

Regular Council Agenda
AGENDA

Tuesday, July 10, 2018, 7:00 pm
Tecumseh Town Hall
www.tecumseh.ca

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1. Order	
2. Moment of Silence	
3. National Anthem	
4. Roll Call	
5. Disclosure of Pecuniary Interest	
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7. Supplementary Agenda Adoption	
8. Delegations	
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Re: Letter of support on expanding postal services as well as postal banking	
9. Communications - For Information	
a. Ministry of Transportation dated July 4, 2018	14 - 14
Re: Cancellation of the Ontario Municipal Commuter Cycling (OMCC) program	
10. Communications - Action Required	
a. Association of Municipalities of Ontario (AMO) dated July 3, 2018	15 - 16
Re: MEPCO Update - OMERS Plan Review	
Recommendation:	
That the resolution from the Association of Municipalities of Ontario (AMO) calling on all Plan Sponsors to support and participate constructively in the Comprehensive Plan Review of OMERS that will consider options for prospective and/or temporary changes, that together with the OMERS Funding Management Strategy, will enable future Plan benefits to be sustained, be supported .	
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a. Corporate Services & Clerk

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Being a by-law to appoint members to the Tecumseh Senior Advisory Committee for the term of Council ending 2018

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Being a by-law to appoint members to the Tecumseh Youth Advisory Committee for the term of Council ending 2018

14. Unfinished Business - July 10, 2018

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15. New Business

a. Ciociaro Club

RE: Hosting of Frosinone Calcio July 29 - 31, 2018

16. Motions

a. In-Camera Meeting

b. Confirmatory By-law No. 2018-47

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17. Notices of Motion

18. Next Meeting

Regular Council Meeting - Tuesday, July 24, 2018 at 7:00 pm

19. Adjournment

Minutes of a Regular Meeting of
The Council of the Town of Tecumseh

Tecumseh Council meets in regular public session on Tuesday June 26, 2018, in the Council Chambers, 917 Lesperance Road, Tecumseh, Ontario at 7:00 pm.

1. Order

The Mayor calls the meeting to order at 7:00 pm.

2. Moment of Silence

The Members of Council and Administration observe a moment of silence.

3. National Anthem

The Members of Council and Administration observe the National Anthem of O Canada.

4. Roll Call

Present:

Mayor	Gary McNamara
Deputy Mayor	Joe Bachetti
Councillor	Bill Altenhof
Councillor	Andrew Dowie
Councillor	Brian Houston
Councillor	Tania Jobin
Councillor	Rita Ossington

Also Present:

Chief Administrative Officer	Tony Haddad
Director Parks & Recreation Services	Paul Anthony
Director Public Works & Environmental Services	Phil Bartnik
Director Information & Communication Services	Shaun Fuerth
Director Financial Services & Treasurer	Luc Gagnon
Director Planning & Building Services	Brian Hillman
Director Corporate Services & Clerk,	Laura Moy
Director Public Works & Environmental Services	Daniel Piescic
Director Fire Services & Fire Chief	Doug Pitre
Deputy Clerk & Manager Legislative Services	Jennifer Alexander
Manager Water & Wastewater	Denis Berthiaume
Manager Facilities	Ray Hammond
Manager Planning Services	Chad Jeffery
Deputy Treasurer & Tax Collector	Tom Kitsos
Manager Recreation Programs & Events	Kerri Rice
Manager Building Services & Chief Building Official	Mike Voegeli

5. Disclosure of Pecuniary Interest

There is no pecuniary interest declared by a Member of Council.

6. Minutes**Motion: RCM - 175/18**

Moved by Deputy Mayor Joe Bachetti
Seconded by Councillor Tania Jobin

That the minutes of the May 22, 2018 Regular Meeting as were duplicated and delivered to the members, are adopted.

Carried

7. Supplementary Agenda Adoption

There are no supplementary agenda items.

8. Delegations**a. Dan Piescic, Director Public Works & Environmental Services, Retirement**

The Mayor and Members of Council express their heartfelt appreciation to Dan Piescic for his 8 years of service to the Town and its residents.

b. Judy Wellwood-Robson

Judy Wellwood-Robson is presented with the Ontario Senior of the Year Award in recognition of her contributions to the community.

c. Cynthia Swift, CPA, KPMG LLP**Motion: RCM 176/18**

Moved by Councillor Bill Altenhof
Seconded by Councillor Tania Jobin

That the Audit Findings Report for the year ended December 31, 2017, as prepared by KPMG LLP, be received;

And that the Consolidated Financial Statements of The Corporation of the Town of Tecumseh Year ended December 31, 2017, is approved.

Carried

d. Joe Barile, General Manager, Essex Powerlines Corporation**1. Briefing Note - Water & Sanitary In-House Billing – Progress Report****Motion: RCM 177/18**

Moved by Deputy Mayor Joe Bachetti
Seconded by Councillor Bill Altenhof

That Report No. FS 2018-04, Water Sanitary In-House Billing be moved forward on the agenda for discussion.

Carried

2. FS-2018-04 Water Sanitary In-House Billing

Motion: RCM - 178/18

Moved by Deputy Mayor Joe Bachetti
Seconded by Councillor Andrew Dowie

That Report No. FS-2018-04 Water Sanitary In House Billing, be deferred to the July 24, 2018, Regular Meeting of Council.

Carried

9. Communications - For Information

a. Minister of Infrastructure and Communities dated May 25, 2018

Re: Town of Lakeshore's resolution for federal investment in storm water management and drainage improvement infrastructure

b. CN Rail dated May 30, 2018

Re: Annual Vegetation Management Program

c. Alcohol and Gaming Commission of Ontario dated June 5, 2018

Re: Notice of Extension of Hours for the 2018 FIFA World Cup

d. Town of Essex dated June 6, 2018

Re: Lakeshore Resolution on Demolition of All Buildings Containing Hazardous Materials

e. City of Windsor dated June 14, 2018

Re: 2018 Homeownership Down Payment Assistance Release Program

Motion: RCM - 179/18

Moved by Councillor Tania Jobin
Seconded by Councillor Brian Houston

That Communications - For Information A through E as listed on the Tuesday, June 26, 2018 Regular Council Agenda are received.

Carried

10. Communications - Action Required

a. National Airlines Council of Canada dated June 14, 2018

Re: Cross-country consultations on air passenger rights and the aviation ecosystem

Motion: RCM - 180/18

Moved by Councillor Andrew Dowie
Seconded by Councillor Rita Ossington

That a letter be sent to the Canadian Transportation Agency and the Minister of Transport advocating for an approach to passenger rights that recognizes the complexity of the aviation system and Canada's unique operating environment, be supported.

Carried

- b. Town of Amherstburg dated June 18, 2018

Re: Cannabis Grace Period Request

Motion: RCM - 181/18

Moved by Councillor Andrew Dowie
Seconded by Deputy Mayor Joe Bachetti

That the resolution from the Town of Amherstburg supporting the resolution from the City of Quinte West requesting that a 6 month grace period be enacted once the cannabis legislation passes to ensure that municipal law enforcement officers and the OPP are adequately trained to enforce the legislation, be supported.

Carried

11. Committee Minutes

- a. **Cultural and Arts Advisory Committee - April 16, 2018**

Motion: RCM - 182/18

Moved by Councillor Rita Ossington
Seconded by Councillor Brian Houston

That the April 16, 2018 minutes of the Cultural and Arts Advisory Committee, as was duplicated and delivered to the Members of Council, are accepted.

Carried

- b. **Town of Tecumseh Business Improvement Area - March 14, 2018, April 11, 2018 and May 9, 2018**

Motion: RCM - 183/18

Moved by Councillor Bill Altenhof
Seconded by Councillor Brian Houston

That the March 14, 2018, April 11, 2018 and May 9, 2018 minutes of the Town of Tecumseh Business Improvement Area, as was duplicated and delivered to the Members of Council, are accepted.

Carried

- c. **Youth Advisory Committee - May 28, 2018**

Motion: RCM - 184/18

Moved by Councillor Tania Jobin
Seconded by Councillor Andrew Dowie

That the May 28, 2018 minutes of the Youth Advisory Committee, as was duplicated and delivered to the Members of Council, are accepted.

Carried

12. Reports**a. Financial Services**

1. FS-2018-03 2017 Annual Report on Investment and Cash Management

Motion: RCM - 185/18

Moved by Councillor Brian Houston
Seconded by Councillor Andrew Dowie

That Report No. FS-2018-03, 2017 Annual Report on Investment and Cash Management, be received for information.

Carried

2. FS-2018-07 2017 Year-End Budget Variance Report

Motion: RCM - 186/18

Moved by Councillor Bill Altenhof
Seconded by Councillor Rita Ossington

That Report No. FS-2018-07, 2017 Year-End Budget Variance Report, dated June 26, 2018, showing a tax-supported surplus of \$ 972,611 be received.

And that surplus transfers be made as follows:

- \$946,668 to Tax Rate Stabilization Reserve
- \$25,943 capital surplus to Infrastructure Reserve.

Carried

3. FS-2018-08 2017 Development Charge Reserve Fund Statement

Motion: RCM - 187/18

Moved by Deputy Mayor Joe Bachetti
Seconded by Councillor Brian Houston

That Report No. FS-2018-08, 2017 Development Charge Reserve Fund Statement, prepared in accordance with the *Development Charges Act*, 1997, S.O. 1997, c. 27, s. 43, be received.

Carried

b. Parks & Recreation Services

1. PRS-2018-16 Energy Conservation and Demand Management Annual Update

Motion: RCM - 188/18

Moved by Deputy Mayor Joe Bachetti
Seconded by Councillor Tania Jobin

That Report No. PRS-2018-16, Energy Conservation and Demand Management Plan Annual Review, be received for information.

Carried

2. PRS-2018-17 Pathway to Potential 2018 Funding Agreement

Motion: RCM - 189/18

Moved by Councillor Bill Altenhof
Seconded by Councillor Andrew Dowie

That Report No. PRS-2018-17 Pathway to Potential 2018 Funding Agreement be received;

And that the Mayor and the Clerk be authorized to execute a Service Agreement between The Corporation of the Town of Tecumseh and the Corporation of the City of Windsor, relating to the Pathway to Potential Program for the 2018 budget year, at no cost to the Town.

Carried

c. Planning & Building Services

1. PBS-2018-19 CIP Grant Funding, 12357 Tecumseh Road

Motion: RCM - 190/18

Moved by Councillor Rita Ossington
Seconded by Councillor Brian Houston

That the Grant Application for the Tecumseh Road Main Street Community Improvement Plan Financial Incentive Program, for the property located at 12357 Tecumseh Road (Roll No. 374416000006600), be approved and deemed eligible for the following Financial Incentive(s) in accordance with Section 11.3 (5):

- Residential Grant Program, for a total amount of \$20,000 towards the costs associated with the renovation of the existing second floor residential unit;

all of which is in accordance with the Tecumseh Road Main Street Community Improvement Plan and PBS-2018-19.

Carried

2. PBS-2018-20 2017 Year End By-law Enforcement Report

A member raises concern that residents do not understand the process of a property standard issue. Director Planning and Building Services advises members that property standard issues require patience and time in order to rectify the matter. It is requested that Administration develop a communication plan to inform residents of property standards.

Motion: RCM – 191/18

Moved by Councillor Andrew Dowie
Seconded by Councillor Brian Houston

That Planning and Building Services Report No. PBS-2018-20, "2017 Year End By-law Enforcement Report", be received.

Carried

3. PBS-2018-21 D11 1675MAN, Site Plan Control, 1675 Manning

Concern is expressed regarding vehicles turning right in and right out for the proposed new development located at 1675 Manning Road. Administration will review the site access further with the County.

Motion: RCM - 192/18

Moved by Councillor Rita Ossington

Seconded by Councillor Brian Houston

That a by-law authorizing the execution of the “Otis Properties Limited” site plan control agreement, satisfactory in form to the Town’s Solicitor, which allows for a commercial development comprising two commercial buildings having a total floor area of 4,181 square metres (45,004 square feet), 273 parking spaces, landscaping and associated on-site services/works on a 2.0 hectare (5.0 acre) property located at the northwest corner of the Manning Road/Amy Croft Drive intersection (1675 Manning Road), be adopted, subject to the following occurring prior to the Town’s execution of the Agreement:

1. final stormwater management design and stormwater management calculations, and associated site service drawings being approved by the Town;
2. the Owner executing the site plan control agreement; and
3. the Owner posting security for performance pursuant to paragraph 6.1 of the agreement.

And that the execution of such further documents as are called for by the site plan control agreement approved above including, but not limited to, the execution of the acknowledgement/direction required to register the site plan control agreement on title to the lands and such other acknowledgements/directions for any related transfers or real property registrations contemplated by the site plan control agreement, by the Mayor and Clerk, be authorized.

Carried

d. Public Works & Environmental Services

1. PWES-2018-15 OCWA Service Agreements

Motion: RCM - 193/18

Moved by Deputy Mayor Joe Bachetti

Seconded by Councillor Brian Houston

That the Town enter into a ten year extension to the existing Servicing Agreement for a fee of \$110,978 for 2019, increased biennially by the Consumer Price Index, All Items (Ontario) with the Ontario Clean Water Agency and that the Mayor and Clerk be authorized to execute the Agreement, satisfactory in form to the Town’s Solicitor, with Ontario Clean Water Agency.

Carried

2. PWES-2018-17 Flood Mitigation Strategy

Motion: RCM - 194/18

Moved by Councillor Brian Houston

Seconded by Councillor Bill Altenhof

That Report No.PWES-2018-17, Flood Mitigation Strategy, be received.

Carried

13. By-Laws

There are no by-laws for consideration.

14. Unfinished Business - June 26, 2018

The Members receive the Unfinished Business listing.

Riverside Drive Trail

A Public Information Centre (PIC) was held in the month of June regarding the location of the Riverside Drive Trail. Administration's report regarding the outcome of the PIC and input from residents will be contained in the report. Residents have asked that the report not be presented during the summer holidays.

Community Safety Zone

The area of Schwanoe Park is asked to be evaluated for Community Safety Zone designation. The Director Public Works & Environmental Services advises that a comprehensive review of area parks and schools is being conducted and recommendations will be forthcoming community safety zones designations.

15. New Business

There is no new business presented.

16. Motions**a. In-Camera Meeting****Motion: RCM - 195/18**

Moved by Councillor Tania Jobin
Seconded by Councillor Brian Houston

That Administration be authorized to inform the affected residents via a Public Information Centre (PIC) of the options, costs and cost recovery methods available to improve the infrastructure on Canada South, Ruston and Sunset Roads and, at the PIC, obtain input on the improvements to the level of service desired by residents and their willingness to dedicate land and pay costs;

And that Administration report back to Council to summarize the input from the PIC and provide further recommendations.

Carried

b. Confirmatory By-law 2018-44**Motion: RCM - 196/18**

Moved by Councillor Bill Altenhof
Seconded by Councillor Rita Ossington

That By-Law 2018-44 being a by-law to confirm the proceedings of the Tuesday, June 26, 2018, regular meeting of the Council of The Corporation of the Town of Tecumseh be given first, second, third and final reading.

Carried

17. Notices of Motion

There are no notices of motion presented to Council.

18. Next Meeting

The next Regular Council meeting will be held at 7:00 pm on Tuesday, July 10, 2018.

19. Adjournment

Motion: RCM - 197/18

Moved by Councillor Bill Altenhof
Seconded by Councillor Brian Houston

That there being no further business, the Tuesday, June 26, 2018 meeting of Regular Council now adjourn at 8:48 pm.

Carried

Gary McNamara, Mayor

Laura Moy, Clerk

Date: _____

Honourable Carla Qualtrough
Minister of Public Services and Procurement
11 Laurier Street
Place du Portage III,
Floor 18A1
Gatineau, Quebec, K1A 1C9

Dear Minister Qualtrough:

Subject: Future of Canada Post

The review of Canada Post has now been completed and the Standing Committee on Government Operations and Estimates (OGGO) has tabled its 45 recommendations. On January 24th 2018, you announced the government's vision for renewal at Canada Post. Your announcement partly answered some of the recommendations of OGGO, but left many others unanswered. (WRITE IN THE NAME OF THE MUNICIPALITY OR OF THE ORGANIZATION) would like to provide its views on the recommendations tabled by the Parliamentary Committee.

We are pleased that your government followed the recommendation of the Committee by terminating Canada Post's program of converting door-to-door delivery to community mailboxes. **However, we are asking you to apply this measure to all the households who lost door-to-door delivery, as promised by Liberal MPs.**

Here are some of the Committee's recommendations that, we hope, will be among those your Government will be applying:

- Maintain the moratorium on post office closures and examine how to expand their opening hours;
- Assess how Canada Post could offer more services through its existing retail network;
- Study how to transform post offices into community hubs;
- Study the possibility of using Canada Post to offer wide band Internet services and better cellular phone services in rural areas;
- Develop a specific and rigorous process for collaboration between Canada Post and municipalities.

Surprisingly, even though more than 900 municipalities as well as many organizations adopted resolutions in favour of postal banking services, we have noticed a total lack of reflection and

instructions on this matter in the Parliamentary Committee's report. We would like the Government to seriously study the possibility of offering such services and give a clear mandate to Canada Post to implement it.

We believe that these proposals represent an excellent opportunity to expand the mandate of the Corporation and thereby develop new services that would better respond to citizens' needs and that would reflect what a 21st century post office should look like.

(WRITE IN THE NAME OF THE MUNICIPALITY OR OF THE ORGANIZATION) is also concerned with (INDICATE THE OTHER CONCERNS OF YOUR MUNICIPALITY OR ORGANIZATION, IF APPLICABLE).

We hope you will take our concerns into consideration in drafting your recommendations.

Sincerely yours,

Signature: _____

Name of municipality or organization: _____

Address: _____

Please send copies to:

The Right Honourable Justin Trudeau
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2

Mike Palecek, President
Canadian Union of Postal Workers
377 Bank Street
Ottawa, Ontario, K2P 1Y3

cupe 1979

Transportation Policy Branch
777 Bay Street, 30th Floor
Toronto, Ontario
M7A 2J8
Tel: 416 585-7628
Fax: 416 585-7204

Direction des politiques du transport
777, rue Bay, 30^e étage
Toronto (Ontario)
M7A 2J8
Tél. : 416 585-7628
Téléc. : 416 585-7204

July 4, 2018

Dear valued stakeholder,

Ontario has cancelled the cap and trade program. Given that the Ontario Municipal Commuter Cycling (OMCC) program is funded through cap and trade proceeds, this program is now cancelled and no further funding will be issued.

Although no further funding will be issued under this program, you may continue to use any OMCC funding that was received prior to March 31, 2018 to implement the commuter cycling projects identified in your Transfer Payment Agreement.

Please note that all of the terms and conditions laid out in the Agreement remain in effect, including the requirement to complete all OMCC-funded projects by December 30, 2020, and to provide annual financial reports, usage reports, implementation reports, and a final report in the manner prescribed in the Agreement.

We would like to take this opportunity to thank you for participating in the OMCC program. We look forward to working with you as you continue to implement the commuter cycling projects that are being supported by this program.

Sincerely,



Krista Adams
Director (A)
Transportation Policy Branch

From: AMO Communications <communicate@amo.on.ca>
Date: July 3, 2018 at 1:44:54 PM EDT
To: "thaddad@tecumseh.ca" <thaddad@tecumseh.ca>
Subject: MEPCO Update - OMERS Plan Review Success Requires Commitment of All Sponsors

July 3, 2018

MEPCO Update - OMERS Plan Review Requires Commitment of All Sponsors

At its June 22, 2018 meeting, the AMO Board adopted the attached resolution, calling on all OMERS Plan sponsors to support and participate in the current OMERS Sponsors Corporation Comprehensive Plan Review (CPR). The involvement and cooperation of all sponsors in the Review is essential to ensure Plan sustainability, affordability for employers and employees, and meaningful benefits for current and future contributors and Plan members.

The CPR is the first fundamental review of the OMERS Plan in 50 years. A lot has changed since the inception of the Plan, and anticipating and actively managing these developments is a pension stewardship best practice. Every municipal employer and employee should welcome the review. AMO supports the review as the responsible thing to do.

Potential Plan design options are based on an assessment of key economic and Plan demographic developments that will impact the long-term viability of OMERS. These developments are affecting all comparable, broader public sector (BPS) Ontario pension plans. In fact, the Teachers', HOOPP and CAAT plans have already made changes in order to ensure they can continue to provide meaningful benefits to their members. It's time for OMERS Plan sponsors to follow the lead of these plans to implement similar sustainability measures

Pat Vanini
President MEPCO

For further information please contact Bruce McLeod, 416-971-9856 ext. 350 or by email at bmcleod@amo.on.ca.

Whereas OMERS is a Jointly Sponsored Pension Plan with equal representation of employer and employee groups on the Sponsors Corporation Board; and

Whereas all OMERS Sponsors have a responsibility to ensure that the OMERS Plan remains sustainable, meaningful and affordable for current and future contributors and plan members; and

Whereas Plan demographics, member longevity, work practices, social norms and economic conditions have evolved since OMERS was established in the 1960s, impacting Plan funding, liabilities and actuarial assumptions; and

Whereas the OMERS recent strong annual investment performance alone cannot not ensure that the Plan will be fully funded by 2025 or in the future; and

Whereas comparable Ontario public sector pension plans have already made changes to return to full plan finding or surplus to continue to provide meaningful benefits; and

Whereas the OMERS Sponsors Corporation is focused on the equitable treatment of members within and across generations; and

Whereas the OMERS Sponsors Corporation has duly initiated a Comprehensive Plan Review that will consider options for prospective and/or temporary changes, that together with the OMERS Funding Management Strategy, will enable future Plan benefits to be sustained;

Whereas the Sponsors Corporation Board is assessing the viability and impacts of specific Plan design changes as basis for consultation with Plan stakeholders to inform future decision-making;

Therefore, be it resolved that AMO calls on all Plan Sponsors to support and participate constructively in the Comprehensive Plan Review.

DISCLAIMER: Any documents attached are final versions. MEPCO assumes no responsibility for any discrepancies that may have been transmitted with this electronic version. The printed versions of the documents stand as the official record.

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Minutes of the Cultural and Arts Advisory Committee
for the Corporation of The Town of Tecumseh

A meeting of the Cultural & Arts Advisory Committee for the Town of Tecumseh was scheduled to be held on Monday, May 28, 2018, in the Sandwich South Meeting Room at Town Hall, 917 Lesperance Road, Tecumseh at 7:00 pm.

1. Call to Order

The Chairperson calls the meeting to order at 7:06 pm.

2. Roll Call

Present:

Councillor

Brian Houston

Chair Marian Drouillard

Vice-Chair

Rhonda Dupuis

Member

Dwayne Ellis

Member

Ian Froese

Member

Phil Kane

Also Present:

Manager Committee & Community Services

Christina Hebert

Absent:

Councillor

Rita Ossington

Member

Christopher McNamara

3. Disclosure of Pecuniary Interest

None reported.

4. Delegations

None.

5. Communications

None.

6. Reports

None.

7. Unfinished Business

a. Soirée Coffee House Wrap Up

Discussion ensues regarding the Soirée Coffee House and the positive feedback the Members received from the performers, l'Essor and attendees.

The event was very well attended, with excellent performances contributing to a successful evening. Appreciation is extended to the Members for their contributions to the event.

It is suggested to utilize more tables for sitting as it is challenging to serve the hors d'oeuvres to attendees sitting in the bleachers.

Also, incorporating the special thanks and acknowledgement throughout the evening, rather than at the end, is recommended.

b. Street Name Recognition

The Members are continuing to research George Hayes, as well as potential other streets named in recognition.

A suggestion is made to consider making application for a student grant(s) to research Tecumseh streets to assist in compiling a list of all streets named in honour of veterans and others who have significantly contributed to the community.

c. Feather Sculptures Update

The Manager Committee & Community Services advises that the remaining seven (7) feather sculptures are now complete and ready for installation. The Members are reminded of the locations previously selected by the Committee.

Arrangements are being made for the seven new feathers to be on display at the Tree Carving Dedication to be held on June 5 at Lakewood Park.

8. New Business

a. Cada Library Complex Renovations

The Members review the proposed Cada Library Complex Renovations and provide the following comments:

- Suggest build up the floor in the Program Room, rather than removal of the elevated portion, for cost efficiency purposes
- Make the Program Room multipurpose and functional to offer a variety of programming options
- The information desk should be located closer to the main entrance
- Recommend the 'Refresh' option

9. Next Meeting

The next meeting of the Cultural & Arts Advisory Committee will be held on Monday, June 18, 2018.

10. Adjournment

Motion: CAAC – 12/18

Moved By	Member Ian Froese
Seconded By	Councillor Brian Houston

That there being no further business, the May 28, 2018 meeting of Cultural and Arts Advisory Committee now adjourn at 8:08 pm.

Carried

Marian Drouillard, Chair

Rhonda Dupuis, Vice-Chair

Minutes of the Heritage Committee
for the Corporation of The Town of Tecumseh

A meeting of the Heritage Committee for the Town of Tecumseh was scheduled to be held on Monday, April 16, 2018, in the Sandwich South Meeting Room at Town Hall, 917 Lesperance Road, Tecumseh at 6:00 pm.

1. Call to Order

The Chairperson calls the meeting to order at 6:01 pm.

2. Roll Call

Present:

Councillor
Councillor
Chair
Vice-Chair
Member
Member
Member
Member

Brian Houston
Rita Ossington
Ian Froese
Marian Drouillard
Chris Carpenter
Terry England
Charles Gray
John Levesque

Also Present:

Manager of Committee & Community Services

Christina Hebert

Absent:

Member
Member

Rhonda Dupuis
Dwayne Ellis

3. Disclosure of Pecuniary Interest

None reported.

4. Delegations

None.

5. Communications

a. Heritage Committee Minutes - March 19, 2018

Motion: HC – 14/18

Moved By

Member Terry England

Seconded By

Vice-Chair Marian Drouillard

That the Minutes of the Heritage Committee meeting held March 19, 2018, be approved.

Carried

b. Email from Bert Duclos dated March 27, 2018

Re: Ministry of Tourism, Culture and Sport Information for Municipal Heritage Committee

The Manager Committee & Community Services apprises the Members the Ministry of Government and Consumer Services has indicated the normal tariff fee for historical records, such as microfilm, will be waived until March 31, 2019. The fees for accessing current records available via the kiosks are still in effect.

Photocopies of historical records are subject to charges.

A copy of the Letter of Authority must be presented to the Land Registry Office staff prior to conducting the search.

c. Community Heritage Ontario News - Spring Edition

Motion: HC – 15/18

Moved By Vice-Chair Marian Drouillard

Seconded By Member John Levesque

That Communications - For Information B through C as listed on the April 16, 2018 Heritage Committee Agenda are received.

Carried

6. Reports

None.

7. Unfinished Business**a. Heritage Property Listing**

The Members review the initial selection of properties to move forward to the 'Listing' and the descriptive information compiled at the last meeting to identify the potential cultural heritage value or interest for each property.

Vice Chair Marian Drouillard provides an overview of the photographs she captured for each property.

A suggestion is made that the photographs should include historical attributes, where possible.

Further information and research is needed for the properties located at 13028 Tecumseh Road and 13754 Tecumseh Road. The Members concur with postponing moving the two (2) Tecumseh Road properties forward on the 'Listing' until additional research is compiled.

b. Tecumseh Heritage Articles

Vice Chair Marian Drouillard provides an update respecting monthly heritage articles in the Shoreline Week. She is waiting for a response from Essex Free Press.

The Members are informed a draft logo has been created using the existing Town wordmark logo and title reference 'Heritage Committee News' for the monthly publications.

8. New Business

None.

9. Next Meeting

The next meeting of the Heritage Committee will be held on Monday, May 28, 2018.

10. Adjournment

Motion: HC – 16/18

Moved By Member John Levesque
Seconded By Member Charles Gray

That there being no further business, the April 16, 2018 meeting of Heritage Committee now adjourn at 7:09 pm.

Ian Froese, Chair

Marian Drouillard, Vice-Chair

Minutes of the Heritage Committee
for the Corporation of The Town of Tecumseh

A meeting of the Heritage Committee for the Town of Tecumseh was scheduled to be held on Monday, May 28, 2018, in the Sandwich South Meeting Room at Town Hall, 917 Lesperance Road, Tecumseh at 6:00 pm.

1. Call to Order

The Chairperson calls the meeting to order at 6:02 pm.

2. Roll Call

Present:

Councillor
Chair
Vice-Chair
Member
Member
Member

Brian Houston
Ian Froese
Marian Drouillard
Chris Carpenter
Rhonda Dupuis
Dwayne Ellis

Also Present:

Manager of Committee & Community Services

Christina Hebert

Absent:

Councillor
Member
Member
Member

Rita Ossington
Terry England
Charles Gray
John Levesque

3. Disclosure of Pecuniary Interest

None reported.

4. Delegations

None.

5. Communications

a. National Trust for Canada

Re: Membership Renewal

Motion: HC – 17/18

Moved By

Member Rhonda Dupuis

Seconded By

Member Chris Carpenter

That the National Trust for Canada Membership be renewed for 2018.

Carried

6. Reports

None.

7. Unfinished Business

a. Heritage Property Listing

The Members review the information compiled on the selected properties to move forward to the 'Listing' and concur with proceeding with a report recommending Council's consideration of adding St. Anne's Cemetery, Lacasse Park, and Tecumseh Area Historical Society [including Log Cabin and Sheds] to the 'Listing'.

Chair Ian Froese advises he spoke with the family who owned the Log Cabin located at 6455 Walker Road and they have advised they are unable to locate records relating to the Log Cabin.

Councillor Brian Houston apprises he received confirmation that the Beach Grove Pro Shop was moved from the original location at the corner of Kensington Boulevard and Riverside Drive to its current location on Kensington Boulevard overlooking Beach Grove.

The Members will continue to conduct research on the properties contained on the Heritage Property Listing.

b. Tecumseh Heritage Articles

Vice Chair Marian Drouillard advises she is still waiting for a response from Essex Free Press regarding publication of monthly heritage articles.

The Members view the draft logo created using the existing Town wordmark logo and title reference 'Heritage Committee News' for the monthly publications and concur with using same in the publications.

Vice Chair Marian Drouillard will work on drafting the inaugural article. It is suggested that it would be timely for the first article to appear after Council's consideration of the recommended properties to be moved forward on the 'Listing' by way of an introduction to residents on the process.

Member Chris Carpenter vacates the meeting at 6:47 pm.

8. New Business

None.

9. Next Meeting

The next meeting of the Heritage Committee will be held on Monday, June 18, 2018.

10. **Adjournment**

Motion: HC – 18/18

Moved By Vice-Chair Marian Drouillard
Seconded By Member Rhonda Dupuis

That there being no further business, the May 28, 2018 meeting of Heritage Committee now adjourn at 6:58 pm.

Carried

Ian Froese, Chair

Marian Drouillard, Vice-Chair

**Minutes of a Meeting of the Police Services Board
for the
Town of Tecumseh**

The Police Services Board of the Town of Tecumseh convened in regular session on Thursday, June 14, 2018 at 4:30 p.m. at the Tecumseh Town Hall, 917 Lesperance Road, Tecumseh, Ontario.

1. Order

Chair Christopher Hales called the meeting to order at 4:30 p.m.

2. Roll Call

Present:	Chair	Christopher Hales
	Vice Chair	Eleanor Groh
	Member	Deputy Mayor Joe Bachetti
	Member	Fred Stibbard
Also Present	OPP	Inspector Glenn Miller
	OPP	Staff Sgt. Brad Sakalo
	OPP	Sgt. Michael Gruszka
	Secretary/Treasurer	Tony Haddad, CAO
	Recording Secretary	Ellen Preuschat

Mayor Gary McNamara was absent due to municipal business.

Chair Christopher Hales offered sympathies to Member Eleanor Groh and family on the recent passing of her mother in law, Mrs. Mary Groh.

3. Disclosure of Pecuniary Interest

There was no pecuniary interest declared by a member of the Board.

4. Approval of the Agenda

Motion: PSB 17/18

Moved by:	Vice Chair Eleanor Groh
Seconded by:	Member Fred Stibbard

That the Agenda for the Police Services Board Meeting dated June 14, 2018, be accepted as presented.

Carried

5. Approval of the Previous Minutes

Motion: PSB 18/18

Moved by:	Member Fred Stibbard
Seconded by:	Deputy Mayor Joe Bachetti

That the Regular Minutes of the April 12, 2018 Police Services Board Meeting, as duplicated and delivered to the members thereof, be adopted.

Carried

6. Delegations

None.

7. OPP Monthly Report

Staff Sgt. Brad Sakalo provided highlights of the April and May 2018 OPP reports. He noted that some problems were experienced with youth loitering following the recent Victoria Day Fireworks event and the McDonald's restaurant on Manning Road had to be temporarily closed in order to disperse the crowd. He further reported that a traffic analysis to identify collision 'hot spots' in the county was recently conducted by the OPP, and Manning Road was identified on this list.

Motion: PSB 19/18

Moved by: Vice Chair Eleanor Groh
Seconded by: Member Fred Stibbard.

That the OPP Report for the months of April and May 2018 be received.
Carried

8. Reports

- a. Ontario Association of Police Services Boards and Ontario Association of Chiefs of Police Zone 6 Meeting – May 9, 2018 – LaSalle, ON
- b. Ontario Association of Police Services Boards 2018 Spring Conference and Annual General Meeting – May 23-26, 2018 – Blue Mountain, ON

Motion: PSB 20/18

Moved by: Deputy Mayor Joe Bachetti
Seconded by: Vice Chair Eleanor Groh

That the reports on the OAPSB/OACP Zone 6 Meeting held May 9, 2018 in LaSalle, ON and the OAPSB 2018 Spring Conference and Annual General Meeting held May 23-26, 2018 in Blue Mountain, ON be received.

Carried

9. Communications – Action Required

- a. Email from Ontario Association of Police Services Boards dated June 11, 2018
Re: Invitation to 2018 Labour Seminar

Chair Hales noted that the program was geared primarily towards S. 31 boards.

Motion: PSB 21/18

Moved by: Deputy Mayor Joe Bachetti
Seconded by: Member Fred Stibbard

That the invitation from the Ontario Association of Police Services Boards to attend the 2018 Labour Seminar taking place in Toronto, ON from September 20 to 21, 2018 be received.

Carried

10. Communications – For Information

- a. Letter from Superintendent Marc Bedard, Commander, Municipal Policing Bureau, OPP – dated June 8, 2018
Re: Recent Initiatives Relevant to OPP Municipal Policing

- b. Letter from Hon. Marie-France Lalonde, Minister of Community Safety and Correctional Services to OAPSB – dated May 8, 2018
Re: Royal Assent of the *Safer Ontario Act, 2018*
- c. Memorandum from Stephen Beckett, Assistant Deputy Minister, Public Safety Division and Public Safety Training Division, Ministry of Community Safety and Correctional Services – dated May 8, 2018
Re: Royal Assent of the *Safer Ontario Act, 2018*
- d. Memorandum from Stephen Beckett, Assistant Deputy Minister, Public Safety Division and Public Safety Training Division, Ministry of Community Safety and Correctional Services – dated May 8, 2018
Re: Update on the Ministry's Grants Transformation Process

Motion: PSB 22/18

Moved by: Member Fred Stibbard
Seconded by: Deputy Mayor Joe Bachetti

That correspondence detailed as Items 10 a-d Communications - For Information be received.

Carried

11. Old Business

- a. Correspondence from Linda Edwards/Martin dated May 15, 2018

CAO Tony Haddad noted that a response to the issues raised by Ms. Edwards/Martin regarding traffic on Riverside Drive was sent by OPP Inspector Miller today.

- b. Joint Essex County Police Services Board Meeting – June 26, 2018 - Update

The Recording Secretary reported that the final agenda for the Joint Police Services Board Meeting would be distributed in the coming week, and that approximately 35 attendees, representing all five boards and the Essex County OPP, will participate.

12. New Business

- a. Agreements – Community Policing Partnerships Program and 1,000 Officers Partnership Program

Motion: PSB 23/18

Moved by: Vice Chair Eleanor Groh
Seconded by: Member Fred Stibbard

That Secretary-Treasurer Tony Haddad be authorized to execute Ontario Transfer Payment Agreements between Her Majesty the Queen in Right of Ontario as represented by the Minister of Community Safety and Correctional Services and the Corporation of the Town of Tecumseh and the Tecumseh Police Services Board for the period commencing April 1, 2018 and ending March 31, 2019 for the purpose of extending (1) the Safer Communities – 1,000 Officers Partnership Program Agreement, and (2) the Community Policing Partnerships Program Agreement, which ended on March 31, 2018.

Carried

b. Property Owners' Concerns re Neighbouring Property on Lachance Court

CAO Tony Haddad noted that the complaints raised in a series of emails by property owners on Lachance were being brought to the board's attention at the request of the Mayor. The issues raised had merited attention from both the Town's building department and the OPP, and the homeowners' emails had expressed concern regarding a perceived lack of follow up. Sgt. Gruszka reported that officers had attended the location on numerous occasions, that an investigation was underway and charges may be laid with respect to bylaw infractions.

13. Next Meeting

The next meeting of the Police Services Board will be held Thursday, September 13, 2018 at 4:30 p.m.

14. Adjournment

Motion: PSB 24/18

Moved by:	Member Fred Stibbard
Seconded by:	Deputy Mayor Joe Bachetti

That there being no further business to discuss, the June 14, 2018 meeting of the Tecumseh Police Services Board adjourn at 5:05 pm.

Carried

Christopher Hales, Chair

Tony Haddad, Secretary/Treasurer

Minutes of the Tecumseh Accessibility Advisory Committee
For the Corporation of Town of Tecumseh

A meeting of the Tecumseh Accessibility Advisory Committee for the Town of Tecumseh was scheduled to be held on Tuesday June 20, 2018, in the Room at Town Hall, 917 Lesperance Road, Tecumseh at 12:00 pm.

1. **Call to Order**

The Chairperson calls the meeting to order at 12:12 pm.

2. **Roll Call**

Present:	
Chair	Ron Matysek
Councillor	Tania Jobin
Member	Ron Doherty
Member	Terry England
Member	David Golden
Member	Linda Stanczak
Absent:	
Member	Mary Ann Askin
Also Present:	
Director Parks & Recreation Services	Paul Anthony
Deputy Clerk & Manager Legislative Services	Jennifer Alexander
Director Planning & Building Services	Brian Hillman
Manager Roads & Fleet	Kirby McArdle
Director Corporate Services & Clerk	Laura Moy
Director Public Works & Environmental Services	Daniel Piescic
Director Public Works & Environmental Services	Phil Bartnik

3. **Disclosure of Pecuniary Interest**

There is no pecuniary interested declared by a member.

4. **Delegations**

a. **Paul Bezaire Re: Parks and Recreation Master Plan**

Paul Bezaire, Bezaire Partners, provides the members with an overview of the Parks and Recreation Master Plan. He explains the research process of the Plan with consultations with the public, stakeholders, Town Committees and staff. Once all feedback is reviewed, recommendations are formalized in a report to Council. The timeline for the report to Council is this fall.

Linda Stanczak comments that this committee was not consulted with Lacasse Park when it was originally built. She would like to see more consultation with the committee on these matters.

b. **Paul Anthony, Director Parks & Recreation Services Re: Lacasse Play Equipment**

The Director Parks & Recreation Services provides an update on the installation and equipment replacement at Lacasse Park. He advises the members of the accessibility features of the new equipment. All garbage bins and benches are new. Grand opening of the park will be scheduled.

A member requested that the garbage bins be moved further away from door entrances to provide more space for wheelchairs.

c. Phil Bartnik, Director Public Works & Environmental Services Re: Riverside Drive Trail

Paul Bezaire provides an overview of the Riverside Drive Trail and options for the trail location. A Public Information Centre was held asking residents their preferred choice of the trail's location being the south or north side of the road. There is strong public support for the trail to be constructed in the area. Some of the accessible features include: construction of the trail at road level, barrier free, installation of tactile indicators strips and signage at intersections. The recommendation is for the trail to be located on the south side to be universally accessible to everyone.

A member asks the project timeline for completion. Mr. Bezaire advises that the trail can be completed for public access in 2019.

d. Cheryl Hardcastle, MP - Windsor-Tecumseh Re: New Accessibility Act

MP Cheryl Hardcastle discusses Bill C-81, an Act to ensure a barrier free Canada. The first reading for Bill C-81 was on Thursday June 20, 2018. She advises members that advocacy work will need to begin to amend Bill C-81. Some of the amendments include a defined enforcement process, streamlining responsible Ministries from 4 to 1, allocated financial resources, accountability measures, and implementation timelines.

5. Communications

a. Minutes - March 20, 2018

Motion: TAAC - 04/18

Moved By	Member Linda Stanczak
Seconded By	Member Terry England

That the minutes of the March 20, 2018 meeting of the Tecumseh Accessibility Advisory Committee be approved.

Carried

b. Link to AODA Toolkit

Motion: TAAC - 05/18

Moved By	Councillor Tania Jobin
Seconded By	Member Linda Stanczak

That Communications - For Information B as listed on the June 26, 2018 Tecumseh Accessibility Advisory Committee Agenda are received.

Carried

6. Reports

a. Cada Library Proposed Refresh and Renovations

The Director Parks & Recreation Services explains the proposed Plan for the Cada Library. He advises the members that Council is requesting input on the two options provided in the agenda. The first option is a refresh that includes some minor renovations to the building including an accessible washroom. Option two is a complete renovation of the interior and exterior building. Members are encouraged to provide their feedback to the Clerk's department.

The project timeline if 2019. A member asks if the Library Administration is considering increasing digitization projects with books in an effort to be more accessible for all patrons. The Director Parks & Recreation Services indicated that there are designated student areas in the plans and is not aware if the library is considering more digitization projects in the future.

7. Unfinished Business

There is no unfinished business presented to the members.

8. New Business

a. Strategic Planning

The Chair discusses the need for the committee to have a Strategic Plan. Members discuss possible dates to hold a working session to define the Committee's future goals. The committee will meet on Tuesday, September 18 at 12:00 pm for a Strategic Planning workshop. It is anticipated that the workshop will be 2 hours long and additional time can be allocated if the committee deems appropriate.

9. Next Meeting

The next Tecumseh Accessibility Advisory Committee meeting will be held at 12:00 pm on Tuesday, September 18, 2018.

10. Adjournment

Motion: TAAC - 06/18

Moved By Member David Golden
Seconded By Member Terry England

That there being no further business, the June 26, 2018 meeting of the Tecumseh Accessibility Advisory Committee now adjourn at 1:28 pm.

Carried

Ron Matysek, Chairperson

Laura Moy, Clerk



The Corporation of the Town of Tecumseh

Corporate Services & Clerk

To: Mayor and Members of Council

From: Christina Hebert, Manager Committee & Community Services

Date to Council: July 10, 2018

Report Number: CS-2018-12

Subject: 2018 Committee Appointments
Youth Advisory & Senior Advisory Committees

Recommendations

It is recommended:

That all applications to the Youth Advisory and Senior Advisory Committees **be accepted**;

And that the term of the Committee appointments be for the remaining term of Council, ending December 1, 2018, or until such time as new appointments are made by Council;

And further that the applicants be notified of Council's decision and by-laws **be adopted** to formally appoint the new members to these Committees.

Background

At the November 28, 2017 Special Council Meeting, the Members gave consideration to Corporate Services & Clerks Report No. 47/17 regarding the 2018 Committee Appointments.

The Members passed the following motion (SCM-27/17):

That all applications to the Youth Advisory, Senior Advisory, Cultural & Arts Advisory and the Heritage Committees, be accepted without prejudice or precedent.

Subsequently, at the January 30, 2018 Regular Meeting of Council, a request was made for a further call for Applications to recruit additional members to the Youth Advisory and Senior Advisory Committees.

Comments

As requested by Council, a Notice of Call for Applications for residents interested in serving on the Youth Advisory and Senior Advisory Committees was published in the local newspapers [Essex Free Press, February 22 and Shoreline Week, February 23, 2018], in addition to being posted on the Town's website, linked to the Town's social media and on the Tecumseh Town App.

The Committee/Local Board Application & Appointment Policy No. 4 (Policy) establishes applicants must be:

- a resident, or owner/tenant of land in the Town;
- a Canadian citizen; and
- at least 18 years of age, unless otherwise indicated [ie: Youth Advisory Committee members must be 13-23 years of age and Senior Advisory Committee members must be at least 60 years of age].

Applicants may not be:

- an employee of the Town, nor
- prohibited by law from voting in a municipal election.

Copies of the applications received to-date for the Youth Advisory and Senior Advisory Committees are available in the Corporate Services & Clerks Department for viewing.

Youth Advisory Committee

A Youth Advisory Committee (YAC) was first established in 2016. The YAC offers advice to Council and Administration on issues that affect area youth and works with Town departments, agencies and organizations that are involved in youth initiatives.

The YAC is comprised of youth between the ages of 13-23.

Meetings are held in the Sandwich South Room, of the Tecumseh Town Hall, on the third Monday of each month at 4:30 pm.

The following table details the current YAC Members and the names of the applicants interested in serving on the Committee.

Youth Advisory Committee

Current Members	2018 Applicants
<ul style="list-style-type: none">• Brendan Froese• Kristi Koutros• Andre Ducharme• Ava Ruuth• Jacob Altenhof• Michael Altenhof• Maria Giorlando	<ul style="list-style-type: none">• Cameron Skinner• Tia-Lynne McCann• Tamsyn King

Senior Advisory Committee

A Senior Advisory Committee (SAC) was first established in 2016 for purpose of providing advice to Council and Administration on issues that affect seniors in the community.

The SAC is comprised of members over the age of 60. Meetings are held at the Tecumseh Town Hall on the fourth Thursday of each month at 6:00 pm in the Council Chambers.

The current SAC Members and the name of the applicant is provided in the following table.

Senior Advisory Committee

Current Members	2018 Applicants
<ul style="list-style-type: none">• Paul Morand• Doug Drouillard• Nancy Tennant• Dara Pfeifer-O'Connor• Michelle Philion• Suzanne Beneteau	<ul style="list-style-type: none">• Dorothy Nagy

It is recommended that the additional applications received following the call for the Youth Advisory and Senior Advisory Committees be accepted to further complement the existing Committees.

In accordance with the Policy, a call for applications will be published in September 2018, in the local newspapers and promoted on social media, for all committees and local boards to be appointed by the Council-elect at a Special Meeting to be held on December 4, 2018 at 6:00 pm.

Consultations

None

Financial Implications

There are no financial implications.

Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Christina Hebert, BA (Hons), MA, Dipl. M.A.
Manager Committee & Community Services

Reviewed by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Recommended by:

Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

**Attachment
Number**

None

**Attachment
Name**

None



The Corporation of the Town of Tecumseh

Corporate Services & Clerk

To: Mayor and Members of Council

From: Laura Moy, Director Corporate Services & Clerk

Date to Council: July 10, 2018

Report Number: CS-2018-13

Subject: Essex Power Corporation
Appointment of Proxyholder for Shareholders' 2018 Annual Meeting

Recommendations

It is recommended:

That Mayor Gary McNamara **be appointed** proxyholder for the Town of Tecumseh to cast its shareholder's votes at Essex Power Corporation's 2018 Shareholders' Annual Meeting;

And that Mr. Tom Burton **be appointed** as an alternate proxyholder for the Town of Tecumseh to cast its shareholder's votes at Essex Power Corporation's 2018 Shareholders' Annual Meeting if Mayor Gary McNamara is absent from the meeting;

And further that the Director Corporate Services & Clerk **be authorized** to sign all necessary proxy forms to implement this resolution and forward them to Essex Power Corporation.

Background

The Corporation of the Town of Tecumseh (Town), together with the Municipality of Leamington, and Towns of LaSalle and Amherstburg are the shareholders of Essex Power Corporation. Essex Power is required to hold an annual meeting of shareholders and occasionally requires a special shareholders' meeting.

The Town is entitled to appoint two directors to the Essex Power Board, and has currently appointed Mayor Gary McNamara and Mr. Tom Burton. The directors have authority to represent the Town and vote at Board Meetings, but are not authorized to represent or vote at Shareholders' meetings.

Essex Power Corporation and its related companies are incorporated pursuant to the *Ontario Business Corporations Act* (OBCA). Section 110 of the OBCA provides that a shareholder may appoint a proxyholder to vote by proxy for the shareholder at any shareholder meeting.

The section provides:

110. (1) Every shareholder entitled to vote at a meeting of shareholders may by means of a proxy appoint a proxyholder or one or more alternate proxyholders, who need not be shareholders, as the shareholder's nominee to attend and act at the meeting in the manner, to the extent and with the authority conferred by the proxy. R.S.O. 1990, c. B.16, s. 110 (1)

(2.1) A proxy appointing a proxyholder to attend and act at a meeting or meetings of shareholders of an offering corporation ceases to be valid one year from its date.

Comments

The only practical way for a Municipal Council to cast its shareholder vote at a Shareholder Meeting is by proxy. In keeping with the past practice of Council, it is recommended that Mayor Gary McNamara be appointed as the Town's proxyholder to vote at the 2018 Shareholders' General Meeting, and that Mr. Tom Burton be appointed as an alternate proxyholder, in the absence of the Mayor.

Since a proxy is not valid for more than one year, the appointment of a proxyholder is necessary every year prior to the Shareholders' Annual Meeting.

The agenda for the Shareholders' Annual Meeting is circulated prior to the meeting and often the matters to be voted on are routine business matters. If the Mayor determines there is a matter on the Shareholders' Annual Meeting Agenda of special importance, then the Mayor can seek direction from Council on how the Town's shareholder vote should be cast on that issue.

This recommended appointment is only for the 2018 Shareholders' Annual Meeting, which is scheduled for Tuesday, July 17, 2018 at 5:30 pm. If at any time there is a need for a special shareholders' meeting to vote on an issue, then the matter should be brought before Council.

The form of proxy, including the routine matters to be voted on, is attached as **Appendix 1**.

Consultations

Municipality of Leamington – Clerk
Town of Amherstburg – Clerk
Town of LaSalle – Clerk
Essex Power Corporation

Financial Implications

There are no financial implications at this time to the Town

Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Sue White
Administrative Assistant to Director Corporate
Services & Clerk

Reviewed by

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Recommended by:

Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

**Attachment
Number**

**Attachment
Name**

1

Essex Power Appointment of Proxyholder



ANNUAL GENERAL MEETING PROXY FORM

We, THE CORPORATION OF THE TOWN OF TECUMSEH
Please insert FULL LEGAL CORPORATE NAME in BLOCK CAPITALS

being a shareholder of ESSEX POWER CORPORATION ("EPC"), entitled to vote at the annual general meeting of EPC (the "AGM") hereby appoint as our duly authorized representative,

MAYOR GARY MCNAMARA,
THE CORPORATION OF THE TOWN OF TECUMSEH
917 LESPERANCE ROAD
TECUMSEH, ON N8N 1W9

Please insert FULL NAME and ADDRESS in BLOCK CAPITALS

or, in the alternative and only in the absence of the above named proxy we hereby appoint as our duly authorized representative,

TOM BURTON
THE CORPORATION OF THE TOWN OF TECUMSEH
917 LESPERANCE ROAD
TECUMSEH, ON N8N 1W9

Please insert FULL NAME and ADDRESS in BLOCK CAPITALS

As our proxy to attend and vote on our behalf on the resolutions to be proposed at the AGM to be held on the **17th of July, 2018 at 5:30 p.m.** at the **Essex Power Corp, 200-2199 Blackacre Dr, Oldcastle**, and at any adjournment thereof.



We direct our proxy to vote on the Agenda items, which are detailed in the notice convening the AGM, as follows (see Note 1 at bottom of page)

Ordinary Resolutions

FOR

AGAINST

Resolution #1

To adopt the minutes of the Annual General Meeting held on July 26, 2017

X

--

Resolution #2

To receive and approve the Annual Report, 2017 which includes the Auditors Report for year ending December 31, 2017

X

--

Resolution #3

To approve the auditors for the corporation for the year 2018

X

--

NOTE

1. Please indicate with an "X" in the appropriate boxes how you wish your vote to be cast. If no indication is given, your proxy will be deemed to have authority to vote or abstain as he/she thinks fit.

DATED this 10TH day of JULY, 2018.

SIGNATURE:

LAURA MOY, CLERK
I have authority of behalf of Corporation



The Corporation of the Town of Tecumseh

Planning & Building Services

To: Mayor and Members of Council

From: Brian Hillman, Director Planning & Building Services

Date to Council: July 10, 2018

Report Number: PBS-2018-22

Subject: Canada-Ontario Affordable Housing Program
2018 Rental Housing Component of the Social Infrastructure Fund
Investment in Affordable Housing Program Extension
OUR FILE: D04 AFF

Recommendations

It is recommended:

1. **That** the Town's participation in the Canada-Ontario Affordable Housing Program, 2018 Rental Housing Component of the Social Infrastructure Fund as delivered under the existing Investment in Affordable Housing Program Extension (IAHE), **be confirmed**;
2. **And that** the mandatory program requirements identified under the IAHE, requiring setting the property tax rate for multi-unit residential units receiving capital program funding at the effective rate equivalent to the Single Residential Rate for the Town for the 20 year duration of the program, or by providing a grant-in-lieu to have the same effect, **be provided**.

Background

Since 2007, the Town has been a participant in the Canada-Ontario Affordable Housing Program (COAHP), as authorized by Council. It is now referred to as the 2018 Rental Housing Component of the Social Infrastructure Fund (SIF). The program provides funding and priority consideration for proposals that provide affordable rental housing for low income senior citizens and persons with disabilities. The City of Windsor has been designated the Service Manager responsible for the delivery of the social housing programs in Windsor and Essex County.

Historically, the response to the program region-wide has been positive. In past years, Community Living Essex County was awarded funding for three separate residential locations in Tecumseh, totalling ten affordable rental units representing \$731,500 of program funds.

Comments

The City of Windsor Housing and Children's Services (CWHCS) is issuing another Request for Proposals to private sector and non-profit organizations under the Rental Housing component for 2018. The CWHCS has requested confirmation from the Town of Tecumseh of its continued intention to participate in the upcoming Rental Housing component of the Investment in Affordable Housing Program Extension for 2018 and now referred to as IAHE. There are two requirements to be fulfilled by the Town in order to participate in the SIF Rental Housing capital component of the IAHE, as follows:

1. Reduction in Municipal Property Tax Rate

To participate in the program for 2018, the Town needs to reconfirm that it wishes to participate in the program and that it agrees to reduce the municipal portion of property taxes for any COAHP funded rental housing project by setting the tax rate equivalent to or lower than, the Single Residential Rate or provide a grant-in-lieu to have the same effect.

However, in 2018 the province introduced a new tax class for new multi-residential development, established as multi-Residential – New Construction. The province requires that the tax rate for this new class be equal to or up to a maximum of 10% higher than the Single Residential Rate. The Town's tax ratios are set at the County level and the new Multi-Residential – New Construction has been set equal to the Single Residential tax class for 2018. In effect, this new tax classification will result in all new multi-residential development being taxed at the same rate as single residential development.

Notwithstanding the foregoing, the program requires Municipalities in which approved projects are located to set the municipal portion of property taxes for the project at a rate equivalent to, or lower than, the Single Residential Rate for the municipality for the 20-year duration of the program. This protects against a potential future legislative change that could have the effect of increasing the Multi-Residential – New Construction Rate to a rate that is greater than the Single Residential Rate. Accordingly, Council's commitment to maintain this rate for approved projects over 20 years is still required and is recommended.

2. Passage of Municipal Housing Facility By-law

If a development under the IAHE program is proposed, Ontario Regulation 603/06 of the *Municipal Act, 2001* requires that before an agreement respecting municipal housing project facilities is entered into, a Municipal Housing Facility By-law must be enacted, which must comply with the requirements of subsection 7(2) of the aforementioned Ontario Regulation. Council passed By-law 2017-30, the Municipal Housing Facilities

By-law, on May 9, 2017. This by-law outlines the parameters in which housing developed under the IAHE program receive municipal funding.

Municipalities that agree to the single residential property tax rate requirement and Municipal Housing Facility By-law are referred to as “participating municipalities”. Delivery of the SIF Rental Housing component requires confirmation from each member municipality that wishes to participate in the program so that participating municipalities may be listed in the Request for Proposals. If a municipality does not wish to participate, proposals received for projects located within the municipality are not eligible for funding.

The Rental Housing component of the program may fund up to 75% of the total capital cost per unit or \$150,000 per unit, whichever is less, on a 20 year forgivable loan basis. Recently, the Province has also added an emphasis on affordable housing for seniors.

Participating landlords are required to maintain rents at 80% or less of the then current CMHC or alternate average market rents for the 20-year duration of the program. It is noted there is not a specific allocation provided to each participating municipality.

To facilitate the CWHCS’ review and selection of the program components to be delivered in 2018, written confirmation of a municipality’s participation in the SIF Rental Housing program component by July 16, 2018 is required, along with confirmation that the mandatory property tax requirement will or has been adopted.

Consultations

Financial Services
Housing and Children Services, City of Windsor

Financial Implications

As previously noted, in 2018 the province introduced a new tax class for new multi-residential development, established as Multi-Residential – New Construction. The province requires that the tax rate for this new class be equal to or up to a maximum of 10% higher than the Single Residential Rate. The Town’s tax ratios are set at the County level and the new Multi-Residential – New Construction Rate has been set equal to the Single Residential tax class for 2018. In effect, this new tax classification will result in new multi-residential development being taxed at the same rate as single residential development.

Based on the foregoing, there will be no financial implications to the Town.

If at some future date the Multi-Residential – New Construction Rate increases, it continues to be anticipated that a grant-in-lieu would be the means to give an effective Single Residential Rate until such time as changes are made by the Province to allow an alternative method to set the tax rate.

Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Enrico DeCecco, BA (Hons), MCIP, RPP
Junior Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services

Reviewed by:

Luc Gagnon, CPA, CA, BMath
Director Financial Services & Treasurer

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Planning & Building Services

Recommended by:

Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

Attachment Number	Attachment Name
None	.None



The Corporation of the Town of Tecumseh

Planning & Building Services

To: Mayor and Members of Council

From: Chad Jeffery, Manager Planning Services

Date to Council: July 10, 2018

Report Number: PBS-2018-24

Subject: Site Plan Control Agreement
Windsor Essex Catholic District School Board – St. Andre Elementary
School
13765/13789 St. Gregory's Road
OUR FILE: D11 STANDRE

Recommendations

It is recommended:

1. **That** a by-law authorizing the execution of the “Windsor Essex Catholic District School Board” site plan control agreement, satisfactory in form to the Town’s Solicitor, which allows for the redevelopment of the existing 2.6 hectare (6.4 acre) St. Andre Elementary School property located at 13765/13789 St. Gregory’s Road, including the expansion of the existing parking lot, the installation of landscaping and outdoor recreational areas, the creation of a school bus bay within the right-of-way of St. Gregory’s Road and associated on-site services/works, **be adopted**, subject to the following occurring prior to the Town’s execution of the Agreement:
 - i) final stormwater management design and stormwater management calculations, and associated site service drawings, landscape plan and photometric plan being approved by the Town;
 - ii) the Owner executing the site plan control agreement; and
 - iii) the Owner posting security for performance pursuant to paragraph 6.1 of the agreement.
2. **And that** the execution of such further documents as are called for by the site plan control agreement approved above including, but not limited to, the execution of the acknowledgement/direction required to register the site plan control agreement on title

to the lands and such other acknowledgements/directions for any related transfers or real property registrations contemplated by the site plan control agreement, by the Mayor and Clerk, **be authorized.**

Background

Property Location

The subject 2.6 hectare (6.4 acre) institutional property is located on the south side of St. Gregory's Road, approximately 60 metres west of its intersection with Arlington Boulevard (13765/13789 St. Gregory's Road). The subject property is currently occupied by the St. Andre Elementary School (see Attachment 1). The Good Shepherd Church had formerly been situated to the immediate east of the school; however the church and parking areas are being demolished so that the lands can be converted for use in association with the school. Both the school property and former church property have been consolidated and are now owned by the Windsor Essex Catholic District School Board ("the Owner"). The Owner is proposing to introduce a variety of site improvements related to the exclusive use of the property as an elementary school. The property is subject to site plan control approval in accordance with Section 41 of the *Planning Act, R.S.O. 1990*.

Proposed Development

The Owner has filed an application for site plan control in order to facilitate parking, landscaping, outdoor recreational areas and associated on-site services/works. More specifically, the proposed site plan drawing (see Attachment 2) depicts:

- The reconfiguration and expansion of the school's existing parking lot including infrastructure to provide proper stormwater drainage. The proposed works will result in a new asphalt on-site parking lot layout that will include 63 regular parking spaces, two barrier-free parking spaces and a 14-vehicle "kiss-and-ride" drop-off lane. The new parking area and drop-off lane will be designed and signed to function as a one-way-in and one-way-out to improve traffic flow;
- A new school bus bay along the south side of St. Gregory's Road, within the municipal right-of-way, that will accommodate up to four school buses;
- The creation of a large outdoor recreation area for the school that will consist of a soccer field, outdoor landscaping and outdoor classrooms. Parks and Recreation have worked with the Owner and the local soccer association in order to facilitate joint-use of the soccer field. The outdoor recreational area will be located in the same general area that was once occupied by the southerly parking lot of the former Good Shepherd Church;
- The planting of new trees on the school property and also within the municipal boulevard. A more detailed Landscape Plan will be prepared by the Owner and approved by the Town prior to the issuance of a building permit; and

- A combination of 2.0-metre (6.56-ft) high vinyl and chain-link fencing along the southerly lot line and the easterly lot line where it abuts the soccer pitch.

Comments

Zoning

The subject property is zoned "Institutional Zone (I)" in the St. Clair Beach Zoning By-law 2065 (see Attachment 3). The Institutional Zone permits a range of institutional uses, including a school and accessory uses. The proposed site plan complies with all of the Institutional Zone regulations.

Public Works and Environmental Services

The proposed development will be on full municipal services (sanitary, water and stormwater drainage). A Stormwater Management Study and associated site service drawings, which include appropriate quantity and quality control measures, have been reviewed by Town Administration. As a result, revisions are currently being finalized by the Owner's consultant. The site plan control agreement requires that final approval of the Stormwater Management Study and associated servicing drawings, by the Town, shall be required prior to the issuance of a building permit. Public Works and Environmental Services has advised that it has no concerns with the proposed redevelopment of the property.

In addition, Public Works and Environmental Services has reviewed the proposed installation of the aforementioned school bus bay within the Town's right-of-way and has no concerns with its location and general design. Detailed design and construction drawings will be subject to the approval of the Town prior to works proceeding in the Town's right-of-way.

Summary

Wolf Hooker Law Firm (Town Solicitor) has drafted the attached agreement (see Attachment 4, with site plan drawing attached thereto as Schedule B) which facilitates the subject redevelopment. Town Administration is prepared to recommend approval of the agreement as, in our opinion, it will result in appropriate development that is compatible with the surrounding land uses and is based on sound land use planning principles. As has been the practice of the Town to date, the agreement establishes that a security deposit in the amount of \$10,000 (cash or letter of credit) is required as a condition of approval to ensure all performance obligations of the Owner are fulfilled. The Town's execution of the agreement will be conditional upon the Town's approval of a final stormwater management design and stormwater management calculations and associated site service drawings, landscape plan and photometric plan.

Consultations

Planning & Building Services
Public Works & Environmental Services
Fire & Emergency Services

Parks and Recreation Services
Town Solicitor

Financial Implications

None.

Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Enrico DeCecco, BA (Hons), MCIP, RPP
Junior Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Environmental Services

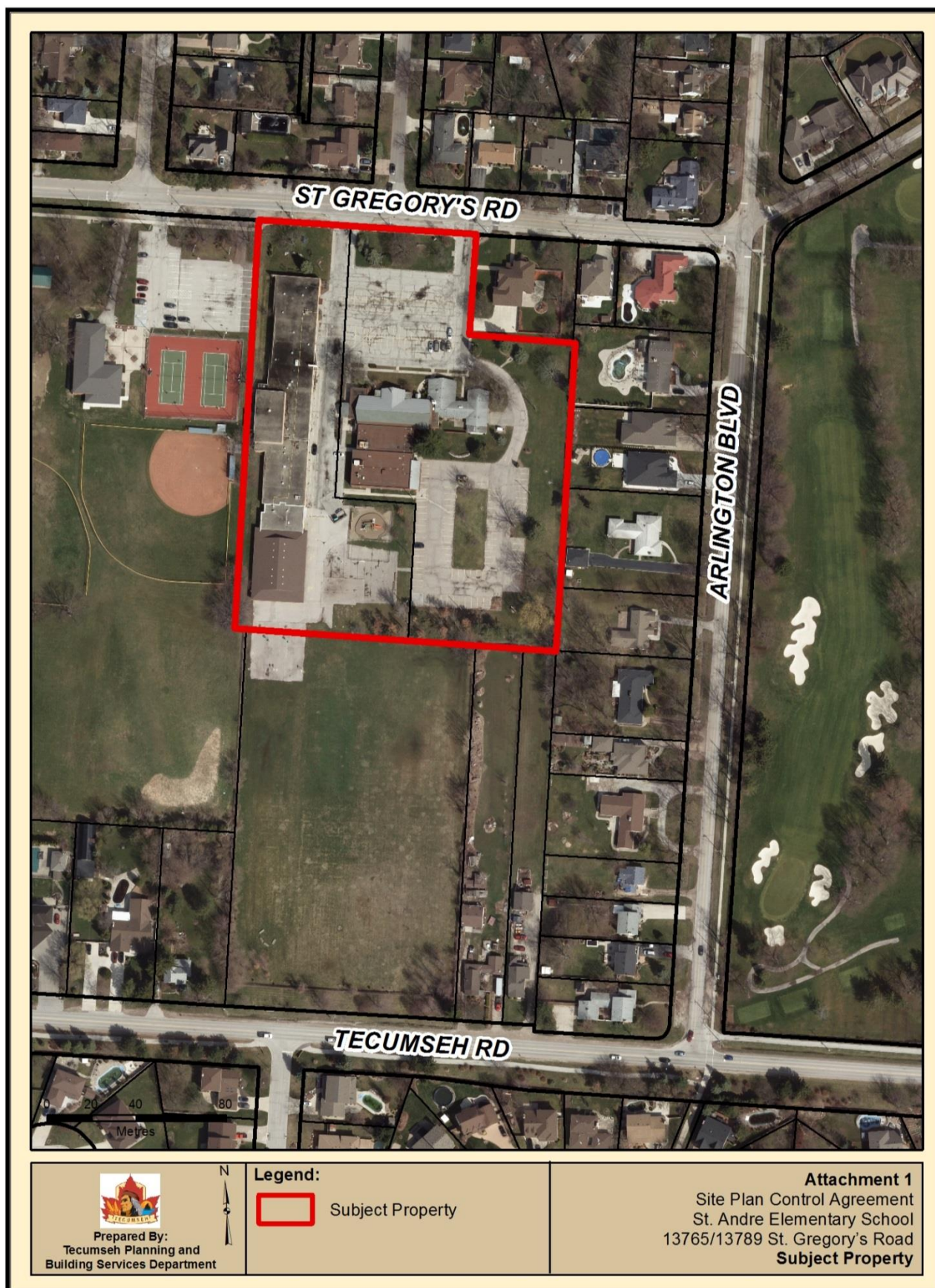
Reviewed by:

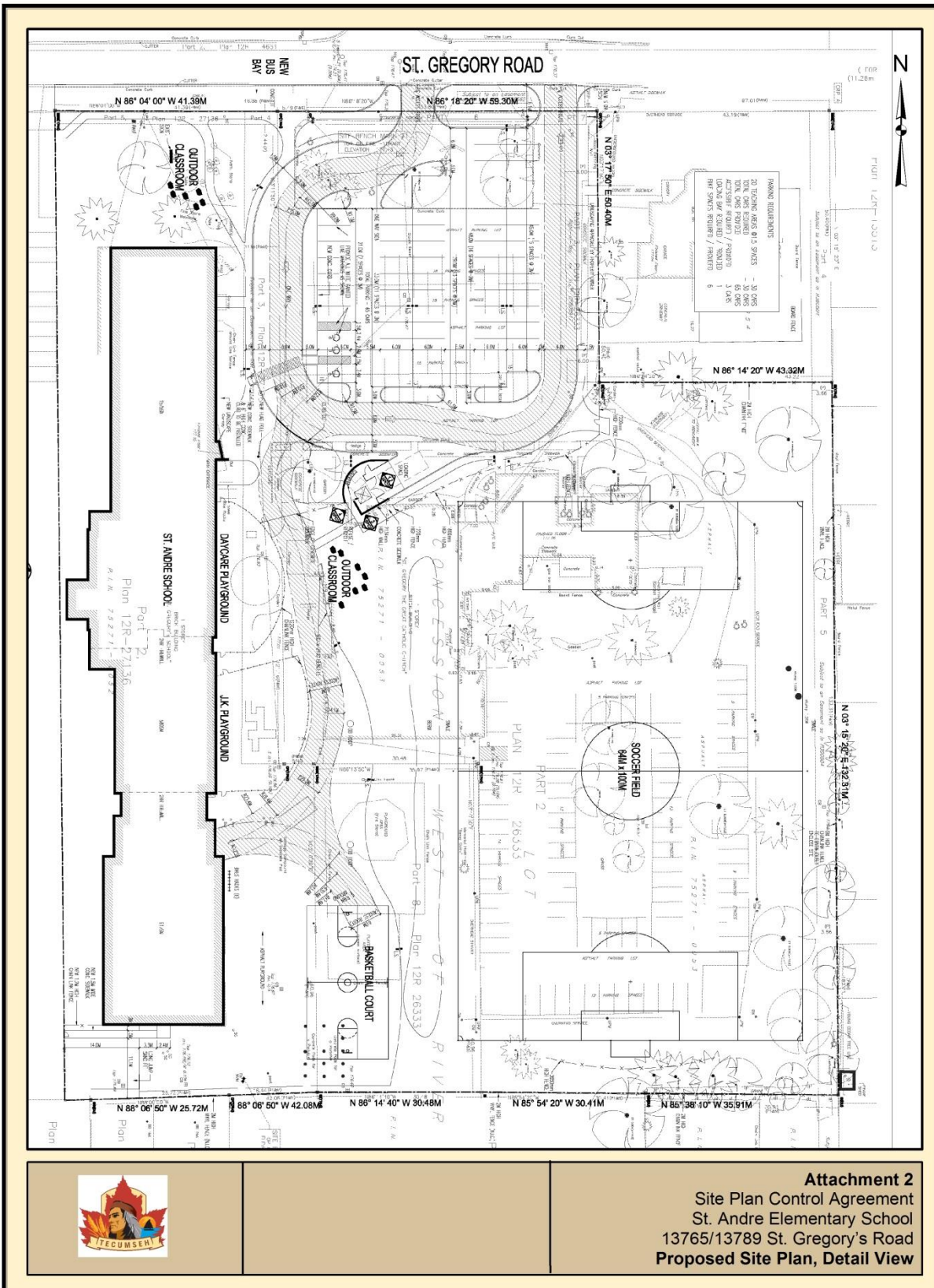
Brian Hillman, MA, MCIP, RPP
Director Planning & Building Services

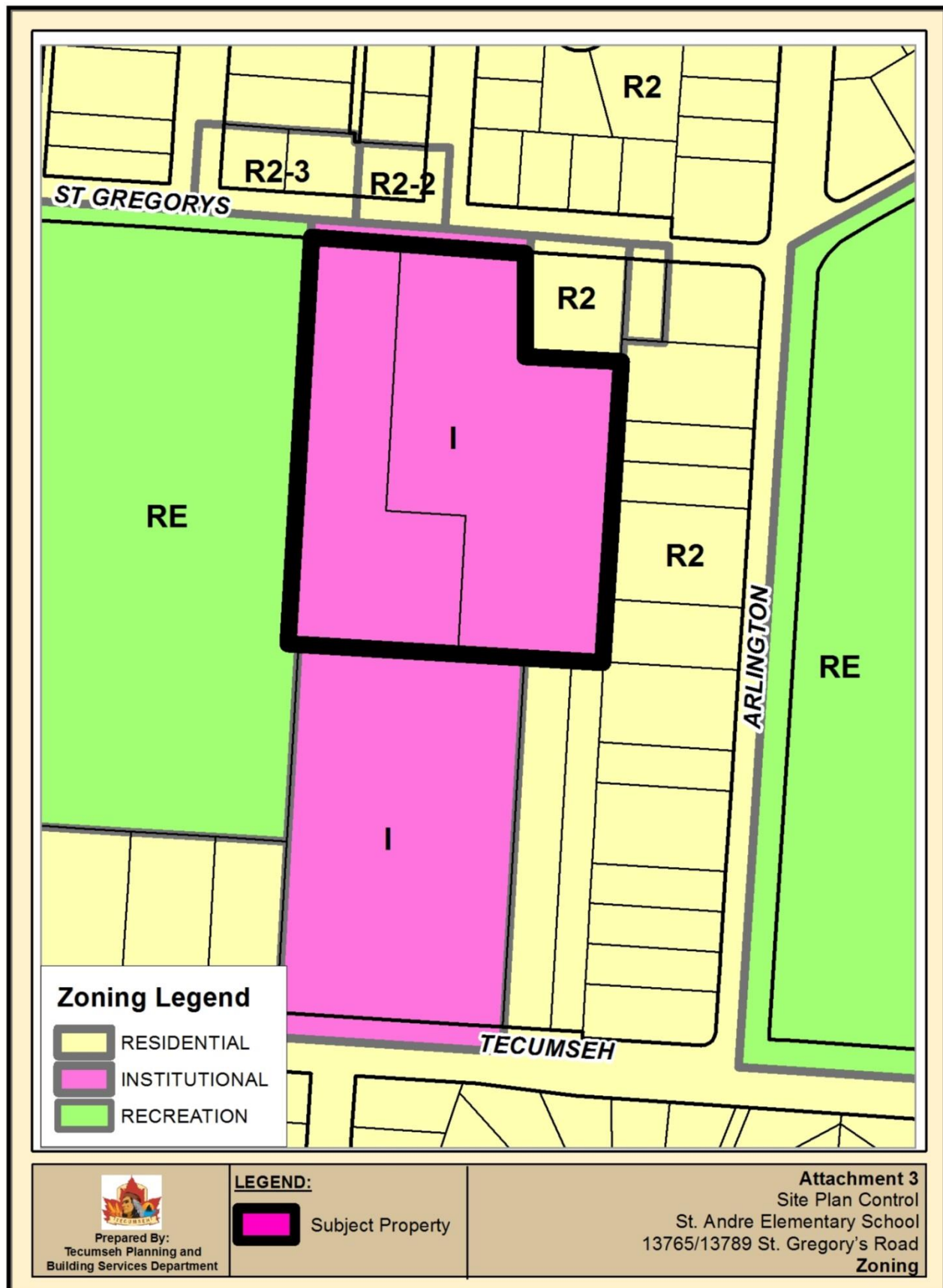
Recommended by:

Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

Attachment Number	Attachment Name
1	Subject Property Map
2	Proposed Site Plan
3	Zoning Map
4	Draft Site Plan Control Agreement







SITE PLAN CONTROL AGREEMENT

Between:

The Corporation of the Town of Tecumseh

-and-

WINDSOR-ESSEX CATHOLIC DISTRICT SCHOOL BOARD

PREPARED BY:

WOLF HOOKER PROFESSIONAL CORPORATION

Barristers & Solicitors
72 Talbot Street North, Suite 100
Essex, Ontario
N8M 1A2

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- Schedule “A” - The Lands
- Schedule “B” - Site Plan
- Subject to satisfaction of conditions precedent other schedules are anticipated

SITE PLAN CONTROL AGREEMENT

THIS AGREEMENT made in triplicate this _____ day of _____, 2018.

B E T W E E N:

THE CORPORATION OF THE TOWN OF TECUMSEH,
hereinafter called the "**Municipality**" or "**Town**"

OF THE FIRST PART

-and-

***WINDSOR-ESSEX CATHOLIC DISTRICT SCHOOL
BOARD***
hereinafter called the "**Owner**"

OF THE SECOND PART

HEREINAFTER collectively referred to as the "Parties"

RECITALS

WHEREAS the Owners, own certain lands situated within the corporate limits of the Municipality, said lands being more particularly described in Schedule "A" hereto (the "Lands");

AND WHEREAS the Municipality has enacted a by-law designating the Land as a site plan control area, pursuant to Section 41(2) of The Planning Act, R.S.O 1990, c.P.13 and amendments thereto;

AND WHEREAS where site plan control is in effect, Section 41 of The Planning Act, R.S.O. 1990, c.P.13 and amendments thereto, states that the approval of plans by Municipal Council is required prior to development of the Lands, and that the Municipality may require the Owners to enter into an Agreement with the Municipality respecting certain prescribed matters;

AND WHEREAS as a condition of agreeing to development, the Municipality has requested the Owner enter into a Site Plan Agreement;

AND WHEREAS the Owner covenants and agrees to develop the Lands in accordance with this agreement;

AND WHEREAS the proposed development of the Lands is in accordance with the Official Zoning Plan and Zoning By-Law of the Municipality as of the date of this Agreement;

WITNESSETH that in consideration of these presents, and other good and valuable consideration, the Parties hereto mutually covenant, promise and agree as follows:

ARTICLE I

MUNICIPALITY CONSULTANTS

1.1 MUNICIPALITY TO RETAIN

In addition to persons in the employ of the Municipality, the Municipality shall retain the following professionals:

- a) a consulting/professional civil engineer registered with the Professional Engineers of Ontario (the "Municipality's Engineer"), for the purpose of reviewing all plans, specifications, engineering documents, contracts, details, elevations and other relevant information as well as the occasional inspection of the construction, repair and maintenance of the Services;
- b) the Municipality's solicitor for the purpose of reviewing all necessary legal matters incidental to the development of the Lands, including, without limiting generality, the preparation of this agreement together with all other documentation required by the Municipality to give effect to this Agreement and/or the development of the Lands;

ARTICLE 2

THE OWNER AGREES

2.1 OWNER AGREES

The Owners jointly and severally make the following covenants, all of which shall be carried out at the Owner's expense:

2.1.1 Owner to Provide

The following facilities, works or matters shall be provided by the Owner to the satisfaction of and at no expense to the Municipality: all buildings, landscaping, fencing, parking, storage and access areas, lighting, walkways, garbage disposal facilities, grading and provision for storm, surface and waste water in accordance with the attached site plan set out in Schedule "B" (the Site Plan) and the Site Services Plan (to be provided) in accordance with all the applicable provisions of the Municipality's By-Laws;

2.1.2 Construction and Maintenance

The Owners agree that the development of the Lands shall be constructed and forever maintained in accordance with the Site Plan and the Site Services Plan (to be provided)

2.1.3 The Development

The owners shall construct, install and provide the facilities and works required in and for the development at its own expense and in accordance with the Site Plan and other provisions of the Agreement.

2.1.4 Plans

2.1.4.1 Criteria

All plans, construction, installation, facilities and works shall be completed in accordance with:

- a) Sound engineering practice;
- b) The criteria laid down by governmental authorities having jurisdiction including, without limiting the generality of the foregoing, the Municipality, the Corporation of the County of Essex, the Essex Power Corporation or Ontario Hydro Corporation (whichever is the applicable hydro authority), the Ministry of the Environment and Energy, the Ministry of Transportation and the Essex Region Conservation Authority (ERCA);
- c) Such criteria as approved by Council of the Municipality.

2.1.4.2 Preparation of Plans

The Owner shall, at its own expense and prior to issuance of a building permit:

- a) prepare the Site Plan delineating the Owner's plans for the development of the Lands, which site plan shall be subject to the approval of the Municipality. It is hereby acknowledged that the Site Plan and Site Services Plan required to fulfill this condition have been prepared and approved, and are attached hereto as Schedule "B" and "C", respectively;
- b) prepare and submit to the Municipality all plans for off-site and on-site Services not detailed or fully described in the Site Plan, which plans shall also be subject to approval of the Municipality; and
- c) provide to the Municipality all requisite copies of the Site Plan and the said plans for Services as may be required by the Municipality.

2.1.4.3 Lot Grading Plan

The Owner further agrees, if required by the Municipality's Chief Building Official, and/or ERCA to submit to the satisfaction of the Chief Building Official and/or ERCA, a lot grading plan covering the subject lands for their approval prior to the issuance of any building permits. The Owner also agrees to have the approved elevation as per the lot grading plan verified by an Ontario Land Surveyor at the following stages of construction:

- (a) Prior to the pouring of footings (top of forms elevation); and
- (b) Following completion of construction;

Where the finished grade of lot deviates from the original lot grading plan presented to and accepted by the Municipality's Chief Building Official and/or ERCA, the Owner shall either submit a new lot grading plan to the satisfaction of the Municipality's Chief Building Official and/or ERCA or regrade the lands to the elevations indicated on the original lot grading plan.

2.1.4.4 Drainage Plan

The Owner shall provide for grading and drainage of the subject lands all in accordance with a Drainage Plan and the Engineering Data. Drainage facilities and requirements shall be constructed and installed contemporaneously with the construction of the development. The Owner shall supply, construct or install all facilities and works necessary to connect the Owner's drainage system to the Municipality's storm sewer system, and shall pay to the Municipality any connection charges associated therewith.

2.1.4.5 Landscaping Plan

The Owner shall landscape the subject lands all in accordance with the Landscaping Plan to be provided as per conditions precedent. The Owner further agrees to maintain such landscaping for so long as the buildings exist on the lands. Any topsoil removed from the subject lands during grading operations shall be stockpiled thereon in areas compatible for the reception of the same and the Owner covenants and agrees that it will not remove such topsoil from the boundaries of the lands without the approval of the Municipality. Any topsoil excavated but not immediately required for landscaping or for grading purposes shall be contoured and bermed to the satisfaction of the Municipality. Alternatively, the Owner, at its sole risk and expense, shall move such topsoil to such area within the Municipality as may be designated by the Municipality or, in the further alternative, the Owner shall, after receiving permission from the Municipality, at its sole risk and expense, remove such topsoil out from within the boundaries of the Municipality.

2.1.4.6 Reference Plan

The Owner, at the Owner's expense, shall engage a registered Ontario Land Surveyor to prepare, submit and register a Reference Plan, which must delineate the all of the Lands. The Owner, at the Owner's expense, shall initially provide Two (2) copies and (1) diskette of the Plan. All files are to be projected to North American Datum (NAD 83) UTM Zone 17 Geographic Coordinate System. The Owner at the Owner's expense shall provide additional copies of the subdivision plan in the required format upon the request of the Town. Any additional Reference Plans required to describe any portion of the Lands for which an interest (in fee simple or otherwise) is to be conveyed by the Owner shall be prepared, registered and copies supplied to the Municipality in the manner indicated above and at the expense of the Owner.

2.1.5 Engineer

The Owner shall employ at its expense a Consulting Engineer to:

- a) Design and submit drawings with respect to all services required (herein "the Engineering Data").
- b) Visit the site as required by the Municipality and inspect all services, etc.
- c) Submit to the Municipality (and all other authority having jurisdiction) "as-built" details and elevations.

2.1.6 Services

2.1.6.1 Stormwater Management

The Owner agrees that stormwater management measures shall be applicable to the development of the Lands, in a manner which is in accordance with the provisions of The Drainage Act, R.S.O. 1990, c.D.17 and amendments thereto, and to the satisfaction of the Municipality's Engineer.

2.1.6.2 Sanitary Sewers

The Owner, at its own expense, shall supply, construct or install all sanitary sewer connections necessary to service the site all in accordance with the Engineering Data. No work shall be carried out until the Engineering Data has been approved by the Town.

The Owner acknowledges that a portion of the building is serviced for its sanitary sewer connections by way of easements over abutting land to the south connecting to Tecumseh Road and represents and warrants to the Town that the easement remains in full force and effect and that there are no disputes concerning the validity of the easement including any arising from the construction contemplated under this agreement.

2.1.6.3 Water Services

The Owner, at its own expense, shall supply, construct or install all water connections necessary to supply water to the site all in accordance with the Engineering Data. No such work shall be carried out until the Engineering Data has been approved by the Town. Remote registry water meters shall be installed as specified by the Town. All costs of connecting water services to existing services shall be borne by the Owner.

The Owner acknowledges that a portion of the building is serviced with water by way of easements over abutting land to the south connecting to Tecumseh Road and represents and warrants to the Town that the easement remains in full force and effect and that there are no disputes concerning the validity of the easement including any arising from the construction contemplated under this agreement.

2.1.6.4 Electrical Services

All hydro services shall be underground. The Owner, at its expense, shall supply, construct or install all underground hydro services in the manner, location and design depicted in the Engineering Data but subject to the manner, design and specifications established from time to time by Ontario Hydro and the Essex Power Corporation for such services. All costs of connecting hydro services to existing services shall be borne by the Owner.

2.1.6.5 Underground Telephone and Gas

The Owner shall ensure that all Bell Canada and Union Gas Company installations shall be underground.

2.1.6.6 Notification and Permits

The owner hereby agrees to notify all local, Provincial or Federal authorities having jurisdiction as to its proposed development, and to obtain all necessary permits and/or approvals which may be required from any authority having jurisdiction with respect thereto.

2.1.6.7 Co-ordination of Services

The Owner shall be responsible for co-ordinating the installation of all facilities and works including without limitation the services to be installed by Bell Canada and Union Gas Company. The Municipality will send to the Owner's engineer all plans of installations received from time to time from Bell Canada and Union Gas Company.

2.1.7 Traffic Signs

The Owner shall provide, install and maintain suitable traffic direction and information signs, all in accordance with The Highway Traffic Act of Ontario, R.S.O. 1990, c.H.8 and amendments thereto, and The Public Transportation and Highway Improvement Act, R.S.O. 1990, c.P.50 and amendments thereto, to the satisfaction of the Municipality. The Owner shall provide, install and maintain suitable traffic direction and information signs painted or otherwise marked on the surface of the parking area and driveway approaches, all to the satisfaction of the Municipality.

Signage may be required respecting the bus bays proposed within St. Gregory's Road Allowance. Bus bays may not be afforded the same level of timing/priority for snow removal as the balance of St. Gregory Road.

2.1.8 Entrances

The Owner hereby agrees to construct and install all entrances, driveways, and curbing to the satisfaction of the Municipality and the County of Essex Road Department if applicable; and further agrees that the same shall be barrier free. The Owner shall maintain all entrances and driveways on the Lands to the satisfaction of the Municipality and the County of Essex Road Department if applicable. Any driveway approaches which become redundant following the development of shall be closed and the area restored to the satisfaction of the Municipality. Entrances shall be constructed and maintained so as to comply with the terms of any access easements in favour of abutting lands.

2.1.9 Repair

The Owner agrees that any Municipal property, including without limiting the generality of the foregoing, curbs, gutters, pavements, sidewalks, or landscaped areas on the public highway, and any property belonging to a third party, which are damaged during construction or otherwise, shall be restored by the Owner at its expense, and to the satisfaction of the Municipality. The Owner shall keep the subject lands in a state of good repair (including the cutting of weeds) and upon written notice from the Municipality shall correct deficiencies in the state of repair within ten (10) days thereof.

2.1.10 Dirt and Debris

The Owner further agrees to keep the public highways adjacent to the subject lands free from dirt and debris caused by the construction of the subject lands, and to provide reasonable dust control for the site and adjacent municipal streets during the course of construction.

2.1.11 Address Sign

The municipal address of the building shall be provided in a prominent location on the site and shall be designed to be easily readable from the adjacent street(s).

2.1.12 Environmental Laws

The Owner shall at all times in connection with the development and the implementation of this agreement comply fully with all environmental laws.

2.1.13 Noise By-Laws

The owner shall at all times insure that the provisions of the noise by-law for the

Municipality be strictly adhered to.

2.1.14 Local Improvements / Drainage Act

The owner agrees to sign Local Improvement petitions for, and agrees not to oppose, any municipal services proposed by the Municipality to be constructed pursuant to

- a) the provisions of the Municipal Act S.O., 2001, c.25, including but not limited to Ontario Regulation 119/03, or
- b) the Drainage Act of Ontario R.S.O. 1990 c.D.17 and amendments thereto, which shall directly or indirectly benefit the lands.

2.1.15 Parking, Driveways and Loading Areas

The Owner at its own expense shall provide parking driveways and loading areas in accordance with the Site Plan and/or the Site Services Plan. All such areas shall be paved with asphalt or concrete. All handicapped parking areas shall be identified with signage and logos to the satisfaction of the Municipality and identified as such using the then-current form available from the Office of the Clerk of the Municipality.

2.1.16 Snow Removal

The Owner, and not the Municipality, shall be responsible for keeping the parking and access areas free and clear of all snow and ice regardless of who owns those improvements or the lands upon which they are situate. No snow or ice from the subject lands shall be deposited on any municipal streets.

2.1.17 External Lighting

The Owner shall erect exterior lighting on the subject lands as depicted in the Site Plan and/or the Site Services Plan all in accordance with the Engineering Data. The Owner shall not erect any exterior lighting on the subject lands, other than that provided for in the Engineering Data or depicted in the Site Plan, unless the consent therefor is first had and obtained from the Municipality. The Owner further agrees that all lighting of the said lands shall be oriented and its intensity so controlled as to prevent glare on adjacent roadways and residential properties.

Should the Municipality, in its sole discretion determine that the lighting of the said lands has an adverse impact on the adjacent roadways or residential properties, then the Owner shall take all necessary measures to correct the adverse impact to the satisfaction of the Municipality. Measures to reduce the impact may include but shall not be limited to, the relocation of the lighting fixtures, the shielding of the lighting fixtures, the replacement of the lighting fixtures, replacing the lamps with lamps of lower intensity, reducing the time period when the lighting is activated or the removal of the lighting fixture.

2.1.18 Signs

The Owner shall not erect any signs on the subject lands other than signs which are allowed by this Agreement, as shown on Schedule "B" and/or Site Services Plan, and are consistent with the Town's Sign Bylaw or which are otherwise required by applicable law.

2.1.19 Refuse Collection

The Owner agrees to provide on-site facilities for refuse collection. Such facilities shall be screened from view in accordance with the requirements of the Municipality. The Owner, and not the Municipality, shall be responsible for the removal of any garbage, refuse or other wastes from the waste storage facility.

ARTICLE 3

TIMING

3.1 CONDITIONS

3.1.1 Conditions Precedent

It is a condition precedent to the coming into force of this Agreement that the Owner complete the following simultaneously with the execution of this Agreement:

- a) Security for performance is posted pursuant to Paragraph 6.1;
- b) Construction lien deposit pursuant to Paragraph 6.3;
- c) Preparation to the satisfaction of the Town, of a photometric plan, landscape plan and Site Services Plan to be kept on file and form part of this agreement.

3.1.2 Conditions Subsequent

It is a condition subsequent of this Agreement that the Owner complete the following as soon as is reasonably possible subsequent to the execution of this Agreement failing which, the Town may at its option elect to terminate this Agreement:

- a) Workers' Compensation Board Clearance Certificate issued if required;
- b) Proof of Insurance is provided pursuant to Paragraph 6.4 if required;
- c) Due registration against the title of the land of this Agreement;
- d) Postponement to this Agreement by all encumbrances;
- e) Receipt of the opinion of the Owner's lawyer confirming 3.1.2(c) and 3.1(d) if required by the Town;

3.2 BUFFER AREA

The Owner agrees to landscape all of the buffer and/or planting areas shown on the Site Plan and/or the Site Services Plan within SIX (6) months of commencement of construction as determined by the Chief Building Official.

3.3 COMPLETION

The Owners agree to fulfil all of the covenants set out herein to the satisfaction of the Municipality within ONE (1) year of the date of execution of this Agreement.

ARTICLE 4

PAYMENTS

4.1 COSTS

The Owner shall reimburse the Municipality for all the Municipality costs with respect to the development, including without limiting the generality of the foregoing, the fees and disbursements of its Engineer, and Solicitor. The Municipality shall deliver invoices to the owner in a timely fashion payment for which shall be due immediately.

4.2 DEVELOPMENT CHARGES

The Owner agrees to pay development charges with respect to the development in accordance with the Municipality's Development Charges By-Law.

ARTICLE 5

CONVEYANCES

5.1 EASEMENTS

The Owner shall convey or dedicate to the Municipality upon demand and without cost and free of encumbrance the easements provided for in the Engineering Data and Site Plan, in, through, over and under the subject lands as required for drainage purposes, sewers, hydro, gas, watermains, telephones etc. If the Municipality determines that additional easements are required, the Owner shall also convey or dedicate such additional easements upon demand and without cost and free of encumbrance.

5.2 ROAD WIDENING

The Owner shall convey or dedicate to the Municipality upon demand and without cost and free of encumbrance the lands shown on the Site Plan for road widening. If the Municipality determines that additional lands are required for road widening, the Owner shall also convey or dedicate such additional lands for road widening upon demand and without cost and free of encumbrance.

ARTICLE 6

SECURITY

6.1 PERFORMANCE

The Owner agrees, so as to assure the performance by the Owner of each of the terms and conditions of this Agreement during the development of the Lands, that the Owners shall, upon execution of this Agreement, forthwith deposit with the Municipality security in an amount which is equal to \$10,000.00 plus an amount equal to the value of the road work, if any, to be completed within any municipal road allowance (as calculated by the Owner's Engineer and approved by the Municipality). For greater certainty, the amount of said security shall be subject to approval by the Municipality's Clerk and Solicitor.

Said security shall be either by way of

- a) cash, or
- b) a Standby Letter of Credit pursuant to UCP500 only, issued by a chartered bank of Canada in form satisfactory to the Municipality's Clerk and Solicitor. (not a Letter of Guarantee or Bond)

Provided that in no event shall the Municipality be required to pay interest on this security.

6.2 RELEASE OF SECURITY

The Municipality agrees to return the said security to the Owner upon the completion and final approval of the works specified in this Agreement which approval is at the Municipality's sole discretion.

6.3 CONSTRUCTION LIENS

In as much as the Owner is obligated at the Owner's entire expense and not at the expense of the Municipality, to make improvements to the municipal infrastructure, the Owner shall deposit with the Municipality, in order to satisfy the requirements of Section 17(4) of the Construction Lien Act, R.S.O. 1990, c.C.30 and amendments thereto, cash or a letter of credit in form satisfactory to the Municipality and its Solicitor and in an amount of the holdbacks (under Part IV of the Construction Lien Act, R.S.O. 1990, c.C.30 and

amendments thereto) that would have been required were the improvements made at the expense of the Municipality. The Owner may, at its option, obtain a single letter of credit with respect to its responsibilities pursuant to Paragraph 6.1 of this Article, provided that the Municipality and its solicitor is satisfied that the Municipality's security under each paragraph, if read separately, would not be compromised by the Letter of Credit proposed by the Owner.

Provided that in no event shall the Municipality be required to pay interest on this security.

6.4 INDEMNITY AND INSURANCE

The Owner shall indemnify and save harmless the Municipality, and the Essex Power Corporation, from and against all actions, claims, loss, damage and liability connected with the development as contemplated herein arising directly or indirectly out of the negligence or unlawful performance or the non-performance of any obligation of the Owner or any contractors to the Owner under this Agreement. While any of the facilities and works herein have not been approved by the Municipality, the Owner shall maintain in full force and effect a policy of personal liability and property damage insurance in form and amount satisfactory to the Municipality's solicitor wherein the Owner, the Municipality, and the Essex Power Corporation, shall be insured as principals against such liability to the limits approved. The Owner shall provide the Municipality with a certified copy of such policy prior to the commencement of construction of any of the facilities and works referred to herein.

ARTICLE 7

DEFAULT

7.1 STOP WORK

In the event of any default by the Owner in the performance of any of the terms and conditions of this Agreement, the Municipality at its discretion shall, in addition to other remedies available to the Municipality, be entitled to refuse building permits with respect to the development and/or shall be entitled to refuse building and/or occupancy permits with respect to any buildings, and/or shall be entitled to issue stop work orders with respect to any matters in respect of which a building permit has been issued and/or may refuse to grant to the Owner any permissions, permits, certificates, approvals or authorities of any kind or nature which the Owner would have been entitled to receive had the Owner otherwise complied with the Municipality's requirements in this agreement, and/or shall be entitled to refuse to issue releases, all of which may be done until such time as the default has been cured in a manner satisfactory to the Municipality.

7.2 MUNICIPALITY MAY COMPLETE

The owner acknowledges that this agreement is entered into pursuant to section 41(11) of the Planning Act, R.S.O. 1990 c.P.13 and amendments thereto, and that a bylaw has been passed by the Municipality approving the entering into of this Agreement by the Municipality and incorporating the terms of this Agreement into that bylaw, and further that section 446 of The Municipal Act, S.O. 2001, c.25 and amendments thereto, applies to all requirements of this Agreement. If the Owner neglects to undertake any matter or thing required to be done by this Agreement and such default continues after SEVEN (7) days of the Owner being given written notice by the Municipality of such default, in addition to other remedies available to the Municipality, the Municipality may direct that such matter or thing shall be done at the expense of the Owner, and the Municipality may recover the costs incurred in doing it, by action or by adding such costs to the tax role and collecting them in the same manner as taxes; the Owner hereby authorises the Municipality (including, without limiting the generality of the foregoing, its employees, agents and servants) to enter upon the Lands to do any such matter or thing.

ARTICLE 8

REGISTRATION AND CONSENTS

8.1 REGISTRATION AND ENFORCEMENT

Pursuant to Section 41(10) of the said Planning Act, R.S.O. 1990, c.P.13 and amendments thereto, this Agreement may be registered against the Lands to which it applies, as a first charge, at the Owner's expense, and the Municipality is entitled to enforce the provisions hereof against the Owners, who shall be jointly and severally liable for the Owners' covenants and obligations outlined herein, and, subject to the provisions of The Registry Act, R.S.O. 1990, c.R.20 and amendments thereto, and the Land Titles Act, R.S.O. 1990, c.L.5 and amendments thereto, against any and all subsequent owners of the Lands.

8.2 CONSENT

The Owners hereby consent to the registration of this Agreement on the title of the Lands, said registration (as well as the preparation of this Agreement) to be at the Owners' expense.

8.3 MORTGAGEES

The owners agree to obtain a postponement of any mortgages or other encumbrances which may affect the Lands.

ARTICLE 9

MISCELLANEOUS

9.1 COMMUNICATION

Subject to the express provisions of this Agreement, all communications provided for or permitted hereunder shall be in writing, personally delivered to an officer of the addressee or sent by registered and receipted mail, charges prepaid, or by facsimile transmission or other means of recorded telecommunication, charges prepaid, to the applicable address set forth below or to such other address as either party hereto may from time to time designate to the other in such manner.

Communications sent to the Municipality shall be addressed to:

917 Lesperance Road, Tecumseh, Ontario N8N 1W9

Communications sent to the Owner shall be addressed to:

1325 California Ave, Windsor, ON N9B 3Y6

Any communication so personally delivered shall be deemed to have been validly and effectively given on the date of such delivery. Communications so sent by registered and receipted mail shall be deemed to have been validly and effectively given on the Business Day next following the day on which it is received, as evidenced by the postal receipt. Communications so sent by facsimile transmission or other means of recorded telecommunication shall be deemed to have been validly and effectively given on the Business Day next following the day on which it is sent. Any party may from time to time change his or its address for service on written notice to the others.

“Business Day” means any day, other than a Saturday, Sunday or any other day on which the principal chartered banks located in the Town are not open for business during normal banking hours

9.2 TIME OF ESSENCE

Time shall be of the essence of this Agreement and of every part thereof.

9.3 WAIVER

No waiver by any part of a breach of any of the covenants, conditions and provisions herein contained shall be effective or binding upon such party unless the same shall be expressed in writing and any waiver so expressed shall not limit or affect such party's rights with respect to any other future breach.

9.4 FURTHER ASSURANCES

Each of the Parties covenants and agrees that he, his heirs, executors, administrators and assigns will sign such further agreements, assurances, waivers and documents, attend such meetings, enact such by-laws or pass such resolutions and exercise such votes and influence, do and perform or cause to be done and performed such further and other acts and things as may be necessary or desirable from time to time in order to give full effect to this Agreement and every part thereof.

9.5 HEADINGS

The headings of the Articles of this Agreement are inserted for convenience only and do not constitute part of this Agreement.

9.6 SUCCESSORS AND ASSIGNS

The covenants hereunder shall run with the land and this Agreement shall be binding upon and enure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns.

9.7 GENDER

All words and personal pronouns relating thereto shall be read and construed as the number and gender of the party or parties referred to in each case require and the verb shall be construed as agreeing with the required word and pronoun.

9.8 SEVERABILITY

If any covenant or provision contained herein is determined to be in whole or in part, invalid or unenforceable by reason of any rule of law or public policy, such invalidity or unenforceability shall not affect the validity or enforceability of any other covenant or provision contained herein and, in the case of partial invalidity or unenforceability of a covenant or provision, such partial invalidity or unenforceability shall not affect the validity or enforceability of the remainder of such covenant or provision, and such invalid or unenforceable covenant or provision or portion thereof, as the case may be, shall be severable from the remainder of this Agreement.

9.9 ENTIRE AGREEMENT

This Agreement expresses the final agreement among the parties hereto with respect to all matters herein and no representations, inducements, promises or agreements or otherwise among the parties not embodied herein shall be of any force and effect. This Agreement shall not be altered, amended or qualified except by a memorandum in writing, signed by all the parties hereto, and any alteration, amendment or qualification thereof shall be null and void and shall not be binding upon any such party unless made and recorded as aforesaid.

9.10 EXECUTION IN COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which when so executed shall be deemed to be an original and all of which together shall constitute one and the same instrument.

9.11 JURISDICTION

This Agreement and all other agreements, security and documents to be delivered in connection with this agreement shall be governed by and construed in accordance with the applicable laws of the Province of Ontario and of Canada.

9.12 ASSIGNMENT

Subject to the terms of this agreement, this agreement is not assignable by the owner prior to completion of the works without the consent of the Municipality.

9.13 TRUE COPY

All of the parties hereto acknowledge having received a true copy of this document.

9.14 SCHEDULES

Those Schedules attached hereto and otherwise as satisfaction of a condition precedent have been signed by the parties and are on file with the Municipality. A reduced copy of those schedules may be annexed hereto which copy may be removed prior to registration on title should the Land Registry Office so determine or require.

9.15 CONTRA PROFERENTEM RULE NOT APPLICABLE

It is agreed and acknowledged that both parties, directly or through their agents, principals, representatives and/or solicitors, have participated in the preparation and/or negotiation of the provisions of this agreement.

Should any provision of this agreement require judicial interpretation, mediation or arbitration, it is agreed that the court, mediator or arbitrator interpreting or construing the same shall not apply a presumption that the terms thereof shall be more strictly construed against one party or so as to disadvantage any party on the basis that such party and/or its solicitor or agent:

- a. *Prepared this agreement or any part of it; or*
- b. *Seeks to rely on this agreement or any part of it."*

9.16 INDEPENDENT LEGAL ADVICE

To the extent that the solicitors of Wolf Hooker Professional Corporation has been involved in the preparation of this agreement, such solicitors act solely as solicitors for the Town and with regard to the interests of the Town and not for any other party to this agreement. It is strongly recommended that all other parties to this agreement obtain independent legal advice prior to signing this agreement. Each such party acknowledges:

- 1) having obtained independent legal advice from his, her, or its’ own solicitor with respect to the terms of this Agreement prior to its execution or having otherwise been given a reasonable opportunity to obtain such advice and declined to so;
- 2) that he *or* she *or* it understands the terms, and his *or* her rights and obligations, under this Agreement.

IN WITNESS WHEREOF the Parties hereto have hereunto set their hands and seals.

SIGNED, SEALED AND DELIVERED	}	
in the presence of	}	
	}	
	}	THE CORPORATION OF THE
	}	TOWN OF TECUMSEH
	}	
	}	Per:_____
	}	Gary McNamara - MAYOR
	}	_____
	}	Laura Moy - CLERK
	}	
	}	WINDSOR-ESSEX
	}	CATHOLIC DISTRICT
	}	SCHOOL BOARD
	}	
	}	Per:_____
	}	
	}	
	}	Per:_____
	}	

SCHEDULE "A"

THE LANDS

Firstly, PIN 75271-0053

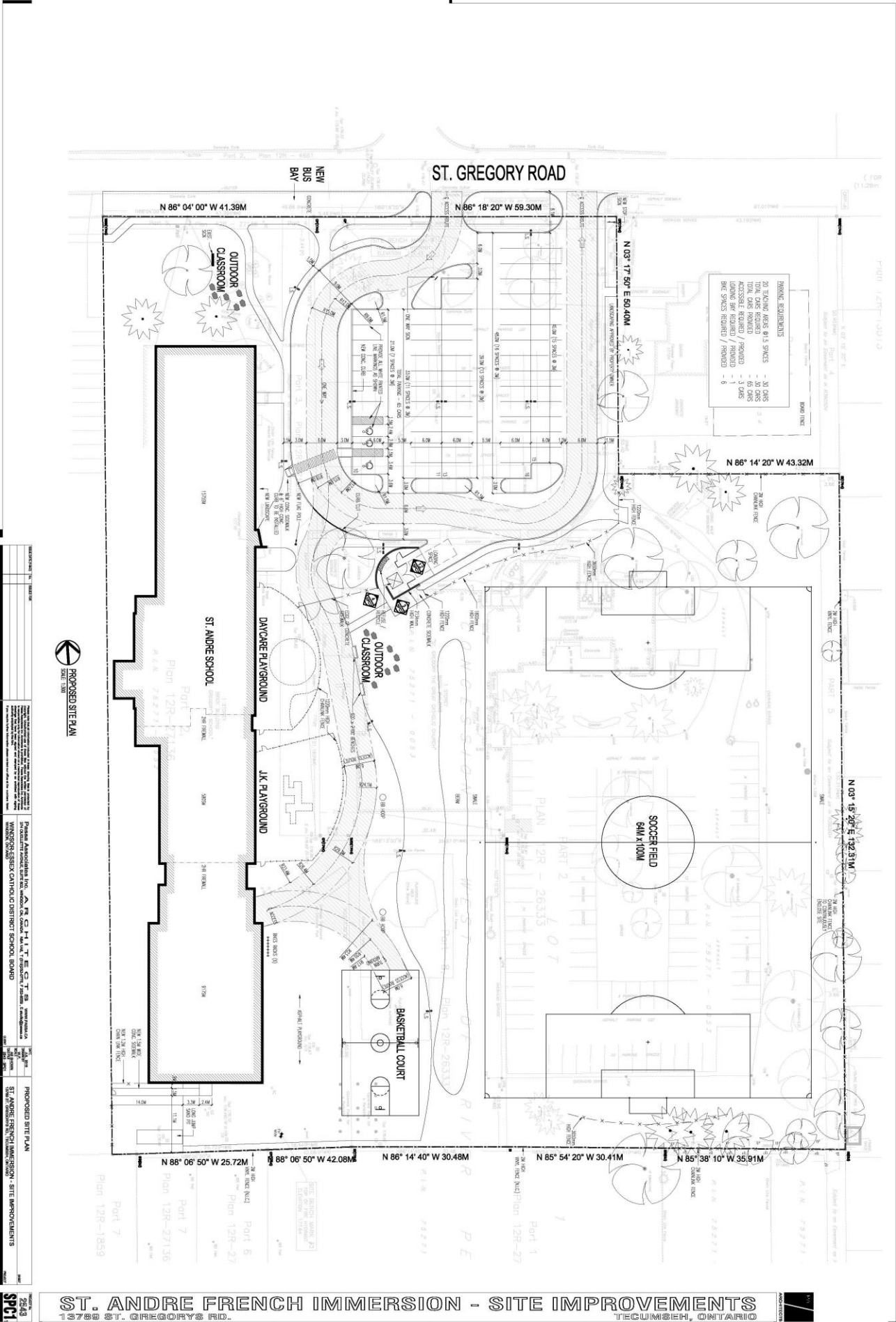
PART LOT 1 CONCESSION WEST OF RIVER PECHE MAIDSTONE (ST. CLAIR BEACH), PARTS 2, 3, 5, 6 & 7 12R26333; SUBJECT TO AN EASEMENT OVER PART 5 12R26333 AS IN R390504; SUBJECT TO AN EASEMENT OVER PARTS 6 & 7 12R26333 AS IN R756562; SUBJECT TO AN EASEMENT OVER PARTS 3 & 7 12R26333 IN FAVOUR OF PART LOT 1 CONCESSION WEST OF RIVER PECHE MAIDSTONE, PARTS 1 & 4 12R26333 AS IN CE808917; TOWN OF TECUMSEH

Secondly, PIN 75271-0051

PART LOT 1 CONCESSION WEST OF RIVER PECHE MAIDSTONE (ST. CLAIR BEACH) PARTS 1, 6 & 7 12R27136; SUBJECT TO AN EASEMENT OVER PART 6 12R27136 IN FAVOUR OF PARTS 2,3,4&5 12R27136 AS IN CE808919; SUBJECT TO AN EASEMENT OVER PART 6 12R27136 IN FAVOUR OF PARTS 2,3,4&5 12R27136 AS IN CE808920; TOWN OF TECUMSEH

SCHEDULE "B"

SITE PLAN





The Corporation of the Town of Tecumseh

Public Works & Environmental Services

To: Mayor and Members of Council

From: Sam Paglia, Drainage Superintendent/Engineering Technologist

Date to Council: July 10, 2018

Report Number: PWES-2018-13

Subject: Request for Repair and Improvements to Municipal Drains
Appointment of Drainage Engineer

Recommendations

It is recommended:

That Dillon Consulting Limited (Dillon) **be appointed** Drainage Engineer to:

- (i) make an examination of drainage areas as submitted by the County of Essex in the "Notice of Request for Drain Improvement" dated April 30, 2018; and
- (ii) prepare a Drainage Report in accordance with Section 78 of the *Drainage Act*, including provisions for future maintenance for each of the following Drains:
 - a. St. Louis Drain
 - b. Eleventh Concession Drain
 - c. Banwell Road Drain
 - d. Klondyke and Branch Drain
 - e. Lesperance Road West Drain
 - f. Lesperance Road East Drain
 - g. Dame and East Branch and Extension Drain

Background

The Town of Tecumseh received correspondence from the County of Essex (County) respecting the preliminary and detail design for the reconstruction of County Road 42 and the diversion of County Road 43. Specifically:

- County Road 42 from the City of Windsor / Town of Tecumseh border to the Pike Creek Bridge in the Town of Lakeshore.
- The diversion of County Road 43 from Shields Avenue to approximately 250 metres south of County Road 42.

Through the County's review of the recommended plans developed through the Environmental Assessment (EA) process for the respective roadways, the County anticipates that the following drains will be impacted by the proposed work:

- a. St. Louis Drain
- b. Eleventh Concession Drain
- c. Banwell Road Drain
- d. Klondyke and Branch Drain
- e. Lesperance Road West Drain
- f. Lesperance Road East Drain
- g. Dame and East Branch and Extension Drain

A location map for each of the above-noted Drains is appended as Attachment No. 1 to this report.

An inspection of each of the above-noted Drains and their respective drainage areas will be required to determine the existing condition of each Drain and the impact of the County's project on the Drains' function.

Comments

Legislation

Section 78 of the *Drainage Act* requires Council by by-law or resolution to appoint an Engineer to make an examination of the areas requiring drainage as described in the Request and to prepare a Drainage Report. The report shall include:

- a) plans, profiles and specifications of the drainage works, including a description of the area requiring drainage;
- b) an estimate of the total cost thereof;
- c) an assessment of the amount or proportion of the cost of the works to be assessed against every parcel of land and road for benefit, outlet liability and injuring liability;
- d) allowances, if any, to be paid to the owners of land affected by the drainage works; and
- e) such other matters as are provided for under the *Act*.

Section 78(1) If a drainage works has been constructed under a by-law passed under this Act or any predecessor of this Act, and the council of the municipality that is responsible for maintaining and repairing the drainage works considers it appropriate to undertake one or more of the projects listed in subsection (1.1) for the better use, maintenance or repair of the drainage works or of lands or roads, the municipality may undertake and complete the project in accordance with the report of an engineer appointed by it without the petition required in section 4.

Section 78(1.1) the projects referred to in subsections (1) are:

1. Changing the course of the drainage works.
2. Making a new outlet for the whole or any part of the drainage works.
3. Construction a tile drain under the bed of the whole or any part of the drainage works.
4. Constructing, reconstructing or extending embankments, walls, dykes, dams, reservoirs, bridges, pumping stations or other protective works in connection with the drainage works.
5. Otherwise improving, extending to an outlet or altering the drainage works.
6. Covering all or part of the drainage works.
7. Consolidating two or more drainage works.

Section 78(1) of the Act states that where, for the better use, maintenance or repair of any drainage works constructed under a by-law passed under this Act or any predecessor of this Act or to otherwise improve, extend to an outlet or alter the drainage works or to cover the whole or any part of it, the Council of any municipality whose duty it is to maintain and repair the drainage works or any part thereof may, on the report of an Engineer appointed by it, undertake and complete the drainage works as set forth in such Drainage Report.

All proceedings, including appeals, under Section 78 shall be the same as on a report for the construction of a drainage works (Section 78(4)).

Notice to conservation authority

(2) An engineer shall not be appointed under subsection (1) until thirty days after a notice advising of the proposed drainage works has been sent to the secretary-treasurer of each conservation authority that has jurisdiction over any of the lands that would be affected. R.S.O. 1990, c. D.17, s. 78 (2); 2010, c. 16, Sched. 1, s. 2 (28).

Powers and duties of engineer

(3) The engineer has all the powers and shall perform all the duties of an engineer appointed with respect to the construction of a drainage works under this Act. R.S.O. 1990, c. D.17, s. 78 (3).

Proceedings

(4) All proceedings, including appeals, under this section shall be the same as on a report for the construction of a drainage works. R.S.O. 1990, c. D.17, s. 78 (4).

Required approvals

On May 1, 2018, the Town sent notification to the Essex Region Conservation Authority (ERCA) that it submitted a request for the repair and improvement of the Drains. As outlined in Section 78(2) of the Act, the Engineer shall not be appointed until after the 30 day notification

to the Conservation Authority who has regulation of the area. This administrative report is in line with those provisions and the 30 day period expires on June 1, 2018.

The proposed drainage works will need to be self-assessed by the Town through the Department of Fisheries and Oceans (DFO). In order to obtain a federal Authorization, it may be necessary to provide habitat compensation for loss habitat for the proposed works. The resulting habitat impacts must be replaced with equivalent habitat features. If a Biologist is necessary, the cost of same becomes the responsibility of the proponent.

The Drains may contain significant species (aquatic species at risk as well as plants, animals, habitat, etc.) that are protected under the provincial Endangered Species Act (ESA). All inquiries regarding the provincial ESA are made with the Ministry of Natural Resources and Forestry (MNRF).

Appointment of Engineer

It is recommended that Dillon be appointed Drainage Engineer for this project for consistent project management as Dillon is currently retained by the County to complete the preliminary and detailed design for the reconstruction of County Road 42 and the diversion of County Road 43. Additionally, Dillon is experienced in examining the Town's municipal drainage system and completes thorough and timely reports.

Administration recommends that the Town appoint a Drainage Engineer under Section 78 of the *Drainage Act* to review the proposed project and its potential impacts on the Drains.

For the benefit and conveyance of the water received by all affected lands within the watershed and adjacent to the Drains who depend on the Drains as their outlet for the water that they receive, it is recommended that Dillon be appointed Drainage Engineer to:

- (i) make an examination of drainage areas as submitted by the County of Essex in the "Notice of Request for Drain Improvement" dated April 30, 2018; and
- (ii) prepare a Drainage Report in accordance with Section 78 of the *Drainage Act*, including provisions for future maintenance of each of the following Drains:
 - a. St. Louis Drain
 - b. Eleventh Concession Drain
 - c. Banwell Road Drain
 - d. Klondyke and Branch Drain
 - e. Lesperance Road West Drain
 - f. Lesperance Road East Drain
 - g. Dam and East Branch and Extension Drain

Consultations

Financial Services
Corporate Services & Clerk
Dillon Consulting Limited

Financial Implications

The Engineer's Report shall assess for benefit, outlet liability and injuring liability. A schedule of assessment is to be contained in the report which details in separate columns, the sums assessed for each parcel of land and the road authority's liability. The Town of Tecumseh will be responsible for the amount assessed for benefit of its road(s).

Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Cheryl Curran, BES
Clerk I Administrative Clerk

Reviewed by:

Phil Bartnik, P.Eng.
Manager Engineering Services

Reviewed by:

Dan Piescic, P.Eng.
Director Public Works & Environmental Services

Reviewed by:

Luc Gagnon, CPA, CA, BMath
Director Financial Services & Treasurer

Reviewed by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Recommended by:

Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

**Attachment
Number**

1

**Attachment
Name**

Location Map

PWES 2018-13



The Corporation of the Town of Tecumseh

By-Law Number 2018 - 45

Being a by-law to appoint members to the Tecumseh Senior Advisory Committee for the term of Council ending 2018

Whereas the Council for The Corporation of the Town of Tecumseh is desirous of establishing a Senior Advisory Committee;

Whereas the Council of The Corporation of the Town of Tecumseh (Council) passed By-Law No. 2017-91 appointing members to the Senior Advisory Committee for the term of Council;

And Whereas the Council is desirous of amending By-Law No. 2017-91;

Now Therefore the Council of The Corporation of The Town of Tecumseh Enacts as follows:

1. **That** paragraph 1 of By-Law No. 2017-91 is hereby replaced with the following:

“That the following persons are hereby appointed to the Tecumseh Senior Advisory Committee:
 - Paul Morand
 - Doug Drouillard
 - Nancy Tennant
 - Dara Pfeifer-O'Connor
 - Michelle Philion
 - Suzanne Beneteau
 - Dorothy Nagy
2. **That** this by-law shall come into force and take effect on the third and final reading thereof.

Read a first, second and third time and finally passed this 10th day of July, 2018.

Gary McNamara, Mayor

Laura Moy, Clerk

The Corporation of the Town of Tecumseh

By-Law Number 2018 - 46

Being a by-law to appoint members to the Tecumseh Youth Advisory Committee for the term of Council ending 2018

Whereas the Council for The Corporation of the Town of Tecumseh is desirous of establishing a Youth Advisory Committee;

Whereas the Council of The Corporation of the Town of Tecumseh (Council) passed By-Law No. 2017-92 appointing members to the Youth Advisory Committee for the term of Council;

And Whereas the Council is desirous of amending By-Law No. 2017-92;

Now Therefore the Council of The Corporation of The Town of Tecumseh Enacts as follows:

1. **That** paragraph 1 of By-Law No. 2017-92 is hereby replaced with the following:

“That the following persons are hereby appointed to the Tecumseh Youth Advisory Committee:

- Brendan Froese
- Kristi Koutros
- Andre Ducharme
- Ava Ruuth
- Jacob Altenhof
- Michael Altenhof
- Maria Giorlando
- Cameron Skinner
- Tia-Lynne McCann
- Tamsyn King

Read a first, second and third time and finally passed this 10th day of July, 2018.

Gary McNamara, Mayor

Laura Moy, Clerk

UNFINISHED REGULAR COUNCIL BUSINESS

	Meeting Date	Resolution	Subject	Action/Direction	Depart.	Status/Action Taken
3/17	Mar 14, 2017		Alley Closing Policy	An alley closing policy is requested to establish a uniform process for closing alleys.	Clerks	Next Policies & Priorities Committee
4/17	Mar 28, 2017		Oldcastle Hamlet	The presentation and requests made by FOOD is referred to Administration for a report and recommendation.	Planning	OMB Hearing Nov. 17-17, 2017 OMB Decision Jan. 17, 2018 Section 43 Review Feb 13, 2018
13/17	May 23, 2017		Signage on Manning Road	Administration is requested to approach the Town of Lakeshore and the County of Essex in regards to establishing a gateway policy with a common standard for regulating urbanized areas and signs for Manning Road.	CAO	Tecumseh and Lakeshore Administration have met and a response is pending from Lakeshore.
18/17	July 25, 2017		Urban Chickens	Zoning Order issued to Dan Beaulieu relating to the keeping of chickens at 2380 Lesperance Road, be deferred pending further discussion and decision-making by Council on the matter of the keeping of urban chickens based on further research and reporting by Administration.	Clerks/ Planning	Research is in progress
25/17	November 14, 2017		Tenanted Farm Tax Class	Administration is requested to provide comments regarding the tenanted farm tax properties being reclassified as a residential tax class (for non-tilled land), and not implementing this change. How this action could financially impact municipalities and property owners.	Finance	
27/17	December 12, 2017		OMB Hearing Costs	A request is made for the financial costs of the OMB Ward Boundary hearing, in addition to the Del Duca and Oldcastle Hamlet OMB Hearings.	Finance	Final costs are being evaluated
1/18	January 30, 2018		Video Surveillance	Administration to follow up on video surveillance and potential grant funding for acquiring a system.	ICS	Grant application is being investigated and met with local expert
8/18	March 13, 2018		Air Quality Standards and Enforcement	Administration is requested to send a letter to the Ministry of the Environment and Climate Change to seek clarification on responsibility for enforcement of air quality standards in residential areas.	Clerks	Draft letter being prepared
10/18	March 27, 2018		Noise By-law Exemptions	Administration is asked to look into delegation of authority for exemptions from the noise by-law for non-alcohol related special events on Town property.	PRS/Clerks	In progress for the July 24 RCM
18/18	April 24, 2018		Cada Library Renovations	It is directed that Administration provide a report on the Cada Library to include consultations with TAAC, SAC, YAC, CAC, and other stakeholders on the current options proposed to refresh or renovate the current library building.	PWES/Clerks	The Library proposal has been presented to the May meetings of the SAC, YAC and CAAC and TAAC.

	Meeting Date	Resolution	Subject	Action/Direction	Depart.	Status/Action Taken
19/18	May 22, 2018		Property By-law	It is directed that Administration harmonize the by-law regarding disconnected tractor-trailers on residential properties to be consistent within the Town.	PBS	
20/18	May 22, 2018		Police Service Levels	It is directed that Administration review the current police service levels to address resident concerns regarding driver behaviour and enforcement of vehicles speeding in residential areas.	CAO	
21/18	June 26, 2018		By-Law Enforcement	It is requested that a communication plan be developed to inform residents of property standards.	PBS	
22/18	June 26, 2018		Community Safety Zone	It is requested that the area of Schwanoe Park is asked to be evaluated for Community Safety Zone designation.	PWES	

The Corporation of the Town of Tecumseh

By-Law Number 2018 - 47

Being a by-law to confirm the proceedings of the **July 10, 2018** regular meeting of the Council of The Corporation of the Town of Tecumseh

Whereas pursuant to Section 5(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, the powers of a municipality shall be exercised by its Council; and

Whereas pursuant to Section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the Town of Tecumseh at this Session be confirmed and adopted by by-law.

Now Therefore the Council of The Corporation of The Town of Tecumseh Enacts as follows:

1. **That** the actions of the Council of The Corporation of the Town of Tecumseh in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all other action passed and taken by the Council of The Corporation of the Town of Tecumseh, documents and transactions entered into during the **July 10, 2018**, meeting of Council, are hereby adopted and confirmed, as if the same were expressly embodied in this By-law.
2. **That** the Mayor and proper officials of The Corporation of the Town of Tecumseh are hereby authorized and directed to do all the things necessary to give effect to the action of the Council of The Corporation of the Town of Tecumseh during the said **July 10, 2018**, meeting referred to in paragraph 1 of this By-law.
3. **That** the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary to the action taken by this Council as described in Section 1 of this By-law and to affix the Corporate Seal of The Corporation of the Town of Tecumseh to all documents referred to in said paragraph 1.

Read a first, second and third time and finally passed this 10th day of July, 2018.

Gary McNamara, Mayor

Laura Moy, Clerk