

THE CORPORATION OF THE TOWNSHIP OF ESSA
COMMITTEE OF THE WHOLE

WEDNESDAY, SEPTEMBER 2, 2020
6:00 p.m.

AGENDA

1. OPENING OF MEETING BY THE MAYOR
2. DISCLOSURE OF PECUNIARY INTEREST
3. DELEGATIONS / PRESENTATIONS / PUBLIC MEETINGS

STAFF REPORTS

4. PLANNING AND DEVELOPMENT
5. PARKS AND RECREATION/ COMMUNITY SERVICES

Item
Added

- a. **Staff Report PR011-20 submitted by the Manager of Parks and Recreation, re: Thornton Arena Refrigeration Plant.**

Recommendation: *Be it resolved that Staff Report PR011-20 be received; and That Council authorize the Manager of Parks and Recreation to immediately proceed with the removal of the failed shell and tube chiller at the Thornton Arena, and replace it with an efficient, low charge plate and frame chiller from Berg Chilling Systems at a cost of \$89,500.00 plus H.S.T to the Township to come from special project reserves; and to seek out all possible avenues for funding.*

6. FIRE AND EMERGENCY SERVICES

7. PUBLIC WORKS

- p. 1 a. **Staff Report PW013-20 submitted by the Manager of Public Works, re: Suggested amendments to By-law 98-81, being a By-law for erection of stop signs.**

Recommendation: *Be it resolved that Staff Report PW013-20 be received; and That Council approve that Schedule "A" to By-law 98-81, concerning stop signs be amended to include stop signs as set out in this Report with respect to the Transport Canada Rail Safety – Crossing Inspection Report (Ref#:7039650); and that new stop signs be placed where required by Transport Canada in order to comply with their standards.*

- p. 15 b. **Staff Report PW014-20 submitted by the Manager of Public Works, re: Winter Sand Tender Results.**

Recommendation: *Be it resolved that Staff Report PW014-20 be received; and That Council approve the tender received from JOHN EEK & SON LTD. for the purchase, mixing and stacking of winter sand in the amount of \$153,790.00 plus H.S.T as per the Township specifications.*

- p.18 c. **Staff Report PW015-20 submitted by the Manager of Public Works, re: Water Meters System Upgrades.**

Recommendation: *Be it resolved that Staff Report PW015-20 be received; and That Council approve entering into agreement with Signum Wireless Corporation located at the Angus Fire Hall (135 King Street) and Cherwyn Farm Inc. located at 7284 9th line to make use of the tower facility at both locations for the tower - based meter reading system at a total combined rent of \$800 per month.*

8. FINANCE

- a. **Release of Securities – 285 Mill St., Angus**

Recommendation: *Be it resolved that Council approve a **Release of Securities** relating to 285 Mill St., Angus, as recommended as follows:*

| | |
|--|------------------------|
| Current Securities Held by Township | \$ 232,743.00 |
| Recommended Reduction | (\$ 232,743.00) |
| Securities to be Retained | \$ 0 |

and,

That this approval is conditional upon the Developer providing the Municipality with a Statutory Declaration indicating that all accounts have been paid in full, including all of the Township's legal and engineering costs.

- p. 36 b. **Staff Report TR011-20 submitted by the Manager of Finance, re: 2020 Council participation in OMERS.**

Recommendation: *Be it resolved that Staff Report TR011-20 be received; and That Council approve enrolling in the Ontario Municipal Employees Retirement Savings Plan (OMERS).*

- p. 40 c. **Staff Report TR012-20 submitted by the Deputy Treasurer, re: Asset Management Plan and Software Implementation Funding.**

Recommendation: *Be it resolved that Staff Report TR012-20 be received; and That Council approve allocating \$36,400.00 from the Special Projects Reserve for the Asset Management Plan and Software Implementation project identified in the 2020 Treasury Budget.*

9. CLERKS / BY-LAW ENFORCEMENT / IT

- p. 42 a. **Staff Report C026-20 submitted by the Clerk, re: Fireworks.**

Recommendation: *Be it resolved that Staff Report C026-20 be received; and*

That Council direct Staff to proceed with drafting a Fireworks By-law for Council's consideration at a future meeting, to include set fines but with no obligation to seek a permit for consumer fireworks, and to restrict the discharge of consumer fireworks to Victoria Day and Canada Day and the two days before and after.

- p. 57 **b. Staff Report C027-20 submitted by the Clerk, re: Off Road Vehicles (ORVs).**

Recommendation: *Be it resolved that Staff Report C027-20 be received; and That Council direct Staff to work with the Central Ontario ATV Club and the County of Simcoe to propose a potential on-road route for ATVs / ORVs to utilize in accessing trails designated for such recreational vehicles, and provide a report back to Council for their consideration at a later date.*

- p. 70 **c. Staff Report C028-20 submitted by the Deputy Clerk, re: Proposed Amendments to Fees and Charges By-law 2013-28**

Recommendation: *Be it resolved that Staff Report C028-20 be received; and That Council authorize staff to proceed with a public meeting to consider new or amended fees.*

10. CHIEF ADMINISTRATIVE OFFICER (C.A.O.)

- p. 84 **a. Staff Report CAO043-20 submitted by the Chief Administrative Officer, re: Job Description for the Manager of Public Works.**

Recommendation: *Be it resolved that Staff Report CAO043-20 be received; and That Council approve amending the job description for the Manager of Public Works position to reflect that the position should be held by a Professional (Civil) Engineer.*

- p. 94 **b. Staff Report CAO045-20 submitted by the Chief Administrative Officer, re: Topsoil Placement on Finished Fill Sites.**

Recommendation: *Be it resolved that Staff Report CAO045-20 be received; and That Council authorize staff to work with applicants of finished fill sites to allow 10 inches of topsoil cover on a specified area, as depicted on a survey prepared by an Ontario Land Surveyor, to prevent erosion and to further advance farming following review of Township Staff and Council to ensure that all relevant sections and requirements of the Township's Fill By-Law are met, to Staff and Council's satisfaction.*

11. OTHER BUSINESS

12. ADJOURNMENT

Recommendation: *Be it resolved that this meeting of Committee of the Whole of the Township of Essa adjourn at _____ p.m. to meet again on the 16th day of September, 2020 at 6:00 p.m.*



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PR011-20
DATE: September 2, 2020
TO: Committee of the Whole
FROM: Jason Coleman, Manager of Parks and Recreation
SUBJECT: Thornton Arena Refrigeration Plant

RECOMMENDATION

That Staff Report PR011-20 be received; and
That Council consider directing the Manager of Parks and Recreation to immediately proceed with the removal of the failed shell and tube chiller at the Thornton Arena, and replace it with an efficient, low charge plate and frame chiller from Berg Chilling Systems at a cost of \$89,500 + HST to the Township to come from special project reserves; and to seek out all possible avenues for funding.

BACKGROUND

At the Thornton Arena on August 12, 2020, Staff noticed the smell of ammonia coming from the refrigeration plant. The ammonia detection system continued to rise and the refrigeration mechanic arrived on site promptly. Upon further investigation, it was discovered that two of the brine lines inside the chiller had corroded causing the brine to leak and mix with ammonia. Brine and ammonia mixture in the system caused contamination requiring a hazardous waste company to safely dispose of all the contaminated brine. Everyone was safe and no injuries occurred.

COMMENTS AND CONSIDERATIONS

12, 000 Litres of contaminated brine has been pumped out by GFL Disposal Hazardous Waste and has been removed off site. Based on the brine analysis sample taken, the system required to be flushed twice to remove all of the contamination. The system has been filled with water to avoid corrosion until further direction is received from Council.

BERG Chilling Systems provided a quote for a low charge, plate and frame chiller at \$89,500 + HST and shell and tube chiller would cost approximately \$79,500 +HST.

CIMCO Refrigeration also provided information for budget purposes on a plate and frame chiller for approximately \$150,000 - \$160,000 + HST and a shell and tube chiller to replace the existing unit would be approximately \$90,000 + HST.

After research and discussion with professionals in the industry, along with the specific needs, requirements and specifications for the Thornton Arena, the Manager of Parks and Recreation would recommend to proceed with the Berg Chilling Systems plate and frame chiller for Thornton Arena. Reasons for this decision are as follows:

- Space is limited throughout the facility especially in the refrigeration room and this unit occupies less foot space.
- Provides better access and room for service ability on an ongoing basis.
- While also being more efficient than a traditional shell and tube chiller, these types of units have less of an ammonia charge therefore reducing the possible level and exposure of ammonia to staff, patrons and residents of the community.

The lead time for this plate and frame chiller would be approximately 9 weeks from date of order, plus an estimated 2 weeks needed for install. Once the plant is back in operation, Staff would require 7 to 10 days to build, paint and install the ice. A tentative date for resumption of ice in Thornton if required this season would be January 2021.

FINANCIAL IMPACT

Two rounds of pumping out the system was required to safely neutralize the system totalling \$29,100 + HST for both flushes.

After seeking quotes, Berg Chilling Systems who is a reputable company provided the lowest quote for removal, replacement, and commission of a new efficient, low charge plate and frame chiller at a cost of \$89,500 + HST.

Staff will be asked to continue research public and private sources of funding.

SUMMARY/OPTIONS

Council may:

1. Take no further action, which would put the Thornton Arena out of commission concerning ice.
2. Direct the Manager of Parks and Recreation to proceed with the removal of the failed Shell and Tube Chiller and to replace it with an efficient low charge plate and frame chiller from Berg Chilling Systems at a cost of \$89,500 + HST.
3. Direct Staff in another course of action.

CONCLUSION

Staff recommends Option # 2 be approved.

Respectfully submitted,



Jason Coleman
Manager of Parks and Recreation



Colleen Healey-Dowdall
Chief Administrative Officer



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TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PW013-20
DATE: Sept 2, 2020
TO: Committee of the Whole
FROM: Michael Mikael, P.Eng., Manager of Public Works
SUBJECT: **Suggested amendments to By-law 98-81
Being a By-law for erection of stop signs**

RECOMMENDATION

That Staff Report PW013-20 be received; and

That Schedule "A" to By-law 98-81, concerning stop signs be amended to include stop signs as set out in this Report with respect to the Transport Canada Rail Safety – Crossing Inspection Report (Ref#:7039650); and that new stop signs be placed where required by Transport Canada in order to comply with their standards.

BACKGROUND

On July 6, 2020 Staff received a letter of concern along with a crossings inspection report from Transport Canada in regards to railway crossings in Essa – sightlines. The Report stated the following four (4) Miles (crossings) are not in compliance with the grade crossing regulations:

1. Mile 3.64 (11th Line) – un-assumed
2. Mile 4.5 (10th Line)
3. Mile 5.5 (9th Line)
4. Mile 6.3 (8th Line)

Transport Canada requested a corrective action plan along with implementation dates.

Two options were considered/evaluated by Staff to rectify the clear sightlines area with respect to Article 7 of the grade crossing standards:

Option One: Recalculate the new required clear sightline area. Brush the trees within the road allowance on a yearly basis and coordinate with residents (also on a yearly basis) brushing their own private properties to the extent of the new calculated sightlines area. This option will require yearly maintenance (more expensive) and will expose Essa's liability in case of a major accident at any of the four (4) crossings.

Option Two: Install stop signs at all four (4) Miles (preferred option).

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COMMENTS AND CONSIDERATIONS

Staff questioned the need to install new stop signs for vehicles when the City of Barrie railway is hardly used but Transport Canada remains firm in their direction to reach compliance with the regulations. Note that the City of Barrie is currently reviewing the feasibility of operating the railway.

It is suggested that the following amendments be made to Schedule "A" of By-law 98-81 to install stop signs at Miles:

| Column 1 | Column 2 |
|-----------------------------------|-----------------------|
| Mile 3.64 (11 th Line) | 11 th Line |
| Mile 4.5 (10 th Line) | 10 th Line |
| Mile 5.5 (9 th Line) | 9 th Line |
| Mile 6.3 (8 th Line) | 8 th Line |

FINANCIAL IMPACT

Minimal cost for purchasing and installing the stop signs and annual maintenance. Lower risk/exposure to liability.

SUMMARY/OPTIONS

Council may:

1. Take no further action;
2. Approve the suggested amendments set out in this report: amend the appropriate by-law, install stop signs and carry out annual maintenance.
3. Direct Staff in another course of action.

CONCLUSION

Staff Recommends that Option #2 be approved.

Respectfully submitted,

Reviewed by,

Michael Mikael, P.Eng.
Manager of Public Works

Colleen Healey-Dowdall
Chief Administrative Officer

Attachments:

Appendix A: Letter of Concern_Transport Canada Rail Safety – Crossings Inspection Report

Appendix B: Cando rail services email



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Ontario Region
Ontario Regional Office, Joseph Shepard Building, 4900 Yonge Street
suite/unit:300, Floor: 3
North York, ON M2N6A5

Our file: RSIG - 7058935

LETTER OF CONCERN

July 6, 2020

Michael Mikael
Manager of Public Works
Essa, Township of

Subject: Crossing Inspection

Dear Michael Mikael,

I am a Railway Safety Inspector designated by the Minister of Transport under subsection 27(1) of the *Railway Safety Act* (RSA).

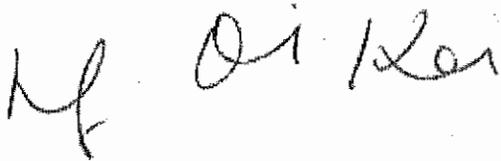
On July 03, 2020, I performed an inspection of Barrie-Collingwood Railway and identified concern(s) as detailed in the attached appendix.

Please advise this office in writing no later than July 21, 2020, how you intend to address this(these) concern(s).

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Should you require additional information on this matter, please do not hesitate to contact me, at (416) 303-9715 or by e-mail at mimi.ng@tc.gc.ca.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mimi Ng', written in a cursive style.

Mimi Ng
Railway Works Engineer (Badge ID: 30096)
Rail Safety

CC: John Kolb, Roads Supervisor, Essa, Township of
Colleen Healey-Dowdall, Chief Administrative Officer, Essa, Township of

Transport Canada Rail Safety - Crossings Inspection Report

Road Authority: Essa, Township of
Summary: 2020-07-03, Ontario Region, Reference #: 7039650
IC Inspector: Mimi Ng

| Concerns | | | | |
|---|----------------------------|---|---|---------|
| Location | Responsible Authority | Description | Corrective Action | Ref. # |
| Crossing (Passive): Mile 3.64, Meaford Subdivision (Barrie-Collingwood), 11Th Line, (N), CrossingID: 9678 U | Barrie-Collingwood Railway | <u>Crossings - Sightlines</u> Details: Issue with: Sightlines from SSD - Private Property (Railway responsibility) - (1) of Grade Crossings Regulations: 21 - (1) of Grade Crossings Regulations: 23 - (1) of Grade Crossings Regulations: 26 Sightline from Stopping Sight Distance (SSD) from all 4 quadrants are blocked by vegetation. | Railway is responsible, no Road Authority Corrective Action expected | 7039687 |
| Crossing (Passive): Mile 3.64, Meaford Subdivision (Barrie-Collingwood), 11Th Line, (N), CrossingID: 9678 | Essa (Ontario) | <u>Crossings - Sightlines</u> Details: Issue with: Sightlines from SSD - Private Property (Road Authority responsibility) - (1) of Grade Crossings Regulations: 21 - (1) of Grade Crossings Regulations: 23 - (1) of Grade Crossings Regulations: 26 Sightline from Stopping Sight Distance (SSD) from all 4 quadrants are blocked by vegetation. Since stop signs is currently not installed at the crossing, sightline requirement from both SSD and Dstopped as stated in the Grade Crossing Standard Article7 is required. | Response to Transport Canada: - Enter corrective action here - Effective As Of: - If not immediate, enter implementation date here - | 7039691 |

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Transport Canada Rail Safety - Crossings Inspection Report

| Concerns | | | | |
|--|----------------------------|--|--|---------|
| Location | Responsible Authority | Description | Corrective Action | Ref. # |
| Crossing (Passive): Mile 3.64, Meaford Subdivision (Barrie-Collingwood), 11Th Line, (N), CrossingID: 9678 | Barrie-Collingwood Railway | <p><u>Crossings - Surface</u></p> <p>Details: Issue with: Surface - Crossing Surface Width</p> <p>- (1) of Grade Crossings Regulations: 58 Railway to communicate with road authority to confirm with the travelledway width. GCS Article3.1 requires crossing surface to be of a width that is equal to the width of the travelled way and shoulders of the road plus 0.5m on each side.</p> | Railway is responsible, no Road Authority Corrective Action expected | 7039705 |
| <p>6</p> <p>Crossing (Passive): Mile 3.64, Meaford Subdivision (Barrie-Collingwood), 11Th Line, (N), CrossingID: 9678</p> | Barrie-Collingwood Railway | <p><u>Crossings - Signage</u></p> <p>Details: Issue with: Signage - Railway Responsibility Signage</p> <p>- (1) of Grade Crossings Regulations: 58 - (1) of Grade Crossings Regulations: 63</p> <ol style="list-style-type: none"> 1. Crossbuck on the south leg is faded. 2. Reflective stripe is missing on both side of the crossing. 3. Emergency Notification Sign is missing on both side of the crossing. 4. Our database indicates that this is a public crossing. Please confirm the current whistling and corresponding signage is applied to this location as well. | Railway is responsible, no Road Authority Corrective Action expected | 7039699 |

Transport Canada Rail Safety - Crossings Inspection Report

| Concerns | | | | |
|---|-----------------------------------|--|--|----------------|
| Location | Responsible Authority | Description | Corrective Action | Ref. # |
| <p>Crossing (Passive): Mile 4.5, Meaford Subdivision (Barrie-Collingwood), Simcoe Road, (N), CrossingID: 9679</p> | <p>Barrie-Collingwood Railway</p> | <p><u>Crossings - Sightlines</u></p> <p>Details: Issue with: Sightlines from SSD - Private Property (Railway responsibility)</p> <p>- (1) of Grade Crossings Regulations: 21 - (1) of Grade Crossings Regulations: 23 - (1) of Grade Crossings Regulations: 26 Sightline from SSD are obstructed by tree and vegetation. The yellow warning sign "Stop Before Crossing" is an obsolete sign. The signage scheme was considered as in interim advisory measure. As of 2002 amendments to the Highway Traffic Act (HTA), red stop signs are now permitted at grade crossing and have force of law in Ontario.</p> | <p>Railway is responsible, no Road Authority Corrective Action expected</p> | <p>7039747</p> |
| <p>Crossing (Passive): Mile 4.5, Meaford Subdivision (Barrie-Collingwood), Simcoe Road, (N), CrossingID: 9679</p> | <p>Essa (Ontario)</p> | <p><u>Crossings - Sightlines</u></p> <p>Details: Issue with: Sightlines from SSD - Private Property (Road Authority responsibility)</p> <p>- (1) of Grade Crossings Regulations: 21 - (1) of Grade Crossings Regulations: 23 - (1) of Grade Crossings Regulations: 26 Sightline from SSD are obstructed by tree and vegetation. The yellow warning sign "Stop Before Crossing" is an obsolete sign. The signage scheme was considered as in interim advisory measure. As of 2002 amendments to the Highway Traffic Act (HTA), red stop signs are now permitted at grade crossing and have force of law in Ontario.</p> | <p>Response to Transport Canada: - Enter corrective action here -</p> <p>Effective As Of: - If not immediate, enter implementation date here -</p> | <p>7039751</p> |

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Transport Canada Rail Safety - Crossings Inspection Report

| Concerns | | | | |
|--|----------------------------|--|--|---------|
| Location | Responsible Authority | Description | Corrective Action | Ref. # |
| Crossing (Passive): Mile 4.5, Meaford Subdivision (Barrie-Collingwood), Simcoe Road, (N), CrossingID: 9679 | Barrie-Collingwood Railway | <p><u>Crossings - Signage</u></p> <p>Details: Issue with: Signage - Railway Responsibility Signage</p> <p>- (1) of Grade Crossings Regulations: 63 Emergency Notification Sign is missing at the crossing.</p> | Railway is responsible, no Road Authority Corrective Action expected | 7039759 |
| Crossing (Passive): Mile 5.5, Meaford Subdivision (Barrie-Collingwood), 9Th Line, (N), CrossingID: 9680 | Barrie-Collingwood Railway | <p><u>Crossings - Sightlines</u></p> <p>Details: Issue with: Sightlines from SSD - Private Property (Railway responsibility)</p> <p>- (1) of Grade Crossings Regulations: 21 - (1) of Grade Crossings Regulations: 23 - (1) of Grade Crossings Regulations: 26 Sightline from SSD on all quadrants are obstructed by tree and vegetation. The yellow warning sign "Stop Before Crossing" is an obsolete sign. The signage scheme was considered as in interim advisory measure. As of 2002 amendments to the Highway Traffic Act (HTA), red stop signs are now permitted at grade crossing and have force of law in Ontario.</p> | Railway is responsible, no Road Authority Corrective Action expected | 7039810 |

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Transport Canada Rail Safety - Crossings Inspection Report

| Concerns | | | | |
|--|-----------------------------------|---|--|----------------|
| Location | Responsible Authority | Description | Corrective Action | Ref. # |
| <p>Crossing (Passive): Mile 5.5, Meaford Subdivision (Barrie-Collingwood), 9Th Line, (N), CrossingID: 9680</p> | <p>Essa (Ontario)</p> | <p><u>Crossings - Sightlines</u></p> <p>Details: Issue with: Sightlines from SSD - Private Property (Road Authority responsibility)</p> <ul style="list-style-type: none"> - (1) of Grade Crossings Regulations: 21 - (1) of Grade Crossings Regulations: 23 - (1) of Grade Crossings Regulations: 26 <p>Sightline from SSD on all quadrants are obstructed by tree and vegetation. The yellow warning sign "Stop Before Crossing" is an obsolete sign. The signage scheme was considered as in interim advisory measure. As of 2002 amendments to the Highway Traffic Act (HTA), red stop signs are now permitted at grade crossing and have force of law in Ontario.</p> | <p>Response to Transport Canada: - Enter corrective action here -</p> <p>Effective As Of: - If not immediate, enter implementation date here -</p> | <p>7039814</p> |
| <p>Crossing (Passive): Mile 5.5, Meaford Subdivision (Barrie-Collingwood), 9Th Line, (N), CrossingID: 9680</p> | <p>Barrie-Collingwood Railway</p> | <p><u>Crossings - Surface</u></p> <p>Details: Issue with: Surface - Crossing Surface Width</p> <ul style="list-style-type: none"> - (1) of Grade Crossings Regulations: 58 <p>Railway to communicate with road authority to confirm with the travelledway width. GCS Article3.1 requires crossing surface to be of a width that is equal to the width of the travelled way and shoulders of the road plus 0.5m on each side.</p> | <p>Railway is responsible, no Road Authority Corrective Action expected</p> | <p>7039828</p> |

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Transport Canada Rail Safety - Crossings Inspection Report

| Concerns | | | | |
|---|----------------------------|--|--|---------|
| Location | Responsible Authority | Description | Corrective Action | Ref. # |
| Crossing (Passive): Mile 5.5, Meaford Subdivision (Barrie-Collingwood), 9Th Line, (N), CrossingID: 9680 | Barrie-Collingwood Railway | <p><u>Crossings - Signage</u></p> <p>Details: Issue with: Signage - Railway Responsibility Signage</p> <p>- (1) of Grade Crossings Regulations: 63 Emergency Notification Sign is missing at the crossing.</p> | Railway is responsible, no Road Authority Corrective Action expected | 7039822 |
| Crossing (Passive): Mile 6.3, Meaford Subdivision (Barrie-Collingwood), 8Th Line, (N), CrossingID: 9681 | Barrie-Collingwood Railway | <p><u>Crossings - Sightlines</u></p> <p>Details: Issue with: Sightlines from SSD - Private Property (Railway responsibility)</p> <p>- (1) of Grade Crossings Regulations: 21 - (1) of Grade Crossings Regulations: 23 - (1) of Grade Crossings Regulations: 26 Sightline from SSD on all quadrants are obstructed by tree and vegetation. The yellow warning sign "Stop Before Crossing" is an obsolete sign. The signage scheme was considered as in interim advisory measure. As of 2002 amendments to the Highway Traffic Act (HTA), red stop signs are now permitted at grade crossing and have force of law in Ontario.</p> | Railway is responsible, no Road Authority Corrective Action expected | 7039870 |

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Transport Canada Rail Safety - Crossings Inspection Report

| Concerns | | | | |
|---|----------------------------|---|---|---------|
| Location | Responsible Authority | Description | Corrective Action | Ref. # |
| Crossing (Passive): Mile 6.3, Meaford Subdivision (Barrie-Collingwood), 8Th Line, (N), CrossingID: 9681 | Essa (Ontario) | <p><u>Crossings - Sightlines</u></p> <p>Details: Issue with: Sightlines from SSD - Private Property (Road Authority responsibility)</p> <p>- (1) of Grade Crossings Regulations: 21 - (1) of Grade Crossings Regulations: 23 - (1) of Grade Crossings Regulations: 26 Sightline from SSD on all quadrants are obstructed by tree and vegetation. The yellow warning sign "Stop Before Crossing" is an obsolete sign. The signage scheme was considered as in interim advisory measure. As of 2002 amendments to the Highway Traffic Act (HTA), red stop signs are now permitted at grade crossing and have force of law in Ontario.</p> | <p>Response to Transport Canada: - Enter corrective action here -</p> <p>Effective As Of - If not immediate, enter implementation date here -</p> | 7039874 |
| Crossing (Passive): Mile 6.3, Meaford Subdivision (Barrie-Collingwood), 8Th Line, (N), CrossingID: 9681 | Barrie-Collingwood Railway | <p><u>Crossings - Signage</u></p> <p>Details: Issue with: Signage - Railway Responsibility Signage</p> <p>- (1) of Grade Crossings Regulations: 63 Emergency Notification Sign is missing on both side of the crossing.</p> | Railway is responsible, no Road Authority Corrective Action expected | 7039882 |

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Transport Canada Rail Safety - Crossings Inspection Report

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From: Michael Mikael
Sent: August 11, 2020 3:30 PM
To: lou.lamanna@candoltd.com
Cc: Colleen Healey <chealey@essatownship.on.ca>
Subject: Proposed Railway crossings Stop Signs (Mile 3.64, 4.5, 5.5,6.3)

Good afternoon Lou,

I know you are aware of the Transport Canada Letter dated July 6 ,2020. The inspection focused on 4 rail crossings that are not in compliance within our authority:

1. Mile 3.64 (11th Line) Dead end un-assumed road
2. Mile 4.5 (10th Line)
3. Mile 5.5 (9th Line)
4. Mile 6.3 (8th Line)

The non-compliance report require corrective action with respect to the stopping sight distance (SSD) this year.

