



**TOWN OF AMHERSTBURG
COUNCIL MEETING
AGENDA**

Monday, May 28, 2018

6:00 PM

Council Chambers

271 Sandwich Street South, Amherstburg, ON, N9V 2A5

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact Tammy Fowkes, Deputy Clerk at tfowkes@amherstburg.ca

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

Pages

- 1. CALL TO ORDER**

- 2. NATIONAL ANTHEM**

- 3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**
(Public Council Meeting Agenda Items)

4. MINUTES OF PREVIOUS MEETING

That the minutes **BE ADOPTED** and that those confidential minutes of the closed sessions of Council remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act:

- 4.1 Special Council Meeting Minutes - Planning - May 10, 2018 9

5. DELEGATIONS

- 5.1 Clarification Regarding Signage Variance Request - Brad Bondy & Amy Bailey, Remax Preferred Realty 12

That the delegation **BE RECEIVED**.

- 5.2 Request for Relief from Sign By-law 2006-26 - Mark Pittao, Owner, Pittao`s AutoCare Inc. 14

That the delegation **BE RECEIVED**.

6. REPORTS – POLICE SERVICES

There are no reports.

7. REPORTS – CORPORATE SERVICES

- 7.1 2018 Water and Wastewater Operating and Capital Budgets 22

It is recommended that:

1. The report from the Treasurer dated April 25, 2018, regarding 2018 Water and Wastewater Operating and Capital Budgets **BE RECEIVED**; and,
2. The 2018 Water and Wastewater Operating and Capital Budgets **BE APPROVED IN PRINCIPLE**.

It is recommended that:

1. The report from the Treasurer dated May 17, 2017, regarding Ontario Main Street Revitalization Initiative **BE RECEIVED**;
2. The Municipal Funding Agreement for Ontario Main Street Revitalization Initiative between the Town of Amherstburg and the Association of Municipalities of Ontario for a funding allocation of \$57,051 **BE APPROVED** and the Mayor and Clerk **BE AUTHORIZED** to execute the Agreement;
3. Administration **BE DIRECTED** to apply the funding toward eligible costs for the Town's Community Improvement Plan (CIP) program initiative and **BE AUTHORIZED** to overspend the 2018 Budget for the CIP program by up to \$57,051; **OR,**
4. Administration **BE DIRECTED** to apply the funding toward eligible costs for strategic municipal physical infrastructure, Signage - wayfinding/directional and or gateway, as outlined in the report from the Chief Administrative Officer dated May 22, 2018, titled Gateway Signage.

8. REPORTS – PARKS, FACILITIES, RECREATION AND CULTURE

8.1 Proclaiming June as Recreation and Parks Month

It is recommended that:

1. The report from the Manager of Recreation Services dated May 14, 2018 regarding Proclaiming June as Recreation & Parks Month **BE RECEIVED**; and,
2. June **BE PROCLAIMED** as Recreation & Parks Month in the Town of Amherstburg.

9. REPORTS – ENGINEERING AND PUBLIC WORKS

9.1 Amendments to Right of Way Permit By-law 2017-81

132

It is recommended that:

1. The report from the Manager of Engineering & Manager of Licensing and Enforcement dated May 11, 2018 regarding Amendments to Right of Way Permit By-law 2017-81 **BE RECEIVED**; and,
2. **By-law 2018-61** being a By-law to Amend By-law 2017-81 be taken as having been read 3 times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

10. REPORT – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

10.1 Road Dedication of Parts 2, 6 and 7, 12R27349

145

It is recommended that:

1. The report from the Manager of Planning Services regarding the Road Dedication of Parts 2, 6 and 7, 12R27349 as a Public Highway **BE RECEIVED**;
2. The dedication of Parts 2, 6 and 7, 12R27349 as a Public Highway **BE APPROVED**; and,
3. **By-law 2018-57** being a by-law to dedicate Parts 2, 6 and 7, 12R27349 as a public highway be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

It is recommended that:

1. The report from the Manager of Planning Services and the Chief Administrative Officer dated May 15, 2018 regarding Signage Requests in the Context of Urban Design Guidelines **BE RECEIVED**; and,
2. **A MORATORIUM BE PLACED** on all signage requests (including portable signs) for the areas bound by Texas Road to Lowes Side Road and from Meloche Road to the Water's Edge until the Urban Design Guidelines for Signage has been approved.

11. **REPORTS - CAO's OFFICE**

11.1 **Gateway Signage**

Report to follow

12. **INFORMATION REPORTS**

That the following information reports **BE RECEIVED**:

- | | | |
|------|---|-----|
| 12.1 | Update - Regulatory Changes to the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 | 159 |
| 12.2 | Monthly Fire Department Activity Report – April 2018 | 206 |

13. CONSENT CORRESPONDENCE

That the following consent correspondence **BE RECEIVED**:

13.1	2018 Fire Safety Award to Rotary Club Amherstburg - Fire Marshal's Public Fire Safety Council	215
13.2	McGregor News Public Heritage Event - Essex Municipal Heritage Committee in Collaboration with the Marsh Collection Society	216
13.3	Franco-Ontarian Flag Day - September 25, 2018	218
13.4	Preferred Autonomous Vehicles Test Corridor - Ontario Good Roads Association (OGRA)	219

14. CORRESPONDENCE

14.1	National Health & Fitness Day - June 2, 2018	220
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It is recommended that:

1. The correspondence from the Office of Senator Nancy Greene Raine regarding National Health & Fitness Day **BE RECEIVED**; and,
2. June 2, 2018 **BE PROCLAIMED** as National Health & Fitness Day in the Town of Amherstburg.

15. CONSENT OTHER MINUTES

That the following minutes **BE RECEIVED**:

15.1	Parks and Recreation Advisory Committee Meeting Minutes - January 10, 2018	223
15.2	Committee of Adjustment Meeting Minutes - March 20, 2018	226

16. UNFINISHED BUSINESS

16.1 Unfinished Business Lists as at May 28, 2018

233

17. NEW BUSINESS

18. REPORT OUT FROM IN CAMERA SESSION

19. NOTICE OF MOTION

There are no Notices of Motion.

20. BY-LAWS

20.1 By-law 2018-63 - Confirmatory By-law

238

It is recommended that:

By-law 2018-63 being a by-law to confirm all resolutions of the Municipal Council Meeting held May 28th, 2018, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

21. SPECIAL IN-CAMERA COUNCIL MEETING

That Council move into an In-Camera Meeting of Council directly following Regular session pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reason:

ITEM A - Ombudsman Preliminary Report - Section 239(3)(b) - An ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1).

22. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

(In-Camera Council Meeting Agenda Items)

23. ADJOURNMENT OF IN-CAMERA COUNCIL MEETING

24. RESUMPTION OF REGULAR COUNCIL MEETING

That Council resume Regular session at p.m.

25. ADJOURNMENT

That Council rise and adjourn at p.m.



TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING - PLANNING

Monday, May 10, 2018
5:00 PM

Council Chambers, 271 Sandwich Street South, Amherstburg, ON, N9V 2A5

MINUTES

PRESENT

Mayor Aldo DiCarlo
Deputy Mayor Bart DiPasquale
Councillor Joan Courtney
Councillor Rick Fryer
Councillor Leo Meloche
Councillor Diane Pouget

Giovanni (John) Miceli, CAO
Paula Parker, Municipal Clerk

ABSENT

Councillor Jason Lavigne

CALL TO ORDER

The Mayor called the meeting to order at 5:02 p.m.

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted.

SPECIAL PLANNING REPORTS

The Manager of Planning Services provided Council with an overview of the Official Plan Amendment No.8 and Zoning By-law Amendment for 83 Sandwich Street South.

The Mayor invited the developer to comment. Joe Mikhail, Mikhail Holdings, was heard.

The Mayor invited the public to comment. Rennie Rota, Sobey's Franchise Owner, was heard.

3.1 Public Meeting for Official Plan Amendment No. 8 and Zoning By-law Amendment for 83 Sandwich Street South

Councillor Fryer amended the motion to consider By-law 2018-44 at the May 14, 2018, Regular Council Meeting.

Resolution # 20180510-138

Moved By Councillor Fryer
Seconded By Councillor Meloche

That:

- 1. The report from the Manager of Planning Services dated April 23, 2018, regarding Public Meeting for Official Plan Amendment No. 8 and Zoning By-law Amendment for 83 Sandwich Street South BE RECEIVED; and,**
- 2. Pending Council consideration of written and oral comments received at this public meeting, that Official Plan Amendment No. 8, By-law 2018-44, BE CONSIDERED at the May 14, 2018, Regular Council Meeting.**

The Mayor put the Motion.

Motion Carried

ADJOURNMENT

Moved By Councillor Fryer
Seconded By Councillor Courtney

That Council rise and adjourn at 5:44 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR – ALDO DICARLO

MUNICIPAL CLERK – PAULA PARKER



Town of Amherstburg
Delegation Request
Form

I wish to appear before:

Council

Advisory Committee of Council Specify: _____

Date of Meeting: May 28/18

Name of Delegate(s): Brad Bondy

Address: _____

Phone: 519 9191187 Email: bradbondy@remax.net

Attending as an Individual

Representing a Group/Organization Team Brad Bondy
(Name of Group/Organization/Business)

Brian Bondy + Amy Bailey

Have you contacted Administration regarding this matter? Yes No

If yes, who? Nicole Rubli

Reason(s) for Delegation Request (subject matter to be discussed):
If the request is in response to an item on the agenda, please specify the item by agenda item #.

Request a Sign By-law
exemption for a ground sign at
103 Sandwich St. South.

(Use a separate page if more space is required or attach additional documentation.)

If your request is in response to an agenda item, are you in favour of the recommendation? If not, please provide your reasoning below:

In response to the report to Council on May 14, 2018 - Signage Variance Request

****Speaking notes and presentation materials must accompany this request.**

Additional documentation attached? Yes No

Will a PowerPoint presentation be made? Yes No

Note: An electronic copy of the PowerPoint presentation is required to be submitted to the Town Clerk no later than 12:00 noon on the Friday before the meeting.

The completed Delegation Request Form is to be submitted to the Town Clerk, Town of Amherstburg, 271 Sandwich Street South, Amherstburg, ON N9V 2A5
Phone: 519.736.0012 Fax: 519.736.5403 or email pparker@amherstburg.ca.

For office use only:

Date request received: May 16, 2018 Request Received by (initials): PP

Request relates to: Signage Variance Request from May 14, 2018

Staff Report: N/A Staff Name: N/A

Personal information contained on this form is authorized under Section 5 of the Town of Amherstburg's Procedure By-law, for the purpose of contacting individuals and/or organizations requesting an opportunity to appear as a delegation before Council or an Advisory Committee of Council. The Delegation Request Form may be published in its entirety with the public agenda which is also posted on the Town's website. The Procedure By-law is a requirement of Section 238(2) of the Municipal Act, 2001.

Please note that all meetings are open to the public except where permitted to be closed to the public under legislated authority. Questions regarding collection of the information on this form or additional accessibility requirements may be directed to the Municipal Clerk, 271 Sandwich Street South, Amherstburg, ON N9V 2A5, 519.736.0012.



Town of Amherstburg Delegation Request Form

I wish to appear before:

- Council
- Advisory Committee of Council Specify: _____

Date of Meeting: May 28, 2018

Name of Delegate(s): Mark Pittao

Address: [REDACTED]

Phone: [REDACTED] Email: [REDACTED]

Attending as an Individual

Representing a Group/Organization Pittao's AutoCare Inc.
(Name of Group/Organization/Business)

Have you contacted Administration regarding this matter? Yes No

If yes, who? I've been in communication with B.J. Wilder.

Reason(s) for Delegation Request (subject matter to be discussed):
If the request is in response to an item on the agenda, please specify the item by agenda item #.

Relief/Exemption from Section 4.1(b)
Bylaw 2006-26

It appears there are other signs in town that are advertising off-site businesses. (see attached)

(Use a separate page if more space is required or attach additional documentation.)

If your request is in response to an agenda item, are you in favour of the recommendation? If not, please provide your reasoning below:

N/A

****Speaking notes and presentation materials must accompany this request.**

Additional documentation attached? Yes No

Will a PowerPoint presentation be made? Yes No

Note: An electronic copy of the PowerPoint presentation is required to be submitted to the Town Clerk no later than 12:00 noon on the Friday before the meeting.

The completed Delegation Request Form is to be submitted to the Town Clerk, Town of Amherstburg, 271 Sandwich Street South, Amherstburg, ON N9V 2A5
Phone: 519.736.0012 Fax: 519.736.5403 or email pparker@amherstburg.ca.

For office use only:

Date request received: May 22/18 Request Received by (initials): JK

Request relates to: Relief from Section 4.1(b) of Sign By-law 2006-26

Staff Report: N/A Staff Name: N/A

Personal information contained on this form is authorized under Section 5 of the Town of Amherstburg's Procedure By-law, for the purpose of contacting individuals and/or organizations requesting an opportunity to appear as a delegation before Council or an Advisory Committee of Council. The Delegation Request Form may be published in its entirety with the public agenda which is also posted on the Town's website. The Procedure By-law is a requirement of Section 238(2) of the Municipal Act, 2001.

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May 22, 2018

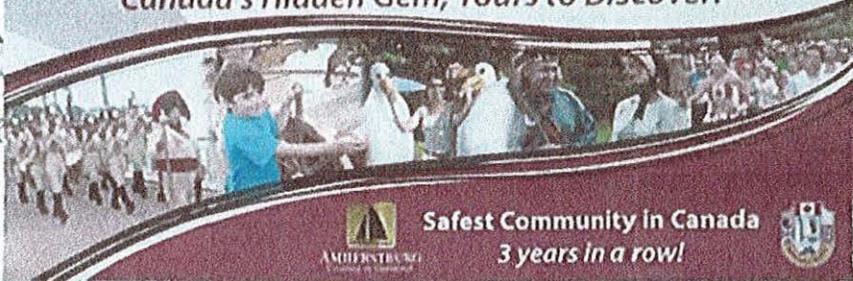
I have given permission for Mark Pittao, Owner of Pittao's AutoCare Inc. located at 565 Texas Rd., Amherstburg, ON to erect a sign on my property located at 5 Renaud St.

A handwritten signature in black ink, appearing to read 'Mark Goggin', with a stylized, scribbled end.

Mark Goggin

Amherstburg...

Canada's Hidden Gem, Yours to Discover!



Safest Community In Canada
3 years in a row!



DAN gemus
REAL ESTATE TEAM

Budget Blinds
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FREE DELIVERY!!
my neighbor
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AMHERSTBURG
AUDIOLOGY
519-730-1030



SIMCOE

wfcu

WORTH THE DRIVE

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POOLS & HOT TUBS

HOT TUBS • SWIM SPAS • POOLS
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ROYAL LEPAGE
Binder Real Estate
519-736-9000

DRIVE-UP BANKING
DRIVE-UP ATM



This was approved on May 14/18 by Council

Town of Amherstburg Delegation Request Form

I wish to appear before:

Council

Advisory Committee of Council Specify: _____

Date of Meeting: as soon as possible **May 14, 2018**

Name of Delegate(s): Luigi DiIordano & Ryan Culver

Address: 290 Sandwich Street South

Phone: [redacted] Email: [redacted]

Attending as an Individual

Representing a Group/Organization Lime Telenet
(Name of Group/Organization/Business)

Have you contacted Administration regarding this matter? Yes No

If yes, who? Ashley Sweet & Nicole Rubli

Reason(s) for Delegation Request (subject matter to be discussed):
If the request is in response to an item on the agenda, please specify the item by agenda item #.

To use a portable sign to inform our community about our Monthly Services we offer + promotional information.

(Use a separate page if more space is required or attach additional documentation.)

If your request is in response to an agenda item, are you in favour of the recommendation? If not, please provide your reasoning below:

N/A

****Speaking notes and presentation materials must accompany this request.**

Additional documentation attached? Yes No

Will a PowerPoint presentation be made? Yes No

Note: An electronic copy of the PowerPoint presentation is required to be submitted to the Town Clerk no later than 12:00 noon on the Friday before the meeting.

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Phone: 519.736.0012 Fax: 519.736.5403 or email pparker@amherstburg.ca.

For office use only:

Date request received: April 20, 2018 Request Received by (initials): PP

Request relates to: Signage Request

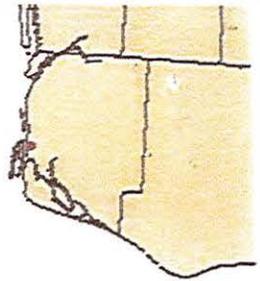
Staff Report: N/A Staff Name: N/A

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Town of Amherstburg



Legend

- Roads
- Parks
- Parcels
- Streams and Creeks
- Essex



Notes
This is where you enter your notes about the map.

1: 410





THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF CORPORATE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Justin Rousseau	Report Date: April 25, 2018
Author's Phone: 519 736-0012 ext. 2259	Date to Council: May 28, 2018
Author's E-mail: jrousseau@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: 2018 Water and Wastewater Operating and Capital Budgets

1. RECOMMENDATION:

It is recommended that:

1. The report from the Treasurer dated April 25, 2018, regarding 2018 Water and Wastewater Operating and Capital Budgets **BE RECEIVED**; and,
2. The 2018 Water and Wastewater Operating and Capital Budgets **BE APPROVED IN PRINCIPLE**.

2. BACKGROUND:

Annual budgets for water and wastewater are developed to provide resources and funding for implementation of the fiscal work plans and the related capital programs for provision of water and wastewater. In addition, the budgets should include consideration of future funding requirements for user rate stabilization, contingency and asset management; which would include transfers to reserves for those purposes.

Rate models and the Water Financial Plan have been established to inform the budget process, and the latter to comply with legislative requirements (Ministry of the Environment Regulation 453/07), based on operating, capital and related funding expectations over a rolling 10 year period. The assumptions used in these models are based on other strategic plans and studies for the Town, including the Development Charges Study (2014), the asset management plan and the drafted long term strategic financial plan.

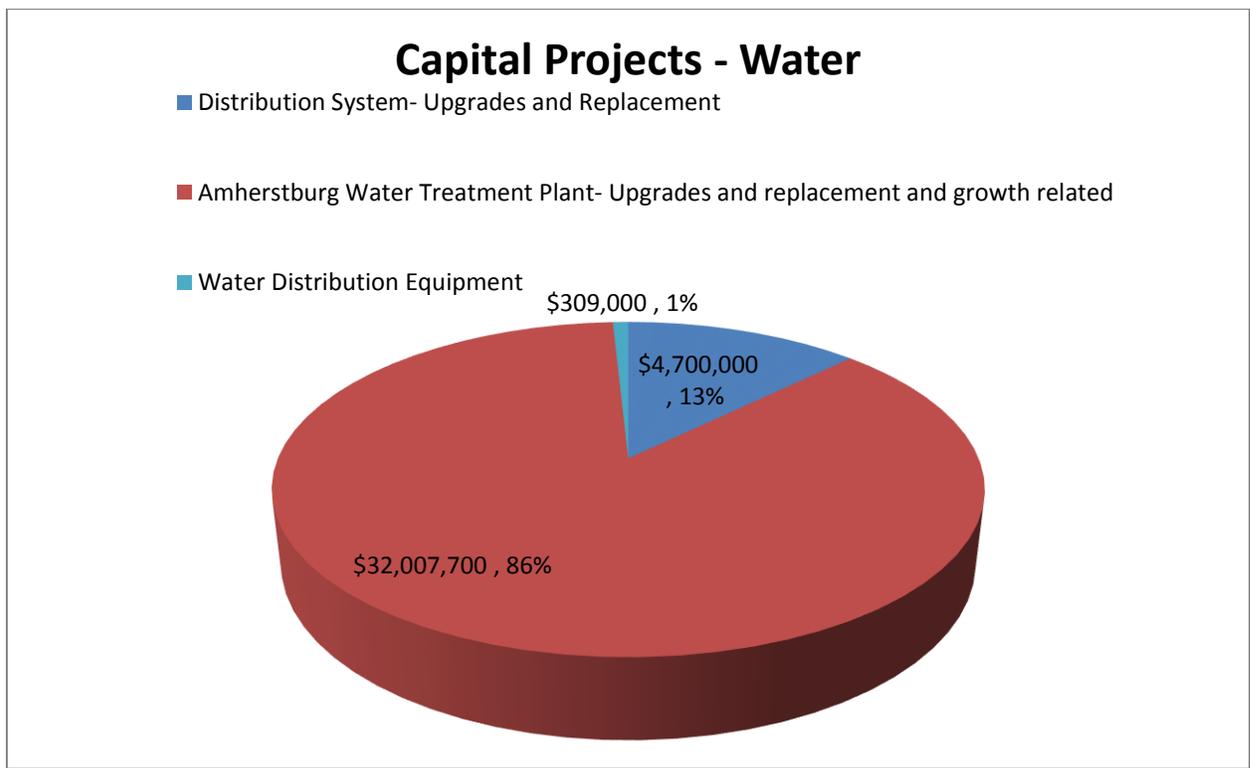
3. DISCUSSION:

The recommended 2018 Water and Wastewater Budgets have been developed to provide long-term stability for these services. The budgets continue to build on the water and wastewater capital programs for both expansion of the water and wastewater systems as well as lifecycle replacement for existing capital assets.

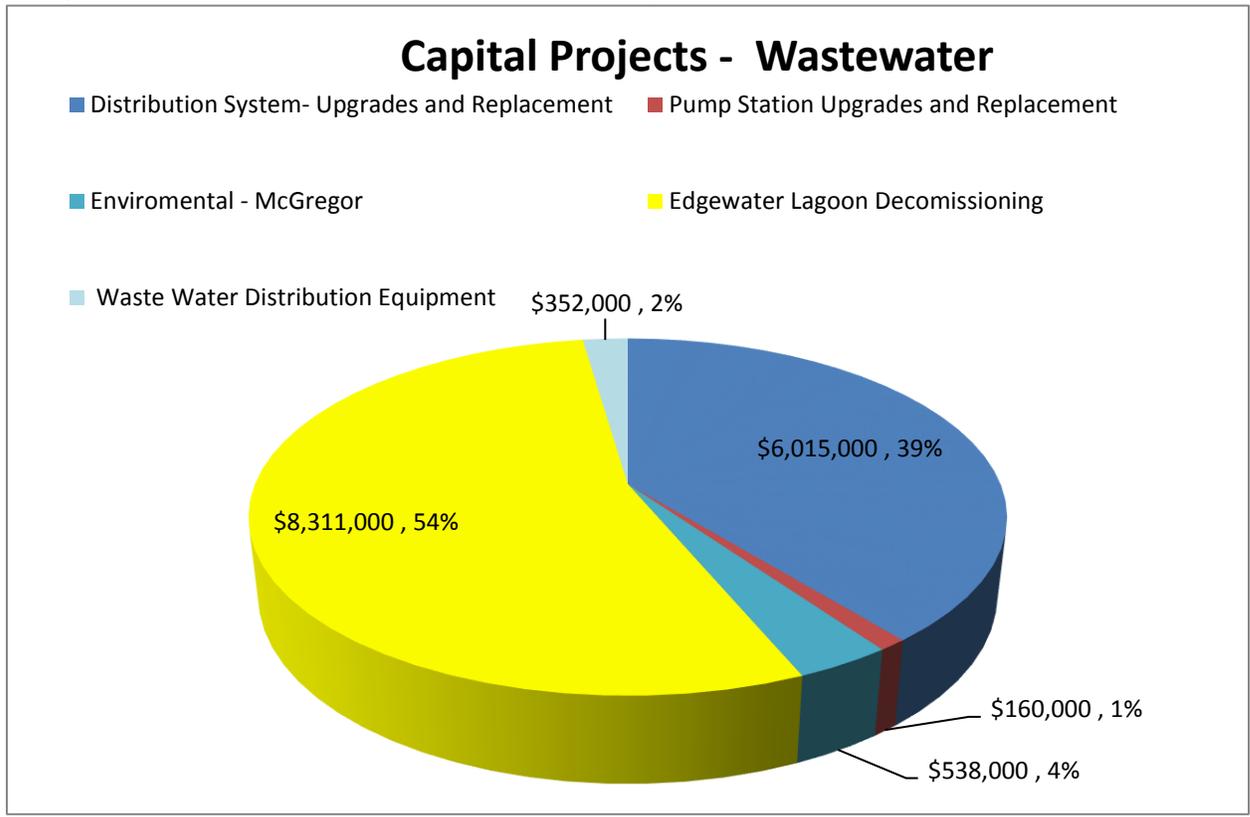
To achieve the strategic plan directive of 'Fiscal Sustainability and Investment in Infrastructure' we continue to move forward with the key points of the completion and servicing of the Kingsbridge subdivision, as well as reviewing additional subdivision developments servicing with the engineering for the south east quadrant. We also continue our focus on refining and improving our asset management information and our 10 year capital outlooks and rate model forecast to ensure sustainable financial outlooks.

The need for increases for future planning for capital can be best presented by a review of the needed infrastructure cost in the next 5-10 years.

The following graph is an outlook for the projects being proposed for the water budget for the period from 2018-2027, the projects total \$37,016,700.



The following graph is an outlook for the projects being proposed for the wastewater budget for the period from 2018-2027, the projects total \$15,376,000.



The budget presented by Administration provides for additional reserves that reaffirm Council's direction which began in the 2015 Budget to help reduce debt loads and increase reserves and financial stability.

Outside of the focus of the strategic plan, there are additional recommendations for council to consider such as a business case to bring water billing in-house and administered directly from the Town itself the water provider. It is believed this will create better customer service and more timely correction of billing issues.

One of the most challenging aspects to the budget is the Town has experienced a significant and steady drop in water and wastewater consumption over the past 8 years. Water conservation initiatives, including government instituted low-flow plumbing fixtures, have steadily pushed the Town's overall water consumption lower, even with the yearly addition of new homes and commercial buildings. Much of the public has also embraced the need for water conservation and have changed their usage habits to reflect this. Since 2009 the Town has seen a 19.7% decrease in water sales. This decrease directly affects wastewater usage, which has seen a 19.65% decrease since 2009. Although this decrease does not impact the base charges portion of water and wastewater revenue, it does effect the usage portion of the billing. Administration has tracked this decrease yearly within the Water and Wastewater models and has identified rate increases to residents to reflect this. Although it appears that this

decrease is beginning to level off, Administration will continue to track these trends and adjust the information within the water and wastewater models, including rate increases, to reflect these trends.

Administration has conducted a demand review in 2018 to ensure more accurate prediction of demand and setting of the rates. In the areas of water operations there has been a trend the last few year of revenue predictions varying from the water model expected output which has led to actual shortfalls in the water budget. Administration is seeking a total 5% increase in water rates; 3% to deal with the issue of right sizing the revenue prediction and 2% as outlined in the Asset Management Plan.

The following is a review of the proposed rates and the current local comparators in Essex County:

2018 Municipal Water & Wastewater Rates					
All volumetric charges are based on 20m³/month					
Municipality	Water		Wastewater		
LaSalle	Base Charge	\$15.00	Base Charge	\$6.00	Total Monthly Bill
3/4" meter	Volumetric Charge	\$1.00	Volumetric Charge	\$1.00	
	Total Water	\$35.00	Total Wastewater	\$26.00	
Essex	Base Charge	\$19.30	Base Charge*	\$20.07	Total Monthly Bill
	Volumetric Charge*	\$1.51	Volumetric Charge*	\$1.77	
	Total Water	\$49.40	Total Wastewater	\$55.47	
Kingsville	Base Charge	\$6.00	Base Charge	\$26.67	Total Monthly Bill
single residential	Volumetric Charge	\$0.92	Volumetric Charge		
	Total Water	\$24.40	Total Wastewater	\$26.67	
Lakeshore	Base Charge	\$20.01	Base Charge	\$15.68	Total Monthly Bill
	Volumetric Charge	\$1.48	Volumetric Charge	\$1.38	
	Total Water	\$49.61	Total Wastewater	\$43.28	

*Rate changes based on location, average of rates was taken

2018 Municipal Water & Wastewater Rates					
All volumetric charges are based on 20m³/month					
Municipality	Water		Wastewater		
Leamington	Base Charge	\$21.70	Base Charge	\$46.51	Total Monthly Bill
	Volumetric Charge	\$0.84	Volumetric Charge	\$2.23	
	Total Water	\$38.50	Total Wastewater	\$91.11	
Tecumseh	Base Charge	\$14.19	Base Charge	\$14.19	Total Monthly Bill
	Volumetric Charge	\$1.15	Volumetric Charge	\$1.21	
	Total Water	\$37.19	Total Wastewater	\$38.39	
Windsor 3/4" meter	Base Charge	\$20.45	Base Charge	\$15.84	Total Monthly Bill
	Volumetric Charge	\$0.60	Volumetric Charge	\$2.48	
	Total Water**	\$47.05	Total Wastewater	\$65.44	
Amherstburg	Base Charge	\$21.47	Base Charge	\$31.16	Total Monthly Bill
	Volumetric Charge	\$1.13	Volumetric Charge	\$2.11	
	Total Water	\$44.07	Total Wastewater	\$73.30	

****45% lifecycle levy added to fixed and base charges**

(1) Base charges are applied on a monthly basis

(2) Volumetric charges are applied to every cubic meter of water used

Amherstburg would rank 4th in water and 2nd in wastewater based on the proposed rates.

One of the main cost drivers for water is the operation and maintenance of the Amherstburg Water Treatment Plant. When our water costs are compared to other municipalities who operate their own plants (Essex and Lakeshore) we are actually the lowest of the 3 municipalities. Our water distribution network is very large, servicing homes well into Essex, causing additional costs to provide standard maintenance.

On the Wastewater side the Town currently operates 6 separate wastewater facilities that are spread across the municipality. These facilities all require operational and maintenance costs. The recent re-construction of the Amherstburg Wastewater Treatment plant has also added additional pressure to the rate.

4. RISK ANALYSIS:

The Town's drinking water system is subject to the legislative requirements of the *Safe Drinking Water Act, 2002* (SDWA) and regulations made therein, including Ontario Regulation 170/03, "Drinking Water Systems". Failure to maintain the water system to Ministry standards may result in fines, penalties and loss of licencing.

5. FINANCIAL MATTERS:

The revenue and expenses for the water budget are \$4,699,000 and \$6,255,775 for the wastewater budget.

The proposed water increase for 2018 is recommended at 5%, and the proposed wastewater increase for 2018 is recommended at 1.3%. The increases are in accordance with the long term financial stability plan outlined in the Town's Asset Management Plan.

One of the main cost drivers for Water and Wastewater is the operation of the plants. The Town has engaged Ontario Clean Water Agency (OCWA) to operate the plants starting in April 2016 and ending in December 2020. The savings under the contracted service model have been reinvested in other aspects of these budgets.

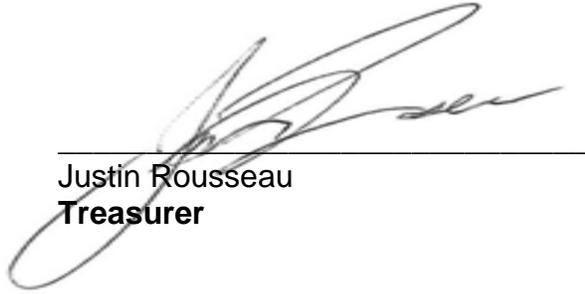
The projected 5% increase in water would result in an average annual billing increase from \$458.00 to \$467.00. The projected 1.3% increase in wastewater would result in an average annual billing increase from \$779 to \$785. These increases factor in both rate and flow estimates. Based on the recommended user rate adjustments, the average consumer of both water and wastewater in the town would see a household effect of \$15.00 a year, or 4 cents a day.

6. CONSULTATIONS:

The Director of Corporate Services, Director of Engineering and Public Works, the Manager of Engineering and the Manager of Environmental Services were consulted.

7. CONCLUSION:

The 2018 Budgets for Water and Wastewater were tabled at the May 14, 2018 Council Meeting and are now before Council for consideration. It is recommended that Council approve the 2018 Budgets for Water and Wastewater to continue to build towards financial sustainability for these services.



Justin Rousseau
Treasurer

JR

Report Approval Details

Document Title:	2018 05 14 - 2018 Water and Wastewater Operating and Capital Budgets.docx
Attachments:	- 2018 DRAFT Water and Wastewater Budgets - V2 final.pdf
Final Approval Date:	May 22, 2018

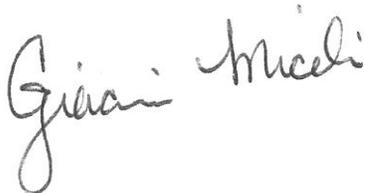
This report and all of its attachments were approved and signed as outlined below:



Cheryl Horrobin - May 18, 2018 - 9:16 AM



Mark Galvin - May 18, 2018 - 10:12 AM



John Miceli - May 22, 2018 - 9:03 AM



Task assigned to Paula Parker was completed by Tammy Fowkes - May 22, 2018 - 5:33 PM

TOWN OF AMHERSTBURG



2018 WATER AND WASTEWATER OPERATING AND CAPITAL BUDGETS

“FUTURE GROWTH AND INVESTMENT”

MISSION STATEMENT

*“Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg
with a view to improve and enhance their quality of life.”*

2018 OPERATING BUDGETS

Administration is pleased to present the recommended water and wastewater budgets for 2018. The 2018 Water and Wastewater Operational and Capital Budgets were developed to support long term customer service stability and to focus on providing the desired results of Town of Amherstburg Community Based Strategic Plan 2016-2021.

In regards to Fiscal Sustainability and Investment in Infrastructure strategic priorities, the 2018 Budgets focus on increased reserve planning and funding for capital investment. The budgets provide for contributions to reserves for asset management based on lifecycle replacement within the water and wastewater systems. The budgets improve on previous provisions for reserves in accordance with Council's direction to reduce reliance on debt financing through increased reserves for financial stability.

Based on the recommended user rate adjustments, the average consumer of both water and wastewater in the town would see a household effect of \$15.00 a year, or 4 cents a day.

To achieve the strategic plan directive of Fiscal Sustainability and Investment in Infrastructure we continue to move forward with the key points of the completion and servicing of the Kingsbridge subdivision, as well as reviewing additional subdivision developments servicing with the engineering for the south east quadrant. We also continue our focus on refining and improving our asset management information and our 10 year capital outlooks and rate model forecast to ensure sustainable financial outlooks.

In regards to operational savings it is still important to note in the overall review of the water and wastewater budgets that during the final quarter of 2015 and first quarter of 2016 administration undertook an RFP process for the operation of both the water and wastewater plants.

The Town issued the RFP in 2015 to ensure that the Town was receiving competitive pricing for the operation and maintenance services that were being provided. These services have not been competitively bid previously. In the past the Town had negotiated the contract directly with OCWA. The proposal from OCWA provided the base data for the final agreement. Administration then engaged in negotiations with OCWA to work through additional final details and ensure that the Town was receiving the best value for money.

When you compare the five year contract costs to the current cost projected over 5 years the contract costs alone result in a savings of \$1,186,132.43.

The commitment of the Town is to turn these savings along with savings on debt payment each year into an ability to build more financially sustainable capital and lifecycle replacement programs using the current water and wastewater rates.

The Town has also reviewed and amended the debt repayment for the wastewater plant as it was previously funded by 504,194 by Development charges, however in order to mitigate potential issues of growth projections falling short. Administration is recommending funding more of the wastewater repayment with more rate funded monies. This represents a \$100,000 change in funding strategies.

The 2018 Budgets also continue the concept of lifecycle replacement. The 2018 budgets have been adjusted to include an allowance for renewal and capital improvements of pooled tangible capital assets; which have multiple smaller dollar value elements such as generators and pumps. The allowance provides flexibility to address investment demands from year to year as they arise. This process gives little to no flexibility to deviate from pump and component replacement to the operators of the Ontario Clean Water Agency and Town management that oversees the maintenance and routine replacement on these items that are critical to the system. The concept of lifecycle replacement will allow the operators the ability to do proper preventative maintenance and component replacement to ensure the systems are operating effectively and efficiently.

The budget presented by Administration provides for additional reserves that reaffirm Council's direction which began in the 2015 Budget to help reduce debt loads and increase reserves and financial stability.

Outside of the focus of the strategic plan, there are additional recommendations for council to consider such as a business case to bring water billing in-house and administered directly from the Town itself the water provider. It is believed this will create better customer service and more timely correction of billing issues.

One of the most challenging aspects to the budget is The Town has experienced a significant and steady drop in water and wastewater consumption over the past 8 years. Water conservation initiatives, including government instituted low-flow plumbing fixtures, has steadily pushed the Town's overall water consumption lower even with the yearly addition of new homes and commercial buildings. Much of the public has also embraced the need for water conservation and have changed their usage habits to reflect this. Since 2009 the Town has seen a 19.7% decrease in water sales. This decrease directly affects wastewater usage, which has seen a 19.65% decrease since 2009. Although this decrease does not impact the base charges portion of water and wastewater revenue, it does effect the usage portion of the billing. Administration has tracked this decrease yearly within the Water and Wastewater models and has identified rate increases to residents to reflect this. Although it appears that this

decrease is beginning to level off Administration will continue to track these trends and adjust the information within the water and wastewater models, including rate increases, to reflect these trends.

Administration has conducted a demand review in 2018 to ensure more accurate prediction of demand and setting of the rates. In the areas of water operations there has been a trend the last few year of revenue predictions varying from the water model expected output which has led to actual shortfalls in the water budget. Administration is seeking a total 5% increase in water. 3% to deal with this issue of right sizing the revenue prediction and 2% as outlined in the Asset Management Plan.

The following is a review of the proposed rates and the current local comparators in Essex County

2018 Municipal Water & Wastewater Rates					
All volumetric charges are based on 20m³/month					
Municipality	Water		Wastewater		
LaSalle	Base Charge	\$15.00	Base Charge	\$6.00	Total Monthly Bill
3/4" meter	Volumetric Charge	\$1.00	Volumetric Charge	\$1.00	
	Total Water	\$35.00	Total Wastewater	\$26.00	
Essex	Base Charge	\$19.30	Base Charge*	\$20.07	Total Monthly Bill
	Volumetric Charge*	\$1.51	Volumetric Charge*	\$1.77	
	Total Water	\$49.40	Total Wastewater	\$55.47	
Kingsville single residential	Base Charge	\$6.00	Base Charge	\$26.67	Total Monthly Bill
	Volumetric Charge	\$0.92	Volumetric Charge		
	Total Water	\$24.40	Total Wastewater	\$26.67	
Lakeshore	Base Charge	\$20.01	Base Charge	\$15.68	Total Monthly Bill
	Volumetric Charge	\$1.48	Volumetric Charge	\$1.38	
	Total Water	\$49.61	Total Wastewater	\$43.28	

*Rate changes based on location, average of rates was taken
*Rate changes based on location, average of rates was taken

Leamington	Base Charge	\$21.70	Base Charge	\$46.51	Total Monthly Bill
	Volumetric Charge	\$0.84	Volumetric Charge	\$2.23	
	Total Water	\$38.50	Total Wastewater	\$91.11	
Tecumseh	Base Charge	\$14.19	Base Charge	\$14.19	Total Monthly Bill
	Volumetric Charge	\$1.15	Volumetric Charge	\$1.21	
	Total Water	\$37.19	Total Wastewater	\$38.39	
Windsor	Base Charge	\$20.45	Base Charge	\$15.84	Total Monthly Bill
3/4" meter	Volumetric Charge	\$0.60	Volumetric Charge	\$2.48	
	Total Water*	\$47.05	Total Wastewater	\$65.44	
Amherstburg	Base Charge	\$21.47	Base Charge	\$31.16	Total Monthly Bill
	Volumetric Charge	\$1.13	Volumetric Charge	\$2.11	
	Total Water	\$44.07	Total Wastewater	\$73.30	

***45%
Lifecycle
levy
added to
fixed and
base
charges**

(1) Base charges are applied on a monthly basis

(2) Volumetric charges are applied to every cubic meter of water used

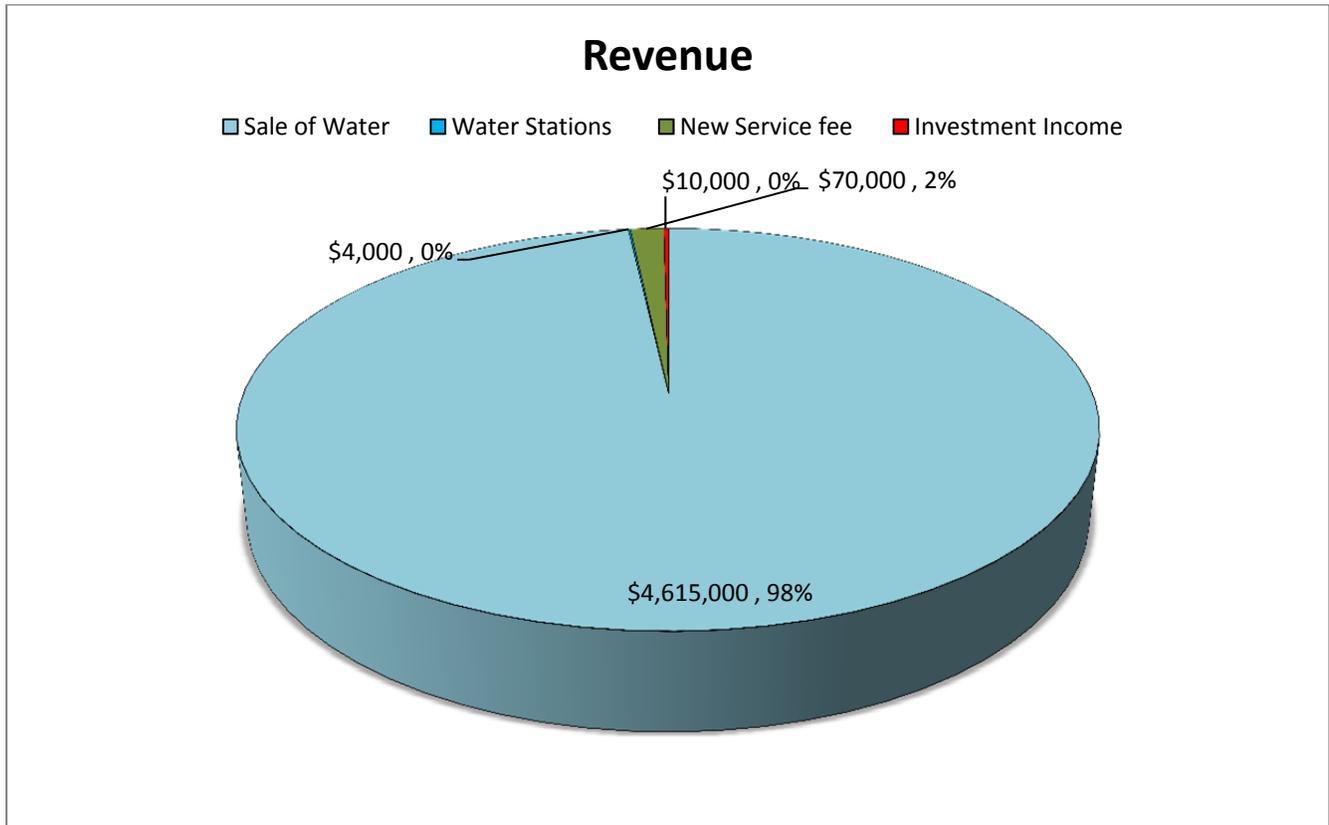
Amherstburg would rank 4th in water and 2nd in wastewater based on the proposed rates.

One of the main cost drivers for water is the operation and maintenance of the Amherstburg Water Treatment Plant. When our water costs are compared to other municipalities who operate their own plants (Essex and Lakeshore) we are actually the lowest of the 3 municipalities. Our water distribution network is very large, servicing homes well into Essex, causing additional costs to provide standard maintenance.

On the Waste water side the Town currently operates 6 separate wastewater facilities that are spread across the municipality. These facilities all require operational and maintenance costs. The recent re-construction of the Amherstburg Wastewater Treatment plant has also added additional pressure to the rate.

2018 WATER OPERATIONAL REVENUES

Following is a breakdown of the \$4,699,000 total operating budget revenue for 2018:

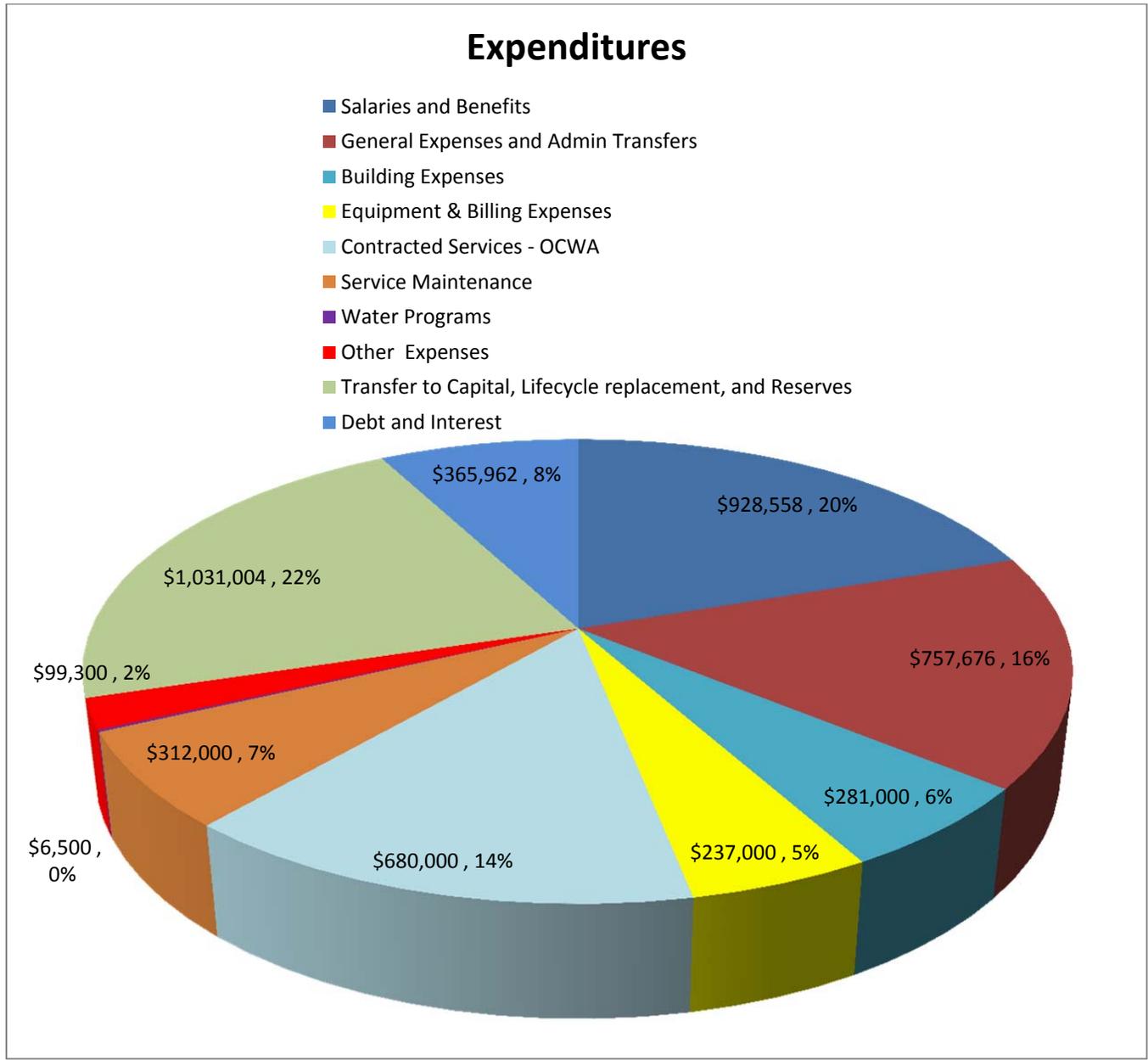


Revenues assumptions are based on estimated usage volumes and recommended user rate adjustments. User rates are established with an eye to providing for the operating and capital cost demands of the services while avoiding significant user rate fluctuations. As such recommended rate adjustments are made with consideration to the water and wastewater financial plans and the long term financial stability plan outlined in the Town's Asset Management Plan for user rate funded assets.

The recommended water user rate increase for 2018 is 5%. The water rate adjustment would result in an average annual billing increase of \$9, with the average annual cost moving from \$458 to \$467.

2018 WATER OPERATIONAL EXPENSES

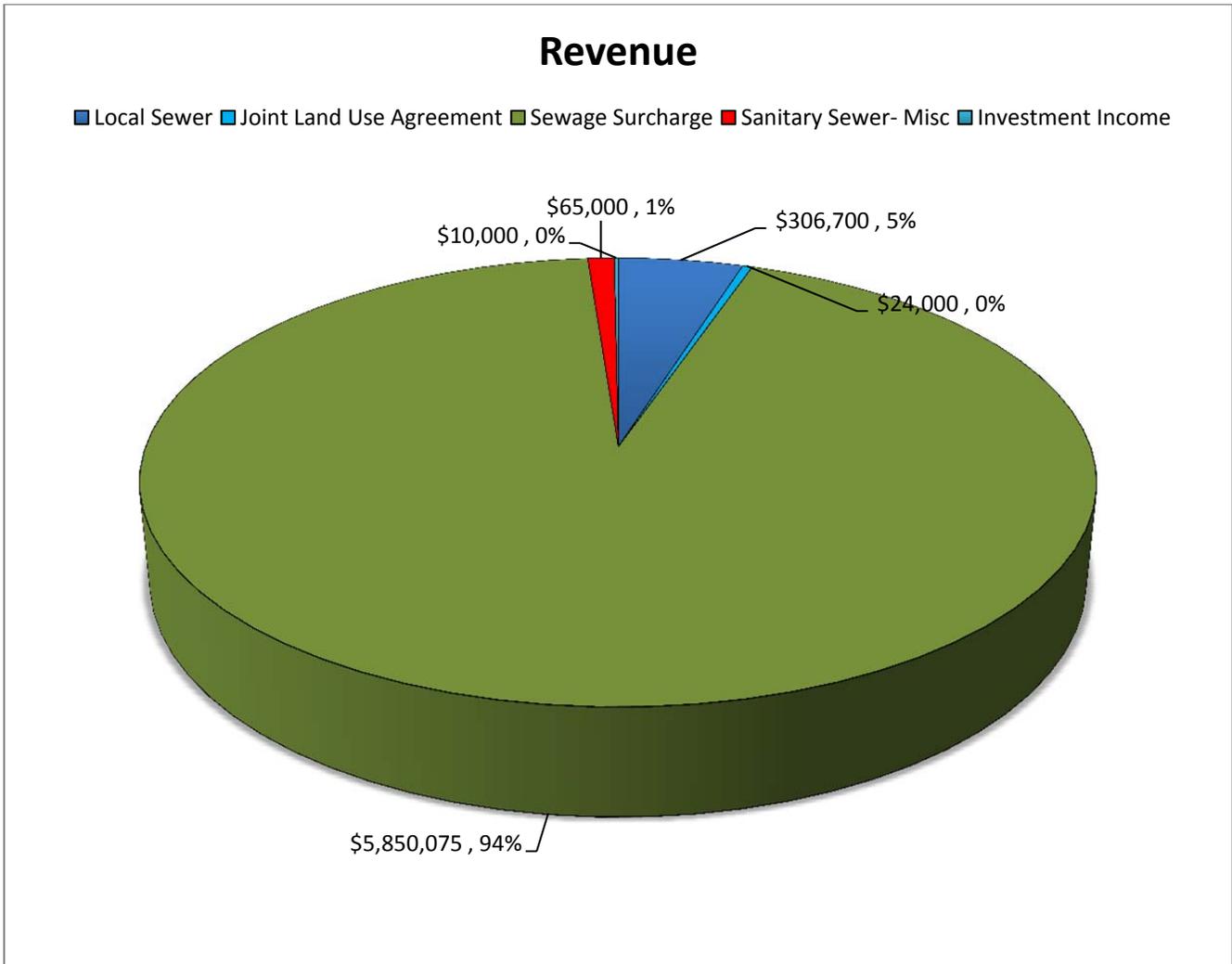
Following is a breakdown of the \$4,699, 000 total operating budget expenses for 2018:



As the above graph illustrates 22% of the Town's Expenditures are for Transfer to Capital, Lifecycle Replacement and Reserves a decrease from the prior years 28% in order to deal with operational request in the budget.

2018 WASTEWATER OPERATIONAL REVENUES

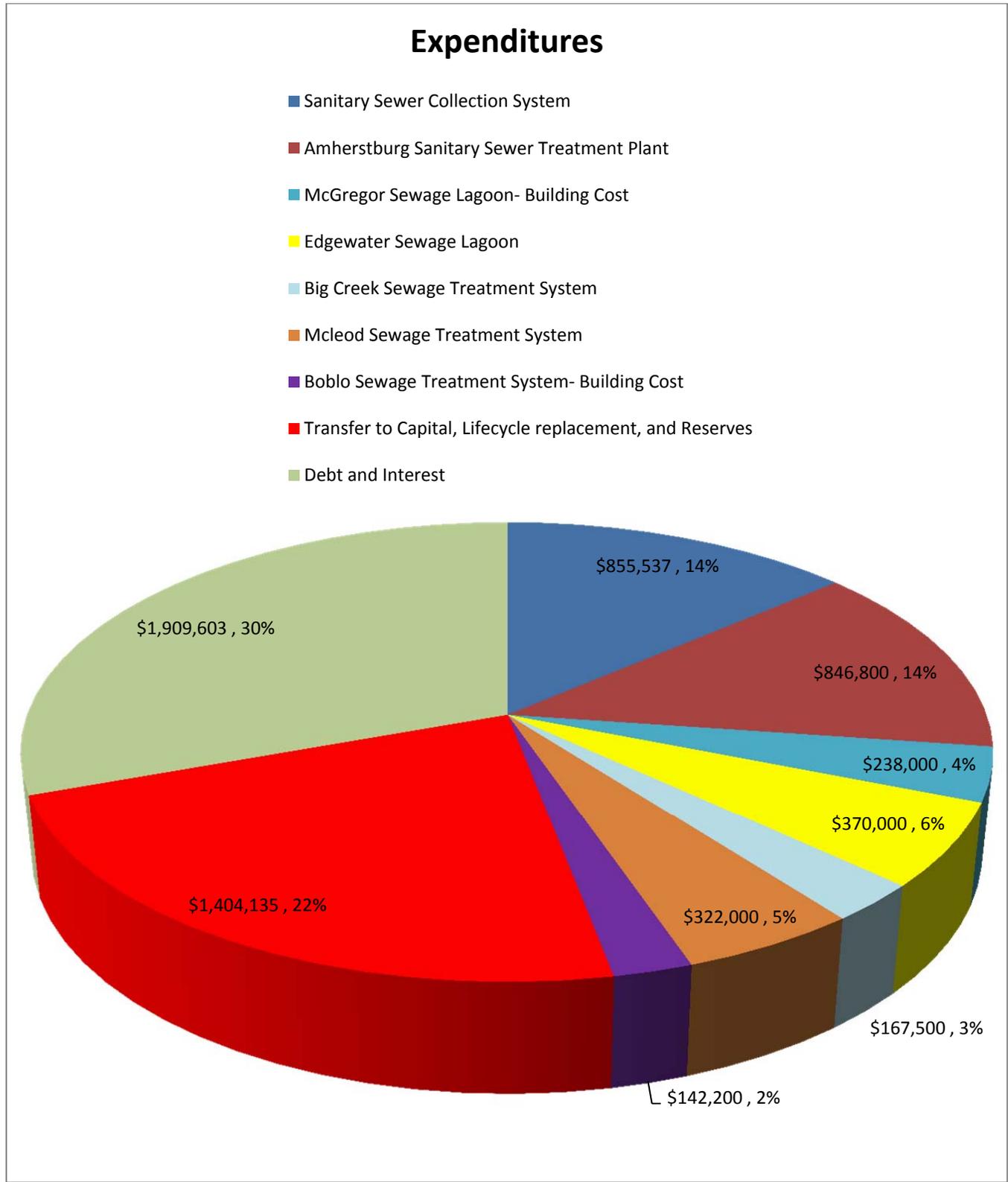
Following is a breakdown of the \$6,255,775 total operating budget revenue for 2018:



The recommended wastewater user rate increase for 2018 is 1.3%. The wastewater rate adjustment would result in an average annual billing increase of \$6, with the average annual cost moving from \$779 to \$785.

2018 WASTEWATER OPERATIONAL EXPENSES

Following is a breakdown of the \$6,255,755 total operating budget expenses for 2018:



As the above graph illustrates 22% of the Town's Expenditures are for Transfer to Capital, Lifecycle Replacement and Reserves an increase from the prior years 21%. It should also be noted that over 30% of the Town's wastewater operations budget is for debt and interest payments on the investment in infrastructure the Town has made primarily in the Amherstburg Wastewater Treatment Plant.

2018 OPERATIONS BUDGETS CONCLUSION

The 2018 Operating Budgets presents a continuation of good planning on turning operational savings into increased capital, lifecycle replacement and reserves in order to create a more sustainable long term financial model for both the water and wastewater revenue streams.

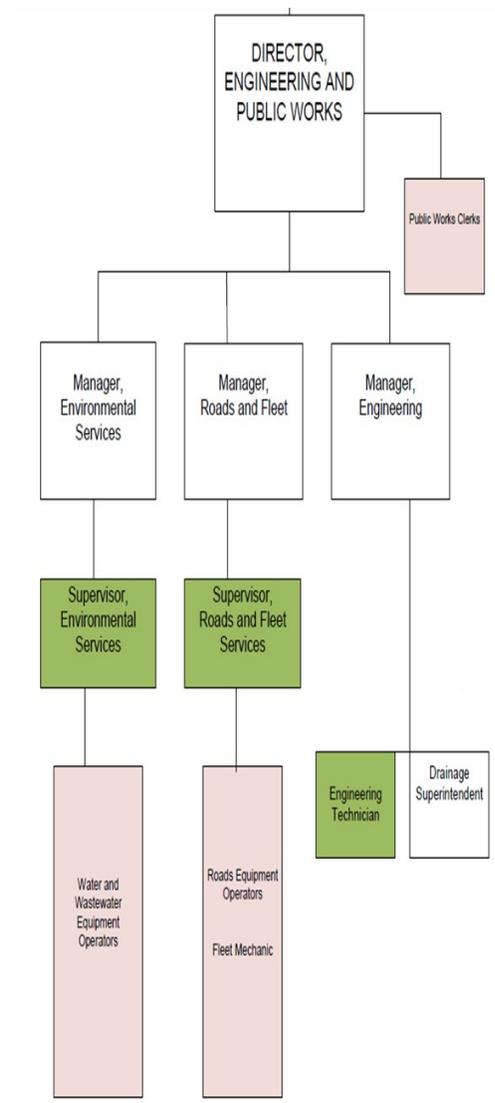


A. Department Overview

Mission

The mission of the Engineering and Public Works Office is to provide quality workmanship and response to the residents of Amherstburg and outstanding customer service to both our residents and internal users.

***Highlighted in green is a staffing request for 2018**



Department Description

Engineering and Public Works Department

The Engineering and Public Works Department is responsible for the construction, operation and maintenance of the Town's public works infrastructure, including water and wastewater infrastructure.

- Environmental Services - Water and Wastewater
- Engineering

Included in these services

The Engineering and Public Works Department is responsible for:

- water distribution system which includes watermains, fire hydrants, water valves, service connections and water meters.
- wastewater collection system which includes sanitary sewers, sanitary manholes, sanitary cleanouts and sanitary service connections.
- contracted service for the operations of the water and wastewater treatment facilities.
- Fleet management



B. Outlook and Highlights

Engineering and Public Works

2017 Highlights

In 2017 the Engineering and Public Works Department – Water and Wastewater Division completed the following:

- New watermain upgrade on Pickering Drive from Sandwich Street to King Street
- Began the engineering for the southwest quadrant to promote development of that area
- New Low Lift Pump VFD Installed at the Amherstburg Water Treatment Plant
- Upgrade of the wastewater Pump Station No.2
- Detailed design of the new pump station and forcemain required to connect Edgewater to the Amherstburg Wastewater Treatment Plant
- McGregor Lagoon Cleaning of Cell #2
- Completion of the Town's Asset Management Plan

Outlook for 2018

- Completion of the new pump station and forcemain required to connect Edgewater to the Amherstburg Wastewater Treatment Plant
- Pickering Street Watermain replacement and upgrade from King Street to Fryer Street
- Begin transition to in-house water and wastewater billing
- Update Water Master Plan
- Complete engineering of watermain replacement on Walnut Street from Hawthorn to McCurdy
- Complete repairs of Filter #1 and #4 at the Water Treatment Plant
- Continue I & I program including Basement Flooding Protection Subsidy Program
- Complete engineering for the southwest quadrant to promote development of that area



C. Budgeted Staffing Resources- Engineering and Public Works

The following is a breakdown of the staffing resources in the Engineering and Public Works Office:

Engineering and Public Works- Water and Wastewater Rate

Permeant FTE's	2017 Budget	2018 Proposed
Full-Time FTE's	9.00	11.50
Part-Time FTE's	0.00	0.00
Total FTE	9.00	11.50
Net Change	0.00	+2.50

Staffing Complement Includes:

Position Description	Position Profile	Number of Staff	FTE
Manager of Environmental Services	Management	1.00	1.00
Supervisor of Environmental Services	Non- Union	1.00	1.00
Water and Wastewater Equipment Operators	Union	7.00	7.00
Environmental Services Clerk	Union	1.00	1.00
Water Billing Financial Services Rep	Union	2.00	1.50

Overhead cost such as town administration cost and public works salaries and operating cost such as gasoline and vehicle maintenance are allocated via cross charge calculations in the operating budget.



D. Budgeted Staffing Resources - Engineering and Public Works

The following is a list of budgetary request and issues contained in the 2018 Water and Wastewater budget proposal in the Engineering and Public Works Office.

Budget Issue	Cost Impact	Budget Issue Number
Water Revenue Increase	28,400	WATER-2018-1
Supervisor of Water and Wastewater	61,092	WATER-2018-2
Salaries and Contractual Obligations	60,606	WATER-2018-3
Water Billings	79,300	WATER-2018-4
Utilities, Insurance, Taxes	19,500	WATER-2018-5
OCWA Contract	(75,000)	WATER-2018-6
Principal and Interest	32,514	WATER-2018-7
Water Master Study	75,000	WATER-2018-8
Wastewater Revenue Increase	(115,075)	WASTEWATER-2018-1
Utilities, Insurance, Maint	(18,000)	WASTEWATER-2018-2
OCWA Contract	(77,000)	WASTEWATER-2018-3
Principal and Interest	66,049	WASTEWATER-2018-4
Administrative Charge	22,682	PWD-2018-10

**TOWN OF AMHERSTBURG
WATER DEPARTMENT
2018 BUDGET**

		2017 Budget Reclass	2018 Budget	Budget Increase/(Decrease) 2017 to 2018	Budget Issue Report
REVENUES:					
80-4-0000000-1610	Sale of Water	(4,650,000)	(4,615,000)	(35,000)	WATER-2018-1
80-4-0000000-1630	Water Station Revenue	(3,400)	(4,000)	600	WATER-2018-1
80-4-0000000-1670	New Service Fees	(70,000)	(70,000)	-	
80-4-0000000-7220	Investment Income	(4,000)	(10,000)	6,000	WATER-2018-1
Total Revenues - Water		(4,727,400)	(4,699,000)	(28,400)	
EXPENSES:					
Salaries and Wages					
80-5-0000000-0101	Salaries - Full Time	551,074	636,839	85,765	WATER-2018-2, WATER-2018-3
80-5-0000000-0102	Salaries - Overtime	27,500	27,500	-	
80-5-0000000-0105	Salaries - STD/LTD Credit			-	
80-5-0000000-0109	Salaries - Student Labour	10,670	10,409	(261)	WATER-2018-3
Total Salaries and Wages - Water		589,244	674,748	85,504	
Benefits					
Total Benefits - Water		222,616	253,810	31,194	WATER-2018-2, WATER-2018-3
General Expenses					
80-5-0000000-0300	Share of PW Expenses	53,581	64,922	11,341	PWD-2018-10
	Transtonal Cost of Water Billing		60,000	60,000	WATER-2018-4
80-5-0000000-0130	Administrative Transfer from Town	521,004	521,004	-	
80-5-0000000-0249	Training and Conferences	8,500	8,500	-	
80-5-0000000-0161	Clothing	7,500	7,500	-	
80-5-0000000-0350	Memberships	1,000	1,000	-	
80-5-0000000-0301	Office Supplies	1,000	1,000	-	
80-5-0000000-0307	Advertising	750	750	-	
80-5-0000000-0328	Engineering Fees	25,000	25,000	-	
80-5-0000000-0550	ERCA - Clean Water - Work Spaces	68,000	68,000	-	
Total General Expenses		686,335	757,676	71,341	
Building Expenses					
80-5-0000000-0314	General Insurance	30,000	36,000	6,000	WATER-2018-5
80-5-0000000-0316	Utilities	200,000	210,000	10,000	WATER-2018-5
80-5-0000000-0331	General Maintenance	5,000	7,000	2,000	WATER-2018-5
80-5-0000000-0381	Property Taxes	26,500	28,000	1,500	WATER-2018-5
Total Building Expenses - Water		261,500	281,000	19,500	
Equipment and Vehicles					
80-5-0000000-0402	Vehicle and Equipment MTCE	12,000	12,000	-	
80-5-0000000-0404	Vehicle Radio Licences	20,000	20,000	-	
80-5-0000000-0405	Vehicle MTCE - Tires	5,000	5,000	-	
80-5-0000000-0420	Micellaneous Water Equipment	20,000	20,000	-	
80-5-0000000-0504	Collection and Billing Expense	180,000	180,000	-	WATER-2018-4
Total Equipment and Vehicle - Water		237,000	237,000	-	

**TOWN OF AMHERSTBURG
WATER DEPARTMENT
2018 BUDGET**

		2017 Budget Reclass	2018 Budget	Budget Increase/(Decrease) 2017 to 2018	Budget Issue Report
Contracted Services					
80-5-0000000-0604	Contract OCWA	705,000	630,000	(75,000)	WATER-2018-6
80-5-0000000-0612	OCWA Maintenance Items	50,000	50,000	-	
Total Contracted Services - Water		755,000	680,000	(75,000)	
Service Maintenance					
80-5-0000000-0755	Service Maintenance	103,000	103,000	-	
80-5-0000000-0810	Main Maintenance	60,000	60,000	-	
80-5-0000000-0833	Water Meter Repairs and Maintenance	85,000	85,000	-	
80-5-0000000-0835	Sample Station Repairs	2,000	2,000	-	
80-5-0000000-0840	Water Valve Repair and Maintenance Program	19,000	19,000	-	
80-5-0000000-0845	Blowoff Repairs, Upgrades, New Installs	3,000	3,000	-	
80-5-0000000-0850	Fire Hydrant Repair and Maintenance	10,000	10,000	-	
80-5-0000000-0815	Backflow Prevention	27,000	27,000	-	
80-5-0000000-0855	Coin Operated Filling Stations (2)	3,000	3,000	-	
Total Service Maintenance - Water		312,000	312,000	-	
Water Programs					
80-5-0000000-0920	DWQMS Implementation	5,000	5,000	-	
80-5-0000000-0951	Water Conservation Program	1,500	1,500	-	
Total Water Programs - Water		6,500	6,500	-	
Other Expenses - Transferred from Capital					
NEW	Furniture and Equipment & Software- One Time Cost	-	24,300	24,300	WATER-2018- 2, WATER-2018-4
NEW	Water Master Study	-	75,000	75,000	WATER-2018-8
Total Water Programs - Other Expenses		-	99,300	99,300	
Total Expenses before Reserves and Debt Charges - Water Department		3,070,195	3,302,035	231,840	
Transfer to (from) Reserves					
80-5-0000000-2001	Transfer to Capital	638,000	640,000	2,000	
	Transfer to Capital from Reserves		458,000	458,000	
	Life Cycle replacement	160,000	225,700	65,700	
	Transfer in of 2017 Life Cycle Replacement		(160,000)	(160,000)	
	Transfer in from Reserves		(458,000)	(458,000)	
80-5-0000000-2009	Transfer to Reserves	525,757	325,304	(200,453)	
Total Transfer to Reserve - Water		1,323,757	1,031,004	(292,753)	
Debt Charges - Water					
80-5-0000000-2005	Principle	193,471	212,741	19,270	WATER-2018-7
80-5-0000000-2006	Interest	139,977	153,221	13,244	WATER-2018-7
Total Debt Charges - Water		333,448	365,962	32,514	
Total Expenses - Water Department		4,727,400	4,699,000	(28,400)	
Net Revenues and Expenses - Surplus/(Deficit)		-	-	0.00	

2018 PROPOSED OPERATING BUDGET

Budget Issue Type:

Contractual New Increase Decrease

Item Number:	WATER-2018-1
Community Based Strategic Plan Pillar:	
Department:	WATER
Division:	WATER
Estimated Cost:	(\$28,400)

Description of Item:

Increase in water revenue items comes from an increase in rate of 5% taking place on August 1st 2018. Additional revenue increases are expected in the area of water station revenue and investment income. One of the most challenging aspects to the is The Town has experienced a significant and steady drop in water and wastewater consumption over the past 8 years. Water conservation initiatives, including government instituted low-flow plumbing fixtures, has steadily pushed the Town's overall water consumption lower even with the yearly addition of new homes and commercial buildings. Much of the public has also embraced the need for water conservation and have changed their usage habits to reflect this. Since 2009 the Town has seen a 19.7% decrease in water sales. This decrease directly affects wastewater usage, which has seen a 19.65% decrease since 2009. Although this decrease does not impact the base charges portion of water and wastewater revenue, it does effect the usage portion of the billing. Administration has tracked this decrease yearly within the Water and Wastewater models and has identified rate increases to residents to reflect this. Although it appears that this decrease is beginning to level off Administration will continue to track these trends and adjust the information within the water and wastewater models, including rate increases, to reflect these trends.

Administration has conducted a demand review in 2018 to ensure more accurate prediction of demand and setting of the rates. In the areas of water operations there has been a trend the last few year of revenue predictions varying from the water model expected output which has led to actual shortfalls in the water budget. Administration is seeking a total 5% increase in water. 3% to deal with this issue of right sizing the revenue prediction and 2% as outlined in the Asset Management Plan.

Justification:

The Town's asset management plan calls for a 2% increase to water revenue to deal with capital requirements and 3% is budgeted to correct for demand actuals	\$	(35,000.00)
The Town has experienced growth in sales at the water stations in Anderdon and Malden	\$	600.00
Investment income has seen significant increases in 2017 and is expected to grow in 2018 with the implementation of the Town's investment policy.	\$	6,000.00
	\$	(28,400.00)

Risk Analysis:

The Town Asset Management Plan and Water Models are guiding documents for financial planning, not following the recommendations could pose risk to the long term financial health of the organization

Financial Impact:

80-4-000000-1610	Sale of Water		\$	(35,000)
80-4-000000-1630	Water Station Revenue		\$	600
80-4-000000-7220	Investment Income		\$	6,000
			\$	(28,400)



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF CORPORATE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Justin Rousseau	Report Date: April 6, 2018
Author's Phone: 519 736-0012 ext. 2256	Date to Council: April 23, 2018
Author's E-mail: jrousseau@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: In House Water Billings

1. RECOMMENDATION:

It is recommended that:

1. The report from the Treasurer dated April 6, 2018 regarding In House Water Billing **BE RECEIVED**; and,
2. The proposed In House Water Billings in the Water Budget **BE CONSIDERED** as a part of the overall 2018 Water Budget.

2. BACKGROUND:

In 2008, Administration brought forward report 2008Nov07 to recommending: "...the Town to assume the Water and Sanitary Sewer billing, collecting and meter reading functions for the entire Town of Amherstburg."

The report listed several items of concern, many of which remain concerns today.

Currently the Town of Amherstburg pays the Essex Power Corporation approximately \$193,000 to do water billing and corresponding mailings. With the current set-up, the Town has little control over the administration and customer service that is provided by Essex Power Corporation. Administration has been made aware of a number of issues that occurred requiring the Town to intervene.

3. DISCUSSION:

Town staff currently read the meters monthly for residents in-town, and once every three months for residents outside the core town limits. These residents were with Hydro One while the in-town residents were with Essex Power Corporation already.

The readings are sent to Essex Power and in the past, their staff administered the billing functions; however, recently Essex Power hired a third party to do mailings. All of these different parties at play seems to add confusion and frustration when our staff or a customer calls looking for information and updates regarding their accounts.

Lasalle and Leamington recently reclaimed their reading and water billing from Essex Power. These municipalities have seen increased collection power and increased ability to correct potential missing revenue from billing issues. Both municipalities use Vadim financial software and use Sensus meters. Unlike Amherstburg, these municipalities had to upgrade the meters and bring their meter reading in-house prior to migrating the billing functions. Amherstburg already has upgraded meters and town staff currently read the meters. Amherstburg uses the same financial software and the Sensus is the water billing software that Administration is recommending the town move forward with. Sensus will integrate with the town meters and the Sensus software links easily to the utility billing component of Vadim.

There are advantages beyond financial savings, to in-house water billing: a one window approach for service, synergies between staff, improved communication between departments, and having access to the usage data, will provide increased customer service for our users. An additional benefit is creating jobs in the community as opposed to outsourcing cost for the same price.

Optimum financial savings and consistency would be realized if the readings and billings were done as currently provided to the town monthly in town and a quarterly process in the outlining areas. Administration has based the financial analysis this process with one and a half additional in house unionized staff. The suggested timeline would be in the latter half of 2018 for the beginning of a transition and expected implementation in 2019. However may require more detailed timelines and deliverables upon review with software providers timelines and review of internal work plans.

Administration is also proposing the elimination of tenant water billing which is allowed under Essex Power model but does add to the delay in collection of default water accounts. With the provision of the Municipal Act, 2001, water/sewer fees are now a benefit of the property rather than the individual that request or receives the service. Section 398 of the Municipal Act 2001 explains the allocation of the fees and charges for the supply of a public utility, which are the responsibility of the property to which it is supplied and may be collected in the same manner as taxes.

Administration expects that inconsistencies in billings will be corrected in a more expedient manner and that the collections process will improve. The town can act in a timelier manner to add overdue billings to tax role and expedite collections of revenue. This will help the town with overall cash flow management and administration of the water and wastewater billing cycles.

4. RISK ANALYSIS:

With any changeover in water billing services there may be risk of possible transitional errors, as well as possible confusion to residents, however administration will work to ensure these issues are appropriately managed and communication to the public is prevalent as to key dates for the transition.

5. FINANCIAL MATTERS:

Depending on when the in-house billing is implemented, there will be off-setting variances in the 2018 budget; however, these will right themselves the following year.

YEAR ONE (estimating a July transitional period)	2017 Budget	Proposed Water Billing Model	Change Variance
Revenue (from Waste Water)	\$ -	\$ (13,000)	\$ (13,000)
Salaries (1.5 Staff)	\$ -	\$ 87,826	\$ 87,826
Benefits @ 35% (1.5 Staff)	\$ -	\$ 30,739	\$ 30,739
Collection and Billing Expense	\$ 180,000	\$ -	\$ (180,000)
Billing Software Maintenance	\$ -	\$ 2,860	\$ 2,860
Postage	\$ -	\$ 65,575	\$ 65,575
Total Operating Budget**	\$ 180,000	\$ 174,000	\$6,000
Transitional Cost (see Below)**	\$ -	\$ 60,000	\$ 60,000
Total Operating Budget with Transitional Cost	\$180,000	\$234,000	\$54,000
* Billing Software Purchase - CAPITAL BUDGET (Note 1)	\$ -	\$ 14,300	\$ 14,300
* Workstation Set-up/Equipment-CAPITAL BUDGET	\$ -	\$ 5000	\$ 5000
Total Capital Budget**	\$ Nil	\$19,300	\$19,300
TOTAL	\$180,000	\$253,300	\$73,300

YEAR TWO (Fully implemented)	Proposed 2018 Budget	Projected 2019 Actuals	Projected 2019 Variance
Revenue (from Waste Water)	\$ (13,000)	\$ (13,000)	\$ -
Salaries	\$ 87,826	\$ 87,826	\$ -
Benefits @ 35%	\$ 30,739	\$ 30,739	\$ -
Collection and Billing Expense	\$ -	\$ -	\$ -
Billing Software Maintenance	\$ 2,860	\$ 2,860	\$ -
Postage	\$ 65,575	\$ 65,575	\$ -
	\$ 174,000	\$ 174,000	\$ -

Notes: * One-time costs these are included in the 2018 water capital budget

** Included in 2018 Budget for Consideration

Note 1: Implementation cost are estimated at 215 dollars per hour and administration has been given an estimate that ranges from \$10,000 to \$15,000 these factors are unknown at this time and have not been placed in the capital or operational budget. It is administrations intention to use unused lifecycle funding from 2017 as a funding source for these cost once they become more concrete.

Administration believes there will be a 6 month transitional cost of staffing and training requirements to ensure the billing software is up and running and testing, these cost will be a one-time cost and born in the latter half of 2018.

Transitional Cost	Proposed 2018 Budget
Salaries (6 months)	\$ 44,630
Benefits @ 35%	\$ 15,370
	\$ 60,000

6. CONSULTATIONS:

Antonietta Giofu, Director of Engineering and Public Works
The Corporation of the Town of LaSalle

7. CONCLUSION:

To Council for consideration in the overall 2018 Water Budget.


Justin Rousseau
Treasurer
JR

2018 PROPOSED OPERATING BUDGET

Budget Issue Type:

Contractual New Increase Decrease

Item Number: WATER-2018-5

Community Based Strategic Plan Pillar:

Department: WATER

Division: WATER

Estimated Cost: \$19,500

Description of Item:

The Amherstburg water treatment plant continues to age and has increased maintenance, utilities and insurance costs. Adjustments have been made based on the prior years actual results

Justification:

Utilities Cost	\$	10,000.00
General Insurance	\$	6,000.00
Property Taxes	\$	1,500.00
Maintenance	\$	2,000.00
	\$	<u>19,500.00</u>

Risk Analysis:

Should the budget not be increased there is increased possibility of a negative variance in operations

Financial Impact:

80-5-0000000-0314	General Insurance			\$	6,000
80-5-0000000-0316	Utilities			\$	10,000
80-5-0000000-0331	General Maintenance			\$	2,000
80-5-0000000-0381	Property Taxes			\$	1,500
				\$	19,500

2018 PROPOSED OPERATING BUDGET

Budget Issue Type:

Contractual New Increase Decrease

Item Number: WATER-2018-6

Community Based Strategic Plan Pillar:

Department: WATER

Division: WATER

Estimated Cost: (\$75,000)

Description of Item:

The Town of Amherstburg has a 5 year contract with the Ontario Clean Water Agency to run the water and waste water facilities of the Town and is contractually obligated to pay the rate in that contract.

Justification:

The Town issued the RFP in 2015 to ensure that the Town was receiving competitive pricing for the operation and maintenance services that were being provided. These services have not been competitively bid previously. In the past the Town had negotiated the contract directly with OCWA. The results of the RFP had positive operating impacts for the operations of the AWTP in 2018 those savings are \$75,000 over 2017 figures.

Risk Analysis:

Financial Impact:

80-5-0000000-0604	Contract OCWA			\$	(75,000)
				\$	(75,000)

2018 PROPOSED OPERATING BUDGET

Budget Issue Type:

Contractual New Increase Decrease

Item Number:	WATER-2018-7
Community Based Strategic Plan Pillar:	
Department:	WATER
Division:	WATER
Estimated Cost:	\$32,514

Description of Item:
 The Long Term Debt Repayment has increased as the Town issued new long term debentures on the Up flow Clarifier Cover and the Riviera Place/ Drive Watermain, this is offset by a loan for the Simcoe Watermain being finished in June of 2018.

Justification:

Up flow Clarifiers Principle and Interest Payments Added	\$	27,310.00
Riviera Place/ Riviera Drive Watermain Principal and Interest Payments Added	\$	16,786.00
Simcoe Watermain Annual Reduction in Principle and Interest Payments	\$	(11,584.00)
	\$	32,512.00

Risk Analysis:

Financial Impact:

80-5-000000-2005	Principle			\$	19,270
80-5-000000-2006	Interest			\$	13,244
				\$	32,514

**TOWN OF AMHERSTBURG
WASTE WATER DEPARTMENT
2018 BUDGET**

		2017 Budget	2018 Budget	Budget Increase/(Decrease) 2017 to 2018	Budget Issue Report
REVENUES:					
10-4-4010000-0260	Locals - Sewer	(305,000)	(305,000)	-	
10-4-4010000-0265	Locals - Sewer Front and C.	(1,700)	(1,700)	-	
10-4-4010000-1705	McGreggor Lagoon Joint Use Agreement	(24,000)	(24,000)	-	
10-4-4010000-1710	Sewage Surcharge	(5,775,000)	(5,850,075)	75,075	WASTEWATER-2018-1
10-4-4010000-6540	Sanitary Sewer - Misc	(25,000)	(65,000)	40,000	WASTEWATER-2018-1
10-4-4010000-7220	Interest Income - Bank Account	(10,000)	(10,000)	-	
Total Revenue - Waste Water		(6,140,700)	(6,255,775)	115,075	
EXPENSES:					
Sanitary Sewer Collection System (SSCS)					
Building					
10-5-4010000-0314	General Insurance	28,000	30,000	2,000	WASTEWATER-2018-2
10-5-4010000-0381	Property Taxes	25,000	25,000	-	
Total Building - SSCS		53,000	55,000	2,000	
General Expenses					
10-5-4010000-0131	Transfer of PW Related Expenses	452,606	463,947	11,341	PWD-2018-10
10-5-4010000-0130	Administrative Transfer from Town	196,590	196,590	-	
10-5-4010000-0328	Engineering Fees	30,000	30,000	-	
10-5-4017740-0504	Collection and Billing Expense	13,000	13,000	-	
Total General Expenses - SSCS		692,196	703,537	11,341	
Environmental Services					
10-5-4017740-0331	General Maintenance	20,000	15,000	(5,000)	WASTEWATER-2018-2
10-5-4017740-0750	Sewer Flushing	40,000	35,000	(5,000)	WASTEWATER-2018-2
10-5-4017740-0758	Service Connection Inspection and Camera	2,000	2,000	-	
10-5-4017740-0759	Service Connection Repair and Maintenance	45,000	35,000	(10,000)	WASTEWATER-2018-2
10-5-4017740-0760	Manhole Cleaning and Maintenance	10,000	10,000	-	
Total Environmental Services - SSCS		117,000	97,000	(20,000)	
Total Expenses - Sanitary Sewage Collection System		862,196	855,537	(6,659)	
Amherstburg Sanitary Sewer Treatment System (ASSTS)					
General					
10-5-4017740-0316	Utilities	275,000	315,000	40,000	WASTEWATER-2018-2
10-5-4017740-0381	Property Taxes	6,800	6,800	-	
Total General - ASSTS		281,800	321,800	40,000	
Environmental Services					
10-5-4017740-0602	Sludge - Landfill Tipping Fees	50,000	50,000	-	
10-5-4017740-0604	Contract OCWA	415,000	340,000	(75,000)	WASTEWATER-2018-3
10-5-4017740-0612	OCWA Maintenance Items	110,000	110,000	-	
10-5-4017740-0613	OCWA After Hour Call In	25,000	25,000	-	
Total Environmental Services - ASSTS		600,000	525,000	(75,000)	
Total Expenses - Amherstburg Sanitary Sewer Treatment System		881,800	846,800	(35,000)	

**TOWN OF AMHERSTBURG
WASTE WATER DEPARTMENT
2018 BUDGET**

	2017 Budget	2018 Budget	Budget Increase/(Decrease) 2017 to 2018	Budget Issue Report
<u>McGregor Sewage Lagoon System (MSLS)</u>				
Building				
10-5-4017720-0316 Utilities	27,000	27,000	-	
10-5-4017720-0381 Property Taxes	2,000	2,000	-	
Total Building Expenses - MSLS	29,000	29,000	-	
Environmental Services				
10-5-4017720-0604 Contract OCWA	164,000	164,000	-	
10-5-4017720-0612 OCWA Plant Maintenance Items	35,000	35,000	-	
10-5-4017720-0613 OCWA After Hour Call In	10,000	10,000	-	
Total Environmental Services - MSLS	209,000	209,000	-	
Total Expenses - McGregor Sewage Lagoon System	238,000	238,000	-	
<u>Edgewater Sewage Lagoon System (ESLS)</u>				
Building				
10-5-4017730-0316 Utilities	60,000	35,000	(25,000)	WASTEWATER-2018-2
10-5-4017730-0381 Property Taxes	30,000	30,000	-	
Total Building - ESLS	90,000	65,000	(25,000)	
Environmental Services				
10-5-4017730-0612 OCWA Plant Maintenance Items	45,000	45,000	-	
10-5-4017730-0613 OCWA After Hour Call In	5,000	5,000	-	
10-5-4017730-0771 OCWA Meyers Pump Stations	10,000	10,000	-	
10-5-4017730-0604 Contract OCWA	170,000	170,000	-	
10-5-4017730-0609 Lagoon Treatment	75,000	75,000	-	
Total Environmental Services - ESLS	305,000	305,000	-	
Total Expenses - Edgewater Sewage Lagoon System	395,000	370,000	(25,000)	
<u>Big Creek Sewage Treatment and Collection System (Big Creek)</u>				
Building				
10-5-4017750-0316 Utilities	40,000	30,000	(10,000)	WASTEWATER-2018-2
Total Building - Big Creek	40,000	30,000	(10,000)	
Environmental Services				
10-5-4017750-0604 Contract OCWA - Big Creek Plant	120,000	120,000	-	
10-5-4017750-0612 OCWA Plant Maintenance Items	12,500	12,500	-	
10-5-4017750-0613 OCWA After Hour Call In	5,000	5,000	-	
Total Environmental Service - Big Creek	137,500	137,500	-	
Total Expenses - Big Creek Sewage Treatment and Collection System	177,500	167,500	(10,000)	
<u>McLeod SBR Sewage Treatment and Collection System (McLeod)</u>				
Building				
10-5-4017755-0316 Utilities	80,000	75,000	(5,000)	WASTEWATER-2018-2
10-5-4017755-0381 Property Taxes	20,000	20,000	-	
Total Building - McLeod	100,000	95,000	(5,000)	
Environmental Services				
10-5-4017755-0604 Contract OCWA - McLeod Plant	187,000	185,000	(2,000)	WASTEWATER-2018-3
10-5-4017755-0612 OCWA Plant Maintenance Items	30,000	30,000	-	
10-5-4017755-0613 OCWA After Hour Call In	12,000	12,000	-	
Total Environmental Services - McLeod	229,000	227,000	(2,000)	
Total Expenses - McLeod Sewage Treatment and Collection System	329,000	322,000	(7,000)	

**TOWN OF AMHERSTBURG
WASTE WATER DEPARTMENT
2018 BUDGET**

	2017 Budget	2018 Budget	Budget Increase/(Decrease) 2017 to 2018	Budget Issue Report
Boblo Island Sewage Treatment System				
Building				
10-5-4017760-0316 Utilities	30,000	30,000	-	
Total Building - Boblo	30,000	30,000	-	
Environmental Services				
10-5-4017760-0604 Contract OCWA - Boblo Plant	95,000	95,000	-	
10-5-4017760-0612 OCWA Plant Maintenance Items	15,000	15,000	-	
10-5-4017760-0613 OCWA After Hours Call In	2,200	2,200	-	
Total Environmental Service - Boblo	112,200	112,200	-	
Total Expenses - Boblo Island Sewage Treatment System	142,200	142,200	-	
Total Expenses before Reserves and Debt Charges	3,025,696	2,942,037	(83,659)	
Capital/Reserve Transfers				
10-5-4010000-2001 Transfer to Capital	542,000	843,000	301,000	
Transfer to Capital		774,000	774,000	
Life Cycle replacement	276,000	467,000	191,000	
Transfer of 2017 Life Cycle replacement Funds		(191,000)	(191,000)	
Transfer in from Working Capital		(774,000)	(774,000)	
10-5-4010000-2002 Transfer to Reserve Fund	453,450	285,135	(168,315)	
	1,271,450	1,404,135	132,685	
Debt Charges - Waste Water				
10-5-4017740-2005 Principle	1,345,165	1,374,548	29,383	WASTEWATER-2018-4
10-5-4017740-2006 Interest	1,002,583	939,249	(63,334)	WASTEWATER-2018-4
10-4-4010000-3015 Less: DC Portion	(504,194)	(404,194)	100,000	WASTEWATER-2018-4
Total Debt Charges - Waste Water	1,843,554	1,909,603	66,049	
Total Expenses - Waste Water Department	6,140,700	6,255,775	115,075	
Net Revenues and Expenses - Surplus/(Deficit)	-	-	0.00	

2018 PROPOSED OPERATING BUDGET

Budget Issue Type:

Contractual New Increase Decrease

Item Number:	WASTEWATER-2018-1
Community Based Strategic Plan Pillar:	
Department:	WASTEWATER
Division:	WASTEWATER
Estimated Cost:	\$115,075

Description of Item:
 Increase in water revenue items comes from an increase in rate of 1.3% taking place on August 1st 2018. Additional Revenue Increases are expected in the area of Sanitary Sewer Misc. for a processing of waste contract the town has with a local business

Justification:

The Town's asset management plan calls for a 1.3% increase to waste water revenue to deal with capital requirements	\$	75,075.00
The Town has experienced growth in sales at in Misc. Revenue as the Town has entered into an agreement to process waste with a local business that is not part of the sanitary system.	\$	40,000.00
	\$	<u>115,075.00</u>

Risk Analysis:
 The Town Asset Management Plan and wastewater models are guiding documents for financial planning, not following the recommendations could pose risk to the long term financial health of the organization

Financial Impact:

10-4-401000-1710	Sewage Surcharge		\$	75,075
10-4-401000-6540	Sanitary Sewer-Misc.		\$	40,000
			\$	115,075

2018 PROPOSED OPERATING BUDGET

Budget Issue Type:

Contractual New Increase Decrease

Item Number: WASTEWATER-2018-2

Community Based Strategic Plan Pillar:

Department: WASTEWATER

Division: WASTEWATER

Estimated Cost: (\$18,000)

Description of Item:

The following adjustments have been made in area's to increased and decrease maintenance, utilities and insurance cost. Adjustments have been made based on the prior years actual results

Justification:

Utilities Cost	\$	-
General Insurance	\$	2,000.00
Sewer Flushing	\$	(5,000.00)
Service Connection Repair and Maintenance	\$	(10,000.00)
Maintenance	\$	(5,000.00)
	\$	(18,000.00)

Risk Analysis:

Should the Budget not be adjusted there is increased possibility of a negative variance in operations

Financial Impact:

10-5-4010000-0314	General Insurance			\$	2,000
10-5-4017740-0316	Utilities- ASSTS			\$	40,000
10-5-4017730-0316	Utilities-ESLS			\$	(25,000)
10-5-4017750-0316	Utilities-Big Creek			\$	(10,000)
10-5-4017755-0316	Utilities- McLeod			\$	(5,000)
10-5-4017740-0750	Sewer Flushing			\$	(5,000)
10-5-4017740-0759	Service Connection Repair and Maintenance			\$	(10,000)
10-5-4017740-0331	General Maintenance			\$	(5,000)
				\$	(18,000)

2018 PROPOSED OPERATING BUDGET

Budget Issue Type:

Contractual New Increase Decrease

Item Number: WASTEWATER-2018-3

Community Based Strategic Plan Pillar:

Department: WASTEWATER

Division: WASTEWATER

Estimated Cost: (\$77,000)

Description of Item:

The Town of Amherstburg has a 5 year contract with the Ontario Clean Water Agency to run the water and waste water facilities of the Town and is contractually obligated to pay the rate in that contract.

Justification:

The Town issued the RFP in 2015 to ensure that the Town was receiving competitive pricing for the operation and maintenance services that were being provided. These services have not been competitively bid previously. In the past the Town had negotiated the contract directly with OCWA. The results of the RFP had positive operating impacts for the operations of the Amherstburg Sanitary Sewer Treatment System in 2018 those savings are \$75,000 over 2017 figures. It also has positive operating impacts for the operations of the McLeod Sewerage Treatment Collection System of \$2,000

Risk Analysis:

Financial Impact:

10-5-4017740-0604	Contract OCWA-ASSTS		\$	(75,000)
10-5-4017755-0604	Contract OCWA-McLeod		\$	(2,000)
			\$	(77,000)

2018 PROPOSED OPERATING BUDGET

Budget Issue Type:

Contractual **New** **Increase** **Decrease**

Item Number:	WASTEWATER-2018-4
Community Based Strategic Plan Pillar:	
Department:	WASTEWATER
Division:	WASTEWATER
Estimated Cost:	\$66,049

Description of Item:
 The Long Term Debt Repayment has decreased as a loan for prior sewage separation work on St. Arnaud and Dalhousie sewage relining expires in 2018.
 In 2015 Council was briefed in camera on potential issues with regards to the financial viability of the structure of the payments for the wastewater treatment plant. The AWWTP loans are funded 32.24% through the annual collection of Development Charges for sewer projects. The loan payment funded from Development Charges is \$504,194 per annum. It should be noted that Amherstburg's ability to fund the loan payment through Development Charges is contingent on the Town's ability to meet the projections developed by Watson & Associates in the development charge study. The study projects an average of 110 new home builds per year. Should these projections not materialize the loan payments will deplete the available cash flow from Development Charges making other sewer projects difficult to fund. This may result in the need to fund the payments from the general levy until the loans are paid off in 2031. At the Current time we have been at approximately 80 new home starts per year but at this current rate the DC balance is forecasted to be not sustainable by 2020. It is recommended that the amount paid back by Development Charges be amended down by \$100,000 and this repayment be funded by the rate as it is more inline with actual outcomes and fiscal reality.

Justification:

Removal of Sewage Separation Principal and Interest Payments	\$	(33,951.00)
Adjustment to DC Funded Payments	\$	100,000.00
	\$	66,049.00

Risk Analysis:

Financial Impact:

10-5-4017740-2005	Principle			\$	29,383
10-5-4017740-2006	Interest			\$	(63,334)
10-4-4010000-3015	DC portion			\$	100,000
				\$	66,049

2018 PROPOSED OPERATING BUDGET

Budget Issue Type:

Contractual New Increase Decrease

Item Number:	PWD-2018-10
Status:	RECOMMENDED
Community Based Strategic Plan Pillar:	
Department:	ENGINEERING AND PUBLIC WORKS
Division:	Roads
Estimated Cost:	\$22,682

Description of Item:

In the 2018 operating budget Council approved the addition of a new position "Engineering Technician". Reporting to the Manager of Engineering and under the overall direction of the Director of Engineering and Infrastructure Services, the Engineering Technician performs functions such as the preparation, review, and co-ordination of engineering designs, drawings, and contract documents for municipal infrastructure. Other duties include the co-ordination and streamlining of tasks associated with external organizations such as surveyors, consultants, architects, utility companies. Reviews ongoing by-laws and official plan amendments, subdivision agreements, etc., to ensure compliance and adherence to requirements of the Public Works Department. Provides support for construction projects.

Justification:

This position will provide cost estimates , technical and administrative support in the preparation of final tender documents and review of engineering reports and drawings. This position will also provide improved inspection and oversight of Town construction projects. Limited resources in the Engineering division results in extended time in completion of certain projects and tasks. The addition of this position would allow for completion of additional capital works and ensure that approved projects are completed within scheduled timeline and allocated budgets. This new addition had cross charge impacts to the water and waste water budets.

Risk Analysis:

Financial Impact:

There was a recovery from Water and Waste Water budgets because this position would work in those areas as well.

Salaries - Full Time	80-5-0000000-0101	\$	
Benefits @ 38%		\$	
Recovery from Waste Wa	10-4-3010000-1018	\$	11,341
Recovery from Water	10-4-3010000-1019	\$	11,341
Total Impact:		\$	22,682

TOWN OF AMHERSTBURG



2018 CAPITAL BUDGET

2018 CAPITAL BUDGETS INTRODUCTION

The 2018 Capital Budget brings about change to the way the capital budget is presented. For the 2018 Capital Budget Administration is presenting all open projects that have carried over from prior years and have cash backed transfers in the Working Capital Reserve. The intention is provided Council and the Public with better transparency on the open projects and allows Council the opportunity to repurpose funds on an annual basis.

The recommended 2018 Capital Budget for the Water system provides capital investment in municipal infrastructure totaling \$1,323,700.

The recommended 2018 Capital Budget for the Wastewater system provides capital investment in municipal infrastructure totaling \$8,497,000 with a total cost to the rate payer of 2,084,000 (1,310,000 from the current year, 774,000 Working Capital Reserve). It should be noted that the town needs to reexamine the funding source of the force main project and also the repurposing of CWWF grant funds, a full detailed report on this matter is included in the capital budget issue paper.

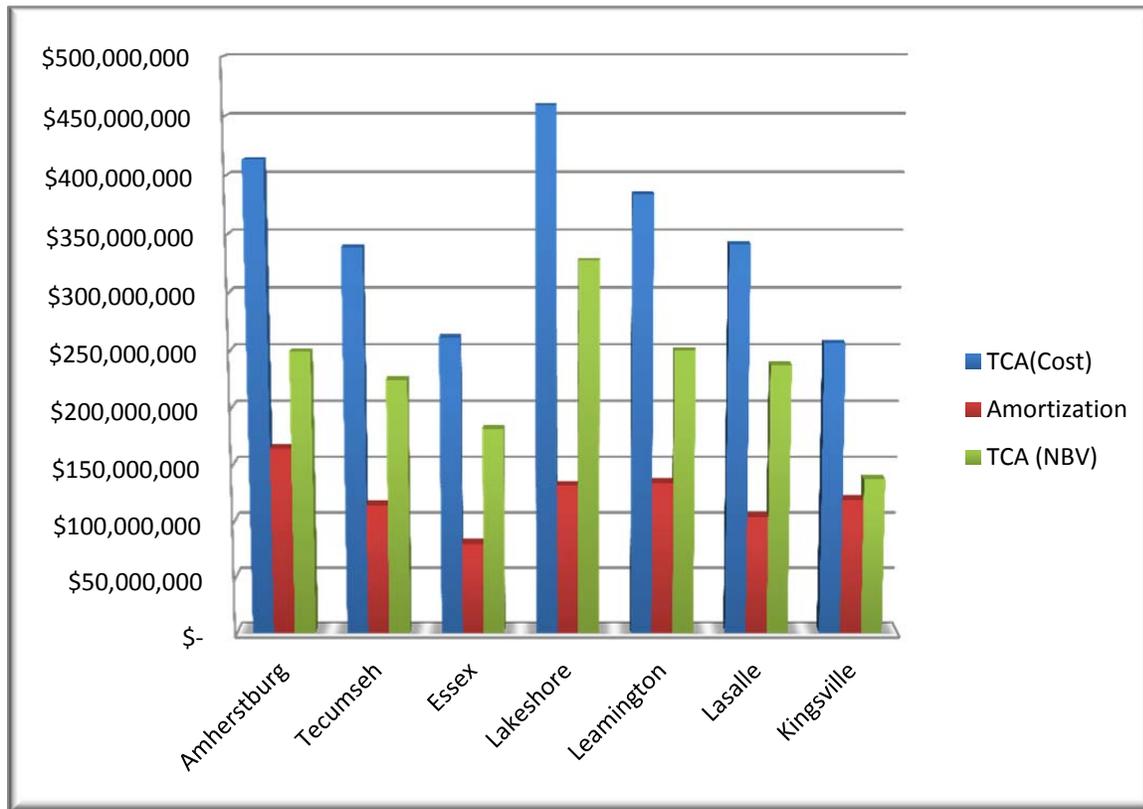
These investments are achieved by augmenting the contribution of operation funds to capital revenue. This is a continued step forward in realizing “the pay as you go” philosophy and self-funding the water and wastewater capital program. In the past, the Town relied on grant and debt funding to complete capital projects. This practice led to unacceptable amounts of long term debt for the Town and a reduced level of resident confidence in the Town’s financial outlook. Council and Administration have made tremendous strides to address these issues going forward.

2018 CAPITAL BUDGETS IMPORTANT FACTORS

Based on audited 2016 Financial Statements of neighboring municipalities, the Town of Amherstburg has the highest per resident investment in infrastructure, as illustrated by the following table:

Assets Per Capita (December 31, 2016)	TCA(COST)	TCA(NBV)	Population (Stats Can 2016)	Assets Per Capita (COST)	Assets Per Capita (NBV)
Town of Amherstburg	\$413,417,801	\$249,018,630	21,936	\$18,846	\$11,352
Town of Tecumseh (2015)	\$339,031,907	\$224,696,121	23,229	\$14,595	\$9,673
Town of Essex(2015)	\$261,380,983	\$181,714,095	20,427	\$12,796	\$8,896
Municipality of Lakeshore	\$459,499,140	\$327,668,738	36,611	\$12,551	\$8,950
Municipality of Leamington	\$384,378,783	\$250,026,611	27,595	\$13,929	\$9,061
Town of LaSalle (2015)	\$341,653,437	\$237,524,933	30,180	\$11,321	\$7,870
Town of Kingsville	\$256,359,545	\$137,334,512	21,552	\$11,895	\$6,372

The following graph illustrates the total assets cost, amortization and netbook value in the region:

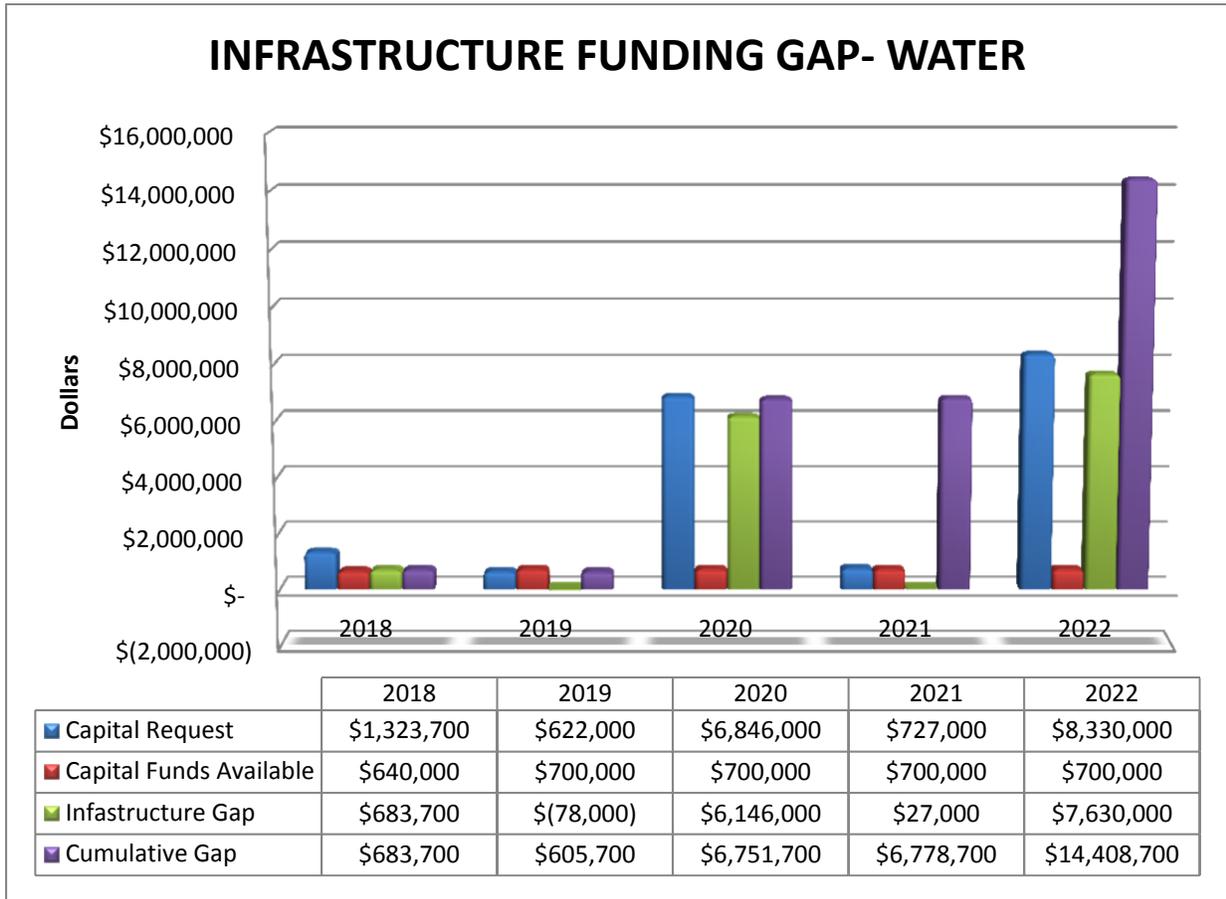


The following is both good and bad news for our Municipality. It means the Town has the highest amount of infrastructure for citizens to enjoy, however it also means in the future, the Town has the highest amount of infrastructure to replace. Currently, the Town’s assets have the highest amount of amortization in the region, (\$30,000,000 more than the next closest) which means our replacement should be taking place faster than our peers. This is not the case due to our limited funding.

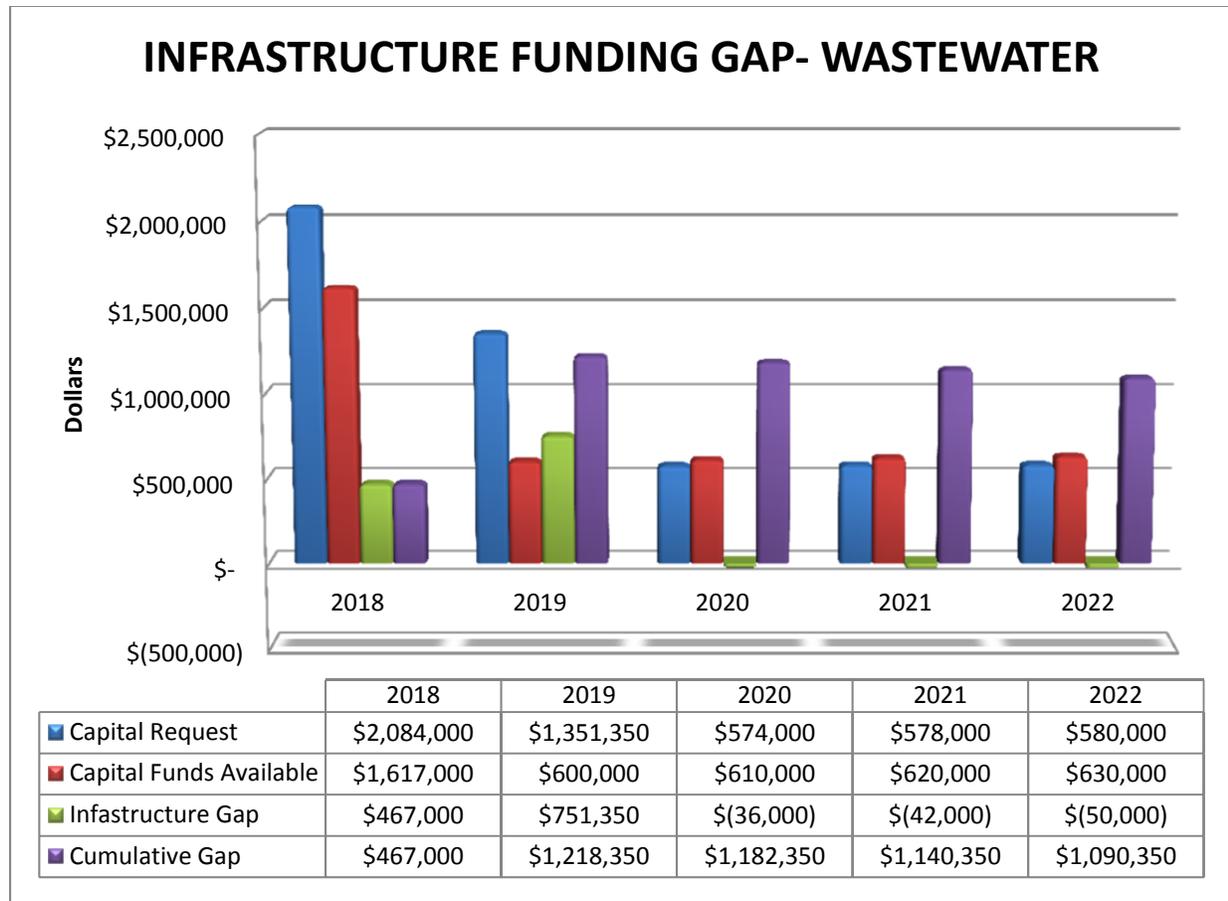
The difference between the capital needs of a municipality and that which the municipality can afford, is called the infrastructure funding gap. The best way for a municipality to guard itself against the growing infrastructure gap is by planning to have significant amounts of reserves, as well as a significant self-funding infrastructure program.

The Water and Wastewater Capital budgets suffers from annual infrastructure funding gaps, due to the fact that project costs and needs surpass the amount of project funds available. Without significant reserve funds, as mentioned above, it is hard for the Town to manage its infrastructure funding gap without increased capital borrowing.

As you will see in the following chart, and upcoming complete capital listing, the Town's water projected infrastructure gap over the next 5-10 years is significant, due to the forecasted major investments in the water treatment plant, \$37,016,700 that needs to take place in the next 5-10 years. The projected infrastructure gap is expected to be \$14.4 Million by 2022. It should also be noted this planning reflects component replacement over a 5 to 10 year period at the water treatment plant, which may change as the building ages.



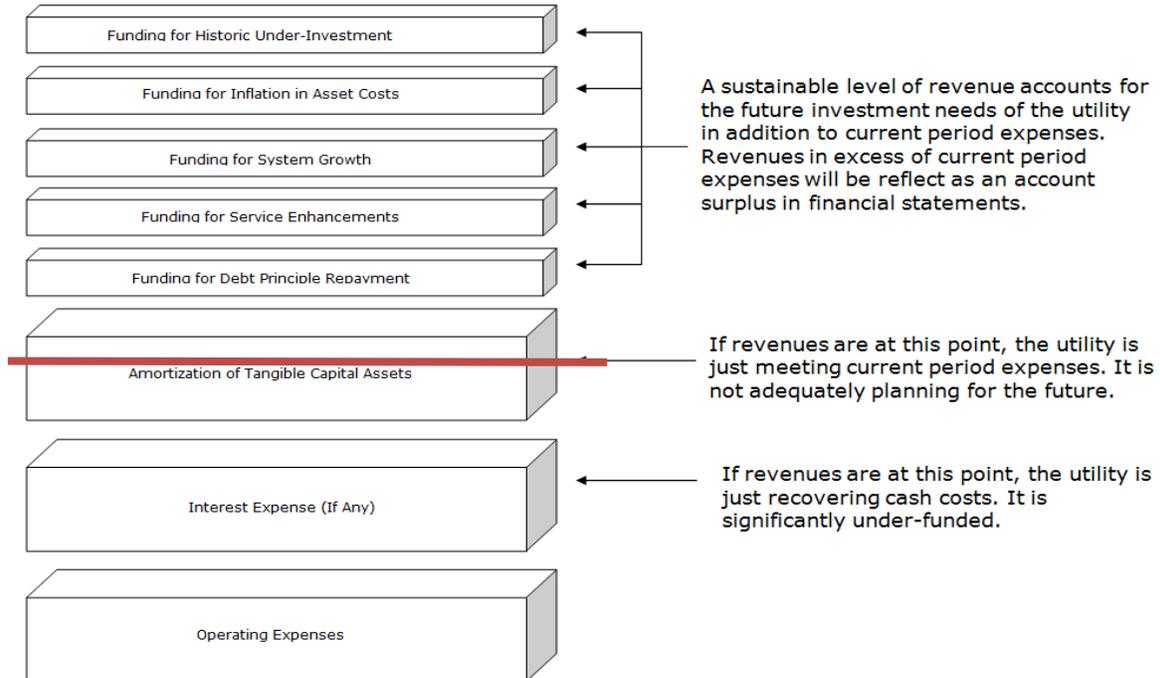
As you will see in the following chart, and upcoming complete capital listing, the Town's wastewater projected infrastructure gap over the next 5 years is not as significant, due to the fact that the town has already completed its major replacement of the plant. The projected infrastructure gap is expected to be \$1,090,350 by 2022.



Successful grant applications in wastewater and increased capital programs are helping to reduce the gap. That being said, it is important to continue to plan for the future and build reserves in the wastewater sector as once capital replacements are required on the sewer treatment plants owned by the Town there will be funds set aside to mitigate the need for additional borrowing, and will reduce the pressure on the operating budget which currently is 31% tied to debt and interest payments.

The approach of turning operational efficiencies and debt payment reductions into increased reserve, lifecycle and capital spending along with increases in the budgeted revenue will help to mitigate the infrastructure gap in the future.

A complete budget that deals with every fiscal issue a municipality would face is illustrated below:



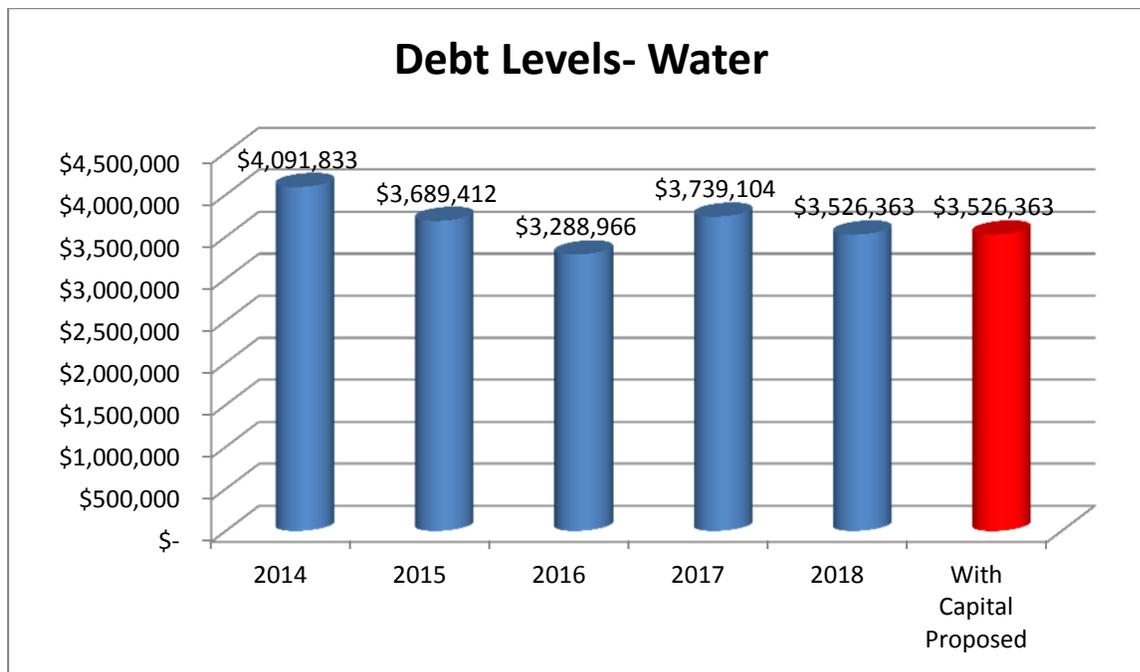
The Town of Amherstburg, much like other municipalities, cannot afford to budget for all of the above as it would be too costly to our residents. The red line indicates the level of items the Town is budgeting for as a municipality, this is an important concept to note as a community. The 2016 Audited Financial Statements of the Town showed amortization of water and wastewater capital assets of \$2,948,727 This means the Town's asset value is dropping by that amount each year due to deterioration. In 2018, we have annual funds of \$2,345,000 for capital and reserves, this leaves the Town short of having a full comprehensive plan for dealing with this matter.

CAPITAL BUDGETS HIGHLIGHTS

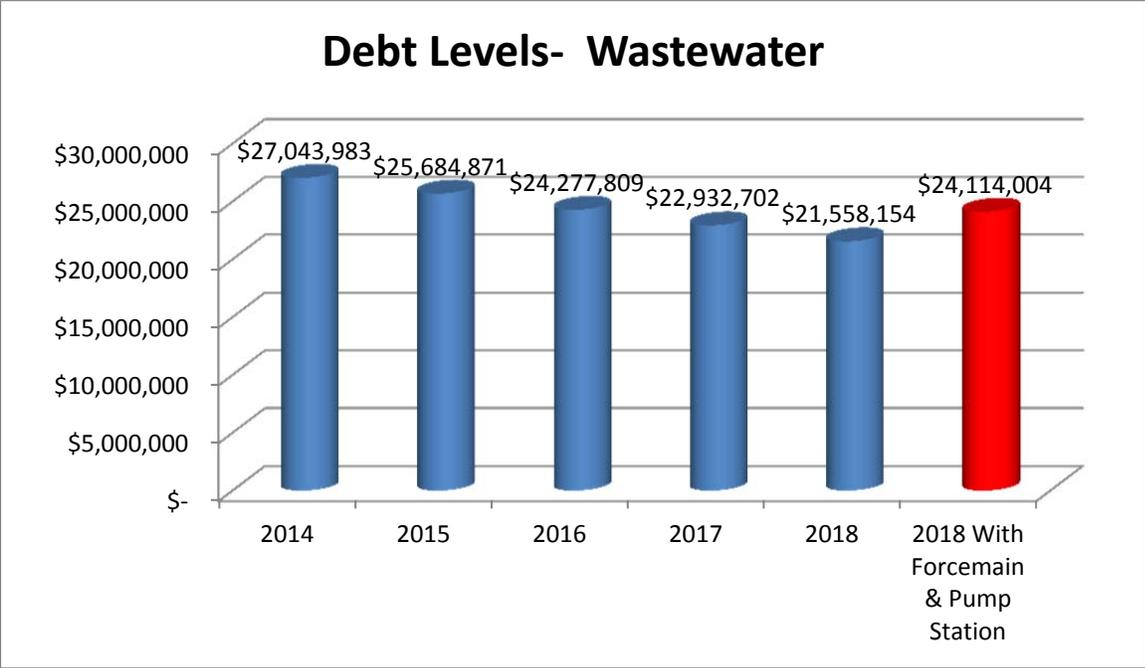
The 2015 & 2016 capital budget took progressive steps in the right direction for both the water and wastewater systems. It was the Town's first steps towards moving away from reliance on heavy debt financing, and more towards a pay as you go model of capital investment. In 2017, the Town continues down that path.

Due to the reexamination of projects and grant funding it is suggested that the CWWF funds for the reservoir be repurposed to help with the construction of the Forcemain and the reservoir project placed on hold till a later date. This impacts debt projection levels.

The following illustrates the projected debt levels from the water operations of the Town upon project completion of the capital works in 2018:

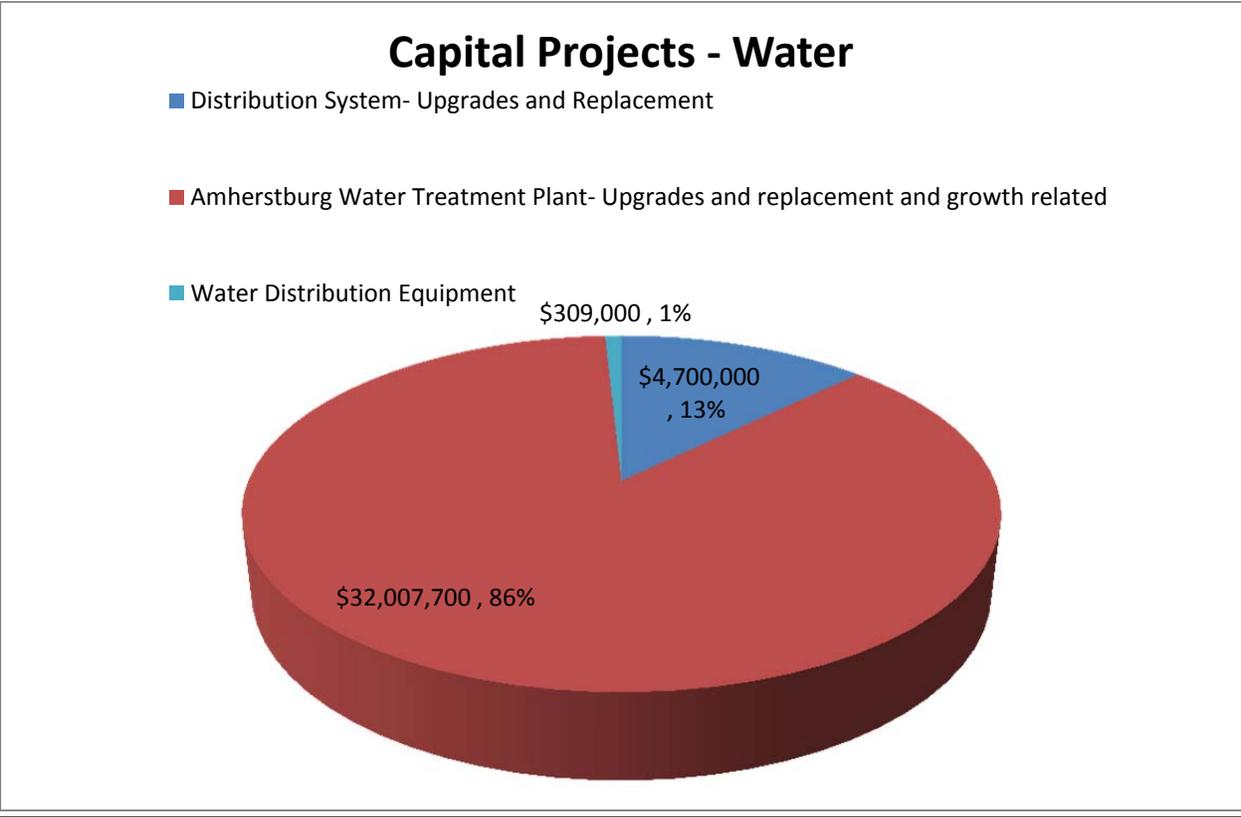


With regards to wastewater there is no new recommended debt in 2018, however upon completion of the force main and pump station which is scheduled for completion in early 2018 there is additional debt planned of 1/3 of the cost of the force main and pump station of \$2,555,850.

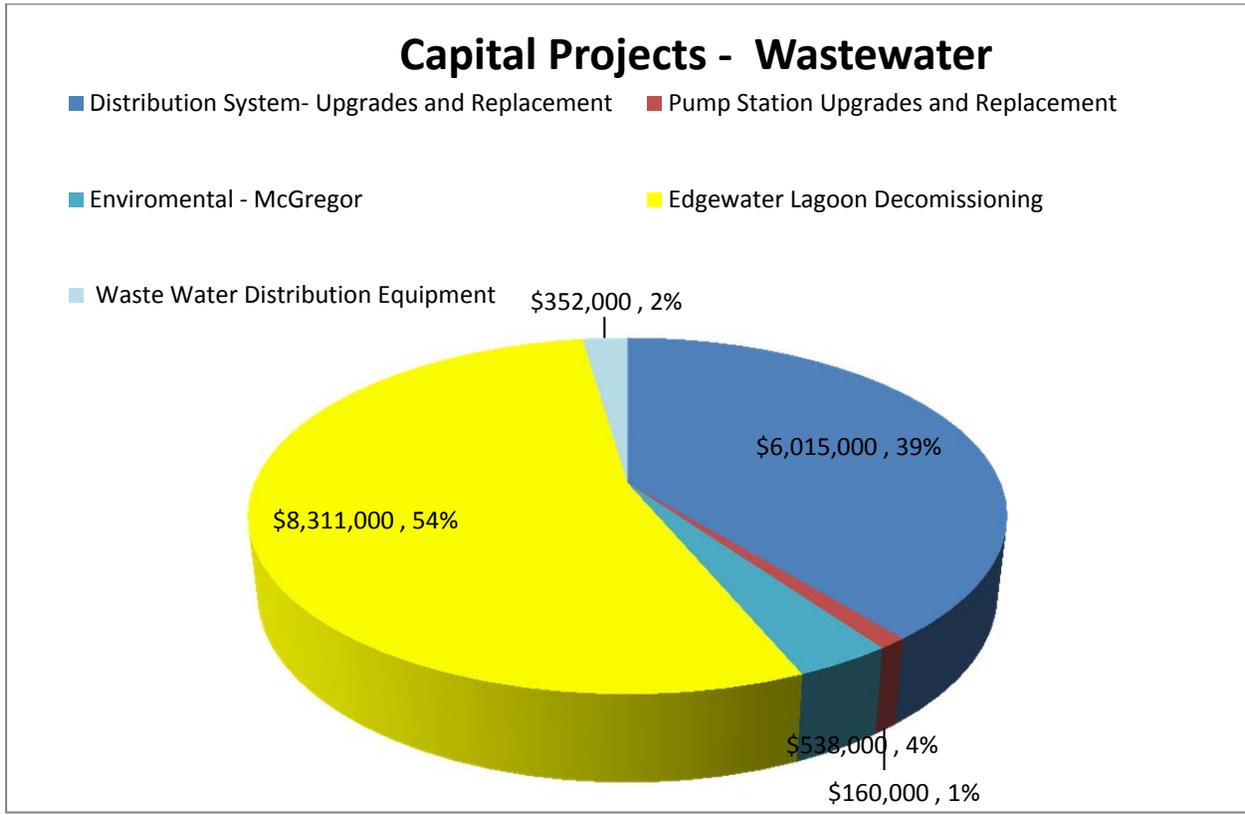


TOTAL 5-10 YEAR CAPITAL BREAKDOWN:

The following graph is an outlook for the project being recommended for the water budget for the period from 2018-2027, the projects total \$37,016,700.

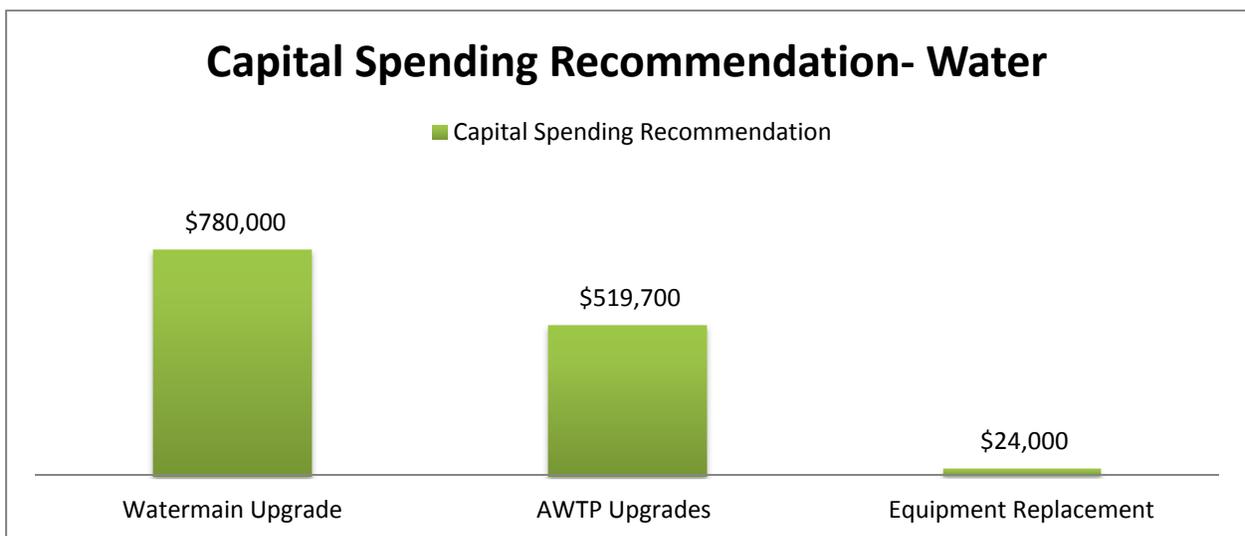


The following graph is an outlook for the project being recommended for the wastewater budget for the period from 2018-2027, the projects total \$15,376,000.



TOTAL PROJECT BREAKDOWN:

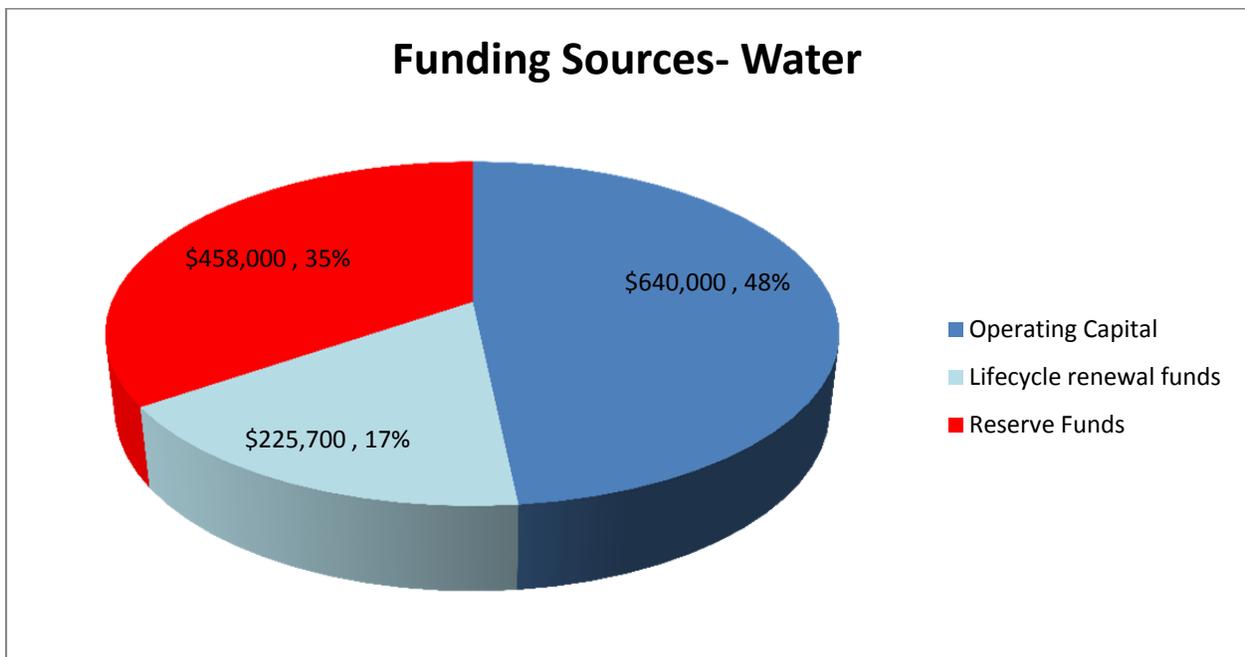
The 2018 water budget is proposing to undertake capital works in the amount of \$1,323,700 the breakdown of infrastructure investment is as follows:



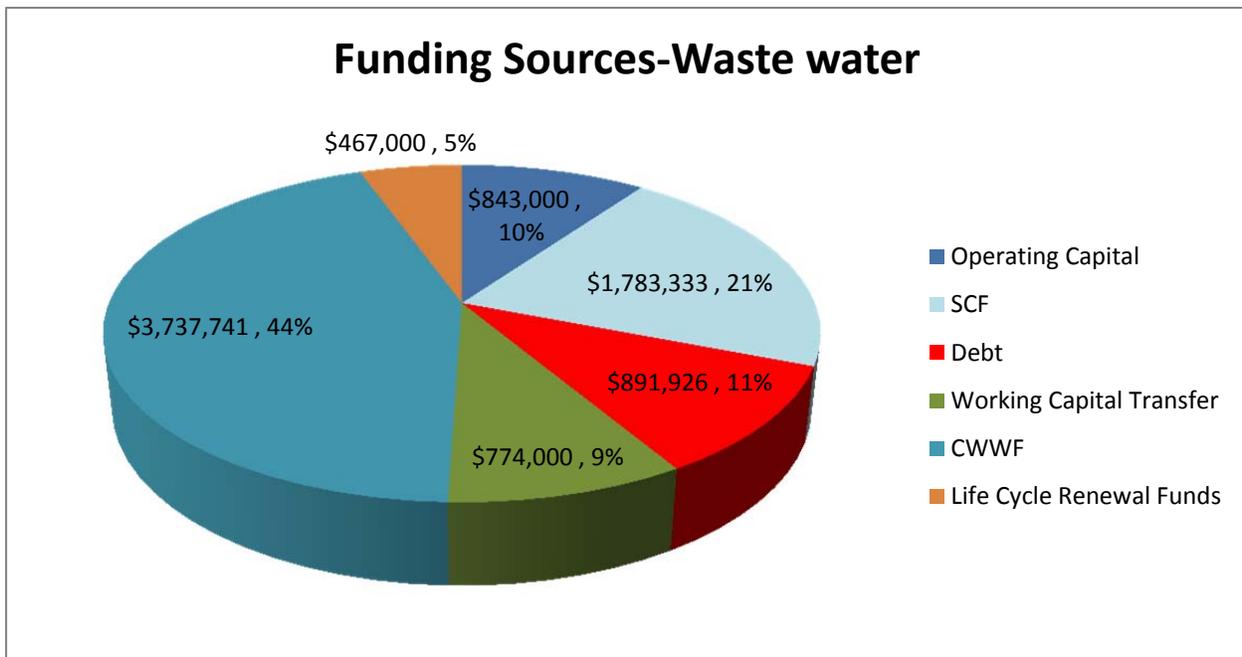
The 2018 wastewater budget is proposing to undertake capital works in the amount of \$8,497,000 the breakdown of infrastructure investment is as follows:



Total recommended water capital funding sources for 2018 are as follows:



Total recommended Wastewater capital funding sources for 2018 are as follows:



2018 CAPITAL BUDGETS CONCLUSION:

The 2018 capital budget continues to move forward with an ideology of debt reduction and “pay as you go”. However it is important to note that at the present time the municipality is not in a position to fully self-fund capital works and therefore must use long term debt strategically.

THE CAPITAL BUDGET FULL SCOPE OF WORK

The following 5 pages outline the water and wastewater infrastructure projects that the Town of Amherstburg is contemplating over the next five to ten years. The total scope of work is over \$48.3 Million from the combined water and wastewater budgets. These 5 pages are a project by project detail of the capital requests Council will consider now and in the future.

It is very important for Council to consider that the infrastructure requests will continue to increase over time while the funding envelope for capital works will be limited. Therefore Council will need to manage capital works decisions in a manner that will maximize community benefit and extend the useful life of municipal assets. Approving projects that will extend the useful life of municipal assets should be considered paramount for Council going forward which strategically will reduce the number of unexpected expenditures.

WATER DEPARTMENT - 2017 CAPITAL BUDGET											
Initiative	Total Capital Requirements	Grant	Net	Reasoning	Funding Source	2018	2019	2020	2021	2022	2023-2027
Distribution System - Upgrades & Replacements											
Pickering Street Watermain Upgrade from King to Fryer. Replacement of existing 12" ductile iron to class 150 PVC Pipe.	\$ 750,000.00		\$ 750,000.00	Required due to lifecycle renewal. Elimination of ductile iron pipe. Engineering in 2016. Construction in 2018.	Operating Capital and Reserves \$110,000	750,000.00					
Walnut Street Watermain Replacement from Hawthorn to McCurdy. Upgrade 150mm ductile pipe watermain to class 150. 175m	\$ 180,000.00		\$ 180,000.00	Required due to lifecycle renewal. Elimination of ductile iron pipe. Engineering in 2018. Construction in 2019. Will be coordinated with asphalt replacement	LifeCycle Renewal Funds	30,000.00	150,000.00				
Pacific Avenue Watermain Replacement from Simcoe to Richmond. Upgrade 200mm ductile pipe watermain to class 150. 600m	\$ 270,000.00		\$ 270,000.00	Required due to lifecycle renewal. Elimination of ductile iron pipe. Engineering in 2019. Construction in 2020. Will be coordinated with asphalt replacement			45,000.00	225,000.00			
Future Watermain Replacements 2021-2027. Allow \$500,000 per year for replacement of old watermain materials and upgrades.	\$ 3,500,000.00		\$ 3,500,000.00	Funds would provide for future lifecycle renewals and upgrades.					500,000.00	500,000.00	2,500,000.00
TOTALS	\$ 4,700,000.00		\$ 4,700,000.00			780,000.00	195,000.00	225,000.00	500,000.00	500,000.00	2,500,000.00
Amherstburg Water Treatment Plant - Upgrades and Replacements											
Filter #4 underdrain replacement	\$ 208,000.00		\$ 208,000.00	The plant has experienced a failure in the filter underdrain of Filter #4 that required replacement prior to peak water demand. Includes removal and full replacement of the existing filter media and underdrain.	Reserves 140,000 & 68,000 Life Cycle Spending	208,000.00					
LifeCycle Replacement Program Work	\$ 171,700.00		\$ 171,700.00	OWCA Life Cycle Projects	Life Cycle Funds from 2017 & 2018	103,700.00					
Rebuild Filter #1 base and blocks	\$ 208,000.00		\$ 208,000.00	This work is required to avoid the failure that was experienced with filter underdrain of Filter #4. Includes removal and full replacement of the existing filter media and underdrain.	Reserves	208,000.00					
Supervisory Control and Data Acquisition (SCADA) Upgrade. New computer system to operate the plant. \$100,000 for engineering in 2019 and \$900,000 for implementation in 2020	\$ 3,000,000.00		\$ 3,000,000.00	Plant is currently not automated. Controls are all manual. Will fully automate plant. SCADA provides improved reporting procedures because of the data that can be acquired more efficiently. (20% growth related). This is to be done before the plant upgrade.			100,000.00	2,900,000.00			
Construction of a new clarifier at the water treatment plant to provide 100% redundancy of the existing clarifier. \$262,000 for engineering in 2019 and \$2,358,000 for construction in 2020	\$ 2,800,000.00		\$ 2,800,000.00	Redundancy is not in place now. Recommended by the Ministry of the Environment and Climate Change			300,000.00	2,500,000.00			
Reservoir Replacement Phase 1. Installation of new 14,800 cubic metre reservoir.	\$ 8,000,000.00		\$ 8,000,000.00	Currently no redundant system for reservoir. This redundancy would also be in preparation for Phase 2 capacity increase during plant upgrades					200,000.00	7,800,000.00	
Process Waste Treatment Facility Construction. Collection, thickening, and dewatering for plant rated flow of 22,400 cubic metres per day. (20% growth related)	\$ 1,200,000.00		\$ 1,200,000.00	Backwash and filter waste currently not treated. This will provide treatment prior to discharge.				1,200,000.00			
TOTALS	\$ 15,587,700.00	\$ -	\$ 15,587,700.00			519,700.00	400,000.00	6,600,000.00	200,000.00	7,800,000.00	-

WATER DEPARTMENT - 2017 CAPITAL BUDGET											
Initiative	Total Capital Requirements	Grant	Net	Reasoning	Funding Source	2018	2019	2020	2021	2022	2023-2027
Amherstburg Water Treatment Plant - Upgrades and Replacements - Growth Related											
Construction of a new clarifier at the water treatment plant to provide 100% redundancy at the upgraded capacity of 22,400 cubic metres per day.	\$ 2,800,000.00		\$ 2,800,000.00	Rundancy of upgraded capacity is not in place now. Recommended by the Ministry of the Environment.							2,800,000.00
New Filter Construction at Water Treatment Plant. Upgrade require to increase capacity for water treatment plant from 18,124 cubic metres to 22,400 cubic metres per day.	\$ 7,400,000.00		\$ 7,400,000.00	18,124 cubic metres per day would not sustain continued growth and would require an additional 4,276 cubic metres per day.							7,400,000.00
Reservoir Replacement at Water Treatment Plant -Phase 2 - Provision of Additional Water Storage in Ground Reservoir. To be completed after Reservoir Replacement Phase 1. Will provide approximately 7,400 cubic metres for plant rated flow of 22,400 cubic metres per day.	\$ 4,000,000.00		\$ 4,000,000.00	Insufficient storage capacity. Additional storage required to accommodate upgraded plant.							4,000,000.00
New Construction of Second Screen at Water Treatment Plant to augment capacity upgrade. Upgrade require to increase capacity for water treatment plant from 18,124 cubic metres to 22,400 cubic metres per day.	\$ 1,450,000.00		\$ 1,450,000.00	18,124 cubic metres per day would not sustain continued growth and would require an additional 4,276 cubic metres per day. This is a preliminary estimate of cost							1,450,000.00
New Construction of Additional Low Lift Pump at Water Treatment Plant to augment capacity upgrade. Upgrade require to increase capacity for water treatment plant from 18,124 cubic metres to 22,400 cubic metres per day.	\$ 220,000.00		\$ 220,000.00	18,124 cubic metres per day would not sustain continued growth and would require an additional 4,276 cubic metres per day. This is a preliminary estimate of cost							220,000.00
New Construction of Chemical Storage Room at Water Treatment Plant to augment capacity upgrade. Upgrade require to increase capacity for water treatment plant from 18,124 cubic metres to 22,400 cubic metres per day.	\$ 200,000.00		\$ 200,000.00	18,124 cubic metres per day would not sustain continued growth and would require an additional 4,276 cubic metres per day. This is a preliminary estimate of cost							200,000.00
Purchase and installation of additional diesel generator for Water Treatment Plant to augment capacity upgrade. Upgrade require to increase capacity for water treatment plant from 18,124 cubic metres to 22,400 cubic metres per day.	\$ 200,000.00		\$ 200,000.00	18,124 cubic metres per day would not sustain continued growth and would require an additional 4,276 cubic metres per day. This is a preliminary estimate of cost							200,000.00
New Construction of Chemical Feed Processes at Water Treatment Plant to augment capacity upgrade. Upgrade require to increase capacity for water treatment plant from 18,124 cubic metres to 22,400 cubic metres per day.	\$ 150,000.00		\$ 150,000.00	18,124 cubic metres per day would not sustain continued growth and would require an additional 4,276 cubic metres per day. This is a preliminary estimate of cost							150,000.00
TOTALS	\$ 16,420,000.00		\$ 16,420,000.00			-	-				16,420,000.00

WATER DEPARTMENT - 2017 CAPITAL BUDGET											
Initiative	Total Capital Requirements	Grant	Net	Reasoning	Funding Source	2018	2019	2020	2021	2022	2023-2027
Water Distribution - Equipment											
Vehicle Replacement - Unit M3. Superintendent 2010 pick up - Budget \$40,000 - 60% Water 40% Sewer	\$ 24,000.00		\$ 24,000.00	Required due to lifecycle renewal.	LifeCycle Renewal Funds	24,000.00					
Vehicle Replacement - WM-03. 2007 1/2 ton van. Replace with 3/4 ton van - Budget \$45,000 - 60% Water 40% Sewer	\$ 27,000.00		\$ 27,000.00	Required due to lifecycle renewal.			27,000.00				
Vehicle Replacement - Unit WM-07. 2007 Ford Ranger 4x4 - Budget \$35,000 - 60% Water 40% Sewer	\$ 21,000.00		\$ 21,000.00	Required due to lifecycle renewal.				21,000.00			
	\$ 27,000.00		\$ 27,000.00	Required due to lifecycle replacement.					27,000.00		
Allowance for equipment purchases 2023 to 2027. Budget \$350,000 - 60% Water 40% Sewer	\$ 210,000.00		\$ 210,000.00	Included in water rate review for future cost planning						30,000.00	180,000.00
TOTALS	\$ 309,000.00		\$ 309,000.00			24,000.00	27,000.00	21,000.00	27,000.00	30,000.00	180,000.00
TOTAL 2017 WATER CAPITAL BUDGET	\$ 37,016,700.00	\$ -	\$ 37,016,700.00			1,323,700.00	622,000.00	6,846,000.00	727,000.00	8,330,000.00	19,100,000.00

Funding Sources:

Life Cycle Renewal Funds	225,700.00
Operating Transfer	640,000.00
Reserve Funds	458,000.00
	<u>1,323,700.00</u>

2018 PROPOSED CAPITAL BUDGET

Budget Issue Type:

Contractual New Increase Decrease

Item Number:	CAPITAL WATER-2018-1		
Status:	RECOMMENDED		
Community Based Strategic Plan Pillar:			
Department:	Engineering and Public Works		
Division:	Engineering and Public Works		
Estimated Cost:	\$750,000		

Description of Item:

Installation of new 300mm watermain on Pickering Street from King Street to Fryer.

Justification:

Lifecycle Replacement

Risk Analysis:

Postponing replacement could lead to additional watermain breaks.

Financial Impact:

Water Capital	\$	750,000
Total Impact:	\$	750,000

2018 PROPOSED CAPITAL BUDGET

Budget Issue Type:

Contractual New Increase Decrease

Item Number:	CAPITAL WATER-2018-2		
Status:	RECOMMENDED		
Community Based Strategic Plan Pillar:			
Department:	Engineering and Public Works		
Division:	Engineering and Public Works		
Estimated Cost:	\$75,000		

Description of Item:

Update of the Town's Water Masterplan

Justification:

Last update was completed in 2008. Updating the masterplan will establish capital needs and priorities.

Risk Analysis:

This is a necessary tool for watermain replacment planning

Financial Impact:

Water Capital	\$	75,000
Total Impact:	\$	75,000

2018 PROPOSED CAPITAL BUDGET

Budget Issue Type:

Contractual New Increase Decrease

Item Number:	CAPITAL WATER-2018-3
Status:	RECOMMENDED
Community Based Strategic Plan Pillar:	
Department:	Engineering and Public Works
Division:	Engineering and Public Works
Estimated Cost:	\$30,000

Description of Item:

Pre- engineering for Walnut Street watermain replacement . Replacement would be scheduled for 2019

Justification:

Walnut Street is the next watermain identified for replacment. This will be coordinated with asphalt replacement.

Risk Analysis:

Postponing replacement could lead to additional watermain breaks.

Financial Impact:

Water Capital	\$	30,000
Total Impact:	\$	30,000

2018 PROPOSED CAPITAL BUDGET

Budget Issue Type:

Contractual New Increase Decrease

Item Number:	CAPITAL WATER-2108-4		
Status:	RECOMMENDED		
Community Based Strategic Plan Pillar:			
Department:	Engineering and Public Works		
Division:	Engineering and Public Works		
Estimated Cost:	\$140,000		

Description of Item:

Replacement of filter #4 underdrain at the amherstburg water treatment plant

Justification:

The underdrain has collapsed and the filter is inactive. Replacement is required by the summer for peak water season.

Risk Analysis:

Postponing replacement could lead to the inability of the Town to meet water demands.

Financial Impact:

Water Capital	\$	140,000
Total Impact:	\$	140,000

2018 PROPOSED CAPITAL BUDGET

Budget Issue Type:

Contractual New Increase Decrease

Item Number:	CAPITAL WATER-2018-5
Status:	RECOMMENDED
Community Based Strategic Plan Pillar:	
Department:	Engineering and Public Works
Division:	Engineering and Public Works
Estimated Cost:	\$24,000

Description of Item:

Replacement of Pick-up truck M-3

Justification:

Lifecycle Replacement

Risk Analysis:

Elevated maintenance and repairs, lower resale value.

Financial Impact:

Water Capital	\$	24,000
Total Impact:	\$	24,000

WASTEWATER DEPARTMENT - 2017 CAPITAL BUDGET											
Initiative	Total Capital Requirements	Grant & Reserve & Prior Approved Debt	Net	Reasoning	Funding Source	2018	2019	2020	2021	2022	2023-2027
Sewage Collection System - Upgrades & Replacements											
Inflow and Infiltration study - Engineering	\$ 1,240,000		\$ 1,240,000	Engineering component of the project. Can include additional sewer investigation. Address the sewer inflow and infiltration the plagues the AWWTP catchment area. This will reduce comined storm / sanitary bypass.	WC Reserve Transfer and Postpone new funding for 2018 until the Town receives the 20 year capital plan from Civica	500,000.00	260,000.00	60,000.00	60,000.00	60,000.00	300,000.00
Inflow and Infiltration - Program Sanitary sewer renewal and repair	\$ 4,500,000		\$ 4,500,000	Sanitary sewer renewal and repairs to address the sewer inflow and infiltration the plagues the AWWTP catchment area. This will reduce comined storm / sanitary byass.	Postpone funding for 2018 until the Town receives the 20 year capital plan from Civica		500,000.00	500,000.00	500,000.00	500,000.00	2,500,000.00
Construct walkway over scum tanks	\$ 30,000	\$ -	\$ 30,000		Working Capital Reserve Transfer	30,000.00					
Epoxy coating of weirs	\$ 20,000	\$ -	\$ 20,000		Working Capital Reserve Transfer	20,000.00					
Servicing Study Southeast Quadrant EA	\$ 225,000		\$ 225,000	To complete the review of the servicing of the new building lots	Pre-Committed- Life Cycle Funding	225,000.00					
TOTALS	\$ 6,015,000	\$ -	\$ 6,015,000			775,000.00	760,000.00	560,000.00	560,000.00	560,000.00	2,800,000.00

Sewage Collection System - Pump Stations											
Generator replacement for Edgewater PS#10 (site 29)	\$ 80,000		\$ 80,000	Lifecycle replacement as recommended in the 2016 facility condition assessment	LifeCycle Renewal Funds	80,000.00					
Generator replacement for McGregor PS#1 (Site 9)	\$ 80,000		\$ 80,000	Lifecycle replacement as recommended in the 2016 facility condition assessment			80,000.00				
TOTALS	\$ 160,000		\$ 160,000			80,000.00	80,000.00				-

Environmental - McGregor Wastewater Lagoon System											
McGregor Lagoon Cleaning of Cell 1, 2 and 3. Cell #1 completed.	\$ 124,000	\$ -	\$ 124,000	To complete prior years work in progress	Working Capital Reserve Transfer	124,000.00					
MCG WW Lagoon System - Inflow & Infiltration Program	\$ 354,000	\$ -	\$ 354,000	To complete prior years work in progress	Working Capital Reserve Transfer	100,000.00	254,000.00				
Install Fencing along County Road 11 (Walker Road)	\$ 60,000		\$ 60,000	Provide security for the Lagoon facility. Current fencing is inadequate.			60,000.00				
TOTALS	\$ 538,000	\$ -	\$ 538,000			\$ 224,000.00	\$ 314,000.00	\$ -	\$ -	\$ -	\$ -

WASTEWATER DEPARTMENT - 2017 CAPITAL BUDGET											
Initiative	Total Capital Requirements	Grant & Reserve & Prior Approved Debt	Net	Reasoning	Funding Source	2018	2019	2020	2021	2022	2023-2027
Environmental - Edgewater Lagoon System											
Edgewater Forcemain Connection	\$ 7,256,000	\$ 6,413,000	\$ 843,000	Additional funding is required to complete the forcemain and pump station that will connect the Edgewater Lagoons to the AWWTP. These funds are required due to design changes that were required after the initial budget was created.	from Operating Capital Funds	843,000.00					
Edgewater Lagoon Decommissioning	\$ 1,055,000	\$ 875,650	\$ 179,350	To physically decommission lagoons and connect Edgewater sewage area to new treatment plant, providing secondary treatment.	179,350 Set aside in Wastewater working capital reserve in 2017		179,350.00				
TOTALS	\$ 8,311,000	\$ 7,288,650	\$ 1,022,350			843,000.00	179,350.00				-
TOTALS	\$ -					-	-				-
Wastewater - Equipment											
Vehicle Replacement - Unit M3. Superintendent 2010 pick up - Budget \$40,000 - 60% Water 40% Sewer	\$ 16,000		\$ 16,000	Required due to lifecycle replacement.	LifeCycle Renewal Funds	16,000.00					
LifeCycle Replacement Program Work	\$ 146,000		\$ 146,000	OCWA Projects for LifeCycle	LifeCycle Renewal Funds	146,000.00					
Vehicle Replacement - WM-05. 2007 1/2 ton van. Replace with 3/4 ton van - Budget \$45,000 - 60% Water 40% Sewer	\$ 18,000		\$ 18,000	Required due to lifecycle renewal. Transmission in current unit is failing			18,000.00				
Vehicle Replacement - Unit WM-07. 2007 Ford Ranger 4x4 - Budget \$35,000 - 60% Water 40% Sewer	\$ 14,000		\$ 14,000	Required due to lifecycle renewal.				14,000.00			
Vehicle Replacement - Unit SW-1: Sewer Truck - Replace with 3/4 ton van - Budget \$45,000 - 60% Water 40% Sewer	\$ 18,000		\$ 18,000	Required due to lifecycle replacement.					18,000.00		
Allowance for equipment purchases 2022 to 2027. Budget \$350,000 - 60% Water 40% Sewer	\$ 140,000		\$ 140,000	Required due to lifecycle replacement.						20,000.00	120,000.00
TOTALS	\$ 352,000	\$ -	\$ 352,000			162,000.00	18,000.00	14,000.00	18,000.00	20,000.00	120,000.00
TOTAL 2017 WASTEWATER CAPITAL BUDGET	\$ 15,376,000	\$ 7,288,650	\$ 8,087,350			2,084,000.00	1,351,350.00	574,000.00	578,000.00	580,000.00	2,920,000.00

Funding Sources:	
Working Capital Transfer Years	774,000.00
Operating capital contributions	843,000.00
Life Cycle Renewal Funds	467,000.00
	<u>2,084,000.00</u>

2018 PROPOSED CAPITAL BUDGET

Budget Issue Type:

Contractual New Increase Decrease

Item Number:	CAPITAL WASTE WATER 2018-1		
Status:	RECOMMENDED		
Community Based Strategic Plan Pillar:			
Department:	Engineering and Public Works		
Division:	Engineering and Public Works		
Estimated Cost:	\$225,000		

Description of Item:

To complete the review of the servicing of new building lots in the southesat Quadrant EA

Justification:

To facilitate development of the area as outlined in the report.

Risk Analysis:

Not awarding the Class EA to Stantec would delay the project by a significant amount of time. Timing to move forward with this project is critical due to the current housing market and developer demand. The Town is working on a number of initiatives to make Amherstburg a residential destination of choice in the region and having available building lots is a key component for this.

Financial Impact:

WW Capital	\$	225,000
Total Impact:	\$	225,000



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF ENGINEERING AND PUBLIC WORKS

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Todd Hewitt	Report Date: December 20, 2017
Author's Phone: 519 736-3664 ext. 2313	Date to Council: January 22, 2018
Author's E-mail: thewitt@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Engineering Services - Southeast Quadrant Servicing Class
Environmental Assessment

1. RECOMMENDATION:

It is recommended that:

1. The report from the Manager of Engineering dated December 20, 2017, regarding the Engineering Services - Southeast Quadrant Servicing Class Environmental Assessment **BE RECEIVED**;
2. An agreement with Stantec Consulting Ltd. to provide Engineering Services to complete the Southeast Quadrant Servicing Class Environmental Assessment **BE AUTHORIZED** in the amount of \$225,000 (excluding H.S.T.);
3. The Director of Corporate Services **BE DIRECTED** to **PRE-COMMIT \$225,000** in the 2018 Wastewater budget; and,
4. **By-law 2018-04** being a by-law to enter into an agreement with Stantec Consulting Ltd. to provide engineering services required to complete the Southeast Quadrant Servicing Class Environmental Assessment be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

2. BACKGROUND:

As part of the Town's initiative to provide the required infrastructure to allow for development of the Southeast Quadrant (generally the lands surrounding the Fryer

Street / Lowes Sideroad intersection) the Town must complete a Class Environmental Assessment (EA).

3. DISCUSSION:

The Town currently has a very limited number of buildable lots within the settlement area identified by the province. The Southeast Quadrant lands offer one of the larger areas that can be developed for residential use. This area has a number of different land owners and due to this fact the Town is working to provide a servicing strategy that will provide the necessary infrastructure for all of the developable lands in this area.

In February 2017, the Town entered into an agreement with Stantec Consulting to complete a preliminary sanitary and water servicing study for the southeast quadrant lands. This agreement was authorized by the CAO based on procurement policy FINAN-PR-POL-01.

This study generally included reviewing existing Town infrastructure along with the proposed developments in the area to determine a number of potential servicing strategies. These different strategies were then reviewed and a preferred solution was selected. Preliminary design was then undertaken including probable costing for the servicing. Stantec was chosen to complete this servicing study as a number of other local engineering firms were already involved representing the developers in the area. Stantec had no connection to any of the developers in the area and has an extensive background in completing projects of this nature locally.

The Town received the draft study, including proposed costing, and reviewed the results with the potential developers. We have received confirmation from 3 of the 5 developers that they want the project to proceed. Administration is working with the 4th developer to address some of their concerns while the 5th landowner has requested to be excluded from the servicing.

Although final draft plans and designs have not been completed for these developable properties Stantec used conceptual designs and typical housing densities to determine approximate number of residential units per development. With the three confirmed developers there is a potential for 1277 residential units with an additional 500 with the 4th developer.

Administration requested that Stantec provide a proposal to complete the Class EA for this project based on the number of engineers already involved in other capacities and Stantec's previous background with the project. It should be noted that the \$225,000 is the upset limit for the project and that the work will be billed on an hourly basis based on work performed.

It should be noted that Section 24 of the Town's procurement policy FINAN-PR-POL-01 allows for the CAO to grant an exemption to the procurement and purchasing procedures.

Specifically, within Section 24 of the procurement policy, there is a provision with respect to Consulting or Professional Services that allows for the CAO to waive the requirement to use a sealed bid process for Consulting or Professional Services. This project meets the criteria of item a. and partially items b. & c listed below.

24.3.8. *Consulting and Professional Services*

24.3.8.1. *If it has been deemed necessary to obtain a firm to provide consulting and/or professional services, the CAO may waive the requirement to use a sealed bid process for the acquisition of these services and may approve a consultant or professional services for a particular project without competitive process where one or more of the following conditions exist:*

- a. *The works are a continuation of a previous project*
- b. *The firm has demonstrated unique qualifications to undertake the project including in-house experience or historical data of the Municipality*
- c. *Time constraints restrict the ability to seek proposals or quotations that would result in increased costs or loss of provincial or federal funding*

It is Administration's position that Stantec is best suited and equipped to complete the Class EA quickly and efficiently, moving the entire project forward as expediently as possible. The developers are anxious to move this project forward as quickly as possible to take advantage of the current housing market as well as capitalize on the positive forward movement the Town is making, positioning ourselves as the a residential destination of choice.

4. RISK ANALYSIS:

Not awarding the Class EA to Stantec would delay the project by a significant amount of time. Timing to move forward with this project is critical due to the current housing market and developer demand. The Town is working on a number of initiatives to make Amherstburg a residential destination of choice in the region and having available building lots is a key component for this.

5. FINANCIAL MATTERS:

It is proposed that the Class EA portion of the project be funded through the 2018 Wastewater capital budget. The 2019 general tax capital, water and wastewater budgets will include portions of this project as it moves from Class EA and engineering design stage to the construction phase.

The Town will be recovering a portion of the costs (including interest) for the design and construction of the infrastructure required to service this area for development. All of the sanitary sewer and watermain costs will be recoverable. There are a number of different ways the Town can recover these costs such as lump sum payment, yearly repayment or an area specific DC for example. Administration will work directly with the developers

to determine which methods of repayment best suit all parties. These repayment agreements will be brought to Council for approval. Preliminary estimates that were completed for the original servicing study place the cost of this work at \$9,011,000. These estimates carry a level of accuracy of +30% to -15%.

A portion of the roadwork (including storm sewers) would need to be funded through general tax and development charges. This work would include the full reconstruction of Fryer Street from Pickering to Lowes and the full reconstruction of Lowes Sideroad from Sandwich Street to Meloche Road. Preliminary estimates that were completed for the original servicing study place the cost of this work at \$8,062,000. This estimate is based on converting these roads to an urban cross-section including curbs and storm sewers. These projects have been outlined in the development charge study of 2014.

From a potential revenue perspective the estimated 1,777 homes would generate an estimated \$22,644,311 in development fees (using the 2018 development charge fee of \$12,743 for single family and semi-detached dwellings)

From an ongoing municipal tax perspective assuming an average home price of \$250,000 for the full build out of 1,777 homes, would generate approximately \$4,100,000 in annual municipal revenue based on the 2018 mill rate. This revenue would remain in perpetuity on a yearly basis.

6. CONSULTATIONS:

N/A

7. CONCLUSION:

Approving the Engineering Services to complete the Class EA is the next step in developing the Southeast quadrant lands.



Todd Hewitt
Manager of Engineering

th

Report Approval Details

Document Title:	2018 01 22 Engineering Services - Southeast Quadrant Class EA.docx
Attachments:	- Agreement - Engineering Services SE Quadrant Class EA.pdf - By-law 2018-04 Engineering Services -Southeast Quadrant Class EA.pdf - Stantec Proposal SE Quadrant Servicing Class EA.pdf
Final Approval Date:	Jan 16, 2018

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



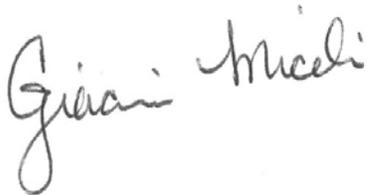
Antonietta Giofu - Jan 12, 2018 - 2:34 PM



Justin Rousseau - Jan 15, 2018 - 10:36 AM



Mark Galvin - Jan 16, 2018 - 11:11 AM



John Miceli - Jan 16, 2018 - 1:35 PM



Paula Parker - Jan 16, 2018 - 2:05 PM

2018 PROPOSED CAPITAL BUDGET

Budget Issue Type:

Contractual New Increase Decrease

Item Number:	CAPITAL WASTE WATER 2018-2		
Status:	RECOMMENDED		
Community Based Strategic Plan Pillar:			
Department:	Engineering and Public Works		
Division:	Engineering and Public Works		
Estimated Cost:	\$80,000		

Description of Item:

Generator Replacement - Edgewater PS#10

Justification:

Lifecycle replacement

Risk Analysis:

Not Replacing the gearmotor could lead to generator failure and the pump station not having back-up power. This could lead to sewer surcharge and potential flooding.

Financial Impact:

WW Capital	\$	80,000
Total Impact:	\$	80,000

2018 PROPOSED CAPITAL BUDGET

Budget Issue Type:

Contractual

 New

 Increase

 Decrease

Item Number:	CAPITAL WASTEWATER-2018-3		
Status:	RECOMMENDED		
Community Based Strategic Plan Pillar:			
Department:	Engineering and Public Works		
Division:	Engineering and Public Works		
Estimated Cost:	\$4,581,000		

Description of Item:

Upgrades to Pump Station 22 including installation of new pump station and the conversion of the existing pump station to a wet weather pumping station. Installation of sanitary forcemain along County Road 20 from edgewater lagoon site to Alma Street. Installation of new pumps and forcemain from Pump station 28 (Kingsbridge) to new forcemain.

Justification:

This work is the next step in the edgewater diversion project that will end with the decommissioning of the Edgewater Lagoons. This project received funding through the Small Communities Fund and is required to address a long standing MOECC order regarding early discharge of the lagoons. The Amherstburg Wastewater Treatment Plant was expanded to receive this sewage as outlined in the 2007 AWWTP Environmental Study Report.

Risk Analysis:

Not completing the work now would result in forfeiting the SCF funding. It is possible that the MOECC could force the Town to complete the work at a later date regardless to address the outstanding order. It would also result in a total halt to development in this area due to a lack of capacity.

Financial Impact:

WW Capital	\$	4,581,000
Total Impact:	\$	4,581,000



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF ENGINEERING AND PUBLIC WORKS

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Edgewater Sewage Diversion Project – Forcemain Construction and Pump Station Upgrades and CWWF and BCF-SCF Funding Agreements

1. RECOMMENDATION:

It is recommended that:

- 1. The report from the Director of Engineering and Public Works dated April 3, 2018, regarding the Edgewater Sewage Diversion Project – Forcemain Construction and Pump Station Upgrades BE RECEIVED;
2. The March 1, 2018 request to Infrastructure Ontario to amend the CWWF grant Agreement (amh-Tn 37025-AMH-001) to replace the Amherstburg Water Treatment Plant Reservoir Upgrade and Redundancy Project with the Edgewater Sewage Diversion Project – Forcemain Construction and Pump Station Upgrades BE AFFIRMED; and,
3. The Edgewater Sewage Diversion Project – Forcemain Construction and Pump Station Upgrades project BE CONSIDERED for approval in the 2018 Wastewater Budget.

2. BACKGROUND:

The Town of Amherstburg completed a Wastewater Treatment Study in 2007 to identify and evaluate options for meeting the Town's sewage servicing needs to the year 2030. The 2007 study followed the Schedule C Municipal Class Environmental Assessment (MCEA) process, which included a detailed review of existing conditions, future requirements, alternative solutions for meeting sewage servicing needs, and alternative

design concepts for the preferred solutions. The 2007 study recommended a wastewater strategy consisting of:

1. Expanding the Amherstburg WWTP's treatment capacity from 7,770m³/d to 11,500 m³/d to accommodate planned growth.
2. Implementing an inflow and infiltration (I/I) control program to reduce the projected 2030 flows by reducing the amount of stormwater entering the Town's sanitary sewer system.
3. Conveying wastewater from the Edgewater and Boblo Island collection areas for treatment at the upgraded and expanded Amherstburg WWTP.

Expansion of the Amherstburg WWTP was completed in 2014 and the I/I program is currently underway. To implement the third recommendation above related to the Edgewater collection area, construction of the necessary infrastructure to convey wastewater from Edgewater to the expanded Amherstburg WWTP is required. This is largely driven by planned growth in the Kingsbridge area. The wastewater infrastructure requirements for the Boblo Island collection area, per recommendation 3 above, are not considered in this report and will be the subject of a future report.

The 2007 study identified a preferred design concept ('Alternative Design Concept 2') for conveying wastewater from Edgewater to the Amherstburg WWTP.

In 2015, the Town was approved for Building Canada Fund – Small Communities Fund (BCF-SCF) for up to 2/3 funding (\$5,866,666.00) on a total estimated Edgewater Sewage Diversion project (project) cost of \$8,880,000 for the Edgewater Sewage Diversion project, up to a maximum of in funding. The project funding is 1/3 Canada, 1/3 Ontario and 1/3 municipal, with the municipal share to be funded from long term debt.

The project included:

1. Upgrades to Pump Station No. 2 – Status: completed in 2016
2. Construction of a new forcemain and upgrades to the pumping stations to connect Edgewater Lagoon System to the new Amherstburg Wastewater Treatment Plant – Status: the subject of this report
3. Decommissioning and remediation of the Edgewater lagoon site. – Status: subject to a future report

In 2016 the Town applied for the Clean Water and Wastewater Fund (CWWF) for the Amherstburg Water Treatment Plant Reservoir Upgrade and Redundancy Protection Project. The Town was approved for funding of up to \$3,737,741 to be utilized on the construction of a new reservoir at the Amherstburg Water Treatment Plant.

The projects under the BCF-SCF and CWWF funding agreements are required to be completed no later than March 31, 2019

In 2017, the Town completed an addendum to the ESR which examined new alternative design concepts for conveying wastewater from Edgewater to the Amherstburg WWTP. The new alternative was to include infrastructure required for wet weather flow management.

Wet weather flow refers to a surge in flow that can happen when stormwater enters the sanitary sewer during a rain event. This surge in flow during rain events can sometimes

lead to basement flooding in homes and sewage bypasses. In the Edgewater area, the wet weather flows can be 5 to 7 times greater than the flow during normal dry weather conditions.

Alternative Design Concept 2, as it was presented in the 2007 ESR, would create an increased risk of sewer surcharging within the urban Amherstburg system.

Through the examination it was confirmed that:

1. The 2007 preferred design concept is difficult to construct.
2. More cost-effective options to convey Edgewater's wastewater are available.
3. The Amherstburg collection system has limited capacity to handle peak wet weather flows.

The addendum identified a new preferred design concept ('Alternative Design Concept 6') that would include infrastructure required for wet weather flow management.

Administration is in the process of investigating all opportunities with respect to both current and future costs of the Amherstburg Water Treatment Plant. As such, the upgrades and expansions planned at the Amherstburg Water Treatment Plant are being deferred at this time.

Therefore, with the increased cost to the Edgewater Sewage Diversion project and the deadlines associated with the CWWF funding, Administration submitted a request on March 1, 2018 to Infrastructure Ontario to amend the funding Agreement to change the project from the Water Reservoir to the Edgewater Sewage Diversion project. Administration is awaiting confirmation of the project change request.

3. DISCUSSION:

The conveyance infrastructure near the Amherstburg WWTP is not large enough to accept the wet weather flows generated by the Edgewater service area. The wet weather flow management improvements will reduce the flows being conveyed to the Amherstburg WWTP to no more than 100 L/s, which is the hydraulic load that can be accommodated by the existing infrastructure closer to the WWTP.

Under the revised strategy, pump station (PS)-25 is maintained, and modifications are focused on PS-22 instead. The base upgrades that are part of the revised strategy include:

1. A new forcemain along County Road 20 terminating at the intersection of Alma and Sandwich Streets
2. Capacity upgrade to PS-22 (to 74 L/s)
3. Addition of odour control at PS-22
4. Connection of PS-28 (Kingsbridge) to the new forcemain

In addition to these base upgrades, the new alternative design concept includes wet weather flow management upgrades. It was determined that a storage volume of 1,100 m³ would be required to retain wet weather flow volumes in excess of PS-22's expanded design capacity. One of the lagoon cells will be converted to a storage tank

and the other two cells will be decommissioned. There will be temporary storage of the wet weather flows in the one lagoon cell for subsequent pumping to the Amherstburg WWTP.

The forcemain and pump station work, item 2 under the BCF-SCF funded project, are included in the 2014 Development Charges (DC) study as Wastewater Services project 2 at an estimated cost of \$2.33M with targeted completion in 2015. Preliminary cost estimates outlined in the 2017 Addendum to the ESR for these works totalled to \$4,700,000. Since that time, the consulting engineers have completed the detailed design of the project and have determined that a significant amount of additions/changes to the initial scope are required. These changes include:

1. The forcemain diameter has increased from 300mm to 450mm.
2. Initial alignment was anticipated to be on the boulevard, with lower impact on traffic and lower restoration costs. Due to the location of the existing utilities in the boulevard, the forcemain will be located in the roadway.
3. The County of Essex requires that native backfill not be used for the trench (granular A and B to be used), with a minimum 200 mm base and surface asphalt.
4. The total number of chambers has increased from 5 to 9 to provide more operational flexibility to the Town when filling and draining the pipe, and in case of failure.
5. A surge tank is required at PS-22 to prevent vacuum conditions and hammer in the forcemain when there is a power failure.
6. The existing generator needs to be replaced.
7. The existing electrical service at PS-22 is not adequate to handle new electrical loads. A new service is required.
8. The existing drywell was assessed as a Class 1 Division 2 space per the Ontario Electrical Safety Code and requires physical separation from the rest of the building in order to avoid upgrades to all existing electrical equipment.
9. Providing a new fence for the entire site at PS-22 to increase security.
10. Providing new roof for the existing building, as well as new paint, new floor coverings, and new pipe/valve painting in the dry pit.

The engineering cost estimate of this project is now \$7,256,000. The main issues affecting the cost of the project are items 2 to 6 above. Cost impacts for those items are as follows:

Item 2 and 3 – requirement to locate infrastructure in roadway - \$880,000
Item 4 – additional chambers for operational flexibility - \$272,000
Item 5 – surge tanks to prevent vacuum conditions and hammer - \$572,000
Item 6 – new generator - \$276,000
Total - \$2,000,000

4. **RISK ANALYSIS:**

Not moving forward with the construction of the forcemain and the diversion of wastewater from the Edgewater system to the Amherstburg Wastewater Treatment Plant would risk forfeiting the BCF-SCF grant funding.

The Town has invested significant dollars to upgrade and expand the Amherstburg Wastewater Treatment Plant and upgrade the Pump Station No. 2. The recommended works in this report are the final steps to allow the Edgewater Lagoons to be decommissioned and to utilize the capacity built into the treatment plant. By not moving forward on this project the Town could risk potential fines and additional costs from the MOECC for not addressing the issues with respect to the early discharges at the Edgewater lagoons.

On April 18, 2018, Administration received approval to amend the CWWF Contribution Agreement towards funding the Edgewater Sewage Diversion Project Step 2 and 3. This now mitigates \$3,737,741 of the total \$4,581,000 cost overage. Administration has also reached out to the SCF program manager to discuss the project change.

5. FINANCIAL MATTERS:

The Edgewater Sewage Diversion project approved for the BCF-SCF grant included the upgrades to Pump Station No. 2 (completed in 2016), construction of a new forcemain and upgrades to the pumping stations to connect Edgewater Lagoon System to the new Amherstburg Wastewater Treatment Plant and the decommissioning and remediation of the Edgewater lagoon site.

Project cost and funding per the BCF-SCF Contribution Agreement is as follows:

Edgewater Sewage Diversion project – BCF-SCF	Estimate
Project Cost:	
1. Upgrades to Pump Station No. 2	\$5,070,000
2. Construction of a new forcemain and upgrades to the pumping stations to connect Edgewater Lagoon System to the new Amherstburg Wastewater Treatment Plant	\$2,675,000
3. Decommissioning and remediation of the Edgewater lagoon site	<u>\$1,055,000</u>
Total Cost:	<u>\$8,800,000</u>
Project Funding:	
Grant Funding - BCF-SCF	\$5,866,667
Debt Funding previously approved	<u>\$2,933,333</u>
Total Funding:	<u>\$8,800,000</u>

The above table does not reflect the updated project cost estimates and funding requirements.

As noted above, the Town was also awarded up to \$3,737,741 in funding for construction of a new reservoir at the Amherstburg Water Treatment Plant. A request is under consideration by Infrastructure Ontario to amend the funding Agreement to instead fund items 2 and 3 of the Edgewater Sewage Diversion Project.

The following table reflects updated estimates for the Edgewater Sewage Diversion project cost and funding estimates:

Edgewater Sewage Diversion project - Updated	Original Estimate	Updated Estimate	Difference
Project Cost:			
1. Upgrades to Pump Station No. 2	\$5,070,000	\$5,070,000	0
2. Construction of a new forcemain and upgrades to the pumping stations to connect Edgewater Lagoon System to the new Amherstburg Wastewater Treatment Plant	\$2,675,000	\$7,256,00	\$4,581,000
3. Decommissioning and remediation of the Edgewater lagoon site	<u>\$1,055,000</u>	<u>\$1,055,000</u>	<u>0</u>
Total Cost:	<u>\$8,800,000</u>	<u>\$13,381.00</u>	<u>\$4,581,000</u>
Project Funding:			
Grant Funding - BCF-SCF	\$5,866,667	\$5,866,667	0
Debt Funding previously approved (\$705,546 DC Eligible Debt)	\$2,933,333	\$2,933,333	0
Grant Funding – CWWF	0	\$3,737,741	\$3,737,741
2018 Budgeted Capital From Rate	<u>0</u>	<u>\$843,259</u>	<u>\$843,259</u>
Total Funding:	<u>\$8,800,000</u>	<u>\$13,381.00</u>	<u>\$4,581,000</u>

6. CONSULTATIONS:

The Treasurer was consulted and provided financial information for this report.

7. CONCLUSION:

The Edgewater Sewage Diversion Project – Forcemain Construction and Pump Station Upgrades and CWWF and BCF-SCF Funding Agreements report is provided to update council on the project and affirm the scope change for the CWWF funding.

AGiofu

Antonieta Giofu
Director of Engineering and Public Works

AG

DEPARTMENTS/OTHERS CONSULTED: Name: Phone #: 519 ext.

NOTIFICATION :				
Name	Address	Email Address	Telephone	FAX

2018 PROPOSED CAPITAL BUDGET

Budget Issue Type:

Contractual New Increase Decrease

Item Number:	CAPITAL WASTEWATER 2018-4		
Status:	RECOMMENDED		
Community Based Strategic Plan Pillar:			
Department:	Engineering and Public Works		
Division:	Engineering and Public Works		
Estimated Cost:	\$16,000		

Description of Item:

Replacement of Pick-up truck M-3

Justification:

Lifecycle Replacement

Risk Analysis:

Elevated maintenance and repairs, lower resale value.

Financial Impact:

WW Capital	\$	16,000
Total Impact:	\$	16,000



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF CORPORATE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Justin Rousseau	Report Date: May 17, 2018
Author's Phone: 519 736-0012 ext. 2259	Date to Council: May 28, 2018
Author's E-mail: jrousseau@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Ontario Main Street Revitalization Initiative

1. RECOMMENDATION:

It is recommended that:

1. The report from the Treasurer dated May 17, 2017, regarding Ontario Main Street Revitalization Initiative **BE RECEIVED**;
2. The Municipal Funding Agreement for Ontario Main Street Revitalization Initiative between the Town of Amherstburg and the Association of Municipalities of Ontario for a funding allocation of \$57,051 **BE APPROVED** and the Mayor and Clerk **BE AUTHORIZED** to execute the Agreement;
3. Administration **BE DIRECTED** to apply the funding toward eligible costs for the Town's Community Improvement Plan (CIP) program initiative and **BE AUTHORIZED** to overspend the 2018 Budget for the CIP program by up to \$57,051; OR,
4. Administration **BE DIRECTED** to apply the funding toward eligible costs for strategic municipal physical infrastructure, Signage - wayfinding/directional and or gateway, as outlined in the report from the Chief Administrative Officer dated May 22, 2018, titled Gateway Signage.

2. BACKGROUND:

The Main Street Revitalization Initiative is a \$26 million fund to help municipal governments undertake main street revitalization activities that support and benefit small businesses. AMO entered into an agreement with the Ministry of Agriculture, Food

and Rural Affairs (OMAFRA) under which AMO has agreed to administer the funding on behalf of OMAFRA.

All lower and single-tier municipal governments are eligible for the allocation based funding. The formula for the funding was established by OMAFRA without the need for an application or matching funding. It empowers municipalities to make investment decisions within the program's parameters.

As of April 1, 2018, municipal governments can invest in revitalization activities that will support small businesses through activities undertaken to revitalize main streets. The work can be identified as priority through an existing Community Improvement Plan or municipal physical infrastructure priorities identified through other municipal land use planning documents for the municipality's main street that involve the construction, renewal, renovation or redevelopment, or material enhancement in each of the following categories:

Implementation of priority financial incentives in existing Community Improvement Plans (CIP) such as:

- a. Commercial building façade improvements;
- b. Preservation and adaptive reuse of heritage and industrial buildings;
- c. Provision of affordable housing;
- d. Space conversion for residential and commercial uses;
- e. Structural improvements to buildings (e.g. Building Code upgrades);
- f. Improvement of community energy efficiency; and
- g. Accessibility enhancements.

Funding of strategic municipal physical infrastructure such as:

- a. Signage – wayfinding/directional, and gateway;
- b. Streetscaping and landscape improvements – lighting, banners, murals, street furniture, interpretive elements, public art, urban forestation, accessibility, telecommunications/broadband equipment, parking, active transportation infrastructure (e.g. bike racks/storage, cycling lanes and paths) and pedestrian walkways/trails; and
- c. Marketing plan implementation – business attraction and promotion activities, special events.

Municipalities can identify projects in one or both categories.

3. DISCUSSION:

Subject to Council approval to execute the Agreement, the Town of Amherstburg will receive approximately \$57,050. The Agreement is effective April 1, 2018 and funding may be applied towards eligible expenditures, as outlined above, incurred after that date. The Agreement term ends on, and eligible projects must be completed by, March 31, 2020. The funds may be used to pay up to 100% of eligible expenditures of an eligible project.

Application of the funding toward the Community Improvement Plan would provide for additional approvals under that program, subject to application demand. Alternatively, application of the funding toward strategic municipal physical infrastructure would

support installation of signage - way finding/directional and or gateway to introduce and welcome visitors to the Town; either of these projects could fit well within the scope of this grant as eligible costs. A separate report is provided to Council on this agenda outlining details of a proposed gateway signage project for consideration.

It is recommended that Council enter into the Agreement to accept this funding, and further that Council provide direction on how the funds are to be applied.

It is expected that eligible funds will be fully applied during 2018 or 2019 depending on community uptake of the CIP program or construction timing for the signage.

4. RISK ANALYSIS:

Programs, such as the Ontario Main Street Revitalization Initiative, are effective tools used by municipalities to address key challenges due to financial constraints. The Ontario Main Street Revitalization program is a program offered by the Provincial government that will assist the Town in the long term financial plan.

Should Council not authorize execution of the Agreement for the Ontario Main Street Revitalization Initiative, the Town would lose access to grant funding that could be used to enhance the CIP program or to support installation of strategic municipal physical infrastructure in the form of gateway signage.

5. FINANCIAL MATTERS:

The following is a table that shows the estimated impact of the grant funding should Council augment the CIP program with the grant funds, subject to cost eligibility under the grant funding program:

CIP Program - Enhancement	Budget	Estimated	Variance (Over)/Under
Expense:			
Community Improvement Plan	\$100,000	\$157,050	\$ (57,050)
Total Expense	\$100,000	\$157,050	\$ (57,050)
Funding:			
Taxation	\$100,000	\$100,000	\$ -
Grant Funding	-	57,050	\$ 57,050
Total Funding	\$100,000	\$157,050	\$ 57,050

Alternatively, the following is a table that shows the estimated impact of the grant funding should Council fund a strategic municipal physical infrastructure – gateway signage project, subject to cost eligibility under the grant funding program:

Strategic Municipal Physical Infrastructure – Gateway Signage	Budget	Estimated	Variance (Over)/Under
Expense:			
Gateway Signage (Note 1)	-	\$130,000	\$ (130,000)
Total Expense	-	\$130,000	\$ (130,000)
Funding:			
Transfer from Reserve – Capital	-	\$72,950	\$ 72,950
Grant Funding	-	57,050	\$ 57,050
Total Funding	-	\$130,000	\$ 130,000

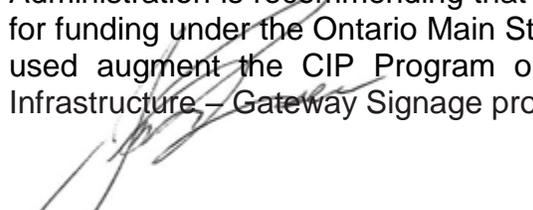
Note 1 Includes estimates for signage at both the North and South Gateways.

6. CONSULTATIONS:

N/A

7. CONCLUSION:

Administration is recommending that the Town of Amherstburg enter into an Agreement for funding under the Ontario Main Street Revitalization Initiative and that the funding be used augment the CIP Program or toward funding a Strategic Municipal Physical Infrastructure – Gateway Signage project.



 Justin Rousseau
 Treasurer

Report Approval Details

Document Title:	Ontario Main Street Revitalization Initiative.docx
Attachments:	- Main Street Revitalization Initiative.pdf
Final Approval Date:	May 22, 2018

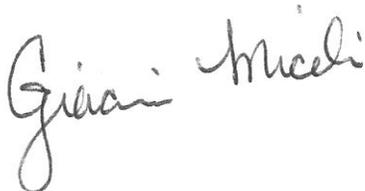
This report and all of its attachments were approved and signed as outlined below:



Cheryl Horrobin - May 22, 2018 - 12:33 PM



Mark Galvin - May 22, 2018 - 2:17 PM



John Miceli - May 22, 2018 - 3:07 PM



Task assigned to Paula Parker was completed by Tammy Fowkes - May 22, 2018 - 4:27 PM

MUNICIPAL FUNDING AGREEMENT

ONTARIO'S MAIN STREET REVITALIZATION INITIATIVE

This Agreement made as of 1st day of April, 2018.

BETWEEN:

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO

(referred to herein as "AMO")

AND:

THE TOWN OF AMHERSTBURG

(a municipal corporation pursuant to the Municipal Act, 2001, referred to herein as the "Recipient")

WHEREAS the Province of Ontario is making \$26 million available for allocation for the purposes of supporting municipal Main Street Revitalization Initiatives in Ontario;

WHEREAS the Province of Ontario, Ontario municipalities as represented by AMO are signatories to Ontario's Main Street Revitalization Initiative Transfer Payment Agreement on March 12, 2018 (the "OMAFRA-AMO Agreement"), whereby AMO agreed to administer Main Street Revitalization funds made available to all Ontario municipalities, excluding Toronto;

WHEREAS the OMAFRA-AMO Transfer Payment Agreement contains a framework for the transfer of provincial funds to Ontario lower-tier and single-tier municipalities represented by AMO;

WHEREAS the Recipient wishes to enter into this Agreement in order to participate in Ontario's Main Street Revitalization Initiative;

WHEREAS AMO is carrying out the fund administration in accordance with its obligations set out in the OMAFRA-AMO Agreement and it will accordingly undertake certain activities and require Recipients to undertake activities as set out in this Agreement.

THEREFORE the Parties agree as follows:

1. DEFINITIONS AND INTERPRETATION

1.1 **Definitions.** When used in this Agreement (including the cover and execution pages and all of the schedules), the following terms shall have the meanings ascribed to them below unless the subject matter or context is inconsistent therewith:

“Agreement” means this Agreement, including the cover and execution pages and all of the schedules hereto, and all amendments made hereto in accordance with the provisions hereof.

“Annual Report” means the duly completed report to be prepared and delivered to AMO as described in Section 7.2 and Section 2 of Schedule D.

“Association of Municipalities of Ontario (AMO)” means a legally incorporated entity under the Corporations Act, 1990 R.S.O. 1990, Chapter c.38.

“Communication Report” means the duly completed report to be prepared and delivered to AMO as described in Section 7.1 and Section 1 of Schedule D.

“Community Improvement Plan” has the meaning as defined under section 28(1) of the Planning Act, R.S.O. 1990, c. P.13.

“Contract” means an agreement between the Recipient and a Third Party whereby the latter agrees to supply a product or service to an Eligible Project in return for financial consideration.

“Effective Date” is April 1, 2018.

“Eligible Costs” means those expenditures described as eligible in Schedule C.

“Eligible Projects” means projects as described in Schedule B.

“Eligible Recipient” means a

- a. Municipality or its agent (including its wholly owned corporation); and
- b. Non-municipal entity, including for profit, non-governmental and not-for profit organizations, on the condition that the Municipality(ies) has (have) indicated support for the Eligible Project through a formal grant agreement between the Municipality and the non-municipal entity.

“Event of Default” has the meaning given to it in Section 11.1 of this Agreement.

“Funds” mean the Funds made available to the Recipient through the Main Street Revitalization Initiative, a program established by the Government of Ontario. Funds are made available pursuant to this Agreement and includes any interest earned on the said Funds. For greater certainty: (i) Funds transferred to another Municipality in accordance with Section 6.2 of this Agreement, other than as set out in Sections 7.1(a), (c) and (f), are to be treated as Funds by the Municipality to which the Funds are transferred and are not to be treated as Funds by the Recipient; and (ii) any Funds transferred to a non-municipal entity in accordance with Section 6.3 of this Agreement shall remain as Funds under this Agreement for all purposes and the Recipient shall continue to be bound by all provisions of this Agreement with respect to such transferred Funds.

“Ineligible Costs” means those expenditures described as ineligible in Schedule C.

“Lower-tier Municipality” means a Municipality that forms part of an Upper-tier Municipality for municipal purposes, as defined under the Municipal Act, 2001 S.O. 2001, c.25.

“Municipal Fiscal Year” means the period beginning January 1st of a year and ending December 31st of the same year.

“Municipality” and “Municipalities” means every municipality as defined under the Municipal Act, 2001 S.O. 2001 c.25.

“Municipal Physical Infrastructure” means municipal or regional, publicly or privately owned, tangible capital assets primarily for public use or benefit in Ontario.

“Ontario” means Her Majesty in Right of Ontario, as represented by the Minister of Agriculture, Food and Rural Affairs.

“Parties” means AMO and the Recipient.

“Project Completion Date” means the Recipient must complete its Project under this Agreement by March 31, 2020.

“Recipient” has the meaning given to it on the first page of this Agreement.

“Results Report” means the report prepared and delivered to AMO by the Recipient by which reports on how Funds are supporting progress towards achieving the program objective, more specifically described in Section 3 of Schedule D.

“Single-tier Municipality” means a municipality, other than an upper-tier municipality, that does not form part of an upper-tier municipality for municipal purposes as defined under the Municipal Act, 2001, S.O. 2001 c. 25.

“Third Party” means any person or legal entity, other than the Parties to this Agreement who participates in the implementation of an Eligible Project by means of a Contract.

“Transfer By-law” means a by-law passed by Council of the Recipient pursuant to Section 6.2 and delivered to AMO in accordance with that section.

“Unspent Funds” means the amount reported as unspent by the Recipient as of December 31, as submitted in the Recipient’s Annual Report.

1.2 Interpretations:

Herein, etc. The words “herein”, “hereof” and “hereunder” and other words of similar import refer to this Agreement as a whole and not any particular schedule, article, section, paragraph or other subdivision of this Agreement.

Currency. Any reference to currency is to Canadian currency and any amount advanced, paid or calculated is to be advanced, paid or calculated in Canadian currency.

Statutes. Any reference to a federal or provincial statute is to such statute and to the regulations made pursuant to such statute as such statute and regulations may at any time be amended or modified and in effect and to any statute or regulations that may be passed that have the effect of supplementing or superseding such statute or regulations.

Gender, singular, etc. Words importing the masculine gender include the feminine or neuter gender and words in the singular include the plural, and vice versa.

2. TERM OF AGREEMENT

- 2.1 **Term.** Subject to any extension or termination of this Agreement or the survival of any of the provisions of this Agreement pursuant to the provisions contained herein, this Agreement shall be in effect from the date set out on the first page of this Agreement, up to and including March 31, 2020.
- 2.2 **Amendment.** This Agreement may be amended at any time in writing as agreed to by AMO and the Recipient.
- 2.3 **Notice.** Any of the Parties may terminate this Agreement on written notice.

3. RECIPIENT REQUIREMENTS

- 3.1 **Communications.** The Recipient will comply with all requirements outlined, including providing upfront project information on an annual basis, or until all Funds are expended for communications purposes in the form described in Section 7.1 and Section 1 of Schedule D.
- a) Unless otherwise directed by Ontario, the Recipient will acknowledge the support of Ontario for Eligible Projects in the following manner: "The Project is funded [if it is partly funded the Recipient should use "in part"] by the Ontario Ministry of Agriculture, Food and Rural Affairs."
 - b) The Recipient shall notify Ontario within five (5) business days of planned media events or announcements related to the Project, organized by the Recipient to facilitate the attendance of Ontario. Media events and announcements include, but are not limited to, news conferences, public announcements, official events or ceremonies, and news releases.
- 3.2 **Contracts.** The Recipient will award and manage all Contracts in accordance with its relevant policies and procedures and, if applicable, in accordance with the Canadian Free Trade Agreement and applicable international trade agreements, and all other applicable laws.
- a) The Recipient will ensure any of its Contracts for the supply of services or materials to implement its responsibilities under this Agreement will be

awarded in a way that is transparent, competitive, consistent with value for money principles and pursuant to its adopted procurement policy.

4. ELIGIBLE PROJECTS

- 4.1 **Eligible Projects.** Costs directly and reasonably incurred by the Recipient for construction, renewal, renovation or redevelopment or material enhancement activities funded under existing Community Improvement Plan financial incentive programs or activities funded under the Municipal Physical Infrastructure category, including projects in downtown or main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy that will support the role of small businesses in main street areas as more specifically described in Schedule B and Schedule C
- 4.2 **Recipient Fully Responsible.** The Recipient is fully responsible for the completion of each Eligible Project in accordance with Schedule B and Schedule C.

5. ELIGIBLE COSTS

- 5.1 **Eligible Costs.** Schedule C sets out specific requirements for Eligible and Ineligible Costs.
- 5.2 **Discretion of Ontario.** Subject to Section 5.1, the eligibility of any items not listed in Schedule B and/or Schedule C to this Agreement is solely at the discretion of Ontario.
- 5.3 **Unspent Funds.** Any Unspent Funds, and any interest earned thereon, will be subject to the terms and conditions of this Agreement.
- 5.4 **Reasonable Access.** The Recipient shall allow AMO and Ontario reasonable and timely access to all documentation, records and accounts and those of their respective agents or Third Parties related to the receipt, deposit and use of Funds and Unspent Funds, and any interest earned thereon, and all other relevant information and documentation requested by AMO or Ontario or their respective designated representatives for the purposes of audit, evaluation, and ensuring compliance with this Agreement.
- 5.5 **Retention of Receipts.** The Recipient will keep proper and accurate accounts and records of all Eligible Projects including invoices and receipts for Eligible Expenditures in accordance with the Recipient's municipal records retention by-law and, upon reasonable notice, make them available to AMO and Ontario.

6. FUNDS

- 6.1 **Allocation of Funds.** AMO will allocate and transfer Funds on the basis of the formula determined by Ontario.
- 6.2 **Transfer of Funds to a Municipality.** Where a Recipient decides to allocate and transfer Funds to another Municipality (the "Transferee Municipality"):

- a) The allocation and transfer shall be authorized by by-law (a "Transfer By-law"). The Transfer By-law shall be passed by the Recipient's council and submitted to AMO as soon thereafter as practicable. The Transfer By-law shall identify the Transferee Municipality and the amount of Funds the Transferee Municipality is to receive for the Municipal Fiscal Year specified in the Transfer By-law.
- b) The Recipient is still required to submit an Annual Report in accordance with Sections 7.1 (a), (c) and (f) hereof with respect to the Funds transferred.
- c) No transfer of Funds pursuant to this Section 6.2 shall be effected unless and until the Transferee Municipality has either (i) entered into an agreement with AMO on substantially the same terms as this Agreement, or (ii) has executed and delivered to AMO a written undertaking to assume all of the Recipient's obligations under this Agreement with respect to the Funds transferred; in a form satisfactory to AMO.

6.3 **Transfer of Funds to a non-municipal entity.** Where a Recipient decides to support an Eligible Project undertaken by an Eligible Recipient that is not a Municipality:

- a) The provision of such support shall be authorized by a grant agreement between the Municipality and the Eligible Recipient in support of a Community Improvement Plan. The grant agreement shall identify the Eligible Recipient, and the amount of Funds the Eligible Recipient is to receive for that Eligible Project.
- b) The Recipient shall continue to be bound by all of the provisions of this Agreement notwithstanding any such transfer including the submission of an Annual Report in accordance with Section 7.2.
- c) No transfer of Funds pursuant to this Section 6.3 shall be effected unless and until the non-municipal entity receiving the Funds has executed and delivered to the Municipality the grant agreement.

6.4 **Use of Funds.** The Recipient acknowledges and agrees the Funds are intended for and shall be used only for Eligible Expenditures in respect of Eligible Projects.

6.5 **Payout of Funds.** The Recipient agrees that all Funds will be transferred by AMO to the Recipient upon full execution of this Agreement.

6.6 **Use of Funds.** The Recipient will deposit the Funds in a dedicated reserve fund or other separate distinct interest bearing account and shall retain the Funds in such reserve fund, or account until the Funds are expended or transferred in accordance with this Agreement. The Recipient shall ensure that:

- a) any investment of unexpended Funds will be in accordance with Ontario law and the Recipient's investment policy; and,

- b) any interest earned on Funds will only be applied to Eligible Costs for Eligible Projects, more specifically on the basis set out in Schedule B and Schedule C.
- 6.7 **Funds advanced.** Funds transferred by AMO to the Recipient shall be expended by the Recipient in respect of Eligible Costs. AMO reserves the right to declare that Unspent Funds after March 31, 2020 become a debt to Ontario which the Recipient will reimburse forthwith on demand to AMO for transmission to Ontario.
- 6.8 **Expenditure of Funds.** The Recipient shall expend all Funds by March 31, 2020.
- 6.9 **GST & HST.** The use of Funds is based on the net amount of goods and services tax or harmonized sales tax to be paid by the Recipient net of any applicable tax rebates.
- 6.10 **Limit on Ontario's Financial Commitments.** The Recipient may use Funds to pay up to one hundred percent (100%) of Eligible Expenditures of an Eligible Project.
- 6.11 **Stacking.** If the Recipient is receiving funds under other programs in respect of an Eligible Project to which the Recipient wishes to apply Funds, the maximum contribution limitation set out in any other program agreement made in respect of that Eligible Project shall continue to apply.
- 6.12 **Insufficient funds provided by Ontario.** If Ontario does not provide sufficient funds to AMO for this Agreement, AMO may terminate this Agreement.

7. REPORTING REQUIREMENTS

- 7.1 **Communication Report.** Immediately upon execution of this Agreement the Recipient shall report to AMO any Eligible Project being undertaken in the current Municipal Fiscal Year in the form described in Schedule D.
- 7.2 **Annual Report.** The Recipient shall report in the form in Schedule D due by May 15th following the Municipal Fiscal Year on:
 - a) the amounts received from AMO under this Agreement;
 - b) the amounts received from another Eligible Recipient;
 - c) the amounts transferred to another Eligible Recipient;
 - d) amounts paid by the Recipient in aggregate for Eligible Projects;
 - e) amounts held at year end by the Recipient in aggregate, including interest, to pay for Eligible Projects;
 - f) indicate in a narrative the progress that the Recipient has made in meeting its commitments and contributions; and,

- g) a listing of all Eligible Projects that have been funded, indicating the Eligible Project category, project description, amount of Funds, total project cost, start date, end date and completion status.

7.3 **Results Report.** The Recipient shall account in writing for results achieved by the Funds through a Results Report to be submitted to AMO. Specifically the Results Report shall document performance measures achieved through the investments in Eligible Projects in the form described in Section 3 of Schedule D.

8. RECORDS AND AUDIT

8.1 **Accounting Principles.** All accounting terms not otherwise defined herein have the meanings assigned to them; all calculations will be made and all financial data to be submitted will be prepared in accordance with generally accepted accounting principles (GAAP) in effect in Ontario. GAAP will include, without limitation, those principles approved or recommended for local governments from time to time by the Public Sector Accounting Board or the Canadian Institute of Chartered Accountants or any successor institute, applied on a consistent basis.

8.2 **Separate Records.** The Recipient shall maintain separate records and documentation for the Funds and keep all records including invoices, statements, receipts and vouchers in respect of Funds expended on Eligible Projects in accordance with the Recipient's municipal records retention by-law. Upon reasonable notice, the Recipient shall submit all records and documentation relating to the Funds to AMO and Ontario for inspection or audit.

8.3 **External Auditor.** AMO and/or Ontario may request, upon written notification, an audit of Eligible Project or an Annual Report. AMO shall retain an external auditor to carry out an audit of the material referred to in Sections 5.4 and 5.5 of this Agreement. AMO shall ensure that any auditor who conducts an audit pursuant to this Section of this Agreement or otherwise, provides a copy of the audit report to the Recipient and Ontario at the same time that the audit report is given to AMO.

9. INSURANCE AND INDEMNITY

9.1 **Insurance.** The Recipient shall put in effect and maintain in full force and effect or cause to be put into effect and maintained for the term of this Agreement all the necessary insurance with respect to each Eligible Project, including any Eligible Projects with respect to which the Recipient has transferred Funds pursuant to Section 6 of this Agreement, that would be considered appropriate for a prudent Municipality undertaking Eligible Projects, including, where appropriate and without limitation, property, construction and liability insurance, which insurance coverage shall identify Ontario and AMO as additional insureds for the purposes of the Eligible Projects.

9.2 **Certificates of Insurance.** Throughout the term of this Agreement, the Recipient shall provide AMO with a valid certificate of insurance that confirms compliance with the requirements of Section 9.1. No Funds shall be expended

or transferred pursuant to this Agreement until such certificate has been delivered to AMO.

- 9.3 **AMO not liable.** In no event shall Ontario or AMO be liable for:
- (a) any bodily injury, death or property damages to the Recipient, its employees, agents or consultants or for any claim, demand or action by any Third Party against the Recipient, its employees, agents or consultants, arising out of or in any way related to this Agreement; or
 - (b) any incidental, indirect, special or consequential damages, or any loss of use, revenue or profit to the Recipient, its employees, agents or consultants arising out of any or in any way related to this Agreement.
- 9.4 **Recipient to Compensate Ontario.** The Recipient will ensure that it will not, at any time, hold Ontario, its officers, servants, employees or agents responsible for any claims or losses of any kind that the Recipient, Third Parties or any other person or entity may suffer in relation to any matter related to the Funds or an Eligible Project and that the Recipient will, at all times, compensate Ontario, its officers, servants, employees and agents for any claims or losses of any kind that any of them may suffer in relation to any matter related to the Funds or an Eligible Project. The Recipient's obligation to compensate as set out in this section does not apply to the extent to which such claims or losses relate to the negligence of an officer, servant, employee, or agent of Ontario in the performance of his or her duties.
- 9.5 **Recipient to Indemnify AMO.** The Recipient hereby agrees to indemnify and hold harmless AMO, its officers, servants, employees or agents (each of which is called an "Indemnitee"), from and against all claims, losses, damages, liabilities and related expenses including the fees, charges and disbursements of any counsel for any Indemnitee incurred by any Indemnitee or asserted against any Indemnitee by whomsoever brought or prosecuted in any manner based upon, or occasioned by, any injury to persons, damage to or loss or destruction of property, economic loss or infringement of rights caused by or arising directly or indirectly from:
- (a) the Funds;
 - (b) the Recipient's Eligible Projects, including the design, construction, operation, maintenance and repair of any part or all of the Eligible Projects;
 - (c) the performance of this Agreement or the breach of any term or condition of this Agreement by the Recipient, its officers, servants, employees and agents, or by a Third Party, its officers, servants, employees, or agents; and
 - (d) any omission or other wilful or negligent act of the Recipient or Third Party and their respective officers, servants, employees or agents.

10. DISPOSAL

- 10.1 **Disposal.** The Recipient will not, without Ontario's prior written consent, sell, lease or otherwise dispose of any asset purchased or created with the Funds or

for which Funds were provided, the cost of which exceed \$50,000 at the time of sale, lease or disposal prior to March 31, 2021.

11. DEFAULT AND TERMINATION

11.1 **Event of Default.** AMO may declare in writing that an event of default has occurred when the Recipient has not complied with any condition, undertaking or term in this Agreement. AMO will not declare in writing that an event of default has occurred unless it has first consulted with the Recipient. Each and every one of the following events is an "Event of Default":

- (a) failure by the Recipient to deliver in a timely manner an Annual Report or Results Report.
- (b) delivery of an Annual Report that discloses non-compliance with any condition, undertaking or material term in this Agreement.
- (c) failure by the Recipient to co-operate in an external audit undertaken by AMO or its agents.
- (d) delivery of an external audit report that discloses non-compliance with any condition, undertaking or term in this Agreement.
- (e) failure by the Recipient to expend Funds in accordance with Sections 4.1 and 6.8.

11.2 **Waiver.** AMO may withdraw its notice of an Event of Default if the Recipient, within thirty (30) calendar days of receipt of the notice, either corrects the default or demonstrates, to the satisfaction of AMO in its sole discretion that it has taken such steps as are necessary to correct the default.

11.3 **Remedies on default.** If AMO declares that an Event of Default has occurred under Section 11.1, after thirty (30) calendar days from the Recipient's receipt of the notice of an Event of Default, it may immediately terminate this Agreement.

11.4 **Repayment of Funds.** If AMO declares that an Event of Default has not been cured to its satisfaction, AMO reserves the right to declare that prior payments of Funds become a debt to Ontario which the Recipient will reimburse forthwith on demand to AMO for transmission to Ontario.

12. CONFLICT OF INTEREST

12.1 **No conflict of interest.** The Recipient will ensure that no current member of the AMO Board of Directors and no current or former public servant or office holder to whom any post-employment, ethics and conflict of interest legislation, guidelines, codes or policies of Ontario applies will derive direct benefit from the Funds, the Unspent Funds, and interest earned thereon, unless the provision of receipt of such benefits is in compliance with such legislation, guidelines, policies or codes.

13. NOTICE

13.1 **Notice.** Any notice, information or document provided for under this Agreement will be effectively given if in writing and if delivered by hand, or overnight courier, mailed, postage or other charges prepaid, or sent by facsimile or email to the addresses, the facsimile numbers or email addresses set out in Section 13.3. Any notice that is sent by hand or overnight courier service shall be deemed to have been given when received; any notice mailed shall be deemed to have been received on the eighth (8) calendar day following the day on which it was mailed; any notice sent by facsimile shall be deemed to have been given when sent; any notice sent by email shall be deemed to have been received on the sender's receipt of an acknowledgment from the intended recipient (such as by the "return receipt requested" function, as available, return email or other written acknowledgment), provided that in the case of a notice sent by facsimile or email, if it is not given on a business day before 4:30 p.m. Eastern Standard Time, it shall be deemed to have been given at 8:30 a.m. on the next business day for the recipient.

13.2 **Representatives.** The individuals identified in Section 13.3 of this Agreement, in the first instance, act as AMO's or the Recipient's, as the case may be, representative for the purpose of implementing this Agreement.

13.3 **Addresses for Notice.** Further to Section 13.1 of this Agreement, notice can be given at the following addresses:

a) If to AMO:

Executive Director
Main Streets Agreement
Association of Municipalities of Ontario 200 University Avenue, Suite 801
Toronto, ON M5H 3C6

Telephone: 416-971-9856
Email: mainstreets@amo.on.ca

b) If to the Recipient:

Treasurer
Justin Rousseau
TOWN OF AMHERSTBURG
271 Sandwich St. South
Amherstburg, ON N9V 2A5
(519) 736-5401 x2259
jrousseau@amherstburg.ca

14. MISCELLANEOUS

14.1 **Counterpart Signature.** This Agreement may be signed in counterpart, and the signed copies will, when attached, constitute an original Agreement.

14.2 **Severability.** If for any reason a provision of this Agreement that is not a fundamental term is found to be or becomes invalid or unenforceable, in whole or in part, it will be deemed to be severable and will be deleted from this

Agreement, but all the other terms and conditions of this Agreement will continue to be valid and enforceable.

- 14.3 **Waiver.** AMO may waive any right in this Agreement only in writing, and any tolerance or indulgence demonstrated by AMO will not constitute waiver of rights in this Agreement. Unless a waiver is executed in writing, AMO will be entitled to seek any remedy that it may have under this Agreement or under the law.
- 14.4 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario.
- 14.5 **Survival.** The Recipient agrees that the following sections and provisions of this Agreement shall extend for seven (7) years beyond the expiration or termination of this Agreement: Sections 5, 6.7, 6.8, 7, 9.4, 9.5, 11.4 and 14.8.
- 14.6 **AMO, Ontario and Recipient independent.** The Recipient will ensure its actions do not establish or will not be deemed to establish a partnership, joint venture, principal-agent relationship or employer-employee relationship in any way or for any purpose whatsoever between Ontario and the Recipient, between AMO and the Recipient, between Ontario and a Third Party or between AMO and a Third Party.
- 14.7 **No Authority to Represent.** The Recipient will ensure that it does not represent itself, including in any agreement with a Third Party, as a partner, employee or agent of Ontario or AMO.
- 14.8 **Debts Due to AMO.** Any amount owed under this Agreement will constitute a debt due to AMO, which the Recipient will reimburse forthwith, on demand, to AMO.
- 14.9 **Priority.** In the event of a conflict, the part of this Agreement that precedes the signature of the Parties will take precedence over the Schedules.

15. SCHEDULES

- 15.1 This Agreement, including:
 - Schedule A Municipal Allocation
 - Schedule B Eligible Projects
 - Schedule C Eligible and Ineligible Costs
 - Schedule D Reporting

constitute the entire agreement between the Parties with respect to the subject matter contained in this Agreement and supersedes all prior oral or written representations and agreements.

16. SIGNATURES

IN WITNESS WHEREOF, AMO and the Recipient have respectively executed, sealed and delivered this Agreement on the date set out on the front page.

RECIPIENT'S NAME:

TOWN OF AMHERSTBURG

Aldo DiCarlo
Mayor Name

Signature

Paula Parker
Clerk Name

Signature

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO

By Title

Signature

In the presence of:

Witness Title

Signature

**SCHEDULE A
MUNICIPAL ALLOCATION**

RECIPIENT'S NAME: TOWN OF AMHERSTBURG

ALLOCATION: \$57051.2855

The Recipient acknowledges this is a one time payment for Eligible Projects with Eligible Costs.

SCHEDULE B ELIGIBLE PROJECTS

Funding is to be directed to Eligible Projects to support revitalization activities within main street areas, as defined through an existing Community Improvement Plan or any other municipal land use planning policy. Funding can be used in one or both of the following categories:

1. **Community Improvement Plan** – construction, renewal, renovation or redevelopment or material enhancement activities that implement priority financial incentives in existing Community Improvement Plans such as:
 - a. Commercial building façade improvements
 - b. Preservation and adaptive reuse of heritage and industrial buildings
 - c. Provision of affordable housing
 - d. Space conversion for residential and commercial uses
 - e. Structural improvements to buildings (e.g. Building Code upgrades)
 - f. Improvement of community energy efficiency
 - g. Accessibility enhancements
2. **Other Municipal Land Use Planning Policy** – construction, renewal or material enhancement activities to fund strategic Municipal Physical Infrastructure and promotional projects such as:
 - a. Signage – wayfinding/directional, and gateway.
 - b. Streetscaping and landscape improvements – lighting, banners, murals, street furniture, interpretive elements, public art, urban forestation, accessibility, telecommunications/broadband equipment, parking, active transportation infrastructure (e.g. bike racks/storage, cycling lanes and paths) and pedestrian walkways/trails.
 - c. Marketing plan implementation – business attraction and promotion activities, special events.

SCHEDULE C
ELIGIBLE AND INELIGIBLE COSTS

1. Eligible Costs include:

- a. Costs directly and reasonably incurred on or after April 1, 2018 up to and including the Project Completion Date by the Recipient for construction, renewal, renovation or redevelopment or material enhancement activities funded under existing Community Improvement Plan financial incentive programs.
- b. Costs directly and reasonably incurred on or after April 1, 2018 up to and including the Project Completion Date by the Recipient for construction, renewal or material enhancement activities funded under the Municipal Physical Infrastructure category including projects in downtown or main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy that will support the success of small businesses in main street areas.

2. Ineligible Costs include:

- a. Costs incurred prior to Effective Date or after the Project Completion Date;
- b. Any costs associated with providing the Annual and Results Reports to AMO;
- c. Any costs associated with lobbying Ontario, including other Ministries, agencies and organizations of the Government of Ontario;
- d. Costs associated with construction, renewal, renovation or redevelopment or material enhancement of all things in the following categories: highways, short-sea shipping, short-line rail, regional or local airports, and brownfield redevelopment;
- e. Costs of infrastructure construction, renewal, renovation or redevelopment or material enhancement that do not improve energy efficiency, accessibility, aesthetics or marketability of small businesses within an Recipient's main street areas; or that do not encourage strategic public investments in municipal and other public infrastructure within main street areas that will benefit small businesses; or that otherwise will likely fail to contribute to the success of main street businesses;
- f. Costs of infrastructure construction, renewal, renovation or redevelopment or material enhancement outside of the Recipient's main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy;
- g. The cost of leasing of equipment by the Recipient, any overhead costs, including salaries and other employment benefits of any employees of the Recipient, its direct or indirect operating or administrative costs of Recipients, and more specifically its costs related to planning, engineering, architecture, supervision, management and other activities normally carried out by its staff, except in accordance with Eligible Costs above;
- h. Taxes, to which the Recipient is eligible for a tax rebate;
- i. Purchase of land or any interest therein, and related costs; and,
- j. Routine repair and maintenance Municipal Physical Infrastructure.

**SCHEDULE D
REPORTING**

1. Communication Report

Immediately following the Municipality executing this Agreement the Recipient will provide AMO a Communication Report in an electronic format deemed acceptable to AMO, consisting of the following:

Project Title	Project Description	Eligible Project Category (CIP/ Municipal Physical Infrastructure	Total Project Cost	Estimate of Funds (Main Street) Spent

2. Annual Report

The Recipient will provide to AMO an Annual Report in an electronic format deemed acceptable to AMO, consisting of the following:

- a. Financial Reporting Table: The financial report table will be submitted in accordance with the following template:

Annual Report Financial Table	Annual	Cumulative
	20xx	2018 - 2020
Opening Balance	\$xxx	
Received from AMO	\$xxx	\$xxx
Interest Earned	\$xxx	\$xxx
Received from An Eligible Recipient	\$xxx	\$xxx
Transferred to an Eligible Recipient	(\$xxx)	(\$xxx)
Spent on Eligible Projects (for each Eligible Project category)	(\$xxx)	(\$xxx)
Closing Balance of Unspent Funds	\$xxx	

- b. Project List: The Recipient will provide to AMO a project list submitted in accordance with the following template:

Recipient	Project Title	Project Description	Eligible Project Category	Total Project Cost	Main Street Funds Used	Start & End Date	Completed?
							Yes/No/Ongoing

3. Project Results.

The Results Report shall outline, in a manner to be provided by AMO, the degree to which investments in each project are supporting progress towards achieving revitalization within main street areas:

- a. Community Improvement Plan Eligible Projects
- Number of small businesses supported;
 - Total value of physical improvements;
 - Total Main Street Funds provided;
 - Total Municipal investment; and,
 - Total private investment.
- b. Municipal Physical Infrastructure Eligible Projects
- Total value of physical improvements;
 - Total Main Street Funds provided; and
 - Total municipal investment.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PARKS, FACILITIES, RECREATION & CULTURE

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Rick Daly, Manager – Recreation Services	Report Date: May 14, 2018
Author's Phone: 519 736-5712 ext. 2122	Date to Council: May 28, 2018
Author's E-mail: rdaly@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Proclaiming June as Recreation and Parks Month

1. RECOMMENDATION:

It is recommended that:

1. The report from the Manager of Recreation Services dated May 14, 2018 regarding Proclaiming June as Recreation & Parks Month **BE RECEIVED**; and,
2. June **BE PROCLAIMED** as Recreation & Parks Month in the Town of Amherstburg.

2. BACKGROUND:

Parks and Recreation Ontario (PRO) proclaims that June has been designated as Recreation and Parks Month, which will annually identify the exciting ways to increase awareness of the value and important benefits of recreation and parks to individuals, families, and community. The goal of Recreation and Parks Month is:

- To increase awareness of the many opportunities and choices of programs available to participate in through the Corporate and Community Services Department.
- To encourage everyone to enjoy the many Parks and open spaces, and realize the sheer size and scope of landscaped areas that are maintained and serviced by the Parks Division of the Parks, Facilities, Recreation and Culture Department.

- In addition to proclaiming June as Recreation and Parks Month, Council proclaimed June as Seniors Month at a public Council Meeting held on May 14, 2018. Administration will combine these two proclamations to help promote active living amongst the senior population through recreation and park activities. Attached is the proclamation.

3. DISCUSSION:

Administration will prepare a calendar ad for the month of June to be distributed to the residents through the local paper and social media. The calendar will highlight parks to visit and recreational activities to participate in each day, to bring awareness of all the resources the Town has to offer. It will also provide an avenue to highlight the outdoor rental opportunities for family functions, events and tournaments. A sample of the 2017 calendar is attached.

With more than 113 hectares (279.6 acres) of green space in the form of playgrounds, sports fields and passive parks, in addition to the more than 51 programs offered at the Libro Centre and other facilities throughout Town, the Town has something for everyone to get out and enjoy.

For the month of June, Administration has identified programs and activities that could be offered at reduce rates or free if possible in order to promote active living and health. For example, Wednesday night Pickleball drop-in will be offered free of charge to all residents. This drop-in will help promote active living for our older adults as this sport, the fastest growing sport in Canada, is popular amongst the senior population.

4. RISK ANALYSIS:

There is no risk involved in proclaiming June as Recreation and Parks Month along with Council's previous proclaiming of June as Seniors Month.

5. FINANCIAL MATTERS:

The cost of ad space in the River Town Times will be covered through the normal operating budget of Recreation Services division. The cost of posting the ad is estimated to be \$242.00 plus HST x 2 weeks of ads.

6. CONSULTATIONS:

The Recreation and Culture Advisory Committee's staff resource identified this opportunity to promote recreation to the Town's residents at the last meeting of the committee, and they are in support of proclamation. Additionally, the Manager of Parks and Naturalized Areas was consulted to provide information specific to parks, and is also in support of the proclamation.

7. CONCLUSION:

Established in 2005, June is Recreation and Parks Month (JRPM) is an annual community mobilization movement that takes place in parks, schools, recreation centres and neighbourhoods across Ontario. JRPM reaches children and families in Ontario through concerted promotion in participating communities. These communities (including municipalities, neighbourhoods, schools, non-profit organizations, sport groups, etc.) proclaim JRPM and promote events, facilities, trails, parks and programs. JRPM engages hundreds of thousands of children and families in activities that increase physical activity, promote healthy eating. and encourage safe play.



Rick Daly
Manager – Recreation Services

RD/rd

Town of Amherstburg PROCLAMATION

June is Recreation and Parks Month

WHEREAS, in the Town of Amherstburg, we are fortunate to have a variety of recreation and parks systems providing countless recreational opportunities for residents and visitors from around the world; and

WHEREAS, recreation enhances quality of life, balanced living and lifelong learning; helps people live happier and longer; develops skills and positive self image in children and youth; develops creativity; and builds healthy bodies and positive lifestyles; and

WHEREAS, recreational participation builds family unity and social capital; strengthens volunteer and community development; enhances social interaction; creates community pride and vitality; and promotes sensitivity and understanding to cultural diversity; and

WHEREAS, parks, open space and trails provide active and passive outdoor recreation opportunities, help maintain clean air and water; and promotes stewardship of the natural environment; and

WHEREAS, recreation, therapeutic recreation and leisure education are essential to the rehabilitation of individuals who have become ill or disabled, or disadvantaged, or who have demonstrated anti-social behavior; and

WHEREAS, the benefits provided by recreation programs, services and parks, and open space, reduce healthcare and social service costs; serve to boost the economy, economic renewal and sustainability; enhance property values; attract new business; increase tourism; and curb employee absenteeism; and

WHEREAS, all levels of government, the voluntary sector and private enterprise throughout the Province participate in the planning, development and operation of recreation and parks program, services and facilities;

NOW THEREFORE, be it resolved that Ontario does hereby proclaim that June, which witnesses the greening of Ontario and serves as a significant gateway to family activities, has been designated as Recreation and Parks Month, which will annually recognize and celebrate the benefits derived year round from quality public and private recreation and parks resources at the local, regional and provincial levels.

Therefore, as Mayor of Amherstburg I, Aldo DiCarlo, in recognition of the benefits and values of Recreation and Parks, do hereby designate the month of **June as Recreation and Parks Month**.



JUNE IS RECREATION & PARKS MONTH

CANADA 150
Celebrating 150 years of recreation and parks

SUN	MON	TUE	WED	THU	FRI	SAT
June 2017			 CANADA 150	1 Walk the new ERCA Greenway which starts at Thomas and Texas.	2 Take a trip to Holiday Jones Beach	3 Splash pad is open at Toddy Jones Park starting @ 10 am.
4 Join Turf Tots @ the Libro Centre 9:30 – 11:30	5 Watch an evening baseball game @ the Libro Centre	6 Get your bike out and ready for some summer fun!	7 Play Pickleball for free at the Libro Centre from 6-8 pm.	8 Come walk with the Mayor at Toddy Jones starting @ 1:30 pm	9 Join outdoor Turf Tots in motion for the PA Day @ 10:00	10 Check out the Hosta Garden @ KNYP
11 Kids get your bikes checked at the Bike Rodeo!	12 Make a visit to Holiday Beach.	13 Go Geocaching. It's fun for the whole family.	14 Play Pickleball for free at the Libro Centre from 6-8 pm.	15 Go for a sunset walk through KNYP.	16 AFMHS Garden Tour 4-8pm	17 AFMHS Garden Tour 10-4 WSO 5pm @ KNYP
18 Join Turf Tots @ the Libro Centre 9:30 – 11:30	19 Get outdoors! It's a great place to be!	20 Check out the flower beds at KNYP for great home ideas	21 Play Pickleball for free at the Libro Centre from 6-8 pm.	22 Visit Fort Malden, great place for a stroll thru History	23 Rent the pavilion at Toddy Jones for a family event	24 Farmers Market 8:30-1:30 @ "Little White Church"
25 Walking Tour old A'Burg 1-3 pm	26 Walk the culture trail, maps available at the Gordon House	27 Have a picnic dinner at Toddy Jones Park	28 Play Pickleball for free at the Libro Centre from 6-8 pm.	29 Want to learn to swim? Register for lessons @ the Libro	30 Never too late to get active!	


 PARKS AND RECREATION ONTARIO

#RecAndParksMonth
#canada150
www.recandparksmonth.ca

Report Approval Details

Document Title:	June is Recreation and Parks Month.docx
Attachments:	N/A
Final Approval Date:	May 22, 2018

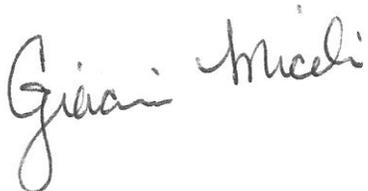
This report and all of its attachments were approved and signed as outlined below:



Mark Galvin - May 17, 2018 - 10:03 AM



Cheryl Horrobin - May 18, 2018 - 8:35 AM



John Miceli - May 18, 2018 - 9:46 AM



Task assigned to Paula Parker was completed by Tammy Fowkes - May 22, 2018 - 5:51 PM



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF ENGINEERING AND PUBLIC WORKS &
OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author information (Name, Phone, E-mail) and Report details (Date, Council date, Resolution #).

To: Mayor and Members of Town Council

Subject: Amendments to Right of Way Permit By-law 2017-81

1. RECOMMENDATION:

It is recommended that:

- 1. The report from the Manager of Engineering & Manager of Licensing and Enforcement dated May 11, 2018 regarding Amendments to Right of Way Permit By-law 2017-81 BE RECEIVED; and,
2. By-law 2018-61 being a By-law to Amend By-law 2017-81 be taken as having been read 3 times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

2. BACKGROUND:

The Town passed the Right of Way Permit By-law 2017-81 at the December 11, 2017 Council meeting. The By-law to regulate Right of Way Permits should be continuously reviewed and amended to best reflect and address necessary changes required to ensure the by-law meets the objectives set forth by Administration. This is the first amendment to the Right of Way Permit By-law.

3. DISCUSSION:

The purpose of the report is to amend the current Right of Way Permit By-law to reflect changes that have been identified by Administration. These changes ensure the By-law meets the objectives of the Municipality to protect the Town rights of way while at the same time ensuring residents and contractors have the ability to meet the requirements set forth in the By-law. Amending By-law 2018-61 is attached to the report and includes the following changes.

The main change to the By-law relates to the required liability insurance. It has been identified that the requirement to have \$5,000,000 liability insurance should be reduced to \$2,000,000. It has been determined that carrying \$5,000,000 liability is not common and would create an onerous demand on home-owners and contractors attempting to obtain a permit. The Risk Manager has advised that \$2,000,000 is sufficient for the application of this By-law.

Administration also conducted an audit and review of the By-law to ensure that the By-law reflects the most current and correct information to date.

4. RISK ANALYSIS:

The risk to the Town has been reduced by enacting a Right of Way Permit process. The permit, together with the by-law and construction standards will provide a consistent and defensible process for works completed within the Town's right of way. The permit holder will be required to provide proof of insurance and shall include the Town as additional insured.

5. FINANCIAL MATTERS:

There is no financial impact associated with this report. User fees and indemnity deposits related to this By-law remain unchanged.

6. CONSULTATIONS:

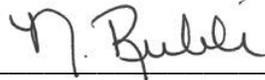
The Engineering Technologist and Municipal Clerk were consulted on this report and concur with the amendments to By-law 2017-81

7. **CONCLUSION:**

The Right of Way Permit By-law requires review and amendment to best reflect and address necessary changes required to ensure the by-law is meeting the objectives set forth by Administration.



Todd Hewitt
Manager of Engineering



Nicole Rubli
Manager of Licensing and Enforcement

th

DEPARTMENTS/OTHERS CONSULTED:

Name: Paula Parker

Phone #: 519 736-0012 ext. 2238

Report Approval Details

Document Title:	2018 05 28- Amendments to Right of Way Permit By-law.docx
Attachments:	- Bylaw 2018-61 Amendment Changes Right of Way Permit By-Law 2017-81.pdf
Final Approval Date:	May 23, 2018

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



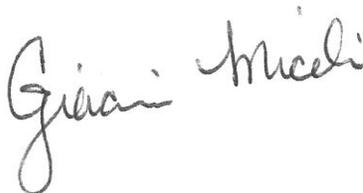
Antonietta Giofu - May 14, 2018 - 10:52 AM



Mark Galvin - May 17, 2018 - 11:41 AM



Cheryl Horrobin - May 18, 2018 - 8:56 AM



John Miceli - May 18, 2018 - 9:43 AM



Task assigned to Paula Parker was completed by Tammy Fowkes - May 23, 2018 - 9:00 AM

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NUMBER 2018-61

By-law to amend By-law 2017-81

**A By-law to Regulate Activity on Town Highways, Road Allowances
and Right of Ways.**

WHEREAS the Council of the Corporation of the Town of Amherstburg hereby deems it expedient to amend By-law 2017-81, being a By-law to Regulate Activity on Town Highways, Road Allowances and Right of Ways within the Town of Amherstburg;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. By-law 2017-81 is hereby amended as attached.

Read a first, second and third time and finally passed this 28th day of May, 2018.

MAYOR – Aldo DiCarlo

CLERK – Paula Parker

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2017 - 81

By-law to Regulate Activity on Town Highways, Road Allowances and Right of Ways.

WHEREAS under Section 9 of the Municipal Act 2001, S.O., 2001, c. 25, as amended, 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;

WHEREAS under Section 8 and 11 of the Municipal Act 2001, S.O., 2001, c. 25, as amended, as part of the power to regulate or prohibit a matter, a municipality may, among other things, require persons to do things respecting the matter and provide for a system of permits;

WHEREAS under Section 27 of the Municipal Act 2001, S.O., 2001, c. 25, as amended, a municipality may enact by-laws regarding highways it has jurisdiction over;

WHEREAS under Sections 444, 445 and 446 of the Municipal Act 2001, S.O., 2001, c. 25, as amended, a municipality possesses enforcement powers including the authority to undertake remedial action and recover the costs for such action from the person responsible;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. DEFINITIONS

In this by-law:

“Activity” includes the temporary occupancy of a Highway, Road Allowance or Right of Way for the installation, Road Cut, repair, replacement or improvement of Works of any nature by any Utility Company, Contractor or Person and includes Hoarding for the purposes of this By-law;

“Applicant” means any Person, Utility Company or Contractor making application for a Permit;

“Business Days” means the days between and including Monday to Friday and do not include public holidays and weekends;

“Contractor” means any Person, company or firm engaged in providing labour, equipment, materials or any other work or materials as necessary to complete the work described;

“County” means The Corporation of the County of Essex;

“Director” means the Director of Engineering and Public Works for the Town, or their designate;

“Highway” means 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 and includes the area between the lateral property lines thereof;

“Hoarding” means the storing or erection of temporary fencing/enclosure of the Right-of-Way for construction purposes. (Includes but not limited to fencing, barrels, storage equipment, materials, and vehicles);

“Inspector” means the Manager of ~~Public Works~~ Engineering for the Town, or their designate; **(amended B/L 2018-61, May 28/18)**

“Municipal Law Enforcement Officer” means an individual appointed by the Town for the purpose of enforcing Town by-laws;

“Parks” mean all lands owned or operated by the Town, which may be designated as open space or environmental protection area and used by the public for active or passive recreational use including sporting activities and games, or as gathering places or which may be left in their natural state for environmental reasons;

“Permit” means an authorization granted in writing by the Director or designate of the Town pursuant to this By-law identified in Schedule “A”;

“Permit Holder” means a Person to whom a Permit has been issued by the Director;

“Person” means any individual, Contractor, Utility Company, owner, occupant, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law;

“Public Land” means any properties under the care and control of the Town;

“Public Transportation” means the transport of passengers by group travel systems available for use by the general public, typically managed on a schedule, operated on established routes and includes student bussing; **(added B/L 2018-61, May 28/18)**

“Right of Way” means the total area of the Highway, Road Allowance, curb, shoulder, sidewalk, ditch and boulevard combined and/or Parks and Public Lands;

“Road Allowances” means all road allowances made by the Crown surveyors that are located in the Town and all road allowances shown along the water, Highways, streets and lanes on a registered plan of subdivision;

“Road Cut” means a surface or subsurface cut in any part of a highway made by any means including but not limited to any excavation, reconstruction, cutting, saw cutting, overlaying, crack sealing, breaking, boring, directional drilling, jacking or tunneling operations;

“Town” means The Corporation of the Town of Amherstburg;

“Traffic Control Plan” means a plan that ensures that workers and the public are safe and that negative impacts on traffic operations are minimized during the duration of the Activity;

“Utility” means any structures above or below ground which exist on a Right of Way and include buried and aerial hydro cable and ducts, bell, cable, television and internet communication cables, trees, water, including underground pipes, hydrants and valves, sanitary and storm sewer pipes, gas and steam pipes, meters and valves;

“Utility Company” means any company with the authority to construct within a Right of Way pursuant to provincial or federal legislation, by-law, franchise agreements or municipal access agreement;

“Works” means works supplying the general public with necessities or conveniences and includes but is not limited to works for production, supply and transmission of gas, oil, sewage, water and electric power or energy and all telephone, cable television and other telecommunication lines.

2. INTERPRETATION

- 2.1 In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.
- 2.2 Nothing in this by-law shall be interpreted as reducing or eliminating compliance with the provisions of all applicable Federal or Provincial statutes and regulations as amended.
- 2.3 Words importing the singular number or the masculine gender only, include more persons, parties or things of the same kind than one and females as well as males and the converse.

3. PERMITS

- 3.1 Any Person who will be undertaking Activity on Town Highways, Right of Ways or Road Allowances shall make application for a Permit in accordance with the following terms:
 - 3.1.1 An application must be completed and submitted to the Town in the timelines outlined in Schedule A.
 - 3.1.2 The Applicant shall:
 - 3.1.2.1 Complete the prescribed application form and identify the Permit being applied for;
 - 3.1.2.2 Provide complete details of the Activity that shall include, but not be limited to the specifications outlined on the application and any attached schedules;
 - 3.1.2.3 Provide a detailed Traffic Control Plan if required;
 - 3.1.2.4 Pay the non-refundable Permit fee;
 - 3.1.2.5 Provide such other information as required by the Director.
- 3.2 A Permit shall not be issued until:
 - 3.2.1 Proof of Insurance and Indemnification in accordance with the requirements of this by-law is received.
 - 3.2.2 Indemnity Deposit is received by the Town to cover the faithful performance of the terms of the Permit including maintenance, repair and restoration carried out by the Permit Holder and every other obligation arising under and imposed upon the Permit Holder.
 - 3.2.3 The Permit fee has been paid.
 - 3.2.4 An Emergency contact telephone number for the Permit holder is provided. The Permit holder shall maintain and answer a telephone at all times during the period for which the Permit holder is responsible for the Activity.
- 3.3 When the Applicant is requesting multiple Road Cuts the Town reserves the right to issue a single Permit or multiple Permits for the Activity.
- 3.4 If it is the intent of the Applicant to complete Activity within a Right of Way that is minor (at the discretion of the Director) and of short duration, (i.e. does not cause any disruption to traffic flows, does not break ground and does not create a potential for damages to existing utilities) then a Permit may not be required.

- 3.5 The Permit shall become void if the Activity authorized by the Permit is not commenced within six (6) months of the date of issue.
- 3.6 Any Person required to renew and/or extend a Permit shall submit a new application form to the Director.
- 3.7 The Director reserves the right to issue or deny issuing a Permit.
- 3.8 A Permit granted by the Director may be revoked whenever, in their discretion, the Permit Holder of such Permit is in non-compliance with its terms or there are concerns for the safety of the public.

4. PERMIT CONDITIONS

- 4.1 The Permit Holder shall be responsible for the restoration and reinstatement of all Town Right of Ways to the approval of the Director.
- 4.2 The Permit Holder will be responsible to request marking or other location information to determine the location and to provide safeguards for all utilities.
- 4.3 Where the Activity is of a major nature or duration and will cause general inconvenience to all residents and businesses located beside or near the Activity, the Permit Holder shall be responsible to provide in writing to every resident and business located beside or near the Activity (minimum 50 metre radius) within at least ten (10) working days prior to commencing the Activity of the following:
 - 4.3.1 Description of the Activity
 - 4.3.2 Approximate start day and duration of the Activity
 - 4.3.3 Access restrictions and service interruptions
 - 4.3.4 Contact information for the Permit Holder
- 4.4 It shall be at the sole discretion of the Director to determine for reasons of public safety or events in the Town when Activity may occur.
- 4.5 The Permit Holder shall supply, erect and maintain warning devices, barricades and traffic signs where applicable, in accordance with the Occupational Health and Safety Act, R.S.O 1990, chap. O.1, as amended and any applicable provincial traffic regulations, including, but not limited to the Ministry of Transportation's Ontario Traffic Manual.
- 4.6 In the event the Permit Holder requires closure of a Highway or limit the Highway to one direction of traffic the Permit Holder shall notify the Police Service, Fire Service, Ambulance Service, Public Transportation and any other person, department or agent requiring notice. **(amended B/L 2018-61, May 28/18)**
- 4.7 The Permit Holder shall supply, locate, relocate, erect, operate and maintain all traffic control, detour and information signs in accordance with the Traffic Control Plan and Ontario Traffic Manual.
- 4.8 The Permit Holder is responsible for maintaining the Work site and surrounding area free of dust and mud. The Permit Holder shall clean the Highway as required to the satisfaction of the Inspector.
- 4.9 The Director may impose further conditions on the Permit as deemed necessary.
- 4.10 The issuance of a Permit under this By-law does not relieve the Applicant from the necessity of acquiring any other licence or Permit or complying with any other applicable laws, by-laws, regulations and requirements of the Town or other authorities having jurisdiction.

5. PERMIT EXEMPTIONS

- 5.1 The Town and County are exempt from the Permit requirement.
- 5.2 Emergency Work where public safety or health or a major business interruption in Works is concerned, an Activity may be carried out without obtaining a Permit prior to commencing the emergency Work.
- 5.3 Where emergency Work has been undertaken, the Person undertaking the Work shall, on the same day the Work is commenced, or if the Town offices are closed, no later than the start of the next working day, notify the Director of the following:
 - 5.3.1 The name of the Person, Utility Company or Contractor undertaking the Work;
 - 5.3.2 The nature of the Work;
 - 5.3.3 The location of the Work;
 - 5.3.4 The estimated duration of the Work;
 - 5.3.5 The reason for proceeding without obtaining a Permit and without providing the required notice; and retroactively comply with all requirements of this by-law including obtaining a Permit.
- 5.4 The Director may require any or all information to confirm the validity of the emergency Work. Should insufficient proof of an emergency be submitted the Applicant may be notified in writing that they are subject to the same restrictions and penalties as performing the Work without a Permit.

6. PROHIBITIONS

- 6.1 No Person shall obstruct or damage or cause or permit the obstruction or damage of any Town Highway, Road Allowance or Right of Way.
- 6.2 Except as provided in Section 5 no Person shall undertake any Activity within a Town Right of Way without a Permit.
- 6.3 No Permit Holder shall undertake Activity except in accordance with the conditions of the Permit.
- 6.4 No Person shall fail to comply with a stop work order.
- 6.5 No Person shall obstruct, hinder or otherwise interfere with a Municipal Law Enforcement Officer or an Inspector in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

7. INSURANCE

- 7.1 The Applicant shall obtain and submit proof of Commercial General Liability insurance subject to limits of not less than ~~Five~~ Two Million Dollars (~~\$5,000,000.00~~) (\$2,000,000.00) per occurrence including bodily injury including death, personal injury, property damage, tenants legal liability, non-owned automobile and contain a cross liability/severability of interest clause. Such insurance shall be in the name of the Applicant and shall name the Town of Amherstburg as an additional insured thereunder. **(amended B/L 2018-61, May 28/18)**

8. INDEMNIFICATION

8.1 The Applicant shall indemnify and save harmless the Town of Amherstburg from any and all claims, demands, causes of action, loss costs or damages that the Town of Amherstburg may suffer, incur or be liable for resulting from the performance of the Applicant as set out in the by-law whether with or without negligence on the part of the Applicant, the Applicant's employees, directors, contractors and agents.

9. PERMIT FEES

9.1 The non-refundable Permit application fee is set out in the Town's User Fee By-law as amended from time to time.

9.2 The indemnity deposit amount is set out in the Town's User Fee By-law as amended from time to time.

10. INSPECTION & ENFORCEMENT

10.1 A Municipal Law Enforcement Officer, Inspector or other duly appointed individuals shall enforce the provisions of this by-law.

10.2 A Municipal Law Enforcement Officer or Inspector may at all reasonable times enter on any land, for the purpose of carrying out an inspection to determine whether or not the provisions of this by-law, a direction or order, or a condition of a Right of Way Permit are being complied with.

10.3 For the purposes of an inspection, Municipal Law Enforcement Officer, Inspector or other duly appointed individual may:

10.3.1 Require the production for inspection of documents or things relevant to the inspection;

10.3.2 Require information from any person concerning a matter related to the inspection.

10.4 A Municipal Law Enforcement Officer or Inspector may at their discretion issue a stop work order.

10.5 Stop work orders are issued where a Municipal Law Enforcement Officer or an Inspector finds Activity occurring that is not in accordance with the conditions of an issued Permit or where an Activity is occurring without a Permit.

10.6 A stop work order shall be lifted once it is determined that all contraventions of this by-law have been rectified.

11. OFFENCES AND PENALTIES

11.1 Every person who contravenes any section of this by-law is, upon conviction, guilty of an offence and shall be liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, c.P. 33, as amended, and be subjected to any other penalties permitted by law for each offence.

11.2 Where a Person is in default of doing the matter or things required to be done under this by-law, the Inspector may revoke a Permit and remediate and/or restore the Town Right of Ways. All costs related to the remediation will be taken from the indemnity deposit and any further costs will be invoiced to the Permit Holder.

12. SEVERABILITY

- 12.1 Should any paragraph, clause or provision of the By-law be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the By-law as a whole or any part of thereof, other than the part which was declared to be invalid.
- 12.2 When any requirement of this by-law is at variance with any other by-law in effect in the Town or with any applicable provincial or federal statute or regulation, the more restrictive requirement shall apply unless otherwise stated in such legislation.

13. EFFECTIVE DATE

- 13.1 This by-law will become effective January 1, 2018.

14. SHORT TITLE

- 14.1 This by-law may be referred to as the Right of Way Permit By-law.

Read a first, second and third time and finally passed this 11 day of December, 2017.

MAYOR – ALDO DICARLO

CLERK – PAULA PARKER

Schedule "A"

Permit Type	Description	Application Deadline
Curb Cutting Permit	Required to create or widen a driveway entrance on a Highway which has a curb and/or gutter.	Not less than two (2) business days prior to the commencement of the proposed Activity
Road Occupancy Permit	Required prior to any Work or Activity proceeding within the Road Allowance-Highway	Not less than two (2) business days prior to the commencement of the proposed Activity
Driveway Entrance Culvert Permits	Required when creating a new driveway entrance, widening an existing driveway entrance or installing a temporary driveway entrance.	Not less than two (2) business days prior to the commencement of the proposed Activity
Municipal Access Permit	Required when accessing Town Right of Ways for construction purposes, pursuant to a building permit or pool enclosure permit.	Not less than ten (10) business days prior to the commencement of the proposed Activity
Municipal Consent Permit	Required by Utility Companies and Contractors performing Activity or Works within a Highway, Right of Way or Road Allowance.	Not less than ten (10) business days prior to the commencement of the proposed Activity
Hoarding Permit	Hoarding is required when temporary fencing/enclosure of the right-of-way for construction purposes (typically fencing, barrels, storage equipment, materials, vehicles).	Not less than ten (10) business days prior to the commencement of the proposed Activity



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Road Dedication of Parts 2, 6 and 7, 12R27349

1. RECOMMENDATION:

It is recommended that:

- 1. The report from the Manager of Planning Services regarding the Road Dedication of Parts 2, 6 and 7, 12R27349 as a Public Highway BE RECEIVED;
2. The dedication of Parts 2, 6 and 7, 12R27349 as a Public Highway BE APPROVED; and,
3. By-law 2018-57 being a by-law to dedicate Parts 2, 6 and 7, 12R27349 as a public highway be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

2. BACKGROUND:

A By-law dedicating Parts 2, 6 and 7, 12R27349 as a public highway is being presented for Council's consideration. The Municipal Act, R.S.O. 2001, c.25 Sections 24-68 authorizes the Council of every municipality to pass a By-law for establishing, laying out, acquiring, assuming, or naming a highway.

3. DISCUSSION:

Part 1, 12R27349, the southern 15 acres of Centennial Park, has recently been sold to the Greater Essex County District School Board (GECDSB). Bryan Pearce, Planning Officer for the GECDSB has requested Parts 2, 6 and 7, 12R27349 within Fryer Street

be dedicated as a public highway to create additional legal frontage for the new high school site on Fryer Street along the eastern boundary of the board owned parcel.

The attached aerial photograph depicts Parts 2, 6 and 7, 12R27349, which is owned by the Town. The reference plan, also attached, prepared for the sale of the surplus land from the Town to the GECDSB, has revealed that a 3.0m strip owned by the Town has yet to be dedicated by by-law as a public highway.

It is now appropriate to dedicate this parcel as a public highway to create additional legal frontage for the surplus lands sold to the GECDSB. The dedication will include the sidewalk, any infrastructure and boulevard along the eastern boundary of the surplus land as part of the Fryer Street right-of-way. This will also facilitate any widening of Fryer Street if so desired by the Town in the future.

4. RISK ANALYSIS:

The recommendation presents no increased risk to the municipality. The Town of Amherstburg has always owned and has provided winter control, sidewalk maintenance and grass cutting operations on this 3.0m strip of property. Maintenance and repair of municipal infrastructure will continue to be the responsibility of the Town of Amherstburg.

5. FINANCIAL MATTERS:

N/A

6. CONSULTATIONS:

The Engineering and Public Works Department was consulted and confirmed no concerns with the road dedication. The Engineering Department confirmed that it is appropriate to dedicate this portion of the right-of-way as a public highway in keeping with abutting parcels.

7. CONCLUSION:

The Municipal Act, R.S.O. 2001, c 25 Sections 24-68 provides specific municipal powers regarding highways. It is appropriate to dedicate this Part as a public highway at this time.



Rebecca Belanger
Manager of Planning Services

jm

DEPARTMENTS/OTHERS CONSULTED:

**Name: Town of Amherstburg Engineering and Public Works Department
Phone #: 519 736-3664 ext. 2313**

Report Approval Details

Document Title:	Road Dedication of Parts 2, 6 and 7, 12R27349.docx
Attachments:	- Report to Council- May 28- Road Dedication of Parts 2, 6 and 7, 12R27349- ATTACHMENTS.pdf
Final Approval Date:	May 22, 2018

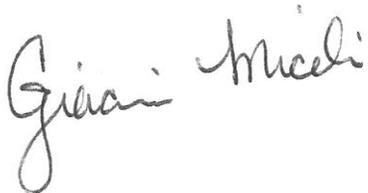
This report and all of its attachments were approved and signed as outlined below:



Mark Galvin - May 17, 2018 - 10:02 AM



Cheryl Horrobin - May 17, 2018 - 3:51 PM



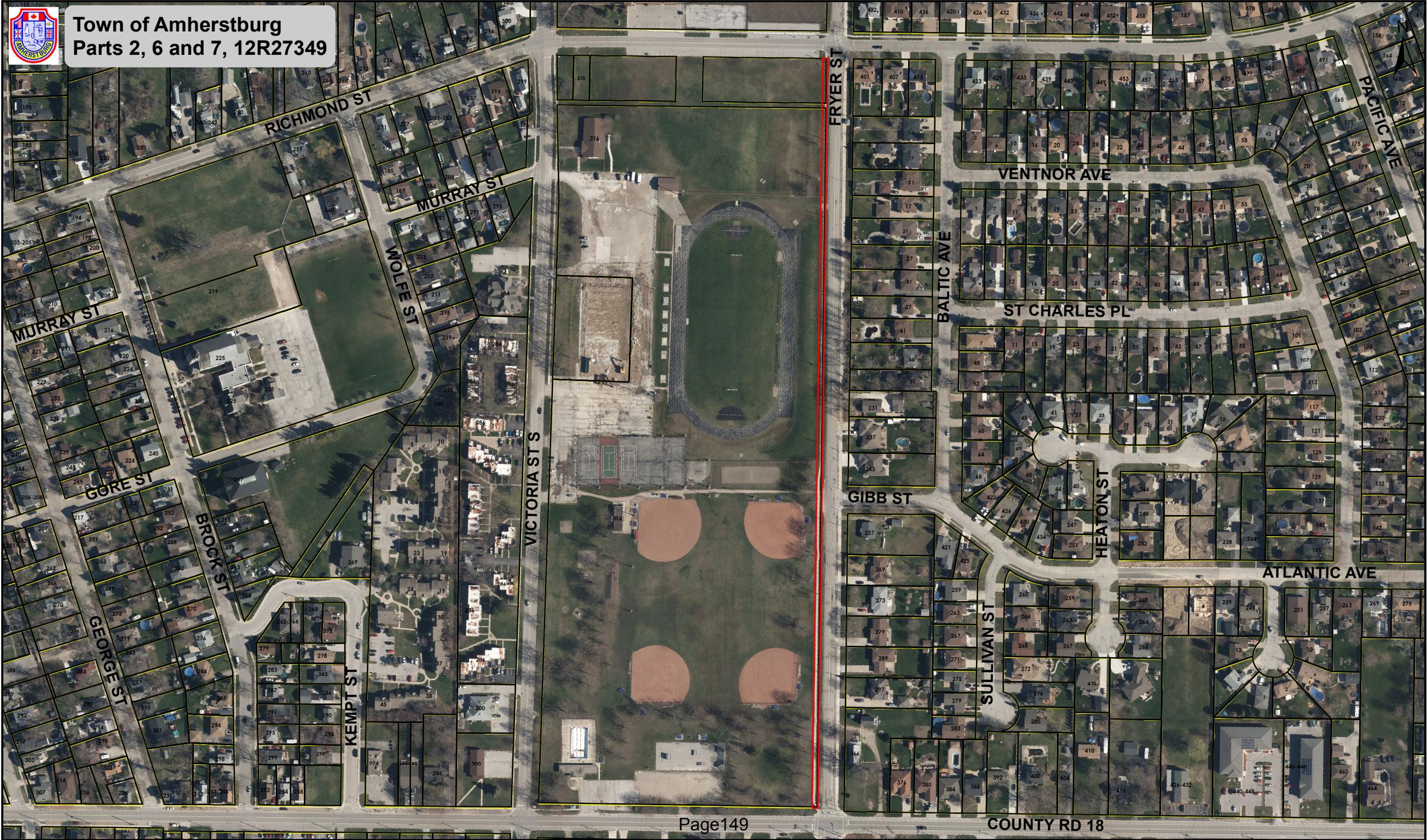
John Miceli - May 18, 2018 - 7:50 AM

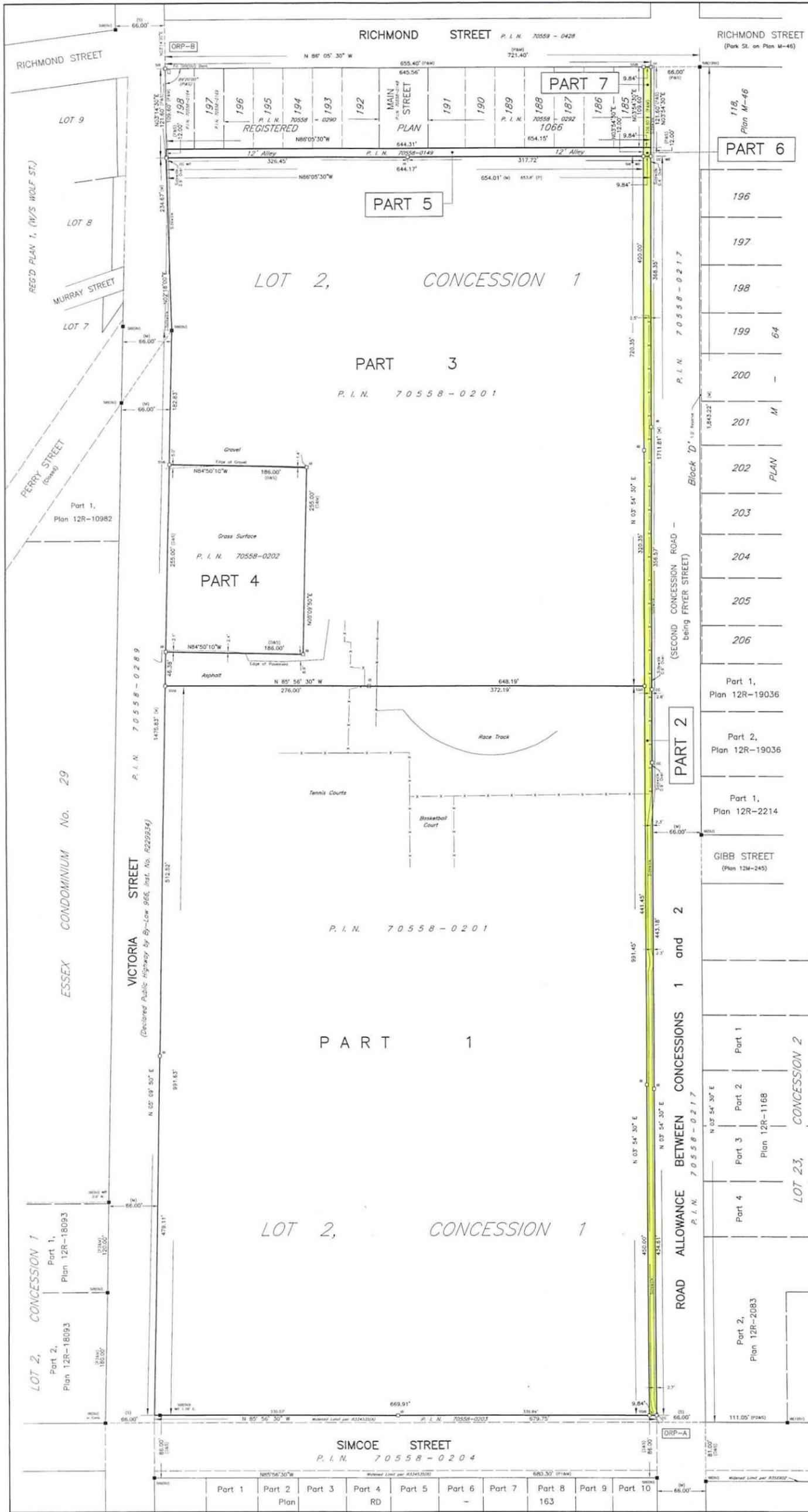


Task assigned to Paula Parker was completed by Tammy Fowkes - May 22, 2018 - 4:12 PM



Town of Amherstburg
Parts 2, 6 and 7, 12R27349





I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
 DATE APRIL 25, 2018
 PLAN 12R-27349
 RECEIVED AND DEPOSITED
 DATE 2018 APR 25

ANDREW S. MANTHA
 ONTARIO LAND SURVEYOR
 JAYDEN KRUC
 REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ESSEX (12)

PART	LOT	CON/PLAN	P.I.N.	AREA
1		CONCESSION 1	ALL OF 70558-0201	15.00 Ac.
2	PART OF LOT 2	(See Top of Maiden)	70558-0202	0.387 Ac.
3			70558-0202	9.519 Ac.
4			70558-0149	0.177 Ac.
5	PART OF ALLEY	REGISTERED PLAN 1066	70558-0149	118 sq.ft.
6			70558-0292	0.025 Ac.
7	PART OF LOT 185			

THIS PLAN COMPRISES ALL OF P.I.N.'S 70558-0149, 70558-0201, 70558-0202 and PART OF P.I.N. 70558-0292.

PLAN OF SURVEY
 OF
 PART OF ALLEY and
 PART OF LOT 185,
 REGISTERED PLAN 1066
 AND
 PART OF LOT 2,
 CONCESSION 1
 GEOGRAPHIC TOWNSHIP OF MALDEN
 NOW IN THE
 TOWN OF AMHERSTBURG
 COUNTY OF ESSEX, ONTARIO
 VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZARE INC.
 SCALE : 1"=60'

"IMPERIAL" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048

LEGEND AND NOTES
 BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY REAL TIME NETWORK OBSERVATIONS.
 DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99994822
 ALL MONUMENTS SHOWN THUSLY (D) ARE IRON BARS (B) UNLESS OTHERWISE NOTED.
 (S) DENOTES SET (M) DENOTES MEASURED (R) DENOTES DEED
 (O) DENOTES OBSERVED REFERENCE POINT
 (S) DENOTES SET PROPORTIONALLY (O) DENOTES ORIGIN UNKNOWN
 (P) DENOTES REGISTERED PLAN 1066 (P) DENOTES PLAN 12R-2083
 (P) DENOTES PLAN RD-163 (P) DENOTES PLAN RD-18093
 (P) DENOTES CLARKE SURVEYORS INC., O.L.S. (P) DENOTES CLARKE SURVEYORS INC., O.L.S.
 (P) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZARE INC., O.L.S.
 (P) DENOTES CLARKE SURVEYORS INC., O.L.S.

INTEGRATION DATA

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0).
 COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O.REG 216/10

POINT ID	NORTHING	EASTING
ORP-A	N15298545.97	E1071116.78
ORP-B	N15300419.71	E1070587.86

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THIS SURVEY WAS COMPLETED ON THE 4th DAY OF APRIL, 2018.
 DATE APRIL 9, 2018
 ANDREW S. MANTHA
 ONTARIO LAND SURVEYOR
 for VERHAEGEN • STUBBERFIELD • HARTLEY BREWER • BEZARE INC.

WINDSOR 944 Ottawa Street N6B 2E1 Ph: (519)258-1772 Fax: (519)258-1791
 VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZARE INC.
 LEAMINGTON 187 Talbot Street East N6B 1L8 Ph: (519)322-2375 Fax: (519)322-2875
 ONTARIO LAND SURVEYORS www.vshbssurveys.com
 DRAWN BY: ASM/AMC CAD Date: April 25, 2018 12:25 PM
 CHECKED BY: A.S.M. CAD File: 42835401A.dwg
 WORK ORDER: 4-28354-X01A FILE NO.: E-A'BURG-1-2 PLAN FILE NO.: J-774'B'



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author information (Name, Phone, E-mail) and Report/Resolution information (Date, Council date, Resolution #).

To: Mayor and Members of Town Council

Subject: Signage Requests in the Context of Urban Design Guidelines

1. RECOMMENDATION:

It is recommended that:

- 1. The report from the Manager of Planning Services and the Chief Administrative Officer dated May 15, 2018 regarding Signage Requests in the Context of Urban Design Guidelines BE RECEIVED; and,
2. A MORATORIUM BE PLACED on all signage requests (including portable signs) for the areas bound by Texas Road to Lowes Side Road and from Meloche Road to the Water's Edge until the Urban Design Guidelines for Signage has been approved.

2. BACKGROUND:

The Town of Amherstburg is one of the oldest settlements in the Province. Town Council has directed the preparation of Urban Design Guidelines (UDG) with a Heritage Theme and a Community Improvement Plan. The preparation of each of these planning policy documents come as a result of many initiatives leading up to this point including a draft Heritage District Study, the Community Based Strategic Plan, Theme Wayfinding and Signage Guidelines (2003) and the draft Urban Design Guidelines prepared by Zelinka, Priamo in 2011.

In 1998, following the amalgamation of Amherstburg, Malden and Anderdon the former town centre of Amherstburg known as “Historic Amherstburg” became the urban and commercial centre for the restructured Town. County Road 20, which is known as Sandwich Street in Amherstburg is the gateway to the community. It is the major north-south arterial link within the County of Essex and the most predominant transportation corridor through the Town. A large number of vehicles travel this corridor on a daily basis with the greatest number of trips occurring between the Central Business District and the City of Windsor to the north. Of these vehicles a large number of them are visitors to our many events, travelers and tourists exploring Ontario’s southwestern shoreline and to the many historic sites and activities.

Sandwich Street in “Historic Amherstburg” is the focus of both general commercial and highway commercial land uses. The stretch of commercial property is home to a number of commercial and retail shops, many of the Town’s major institutional uses including the Town Hall. This corridor has been re-developing for new uses including large commercial chains. There is significant interest in many properties within the Sandwich Street corridor and the Central Business District. The downtown is adorned with unique shops and restaurants which emphasize historic charm and flare of the Town and offers stunning views of the Detroit River waterfront. The Theme, Wayfinding and Signage Plan for the Town states ***“attraction to the downtown can occur in many ways including attractive signage, decorative fixtures and lighting, and the creation of unique and identifiable sense of space through the implementation of specific design features”***.

Council has approved a number of signs recently in the absence of UDG. Administration brings this to Councils’ attention as the signs lack a theme of consistency more specifically as it relates to the sense of a historic place. The UDG initiative to date has included a preliminary public meeting to solicit ideas and feedback and a stakeholder session for the same purpose. A draft Background Report is expected to be tabled shortly with Council. A special meeting with the Heritage Committee is planned for May 24th to obtain their input regarding the UDG. Although the development of the UDG with a heritage theme is in the early stages of preparation, the purpose of this report is to inform Council of the common framework of UDG which most typically also includes design specific criteria for signage (public or private) and seek Council direction on a moratorium on signage. /Approving signage without approved UDG may present challenges in the future in order to address the historic look and feel as it relates to the future vision Council may wish to promote and execute for historic Amherstburg. The purpose of the UDG will be to encourage the design of a complete, effective and sustainable built environment consistent with Amherstburg’s character and vision for the future. The guidelines will provide recommendations on design matters that are directly related to ensuring that development projects are of high quality, pedestrian oriented, interconnected, sensitive to the natural and built environment, and provide adequate public facilities and infrastructure all within the context of a historic look and feel.

The UDG will help provide predictability for applicants, the Town and stakeholders by providing a consistent direction about the criteria for the design of proposed development. There are two areas in Town which are presently subject to heritage urban design policies in the Official Plan. These areas include the **Central Business District which is generally located downtown ending at Rankin on the north side, Park Street, and easterly to Sandwich Street. The other area which is identified as**

the “gateway to Amherstburg” runs on the east and west sides of Sandwich from Texas Road to Simcoe Street (County Road 18). Administration is of the position that the southernmost boundary should be expanded to Lowe’s side road in light of the future developments that may occur along the Sandwich Street corridor.

Several recent commercial and mixed use developments have been the subject of consultation with the Heritage Committee including the forthcoming fast-food restaurant to be located within the “gateway to Amherstburg” on Sandwich Street near Fort St.

3. DISCUSSION:

Policies for downtown improvement and revitalization in the Official Plan state as follows:

“Although intensification of use will be inherent in most development or redevelopment, it is the intent of this Plan that in any rehabilitation, conservation, development, or redevelopment schemes for the Central Business Area, emphasis be placed on the provision of abundant light and air space, the provision of attractive and usable open space available to the public, the aesthetic value of enclosed areas as well as open areas, the importance of public buildings as focal points of civic improvement, the restoration of existing buildings wherever possible and the retention of historical atmosphere and buildings. High standards of civic design emphasizing unity, coherence, and aesthetic appeal shall be the goal throughout.” Further, “Council shall encourage merchants and property owners in the Central Business Area to improve their shop fronts and signs and thereby improve the overall appearance of the downtown area.”

Section 6.4.7 (8) of the Official Plan states:

“(8) Sign By-law

The Town of Amherstburg shall enact a Sign By-Law to regulate signs in heritage zones. This legislation will allow the Town of Amherstburg to control the visual impact of advertising and sign design and/or placement within the Heritage Area.”

The Sign By-Law presently states that all signs within the area of the Architectural and/or Heritage Areas shall be subject to additional supplementary regulations in addition to those contained elsewhere in the By-law and shall take precedence on those points which are in conflict. Administration presently assesses the requests for signs within the Heritage Area against the special provisions in the Sign By-Law on a case by case basis to ensure compliance. In light of the significant number of variances to the Sign By-law, the purpose of this Council Report is to inform Council of the forthcoming recommendations that will be part of the UDG including criteria for various development matters. It is anticipated that the Background Report for the CIP/UDG being prepared by Monteith, Brown Planning Consultants will contain recommendations with respect to public and private signage. These recommendations will be brought to Council by way of recommended amendment(s) to Town by-laws as necessary.

Urban Design Guidelines typically provide recommendations with regard to scaling, public art, lighting, waste receptacles, signs, canopies, utilities, etc.

By way of example, the Urban Design Guidelines for Stratford provides that *“signage along arterial roads within commercial and mixed use areas should not overwhelm the appearance of the streetscape nor restrict the placement of street trees”*. *“Traditional materials such as wood, brass or bronze are the most appropriate materials for signage within the Downtown Heritage Conservation District. Some modern materials may be considered if they blend with the material of the built structure upon which the sign is to be located.”* Further, *“mobile, neon and backlit signs are strongly discouraged.”* The recommendations contained within the UDG for Stratford (2014) appear to have been implemented into their consolidated Sign By-law.

The Downtown Urban Design Guidelines for Cambridge prepared by Brook, McIlroy, 2013 state that new signage should be sympathetic to Downtown Galt’s heritage character without necessarily replicating historic signage designs. *“Signs with removable letters or movable signs are not recommended in the Downtown.”* Also from the Cambridge downtown Galt UDG, *“Signage should consider pedestrian activities (orientation and as non-obstacles), vehicular needs (orientation and readability), building identification (street address), enhancing the desired character (design and materials), and reducing negative impacts (lighting levels, scrolling messaging, impeding views and vistas).*

Sign lettering, graphics and colours should be selected to promote the heritage character of the district, and should be visible from an appropriate distance based on the function and location of the sign.” The City of Cambridge through the implementation of their UDG for Galt undertook to circulate businesses the permit applications and design guideline fact sheets that set out the design criteria for signage in the area. The purpose of this consultation was to ensure that all permanent and temporary advertising, business, directional, incidental and identification signage associated with all new and existing buildings and developments within the Study Area shall be coordinated. It does not appear that Cambridge has updated their Sign By-law to reflect the above.

The purpose of the Town of Amherstburg Official Plan is to establish how land within the municipal boundaries should be used. It is prepared with input from the community and helps to ensure that future planning and development will meet the specific needs of the community. The Official Plan addresses municipal by-laws as follows:

“7.11 ENACTMENT OF MISCELLANEOUS BY-LAWS

Council will review legislation pertaining to or affecting the use or redevelopment of land and where necessary amend existing by-laws or pass new by-laws to ensure that such matters are properly regulated and controlled. Examples of such by-laws include sign control and "deeming" by-laws which effectively de-register old plans of subdivision, the development of which could frustrate the objectives and policies of this Plan.

Fence and Sign By-laws are other techniques that will be used to assist in implementing the Official Plan objectives. The authority to enact by-laws that regulate the erection of signs and fences is provided by the Municipal Act. While the enactment of by-laws to regulate fences and signs are specifically referenced in the Municipal Act, variances to those regulation may well be in the best interest good land use planning for the Town. The Municipal Act does not provide for variances. However, Section 45(3) of the

Planning Act clearly empowers the Committee of Adjustment to grant variances to any by-law of the municipality that implements the Official Plan. The establishment of fences and the regulations associated with fences can also be an important component in achieving the objectives of the Official Plan. Signs impact significantly on the character of an area and are also an important component in achieving the objectives of the Official Plan.

The Town of Amherstburg's Sign By-law, enacted under the Municipal Act, sets out regulations affected the location, height, type and illumination permitted for signage. The regulations are cross referenced to the regulations of the Zoning By-law. Specifically there are different regulations for different Zones. Strict adherence to the sign by-law may result in the sign being in a more preferred location on a site which in turn would be advantageous to the appearance of the neighbourhood. The appearance of the commercial, industrial, institutional and residential areas of the Town is an integral part of the Official Plan's objective of achieving a visually pleasing community with minimal signage pollution. When it is desirable for the appropriate development of the land, the Committee of Adjustment may vary the regulations of the Sign By-law so long as the general intent and purpose of the Official Plan policies for the area in which the sign is located are maintained."

As noted above, it is anticipated that amendments to the Sign By-Law, as well as other municipal by-laws affected, will be brought to Council for decision once recommendations under the current UDG process are finalized.

4. RISK ANALYSIS:

As the UDG are developed and approved by Council, the recommendations will assist Council in assessing the merits of requests for relief to the Town's Sign By-law. There is significant risk in achieving a look and feel for the Town should Council wish to continue to approve signs in the absence of approved UDG. Since 2003 the Town has done very little to enhance the public image of the Town through distinctive signage design elements. There has been a lack of consistency and a lack of continuity in one of the most prominent design element affecting the image of the Town moving forward in that being signage should the Town wish to create the feeling of a unique sense of space which will separate the Town of Amherstburg from other municipalities.

It is important to note that in 2003 the issue of sign clutter was identified along the Sandwich Street Corridor as an issue. The report highlighted that signs were beginning to appear without any lack of consistency as it related to size, shape, colour or vintage. Since that time Council has not actively addressed this issue and may have fostered a climate of inconsistency by allowing forms of relief to the sign bylaw. Furthermore In the 2003 report a recommendation was made to utilize a historic theme (Victorian) for signage design which one can conclude that the signs that have come before Council have not been presented in that manner. There is significant risk to the appearance of the Town should Council continue with the current practise without approved UDG .

5. **FINANCIAL MATTERS:**

N/A

6. **CONSULTATIONS:**

Manager of Licencing and Enforcement, Nicole Rubli
Manager of Building and Chief Building Official, Angelo Avolio

7. **CONCLUSION:**

This report is provided for Council's information and consideration as the Urban Design Guidelines with a Heritage Theme are under preparation. The outcome of these guidelines will provide recommendations regarding the importance of signage as one of the components in achieving a visually pleasing community promoting consistency and furthering the objectives associated with the Heritage theme of the UDG.



Rebecca Belanger
Manager of Planning Services

jm/ss

Report Approval Details

Document Title:	Signage Requests in the Context of Urban Design Guidelines.docx
Attachments:	N/A
Final Approval Date:	May 23, 2018

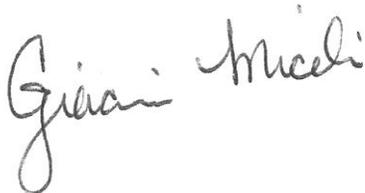
This report and all of its attachments were approved and signed as outlined below:



Mark Galvin - May 18, 2018 - 3:11 PM



Cheryl Horrobin - May 18, 2018 - 4:23 PM



John Miceli - May 22, 2018 - 4:14 PM



Task assigned to Paula Parker was completed by Tammy Fowkes - May 23, 2018 - 11:39 AM



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Giovanni (John) Miceli	Report Date: May 22, 2018
Author's Phone: 519 736-0012 ext. 2228	Date to Council: May 28, 2018
Author's E-mail: jmiceli@amherstburg.ca	Resolution #: 20180423-114

To: Mayor and Members of Town Council

Subject: Gateway Signage

1. **RECOMMENDATION:**

It is recommended that:

1. The report from the CAO dated May 22, 2018, regarding Gateway Signage **BE RECEIVED**;
2. Administration **BE AUTHORIZED** to construct programmable Gateway Signage at the north and south gateways to the Town of Amherstburg;
3. Administration **BE DIRECTED** to report back with a schedule of fees for Council approval for advertisement on the Gateway Signage; and,
4. A transfer from the Capital Reserve account **BE APPROVED** not to exceed \$128,200 to fund the Gateway Signage.

2. **BACKGROUND:**

On April 23, 2018 Council adopted resolution 20180423-114 as follows:

That Administration **BE DIRECTED** to provide a report to Council on the feasibility of electronic signage at the north and south entrances to the Town.

3. DISCUSSION:

The erection and display of signs and other marketing devices used for advertising purposes are a vital component for many businesses and organizations in reaching out to their customer base. These marketing devices are regulated by the Town by use of a Sign By-law to ensure that signs are erected in a safe manner, meet standards set out in the Building Code and meet requirements under the Zoning By-law. Since 2003 there has been documented concern relating to the issue of the proliferation of signs along the Town's main corridor County Road 20/Sandwich Street.

Since the adoption of the Sign By-law 2006-26 many property owners have approached Council for relief to the sign by-law. Each circumstance has its own merits, however Council must consider that it has played a role in enabling many business owners to erect signs that are portable and offsite in nature that do not promote the public image or historic image that the Town wishes to build upon. Several reports in the past have been brought forward by Administration to address signage concerns of residents that include:

- Danger to health, safety or property;
- Inconvenience to the public or other property owners;
- Routine matters related to zoning regulations.

In 2016 Council, adopted Sign By-Law 2016-100 amending Sign By-Law 2006-26 the purpose of the amendment was to prohibit the erection of off-premise portable signs. Off-site permanent signs were prohibited in the Sign By-Law 2006-26. Since that time Council has approved one off-site portable sign and one permanent off-site permanent sign. There are two additional requests that will be before Council this evening seeking relief of the amended sign by-law.

Although the sign by-law makes reference to general sign requirements regarding appearance there is no language that promotes consistency. In the opinion of the author this presents Council with a challenge should Council wish to improve the image of the Town as to a sense and quality of place. Town residents are looking for the Town to take a leadership role in achieving this outcome and have stated so in the recently adopted Community Strategic Plan. Residents are hoping that the Town will build upon the look or the sense of place the Town wishes to achieve.

On October 24, 2016, the Manager of Licensing and Enforcement brought forward a report to Council after completing a public consultation process and survey. The Manager concluded that ***“there may be a challenge in balancing the interests of businesses and their ability to advertise through the use of portable signage and achieving the communities desire to restrict urban blight and promote public safety through the reduction of driver distractions caused by portable signage.”***

Through the introduction and adoption of Urban Design Guidelines (‘UDG’) as a tool it will assist the Town in achieving this outcome desired by residents. It is important to note that in the absence of UDGs for signs, businesses have been permitted to erect signage without a consistent theme. The lack of a theme does not promote the ideology contained within a UDG. One may conclude that without consistency signage is detracting from the look and feel of Historic Amherstburg and may not be in the best interest of the Town to achieve the desired outcomes of the Community Strategic Plan.

The Town is moving forward with a Community Improvement Plan and UDGs. The UDGs will provide best practices and provide recommendations related to the implementation of the guidelines. In the opinion of the author it would appear that now may be an opportune time to address the concern of residents as it relates to the issue of offsite and portable signage concerns for the overall Town. While balancing the interests of the ability for businesses to advertise and community objectives is challenging, the goal is not to restrict or prohibit advertising, but to provide templates and alternatives for businesses to utilize when selecting signage. The introduction of gateway entrance signage would be a strategic investment by Council which would enhance that goal. The gateway signage would facilitate advertisement for Town businesses and events at the most travelled and visible entrances and would promote collaboration amongst the Town and businesses and reduce concerns as it relates to offsite permanent and portable signage. As a tool this would allow all businesses and events to use the signs (fee structure to be determined) and would reduce signage clutter. Council may further wish to consider an additional sign at Town Hall to allow for advertisement to occur at 3 strategic locations.

The Community Strategic Plan has highlighted growing trends that should be considered by the Town moving forward. 'Quality of Place Improvements' was suggested as a growing trend in small communities. The plan highlights that ***"many small communities are successfully developing a competitive advantage by using their unique assets to attract investment and support existing businesses."*** The introduction of gateway signage and the elimination of portable and permanent offsite signage would be achievable with the introduction of such a tool for business owners and the community to take advantage of. Furthermore the Community Strategic Plan highlights the fact that the Town consider developing an Integrated Marketing and Promotion Plan by taking ***"an integrated approach that uses the right tools at the right time to find the right audience"*** and further the plan states that ***"to be effective in its marketing efforts, the Town needs a successfully integrated marketing and promotion plan that is rigorous and robust, includes a strong online and social media communications program, and includes campaigns and other profile raising activities. It needs a consistent message that is integrated with overall economic development efforts and highlights the efforts of its outcomes."***

The development of these gateway signage elements may assist Council achieving the efforts identified in the Community Strategic plan such as to:

- Build on quality of place;
- Further the Town's commitment to an integrated marketing and promotion plan for businesses and events; and
- Further promote the Town's reputation as an attractive place to live where residents experience a high quality of life.

4. RISK ANALYSIS:

There is risk of political criticism from business owners as it relates to the elimination of the portable signs as an advertising tool as well as the potential for a challenge to the elimination legally. However this may come at the expense of the recently adopted Community Strategic Plan which provides the short term vision of the community. Extensive consultation was undertaken when the Sign By-Law amendments were

approved. The By-Law prohibits off site portable and permanent signage. Council is the decision making body however Council must consider that when providing relief to the By-Law they are in fact minimizing the desire of resident's goals desired through the adoption of the Community Strategic Plan. There was significant participation in the development of the Community Strategic Plan. Both documents are relevant however the Community Strategic Plan identifies the wishes and desires of the community in the very short term. The Gateway Signage option provides Council with a tool to achieve the desired outcome expressed by the community. Mitigating the legal ramifications will depend upon examining the recommendations of the UDG in the context of successful implementation of similar guidelines elsewhere, and instituting measures that achieve the objectives while minimally impairing the rights associated with freedom of expression.

5. **FINANCIAL MATTERS:**

The following is an estimate of costs associated with the Gateway Signage Option:

	Budget	Estimated	Variance (over)/under
Cost:			
Purchase of 2- 4 X8 Double Face Twin pack programmable signs		\$ 83,500	
Construction of 2 Heritage Themed Pedestals		\$ 22,500	
Contingency		\$20,000	
Net H.S.T.		\$2,200	
Total Estimated Cost	\$ -	\$128,200	(\$128,200)
Funding:			
Transfer from Reserve – Capital		\$71,150	(\$71,150)
Grant*		57,050	(\$57,050)
Total Estimated Funding	\$ -	\$128,200	(\$128,200)

* Grant funding under the Ontario Main Street Revitalization Initiative is the subject of a report from the Treasurer on this agenda. A transfer of up to \$128,200 from the Capital Reserve account is recommended; however, should Council approve application of the grant funding toward this project, a transfer from the reserve of up to \$71,150 would be required.

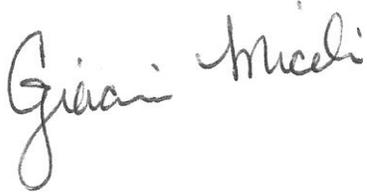
In addition to the cost of constructing the signs, there will be ongoing financial impact for operation, maintenance and renewal of the signs. It is expected that these costs will be at least partially, if not fully, offset by advertising revenues.

6. **CONSULTATIONS:**

Manager of Licensing and Enforcement and Treasurer.

7. **CONCLUSION:**

Construction of the gateway signage is feasible and promotes the objectives of the Sign By-Law and the Community Strategic Plan. The use of the gateway signs to promote Town businesses and events will promote a positive image for the Town moving forward.

A handwritten signature in cursive script that reads "Giovanni Miceli".

Giovanni (John) Miceli
Chief Administrative Officer

GJM/DM

Report Approval Details

Document Title:	Gateway Signage.docx
Attachments:	N/A
Final Approval Date:	May 24, 2018

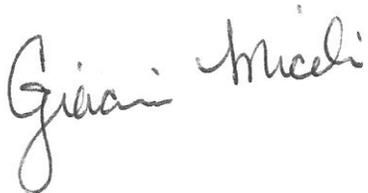
This report and all of its attachments were approved and signed as outlined below:



Mark Galvin - May 23, 2018 - 5:18 PM



Cheryl Horrobin - May 24, 2018 - 10:03 AM



John Miceli - May 24, 2018 - 10:54 AM



Task assigned to Paula Parker was completed by Tammy Fowkes - May 24, 2018 - 1:52 PM



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Update - Regulatory Changes to the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4

1. RECOMMENDATION:

It is recommended that:

- 1. The report from the Fire Chief dated May 16, 2018 regarding Update - Regulatory Changes to the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 ('FPPA') BE RECEIVED for information.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

On January 25, 2018, the Ministry of Community Safety and Correctional Services ('MCSCS') released two proposed regulations under the FPPA related to new requirements for:

- 1. Mandatory training and certification for firefighters; and
2. Community risk assessments to inform the delivery of fire protection services.

On February 16, 2018 a third proposed regulation was released regarding public reporting and fire department response times.

The MCSCS at that time sought public feedback on the three regulations.

The Ministry received input on how to modernize fire service delivery in the province from a group of fire service experts, known as the provincial Fire Safety Technical Table ('Table'), which was established in January 2017. The Ministry reviewed and compiled the Table's recommendations to develop the proposed regulations.

The third regulation on public reporting was initially proposed to the Table. A lack of clarity in several parts of the public reporting regulation resulted in the need for a further legal review to be conducted, which delayed the process having only been released on February 16th.

Over 400 Individuals and organizations, including Municipalities and Fire Chiefs submitted comments. Many of those comments were consistent and similar to those outlined in the Fire Chief's report "proposed regulatory changes to the FPPA" on March 19, 2018.

On May 8, 2018 the MCSCS and the Fire Marshal announced the new Regulations. (See Attachments)

3. DISCUSSION:

Some of the input received through the consultation process was included in changes to the regulations announced on May 8, 2018.

Draft Regulation 1 – Mandatory Certification

The Regulation establishes mandatory certification requirements set out by the National Fire Protection Association (NFPA) for all new firefighters employed or appointed to a fire department for the following positions: suppression firefighters, pump operators, technical rescue, fire officers and fire educators.

These requirements were proposed to come into force January 1, 2019, with the exception of technical rescue, which would come into force January 1, 2020. An additional year for technical rescue to achieve certification was proposed to allow for sufficient time to develop training and certification examination materials.

Mandatory certification for Public Educators, Suppression Firefighters (interior and exterior) and Pump Operators was to be implemented on a go-forward basis for newly hired firefighters.

In addition, the MCSCS was proposing that mandatory certification requirements also set out by the NFPA apply to existing firefighters currently employed or appointed in fire departments across Ontario, including fire inspectors, fire investigators, fire instructors, hazardous materials personnel and fire dispatchers.

The final regulations now provide that firefighters in the roles of Public Educator, Suppression Firefighter (both interior and exterior attack) and Pump Operators hired after July 1, 2019 will have to be certified. Existing firefighters hired before July 1, 2019 in these roles **do not** have to be certified.

The timelines have been extended based on input and now come into force July 1, 2019 and Technical Rescue requirements come into force January 1, 2021.

Firefighters in the role of a Technical Rescuer hired after January 1, 2021 will have to be certified.

Existing firefighters hired before January 1, 2021 in the role of Technical Rescuer **do not** have to be certified.

Any firefighter involved in promotion to the officer level will require certification and successful completion of the requisite standards to be promoted. This includes Firefighter I & II and Fire Officer I.

Draft Regulation 2 – Mandatory Community Risk Assessments

The MCSCS is proposing that municipalities be required to conduct a standard risk assessment every five years focusing on key profiles in their communities (e.g. demographics, geography, past fire loss and event history, critical infrastructure, building stock profile within the community, etc.).

Municipalities would be responsible for reviewing their risk assessment annually to ensure that any significant changes in the mandatory profiles are identified. If there are any significant changes (e.g. addition of retirement homes or care facilities), the municipality will be responsible for updating their assessment. This information will be used to inform decisions about fire protection services in their community. This requirement is now proposed to come into force July 1, 2019. The first risk assessment is due for submission by July 1, 2024.

Draft Regulation 3 – Public Reporting and Fire Department Response Times

Fire Department management supports the intention of the proposed regulation, and its focus on standardizing data reporting, improving transparency and accountability, and clarifying definitions.

This regulation comes into force January 1, 2020. Eight (8) criteria have been established for reporting to the public information related to incidents and service level benchmarks. Definition of terminology has been changed which will be a challenge to communicate. (e.g. Total Response time previously was understood to be from receipt of call to arrival at the driveway. It is now defined as: The time interval from the receipt of the alarm at the public safety answering point (PSAP) to when the first fire department unit is initiating action or intervening to control the incident.)

Additionally reporting criteria is required for units with full time firefighters and units with volunteer staff on board. Based on our deployment model we will be required to report both or twice for each call.

Currently we have the ability to report on 4 of the 8 criteria and effort is required to improve internal reporting as well as working with our partners.

OUR ADDITIONAL ANALYSIS

Draft Regulation 1 – Mandatory Training and Certification

To date the MCSCS has not identified provincial funding to support implementation of this regulation.

The MCSCS is scheduled to send a survey to all fire departments (release date to be determined) in order to understand the needs and potential gaps in the current training, certification, risk assessment and public reporting within Ontario's fire services, as well as to identify fire services' challenges in meeting the new fire services regulations requirements. Survey responses will inform the Ministry's implementation plan, including whether additional funding is available.

We believe sections of the Mandatory Training and Certification regulation require amendments to improve understanding and compliance. For example:

- The Internship Program of 24 months needs to be expanded to include all applicable areas and positions, such as fire inspectors and Fire Officer I & II, replacing the limiting language found in section 3(b). As it's currently written, the regulation only applies to new hires. The impact (cost) is yet to be determined as it relates to challenges for small operations.

Reciprocity was not amended and remains within the Ontario Fire Marshall's (OFM) mandate and Authority Having Jurisdiction (AHJ). The result is no prior learning and certification by other AHJ or PRO Board and International Fire Service Accreditation Congress (IFSAC) validated programs will be recognized.

Draft Regulation 2 – Mandatory Community Risk Assessments

The management team of Fire Services is of the view that this regulation, specifically under Schedule 1 Mandatory Profiles, requires amendments to improve understanding and compliance. For example:

- The reference to building stock and classifications should use MPAC data to classify building usage in regards to fire risk.
- Section 2: Reporting the "state of compliance within the fire code" should be deleted as this is directly dependent upon municipalities' set level of service for fire prevention (e.g. fire inspections upon request or complaints as permitted, under the FPPA). This item is not attainable. It also infringes on the role of municipalities to determine the levels of service provided.
- Section 6: In a multi-tier government (e.g. lower-tier fire, upper-tier EMS and provincial police), the data required for public safety response profile is not attainable.
- Section 7: While the community services profile has some duplication of the risk assessments under Emergency Management and Planning, it should be considered a risk assessment specifically for the risks that can/should be addressed by that reporting fire service, as indicated by E&R bylaws or other legislation.
 - o Specific risks around technical rescue are not captured in a Hazard Identification and Risk Assessment (HIRA), for example.
 - o Another example would be risk associated with property inspection frequencies.
 - o The Mandatory Risk Assessment for fire, under Section 7 of this regulation, needs clarification on content and formatting as a stand-alone document.

Draft Regulation 3 – Public Reporting and Fire Department Response Times

The Management Team of Fire Services supports the intention of the proposed regulation, and its focus on standardizing data reporting, improving transparency and accountability, and clarifying definitions. However, we continue to believe that an overhaul of Ontario's Standard Incident Reporting (SIR) framework is required.

The OAFIC compiled a list of 13 proposed recommendations on SIR system modernization for the consideration of the OFMEM in a letter sent January 31 2018. Our opinion remains that the Technical Table should reconvene to discuss SIR system improvements and implementation strategies.

While provincial work is being done to overhaul Ontario's SIR system, municipalities would not be barred from adopting enhanced reporting structures, should they deem it necessary to deliver as part of their level of service.

The OAFIC's Technical Table members were allotted only two days to review the final draft regulation before it was released for public comment. This did not allow for the OAFIC's to properly communicate with its membership to debate the merits of all fire services adopting enhanced reporting standards.

It should be noted that it is a municipal responsibility to set the level of fire and emergency service, including reporting standards. This is additional erosion of Municipal council's role in determining service levels.

POSITION AND KEY MESSAGES

The Management Team of Fire Services submitted our position to the Public Consultation process so that legislators are aware of our position and the Impacts to our Fire Protection Delivery Program in our community.

We agree that training and certifying our fire service personnel to the standards set out in the regulations improves both firefighter and public safety.

As per the FPPA, the onus is on the municipality to have properly trained fire service personnel that meet the level of service municipal council has determined to be appropriate for its community.

We firmly believe that specialized funding must be provided to all fire services to support implementation of the regulations. The Minister in her correspondence identified

“To ensure any challenges small or rural fire services may have adapting to the new requirements are mitigated, we will work with these municipalities to assess their current state of readiness and we will provide funding to cover all additional costs associated with this initiative”. No details have been provided at this time.”

The Premier at a recent Northern Ontario Municipal Association (NOMA) conference when speaking to delegates also confirmed funding will be available.

While the regulations do not detail how non-compliance will be handled, certifying to the new mandatory standard for all categories of fire operations would reduce municipal risk exposure, in the event something unfortunate occurs.

4. RISK ANALYSIS:

If we fail to identify the challenges with implementation of these proposed regulations, it will be difficult later to secure support.

5. FINANCIAL MATTERS:

A lack of clarity still exists surrounding the proposed regulations; requiring assumptions to be made in interpreting the regulations for calculation of the time requirements for training of recruit firefighters, volunteer firefighters and fire officers.

The 2018 Budget includes \$168,500 for training volunteer firefighters (VFFs); estimated based on training for 60 VFFs. There are 47 possible training sessions each year available for attendance for a total of 94 hours for each firefighter and officer.

Currently a firefighter spends 60 hours of the allotted 94 hours of programming time on Standards training. Training is conducted weekly in all stations and is two hours in duration and the same training is conducted three different evenings at different stations to enable acceptable attendance, regardless of station assignment.

Under the proposed regulations, a new recruit training to NFPA 1001 Level 1 (exterior attack) would have to complete approximately 225 hours of training. If the new recruit is enrolled in the internship program, which provides for completion over a 24 month period, this would equate to approximately two hours of training per week with 52 weeks per year (or approximately nine and a half hours a month) over the course of a two year period.

An additional 90 hours of training is required to be certified to NFPA 1001 Level 2 (interior attack).

Under the proposed regulations a the new recruit enrolled in the internship program completing Level 1 and Level 2 training, would require a total of approximately three hours of training per week with 52 weeks per year (or approximately 13 hours a month) over the course of a two year period.

Based on the above, it is expected that with perfect attendance it would take two (2) to three (3) years for a new recruit to achieve compliance with the certification requirements for both Level 1 and Level 2 training. This does not include the current ongoing training still necessary to properly provide service.

As noted above, it is proposed that effective July 1, 2019, a new recruit would require 255 additional hours of training at the current pay rate for training (\$25/hr) = \$6,375 per new firefighter, to achieve Level 1 and 2 certification. In addition to firefighter pay, costs would be incurred for instructors, resources and training materials. On that basis it is

estimated that additional costs of around \$40,000 annually may be incurred to comply with the Mandatory Training and Certification regulations.

Administration will continue to monitor the progression of the proposed legislation and will include estimated financial impacts for i) Mandatory Training and Certification, ii) Mandatory Community Risk Assessments and iii) Public Reporting and Fire Department Response Times in the draft 2019 Budget.

6. CONSULTATIONS:

N/A

7. CONCLUSION:

If sufficient provincial funding is not provided to municipal governments, the province will be knowingly creating a new unfunded mandate on municipalities.



Bruce Montone
Fire Chief

Report Approval Details

Document Title:	Update on New Changes to FPPA and Regulations.docx
Attachments:	- Fire Safety Regulations - Clause-by-Clause Explanation.pdf - Fire Safety Regulations - Letter to Stakeholders .pdf - Fire Safety Regulations - Narrative.pdf - Fire Safety Regulations - Questions and Answers .pdf
Final Approval Date:	May 23, 2018

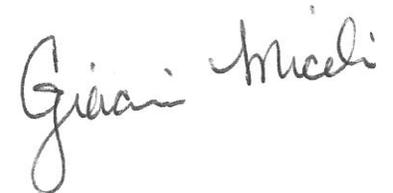
This report and all of its attachments were approved and signed as outlined below:



Mark Galvin - May 18, 2018 - 10:46 AM



Cheryl Horrobin - May 22, 2018 - 12:08 PM



John Miceli - May 22, 2018 - 1:52 PM



Task assigned to Paula Parker was completed by Tammy Fowkes - May 23, 2018 - 11:13 AM

Clause-by-Clause Explanation

Mandatory Certification Regulation under the *Fire Protection and Prevention Act, 1997*

Regulation Section Affected	Provision	Description
Definitions		
1.	<p>Definition</p> <p>1. In this Regulation, “NFPA” means the National Fire Protection Association.</p>	In the regulation, “NFPA” means the National Fire Protection Association.
Mandatory Certification		
2.(1)	<p>Mandatory certification</p> <p>2. (1) Every municipality, and every fire department in a territory without municipal organization, must ensure that its firefighters perform a fire protection service set out in Table 1 only if,</p> <p style="margin-left: 40px;">(a) the firefighter performing the fire protection service is certified to the corresponding certification standard set out in that Table; or</p> <p style="margin-left: 40px;">(b) this Regulation provides that the certification standard referred to in clause (a) does not apply with respect to the firefighter.</p>	<p>A municipality is responsible for ensuring its firefighters that perform fire protection services are certified except where a firefighter is grandfathered or is enrolled in an internship program.</p> <p>In an area where there is no local government, the fire department is responsible for</p>

Regulation Section Affected	Provision	Description
		ensuring its firefighters that perform fire protection services are certified except where a firefighter is grandfathered or is enrolled in an internship program.
2.(2)	Who provides certifications (2) The certification must be provided by the Fire Marshal.	The Office of the Fire Marshal and Emergency Management (OFMEM) is responsible for knowledge and skills testing and issuing certificates to firefighters.
Intern firefighters		
3.(1)	Intern firefighters 3. (1) A certification standard does not apply with respect to a firefighter who, <ul style="list-style-type: none"> (a) is enrolled in an internship program approved by the Fire Marshal; and (b) is operating under the supervision of a firefighter certified to that standard; and (c) has, <ul style="list-style-type: none"> (i) been a firefighter for no more than 24 months, or 	If a firefighter is performing a role in the internship program under the supervision of a certified firefighter and has not been a firefighter for more than two years, the intern firefighter does not have to be certified. The intern firefighter must be supervised by another firefighter who is certified to the appropriate NFPA standard. (e.g., if an intern is training to become a Public Educator, their supervisor must be

Regulation Section Affected	Provision	Description
	(ii) been in the internship program for no more than six months, if the internship program is to train to be a fire instructor or to train to be a fire inspector.	<p>certified as a Public Educator [NFPA 1035]).</p> <p>An intern firefighter can also be an existing firefighter who is training to become a Fire Instructor or Fire Inspector. These individuals have six months to become certified.</p>
3.(2)	<p>Extension of time</p> <p>(2) If a firefighter did their best to fulfil the requirements of the internship program but did not fulfil the requirements, the Fire Marshal must grant them an extension of a further,</p> <p>(a) 12 months; or</p> <p>(b) 6 months, if the internship program is to train to be a fire instructor or to train to be a fire inspector.</p>	<p>OFMEM will grant an extension of 12 months to an intern firefighter if they have made their best efforts to achieve certification within the two year internship period but were unable to do so.</p> <p>OFMEM will grant an extension of six months to an intern firefighter who has made their best efforts to achieve certification to become a Fire Instructor or Fire Inspector within the six month internship period but were unable to do so.</p>

Regulation Section Affected	Provision	Description
Transition		
4.(1)	<p>Transition</p> <p>4. (1) A certification standard set out in item 1, 2, 3, or 4 of Table 1 does not apply with respect to a firefighter who,</p> <ul style="list-style-type: none"> (a) became a firefighter before July 1, 2019; and (b) performed the fire protection service that the standard corresponds to before July 1, 2019 	<p>This section states that mandatory certification for Public Educators, Suppression Firefighters (interior and exterior) and Pump Operators will be implemented on a go-forward basis for newly hired firefighters.</p> <p>Firefighters in the roles of Public Educator, Suppression Firefighter (both interior and exterior attack) and Pump Operators hired after July 1, 2019 will have to be certified. Existing firefighters hired before July 1, 2019 in these roles do not have to be certified.</p>
4.(2)	<p>Same, technical rescue</p> <p>(2) The certification standard set out in item 5.1 of Table 1 does not apply with respect to a firefighter who,</p> <ul style="list-style-type: none"> (a) became a firefighter before January 1, 2021; and 	<p>Firefighters in the role of a Technical Rescuer hired after January 1, 2021 will have to be certified.</p> <p>Existing firefighters hired before January 1, 2021 in the</p>

Regulation Section Affected	Provision	Description
	(b) performed the fire protection service that the standard corresponds to before January 1, 2021.	role of Technical Rescuer <u>do not</u> have to be certified.
4.(3)	<p>Letter of compliance</p> <p>(3) A certification standard set out in item 1, 2 or 3 of Table 1 does not apply with respect to a firefighter that both of the following criteria apply to:</p> <ol style="list-style-type: none"> 1. The firefighter became a firefighter before July 1, 2019. 2. The firefighter’s fire chief was given permission by the Fire Marshal to issue the firefighter a Letter of Compliance with NFPA Standards respecting the relevant standard under Fire Marshal’s Communiqué 2014-04, “Transition to NFPA Professional Qualifications Standards: Grandfathering Policy”, which is dated January 2014 and available on a website of the Government of Ontario. 	<p>This section speaks to firefighters that have been grandfathered.</p> <p>Firefighters in the roles of Public Educator and Suppression Firefighter (both interior and exterior attack) <u>do not</u> have to be certified if they were hired before July 1, 2019 and have been grandfathered to the appropriate NFPA standard.</p>
4.(4)	<p>Earlier version of standard</p> <p>(4) A certification standard does not apply with respect to a firefighter who, prior to July 1, 2019, was certified to an earlier version of that standard.</p>	Firefighters who, before July 1, 2019 are certified to an earlier version of an NFPA standard <u>do not</u> need to re-certify to the newer editions of the standard.
4.(5)	<p>Deemed certification for the purpose of supervising interns</p> <p>(5) If subsection (3) or (4) provides that a certification standard does not apply with respect to a firefighter, that firefighter is deemed to be certified to that standard for the purpose of clause 3 (1) (b).</p>	A firefighter who has been grandfathered or holds certification to an earlier version of the appropriate NFPA standard may supervise intern firefighters.

Regulation Section Affected	Provision	Description																		
Amendments																				
5.(1)	Amendments (1) Subsection 4 (3) of this Regulation is amended by striking out “item 1, 2 or 3” in the portion before paragraph 1 and substituting “item 1, 1.3, 2, 3, 5 or 6”.	As of January 1, 2020, Fire Inspectors, Fire Officers and Fire Instructors will need to be certified unless they were hired before July 1, 2019 and received grandfathering to appropriate NFPA standard.																		
5.(2)	(2) Table 1 to this Regulation is amended by adding the following items: <table border="1" data-bbox="409 722 1417 1141"> <tr> <td data-bbox="409 722 493 803">1.1</td> <td data-bbox="493 722 798 803">Dispatch fire department resources (personnel and equipment)</td> <td data-bbox="798 722 1417 803">NFPA 1061, “Professional Qualifications for Public Safety Telecommunications Personnel”, 2014 Edition, Level I</td> </tr> <tr> <td data-bbox="409 803 493 852">1.2</td> <td data-bbox="493 803 798 852">Fire investigation activities</td> <td data-bbox="798 803 1417 852">NFPA 1033, “Standard for Professional Qualifications for Fire Investigator”, 2014 Edition</td> </tr> <tr> <td data-bbox="409 852 493 933">1.3</td> <td data-bbox="493 852 798 933">Fire prevention inspections or plans examination activities</td> <td data-bbox="798 852 1417 933">NFPA 1031, “Standard for Professional Qualifications for Fire Inspector and Plan Examiner”, 2014 Edition, Level I</td> </tr> <tr> <td data-bbox="409 933 493 1031">3.1</td> <td data-bbox="493 933 798 1031">Hazardous materials response at the Technician Level</td> <td data-bbox="798 933 1417 1031">NFPA 1072, “Standard for Hazardous Materials/Weapons of Mass Destruction Emergency Response Personnel Professional Qualifications”, 2017 Edition</td> </tr> <tr> <td data-bbox="409 1031 493 1079">5.</td> <td data-bbox="493 1031 798 1079">Supervise other firefighters</td> <td data-bbox="798 1031 1417 1079">NFPA 1021, “Standard for Fire Officer Professional Qualifications”, 2014 Edition, Level I</td> </tr> <tr> <td data-bbox="409 1079 493 1141">6.</td> <td data-bbox="493 1079 798 1141">Training courses for fire protection services</td> <td data-bbox="798 1079 1417 1141">NFPA 1041, “Standard for Fire Service Instructor Professional Qualifications”, 2012 Edition, Level I</td> </tr> </table>	1.1	Dispatch fire department resources (personnel and equipment)	NFPA 1061, “Professional Qualifications for Public Safety Telecommunications Personnel”, 2014 Edition, Level I	1.2	Fire investigation activities	NFPA 1033, “Standard for Professional Qualifications for Fire Investigator”, 2014 Edition	1.3	Fire prevention inspections or plans examination activities	NFPA 1031, “Standard for Professional Qualifications for Fire Inspector and Plan Examiner”, 2014 Edition, Level I	3.1	Hazardous materials response at the Technician Level	NFPA 1072, “Standard for Hazardous Materials/Weapons of Mass Destruction Emergency Response Personnel Professional Qualifications”, 2017 Edition	5.	Supervise other firefighters	NFPA 1021, “Standard for Fire Officer Professional Qualifications”, 2014 Edition, Level I	6.	Training courses for fire protection services	NFPA 1041, “Standard for Fire Service Instructor Professional Qualifications”, 2012 Edition, Level I	As of January 1, 2020, Table 1, which outlines the roles that require certification, will be amended to include Fire Dispatchers, Fire Investigators, Fire Inspectors, Hazardous Materials Personnel (Technician), Fire Officers, and Fire Instructors.
1.1	Dispatch fire department resources (personnel and equipment)	NFPA 1061, “Professional Qualifications for Public Safety Telecommunications Personnel”, 2014 Edition, Level I																		
1.2	Fire investigation activities	NFPA 1033, “Standard for Professional Qualifications for Fire Investigator”, 2014 Edition																		
1.3	Fire prevention inspections or plans examination activities	NFPA 1031, “Standard for Professional Qualifications for Fire Inspector and Plan Examiner”, 2014 Edition, Level I																		
3.1	Hazardous materials response at the Technician Level	NFPA 1072, “Standard for Hazardous Materials/Weapons of Mass Destruction Emergency Response Personnel Professional Qualifications”, 2017 Edition																		
5.	Supervise other firefighters	NFPA 1021, “Standard for Fire Officer Professional Qualifications”, 2014 Edition, Level I																		
6.	Training courses for fire protection services	NFPA 1041, “Standard for Fire Service Instructor Professional Qualifications”, 2012 Edition, Level I																		
5.(3)	(3) Table 1 to this Regulation is amended by adding the following item: <table border="1" data-bbox="409 1177 1417 1416"> <tr> <td data-bbox="409 1177 493 1416">5.1</td> <td data-bbox="493 1177 798 1416"> Technical rescue activities, but only the following technical rescue activities: <ol style="list-style-type: none"> 1. Confined space rescue 2. Ice rescue 3. Rope rescue 4. Surface water rescue 5. Swift water rescue </td> <td data-bbox="798 1177 1417 1416">NFPA 1006, “Standard for Technical Rescue Personnel Professional Qualifications”, 2017 Edition</td> </tr> </table>	5.1	Technical rescue activities, but only the following technical rescue activities: <ol style="list-style-type: none"> 1. Confined space rescue 2. Ice rescue 3. Rope rescue 4. Surface water rescue 5. Swift water rescue 	NFPA 1006, “Standard for Technical Rescue Personnel Professional Qualifications”, 2017 Edition	On January 1, 2021, Table 1, which outlines the roles that require certification, will be amended to include Technical Rescuers who perform these seven specific rescue activities need to be certified.															
5.1	Technical rescue activities, but only the following technical rescue activities: <ol style="list-style-type: none"> 1. Confined space rescue 2. Ice rescue 3. Rope rescue 4. Surface water rescue 5. Swift water rescue 	NFPA 1006, “Standard for Technical Rescue Personnel Professional Qualifications”, 2017 Edition																		

Regulation Section Affected	Provision		Description
	6. Trench rescue 7. Vehicle rescue		
Commencement			
6. (1)	Commencement 6. (1) Subject to subsections (2) and (3), this Regulation comes into force on July 1, 2019.		On July 1, 2019, Sections 1 to 4 and Table 1 of the regulation come into force. On July 1, 2019, newly hired firefighters in the roles of Public Educator, Suppression Firefighter (interior and exterior attack) and Pump Operator will need to be certified.
6. (2)	(2) Subsections 5 (1) and (2) come into force on January 1, 2020.		On January 1, 2020 subsection 5(1) and Table 1 are amended with respect to adding the firefighter roles that are eligible for grandfathering and require certification: Fire Inspector, Fire Officer and Fire Instructor. On January 1, 2020 existing firefighters in the roles of Fire Dispatchers, Fire Investigators and Hazardous Materials Personnel (Technician) will need to be certified.

Regulation Section Affected	Provision	Description
		Grandfathered Fire Inspectors, Fire Officers and Fire Instructors will not need to be certified.
6. (3)	(3) Subsections 4 (2) and 5 (3) come into force on January 1, 2021.	On January 1, 2021, subsection 4 (2) and Table 1 are amended so that Technical Rescuers performing seven specific rescue activities will need to be certified, unless they performed these specific rescue activities before January 1, 2021.

Clause-by-Clause Explanation

Public Reports Regulation under the *Fire Protection and Prevention Act, 1997*

Regulation Section Affected	Provision	Description
Definitions		
1.	<p>Definition</p> <p>1. In this Regulation,</p> <p>“PSAP” is short for public safety answering point, which means a call centre responsible for answering calls to 9-1-1 for police, firefighting and ambulance services.</p>	<p>In the regulation, “PSAP” is short for public safety answering point, which means a call centre responsible for answering calls to 9-1-1 for police, firefighting and ambulance services.</p>
Preparation of public reports		
2.(1)	<p>Preparation of public reports</p> <p>Fire Marshal sends fire department the information</p> <p>2. (1) The Fire Marshal must give every fire department the information required by Schedule 1, based on the information the Fire Marshal has received through reports under subsection 11 (2) of the Act.</p>	<p>Fire departments must time stamp information through the Standard Incident Reporting system to the Office of the Fire Marshal and Emergency Management (OFMEM).</p> <p>OFMEM will then provide calculated response times to fire departments.</p>
2.(2)	<p>Fire department prepares the public report</p> <p>(2) Every fire department must prepare a public report setting out,</p>	<p>Using the calculated response time data from OFMEM, fire departments will prepare a public report.</p>

Regulation Section Affected	Provision	Description
	(a) the information required by Schedule 1; and (b) any other information the fire department chooses to include.	This report will include all response times set out in Schedule 1. Fire departments may include any other information, including explanatory language that will help the public understand the factors that may have impacted the department's response times.
2.(3)	Fire department may use Fire Marshal's data (3) The fire department may use the information required by Schedule 1 that the Fire Marshal provided to prepare their public report, or may carry out their own calculations respecting the same time period.	A fire department may choose to calculate their own response time data in their public report instead of relying on OFMEM to conduct and provide calculations.
Dissemination of public reports		
3.(1)	Dissemination of public reports From fire department to Fire Marshal 3. (1) Every fire department must give their public report to the Fire Marshal no later than 180 days after the Fire Marshal gives the fire department the information.	After the fire department receives their calculated response time data from OFMEM or does their own calculations, the fire department will have six months to provide their public report to the OFMEM.
3.(2)	From fire department to municipality (2) Every fire department that is authorized to provide fire protection services by a municipality must give their public report to the municipal council before giving its public report to the Fire Marshal.	Before a fire department submits their public report to OFMEM, they must submit the report to their municipal council.
3.(3)	From fire department to group of municipalities (3) Every fire department that is authorized to provide fire protection services by a group of municipalities must	If a fire department provides services to more than one municipality (e.g., through an automatic or mutual aid agreement),

Regulation Section Affected	Provision	Description
	give their public report to the municipal council of each municipality in the group of municipalities before giving their public report to the Fire Marshal.	the fire department must submit the public report to each municipal council for which they provide services.
3.(4)	Fire Marshal makes public (4) The Fire Marshal may make the public report available to the public.	OFMEM may make the public report available to the public (e.g., on its website)
Clarification		
4.	Clarification 4. For greater certainty, this Regulation does not imply that firefighters have authority to perform acts that the <i>Regulated Health Professions Act, 1991</i> does not permit them to perform.	The Regulated Health Professions Act (RHPA) provides authority for firefighters to perform “controlled acts” in response to medical emergencies in specific instances. The purpose of this provision is to clarify that the regulation does not authorize firefighters to provide any medical services that would not be permitted under the RHPA.
Commencement		
5.	Commencement 5. This Regulation comes into force on the later of January 1, 2020 and the day it is filed.	The regulation comes into force on January 1, 2020.

Regulation Section Affected	Provision				Description								
<p>SCHEDULE 1 REQUIRED INFORMATION CAREER FIREFIGHTERS</p>													
<p>1. (1)</p>	<p>1. (1) The public report must set out the following information respecting incidents in which the first fire department unit that arrives on the scene does not include a volunteer firefighter:</p> <p>1. For each standard set out in the following Table,</p> <ul style="list-style-type: none"> i. the percentage value of how often the fire department achieves that standard for the corresponding time interval, and ii. the corresponding benchmark percentage value for how often the fire department should achieve or exceed that standard. <p>2. For each time interval set out in the following Table that does not have a corresponding standard, the time interval value that the fire department achieves or exceeds 90% of the time.</p>				<p>In instances, where the first fire truck on scene only includes career firefighters, the fire department must include response time benchmark data as outlined in Schedule 1 (e.g., turnout time of 80 seconds for fire and special operations) and the percentage of time the fire department achieved the benchmark (e.g., turnout time benchmark of 90%).</p> <p>Where a response time does not have a benchmark, the first fire truck that only includes career firefighters will report the response time that they met or exceeded 90% of the time.</p>								
<p>Table</p>	<table border="1"> <thead> <tr> <th data-bbox="430 1230 487 1279">Item</th> <th data-bbox="487 1230 884 1279">Column 1 Time interval</th> <th data-bbox="884 1230 1129 1279">Column 2 Standard</th> <th data-bbox="1129 1230 1270 1279">Column 3 Benchmark</th> </tr> </thead> <tbody> <tr> <td data-bbox="430 1279 487 1412">1.</td> <td data-bbox="487 1279 884 1412">Alarm transfer time: The time interval from the receipt of the emergency alarm at the PSAP until the alarm is first received at the fire department communication centre</td> <td data-bbox="884 1279 1129 1412">30 seconds</td> <td data-bbox="1129 1279 1270 1412">95%</td> </tr> </tbody> </table>	Item	Column 1 Time interval	Column 2 Standard	Column 3 Benchmark	1.	Alarm transfer time: The time interval from the receipt of the emergency alarm at the PSAP until the alarm is first received at the fire department communication centre	30 seconds	95%				<p>Definitions of each item are as follows:</p> <p>1. Alarm transfer time: The time the call the PSAP is in receipt of the alarm from the time that the alarm is first</p>
Item	Column 1 Time interval	Column 2 Standard	Column 3 Benchmark										
1.	Alarm transfer time: The time interval from the receipt of the emergency alarm at the PSAP until the alarm is first received at the fire department communication centre	30 seconds	95%										

Regulation Section Affected	Provision				Description
	2.	Alarm answering time: The time interval that begins when the alarm is received at the fire department communication centre and ends when the alarm is acknowledged at the communication centre	15 seconds	95%	<p>received at the communication or dispatch centre</p> <p>2. Alarm answering time: The time the call is received at the communication or dispatch centre from the time the alarm is acknowledged by the communication or dispatch centre</p> <p>3. Alarm processing time: The time the call is initially received by the communication or dispatch centre from the first time facilities/units are notified of the emergency by the communication or dispatch centre</p> <p>4. Alarm handling time: The time the alarm is received at the PSAP from the beginning time that emergency facilities/unit(s) have information transmitted to them</p> <p>5. Turnout time: The time the call is received by the facilities/unit from the time that the unit leaves the station</p> <p>6. Travel time: The time the unit(s) leaves the station from the time that the first unit arrives on scene</p> <p>7. Initiating action/intervention time: The time between when the fire department first arrives on the scene and when they begin to respond to the emergency</p>
	3.	Alarm processing time: The time interval from when the alarm is acknowledged at the fire department communication centre until response information begins to be transmitted via voice or electronic means to fire department facilities and fire department units	<p>64 seconds for calls other than the following calls; and</p> <p>90 seconds for the following calls:</p> <ol style="list-style-type: none"> 1. Calls requiring emergency medical dispatch questioning and pre-arrival medical instructions 2. Calls requiring language translation 3. Calls requiring the use of a TTY/TDD device or audio/video relay services 4. Calls of criminal activity that require information vital to emergency responder safety prior to dispatching units 5. Hazardous material incidents 6. Technical rescue 7. Calls that require determining the 	90%	

Regulation Section Affected	Provision				Description
			location of the alarm due to insufficient information 8. Calls received by text message		8. Total response time: The time the call is initially received by the PSAP from the time the first unit arrives on scene
	4.	Alarm handling time: The time interval from the receipt of the alarm at the PSAP until the beginning of the transmittal of the response information via voice or electronic means to fire department facilities or the fire department units in the field	No standard; set out the time interval value that the fire department achieves or exceeds 90% of the time	No benchmark	
	5.	Turnout time: The time interval that begins when the fire department facilities and fire department units notification process begins by either an audible alarm or visual annunciation or both and ends at the beginning point of travel time	80 seconds for fire and special operations; 60 seconds for emergency medical services	90%	
	6.	Travel time: The time interval that begins when a fire department unit is en route to the incident and ends when the fire department unit arrives at the scene	240 seconds for fire suppression; 240 seconds for the arrival of a unit with a first responder with an automatic external defibrillator or higher level capability no standard for other services	90%	
	7.	Initiating action/intervention time: The time interval from when a fire department unit arrives on the scene to the initiation of emergency mitigation	No standard; set out the time interval value that the fire department achieves or exceeds 90% of the time	No benchmark	
	8.	Total response time: The time interval from the receipt of the alarm at the PSAP to when the first	No standard; set out the time interval value that the fire	No benchmark	

Regulation Section Affected	Provision			Description
		fire department unit is initiating action or intervening to control the incident	department achieves or exceeds 90% of the time	
1. (2)	(2) The public report does not have to set out information for items 1, 2, 3, 4 and 8 if the information is not available from the fire department's records.			If a fire department does not have information for alarm transfer time, alarm answering time, alarm processing time, alarm handling time, or total response time, then this information does not need to be included in the public report.
<p>SCHEDULE 1 REQUIRED INFORMATION VOLUNTEER FIREFIGHTERS</p>				
2. (1)	<p>2. (1) The public report must set out the following information respecting incidents in which the first fire department unit that arrives on the scene includes at least one volunteer firefighter:</p> <p style="padding-left: 40px;">1. For each time interval set out in the following Table, the time interval value that the fire department achieves or exceeds 90% of the time.</p>			In instances, where the first fire truck on scene has at least one volunteer firefighter, the fire department will include the response time that they met or exceeded 90% of the time in their public report.
Table	Item	Column 1 Time interval		<p>Definitions of each item are as follows:</p> <p>1. Alarm transfer time: The time the call the PSAP is in receipt of the alarm from the time that the alarm is first received at the communication or dispatch centre</p>
	1.	Alarm transfer time: The time interval from the receipt of the emergency alarm at the PSAP until the alarm is first received at the fire department communication centre		
	2.	Alarm answering time: The time interval that begins when the alarm is received at the fire department communication centre and ends when the alarm is acknowledged at the communication centre		
	3.	Alarm processing time: The time interval from when the alarm is acknowledged at the fire department communication centre until response information begins to be transmitted via voice or electronic		

Regulation Section Affected	Provision	Description
	<p>means to fire department facilities and fire department units</p> <p>4. Alarm handling time: The time interval from the receipt of the alarm at the PSAP until the beginning of the transmittal of the response information via voice or electronic means to fire department facilities or the fire department units in the field</p> <p>5. Turnout time: The time interval that begins when the fire department facilities and fire department units notification process begins by either an audible alarm or visual annunciation or both and ends at the beginning point of travel time</p> <p>6. Travel time: The time interval that begins when a fire department unit is en route to the incident and ends when the fire department unit arrives at the scene</p> <p>7. Initiating action/intervention time: The time interval from when a fire department unit arrives on the scene to the initiation of emergency mitigation</p> <p>8. Total response time: The time interval from the receipt of the alarm at the PSAP to when the first fire department unit is initiating action or intervening to control the incident</p>	<p>2. Alarm answering time: The time the call is received at the communication or dispatch centre from the time the alarm is acknowledged by the communication or dispatch centre</p> <p>3. Alarm processing time: The time the call is initially received by the communication or dispatch centre from the first time facilities/units are notified of the emergency by the communication or dispatch centre</p> <p>4. Alarm handling time: The time the alarm is received at the PSAP from the beginning time that emergency facilities/unit(s) have information transmitted to them</p> <p>5. Turnout time: The time the call is received by the facilities/unit from the time that the unit leaves the station</p> <p>6. Travel time: The time the unit(s) leaves the station from the time that the first unit arrives on scene</p> <p>7. Initiating action/intervention time: The time between when the fire department first arrives on the scene and when they begin to respond to the emergency</p>

Regulation Section Affected	Provision	Description
		8. Total response time: The time the call is initially received by the PSAP from the time the first unit arrives on scene
2. (2)	(2) The public report does not have to set out information for items 1, 2, 3, 4 and 8 if the information is not available from the fire department's records.	If a fire department does not have information for alarm transfer time, alarm answering time, alarm processing time, alarm handling time, or total response time then this information does not need to be included in the public report.

Clause-by-Clause Explanation

Community Risk Assessments Regulation under the *Fire Protection and Prevention Act, 1997*

Regulation Section Affected	Provision	Description
Mandatory Use		
1.	<p>Mandatory use</p> <p>1. Every municipality, and every fire department in a territory without municipal organization, must,</p> <p>(a) complete and review a community risk assessment as provided by this Regulation; and</p> <p>(b) use its community risk assessment to inform decisions about the provision of fire protection services.</p>	<p>A municipality is responsible for completing a community risk assessment and using the completed assessment to make evidence-based decisions on the provision of fire protection services in their community.</p> <p>In an area where there is no local government, the fire department is responsible for completing a community risk assessment and using the completed assessment to make evidence-based decisions on the provision of fire protection services in their community.</p>

Regulation Section Affected	Provision	Description
What it is		
2. (1)	What it is 2. (1) A community risk assessment is a process of identifying, analyzing, evaluating and prioritizing risks to public safety to inform decisions about the provision of fire protection services.	An explanation of what is a community risk assessment in the regulation.
Mandatory profiles		
2. (2)	Mandatory profiles (2) A community risk assessment must include consideration of the mandatory profiles listed in Schedule 1.	Schedule 1 lists all of the factors within a community that a municipality must consider when identifying and categorizing risks.
Form		
2. (3)	Form (3) A community risk assessment must be in the form, if any, that the Fire Marshal provides or approves.	If OFMEM provides a community risk assessment template a municipality or fire department in an area where there is no local government must use the template provided. A municipality or fire department in an area where there is no local government that uses another risk assessment process can be approved by OFMEM provided the mandatory profiles outlined in Schedule 1 are included.
When to complete (at least every five years)		
3. (1)	When to complete (at least every five years) 3. (1) The municipality or fire department must complete a community risk assessment no later than five years after the day its previous community risk assessment was completed.	Municipalities or fire departments in areas with where there is no local government must complete a risk assessment every five years.

Regulation Section Affected	Provision	Description
New municipality or fire department		
3. (2)	New municipality or fire department (2) If a municipality, or a fire department in a territory without municipal organization, comes into existence, the municipality or fire department must complete a community risk assessment no later than two years after the day it comes into existence	If a new municipality or fire department in an area where there is no local government is created after the regulation comes into force, they must complete their first community risk assessment within two years.
Transition		
3. (3)	Transition (3) A municipality that exists on July 1, 2019, or a fire department in a territory without municipal organization that exists on July 1, 2019, must complete a community risk assessment no later than July 1, 2024.	A municipality or fire department in an area where there is no local government has five years to complete its community risk assessment when the regulation comes into force on July 1, 2019. As a result, the first community risk assessment will not need to be in place until July 1, 2024.
Revocation		
3. (4)	Revocation (4) Subsection (3) and this subsection are revoked on July 1, 2025	The ‘transition’ item in the regulation will be removed on July 1, 2025, as municipalities or fire departments in areas where there is no local government will have completed a risk assessment.
When to review (at least every year)		
4. (1)	When to review (at least every year)	Risk assessments must be reviewed annually within the five year period.

Regulation Section Affected	Provision	Description
	<p>4. (1) The municipality or fire department must complete a review of its community risk assessment no later than 12 months after,</p> <p>(a) the day its community risk assessment was completed; and</p> <p>(b) the day its previous review was completed.</p>	
Other reviews		
4. (2)	<p>Other reviews</p> <p>(2) The municipality or fire department must also review its community risk assessment whenever necessary.</p>	Risk assessments must be reviewed whenever necessary.
Revisions		
4. (3)	<p>Revisions</p> <p>(3) The municipality or fire department must revise its community risk assessment if it is necessary to reflect,</p> <p>(a) any significant changes in the mandatory profiles;</p> <p>(b) any other significant matters arising from the review.</p>	Municipalities and or fire departments in an area where there is no local government must revise its risk assessment if there are any significant changes to the mandatory profiles or another significant change in the community
New assessment instead of review		
4. (4)	<p>New assessment instead of review</p> <p>(4) The municipality or fire department does not have to review its community risk assessment if it expects to complete a new community risk assessment on or before the day it would complete the review.</p>	If a municipality or fire department plans to complete a new risk assessment before the five years is up, then an annual review is not required.
Commencement		
5.	<p>Commencement</p> <p>5. This Regulation comes into force on the later of July 1, 2019 and the day it is filed.</p>	The regulation comes into force July 1, 2019.

Regulation Section Affected	Provision	Description
SCHEDULE 1 MANDATORY PROFILES		
Schedule 1	1. Geographic profile: The physical features of the community, including the nature and placement of features such as highways, waterways, railways, canyons, bridges, landforms and wildland-urban interfaces.	Physical features of the community may present inherent risks or potentially have an impact on fire department access or response time.
Schedule 1	2. Building stock profile: The types of buildings in the community, the uses of the buildings in the community, the number of buildings of each type, the number of buildings of each use and any building-related risks known to the fire department.	Potential fire risks associated with different types or uses of buildings given their prevalence in the community and the presence or absence of fire safety systems and equipment at time of construction.
Schedule 1	3. Critical infrastructure profile: The capabilities and limitations of critical infrastructure, including electricity distribution, water distribution, telecommunications, hospitals and airports.	Presence/availability and capacity of infrastructure elements that could have a significant impact on such things as dispatch, communications, suppression operations, overall health care or transportation for the community if compromised, or that may present unique fire risks by virtue of their size or design.
Schedule 1	4. Demographic profile: The composition of the community's population, respecting matters relevant to the community, such as population size and dispersion, age, gender, cultural background, level of education, socioeconomic make-up, and transient population.	Characteristics of the population in the community in order to tailor delivery of fire protection services including public education and fire prevention programs.
Schedule 1	5. Hazard profile: The hazards in the community, including natural hazards, hazards caused by humans, and technological hazards.	Hazards, to which fire departments may be expected to respond, that may have a significant impact on the

Regulation Section Affected	Provision	Description
		community. Examples of natural hazards would include floods, forest fires or earthquakes; human caused hazards would include such things as chemical or biological attacks, or other terrorist activity; and technological hazards would include such things as industrial pollution, nuclear or hazardous materials incidents.
Schedule 1	6. Public safety response profile: The types of incidents responded to by other entities in the community, and those entities' response capabilities.	Other public safety response agencies (such as police/ambulance/rescue) that might be tasked to or able to assist in the some capacity to the response to emergencies or in mitigating the impact of emergencies to which the fire department responds.
Schedule 1	7. Community services profile: The types of services provided by other entities in the community, and those entities' service capabilities.	Presence or absence and potential abilities of other agencies, organizations, or associations to provide services that may assist in mitigating the impact of emergencies to which the fire department responds.
Schedule 1	8. Economic profile: The economic sectors affecting the community that are critical to its financial sustainability.	Economic drivers in the community that have significant influence on the ability of the community to provide or maintain service levels.

Regulation Section Affected	Provision	Description
<p>Schedule 1</p>	<p>9. Past loss and event history profile: The community's past emergency response experience, including the following analysis:</p> <ol style="list-style-type: none"> 1. The number and types of emergency responses, injuries, deaths and dollar losses. 2. Comparison of the community's fire loss statistics with provincial fire loss statistics. <p>Note: Each profile is to be interpreted as extending only to matters relevant to fire protection services.</p>	<p>Evaluation of previous response data to identify circumstances and behaviours that will inform decisions on fire protection services delivery including public fire safety education and inspection programs.</p>



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May 8, 2019

As Minister of Community Safety and Correctional Services, it is my responsibility to ensure that the framework for the delivery of municipal fire services meets the needs and circumstances of the communities they serve across the province.

Ontario's firefighters – both career and volunteer – are among the best in the world. Our government is committed to the safety of our firefighters and of the communities they serve. An important part of my responsibilities is to work with municipalities to identify and address emerging gaps and challenges related to the delivery of fire protection services.

The ministry established the Fire Safety Technical Table (the Table) in January 2017 to provide recommendations on the enhancement of fire safety in Ontario.

The Table meets on a monthly basis and includes municipal representation (the Association of Municipalities of Ontario and the Town of Aurora), representatives from firefighter associations and representatives from career, composite and volunteer fire departments.

I want to thank the members of the Table for their dedication and for their work with my ministry on the development of three new fire safety regulations under the Fire Protection and Prevention Act (FPPA). The regulations relate to:

- Certification of firefighters;
- Risk assessments to inform the delivery of fire protection services; and,
- Public reporting on fire department response times.

These regulations respond to a number of coroner's inquest recommendations, enhance the consistency of fire safety across the province, increase transparency and accountability, and ensure that fire protection services meet the unique needs of communities.

The regulations were posted for comment on the regulatory registry in early 2018, and a great deal of valuable commentary was received. A number of changes have been made to reflect the thoughtful feedback.

I want to thank municipalities for their participation in this process and I am pleased to provide an update on the outcome of the regulatory consultation.

Mandatory Certification

The mandatory certification of firefighters, based on internationally recognized National Fire Protection Association (NFPA) standards, is a key step forward in building safer communities.

I want to emphasize that mandatory certification for four firefighter roles – including basic fire suppression – would only apply to new hires.

As such, the majority of existing suppression firefighters in Ontario – including those that work in volunteer departments – will not need to certify to maintain their jobs in their current positions. To progress to more senior positions in the fire service, certification would be required.

Some fire services in Ontario already train to NFPA standards – and over 80 have already begun certifying their firefighters. Province-wide certification would help ensure firefighters have a consistent level of knowledge and skill to safely provide fire protection services.

We recognize that some municipalities may require more time to comply with the mandatory certification of their firefighters. In response to feedback from the public posting of this regulation, we are delaying the in-force date for several roles to July 1st, 2019 and for others to January 1st, 2020 and January 1st, 2021.

For firefighters who have made best efforts to complete the certification in 24 months but were not able to do so, we are allowing an additional 12 months for completion, if the extension is approved by the Fire Marshal. This program would allow firefighters to work while completing their training and certification.

The internship program will also be expanded to include in-service fire instructors and fire inspectors for an initial 6-month internship. These participants will also benefit from a potential 6-month extension, if the extension is approved by the Fire Marshal. Firefighters who are certified and deemed-to-be certified (i.e., grandfathered) will have the ability to supervise firefighters in the internship program.

We believe the training and certification process for fire services across the province should be convenient and straightforward – particularly for small and rural municipalities who may face challenges in recruiting new volunteer firefighters.

We also recognize that firefighters will need a straightforward way to access testing services – and we will provide an online testing system that will be available free of charge. Where high-speed internet is not available, paper testing will continue to be available to fire services, also free of charge.

To ensure any challenges small or rural fire services may have adapting to the new requirements are mitigated, we will work with these municipalities to assess their current state of readiness and we will provide funding to cover all additional costs associated with this initiative.

In collaboration with our partners, MCSCS will be setting up an implementation table with a specific focus on small and rural communities to address their unique challenges throughout the implementation process.

Community Risk Assessments

Most communities undertake a risk assessment of some sort to help inform local decisions on the provision of fire protection services.

This regulation requires that all municipalities undertake a standardized risk assessment that will be used to inform the development of municipal fire protection services. A full risk assessment must be conducted every five years, with monitoring and reviewing conducted annually.

Undertaking a risk assessment will ensure that the delivery of fire protection services, including the development of public education and fire prevention programs, are based on consideration of key profiles of the community.

Public Reporting

Fire services across Ontario report their response times to the Office of the Fire Marshal and Emergency Management (OFMEM) using varying definitions. The result is inconsistent data that may be misinterpreted. There is no requirement to share this data with municipal governments or to make the information public. The public reporting regulation will create consistent reporting, and will increase transparency and accountability by providing the public with a clear understanding of what they can expect from the fire department in terms of response times.

This regulation is consistent with the Ontario Government's "open-by-default" approach to data sharing, and it is in line with the public's expectation that key information be available about their fire services.

Conclusion

My most important priority as Minister is the safety and security of every Ontarian. That is why we are requiring firefighters to certify, fire departments to develop risk assessments, and fire department response time data to be publicly reported – it will help to improve community safety across our province.

We will work closely with communities to ensure a smooth transition to the new regulations that will begin to come into force on July 1st, 2019.

I want to thank all of our partners who worked with us on these regulations, and the municipal governments who submitted comments to the public registry.

If you have further questions about next steps, please contact mcscsinput@ontario.ca.

Warm regards,



Marie-France Lalonde
Minister

Fire Protection and Prevention Act Regulations

Narrative

Ontario is committed to the safety of both firefighters, and the public. That is why it's critical that the framework for the delivery of fire services across the province meets the needs and circumstances of communities they serve.

Following recommendations from multiple coroner's inquests, the Ministry of Community Safety and Correctional Services (MCSCS) formed a Fire Safety Technical Table (the Table) to provide recommendations on enhancing fire service delivery in Ontario. The Table includes municipal representation from the Association of Municipalities of Ontario (AMO), the Town of Aurora, fire associations and representatives from career, composite and volunteer fire departments from both urban and rural communities.

To date, the work of the Table has been informing the development of regulations related to mandatory certification of firefighters, community risk assessments to inform the delivery of fire protection services, and public reporting of fire department response times.

In regards to mandatory certification, currently, under the Occupational Health and Safety Act, employers must provide information, instruction and supervision to a worker to protect their health or safety. Ontario voluntarily adopted National Fire Protection Association (NFPA) standards in 2013/14, although certification is not yet mandatory. NFPA uses codes and standards that are considered best practice, evidence based and are used throughout North America.

More than 80 fire departments (a mix of urban/rural, large/small, professional/composite and volunteer) are already voluntarily certifying to the NFPA standards and many are training to the NFPA standards, but not yet certifying.

Under the new regulation, certification for four firefighter roles – including basic fire suppression – would only apply to new hires. As such, the majority of existing suppression firefighters in Ontario will not need to certify to maintain their jobs in their current positions. Those seeking to advance to a higher rank (e.g., Fire Officer) would be required to certify.

Firefighters who need to be certified will be able to work under the supervision of another certified firefighter, via an internship program, while they complete their training. They will have up to two years (with the potential of a one-year extension, with the approval of the Fire Marshal) to complete their certification.

Firefighters not certified before being hired by a fire department would need to be enrolled in the two year internship program. Firefighters seeking to certify to NFPA 1001 Levels 1 and 2 (exterior and interior attack), would be required to train approximately 3 hours a week to achieve certification if the firefighter is enrolled in the two year internship program.

Those who have previously trained to the former Ontario standards may be eligible to have their previous knowledge or experience qualify them for alternative compliance to certification

(i.e., grandfathering). In these instances, fire chiefs would need to attest that training has been received by the firefighter and provide documentation, upon request.

The earliest that any part of the regulation comes into force is July 2019, with other parts coming in force in 2020 and 2021.

The government of Ontario will work closely with the Table and municipalities, especially those who represent small, northern and rural areas, to identify specific challenges and seek their input in developing an implementation model that would best address their needs in order to ensure successful implementation.

Questions & Answers

Fire Safety Regulations

General

1. What are the new regulations that the ministry developed under the Fire Protection and Prevention Act (FPPA)?

- The ministry has developed three new regulations under the FPPA that relate to:
 - Certification of firefighters;
 - Community risk assessments to inform the delivery of fire protection services; and,
 - Public reporting on fire department response times.

2. What is the Fire Safety Technical Table (the Table)?

- The Table was established in January 2017 to identify policy gaps and challenges, and to provide recommendations to the ministry to modernize fire service delivery in Ontario.
- The Table includes municipal representation from the Association of Municipalities of Ontario (AMO), the Town of Aurora, fire associations and representatives from career, composite and volunteer fire departments from both urban and rural communities.
- The initial focus of the Table has been to inform the development of recommendations for the ministry on firefighter certification, conducting community risk assessments, public reporting of fire-related data, and other matters of collective interest.

3. Why does the government need the advice of a technical table?

- The FPPA is over 20 years old, which means there is a need to address emerging gaps and challenges related to the delivery of fire safety in Ontario, including a lack of mandatory standards related to firefighter training and certification.
- The ministry established the Table to seek input from knowledgeable stakeholders, including firefighter associations, fire departments and municipalities. The advice received from stakeholders complements the existing technical expertise of the Office of the Fire Marshal and Emergency Management (OFMEM), allowing the ministry to take into account municipal and local concerns when addressing various challenges.

4. Who has been consulted on these regulations?

- In addition to consultations with the Table and partner ministries, the proposals were posted on the regulatory registry for public comment in early 2018 – approximately 400 comments were received.

5. When would the regulations come into force?

- Mandatory certification: July 1, 2019, with some sections coming into force on January 1, 2020 and January 1, 2021.
- Community risk assessment: July 1, 2019.
- Public reporting: January 1, 2020.

Questions & Answers

Fire Safety Regulations

6. Do these regulations apply to fire services that operate in unincorporated territories where the province has jurisdiction?

- Yes, the regulatory requirements will apply to unincorporated territories as well as municipalities.

Mandatory Certification

1. Why is the ministry mandating that firefighters be certified?

- Numerous coroner's inquests have identified and/or recommended the need to implement mandatory certification of firefighters/fire services personnel.
- The Occupational Health and Safety Act requires employers to provide information, instruction and supervision to a worker to protect the health or safety of the worker; however there is no mandatory requirement to train to a specific standard.
- To increase public and firefighter safety by ensuring firefighters delivering fire protection services are trained and certified to National Fire Protection Association (NFPA) standards – which are best practice, internationally regarded and evidence based.

2. Why is the government using NFPA standards?

- NFPA is a body that creates and maintains consensus-based standards and codes for usage and adoption by local governments. These codes and standards are considered best practice, evidence based and are used throughout North America.
- NFPA standards are regularly reviewed and updated based on the latest information, with input from multiple sectors, including fire services, health care facilities, manufacturers, architects/engineers and others.

3. Which NFPA standards will firefighters have to certify to?

- Mandatory certification requirements will be implemented for the following firefighter roles:

Firefighter Roles and NFPA Standard	Available for Grandfathering	In-Force Date
Newly Hired Firefighters		
Suppression firefighters: NFPA 1001	Yes	July 1, 2019
Pump Operators: NFPA 1002	No	July 1, 2019
Technical Rescuers: NFPA 1006 (for 7 chapters)	No	January 1, 2021
Fire Educators: NFPA 1035	Yes	July 1, 2019
Newly Hired and Existing Firefighters		
Fire Officers: NFPA 1021	Yes	January 1, 2020
Fire Inspectors: NFPA 1031	Yes	January 1, 2020
Fire Investigators: NFPA 1033	No	January 1, 2020
Fire Instructors: NFPA 1041	Yes	January 1, 2020
Fire Dispatchers: NFPA 1061	No	January 1, 2020
Hazardous Materials Personnel: NFPA 1072	No	January 1, 2020

Questions & Answers

Fire Safety Regulations

4. Why are some mandatory certification requirements only applicable to new hires while others are applicable to existing firefighters?

- Based on discussions with the Table, concern was raised that a number of fire service roles are exposed to increased risk, both for the individuals performing these roles and the municipalities themselves and therefore all firefighters in these roles should be certified.

5. If a municipality has a mutual aid agreement with another jurisdiction or First Nation department who will be responsible for ensuring the firefighters are certified?

- Firefighters from other provinces, territories, countries outside Canada and First Nation fire departments will not be required to certify to NFPA standards.
- The certification regulation applies to municipalities and fire departments in unorganized territories. As such, all firefighters employed by or appointed to a fire department within these areas must be certified.

Grandfathering

6. What does grandfathering mean?

- The grandfathering program allows existing firefighters to achieve alternative compliance with specific NFPA standards based on knowledge or experience gained to December 31, 2015.
- Grandfathering has been re-opened to all fire departments in Ontario using the same requirements as the previous program in 2013/14.

7. What will be required for grandfathering?

- The grandfathering program allows existing firefighters to achieve alternative compliance with specific NFPA standards based on knowledge or experience gained to December 31, 2015.
- Grandfathering has been re-opened to all fire departments in Ontario using the same requirements as the previous program in 2013/14.
- Firefighters who wish to take advantage of grandfathering must submit an application through their fire department by September 30, 2018. Each firefighter's application must be signed by their Fire Chief, confirming the information provided is valid and that supporting documentation is available for audit. Supporting documentation includes proof of completion of Ontario Fire College courses or programs and training or in-service records.
- OFMEM maintains a repository of Northern Fire Protection Program (NFPP) firefighter training records. OFMEM will support NFPP fire departments through the grandfathering process by providing, upon request, individual firefighter training records to the department.
- Applications are reviewed and approved by the OFMEM. Fire departments will receive a list of successful applicants. Successful applicants may request a Letter of Compliance

Questions & Answers

Fire Safety Regulations

from their department. Fire Chiefs have the authority to sign the Letter of Compliance with NFPA Standards for their firefighters.

- Existing firefighters who do not submit an application prior to September 30, 2018 will be required to complete the necessary training and testing to achieve certification where required by the regulation (e.g., fire inspectors, fire instructors).

8. How many fire services personnel were grandfathered when the program was offered in 2013/14?

- When Ontario decided to voluntarily adopt NFPA standards in 2013/14, a voluntary grandfathering program was offered that allowed fire service personnel to gain an entry point into the certification system based on knowledge or experience for:
 - Suppression Firefighters (NFPA 1001)
 - Fire Officers (NFPA 1021)
 - Fire Inspector (NFPA 1031)
 - Fire Educators (NFPA 1035)
 - Fire Instructors (NFPA 1041)
- When the grandfathering program was first offered, the ministry received over 17,000 applications from over 350 fire services.
- Approximately 66% (i.e., 11,500) of applicants applied for and were grandfathered for two or more levels of NFPA standards based on knowledge or experience.

9. If a firefighter has been grandfathered prior to the regulation coming into force and moves to another fire department, is their grandfathering still valid?

- Yes. Grandfathering is assigned to the individual, so it would remain with them even if they move to a new department.

10. Why are all NFPA standards outlined for mandatory certification not available for grandfathering?

- Grandfathering is not available for all positions as there were no Ontario based programs in place for some positions before Ontario endorsed NFPA certification standards in 2013/14.

11. If training records are not available, could Fire Chiefs swear an oath to say somebody has completed the necessary skills and training?

- No. Training information/records or calls for service records are needed to substantiate eligibility for grandfathering. This information should already be in the firefighters' training and calls for service records that fire departments are required to maintain.

12. How much time will it take a Fire Chief to grandfather each firefighter in their department?

- Time for a Fire Chief or designate to complete the application to grandfather each firefighter in his/her department would vary as the review of training or calls to service records would be required in order to substantiate a firefighter's eligibility.

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- The training and calls for service information needed to substantiate eligibility for grandfathering should already be in the firefighters' records maintained by the fire department.

13. Who will be responsible for grandfathering firefighters in the fire departments that operate in unorganized territories?

- Fire Chiefs appointed to NFPP departments would be responsible.
- The ministry understands that some NFPP fire departments may face issues with locating and compiling the necessary records for their firefighters.
- For these cases, OFMEM would provide, upon request, individual firefighter training records or calls for service records to the department.

Internship Program

14. What does “internship” mean, as outlined in the regulation?

- The internship program would allow municipalities/fire departments to hire new uncertified individuals who would have up to 24 months, with the potential of an additional 12 months upon approval of the Fire Marshal, to become certified.
- Firefighters seeking employment as either a Fire Instructor or Fire Inspector may enter into the internship program for a period of six months (with an additional six months upon approval of the Fire Marshal) to allow them to train and become certified.
- The ministry will work with the sector and appropriate stakeholders to determine the criteria for the internship program, including acceptable duties an intern may perform under direct supervision by a qualified individual before the regulation comes into force.

Training and Testing

15. What is mandatory certification going to cost municipalities?

- Since 2013/14, many fire services have been voluntarily training to NFPA standards. There are also a number of fire departments that have voluntarily been certifying their firefighters.
- Additional costs to municipalities for mandatory certification primarily relate to training materials (i.e., study manuals) and staff compensation. This would include the potential need to pay a firefighter to take training offsite if it is not delivered in-house or for a volunteer firefighter to take time off work and attend in-house or offsite training.
- Fire departments that are training to NFPA standards would likely already have training materials.

16. How much will it cost a new recruit to become a volunteer firefighter?

- The cost for a new recruit to become certified is dependent on the level of service provided by the municipality and the location of training. As such, costs will vary.
- The cost for a new volunteer recruit to be certified to NFPA 1001, Levels I and II (exterior and interior attack) at the Ontario Fire College, would be \$130 if the recruit enrolls in the 2-Part “Recruit” (which is a blend of in-class and online learning) delivery model. It would

Questions & Answers

Fire Safety Regulations

cost \$325 if the recruit enrolls in the 5-Part (which is only in-class learning) delivery model.

- Costs for training at Regional Training Centres or at a College of Applied Arts and Technology/Private Career College may vary and, in some circumstances, be more costly than what is charged at the Ontario Fire College.
- In addition, there may be costs for travel and staff compensation; however, these would vary depending on the distance travelled and whether the municipality/fire department provides staff compensation.

17. How will the ministry support fire departments with training and certification?

- Ontario specific training course content produced by the Ontario Fire College will continue to be made available online and free of charge, while other instructor material through third party publishers is made available at a nominal cost (\$75-125 for study manuals that can be shared amongst students).
- Online knowledge testing will be made available at no charge which would reduce municipal travel expenses.
- The ministry will work with the Table and municipalities, especially those who represent small, northern and rural areas, to identify specific challenges and seek their input in developing an implementation model that would best address their needs in order to ensure successful implementation.

18. How will the fire departments that operate in unorganized territories be supported?

- Fire departments that operate in the unorganized territories are part of the NFPP.
- OFMEM, having oversight for the NFPP, would support the NFPP Fire Chiefs with the implementation of the regulations, including covering related costs as appropriate.

19. When will training content be made available to fire services?

- Content for fire services that choose to deliver in-house training to their firefighters is currently available online through recognized third-party publishers and through OFMEM for Ontario specific content.

20. When will online testing be made available?

- The ministry is currently working to help ensure that online testing is made available before requirements come into force July 1, 2019.

21. Will the requirement to certify to NFPA standards mean that firefighters train for incidents that they may not be dealing with in their community?

- No. Firefighters will not have to certify to NFPA standards for roles that they do not perform in their community.
- Municipalities set levels of service and provide fire protection services in accordance with their needs and circumstances.

Questions & Answers

Fire Safety Regulations

22. Would firefighters be required to re-train and pass a certification test every time a new edition of an NFPA standard is issued?

- No. However, it would be recommended that fire departments and firefighters review and train to any new edition of an NFPA standard to stay current in their field.

23. How many hours will it take a new recruit in a northern/rural area with no high-rise/urban issues to become certified as a volunteer firefighter?

- A new volunteer recruit would have an opportunity to spread these hours over a period of two years, or three upon approval of the Fire Marshal, if they enrol in the internship program (which will likely be the case if they are not certified before being hired).
- A new recruit training to NFPA 1001 Level 1 (exterior attack) would have to complete approximately 225 hours of training.
 - If the new recruit is enrolled in the internship program which provides 24 months, this would equate to approximately two hours of training per week with 52 weeks per year (or approximately nine and a half hours a month) over the course of a two year period.
 - Should this new recruit obtain an extension by the Fire Marshal to be an intern for an additional 12 months on top of the 24 months, this would equate to approximately one and a half hours of training per week with 52 weeks per year (or approximately six and a quarter hours a month) over the course of a three year period.
- An additional 90 hours of training is required should a recruit want to be certified to NFPA 1001 Level 1 and Level 2 (interior attack).
 - If the new recruit is enrolled in the internship program, this would equate to approximately three hours of training per week with 52 weeks per year (or approximately 13 hours a month) over the course of a two year period.
 - Should this new recruit obtain an extension by the Fire Marshal to be an intern for an additional 12 months on top of the 24 months, this would equate to approximately two hours per week with 52 weeks per year (or approximately nine hours a month) over the course of a three year period.

24. Would volunteer firefighters be expected to travel for training/testing? If so, who would be expected to cover these costs for fire departments in unorganized territories?

- In some instances, volunteer firefighters may have to travel for training and testing.
- The ministry will work with municipalities to minimize impacts such as reducing travel to take training and certification so that fire services who wish to train their firefighters locally will be able to do so.
- We will work with the Table and municipalities, especially those who represent small, northern and rural areas, to identify specific challenges and seek their input in developing an implementation model that would best address their needs in order to ensure successful implementation.

Questions & Answers

Fire Safety Regulations

Community Risk Assessments

- 1. Why is the ministry requiring municipalities to conduct mandatory community risk assessments?**
 - Community risk assessments will better ensure fire departments understand the unique needs and circumstances of their communities, including fire risks.
 - This will help municipalities make evidence based decisions on the provision of fire protection services in their communities.

- 2. How is the new community risk assessment different from the risk assessment some municipalities currently complete?**
 - OFMEM has promoted the completion of a simplified risk assessment to inform decisions relating to the provision of fire protection services.
 - OFMEM has found that a large portion of municipalities do complete risk assessments. Although this is occurring, there is no mandatory requirement for them to do so.
 - The new requirements in the community risk assessment regulation build on the existing simplified risk assessments that many municipalities already conduct. This would standardize the process and help ensure a consistent and robust approach to assessing community risk across the province.
 - If a municipality currently conducts an equivalent risk assessment process, the municipality, upon approval from the Fire Marshal, would not be required to complete the risk assessment as set out in the regulation.

- 3. How is the ministry planning to support small and rural municipalities that do not have the resources to complete a more comprehensive assessment?**
 - OFMEM will be providing municipalities with a risk assessment guideline that includes a sample template to assist municipalities in completing the risk assessment.
 - OFMEM will also provide support to small/rural communities who may not be able to complete the risk assessment without assistance.

- 4. When will the template be made available to municipalities and fire services?**
 - The ministry will work with stakeholders on the development of the template which will be available before the regulation comes into force on July 1, 2019.
 - All municipalities will have to complete the new community risk assessment by July 1, 2024.

Public Reporting

- 1. Why is the ministry requiring that municipalities publicly report on their response times?**
 - Under the FPPA, fire departments report information through the completion of a Standard Incident Report (SIR) to the Fire Marshal.

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Fire Safety Regulations

- Fire departments report response times using varying definitions which results in inconsistent data that may not be properly interpreted.
- Not all fire departments report response times to their municipal councils and where they do, only some departments, typically the larger ones, report this information publicly.
- This regulation will create consistent reporting and increase transparency and accountability by providing the public with a clear understanding of what they can expect from their fire service in terms of their response times.

2. Why does the ministry have different requirements for fire trucks made up of career firefighters and volunteer firefighters?

- The public reporting regulation requirements differ for career and volunteer firefighters to recognize there are differences in the make-up of fire service delivery across Ontario and response times may vary depending on the department type.
- Fire trucks made up of all career firefighters are required to report their response times against benchmarks that have been set out in NFPA.
- Fire trucks made up of at least one volunteer firefighter would only be required to report what their response time is 90 percent of the time. They would not be required to compare these to benchmarks that have been set out in NFPA.

3. What is the process for public reporting?

- Beginning January 1, 2020:
 - Fire departments provide time stamp data to OFMEM through the existing Standard Incident Reporting system.
 - OFMEM will use this information to calculate response times and will then provide calculated response times back to fire departments.
 - Upon receiving calculated response time data, fire departments must prepare a public report. Fire departments must submit their public report to municipal council. This provides fire departments and municipalities the opportunity to explain their response times. Explanatory language will help the public understand the factors that may impact a fire department's response times.
 - Once OFMEM receives public reports from all fire departments, OFMEM will publicly post these reports on its website.

4. What evidence was used to support the response times in the regulation?

- The definitions and benchmarks for response times come from NFPA – an association that creates and maintains industry best practice, evidence based standards and codes internationally.
- NFPA standards are regularly reviewed and updated based on the latest information, with input from multiple sectors, including fire services, health care facilities, manufacturers, architects/engineers and others.

Questions & Answers

Fire Safety Regulations

5. Why has the ministry included medical response times as part of the public reporting regulation?

- Currently, fire departments respond to medical emergency calls. Information from these calls are reported to OFMEM through the SIR system.
- The public reporting regulation requires fire departments to report on their turnout times related to emergency medical services and travel time for a fire department unit with a first responder with an automatic external defibrillator or higher level capability.
- The ministry will be conducting a comprehensive review of the SIR and through this process, will ensure that the capability to report on the medical calls in the regulation are reported and captured accurately by fire departments.
- The public reporting regulation does not imply that firefighters have the authority to perform acts that the *Regulated Health Professions Act, 1991* does not permit them to perform.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Bruce Montone	Report Date: May 15, 2018
Author's Phone: 519 736-6500 ext. 2241	Date to Council: May 28, 2018
Author's E-mail: bmontone@amherstburg.ca	Resolution #: 20160411-145

To: Mayor and Members of Town Council

Subject: Monthly Fire Department Activity Report – April 2018

1. RECOMMENDATION:

It is recommended that:

1. The report from the Fire Chief dated May 15, 2018 regarding the Monthly Fire Department Activity Report – April 2018 **BE RECEIVED for information**

2. BACKGROUND:

On April 11, 2016, Council adopted the following:

“That Administration BE DIRECTED to provide monthly activity reports within the Building department, Fire department, and Police Services.”

3. DISCUSSION:

The goal of the Amherstburg Fire Department is to provide fire protection services through a range of programs designed to protect the lives and property of the inhabitants from the adverse effects of fire, sudden medical emergencies or exposure to dangerous conditions created by man or nature.

To achieve this goal the Amherstburg Fire Department utilizes fire suppression and rescue activities, fire inspections, fire investigation, public fire safety education and other fire protection programs as defined by the Fire Protection and Prevention Act,

New legislation regarding Public Reporting received royal assent on May 7, 2018 (Appendix “A”). During the transition period to the new reporting regulation, Fire Services is transitioning its Records Management system to the new requirements of the legislation and is working with our partners to obtain information not currently available to us. (e.g. Alarm Transfer time, which is the time interval from when the PSAP (911) receives the call until it is transferred and received at the Fire Service Dispatch centre). Four of eight criteria are dependent on our service provider partners. Our intent is to be fully compliant over the next 18 months. In the interim we will report monthly on the new reporting criteria and in the format required, based on the information we have at our disposal.

The attached, Dashboard represents activities and program information for the month of April 2018.

4. RISK ANALYSIS:

N/A

5. FINANCIAL MATTERS:

N/A

6. CONSULTATIONS:

N/A

7. CONCLUSION:

As directed by Council, the Amherstburg Fire Department will continue to provide monthly activity reports.



Bruce Montone
Fire Chief

bm/BM

Report Approval Details

Document Title:	Monthly Fire department Activity Report April 2018.docx
Attachments:	- Monthly Dashboard Report April 18.pdf - O Reg 377-18 public reports.pdf
Final Approval Date:	May 22, 2018

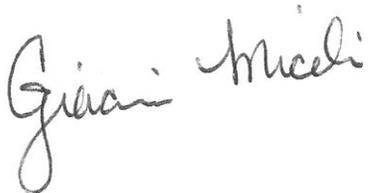
This report and all of its attachments were approved and signed as outlined below:



Mark Galvin - May 17, 2018 - 9:56 AM



Cheryl Horrobin - May 17, 2018 - 3:47 PM



John Miceli - May 18, 2018 - 7:47 AM



Task assigned to Paula Parker was completed by Tammy Fowkes - May 22, 2018 - 3:16 PM



FIRE SERVICES DASHBOARD

1 - SERVICE LEVEL DELIVERY		2017	YTD 2018	Apr-17	Apr-18
INCIDENTS		522	176	35	49
Incident Types	OFM codes				
Fire	01 - 29	70	14	1	3
False Fire Alarms	31 - 39	103	39	8	9
Public Hazard	41 - 59	46	15	4	8
Rescues	601 - 69	68	25	6	10
Medical	701 - 899	137	44	12	5
Others	91 - 99	98	39	4	14

Number of calls by station		2017	YTD 2018	Apr-17	Apr-18
Station # 1		189	68	15	16
Station # 2		98	33	5	9
Station # 3		59	21	9	5
Duty Officer		176	54	6	19

2 - AVERAGE RESPONSE Targets		2017	YTD 2018	Apr-18 AVG	Apr-18
Alarm Transfer Time	95th Percentile	Not Currently Available			
Alarm Answering Time	95th Percentile	Not Currently Available			
Alarm Processing Time	90th Percentile	n/a	0:02:27	0:01:29	0:02:27
Alarm Handling Time	90th Percentile	Not Currently Available			
Turn out time	90th Percentile	n/a	0:06:43	0:03:57	0:06:43
Travel Time	90th Percentile	n/a	0:07:52	0:04:47	0:07:52
Intervention Time	90th Percentile	Not Currently Available			
Total Response Time	90th Percentile	Not Currently Available			

3 - OTHER STATISTICS		2017	YTD 2018	Apr-17	Apr-18
Total Training Session		196	55	14	13
Total Training Session (Station 1)		46	17	4	4
Total Training Session (Station 2)		46	17	4	4
Total Training Session (Station 3)		48	18	4	5
Total Training Session (Extra)		56	3	2	0
Total Routine Station Maintenance & Inspection		148	48	12	12
			0		
Fire Prevention Inspections		65	17	4	4
Business Licenses Inspections		N/A	4	3	1
Fire Prevention Program Activities (i.e. Lockbox, Tapp-C)		N/A	22	N/A	10
Fire Safety Plan Reviews		5	9	N/A	1
Vulnerable Occupancy Annual Inspections		12	0	0	0
Fire Permits Issued		N/A	78	N/A	49
Fire Permit Inspections		N/A	164	N/A	98

4 - COMMUNITY IMPACT		2017	YTD 2018	Apr-17	Apr-18
Total \$ Loss (2017 \$ Loss - an estimate)		1,097,500	191,800	0	0
Total \$ Saved (2017 \$ Saved - an estimate)		1,467,750	1,120,000	0	0
Residential Fire Related Injuries (Entire)		3	0	0	0
Fire Fighter		0	0	0	0
Public		3	0	0	0
Residential Fire Related Fatalities (Entire)		0	0	0	0



FIRE SERVICES

DASHBOARD

5 - CHIEF'S COMMENTS

As Council is Aware, New legislation regarding Public Reporting received royal accent on May 7,2018. During the transition period to the new reporting regulation, Fire Services is converting its Records Management system to the new requirements of the legislation and is working with our partners to obtain information not currently available to us. E.g. Alarm Transfer time, which is the time interval from when the PSAP (911) receives the call until it is transferred and received at the Fire Service Dispatch centre. Four of eight criteria is dependent on our service provider partners. Attached to this dashboard is the new Regulation Regarding Public Reporting. Our intent is to be fully compliant over the next 18 months. In the interim we will report monthly on the Reporting criteria and in the format required on the information we have at our disposal.

30-Apr-18



[Français](#)

Fire Protection and Prevention Act, 1997

ONTARIO REGULATION 377/18

PUBLIC REPORTS

Consolidation Period: From May 8, 2018 to the [e-Laws currency date](#).

Note: THIS REGULATION IS NOT YET IN FORCE. It comes into force on January 1, 2020.

No amendments.

This is the English version of a bilingual regulation.

CONTENTS [-]

1.	Definition
2.	Preparation of public reports
3.	Dissemination of public reports
4.	Clarification
Schedule 1	Required information

Definition

1. In this Regulation,

"PSAP" is short for public safety answering point, which means a call centre responsible for answering calls to 9-1-1 for police, firefighting and ambulance services.

Preparation of public reports

2. (1) The Fire Marshal must give every fire department the information required by Schedule 1, based on the information the Fire Marshal has received through reports under subsection 11 (2) of the Act.

(2) Every fire department must prepare a public report setting out,

- (a) the information required by Schedule 1; and
- (b) any other information the fire department chooses to include.

(3) The fire department may use the information required by Schedule 1 that the Fire Marshal provided to prepare their public report, or may carry out their own calculations respecting the same time period.

Dissemination of public reports

3. (1) Every fire department must give their public report to the Fire Marshal no later than 180 days after the Fire Marshal gives the fire department the information.
- (2) Every fire department that is authorized to provide fire protection services by a municipality must give their public report to the municipal council before giving its public report to the Fire Marshal.
- (3) Every fire department that is authorized to provide fire protection services by a group of municipalities must give their public report to the municipal council of each municipality in the group of municipalities before giving their public report to the Fire Marshal.
- (4) The Fire Marshal may make the public report available to the public.

Clarification

4. For greater certainty, this Regulation does not imply that firefighters have authority to perform acts that the *Regulated Health Professions Act, 1991* does not permit them to perform.
5. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).

SCHEDULE 1
REQUIRED INFORMATION

CAREER FIREFIGHTERS

1. (1) The public report must set out the following information respecting incidents in which the first fire department unit that arrives on the scene does not include a volunteer firefighter:

1. For each standard set out in the following Table,
 - i. the percentage value of how often the fire department achieves that standard for the corresponding time interval, and
 - ii. the corresponding benchmark percentage value for how often the fire department should achieve or exceed that standard.
2. For each time interval set out in the following Table that does not have a corresponding standard, the time interval value that the fire department achieves or exceeds 90% of the time.

TABLE

Item	Column 1 Time interval	Column 2 Standard	Column 3 Benchmark
1.	Alarm transfer time: The time interval from the receipt of the emergency alarm at the PSAP until the alarm is first received at the fire department communication centre	30 seconds	95%
2.	Alarm answering time: The time interval that begins when the alarm is received at the fire department communication centre and ends when the alarm is acknowledged at the communication centre	15 seconds	95%

3.	Alarm processing time: The time interval from when the alarm is acknowledged at the fire department communication centre until response information begins to be transmitted via voice or electronic means to fire department facilities and fire department units	64 seconds for calls other than the following calls; and 90 seconds for the following calls: 1. Calls requiring emergency medical dispatch questioning and pre-arrival medical instructions 2. Calls requiring language translation 3. Calls requiring the use of a TTY/TDD device or audio/video relay services 4. Calls of criminal activity that require information vital to emergency responder safety prior to dispatching units 5. Hazardous material incidents 6. Technical rescue 7. Calls that require determining the location of the alarm due to insufficient information 8. Calls received by text message	90%
4.	Alarm handling time: The time interval from the receipt of the alarm at the PSAP until the beginning of the transmittal of the response information via voice or electronic means to fire department facilities or the fire department units in the field	No standard; set out the time interval value that the fire department achieves or exceeds 90% of the time	No benchmark
5.	Turnout time: The time interval that begins when the fire department facilities and fire department units notification process begins by either an audible alarm or visual annunciation or both and ends at the beginning point of travel time	80 seconds for fire and special operations; 60 seconds for emergency medical services	90%
6.	Travel time: The time interval that begins when a fire department unit is en route to the incident and ends when the fire department unit arrives at the scene	240 seconds for fire suppression; 240 seconds for the arrival of a unit with a first responder with an automatic external defibrillator or higher level capability no standard for other services	90%
7.	Initiating action/intervention time: The time interval from when a fire department unit arrives on the scene to the initiation of emergency mitigation	No standard; set out the time interval value that the fire department achieves or exceeds 90% of the time	No benchmark
8.	Total response time: The time interval from the receipt of the alarm at the PSAP to when the first fire department unit is initiating action or intervening to control the incident	No standard; set out the time interval value that the fire department achieves or exceeds 90% of the time	No benchmark

(2) The public report does not have to set out information for items 1, 2, 3, 4 and 8 if the information is not available from the fire department's records.

VOLUNTEER FIREFIGHTERS

2. (1) The public report must set out the following information respecting incidents in which the first fire department unit that arrives on the scene includes at least one volunteer firefighter:

1. For each time interval set out in the following Table, the time interval value that the fire department achieves or exceeds 90% of the time.

TABLE

Item	Column 1 Time interval
1.	Alarm transfer time: The time interval from the receipt of the emergency alarm at the PSAP until the alarm is first received at the fire department communication centre
2.	Alarm answering time: The time interval that begins when the alarm is received at the fire department communication centre and ends when the alarm is acknowledged at the communication centre
3.	Alarm processing time: The time interval from when the alarm is acknowledged at the fire department communication centre until response information begins to be transmitted via voice or electronic means to fire department facilities and fire department units
4.	Alarm handling time: The time interval from the receipt of the alarm at the PSAP until the beginning of the transmittal of the response information via voice or electronic means to fire department facilities or the fire department units in the field
5.	Turnout time: The time interval that begins when the fire department facilities and fire department units notification process begins by either an audible alarm or visual annunciation or both and ends at the beginning point of travel time
6.	Travel time: The time interval that begins when a fire department unit is en route to the incident and ends when the fire department unit arrives at the scene
7.	Initiating action/intervention time: The time interval from when a fire department unit arrives on the scene to the initiation of emergency mitigation
8.	Total response time: The time interval from the receipt of the alarm at the PSAP to when the first fire department unit is initiating action or intervening to control the incident

(2) The public report does not have to set out information for items 1, 2, 3, 4 and 8 if the information is not available from the fire department's records.

Français



“MAKING ONTARIO A SAFER PLACE FROM FIRE.”

Dear Rotary Club Amherstburg,

On behalf of Ross Nichols, Chair of the Fire Marshal's Public Fire Safety Council, I would like to take this opportunity to congratulate you on being a recipient of a 2018 Fire Marshal's Public Fire Safety Council's *Fire Safety Award*.

The awards are an expression of appreciation for those who have made significant contributions towards making Ontario a safer place in which to live.

You will be presented with your award on Wednesday, June 6, 2018 at the Holiday Inn, Yorkdale, 3450 Dufferin St, Toronto, ON, M6A 2V1. The final programme has not been confirmed but we anticipate that the reception will begin at 11:00 a.m., followed by the awards presentation and a luncheon. A guest of your choosing is included in this invitation.

You will be reimbursed for your travel expenses according to government policy. This will be explained to you when you confirm your attendance.

Please confirm your attendance with Maria Fortino at maria.fortino@ontario.ca or via phone 647-329-1201 (8:00 a.m. – 4:00 p.m.) no later than Friday, May 25, 2018.

I look forward to seeing you on this special occasion.

Yours truly,

Maria Fortino
Administrative Coordinator
Fire Marshal's Public Fire Safety Council



Town of Amherstburg
c/o Paula Parker, Municipal Clerk
271 Sandwich Street South
Amherstburg Ontario
N9V 2A5

RECEIVED
5/14/2018

To the Mayor and Council of the Town of Amherstburg,

Due to the shared boundary line between Essex and Amherstburg at McGregor, the Essex Municipal Heritage Committee (EMHC) wishes to inform you of an upcoming heritage event that seeks to promote and communicate the history of McGregor.

The EMHC, in collaboration with the Marsh Collection Society, will host "McGregor News" –a presentation that will explore the first 25 years of the Village of McGregor on **Thursday, May 31 at 6pm** at the **McGregor Community Centre, 9571 Walker Road.**

All interested persons are invited to attend this free event and join retired librarian, Nancy Brown, as she discusses the origins of the Village, along with the events, industries, and people who shaped this thriving community.

A tour of neighbouring historic St. Clement's Church will also be available. Participants are asked to meet outside the Church at **9567 Walker Road at 5pm.**

Refreshments will be provided before and after the heritage talk and material from both the Marsh Collection and the Town of Essex will be available for purchase at the door. Donations to support the restoration efforts at St. Clement's Church are also encouraged and can be made at the time of the tour.

We hope to see you there!

Yours truly,

A handwritten signature in blue ink, appearing to read "Paula Parker", written over a horizontal line.



Rita Jabbour, Assistant Planner, Secretary-Treasurer, EMHC

CC. Deputy Mayor Richard Meloche, Chair, EMHC

Robert Auger, Clerk, Legal and Legislative Services

May 4th, 2018

His Worship Mayor Aldo DiCarlo
Town of Amherstburg
271 Sandwich Street South
Amherstburg, Ontario
N9V 2A5

RE: Franco-Ontarian Flag Day

Mr. Mayor:

On Tuesday, September 25th 2018, the Francophones in Ontario will celebrate again this year the provincial law declaring September 25th, *Franco-Ontarian Day (Le jour des Franco-Ontariens et des Franco-Ontariennes)*. The Conseil scolaire catholique Providence is requesting that municipalities across Southwestern Ontario hold a flag-raising ceremony on Tuesday, September 25th, 2018 to commemorate this historical event.

We would like to suggest to municipalities to hold this event at 10:00 a.m. on Tuesday, September 25th, 2018 to facilitate the participation of our staff and students in this community event. Our flag could therefore proudly fly to honor the legacy of Franco-Ontarians in our communities.

Should you have any questions concerning this request, I would invite you to contact Ms. Carole Papineau, Community Liaison Officer. You can reach her at 1-519-948-5545, extension 12 or by email papicaro@cscprovidence.ca.

Your presence at this event would be greatly appreciated. Thank you for considering our request.

Sincerely,



Joseph Picard,
Director of Education

SIÈGE SOCIAL

7515, promenade Forest Glade
Windsor, Ontario N8T 3P5

téléphone 519-948-9227
sans frais 1-888-768-2219
télécopieur 519-948-1091

**BUREAU SATELLITE DE
CHATHAM-KENT**

14, rue Notre-Dame, C.P. 70
Pain Court, Ontario NOP 1Z0

téléphone 519-355-1304
sans frais 1-877-250-4877
télécopieur 519-354-8337

**BUREAU SATELLITE DE
LONDON**

920, rue Huron
London, Ontario N5Y 4K4

téléphone 519-673-1035
sans frais 1-800-407-2338
télécopieur 519-673-1924

J'y crois, je m'engage!

CscProvidence.ca



April 24, 2018

Town of Amherstburg
271 Sandwich Street S.
Amherstburg ON
N9V 2A5



RE: Invitation to join the “Preferred Autonomous Vehicles Test Corridor”

Mayor & Members of Council:

I am writing to you today to invite you to be a part of OGRA’s Municipal Alliance for Connected and Autonomous Vehicles in Ontario (MACAVO) initiative for controlled testing of Autonomous Vehicles (AVs). Under this initiative, we are calling for the creation of a seamless and well-coordinated “Preferred AV Test Corridor”, stretching from Windsor to Ottawa. Through this initiative, our aim is to help attract (and retain) AV-related industry and talent in Ontario, which in turn can become a catalyst in helping provide unparalleled socio-economic benefits for all municipalities involved. A more detailed report of the initiative is attached.

OGRA is requesting the following call-to-action by municipalities in Ontario:

1. Identify One (1) municipal point of contact who will be responsible to spearhead all AV-related activities for your municipality, and:
2. Identify the Preferred routes within your municipality

We respectfully request that your council pass the following resolution:

That the _____ of _____ participate in OGRA’s Autonomous Vehicle initiative and that this matter be referred to staff to develop a list of preferred routes with the municipality.

On behalf of OGRA thank you for your consideration of this request. Should you have any follow-up questions, please feel free contact myself or Fahad Shuja at Fahad@ogra.org.

Kind regards,

J. W. Tiernay
Executive Director
Ontario Good Roads Association
E: Joe@ogra.org



Re: National Health & Fitness Day

Hello,

I am contacting you today in the hopes that your community will join the 298 communities across Canada which have proclaimed the first Saturday in June, National Health and Fitness Day (NHFD).

The goal of NHFD is to make Canada the Fittest Nation on Earth! We understand that to accomplish this goal we need the grassroots support of municipalities such as your own.

National Health and Fitness Day was formalized into law after the passing of [Bill S-211](#) in 2014.

To keep the initiative as locally-driven as possible, we encourage communities to pass a proclamation recognizing the first Saturday in June, National Health and Fitness Day, and to offer health and fitness programming on the day. Some communities mark the day by opening their recreational facilities for free to the public, whereas others mark the day by organizing 'fun-runs' or similar low-cost activities.

Given the rising crisis of inactivity Canada, we believe that initiatives such as this are a key step in helping to build healthier and more active communities.

A draft proclamation for your Council can be found below this letter. For more information feel free to contact me, or visit our website:

www.NHFDcan.ca

If there's a more appropriate member of your community for this letter to

be addressed to, it would be greatly appreciated if you could forward the letter to them.

I would like to thank you for your time, and I look forward to hearing back from you.

Sincerely,

Justin Bergamini
Administrative Support Assistant
Office of Senator Nancy Greene Raine
justin.bergamini@sen.parl.gc.ca
613-995-0307

Draft resolution to proclaim:

NATIONAL HEALTH AND FITNESS DAY

WHEREAS:

- the Parliament of Canada wishes to increase awareness among Canadians of the significant benefits of physical activity and to encourage Canadians to increase their level of physical activity and their participation in recreational sports and fitness activities;
- it is in Canada's interest to improve the health of all Canadians and to reduce the burden of illness on Canadian families and on the Canadian health care system;
- many local governments in Canada have public facilities to promote the health and fitness of their citizens;
- the Government of Canada wishes to encourage local governments to facilitate Canadian's participation in healthy physical activities;
- the Government of Canada wishes to encourage the country's local governments, non-government organizations, the private sector and all Canadians to recognize the first Saturday in June as National Health and Fitness Day and to mark the day with local events and initiatives celebrating and promoting the importance and use of local health,

- recreational, sports and fitness facilities;
- Canada's mountains, oceans, lakes, forest, parks and wilderness also offer recreational and fitness opportunities;
 - Canadian Environment Week is observed throughout the country in early June, and walking and cycling are great ways to reduce vehicle pollution and improve physical fitness;
 - declaring the first Saturday in June to be National Health and Fitness Day will further encourage Canadians to participate in physical activities and contribute to their own health and well-being;

THEREFORE:

We proclaim National Health & Fitness Day in our municipality/district /regional district as the first Saturday in June;

(Optional) As a step to increase participation and enhance the health of all Canadians, we commit to mark the day with local events and initiatives celebrating and promoting the importance and use of local health, recreational, sports, and fitness facilities on National Health and Fitness Day.

**Amherstburg Parks and Recreation
Advisory Committee
January 10, 2018 at 6:15 p.m.
Town Hall Council Chambers**

Minutes

MEMBERS

Dante Pagliaroli, Chair
Pat Catton, Vice-Chair
Rosa White
Allison Beaudoin
Shirley Curson- Prue
Paulette Drouillard
Diane Pouget, Councillor
Jason Lavigne, Councillor
Rick Daly, Staff Resource

REGRETS

Dante Pagliaroli

2018 ELECTION OF CHAIR AND VICE CHAIR

1. Election of Chair

Member Dante Pagliaroli was nominated to act as Committee Chair for 2018. Through email confirmation, Mr. Pagliaroli stated that he would let his name stand for the position of Chair. No other nominations were made.

MOTION: "THAT Member Dante Pagliaroli BE ACCLAIMED to the position of Chair of the Parks and Recreation Advisory Committee for 2018"

Moved by Member Catton Seconded by Member Beaudoin **CARRIED**

2. Election of Vice-Chair

Member Pat Catton was nominated at act as Committee Vice-Chair for 2018. Member Catton accepted the nomination. There were no other nominations.

MOTION: "THAT Member Pat Catton BE ACCLAIMED to the position of Vice Chair of the Parks and Recreation Advisory Committee for 2018"

Moved by Member White Seconded by Member Curson-Prue **CARRIED**

CALL TO ORDER

Meeting commenced at 6:17 pm following the

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

No disclosures were made.

ACCEPTANCE OF AGENDA

MOTION: "THAT there being no required changes the agenda be accepted as presented."

Moved by Councillor Lavigne Seconded by Councillor Pouget **CARRIED**

BUSINESS ARISING FROM MINUTES

MOTION: "THAT the minutes from the October 11, 2017 meeting of the Parks and Recreation Committee BE APPROVED, as circulated."

Moved by Member White Seconded by Member Beaudoin **CARRIED**

MOTION: "THAT the minutes from the November 16, 2017 special meeting of the Parks and Recreation Committee BE APPROVED, as circulated."

Moved by Councillor Lavigne Seconded by Councillor Pouget **CARRIED**

NEW BUSINESS

1. Budget 2018 - PRO Conference attendees

MOTION: "THAT Chairman Pagliaroli attend along with one other committee member the Parks and Recreation Ontario Educational Conference on behalf of the committee."

Moved by Councillor Pouget Seconded by Member Curson-Prue **CARRIED**

2. Planters at Town Hall – Committee would like to remove plastic planters in Town Hall and replace with real planters. Administration to talk with Facilities Manager about replacing the plastic planters.

NOTICE OF AGENDA ITEM

Member White presented a notice of agenda item for the next meeting to discuss installation of interactive monitors in the Parkette.

NEXT MEETING DATE

The Committee changed the date of the next meeting as the original meeting was scheduled during March Break. Therefore, the next meeting is scheduled for March 21, 2018 at 6:15 pm at Town Hall.

ADJOURNMENT

MOTION: "THAT the meeting be adjourned."

Moved by Member White Seconded by Member Beaudoin

That the meeting adjourned at 6:37 p.m.

Respectfully Submitted,



Dante Pagliaroli, Chair



Rick Daly, Liaison

AMHERSTBURG COMMITTEE OF ADJUSTMENT

Minutes of a meeting of the Amherstburg Committee of Adjustment held Tuesday, March 20, 2018 at 7:30 a.m. in the Council Chambers.

Present: D. Cozens, S. Ducedre, D. Shaw

Also Present: R. Belanger, Secretary/Planner, S. Sinasac, Assistant Planner

Introductions of the Committee members and administration.

DISCLOSURE OF INTEREST

There were no disclosures of interest.

ADOPTION OF MINUTES

Moved by S. Ducedre
Seconded D. Shaw

That the Committee defer approval of the minutes held November 28, 2017.

-carried-

Moved by S. Ducedre
Seconded by D. Shaw

That the Committee move approval of the minutes held February 27, 2018.

-carried-

APPLICATIONS

(1) **B/2/18** Philip, Pamela & Derek Bezaire
7981 Howard Avenue
3729-470-000-02450

Public in Attendance: Philip Bezaire

The applicant is proposing to sever a parcel of land being 170 ft frontage by 257 ft depth with an area of 1 acre for purposes of the creation of a new lot. The remaining parcel being 324.5 ft frontage by 2199 ft depth with an area of 24.24 acres is vacant land. The subject property is designated Light Industrial in the Town's Official Plan and zoned Special Industrial (SI) Zone in By-law 1999-52, as amended.

The following correspondence was received from the various agencies circulated:

- (i) Letter dated March 9, 2018 from the Essex Region Conservation Authority – The above noted lands are not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the Conservations Authorities Act, (Ontario Regulation No. 158/06). We are concerned with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development of this site. We recommend that the municipality ensure through the Site Plan Control process that the release rate for any future development is controlled to the capacity available in the existing storm sewers/drains. In addition, that

stormwater quality and stormwater quantity are addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and any other Municipal requirements (e.g., Development Standards Manual).

If this property is subject to Site Plan Control, we request to be included in the circulation of the Site Plan Control application. We reserve to comment further on storm water management concerns until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

We have no objections to this consent application.

- (ii) Email dated March 9, 2018 from the Public Works Department-
 - New farm access culvert required for the remaining parcel; access will be over County Road 9 (Howard) ditch, requires County approval
 - Drainage Apportionments required for the Antaya Drain and for Merrick Creek Drain

- (iii) Planning Report dated March 8, 2018 from Rebecca Belanger.

Committee Discussion:

Mr. Bezaire presented the concept of the application. He stated that he owns two farm parcels at County Road 8 and Howard Ave, and that he wishes to sever the house on the 25 acre parcel and merge the remaining farm parcel with the second parcel, which is 46 acres. Mr. Bezaire understood that there will be a restriction placed on the farm parcel so that no residence can be built there. He stated that he intends the future use of the property to be heavy industrial.

The following resolution was put forth:

Moved by D. Shaw

Seconded by S. Ducedre

That application B/2/18 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.
2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
5. That an access bridge must be constructed to the subject property where one does not exist. If the access is constructed over a municipal drain, it will be completed in accordance with the provisions of the Drainage Act, and if the access is constructed over a roadside drain it will be completed under the supervision of the Town's Manager of Engineering and Operations. The owner will undertake to advise any new purchaser of this understanding.

6. That the farmland has the requirement for non-residential development to be registered against the title of the property.
7. That the subject farmland legally merges with the parcel to the north and east under the same ownership prior to the issuance of the consent certificate. The applicant shall provide evidence that the subject land will be merged either through a consent process under the Planning Act or a PIN merger with evidence to the municipality when this has been completed.
8. That the applicant obtain a report from a certified designer/installer that the existing private septic system serving the dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance.
9. That the subject lot be serviced with an appropriate storm drainage system to be developed under the supervision and to the satisfaction of the Town Drainage Superintendent.
10. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

- carried -

Reasons of Committee - The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

(2) **B/3/18**

Bonnie Palmer, c/o Jonathan Palmer, Agent
284 Crystal Bay Drive
3729-640-000-19600

Public in Attendance: Jonathan Palmer

The applicant is proposing to sever a parcel of land being 75 ft frontage by an irregular depth with an area of 11,763.28 sq ft for purposes of the creation of a new residential building lot. The remaining parcel being 102.5 ft frontage by an irregular depth with an area of 14,081.65 sq ft contains one (1) single detached dwelling.

The subject property is designated Recreational Development in the Town's Official Plan and zoned Resort Residential/Resort Commercial (RR/RC) Zone in By-law 1999-52, as amended.

The following correspondence was received from the various agencies and residents circulated:

- (i) Letter dated March 9, 2018 from the Essex Region Conservation Authority – The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the Conservation Authorities Act, (Ontario Regulation No. 158/06). The subject parcel falls within the regulated area of the Detroit River. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations. Our office has reviewed the proposal and has no concerns relating to stormwater management. The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies. We have no objections to this application for Consent.

- (ii) Email dated March 9, 2018 from the Public Works Department-
 - New driveway access required
 - No additional lot servicing required (severed lot is presently serviced with water and sanitary connections)

- (iii) Planning Report dated March 5, 2018 from Rebecca Belanger.

Committee Discussion:

Mr. Palmer presented the concept of the application. He stated that his father originally bought the second lot, which is proposed to be severed, for a 25 foot garage addition. The two lots are now merged. He stated that the lot is already serviced and he wishes to sell the house on the property and the to-be-severed lot separately. Member Ducedre inquired about the size of the lot next door to the site (296 Crystal Bay Drive). Mr. Palmer stated that the lot is owned by 295 Crystal Bay Drive, who keep it for access to the water. The zoning of the area is not restrictive, and allows the creation of such a small lot for water access. It was stated that ERCA has no objection to the application, although a permit will be required prior to any development on the severed lot. Ms. Belanger suggested that restrictions be placed on the title of the deed of the severed lot to ensure that the new parcel is subject to the same restrictions that the other lots on the island are subject to. The restrictions would be to ensure that any development on the new lot is subject to specific setbacks and lot coverage requirements. It was stated that the home owner's association will apply to the severed lot.

After a discussion the following resolution was put forth:

Moved by S. Ducedre
Seconded by D. Shaw

That application B/3/18 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.
2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That the property owner shall install separate water services and utility services and driveway access, for the proposed new lot in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds, if necessary.
5. That prior to the issuance of the consent certificate, confirmation is received from the owner that the restrictions on title regarding setbacks, access, and participation in the home owner's association will carry forward for both the severed and retained parcels.
6. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

- carried-

Reasons of Committee - The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

(3) A/3/18 2611957 Ontario Ltd.
621 Sandwich Street S
3729-020-000-00906

Public in Attendance: John Gillis, Marco Savoni, Mr. Chase (131 Riverfront Park), other citizens of Riverfront Park (represented by Mr. Chase), Jon Parks

The applicant is proposing the construction of a four floor fifty five (55) unit condominium in two phases on the subject property. The construction proposes a setback from the centre line of Sandwich Street South of 26 metres and a 6.1 metre privacy yard on the south side and a 5.2 metre privacy yard on the north side of the proposed development.

The applicant is requesting relief from Section 3(23)(a) of Zoning By-law 1999-52, as amended, which requires a minimum setback of 30 metres from the centerline of Sandwich Street South from Park Street to the southern limit of the Corporation. The proposed setback from the centerline of Sandwich Street South is 26 metres. Therefore the amount of relief requested is 4 metres.

The applicant is also requesting relief from Section 11(3)(k) of Zoning By-law 1999-52, as amended, which requires a minimum privacy yard depth of 7 m in a Residential Multiple Second Density (RM2) Zone. The proposed privacy yard depth on the south side of the development is 6.1 metres and on the north side of the development is 5.2 metres. Therefore the amount of relief requested is 0.9 metres on the south side and 1.8 metres on the north side.

The subject property is designated General Commercial in the Town's Official Plan and zoned holding Residential Multiple Second Density (h-RM2) Zone in By-law 1999-52, as amended.

The following correspondence was received from the various agencies and residents circulated:

- (i) Letter dated March 12, 2018 from the Essex Region Conservation Authority – The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the Conservation Authorities Act, (Ontario Regulation No. 158/06). The subject parcel falls within the regulated area of the following watercourses/waterbodies: Big Creek. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

We acknowledge that the subject application is requesting relief from minimum roadside and side yard setbacks only, in which we would have no objections. It is our understanding that an application for condominium or site plan control will be forthcoming, and therefore we would prefer to comment on the site specific nature of the proposed development through that process when circulated. Due to the location and scale of the proposed development, we may request the opportunity to review the stormwater management report at the condominium application or site plan control stage. It is also our understanding that this overall area has experienced drainage and flooding issues, therefore we advise the Municipality to ensure that these issues are taken into account for future developments. The Municipality should ensure that the release rate for this development is controlled to the capacity available in the existing storm sewers/drains. In addition, stormwater quality and stormwater quantity measure will need to be addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and any other Municipal requirements (e.g., Development Standards Manual).

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

We have no objections to this Minor Variance application.

- (ii) Email dated March 9, 2018 from the Public Works Department- No concerns.
- (iii) Planning Report dated March 8, 2018 from Rebecca Belanger.

Committee Discussion:

Mr. Gillis presented the concept of the application. He stated that his client wishes to construct a 55 unit apartment building and wants all the units to be 1100 square feet. He also stated that the fourth storey would not be flat roofed, in order to allow for an attractive and historical look for the building.

The residents in the audience were then invited to voice their questions and concerns. Mr. Chase from 131 Riverfront Park stepped forward to represent a number of citizens who lived in the Riverfront Park subdivision. He listed the following questions:

- Will the units be rental or condominium?
- What will the price point of the units be if they are condominiums?
- Will there be any businesses on the property?
- Which way will the balconies face?
- What will the landscaping out front look like?
- How many parking spaces will there be? Will there be adequate parking for visitors?
- What is the timeline for the development?
- How will drainage issues be addressed?
- Where will snow from snow removal go?
- Where will the entrance for the building go?

It was noted that most of the listed concerns will be addressed through site plan control and are beyond the scope of the Committee of Adjustment meeting. Ms. Belanger stated that a stormwater management study and a traffic study have both been performed and will be controlled through the site plan control process.

A second member of the audience, Jon Parks, spoke about his concerns for the development. He stated that the apartment building is too large for the site and should not be placed in the chosen location. Chairman Cozens stated that the requested development meets the County's requirements.

After a discussion the following resolution was put forth:

Moved by S. Ducedre
Seconded by D. Shaw

That application A/3/18 be approved.

- carried-

Reasons of Committee - The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law.

NEXT MEETING

The next meeting is scheduled for Tuesday, April 24, 2018 at 7:30 a.m.

ADJOURNMENT

The meeting adjourned at 8:13 am


Chairman- Dave Cozens


Secretary- Rebecca Belanger

Parks, Facilities, Recreation and Culture - Open Council Motions

UFB Item	Assigned to	Assigned date	Due date	Councillors	MOTION	Dept Comments/Status
20160425-178	Rebecca Belanger & Annette Zahaluk	25-Apr-16		Fryer/Pouget	That Administration BE DIRECTED to provide clarification and information to residents regarding the number of trees ERCA is going to provide to residential homeowners for the 50 Million Trees program, and further to look into the possibility of adding present day green spaces.	Administration compiling information for report - Awaiting completion of the Parks Master Plan
20160509-212	Anne Rota	09-May-16		Pouget/Fryer	That the Town fund and erect a plaque in the honour of the late Senator Eugene Whelan and his wife, Mrs. Elizabeth Whelan for their role in entertaining the former Soviet Ambassador Aleksander Yakovlev and Mikhail Gorbachev while visiting our historic Town, marking the location of the "Walk that Changed the World" for consideration and voting at the May 9th, 2016, Regular Council Meeting.	Administration compiling information for report - Update report went to Council September 12, 2016.

Planning, Development and Legislative Services - Open Council Motions

UFB Item	Assigned to	Assigned date	Due date	Councillors	MOTION	Dept Comments/Status
ECDEV 2	Tony DeThomasis	10-Dec-14			That Council direct Administration to bring a report on the discrepancy between Marsh Drive and Marsh Court, and the process to change the street name.	Policy under development.
20160425-178	Rebecca Belanger & Annette Zahaluk	25-Apr-16		Fryer/Pouget	That Administration BE DIRECTED to provide clarification and information to residents regarding the number of trees ERCA is going to provide to residential homeowners for the 50 Million Trees program, and further to look into the possibly of adding present day green spaces.	In progress - Awaiting completion of the Parks Master Plan

Unfinished Business Lists - eScribe as at May 28, 2018

Assigned To	Description
Rebecca Belanger, Dawn Morencie, Mark Galvin	<p>Resolution # 20170508-692 Meloche/Fryer</p> <p>That Administration BE DIRECTED to bring back a report on the feasibility of amendments to the Zoning By-law by the end of the summer.</p>
Dawn Morencie	<p>Resolution # 20170523-719 Pouget/Lavigne</p> <p>That the delegation BE RECEIVED and Administration BE DIRECTED to bring back a report regarding the request from Roxanne Ouellette and further lobby the Federal Government to form a partnership to purchase the land with permission from the Whelan family.</p>
Annette Zahaluk, Dawn Morencie	<p>Resolution # 20170612-760 Pouget/Fryer</p> <p>Administration BE DIRECTED to plant a tree in honour of the Highway for Heroes.</p>
Nicole Rubli, Annette Zahaluk, Dawn Morencie	<p>Resolution # 20170710-793 Fryer/Pouget</p> <p>That the delegation BE RECEIVED and the request for exemption to By-law 2004-89 4(b) for accessible space outside the designated fishing area at King's Navy Yard Park BE APPROVED for August 22, 2017 with a rain date of August 23, 2017; and,</p> <p>That Administration BE DIRECTED to designate 3 accessible spaces for fishing within King's Navy Yard Park until other accessible fishing locations are offered by the Town.</p>

Unfinished Business Lists - eScribe as at May 28, 2018

Assigned To	Description
Nicole Rubli, Dawn Morencie, Mark Galvin	<p style="text-align: center;">Resolution # 20170821-822 Pouget/Courtney</p> <p style="text-align: center;">That the request for Sign Variance by Brad Bondy BE DEFERRED until further information can be brought back to Council.</p>
Paula Parker, Dawn Morencie, John Miceli	<p style="text-align: center;">Resolution # 20170821-849 Pouget/Meloche</p> <p style="text-align: center;">Administration BE DIRECTED to investigate the old agreements between the Town and owners of general chemical properties and reach out to Hoenywell.</p>
Dawn Morencie	<p style="text-align: center;">Resolution # 20170911-875 Pouget/DiPasquale</p> <p style="text-align: center;">That Administration BE DIRECTED to investigate the feasibility of a public transportation system that would benefit our residents, especially our seniors and our post secondary students, to travel to and from Windsor.</p>
Dawn Morencie	<p style="text-align: center;">Resolution # 20171010-919 Fryer/Pouget</p> <p style="text-align: center;">That Administration BE DIRECTED to bring a report back to Council with options to secure and preserve the Big Creek area north of Alma Street in collaboration with other willing agencies and boards.</p>

Unfinished Business Lists - eScribe as at May 28, 2018

Assigned To	Description
Mark Galvin, Rebecca Belanger, Dawn Morencie	<p style="text-align: center;">Resolution # 20171010-920 Pouget/Fryer</p> <p>That Administration BE DIRECTED to bring back a report to Council to set forth requirements to charge any new homeowner or developer a fee for the Town to plant a tree of 3 in caliper in front of any new home on Town property that is not part of a subdivision agreement.</p>
Rebecca Belanger, Dawn Morencie, Mark Galvin	<p style="text-align: center;">Resolution # 20180122-14 Meloche/Fryer</p> <p>Declared 7860 County Road 20 as surplus property to be severed into 2 parcels; and, directed Administration to enter into negotiations with the Malden Fire Association for the sale or lease of the former Malden Fire Hall and to develop an RFP for the disposition of the remaining parcel of property.</p> <p style="text-align: center;">*** Send information to the Heritage Committee.</p>
Nicole Rubli, Mark Galvin, Dawn Morencie	<p style="text-align: center;">Resolution # 20180409-98 Lavigne/Meloche</p> <p style="text-align: center;">That:</p> <p>The delegation BE RECEIVED; Administration BE DIRECTED to review the Business By-law and its set backs for refreshment vehicles expeditiously; and, Relief of the Business By-law of 25 meters BE GRANTED to Smashed Apple Catering Inc.</p>

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2018-63

**By-law to Confirm the Proceedings of the Council
of the Corporation of the Town of Amherstburg**

WHEREAS pursuant to Section 5(1) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the powers of a municipality shall be exercised by its Council;

WHEREAS pursuant to Section 5(3) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity rights, powers and privileges under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, shall be exercised by By-law unless the municipality is specifically authorized to do otherwise;

WHEREAS it is deemed expedient that a By-law be passed to authorize the execution of agreements and other documents and that the Proceedings of the Council of the Corporation of the Town of Amherstburg at its meeting be confirmed and adopted by By-law; and,

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. THAT the action(s) of the Council of the Corporation of the Town of Amherstburg in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all actions passed and taken by the Council of the Corporation of the Town of Amherstburg, documents and transactions entered into during the May 28th, 2018, meeting of Council, are hereby adopted and confirmed, as if the same were expressly contained in this By-law;
2. THAT the Mayor and proper officials of the Corporation of the Town of Amherstburg are hereby authorized and directed to do all things necessary to give effect to the action(s) of the Council of the Corporation of the Town of Amherstburg during the said meetings referred to in paragraph 1 of this By-law;
3. THAT the Mayor and Clerk are hereby authorized and directed to execute all documents necessary to the action taken by this Council as described in Section 1 of this By-law and to affix the Corporate Seal of the Corporation of the Town of Amherstburg to all documents referred to in said paragraph 1.

Read a first, second and third time and finally passed this 28th day of May, 2018.

MAYOR – Aldo DiCarlo

CLERK – Paula Parker