striatus	Sharp-shinned Hawk	SSHA		P(o)					G5	S5		NAR	✓
Accipiter cooperii	Cooper's Hawk	COHA		W(o)					G5	S4		NAR	✓
Buteo jamaicensis	Red-tailed Hawk	RTHA		S(o), B(o), W(o)			B(o)	S, B	G5	S5	NAR	NAR	
CARACARAS & FALCONS													
Falco sparverius	American Kestrel	AMKE		S					G5	S4			
PLOVERS													
Charadrius vociferus	Killdeer	KILL		S	S(o)		B		G5	S5B, S5N			
SANDPIPERS & PHALAROPES													
Actitis macularia	Spotted Sandpiper	SPSA			B				G5	S5			
GULLS, TERNS & SKIMMERS													
Larus delawarensis	Ring-billed Gull	RBGU			S				G5	S5B, S4N			✓
Hydroprogne caspia	Caspian Tern	CATE			P				G5	S3B	NAR	NAR	
PIGEONS & DOVES													
Columba livia	Rock Pigeon	ROPI		S, B					G5	SNA			
Zenaida macroura	Mourning Dove	MODO		B(o), P		B, P	P		G5	S5			
TYPICAL OWLS													
Otus asio	Eastern Screech-Owl	EASO						W	G5	S4	NAR	NAR	
Bubo virginianus	Great Horned Owl	GHOW	S, P	S(o)				S	G5	S4			
WOODPECKERS													
Melanerpes carolinus	Red-bellied Woodpecker	RBWO						S, P	G5	S4			✓
Picoides pubescens	Downy Woodpecker	DOWO	P				B	S, B, P, W	G5	S5			
Picoides villosus	Hairy Woodpecker	HAWO	B						G5	S5			
Colaptes auratus	Northern Flicker	NOFL		S				S, B, P	G5	S4B			
TYRANT FLYCATCHERS													
Contopus virens	Eastern Wood-Pewee	EAWP						B	G5	S4B	SC	SC	
Sayornis phoebe	Eastern Phoebe	EAPH		S, B					G5	S5B			
Myiarchus crinitus	Great Crested Flycatcher	GCFL						S, B	G5	S4B			
Tyrannus tyrannus	Eastern Kingbird	EAKI	B		S, B		B	B	G5	S4B			
VIREOS													
Vireo olivaceus	Red-eyed Vireo	REVI						S, B, P	G5	S5B			
CROWS & JAYS													
Cyanocitta cristata	Blue Jay	BLJA	P	B(o), P(o)		P		S, B, P, W	G5	S5			
Corvus brachyrhynchos	American Crow	AMCR	B, P, W(o)	B(o), P(o), W(o)	S	B, P	B, P(o)	S, B, W	G5	S5B			
LARKS													
Eremophila alpestris	Horned Lark	HOLA		S, B			B		G5	S5B			
SWALLOWS													
Tachycineta bicolor	Tree Swallow	TRES		S(o)	S, B				G5	S4B			
Riparia riparia	Bank Swallow	BANS		S					G5	S4B			
Hirundo rustica	Barn Swallow	BARS	S(o)	S(o), B(o), P			B(o)		G5	S4B	T	THR	
CHICKADEES & TITMICE													
Poecile atricapillus	Black-capped Chickadee	BCCH	S, B, P, W		S			S, B	G5	S5			
NUTHATCHES													
Sitta carolinensis	White-breasted Nuthatch	WBNU						S	G5	S5			
WRENS													
Troglodytes aedon	House Wren	HOWR		B		B		S, B, P	G5	S5B			
KINGLETS													
Regulus satrapa	Golden-crowned Kinglet	GCKI	S					S	G5	S5B			✓
Regulus calendula	Ruby-crowned Kinglet	RCKI	S						G5	S4B			✓
THRUSHES													
Sialia sialis	Eastern Bluebird	EABL					B		G5	S5B	NAR	NAR	✓
Catharus guttatus	Hermit Thrush	HETH						S	G5	S5B			
Turdus migratorius	American Robin	AMRO	S	S, B		B, P	P	B	G5	S5B			

Scientific Name	Common Name	CODE	(FOCM6-1)	(IAG)	(MAMM1-3 & OAO)	(FODM5-11)	(TAGM5)	(FODM5-9 A & B)	GRANK	SRANK	COSEWIC	SARO	Region of Waterloo Significant Breeding Bir
<i>Dumetella carolinensis</i> <i>Toxostoma rufum</i>	<b>MOCKINGBIRDS &amp; THRASHERS</b>												
	Gray Catbird	GRCA						B	G5	S4B			
	Brown Thrasher	BRTH					B		G5	S4B			✓
<i>Sturnus vulgaris</i>	<b>STARLINGS</b>												
	European Starling	EUST		S, B		P	P	S, B	G5	SNA			
<i>Bombycilla cedrorum</i>	<b>WAXWINGS</b>												
	Cedar Waxwing	CEDW	B						G5	S5B			
<i>Dendroica petechia</i> <i>Dendroica pinus</i>	<b>WOOD-WARBLERS</b>												
	Yellow Warbler	YWAR	B						G5	S5B			
	Pine Warbler	PIWA	S						G5	S5B			✓
<i>Spizella arborea</i> <i>Spizella passerina</i> <i>Poocetes gramineus</i> <i>Passerculus Sandwichensis</i> <i>Melospiza melodia</i> <i>Zonotrichia albicollis</i> <i>Junco hyemalis</i>	<b>SPARROWS</b>												
	American Tree Sparrow	ATSP		W					G5	S4B			
	Chipping Sparrow	CHSP	S, B, P	B	S		B	B	G5	S5B			
	Vesper Sparrow	VESP		B, P			B, P		G5	S4B			✓
	Savannah Sparrow	SAVS		B		B			G5	S4B			
	Song Sparrow	SOSP	S, B, P	S, B, P	S, P	B	B	S, B, P	G5	S5B			
	White-throated Sparrow	WTSP		S, P			P	P	G5	S5B			✓
	Dark-eyed Junco	DEJU		W					G5	S5B			
<i>Cardinalis cardinalis</i> <i>Passerina cyanea</i>	<b>CARDINALS &amp; ALLIES</b>												
	Northern Cardinal	NOCA	S, B, P			B	B	S, B	G5	S5			
	Indigo Bunting	INBU	B	B		B	B	S, B	G5	S4B			
<i>Agelaius phoeniceus</i> <i>Quiscalus quiscula</i> <i>Molothrus ater</i> <i>Icterus galbula</i>	<b>BLACKBIRDS</b>												
	Red-winged Blackbird	RWBL	S, B	S, B	S, B, P		B, P		G5	S4			
	Common Grackle	COGR		S, B(o), P(o)	S	B		S, P	G5	S5B			
	Brown-headed Cowbird	BHCO		S, B	S		B	B	G5	S4B			
	Baltimore Oriole	BAOR		B(o)		B		S, B	G5	S4B			
<i>Carduelis flammea</i> <i>Carduelis tristis</i>	<b>FINCHES</b>												
	Common Redpoll	CORE		W					G5	S4B			
	American Goldfinch	AMGO	S, B	B(o), P(o)	S	B	B, P	S, B, P	G5	S5B			
<i>Passer domesticus</i>	<b>OLD WORLD SPARROWS</b>												
	House Sparrow	HOSP						S	G5	SNA			

#### LEGEND

##### Season of Observation

S= Spring 2018 (April 21, 22, 30; May 1, 8, 15, 23, 29)

B= Breeding season 2018 (June 5 and 22)

P= Post-breeding season 2018 (July 5; Sept 17, 20 )

W=Winter 2019 (Feb 5, 19, March 6)

##### G-Rank (Global Rank)

G4- Apparently Secure

Uncommon but not rare; some cause for long-term concern due to declines or other factors.  
Common; widespread and abundant.

G5- Secure

##### S-Rank (Provincial Rank)

S3- Vulnerable

Vulnerable in the nation or state/province due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation.

S4- Apparently Secure

Uncommon but not rare; some cause for long-term concern due to declines or other factors.

S5- Secure

Common, widespread, and abundant in the nation or state/province.

SNA- Not Applicable

A conservation status rank is not applicable because the species is not a suitable target for conservation activities.

##### COSEWIC (National Status)

T (Threatened)

A wildlife species that is likely to become endangered if nothing is done to reverse the factors leading to its extirpation or extinction.

SC (Special Concern)

A wildlife species that may become threatened or endangered because of a combination of biological characteristics and identified threats.

NAR (Not at Risk)

A wildlife species that has been evaluated and found to be not at risk of extinction given the current circumstances.

##### SARO (Provincial Status)

THR =Threatened

A species that is at risk of becoming endangered in Ontario if limiting factors are not reversed.

SC =Special Concern

A species with characteristics that make it sensitive to human activities or natural events.

##### Waterloo Region:

✓ Regionally Significant

✓\* Significant only when nesting in natural circumstances

## **APPENDIX IV**

Second OBBA  
Breeding Bird Data  
For  
Square 17NJ30

Hallman Pit: 2<sup>nd</sup> OBBA Summary, Square 17NJ30

Species list for square 17NJ30 (number of entries returned: 101)										
Region	Square	Species	Breeding Evidence				Point Counts			
			Max BE	Categ	#Sq	Atlasser Name	#PC	%PC	Abun	#Sq
7	17NJ30	Canada Goose	NE	CONF	1	Fraser Gibson				
7	17NJ30	Wood Duck	FY	CONF	1	Fraser Gibson				
7	17NJ30	Mallard	FY	CONF	1	Fraser Gibson	3	11.11	0.5556	1
7	17NJ30	Blue-winged Teal	A	PROB	1	Fraser Gibson				
7	17NJ30	Hooded Merganser	V	PROB	1					
7	17NJ30	Ruffed Grouse	H	POSS	1	Fraser Gibson				
7	17NJ30	Wild Turkey	FY	CONF	1	Fraser Gibson				
7	17NJ30	Pied-billed Grebe	T	PROB	1	Fraser Gibson				
7	17NJ30	Green Heron	T	PROB	1	Fraser Gibson				
7	17NJ30	Turkey Vulture	FY	CONF	1	Fraser Gibson				
7	17NJ30	Northern Harrier	H	POSS	1	Fraser Gibson				
7	17NJ30	Sharp-shinned Hawk	FY	CONF	1	Fraser Gibson				
7	17NJ30	Cooper's Hawk	NY	CONF	1	Fraser Gibson				
7	17NJ30	Red-tailed Hawk	NY	CONF	1	Fraser Gibson				
7	17NJ30	American Kestrel	CF	CONF	1	Fraser Gibson				
7	17NJ30	Virginia Rail	T	PROB	1	Fraser Gibson				
7	17NJ30	Sora	T	PROB	1	Fraser Gibson				
7	17NJ30	Common Gallinule	T	PROB	1					
7	17NJ30	Killdeer	FY	CONF	1		4	14.81	0.1481	1
7	17NJ30	Rock Pigeon	NU	CONF	1	Fraser Gibson	4	14.81	0.6667	1
7	17NJ30	Spotted Sandpiper	FY	CONF	1	Fraser Gibson				
7	17NJ30	American Woodcock	DD	CONF	1					
7	17NJ30	Mourning Dove	AE	CONF	1	Fraser Gibson	13	48.15	0.8889	1
7	17NJ30	Yellow-billed Cuckoo	S	POSS	1	Fraser Gibson				
7	17NJ30	Black-billed Cuckoo	S	POSS	1	Fraser Gibson				
7	17NJ30	Eastern Screech-Owl	T	PROB	1	Fraser Gibson				
7	17NJ30	Great Horned Owl	NY	CONF	1	2 atlassers				
7	17NJ30	Long-eared Owl	T	PROB	1	Fraser Gibson				
7	17NJ30	Common Nighthawk	P	PROB	1	Fraser Gibson				
7	17NJ30	Chimney Swift	V	PROB	1	Fraser Gibson				
7	17NJ30	Ruby-throated Hummingbird	T	PROB	1					
7	17NJ30	Belted Kingfisher	T	PROB	1	Fraser Gibson	1	3.7	0.037	1
7	17NJ30	Red-headed Woodpecker	CF	CONF	1	Fraser Gibson				
7	17NJ30	Red-bellied Woodpecker	CF	CONF	1	Fraser Gibson				

7	17NJ30	Yellow-bellied Sapsucker	S	POSS	1	Fraser Gibson				
7	17NJ30	Downy Woodpecker	NY	CONF	1	Fraser Gibson				
7	17NJ30	Hairy Woodpecker	NY	CONF	1	Fraser Gibson				
7	17NJ30	Northern Flicker	AE	CONF	1	Fraser Gibson	1	3.7	0.037	1
7	17NJ30	Pileated Woodpecker	V	PROB	1					
7	17NJ30	Eastern Wood-Pewee	NY	CONF	1	Fraser Gibson	2	7.41	0.1481	1
7	17NJ30	Willow Flycatcher	CF	CONF	1	Fraser Gibson				
7	17NJ30	Least Flycatcher	T	PROB	1	Fraser Gibson				
7	17NJ30	Eastern Phoebe	T	PROB	1	Fraser Gibson				
7	17NJ30	Great Crested Flycatcher	AE	CONF	1		1	3.7	0.037	1
7	17NJ30	Eastern Kingbird	CF	CONF	1	Fraser Gibson	3	11.11	0.1481	1
7	17NJ30	Yellow-throated Vireo	S	POSS	1	Fraser Gibson				
7	17NJ30	Blue-headed Vireo	S	POSS	1	Fraser Gibson				
7	17NJ30	Warbling Vireo	AE	CONF	1	Fraser Gibson				
7	17NJ30	Red-eyed Vireo	T	PROB	1		1	3.7	0.0741	1
7	17NJ30	Blue Jay	AE	CONF	1	Fraser Gibson	4	14.81	0.1852	1
7	17NJ30	American Crow	CF	CONF	1	Fraser Gibson	16	59.26	1.5556	1
7	17NJ30	Horned Lark	CF	CONF	1		11	40.74	0.8148	1
7	17NJ30	Tree Swallow	NY	CONF	1	Fraser Gibson	4	14.81	0.3704	1
7	17NJ30	Northern Rough-winged Swallow	FY	CONF	1		1	3.7	0.0741	1
7	17NJ30	Bank Swallow	AE	CONF	1	Fraser Gibson				
7	17NJ30	Cliff Swallow	NU	CONF	1	Fraser Gibson				
7	17NJ30	Barn Swallow	AE	CONF	1	Fraser Gibson	4	14.81	0.2222	1
7	17NJ30	Black-capped Chickadee	NY	CONF	1		4	14.81	0.2593	1
7	17NJ30	Red-breasted Nuthatch	P	PROB	1	Fraser Gibson				
7	17NJ30	White-breasted Nuthatch	CF	CONF	1	Fraser Gibson	1	3.7	0.0741	1
7	17NJ30	Brown Creeper	P	PROB	1	Fraser Gibson				
7	17NJ30	House Wren	NY	CONF	1	Fraser Gibson				
7	17NJ30	Winter Wren	H	POSS	1	Fraser Gibson				
7	17NJ30	Blue-gray Gnatcatcher	P	PROB	1	Fraser Gibson				
7	17NJ30	Eastern Bluebird	NE	CONF	1	Fraser Gibson	3	11.11	0.1111	1
7	17NJ30	Wood Thrush	NY	CONF	1	Lyle Friesen	1	3.7	0.0741	1
7	17NJ30	American Robin	NY	CONF	1	Fraser Gibson	18	66.67	1.5556	1
7	17NJ30	Gray Catbird	CF	CONF	1	Fraser Gibson	1	3.7	0.037	1
7	17NJ30	Brown Thrasher	CF	CONF	1	Fraser Gibson				
7	17NJ30	European Starling	NY	CONF	1	Fraser Gibson	23	85.19	5.6296	1
7	17NJ30	Cedar Waxwing	T	PROB	1	Fraser Gibson	5	18.52	0.2963	1
7	17NJ30	Yellow Warbler	NE	CONF	1	Fraser Gibson	2	7.41	0.0741	1
7	17NJ30	Chestnut-sided Warbler	T	PROB	1					



## LEGEND

### Breeding Evidence

**Max BE:** Highest Breeding Evidence recorded

**Categ:** Highest Breeding Category recorded (OBS=observed, POSS=possible, PROB=probable, CONF=confirmed)

**#Sq:** Number of squares with species (Breeding Evidence)

**Atlasser name:** Name of atlasser who reported the highest breeding evidence (if they accepted that their name be displayed). If more than one person provided the same breeding evidence code, then only the number of atlassers is listed.

### Point Counts

**#PC:** Number of Point Counts with species

**%PC:** Percent of Point Counts with species

**Abun:** Average number of birds per Point Count

**#Sq:** Number of squares with species (Point Counts)

## **APPENDIX V**

C.V.'s of E.I.S.

Authors:

K.W. Dance, M.Sc.

K.S. Dance, M.E.S.

### **EDUCATION**

- M.Sc., Biology, 1977; University of Waterloo
- B.Sc., Honours Biology, 1975; University of Waterloo

### **COURSES**

- Butternut Health Assessment Workshop & Update – OMNR, 2010 & 2013
- Preparation of E.I.S. Reports – OMNR, 1995
- Bioassessments & Biological Criteria for Warmwater Streams – AFS 1993
- Ontario Wetland Evaluation System, 3<sup>rd</sup> Edition – OMNR, 1993
- Creating and Using Wetlands – University of Wisconsin, 1992
- Fluvial Geomorphology – University of Guelph and AFS, 1992

### **PROFESSIONAL EXPERIENCE**

1991 to date. Consulting Biologist and President, Dance Environmental Inc.  
The firm has completed over 425 assignments.

Mr. Dance has been consulting for 41 years and has gained extensive experience on the following types of studies: ecological inventory, biological monitoring, environmental planning, Species at Risk Overall Benefit and Management Plans, watershed management, no net loss of fish habitat, tree saving plans, vegetation management, wetland Environmental Impact Studies, non-game wildlife and environmental assessments.

He also has experience in biological resource inventory, impact prediction, management option development and comparison, attendance at public information centres and as an expert witness before boards and tribunals.

- |           |  |
|-----------|--|
| 1988-1991 | Senior Biologist, Ecologistics Limited. As Senior Biologist, Ken was responsible for review of all biological projects. He consulted to private and public sector clients on management of fish, vegetation, and wildlife resources. Including projects for First Nations. |
| 1985-1988 | Associate and Manager of Biological Services, Gartner Lee Limited. Mr. Dance consulted to industrial and government clients.   |
| 1982-1985 | Senior Biologist and Project Manager, Gartner Lee Limited.   |
| 1977-1982 | Biologist and Project Manager, Ecologistics Limited. Including projects for First Nations Bands.   |
| 1975-1976 | Research Technician, University of Waterloo. Mr. Dance acted as a research technician on a PLUARG contract study of two streams.   |

## **PROJECT EXAMPLES**

### **E.I.S. Reports**

Undertook inventory, site assessments and reporting for over one thousand sites relating to residential, industrial, aggregate and waste management proposals.

### **Highways and Roads**

Examples of Environmental Assessment and highway construction projects, which Mr. Dance has worked on follow.

- Parkhill Road and Bridge, Cambridge – inspection of in-water construction to minimize erosion and sedimentation and construction of fish pool habitat.
- Highway 60 at Huntsville – inspection of in-water work during replacement of 4 culverts, including trout habitat; inspection of tree and shrub plantings.
- Highway 35 Minden – inspection of stream habitat restoration construction and inspection of tree and shrub plantings.
- Wellington County Roads – fisheries assessments for 3 culvert replacements.

### **Aggregate NETR and EIS Projects**

Several aggregate studies in Bruce, Huron and Grey Counties. Detailed snake hibernaculum and snake population monitoring study of three snake species at an old quarry.

### **Wastewater Management**

- Thunder Bay Water Pollution Prevention Study – biological consultant addressing fish, wildlife, forests, wetlands and Lake Superior near shore habitat.
- Cincinnati and Cleveland, Ohio – CSO Review Studies: biological consultant addressing existing impacts on aquatic ecosystems and advice regarding solution options.
- Wastewater Treatment Plant Class E.A.s: biological consultant for Ayr, Flesherton, Ingersoll, Keswick, Lambeth, Tavistock and Wellesley plant upgrades/expansions.

### **Water Supply**

Biological/fisheries assessment regarding water taking and/or facility siting for projects in Elmira, Georgetown, Acton, Cambridge, Caledon and Brampton.

### **Publications**

Published chapters in three books. Over forty papers on fish, wildlife, wetland and vegetation management, as well as water quality and fisheries. Articles in publications such as Ontario Birds, Ontario Field Biologist, Newsletter of the Field Botanists of Ontario, Recreation Canada, Landscape Architectural Review and the Water Research Journal of Canada.

03/18



**DANCE  
ENVIRONMENTAL  
INC.**

**KEVIN DANCE, M.E.S.  
TERRESTRIAL BIOLOGIST AND  
PROJECT MANAGER**

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## **EDUCATION**

- M.E.S., Masters of Environment and Resource Studies, 2011; University of Waterloo.  
*Thesis Title: "Raptor Mortality and Behavior at Wind Turbines Along the North Shore of Lake Erie During Autumn Migration 2006-2007"*
- B.E.S., Honours Bachelor of Environment and Resource Studies with Parks Option, 2006; University of Waterloo.

## **CERTIFICATIONS & PROFESSIONAL ASSOCIATIONS**

### **Workshops/Certifications:**

- Bat Survey Solutions LLC. Bat Acoustic Fieldwork and Data Management Workshop. Instructors: Janet D. Tyburec and Joseph M. Szewezak (creator of SonoBat and Professor at Humboldt State University, California). February 2016, Punta Gorda, Florida.
- Wildlife Acoustics: Bat Acoustics Training with Dr. Lori Lausen, February 2015, Miami, Florida
- Butternut Health Assessment Workshop, BHA #486, July 16, 2014.
- Dragonfly and Damselfly Identification Workshop, 2013, Guelph Arboretum.
- OMNR, Ontario Wetland Evaluation System, Northern Manual and Southern Manual. North Bay, 2012
- OMNR Ecological Land Classification for Southern Ontario, Lindsay, 2010
- Diploma of Environmental Assessment, University of Waterloo, 2006
- Transportation of Dangerous Goods, Safety Services Canada, 2008
- Member, Bird Studies Canada (BSC)
- Member, Ontario Field Ornithologists (OFO)
- Member, Kitchener-Waterloo Field Naturalist Club (KWFCN)

## **AREAS OF PROFESSIONAL EXPERIENCE**

Kevin Dance has over 10 years of consulting experience on a wide range of projects throughout Ontario. Kevin specializes in inventories, evaluations, research, and impact studies of natural resources. He is experienced in identifying important natural features and evaluating the significance and sensitivity of these features. Kevin regularly works with multidisciplinary study teams focusing on the management of terrestrial and wetland ecosystems.

### ***Terrestrial Vegetation and Wildlife Studies***

Kevin has worked on various studies investigating a variety of wildlife habitats, determining wildlife populations including numbers and seasonal trends and monitoring of long-term impacts of developments on species. Kevin has conducted a wide range of monitoring surveys and inventories to identify the presence of wildlife on study sites as well as species specific guided surveys for Species at Risk and Species of Conservation Concern including:

Bobolink, Barn Swallow, Bank Swallow, Eastern Meadowlark, American Badger, Eastern Milksnake, Blanding's Turtle, Wood Turtle, Jefferson Salamander, Common Nighthawk, Whip-poor-will, Henslow's Sparrow, Short-eared Owl, Least Bittern, Eastern Milksnake, and all Endangered *Myotis* bat species.

He has completed numerous detailed vegetation community mapping inventories and conducted vegetation monitoring at permanent sample plots, as well as transects and random sample

quadrats to assess short-term and long-term impacts of developments on vegetation. Kevin is trained and experienced in applying the Ecological Land Classification System in projects in Southern Ontario to delineate, describe and map vegetation communities.

Kevin's specific terrestrial expertise includes:

- wildlife and vegetation habitat mapping, evaluations, and research.
- surveys of plants, birds, mammals: including bats, reptiles, amphibians, dragonflies and butterflies.
- identification of rare and sensitive species and habitats.
- bat acoustic monitoring and data analysis for Ontario bat species
- development of monitoring methodologies for Species at Risk
- preparing Overall Benefit Plans and Management Plans for Species at Risk
- obtaining permitting from MNR to conduct Jefferson Salamander trapping surveys, and snake coverboard surveys
- over 15 years of bird identification experience
- identification and analysis of potential wildlife corridors.
- short-term and long-term monitoring techniques for flora and fauna

### ***Wetland Studies***

Kevin is certified to conduct Ontario Wetland Evaluations and has worked in habitats throughout Ontario using the Ontario Wetland Evaluation System for Wetlands in Southern and Northern Ontario. Kevin has also participated in numerous studies focusing on the impact of development on wetland ecology and function.

Kevin's specific wetland expertise includes:

- inventories and mapping of wetland flora and fauna.
- wetland evaluations using the Ontario Wetland Evaluation System (OWES).
- wetland boundary delineation, and regularly working with relevant Conservation Authority staff to obtain approval of boundaries
- wetland Environmental Impact Studies (EISs).

### ***Aquatic Studies***

Kevin has assisted with numerous long-term fish monitoring programs using electrofishing to sample reaches of streams to assess and monitor development impacts to cold water streams. Kevin has experience collecting fish during electrofishing sampling, fish identification, marking and measuring. He also has experience identifying aquatic and wetland vegetation as well as collection of aquatic habitat data including stream depth, temperature, stream bed composition, flow speed and invertebrate sampling. Kevin has assisted with electrofishing surveys and aquatic habitat assessments within Wellington County and the Region of Waterloo.

### ***Renewable Energy Projects:***

Kevin has extensive experience conducting and organizing both pre-construction and post-construction studies at wind farms in Ontario, Manitoba and Alberta. Kevin has been developed monitoring methodologies for mortality searches, scavenger removal trials and searcher efficiency studies. Kevin has been involved in post-construction studies at four large scale wind farms and has conducted pre-construction studies at over a fifteen wind farms throughout Ontario, Manitoba and Alberta.

Kevin's specific renewable energy expertise includes:

- development of mortality search methodologies and conducting mortality searches, organizing and conducting scavenger removal studies and searcher efficiency trials
- identification of bird and bat fatalities
- developing study methods for pre-construction wind farm studies, including: migration surveys (dawn and dusk), daytime soaring surveys, waterfowl surveys, shorebird surveys, winter raptor and diurnal owl surveys, walking transect surveys, and driving transect surveys.

## **EMPLOYMENT HISTORY**

### **Terrestrial Biologist and Project Manager**

Dance Environmental Inc., Drumbo, Ontario.

2011 to present

### **Terrestrial and Wetland Biologist**

Natural Resource Solutions Inc., Waterloo, Ontario.

2008 to 2011

### **Environmental Scientist**

Stantec Ltd., Guelph, Ontario.

2006 to 2007

**Avian Field Technician** –Breeding ecology and impacts of urban development on Wood Thrush in the Region of Waterloo. Bird banding crew leader, nest searcher, nest monitoring.

Canadian Wildlife Service and University of Waterloo, Waterloo, Ontario

2003 to 2005

### **Terrestrial Biologist**

Dance Environmental Inc., Drumbo, Ontario

2001 to 2003

## **PUBLICATIONS, PRESENTATIONS, AWARDS**

Dance, K.S. 2017. Bats in Urban Natural Areas: A case Study of Kitchener Natural Areas. Oral Presentation. Nature in the City Speaker Series, Kitchener Public Library. November 15, 2017.

Dance, K.W., K.S. Dance, & M.B. Dance. 2012. Giant Ragweed (*Ambrosia trifida*) as a Food Source for Autumn Migrants and Winter Birds in the Grand River Basin. Ontario Birds 30(3):148-164.

Dance, K.S. 2012. Manipulation of Caterpillars for Consumption by Eastern Bluebirds. Ontario Birds 30(2):102-108.

Dance, K.W., K.S. Dance. 2012. Wetlands: What are they Good For? Oral Presentation. Princeton Historical Society. Princeton, Ontario. September 24, 2012.

Dance, K.S. 2011. "Raptors and Wind Farms". Oral Presentation. Ruthven Park 2<sup>nd</sup> Annual For The Birds Festival. September 17, 2011.

Dance, K. S. 2010. On the Wind: A Discussion of Raptors and the Wind Industry. Oral Presentation. Owen Sound Field Naturalist Club (OSFN). September 9, 2010.

Dance, K. S., Dance, K. W. 2010. "Raptors on the Wind". Oral Presentation. Kitchener-Waterloo Field Naturalist Club (KWFN). March 22, 2010.

Dance, K. S., Dance, K. W. 2010. Review of Raptor and Turbine Interaction Literature: the Case of the Erie Shores Wind Farm. Oral Presentation. RARE Charitable Research Reserve, Cambridge, ON. January 23, 2010.

Dance, K. S., R. James, L. Friesen, S. Murphy. 2009. "Raptor Behavior and Mortality (Erie Shores Wind Farm)". Poster Presentation. Canadian Wind Energy Association Annual Conference & Exhibition. September 20-23, 2009.

Dance, K. S., R. James, L. Friesen, S. Murphy. 2009. "Migrant Raptor Behavior and Mortality (at the Erie Shores Wind Farm)". Poster Presentation, 3<sup>rd</sup> place winner. A.D. Latornell Conservation Symposium. Nottawasaga, Ontario.







Do We Need Another Pit?  
Are There Better Alternatives to  
Concrete/Asphalt

# Residents Aren't Saying There is No Need for Aggregate.

Scrutinize every application with strict focus on public and environmental risks.

Do not allow aggregate licenses to be approved in areas with a specific density of homes within a 3-kilometre radius.

Expect that new technology is used to monitor air, water, dust, noise and blasting. Monitored by the MNRF, paid by aggregate operators, with oversight from all other government agencies.

# No Need to Show Need

The Provincial Policy Statement 2020 retains the controversial statement that the “aggregate industry has “no need to show need” when applying for new aggregate licenses or expansions”

“enough quarries had been already opened to supply Ontario long into the future, somewhere above the 100-year mark”

“measuring the use from licensed pits, active and dormant, against more current and accurate predictions of need for virgin aggregate” GravelWatch Ontario

# Eco-Friendly Alternatives To Traditional Concrete

ASHCRETE

BLAST FURNACE SLAG

PAPERCRETE OR FIBROUS CONCRETE

CONCRETE DEBRIS

POST-CONSUMER GLASS

PLASTIC WASTE

# New Innovations that Positively Impact our Environment

Permeable Pavement

Mass Timber

Local Solutions in St. Thomas and Ayr

Supported by FedDev













Red-head by Photo















David Green and Photo

Good evening Council, Staff, Fellow Delegates, and citizens joining in tonight, from the safety of your homes.

My name is Aaron Fewkes and I join you this evening, representing The Community Players of New Hamburg. I have the pleasure of serving as TCP's President and having been involved with this group since I was a wee little lad, I remain proud of our foundations, current commitments to Wilmot and the aspirations this group of performing artists continues to dream of for ourselves but more importantly, our community.

While I know many of you around the Zoom horseshoe will be familiar with TCP, some at home tonight may not be as aware, so I will begin there, briefly. TCP is a non-profit community theatre group operating in Wilmot Township. We are a registered Canadian charity whose mandate is to present "community theatre at its very best." TCP was founded in 1984 by a group of enthusiastic individuals at the Trinity Lutheran Church in New Hamburg to celebrate their 150th anniversary through theatrical performance. Over 37 years, we have evolved into The Community Players or more affectionately, "TCP." In 2000, we began performing our large-scale Spring musicals on the New Hamburg arena floor. 14 years later we extended our season to include a smaller, non-musical offering produced in the New Hamburg Community Centre. Each year, over three weekends of shows, we welcome approximately 6400 theatre-going patrons to downtown New Hamburg.

Much of TCP's success is based on the musicals and plays we tackle. We transform unexpected spaces into unique ones and our greatest advantage to do so is through our ability to engage volunteers. Each year it takes approximately 150 volunteers - those are Leadership, Production, actors, orchestra, backstage, and front of house teams - contributing 150,000 volunteer hours to bring our shows to the stages in Wilmot. Our volunteer base ranges from 37 years of involvement to brand new or familial to individual involvement.

The generosity of local partners and strong ticket sales have always been a reality of TCP. Since 2016, TCP's partnership program has grown 300%. These successes, coupled with grant funding have allowed TCP to make intentional investments into capital assets such as staging, audience riser, and microphone purchases. Arena renovations - at a cost of \$180,000 - left our savings decimated. However, we have restored these savings to a point where we feel confident earmarking money for capital projects once again. We are looking to partner with those who see the potential in TCP and the strength we have acquired through our proven track record, on whatever level that is: artistic, operational, or community-focus.

The year that was 2020, affected everyone greatly, each in a different way. In March 2020 at the onset of the pandemic, TCP's Leadership and Directing Teams made the decision to postpone our half-blocked and ready-to-go production of Beauty and the Beast. While the weight of that decision on our foundation of volunteers was heavy, it was the right, safe decision. In 2020 we pivoted to produce an online Spring Revue in May and a Holiday Special in December. Each of those opportunities was a chance for us to bring warmth to people's homes at no cost to the viewer. TCP's model is one of nimbleness and the leadership of our volunteers through this year has remained strong. Did we lose money? Yes. But did our TCP Family respond when we asked? Yes, and enough to see our investments untouched until the end of 2023 if we did nothing between now and then. But TCP is not known for sitting on its haunches.

Planned for June 2021, TCP is pursuing outdoor, live theatre. We are calling it "Take Two: A series of two-person plays presented by TCP." Five shows will be presented over two weekends, adhering to health guidelines at the time. I'd like to ask you all to cross your fingers please...and toes. Casting has just occurred for all five shows - to which a record number of auditions were accepted electronically - and rehearsals will begin online before transitioning to in-person as late as possible.

That is who TCP is, where we have been, how COVID-19 has affected our organization and where we are headed artistically next. But: Why is TCP presenting tonight?

In Fall 2019, Wilmot Township partnered with TCP in application for federal and provincial funding - the Investing in Canada Infrastructure Program. The funding was to cover a proposed 6.75 million dollar reconstruction of the New Hamburg Arena. Within this application was an approximately \$1 million provision which would have seen an additional 2800 sq feet of storage added for TCP at this location. This additional space, coupled with other provisions - such as booking alignments, other available space within the facility, etc - would have accommodated and consolidated TCP's current operational needs in one location. While our model is nimble, it can also be taxing on an entirely volunteer-run organization; the logistics are unbelievable unless you've experienced it. I want it to be clear tonight that in the submission of the ICIP grant, TCP agreed to cover the Township's portion of the additional square footage and made a \$250,000 financial commitment to Wilmot. We also provided a list of benefits to the arts community if such a facility were supported through funding, which staff used in the application. As we all know, that application was denied funding and therefore, apart from the ongoing third ice pad discussions, discussions have halted.

Until last week when TCP requested to talk to staff, to debrief the ICIP application. Thank you to Mr. Whittington, Mr. Kelly, and Ms. Jackson for their time. From their advice and discussion TCP is moving toward getting a better understanding of the tangible and intangible impacts we have on Wilmot and the communities of people we serve. We will also be pursuing a business feasibility study which will bring greater clarity on our needs for the future.

Let me say it again tonight, in open council: TCP wants to partner with those who see the potential in TCP as well as the arts, culture and heritage groups in our rural community. While we remain thankful for the support of staff with the operational aspects of all that volunteer groups do in the community, volunteer groups also see and feel the structure you operate in: strategic plans, master plans, work programs. TCP feels that direction and commitment needs to be started at the council level for greatest success; we are here tonight to recommit ourselves and hope that you will do the same. After all, I am sure all members of council will agree that we live in a pretty awesome, arts-culture-and-heritage-rich community that deserves vision and support.

On those grounds...

The 2021 Work Program presented this evening has been built to achieve alignment between the Township's strategic plan, master plans, and needs studies.

After reviewing the newest version of Wilmot's strategic plan, the Arts & Culture master plan, the previously-completed ice needs study, and in anticipation of Monteith Brown's third ice pad conceptual design and location analysis, TCP believes that the 2021 Work Program being discussed tonight presents the perfect opportunity for council to improve quality of life, community engagement, and economic prosperity for Wilmot.

TCP is here this evening to actively and specifically ask for council's support in having the 2021 Work Program amended to include:

That staff will work with TCP in pursuit of finding a feasible, permanent location for an integrated production facility specific to TCP's needs in growth and the possibility for additional community usage but specifically for arts, culture and heritage groups.

Thank you for your time. I would be happy to answer any questions or receive comments that you may have.

Zone Change Application 07/20 Revised  
Caiden-Keller Homes Inc. / Dryden, Smith & Head Planning Consultants  
Part of Lot 27-28, Plan 532A  
18 Hincks Street, New Hamburg

# One lot of land in an established neighbourhood. How much is too much development?

Ceri Nemes  
10 Steinman Street, New Hamburg





# Your Vote Matters to All Residents in Wilmot Township

How much is too  
much?





# It matters because...

you buy property in the Township because you love it, you do your research on the neighbourhood, but you don't expect a single family dwelling, in an established neighbourhood, will get knocked down to be replaced by a six unit development.

All current and future residents of the township should be aware that the home beside them could be knocked down and completely change their neighbourhood and the enjoyment of their homes.

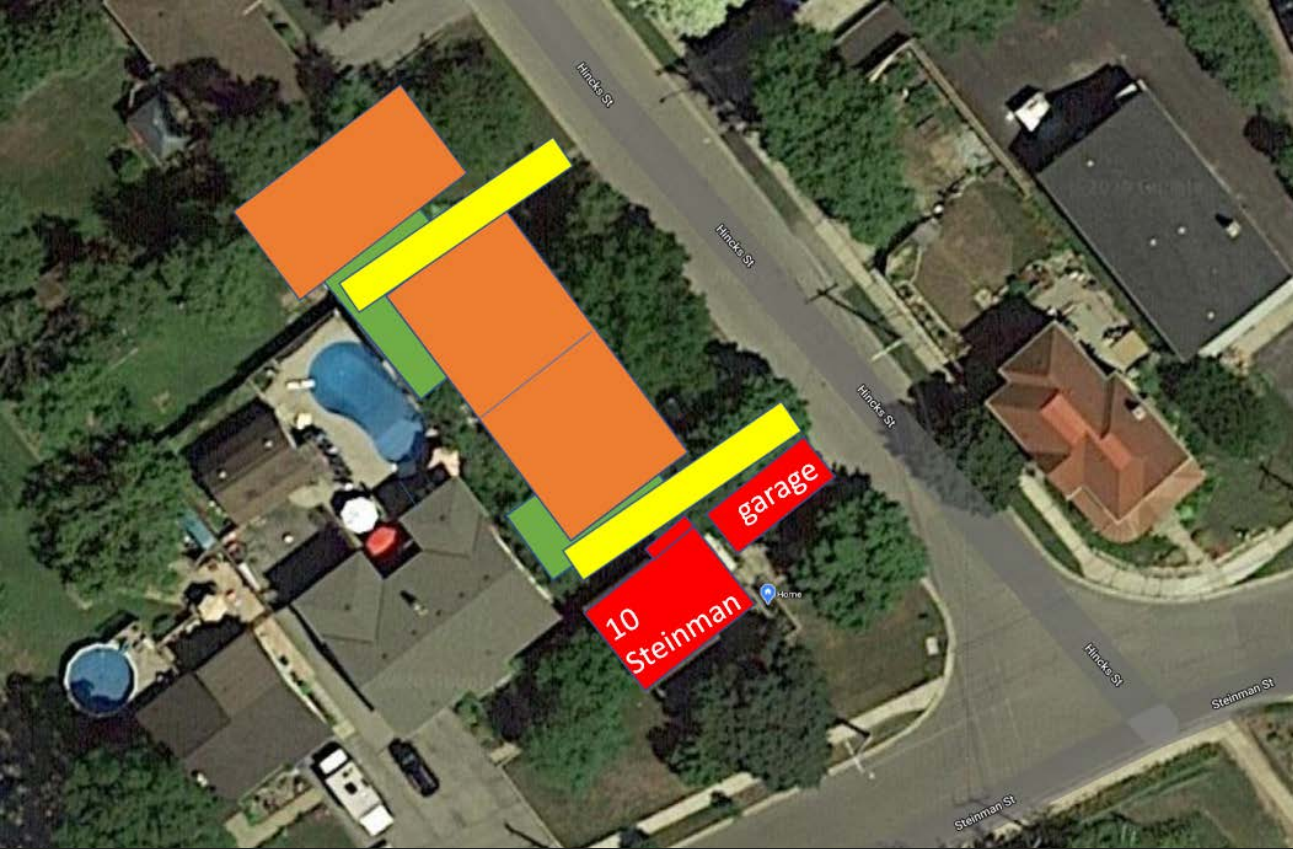
Wilmot could be seen as a place for a cash grab rather than a safe, strong, welcoming community that cares for its history and its existing residents. Residents need to feel like they matter.

Personal privacy and safety of residents could be at risk by developers with a general disregard for rules, the community, and its values just so they can profit.



# How many minor variances and changes make a major change?

This proposal is about changing the established rules with a multitude of variances (including smaller size residences) to sever a lot to jam more residences than is actually allowed in your planning rules without variances. I believe there are rules and regulations for the best interests of all parties and shouldn't be predicated on the amount of revenue developers can generate for themselves – especially those who have already demonstrably bullied and impacted the safety of the New Hamburg residents and ignored the rules already put in place by the Township.



If all of this goes through, what does it say to residents?

- That the current planning rules don't matter because they can all be changed? (This isn't A variance.)
- That the intent isn't to have a small-town community feel, but to jam houses in, no matter what the local residents want? Your voice doesn't matter?
- That dollars, not people, matter here?

If this project goes through, it allows anyone to come in, change the neighbourhood, for profit, and leave the residents and the Township with the fall out.

Square peg into round hole?





## I love New Hamburg.

I loved that my first day here, I saw a group of small children playing outside without Parents. I love that **Nith Valley Butcher** keeps lemon tarts for me every week for my 83 year old Mother (and has the best bacon), the **Goco team** helped me open cans and fix the Velcro on my sling when I broke my arm, that Cindy from the **New Hamburg Vet Clinic** came to my house when my Hurricane Katrina rescue dog had to be put down and then called a few days later to see how I was doing, that the two Kathy's from **Skowron Decorating** and **Kathie Jordan Design** always spend time helping me solve design issues for my century home, the **Home Hardware** in town is truly a wealth of knowledge (and oddly have everything), that I can get Fish n Chips on Friday from **Scran and Dram** in a literal five minutes, that the **trails** are so amazing that someone has carved a seat from a stump, that there is **rollerskating** on Friday nights, that **Nithy's Emporium** sponsors a virtual PokemonGo gym for kids, that the **Remembrance Day** events are so heartfelt, that I get to hear hooves clop down Waterloo Street, **the dog park** (with Pixie the real owner of the park), the **tennis courts**, **the river** with it's amazing water wheel, the trout at **Puddicombe House** and smoked chicken salad at **Adam Bremmners** and my neighbours – who are quiet, respectful and care. That residents give so freely to the homeless and offer to help anyone during Covid.

BUT NOW I DO NOT FEEL SAFE AND THIS ISN'T WHAT I SIGNED-UP FOR



**I am leaving New Hamburg 100% because of this development.**

**I have nowhere to go, as of now.**

**I do not believe the developer will respect the neighbours during construction/demolition. I cannot afford my livelihood to be threatened because I work from home.**

I chose to still speak today because I care about my home from 1885. I care about the neighbourhood, and people of New Hamburg.

# NIMBY? NIMH?

I don't have a backyard so does that make it NIMH? Not in MY House?

This development isn't being built beside my house, it is literally beside my bedroom, bathroom, living room, dining room. If it was the side of my house it wouldn't be so invasive and feel creepy and unsafe.

18 Hincks Street residents can look into my living space - 6 feet away!!! Not a stairwell or hallway. The length of a male.

The greatest part of my backyard (9ft) is now apparently smaller (6ft). My view becomes people getting in and out of their one car residence. and one parking width away, a brick wall.

How are there not exceptions to planning in cases like this? For safety? What if I had kids? Blackout curtains? For privacy and safety, now my home becomes a cave and greatly impacts the enjoyment of my home and access to natural light.

RECOMMENDED DISTANCE TO SIT BACK FROM YOUR TV

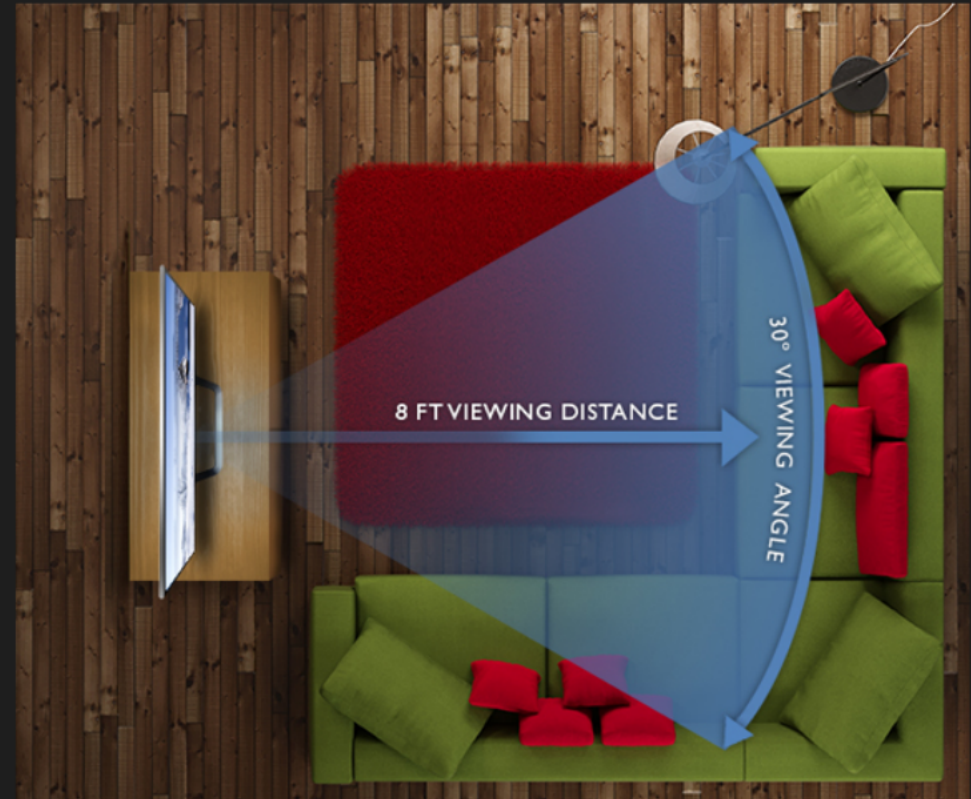


IMAGE SOURCE: <https://www.bhphotovideo.com/explora/home-entertainment/tips-and-solutions/sitting-too-close-your-tv-why-distance-matters#:~:text=A%20GENERAL%20GUIDELINE%20IS%20TO,8.3%20FEET%20FROM%20THE%20SCREEN.>

Nov. 27, 2020 Text messages

Hey Carrie, Corey from Caiden Keller homes I own the adjoining property 18 Hanks my surveyors were there the other day while serving they found out that your fence sits quite a bit on my property which is okay , however they just want it to gain access to the portion of my property that is restricted by your fence so they could finish off the survey.

I'm asking for your permission to allow them to do so, if not I'm going to have to actually take down the fence that's on my property to allow them on the portion of my property that is restricted by your fence please let me know I would like to avoid having to rip down the fence on you just need simple access.

I am not sure why you are threatening or bullying me. I had a man knock on my door without warning, while I was on a conference call. Maybe, you could have given us a heads-up that someone was coming? Also, your text could have been nice to ask without threatening. This is my home, and my privacy and I have the right to protect it. It is not personal.

**This is our livelihoods and safety.  
What will happen during demolition  
& construction? Are there rules and  
recourse to protect us?**





The blatant disregard for rules includes asking you to bend the rules, in the way of variances and severances.

Feb 28, 2021 9:38pm

Parking is a major issue with the neighbourhood with this proposal, yet they are asking you to vote to change the rules while they don't abide by the existing ones?

(What happens when they are not seeking approval?)

**People matter. We need your help.**

**Please do not approve the severance based on its plethora of variances of literally every part of the plan – how many variances make a major change? Without the severance perhaps the developer could centralize the development and provide more parking?**

**Please hold the developer to task with guidelines of working hours, notice to residents during construction and police them.**

**Please ask the developer to provide a fence to all neighbouring properties.**

**Please ask the developer to keep trees as they said they would and address the other items from my last presentation.**

**Is there an environmental plan to protect neighbours from lead paint, asbestos, any other contaminants during demolition?**

**Please provide a plan for recourse for the neighbours if the developers cut off internet, power, are loud during meetings, etc. to neighbours that work from home and lose portions of their livelihoods during construction.**

**Thank you, I've loved living here.**

An aerial photograph of a tropical beach. The top half shows a wide, sandy beach meeting clear, turquoise water. Several people are visible swimming in the shallow water. The bottom half shows a rocky shoreline with many large, light-colored boulders. To the left of the rocks, there is a small area with some buildings, a parking lot with several cars, and some greenery. A dark, semi-transparent rectangular box is overlaid on the center of the image, containing the text 'Thank You' and contact information for Ceri Nelmes.

# Thank You

Ceri Nelmes 🧑

519.654.6132 📞

cerianelmes@gmail.com ✉



# TOWNSHIP OF WILMOT

## DEVELOPMENT SERVICES *Staff Report*

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**REPORT NO:** DS 2021-013

**TO:** COUNCIL

**SUBMITTED BY:** Harold O’Krafka, MCIP RPP  
Director of Development Services

**PREPARED BY:** Andrew Martin, MCIP RPP  
Manager of Planning/EDO

**REVIEWED BY:** Grant Whittington, CAO

**DATE:** April 12, 2021

**SUBJECT:** Zone Change Application 05/21  
Michael Crijan and Jessica Catana  
1708 Snyder’s Road East, Petersburg

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### **RECOMMENDATION:**

THAT Council approve Zone Change Application 05/21 by Michael Crijan and Jessica Catana to permit, as a temporary use, two dwellings for a period of up to 18 months, subject to the following:

1. That the implementing by-law specifically limit occupancy to only one dwelling at any time.

### **SUMMARY:**

This application proposes to allow an existing dwelling to remain on the subject property during construction of a new dwelling. This report outlines the public notification process and ultimately recommends approval of a temporary use by-law allowing two houses on one property for a period of up to 18 months.

### **BACKGROUND:**

Notice of a Public Meeting was given to property owners within 120 metres of the subject lands on March 17, 2021. The following is a summary of comments received prior to the Public Meeting.

**Public:** Paul Knipfel, Deerfield Ext, Petersburg – concerns with the impact the installation of a new driveway may have on a private communal water line in front of the subject property.

**Agencies:** GRCA – no comments  
WRDSB – no comments  
Enbridge Gas Inc – indicating that they have service lines running within the area which may or may not be affected by the proposed development and that any costs of relocation would be at the expense of the property owner.

### **REPORT:**

The subject property is currently developed with a dwelling and detached garage. The applicant proposes to construct a new dwelling and subsequently demolish the existing buildings. In order to live on the property during construction, this application is filed to permit two houses to remain on one property for a period of up to 18 months. This time frame would accommodate construction of the new dwelling and demolition of the existing buildings.

Comments were received from Paul Knipfel who owns and operates an existing private communal water system in Petersburg. As noted in the comments submitted (and included as Attachment B), Mr. Knipfel has noted that there is an existing water line in front of the subject property on Redford Drive and he is concerned the impact that a new driveway will have on the water line. Comments indicate that an existing 1 foot reserve along Redford Drive prevents access to Redford Drive and ultimately protects the existing water line.

The subject property currently gains access to Snyder's Road East via a right-of-way. The applicant plans to move the access to Redford Drive for the new dwelling. Council will recall that at its March 22 meeting, report DS 2021-11 was endorsed, which ultimately summarized that there are no registered legal documents that dictated conditions of removal of the 1 foot reserve and as such recommended that the reserve be opened as part of Redford Drive. Concerns related to the location of the water main are noted, and will be required to be addressed at the time of application for an access permit.

This application does not contemplate the construction of a driveway or a house on the property, it simply deals with timing of demolition of the existing dwelling.

### **ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:**

Holding public meetings to gain input on planning matters promotes an engaged community.

### **FINANCIAL CONSIDERATIONS:**

The application fees, established by the Township of Wilmot Fees and Charges By-law, were collected at the time of application.

**ATTACHMENTS:**

Attachment A	Property location sketch
Attachment B	Public comments

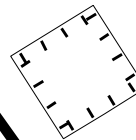
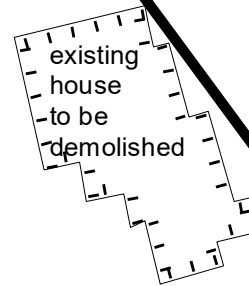
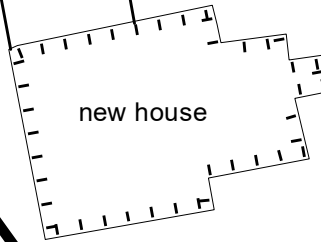
Attachment A

Property location sketch

ZCA-05/21  
1708 Snyder's Rd E

Redford Dr

Alice Cres



Snyder's Rd E

Attachment B

Public comments

## **Zone Change 05/21**

### **1708 Snyder's Road East**

**March 29, 2021**

The Plan for the subdivision Approved Under Section 28 of the planning act April 28 1964 was registered at 10.10 AM May 4, 1964 as plan NO. 1150. This was all done by my father Harry Knipfel Jr.

I have reviewed the plan and there is a 12-inch reserve along Redford Drive as well as their two other locations on the Plan 1150.

As part of the subdivision agreement with Wilmot Township council at the time my father was required to put a communal water system to supply water for the 44 lots in Plan 1150 in which he did. I am now the owner of Knipfel Water Supply INC. and the System is classed as Non-Municipal Year Around Residential which comes under Regulation 170.

As time went on there were residents that had homes, on Snyder's Road (as it was called Highway 7&8 at the time) and they had problems with their shallow wells being contaminated with bacteria.

My father and Township Council (I believe the ward councilor at the time was Martin Fenny) worked together and expanded a water line to the south side of Redford drive based **on the 12-inch reserve in place.**

**This would not allow further driveways and vehicle travel over the water line, as for allowing a driveway entrance on to Redford Drive now would mean excavations would eliminate ground cover over the water line and heavy construction traffic will affect the water line as well.**

The Property in question has always had the use of the Right of Way for access to the property for as long as I can remember, and I am 71 years old. The only thing the original Right of Way was right beside the church and my father was given an equal amount of land from the Emmanuel Lutheran Church to have the Right of Way in Its current location.

**So, my concern is the safe supply of water for all residents on the system is top priority.**

Please note if I must isolate that water line for any reason it will affect 15 service connections (homes, local church, U-Haul Business and his apartments, as well as the local post office) and it will become a great liability.

Thank you, Paul Knipfel



# TOWNSHIP OF WILMOT

## DEVELOPMENT SERVICES *Staff Report*

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**REPORT NO:** DS 2021-014

**TO:** COUNCIL

**SUBMITTED BY:** Harold O’Krafka, MCIP RPP  
Director of Development Services

Sandy Jackson,  
Director of Parks, Facilities & Recreation Services

Patrick Kelly, CPA, CMA  
Director of Corporate Services

**PREPARED BY:** Harold O’Krafka, MCIP RPP  
Director of Development Services

**REVIEWED BY:** Grant Whittington, CAO

**DATE:** April 12, 2021

**SUBJECT:** Mike Schout Wetlands Preserve  
Draft Concept Plan

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### **RECOMMENDATION:**

THAT Council endorse the conceptual design presented by Mike Schout, and his wetlands designer Phil Holst, thereby allowing him to proceed with obtaining the necessary regulatory approvals for the design of the Mike Schout Wetlands Preserve;

That Council support the immediate implementation of Stage 1 being the planting of approximately 4000 trees in the reforestation areas as per the collaboration between Mr. Schout, GRCA and Forests Ontario; and,

THAT staff be directed to continue to provide assistance, as required, to advance the design and approvals in accordance with Township Official Plan and Wilmot Trails Master Plan and report back to Council upon receipt of the necessary approvals with a report on the full staging of construction, estimated costs and implementation plan.

**SUMMARY:**

Council previously authorized Mike Schout to proceed with the design of a naturalization project on 55ac of Township owned lands fronting Smith's Creek Drive in New Hamburg.

Originally the site was planned as a Carbon Sink for the larger community predicated on the two-fold objective of utilizing the site to sequester carbon through the planting of trees and as a passive recreational area through the development of walking trails.

Council endorsed Mr. Schout's enhanced vision for the site to design a multi-faceted recreational and naturalization project which will provide enhanced stormwater management for a significant portion of the New Hamburg community, improve the river water quality, provide habitat for birds and aquatic life, provide flood storage opportunities to potentially offset smaller flood events and possibly help minimize the downstream effects in the core area, and to provide recreational and educational opportunities for the community in addition to the beneficial aspects of carbon sequestration.

Over the last 1.5 years Mr. Schout has worked with his design team, staff of the Grand River Conservation Authority and staff of the Township to create a concept that would implement his vision for the site.

Subject to endorsement of that concept by Council, regulatory approvals will be sought and an implementation staging plan will be prepared to leverage Mr. Schout's financial investment in the project and to provide opportunities for local residents to participate in the construction of the project.

A first stage of reforestation is planned to proceed immediately through a partnership between Mr. Schout, the GRCA and Forests Ontario. Approximately 4,000 trees will be planted on the site in the spring of 2021 at no cost to the Township.

**REPORT:**

The Township owns lands having frontage on Smith's Creek Drive in New Hamburg which are currently rented for agricultural purposes. The lands were acquired by the Township at no cost as a condition of approval of the Smith's Creek (Sunvest Holdings) subdivision.

The lands are wholly within the flood plain of the Nith River and contain an existing stormwater management facility that discharges via a ditch system directly to the Nith River.

The Wilmot Trails Master Plan (WTMP), approved in November of 2013, identified trail development within the property as a priority within the 0 to 5 year time frame. The development of an RFP for trail design services was initiated in early 2019 but was put on hold pending the outcome of the discussions with Mr. Schout on his participation and funding of the project.

Additionally, the Township had successfully made application to the Community Environmental Fund (RMOW) in October of 2018 for funding of design activities on the subject lands as a planned Carbon Sink / Naturalization Area. Again, the progression to an RFP for that project was delayed pending the outcome of the discussions with Mr. Schout.

In addition to the potential to sequester a significant amount of CO<sub>2</sub>, through reforestation opportunities, the original project envisioned that the naturalization of the lands would have an added benefit of improving water quality in the Nith River by eliminating a source of fertilizers, pesticides and siltation through the removal of agricultural activities adjacent to the river.

Through the incorporation of trails, walkways and lookouts the project was deemed to have the opportunity to provide recreational and educational opportunities as well for the local and regional community.

At the time of the 2019 Capital Budget staff advised of a potential partnership with a Community Champion. Over the next few months Township staff, GRCA staff, Ducks Unlimited staff and Mike Schout of Schout Communities toured not only the subject site but also toured other Ducks Unlimited project sites in the Woodstock area to develop a concept of how a design and implementation partnership between Mike Schout and the Township of Wilmot (as landowner) could be developed to advance the project.

On September 23, 2019 Council was advised that through these discussions Mike Schout had confirmed that he would like to contribute to the project in the amount of \$1.5 million and proceed with the engineering design, approvals and construction of the project to facilitate the construction of what promises to be a very special and unique project for our community.

Council was advised that, upon completion of the design and approvals exercise, an implementation plan would be developed to leverage and supplement the estimated \$1.5 million investment by Mike Schout through a variety of funding mechanisms including government and private grants and donations.

In recognition of Mike Schout's generous donation and investment in the future health and well-being of both the community and our natural environment Council endorsed the project and resolved that the project would be named the Mike Schout Wetlands Park.

Since that time Mr. Schout has worked with former Wilmot resident Phil Holst on creating and refining a conceptual design for the project. Mr. Schout has advanced, and funded, a number of technical analysis to aid in the design work including having the site elevations mapped using a drone and having test pits dug at a number of locations to determine soil stratigraphy as well as ground water levels. Through consultations with the Grand River Conservation Authority, who regulate the site, and various Township departments respecting their areas of expertise, a 'draft' concept has been prepared for Council's endorsement. The concept is attached as Attachment 1 to this report and will be described in detail by Mr. Schout and Mr. Holst for Council.

A link to the Council presentation will be posted to the Township website following the Council meeting to allow all residents and interested parties to hear the description of the design details.



Site Meeting – March 2021

Subject to the endorsement of the concept, by Council, the design team will proceed to obtain the necessary regulatory approvals to allow for the implementation of the design to proceed.

Through the approvals process the concept may require additional minor modifications but significant changes are not anticipated. Following the approvals, staff will return to Council with an implementation staging plan for the project including opportunities to leverage the investment of Mr. Schout and opportunities for the public to participate and engage in the implementation – subject of course to Covid-19 restrictions.

Having said that, Mr. Schout and his team have been able to secure a partnership with the GRCA and Forests Ontario to implement Stage 1 of the design immediately upon Council's endorsement. Stage 1 will involve the planting of approximately 4,000 trees in the reforestation areas of the design this spring at no cost to the Township. No regulatory approvals are required for the planting of trees.

The name of the project has been changed to Mike Schout Wetlands Preserve to recognize and embrace Mr. Schout's vision that "firstly and foremost this a protected habitat and feeding environment for birds, animals, reptiles, amphibians, fish, micro-organisms, and insects and a growing & reproduction place for plants."

**ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:**

This project has the unique potential to incorporate many of the goals of the Wilmot Strategic plan by protecting and enhancing our natural environment, supplementing our enjoyment of our quality of life, engaging our community in the implementation of the project and promoting a prosperous economy which balances the protection of the environment with economic growth.

**FINANCIAL CONSIDERATIONS:**

Allowing Mike Schout to proceed with engineering design and approvals has had no immediate fiscal impacts on the Township of Wilmot beyond the staff resources required to provide support to the exercise.

Future implementation may have fiscal impacts which would be identified in the implementation plan that will be prepared following regulatory approvals. Operational stages will have fiscal impacts which will also be identified in the implementation plan. Specific capital investments would be brought forward through normal budgetary processes.

The existing lease of the subject lands expired in 2019 and a one year extension was given for 2020 during the design phase. No lease of the lands would be given for agricultural purposes moving forward.

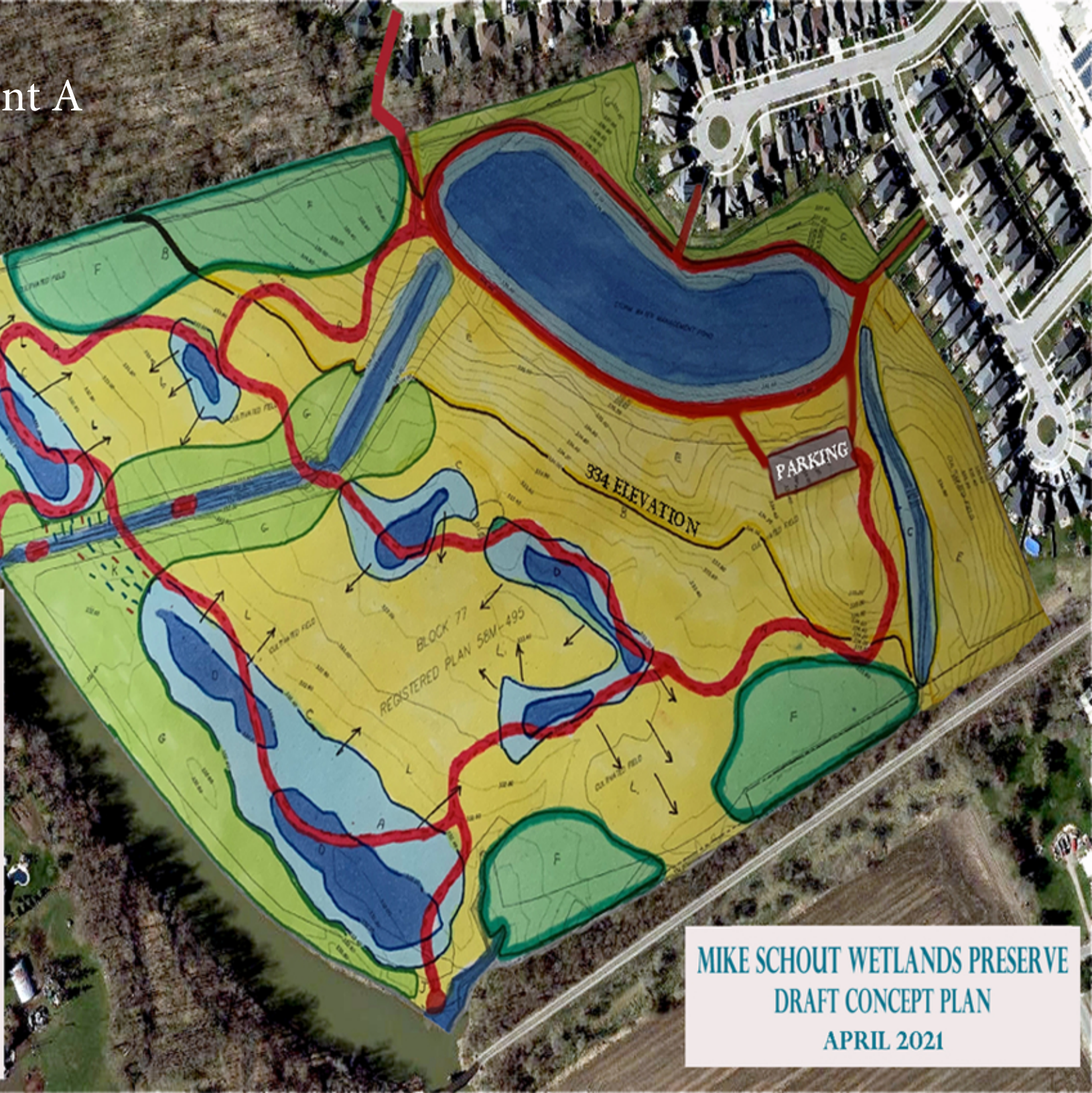
**ATTACHMENTS:**

Attachment A: Draft Concept of Mike Schout Wetlands Preserve

# Attachment A

**LEGEND**

- BOARDWALK / TRAIL
- WETLAND BORDER
- DEEP WATER
- POLLINATIVE MEADOW
- REFORESTATION
- TALL STOCK TREES / SHRUBS
- LOOK OUT    RIFFLES
- EXCAVATED SOIL



MIKE SCHOUT WETLANDS PRESERVE  
DRAFT CONCEPT PLAN  
APRIL 2021



# TOWNSHIP OF WILMOT

## CORPORATE SERVICES Staff Report

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**REPORT NO:** COR 2021-014

**TO:** Council

**SUBMITTED BY:** Patrick Kelly CPA, CMA, Director of Corporate Services

**PREPARED BY:** Patrick Kelly CPA, CMA, Director of Corporate Services  
Rod Leeson, Fire Chief

**REVIEWED BY:** Grant Whittington, CAO

**DATE:** April 12, 2021

**SUBJECT:** Municipal Fire Protection Grant

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### **RECOMMENDATION:**

**THAT** staff be authorized to proceed with a Transfer Payment Agreement (TPA) with the Province of Ontario, as represented by the Office of Fire Marshall, for a Municipal Fire Protection Grant in the amount of \$9,600; and further

**THAT** the Municipal Fire Protection Grant funding be utilized to offset additional software, hardware and training costs within the Wilmot Fire Department presented due to the COVID-19 pandemic.

### **SUMMARY:**

This report outlines the Township of Wilmot's funding allocation under the recently announced Municipal Fire Protection Grant.

As per the funding program criteria, a resolution of Council must be passed to participate within this one-time funding program.

### **BACKGROUND:**

The Municipal Fire Protection Grant was established to provide critical support to municipalities in 2020-21 to offset costs and potential barriers for issues stemming from the COVID-19

pandemic. Such issues include access to training, and equipment or other critical upgrades that are needed at the local level to support virtual inspections.

### **REPORT:**

Ontario's fire departments vary in size and capacity and they all serve different communities that each present different levels of risk. There is a significant cost to ensure that every department has skilled first responders who are adequately trained and equipped to meet the needs of their community.

Funding could represent the difference in allowing fire departments to train more staff, purchase much needed equipment to allow them to adapt and respond to COVID-19 related risks in their communities in a way that ensures both community and personnel safety.

The use of the one-time 2020-21 Municipal Fire Protection Grant will focus on the needs of municipal fire departments to ensure community safety with a focus on issues that have presented due to the COVID-19 pandemic, including:

- Training to offset the pressures in training as a result of the COVID-19 pandemic;
- Specialty training to respond to the dynamics of the COVID-19 pandemic and the need to ensure fire safety in their communities such as virtual inspections;
- Small improvements to fire department infrastructure, such as accessing high speed internet to support training and virtual inspections;

The fire service across Ontario has expressed concerns with training and fire code compliance since the start of the pandemic. Some of these concerns include critical inspections being delayed or impacted given the apprehension with entering premises. Similarly, training has been impacted given that fire services have been responding to challenges associated with the pandemic (staffing shortages, increased calls for service, etc.). Many departments continued training online as the Office of the Fire Marshal enhanced its online course availability at the start of the pandemic.

This emergency COVID relief funding provides support for increased access to training, support for fire code compliance inspections through virtual inspections, and equipment or other critical upgrades that are needed at the local level to support community risks during the pandemic and the switch to virtual training and inspections.

Within the Township of Wilmot, it is proposed that the funding allocation of \$9,600 be directed to new software, hardware and training costs.

### **Software Costs:**

As a result of the COVID-19 restrictions and safety protocols, the Wilmot Fire Department moved to an online learning and training management system (Target Solutions). This online format allowed our training officer to deliver online content during our regularly scheduled training nights without requiring attendance.

Online learning does not suit all adult learning styles, which presented some additional challenges. To overcome these challenges, a subscription to the GO-TO-MEETING platform provided a more personal approach to those firefighters unable to cope with the online learning experience.

### **Hardware Costs:**

COVID-19 has impacted the ability to complete Fire Safety Inspections in a timely and safe manner. As a result of the COVID-19 physical distancing and safety protocols, LTE-enabled Tablets will allow for the Fire Prevention Officer (FPO) to conduct fire inspections with clients, while maintaining adequate physical distancing. Under the new procedure, an LTE tablet would be temporarily used by the client to stream video to the inspector, who could attend from outside a building or remotely. With this technology deployed, the FPO would be able to complete a 360 review of the property, especially ICI buildings, while remaining outside of the building/structure.

An additional challenge under COVID-19 is that some of our volunteer firefighters do not have personal computers. As such, the township IT Services division provided laptops to the fire department to overcome this issue.

Medical oversight and First aid training must continue. For us to provide the appropriate learning experience, we are looking to purchase three (3) conference webcams, one (1) for each fire station. The conference webcams will allow the instructor to see a classroom with appropriate physical distancing and masked firefighters who can demonstrate various skills while being guided by the instructor. Conference webcams are designed to see a wide area with 4k video and a noise cancelling mic system for clear communications.

### **Training Costs:**

To continue company officer development, three (3) volunteer firefighters are attending the local Regional Training Centre (RTC) instead of the now closed Ontario Fire College (OFC). Tuition costs are significantly higher than budgeted for, based on historical college registration fees.

Additionally, our FPO now must attend an RTC outside of our area, resulting in higher costs. This training is a requirement for professional development and certification. The FPO was previously scheduled to attend the OFC until the closure was announced.

### **Next Steps:**

This report is seeking endorsement via Council resolution and support for utilization of funding towards software, hardware and training, in line with program criteria from the Office of the Fire Marshall. Funding will be provided to the Township of Wilmot upon execution of this Agreement. The funds will need to be spent by the municipality by August 1, 2021.

As a condition of the Municipal Fire Protection Grant, a report back to the Office of the Fire Marshal must be received by September 1, 2021 to outline how the grant was utilized at the department level.

**ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:**

This report is aligned with the Strategic Plan goal of *Quality of Life* through:

- Invest in and promote Public Education, Fire Prevention and Emergency Management for all residents through Community Risk Assessments, Reporting and Fire Master Plan; and,
- Business Continuity / Community Recovery Post COVID-19

**FINANCIAL CONSIDERATIONS:**

The funding allocation of \$9,600 will be reflected as un-budgeted grant funding within the Wilmot Fire Department Operations, with offsetting expenses under one-time minor capital.

**ATTACHMENTS:**

- Transfer Payment Agreement
-

## **FIRE SAFETY GRANT TRANSFER PAYMENT AGREEMENT**

**THE AGREEMENT**, effective as of the Click or tap here to enter text. day of Choose an item., 20Click or tap here to enter text. (the “**Effective Date**”)

### **B E T W E E N :**

**Her Majesty the Queen in right of Ontario  
as represented by the Office of the Fire Marshal**

(the “**Province**”)

**- and -**

**Township of Wilmot**

(the “**Recipient**”)

### **CONSIDERATION**

In consideration of the mutual covenants and agreements contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Province and the Recipient agree as follows:

#### **1.0 ENTIRE AGREEMENT**

1.1 The agreement, together with:

Schedule “A” - General Terms and Conditions  
Schedule “B” - Project Specific Information and Additional Provisions  
Schedule “C” - Project  
Schedule “D” - Budget  
Schedule “E” - Reports, and  
any amending agreement entered into as provided for in section 3.1,

constitutes the entire agreement between the Parties with respect to the subject matter contained in the Agreement and supersedes all prior oral or written representations and agreements.

#### **2.0 CONFLICT OR INCONSISTENCY**

2.1 In the event of a conflict or inconsistency between the Additional Provisions and Schedule “A”, the Additional Provisions will prevail.

### 3.0 AMENDING THE AGREEMENT

3.1 The Agreement may only be amended by a written agreement duly executed by the Parties.

### 4.0 ACKNOWLEDGEMENT

4.1 The Recipient acknowledges that:

- (a) the Funds are:
  - (i) to assist the Recipient to carry out the Project and not to provide goods or services to the Province;
  - (ii) funding for the purposes of the Public Sector Salary Disclosure Act, 1996 (Ontario);
- (b) the Province is not responsible for carrying out the Project; and
- (c) the Province is bound by the *Freedom of Information and Protection of Privacy Act* (Ontario) and that any information provided to the Province in connection with the Project or otherwise in connection with the Agreement may be subject to disclosure in accordance with that Act.

The Parties have executed the Agreement on the dates set out below.

**HER MAJESTY THE QUEEN IN RIGHT OF  
ONTARIO as represented by the Office of the Fire  
Marshal**

Click or tap here to enter text.

\_\_\_\_\_  
Date

Signature: \_\_\_\_\_

Name: Douglas Browne

Title: Deputy Fire Marshal

**Township of Wilmot**

April 12, 2021

\_\_\_\_\_  
Date

Signature: \_\_\_\_\_

Name: Les Armstrong

Title: **Mayor**

I have authority to bind the Recipient.

**SCHEDULE “A”**  
**GENERAL TERMS AND CONDITIONS**

---

**A1.0 DEFINITIONS**

**A1.1 Definitions.** In the Agreement, the following terms will have the following meanings:

**“Additional Provisions”** means the terms and conditions set out in Schedule “B”.

**“Agreement”** means this agreement entered into between the Province and the Recipient, all of the schedules listed in section 1.1, and any amending agreement entered into pursuant to section 3.1.

**“Budget”** means the budget attached to the Agreement as Schedule “D”.

**“Effective Date”** means the date set out at the top of the Agreement.

**“Event of Default”** has the meaning ascribed to it in section A12.1.

**“Expiry Date”** means the expiry date set out in Schedule “B”.

**“Funding Year”** means:

- (a) in the case of the first Funding Year, the period commencing on March 31, 2021 and ending on August 31, 2021; and

**“Funds”** means the money the Province provides to the Recipient pursuant to the Agreement.

**“Indemnified Parties”** means Her Majesty the Queen in right of Ontario, Her ministers, agents, appointees and employees.

**“Maximum Funds”** means the maximum Funds set out in Schedule “B”.

**“Notice”** means any communication given or required to be given pursuant to the Agreement.

**“Notice Period”** means the period of time within which the Recipient is required to remedy an Event of Default, and includes any such period or periods of time by which the Province extends that time.

**“Parties”** means the Province and the Recipient.

**“Party”** means either the Province or the Recipient.

**“Project”** means the undertaking described in Schedule “C”.

**“Reports”** means the reports described in Schedule “E”.

## **A2.0 REPRESENTATIONS, WARRANTIES AND COVENANTS**

**A2.1 General.** The Recipient represents, warrants and covenants that:

- (a) it is, and will continue to be a validly existing legal entity with full power to fulfill its obligations under the Agreement;
- (b) it has the full power and authority to enter into the Agreement and has taken all necessary actions to authorize the execution of the Agreement;
- (c) it has, and will continue to have the experience and expertise necessary to carry out the Project;
- (d) it is in compliance with, and will continue to comply with all federal and provincial laws and regulations, all municipal by-laws, and any other orders, rules and by-laws related to any aspect of the Project, the Funds or both; and
- (e) unless otherwise provided for in the Agreement, any information the Recipient provided to the Province in support of its request for funds (including information relating to any eligibility requirements) was true and complete at the time the Recipient provided it and will continue to be true and complete.

**A2.2 Governance.** The Recipient represents, warrants and covenants that it has, will maintain, in writing, and will follow:

- (a) a code of conduct and ethical responsibilities for all persons at all levels of the Recipient’s organization;
- (b) procedures to enable the Recipient’s ongoing effective functioning;
- (c) decision-making mechanisms for the Recipient;
- (d) procedures to enable the Recipient to manage Funds prudently and effectively;
- (e) procedures to enable the Recipient to complete the Project successfully; and
- (f) procedures to enable the preparation and submission of all Reports required pursuant to Article A6.0.

## **A3.0 TERM OF THE AGREEMENT**

**A3.1 Term.** The term of the Agreement will commence on March 31, 2021 and will expire on the Expiry Date.

#### **A4.0 FUNDS AND CARRYING OUT THE PROJECT**

**A4.1 Funds Provided.** The Province will:

- (a) provide the Recipient up to the Maximum Funds allocated as part of this grant exercise;
- (b) provide the Funds to the Recipient in accordance with the payment plan set out in Schedule “D”; and
- (c) deposit the Funds into an account designated by the Recipient provided that the account:
  - (i) resides at a Canadian financial institution; and
  - (ii) is in the name of the Recipient.

**A4.2 Use of Funds and Carry Out the Project.** The Recipient will do all of the following:

- (a) carry out the Project in accordance with the Agreement;
- (b) use the Funds only for the purpose of carrying out the Project;
- (c) spend the Funds only in accordance with the Budget;
- (d) not use the Funds to cover any cost that has or will be funded or reimbursed by one or more of any third party, ministry, agency or organization of the Government of Ontario.

#### **A5.0 CONFLICT OF INTEREST**

**A5.1 No Conflict of Interest.** The Recipient will carry out the Project and use the Funds without a conflict of interest. The Recipient will disclose to the Province, without delay, any situation that a reasonable person would interpret as an actual, potential or perceived conflict of interest; and comply with any terms and conditions that the Province may prescribe as a result of the disclosure.

#### **A6.0 REPORTING, ACCOUNTING AND REVIEW**

**A6.1 Preparation and Submission.** The Recipient will submit to the Province at the address referred to in section A15.1, all Reports in accordance with the timelines and content requirements provided for in Schedule “E”, or in a form as specified by the Province from time to time.

A6.2 **Record Maintenance.** The Recipient will keep, maintain and make available to the Province, its authorized representatives or an independent auditor identified by the Province for inspection and copying:

- (a) all financial records (including invoices) relating to the Funds or otherwise to the Project in a manner consistent with generally accepted accounting principles; and
- (b) all non-financial documents and records relating to the Funds or otherwise to the Project.

## **A7.0 COMMUNICATIONS REQUIREMENTS**

A7.1 **Acknowledge Support.** Unless otherwise directed by the Province, the Recipient will acknowledge the support of the Province for the Project in a form and manner as directed by the Province.

A7.2 **Publication.** The Recipient will indicate, in any of its Project-related publications, whether written, oral, or visual, that the views expressed in the publication are the views of the Recipient and do not necessarily reflect those of the Province.

## **A8.0 INDEMNITY**

A8.1 **Indemnification.** The Recipient will indemnify and hold harmless the Indemnified Parties from and against any and all liability, loss, costs, damages and expenses (including legal, expert and consultant fees), causes of action, actions, claims, demands, lawsuits or other proceedings, by whomever made, sustained, incurred, brought or prosecuted, in any way arising out of or in connection with the Project or otherwise in connection with the Agreement, unless solely caused by the negligence or wilful misconduct of the Indemnified Parties.

## **A9.0 INSURANCE**

A9.1 **Recipient's Insurance.** The Recipient represents, warrants and covenants that it has, and will maintain, at its own cost and expense, with insurers having a secure A.M. Best rating of B+ or greater, or the equivalent, all the necessary and appropriate insurance that a prudent person carrying out a project similar to the Project would maintain, including commercial general liability insurance on an occurrence basis for third party bodily injury, personal injury and property damage, to an inclusive limit of not less than the amount provided for in Schedule "B" per occurrence. The insurance policy will include the following:

- (a) the Indemnified Parties as additional insureds with respect to liability

arising in the course of performance of the Recipient's obligations under, or otherwise in connection with, the Agreement;

- (b) a cross-liability clause;
- (c) contractual liability coverage; and
- (d) a 30 day written notice of cancellation.

**A9.2 Proof of Insurance.** If requested, the Recipient will provide the Province with certificates of insurance, or other proof as may be requested by the Province, that confirms the insurance coverage as provided for in section A9.1.

## **A10.0 EVENT OF DEFAULT, CORRECTIVE ACTION AND TERMINATION FOR DEFAULT**

**A10.1 Events of Default.** Each of the following events will constitute an Event of Default:

- (a) in the opinion of the Province, the Recipient breaches any representation, warranty, covenant or other material term of the Agreement, including failing to do any of the following in accordance with the terms and conditions of the Agreement:
  - (i) carry out the Project;
  - (ii) use or spend Funds; or
  - (iii) provide, in accordance with section A6.1, Reports or such other reports as may have been requested by the Province;
- (b) the Recipient's operations, its financial condition, or its organizational structure, changes such that it no longer meets one or more of the eligibility requirements of the program under which the Province provides the Funds;
- (c) the Recipient makes an assignment, proposal, compromise, or arrangement for the benefit of creditors, or a creditor makes an application for an order adjudging the Recipient bankrupt, or applies for the appointment of a receiver; or
- (d) the Recipient ceases to operate.

**A10.2 Consequences of Events of Default and Corrective Action.** If an Event of Default occurs, the Province may, at any time, take one or more of the following actions:

- (a) initiate any action the Province considers necessary in order to facilitate the successful continuation or completion of the Project;

- (b) provide the Recipient with an opportunity to remedy the Event of Default;
- (c) suspend the payment of Funds for such period as the Province determines appropriate;
- (d) reduce the amount of the Funds;
- (e) cancel further instalments of Funds;
- (f) demand from the Recipient the payment of any Funds remaining in the possession or under the control of the Recipient;
- (g) demand from the Recipient the payment of an amount equal to any Funds the Recipient used, but did not use in accordance with the Agreement;
- (h) demand from the Recipient the payment of an amount equal to any Funds the Province provided to the Recipient; and
- (i) terminate the Agreement at any time, including immediately, without liability, penalty or costs to the Province upon giving Notice to the Recipient.

**A10.3 When Termination Effective.** Termination under this Article will take effect as provided for in the Notice.

## **A11.0 FUNDS AT THE END OF A FUNDING YEAR**

**A11.1 Funds at the End of a Funding Year.** Without limiting any rights of the Province under Article A12.0, if the Recipient has not spent all of the Funds allocated for the Funding Year as provided for in the Budget, the Province may take one or both of the following actions:

- (a) demand from the Recipient the payment of the unspent Funds; and
- (b) adjust the amount of any further instalments of Funds accordingly.

## **A12.0 FUNDS UPON EXPIRY**

**A12.1 Funds Upon Expiry.** The Recipient will, upon expiry of the Agreement, pay to the Province any Funds remaining in its possession or under its control.

## **A13.0 NOTICE**

**A13.1 Notice in Writing and Addressed.** Notice will be in writing and will be delivered by email, postage-prepaid mail, personal delivery or fax, and will be addressed to the Province and the Recipient respectively as provided for in Schedule "B", or as either Party later designates to the other by Notice.

A13.2 **Notice Given.** Notice will be deemed to have been given:

- (a) in the case of postage-prepaid mail, five business days after the Notice is mailed; or
- (b) in the case of email, personal delivery or fax, one business day after the Notice is delivered.

#### **A14.0 CONSENT BY PROVINCE AND COMPLIANCE BY RECIPIENT**

A14.1 **Consent.** When the Province provides its consent pursuant to the Agreement, it may impose any terms and conditions on such consent and the Recipient will comply with such terms and conditions.

#### **A15.0 INDEPENDENT PARTIES**

A15.1 **Parties Independent.** The Recipient is not an agent, joint venturer, partner or employee of the Province, and the Recipient will not represent itself in any way that might be taken by a reasonable person to suggest that it is, or take any actions that could establish or imply such a relationship.

#### **A16.0 ASSIGNMENT OF AGREEMENT OR FUNDS**

A16.1 **No Assignment.** The Recipient will not, without the prior written consent of the Province, assign any of its rights, or obligations under the Agreement. All rights and obligations contained in the Agreement will extend to and be binding on the Parties' permitted assigns.

#### **A17.0 GOVERNING LAW**

A17.1 **Governing Law.** The Agreement and the rights, obligations and relations of the Parties will be governed by and construed in accordance with the laws of the Province of Ontario and the applicable federal laws of Canada. Any actions or proceedings arising in connection with the Agreement will be conducted in the courts of Ontario, which will have exclusive jurisdiction over such proceedings.

#### **A18.0 FAILURE TO COMPLY WITH OTHER AGREEMENTS**

A18.1 **Other Agreements.** If the Recipient:

- (a) has failed to comply with any term, condition or obligation under any other agreement with Her Majesty the Queen in right of Ontario or one of Her agencies (a "**Failure**");
- (b) has been provided with notice of such Failure in accordance with the

requirements of such other agreement;

(c) has, if applicable, failed to rectify such Failure in accordance with the requirements of such other agreement; and

(d) such Failure is continuing,

the Province may suspend the payment of Funds for such period as the Province determines appropriate.

## **A19.0 SURVIVAL**

A19.1 **Survival.** All Articles and sections, and all applicable cross-referenced sections and schedules, will continue in full force and effect for a period of seven years from the date of expiry or termination of the Agreement.

**- END OF GENERAL TERMS AND CONDITIONS –**

## SCHEDULE "B"

### PROJECT SPECIFIC INFORMATION AND ADDITIONAL PROVISIONS

<b>Maximum Funds</b>	\$9,600.00
<b>Expiry Date</b>	August 1, 2021
<b>Insurance</b>	\$ 2,000,000
<b>Contact information for the purposes of Notice to the Province</b>	<b>Position:</b>  <b>Address:</b> <b>Fax:</b> <b>Email:</b>
<b>Contact information for the purposes of Notice to the Recipient</b>	<b>Name:</b> Patrick Kelly CPA, CMA <b>Position:</b> Director of Corporate Services / Treasurer  <b>Address:</b> 60 Snyder's Road West Baden, ON N3A 1A1  <b>Fax:</b> 519.634.5522 <b>Email:</b> <a href="mailto:patrick.kelly@wilmot.ca">patrick.kelly@wilmot.ca</a>
<b>Contact information for the senior financial person in the Recipient organization (e.g., CFO, CAO) – to respond as required to requests from the Province related to the Agreement</b>	<b>Name:</b> Patrick Kelly CPA, CMA <b>Position:</b> Director of Corporate Services / Treasurer  <b>Address:</b> 60 Snyder's Road West Baden, ON N3A 1A1  <b>Fax:</b> 519.634.5522 <b>Email:</b> <a href="mailto:patrick.kelly@wilmot.ca">patrick.kelly@wilmot.ca</a>

#### **Additional Provisions:**

(None)

TP Agreement – Shortened

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## **SCHEDULE “C”**

### **PROJECT**

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The Municipal Fire Protection Grant has been established to provide critical support to municipalities in 2020-21 to offset costs and potential barriers for issues stemming from the COVID-19 pandemic. Such issues include access to training, and equipment or other critical upgrades that are needed at the local level to support virtual inspections.

Ontario's fire departments vary in size and capacity and they all serve different communities that each present different levels of risk. There is a significant cost to ensure that every department has skilled first responders who are adequately trained and equipped to meet the needs of their community.

Funding could represent the difference in allowing fire departments to train more staff, purchase much needed equipment to allow them to adapt and respond to COVID-19 related risks in their communities in a way that ensures both community and personnel safety.

The use of the one-time 2020-21 Municipal Fire Protection Grant will focus on the needs of municipal fire departments to ensure community safety with a focus on issues that have presented due to the COVID-19 pandemic, including:

- Training to offset the pressures in training as a result of the COVID-19 pandemic.
- Specialty training to respond to the dynamics of the COVID-19 pandemic and the need to ensure fire safety in their communities such as virtual inspections.
- Small improvements to fire department infrastructure, such as accessing high speed internet to support training and virtual inspections.

The fire service has expressed concerns with training and fire code compliance since the start of the pandemic. Some of these concerns include critical inspections being delayed or impacted given the apprehension with entering premises. Similarly, training has been impacted given that fire services have been responding to challenges associated with the pandemic (staffing shortages, increased calls for service, etc.). Many departments continued training online as the Office of the Fire Marshal enhanced its online course availability at the start of the pandemic. This emergency COVID relief funding provides support for increased access to training, support for fire code compliance inspections through virtual inspections, and equipment or other critical upgrades that are needed at the local level to support community risks during the pandemic and the switch to virtual training and inspections.

**Ministry of  
Community Safety and  
Correctional Services**

Office of the  
Fire Marshal and  
Emergency Management

25 Morton Shulman Avenue  
Toronto ON M3M 0B1  
Tel: 647-329-1100  
Fax: 647-329-1143

**Ministère de la  
Sécurité communautaire et  
des Services correctionnels**

Bureau du  
commissaire des incendies et  
de la gestion des situations d'urgence

25, Avenue Morton Shulman  
Toronto ON M3M 0B1  
Tél. : 647-329-1100  
Télééc. : 647-329-1143



March 29, 2021

Patrick Kelly  
Township of Wilmot  
60 Snyder's Rd. W.  
Baden, ON N3A1A1

Dear Patrick Kelly,

Further to ongoing discussions regarding the Fire Safety Grant Program, I am writing to confirm that the fire service has agreed (in principle) to utilizing its grant allocation to support its intended purpose as outlined below.

The Township of Wilmot will be provided a total of \$9,600.00 to support:

- Increased training opportunities and the establishment of a virtual inspection program

This aligns with the intended purpose of Fire Safety Grant Program.

As part of this process, formalization of the grant allocation and the Transfer Payment Agreement is required and will be tabled by you for your municipal council at its next meeting.

The Office of the Fire Marshal will reach out to finalize and execute the Transfer Payment Agreement once municipal council has had the opportunity to approve your proposal for spending the funds provided.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Pegg".

Jon Pegg  
Fire Marshal

Instructions to the Municipal Representative:

Please complete and submit a copy of this document to our office at [ofm@ontario.ca](mailto:ofm@ontario.ca) by no later than March 31, 2021.

I hereby accept the grant allocation and proposed strategy for utilization, pending approval by Township of Wilmot as outlined above.

Print Name:	Title:	Signature:	Date:

## **SCHEDULE “D”**

### **BUDGET**

---

Funding will be provided to the Township of Wilmot upon execution of this Agreement. The funds will need to be spent by the municipality by August 1, 2021.

## **SCHEDULE “E”**

### **REPORTS**

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As a condition of the Municipal Fire Protection Grant, a report back to the Office of the Fire Marshal must be received by September 1, 2021 to outline how the grant was utilized at the department level.



# TOWNSHIP OF WILMOT

## CORPORATE SERVICES *Staff Report*

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**REPORT NO:** COR 2021-015

**TO:** Council

**SUBMITTED BY:** Patrick Kelly CPA, CMA, Director of Corporate Services / Treasurer

**PREPARED BY:** Ashton Romany, CPA, Manager of Finance / Deputy Treasurer

**REVIEWED BY:** Grant Whittington, Chief Administrative Officer

**DATE:** April 12, 2021

**SUBJECT:** Statement of Operations as of March 31, 2021 (un-audited)

---

### **RECOMMENDATION:**

That the Statement of Operations as of March 31, 2021, as prepared by the Manager of Finance / Deputy Treasurer, be received for information purposes.

### **SUMMARY:**

This report outlines the statement operations as of March 31, 2021.

### **BACKGROUND:**

Finance staff report to Council on the status of municipal operations on a quarterly basis.

### **REPORT:**

Attached is the statement of operations as of March 31, 2021. The report is divided into sections outlining revenues and expenses from general government, protective services, transportation services, recreation and cultural services and development services.

### **Net General Levy Expenditure**

The total section of the report outlines revenues and expenses from all municipal operations, and how they relate to the Council approved operating budget. As of the statement date, YTD

revenues and expenses are within the budgetary guidelines, and the net effect on general levy is 21.3% of budget (Q1 2020 – 28.0%).

### **Wilmot Recreation Complex**

The WRC represents approximately 19.7% of all operating expenses from the general levy. Staff are reporting that as of the statement date, operations met Q1 budget projections, with the combination of administrative and operating/maintenance costs at approximately 17.6% of the annual budget (Q1 2020 – 27.7%). Expenses were lower than historical levels due to facility closures and reduced programming under COVID-19.

The WRC also represents approximately 40.8% of the budgeted operating revenue to the general levy. As of the statement date, WRC revenues were slightly behind target to meet budget projections, with current receipts at 11.3% of the annual budget (Q1 2020 – 28.0%). Similar to expenses, revenue was lower than historical levels due to facility closures and reduced programming under COVID-19.

### **Winter Maintenance**

Winter maintenance activity levels for Q1 2021 were slightly below Q1 2020. YTD expenditures of \$394,531 represent 49.6% of the annual budget (Q1 2020 – 67.9%). The capacity of this expense line to stay within the total budget of \$795,640 will be contingent upon weather events in early Q2, and the last few months of 2021.

Any savings from the program at year end are transferred to the dedicated reserve fund to offset any overages from years of higher than average snowfall.

### **User Pay Divisions**

The second section of the attached statements outlines financial performance from the user pay divisions. Each of these divisions is independent of the levy, and any surplus/deficit from current year operations is transferred to/from dedicated reserve funds at year end.

Each division is well below the projected year-end transfers to reserve funds, for a number of reasons. Water/Sanitary consumption peaks during the summer season while building activity levels and cemetery burials historically peak in the second and third quarter of the fiscal year.

### **COVID-19 Impacts**

The attached statements outline operations as of March 31, 2021. In Q1, the Township's financial position was not significantly influenced by COVID-19 as the 2021 operating budget considered its impacts in several areas accordingly. Future quarterly updates will outline any significant deviations from budget expectations.

**ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:**

This report is aligned with the Strategic Plan goal of Responsible Governance, through the strategies of fiscal responsibility and infrastructure investments.

**FINANCIAL CONSIDERATIONS:**

As part of year end processing, net operating expenditures, capital funding from general levy are deducted from income generated through taxation, provincial grants and investments, to calculate the annual transfer to/from infrastructure reserve funds.

**ATTACHMENTS:**

Appendix A – Statement of Operations as of March 31, 2021 (Un-audited)

**TOWNSHIP OF WILMOT**  
**2021 STATEMENT OF OPERATIONS AS OF MARCH 31, 2021 (UN-AUDITED)**

	2021 Budget	2021 Actual	Variance %
<b><u>GENERAL GOVERNMENT</u></b>			
<b><u>REVENUE</u></b>			
Administration Fees / Sale of Surplus Assets <sup>1</sup>	(87,000)	(31,034)	35.7%
Grant Funding - General Government <sup>2</sup>	(48,000)	(40,000)	83.3%
Licenses and Fines <sup>3</sup>	(77,250)	(55,761)	72.2%
Penalties & Interest Revenue <sup>4</sup>	(246,500)	(61,826)	25.1%
	<b><u>(458,750)</u></b>	<b><u>(188,621)</u></b>	<b><u>41.1%</u></b>
<b><u>EXPENSES</u></b>			
Council <sup>5</sup>	176,310	41,874	23.8%
Municipal Grants Program <sup>6</sup>	58,245	58,246	100.0%
Office of the CAO, Information and Legislative Services <sup>7</sup>	636,760	153,246	24.1%
Insurance & Legal Expenses <sup>8</sup>	278,050	7,794	2.8%
Municipal Law Enforcement/Animal Control <sup>9</sup>	170,745	48,346	28.3%
Crossing Guards Operating Expenses <sup>10</sup>	48,340	9,253	19.1%
Municipal Election <sup>11</sup>	22,500	1,933	8.6%
Corporate Services <sup>12</sup>	767,875	159,210	20.7%
IT Services <sup>13</sup>	370,880	103,072	27.8%
	<b><u>2,529,705</u></b>	<b><u>582,974</u></b>	<b><u>23.0%</u></b>
<b><u>FIRE SERVICES</u></b>			
<b><u>REVENUE</u></b>			
Fire Services Revenues <sup>14</sup>	(43,870)	(9,230)	21.0%
	<b><u>(43,870)</u></b>	<b><u>(9,230)</u></b>	<b><u>21.0%</u></b>
<b><u>EXPENSES</u></b>			
Fire Services Administration <sup>15</sup>	1,037,980	238,517	23.0%
Fire Services Operating Expenses <sup>16</sup>	392,690	27,720	7.1%
	<b><u>1,430,670</u></b>	<b><u>266,237</u></b>	<b><u>18.6%</u></b>

**TOWNSHIP OF WILMOT**  
**2021 STATEMENT OF OPERATIONS AS OF MARCH 31, 2021 (UN-AUDITED)**

	2021 Budget	2021 Actual	Variance %
<b><u>PUBLIC WORKS</u></b>			
<b><u>REVENUE</u></b>			
Roads/Engineering Service Charges <sup>17</sup>	(118,000)	(26,882)	22.8%
Aggregate Resource Fees <sup>18</sup>	(174,000)	-	0.0%
Grant Funding - Public Works <sup>19</sup>	(30,000)	(10,000)	33.3%
	<b><u>(322,000)</u></b>	<b><u>(36,882)</u></b>	<b><u>11.5%</u></b>
<b><u>EXPENSES</u></b>			
Engineering Administration <sup>20</sup>	296,430	29,702	10.0%
Roads Administration <sup>21</sup>	674,850	132,202	19.6%
Roads Operating Expenses <sup>22</sup>	607,450	11,376	1.9%
Winter Control Expenses <sup>23</sup>	795,640	394,531	49.6%
Municipal Drainage Operating Expenses <sup>24</sup>	58,250	4,086	7.0%
Street Lighting Operating Expenses <sup>25</sup>	145,000	20,608	14.2%
	<b><u>2,577,620</u></b>	<b><u>592,505</u></b>	<b><u>23.0%</u></b>

**TOWNSHIP OF WILMOT**  
**2021 STATEMENT OF OPERATIONS AS OF MARCH 31, 2021 (UN-AUDITED)**

	2021 Budget	2021 Actual	Variance %
<b><u>RECREATION AND FACILITIES</u></b>			
<b><u>REVENUE</u></b>			
Wilmot Recreation Complex Revenues <sup>26</sup>	(833,590)	(94,493)	11.3%
Grant Funding - Wilmot Recreation Complex <sup>27</sup>	-	(2,817)	N/A
Park, Facility and Community Centre Rental Revenue <sup>28</sup>	(101,150)	(3,020)	3.0%
	<b><u>(934,740)</u></b>	<b><u>(100,330)</u></b>	<b><u>10.7%</u></b>
<b><u>EXPENSES</u></b>			
Recreation Administration <sup>29</sup>	766,455	175,516	22.9%
Wilmot Recreation Complex Administration <sup>30</sup>	1,456,920	250,038	17.2%
Wilmot Recreation Complex Operating Expenses <sup>31</sup>	790,560	144,840	18.3%
Parks & Facilities Administration <sup>32</sup>	820,470	142,713	17.4%
Parks and Community Centre Operating Expenses <sup>33</sup>	271,310	17,945	6.6%
Municipal Facilities Operating Expenses <sup>34</sup>	123,080	21,433	17.4%
Abandoned Cemetery Operating Expenses	3,570	893	25.0%
	<b><u>4,232,365</u></b>	<b><u>753,377</u></b>	<b><u>17.8%</u></b>

**TOWNSHIP OF WILMOT**  
**2021 STATEMENT OF OPERATIONS AS OF MARCH 31, 2021 (UN-AUDITED)**

	2021 Budget	2021 Actual	Variance %
<b><u>CULTURAL SERVICES</u></b>			
<b><u>REVENUE</u></b>			
Castle Kilbride Admissions & Events <sup>35</sup>	(20,000)	(55)	0.3%
Grant Funding - Castle Kilbride <sup>36</sup>	(23,910)	(3,033)	12.7%
	<b><u>(43,910)</u></b>	<b><u>(3,088)</u></b>	<b><u>7.0%</u></b>
<b><u>EXPENSES</u></b>			
Castle Kilbride Administration <sup>37</sup>	269,440	52,131	19.3%
Castle Kilbride Operating Expenses <sup>38</sup>	34,605	8,174	23.6%
Archives Operating Expenses	1,600	-	0.0%
Heritage Wilmot Operating Expenses <sup>38</sup>	6,540	-	0.0%
	<b><u>312,185</u></b>	<b><u>60,305</u></b>	<b><u>19.3%</u></b>
<b><u>DEVELOPMENT SERVICES</u></b>			
<b><u>REVENUE</u></b>			
Planning Application Fees <sup>39</sup>	(238,650)	(34,640)	14.5%
Business Licensing	(2,500)	(100)	4.0%
	<b><u>(241,150)</u></b>	<b><u>(34,740)</u></b>	<b><u>14.4%</u></b>
<b><u>EXPENSES</u></b>			
Planning <sup>40</sup>	247,710	56,398	22.8%
Economic Development <sup>41</sup>	55,000	50,000	90.9%
	<b><u>302,710</u></b>	<b><u>106,398</u></b>	<b><u>35.1%</u></b>
<b><u>TOTAL OPERATING</u></b>			
<b><u>REVENUES</u></b>	<b><u>(2,044,420)</u></b>	<b><u>(372,891)</u></b>	<b><u>18.2%</u></b>
<b><u>EXPENSES</u></b>	<b><u>11,385,255</u></b>	<b><u>2,361,796</u></b>	<b><u>20.7%</u></b>
<b><u>NET GENERAL LEVY EXPENDITURE</u></b>	<b><u>9,340,835</u></b>	<b><u>1,988,905</u></b>	<b><u>21.3%</u></b>

**NOTES:**

- 1 Includes administrative fees associated with tax certificates; NSF payments; account balance transfer fees; tax sale and sale of surplus assets.
- 2 Includes OCIF formula funding towards the Asset Management Coordinator role (\$35,000); KWCF funding towards Discover Your Wilmot Program (\$5,000).
- 3 Includes Dog and Kennel Licences (\$52,465); Parking Fines (\$2,725); Marriage Licences (\$0); Property Standards Fees (\$0); Lottery Licences (\$460); Provincial Offences (\$111).
- 4 Includes penalty and interest on overdue water accounts (\$3,638) and taxes receivable (\$58,188).
- 5 Includes YTD honorariums for Council Members.
- 6 Municipal Grant Program allocations were approved under Report COR 2020-043.
- 7 Expenditures includes direct and indirect staffing costs associated with the Office of the CAO, Information and Legislative Services.
- 8 Waterloo Region Municipal Insurance Pool Premiums are typically remitted in Q2. YTD expenditures represent claims under the Township's deductible limit (\$10,000) and legal expenses, net of allocations to user-pay operations.
- 9 Includes direct and indirect staffing costs associated with Municipal Law Enforcement Officers and contracted services for Animal Control.
- 10 Includes direct and indirect staffing costs associated with crossing guards.
- 11 YTD expenditures includes maintenance of the voters list.
- 12 Includes direct and indirect staffing costs for Corporate Services net of cost allocations from user-pay divisions.
- 13 Includes direct and indirect staffing costs for IT Services, support contracts and web service charges.
- 14 Includes revenue from Fire Permits (\$675); billable calls/activities (\$3,084) and Boundary Service Agreement with Blandford-Blenheim (\$5,471). Billable calls have had a noticeable reduction under the current COVID-19 environment.
- 15 Includes direct and indirect staffing costs for Fire Services, including Practices, Fire Calls and other VFF activities.
- 16 Includes non-staffing related costs to maintain an effective Fire Services such as vehicle repairs and maintenance, clothing/PPE and utilities. Activity in this area typically peaks over Q2/Q3.
- 17 Roads/Engineering Service Charges activities typically peak during Q2/Q3.
- 18 Ontario Aggregate Resources Corporation (OARC) fees are based upon actual tonnage extracted from private pits within the Township from the preceding fiscal year. Aggregate Resource Fees payment is typically received in late Q3.
- 19 YTD revenues represent Municipal Modernization Funding to support shared services project for Municipal Drainage Consulting with Township of Woolwich (\$10,000).
- 20 YTD costs reflect direct and indirect staffing costs for Engineering Administration net of cost allocation to Water/Sanitary.

- 21 YTD costs reflect direct and indirect staffing costs for Roads Operations excluding Winter Control.
- 22 Roads operating costs are impacted by seasonality. The majority of focus in Q1 is on Winter Control Operations.
- 23 Winter control activities peak in Q1 and Q4. Any savings from the program at year end are transferred to the dedicated reserve fund to offset any overages from years of higher than average snowfall.
- 24 Majority of drainage works are billed by the Superintendent in late Q4.
- 25 YTD Street Light Hydro costs reflect consumption in Q1. YTD consumption is consistent with prior years.
- 26 Revenues include: Aquatics (\$33,048); Ice Pads/Arena Floor (\$43,453); Concession (\$0); Programming (\$59); Room/Field Rentals (\$0); Rink Board Advertising (\$15,100); Other (\$2,833). Revenues lower than historical levels due to facility closures and reduced programming under COVID-19.
- 27 Represents unbudgeted funding from the IESO for LED works completed at the WRC.
- 28 Revenues include: NH Arena/CC (\$0); Baden (\$0); Haysville (\$1,937); Mannheim (\$880); New Dundee (\$); New Hamburg Parks (\$0); Petersburg (\$0); St Agatha (\$9,000); Other (\$0). Revenues lower than historical levels due to facility closures under COVID-19.
- 29 YTD costs include direct and indirect staffing costs for Recreation Administration, Scheduling and Customer Service personnel.
- 30 YTD costs include direct and indirect, full-time and part-time, staffing costs for the Wilmot Recreation Complex.
- 31 YTD costs include Building/Grounds Maintenance, Utility Costs, Equipment Repairs and Maintenance at the WRC.
- 32 YTD costs include direct and indirect staffing costs for all Parks and Facilities staff excluding the WRC.
- 33 Activity levels at the Township Parks and Community Centres area seasonal. Activities typically peak in Q2/Q3.
- 34 YTD costs include Building/Grounds Maintenance, Utility Costs, Equipment Repairs and Maintenance at the Municipal Facilities.
- 35 Revenue includes: Admission (\$0); Giftshop (\$0); Programs & Workshops (\$0); Special Events (\$0) and Other (\$55). Castle Kilbride was closed during Q1 2021.
- 36 YTD revenue includes a Young Canada Works Grant. Other Grants are typically received in Q4.
- 37 YTD costs reflect direct and indirect staffing costs for Castle Kilbride Administration.
- 38 Operating expenses tend to peak in the last three quarters.
- 39 Planning and Business Licencing typically follow same activity levels in Q1.
- 40 YTD costs include direct and indirect staffing costs for Planning, net of cost allocations from Building Services.
- 41 YTD expenditures include Waterloo Region Economic Development Corporation (WREDC) membership (\$50,000).

**TOWNSHIP OF WILMOT**  
**2021 STATEMENT OF OPERATIONS (USER-PAY) AS OF MARCH 31, 2021 (UN-AUDITED)**

	2021 Budget	2021 Actual	Variance %
<b><u>WATER/SANITARY</u></b>			
<b><u>REVENUE</u></b>			
Utility User Fees <sup>1</sup>	(6,338,000)	(665,763)	10.5%
Utilities Sales, Service Charges <sup>2</sup>	(59,390)	(10,162)	17.1%
	<b>(6,397,390)</b>	<b>(675,926)</b>	<b>10.6%</b>
<b><u>EXPENSES</u></b>			
Water/Sanitary Administration <sup>3</sup>	582,830	136,333	23.4%
Water/Sanitary Operating Expenses <sup>4</sup>	1,167,910	245,679	21.0%
Water Regional Charges <sup>5</sup>	1,465,000	203,699	13.9%
Sanitary Regional Charges <sup>5</sup>	1,926,871	273,914	14.2%
	<b>5,142,611</b>	<b>859,625</b>	<b>16.7%</b>
<b><u>TRANSFER (TO)/FROM RESERVE FUNDS <sup>6</sup></u></b>	<b>(1,254,779)</b>	<b>183,700</b>	<b>-14.6%</b>
<b><u>CEMETERY</u></b>			
<b><u>REVENUE</u></b>			
Cemetery User Fees <sup>7</sup>	(73,440)	(12,672)	17.3%
Cemetery Investment Income <sup>8</sup>	(4,000)	-	0.0%
	<b>(77,440)</b>	<b>(12,672)</b>	<b>16.4%</b>
<b><u>EXPENSES</u></b>			
Cemetery Administration <sup>9</sup>	21,890	1,463	6.7%
Cemetery Operating Expenses <sup>10</sup>	55,550	15,444	27.8%
	<b>77,440</b>	<b>16,906</b>	<b>21.8%</b>
<b><u>TRANSFER (TO)/FROM RESERVE FUNDS <sup>5</sup></u></b>	<b>-</b>	<b>4,234</b>	<b>N/A</b>

**TOWNSHIP OF WILMOT (USER-PAY)**  
**2021 STATEMENT OF OPERATIONS (USER-PAY) AS OF MARCH 31, 2021 (UN-AUDITED)**

	2021 Budget	2021 Actual	Variance %
<b><u>BUILDING</u></b>			
<b><u>REVENUE</u></b>			
Building Permit Fees <sup>11</sup>	(669,750)	(76,520)	11.4%
	<b><u>(669,750)</u></b>	<b><u>(76,520)</u></b>	<b><u>11.4%</u></b>
<b><u>EXPENSES</u></b>			
Building Administration <sup>12</sup>	453,150	107,144	23.6%
Building Operating Expenses <sup>13</sup>	278,680	68,105	24.4%
	<b><u>731,830</u></b>	<b><u>175,250</u></b>	<b><u>23.9%</u></b>
<b><u>TRANSFER (TO)/FROM RESERVE FUNDS</u> <sup>6</sup></b>	<b><u>62,080</u></b>	<b><u>98,729</u></b>	<b><u>159.0%</u></b>

**NOTES:**

- 1 YTD fees represent January billing for New Hamburg Residents and January/February billing for the rest of the Township.
- 2 Sales and Service Charges include Sale of Water Meters, Final Reading fees and other misc. fees.
- 3 YTD costs reflect direct and indirect staffing costs for Utilities.
- 4 Utilities operating expenses include allocation to General Levy, Contracted Services, Fuel, etc.
- 5 Reflects flows to/from Region of Waterloo for the months of January and February.
- 6 Transfers to/from reserve funds are completed as part of year end processing.
- 7 Cemetery User Fees include Burials, Sale of Plots etc.
- 8 Investment income is transferred as part of year end processing.
- 9 YTD costs reflect direct and indirect staffing costs for Cemetery Operations.
- 10 Cemetery Operating expenses include Grave Opening, Foundations, Buildings/Grounds Maintenance, Allocation to General Levy for administrative support.
- 11 YTD permit fees are outlined within the Building Statistics reporting from Development Services.
- 12 YTD costs reflect direct and indirect staffing costs for Building Operations.
- 13 Building Operating Expenses include Allocation to General Levy, Contracted Services, Vehicle Repairs/Maintenance, etc.



# TOWNSHIP OF WILMOT

## CASTLE KILBRIDE *Staff Report*

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**REPORT NO:** CK 2021-002

**TO:** COUNCIL

**SUBMITTED BY:** Tracy Loch, Curator/Director

**PREPARED BY:** Tracy Loch, Curator/Director

**REVIEWED BY:** Grant Whittington, CAO

**DATE:** April 12, 2021

**SUBJECT:** Quarterly Activity Report – January, February, March 2021

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**RECOMMENDATION:**

That the Castle Kilbride Activity Report for the months of January, February and March 2021 be received for information purposes.

**BACKGROUND:**

Providing quarterly reports for informational insight and knowledge into the operations of the Castle Kilbride department.

**REPORT:**

**Curator/Director's Summary:**

- Concluded the Castle Kilbride Christmas season one week earlier than scheduled due to the province-wide shutdown. Pre-booked tours of the museum were scheduled until the first week of January.
- Created an altered project list for the Castle Kilbride department to ensure continued workflow while balancing work-from-home and in office work.
- Wrote two grant applications for youth employment with Castle Kilbride and Heritage Wilmot.
- Finalized 2021 event and exhibit schedule in conjunction with Assistant Curator. Planning during a pandemic presented great challenges and unfortunately all large gathering-based events such as the Summer Concert Series, Ghost Walks, and Christmas at Kilbride typically hosted at Castle Kilbride are cancelled for this year. In lieu of this, staff have tweaked some previous events to meet COVID-19 protocol and added some new themed experiences. These will all continue to feature smaller groups that can be pre-booked and still allow for a unique experience and engage the public in a safe way. In addition, staff will be exploring some online programs to support community outreach.
- Finalized the social media plan for 2021 with the Assistant Curator which includes posts to be featured on Castle Kilbride's Facebook page and website that will be daily or weekly depending on

the theme. Although these posts for the upcoming year are planned in advance, staff recognize the importance of flexibility as new information or focus may arise. This plan provides the framework for 2021 and the information is shared with the Communications Specialist for cross promotion with the Township of Wilmot's social media accounts.

- Along with the Assistant Curator, continue to provide support with written monthly articles from the museum to local publications. In addition, from the Castle Kilbride/Wilmot Township collection, a new monthly artifact highlight was coordinated and will be featured via TorStar for added exposure for the museum.
- Met with the Chairs of Heritage Wilmot and Castle Kilbride to establish meeting schedules and committee initiatives for 2021. In addition, guided both Chairs of the committees to transition committee meetings to a virtual platform until it is safe again to meet in person.
- Attended first meeting with the First Peoples Group and the staff working group, led by ILS.
- Due to COVID restrictions, an online Heritage celebration was created with support from the Assistant Curator. Each day during Heritage Week a message was posted on the museum's Facebook page and shared on the Township's accounts relating to a specific heritage theme written by Heritage Wilmot members. Staff also coordinated articles to be printed in the annual Heritage Edition by the New Hamburg Independent. The Baden Outlook kindly used a collage of photos from Heritage Wilmot as their front page which was wonderful to see their added support.
- As approved as part of the 2020 budget, began interviews for new Museum Assistant position.
- Applied and received a one-time top-up grant under the Community Museum Digital Capacity grant program administered by the Ministry of Heritage, Sport, Tourism and Culture Industries. The \$3,000 will help offset costs incurred from 2020 and into 2021 that supported a broad range of expenses such as software, hardware, staff training etc that will enhance the museum's operation.
- Began coordination of the rolled storage project, which is a capital item approved during the 2021 budget process. Anticipated installation will occur after the summer.
- Aided Heritage Wilmot members as they update the non-designated heritage register. A recommended list of properties for Council's consideration will be presented in Q2.
- Provided assistance to various researchers and writers for heritage articles.
- Provided support to a grade 10 WO student for a project regarding primary resources; also supported a graduate student at Queen's University with the School of Urban and Regional Planning regarding New Hamburg's Heritage Conservation District.
- Reviewed and updated reopening plan for Castle Kilbride with Assistant Curator.
- Prepared and circulated marketing and social media plan to promote the reopening of Castle Kilbride for April 3, 2021. Unfortunately, a province-wide closure was announced two days prior to reopening and the museum remains closed until further notice.

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\*For further details, please see the attached report for the Assistant Curator's summary

#### **ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:**

The report implements the following goals from the Strategic Plan:

We are an engaged community through strengthening communicating municipal matters.

#### **FINANCIAL CONSIDERATIONS:**

n/a

#### **ATTACHMENTS:**

1. Castle Kilbride Assistant Curator's Report – January, February and March 2021

### Castle Kilbride Assistant Curator's Report

**SUBJECT:** Quarterly Report for January, February and March 2021

**SUBMITTED TO:** Tracy Loch, Curator/Director

**SUBMITTED BY:** Sherri Gropp, Assistant Curator

**DATE:** April 12, 2021

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#### Visitor Services

The following events, exhibits and programs were cancelled due to the COVID-19 pandemic.

Group and Bus Tours	All tours cancelled or delayed
Educational Tours	All educational programming cancelled or delayed
Ghost Walks	Cancelled February tour.
March Break	Cancelled the week-long event

- **Christmas exhibit-** disassembled all the Christmas décor inside and outside of museum. Organized and carefully stored decorations.
- **2021 Events and Exhibits-** planned alternate events and exhibits for the year.
- **Planned and prepared exhibit-** for November 2021 *Given by a Livingston*. Chose artifacts and prepared text panels and marketing in advance.
- **Programmed Eventbrite-** for all regular programming and special events to be offered in 2021. Launched April & May tickets but had to halt and refund April purchases due to lockdown.

#### Castle Collection & Collection Management

- **Rolled Storage-** met with potential bidders to discuss the museum's storage needs. Reviewed the bids and compared to the needs of the collection. Successful bidder will be notified early April.
- **Catalogue-** continued to catalogue new or outstanding artifacts according to museum standards.
- **Database-** entered artifacts into the PastPerfect database. Took photos of each new artifact and uploaded.
- **Collection projects-** prepared a schedule and plan for rolled storage project.
- Created a new **Catalogue Procedure Manual** for new and returning staff.
- **Maintenance-** full cleaning of house while closed to the public. Washed floors, baseboards, fireplaces, glassware, and wood trim. Each artifact was carefully dusted, cleaned, and displayed.
- **Security-** inspected rooms and security of their contents.
- **Environmental control** - conducted routine temperature and humidity readings.
- **Prepared the museum** for re-opening April 3<sup>rd</sup> (delayed due to Province wide shutdown)
- **Participated** in regular Collection Manager's meetings virtually with fellow colleagues from Ontario.

#### Marketing & Promotion

- **Website-** Maintained hours, committee details, photographs, exhibit, and event listings.
- **Social media-** prepared engaging posts for Facebook, circulated to Communications Specialist to coordinate joint posts.
- **#MuseumSelfie2021** prepared posts and coordinate joint promotion for the day.
- **Special events marketing-** began to promote 2021 events.
- **Articles-** prepared articles and photographs for Embracing Change Magazine, Baden Outlook, New Hamburg Independent, Our Heritage Our Home publication and the Wilmot Post.
- **Event Marketing-** prepared all event posters and media images in advance of our 2021 season.

## **Staffing**

- Prepared staff schedules for all part time staff for April & May. Created a training schedule for weekend staff in advance of opening. Opening cancelled 2 days before opening. Updated part time staff regularly.
- Reviewed and updated museum reopening plan with the Curator. Ensured all COVID protocol was in place.
- Reviewed applications for new Full Time Museum Assistant position. Assisted with preparing the interview questions. Participated in the interview process. Created training schedule for new hire.

## **Administration**

- **Inquires-** handled inquires for archival material, research requests, artifacts in the collection, weddings etc.
- **Castle Kilbride Advisory Committee-** prepared, distributed agenda and organized meeting. Prepared and presented a Castle Kilbride 2020 Review.
- **Staff Procedure's Manual-** reviewed, updated, and posted at front cash.
- Coordinated updated exterior signage reflecting the new touring hours of 11am to 2pm.
- **Online Tickets -** prepared all the Eventbrite payout statements from December visitation to close out 2020 and submitted to Corporate Services for entry.
- **Visitor statistics-** Collected, input, and evaluated information on visitor statistics. Prepared 2020 statics review.

## **Castle Kilbride Visitor Statistics**

Month	School	Bus	Regular	Event	Total
January	0	0	0	0	0
February	0	0	0	0	0
March	0	0	0	0	0
Total	0	0	0	0	0
2020	138	27	198	0	363
2019	127	21	412	36	597
2018	58	0	322	80	460
2017	106	43	390	105	644



# TOWNSHIP OF WILMOT

## INFORMATION AND LEGISLATIVE SERVICES *Staff Report*

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**REPORT NO:** ILS 2021-10

**TO:** Council

**SUBMITTED BY:** Dawn Mittelholtz, Director Information and Legislative Services  
/ Municipal Clerk

**PREPARED BY:** Dawn Mittelholtz, Director Information and Legislative Services  
/ Municipal Clerk

**REVIEWED BY:** Grant Whittington, CAO

**DATE:** April 12, 2021

**SUBJECT:** New Hamburg Identification Sign  
Highway 7&8 at Peel Street, New Hamburg  
Lease with Ministry of Transportation

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### **RECOMMENDATION:**

THAT Report No. ILS 2021-10, dated April 12, 2021 regarding the lease agreement with the Ministry of Transportation for lands situated at the intersection of Highway 7&8 and Peel Street, New Hamburg as defined in Appendix A to this Report, be endorsed, and further;

THAT the Mayor and Clerk be authorized to sign the associated by-law and agreement.

### **SUMMARY:**

The New Hamburg Identification sign at Highway 7&8 and Peel Street is leased from the Ministry of Transportation (MTO). The agreement is between the Township and MTO with the New Hamburg Board of Trade reimbursing the Township for the lease fee.

**BACKGROUND:**

On December 7, 2015, Council approved the first five-year agreement with MTO for the lease of these lands for the purpose of installing and maintaining a highway adjacent New Hamburg identification sign on MTO owned lands.

**REPORT:**

The agreement with the MTO is up for renewal to continue the use of MTO lands for the New Hamburg identification sign. The intention of the sign is to promote the community of New Hamburg for tourism and economic development.

The agreement is unchanged from 2015, with the exception of an updated fee. The updated fee is \$250.00 plus HST, an increase of fifty dollars from the previous agreement. The President of the New Hamburg Board of Trade has confirmed the Board's desire to continue with the lease with the new fee.

**ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:**

This agreement helps the Township in achieving goals identified within the Strategic Plan including economic prosperity, responsible governance, community engagement and quality of life.

**FINANCIAL CONSIDERATIONS:**

The lease agreement payment of \$250.00 plus HST is payable by the New Hamburg Board of Trade.



Term Lease for Land

File No. L-02973

**THIS LEASE**, made in duplicate the 23<sup>rd</sup> day of December, 2020

**IN PURSUANCE OF THE SHORT FORMS OF LEASES ACT:**

**BETWEEN:** **THE MINISTER OF TRANSPORTATION FOR THE PROVINCE OF ONTARIO**  
herein represented by the REGIONAL DIRECTOR

Hereinafter called the LESSOR

- and -

**The Corporation of the Township of Wilmot**

60 Snyder's Road West

Baden, Ontario

N3A 1A1

Canada

Hereinafter called the LESSEE

**WITNESSETH** that in consideration of the rents, covenants and agreements hereinafter reserved and contained on the part of the Lessee, the Lessor doth hereby demise and lease unto the Lessee, his executors, administrators, successors and assigns the land situate, lying and being in: Part of Lot 23, SBR, part of Village Lot 1, New Hamburg, and Part of Old Haysville Road, in the Township of Wilmot, Regional Municipality of Waterloo, in the Province of Ontario, **SHOWN** in blue on the attached aerial photograph/sketch. **TO HAVE AND TO HOLD** the land for and during the term of Five (5) years to be computed from the 1<sup>st</sup> day of January, 2021 and thence next ensuing to be completed and ended on the 31<sup>st</sup> day of December, 2025.

**YIELDING AND PAYING** therefore unto the Lessor, his successors and assigns during the said term, the sum of TWO HUNDRED AND FIFTY DOLLARS (\$250.00) plus HST of THIRTY-TWO DOLLARS AND FIFTY CENTS (\$32.50) on the execution of this lease; and the sum of TWO HUNDRED AND FIFTY DOLLARS (\$250.00) plus HST of THIRTY-TWO DOLLARS AND FIFTY CENTS (\$32.50) on the 1<sup>st</sup> day of January of each succeeding year thereafter during the term, the last

payment to be made on the 1<sup>st</sup> day of January, 2025.

Payment to be made by money order or certified cheque made payable to the **MINISTER OF FINANCE** and addressed to the Ministry of Transportation, Property Section, 659 Exeter Road, London, Ontario, N6E 1L3.

**THE LESSEE COVENANTS** with the Lessor as follows:

1. To pay rent;
2. To use the land solely for the purpose of the location of a "Town of New Hamburg" identification sign;
3. To maintain the land in a proper manner;
4. Not to do or permit anything to be done in, upon or about the land which would in any way conflict with the laws, rules and regulations relating to fire, with the by-laws, rules and ordinances of the Board of Health, or with any statute or municipal by-law;
5. Not to use the land or permit the land to be used for the purpose of displaying advertising signs or advertising material of any kind whatsoever;
6. To design and install the sign in a manner that is consistent with section 5.16 of the Ontario Traffic Manual, Book 8 (Decorative Municipal Displays) and the Lessor's policies as they relate to decorative municipal displays.
7. To maintain in good condition the boulevards and other sodded areas and carefully tend, preserve and protect the shade trees, shrubbery, hedges and other trees or plants which may from time to time be in, upon or about the land;
8. To keep down weeds and noxious grasses;
9. To keep up fences;
10. To keep open any existing drainage ditch or culvert;
11. To access the lands via Old Haysville Road. No access will be permitted to the land from Highway 7/8 or from Peel Street.
12. To apply for and obtain from the Lessor a sign permit issued under section 38(2) of the Public Transportation and Highway Improvement Act for the new identification sign in advance of installation of the new identification sign.
13. To remove the existing identification sign located on Lots 42-45, Plan 1048 (PIN 221940242) in advance of installation of the new identification sign.

**THE LESSOR AND THE LESSEE MUTUALLY AGREE** as follows:

1. The Lessee agrees to indemnify and hold harmless the Lessor and those for whom they in law are responsible, from all damages, costs, claims, actions, liabilities or injuries howsoever caused to the Lessor or for any personal injuries or death to any person on the Lessor leased lands, resulting in any manner from the exercise by the Lessee or for whom it is in law responsible by its lease of the lands;
2. The Lessee acknowledges and agrees that it does not have any right to assign or sublet this lease;
3. The Lessor shall pay the real estate taxes, local improvement rates and charges and the Lessee shall pay the business taxes, licence fees and taxes in respect of all property owned or brought on the lands by or for a purpose of the Lessee or any sub-tenant of the Lessee;
4. The Lessor, his servants, agents and contractors may at any time enter upon and use the land for the purpose of inspection, maintenance, alteration and construction of all works which the Lessor is entitled to construct upon the land or upon adjacent land, highways, roads or road allowances under the provisions of the Public Transportation and Highway Improvement Act, or of any relevant statute, regulation or municipal by-law, and the Lessor may terminate the tenancy by giving the Lessee at least six months' notice of termination. Should the lease be terminated, either by notice or at the expiration of this lease, without being renewed, the Lessee acknowledges and agrees that it shall not be compensated for the loss of use of the new identification sign, nor for the removal of said sign.
5. Strangers who are prospective purchasers or tenants of the lands may enter and inspect the lands at all reasonable hours on every day except Sunday,

- (a) on the production of a written order for inspection signed by or on the behalf of the Lessor; or
- (b) when accompanied by a servant, employee or agent of the Lessor;

6. The Lessor, his servants, agents and contractors may enter at any time and place, affix and maintain upon the lands and premises a sign or signs advising that the lands are for sale, and during the last month of tenancy that the lands are for rent;

- (1) All notices under this Lease shall be in writing;
- (2) Any notice under this Lease may be served personally;
- (3) Any notice to the Lessee shall be sufficiently served if mailed by pre-paid registered post addressed to the Lessee at the last known address of the Lessee in Canada, and any notice so mailed shall be held conclusively to have been given seventy-two hours after such mailing;
- (4) Any notice to the Lessor shall be sufficiently served if mailed by pre-paid registered post addressed to the Ministry of Transportation, Property Section, 659 Exeter Road, London, Ontario, N6E 1L3.

**PROVISO** for re-entry by the Lessor on non-payment of rent or non-performance of covenants.

**SIGNED AND DELIVERED**

In the Presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
THE MINISTER OF TRANSPORTATION,  
for the Province of Ontario, represented  
by the REGIONAL DIRECTOR

**SIGNED, SEALED AND DELIVERED**

In the Presence of:

\_\_\_\_\_  
Witness to Lessee's Signature

\_\_\_\_\_  
Name:

Title:

I have authority to bind the Corporation

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Clerk:

\_\_\_\_\_  
Dated



# TOWNSHIP OF WILMOT

## INFORMATION AND LEGISLATIVE SERVICES *Staff Report*

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**REPORT NO:** ILS 2021-09

**TO:** Council

**SUBMITTED BY:** Dawn Mittelholtz, Director Information and Legislative Services  
/ Municipal Clerk

**PREPARED BY:** Dawn Mittelholtz, Director Information and Legislative Services  
/ Municipal Clerk

**REVIEWED BY:** Grant Whittington, CAO

**DATE:** April 12, 2021

**SUBJECT:** Volunteer Member Appointment:  
Sustainability Working Group

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### **RECOMMENDATION:**

THAT the resignation of Andrew Hann from the Sustainability Working Group be accepted; and

THAT Dean Peachey be appointed to the Sustainability Working Group effective April 13, 2021 to December 31, 2022.

### **SUMMARY:**

After circulating the notice for a replacement member on the Sustainability Working Group and conducting the bias-free ranking process, staff is recommending Dean Peachey as a Working Group Member.

### **BACKGROUND:**

The Sustainability Working Group and staff received the resignation of Andrew Hann from the Working Group in early 2021. The Chair of the Working Group advised that they would like staff to undertake the recruitment process for the appointment of a replacement member.

**REPORT:**

Notice for the recruitment of a Sustainability Working Group member was published in the New Hamburg Independent and posted on the Township website and Twitter account. Two applications were received for the Working Group and were ranked using the Bias-Free Ranking form by three staff members whose departments are not directly associated with the Working Group. The applications were assigned a number and all identifying information (name, address, phone number, email etc.) was removed from the document prior to review by the three staff members.

**ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:**

This Working Group helps the Township in achieving goals identified within the Strategic Plan including environmental protection, responsible governance, community engagement and quality of life.

**FINANCIAL CONSIDERATIONS:**

None.



# TOWNSHIP OF WILMOT

## INFORMATION AND LEGISLATIVE SERVICES *Staff Report*

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**REPORT NO:** ILS 2021-11

**TO:** Council

**SUBMITTED BY:** Dawn Mittelholtz, Director Information and Legislative Services  
/ Municipal Clerk

**PREPARED BY:** Dawn Mittelholtz, Director Information and Legislative Services  
/ Municipal Clerk

**REVIEWED BY:** Grant Whittington, CAO

**DATE:** April 12, 2021

**SUBJECT:** Notice of Procedural By-law Amendments

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### **RECOMMENDATION:**

THAT the Draft Procedural By-law be received for information; and,

THAT the Director of Information and Legislative Services proceed with a Public Meeting at the Regular Council Meeting on April 26, 2021.

### **SUMMARY:**

This report is asking Council to receive a draft By-law for discussion at a later meeting and to set April 26, 2021 as the date a Public Meeting will be held that will give members of the public an opportunity to address Council on the By-law and the draft amendments.

### **BACKGROUND:**

The Municipal Act, 2001, requires all municipalities in the Province of Ontario to pass a Procedural By-law to govern the calling, place and proceedings of meetings of the municipality and its local boards. The current Township of Wilmot Procedural By-law was approved by Council on May 13, 2019 with updates occurring in 2020 to accommodate electronic participation.

## **REPORT:**

On February 24, 2020, a public meeting was held with regards to an update of the Township's Procedural By-law. This update was suspended due to shifting priorities as a result of the 2019 Novel Coronavirus. Since that time, staff have been noting potential improvements to the by-law and Council approved amendments to the by-law to accommodate electronic participation in Council and Committee meetings.

The reports to provide notice of the original intended amendments in 2020 were on February 10 and 24, 2020. No members of the public attended the Public Meeting held on February 24, 2020. Comments provided by Council were included in the minutes for the meeting and have been reflected in the draft attached as Appendix A.

Further amendments have been included to reflect best practices in neighbouring, comparable, and leading municipalities that are compatible with the values, goals, strategies, and feedback from the Council, staff, and the public.

The report has been highlighted in colour to denote approved and proposed amendments since May 2019.

*Amendments proposed as part of report ILS 2020-06.*

*Amendments proposed based on feedback on February 24, 2020.*

*Approved amendments for electronic participation.*

*New proposed amendments.*

The Amendments from report ILS 2020-06 will not be reiterated in this report but any questions on can be addressed at the Public Meeting. Feedback from Council from February 24, 2020 have largely been incorporated, any that have not been incorporate are noted below with a brief explanation. Amendments to the Procedural By-law relative to electronic participation have been adopted by Council and are now consolidated into the by-law.

### **Not requiring written Notice of Motion in advance.**

Staff are not recommending a change in this procedure. As Notices of Motion have become more popular with Council, some challenges have arisen when a Notice of Motion or its amendments have not been given proper review time to ensure they are written properly and clearly. Further amendments to the Notice of Motion section have proposed to avoid this in the future.

## **Notices of Motions versus Notice of Motion**

This comment was raised as a suggested grammatical error. When searching the internet the following phrases are used: “notice of motion,” “notices of motion,” and “notices of motions.” As notices of motion in Wilmot generally do not introduce more than one motion within a notice, pluralizing motions would not be an accurate reflection. And whereas members of Council have introduced more than one notice of motion at a single Council meeting, it is a rare instance when you look at the full history of the Township. Although staff continues to recommend Notice of Motion, Notices of Motion would be accurate as well if Council wishes to make that change.

## **Requiring show of hands for clarity**

Prior to the electronic environment, this amendment would have been considered.

## **Audio recordings being kept until Minutes approved**

Prior to the electronic environment, this amendment would have been considered but is now a moot point.

## **Consent Agenda**

Amendments have been made but the suggestion provided by Council required some refinement to continue to be within the framework of what a Consent Agenda is intended to accomplish.

New proposed amendments will be more thoroughly discussed in the forthcoming April 26, 2021 report. In general terms, these amendments are being made to help streamline operations of staff where the capacity of staff has been stretched to the point where operational changes are needed but cannot occur until the Procedural By-law is amended. Other amendments have been made to be consistent with several other Procedural By-laws within Waterloo Region, ensure delegations appearing for matters on the Agenda are allowed to speak reasonably close to the start of the meeting, and to provide elected and appointed officers of the Township and the public with clear expectations and responsibilities to ensure a smooth flowing meeting that are consistent with principles of parliamentary law while efficiently disposing of Township business.

If approved by Council, feedback will be sought on the draft by-law presented as Appendix A to this report at the public meeting on April 26, 2021. Feedback from Council and the public is encouraged to be received in writing at [clerks@wilmot.ca](mailto:clerks@wilmot.ca) but may occur during the April 26<sup>th</sup> Public Meeting. Information and Legislative Services staff welcome any person to discuss their questions or suggestions with us before or after the April 26<sup>th</sup> meeting. The deadline for feedback that will be incorporated into the final proposed Procedural By-law is end of the business day on May 4<sup>th</sup>. All feedback received will be addressed in the final report. The Township solicitor will receive a later draft of the Procedural By-law that includes the feedback from the April 26<sup>th</sup> Public Meeting.

**ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:**

The holding of a Public Meeting for the draft Procedural By-law conforms with the Strategic Plan goals for community engagement and responsible government.

**FINANCIAL CONSIDERATIONS:**

Costs associated with the publication of the notice for the proposed amendments to the Procedural By-law and seeking legal counsel are included in the proposed 2021 Operational Budget.

**ATTACHMENTS:**

Appendix A: Draft Procedural By-law

**THE CORPORATION OF THE TOWNSHIP OF WILMOT  
BY-LAW NO. 2020-XX  
BEING A BY-LAW TO PROVIDE FOR  
THE RULES OF ORDER AND PROCEDURE  
FOR THE MUNICIPAL COUNCIL OF  
THE CORPORATION OF THE TOWNSHIP OF WILMOT  
AND TO REPEAL BY-LAW NO. 2019-25**

WHEREAS Section 238.(2) of the revised Municipal Act, S.O. 2001, c.25 requires that every Council and local board shall adopt a procedural by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS the Township of Wilmot Accountability and Transparency Policy states that accountability, transparency and openness are standards of good governance that enhance public trust and are achieved through the municipality adopting measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its stakeholders;

AND WHEREAS the general principles of parliamentary law should be upheld in the rules of any meeting:

- The majority must be allowed to rule;
- The minority have rights that must be respected;
- Members have a right to information to help make decisions;
- Courtesy and respect for others are required;
- All members have equal rights, privileges, and obligations; and
- Members have a right to an efficient meeting;

AND WHEREAS it is deemed expedient to adopt by by-law, rules governing the order and procedure of the Council of the Corporation of the Township of Wilmot.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:

**PART 1                    DEFINITIONS**

- 1.1    **“Abstain”** means a member who refuses to vote (abstain) will be recorded as voting in the negative;
- 1.2    **“Acting Mayor”** means the member of Council appointed by by-law to act from time to time in the place and stead of the Mayor, pursuant to Part 4 of this by-law.
- 1.3    **“ad hoc Committee”** means a Committee composed of Members of Council and established to review a specific matter and report its findings and recommendations to Council;
- 1.4    **“Advisory Committee”** means a Committee established by Council under a specified Terms of Reference to advise on matters which Council has deemed appropriate for the Committee to consider;
- 1.5    **"Agenda"** means the order of proceedings for a meeting setting out the business to be considered at the meeting;
- 1.6    **“Amendment”** means a change in the form of a Motion. An amendment is designed to alter or vary the term of the main motion without materially changing its meaning. It may propose that certain words be left out, that certain words be omitted and replaced by others, or that certain words be inserted or added. Every amendment must be strictly relevant to the question being considered.

- 1.7 **“Business Day”** means days of the week the Administrative Complex for the Township of Wilmot is open for Township business, typically Monday to Friday, excluding holidays. The day in which a meeting is to occur shall not be included in the calculation of “business days.”
- 1.8 **“Calendar Day”** means any day of the week. The day in which a meeting is to occur shall not be included in the calculation of “calendar days.”
- 1.9 **“Chair”** means the person presiding over a meeting and who is charged with the responsibility to decide questions and points of order or practice, preserve order and maintain decorum in the proceeding. The Chair, except where disqualified, may vote on all questions;
- 1.10 **“Chief Administrative Officer”** means the person appointed by by-law as the Chief Administrative Officer (CAO) of the Corporation of the Township of Wilmot and whose duties are therein prescribed and to include Section 229 of the Municipal Act;
- 1.11 **“Chief Executive Officer”** shall mean the Mayor in accordance with Sections 226.1 of the Municipal Act;
- 1.12 **“Clerk”** means the person appointed by by-law as the Clerk of the Corporation of the Township of Wilmot and whose duties are therein prescribed in Section 228 of the Municipal Act;
- 1.13 **“Closed Session”** means a closed session of a committee or Council meeting which is closed to the public in accordance with the requirements of the *Municipal Act*;
- 1.14 **“Consent Agenda”** means a board meeting practice that groups routine business and reports into one agenda item. The consent agenda can be approved in one action, rather than filing motions on each item separately
- 1.15 **“Council”** is the term to refer collectively to the Mayor and 5 Councillors;
- 1.16 **“Councillor”** is the term consistent with the *Municipal Act*, and is the title assigned to a Member of Council, except the Mayor, elected to represent the electors of the Township of Wilmot;
- 1.17 **“Delegation”** means any person, group of persons, firm or organization, who is neither a Member of Council or an appointed official of the Township and who is speaking to committee or Council. May be relative to a matter on the Agenda and scheduled immediately after the staff report to which they relate, or relative to a matter not on the Agenda and scheduled at the end of the meeting following Announcements;
- 1.18 **“Division of Question”** means a request by a Member of Council to have a motion containing separate questions, recommendations or amendments, voted on in sections or parts;
- 1.19 **“Emergency Meeting”** means a meeting of Council held to consider any business of the Council which is deemed by the Chair to be of an emergency situation;
- 1.20 **“Ex Officio”** means by virtue of office or position and carries with it the right to participate fully in the committee meeting and to vote unless prohibited by law;
- 1.21 **“Friendly Amendment”** means an amendment made to the motion under debate with the consent of the mover and seconder, and without the requirement for an amending motion to be made.
- 1.22 **“Head of Council”** means the Mayor or his/her designate;

- 1.23 “Improper Conduct”** means conduct which offers any obstruction to the deliberations of proper action of Council;
- 1.24 “Inaugural Meeting”** means the first meeting of Council held after a municipal election in a regular election year;
- 1.20 “Majority Vote”** means more than half of the votes cast by members entitled to vote at a meeting;
- 1.21 “Management Team”** means the Chief Administrative Officer and Department Heads of the Township of Wilmot;
- 1.22 “Mayor”** is the Head of Council who is elected by general vote to represent electors in The Township of Wilmot;
- 1.23 “Meeting”** means any regular or special meeting of Council, or any meeting of a Committee or Advisory Committee as defined in the Municipal Act, 2001;
- 1.24 “Member of Council”** means a person duly elected to serve on the Council of The Corporation of the Township of Wilmot;
- 1.25 “Motion”** means a question to be considered by the Council or Committee which is moved, seconded, presented, read by the Chair and is subject to debate. When a motion is adopted, it becomes a resolution;
- 1.26 “Municipal Act”** means the Municipal Act, 2001 S.O. 2001, chapter 25, as amended from time to time and any successor legislation thereto;
- 1.27 “Notice of Motion”** means an advance notice to Members of Council of a matter on which Council will be asked to take a position.
- 1.28 “Participate Electronically”** means that Members of Council are present at the Council Meeting through an online or telecommunications medium that allows for audio and/or video interactions for the purposes of participating in a Council Meeting and such participation includes voting.
- 1.29 “Pecuniary Interest”** means a direct or indirect pecuniary interest of a member as defined within the meaning of the *Municipal Conflict of Interest Act, R.S.O. 1990, chapter M.50*, as amended and any successor legislation thereto;
- 1.30 “Personal Privilege”** means the raising of a question which concerns a member of Council or the Council collectively, when a Member believes that their rights, immunities or integrity or the rights, immunities or integrity of Council as a whole have been impugned;
- 1.31 “Point of Information”** is a request directed to the Mayor or through the Chair to another Member or to the staff, for information relevant to the business at hand but not related to a Point of Procedure;
- 1.32 “Point of Order”** means a statement made by a Member during a meeting, drawing the attention of the Mayor or his/her designate to a breach of the Rules of Procedure;
- 1.33 “Point of Procedure”** means a question directed to the Mayor or Chair to obtain information on a matter of parliamentary law or the rules of Council bearing on the business at hand, in order to assist a Member to make an appropriate motion, raise a point of order, understand the parliamentary situation or the effect of the motion;
- 1.34 “Presentation”** means
- i) presentations made by Council to recognize the contributions or achievements of individuals or organizations;

- ii) presentations made to Council by individuals or organizations at the invitation of Council;
  - iii) presentations made to Council by an advisory or other Committee
- 1.35 “Presiding Officer”** means the Mayor or in his absence, the Acting Mayor, to act in his/her absence while presiding at meetings;
- 1.36 “Public Hearing”** means a meeting of Council or that portion of a meeting of Council or any Committee of Council which has been given authority by by-law or statute to conduct a hearing in matters pursuant to any legislation which requires Council to hear interested parties or to afford them an opportunity to be heard before taking action, passing a by-law or making a decision;
- 1.36 “Question”** means a motion that has been placed before the Council or Committee by the statement of the Chair. Only once duly stated by the Chair and “on the floor” can a motion be debated and put to a question of the members for proper resolution (Question On the Floor).
- 1.37 “Quorum”** means the majority of the whole number of the members of Council who are present in person;
- 1.38 “Recorded Vote”** means the recording in the minutes, the names of each Member of Council present and the manner of their vote on a matter or question before Council. Recorded Votes shall be taken upon request by any Member of Council. In the case of a Member who has a declared conflict or pecuniary interest in the matter or question, the minutes shall reflect the Member abstained from taking part in the discussion and the vote;
- 1.39 “Regular Meeting”** means a scheduled meeting of Council held in accordance with the approved schedule of meetings;
- 1.40 “Resolution”** means a formal determination made by Council or a Committee on the basis of a motion duly placed before a regularly constituted meeting of Council or a Committee for debate and decision, and duly passed;
- 1.41 “Rules of Procedure”** means the rules and regulations provided in this by-law;
- 1.42 “Special Meeting”** means a meeting of Council not scheduled in accordance with the approved calendar of meetings;
- 1.43 “Special Purpose Committee”** means a Committee comprised of such members of Council and other persons as appointed by Council to address matters which Council has deemed necessary within the jurisdiction of Council;
- 1.44 “Tie Vote”** means an equality of votes and the question being voted on is deemed lost.
- 1.45 “Treasurer”** means the Treasurer of the Corporation of the Township of Wilmot.

## **2. GENERAL PROVISIONS**

### **2.1 Rules and Procedures**

The rules and procedures contained in this by-law shall be observed in all proceedings of Council as defined in the Municipal Act, and shall be the rules and procedures for the order and dispatch of business of the Council and its Committees thereof;

### **2.2 Parliamentary Procedure**

Points of order or procedure not specifically governed by this By-law shall be decided by the Chair in accordance with, as far as reasonably practical, the most current edition of Robert's Rules of Order.

### **2.3 Meeting Decorum – All Persons Present**

At no time shall any Member of Council, staff, delegations or member of public or media;

- (a) speak disrespectfully of or to any person;
- (b) use offensive words or unparliamentary language;
- (c) speak on any subject other than the subject for which he or she has received approval to address Council;
- (d) disobey the rules of procedure or a decision of the Mayor or Council; or
- (e) interrupt, speak-over, or continue to speak when advised by the Mayor not to, or otherwise disrupt the proceedings of the meeting or the ability of Council or staff to conduct business.

### **2.3 Mayor - Ex Officio Member – All Committees**

The Mayor shall be an ex officio member of all Committees established or appointed by Council. Where a committee is established by reference to a particular number of members without specifically providing for the membership of the Mayor, such number is automatically increased by one, except where prohibited by law, being the Mayor, as provided under this Section. The Mayor may vote and otherwise participate, unless prohibited by law, in the business of the committee or other body on the same basis as any other committee member.

### **2.4 Meetings Open to Public**

Subject to Section 5 of this by-law, all meetings of Council and its Committees shall be open for attendance by the public, and no person shall be excluded therefrom, except for improper conduct.

## **3. ROLES AND DUTIES**

### **3.1 General**

It is the role and duty of all elected representatives, appointed committee members, and all staff to serve the residents of the Township of Wilmot. Business of the corporation of the Township of Wilmot shall be conducted in the best interest of the residents as a whole and not to serve the interests of any one individual or group of individuals above the common good with transparency and openness, conducting business that considers open and accessible communication to **all members of the public every stakeholder**.

**All meetings and ceremonies of Council and committees shall be devoid of all religious or spiritual text, reference, prayer, or invocation so as to ensure a neutral space.**

### **3.2 Role of the Mayor**

It is the role of the Mayor:

- a) to act as chief executive officer of the municipality;
- b) to preside over council meetings so that its business can be carried out efficiently and effectively;

- c) to provide leadership to the council;
- (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1) of the *Municipal Act*;
- d) to represent the municipality at official functions;
- e) to act as council's representative when dealing with other levels of government, their agencies and the private sector;
- f) to act as the Township's representative on council for the Regional Municipality of Waterloo;
- f) to carry out the duties of the head of council under the *Municipal Act* or any other Act;
- g) as chief executive officer of the municipality, the Mayor shall:
  - i) uphold and promote the purposes of the municipality;
  - ii) promote public involvement in the municipality's activities;
  - iii) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
  - iv) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents

### **3.3 Role of Council**

It is the role of Council:

- a) to represent the public and to consider the well being and interests of the municipality;
- b) to develop and evaluate policies and programs of the municipality;
- c) subject to legislative restrictions, develop regulations to be adopted in by-laws and resolutions for the overall benefit of the community;
- d) to determine which services the municipality provides in accordance with applicable legislation;
- e) to ensure that administrative policies, practices and procedures are in place and controllership policies, practices and procedures are in place to implement the decisions of Council;
- f) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- g) to maintain the financial integrity of the municipality; and
- h) to carry out the duties of Council under the *Municipal Act* or any other Act.

### **3.4 Duty of the Mayor**

It is the duty of the Mayor to preside over all meetings of Council and:

- a) to open meetings of Council by taking the Chair and calling the meeting to order;
- b) to receive and submit, in the proper manner, all motions;

- c) to put to a vote all motions and to announce the result;
- d) to serve as an ex-officio member of all committees and be entitled to vote at such meetings;
- e) to decline to put motions to a vote which infringe upon the rules of procedure;
- f) to inform the members of the proper procedure to be followed and to enforce the rules of procedure;
- g) to enforce on all occasions, the observance of order and decorum among the members;
- h) to call by name any member persisting in a breach of the rules of procedure and to order the member to vacate the Council Chambers;
- i) to permit questions to be asked through the Mayor, or any officer of the Township for information, to assist in any debate when the Mayor deems it proper;
- j) to provide information to members on any matter relating to the business of the Township;
- k) to authenticate by signature all by-laws and minutes of Council;
- l) to rule on any points of order raised by the members;
- m) to maintain order. Where it is not possible to maintain order, the Mayor may, without any resolution being put, adjourn the meeting to a time to be named by the Mayor;
- n) to adjourn the meeting when the business is concluded;
- o) to carry out the duties of the head of Council under the Municipal Act, or any other Act;
- p) to act in accordance with his/her Oath of Elected Office.

### **3.5 Duty of a Councillor**

It is the duty of Councillors to attend all meetings of Council and:

- a) to prepare for meetings, including reviewing the agenda and background information prior to the meeting;
  - i. to speak only to the subject under debate;
  - ii. to vote on all motions before the Council unless prohibited from voting by law;
  - iii. to observe proper procedure and decorum at all meetings;
  - iv. to state questions to be asked through the Mayor;
  - v. to attend committee meetings to which the Councillor has been appointed by Council;
  - vi. to carry out the duties of Council under the Municipal Act, or any other Act;
  - vii. to act in accordance with their Oath of Elected Office;

### **3.6 Duty of the Chief Administrative Officer**

It is the duty of the Chief Administrative Officer:

- a) to exercise general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality;
- b) to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- c) to undertake or direct the undertaking of research and provide advice to Council on the policies and programs of the municipality;
- d) perform such other duties required under this or any Act and other duties as assigned by the municipality; and,
- e) provide leadership and direction to staff as the most senior member of staff.

### **3.7 Duty of the Clerk**

It is the duty of the Clerk to attend all Council meetings and:

- a) to prepare and distribute agendas for all meetings of Council in accordance with this by-law;
- b) to record, without note or comment, all resolutions, decisions, minutes and other proceedings of the Council;
- c) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- d) to keep the originals or copies of all by-laws and of all minutes of proceedings of the Council;
- e) to make such minor clerical, typographical or grammatical corrections in form to any by-law, motion, resolution and/or minutes as may be required for the purpose of ensuring correct and complete implementation of the actions of Council;
- f) to perform the other duties required under the Municipal Act or any other Act;
- g) to advise Council on parliamentary procedure;
- h) to perform such other duties as are assigned by the municipality.
- i) the Clerk may delegate in writing to any person, other than a member of council, any of the Clerk's powers and duties under the Municipal Act and any other Act
- j) the Clerk may continue to exercise the delegated powers and duties, despite the delegation

### **3.8 Duty of the Treasurer**

It is the duty of the Treasurer:

- i) to collect money payable to the municipality and issue receipts for those payments;
- ii) to deposit all money received on behalf of the municipality in a financial institution designated by the municipality;
- iii) to pay all debts of the municipality on behalf of the municipality and other expenditures authorized by the municipality;
- iv) to maintain accurate records and accounts of the financial affairs of the municipality;

- v) to provide Council with such information with respect to the financial affairs of the municipality as it requires or requests;
- vi) to ensure investments of the municipality are made in compliance with the regulations made under Section 418 of the Municipal Act;
- vii) to perform such other duties as are assigned by the municipality.

### **3.9 Municipal Administration**

It is the role of the officers and employees of the municipality:

- (a) to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- (b) to undertake research and provide advice to Council on the policies and programs of the municipality; and
- (c) to carry out other duties required under this or any Act and other duties assigned by the municipality.

## **4. COUNCIL MEETINGS**

### **4.1 Place**

The regular meetings of the Council of the Township of Wilmot shall be held in the Council Chambers pursuant to Section 236 of the Municipal Act. In the case of an emergency, or other circumstances, Council may hold its meetings at any convenient location within or outside the municipality, as approved by resolution of Council;

#### **4A.1 Participating Electronically**

4A.1.1 Notwithstanding any other provision of this By-law, a Member of Council may Participate Electronically in any Council Meeting, which is either open or closed to the public, and may be counted in determining whether or not a quorum of members is present at any point in time, subject to Sections 4A.1.2 and 4A.1.3 of this By-law.

4A.1.2 The Chair of a Meeting of Council shall not be permitted to Participate Electronically in a Meeting of Council, except during a Declared Emergency.

4A.1.3 In the absence of a Declared Emergency, where a Council Member wishes to Participate Electronically at any Council Meeting, such Council Member shall provide the Clerk with notice, in writing, at their earliest opportunity.

### **4.2 Seating Arrangement of Council**

Councillors shall be seated to the right of the Mayor in Council Chambers in Ward order. For wards with more than one Councillor, those Members shall be seated in alphabetical order by last name.

### **4.3 Councillor – addressed**

Members of council are to be addressed as: "Councillor (surname inserted)".

### **4.4 Mayor - addressed**

The Mayor shall be addressed as “Mayor” (surname inserted)” or as “Your Worship.”

#### **4.5 Staff and Members of the Public – addressed**

Staff and members of the public are to be addressed as “Dr.,” “Mr.,” “Mrs.,” “Ms.,” “Miss.,” “Mx.,” or “Ind.” (surname inserted) as preferred. Members of staff may also be addressed by title within the corporate structure.

#### **4.6 Inaugural Meeting**

The Inaugural meeting of the Council of the Corporation of the Township of Wilmot following a regular municipal election shall be held in accordance with the Municipal Act, 2001 at 7:00 p.m., in the Council Chambers; (removed reference to specific day of the month and reference to weekends/holidays)

The Agenda for the Inaugural meeting shall be established by the incoming Members of Council and the Clerk and will reflect the values of the community with respect for diversity and inclusion of all members of the community.

No business shall be conducted at the Inaugural Meeting of Council until the Declarations of Elected Office have been made by the members of the Council.

The order of proceedings at the first meeting of Council after the regular election shall be as follows: Processional, National Anthem, Land Acknowledgment, Moment of Silence, Declarations of office, (i) Mayor, (ii) Members of Council in order of wards, Inaugural Address by the Mayor, and passing of confirming By-Law.

Secular, non-religious, non-spiritual, ceremonial proceedings may be added at the discretion of the incoming Members of Council.

#### **4.7 Rotational Schedule – Acting Mayor**

Each term, as soon after the commencement of its term as reasonably possible, Council shall appoint by by-law, in alphabetical order, each member of Council to serve for one calendar month as Acting Mayor for that time in the place and stead of the Mayor when the Mayor is absent from the Township area, absent through illness, or refuses to act, and the Acting Mayor shall have and may exercise all rights, powers and authority of the Mayor in his/her absence.

#### **4.8 Regular Meetings**

Following the Inaugural meeting, Regular meetings shall be held in the Council Chambers, at 7:00 p.m., local time, twice per month on Mondays as per the schedule approved by Council Resolution.

##### **Regular Meetings – January, July, August and December**

During the months of January, July, August and December in each year, there shall be one regular meeting of Council per month to be held at a time designated by Council to accommodate the ad hoc Budget Committee Meeting schedule and the summer holiday season.

Council may, by resolution or by-law, alter the time, day or place of any Council or Committee meeting.

#### **4.9 Quorum**

A majority of members of Council shall be necessary to constitute a quorum;

If no quorum is present one half hour after the time appointed for a meeting of Council, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting;

If during the course of a meeting a quorum is lost, subject to the provisions of the Municipal Conflict of Interest Act, then the meeting will stand adjourned, not ended, to reconvene at the same time of commencement on the next following day, or at such other time and place as the Mayor or his/her Designate will then announce;

If in the Mayor or his/her Designate's opinion it is not essential that the balance of the agenda be dealt with before the next regularly scheduled meeting, the Mayor or his/her Designate will announce that the unfinished business of Council will be taken up at the next regularly scheduled meeting.

Where the number of Members of Council who, by reason of provisions of the Municipal Conflict of Interest Act, are disabled from participating in a meeting is such that at that meeting the remaining Members of Council are not of sufficient number to constitute a quorum, then, the remaining number of Members of Council shall be deemed to constitute a quorum, provided such number is not less than 2.

#### **4.10 Absence – Head of Council**

If the Head or Acting Head of Council, pursuant to the rotation list established by By-law, does not attend within fifteen (15) minutes after the time appointed for a meeting of Council, the Clerk shall call the members to order and an Acting Head of Council shall be appointed from among the members present and he/she shall preside until the arrival of the Head of Council or his/her designate and while so presiding, the Acting Head of Council shall have all the powers of the Head of Council and will be so entitled to vote as a member.

In the absence of the Head of Council, or if the office is vacant, Council may, from among its members, appoint a Head of Council, who, during such absence or vacancy or refusal to act, has all the powers of the Head of Council.

#### **4.11 Notice of Regular Meetings (Agenda) – Delivered in Advance to Council, CAO, Management Team**

The Agendas shall be considered as notice of regular meetings.

The Clerk shall cause to be delivered to each member of Council, an agenda for each regular meeting of Council, electronically and/or hard copy to the address provided by the Member of Council to the Clerk for delivery of such agendas. The agenda shall be provided not later than three (3) business days before the holding of such meeting. At the same time the Clerk shall make available a copy of the agenda to the Chief Administrative Officer and to the members of the Management Team in electronic and/or hard copy format.

#### **4.12 Agendas – Available to the Public/Media**

Agendas for Open Session meetings of Council shall be made available to the public and media on the Township website within twenty-four (24) hours of delivery to the Members of Council.

#### **4.13 Reports Under Separate Cover**

Where the completion of the Agenda is delayed due to an overdue staff Report or Presentation that is expected to be included on the Agenda and is time sensitive or deemed necessary to be included on the Agenda for

political reasons, the Clerk will complete the Agenda within the timeframe provided in this By-law and provide notation on the Agenda that the overdue report or presentation will be provided under separate cover.

When the report or presentation is completed, the Report Under Separate Cover will be sent electronically to Members of Council, the CAO and the Management Team, if hardcopies have been requested by Members of Council or staff, they will be made available for pick-up.

The Report Under Separate Cover will be integrated into the online version of the Agenda for the public and media. Staff will notify the public and media of the Agenda being update through the website and Township social media channels.

A Report Under Separate Cover shall not include any Public Meeting held or other report being proposed in accordance with any Act.

#### **4.13 Special Meetings**

In addition to regular meetings, special meetings of Council shall be held upon written direction signed by the Mayor and delivered to the Clerk stating the date, time and purpose of such meeting.

The Mayor may, at any time, summon a Special Meeting of Council on twenty-four (24) hours notice to the members and upon receipt of the petition of the majority of the members of Council, the Clerk shall summon a Special Meeting for the purpose at the time, date and place mentioned in the petition.

If time is of the essence, notice may be given to Council by telephone call.

No other business other than that stated in the notice shall be considered at a Special Meeting.

#### **4.14 Agendas – Special Meetings – Delivered in Advance to Council, CAO, Management Team**

Notice or an agenda to Council of a Special Meeting called in accordance with this by-law shall be delivered to the Members, CAO and Management Team by means of personal delivery, telephone, facsimile transmission or electronic mail. The Notice/Agenda to Council of the Special Meeting shall be provided not less than 24 hours before the hour set for such meeting.

#### **4.15 Agendas – Special Meetings – Available to the Public/Media**

Agendas for Special Meetings shall be made available to the public and media as soon as possible after they have been delivered to Members of Council.

If time is of the essence, notice or an agenda may be given to the press/media by telephone call.

#### **4.16 Special meetings – agenda – provided at the meeting**

The Clerk may provide the agenda of the Special meeting at the meeting where time constraints do not allow the Agenda to be delivered to the members of Council or the press at least 24 hours before the hour appointed for the holding of the Special meeting.

#### **4.17 Emergency Meetings**

Notwithstanding any other provision of this by-law, an emergency meeting may be held without notice, to deal with an emergency or extraordinary situation provided that an attempt has been made by the Clerk to notify

members about the meeting as soon as possible and in the most expedient manner available.

**4.18 Emergency – business specified – transacted**

No business except business dealing with the emergency or extraordinary situation shall be transacted at the emergency meeting.

**4.19** Lack of receipt of notice or an Agenda by the members of Council shall not affect the validity of the meeting or any action lawfully taken thereat.

**4.20 Rescheduling or Cancellation of Regular Council Meetings**

When it is deemed to be advisable, the Mayor is authorized to change the date and/or time of or cancel the regular Council meeting next following and the agreement of the majority of the members of Council, having been polled by the Clerk, shall be required to effect the change, provided a minimum of seven (7) days' notice is given of the change of date of the meeting. The Township website shall be updated.

**5. CLOSED MEETINGS/SESSIONS**

**5.1** Closed meetings or sessions may be held as deemed necessary by the Head of Council in consultation with the Clerk. Such meetings or sessions may be closed to the public in accordance with the requirements of the Municipal Act, 2001. All reasonable efforts on the part of Council and staff will be made to keep meetings open to the public unless closure is specifically authorized under the Municipal Act and it is deemed necessary.

**5.2 Matters that may be considered – closed**

The only matters that may be considered in a closed session are as follows:

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;

- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

### **5.3 Matters to be considered – Closed – mandatory**

A meeting shall be closed to the public if the subject matter relates to:

- a) the consideration of a request under the Municipal Freedom of Information and Protection to Privacy Act, when the council, board, commission or other body is acting as head of the institution for the purposes of the Act; or
- b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman appointed by municipality in accordance with subsection 223.13 (1) of the Municipal Act, or the Closed Meeting Investigator referred to in subsection 239.2 (1) of the Municipal Act.

### **5.4 Procedure – convening into closed session**

Before holding a meeting or part of a meeting that is to be closed to the public, a council or committee of council or local board shall state by resolution:

- (a) the fact of the holding of the closed meeting;
- (b) the general nature of the matter to be considered at the closed meeting.

### **5.5 Procedure – modifications**

The rules governing the procedure of the Council and its Committees and the conduct of its members shall be observed in Closed meetings or sessions, with the necessary modifications, except that:

- a) a member shall not speak more than once to a motion until every member who desires to speak has spoken once;
- b) the number of times of speaking on any question shall not be limited;
- c) recorded votes are not permitted at closed sessions

### **5.6 Meeting not closed – during vote**

Subject to Section 5.3, a meeting shall not be closed to the public during the taking of a vote.

### **5.7 Meeting closed during vote – exception**

A meeting or part of a meeting may be closed to the public during a vote, if:

- (a) section 5.3. applies and
- (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or local board or persons retained by or under contract with the municipality or local board.

### **5.8 Minutes of Closed Meeting/Sessions**

Minutes of all or part of a Council meeting that is closed shall be recorded by the Clerk and will be retained in confidence by the Clerk and such minutes will not be open to inspection by any member of the public.

The Clerk, in making the minutes shall not record any personal information as defined in the Municipal Freedom of Information and Protection to Privacy Act.

### **5.9 Agenda of Closed Meeting/Session**

Agendas for Closed Meetings/Sessions will be circulated to Members of Council not later than 3 (three) business days before the holding of such meeting. Closed Meeting Agendas and reports shall only be circulated by hardcopy and will be collected by the Clerk at the close of Closed Meeting/Session for destruction. The Clerk shall identify the most amount of detail possible to allow for Council to consult with the Integrity Commissioner in regard to potential pecuniary interest.

## **6. PUBLIC NOTICE OF MEETINGS OF COUNCIL & COMMITTEES**

### **6.1 Public Notice of Regularly Scheduled Meetings**

Public Notice of regularly scheduled meetings of Council or a Committee for The Township of Wilmot shall be given by posting the schedule of Council meetings as approved by Council resolution on the Township's official website, and the meeting schedule of Committees as approved by the Committee members, on the Township's official website at the beginning of each calendar year or upon scheduling. The meeting schedule shall include the date, time and location of meetings.

### **6.2 Public Notice of Special Meetings**

Public Notice of a Special Meeting of Council or a Committee shall be given by posting to the schedule of meetings on The Township of Wilmot's official website not less than one day in advance of the date of the meeting.

### **6.3 Public Notice of Emergency Meetings – Not Required**

An emergency meeting of Council or a Committee may be held without public notice being given, to deal with an emergency or extraordinary situation.

### **6.4 Public Notice – Closed Meetings For the Purpose of Education and Training of Members**

Public notice of a meeting of Council or a Committee that is closed to the public and is held for the purpose of educating or training the members of Council or a Committee, as the case may be, shall be given by the passing of a resolution by Council or the Committee at a meeting open to the public stating;

- a) the fact of the holding of the closed meeting;
- b) the general nature of its subject matter; and
- c) the legislative provision allowing for the holding of the closed meeting

### **6.5 Public Notice – Other Closed Meetings**

Public notice of a meeting of Council or a Committee that is closed to the public, except a meeting held for the purpose of educating or training the members of Council or a Committee, as the case may be, shall be given by

the passing of a resolution by Council or the Committee at a meeting open to the public stating:

- a) the fact of the holding of the closed meeting, and
- b) the general nature of the matter to be considered at the closed meeting

#### **6.6 Agendas – Open Session Meetings**

Prior to the meeting, where possible and pending the distribution to the Members, the agenda for Council and Committee meetings shall be posted on the Township's official website within twenty-four (24) hours of delivery to the Members Council or the Committee. Notice of the posting of the Agenda shall be made public through the Township's social media account(s) and/or email list(s). This provision does not apply to agendas of meetings that are Closed Sessions.

#### **6.7 Posting of Agendas – Failure to Post**

Notwithstanding section 6.6 above, failure to post the agenda to the Township's official website, social media or email list shall not affect the validity of the meeting or any action lawfully taken thereat.

#### **6.8 Emergency Meeting – Notice Not Required**

Notwithstanding any other provision of this by-law, an emergency meeting may be held without public notice being given, to deal with an emergency or extraordinary situation.

#### **6.9 Public Notice – Agenda – Not Received – Validity**

Lack of receipt of Public Notice or an Agenda shall not affect the validity of the meeting or any action lawfully taken thereat.

### **7 ORDER OF BUSINESS - COUNCIL**

#### **7.1 General Provisions**

The Clerk shall have prepared and printed a list of the items in the order of topics set out as the routine of business for the use of each Member at a regular meeting;

- 7.1.1 Any Member of Council may file in writing not later than 5 (five) business days before the holding of such meeting with the Clerk an item for inclusion on the Council Agenda to allow for a staff response if necessary.

#### **7.2 Order of Business**

- 7.2.1 As soon after the hour fixed for the holding of the meeting of Council as a quorum is present, the Head of Council shall take the Chair and call the meeting to order;
- 7.2.2 Immediately after the Head of Council or presiding officer has called the meeting to order the following order or procedure shall be observed for a regular Council meeting:

**Call to Order**  
**Closed Session**  
**Reconvene Into Open Session**  
**Moment of Silent Reflection**  
**Land Acknowledgement**  
**Additions to the Agenda**

Disclosure of Pecuniary Interest Under the Municipal  
Conflict of Interest Act  
Minutes of Previous Meeting  
Public Meetings  
Presentations  
Consent Agenda  
Reports  
Correspondence  
By-laws  
Notice of Motions  
Announcements  
**Delegations**  
Business Arising from Closed Session  
Confirmatory By-law  
Adjournment

### 7.3 Minutes

7.3.1 The Clerk shall be the secretary of all Council Meetings. It shall be the duty of the Clerk to record the proceedings of Council in the form of minutes that shall contain the following:

- (i) The beginning and ending time of Meetings.
- (ii) The names of Members present.
- (iii) The time Members arrive and leave the Meeting.
- (iv) Any declaration of Pecuniary Interest.
- (v) A record of the decision of each item for consideration.
- (vi) Recommendations to Council on each item.
- (vii) The names of Delegations appearing before Committee.

~~The Minutes shall record:~~

- ~~(i) the place, date and time of the meeting;~~
- ~~(ii) the names of the presiding officer, and the record of the members in attendance.~~
- ~~(iii) any disclosure made under the Municipal Conflict of Interest Act;~~
- ~~(iv) the reading, if requested, correction and adoption of the minutes of prior meetings;~~
- ~~(v) other proceedings of the meeting without note or comment.~~

7.3.2 Such Minutes as referred to in Section 7.3.1 may be adopted by Council without having been read at the meeting considering the question of their adoption.

7.3.3 The Minutes shall be posted to the Township website within 48 (forty-eight) hours of the Minutes' adoption.

7.3.4 Video recordings of the meeting shall be retained in accordance with the Retention By-law.

#### **7.4 Land Acknowledgement**

- 7.4.1 The Land Acknowledgement, as approved by Resolution of Council, shall be read at the beginning of every Council Meeting and Committee of Council Meeting. The Chair or presiding officer shall ask if any person present of Indigenous decent wishes to read the Land Acknowledgement. In absence of any person declaring their desire to read the Land Acknowledgement, the Members of Council or the Committee, as the case may be, shall read the Land Acknowledgement on a rotating basis starting with the presiding officer. Any Member can decline to read the Land Acknowledgement and may do so without explanation.
- 7.4.2 The Land Acknowledgement may be read at official functions of the Township or other community events at the discretion of the organizer.

#### **7.5 Additions to the Agenda**

Additions to the Agenda may be submitted by members of staff to the Clerk in writing for emergency items of a time sensitive nature. The Addition to the Agenda must be submitted not later than 4 (four) hours in advance of the Council Meeting and must be distributed to Council electronically and posted on the Township Website immediately upon receipt.

#### **7.6 Disclosure of Pecuniary Interest**

- 7.6.1 It shall be the responsibility of each individual member to determine if a conflict exists and disclose any pecuniary interest and the nature thereof in accordance with the provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50, as amended, in any regular or Special Council or Committee meeting.
- 7.6.2 Any member required to make a disclosure of pecuniary interest shall disclose any direct or indirect pecuniary interest and state the general nature of such interest in accordance with the provisions of the Municipal Conflict of Interest Act, as amended, and it shall be recorded by the clerk in accordance with the provisions of the Act or any amendments thereto;
- 7.6.3 Where a member of Council, either on his/her own behalf or while acting, by, with or through another, has a pecuniary interest, direct or indirect, in any matter and is present at a meeting at which the matter is the subject of consideration, the member shall:
- (i) prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
  - (ii) not take part in the discussion;
  - (iii) not vote on any question in respect of the matter;
  - (iv) not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
- 7.6.4 Where a meeting is not open to the public, in addition to complying to the requirements of this by-law, the member shall immediately leave the meeting for the part of the meeting during which the matter is under consideration;
- 7.6.5 Where the interest of a member of Council has not been disclosed for reason of absence from the particular meeting, the member shall disclose the interest and otherwise comply at the first meeting attended by the member after that particular meeting;

- 7.6.6 The failure of one or more members to comply with this section of the by-law shall not affect the validity of the meeting in regard to said matter.

## 7.7 Presentations

- 7.7.1 Any person making a presentation to Council, including staff members, consultants engaged by the Township, or individuals representing any other corporation, organization or local board of the Township, shall be permitted to address Council and shall be limited in speaking to not more than ten (10) minutes without a time limit.

- 7.7.2 All audio and visual materials presented to Council by a presenter must be reviewed by the Clerk and CAO relative to inappropriate language, graphic images or other messaging that does not reflect the decorum of Council Chambers. Such materials may include, but are not limited to, audio recordings, slide presentations, photos, videos and handouts but does not include the presenters speaking notes.

Presenters must provide materials not less than five (5) business days before the commencement of the meeting of Council.

## 7.8 Consent Agenda

- 7.8.1 In preparing the agenda for Council and Committee meetings, the Clerk may identify items which are considered to be routine and non-controversial under the heading “Consent Agenda,” which matters may be considered by Council as a summary matter in one motion rather than as separate items, unless a member of Council otherwise requests.

- 7.8.2 Any member of Council or staff, before the consent motion is voted on, may add or remove any number of items of business from the consent motion. Any report removed from the Consent Agenda will be disposed of immediately following the Consent Agenda.

- 7.8.3 In the event that a member declares a conflict of interest on an item that is included in the consent motion, that item shall be removed from the consent motion and dealt with separately.

- 7.8.4 Members of Council may ask clarifying questions only with regards to matters on the Consent Agenda. Questions of a more substantive nature require the report to be removed from the Consent Agenda. The Chair may interrupt the questions and declare that the report will be removed from the Consent Agenda

~~7.9.4 Items removed from the consent motion at the request of a member of Council or staff will be considered under the “Reports” section.~~

- 7.8.4 The Clerk may list the following items as consent items on the Agenda.

- a) Staff appointments.
- b) Committee appointments .
- c) Reports provided for information only.
- d) Tenders.

## 7.10 Delegations for Matters on the Agenda

7.10.1 Persons desiring to verbally present information on matters of fact, or make a request of Council, relative to matters on the Agenda, shall give notice to the Clerk in writing, not later than four (4) hours before the commencement of the meeting of Council and may be heard on leave of the Mayor or other presiding officer of Council, but shall be limited in speaking to not more than ten (10) minutes. Where a delegation consists of five or more persons, it may be permitted to have two spokespersons address Council, in which event each of such spokespersons shall be limited to speaking for not more than ten (10) minutes. Delegations shall be permitted to speak only once on an item.

7.8.4 All audio and visual materials presented to Council by a delegation must be reviewed by the Clerk and CAO relative to inappropriate language, graphic images or other messaging that does not reflect the decorum of Council Chambers. Such materials may include, but are not limited to, audio recordings, slide presentations, photos, videos and handouts but does not include the delegations speaking notes.

Delegations appearing relative to subsection 7.10.1 are requested to provide materials not less than five (5) business days before the commencement of the meeting of Council so they may be included in the Council Agenda Package for Council's information. Delegations appearing relative to subsection 7.10.1 must provide materials not less than 24 (twenty-four) hours in advance of the scheduled meeting.

## **7.10 Communications and Petitions**

7.9.1 Every communication including petition designed to be presented to Council shall be legibly written or printed and shall not contain any impertinent or improper matter or language and shall be signed by at least one person and filed with the Clerk. It is recommended the petitions conform the Township's petition template, which can be obtained on the Township's official website or by contacting the Clerk or Deputy Clerk.

7.9.2 Any person who files a petition must leave their name and contact information with the Clerk.

7.9.3 Any person who signs a petition must be made aware by the person filing the petition that their names, signatures, and contact information, as included on the petition, may be included in the Council Agenda and made available to the public including publication on the Township website.

7.9.3 Every petition or communication shall be delivered to the Clerk not less than five (5) business days before the commencement of the meeting of Council and if in the opinion of the Chief Administrative Officer, it contains any impertinent or improper matter or language, the Chief Administrative Officer shall decide whether it should be included in the agenda for a Council meeting.

7.9.4 Every petition received shall be circulated to the Department Head responsible for the general service area the petition pertains to, or their designate. The Department Head, their designate, or the Chief Administrative Officer may contact the person who filed the petition to discuss the matter contained within the petition before the petition is added to the Agenda. After discussions with the Department Head, their designate or the Chief Administrative Officer have included, the person who filed the petition may contact the Clerk to withdraw the petition.

7.9.5 Communications or petitions addressed to Council shall be listed by the Clerk on the agenda and the Clerk shall briefly indicate therein the content of each such petition or communication.

7.9.6 Resolutions from other municipalities and addressed to Council shall be listed by the Clerk on the agenda for the next regular meeting, and shall be listed under Correspondence.

## **7.10 By-laws**

7.10.1 All by-laws shall be considered by Council and shall be introduced and receive first, second and third reading by a motion;

7.10.2 Copies of all by-laws to be considered by Council shall be provided to each member of Council with the Agenda Package;

7.10.3 All by-laws when introduced shall be in type-written form, shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any Act, and shall be complete with the exception of the date;

7.10.4 By-laws which received first and second reading at a previous meeting and have now been cleared for final reading shall be read a final time and approved in open Council;

7.10.5 Every by-law shall have three readings previous to it being passed;

7.10.6 The Clerk shall record on all by-laws enacted by Council, the date of the first, second and third readings;

7.10.7 Every by-law which has been enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Mayor and the Clerk and shall be stored in the Clerk's Department for safekeeping.

### **7.10.8 Editorial and Other Changes**

i. The Clerk may make the following changes to By-laws or resolutions to:

a. Correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.

b. Alter the style or presentation of text or graphics to improve electronic or print presentation.

c. Replace a description of a date or time with the actual date or time.

d. If a provision provides that it is contingent on the occurrence of a future event and the event occurs, remove text referring to the contingency and make any other changes that are required as a result.

e. When the name, title, location or address of a body, office, person, place or thing has been altered, change any reference to the name, title, location or address to reflect any alteration in name, title, location or address.

f. Correct errors in the numbering of provisions or other portions of a By-law and make any changes in cross-references that are required as a result.

g. If a provision of a transitional nature is contained in a By-law, make any changes that are required as a result.

h. Make a correction, if it is patent both that an error has been made and what the correction should be.

i. The Clerk:

a) may provide notice of the changes made under subsections 3.16(1)(a) to 3.16(1)(c) inclusive in the manner that they consider appropriate.

- b) shall provide notice of the changes made under subsections 3.16(1)(d) to 3.16(1)(h) inclusive in the manner that they consider appropriate.
- c) in determining whether to provide notice under subsection 3.16(2)(a), shall consider:
  - 1) the nature of the change; and
  - 2) the extent to which notice, and the information provided in it, would provide assistance in understanding the relevant legislative history.
- (d) in providing notice under subsection 3.16(2)(a) or 3.16(2)(b), shall state the change or the nature of the change.
- (v) No legal significance shall be inferred from the timing of the exercise of a power under this section.
- (vi) Regardless of when a change is made to a By-law under this section, the change may be read into the By-law as of the date it was enacted if it is appropriate to do so.

## **7.11 Notice of Motion**

7.11.1 A Notice of Motion shall:

- i) be in writing;
- ii) shall be directed by the Clerk to the next regular Council meeting and shall be printed in full on the agenda.

(Subsections 7.12.2 through 7.12.5 were moved from Section 11)

7.11.2 Notice of all new motions except motions listed in Sections 11.8 and 11.9 shall be given in writing and delivered to the Clerk at least six (6) business days preceding the date of the meeting at which a motion is to be introduced and the motion shall be printed in full and unaltered on the agenda for that meeting of Council, as a means of introduction, and each succeeding meeting until the motion is considered or otherwise disposed of. The motion shall be submitted to the Clerk in writing which may include by email.

7.11.3 The right to move a notice of motion shall be deemed to be that of the Councillor who introduced the Notice.

7.11.4 Any amendments, except those of a typographical nature, to a Notice of Motion shall be deemed to have created a new Notice of Motion and shall be treated as such in accordance with this by-law. Amendments of a substantive manner cannot be made during a meeting without being re-introduced as though it is a new Notice of Motion.

7.11.5 When a Member's notice of motion has been called from the Chair in two successive meetings and not proceeded on, it shall be dropped from the agenda unless Council otherwise decides.

7.11.6 If Council determines that the notice of motion shall appear on the agenda at a third meeting, such notice of motion is called from the Chair and not proceeded with, it shall be deemed to have been withdrawn.

7.11.7 Any motion may be introduced without notice if Council, without debate, dispenses with notice on the affirmative vote of at least two-thirds of the members present and voting.

7.11.8 Members of Council are expected to prepare their Notice of Motion in accordance with traditional parliamentary formatting and use

traditional parliamentary language. Assistance with formatting or language may be sought from the Clerk or Deputy Clerk.

7.11.9 Members of Council considering the submission of a Notice of Motion are encouraged to speak with the appropriate Department Head or CAO to ensure a Notice of Motion is the most efficient means of dealing with a matter.

7.11.10 Assistance with the substance of a Notice of Motion may be sought from the Department Head relative to the subject matter or the CAO.

7.11.11 Review of the Notice of Motion by staff shall not constitute support from staff on the content of the Motion.

## 7.12 Announcements

7.12.1 Members of Council may make any special event announcements or report on community activities.

## 7.13 Delegations

7.8.1 No person except members of Council and Township Officials shall be allowed to come within the bar during the sitting of Council without the permission of the Head of Council.

7.8.2 Persons desiring to verbally present information on matters of fact, or make a request of Council, relative to matters not on the Agenda, shall give notice to the Clerk in writing, not less than five (5) business days before the commencement of the meeting of Council and may be heard on leave of the Mayor or other presiding officer of Council, but shall be limited in speaking to not more than five (5) minutes. Where a delegation consists of five or more persons, it may be permitted to have two spokespersons address Council, in which event each of such spokespersons shall be limited to speaking for not more than five (5) minutes. Delegations shall be permitted to speak only once on an item.

Such delegations will be asked to first discuss the matter with staff, if the matter is operational in nature or may otherwise be resolved by speaking with staff.

7.8.3 All audio and visual materials presented to Council by a delegation must be reviewed by the Clerk and CAO relative to inappropriate language, graphic images or other messaging that does not reflect the decorum of Council Chambers. Such materials may include, but are not limited to, audio recordings, slide presentations, photos, videos and handouts but does not include the delegations speaking notes.

Delegations appearing relative to subsection 7.8.2 are requested to provide materials not less than five (5) business days before the commencement of the meeting of Council so they may be included in the Council Agenda Package for Council's information. Delegations appearing relative to subsection 7.8.3 must provide materials not less than 24 (twenty-four) hours in advance of the scheduled meeting. ~~Delegations appearing relative to subsection 7.8.3 must provide materials not less than one (1) hour in advance of the Council Meeting. If a Closed Meeting, ad hoc Budget Advisory Committee Meeting or other meeting involving Members of Council and Clerk's Services staff is scheduled and noted on the Council Agenda, materials must be provided 24 (twenty-four) hours in advance of the scheduled meeting.~~

7.8.5 When any person, not being a registered delegation desires to address Council on a matter on the Agenda, they shall be permitted to do so on leave of the Mayor or other Presiding Officer. Non-registered delegations will not be permitted to present to Council any audio or visual materials as described in subsection 7.8.3. Non-registered delegations shall be limited in speaking to not more than **three (3) minutes**. Where a delegation consists of five or more persons, it may be permitted to have two spokespersons address Council, in which event each of such spokespersons shall be limited to speaking for not more than three (3) minutes. **Delegations shall be permitted to speak only once on an item**

7.8.6 When any person, not being a registered delegation desires to address Council on a matter not on the Agenda, they shall be permitted to do so only on a motion to such effect being passed by a majority vote of the members present. Non-registered delegations will not be permitted to present to Council any audio or visual materials as described in subsection 7.8.3. Non-registered delegations shall be limited in speaking to not more than three (3) minutes. Where a delegation consists of five or more persons, it may be permitted to have two spokespersons address Council, in which event each of such spokespersons shall be limited to speaking for not more than three (3) minutes. **Delegations shall be permitted to speak only once on an item**

~~7.8.7 Delegations, registered or non-registered, appearing to speak relative to Public Meetings shall do so in accordance with the relative legislation or by-law regulating said Public Meeting and shall be limited in speaking to not more than ten (10) minutes. Where a delegation consists of five or more persons, it may be permitted to have two spokespersons address Council, in which event each of such spokespersons shall be limited to speaking for not more than ten (10) minutes.~~

#### **7.14 Adjournment**

7.14.1 A motion may be made at any time by a member who has the floor, requires no seconder and need not be in writing provided that no motion to adjourn may be made during the taking of a vote on any question.

7.14.2 Where a motion to adjourn is duly moved and carried and any item of business or any by-law then before Council is left undisposed of, such item of business or by-law may be considered at the appropriate place in the order of procedure at any subsequent regular meeting of Council.

7.14.3 Where a motion to adjourn is lost no second motion to the same effect may be made until after some intermediate proceeding shall have been had.

7.14.4 On a motion to Adjourn, no Member shall leave their seat until the Chair has declared the meeting adjourned.

7.14.5 A regular or special meeting of Council or Committee shall adjourn at the hour of 11:00 pm if in session at that time and shall reconvene at such other day and time as the Members may direct by resolution.

### **8. RULES OF DEBATE**

8.1 Any member desiring to speak shall so indicate by raising his/her hand and, upon being recognized by the Mayor or other presiding

officer, shall address the Chair by stating “through you, Mayor (surname)...” or “through you, Your Worship...”

- 8.2 When two or more members raise their hands to speak the Mayor or presiding officer shall recognize the member who raised his/her hand first.
- 8.3 The Mayor or other presiding officer may state his/her position on any matter before Council without leaving the Chair, but it shall not be permissible to debate the question without first leaving the Chair after appointing a member to preside during such remarks.
- 8.4 The Mayor or presiding officer shall resume the Chair for the taking of the vote.
- 8.5 The Mayor or presiding officer may, without leaving the Chair, address Council between proceedings on any matter pertinent to the business of the municipality.
- 8.6 When a member is speaking no member shall pass between him/her and the Chair or interrupt him except to raise a point of order.
- 8.7 Any member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.
- 8.8 No member, without leave of Council, shall speak to the same question, or in reply, for longer than ten minutes.
- 8.9 A member may ask a question only for the purpose of obtaining information relating to the matter under discussion and such question must be stated concisely and asked only of the Chair.
- 8.10 Notwithstanding Section 8.9, when a member has been recognized as the next speaker, then immediately before speaking such member may ask a question of the Mayor or presiding officer on the matter under discussion only for the purpose of obtaining information, following which the member shall speak again.
- 8.11 The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by this By-law:
  - i) a point of order or personal privilege;
  - ii) presentations of petitions;
  - iii) to move the question be put;
  - iv) to adjourn.
  - v) to refer;
  - vi) to table or to postpone, defer to a day certain;
  - vii) to amend;
  - viii) to suspend the Procedural By-law
  - ix) any other procedural motion.

#### 8.12 Speaking Order and Limit

- (i) The Chair shall determine and administer the speaking order;

- (ii) Each Member may only speak for a maximum of 5 minutes at a time during debate, however, he/she may speak as often as he/she wishes. This time restriction does not apply to Members when they are asking questions and seeking clarification from Delegations and staff.
- (iii) If requested, the mover or seconder of a Motion, has the right to be the last Member to speak on a Motion; and,
- (iv) When a Member is speaking to a Motion, he/she shall confine his/her remarks to the Motion.

## 9. POINT OF ORDER

- 9.1 The Mayor or presiding officer shall preserve order and decide on points of order.
- 9.2 When a point of order is raised or when a member is called to order by the Mayor or presiding officer, the member speaking shall immediately cease until the Mayor or presiding officer has decided on the point of order and may further address Council only for the purpose of appealing to the Council from such decision.
- 9.3 The Mayor or presiding officer, in giving his/her decision, should cite the rule or law governing the case. The Mayor may ask for the assistance of the Clerk or Council in deciding the matter but the Mayor's decision shall be final if there is no appeal.
- 9.4 If the decision of the Mayor or presiding officer is appealed to Council, the Mayor shall restate the point in issue and ruling thereon and, without further debate, shall put the question "shall the ruling of the Chair be sustained". The Mayor or presiding officer may vote on this question and in the event of an equality of votes the Chair shall be deemed to be sustained.
- 9.5 When a member considers that his/her integrity or the integrity of Council as a whole or the integrity of staff has been impugned, he/she may as a matter of personal privilege, at any time, with the consent of the Mayor or presiding officer, draw the matter to Council's attention.

## 10. CONDUCT OF MEMBERS IN COUNCIL

- 10.1 No Member shall:
  - i) speak disrespectfully of the Reigning Sovereign, the Governor General, the Lieutenant Governor of any province, or any person administering the Government of Canada or this Province;
  - ii) use offensive words or unparliamentary language in or against the Council or against any Member or against any staff;
  - iii) speak on any subject other than the subject in debate;
  - iv) criticize any decision of Council except for the purpose of moving in accordance with the provisions of Section 12 that the question be reconsidered.
  - v) disobey the rules of Council, or a decision of the Mayor or presiding officer, or of Council on questions of order or practice, and upon the interpretation of the rules of Council, and in the case where a member persists in any such disobedience after having been called to order by the Mayor or presiding officer, the Mayor or presiding officer may forthwith

put the question, no amendment, adjournment or debate being allowed, "that such member be ordered to leave his/her seat for the duration of the meeting of Council", but if the member apologizes he/she may, by vote of Council, be permitted to retake his/her seat.

- 10.2 No charge shall be made which involves the character, conduct or language of a member of Council unless such member is present to reply or unless due notice has been given to such member to be present to offer a defence.
- 10.3 A question put to a member may not contain imputations, epithets, ironical expressions or hypothetical cases, nor may a question refer to debates or answers to questions in the same meeting. A question may not be put which publishes the names of persons, or contains statements not strictly necessary to render the question intelligible, or contains charges which the member who asks the question is not prepared to substantiate. The solution of an abstract legal case may not be sought by a question. A question cannot be made a pretext for a debate, and when a question has been fully answered it cannot be renewed.
- 10.4 When a member has been called to order by the Mayor or presiding officer for breach of parliamentary decorum, it is the member's duty to defer at once to the decision of the Mayor or presiding officer and to make apology by explaining that there was no intent to infringe on any rule of debate, or by immediately withdrawing the offensive or unparliamentary language which may have been used. However, if a member persists in unparliamentary conduct, the Mayor or presiding officer shall be compelled to name such member and submit such conduct to the decision of Council. In such a case, the member whose conduct is in question should explain and withdraw and it shall be for Council to decide what action to take.

## **11. MOTIONS**

- 11.1 A motion must be formally seconded before the Mayor or presiding officer can put the question or the motion can be recorded in the minutes.
- 11.2 When a motion is presented in Council in writing, it shall be read or if it is a motion which may be presented orally, it shall be stated by the Mayor or presiding officer before debate.
- 11.3 A motion in respect of a matter which is ultra vires the jurisdiction of Council shall not be in order.
- 11.4 After a motion is read or stated by the Mayor or presiding officer, it shall be deemed to be in possession of Council but may, with the permission of Council, be withdrawn at any time before decision or amendment.
- 11.5 A motion properly before Council for decision must receive disposition before any other motion can be received except motions in respect of matters listed in Sections 11.8 and 11.9.
- 11.6 A motion called in the order in which it stands on the agenda of the routine of business of a meeting and which is not decided by Council, shall be allowed to stand retaining its precedence on the agenda of the routine of business of the next ordinary meeting of Council.

11.7 A motion to refer a matter under discussion by Council to Township staff or a Committee shall preclude all amendments of the main question until it is decided.

11.8 If the amendment is not considered a "Friendly Amendment", then the motion to amend:

- i) shall be presented in writing;
- ii) shall receive disposition of Council before a previous amendment of the question;
- iii) shall be relevant to the question to be received;
- iv) shall not be received proposing a direct negative to the question;
- v) may propose a separate and distinct disposition of a question;
- vi) shall be put in the reverse order to that in which it was moved.
- vii) shall contain only one motion to amend an amendment to the question and any further amendment must be to the main question;

11.9 A motion for the previous question:

- i) cannot be amended;
- ii) cannot be proposed when there is an amendment under consideration;
- iii) shall preclude all amendments of the main question;
- iv) when resolved in the affirmative, shall to be put forward without debate or amendment;
- v) can only be moved in the following words "that the question be now put"; and,
- vi) may be voted against by the mover and seconder.

11.10 A motion on a matter of privilege shall receive disposition of Council forthwith upon receipt and when settled, the question so interrupted shall be removed to the point where it was suspended.

11.11 A motion for reference to a Committee or staff until it is decided, will preclude all amendments of the main question and any motion to postpone or defer, or to lay on the table.

- i) a motion to refer is debatable.

11.12 When the matter under consideration contains distinct recommendations or propositions, upon the request of any Member, a vote upon each recommendation or proposition will be taken separately.

## 12. RECONSIDERATION

12.1 After any question, except one of indefinite postponement, has been decided, any member may, at the same session or at a subsequent session, move for a reconsideration thereof. Such motion must be made in writing, but no discussion of the main question shall be allowed unless the motion for

reconsideration is passed by a two-thirds majority of all the members of Council, nor shall any question be reconsidered more than once.

- 12.2 A motion to reconsider an amendment may not be submitted until after the original motion to which the amendment was proposed has been considered and disposed of.
- 12.3 If a motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, unless the motion calls for a future definite date, and debate on the question to be reconsidered may proceed as though it had never previously been voted on.
- 12.4 Debate on a motion for reconsideration must be confined to the reasons for or against reconsideration.
- 12.5 When a by-law has been defeated at any stage of the order of procedure, it shall be subject to a motion to reconsider and the foregoing rules shall apply thereto, except that, when a motion to reconsider a by-law is carried by the required majority, a motion that leave be given to introduce the said by-law shall become the next order of business and, if this motion is carried, the by-law shall be dealt with in accordance with the usual order of procedure as if it had been first introduced at the meeting during which the motion to reconsider was voted on.

### **13. VOTING ON MOTIONS**

- 13.1 Immediately preceding the taking of the vote, the Mayor or presiding officer may state the question in the form introduced and shall do so if required by a member except when a motion for the previous question has been resolved in the affirmative. He/she shall state the question in the precise form in which it will be recorded in the minutes.
- 13.2 After a question is finally put by the Mayor or presiding officer, no member shall speak to the question or shall any other motion be made until after the vote is taken and the result has been declared.
- 13.3 Every member present at a meeting of Council when a question is put shall vote thereon unless prohibited by statute, by reason of conflict of interest or for any reason.
- 13.4 No vote will be taken in Council or Committee by ballot or by any other method of secret voting.
- 13.5 Upon the request of a member, immediately after a vote is taken, the Clerk shall record the negative vote of such member on any question.
- 13.6 If any member present at a meeting of Council when a question is put does not vote, he/she shall be deemed as voting in the negative except where he/she is prohibited from voting by law.
- 13.7 If a member disagrees with the announcement of the Mayor that a question is carried or lost he/she may, but only immediately after the declaration by the Mayor, object to the Mayor's declaration and require a recorded vote to be taken.
- 13.8 When the Mayor calls for the vote on a question each member shall remain in his/her seat until the result of the vote has been declared by the Mayor, and during such time no member shall walk across the room or speak to any other member or make any noise or disturbance.
- 13.9 When the matter under consideration contains distinct recommendations or propositions, upon the request of any Member, a vote upon each recommendation or proposition will be taken separately.

- 13.10 A member not present before the result of the division on a question is declared, shall not be entitled to vote on that question.
- 13.11 The manner of determining the decision of Council on a motion shall be at the discretion of the Mayor or presiding officer and may be by voice, show of hands or otherwise.
- 13.12 Upon the taking of any vote if all the members present when the vote is taken vote unanimously, the Mayor or presiding officer may direct the Clerk to record the vote accordingly.
- 13.13 Any question on which there is an equality of votes shall be deemed to be in the negative.

#### **14. RECORDED VOTE**

- 14.1 When a recorded vote is requested by a member, or is otherwise required, the Clerk shall record the name and vote of every member by ward, on any matter or question.
- 14.2 Where a vote is taken for any purpose and a member requests immediately prior to or immediately subsequent to the taking of the vote, that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his/her vote openly, and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote accordingly.
- 14.3 When a recorded vote is requested by any member the Clerk will call of the vote, announce the division and will record them in the minutes of the meeting.

#### **15. RECESS**

- 15.1 A majority vote of Members present is required to recess a meeting, and the time of return shall be announced by the Mayor or Presiding Officer.

#### **16. COMMITTEES (ad hoc/Advisory/Special Purpose)**

- 16.1** Ad hoc, Advisory or Special Purpose Committees may be established by Council at any time as is deemed necessary for the consideration of matters within the jurisdiction of the Council, pursuant to Section 11 of the Municipal Act or as required by any Act or Statute of the Province of Ontario.

##### **16.2 Establishment/Appointment**

The names of the persons to be appointed to any ad hoc, Special Purpose or Advisory Committee to which Council is required or empowered to appoint persons, shall be determined by Council by resolution or by-law or as required by any Act or statute of the Province of Ontario at the first regular meeting of a new Council, or as soon thereafter as is reasonable.

##### **16.3 General Role of Committees**

The role of Committees shall generally be to:

- i) make recommendations to Council on matters which are in their jurisdictions;
- ii) guide and request staff through the Chief Administrative Officer, to provide reports on the direction and nature of policy development, fact findings, analysis and generation of possible alternatives required; and

- iii) receive public Delegations and establish mechanism to receive further public input within their jurisdiction.

#### **16.4 General Role of Committee Members**

The role of a committee member shall generally be to:

- i) attend committee meetings being prepared to discuss items on the Agenda;
- ii) discuss items on the Agenda in a respectful manner, and, when called, vote on the matter with the public interest in mind; and
- iii) to uphold the decision and actions of the Committee.

#### **16.4 Election of Committee Chair**

The Clerk, or their designate, shall preside at the first meeting of each Committee at the start of its term for the purpose of electing a Chair of the Committee.

#### **16.3 Terms of Reference – Advisory Committees**

Subject to the provision of any general or special Act, the Council, in establishing any Advisory Committee, will set forth Terms of Reference of the Committee, and such other provisions as the Council deems proper.

#### **16.4 Procedures – Committees**

The procedures of the Committees shall be the same as those set out for Council insofar as they are applicable, with the following exceptions:

- i) In Committees the vote on any particular item shall not be recorded however a member on request may be recorded as being opposed;
- ii) At the request of any member of the Committee present, any item on the agenda may be re-opened by a majority vote of the members present;
- iii) A quorum in any Committee is the majority of the Members of the Committee as appointed by Council, and the Mayor, if present, is a member to be included in determining the quorum;
- iv) If any Committee neglects to attend to its duties, the Council may intervene and order it to meet and report;
- v) The Chair of a Committee may vote on any question before the Committee;
- vi) Any question on which there is an equality of votes shall be deemed to be in the negative;
- vii) In Committee, members may speak more than once on the same question;
- viii) Should any member of a Committee refuse or neglect to attend the regular or special meetings thereof, the Chair may report such neglect or refusal to the Council who may remove such member from the Committee and appoint another member;
- viii) Advisory Committees shall prepare minutes and submit them to Council.

## **16.5 Committee Reports to Council**

All Committees are required to provide bi-annual informational reports to Council to update on their activities.

## **17. REVIEW AND AMENDMENT TO THIS BY-LAW**

17.1 Within six (6) months of the new term of Council, the Clerk shall review this by-law. If amendments are required, the Clerk shall follow the requirements of subsection 17.3. If no amendments are deemed necessary, the Clerk shall report same to Council.

17.2 If deemed necessary by Council, the CAO or the Clerk, the Clerk may review this by-law and propose amendments in accordance with section with subsection 17.3.

17.3 No amendment or rescinding of this by-law or any part of thereof shall be considered at any meeting of Council unless notice of the proposed amendment or rescinding has been given at a previous regular meeting of Council and the waiving of this notice by Council is prohibited.

17.4 Amendments to and subsequent Procedural By-laws shall be reviewed by the Township solicitor prior to being considered by Council.

## **18. SUSPENSION OF THE RULES**

18.1 Any rules or procedures established by this by-law, other than a quorum requirement, may be suspended at or for a particular meeting, by resolution, provided two-thirds of members present vote in favour thereof, unless prohibited by law;

## **18. SEVERABILITY**

18.1 Should any section, sub-section, clause or paragraph or provision of this by-law be declared by a court or competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the provisions so declared to be invalid.

## **19. REMARKS**

19.1 In this by-law, words of the singular include the plural, words in the plural include the singular and words importing the masculine gender include the feminine gender where the context so requires.

## **20. ROBERT'S RULES**

20.1 In all unprovided for cases in the proceedings of Council or Committee, resort shall be had to Robert's Rules of Order as a rule for guidance on the question, and in such cases the decision of the Mayor or other presiding officer shall be final and acquiesced in without debate.

## **21. SHORT TITLE**

21.1 This by-law may be referred to as either the "Procedural By-law" or the "Rules of Procedure".

## **22. EFFECTIVE DATE**

22.1 By-law No. 2007-63 and any other by-laws inconsistent with the provisions of this by-law are hereby rescinded.

22.2 This by-law shall come into force and effect on the date of passage.

**READ** a first and second time on the 13<sup>th</sup> day of May, 2019.

**READ** a third time and passed in open Council on the 13<sup>th</sup> day of May, 2019.

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**Mayor**

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**Clerk**

DRAFT



# TOWNSHIP OF WILMOT

## FACILITIES & RECREATION SERVICES *Staff Report*

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**REPORT NO:** PFRS 2021-004

**TO:** COUNCIL

**SUBMITTED BY:** Sandy Jackson, Director of Parks, Facilities and Recreation Services  
Andrew Martin, Manager of Planning/EDO

**PREPARED BY:** Andrew Martin, MCIP RPP  
Manager of Planning/EDO

**REVIEWED BY:** Grant Whittington, CAO

**DATE:** April 12, 2021

**SUBJECT:** RFP 2021-11  
Consulting Services for Multi-Use Trail Design:  
Downtown New Hamburg Nith River Promenade Rehabilitation

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### **RECOMMENDATION:**

THAT WSP Canada Inc. be awarded the contract for design of the Downtown New Hamburg Nith River Promenade Rehabilitation, as per their proposal received March 19, 2021 for the bid price, excluding HST, of \$54,640.00 plus an allowance for provisional engineering of \$4,850.00.

### **SUMMARY:**

Requests for proposals for design of enhanced erosion control and rehabilitation of the Nith River pathway in New Hamburg between the Hartman Bridge and Kirkpatrick Park were reviewed. Based on the evaluation of standard proposal criteria, the evaluation team recommends that the project be award to WSP Canada Inc.

### **BACKGROUND:**

In late 2019, the Township of Wilmot received conditional approval of funding towards "New Hamburg Core Enhancements – Nith River Pathway and Erosion Control" under the Rural Economic Development (RED) program. The purpose of the project is to complete the

rehabilitation of the Nith River Trail in New Hamburg, between the historic Hartman Bridge and Kirkpatrick Park, which serve as anchors to the commercial district.

On February 25, 2021, a Request for Proposal for the necessary consulting services to complete the design of the project was released for on-line bidding purposes. The request included a provisional item for pricing of engineering drawings and reports related to the stairs forming part of the New Hamburg Dam. This provisional item would be required should the preferred design propose modifications to those stairs and engineering analysis then be required by the Grand River Conservation Authority.

### **REPORT:**

On March 19, 2021 the Township received proposals from five consulting firms:

- WSP Canada Inc. (Thornhill)
- MTE Consultants Inc. (Kitchener)
- Ron Koudys Landscape Architects Inc. (London)
- R.J. Burnside & Associates Ltd. (Orangeville)
- AECOM Canada Ltd. (Markham)

An internal selection committee, comprised of staff from Parks, Facilities and Recreation Services, Development Services and Corporate Services, reviewed and evaluated the five proposals based on the following criteria:

- Project Understanding and Approach
- Experience & References
- Project Team
- Cost proposal

Critical to the successful completion of this project is a thoroughly thought-out and planned design incorporating agency and stakeholder feedback at the early stages of development.

A detailed review of the submissions based on the first three criteria was initially completed, followed by an evaluation of the cost proposal to arrive at a final score for all submissions.

The selection team was impressed with the detailed understanding and scope of work, qualified project team, and related experiences that WSP Canada Inc. bring to the proposal. Based on final scoring and the detailed work plan within their proposal, WSP Canada Inc. was selected as the preferred consultant.

### **ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:**

Improvements to the trail, including increased accessibility, enhanced erosion control, and a design incorporating stakeholder engagement furthers the Township's goals of Quality of Life, Environmental Protection and Community Engagement.

**FINANCIAL CONSIDERATIONS:**

The approved Capital budget for this project is outlined below:

<b>Funding Source</b>	<b>Amount</b>
Infrastructure Reserve Fund (Facilities)	\$112,000
Rural Economic Development Fund	48,000
<b>Total Budget</b>	<b>\$160,000</b>

The proposal submitted by WSP Canada Inc. is \$54,640.00 plus applicable taxes. Costs net of the HST rebate will be \$55,601.66. Additional engineering costs with respect to the New Hamburg Dam, if required by the Grand River Conservation Authority are \$4,850 plus applicable taxes. This will leave approximately \$100,000 in funding available for final construction works on the pathway.

**ATTACHMENTS:**

Attachment A      Plan showing project area



Huron Street

Hartman  
Bridge

mid parking lot walkway

Kirkpatrick Park  
parking lot

PFRS 2021-004: Downtown New Hamburg Nith River Promenade Rehabilitation  
ATTACHMENT A



# TOWNSHIP OF WILMOT

## FACILITIES & RECREATION SERVICES *Staff Report*

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**REPORT NO:** PFRS 2021-005

**TO:** COUNCIL

**SUBMITTED BY:** Sandy Jackson, Director of Parks, Facilities and Recreation Services  
Andrew Martin, Manager of Planning/EDO

**PREPARED BY:** Andrew Martin, MCIP RPP  
Manager of Planning/EDO

**REVIEWED BY:** Grant Whittington, CAO

**DATE:** April 12, 2021

**SUBJECT:** RFT 2021-10  
Sandhills Road Multi-Use Trail Contract

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### **RECOMMENDATION:**

THAT RFT 2021-10 be awarded to 5 Star Paving (Cambridge) Inc. of Cambridge, ON for the construction of the Sandhills Road Multi-Use Trail, as per their bid submission dated March 19, 2021, in the amount of \$447,579.86, plus HST.

### **SUMMARY:**

This report outlines the tender process and recommends award of tender to 5 Star Paving (Cambridge) Inc. for the construction of the Sandhills Road Multi-Use Trail.

### **BACKGROUND:**

In December 2020, Council endorsed Report PFRS 2020-018, which provided an update to the Baden Hills trails and Sandhills Road Multi-Use trail project including an explanation regarding increased costs and ultimately direction to proceed with the tender for construction of the multi-use trail.

On February 25, 2021, the tender documents were released for on-line bidding purposes. The tender included a request for provisional pricing for the installation of duct work for future fibre extension to the Public Works Operations Centre to improve internet connectivity at that location.

### **REPORT:**

At the time of tender closing on March 19, 2021 the Township received six bids summarized below:

<b>Bidder</b>	<b>Bid Amount</b>
5 Star Paving (Cambridge) Inc. (Cambridge, ON)	\$447,579.86
Armstrong Paving and Materials Group Ltd.	\$483,319.52
Brantco Construction	\$509,590.10
CSL Group Ltd.	\$658,819.00
Hardscape Concrete & Interlock	\$698,283.40
Vista Contracting Ltd.	\$742,726.50

As noted in the table above, the lowest bid was received from 5 Star Paving (Cambridge) Inc. at a cost of \$447,579.86 plus HST. The bid includes \$145,000 in provisional items to account for potential costs, including soil handling and dust control. The provisional costs also include approximately \$72,000 for the installation of duct work for future fibre installation to Public Works Operations Centre. Total project costs are summarized, and funding sources are outlined, within the Financial Considerations section of this report.

MTE Consultants reviewed all tender submissions in detail for conformance with the contract documents and were satisfied with the submissions. References provided by 5 Star Paving (Cambridge) Inc., (for trail projects completed for the Cities of Kitchener and Cambridge as well as the Waterloo Region District School Board) were contacted resulting in no concerns with the company.

### **ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:**

The introduction of a multi-use trail along Sandhills Road furthers the Quality of Life in Wilmot by expanding the active transportation network and providing enhanced recreation opportunities.

### **FINANCIAL CONSIDERATIONS:**

The initial approved Capital budget for this project is outlined below:

<b>Funding Source</b>	<b>Amount</b>
Trails Trust Fund	\$380,000
<b>Total Budget</b>	<b>\$380,000</b>

As discussed in Report PFRS 2020-018, endorsed by Council in December 2020, initial budget estimates for the multi-use trail portion of the project were derived without the benefit of a

detailed topographic survey and engineering solutions. Actual cost estimates exceeded those originally anticipated as result of a narrow road allowance, grades and the need to provide increased safety measures for trail users.

This project is being completed in two phases. The first phase included the construction of parking lot, approximately 1km of stonedust multi-use trail and 2km of hiking trails along with associated trail kiosks, signs and fencing and was completed in the fall of 2020. Total Phase 1 costs were \$86,569 (net of HST Rebate).

The second phase, the subject of this tender, will include construction of approximately 1.1km of multi-use trail, associated pedestrian safety measures, and infrastructure work including the installation of duct work for future fibre installation to Public Works Operations Centre (PWOC). Consulting Fees were previously awarded to MTE Consultants Inc., under Report FRS 2020-01 in the amount of \$60,095 (net of HST Rebate). The estimated incurred survey and legal costs associated with the land donation from Viola Erb are \$3,500. The tender from 5 Star Paving (Cambridge) Inc. including the duct work for future fibre installation to PWOC totals \$455,457 (net of HST Rebate). Total Phase 2 estimated and incurred costs are \$519,052 (net of HST Rebate).

The additional works for duct work supporting fibre installation to the PWOC (\$72,723) will be funded from the 2021 COVID-19 Recovery Funding, as this infrastructure ensures reliable network connectivity is provided for staff working at the PWOC.

A summary of project costs incurred and projected is provided below.

<b>Project Costs</b>	<b>Amount</b>
Phase 1: Survey (parking lot and road allowance)	\$1,811
Phase 1: Parking lot and trail	\$72,834
Phase 1: Fence posts, gates and signs	\$11,954
Phase 2: Consulting/engineering	\$60,095
Phase 2: Survey and legal for land donation	\$3,500
Phase 2: Earthworks, storm infrastructure, trail	\$382,734
Phase 2: Underground duct work	\$72,723
<b>Total Budget</b>	<b>\$605,651</b>

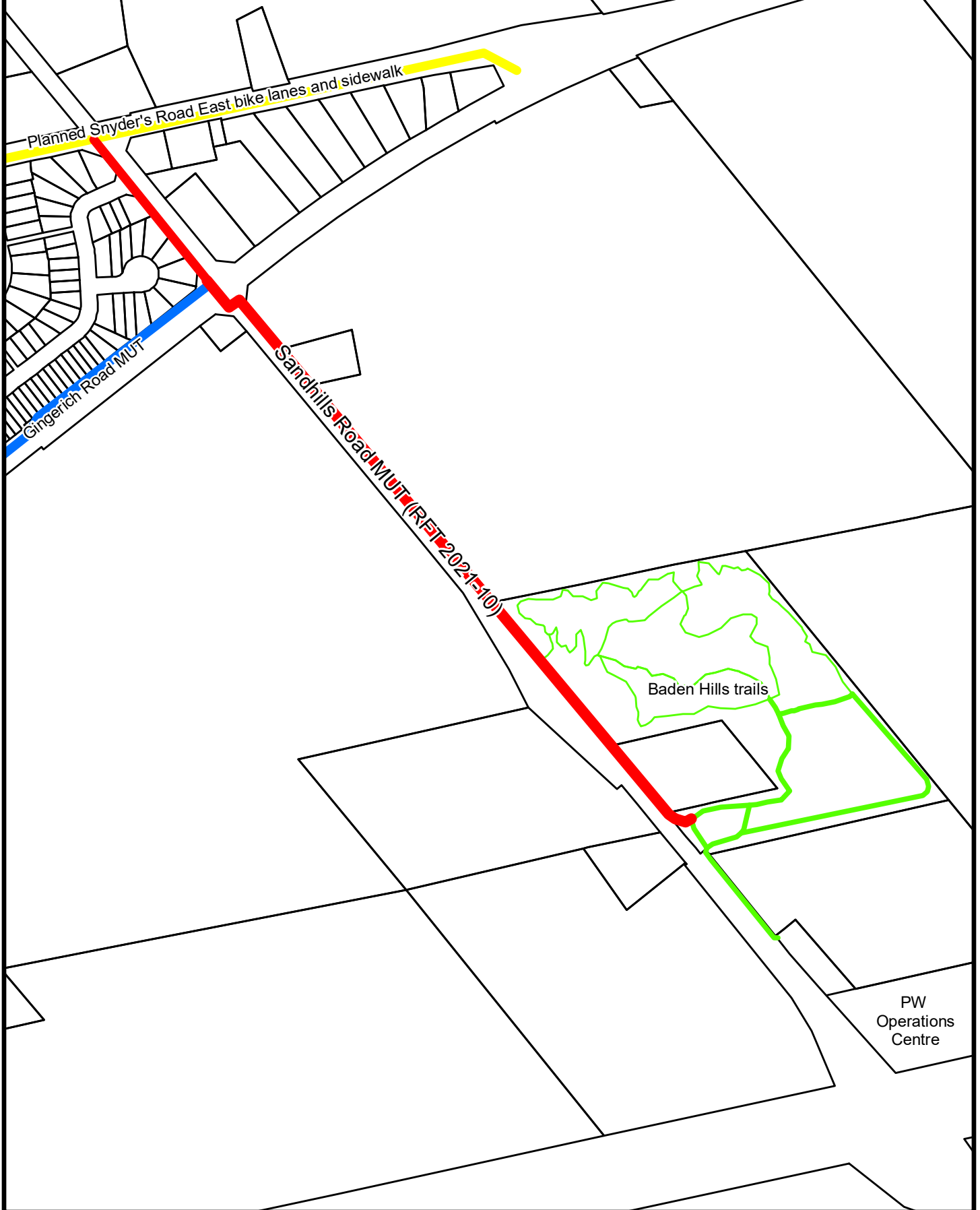
Funding for this project is provided as follows:

<b>Funding Source</b>	<b>Amount</b>
Trails Trust Fund (Phase 1 & 2 parking lot and trails)	\$502,146
Region of Waterloo (contribution towards Phase 1)	\$30,782
2021 COVID-19 Recovery Funding (duct installation)	\$72,723
<b>Total Budget</b>	<b>\$605,651</b>

**ATTACHMENTS:**

Attachment A      Plan showing project area

**PFRS 2021-005: Sandhills Road MUT Contract  
ATTACHMENT A**





LIFESAVING SOCIETY®

*The Lifeguarding Experts*

March 17, 2021

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Ontario

Angela Bylsma Anderson  
Aquatic Manager  
Wilmot Township  
60 Snyder's Road West  
Baden, ON, N3A 1A1

Dear Angela:

On behalf of the Lifesaving Society Ontario, it is my pleasure to inform you that the Wilmot Township has earned the R. Bredin Stapells Cup – Per Capita Category for 2020. As you may know, the R. Bredin Stapells Cup – Per Capita Category for 2020 is presented annually to the municipal affiliate with the largest leadership training program per capita.

Normally this award is presented in person at our annual Governor's Awards Gala. This year, recipients will be honoured in a *2020 Affiliate Recognition Awards* video immediately following our virtual Annual General Meeting. The Society's Governor John Macintyre will introduce the video. I hope you can arrange to join us online to watch the video and to attend the meeting.

The Society's virtual annual meeting will take place on April 16, 2021 beginning at 6:00 p.m. and will run approximately 30 minutes. You may join the meeting at any time once it has begun. You may also share the registration link with any guests who you think would be interested in joining. To register, click here:

<https://attendee.gotowebinar.com/register/3874472681044318731>.

Last year was like no other and I heartily congratulate you on this achievement.

Sincerely,

Sheri Stewart  
Senior Operations Officer

Reg. Charity No. 10809 7270 RR0001

400 Consumers Road  
Toronto, Ontario M2J 1P8 Canada

Tel: 416-490-8844 Fax: 416-490-8766  
E-mail: [experts@lifeguarding.com](mailto:experts@lifeguarding.com)  
[www.lifesavingsociety.com](http://www.lifesavingsociety.com)

## TOWNSHIP OF WILMOT

### BY-LAW NO. 2021-20

BY-LAW TO FURTHER AMEND BY-LAW NO. 83-38 OF THE TOWNSHIP OF WILMOT BEING A ZONING BY-LAW FOR THE SAID TOWNSHIP OF WILMOT.

WHEREAS The Corporation of the Township of Wilmot deems it desirable to further amend By-law No. 83-38, being a Zoning By-law for the said Township of Wilmot.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:

1. That the lands described on Schedule "A" and illustrated on Schedule "B" attached to and forming part of this by-law, may be used for the following use in addition to the uses permitted in Section 8.1 of By-law No 83-38, as amended:
  - a) a second "Residential Building – Single Detached"
2. Notwithstanding Section 1 of this By-law, the following regulations shall apply to the lands described on Schedule "A" and illustrated on Schedule "B" attached to and forming part of this By-law:
  - a) only one "Residential Building – Single Detached" may be occupied at any time
3. Except as amended by the preceding regulations, the lands described on Schedule "A" attached to and forming part of this by-law and shown on Schedule "B" attached to and forming part of this by-law, shall be subject to all other applicable regulations as set down in By-law No. 83-38, as amended.
4. This by-law shall come into effect on the final passing thereof by the Council of The Corporation of the Township of Wilmot subject to compliance with the provisions of The Planning Act, R.S.O., 1990 and amendments thereto and shall remain in force and effect only for a period of eighteen months from the date of issuance of a building permit for a second "Residential Building – Single Detached".

READ a first and second time on the 12<sup>th</sup> day of **April, 2021**.

READ a third time and finally passed in Open Council on the 12<sup>th</sup> day of **April, 2021**.

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MAYOR

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CLERK

## SCHEDULE "A"

**ALL AND SINGULAR** that certain parcel or tract of land and premises situate, lying and being in the Township of Wilmot, in the Regional Municipality of Waterloo and Province of Ontario being composed of Part of Lot 6, Concession North of Snyder's Road, being Parts 1 and 2, Plan 58R-1891, in the said Township of Wilmot.

This is Schedule "A" to By-law No. 2021-021.

PASSED this 12<sup>th</sup> day of **April, 2021**.

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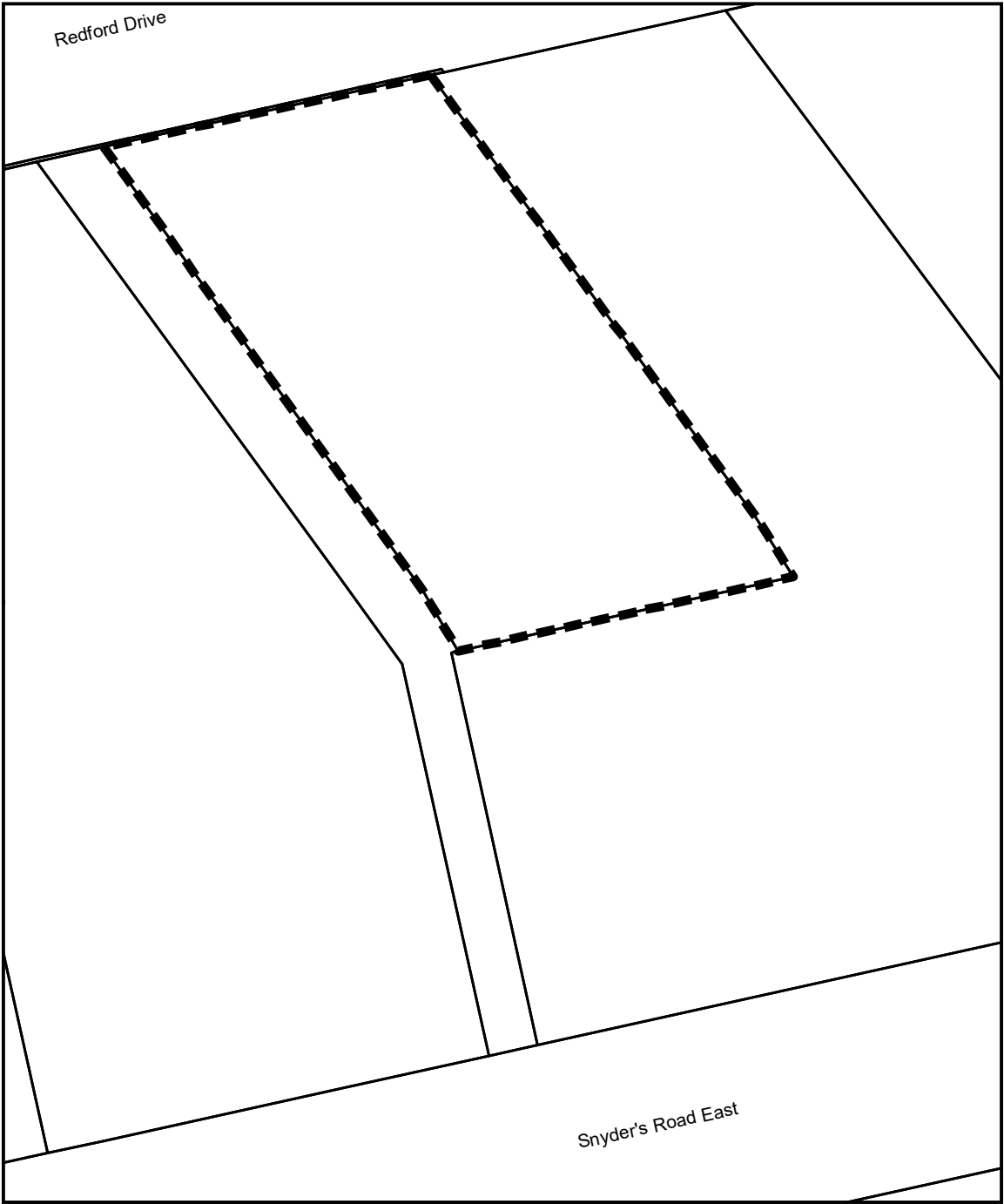
MAYOR

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CLERK

SCHEDULE "B"  
PART OF LOT 6, CONCESSION NORTH OF SNYDER'S ROAD  
BEING PARTS 1 AND 2, PLAN 58R-1891  
TOWNSHIP OF WILMOT

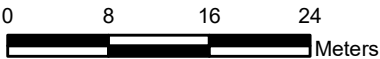
SUBJECT LANDS OUTLINED THUS: - - - - -



THIS IS SCHEDULE "B" TO BY-LAW NO. 2021-021  
PASSED THIS 12TH DAY OF APRIL, 2021.

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MAYOR

\_\_\_\_\_  
CLERK



**THE CORPORATION OF THE TOWNSHIP OF WILMOT**  
**BY-LAW NO. 2021-21**

**BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH  
THE MINISTRY OF TRANSPORTATION FOR THE  
NEW HAMBURG HIGHWAY IDENTIFICATION SIGN**

**WHEREAS** the Municipal Council of the Corporation of the Township of Wilmot is desirous of entering into an Agreement, which forms Schedule "A" to this By-law.

**THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF  
THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:**

1. That the Agreement which forms Schedule "A" to this By-law is hereby accepted as approved.
  
2. That the Mayor and Clerk are hereby authorized to execute under seal the said Agreement and all other documents and papers relating to this transaction.

**READ** a first and second time this 12th day of April, 2021.

**READ** a third time and finally passed in Open Council this 12th day of April, 2021.

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**Mayor**

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**Clerk**