



TOWNSHIP OF WILMOT

Council Meeting Agenda

Monday, June 3, 2019

Education Session

DC Background Study

Wilmot Community Room

4:00 P.M.

Closed Council Meeting

Schwartzentruber Room

6:15 P.M.

Regular Council Meeting

Council Chambers

7:00 P.M.

1. MOTION TO CONVENE INTO CLOSED SESSION

Recommendation

THAT a Closed Meeting of Council be held on Monday, June 3, 2019 at 6:15 p.m. in accordance with Section 239 (2) (b) and (d) of the Municipal Act, 2001, for the purposes of:

(b) personal matters about an identifiable individual, including municipal employees; and

(d) labour relations or employee negotiations.

- 2. MOTION TO RECONVENE IN OPEN SESSION**
- 3. MOMENT OF SILENCE**
- 4. LAND ACKNOWLEDGEMENT**
- 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 Meeting Minutes May 27, 2019

Recommendation

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

Council Meeting May 27, 2019.

8. PRESENTATIONS/DELEGATIONS

**8.1 Scott MacKenzie, New Dundee Public School
Are Plastic Straws the Best Option?**

**8.2 REPORT NO. FIN 2019-24
Corporate Health and Safety Program Update**

Recommendation

THAT Report FIN 2019-24, regarding the Township's Corporate Health and Safety Program, be received for information purposes.

**8.2.1 Katherine Blair, K. Blair Safety Consulting Inc.
Health & Safety Manual Presentation**

9. CONSENT AGENDA

**9.1 REPORT NO. CL 2019-32
Noise By-law Exemption**

New Dundee Board of Trade

Nancy Birss

New Dundee Bandshell

Recommendation

That Report No. CL 2019-32 be approved.

10. REPORTS

10.1 Clerk's Services

10.1.1 REPORT NO. CL 2019-26

Acceptance of Petition for Drainage Works

Gary Roth

South Part Lot 28 and 29, Concession 2, Block A

Township of Wilmot

Recommendation

THAT the Township of Wilmot accept the Notice of Petition for Drainage Works received from Gary Roth for South Part Lot 28 and 29, Concession 2, Block A, Township of Wilmot; and,

THAT the Clerk be authorized to proceed accordingly under the Drainage Act.

10.1.2 REPORT NO. CL 2019-27

Appointment of Drainage Engineer

Maurice Good Petition Drain

Lot 18, Concession South of Bleams Road

Township of Wilmot

Recommendation

THAT K. Smart Associates Limited of Kitchener, Ontario be appointed as Drainage Engineer to prepare the Engineer's Report relative to the petition for drainage works received from Maurice Good (Kaymaure Holsteins) for Lot 18, Concession South of

Bleams Road, Township of Wilmot and that the Engineer be instructed to include this report with the report for the Stewart Snyder (Agcom) petition as per Section 8(4) of the Drainage Act.

10.1.3 REPORT NO. CL 2019-28

Appointment of Drainage Engineer

Stewart Good Petition Drain

South Part Lot 20, Concession North of Bleams Road

Township of Wilmot

Recommendation

THAT Dietrich Engineering Limited of Kitchener, Ontario be appointed as Drainage Engineer for the drain petition received from Stewart Good for South Part Lot 20, Concession North of Bleams Road, Township of Wilmot.

10.1.4 REPORT NO. CL 2019-29

Appointment of Drainage Engineer

Petition for Drainage Works by the Road Authority

Regional Municipality of Waterloo

Snyder's Road East and Notre Dame Drive

Township of Wilmot

Recommendation

THAT K. Smart Associates Limited of Kitchener, Ontario be appointed as Drainage Engineer to prepare the Engineer's Reports relative to the petition for drainage works received from the Road Authority, The Regional Municipality of Waterloo, for parts of Snyder's Road East and Notre Dame Drive, Township of Wilmot.

10.1.5 REPORT NO. CL 2019-30

Appointment of Drainage Engineer

Improvement to Petersburg Drain 1983

Township of Wilmot

Recommendation

THAT K. Smart Associates Limited of Kitchener, Ontario be appointed to initiate a report under Section 78 of the Drainage Act to update and improve the Petersburg Drain 1983 and that the Engineer be instructed to include this report with the report for the Region of Waterloo Road Authority petition (see Report No. CL 2019-29) as per Section 8(4) of the Drainage Act.

10.1.6 REPORT NO. CL 2019-31**Encroachment Agreement****Steven Martin and Karen Partridge****231 Peel Street****Recommendation**

THAT the Township of Wilmot enter into an encroachment agreement with Steven Martin and Karen Partridge for 231 Peel Street, New Hamburg, Township of Wilmot, subject to the owner / applicant bearing all costs associated with the preparation of such agreement and supplying the Township with a reference plan delineating the encroachment; and further,

THAT the Mayor and Clerk be authorized to execute all associated documentation.

10.1.7 REPORT NO. CL 2019-33**Discharge of Firearms in Settlement Areas****Acceptance of Petition****Recommendation**

THAT the petition received concerning 1323 Queen Street, New Dundee, Ontario and the discharge of firearms in a residential area be received for information;

AND FURTHER, THAT staff be directed to review the Discharge of Firearms By-law and conduct a public engagement process.

11. BY-LAWS**11.1 By-law No. 2019-31 Execution of an Encroachment Agreement
with S. Martin and K. Partridge**

THAT By-law No. 2019-31 be read a first, second and third time and finally passed in open Council.

12. NOTICE OF MOTIONS**13. ANNOUNCEMENTS****14. BUSINESS ARISING FROM CLOSED SESSION****15. CONFIRMATORY BY-LAW****15.1 By-law No. 2019-32****Recommendation**

THAT By-law No. 2019-32 to Confirm the Proceedings of Council at its Meeting held on June 3, 2019 be introduced, read a first, second, and third time and finally passed in Open Council.

16. ADJOURNMENT**Recommendation**

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



TOWNSHIP OF WILMOT

Council Meeting Minutes

Monday, May 13 2019

Regular Council Meeting

Council Chambers

7:00 P.M.

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

Staff Present: Director of Clerk's Services D. Mittelholtz, Deputy Clerk T. Murray, Director of Public Works and Engineering J. Molenhuis, Director of Facilities and Recreation Services S. Nancekivell, Director of Development Services H. O'Kafka, Fire Chief R. Leeson, Director of Finance / Treasurer P. Kelly, Manager of Planning / EDO A. Martin, Asset Management Coordinator L. Nanibush, Manager of Finance / Deputy Treasure A. Romany

- 1. MOTION TO CONVENE INTO CLOSED SESSION (IF NECESSARY)**
- 2. MOTION TO RECONVENE IN OPEN SESSION (IF NECESSARY)**
- 3. MOMENT OF SILENCE**
- 4. LAND ACKNOWLEDGEMENT**
- 5. ADDITIONS TO THE AGENDA**
- 6. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT**

Councillor C. Gordijk acknowledged that her brother-in-law works for GHD; however, the report before Council was complete prior to her being elected to Council.

7. MINUTES OF PREVIOUS MEETINGS**7.1 Council Meeting Minutes May 13, 2019****Resolution No. 2019-114**

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

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

Council Meeting May 13, 2019.

CARRIED. AS AMENDED.

The following amendments were noted:

- Report No. FIN 2019-22 – Councillor J. Gerber noted his was referring to Municipal level funding not Provincial.
- Councillor C. Gordijk noted that the review of potential changes to the by-law regarding the Inaugural Meeting are to be completed for Council discussion prior to the 2022 election.
- Councillor C. Gordijk clarified she was referring to staff providing a report regarding expansion of broadband due to the current provincial government's mandate of including mandatory online courses into the high school curriculum.
- Councillor A. Hallman provided greater clarification of the information she is requesting regarding staff overtime.
- Councillor A. Hallman asked that her question regarding HST relative to the Municipal Accommodation Tax be included.

8. PUBLIC MEETINGS**8.1 REPORT NO. DS 2019-15**

Zone Change Application 07/19

Dustin Yantzi and Erin Yantzi

Part of Lot 26, Concession North of Bleams Road

Being Part 2, Plan 58R-18044

1018 Huron Street

Resolution No. 2019-115

Moved by: Councillor B. Fisher

Seconded by: Councillor A. Hallman

THAT Council approve Zone Change Application 07/19 made by Dustin Yantzi and Erin Yantzi, affecting Part of Lot 26, Concession North of Bleams Road, being Part 2, Plan 58R-18044, to pass a temporary use by-law to permit two dwellings for a period of 18 months be approved, subject to the following:

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

CARRIED.

Mayor 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 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 Council if there were any questions of a technical nature. There were none.

Mayor L. Armstrong asked three (3) times if anyone wished to address Council on this matter. There were none.

Mayor L. Armstrong declared the Public Meeting closed.

9. PRESENTATIONS/DELEGATIONS

10. CONSENT AGENDA

10.1 REPORT NO. PW 2019-09

Church Street and Wilmot Street Reconstruction – Bid Results

10.2 REPORT NO. PW 2019-10

Emergency Culvert Repairs

Resolution No. 2019-116**Moved by: Councillor J. Gerber****Seconded by: Councillor J. Pfenning**

THAT Report Nos. PW 2019-09 and PW 2019-10 be approved.

CARRIED.

Councillor A. Hallman asked if staff would be conducting a full patch assessment and the Director of Public Works and Engineering advised that staff will ensure that minimum maintenance standards will continue to be maintained.

11. REPORTS**11.1 FACILITIES AND RECREATION SERVICES****11.1.1 REPORT NO. FRS 2019-03****Kirkpatrick Park Parking Lot Reconstruction****Resolution No. 2019-117****Moved by: Councillor J. Pfenning****Seconded by: Councillor C. Gordijk**

THAT RFT 2019-16 be awarded to Brantco Construction for the reconstruction of the Kirkpatrick Park Parking Lot, as per their submission dated May 14, 2019, in the amount of \$464,449.00, plus HST.

CARRIED.

The Director of Facilities and Recreation Services outlined the report.

Councillor J. Pfenning asked for clarification on a more specific timeline for completion of the work, The Director of Facilities and Recreation Services advised this particular portion of the project must be completed by August 2nd.

Councillor A. Hallman asked about the \$18,000 savings identified, and what happens next with the surplus of funds. The Director of Finance / Treasurer noted that this project was funded through a mixture of sources (Capital Levy and Reserve Funds); and further, that upon completion of the project any leftover funds would go back proportionately to where they originated from. The closure of the Capital Program as part of the 2020 Budget will outline the projected returns to and draws from various funding sources.

Councillor C. Gordijk inquired as to the grant funding that was allocated for Kirkpatrick Parking Lot and whether some of it could be redirected to Board of Trade initiatives. Patrick noted that this funding, derived from the Main Streets Revitalization Initiative, was dedicated to the engineering component of this project, and will be fully utilized. Therefore, excess funding would not be available.

11.2 PUBLIC WORKS

11.2.1 REPORT NO. PW 2019-11

Asset Management Program Status Update

Resolution No. 2019-118

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

THAT Report PW 2019-11 regarding the status of the Township's Asset Management Program, be received for information purposes.

CARRIED.

The Director of Public Works and Engineering outlined the report.

Councillor B. Fisher noted that underground assets are more of a challenge when it comes to determining their condition and asked how that will be addressed. The Director of Public Works and Engineering advised that a CCTV Program has been implemented and staff will monitor progress moving forward.

Councillor J. Pfenning noted that while she is pleased to see this report the Township still has challenges in managing the infrastructure needs and monitoring going forward. Councillor J. Pfenning noted that she would be open to a staff report outlining budget implications for both Capital and Service Level impacts. The Director of Finance suggested that a report through the Level of Service portion of the 2020 Budget process would be the appropriate approach.

Councillor C. Gordijk asked if there were any other qualified firms that provide Asset Management consulting services to assist in progressing forward. The Director of Finance / Treasurer advised that the Township has an existing relationship with Public Sector Digest to complete multi-year Asset Management.

Councillor A. Hallman asked if load restrictions on roads is considered and the Director of Public Works and Engineering advised that in reference to the Asset Management Program, the current Levels of Service would not allow for that form of data analytics.

Councillor J. Pfenning asked if there were opportunities to contract out data entry for part of this process and the Director of Public Works and Engineering advised that although that is a valid option, the Township would see greater long term benefit from having this available in house.

Councillor B. Fisher asked for clarification on the number of Fire Stations listed and the Asset Management Coordinator and the Manager of Finance / Deputy Treasurer advised that the assets class for buildings includes component parts, for example, the roof is a separate asset from the structure itself.

Councillor B. Fisher asked for clarification on the calf shelter noted in the data set, and the Director of Facilities and Recreation Services advised that building has been repurposed to a storage building.

Councillor B. Fisher asked for clarification on which land holdings the document is referring to on Brewery Street and the Director of Development Services advised that is the vacant lot on the east side of the creek on Brewery Street.

The Director of Finance / Treasure advised that staff are aware that there will be inconsistencies and this will always be a reality; however, the report speaks to the items that require updating, and that as Asset Management capacity and Levels of Service improve, the overall document will improve.

Councillor B. Fisher acknowledged the amount of work that staff have done and suggested the Township remain as status quo until such time as notification has been received in terms of any indication of further Provincial cuts. The Director of Finance advised that while the Township is in a positive financial standing, this is in large part attributable to senior government funding, and that existing services provided by the Township would not be able to continue in their current state without alternate funding sources, including debt.

Councillor J. Pfenning acknowledged that the Township is better off than most, but the Township needs to find a way an effective way to maintain it all.

11.2.2REPORT NO. PW 2019-12

Road Condition Assessment & Needs Study

Resolution No. 2019-119**Moved by: Councillor C. Gordijk****Seconded by: Councillor J. Pfenning**

THAT Report PW 2019-12 regarding the Road Condition Assessment & Needs Study be received for information purposes.

CARRIED.

The Director of Public Works and Engineering outlined the report.

Councillor J. Pfenning noted that the report outlines the reality of where the Township needs to focus efforts moving forward. Mayor L. Armstrong noted that staff do realize that past practices need to be reconsidered. The Director of Public Works and Engineering advised that many municipalities across the Province are experiencing a backlog of work; however, there are strategies that can be undertaken through Level of Service decisions.

Councillor A. Hallman echoed those comments and supports the needed conversations.

The Director of Finance / Treasurer advised Council that the Township is quite often seen as a leader in Asset Management, speaking on webinars, and at conferences and the report should not overlook the significant work the Township is doing.

Councillor J. Pfenning noted that she was not indicating that the report was leaning toward the negative; rather, it presented an opportunity for the public to be educated on the discussions at the Council level regarding Asset Management.

Councillor A. Hallman commended staff on the report and the reality of where the Township and Province are in terms of Asset Management.

Councillor B. Fisher asked if staff foresaw adjustments to the 10-Year Capital Forecast as a result of this report and The Director of Public Works and Engineering advised that the current 10-Year Capital Budget is not identifying a substantial change at this time; however, there are aspects of the report that have been implemented and best practices are being continually monitored.

Councillor J. Gerber asked if the Wilmot Line is the highest travelled gravel surface roadway by volume and the Director of Public Works and Engineering advised that it is one of the higher volume sections that is still gravel; however, he noted there are challenges when dealing with boundary roads.

Councillor J. Pfenning noted the importance of funding allocations to support capital and infrastructure needs.

11.3 DEVELOPMENT SERVICES

11.3.1 REPORT NO. DS 2019-14

Response to Bill 108 – More Homes, More Choice Act, 2019

Resolution No. 2019-120

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

THAT Report DS 2019-14 be received for information; and,

THAT Report DS 2019-14 be forwarded to the Ministry of Municipal Affairs & Housing as the Township of Wilmot's comment on Bill 108, prior to the June 1, 2019 deadline for comments.

CARRIED.

The Director of Development Services and the Director of Finance outlined the report.

Councillor C. Gordijk asked for clarification regarding the reference to a By-law in Bill 108 and if the Township has control of that and the Director of Development Services advised that the Council would have the power to pass a By-law to define the soft services; however, he noted that there are a number of important details which the Province has not provided related to the capping of the fee which makes it difficult to fully comprehend the impact at this time.

Councillor A. Hallman advised she supports the report being sent to the province.

Councillor J. Pfenning asked how this Bill would impact the Township or various agencies in regards to environmental assessments and the Director of Development Services noted there would be impacts on certain agencies in terms of legislative requirements for turnaround times and appeal periods. Review and comment on some environmental aspects of applications might be difficult to impossible for some agencies in a 90-day window.

12. BY-LAWS

12.1 By-law No. 2019-28 Zone Change Application 07/19

12.2 By-law No. 2019-29 By-law to Appoint a By-law Officer

Resolution No. 2019-121**Moved by: Councillor C. Gordijk****Seconded by: Councillor J. Pfenning**

THAT By-law No. 2019-28 and 2019-29, be read a first, second and third time and finally passed in Open Council.

CARRIED.

13. NOTICE OF MOTIONS

Councillor J. Pfenning brought forward the following Notice of Motion

That we as Council members state at least one significant goal to accomplish in this term. By communicating it here, in open Council, we enable the rest of Council, staff and the wider public to support us in our vision. This is distinct from the general Strategic Plan process. These should be projects we intend to lead as individuals, with the rest of Council, staff and the public acting as support where needed and feasible.

Council consensus determined that the Notice of Motion would be discussed at the June 24, 2019 Council meeting.

14. ANNOUNCEMENTS

- 14.1** Councillor J. Gerber announced that the 100 Men of Wilmot are hosting their second meeting this Tuesday, May 28, 2019.
- 14.2** Councillor J. Gerber noted that the Relay for Life is Friday May 31, 2019 and the organizers are still looking for survivors to be honoured as part of the event.
- 14.3** Councillor C. Gordijk advised that EJ's is serving a special dish for the Wilmot Terry Fox Run and all proceeds will be donated to the run.
- 14.4** Councillor B. Fisher advised that the Baden fishing derby is on Saturday and noted that 400 trout have been released.

15. BUSINESS ARISING FROM CLOSED SESSION**16. CONFIRMATORY BY-LAW****16.1 By-law No. 2019-30**

Resolution No. 2019-122

Moved by: Councillor J. Gerber

Seconded by: Councillor A. Hallman

THAT By-law No. 2019-30 to Confirm the Proceedings of Council at its Meeting held on May 27, 2019 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED.

17. ADJOURNMENT (8:45 p.m.)

Resolution No. 2019-123

Moved by: Councillor B. Fisher

Seconded by: Councillor J. Gerber

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

CARRIED.

Are Plastics Straws the Best Option?

Presented By
New Dundee Students

The Effect of Plastic Straws

Plastic Straws aren't good for the environment even though they seem very useful. As of 2015 the world was producing over 322 tons of plastic that would end up on beaches, killing wildlife. Not great right? Well, it gets worse. Plastic straws take over 200 years to decompose and photodegrades in the sun, leaving tiny pieces of plastic behind otherwise known as microplastics. After the straws become microplastics they get eaten by fish, that humans will consume leaving us with plastic in our stomachs which could cause health problems and affect our life span.



Better Alternatives

We could just say "No to Straws", but some people do need straws and others might want a straw. When we get rid of plastic straws we will need a safe alternative. There are lots of different options and each has its pros and cons. For restaurants and other public places that use single-use plastic straws the best option would be paper straws. Paper Straws are great for single use and are biodegradable. Of course, you can buy a reusable straw too. Other options are metal, bamboo, glass, and more.



Why Plastic Straws Are Bad For Marine Life

Plastic straws are bad for the environment because they are not recyclable, people are leaving them on beaches or throwing them into the ocean and they get eaten by fish and turtles or other kinds of animals. And just throwing plastic straw away can really damage either environment or different animals territory.

Especially marine species because now we are finding plastic straws or plastic inside different animals and we are consuming the pieces off plastic inside of the animal. On August 10, 2015 The Sea Turtle Biologist found a sea turtle from the ocean with a full plastic straw stuck in its nose, which proves to us that straws are being thrown in the ocean. And 100,000 different kinds of animals die every year due to different plastics and about 80% of the litter put into the oceans is all plastic.

Straws Are Causing Pollution



Straws are causing pollution because when people finish with them they go in the trash but only 0.3% of the plastic is recycled so the rest is either put in landfills and even worse the ocean. The U.S uses 175 million straws a day. That is enough to go around the world 2.5 times. And that is only for one day. Imagine one year. That's 63,875,000,000. In the U.S, 7.5 million straws are polluting the shoreline. After that it will get into marine animals and their population goes down slowly until there is no marine animals left.

Why We Should Not Ban Plastic Straws For People Who Need Them

When we ban straws we must not ban them for people that need them like the people with differences who may need straws. If there aren't bendable like plastic straws it might be a struggle with disabled people too. If disabled people can't move to adjust there drink not everyone is going to help. Plastic straws should not be in restaurants and not in use for people who don't need them. Only for people with differences.



How Much Plastic

In Canada 57 million straws are thrown out every day as a minimum. But only 20% or less are recycled that is still 80% that is still unrecycled. 7.5 million straws are polluting U.S shorelines.



Resources/Credits

[Nationalpost.com](#)

[Rubicon Global](#)

[Global News](#)

[Sea Turtle Biologist](#)

[Get Green Now](#)

[Ted Talk](#)

[Scratch](#)



Township of Wilmot **REPORT**

REPORT NO. **FIN 2019-24**

TO: **Council**

PREPARED BY: **Erica Roden, HR & Health and Safety Coordinator**
 Patrick Kelly, Director of Finance / Treasurer

DATE: **June 3, 2019**

SUBJECT: **Corporate Health and Safety Program Update**

Recommendation:

That Report FIN 2019-24, regarding the Township's Corporate Health and Safety Program, be received for information purposes

Background:

Under our Corporate Strategic Plan, our first goal is health, safety and well-being. As such, the Township is committed to the health and safety of our employees.

Given the existing internal resources of the municipality, staff issued a request for proposals in the summer of 2018 for qualified consulting firm, to provide their expertise and guidance in the consolidation of existing health and safety practices under one unified Corporate Health and Safety program. The scope of work for the project was split into two distinct phases.

Under Phase I, the Township requested the following services from the successful proponent:

- Leadership and assistance in the development of a comprehensive occupational health and safety program as per OHSA;
- In consultation with staff, development of written guidelines, procedures and safe work protocols and other related documentation.
- Provision of staff training on all aspects of the management approved health and safety program.

Upon establishment of the Township's new consolidated Health and Safety Program, the proponent would be invited to enter a contract with the Township to assist with Phase II of the program, which includes the following deliverables:

- Job hazard assessments and safety audits at all Township of Wilmot workplaces, worksites and field operations;
- Identification of any gaps or areas for improvement of existing Township of Wilmot Health and Safety programs and procedures at department level;
- Liaison to the JHSC(s), HR / Health and Safety Coordinator and Senior Management Team;
- Regular audits of the program, and recommendations for ongoing maintenance of the program

Discussion:

In the summer of 2018, the Township entered into a contract with K. Blair Safety Consulting Inc. to undertake Phase I of the Corporate Health and Safety Program update.

K. Blair Safety Consulting Inc. was incorporated in 2000, and has several years of experience working with local municipalities in the development and implementation of comprehensive Health and Safety Programs. The firm has worked with the City of Kitchener for over 15 years, and the Township of Wellesley for more than 10 years.

The project works were originally anticipated to be completed in early 2019; however, with the turnover of the Human Resources, the project timeline was extended to allow the incoming HR / Health and Safety Coordinator to come on-board and lead the project forward.

A significant degree of time, effort and commitment was needed from the Senior Management Team (SMT) to ensure the program was constructed in a way that would ensure successful implementation across the organization.

Under the leadership of K. Blair Consulting and the HR / Health and Safety Coordinator, the SMT approved the Health and Safety Policy Statement (Appendix A) on May 14, 2019. In addition, after months of review and consultation with managers and supervisors across all departments, the Corporate Health and Safety Program was approved.

K. Blair Consulting will be present at the Council meeting to provide an overview of the new Health and Safety Program, legislative requirements and next steps for Wilmot as we continue to meet our goals of promoting a healthy and safe workplace.

Strategic Plan Conformity

This report and the work completed to date are aligned with the corporate strategies of ensuring people's safety and strengthening customer service. As stated previously, one of the six (6) core values of our organization is Health and Wellbeing. The continued efforts

and growth in resource allocations toward Corporate Health and Safety are well-aligned with Wilmot's Strategic Plan.

Financial Considerations:

The Corporate Health and Safety Program has traditionally been funded via departmental operating budgets. The oversight of Health and Safety Programs has now become centralized under the revised position requirements of the Human Resources / Health and Safety Coordinator.

The Council approved 2019 Operating Budget included funding of \$74,000 across all departments for Health and Safety Training and Personal Protective Equipment.

The consulting services from K. Blair Consulting was an unbudgeted capital item carried forward into 2019. The upset limit for consulting services from K. Blair Consulting was set at \$20,000 (excluding HST). The final cost will be reported under quarterly capital statements and funded during the closure of the 2019 capital program.

Conclusion:


The Township has taken a great step forward in our continued efforts to promote a healthy and safe work environment, free of discrimination and harassment and one in which all individuals are treated with respect and dignity.

The support of K. Blair Consulting to reach this milestone, and moving forward through implementation and training has been instrumental in the program's success.

Erica Roden CHRP, CRSP
Prepared by
HR / Health and Safety Coordinator

Patrick Kelly CPA, CMA
Prepared/Submitted by
Director of Finance / Treasurer

Grant Whittington
Reviewed by Chief Administrative Officer

	Administrative Directive
	Section: CORPORATE HEALTH AND SAFETY ADMINISTRATIVE DIRECTIVE STATEMENT
	Pg. 1 of 1
Revision Date:	Issue Date: May 13, 2019
Approved by: Senior Management Team	Review Date:

PURPOSE

This policy statement is established to provide guidance for the overall Corporate Health and Safety Program and the continued promotion of a healthy and safe work environment.

SCOPE

The Township of Wilmot is committed to providing a physically and psychologically healthy and safe work environment for all Township employees, volunteers, contractors and visitors, free of discrimination, violence or harassment.

The Township recognizes the physical and mental wellbeing and psychological safety of its employees to be an important part of a productive, effective and healthy workplace.

Our objective is to prevent injuries, and damage to property and equipment, by developing a keen sense of safety awareness in each and every individual.

Managers and supervisors are responsible to ensure that work procedures, equipment, processes and the work environment are safe and that workers work in compliance with established safe work practices and procedures by receiving adequate training in their specific work tasks.

Workers are responsible for their own health and safety and the health and safety of others in compliance with established procedures, operating philosophy and all applicable health & safety legislation.

This policy and related safety legislation, applies to all contractors and sub-contractors and their workers while performing work or supplying services at our workplace.

The Township of Wilmot recognizes that the Safety Committees plays a key role in making the workplace safer and will provide all support necessary to assist the safety committees in carrying out their duties and responsibilities under the Act.

Everyone at the workplace shares the responsibility for health and safety and the well-being of all our employees. Safety and loss prevention is an integral part of the daily operations of our workplace.

Chief Administrative Officer

Date



TOWNSHIP OF WILMOT

Health & Safety Program

Why ?

Legislative Requirements

Ontario's Occupational Health & Safety Act

Section 25 (2) (j)

An employer shall prepare and review at least annually a written occupational health and safety policy and maintain a program to implement that policy.

Section 25 (2) (d)

An employer shall acquaint a worker or a person in authority over a worker with any hazard in the work, and in the handling, storage, use, disposal and transport of any article, device, equipment, or a biological, chemical or physical agent.

Section 25 (1) (d)

An employer shall ensure that the equipment materials and protective devices provided by the employer are used as prescribed.

Section 27 (2) (a)

A **supervisor** shall advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware.

Section 27 (2) (b)

Where required, provide a worker with written instructions as to the measures & procedures to be taken for protection of the worker.

Section 25 (2) (h) & 27 (2) (c)

An employer/supervisor shall take **every precaution reasonable** in the circumstances for the protection of a worker.

SECTION 28

Workers shall:

- **work in compliance** with the Act & the regulations.
- **use or wear** the equipment, protective devices or clothing that the employer requires to be used or worn.
- report hazards & safety violations.
- not endanger themselves or others.

Section 32

Every director and every officer of a corporation shall take all reasonable care to ensure that the corporation complies with the OHSA and the regulations.

Roles

Council Members

- Set goals
- Review approved directives

Management Team

- Generate and approve administrative directives to meet goals as set out by Council
- Review directives with Council after approval

Offences & Penalties

SECTION 66(1)

Every person who contravenes or fails to comply with,

- a) a provision of this Act or the Regulations;
- b) an order or requirement of an inspector or a director; or
- c) an order of the Minister,

is guilty of an offence and on conviction is liable to a fine of not more than **\$100,000** or to imprisonment for a term of not more than **12 months**, or to both.

SECTION 66(2)

If a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed upon the corporation is **\$1,500,000**.

Corporation of the Town of Carleton Place fined \$100,000

A municipal worker was standing over a newly-installed watermain chamber while conducting a pressure test, when a testpipe assembly suddenly dislodged from a “mainstop” & struck the worker in the head. The unconscious worker was transported to hospital.

Guilty plea - failing to take reasonable precautions of developing & implementing safe procedures for pressure testing a watermain.

Harbour Sports Grille fined, \$110,000

Toronto, a MOL inspector issued various orders at the workplace. The company was subsequently charged with failing to comply with 13 orders.

These orders addressed a variety of safety issues including the lack of a safety committee, lack of required policies & programs, material safety data sheets, safety mechanisms (guards), etc.

Town of Bracebridge fined, \$50,000

3 workers employed for the summer by the public works dept. were installing drainage culverts & adding gravel to a trail. One of the workers was operating a tractor with a front-end loader & carrying a load of gravel. While driving the tractor down an incline, the worker lost control of the tractor & its load. The tractor rolled over & pinned the worker by the leg, resulting in multiple fractures.

Charges for failing to provide, information, instruction & supervision to a worker on the safe lifting capacity for the tractor.

**Elmira, Sittler Environmental fined
\$95,000,...**

**An excavator operator was dumping a log
into a grinder when a scream was heard.
The excavator had reversed the machine &
ran over the grinder operator.**

**The company was charged for failing to
establish an adequate system of
communication between workers.**

Network Site Services & Owner, fined \$48,000

Cambridge, workers were installing street lamp posts. 2 workers were placing a lamp post into an excavation when the post struck overhead power lines, causing the system ground neutral conductor to be burned & severed. There were no injuries to workers. MOL investigation found there were no written procedures for the placement of the posts, nor had the workers received adequate training about working with overhead power lines,.....

The OHSA states that employers must ensure that regulations are followed and that every officer of a corporation must take all reasonable care to ensure that the corporation complies with the act and its regulations.

Purpose

The purpose of a the Health & Safety Program is to provide the minimum standard of compliance for the health & safety of workers under the Occupational Health & Safety Act.

Safe Operating Procedures provide a consistent, safe approach to how we work.

A well-managed health & safety program uses proven methods & techniques to identify potential hazards & either prevent the exposure, or control the hazard.

The purpose of an OHS Program **is not** to simply achieve compliance with the *OHS Act*.

*The purpose is to use effective management processes & systems **to prevent injury & illness**, avoid costly lost time & property damage, manage workers' compensation assessments & maintain a productive work environment.*

PURPOSE

This statement is established to provide guidance for the overall Corporate Health and Safety Program and the continued promotion of a healthy and safe work environment.

SCOPE

The Township of Wilmot is committed to providing a physically and psychologically healthy and safe work environment for all Township employees, volunteers, contractors and visitors, free of discrimination, violence or harassment.

The Township recognizes the physical and mental wellbeing and psychological safety of its employees to be an important part of a productive, effective and healthy workplace.

Our objective is to prevent injuries, and damage to property and equipment, by developing a keen sense of safety awareness in each and every individual.

Managers and supervisors are responsible to ensure that work procedures, equipment, processes and the work environment are safe and that workers work in compliance with established safe work practices and procedures by receiving adequate training in their specific work tasks.

Workers are responsible for their own health and safety and the health and safety of others in compliance with established procedures, operating philosophy and all applicable health & safety legislation.

This statement and related safety legislation, applies to all contractors and sub-contractors and their workers while performing work or supplying services at our workplace.



The Township of Wilmot recognizes that the Safety Committees plays a key role in making the workplace safer and will provide all support necessary to assist the safety committees in carrying out their duties and responsibilities under the Act.

Everyone at the workplace shares the responsibility for health and safety and the well-being of all our employees. Safety and loss prevention is an integral part of the daily operations of our workplace.

Health & Safety Program

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Safe Operating Procedures – SOP's

The supervisor will be responsible to ensure that a job hazard analysis is completed for all jobs or tasks in their area of responsibility.

The job hazard analysis will result in the development of a safe operating procedure (SOP).

The fire services will be required to follow the Ministry of Labour Section 21 committee requirements & the Safe Operating Guidelines (SOG) under the NFPA.

Questions ??



Township of Wilmot

REPORT

REPORT NO. CL NO. 2019-32

TO: Council

PREPARED BY: Tracey Murray, Deputy Clerk

DATE: June 3, 2019

SUBJECT: Noise By-law Exemptions
New Dundee Board of Trade
Nancy Birss
New Dundee Bandshell

Recommendation:

THAT a Noise By-Law Exemption for the New Dundee Board of Trade on June 29, 2019, July 27, 2019 and August 24, 2019 from 7:00 p.m. to 9:00 p.m. for a summer concert series at the new Dundee Bandshell.

Background:

Township of Wilmot Noise By-law 98-21 prohibits excessive noise in the Township that is likely to disturb residents. Historically, Council has provided opportunities for exemptions to this By-law for the purpose of community events and special occasions for both private and public functions. Residents or event organizers seeking an exemption are required to circulate a notice to all neighbours within 150 feet of the property advising them of when Council will be considering the request.

Discussion:

Clerk's Services staff have recently received a request for Noise By-law Exemption for a series of concerts. The New Dundee Board of Trade is hosting 3 separate music events on the following dates, June 29, 2019, July 27, 2019 and August 24, 2019. Neighbours have been circulated a notice and no comments have been received by staff at the time of writing this report.

Strategic Plan Conformity:

By allowing exemptions to the Noise By-law and ensuring residents are notified as such, the Township is supporting community events and celebrations, strengthening customer service and communicating municipal matters.

Financial Considerations:

There are no fees or costs associated with the granting of a Noise By-law Exemption.

Conclusion:

Staff recommend that the Noise By-law Exemption be granted.

Tracey Murray
Prepared by Deputy Clerk

Dawn Mittelholtz
Submitted by Director of Clerk's Services

Grant Whittington
Reviewed by the CAO



Township of Wilmot

REPORT

REPORT NO. CL2019-26

TO: Council

PREPARED BY: Dawn Mittelholtz, Director of Clerk's Services

DATE: June 3, 2019

SUBJECT: Acceptance of Petition for Drainage Works
Gary Roth
South Part Lot 28 and 29, Concession 2, Block A
Township of Wilmot

Recommendation:

THAT the Township of Wilmot accept the Notice of Petition for Drainage Works received from Gary Roth for South Part Lot 28 and 29, Concession 2, Block A, Township of Wilmot; and,

THAT the Clerk be authorized to proceed accordingly under the Drainage Act.

Background:

Gary Roth submitted and filed a petition with the Clerk on May 22, 2019 to initiate Drainage Works under the Drainage Act. The petition is for the construction of a new tile drain, incorporating an existing private drain and improving the catchbasin at South Part Lot 28 and 29, Concession 2, Block A. A map of the subject lands has been attached for reference.

Discussion:

The Drainage Superintendent has met with Mr. Roth and has confirmed the petition. Pursuant to the Drainage Act, once the petition is filed, it proceeds to Council for acceptance. Following acceptance of the petition, staff will forward written notice within 30 days to: the requester, the Grand River Conservation Authority, and the Ministry of Natural Resources.

The Drainage Act will then require Council to appoint a Drainage Engineer at a later meeting to prepare an Engineer's Report.

Strategic Plan Conformity:

The acknowledgement of the petition supports the infrastructure within the municipality.

Financial Considerations:

If the municipal drainage works proceed pursuant to the Drainage Act, then the property owners that are affected would be assessed in accordance with the assessment schedule that will be prepared by the Engineer as part of his report. At this time, there are no financial considerations.

Conclusion:

It is recommended that Council accept the Notice of Petition and authorize the Clerk to proceed with the process in accordance with the Drainage Act.

Dawn Mittelholtz
Prepared and Submitted by
Director of Clerk's Services

Grant Whittington
Reviewed by Chief Administrative Officer



Township of Wilmot **REPORT**

REPORT NO. CL2019-27

TO: Council

PREPARED BY: Dawn Mittelholtz, Director of Clerk's Services

DATE: June 3, 2019

SUBJECT: Appointment of Drainage Engineer
Maurice Good Petition Drain
Lot 18, Concession South of Bleams Road
Township of Wilmot

Recommendation:

THAT K. Smart Associates Limited of Kitchener, Ontario be appointed as Drainage Engineer to prepare the Engineer's Report relative to the petition for drainage works received from Maurice Good (Kaymaure Holsteins) for Lot 18, Concession South of Bleams Road, Township of Wilmot and that the Engineer be instructed to include this report with the report for the Stewart Snyder (Agcom) petition as per Section 8(4) of the Drainage Act.

Background:

Maurice Good submitted and filed a petition with the Clerk on April 1, 2019 to initiate Drainage Works under the Drainage Act. The petition is for incorporating existing private tiles as a municipal drain at Lot 18, Concession South of Bleams Road. A map of the subject lands has been attached for reference. Council received the petition on April 15, 2019 and directed the Clerk to proceed under the Drainage Act.

Discussion:

Following the acceptance of the petition by Council, staff forwarded the notice to the petitioner and the required agencies; the Grand River Conservation Authority, the Ministry of Natural Resources, the Ontario Ministry of Food, Agriculture and Rural Affairs and the Region of Waterloo. At the time of writing this report, no comments have been received from the agencies noted above.

The private ditch that provides outlet for the drains to be incorporated is part of a report that is in progress for the Stewart Snyder (Agcom) petition. K. Smart Associates was

appointed to prepare the report on the Snyder petition in September 2017. Section 8(4) allows Council to instruct an Engineer to make one report on two petitions with adjacent areas requiring drainage.

If appointed, the Drainage Engineer will conduct a site meeting where all property owners within the drainage watershed area will be invited to discuss the matter, ask questions and learn about the process.

Strategic Plan Conformity:

The appointment of the Drainage Engineer and continued application of the Drainage Act supports the infrastructure within the municipality.

Financial Considerations:

If the municipal drainage works proceed pursuant to the Drainage Act, then the property owners that are affected would be assessed in accordance with the assessment schedule that will be prepared by the Engineer as part of his report. At this time, there are no financial considerations.

Conclusion:

It is recommended that Council appoint K. Smart Associates Limited as Drainage Engineer for the Maurice Good Petition Drain and that the report be combined with the report currently in progress for the Stewart Snyder (Agcom) petition as per Section 8(4) of the Drainage Act.

Dawn Mittelholtz
Prepared and Submitted by
Director of Clerk's Services

Grant Whittington
Reviewed by Chief Administrative Officer



Township of Wilmot **REPORT**

REPORT NO. CL2019-28

TO: Council

PREPARED BY: Dawn Mittelholtz, Director of Clerk's Services

DATE: June 3, 2019

SUBJECT: Appointment of Drainage Engineer
Stewart Good Petition Drain
South Part Lot 20, Concession North of Bleams Road
Township of Wilmot

Recommendation:

THAT Dietrich Engineering Limited of Kitchener, Ontario be appointed as Drainage Engineer for the drain petition received from Stewart Good for South Part Lot 20, Concession North of Bleams Road, Township of Wilmot.

Background:

Stewart Good submitted and filed a petition with the Clerk on April 8, 2019 to initiate Drainage Works under the Drainage Act. The petition is for deepening or widening and enclosure of the existing watercourse that is not currently a municipal drain at South Part Lot 20, Concession North of Bleams Road. Maps of the subject lands has been attached for reference. On April 29, 2019, Council accepted the petition received by Mr. S. Good for Drainage Works.

Discussion:

Following the acceptance of the petition by Council, staff forwarded the notice to the petitioner and the required agencies; the Grand River Conservation Authority, the Ministry of Natural Resources, the Ontario Ministry of Food, Agriculture and Rural Affairs, the Region of Waterloo and the Ministry of Transportation. At the time of writing this report, no comments have been received from the agencies noted above.

If appointed, the Drainage Engineer will conduct a site meeting where all property owners within the drainage watershed area will be invited to discuss the matter, ask questions and learn about the process.

Strategic Plan Conformity:

The appointment of the Drainage Engineer and continued application of the Drainage Act supports the infrastructure within the municipality.

Financial Considerations:

If the municipal drainage works proceed pursuant to the Drainage Act, then the property owners that are affected would be assessed in accordance with the assessment schedule that will be prepared by the Engineer as part of his report. At this time, there are no financial considerations.

Conclusion:

It is recommended that Council appoint Dietrich Engineering Limited as Drainage Engineer for the Stewart Good Petition Drain.

Dawn Mittelholtz
Prepared and Submitted by
Director of Clerk's Services

Grant Whittington
Reviewed by Chief Administrative Officer



Township of Wilmot **REPORT**

REPORT NO.	CL2019-29
TO:	Council
PREPARED BY:	Dawn Mittelholtz, Director of Clerk's Services
DATE:	June 3, 2019
SUBJECT:	Appointment of Drainage Engineer Petition for Drainage Works by the Road Authority Regional Municipality of Waterloo Snyder's Road East and Notre Dame Drive Township of Wilmot

Recommendation:

THAT K. Smart Associates Limited of Kitchener, Ontario be appointed as Drainage Engineer to prepare the Engineer's Reports relative to the petition for drainage works received from the Road Authority, The Regional Municipality of Waterloo, for parts of Snyder's Road East and Notre Dame Drive, Township of Wilmot.

Background:

The Director of Transportation for the Regional Municipality of Waterloo submitted and filed a petition with the Clerk in late March, 2019 to initiate Drainage Works under the Drainage Act. A map of the subject lands has been attached for reference. On April 15, 2019, Council accepted the petition for Drainage Works from the Road Authority.

Discussion:

Following the acceptance of the petition by Council, staff forwarded the required notification to the Grand River Conservation Authority, the Ministry of Natural Resources, the Ontario Ministry of Food, Agriculture and Rural Affairs, and the Region of Waterloo. At the time of writing this report, no comments were received by these agencies with regards to the drain improvements.

Following the appointment of the Engineer, the Engineer will hold a site meeting for all property owners within the drainage watershed area. The Engineer will discuss the drainage issues, answer the questions of the property owners and explain the process going forward.

This Engineer's Report is anticipated to be completed in conjunction with the recommendation for drain improvement received from the Drainage Superintendent (see Report No. CL 2019-30).

Strategic Plan Conformity:

The appointment of the Drainage Engineer and continued application of the Drainage Act supports the infrastructure within the municipality.

Financial Considerations:

If the municipal drainage works proceed pursuant to the Drainage Act, then the property owners that are affected would be assessed in accordance with the assessment schedule that will be prepared by the Engineer as part of his report. At this time, there are no financial considerations.

Conclusion:

It is recommended that Council appoint K. Smart Associates Limited as Drainage Engineer for the Region of Waterloo Petition Drain for the Snyder's Road East and Notre Dame Drive area.

Dawn Mittelholtz
Prepared and Submitted by
Director of Clerk's Services

Grant Whittington
Reviewed by Chief Administrative Officer



Township of Wilmot

REPORT

REPORT NO.	CL2019-30
TO:	Council
PREPARED BY:	Dawn Mittelholtz, Director of Clerk's Services
DATE:	June 3, 2019
SUBJECT:	Appointment of Drainage Engineer Improvement to Petersburg Drain 1983 Township of Wilmot

Recommendation:

THAT K. Smart Associates Limited of Kitchener, Ontario be appointed to initiate a report under Section 78 of the Drainage Act to update and improve the Petersburg Drain 1983 and that the Engineer be instructed to include this report with the report for the Region of Waterloo Road Authority petition (see Report No. CL 2019-29) as per Section 8(4) of the Drainage Act.

Background:

The Drainage Superintendent for the Township of Wilmot investigated concerns relative to the Petersburg Drain and has determined that proceeding under Section 78 of the Drainage Act is the best course of action to resolve the matter. Maps of the subject lands has been attached for reference along with the memo received from the Drainage Superintendent containing his recommendation and historical perspective. On April 15, 2019, Council accepted the recommendation received by the Drainage Engineer for the improvement of the Petersburg Drain 1983.

Discussion:

Following the acceptance of the recommendation from the Drainage Engineer by Council, staff forwarded the required notification to the Grand River Conservation Authority, the Ministry of Natural Resources, the Ontario Ministry of Food, Agriculture and Rural Affairs, and the Region of Waterloo. At the time of writing this report, no comments were received by these agencies with regards to the drain improvements.

Following the appointment of the Engineer, the Engineer will hold a site meeting for all property owners within the drainage watershed area. The Engineer will discuss the

drainage issues, answer the questions of the property owners and explain the process going forward.

The outlet for the Region Road Authority petition (see Report No. CL 2019-29) will be into the Petersburg Drain thus all lands and roads in the Petersburg Drain watershed will be affected by the Region petition. The Drainage Superintendent thus recommended that the report on the Petersburg Drain be included in the report for the Region petition in accordance with Section 8(4) of the Drainage Act.

Strategic Plan Conformity:

The appointment of the Drainage Engineer and continued application of the Drainage Act supports the infrastructure within the municipality.

Financial Considerations:

If the municipal drainage works proceed pursuant to the Drainage Act, then the property owners that are affected would be assessed in accordance with the assessment schedule that will be prepared by the Engineer as part of his report. At this time, there are no financial considerations.

Conclusion:

It is recommended that Council appoint K. Smart Associates Limited as Drainage Engineer for improvement to the Petersburg Drain 1983 and that the Engineer be instructed to include this report with the report for the Region of Waterloo Road Authority petition (see Report No. CL 2019-29) as per Section 8(4) of the Drainage Act.

Dawn Mittelholtz
Prepared and Submitted by
Director of Clerk's Services

Grant Whittington
Reviewed by Chief Administrative Officer



Township of Wilmot REPORT

REPORT NO. CL2019-31
TO: Council
PREPARED BY: Dawn Mittelholtz, Director of Clerk's Services
DATE: June 3, 2019
SUBJECT: Encroachment Agreement
Steven Martin and Karen Partridge
231 Peel Street

Recommendation:

THAT the Township of Wilmot enter into an encroachment agreement with Steven Martin and Karen Partridge for 231 Peel Street, New Hamburg with respect to the stone steps encroaching onto Boullee Street, New Hamburg, Township of Wilmot, subject to the owner / applicant bearing all costs associated with the preparation of such agreement and supplying the Township with a reference plan delineating the encroachment; and further,

THAT the Mayor and Clerk be authorized to execute all associated documentation.

Background:

Mr. Steven Martin approached staff regarding the need for an encroachment agreement relative to the construction of exterior steps and railing for his property at 231 Peel Street. The encroachment is for the side of the property abutting Boullee Street.

The Township's solicitor has discussed the matter with Mr. Martin and was provided with a copy of the survey identifying the encroachment.

Discussion:

The Township's solicitor has prepared an encroachment agreement that has been reviewed and signed by Mr. Martin and Ms. Partridge. All of the costs associated with the preparation and registration of the agreement will be borne by the applicant. Upon approval by Council, the encroachment agreement will be signed.

Strategic Plan Conformity:

Through the encroachment agreement, the municipality is strengthening customer service.

Financial Considerations:

All costs associated with this encroachment agreement to be borne by the applicant.

Conclusion:

That The Township of Wilmot enter into an encroachment agreement with Mr. Steven Martin and Ms. Karen Partridge subject to the owner / applicant bearing all costs associated with the preparation of such agreement, and further, that the Mayor and Clerk be authorized to execute all associated documentation.

Dawn Mittelholtz
Prepared and Submitted by
Director of Clerk's Services

Grant Whittington
Reviewed by Chief Administrative Officer

THIS AGREEMENT made this ____ day of _____, 2019.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Hereinafter called the “**Township**”

OF THE FIRST PART;

- and -

STEVEN PAUL MARTIN & KAREN LEE PARTRIDGE

Hereinafter called the “**Owners**”

OF THE SECOND PART;

WHEREAS the Owners own the lands and premises known municipally as 231 Peel Street in the Township of Wilmot, more particularly described in **Schedule “A”** (the “**Lands**”);

AND WHEREAS the Owners constructed stone steps that encroach onto Boullee Street, more particularly shown in red on **Schedule “B”** on Boullee Street adjacent to the Lands (the “**Encroachment**”);

AND WHEREAS the parties have agreed that the Encroachment will be permitted according to the terms of this Agreement;

NOW THEREFORE this Agreement witnesseth that in consideration of the premises and the sum of TWO (\$2.00) DOLLARS of lawful money of Canada now paid by the Owners to the Township, the parties agree to and covenant as follows:

1. The Township hereby agrees to permit the Encroachment, subject to the terms and conditions of this Agreement.
2. The Owners agree to ensure that the Encroachment, at all times, complies with all relevant Township By-Laws.
3. This Agreement may be terminated on sixty (60) days’ written notice by either Party and, in such case, the Encroachment shall be immediately removed by the Owners, at the Owners’ sole cost, and the lands on which the Encroachment exists shall be put in the same condition as it existed prior to the Encroachment by the Owners, and as approved by the Township, acting reasonably.
4. The Owners agree that if the Encroachment is removed or otherwise altered at any time, without the express written consent of the Township, this Agreement shall be immediately terminated. Upon the termination of this Agreement the Encroachment shall be immediately removed by the Owners, at the Owners’ sole cost, and the lands on which the Encroachment exists shall be put in the same condition as it existed prior to the Encroachment, and as approved by the Township, acting reasonably.

5. The Owners acknowledge and agree that the Township may register this Agreement on the title of the Lands at the Township's sole and absolute discretion, and at the Owners' sole expense. The Owners shall not register this Agreement without the express written consent of the Township.
6. The Owners acknowledge and agree that this Agreement does not, in any way, diminish the rights of the Township, or any gas, telephone, cable, electric light or other public utility company, their respective officers, servants, workers, employees, agents and contractors, to enter upon Boullee Street at any time for the purpose of constructing, repairing, maintaining, replacing or removing any roads, curbs, sidewalks, boulevards, sewers, mains, culverts, drains, water pipes, gas pipes, poles, wires or any other underground or above ground services, installations, or appurtenances. The Owners shall not be entitled to any damages or compensation by reason of the exercise of the rights contained in this clause.
7. The Owners agree to indemnify and hold harmless the Township, its Councilors, employees and agents, at all times hereafter, from any and all claims for loss, costs, charges, expenses or damages arising from the wilful acts or neglect of the Owners, tenants or anyone for whom the Owners is at law responsible, in respect of the maintenance, alteration or use of the Encroachment. The Owners shall provide the Township with proof of insurance in a form and in an amount satisfactory to the Township to support the indemnity.
8. This Agreement is not transferable or assignable by the Owners without the express written consent of the Township. Any attempt to transfer or assign any of the rights, duties or obligations of this Agreement by the Owners, without the Township's express written consent, is void.
9. The Owners shall not acquire title by possession or prescription to the lands on which the Encroachment exists and the Owners expressly acknowledge that the lands on which the Encroachment exists is owned by the Township.
10. No alterations or improvements shall be made to the Encroachment, at any time, without the express written consent of the Township and any alterations or improvements to which the Township has consented shall be performed and completed at the Owners' sole expense.
11. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and permitted assigns and shall run with the lands over which this Agreement may be registered.
12. This Agreement constitutes the entire agreement between the parties pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements, understandings, negotiations and discussions of the parties. There are no warranties, representations or other agreements in connection with the subject matter of this Agreement except as specifically set forth herein.
13. If for any reason a term of this Agreement is found to be or becomes invalid or unenforceable, in whole or in part, it will be deemed to be severable and will be deleted from this Agreement, but all the other terms and conditions of this Agreement will continue to be valid and enforceable.

14. This Agreement shall be governed and interpreted in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein.

IN WITNESS WHEREOF the parties have executed this Agreement.

SIGNED, SEALED and DELIVERED

In the presence of

STEVEN PAUL MARTIN

KAREN LEE PARTRIDGE

**THE CORPORATION OF THE
TOWNSHIP OF WILMOT**

Per: _____

Les Armstrong
Mayor

Per: _____

Dawn Mittelholtz
Clerk

I/We have the authority to bind the Corporation.

SCHEDULE “A”

Lands

Legal Description: LT 18 E/S PEEL ST PL SMITH’S PLAN WILMOT; S/T H6309; WILMOT

PIN: 22197-0107 (LT)

SCHEDULE “B”
Encroachment

See Attached.



Township of Wilmot

REPORT

REPORT NO. CL2019-33

TO: Council

PREPARED BY: Dawn Mittelholtz, Director of Clerk's Services

DATE: June 3, 2019

SUBJECT: Discharge of Firearms in Settlement Areas
Acceptance of Petition

Recommendation:

THAT the petition received concerning 1323 Queen Street, New Dundee, Ontario and the discharge of firearms in a residential area be received for information;

AND FURTHER, THAT staff be directed to review the Discharge of Firearms By-law and conduct a public engagement process.

Background:

The attached petition was filed with the Township on April 17, 2019.

The Township Official Plan map relative to this area is attached for Council's reference. As the map indicates, the subject area does include the settlement area boundary. The Township of Wilmot Official Plan recently underwent a review and the subject area was approved in its current form.

The Discharge of Firearms By-law prohibits the discharge of firearms, including longbows, within or into a settlement area. Firearms licensees and licenced hunters are licenced, trained and regulated through the Royal Canadian Mounted Police and the Ministry of Natural Resources, respectively.

The Discharge of Firearms By-law was updated in 2013. The By-law was originally proposed to include a buffer zone around settlement areas. When Council was presented with this proposal, several residents attended Council to object to this regulation. The report was deferred. Staff and the residents involved discussed the matter further and a new By-law was proposed that did not include the buffer zones.

Discussion:

Settlement boundaries are defined within the Official Plan and are governed by the policies of the Planning Act, the Provincial Policy Statement, A Place to Grow – the Growth Plan for the Greater Golden Horseshoe, and the Region of Waterloo Official Plan.

New Dundee is a Rural Settlement Area and any expansion to its boundaries would contradict the process of retracting its boundaries just completed through Township Official Plan Amendment 9 (OPA 9). Expansion of New Dundee would require retraction of Baden or New Hamburg which would not comply with the intent of local and upper tier planning policies.

The Discharge of Firearms is not a land use planning matter and as such the use of land use planning documents as a tool by which to govern the bylaw is inappropriate.

The current New Dundee Settlement Boundary created by OPA 9 is also attached. Council will note that the lands north of Cottage Lane are outside of the Settlement of New Dundee and this is reflective of the agricultural zoning that exists for these properties.

While staff appreciate the concerns of the residents, using the expansion of the New Dundee Settlement Boundary (a land use planning exercise) as the tool by which to create a buffer to regulate the discharge of firearms would be inappropriate and not technically feasible based on upper tier policies and processes.

Although the petition is requesting a change to the settlement boundaries as identified in the Official Plan, this is not the only option available to help remedy the situation. Staff is recommending a review of the Discharge of Firearms By-law and that a community engagement process be undertaken. If approved by Council, this option allows for residents of the Township to express their opinions as a whole which staff feels is a fair approach that regulates all properties surrounding settlement areas equally.

Strategic Plan Conformity:

Through the engagement process the municipality is strengthening customer service and through review of the Discharge of Firearms By-law the Township is ensuring peoples safety.

Financial Considerations:

Notice of the public engagement process will be published in the local newspapers. Advertising costs have been incorporated into the 2019 Operating Budget.

Conclusion:

That the petition be received for information and that staff undertake a review and public engagement process relative to the Discharge of Firearms By-law.

Dawn Mittelholtz
Prepared and Submitted by
Director of Clerk's Services

Grant Whittington
Reviewed by Chief Administrative Officer

P.1 of 3

RECEIVED
APR 17 2016
TOWNSHIP OF WILMOT

December 16 2016

Formal petition addressed to the township of Wilmot, Ontario, Canada

Attn: By-law, town planning and any pertinent party

Concerning: [redacted] Queen St New Dundee, ON and regarding the discharge of firearms in a residential area.

It has been reported that on formerly Cottage Lane, now known as 1323 Queen St (hereby referred to as Cottage Lane or 1323 Queen St) with assigned "units", a resident of Cottage Lane has been discharging his firearm on [redacted] Queen St in an alarming manner very close to homes with children and families. This occurs at anytime of the day and within a residential area.

The parcel of land in question ([redacted] Queen St) is currently situated between two properties that are zoned within the settlement area of New Dundee, ON. Neither of these properties allow for the discharge of a firearm, yet the property in question is zoned such that the gentleman occupying the property can discharge his firearm whenever the law allows, but to the detriment of the residents and with a real threat of physical harm (not to mention the loss of quiet enjoyment), fear and alarm to all those residing on the shared laneway. It will not be lost on those reading this that we all share the same municipal address and therefore should all be held to the same rules.

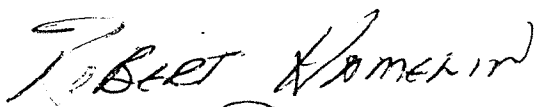
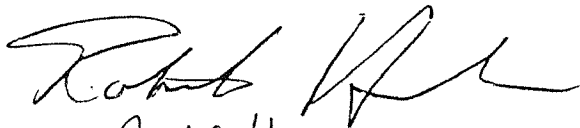
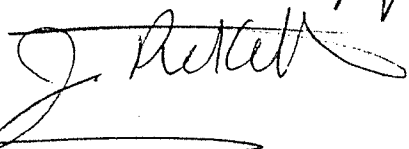
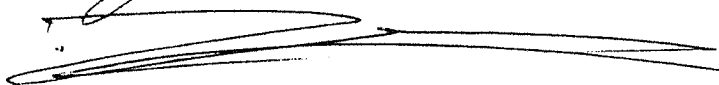


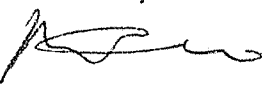
There was a time when the property in question sat vacant and was unused. This went on for a long period of time. The property in question is now occupied by two people who have joined Cottage Lane and have built a home on this property.

It is the opinion of and demand by the following residents of Cottage Lane that the settlement boundaries of the current map and related by-laws be reviewed and, all things considered, changed to reflect the new reality that we all face. It is incumbent upon you, through your own mandate, to create or amend and enforce laws that provide a safe environment for all residents and tax payers of Wilmot Township and to evolve with these changes as they happen.

We request that [redacted] Queen St be added to the settlement boundaries of Wilmot Township just as all other homes at 1323 Queen St are.

We look forward to cooperating with you and look forward to your response.

The Undersigned:

		# 87
Jenny Pickett		# 87
David Smith		# 1214125
 #79		Metissa Badler #133
 #79		



TOWNSHIP
OF WILMOT

Official Plan

Map 5.6 New Dundee Rural Settlement Area

Legend

-  Rural Settlement Area Boundary
-  Environmentally Constrained Lands
-  Settlement Residential
-  Settlement Core
-  Dry Industrial/Commercial
-  Open Space

2019



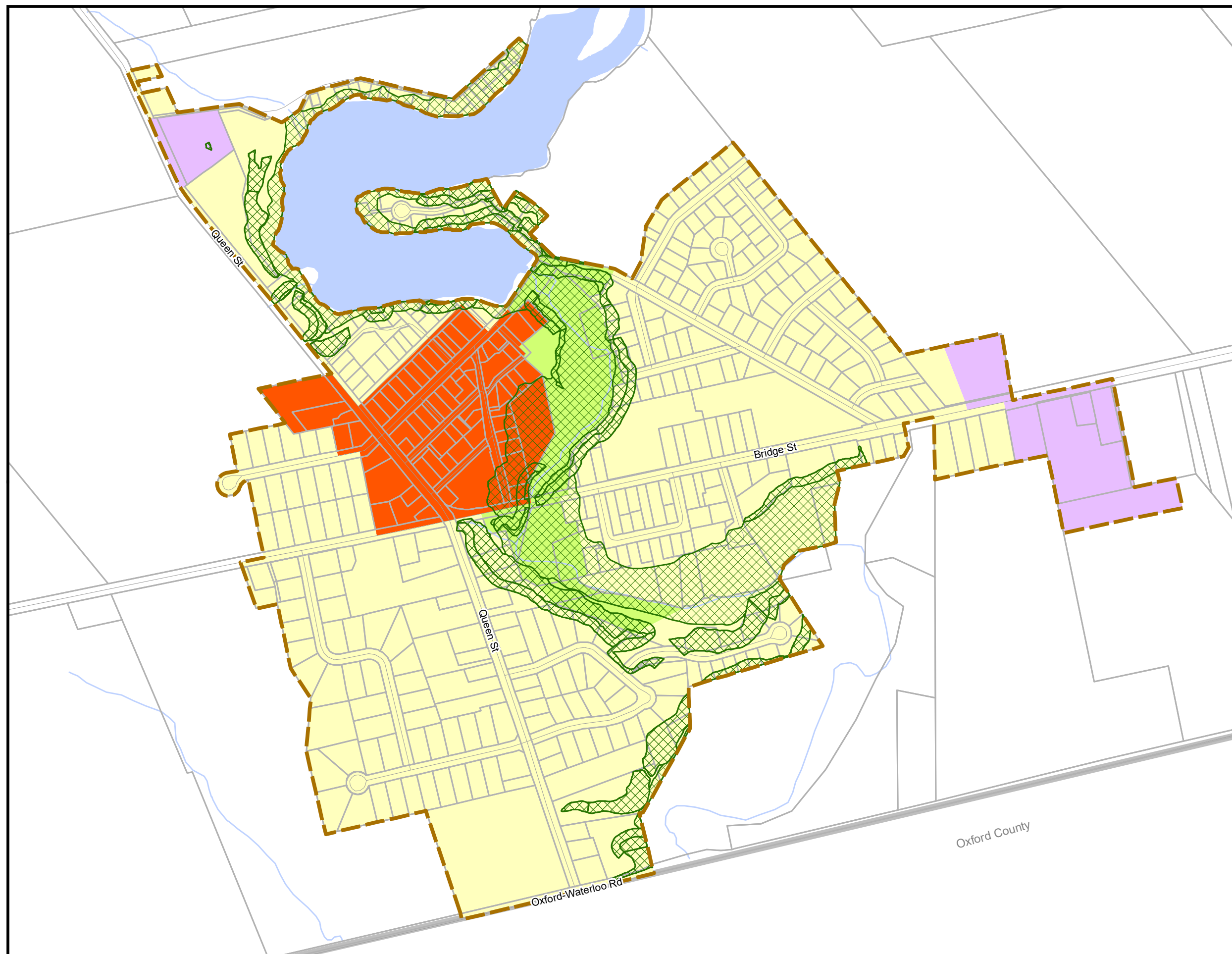
0 95 190
Meters

This map forms part of the Township of Wilmot
Official Plan and must be read with the other
maps and policies of this Plan.

April 2019
Consolidation

Produced by:
Township of Wilmot
Development Services

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**THE CORPORATION OF THE TOWNSHIP OF WILMOT
BY-LAW NO. 2019-31**

**BY-LAW TO AUTHORIZE THE EXECUTION OF AN
ENCROACHMENT AGREEMENT WITH STEVEN MARTIN AND
KAREN PARTRIDGE RELATIVE TO BOULLEE STREET, NEW HAMBURG**

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 Application which forms Schedule "A" to this By-law be and the same is hereby accepted as approved.
2. That the Mayor and Clerk are hereby authorized to execute under seal the said Application and all other documents and papers relating to this transaction.

READ a first and second time this 3rd day of June, 2019.

READ a third time and finally passed in Open Council this 3rd day of June, 2019.

Mayor

Clerk