As a result of this report we discussed the option of turning all 4 miles into a stopped at a grade crossings (install stop signs for the Vehicles).

My question is **"Is there any chance that the trains could stop at the above mentioned 4 Miles instead of the Vehicles (stop signs for the trains)?"**

Please let me know your thoughts.

Appreciate your help.

Michael

Michael Mikael, P.Eng
Manager of Public Works
Township of Essa
mmikael@essatownship.on.ca
705-424-9917 ext. 135

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From: Lou Lamanna <Lou.Lamanna@candorail.com>
Sent: August 12, 2020 1:42 PM
To: Michael Mikael <mmikael@essatownship.on.ca>
Subject: Proposed Railway crossings Stop Signs (Mile 3.64, 4.5, 5.5,6.3)

Good Afternoon Michael,

The identified crossings are known as passive crossings based on a cross product of road traffic and train traffic. They are protected with standard railway crossing signs but do not require gates, lights or bells due to the low volume of this cross product. Stop signs are required at these particular locations due to the limited sightline triangles that enable road traffic to view approaching train traffic as indicated in the Grade Crossing Regulations (SOR 2014-275).

The idea of trains stopping at public crossings at grade versus road vehicles presents numerous safety and practical issues:

- 1) It is difficult to stop a train and then pickup speed again. In some cases based on tonnage and speed it could take up to a mile to stop. Starting again over the crossing is also a slow process. Trains on the BCRY are shorter and have less tonnage than that but it still remains difficult to bring a train to a stop and then to start again. There would definitely be more time spent on the crossings than a train that doesn't stop, thus queuing traffic and more vehicles waiting for the train to clear.
- 2) As per the Canadian Rail Operating Rules a train must blow its whistle for at least 20 seconds prior to occupying the crossing giving vehicles/pedestrians a warning that a train is approaching. If the train came to a stop, it would then have to blow its whistle for 20 seconds before moving onto the crossing. This in turn causes confusion for drivers who approach the crossing and see the train there but not moving and determine that it is ok to continue through the crossing when in fact the train may start moving at that moment.
- 3) It also presents liability issues from a road authority perspective, a road user perspective and a railway perspective if an accident was to occur as there are specific criteria for protecting public railway crossings at grade through the Grade Crossing Railway Regulations.
- 4) For this particular example, these 4 crossings are located approximately 1 mile apart. It is impractical for a train to make stops like this, adds to fuel consumption and increases greenhouse gas emissions.

Thanks
Lou



Lou Lamanna
Superintendent, Ontario Rail Operations
C: 1-416-807-0948
26 Juniper St | Rockwood, ON | N0B 2K0
candorail.com



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PW014-20

DATE: September 2, 2020

TO: Committee of the Whole

FROM: Michael Mikael, P.Eng., Manager of Public Works

SUBJECT: Winter Sand Tender Results

RECOMMENDATION

That Staff Report PW014-20 be received; and

That the tender received from JOHN EEK & SON LTD. for the purchase, mixing and stacking of winter sand in the amount of \$ 153,790.00 plus H.S.T be accepted as per the Township specifications.

BACKGROUND

In the past the Township screened its own winter sand from the pit on the 8th Line. There was a report to Council on Nov. 7, 2018 (PW042-18) to explain that it was not financially viable to continue with this process.

COMMENTS AND CONSIDERATIONS

The Tender documents were posted on the Biddingo website on July 27th , 2020 and closed on Aug. 24th , 2020

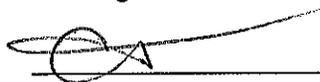
There was a total of 3 bids received. The top 3 bids are summarized below.

| | Bidder | Total Tender |
|----|----------------------------------|---------------------|
| 1. | JOHN EEK & SON LTD. | \$153,790.00 |
| 2. | JAMES DICK CONSTRUCTION LIMITED. | \$175,500.00 |
| 3. | DUIVENVOORDEN HAULAGE LTD. | \$187,850.00 |

FINANCIAL IMPACT

Council approved \$205,000.00 in the 2020 Roads Maintenance Budget. There is \$139,975.70 remaining in this account.

- o Manager of Finance or Deputy Treasurer Approval:



SUMMARY / OPTIONS

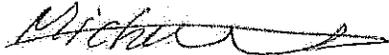
Council may

1. Take no action
2. Award the tender to JOHN EEK & SON LTD. in the amount of \$153,790.00
3. Do not award the tender to JOHN EEK & SON LTD. and select another bidder to complete the work based on reasons to be specified by Council

CONCLUSION

Staff recommends that option 2 be approved. Given that this is low bid and the Township has not had any previous problems with this supplier.

Respectfully submitted,



Michael Mikael, P.Eng
Manager of Public Works

Reviewed by,



Colleen Healey-Dowdall
Chief Administrative Officer

Attachments:

1. Summary of Bidders

7b



**2020 WINTER SAND SCREENING/TRUCKING/MIXING
Opening Results – August 24,2020**

2020 Budget: \$205,000.00

| BIDDER | TENDER DEPOSIT | TOTAL TENDER (not including HST) |
|---------------------------------|-----------------------|---|
| JOHN EEK & SON LTD. | \$10,000.00 | \$153,790.00 |
| JAMES DICK CONSTRUCTION LTD. | \$10,000.00 | \$175,500.00 |
| DUIVENVOORDEN HAULAGE LTD. | NIL | \$187,850.00 |
| | | |
| | | |

Attended by:
Michael Mikael, Manager of Public Works
Debbie Dollmaier, Public Works Co-Ordinator

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7c

TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PW015-20
DATE: September 2, 2020
TO: Committee of the Whole
FROM: Michael Mikael, P.Eng., Manager of Public Works
SUBJECT: Water Meters System Upgrades

RECOMMENDATION

That Staff Report PW015-20 be received; and

That Council consider entering into agreement with Signum Wireless Corporation located at the Angus firehall (135 King Street) and Cherwyn Farm Inc. located at 7284 9th line to make use of the tower facility at both locations for the tower - based meter reading system at a total combined rent of \$800 per month.

BACKGROUND

For the past few years, Council has provided funds in the water budget to upgrade the water meters each year. As the water meter replacement program moves forward, more digital readers were installed, allowing the Township to move towards a tower-based reading system.

COMMENTS AND CONSIDERATIONS

In 2019 Council approved a budget of \$683,000 (\$600,000 carried over to 2020) for the tower-based meter reading system. The replacement program allowed the Township to move towards a tower-based reading system where reads are automatically downloaded in the office to allow for early leak detection and eliminating the need for a meter reader.

In January 2020 KTI Ltd undertook a location study for a proposed antenna (Appendix A). They confirmed that the Township will have 100% coverage with one M400 antenna and R100 repeater to be installed at the above mentioned two locations.

FINANCIAL IMPACT

The replacement program will allow the Township to:

- Eliminate the need for the building department to provide moveout reads (thus reducing overtime)
- Save \$3,500 every 3 month (WAMCO contract for meter reads)
- Eliminate the need to purchase any further moveout wireless auto read guns (\$25,000 every five years)
- The new system will allow for early leak detection

The summary of the approximated savings = \$29,000 / year

The following fee schedule is to be considered:

- Cherwyn Farm Inc. (\$600 per month, locked up for 5 years. Contract anniversary will allow for 2.5% increase)
- Signum Corporation. (2.5% increase on each anniversary of the commencement date of the extension)
 - Year 1 - \$200.00 per month, in advance
 - Year 2 - \$205.00 per month, in advance
 - Year 3 - \$210.13 per month, in advance
 - Year 4 - \$215.38 per month, in advance
 - Year 5 - \$220.76 per month, in advance

Approximated electrical consumption is \$30/month. The cost of the electrical consumption associated with the operation of the Equipment is subject to a 1.02% increase yearly.

The Summary of the approximated costs = \$11,000 / year

- o Manager of Finance or Deputy Treasurer Approval:



SUMMARY / OPTIONS

Council may

1. Take no further action;
2. Approve entering into agreements with Signum Wireless Corporation & Cherwyn Farm Inc. for rental fees for telecommunication equipment for water meters
3. Direct Staff to pursue researching other solution(s)

CONCLUSION

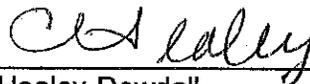
Staff recommends that option 2 be approved.

Respectfully submitted,

Reviewed by,



Michael Mikael, P.Eng
Manager of Public Works



Colleen Healey-Dowdall
Chief Administrative Officer

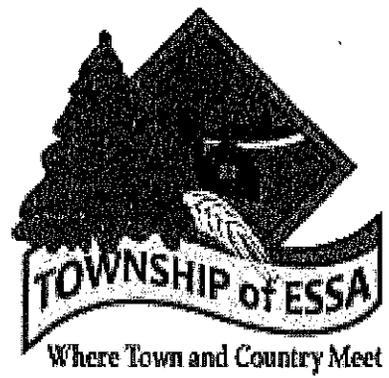
Attachments:

1. Proposed Equipment Location Study

7c



Tower Gateway Base Station



Essa Fire Hall R100NA

Proposed Equipment Location



7c

Town of Essa Fire Hall Revisions and Approvals

Record of Revisions

| Revision | Date | By | Description |
|----------|--------------|-----------|---------------|
| A1 | May 26, 2020 | Al Santos | First Release |
| | | | |
| | | | |

Site Information:

Site ID: T4XX-S
 Site Name: Town of Essa Fire Hall
 City: Essa, Ontario
 Latitude: 44.320474
 Longitude: 79.875024
 Antenna Height: ≈ 40' AGL CL (to be verified)
 Antenna Model/type: DB589-Y
 Cable Type: AVA5-50A or equivalent
 Tx Cable Length: 80'
 Site Type: Self-Support Tower
 TGB Type: R100NA
 Data Link: Wireless VPN
 R100 IP Address: X.X.X.X NAT: X.X.X.X
 Power Monitor: X.X.X.X NAT: X.X.X.X
 Netmask: X.X.X.X
 Default Gateway: X.X.X.X
 Broadcast IP address: X.X.X.X

Site Access:

For 24/7 site access, contact Debbie Dollmaier @ ddollmaier@essatownship.on.ca

Land Owner:

Town of Essa

Tower Owner:

Signum Wireless

Contact - Fernando Araujo Fernando.araujo@signumwireless.com (905.806.7524)

Shelter Owner:

Telequip Wireless

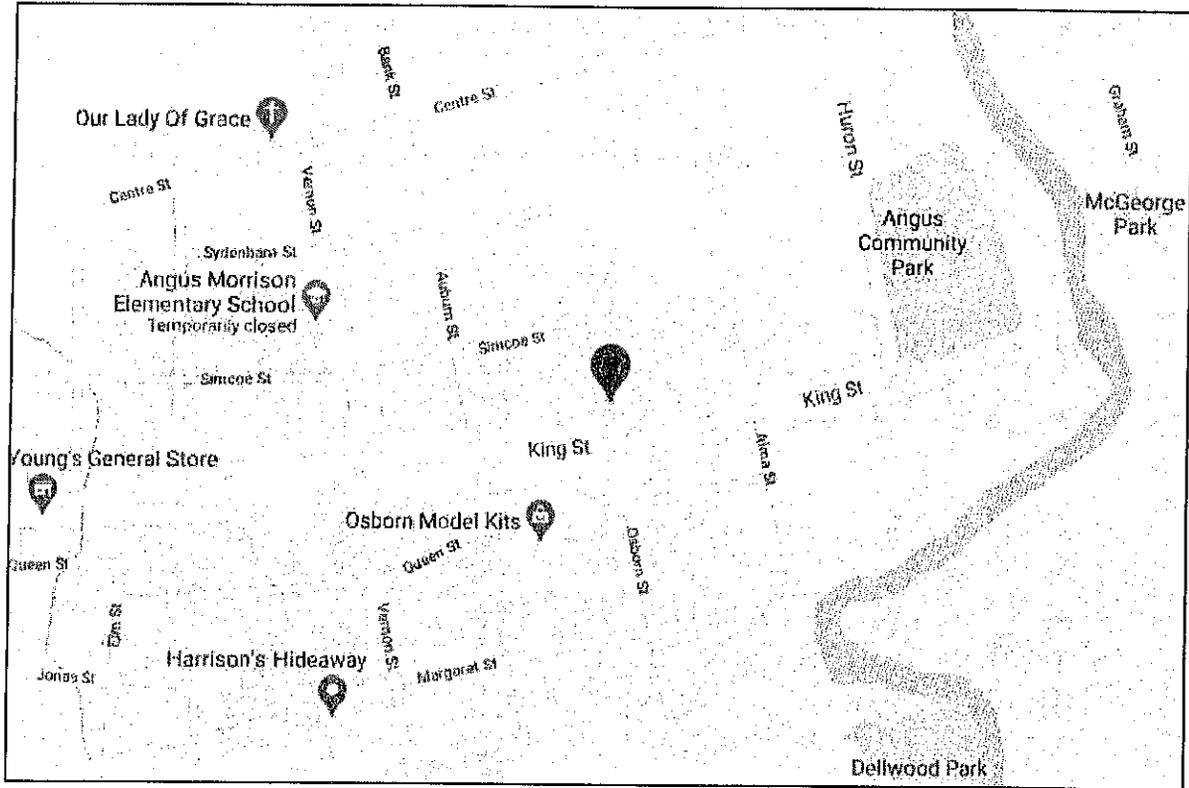
Contact – Kelly Best bestwoods@telequip.ca (705.722.8857)

Requirements from Town of Essa:

1. Provision of Tower Antenna Inventory including frequencies. This will verify availability of tower space for either 40' or 145' use for the installation of omni antenna and confirm vertical or horizontal separation between existing antennas.
2. Provision dedicated 120V, 15A circuit breaker supply for the R100NA cabinet

7C

Site Map:



Proposed RF Antenna Placement Options

Option 1: Antenna Ht at 40' AGL



Notes:

1. Antenna height @40' AGL CL is below tree lines around the area. Sensus to confirm staying at 40' AGL CL antenna ht.
2. Need to verify future location of Bell Mobility on tower.

Option 2: Antenna Ht at 145' AGL

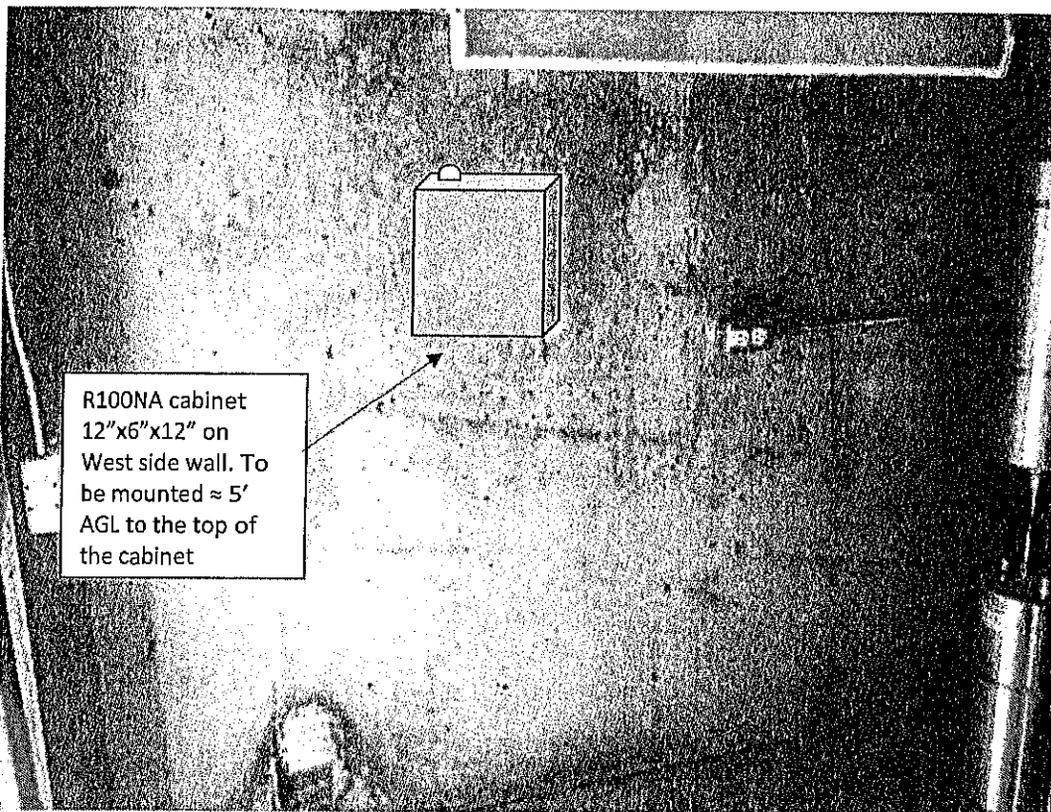


Notes:

1. Antenna height @ 145' AGL CL needs to be verified with tower owner for use by the town. Sensus to determine if higher antenna is preferred.
2. Need to verify with tower owner regarding the vertical separation with existing antennas on top of the tower.
3. Need to verify future location of Bell Mobility on tower

Proposed R100NA Cabinet Placement Options

Option 1: Indoor West wall of the Shelter

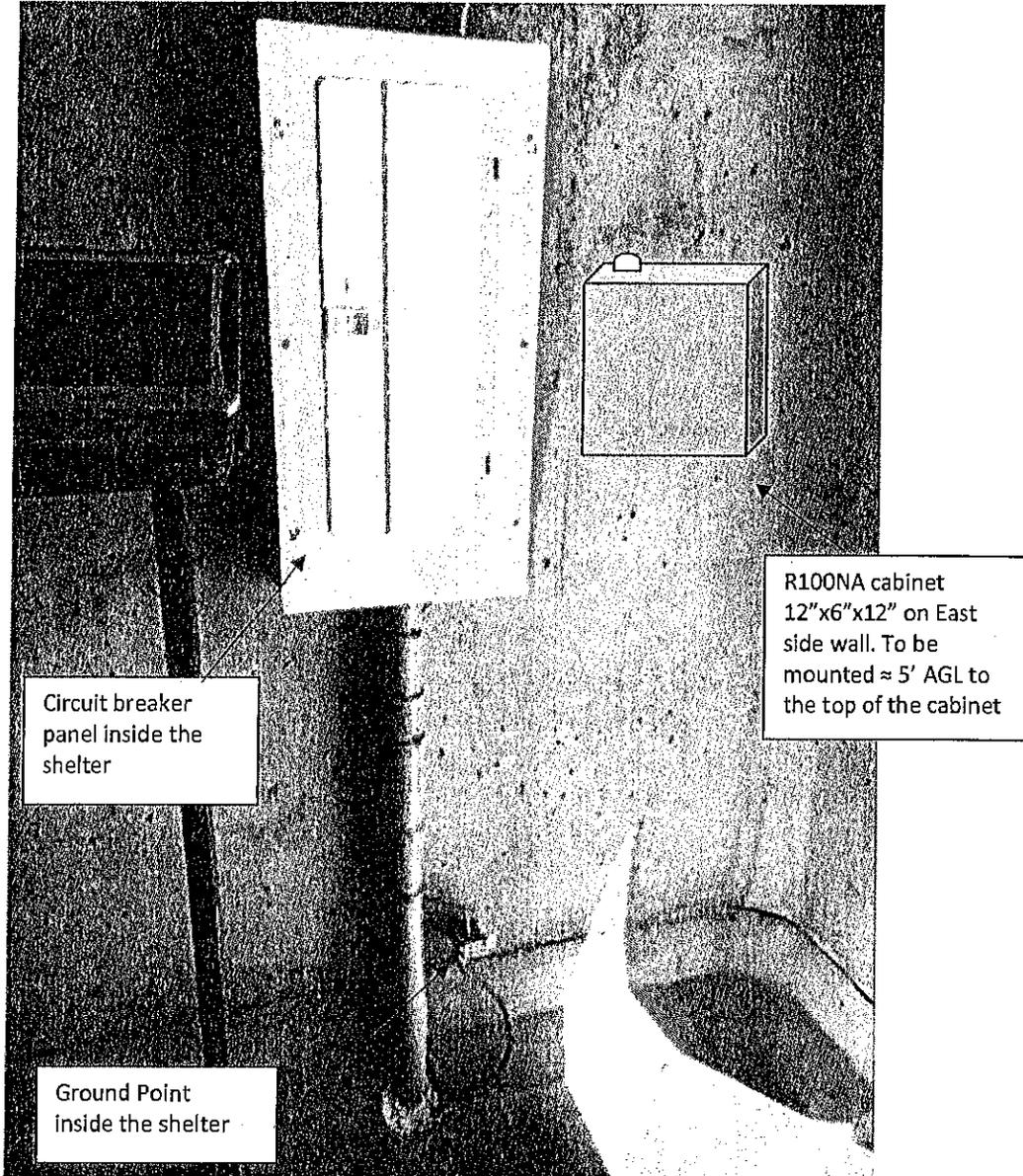


Notes:

1. Dedicated 120V, 15A circuit breaker supply for the R100NA cabinet
2. External GPS required with GPS Antenna to be mounted along side and above shelter for 360 view of sky. See page 9.

7c

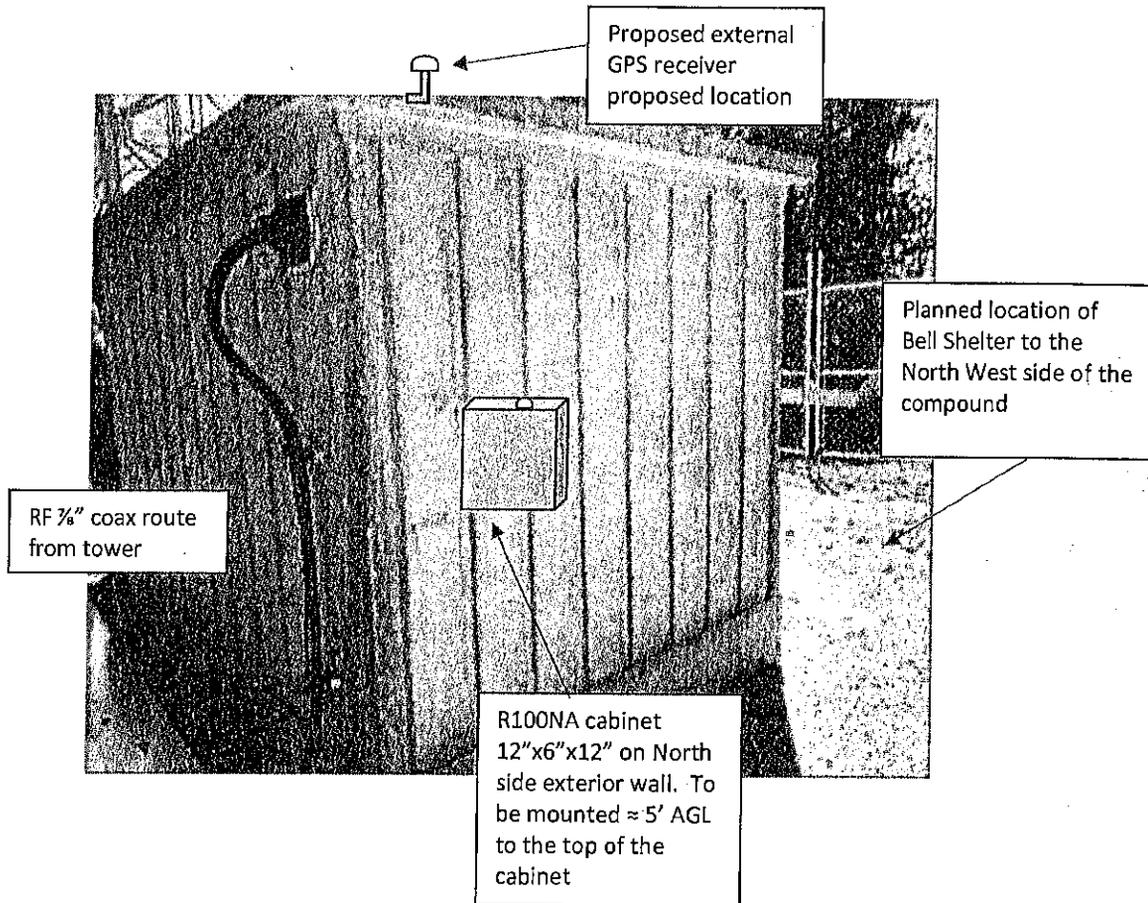
Option 2: Indoor East wall of the Shelter



Notes:

1. Dedicated 120V, 15A circuit breaker supply for the R100NA cabinet
2. External GPS required with GPS Antenna to be mounted along side and above shelter for 360 view of sky. See page 9.
3. Preferred location by Telequip

Option 3: Outdoor North Side Wall of the Shelter



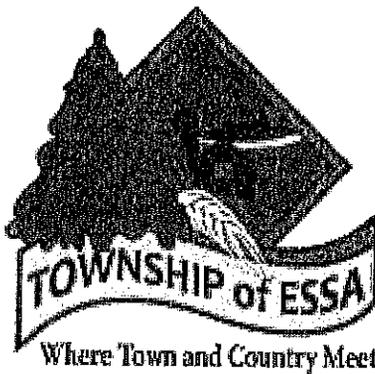
Notes:

1. Dedicated 120V, 15A circuit breaker supply for the R100NA cabinet
2. External GPS required with GPS Antenna to be extended above shelter for 360 view of sky.

7c



Tower Gateway Base Station



Essa Grain Elevator M400B2

Proposed Equipment Location



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Town of Essa Grain Elevator Revisions and Approvals

Record of Revisions

| Revision | Date | By | Description |
|----------|--------------|-----------|---------------|
| A1 | May 27, 2020 | Al Santos | First Release |
| | | | |
| | | | |

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7c

Site Information:

Site ID: T4XX-S
Site Name: Town of Essa Grain Elevator
City: Essa, Ontario
Latitude: 44.279746
Longitude: 79.774252
Antenna Height: ≈ 160' AGL CL (to be verified)
Antenna Model/type: DB589-Y
Cable Type: AVA5-50A or equivalent
Tx Cable Length: 200'
Site Type: Grain Elevator
TGB Type: M400B2
Data Link: Wireless VPN
R100 IP Address: X.X.X.X NAT: X.X.X.X
Power Monitor: X.X.X.X NAT: X.X.X.X
Netmask: X.X.X.X
Default Gateway: X.X.X.X
Broadcast IP address: X.X.X.X

Site Access:

For 24/7 site access, contact Debbie Dollmaier @ ddollmaier@essatownship.on.ca

Land and Elevator Tower Owner:

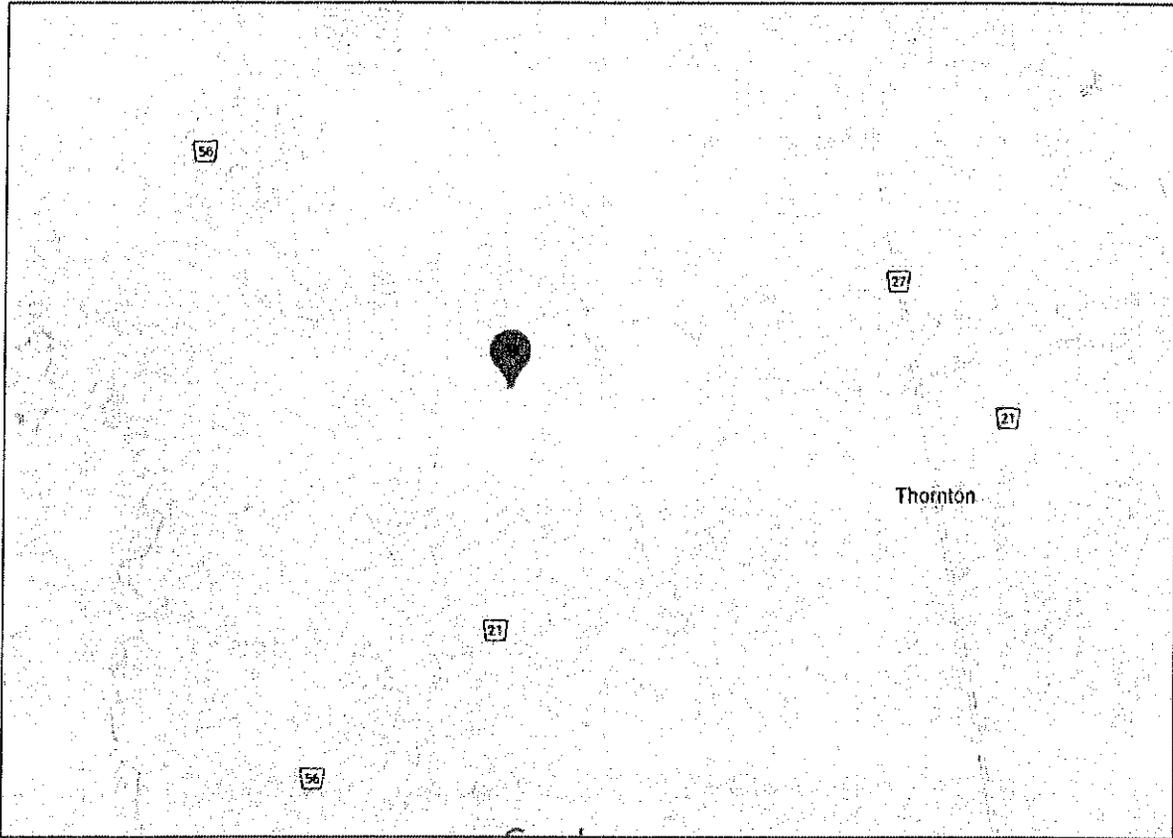
Charwen Farms Inc.

Contact – Ofc (705-424-1905), Mark Ker (705-229-9205), Warren Kerr (705-721-3705)

Requirements from Town of Essa:

1. Provision of Tower Antenna Inventory including frequencies. This will verify frequencies of other antennas at different levels of the grain elevator and provide/confirm vertical or horizontal separation between existing antennas at the prosed 160' level.
2. Provision dedicated 120V, 15A circuit breaker supply for the M400B2 cabinet

Site Map:



7

Proposed RF Antenna Placement Options

Antenna Ht at 160' AGL



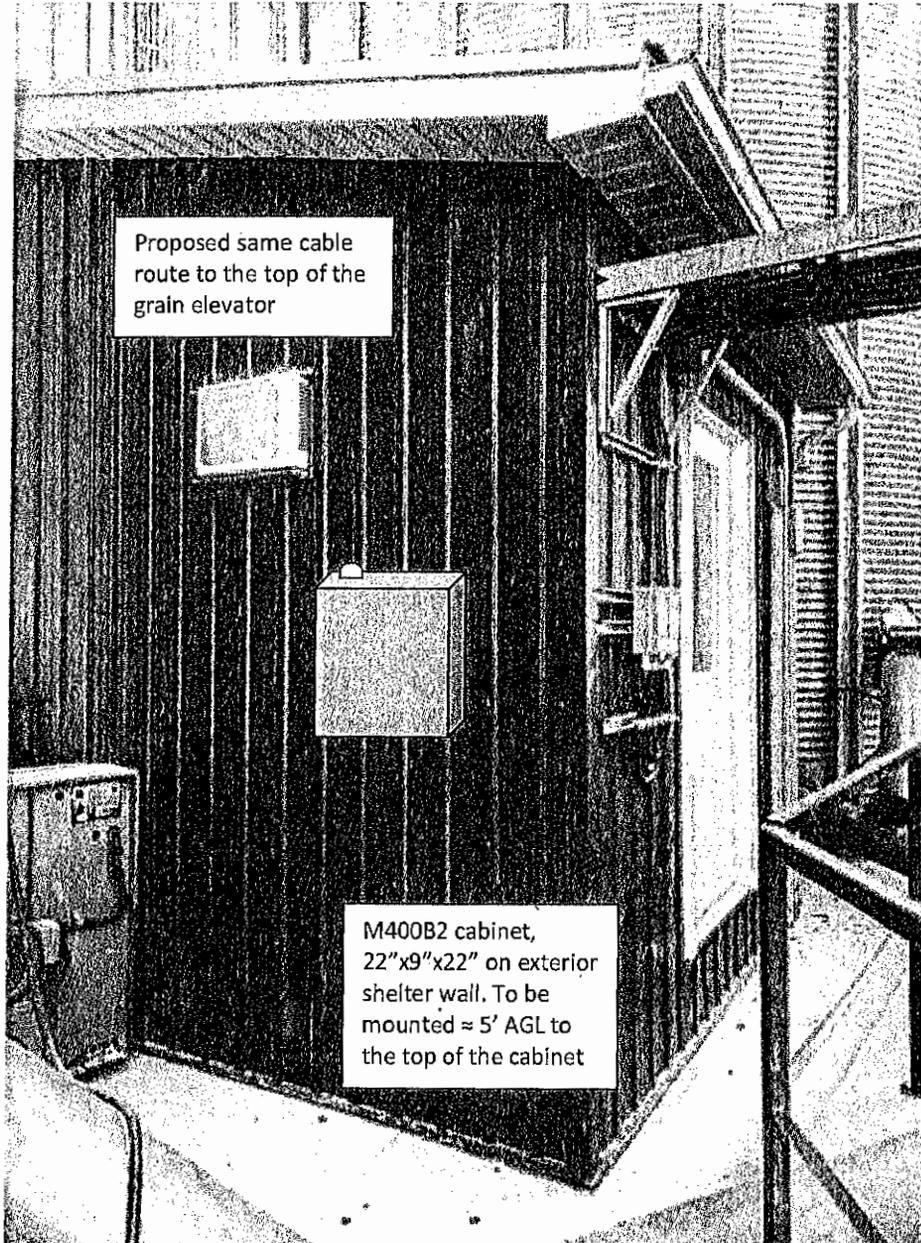


Notes:

1. Need to verify with tower owner and Sensus regarding the horizontal and vertical separation with existing antennas on top of the tower.

Proposed M400B2 Cabinet Placement

Outdoor exterior wall of the shelter directly below the tallest grain elevator



Notes:

1. Source for dedicated 120V, 15A circuit breaker supply for the M400B2 cabinet to be determined with property owner.
2. Area is dusty due to activities around the compound



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: TR011-20
DATE: September 2nd, 2020
TO: Committee of the Whole
FROM: Carol Traynor, Manager of Finance
SUBJECT: 2020 Council Participation in OMERS

RECOMMENDATION

That Staff Report TR011-20 be received; and

That Council consider enrolling in the Ontario Municipal Employees Retirement Savings Plan (OMERS).

BACKGROUND

Members of Council may be enrolled in OMERS Primary Pension Plan, subject to the conditions discussed below. For Council to participate, a by-law must be passed authorizing participation.

COMMENTS AND CONSIDERATIONS

There are two options for the enrolment of members. Council can enrol the Mayor, but not other members of Council, or enrol all members of Council. There is no option to enrol Councillors in the OMERS pension plan, but not the head of Council.

Should Council decide to enrol either the Mayor, or all members of Council in the pension plan, existing Councillors would have the choice whether to join or not. New Councillors taking office after 2022, and all future elections, would be required to join the pension plan, subject to the restrictions discussed below. Current Councillors who are re-elected are not considered to be new members, and therefore do not have to enrol.

Members of Council can only be enrolled in the pension plan if they are 70 years old or younger.

Members who are already receiving an OMERS pension may be enrolled in the Township plan or can opt out if they wish to continue to receive their existing pension. It is not possible to contribute to OMERS and receive a pension from OMERS at the same time.

FINANCIAL IMPACT

Pension contributions are based on the Council member's "contributory earnings". Council member's contributory earnings are defined in the OMERS Primary Plan as taxable "money paid to the councillor for the councillor's services as a councillor under the *Municipal Act*".

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Should Council be enrolled in the OMERS pension plan, 9% of the contributory earnings will be deducted as pension payments. Based on 2020 earnings this would total per month \$264.53 for the Mayor, \$206.09 for the Deputy Mayor, and \$165.39 for Councillors.

In addition, the Municipality pays an additional 9% to the pension plan on behalf of Council, which would total \$966.79 per month and \$11,601.43 per year (providing all members are eligible choose to contribute).

Contributions for 2020 have not been budgeted, if Council wishes to enrol for the remaining of the 2020 year it would be a cost of \$1908.03.

SUMMARY/OPTIONS

Council may:

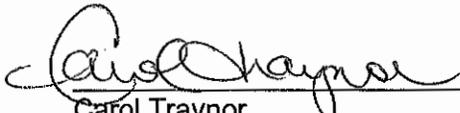
1. Take no further action.
2. Direct the Manager of Finance to bring the appropriate by-law for Council execution effective January 1st, 2021.
3. Direct the Manager of Finance to bring the appropriate by-law for Council execution effective October 1st, 2020.
4. Direct the Manager of Finance as Council deems appropriate.

CONCLUSION

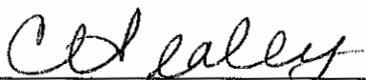
Option #2 is recommended.

Respectfully submitted:

Reviewed by:



Carol Traynor
Manager of Finance



Colleen Healey-Dowdall
CAO

Attachment: OMERS Employer Administration Manual, Section 7 Council member overview



OMERS

7. Council member overview

*Employers are required to confirm member consent. The manner of consent (e.g., email, paper, signature, initials) is up to the employer to decide upon. We encourage employers to retain the consent on file in the event of any dispute regarding access to personal information.

Last modified: October 2015

7. Council member overview

A council may choose to enrol all council members (including the head of council) or the head of council only.

Council members, without the head of council, cannot participate in the OMERS Primary Plan. At the effective date of council participation, existing council members may individually elect to join the OMERS Primary Plan. (A council member who does not join the OMERS Primary Plan on the effective date may choose to participate at a future date.) Any new, future member of council must join the OMERS Primary Plan, provided the enrolment occurs no later than November 30 of the year of their 71st birthday.

In the case of council members who are retired OMERS members, they must join the OMERS Primary Plan unless they elect not to join. See [Council members receiving a pension](#).

The terms and conditions of membership for council members are similar to those for regular municipal employees.

Last modified: March 2009

7.1 Definition of council member (councillor)

The OMERS Primary Plan defines a councillor as "...a person who is a member of a council of a municipality...". Council members are usually elected officials. Members of school boards (trustees) or other local boards, elected or appointed, are not included in this definition and **may not** join the plan.

For the purposes of the *Employer Administration Manual*, a councillor will be referred to as a council member.

Last modified: September 2008

7.2 Classification of council members as members

A council may elect to participate in the OMERS Primary Plan even if the employees of the municipality are not members.

The council, as a class, is treated separately for purposes of OMERS membership.

Last modified: September 2008

7.3 Group participation procedures

Follow these steps to initiate participation in the OMERS Primary Plan for a new group of council members or head of council.

1. Write a letter to OMERS indicating the intent to participate in the Plan.
2. OMERS will provide a sample by-law with instructions.
3. Council must pass the by-law authorizing participation and stating the effective date. Send a certified copy of the by-law to OMERS.
4. Forward a listing with all council members at the participation date and indicate those who elect to join and those who elect not to.
5. Complete an *Enrolling a Member* (102) e-form for all council members enrolling in the OMERS Primary Plan.

The enrolment process is the same as for continuous full-time members. See [Enrolment procedure](#).

Last modified: April 2016

OMERS

7.4 Contributory earnings

elect not to.

5. Complete an *Enrolling a Member* (102) e-form for all council members enrolling in the OMERS Primary Plan.

The enrolment process is the same as for continuous full-time members. See [Enrolment procedure](#).

Last modified: April 2016

7.4 Contributory earnings

A council member's contributory earnings are defined in the OMERS Primary Plan as taxable "money paid to the councillor for the councillor's services as a councillor under the *Municipal Act*".

Where a municipality has decided to keep one third of the council member's salary as a non-taxable expense reimbursement, only two-thirds, excluding any additional non-taxable allowances or reimbursements, may be included in [contributory earnings](#). Any monies paid to defray or reimburse expenses (if non-taxable monies) are excluded from contributory earnings.

OMERS does not consider the severance pay that a councillor receives when they aren't re-elected to be eligible service in the Plan. A councillor receives contributory earnings as payment for their services as a councillor under the *Municipal Act*. If the councillor is not re-elected, any money that is paid as severance is not for their services as a councillor and is ineligible in the Plan.

Last modified: October 2014

7.5 Contributions and benefits

OMERS contributions should be calculated on and deducted from the contributory earnings paid to the council member.

The contribution rate and the pension benefits earned by council members are the same as for other OMERS NRA 65 members. See the appropriate sections of this manual for further details.

Last modified: June 2003

7.6 Credited service - Council members

OMERS assumes that council members are continuous full-time members.

Council members earn credited service for the period of time that they are an elected official. See [Credited service](#).

Last modified: June 2003

7.7 Council member re-election

Council members who are re-elected for consecutive terms are not considered to be new council members and, therefore, do not have to re-enrol to participate in the OMERS Primary Plan.

The period of time between terms of office, if any, cannot be purchased.

Last modified: September 2008

7.8 Council members receiving a pension

A retired OMERS member who is elected to a participating council before December 1 of the year of their 71st birthday will be re-enrolled in the OMERS Primary Plan unless they elect not to enrol.

EC



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: TR012-20

DATE: September 2nd, 2020

TO: Committee of the Whole

FROM: Rob Rosilius, Deputy Treasurer

SUBJECT: Asset Management Plan and Software Implementation Funding

RECOMMENDATION

That Staff Report TR012-20 be received; and

That Council consider allocating \$36,400 from the Special Projects Reserve for the Asset Management Plan and Software Implementation project identified in the 2020 Treasury Budget.

BACKGROUND

In the 2020 budget, Treasury staff submitted the Asset Management Software and Consultant Project in the amount of \$96,000 for approval. The nature of this project was to develop an asset management plan for the Township which adheres to the upcoming legislative requirements with the implementation of a software system to help manage that plan and properly track municipal infrastructure assets. Staff originally identified the project as being fully funded through a grant program offered by the Federation of Canadian Municipalities (FCM). The representative from Public Sector Digest Inc. (PSD), whom staff had been working with to develop the funding proposal was also of the understanding the grant program would cover the full cost of the project.

COMMENTS AND CONSIDERATIONS

When the Township was notified that grant applications were being accepted for the Asset Management funding, it was announced that grants would only cover 80% of the costs up to a maximum contribution of \$50,000. Based on the proposal received from PSD, the total project is expected to cost \$86,400, which includes the portion of the HST ineligible for tax rebate. The Township would therefore have to fund \$36,400.

Staff recommend funding the Township's portion from the Special Project Reserve account, which has a balance of \$974,428.00. Staff did research whether Ontario Community Infrastructure Fund (OCIF) funding could be used, but unfortunately it is not allowable as OCIF funding cannot be applied against a project being partially funded from other grant monies.

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Asset Management Plan and
Software Implementation Funding

The urgency behind staff's request for Council to approve the funding of the project is due in part to the time lag with FCM processing the grant applications. PSD informed staff that over 80 applications have been received by FCM, which are processing approximately 20 per month. This time lag means any delay in submitting the grant request will delay the start of this project. Compounding the situation is the looming deadline to meet provincial legislative requirements for the Asset Management Plan. The Township has less than one year to develop a plan for the core assets of the municipality which include, roads, bridges, water, and wastewater infrastructure.

Staff believe CityWide Asset Manager, the software solution from PSD along with their consultation services is the best course of action to meeting both legislative requirements and the Township's needs. A year ago, staff started researching a solution to replace the current system used to manage the financial portion of the Township's infrastructure. IT Services identified this replacement as critical as they are unable to support the current software and any failure of the system translates into a loss of significant amount of financial data. The IT services has reviewed the CityWide software and did not report back any concerns.

Recommendations to investigate CityWide Asset Manager came from both the Township's Auditors and a representative of Go Evo, the company who supplies the MESH system currently employed by Public Works for tracking its vehicles and managing work orders. The representative from GO EVO confirmed that data from their system can be easily imported into CityWide. The Township Auditors confirmed that other municipal clients were using this system and were able to provide the necessary information they required.

CityWide does appear to be gaining popularity in the municipal sector. Staff have recently become aware that the County of Simcoe is the most recent addition to the growing list of municipalities in the area who have chosen Citywide aid in their asset management plan.

Staff did discuss an alternative software option with IT Services. After an initial review, staff had significant concerns in relation to integration into the Township's current software systems currently employed by the Township as well as the concerns regarding maintenance. Based on the feedback from the Auditors and GO EVO along with the other local municipalities employing CityWide, staff was confident researching other systems were not warranted.

In addition to the software, PSD will also be providing consultation service with respect to the development of Township's Asset Management Plan (AMP). The deliverable involves working with department managers and other municipal staff to update the Township's current AMP to the legislative requirements of Ontario Regulation 588/17 under the Infrastructure for Jobs and Prosperity Act, while ensuring its manageable and fits the needs of the municipality. PSD will assist through all stages of the project including the guidance in the collection of asset information, as well as verifying and analyzing asset data. PSD states the final product will provide a framework for future decision and serve as a guide in future infrastructure investment decisions.

FINANCIAL IMPACT

Upon approval of the grant application, the cost to the Township is \$36,400, which is the best value to the municipality considering the alternative. As mentioned above, replacing the current software system is critical. The cost for an asset management software alone can be \$40,000.00, which does not include professional services in developing an asset management plan. Should Council elect to have staff seek another software partner, the time required to find a potential partner along with the demand for the grant from the FCM, would most likely translate into the Township losing out on the funding opportunity.

Drawing upon the Special Project Reserve account will ensure there is no impact on the current year budget. Future operating budgets will be impacted due to the annual support and maintenance fees of CityWide software which are \$6,500 per year based on PSD's current fee structure. Depending on when timing of the implementation of the software, this expense may not be realized until the 2022 budget.

At the writing of this report, staff do not anticipate any additional direct costs to the project. The current IT infrastructure can support CityWide, not additional equipment is required. Training is included in PSD's price. Data migration and/or data input into the new system will be handled by the current staffing compliment.

SUMMARY/OPTIONS

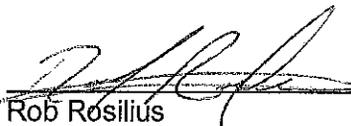
Council may:

1. Take no further action.
2. Permit Staff to move forward with PSD and submit the grant application to the Federation of Canadian Municipalities and allocate funds to support the project.
3. Direct staff to seek other potential software systems.

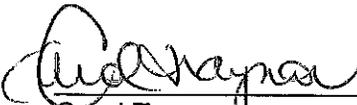
CONCLUSION

Option #2 is recommended.

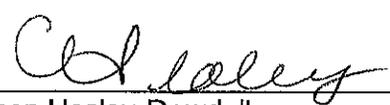
Respectfully submitted:


Rob Rosilius
Deputy Treasurer

Reviewed by:


Carol Traynor
Manager of Finance

Reviewed by:


Colleen Healey-Dowdall
CAO



TOWNSHIP OF ESSA STAFF REPORT

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STAFF REPORT NO.: C026-20
DATE: September 2, 2020
TO: Committee of the Whole
FROM: Lisa Lehr, Clerk
SUBJECT: Fireworks

RECOMMENDATION

That Staff Report C026-20 be received; and

That Council direct Staff to proceed with drafting a Fireworks By-law for Council's consideration at a future meeting, to include set fines but with no obligation to seek a permit for consumer fireworks, and to restrict the discharge of consumer fireworks to Victoria Day and Canada Day and the two days before and after.

BACKGROUND

At its meeting of April 4, 2018, Report No. FD002-18 "Consumer Fireworks" was presented to Council for its consideration (Attachment No. 1). At that time, the Fire Chief recommended that Council not proceed with implementing a Fireworks Control By-law. She did however recommend that Council consider amending the Noise By-law to include language and provisions to prohibit "firecrackers" and "consumer fireworks" (between the hours of 10:00 p.m. to 7:00 a.m.). Council's decision was as follows:

Staff Report FD002-18 submitted by the Fire Chief, re: Consumer Fireworks

Resolution No: CW060-2018 Moved by: White Seconded by: Macdonald

*Be it resolved that Staff Report FD002-18 be received; and
That Council does not authorize the recommended additions outlined in this report to By-law 2005-66 the Noise By-law.*

----Carried----

[It should be noted that at this time, the Township of Essa does not currently have a By-law in place to regulate and/or prohibit the discharge of fireworks within its municipal boundaries. Additionally, the current Noise By-law 2018-47 does not contain any provision that is specific to the noise caused by the discharge of fireworks, however there is a general provision that can be used to fine persons (\$100.00) found to be *causing unusual noises/sounds/excessive noise likely to disturb the inhabitants of the Township of Essa.*]

At its meeting of July 8, 2020, Council requested that Staff prepare a report for their consideration in respect of the discharge of fireworks within the Township of Essa. More specifically, the report was to provide information on safety concerns associated with the discharge of fireworks (consumer) while taking into consideration the impacts to residents on the discharge of fireworks in urban areas (ie: residential zones).



COMMENTS AND CONSIDERATIONS

As Council is aware, designated fireworks display(s) are usually discharged in the Township of Essa for public viewing on Canada Day in recognition of the nation's birthday. This display usually takes place at the Essa and District Agriplex which is located on property that is zoned as Agricultural Exception Nine (A-9). Display Fireworks and Pyrotechnics are regulated differently as these are larger firework displays intended for mass public viewing. As a consequence of the COVID-19 Pandemic, Canada Day Celebrations were cancelled for 2020 which resulted in no display fireworks taking place this year.

This year in particular marked an increase in complaints filed to Municipal Law Enforcement Officers, Nottawasaga OPP and members of Council in respect to the discharge of fireworks in and around the residential areas of Angus. Fireworks were being discharged in residential areas for approximately 7 days (June 26-July 6, 2020) at all hours of the night. [To note: fireworks are still being let off in residential areas as recently as August 6, 2020].

Staff believes that this tendency may continue to increase, since in recent years there has been a growing fondness to discharge fireworks on Canada Day in residential areas, and as well, throughout the year at various times. The population of the municipality is growing with properties becoming smaller and the Township more dense. As such, it is believed that the trend to discharge consumer fireworks in residential areas will persist.

It is assumed that the following factors contributed to the increase in the discharge of consumer fireworks for 2020:

- Canada Day fell on a Wednesday – people booked off the Monday/Tuesday, Thursday/Friday for holidays in addition to celebrating the nation's birthday;
- A substantial number of residents were off work as a result of business closures resulting from the COVID-19 Pandemic, which resulted in more people being home without a means to gather socially for public or private entertainment;
- Essa Township does not have a Fireworks By-law to regulate or prohibit the discharge of fireworks in areas around the municipality, including the discharge of consumer fireworks in residential zones. That being said, there is the potential that this trend will continue going forward causing safety concerns.

In respect of dangers and safety concerns associated with the discharge of fireworks, Safety.com provided the following concerns on their website:

- Likelihood of Injury [typically burns to hands or fingers; burns and impact injuries to the head, neck and eye area are also common (re: Fireworks Annual Report from Consumer Product Safety Commission)];
- Fire risk resulting in property loss and damage;
- Pollutants from fireworks can affect individuals with asthma or chemical sensitivities; additionally, perchlorate (ingredient used to speed up the explosion) ends up in the environment. The more colourful and elaborate the fireworks display is, the more debris it produces.
- Noise/Nuisance – pets, babies and toddlers scare easily from the explosion associated with fireworks, thereby making them anxious, frightened and sleepless.

Additionally, it should be noted that the discharge of fireworks can also affect and cause disturbances to those working shift work, in addition to contributing to symptoms of PTSD for military veterans. As well, young children and pets are also frightened by the "explosion", adding to mental stress on all family members.

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In an effort to minimize the risk of fire and burn injuries resulting from the discharge of consumer fireworks, the Ontario Association of Fire Chiefs (oafc.on.ca) recommends the following in an article entitled "Spring & Summer Fire Safety Tips" (Attachment No. 2):

"To minimize the risk of fire and burn injury, the fire service does not recommend family fireworks or informal neighbourhood displays. The fire service recommends attending public fireworks displays hosted by your municipality or other responsible organization".

As you can see in the excerpt taken from the article, the concern of the Ontario Association of Fire Chiefs lies with the discharge of fireworks at informal neighbourhood displays (urban residential areas with small lot sizes).

With regards to fires caused by the discharge of fireworks, the Fire Chief has informed the Chief Administrative Officer and the Clerk that there have been zero fires caused by fireworks or their discharge in Essa Township. Additionally, she provided that in accordance with the Office of the Fire Marshal, fireworks do not make the official list of ignition sources for structure fires.

For comparative purposes, the following list is being provided to Council in respect of the regulation for fireworks in some Simcoe County municipalities for CONSUMER FIREWORKS:

| Municipality | Fireworks By-law | Consumer Fireworks Permitted on designated days | Consumer Fireworks Permitted on other days | Restrict to Lot Size | Consumer Fireworks Permit Required? | When are they Permitted to be discharged | Comments |
|-------------------|------------------|--|--|----------------------------|--|---|--------------------------|
| Adjala-Tosorontio | Yes | Yes Designated Period-Victoria Day and Canada Day PLUS 5 days before and after | No-not permitted on any other days throughout the year | Not restricted to lot size | Permit not required on designated days | Dusk til 11 pm 5 days before and after designated days | Fine in form of Part III |
| New Tecumseth | Yes | Yes Designated days: Victoria Day and Dominion Day without permit Permitted to be discharged 5 days before and after designated days | No-not permitted on any other days throughout the year | Not restricted to lot size | Permit not required during designated period | Dusk til 11 pm 5 days before and after designated days | Set Fine \$100.00 |
| Innisfil | Yes | Yes Designated days: Victoria Day & Canada Day, New Years' Eve/Day Permitted to be discharged 2 days before/after designated days | Yes Permit required | Not restricted to lot size | Permit NOT required on during designated period. Permit required ONLY if consumer fireworks discharged on days not falling on designated days | Dusk - 11 pm New Years Eve permitted Dusk to 1:00 am the next day (New Years' Day) | Fine in form of Part III |

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| Municipality | Fireworks By-law | Consumer Fireworks Permitted on designated days | Consumer Fireworks Permitted on other days | Restrict to Lot Size | Consumer Fireworks Permit Required? | When are they Permitted to be discharged | Comments |
|--------------|------------------|---|--|----------------------------|--|---|--|
| Clearview | Yes | Yes Designated days: Victoria Day and Canada Day 7 days before and after the designated day | No | Not restricted to lot size | Yes permit is required to be obtained prior to discharge of consumer fireworks | 7 days before and after Victoria Day and Canada Day | Set fines ranging from \$70.00 to \$200.00 |
| Wasaga Beach | Y | Yes Designated days: Victoria Day, Canada Day, New Years' Eve/Day | No | Not restricted to lot size | Permit not required for consumer fireworks | On designated days only | Fine in form of Part III |
| Oro-Medonte | Y | Yes Designated days: Victoria Day, Canada Day, New Years' Eve/Day | Yes | Not restricted to lot size | Permit not required during designated period Permit required if discharged on days not falling on designated days | Between Dusk to 11:00 pm *Exception- New Years' Eve permitted from dusk to 1:00 am New Years Day | Fine in form of Part III |

From the comparisons above, it appears as though each municipality permits the discharge of consumer fireworks on all private properties areas regardless of lot size, however each By-law contains provisions that residents are required to follow in respect of discharging (ie: time permitted; 18 years old to discharge; set off in compliance with manufacturer's specifications; not to be set off in/on/into any building structure or automobile; not to be set off when wind exceeds 40 km/h; not to be set off when fire ban in effect; etc.). Additionally, the majority of municipalities have listed in their By-law that consumer fireworks cannot be discharged within 8 metres of a building, tent, trailer, camp, shelter, fence or vehicle.

Most municipalities permit the discharge of fireworks on the following designated days: Victoria Day, Canada Day, New Years' Eve/Day without obtaining a fireworks permit, between the hours of dusk to 11:00 pm. Generally they are permitted for a short duration before and after the designated day (ie: 2 days before/2 days after).

With the increase in residents discharging consumer fireworks in residential areas on a more frequent basis (not just on Victoria Day and Canada Day), and as the result of no By-law currently being in place to prohibit and/or regulate their discharge especially in residential zones, the author of this Report is of the opinion that there is the potential for an increase in fire and safety risks in addition to disturbances to residents of Essa Township. As such it is recommended that Council consider passing a By-law to prohibit and/or regulate the discharge of consumer fireworks, if not in the whole of the Township, then at least in urban areas. It is felt that this is a responsible and popular course of action even if it is not technically required.

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Should Council wish to proceed with the implementation of a Fireworks By-law, it is recommended that they consider following the template as that implemented in New Tecumseth and Adjala-Tosorontio. If Essa follows suit, it will provide for ease and consistency in policing the issue (OPP will be familiar with the provisions). It is recommended that:

- The designated period as referenced in the Township of Adjala-Tosorontio's By-law be shortened to allow for the discharge two days before and after the designated day. [A copy of the Township of Adjala-Tosorontio Fireworks By-law is attached to this Report for Council's reference (Attachment No. 3).]
- No permit be required at this time for the discharge of consumer (household) fireworks during the designated period (Victoria Day and Canada Day, and two days leading up to these days), however a permit will be required to be purchased for Exhibition Fireworks (Display Fireworks and Pyrotechnic) such as those set off by the Lion's Club for the public at large; and
- Set Fines be implemented as a deterrent to allow OPP to issue on-the-spot tickets for persons discharging consumer fireworks outside of the designated days (as opposed to Part III tickets)

FINANCIAL IMPACT

Nothing at this time.

SUMMARY/OPTIONS

Council may:

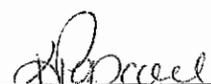
1. Take no further action.
2. **Direct Staff to proceed with drafting a Fireworks By-law for Council's consideration at a future meeting, to include set fines but with no obligation to seek a permit for consumer fireworks, and to restrict the discharge of consumer fireworks to Victoria Day and Canada Day and the two days before and after.**
3. Direct Staff to proceed with drafting a Fireworks By-law for Council's consideration which would restrict the discharge of consumer fireworks altogether from urban areas.
4. Direct Staff as Council deems appropriate.

CONCLUSION

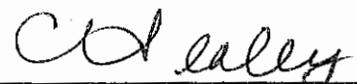
Staff recommends that Council approve Option No. 2.

Respectfully submitted:

Reviewed by:



Lisa Lehr
Clerk



Colleen Healey-Dowdall
Chief Administrative Officer

Attachments:

- 1 – Copy of Staff Report FD002-18 "Consumer Fireworks"
- 2 – Excerpt from Ontario Association of Fire Chiefs – Article entitled "Spring and Summer Fire Safety Tips"
- 3 – Copy of Adjala-Tosorontio By-law 05-41

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Attachment #1



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: FD002-18

DATE: April 4, 2018

TO: Committee of the Whole

FROM: Fire Chief Cynthia Ross Tustin

SUBJECT: Consumer Fireworks

RECOMMENDATION

That Staff Report FD002-18 be received; That Council consider authorizing the recommended additions outlined in this report to By-law 2005-66 the Noise By-law.

BACKGROUND

Over the last four years a small number of local residents have expressed concerns about consumer fireworks within the municipality; leading some to request restrictions on the sale and usage of fireworks for noise and safety purposes.

Fireworks are regulated under Federal legislation, through the Explosives Act. The requirements of this Act are enforced by the Explosives Regulatory Division of Natural Resources Canada (NRCan). The Act addresses a number of different types of fireworks, including Display Fireworks (typically considered high-hazard explosives), Consumer Fireworks (the type available for sale to the public) and pyrotechnics (typically used by licensed technicians for theatrical effects, etc). While Display Fireworks and Pyrotechnics are highly regulated under the Act, consumer fireworks are subject to far fewer restrictions.

Display fireworks may only be purchased and fired by fireworks technicians licensed under the Explosives Act. One of the requirements of the legislation is that, in order to purchase restricted Display Fireworks, the licensed technician must obtain the written approval of the local Chief Fire Official. Our current practice is to review the proposed fireworks plan and ensure that the display will be conducted according to the regulations outlined in the Display Fireworks Manual, and to conduct an inspection of the proposed firing site before such approval is granted. The Fire Chief currently holds certification from NRCan as qualified Authority Having Jurisdiction for the purpose of conducting such reviews. Similar requirements and practices are in place for Pyrotechnics, as the sale and use of such devices are closely regulated under the federal legislation.

Consumer Fireworks are also regulated under the Explosives, however with far fewer restrictions. Consumer Fireworks have much smaller quantities of flammable or

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explosive materials, and are considered less hazardous than other types of fireworks (*definitions: Consumer Fireworks are low-hazard firework articles designed for recreational use by the public*). Many of the regulations do not apply to the sale or use of small quantities of such materials. Consumer Fireworks do present significant concerns related to nuisance noise levels. Statistically, Consumer fireworks have not presented an unusual risk for fires or personal injuries locally or provincially.

The Fire Protection and Prevention Act, through the Fire Code, has an article allowing municipal fire services to ensure that the requirements of the Explosives Act, with respect to fireworks, are met. Fire Code Article 5.2.2 requires that "The manufacture, storage, transportation and sale of fireworks and pyrotechnics shall be in conformance with the Explosives Act (Canada) and the Explosives Regulations made under it."

This allows the Essa Fire Department to ensure that the Explosives Act Regulations are followed; however, this does not provide any authority to restrict the purchase or use of small quantities of Consumer Fireworks, as these are not addressed in the Act.

A survey of Ontario municipalities reveals that there are a number of approaches being taken in the control of Consumer fireworks. These range from Municipal By-laws restricting or even banning outright the sale and use of these fireworks, to addressing concerns through existing noise control By-laws, to not addressing the issue at all. Many municipalities prohibit the use of firecrackers (*definition: small explosive device, typically containing a small amount of gunpowder in a tightly-wound roll of paper, primarily designed to produce a large bang*), which are essentially just noise-makers and provide little visual effect.

Noise By-law 2005-66, as amended, is a by-law that prohibits or regulates noises within the municipality likely to disturb. Specifically, sentence two (a) states: "THAT no person shall cause or permit to be caused any unusual noises or sounds, or noises likely to disturb the inhabitants of the Township of Essa." While this section does not specifically mention fireworks, this would be broadly interpreted to include noise from fireworks.

In consultation with the Clerk, and based on existing records, there have been very few noise complaints, only one of which was related to fireworks since 2015.

However, the Essa Fire Department does receive several complaints each year with respect to the improper storage practices for those merchants that sell consumer fireworks locally. This adds to the fire prevention workload from an inspection, enforcement, and public education perspective.

COMMENTS AND CONSIDERATIONS

The issue of noise emanating from the discharge of fireworks does not appear to be problematic throughout the Municipality given that almost no complaints have been received by the Clerks Department in the past 3 years. There have been no reported cases of fireworks usage causing fires in the Township of Essa.

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Staff is not recommending the implementation of a new Fireworks Control By-law at this time; rather, we recommend that additional language be added to the existing by-law.

1. That the definition of "firecrackers" be added and that they be prohibited in Schedule "A" of the Noise By-law.
2. That "consumer fireworks" be added to section 11 of Schedule "A" and prohibited from 10pm to 7am.

FINANCIAL IMPACT

There is no financial impact to implementing these changes.

SUMMARY/OPTIONS

Council may:

1. Take no further action.
2. Make no changes to the existing noise by-law.
3. Authorize the recommended additions to By-law 2005-66 the Noise By-law outlined in this report.

CONCLUSION

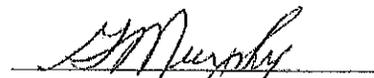
Staff recommends Option 3 be approved.

Respectfully submitted:

Cynthia Ross Tustin

Cynthia Ross Tustin
Fire Chief/CEMC

Reviewed by:



Greg Murphy
Chief Administrative Officer



Attachment #2

(this includes but is not limited to cottages, cabins, motorhomes/rvs, boats & houseboats etc.)

- Test smoke alarms at least monthly or each time you return to your seasonal home.
- Pack a new smoke alarm and extra smoke alarm batteries in case they need replacement.
- Install and ensure carbon monoxide alarms in your seasonal home if it has a fuel-burning appliance.
- Develop and practice a home fire escape plan to ensure everyone knows what to do if the smoke alarm sounds.
- Know the telephone number for the local fire department and your seasonal home's emergency sign number, in case of emergency.
- Clean barbecues before using them. Keep an eye on lit barbecues and ensure all combustibles, as well as children and pets are kept well away from them. Fires can happen when barbecues are left unattended.
- Keep barbecue lighters and matches out of sight and reach of children.
- Remember to bring a flashlight with extra batteries.
- Check heating appliances and chimneys before using them.
- Check with your local fire department, municipality, or Ministry of Natural Resources to determine whether open air burning is permitted before having a campfire or burning brush. If open burning is allowed, fires should be built on bare soil or on exposed rock. Remove leaves and twigs from around the fire to keep it from spreading. Always keep a bucket of water, sand, or even a shovel close by and supervise the fire at all times.
- If you must smoke, do so outside. Keep a large can with water nearby so cigarette butts can be safely discarded. If you drink, do so responsibly. Tobacco use and excessive alcohol consumption are contributing factors in many fires and can lead to serious injuries.
- Burn candles in sturdy candleholders that will not tip and are covered with a glass shade. When you go out, blow out!

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Fireworks Safety:

To minimize the risk of fire and burn injury, the fire service does not recommend family fireworks or informal neighbourhood displays.

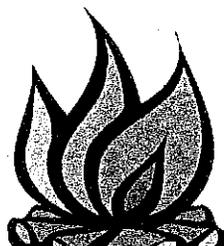
The fire service recommends attending public fireworks displays hosted by your municipality or other responsible organization.

If you still choose to have a family fireworks or an informal neighbourhood display, check with your local fire department about regulations regarding fireworks. Here are some important safety tips to be followed:



- Appoint a responsible person to be in charge. Only adults who are aware of the hazards and essential safety precautions should handle and discharge fireworks.
- Carefully read and follow the label directions on fireworks packaging.
- Always keep a water hose or pail of water close by when discharging fireworks.
- Discharge fireworks well away from combustible materials like buildings, trees and dry grass.
- Keep onlookers a safe distance away, upwind from the area where fireworks are discharged.
- Light only one firework at a time and only when they are on the ground. Never try to light a firework in your hand or re-light dud fireworks. For dud fireworks, it is best to wait 30 minutes and soak them in a bucket of water. Dispose of them in a metal container.
- Discharge fireworks only if wind conditions do not create a safety hazard.
- Keep sparklers away from children. Sparklers burn extremely hot and can ignite clothing, cause blindness and result in severe burns. As the sparkler wire remains hot for some minutes after burnout, it should be immediately soaked in water to avoid injury.
- If someone gets burned, run cool water over the wound for three to five minutes and seek medical attention, if necessary.

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51 Campfire Safety Tips

All it takes is one spark for things to go wrong. A carelessly abandoned campfire or a campfire built without safe clearance can turn a small fire into a dangerous and fast-moving blaze. Be sure to build your campfire in a way that does not endanger anyone or the surrounding forest. Enjoy a safe campfire by following these campfire safety

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Attachment #3

THE CORPORATION OF THE TOWNSHIP OF ADJALA-TOSORONTIO

BY-LAW 05-41

A BY-LAW TO CONTROL THE SALE, SETTING OFF AND DISPLAY OF FIREWORKS

Fireworks By-law

WHEREAS the Municipal Act, 2001, S.O. 2001, Chapter 25, Section 8, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act, that Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS Section 11, of the *Municipal Act*, provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS Section 121 (1), of the *Municipal Act*, provides that By-laws may be passed by a local municipality prohibiting and regulating the sale of fireworks and the setting off of fireworks;

AND WHEREAS Section 121 (2), of the *Municipal Act*, provides that a By-law under subsection (1) may prohibit the activities described in that subsection unless a permit is obtained from the municipality for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring submissions of plans;

AND WHEREAS the Council of the Corporation of the Township of Adjala - Tosorontio deems it necessary and expedient to regulate the sale and setting off of fireworks;

NOW THEREFORE the Council of the Corporation of the Township of Adjala - Tosorontio enacts as follows:

1. DEFINITIONS

In this By-law the following definitions shall apply:

- a) "Exhibition Fireworks" shall mean pyrotechnic devices classified under the Explosives Regulations C.R.C., c. 599, as amended, as 7.2.2 fireworks which comprises high hazard fireworks generally used for recreation, such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons and firecrackers.
- b) "Family Fireworks" shall mean pyrotechnic devices classified under the Explosives Regulations C.R.C., c. 599, as amended, as 7.2.1 fireworks which comprises low hazard fireworks generally used for recreation, such as fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, sparklers and Christmas crackers and caps for toy guns;
- c) "Firecracker" shall mean a pyrotechnic device that explodes instantaneously when ignited and does not make any subsequent display or visible effect after the explosion and shall include those devices commonly known as Chinese firecrackers but does not include paper caps containing not in excess of an average of twenty-five one-hundredths of a grain of explosive used per cap, or device for use with such caps.

- d) "Supervisor" shall mean a person who is qualified as a fireworks supervisor in accordance with the Fireworks Manual, Explosives Division Class 7.2.2, Energy, Mines and Resources Canada; and
- e) "Township" shall mean the Corporation of the Township of Adjala - Tosorontio.

2. **GENERAL REGULATIONS**

The storage, sale and handling of fireworks shall be in accordance with the Ontario Fire Code, the Federal Explosives Act R.S., 1985, c. E-17, as amended, and Explosives Regulations C.R.C., c.599, as amended, and all other applicable legislation.

3. **SALE OF FIREWORKS AND FIRECRACKERS**

- a) No person shall sell or offer for sale any firecrackers within the territorial limits of the Township.
- b) No person shall display, offer for sale, or sell family fireworks on any day or days during the year except on Victoria Day, Canada Day, and the fifteen calendar days immediately preceding each of these days.
- c) No person may sell, offer for sale, give or distribute family fireworks to any person under the age of eighteen years.
- d) Notwithstanding subsection a), b) and c) a person may sell paper caps, toy pistols, toy cannons, or toy guns wherein the explosive content of such devices is not in excess of twenty-five one-hundredths of a grain per cap.
- e) No person may sell, offer for sale, give or distribute any exhibition fireworks to any person who is not a qualified supervisor.
- f) Fireworks displayed in retail outlets shall be mock samples only, and not contain any explosive composition.
- g) Where fireworks are offered for sale, they must be displayed in such a manner that they are not accessible as a self-serve item.
- h) Where fireworks are offered for sale, they must not be located at or near a means of entrance or exit to any building or room.

4. **DISCHARGE OF FIRECRACKERS**

- a) No person shall discharge, fire, set off, or cause to be set off, any firecracker within the territorial limits of the Township of Adjala - Tosorontio.

5. **SETTING OFF OF FAMILY FIREWORKS**

- a) No person shall discharge, fire, set off, or cause to be set off any family fireworks on any day or days during the year except on Victoria Day, Canada Day, and the Five calendar days immediately preceding and/or following each of these day;
- b) A person eighteen years of age or older may set off family fireworks on any land;
 - i) belonging to him; or

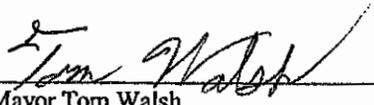
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- ii) any other privately owned land where the owner thereof has given permission for setting off of family fireworks.
- c) No person shall discharge, fire, set off, or cause to be set off any fireworks in such a place or in such a manner as might create danger or constitute a nuisance to any person or property, or to do, allow, or cause any unsafe act or omission at the time and place of display;
- d) No person shall discharge, fire, set off, or cause to be set off any fireworks inside of or closer than 6 metres to any building, tent, trailer, camp or shelter or motor vehicle;
- e) Notwithstanding the setting off of exhibition fireworks in accordance with provisions of this By-law, no person shall discharge, fire set off, or cause to be set off any fireworks in, on or into any public place including, but not limited to, highways, streets, lanes, squares, parks, fields, playgrounds and school grounds;
- f) No person under the age of eighteen years may discharge, fire, set off, or cause to be set off any family fireworks unless under the direct supervision and control of a person eighteen years of age or older; and
- g) No person being the parent or guardian of any child under the age of eighteen years shall permit said child to discharge, fire, set off, or cause to be set off any fireworks except when such parent or guardian or some other responsible person of at least eighteen years of age is in direct supervision and control.

6. **SETTING OFF OF EXHIBITION FIREWORKS**

- a) Exhibition fireworks are prohibited to be set off unless under the direct supervision and control of a qualified supervisor.
- b) No person or group of persons shall set off exhibition fireworks without first having obtained a permit from the Clerk.
- c) The application for a permit must be made on approved Township forms at least three weeks prior to the proposed date of display;
- d) Where an exhibition fireworks event is proposed on Township property, the applicant shall also provide at the time of application appropriate liability insurance in the amount of \$1,000,000 to protect the Township of Adjala - Tosorontio in respect of any liability for bodily injury, including death, and property damage that may result from or arise out of the holding of the fireworks event, and to indemnify the Township of Adjala - Tosorontio for damage to and destruction of Township property that may occur as a result of the fireworks event;
- e) Setting off of exhibition fireworks must be in accordance with recognized safety procedures including, but not limited to:
 - i) Keeping spectators at a safe distance;
 - ii) Protecting private and public property; and
 - iii) Ensuring suitable fire extinguishing equipment is available at all times;
- f) The person(s) responsible for the setting off of any fireworks or classes thereof must ensure that all unused fireworks and debris be removed and safely disposed of immediately following the event;

- g) No person(s), other than those responsible for holding the event, shall be at a distance closer than 100 metres from the place at which the fireworks are being set off or discharged;
- h) No person(s) shall discharge, fire, set off, or cause to be set off any exhibition fireworks within 60 metres from the nearest buildings, highway or railroad;
- i) No person(s) shall discharge, fire, set off, or cause to be set off any exhibition fireworks within 15 metres from any hydro line, tree or overhead obstruction;
- j) No person(s) shall discharge, fire set off, or cause to be set off any exhibition fireworks within 300 metres of a nursing home, health lodge, public hospital, home for the aged, or any premises where explosives, gasoline or other highly flammable substances are manufactured, sold or stored;
- k) No person(s) shall discharge, fire, set off, or cause to be set off any exhibition fireworks within 300 metres of a church or a public, separate, secondary or other school unless the consent of the owner, or representative or agent of the owner of such church or school, is obtained; and
- l) No Exhibition fireworks event is to be held during any windstorm in which the wind reaches a velocity of more than 50 kilometres per hour.
7. **THAT** every person who contravenes any provision of this By-law is, on conviction, therefore guilty of an offence and shall be liable to a fine not exceeding \$5,000.00 pursuant to and recoverable under the Provincial Offenses Act, as amended, from time to time;
8. **THAT** should any section, subsection, clause, paragraph or provision of this By-law, including any part of schedules be declared by a court competent jurisdiction to be ultra vires, invalid or illegal for any reason, the same shall not affect the validity of the By-law as a whole.
9. **THAT** the provisions of this By-law shall take full force and effect with the passing hereof;
10. **THAT**, notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this 18th day of July 2005.



 Mayor Tom Walsh



 Clerk Barb Kane

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Schedule "A" to By-law # 05-41

Corporation of the Township of Adjala - Tosorontio

EXHIBITION FIREWORKS EVENT
Permit Application

Date and Time of Display: _____
(include rain date)

Name of Organization: _____

Name and Address of Responsible Parties:

1. _____

2. _____

Location of Display: _____

Has Permission From Owner Been Obtained: _____

Type and Kind of Fireworks To Be Used: _____

Manner in which unused Fireworks Are to be Disposed of: _____

Name and Address of Fireworks Supervisor: _____

Card # _____

Liability Insurance: (if required) Insurance Co. _____

Policy No. _____

The following safety precautions must be observed during the Fireworks event:

- a) Display to be held at least 100 metres away from audience (area to be roped off);
- b) Display to be at least 60 metres from nearest buildings, highway or railroad;
- c) Display to be at least 15 metres from any hydro line, tree or overhead obstruction;
- d) No fireworks event is to be held during any windstorm in which the wind reaches a velocity of more than 30 miles per hour; and
- e) Other than listed above, _____

The applicant acknowledges having read the Fireworks By-law and agrees that the Corporation of the Township of Adjala - Tosorontio assumes no responsibility for loss of property or personal damage resulting from the aforementioned Fireworks event and hereby agrees to indemnify and hold harmless the Township from any and all claims whatsoever arising therefrom.

Signature of Applicant: _____ Date: _____

Approved by: _____ Date: _____



TOWNSHIP OF ESSA STAFF REPORT

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STAFF REPORT NO.: C027-20
DATE: July 23, 2020
TO: Committee of the Whole
FROM: Lisa Lehr, Clerk
SUBJECT: Off Road Vehicles (ORVs)

RECOMMENDATION

That Staff Report C027-20 be received; and

That Council direct Staff to work with the Central Ontario ATV Club and the County of Simcoe to propose a potential on-road route for ATVs / ORVs to utilize in accessing trails designated for such recreational vehicles, and provide a report back to Council for their consideration at a later date.

BACKGROUND

Essa's current By-law, By-law No. 2005-24, prohibits motorized Off Road Vehicles (ATVs / ORVs) being used on:

- Any sidewalk or pedestrian walkway;
- In any park, parkland or other property owned, operated or leased by the Township for recreational purposes in the urban areas of the Township known as Angus, Thornton and Baxter; and
- on any other property owned by the Township including an unopened road allowance, except with the written permission of the Township.

Note that this last point infers "roads" and that the definition of ORVs, as contained in this By-law, is now out-dated.

Provincial Framework

On-road access for Off-Road Vehicles (ORVs) has been permitted in Ontario since 2003, however, when it was originally authorized, on-road access was limited to only traditional, single person All-Terrain Vehicles (ATVs). In 2015, the Province expanded on-road (shoulder) access to include additional types of ORVs. This expansion included Two-Up ATVs, Side-by-Side ORVs, Recreational Off-Highway Vehicles, and Utility-Terrain Vehicles that meet specific Off-Highway Industry Standards (found in section 10 of O. Reg. 316/03). These specific ORVs are currently permitted on the shoulder of certain provincial roadways and municipal roadways where a municipal By-law permits their use. **Currently the Township of Essa prohibits recreational vehicles on roads under its jurisdiction through By-law 2005-24.**

In 2019, Ontario enacted the *Better for People and Smarter for Business Act*. Schedule 16 of the Act provides municipalities the following:

- Authority to **enact by-laws** to prohibit the operation of ORVs;
- Ability to designate the type of vehicles permitted;
- Ability to designate areas where ATVs / ORVs are permitted and/or prohibited;

- Ability to set speed limits specifically for ATVs / ORVs (ie: ATV / ORV speed limit is regulated at 20 km/h maximum where the posted speed limit for vehicles is less than 50 km/h; ATV / ORV speed limit is regulated at 50 km/h maximum where the posted speed limit for vehicles is over 50 km/h. These speed limits are specified in section 22 of O. Reg. 316/03). [As Essa currently prohibits ATVs/ORVs on roads within its jurisdiction, this is **not applicable**.]

As well, recently the Province approved amendments to portions of the *Highway Traffic Act* to provide the ability for additional ORVs to travel on the shoulder of Ontario highways and/or roads otherwise not governed by a municipal by-law prohibiting their use on roads or highways within the jurisdiction of a municipality. Again, the above-noted would only be applicable if Essa did indeed permit ATVs / ORVs on its roads.

County of Simcoe Framework

In 2018, the County of Simcoe opened some Forests to the Ontario Federation of Trail Riders (OFTR) to allow for dirt bikes to utilize the trail system which allowed for the association to create and maintain trails for OFTR members to enjoy. As such, the Baxter (County) Forest Tract is now a designated dirt bike trail (riders should hold a valid permit issued by the association). Currently, the Simcoe County Forests do not have any official designated trails that permit ATV s / ORV riders in Essa Township; the Baxter Tract is only designated to allow for dirt bikes although ATVs /ORV s are utilizing this trail system anyways.

After discussion with representatives from the County, it was discovered that the County has not designated any trails for the use of ATV s/OTV s in Essa due, in part, to the prohibition of such vehicles on municipal roads. The representative from the County advised that if Essa was to permit ATVs / ORVs to travel on their municipal roads, then the County will open communication with the OFATV / ORTR to work towards creating a trail network for ATVs / ORV riders to enjoy.

[To note: ATVs / ORVs are permitted to cross over roads that are under the jurisdiction of upper tier municipalities, however they are prohibited from driving directly on roads under the County of Simcoe's jurisdiction. All ATV / ORV drivers are required to abide by Ontario Regulations and the *Highway Traffic Act*; ie: age limits for driving on roads is 16 years of age; valid G2 or M2 license required for driving on roads; helmets required; sticker required on the vehicle; etc.]

In Essa and in General

At the time of writing this Report, the following municipalities surrounding Essa permit ATVs / ORVs on their municipal road system:

- Town of New Tecumseth
- Township of Adjala-Tosorontio
- Town of Innisfil
- Town of Clearview
- Township of Springwater

The "sport" is becoming a popular past-time and creates an economic stimulus such as snowmobiling, and there is a thought that by providing trails, not only are riders properly regulated but riders have an option for places to ride (as opposed to undesirable areas). The intent behind the Provincial amendments and support by the County is to enable trail linkages for those who enjoy the sport.

At play in Essa is a strain put on urban residential land uses. Council has requested that Staff prepare a report on ATV and ORV use, in order to address concerns. Whether Council opts to allow for a designated route or not, including or excluding urban areas, the Township's By-law is in need of updating given the newer trend for ORVs.

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COMMENTS AND CONSIDERATIONS

In Essa, ATVs and ORVs may only operate on trails that have been designated for such use (where a permit has been obtained), or on private property where the property owner has granted permission. At its meeting of June 20, 2018, Council deferred their consideration on the matter presented in Staff Report C019-18 "All-Terrain Vehicles (ATVs) on Municipal Roads – Pros and Cons". This Staff Report contained a potential route that Council could consider if they wanted to permit ATVs / ORVs on-road access in the Township of Essa. Since 2018, there have been changes affecting the industry, as discussed in this Report, and Council has requested an updated Report.

Should Council wish to permit the use of ATVs / ORVs on roads under municipal jurisdiction in order to allow licensed recreational vehicles a means to access a potential trail system, then the Township's current ATV By-law 2005-24 should be repealed and replaced with a new By-law to regulate the operation of ATVs and ORVs. It is suggested that the Manager of Public Works work with the County of Simcoe and associations to determine the best direct and safe routes, possibly away from urban areas where the population is very dense and there are conflicts on the roadways.

In writing this Report, Staff have been in contact with the Central Ontario ATV Club (COATV) as a means of obtaining up-to-date information on the amendments to the *Highway Traffic Act* and *Off Roads Vehicle Act*. COATV has been a pleasure to work with thus far and has demonstrated enthusiasm at the possibility of increasing the network for ATV / ORV trails in Simcoe County to include trails in Essa Township. They have expressed a desire to foster a relationship with the Township of Essa. As such, COATV has provided Staff with a detailed report with respect to information gathered from neighbouring municipalities on ATVs / ORVs as well as statistics that were provided to them by the Nottawasaga OPP and South Simcoe Police. (refer to Attachment).

Both the Nottawasaga OPP and South Simcoe Police experienced less complaints in respect of trespassing and noise associated with ATV / ORV use as a result of licensed recreational vehicles being permitted on municipal roads (to access trails). It may also be noted that the Nottawasaga OPP and South Simcoe Police did not report any change in infractions or enforcement, as well as no increase to enforcement costs, in areas where by-laws have been enacted to permit ATVs / ORVs on municipal roadways.

The following is a listing of pros and cons associated with providing riders of ATVs / ORVs an on-road access route to trails:

| Pros | Cons |
|---|--|
| Trail would be located in Essa Township *Could increase potential for economic benefits to local businesses **Could potentially decrease riders trespassing on private and public lands | |
| Increased accessibility to trails and Simcoe County Forests that have been approved and groomed for ATV / ORV use *not maintained by Essa Township | Increase in vehicles accessing our municipal roads *possible increase in maintenance to our municipal road infrastructure **possible increase in ATV / ORV/motor vehicle accidents |
| Enables trail linkage between municipalities using local roadways, thereby reducing potential for trespassing on private/public lands | |
| Potential for decrease in complaints from the public in urban residential areas (nuisance, noise, etc.) | |
| Education would be provided by COATV Club to riders purchasing membership to use their trails | |

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| | |
|--|--|
| Operational Rules for riders are set by the Province *Onus is on the rider to abide by <i>Highway Traffic Act, Off Roads Vehicle Act</i> , and all Regulations. | |
| Council has the ability to set the rules for ATVs/ORVs on the municipal road system *Months for use (ie: May to October) **Times that they are permitted on the roads (ie: 8:00 a.m. to 8:00 p.m.) ***Municipal Roads that permit ATVs / ORVs ****Municipal Areas that prohibit ATVs / ORVs (ie: residential areas, public properties, etc.) | |

From an economic impact perspective, this is a growing sport which, like snowmobiling, has a place in our economy. There is a demand for places to use ATVs / ORVs and Essa would be in keeping with the trend and its surrounding neighbours. In the future, this sector of the economy should grow based on the popularity of this past-time.

It is recommended that if Council chooses to allow ATVs / ORVs on the municipal road system, that a Pilot Program be implemented for six months (possibly from March 2021 to September 2021) in order to gather information that could be utilized to determine if allowing ATVs/ORVs on the municipality's roads (specific roads and possibly not urban roadways) provides a benefit to the residents in our municipality.

FINANCIAL IMPACT

None at this time.

SUMMARY/OPTIONS

Council may:

1. Take no further action, thereby receiving the Staff Report for information only, and amend the Off Road Vehicle By-law to include provisions to prohibit the newly added 2 wheeled off-road motorcycles and ARGOs .
2. Direct Staff to work with the Central Ontario ATV Club and the County of Simcoe to propose a potential on-road route for ATVs / ORVs to utilize in accessing trails designated for such recreational vehicles, and provide a report back to Council for their consideration at a later date.
3. Direct Staff to draft a By-law to amend and/or repeal By-law 2005-24, to allow for ATVs / ORVs on specific roads only on roads under Essa's jurisdiction.
4. Renew its decision of April 5, 2006, to prohibit ATVs / ORVs on the municipal road system, and amend By-law-2005-24 to include for the prohibition of new ORVs as established in the proposed amendments to the Highway Traffic Act and the Off Road Vehicles Act.
5. Direct Staff as they deem appropriate.

CONCLUSION

Staff recommends that Council approve Option No. 2.

Respectfully submitted:

Reviewed by:

Per:
Lisa Lehr
Clerk

Colleen Healey-Dowdall
Chief Administrative Officer

Attachments:

- 1 - By-law 2005-24 - Off-Road Vehicles
- 2 - Extended Summary of Ontario Regulation 316/03 - Proposed Amendments
- 3 - Central Ontario ATV Club generated report on success of ATVs on-road access in surrounding Municipalities

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW NO. 2005-24

Being a By-law for Regulating, Governing or Prohibiting the operation of Off-Road Vehicles in the Township of Essa, and to repeal By-law 98-20.

WHEREAS Section 191.8, Subs. (3) of the Highway Traffic Act, R.S.O. 1990, as amended, and Ontario Regulation 316/03, provides that the Council of a municipality may pass by-laws permitting the operation of off-road vehicles with three or more wheels and low pressure bearing tires on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway; and

WHEREAS the Off Road Vehicles Act, R.S.O. 1990, governs off-road vehicles, including All Terrain Vehicles, when they are not operated on a highway; and

WHEREAS the Council of The Township of Essa deems it in the best public interest to regulate, govern or prohibit the operation of off-road and all terrain vehicles upon certain highways, parks and lands within the Township of Essa;

NOW THEREFORE the Council of the Corporation of the Township of Essa enacts as follows:

1. DEFINITIONS

"All Terrain Vehicle" means an off-road vehicle which:

- a) has four wheels, the tires of all of which are in contact with the ground;
- b) has steering handlebars;
- c) has a seat that is designed to be straddled by the driver; and
- d) is designed to carry a driver only and no passengers.

"Council" means the Council of The Township of Essa

"Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles.

"Off Road Vehicle" means a vehicle, including All Terrain Vehicles, propelled or driven otherwise than by muscular power or wind and designed to travel on not more than three wheels, or on more than three wheels and being a prescribed class of vehicle (dirt bikes, dune buggies).

"Officer" means a Municipal Law Enforcement Officer appointed by Council or any authorized member of the Ontario Provincial Police or any other person appointed or designated by Council to provide law enforcement services in the Township of Essa.

"Pedestrian Walkway" means any land other than a sidewalk set aside by the Township for the use of pedestrians.

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“Roadway” means the part of the highway that is designed or ordinarily used for vehicular traffic, but does not include the shoulder.

“Shoulder” means that part of the highway for the use of vehicles immediately adjacent to the roadway and having a surface which has been improved with asphalt, concrete or gravel.

“Sidewalk” means that portion of a highway that is set aside by the Township of Essa for the use of pedestrians.

“Trail” means the whole of any trail established and maintained by a recreational organization for the use of motorized off road vehicles.

2. OPERATION OF OFF-ROAD VEHICLES IN PROHIBITED AREAS

2.1 No operator or owner of a motorized off-road vehicle shall operate or permit to be operated in any of the following locations within the Township of Essa:

- a) on any sidewalk or pedestrian walkway
- b) in any park, parkland or other property owned, operated or leased by the Township for recreational purposes in the urban areas of the Township known as Angus, Thornton and Baxter;
- c) on any other property owned by the Township including an unopened road allowance, except with the written permission of the Township.

2.2 Notwithstanding Section 1 above, motorized off-road vehicles may operate on a trail that has been established under a lease or Agreement with the Township and/or other property owner, and which agreement permits the use of the trail for motorized off-road vehicles; or in a municipal parking lot for the purposes of parking.

2.3 No operator or owner of a motorized off road vehicle shall operate or permit to be operated any such vehicle unless such activity is specifically sanctioned by a Resolution of the Council of the Township, and in any such motion, Council shall establish conditions for such use including but not limited to the establishment of speed limits and provision of specific liability insurance.

2.4 The Public Works department may erect signs to advise the public of locations where motorized off-road vehicles are prohibited under this Section.

3. OFFENCES AND PENALTIES

3.1 Every person who:

- a) willfully hinders or interrupts, or causes or procures to be hindered or interrupted, the Township, its officers, contractors, agents or employees in the exercise of any of the powers conferred under this By-law; or

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b) contravenes any provision of this By-law

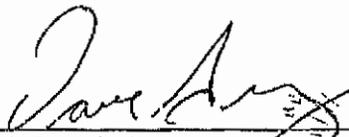
is guilty of an offence and is subject to a penalty pursuant to the *Provincial Offences Act*, as amended or the *Highway Traffic Act*, as amended.

- 3.2 The conviction of an offender upon the breach of any provision of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any provisions of the *Municipal Act*, as amended from time to time, and shall further apply to any continued or repeated breach of this By-law.
- 3.3 The driver of the off-road vehicle shall hold a valid Class A, B, C, D, E, F, G, G2, M or M2 driver's license issued under the Act unless he or she is exempt under Sec. 34 of the Act.
- 3.4 The driver of the off-road vehicle shall wear a helmet that complies with Section 19 of the *Off-Road Vehicles Act*.

GENERAL PROVISIONS

1. If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires, or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect.
2. Where the context permits, words importing the singular also include more than one persons, parties or things of the same kind.
3. The word "may" shall be construed as permissive and the word "shall" shall be construed as imperative.
4. That By-law 98-20 be and is hereby repealed.
5. That this By-law shall come into force and effect on the date of passing thereof.
6. The short form title of this By-law shall be the "Off Road Vehicle By-law".

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the Sixth day of April, 2005.



David Guergis, Mayor



Carol O. Trainor, Clerk

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Extended Summary Ontario Regulation 316/03 Proposed Amendments

Additional Background:

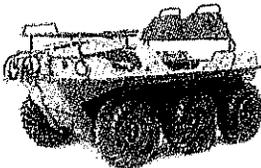
Off-Road Vehicle (ORV): is a general term used to capture a number of different vehicles designed for off-road such as All-Terrain Vehicles, Two-Up ATVs, Recreational Off Highway Vehicles and Utility Terrain Vehicles. While most ORVs are permitted to ride off-road i.e trails, crown land, only certain ORVs that are able to meet the industry requirements outlined in Ontario Regulation 316/03 are permitted to ride along provincial roads and municipal roads if permitted by by-law.

Examples of ORVs currently permitted on-road (conventional four wheeled types):



Examples of these vehicles, and more detailed definitions, can be found in this [Ministry guide](#).

Examples of ORVs not permitted on-road:



(ARGO)



(Off-Road Motorcycles)

Additional Details/Context on Proposal:

On-road access for off-road vehicles has been permitted since 2003, however, when it was originally permitted, the access was limited to only traditional, single person all terrain vehicles (ATV). In 2015, Ontario expanded on-road access to additional types of off-road vehicles, such as two-up ATVs, side-by-side ORVs, recreational off-highway vehicles, and utility-terrain vehicles that met specific off-highway industry standards that are found in s.10 of [Ontario Regulation 316/03](#). These ORVs are permitted on certain provincial roadways ([Schedule B - Ontario Regulation 316/03](#)) and municipal roadways where a by-law permits their use.

Riders and manufactures who were not included as part of these changes have been requesting on-road access. Off-road motorcycles (ORMs) and ARGOS (An amphibious off-road vehicle that has 6+ wheels) are examples of vehicle types which are not permitted on-road anywhere in the province as they do not meet industry standards.

Extended Summary Ontario Regulation 316/03 Proposed Amendments

They are restricted to off-road use only. Riders of these vehicles can still ride on trails, private property and can cross a public road where permitted. However, in some cases a connecting trail maybe more than a kilometer away and across a roadway. This prevents an off-road motorcycle or ARGO, from accessing the total trail network.

In response to these concerns, and to support local economies, on December 10th, 2019 the *Better for People and Smarter for Business Act* amended the HTA to permit additional types of ORVs on-road access if permitted by a municipal by-law. The Ministry is working to develop supporting regulations that will address such things as what equipment requirements these vehicles will need to meet, on which roads they will be permitted and under what circumstances can municipalities create by-laws.

In summary, the supporting regulatory changes will make two amendments to Ontario Regulation 316/03:

- Expand the existing municipal authority in Ontario Regulation 316/03 so that they can create by-laws to permit additional types of ORVs on-road. A by-law would need to be created after the regulation takes effect to enable these additional types.
- Find comparable alternatives to the current restrictions in Ontario Regulation 316/03 that prevent additional types of off-road vehicles from being able to operate such as the existing equipment requirements in s.7-15 of

To allow these vehicles on-road the ministry will need to develop equipment requirements comparable to those listed in Ontario Regulation 316/03 for these vehicles. The standards currently in O.Reg 316/03 only apply to 4 wheeled ATVs. The Ministry of Transportation will continue to work with industry to develop these equipment requirements.

We invite you to submit comments on this proposal and to provide MTO with any possible comparable safety standards ORMs and ARGOS should meet for MTO's consideration.

Links:

Recent Legislative amendments:

Better for People Smarter for Business Act: https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2019/2019-12/b132ra_e.pdf

Background resources on current framework:

MTO - Drive an ATV: <http://www.mto.gov.on.ca/english/driver/drive-ATV.shtml>

Smart Ride Safe Ride Resource Booklet:

<http://www.mto.gov.on.ca/english/publications/pdfs/smart-ride-safe-ride-bilingual.pdf>

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Extended Summary Ontario Regulation 316/03 Proposed Amendments

Regulation affected:

Ontario Regulation 316/03: <https://www.ontario.ca/laws/regulation/030316>

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Central Ontario ATV Club's mandate is to bring safe recreational family-oriented ATV riding to Simcoe County with a view of benefiting both riders and our local communities.

Who are we?

Central Ontario ATV Club is a not for profit organization established in 1999 that endeavors to build trails in the Simcoe County, allowing ATV'ers to take in the amazing scenery this area has to offer. With our team of **dedicated volunteers**, we build and maintain well over 100km's of bush trail located in various Simcoe County Forests that vary from smooth & sandy to tricky & technical. The club hosts several events each year including charity rides, novice rider events, safety courses and overnight camp trips up north. Our members also enjoy the benefit of access to all OFATV trails **province wide**.

Background on ATV & Side x Side's riding in Ontario

On July 1, 2015, the Province of Ontario implemented changes with regard to All Terrain Vehicles (ATV's) allowed to operate on the shoulder of municipal roads, provided the local municipality passed a by-law permitting the operation of the vehicles within its jurisdiction.

Other changes included:

- Allowing more types of off-road vehicles (ORVs) and all terrain vehicles (ATVs) including two-up ATVs, side-by-side ORVs and utility terrain vehicles (UTVs) on the shoulder of public roads, where permitted.
- Mandating that all riders including drivers and passengers of all ages wear an approved motorcycle helmet and use a seat belt or foot rests, where applicable;
 - Children under the age of eight not be allowed as a passenger on any ATV/ORV operating on-road;
 - The number of passengers be limited to the number of available seating positions;
 - Requiring compliance labels on all ATV/ORVs;
- Clarifying access and exemptions for farmers and trappers and for far northern Ontario municipalities.

The Province recently introduced legislation changes via Bill 107 - Provincial Changes to Regulation 316/03 Highway Traffic Act that will change the current regulation and will permit ATV's to operate on all municipal roads unless a by-law is passed to specifically prohibit their use. This regulation is expected to come into affect in 2021

Legislation

The Municipal Act under Sections 11 and 27 provides authority to municipalities to pass by-laws with respect to highways within its jurisdiction. The Off-Road Vehicles Act (ORVA) regulates off road vehicles, including ATV's, when they are operating off road on private lands, frozen waterways and unorganized territories. The Off Road Vehicle Act prescribes the equipment and operational requirements for off road vehicles, including the following:

- Requirements and guidelines for equipment (performance and safety requirements)
- Operational requirements: Registration(plates) and insurance, must be 12 years of age(unless supervised), must be minimum 16 years old with license(G2 or better) and insurance to cross a highway(Highway Traffic Act HTA). Can only cross highways/roadways with Helmet requirements for driver and passenger.

The Highway Traffic Act (HTA) regulates motorized vehicles and their operation on highways across the Province. Off road vehicles including ATV's are classified as motor vehicles under the Act. Part X.3, Section 191.8(3) of the HTA enables the Council of a municipality to pass a by-law permitting the operation of ATV's on any highway within its jurisdiction, as well as to prescribe a lower rate of speed for ATV's vehicles on its highways that are under its jurisdiction. Municipalities may also restrict the time of day, specific roads where use is permitted and dates throughout the year. Regulation 316/03 of the HTA outlines the following requirements.

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The following information is from Town of New Tecumseth Report #ADMIN-2019-55

The All Terrain Vehicle Task Force in New Tecumseth founded the following:

When they reached out to Traffic Sergeants of the South Simcoe Police Force as well as the Traffic Unit and the Emergency Response Team of the OPP Nottawasaga Detachment. The following comments as received from the public were considered/addressed as follows:

Safety:

There were no significant increases in motor vehicle collisions or ticketed infractions in any municipality that passed a by-law allowing road access to ATV's. It was found that almost all ATV related motor vehicle collisions occur off highways and on trails or private property. All Terrain or Off-Road Vehicles that are driven off of private property, whether on trails or roads (where allowed) must comply with all aspects of Ontario Regulation 316/03 under the Highway Traffic Act, R.S.O. 1990. H.8 which includes regulations such as licensing, permits, insurance and safety features of the vehicle.

Trespassing:

Statistics are not available on All Terrain Vehicle trespassing occurrences. Feedback received from Traffic Sergeants of the South Simcoe Police and the Traffic Unit of the Nottawasaga OPP indicated that areas where ATV's are allowed experience less complaints of ATV's "crossing" fields and private property than those that do not allow it.

Licensing/Underage Riders:

The OPP and the South Simcoe Police have not reported any change in infractions or enforcement occurrences in areas where a by-law has been passed to allow ATV's road access.

Enforcement Costs-OPP:

The OPP and the South Simcoe Police have not reported any change in enforcement costs in areas where a by-law has been passed to allow ATV's road access.

Noise:

Wasaga Beach, Clearview, and Adjala-Tosorontio have experienced a decrease in noise complaints after passing a by-law allowing road access to ATV's. Page 5 of 16 Report #ADMIN-2019-55, October 23, 2019 • Innisfil and Springwater did not experience any change in noise complaints or enforcement occurrences after passing a by-law to allow ATV's road access.

Enforcement Costs:

- Wasaga Beach, Clearview, Innisfil and Adjala-Tosorontio experienced a reduction in complaints after passing a by-law allowing road access to ATV's
- Springwater has experienced an increase in complaints with regard to off-road vehicles, mainly dirt bikes, in problematic areas and in 2018 added a second full time Municipal Law Enforcement Officer to patrol evenings and weekends. (They have now opened all the roads to ATV's since March 2020)

Signage:

- Wasaga Beach, Clearview and Adjala-Tosorontio did not install any additional signage. Clearview Township created an effective website with ATV routes clearly identified.
- Innisfil installed signs at community entry points.
- Springwater installed signs at parks, trails and facilities to indicate that motorized vehicles are not allowed.

In small, remote communities attracting tourists and developing the economy can be difficult. Building partnerships and working together is one way to overcome the inherent challenges.

Maintenance/Road Erosion

Ontario Regulation 316/03 under the Highway Traffic Act, R.S.O 1990 H.8 stipulates that if the following are fulfilled ATV's need to stay on the shoulder:

- * The shoulder is wide enough to accommodate the vehicle
- * The shoulder is legal (so not a designated bicycle path, walking path, or something else)
- * The shoulder is safe (this is an evaluation of the rider)

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If all three items are not fulfilled, ATV's need to be on the right side of the traveled portion of the road. It was noted that most roads in Town do not have shoulders wide enough to accommodate a full vehicle and that ATV's would be riding on the road more often than on the shoulder, however the by-law requests ATV's to ride on the shoulder

Public Works additional maintenance costs for roadways and shoulders if ATV's should be allowed.

- Springwater, Clearview and Wasaga Beach did not experience any extra maintenance costs after passing a by-law allowing ATV's road access.
- Adjala-Tosorontio and Innisfil did not provide any information.

Traffic Increase

- Springwater, Clearview and Wasaga Beach experienced a small increase in traffic on weekends, but no increase during weekdays.
- Adjala-Tosorontio and Innisfil did not provide any information.



TOWNSHIP OF ESSA STAFF REPORT

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STAFF REPORT NO.: C028-20
DATE: September 2, 2020
TO: Committee of the Whole
FROM: Krista Pascoe, Deputy Clerk
SUBJECT: Proposed Amendments to Fees & Charges By-law 2013-28

RECOMMENDATION

That Staff Report C028-20 be received; and

That staff be authorized to proceed with a public meeting to consider new or amended fees.

BACKGROUND

Section 391 of the *Municipal Act*, 2001, permits a municipality to enact by-laws to impose fees and charges for municipal services and activities. The purpose of fees is to recover costs for services and activities provided or done by or on behalf of a municipality.

Municipalities face increasing costs to deliver essential services that residents and ratepayers require on a daily basis while maintaining reasonable and affordable tax rates. Fees and charges help to cover all, or a portion of the cost, of delivering specific services so that ratepayers are not adversely impacted financially for the delivery of them. Although full cost recovery is not always achieved, all budgeted user fee revenue is applied against the total cost for the service.

Fees and charges traditionally have been developed using a combination of actual direct costs to deliver the service, including in some instances the overhead and administrative costs.

COMMENTS AND CONSIDERATIONS

The Manager of Planning and Development is proposing the following amendments to the Schedule of Fees (By-law 2013-28) for Council's consideration:

| BUILDING DEPARTMENT FEES -Continued | | | |
|---|-------------|--------------|--|
| Fee Description | Current Fee | Proposed Fee | Rationale for Amendment |
| AMEND EXISTING FEE 15.6 Building Compliance Letters, per property | \$50.00 | \$75.00 | This update would match the fee for a Zoning Compliance Letter and better reflect the staff time required to complete the request. |
| AMEND EXISTING FEE 15.6 Building Compliance Letter-RUSH | \$75.00 | \$100.00 | This update would match the fee for a Rush Zoning Compliance Letter and better reflect the staff time required to complete the request |

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The Manager of Parks and Recreation is also proposing amendments to the Fee Schedule that have been attached as follows for Council's consideration:

- Proposed changes including justification (attachment A)
- Comparison of surrounding municipalities (attachment B)
- Draft copy of fees as it would appear in the Fee Schedule (attachment C)
- Current copy of Parks and Recreation Fee's as they appears in the Fee Schedule (attachment D)

FINANCIAL IMPACT

The proposed fees are designed to ensure that the cost of providing a specific service is fully recovered for the user of that service, while minimizing the cost and affect to all ratepayers.

SUMMARY/OPTIONS

Council may:

1. Take no further action.
2. **Authorize staff to proceed with a public meeting.**
3. Further suggest amendments to Fees and Charges as Council deems appropriate.

CONCLUSION

Staff recommends that Council approve Option No. 2.

Respectfully submitted:

Reviewed by:

Reviewed by:

Krista Pascoe
Deputy Clerk

for: Lisa Lehr
Clerk

Colleen Healey-Dowdall
Chief Administrative Officer

Attachments:

- a) Proposed Changes including justification
- b) Comparison of surrounding municipalities
- c) Draft copy of Parks and Recreation Fees as they would appear in the Fee Schedule
- d) Copy of Parks and Recreation Fees currently in the Fee Schedule

Essa Township - Parks and Recreation Department Fee Schedule - Proposed Changes

| Item | Current Rate | Proposed | Justification |
|--|---|--|--|
| ICE RATES - THORNTON ARENA AND ANGUS ARENA | | | |
| Day Rental (Monday to Friday between 6:00 a.m. to 5:00 p.m. hourly rate) – EFF SEPT 1, 2019 Excludes all Statutory Holidays, and days between Christmas Day and New Year's Day. | \$138.00 Per hour | Change Item Title to: 3.1 Day Use (6am – 5pm) Per Hour Change Fee to: No adjustment | Clarification of rate |
| Minor Hockey/Figure Skating (Prime Time) – EFF SEPT 1, 2019 | \$155.00 Per hour | Change Item Title to: 3.3 Prime Time Use (5pm – 12pm) Minor League Per Hour Change Fee to: \$170.00 | Clarification of rate Align with Market Value based on Municipal Scan |
| Residents (80% + residents) – EFF SEPT 1, 2019 | \$220.00 Per hour | Change Item Title to: 3.2 Prime Time Use 5pm – 12pm (Adult) Per Hour Change Fee to: No adjustment | Clarify Rate |
| Non-Residents (less than 80% residents) – EFF SEPT 1, 2019 | \$240.00 Per hour | Change Item Title to: Remove Change Fee to: Remove | Rate was not used in the past year |
| Public Skating Fee Children under 3 are Free | \$3.00 Per person Per Visit | Change Item Title to: 5.4 Public Skating Fee Per Person Per Visit Change Fee to: No adjustment | Clarification of rate |
| Shinny Fee Per Person Per Visit Goalies are FREE | \$5.00 | Change Item Title to: Change Fee to: No adjustment | Adding Fee to Fee Schedule |
| Summer Indoor Arena Surface - Sporting Events | \$51.12 Per hour | Change Item Title to: 1.12 Arena Floor Use (available May through Aug) Per Hour Change Fee to: \$70.00 | Clarification of rate Align with Market Value based on Municipal Scan |
| 1.13. Arena Floor Use (available May through Aug) Per Day (Up to 8 Hrs) | | Change Item title to: See Item column Change Fee to: \$540.00 | Clarification of rate Align with Market Value based on Municipal Scan |
| Outdoor Pad Rental Ice/Floor | \$34.00 Per hour | Change Item Title to: 3.4 Outdoor Ice use Per Hour Change Fee to: No adjustment | Clarification of rate |
| Last Minute Ice Booking – Prime Time (5:00 p.m.- close) hourly rate | \$160.00 Per hour | Change Item Title to: Remove Change Fee to: Remove | Rate was not used in the past year |
| Last Minute Ice Booking – Non-Prime Time (6:00 a.m. – 5:00 p.m.) hourly rate | \$85.00 Per hour | Change Item Title to: Remove Change Fee to: Remove | Rate was not used in the past year |
| OFF SEASON RENTALS (APRIL 1- OCTOBER 1) FEE IS IN ADDITION TO REGULAR RATES - 4 HOUR RENTAL | \$50.00 Per 4 hours | Change Item Title to: Off Season Fee Per Day (Max 8 Hours) Change Fee to: \$75.00 per day | Can be simplified to general Off Season Rate |
| 7 HOUR RENTAL | \$100.00 Per 7 Hours | Change Item Title to: Remove Change Fee to: Remove | Can be simplified to general Off Season Rate |
| FIELD RENTAL RATES | | | |
| Baseball Diamonds / Soccer Pitches – Minor Sports Organizations | \$250.00 Per Season | Change Item Title to: 2.3 Baseball Diamond/ Soccer Pitch Per Hour (Minor Leagues) Change Fee to: \$10.00 Per Hour | Clarification of rate Align with Market Value based on Municipal Scan |
| Non-Resident Sport Field Rental (Maximum allowance of 2 hours) | 34.31 Per 2 Hours | Change Item Title to: Baseball Diamond/ Soccer Field Use (Adult) Per Hour Change Fee to: \$20.00 per Hour | Clarification of rate Align with Market Value based on Municipal Scan |
| 2.1. Premium Ball Diamond (Bob Gaddes & Angus Community Ball Park) Per Hour | | Change Item Title to: Change Fee to: \$26.00 Per Hour | Adding Fee to Fee Schedule |
| 2.4 Outdoor Pad Use Per Hour | | Change Item Title to: Change Fee to: \$34.00 Per Hour | Adding Fee to Fee Schedule |
| ANGUS COMMUNITY PARK BUILDING | | | |
| Local Charity Groups/Organizations (for non-fundraising events – Meetings) MAXIMUM 4 Hours less than 12 uses per year..... | N/A | Change Item Title to: Remove Change Fee to: Remove | |
| more than 12 uses per year..... | 47.4 Per 4 Hours | | Can be condensed and simplified |
| Local Charity Groups/Organizations (for non-fundraising events) MAXIMUM 7 Hours – Events with alcohol | \$97.40 Per 7 Hours | Change Item Title to: Remove Change Fee to: Remove | Can be condensed and simplified |
| Local Resident for Private Use Events MAXIMUM 4 Hours (No Alcohol) MAXIMUM 7 Hours (With Alcohol)..... COMMUNITY PARK BUILDING | 47.4 Per 4 Hours 97.4 Per 7 Hours | Change Item Title to: Remove Change Fee to: Remove | Can be condensed and simplified |
| Non-Resident Private Use Event MAXIMUM 4 Hours (No Alcohol).... MAXIMUM 7 Hours (With Alcohol) | \$78.99 Per 4 Hours \$112.85 Per 7 Hours | Change Item Title to: Remove Change Fee to: Remove | Can be condensed and simplified |
| Sporting Activities or Instructional (Rate – Per Hour) | \$28.21 Per Hour | Change Item Title to: Remove Change Fee to: Remove | Fee can be changed/ absorbed into rental space Fee |
| ANGUS RECREATION CENTRE | | | |
| MEETING ROOM, Functions with No Alcohol. | | | |
| OFF SEASON RENTALS (APRIL 1- OCTOBER 1) FEE IS IN ADDITION TO REGULAR RATES - 4 HOUR RENTAL | \$50.00 Per 4 hours | Change Item Title to: Remove Change Fee to: Remove | Can be simplified to general Off Season Rate |
| 7 HOUR RENTAL | \$100.00 Per 7 Hours | Change Item Title to: Remove Change Fee to: Remove | Can be simplified to general Off Season Rate |

Attachment A

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Essa Township - Parks and Recreation Department Fee Schedule - Proposed Changes

| Item | Current Rate | Proposed | Justification |
|---|------------------------------|---|--|
| Local charitable groups/organizations (for non-fundraising events) | | | |
| (max. 12 free uses/year) [max. 4 hours] | \$0.00 | Change Item Title to: Remove Change Fee to: Remove | |
| (more than 12 uses/year)[max. 4 hours] | \$47.40 Per 4 Hours | Change Item Title to: Remove Change Fee to: Remove | Rate was not used in the past year |
| ANGUS RECREATION CENTRE - continued | | | |
| Local residents private use [max. 4 hours] | \$47.40 Per 4 Hours | Change Item Title to: Remove Change Fee to: Remove | Rate was not used in the past year |
| Recreational instruction classes per hour | \$24.82 Per Hour | Change Item Title to: Remove Change Fee to: Remove | Can be condensed and simplified |
| ANGUS RECREATION CENTRE - continued | | | |
| Non-residents (any use) [max. 4 hours] | \$78.99 Per 4 Hours | Change Item Title to: Remove Change Fee to: Remove | Fee can be changed/ absorbed into rental space Fee |
| MEETING ROOM, Functions with Alcohol [max. 7 hours] | \$50.00 Additional charge | Change Item Title to: Remove Change Fee to: Remove | Can be condensed and simplified |
| TO USE FOR MORE THAN MAX. HOURS ADD \$12.76 PER HOUR | \$11.29 Per Hour | Change Item Title to: 4.10 Additional Hours Fee Change Fee to: Remove \$15.00 | Can be condensed and simplified |
| ANGUS RECREATION CENTRE GYMNASIUM | | | |
| OFF SEASON RENTALS (APRIL 1- OCTOBER 1) | \$50.00 Per 4 hours | Change Item Title to: Remove Change Fee to: Remove | |
| FEE IS IN ADDITION TO REGULAR RATES - 4 HOUR RENTAL | \$100.00 Per 7 Hours | Change Item Title to: Remove Change Fee to: Remove | Can be simplified to general Off Season Rate |
| 7 HOUR RENTAL | \$28.21 | Change Item Title to: Remove Change Fee to: Remove | Can be simplified to general Off Season Rate |
| Sporting activities or instructional (rate per hour) | | | Fee can be changed/ absorbed into rental space Fee |
| Local charitable groups/organization (for non-fundraising events) | | | |
| meetings, less than 20 persons (12+ uses/year) [max. 4 hours] | \$47.40 Per 4 Hours | Change Item Title to: Remove Change Fee to: Remove | Fee Does Not get used |
| meetings, more than 20 persons (12+ uses/year) [max. 4 hours] | \$66.58 Per Hour | Change Item Title to: Remove Change Fee to: Remove | Fee Does Not get used |
| Banquets, parties, events | | | |
| no alcohol, without kitchen [max. 7 hours] | \$180.56 Per 7 Hours | Change Item Title to: Remove Change Fee to: Remove | Can be condensed and simplified |
| no alcohol, with kitchen [max. 7 hours] | \$209.91 Per 7 hours | Change Item Title to: Remove Change Fee to: Remove | Can be condensed and simplified |
| alcohol, without kitchen [max. 7 hours] | \$302.44 Per 7 Hours | Change Item Title to: Remove Change Fee to: Remove | Can be condensed and simplified |
| alcohol, with kitchen [max. 7 hours] | \$365.00 Per 7 Hours | Change Item Title to: Remove Change Fee to: Remove | Can be condensed and simplified |
| Meetings -- non-resident or commercial [max. 4 hours] | \$120.75 Per 4 Hours | Change Item Title to: Remove Change Fee to: Remove | Can be condensed and simplified |
| Church services, less than 100 persons [max. 4 hours] | \$225.70 Per 4 Hours | Change Item Title to: Remove Change Fee to: Remove | Can be condensed and simplified |
| Church services, more than 100 persons [max. 4 hours] | \$282.12 Per 4 Hours | Change Item Title to: Remove Change Fee to: Remove | Can be condensed and simplified |
| TO USE FOR MORE THAN MAX. HOURS ADD \$19.13 PER HOUR | \$16.93 Per Hour | Change Item Title to: Remove Change Fee to: Remove | Can be condensed and simplified |
| INDOOR FLOOR SURFACE - BANQUETS, PARTIES, EVENTS | | | |
| No ice, non-licensed [max. 7 hours] | \$265.20 Per 7 Hours | Change Item Title to: 1.13 Arena Floor Use (available May through Aug) Per Day (Up to 8 Hrs) Change Fee to: \$375.00 | Clarification of rate Align with Market Value |
| No ice, licensed [max. 7 hours] | \$536.04 Per 7 Hours | Change Item Title to: Remove Change Fee to: Remove | Fee Does Not get used |
| TO USE FOR MORE THAN MAX. HOURS ADD \$53.56 PER HOUR | \$47.40 Per Hour | Change Item Title to: Remove Change Fee to: Remove | Can be simplified to general Extra Hours Rate |

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Essa Township - Parks and Recreation Department Fee Schedule - Proposed Changes

| Item | Current Rate | Proposed | Justification |
|---|-------------------------|---|--|
| CLEAN-UP FEES | | | |
| Thornton Banquet Hall/Angus Banquet Hall/Thornton Meeting Room/Angus Meeting Room | \$120.75 Per Rental | Change Item Title to: Remove Change Fee to: Remove | |
| Thornton Rink Surface | \$120.75 Per Rental | Change Item Title to: Remove Change Fee to: Remove | Can be condensed to general clean up Fee |
| Clean up Fee Per Rental | | Change Item Title to: No Adjustments Change Fee to: 125.00 | Can be condensed to general clean up Fee |
| CANCELLATIONS FEES | | | |
| Facilities - Cancellation fee for facilities (60 day notice required) | \$26.25 Per Rental | Change Item Title to: No Adjustments Change Fee to: No Adjustments | |
| Cancellation fee for facilities with less than 60 days notice | 50% of rental fee | Change Item Title to: Remove Change Fee to: Remove | Fee Does Not get used |
| Programs- Cancellation fee for programs (with at least two weeks notice) | \$20.00 Per Program | Change Item Title to: No Adjustments Change Fee to: No Adjustments | |
| OTHER FEES | | | |
| Advertising Rates at Arenas / Parks (signs on walls, boards or fences) | \$120.25 | Change Item Title to: Arena Advertisement 4 x 4 Per Year Change Fee to: 200.00 | Clarification of rate Align with Market Value |
| - 4 x 4 plus materials | Per year | | |
| 4 x 8 plus materials | 202.93 | Change Item Title to: Arena Advertisement 4 x 8 Per Year Change Fee to: 300.00 | Clarification of rate Align with Market Value |
| Per Year | | | |
| in excess of 4x8 materials | \$6.41 (per sq foot) | Change Item Title to: Remove Change Fee to: Remove | Fee Does Not get used |
| signs on ice machine (2 X 5 SIGN) | \$280.00 Per Year | Change Item Title to: No Adjustments Change Fee to: No Adjustments | |
| Angus Arena (Unit Wrap) | 2500 | Change Item Title to: Ice Resurfacer Per Year Change Fee to: \$2500.00 | Clarification of rate Align with Market Value |
| 1 YEAR | Per Year | | |
| 5 Year | 2000 | Change Item Title to: Remove Change Fee to: Remove | Fee Does Not get used |
| Per Year | | | |
| Thornton Arena (Unit Wrap) | 2000 | Change Item Title to: Remove Change Fee to: Remove | Should be the same price for both machines Meeting Market Value |
| 1 Year | Per Year | | |
| 5 Year | 1500 | Change Item Title to: Remove Change Fee to: Remove | Fee Does Not get used |
| Per 5 Years | | | |
| Halls/ programs NEW | | | |
| Banquet Hall (Thornton Arena OR Angus Arena) Per Hour | | Change Item Title to: Change Fee to: 55.00 | Clarification of rate Align with Market Value |
| Thornton Meeting Room Per Hour | | Change Item Title to: Change Fee to: 300.00 | Clarification of rate Align with Market Value |
| Thornton Meeting Room Per Hour | | Change Item Title to: Change Fee to: 30.00 | Clarification of rate Align with Market Value |
| Thornton Meeting Room Per Day (Up to 8 Hrs) | | Change Item Title to: Change Fee to: 160.00 | Clarification of rate Align with Market Value |
| Angus Meeting Room Per Hour | | Change Item Title to: Change Fee to: 15.00 | Clarification of rate Align with Market Value |
| Angus Gymnasium ½ Gym Per Hour | | Change Item Title to: Change Fee to: 30.00 | Clarification of rate Align with Market Value |
| Angus Gymnasium ¼ Gym Per Day (Up to 8 Hrs) | | Change Item Title to: Change Fee to: 160.00 | Clarification of rate Align with Market Value |
| Angus Gymnasium Full Gym Per Hour | | Change Item Title to: Change Fee to: 60.00 | Clarification of rate Align with Market Value |
| Angus Gymnasium Full Gym Per Day (Up to 8 Hrs) | | Change Item Title to: Change Fee to: 350.00 | Clarification of rate Align with Market Value |
| Community Park Building (Off Season Prices Apply Oct - Apr) Per Hour | | Change Item Title to: Change Fee to: 45.00 | Clarification of rate Align with Market Value |
| Community Park Building Per Day (Up to 8 Hrs) | | Change Item Title to: Change Fee to: 225.00 | Clarification of rate Align with Market Value |

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Essa Township - Parks and Recreation Department Fee Schedule - Proposed Changes

| Item | Current Rate | Proposed | Justification |
|--|--------------|--|---|
| ACCESSORY CHARGES NEW | | | |
| Setup Fee Per Rental | | Change Item Title to: Change Fee to: 75.00 | Clarification of rate Align with Market Value |
| SOCAN Per Rental | | Change Item Title to: Change Fee to: 63.49 | Clarification of rate Align with Market Value |
| RESOUND Rental | | Change Item Title to: Change Fee to: 29.63 | Clarification of rate Align with Market Value |
| Outdoor lights/ Hydro Per Day | | Change Item Title to: Change Fee to: 10.00 | Clarification of rate Align with Market Value |
| Off Season Fee Per Day | | Change Item Title to: Change Fee to: 75.00 | Clarification of rate Align with Market Value |
| Licensed Event Fee Per Day | | Change Item Title to: Change Fee to: 100.00 | Clarification of rate Align with Market Value |
| Available storage Space Per Season | | Change Item Title to: Change Fee to: 100.00 | Clarification of rate Align with Market Value |
| Dressing Room Tenanted Per Month | | Change Item Title to: Change Fee to: 100.00 | Clarification of rate Align with Market Value |
| Additional Hours | | Change Item Title to: Change Fee to: 25.00 | Clarification of rate Align with Market Value |
| Activity Fee NEW | | | |
| Fishing Pass - Seasonal (Over 18 years of age) Per Year | | Change Item Title to: Change Fee to: 40.00 | Clarification of rate Align with Market Value |
| Fishing Pass Day (Over 18 years of age) Per Day | | Change Item Title to: Change Fee to: 10.00 | Clarification of rate Align with Market Value |
| Fishing Pass Senior (Over 65 years of age) Per Year | | Change Item Title to: Change Fee to: 0.00 | Clarification of rate Align with Market Value |
| Public Skating (Over 5 years of age) Per Visit, Per Person | | Change Item Title to: Change Fee to: 3.00 | Clarification of rate Align with Market Value |
| Shinny (Goalies are free) Per visit, Per Person | | Change Item Title to: Change Fee to: 5.00 | Clarification of rate Align with Market Value |
| Public Skating Birthday Party | | Change Item Title to: Change Fee to: 60.0 | Covers cost of room rental for two hours Align with Market Value |
| Extra Participant FEE * Public Skating Party | | Change Item Title to: Change Fee to: 3.00 | Covers cost of extra public skating Align with Market Value |

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Municipal Scan of Fee Schedules

| Ice Rates | | | | | |
|----------------|------------------------------------|--|----------------------------|--------------------------------|----------------------------|
| Township | Prime Time Residents Rate Per Hour | Prime Time Non-Residents Rate Per Hour | Res Day Time Rate Per Hour | Non Res Day Time Rate Per Hour | Minor League Rate Per Hour |
| Essa Currently | \$220.00 | \$240.00 | \$138.00 | \$138.00 | \$155.00 |
| Essa Proposed | \$220.00 | \$220.00 | \$138.00 | \$138.00 | \$170.00 |
| Innisfil | \$230.90 | \$277.08 | \$135.19 | \$162.23 | 187.64 |
| Springwater | \$166.41 | \$166.41 | \$166.41 | \$166.41 | \$127 |
| Barrie | \$237.17 | \$237.17 | \$237.17 | \$237.17 | \$192.26 |
| New Tecumseth | \$219 | \$219 | \$172.38 | \$172.38 | \$172.38 |
| Bradford | \$220 | \$220 | \$145 | \$145 | \$175 |
| Wasaga Beach | \$137.84 | \$137.84 | 82.05 | 82.05 | \$113.17 |

Sport Field Rates (Soccer Fields & Baseball Diamonds)

| Township | Resident Rate Per Hour | Non - Resident Rate Per Hour | Minor League Rate Per Hour | Premium Field Rate Per Hour |
|----------------|------------------------|------------------------------|----------------------------|-----------------------------|
| Essa Currently | 17.16 | 17.16 | \$250.00 per season | N/A |
| Essa Proposed | 20 | 20 | 10 | 26 |
| Innisfil | \$17.30 | \$20.76 | \$13.52 | N/A |
| Springwater | full day \$180 | full day \$180 | N/A | N/A |
| Barrie | \$25-\$44 | \$25-\$44 | \$32.74 | 35-45.00 |
| New Tecumseth | \$12.10 | \$12.10 | \$9.35 | N/A |
| Bradford | \$35 | \$35 | \$30 | N/A |
| Wasaga Beach | \$19.80 | \$19.80 | \$14.02 | 28.02 |

All Fee's are subject to HST

Springwater, Barrie, New Tecumseth, Bradford and Wasaga Beach do not have resident rates applicable to their fee schedule; Innisfil does

Gym Rentals

| Township | Full Gym Rate Per Hour | Full Gym Rate Per Day | Half Gym Rate Rate Per Hour | Half Gym Rate Per Day |
|----------------|------------------------|-----------------------|-----------------------------|-----------------------|
| Essa Currently | \$50 | N/A | N/A | N/A |
| Essa Proposed | \$60.00 | \$250.00 | \$25.00 | \$125.00 |
| Innisfil | 80.57 | N/A | N/A | N/A |
| Springwater | N/A | N/A | N/A | N/A |
| Barrie | \$55.53 | \$331.42 | 28.54 | N/A |
| New Tecumseth | N/A | N/A | N/A | N/A |
| Bradford | \$105.00 | \$715.00 | \$31 | \$215.00 |
| Wasaga Beach | N/A | N/A | N/A | N/A |

Hall, Program Space & Meeting Room Rentals

| Township | Hall Rate Per Hour | Hall Rate Per Day | Meeting Room Rate Per Hour | Meeting Room Rate Per Day |
|----------------|--------------------|---------------------|----------------------------|---------------------------|
| Essa Currently | \$56-\$181 | \$83-\$197 | \$28-\$47 | \$28-\$47 |
| Essa Proposed | \$55.00 | \$250.00 | \$30.00 | \$140.00 |
| Innisfil | N/A | \$192.00 - \$544.00 | \$20.35 | N/A |
| Springwater | \$60.00 - \$100.00 | N/A | N/A | N/A |
| Barrie | 59.71 | \$344.21 | \$27.23-\$59.71 | \$142.03-\$273.18 |
| New Tecumseth | \$50.00-\$68.50 | N/A | N/A | N/A |
| Bradford | \$40.00-\$140.00 | \$180.00-200.00 | \$35.00 - \$105.00 | \$145.00-\$185.00 |
| Wasaga Beach | N/A | 200-275 | N/A | N/A |

* N/A fees were not present on Municipalities Fee Schedule/ Alternatively Municipality does not have an equivalent space.

Accessory Charges

| Township | Tables & Chairs Set up Fee | Lights / Hydro Fee Per use | Storage Space Per Year | Change room tenant Per Month | Licensed Event Fee Per Day | Clean Up Fee |
|----------------|-----------------------------------|---|------------------------|------------------------------|----------------------------|--|
| Essa Currently | \$75 | N/A | N/A | N/A | N/A | 120.75 |
| Essa Proposed | \$75.00 | 10 | 100.00 per season | 100 | \$100.00 | 100 |
| Innisfil | 7\$ for 2 chairs / 12\$ per table | 44.03 lights in field per hour | N/A | \$38.15 per hour | N/A | N/A |
| Springwater | N/A | \$10 | N/A | N/A | N/A | \$50-\$200 damage deposit |
| Barrie | N/A | \$563-\$112 lighting fee for baseball | N/A | 54.64 per DAY | N/A | N/A |
| New Tecumseth | 110.00 for 5 tables | \$104.50 hydro hookup per day | N/A | \$102.00 | N/A | N/A |
| Bradford | Set up \$40 per hour | heater \$25 per hour | \$150 | N/A | N/A | Clean up \$60 per hour |
| Wasaga Beach | \$1 per chair per day | \$8 per hour for soccer and baseball fields | \$100 per yr | N/A | N/A | \$100-\$300 depending on if it is licensed or unlicensed |

Advertising

| Township | 4x4 Wall / Rink Board | 8 x4 Wall / Rink Board | Ice Resurfacer Wrap Per year |
|----------------|-----------------------|------------------------|------------------------------|
| Essa Currently | \$120.25 + HST | \$202.93 + HST | 1500-2500 |
| Essa Proposed | \$125.00 | \$250.00 | 2500.00 + HST |
| Innisfil | N/A | N/A | N/A |
| Springwater | N/A | N/A | N/A |
| Barrie | N/A | N/A | N/A |
| New Tecumseth | N/A | N/A | N/A |
| Bradford | N/A | \$555 | N/A |
| Wasaga Beach | \$125 per year | \$250.00 | N/A |

Attachment C
RECREATION RELATED FEES
 HST to be added to all Fees

| 1. Halls/ Program Space | RATE | HST | TOTAL |
|--|-------------|------------|--------------|
| 1.1 Banquet Hall (Thornton Arena OR Angus Arena) Per Hour | 55.00 | 7.17 | 62.15 |
| 1.2 Banquet Hall (Thornton Arena OR Angus Arena) Per Day (Up to 8 Hours) | 250.00 | 39.00 | 339.00 |
| 1.3 Thornton Meeting Room Per Hour | 30.00 | 3.90 | 33.90 |
| 1.4 Thornton Meeting Room Per Day (Up to 8 Hours) | 160.00 | 20.80 | 180.80 |
| 1.5 Angus Meeting Room Per Hour | 15.00 | 1.95 | 16.95 |
| 1.6 Angus Gymnasium ½ Gym Per Hour | 30.00 | 3.90 | 33.90 |
| 1.7 Angus Gymnasium ½ Gym Per Day (Up to 8 Hours) | 160.00 | 20.80 | 180.80 |
| 1.8 Angus Gymnasium Full Gym Per Hour | 60.00 | 7.80 | 67.80 |
| 1.9 Angus Gymnasium Full Gym Per Day (Up to 8 Hours) | 350.00 | 45.50 | 395.50 |
| 1.10 Community Park Building (Off Season Fee applies October – April) Per Hour | 45.00 | 5.85 | 50.85 |
| 1.11 Community Park Building Per Day (Up to 8 Hours) | 225.00 | 29.25 | 254.25 |
| 1.12 Arena Floor Use (available May through Aug) Per Hour | 70.00 | 8.45 | 73.45 |
| 1.13 Arena Floor Use (available May through Aug) Per Day (Up to 8 Hours) | 540.00 | 48.75 | 423.75 |
| 2. Field Use May 1st to October 1st | RATE | HST | TOTAL |
| 2.1 Baseball Diamond/ Soccer Field Use (Adult) Per Hour | 20.00 | 2.60 | 22.60 |
| 2.2 Baseball Diamond/ Soccer Field Use Per Hour (Minor Leagues) Per Hour | 10.00 | 1.30 | 11.30 |
| 2.3 Outdoor Pad Use Per Hour | 34.00 | 4.42 | 38.42 |
| 3. Ice Use September 1st – April 30th | RATE | HST | TOTAL |
| 3.1 Day Use (6am – 5pm) Per Hour | 138.00 | 17.94 | 155.94 |
| 3.2 Prime Time Use (5pm – 12pm) Adult Per Hour | 220.00 | 28.60 | 248.60 |
| 3.3 Prime Time Use (5pm – 12pm) Minor League Per Hour | 170.00 | 22.10 | 192.10 |
| 3.4 Outdoor Pad use Per Hour | 34.00 | 4.42 | 38.42 |
| 4. Accessory Charges | RATE | HST | TOTAL |
| 4.1 Setup Fee Per Rental | 75.00 | 9.75 | 84.75 |
| 4.2 Cleanup Fee Per Rental | 125.00 | 16.25 | 141.25 |
| 4.3 SOCAN Per Rental | 63.49 | 8.25 | 71.72 |
| 4.4 RESOUND Per Rental | 23.63 | 3.07 | 26.70 |
| 4.5 Outdoor lights/ Hydro Per Day | 10.00 | 1.30 | 11.30 |
| 4.6 Off Season Fee Per Day | 75.00 | 9.75 | 84.75 |
| 4.7 Licensed Event Fee Per Day | 100.00 | 13.00 | 113.00 |
| 4.8 Available storage space per season | 100.00 | 13.00 | 113.00 |
| 4.9 Dressing Room Tenanted Per Month | 100.00 | 13.00 | 113.00 |
| 4.10 Additional Hours Fee Per Hour | 25.00 | 3.25 | 28.25 |

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| 5. Activity Fees | RATE | HST | TOTAL |
|---|-------------------|------------|--------------|
| 5.1. Fishing Pass – Seasonal (Over 18 years of age) Per Year | 40.00 | N/A | 40.00 |
| 5.2. Fishing Pass Day (Over 18 years of age) Per Day | 10.00 | N/A | 10.00 |
| 5.3. Fishing Pass Senior (Over 65 years of age) Per Year | 0.00 | 0.00 | 0.00 |
| 5.4. Public Skating (Over 5 years of age) Per Visit, Per Person | 3.00 | N/A | 3.00 |
| 5.5. Shinny (Goalies are free) Per visit, Per Person | 5.00 | N/A | 5.00 |
| 6. Advertising | RATE | HST | TOTAL |
| 6.1. Arenas Advertising 4x4 Per Year | 125.00 | 16.25 | 141.25 |
| 6.2. Arena Advertisement 4 x 8 Per Year | 250.00 | 32.50 | 282.50 |
| 6.3. Ice Resurfacer Per Year | 2500.00 | 260.00 | 2260.00 |
| 7. Administrative | RATE | HST | TOTAL |
| 7.1 Cancellation with 14 days' notice Per rental | \$30.00 | 3.25 | 28.25 |
| 7.2 Last minute cancellation Per Day | 50% of rental fee | TBD | TBD |
| 7.3 Program Withdrawal Per Program * Requires two weeks' notice | 20.00 | 2.60 | 22.60 |
| 7.4 Camp un- enrollment Per Week Per Child | 20.00 | 2.60 | 22.60 |

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Attachment D

| RECREATION RELATED FEES | | |
|--|---------------------|----------------------------|
| ICE RATES – THORNTON ARENA AND ANGUS ARENA | Current RATE | Proposed RATE |
| Day Rental (Monday to Friday between 6:00 a.m. to 5:00 p.m. hourly rate) – EFF SEPT 1, 2019 Excludes all Statutory Holidays, and days between Christmas Day and New Year's Day. | \$138.00/hr | \$138.00/hr |
| Minor Hockey/Figure Skating (Prime Time) – EFF SEPT 1, 2019 | \$155.00/hr | \$170.00/Hr |
| Residents (80% + residents) – EFF SEPT 1, 2019 | \$220.00/hr | N/A |
| Non-Residents (less than 80% residents) – EFF SEPT 1, 2019 | \$240.00 | N/A |
| Public Skating Fees | \$3.00 | N/A |
| Summer Indoor Arena Surface - Sporting Events | \$51.12 | \$70.00/Hr |
| Outdoor Pad Rental Ice/Floor | \$34.00 | \$34.00/Hr |
| Last Minute Ice Booking – Prime Time (5:00 p.m.- close) hourly rate | \$160.00 | N/A |
| Last Minute Ice Booking – Non-Prime Time (6:00 a.m. – 5:00 p.m.) hourly rate | \$85.00 | N/A |
| OFF SEASON RENTALS (APRIL 1- OCTOBER 1) FEE IS IN ADDITION TO REGULAR RATES - 4 HOUR RENTAL | \$50.00 | \$75.00 |
| 7 HOUR RENTAL | \$100.00 | \$75.00 |
| FIELD RENTAL RATES | Current RATE | Proposed RATE |
| Baseball Diamonds / Soccer Pitches – Minor Sports Organizations | \$250.00/ Season | \$10.00/ Hr |
| Non-Resident Sport Field Rental (Maximum allowance of 2 hours) | \$34.31 for 2Hrs | 20.00/Hr |
| ANGUS COMMUNITY PARK BUILDING | Current RATE | Proposed RATE |
| Local Charity Groups/Organizations (for non-fundraising events – Meetings) MAXIMUM 4 Hours less than 12 uses per year..... more than 12 uses per year..... | n/a \$47.40 | N/A |
| Local Charity Groups/Organizations (for non-fundraising events) MAXIMUM 7 Hours – Events with alcohol..... | \$97.40 | N/A |
| Local Resident for Private Use Events MAXIMUM 4 Hours (No Alcohol)..... MAXIMUM 7 Hours (With Alcohol)..... | \$47.40 \$97.40 | \$45.00/ Hr \$225.00/Hr |
| Non-Resident Private Use Event MAXIMUM 4 Hours (No Alcohol)..... MAXIMUM 7 Hours (With Alcohol)..... | \$78.99 \$112.85 | \$45.00/ Hr \$225.00/Hr |
| Sporting Activities or Instructional (Rate – Per Hour)..... | \$28.21 | N/A |
| ANGUS RECREATION CENTRE | Current RATE | Proposed RATE |
| OFF SEASON RENTALS (APRIL 1- OCTOBER 1) FEE IS IN ADDITION TO REGULAR RATES - 4 HOUR RENTAL..... | \$50.00 | \$75.00 |
| 7 HOUR RENTAL..... | \$100.00 | \$75.00 |

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|--|---------------------|----------------------|
| (max. 12 free uses/year) [max. 4 hours] | | N/A |
| (more than 12 uses/year)[max. 4 hours] | \$47.40 | N/A |
| ANGUS RECREATION CENTRE-Continued | Current RATE | Proposed RATE |
| Local residents private use [max. 4 hours] | \$47.40 | \$30.00 – \$60.00/Hr |
| recreational instruction classes per hour | \$24.82 | N/A |
| Non-residents (any use) [max. 4 hours] | \$78.99 | \$30.00/Hr |
| TO USE FOR MORE THAN MAX. HOURS ADD \$12.76 PER HOUR | \$11.29 | \$25.00/Hr |
| ANGUS RECREATION CENTRE - GYMNASIUM | Current RATE | Proposed RATE |
| OFF SEASON RENTALS (APRIL 1- OCTOBER 1) FEE IS IN ADDITION TO REGULAR RATES - 4 HOUR RENTAL | \$50.00 | \$75.00 |
| 7 HOUR RENTAL | \$100.00 | \$75.00 |
| Sporting activities or instructional (rate per hour) | \$28.21 | N/A |
| Local charitable groups/organization (for non-fundraising events) | Current RATE | Proposed RATE |
| 1.6 Angus Gymnasium ½ Gym Per Hour | N/A | 30.00 |
| 1.7 Angus Gymnasium ½ Gym Per Day (Up to 8 Hours) | N/A | 160.00 |
| 1.8 Angus Gymnasium Full Gym Per Hour | N/A | 60.00 |
| meetings, less than 20 persons (12+ uses/year) [max. 4 hours] | \$47.40 | N/A |
| meetings, more than 20 persons (12+ uses/year) [max. 4 hours] | \$66.58 | N/A |
| no alcohol, without kitchen [max. 7 hours] | \$180.56 | N/A |
| no alcohol, with kitchen [max. 7 hours] | \$209.91 | 350.00 |
| alcohol, without kitchen [max. 7 hours] | \$302.44 | N/A |
| alcohol, with kitchen [max. 7 hours] | \$365.00 | 450.00 |
| Meetings – non-resident or commercial [max. 4 hours] | \$120.75 | N/A |
| Church services, less than 100 persons [max. 4 hours] | \$225.70 | N/A |
| Church services, more than 100 persons [max. 4 hours] | \$282.12 | N/A |
| TO USE FOR MORE THAN MAX. HOURS ADD \$19.13 PER HOUR | \$16.93 | N/A |
| INDOOR FLOOR SURFACE - BANQUETS, PARTIES, EVENTS | Current RATE | Proposed RATE |
| No ice, non-licensed [max. 7 hours] | \$265.20 | \$375.00 |
| No ice, licensed [max. 7 hours] | \$536.04 | \$540.00 |
| 1.12 Arena Floor Use (available May through Aug) Per Hour | N/A | 70.00 |
| TO USE FOR MORE THAN MAX. HOURS ADD \$53.56 PER HOUR | \$47.40 | \$25.00 |
| CHILDREN'S BIRTHDAY PARTY WITH FREE PUBLIC SKATING (10 CHILDREN / 2 ADULTS) Available from October 1st – March 31st | Current RATE | Proposed RATE |
| 2 hr rental of meeting room/gymnasium/banquet room and free public skating | \$52.38 | \$60.00 |
| Additional children | \$1.31 | \$3.00 |
| ANGUS BANQUET HALL/ THORNTON BANQUET HALL/THORNTON MEETING ROOM | Current RATE | Proposed RATE |
| OFF SEASON RENTALS (APRIL 1- OCTOBER 1) | | |

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| FEE IS IN ADDITION TO REGULAR RATES - 4 HOUR RENTAL | | \$50.00 | \$75.00 |
|---|--|--------------|---------------|
| 7 HOUR RENTAL | | \$100.00 | \$75.00 |
| Local charitable groups/organizations (for non-fundraising events) | | Current RATE | Proposed RATE |
| sporting activities or instructional rate per hour | | \$28.21 | N/A |
| meetings (max. 12 uses/year) [max. 4 hours] | | | |
| meetings (more than 12 uses/year) [max. 4 hours] | | \$47.40 | N/A |
| banquets/parties/events, no alcohol, without kitchen [max. 7 hours] | | \$56.43 | N/A |
| banquets/parties/events, no alcohol, with kitchen [max. 7 hours] | | \$85.76 | 300.00 |
| 1.1 Banquet Hall (Thornton Arena OR Angus Arena) Per Hour | | N/A | 55.00 |
| banquets/parties/events, alcohol, without kitchen [max. 7 hours] | | \$141.07 | N/A |
| banquets/parties/events, alcohol, with kitchen [max. 7 hours] | | \$170.40 | N/A |

| Local residents for private use | Current RATE | Proposed RATE |
|---|--------------|---------------|
| meeting [max. 4 hours] | | N/A |
| 1.3 Thornton Meeting Room Per Hour | N/A | 30.00 |
| 1.4 Thornton Meeting Room Per Day (Up to 8 Hours) | N/A | 160.00 |
| 1.5 Angus Meeting Room Per Hour | N/A | 15.00 |
| banquet/party - no alcohol, without kitchen [max. 7 hours] | \$66.58 | |
| 1.1 Banquet Hall (Thornton Arena OR Angus Arena) Per Hour | N/A | 55.00 |
| banquet/party - no alcohol, with kitchen [max. 7 hours] | \$95.92 | 250.00 |
| banquet/party - alcohol, without kitchen [max. 7 hours] | \$152.34 | N/A |
| banquet/party - alcohol, with kitchen [max. 7 hours] | \$181.69 | N/A |
| meeting [max. 4 hours] | \$58.68 | 30.00 /Hr |
| no alcohol, without kitchen [max. 7 hours] | \$83.51 | N/A |
| no alcohol, with kitchen [max. 7 hours] | \$112.85 | N/A |
| alcohol, without kitchen [max. 7 hours] | \$168.15 | N/A |
| alcohol, with kitchen [max. 7 hours] | \$197.48 | N/A |
| TO USE FOR MORE THAN MAX. HOURS ADD \$19.13 PER HOUR | \$16.93 | N/A |
| CLEAN-UP FEES | Current RATE | Proposed RATE |
| All users of Township facilities are required to sweep the floor, clean off tables, and pick-up garbage and place it in garbage bags for Township staff to dispose of. Clean-up by Township staff is available at the following rates, provided there are no back-to-back functions | | |
| Essa Recreation Centre Gymnasium | \$120.75 | \$125.00 |
| Essa Recreation Centre - rink area (summer season) | \$120.75 | \$125.00 |
| Thornton Banquet Hall/Angus Banquet Hall/Thornton Meeting Room/Angus Meeting Room | \$120.75 | \$125.00 |
| Thornton Rink Surface | \$120.75 | \$125.00 |
| Note: Clean-up by Township staff is not available at the Administration Centre. All users are required to clean-up garbage, clean off tables, and return tables & chairs to their original positions. | | |
| | | |

| CANCELLATIONS FEES | | Current RATE | Proposed RATE |
|--|--------------------------------------|----------------------|-------------------|
| FACILITIES | | | |
| Cancellation fee for facilities (60 day notice required) | | \$26.25 | 30.00 |
| Cancellation fee for facilities with less than 60 days' notice (2 weeks) | | %50 of rental fee | 30.00 |
| 7.2 Last minute cancellation Per Day | | N/A | %50 of rental fee |
| PROGRAMS | | | |
| Cancellation fee for programs (with at least two weeks' notice) | | \$20.00 | \$20.00 |
| 7.4 Camp un-enrollment Per Week Per Child | | N/A | 20.00 |
| OTHER FEES | | Current RATE | Proposed RATE |
| 4.5 Outdoor lights/ Hydro Per Day | | N/A | 10.00 |
| 4.5 Off Season Fee Per Day | | N/A | 75.00 |
| 4.6 Licensed Event Fee Per Day | | N/A | 100.00 |
| 4.7 Available storage space per season | | N/A | 100.00 |
| 4.8 Dressing Room Tenanted Per Month | | N/A | 100.00 |
| 4.9 Additional Hours Fee Per Hour | | N/A | 25.00 |
| Set-up Fee -to set up tables and chairs | | \$75.00 | 75.00 |
| Advertising Rates at Arenas / Parks (signs on walls, boards or fences) | | | |
| - 4 x 4 plus materials | | \$120.25 | 125.00 |
| - 4 x 8 plus materials | | \$202.93 | 250.00 |
| - in excess of 4 x 8 plus materials | | \$6.41 (per sq foot) | N/A |
| signs on ice machine | 2x5 sign | \$230.50 | N/A |
| | 1 year | \$2,500.00 | 2500.00 |
| | Angus Arena (Unit Wrap) 5 years | \$2,000.00 | |
| | Thornton Arena (Unit Wrap) 1 year | \$2,000.00 | \$2500.00 |
| | 5 years | \$1,500.00/year | N/A |
| OTHER FEES-Continued | | Current RATE | Proposed RATE |
| Dressing Room Door Advertising Fee (Angus & Thornton) | | \$202.93 | N/A |
| Ice Logo Fee (plus materials) | | n/a | |
| - Local Charitable Group/Non-Profit Organizations/Not for Profit Organizations | | | |
| - For Profit Organizations/Corporations/Businesses | | \$202.93 | |
| SOCAN (Society of Composers, Authors & Music Publishers of Canada) SOCAN fees, at the current rate, are payable when taped music is used for any paid use of facilities. | | \$63.49 | \$63.49 |
| 4.4 RESOUND Per Rental | | N/A | 26.63 |
| | | | |

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| ESSA ADMINISTRATION CENTRE | Current RATE | Proposed RATE |
|---|--------------|---------------|
| MEETING ROOMS *licensed functions are not permitted | | |
| Local charitable groups/organizations | | |
| meetings (max. 12 uses/year) [max. 3 hours] | No Charge | |
| meetings (more than 12 uses/year) [max. 3 hours] | \$47.40 | N/A |
| Instructional classes [max. 3 hours] | \$47.40 | N/A |
| Local residents for private use [max. 5 hours] | \$56.43 | N/A |
| Non-residents [max. 5 hours] | \$84.64 | N/A |
| TO USE FOR MORE THAN MAX. HOURS ADD \$12.76 PER HOUR | \$11.29 | N/A |
| COUNCIL CHAMBERS | RATE | HST |
| Local charitable groups/organizations (for non-fundraising events) | | |
| meetings (max. 12 uses/year) [max. 3 hours] | No Charge | |
| meetings (more than 12 uses/year) [max. 3 hours] | \$47.40 | N/A |
| Instruction seminars, workshops, meetings [max. 5 hours] | \$151.22 | N/A |
| Non-residents [max. 5 hours] | \$151.22 | N/A |
| TO USE FOR MORE THAN MAX. HOURS ADD \$19.13 PER HOUR | \$16.93 | N/A |
| Activity Fees | | |
| 5.1. Fishing Pass -- Seasonal (Over 18 years of age) Per Year | N/A | 40.00 |
| 5.2. Fishing Pass Day (Over 18 years of age) Per Day | N/A | 10.00 |
| 5.3. Fishing Pass Senior (Over 65 years of age) Per Year | N/A | 0.00 |
| 5.4. Public Skating (Over 5 years of age) Per Visit, Per Person | 3.00 | 3.00 |
| 5.5. Shinny (Goalies are free) Per visit, Per Person | N/A | 5.00 |



TOWNSHIP OF ESSA STAFF REPORT

10a

STAFF REPORT NO.: CAO043-20
DATE: September 2, 2020
TO: Committee of the Whole
FROM: Colleen Healey-Dowdall, Chief Administrative Officer
SUBJECT: Job Description for the Manager of Public Works

RECOMMENDATION

That Staff Report CAO043-20 be received; and

That Council amend the job description for the Manager of Public Works position to reflect that the position should be held by a Professional (Civil) Engineer.

BACKGROUND

The Township has hired a new Manager of Public Works who is Professional (Civil) Engineer and the broader ability of the position has become such that the Township is able to save money on outside consulting fees. The savings for the second half of 2020 have not yet been tallied up but it would seem that the Municipality will be saving a significant amount on the clean up of the Egbert storm pond as Ordered by the MOECC. As well, there are projected significant savings already for 2021 associated with the Margaret Street urbanization, 5th Line EA/Bridge repair, upgrades to the Thornton water system and additional in-house road reconstruction projects.

COMMENTS AND CONSIDERATIONS

Based on the findings of what the new manager has already been able to accomplish, this CAO is strongly recommending that the job description for this position be amended to include a mandatory requirement to be qualified as a Professional (Civil) Engineer. This CAO is continuously striving for improvement in efficiency and effectiveness and could not imagine now stepping back after realizing the benefits of oversight, and savings that a Professional (Civil) Engineer is able to bring to the position/Township.

FINANCIAL IMPACT

The cost of the increased requirement is not known since the Township is currently in the midst of a Pay Administration Project where an HR Consultant is objectively scoring the value of all positions to ensure for equity. All Township job descriptions have recently

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been reviewed and sent to the HR Consultant just at the end of August. It is hoped that the Consultant will be able to report back to the CAO and Council this fall on findings and recommendations to ensure equity.



SUMMARY/OPTIONS

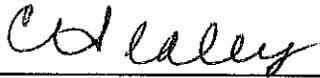
Council may:

1. Leave the Manager of Public Works job description as-is.
2. Amend the job description for the Manager of Public Works position to require that individuals be a qualified Professional (Civil) Engineer.

CONCLUSION

Option #2 is recommended.

Respectfully submitted:



Colleen Healey-Dowdall
CAO

Attachments:
Proposed New Job Description



Township of Essa Job Description

Position Title: Manager of Public Works May 2020

| | | | |
|---|---|--|------------------------|
| Reports to: | CAO | Last Revision Date: | May 2020 |
| Department: | Public Works | Supervise staff or assign work (lead hand) or no HR responsibility? | Yes |
| Location: | Municipal Office | List all positions directly supervised: | Roads Supervisor |
| Standard weekly hours per employment agreement: | 35 | List of all position indirectly supervised: | All Public Works Staff |
| Position Status (FT, PT, Seasonal, Student, Contract, Volunteer) | Full Time – expected to attend some evening meetings | Pay Band #: | |
| Pay Method: (Salary or Hourly) | Salary | On Call (Yes reference to details) | Yes |
| Overtime (Eligible? Weekly Threshold?): | Unpaid, 5 days off in lieu, 2 floater days if attends 75% of Council meetings | Eligible for all staff group benefits? (yes/no) | Yes |
| | | If eligible for some describe which: | |
| | | Eligible for OMERS? (yes/no) | Yes |

Scope (Purpose) of Position:

To plan, promote, develop, direct and administer a comprehensive program of construction and maintenance of the public works/engineering functions, public streets, bridges, culverts, sidewalks, drainage and other road works, within the guidelines of Council policy, and to oversee the contracts for the operation of water and waste water distribution and treatment systems.

Important Responsibilities Common to all positions (Leave as is, do not add.)

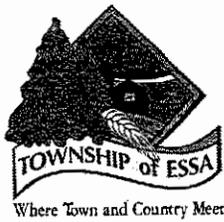
- Have a good understanding of standard Township operating procedures.
- Be familiar and comply with the provisions of the *Occupational Health and Safety Act* and its regulations, and the Township's Health and Safety Policies and Procedures.
- Take every possible precaution to protect themselves and fellow workers from health and safety hazards and unsafe situations.
- Report unsafe acts or conditions to their supervisor or the Health and Safety Committee Representative.
- Report any occupational injury or illness immediately to their supervisor.
- Use personal protective equipment where required.
- Demonstrate team work and a strong sense of customer service.
- Perform other duties as assigned.





| Key Result Areas (specific to position) | Duties (specific to each Key Results Area) (If list of tasks appropriate refer & attach) | Success Indicators (Key Performance Indicators) |
|--|--|---|
| <p>Winter Roads Maintenance</p> | <ul style="list-style-type: none"> • Respond to and/or coordinate staff for weekend and after hour emergency calls for service relating to heavy snow, flooding, watermain and sanitary sewer breaks, structure failures, windstorms, etc. • Conducts regular inspections of municipal roads and road construction and/or maintenance projects. | |
| <p>Construction and Maintenance</p> | <ul style="list-style-type: none"> • Develops and administers maintenance programs for the operation and rehabilitation of roads, bridges, public works, water and waste water distribution and treatment systems. Manages inventory of equipment, facilities, supplies, vehicles required for roads and public works, construction and maintenance programs, ensures all equipment is maintained and repaired promptly to eliminate breakdown and safety hazards. • Prepares, recommends for approval, and administers all contracts relating to public works, road and bridge maintenance and rehabilitation. Supervises the work of outside contractors and tradespeople on special construction and repair projects. • Performs the duties of Drainage Superintendent, Tile Drainage Inspector and Flood Coordinator. Conducts regular inspections of municipal drains and supervises construction and/or maintenance activities on same in accordance with the Engineer's report that is adopted through by-law for the respective drains, under the provisions of the Drainage Act. | |

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Township of Essa Job Description

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|-----------------------------|---|--|
| Engineering Services | <ul style="list-style-type: none"> • Provides in-house engineering, technical oversight and engineering support services creating engineering solutions to infrastructure challenges. • Preparing RFP's and technical reports and/or studies. • In-house designs where feasible and appropriate. | |
| Senior Management | <ul style="list-style-type: none"> • Develops and recommends policies, procedures, standards, plans and programs relative to roads and public works and provides advice to the CAO and/or Council on same. Monitors, reviews and evaluates administrative and service delivery processes with a view to enhance and adopt a "best practices" approach and takes action for performance enhancement; prepares periodic reports to the CAO and Council on services delivery changes and program/performance enhancements, plus other matters of concern. • Prepares annual capital and operating budgets for roads, public works and drainage maintenance, storm water management, and presents budgets to the CAO and/or Council for approval. • Coordinates assigned activities with other Township Departments and outside agencies, including the sharing of public works equipment and staff with other departments and/or borrowing equipment and staff from other departments. • Participates as a member of the Township's Senior Management Team; acts as a project leader (when assigned) on corporate wide improvement projects, and assists in Strategic Planning. • Prepares reports/recommendations and attends Council, Council/Committee, and other public meetings and events; makes presentations and provides advice/guidance on strategies and new or pending legislation and regulatory guidelines. • Responsible for effective risk management, liability control and | |

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|---------------------------------------|--|--|
| <p>Public Works Operations</p> | <p>due diligence measures.</p> <ul style="list-style-type: none"> • Provides leadership, guidance and direction to supervisory and supporting staff in the implementation of the roads and public works functions. Hires, trains, schedules, evaluates and disciplines staff in accordance with established policies and procedures. • Oversees the Township's infrastructure and capital construction programs; oversees the applicable Township standards; monitors processes and facilitates the resolution of problematic issues; oversees and directs the development of engineering, transportation/roads, water, wastewater and cemetery management strategies. Prepares proposals/specifications for new and replacement vehicles including Goods and Services in accordance with the Township's Procurement and Acquisition Policies. • Oversees and supervises the contracts for the operation of the Township's water and wastewater distribution and treatment systems, plus transit services. • Representation of the Department with individual citizens, community groups/associations, commercial and industrial interests, the written and electronic media; liaison with regulatory officials at the federal, provincial and municipal levels; representation of the Township in Court/OMB proceedings. • To provide comment on planning issues such as zoning by-laws, subdivision and development agreements, severances, variances and site plan agreements. | |
|---------------------------------------|--|--|



Other details of the position

1. Describe the type of problems this position may have to solve.

Responsible for operational performance in public works/roads programs; often requires approval before making a decision; some involvement in strategic planning and coordination; some involvement in setting operational policies and procedures.

2. Describe the type of decisions this position may have to make.

Frequent creativity required. Involved in complex projects and workflows. Responsible to improve the efficiency and effectiveness of own workflow and others. Some research on new ideas and products expected.

3. List the non-supervisory business relationships that come with the position.

Relations with own staff, other senior managers and the CAO, Council, peers of other municipalities, customers, suppliers, and other government officials, on a frequent basis. Above average interpersonal, oral and written communication skills required.

4. Any responsibility for material resources required by the position? If so list.

Responsible for vehicles and heavy machinery and care of GPS software devices. Roads and infrastructure. Some responsibility of confidential records.

5. Any responsibility for information resources required by the position? If so list.

Responsible for the collection and storage of GPS data and risk management. Responsible for some confidential records and risk management.

6. What is the spending limit for purchases of the position?

Visa card \$20,000 – all purchases to be approved by Council but controls spending for the Roads and Public Works. Compares actuals to budget. Recommends on tenders.

7. Any budget involvement? If so explain

Input into setting the annual budget.

Expected Behaviours of the position (same for all positions)

| | Requirement for Position | | | |
|---|--------------------------|-------------|--------------------|----------------|
| | Not Required | Basic Level | Intermediate Level | Advanced Level |
| 1. Communication | | | | |
| (a) Written communications | | | | X |
| (b) Oral communications one-on-one or in small groups | | | X | |

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|---|--|---|---|---|
| (c) Large group presentation | | X | | |
| (d) Positive demeanor | | | | X |
| (e) Negotiation/Mediation | | X | | |
| 2. Stakeholder Contact | | | | |
| (a) Knowledge of the services provided | | | | X |
| (b) Professional manner in dealing with stakeholders | | | | X |
| (c) Customer focused orientation (can do) | | | | X |
| (d) Build strong relationships | | | X | |
| (e) Continually improve service | | | X | |
| 3. Leadership | | | | |
| (a) Develop a business or strategic plan (planning) | | X | | |
| (b) Convince others to buy into our vision or a change | | X | | |
| (c) Translate the strategy & plan into action & results | | X | | |
| (d) Flexible & adaptive (open to new ideas) | | | | X |
| (e) Innovate | | | | X |
| (f) Think critically – Think independently | | | X | |
| (g) Tolerant (diversity) | | | X | |
| (h) Empathy | | | | X |
| (i) Confidence | | | | X |
| (j) Active listening | | | | X |
| 4. Supervisory | | | | |
| (a) Coach & mentor | | | | X |
| (b) Empower & delegate | | | | X |
| (c) Manage job performance (give continuous corrective feedback) | | | | X |
| (d) Discipline and tough decisions as appropriate | | | | X |
| (e) Manage succession planning | | X | | |
| (f) Create and manage personal development plans for reports | | | X | |
| 5. Teamwork | | | | |
| (a) Work effectively with team members who have a variety of skill levels | | | | X |
| (b) Build & sustain internal relationships | | | | X |
| (c) Champion collaboration within the team | | | | X |
| (d) Accept all feedback (superiors, pers & subordinates) | | | | X |
| (e) Respect authority | | | | X |



Township of Essa Job Description

| | | | | |
|--|--|--|---|---|
| (f) Resolve conflict & difficult people | | | | X |
| 6. Working Skills | | | | |
| (a) Manage workload and meet deadlines (time management) | | | | X |
| (b) Deliver results (work ethic) | | | | X |
| (c) Manage stress | | | | X |
| (d) Manage quality of own work (attention to detail) | | | | X |
| (e) Ethics & integrity | | | | X |
| (f) Autonomy (independent action) | | | X | |
| (g) Creativity (originality and independent thinking) | | | X | |
| (h) Organization including project management | | | X | |

Qualifications

Formal Education & Training:

4 year university degree in Civil Engineering.

Required in house training:

GIS, GPS and financial software programs.

Work Experience:

4 years municipal experience with at least 3 years at a supervisory level.

Specific Technical & Sector Skills required:

Class G Driver's Licence.

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Township of Essa Job Description

Physical Skill & Effort and Working Conditions

Regular use of one physical skill with some time pressure to complete a task and little physical exertion.

Mental Skill & Effort and Working Conditions

High mental skill, effort and judgement required. Requirement for attention to detail to engineering designs as errors have a significant effect. Technical responsibilities to oversee public works operations.

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| SIGNATURES / APPROVALS | Date | Signature |
|-------------------------------|------|-----------|
| Incumbent: | | |
| Department Head: | | |
| Chief Administrative Officer: | | |



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: CAO045-20

DATE: September 2, 2020

TO: Committee of the Whole

FROM: Colleen Healey-Dowdall, Chief Administrative Officer

SUBJECT: Topsoil Placement on Finished Fill Sites

RECOMMENDATION

That Staff Report CAO045-20 be received; and

That Staff be directed to work with applicants of finished fill sites to allow 10 inches of topsoil cover on a specified area, as depicted on a survey prepared by an Ontario Land Surveyor, to prevent erosion and to further advance farming following review of Township Staff and Council to ensure that all relevant sections and requirements of the Township's Fill By-Law are met, to Staff and Council's satisfaction.

BACKGROUND

This time last year, the Township had 9 active fill permits. All have been closed with the adoption of the Township's new Fill By-law, By-law No. 2019-84, however, one of these permits has requested a topsoil cover be permitted. 5283 9th Line, just north of Cookstown is the oldest, former fill permit site; a site where all fill had been brought in already but the site was waiting on the topsoil cover to protect the fill (the last stage of a fill operation but important to protect lands from damaging erosion). The bona fide farmer landowner has since, this past spring and summer, written to the Township to ask for an exemption to allow for a topsoil cover over the completed fill works in order to plant more crops next year.

COMMENTS AND CONSIDERATIONS

If the Township allows for topsoil in this instance, it should also allow for topsoil on the other finished fill sites where landowners have informally made similar requests. A topsoil cover would not only protect from damage of erosion and nuisance (to neighbours), it would help to facilitate the future of farming of the lands, however, the topsoil would need to be hauled in using a large number of dump trucks thus running contrary to Council's intent for its new Fill By-law.

The Township listed the following sites as active fill sites prior to the passing of the new Fill By-law:

| Active Fill Permit Address |
|---|
| 1. 5786 8 th Line, Egbert |
| 2. 5555 8 th Line, Cookstown |
| 3. 5934 8 th Line, Egbert |
| 4. 6612 County Road 56, Egbert |
| 5. 8848 6 th Line, Utopia |
| 6. 7054 County Road 56, Utopia |
| 7. 5833 30 th Sideroad, Utopia |
| 8. 5283 9 th Line, Cookstown |
| 9. 6651 3 rd Line, Baxter |

| Benefits of Allowing Topsoil | Disadvantage of Allowing Topsoil |
|--|--|
| a) Prevents erosion and dust nuisance to neighbours | a) Allows dump trucks en masse for another window or time frame (i.e. 2 years) thereby creating a nuisance to neighbours in terms of traffic volume (Note, projects would be assigned a window/or time allotment to match the timing of available topsoil given that topsoil is hard to come by) |
| b) Adds to the food production capability of the Township and furthers the profession of farming | b) Safety of roads a concern although enforcement may assist to offset this concern |
| c) Demonstrates the Township's commitment to the environment and for agriculture in general | c) Road wear and tear a concern although fees may assist to offset this concern |
| | d) Relations with neighbouring municipalities put to strain |

Other notes to consider include that a landowner is allowed up to 1000 cubic metres/year without a permit (not a significant amount when discussing farmland) and that dump truck traffic may still continue to licensed gravel pits and approved development sites.

FINANCIAL IMPACT

Dump trucks cause damage to Township roads but the new Fill By-law would allow for the upfront collection of securities to be used to repair a road.

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SUMMARY/OPTIONS

Council may:

1. Take no further action – do not allow topsoil to be placed on any site.
2. Work with applicants to allow a set amount of topsoil cover such as 10 inches to prevent erosion and to further advance farming, only on an area where fill has previously been placed and is left exposed, with an applicant to follow all the requirements of the new Fill By-law as staff determines is applicable.
3. Direct staff in another course of action to protect the Municipality from the harmful effects of dump trucks and excess soil issues.

CONCLUSION

Option #2 is recommended.

Respectfully submitted:



Colleen Healey-Dowdall
CAO

Attachments:

Emails of Agent for Landowner
Checklist of By-law Requirements

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Colleen Healey

From: Russell Oldfield <russelloldfield@gmail.com>
Sent: May 29, 2020 4:55 PM
To: Colleen Healey
Subject: Allan Faris farm #5283/5287 Ninth Line Essa

I am contacting you to make a request of the council for an exception to the by-law on soil importation.

The original application for this property was in April of 2014, by Anne and Norm Cook, to rehabilitate an old gravel pit on the farm and improve these fields surrounding the pit that were marginal for grain production. These areas had been solely used as poor pasture due to the rocky, poor soil conditions and were not plantable. A total of 35 acres of the farm have been improved by filling and regrading since the outset of this rehab program and the old gravel pit site has been filled to accommodate machine tilling by sloping areas to be incorporated into the usable area of the 200 acre farm. These areas were stripped of topsoil in the early to mid seventies and the soil was shortsightedly not typically saved for reuse.

I have been actively procuring topsoil whenever possible right up to today as I write this email, however supply is patchy due to competition for the material by topsoil resellers in the Barrie area. The remaining work requires topsoil in sufficient supply to cover 7.5 + or - acres. As I am sure that you and your staff know topsoil is not readily available at all times. One must be in the right area where development is occurring. Topsoil is also a commodity that is only a marginal cost recovery operation. If one is very fortunate there may be funds enough to pay for fuel and labour to grade and place the material when being delivered.

I am therefore asking on behalf of Allan Faris, the current owner, that the town make an exception to the new by-law to allow sufficient material to be imported to complete the rehabilitation of this farmland to class #1. It was not possible to foresee when this project started that the future would see restrictions which would hinder completion.

The original and renewed permits did not have end points that would detrimentally affect the completion of the site, and substantial funds in the many tens of thousands of dollars have been paid into the town coffers from this site.

The works completed by my company in the township have been properly operated, conscious of the maintenance of roads and disturbance to neighbours, and requests from the town works department.

I feel that I should point out that the filling and rehabilitation of the townships old road allowance on the 25th Sideroad at 27, was done by my forces and it has been completed, with topsoil cover. That 700 loads of topsoil would have gone a long way to finishing Mr. Faris' project. I did however feel an obligation to the town to not leave their project in an unusable state. Perhaps the council could consider relief in this instance to permit the final completion of the site works at #5287 the Ninth line.

Your consideration and cooperation, will be greatly appreciated.

Sincerely and Best Regards.

Russell Oldfield

Russell Oldfield, Pres
RJO Contracting,

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**TOWNSHIP OF ESSA
FILL BY-LAW EXEMPTION CHECKLIST
PER BY-LAW 2019-84**

Owner Consent/Please provide full name, address and contact info for both the owner and authorized agent

Owner certification that fill is clean

Lot grading and drainage plan (LGDP), to be stamped by a professional Engineer for review by Township Public Works dept

Zoning – this will need to be checked by Planning staff – proposal meets with PPS?

Retaining wall required? If so, to be shown on LGDP

Owner to agree to provide Analytical Records of the quality of the fill – by an Engineer

Where is fill coming from _____

Protection for finished grade to be provided, explanation provided in writing by Eng'r

Grade meets OBC – this will need to be checked by Building staff

Inspection by Manager of Public Works authorized, pre and during at any time, owner authorization

Specify hours for filling/days _____

Confirm that filling will not occur when a wind or smog warning is in effect, or another severe weather event

Confirm that filling will not occur in a situation where site alteration activities would likely adversely impact adjacent landowners

the name and address, phone number and e-mail address of the applicant/agent

the municipal address of the land on which the fill is to be placed

the applicable fees calculated in accordance with Schedule "A" to BL 2019-84

No impact on a water course

No impact on any archaeological resources

Haul route shown

Entrance permit granted

Name of Engineer of Record selected, Proof of Retainer

Proof of Commercial General Liability

Other: _____

Note that the LGDP should depict:

1. protection for the finished grade
2. that fill shall not be placed around the perimeter of any existing building unless such building and its foundation walls are evaluated and reinforced in accordance with accepted engineering and construction practice, and an appropriate building permit has been issued

3. the property lines of the lands on which the fill is to be placed or dumped with appropriate dimensions
4. for filling less than 1,000 m³ existing spot elevations on three (3) meter grids across the lands and six (6) metre grids beyond the property lines to clearly show the existing drainage patterns on the lands and on the abutting lands; and

for filling greater than 1,000 m³, a topographic survey at one metre contour intervals certified by an engineer or surveyor defining all material and man-made features, including top and bottom of slopes, drainage patterns, tree lines, buildings, and stockpiles on the lands and within thirty (30) metres on abutting lands
5. all existing storm sewers, culverts, ditches, swales, creeks, public utilities and watercourses on the lands and on abutting lands and public highways
6. all existing buildings, the species and size in caliper of all trees including the location of all shrubs and driveways on the lands and of all easements and rights-of-way over, under, across or through the lands
7. proposed grades and drainage systems upon completion of the filling operation
8. all proposed ground covering to be used upon completion of the filling operation
9. soil erosion control measures and location
10. siltation and erosion control measures, in accordance with Township/NVCA standards

Possible conditions:

- prepare and submit for approval and comply with a well monitoring program developed and undertaken by a qualified person to include both onsite groundwater monitoring as well as offsite private well base studies as part of a detailed hydro-geological study
- protection for environmentally significant land in accordance with the policies of the Township's Official Plan
- financial security in a form and amount to be determined by the Township to secure:
 - i. the performance of the work for which approval or exemption is granted
 - ii. the maintenance of the highways that are used by the trucks delivering the fill in a state of repair and free from dust and mud
 - iii. against damage to any public highways that are used by any vehicles delivering fill to the land on which work is to be performed

which security may be drawn upon by the Township in its sole and absolute discretion to remedy or rectify any damage or complete any performance required under this By-law

- adequate drainage from the land on which the work is to be performed in accordance with Township standards
- keep and maintain the following records in a good and businesslike manner:
 - i. the full and complete legal name and business name, if different from the legal name, of each hauler
 - ii. the commercial vehicle registration number of each hauler
 - iii. the motor vehicle permit number of the motor vehicles owned and operated by each hauler
 - iv. the date and time of each delivery of fill
 - v. the point of origin of each delivery of fill must be assessed for all applicable parameters to ensure it satisfies the standards pursuant to O. Reg. 153/04 and/or 406/19 for the receiving site and test reports must be prepared by a qualified person
 - vi. the volume of each delivery of fill
 - vii. the content of material of each delivery of fill
 - viii. any other information required by the Manager of Public Works/Township
 - ix. to make available for inspection upon the request of the Manager of Public Works the records referred to in this clause
- provide to the Manager of Public Works one or more reports from:
 - i. a qualified professional or environmental consultant possessing expert or special knowledge of a Fill Management Plan in accordance with the Ministry of Environment's "Management of Excess Soil – A Guide For Best Management Practices"
 - ii. a qualified engineer or environmental consultant possessing expert or special knowledge in respect of the source and nature of the fill to be placed or dumped to ensure the fill is clean in accordance with criteria of the Ministry of the Environment
 - iii. a qualified professional possessing expert or special knowledge specific to any special circumstances that may exist with respect to the land, including but not limited to, hydro-geological, archaeological and/or natural heritage features conditions
- restriction on truck daily volumes and/or the location of truck and/or access routes or staging and storage areas
- notify the Manager of Public Works of the commencement, the completion, and of the various stages of performance of the work in the alteration of the grade of the land and in placing or dumping of fill on the land and to make the site available for inspection by his/her designate
- provide the Manager of Public Works upon completion of the works or at any other time required by the Manager of Public Works at its sole and absolute discretion a topographic survey verifying the interim or final grades of the site alteration
- operate in compliance with provisions of the Township's Noise By-law and any successor legislation thereto or as otherwise required by the Township

- indemnify the Township for any liability, costs, damages or losses incurred directly or indirectly caused by the granting of the approval and provide insurance satisfactory to the Township
- provide documentation of notification of the project to all adjacent property owners and those along the haul routes which identifies:
 - i. the proposed hauling schedule to include duration, days of the week and hours of proposed fill operation
 - ii. haul routes and commercial fill entrance location using a map
 - iii. type and location of temporary signage to identify haul routes and truck turning areas
 - iv. measures to be employed to prevent tracking mud and other debris onto the roadway
 - v. measures to be employed to ensure minimal disruption of normal traffic due to the fill operation
 - vi. quality of tested fill to be hauled to site in relation to Ministry of Environment standards and additional measures for sampling fill being hauled to site including frequency and method of testing
- Operator's business and legal name, contact information, and includes the name and contact information of the person who will be on-site for the full duration of the fill operation, charged with the responsibility to ensure continuation of the above measures
- the Owner is to provide the Manager of Public Works with at least 5 business days' notice of the commencement of hauling and placement of fill
- once the fill operation commences, and until the rehabilitation of the site is complete, the Owner shall provide bi-weekly reports prepared by a qualified person to the Manager of Public Works to confirm that the works are implemented in accordance with the By-law and that it is achieving adequate performance
- the granting of approval by Council shall not relieve the Owner from compliance with this By-law or any other applicable law or legislation
- no person shall, unless expressly authorized in writing by the Manager of Public Works, perform a site alteration or permit the performance of a site alteration
 - between the hours of 7:00 p.m. and 7:00 a.m. on Monday to Friday;
 - any time Saturday, Sunday or a statutory holiday
- no person shall make a material change or cause a material change to be made to a plan, specification, document or other information which provided the basis for which approval was granted without first notifying, filing written details and obtaining the authorization of the Manager of Public Works
- the professional or qualified person is to report in writing on a regular basis or as determined by the Manager of Public Works that the placing and dumping of fill is in accordance with this By-law

- the Township may engage legal, engineering, hydrology, environmental, landscape or such other consultants as may be deemed appropriate by the Manager of Public Works, in its sole and absolute discretion, to evaluate studies and or agreements in which case the costs incurred will be charged back to the Owner and such other persons plus a 10% administrative charge