



THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
REGULAR MEETING OF COUNCIL AGENDA

JUNE 21, 2022 – 6:00 P.M.

COUNCIL CHAMBERS

C13/22

1. Call to Order

2. Closed Meeting

- a) Item under Section 234 (2)(c)(f) of the Municipal Act, 2001, a proposed or pending acquisition or disposition of land by the municipality or local board, advice that is subject to solicitor-client privilege, including communications necessary for that purpose – 1 item (An acquisition of land matter)
- b) Item under Section 234 (2)(e) of the Municipal Act, 2001, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board – 1 item (A litigation matter)

3. Rise & Report

4. National Anthem

5. Land Acknowledgement Statement

6. Disclosures of Interest and the General Nature Thereof

7. Mayor's Announcements & Remarks

8. Councillor's Announcements & Remarks

9. Adoption of Previous Council Minutes

- a) Minutes of the regular meeting of Council held May 31, 2022
- b) Minutes of the special meeting of Council held June 7, 2022

10. Public Meeting

- a) Zoning By-law Amendment Z02/2022W – 33553 Feeder Road West
- b) Zoning By-law Amendment Z03/2022W – Vacant Lot Morgan's Point Road

11. Delegations

- a) Karen Alexander – European Water Chestnut Rapid Removal Program for the Welland River

12. Staff Reports & Recommendations**a) Fire Staff Reports**

- i. FSR-006/2022 Re: Central Fire Station Project Progress Report
- ii. FSR-007/2022 Re: Award of Tender for Utility Pickup Truck

b) Administrative Staff Reports

- i. ASR-015/2022 Re: Cancellation, reduction or refund of Property Tax for the 2021 & 2022 Taxation Years (January 1 – December 31)

c) Community & Development Services

- i. CDS-003/2022 Re: Short Term Rentals

d) Public Works Staff Reports

- i. PWSR-011/2022 Re: Award of Tender for Asphalt Road Rehabilitation 2022

13. Review of Correspondence

- a) C129 - Rail Safety Week Proclamation

14. By-laws

- a) By-law No. 029-2022 being a by-law to amend By-law No. 008-2018, being a by-law to prohibit and regulate animals being at large

b) By-law No. 030-2022 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

15. Notices of Motion

16. Closed Meeting

- a) Item under Section 234 (2)(c)(f) of the Municipal Act, 2001, a proposed or pending acquisition or disposition of land by the municipality or local board, advice that is subject to solicitor-client privilege, including communications necessary for that purpose – 1 item (An acquisition of land matter)
- b) Item under Section 234 (2)(b) of the Municipal Act, 2001, personal matters about an identifiable individual, including municipal or local board employees – 3 items (Staffing Matters and By-law Enforcement Matter)
- c) Item under Section 234 (2)(k) of the Municipal Act, 2001 a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board – 2 items (Negotiation matters)
- d) Minutes of the closed meeting of Council held May 31, 2022

17. Rise & Report**18. By-law to Confirm the Proceedings of Council**

- a) By-law No. 031-2022 being a by-law to adopt, ratify and confirm the actions of the Council at its meeting held on the 21st day June, 2022

19. Adjournment



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

C11/2022
May 31, 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
	A. Chrastina	Administrative Assistant
	L. Gudgeon	Manager of Human Resources
	S. Ivins	Planner
	R. Nan	Manager of Operations
OTHER:	J. Stirton	Township Solicitor

- 1. Call to Order**
Mayor Gibson called the meeting to order at 7:00 p.m.
- 2. National Anthem**
- 3. 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.
- 4. Disclosures of Interest and the General Nature Thereof**
None.
- 5. 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.
 - With June just around the corner, I'd like to acknowledge International Pride Month and offer my support for Niagara's LGBTQ+ communities.
 - It is essential that all residents are able to express ourselves openly and support each other freely in an environment of safety and respect.

- Niagara Pride Week kicked off on Saturday, May 28th and events will be held until Sunday, June 5, 2022.
- I'll be attending the Port Colborne-Wainfleet Community Living 60th Anniversary celebration this Saturday afternoon at the Market Square in Port Colborne
- Our next regular meeting of Council will be held Tuesday June 21 at 7:00 p.m.

6. Councillor's Announcements & Remarks

Councillor Cridland provided notice that the next Niagara Peninsula Conservation Authority Board meeting will be held June 17, 2022 at 9:30 a.m.

7. Adoption of Previous Council Minutes

a) Minutes of the regular meeting of Council held May 10, 2022

Resolution No. C-2022-096

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

"THAT the minutes of the regular meeting of Council held May 10, 2022 be adopted as circulated."

CARRIED

8. Public Meeting

a) Draft Plan of Subdivision P02/2021W & Zoning By-law Amendment Z06/2021W
Applicant: 270998 Ontario Inc. (LandPro Planning Solutions Inc. – Agent)
Subject Property: Vacant Lot Pettit Road

Mayor Gibson advised that the purpose of this meeting is for applicants to present their proposal to Council and the public and for Council to receive comments from the public.

The Planner reported that the Draft Plan of Subdivision proposes fifteen lots for single detached dwellings, one block for the existing municipal drain, two blocks for stormwater management, one block for water for firefighting purposes and two public roads.

The Zoning By-law Amendment proposes to rezone the subject lands from Development – D and Hazard – H to Residential – R1-358 and Hazard – H under Zoning By-law 581-78. The proposed Residential – R1-358 zone contains the following site specific provisions:

- Minimum Lot Frontage for Lot 5: 35.93m;
- Minimum Lot Frontage for Lot 6: 36.94m;
- Minimum Lot Frontage for Lot 10: 28.45m;

- Minimum Lot Frontage for Lot 11: 33.15m.

A list of applications in support of the applications were provided (as listed in the Planner's Public Meeting Information Report). The Planner also outlined agency comments received by the Township.

Councillors discussed concerns surrounding storm water management, potential light pollution and lot sizes.

Public comments were received respecting concerns around drainage and flooding, a request for a traffic study to be done on Pettit Road and a park be built for the young families in the neighbourhood.

9. Delegations

- a) Leslie Daudelin – Request for amendment to Noise By-law No. 042-2018

Resolution No. C-2022-097

Moved by Councillor Gilmore

Seconded by Councillor Cridland

“THAT the delegation presentation from Leslie Daudelin Re: Request for amendment to Noise By-law No. 042-2018 be received for information.”

CARRIED

- b) Kathy Buttigieg, HorsePlay Niagara – Request for permission to use the beach areas for the purpose of offering horseback rides to the public

Resolution No. C-2022-098

Moved by Councillor MacLellan

Seconded by Councillor Cridland

“THAT the delegation presentation from HorsePlay Niagara Re: Request for permission to use the beach areas for the purpose of offering horseback rides to the public be received for information; and

THAT staff be directed to prepare a report with a recommendation for consideration at the next available meeting.”

CARRIED

10. Staff Reports & Recommendations

- a) Administrative Staff Reports

i. ASR-013/2022 Re: Right to Disconnect Policy

Resolution No. C-2022-099

Moved by Councillor Gilmore

Seconded by Councillor Van Vliet

“THAT Administrative Staff Report ASR-013/2022 respecting the Right to Disconnect Policy be received;

AND THAT Council adopt Policy and Procedure HR 2.31.ON respecting the Right to Disconnect.”

CARRIED

ii. ASR-014/2022 Re: Noise By-law

After discussion from Council, the main motion was amended to read as follows:

Resolution No. C-2022-100

Moved by Councillor Gilmore

Seconded by Councillor Cridland

“THAT Administrative Staff Report ASR-014/2022, Proposed Replacement of Noise Control By-law be received; and

THAT Schedule “A”, Sections 5.1 (f), 5.1 (g), and 5.1 (l) of the proposed Noise Control By-law be amended to read as follows:

5.1 (f)	Operation of any tool for lawn, yard or garden maintenance between 9:00 p.m. one day and 7:00 a.m. the following day, other than on Sundays and Holidays	\$1,000.00 \$75.00
5.1 (g)	On Sundays and Holidays, operation of any tool for lawn, yard or garden maintenance before 10:00 a.m.	\$1,000.00 \$75.00
5.1 (l)	Persistent shouting, yelling, hooting, whistling, singing or like sounds of any Person between 8:00 p.m. 10:00 p.m. one day and 8:00 a.m. the following day, other than on Sundays or Holidays	\$1,000.00

AND THAT a special meeting be held next week to consider the proposed by-law as amended.”

CARRIED

b) Public Works Staff Reports

i. PWSR-011/2022 Re: Site Alteration By-law

Resolution No. C-2022-101

Moved by Councillor MacLellan
Seconded by Councillor Cridland

“THAT Public Works Staff Report PWSR-011/2022 respecting the draft Site Alteration By-law be received; and

THAT the draft Site Alteration By-law appended to this report be presented to council for adoption; and

THAT the Township of Wainfleet Administrative Monetary Penalty System By-law be amended to include the new Site Alteration by-law.”

CARRIED

11. **Review of Correspondence**

a) C-2022-108 – Request for Proclamation (World Hepatitis Day – June 28, 2022)

Resolution No. C-2022-102

Moved by Councillor Van Vliet
Seconded by Councillor Cridland

“THAT Correspondence item C-2022-108 Re: Request for Proclamation (World Hepatitis Day – June 28, 2022) be supported.”

CARRIED

b) C-2022-111– Niagara Region Waterpipe Smoking By-law

Resolution No. C-2022-103

Moved by Councillor Gilmore
Seconded by Councillor MacLellan

“THAT the Council of the Township of Wainfleet consents to the passage of the Waterpipe By-law of the Regional Municipality of Niagara, being a by-law to regulate waterpipe smoking in the Region.”

CARRIED

Councillor Cridland pulled correspondence item No. C-2022-107 respecting Release of Federal and Provincial Documents Related the Former Mohawk Institute Residential School

Resolution No. C-2022-104

Moved by Councillor Cridland

Seconded by Councillor Van Vliet

“THAT Council of the Township of Wainfleet pass a motion in support of City of Brantford resolution dated May 18, 2022, copy attached; that is respectfully calling for the IMMEDIATE RELEASE, to the Survivors Secretariat, of all Federal and Provincial documents related to the former Mohawk Institute Residential School; and

THAT a copy of this support be sent to the City of Brantford, the Survivors Secretariat, our Niagara West MP and MPP.”

CARRIED

12. By-laws

Resolution No. C-2022-105

Moved by Councillor Cridland

Seconded by Councillor Gilmore

“THAT the following by-laws be read and passed this 31st day of May, 2022

- a) By-law No. 025-2022 being a Site Alteration By-law to regulate the removal, placing or dumping of fill in the Township of Wainfleet
- b) By-law No. 026-2022 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

CARRIED

13. Notices of Motion

- a) Councillor MacLellan provided notice at the May 10, 2022 regular meeting of Council Re: Animals at Large By-law

Resolution No. C-2022-106

Moved by Councillor MacLellan

Seconded by Councillor Gilmore

“THAT staff be directed to amend Schedule “A” of the Township’s Animals at Large By-law No. 008-2018 to increase penalties in section 3 (a) Permit Animal to run at large as follows:

1st Offence: \$250.00
2nd Offence: \$500.00
3rd Offence: \$1,000.00
4th Offence: \$2,000.00
5th and Subsequent Offences: \$5,000.00.”

CARRIED

14. Closed Meeting

Resolution No. C-2022-107

Moved by Councillor Cridland

Seconded by Councillor Gilmore

“THAT Council now move into closed session to discuss:

- a) Item under Section 234 (2)(k) of the Municipal Act, 2001, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board. 2 items - (Negotiation Matters)
- b) Minutes of the closed meeting of Council held May 10, 2022”

CARRIED

15. Rise & Report

The Deputy Clerk reported that Council went into closed session and received information from staff and provided direction to staff on two negotiation matters.

A procedural vote was taken to adopt previous closed meeting minutes.

16. By-law to Confirm the Proceedings of Council

Resolution No. C-2022-108

Moved by Councillor Cridland

Seconded by Councillor Gilmore

“THAT By-law No. 027-2022 being a by-law to adopt, ratify and confirm the actions of the Council at its meeting held May 31, 2022 be read and passed this 31st day of May, 2022.”

CARRIED

17. Adjournment

There being no further business, the meeting was adjourned at 10:20 p.m.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK



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

C12/2022
June 7, 2022
7:00 P.M.

ELECTRONIC PARTICIPATION VIA ZOOM

PRESENT:	K. Gibson	Mayor
	D. Cridland	Councillor
	J. MacLellan	Councillor
	S. Van Vliet	Councillor
REGRETS:	T. Gilmore	Councillor
STAFF PRESENT:	W. Kolasa	Chief Administrative Officer
	M. Ciuffetelli	Deputy Clerk
	L. Earl	Mngr. of Community & Development Services
OTHER:	J. Stirton	Township Solicitor

C12/22

- 1. Call to Order**
Mayor Gibson called the meeting to order at 9:30 a.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. By-laws**

Resolution No. C-2022-109

Moved by Councillor Van Vliet
Seconded by Councillor Cridland

“THAT By-law No. 028-2022 being a by-law to regulate and control noise in the Township of Wainfleet be read and passed this 7th day of June, 2022.”

Recorded Vote:	Councillor Cridland	Yes
	Councillor MacLellan	No
	Councillor Van Vliet	Yes
	Mayor Gibson	Yes

CARRIED

Following consideration and passage of By-law No. 028-2022, Council passed the following motion with direction to staff.

Resolution No. C-2022-110

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

“**THAT** staff be directed to prepare a report for the next available meeting to outline the framework for Planning Act regulation of short term rentals in the Township of Wainfleet.”

Recorded Vote:	Councillor Cridland	Yes
	Councillor MacLellan	Yes
	Councillor Van Vliet	Yes
	Mayor Gibson	Yes

CARRIED

5. **Closed Meeting**

None.

6. **Rise & Report**

None.

7. **Adjournment of Meeting**

There being no further business, the meeting was adjourned at 10:01 a.m.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

PUBLIC MEETING INFORMATION REPORT

Public Meeting: Tuesday June 21st, 2022 at 7:00 p.m. in Council Chambers
File No.: Zoning By-law Amendment Z02/2022W
Applicant: Manuel Mayr (Agent) on behalf of Mayr Farms Ltd. (Owner)
Subject Property: 33553 Feeder Road West, Wainfleet

Purpose of a Public Meeting

The purpose of the Public Meeting is to provide more information about the application and provide an opportunity for public input. No recommendations are provided at the Public Meeting and Township Council will not be making any decisions at this meeting. A recommendation report will be prepared by staff and presented at a subsequent meeting of Township Council following a full review of the application.

Any person may make written or verbal representation either in support of or in opposition to the proposed Zoning By-law Amendment. Please note that all submissions, including personal information, will become part of the public record and may be publicly released. The Public Meeting will also be live-streamed through the Township's [Youtube](#) page. Written comments are encouraged and can be submitted by email to planning@wainfleet.ca, personal delivery to the Township Office at 31940 Highway #3, Wainfleet or regular mail to P.O. Box 40, Wainfleet ON L0S 1V0, to the attention of Sarah Ivins, Planner.

Property Information

The subject lands are located on the south side of Feeder Road West between Conlon Road and Wainfleet-Dunnville Townline Road and are known municipally as 33553 Feeder Road West. The subject lands are shown in Schedule "A". The subject lands are 29.4 hectares in size and are currently being used for residential and agricultural purposes. The surrounding land uses include residential and agricultural – an aerial photograph is attached as Schedule "B".

The subject lands are the subject of a consent application (File No. B07/2022W), which was provisionally approved by the Committee of Adjustment at the June 15th, 2022 hearing. Application is made for the consent to sever Part 1 (1.017 hectares) as a surplus farm dwelling and retain Part 2 (28.383 hectares) for continued agricultural use.

The subject lands are designated as Good General Agricultural Area in the Regional Official Plan, designated as Agricultural Area, Environmental Protection Area, Environmental Conservation Area and Fish Habitat in the Township Official Plan and zoned Agricultural – A2 with Environmental Protection, Environmental Conservation and Fish Habitat Overlays under Zoning By-law 034-2014.

Application Details

The purpose of the proposed Zoning By-law Amendment application is to rezone Part 2 of the subject lands from the current Agricultural – A2 zone to an Agricultural – A2-1 zone for "Agricultural Purposes Only" to prohibit dwellings and to an Agricultural – A2-71 zone to recognize a reduced lot area of 28.383 hectares where 40 hectares is required. The proposed Zoning By-law Amendment is attached as Schedule "C".

Consultation

In accordance with the *Planning Act*, a Notice of Public Meeting was mailed to all landowners within 120m of the subject property on May 19th, 2022 and a public notice sign was posted on the subject property. The notice was also posted on the Township's website at www.wainfleet.ca/publicnotices.

The application was circulated to external agencies and internal departments for review and comments on May 19th, 2022.

Comments received prior to the public meeting will be addressed verbally at the public meeting and any comments received after the public meeting will be addressed in the staff report.

Next Steps

A planning report regarding a complete review of the application will be brought forward by staff and considered by Council at a later date.

If a person or public body does not make oral submissions at the public meeting or make written submission to the Township of Wainfleet regarding the proposed Zoning By-law Amendment before the approval authority gives or refuses to give approval to the application, the person or public body is not entitled to appeal the decision of the Township of Wainfleet to the Ontario Land Tribunal.

If a person or public body does not make oral submissions at the public meeting and/or make written submissions to the Township of Wainfleet regarding the proposed Zoning By-law Amendment before the approval authority gives or refuses to give approval to the application, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If you wish to be notified of the decision of the Corporation of the Township of Wainfleet in respect of the proposed application, you must make a written request to the Deputy Clerk of the Township of Wainfleet at the address noted below and quote the appropriate file number(s).

Contact

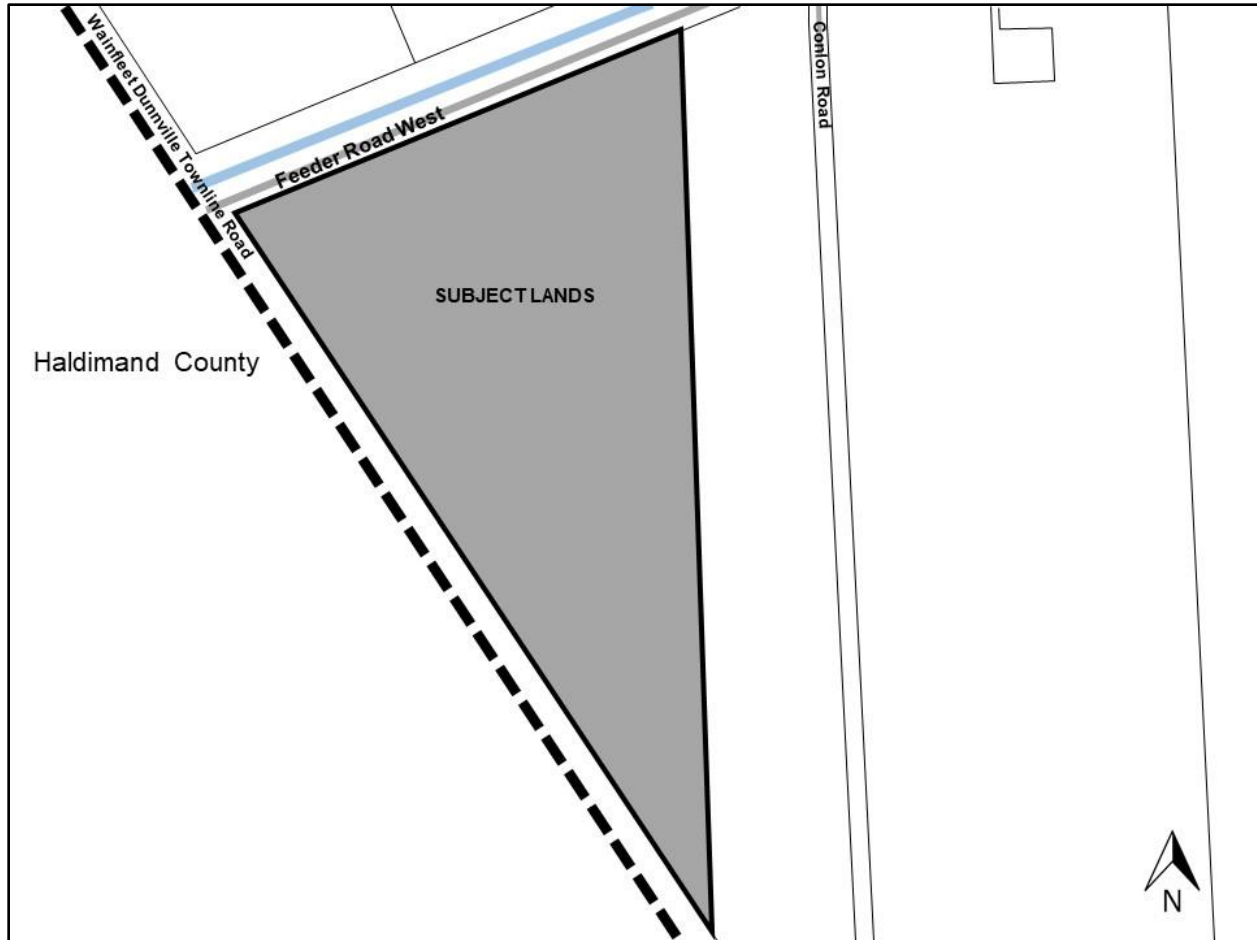
For further information regarding the proposed applications please contact Sarah Ivins, Planner, at 905-899-3463 ext. 225 or planning@wainfleet.ca. Written comments can also be sent to the attention of Sarah Ivins.

To request to be notified of the decision, please contact the Deputy Clerk at mciuffetelli@wainfleet.ca.

Attachments

Schedule "A" – Location Map
Schedule "B" – Aerial Photograph
Schedule "C" – Proposed Zoning By-law Amendment

Schedule "A" – Location Map



Proposed Zoning By-law Amendment Application
Z02/2022W
Mayr Farms Ltd.

33553 Feeder Road West
Part Lot 34 & 35, Concession 2
2714 000 00623500

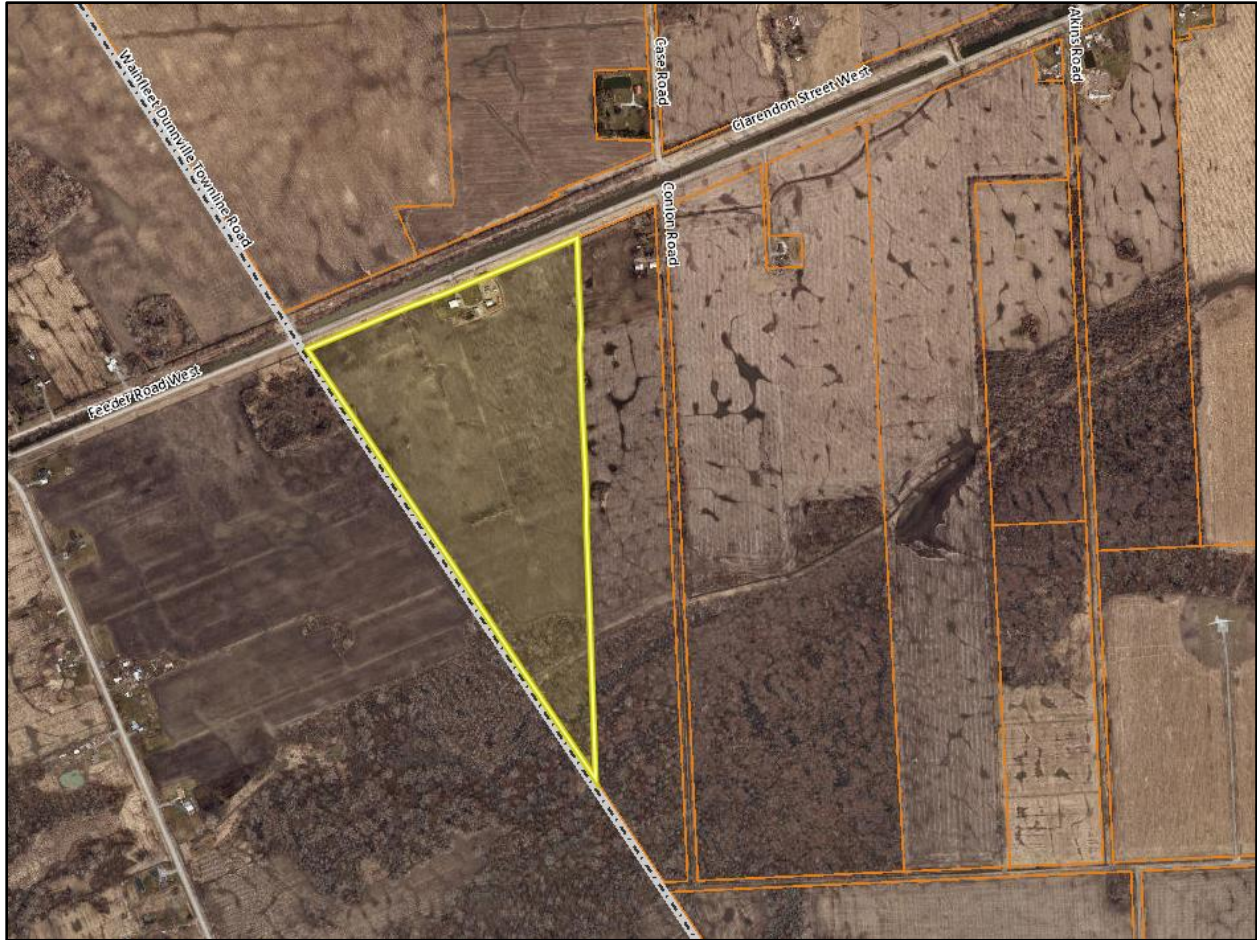
LOCATION MAP

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Date: June 2022

File No.: Z02/2022W

Schedule "B" – Aerial Photograph



Proposed Zoning By-law Amendment Application
Z02/2022W
Mayr Farms Ltd.

33553 Feeder Road West
Part Lot 34 & 35, Concession 2
2714 000 00623500

**AERIAL
PHOTOGRAPH**

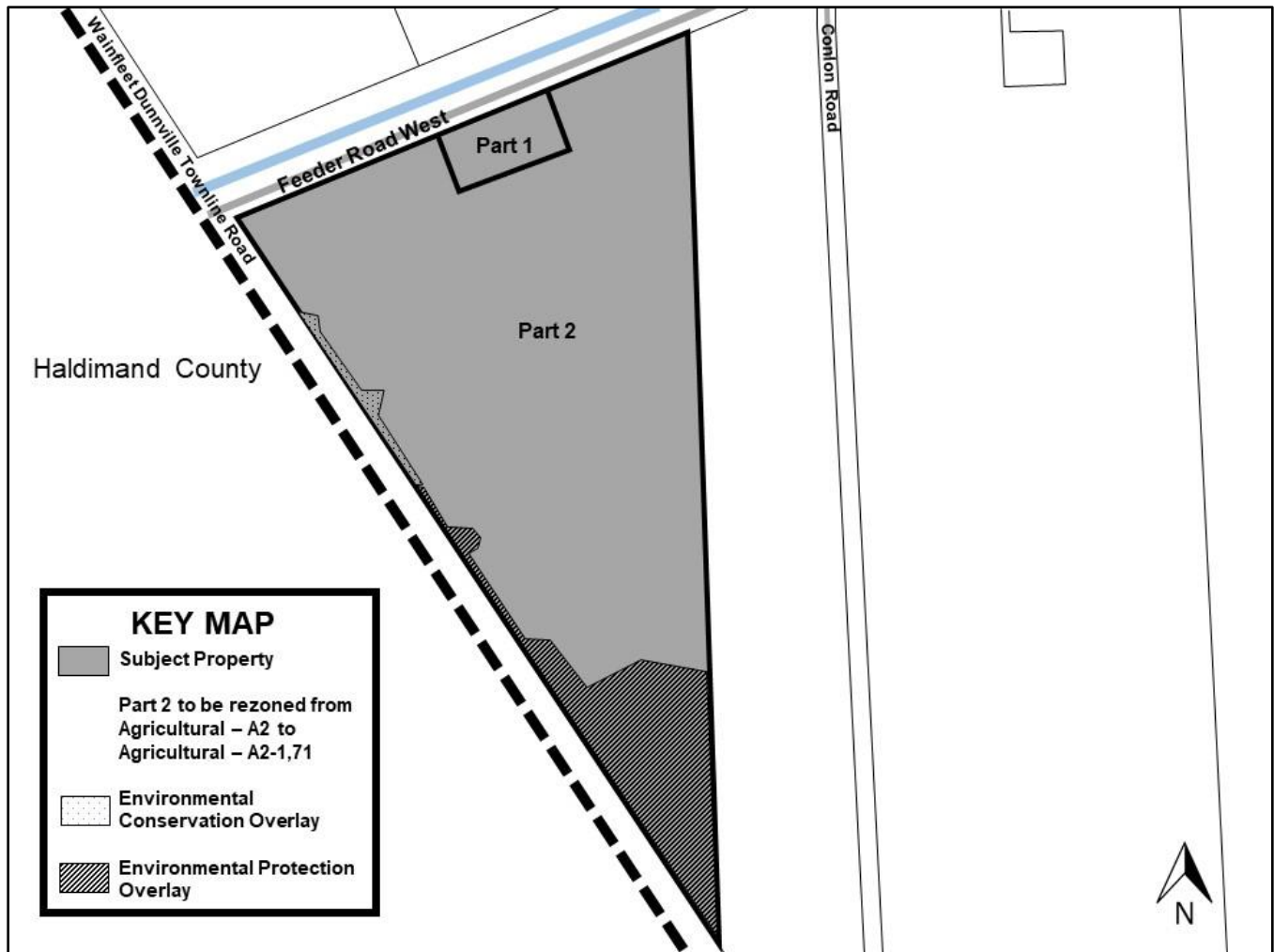
**TOWNSHIP OF
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Date: June 2022

File No.: Z02/2022W

Schedule "C" – Zoning By-law Amendment



Proposed Zoning By-law Amendment Application

Z02/2022W

Mayr Farms Ltd.

33553 Feeder Road West
Part Lot 34 & 35, Concession 2
2714 000 00623500

ZONING BY-LAW AMENDMENT

TOWNSHIP OF
WAINFLEET

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Date: June 2022

File No.: Z02/2022W

PUBLIC MEETING INFORMATION REPORT

Public Meeting: Tuesday June 21st, 2022 at 7:00 p.m. in Council Chambers
File No.: Zoning By-law Amendment Z03/2022W
Applicant: NPG Planning Solutions (Agent) on behalf of Tom Mikkelsaar (Owner)
Subject Property: Vacant Lot Morgan's Point Road Wainfleet

Purpose of a Public Meeting

The purpose of the Public Meeting is to provide more information about the application and provide an opportunity for public input. No recommendations are provided at the Public Meeting and Township Council will not be making any decisions at this meeting. A recommendation report will be prepared by staff and presented at a subsequent meeting of Township Council following a full review of the application.

Any person may make written or verbal representation either in support of or in opposition to the proposed Zoning By-law Amendment. Please note that all submissions, including personal information, will become part of the public record and may be publicly released. The Public Meeting will also be live-streamed through the Township's [Youtube](#) page. Written comments are encouraged and can be submitted by email to planning@wainfleet.ca, personal delivery to the Township Office at 31940 Highway #3, Wainfleet or regular mail to P.O. Box 40, Wainfleet ON L0S 1V0, to the attention of Sarah Ivins, Planner.

Property Information

The subject lands are located on the east side of Morgan's Point Road with frontage on Fowler Road to the north and south and are known municipally by its Assessment Roll Number 2714-000-003-18501. The subject lands are shown in Schedule "A". The subject lands are 4.9 hectares in size and are currently vacant. The surrounding land uses are primarily residential with some agricultural to the east – an aerial photograph is attached as Schedule "B".

The subject lands are the subject of consent applications which were provisionally approved by the Committee of Adjustment at the June 15th, 2022 hearing. Application is made for the consent to sever:

Application No.	Application Details
B08/2022W	Sever Part 1 (1.69 ha) for future residential use.
B09/2022W	Sever Part 2 (1.04 ha) for future residential use.
B10/2022W	Sever Part 3 (1.05 ha) for future residential use.
B11/2022W	Sever Part 5 (2,192.3m ²) to merge with 11451 Morgan's Point Road.

The subject lands are designated as Rural Area in the Regional Official Plan, designated as Lakeshore Residential in the Township Official Plan and zoned Agricultural Transition – A1 under Zoning By-law 034-2014.

Application Details

The purpose of the proposed Zoning By-law Amendment application is to rezone Parts 1, 2 and 3 of the subject lands from the current Agricultural Transition – A1 zone to a Residential Lakeshore –

RLS.C10 zone and to rezone Part 4 of the subject lands from the current Agricultural Transition – A1 zone to a site-specific Residential Lakeshore – RLS.C10-44 zone to permit a minimum lot area of 0.79 hectares and a minimum lot frontage of 41 metres. The proposed Zoning By-law Amendment is attached as Schedule “C”.

Consultation

In accordance with the *Planning Act*, a Notice of Public Meeting was mailed to all landowners within 120m of the subject property on May 19th, 2022 and a public notice sign was posted on the subject property. The notice was also posted on the Township’s website at www.wainfleet.ca/publicnotices.

The application was circulated to external agencies and internal departments for review and comments on May 19th, 2022.

Comments received prior to the public meeting will be addressed verbally at the public meeting and any comments received after the public meeting will be addressed in the staff report.

Next Steps

A planning report regarding a complete review of the application will be brought forward by staff and considered by Council at a later date.

If a person or public body does not make oral submissions at the public meeting or make written submission to the Township of Wainfleet regarding the proposed Zoning By-law Amendment before the approval authority gives or refuses to give approval to the application, the person or public body is not entitled to appeal the decision of the Township of Wainfleet to the Ontario Land Tribunal.

If a person or public body does not make oral submissions at the public meeting and/or make written submissions to the Township of Wainfleet regarding the proposed Zoning By-law Amendment before the approval authority gives or refuses to give approval to the application, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If you wish to be notified of the decision of the Corporation of the Township of Wainfleet in respect of the proposed application, you must make a written request to the Deputy Clerk of the Township of Wainfleet at the address noted below and quote the appropriate file number(s).

Contact

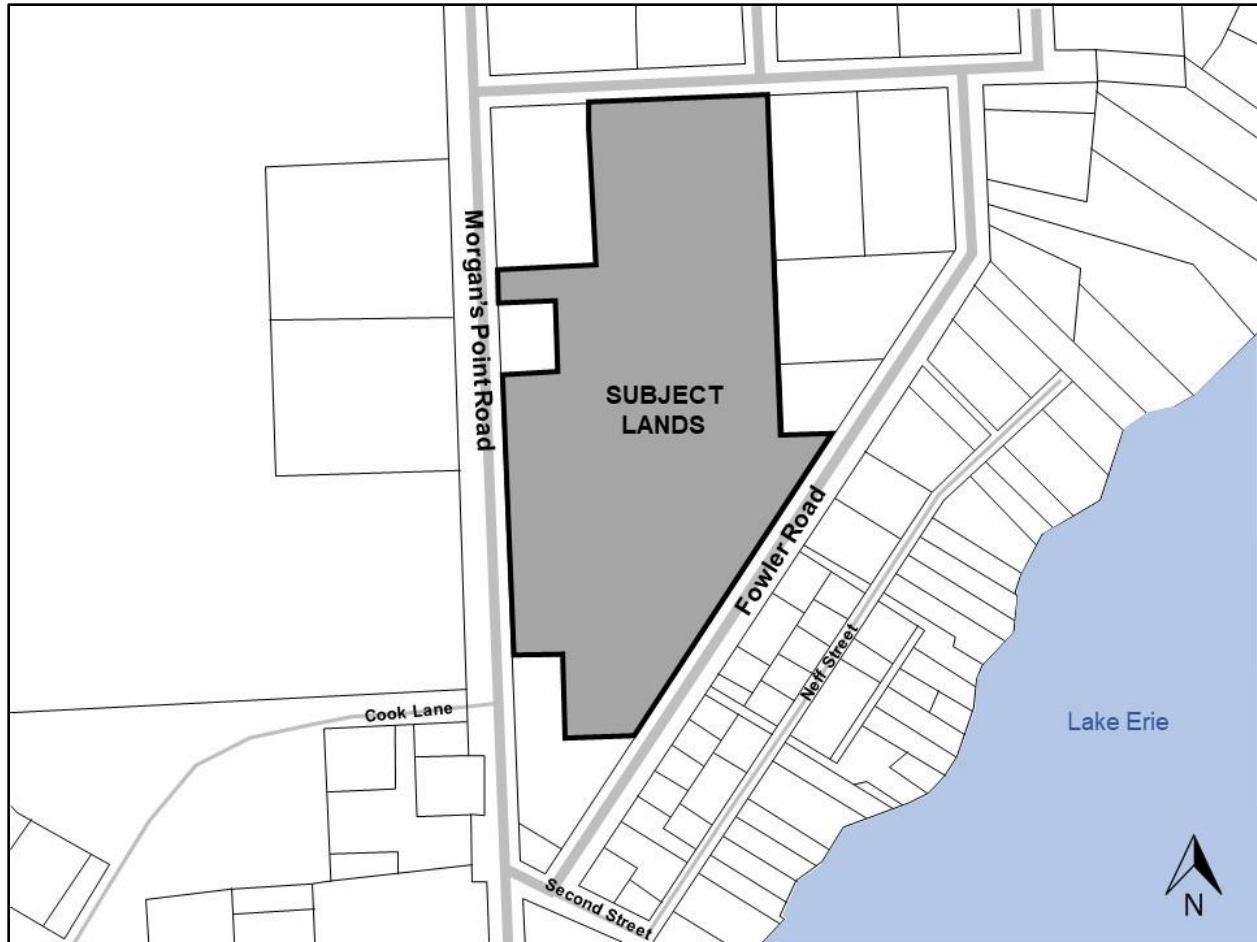
For further information regarding the proposed applications please contact Sarah Ivins, Planner, at 905-899-3463 ext. 225 or planning@wainfleet.ca. Written comments can also be sent to the attention of Sarah Ivins.

To request to be notified of the decision, please contact the Deputy Clerk at mciuffetelli@wainfleet.ca.

Attachments

Schedule “A” – Location Map
Schedule “B” – Aerial Photograph
Schedule “C” – Proposed Zoning By-law Amendment

Schedule "A" – Location Map



Proposed Zoning By-law Amendment Application

Z03/2022W

NPG Planning Solutions (Agent)

Tom Mikkelsaar (Owner)

Vacant Lot Morgan's Point Road
Part Lot 13, Concession 1
2714 000 00318501

LOCATION MAP

**TOWNSHIP OF
WAINFLEET**

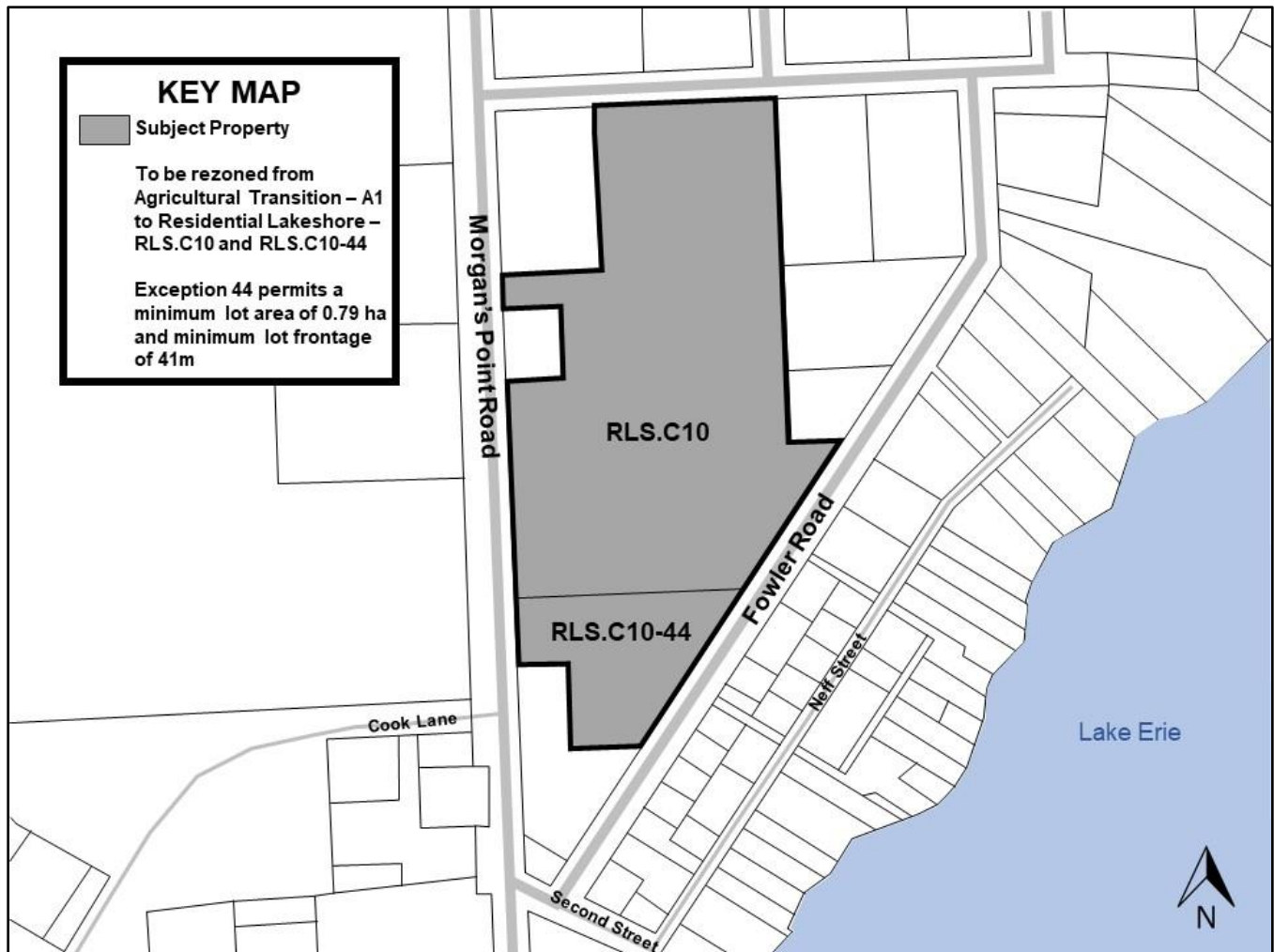
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Date: June 2022

File No.: Z03/2022W

File No.: Z03/2022W

Schedule "C" – Zoning By-law Amendment



Proposed Zoning By-law Amendment Application Z03/2022W

NPG Planning Solutions (Agent)
Tom Mikkelsaar (Owner)

Vacant Lot Morgan's Point Road
Part Lot 13, Concession 1
2714 000 00318501

ZONING BY-LAW AMENDMENT

**TOWNSHIP OF
WAINFLEET**

Wainfleet – Find your countryside!

Date: June 2022

File No.: Z03/2022W



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: Karen Alexander	
Address: 1219 Queen Street East, Sault Ste. Marie, ON. P6A 2E5	
Telephone: 519-791-5626	E-mail: kalexander@invasivespeciescentre.ca

Date of Meeting: June 21

Subject Matter to be Discussed:	European Water Chestnut Rapid Removal Program for the Welland River
Action Requested:	Assistance with Communications and Community Awareness

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: Communications Package should be ready by next Tuesday, if not, it will arrive by email shortly after

Do you have a copy of your notes/presentation to attach?

Yes ☒ No ☐

If yes, specify: PowerPoint presentation in PDF format

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.

June 14, 2022

Karen Alexander
Signature

Date



Invasive
Species
Centre

European Water Chestnut in the Welland River

Presented by Karen Alexander

Policy Coordinator, Invasive Species Centre

AGENDA



Introducing the Invasive Species Centre




European Water Chestnut Rapid Response Program



Questions?





The Invasive Species Centre acknowledges that we are living and working on the traditional territory of the Anishinaabe Peoples, in the Robinson Huron Treaty area. We recognize the long history of Indigenous and Métis Peoples in this area and across Canada and want to show respect to them and demonstrate our gratitude for their ongoing care of the land and water.



The **Invasive Species Centre** is a not-for-profit organization that connects stakeholders, knowledge and technology to prevent the introduction and spread of invasive species that harm Canada's environment, economy and society.

www.invasivespeciescentre.com



European Water Chestnut



Economic	Social	Ecological
<ul style="list-style-type: none">• Decreases property value• Impacts commercial fishing	<ul style="list-style-type: none">• Inhibits boating and swimming• Sharp seeds are painful to step on	<ul style="list-style-type: none">• Kills native vegetation• Reduces oxygen levels• Impacts fish populations• SAR habitat



Photo credit: David J. Moorhead

European water chestnut

Trapa natans

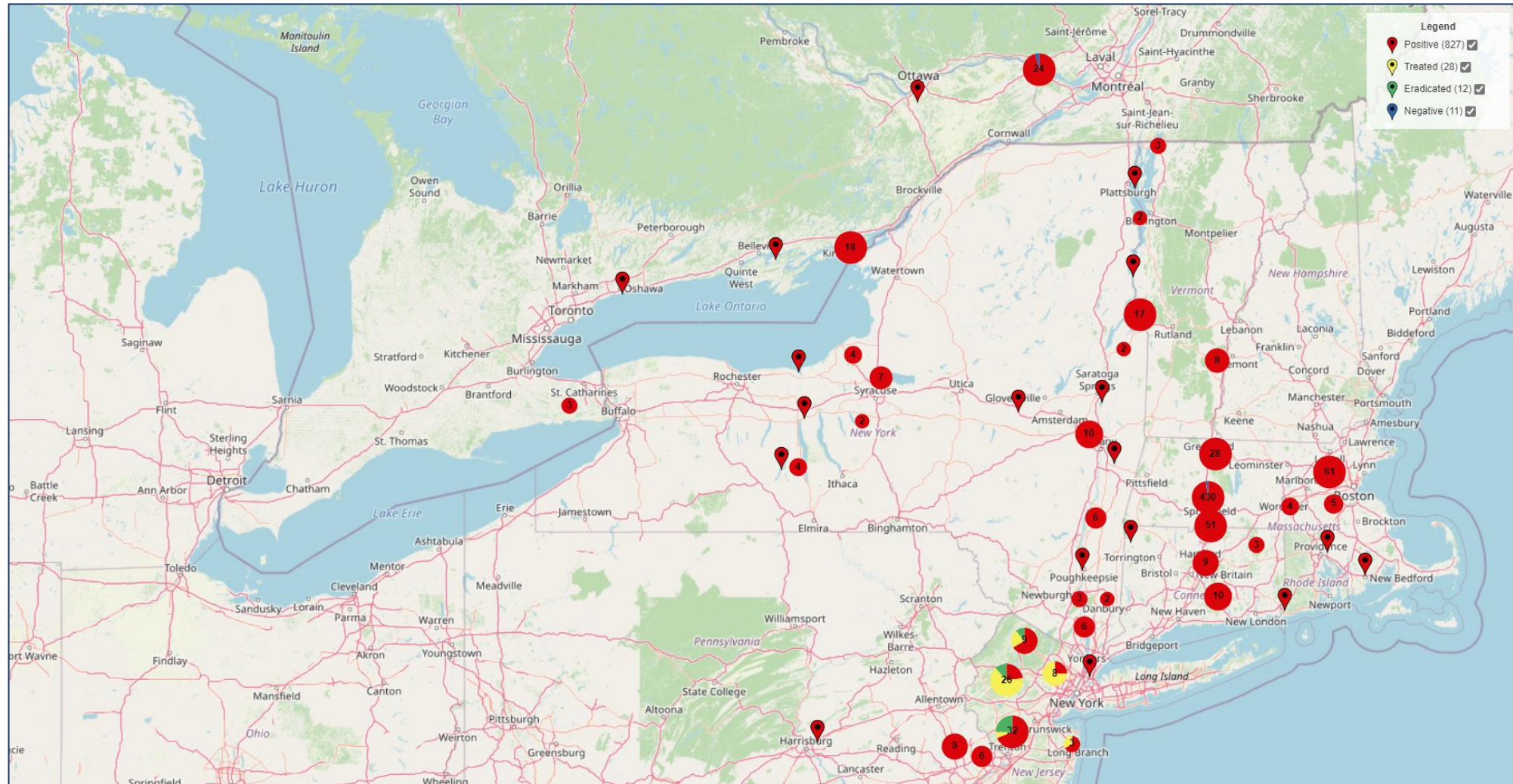
Forms dense floating mats, making angling and boating nearly impossible.

Prohibited species in Ontario

- Prohibited species in Ontario under the Invasive Species Act (2015)
- This means:
 - It is illegal to import, possess, release, transport, breed/grow, sell, lease or trade
 - Anyone boating in infested waters must:
 - AVOID spreading the plants
 - Remove plants from boat, motor, trailer, etc. Before travelling over land
 - Dispose the plants so they won't end up back in the water

European Water Chestnut

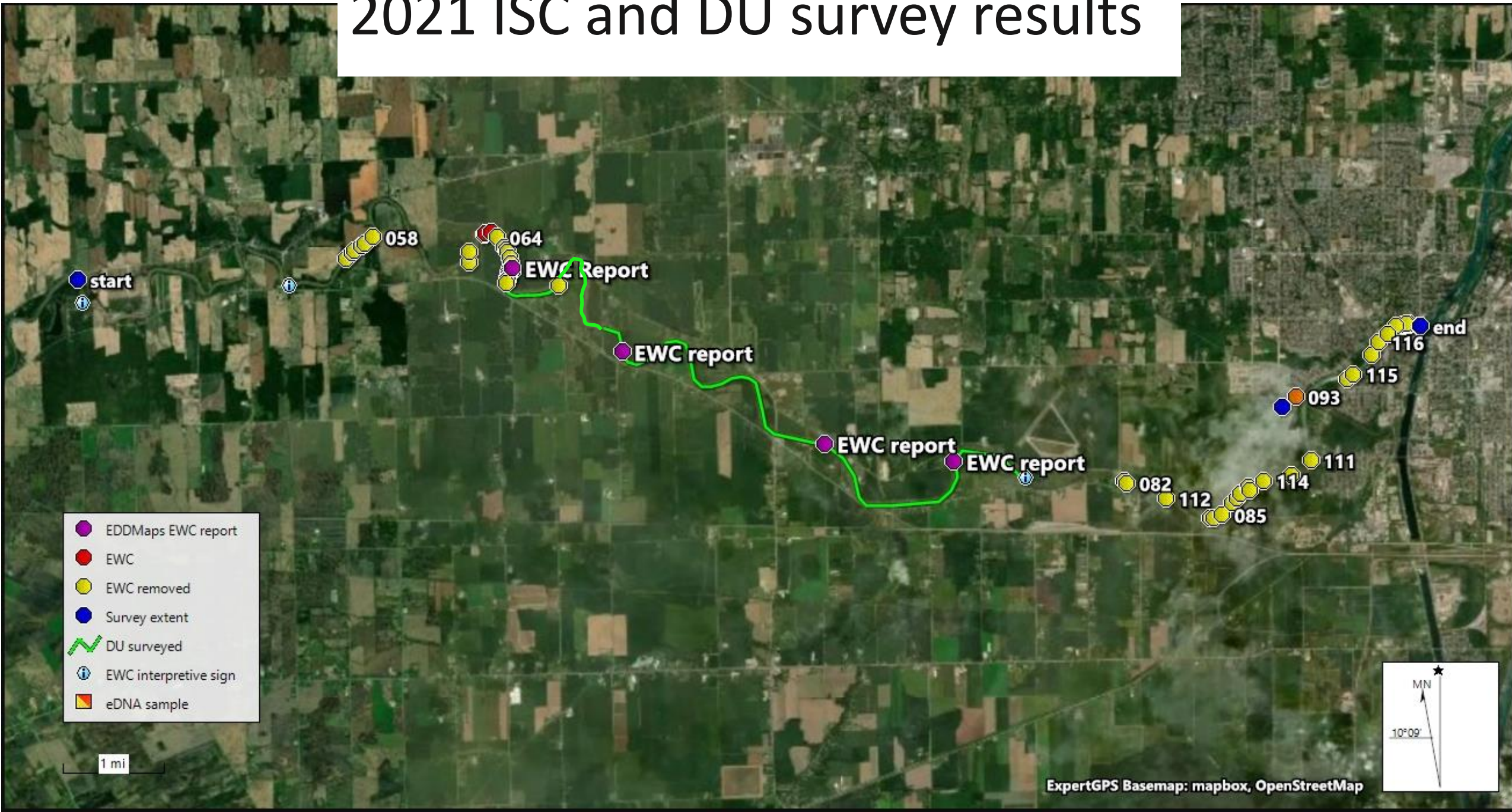
Pathways of Spread: seeds generally fall almost directly beneath their parent plants. Rosettes can move downstream in currents with/without seeds. Waterfowl may also spread nuts if they get caught in feathers.



Known Locations of EWC In Welland River (2020)



2021 ISC and DU survey results



Small Steps to Prevent Unintentional Spread *Public Launch Signage*

- ISC coordinated production and installation of EWC signage at 3 key water access points along the Welland River
 - Chippewa Creek Conservation Area (NPCA)
 - Wellandport Community Centre Boat Launch (West Lincoln)
 - E.C. Brown Boat Launch (NPCA)



Control Methods

- Efficacy: 95% reduction in seed viability within 4 years @ Voyageur PP
- 0 – 100 m², mixed with native vegetation
 - Hand pull individual plants or use rakes; wading or from canoes, kayaks, boats
 - Pull before the plant matures and nutlets (seeds) drop off the plants
- >100 m², mixed with >50% native vegetation
 - Employs heavy equipment to cut or rake (e.g., Truxors)
 - Herbicide (Reward Aquatic Herbicide)
- Requires repeat monitoring and follow-up control for up to 10 yrs.

Proposed EDRR program

- Welland River Collaborative
 - NPCA, low-tier municipalities, Peninsula Paddlers, Bert Miller Nature Club, Niagara College, others as interested
- Field program, July 2022 – September 2022
 - 4 ISC hires through the OFAH Hitsquad program
 - Manual control & NPCA home base @ Chippewa Conservation Area
 - Potential contractor with heavy equipment
- Community Engagement
 - Riverfront landowner mail out
 - Organized paddling tours/ River Watchers



Long term control and monitoring

- Invasive Species Centre intends to continue to invest in control of EWC as required
- River Watchers
 - Paddling tours to teach community how to identify and report observations
- Exploring options for long-term management
 - OFAH Hitsquad students
 - Niagara College partnership / paddling trips (limited to September)



Forms of Co-operation between ISC and NPCA

Co-host 'Paddle with a Purpose'
tours

Biomass disposal plan & equipment
storage and facility use

Joint community outreach and
engagement activities

Joint teaching/training and
supervision of OFAH Hit Squad hires

NPCA Participation (in-kind):

- site-specific training for Hit Squad team
- access to the Welland River at EC Brown and Chippawa Creek
- equipment storage for the Hit Squad team and facility use
- monthly meetings with ISC
- community outreach and engagement activities
- locations for biomass disposal at EC Brown and Chippawa
- participation in the Welland River Collaborative
- provide letters of support for funding applications



Requests for Township of Wainfleet

- Support Community Awareness and Engagement!
 - Landowner letter for riverfront property owners, please forward
 - Social Media posts, please distribute at appropriate intervals
 - Paddle with a Purpose event poster
 - Connect Township website to more information on ISC's website
- Attend one of the Paddle with a Purpose events
 - BYO Boat
 - July 7 @ 9am (doubles as a Media Event)
 - July 16 @ 10 am





Invasive
Species
Centre



Visit our website to sign up for

- Quarterly newsletters
- Bi-weekly media, research, and events scans
- Event and webinar invitations

www.invasivespeciescentre.ca

Karen Alexander

Invasive Species Policy Coordinator

kalexander@invasivespeciescentre.ca

www.invasivespeciescentre.ca

TO: Mayor Gibson & Members of Council

FROM: Sherry Mayne, Deputy Treasurer

DATE OF MEETING: June 21, 2022

SUBJECT: **Cancellation, reduction or refund of Property Tax for the 2021 & 2022 Taxation Years (January 01 - December 31)**

RECOMMENDATION(S):

THAT Administrative Staff Report ASR 015/2022 respecting the cancellation, reduction and refund of property tax be received;

AND THAT Council approve the attached Application No. 2021-03 pursuant to Section 357 of the Municipal Act, 2001, to write off taxes in the amount of \$3,736.11.

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval in order to cancel, reduce or refund property tax of the applicant in accordance with the recommendations of the Municipal Property Assessment Corporation (MPAC) Assessor.

BACKGROUND:

Under section 357/358 of the Municipal Act, 2001, as amended, an application to the Council may be made by taxpayer for the cancellation, reduction or refund of tax levied in the current year for specific purposes.

Once received and processed by staff, the application is forwarded to the Municipal Property Assessment Corporation (MPAC) for their recommendation. These applications are then returned to the municipality for calculation of monetary value of tax reduction.

Section 357 Application Number 2021-03 was received and submitted to MPAC for a valuation of the demolition of a single family dwelling and 4 farm structures as it relates to the property's assessment.

OPTIONS/DISCUSSION:

Staff has prepared the attached summary report encompassing the application received to date and submit such report to council for approval. It is a rarity that any recommendation is challenged by the taxpayer, however, if such did occur, staff would request MPAC to attend the council meeting to defend or amend the recommendation.

FINANCIAL CONSIDERATIONS:

Application Number 2021-03 under Section 357/358 has been received and requires Council's approval. The total amount of reduction or cancellation of taxes is \$3,736.11, of which \$1,745.56 is the municipal portion.

OTHERS CONSULTED:

- 1) MPAC
- 2) Township of Wainfleet – Building Dept.

ATTACHMENTS:

- 1) Appendix “A” – Application for Tax Reduction
- 2) Appendix “B” – MPAC Response
- 3) Appendix “C” – Tax Reduction Worksheet.

Prepared by,

Ashley Jenkins
Tax Clerk

Respectfully submitted by,

Sherry Mayne,
Deputy Treasurer

Approved by,

William Kolasa,
Chief Administrative Officer/Clerk

SECTION 357/358 APPLICATION

TO THE COUNCIL OR THE ASSESSMENT REVIEW BOARD

Application #

2021-08

Taxation Year:

2020-2021

Municipality:

Wainfleet

Roll Number:

27-14-000-007-05600

Property Address:

41169 Feeder Road E, RR 3

Applicant Name:

Owner Name:

Contact Number:

Mailing Address:

41169 Feeder Road E, RR 3, Wainfleet L0S 1V0

Alternate Number:

Email Address:

Reason for Application: (check one box only)

☐

Ceases to be liable for tax at rate it was taxed -- 357(1)(a)

☐

Became vacant or excess land - 357(1)(b)

☐

Became exempt -- 357(1)(c)

☐

Sickness or extreme poverty -- 357(1)(d.1)

☒

Razed by fire, demolition or otherwise -- 357(1)(d)(i)

☐

Mobile unit removed -- 357(1)(e)

☐

Damaged and substantially unusable -- 357(1)(d)(ii)

☐

Gross or manifest clerical/factual error -- 357(1)(f)

☐

Repairs/Renos preventing normal use (min. 3 months) -- 357 (1)(g)

Details of Reason:

Built new home on the property and demolished the old home

Applicant acknowledges that any adjustment will be: (a) credited to the tax account and/or refunded to the owner of the land as shown on the tax roll on the date the adjustment is made; or (b) the Municipality shall send another tax bill to raise the amount of any underpayment. (Municipal Act, 2001 S. 341.) If you sell the property, you must make arrangements in the sale/purchase agreement to protect your right to any tax adjustment in your favour.

Effective from:

11 / 10 / 20 to 12 / 31 / 22

Applicant Signature:

Adam Storp

Date:

02 / 02 / 22

ASSESSMENT REPORT:

MUNICIPALITY

TREASURER'S RECOMMENDATION TO COUNCIL

Assessment Roll As Returned

Revised Since Roll Return:

☐

Enter Revisions Below

Assessment Report School Board:

☐

English

☐

French

☐

Other

☐

No Change in Assessment

☐

\$357 Required for Next Year

RTC/RTQ

Prev. Base-year CVA

Curr. Base-year CVA

Curr. Phased-In Assessment

Revised RTC/RTQ

REVISED Prev. Base-year CVA

REVISED Curr. Base-year CVA

Revised Current Phased-In Assessment

Change to Current Phased-In Assessment

Revised:

Reason Original Assessment Revised:

Reason for Change (Assessor Comments):

TREASURER'S REPORT ON TAX LIABILITY

RTC/RTQ

Taxable Assessment Reduction

Tax Rate

Days / Months

Tax Adjustment

Original Levy

Recommended:

☐

No Adjustment

☐

Adjustment

☐

Cancellation

☐

Refund

Total Amount

Comments:

MPAC picked up new house on Bldg Permit report 12/7/20 but did not pick up "demo" permit. Resident unaware until Jan 24/22 when inspector was on site. Need to remove old house from assessment. This reason he didn't apply until now.

Treasury Position:

Deputy Treasurer

Signature:

Date:

COUNCIL OR ASSESSMENT REVIEW BOARD DECISION:

Hearing Date (MM/DD/YY):

☐

Approved

☐

Amended & Approved

☐

Not Approved

☐

Applicant Did Not Appear

☐

Application Abandoned

Reason:

Appeared for Applicant

Appeared for Municipality

Signature of Council / ARB Member

Name/Title

Submitted to MPAC on: Feb 4 2022 (INITIAL) BW

Application made under Sec 357/358/359 of the Municipal Act, 2001

MPAC's RESPONSE

Owner name(s) [REDACTED]
 [REDACTED]
 Roll number 2714-000-007-05600-0000
 Property location 41169 FEEDER RD E
 Property description CON 4 PT LOT 11
 Municipality/Local taxing authority WAINFLEET TOWNSHIP
 Application number 2021-03
 Application reason Demolition/Razed by Fire
 Received date March 18, 2022
 Claim relief period **From: January 01, 2022 - To: December 31, 2022**
 Taxation year 2022

Current Property Assessment

Property Classification	2012	2016	Phase-In Assessment for Taxation Years			
	Assessed Value	Assessed Value	2017	2018	2019	2020-2022
OWNR FL F T	358,000	620,400	423,600	489,200	554,800	620,400
OWNR FRU R T	97,000	142,600	108,400	119,800	131,200	142,600
Total	455,000	763,000	532,000	609,000	686,000	763,000

Change to the Property Assessment

Property Classification	2012	2016	Phase-In Assessment for Taxation Years			
	Assessed Value	Assessed Value	2017	2018	2019	2020-2022
OWNR FL F T	340,227	589,600	402,570	464,914	527,257	589,600
OWNR FRU R T	18,638	27,400	20,829	23,019	25,210	27,400
Total	358,865	617,000	423,399	487,933	552,467	617,000

MPAC Remarks

MPAC can confirm an error in the preparation of the assessment roll for 2021 taxation, old house and 4 farm structures were demolished prior to 2021

MPAC Representative: John Cole
 Date: March 23, 2022

Application made under Sec 357/358/359 of the Municipal Act, 2001

MPAC's RESPONSE

Owner name(s) [REDACTED]
 [REDACTED]
 Roll number 2714-000-007-05600-0000
 Property location 41169 FEEDER RD E
 Property description CON 4 PT LOT 11
 Municipality/Local taxing authority WAINFLEET TOWNSHIP
 Application number 2021-03
 Application reason Demolition/Razed by Fire
 Received date March 18, 2022
 Claim relief period **From: January 01, 2021 - To: December 31, 2021**
 Taxation year 2021

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Total	358,865	617,000	423,399	487,933	552,467	617,000

MPAC Remarks

MPAC can confirm an error in the preparation of the assessment roll for 2021 taxation, old house and 4 farm structures were demolished prior to 2021

MPAC Representative: John Cole
 Date: March 23, 2022

Summary Report - Tax Liability Calculations

Report Number: ASR 015-2022

Appendix 'C'

Council Meeting

	<u>Section Reason</u>	<u>Application No.</u>	<u>Effective Date</u>	<u>Roll # Address</u>	<u>Tax Class</u>	<u>Assessment Change</u>	<u>Total Adj</u>	<u>Municipality</u>	<u>Region</u>	<u>Waste Mgmt</u>	<u>School Board</u>
Tax Reduction	357	2021-03	JAN 01.21 DEC 31.21	271400000705600 41169 FEEDER RD E	RT	-115,200	-1,700.79	-778.54	-676.88	-69.11	-176.26
					FT	-30,800	-113.68	-52.04	-45.24	-4.62	-11.78
Tax Year	2021	No. of Days: 365				Total Adj.	-1,814.47	-830.58	-722.12	-73.73	-188.04

	<u>Section Reason</u>	<u>Application No.</u>	<u>Effective Date</u>	<u>Roll # Address</u>	<u>Tax Class</u>	<u>Assessment Change</u>	<u>Total Adj</u>	<u>Municipality</u>	<u>Region</u>	<u>Waste Mgmt</u>	<u>School Board</u>
Tax Reduction	357	2021-03	JAN 01.22 DEC 31.22	271400000705600 41169 FEEDER RD E	RT	-115,200	-1,801.24	-857.65	-695.29	-72.04	-176.26
					FT	-30,800	-120.40	-57.33	-46.47	-4.81	-11.78
Tax Year	2022	No. of Days: 365				Total Adj.	-1,921.63	-914.98	-741.77	-76.85	-188.04

**COMMUNITY & DEVELOPMENT SERVICES
STAFF REPORT**

CDS-003/2022

TO: Mayor Gibson & Members of Council

FROM: Lindsay Earl, Manager of Community & Development Services

DATE OF MEETING: June 21, 2022

SUBJECT: **Short-Term Rentals**

RECOMMENDATION(S):

THAT Community & Development Services Staff Report CDS-003/2022 be received; and

THAT staff be directed to provide a revised draft licensing by-law and program to regulate Short-Term Rentals in the Township of Wainfleet for review by Council at the next available meeting.

EXECUTIVE SUMMARY:

While Township Council has identified a need for further regulation of short-term rental accommodations, implementing a new licensing system has proven to be an onerous task.

Given the continued expansion of the STR industry, it is envisioned that the number of STR's in the Township will continue to increase. As such, staff are seeking Council's direction in order to finalize the Township's approach to STR's in a timely manner.

This report serves to provide Council the options on approaches to moving forward with addressing Short-Term Rental (STR) units.

BACKGROUND:

Township Council has identified a need for further regulation of short-term rental accommodations. For reference, pertinent dates and related staff reports are outlined below:

- August 4, 2020 through resolution, Council directed staff to investigate and report on the policy considerations of regulating short-term housing uses in the Township.
- April 20, 2021 Report ASR-010/2021- Initial Short Term Rental report, outlining options and recommending a licensing by-law.
- October 26, 2021 Report PSR-011/2021- The draft licensing by-law was brought forward for Council's information.
- December 23, 2021 date in which public commenting period opened.
- January 18, 2022 date of the Virtual Public Open House.

- February 4, 2022 date in which public commenting period closed.
- May 10, 2022 Report CDS-002/2022 – Report to provide Council with a summary of the public comments received on the draft licensing by-law.
- June 7, 2022 through resolution Council directed staff to prepare a report to outline the framework for Planning Act regulation of short-term rentals in the Township of Wainfleet.

As Council is aware, implementing a new licensing system has proven to be an onerous task. Given the continued expansion of the STR industry, it is envisioned that the number of STR's in the Township will continue to increase, which is evident in recent advertisements for property sales listed as "STR potential" mainly within the Lakeshore area. In an effort to move the program forward, this report outlines the framework for Planning Act regulation of STR's through the following options for Council's consideration and direction.

OPTIONS/DISCUSSION:

Option 1: Status Quo with Advocacy

Status Quo would have the Township's Official Plan and Zoning By-law continue to be silent on the issue of STR's and have no licensing occur. Interpretations have been that STR's are allowed where residential uses are permitted in the municipality and not subject to any regulatory provisions.

In this scenario, no licensing would occur and behaviours on properties would continue to be regulated through existing by-laws (i.e. noise, fireworks, open air burning, parking, etc.) and existing regulations under the Ontario Building Code (OBC). Based on the recent changes Council has made to the Township's by-laws (i.e. new noise by-law), maintaining status quo is a viable option at the current time. Costs for this option would be limited to staff time and resources spent on enforcement of complaints received and updating applicable by-laws as necessary.

Option 2 – Prohibit STR's in the Township's Zoning By-law

As Council is aware, the Township's Comprehensive Zoning By-law does not contain any specific provisions related to STR's. This option would entail defining STR in the Township's Zoning By-law and then specifically prohibiting the use in the community. If this option were chosen, it would not "shut down" STR's that currently exist in the Township, which would be considered legal non-conforming uses and would be permitted to continue to operate. There would likely be administrative and enforcement costs associated with this option as a zoning by-law amendment would be required and with the prohibition of the use, there would be enforcement costs associated with investigating complaints pertaining to new STR's and even respecting STR's which may receive legal non-conforming status. It will be difficult for staff to determine the legal non-conforming status of current STR operations and would require the implementation and monitoring of a registry-type program.

Staff would caution that this option sets up legal non-conforming status of properties and may result in greater complaints in the community with cumbersome investigations

that would lead to charges under the Provincial Offences Act (POA). The POA is not always a guaranteed route with lengthy timing for prosecutions.

Option 3 – Regulate through Official Plan and/or Zoning By-law Amendments

This option would require drafting Official Plan and/or Zoning By-law Amendments to establish areas within the Township where STR's would be permitted and to establish provisions applicable to STR's, such as occupancy, servicing, parking, etc. As with Option 2, existing short-term rental units would not be subject to such amendments and would be permitted to continue as legal non-conforming uses. Enforcement options would be similar to Option 2.

As Council is aware, any Official Plan or Zoning By-law Amendment is a public process whereby a Statutory Public Meeting is required; and any decision is subject to an appeal to the Ontario Land Tribunal (OLT). Further, both the process to undertake prosecutions under the Zoning By-law and the development of amendments are time consuming. The ability for the Township to act quickly in the case of infractions would be better dealt with through licensing and a demerit system where licenses can be revoked for non-compliance.

Option 4: Licence Only (Currently Underway) - Recommended

The Licensing By-law currently in draft form will make licensing short-term rentals mandatory, aims to ensure compliance with Fire Code, Building Code, other applicable law and Township By-laws, and establishes a system of demerit points for violations including noise, nuisance, parking and safety which will encourage short-term rental owners into supplying a safe, responsible, and respectful accommodation.

As noted, additional staff resources would be required to both set up and maintain the program. Staff do not believe that the "Licensing only" option would require any changes to the Township's zoning by-law or any other land use document, as it would provide the Township with broader authority than the Planning Act controls. Unlike other Options, all existing and future STR operations would be subject to Municipal Act licensing.

Should Council wish to continue to support the implementation of a Licensing Program, Council shall provide direction to staff on the following items that were previously deferred:

- Support for annual application and renewals
- Number of occupants
- Permitting guests and timing
- Fees

Alternative Options for Consideration:

- a) A combination approach. Council may wish to combine any of the above options as a preferred approach (i.e. Option 2 or 3- Zoning plus Option 4- Licensing etc.).

- b) An Interim Control By-law. Should Council feel that there is a need to halt the creation of any new STR's while staff continue to navigate the implementation of a Licensing Program and/or review necessary policy changes (including under the *Planning Act*), Council has the option to implement an Interim Control By-law.

An Interim Control By-law (ICB) is a planning tool given to municipalities under section 38 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended. An ICB is used to place a temporary freeze on certain land uses while a municipality is reviewing its land use policies. ICB's may be over a specific area or the entire municipality and can be put into place for one year with the option of extending it for another year.

Several other Ontario municipalities, have utilized an ICB to temporarily prohibit the establishment of new Short-Term Rental units to allow time to review, research and develop appropriate planning policies to deal with this new land use.

Given that there has been significant interest in STR's in Wainfleet, Council considering that an ICB be utilized will give the municipality some breathing space to rethink its land use policies and approach to Short-Term Rentals. Should this option be preferred, a draft ICB is attached as Appendix "A". The ICB will temporarily prohibit the new use of certain lands, buildings, or structures related to the establishment of short-term rental units within all geographic areas of the municipality.

- c) Council may choose to provide alternative direction to staff.

FINANCIAL CONSIDERATIONS:

There are costs associated with each option. The review and development of appropriate policies and regulations to manage and control Short-Term Rentals will require additional staff time and resources. Further, there will be additional by-law enforcement costs associated with the administration and enforcement of the licensing bylaw as outlined in Staff Report CDS-002/2022.

There are no anticipated legal costs at this time. However, it should be noted that the Minister has the right to appeal the Interim Control By-law to the Ontario Land Tribunal (OLT), as well as any Official Plan or Zoning By-law Amendment which is also appealable to the OLT. Should this occur, the Township would incur legal costs to defend the by-law and/or amendments.

OTHERS CONSULTED:

- 1) Township In-house Solicitor
- 2) Strategic Leadership Team

ATTACHMENTS:

- 1) Appendix "A" - Draft Interim Control By-law

Respectfully submitted by,

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

Approved by,

William J. Kolasa
Chief Administrative Officer

APPENDIX “A”

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**THE CORPORATION OF THE
TOWNSHIP OF WAINFLEET**

BY-LAW NO. 0XX-2022

Being a By-law to impose interim control on the use of lands,
buildings and structures respecting Short-Term Rental Units
within the geographic boundaries of the Township of Wainfleet

WHEREAS Section 38(1) of the Planning Act, R.S.O. 1990, as amended, permits the Council of a municipality to pass an interim control by-law where Council has directed that a review or study be undertaken in respect of land use planning policies and regulations within the municipality or in any defined area or areas thereof;

AND WHEREAS the Council of the Corporation of the Township of Wainfleet passed a resolution on August 4, 2020 directing staff to investigate and report on the policy considerations of regulating short-term housing uses in the Township, including impacts on affordable housing, tourism, public safety and challenges to existing regulations;

AND WHEREAS the Council for the Corporation of the Township of Wainfleet deems it expedient and appropriate to enact such an interim control by-law to temporarily prohibit the new use of certain lands, buildings, or structures related to the establishment of short-term rental units within all geographic areas of the municipality to allow the Township time to continue the review of its land use planning policies and regulations and if deemed appropriate, implement the findings of the review pertaining to Short-Term Rental Units;

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

1. For the purposes of this By-law, **"Short-Term Rental Unit"** means all or part of a Dwelling Unit used to provide sleeping accommodations to one or more persons other than the Owner for a period of not more than thirty (30) consecutive days, during which period the Owner does not occupy the Dwelling Unit, and in exchange for payment but does not include a Bed and breakfast, Boarding or Rooming House or Motel or Hotel as those terms are defined in Township By-law No. 034-2014, as amended from time to time.
2. Notwithstanding the permitted uses and regulations of By-law No. 034-2014 and By-law No. 581-78, as amended, only those Short-Term Rental Units in existence as of the date of passing of this by-law and used for such purposes are permitted to be maintained on such properties within the geographic boundaries of the Township of Wainfleet pending completion of the review/study.
3. The establishment of any new Short-Term Rental Unit use during the term of this by-law is prohibited.

4. If any provision or requirement of this by-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this by-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby, and each provision and requirement of this by-law shall be separately valid and enforceable to the fullest extent permitted by law.
5. This by-law shall come into force and take effect immediately upon its passing by Council and shall be in effect for a period of one (1) year from the date of enactment unless otherwise extended in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.
6. As this By-law affects all lands within the geographic boundaries of the Township of Wainfleet, there is no Schedule "A" affixed hereto.

BY-LAW READ AND PASSED THIS XXST DAY OF JUNE, 2022

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

FIRE STAFF REPORT

FSR-006/2022

TO: Mayor Gibson and Members of Council
FROM: M. Alcock, Fire Chief/CEMC
DATE OF MEETING: June 21, 2022
SUBJECT: Central Fire Station – Project Management Progress Report #1

RECOMMENDATION(S):

THAT Fire Staff Report FSR-006/2022: Central Fire Station – Project Management Progress Report be received as information;

EXECUTIVE SUMMARY:

The Central Fire Station Project Manager, Urban Environmental Management (UEM) has prepared a progress report for Council's information.

BACKGROUND

The project manager is tasked with tracking the projects costs, forecasting expenses and managing risks. Additionally, they provide regular progress reports to the project team, stakeholders and approval authorities (Council).

DISCUSSION:

UEM has prepared a Monthly Project Progress Report (Appendix 'A') to highlight the progress, changes, and risks to the project to date. UEM has also prepared a Memo (Appendix 'B') regarding the Architect's (Prime Consultant's) Responsibilities for Errors and Omissions.

Moving forward, future progress reports will be included in Council's Information Packages.

FINANCIAL CONSIDERATIONS:

None at this time.

OTHERS CONSULTED:

- 1) Strategic Leadership Team (Internal Project Team)
- 2) Project Manager – UEM Consulting.

ATTACHMENTS:

Appendix 'A' - Monthly Summary Report No. 1 as prepared by UEM Consulting.

Appendix 'B' - Memo- re. Architect's Responsibilities for Errors and Omissions as prepared by UEM Consulting.

Respectfully submitted by,

Approved by,

Morgan Alcock
Fire Chief/CEMC

William Kolasa
Chief Administrative Officer

Monthly Summary Report No. 01 – Wainfleet Central Fire Station

Project:	Wainfleet Fire Station – 42143 Highway #3, Wainfleet ON, L0S 1V0		
Owner:	Township of Wainfleet		
Contract:	General Construction (GC) – Stipulated Price Contract (CCDC2) with Amendments		
Contractor:	TRP Construction General Contractors – 3050 Harvester Rd unit 107, Burlington, ON L7N 3J1		
Reporting Period:	April 1 st , 2022, to May 31 st , 2022		
Report Date:	June 16 th , 2022	UEM Project #21-800	
Circulation:	Township of Wainfleet Morgan Alcock Shawn Shatten	Mallory Luey William Kolasa	Revision: Final

Contents

1.0	Project Budget.....	3
2.0	Project Schedule	3
2.1.	Monthly Schedule	3
2.2.	Substantial Completion and Occupancy	3
2.3.	Township Responsibilities.....	4
2.4.	Monitoring Construction Progress.....	4
2.5.	Summary of Key Dates	5
3.0	Front End Documentation and Responsibilities.....	6
3.1.	Building Permit & Site Plan Approval.....	6
3.2.	General Requirements	6
3.3.	Environmental Requirements & Approvals	6
3.4.	Services from Other Agencies	7
4.0	Major Activities Completed/Ongoing	7
5.0	Forecasted Cash Flow	8
6.0	Proposed Change Orders (PC).....	9
7.0	Request For Changes (RFCO) – Contractor	10
8.0	Potential Changes of Significance	10
9.0	Approved Change Orders (CO).....	10
9.1.	Soil Conditions	11

9.2.	Design Team Errors, Omissions, Design Change.....	11
9.3.	Township Requested Change.....	12
9.4.	Address Existing Conditions.....	12
9.5.	Credits.....	12
10.0	Change Directives (CD).....	12
11.0	Cash Allowance Authorization (CAA).....	13
12.0	Cash Allowance Draws (CAD).....	14
13.0	Certificate of Payments Summary.....	15
14.0	Supplemental (Site) Instructions (SI).....	15
15.0	Request for Township Information (RFTI).....	15
16.0	Status of Project Budget.....	16
17.0	Potential Project Risks.....	17
18.0	Other Project Matters.....	19
19.0	Close Out Documents.....	19
20.0	Consultant & Subcontractor List.....	20
21.0	Wainfleet Central Fire Station Floor Plan.....	21
22.0	Site Pictures.....	22
	Project Fact Sheet.....	24

1.0 PROJECT BUDGET

The project budget (excluding HST) for the Wainfleet Central Fire Station includes:

Construction (TRP Contract)	\$5,950,000
Contract Allowances	\$325,000
Contract Award	\$6,275,000
Construction Contingency	\$315,000
Pre-Construction Township Activities	\$8,100
Owners Allowances	\$686,100
Advisory Services	\$686,100
Project Budget	\$7,658,900

2.0 PROJECT SCHEDULE

The CCDC-2 contract, including amendments to the CDC-2 between the Township of Wainfleet and TRP Construction General Contractors Construction (the Contractor), included that specific works were to be completed on a “date certain basis”. In executing the contract.

2.1. MONTHLY SCHEDULE

The contract requires that an updated schedule be submitted by the contractor monthly.

TRP Construction provided a baseline project schedule on May 18th, 2022.

The anticipated substantial completion date is May 8th, 2023

2.2. SUBSTANTIAL COMPLETION AND OCCUPANCY

Substantial Completion as defined by the Ontario Architects Association, Ontario General Contractors Association, and the Construction Lien Act (as amended April 19th, 2021) state a project is substantially complete if: (1) the building must be completed for its intended use, and (2) it meets the financial requirements of the Act (uncompleted and deficient work shall be less than 3% for the contract’s first \$1,000,000, 2% for the second \$1,000,000, and 1% of the remainder).

Based on the approved contract cost of \$6.3M, the amount remaining to achieve Substantial Completion would need to be less than \$93,000 (\$30,000, \$20,000, \$43,000).

Occupancy is a separate decision/process from the substantial completions process. Occupancy is granted by the host municipality (Wainfleet) and could involve full or partial occupancy before or after substantial completion is certified.

The owner must have insurances in place for both partial and full occupancy or when substantial completion is certified.

2.3. TOWNSHIP RESPONSIBILITIES

The TRP construction contract includes the building, all infrastructure, and finishes; however, excludes several operational items/tasks that the Township is responsible for completing or procuring such as:

- Office and Administration Furniture
- Office Equipment
- Communication Radios & Public Address Systems
- Maintenance Tools & Equipment
- SCBA Compressor & Fill Station
- PPE Extractor
- IT Servers, Racking, Active Network Equipment & Setup
- Security Cameras
- Appliances

The Township must prepare a Fire & Life Safety Plan for the new Central Fire Station to satisfy the conditions of the occupancy permit

To assist the Township in its preparations for occupation and building operations, UEM will prepare two schedules:

- Owner Responsibilities for Building Operations, and
- Occupancy Schedule.

2.4. MONITORING CONSTRUCTION PROGRESS

UEM works closely with the contractor administrator to monitor the construction progress against the project schedule on an ongoing basis, reviewing milestones, deliveries, commencing work, completed work, outstanding issues, and project risks.

2.5. SUMMARY OF KEY DATES

CONSTRUCTION ACTIVITY	ESTIMATED DATE COMPLETE
Construction Tender Issued	February 10 th , 2022
Construction Tender Public Opening	March 22 nd , 2022
Contractor Mobilization	May 3 rd , 2022
Demolition of Barn and House	June 3 rd , 2022
Strip & Grade Building Pad	June 13 th , 2022
Footings & Foundation Walls	June 29 th , 2022
Parking Lot Prep & Granular	July 26 th , 2022
Permanent Power	August 11 th , 2022
In-Floor Heating Rough-in	August 26 th , 2022
Masonry Block	October 3 rd , 2022
Roof Trusses	October 3 rd , 2022
Aluminum Windows	October 6 th , 2022
Overhead Doors	October 10 th , 2022
Mechanical Rough ins	November 28 th , 2022
Electrical Rough ins	November 28 th , 2022
Drywall	February 13 th , 2023
Concrete Floor Polishing	March 8 th , 2023
Electrical Devices & Fixtures	April 6 th , 2022
Plumbing Fixtures	April 17 th , 2022
Fire Alarm Verification	May 1 st , 2023
Occupancy	May 2 nd , 2023
Substantial Completion	May 8 th , 2023

On May 25th, 2022, the contractor advised zero (0) working days lost due to inclement weather and difficult working conditions in the inclement weather since the beginning of the project. The Project Manager reviews lost weather days with the contractor weekly and reports to the Township every other week. The number of lost weather days recorded from windy, wet, and hot weather is confirmed and the potential effect is considered in the contractor's updated schedule. To date there has been no material impact on the project schedule.

Construction Site meetings are held every other Wednesday starting May 25th, 2022.

3.0 FRONT END DOCUMENTATION AND RESPONSIBILITIES

New and renovated construction projects can require several pre-approvals and documentation prior to and during construction. Following is a brief checklist of the more common project front end responsibilities required as part of the contract at the provincial and regional/municipal levels.

3.1. BUILDING PERMIT & SITE PLAN APPROVAL

Township of Wainfleet Plan Agreement

- **Completed**

Township of Wainfleet Building Permit

- **Completed** (May 26th, 2022)

MTO Permit

- **Completed** (May 16th, 2022)

3.2. GENERAL REQUIREMENTS

The contractor is required to prepare a project specific “health and safety” plan for review by the Township and posted at the project site. The contractor is to provide safety training to trades and representatives that intend to access the project site.

- ✓ **Completed**

The contractor will engage the municipal building inspector and Fire Department at the beginning of the project to review building exits, fire access and other code matters.

- ✓ **Completed**

The contractor will provide prior to construction, a Gantt chart in sufficient detail to track (and update) progress and a cash flow forecast.

- ✓ **Completed** – Ongoing Updates

The Township is responsible to prepare the Facilities’ Fire & Life Safety plan prior to occupancy.

- **Outstanding**

3.3. ENVIRONMENTAL REQUIREMENTS & APPROVALS

Ontario Regulation 102/94 – “Waste Audits and Waste Reduction Work Plans” mandates that a project consisting of the construction of one or more buildings with a total floor area of at least 2,000 square meters requires the contractor to:

- Conduct a pre-construction waste audit
- Prepare a written waste reduction plan based on the waste audit to reduce, reuse and recycle waste to be generated at the construction project
- Implement the waste reduction plan
 - **Not Required** – Project less than 2,000 square meters

Renovation or demolition of buildings constructed prior to approximately 1979 require a project specific designated substance survey prior to construction. If hazardous or designated substances are identified, then remediation must be undertaken prior to the construction/renovation.

- ✓ **Completed** – Designated Substance & Hazardous Material Evaluation report issued by Ontario Environmental & Safety Network Ltd. On March 5th, 2020. Asbestos contain materials were found and abated in the structures to be demolished.

3.4. SERVICES FROM OTHER AGENCIES

Electrical Connections – Hydro One

- **In Process** – Application forms for temporary service submitted to Hydro One on June 6th, 2022

TSSA Certification – The contractor, subcontractor(s) and manufacture(s) are contractually obligated to complete required certification forms. Owner signature required for submission to TSSA.

- **Incomplete** - Schedule TBD

Supply natural gas to the Wainfleet Fire Station – Enbridge Gas

- **Incomplete** - Schedule TBD

Internet Services Provider

- **Incomplete** - Schedule TBD

4.0 MAJOR ACTIVITIES COMPLETED/ONGOING

April 1st to May 31st, 2022

- Contractor mobilized (May 2nd, 2022)
- Permits issued
- Demolition of existing structures commenced

5.0 FORECASTED CASH FLOW

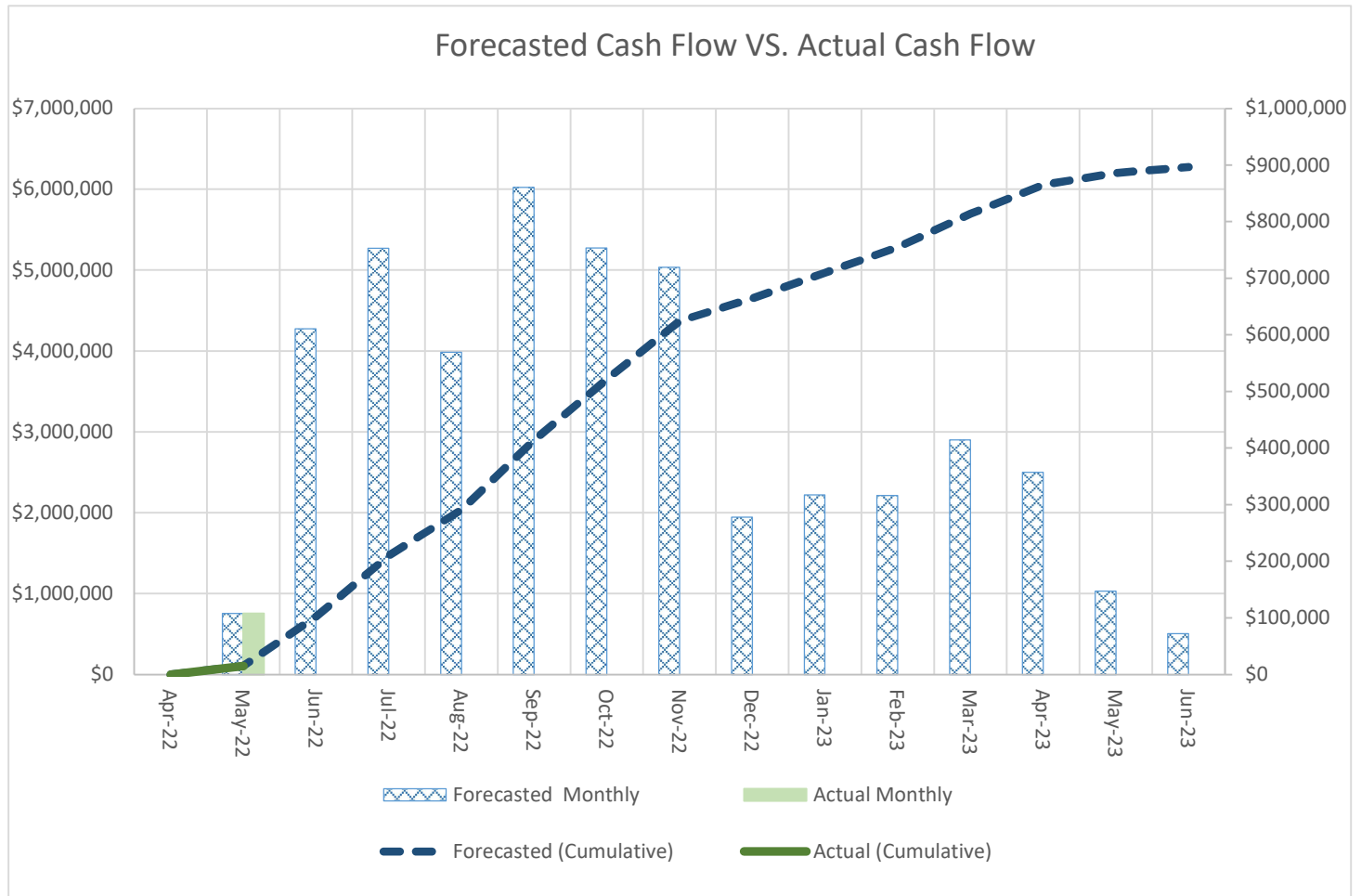
The TRP Construction contract includes the Wainfleet Central Fire Station construction (\$5,950,000) and allowances (\$325,000) for Testing and Inspection, Door Hardware, Interior Signage, Hydro & Gas Services, Security, Construction Rubble, Window Covers Project sign Board, and Commissioning for a total project budget of \$6,275,000. Projected cash flow (excluding HST) for monthly TRP Construction contract draws follows.

Projected and Actual Cumulative cash flow includes the total monthly amount Certified. The “actual monthly” and “actual cumulative” is before 10% of the certified amount is deducted for statutory holdback. It is also exclusive of HST. The cash flow forecast was issued by TRP Construction on May 31st, 2022. The forecasted cashflow include the contract allowances and does not include change orders.

Also included is a month by month (non-cumulative) actual and forecasted cashflow.

Construction Period Ending	Forecasted Cumulative – May 31 st , 2022 (Exc. HST)	Actual Monthly (Exc. HST & Inc. 10% Holdback)	Actual Cumulative (Exc. HST & Inc. 10% Holdback)
2022			
May	\$107,900	\$107,900	\$107,900
June	\$718,400		
July	\$1,471,300		
August	\$2,040,300		
September	\$2,900,950		
October	\$3,654,350		
November	\$4,373,750		
December	\$4,651,550		
2023			
January	\$4,968,550		
February	\$5,284,550		
March	\$5,698,717		
April	\$6,055,800		
May	\$6,203,000		
June	\$6,275,000		

Note: The forecasted cashflow includes the upset limit for contract allowances.



6.0 PROPOSED CHANGE ORDERS (PC)

Proposed Change	Date Issued	SI /RFI	Description of PCO	Status
PC 1.0	May 18/22	-	Add Hot Water line and Power to Future Washer	
PC 2.0	May 19/22	-	Remove Lights for SB-10	
PC 3.0	Jun. 8/22	-	Add ATS Bypass Switch and Power to Extractors	

7.0 REQUEST FOR CHANGES (RFCO) – CONTRACTOR

Proposed Change	Date Issued	Description of PCO	Status
RFCO-01	May 30/22	Upsize Septic Tank from 6,800L to 18,000L	CO-02
RFCO-02	May 30/22	ATS Single Bypass Switch	Cancelled for (PC 3.0)
RFCO-03	Jun. 3/22	Credit for Hydro One Application Fees Paid by Town	CO-01
RFCO-04	Jun. 13/22	Proposed Alternative Ceramic Floor Tile	Cancelled

8.0 POTENTIAL CHANGES OF SIGNIFICANCE

The proposed change order (PC), request for change order (RFCO), and change directive (CD) process often involves multiple quote submissions, requests for further detail, clarifications and negotiations before costing is finalized as a change order or the request is rejected.

There are no project changes with significant cost implications that are currently in the analysis and costing processes.

9.0 APPROVED CHANGE ORDERS (CO)

The total cost of approved Change Orders and Change Directives is \$0.00 which is approximately 0.0% of the awarded contract cost (\$6,275,000). Changes required because of design team issues is 0.00% of the Total Contract Cost.

To assist in reviewing the scope and nature of change orders, each are summarized as follows:

Type of Change Order	Cost of Changes to Date	Percent of Total Change Orders	Percent of Contract Cost (\$6,275,000)
Soil Conditions	\$0	\$0	\$0
Design Team: Errors, Omissions, Changes	\$0	\$0	\$0
Consortium Requested	\$0	\$0	\$0
Address Existing Conditions	\$0	\$0	\$0
Credits	\$0	N/A	N/A
Total Change Orders to Date	\$0	\$0	\$0

9.1. SOIL CONDITIONS

CO #	Change Orders to Original Contract	PC Reference	Date CO Issued	Date Approved	Cost/(Credit)
Sub-Total Soil Conditions Change Orders					\$0.00
Percentage of Total Change Orders					0%

9.2. DESIGN TEAM ERRORS, OMISSIONS, DESIGN CHANGE

The following lists the approved change orders described as errors, omissions, and changes to the design by the architectural/engineering team. The percentage by discipline/division is as follows:

Discipline	Cost of Error/Omission, Design Change to Date	Percent of Error/Omission, Design Changes	Percent of Contract Cost (\$6,275,000)
Architectural (A)	\$0	0%	0%
Structural (S)	\$0	0%	0%
Electrical (E)	\$0	0%	0%
Mechanical (M)	\$0	0%	0%
Civil (C)	\$0	0%	0%
Other (O)	\$0	0%	0%

CO #	Change Orders to Original Contract	Discipline	PC Reference	Date CO Issued	Date Approved	Cost/(Credit)
Sub-Total Errors, Omissions, Design Changes Change Orders						\$0.00
Percentage of Total Change Orders						0%

9.3. TOWNSHIP REQUESTED CHANGE

CO #	Change Orders to Original Contract	PC Reference	Date CO Issued	Date Approved	Cost/(Credit)
Sub-Total Consortium Requested Change Orders					\$0.00
Percentage of Total Change Orders					0%

9.4. ADDRESS EXISTING CONDITIONS

CO #	Change Orders to Original Contract	PC Reference	Date CO Issued	Date Approved	Cost/(Credit)
Sub-Total Existing Conditions Change Orders					\$0.00
Percentage of Total Change Orders					0%

9.5. CREDITS

CO #	Change Orders to Original Contract	PC Reference	Date CO Issued	Date Approved	Cost/(Credit)
Sub-Total Credit Change Orders					\$0.00

10.0 CHANGE DIRECTIVES (CD)

CD #	Change Directives to Original Contract	Date CD Issued	CO Reference	Cost/(Credit)
Total Change Directives				\$0.00

11.0 ALLOWANCE DISPERSAL (AD)

Section 12.0 is a summary of awarded contracts, billing progress and budget status for the cash allowances.

CAA #	Description	Date CAA Issued	Date CAA Approved	Cost/(Credit)
AD-01	Door Hardware – Supply & Installation by William Knell & Company Limited. This allowance includes all specified door hardware, operators, sweeps, closures, and electronic components for the new Fire Station. The scope was competitively priced by three bidders, with William Knell & Company being the low bid.	May 11/22	May 12/22	\$46,350.00

12.0 CASH ALLOWANCE DRAWS (CAD)

The following cash allowance summary notes awarded contracts and tracks billing progress against a total Contract Allowance of \$325,000. The project cash allowances are drawn from the Contract Allowance as stipulated in the construction contract.

The Sum of Approved Allowances awarded to date on Certificate of Payment 1 is \$0.00 against the Allowance Budget of \$325,000.

CAD Description	CAD Approved by Township (Exc. HST)	CAD Invoiced to Date (Exc. HST)	CAD Invoiced this Period (Exc. HST)	CAD Remaining to be Drawn (Exc. HST)
Door Hardware	\$46,350.00	\$0.00	\$0.00	\$46,350.00
Testing & Inspection	TBD	\$0.00	\$0.00	n/a
Hydro & Gas	TBD	\$0.00	\$0.00	n/a
Surveying	TBD	\$0.00	\$0.00	n/a
Security Control	TBD	\$0.00	\$0.00	n/a
Construction Rubble	TBD	\$0.00	\$0.00	n/a
Window Coverings	TBD	\$0.00	\$0.00	n/a
Wayfinding Signage	TBD	\$0.00	\$0.00	n/a
Project Sign Board	TBD	\$0.00	\$0.00	n/a
Commissioning	TBD	\$0.00	\$0.00	n/a
Total Allowance in Contract (A)	\$325,000.00	-	-	-
Total Approved CAD's (B)	\$46,350.00	\$0.00	\$0.00	\$46,350.00
Difference (A - B)	\$278,650.00	-	-	-

* The total cash allowance for the above items is \$325,000. The cost for each item will be allocated as the contractor awards the individual contracts.

13.0 CERTIFICATE OF PAYMENTS SUMMARY

Certificate of Payment "CoP No. 01", Draw 1 for the period ending May 31st, 2022, was issued by the Architect on June 1st, 2022, and recommended for payment by UEM on June 1st, 2022, for the Wainfleet Central Fire Station project. The amount payable excluding HST is \$97,110.00. The schedule of Certificate of Payments received and recommended is as follows. All figures exclude HST.

Certificate of Payment (CoP) / Period Ending	Cumulative Net Amount Certified by Architect (Exc. 10% Holdback)	TRP Contract Cost (Including COs & CDs)	Balance of Statutory Holdback (10%)	Balance to Complete Contract
\$97,110.00 (CoP No. 01 for May '22)	\$107,900.00	\$6,275,000.00	\$10,790.00	\$6,177,890.00

14.0 SUPPLEMENTAL (SITE) INSTRUCTIONS (SI)

SI	Date Issued	Description

15.0 REQUEST FOR TOWNSHIP INFORMATION (RFTI)

RFCI	Date Issued	Description	Status

16.0 STATUS OF PROJECT BUDGET

The status of the project budget and costs (excluding HST) to May 31st, 2022, for the Wainfleet Central Fire Station are as follows.

Note: The status of construction costs to date represents the amount paid by the Township of Wainfleet to the contractor and INCLUDES Holdbacks (10%).

ACTIVITY	BUDGET	STATUS TO DATE
A1. Construction Cost (Tender Cost from TRP)	\$5,950,000	\$107,900
A2. Construction Allowances (By Competitive Bid)	\$325,000	\$0
Construction Contingency	\$315,000	\$0
A3. Pre-Construction Township Activities	\$8,100	\$7,979
B. Owners Allowances	\$686,100	\$474,895
C. Advisory Services	\$374,700	\$110,592
TOTAL PROJECT BUDGET	\$7,658,900	\$701,366

17.0 POTENTIAL PROJECT RISKS

All construction projects carry some level of risk and uncertainty to participants. Owners mitigate risk by following a rigorous planning, evaluative, investigative and design process and transfers risk by insurances, bonding, indemnification, supplementary conditions, and contracts. However, there remains potential project risks to the owner that should be regularly assessed by a risk register and ongoing evaluation of the probability of specific risks.

The probability of a project risk is considered as “low” (unlikely), “moderate” (possible), “high” (likely) or “very high” (active). A construction risk can have one or more causes and one or more impacts. Construction project risks are interrelated and interdependent.

The assessment of potential project risks considers the probability, uncertainty, and consequences of a potential risk. The probability of the risk may change as circumstances change or arise and are specific to a particular project. Some of the most consequential potential project risks experienced during construction include:

Schedule – Schedule risks include weather delays, unknown site conditions, moisture in concrete, fire, permit delays, contractor performance (including financial issues), supply (labour and material) problems, work stoppages (strikes and mandated shutdowns) and decision-making delays.

The effect of the potential return of the pandemic in 2022/2023 is considered in rating the schedule risk. Potential schedule impacts are mitigated by agreeing to a critical path schedule and monitoring completion of milestone activities against the approved baseline. Supply of goods and labor is an ongoing scheduling matter that is monitored regularly.

- **Risk to Project: Low**

Budget – Factors contributing to budget risk include design omissions and errors, unknown site conditions, contract disputes, schedule delays, increases in material costs, and work stoppages. Consequences could be that certain parts of the project are eliminated, changed, or not fully completed.

- **Risk to Project: Low**

Overpayment to Contractor – There is a risk of overpayment to the contractor if the process of contractor draws are not rigorously reviewed. This can be a significant project risk in terms of completed project and addressing construction deficiencies.

Payment to the contractor follows due diligence involving the architect, engineering sub-trades, the contract administrator, and the project manager. The percent of work claimed by the contractor and the verification of delivered equipment and materials is reviewed by the frequent on-site visits. Reference to the contractor’s schedule and forecasted cashflow provide another monitor. Details such as the inclusions of only approved changes is another check against over payment. Holdbacks, both statutory and against unfinished or deficient work, provide assurances.

There is also risk of duplicate payment for work in the base contract and new work defined by changes to project scope. The contract administrator works closely with the design team to determine what is acceptable new scope and what the contractor is providing as part of their contractual obligations.

- **Risk to Project: Low**

Pandemic – A public health crisis would likely affect construction productivity, or the government could again mandate the construction industry, including supply of equipment, materials, and products, to stop work because of the COVID-19 virus. The consequence is a high level of uncertainty which has potential effects on the project schedule, cash flow, budget and potentially equipment, material and labour supply.

- **Risk to Project: Low**

Goods and Labour Supply – The supply of goods (equipment and materials) and labour (including availability of trades and specialized subtrades) can be affected by several factors such as a pandemic, mandated shutdowns, labour shortages, disputes and strikes, high demand for specific goods, currency exchange fluctuations and seasonal shutdown by manufacturers. The consequences are probable impacts on project schedule/completion date.

The construction industry is seeing an unprecedented number of labour strikes. Several key trades are poised to strike that could impact the Central Fire Station project (masons, general labourers, glazers).

- **Risk to Project: Moderate**

Health and Safety – Worker safety is paramount to the general contractor, subtrades and the owner. Unsafe work conditions, carelessness or a serious workplace accident can affect the project schedule. The general contractor has implemented a comprehensive work health and safety program. Consequence is that workers health and safety is affected which in turn could impact project schedule and completion.

- **Risk to Project: Low**

Environmental – Unknowns and the unexpected such as severe weather events, subsurface conditions not suitable for construction, contaminated soils, underground hazards, structures and tanks, endangered or sensitive species or the presence of archaeological or historical resources represent high levels of risk, particularly in the early stages of the project. The consequences are impacts to budget, schedule and project completion.

- **Risk to Project: Low**

Contractor Performance – The quality of construction including defective work, the completion of the project on schedule, negligence, project close-out and operational readiness, the financial stability of the general contractor, bankruptcy, the availability of trades and labour, health & safety practices and labour unrest represent high levels of risk. The consequences affect all aspects of the project.

This risk is mitigated by employing a rigorous contractor (including major subtrades) selection process that considers qualifications and experience, financial stability, and proposed project management and on-site supervision personnel.

As noted in the assessment of schedule risk, contractor performance in the last stages of the project is critical to its success. A coordinated effort of all trades and the architectural/engineering team is imperative to meet project milestones.

- **Risk to Project: Low – Monitor**

18.0 OTHER PROJECT MATTERS

No other project matters to document at this time.

19.0 CLOSE OUT DOCUMENTS

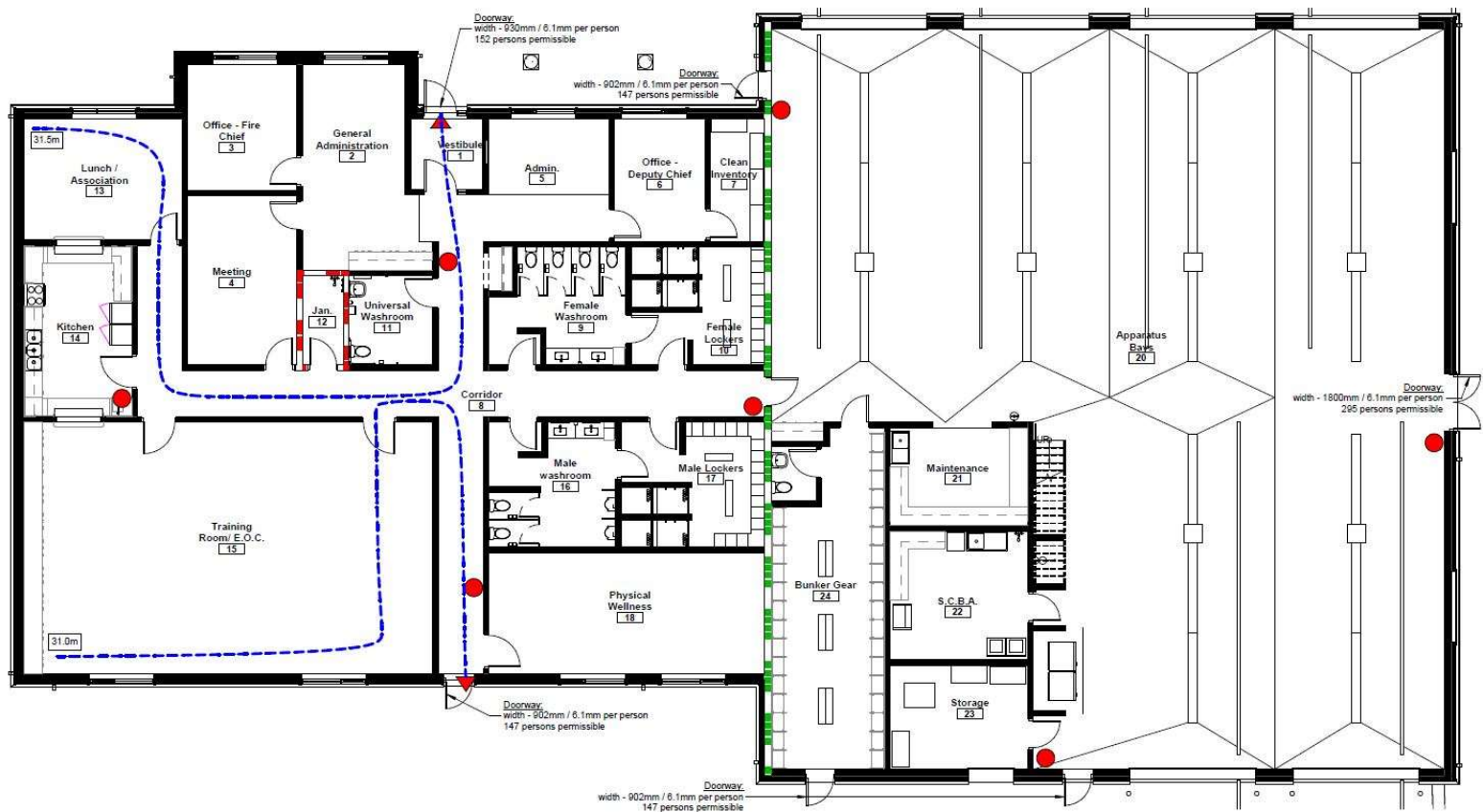
There are four significant milestones at the end of a construction project that must be addressed to permit occupancy:

- Certificate of Substantial Performance
 - **Construction in Progress**
- Occupancy Permit from Building Department (in consultation with Fire Department) including verification/compliance letters (i.e. ESA, emergency lighting, fire alarm, seismic restraint, sprinkler, electrical, mechanical), letters from sub-contractors and from the design architects/engineers. Balancing and controls can be ongoing during occupancy.
 - **Building Inspector and Fire Department undertake periodic inspections during construction**
 - **Submission of Fire & Life Safety Plan** (Owners responsibility)
- Architectural/Civil, Electrical, Mechanical and Structural As-Built Drawings
 - **Construction in Progress**
- Operation and Maintenance Manuals
 - **Construction in Progress** – Draft O&M submissions with architects for review

20.0 CONSULTANT & SUBCONTRACTOR LIST

Scope	Consultant / Contractor	Location
Architect	Raimondo + Associates Architects	Niagara Falls
Project Management	Urban & Environmental Management (UEM)	Niagara Falls
Mech./Elec./ Civil/ Structural Engineering	Mantecon Partners	Dundas
Commissioning Agent	TBD	-
Testing & Inspection	TBD	-
General Contractor	TRP Construction General Contractors	Burlington
Demolition	Budget Environmental Disposal Inc	Hamilton
Civil/Siteworks	Backwoods Excavating Inc.	Grassie
Septic	Dynamic Fusion	Dunnville
Mechanical	Besseling Mechanical Inc	Hamilton
Electrical	Fred Giessler Electric	Niagara-on-the-Lake
Masonry	Cecchini Masonry Ltd.	Thorold
Landscape	Touchstone Site Contractors	Thorold
Finish Carpentry	Baywood Interiors Ltd.	Kitchener
Concrete Formwork	Niagara Formwork Structure Inc.	Welland
Concrete Supplier	Inter County Concrete Contracting	Dunnville
Concrete Finishing	Appolo Concrete Contracting	Hamilton
Structural Steel	C.R. Sanders Inc.	Welland
Metal Doors, Frames, Hardware	William Knell and Company Ltd.	Kitchener
Metal Siding, Soffit, Roofing	Plazo Constriction Corporation	North York
Overhead Doors	Overhead Door Company Limited	St. Catharines
Toilet & Bath Accessories	Canada Washroom Products Inc.	Burlington
Glazing	Welland Glass & Entrances Inc.	Welland
Gypsum Board/ACT	DBN Drywall & Acoustics Ltd.	St. Catharines
Flooring	Percella Flooring Inc.	Toronto
Painting	Painting-Canada Inc.	Hamilton

21.0 WAINFLEET CENTRAL FIRE STATION FLOOR PLAN



22.0 SITE PICTURES



Groundbreaking Ceremony – May 3rd, 2022



Existing House Demolished



Existing Barn Demolished



Overview of Site Post Demolition of Existing Structures

PROJECT FACT SHEET

Wainfleet Fire Station Construction Contract:	
TRP Construction	\$ 5,950,000.00
Construction Allowances	\$ 325,000.00
Total Wainfleet Fire Station Contract (Ex. HST)	\$ 6,275,000.00
Wainfleet Fire Station Project Scope:	
- Gross Floor Area	1,239 m ² (13,342 ft ²)
- Site Area	2.02 ha (4.99 ac)
Wainfleet Fire Station Key Features:	
Six Apparatus Bays	Dedicated Offices for Fire Chief and Deputy Fire Chief
1,200 ft ² , 60-person Training Room	440 ft ² Physical Wellness Room
Male Washroom and Change Rooms w/32 lockers	Female Washroom and Change Rooms w/20 lockers
300kW Natural Gas Generator	Metal Roof
Provisions for Future Apparatus Bays (2)	Provisions for Future EMS Station
50,000 Gallon Greywater Storage (Rainwater) c/w Pumps for Filling Fire Trucks	
Schedule:	
Occupancy	May 2 nd , 2023
Substantial Completion	May 8 th , 2023



MEMO

To: FILE
From: DAVID SCHRAM
Date: JUNE 10, 2022
Re: ARCHITECT'S RESPONSIBILITIES FOR ERRORS AND OMISSIONS

We discussed with Township representatives through the project initiation of the project if the architect should be responsible (invoiced) for the costs of change orders resulting from:

- Design omissions - not included in design drawings or specifications
- Design errors - wrong details or mistakes included in design drawings or specifications

Our response is that given "industry practices", if the architects undertook reasonable diligence and standard of care¹ in the preparation of the design drawings and specifications, then the architects would not be responsible for the costs of change orders resulting from errors and omissions. Prior to tender all drawings and specifications were reviewed by the Township, and the Project Management Team (UEM).

Some background on architects' responsibilities for errors and omissions:

An architect is obliged to perform with "reasonable care" the responsibilities described in a contract with the owner.

The Ontario Association of Architects Agreement (OAA) is the standard agreement used to contract an architect. Section GCI, 1.1.1 and 1.1.2 of the General Conditions states that:

"The Architect shall provide professional services as identified in this contract and shall:

- .1 exercise such professional skill and care as would be provided by Architects practicing in the same area in the same or similar locality and under similar circumstances,
- .2 Perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project."

In other words, an architect is responsible to complete their services in a reasonable and prudent manner and comply with the prevailing "standard of care" used by other architects in similar projects.

In reviewing the scope of project changes related to architect omissions we review several factors to assess the architect's performance and potential liability:

- What was the reason for the error or omission?
- Was there a lack of attention, knowledge or detail?
- Did the architectural team have the experience and necessary skills to complete the project?
- Were experienced staff assigned to the project and involved continually?
- Were adequate field inspections and surveys completed?
- Was the design team provided a reasonable schedule to complete its work.

¹ 1. Standard of care is the degree of attentiveness, caution and prudence that a reasonable person must exercise. It is a responsibility/contractual obligation to avoid acts or omissions that would likely cause harm to others. Accepting the obligation to perform services using no less the skill customarily exercised by others in similar circumstances.

Negligence is the failure to exercise the care that is reasonable under similar circumstances.

However, the most important consideration is “standard of care”. Architects are expected, contracted to use “reasonable and professional care” in their practice. If the architectural/engineering team has complied with the prevailing standard of reasonable care, then they are not responsible for any resulting omissions.

Recovery of costs from an architect is difficult because negligence must be proven. An omission usually adds value to a project, and it is argued that the owner would pay for this work in any event (albeit at a higher cost!)

An error is a mistake made by the designer and does not add to the value of the project. While a design error may be recoverable it is generally accepted by the building industry and legal community that there is no such thing as an error-free design.

Unless there is negligence proved, then the recovery of costs from omissions or errors is difficult and costly to the owner and with no guarantee of success.



FIRE STAFF REPORT

FSR-007/2022

TO: Mayor Gibson & Members of Council
FROM: M. Alcock, Fire Chief/CEMC
DATE OF MEETING: June 21, 2022
SUBJECT: Award of Tender for Utility/Squad Pickup Truck

RECOMMENDATION(S):

THAT Fire Staff Report FSR-006/2022 respecting the Award of Tender for Utility/Squad Pickup Truck, be received;

AND THAT the Fire Chief be authorized to purchase one (1) new 2023, 4,800 kg GVWR, crew cab, 4-door, 4-wheel drive, 2500 GMC Sierra HD pickup truck from Niagara Motors, being the only bid submitted, in the amount of \$70,790.00 (excluding HST), with the final purchase price to be no more than 10% over the 2022 bid received;

AND THAT the Fire Chief be authorized to proceed with the purchase of all required equipment to complete the project with an upset limit of \$35,000.00 plus HST;

AND THAT the unbudgeted overage be funded from the Equipment Reserve.

EXECUTIVE SUMMARY:

The 2022 approved budget included the purchase of a 4,800kg GVWR, Crew Cab, 4 door, 4-wheel drive pick-up truck, with an up-set limit of \$85,000.00. Staff prepared a tender package in accordance with the Township's procurement policy and the results of the tender opening are indicated below.

Several dealers, including all local dealers, representing all major manufactures, within a 100km radius were contacted and advised of the tender by staff. Staff also made it available to the public by advertising the tender on the Township website and social media.

At the time of the tender opening on June 14, 2022, staff received 1 bid, conforming to specifications contained in the tender documents.

BACKGROUND:

The tender for purchase and of one (1) 4,800kg GVWR, Crew Cab, 4-door, and 4-wheel drive pick-up had been prepared by staff after reviewing the various equipment specifications available in the market. Staff prepared the specifications to meet the required needs of the Fire & Emergency Services.

At the time of the tender closing on June 14, 2022, the Township received 1 single bid. The results of the Tender are listed below. Prices indicated do not include HST.

Company	Make and Model	Price
Niagara Motors	2023 GMC Sierra HD	\$70,790.00*

**Price Subject to 2023 Model Year pricing.*

Staff have discussed with the bidder the cost increase over what was provided to Council during budget deliberations. The supplier advised that the current fleet credit offered by manufacturers had decreased to approximately \$2,500.00 compared to previous years credits that were in excess of \$10,000.00-15,000.00.

FINANCIAL CONSIDERATIONS:

During the 2022 budget preparations, staff utilized the tender and pricing data received by the Public Works Department for the purchase of their 2021 GMC Sierra HD which was purchased for approximately \$44,000.00 in 2020. Staff estimated an 8% per year price increase and budgeted \$50,000.00 for the vehicle. Staff also budgeted \$35,000 for a bed cap, bed slide, equipment organization & mounting, emergency vehicle upfitting, and communications equipment upfitting. Council approved the project with an up-set limit of \$85,000.00.

The bidder also noted that all 2022 model years were sold and only 2023 model years could be ordered moving forward. However, the 2023 model year pricing lists have not been published to date. This could result in the price submitted in the tender actually being higher at the time of purchase. With this information, staff recommend working with the dealer to order the vehicle and be granted a 10% increase over the price submitted.

Staff have conducted a review of the project scope of all required equipment and have contacted suppliers of the auxiliary/emergency equipment to confirm original budget estimates. Staff have confirmed that the original budget of \$35,000.00 will be sufficient to adequately equip the vehicle.

This will require the budget to be adjusted from \$85,000.00 to \$105,000.00. As this project is being funded by reserves, there is no direct impact to the tax levy.

OPTIONS/ DISCUSSION:

- 1) Award the tender to the lowest bidder, meeting the specifications required in the Tender, to Niagara Motors for \$ 70,790 (plus HST) with the provision of an increase limit of up to 10% over the price submitted, and proceed with the full supply and installation of all equipment as required to complete the project, with the entire project, including any unbudgeted amounts, to be funded from the Fire Reserve. (Recommended)
- 2) Delay awarding of tender for an additional year and re-tender in 2023. (Staff do not recommend this option, as our budget time lines will result in missing the

2023 fleet purchase window and will result in higher costs for the 2024 model year)

OTHERS CONSULTED:

- 1) Fire Services Leadership Team
- 2) Strategic Leadership Team

ATTACHMENTS:

None.

Respectfully submitted by,

Approved by,

Morgan Alcock
Fire Chief/CEMC

William Kolasa
Chief Administrative Officer

TO: Mayor Gibson & Members of Council

FROM: Richard Nan, Manager of Operations

DATE OF MEETING: June 21, 2022

SUBJECT: Award of Tender for Asphalt Road Rehabilitation 2022

RECOMMENDATION(S):

THAT Report PWSR-012/2022 respecting Award of Asphalt Road Rehabilitation Tender be received; and

THAT the Manager of Operations engage the services of Walker Construction Limited to complete the 2022 Asphalt Road Rehabilitation as outlined in the Tender.

EXECUTIVE SUMMARY:

Staff prepared a tender for the 2022 Asphalt Road Rehabilitation Program according to the Township procurement policy. Various contractors and local associations were notified of the advertisement on the Township website.

The Township received 3 bids, as shown below, and staff recommend the award of tender to the lowest bidder, Walker Construction Limited.

BACKGROUND:

The tender for the asphalt road rehabilitation program this year was prepared using standardized Niagara Peninsula Contract documents. The roads selected for asphalt replacement this year are Diltz Road, Concession 6, Phillips Road, Oreilly's Road N and Tunnacliffe Road N as had been presented to Council during the 2022 budget process.

Upon the tender closing on June 16, 2022, staff received 3 bids (all meeting the stipulated tender requirements). All bids have been reviewed and meet the requirements of the Township as detailed in the original tender documents.

Company	Tender Price
Circle P Paving	\$611,401.70
Brennan Paving	\$640,535.90
Walker Construction	\$602,275.00

OPTIONS/DISCUSSION:

- 1) Award the tender to the lowest bidder, Walker Construction Limited in the amount of \$602, 275.00 excluding HST (Recommended)

- 2) Award the tender to an alternate bidder.

FINANCIAL CONSIDERATIONS:

Council approved the completion of the 2022 Road Rehabilitation Program during the budget deliberations. The approved capital budget portion for the road rehabilitation works was established at \$807,500 for the project.

OTHERS CONSULTED:

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

ATTACHMENTS:

None

Respectfully submitted by,

Approved by,

Richard Nan
Manager of Operations

William J. Kolasa
Chief Administrative Officer

Subject: RE: Rail Safety Week 2022 | Proclamation request

From: Marie-Pier Triganne [<mailto:marie-pier.triganne@cn.ca>]

Sent: June 15, 2022 9:57 AM

To: William Kolasa <WKolasa@wainfleet.ca>

Subject: Rail Safety Week 2022 | Proclamation request



cn.ca

Dear Mr. Kolasa:

Every year, more than 2,100 North Americans are killed or seriously injured because of unsafe behaviour around tracks and trains. Every one of these incidents and deaths are preventable. By looking out for each other and working together, we can help keep our communities safe and prevent injuries and fatalities on or near railway property.

Safety is a core value at CN and we continue to take all necessary steps to protect our employees, communities, customers, vendors and partners with the objective of reducing rail related injuries and fatalities to zero. As we safely serve our customers and keep the economy moving, we remain committed in our efforts to educate the public on rail safety.

Rail Safety Week will be held in Canada, the United States, and Mexico from September 19-25, 2022. Once again this year, efforts to get the rail safety message out will be stronger than ever and represent a unique opportunity to work together with you, *Operation Lifesaver*, local authorities, CN Police Service officers and all CN employees to help prevent accidents and injuries at rail crossings in your community, and ensure everyone's safety on and around railroad infrastructure year-round.

Rail Safety is a shared responsibility

As leaders in your community, your council can continue to play a key role in preventing incidents and saving lives by adopting the attached draft proclamation, as you have done in previous years. Please send a copy of your proclamation by e-mail to Marie-Pier.Triganne@cn.ca and let us know about your plans to promote rail safety in your community.

If you have any questions or concerns about rail safety in your community, please contact our Public Inquiry Line at 1-888-888-5909. For additional information about Rail Safety Week 2022, please consult cn.ca/railsafety or operationlifesaver.ca.

Stephen Covey

Cyrus Reporter

Chief of Police and Chief Security
Officer

Vice-President, Public, Government & Regulatory Affairs

RESOLUTION IN SUPPORT OF RAIL SAFETY WEEK

Whereas *Rail Safety Week* is to be held across Canada from September 19 to 25, 2022;

Whereas it is in the public's interest to raise citizens' awareness of the dangers of ignoring safety warnings at level crossings and trespassing on rail property to reduce avoidable deaths, injuries and damage caused by incidents involving trains and citizens;

Whereas Operation Lifesaver is a public/private partnership whose aim is to work with the public, rail industry, governments, police services, media and others to raise rail safety awareness;

Whereas CN has requested City Council adopt this resolution in support of its ongoing efforts to raise awareness, save lives and prevent injuries in communities, including our municipality;

It is proposed by Councillor _____

seconded by Councillor _____

It is hereby **RESOLVED** to support national ***Rail Safety Week*** to be held from September 19 to 25, 2022.

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 029-2022

Being a By-law to amend By-law No. 008-2018,
being a by-law to prohibit and regulate animals
being at large.

WHEREAS the Council of the Corporation of the Township of Wainfleet considered a Memorandum from the Municipal By-law Enforcement Officer at its meeting of January 4, 2022, regarding proposed amendments to By-law No. 008-2018;

AND WHEREAS the Council of the Corporation of the Township of Wainfleet deems it necessary and appropriate to enact amendments to the said By-law No. 008-2018;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WAINFLEET HEREBY ENACTS AS FOLLOWS:

1. That Schedule "A" to By-law No. 008-2018 be repealed and that Schedule "A", attached hereto and forming part of this By-law, be hereby appended as Schedule "A" to By-law No. 008-2018.
2. THAT this By-law shall come into force and take effect on the date of its final passing.

BY-LAW READ AND PASSED THIS 21st DAY OF JUNE, 2022.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

SCHEDULE "A"
TO BY-LAW NO. 029-2022

Schedule "A" to By-law No. 008-2018

Short Form Wording and Administrative Penalties.

Section	Short Form Wording	Penalty
2	Keep Animal on premises not zoned for keeping of Animals	\$150.00
3 (a)	Permit Animal to run at large	1 st Offence: \$250.00 2 nd Offence: \$500.00 3 rd Offence: \$1,000.00 4 th Offence: \$2,000.00 5 th and Subsequent Offences: \$5,000.00
8 (a)	Fail to comply with a Notice and Direction	\$500.00
8 (c)	Hinder or obstruct an officer	\$100.00

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 030-2022

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

WHEREAS the Council of the Township of Wainfleet enacted By-law No. 027-2019 to establish an administrative monetary penalty system for non-parking related offences;

AND WHEREAS the Council of the Township of Wainfleet deems it necessary and appropriate to amend By-law No. 027-2019 to provide for enforcement of said By-law via Administrative Monetary Penalties;

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

- 1) **THAT** Schedule “A” of By-law No. 027-2019 be amended to read as follows:

Designated By-law	By-law Number
Animals at Large	008-2018
Building	027-2012
Clean Yards	016-2021
Discharge of Firearms	025-2013
Dog Control	014-2016
Entry onto Adjoining Lands	027-2011
Exotic Animal	011-2018
Fence	012-2020
Fireworks	021-2007
Fouling of Roads	584-78
Medical Marijuana Facilities	057-2017
Noise	042-2018 028-2022
Open Air Burning	011-2020
Property Standards	059-2000
Public Nuisance	022-2009
Site Alteration	025-2022

- 2) **AND THAT** this By-law shall come into force and take effect on the date of final passage thereof.

BY-LAW READ AND PASSED THIS 21ST DAY OF JUNE, 2022

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 031-2022

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 meeting held Jun 7, 2022 and its regular meeting held June 21, 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 special meeting held June 7, 2022, and the regular meeting held June 21, 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 21ST DAY OF JUNE, 2022

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK