



THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
REGULAR MEETING OF COUNCIL AGENDA – AS AMENDED

APRIL 5, 2022 – 7:00 P.M.

COUNCIL CHAMBERS

C008/22

- 1. Call to Order**
- 2. National Anthem**
- 3. Land Acknowledgement Statement**
- 4. Disclosures of Interest and the General Nature Thereof**
- 5. Mayor's Announcements & Remarks**
- 6. Councillor's Announcements & Remarks**
- 7. Adoption of Previous Council Minutes**
 - a) Minutes of the regular meeting of Council held March 8, 2022
 - b) Minutes of the special meeting of Council held March 14, 2022
 - c) Minutes of the special meeting of Council held March 16, 2022
 - d) Minutes of the special meeting of Council held March 22, 2022
- 8. Public Meeting**
- 9. Delegations**
 - ~~a) Joanna Mataya – Community Living Port Colborne (60th Anniversary)~~
 - b) Cam McLean – Wainfleet Resident (Deeks Road Repairs)
- 10. Staff Reports & Recommendations**
 - a) Administrative Staff Reports
 - i. ASR-011/2022 Re: COVID-19 Impact Report

b) Building Staff Reports

- i. BSR-002/2022 Re: Extension of Conditional Building Permit – 11605 Beach Road West

c) Community & Development Services

- i. CDS-001/2022 Re: Municipal Beach By-law

d) Drainage Staff Reports

- i. DSR-002/2022 Re: 2021-2022 Drainage Program Update

e) Planning Staff Reports

- i. PSR-001/2022 Re: Site Plan Application – File SP02/2021W
31950 Sugarloaf Street (NCDSB & DSBN)
- ii. MEMORANDUM Re: 2023 Niagara Ortho-Photography Project Letter of Intent

f) Public Works Staff Reports

- i. PWSR-004/2022 Re: Local Authority Services Municipal Buying Group
- ii. PWSR-005/2022 Re: Award of Tender for Lakeshore Road, Drainage and Road Improvements
- iii. PWSR-006/2022 Re: Award of Tender for Gents Road Bridge Replacement
- iv. PWSR-007/2022 Re: Consideration of Electric Vehicle
- v. **MEMORANDUM Re: Purchase of Roadside Mower**

11. Review of Correspondence

- a) C-2022-070 – Report PW 15-2022 – Moving Transit Forward – Initial Transition Activities and Next Steps

12. By-laws

13. Notices of Motion

14. Closed Meeting

- a) Item under Section 2(b) of the Municipal Act, 2001 personal matters about an identifiable individual, including municipal or local board employees – 1 item (A Staffing Matter)

15. Rise & Report

16. By-law to Confirm the Proceedings of Council

- a) By-law No. 019-2022 being a by-law to adopt, ratify and confirm the actions of the Council at its meetings held March 14, 16, 22 and April 5, 2022.

17. Adjournment



**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
REGULAR MEETING OF COUNCIL MINUTES**

C04/2022
MARCH 8, 2022 – 6:00 P.M.
COUNCIL CHAMBERS

PRESENT:	K. Gibson	Mayor
	D. Cridland	Councillor
	T. Gilmore	Councillor
	J. MacLellan	Councillor
	S. Van Vliet	Councillor
STAFF PRESENT:	W. Kolasa	Chief Administrative Officer
	M. Ciuffetelli	Deputy Clerk
	M. Alcock	Fire Chief
	L. Earl	Manager of Community & Development
	L. Gudgeon	Manager of Human Resources
	B. Hopkins	Chief Building Official
	M. Luey	Mngr. of Corporate Services/Treasurer
	R. Nan	Manager of Operations

1. **Call to Order**
Mayor Gibson called the meeting to order at 6:00 p.m.

2. **Closed Meeting**

Resolution No. C-2022-039

Moved by Councillor MacLellan

Seconded by Councillor Gilmore

“THAT Council now move into closed session to discuss:

- a) 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 – 2 items (A property acquisition and a disposition of land matter)
- b) Item under Section 239(2)(f) of the Municipal Act, 2001, advice that is subject to solicitor-client privilege, including communications necessary for that purpose – 1 item (A drainage matter)
- c) Minutes of the closed meeting of Council held February 15, 2022

CARRIED

3. Rise & Report

Council met in open session at 6:00 p.m. and passed a motion to move into closed session. In closed session.

Council received advice from the Township's Solicitor on a property acquisition matter. Advice was also received respecting a Drainage Matter.

Council received information and provided confidential direction to staff on a disposition of land matter.

A procedural vote was taken to adopt previous closed meeting minutes from February 15, 2022.

4. National Anthem

5. 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.

6. Disclosures of Interest and the General Nature Thereof

None.

7. Mayor's Announcements & Remarks

Mayor Gibson provided the following remarks:

- Please note that meeting proceedings are being broadcast live, recorded and made available through the Township website and youtube.com
- I am pleased to announce that the Township will be hosting an in-person Drainage Open House scheduled for April 12 from 7-9 p.m. in the Moore Room at the arena. The Open House will provide information about scheduled drain maintenance for 2022 and engineering updates. The Niagara Peninsula Conservation Authority will also be presenting information on the Big Forks Creek and Beaver Creek Flood Plain Mapping Project.
- Council will begin budget deliberations on March 14, 16 and 22.
- The regular meeting of Council scheduled for March 29 has been rescheduled to April 5.
- Happy International Women's Day.

8. Councillor's Announcements & Remarks

Councillor Cridland noted that the next Niagara Peninsula Conservation Authority Board meeting will be held March 25, 2022 at 9:00 a.m.

9. Adoption of Previous Council Minutes

- a) Minutes of the regular meeting of Council held February 15, 2022

Resolution No. C-2022-039

Moved by Councillor Gilmore

Seconded by Councillor Cridland

“THAT the minutes of the regular meeting of Council held February 15, 2022 be adopted as circulated.”

CARRIED

10. Public Meeting

- a) Proposed User Fees & Charges By-law & Intention to Establish Building Fees

Mayor Gibson advised that the purpose of the Public Meeting was to provide information and gather public comments regarding the Proposed 2022 User Fees and Charges By-law and 2022 Building Permit Fees.

The Treasurer and Chief Building Official presented the proposed changes to Council and advised on next steps in the process.

Council members requested that a review of Cemetery rates associated with Sale of Burial Rights be reviewed in 2023 with respect to Non-Residents.

There were no questions or comments from the public.

- i. ASR-006/2022 Re: 2022 Proposed User Fees & Charges

Resolution No. C-2022-040

Moved by Councillor Van Vliet

Seconded by Councillor Cridland

“THAT Report ASR-006/2022 regarding proposed user fees and charges be received as information; and

THAT Council approve the recommended user fees and charges contained within Appendix “A” of the report; and

THAT staff be directed to prepare the necessary by-law to the March 22, 2022 Council meeting for consideration; and

THAT Council direct Staff to amend Schedule “A” of Building By-law No. 027-2012 to reflect the updated building fees and charges.”

CARRIED

11. Delegations

a) Michelle Sergi & Diana Morreale, Niagara Region Re: Niagara Official Plan

Resolution No. C-2022-041

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

“**THAT** the delegation presentation from Michelle Sergi and Diana Morreale from the Niagara Region respecting Niagara Official Plan be received as information.”

CARRIED

12. Staff Reports & Recommendations

a) Administrative Staff Reports

i. ASR-007/2022 Re: COVID-19 Impact Report

Resolution No. C-2022-042

Moved by Councillor Cridland

Seconded by Councillor Van Vliet

“**THAT** Administrative Staff Report ASR-007/2022 respecting COVID-19 Impact Report be received for information.”

CARRIED

ii. ASR-008/2022 Re: Use of Corporate Resources Policy for Election Purposes

Resolution No. C-2022-043

Moved by Councillor MacLellan

Seconded by Councillor Gilmore

“**THAT** Administrative Staff Report ASR-008/2022 respecting the Use of Corporate Resources for Election Purposes Policy be received; and

THAT Council approve the Use of Corporate Resources Policy for Municipal Elections as presented in Appendix “A” to this report.”

CARRIED

iii. ASR-009/2022 Re: 2019 Auditor's Report & Draft Financial Report

Resolution No. C-2022-044

Moved by Councillor Cridland

Seconded by Councillor Van Vliet

"THAT Administrative Staff Report ASR-009-2022 respecting 2019 Auditor's Report and Draft Financial Report be received; and

THAT the 2019 Auditor's Report Council – Communication of Audit Strategy and Results be received for information; and

AND THAT Council approve the 2019 Draft Financial Report."

CARRIED

iv. Memorandum Re: Regional Council Indigenous Education Training Session

Resolution No. C-2022-045

Moved by Councillor Cridland

Seconded by Councillor Van Vliet

THAT the Council Members of the Township of Wainfleet **BE PERMITTED** to attend and participate electronically in the Special Regional Council meeting being held on March 31, 2022, at 6:00 p.m. to receive indigenous education and training in closed session in accordance with Subsection 239(3.1) of the Municipal Act, 2001;

THAT the Council of the Township of Wainfleet **CONFIRM** that this session is for training and education purposes only and no direction will be issued to staff and no decisions or motions will be made that advance the business or decision-making of the Council of the Township of Wainfleet;

THAT the Council of the Township of Wainfleet **WAIVE** the Rules of Procedure to adopt Niagara Region Procedural By-law 120-2010, as amended, for the purpose and duration of the Special Regional Council meeting being held on March 31, 2022;

THAT the Council of the Township of Wainfleet **AUTHORIZE** the delegation of the duties of the Clerk to the Regional Clerk for the purpose and duration of the Special Regional Council meeting in accordance with subsection 228(4) of the Municipal Act, 2001;

THAT Regional Chair Jim Bradley **BE APPOINTED** as the presiding officer for the purpose and duration of the Special Regional Council meeting; and

THAT the Clerk **BE DIRECTED** to provide a copy of this resolution to the Regional Clerk so that it may be included as part of the Minutes of the Special Regional Council meeting.

CARRIED

b) Building Staff Reports

- i. BSR-001/2022 Re: Summary of 2021 Building Permit Activity

Resolution No. C-2022-046

Moved by Councillor MacLellan

Seconded by Councillor Gilmore

“THAT Building Staff Report BSR-001/2022 respecting Summary of 2021 Building Activity within the Township of Wainfleet be received for information.”

CARRIED

c) Fire Staff Reports

- i. FSR-003/2022 Re: 2021 Annual Report

Resolution No. C-2022-047

Moved by Councillor Van Vliet

Seconded by Councillor Gilmore

“THAT Fire Staff Report FSR-003/2022 regarding the 2021 Annual Report be received for information.”

CARRIED

d) Public Works Staff Reports

- i. PWSR-002/2022 Re: Proposal for a Junior A Hockey Team in Wainfleet

Resolution No. C-2022-048

Moved by Councillor Gilmore

Seconded by Councillor MacLellan

“THAT Public Works Staff Report PWSR 002/2022 respecting Proposal for a Junior A Hockey Team in Wainfleet be received; and

THAT the Council of the Township of Wainfleet extend their thanks to the Niagara Hockey Group for the offer of bringing a Greater Metro Junior A

Hockey team to Wainfleet and decline the offer to host the team in the Township of Wainfleet.”

CARRIED

- ii. PWSR-003/2022 Re: Equipment Rental Rates for 2022

Resolution No. C-2022-049

Moved by Councillor Van Vliet

Seconded by Councillor MacLellan

“**THAT** Public Works Staff Report PWSR-003/2022 respecting Equipment Rental Rates for 2022 be received;

AND THAT equipment rental rates detailed in the report for 2022 be supported.”

CARRIED

- iii. Memorandum Re: Marshville Miniature Train Installation

Resolution No. C-2022-050

Moved by Councillor Cridland

Seconded by Councillor MacLellan

“**THAT** the memorandum from the Manager of Operations respecting Marshville Miniature Train Installation be received as information.”

CARRIED

13. Review of Correspondence

- a) C-2022-037 Re: Drainage Maintenance Work and CN Rail

Resolution No. C-2022-051

Moved by Councillor Van Vliet

Seconded by Councillor Cridland

“**THAT** Correspondence item No. C-2022-037 respecting Drainage Maintenance Work and CN Rail be received and supported.”

CARRIED

- b) C-2022-049 – Wainfleet Historical Society Re: Request for Tree Planting at the Wainfleet Cenotaph in recognition of the 2022 Platinum Jubilee of Queen Elizabeth II

c)

Resolution No. C-2022-052

Moved by Councillor Van Vliet
Seconded by Councillor Gilmore

“**THAT** Correspondence item No. C-2022-049 from the Wainfleet Historical Society respecting a request for Tree Planting at the Wainfleet Cenotaph be received and supported.”

CARRIED

14. By-laws

None.

15. Notices of Motion

None.

16. Closed Meeting

None.

17. Rise & Report

None.

18. By-law to Confirm the Proceedings of Council

Resolution No. C-2022-053

Moved by Councillor Gilmore
Seconded by Councillor Van Vliet

“**THAT** By-law No. 014-2022 being a by-law to adopt, ratify and confirm the actions of the Council at its meeting held on the 8th day March, 2022 be read and passed this 8th day of March, 2022.”

CARRIED

19. Adjournment

There being no further business, the meeting was adjourned at 9:00 p.m.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK



**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
SPECIAL MEETING OF COUNCIL MINUTES**

C05/2022
MARCH 14, 2022
7:00 P.M.
COUNCIL CHAMBERS

PRESENT:	K. Gibson	Mayor
	D. Cridland	Councillor
	T. Gilmore	Councillor
	J. MacLellan	Councillor
	S. Van Vliet	Councillor
STAFF PRESENT:	W. Kolasa	Chief Administrative Officer
	M. Ciuffetelli	Deputy Clerk
	M. Alcock	Fire Chief (7:20 p.m.)
	L. Earl	Manager of Community & Development
	M. Jemison	Drainage Superintendent
	M. Luey	Mgr. of Corporate Services/Treasurer
	R. Nan	Manager of Operations

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.
4. **Staff Reports & Recommendations**
 - a) 2022 Draft Capital Budget
The treasurer presented the draft 2022 Capital Budget to Council for their review and consideration. No decisions were made at the meeting. Budget deliberations will continue March 16, 2022 with a final budget to be presented to Council for consideration at a future meeting.
5. **Closed Meeting**
None.
6. **Rise & Report**
None.

7. **Adjournment of Meeting**

There being no further business, the meeting was adjourned at 9:05 p.m.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK



**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
SPECIAL MEETING OF COUNCIL MINUTES**

C06/2022
MARCH 16, 2022
7:00 P.M.
COUNCIL CHAMBERS

PRESENT:	K. Gibson D. Cridland T. Gilmore J. MacLellan S. Van Vliet	Mayor Councillor Councillor Councillor Councillor
STAFF PRESENT:	W. Kolasa M. Ciuffetelli M. Alcock L. Earl L. Gudgeon B. Hopkins S. Ivins M. Jemison M. Luey R. Nan	Chief Administrative Officer Deputy Clerk Fire Chief Manager of Community & Development Manager of Human Resources Chief Building Official Planner Drainage Superintendent Mgr. of Corporate Services/Treasurer Manager of Operations

- 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.
- 4. Staff Reports & Recommendations**
 - a) 2022 Draft Operating Budget**
The treasurer presented the draft 2022 Operating Budget to Council for their review and consideration. No decisions were made at the meeting. A final budget will be presented for consideration at an upcoming meeting.
- 5. Closed Meeting**
None.
- 6. Rise & Report**
None.

7. **Adjournment of Meeting**

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

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK



**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
SPECIAL MEETING OF COUNCIL MINUTES**

C07/2022
MARCH 22, 2022
7:00 P.M.
COUNCIL CHAMBERS

PRESENT:	K. Gibson	Mayor
	D. Cridland	Councillor
	T. Gilmore	Councillor
	J. MacLellan	Councillor
	S. Van Vliet	Councillor
STAFF PRESENT:	W. Kolasa	Chief Administrative Officer
	M. Ciuffetelli	Deputy Clerk
	M. Alcock	Fire Chief
	L. Earl	Manager of Community & Development
	L. Gudgeon	Manager of Human Resources
	M. Luey	Mgr. of Corporate Services/Treasurer
	R. Nan	Manager of Operations

C07/22

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.
4. **Staff Reports & Recommendations**
 - a) 2022 Capital/Operating Budget

Resolution No. C-2022-054

Moved by Councillor Cridland
Seconded by Councillor Gilmore

THAT the presentation by the Treasurer regarding the Draft 2022 Budget be received; and

WHEREAS, at its meetings of March 14, 2022, March 16, 2022 and March 22, 2022; the Council of the Township of Wainfleet has considered and evaluated the operational requirements for the Township to ensure the efficient delivery of municipal services to the ratepayers of the Township of Wainfleet;

NOW THEREFORE BE IT RESOLVED THAT the 2022 Capital Budget Expenditures of \$9,710,857 be approved, and

THAT the 2022 Operating Budget be approved with a tax levy requirement of \$5,965,094 for local municipal purposes; and

THAT an infrastructure levy in the amount of \$1,117,874 be approved for local municipal purposes; and

THAT the staff be directed to report back to Council regarding the annual taxation levying by-law as required by the Municipal Act, 2001, upon the setting of the tax ratios and requisition amounts by the Regional Municipality of Niagara and other applicable bodies.

CARRIED

b) ASR-010/2022 Re: *Municipal Act, 2001* Remuneration Reporting

Resolution No. C-2022-055

Moved by Councillor Gilmore

Seconded by Councillor Van Vliet

“THAT Administrative Staff Report ASR-010/2022 respecting *Municipal Act*, 2021 Remuneration Report be received for information.”

CARRIED

c) CDS Memorandum Re: Proposed By-law Amendment – Officer Definition

Resolution No. C-2022-056

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

“THAT the memorandum from the Manager of Community & Development Services respecting Proposed By-law Amendment – Officer Definition be received as information.”

CARRIED

5. **By-laws**

Resolution No. C-2022-057

Moved by Councillor MacLellan

Seconded by Councillor Gilmore

“THAT the following by-laws be read and passed this 22nd day of March 2022:

- a) By-law No. 015-2022 being a by-law to establish and regulate payment of various fees and charges

- b) By-law No. 016-2022 being a by-law to amend by-law No. 041-2021 being a by-law to prohibit the obstruction, encumbering, injuring or fouling of Township Roads
- c) By-law No. 017-2022 being a by-law to amend by-law No. 027-2019, being a by-law to establish an Administrative Monetary Penalty System for Non-Parking related offences
- d) By-law No. 018-2022 being a by-law to amend by-law No. 010-2018, being a by-law to regulate traffic and parking in the Township of Wainfleet

CARRIED

6. **Closed Meeting**

None.

7. **Rise & Report**

None.

8. **Adjournment of Meeting**

There being no further business, the meeting was adjourned at 7:22 p.m.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK



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



Celebrating 60 Years

1962-2022



VISION

A Community Where Everyone Belongs

MISSION

To empower and support people with intellectual disabilities to achieve their desired quality of life in partnership with the community.

VALUES

The Board of Directors, Employees, and Volunteers strive to be ambassadors that practice and promote the following values for people receiving services by Community Living Port Colborne-Wainfleet

- ✓ **SOCIAL INCLUSION** - people live, learn, work, and play in their community
- ✓ **RIGHTS and RESPONSIBILITIES** - advocacy for and on behalf of people
- ✓ **DIGNITY and RESPECT** - all people are equal and need to be treated as such
- ✓ **INDIVIDUALITY** - accept and respect individual choices and opinions of people
- ✓ **INDEPENDENCE** - provide opportunities for learning and allow people to live the lives they choose

What we do...



Community Living Port Colborne-Wainfleet:

- We support people with Intellectual Disabilities to achieve their desired quality of life both in their homes and to families throughout the community.
- We have 10 Group Living locations, a self advocates group, Children's and after school programs, March Break, and Summer Camps.
- We have 155 employees. We are the third largest employer in Port Colborne.

Our Goals are...

- To empower the people we support
- To enhance Community Awareness
- To be more visible and build natural relationships throughout our community
- To find meaningful employment for people supported
- To get people we support involved

Our History -1962



Founding Members of “Port Colborne District Association for Retarded Children”

A Parents’ Group looking for support for their children:

Mrs. Mathews

Mrs. Ebert

Mr. & Mrs. Kah

Mr. & Mrs. May

Mrs. Beauchamp

Mrs. E. Kleinsteuber

Mrs. Richardson

Mrs. Doan

Mrs. Phillippe

Mrs. Reid

Mr. Gervais

Mr. & Mrs. Fountain

- The first general meeting was held June 20, 1962
- A ground breaking ceremony for the first “Home Care Residence” was held July 16, 1966 - The current group living buildings on Northland Ave.

Our History

Give Port Colborne Go Ahead For New Retarded Association

Delegates from Port Colborne received permission to start their own Local Association for Retarded Wednesday evening at the meeting of Region 2 of the Ontario Association for Retarded held at Lis Gardens school in St. Catharines.

It is expected that future meetings will be held with local associations in Welland, Port Erie and Haldimand county which will be affected by the formation of this new group. Boundaries and financial setup are among the items to be straightened out with the birth of the group.

Guest speaker for the evening was Mrs. A. Kleinhuber, of Port Colborne, national research chairman who told the meeting of recent developments in medical and educational methods for the mentally retarded.

Mrs. W. O'Sullivan of Welland, chairman of the Region 2 group, reported on the recent highly successful Niagara Border Workshop held in Buffalo.

A letter is to be sent to Dr. M. B. Dymond, Ontario minister of health, commending him for announcing the establishing of a hospital - school in the Niagara peninsula and hoping that he will see that it is built as soon as possible.

Two resolutions concerning hospital - schools, one on staff quota and the other on new schools were passed, to be presented at the Ontario Association for Retarded Conference in May, which will be held in North Bay.

It was decided that Region 2 would sponsor the sending of a delegate from the staff of the Cedar Springs school to the conference in May.

Special guests present at the meeting were Dr. Mary Yessell of Ridgeway and Dr. Ursula M. Anderson who shortly will take over the chairmanship of the Erie County Board of Health of New York State.

The next meeting will be held on June 13 at Niagara-on-the-Lake. It is hoped a meeting later in the year will be held in Downsview to arouse interest in that area in the plight of retarded children.

JUNE 1962



A MEMORABLE DECISION... Last night at St. Catharines School, the Port Colborne Association for Retarded Children was organized. Mr. Anderson is the president of the Ontario Association for Retarded Children. Mrs. Anderson is the secretary.



THE EXECUTIVE of the Port Colborne Association for Retarded Children was officially installed last night at the St. Catharines School for Boys. The group includes: Mr. Anderson, Mrs. Anderson, Mrs. J. A. Kleinhuber, Mrs. J. A. Kleinhuber, Mrs. J. A. Kleinhuber, Mrs. J. A. Kleinhuber, and Mrs. J. A. Kleinhuber.

Annually In The Month of May:

Across Ontario we celebrate Community Living Month. We commemorate this by doing an Annual Flag Raising Event with the People Helping People Achieve Group, the people we support, and the Port Colborne Mayor at City Hall.

In the month of June, this year we celebrate 60 Years!

- We are hosting an event on Saturday June 4, 2022 from 2-5pm at Market Square and King George Park in Port Colborne
- Local Dignitaries will be attending
- It's a fun-filled day, with displays of the history of CLPCW and our future plans.
- Music, food, games and fun.
- We will be highly visible across town for this event.



Come and celebrate with us!

We appreciate your support!



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:	Cam McLean		
Address:	51073 Deeks Rd S, Wainfleet L0S 1V0		
Telephone:	905 329 2388	E-mail:	CAM.MCLEAN@ICLOUD.COM

Date of Meeting: APRIL 5, 2022 7:00PM

Subject Matter to be Discussed:	Alleged damage to Deeks and surrounding roads due to landscaping work undertaken on our property - without supporting evidence or clear direction by Township staff.
Action Requested:	A review of the alleged evidence and subsequent facts regarding the allegations. A review of the Fouling of Roads By-Law Clear direction from staff and council on requirements moving forward. Revocation of the list of road repairs requested by staff.

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

April 1, 2022

Date

ADMINISTRATIVE STAFF REPORT

ASR-011/2022

TO: Mayor Gibson & Members of Council

FROM: William Kolasa, Chief Administrative Officer

DATE OF MEETING: April 5, 2022

SUBJECT: COVID-19 Impact Report

RECOMMENDATION(S):

THAT Administrative Staff Report ASR-011/2022 respecting COVID-19 Impact Report be received as information.

EXECUTIVE SUMMARY:

Effective Tuesday March 15, 2022, the Township of Wainfleet (in conjunction with all other Niagara Municipalities) officially terminated its declared state of emergency (originally declared on April 3, 2020) due to the worldwide COVID-19 Pandemic.

Although the state of emergency has now ended, the pandemic itself is not completely over – and 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

The heads of the councils of Niagara Region and its constituent lower-tier municipalities issued a joint statement on March 14, 2022:

“Effective Tuesday, March 15 at 12:01 a.m., Niagara’s municipalities are officially ending the municipal States of Emergency that have been in place since April 3, 2020 as they are no longer necessary.

As the heads of council, we declared the State of Emergency together in an effort to help save lives, protect our hospital system and to underscore the critical nature of the situation. After two years, we are in a significantly different position and appears that it is now the appropriate time to move forward as a community.

As we continue to observe a decrease in cases, hospitalization and loss of life, standing down from our emergency declaration is another way we are learning how to transition to living with and managing COVID-19.

We want to offer a sincere thank you to all Niagara residents who did their part over the last two years to wear masks, follow directions to stay home, limit personal contact and get vaccinated.

We also thank all of our front line health care workers who selflessly made the commitment to serve our community, getting us through exceptionally difficult times. We also owe a debt of gratitude to our essential workers who continued to report to work throughout the pandemic, risking their health to ensure our economy could continue to operate.

We acknowledge that the last two years have been exceptionally challenging for everyone, but the people of Niagara proved time and time again that they are willing to do what is necessary to take care of each other and keep one another safe.

Make no mistake: the sacrifices that you made saved lives and kept people out of the hospital.

As provincial rules continue to ease in the coming weeks, we encourage residents to safely take advantage of all that our communities have to offer. Like most residents, we are relieved to see the progress we have made over the last few weeks and we are ready to move forward in our lives.

Despite this significant progress, it is important to remember that the pandemic is not completely over. Residents are encouraged to consider taking steps to protect themselves and reduce the risk of COVID-19 transmission. Some of these steps include getting a third vaccine dose, practicing physical distancing when possible, and participating in outdoor activities, as opposed to indoor, when that is an option.

Residents are also reminded that some COVID-19 protocols may remain in place at certain municipal facilities around the region for the coming weeks as each individual community responds to changing guidelines.”

Township Response

In response to the termination of the emergency declaration in Wainfleet effective March 15, 2022, the Township's Emergency Control Group held its final, regularly-scheduled meeting on March 23, 2022. At the meeting, the Emergency Control Group reviewed the previous two years of emergency operations, undertook a final review and update of the Township's COVID-19 Workplace Safety Plan and determined that future meetings would be called at the discretion of the Community Emergency Management Coordinator (CEMC), Emergency Control Group Policy Director (Mayor) or Emergency Operations Centre Director (CAO) in response to evolving conditions.

Continuing Provincial Directives

Notwithstanding the termination of Niagara municipal emergency declarations, certain COVID-19 protocols remain in effect in the Province of Ontario.

Starting March 21, 2022, Ontario will continue to require masking for individuals in the following settings:

- Public transit, including indoor areas and vehicles. This doesn't include businesses or organizations that provide sightseeing or touring services.
- Health care, including hospitals, psychiatric facilities, doctors' offices, immunization clinics, laboratories and specimen collection centres.
- Home and community care provider locations, only if you're an employee or contractor.
- Long-term care and retirement homes.
- Shelters and other congregate care settings that provide care and services to medically and socially vulnerable individuals, such as jails, homes for individuals with developmental disabilities, etc.

[O. Reg. 364/20](#) provides more details regarding ongoing rules intending to limit the spread of COVID-19.

In addition, the following individuals must continue to wear a well-fitted mask in all public settings:

- Individuals required to follow Ministry of Health guidance related to COVID-19 infection or exposure. The Province's [self-isolation guidance](#) details if masking applies to specific individuals.
- Individuals required to follow federal travel requirements after returning from international travel. Individuals must wear a mask at all times when in public spaces, including schools and child care.

Further, starting March 21st, most masking mandates have ended in businesses and organizations. However, it is important to note that businesses can choose to continue masking policies as part of their ongoing operations. Members of the public will need to follow those individual business masking policies moving forward.

And finally, Niagara Region Public Health encourages everyone to continue to wear masks past March 21st, and to support organizations who wish to continue with masking policies to protect customers and employees. [Health Canada recommends](#) that it is even more important for individuals to wear a mask if they are at higher risk of exposure or severe outcomes.

COVID-19 Vaccinations

Niagara continues to follow the Province of Ontario's COVID-19 vaccine distribution plan. Upcoming scheduled vaccination clinic dates in Niagara Region include:

Date	Location
March 28 - 31	Niagara Falls Canada One Outlet Mall Beside Urban Kids store
April 1 - 2	Port Colborne Port Colborne Visitor Information Centre
April 1 - 3	Niagara Falls Canada One Outlet Mall Beside Urban Kids store
April 4 - 9	St. Catharines Pen Centre Across from Old Navy (near the entrance by Winners) <ul style="list-style-type: none"> • April 9: Clinic closes at 6 p.m.
April 8 - 14	Welland Seaway Mall Clinic located beside the Cat Adoption Centre <ul style="list-style-type: none"> • April 8, 11, 12, 13, 14: 10 a.m. - 7 p.m. • April 9: 10 a.m. - 5 p.m. • April 10: 11 a.m. - 5 p.m.
April 10 - 14	Niagara Falls Canada One Outlet Mall Beside Urban Kids store
April 16	Wainfleet Firefighters' Community Hall 10 a.m. - 6 p.m.
April 16 - 17	Niagara Falls Canada One Outlet Mall Beside Urban Kids store
April 19 - 23	St. Catharines Pen Centre Across from Old Navy (near the entrance by Winners) <ul style="list-style-type: none"> • April 23: Clinic closes at 6 p.m.
April 22	Port Colborne Port Colborne Visitor Information Centre
April 24 - 30	Niagara Falls Canada One Outlet Mall Beside Urban Kids store
April 29	Wainfleet Firefighters' Community Hall 10 a.m. - 6:30 p.m.

In addition, Niagara Region has a standing reservation for conducting further vaccination clinics at the Wainfleet Firefighters Memorial Hall – and additional clinic dates may be added at any time. All residents continue to be strongly encouraged to seek vaccinations to prevent the spread of COVID-19 and its variants. Niagara Region's vaccination schedule is updated and available online here:

<https://www.niagararegion.ca/health/covid-19/vaccination/clinic-schedule.aspx>

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/statistics.aspx>

Conclusion

With the termination of the Wainfleet state of emergency, this report represents the final planned COVID-19 impact report. Future reports will be prepared and presented to Council in the event that specific situations arise warranting review or direction.

It is important to remember that the pandemic is not completely over. Everyone is encouraged to consider taking steps to protect themselves and reduce the risk of COVID-19 transmission.

FINANCIAL CONSIDERATIONS:

None at this time.

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: Ben Hopkins, Chief Building Official

DATE OF MEETING: April 5, 2022

SUBJECT: Extension of Conditional Building Permit - 11605 Beach Rd West

RECOMMENDATION(S):

THAT Building Staff Report BSR-002/2022 respecting the extension of Conditional Building Permit – 11605 Beach Road West be received; and

THAT the Township of Wainfleet amend the Conditional Building Permit Agreement with Kevin Baum to allow for an extension of the existing conditional permit compliance date to July 1, 2022.

EXECUTIVE SUMMARY:

In accordance with the provisions set out in the *Building Code Act*, as amended; this Conditional Permit allowed the owner to commence construction while they await the Permits from the Ministry of Environment, Conservation and Parks (MECP) in order to place their holding tank on their property on the opposite side of the privately owned road and obtain a minor variance from the Committee of Adjustment.

Staff note that the footing and foundation has been constructed, the required minor variance has been approved and the applicant has been proactive in obtaining MECP approval for the septic system which remains outstanding. As such, in order to extend the expired compliance date, staff support amending the Conditional Building Permit Agreement to July 1, 2022.

BACKGROUND:

On October 31, 2020, the cottage located at 11605 Beach Road West was picked up and moved off its foundation by the storm waters and flooding as a result of the 100-year storm that affected most of the north shore of Lake Erie. The existing cottage was removed by the owner's insurance company in August, 2021. Since that time, the owners have been working with their insurance company to replace the building. Due to Covid-19 restrictions, it has taken a considerable amount of time to get to the permit application stage of their project. The owner's insurance company had set a deadline of October 31, 2021 for them to commence construction or the owners would have had to forfeit the insurance payout for the construction costs.

Since the issuance of the conditional building permit W169-2021 (Foundation Only) on November 9, 2021 both the footing and foundation wall have been constructed and inspected by Township staff. As outlined in the conditional permit, any construction past this point has not ensued. Further, the applicant has obtained a minor variance from the Committee of Adjustment to vary the requirements of Section 4.12a(iv) of the

Township's Zoning By-law on November 17, 2021, having received no appeals within the 20-day appeal period.

OPTIONS/DISCUSSION:

The project designer Jordan Heckman of Jordan Station Design has had constant communication with Township staff prior to and after the expiration date of the Conditional Permit. During this time period Mr. Heckman and their septic designer have both shown that they have continued to be proactive in the pursuit of obtaining the MECP approval.

Building Department staff (CBO) recommends that Council amend the Conditional Permit Agreement to extend the original compliance date of January 1st, 2022 permitting the Owner to obtain all outstanding approvals by July 1, 2022.

By proceeding with an extension of the conditional permit, the owner will continue to be required to assume all risk for commencing construction in advance of final approvals being received from the MECP. Also, in the event those final approvals are not issued: the owners, at their own cost, will be required to take steps to remove the foundation and restore the site to the pre-construction condition and/or otherwise bring their development into compliance with the law.

FINANCIAL CONSIDERATIONS:

N/A

OTHERS CONSULTED:

- 1) Strategic Leadership Team

ATTACHMENTS:

Appendix "A" - Building Code Act excerpt – Conditional Permits

Appendix "B" - Site Plan

Appendix "C" - Conditional Permit Agreement

Appendix "D" - Letter from Jordan Station Design (dated March 29, 2022)

Respectfully submitted by,

Reviewed by,

Ben Hopkins
Chief Building Official

Lindsay Earl
Manager of Community & Development Services

Approved by,

William J. Kolasa
Chief Administrative Officer

APPENDIX “A”

Conditional Permit Requirements - BCA

Conditional permit

(3) Even though all requirements have not been met to obtain a permit under subsection (2), the chief building official may issue a conditional permit for any stage of construction if,

- (a) compliance with by-laws passed under sections 34 and 38 of the *Planning Act* and with such other applicable law as may be set out in the building code has been achieved in respect of the proposed building or construction;
- (b) the chief building official is of the opinion that unreasonable delays in the construction would occur if a conditional permit is not granted; and
- (c) the applicant and such other person as the chief building official determines agree in writing with the municipality, upper-tier municipality, board of health, planning board, conservation authority or the Crown in right of Ontario to,
 - (i) assume all risk in commencing the construction,
 - (ii) obtain all necessary approvals in the time set out in the agreement or, if none, as soon as practicable,
 - (iii) file plans and specifications of the complete building in the time set out in the agreement,
 - (iv) at the applicant's own expense, remove the building and restore the site in the manner specified in the agreement if approvals are not obtained or plans filed in the time set out in the agreement, and
 - (v) comply with such other conditions as the chief building official considers necessary, including the provision of security for compliance with subclause (iv). 1992, c. 23, s. 8 (3); 1997, c. 30, Sched. B, s. 7 (2); 1999, c. 12, Sched. M, s. 5 (1); 2002, c. 17, Sched. F, Table.

Delegation re conditional permits

(3.1) A principal authority may, in writing, delegate to the chief building official the power to enter into agreements described in clause (3) (c) and may impose conditions or restrictions with respect to the delegation. 2002, c. 9, s. 14 (3).

Criteria

(4) In considering whether a conditional permit should be granted, the chief building official shall, among other matters, have regard to the potential difficulty in restoring the site to its original state and use if required approvals are not obtained. 1992, c. 23, s. 8 (4).

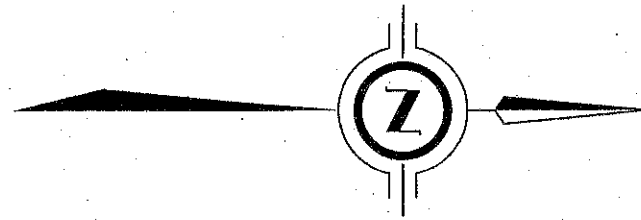
Registration

(5) Any agreement entered into under clause (3) (c) may be registered against the land to which it applies and the municipality, upper-tier municipality, board of health, planning board, conservation authority or the Province of Ontario, as the case may be, is entitled to enforce its provisions against the registered owner and, subject to the *Registry Act* and the *Land Titles Act*, any person acquiring any interest in the land subsequent to the registration of the agreement. 1999, c. 12, Sched. M, s. 5 (2); 2002, c. 17, Sched. F, Table; 2017, c. 34, Sched. 2, s. 5.

Enforcement of agreement

(6) If the chief building official determines that a building has not been removed or a site restored as required by an agreement under clause (3) (c), the chief building official may cause the building to be removed and the site restored and for this purpose the chief building official, an inspector and their agents may enter upon the land and into the building governed by the agreement at any reasonable time without a warrant. 1992, c. 23, s. 8 (6).

APPENDIX B



LOT
CONCESSION

PART 1, PLAN 59R-626

PART 2, PLAN 59R-4693

SIB (895)

PART 4, PLAN 59R-6697

(P1, P2 & MEAS)
19.782
N61°11'30"W (MEAS)
(N48°43'30"W P3, D1)
(N48°43'30"W P2)

ROAD ALLOWANCE

(CLOSED BY BY-LAW 367, INSTR. No. R0201363

BETWEEN LOTS 15 & 16,
CONCESSION 1, WAINFLEET

FOUND SIB (895), BENT,
REPLACED WITH SIB

PART 2, PLAN 59R-626
PIN 64449-0063 (LT)

(20.483 P3, D1)
(21.153 P2)
20.550

PART 6, PLAN 59R-0125 (LT)
PIN 64449-0125 (LT)

CC ON CONCRETE

PART 7, PLAN 59R-0125 (LT)

(N20°10'30"E P3, D1)
(N22°05'E P2)
N20°37'00"E

9.72
5.96

WALL 0.48 E
0.39 E

CONCRETE BLOCK WALL

0.20 WIDE RETAINING WALL AS PER P3

13.649
(13.838 P3, D1)

0.24 WIDE WALL ON-LINE

N21°44'30"E (MEAS)
(N20°44'E P3, D1, D2)

19.141
(P3, D1, D2 & MEAS)

92°00" (P3, D1, D2 & SET)

IP (AS SHOWN ON P2)

(N71°16'00"W P3, D1)
(N69°18'30"W P1, D1)
N70°15'30"W

METAL STAIRS

CONCRETE AREA

CONCRETE WALK

HELD C/L 0.20 WIDE

CONCRETE WALK

0.20 WIDE RETAINING WALL AS PER P3

7.09
5.79

0.24 WIDE WALL ON-LINE

1.62
3.13

1.11

2.969

2.268

2.7

2.7

LAKE

ERIE

PIN 64449-0067 (LT)
AS IN INSTR. No. R0700366 (FIRSTLY)

PIN 64449-0079 (R)
(13.838 P3, D1)

PIN 64449-0063 (LT)

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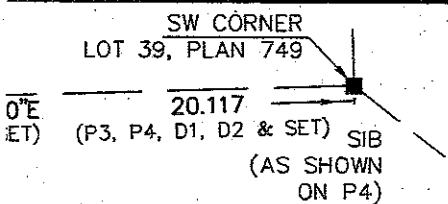
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SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN SHOWING
PART LOT 15, CONCESSION 1
AND
PART ROAD ALLOWANCE BETWEEN
LOTS 15 & 16, CONCESSION 1
(CLOSED BY BY-LAW 367, INSTR. No. R0201363)
GEOGRAPHIC TOWNSHIP OF WAINFLEET
TOWNSHIP OF WAINFLEET
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 150
2 0 2 4 6 8 metres

J.D. BARNES LIMITED

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METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTES

BEARINGS ARE UTM GRID, DERIVED FROM GNSS OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999794.

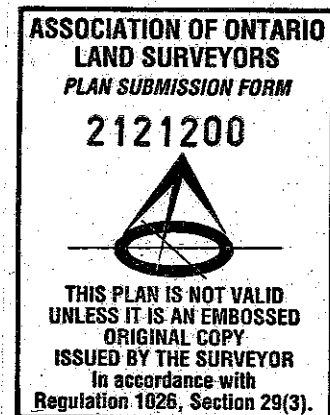
PART 2 - SURVEY REPORT

- DESCRIPTION
PART LOT 15, CONCESSION 1, AND PART ROAD ALLOWANCE BETWEEN LOTS 15 & 16, CONCESSION 1 (CLOSED BY BY-LAW 367, INSTR. No. R0201363)
- REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY
TOGETHER WITH RIGHT-OF-WAY AS IN INSTR. No. R0700811
- BOUNDARY FEATURES
WALL ALONG SOUTH AND EAST LIMITS AS SHOWN ON PLAN
SOUTHWEST BUILDING CORNER AS SHOWN ON PLAN
- ZONING COMPLIANCE
NOT VERIFIED BY THIS SURVEY
- ADDITIONAL REMARKS
PLAN PREPARED FOR STEAMATIC NIAGARA

LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
CC	DENOTES	CUT CROSS
IT	DENOTES	IRON TUBE
IP	DENOTES	IRON PIPE
P1	DENOTES	PLAN 59R-6697
P2	DENOTES	PLAN 59R-626
P3	DENOTES	PLAN OF SURVEY BY C.J. CLARKE, O.L.S. DATED SEPT 2, 1955, ATTACHED TO INSTR. No. R066832
P4	DENOTES	PLAN 59R-16066
D1	DENOTES	INSTR. No. R0700811
D2	DENOTES	INSTR. No. R0700368
MEAS	DENOTES	MEASURED
JDB	DENOTES	J.D. BARNES LIMITED
895	DENOTES	CLARKE AND LANE, O.L.S.
—	DENOTES	PROPERTY LINE

N=NORTH / S=SOUTH / E=EAST / W=WEST



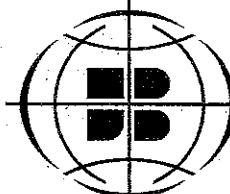
SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON JUNE 17, 2020

JUNE 17, 2020
DATE
DASHA PAGE
ONTARIO LAND SURVEYOR

THIS PLAN IS NOT VALID UNLESS EMBOSSED BY A SURVEYOR'S SEAL



J.D. BARNES
LIMITED
LAND INFORMATION SPECIALISTS
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

SURVEYING
MAPPING
GIS

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
CONDITIONAL PERMIT AGREEMENT

THIS AGREEMENT made this 5th day of October, 2021

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
hereinafter called "the Township"

OF THE FIRST PART

and 1057702 ONTARIO INC., C/O KEVIN AND CAROLYNE BAUM,
hereinafter called "the Owner(s)"

OF THE SECOND PART

WHEREAS the Owner acknowledges ownership of the subject lands known municipally as 11605 Beach Road West and has requested a Conditional Permit from the Township for the REPLACEMENT OF AN EXISTING COTTAGE DESTROYED BY A STORM prior to meeting all requirements to obtain a Building Permit according to the Building Code Act 1992, s.8(2);

AND WHEREAS the Chief Building Official is satisfied that meeting such requirements would unreasonably delay the subject construction;

AND WHEREAS the Chief Building Official considers the restoration of the site to be feasible in the event that all the necessary approvals are not obtained;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the Parties hereto agree one with the other as follows:

1. The lands affected by this Agreement (hereinafter referred to as the "subject lands") are as described in Schedule "A" attached hereto.
2. The construction affected by this Agreement (hereinafter referred to as the "subject construction") is that construction proposed in a "Foundation Only" Permit Application filed with the Township and identified as Application Number W-2021-169.
3. The Township agrees to issue a Conditional Permit for the "Foundation Only" to be erected on the subject lands provided that the Owner agrees to assume all risks involved in commencing construction before every requirement for a Building

Permit has been met, and to this end hereby will indemnify and save harmless the Township from and against all claims arising from the issuance of the Conditional Permit.

4. The Owner hereby agrees:

- a) to assume all risk in commencing construction;
- b) to obtain all approvals (prerequisite to the issuance of a Building Permit for remainder of construction) by January 1st, 2021;
- c) to stop the subject construction and secure the site to the satisfaction of the Chief Building Official if, in the opinion of the Chief Building Official, any impediment arises to prevent the lawful continuation of the subject construction or if upon application to the Ministry of Environment, Conservation and Parks, the Ministry of Environment, Conservation and Parks an onsite sewage system permit is not issued and/or upon application to the Committee of Adjustment, a minor variance is not approved for the additional height proposed;
- d) to remove the building or part thereof and restore the site if all necessary approvals have not been obtained;
- e) to comply with all development standards that are applicable to the subject lands including but not limited to site servicing, grading, tree protection, fire protection, and storm water management;
- f) without limiting the generality of the foregoing, to meet any specific conditions that are set out in Schedule "B" to this Agreement; and
- g) that the Building Code Act permits the Chief Building Official to revoke a Conditional Permit if a term of this Agreement is not complied with.

5. The site restoration referred to in this Agreement shall be to the pre-development conditions present at the time of Permit Application and shall include the removal of all construction, the replacement of all vegetative matter, the stabilization of slopes and the restoration of drainage patterns. Restoration must seriously commence within thirty (30) days of the date cited in 4.(b) or at such later time as may be directed by the Chief Building Official.

6. If the Chief Building Official determines that a building has not been removed or a site restored as required by this Agreement, the Chief Building Official may cause the building to be removed and the site restored and for this purpose, the Chief Building Official, an Inspector and their Agents may enter upon the land and into any building or part thereof governed by this Agreement at any reasonable time without a warrant.

7. Security

- a) As security for the cost of demolition of the subject construction as a result of non-compliance with this Agreement, the Owner shall file a Letter-of-Credit, certified cheque or cash deposit with the Township, in the amount of \$10,000.00 in a form acceptable to the Township Treasurer.
- b) If the Chief Building Official determines that a building has not been removed or a site restored as required by this Agreement, the Letter-of-Credit, certified cheque or cash deposit may be drawn upon in full and the monies used to restore the site as provided for in paragraph 5.
- c) Should there be full compliance with this Agreement, any separate Letter-of-Credit, certified cheque or cash deposit will be returned to the Owner at the address provided on the application for Building Permit.
- d) Should costs associated with the restoration of the site be incurred by the Township in excess of the amount of the Letter-of-Credit, certified cheque or cash deposit, the Township shall have a lien on the land for such amount and the amount shall be deemed to be municipal taxes, and may be collected in the same manner and with the same priorities as municipal taxes.

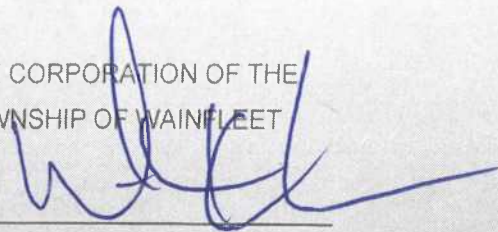
8. This Agreement may be registered against the subject lands and the Township is entitled to enforce its provisions against the Owner and, subject to the Registry Act and the Land Titles Act, any and all subsequent Owners of the subject lands. Upon compliance with this Agreement, the Township shall provide the Owner with a (registrable) release of this Agreement.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their signatures

SIGNED AND DELIVERED

In the Presence of

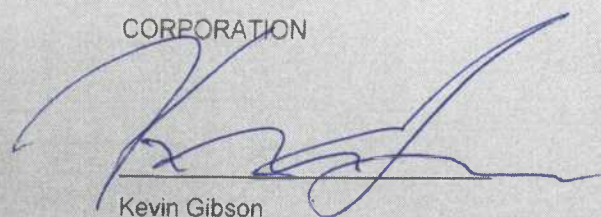
THE CORPORATION OF THE
TOWNSHIP OF WAINFLEET



William Kolasa

CAO/Clerk

I HAVE THE AUTHORITY TO BIND THE
CORPORATION



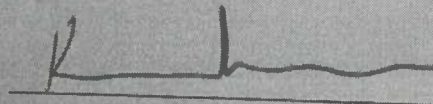
Kevin Gibson

Mayor

I HAVE THE AUTHORITY TO BIND THE
CORPORATION

OWNER

1057702 ONTARIO INC., C/O KEVIN
AND CAROLYNE BAUM,



Kevin Baum

I HAVE THE AUTHORITY TO BIND THE
CORPORATION

SCHEDULE "A" - DESCRIPTION OF LAND

All and singular that certain parcel or tract of land and premises situate lying and being on the Township of Wainfleet in the Regional Municipality of Niagara designated as 11605 Beach Road West, Roll No 2714000004032000000.

SCHEDULE "B" - SPECIAL CONDITIONS

The Owner hereby agrees to:

1. Apply for and obtain an Onsite Sewage System Permit from the Ministry of Environment, Conservation and Parks for the operation of a sewage works by January 1st, 2022.
2. Apply for and obtain a Minor Variance from the Committee of Adjustment to vary the requirements of Section 4.12a(iv) of the Town's Zoning By-Law 034-2014 by January 1st, 2022

JORDAN
STATION
DESIGN CO

Date: **29 March 2022**

RE: Extension of the conditional building permit for 11605 Beach Road West (Permit W-2021-169)
11605 Beach Road West, Dunnville, ON N1A 2W8

Township of Wainfleet
31940 Highway 3, P.O. Box 40
Wainfleet, ON L0S 1V0

Dear Wainfleet Council Members,

We would like to formally request an extension to the conditional foundation building permit for 11605 Beach Road West located in Dunnville, ON. The basis for this request is due to delays in obtaining MPEC approval to allow the new septic system to cross the private road allowance. Our septic designer has been in constant contact with the District Environmental Officer and has provided us with the following update:

"We have heard positive feedback from the District Environmental Officer. It took about 5 weeks just to get the application through the initial screening process through the MECP Toronto's Approval Branch process. Currently this application is under Public Comment/Review as per Ontario's Environmental Protection Act. The link for the posting can be found here: <https://ero.ontario.ca/notice/019-5070>

I do not expect there to be any comments or concern from the public. Unfortunately this takes us until April 3rd. It then gets assigned to an Engineer to review, who handles the final development of the ECA. I am hoping for a final ECA approval sometime in May."

Based on the information provided to us, we expect there to be approval in May which will allow us to finalize the balance of the building permit. An extension of the conditional building permit to July 1st, 2022 would be thoroughly appreciated by all parties involved.

Do not hesitate to contact the undersigned, should you have questions or concerns regarding this letter.

Thank you,

Jordan Heckman Dipl.T., Licensed Technologist OAA
Founder, Jordan Station Design Co Inc.
3836 Main Street, Unit 2-2/3 Jordan, ON L0R 1S0



**COMMUNITY & DEVELOPMENT SERVICES
STAFF REPORT**

CDS-001/2022

TO: Mayor Gibson & Members of Council

FROM: Lindsay Earl, Manager of Community & Development Services

DATE OF MEETING: April 5, 2022

SUBJECT: **Municipal Beach By-law**

RECOMMENDATION(S):

THAT Community & Development Services Staff Report CDS-001/2022 be received as information; and

THAT the draft Municipal Beach By-law appended to this report be presented to Council for adoption at the next available meeting for consideration.

EXECUTIVE SUMMARY:

With an increase of complaints and concerns associated within the lakeshore area of the Township, first realized in the summer of 2020 and exacerbated by the COVID-19 pandemic, Council held a Public Open House on September 23, 2020 to receive feedback on various issues related to its municipally owned beach properties and the surrounding areas.

As part of a multi-prong approach to develop a flexible plan to address the beach complaints, Township Council has identified a need for further regulation and protection of the municipally owned beaches for the enjoyment of their use by the public.

This report serves to provide Council with a draft by-law to regulate, control and prohibit certain activities on municipally owned beaches and road allowances in order to provide staff with the necessary tools to be able to effectively manage complaints that are received by the Township from time to time.

BACKGROUND:

At its meeting of April 20, 2021, the Council of the Township of Wainfleet enacted the following motion:

Resolution No. C-2021-096

Moved by Councillor MacLellan

Seconded By Councillor Van Vliet

“THAT Administrative Staff Report ASR-011/2021 respecting a strategy for the management of issues along the lakeshore areas of the Township for the summer of 2021 be received as information; and

THAT staff continue to liaise and work cooperatively with the Niagara Peninsula Conservation Authority, Niagara Region and Niagara Regional Police to plan for and address any issues that may present on NPCA or Regional lands as well as on other private property along the lakeshore; and

THAT Council consider amendments to the Township's Parking By-law in response to comments received from the public regarding lakeshore area on-street parking opportunities; and

THAT staff be directed a draft return a by-law to regulate Township beaches and road allowance lake accesses at the next available meeting of Council; and

THAT provide further information and potential options for an accessible public washroom facility at Long Beach to the Augustine Road Lake Access at a subsequent meeting of Council."

Since the Provincial lockdowns at the start of the Covid-19 pandemic, Wainfleet beaches have seen a major influx in out-of-town visitors seeking to enjoy outdoor recreational amenities. As a result, the Township has received a drastic increase in the number of complaints over the last few years with respect to the public's use of the Township's beaches, which has proven increasingly difficult for by-law enforcement staff to monitor.

Many of the complaints received pose a significant risk to public health and safety which include, but are not limited to the following;

- Overcrowding on the municipal beaches;
- Illegal and unsafe parking;
- Operation of businesses from beaches without proper municipal approvals;
- Littering and improper disposal of garbage;
- Beachgoers using alcohol, tents, barbeques and bonfires - impacting other beach users and neighbouring property owners;
- Beachgoers bringing pets and other animals to the beach;
- Trespassing onto private beaches and nearby private properties;
- Various public nuisances (including public urinating, defecating, etc.) and a general lack of consideration for neighbourhoods.

Only some offences/complaint types may be dealt with under current Township by-laws (i.e. Noise By-law for excessive noise and the Nuisance By-law for humans defecating on the beach). As such, in order to enforce the collective complaint types, a municipal beach by-law is required.

Since the September 23, 2020, Public Open House, Township Council has supported staff in embarking on a multi-prong approach to develop a flexible plan to address the beach complaints. This included engaging with public sector and enforcement partners (NPCA, Niagara Region, Niagara Regional Police Service) as well as additional regulation of parking.

The 2021 Residential Beach Parking Permit program was seen as a success, with 309 permits issued to local residents to utilize designated parking areas. This program remains in place and will continue for upcoming and future beach seasons.

Public Health Concerns:

It is a known fact that during the summer months between May and September E. Coli bacteria levels increase on public beaches along Lake Erie. As Niagara Region Public Health is responsible for monitoring and undertaking on-site sampling of public beaches across the region, Public Health staff have indicated that animal waste (such as waterfowl, horse or dog feces) is known to contribute to increased bacterial growth in beach water. This can result in higher amount of beach postings (unsafe for swimming). Public Health has confirmed that the animal feces (horse and dog) have been a routine problem at Reeb's Bay Beach. In line with the provincial protocols, Public Health is supportive of any initiatives that reduce the amount of pollution at the beaches and supports the Township's inclusion of prohibiting animals (domestic and farm) on municipally owned beaches.

The Draft Municipal Beach By-law

As directed by Council, Staff has worked closely with the Township's solicitor through the process of drafting the Municipal Beach By-law, along with all relevant Township departments and Niagara Region Public Health who were consulted and have reviewed the proposed draft by-law.

The draft by-law is required to regulate, control and prohibit certain activities on municipally owned beaches and road allowances (which include Reeb's Bay Beach, and the road allowance beaches on Bellevue Beach Road, Side Road 18, Augustine Road and Daily Ditch Road). The key regulations considered in the draft by-law include;

Definitions: definitions have been incorporated into the draft by-law.

Prohibited Conduct on municipal beaches includes (but is not limited to): fires, defecating or leaving human waste, animals (domestic or non-domestic), tents, glass containers, BBQ's, generators, alcohol, smoking/vaping, littering, damage to beach property or signage, excessive noise, operation of motor vehicles and the selling or renting of merchandise.

Exemptions: There are exemptions to the prohibited conduct with respect to events and/or tents previously authorized by the Township, service animals, etc.

Enforcement and Penalty: Staff notes that this by-law will not be enforced under the Administrative Monetary Penalty System (AMPS), but rather, enforced under the Provincial Offences Act. As such, the Short Form Wording and fine amounts are required to be sent to the Attorney General's Office for review by the Chief Justice. As this generally a lengthier process, it is staff's intent to have the by-law in force and effect prior to the 2022 summer season.

OPTIONS/DISCUSSION:

- 1) Council adopt the Municipal Beach by-law as provided (Recommended).
- 2) Council may choose not to approve the Municipal Beach by-law and maintain the municipal beaches as they are currently without an enforceable by-law (Not Recommended).
- 3) Council provide alternative direction to staff.

FINANCIAL CONSIDERATIONS:

There are no financial costs to the implement the proposed By-law. Staff time is allocated for in the operating budget.

OTHERS CONSULTED:

- 1) Township In-house Solicitor
- 2) Strategic Leadership Team
- 3) Niagara Region Public Health

ATTACHMENTS:

- 1) Appendix "A" - Draft Municipal Beach By-law.

Respectfully submitted by,

Lindsay Earl, MES, MCIP, RPP
Manager of Community and Development Services

Approved by,

William J. Kolasa
Chief Administrative Officer

**THE CORPORATION OF THE
TOWNSHIP OF WAINFLEET**

BY-LAW NO. XXX-2022

Being a By-law to protect, prohibit, regulate and control municipally-owned beaches in the Township of Wainfleet.

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act, 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

AND WHEREAS section 11 of the *Municipal Act, 2001*, authorizes a municipality to pass by-laws respecting the public assets of the municipality, the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

AND WHEREAS section 115 of the *Municipal Act, 2001*, authorizes a municipality to pass by-laws prohibiting the smoking of tobacco or cannabis in public places;

AND WHEREAS section 425 of the *Municipal Act, 2001*, authorizes a municipality to create offences for the contravention of its by-laws;

AND WHEREAS section 429 of the *Municipal Act, 2001*, authorizes a municipality to establish a system of fines for offences under its by-laws;

AND WHEREAS the Council of the Corporation of the Township of Wainfleet has deemed it to be in the public interest to enact this by-law to regulate, control and prohibit certain activities on municipally-owned beaches to protect municipally-owned beaches and the enjoyment of their use by the public;

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

1. SHORT TITLE

- 1.1. This By-law shall be known as the "Municipal Beach By-law".
- 1.2. This By-law applies to the lands described in Schedule "A", which is attached hereto and forms part of this By-law.

2. DEFINITIONS

- 2.1. For the purposes of this By-law:

"Animal" means any member of the animal kingdom, other than a human and includes

both domesticated and non-domesticated animals, including but not limited to dogs, cats, birds, horses, cattle and other animals.

“Authorized Sign” means any sign, notice, placard or other informational device that is posted, placed or erected by the Township in, upon or in relation to any Municipal Beach Property.

“Council” means the Council of the Corporation of the Township of Wainfleet.

“Deposit” means to throw, leave, place or dispose of Litter in any location other than in a designated Litter receptacle.

“Emergency Personnel” means any Officer and any other enforcement, rescue, medical response or emergency services personnel;

“Litter” includes any and all kinds of trash, garbage, rubbish, waste and refuse.

“Motor Vehicle” includes automobiles, motorcycles, motor assisted bicycles, all-terrain vehicles (ATVs), utility terrain vehicles (UTVs), dune buggies, golf carts, tractors and any other vehicles that are propelled or driven by any means other than muscular power.

“Municipal Beach Property” means all lands described in Schedule “A” that are owned by the Township including waterfront beach lands, beach lands that are not immediately adjacent to the water, designated beach parking areas, whether or not said parking areas are located adjacent to any beach lands owned by the Township, and Township road allowances, including but not limited to road allowances adjacent to beach access points where roadside parking is permitted.

“Officer” means any by-law enforcement officer appointed by Council for the purpose of enforcing by-laws of the Township or any provincial offences officer, member of the Niagara Regional Police Service, Ontario Provincial Police, Royal Canadian Mounted Police and/or Canadian Coast Guard.

“Person” means an individual, firm, corporation, association or partnership.

“Permissible Tent” means any portable shelter or temporary structure including a camping tent, gazebo, sun shelter, canopy or windbreak that is less than or equal to twenty-eight (28) square feet in size.

“Prohibited Tent” means any portable shelter or temporary structure including a camping tent, gazebo, sun shelter, canopy or windbreak that is more than twenty-eight (28) square feet in size.

“Service Animal” has the same meaning as in the *Provincial Animal Welfare Services Act, 2019*, S.O. 2019, c. 13.

“Smoke” means to hold, inhale and/or exhale any lighted tobacco or cannabis product including but not limited to pipe tobacco, cigarettes, cigars and cigarillos.

“Township” means the Corporation of the Township of Wainfleet.

“Vape” means to inhale and/or exhale the vapour produced by a lighted electronic cigarette or other similar device regardless of the product or substance being vapourized and includes holding an electronic cigarette or other similar device, whether or not the device is lighted.

3. PROHIBITED CONDUCT

- 3.1. No Person shall start or tend to a fire on any Municipal Beach Property.
- 3.2. No Person shall defecate, urinate or otherwise leave human waste on any Municipal Beach Property.
- 3.3. Subject to section 4, no Person shall bring, permit or allow an Animal on any Municipal Beach Property.
- 3.4. Subject to section 4, no Person shall erect or use a Prohibited Tent on any Municipal Beach Property.
- 3.5. No Person shall erect or use a Permissible Tent within six (6) feet of any other Permissible Tent on any Municipal Beach Property.
- 3.6. No Person shall erect or use a Permissible Tent on any Municipal Beach Property between the hours of 9:00 p.m. and 8:00 a.m.
- 3.7. Subject to section 4, no Person shall use or possess a glass container on any Municipal Beach Property.
- 3.8. No Person shall use a barbeque, hibachi, or other cooking or heating appliance, regardless of whether it is fueled by coal, propane, alcohol, benzene, methane, gasoline, wood or any other fuel, on any Municipal Beach Property.
- 3.9. No Person shall use a generator or other similar device, regardless of whether it is fueled by gas, diesel, propane or any other fuel, on any Municipal Beach Property.
- 3.10. No Person shall possess or consume any beverage containing alcohol on any Municipal Beach Property.
- 3.11. No Person shall Smoke or Vape on any Municipal Beach Property other than a part of a Municipal Beach Property that is situated on, and wholly contained within, a Township road allowance.
- 3.12. No Person shall Deposit or cause the Deposit of any Litter on any Municipal Beach Property.
- 3.13. No Person shall remove, damage, deface or alter any part of any Municipal Beach Property including but not limited to beach lands and/or any landscaping features, natural vegetation, fencing or Authorized Signs situated thereon.
- 3.14. No Person shall disobey an Authorized Sign on any Municipal Beach Property.
- 3.15. No Person shall hit, strike or otherwise propel with an implement or instrument any golf ball, baseball or similar projectile or sporting equipment on any Municipal Beach

Property. For greater certainty, this provision does not prohibit Persons from propelling sporting equipment such as footballs, flying discs and other similar equipment through muscular power without the use of an implement or instrument.

- 3.16. No Person shall engage in riotous, boisterous, threatening, or indecent conduct and/or use abusive, threatening or profane language at any Municipal Beach Property.
- 3.17. No Person at a Municipal Beach Property shall cause or permit to be caused any noise that is likely to disturb other users of the Municipal Beach Property whether such noise is created by a radio, sound equipment, loudspeaker or other similar devices unless such noise is caused in relation to, and only for the duration of, any activity, function, event or gathering that is authorized by the Township or by Council.
- 3.18. Subject to section 4, no person shall operate a Motor Vehicle on any Municipal Beach Property.
- 3.19. No Person shall display, sell or rent or offer for sale or rent any merchandise of any nature or kind, for immediate or future delivery, or offer any art, skill or service to be exercised or performed immediately or in the future, or solicit any trade, occupation or business of any kind at any Municipal Beach Property, without the prior written permission of the Township or Council.

4. EXEMPTIONS

- 4.1. This By-law does not apply to Emergency Personnel while performing or training for their duties.
- 4.2. Section 3.3 of this By-law does not apply where the Animal is:
 - (a) a Service Animal in the course of performing or training for its duties; or
 - (b) an Animal used by Emergency Personnel in the course of performing or training for the Animal's duties.
- 4.3. Sections 3.4, 3.5 and 3.6 of this By-law do not apply to any Permissible Tent or any portable shelter or temporary structure that would otherwise be a Prohibited Tent that are erected or used in relation to, and for the duration of, any activity, function, event or gathering that is authorized by the Township or by Council.
- 4.4. Notwithstanding section 3.4 of this By-law, the Township and/or an Officer may permit a Prohibited Tent to be erected or used on a Municipal Beach Property where, in the assessment of the Township or the Officer, the use of a Prohibited Tent is reasonably required due to the age, medical needs, special needs or caregiving duties of the Person or Persons that erected and/or used the Prohibited Tent.
- 4.5. Notwithstanding section 3.7 of this By-law, the Township and/or an Officer may permit a Person to use or possess a glass container on a Municipal Beach Property where, in the assessment of the Township or the Officer, the glass container is purposefully designed for medical or caregiving purposes and is reasonably required due to the age, medical needs, special needs or caregiving duties of the Person or Persons in use or possession of the glass container.

5. ENFORCEMENT

- 5.1. This By-law shall be enforced by an Officer.
- 5.2. For the purposes of enforcing this By-law, an Officer may exercise any power, authority or remedy granted to the Township pursuant to the *Municipal Act, 2001* and the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 ("*Provincial Offences Act*")
- 5.3. No Person shall hinder or obstruct an Officer from exercising a power or performing a duty under this By-law.
- 5.4. An Officer who has reasonable grounds to believe that a Person has contravened any provision of this By-law may require that Person to provide identification that includes the name, date of birth and address of the Person. Failure to provide sufficient or any identification shall constitute an offence pursuant to section 6 of this By-law.

6. PENALTY

- 6.1. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as provided for in the *Municipal Act, 2001* and the *Provincial Offences Act*.
- 6.2. The fines approved under the Provincial Offences Act are set out in "Schedule B", which is attached hereto and forms part of this by-law.

7. GENERAL

- 7.1. If any or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall remain in full force and effect.
- 7.2. If there is a conflict between a provision of this By-law and a provision of any other by-law of the Township, the provision that establishes the higher standard shall prevail.
- 7.3. Any reference to legislation in this By-law includes the legislation referred to and any amendments, replacement, subsequent enactment or consolidation of such legislation.
- 7.4. This By-law shall come into full force and effect on the date on which it is passed.

BY-LAW READ A FIRST TIME THIS XX DAY OF XXXX, 2022.

BY-LAW READ A SECOND TIME THIS XX DAY OF XXXX, 2022.

BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS XX DAY OF XXXX, 2022.

Kevin Gibson, Mayor

M. Ciuffetelli, Deputy Clerk

DRAFT

SCHEDULE "A" to By-Law No. XX-2022
"Municipal Beach Property"

Reebs Bay Beach



Harbourview Beach



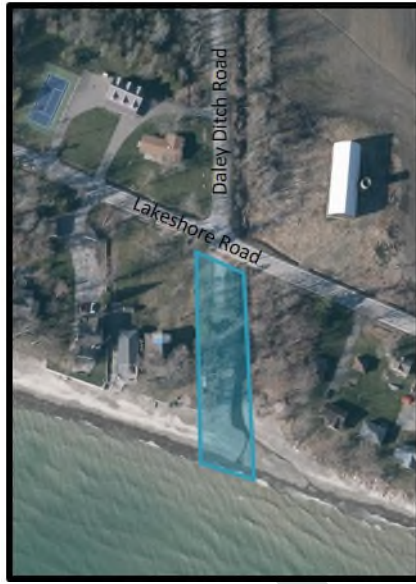
Side Road 18 Beach Access



Augustine Beach (Long Beach) Access



Daley Ditch Beach Access



PART I PROVINCIAL OFFENCES ACT

Township of Wainfleet

Schedule "B" to By-law No. XXX-2022 Municipal Beach By-law

Set Fine Schedule

Item	Column 1 Short Form Wording	Column 2 Offence Creating Provision or defining Offence	Column 3 Set Fine
1.	Start or tend to a fire on any Municipal Beach	Section 3.1	\$300.00
2.	Defecate, urinate or otherwise leave human waste on any Municipal Beach	Section 3.2	\$300.00
3.	Allow an animal on any Municipal Beach	Section 3.3	\$300.00
4.	Erection of a tent on any Municipal Beach	Section 3.4	\$300.00
5.	Erection of a tent on any Municipal Beach within 6 feet of another tent	Section 3.5	\$300.00
6.	Erection of tent on a Municipal Beach between the hours of 9:00pm- 8:00am	Section 3.6	\$300.00
7.	Use or possess a glass bottle on any Municipal Beach	Section 3.7	\$300.00
8.	Use any type of barbeque on a Municipal Beach	Section 3.8	\$300.00
9.	Use any type of generator on any Municipal Beach	Section 3.9	\$300.00
10.	Deposit or cause to be deposited any type of litter on any Municipal Beach	Section 3.12	\$300.00
11.	Remove or damage or deface any item or part of any Municipal Beach	Section 3.13	\$300.00
12.	Disobey an Authorized Sign on any Municipal Beach	Section 3.14	\$300.00
13.	Hit, strike or otherwise propel any sporting equipment on any Municipal Beach	Section 3.15	\$300.00
14.	Engage in any type of boisterous or indecent Activity on any Municipal Beach	Section 3.16	\$300.00
15.	Cause noise likely to disturb others on a Municipal Beach	Section 3.17	\$300.00

16.	Operate any motor vehicle on any Municipal Beach	Section 3.18	\$300.00
17.	Display, sell or rent, or offer to display, sell or rent any merchandise of any kind on a Municipal Beach	Section 3.19	\$300.00
18.	Hinder or obstruct an officer exercising or performing their duties under this By-law	Section 5.3	\$500.00
19.	Fail or refuse to provide Identification to an Officer upon contravention of a provision of this By-law	Section 5.4	\$300.00

Note: The general penalty provision for the offences listed above is section 2, section 4 and section 5 of By-law No. XXX-2022, a certified copy of which has been filed.

DRAINAGE STAFF REPORT

DSR-002/2022

TO: Mayor Gibson & Members of Council
FROM: Mark Jemison, Drainage Superintendent
DATE OF MEETING: April 5, 2022
SUBJECT: 2021-2022 Drainage Program Update

RECOMMENDATION(S):

THAT Drainage Staff Report DSR-002/2022 respecting the Township's 2021-2022 Drainage Program Update be received;

AND THAT the 2022 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:

With the 2021 maintenance season complete, the proposed 2022 maintenance program has been reviewed by the Drainage Advisory Committee. Staff have inspected the municipal drain work completed in 2021 and have reviewed the municipal drain work proposed for maintenance in 2022.

Summary of Maintenance Work in 2021

The following list is a breakdown of the major works undertaken in 2021:

Drain	Linear Meters	Description
Consolidated South Wainfleet #23	1,465	Full Cleanout, culvert replacement
Consolidated South Wainfleet #28	1,005	Full Cleanout, culvert replacements
Consolidated South Wainfleet #30	3,200	Full cleanout, culvert replacement
Consolidated South Wainfleet #36	610	Full Cleanout

North East Consolidated #1	2,010	Full cleanout, culvert replacement
North East Consolidated # 2	2,025	Full Cleanout
North Forks	n/a	Large Culvert Replacement
Total	10,315 m	

Additional Drain Maintenance and Emergency Response in 2021

Additional, unscheduled maintenance to remove obstructions such as deadfall and nuisance animals continued in 2021. Beaver activity within the municipal drains remained a constant maintenance item with numerous drains requiring dam removal in 2021.

A very wet July created difficult conditions and delayed routine drain maintenance. Based on data provided by the Niagara Peninsula Conservation Authority the Township received between 10-20 cm more rain than average in the month of July:

- Big Forks: 19.2cm (7.6")
- Long Beach: 22.6cm (8.9")
- Oswego: 21.0cm (8.3")
- Wellandport: 17.0cm (6.7")
- Wainfleet Bog: 22.0cm (8.6")

The total rainfall in July peaked with a major rain event with 8-12cm falling on July 16-17. Following the rain event the Township completed emergency debris removal on CSW #1 and CSW #13.

Drain Construction 2021

The Township tendered two drain reconstruction projects, the Bridgewater Drain and Indian Creek Drain. Bridgewater Drain included approximately 3,085 meters of ditch reconstruction, four new farm crossings and three road crossings. As of March 2022 the contractor for Bridgewater Drain needs to rectify deficiencies and level spoil.

Indian Creek included approximately 2,400m of open ditch reconstruction, one new farm crossing and three road crossings. Indian Creek was completed in December 2021 under budget and staff are working with the engineer to apply for the eligible grants available through the Ministry of Agriculture, Food and Rural Affairs.

Township Excavator

As has been past practice by the Township, the drainage excavator was utilized for several non-drainage related projects in 2021. 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 2022

The following work is being recommended by staff in 2022 and has been discussed with the Drainage Advisory Committee:

Drain	Linear Meters	Description
Big Forks	2,900	Partial Bottom Cleanout, Culvert Installation (Gents Road)
Consolidated South Wainfleet Drain #8	3,335	Brushing, Bottom Cleanout
Consolidated South Wainfleet Drain #11	3,340	Brushing, Bottom Cleanout
Consolidated South Wainfleet Drain #12	3,850	Brushing, Bottom Cleanout
Consolidated South Wainfleet Drain #20	3,915	Brushing, Bottom Cleanout
Consolidated South Wainfleet Drain #37	800	Brushing, Bottom Cleanout
Consolidated South Wainfleet Drain #44	840	Brushing, Bottom Cleanout
Beezor Drain	n/a	Culvert replacements – Gents Road & Farm Crossing
North East Consolidated	2,500	Bottom Cleanout,
South Forks	2,750	Brushing, Bottom Cleanout
Total	24,230	

Construction of Drainage Works in 2022

Reconstruction was initiated in 2021 on the Bridgewater Drain, and will be completed by the contractor in 2022. The Biederman and Ellsworth Drain, both being updated under Section 78 of the Drainage Act. Tendering and scheduling these two projects will occur in the next few months with tentative construction planned for the summer. Chambers Corner Ext. will be constructed under Section 4 of the Drainage Act as part of the Central Fire Station Facility.

Additional Drainage Works in 2022

The COVID-19 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 eight engineer's report updates:

Casey Drain, Casey Drain North: Council appointed RJ Burnside in December 2021 under Section 78 of the Drainage Act to update the engineer's report to facilitate maintenance and update the assessment schedules.

Collver: In response to a landowner request for improvement, Council undertook a Section 78 engineer's report update. The on-site meeting was held November 11, 2019 and engineering work is ongoing by Headway Engineering.

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.

Consolidated South Wainfleet Drain #10: Council appointed Spriet Associates to improve the drain under Section 78 of the Drainage Act along Side Road 20 in conjunction with planned improvements at the Recreation Complex and new joint use elementary school.

Consolidated South Wainfleet Drain #13: Following the major rain event of July 2021 Council appointed Spriet Associates to update and improve CSW #13 under Section 78 of the Drainage Act, looking specifically at the 55m long box culvert that carries water under Feeder Road West, Clarendon Road West and the Feeder Canal.

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.

Shafley Road Drain: In response to a landowner request for improvement, Council undertook a Section 78 engineer's report update. The on-site meeting was held November 11, 2019 and engineering work is ongoing by Headway Engineering.

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 2021 and recommended 2022 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

TO: Mayor Gibson & Members of Council

FROM: Sarah Ivins, Planner

DATE OF MEETING: April 5, 2022

SUBJECT: Site Plan Application – File SP03/2021W
31950 Sugarloaf Street (Niagara Catholic District School Board
and the District School Board of Niagara)

RECOMMENDATION(S):

THAT Planning Staff Report PSR-001/2022 be received; and

THAT Site Plan Application SP03/2021W be approved subject to the execution of a site plan agreement; and

THAT the Mayor and Clerk be authorized to execute a site plan agreement between the Corporation of the Township of Wainfleet, the Niagara Catholic District School Board and the District School Board of Niagara.

EXECUTIVE SUMMARY:

The Planning Department received a site plan application from the Niagara Catholic District School Board and District School Board of Niagara for the property known municipally as 31950 Sugarloaf Street in the Hamlet of Wainfleet Village, shown in Appendix “A”. The site plan application is required to support the construction of a new elementary school for both school boards.

Planning staff have reviewed the applicable planning policies as well as agency comments and are of the opinion that the site plan application should be approved, subject to execution of a site plan agreement.

BACKGROUND:

The Niagara Catholic District School Board (NCDSB) and District School Board of Niagara (DSBN) initiated an accommodation review to look at the elementary school needs within the Township. The proposal sought to close Winger Public School, William E. Brown (WEB) Public School and St. Elizabeth’s Catholic Elementary School and to construct a new school to house both school boards. The school boards and Ministry of Education subsequently approved this proposal and the St. Elizabeth’s Catholic Elementary School site (subject property) was identified as the most optimal site for the new school.

A pre-consultation meeting was held virtually on April 29, 2021 with representatives from Niagara Region and Township Operations, Fire and Planning departments as well as the NCDSB, DSBN and their architect, Whiteline Architects Inc. The Niagara Peninsula Conservation Authority (NPCA) and Ministry of Transportation provided written pre-consultation comments.

The following studies, drawings and reports were submitted in support of the application:

- Archaeological Assessment (Stage 1 & 2), dated August 12, 2021, prepared by Detritus Consulting Ltd.;
- Civil Drawings, dated August 20, 2021, prepared by Hallex Engineering Ltd.;
- Landscape Plan, dated August 16, 2021, prepared by Paula Berketo;
- Land Use Compatibility Study, dated August 9, 2021, prepared by WSP;
- Noise Impact Assessment, dated August 9, 2021, prepared by WSP;
- Septic System Design Brief, dated August 20, 2021, prepared by Hallex Engineering Ltd.;
- Site Plan and Elevation Drawings, dated May 2021, prepared by Whiteline Architects Inc.;
- Stormwater Management Design Brief & Drainage System, dated August 20, 2021, prepared by Hallex Engineering Ltd.;
- Traffic Impact Study, dated August 2021, prepared by Paradigm Transportation Solutions Ltd.

Through the review of the application, several comments were received from Township departments and commenting agencies which resulted in amendments to the above documents. The following were documents were submitted as part of a re-submission package:

- Civil Drawings, dated January 5, 2022, prepared by Hallex Engineering Ltd.;
- Stormwater Management Design Brief & Drainage System, dated January 5, 2022, prepared by Hallex Engineering Ltd.;
- Site Plan Drawing, dated November 2021, prepared by Whiteline Architects;
- Landscape Plan, dated November 2021, prepared by Paula Berketo.

The new school is proposed to be constructed to the rear of the existing school and then the area of the existing school will contain the bus loading, pick/drop-off and parking areas. The proposed site plan is attached as Appendix "B" and the proposed elevations are attached as Appendix "C".

OPTIONS/DISCUSSION:

Township Zoning By-law 581-78

The subject property is zoned Institutional – I under Zoning By-law 581-78. Planning staff have reviewed the proposed site plan and have determined that it complies with the provisions of the Institutional zone, with the exception of minimum lot frontage.

While the subject property is addressed as 31950 Sugarloaf Street, a title search of the travelled road (known as Sugarloaf Street) identified that the Roman Catholic Episcopal

Corporation for the Diocese of St. Catharines in Canada owns the portion directly in front of the subject property. The adjacent parcel to the north is owned by the Ministry of Transportation (MTO). The Township owns the portion of Sugarloaf Street that commences at the Park Street intersection and ends at the southwest edge of the staff parking area for the Township office. This means the subject property does not have frontage on a public road.

The Diocese was consulted with respect to their section of the travelled road and does not wish to sell this portion of their property to the Township (to be opened as a public road) or to the school board (to be part of the school's entrance). The Diocese has indicated that they are willing to grant an easement in favour of the school board.

Township staff have approached the MTO with respect their section of the travelled road and were advised that the Township may purchase the property for market value. Township staff are exploring other avenues to obtain ownership of this section but this will take some time to resolve.

As such, a minor variance is required to permit a 0m lot frontage and a consent application is required to obtain easements over the Diocese and MTO properties. These applications have been added as a condition of site plan approval through the required site plan agreement and staff will continue to work with all involved parties to ensure legal access is provided to the subject property.

Site Plan Guidelines

The Township adopted new Site Plan Guidelines (SPG) in 2015 to assist with the review of site plan applications. The new guidelines are separated based on the zone and use of a property. The following chart lists the guidelines applicable to the Institutional zone as well as provides staff's comments with respect to consistency.

SPG 1. Building and Siting

- Buildings are sited and designed to face adjacent public streets.

The proposed school has been sited and designed to face Sugarloaf Street.

SPG 2. Building Design

- Buildings with large blank walls immediately adjacent to a street edge should use architectural and/or landscaping elements to provide for visual relief;
- All sides of a building are consistent with regard to material and details;
- Façade material variations coincide with the building's change in plane and/or specific architectural elements;
- Primary entrances are clearly delineated in the architecture of the building with architectural elements such as canopies, awnings, and/or specially designed windows;
- Glazing is incorporated into the building facades facing the street edge;
- Clear glass is generally used, tinted glass is permissible to meet security needs or to address the orientation of the building;
- Reflective (mirror) glass is not used; and

- Sloped roofs are of one material for visual continuity.

The sections of the proposed school that have large blank walls face the west, east and south and are not adjacent to a street edge. The entrances for the DSBN side and NCDSB side are clearly defined via architectural elements, proposed pedestrian accesses and landscaping. The proposed elevations demonstrate consistency with respect to building materials.

SPG 3. Site Access & Parking

- Main entries or doors to buildings are visible from the street;
- A clear and unobstructed pedestrian path is provided from the site's parking area and/or the street to the building's main entrance door;
- Surface parking is provided to the rear or to the side of the building;
- Front parking is screened from view from the street by landscaping, low fencing and/or low walls;
- All vehicular access and egress points are provided at appropriate locations to avoid a frontage wide driveway condition; and
- Garbage bin areas are screened from view and located on the side or rear yard(s).

Surface parking is provided at the front of the building. This is due to the current site configuration and the need to keep the existing school operational during the construction period. The proposed western parking area is screened via fence line and public works yard and the proposed eastern parking area is screened via trees at the front property line. The garbage bins are located at the western side yard and are screened from view.

SPG 4. Landscaping

- A minimum 1.5 metre wide landscaped area is provide adjacent to residential zoned properties;
- Where no pedestrian access is provided, a minimum 3.0 metre wide landscaped area is provided in the front and exterior side yard abutting the street(s);
- Where parking areas are proposed adjacent to residential zoned properties, a 1.8m high screen fence is proposed along the adjoining lot line;
- Landscaping, low fencing and/or low walls are used to visually screen surface parking areas from the street;
- Ornamental planting is used to define entry features, pedestrian circulation, and/or complimenting the architecture of the building; and
- Native and/or drought resistant planting is used throughout the site.

The required landscaping strips have been provided and contain a mixture of deciduous trees. Trees, shrubs and ornamental grasses have been provided to define entrances and pedestrian areas. There are a number of existing trees adjacent to the Township's public works yard that will remain in place.

It is Planning staff's opinion that the proposed development is consistent with the Township's Site Plan Guidelines.

Land Use Compatibility

The Provincial Policy Statement (PPS) contains policies requiring major facilities (such as industrial facilities) and sensitive lands uses to be planned and developed to avoid or minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

The proposed school is considered a sensitive land use and the Township's public works yard and arena are considered major facilities. The Ministry of Environment, Conservation and Parks (MECP) has established land use planning policy guidelines to evaluate land use compatibility when considering development applications with. Of relevance to this application are Guideline D-1 "Land Use Compatibility Guidelines", Guideline D-6 "Compatibility Between Industrial Facilities and Sensitive Land Uses" as well as the MECP's Publication NPC-300 "Environmental Noise Guidelines".

A Land Use Compatibility Study prepared by WSP (dated August 9, 2021) was submitted to address Guideline D-1 and D-6. The study concluded that while the proposed school is located within the recommended minimum setback distance of the two facilities (public works yard and arena), the operations at these facilities are not expected to adversely impact the site. As such, the study did not recommend any additional assessments with regards to air quality (dust and odour) nuisances from the facilities.

A Noise Impact Assessment prepared by WSP (dated August 9, 2021) was submitted to address NPC-300. The Noise Impact Study concluded that the transportation source noise levels at the new school building are predicted to be less than 65 dBA and that therefore exterior wall and window constructions meeting the minimum non-acoustical requirements of the Ontario Building Code (OBC) will be adequate to meet MECP's indoor sound limit. The study also concluded that significant noise effects from the public works yard are not expected.

Archaeological Resources

The Provincial Policy Statement (PPS), Regional Official Plan (ROP) and Township Official Plan (OP) contain policies that restrict development and site alteration on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

As per the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) screening criteria, the subject property is within an area of archaeological potential due to its proximity (300m) of a watercourse (Feeder Canal). As such, a Stage 1 & 2 Archaeological Assessment prepared by Detritus Consulting Limited (dated August 12, 2021) was submitted with the application.

The archaeological assessment did not result in the identification of any archaeological resources and the Licensed Archaeologist recommended that additional archaeological assessment for the study area was not warranted. The applicant has since submitted an acknowledgment letter from the MHSTCI confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

Construction Access

The school boards previously requested to use the laneway within the Township's Recreational Complex as a construction access route to Side Road 20. This is to minimize impact on the day to day activities of the existing school during the construction period. Council supported this request, in principle, through the consideration of Planning Staff Report PSR-007/2021. The site plan agreement contains provisions for the laneway's use.

There was also some discussion regarding permanent use of the laneway for bus access to Side Road 20. However, the current proposal is to continue using Sugarloaf Street as the sole access for the new school once construction is completed. The Traffic Impact Study prepared by Paradigm Transportation Solutions Ltd. (dated August 2021) concluded that no access improvements are recommended based on the proposed school and associated traffic volumes. The study does recommend that the Township review the feasibility of reconfiguring the intersection of Park Street at Sugarloaf Street to improve safety and security and to reduce confusion for both pedestrians and motorists.

FINANCIAL CONSIDERATIONS:

The applicant has submitted the required application fees. The site plan agreement requires securities for the proposed works as well as a legal fee to cover registration of the site plan agreement.

OTHERS CONSULTED:

The application was circulated to various Township Departments and external agencies such as the Region of Niagara and Ministry of Transportation of Ontario. A summary of the comments received is noted below.

Township Drainage Superintendent

The subject property is assessed to the Consolidated South Wainfleet (CSW) Drain. The maintenance assessments for the CSW are being updated system wide under Section 76 of the Drainage Act. CSW Drain #10, which flows northerly along Side Road 20, is being updated under Section 78 of the Drainage Act to physically improve the ditch.

The proposed 675mm concrete storm sewer flows across Township property to the CSW Drain #10. It is recommended the Township and proponent enter into a formal agreement for future maintenance of this storm sewer. This could be achieved through the Drainage Act (Municipal Drain, Mutual Agreement Drain) or some other legal agreement/easement.

Township Operations Department

The Operations Department noted that there is a potential interest in utilizing the outlet portion of the proposed storm pipe for Township use (drainage of soccer fields and parking lot).

Similar to the Drainage comments, the Operations Department recommend that the Township and proponent enter into a formal agreement for future maintenances of this storm sewer.

Township Building Department

Upon consultation with the Fire Department, the proposed fire access routes comply with the Ontario Building Code.

Township Building staff noted that the Ministry of Environment, Conservation and Parks (MECP) will be responsible for the review and approval of the proposed septic system as it exceeds 10,000 litres per day.

Planning Staff Response:

The Environmental Compliance Approval is a requirement of the site plan agreement and will be required prior to issuance of a Township building permit.

Township Fire Department

The Fire Department noted that the Township does not operate a municipal water system for use for firefighting purposes and relies on mobile water supply apparatus (tankers) to shuttle water to fire scenes.

Where new developments or changes to properties that increase the risk of fire are proposed, on site (impounded) water is recommended, or where the Ontario Building Code requires. On site water and fire department connections should be located in an area that is easily accessible year round and does not require fire apparatus to travel unnecessarily to access and provides sufficient distance between the apparatus and the building.

Planning Staff Response:

Cisterns for firefighting purposes are located at the front of the proposed school that can be accessed from the internal laneways (designated fire route).

Region of Niagara

Regional staff offered no objection to the site plan application subject to the following conditions of approval:

1. That the applicant receive acceptance from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for the archaeological assessment report entitled Stage 1-2 Archaeological Assessment, prepared by Detritus Consulting Ltd. (dated July 8, 2021), and that a copy of the MHSTCI acknowledgment letter be provided to the Region. If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the

satisfaction of Niagara region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to issuance of a letter from MHSTCI through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

2. That the following clause be included in the site plan agreement:

“Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) (416-212-8886) and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services in Toronto (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

3. That the owner be advised that if the Regional curbside waste collection limits cannot be met, garbage collection for the subject property will be the responsibility of the owner through a private contractor and not the Niagara Region. The site would remain eligible for Regional curbside collection of recycling and organic material, subject to the requirements of Niagara Region's Corporate Waste Collection Policy.

Planning Staff Response:

The required acknowledgement letter was received on October 27, 2021 and as such Condition #1 has been fulfilled. Conditions 2 and 3 have been included in the required site plan agreement.

Ministry of Transportation of Ontario

The MTO had no concerns with respect to traffic, planning and design. The MTO noted that during construction, the applicants should install all the necessary construction related signage on Highway #3, follow OTM Book 7 and ensure that the construction vehicles/trucks have no issues turning to/from Highway #3.

The MTO noted that they do not allow chamber type storage with open bottom for quantity control within their permit control area and requested confirmation that if underground storage in chambers is taken out of model then MTO's drainage system will not be impacted from the increased flows.

Planning Staff Response:

The required amendments to address the drainage comments have been made by the applicant's consultant by including a re-designed concrete tank and not a chamber system. Through the pre-consultation process the MTO identified the need for the applicant to obtain an MTO Building and Land Use Permit. Staff have added this as a requirement within the site plan agreement.

Canada Post

The mode of mail delivery for this development will be via a post office box at the local office.

Hydro One

No comments or concerns at this time.

CONCLUSION

It is the opinion of the Planning Department that the site plan application submitted by the Niagara Catholic District School Board and District School Board of Niagara for the new joint school board elementary school meets all applicable policies and standards.

ATTACHMENTS:

- 1) Appendix "A" – Map of the Subject Lands
- 2) Appendix "B" – Site Plan
- 3) Appendix "C" – Elevation Drawings

Respectfully submitted by,

Reviewed by,

Sarah Ivins
Planner

Lindsay Earl, MES, MCIP, RPP
Manager of Community & Development Services

Approved by,

William J. Kolasa
Chief Administrative Officer

APPENDIX "A"

Map of Subject Lands

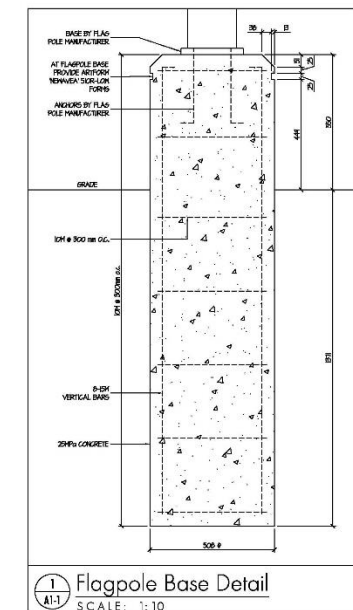


Site Plan



Notes:
Site statistics do not include areas for any future additions or portables.

Notes:
Site statistics do not include areas for any future additions or portables.



1 Flagpole Base Detail
AI-1
SCALE: 1:10

SITE PLAN

SCALE: 1:300

THESE DRAWINGS ARE NOT TO BE SCALED

[illegible]

THE CONTRACTOR MUST FIELD VERIFY ALL DIMENSIONS AND MUST CONFIRM & CORRELATE ALL DETAILS WITHIN THE FULL DRAWING PACKAGE BEING RESPONSIBLE FOR SAME THROUGHOUT CONSTRUCTION, REPORTING ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO COMMENCING THE RELEVANT WORK.

ALL DRAWINGS, DETAILS & SPECIFICATIONS REPRESENTED IN THE DRAWINGS ARE TO BE USED FOR CONSTRUCTION ONLY WHEN ISSUED BY THE ARCHITECT AND NOTED ACCORDINGLY IN THE "ISSUE/DIVISIONS" BOX HEREON.

**WHITELINE** | Architects Inc.

83 ONTARIO STREET 905-688-6087
ST. CATHARINES admin@whitelinearchitects.com
ONTARIO L2R 5J5 www.whitelinearchitects.com

PROJECT:

Proposed New:
Elementary School

31950 Sugarloaf Street

For the DSBN / NCDSB



DRAWING TITLE:	
----------------	--

OVERALL SITE PLAN, DETAILS AND STATISTICS

SCALE:

As Shown	
DRAWN BY	CHECKED BY

DATE:	PROJ. #:
Aug 2021	2103

PLOTTED 11/9/2021 12:31 PM

Elevation Drawings



EXTERIOR BUILDING MATERIAL KEYING

NEW ITEMS:

MASONRY VENTILATION

- [illegible]

METAL CLADDING MATERIALS:

- | | |
|-------|---|
| ALC | <p>1. IS THERE A NAME FOR THE
 BOWEN-WALKER-ACT? IF YES, PLEASE PROVIDE THE NAME
 OF THE LEGISLATIVE BODY AND THE YEAR.</p> |
| ALC5 | <p>2. PLEASE PROVIDE A
 BRIEF SUMMARY OF THE ACTING BOWEN-WALKER ACT AND THE
 SIGNIFICANCE OF THE LEGISLATIVE BODY.</p> |
| ALC6 | <p>3. PLEASE EXPLAIN THE ACTING
 BOWEN-WALKER ACT AND THE YEAR OF THE ACTING BOWEN-WALKER ACT.</p> |
| ALC7 | <p>4. PLEASE EXPLAIN THE ACTING
 BOWEN-WALKER ACT AND THE YEAR OF THE ACTING BOWEN-WALKER ACT.</p> |
| ALC8 | <p>5. PLEASE EXPLAIN THE ACTING
 BOWEN-WALKER ACT AND THE YEAR OF THE ACTING BOWEN-WALKER ACT.</p> |
| ALC9 | <p>6. PLEASE EXPLAIN THE ACTING
 BOWEN-WALKER ACT AND THE YEAR OF THE ACTING BOWEN-WALKER ACT.</p> |
| ALC10 | <p>7. PLEASE EXPLAIN THE ACTING
 BOWEN-WALKER ACT AND THE YEAR OF THE ACTING BOWEN-WALKER ACT.</p> |

WINDOWS & DOORS :

- CEILING:** 1. 1" MIN. 15' HANGING JOIST, 16" DEEP ALUMINUM CHANNELS, 15' SPACED 1" ISOLATED V-GIRL GLASS AND SPHERICAL GLASS PANELS (OBTAINABLE V-GIRL IS SUBMIT FOR APPROVAL BY THE HOA AND ARCHITECTS BEFORE ANY CALLS OR AS PER SPECIFICATORS AND RELATED SCHEDULES)
- FLOOR:** 1. 1" MIN. 15' HANGING JOIST, 16" DEEP ALUMINUM CHANNELS, 15' SPACED 1" ISOLATED V-GIRL GLASS AND SPHERICAL GLASS PANELS (OBTAINABLE V-GIRL IS SUBMIT FOR APPROVAL BY THE HOA AND ARCHITECTS BEFORE ANY CALLS OR AS PER SPECIFICATORS AND RELATED SCHEDULES)

MISCELLANEOUS MATERIALS & ITEMS

- | | |
|-----|---|
| COL | STREET COLUMN NUMBER |
| DEC | DATE OF DEPOSIT OF DOCUMENTS IN THE DEPARTMENT |
| ISS | ISSUE OF THE DOCUMENT, STREET NUMBER, PART OF THE INFORMATION |
| NUM | NUMERICAL NUMBER OF THE DOCUMENT |
| REL | RELATIONSHIP OF THE DOCUMENT TO THE INFORMATION IN THE DEPARTMENT |
| RES | REASON FOR THE DEPOSIT OF THE DOCUMENT IN THE DEPARTMENT |
| STR | STREET NUMBER OF THE DEPARTMENT |
| VAL | VALUE OF THE DOCUMENT IN THE DEPARTMENT |

SEAL:

ONTARIO ASSOCIATION OF ARCHITECTS
 INCORPORATED
 AUG. 18, 2021
 OF
 ARCHITECTS
 KEVIN MARK GARICH
 LICENSEE
 9052



Wainfleet, ON
For the DSBN / NCDSB

SCALE: As Shown	
DRAWN: DWG	CHECKED: K. Finch
DATE: May 2018	PROJ. #: 2103
DRAWING #: A3-1	



Memo

To: Mayor Gibson & Members of Council

From: Sarah Ivins, Planner

Date: April 5, 2022

Re: 2023 Niagara Ortho-Photography Project Letter of Intent

Niagara Region is looking to once again create a partnership with local area municipalities, regional government agencies, utility providers, non-government agencies, educational institutions and other public funded agencies to acquire digital aerial photography as well as a few optional products such as building footprints and Lidar.

The use of ortho-photography is imperative to the daily operations in many of the Township's departments. The ortho-photography is loaded into the Township's GIS program and provides staff a quick and easy reference tool for meeting discussions, landowner inquiries, planning and building permit application reviews, building activity monitoring, by-law enforcement, change detection (new building additions, decks, pools etc.), municipal drainage program, court evidence, encroachments, municipal addressing, and Ontario Land Tribunal hearings.

Niagara Region has requested that all interested parties sign and return a letter of intent by April 29, 2022. This is an initial engagement to determine whether or not there is enough interest and funding to have the project proceed to the Request for Proposal (RFP) stage and is conditional upon the parties approving the specified dollar amount in their 2023 budgets. For the Township, the requested 2023 commitment is \$5,000 – this is subject to change depending on the number of interested parties and results of the RFP.

Given that the ortho-photography product will be beneficial to many departments, Planning staff will provide the letter of intent on behalf of the Township. At a later date, Planning staff will bring forward a staff report identifying the final cost and request authorization to sign a formal participant agreement.

TO: Mayor Gibson & Members of Council

FROM: Richard Nan, Manager of Operations

DATE OF MEETING: April 5, 2022

SUBJECT: **Local Authority Services Municipal Buying Group**

RECOMMENDATION(S):

THAT Report PWSR-004/2022 regarding the Local Authority Services Municipal Buying Group be received, and

THAT Council authorize Township staff to utilize the Local Authority Municipal Buying Group program for future purchases when available.

EXECUTIVE SUMMARY:

The Township of Wainfleet is a member of Association of Municipalities of Ontario (AMO) and have opportunities to receive benefits through the various services provided by AMO. There are many programs offered through Local Authority Services (LAS) which is a business branch of AMO.

One of the programs that the Township has previously utilized included the replacement of our locally owned streetlights from mercury vapour to light emitting diode (LED). The savings the township is realizing in hydro costs has successfully paid for the replacement program.

Staff have been consistently looking for opportunities for cost savings in purchases of various commodities and equipment and one such program is the LAS municipal buying program.

BACKGROUND:

Township staff received information regarding an opportunity to participate in a national buying program offered by Local Authority Services which was created by Association of Municipalities of Ontario. Local Authority Services (LAS) is incorporated as a not-for-profit organization under the laws of Canada and is mandated to work with Ontario municipalities, as well as organizations from the broader public sector, to help realize lower costs, higher revenues, and enhanced staff capacity, through co-operative procurement efforts and innovative training, programs, and services. Municipalities may utilize various services which include Administrative Services, Asset Services, Commodity Programs and Energy Services.

Amongst these programs is the Canoe Procurement Group. It is a group buying tool that helps municipalities purchase products and services they regularly use. By combining forces under the Canoe Procurement Group, municipalities can access high-quality, competitively-priced goods and services, and free up staff time. The Canoe Procurement Group is a cross-Canada purchasing Group. This program helps your municipality save time and money on everything from paperclips to fire trucks. Benefits of this program include:

- Competitive bid process for suppliers saves the time of municipalities have to do their own individual RFPs or tenders,
- Fully compliant with trade agreements,
- Canada-wide purchasing power for better prices,
- Access hundreds of vendors across multiple categories,
- Receive direct support through LAS,
- Continue to work with local retailers for service and support.

Each commodity category offered in the program begins with the preparation of a Request for Proposal (RFP) by LAS, the results of which are available only to participating municipalities. More details regarding the program and the commodity categories can be viewed on the LAS Business Services website here:

<https://www.las.on.ca/groupbuying>.

Each municipality that registers with LAS has an opportunity to receive the current bid prices for commodities that are bid on by suppliers at a national level. Because the competitive RFP has already been completed by LAS, members can contact the service or commodity dealers directly to receive a quote for the commodity or service requested. The prices are offered nationally and significant savings are realized. The program is offered to members of AMO with no membership fees, no minimum purchases and no bidding contracts.

The Township has participated recently in the program during the small-scale purchase of tires for a couple of pieces of equipment. Our latest purchase included 8 tires for one of the dump trucks in the fleet to replace the original tires installed in 2019. Staff received quotes from 34 local suppliers and then received a quote through the Canoe Procurement Group. The lowest price received locally by the Township was \$825 per tire. The Township was then able to secure the purchase through the Canoe Procurement Group for \$685 per tire. The Canoe Procurement program also includes the additional cost of installation that offers significant savings as well from local suppliers that participate in the program.

Staff are currently working on capital purchases approved by Council during budget deliberations and have requested quotations for a few pieces of equipment offered through the Canoe program. Staff are proposing to utilize the current Canoe Procurement Group RFP bid submissions already received by the purchasing program and will seek additional quotes locally for a comparison. Council will continue to be required to authorize purchases over certain cost thresholds, however, instead of staff undertaking a full-blown internal RFP or tender; staff will instead rely on the Canoe

Procurement Group for competitive pricing (staff may obtain a local quotation for confirmation purposes).

OPTIONS/DISCUSSION:

1. Council authorize the Township staff to utilize the Local Authority Municipal Buying Group program for future purchases when available.
2. Council direct staff to continue to prepare Request for Tenders and Request for Quotations for products and services.

FINANCIAL CONSIDERATIONS:

Significant savings have been realized in using the Local Authority Municipal Buying Group program.

OTHERS CONSULTED:

- 1) Strategic Leadership Team

ATTACHMENTS:

- 1) None

Respectfully submitted by,

Approved by,

Richard Nan
Manager of Operations

William J. Kolasa
Chief Administrative Officer

TO: Mayor Gibson & Members of Council

FROM: Richard Nan, Manager of Operations

DATE OF MEETING: April 5, 2022

SUBJECT: Award of Tender for Lakeshore Road, Drainage and Road Improvements

RECOMMENDATION(S):

THAT Public Works Staff Report PWSR-005/2022 respecting Award of Tender for Lakeshore Road, Drainage and Road Improvements be received; and

THAT Council direct the Manager of Operations to engage the services of Rankin Construction to complete the Lakeshore Road Drainage and Road Improvements.

EXECUTIVE SUMMARY:

Staff presented this project to Council in the 2021 and 2022 budgets and received final approval for the grant in 2021. Staff have secured the necessary easements over private property required to complete the project and the tender was prepared to complete the construction phase of the project according to the Township procurement policy. Various contractors and local associations were notified of the advertisement on the Township website.

Staff have been working with the Engineering firm of Urban & Environmental Management Inc. (as awarded in Report PWSR -008-2020) to complete the required environmental assessment and design for the project.

The Township received 8 bids in response to the tender, as shown below, and staff recommend the award of tender to the lowest bidder, Rankin Construction to complete the project.

BACKGROUND:

Staff began review of this project after completion of the roadside safety report prepared by Associated Engineering in 2017 identified the location as a safety risk to the Township.

The location had been reviewed and staff met with affected landowners regarding the potential implications of the project. Lakeshore Road, in the affected area, is a slightly narrower right-of-way and the road surface was originally constructed partially on private property.

The improvements required to mitigate future risk and to resolve erosion issues in the area will result in further encroachments within the private property sections. Staff have prepared the appropriate easement agreements and have delivered them to the property owners.

The next step was to conduct a geological survey, topographical survey, environmental assessment and the design for the retaining wall and storm sewer. The last phase of the project is to award the construction phase of the project. The tender for the construction phase was prepared using standardized Niagara Peninsula Contract Documents. Upon the tender closing on March 22, 2022, staff received 8 bids (all meeting the stipulated tender requirements).

The tender bids listed below were received:

Company	Tender Price
Nexterra	\$471,883.53
Demar Construction Inc	\$543,682.83
Rankin Construction	\$372,345.00
Peter's Excavating	\$465,499.66
Brennan Paving	\$537,321.55
Vic Vart	\$503,405.10
CRL Campbell	\$579,954.30
Stevensville Lawn Service	\$657,952.70

OPTIONS/DISCUSSION:

- 1) Council direct the Manager of Operations to engage the services of Rankin Construction to complete the construction of Lakeshore Road Drainage and Road Improvements, being the lowest tender submitted. (Recommended).
- 2) Award the tender to an alternate bidder.

FINANCIAL CONSIDERATIONS:

As presented to Council during our recent 2022 capital budget deliberations, the project will be funded from the grant received and the Township portion from Township reserves.

OTHERS CONSULTED:

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

ATTACHMENTS:

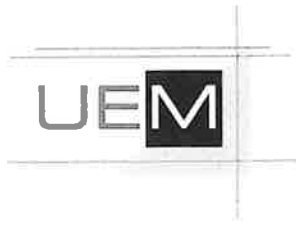
- 1) None.

Respectfully submitted by,

Approved by,

Richard Nan
Manager of Operations

William J. Kolasa
Chief Administrative Officer



March 24, 2022

Mr. Richard Nan CRSS, CMMII, CEMC
Manager of Operations
Township of Wainfleet
31940 Highway 3, P.O. Box 40
Wainfleet ON, L0S 1V0

Dear Richard:

Re: Contract for Road and Drainage Improvements – Lakeshore Road

The above tender closed on March 22, 2022, and eight (8) tenders were received as follows:

	<u>Total Tender Price</u>
Rankin Construction Inc.	\$372,345.00
Peter's Excavating	\$465,499.66
Nexterra Substructures	\$471,883.53
Vic Vatr Construction	\$503,405.10
Brennan Paving	\$537,321.55
Demar Construction	\$543,682.83
CRL Campbell	\$579,954.30
Stevensville Lawn Service	\$657,952.70

We recommend award of this Contract for Road and Drainage Improvements on Lakeshore Road to the low bidder, Rankin Construction Incorporated. Rankin Construction Incorporated has successfully completed many similar projects in the past.

Yours Truly,

A handwritten signature in black ink, appearing to read 'Steve Brant', is written over a horizontal line.

Steve Brant, P. Eng.

TO: Mayor Gibson & Members of Council

FROM: Richard Nan, Manager of Operations

DATE OF MEETING: April 5, 2022

SUBJECT: **Award of Tender for Gents Road Bridge Replacement**

RECOMMENDATION(S):

THAT Report PWSR-006/2022 respecting the Gents Road Bridge Replacement be received; and

THAT Council authorize the Manager of Operations to engage the services of Anthony's Excavating to complete the replacement of Gents Road Bridge.

EXECUTIVE SUMMARY:

The Gents Road Bridge Replacement project design work has been finalized and cost estimates have been prepared by the Engineering firm of Ellis Engineering to complete the project.

As Council is aware, Ellis Engineering had been awarded the design work and contract administration for the replacement of Gent's Road bridge in PWSR 005/2021. In preparation of the tender documents, a Tender was prepared to complete the construction phase of the project according to the Township procurement policy.

The Township received 4 bids, as shown below, and staff recommend the award of tender to the lowest bidder, Anthony's Excavating to complete the project.

BACKGROUND:

Gents Road Bridge is located approximately 500 metres north of Forks Road. Recent Bridge inspections have identified the structure as being in poor condition for several years. The structure was built in 1949 and consists of a concrete slab design on steel girders. The bridge is currently posted with a 10 tonnes weight restriction. Council and staff, along with members from the public, reviewed various options for the replacement including steel deck, complete replacement with concrete deck and new steel girders, replacement with culverts and also the option of closing the road at the structure.

Council awarded the engineering for the project to Ellis Engineering via consideration of Report PWSR 005/2021.

Final engineering and the tendering is complete.

As Council is aware, the existing structure is deteriorating and the bridge is currently being inspected semi-annually to monitor its condition in order to keep users safe when travelling over the bridge. A high priority for the Township is to ensure its continued safe operation.

Members of Council have participated in multiple discussions with this project for several years. Staff and Council have received various options for the design and materials used in the replacement and members of the public had been invited to an open house to provide comments and concerns regarding the replacement of the bridge structure.

The tender for the construction phase was prepared using standardized Niagara Peninsula Contract documents. Upon the tender closing on March 23, 2022, staff received 4 bids (all meeting the stipulated tender requirements).

Company	Tender Quote
Peters Construction	\$996,310.00
Anthony's Excavating	\$839,185.00
CRL Campbell	\$969,232.50
Rankin Construction	\$974,325.00

OPTIONS/DISCUSSION:

- 1) Council direct the Manager of Operations to engage the services of Anthony's Excavating to complete the replacement of the Gent's Road Bridge (recommended).
- 2) Award the tender to an alternate bidder.

FINANCIAL CONSIDERATIONS:

As was presented to Council during our recent 2022 budget deliberations for Capital Projects, this project will be funded with allocation of \$748,948 from gas tax and the remainder from reserves.

OTHERS CONSULTED:

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

ATTACHMENTS:

- 1) Recommendation Letter from Engineering firm

Respectfully submitted by,

Approved by,

Richard Nan
Manager of Operations

William J. Kolasa
Chief Administrative Officer



ELLIS
Engineering Inc.

ELLIS Engineering Inc.
Consulting Engineers
214 Martindale Road
St. Catharines, Ontario Canada
L2S 0B2

Tel: (905) 934-9049
www.ellis.on.ca

March 24th, 2022

Township of Wainfleet
Public Works Department
31940 Highway #3
Wainfleet, Ontario, L0S 1V0

Attention: Mr. Richard Nan
Manager of Operations

Reference: Tender Award Letter of Recommendation
Replacement of Gents Road Bridge
ELLIS File No. 996

We have reviewed the low bid tender submission for the above mentioned project and confirm that Anthony's Excavating Central Inc. of Wellandport, Ontario, has successfully completed similar work and listed suitable sub-contractors as required to complete the work. We did not find any errors in Anthony's Excavating Central Inc. bid submission.

We recommend that the contract be awarded to Anthony's Excavating Central Inc.

Yours truly,

ELLIS Engineering Inc.

Duane VanGeest, P.Eng. – Project Manger

TO: Mayor Gibson & Members of Council

FROM: Richard Nan, Manager of Operations

DATE OF MEETING: April 5, 2022

SUBJECT: **Consideration of Electric Vehicle**

RECOMMENDATION(S):

THAT Report PWSR-007/2022 respecting the Consideration of Electric Vehicle be received; and

THAT Council direct the Manager of Operations to proceed with tendering for 2 hybrid gas/electric non-plug-in AWD SUV's.

EXECUTIVE SUMMARY:

As requested by Council during the 2022 budget deliberation meetings, staff have investigated the possibility of purchasing Electric AWD SUVs for the replacement of the existing By-law and Building vehicles. Staff researched various manufacturers and contacted various suppliers that provide the different types of electric vehicles that may fall into the budgetary constraints of the Township.

Electric vehicles are not a new concept, but do currently pose some challenges in the suppliers obtaining the vehicles or components of the vehicles.

BACKGROUND:

During the Township budget deliberations, staff were asked to research the possibility of replacing the end-of-life By-law and Building vehicles with electric vehicles.

Staff researched the various manufacturers and contacted various suppliers that supply electric vehicles that are in the budgetary allotment set within the limits established in the capital budget presentation.

Electric vehicles offer 3 basic configurations:

- 1) A gas/electric hybrid that does not require a plug-in charging system,
- 2) A gas/electric plug-in system, and
- 3) A fully electric vehicle that requires plug-in recharging.

Charging systems are provided in three different configurations as well.

Level 1 Chargers:

- Use a connection to a standard 120-volt outlet;
- Charge at a rate of approximately 8 km per hour;
- Take 12 to 20 hours to fully charge a battery EV (6 to 12 hours for a plug-in hybrid);
- Used mostly in homes.

Level 2 Chargers:

- Use a connection to a 240-volt outlet, like those used by ovens and clothes dryers;
- Charge at a rate of approximately 30 km per hour;
- Take 6 to 14 hours to fully charge a battery EV (4 to 8 hours for a plug-in hybrid);
- Used in homes, businesses and common areas.

Level 3 chargers (also known as Fast Chargers):

- Use a direct current connection to an electrical system;
- Charge at a rate of approximately 100 km per 30 minutes, or 80% charge at 50 kW (varies by vehicle type);
- Take 1 to 4 hours to fully charge a battery EV (15 minutes to 3 hours for a plug-in hybrid);
- Used mostly in businesses and common areas.

Installation costs for the charging systems to be placed for fleet use only requires the installation of electrical infrastructure to the electrical source and the installation of a charger near the location of the vehicle parking area. The fleet charging infrastructure will cost anywhere from \$4,000 to \$7,000, depending on the distance from the electrical source to the charger location site, and additionally if the charger is for a single use or for multiple units.

Public use style units would increase the costs for installation but would see eventual cost recovery on a pay per use configuration.

During staff's discussion with the various suppliers, it was clearly realized that the pandemic has posed many constraints on the industry for the supply of electric vehicles or some components for the vehicles.

Based upon our investigations, gas/electric hybrid vehicles (that do not require a plug-in) are generally available within a 2 to 6 month time frame. Hybrid plug-in models may be available by next March (approximately 12 month time frame) and fully electric vehicles generally are not available for a couple of years (2 years, plus). Suppliers have found a large demand for these style vehicles and are having major difficulties fulfilling their current orders. In consultation with the suppliers, staff have also been advised that fleet pricing incentives have also decreased as a result of the supply and demand for electrified vehicles.

Staff would also note that the current Township fleet is a red colour, with township logos mounted on the vehicles. Various suppliers do not offer a standard red colour for the types of vehicles we are investigating. To maintain current fleet standards, suppliers would be required to repaint the vehicle on arrival. Alternatively, staff would suggest that if the red colour is not available as a standard option, then we instead proceed with a basic white colour, offered by almost all manufacturers.

As a result of the supply issues, staff are recommending that the Township proceed with the tendering process for two (2) gas/electric hybrid AWD SUV-style vehicles and dispose of the current end-of-life assets to assist in offsetting the potential cost increases seen in the industry.

Staff will also continue to seek ways of providing a greener fleet, as well as continue to research the possibility of providing the public charging stations in various locations within the township facilities.

OPTIONS/DISCUSSION:

- 1) Council direct the Manager of Operations to proceed with tendering for two (2) gas/electric hybrid non plug-in AWD SUVs that are available within a six month delivery timeframe. (Recommended)
- 2) Council direct the Manager of Operations to tender for two (2) gas/electric hybrid plug-in AWD SUVs that are available within a 12 month delivery time frame and install a charging station for the fleet vehicles only.
- 3) Council direct the Manager of Operations to tender for two (2) gas/electric hybrid plug-in AWD SUVs that are available within a 12 month delivery timeframe, install a charging station for the fleet vehicles and inquire about costing to install 4 additional pay per use charging stations; one located for staff parking area, a second one for visitor parking at Town Hall, a third in front of the Library and a fourth in front of the Arena.
- 4) Council Direct the Manager of Operations to tender for two (2) all-electric AWD SUVs that are available within a 2 year delivery timeframe, install a charging station for the fleet vehicles and inquire about costing to install 4 additional pay per use charging stations; one located for staff parking area, a second one for visitor parking at Town Hall, a third in front of the Library and a fourth in front of the Arena.

FINANCIAL CONSIDERATIONS:

Council has approved \$64,000 for the purchase of the vehicles in the 2022 Capital Budget. Staff will forward the results of the tender chosen to Council in a future public works staff report for award. The potential additional cost for the public charging stations will additionally be provided to council at a future date, should that option be considered by Council.

OTHERS CONSULTED:

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

ATTACHMENTS:

- 1) Recommendation Letter from Engineer

Respectfully submitted by,

Approved by,

Richard Nan
Manager of Operations

William J. Kolasa
Chief Administrative Officer



Memorandum

To: Mayor and Members of Council
From: Richard Nan, Manager of Operations
Date: April 5, 2022
Re: Purchase of Roadside Mower

The Township staff have been diligently working through various opportunities to purchase equipment and supplies.

As indicated in PWSR-004/2022, The Township is now a member of the Local Authority Municipal Buying Group (LAS). As a member, municipalities may utilize various services which include Administrative Services, Asset Services, Commodity Programs and Energy Services. Amongst these programs is the Canoe Procurement Group. It is a group buying tool that helps municipalities purchase products and services they regularly use. By combining forces under the Canoe Procurement Group, municipalities can access high-quality, competitively-priced goods and services, and free up staff time.

The purchase of a roadside mower was an item presented as a Capital project and approved by council during budget deliberations. During the process of securing the roadside mower, staff researched the availability through the program and have identified a potential savings.

Original quotations received from local suppliers for budgetary purposes suggested a required total allocation of \$390,000 for the purchase of the Roadside Mower (including tractor and necessary mower attachments). Staff have subsequently been in contact with the same suppliers quoting participation in the LAS program and found that they are participants and have provided the Township with updated program pricing.

The available options include Tractors from John Deere and Case and the mowers from the Tiger mower supplier. Although Kubota had not submitted a quote through the LAS program, they did submit a bid locally for a somewhat comparable tractor and mower with dealer discounts.

The mower assemblies include a boom mower utilized for mowing and brushing along the backside of ditches and will be used on municipal drains as well. The 2 types of boom mowers include a fixed double boom system with a rotary mower head attached at the end and the second style units adds a third break away boom attached to the mower head. The breakaway boom swings away when it impacts an unforeseen item such as a hidden stump or large item that is buried in the overgrowth. The breakaway boom protects the forces applied to the main pin assembly and mower unit.

Staff have realized the importance of the breakaway system in our current boom mower as items are sometimes very difficult to detect in areas of heavy growth.

The Kubota tractor units (being lowest costs) have evolved with many changes to the industry and unfortunately, due to design characteristics, are unable to support the mounting of the Bengal Brute mower with the breakaway system. Kubota can only supply the mounting capabilities of the fixed boom Bengal mower style system without the breakaway boom component. The other factor that staff have considered is the stowing or travel mounting of the boom mower. The fixed Bengal mower, when stowed, will stick out past the rear wheel of the tractor thus adding additional width of the vehicle when travelling to and from various locations. The breakaway model allows the operator the mount the mower assembly in a cradle located behind the tractor and not adding additional width to the unit while travelling to the work location.

Below is the cost breakdown of the Tractor and Mower units utilizing the LAS Municipal Buying Group:

TRACTORS	LAS Quote	Local Quotation
John Deere 6110M	\$142,075.75	
Case Maxxum 115	\$137,166.82	
Kubota M6		\$110,456.35
MOWER UNITS		
Bengal Fixed Boom		\$101,709.03
Bengal Brute (with Breakaway)	\$105,064.79	
Rear Flail	\$25,550.58	\$25,550.58
Side Flail	\$29,723.54	\$29,723.54
Additional Components	\$9,012.95	\$9,012.95

Due to these considerations and the potential savings, staff offer the following for council consideration:

Option 1: Council authorize the Manager of Operation to proceed with the purchase of the Case Maxxum 115 Tractor with the Bengal Brute boom mower, Rear mower, Side flail mower and additional components – total of \$306,518.68 (Recommended).

Option 2: Council authorize the Manager of Operation to proceed with the purchase of the John Deere 6110M with the Bengal Brute boom mower, Rear mower, Side flail mower and additional components – total of \$311,427.61.

Option 3: Council authorize the Manager of Operation to proceed with the purchase of the Kubota M6 with the Bengal Fixed boom mower, Rear mower, Side flail mower and additional components – total of \$276,452.45.

Financial Implications

Council approved \$390,000.00 for the purchase of the Roadside Mower in the 2022 capital budget. The allocated funds included \$40,000 from reserves and the remainder will be debentured.

Respectfully Submitted by,

Richard Nan, Manager of Operations

Approved by,

William J. Kolasa CAO

March 25, 2022

CL 5-2022, March 24, 2022

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

Re: Report PW 15-2022 – Moving Transit Forward – Initial Transition Activities and Next Steps

Regional Council, at its meeting held on March 24, 2022, passed the following motion:

That Report PW 15-2022, dated March 24, 2022, respecting Moving Transit Forward - Initial Transition Activities and Next Steps, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **REQUEST** the local area municipalities submit their recommendations for representatives for the transitional Transit Commission Board, based on the criteria outlined in Report PW 15-2022, to the Regional Clerk no later than April 29, 2022; and
2. That the Linking Niagara Transit Committee **BE DISSOLVED** effective immediately, with thanks to the Members, having completed the mandate for which it was established.

Report PW 15-2022, specifically page 7, provides additional information regarding the number of nominees that can be put forward for your municipality, term, orientation as well as preferred experience that should be considered when your Council is selecting a nominee(s).

A copy of Report PW 15-2022 is attached for your reference. If you require additional information, please feel free to contact me.

Yours truly,



Ann-Marie Norio

Regional Clerk

CLK-C 2022-052

Subject: Moving Transit Forward – Initial Transition Activities and Next Steps

Report to: Regional Council

Report date: Thursday, March 24, 2022

Recommendations

1. That Regional Council **REQUEST** the local area municipalities submit their recommendations for representatives for the transitional Transit Commission Board, based on the criteria outlined in Report PW 15-2022, to the Regional Clerk no later than April 29, 2022; and
2. That the Linking Niagara Transit Committee **BE DISSOLVED** effective immediately, with thanks to the Members, having completed the mandate for which it was established.

Key Facts

- The purpose of this report is to provide an update regarding the work underway to implement the consolidation of region-wide transit, following the successful achievement of triple-majority approval in February 2022 (see Clerks Memorandum CWCD 2022-41); and initiate the process of securing nominations for the transitional Niagara Transit Commission Board from the local area municipalities (LAMs).
- A report will be brought forward at a Special Regional Council meeting on May 5, 2022 to seek Council approval to formally establish the Niagara Transit Commission as a Municipal Services Board (MSB) of the Region.
- In keeping with the Transit Governance Strategy outlined as part of the triple-majority process (PW 55-2021), LAMs will be asked to provide their recommended nominations for the transitional Niagara Transit Commission Board, for appointment by Regional Council to coincide with the establishment of the MSB.
- Given that the Linking Niagara Transit Committee (LNTC) has successfully completed its mandate to guide the development of and obtain approval for a recommended governance strategy for consolidation, and with the appointment of the new Commission Board imminent, it is appropriate for the LNTC to be dissolved forthwith.

Financial Considerations

There are no direct financial implications arising from the recommendations of this report.

The operating budget for transition activities associated with this report, including encumbrances and grant funding, is approximately \$3.1M. This is comprised of an operating consulting services budget of \$2.23M, additional \$0.5M in encumbered consulting budget from 2021, \$0.2M in dedicated internal staffing budget, and \$0.15M available to support the project from a successful application to the Province of Ontario's Audit and Accountability Fund. The transition to the new Commission will include a dedicated staff complement of 2 FTE's (Program Financial Specialist and GO Implementation Office Transportation Lead) plus additional Steering Committee and Working Group internal staff support.

Analysis

Achievement of Triple-Majority

In order for Niagara to realize the enormous benefits of a single transit system and move forward with the creation of a new Transit Commission, triple-majority approval was required to transfer the necessary legislative authority for the operation of transit to the Region under the *Municipal Act*.

This process formally commenced on November 25, 2021, when Niagara Region Council approved report PW 55-2021, adopting By-law No. 2021-96 providing "The Regional Municipality of Niagara...the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region." Following Regional Council approval, each of Niagara's twelve municipalities were asked to similarly support moving forward into consolidation.

With a strong majority of municipal Councils supporting consolidation, with a number of unanimous votes, the required criteria for triple-majority approval was achieved (see Council Weekly Correspondence Distribution CWCD 2022-41 February 18, 2022) and By-law 2021-96 came into effect on February 2, 2022.

The consolidation proposal put forward as part of the triple-majority process included a series of core financial, service, and governance strategies that had been developed and recommended by the CAO Governance Steering Committee (GSC) and

unanimously endorsed by LNTC. These recommendations reflected years of collaborative work, were based on two rounds of direct consultation with municipalities, and reflective of input from interested parties and the public.

City of Welland Resolution

At its meeting of December 9, 2021, Welland City Council adopted a resolution “THAT Welland City Council supports the future state of Inter Regional Transit and the consolidation of Welland, St. Catharines and Niagara Falls Transit Systems...” contingent on satisfactory responses to certain concerns they identified with the core strategies. This City’s resolution further requested that other LAMs present an amended resolution to their Councils supporting the City of Welland’s position. This resolution did not receive support from any other municipalities during the consideration of By-law No. 2021-96 enacting the triple majority. Positive progress is being made on the asset transfer agreement, with cooperation from all municipalities. Based on this outcome, a memo outlining this position and subsequent path forward sent to the City of Welland is attached as Appendix 1.

It is therefore on the basis of the strategies outlined in PW 55-2021 that the creation of the new Niagara Transit Commission and implementation of the consolidation of transit is underway, reflecting the strong support these proposals received through the triple-majority process.

Transit Commission Steering Committee (TCSC)

Governance Structure

To guide this transition, the Region has established the Transit Commission Steering Committee (TCSC).

The mandate of the TCSC is to support the creation of the new transit Commission, including its legal establishment, appointment of the transitional Board and senior leadership, and the transfer of personnel and assets, necessary for the Commission to assume operational responsibility for transit in Niagara on January 1, 2023.

The TCSC is Chaired by the Commissioner of Public Works and is comprised of extensive senior Regional staff (Commissioner and Director levels) from a diverse and strategic cross-section of the entire organization to support the successful establishment of the new Commission. The local area municipalities are also key

partners in this transition work. Active participation from LAM transit GMs and their senior staff, as well as LAM CAOs and legal counsel involved in the transfer of assets are assisting in guiding key deliverables outlined in the Transition Plan.

Resourcing

Significant internal Regional resources will be required to deliver the extensive scope of work for the transition to the Commission, including subject matter experts in areas such as finance, human resources, legal, information technology, and communications. The TCSC will be responsible for ensuring that sufficient corporate resources are allocated to the project and identifying the specific resources required to support the Transition Plan, including ensuring representation from other lines of business that will be impacted.

Successful transition will also require direct engagement with LAMs, in particular those who operate the independent transit systems that will form the basis for the new Commission. Areas of focus will include but not be limited to: negotiation of asset transfer agreements, human resources/labour relations, and the harmonization of operational policies and procedures.

Additional external resources have also been secured to support specific needs related to legal requirements and transit operations. External legal expertise has been secured with Dentons LLP who are supporting many aspects of the establishment of the Commission, along with leading and/or supporting and number of employee and labour relations considerations. Additionally, Eric Gillespie, retired former GM of both Grand River Transit in Waterloo Region and the St. Catharines Transit Commission, has been retained to lead the harmonization and implementation of transit operations, in close partnership with the LAM transit GMs.

These external resources are funded through the transition project budget as referenced in the Financial Considerations section and approved in the 2022 budget.

Progress to Date

With less than ten months to full transition and to ensure a successful hand off to the new Commission on January 1, 2023, accelerated and necessary work in support of the new Commission is well underway.

Leveraging provincial funding secured through the Audit and Accountability– Phase 3 program, KPMG has been retained to examine and develop a recommended shared services relationship between the Region and Commission. This assignment will look at best practices and comparator transit Commissions/municipalities (i.e. London, Ottawa, Edmonton, Durham) to examine reporting relationships, undertake financial analysis, and arrive at a preferred model. This KPMG work significantly advances the early work Regional staff undertook as presented in PW 9-2021 and will also take into account the tenets of the independent Commission model recommended in the *Niagara Transit Governance Study*. The results of KPMG's work will be incorporated in the next report to Council outlining the recommended model for shared services to support the new Transit Commission. This will also provide insight into the extent of future and/or additional staff resources which may be required either by the new Commission or by the Region as part of the 2023 budget submission related to new FTEs to support transit.

As noted throughout this report, *Niagara Transit Commission* has been identified as an interim name as the MSB is established, in advance of the completion of a forthcoming branding strategy that will recommend a public-facing name for the transit service. That future brand will be subject to approval of the Commission Board and Regional Council.

Given the ambitious timeframe and to ensure an effective and seamless integration, staff are predicating some of the Commission's underpinning systems (e.g. for financial reporting and human capital management) on platforms already in use by the Region and/or commonly used or preferred by many municipalities in Niagara to ensure ease of implementation, consistency and familiarity for the Commission (e.g. Peoplesoft).

As a result of extensive transitional activities in 2022, in addition to the assumption of operational control by the new Commission in January 2023, staff are proceeding on the basis that appointing the Public Advisory Committee post-municipal election would present a more strategic fit for the Board to successfully focus on transition activities, and to better align with the forthcoming municipal election cycle.

To ensure a broad cross-section of lessons learned, successful implementation practices, and insight into the relationship between transit commissions and their municipal/regional corporations, outreach beyond just the City of St. Catharines to other transit Commissions has also occurred with counterparts in Ottawa, London, Edmonton, and Durham to gather as much information as possible to compare and contrast best practices and successful policies and procedures.

Given the accelerated pace at which the transition is moving to ensure a successful operational hand off to the new Commission on Jan. 1, 2023, it has been necessary for Staff to leverage single-source assignments in compliance with the Procurement By-law, to enable appropriate, strategic and rapid onboarding of appropriate resources. For example, in the case of the shared services review being undertaken by KPMG, deadlines within the program delivery criteria required an accelerated path to ensure compliance with the reporting requirements, as well as to ensure integration of the outcomes in relation to other transition activities (i.e. establishment of the MSB). A competitive process was not possible given the pace at which information and resourcing is required to deliver the Commission transition by Jan. 1, 2023.

Establishment of Municipal Services Board (MSB)

Creating the Niagara Transit Commission will require the establishment of a new MSB of the Region, in accordance with Sections 196 to 198 of the *Municipal Act*, 2001, Council will be asked to consider and adopt a by-law that will create the new Board and formalize aspects of the relationship between the Commission and the Region at a special Council meeting being held on May 5, 2022. Key considerations will include:

- Formalizing the transitional Board and Advisory Committee structure;
- Establishment of the corporate and administrative services relationship between the Commission and Region;
- Setting requirements for procedural matters regarding meetings and a Code of Conduct/Integrity Commissioner in accordance with the Municipal Act, 2001 requirements for local boards;
- Outlining the Commission's requirements with respect to the Region's budget approval process;
- Establishing the requirement for specific policies such as disposition of land, hiring of employees, and procurement of goods and services as is mandatory under s. 270(2) of the *Municipal Act*; and
- Establishing the roles, responsibilities, and authority to be delegated to the Commission Board, the General Manager, and Auditor.

Appointment of Transitional Board Members

In anticipation of the establishment of the Commission as a MSB by Regional Council at its Special meeting being held on May 5, 2022, this report recommends that each LAM be asked to forward their nomination(s) for their elected official(s) for the transitional Niagara Transit Commission Board to the Regional Clerk, no later than April 29, 2022.

The LAM appointment recommendations will subsequently be brought forward to Regional Council for approval in parallel with the report establishing the new MSB. This will allow for the establishment of the MSB and appointment of the initial transitional Board members to occur simultaneously at the meeting on May 5, 2022.

In keeping with the Governance Strategy developed through the triple-majority process:

- Nominees must be an elected official, either a local or Regional Councillor; and
- Each municipality should forward the appropriate number of nominees in accordance with the 15 member board composition outlined in Report PW 55-2021 as follows:
 - (3) St. Catharines
 - (2) Niagara Falls
 - (1) All Other Municipalities

The transitional Niagara Transit Commission Board will have significant responsibility for the administration of the Commission, including the hiring of a General Manager, oversight of the transfer of personnel and assets from the current municipal transit providers, and the harmonization of service and policies. In selecting nominees, local area Councils may wish to consider candidates with particular expertise or background in areas related to these objectives, such as business, finance, strategic planning, or transit operations. As all transitional Board positions will be elected officials, it is recommended that while eligible for expense reimbursement such as mileage, Members serve without remuneration.

All transitional Commission Board Members will undergo mandatory orientation following appointment and prior to commencing their duties. The Orientation will include topics such as the role of Board and its relationship to the Region, diversity and equity, fiduciary duty, Code of Conduct, open meetings and other legislative requirements.

The term of the initial transitional Commission Board Members appointed by Regional Council in Q2 will end on January 31, 2023. This date has been recommended on the basis of ensuring continuity through the full transition and overlapping with the assumption of operations by the Commission on January 1, 2023.

Given the requirement that Board Members be elected officials, in the event that any of the Members appointed in Q2 lose their seat as a result of the 2022 Municipal Election their appointment will automatically be rescinded at that time. Board Members who are re-elected through the 2022 Municipal Election will complete the remainder of the term to January 31, 2023.

A subsequent round of nominations will occur through December 2022 and January 2023 for Regional Council to appoint new Board Members for a term starting February 1, 2023 and that will continue until the future permanent Board structure is put in place coinciding with the next Municipal election in 2026.

It is anticipated that the Public Advisory Committee for the Niagara Transit Commission would also be established following the 2022 Municipal Election.

As outlined in the Governance Strategy in PW 55-2021, the mandate of the Transitional Board structure will end with the establishment of a future permanent Board structure that will coincide with next municipal election cycle (2026). This will be informed by an external third-party review of the Transitional Board structure and governance that will revisit and make recommendations regarding the total Board size and representation complement. Regional Council will ultimately need to approve the recommended permanent Board structure.

Municipal Transfer Agreement

The MTA will govern how current municipal transit personnel, contracts and assets will transfer to the Region and/or Commission to support the assumption of operations on January 1, 2023.

Staff have initiated the negotiation of the MTA in accordance with the terms outlined in Report PW 55-2021; specifically the principles outlined in Appendix 3. This subset of work is consistent with the principles agreed to by the CAO GSC, unanimously endorsed by the LNTC, and which received triple majority approval. At this point, there is consensus among the LAMS to proceed on the basis of a single agreement that all parties will sign; with any specific or unique needs of municipalities to be addressed under defined schedules to the agreement.

Subject to the successful conclusion of negotiations, staff are working towards seeking Regional Council approval for the finalized MTA as part of the forthcoming report seeking establishment of the MSB; or at the very least, staff will seek Council's authority to conclude the process based on defined delegated authority at that time.

A comprehensive Human Resources Implementation Plan has been prepared which includes all matters associated with the transfer of municipal transit Union and Non-Union personnel. Discussions with the Amalgamated Transit Union (ATU) Locals (who represent all unionized transit employees in Niagara Falls, St. Catharines, and Welland)

are a key part of the Transition Plan; and as such, are planned to commence in the March/April timeframe.

Conclusion of Linking Niagara Transit Committee

The LNTC was established in 2017 following the unanimous municipal triple-majority approval to proceed with the creation of a new governance model for a consolidated transit system. Its primary mandate was to develop and advance a recommended consolidated governance model for Niagara, as well as in the interim, harmonize the operations and policies of the existing transit systems.

A significant number of interim milestones and successes have been achieved by the LNTC and are summarized in Appendix 2. With the development of a recommended governance strategy and the successful attainment of triple-majority approval for consolidation based on LNTC's unanimous recommendation, LNTC's mandate has now been successfully achieved.

It is therefore recommended that the LNTC be dissolved forthwith, with sincere thanks to its members and leadership of its Chair and Vice-Chair, as primary responsibility for transit decisions in Niagara will shift to the transitional Niagara Transit Commission Board once established and appointed.

Next Steps

The next significant milestone in the transition to the new Commission will be the report that Regional Council will consider on May 5, 2022 that will make recommendations for Council's consideration respecting:

- Enactment of a by-law to establish the Commission as a MSB of the Region, including confirming Regional policies to be adopted.
- Establish remuneration policies for the Board;
- Establish corporate and administrative services relationship between the Commission and Region.
- Bring forward the LAMs' transitional Board member nominations for appointment by Regional Council; and
- Seek Regional Council approval of the MTA, subject to successful completion of the negotiations and/or seek delegated authority to complete.

With the Commission Board established, focus in the next phase of transition activities will include the hiring of a General Manager and senior leadership team, development and approval of Commission policies, facilitating the transfer of assets and personnel to the Commission on the basis of the MTAs, and a branding strategy – all in support of assumption of service by the Commission on January 1, 2023.

Alternatives Reviewed

Consideration was given to not appointing Board members to coincide with the establishment of the Municipal Services Board, however this was not recommended given the need for an accelerated pace of transition and having the Board in place at the earliest opportunity to advance future operational decisions.

The alternative of not dissolving the Linking Niagara Transit Committee was also considered, but not recommended as the mandate of LNTC as defined in its Terms of Reference has been achieved and given that the Commission Board will now provide strategic direction to the transition.

Relationship to Council Strategic Priorities

The consolidation of transit services across Niagara into a new Transit Commission directly aligns with the Council Strategic Priority: Responsible Growth and Infrastructure Planning (Objective 3.1) through advancing regional transit and facilitating the movement of people and goods.

Other Pertinent Reports

PW 55-2021	Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission
LNTC-C 5-2021	Niagara Transit Governance – Phase 2 Consultation Results and Triple-Majority Initiation
LNTC-C 4-2020	Niagara Region Transit Governance Study
CAO 8-2017	Niagara Region's Transit Service Delivery and Governance Strategy

Prepared by:

Matt Robinson
Director, GO Implementation Office
Public Works

Prepared by:

Donna Gibbs
Director, Legal and Court Services
Corporate Services

Recommended by:

Bruce Zvaniga, P.Eng.
Commissioner of Public Works (Interim)
Public Works Department

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with Franco Meffe, Director, Human Resources; Helen Chamberlain, Director, Financial Management & Planning/Deputy Treasurer; Ann-Marie Norio, Regional Clerk; Scott Fraser, Transportation Lead, GO Implementation Office, and external legal counsel Mary Ellen Bench, Dentons LLP.

Appendices

Appendix 1 City of Welland Response – Triple-Majority Achieved

Appendix 2 Linking Niagara Transit Committee - Achievements

MEMORANDUM

Subject: City of Welland Response – Transit Triple-Majority Achieved

Date: March 7, 2022

To: Steve Zorbas, CAO – City of Welland

From: Ron Tripp, P.Eng., CAO

The purpose of this memorandum is to provide Welland City Council with an update regarding the conclusion of the triple-majority process and the next steps as the transition to the new transit Commission begins.

Achievement of Triple-Majority

On November 25, 2021, Niagara Region Council approved report PW 55-2021 which, through the adoption of By-law No. 96-2021, initiated the triple-majority process for the creation of a new transit Commission by providing “The Regional Municipality of Niagara...the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.”

Following Regional Council approval, Niagara’s twelve municipalities were required to consider the bylaw by January 31, 2022. We confirm that as a result, the required criteria for triple-majority as identified under the *Municipal Act* has now been achieved (see Attachment 1 – CWCD 2022-4).

City of Welland - Report TRANS-2021-19

We do understand that at its meeting of December 9, 2021, Welland City Council adopted a resolution “*THAT Welland City Council supports the future state of Inter Regional Transit and the consolidation of Welland, St. Catharines and Niagara Falls Transit Systems...*” provided that certain concerns were addressed.

Given that the resolution did not receive support from any of the other local area municipalities, the transit governance proposal in its current form, which achieved triple-majority approval, shall be used to govern the path forward.

March 7, 2022
Page 2

Transition

Having achieved triple-majority, the transition to the new Commission has now begun. The Region will seek to establish the Commission on the basis of the core financial, service, and Board composition strategies presented in PW 55-2021, reflecting the strong support for these proposals received through the triple-majority process.

In the coming months, Regional Council will legally establish the new Commission, the Linking Niagara Transit Committee will be dissolved, and the formalization of required asset agreements will occur. Initial milestones for the City of Welland will include:

- The negotiation and execution of MTAs, on the basis of the principles outlined in Appendix 3 of PW 55-2021. Discussions between Regional and City of Welland senior staff and respective Legal Counsel commenced in February 2022. Welland's CAO Steve Zorbas is participating in these discussions, along with external legal counsel for the City of Welland.
- In April 2022, the City of Welland will be asked to nominate its recommendation for an elected representative to the Commission Board; and
- The initiation of collective bargaining discussions between the Region and the three existing Amalgamated Transit Unions, will be conducted in coordination with City of Welland staff. Welland Transit's Manager Edward Zahra is a member of the Operations Group tasked with ensuring a successful transition to the new Commission of all transit operations effective January 1, 2023.

Region Staff look forward to working collaboratively with Welland staff to ensure a smooth transition occurs whereby operational responsibility for transit will transfer to the new Commission on January 1, 2023 as required by By-law 96-2021.

Respectfully submitted and signed by,



Ron Tripp, P. Eng

Chief Administrative Officer

Appendices

Appendix 1	Niagara Region Memorandum CWCD 2022-41 - Triple Majority Achieved for By-law 2021-96 being a by-law to establish, operate and maintain a consolidated passenger transportation system for the Regional Municipality of Niagara
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March 7, 2022
Page 3

Copy to: Bruce Zvaniga, Commissioner of Public Works (Interim)
 Matt Robinson, Director, GO Implementation Office

MEMORANDUM

CWCD 2022-41

Subject: Triple Majority Achieved for By-law 2021-96 being a By-law to establish, operate and maintain a consolidated passenger transportation system for The Regional Municipality of Niagara

Date: February 18, 2022

To: Regional Council

From: Ann-Marie Norio, Regional Clerk

Regional Council, at its meeting held on November 25, 2021, passed By-law No. 2021-96, being a by-law to establish, operate and maintain a consolidated passenger transportation system for the Regional Municipality of Niagara.

In accordance with section 115(5) of the *Municipal Act, 2001* a by-law passed under subsection 115(1) of the *Act*, shall not come into force unless,

- (a) a majority of all votes on the Council of the upper-tier municipality are cast in its favour;
- (b) a majority of the Councils of all the lower-tier municipalities forming part of the upper-tier municipality for municipal purposes have passed resolutions giving their consent to the by-law; and
- (c) the total number of electors in the lower-tier municipalities that have passed resolutions under clause (b) form a majority of all the electors in the upper-tier municipality.

This memorandum confirms that all of the above provisions have been met, and the effective date of By-law No. 2021-96 was February 2, 2022.

For your reference a summary of the local area municipal responses and By-law No. 2021-96 are attached.

With the transfer of exclusive authority to the Region to establish, operate and maintain a single consolidated transit system now complete; Staff will be moving forward with necessary steps to implement the direction of Regional Council in accordance with Report PW 55-2021, dated November 25, 2021. More specifically Staff will proceed to advance the creation of a Regional Transit Commission and negotiate municipal asset

transfer agreements with the City of Niagara Falls, City of St. Catharines and the City of Welland.

Council will note that the City of Welland in their letter dated December 10, 2021, (attached), expressed support for the future state of Regional Transit subject to certain issues outlined therein being addressed, including but not limited to, seeking compensation for the transfer of assets; whereas Report PW 55-2021 (specifically Appendix 3) provides that assets will be transferred at no cost. Given the support of ten local area municipalities demonstrated by the achievement of triple majority approval **on the basis of the terms outlined in Report PW 55-2021**; Staff intend to proceed with the negotiation of the municipal asset transfer agreements in accordance with the terms outlined in Report PW 55-2021, including the principles outlined in Appendix 3.

Respectfully submitted and signed by

Ann-Marie Norio
Regional Clerk

December 9, 2021

Ann-Marie Norio
Clerk
Regional Municipality of Niagara
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON
L2V 4T7

Dear Ms. Norio

Sent via email: ann-marie.norio@niagararegion.ca

Re: Niagara Transit Governance
Our File 35.23.11, 10.4.19

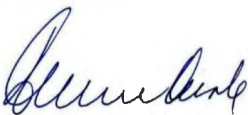
Please be advised that the Council of the City of St. Catharines, at its meeting held on December 8, 2021 passed the following motion:

That the Council of the City of St. Catharines consents to the passage of By-law No. 96-2021 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region; and

That staff begin to negotiate municipal asset transfer agreements for the Corporation of the City of St. Catharines with representatives of the future Regional Transit Commission on the basis of the principles in Report PW 55-2021 - Appendix 3 Municipal Transfer Agreements – Summary Sheet (attached as Appendix 1 to this report) and in a form satisfactory to the City Solicitor; and

That staff provide subsequent reports to Council regarding and impacts to the 2023 Capital and Operating Budgets in the creation of a Regional Transit Commission, as described in this report and the attached appendices.

If you have any questions, please contact the Office of the City Clerk at extension 1524.



Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:mb



City of Welland
Office of the Chief Administrative Officer
Office of the City Clerk
60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2159 | **Fax:** 905-732-1919
Email: clerk@welland.ca | www.welland.ca

December 10, 2021

File No. 21-19

SENT VIA EMAIL

Attention: Regional Clerk & Clerks of Local Area Municipalities

Dear Clerks:

Re: ACTION REQUIRED - December 9, 2021 – CITY OF WELLAND SPECIAL COUNCIL MEETING

At its meeting of December 9, 2021, Welland City Council passed the following motion:

“THAT THE COUNCIL OF THE CITY OF WELLAND receives for information report PW-55-2021 – Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission from the Niagara Region; and

THAT Welland City Council recognize the request for local area municipalities to pass resolutions consenting to the By-law No. 2021-96 of the Regional Municipality of Niagara, being a By-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region; and

THAT Welland City Council supports the future state of Inter Regional Transit and the consolidation of Welland, St. Catharines and Niagara Falls Transit Systems, provided the following outstanding issues are addressed:

- a) City of Welland request for 2 members from the City of Welland to be included in the new Transit Commissions Governance structure.***
- b) The proposed financial model which will apportion future Transit Operating and Capital costs be updated to present the financial impact to all lower tier municipalities based on approved 2022 Transit Operating Budgets and updated 5-year Transit Capital Budgets,***
- c) Clarification on how existing and future Transit Debt for Capital Budgets is to be apportioned to all lower tier municipalities,***

- d) *That municipalities be compensated for their Transit Fleet based on the net book value valuation as of Dec 31, 2022, of their average vehicle price based on the difference between the lowest municipal valuation per vehicle and that municipalities valuation per vehicle.*

THAT Welland City Council requests the local area municipalities (Fort Erie, Grimsby, Lincoln, Niagara Falls, Niagara-on-the-Lake, Pelham, Port Colborne, St. Catharines, Thorold, Wainfleet, West Lincoln) present the following amended resolution to their councils for consideration:

“That the Council of (name of municipality) consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region, only if the following conditions are addressed:

- a. *City of Welland request for 2 members from the City of Welland to be included in the new Transit Commissions Governance structure.*
- b. *The proposed financial model which will apportion future Transit Operating and Capital costs be updated to present the financial impact to all lower tier municipalities based on approved 2022 Transit Operating Budgets and updated 5-year Transit Capital Budgets,*
- c. *Clarification on how existing and future Transit Debt for Capital Budgets is to be apportioned to all lower tier municipalities,*
- d. *That municipalities be compensated for their Transit Fleet based on the net book value valuation as of Dec 31, 2022, of their average vehicle price based on the difference between the lowest municipal valuation per vehicle and that municipalities valuation per vehicle; and further*

That a copy of this resolution be sent to the Niagara Region and local municipalities.”

Yours truly,



Tara Stephens
City Clerk

TS:bl

From: Heather Ruzylo <hruzylo@niagarafalls.ca>
Sent: Tuesday, December 14, 2021 10:18 AM
To: Norio, Ann-Marie <Ann-Marie.Norio@niagararegion.ca>
Subject: City of Niagara Falls Council: Support for: - Regional Report PW 55-2021 re Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good morning Ann-Marie:

Please be guided by the following motion that was passed by the Niagara Falls Council at its meeting on December 7, 2021:

MOTION:

ORDERED on the motion of Councillor Victor Pietrangelo, Seconded by Councillor Wayne Thomson that the Council of the City of Niagara Falls consent to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region. Carried Unanimously (Councillor Ioannoni not present for the vote).

Kind regards,
Heather

Heather Ruzylo | Clerks & Council Services Coordinator | Clerks Services | City of Niagara Falls
4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4203 | Fax 905-356-9083 | hruzylo@niagarafalls.ca



Community Services

Legislative Services

December 14, 2021

File #120203

Sent via email: ann-marie.norio@niagararegion.ca

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Issac Brock Way
Thorold, ON L2V 4T7

Dear Ms. Norio:

**Re: Moving Transit Forward in Niagara:
Creation of a Consolidated Transit Commission**

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of December 13, 2021 passed the following resolution regarding "Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission":

That: The Council of The Corporation of the Town of Fort Erie consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

Yours very truly,

Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk

cschofield@forterie.ca

CS:dlk

c.c. K. Walsh, Director, Infrastructure Services kwalsh@forterie.ca
M. Robinson, Director, GO Implementation Office, Niagara Region Matt.Robinson@niagararegion.ca
S. Frasser, Transportation Lead, GO Implementation Office, Niagara Region scott.fraser@niagararegion.ca

Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca

January 18, 2022

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way
Thorold Ontario
L2V 4T7

Via email: Ann-Marie.Norio@niagararegion.ca

Dear Ms. Norio:

Niagara Region - Transit

At their special meeting of January 17, 2022 Council of the Town of Pelham received the Niagara Region's presentation with respect to the future of transit, and endorsed the following:

BE IT RESOLVED THAT Council receive the Niagara Region Transit presentation from Mr. Matt Robinson, Scott Fraser and Heather Talbot, for information.

Council also received your report, and endorsed the following:

BE IT RESOLVED THAT Council receive the Niagara Region Report CL 22-2021 and PW 55-2021, dated November 25, 2021, for information.

For your information, Staff Report 2022-0007 Future of Integrated Transit Report was also considered by Council and the following motion approved:

**BE IT RESOLVED THAT Council receive Report #2022-0007 Future of Integrated Transit Report, for information purposes;
AND THAT Council consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to**

**establish, operate and maintain a consolidated passenger
transportation system for the Niagara Region.**

On behalf of Council, thank you for your presentation and report. The Town of Pelham looks forward to the new transit system.

Yours very truly,



Holly Willford, BA
Town Clerk

HW/jm

cc: Matt Robinson, Director, GO Implementation Office
Scott Fraser, Transportation Lead, GO Implementation Office
Heather Talbot, Financial and Special Projects Consultant, GO Implementation Office
David Cribbs, Chief Administrative Officer
Vickie vanRavenswaay, Director, Recreation, Culture and Wellness



4800 SOUTH SERVICE RD
BEAMSVILLE, ON L0R 1B1
905-563-8205

January 25, 2022

SENT VIA EMAIL: annmarie.norio@niagararegion.ca

Region of Niagara
Ann-Marie Norio, Clerk
1815 Sir Isaac Brock way
Thorold, ON L2V 4T7

RE: Town of Lincoln Council Resolution - Transit Consolidation: Moving Transit Forward in Niagara

Please be advised that Council of the Corporation of the Town of Lincoln at its Special Council Meeting held on January 24, 2022, passed the following motion in support of the Niagara Region's Transit Consolidation

Resolution Number: SC-2022-05

Moved by: Councillor Lynn Timmers; Seconded by: Councillor Adam Russell

That Council receive and file Report AD-01-22 regarding Transit Consolidation: Moving Transit Forward in Niagara; and

That Town of Lincoln Council consents to the passage of By-law No. 96-2021 of the Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated transit system for the Niagara Region.

CARRIED

A copy of Report AD-01-22 is attached for your reference.

If you have any questions, please do not hesitate to contact the undersigned.

Regards,


Julie Kikelos
Town Clerk
jkikelos@lincoln.ca

JK/dp



Township of Wainfleet

"Wainfleet - find your country side!"

January 27, 2022

Office of the Regional Clerk
1815 Sir Isaac Brock Way
PO Box 1042
Thorold, ON L2V 4T7

SENT ELECTRONICALLY

RE: Niagara Regional Transit

Please be advised that, at its meeting of January 25, 2022, the Council of the Corporation of the Township of Wainfleet considered the following motion:

"THAT the Council of the Township of Wainfleet consents to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region."

DEFEATED

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact the undersigned.

Regards,

Meredith Ciuffetelli
Deputy Clerk
mciuffetelli@wainfleet.ca



Department of Corporate Services
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 • Fax: 905-468-2959

www.notl.org

SENT ELECTRONICALLY

January 31, 2022

Regional Municipality of Niagara
1815 Sir Issac Brock Way, PO Box 1042
Thorold ON L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Norio:

RE: Transit Governance

Please be advised the Council of The Corporation of the Town of Niagara-on-the Lake, at its regular meeting held on December 20, 2021, approved the following resolution:

"Council consents to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara, being the by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region."

A copy of the staff report is attached for information. If you have any questions or require further information, please contact our office at 905-468-3266.

Yours sincerely,

Colleen Hutt
Acting Town Clerk



**The Corporation of the Town of Grimsby
Administration**

Office of the Town Clerk

160 Livingston Avenue, P.O. Box 159, Grimsby, ON L3M 4G3

Phone: 905-945-9634 Ext. 2015 | **Fax:** 905-945-5010

Email: skim@grimsby.ca

February 2, 2022

SENT VIA E-MAIL

Niagara Region
1815 Sir Isaac Brock Way, PO Box 1042
Thorold, ON
L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Norio,

**RE: Moving Transit Forward in Niagara: Creation of a Consolidated Transit
Commission**

Please be advised that the Council of the Corporation of the Town of Grimsby at its meeting held on December 13, 2021 passed the following resolution:

C-21-292

*Resolved that Report CAO 21-21 dated December 13, 2021, be received;
and*

That the Council of the Town of Grimsby consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

If you require additional information, please do not hesitate to reach out.

Regards,

Sarah Kim
Town Clerk



PORT COLBORNE

Corporate Services Department
Clerk's Division

Municipal Offices: 66 Charlotte Street
Port Colborne, Ontario L3K 3C8 • www.portcolborne.ca

T 905.835.2900 ext 106 F 905.834.5746
E amber.lapointe@portcolborne.ca

February 2, 2022

Ann-Marie Norio
Office of the Regional Clerk,
Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Sent via E-mail: Ann-Marie.Norio@niagararegion.ca

Dear Ms. Norio:

Re: City of Port Colborne – Resolution Re: Consolidated Passenger Transportation System for the Niagara Region

Please be advised that, at its meeting of December 13, 2021, the Council of The Corporation of the City of Port Colborne resolved as follows:

That Chief Administrative Office Report 2021-317 be received; and

That Council consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

A copy of Chief Administrative Office Report 2021-317 is enclosed for your reference.

Sincerely,

Amber LaPointe
City Clerk

cc: Niagara Local Municipalities



February 3, 2022

Office of the Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Ann-Marie.Norio@niagararegion.ca

Dear Ms. Norio:

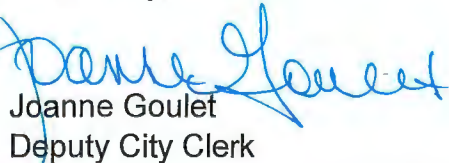
Re: Niagara Transit Governance Recommendations

Please be advised Thorold City Council, at its December 21, 2021 meeting, adopted the following motion:

1. That the information presented by Niagara Region staff be received, and,
2. That the Council of the City of Thorold consents to the passage of By-law No. 96-2021 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

CARRIED

Yours truly,



Joanne Goulet
Deputy City Clerk

ec: M. Dilwaria, Chief Administrative Officer

CLERK'S DEPARTMENT

February 10th, 2022

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way
Thorold, ON
L2V 4T7

Dear Ms. Norio,

Re: Moving Transit Forward in Niagara: Creation of a Consolidated Transit
Commission - Niagara Region Report PW 55-2021

This correspondence is to confirm that on January 31, 2022, West Lincoln Township Council adopted the following resolution regarding the Township's consent to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara regarding the creation of a consolidated passenger transportation system for the Niagara Region:

That the Council of the Township of West Lincoln consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

If any further information is required, please contact the undersigned at 905-957-3346, Ext 6720.

Yours truly,



Jessica Dyson
Deputy Clerk

cc: Matt Robinson, Niagara Region, Director GO Implementation
Leah Tracey, Project Coordinator, GO Implementation Office

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2021-96

A BY-LAW TO ESTABLISH, OPERATE AND MAINTAIN A
CONSOLIDATED PASSENGER TRANSPORTATION SYSTEM FOR THE
REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS Niagara Region Council deems it expedient and beneficial to address transit issues in Niagara Region;

WHEREAS the Linking Niagara Transit Committee was established to lead the development of a consolidated governance model, as well as the harmonization and integration of operational and policy regimes of the existing transit properties;

WHEREAS the Inter-municipal Transit Working Group was established to gather information and provide guidance on operational matters related to the transition to a consolidated transit system;

WHEREAS Niagara's four (4) major transit operators entered into a Memorandum of Understanding in 2017 that, in principle, endorsed the creation of a consolidated transit system;

WHEREAS all local area municipalities have been consulted on and provided input regarding the results of the Niagara Transit Governance Study, associated financial strategy, and the subsequently revised models reflecting initial feedback;

WHEREAS the Linking Niagara Transit Committee has endorsed the Commission governance model, Niagara Service Standards Strategy and associated twelve (12) special levy financial strategy as the models under which consolidation should take place as identified in Regional Reports LNTC-C 5-2021 and PW 55-2021;

WHEREAS Niagara Region obtained triple-majority authority in 2017 to establish, operate and maintain an inter-municipal passenger transportation system in Niagara Region and enacted By-law No. 2017-21 on March 23, 2017, which came into effect on June 1, 2017, in this regard;

WHEREAS under this new consolidated system, Niagara Region would plan and operate both intra-municipal and inter-municipal transit routes, including specialized and demand-responsive transit services, throughout Niagara Region creating one unified transit system;

Bill No. 2021-96

Authorization Reference: CL 22-2021;
Minute Item 5.1

WHEREAS existing transit assets would transfer to the Commission on the basis of Municipal Transfer Agreements, to be negotiated and entered into with the major transit operators substantially on the basis of the terms outlined in Appendix 3 to PW 55-2021;

WHEREAS Section 11 of the Municipal Act, 2001, Ch. 25, as amended, grants exclusive jurisdiction over the operation of transit services to lower-tier municipalities in Niagara Region; and

WHEREAS Section 189 of the Municipal Act, 2001, Ch. 25, as amended, provides an upper-tier municipality with the ability to pass a by-law for the transfer of all or part of a lower-tier power to the upper-tier municipality, subject to certain rules regarding consideration and approval by the lower-tier municipalities.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the authority to establish, operate and maintain a consolidated passenger transportation system for Niagara Region be transferred to The Regional Municipality of Niagara;
2. That steps to transfer jurisdiction and related assets essential to operating a consolidated passenger transportation system to The Regional Municipality of Niagara begin immediately after the following requirements have been met:
 - a. A majority of the councils of the lower-tier municipalities forming part of Niagara Region have passed resolutions consenting to the by-law;
 - b. The total number of electors in the lower-tier municipalities that have passed resolutions consenting to the by-law form a majority of all electors in the Region of Niagara as established in the revised list of electors for the municipal election held in the year 2018.
3. That in this by-law, the term "consolidated passenger transportation system" shall mean a single, unified public transportation services system operating within or between any two or more of the twelve (12) lower-tier municipalities which comprise the Region of Niagara;
4. That The Regional Municipality of Niagara does hereby assume from all lower-tier municipalities comprising the Region of Niagara, those parts of the lower-tier power and related assets essential to provide public transportation systems, other than highways, necessary to own and operate a consolidated passenger transportation system as contemplated by this by-law;

Bill No. 2021-96


Authorization Reference: CL 22-2021;
Minute Item 5.1

5. That Sections 1 and 2 of the by-law shall come into force and effect on the day the requirements of Section 189 of the Municipal Act 2001, Ch. 25, as amended, are met;
6. That Section 4 of this by-law respecting the transfer of assets and operations to the new transit commission does not come into effect until January 1, 2023. For clarity, the lower-tier municipalities that operate public transportation systems will continue to do so until these operations transition to The Regional Municipality of Niagara on January 1, 2023.

THE REGIONAL MUNICIPALITY OF NIAGARA



James Bradley, Regional Chair



Ann-Marie Norio, Regional Clerk

Passed: November 25, 2021

Linking Niagara Transit Committee – Achievements

The following is a brief summary of the significant milestones achieved by the Linking Niagara Transit Committee during its term, including those from the Inter-Municipal Transit Working Group, operating under its direction:

- Established a single digital mobile platform – Transit App – providing real-time bus tracking for all Niagara Region Transit (NRT), Niagara Falls Transit, St. Catharines Transit and Welland Transit fleets.
- Standardized on-bus customer service policies and consolidated all after-hours customer service call handling to a single external provider across all four major systems.
- Completed the Specialized Transit in Niagara Study which examined ridership, demand projections, a scan of jurisdictional comparators and industry best practices.
- Implemented a Universal Support Person Pass common to all Niagara transit systems to enable those with mobility limitations to travel with an approved support person with valid identification.
- Secured Annual U-Pass agreements with Niagara College and Brock University Student Unions.
- Procured, in partnership with our municipal operators, 14 new buses to meet the NRT fleet requirements for recent service enhancements, ensuring the utilization of the reduced operating rate.
- Confirmed the recommended single fare technology (Masabi) that will provide a seamless customer experience across Niagara and that will enable the launch of region-wide mobile ticketing.
- Joint application for Provincial and Federal grant programs, i.e. ICIP, to facilitate the upgrade to a common fare payment technology. While still underway, this program has been refocused to align with the consolidation of transit into a single operating entity.
- Developed, launched, and expanded the Niagara Region Transit On-Demand pilot project, providing a new and dynamic approach to the delivery of transit in West Niagara.
- Successfully coordinated the response to COVID-19 across Niagara's major transit providers, implementing shared safety and operational responses throughout the pandemic.

- Completed the Niagara Transit Governance Study, providing the initial recommended governance model for the consolidation of transit.
- Conducted significant consultation with municipalities, interested parties, and the public to refine and further develop the recommended governance, financial and service strategies.
- Unanimous approval of the final transit consolidation strategies, recommending the initiation of the triple-majority process.

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 019-2022

Being a by-law to adopt, ratify and confirm the proceedings of the Council of the Corporation of the Township of Wainfleet at its special meetings held March 14, 16, 22, 2022 and the regular meeting held on April 5, 2022

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 regular meeting held March 14, 16 and 22, 2022, and the regular meeting held April 5, 2022, 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 5th DAY OF APRIL, 2022

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK