

**THE CORPORATION OF THE TOWNSHIP OF ESSA
COMMITTEE OF THE WHOLE MEETING
WEDNESDAY, JUNE 5, 2024
6:00 p.m.**

AGENDA

Members of the public wishing to attend can do so by attending in person to the Council Chambers in the Administration Centre located at 5786 County Road 21, Utopia.

1. OPENING OF MEETING BY THE MAYOR

The Township of Essa acknowledges that we are situated on land within the area of Treaty 18, also known as the Lake Simcoe-Nottawasaga Treaty, signed on October 17, 1818 between the Government of Upper Canada and the Anishinaabe Indigenous peoples. The Anishinaabe include the Ojibwe, Odawa and Pottawatomi Nations collectively known as the Three Fires Confederacy. We are dedicated to honouring Indigenous history and culture and committed to moving forward in the spirit of reconciliation and respect with all First nation, Metis and Inuit People.

2. DISCLOSURE OF PECUNIARY INTEREST

3. DELEGATIONS / PRESENTATIONS / PUBLIC MEETINGS

STAFF REPORTS

4. PLANNING AND DEVELOPMENT / BUILDING

5. PARKS AND RECREATION / COMMUNITY SERVICES

6. FIRE AND EMERGENCY SERVICES

7. PUBLIC WORKS

8. FINANCE

9. CLERKS / BY-LAW ENFORCEMENT / IT

- p. 1 a. **Staff Report C008-24 submitted by the Deputy Clerk re: Letter of Non-Objection – Royal Canadian Legion, Branch 499 – Canada Day.**

*Recommendation: **BE IT RESOLVED THAT** Staff Report C008-24 be received for information; and*

***THAT** Council approve the request for a Letter of Non-Objection from the Edward Macdonald Branch 499 Angus of the Royal Canadian Legion – to host a Beer Garden for the Canada Day celebrations at Angus Community Park on Monday July 1, 2024 between the hours of 11:00 a.m. to 6:00 p.m.; and*

THAT this approval is conditional upon a copy of the certificate of insurance in the amount of \$5,000,000.00 being provided to this municipality, listing the Township of Essa as additional insured, as well as the necessary approvals being obtained from the Parks and Recreation Department and Fire Department.

- p. 6 **b. Staff Report C009-24 submitted by the Manager of Legislative Services, re: Closed Meeting Investigator.**

Recommendation: ***BE IT RESOLVED THAT Staff Report C009-24 be received and That Council direct Staff to allow the Agreement with LAS (Aird and Berlis LLP) to lapse on December 31, 2024, thereby defaulting closed meeting investigations to the Ontario Ombudsman's Office effective January 1, 2025.***

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

- p. 14 **a. Staff Report CAO018-24 submitted by the Chief Administrative Officer, re: Brookfield Park Development Plan.**

Recommendation: ***BE IT RESOLVED THAT Staff Report CAO018-24 be received and;***

THAT Council authorize Staff to work with Brookfield on preparing a Park

Development Agreement at Brookfield's cost; and

THAT this Agreement be presented to Council at a future date for Council approval.

11. OTHER BUSINESS

12. ADJOURNMENT

Recommendation: ***BE IT RESOLVED THAT this meeting of Committee of the Whole of the Township of Essa adjourn at _____pm., to meet again on the 19th day of June, 2024 at 6:00 p.m.***

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TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C008-24

DATE: June 5, 2024

TO: Committee of the Whole

FROM: Sarah Corbett, Deputy Clerk

SUBJECT: Letter of Non-Objection – Royal Canadian Legion, Branch 499 – Canada Day

RECOMMENDATION

That Staff Report C008-24 be received; and

That Council approve the request for a Letter of Non-Objection from the Edward Macdonald Branch 499 Angus of the Royal Canadian Legion – to host a Beer Garden for the Canada Day celebrations at Angus Community Park on Monday July 1, 2024 between the hours of 11:00 a.m. to 6:00 p.m.; and

That this approval is conditional upon a copy of the certificate of insurance in the amount of \$5,000,000.00 being provided to this municipality, listing the Township of Essa as additional insured, as well as the necessary approvals being obtained from the Parks and Recreation Department and Fire Department.

BACKGROUND

In the past, Edward Macdonald Branch 499 Angus of the Royal Canadian Legion has operated a Beer Garden for the Canada celebrations at Angus Community Park located at 6 Huron Street in Angus.

COMMENTS AND CONSIDERATIONS

The Edward Macdonald Branch 499 Angus of the Royal Canadian Legion has submitted a request to Council seeking a Letter of Non-Objection to host a Beer Garden (Attachment No. 1). The proposed Beer Garden will have a single entrance serving area, of which beverages (non-alcohol and alcohol) will be served. The proposed Beer Garden Area will be designated by a barrier being erected, with the total contained area for serving. The Canada Day Celebration is planned for 11:00 a.m. to 6: 00 p.m. on July 1, 2024, at Angus Community Park located at 6 Huron Street in Angus.

The Royal Canadian Legion Branch 499 holds a Caterer's Endorsement on their current liquor licence. A caterer's endorsement is an add-on to an existing liquor sales licence and allows the bearer to sell and serve liquor at other locations where their regular liquor sales licence doesn't apply, provided specific requirements as determined by the Alcohol and Gaming Commission of Ontario (AGCO) are fulfilled.

Insurance Certificate, naming the Corporation of the Township of Essa, in the amount of \$5,000,000.00 will be provided to the Township prior to the Event.

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Staff has also reached out to the following departments for their comment:

- Fire – No concern
- Parks and Recreation – No concern

Park and Recreation will also be providing temporary fencing and picnic tables for this event as it has in the past.

FINANCIAL IMPACT

There is no financial impact.



 Manager of Finance

SUMMARY/OPTIONS

Council may:

1. Take no further action.
2. **Receive the report and authorize Staff to issue a letter of Non-Objection be issued to the Edward Macdonald Branch 499 Angus of the Royal Canadian Legion for the Beer Garden being held on Canada Day at 6 Huron Street, Angus.**
3. Direct Staff proceeds in a different manner.


CONCLUSION

It is recommended that Council approve Option 2.


Respectfully submitted:

Reviewed by:

Reviewed by:



 Sarah Corbett
 Deputy Clerk



 Lisa Lehr
 Clerk



 Michael Mikael
 Chief Administrative Officer

Attachments:

- 1 – Letter of Non-Objection Request
- 2 - Beer Garden Map
- 3 – Copy of Liquor Licence

The Edward Macdonald Branch 499
Royal Canadian Legion
15 Fraser Street
Angus, ON L0M 1B0

23 May 2024

Re: Letter of No-Objection

Municipal Clerk
Essa Township
5786 County Road 27
Utopia, ON

As part of the Essa Township 2024 Canada Day celebrations, the Edward Macdonald Branch 499 Angus of the Royal Canadian Legion will be operating a bar, including the selling and serving of alcohol beverages, on 01 July 2024. The bar will be operated at the Angus Community Park located at 6 Huron Street, Angus Ontario.

The sale and serving of alcohol will be available to the general public and commence at 11:00 AM and cease at 6:00 PM. The bar will be operated by members of the Edward MacDonald Branch 499 Angus and all servers will be in possession of a Smart Serve qualification issued by the Province of Ontario.

The Royal Canadian Legion Branch 499 currently holds a Catering Endorsement to their Liquor Sales License. A copy of this license is attached.

The temporary licenced area will be located on the east side of the park approximately 20 meters south of the music pavilion and will be surrounded with temporary fencing having a minimum 36" height. The entrance to the temporary area will be monitored for security and safety by Royal Canadian Legion Branch 499 members.

A sketch of the proposed area is attached for your reference.

The Edward MacDonald Branch 499 hereby requests a Non-Objection Letter from the Township of Essa stating that there is **"No objection to the proposed licensed area"**.

Sincerely;

Rex Hipwell
President, RCL Branch 499, Angus
705.424.5711
Angus499@rogers.com

TEMPORARY LICENSED AREA



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Attachment #2



Alcohol and Gaming Commission of Ontario
90 Sheppard Avenue East, Suite 200
Toronto ON M2N 0A4
Tel.: 416-326-8700
Toll free in Ontario: 1-800-522-2876
Inquiries: www.agco.ca/iagco • Website: www.agco.ca

No.: LSL44350
Expiry Date: July 01, 2025

Liquor Sales Licence
(Licence to Operate a Liquor Consumption Premises)

Issued under the Liquor Licence and Control Act, 2019

Issued to: Royal Canadian Legion Branch #499
Issue Date: June 07, 2023
Doing Business As: ROYAL CANADIAN LEGION EDWARD MACDONALD (ONT.499) BRANCH
Address: 15 FRASER ST ANGUS, ON L0M1B0
Licensed Area(s) Capacity:
Indoor: Basement Level: North Section (Banquet Room) 173; Basement Level: South Section (Banquet Room) 114; Main Level: South Section 149; Main Level: West Centre Section 157
Outdoor: Main Level: Patio 24
Endorsement(s): Caterer's Endorsement

This licence must be posted in a conspicuous place in the licensed premises.
This licence is not transferable without approval of the Registrar.





TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C009-24
DATE: June 5, 2024
TO: Committee of the Whole
FROM: Lisa Lehr, Manager of Legislative Services / Clerk
SUBJECT: Closed Meeting Investigator

RECOMMENDATION

That Staff Report C009-24 be received and
That Council direct Staff to allow the Agreement with LAS (Aird and Berlis LLP) to lapse on December 31, 2024, thereby defaulting closed meeting investigations to the Ontario Ombudsman's Office effective January 1, 2025.

BACKGROUND

The *Municipal Act*, 2001 ("Act") mandates that all Council, Local Board and Committee meetings be open to the public except in a limited number of circumstances, those of which are specifically outlined in section 239 of the Act. Where a person believes that the Council or Local Board has contravened closed session provisions, section 239.1 of the Act allows for that person to request an investigation by an investigator (as appointed by the municipality) or the Ontario Ombudsman (where a municipality has not appointed an investigator) into the Council or Local Board's compliance with section 239 in respect of a meeting, or part of a meeting, that was improperly closed to the public.

In respect of the requirement for Closed Meeting Investigators, Section 239.2 of the Act authorizes a municipality to:

- (1) *Appoint an investigator who has the function to investigate, in an independent manner, on a complaint made to him or her by any person, whether the municipality or local board has complied with section 239 or a procedure by-law under subsection 238(2) in respect of a meeting, or part of a meeting, that was closed to the public, and to report on the investigation;*
- (2) *In carrying out his or her functions under subsection (1), the investigator may exercise such powers and shall perform such duties as may be assigned to him or her by the municipality;*
- (3) *In appointing an investigator and in assigning powers and duties to him or her, the municipality shall have regard to, among other things, the importance of matters listed in subsection (5);*
- (4) *In carrying out his or her functions under subsection (1), the investigator shall have regard to, among other things, the importance of the matters listed in subsection (5);*
- (5) *The matters referred to in subsection (3) and (4) are:*
 - a. *The investigator's independence and impartiality;*
 - b. *Confidentiality with respect to the investigator's activities; and*
 - c. *The credibility of the investigator's investigative process.*

The Township of Essa has participated with the County of Simcoe and its lower tier municipalities in a Joint Closed Meeting Investigator arrangement since 2008. The current Closed Meeting Investigator for Essa Township is Aird and Berlis LLP whom was obtained through LAS (a buying group under the Association of Municipalities of Ontario) as permitted under the umbrella of the County of Simcoe's Procurement Policy. The contract was initiated in 2017 and is set to expire on December 31, 2024.

On May 17, 2024, the County of Simcoe informed all participating lower-tier municipalities that, as of January 1, 2025, it will no longer be utilizing the services of Aird and Berlis LLP for Closed Meeting Investigator services, but rather has informed that they will be utilizing the Ontario Ombudsman's Office for its Closed Meeting Investigator (see Attachment No. 1).

COMMENTS AND CONSIDERATIONS

With the contract closing date of December 31, 2024 quickly approaching, and as a result of the County of Simcoe switching to the Ontario Ombudsman's Office for Closed Meeting Investigations, the County of Simcoe will no longer be undertaking the procurement process for selecting a Closed Meeting Investigator for lower-tier municipalities in the County of Simcoe. As such, it is necessary for Essa Council to direct Staff as to how they would like to proceed when fulfilling Essa's obligations to appoint a new Closed Meeting Investigator.

Option No. 1: Extend Contract with Aird and Berlis LLP

If Council is desirous of pursuing this option, it will result in the following:

- As LAS already conducted a competitive bidding process for Closed Meeting Investigator services, Essa Township would be required to enter into a new Agreement with LAS (Aird and Berlis LLP was the successful vendor for the service to be provided for those Ontario municipalities that opted to utilize LAS' procurement), as the County of Simcoe will no longer be utilizing LAS (Aird and Berlis LLP) for Closed Meeting Investigations. The terms of the Agreement are unknown at this time.
- At minimum, the annual retainer fee would be required to be paid (\$250.00/year – retainer fee is subject to change)
- Where an investigation has been undertaken by Aird and Berlis, the municipality would be required to pay the associated costs (which could be quite costly).

Option No. 2: Default to the Ontario Ombudsman

If Council is desirous of pursuing this option, it will result in the following:

- The LAS contract would terminate on December 31, 2024;
 - if no Closed Meeting Investigator is appointed by Essa Council, then effective January 1, 2025, the Ontario Ombudsman's Office would, by default, investigate all complaints filed by the public surrounding Essa Council meetings that are closed to the public.
- There are no costs associated for this service to be provided by the Ontario Ombudsman's Office; as such, there is no retainer fee, or investigation fees to be budgeted for.
- If Council selects this option, it should be noted that the Ontario Ombudsman's Office does NOT provide closed meeting advice; they strictly provide an outlet for public complaints about meetings closed to the public.

Option No. 3: Investigate the Appointment of ADR Chambers (Integrity Commissioner) through Sole Sourcing (add-on to current Agreement)

If Council is desirous of pursuing this option, it will result in the following:

- It is unknown if an annual retainer fee would be required to be paid (currently there is no retainer fee paid to ADR Chambers for their services as Essa's Integrity Commissioner)
- Investigation fees will apply to all investigations commenced into Closed Meeting complaints; (unknown at this time)
- By-law would be required to appoint ADR Chambers as Closed Meeting Investigator and an Agreement (or an amendment to the existing Agreement for the add-on services) would be required to be executed for a term as yet undetermined.

Please Note: To date, there have been no investigations conducted into Essa's Closed Meetings.

FINANCIAL IMPACT

The financial impact is dependent on which option Council wishes to proceed with.



Manager of Finance

SUMMARY/OPTIONS

Council may:

1. Direct Staff to investigate a renewal with LAS (Aird & Berlis) thereby extending the current contract with Aird and Berlis LLP.
2. Default to the Ontario Ombudsman's Office for closed session complaints.
3. Direct Staff to investigate Closed Meeting Investigator Services as an add-on service to the existing Agreement with Essa's Integrity Commissioner, ADR Chambers.
4. Direct Staff in another manner.

CONCLUSION

It is recommended that Council direct Staff default to the Ontario Ombudsman's Office for complaints of meetings closed to the public.

Respectfully submitted:



Lisa Lehr
Manager of Legislative Services

Reviewed by:



Michael Mikael
Chief Administrative Officer

Attachments:

1 – Correspondence from County of Simcoe dated May 17, 2024, re: Ontario Ombudsman to Provide Closed Meeting Investigator Services for the County of Simcoe

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County of Simcoe
Clerk's Department
1110 Highway 26,
Midhurst, Ontario L9X 1N6

Main Line (705) 726-9300
Toll Free (866) 893-9300
Fax (705) 725-1285
simcoe.ca



Attachment #1

May 17, 2024

VIA EMAIL

See Distribution List

Re: Ontario Ombudsman to Provide Closed Meeting Investigator Services for the County of Simcoe

Please be advised at its meeting on April 30, 2024, Council of the County of Simcoe adopted the following resolution:

“That Item GOV 2024-078, dated April 16, 2024 regarding Closed Meeting Investigator Next Steps, be received; and

That as of January 1, 2025, the Ontario Ombudsman provide closed meeting investigator services for the County of Simcoe; and

That notification of this decision be provided to Local Authority Services Ltd. (“LAS”), the Ontario Ombudsman and applicable lower-tier municipalities.”

A cancellation notice has been sent by the County of Simcoe to LAS and their Closed Meeting Investigator Services for the County will end on December 31, 2024. The County will no longer pay the yearly administrative fee for the lower-tier municipalities currently on the joint contract. The contract will continue for your municipality without the County of Simcoe participating. Should you choose to make changes to your contract terms, it is suggested you contact LAS directly. For your reference, enclosed please find a copy of the corresponding Staff Report GOV 2024-078 - Closed Meeting Investigator Next Steps.

Should you have any questions or wish to discuss this further, please contact the Clerk's Department at clerks@simcoe.ca or by phone at 705-726-9300 ext. 1246.

Sincerely,

Jonathan Magill
County Clerk, Director of Statutory Services and Archives
County of Simcoe

Encl. Staff Report GOV 2024-078 - Closed Meeting Investigator Next Steps

Distribution List

Tara Reynolds, Clerk, Town of Bradford West Gwillimbury
Lisa Lehr, Clerk, Township of Essa
Patty Thoma, Clerk, Town of Innisfil
Alison Gray, Clerk, Township of Severn

clerk@townofbwg.com
llehr@esstownship.on.ca
pthoma@innisfil.ca
agray@severn.ca

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To: **Governance Committee**

Agenda Section: Matters for Consideration
 Division: CAO, Warden, Clerk's and Archives
 Department: Clerk's Department

Item Number: **GOV - 2024-078**

Meeting Date: April 16, 2024

Subject: **Closed Meeting Investigator Next Steps**

Recommendation

That Item GOV 2024-078, dated April 16, 2024 regarding Closed Meeting Investigator Next Steps, be received; and

That direction be provided on a preferred option, as outlined in this report.

Executive Summary

This report seeks direction on next steps regarding appointment of a closed meeting investigator for the County of Simcoe as authority for the current contract with Local Authority Services (LAS) is set to expire at the end of 2024. Staff are seeking direction at this time to allow for sufficient time to implement next steps.

Background/Analysis/Options

The *Municipal Act* (the Act) requires all Council and Committee meetings be open to the public except in a limited number of circumstances. The Act also allows municipalities to appoint a closed meeting investigator who is responsible for considering any complaints that a meeting of Council or Committee was improperly closed to the public.

Section 239.2 of the Act authorizes a municipality to appoint an investigator who has the function to investigate in an independent manner whether the municipality has complied with Section 239 of the Act, or a procedure by-law under Section 238.2 in respect of a meeting or part of a meeting that was closed to the public and report to Council on the

investigation. Municipalities may appoint their own investigator, otherwise the service is provided by the Ontario Ombudsman.

The current closed meeting investigator for the County is Aird and Berlis LLP obtained through LAS, a buying group under the Association of Municipalities of Ontario (AMO), as permitted by the County's Procurement Policy. This contract was initiated in 2017 and is set to expire December 31, 2024.

Schedule 1 shows a table of current closed meeting investigators across Simcoe-area municipalities. Most municipalities within the County have defaulted to the Provincial Ombudsman as their closed meeting investigator. The Ombudsman's decisions have generally informed closed meeting rules set out in the Act and are routinely used as informative references by independent closed meeting investigators.

Options below outline direction that may be given with respect to the continuation of closed meeting investigation services following the end of 2024. Staff are comfortable with Council pursuing either option and will notify the necessary parties.

Option 1: Default to Ontario Ombudsman

Pursuing this option will mean that the LAS contract will terminate at the end of 2024. By the County choosing not to appoint a closed meeting investigator, closed meeting investigation services will be provided at no cost by the Ontario Ombudsman. The original LAS contract was done jointly with some lower-tier municipalities in the County. The County currently pays the \$250 per year administration fee for the four other municipalities remaining on the joint agreement (see Schedule 1). If this option is pursued, those municipalities will be notified that the County will no longer pay their yearly administration fee as of 2025.

Suggested motion to pursue Option 1:

That as of January 1, 2025, the Ontario Ombudsman provide closed meeting investigator services for the County of Simcoe; and

That notification of this decision be provided to Local Authority Services Ltd. ("LAS"), the Ontario Ombudsman and applicable lower-tier municipalities.

Option 2: Authorize Execution of LAS Contract

Pursuing this option will result in the execution of a LAS contract for the period of January 1, 2025 to December 31, 2027. This timeline aligns with the current length of the Integrity Commissioner agreement and will allow the next term of Council to make a decision on next steps for Integrity Commissioner and Closed Meeting Investigator services.

Suggested motion to pursue Option 2:

That a three year agreement (2025-2027) with Local Authority Services Ltd. for Closed Meeting Investigator Services for the County of Simcoe, as generally outlined in Item GOV 2024-078, be approved.

Financial and Resource Implications

Defaulting to the Ontario Ombudsman (Option 1) will prevent the County from incurring any potential future expenses related to any closed meeting investigations.

Executing a LAS contract for the period of January 1, 2025 to December 31, 2027 (Option 2) means incurring low yearly administrative fees (\$250/year) with potentially high additional costs on a per investigation basis. There has been one closed meeting investigation since 2017.

The yearly operating budget for this item has proven adequate. The actual budget is dependent on the number of investigations in any given year. Staff will report further should investigations outpace current budget.

Relationship to Corporate Strategic Plan

- By-law No. 6601
- CCW 16-292 Ombudsman – Closed Meeting Investigations
- CCW 16-385 Appointment of Local Authority Services (LAS) as a Closed Meeting Investigator – Municipal Act Section 239
- CCW 2018-485 Joint Closed Meeting Investigator – Agreement Renewal
- CCW 2020-028 Joint Closed Meeting Investigator – Agreement Renewal

Reference Documents

Responsive and Effective Governance: address the structural and procedural challenges of a County spanning a divergent group of 16 municipalities.

Attachments

Schedule 1 – List of Current Simcoe-area Closed Meeting Investigators

Prepared By Jonathan Magill, County Clerk

Approvals

Trevor Wilcox, General Manager, Corporate Performance
Mark Aitken, Chief Administrative Officer

Date

April 9, 2024
April 10, 2024

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Current Simcoe-area Closed Meeting Investigators (as of April 2024)

Municipality	Closed Meeting Investigator
County of Simcoe	LAS (currently Aird & Berlis LLP)*
Town of Bradford West Gwillimbury	LAS (currently Aird & Berlis LLP)*
Township of Essa	LAS (currently Aird & Berlis LLP)*
Town of Innisfil	LAS (currently Aird & Berlis LLP)*
Town of New Tecumseth	Aird & Berlis LLP
Township of Severn	LAS (currently Aird & Berlis LLP)*
City of Barrie	LAS (currently Aird & Berlis LLP)

*Indicates municipality is part of an existing joint agreement with the County.

Municipality	Closed Meeting Investigator
Township of Adjala-Tosorontio	Provincial Ombudsman
Town of Collingwood	Provincial Ombudsman
Town of Midland	Provincial Ombudsman
Town of Penetanguishene	Provincial Ombudsman
Township of Ramara	Provincial Ombudsman
Township of Springwater	Provincial Ombudsman
Township of Tiny	Provincial Ombudsman
Town of Wasaga Beach	Provincial Ombudsman

Municipality	Closed Meeting Investigator
Township of Clearview	Principles Integrity
City of Orillia	Principles Integrity

Municipality	Closed Meeting Investigator
Township of Oro-Medonte	John Ewart

Municipality	Closed Meeting Investigator
Township of Tay	Harold Elston



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: CAO018-24

DATE: June 05, 2024

TO: Committee of the Whole

FROM: Michael Mikael, Chief Administrative Officer

SUBJECT: Brookfield Park Development Plan

RECOMMENDATION

That Staff Report CAO018-24 be received and;

That Council authorize Staff to work with Brookfield on preparing a **Park Development Agreement** at Brookfield cost as contained in this report to be presented to Council at a future Council meeting for approval.

BACKGROUND

In 2023 the Township of Essa entered into a subdivision agreement with Brookfield Development ("Brookfield") for a 253-home subdivision in Baxter (**Phase one: 119 homes & Phase two: 134 homes**).

The Township has been discussing the development of Brookfield Park land over the past few years (PD022-17- CW171-2017- PR020-18- CAO025-22).

Furthermore, Council approved \$25,000 in the 2024 Parks and Recreation Capital Budget for the Design of the Baxter Park. ***Baxter Park Design – Replacement \$50,000 (\$25,000 DC- \$25,000 Parks & Rec Res.)***

The parkland in Baxter, to be developed in association with the 253 homes, is located immediately north of 92 Denney Drive, on the east side of Denney Drive. It was Brookfield's original intent to construct a park in advance of the first phase of the development. Recently Staff negotiated the construction of the park with Brookfield utilizing **a two phases approach** similar to the development approach of the subdivision (Phase 1 & Phase 2).

COMMENTS AND CONSIDERATIONS

Staff discussed the Park components with Brookfield for each phase of the two phases and recommend the following (including financial upset limits):

Phase one – Heartland Park (2024-2025) – In conjunction with 119 homes:

The cost of Phase 1 to the Township is estimated at \$514,560.09, (all inclusive – Upset limits), and includes – [attachment no.1](#):

- All site servicing and grading
- All perimeter fencing
- Parking lot
- Shade structure
- Play structures.
- A portion of the vegetation

Note:

A splash pad area has been reserved in phase one for a proposed future splash pad once the Township has a sufficient municipal water supply to service a splash pad. In the interim the area will be utilized as a temporary skating rink as shown on attachment no.1.

Phase two – Heartland Park (2026-2027) - In conjunction with 134 homes:

The cost of Phase 2 to the Township is estimated at \$264,470.00, (all inclusive – Upset limits), and includes – [attachment no.2](#):

- Basketball court
- Walking trail
- Offleash dog area
- Remaining vegetation

Brookfield “Phase 1 & Phase 2” Cost Contributions – Heartland Park (2024-2027):

Brookfield will be contributing \$390,989.75 estimated amounts and includes – [attachment no.3](#):

- Site preparation & servicing (topsoil stripping – rough grading – site servicing and parking lot)
- Hardscape & Site Accessories (fencing)
- Softscape (Park seed areas – swale seed areas)

The above cost estimate/upset limits align with Essa’s most recently awarded contract for the construction of the Angus new parkland.

Worth to mention that the entire park development will be 100% funded from the Brookfield development charges. The 253 homes would generate approximately \$1,300,673 Parks & Rec development charges (including 80% of the Dc calculated rates/ DC index – excluding Bill 185 potential near-future impact).

To summarize, the total cost contribution of phase 1 and phase 2 is estimated at \$779,030.09 to the Township (all inclusive – Upset limits), therefore; a total Parks & Rec. development charges allowance in the amount of \$521,642.91 will be available to fund a future splash pad (once enough municipal water supply is available) and/or any other park amenities at a different location as per council direction.

OTHER COMMENTS AND CONSIDERATIONS

Historically Public consultation was conducted for this park land development however accessibility consultation will be required for this project under the IASR – O.Reg. 11/191.

The Integrated Accessibility Standards Regulation (IASR) (O.Reg. 11/191) obligates consultation on new outdoor play spaces and recreational trails by certain organizations. Brookfield will be constructing the public space, which is considered a Large Organization under the Regulation, and therefore must consult with the public and persons with disabilities on the design of the play within the park.

As Brookfield will be designing and constructing the park and play spaces on behalf of the Municipality, Staff recommends that the public consultation be to the Township's Healthy, Accessible Community and Parks (HACP) Committee. This will ensure that the voices of the applicable stakeholders within the Township are participating in providing feedback on the future Township facility.

Worth to mention; that the entire project (phase 1 & phase 2) will be publicly tendered by Brookfield. This Proposal will also reduce Staff over-head to design and contract administrate the entire project however Staff will still work closely with Brookfield.

FINANCIAL IMPACT

Council approved \$25,000 in the 2024 Parks and Recreation Capital Budget for the Design of the Baxter Park. ***Baxter Park Design – Replacement \$50,000 (\$25,000 DC- \$25,000 Parks & Rec Res.)***

The project will be 100% funded from the Brookfield development charges. The 253 homes would generate approximately \$1,300,673 Parks & Rec development charges (including 80% of the Dc calculated rates/ DC index – excluding Bill 185 potential near-future impact).

The total cost contribution of phase 1 and phase 2 of the project is estimated at \$779,030.09 to the Township (all inclusive – Upset limits), therefore; a total Parks & Rec. development charges surplus in the amount of \$521,642.91 (approximately) will be available to fund future projects and/or upgrades.



Manager of Finance

SUMMARY/OPTIONS

Council may:

1. Authorize Staff to work with Brookfield on preparing a **Park Development Agreement** at Brookfield cost as contained in this report to be presented to Council at a future Council meeting for approval.
2. Direct Staff to proceed with the Baxter Park Design in house as per the 2024 Approved Capital Budget.
3. Direct Staff in another course of action.

CONCLUSION

Option #1 is recommended since the project will be publicly tendered and will result in less internal over-head to design and contract administrate the project.

Respectfully submitted:



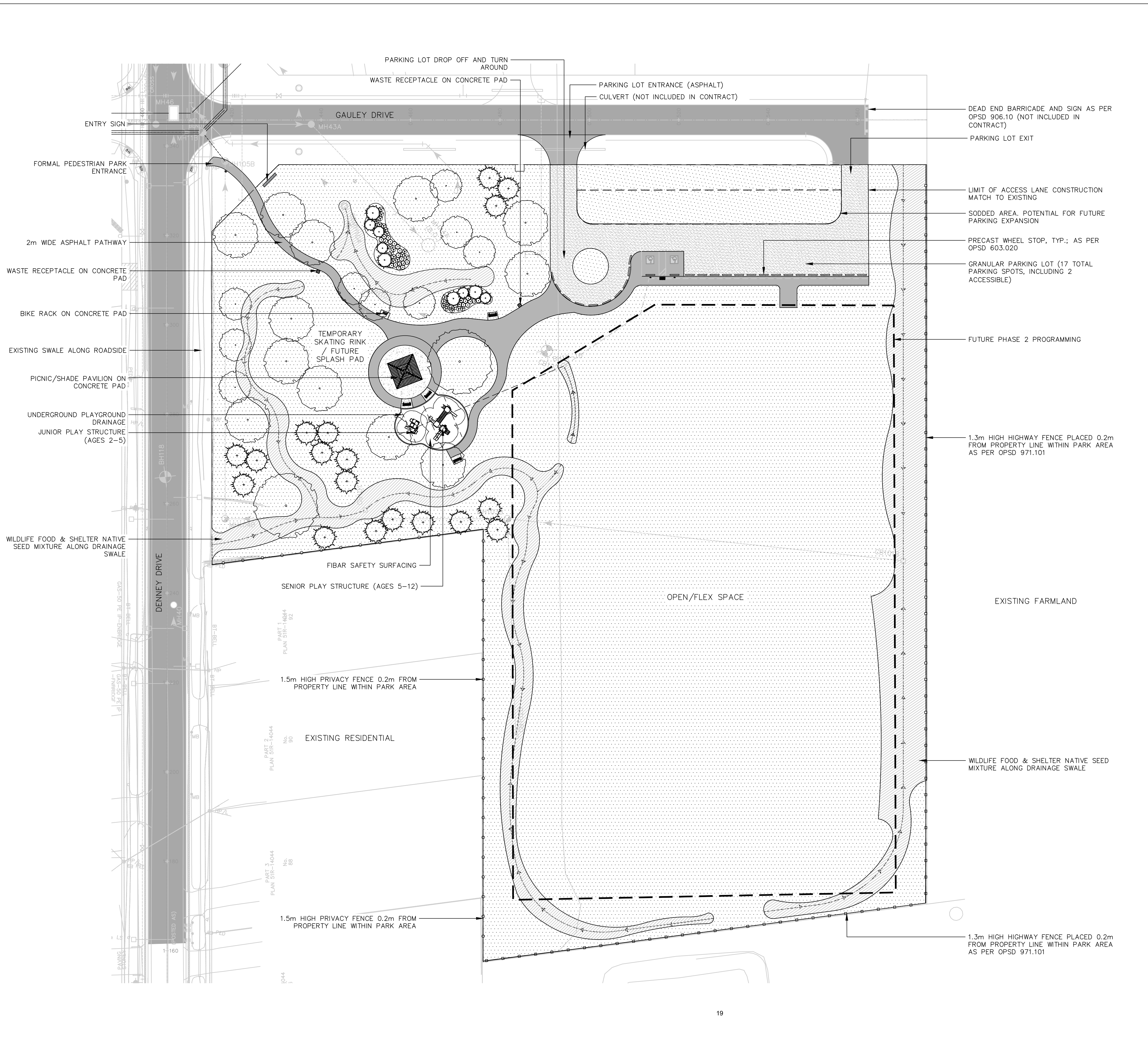
Michael Mikael, P.Eng
CAO

Attachments:

- Attachment No.1: Phase 1 Park Layout– Essa's Phase 1 Cost Breakdown
- Attachment No.2: Phase 2 Park Layout -- Essa's Phase 2 Cost Breakdown
- Attachment No.3 Phase 1 & Phase 2 Brookfield's Cost Breakdown

ATTACHMENT NO.1

Phase 1 Park Layout– Essa's Phase 1 Cost Breakdown



LEGEND

- 1.3m HIGH HIGHWAY FENCE
- 1.5m HIGH PRIVACY FENCE
- PLAYGROUND SUBDRAINAGE
- PROPOSED DECIDUOUS SHRUB
- PROPOSED CONIFEROUS TREES
- PROPOSED DECIDUOUS TREE
- PROPOSED VICTORIA PARK LAWN SEED MIXTURE
- PROPOSED WILDLIFE FOOD & SHELTER NATIVE SEED MIXTURE
- PROPOSED GRANULAR PAVING
- PROPOSED CONCRETE PAVING
- PROPOSED ASPHALT PAVING
- PROPOSED BENCH
- PROPOSED WASTE RECEPTACLE

PROJECT
BAXTER PARK

3 GAULEY LANE
 ESSA TOWNSHIP

CLIENT
BROOKFIELD RESIDENTIAL

CONSULTANT
 AECOM Canada Ltd.
 50 Sportsworld Crossing Road, Suite 290
 Kitchener, Ontario, N2P 0A4
 519 650 5313 tel 519 650 3424 fax
 www.aecom.com

NOTE:
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REGISTRATION

ISSUE/REVISION

#	YYYY-MM-DD	DESC
I/R	DATE	DESCRIPTION

KEY PLAN

PROJECT NUMBER

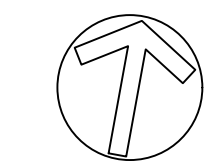
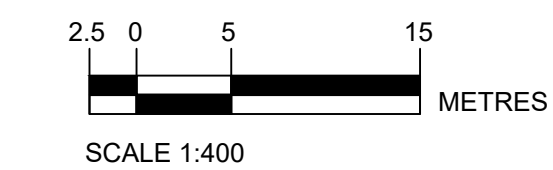
60668303

SHEET TITLE

BAXTER PARK
 LANDSCAPE LAYOUT PLAN
 PHASE 1

SHEET NUMBER

L101



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10a

Project: Township DC Contributions
 Description: Heartland Park (Baxter) Phase 1

Site Works & Landscaping Estimate

Section	Description of Work	Quantity	Unit	Unit Price	Township Total Phase 1
1	Site Preparation & Servicing				
	mobilization & demobilization				10,000.00
	hoarding	680	lin.m	15.00	10,200.00
				SUBTOTAL:	20,200.00
2	Hardscape & Site Accessories				
	paving				
	pedestrian asphalt surfaces - walkways	133	tonnes	230.00	30,590.00
	vehicular asphalt surfaces - accessible parking spaces only	13	tonnes	255.00	3,187.50
	tactile warning surface indicator	2	ea.	300.00	600.00
	shelter. ABC Recreation quote # 024Q1171 (GCO-24MR)				
	20' Carnival Clerestory Square Shelter	1	ea.	39,751.65	39,751.65
	shelter assembly, shipping and related fees, Building permit not included	1	l.sum	16,910.94	16,910.94
	stamped engineered drawings, Building permit not included	1	l.sum	1,700.00	1,700.00
	Cast in place concrete paving adjacent to shade structure	102	m ²	220.00	22,440.00
	cast in place concrete pad for shade structure (250mm th)	38	m ²	250.00	9,500.00
	furniture. Maglin quote # 00042884				
	benches. MLB100-RB-A	4	ea.	1,450.00	5,800.00
	bike racks. MBR350-4-S	1	ea.	1,200.00	1,200.00
	picnic tables. Barco 07SA2615	1	ea.	1,350.00	1,350.00
	waste receptacles. MLWR1050-RB	2	ea.	1,200.00	2,400.00
	shipping and related fees		l.sum	530.00	800.00
	concrete mounting pads	42	m ²	150.00	6,300.00
	furniture installation by GC	8	ea.	150.00	1,200.00
	coordination and markup by GC		l.sum		1,500.00
	perimeter fence (residential, wood screen, 1.5m ht.)	160	lin. m	400.00	64,000.00
	perimeter fence (1.3m ht., east and south boundary, page wire)	265	lin. m	40.00	0.00
	accessible parking signs supplied & installed	2	ea.	300.00	600.00
	accessible parking line painting	2	ea.	750.00	1,500.00
	playgrounds				
	playground curbs	48	lin.m	100.00	4,750.00
	jr./sr.equipment. ABC Recreation quote # 021Q1374-01 incl. mats and fiber mulch	1	l.sum	135,000.00	135,000.00
playground subdrains	67	lin.m	75.00	14,375.00	
			SUBTOTAL:	365,455.09	
3	Softscape				
	TOPSOIL, SEED & GROWING MEDIUM				
	Growing Medium - tree pits (750mm deep) and shrub beds (450mm deep)	105	m ³	55.00	5,775.00
	PLANT MATERIAL				
	deciduous trees (50mm cal.)	23	ea.	720.00	16,560.00
	coniferous trees (1.8m ht.)	27	ea.	630.00	17,010.00
	shrubs (60cm ht)	53	ea.	45.00	2,385.00
	mulch - plant beds (75mm depth)	5	m ³	55.00	275.00
				SUBTOTAL:	42,005.00
				Construction Costs	427,660.09
			OTHER COSTS		
			Landscape Design Consulting Fees	62,500.00	
			Engineering Consulting Fees	20,000.00	
			Testing & Material Fees	5,000.00	
			TOTAL TOWNSHIP DC CONTRIBUTIONS (PHASE 1):	515,160.09	

ATTACHMENT NO.2

Phase 2 Park Layout– Essa's Phase 2 Cost Breakdown

PROJECT BAXTER PARK

3 GAULEY LANE
ESSA TOWNSHIP

CLIENT
BROOKFIELD RESIDENTIAL

CONSULTANT
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I/R	DATE	DESCRIPTION

KEY PLAN

PROJECT NUMBER

60668303

SHEET TITLE

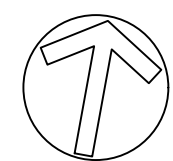
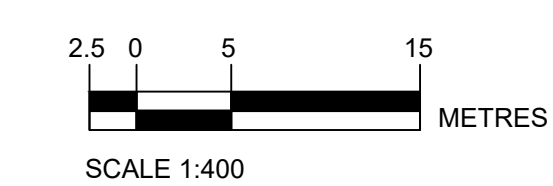
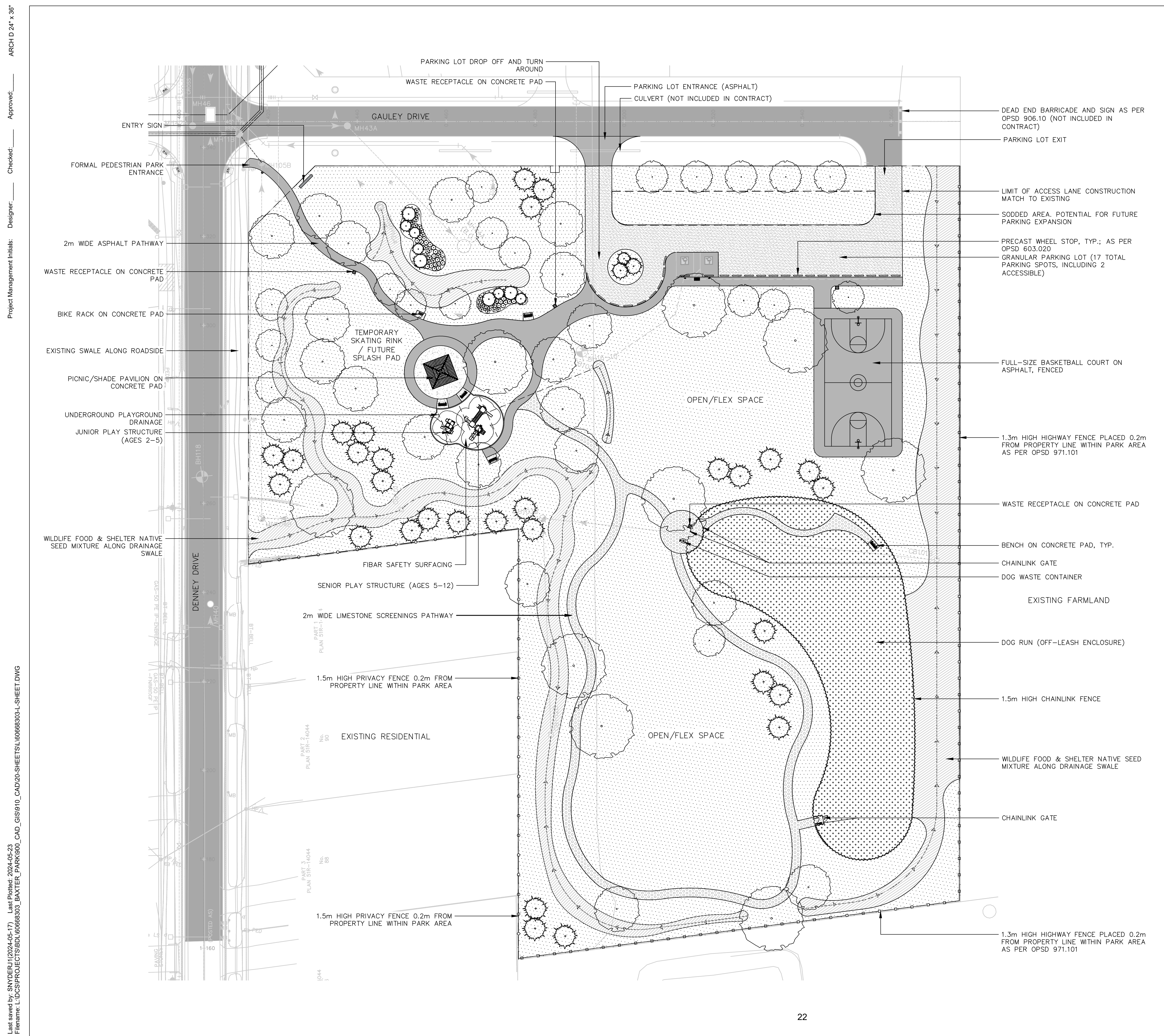
BAXTER PARK
LANDSCAPE LAYOUT PLAN
PHASE 2

SHEET NUMBER

L102

LEGEND

- 1.3m HIGH HIGHWAY FENCE
- 1.5m HIGH PRIVACY FENCE
- 1.5m HIGH CHAINLINK FENCE
- PLAYGROUND SUBDRAINAGE
- PROPOSED DECIDUOUS SHRUB
- PROPOSED CONIFEROUS TREES
- PROPOSED DECIDUOUS TREE
- PROPOSED VICTORIA PARK LAWN SEED MIXTURE
- PROPOSED WILDLIFE FOOD & SHELTER NATIVE SEED MIXTURE
- PROPOSED BARK MULCH
- PROPOSED GRANULAR PAVING
- PROPOSED LIMESTONE SCREENINGS PATHWAY
- PROPOSED CONCRETE PAVING
- PROPOSED ASPHALT PAVING
- PROPOSED BENCH
- PROPOSED WASTE RECEPTACLE



ARCH D 24' x 36' Approved: _____ Checked: _____ Designer: _____
 Project Management Initials: _____
 Last saved by: SANYDER, J (2024-05-17) Last Plotted: 2024-05-23
 Filename: L:\DCS\PROJECTS\BDL\60668303_BAXTER_PARK\000_CAD_GIS\910_CAD\20-SHEETS\106668303-L-SHEET.DWG

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Project: Township DC Contributions
 Description: Heartland Park (Baxter) Phase 2

Site Works & Landscaping Estimate

Section	Description of Work	Quantity	Unit	Unit Price	Township Total Phase 2
1	Site Preparation & Servicing				
	mobilization & demobilization		I.sum		10,000.00
	hoarding	680	lin.m	15.00	10,200.00
				SUBTOTAL	20,200.00
2	Hardscape & Site Accessories				
	paving				
	pedestrian asphalt surfaces - basketball court	155	tonnes	230.00	35,650.00
	pedestrian granular surfaces - walkway	712	m ³	30.00	21,360.00
	furniture, Maglin quote # 00042884				
	benches, MLB100-RB-A	1	ea.	1,450.00	1,450.00
	waste receptacles, MLWR1050-RB	2	ea.	1,200.00	2,400.00
	shipping and related fees			530.00	800.00
	concrete mounting pads	12	m ²	150.00	1,800.00
	furniture installation by GC	2	ea.	150.00	300.00
	perimeter fence (dogs off-leash, black vinyl, 1.5m ht., 2 gates)	243	lin. m	165.00	40,095.00
	dog waste container, SUTERA	1	ea.	5,485.00	5,485.00
	coordination and markup by GC			I.sum	1,500.00
	entry sign	1	I.sum	5,000.00	5,000.00
	basketball posts, net assembly, concrete post footings	2	ea.	2,000.00	4,000.00
	court line painting	1	I.sum	1,500.00	1,500.00
					SUBTOTAL
3	Softscape				
	TOPSOIL, SEED & GROWING MEDIUM				
	Growing Medium - tree pits (750mm deep)	20	m ³	55.00	1,100.00
	PLANT MATERIAL				
	deciduous trees (50mm cal.)	24	ea.	720.00	17,280.00
	coniferous trees (1.8m ht.)	15	ea.	630.00	9,450.00
	mulch - dog run (75mm depth)	160	m ³	55.00	8,800.00
				SUBTOTAL	36,630.00
Construction Costs					178,170.00
OTHER COSTS					
Landscape Design Consulting Fees					62,500.00
Engineering Consulting Fees					20,000.00
Testing & Material Fees					5,000.00
TOTAL TOWNSHIP DC CONTRIBUTION COSTS (PHASE 2):					265,670.00

ATTACHMENT NO.3

Phase 1 & Phase 2 Brookfield's Cost Breakdown

Project: **Brookfield Contributions**
 Description: **Heartland Park (Baxter)**
Phase 1 and Phase 2

Site Works & Landscaping
Estimate

Section	Description of Work	Quantity	Unit	Unit Price	Brookfield Total Phase 1 and 2
1	Site Preparation & Servicing				
	topsoil stripping				96,000.00
	rough grading				24,750.00
	site servicing and parking lot				190,532.00
				SUBTOTAL	311,282.00
2	Hardscape & Site Accessories				
	perimeter fence (1.3m ht., east and south boundary, page wire)	265	lin. m	40.00	10,600.00
				SUBTOTAL	10,600.00
3	Softscape				
	park seed areas	13,783	m ²	1.75	24,120.25
	swale seed areas	2,850	m ²	1.75	4,987.50
				SUBTOTAL	29,107.75
				Construction Costs	350,989.75
				OTHER COSTS	
				1 Year Maintenance (Phase 1)	20,000.00
				1 Year Maintenance (Phase 2)	20,000.00
				Total Brookfield Contribution:	390,989.75