



THE COROPORATION OF THE TOWNSHIP OF WAINFLEET

REGULAR MEETING OF COUNCIL AGENDA

MARCH 30, 2021 – 6:00 P.M.

Regular business will commence at 7:00 P.M.

(Time adjusted for this meeting only)

COUNCIL CHAMBERS

Please be advised that the Council Chambers will be closed to the public to limit the spread of COVID-19. The proceedings of the meeting will streamed live.

C09/21

1. **Call to Order**
2. **National Anthem**
3. **Land Acknowledgement Statement**
4. **Disclosures of Interest and the General Nature Thereof**
5. **Closed Meeting**
 - a) Item under Section 239(2)(b)(d) of the Municipal Act, 2001, personal matters about an identifiable individual, including municipal or local board employees; labour relations of employee negotiations – 1 item (an administrative review matter)
 - b) Item under Section 239(2)(c) of the Municipal Act, 2001, a proposed or pending acquisition or disposition of land by the municipality or local board – 1 item (a potential disposition of land matter)
 - c) Minutes of the closed meetings held January 26 & February 16, 2021
6. **Rise & Report**
7. **Mayor's Announcements & Remarks**
8. **Councillor's Announcements & Remarks**
9. **Adoption of Previous Council Minutes**
 - a) Minutes of the regular meeting held March 9, 2021
10. **Public Meeting**

None.

11. Delegations

a) William Miles, Wainfleet Resident

Seeking Council approval for the use of the arena parking lot for a series of drive-in concerts

12. Staff Reports & Recommendations

a) Administrative Staff Reports

i. ASR-006/2021 Re: COVID-19 Impact Report

ii. ASR-007/2021 Re: Municipal Act, 2020 Remuneration Reporting

b) Drainage Staff Reports

i. Memorandum Re: Indian Creek Municipal Drain Court of Revision

ii. DSR-005/2021 Re: Final Reading of the Indian Creek Drain Report

iii. DSR-006/2021 Re: Drainage Program Update

iv. DSR-007/2021 Re: Casey Drain and Casey Drain North Extension

c) Fire Staff Reports

i. Memorandum Re: Fire Safety Grant

d) Planning Staff Reports

i. PSR-006/2021 Re: Removal of Holding (H) Symbol – File No. Z05/2021W
Vacant Lot Lambert Road

e) Public Works Staff Reports

i. PWSR-003/2021 Re: Award of Tender for Loader/Backhoe

ii. PWSR-004/2021 Re: Award of Tender for Pick-up Truck

13. Review of Correspondence

a) Correspondence Item No. C-091-2021

Invitation to participate in World Autism Awareness Day by raising an autism awareness flag on Thursday, April 6, 2021

14. By-laws

- a) By-law No. 002-2021 being a by-law to provide for drainage works in the Township of Wainfleet in the Region of Niagara (Indian Creek Drain)
- b) By-law No. 010-2021 being a by-law to amend the Corporation of the Township of Wainfleet Zoning By-law 034-2014 pursuant to Section 36 of the Planning Act, R.S.O. 1990.

15. Notices of Motion

- a) Councillor Van Vliet Re: No Parking Signs on Tunnacliffe Road North (Notice was provided at the March 3 2021, regular meeting of Council)

“**THAT** the Township establish “no parking” zones on both sides of Tunnacliffe Road North, from Regional Road 27 to a point just south of the first driveway, south of Regional Road 27.”

16. Closed Meeting

17. Rise & Report

18. By-law to Confirm the Proceedings of Council

- a) By-law No. 011-2021 being a by-law to adopt, ratify and confirm the actions of the Council at its meeting held on the 30th day of March, 2021

19. Adjournment



THE CORPORATION OF THE TOWNSHIP OF WAINFLEET REGULAR COUNCIL MEETING MINUTES

C08/2021
March 9, 2021
7:00 p.m.
Council Chambers

MEMBERS PRESENT:	K. Gibson	Mayor
	D. Cridland	Councillor (Electronic Participation)
	T. Gilmore	Councillor
	J. MacLellan	Councillor
	S. Van Vliet	Councillor
STAFF PRESENT:	W. Kolasa	Chief Administrative Officer
	M. Alcock	Fire Chief
	M. Ciuffetelli	Deputy Clerk
	A. Dashwood	Administrative Assistant
	L. Gudgeon	Manager of Human Resources
	S. Ivins	Planner
	M. Jemison	Drainage Superintendent
	M. Luey	Treasurer/Mgr of Corporate Services
	R. Nan	Manager of Operations
	M. Tardif	By-law Enforcement Officer

C08/21

1. **Call to Order**
Mayor Gibson called the meeting to order at 7:00 p.m.
2. **Land Acknowledgement Statement**
Mayor Gibson acknowledged that the land on which we gather is the traditional territory of Anishinaabeg and Haudenosaunee Peoples, acknowledging the One Bowl and Spoon Treaty.
3. **Disclosure of Pecuniary Interest and the General Nature Thereof**
None.
1. **Mayor's Announcements & Remarks**
The Mayor provided the following remarks:
 - The NPCA survey regarding the Wainfleet Wetlands and Quarry Conservation Area remains open until March 22nd. Please take a few minutes to complete it if you haven't already.
 - Council ratified the 2021 Budget last evening, approving an overall increase of 3.5% to the municipal levy. This will result in an increase of \$157 to the average property based on assessment.

- I'm excited to announce that the Township will soon be a drop-off and pickup location for private water testing samples. We'll share more details as soon as they are confirmed.
- Normally at this time of year, I would participate in the Mayors for Meals program, delivering Meals on Wheels to our residents. Due to COVID-19 restrictions we will instead fly the Meals on Wheels flag later this month.
- The Police Services Board will meet electronically on Thursday March 25 at 8:30 a.m. & Niagara Region Council will meet electronically later that evening at 6:30 p.m.
- Wainfleet's next regular meeting of Council will be held Tuesday March 30 at 7:00 p.m.

2. Councillor's Announcements & Remarks

Councillor Cridland noted that the next Niagara Peninsula Conservation Authority Board meeting will be held via electronic participation on March 19, 2021 at 9:30 a.m.

3. Adoption of Previous Council Minutes

Resolution No. C-2021-055

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

"THAT the minutes of the Council meetings held February 16th, March 1st, 3rd and 8th, 2021 be adopted as circulated."

CARRIED

4. Public Meeting

None.

5. Delegations

- a) Erik Acs, Project Manager, Planning Programs & Engagement - Niagara Region
Agricultural System Mapping for the Region of Niagara Municipal
Comprehensive Review

Resolution No. C-2021-056

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

"THAT the delegation presented by Erik Acs respecting Agricultural System Mapping for the Region of Niagara Municipal Comprehensive Review be received for information."

CARRIED

- b) Anne Yagi, Cathy Blott, 8Trees Inc.
Submission of consideration of an alternative to recommendation listed in
Drainage Staff Report DSR-004/2021 Re: Biederman Drain Relocation Request

Resolution No. C-2021-057

Moved by Councillor MacLellan
Seconded by Councillor Gilmore

“**THAT** the delegation presentation from Anne Yagi & Cathy Blott from 8Trees Inc. respecting DSR-004/2021 Biederman Drain Relocation Request be received for information.”

CARRIED

6. Staff Reports & Recommendations

a) Planning Staff Reports

- i. MEMO Re: Agricultural Systems Mapping for the Region of Niagara
Municipal Comprehensive Review (MCR)

Resolution No. C-2021-058

Moved by Councillor Cridland
Seconded by Councillor MacLellan

“**THAT** the Memorandum from the Planner respecting Agricultural Systems Mapping for the Region of Niagara Municipal Comprehensive Review (MCR) be received for information.”

CARRIED

b) Drainage Staff Reports

- i. DSR-004/2021 Re: Biederman Drain Relocation Request

Resolution No. C-2021-059

Moved by Councillor Van Vliet
Seconded by Councillor Gilmore

“**THAT** Drainage Staff Report DSR-004/2021 respecting Biederman Drain Report be received; and

THAT Council not support the relocation of the Biederman Drain request, but support the involved parties in pursuing an alternative project ex. blocking side ditches.”

CARRIED

c) Administrative Staff Reports

- i. ASR-005/2021 Re: COVID-19 Impact Report

Resolution No. C-2021-060

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

“THAT Administrative Staff Report ASR-005/2021 respecting COVID-19 Impact Report be received as information.”

CARRIED

d) Building Staff Reports

- i. BSR-001/2021 Re: Summary of 2020 Building Activity within the Township of Wainfleet

Resolution No. C-2021-061

Moved by Councillor Gilmore

Seconded by Councillor MacLellan

“THAT Building Staff Report BSR-001/2021 respecting Summary of 2020 Building Activity within the Township of Wainfleet be received for information.”

(Direction was provided to staff to prepare a similar information report during the upcoming review of development charges)

CARRIED

e) By-law Enforcement Staff Reports

- i. MEMO Re: Proposed Fence By-law

Resolution No. C-2021-062

Moved by Councillor Gilmore

Seconded by Councillor Van Vliet

“THAT the Memorandum from the By-law Enforcement Officer respecting proposal of fence by-law be received for information.”

CARRIED

- ii. MEMO Re: Off Road Vehicles By-law

Resolution No. C-2021-063

Moved by Councillor MacLellan
Seconded by Councillor Van Vliet

“THAT the Memorandum from the By-law Enforcement Officer respecting Off-Road Vehicles be received as information.”

CARRIED

- iii. BESR-004/2021 Re: Review of Clean Yards By-law No. 073-2019

Resolution No. C-2021-064

Moved by Councillor Cridland
Seconded by Councillor Van Vliet

THAT By-law Enforcement Staff Report BESR-004/2021 respecting a review of the Clean Yards By-law be received; and

THAT Council maintain the current Clean Yards By-law No. 073-2019 with the revision of the short form wording section change being *Fail to Comply with an Order.*”

CARRIED

f) Public Works Staff Reports

- i. MEMO Re: Electrical Services

Resolution No. C-2021-065

Moved by Councillor Gilmore
Seconded by Councillor MacLellan

“THAT the Memorandum from the Manager of Operations respecting electrical services be received as information.”

CARRIED

- ii. PWSR-001/2021 Re: Supply of Bulk Transported Water 2021-2023

Resolution No. C-2021-066

Moved by Councillor MacLellan
Seconded by Councillor Van Vliet

“THAT Public Works Staff Report PWSR-001/2021 respecting Award of Tender for Supply of Bulk Transported Water 2021-2023 be received; and

THAT Council accept the bid for Supply of Transported Bulk Water for the three year period commencing April 2021 from Village Enterprises Water Haulage for the amount of \$260.00 (2021), \$265.00 (2022) and \$270.00 (2023) per 10,000 imperial gallons, exclusive of taxes;

AND THAT Council authorize the Manager of Operations to enter into agreement with Village Enterprises Water Haulage for the Supply of Transported Bulk Water.”

CARRIED

iii. PWSR-002/2021 Re: Equipment Rental Rates 2020

Resolution No. C-2021-067

Moved by Councillor Gilmore
Seconded by Councillor Van Vliet

“**THAT** Public Works Staff Report PWSR-002/2021 respecting Equipment Rental Rates 2021 be received;

AND THAT equipment rental rates for 2021 be supported.”

CARRIED

7. **Review of Correspondence**
None.

8. **By-laws**

Resolution No. C-2021-068

Moved by Councillor MacLellan
Seconded by Councillor Gilmore

“**THAT** By-law No. 008-2021 being a by-law to amend By-law No. 012-2020 being a by-law to regulate fences in the Township of Wainfleet be read and passed this 9th day of March, 2021.”

CARRIED

Resolution No. C-2021-069

Moved by Councillor MacLellan
Seconded by Councillor Gilmore

“**THAT** By-law No. 009-2021 being a by-law to prohibit the use of Off Road Vehicles on highways under the jurisdiction of the Township of Wainfleet be read and passed this 9th day of March, 2021.”

DEFEATED

9. Notices of Motion

- a) Councillor MacLellan Re: Short-term Rentals (Notice provided February 16, 2021)

Councillor MacLellan acknowledged that the subject of short-term rentals was introduced in August of 2020 and subsequently withdrew his motion. Staff was directed to continue to investigate and report on the policy considerations of regulating short-term housing uses in the Township. Council requested that this be brought back for discussion at the beginning of May.

Councillor MacLellan Re: Fill By-law (Notice provided February 16, 2021)

Resolution No. C-2021-070

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

“**THAT** staff be directed to proceed forthwith with drafting and presenting a by-law for Council's consideration that mirrors a Site Alteration By-law recently adopted by the City of Thorold for the purpose of regulating the removal, placing or dumping of fill.”

CARRIED

Councillor Van Vliet provided notice that a motion would be coming at the next regular meeting respecting parking on Tunnacliffe Road N.

10. Closed Meeting

None.

11. Rise & Report

None.

12. By-law to Confirm the Proceedings of Council

Resolution No. C-2021-071

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

“**THAT** By-law No. 009-2021 being a by-law to adopt, ratify and confirm the actions of the Council held at its meetings held on the 1st, 3rd, 8th, and 9th day of March, 2021 be read and passed this 9th day of March, 2019.

CARRIED

13. Adjournment

There being no further business, the meeting was adjourned at 9:25 p.m.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

DRAFT



TOWNSHIP OF WAINFLEET
DELEGATION REQUEST FORM

Please fill out and return no later than 4:30 p.m. on the Tuesday prior to the meeting you wish to appear. Completed forms are to be submitted to the Clerks Department and can be dropped off or emailed to mciuffetelli@wainfleet.ca

If you are speaking to an item listed on the agenda, the deadline for submission is 12:00 p.m. on the day of the scheduled meeting.

Name:	
Address:	
Telephone:	E-mail:

Date of Meeting: _____

Subject Matter to be Discussed:	
Action Requested:	

Have you previously spoken on this issue? Yes ☐ No ☐

If an individual has previously appeared as a delegation, a further delegation from the same individual on the same topic will not be permitted, unless there is significant new information to be brought forward.

Do you have material for distribution at the meeting? Yes ☐ No ☐

If yes, specify:

Do you have a copy of your notes/presentation to attach? Yes ☐ No ☐

If yes, specify:

Delegations are required to provide the Clerk's Department presentation materials for publication in Council's agenda package.

-
- ☐ I have read and understand the Delegation Protocol attached to this form and understand that the information contained on this form, including any attachments, will become public documents and listed on Township meeting agendas and posted to the Township's website.

Signature

Date

I have a proposal to put forward to council to use the arena parking lot for a series of drive in concerts. Dates are May 22nd 2021 Jun 26th 2021 July 31st 2021 and Aug 28th 2021 between the hours of 5pm and 9pm. This will be a charity based event in conjunction with the firefighters association as well as sponsorship from local businesses. All proceeds after cost will go to Wainfleet youth sports teams. There is no cost to the township beyond space provided and electricity. All events will be covid regulated to assure we are meeting whatever current covid protocols are in place. I look forward in talking to you further at the next town council meeting.

Sincerely

William Miles

ADMINISTRATIVE STAFF REPORT

ASR-006/2021

TO: Mayor Gibson & Members of Council

FROM: William Kolasa, Chief Administrative Officer

DATE OF MEETING: March 30, 2021

SUBJECT: COVID-19 Impact Report

RECOMMENDATION(S):

THAT Administrative Staff Report ASR-006/2021 respecting COVID-19 Impact Report be received as information.

EXECUTIVE SUMMARY:

The Township of Wainfleet continues to operate under a formally declared state of emergency (declared on April 3, 2020, in collaboration with Niagara Region and its constituent lower tier municipalities) due to the worldwide COVID-19 Pandemic.

The Township continues to monitor the COVID-19 situation and guide appropriate responses to ensure the safety of the community and staff while providing for continuity of municipal services.

DISCUSSION:

Current COVID-19 Status

As at the date of the writing of this report, Niagara Region continues in the Red-Control Zone of the Ontario COVID-19 Response Framework. The Province of Ontario continues to monitor the progress of the COVID-19 virus and adjusts response based on advice provided by the Chief Medical Officer of Health for the Province of Ontario and Niagara Region's Medical Officer of Health.

Some highlights of the most current Red-Control Zone provisions provide that:

- Places of worship can open at 30% capacity;
- Restaurants can open with a limit of: the lesser of approximately 50% of the indoor dining area or 50 people (subject to physical distancing rules);
- Gyms and recreational sports can open with 10 indoors, 25 outdoors;
- Retail is permitted at 75% capacity for supermarkets and other stores that primarily sell groceries, convenience stores and pharmacies and 50% capacity for all other retail;
- Social gatherings are limited to 5 indoors, 25 outdoors; and
- Event and meeting spaces open with 10 indoors, 25 outdoors where physical distancing can be maintained.

Full details of the updated Red-Control Framework can be viewed on the [Province of Ontario's COVID-19 webpage](#).

COVID-19 Vaccinations

Niagara is following [the Province of Ontario's three-phase vaccine distribution plan](#).

Phase 1 High-risk populations (approximately 1.8 million people)	Phase 2 Mass deliveries of vaccines (approximately 9 million people)	Phase 3 Steady state
December 2020 – March 2021	April 2021 – July 2021	July 2021 onwards
<ul style="list-style-type: none"> • Congregate living for seniors • Health care workers • Adults in First Nations, Métis and Inuit populations • Adult chronic home care recipients • Adults over 80 years old 	<ul style="list-style-type: none"> • Adults aged 60 to 79, in 5-year increments • High-risk congregate settings (such as shelters, community living) • Individuals with high-risk chronic conditions and their caregivers • Those who cannot work from home • At-risk populations 	<ul style="list-style-type: none"> • Adults 59 years and younger
Distribution through: hospital site clinics, mobile teams, site-specific clinics, mass vaccination clinics (late March)	Distribution through: mass vaccination clinics, pharmacies, primary care, site-specific clinics, mobile teams, mobile sites, public health units	Distribution through: mass vaccination clinics, pharmacies, primary care, site-specific clinics, mobile teams, mobile sites, public health units

The Township continues to work cooperatively with Niagara Region regarding the establishment of a vaccination site at the Wainfleet Firefighters' Community Hall to help serve our residents as vaccine supplies increase and vaccine distribution efforts proceed through successive phases.

Wainfleet's first clinic is scheduled for March 31, 2021 and is fully booked to capacity.

Clinics will operate on a rotating basis and will increase in frequency as Niagara transitions from Phase I to Phase II of the vaccine distribution plan. Additional dates will be published as they become available – all of which is subject to the availability of vaccine supplies.

[Niagara Region has also established a COVID-19 Vaccination webpage](#) that maintains the most current information about vaccines and vaccination processes in the region – including how residents can book their vaccination appointments through the Province of Ontario's booking system.

Well Water Quality Testing

In cooperation with Niagara Region Public Health and Ontario Public Health Laboratory Services, the Township's launched its Well Water Quality Testing Services on March 17, 2021. Water sampling kits are now available for pick-up at the Township Offices at any time that Town Hall is open, without need for appointment. Completed kits, including bottles containing sample water can be returned during normal office hours:

Mondays through Thursdays

8:30 am – 4:30 pm

and

Fridays

8:30 am – 9:00 am

The process is a safe and simple touchless approach, where sampling kits can be picked up in the front vestibule, just inside the front doors, at Town hall and full samples dropped off to the same place. When dropping off, residents simply put their sample bottles back on the top shelf and either knock or ring the doorbell to alert staff to retrieve the bottle for refrigeration until the courier arrives to deliver it to the Public Health Testing Laboratories.

HISTORY:

On April 3, 2020, the Township of Wainfleet along with Niagara Region and its 11 other local area municipalities jointly declared a State of Emergency under the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E9. The declaration provides the municipality with all options available under the Act to protect the health and safety of its residents.

Prior to the emergency declaration, the Township's Emergency Operations Centre (EOC) had been in partial activation since March 13, 2020. The Emergency Control Group (ECG) has been meeting regularly since March (daily at first, then on a 48-hour cycle, then a twice-weekly cycle and now a weekly cycle) to monitor the evolving COVID-19 situation at the federal, provincial and regional levels and the related impacts on the municipality. Most recently, the ECG has further scaled back its operations as we continue through this recovery phase – with only key command staff and section chiefs attending the regular weekly meetings, instead of the full ECG complement.

By early June, the Province entered Stage 1 of Phase 2 of the Province's framework for reopening (restart). On June 15, 2020, the Province announced that Niagara Region would be eligible to advance to Stage 2 of Phase 2. And, on July 20, 2020, the Province announced that it would allow Niagara Region to advance into Stage 3 of Phase 2 of the Ontario's Action Plan towards recovery effective July 24, 2020.



In keeping with the gradual approach to reopening Ontario, the Province continues to monitor key public health indicators and as a result of a continuing spike in confirmed COVID cases the Province has initiated a roll back of certain regulations in order to address the current “second wave” facing the Province.

To that end, on November 3, 2020, the Province instituted a 5 phase framework as part of a comprehensive response to a second wave of the coronavirus in an effort to keep Ontario safe and open.

Framework: Adjusting and Tightening Public Health Measures

Act earlier by implementing measures to protect public health and prevent closures					
Gradually loosen measures as trends in public health indicators improve					
Objective	PREVENT (Standard Measures)	PROTECT (Strengthened Measures)	RESTRICT (Intermediate Measures)	CONTROL (Stringent Measures)	LOCKDOWN (Maximum Measures)
	Focus on education and awareness of public health and workplace safety measures in place.	Enhanced targeted enforcement, fines, and enhanced education to limit further transmission.	Implement enhanced measures, restrictions, and enforcement avoiding any closures.	Implement broader-scale measures and restrictions, across multiple sectors, to control transmission.	Implement widescale measures and restrictions, including closures, to halt or interrupt transmission (Return to modified Stage 1 or pre-Stage 1).
Tactics	Restrictions reflect broadest allowance of activities in Stage 3 absent a widely available vaccine or treatment.	Apply public health measures in high risk settings.		Restrictions are the most severe available before widescale business or organizational closure.	Consider declaration of emergency.
	Highest risk settings remain closed.				

While the goal of the framework is to have every public health union region in the Province at the Green/Prevent level, the framework is designed to “stack” or “ladder up or down” depending upon how indicators and trends are occurring locally. If trends are improving, control measures are dropped cautiously, level by level, to attempt to ensure there are no significant community or public health impacts with the rollback of measures.

Throughout the pandemic, the Township’s ECG has continued meeting on a regular basis and has undertaken planning and decision-making guided by four key objectives:

1. To ensure the health, safety and security of the public and staff during the pandemic and through the recovery process.
2. To continue to be able to support Niagara Health, Public Health, Niagara Region and our other partners.
3. To focus on recovery, while continuing to provide essential municipal services.
4. To ensure the Township remains in a financially sustainable condition during this pandemic emergency.

The Township's Emergency Control Group has developed a corresponding framework demonstrating the Township's own response to the various provincially established phases.

Township of Wainfleet COVID-19 Response Framework				
PREVENT	PROTECT	RESTRICT	CONTROL	LOCKDOWN
<ul style="list-style-type: none"> • Masks required in public areas per O. Reg. • No masks required in communal office spaces • Office open to the public • Office fully staffed (no split shifts) • No office staffing restrictions 	<ul style="list-style-type: none"> • Masks required in public facing areas • No masks required in communal office spaces (Where physical distancing can be maintained) • Office open by appointment only • Office operating on split shifts • No office staffing restrictions 	<ul style="list-style-type: none"> • Masks required in public facing areas • Masks required in communal office spaces • Essential office appointments only • Office operating split shifts • Office staffing restricted (Staff may enter & required after hours during remote work) 	<ul style="list-style-type: none"> • Masks required in public facing areas • Masks required in communal office spaces • Office closed to the public • Office operating split shifts • Office staffing restricted (Staff may enter & required after hours during remote work) 	<ul style="list-style-type: none"> • Masks required in public facing areas • Masks required in communal office spaces • Office closed to the public • Office operating split shifts • Office staffing restricted (Staff may NOT enter office during remote work)

The most current Niagara Region COVID-19 statistical information is updated daily on Niagara Region's website: <https://www.niagararegion.ca/health/covid-19/statistics/cases.aspx>

Conclusion

The COVID-19 pandemic continues to pose a real threat to the community as well as the Township's ability to provide services in the same manner as historically delivered. Although the levels of cases of COVID-19 have continued to decrease regionally (with occasional spikes), the threat remains serious and the Township must remain vigilant throughout the recovery phases so that we are able to continue to provide essential services that our residents expect.

The Emergency Control Group continues to meet weekly to monitor and respond to the pandemic with prepared business continuity plans and has been diligently planning for potential future developments. The ECG continues to be dedicated to the safety of staff and the community, while ensuring essential services continue to be delivered without interruption and focusing on business continuity and re-opening the Township in the safest manner possible.

FINANCIAL CONSIDERATIONS:

- None.

OTHERS CONSULTED:

- 1) Emergency Control Group

ATTACHMENTS:

- None.

Respectfully submitted and approved by,

William J. Kolasa
Chief Administrative Officer

TO: Mayor Gibson & Members of Council

FROM: M. Luey, Manager of Corporate Services/Treasurer

DATE OF MEETING: March 30, 2020

SUBJECT: *Municipal Act*, 2020 Remuneration Reporting

RECOMMENDATION(S):

THAT Administrative Staff Report ASR-007/2021 respecting *Municipal Act*, 2020 Remuneration Report be received for information

EXECUTIVE SUMMARY:

The *Municipal Act*, 2001 requires that a report be prepared annually by March 31st of the following year on remuneration and expenses paid to Council and board members.

In keeping with the terms of legislation staff present for your consideration the 2020 Remuneration Report attached as Appendix "A".

BACKGROUND:

Relevant Legislation:

The sections of the *Municipal Act* that speaks directly to requirements with respect to remuneration report are:

284. (1) The Treasurer of a municipality shall in each year on or before March 31 provide to the Council of the municipality an itemized statement on remuneration and expenses paid in the previous year to:

- (a) Each member of Council in respect of his or her services as a member of the Council or any other body, including a local board, to which the member has been appointed by Council or on which the member holds office by virtue of being a member of Council;
- (b) Each member of Council in respect of his or her services as an officer or employee of the municipality or other body described in clause (a); and
- (c) Each person, other than a member of Council, appointed by the municipality to serve as a member of any body, including a local board, in respect of his or her services as a member of the body. 2001, c. 25, s. 284 (1).

Expenses were paid by the Township of Wainfleet to members of Council under Bylaw 012-2016, members of the Committee of Adjustment under Bylaw 012-2014 (as amended by Bylaw 003-2015 and Bylaw 021-2016), and to members of the Library Board under Bylaw 004-2015 (as amended by Bylaw 041-2016).

OPTIONS/DISCUSSION:

None.

FINANCIAL CONSIDERATIONS:

None.

OTHERS CONSULTED:

None.

ATTACHMENTS:

1. Appendix "A" – Summary of Council Benefits, Committee of Adjustment Expenses and Library Board Expenses.

Respectfully submitted by,

Approved by,

Mallory Luey
Manager of Corporate Services/Treasurer

William J. Kolasa
Chief Administrative Officer/ Clerk

APPENDIX "A" TO ASR-07/2020

Corporation of the Township of Wainfleet *Municipal Act, Remuneration Reporting*

COUNCIL REMUNERATION

Member	Wages	1/3 Tax Free	Benefits	Telephones	Food	Conferences	Mileage	Total
Kevin Gibson	\$ 24,201.31		\$ 1,086.79	\$ 780.80	\$ 231.02	\$ -	\$ 319.32	\$ 26,619.24
Terry Gilmore	\$ 12,708.12		\$ 483.44	\$ 164.00	\$ -	\$ -	\$ -	\$ 13,355.56
Sherri Van Vliet	\$ 12,708.12		\$ 483.44	\$ 169.80	\$ -	\$ 1,363.08	\$ 56.32	\$ 14,780.76
John MacLellan	\$ 12,708.12		\$ 483.44	\$ 162.00	\$ -	\$ -	\$ -	\$ 13,353.56
Donna Cridland	\$ 12,708.12		\$ 483.44	\$ 162.30	\$ -	\$ 1,507.31	\$ -	\$ 14,861.17

COMMITTEE OF ADJUSTMENT REMUNERATION

Member	Wages	Benefits	Conferences	Mileage	Total Expenditure
Gary Balicki	\$ 400.00	\$ -	\$ -	\$ 139.83	\$ 539.83
Lars Bjerno	\$ 400.00	\$ 3.69	\$ -	\$ 57.82	\$ 461.51
Lewis Shedden	\$ 200.00	\$ -	\$ -	\$ 34.22	\$ 234.22
Jeanninne DeRuiter	\$ 200.00	\$ -	\$ -	\$ 84.55	\$ 284.55
Mark Feduck	\$ 440.00	\$ 4.74	\$ -	\$ -	\$ 444.74
Sharon McMillan	\$ -	\$ -	\$ -	\$ 37.29	\$ 37.29
Robert Cross	\$ -	\$ -	\$ -	\$ 35.40	\$ 35.40

LIBRARY BOARD REMUNERATION

Member	Honourarium	Mileage	Total Expenditure
Lynn Hunt	\$ 300.00	\$ -	\$ 300.00
Joan Anderson	\$ 300.00	\$ -	\$ 300.00
Lynn Gibson	\$ 300.00	\$ -	\$ 300.00
Chris Summerhayes	\$ 300.00	\$ -	\$ 300.00



Memo

To: Mayor and Members of Council
From: Mark Jemison, Drainage Superintendent
Date: March 30, 2021
Re: Indian Creek Municipal Drain Court of Revision

On February 25, 2021; the Court of Revision for the Indian Creek Municipal Drain conducted a hearing to consider appeals to the Drainage Report dated November 27, 2020 as prepared by Dietrich Engineering Limited. This hearing was in accordance with direction from Council on January 26, 2021 following its consideration of Report DSR-002/2021.

The Court received one late appeal and, following deliberations, pronounced a decision on the appeal upholding the assessment from the Engineer's Report. A copy of the minutes of the hearing are attached to this Memorandum.

The Drainage Act provides a further appeal process (to the Ontario Drainage Tribunal) for any person dissatisfied with a decision of the Court. At the conclusion of the appeal process, By-law No. 002-2021, being a by-law to provide for Drainage Works in the Township of Wainfleet (Indian Creek Municipal Drain) and which received provisional adoption (first and second readings only) by Council on January 26, 2021. No appeals were submitted.

Attachment:
Court of Revision Minutes for the Indian Creek Drain



**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
COURT OF REVISION MINUTES
INDIAN CREEK MUNICIPAL DRAIN**

CR2/2021
February 25, 2021
6:00 p.m.
Electronic Participation

PRESENT:	D. Cridland J. MacLellan S. Van Vliet	Councillor Councillor Councillor
STAFF PRESENT:	M. Ciuffetelli M. Jemison R. Nan W. Kolasa	Deputy Clerk Drainage Superintendent Manager of Operations Chief Administrative Officer
ALSO PRESENT:	T. Gilmore S. Brickman	Councillor (Alternate) Drainage Engineer, Dietrich Engineering

-
1. **Call to Order**
The Deputy Clerk called the Court of Revision Hearing to order at 6:05 p.m.
 2. **Appointment of Chair**
The Deputy Clerk administered the process of appointing a Chair of the Court of Revision. The following motion resulted.

Resolution No. CR-2021-001

Moved by Councillor Cridland
Seconded by Councillor Van Vliet

THAT Councillor John MacLellan be appointed Chair of the Court of Revision respecting the Indian Creek Municipal Drain.

CARRIED UNANIMOUSLY

Councillor MacLellan assumed the role of Chair of the hearing.

3. **Land Acknowledgement Statement**
Chair MacLellan acknowledged that the land on which we gather is the traditional territory of Anishinaabeg and Haudenosaunee Peoples, acknowledging the One Bowl and Spoon Treaty.

4. **Disclosures of Pecuniary Interest and the General Nature Thereof**
None.
5. **Presentation re: Indian Creek Municipal Drain**
Chair MacLellan called on the Drainage Superintendent to provide an overview of the Indian Creek Municipal Drain Report and provide details of the scope of authority of the Court of Revision under the Drainage Act of Ontario.
6. **Hearing of Appeals**
The Township received one written appeal after the final date. That appeal was submitted to the Clerk by Mr. Ted Hessels on February 23, 2021.
The Court passed the following motion:

Resolution No. CR-2021-002

Moved by Councillor Cridland
Seconded by Councillor Van Vliet

“THAT the appeal of Ted Hessels be considered by this Court of Revision.”

CARRIED UNANIMOUSLY

At this point in the meeting, the Court called on the Drainage Engineer to provide information and evidence regarding the Indian Creek Drain Assessment Schedule regarding the assessments calculated for Mr. Hessel's property.

Appeal - Ted Hessels, 63743 Concession 6 Road, Wainfleet

Chair MacLellan called on Mr. Hessels to speak to his appeal and confirm the reason for the appeal for the Court.

Mr. Hessels addressed the Court to express his opposition to his assessment being too high and he believed the report did not reflect what he is being assessed for. Mr. Hessels also raised the matter of a settlement agreement between the Township and a number of property owners regarding the Indian Creek Municipal Drain and the Court advised Mr. Hessels that such agreement was beyond the jurisdiction of the court; but that once implemented, each assessed property in the drain would see a credit applied towards their assessment.

At this point in the hearing, the Court retreated to deliberate the appeal by Mr. Hessels. Following deliberations, the Court resumed and following motion was introduced.

Resolution No. CR-2021-002

Moved by Councillor Cridland
Seconded by Councillor Van Vliet

“THAT the appeal of Ted Hessels be dismissed and the engineer’s assessment be upheld on the basis that the assessments are fair and equitable.

CARRIED UNANIMOUSLY

At this point in the hearing, the Court afforded any person in attendance a final opportunity to submit a late appeal. There being none, the Court concluded its hearing.

7. **Closing of the Court of Revision and Rendering a Decision**

There being no other appeals, the Court closed its hearing and reviewed the single decision that it pronounced.

8. **Adjournment of Meeting**

There being no further business, the following motion was introduced at 7:20 p.m.

Resolution No. CR-2021-003

Moved by Councillor Van Vliet

Seconded by Councillor Cridland

THAT this Court of Revision be now adjourned.

CARRIED UNANIMOUSLY

S. Van Vliet, CHAIR

M. Ciuffetelli, DEPUTY CLERK

DRAINAGE STAFF REPORT

DSR-005/2021

TO: Mayor Gibson & Members of Council

FROM: Mark Jemison, Drainage Superintendent

DATE OF MEETING: March 30, 2021

SUBJECT: Final Reading of the Indian Creek Drain Report

RECOMMENDATION(S):

THAT Drainage Staff Report DSR-005-2021 respecting the Final Reading of the Indian Creek Drain Report be received;

AND THAT By-law 002-2021 be given a third and final reading and passed

ALIGNMENT WITH THE STRATEGIC PLAN:

The Township of Wainfleet has identified Economic Development and Community Stewardship as components of their Strategic Plan. This report and its recommendations align with these objectives. Maintaining and improving the extensive network of Municipal Drains in the Township of Wainfleet is vital to the sustainability of the agricultural business sector and ensures that the over 250km of drainage infrastructure in the Township continues to provide a high level of service to the landowners

EXECUTIVE SUMMARY:

Following Council's adoption of the Engineer's Report and two readings of the provisional By-Law 002-2021, the appeals process was carried out in accordance with the *Drainage Act, R.S.O. 1990*.

The purpose of this report is to recommend Council give a third reading of By-Law 002-2021 which will allow staff to initiate the tender and construction phase of this project.

BACKGROUND:

Council appointed Dietrich Engineering Limited to complete a report under Section 78 of the Drainage Act on May March 26, 2019.

Following Council's adoption of the filed Engineer's Report and the first two readings of the provisional By-Law 002-2021, the appeals process was undertaken. On February 25, 2021 the Court of Revision dismissed the one appeal to the Court of Revision and upheld the engineer's assessment. No appeals to the Drainage Tribunal or Drainage Referee were submitted to the Township.

Pursuant to the Drainage Act, following the appeal process a third reading of the bylaw is required to advance the project to tendering and construction.

OPTIONS/DISCUSSION:

1. Staff be directed to advance the Indian Creek Engineer's Report to that of tendering and construction (Recommended)
2. Do not move forward with the Engineer's Report, Township responsible for all engineering costs to date (not recommended)

FINANCIAL CONSIDERATIONS:

The Township will be required to carry the costs of the project until the report is completed and the costs are allocated to the appropriate property owners in accordance with the Drainage Act.

Final actual costs to the Township will only be those assessed to the roads and lands of the Township identified in the report for any maintenance or improvements completed on the drain as outlined in the Section 78 report. A Section 78 engineering report is 100% billable and eligible for grant from OMAFRA. Final costs to the Township would only be those assessed to the roads and lands of the Township which are identified in the report, as per the Drainage Act R.S.O. 1990.

OTHERS CONSULTED:

- 1) SLT

ATTACHMENTS:

1. Appendix "A" – Indian Creek Drain Engineer's Report
2. Appendix "B" – By-Law No. 002-2021
3. Appendix "C" – Section 78 Flow Chart

Respectfully submitted by,

Reviewed by:

Mark Jemison
Drainage Superintendent

Richard Nan
Manager of Operations

Approved by,

William Kolasa
Chief Administrative Officer

APPENDIX “A”

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**Indian Creek Municipal Drain 2020
Township of Wainfleet**



Reference No. 1861

November 27, 2020



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Specification for Construction of Municipal Drainage Works

DIVISION A – General Conditions

DIVISION B – Specification for Open Drains

DIVISION H – Special Provisions

Appendix A – Fisheries & Oceans Canada Letter of Advice

Kitchener, Ontario

November 27, 2020

**Indian Creek Municipal Drain 2020
Township of Wainfleet**

To the Mayor and Council
of the Township of Wainfleet

Members of Council:

1.0 Introduction

We are pleased to present our report on the “Indian Creek Municipal Drain 2020”, serving the following Lots and Concessions in the Township of Wainfleet, Regional Municipality of Niagara:

Parts of Lots 33 to 37, Concession 6, and
Parts of Lots 32 to 38, Concession 7.

The attached Plans, Profile, Cross Sections and Details, Drawing Numbers 1 to 5 Reference No. 1861, Specifications, and the Instructions to Tenderers form part of this report. They show and describe in detail the location and extent of the work to be completed and the lands which are affected.

2.0 Authorization

Authority to prepare this report was obtained by a resolution of the Township of Wainfleet Council at its March 26, 2019 meeting to appoint Dietrich Engineering Limited to prepare an Engineer’s Report.

In accordance with your instructions pursuant to a request received by Council under Section 78 of the Drainage Act, R.S.O. 1990, we have made an examination and survey of the affected area and submit herewith our Report which includes Plans, Profiles and Specifications for this work.

3.0 History

3.1 Indian Creek Municipal Drain (1915)

The Indian Creek Municipal Drain was originally constructed under the authority of a report prepared by L.A. Kinnear, O.L.S. dated October 19, 1915. This report provided for the excavation of 2,840 metres of open ditch.

3.2 Indian Creek Municipal Drain (1949)

The Indian Creek Municipal Drain was later reconstructed under the authority of a report prepared by R. Blake Erwin, O.L.S., dated September 5, 1949. This report deepened, and widened the existing drain, and did not provide for the construction of any crossings.

4.0 On-Site Meeting

In accordance with Section 9(1) of the Drainage Act, R.S.O. 1990, an on-site meeting was held on August 15, 2019. The place of meeting was at the Wainfleet Firefighters Memorial Community Hall, in Wainfleet. Persons in attendance were:

Stephen Brickman, P.Eng.	Dietrich Engineering Limited
Greg Nancekivell, C.E.T.	Dietrich Engineering Limited
Mark Jemison	Drainage Superintendent, Township of Wainfleet
Richard Nan	Manager of Operations, Township of Wainfleet

Landowners:

Ron Gill	Yvonne Hessels	Ken Traver
Richard Anderson	Ted Hessels	Karl Coverdale
Cindy Anderson	Rick Dobrucki	

5.0 Information Meeting

An information meeting was held on October 6, 2020 at the Wainfleet Firefighters Memorial Community Hall. Due to the COVID-19 pandemic, the Township made additional arrangements for alternative participation using a live video conferencing platform. Persons in attendance were:

Stephen Brickman, P.Eng.	Dietrich Engineering Limited
Greg Nancekivell, C.E.T.	Dietrich Engineering Limited
Mark Jemison	Drainage Superintendent, Township of Wainfleet
Richard Nan	Manager of Operations, Township of Wainfleet
Amber Dashwood	Administration Assistant to the Mayor & CAO, Township of Wainfleet
Kevin Gibson	Mayor, Township of Wainfleet

Landowners:

Andrew Henderson (Representing Donald Henderson's estate)	Rick Dubrucki	
Mike Kicul	Shawn Schutten	Richard Anderson
Lori Mann		

The information provided proposed upgrading the Indian Creek Municipal Drain from Lot 36, Concession 6 to the outlet into the Little Forks Creek in Lot 33, Concession 7, Township of Wainfleet, as well as the abandonment of the upper portion of the Indian Creek Drain upstream of Sta. 2+248. This meeting provided a review of the design of the proposed drainage system, the estimated costs of the project and proposed assessments.

6.0 Findings

We have made an examination of the drainage area and have found the following:

1. The existing Indian Creek Municipal Drain is in a poor state of repair and is not of sufficient depth to drain the surrounding and upstream lands within the watershed at today's standards of drainage.
2. Large portions of the Indian Creek Drain have grown up with brush and woody vegetation.
3. In some locations, the existing drain lacks definition and fails to properly contain flows.

4. The wooded area on the David Mann property (Roll No. 12-229-15) is a wetland according to the Ontario Ministry of Agriculture, Food and Rural Affairs' Agricultural Information Atlas. The Indian Creek Drain has an alignment through the wooded area.
5. The crossing on the David Mann property (Roll No. 12-229) is in a poor state of repair and is not of sufficient capacity nor depth to convey flows at today's standards of drainage.
6. The road crossings are not of sufficient capacity nor depth to convey flows at today's standards of drainage. Additionally, some road crossings are not of sufficient length, and are in poor condition.
7. The portion of the Indian Creek Drain (1949) upstream of Sta. 2+248 has been altered from the design in the 1949 report.
8. The watershed included in the Indian Creek Drain report from 1949 conflicts with current topographic data.
9. The current maintenance schedule for the Indian Creek Drain is out of date and unfair.
10. The outlet for this drain is the Little Forks Creek.

7.0 Recommendations

It is our recommendation that:

1. 2,121 metres of the existing open ditch be deepened from Lot 36, Concession 6 to the outlet into the Little Forks Creek in Lot 33, Concession 7.
2. Construction activities in the wooded area.
3. and on the David Mann property (Roll No. 12-229-15) do not negatively impact the features of the wetland.
4. The private crossing on the David Mann property (Roll No. 12-229), and all three existing road crossings be removed and replaced.
5. The design standard used for the private crossing is a 10-Year rainfall event, and 25-Year rainfall events for the road crossings.
6. The portion of the Indian Creek Drain (1949) from Sta. 2+248, to the upper end of the drain constructed under the authority of the report prepared by R. Blake Erwin, O.L.S., dated September 5, 1949, be abandoned.
7. The Minutes of Settlement dated February 5, 2019 continue to apply.
8. The watershed be updated based on current topographic data.
9. New maintenance schedules be prepared to reflect the corrected watershed, and the new crossing on the David Mann property (Roll No. 12-229).
10. This new drainage system shall be known as the "Indian Creek Municipal Drain 2020".

8.0 Environmental Considerations

The Ontario Ministry of Agriculture, Food and Rural Affairs' Agricultural Information Atlas indicates that the Department of Fisheries and Oceans (DFO) has classified this drain as an 'F' Drain. Drain Classification F indicates an intermittently flowing system which is dry for significant periods of the year. Regardless, a review of the works proposed in this report was required by DFO to assess if an authorization is necessary. DFO provided correspondence dated July 13, 2020 which provided recommendations to avoid and mitigate the potential for prohibited effects to fish and fish habitat. Their correspondence states the following:

"... the [Fisheries Protection] Program is of the view that your proposal will not require an authorization under the Fisheries Act or the Species at Risk Act."

The Niagara Peninsula Conservation Authority (NPCA) has been provided with details of the proposed work. The NPCA provided correspondence which stated:

"Generally, we [the NPCA] don't have any significant concerns with updating existing municipal drains"

9.0 Summary of Proposed Works

The proposed work consists of:

1. Approximately 2,121 metres of open ditch excavation; and
2. The installation of one farm lane crossing and three road crossings.

10.0 Working Area and Access

Access to the working area will be from Township roads, where the drain crosses the road. Each landowner on whose property the drainage work is to be constructed shall designate the working side of the drain. Access has been designated on the plans included in the attached drawing set for the David Mann property (Roll No. 12-229), where the Indian Creek Drain does not cross a road.

The working area shall be an average width of 10 metres for construction and maintenance purposes on the side of the drain where the excavated material is to be placed and levelled.

11.0 Watershed and Soils Characteristics

The watershed was established through analysis of tile drainage maps, previous engineers' reports, field investigations, surveys, and data analysis of the Southwestern Ontario Orthophotographic Project (SWOOP).

The Drainage Area is comprised of approximately 238.5 hectares. Land use within the watershed is primarily agricultural.

The Ontario Ministry of Agriculture, Food and Rural Affairs' Agricultural Information Atlas describes the soil types within the watershed and along the route of the drain as mainly loam with some silt.

12.0 Allowances

In accordance with Sections 29 and 30 of the Drainage Act, R.S.O. 1990, we have calculated Allowances payable to Landowners using the following methodology.

12.1 Allowances for Right-of-Way (Section 29)

The land values used for calculating allowances for Right-of-Way are as follows:

Land Use	Land Value
Agricultural	\$40,000/Ha
Existing Watercourse	\$10,000/Ha
Wooded	\$18,000/Ha

Allowances for Right-of-Way were not provided in the previous Engineers' Reports, which authorized the construction of the existing Indian Creek Municipal Drain.

The allowances for Right-of-Way under Section 29 of the Drainage Act, R.S.O. 1990 were calculated based on 100% of the land value for the average proposed top width of the new open ditch plus a ten metre working width for future maintenance purposes based on 25% of the land value.

12.2 Allowances for Damages to Lands and Crops (Section 30)

Allowances for Damages to Lands and Crops under Section 30 of the Drainage Act, R.S.O. 1990 were primarily calculated to compensate landowners for crop losses, bush losses and land damages due to the construction of the drain, including access to the working corridor.

We determined the allowances payable to Landowners entitled thereto as shown in Schedule A.

Total Allowances, under Sections 29 and 30 of the Drainage Act, R.S.O. 1990;

Indian Creek Municipal Drain 2020: **\$39,680**

13.0 Estimated Construction Costs

We have made an estimate of the cost of the proposed work based on labour, equipment and materials. A detailed description of the costs involved can be found in Schedule B of this report.

The total estimated construction costs for this project are as follows:

A) Total Estimated Construction Costs – Main Drain	\$ 130,700
B) Total Estimated Construction Costs – Provisional Items	\$ 7,000
Total Estimated Construction Costs	<u>\$ 137,700</u>

14.0 Summary of Estimated Project Costs

The total estimated project costs are as follows:

Allowances under Sections 29 and 30 of the Drainage Act, R.S.O. 1990 (Refer to Schedule A)	\$ 39,680
Total Estimated Construction Costs (Refer to Schedule B)	\$ 137,700
Meetings, survey, design, preparation of preliminary cost estimates, preparation of final drainage report, and consideration of report	\$ 42,500
Consultation with Environmental Agencies and permitting fees	\$ 2,500
Preparation of contract documents, contract administration, supervision, and inspection of construction	\$ 19,000
Contingencies, Interest and net H.S.T.	\$ 8,320
TOTAL ESTIMATED PROJECT COSTS – INDIAN CREEK MUNICIPAL DRAIN 2020	<u>\$ 249,700</u>

The estimated cost of the work in the Township of Wainfleet is \$249,700.

The above costs are estimates only. The final costs of construction, engineering and administration cannot be determined until construction is completed.

The above cost estimate does not include costs associated with defending the drainage report should appeals be filed with the Court of Revision, Drainage Tribunal and/or Drainage Referee.

15.0 Assessment

We assess the cost of this work against the lands and roads liable for assessment for benefit and outlet liability as shown in the annexed Schedule C - Assessment for Construction. We have determined that there is no injuring liability assessment involved.

15.1 Special Benefit Assessment (Section 24)

The benefit assessment to the David Mann property (Roll No. 12-229) for the new farm crossing has been assessed using Special Benefit, Section 24 of the Drainage Act. The Special Benefit Assessment shall be a proratable assessment.

15.2 Special Assessments (Section 26)

Whether or not the Township of Wainfleet elects to do the work on their property, Sta. 0+311 to Sta. 0+335, (Henderson Road), Sta. 1+319 to Sta. 1+342 (Gracey Road), and Sta. 2+160 to Sta. 2+180 (Concession Road 6) they shall be assessed the actual increased costs to the drainage works due to the construction and operation of the roads as Special Assessments in addition to any benefit and outlet assessments. The Special Assessments shall be made up of the actual construction costs plus an allowance for administration costs.

16.0 Abandonment of Existing Municipal Drain

The portion of the Indian Creek Municipal Drain upstream of Sta. 2+248, constructed under the report of R. Blake Erwin, O.L.S., dated September 5, 1949, shall be abandoned and cease to be a municipal drain after the Indian Creek Municipal Drain 2020 is constructed. This report (2020) does not alter the terms of the Minutes of Settlement dated February 5, 2019.

17.0 Maintenance

After completion, this drain shall be maintained by the Township of Wainfleet at the expense of all the lands and roads assessed in the attached Schedule D - Assessment for Maintenance and in the same relative proportions until such time as the assessment is changed under the Drainage Act, except for those portions of the drain constructed within road right-of-ways. These portions of the drain shall be maintained at the expense of the road authority having jurisdiction over said road.

Respectfully submitted,

DIETRICH ENGINEERING LIMITED



Stephen Brickman, P.Eng.

SB:sm





Schedule A - Allowances

Lot or Part	Con.	Landowner	Roll No.	Right-of-Way (Section 29)	Damages to Lands and Crops (Section 30)	Total Allowances
<u>Township of Wainfleet</u>						
36	6	T. Hessels	12-181		\$500	\$500
33	7	D. Henderson	12-218	\$4,880	\$1,240	\$6,120
34	7	K. Oostyen	12-219	\$6,960	\$1,770	\$8,730
35	7	R. Traver	12-228	\$8,490	\$2,160	\$10,650
36	7	D. Mann	12-229	\$4,580	\$1,680	\$6,260
36	7	D. Mann	12-229-15	\$1,960	\$550	\$2,510
37	7	J. Hessels	12-253	\$3,910	\$1,000	\$4,910
Total Allowances						
Indian Creek Municipal Drain 2020				\$30,780	\$8,900	\$39,680

Schedule B - Estimated Construction Costs

The estimated construction costs for the outlined proposed work below is as follows:

Description		Estimated Quantity	\$/Unit	Total
A) Main Drain				
1	Clearing, brushing and mulching	I.s.		\$25,200.00
2	Open ditch excavation (approx. 2400m ³) (Sta. 0+060 to Sta. 2+248 less road crossings)	2,121 m	\$12.00	\$25,452.00
3	Levelling of excavated material	2,400 m ³	\$3.50	\$8,400.00
4	Place stone rip-rap protection and geotextile filter material on side slopes (Henderson property)	30 m ²	\$70.00	\$2,100.00
	(Traver property)	30 m ²	\$70.00	\$2,100.00
5	Hand seed disturbed side slopes (approx. 3800m ²)	I.s.		\$2,838.00
6	Supply 1 - 1200mm diameter, 2.0mm thickness corrugated steel pipe laneway culvert with Type II Aluminized Coating (68mm X 13mm corrugations)	10 m	\$340.00	\$3,400.00
	Installation of 1200mm diameter laneway culvert at Sta. 1+717 complete with quarry stone rip-rap protection and geotextile filter material (30m ²) and including the removal of and offsite disposal of existing 900mm diameter culvert	I.s.		\$6,000.00
Sub-Total				\$ 75,490.00
7	Work to be done on the Township of Wainfleet Road Allowance, Henderson Road (Sta. 0+311 to Sta. 0+335)			
a)	Supply 1 - 1800mm diameter, 2.8mm thickness corrugated steel pipe roadway culvert with Type II Aluminized Coating (125mm X 25mm corrugations)	16 m	\$745.00	\$11,920.00
	Installation of 1800mm diameter roadway culvert at Sta. 0+324 complete with quarry stone rip-rap protection and geotextile filter material (50m ²) and including the removal of and offsite disposal of existing 1500mm diameter culvert	I.s.		\$10,000.00
Sub-Total				\$21,920.00

Description	Estimated Quantity	\$ / Unit	Total
8 Work to be done on the Township of Wainfleet Road Allowance, Gracey Road (Sta. 1+319 to Sta. 1+342)			
a) Supply 1 - 1500mm diameter, 2.8mm thickness corrugated steel pipe roadway culvert with Type II Aluminized Coating (125mm X 25mm corrugations)	14 m	\$620.00	\$8,680.00
Installation of 1500mm diameter roadway culvert at Sta. 1+330 complete with quarry stone rip-rap protection and geotextile filter material (50m ²) and including the removal of and offsite disposal of existing 900mm diameter culvert	l.s.		\$9,000.00
Sub-Total			\$17,680.00
9 Work to be done on the Township of Wainfleet Road Allowance, Concession Road 6 (Sta. 2+160 to Sta. 2+180)			
a) Supply 1 - 900mm diameter, 2.8mm thickness corrugated steel pipe roadway culvert with Type II Aluminized Coating (68mm X 13mm corrugations)	14 m	\$365.00	\$5,110.00
Installation of 900mm diameter roadway culvert at Sta. 2+170 complete with quarry stone rip-rap protection and geotextile filter material (30m ²) and including the removal of and offsite disposal of existing 900mm diameter culvert	l.s.		\$8,000.00
b) Road restoration:			
Supply and placement of Granular 'B' - 300mm thickness	15 t	\$32.00	\$480.00
Supply and placement of Granular 'A' - 150mm thickness	8 t	\$65.00	\$520.00
Supply and placement of HL3 Asphalt - 60mm thickness	3 t	\$500.00	\$1,500.00
Sub-Total			\$15,610.00
Total Estimated Construction Costs			
Indian Creek Municipal Drain - Main Drain			\$130,700.00

Description	Estimated Quantity		\$/Unit	Total
B) Provisional Items				
A Provisional Item is an item that may or may not be required as a part of the Contract. The decision as to whether a Provisional Item will form part of the Contract will be at the discretion of the engineer at time of construction. Payment for Provisional Items will only be made for work authorized in writing (text or email) by the Engineer. Payment for work performed under a Provisional Item shall be based on the Unit Price bid in the Scope of Work below.				
1 Quarry stone rip-rap including geotextile filter material (Mirafi 180N or approved equivalent)	100 m ²	\$	70.00 \$	7,000.00
Total Estimated Construction Costs Provisional Items			\$	7,000.00
TOTAL ESTIMATED CONSTRUCTION COSTS INDIAN CREEK MUNICIPAL DRAIN 2020			\$	137,700.00
Summary of Construction Costs				
A) Total Estimated Construction Costs - Main Drain				\$130,700.00
B) Total Estimated Construction Costs - Provisional Items				\$7,000.00
TOTAL ESTIMATED CONSTRUCTION COSTS INDIAN CREEK MUNICIPAL DRAIN 2020				\$137,700.00



Schedule C - Assessment For Construction

TOTAL ASSESSMENT												
Lot or Part	Con.	Landowner	Roll No.	Approx. Hectares Affected	Benefit (Sec. 22)	Outlet Liability (Sec. 23)	Special Benefit (Sec. 24)	Special Assessment (Sec. 26)	Total Assess.	Less 1/3 Gov't Grant	Less Allowances	Net Assessment
Township of Wainfleet												
32 & 33	6	J. Hessels	12-152	0.5		\$34			\$34	\$11		\$23
* 33	6	M. Kicul	12-152-01	0.3		\$28			\$28			\$28
33	6	J. Mous	12-153	4.6		\$210			\$210	\$70		\$140
* 33	6	W. Henderson	12-153-05	0.3		\$31			\$31			\$31
34	6	N. Gill	12-169	5.7		\$339			\$339	\$113		\$226
34	6	K. Petterson	12-170	3.7		\$439			\$439	\$146		\$293
35	6	R. Anderson	12-171	0.1		\$14			\$14	\$5		\$9
36	6	T. Hessels	12-181	11.5	\$3,000	\$5,894			\$8,894	\$2,965	\$500	\$5,429
37	6	W. Dobrucki	12-182	20.0	\$3,000	\$10,288			\$13,288	\$4,429		\$8,859
* 37	6	R. Black	12-182-10	0.9		\$721			\$721			\$721
33	7	D. Henderson	12-218	37.0	\$11,000	\$1,466			\$12,466	\$4,155	\$6,120	\$2,191
34	7	K. Oostyen	12-219	32.8	\$20,000	\$3,147			\$23,147	\$7,716	\$8,730	\$6,701
34	7	D. & M. Boc	12-222	0.9		\$53			\$53	\$18		\$35
35	7	K. Traver	12-219-10	0.4		\$24			\$24	\$8		\$16
35	7	D. & L. Mann	12-227	3.4		\$559			\$559	\$186		\$373
35	7	R. Traver	12-228	34.5	\$22,800	\$5,923			\$28,723	\$9,574	\$10,650	\$8,499
36	7	D. Mann	12-229	15.9	\$12,500	\$5,379	\$6,600		\$24,479	\$8,160	\$6,260	\$10,059
36	7	D. Mann	12-229-15	18.9	\$9,200	\$4,330			\$13,530	\$4,510	\$2,510	\$6,510
37	7	J. Hessels	12-253	14.9	\$11,200	\$5,797			\$16,997	\$5,666	\$4,910	\$6,421
* 37	7	B. Collign	12-242	3.0		\$736			\$736			\$736
* 37	7	S. Amadio	12-243	4.1		\$932			\$932			\$932
* 37	7	S. Schutten	12-244	0.7		\$328			\$328			\$328
* 37	7	R. Smith	12-245	0.7		\$328			\$328			\$328



Schedule C - Assessment For Construction

TOTAL ASSESSMENT											
Lot or Part	Con.	Landowner	Roll No.	Approx. Hectares Affected	Benefit (Sec. 22)	Outlet Liability (Sec. 23)	Special Benefit (Sec. 24)	Special Assessment (Sec. 26)	Total Assess.	Less 1/3 Gov't Grant	Net Assessment
* 37	7	J. Van Hengstum	12-246	0.2		\$101			\$101		\$101
* 37	7	D. Kiss	12-247	0.5		\$262			\$262		\$262
* 37	7	E. Boyes	12-249	0.8		\$402			\$402		\$402
* 37	7	C. Anderson	12-250	0.8		\$402			\$402		\$402
* 37	7	K. Coverdale	12-251	0.8		\$382			\$382		\$382
* 37	7	D. Sherwood	12-252	0.8		\$402			\$402		\$402
* 38	7	E. Arsenault	12-255	9.7		\$2,275			\$2,275		\$2,275
Total Assessment on Lands					\$92,700	\$51,226	\$6,600		\$150,526	\$47,732	\$39,680
Marr Road		Township of Wainfleet		1.1		\$521			\$521		\$521
Concession Road 6		Township of Wainfleet		4.0	\$9,900	\$3,607		\$19,870	\$33,377		\$33,377
Henderson Road		Township of Wainfleet		1.6	\$1,500	\$310		\$30,680	\$32,490		\$32,490
Gracey Road		Township of Wainfleet		1.7	\$5,000	\$1,270		\$24,640	\$30,910		\$30,910
Robertson Road		Township of Wainfleet		0.2		\$31			\$31		\$31
Dochstader Road		Township of Wainfleet		1.5		\$1,845			\$1,845		\$1,845
Total Assessment on Roads					\$16,400	\$7,584		\$75,190	\$99,174		\$99,174

Total Assessment on Lands and Roads

Indian Creek Municipal Drain 2020	\$109,100	\$58,810	\$6,600	\$75,190	\$249,700	\$47,732	\$39,680	\$162,288
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NOTES:

1. * Denotes lands not eligible for ADIP grants.
2. The NET ASSESSMENT is the total estimated assessment less a one-third (1/3) Provincial grant, and allowances, if applicable.
3. The NET ASSESSMENT is provided for information purposes only.

Schedule D - Assessment For Maintenance

Lot or Part	Con.	Landowner	Roll No.	Approx. Hectares Affected	Portion of Maintenance Cost
<u>Open Ditch</u>					
<u>Township of Wainfleet</u>					
32 & 33	6	J. Hessels	12-152	0.5	0.07%
* 33	6	M. Kicul	12-152-01	0.3	0.05%
33	6	J. Mous	12-153	4.6	0.40%
* 33	6	W. Henderson	12-153-05	0.3	0.06%
34	6	N. Gill	12-169	5.7	0.65%
34	6	K. Petterson	12-170	3.7	0.84%
35	6	R. Anderson	12-171	0.1	0.03%
36	6	T. Hessels	12-181	11.5	9.32%
37	6	W. Dobrucki	12-182	20.0	16.27%
* 37	6	R. Black	12-182-10	0.9	1.14%
33	7	D. Henderson	12-218	37.0	2.81%
34	7	K. Oostyen	12-219	32.8	6.02%
34	7	D. & M. Boc	12-222	0.9	0.10%
35	7	K. Traver	12-219-10	0.4	0.05%
35	7	D. & L. Mann	12-227	3.4	1.07%
35	7	R. Traver	12-228	34.5	11.34%
36	7	D. Mann	12-229	15.9	8.99%
36	7	D. Mann	12-229-15	18.9	8.29%
37	7	J. Hessels	12-253	14.9	8.93%
* 37	7	B. Colign	12-242	3.0	1.15%
* 37	7	S. Amadio	12-243	4.1	1.43%
* 37	7	S. Schutten	12-244	0.7	0.50%
* 37	7	R. Smith	12-245	0.7	0.50%
* 37	7	J. Van Hengstum	12-246	0.2	0.16%
* 37	7	D. Kiss	12-247	0.5	0.41%
* 37	7	E. Boyes	12-249	0.8	0.63%
* 37	7	C. Anderson	12-250	0.8	0.63%
* 37	7	K. Coverdale	12-251	0.8	0.60%
* 37	7	D. Sherwood	12-252	0.8	0.63%
* 38	7	E. Arsenault	12-255	9.7	3.52%
Total Assessment on Lands					86.59%



Schedule D - Assessment For Maintenance

Lot or Part	Con.	Landowner	Roll No.	Approx. Hectares Affected	Portion of Maintenance Cost
<u>Open Ditch</u>					
<u>Township of Wainfleet</u>					
Marr Road		Township of Wainfleet		1.1	0.99%
Concession Road 6		Township of Wainfleet		4.0	6.13%
Henderson Road		Township of Wainfleet		1.6	0.59%
Gracey Road		Township of Wainfleet		1.7	2.43%
Robertson Road		Township of Wainfleet		0.2	0.07%
Dochstader Road		Township of Wainfleet		1.5	3.20%
Total Assessment on Roads					13.41%
Total Assessment on Lands and Roads					
Indian Creek Municipal Drain 2020 - Open Ditch					100.00%

NOTES:

1. * Denotes lands not eligible for ADIP grants.

Schedule D - Assessment For Maintenance

Lot or Part	Con.	Landowner	Roll No.	Approx. Hectares Affected	Portion of Maintenance Cost
<u>Mann Crossing (Roll No. 12-229) (Sta. 1+717)</u>					
<u>Township of Wainfleet</u>					
36	6	T. Hessels	12-181	11.5	7.78%
37	6	W. Dobrucki	12-182	20.0	13.58%
* 37	6	R. Black	12-182-10	0.9	0.97%
36	7	D. Mann	12-229	7.6	55.33%
37	7	J. Hessels	12-253	14.9	8.58%
* 37	7	B. Colign	12-242	3.0	1.02%
* 37	7	S. Amadio	12-243	4.1	1.41%
* 37	7	S. Schutten	12-244	0.7	0.49%
* 37	7	R. Smith	12-245	0.7	0.49%
* 37	7	J. Van Hengstum	12-246	0.2	0.14%
* 37	7	D. Kiss	12-247	0.5	0.36%
* 37	7	E. Boyes	12-249	0.8	0.55%
* 37	7	C. Anderson	12-250	0.8	0.55%
* 37	7	K. Coverdale	12-251	0.8	0.52%
* 37	7	D. Sherwood	12-252	0.8	0.55%
* 38	7	E. Arsenault	12-255	9.7	3.30%
Total Assessment on Lands					95.6%
Concession Road 6		Township of Wainfleet		1.1	3.08%
Dochstader Road		Township of Wainfleet		0.6	1.32%
Total Assessment on Roads					4.4%
Total Assessment on Lands and Roads					
Indian Creek Municipal Drain 2020 - Mann Crossing (Roll No. 12-229) (Sta. 1+717)					100.0%

NOTES:

1. * Denotes lands not eligible for ADIP grants.

APPENDIX A

FISHERIES & OCEANS CANADA – LETTER OF ADVICE



Ontario and Prairie Region
Fish and Fish Habitat Protection Program
867 Lakeshore Rd.
Burlington, ON
L7S 1A1

Région de l'Ontario et des Prairies
Programme de protection du poisson et de son habitat
867 chemin Lakeshore
Burlington, ON
L7S 1A1

July 13 2020

Your file Votre référence

Our file Notre référence
20-HCAA-00175

Adam Hall
Dietrich Engineering Limited
10 Alpine Court
Kitchener, Ontario
N2E 2M7

Subject: Drain Excavation, Indian Creek Drain, Class F, Wainfleet, ON (20-HCAA-00175) – Implementation of Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and Fish Habitat

Dear Adam Hall:

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on February 12 2020. We understand that you propose to:

- Excavate 2200m of a Class F drain, digging below the existing design grade;
- Remove 4 existing structures in Indian Creek Drain and replace with:
 - a 15m long by 1.8m wide culvert;
 - a 12m long by 1.5m wide culvert;
 - a 12m long by 1.2m wide culvert; and
 - a 11m long by 0.9m wide culvert;
- Embed culverts to allow for fish passage; and
- Work in isolation of flow to avoid sedimentation of the watercourse.

Our review considered the following information:

- Request for Review form and associated documents submitted on February 12 2020.

Your proposal has been reviewed to determine whether it is likely to result in:

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*; and

- effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the *Species at Risk Act*;

The aforementioned impacts are prohibited unless authorized under their respective legislation and regulations.

To avoid and mitigate the potential for prohibited effects to fish and fish habitat (as listed above), we recommend implementing the measures listed below:

- Plan in-water works, undertakings and activities to respect [timing windows](#) to protect fish, including their eggs, juveniles, spawning adults and/or the organisms upon which they feed and migrate;
 - No in-water work March 15th to July 15th
- Capture, relocate and monitor for fish trapped within isolated, enclosed, or dewatered areas
- Limit impacts on riparian vegetation to those approved for the work, undertaking or activity
 - Limit access to banks or areas adjacent to waterbodies
 - Remove vegetation or species selectively and in phases;
 - Re-vegetate the disturbed area with native species suitable for the site;
- Limit the duration of in-water works, undertakings and activities so that it does not diminish the ability of fish to carry out one or more of their life processes (spawning, rearing, feeding, migrating)
- Develop and implement a Sediment Control Plan to minimize sedimentation of the waterbody during all phases of the work, undertaking or activity
 - Schedule work to avoid wet, windy and rainy periods (and heed weather advisories)
 - Operate machinery on land, or from barges or on ice
- Develop and implement a response plan to avoid a spill of deleterious substances

Provided that you incorporate these measures into your plans, the Program is of the view that your proposal will not require an authorization under the *Fisheries Act*, or the *Species at Risk Act*.

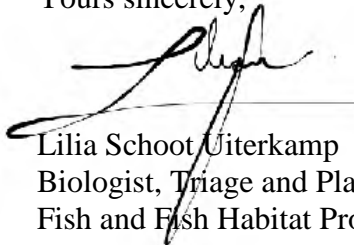
Should your plans change or if you have omitted some information in your proposal, further review by the Program may be required. Consult our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) or consult with a qualified environmental consultant to determine if further review may be necessary. It remains your responsibility to remain in compliance with the *Fisheries Act*, avoid prohibited effects on listed aquatic species at risk, any part of their critical habitat or the residences of their individuals, and prevent the introduction of non-indigenous species.

It is also your *Duty to Notify* DFO if you have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. Such notifications should be directed to (<http://www.dfo-mpo.gc.ca/pnw-ppe/CONTACT-eng.html>).

Please notify this office at least 10 days before starting your project. A copy of this letter should be kept on site while the work is in progress. It remains your responsibility to meet all other federal, territorial, provincial and municipal requirements that apply to your proposal.

If you have any questions with the content of this letter, please contact Lilia Schoot Uiterkamp at our Burlington office by email at lilia.schootuiterkamp@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lilia', is written over a horizontal line. The signature is fluid and cursive.

Lilia Schoot Uiterkamp
Biologist, Triage and Planning
Fish and Fish Habitat Protection Program

**SPECIFICATIONS FOR THE CONSTRUCTION OF
MUNICIPAL DRAINAGE WORKS**

DIVISION A – General Conditions

DIVISION B – Specification for Open Drains

DIVISION H – Special Provisions

DIVISION A – GENERAL CONDITIONS**TABLE OF CONTENTS**

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DIVISION A – GENERAL CONDITIONS

A.1. Scope

The work to be done under this contract consists of supplying all labour, equipment and materials to construct the drainage work as outlined in the Scope of Work, Drawings, General Conditions and other Specifications.

A.2. Tenders

Tenders are to be submitted on a lump sum basis for the complete works or a portion thereof, as instructed by the Municipality. The Scope of Work must be completed and submitted with the Form of Tender and Agreement. A certified cheque is required as Tender Security, payable to the Treasurer of the Municipality.

All certified cheques, except that of the bidder to whom the work is awarded will be returned within ten (10) days after the tender closing. The certified cheque of the bidder to whom the work is awarded will be retained as Contract Security and returned when the Municipality receives a Completion Certificate for the work.

A certified cheque is not required if the Contractor provides an alternate form of Contract Security such as a Performance Bond for 100% of the amount of the Tender or other satisfactory security, if required/permitted by the Municipality. A Performance Bond may also be required to insure maintenance of the work for a period of one (1) year after the date of the Completion Certificate.

A.3. Examinations of Site, Drawings, and Specifications

The Tenderer must examine the premises and site to compare them with the Drawings and Specifications in order to satisfy himself of the existing conditions and extent of the work to be done before submission of his Tender. No allowance shall subsequently be made on behalf of the Contractor by reason of any error on his part. Any estimates of quantities shown or indicated on the Drawings, or elsewhere are provided for the convenience of the Tenderer. Any use made of these quantities by the Tenderer in calculating his Tender shall be done at his own risk. The Tenderer for his own protection should check these quantities for accuracy.

The standard specifications (Divisions B through G) shall be considered complementary and where a project is controlled under one of the Divisions, the remaining Divisions will apply for miscellaneous works.

In case of any inconsistency or conflict between the Drawings and Specifications, the following order of precedence shall apply:

- Direction of the Engineer
- Special Provisions (Division H)
- Scope of Work
- Contract Drawings
- Standard Specifications (Divisions B through G)
- General Conditions (Division A)

A.4. Payment

Progress payments equal to 87±% of the value of work completed and materials incorporated in the work will be made to the Contractor monthly. An additional ten per cent (10±%) will be paid 45 days after the final acceptance by the Engineer, and three per cent (3±%) of the Contract price may be reserved by the Municipality as a maintenance holdback for a one (1) year period from the date of the Completion Certificate. A greater percentage of the Contract price may be reserved by the Municipality for the same one (1) year period if in the opinion of the Engineer, particular conditions of the Contract requires such greater holdback.

After the completion of the work, any part of this reserve may be used to correct defects developed within that time from faulty workmanship and materials, provided that notice shall first be given to the Contractor and that he may promptly make good such defects.

A.5. Contractor's Liability Insurance

Prior to commencement of any work, the Contractor shall file with the Municipality evidence of compliance with all Municipality insurance requirements (Liability Insurance, WSIB, etc.) for no less than the minimum amounts as stated in the Purchasing Procedures of the Municipality. All insurance coverage shall remain in force for the entire contract period including the warranty period which expires one year after the date of the Completion Certificate.

The following are to be named as co-insured:

- Successful Contractor
- Sub-Contractor Municipality
- Dietrich Engineering Ltd.

A.6. Losses Due to Acts of Nature, Etc.

All damage, loss, expense and delay incurred or experienced by the Contractor in the performance of the work, by reason of unanticipated difficulties, bad weather, strikes, acts of nature, or other mischances shall be borne by the Contractor and shall not be the subject of a claim for additional compensation.

A.7. Commencement and Completion of Work

The work must commence as specified in the Form of Tender and Agreement. If conditions are unsuitable due to poor weather, the Contractor may be required, at the discretion of the Engineer to postpone or halt work until conditions become acceptable and shall not be subject of a claim for additional compensation.

The Contractor shall give the Engineer a minimum of 48 hours notice before commencement of work. The Contractor shall then arrange a meeting to be held on the site with Contractor, Engineer, and affected Landowners to review in detail the construction scheduling and other details of the work.

If the Contractor leaves the job site for a period of time after initiation of work, he shall give the Engineer and the Municipality a minimum of 24 hours notice prior to returning to the project. If any work is commenced without notice to the Engineer, the Contractor shall be fully responsible for all such work undertaken prior to such notification.

The work must proceed in such a manner as to ensure its completion at the earliest possible date and within the time limit set out in the Form of Tender and Agreement.

A.8. Working Area and Access

Where any part of the drain is on a road allowance, the road allowance shall be the working area. For all other areas, the working area available to the Contractor to construct the drain is specified in the Special Provisions (Division H).

Should the specified widths become inadequate due to unusual conditions, the Contractor shall notify the Engineer immediately. Where the Contractor exceeds the specified working widths without authorization, he shall be held responsible for the costs of all additional damages.

If access off an adjacent road allowance is not possible, each Landowner on whose property the drainage works is to be constructed, shall designate access to and from the working area. The Contractor shall not enter any other lands without permission of the Landowner and he shall compensate the Landowner for damage caused by such entry.

A.9. Sub-Contractors

The Contractor shall not sublet the whole or part of this Contract without the approval of the Engineer.

A.10. Permits, Notices, Laws and Rules

The Contractor shall obtain and pay for all necessary permits or licenses required for the execution of the work (but this shall not include MTO encroachment permits, County Road permits permanent easement or rights of servitude). The Contractor shall give all necessary notices and pay for all fees required by law and comply with all laws, ordinances, rules and regulations relating to the work and to the preservation of the public's health and safety.

A.11. Railways, Highways, and Utilities

A minimum of 72 hours' notice to the Railway or Highways, exclusive of Saturdays, Sundays, and Statutory Holidays, is required by the Contractor prior to any work activities on or affecting the applicable property. In the case of affected Utilities, a minimum of 48 hours' notice to the utility owner is required.

A.12. Errors and Unusual Conditions

The Contractor shall notify the Engineer immediately of any error or unusual conditions which may be found. Any attempt by the Contractor to correct the error on his own shall be done at his own risk. Any additional cost incurred by the Contractor to remedy the wrong decision on his part shall be borne by the Contractor. The Engineer shall make the alterations necessary to correct errors or to adjust for unusual conditions during which time it will be the Contractor's responsibility to keep his men and equipment gainfully employed elsewhere on the project.

The Contract amount shall be adjusted in accordance with a fair evaluation of the work added or deleted.

A.13. Alterations and Additions

The Engineer shall have the power to make alterations in the work shown or described in the Drawings and Specifications and the Contractor shall proceed to make such changes without causing delay. In every such case, the price agreed to be paid for the work under the Contract shall be increased or decreased as the case may require according to a fair and reasonable evaluation of the work added or deleted. The valuation shall be determined as a result of negotiations between the Contractor and the Engineer, but in all cases the Engineer shall maintain the final responsibility for the decision. Such alterations and variations shall in no way render the Contract void. No claims for a variation or alteration in the increased or decreased price shall be valid unless done in pursuance of an order from the Engineer and notice of such claims made in writing before

commencement of such work. In no such case shall the Contractor commence work which he considers to be extra before receiving the Engineer's approval.

A.14. Supervision

The Contractor shall give the work his constant supervision and shall keep a competent foreman in charge at the site.

A.15. Field Meetings

At the discretion of the Engineer, a field meeting with the Contractor or his representative, the Engineer and with those others that the Engineer deems to be affected, shall be held at the location and time specified by the Engineer.

A.16. Periodic and Final Inspections

Periodic inspections by the Engineer will be made during the performance of the work. If ordered by the Engineer, the Contractor shall expose the drain as needed to facilitate inspection by the Engineer.

Final inspection by the Engineer will be made within twenty (20) days after he has received notice from the Contractor that the work is complete.

A.17. Acceptance By the Municipality

Before any work shall be accepted by the Municipality, the Contractor shall correct all deficiencies identified by the Engineer and the Contractor shall leave the site neat and presentable.

A.18. Warranty

The Contractor shall repair and make good any damages or faults in the drain that may appear within one (1) year after its completion (as dated on the Completion Certificate) as the result of the imperfect or defective work done or materials furnished if certified by the Engineer as being due to one or both of these causes; but nothing herein contained shall be construed as in any way restricting or limiting the liability of the Contractor under the laws of the Country, Province or Locality in which the work is being done. Neither the Completion Certificate nor any payment there under, nor any provision in the Contract Documents shall relieve the Contractor from his responsibility.

A.19. Termination of Contract By The Municipality

If the Contractor should be adjudged bankrupt, or if he should make a general assignment for the benefit of his creditors, or if a receiver should be appointed on account of his insolvency, or if he should refuse or fail to supply enough properly skilled workmen or proper materials after having received seven (7) days notice in writing from the Engineer to supply additional workmen or materials to commence or complete the works, or if he should fail to make prompt payment to Sub-Contractors, or for material, or labour, or persistently disregards laws, ordinances, or the instruction of the Engineer, or otherwise be guilty of a substantial violation of the provisions of the Contract, then the Municipality, upon the certificate of the Engineer that sufficient cause exists to justify such action, may without prejudice to any other right or remedy, by giving the Contractor written notice, terminate the employment of the Contractor and take possession of the premises, and of all materials, tools and appliances thereon, and may finish the work by whatever method the Engineer may deem expedient but without delay or expense. In such a case, the Contractor shall not be entitled to receive any further payment until the work is finished. If the unpaid balance of the Contract price will exceed the expense of finishing the work including compensation to the Engineer for his additional services and including the other damages of every name and nature, such excess shall be paid by the

Contractor. If such expense will exceed such unpaid balance, the Contractor shall pay the difference to the Municipality. The expense incurred by the Municipality, as herein provided, shall be certified by the Engineer.

If the Contract is terminated by the Municipality due to the Contractor's failure to properly commence the works, the Contractor shall forfeit the certified cheque bid deposit and furthermore shall pay to the Municipality an amount to cover the increased costs, if any, associated with a new Tender for the Contract being terminated.

If any unpaid balance and the certified cheque do not match the monies owed by the Contractor upon termination of the Contract, the Municipality may also charge such expense against any money which may thereafter be due to the Contractor from the Municipality.

A.20. Tests

The cost for the testing of materials supplied to the job by the Contractor shall be borne by the Contractor. The Engineer reserves the right to subject any lengths of any tile or pipe to a competent testing laboratory to ensure the adequacy of the tile or pipe. If any tile supplied by the Contractor is determined to be inadequate to meet the applicable A.S.T.M. standards, the Contractor shall bear full responsibility to remove and/or replace all such inadequate tile in the Contract with tile capable of meeting the A.S.T.M. Standards.

A.21. Pollution

The Contractor shall keep their equipment in good repair. The Contractor shall refuel or repair equipment away from open water.

If polluted material from construction materials or equipment is caused to flow into the drain, the Contractor shall immediately notify the Ministry of the Environment, and proceed with the Ministry's protocols in place to address the situation.

A.22. Species and Risk

If a Contractor encounters a known Species at Risk as designated by the MNR or DFO, the Contractor shall notify the Engineer immediately and follow the Ministry's guidelines to deal with the species.

A.23. Road Crossings

This specification applies to all road crossings (Municipality, County, Regional, or Highway) where no specific detail is provided on the drawings or in the standard specifications. This specification in no way limits the Road Authority's regulations governing the construction of drains on their Road Allowance.

A.23.1 Road Occupancy Permit

Where applicable, the Contractor must submit an application for a road occupancy permit to the Road Authority and allow a minimum of five (5) working days for its review and issuance.

A.23.2 Road Closure Request and Construction Notification

The Contractor shall submit written notification of construction and request for road closure (if applicable) to the Road Authority and the Engineer for review and approval a minimum of five (5) working days prior to proceeding with any work on the road allowance. The Contractor shall be responsible for notifying all applicable emergency services, schools, etc. of the road closure or construction taking place.

A.23.3 Traffic Control

The Contractor shall supply flagmen, and warning signs and ensure that detour routes are adequately signed in accordance with no less than the minimum standards as set out in the Ontario Traffic Manual's Book 7.

A.23.4 Weather

No construction shall take place during inclement weather or periods of poor visibility.

A.23.5 Equipment

No construction material and/or equipment is to be left within three (3) metres of the travelled portion of the road overnight or during periods of inclement weather.

If not stated on the drawings, the road crossing shall be constructed by open cut method. Backfill from the top of the cover material over the subsurface pipe or culvert to the under side of the road base shall be Granular "B". The backfill shall be placed in lifts not exceeding 300mm in thickness and each lift shall be thoroughly compacted to 98% Standard Proctor. Granular "B" road base for County Roads and Highways shall be placed to a 450mm thickness and Granular "A" shall be placed to a thickness of 200mm. Granular road base materials shall be thoroughly compacted to 100% Standard Proctor.

Where the road surface is paved, the Contractor shall be responsible for placing HL-8 Hot Mix Asphalt patch at a thickness of 50mm or of the same thickness as the existing pavement structure. The asphalt patch shall be flush with the existing roadway on each side and without overlap.

Excavated material from the trench beyond 1.25 metres from the travelled portion or beyond the outside edge of the gravel shoulder may be used as backfill in the trench in the case of covered drains. The material shall be compacted in lifts not exceeding 300mm.

A.24. Laneways

All pipes crossing laneways shall be backfilled with material that is clean, free of foreign material or frozen particles and readily tamped or compacted in place unless otherwise specified. Laneway culverts on open ditch projects shall be backfilled with material that is not easily erodible. All backfill material shall be thoroughly compacted as directed by the Engineer.

Culverts shall be bedded with a minimum of 300mm of granular material. Granular material shall be placed simultaneously on each side of the culvert in lifts not exceeding 150mm in thickness and compacted to 95% Standard Proctor Density. Culverts shall be installed a minimum of 10% of the culvert diameter below design grade with a minimum of 450mm of cover over the pipe unless otherwise noted on the Drawings.

The backfill over culverts and subsurface pipes at all existing laneways that have granular surfaces on open ditch and closed drainage projects shall be surfaced with a minimum of 300mm of Granular "B" material and 150mm of Granular "A" material. All backfill shall be thoroughly compacted as directed by the Engineer. All granular material shall be placed to the full width of the travelled portion.

Any settling of backfilled material shall be repaired by or at the expense of the Contractor during the warranty period of the project and as soon as required.

A.25. Fences

No earth is to be placed against fences and all fences removed by the Contractor shall be replaced by him in as good a condition as found. Where practical the Contractor shall take down existing fences in good condition at the nearest anchor post and roll it back rather than cutting the fence and attempting to patch it. The replacement of the fences shall be done to the satisfaction of the Engineer. Any fences found in such poor condition where the fence is not salvageable, shall be noted and verified with the Engineer prior to commencement of work.

Fences damaged beyond repair by the Contractor's negligence shall be replaced with new materials, similar to those materials of the existing fence, at the Contractor's expense. The replacement of the fences shall be done to the satisfaction of the Landowner and the Engineer.

Any fences paralleling an open ditch that are not line fences that hinder the proper working of the excavating machinery, shall be removed and rebuilt by the Landowner at his own expense.

The Contractor shall not leave fences open when he is not at work in the immediate vicinity.

A.26. Livestock

The Contractor shall provide each landowner with 48 hours notice prior to removing any fences along fields which could possibly contain livestock. Thereafter, the Landowner shall be responsible to keep all livestock clear of the construction areas until further notified. The Contractor shall be held responsible for loss or injury to livestock or damage caused by livestock where the Contractor failed to notify the Landowner, or through negligence or carelessness on the part of the Contractor.

A.27. Standing Crops

The Contractor shall be responsible for damages to standing crops which are ready to be harvested or salvaged along the course of the drain and access routes if the Contractor has failed to notify the Landowners 48 hours prior to commencement of the work on that portion of the drain.

A.28. Surplus Gravel

If as a result of any work, gravel or crushed stone is required and not all the gravel or crushed stone is used, the Contractor shall haul away such surplus material.

A.29. Iron Bars

The Contractor is responsible for the cost of an Ontario Land Surveyor to replace any iron bars that are altered or destroyed during the course of the construction.

A.30. Rip-Rap

Rip-rap shall be quarry stone rip-rap material and shall be the sizes specified in the Special Provisions. Broken concrete shall not be used as rip-rap unless otherwise specified.

A.31. Clearing, Grubbing and Brushing

This specification applies to all brushing where no specific detail is provided on the drawings or in the Special Provisions.

The Contractor shall clear, brush and stump trees from within the working area that interfere with the installation of the drainage system.

All trees, limbs and brush less than 150mm in diameter shall be mulched. Trees greater than 150mm in diameter shall be cut and neatly stacked in piles designated by the Landowners.

A.32. Restoration of Lawns

This specification applies to all lawn restoration where no specific detail is provided on the drawings or in the Special Provisions and no allowance for damages has been provided under Section 30 of the Drainage Act RSO 1990 to the affected property.

The Contractor shall supply “high quality grass seed” and the seed shall be broadcast by means of an approved mechanical spreader. All areas on which seed is to be placed shall be loose at the time of broadcast to a depth of 25mm. Seed and fertilizer shall be spread in accordance with the supplier’s recommendations unless otherwise directed by the Engineer. Thereafter it will be the responsibility of the Landowner to maintain the area in a manner so as to promote growth

END OF DIVISION



DIVISION B – SPECIFICATIONS FOR OPEN DRAINS

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DIVISION B – SPECIFICATIONS FOR OPEN DRAINS

B.1. Alignment

The drain shall be constructed in a straight line and shall follow the course of the present drain or water run unless noted on the drawings. Where there are unnecessary bends or irregularities on the existing course of the drain, the Contractor shall contact the Engineer before commencing work to verify the manner in which such irregularities or bends may be removed from the drain. All curves shall be made with a minimum radius of fifteen (15) metres from the centre line of the drain.

B.2. Profile

The Profile Drawing shows the depth of cuts from the top of the bank to the final invert of the ditch in metres and decimals of a metre, and also the approximate depth of excavated material from the bottom of the existing ditch to the final invert of the ditch. These cuts are established for the convenience of the Contractor; however, bench marks (established along the course of the drain) will govern the final elevation of the drain. The location and elevation of the bench marks are given on the Profile Drawing. Accurate grade control must be maintained by the Contractor during ditch excavation.

B.3. Excavation

The bottom width and the side slopes of the ditch shall be those shown on the drawings. If the channel cross-section is not specified it shall be a one metre bottom width with 1.5(h):1(v) side slopes. At locations along the drain where the cross section dimensions change, there shall be a transitional length of not less than 10:1 (five metre length to 0.5 metre width differential). Where the width of the bottom of the existing ditch is sufficient to construct the design width, then construction shall proceed without disturbing the existing banks.

Where existing side slopes become unstable, the Contractor shall immediately notify the Engineer. Alternative methods of construction and/or methods of protection will then be determined prior to continuing work.

Where an existing drain is being relocated or where a new drain is being constructed, the Contractor shall strip the topsoil for the full width of the drain, including the location of the spoil pile. Upon completion of levelling, the topsoil shall be spread to an even depth across the full width of the spoil.

An approved hydraulic excavator shall be used to carry out the excavation of the open ditch unless otherwise directed by the Engineer.

B.4. Excavated Material

Excavated material shall be placed on the low side of the drain or opposite trees and fences. The Contractor shall contact all Landowners before proceeding with the work to verify the location to place and level the excavated material.

No excavated material shall be placed in tributary drains, depressions, or low areas which direct water behind the spoil bank. The excavated material shall be placed and levelled to a maximum depth of 200 mm, unless instructed otherwise and commence a minimum of one (1) metre from the top of the bank. The edge of the spoil bank away from the ditch shall be feathered down to the existing ground; the edge of the spoil bank nearest the ditch shall have a maximum slope of 2(h):1(v). The material shall be levelled such that it may be

cultivated with ordinary farm equipment without causing undue hardship to the farm machinery and farm personnel. No excavated material shall cover any logs, brush, etc. of any kind.

Any stones or boulders which exceed 300mm in diameter shall be removed and disposed of in a location specified by the Landowner.

Where it is necessary to straighten any unnecessary bends or irregularities in the alignment of the ditch or to relocate any portion or all of an existing ditch, the excavated material from the new cut shall be used for backfilling the original ditch. Regardless of the distance between the new ditch and the old ditch, no extra compensation will be allowed for this work and must be included in the Contractor's lump sum price for the open work.

B.5. Excavation at Existing Bridge and Culvert Sites

The Contractor shall excavate the drain to the full specified depth under all bridges and to the full width of the structure. Temporary bridges may be carefully removed and left on the bank of the drain but shall be replaced by the Contractor when the excavation is complete. Permanent bridges must, if at all possible, be left intact. All necessary care and precautions shall be taken to protect the structure. The Contractor shall notify the Landowner if excavation will expose the footings or otherwise compromise the structural integrity of the structure.

The Contractor shall clean through all pipe culverts to the grade and width specified on the profile.

B.6. Pipe Culverts

All pipe culverts shall be installed in accordance with the standard detail drawings. If couplers are required, five corrugation couplers shall be used for up to and including 1200mm diameter pipes and 10 corrugation couplers for greater than 1200mm diameter pipes.

When an existing crossing is being replaced, the Contractor may backfill the new culvert with the existing native material that is free of large rocks and stones. The Contractor is responsible for any damage to a culvert pipe that is a result of rocks or stones in the backfill.

B.7. Rip-Rap Protection For Culverts

Quarry stone rip-rap shall be used as end treatment for new culverts and placed on geotextile filter material (Mirafi 160N or approved equal). The rip-rap shall be adequately keyed in along the bottom of the slope, and shall extend to the top of the pipe or as directed on the drawings. The maximum slope for rip-rap shall be 1(h):1(v) or as directed by the Engineer.

The Contractor shall be responsible for any defects or damages that may develop in the rip-rap or the earth behind the rip-rap that the Engineer deems to have been fully or partially caused by faulty workmanship or materials.

B.8. Clearing, Grubbing and Mulching

Prior to excavation, all trees, scrub, fallen timber and debris shall be removed from the side slopes of the ditch and for such a distance on the working side so as to eliminate any interference with the construction of the drain or the spreading of the spoil. The side slopes shall be neatly cut and cleared flush with the slope whether or not they are affected directly by the excavation. With the exception of large stumps causing damage to the drain, the side slopes shall not be grubbed. All other cleared areas shall be grubbed and the stumps put into piles for disposal by the Landowner.

All trees or limbs 150mm or larger, that is necessary to remove, shall be cut, trimmed and neatly stacked in the working width for the use or disposal by the Landowner. Brush and limbs less than 150mm in diameter shall be mulched. Clearing, grubbing and mulching shall be carried out as a separate operation from the excavation of the ditch, and shall not be completed simultaneously at the same location.

B.9. Tributary Tile Outlets

All tile outlets in existing ditches shall be marked by the Landowner prior to excavation. The Contractor shall guard against damaging the outlets of tributary drains. Any tile drain outlets that were marked or noted on the drawings and are subsequently damaged by the Contractor shall be repaired by the Contractor at his expense. The Landowner shall be responsible for repairs to damaged tile outlets that were not marked.

B.10. Seeding

The side slopes where disturbed shall be seeded using an approved grass seed mixture. The grass seed shall be applied the same day as the excavation of the open ditch.

Grass seed shall be fresh, clean and new crop seed, meeting the requirements of the MTO and composed of the following varieties mixed in the proportion by weight as follows:

- 55% Creeping Red Fescue
- 40% Perennial Rye Grass
- 5% White Clover

Grass seed shall be applied at the rate of 100 kg/ha.

B.11. Hydro Seeding

The areas specified in the contract document shall be hydro seeded and mulched upon completion of construction in accordance with O.P.S.S. 572.

B.12. Hand Seeding

Placement of the seed shall be of means of an approved mechanical spreader.

B.13. Completion

At the time of completion and final inspection, all work in the Contract shall have the full dimensions and cross-sections specified without any allowance for caving of banks or sediment in the ditch bottom.

END OF DIVISION



DIVISION H – SPECIAL PROVISIONS

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DIVISION H – SPECIAL PROVISIONS

Indian Creek Municipal Drain 2020

Township of Wainfleet

Reference No. 1861

Special provisions means special directions containing requirements particular to the work not adequately provided for by the standard or supplemental Specifications. Special provisions shall take precedence and govern any standard or supplemental Specifications.

H.1 General

The Contractor shall organize and hold a preconstruction meeting with the Engineer and the Drainage Superintendent prior to the start of construction. The Contractor shall notify and invite all Landowners along the drain and all applicable road authorities to the preconstruction meeting.

The Contractor shall notify the Landowners, the Township Drainage Superintendent (Mark Jemison) and the Engineer 48 hours prior to construction.

All objects or obstructions within the construction working area such as signs, mailboxes, fences, property ornamentals, etc., that interfere with the installation of the drain shall be removed and re-erected in the same location or another location satisfactory to the Landowner. Any damages to such objects by the Contractor shall be repaired, replaced, installed and paid for by the Contractor at the discretion of the Engineer.

The Contractor shall be responsible to arrange all traffic control signals, signs and devices that are required for safe and proper traffic management during the installation of the drainage system. The Contractor shall contact the Township of Wainfleet for specified local procedures, guidelines and timelines. Traffic control shall meet the standards of Book 7 of the Ontario Traffic Manual.

H.2 Utilities

All utilities shall be located and uncovered in the affected areas by the Contractor prior to construction.

The Contractor shall arrange to have a representative of the utility owner on site during construction if it is a requirement by the utility owner.

H.3 Working Area and Access

The working area for construction purposes shall be a width of 10 metres on the side of the drain where the excavated material is to be placed and levelled. Where the working side of the drain is not specified, the Contractor shall verify the working side of the drain with the Landowner. Generally, access to the working area will be from the Township roads, where the drain crosses the road. Each Landowner shall designate access to and from the working area, if access is not already designated on the plans.

H.4 Clearing, Brushing and Mulching

The Contractor shall clear and brush trees from within the working area (maximum width of 10 metres) that interfere with the construction of the drain. The Contractor shall not clear all trees within the working area

unless the full width in a specific section is required, and unless the Engineer has authorized the full clearing of the trees.

An approved mulching attachment for a hydraulic excavator or wood-chipper shall be used. Clearing brushing and mulching shall be done prior to the construction of the drain.

All trees, limbs and brush less than 150mm in diameter shall be mulched/chipped. Trees greater than 150mm in diameter shall be cut into lengths no greater than four metres and neatly stacked in piles designated by the Landowners.

H.5 Open Ditch Work

Construction timing will abide with DFO timing restrictions; in this case, there will be no in water work between March 15th and July 15th.

The Contractor shall construct the open ditch in accordance with the plans, profiles and cross sections included in the attached drawing set.

Areas requiring fill along the course of the drain shall be filled with excess excavated material.

The Contractor shall construct silt traps at periodic locations along the course of the drain and maintain them for the duration of construction. Silt traps may be left in place after construction is complete.

H.6 Disposal of Excavated Material

The Contractor shall confirm with each Landowner on whose property the municipal drain crosses if the excavated material is to be levelled, or remain stock piled for the Landowner. If the Landowner requires the material to be levelled, the Contractor shall level the excavated material from the ditch excavation to a maximum average depth of 200mm within the working corridor.

H.7 Bank Repair

In areas where high levels of erosion have occurred the Contractor shall reshape the banks to match typical bank side slopes. The Contractor shall then place quarry stone rock rip-rap for long term bank stabilization.

All stone rip-rap material shall be quarry stone 150 mm to 300 mm dia. and placed to a depth of 400 mm. Geo-textile filter material (Mirafi 180N) shall be laid prior to the placement of stone rip-rap.

Variations to the depth of placement and gradation of rip-rap must be approved by the Engineer.

H.8 Seeding

The Contractor shall supply and spread an approved seed mixture over the disturbed side slopes of the open ditch and over disturbed areas within the road allowances.

All seed shall be applied using the seed manufacturer's application recommendations.

H.9 Private Crossings – Sta. 1+717

H.9.1 Existing Culvert Removals

The existing crossings at Sta. 1+717 shall be removed and disposed of offsite by the Contractor.

H.9.2 New Crossing Construction

Construction of the crossing shall occur during low flow or no flow conditions. If construction is not possible during low flow conditions, the Contractor shall implement a flow diversion scheme.

The crossing shall be installed in accordance with the attached Typical Field Culvert Detail and the manufacturer's specifications.

All stone rip-rap material shall be quarry stone 150 mm to 300 mm dia. and placed to a depth of 400 mm. Geo-textile filter material (Mirafi 180N) shall be laid prior to the placement of stone rip-rap.

H.10 Road Crossings – Sta. 0+324, 1+329, 2+170

The Contractor shall be responsible to arrange all traffic control signals, signs and devices that are required for safe and proper traffic management during the installation of the drainage system. The Contractor shall contact the Township of Wainfleet for specified local procedures, guidelines and timelines. Traffic control shall meet the standards of Book 7 of the Ontario Traffic Manual.

H.10.1 Removals

The existing crossings at Henderson Road, Gracey Road, and Concession Road 6 shall be removed and disposed of offsite by the Contractor. Any excavated material not suitable for backfill of the travelled portion of the road shall be removed and disposed of offsite by the Contractor.

H.10.2 New Crossing Installation

Construction of the crossings shall occur during low flow or no flow conditions. If construction is not possible during low flow conditions, the Contractor shall implement a flow diversion scheme.

The Contractor shall install the road culverts in accordance with the Typical Road Culvert Detail included in the drawing set.

The new culverts shall have M.T.O. Granular 'A' bedding and backfill from 300mm below the pipe to 300mm above the pipe and Granular 'B' backfill to 200mm below finished road grade.

All granular materials shall be placed in lifts not exceeding 300mm and compacted to at least 95% Standard Proctor Maximum Dry Density (SPMDD) using an approved mechanical vibratory compactor.

All stone rip-rap material shall be quarry stone 150 mm to 300 mm dia. and placed to a depth of 450 mm. Geo-textile filter material (Mirafi 180N) shall be laid prior to the placement of stone rip-rap.

H.10.3 Road Restoration

Any areas disturbed within the Municipal Right-of-Way during construction shall be top soiled and hydroseeded with an approved grass seed mixture.

H.10.3.1 Gravel Roads

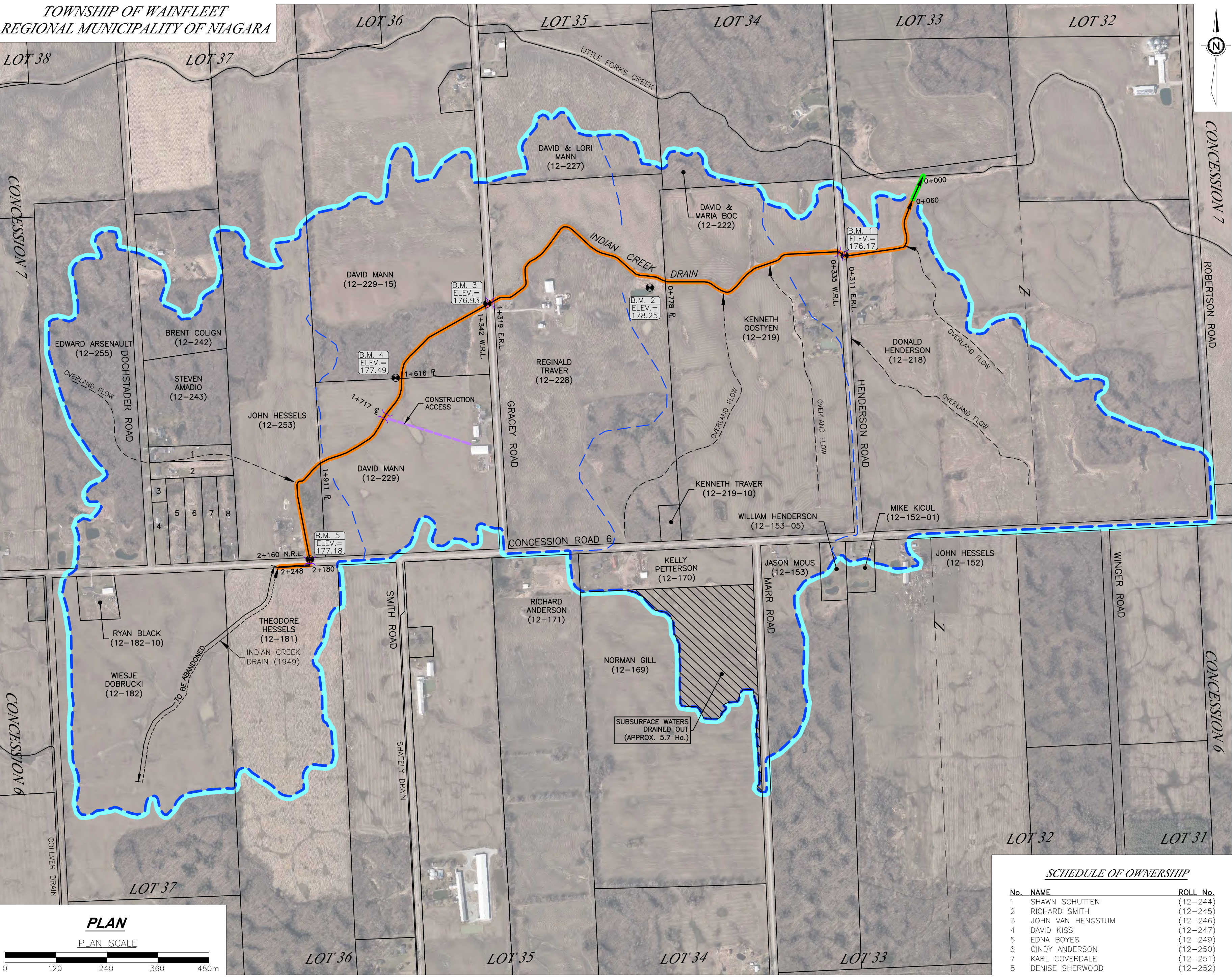
The Contractor shall place 200mm of M.T.O. Granular 'A' surface course. The Contractor shall restore the surface to match the existing cross section of the road.

H.10.3.2 Asphalt Roads

The asphalt shall be saw cut square with the road.

The Contractor shall place 200mm of M.T.O. Granular 'A' road base and one (1) 60mm lift of HL3 surface course. The Contractor shall restore the pavement surface to match the existing cross section of the road.

END OF DIVISION



- NOTES:
1. UNLESS OTHERWISE NOTED, ACCESS TO THE WORKING AREA WILL BE FROM TOWNSHIP ROADS, WHERE THE DRAIN CROSSES THE ROAD.
 2. THE CONTRACTOR SHALL CONFIRM THE WORKING SIDE WITH THE LANDOWNER.
 3. THE WORKING AREA SHALL BE AN AVERAGE WIDTH OF 10m FOR CONSTRUCTION AND MAINTENANCE PURPOSES.
 4. THE CONTRACTOR SHALL CONFIRM WITH EACH LANDOWNER ON WHOSE PROPERTY THE DRAIN CROSSES IF THE EXCAVATED MATERIAL IS TO BE LEVELLED, OR REMAIN STOCKPILED FOR THE LANDOWNER.

BENCHMARK No. 1 ELEV.=176.17
TOP CENTRE DOWNSTREAM END OF 1500mm DIA. C.M.P.
CULVERT AT STA. 0+316

BENCHMARK No. 2 ELEV.=178.25
NAIL IN NORTH FACE OF HYDRO POLE 26 METRES SOUTH OF STA. 0+811

BENCHMARK No. 3 ELEV.=176.93
TOP CENTRE UPSTREAM END OF 900mm DIA. C.M.P.
CULVERT AT STA. 1+336

BENCHMARK No. 4 ELEV.=177.49
NAIL IN EAST FACE OF 600mm DIA. TREE 14 METRES WEST OF STA. 1+616

BENCHMARK No. 5 ELEV.=177.18
TOP CENTRE DOWNSTREAM END OF 900mm DIA. C.M.P.
CULVERT AT STA. 2+164

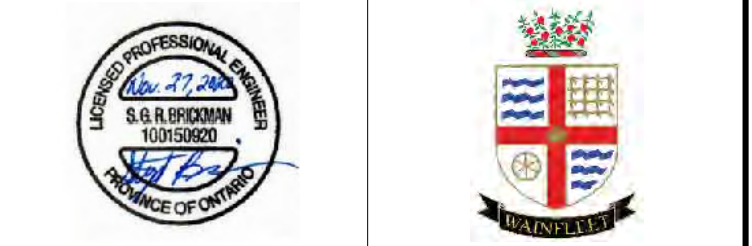
LEGEND:

— DRAIN NAME —→ EXISTING MUNICIPAL DRAIN
--- INTERIOR/EXTERIOR WATERSHED BOUNDARY
--- PROPERTY BOUNDARY
--- LOT OR CONCESSION BOUNDARY
--- TOWNSHIP BOUNDARY

— DRAIN NAME —→ MUNICIPAL DRAIN
--- WATERSHED BOUNDARY
--- CROSSING REPLACEMENT

BENCHMARK LOCATION → B.M. 1 ELEV.= 50.00 → BENCHMARK ELEVATION

3.	REPORT SUBMISSION	2020-11-27	DEL
2.	INFORMATION MEETING	2020-10-06	DEL
1.	ON-SITE MEETING	2019-08-15	DEL
No.	ISSUES AND REVISIONS	DATE	BY



PROJECT: INDIAN CREEK MUNICIPAL DRAIN 2020

DRAWING:

Plan

DEL

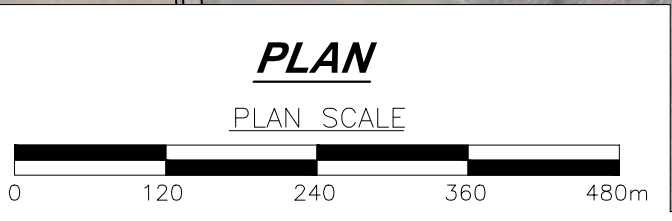
DIETRICH ENGINEERING LIMITED
CONSULTING ENGINEERS

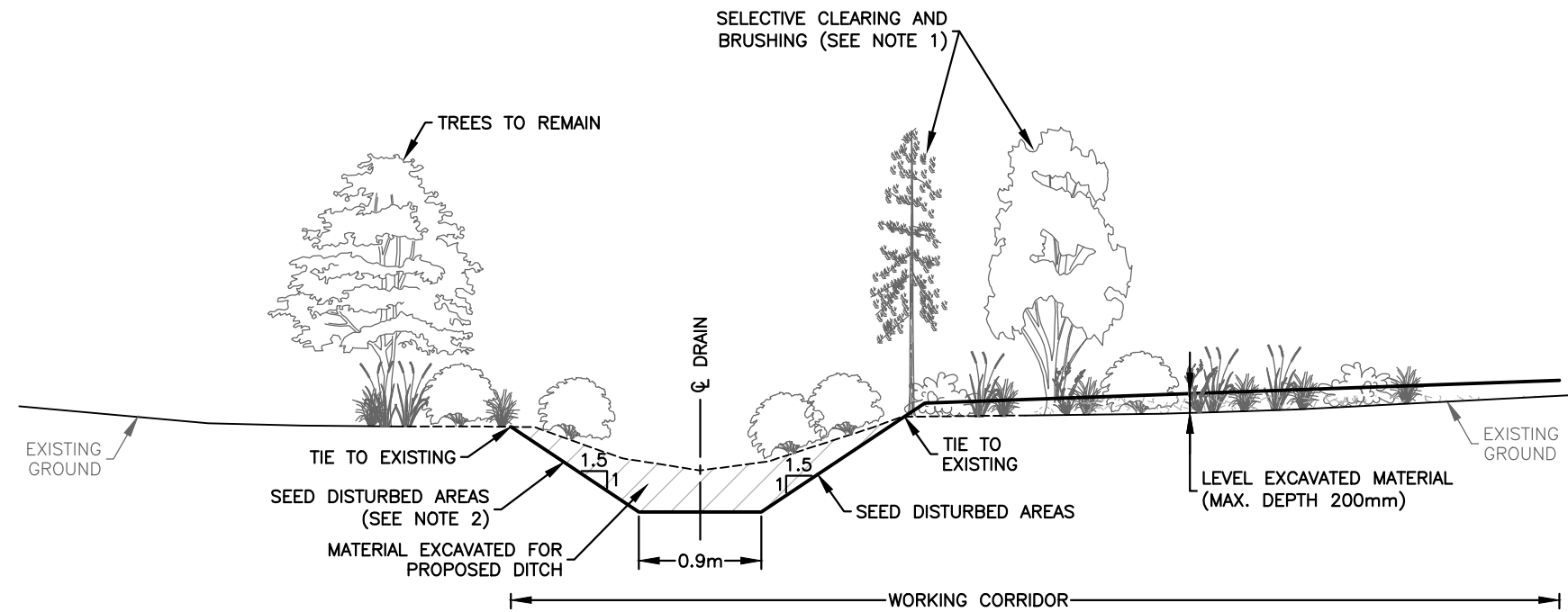
10 Alpine Court, Kitchener, ON, N2E 2M7

PROJ. MGR:	S.B.	DESIGNED BY:	A.H.	DRAWN BY:	A.H.	CHECKED BY:	S.B.
DRAWING SCALE:	AS NOTED	DATE:	NOV. 27, 2020	PROJECT No.	1861	DRAWING No.	1 of 5

SCHEDULE OF OWNERSHIP

No.	NAME	ROLL No.
1	SHAWN SCHUTTEN	(12-244)
2	RICHARD SMITH	(12-245)
3	JOHN VAN HENGSTUM	(12-246)
4	DAVID KISS	(12-247)
5	EDNA BOYES	(12-249)
6	CINDY ANDERSON	(12-250)
7	KARL COVERDALE	(12-251)
8	DENISE SHERWOOD	(12-252)





TYPICAL OPEN DITCH CLEANOUT DETAIL

N.T.S.

1. NOTES:

1. THE CONTRACTOR SHALL CLEAR AND BRUSH TREES FROM WITHIN THE WORKING AREA (MAXIMUM WIDTH OF 10m) THAT INTERFERE WITH THE CONSTRUCTION OF THE DRAIN. THE CONTRACTOR SHALL NOT CLEAR ALL TREES WITHIN THE WORKING AREA UNLESS THE FULL WIDTH IN A SPECIFIED SECTION IS REQUIRED, AND UNLESS THE ENGINEER HAS AUTHORIZED THE CLEARING OF THE TREES.
2. THE CONTRACTOR SHALL SUPPLY AND SPREAD AN APPROVED SEED MIXTURE OVER THE DISTURBED SIDE SLOPES OF THE OPEN DITCH. ALL SEED SHALL BE APPLIED USING THE SEED MANUFACTURER'S APPLICATION RECOMMENDATIONS.

BENCHMARK No. 1 ELEV.=176.17
TOP CENTRE DOWNSTREAM END OF 1500mm DIA. C.M.P.
CULVERT AT STA. 0+316

BENCHMARK No. 2 ELEV.=178.25
NAIL IN NORTH FACE OF HYDRO POLE 26 METRES SOUTH OF STA. 0+811

BENCHMARK No. 3 ELEV.=176.93
TOP CENTRE UPSTREAM END OF 900mm DIA. C.M.P.
CULVERT AT STA. 1+616

BENCHMARK No. 4 ELEV.=177.49
NAIL IN EAST FACE OF 600mm DIA. TREE 14 METRES WEST OF STA. 1+616

BENCHMARK No. 5 ELEV.=177.18
TOP CENTRE DOWNSTREAM END OF 900mm DIA. C.M.P.
CULVERT AT STA. 2+164

LEGEND:

3.	REPORT SUBMISSION	2020-11-27	DEL
2.	INFORMATION MEETING	2020-10-06	DEL
1.	ON-SITE MEETING	2019-08-15	DEL
No.	ISSUES AND REVISIONS	DATE	BY



PROJECT: INDIAN CREEK MUNICIPAL DRAIN 2020

DRAWING:

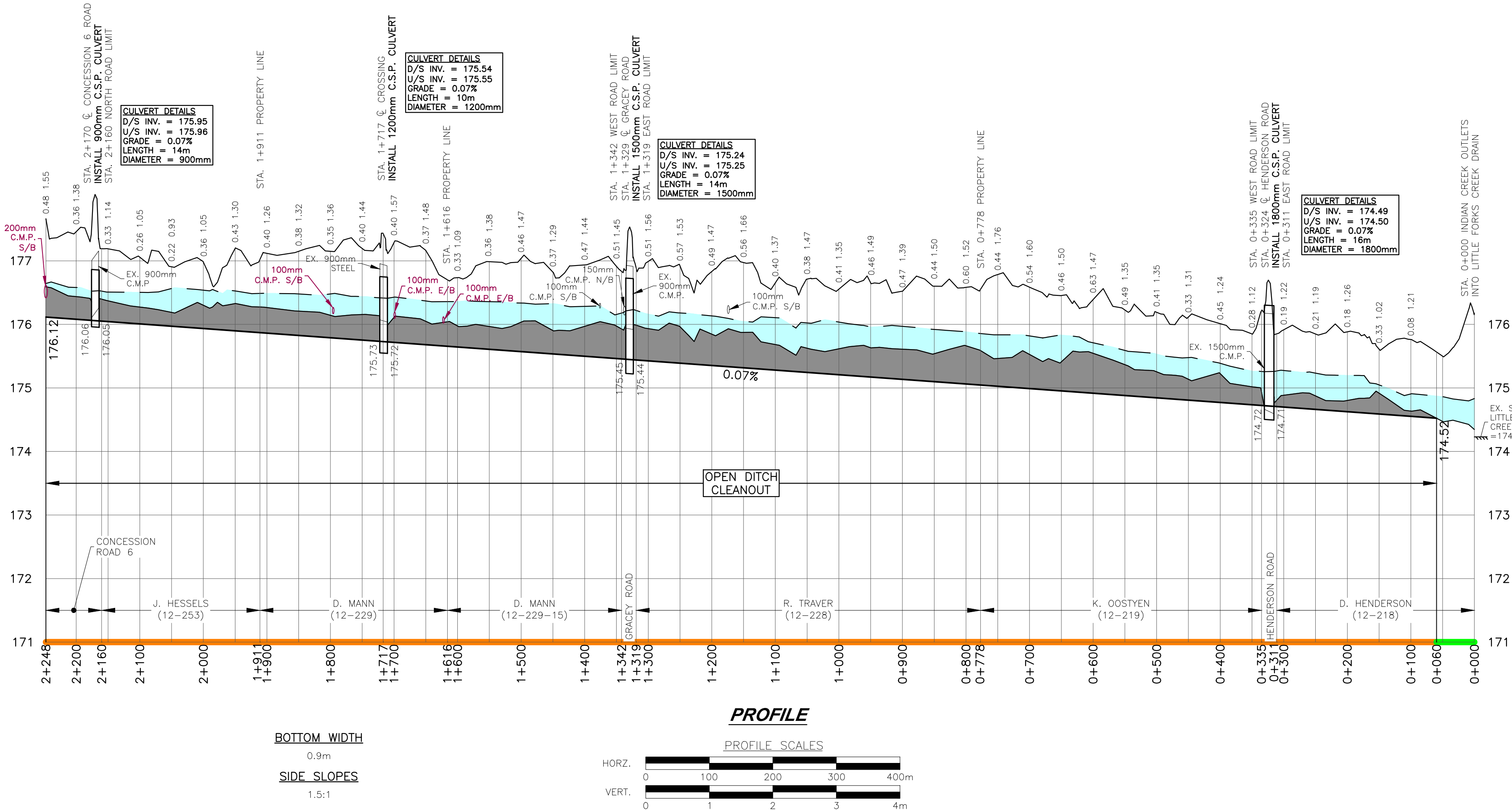
Profile

DEL

DIETRICH ENGINEERING LIMITED
CONSULTING ENGINEERS

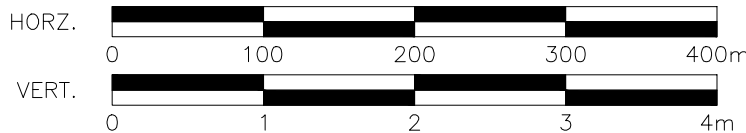
10 Alpine Court, Kitchener, ON, N2E 2M7

PROJ. MGR:	S.B.	DESIGNED BY:	A.H.	DRAWN BY:	A.H.	CHECKED BY:	S.B.
DRAWING SCALE:	AS NOTED	DATE:	NOV. 27, 2020	PROJECT No.	1861	DRAWING No.	2 of 5

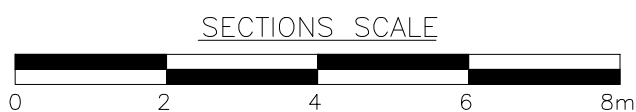
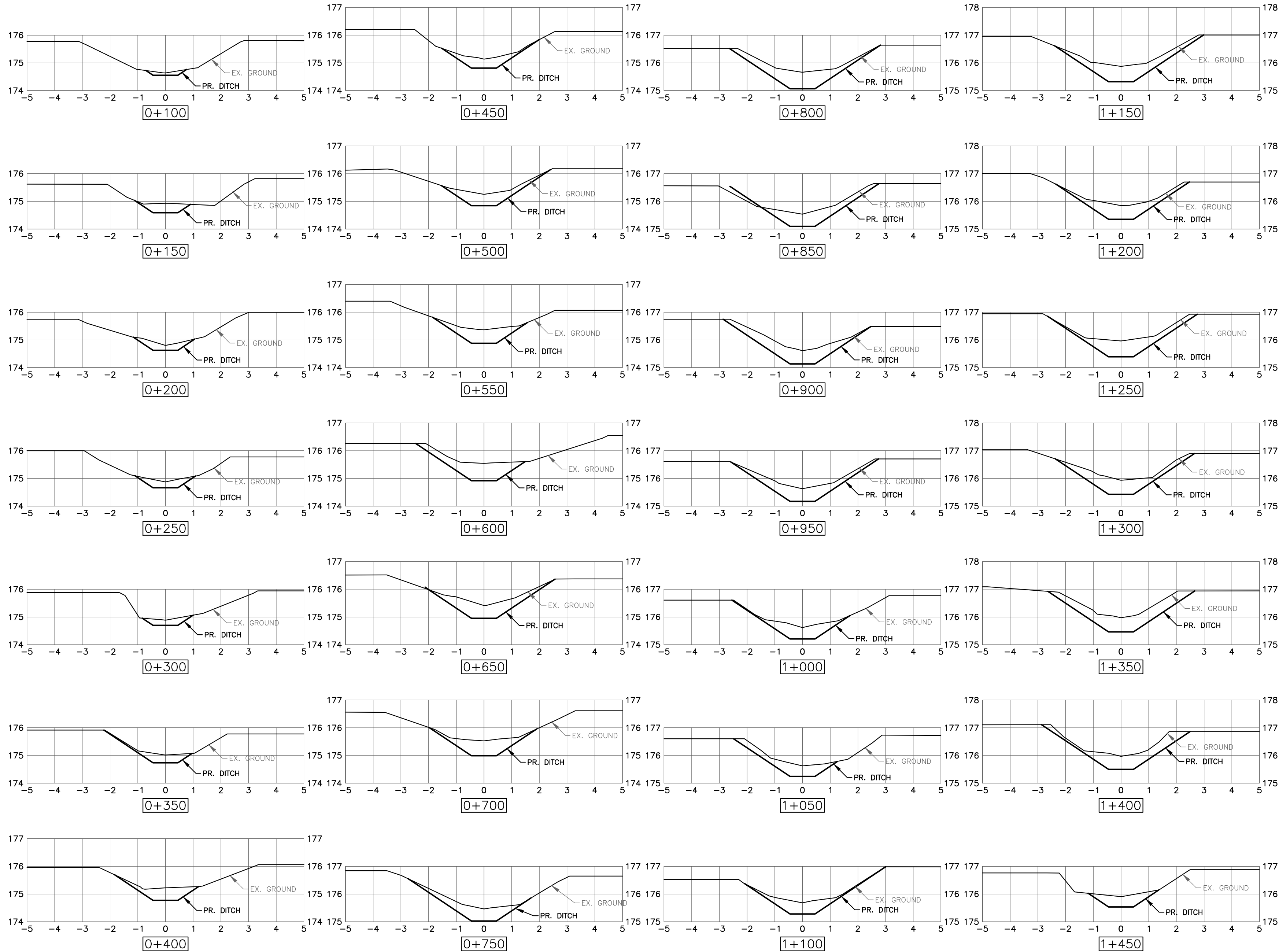


PROFILE

PROFILE SCALES



BOTTOM WIDTH
0.9m
SIDE SLOPES
1.5:1



LEGEND:

3.	REPORT SUBMISSION	2020-11-27	DEL
2.	INFORMATION MEETING	2020-10-06	DEL
1.	ON-SITE MEETING	2019-08-15	DEL
No.	ISSUES AND REVISIONS	DATE	BY



PROJECT: INDIAN CREEK MUNICIPAL DRAIN 2020

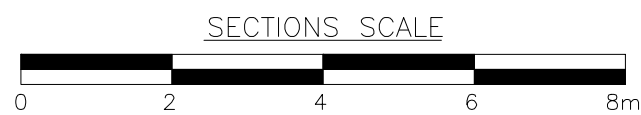
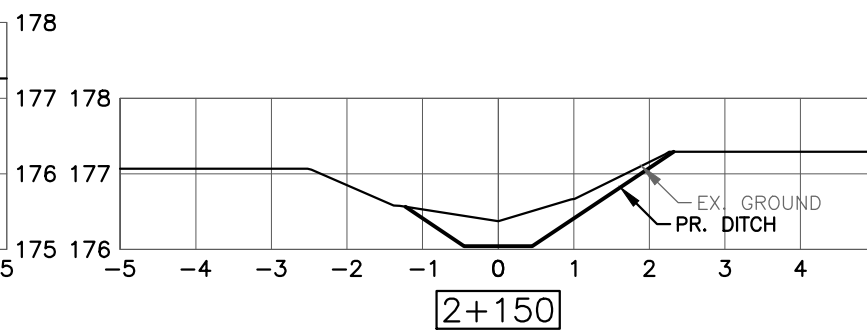
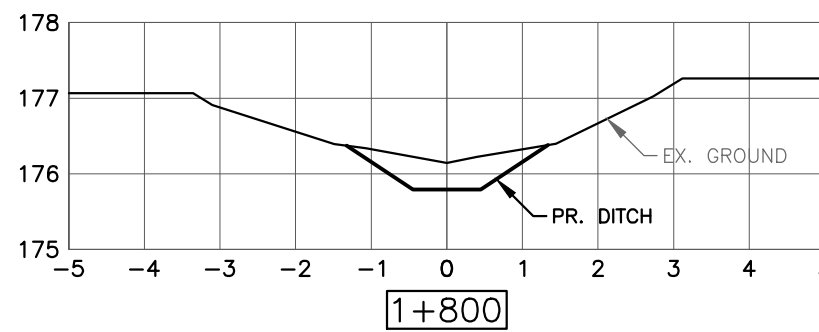
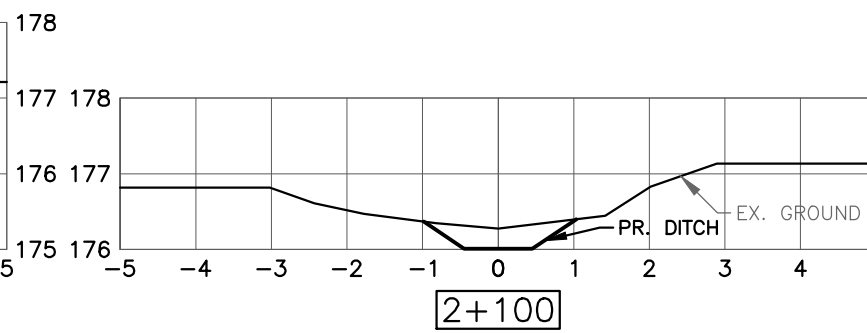
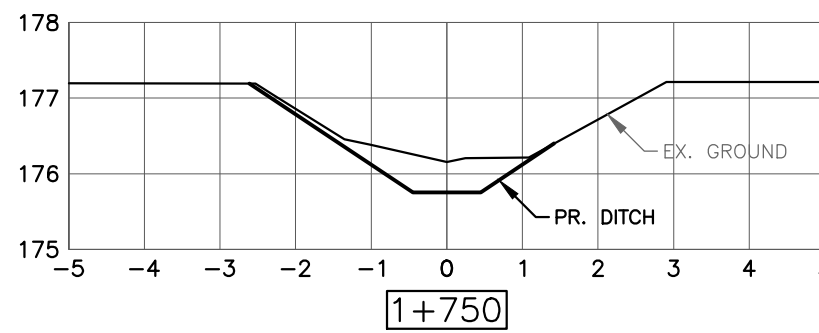
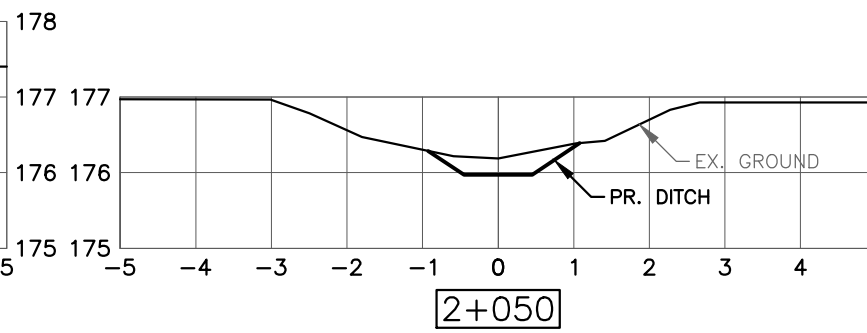
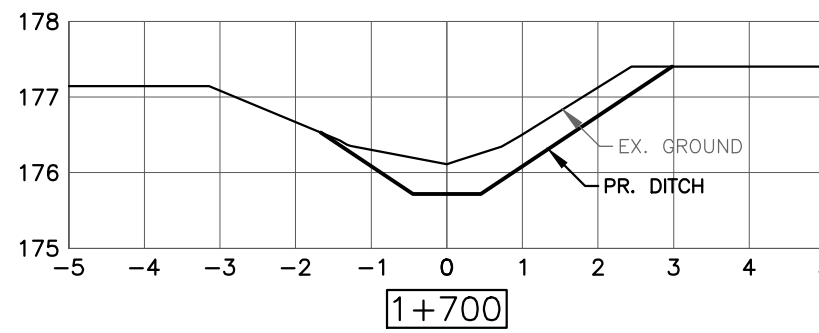
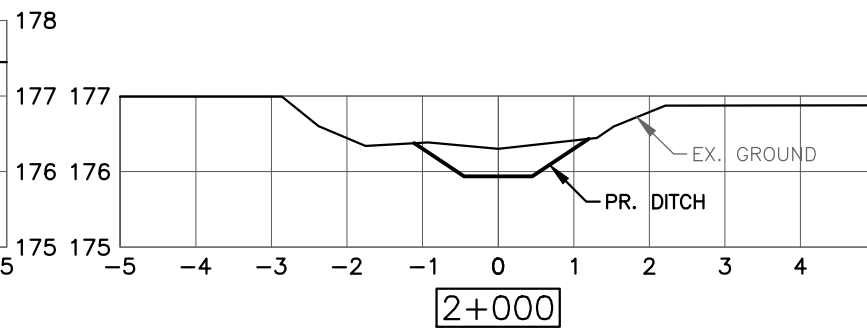
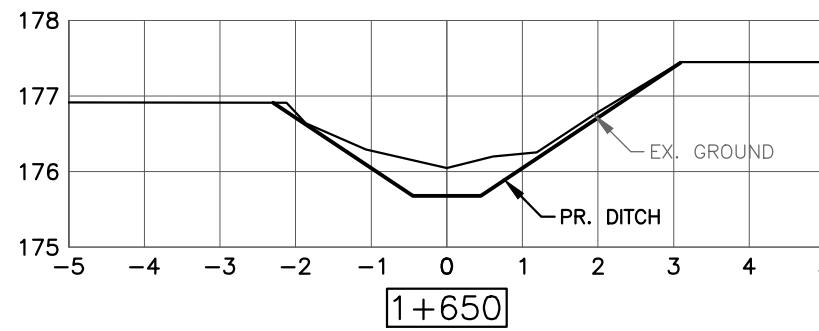
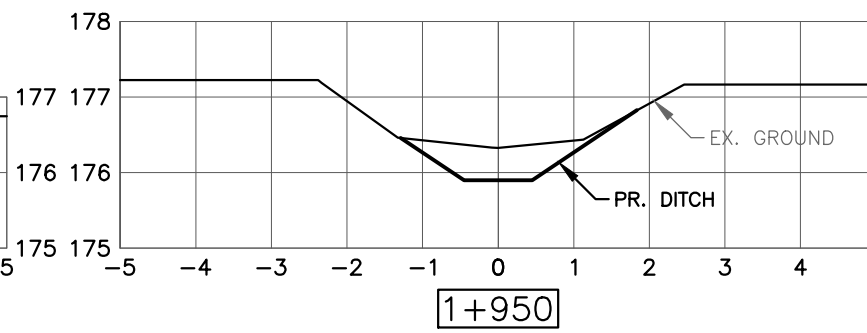
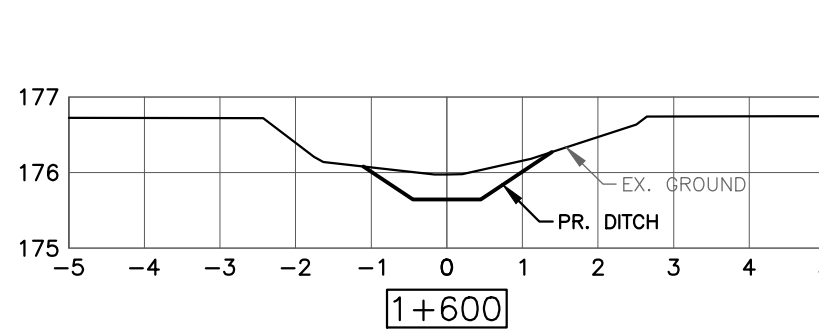
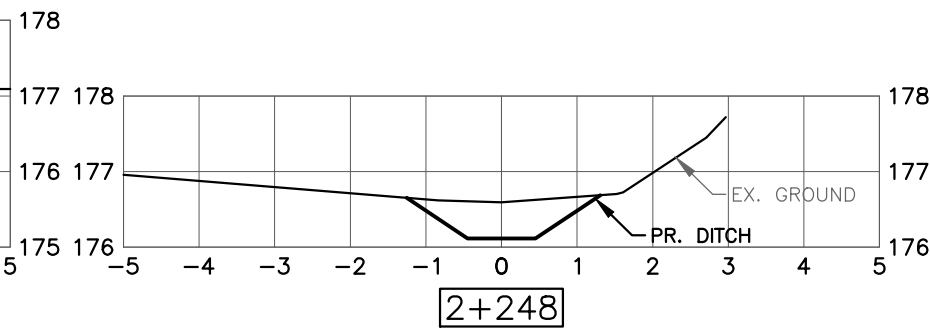
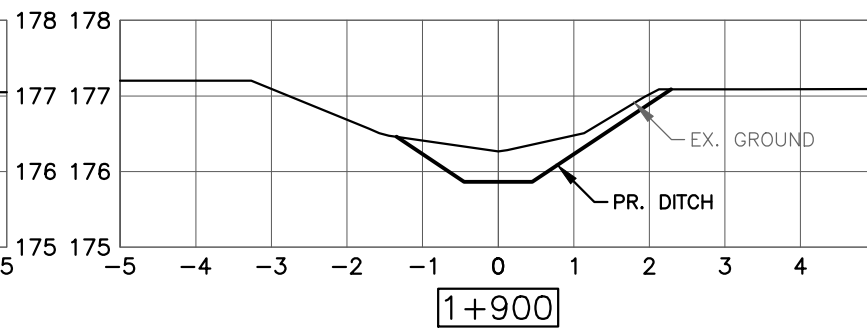
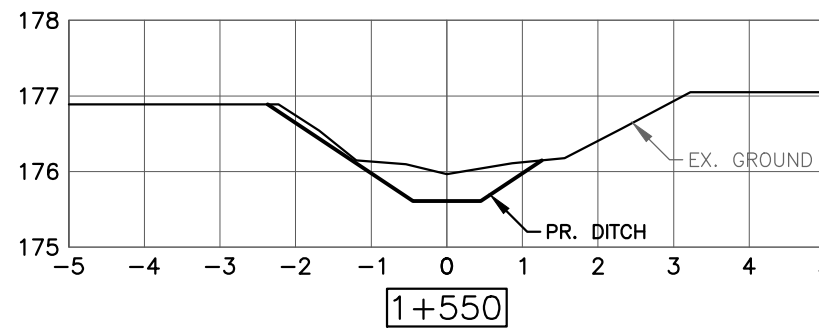
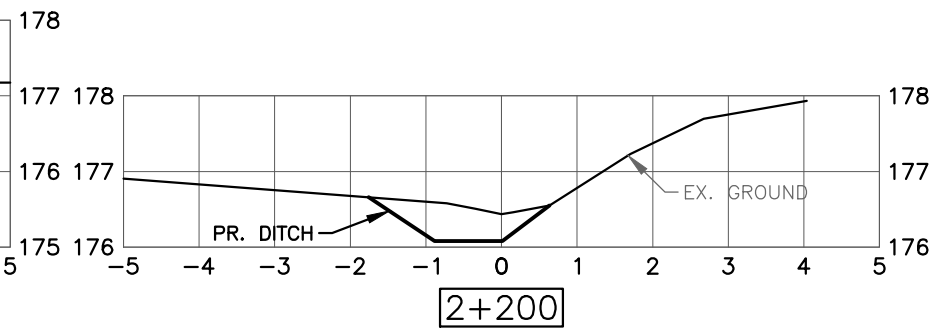
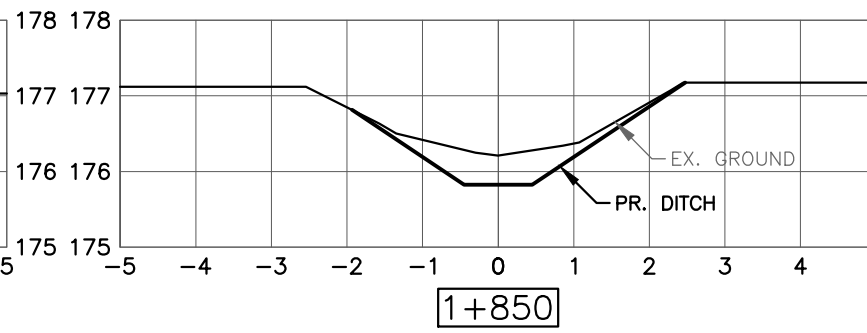
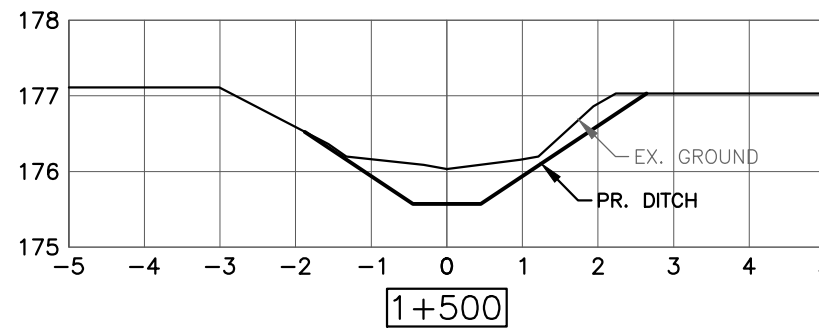
DRAWING: SECTIONS



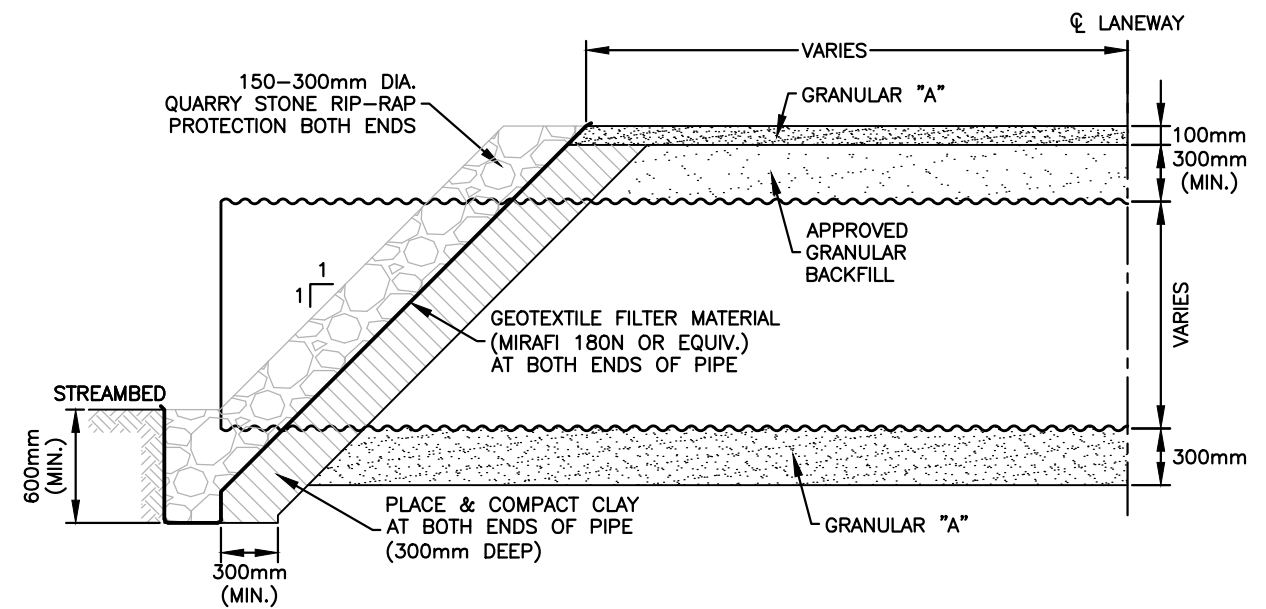
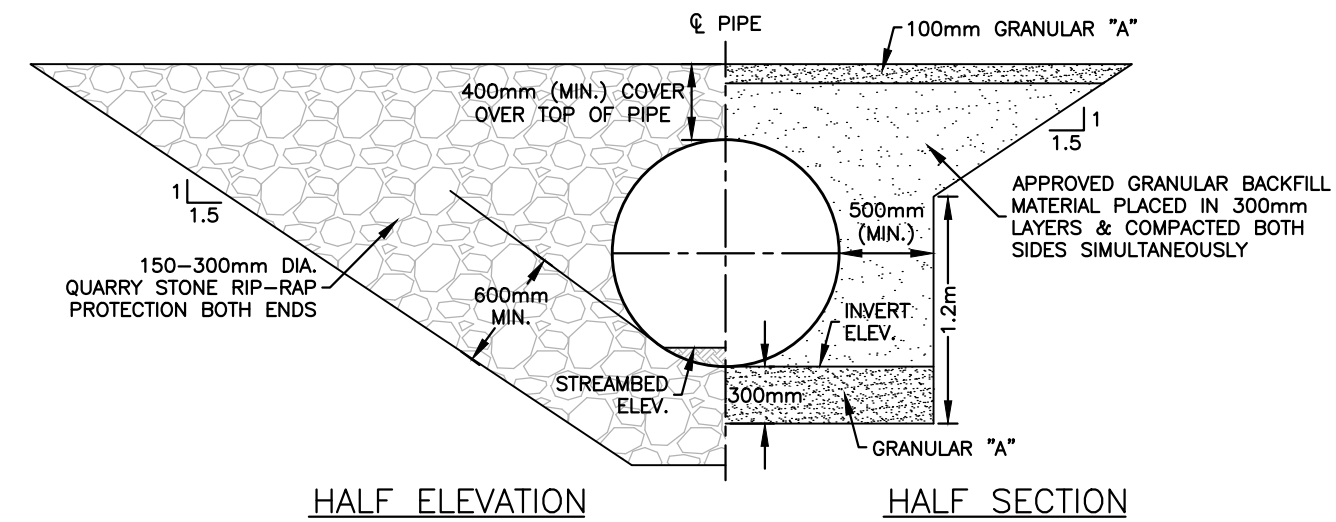
DIETRICH ENGINEERING LIMITED
CONSULTING ENGINEERS

10 Alpine Court, Kitchener, ON, N2E 2M7

PROJ. MGR:	S.B.	DESIGNED BY:	A.H.	DRAWN BY:	A.H.	CHECKED BY:	S.B.
DRAWING SCALE:	AS NOTED	DATE:	NOV. 27, 2020	PROJECT No.	1861	DRAWING No.	3 of 5



STATION	DIAMETER	LENGTH	INVERT	STREAMBED	CORRUGATIONS	THICKNESS
1+717	1200mm	10m	U.S.E. = 175.55 D.S.E. = 175.54	U.S.E. = 175.73 D.S.E. = 175.72	68mm x 13mm	2.0mm



- NOTES:
- CONSTRUCTION OF CROSSINGS SHALL OCCUR DURING LOW FLOW OR NO FLOW CONDITIONS. IF CONSTRUCTION IS NOT POSSIBLE DURING LOW FLOW CONDITIONS, THE CONTRACTOR SHALL IMPLEMENT A FLOW DIVERSION SCHEME.

TYPICAL FIELD CULVERT DETAIL
N.T.S.

LEGEND:

3.	REPORT SUBMISSION	2020-11-27	DEL
2.	INFORMATION MEETING	2020-10-06	DEL
1.	ON-SITE MEETING	2019-08-15	DEL
No.	ISSUES AND REVISIONS	DATE	BY

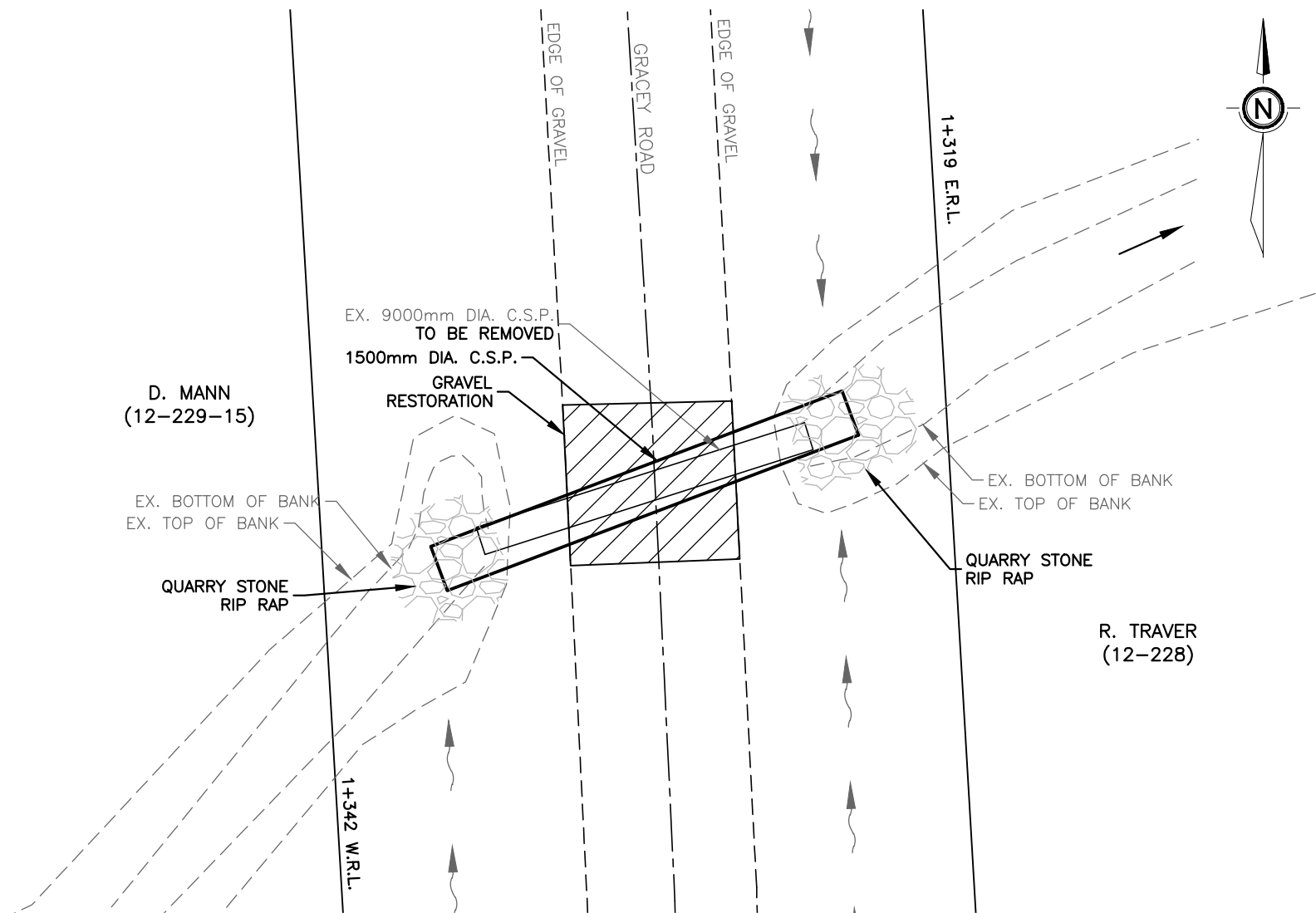
PROJECT:
INDIAN CREEK MUNICIPAL DRAIN 2020

DRAWING:
Sections & Detail

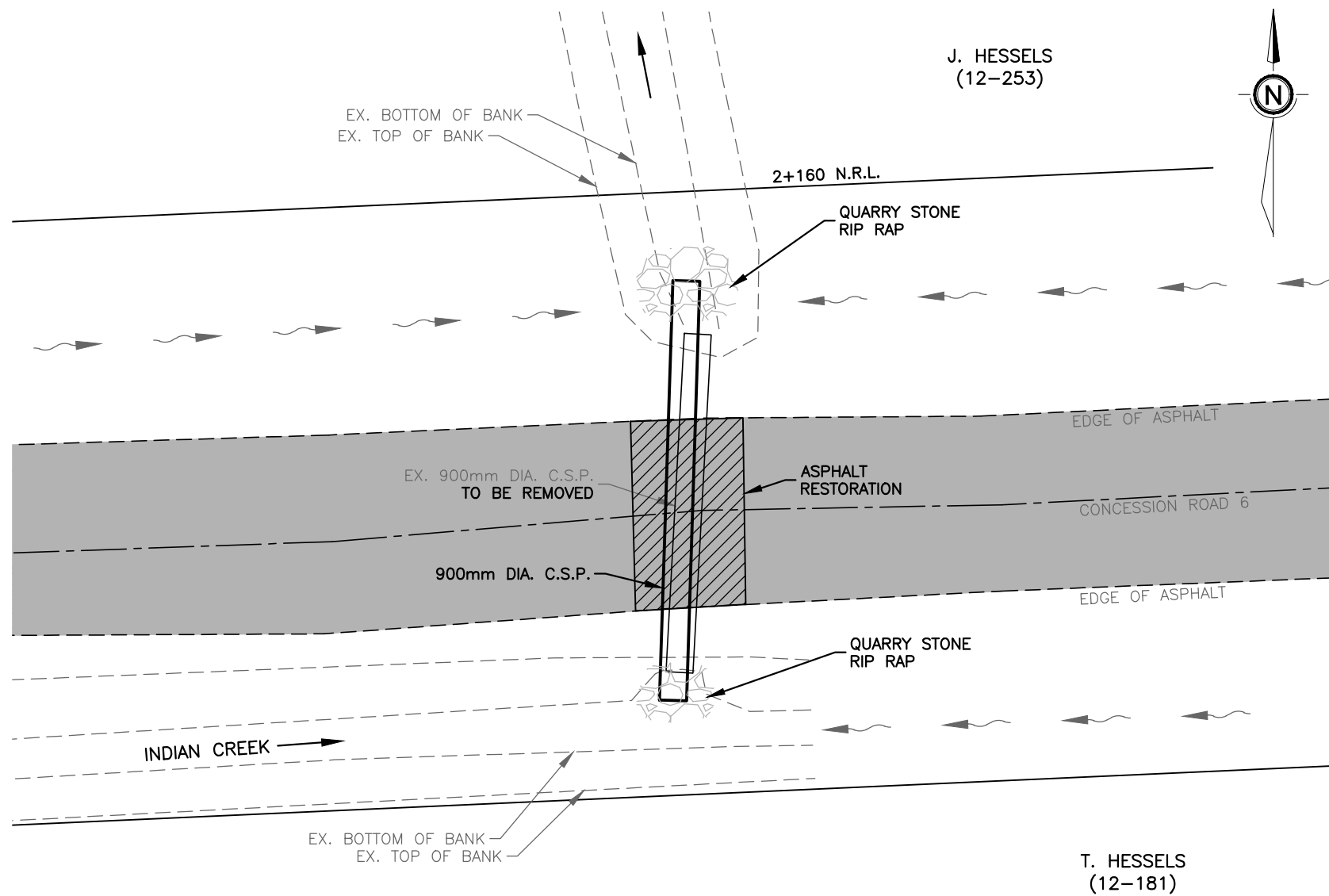
DIETRICH ENGINEERING LIMITED
CONSULTING ENGINEERS
10 Alpine Court, Kitchener, ON, N2E 2M7

PROJ. MGR:	S.B.	DESIGNED BY:	A.H.	DRAWN BY:	A.H.	CHECKED BY:	S.B.
DRAWING SCALE:	AS NOTED	DATE:	NOV. 27, 2020	PROJECT No.	1861	DRAWING No.	4 of 5

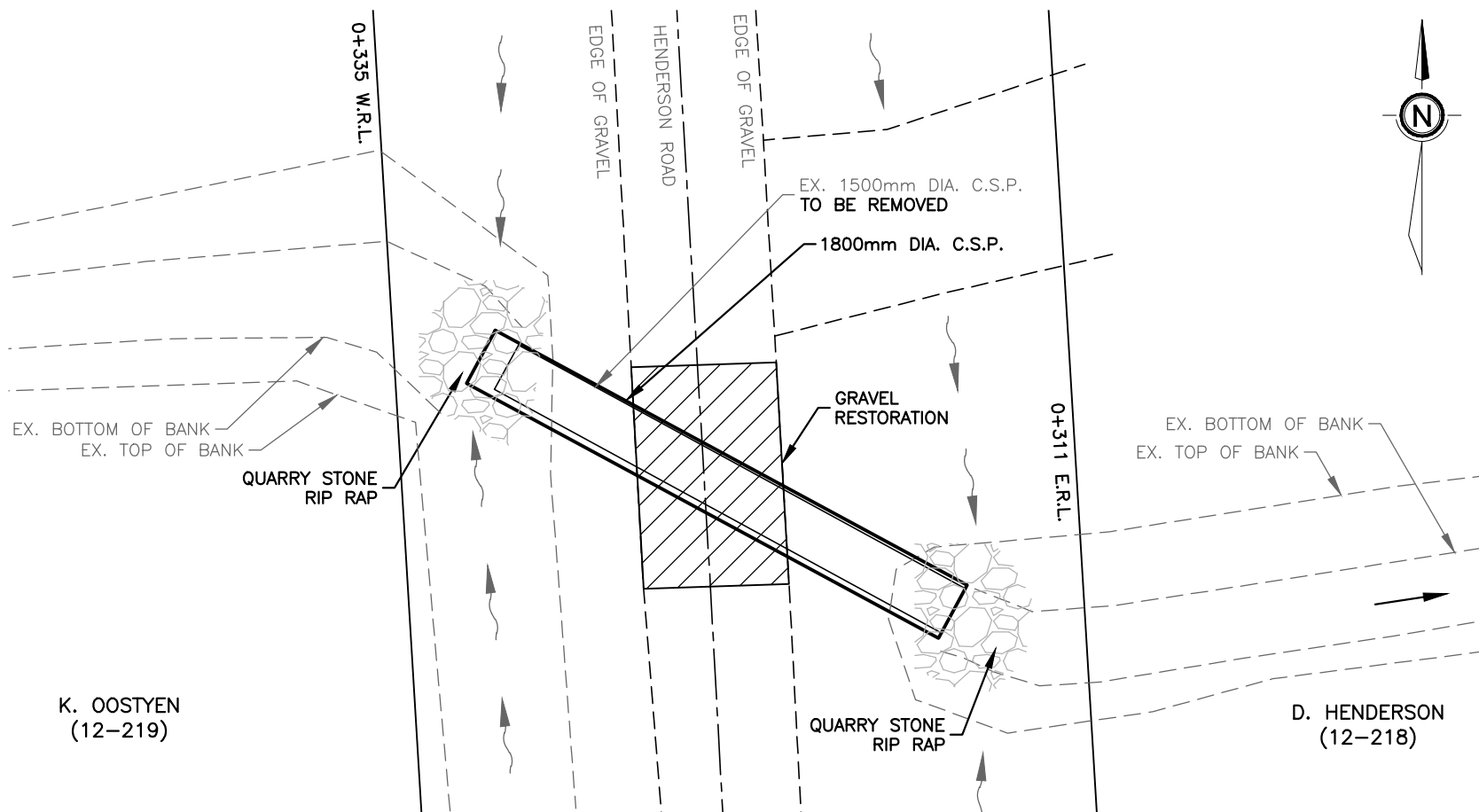
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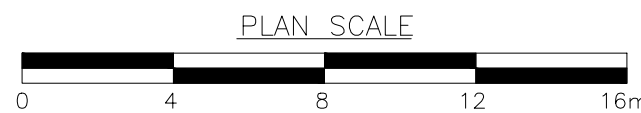
GRACEY ROAD CROSSING DETAIL
(STA. 1+319 TO 1+342)



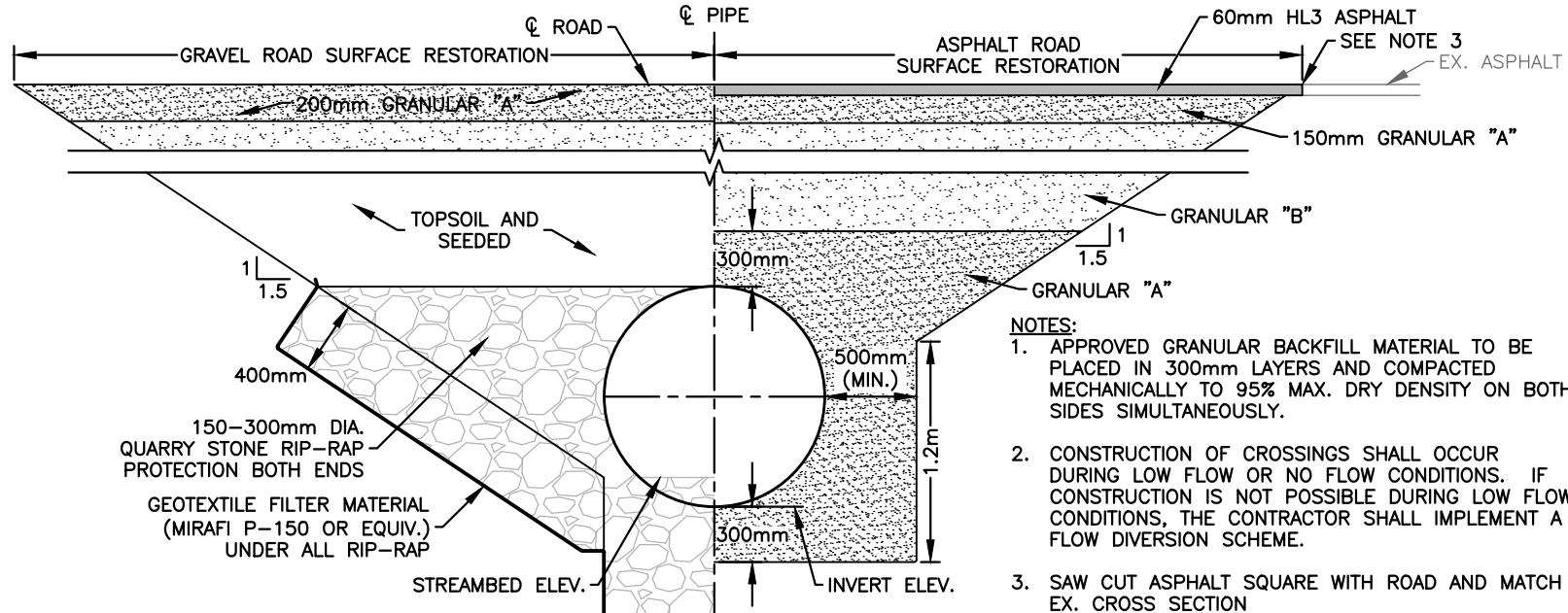
CONCESSION ROAD 6 CROSSING DETAIL
(STA. 2+160 TO 2+180)



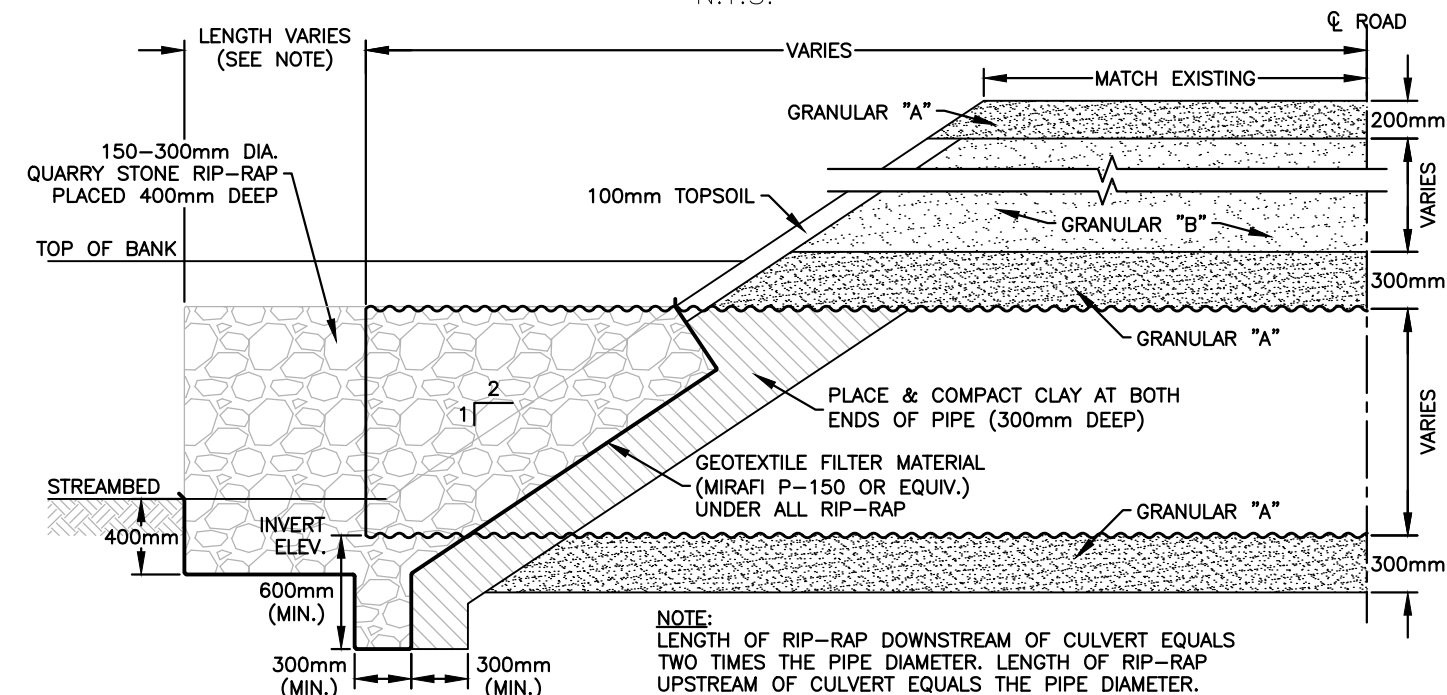
HENDERSON ROAD CROSSING DETAIL
(STA. 0+311 TO 0+335)



STATION	DIAMETER	LENGTH	INVERT	STREAMBED	CORRUGATIONS	THICKNESS
0+324	1800mm	16m	U.S.E. = 174.50 D.S.E. = 174.49	U.S.E. = 174.72 D.S.E. = 174.71	125mm x 25mm	2.80mm
1+329	1500mm	14m	U.S.E. = 175.25 D.S.E. = 175.24	U.S.E. = 175.45 D.S.E. = 175.44	125mm x 25mm	2.80mm
2+170	900mm	14m	U.S.E. = 175.96 D.S.E. = 175.95	U.S.E. = 176.06 D.S.E. = 176.05	68mm x 13mm	2.80mm



HALF ELEVATION **HALF SECTION**



HALF LONGITUDINAL SECTION

TYPICAL ROAD CULVERT DETAIL

LEGEND:

3.	REPORT SUBMISSION	2020-11-27	DEL
2.	INFORMATION MEETING	2020-10-06	DEL
1.	ON-SITE MEETING	2019-08-15	DEL
No.	ISSUES AND REVISIONS	DATE	BY



PROJECT: INDIAN CREEK MUNICIPAL DRAIN 2020
DRAWING:

Details



DIETRICH ENGINEERING LIMITED
CONSULTING ENGINEERS

10 Alpine Court, Kitchener, ON, N2E 2M7

PROJ. MGR:	S.B.	DESIGNED BY:	A.H.	DRAWN BY:	A.H.	CHECKED BY:	S.B.
DRAWING SCALE:	AS NOTED	DATE:	NOV. 27, 2020	PROJECT No.	1861	DRAWING No.	5 of 5

APPENDIX “B”

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THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 002-2021

Being a by-law to provide for drainage works in
the Township of Wainfleet in the Region of
Niagara (Indian Creek Drain)

WHEREAS the Council of the Township of Wainfleet has procured a report under section 78 of the Drainage Act for the Improvement of the Indian Creek Drain;

AND WHEREAS the report dated November 27, 2020, has been authored by Dietrich Engineering Limited and the attached report forms part of this by-law;

AND WHEREAS the estimated total cost of the drainage works is \$249,700.00

AND WHEREAS \$99,174.00 is the amount to be contributed by the Township of Wainfleet for the drainage works;

AND WHEREAS the Council is of the opinion that drainage of the area is desirable;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet pursuant to the Drainage Act **HEREBY ENACTS AS FOLLOWS:**

1. The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.
2. The Corporation of the Township of Wainfleet may borrow on the credit of the corporation the amount of \$249,700.00, being the amount necessary for the improvement of the drainage works. This project will not be debentured.
3. This By-law comes into force on the passing thereof and may be cited at the "Indian Creek Drain Improvement By-law".

BY-LAW READ A FIRST TIME THIS 26TH DAY OF JANUARY, 2021

BY-LAW READ A SECOND TIME THIS 26TH DAY OF JANUARY, 2021

PROVISIONALLY ADOPTED THIS 26TH DAY OF JANUARY, 2021

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

BY-LAW READ A THIRD TIME AND FINALLY ENACTED THIS _____ DAY OF

_____.

K. Gibson, Mayor

M. Ciuffetelli, DEPUTY CLERK

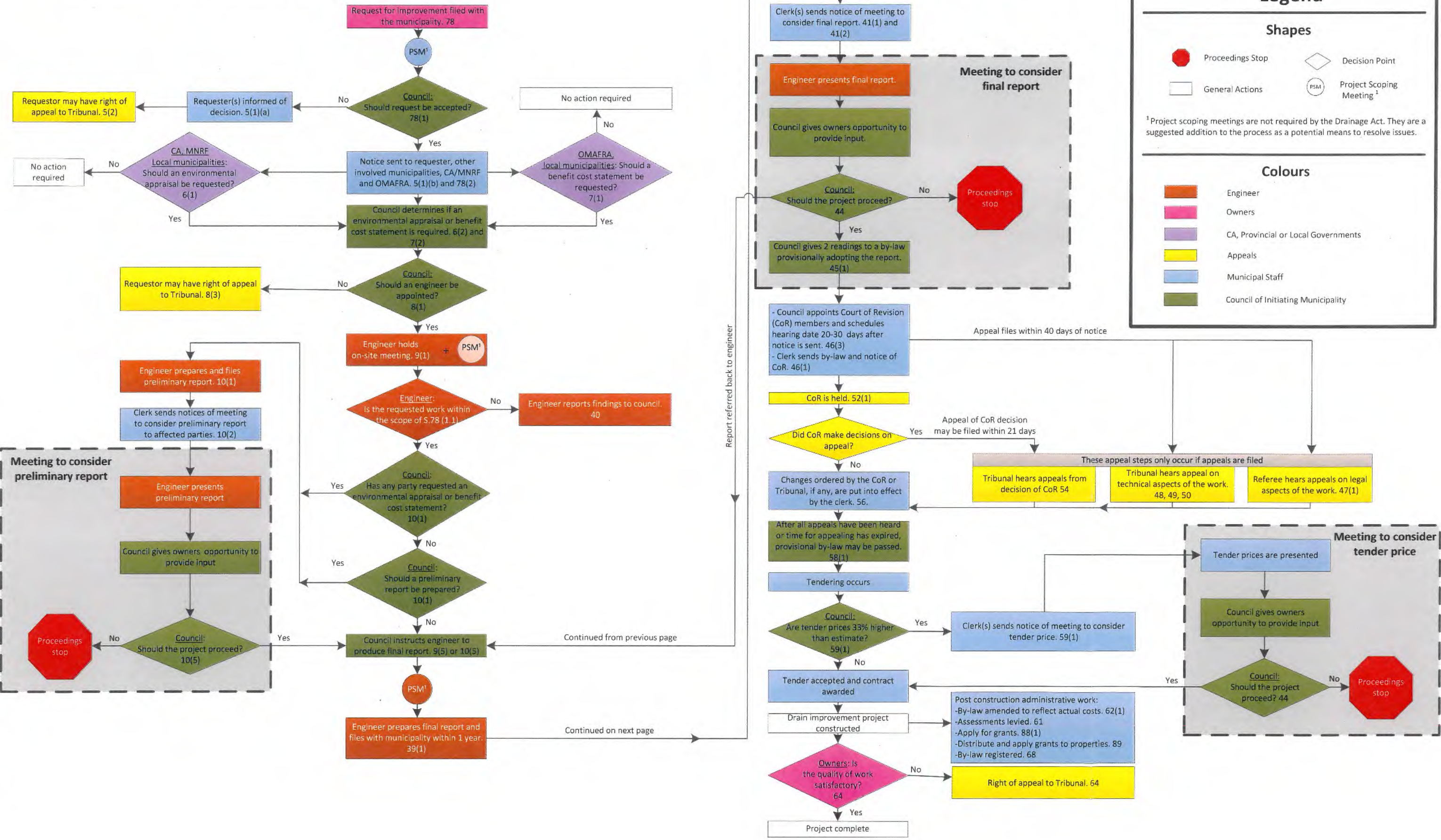
I, Meredith Ciuffetelli, Deputy Clerk of the Corporation of the Township of Wainfleet certify that the above By-law was duly passed by the Council of the Corporation and is a true copy thereof.

M. Ciuffetelli, DEPUTY CLERK

APPENDIX “C”

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DRAIN IMPROVEMENT PROCEDURES
SECTION 78 OF THE DRAINAGE ACT



DRAINAGE STAFF REPORT

DSR-006/2021

TO: Mayor Gibson & Members of Council
FROM: Mark Jemison, Drainage Superintendent
DATE OF MEETING: March 30, 2021
SUBJECT: 2020-2021 Drainage Program Update

RECOMMENDATION(S):

THAT Drainage Staff Report DSR-006/2021 respecting the Township's 2020-2021 Drainage Program Update be received;

AND THAT the 2021 municipal drain maintenance program be approved.

ALIGNMENT WITH THE STRATEGIC PLAN:

The Township of Wainfleet has identified Economic Development and Community Stewardship as components of their Strategic Plan. This report and its recommendations align with these objectives. Maintaining and improving the extensive network of Municipal Drains in the Township of Wainfleet is vital to the sustainability of the agricultural business sector and ensures that the over 250km of drainage infrastructure in the Township continues to provide a high level of service to the landowners. This includes keeping landowner assessments current so as to provide for accurate and equitable billing of maintenance costs.

EXECUTIVE SUMMARY:

The 2020 maintenance program is complete, and the proposed 2021 maintenance program has been reviewed by the Drainage Advisory Committee. Staff have inspected the municipal drain work completed in 2020 and have reviewed the municipal drain work proposed for maintenance in 2021.

Summary of Maintenance Work in 2020

The following list is a breakdown of the major works undertaken in 2020:

Drain	Linear Ft	Description
Biederman Drain	9,550	Brushing, debris removal
Brown Drain	1,800	Brushing, bottom cleanout
Casey Drain	N/A	Numerous spot cleanouts
Consolidated South Wainfleet Drain #1	11,900	Brushing, bottom cleanout
Consolidated South Wainfleet Drain #3	15,300	Brushing, bottom cleanout
South Forks, Little Forks, North Forks	n/a	Large Culvert Replacements
Total	38,550	

Additional Drain Maintenance in 2020

Additional, unscheduled maintenance to remove obstructions such as deadfall and nuisance animals continued in 2020. Beaver activity within the municipal drains remained a constant maintenance item with numerous drains requiring dam removal in 2020. The record high Lake Erie levels continued to pose challenges in respect to the Eagle Marsh, Eagle Marsh – Bessie Branch and Casey Drains.

Drain Construction 2020

The Township reconstructed the Skelton Drain which was updated under Section 78 of the Drainage Act. The project included approximately 5,250 feet of drain reconstruction, the replacement of several farm culverts and one roads culvert. The City of Port Colborne reconstructed the drain in their jurisdiction and replaced one shared road culvert at Townline Road. Additionally the project saw six hydro poles in poor condition replaced by Hydro One on Youngs Road North directly adjacent to the drain.

In conjunction with Haldimand County the Carter Drain was reconstructed in 2020. A contractor completed the work in Wainfleet with work still ongoing in Haldimand County. Approximately 5,000 feet of ditch was reconstructed with one new road culvert installed.

Township Excavator

As has been past practice by the Township, the drainage excavator was utilized for several non-drainage related projects in 2020. This sharing of resources between departments represents a cost savings to the Township Roads Department as outside contractors are not required to complete the work. For these projects the costs for the excavator and operator are charged out to the Roads Department. Work was scheduled to be completed between municipal drain projects or during regular maintenance depending on the location.

Proposed Maintenance Work in 2021

The following work is being recommended by staff in 2021 and has been discussed with the Drainage Advisory Committee:

Drain	Linear Ft	Description
Big Forks	9,550	Partial Bottom Cleanout
Consolidated South Wainfleet Drain #23	4,878	Brushing, Bottom Cleanout
Consolidated South Wainfleet Drain #28	3,323	Brushing, Bottom Cleanout
Consolidated South Wainfleet Drain #30	3,175	Brushing, Bottom Cleanout
Consolidated South Wainfleet Drain #36	1,958	Brushing, Bottom Cleanout
Little Forks	n/a	Culvert replacement – Henderson Road
North East Consolidated	28,425	Brushing, Bottom Cleanout, Culvert Replacement
South Forks	9,050	Full Cleanout
Total	60,359	

Due to pending regulatory approvals since 2019, the Big Forks and South Forks drains have been scheduled for maintenance. Both drains should be maintained in 2021.

Construction of Drainage Works in 2021

The Bridgewater Drain and Indian Creek Drains were updated under Section 78 of the Drainage Act. Tendering for these two projects will occur in April 2021 with construction planned for the summer.

Additional Drainage Works in 2021

Due to COVID-19 many permits and regulatory approvals were delayed in 2020. Because of the emergency situation drain maintenance notices were not mailed to landowners in 2020. Maintenance notices will be mailed for 2021 and continue to be available online.

The emergency situation delayed several engineer's reports due to the limitations initially placed on public gatherings. Several meetings were held virtually under the Drainage Act later in the year. The virtual meeting option provides greater accessibility and as restrictions lift on public gatherings, Staff hope to continue to offer the virtual component when possible.

The Township currently involved in six engineer's report updates:

Biederman: Council of the City of Port Colborne appointed Spriet Associates in October 2019 to complete a report under Section 78 of the Drainage Act. The on site meeting was held February 11, 2020, engineering and design took place throughout 2020.

Collver: In response to a landowner request for improvement Council appointed Dietrich Engineering Limited to complete a report under Section 78 of the Drainage Act. The on-site meeting was held November 11, 2019 and engineering work is ongoing.

Consolidated South Wainfleet Drain: The Township retained GM Blue Plan to update the assessment schedules under Section 76 of the Drainage Act. Work is ongoing with the project expected to be submitted for Council's consideration in the coming months.

Eagle Marsh: Council of the City of Port Colborne appointed Spriet Associates in October 2019 to complete a report under Section 78 of the Drainage Act. The Township will be involved in the report update and the initial on-site meeting was held February 11, 2020.

Ellsworth: Council appointed R. J. Burnside & Associates Limited to complete a report under Section 78 of the Drainage Act. The on-site meeting was held February 12, 2020 with surveying and engineering work took place throughout 2020. .

Shafley Road Drain: In response to a landowner request for improvement Council appointed Dietrich Engineering Limited to complete a report under Section 78 of the Drainage Act. The on-site meeting was held November 11, 2019 and engineering work is ongoing.

Landowners can request drain report updates at any time. There are 13 additional drains in the Township with reports that predate 1980 that may need updating in the coming years.

OPTIONS/DISCUSSION:

The Township of Wainfleet has had an active municipal drain maintenance program in place since 1979 to support sustainable agricultural production and provide effective drainage within the Township. The completed 2020 and recommended 2021 maintenance activities continue to support this endeavor.

FINANCIAL CONSIDERATIONS:

As per the Drainage Act R.S.O. 1990, expenditures related to the construction and maintenance of municipal drains is invoiced directly to the lands that contribute to and/or benefit from the drain. The rates are determined by the assessment schedule outlined in the Engineer's Reports for each drain. The initial costs of all maintenance activities are carried by the Township until the project is completed at which time applications are sent to the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) as they may be eligible for grants. Based on the grants received from OMAFRA the costs of the projects are then invoiced to landowners assessed to the drain.

OTHERS CONSULTED:

Drainage Advisory Committee

ATTACHMENTS:

None

Respectfully submitted by,

Reviewed by,

Mark Jemison
Drainage Superintendent

Richard Nan
Manager of Operations

Approved by,

William J. Kolasa
Chief Administrative Officer

DRAINAGE STAFF REPORT

DSR-007/2021

TO: Mayor Gibson & Members of Council

FROM: Mark Jemison, Drainage Superintendent

DATE OF MEETING: March 30, 2021

SUBJECT: Casey Drain and Casey Drain North Extension

RECOMMENDATION(S):

THAT Drainage Staff Report DSR-007/2021 respecting the Casey Drain and Casey Drain North Extension be received;

AND THAT Council direct staff to discuss improvement options for the Casey Drain and Casey Drain North with qualified Drainage Engineers.

ALIGNMENT WITH THE STRATEGIC PLAN:

The Township of Wainfleet has identified Economic Development and Community Stewardship as components of their Strategic Plan. This report and its recommendations align with these objectives. Maintaining and improving the extensive network of Municipal Drains in the Township of Wainfleet is vital to the sustainability of the agricultural business sector and ensures that the over 250km of drainage infrastructure in the Township continues to provide a high level of service to the landowners

EXECUTIVE SUMMARY:

Due to Lake Erie water levels, increasingly frequent, violent storms, and an outdated engineer's report the Casey Drain poses management challenges to the Township.

BACKGROUND:

Originally constructed under the Ditches and Watercourses Act in 1917, undergoing updates in 1930, 1940 and 1949 the Casey Drain provides drainage for lands in the 1st Concession in lots 16 to 23. Approximately the lands to Lake Erie from Concession 1 Road/Highway 3 westerly from between Brawn and Daley Ditch Roads easterly to between Moore Road South and Golf Course Road.

In 1981 through landowner and Road Authority petitions, the Casey Drain North Extension expanded the drainage area to include the area around Ostryhon Corners and improved the culvert beneath the CNR Railway (now Gord Harry Trail).

When the Casey Drain was designed in 1949 Lake Erie Water levels were lower than what has been seen in recent years. Based on provisional data provided by the Niagara

Peninsula Conservation Authority (NPCA), Lake Erie has been at or above the Casey Drain outlet approximately 51% of the time since January 2015.

Year	Days Water Level at or above Casey Drain Outlet
2015	55
2016	36
2017	162
2018	228
2019	283
2020	356

Strong winds and increasingly violent storms cause sand, debris and ice to block the outlet of the drain causing upstream flooding. Since January 2015 the NPCA has issued 43 Shoreline Condition Statements, Flood Watches or Flood Warnings for the Lake Erie Shoreline that can impact the Casey Drain.

Environmental regulations place constraints on when the Township is able to complete maintenance. As documented in DSR-004/2018 landowners have completed unauthorized work to open the drain outlet when the Township is legally unable to do so. Seasonal challenges also present health and safety concerns when ice prevents staff from safely accessing the drain outlet. From 2019 to date the Township has maintained the outlet 24 times.

Township Staff have discussed municipal drains that outlet into Lake Erie with Drainage Superintendents across the north shore of the lake. In reviewing engineer's reports from other municipalities and completing site inspections, staff have observed numerous water control structures and technologies used to protect from storms and high lake levels that could be implemented on the Casey Drain.

In addition to the challenges associated with managing the outlet of Casey Drain there have been land uses changes and severances in the drainage area. With maintenance completed in 2008, the upstream areas will require maintenance in the near future. Maintaining and assessing the costs of the drain based on the 1949 engineer's report will not be effective.

The Township receives regular inquiries and complaints about the Casey Drain outlet from residents and staff have met and spoken with property owners on at least four occasions about the drain improvement process since 2019. To date, no property owners have formally petitioned or initiated steps under the Drainage Act to commence drain improvements.

Discussing improvement options for the Casey Drain with qualified Drainage Engineers would help identify the best possible solution for the management of the Casey Drain watershed.

OPTIONS/DISCUSSION:

1. Council direct staff to discuss improvement options for the Casey Drain and Casey Drain North with qualified Drainage Engineers (Recommended)
2. Do not move forward with updating the Casey Drain, Township limited in maintenance and assessment options moving forward (not recommended).

FINANCIAL CONSIDERATIONS:

If Council were to appoint an engineer to undertake an update of the drains the Township would be required to carry the costs until the report is completed and the costs allocated to the appropriate property owners in accordance with the Drainage Act. In reviewing the approximately 1,895 acre drainage area there are currently 209 properties involved in the Casey and Casey Drain North. In addition there are numerous roads including the Niagara Region maintained Station Road and 7 Township Roads (Brawn, Daley Ditch, Lakeshore, Side Road 18, Burnaby, Moore Road South, Elizabeth Cres.).

OTHERS CONSULTED:

- 1) SLT
- 2) Drainage Superintendent's Association of Ontario

ATTACHMENTS:

1. Appendix "A" Casey Drain Mapping and Imagery

Respectfully submitted by,

Reviewed by:

Mark Jemison
Drainage Superintendent

Richard Nan
Manager of Operations

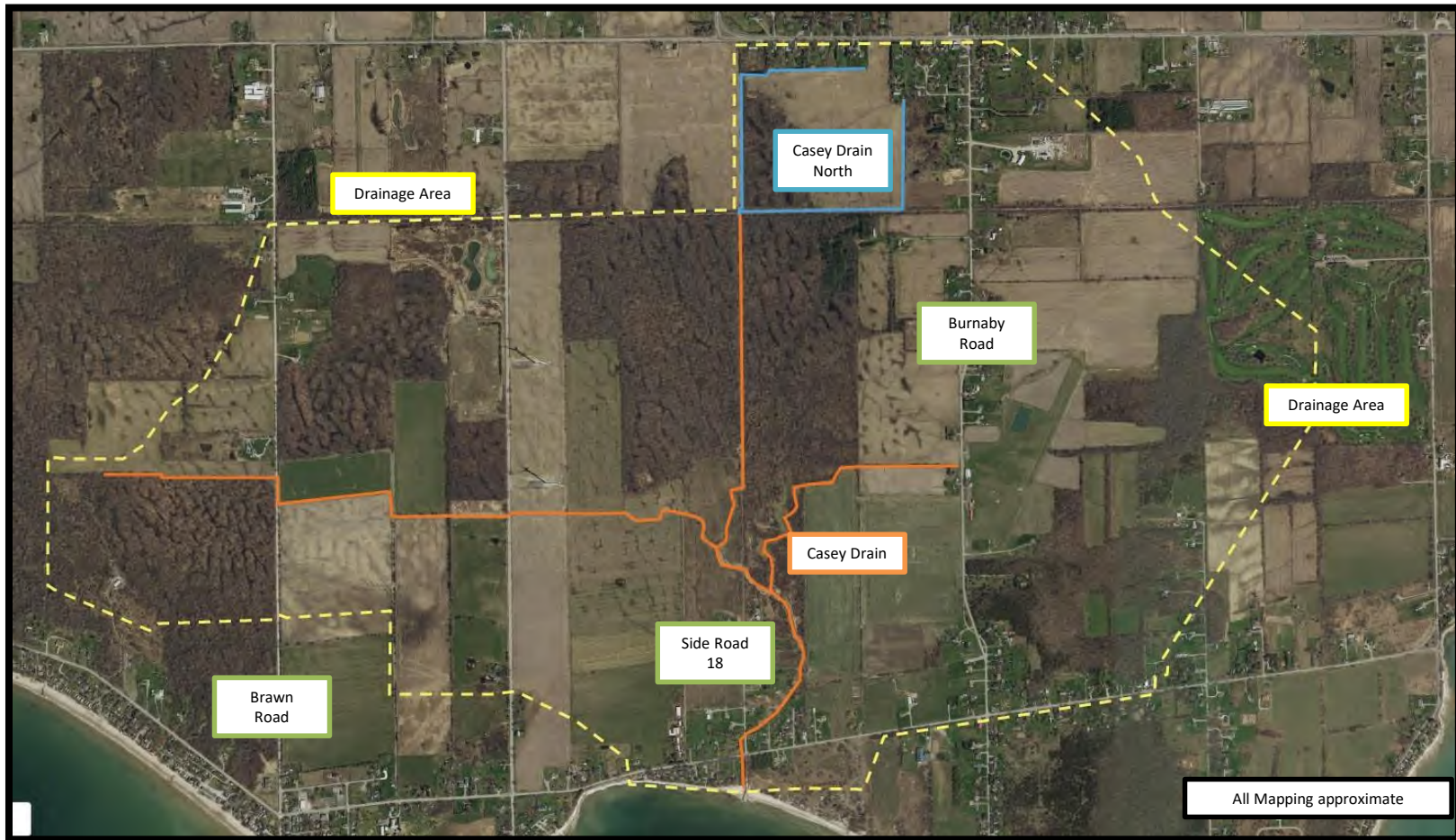
Approved by,

William Kolasa
Chief Administrative Officer

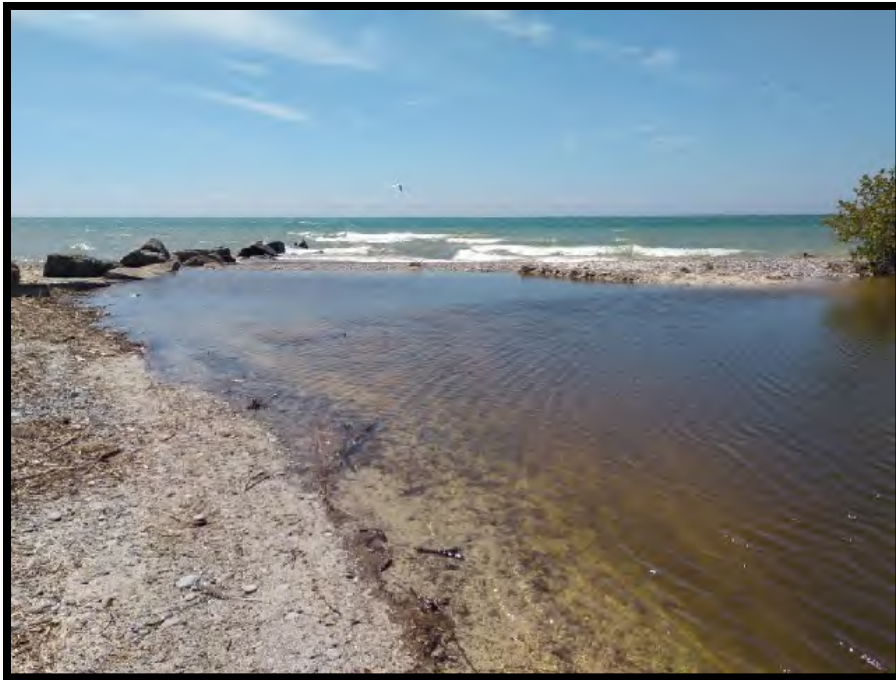
APPENDIX “A”

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Appendix A - Casey Drain Mapping & Imagery



Appendix A - Casey Drain Mapping & Imagery



6.26.19 – Outlet
obstructed with
sand



8.1.17 – Outlet
obstructed with
Sand



Appendix A - Casey Drain Mapping & Imagery



11.23.27 Outlet Obstructed with Sand



Appendix A - Casey Drain Mapping & Imagery



Dry Weather – Side
Road 18



Outlet blocked,
Upstream flooding –
Feb 2021



Appendix A - Casey Drain Mapping & Imagery



Storm Surge 4.4.2018





Memo

To: Mayor Gibson & Members of Council
From: Morgan Alcock, Fire Chief/CEMC
Date: March 30, 2021
Re: Fire Safety Grant

On March 11, 2021, the Office of the Fire Marshall (OFMEM) announced that the Province of Ontario had developed a Fire Safety Grant program to help offset operational and capital budget impacts related to Training and Fire Prevention activities during COVID-19.

Staff received a memo (Attached as Appendix A) from the OFMEM outlining the details of the program and what the Township of Wainfleet funding allocation would be. A Grant Application form was also provided for Staff to complete and submit by March 19, 2021, in order to allocate funds before March 31, 2021.

Additionally, as a condition of the grant, these funds must be spent by August 1, 2021, and a report back to the Fire Marshal will be required by September 1, 2021, to outline how the grant was utilized at the department level.

Staff submitted the Application on Monday March 15, 2021 (attached Appendix B) to provide funding for an eligible project: computers and screens to be installed in each station to facilitate small group training. This project was identified as a capital priority during the 2021 budget deliberations, and approved on March 8, 2021.

The OFMEM requires a resolution of Council to authorize staff to receive the grant funds and allocate as outlined in the Application.

Whereas the Province of Ontario has announced a one-time grant to municipal fire services to assist in challenges associated with training and virtual inspections due to the COVID-19 pandemic;

And Whereas the Township has identified a need to provide for improved virtual training infrastructure within each Fire Station for the benefit of its volunteer firefighters;

Now therefore, be it resolved that the Council of the Township of Wainfleet does support and endorse an application to the Office of the Fire Marshall under the 2020/2021 Fire Safety Grant Application Program for computer hardware and software to facilitate virtual training in each of the Township's Fire Stations.

Morgan Alcock
Fire Chief/CEMC



Ministry of the Solicitor General

**Office of the Fire Marshal and
Emergency Management**

25 Morton Shulman Avenue
Toronto ON M3M 0B1
Tel: 647-329-1100
Fax: 647-329-1143

Ministère du Solliciteur général

**Bureau du commissaire des incendies et
de la gestion des situations d'urgence**

25, avenue Morton Shulman
Toronto ON M3M 0B1
Tél. : 647-329-1100
Téléc. : 647-329-1143



MEMORANDUM TO: CAO/Clerk William Kolasa
Fire Chief Morgan Alcock

FROM: Jon Pegg
Ontario Fire Marshal

DATE: March 11th, 2021

SUBJECT: Fire Safety Grant Announcement

Earlier today, the Government of Ontario announced a one time \$5M grant to municipal fire services to assist in addressing challenges associated with training and virtual inspections due to the COVID-19 pandemic.

Since the start of the pandemic, Ontario's fire services have faced unprecedented challenges and have voiced those concerns to me as Fire Marshal. The ability to train fire service members in a COVID environment brought with it new restrictions and despite opportunities to train online and through other modes, I know that not all training priorities may have been met over the last year. In addition, my office has heard concerns from fire departments about fire code enforcement and the ability to enter premises to conduct inspections and promote fire safety. It is hoped that this grant will work to support fire services through this period of uncertainty and ongoing challenges.

I am pleased to advise that the Township of Wainfleet is eligible to receive up to **\$6,100.00** as part of this grant program.

The grant is intended to provide fire departments with the flexibility to support two priority areas. First, this grant may be put towards ongoing training needs including registration, administrative programming, technology upgrades and associated costs for attending as well for providing services. In addition, if code compliance and inspections continue to be challenging, addressing opportunities for an inspection program may include technology, capital costs and training to ensure that fire services are able to meet the demand of this need at the local level.

In order to receive funds, the Office of the Fire Marshal (OFM) requires that the attached application be submitted by a representative of the municipality. As decisions regarding the grant may not have time to proceed to municipal council for approval within the

timeframes identified below, my office would be comfortable with the fire chief accepting the grant in principle on behalf of the municipality, pending formal approval from the council. To help facilitate this process, once the grant applications are approved, I will send the respective fire chief a letter of intent that will be contingent upon council's deliberations. In order to allocate funds before March 31, 2021, all applications must be received by my office no later than March 19, 2021. In addition, as a condition of the grant, these funds must be spent by August 1, 2021, and a report back to the Fire Marshal will be required by September 1, 2021, to outline how the grant was utilized at the department level.

Completed agreements should be sent by email to the Office of the Fire Marshal at ofm@ontario.ca. If you have any questions about this grant, do not hesitate to reach out to your Fire Protection Adviser.

Yours truly,

Jon Pegg
Ontario Fire Marshal



Office of the Fire Marshal

2020/2021 Fire Safety Grant Application Form

Instructions:

1. Please ensure that all fields are completed as part of this grant application form.
2. If you require more space, please adjust the text boxes as needed.
3. If you wish to split the grant between supporting training and supporting a virtual inspection program to enhance your existing in-person inspection program, please complete both sections below.
4. Please email completed application.
5. **Applications must be received no later than 1700hrs on March 19, 2021.**
6. If you have any questions, please contact your Fire Protection Adviser.

Name of Municipality	Township of Wainfleet
Name of Fire Department	Wainfleet Fire and Emergency Services
Municipal Mailing Address	P.O. Box 40, 31940 Highway #3 Wainfleet, ON L0S 1V0
Name of Fire Chief	Morgan Alcock
Email Address for Fire Chief	malcock@wainfleet.ca
Fire Safety Grant Allocation Amount	\$6,100.00

For those departments who wish to use the grant to support training, please provide a brief description of how the grant will be allocated, including the dollar amount. Please provide a brief overview of the training being provided, mode of delivery (online, Regional Training Centre, Learning Contract, other) and estimated timelines for completion. Please refer to the Fire Marshal Memo issued on March 11th, 2021 for additional information regarding eligible expenses. Please add extra lines to expand the text box below, if needed.

Wainfleet Fire & Emergency Services (WFES) currently trains and certifies all firefighters to the applicable NFPA Standard for the duties they are expected to perform through the use of RTCs, Online, Blended and recognized in-house training.
It is our intent to utilize the grant funds to deliver virtual training within individual stations and to accommodate those firefighters who do not have access to technology or broadband internet services.
WFES estimates that 4 computers (\$1250.00 ea.), station screens (\$500.00 ea.), web-cameras (\$150.00 ea.) and all required hardware and software (\$250.00 ea.) will exceed the grant allotment, however, Council for the Township of Wainfleet has approved the project through the 2021 budget process. This will Grant will assist in the completion of the project and provide the Municipality the opportunity to address additional costs due to Covid-19.



Office of the Fire Marshal 2020/2021 Fire Safety Grant Application Form

For those departments who wish to use the grant to support a virtual inspection program to enhance your existing in-person inspection program, please provide a brief description of how the grant will be allocated, including the dollar amount. Please provide a brief overview of the compliance activities and how it will be administered at the department level, including potential rollout. Please refer to Fire Marshal Memo issued on March 11th, 2021 for additional information regarding eligible expenses. Please add extra lines to expand the text box below, if needed.

Name of Application Submitter	<i>Morgan Alcock</i>
Title	<i>Fire Chief/CEMC</i>
Signature	<i>M. Alcock</i>
Date	<i>March 14, 2021</i>

PLANNING STAFF REPORT

PSR-006/2021

TO: Mayor Gibson & Members of Council

FROM: Sarah Ivins, Planner

DATE OF MEETING: March 30, 2021

SUBJECT: Removal of Holding (H) Symbol – File No. Z05/2021W
Vacant Lot Lambert Road

RECOMMENDATION(S):

THAT Planning Staff Report PSR-006/2021 respecting Removal of Holding (H) Symbol – File No. Z05/2021W Vacant Lot Lambert Road be received; and

THAT Council enact an amending by-law to remove the Holding (H) Symbol for the development of lands described as Concession 5 Part Lot 6 RP 59R-515 Part 3 in the Township of Wainfleet, attached as Appendix “B”; and

THAT Council authorize the Mayor and Clerk to execute the development agreement attached as Appendix “C”.

EXECUTIVE SUMMARY:

Planning staff received an application to remove the Holding (H) Symbol for vacant lands described as Concession 5 Part Lot 6 RP 59R-515 Part 3 in the Township of Wainfleet from Peter Rich and Sarah Ness (the applicants).

The applicants intend to construct a single detached dwelling on the subject property.

Planning staff are satisfied that the requirements for the removal of the Holding (H) Symbol have been met and thus recommend that the Holding (H) Symbol be removed to facilitate development of the subject property.

BACKGROUND:

The subject property, as shown in Appendix “A”, is located on the south side of Lambert Road approximately 275m west of Green Road South and is zoned Rural – A4(H) as per Zoning By-law 034-2014. The zoning was approved with a Holding (H) Symbol to indicate that development of the property could not occur until a noise study was completed to the satisfaction of the Township of Wainfleet. This requirement is due to the subject property’s proximity to the rail yard located on the north side of Lambert Road.

A Rail Noise & Vibration Feasibility Study prepared by HGC Engineering Ltd (dated March 1, 2021) was submitted in support of the application.

A notice of the intention to pass an amending by-law to remove a holding symbol was provided on March 9th, 2021 in accordance with Section 36 of the Planning Act, R.S.O. 1990, c.P.13 and Ontario Regulation 545/06.

OPTIONS/DISCUSSION:

The Provincial Policy Statement (PPS) and the Growth Plan for the Greater Golden Horseshoe identify the subject lands as being within the Rural Area, specifically Rural Lands as the lands are outside of a rural settlement area and outside of the prime agricultural area.

The Region of Niagara Official Plan and the Township's Official Plan designate the subject lands as Rural Area. The predominant use of land in the Rural Area is intended to be agriculture but some limited non-farm development, such as residential uses, may be permitted. The subject lands are 1.1 hectares in size and are suited for a residential use as there is sufficient lot area for on-site private services and complies with the Minimum Distance Separation (MDS) guidelines for setbacks to nearby livestock operations.

The Township's Zoning By-law 034-2014 zones the subject lands as Rural – A4(H). The proposed residential use is permitted within the Rural – A4 zone and the proposed dwelling complies with the provisions of the Rural – A4 zone (setbacks, lot coverage etc.). The zoning was approved with a Holding (H) Symbol to indicate that development of the property could not occur until a noise study was completed to the satisfaction of the Township of Wainfleet. This requirement is due to the subject lands' proximity to the rail yard located on the north side of Lambert Road. All vacant lots within 300m of the Lambert Road rail yard were zoned with a Holding (H) Symbol requiring a noise study to assess impact of the rail yard operations on a sensitive land use such as a single detached dwelling.

A Rail Noise & Vibration Feasibility Study prepared by HGC Engineering Ltd (dated March 1, 2021) was submitted in support of the application. The study evaluated potential noise and vibration impacts on the proposed dwelling in accordance with the Ministry of Environment, Conservation and Parks (MECP) Noise Guidelines (NPC-300) and CP Rail requirements. The study concludes that indoor and outdoor sound levels for the future dwelling are predicted to comply with the MECP NPC-300 guidelines, provided a number of mitigation measures are implemented. These mitigation measures include:

- the dwelling should be designed with a provision for the installation of central air conditioning at the occupant's discretion;
- brick/masonry exterior wall construction is required for the living spaces on the east facades (Master Bedroom and Bedroom #3);
- noise warning clauses should be included in all offers of purchase and sale and property tenancy agreements to inform future residents of the presences of the rail line and the CP Welland Yard and that ground-borne rail vibration may occasionally be perceptible.

The study also noted that should the building location be changed significantly, the acoustic requirements may be subject to modification.

These mitigation measures are best implemented via a development agreement that is registered against the title to the property. A development agreement is attached as Appendix "C" and staff recommend that Council authorize the execution of this agreement.

An electronic pre-consultation meeting was held on May 28th, 2020 to discuss the proposed application to remove the holding provision. At the pre-consultation meeting, both the Region and NPCA identified potential unevaluated wetlands on the subject property. A site visit was completed by both agencies in June of 2020 and it was determined that the on-site features are not considered Core Natural Heritage Features. As such, further environmental review was not required.

Township Department & Agency Consultation

The application was circulated to external agencies and Township departments on March 9, 2021 for review and comment.

The Region of Niagara noted no objection to the removal of the Holding "H" Symbol on the subject property provided that the owner enter into a development agreement with the Township, to be registered against the title of the subject property, which requires the owner to implement the recommendations of the Rail Noise & Vibration Feasibility Study prepared by HGC Engineering Limited (dated March 1, 2021).

The Niagara Peninsula Conservation Authority (NPCA) noted that the subject property is impacted by a NPCA regulated watercourse that runs along the frontage on Lambert Road (Lambert Road municipal drain). NPCA noted no objection provided that vegetation removal be minimized along the regulated watercourse and that appropriate erosion and sediment controls be implemented during construction to mitigate potential impacts on the watercourse. These requirements have been added to the development agreement attached as Appendix "C". The NPCA also noted that should any additional works be proposed within or adjacent to the NPCA regulated feature, that permits may be required.

The Township Drainage Department noted that the subject property is assessed to the Lambert Road municipal drain but given the nature of the application, noted no concerns.

There were no comments provided by other Township departments.

CONCLUSION

Planning staff have reviewed the provided rail noise and vibration feasibility study as well as agency and Township comments and accept the findings and recommendations. As such, Planning staff have no objections to the removal of the Holding (H) Symbol for the subject property and recommend that the by-law attached as Appendix "B" be enacted by Council.

FINANCIAL CONSIDERATIONS:

None.

OTHERS CONSULTED:

None.

ATTACHMENTS:

- 1) Appendix "A" – Key Map of Subject Property
- 2) Appendix "B" – By-law to Remove the Holding (H) Symbol
- 3) Appendix "C" – Development Agreement

Respectfully submitted by,

Reviewed by,

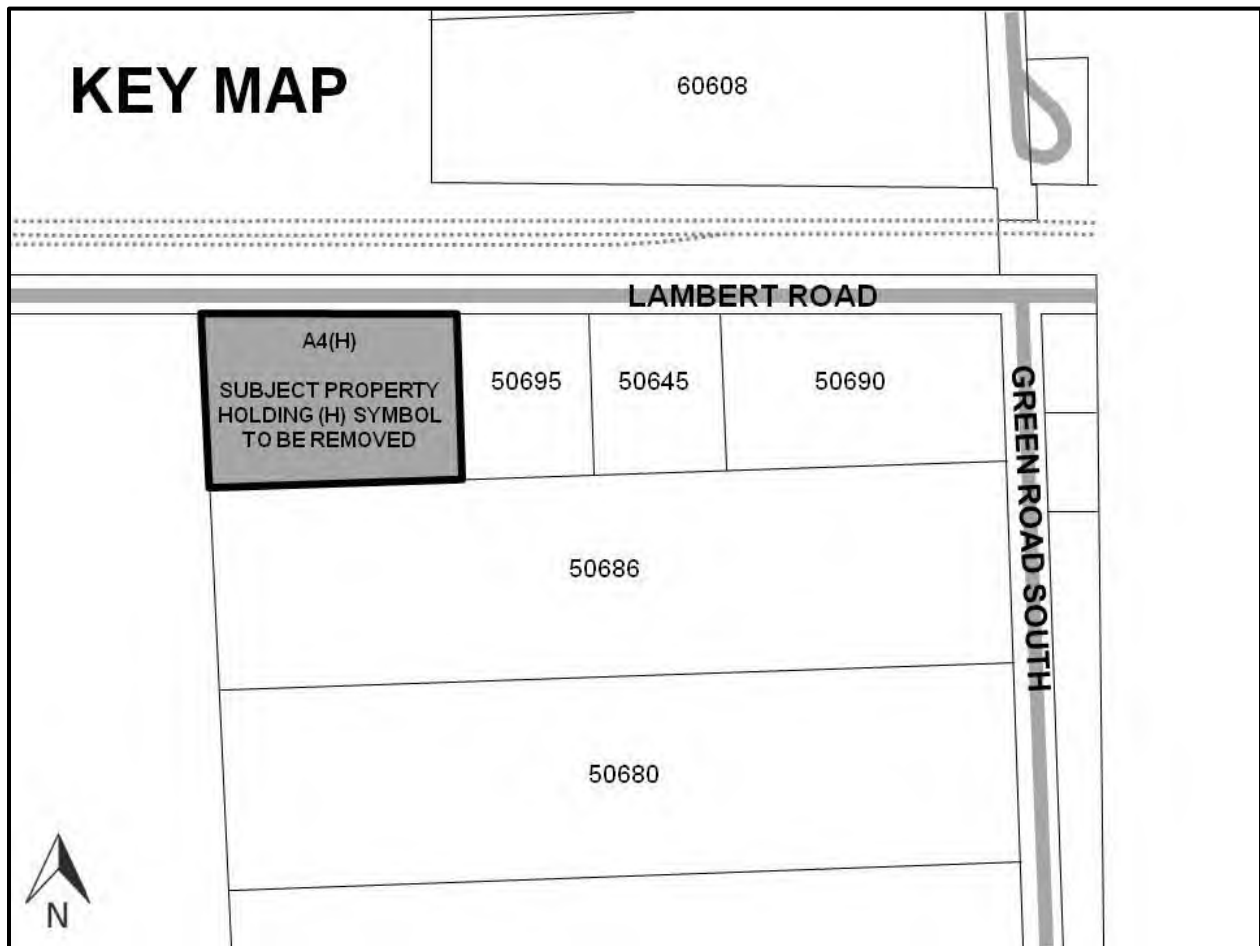
Sarah Ivins
Planner

Mallory Luey
Manager of Corporate Services/Treasurer

Approved by,

William J. Kolasa
Chief Administrative Officer

APPENDIX "A"



APPENDIX “B”

THE CORPORATION OF THE

TOWNSHIP OF WAINFLEET

BYLAW NO. 0XX-2021

Being a bylaw to amend the Corporation of the Township of Wainfleet Zoning Bylaw 034-2014, pursuant to Section 36 of the Planning Act, R.S.O. 1990.

WHEREAS the Council of the Corporation of the Township of Wainfleet deems it necessary and in the public interest to pass a bylaw to amend Zoning Bylaw 034-2014;

AND WHEREAS pursuant to the provisions of Section 36 of the Planning Act, R.S.O. 1990, c. P. 13, the bylaw may be amended by Council of the Municipality;

AND WHEREAS notice of intent to remove the Holding (H) Symbol has been given pursuant to the provisions of Section 36 of the Planning Act, R.S.O. 1990, c.P.13 and Ontario Regulation 545/06;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS** as follows:


1. **THAT** Map 9 to the Zoning Bylaw of the Township of Wainfleet, being Bylaw 034-2014, is hereby amended by removing the Holding (H) Symbol from Concession 5 Part Lot 6 RP 59R-515 Part 3, as indicated on the attached key map in Schedule “A”.
2. **THAT** Schedule “A” is hereby declared to form part of this bylaw.
3. **AND THAT** this bylaw shall come into force and take effect upon the enactment thereof.

BYLAW READ AND PASSED THIS 30TH DAY OF MARCH, 2021.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

SCHEDULE "A" TO BYLAW NO. 0XX-2021

<h1>KEY MAP</h1>	
TOWNSHIP OF WAINFLEET	
Purpose & Effect of By-law No. 0XX-2021: This by-law affects lands described as Part of Lot 6, Concession 5 in the Township of Wainfleet. This by-law has been enacted to remove the holding "H" symbol.	THIS IS SCHEDULE "A" TO BY-LAW NO. 0XX-2021. PASSED THIS 30 TH DAY OF MARCH, 2021.
 File No. Z05/2021W (Rich, Ness)	MAYOR
	DEPUTY CLERK

APPENDIX "C"

DEVELOPMENT AGREEMENT

This agreement dated the _____ day of March, 2021.

BETWEEN:

PETER ANTHONY RICH & SARAH JANE NESS

(hereinafter called the "Owner")

-and-

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

(hereinafter called the "Township")

WHEREAS the Owner is the owner of the real property legally described as Part Lot 6, Concession 5, RP 59R515 Part 3, Township of Wainfleet, Regional Municipality of Niagara (the "Lands");

AND WHEREAS the Owner desires to rezone the Lands to permit a single detached dwelling through Zoning By-law Amendment Z05/2021W;

AND WHEREAS the Council of the Township of Wainfleet has considered Zoning By-law Amendment Z05/2021W and deems it desirable to enter into a development agreement for the Lands;

NOW THEREFORE IN CONSIDERATION OF the sum of Two Dollars (\$2.00) and other good and valuable consideration paid by each of the parties hereto to the other, the receipt and sufficient of which is hereby acknowledged, the parties hereto hereby agree as follows:

1. The Parties confirm that the foregoing recitals are true and correct and form part of this Agreement.
2. That any offers and agreements of purchase and sale or lease shall include the following warning clauses:
 - a) Purchasers/tenants are advised that, despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the noise criteria of Municipality and the Ministry of the Environment, Conservation and Parks.
 - b) This dwelling unit has been designed with the provision for adding central air conditioning. Installation of central air conditioning will allow windows and exterior

- doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment, Conservation and Parks noise criteria. (Note: the location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with criteria of MECP publication NPCA-300.)
- c) Purchasers/tenants are advised that due to the proximity of this dwelling to the nearby railway tracks, vibration from rail pass-bys may occasionally be perceptible within this unit.
 - d) Warning: Canadian Pacific Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the individual dwelling. CPR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.
- 3. That the future dwelling shall be constructed in accordance with the recommendations of the Rail Noise & Vibration Feasibility Study prepared by HGC Engineering (dated March 1, 2021), including but not limited to the dwelling being designed with a provision for the installation of a central air conditioning system at the occupant's discretion, upgraded glazing construction and brick/masonry walls for the proposed bedrooms on the east façade. Should the building location be changed significantly, the acoustic requirements may be subject to modification.
 - 4. That appropriate erosion and sediment controls be implemented during all construction and site alteration activities to mitigate potential impacts to the watercourse.
 - 5. That vegetation removal be minimized along the NPCA regulated watercourse.
 - 6. This Agreement shall be registered on title to the Lands.
 - 7. This Agreement shall not be extinguished or released without the prior written approval of the Township.
 - 8. This Agreement and the obligations contained herein shall be binding upon and enure to the benefit of the Parties and their respective successors and assigns.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement on the date first written above.

SIGNED, SEALED AND DELIVERED

PETER ANTHONY RICH

Witness

SARAH JANE NESS

TOWNSHIP OF WAINFLEET

Witness

Kevin Gibson, Mayor

William Kolasa, Clerk

We have the authority to bind the
corporation.

PUBLIC WORKS STAFF REPORT**PWSR-003/2021**

TO: Mayor Jeffs & Members of Council

FROM: R. Nan, Manager of Operations

DATE OF MEETING: March 30, 2021

SUBJECT: Award of Tender for Loader/Backhoe

RECOMMENDATION(S):

THAT Public Works Staff Report PWSR-003/2021 respecting Award of Tender for Loader/Backhoe be received;

AND THAT Council authorize the Manager of Operations to purchase a 2021 580SN Case Loader/Backhoe from Strongco Corporation, being the lowest bid submitted.

EXECUTIVE SUMMARY:

The 2021 approved budget included the purchase of a Loader/Backhoe with an upset limit of \$164,500.00. Staff prepared a tender package in accordance with the Township's procurement policy and the results of the tender opening are indicated below.

BACKGROUND:

Staff prepared a tender package and specifications for a Loader/Backhoe to replace the Cemetery backhoe presently in the fleet. The new Loader/Backhoe will be placed in the Roads department and the existing roads Loader/ Backhoe will be placed in the Cemetery Department. After reviewing all 3 tenders it was indicated that all tender submissions met the majority of specifications required by the tender package. Some specifications not met by all were minor in nature, including standard light bulbs as compared to LED bulbs due to standard lighting packages. The results of the Tender are listed below. Prices indicated do not include HST

Company	Make and Model	Price
Toromont Cat	2021 420 Cat	\$ 172,400.00
Brandt Tractor Ltd	2021 310L John Deere	\$ 162,500.00
Strongco LP	2021 580SN Case	\$ 141,000.00

OPTIONS/DISCUSSION:

1. Award the tender to the lowest bidder (Recommended).
2. Award the tender to one of the alternate bidders.

FINANCIAL CONSIDERATIONS:

Council approved \$164,500.00 for the purchase of a Loader/ Backhoe during the 2021 budget deliberations. The purchase of the Loader/backhoe with HST included is \$159,330.00.

OTHERS CONSULTED:

Strategic Leadership Team

ATTACHMENTS:

None.

Respectfully submitted by,

Approved by,

Richard Nan, CRSI
Manager of Operations

William J Kolasa
Chief Administrative Officer/Clerk

TO: Mayor Gibson & Members of Council

FROM: R. Nan, Manager of Operations

DATE OF MEETING: March 30, 2021

SUBJECT: Award of Tender for purchase of Pick-up Truck

RECOMMENDATION(S):

THAT Public Works Staff Report respecting PWSR-004/2021 respecting the award of a tender for a pick-up truck be received;

AND THAT Council authorize the Manager of Operations to award the tender for the purchase of one (1) 2021 GMC Sierra, Regular Cab, 2 Door, 2-Wheel Drive, Full Size Pick-Up Truck to Niagara Motors in the amount of \$32,500 plus HST;

EXECUTIVE SUMMARY:

Staff prepared a tender for the purchase of one (1) 2021 or 2022 Model, Regular Cab, 2 Door, 2-Wheel Drive, Full Size Pick-Up Truck according to the Township procurement policy. Various suppliers were advised of the tender by staff, including local dealers. Staff also advertised the tender on the Township website and made it available to the public.

During the tender opening on March 24, 2021, staff received 4 bids. Staff reviewed all the specifications contained in the tender documents and compared them to the submissions. Staff also reviewed potential delivery timelines detailed by the vendors in their submissions.

BACKGROUND:

The tender for purchase and replacement of one (1) Supply of a 2021 or 2022 Model, Regular Cab, 2 Door, 2-Wheel Drive, Full Size Pick-Up Truck had been prepared by staff after reviewing the various equipment specifications available in the market. Staff prepared the specifications to meet the required needs of the Operations department.

Upon the tender closing on March 24, 2021, staff received four bid submissions.

As already noted, the four bids received by the Township are as follows:

Bidder	Make, Model, Year	Bid Price (excluding HST)
Niagara Motors	2021 GMC Sierra	\$32,500.00
Ed Learn Ford	2021 Ford F150	\$31,409.00
Mike Knapp Ford	2021 Ford F150	\$33,767.00
Brock Ford	2021 Ford F150	\$31,300.00

Staff have reviewed the submissions and noted several items in the submissions. It should be mentioned that specifications were based on our current fleet and that some manufacturers utilize different components. The tender package requested a few components listed below which formed part of staff's recommendation:

1. GVWR of 3,000kg minimum
2. Tires – P265/70R17 All terrain black wall
3. A six cylinder gasoline engine is required having a minimum displacement of 4.3 litre.
4. Full trailering Package Class 3 Hitch
5. Standard fuel tank, 110 litres minimum

Additionally staff reviewed the delivery availability, current inventory of fleet parts and components. Currently the township utilizes 1 Dodge truck and the remainder of the fleet are General Motors products. Deviation from these brands could certainly occur, but staff would have to consider stocking different oil and filters with the purchase of a Ford Product. Staff also considered the box construction and placement of supplies and tools with a steel box offered by General Motors as compared to aluminum box offered by Ford. Staff have concerns regarding potential damaging of the box over time during normal use with placement of tools and equipment.

The following items listed below were reviewed, based on the tender specifications, that staff have noted differences compared to tender document:

Submission from Brock Ford: 12 week delivery

- GVWR = 2799 kg
- Lt 245/70R 17E Tires
- 3.3 litre engine
- 87 litre fuel tank
- Trailer brake controller \$350 extra
- Warranty: 3 year/ 60,000km (5yr/160,000 km \$1720 Extra)

Submission from Mike Knapp Ford: approximately 2-3 month delivery

- GVWR = 3130 kg
- 2.7 litre Ecoboost engine
- 87 litre fuel tank
- 8 section requesting specifications in the document were not supplied including all electrical components
- Warranty: 3 year/ 60,000km (5yr/160,000 km Extra price not stipulated)

Submission from Ed Learn Ford: approximately 12 week delivery

- GVWR = 2799 kg
- 245/70R 17 all season tires
- 3.3 litre engine

- 87 litre fuel tank
- Warranty: 3 year/ 60,000km (5yr/160,000 km Extra price not stipulated)

Submission from Niagara Motors: currently in stock and available

- All specifications fully met

FINANCIAL CONSIDERATIONS:

The approved 2021 Capital Budget included the acquisition of one (1) 2021, Regular Cab, 2 Door, 2-Wheel Drive, Full Size Pick-Up Truck. Council approved an allocation for \$33,000 during capital budget deliberations.

OPTIONS/DISCUSSION:

- 1) Award the tender to the lowest bidder, fully meeting the specifications required in the tender, Niagara Automotive for \$ 32,500 plus HST. (Recommended)
- 2) Award the tender to the lowest bidder, not meeting all specifications in the tender document, Brock Ford for \$31,300 plus the additional \$350 for the Brake controller for trailering.
- 3) Award the tender to one of the remaining bidders.

OTHERS CONSULTED:

- 1) Manager of Corporate Services/Treasurer
- 2) Strategic Leadership Team

ATTACHMENTS:

None.

Respectfully submitted by,

Approved by,

Richard Nan, CRSS
Manager of Operations

William J. Kolasa,
Chief Administrative Officer/ Clerk

From: Dawn Tuckwell <chaptermgr.niagara@autismontario.com>
Sent: March 10, 2021 7:31 PM
To: Amber Dashwood
Subject: Re: Invitation to participate in Autism Ontario's "Raise the Flag" campaign on April 6th, 2021
Attachments: Raise the Flag Proclamation BIL 2021.pdf

Hello Amber:

April 6th, 2021 will mark a historic day in Canada for the autism community. For the ninth year, Canadians will officially recognize World Autism Awareness Day.

To formally acknowledge the day, Autism Ontario is inviting all Municipalities across Niagara to participate in World Autism Awareness Day by raising an autism awareness flag on Thursday, April 6, 2021. By participating in our 2021 "Raise the Flag" campaign, you are increasing public awareness about Autism Spectrum Disorder (ASD), and the day-to-day issues faced by people with autism and their families.

If your municipality is interested in supporting autism awareness by participating in Autism Ontario's "Raise the Flag" campaign on **April 6th, 2021** please register <https://raisetheflagforautism.com/> or contact Dawn Tuckwell at chaptermgr.niagara@autismontario.com. I have attached a copy of a proclamation. For questions regarding participation, please contact me at chaptermgr.niagara@autismontario.com or call 905.682.2776 x201.

I hope you will join us in celebrating World Autism Awareness Day.

Sincerely

Dawn Tuckwell (She/Her)
Autism Ontario - Niagara Region Chapter Manager
36 Page Street, Suite 401
St. Catharines, ON L2R 4A7
P: 905-682-2776, Ext. 201
chaptermgr.niagara@autismontario.com
www.autismontario.com/niagara



PROCLAMATION

I, (name of Mayor or designate) of the city of (city name) do hereby proclaim

April 2 as World Autism Awareness Day

WHERE AS:	World Autism Awareness Day will be recognized on April 2 nd , 2021, in Canada thanks to Liberal Senator Jim Munson's Bill S-206, <i>An Act Respecting World Autism Awareness Day</i> ; and
WHERE AS:	Autism Spectrum Disorder (ASD) affects more than 135,000 Ontarians. Autism Spectrum Disorder is now recognized as the most common neurological disorder affecting 1 in every 66 children, as well as their friends, family and community; and
WHERE AS:	ASD is a spectrum disorder, which means it not only manifests itself differently in every individual in whom it appears, but its characteristics will change over the life of each individual as well. A child with ASD will become an adult with ASD; and
WHERE AS:	Autism Ontario (formerly Autism Society Ontario) is the leading source of information and referral on autism and one of the largest collective voices representing the autism community. Since 1973, Autism Ontario has been providing support, information and opportunities for thousands of families across the province; and
WHERE AS:	Autism Ontario is dedicated to increasing public awareness about autism and the day-to-day issues faced by individuals with autism, their families, and the professionals with whom they interact. The association and its chapters share common goals of providing information and education, supporting research, and advocating for programs and services for the autism community; and
THEREFORE:	I (Mayor Name or Designate), do hereby declare April 2 nd as World Autism Awareness Day.

Dated at (municipality), Ontario this 2nd day of April, 2021.

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 002-2021

Being a by-law to provide for drainage works in
the Township of Wainfleet in the Region of
Niagara (Indian Creek Drain)

WHEREAS the Council of the Township of Wainfleet has procured a report under section 78 of the Drainage Act for the Improvement of the Indian Creek Drain;

AND WHEREAS the report dated November 27, 2020, has been authored by Dietrich Engineering Limited and the attached report forms part of this by-law;

AND WHEREAS the estimated total cost of the drainage works is \$249,700.00

AND WHEREAS \$99,174.00 is the amount to be contributed by the Township of Wainfleet for the drainage works;

AND WHEREAS the Council is of the opinion that drainage of the area is desirable;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet pursuant to the Drainage Act **HEREBY ENACTS AS FOLLOWS:**

1. The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.
2. The Corporation of the Township of Wainfleet may borrow on the credit of the corporation the amount of \$249,700.00, being the amount necessary for the improvement of the drainage works. This project will not be debentured.
3. This By-law comes into force on the passing thereof and may be cited at the "Indian Creek Drain Improvement By-law".

BY-LAW READ A FIRST TIME THIS 26TH DAY OF JANUARY, 2021

BY-LAW READ A SECOND TIME THIS 26TH DAY OF JANUARY, 2021

PROVISIONALLY ADOPTED THIS 26TH DAY OF JANUARY, 2021

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

BY-LAW READ A THIRD TIME AND FINALLY ENACTED THIS 30TH DAY OF MARCH, 2021

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

I, Meredith Ciuffetelli, Deputy Clerk of the Corporation of the Township of Wainfleet certify that the above By-law was duly passed by the Council of the Corporation and is a true copy thereof.

M. Ciuffetelli, DEPUTY CLERK

THE CORPORATION OF THE

TOWNSHIP OF WAINFLEET

BYLAW NO. 010-2021

Being a bylaw to amend the Corporation of the Township of Wainfleet Zoning By-law 034-2014, pursuant to Section 36 of the Planning Act, R.S.O. 1990.

WHEREAS the Council of the Corporation of the Township of Wainfleet deems it necessary and in the public interest to pass a bylaw to amend Zoning Bylaw 034-2014;

AND WHEREAS pursuant to the provisions of Section 36 of the Planning Act, R.S.O. 1990, c. P. 13, the bylaw may be amended by Council of the Municipality;

AND WHEREAS notice of intent to remove the Holding (H) Symbol has been given pursuant to the provisions of Section 36 of the Planning Act, R.S.O. 1990, c.P.13 and Ontario Regulation 545/06;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS** as follows:

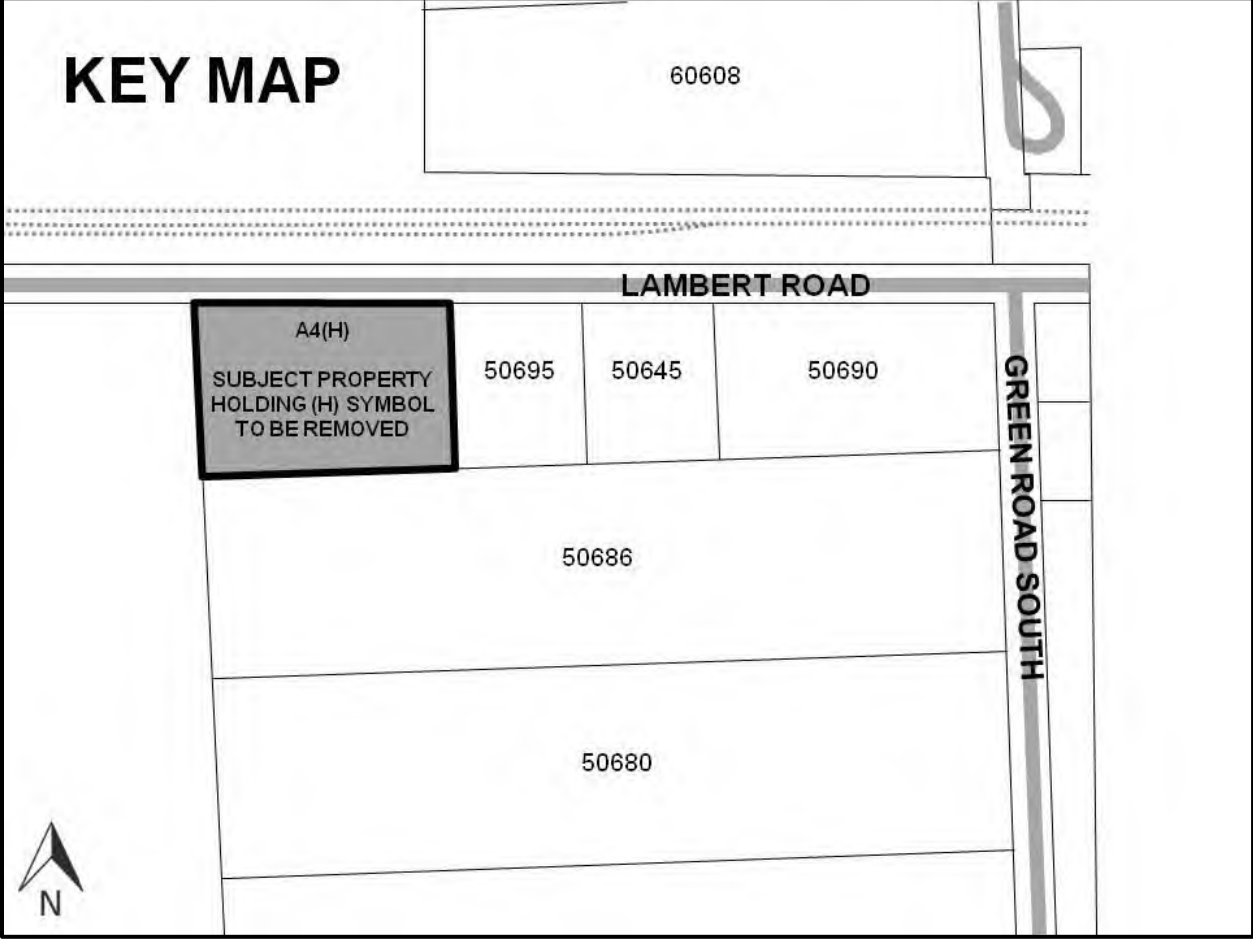
1. **THAT** Map 9 to the Zoning Bylaw of the Township of Wainfleet, being Bylaw 034-2014, is hereby amended by removing the Holding (H) Symbol from Concession 5 Part Lot 6 RP 59R-515 Part 3, as indicated on the attached key map in Schedule "A".
2. **THAT** Schedule "A" is hereby declared to form part of this bylaw.
3. **AND THAT** this bylaw shall come into force and take effect upon the enactment thereof.

BYLAW READ AND PASSED THIS 30TH DAY OF MARCH, 2021.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

SCHEDULE "A" TO BYLAW NO. 010-2021

<h1 style="margin: 0;">KEY MAP</h1> 	
TOWNSHIP OF WAINFLEET	
Purpose & Effect of By-law No. 010-2021: This by-law affects lands described as Part of Lot 6, Concession 5 in the Township of Wainfleet. This by-law has been enacted to remove the holding "H" symbol.	THIS IS SCHEDULE "A" TO BY-LAW NO. 010-2021. PASSED THIS 30 TH DAY OF MARCH, 2021.
<div style="display: flex; align-items: center;"> <div> File No. Z05/2021W (Rich, Ness) </div> </div>	MAYOR
	DEPUTY CLERK

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 011-2021

Being a by-law to adopt, ratify and confirm the proceedings of the Council of the Corporation of the Township of Wainfleet at its meeting held March 30, 2021.

WHEREAS Subsection 5 (1) of the *Municipal Act, 2001*, S.O. 2001, Chapter M.25, as amended, provides that the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS section 5 (3) of the *Municipal Act 2001*, S.O. 2001, Chapter M.25, as amended, provides that, except if otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. (a) The actions of the Council at its meeting held March 30, 2021, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.

(b) The above-mentioned actions shall not include:
 - (i) any actions required by law to be taken by resolution, or
 - (ii) any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
2. The Mayor and proper officials of the Corporation of the Township of Wainfleet are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
3. Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the corporation of the Township of Wainfleet to all documents necessary to give effect to the above-mentioned actions.
4. This by-law shall come into force on the day upon which it is passed.

BY-LAW READ AND PASSED THIS 30TH DAY OF MARCH, 2021

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK