

Tuesday, April 25, 2017, 7:00 PM  
Tecumseh Town Hall  
[www.tecumseh.ca](http://www.tecumseh.ca)

**Pages**

1. **CALL TO ORDER - Mayor**
2. **MOMENT OF SILENCE**
3. **NATIONAL ANTHEM**
4. **ROLL CALL & DISCLOSURE OF PECUNIARY INTEREST**
5. **COUNCIL MINUTES**
  - a. Special Council Meeting  
April 11, 2017 4 - 6
  - b. Regular Council Meeting  
April 11, 2017 7 - 13
6. **SUPPLEMENTARY AGENDA ADOPTION**
7. **DELEGATIONS**
  - a. Windsor-Essex Compassion Care Community  
Re: Windsor-Essex Compassion Care Community Services and Event
  - b. Manager Recreation Programs & Events and Supervisor Recreation  
Programs & Events  
Re: New Recreation Website - TecumsehRec.ca
  - c. The Hayes Family  
Re: Canada Flag Donation
8. **COMMUNICATIONS FOR INFORMATION**
  - a. Municipality of Dutton Dunwich 14 - 14  
Re: Resolution Supporting Private Member's Bill of Sam Oosterhoff, MPP
  - b. Ministry of Transportation 15 - 16  
Re: Province-wide Network of Cycling Routes in Ontario
9. **COMMUNICATIONS ACTION REQUIRED**
  - a. Great Lakes & St. Lawrence Cities Initiative Re: Federal Budget Strategy 17 - 18  
**THAT** the model resolution provided by the Great Lakes & St. Lawrence  
Cities Initiative calling on the restoration of federal funding for the Great  
Lakes and St. Lawrence be adopted.
  - b. Minister Responsible for Seniors Affairs Re: Seniors' Month in Ontario 19 - 21  
2017  
**THAT** the month of June 2017 be proclaimed as Seniors' Month and that  
the proclamation be posted to the Town's website and social media and  
further that this communication from the Minister be shared with the  
Senior Advisory Committee.
  - c. Forests Ontario Re: Ontario150 Initiatives 22 - 22  
**THAT** Forests Ontario's celebration of Ontario150 by launching two  
initiatives, The Heritage Tree Program and Ontario's Green Leaf  
Challenge (GLC), in addition to the existing 50 Million Tree Program  
(50MTP), be promoted on the Town's website and social media sites.

## 10. COMMITTEE MINUTES

- |    |  |         |
|----|--|---------|
| a. | Youth Advisory Committee<br>April 10, 2017           | 23 - 24 |
| b. | Heritage Committee<br>April 10, 2017                 | 25 - 27 |
| c. | Cultural & Arts Advisory Committee<br>April 10, 2017 | 28 - 30 |
| d. | Court of Revision<br>April 11, 2017                  | 31 - 33 |

## 11. REPORTS

- |    |   |         |
|----|---|---------|
| a. | Corporate Services & Clerk  |         |
| 1. | Director Corporate Services & Clerk, Report No. 07/17<br>Re: 2018 Municipal and School Board Elections Method of Voting   | 34 - 43 |
| b. | Fire & Rescue Services  |         |
| 1. | Director Fire Services & Fire Chief, Report No. 05/17<br>Re: Tecumseh Fire Services - Q1 2017 Update  | 44 - 49 |
| c. | Parks & Recreation Services   |         |
| 1. | Director Parks & Recreation Services, Report No. 08/17<br>Re: Essex Region Greenway Trail Extension Tender Award  | 50 - 54 |
| d. | Planning & Building Services  |         |
| 1. | Director Planning & Building Services, Report No. 11/17<br>Re: Canada-Ontario Affordable Housing Program, 2016 & 2017 Rental Housing Component of the Social Infrastructure Fund Investment in Affordable Housing Program Extension | 55 - 58 |
| e. | Public Works & Environmental Services   |         |
| 1. | Drainage Superintendent, Report No. 20/17<br>Re: Request for Repair and Improvements to a Municipal Drain, Appointment of Drainage Engineer – Shreve Drain  | 59 - 66 |
| 2. | Drainage Superintendent, Report No. 21/17<br>Re: Request for Repair & Improvement to a Municipal Drain, Appointment of Drainage Engineer – South Talbot & Holden Outlet Drain   | 67 - 74 |
| 3. | Manager Roads & Fleet, Report No. 24/17<br>Re: Supply of Tandem Axle Truck and Snow Plow Package  | 75 - 78 |
| 4. | Manager Roads & Fleet, Report No. 25/17<br>Re: 2017 Supply of Various Vehicles, Tender Award  | 79 - 82 |

## 12. BY-LAWS

- |    |   |         |
|----|---|---------|
| a. | By-law 2017-25<br>Being a by-law to amend By-law 2065, the Town's Comprehensive Zoning By-law for those lands in the former Village of St. Clair Beach (Removal of Holding Zone Symbol "H", affecting the 0.3 hectare parcel of land situated on the north-east corner of the Tecumseh Road/Brighton Road intersection – 14306 Tecumseh Road) | 83 - 84 |
|----|---|---------|

b.	By-law 2017-26	85 - 105
	Being a by-law to authorize the execution of a Site Plan Control Agreement between The Corporation of the Town of Tecumseh and Hasan Bahcheli & Emine Bahcheli	
c.	By-law 2017-27	106 - 106
	Being a by-law to authorize the use of internet and telephone voting for the 2018 Municipal and School Board Elections	
<b>13.</b>	<b>UNFINISHED BUSINESS</b>	
<b>14.</b>	<b>NEW BUSINESS</b>	
a.	Unfinished Business Listing	107 - 107
	April 25, 2017	
<b>15.</b>	<b>MOTIONS</b>	
a.	By-law 2017-28	108 - 108
	Being a by-law to confirm the proceedings of the April 25, 2017 regular meeting of the Council of The Corporation of the Town of Tecumseh	
<b>16.</b>	<b>NOTICES OF MOTION</b>	
<b>17.</b>	<b>NEXT MEETING</b>	
a.	Tuesday, May 9, 2017	
	6:00 pm Public Council Meeting Re Lakeview Montessori OPA/ZBA	
	7:00 pm Regular Council Meeting	
<b>18.</b>	<b>ADJOURNMENT</b>	

**MINUTES OF A SPECIAL MEETING OF  
THE COUNCIL OF THE TOWN OF TECUMSEH**

Tecumseh Council meets in special session on Tuesday, April 11, 2017 at the Town of Tecumseh at 5:00 p.m.

(SCM 3-1)

**ORDER**

Deputy Mayor Joe Bachetti calls the meeting to order at 5:05 p.m.

(SCM 3-2)

**ROLL CALL**

Present:	Mayor	- Gary McNamara [6:06 pm]
	Deputy Mayor	- Joe Bachetti
	Councillor	- Andrew Dowie
	Councillor	- Brian Houston
	Councillor	- Rita Ossington
	Councillor	- Tania Jobin
	Councillor	- Bill Altenhof

Also Present:	Chief Administrative Officer	- Tony Haddad
	Director Corporate Services & Clerk	- Laura Moy
	Deputy Clerk	- Christina Hebert
	Director Public Works & Environmental Services	- Dan Piescic
	Director Planning & Building Services	- Brian Hillman
	Director Parks & Recreation Services	- Paul Anthony
	Director Fire Services & Fire Chief	- Doug Pitre
	Manager Engineering Services	- Phil Bartnik

(SCM 3-3)

**PECUNIARY INTEREST**

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

(SCM 3-4)

**INTRODUCTION AND PURPOSE OF MEETING**

The purpose of the meeting is to discuss the Ward Boundary Option 3B\*\* as accepted by Council at the March 28, 2017 regular meeting of Council and to have any questions by the Members be addressed by Mr. John Matheson, Principal of StrategyCorp.

(SCM 3-5)

**DELEGATIONS**

The Chief Administrative Officer advises the special meeting of Council was scheduled to allow the opportunity for Council to have some discussions as it related to the accepted Option, as amended, and to have any questions addressed prior to the Director Corporate Services & Clerk's Report No. 06/17 regarding the adoption of by-laws to approve the Ward Boundary Adjustments and changes to the composition of Council.

Discussion ensues regarding the various options provided by StrategyCorp, in particular Option 3B, as presented, and the Members suggested 'tweaks' to the ward boundaries.

It is reiterated the objective of the amendments to the ward boundaries is in keeping with the five (5) guiding principles, subject to the 'overriding principle' of effective representation, as established in the Terms of Reference for the Ward Boundary and Council Structure Review.

The need for further fine tuning and 'tweaking' of the boundaries to address the multi-variable optimization is expressed by some of the Members.

In response to an inquiry, Mr. John Matheson validates there is always a number of legitimate questions about the various options when conducting a review. With respect to the specifics of the review time frame, he advises it is considered best practice to have regard to the current population state and future development projects instead of reviewing after each election. He further assures it is quite appropriate to establish well defined boundaries now and review over time.

In regards to physical boundaries, Mr. Matheson states roads are one of the common factors to use as a dividing line. Other factors to be taken into consideration are the guiding principles such as representation by population, geographic features and communities of interest.

Mr. Matheson notes the commentary provided by Council is all very sensible and can lead to other options worth considering.

With respect to a recent appeal of a Ward Boundary Review by a City of Hamilton resident to the Ontario Municipal Board (OMB), Mr. Matheson advises in the opinion of StrategyCorp because of the Town's unique circumstances, there are a number of options that would meet the test for effective representation. In the event of an appeal, the OMB would take into consideration the wide range of options considered by Council, as well as the minor changes appropriately motivated in the spirit of the Carter test.

The Chief Administrative Officer reminds the Members of the Director Corporate Services & Clerk's Report No. 06/17 from the Regular Council Meeting Agenda regarding Council's decision of March 28, 2017 and the related by-laws. Should Council decide to reconsider their decision, clear direction from Council as far as the 'tweaking' they wish to see needs to be provided to Administration. A review and discussion with the consultant to carry out due diligence will follow with a report back to Council for their consideration and direction, at a later date.

The Director Corporate Services & Clerk advises that a motion for reconsideration of a question which has been decided upon but not acted upon may be made at any time by a member who voted thereon. A motion to reconsider will be carried by a two-thirds (2/3) majority of the Members present and voting, all of which Members were present at the March 28, 2017 meeting of Council. It is further noted that no such motion can be received which would require reconsideration of the same question more than once during the twelve (12) months following the date on which the question was decided.

The Members may wish to defer the Director Corporate Services & Clerks Report and related by-laws on this evening's Regular Council Meeting Agenda, to allow for Council to provide their specific information on the 'tweaking' to the proposed Ward Boundary changes.

Mayor McNamara enters the meeting at 6:06 pm.

The Deputy Mayor inquires if members of the audience are interested in coming forward.

Motion: (SCM-07/17) Moved by Councillor Bill Altenhof  
Seconded by Councillor Andrew Dowie  
**THAT** Wendy Daniel be permitted to address council.

Carried

Wendy Daniel

Ms. Wendy Daniel inquires why a boundary change is needed and implores Council to properly review and consider the best interest of everyone in the community. She expresses the boundary lines matter to the residents of Ward 2.

The Mayor comments in fairness to Administration, there has been a thorough review of the ward boundaries. Change is one of the most difficult things for people to accept. He

personally prefers an `at large` system to eliminate the parochial approach as Council has a responsibility to all residents. Council understands people are passionate about their streets, parks, and so forth but we need to look at the community as a whole moving forward. He further reminds that another review will be carried out in ten (10) years to determine if any further adjustments are needed at that time.

Motion: (SCM-08/17) Moved by Mayor Gary McNamara  
Seconded by Councillor Bill Altenhof

**THAT** Brad Prsa be permitted to address council.

Brad Prsa

Mr. Brad Prsa, a St. Clair College student, inquiries how future development will possibly affect ward boundaries. The Chief Administrative Officer explains the black numbers on the map represent the current population and the red numbers represent the forecasted population.

The Director Planning and Building Services also notes lands have been identified for development which assists in anticipated expected growth in the Town.

Council will provide their specific information to Administration on the `tweaking` to the proposed Ward Boundary changes, by Friday, April 14, 2017.

(SCM 3-6)

**COMMUNICATIONS**

- A. StrategyCorp, January 2017, Final Report, Re: Town of Tecumseh - Ward Boundary and Council Structure Review
- B. StrategyCorp, March 2017, Supplementary Report, Re: Ward Boundary Review
- C. Option 3B\*\* Ward Boundary Map, Re: As Revised, March 28, 2017

(SCM 3-7)

**ADJOURNMENT**

Motion: (SCM-09/17) Moved by Councillor Rita Ossington  
Seconded by Councillor Brian Houston

**THAT** there being no further business to discuss, the April 11, 2017 Special Meeting of Council now adjourn at 6:33 pm.

Carried

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Gary McNamara, Mayor

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Laura Moy, Clerk

**MINUTES OF A MEETING OF  
THE COUNCIL OF THE TOWN OF TECUMSEH**

Tecumseh Council meets in regular public session on Tuesday, April 11, 2017, in the Council Chambers, 917 Lesperance Road, Tecumseh, Ontario at 7:00 p.m.

(RCM 6-1)

**ORDER**

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

(RCM 6-2)

**MOMENT OF SILENCE**

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

(RCM 6-3)

**NATIONAL ANTHEM**

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

(RCM 6-4)

**ROLL CALL**

Present:	Mayor	- Gary McNamara
	Deputy Mayor	- Joe Bachetti
	Councillor	- Rita Ossington
	Councillor	- Tania Jobin
	Councillor	- Andrew Dowie
	Councillor	- Brian Houston
	Councillor	- Bill Altenhof
Also Present:	Chief Administrative Officer	- Tony Haddad
	Director Corporate Services & Clerk	- Laura Moy
	Deputy Clerk	- Christina Hebert
	Director Financial Services & Treasurer	- Luc Gagnon
	Director Fire Services & Fire Chief	- Doug Pitre
	Director Public Works & Environmental Services	- Dan Piescic
	Director Planning & Building Services	- Brian Hillman
	Director Parks & Recreation Services	- Paul Anthony
	Manager Engineering Services	- Phil Bartnik
	Manager Planning Services	- Chad Jeffery
	Manager Recreation Programs & Events	- Kerri Rice

**PECUNIARY INTEREST**

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

The Mayor announces the Town has received Ontario Community Infrastructure Fund (OCIF) funding of over \$800,000 for infrastructure improvements.

(RCM 6-5)

**MINUTES**

Motion: (RCM-110/17) Moved by Deputy Mayor Joe Bachetti

Seconded by Councillor Tania Jobin

**THAT** the minutes of the March 28, 2017, 5:00 pm and 6:00 pm Public Meetings of Council, and the minutes of the March 28, 2017, Regular Meeting of Council, as were duplicated and delivered to the Members, are adopted.

Carried

(RCM 6-6)

**SUPPLEMENTARY AGENDA ADOPTION**

There are no supplementary agenda items.

(RCM 6-7)

**DELEGATIONS**

Tecumseh Fire & Rescue Services Wall Sculpture

Shea Dunn from Sunset Metal Fab Inc. presents to Council and the Tecumseh Fire and Rescue Services a metal wall sculpture representing the history of the Fire Department.

The Director Fire Services & Fire Chief explains the sculpture will become a legacy for the Fire Department and will be proudly displayed at Station No. 1.

Taste of Tecumseh Festival

Anthony Corona, President, Optimist Club of St. Clair Beach informs the Members of the upcoming Taste of Tecumseh Festival and the Victoria Day Weekend Fireworks. He is accompanied by Larry Applewaite, Mike Lamoureux and Chris Lamoureux.

Mr. Corona provides an overview of the anticipated vendors and sponsors for the 2017 Taste of Tecumseh Festival and extends appreciation on behalf of the Optimist Club of St. Clair Beach for Council's support.

Motion: (RCM-111/17) Moved by Councillor Rita Ossington

Seconded by Councillor Brian Houston

**THAT** Parks & Recreation Report No. 02/17 & Report No. 03/17 be brought forward on the Agenda.

Carried



Manager Recreation Programs & Events, Report No. 02/17, Re: Taste of Tecumseh Festival 2017

Motion: (RCM-112/17) Moved by Councillor Bill Altenhof  
Seconded by Councillor Rita Ossington

**THAT** the Optimist Club of St. Clair Beach be authorized to sell and serve alcoholic beverages for consumption by patrons at Lakewood Park from Friday, June 16, 2017 through to and including Saturday, June 17, 2017, subject to compliance with the provisions of the Town's Municipal Alcohol Risk Management Policy 31 for the purposes of hosting the 2017 Taste of Tecumseh Festival;

**AND THAT** the Optimist Club of St. Clair Beach be granted an exemption from the Town's Sign By-law starting May 1, 2017 to permit them to advertise the Taste of Tecumseh Festival in the following areas: BIA Parkette, Tecumseh Recreation Complex & Arena, Lakewood Park, Poisson Parkette, Lacasse Park, Chippewa Park and Green Acres Park, provided that the signs do not impede traffic site lines;

**AND FURTHER THAT** relief be granted from the Noise By-law No. 2002-07, as amended, in order to permit the Optimist Club of St. Clair Beach to operate loud speakers or sound amplifying equipment during the 2017 Taste of Tecumseh Festival for the purposes of musical entertainment and event announcements on Friday, June 16, 2017 and Saturday, June 17, 2017 from 5:00 p.m. to 1:00 a.m.  
As recommended by the Manager Recreation Programs & Events, under Report No. 02/17.

Carried

Manager Recreation Programs & Events, Report No. 03/17, Re: Optimist Club's Victoria Day Weekend Fireworks 2017

Motion: (RCM-113/17) Moved by Councillor Bill Altenhof  
Seconded by Councillor Rita Ossington

**THAT** the rental fees associated with the use of the Optimist Community Centre and Green Acres Park for the Optimist Club of St. Clair Beach's 2017 Victoria Day Fireworks Display, at a cost of \$191 be waived;

**AND THAT** the fees associated with the fireworks permit as regulated under By-law Number 2013-50, a bylaw to regulate the sale and use of fireworks, at a cost of \$50, be waived;

**AND FURTHER THAT** the Ontario Provincial Police schedule officers to walk through the park the evening of the fireworks display  
As recommended by the Manager Recreation Programs & Events, under Report No. 03/17.

Carried

In response to an inquiry, Mr. Corona advises efforts will be undertaken to ensure an appropriate noise level by the entertainment is maintained throughout the event. He further confirms arrangements are being made for off-site parking at the Tecumseh Arena with a shuttle to Lakewood Park for patrons, along with on-site parking if the grounds permit. Tents will also be utilized on the Festival grounds to accommodate patrons in the event of rain.

Volunteers are always welcomed and appreciated to assist with the Festival.

The Members extend best wishes for successful events.

(RCM 6-8)

**COMMUNICATIONS**

None.

(RCM 6-9)

**COMMITTEE MINUTES**

Motion: (RCM-114/17) Moved by Councillor Andrew Dowie

Seconded by Councillor Brian Houston

**THAT** the March 23, 2017 Minutes of the Senior Advisory Committee, as was duplicated and delivered to the Members of Council, are accepted.

Carried

(RCM 6-10)

**REPORTS**

Director Corporate Services & Clerk, Report No. 03/17, Re: Changes to the Municipal Elections Act

Motion: (RCM-115/17) Moved by Councillor Brian Houston

Seconded by Deputy Mayor Joe Bachetti

**THAT** Corporate Services & Clerk Report No. 03/17 titled "Changes to the *Municipal Elections Act*" be received for information.

As recommended by the Director Corporate Services & Clerk under Report No. 03/17.

Carried

Director Corporate Services & Clerk, Report No. 05/17 Re: Request for Noise By-Law Exemption - County of Essex Intersection of County Road 22 and County Road 19 [Manning Road]

Motion: (RCM-116/17) Moved by Councillor Andrew Dowie

Seconded by Councillor Bill Altenhof

**THAT** the Corporation of the County of Essex be granted an exemption from the Town's Emission of Sounds By-law No. 2002-07, as amended, for the six (6) month period of May 1, 2017, through to and including October 31, 2017, during the hours of 8:00 pm to 7:00 am to facilitate the reconstruction/widening of the intersection of County Road 19 and County Road 22 to improve the capacity and safety of the intersection.

As recommended by the Director Corporate Services & Clerk, Report under Report No. 05/17.

Carried

In response to an inquiry, the Director Corporate Services & Clerk advises that Administration from the County of Essex was unable to attend tonight's meeting, however arrangements are being made for the representatives to attend a Regular Meeting of Council in May in respect of the reconstruction/widening at the intersection of County Road 19 and County Road 22.

Director Corporate Services & Clerk, Report No. 06/17, Re: Changes to the Wards & Boundaries and Composition of Council

Motion: (RCM-117/17) Moved by Councillor Andrew Dowie

Seconded by Deputy Mayor Joe Bachetti

**THAT** Corporate Services Report No. 06/17 regarding Ward Boundary Changes & Alteration of the Composition of Council dated April 11, 2017, be deferred, to the May 9, 2017 meeting of Council.

Carried

Council will provide their specific information on the 'tweaking' to the proposed Ward Boundary changes, by Friday, April 14, 2017.

Director Financial Services & Treasurer, Report No. 03/17, Re: Ontario Infrastructure and Lands Corporation (OILC) Borrowing 2017

Motion: (RCM-118/17) Moved by Councillor Brian Houston

Seconded by Councillor Tania Jobin

**THAT** borrowing upon 1.86% (estimated) 5 year amortizing debenture in the Principal amount of \$196,800 for the financing of Dumouchelle/Outer Sanitary Sewer construction costs for 2017 be approved.

As recommended by the Director Financial Services & Treasurer, under Report No. 03/17.

Carried

Manager Planning Services, Report No. 09/17, Re: Site Plan Control Agreement, Hasan Bahcheli and Emine Bahcheli - 14306 Tecumseh Road

Motion: (RCM-119/17) Moved by Councillor Bill Altenhof

Seconded by Deputy Mayor Joe Bachetti

**THAT** a by-law authorizing the execution of the Hasan Bahcheli and Emine Bahcheli site plan control agreement, satisfactory in form to the Town's Solicitor, which allows for the construction of a new 887 square metre (9,550 square foot) commercial plaza, along with associated on and off-site works, on a 0.3 hectare (0.8 acre) parcel of land, located on the north-east corner of the Tecumseh Road/Brighton Road intersection (14306 Tecumseh Road), be adopted, subject to the completion of the following prior to the Town's execution of the Agreement:

- i) The Owner executing the site plan control agreement;
- ii) The Owner posting security for performance pursuant to paragraph 6.1 of the agreement; and
- iii) The requisite stormwater management report being approved by the Town and the Essex Region Conservation Authority;

**AND THAT** the Mayor and Clerk be authorized to execute the site plan agreement, as attached to Planning and Building Services Report No. 09/17 and/or in such modified version as may be approved by the Town's solicitor prior to execution and such further documents as are called for by the site plan agreement approved above including, but not limited to, the execution of the acknowledgement/direction required to register the site plan agreement on title to the lands and such other acknowledgement/directions for any related transfers or real property registrations contemplated by the site plan agreement;

**AND FURTHER THAT** the giving of notice of intent to pass a by-law to remove the Holding (H) symbol in accordance with the provisions of the *Planning Act* for the subject lands to change the zoning from "Holding General Commercial Zone (H) C1-7" to "General Commercial Zone (C1-7)" upon execution of the site plan control agreement by the Owner, be authorized.

As recommended by the Manager Planning Services, under Report No. 09/17.

Carried

Manager Planning Services, Report No. 10/17, Re: Supply of New Transit Bus Request for Quotation

Motion: (RCM-120/17) Moved by Councillor Andrew Dowie

Seconded by Councillor Brian Houston

**THAT** the quotation for the Supply of a Transit Bus, as follows, be accepted:

Vehicle 2017 Champion LF Transport Ford E450  
Chassis V-10 6.8L Gas Cutaway Style Low  
Floor Accessible Community Transit Bus

Supplier Crestline Coach Ltd

Price \$184,146.00 plus HST

As recommended by the Manager Planning Services, under Report No. 10/17.

Carried

(RCM 6-11)

**BY-LAWS**

Motion: (RCM-121/17) Moved by Councillor Rita Ossington

Seconded by Deputy Mayor Joe Bachetti

**THAT** By-law No. 2017-21 being a by-law to levy a special charge of the Business Improvement Area and to provide for its collection for the year 2017.

Be given first and second reading.

Motion: (RCM-122/17) Moved by Councillor Brian Houston

Seconded by Councillor Bill Altenhof

**THAT** By-law No. 2017-21 being a by-law to levy a special charge of the Business Improvement Area and to provide for its collection for the year 2017.

Be given third and final reading.

Motion: (RCM-123/17) Moved by Councillor Bill Altenhof

Seconded by Councillor Rita Ossington

**THAT** By-law No. 2017-22 being a by-law to provide for the alteration of the Wards and Ward Boundaries for the Town of Tecumseh;

**AND THAT** By-law No. 2017-23 being a by-law to alter the composition of the Council for The Corporation of the Town of Tecumseh, be deferred.

Carried

(RCM 6-12)

**UNFINISHED BUSINESS**

The Members receive the Unfinished Business listing.

(RCM 6-13)

**NEW BUSINESS**

City of Windsor

Administration is requested to send correspondence to the City of Windsor in regards to their recent decision for a feasibility study on building an indoor soccer/football/tennis complex attached to the WFCU Centre, to advise of the Town's current business plan for a multi-use sports complex.

Bike Lanes on Lesperance Road

In response to an inquiry, the Director Public Works & Environmental Services advises plans are currently underway for removing the center lane paint markings on Lesperance Road for the accommodation of Bike Lanes.

Pleasure Craft Operator Regulation

The Mayor informs the Members correspondence is being prepared to the Minister of Public Safety in response to the proposed regulation stipulating pleasure craft operators require a NEXUS Card when crossing international water boundaries.

Corn Festival RFQ

The Director Parks & Recreation confirms the Corn Festival RFQ for an independent non-profit organization to assume organizational responsibility of the Corn Festival will be sent out by the end of April, with a closing date of May 25, 2017. Following the RFQ deadline, the submissions will be reviewed and anticipate a report back to Council in June.

Noise Decibel

A request is made to investigate how other municipalities manage the entertainment noise decibel level at events.

(RCM 6-14)

**MOTIONS**

Motion: (RCM-124/17) Moved by Councillor Rita Ossington  
Seconded by Councillor Bill Altenhof

**THAT** By-law 2017-24 being a by-law to confirm the proceedings of the April 11, 2017, regular meeting of the Council of The Corporation of the Town of Tecumseh be given first, second, third and final reading.

Carried

(RCM 6-15)

**NOTICES OF MOTIONS**

There are no Notices of Motion.

(RCM 6-16)

**NEXT MEETING**

The next Regular Council meeting will be held at 7:00 pm on Tuesday, April 25, 2017.

(RCM 6-17)

**ADJOURNMENT**

Motion: (RCM-125/17) Moved by Councillor Tania Jobin  
Seconded by Councillor Brian Houston

**THAT** there being no further business the April 11, 2017 regular meeting of Council now adjourn at 7:53 pm.

Carried

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Gary McNamara, Mayor

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Laura Moy, Clerk



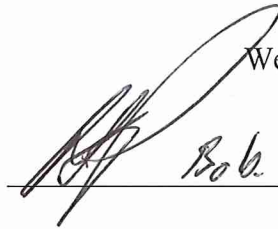
## COUNCIL RESOLUTION

#27

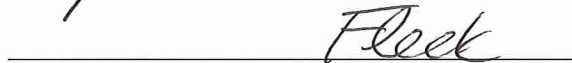
Res: 2017- 06.27

Wednesday April 12<sup>th</sup>, 2017

Moved by:

 Bob

Seconded by:

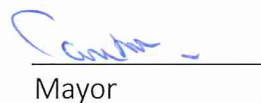
 Fleck

**THAT** the Council of the Municipality of Dutton Dunwich supports the Private Member's Bill of Sam Oosterhoff, MPP for Niagara-West Glanbrook proposing the government halt all wind power approvals in unwilling host communities.

**AND THAT** a copy of this resolution be sent to Honourable Kathleen Wynne, Premier of Ontario, the Honourable Minister of Energy Glenn Thibeault, Elgin-Middlesex-London MP Karen Vecchio, Elgin-Middlesex-London MPP Jeff Yurek, AMO and all Ontario Municipalities.

<u>Recorded Vote</u>	<u>Yeas</u>	<u>Nays</u>
I. Fleck	—	—
D. McKillop	—	—
M. Hentz	—	—
B. Purcell	—	—
C. McWilliam - Mayor	—	—

Carried:

  
Mayor

Defeated:

\_\_\_\_\_  
Mayor

**From:** CycleONStrategy  
**Sent:** April-13-17 12:26 PM  
**Subject:** Draft province-wide cycling network now on the Environmental Registry

**Ministry of Transportation**

Transportation Policy Branch  
Sustainable and Innovative  
Transportation Office

777 Bay Street, 30th Floor  
Toronto, Ontario  
M7A 2J8

**Ministère des Transports**

Direction des politiques du transport  
Bureau pour la durabilité et l'innovation en  
matière de transport

777, rue Bay, 30<sup>e</sup> étage  
Toronto (Ontario)  
M7A 2J8



April 13, 2017

Dear Sir/Madam,

We are following up to provide information on the next steps in the Ministry of Transportation's project to identify a province-wide network of cycling routes in Ontario.

We sincerely thank everyone who provided information through our online survey, mapping tools and regional workshops in 2016. A draft province-wide cycling network has been developed based on the input received so far, quantitative evaluation and qualitative analysis. We are now embarking on the next stage of engagement.

From April 12 to May 12, 2017, the province is inviting the public to submit comments on the draft province-wide cycling network online through the Environmental Registry.

We encourage you to review the map of the draft network, accessible through the Environmental Registry at [www.ebr.gov.on.ca](http://www.ebr.gov.on.ca) (posting number 013-0190) and the Ministry of Transportation web site at [Ontario.ca/cycling](http://Ontario.ca/cycling), and provide your comments on the recommended routes by May 12, 2017. We also encourage you to share this information with others who may want to participate. The input received will be taken into consideration by the Ministry of Transportation as the final preferred network is confirmed.

If you have any questions about the proposal please contact the Ministry of Transportation by email at [CycleONStrategy@ontario.ca](mailto:CycleONStrategy@ontario.ca), by phone at 1-844-637-6464 or by mail at the address above. We look forward to hearing from you.

Sincerely,

Darryl Soshycki  
Manager, Sustainable & Innovative Transportation Office

c. Jamie Austin, Director, Transportation Policy Branch

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Madame, Monsieur,

Par la présente, nous vous informons des prochaines étapes du projet du ministère des Transports d'identification d'un réseau provincial de voies cyclables en Ontario.

Nous remercions sincèrement tous ceux qui ont fourni des informations à travers notre sondage en ligne, nos outils de cartographie et nos ateliers régionaux en 2016. Un réseau cyclable provincial préliminaire a été élaboré sur base de l'information collectée jusqu'à présent, de l'évaluation quantitative et de l'analyse qualitative. Nous entreprenons maintenant l'étape suivante de ce travail collaboratif.

Du 12 avril au 12 mai 2017, la province invite les résidents à présenter des commentaires sur le projet de réseau cyclable provincial en ligne via le Registre environnemental.

Nous vous encourageons à examiner la carte du réseau préliminaire, accessible par le biais du Registre environnemental à [www.ebr.gov.on.ca](http://www.ebr.gov.on.ca) (avis numéro 013-0190) et du site Web du ministère des Transports à [Ontario.ca/velo](http://Ontario.ca/velo), et à fournir vos commentaires sur les itinéraires proposés d'ici le 12 mai 2017. Nous vous encourageons également à partager cette information avec d'autres personnes qui souhaiteraient participer. Les commentaires reçus seront pris en compte par le ministère des Transports lors de l'élaboration du réseau final.

Si vous avez des questions sur la proposition de réseau cyclable, contactez le ministère des Transports par courriel à [CycleONStrategy@ontario.ca](mailto:CycleONStrategy@ontario.ca), par téléphone au 1-844-637-6464 ou par courrier à l'adresse ci-dessus.

Nous avons hâte de connaître votre opinion sur le réseau préliminaire.

Cordialement,

Darryl Soshycki  
Chef, Bureau pour la durabilité et l'innovation en matière de transport

C. Jamie Austin, Directeur, Direction des politiques du transport



**From:** Andrea Paine  
**Sent:** April-10-17 1:05 PM  
**Subject:** Federal Budget Strategy - Great Lakes & St. Lawrence Cities Initiative

Dear Cities Initiative Members,

The news in the United States on the budget for the Environmental Protection Agency and for the Great Lakes specifically is devastating. The Canadian budget has been increased but needs substantial increases year over year to deal with the challenges we continue to face on the Great Lakes and St. Lawrence. There seems to be a fundamental lack of understanding about how important these resources are to both of our countries economically and environmentally. We have come so far together over the past half century it would be tragic to turn back now. We need to do something about this.

As cities, we have invested more than our fair share. Our 2008 study showed that local governments in Canada and the United States invest over \$15 billion annually in a wide range of protection and restoration work on the Great Lakes and St. Lawrence. Providing services for waste water, drinking water, and storm water heads the list, but there is much more in terms of improving habitat, managing invasive species, and other efforts. We have been able to leverage significant investment dollars from federal, state, provincial, and private sources in these projects. These investments have improved the quality of life and economic well-being of our communities dramatically.

We are asking you to take the following actions to help restore federal budgets to the level that reflects the significance of the resources that are so important to both of our countries:

1. Emphasize the importance of these investments to the people of your communities, the press, and throughout other platforms such as social media (see attached).
2. Contact your senators, congressional representatives, state legislators, MPs, MPPs, and other key elected officials to stress the importance of Great Lakes-St. Lawrence investments. The U.S. Congress began a two-week recess on April 7<sup>th</sup> and Congress people have returned to their districts.
3. Introduce a resolution to your City Council in support of these investments (see attached).
4. Join us on **Thursday, April 13 from 3-4 PM Central** for a webinar about the U.S. and Canadian federal budgets and ways in which your municipality can take action. [REGISTER HERE.](#)

Materials, including a model resolution, a model letter to the editor, talking points, and fact sheets, are attached to help you with communications and engagement on this important matter. Nothing short of an all-out effort to turn this situation around will do. I appreciate your assistance on this critically important matter.

Thank you,



**David A. Ullrich, Executive Director**  
Great Lakes and St. Lawrence Cities Initiative  
[www.glslcities.org](http://www.glslcities.org)



Municipality/City of \_\_\_\_\_

**RESOLUTION**

**GREAT LAKES AND ST. LAWRENCE FEDERAL RESTORATION FUNDING**

**WHEREAS**, the Great Lakes and St. Lawrence River Basin (the Basin) represents approximately 20% of the world's surface fresh water and 84% of North America's surface fresh water; and

**WHEREAS**, over 48 million people depend on the Basin as a source of drinking water; and

**WHEREAS**, the Basin is the foundation for a \$5.8 trillion USD regional economy; and

**WHEREAS**, water contamination, harmful algal blooms, invasive species, and climate change pose threats to the integrity of the resource and prosperity of the Basin; and

**WHEREAS**, Canada and the United States have worked cooperatively on the Great Lakes and St. Lawrence for over 100 years under the Boundary Waters Treaty of 1909 and the Great Lakes Water Quality Agreement of 1972, as most recently amended in 2012; and

**WHEREAS**, significant progress has been made over almost 50 years in restoring and protecting the Basin based on a shared responsibility for the resource and significant investment from all orders of government in the United States and Canada; and

**WHEREAS**, local governments in Canada and the United States have invested over \$15 billion USD annually in protection and restoration efforts according to a 2008 study; and

**WHEREAS**, the U.S. Federal Government has provided more than \$2 billion USD since 2010 for Great Lakes protection and restoration through the Great Lakes Restoration Initiative; and

**WHEREAS**, the Canadian Federal Government has invested more than \$250 million CAD in Great Lakes and St. Lawrence River initiatives since 2010; and

**WHEREAS**, the President of the United States proposed eliminating the entire \$300 million USD in funding for the Great Lakes Restoration Initiative in the 2017-2018 budget; and

**WHEREAS**, the 2017 Canadian budget proposes approximately \$114 million CAD over five years to support water protection and restoration but has no line item dedicated to the Basin at the magnitude necessary; and

**WHEREAS**, these budgets do not adequately address the urgent needs of the Great Lakes and St. Lawrence Basin and will slow down or halt critical restoration and protection efforts and economic recovery in the region; and

**NOW, THEREFORE, BE IT RESOLVED**, that the United States Congress appropriate the full \$300 million USD authorized for the Great Lakes Restoration Initiative in the 2017-2018 budget; and

**BE IT FURTHER RESOLVED**, that the Canadian Federal Government work collaboratively with provinces, local governments, First Nations and Metis, and other stakeholders to develop a common strategy and to increase funding for the Great Lakes and St. Lawrence Basin to match the significance of the resource and the magnitude of the challenges;

**BE IT FURTHER RESOLVED**, that all orders of government must share the responsibility for the protection and restoration of the Great Lakes and St. Lawrence Basin and recognize the importance of the resource in their budgets; and

**BE IT FINALLY RESOLVED**, that copies of this resolution be forwarded to the President of the United States, the Prime Minister of Canada, the Governors of the eight Great Lakes States, the Premiers of Quebec and Ontario, the Canadian Minister of Environment and Climate Change, the U.S. Environmental Protection Agency Administrator, and the Great Lakes and St. Lawrence Cities Initiative.

**Minister  
Responsible for  
Seniors Affairs**

6<sup>th</sup> Floor  
400 University Avenue  
Toronto ON M7A 2R9  
Tel.: (416) 314-9710  
Fax: (416) 325-4787

**Ministre délégué  
aux Affaires des  
personnes âgées**

6<sup>e</sup> étage  
400, avenue University  
Toronto ON M7A 2R9  
Tél.: (416) 314-9710  
Téléc.: (416) 325-4787



April, 2017

Dear Mayor or Reeve,

June marks the 33<sup>rd</sup> anniversary of Seniors' Month in Ontario. To recognize the important role seniors play in our communities, we will be celebrating this year under the theme of "Living Your Best Life."

During our celebrations in June, we can highlight how our seniors have built our communities and continue to contribute their time and talents in many ways.

It's important we all recognize their achievements, and what better way than by proclaiming June as Seniors' Month in your community. I am asking you to make this proclamation and have attached a sample to make it easier for your municipality to participate. We will also be sending promotional materials for Seniors' Month soon.

I would also like to encourage you to work with your local MPP(s) to host Seniors' Month events in your community. We would be happy to help you promote your event online. Please send your event details to [infoseniors@ontario.ca](mailto:infoseniors@ontario.ca).

Two years ago we introduced our Twitter account to Ontario's seniors and we were impressed by the enthusiastic response to our online campaign. If you haven't already done so, please follow us [@OntSeniors](https://twitter.com/OntSeniors).

For 2017, I encourage you to visit (and like) our new Facebook page: [facebook.com/SeniorsOntario](https://facebook.com/SeniorsOntario), where seniors across Ontario can share information important to them.

Each year, municipalities have the opportunity to pay tribute to one outstanding senior with the [Senior of the Year Award](#). A certificate, provided by the Ontario government, is signed by Her Honour the Honourable Elizabeth Dowdeswell, Lieutenant Governor, myself as Minister of Seniors Affairs, and the local Head of Council.

I encourage you to submit a nomination before April 30, 2017 and during Seniors' Month, showcase how your seniors are making a difference in your community. Throughout the month of June, I hope to visit a number of municipalities to help celebrate the achievement of local seniors.

Finally, for more information on Seniors' Month and other supports for seniors, please visit the Ministry website at [www.ontario.ca/seniors](http://www.ontario.ca/seniors).

Thank you for your consideration, and for honouring how our seniors are living their best lives.

Sincerely,

Dipika Damerla  
Minister of Seniors Affairs

Enclosed: sample proclamation

## **Seniors' Month Proclamation**

**Seniors' Month  
June 1 – 30, 2017**

**WHEREAS Seniors' Month** is an annual province-wide celebration;

**WHEREAS** seniors have contributed and continue to contribute immensely to the life and vibrancy of this community;

**WHEREAS** seniors continue to serve as leaders, mentors, volunteers and important and active members of this community;

**WHEREAS** their contributions past and present warrant appreciation and recognition and their stories deserve to be told;

**WHEREAS** the health and well-being of seniors is in the interest of all and further adds to the health and well-being of the community;

**WHEREAS** the knowledge and experience seniors pass on to us continues to benefit all;

I, Mayor \_\_\_\_\_, do hereby proclaim June 1-30, 2017 **Seniors' Month** in \_\_\_\_\_ and encourage all citizens to recognize and celebrate the accomplishments of our seniors.

Dated in the Mayor's Office on this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

## **Proclamation du Mois des personnes âgées**

### **Mois des personnes âgées**

**Du 1<sup>er</sup> au 30 juin 2017**

**ATTENDU QUE** le ***Mois des personnes âgées*** est une célébration provinciale annuelle;

**ATTENDU QUE** les personnes âgées ont contribué et continuent de contribuer de façon marquée à la vie et au dynamisme de cette communauté;

**ATTENDU QUE** les personnes âgées continuent d'être des leaders, des mentors, des bénévoles et des membres vitaux et actifs de cette communauté;

**ATTENDU QUE** leurs contributions passées et présentes méritent à la fois reconnaissance et appréciation et que leurs histoires méritent d'être connues;

**ATTENDU QU'**assurer la santé et le bien-être des personnes âgées est dans l'intérêt de tout un chacun, car elles contribuent à assurer la santé et le bien-être de toute la communauté;

**ATTENDU QUE** les connaissances et l'expérience que les personnes âgées nous transmettent continuent de nous profiter à toutes et tous;

Je, maire \_\_\_\_\_ proclame par la présente la période du 1<sup>er</sup> au 30 juin 2017 **Mois des personnes âgées** à

\_\_\_\_\_ et encourage tous les citoyens et citoyennes à rendre hommage aux personnes âgées et à célébrer leurs réalisations.

Daté au bureau du maire ce \_\_\_\_\_ jour de \_\_\_\_\_ 2017.

\_\_\_\_\_  
Maire

APR 18 2017

**Town of Tecumseh**

March 30, 2017

Laura Moy  
Director, Corporate Services & Clerk  
Town of Tecumseh  
917 Lesperance Road  
Tecumseh, ON N8N 1W9

Dear Laura Moy,

In 2017, Forests Ontario is marking Ontario150 and Canada's sesquicentennial by celebrating the rich legacy of our forests and by establishing future forests.

Our forests are an undeniable symbol of our province. They support healthy ecosystems and address the challenges of climate change. Forests Ontario is proud to announce the launch of two initiatives and we invite your staff and residents to get involved:

- **The Heritage Tree Program** recognizes important trees in our communities associated with significant figures and events from our history. Our goal in 2017 is to collect and share the stories of 150 unique trees and encourage greater appreciation of trees as cultural artifacts. Anyone can nominate trees for recognition as a heritage tree. Visit [www.heritagetrees.ca](http://www.heritagetrees.ca) or contact Toni Ellis, Heritage Tree Coordinator, at 1-877-646-1193 ext. 301.
- **Ontario's Green Leaf Challenge (GLC)** – The Ontario government and Forests Ontario invite all Ontarians to plant 3 million trees in 2017. Your residents then add the trees they plant to our online counter, which will map and track trees planted across the province. The website also provides resources to connect residents with local tree planting events and tree planting resources. We encourage your staff to add trees to our counter, submit tree planting events and share information about your local tree planting programs. Visit [www.greenleafchallenge.ca](http://www.greenleafchallenge.ca) or contact Stephanie Prince, Communications Coordinator, at 1-877-646-1193 ext. 225.

In addition, Forests Ontario continues to deliver the **50 Million Tree Program (50MTP)**, supporting landowners and municipalities in establishing healthy new forests on their properties. The program offers significant financial and practical assistance for planting trees on properties with more than 2.5 acres of open land. The Program covers a significant portion of the total planting costs. The 50MTP is an excellent opportunity to not only minimize costs and effort for tree planting, but enhance the value and function of the property and create a living legacy that will benefit entire communities. If you or your residents require more information about the 50MTP, please contact Suzanne Perry, Forestry Outreach Coordinator, at 1-877-646-1193 ext. 239.

Enclosed is a selection of materials detailing these initiatives. Please promote these opportunities to your community. Please encourage your staff and residents to contact us if they require additional copies.

Our forests are essential to a healthy future. Let's take action today by growing future forests and by engaging Ontarians to appreciate the important place of trees in our communities.

Regards,



Rob Keen, RPF  
CEO, Forests Ontario  
1-877-646-1193 ext. 230  
[rkeen@forestsontario.ca](mailto:rkeen@forestsontario.ca)

**MINUTES OF A MEETING OF THE YOUTH ADVISORY COMMITTEE FOR THE TOWN OF TECUMSEH**

A meeting of the Youth Advisory Committee (YAC) for the Town of Tecumseh was held on Monday, April 10, 2017, in the Sandwich South Meeting Room at Town Hall, 917 Lesperance Road, Tecumseh at the hour of 4:30 p.m.

(YAC 4-1)

**ORDER**

The Chair calls the meeting to order at 4:31 p.m.

(YAC 4-2)

**ROLL CALL**

Members Present:	Chair	- Hannah Ruuth
	Member	- Ava Ruuth
	Treasurer	- Andre Ducharme
	Member	- Brendan Froese

Also Present:	Deputy Clerk	- Christina Hebert
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Absent:	Vice-Chair	- Kristi Koutros
	Secretary	- Paytin Gardner
	Member	- Rachel Haddad

(YAC 4-3)

**DISCLOSURE OF PECUNIARY INTEREST**

None Reported.

(YAC 4-4)

**DELEGATIONS**

None.

(YAC 4-5)

**COMMUNICATIONS**

**Minutes**

a) Youth Advisory Committee Meeting held March 20, 2017

Motion: (YAC-15/17) Moved by Member Ava Ruuth  
Seconded by Member Brendan Froese

**THAT** the Minutes of the Youth Advisory Committee meeting held March 20, 2017, be approved.

Carried

(YAC 4-6)

**REPORTS**

None.

(YAC 4-7)

**UNFINISHED BUSINESS**

**Earth Day Scavenger Hunt**

The Members review the draft scavenger hunt prepared by the Chair and Member Ava Ruuth.

Discussion ensues regarding the proposed scavenger clues and suggested revisions are provided respecting the clue locations. The revisions will be made by the Chair and provided to the Deputy Clerk to make ready for the scavenger hunt.

The Members are reminded to kindly meet at Lakewood Park at 9:00 am on Saturday, April 22, 2017 for set up and to advise the Deputy Clerk if unable to attend. The scavenger hunt is anticipated to commence at approximately 10:15 am and the Earth Day event will conclude at 11:30 am.

Tecumseh Leisure Pool Rock & Swim

The Recreation Department has been advised of the Committee's interest in sponsoring a DJ to enhance the Rock & Swim on June 30 at Tecumseh Leisure Pool.

The Members discuss other opportunities for involvement at the Rock & Swim and concur with having a table set up to showcase and highlight the Committee's initiatives and engage the local youth to consider becoming involved in the Committee.

Member Brendan Froese advises he may be able to secure a banner with the YAC logo to display at the Rock & Swim and other events the Committee participates in and will inquire into costs, if any, for the banner.

Social Media

The Chair has uploaded the YAC logo to the Committee's Facebook page and has started sharing information on social media.

The Members are encouraged to help generate interest in promoting the YAC social media.

(YAC 4-8)

**NEW BUSINESS**

None

(YAC 4-9)

**NEXT MEETING**

The next meeting of the YAC will be held on Monday, May 8, 2017, at 4:30 p.m.

(YAC 4-10)

**ADJOURNMENT**

Motion: (YAC-16/17) Moved by Treasurer Andre Ducharme

Seconded by Member Ava Ruuth

**THAT** there being no further business, the April 10, 2017, meeting of the Youth Advisory Committee be adjourned at 5:40 p.m.

Carried

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Hannah Ruuth, Chair

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Kristi Koutros, Vice-Chair



## MINUTES OF A MEETING OF THE HERITAGE COMMITTEE FOR THE TOWN OF TECUMSEH

A meeting of the Heritage Committee for the Town of Tecumseh was held on Monday, April 10, 2017 in the Sandwich South Meeting Room at Town Hall, 917 Lesperance Road, Tecumseh at the hour of 6:00 pm.

(HC 4-1)

### **ORDER**

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

(HC 4-2)

### **ROLL CALL**

Councillor	- Brian Houston
Councillor	- Rita Ossington
Chair	- Jerome Baillargeon
Member	- Rhonda Dupuis
Vice-Chair	- Ian Froese
Member	- Terry England
Member	- Dwayne Ellis

Also Present: Deputy Clerk - Christina Hebert

Absent: Member - Chris Carpenter

(HC 4-3)

### **DISCLOSURE OF PECUNIARY INTEREST**

None Reported.

(HC 4-4)

### **DELEGATIONS**

None.

(HC 4-5)

### **COMMUNICATIONS**

#### Minutes

a) Heritage Committee Meeting held March 20, 2017

Motion: (HC-13/17) Moved by Member Dwayne Ellis  
Seconded by Councillor Brian Houston

**THAT** the Minutes of the Heritage Committee meeting held March 20, 2017, be approved.

Carried

#### Communication for Information

b) Community Heritage Ontario (CHO) News, Spring 2017

Motion: (HC-14/17) Moved by Councillor Brian Houston  
Seconded by Vice-Chair Ian Froese

**THAT** Communication B on the April 10, 2017, Heritage Committee Agenda, be received.

Carried

(HC 4-6)

### **REPORTS**

None.

(HC 4-7)

**UNFINISHED BUSINESS****Heritage Property Listing**

The Members review the 'tracked' changes made to the Heritage Property Listing. Items noted in red signify changes made by the Committee at the last meeting.

The Members begin reviewing the Heritage Property Listing, line by line and provide the following additional information:

<b>Property</b>	<b>Amendment</b>
Bell Tower at St. Anne High School	<b>Add</b> – to Brief Description, 'Original Bell from old St. Antoine School on Lesperance Road, Moved to the new St. Anne's High School, Lakeshore'
Seguin House	<b>Add</b> – to Brief Description, 'Believed to be the old Trolley Station (Sandwich Windsor and Amherstburg)'
St. Mary's Cemetery	<b>Add</b> – to Brief Description, 'One of the oldest cemeteries in Tecumseh'
Victoria Public School	<b>Add</b> – to Brief Description, 'Built on donated Clapp property and named after Ms. Clapp'
Sandwich South Council	<b>Add</b> – to Brief Description, 'Location where first Sandwich South Council Photo was taken'
St. Stephen's Church	<b>Add</b> – to Brief Description, 'Old Anglican Church'
St. Stephen's Cemetery	<b>Add</b> – to Brief Description, 'One of the oldest cemeteries in Tecumseh'
Lachance Farm	<b>Add</b> – to Brief Description, 'One of the last remaining Francophone Farms in Tecumseh'
Old Power House - Bonduelle Property	<b>Add</b> – to Brief Description, 'Southwest corner on Tecumseh and Lacasse Blvd, the original canning factory power building'
Poisson House	<b>Add</b> – to Brief Description, 'Home of Dr. Poisson, 1st Mayor of Tecumseh'
Lacasse Park	<b>Add</b> – to Brief Description, 'Clapp property purchased in 1923 by the Town, Baseball Diamond and grand stands (1949) feature'
Tecumseh United Church	<b>Add</b> – to Brief Description, 'Vernacular house of worship'
Lessard House	<b>Add</b> – to Brief Description, 'Vernacular Farm House'
Desjardin House	<b>Add</b> – to Brief Description, 'Greek Revival'

The above-mentioned amendments will be incorporated into the Heritage Property Listing and brought back to the Committee for review.

It is suggested that the properties on the Heritage Property Listing be divided amongst the Committee for further research including property information, year, architecture/style, sector and a brief description for why the property may have potential heritage value.

Councillor Rita Ossington commits to researching the Aspect House, Lakewood Golf Course and Lakewood Club House.

Member Rhonda Dupuis offers to research all remaining St. Clair Beach properties.

The remaining properties will be distributed amongst the Members.

Campeau House (11941 Tecumseh Road) and Stone Porch House (11961 Tecumseh Road) Property Search Update

Councillor Rita Ossington advises at the Public Council Meeting, held March 28, 2017 respecting the proposed development of a five-storey/44-unit apartment building, Mr. Paul Mullins, Solicitor was present on behalf of Ms. Loretta Campeau, owner of the property to the immediate west of the proposed development.

Mr. Mullins noted the family has owned the property since the 1850s and that although it has been suggested that it has heritage value, it is his opinion that it does not have any of the original features that would warrant designation.

The Deputy Clerk explains the potential costs, which does not include legal fees, related to conducting a property search of 11941 Tecumseh Road and 11961 Tecumseh Road, as requested by the Committee at the last meeting.

As the property searches could become quite costly, Administration recommends the Committee first conduct a Cultural Heritage Resources Evaluation on both properties to establish if either property has heritage value, prior to incurring costs.

Heritage Property Tax Relief

Further to a status update on the Heritage Property Tax Relief, the Deputy Clerk advises information respecting the program was initially brought to the Committee in January 2016.

Currently, the Towns of Kingsville and Amherstburg have implemented the program. Administration has begun investigating if feasible to implement this tax relief tool which would require developing a policy and related municipal by-laws. Such a tax relief program would impact the Town's operating budget. Therefore, it is necessary to have a final listing of potential heritage properties in order to estimate the budget impact and proceed with examining the possibility of participating in this program.

(HC 4-8)

**NEW BUSINESS**

None.

(HC 4-9)

**NEXT MEETING**

The next meeting of the Heritage Committee will be held on Monday, May 8, 2017, at 6:00 pm.

(HC 4-10)

**ADJOURNMENT**

Motion: (HC- 15/17) Moved by Vice-Chair Ian Froese  
Seconded by Member Dwayne Ellis

**THAT** there being no further business, the April 10, 2017 meeting of the Heritage Committee be adjourned at 7:18 pm.

Carried

\_\_\_\_\_  
Jerome Baillargeon, Chair

\_\_\_\_\_  
Ian Froese, Vice Chair

## MINUTES OF A MEETING OF THE CULTURAL & ARTS ADVISORY COMMITTEE FOR THE TOWN OF TECUMSEH

A meeting of the Cultural & Arts Advisory Committee for the Town of Tecumseh was scheduled to be held on Monday, April 10, 2017, in the Sandwich South Meeting Room at Town Hall, 917 Lesperance Road, Tecumseh at the hour of 7:00 pm.

(CAAC 4-1)

### **ORDER**

The Chair calls the meeting to order at 7:21 pm.

(CAAC 4-2)

### **ROLL CALL**

Present:	Member	- Ian Froese
	Vice-Chair	- Rhonda Dupuis
	Councillor	- Brian Houston
	Member	- Jerome Baillargeon
	Councillor	- Rita Ossington
	Member	- Phil Kane
	Chair	- Marian Drouillard
	Member	- Dwayne Ellis

Also Present:	Deputy Clerk	- Christina Hebert
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Absent:	Member	- Ashleigh Neal
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(CAAC 4-3)

### **DISCLOSURE OF PECUNIARY INTEREST**

None reported.

(CAAC 4-4)

### **DELEGATIONS**

None.

(CAAC 4-5)

### **COMMUNICATIONS**

#### **Minutes**

a) Cultural & Arts Advisory Committee Meeting held March 20, 2017

**Motion:** (CAAC-11/17) Moved by Member Jerome Baillargeon

Seconded by Member Dwayne Ellis

**THAT** the Minutes of the Cultural & Arts Advisory Committee meeting held March 20, 2017, be approved.

Carried

(CAAC 4-6)

### **REPORTS**

None.

(CAAC 4-7)

### **UNFINISHED BUSINESS**

#### **Soirée Coffee House**

The Deputy Clerk reviews the Event Matrix and provides updates respecting the Soirée Coffee House.

#### **Program**

- Member Dwayne Ellis offers to assist with drafting the program, with the assistance of l'Essor for the French translation.
- The program will also include information on the unveiling of the Tecumseh – l'Essor Arts Centre sign.

#### **Performers**

- The Deputy Clerk reviews the fifteen (15) applications received and details the type of performance, the musical equipment the performer will be using and whether a new or returning performer.
- The Members listen to the demos submitted by the performers.

- The Members recommend approximately five (5) minutes is needed between each performance.
- Discussion ensues regarding the number of performers this year and the approximate time frame for each performance within the allotted event time, as well as the particulars for the performer's arrangements. The Members strongly encourage starting the event earlier to accommodate all performances.
- l'Essor has confirmed arrangements with the Sound/Lighting technician.
- l'Essor is inquiring if the media students would be able to assist with live streaming the event.
- The dress rehearsal has been scheduled for 4:00 pm on May 12, same time as last year. The Members suggest starting earlier due to the increased number of performers this year.
- l'Essor is making arrangements for a piano for the performers use.

#### Refreshments/Set Up

- The Deputy Clerk advises quotes are being obtained for pastries/baked goods and l'Essor's Culinary Department has offered to provide hors d'oeuvres.
- The Members recall Lakewood Café had coffee/tea available for purchase and the Tecumseh Area Historical Society had pop/water available for donation at last year's event.
- Councillor Rita Ossington and Member Ian Froese confirm they are arranging for the paper tablecloths and crayons for artistic doodling.
- l'Essor is inquiring if the Arts Department is willing to provide the table centerpieces. The Members also recall the stage decorated and inquire if l'Essor's students would be willing once again to decorate the stage.

#### Arts Council Windsor & Region

Further to the request at the last meeting, the Deputy Clerk advises the Committee was a member of the Arts Council Windsor & Region in 2011 and 2012.

The membership fee for non-profit is \$40 annually and includes weekly electronic newsletters advertising artistic events in the community and a one-time option to advertise at no cost, with each advertisement thereafter at a cost of \$60 per advertisement.

The Members are reminded that the Committee's 2017 Budget does not have an allocation for memberships. Should the Committee wish to pursue a membership, the Committee would need to request for consideration to include same in future budget planning.

The Chair informs she is a member of the Arts Council Windsor & Region and will share any information that may be of interest with the Committee.

(CAAC 4-8)

#### **NEW BUSINESS**

None.

(CAAC 4-9)

#### **NEXT MEETING**

The next meeting of the Cultural & Arts Advisory Committee will be held on Monday, May 8, 2017, at 7:00 pm, in the Sandwich South Room, Tecumseh Town Hall.

(CAAC 4-10)

**ADJOURNMENT**

Motion: (CAAC-12/17) Moved by Member Ian Froese  
Seconded by Member Dwayne Ellis

**THAT** there being no further business, the April 10, 2017, meeting of the Cultural & Arts Advisory Committee be adjourned at 8:37 pm.

Carried

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Marian Drouillard, Chair

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Rhonda Dupuis, Vice-Chair

## **MINUTES OF THE COURT OF REVISION MEETING FOR THE SEVENTH CONCESSION DRAIN**

A meeting of the Court of Revision for the Seventh Concession Drain was held on Tuesday, April 11, 2017, in the Council Chambers, 917 Lesperance Road, Tecumseh, Ontario at 6:30 p.m.

(CR 1-1)

### **ORDER**

The Mayor calls the meeting to order at 6:46 p.m.

(CR 1-2)

### **ROLL CALL**

Present:	Mayor	- Gary McNamara
	Deputy Mayor	- Joe Bachetti
	Councillor	- Andrew Dowie
	Councillor	- Brian Houston
	Councillor	- Tania Jobin

Also Present:	Director Corporate Services & Clerk	- Laura Moy
	Deputy Clerk	- Christina Hebert
	Director Public Works & Environmental Services	- Dan Piescic
	Manager Engineering Services	- Phil Bartnik
	Drainage Superintendent	- Sam Paglia

(CR 1-3)

### **PECUNIARY INTEREST**

None declared.

(CR 1-4)

### **INTRODUCTION AND PURPOSE OF MEETING**

The purpose of the Court of Revision is to hear from any owner who wishes to appeal his/her assessment or any part thereof, as set out in the Drainage Report prepared by Baird AE, dated February 7, 2017, and by Provisional By-law No. 2017-15, in accordance with the *Drainage Act (Act)*.

(CR 1-5)

### **DELEGATIONS**

The Manager Engineering Services advises two issues have arisen since the Public Council Meeting on March 14, 2017.

The Town has received an appeal from a property owner, Mr. Michael Dunn, who is requesting the removal of a proposed culvert from the Drainage Report. In light of this request, Administration is recommending that the Drainage Report be referred back to the Engineer to be revised.

Following revisions to the Drainage Report, a further Public Council Meeting and Court of Revision will be required to consider the revised Drainage Report.

The second issue relates to the concerns raised by Mr. Don Rodzik, of The Narmco Group, at the Public Council Meeting held March 14, 2017 in respect to the private access Culvert No. 5. Mr. Rodzik raised a concern with his assessment as it pertains to Roll No. 550-02000 for the 100% assessment (Special Benefit) for the replacement of Culvert No. 5.

Previously, Mr. Rodzik indicated that he believed 'all of the paperwork was completed' at the time the property was developed in 1997. A review of the Building Department's files, as requested at the March 14, 2017 Public Council Meeting revealed that a building permit was obtained for the property, however the Town does not have a record of a permit specific for the culvert, nor is there a record of the culvert being approved through the *Act*.

In a telephone conversation between Mr. Rodzik and the Manager Engineering Services earlier today, Mr. Rodzik indicated that in light of the Drainage Report being referred back to the Engineer, he was not going to attend tonight's meeting, but wishes to attend the future Court of Revision.

The Manager Engineering Services notes that it is not unusual to discover illegal culverts on a drain that have not been installed under the *Act* by a by-law. In this situation, these type of culverts are treated in the same manner by all of the Drainage Engineers, where any recommended works on the culvert are assessed 100% to the property owner, and where the Engineer would recommend the culvert be incorporated into the Drain under the current report [with usual associated costs].

The Manager Engineering Services states that in his experience property owners/developers, specifically within the Oldcastle Hamlet area, have typically approached Administration with proposals or expansions that have extremely tight timelines and budgets. There always seems to be some opposition to follow the legislative process of installing the culvert under the *Act*, most likely due to the costs to hire an Engineer and the lengthy schedule of navigating the requirements of the *Act*. Historically, it was not uncommon to have culverts permitted to be installed outside of the *Act* on the understanding that once a new Engineers Report [under Section 78] is completed, that the illegal culvert(s) would then be incorporated into the current by-law at a cost to those property owners and culverts not previously identified. These illegal culverts would typically be installed by means of the contractor reviewing and matching the size and grade of the culverts upstream/downstream of that location. This was mainly done in order not to stymie or delay the proposed development.

Further, it is clarified that the only one who benefitted from circumventing the *Act* process in 1997 is the property owner, whereby saving time and money.

The Manager Engineering Services reviews the Special Benefit costs for Culvert No. 5 in the amount of \$25,775.00 which is assessed at 100% to the property owner as the culvert was never installed under the *Act*. The Future Maintenance Cost Sharing Table has identified a 69% cost to the owner and a 31% cost to the upstream lands. Mr. Rodzik's previous statements indicated he is looking for the Town to cover the 31% of the cost of his private access Culvert No. 5 which would be in the amount of \$7,990.25.

Mr. Rodzik also previously stated that "if he was aware of the requirements under the *Drainage Act* in 1997, that he would have gone through the process and paid those costs then". A review of historical drainage reports concluded that a Section 78 Report for an individual culvert would cost approximately \$3,000 in 1997. Additionally, the Non-Residential Building Cost Price Index, as supplied by Stats Canada, has identified a 51.84% increase when comparing 1997 to 2016 costs. This means that a value of \$3,000 spent in 1997 is equivalent to \$5,787 in 2016. It is noted that the Cost Price Index for 2017 is not yet available. It is reiterated that the costs and assessments in the Drainage Report are based on an estimate, and are subject to increase or decrease depending on the tender prices the Town receives.

Administration's recommendation is that the Town not set a precedent and financially contribute towards a private access culvert. This would reward those property owners who have illegally installed culverts outside of the *Act*, and may also lead to additional property owners seeking similar type treatment.

Should Council decide to financially contribute towards this private access culvert, it must be taken into consideration that the *Act* is specific on how Engineers are to prepare their reports and assess costs. As well, should Council choose to provide relief



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## THE CORPORATION OF THE TOWN OF TECUMSEH

Corporate Services & Clerk  
Report No. 07/17

**TO:** Mayor and Members of Council

**FROM:** Laura Moy, Director Corporate Services & Clerk

**DATE OF REPORT:** April 1, 2017

**DATE TO COUNCIL:** April 25, 2017

**SUBJECT:** 2018 Municipal and School Board Elections  
Method of Voting

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### **RECOMMENDATIONS**

It is recommended:

1. That By-law No. 2017-27 being a by-law to authorize the the use of Internet and Telephone voting for the 2018 Municipal and School Board Elections be adopted at the April 25, 2017, meeting of Council; and that
2. The Director Corporate Services & Clerk Report No.07/17 be accepted.

### **BACKGROUND**

#### **Legislation**

Pursuant to Section 42 of the *Municipal Elections Act*, 1996, S.O. 1996, c.32 (Act) Council may pass a by-law authorizing electors to use an alternative voting method, such as voting by mail, internet and telephone voting, which do not require electors to attend at a voting place in order to vote. In accordance with recent changes to the Act, a by-law passed under this section applies to a regular election if the by-law is passed on or before May 1 in the year before the year of the election.

The Clerk is responsible for establishing procedures and forms for the use of any alternative voting method, by December 31 in the year preceding the year of the election.

#### **Municipal Election Voting Methods**

Following the amalgamation of the former Town of Tecumseh, Village of St. Clair Beach and Township of Sandwich South, the 2000 Municipal Election was conducted using the traditional voting method of paper ballots and polling stations.

In the election years following in 2003, 2006 and 2010 the amalgamated Town of Tecumseh conducted the municipal elections utilizing the alternative voting method, Vote by Mail. All municipalities in the County of Essex adopted the vote by mail alternative voting method for the 2010 municipal election.

In 2014, the Municipal Elections were conducted using Internet and Telephone Voting and subsequently for the 2016 By-election for Councillor Ward 2.

## **Voter Participation**

The following Table summarizes the voter participation in the Town following the 1999 amalgamation:

<i>Election Year</i>	<i>Voter Participation</i>	<i>Voting Method</i>
2000	45.26%	Traditional Paper Ballot & Polls
2003	54.6%	Vote by Mail
2006	47.69%	Vote by Mail
2010	45.74%	Vote by Mail
2014	52.46%	Internet & Telephone
2016 By-election	45.1%	Internet & Telephone

Some may theorize the lower participation in 2006 over the 2003 elector participation was as a result of the Councillor positions in Wards 2, 3 and 4 being acclaimed.

In 2010 the voter participation was again slightly lower than the prior 2003 and 2006 Municipal Election participation and may be attributable in part to the Mayor's and Councillor Ward 3 offices being acclaimed.

Voter turnout in the 2014 Municipal Election increased over the prior two Municipal Elections and may be due in part to there being no acclamations and the convenience of Internet and Telephone Voting. The Town's voter turnout was well above the Provincial average of 38.65% in 2014.

Election officials strive to achieve a high voter turnout percentage but there are many factors that affect voter turnout, most of which are outside of the officials' control. Some of these factors include:

- Number of positions to be elected
- Number of candidates
- Major controversial issues
- Accessibility and convenience of voting for electors
- In the case of polling stations, the weather
- Other significant events.

While there are a number of reasons that Tecumseh Council decided to introduce Internet and Telephone Voting in the 2014 Municipal and School Board Elections, one of those reasons was to increase voter turnout, while offering electors greater convenience and accessibility when voting.

## **COMMENTS**

Municipal Clerks must ensure that elections are conducted in a manner which adheres to the following principles which the courts may have regard to when making determinations under the Act:

- the secrecy and confidentiality of the voting process is paramount;
- the election shall be fair and non-biased;
- the election shall be accessible to the voters;
- the integrity of the process shall be maintained throughout the election;
- there is to be certainty that the results of the election reflect the votes cast;
- voters and candidates shall be treated fairly and consistently; and
- the proper majority vote governs by ensuring that valid votes be counted and invalid votes be rejected so far as reasonably possible.

There are several voting methods, or combinations thereof, available with respect to conducting municipal elections:

- Traditional paper ballots and polling stations,
- Vote by Mail,
- Internet, and
- Telephone voting.

Alternative voting methods were the most common methods of voting in the Province in 2014. Of the 444 municipalities in the Province, there were 291 municipalities that employed either Vote by Mail, Internet and/or Telephone voting during the last election.

Municipalities are continuing to lead the way in the use of alternative voting methods.

Once again, consideration has been given to potential methods of voting for the 2018 municipal election in the Town of Tecumseh.

The following provides a summary and analysis of each method.

### **Alternative Voting Methods**

#### **Vote by Mail**

Vote by Mail is an alternative voting method that delivers an election ballot kit directly to the electorate on the Voters' List. The ballot kit includes an information sheet on the Vote by Mail ballot process, a declaration form, the ballot, together with a white secrecy envelope in which the electorate places his/her marked ballot. The declaration form is completed affirming that the person named on the form is on the Voters' List, and has not already voted in the election. The secrecy envelope and declaration can then be mailed to the municipality in the prepaid postage yellow envelope provided in the ballot kit or delivered directly to the Town Hall anytime during regular business hours up to and including Election Day.

Upon receipt of the ballot kit from the elector, municipal staff then mark that person's name off the Voters' List and place the sealed secrecy envelope in the ballot box secured in the Town's vault.

#### **Telephone Voting**

Telephone voting is an alternative method with which qualified electors on the Voters' List receive a voter information package containing instructions on how to access and complete their ballot, along with a Personal Identification Number (PIN). Most interactive telephone voting systems rely on the voter to process an audio ballot by way of dialling on the key pad. After voting selections have been made for each office the voter will be prompted to review their decisions. Once confirmed by the voter, the final ballot data is transferred to a secure server which is tabulated at the end of voting day and transferred to a results reporting system.

Telephone voting is most commonly employed in combination with Internet voting.

A telephone-based system assists in the proper completion of a ballot by disallowing over-votes and to fully qualifying voter intent. Once the voter has completed their telephone ballot, they are electronically marked off the Voters' List.

#### **Internet Voting**

A typical Internet voting process is one where a voter information package is mailed to qualified electors on the Voters' List, including a PIN. The PIN and elector's date of birth are then used to access the online ballot during the Internet voting period. Electors may access the online ballot from any computer if both it, and the browser, meet the minimum technical requirements. A voter will have an opportunity to review his/her completed ballot and make changes prior to submission. Controls are

in place to warn the voter of any over-votes or blank offices. Voting data is stored in a secure database and tabulated at the end of voting day. The system is designed to ensure there is no way to link a voter with his/her ballot.

Internet voting has been made available to provide for convenience, to accommodate changing lifestyles and demanding work schedules and to enhance accessibility for persons who may not be available or able to vote in person. For rural areas, Internet voting offers enhanced accessibility to reach electors who are geographically disconnected. For others, it offers a potential means to further engage those who may be more inclined to vote from the comfort of their own home or office rather than travelling to a physical voting place.

Several concerns have been expressed with respect to the security of Internet voting, however, technical measures are established to decrease the potential of these threats which all pose a risk to the confidentiality and overall integrity of the voting process. Most Internet voting platforms utilize the same access methodologies and level of encryption used for major Internet banking sites. Although attempts can be made to compromise the system, these security measures are typically able to obstruct them.

### **Benefits of alternative voting methods**

A short summary of the advantages and disadvantages of these varying alternative voting methods is offered in [Appendix A](#).

#### Convenience

Alternate voting methods offer better customer service to the electorate, as it is a more convenient manner in which the electorate can participate in the municipal election. It removes obstacles which may keep voters away from the voting locations on Election Day such as inclement weather, family, work commitments, and transportation.

#### Privacy and Security

Voters can vote in the privacy of their home.

Using the Vote by Mail method, the ballot is sealed in a separate envelope protecting the confidentiality of the voter. The signed voter declaration form affirms the voter's eligibility and identity. The declaration form is verified by municipal staff against the voters' list to ensure duplicate voting does not occur. The sealed envelope containing the marked ballot is placed in the ballot boxes which will be stored in the Town vault. No person will be permitted to access the vault without first being accompanied by the Clerk, Deputy Clerk or other staff assigned by the Clerk as an election assistant. The need to appoint voting proxies for persons unable to vote on Election Day or at an advance poll is eliminated. The return envelopes are color-coded and are easily identifiable and distinguishable in the mail stream and are monitored by regional and national control centers of Canada Post. The mail is protected by Federal Criminal penalties for fraudulent use and /or tampering which is punishable by fines or imprisonment.

The greatest concern which has been expressed in connection with Internet and Telephone voting is that of the security of the process, the secrecy of the ballot and the integrity of the election. Electronic voting service providers have measures to prevent breaches of security, maintain the secrecy of the ballot and ensure the capacity of the system to deal with the anticipated volume of traffic, some of which have already been discussed or are discussed in the balance of this report.

One of the measures to ensure the identity of the voter is the use of voter credentials [PIN] which are sent to the voter in the voter information package. When the voter accesses either the Internet or Telephone system, he or she receives a "ballot" by inputting his or her credentials in addition to inputting their unique PIN and date of birth. Municipalities also use further enhancements to ensure

voter identity such as requiring the completion of a declaration of identity prior to accessing the system and/or using a two-step credentialing process.

It is also important to note that, among other things, the Act provides that it is an offence for any voter to:

- vote without being entitled to do so;
- vote more times than the Act allows;
- induce or procure a person to vote when that person is not entitled to do so; or attempt to do something described above.

Any contravention of this section of the Act is subject to severe penalties ranging from fines to imprisonment or both. It should be understood that the potential for illegal activity exists with any voting system.

#### Flexibility

Voters can vote when they are confident they have all of the information necessary to properly make their election decision.

Alternate voting methods allow electors to vote 24 hours a day, after the Vote by Mail or Internet/Telephone kits are mailed, up until 8:00 pm on Election Day.

Internet and Telephone voting allows electors to vote from anywhere in the world. Electors can use any device that connects to the internet to vote, including their computer, lap top, tablet or telephone.

#### Disabled Accessible

Alternate voting methods eliminate the need for the Clerk to select voting locations which are accessible to persons with disabilities, as is now required by the *Accessibility for Ontarians with Disabilities Act*. Municipal Elections must comply with Ontario Regulation 429/07 regarding accessible customer service.

Many people with accessibility issues have, where necessary, already made accommodation to be able to use the Internet and/or Telephone.

#### Staff and Training

The need for election staff is greatly reduced using the alternate voting methods. Ballots kits are delivered to the eligible electors over an approximate three (3) week period. Returned voter kits are handled by permanent full-time employees who are well trained in election procedures. Alternative voting methods eliminate the need to recruit and train Deputy Returning Officers, Revision Clerks and other poll staff, and improves administrative efficiency as municipal staff remain concentrated in one geographic location. As mentioned earlier, alternative voting methods eliminate the need for administration to arrange for polling centres and voting location supplies. It provides better opportunity for control over the election process and is an easier process to manage than the traditional voting method. Arranging for advance polls and provisions for voting proxies are not required.

#### **The Voters' List**

The Municipal Property Assessment Corporation (MPAC) provides all municipalities with a Preliminary List of Electors (PLE). MPAC develops the PLE from the assessment rolls and other information collected. It is then the Clerk's responsibility to add, amend or delete names based upon information provided by the public. MPAC Officials indicate they have implemented procedures and more financial resources toward producing improved PLEs for municipalities.

The Town entered into an Agreement with DataFix for use of Municipal VoterView (MVV) an Internet-based application designed to provide municipal election officials with an electronic view of their

electoral information, including the ability to make corrections to the list, to access and generate voter reports for electoral planning, and the capability to provide an electronic copy of all changes to MPAC at the end of the electoral event.

### **Reporting of Results**

Internet and Telephone Voting provide a timely election count. Voting counting is carried out by the service provider. The results of the 2014 Municipal Election were delayed as a result of the wait time for processing by the service provider by individual municipality. The results of the 2016 By-election were almost immediate following the close of the polls.

The Vote by Mail, in conjunction with Automated Tabulators (AT), expedites the counting of the mail-in ballots. Models of ATs reliably process 1000 to 2000 ballots per hour. Procedures are developed and put in place to allow opportunity for the secrecy envelopes to be opened and ballots processed through the ATs prior to the close of polls, while still ensuring the secrecy and security of the ballots are maintained. Once the polls are closed, the remaining ballots can be tabulated.

The use of ATs by the Town during the 2006 and 2010 municipal election enabled the results to be reported shortly after the close of the polls, being a significant improvement over the time required by the hand count method.

### **Voter Participation**

The following Table provides the average voter turnout in Ontario municipal elections, as reported by the Association of Municipalities of Ontario [AMO], as compared to the average turnout in Tecumseh:

<i>Year</i>	<i>Average Provincial Turnout</i>	<i>Tecumseh Voter Turnout</i>
2003	40.16%	54.50%
2006	41.33%	47.69%
2010	44.35%	45.75%
2014	38.65%	52.46%

Tecumseh's voter turnout in each of the comparative election years has been greater than the average Provincial turnout.

There were 9,857 voters that participated in the 2014 Municipal and School Board Elections of which 8,073 [82%] electors voted using the Internet and 1,784 [18%] electors that voted using the Telephone.

During the 2016 By-Election, 1,000 electors voted using the Internet [73.5%] and 360 electors voted using the Telephone [26.5%].

### **Scrutineers**

In accordance with the Act, a candidate may appoint one scrutineer, for each ballot box, to represent him or her during voting and at the counting of votes. The use of the alternative Vote by Mail method and use of AT(s) for the tabulation of the mail-in ballots significantly reduces the number of scrutineers appointed by the candidates.

As there are no physical ballot boxes in an election conducted with the use of internet and/or telephone voting, the need for scrutineers was eliminated in 2014.

### **Voter Information Centres**

Voter Information Centres have been provided at the Brouillette Manor, Extendicare Nursing Home and St. Clair Retirement facilities, when utilizing the alternative voting methods.

A Voter Information Centre is also established at the Town Hall to assist electors with being added to the Voters' List, address any questions or to assist them with the voting process. Computers, iPads and telephones are made available to those who need assistance. The Town Hall hours are also extended to accommodate those that cannot attend during regular business hours.

### **E-Voting Readiness**

According to a 2010 Statistics Canada Survey:

80% Canadians age 16 and above use internet for personal use  
Under 50% of seniors use the internet daily  
86% Voters have home internet access  
57% Non-voters would have voted online federally, if they could  
58.8% Voters say they would likely vote online, if they could  
37.5% Voters say would not likely vote online  
50.3% Electors think internet voting is 'risky'  
29.7% Percentage who think it is not 'risky'

During the 2014 Municipal Elections, the Town participated in the Internet Voting Study being conducted by Dr. Nicole Goodman with the University of Toronto. Electors were asked to participate in an online survey. There were 1,086 Tecumseh electors that participated in the survey. When asked for the main reason for voting online, over 46% of Tecumseh participants indicated convenience and when asked how satisfied they were with online voting, almost 80% were very satisfied.

In her July 2015 Internet Voting Project Report - Results from the 2014 Ontario Municipal Elections, Dr. Goodman summarizes her findings and states, *"In general, administrators are very positive about the impact, security, efficiency and value of the Internet voting option. Respondents communicate that municipalities decided to use Internet voting to make voting more convenient and accessible for voters, and in the end, felt that this had been achieved. Increasing voter turnout was another common motivation and a majority of administrators surveyed believed the option of online ballots had positively affected electoral participation. Administrators showed confidence and satisfaction with the voting method by strong majorities recommending adding it for future municipal, provincial and federal elections."*

Dr. Goodman further states in her Report, *"There are several lessons we can take away from the preliminary findings of this project. The first is that Internet voting is clearly desirable for election stakeholders in Ontario and is a welcome addition to keep pace with societal changes, accommodate electors' increasingly busy schedules, and to help mitigate factors that may limit voter accessibility of physical poll locations. Use of this technology in elections is not only desirable for local elections, but provincial and federal races also. When offered it is almost always the preferred voting method over other ballot types, and is the favoured remote voting option."*

As part of the Ward Boundary and Council Structure Review recently conducted by StrategyCorp Inc. survey participants were queried on methods of voting. In the Final Report to Council by StrategyCorp Inc. on the Review, it is noted that, *"Stakeholders and the public both stressed the importance of convenience to the choice of voting method, emphasizing the convenience of internet voting."*



## **CONSULTATIONS**

Association of Municipal Managers, Clerks & Treasurers of Ontario (AMCTO)  
Association of Municipalities of Ontario (AMO)  
Ministry of Municipal Affairs  
Ministry of Housing

## **FINANCIAL IMPLICATIONS**

The 2018 budget and lifecycle provide funding in the amount of \$50,000 for the municipal election. The cost of Internet and Telephone voting is within the 2018 budget.

## **LINK TO STRATEGIC PRIORITIES**

No.	2017-18 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	✓
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	✓
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	✓
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	✓
5.	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 CAO.

Prepared by:

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

Recommended by:

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Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

Attachment(s): 1. Alternate Voting Methods

LM

## Appendix A

### ALTERNATIVE VOTING METHODS

	Vote By Mail with Tabulators	Telephone	Internet
<b>Vote Count</b>	<b>Pros</b> <ul style="list-style-type: none"> <li>- count is accurate</li> <li>- results shortly after polls close</li> <li>- no proxies</li> <li>- audit trail for recount</li> </ul> <b>Cons</b> <ul style="list-style-type: none"> <li>- scrutineers optional (one per tabulator)</li> <li>- ballot must be marked with a pen/pencil the tabulator can read</li> <li>- extra staff needed for sorting, tabulators and opening ballot envelopes</li> </ul>	<b>Pros</b> <ul style="list-style-type: none"> <li>- count is accurate</li> <li>- quicker access to results after polls close</li> <li>- no proxies</li> <li>- no subjectivity on count/recount</li> <li>- no extra staff for counting</li> <li>- no scrutineers needed</li> </ul> <b>Cons</b> <ul style="list-style-type: none"> <li>- system may be perceived as vulnerable to hackers</li> </ul>	<b>Pros</b> <ul style="list-style-type: none"> <li>- count is accurate</li> <li>- quicker access to results after polls</li> <li>- no proxies</li> <li>- audit trail</li> <li>- no subjectivity on count/recount</li> <li>- no extra staff for counting</li> <li>- no scrutineers needed</li> </ul> <b>Cons</b> <ul style="list-style-type: none"> <li>- system may be perceived as vulnerable to hackers</li> </ul>
<b>Access to Voting</b>	<b>Pros</b> <ul style="list-style-type: none"> <li>- vote any time during voting period</li> <li>- accessible to persons with disabilities</li> </ul> <b>Cons</b> <ul style="list-style-type: none"> <li>- voting unsupervised</li> <li>- must drop off ballot in mailbox or at Town Hall</li> <li>- must be ready for influx of voters with ballots on Election Day</li> </ul>	<b>Pros</b> <ul style="list-style-type: none"> <li>- vote any time during voting period (24/7)</li> <li>- more accessible to persons with disabilities as they likely have already made accommodations to use the phone</li> <li>- easier access for seasonal residents and voters out of Town of Tecumseh access to phones is high</li> </ul> <b>Cons</b> <ul style="list-style-type: none"> <li>- voting unsupervised</li> <li>- must be prepared for high call volumes on Election Day</li> <li>- average time to vote dependent on the number of races, candidates and questions</li> <li>- voters must be encouraged to keep voter kit with list of candidates' names</li> </ul>	<b>Pros</b> <ul style="list-style-type: none"> <li>- vote any time during voting period (24/7)</li> <li>- more accessible to persons with disabilities as they likely have already made accommodations to use the internet</li> <li>- easier access for seasonal residents and voters out of town</li> </ul> <b>Cons</b> <ul style="list-style-type: none"> <li>- voting unsupervised</li> <li>- not everyone has access to the internet or high speed internet</li> </ul>
<b>Mail</b>	<b>Pros</b> <ul style="list-style-type: none"> <li>- kits produced by service provider</li> </ul> <b>Cons</b> <ul style="list-style-type: none"> <li>- Canada Post mail must be accurate and on time</li> <li>- Exposure to mail disruptions</li> <li>- Extra risk with ballots being returned</li> <li>- Extra cost for return of ballots</li> </ul>	<b>Pros</b> <ul style="list-style-type: none"> <li>- kits produced by service provider</li> </ul> <b>Cons</b> <ul style="list-style-type: none"> <li>- Canada Post mail must be accurate and on time</li> <li>- Exposure to mail disruptions</li> </ul>	<b>Pros</b> <ul style="list-style-type: none"> <li>- kits produced by service provider</li> </ul> <b>Cons</b> <ul style="list-style-type: none"> <li>- Canada Post mail must be accurate and on time</li> <li>- Exposure to mail disruptions</li> </ul>
<b>List of Persons who have Voted</b>	<b>Pros</b> <ul style="list-style-type: none"> <li>- Daily updated list available</li> </ul> <b>Cons</b> <ul style="list-style-type: none"> <li>- must be manually updated by staff</li> </ul>	<b>Pros</b> <ul style="list-style-type: none"> <li>- Automatically updated as voters vote</li> <li>- Can be available to candidates online 24/7</li> </ul> <b>Cons</b> <ul style="list-style-type: none"> <li>- High demand may increase download times</li> </ul>	<b>Pros</b> <ul style="list-style-type: none"> <li>- Automatically updated as voters vote</li> <li>- Can be available to candidates online 24/7</li> </ul> <b>Cons</b> <ul style="list-style-type: none"> <li>- High demand may increase download times</li> </ul>



## THE CORPORATION OF THE TOWN OF TECUMSEH

Fire & Emergency Services  
Report No. 05/17

**TO:** Mayor and Members of Council

**FROM:** Doug Pitre, Director of Fire Services & Fire Chief

**DATE OF REPORT:** April 13, 2017

**DATE TO COUNCIL:** April 25, 2017

**SUBJECT:** Tecumseh Fire Services – Q1 2017 Update

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### **RECOMMENDATIONS**

It is recommended that:

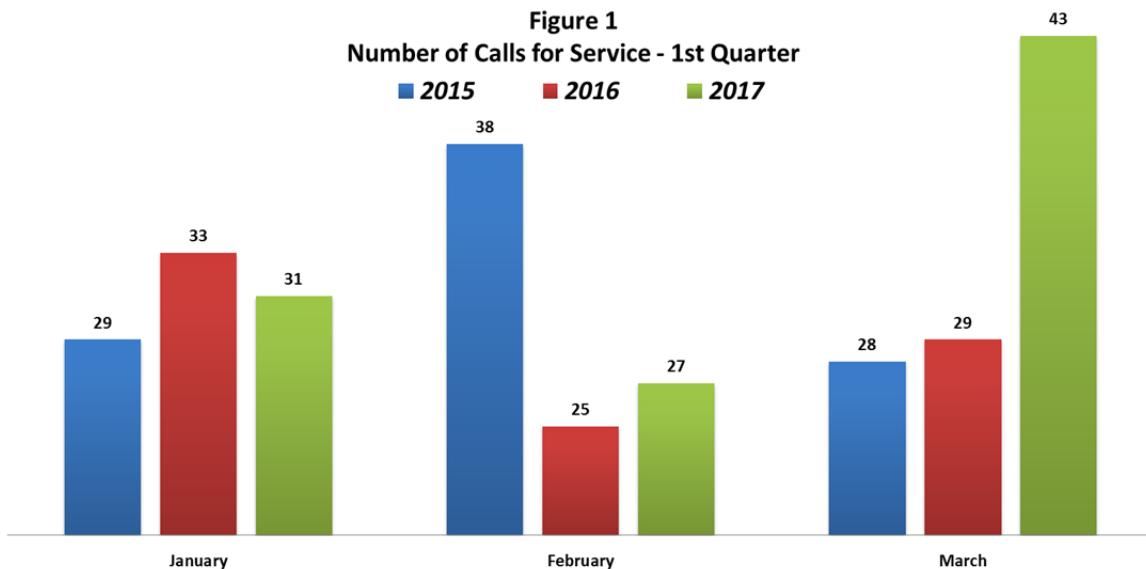
1. The Tecumseh Fire Services Q1 2017 update presented in the Fire & Emergency Services Department Report No. 05/17 be received.

### **BACKGROUND**

The purpose of this Fire Services Report is to provide Council with an overview of the Tecumseh Fire Rescue Services for the first quarter of 2017.

### **COMMENTS**

#### **Calls for Service – Volume**

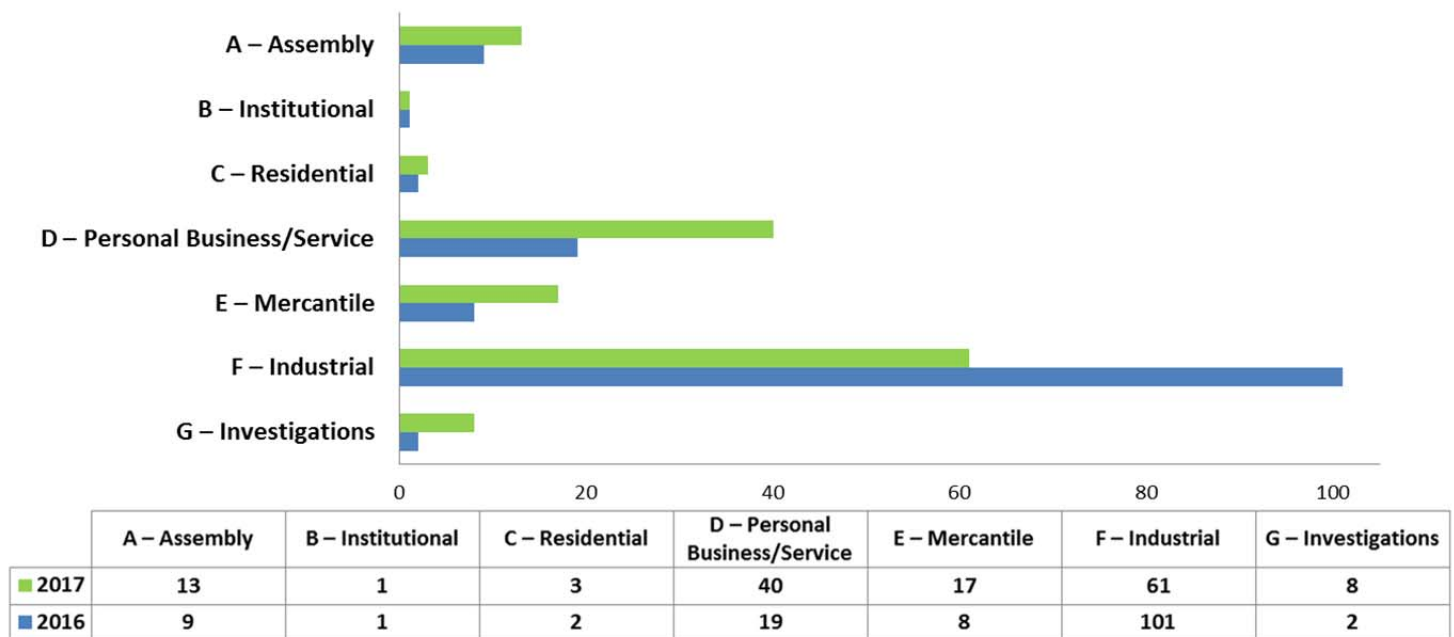


**Figure 1** illustrates call volumes for the 1<sup>st</sup> Quarter over a 3 year period 2015 through 2017 on a monthly basis. There were eleven calls for service during a five hour period in March 2017 due to extreme winds and other weather related issues.

## Inspections and Public Education

### i. Inspections

**Figure 2**  
**Inspection by Property Type - 1st Quarter**



**Figure 2** illustrates Inspection by Property Type for the 1<sup>st</sup> Quarter for the years 2016 and 2017.

### ii. Public Education

Fire Prevention Officer (FPO) Bob Hamilton and the Manager Strategic Initiatives Lesley Racicot use social media to broaden the reach of information regarding Fire Safety issues.

The FPO has also attended the following events during the first quarter of 2017:

- Fire Hall Tour – Tecumseh Legion/Cadets
- Fire Safety Talk – Knights of Columbus, St. Anne Parish

## Q1-2017 Highlights

### o Alternate County Coordinator

Tecumseh's Fire Chief was elected by area Fire Chiefs to fill the position of Alternate Essex County Fire Coordinator. This appointment would mean that the Tecumseh Fire Chief would attend large scale emergencies within the County to assist with the moving of equipment and manpower if required. This position would also assist the Essex County Fire Coordinator, Windsor Fire Chief Steve Laforet.

- **Fleet Replacement – Pumper/Rescue Unit**

The RFQ for a Pumper/Rescue Unit to replace the 1990 Spartan Rescue #1 was posted on the Town of Tecumseh website on March 28, 2017, with the deadline for submissions of April 27, 2017.

- **Post-Traumatic Stress Disorder**

The Fire Chief and Deputy Fire Chief, along with the Director Corporate Services & Clerk and the Human Resources Officer attended a one day Post-Traumatic Stress Disorder (P.T.S.D.) information seminar. Discussions were held with area Fire Departments and Emergency Services. Each municipality must develop and initiate a P.T.S.D. plan implementing best practices to manage P.T.S.D. through education and awareness for submission to W.S.I.B. by April 23, 2017.

- **Auto Extrication Training Exercise/Discovery Channel Taping**



On Saturday February 25, 2017, the Tecumseh Fire Department participated in a live 'hands on' scenario with Coxon's Towing at their location at Manning Road and the 401. The Discovery Channel was in attendance to film some of the scenarios completed by the Tecumseh Fire Department and EMS with the intention to air these clips on the show *Heavy Rescue 401* in the upcoming season. This exercise was a valuable

training opportunity especially for some of the newer recruits to gain experience using all major extrication equipment and air bags.



- **Jr. Firefighters' Program**

The Fire Department together with Parks & Recreation will be developing and administering a Jr. Firefighters Program as part of the 2017 Summer Activities Program.

- **St. Clair College – Cooperative Education Students**



The St. Clair College Pre-Service Firefighter Education and Training Program is a valuable resource for individuals aspiring to be a member of the Fire Service. We are privileged to provide cooperative education placements for two students enrolled in this program – Cayla Mursall and Brooke Castellan. The Tecumseh Fire Service's involvement allows these students to participate in Fire Prevention activities including attending schools and Fire Hall tours as well as attending fire inspections with the Fire Prevention Officer where they learn how to conduct inspections and complete reports. Their training also encompasses fire apparatus and tools, training in the smoke house, attendance at Tuesday

night training and maintenance sessions and assistance with equipment checks.

## **CONSULTATIONS**

None

## **FINANCIAL IMPLICATIONS**

None

## **LINK TO STRATEGIC PRIORITIES**

No.	2017-18 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	✓
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	✓
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	✓
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	✓
5.	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 CAO.

Prepared by:

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Doug Pitre  
Director of Fire Services & Fire Chief

Recommended by:

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Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

Attachment(s): 1. Transport Canada Protective Direction 36 - 2016 Top 10 - Town of Tecumseh

DP/kp



# 2016 Dangerous Goods Shipments

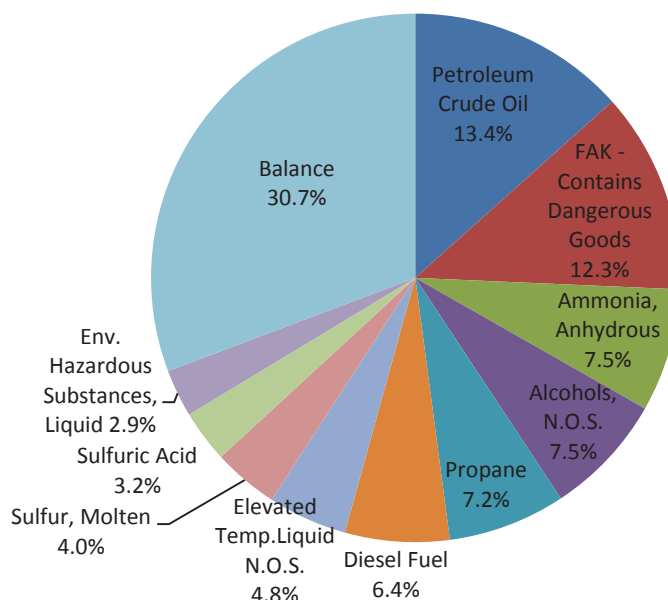
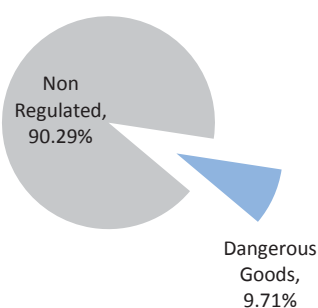


This Document is provided by CP pursuant to Transport Canada Protective Direction 36 for public disclosure of dangerous goods shipments on CP in the specified jurisdiction. It is not subject to a non-disclosure agreement. This information may be made public at the discretion of the designated Emergency Planning Official or other officials in the community to assist with public understanding of dangerous goods shipments moving in their community on CP.

**Only 10% of loaded shipments on CP are regulated dangerous goods. The remaining 90% of loaded shipments are non-regulated products.**

## All Dangerous Goods Canada Wide

### Rail Shipments in Canada 2016



## 2016 Dangerous Goods Shipments in: Town of Tecumseh ON

These top 10 products comprise 92.8% of the dangerous goods shipments in the jurisdiction. The remaining 7.2% are many different products, each comprising 0.7% or less of the total.

	Proper Shipping Name	% of DG Shipments Locally
1	ALCOHOLS, N.O.S.	56.7%
2	PETROLEUM CRUDE OIL	17.9%
3	SULFURIC ACID	6.5%
4	FAK-HAZARDOUS MATERIALS	3.3%
5	ELEVATED TEMPERATURE LIQUID, N.O.S.	2.9%
6	ETHANOL AND GASOLINE MIXTURE	2.1%
7	PETROLEUM GASES, LIQUEFIED	1.2%
8	FLAMMABLE LIQUIDS, N.O.S.	0.9%
9	SODIUM HYDROXIDE SOLUTION	0.8%
10	GASOLINE	0.7%
	OTHER	7.2%



## THE CORPORATION OF THE TOWN OF TECUMSEH

Parks & Recreation Department  
Report No. 08/17

**TO:** Mayor and Members of Town Council

**FROM:** Paul Anthony, RRFA, Director, Parks & Recreation Services

**DATE OF REPORT:** April 18, 2017

**DATE TO COUNCIL:** April 25, 2017

**SUBJECT:** Essex Region Greenway Trail Extension Tender Award

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### **RECOMMENDATIONS**

It is recommended that:

1. The tender for the Essex Region Greenway Trail Extension in the amount of \$474,984 plus HST be awarded to Total Source Contracting;
2. The Mayor and Clerk be authorized to execute an agreement, satisfactory in form to the Town's Solicitor, with Total Source Contracting; and
3. The Town's commitment of \$180,000 be funded from the Lifecycle Infrastructure Reserve and that any future recoveries be allocated to repay the Lifecycle Infrastructure Reserve.

### **BACKGROUND**

At the October 13, 2015 Regular Meeting of Council, the members considered Planning & Building Services Report # 31/15, Essex Region Greenway Trail Extension to the Herb Gray Parkway Trail OMCIP Funding Application, and passed motion (RCM-343/15) which reads as follows:

Planning and Building Services Report No. 31, regarding the Town's successful Expression of Interest regarding the Essex Region Greenway Trail Extension to the Herb Gray Parkway Trail and the request for Ontario Municipal Cycling Infrastructure Program Funding, be received;

A further comprehensive report **be prepared** outlining the various details, stakeholders and financial details pertaining to this project, prior to the timelines for submission;

As recommended by the Director Planning and Building Services under Report No. 31/15, dated October 7, 2015.

As a follow-up to Planning & Building Services Report # 31/15, Council was updated with the following information at their In-camera meeting of December 8, 2015:

- 1) An application was filed by the Town for Ontario Municipal Cycling Infrastructure Program Funding (OMCIP) prior to the November 27, 2015 deadline.

- 2) This funding would support the construction of the Essex Region Greenway Trail Extension (Greenway Trail) westerly approximately 3 km to connect to the Herb Gray Parkway Trail (Parkway Trail).
- 3) This application was filed in collaboration with the Essex Region Conservation Authority (ERCA).
- 4) A Memorandum of Understanding (prepared by Ed Hooker, Solicitor) between the Town and ERCA was signed by the respective CAO's dated November 25, 2015 in accordance with the OMCIP application requirements addressing in broad terms:
  - a. ERCA's desire to extend the Greenway Trail;
  - b. The need to acquire various lands located within the Town upon which the Greenway Trail would be constructed;
  - c. The Town's desire for the Greenway Trail to be extended and its willingness to facilitate acquisition of certain lands required by ERCA to extend the Greenway Trail;
  - d. An acknowledgement that the Town was filing an OMCIP application seeking funding for the Greenway Trail and that a formal agreement is required between the parties at a later date, which will need to be authorized by the ERCA Board and Town Council.
- 5) A further Administrative Report is to be provided expanding on the financial implications (the understanding is that there will ultimately be no cost to the Town) and the method by which the lands are to be acquired (negotiation and/or expropriation) seeking Council support for same.
- 6) Project Funding as submitted with the OMCIP application:

	Total	Percent of Total
Town	\$180,000	20%
OMCIP (MTO)	\$325,000	36%
Partners (ERCA, Essex Region Conservation Foundation, County of Essex, Trans Canada Trail)	\$395,000	44%

- 7) It is anticipated that successful applicants will be advised in February 2016.
- 8) OMCIP rules establish that if the Town is successful in receiving funding, a resolution of Council will be required at that time supporting the application and municipal funding commitment prior to execution of the MTO Transfer Payment Agreement (expected March 2016).

On March 11, 2016 confirmation was received that the Town's funding application to the Ministry of Transportation under the OMCIP was approved in the Amount of \$325,000.

At the February 28, 2017 Regular Meeting of Council, the members approved By-law No. 2017-07 being a by-law to authorize the execution of Final Transfer Payment Agreement with Her Majesty the Queen in right of Ontario as represented by the Minister of Transportation for the Province of Ontario and The Corporation of the Town of Tecumseh under the Ontario Municipal Cycling Infrastructure Program.

## **COMMENTS**

A tender call for the Project “Essex Region Greenway Trail Extension” was advertised in the Windsor Star and on the Town’s website on March 29, 2017, along with direct notification to the Windsor Construction Association. Seven (7 tenders) were received by the Purchasing Officer on April 13, 2017. The tenders were opened publicly in Council Chambers in the presence of Administration.

Landmark Engineering Inc. has reviewed the tenders for compliance; the tender results are summarized as follows:

<b>Tenderer</b>	<b>Total Tender Price (excluding HST)</b>
Total Source Contracting	\$474,984
SLR Contracting Group	\$589,402
Shearock Construction Group	\$699,000
Quinlan	\$887,760
Amico	\$912,300
Murray Mills Excavating	\$998,714

There were no major inconsistencies, omissions or unbalanced pricing found in any of the tenders.

Based on their low tender submission and subsequent discussions, Administration, in consultation with Landmark Engineering Inc., recommends that Council award the tender for the Essex Region Greenway Trail Extension in the amount of \$474,984 plus HST to Total Source Contracting and that the Mayor and Clerk be authorized to execute an agreement, satisfactory in form to the Town’s Solicitor, with Total Source Contracting.

## **CONSULTATIONS**

Landmark Engineering Inc.  
Essex Region Conservation Authority  
Financial Services  
Planning & Building Services  
Engineering Services  
CWATS Implementation Committee

## **FINANCIAL IMPLICATIONS**

The Town’s actual cost including non-rebateable HST of 1.76 % is \$484,000 which is well under the \$800,000 submitted for construction costs under the grant application.

As part of the grant process the Town has committed to fund \$180,000 towards grant eligible costs while the proposed ERCA Agreement provides a mechanism for the Town to recover this contribution from ERCA at some point in the future. Costs associated with the purchase/expropriation of required lands are being recovered from ERCA on an ongoing basis.

Administration recommends that \$180,000 funding be provided from the Lifecycle Infrastructure Reserve and that any future recoveries used to pay back the Lifecycle Infrastructure Reserve.

## **LINK TO STRATEGIC PRIORITIES**

No.	2015-16 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	✓
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	✓
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	✓
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	✓
5.	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 CAO.

Prepared by:

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Paul Anthony R.R.F.A.  
Director Parks & Recreation Services

Reviewed by:

Reviewed by:

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

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

Recommended by:

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Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

Attachment(s):

PA



## THE CORPORATION OF THE TOWN OF TECUMSEH

Planning and Building Services  
Report No. 11/17

**TO:** Mayor and Members of Council

**FROM:** Brian Hillman, MA, MCIP, RPP  
Director, Planning and Building Services

**DATE OF REPORT:** April 20, 2017

**DATE TO COUNCIL:** April 25, 2017

**SUBJECT:** Canada-Ontario Affordable Housing Program  
2016 & 2017 Rental Housing Component of the Social Infrastructure Fund  
Investment in Affordable Housing Program Extension  
OUR FILE: D04 AFF

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### **RECOMMENDATIONS:**

It is recommended that:

1. the Town's participation in the Canada-Ontario Affordable Housing Program, 2016 and 2017 Rental Housing Component of the Social Infrastructure Fund as delivered under the existing Investment in Affordable Housing Program Extension (IAHE), be confirmed;
2. 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-unit residential rate for the Town, be provided; and
3. a Municipal Housing Facility By-law to enable municipal contributions pursuant to the *Municipal Act, 2001*, be adopted.

### **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 2016 and 2017 Rental Housing Component of the Social Infrastructure Fund (SIF RHC). 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 2017. 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 2017 and now referred to as IAHE.

To participate in the SIF RHC of the IAHE program in 2017 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-unit residential rate or provide a grant-in-lieu to have the same effect.

If the tax rate reduction is approved by Council, 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. This by-law outlines the parameters in which housing developed under the above-noted housing program receive municipal funding.

Municipalities that agree to the single-unit residential property tax rate requirement and Municipal Housing Facility By-law are referred to as "participating municipalities". Delivery of the 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. Municipalities in which approved projects are located, are required to set the municipal portion of property taxes for the project at a rate equivalent to, or lower than, the single-unit residential rate for the municipality for the 20-year duration of the program.

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 2017, written confirmation of a municipality's participation is required, along with confirmation that the mandatory property tax requirement will or has been adopted.

## **CONSULTATIONS**

Program Coordinator, Housing and Children Services, City of Windsor  
 Director Financial Services & Treasurer  
 Deputy Treasurer & Tax Collector



## **FINANCIAL IMPLICATIONS**

As was the case with prior years, it continues to be anticipated that a grant-in-lieu would be the means to give an effective single-unit residential dwelling tax rate until such time as changes are made by the Province to allow an alternative method to set the tax rate.

By way of example, the reduction in the municipal portion of taxes on a multi-residential property (being a residential property/building having greater than 6 residential units) valued at \$1,000,000 would be \$7,083 per year for the life of the program, calculated as follows:

Table 1 <i>2017 Municipal Taxes on a Multi-Residential Building</i> <i>Value: \$1,000,000</i>			
Multi-Residential Tax	LESS	Residential Tax	DIFFERENCE (reduction)
\$14,497.49		\$7,414.08	\$7,083.41

The foregoing differential needs to be viewed in the context of understanding the opportunity created by the projects proceeding, which might otherwise not occur.

## **LINK TO STRATEGIC PRIORITIES**

No.	2017-18 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	✓
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	✓
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	
5.	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 ☐

Planning and Building Services Report 11/17  
Canada-Ontario Affordable Housing Program  
2016 & 2017 Rental Housing Component of the Social Infrastructure Fund  
Investment in Affordable Housing Program Extension  
OUR FILE: D04 AFF  
April 25, 2017

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This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

Prepared by:

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Enrico De Cecco, BA (Hons.), MCIP, RPP  
Junior Planner

Reviewed by:

Reviewed by:

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

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Luc Gagnon, B. Math, C.A.  
Director, Financial Services/Treasurer

Recommended by:

---

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

BH/ed  
Attachment(s): None

File Name (R:\Planning Reports\Planning Report 11-17 - Canada-Ontario Affordable Housing Program 2017 Extension, File D04 AFF.docx)



## THE CORPORATION OF THE TOWN OF TECUMSEH

Public Works & Environmental Services  
Report No. 20/17

**TO:** Mayor and Members of Council

**FROM:** Sam Paglia, P.Eng., Drainage Superintendent

**DATE OF REPORT:** April 3, 2017

**DATE TO COUNCIL:** April 25, 2017

**SUBJECT:** Request for Repair and Improvements to a Municipal Drain  
Appointment of Drainage Engineer – Shreve Drain

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### **RECOMMENDATIONS**

It is recommended that:

1. Landmark Engineering be appointed Drainage Engineer to:
  - (i) make an examination of the drainage area as submitted by the Town of Tecumseh on behalf of the Essex Region Conservation Authority for a bridge installation located at northeast PL of 470000011000000 and northwest PL of 470000007000000.
  - (ii) to prepare a Drainage Report for the Shreve Drain (Drain) in accordance with Section 78 of the *Drainage Act*, including provisions for future maintenance of the Drain.

### **BACKGROUND**

The Essex Region Conservation Authority (“ERCA”) contacted the Town of Tecumseh (“Town”) regarding their plans to extend the Essex Region Chrysler Greenway Trail (“Trail”). In order to facilitate this trail extension, a culvert installation is required over the Shreve Drain at northeast PL of 470000011000000 and northwest PL of 470000007000000. The Town, on behalf of ERCA, submitted a “Notice of Request for Drain Improvement” (“Request”) in accordance with Section 78 of the *Drainage Act*, R.S.O. 1990, c.D.17 (“Act”) to allow for the installation of a new access bridge over the Shreve Drain to extend the Trail. The Request is appended as Attachment No. 1 of this report.

The Trail’s alignment details, site plan and typical cross section of the proposed trail extension, provided by ERCA, are appended as Attachment No. 2 of this report.

The Drainage Superintendent informed ERCA of the process that must be followed under the Act when a culvert installation on a municipal drain is to be considered. The Municipal Drain and surrounding lands must be examined by a council appointed engineer (“Engineer”) and the Engineer is to provide recommendations to allow proper conveyance of stormwater and must also consider the entire drainage area so as to not adversely affect upstream landowners.

A desktop study revealed that the Shreve Drain has been a Municipal Drain for several years with the last known improvements in 1985 under By-Law No. 85-10 by Maurice Armstrong, P.Eng.

The Engineer’s Report shall be in accordance with the Professional Engineers Guidelines for Services of the Engineer Acting under the Act and shall include a plan and profile for the design of the drain along with an assessment schedule and a future maintenance assessment schedule providing the

Town and landowners with a mechanism to recover any future costs related to the drain maintenance or repair.

## **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 area 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 March 14, 2017, the Town sent notification to the ERCA that it submitted a request for the repair and improvement of the Drain. 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 April 14, 2017.

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 Shreve Drain 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**

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

1. Landmark Engineering be appointed Drainage Engineer to:
  - (i) make an examination of the drainage area as submitted by the Town of Tecumseh on behalf of the Essex Region Conservation Authority for a bridge installation located at northeast PL of 470000011000000 and northwest PL of 470000007000000.
  - (ii) to prepare a Drainage Report for the Shreve Drain (Drain) in accordance with Section 78 of the *Drainage Act*, including provisions for future maintenance of the Drain.

## **CONSULTATIONS**

Landmark Engineering  
Director Financial Services & Treasurer  
Director Corporate Services & Clerk  
Director Parks & Recreational Services

## **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).

However, any expenses incurred by the Town respecting the construction of the trail extension, including the costs associated with the culvert installation crossing the Shreve Drain, shall be reimbursed by ERCA in accordance with the Trail Agreement between the Town and ERCA, under By-Law 2016-30.

### **LINK TO STRATEGIC PRIORITIES**

No.	2017-18 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	✓
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	✓
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	
5.	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 CAO.

Prepared by:

Reviewed by:

---

Cheryl Curran, BES  
Clerk I – Administrative Clerk

---

Sam Paglia, P.Eng.  
Drainage Superintendent

Reviewed by:

Reviewed by:

---

Phil Bartnik, P.Eng., PMP  
Manager Engineering Services

---

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

Reviewed by:

Reviewed by:

---

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

---

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

Recommended by:

---

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

Attachment:

1. Notice of Request for Drain Improvement of the Shreve Drain & Upper Extension, dated March 13, 2017
2. Site Plan & Typical Cross Section, Essex Region Chrysler Greenway Trail Extension Crossing the Shreve Drain & Upper Extension

CC

**ATTACHMENT No. 1**  
**NOTICE OF REQUEST FOR DRAIN IMPROVEMENT**  
**SHREVE DRAIN & UPPER EXTENSION**

**Notice of Request for Drain Improvement**  
*Drainage Act, R.S.O. 1990, c. D.17, subs. 78(1)*

To: The Council of the Corporation of the Town of Tecumseh  
Re: Shreve Drain  
(Name of Drain)

In accordance with section 78(1) of the *Drainage Act*, take notice that I/we, as owner(s) of land affected, request that the above mentioned drain be improved.

The work being requested is (check all appropriate boxes):

- ☐ Changing the course of the drainage works;
- ☐ Making a new outlet for the whole or any part of the drainage works;
- ☐ Constructing a tile drain under the bed of the whole or any part of the drainage works;
- ☒ Constructing, reconstructing or extending bridges or culverts;
- ☐ Constructing, reconstructing or extending embankments, walls, dykes, dams, reservoirs, pumping stations or other protective works in connection with the drainage works;
- ☐ Otherwise improving, extending to an outlet or altering the drainage works;
- ☐ Covering all or part of the drainage works; and/or
- ☐ Consolidating two or more drainage works.

Provide a more specific description of the proposed drain improvement you are requesting:

Request to install a culvert over the Shreve Drain in relation to the Chrysler Greenway, tecumseh extension. This request is on behalf of the Essex Region Conservation Authority as well as the Town of Tecumseh.

**Property Owners:**

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number, if available.

**Property Description**

northeast PL of 470000011000000 and northwest PL of 470000007000000.

Ward or Geographic Township

4

Parcel Roll Number

Road

If property is owned in partnership, all partners must be listed. If property is owned by a corporation, list the corporation's name and the name and corporate position of the authorized officer. Only the owner(s) of the property may request a drain improvement.



**Corporation**

**Corporate Ownership**

Name of Signing Officer (Last Name, First Name ) (Type/Print)

Dan Piescic

Name of Corporation

Town of Tecumseh

Position Title

Director of Public Works

Signature



I have the authority to bind the Corporation.

Date (yyyy/mm/dd)

2017/03/13

Enter the mailing address and primary contact information of property owner below:

Last Name

Paglia

First Name

Sam

Middle Initial

**Mailing Address**

Unit Number

Street/Road Number

917

Street/Road Name

Lesperance Rd.

PO Box

City/Town

Tecumseh

Province

Ontario

Postal Code

N8N 1W9

Telephone Number

519 735-2184

Cell Phone Number (Optional)

519 818-0101

Email Address (Optional)

spaglia@tecumseh.ca

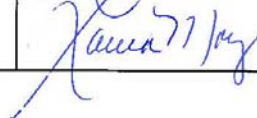
To be completed by recipient municipality:

Notice filed this 13 day of March 20 17

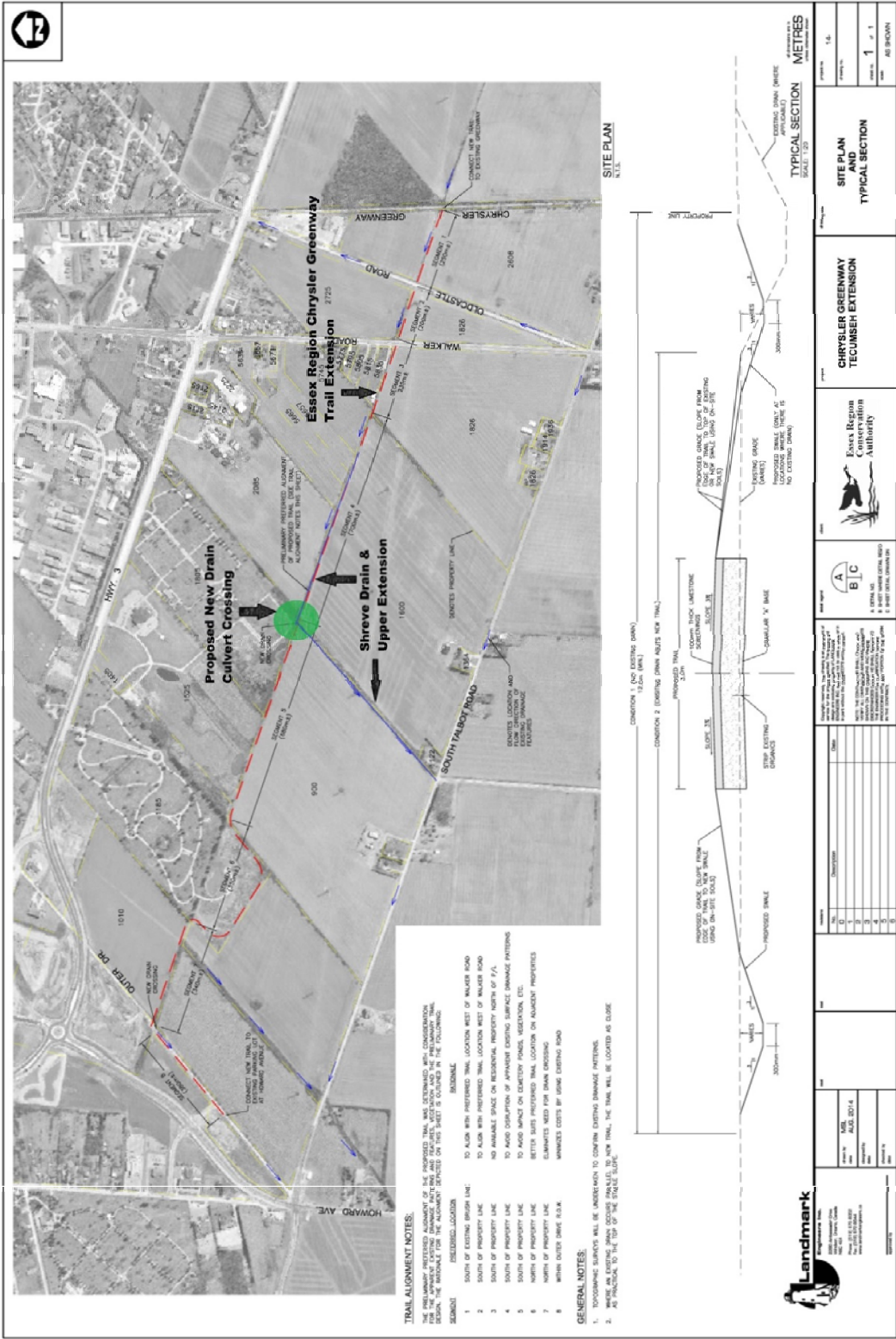
Name of Clerk (Last Name, First Name)

Moy, Laura

Signature of Clerk



**ATTACHMENT No. 2**  
**SITE PLAN & TYPICAL CROSS SECTION**  
**ESSEX REGION CHRYSLER GREENWAY TRAIL EXTENSION**  
**CROSSING THE SHREVE DRAIN**





## THE CORPORATION OF THE TOWN OF TECUMSEH

Public Works & Environmental Services  
Report No. 21/17

**TO:** Mayor and Members of Council

**FROM:** Sam Paglia, P.Eng., Drainage Superintendent

**DATE OF REPORT:** April 3, 2017

**DATE TO COUNCIL:** April 25, 2017

**SUBJECT:** Request for Repair & Improvement to a Municipal Drain  
Appointment of Drainage Engineer – South Talbot &  
Holden Outlet Drain

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### **RECOMMENDATIONS**

It is recommended that:

1. Dillon Consulting Ltd. be appointed Drainage Engineer to:
  - (i) make an examination of the drainage area as submitted by 1185604 Ontario Inc. of Part of Lot 303, Con STR of 470000007000000.
  - (ii) to prepare a Drainage Report for the South Talbot & Holden Outlet Drain (Drain) in accordance with Section 78 of the *Drainage Act*, including provisions for future maintenance of the Drain.

### **BACKGROUND**

A Severance Consent Application was submitted by 1185604 Ontario Inc. to sever 0.51 hectares (1.28 acres) of agricultural land located at 1600 South Talbot Road, Part of Lot 303, Con STR with Roll No. 470000007000000, and consolidate it with the abutting residential lot. The Application for Consent was granted by the Town of Tecumseh ("Town") Committee of Adjustment in August 2016 and the owners subsequently submitted a "Notice of Request for Drain Improvement" ("Request") in accordance with Section 78 of the *Drainage Act*, R.S.O. 1990, c.D.17 ("Act") to allow for the installation of a new access bridge over the South Talbot & Holden Outlet Drain to access the severed agricultural parcel. The Request is appended as Attachment No. 1 and the location map of South Talbot & Holden Outlet Drain is appended as Attachment No. 2 of this report.

The Drainage Superintendent informed the landowner of the process that landowners must follow under the Act when an installation of an access bridge on a municipal drain is to be considered. The Municipal Drain and surrounding lands must be examined by a council appointed engineer ("Engineer") and that the Engineer is to provide recommendations to allow proper conveyance of storm water for the requesting landowner, and must also consider the entire drainage area so as to not adversely affect upstream landowners.

The Town completed a desktop study and it revealed that the South Talbot & Holden Outlet Drain has been a Municipal Drain for several years with the last known improvements in: 1979 under By-Law No. 79-28 by C.G.R. Armstrong Ltd.; in 2006 under By-Law 2006-47 (South Talbot Drain portion only) by Dillon Consulting Limited, and in 2015 under By-Law No. 2015-42 by Dillon Consulting Limited.

The Report shall be in accordance with the Professional Engineers Guidelines for Services of the Engineer Acting under the *Drainage Act* and shall include a plan and profile for the design of the access bridge over the Drain along with an assessment schedule and a future maintenance assessment schedule for the bridge that will provide the Town and affected landowners with a mechanism to recover any future costs related to the culvert improvements.

## **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 area 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 March 15, 2017, the Town sent notification to the Essex Region Conservation Authority (ERCA) that it had received a request for the repair and improvement of the Drain. 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 expired on April 15, 2017.

The proposed drainage works will need to be self-assessed by the Town of Tecumseh 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.

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

### **Appointment of Engineer**

For the benefit and conveyance of the water received by all affected lands within the watershed and adjacent to the Drain who depend on the Drain as their outlet for the water that they receive; It is recommended that:

1. Dillon Consulting Ltd. be appointed Drainage Engineer to:
  - (i) make an examination of the drainage area as submitted by 1185604 Ontario Inc. of Part of Lot 303, Con STR of 470000007000000.
  - (ii) to prepare a Drainage Report for the South Talbot & Holden Outlet Drain (Drain) in accordance with Section 78 of the *Drainage Act*, including provisions for future maintenance of the Drain.

## **CONSULTATIONS**

Dillon Consulting Limited  
Director Financial Services & Treasurer  
Director Corporate Services & Clerk

## **FINANCIAL IMPLICATIONS**

In relation to the access culvert, 100% of the costs to construct and produce a report are the liability of the benefiting landowner, but upstream landowners have future liability on the culvert so the Engineer's Report shall provide an assessment schedule for the work under the report as well as a future schedule of assessment for benefit, outlet liability and injuring liability.

## **LINK TO STRATEGIC PRIORITIES**

<b>No.</b>	<b>2017-18 Strategic Priorities</b>	<b>Applicable</b>
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	✓
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	✓
5.	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 CAO.

Prepared by:

Reviewed by:

---

Cheryl Curran, BES  
Clerk I – Administrative Clerk

---

Sam Paglia, P.Eng.  
Drainage Superintendent

Reviewed by:

Reviewed by:

---

Phil Bartnik, P.Eng., PMP  
Manager Engineering Services

---

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

Reviewed by:

Reviewed by:

---

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

---

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

Recommended by:

---

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

Attachments:

1. Notice of Request for Drain Improvement dated March 6, 2017
2. Location Map – South Talbot & Holden Outlet Drain

CC



## ATTACHMENT No. 1

### NOTICE OF REQUEST FOR DRAIN IMPROVEMENT SOUTH TALBOT & HOLDEN OUTLET DRAIN

2017  
EO950(96) O'NEIL

**Notice of Request for Drain Improvement**  
*Drainage Act, R.S.O. 1990, c. D.17, subs. 78(1)*

FILE COPY

To: The Council of the Corporation of the Town of Tecumseh

Re: South Talbot & Holden Outlet Drain  
(Name of Drain)

In accordance with section 78(1) of the *Drainage Act*, take notice that I/we, as owner(s) of land affected, request that the above mentioned drain be improved.

The work being requested is (check all appropriate boxes):

- ☐ Changing the course of the drainage works;
- ☐ Making a new outlet for the whole or any part of the drainage works;
- ☒ Constructing a tile drain under the bed of the whole or any part of the drainage works;
- ☒ Constructing, reconstructing or extending bridges or culverts;
- ☐ Constructing, reconstructing or extending embankments, walls, dykes, dams, reservoirs, pumping stations or other protective works in connection with the drainage works;
- ☒ Otherwise improving, extending to an outlet or altering the drainage works;
- ☐ Covering all or part of the drainage works; and/or
- ☐ Consolidating two or more drainage works.

Provide a more specific description of the proposed drain improvement you are requesting:

Per Severance Consent Application B18/16 - the retained parcel requires a separate entrance/culvert.

---

**Property Owners:**

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number, if available.

---

**Property Description**  
PART OF LOT 303, CON STR

<b>Ward or Geographic Township</b> <u>Ward 4</u>	<b>Parcel Roll Number</b> <u>470000007000000</u>
---	---

If property is owned in partnership, all partners must be listed. If property is owned by a corporation, list the corporation's name and the name and corporate position of the authorized officer. Only the owner(s) of the property may request a drain improvement.

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### Corporation

#### Corporate Ownership

Name of Signing Officer (Last Name, First Name ) (Type/Print)

MARLENE M O'NEIL

Name of Corporation

1185604 ONTARIO INC.

Position Title

PRESIDENT

Signature

*Marlene O'Neil*

Date (yyyy/mm/dd)

*March 6, 2017.*

I have the authority to bind the Corporation.

Enter the mailing address and primary contact information of property owner below:

Last Name

O'NEIL

First Name

MARLENE

Middle Initial

M

#### Mailing Address

Unit Number

Street/Road Number

11578

Street/Road Name

ARVILLA STREET

PO Box

City/Town

WINDSOR

Province

ONTARIO

Postal Code

N8P 1L5

Telephone Number

519 739-1417

Cell Phone Number (Optional)

Email Address (Optional)

hugmar12@cogeco.ca

To be completed by recipient municipality:

Notice filed this

*6<sup>th</sup>*

day of

*March*

20

*17*

Name of Clerk (Last Name, First Name)

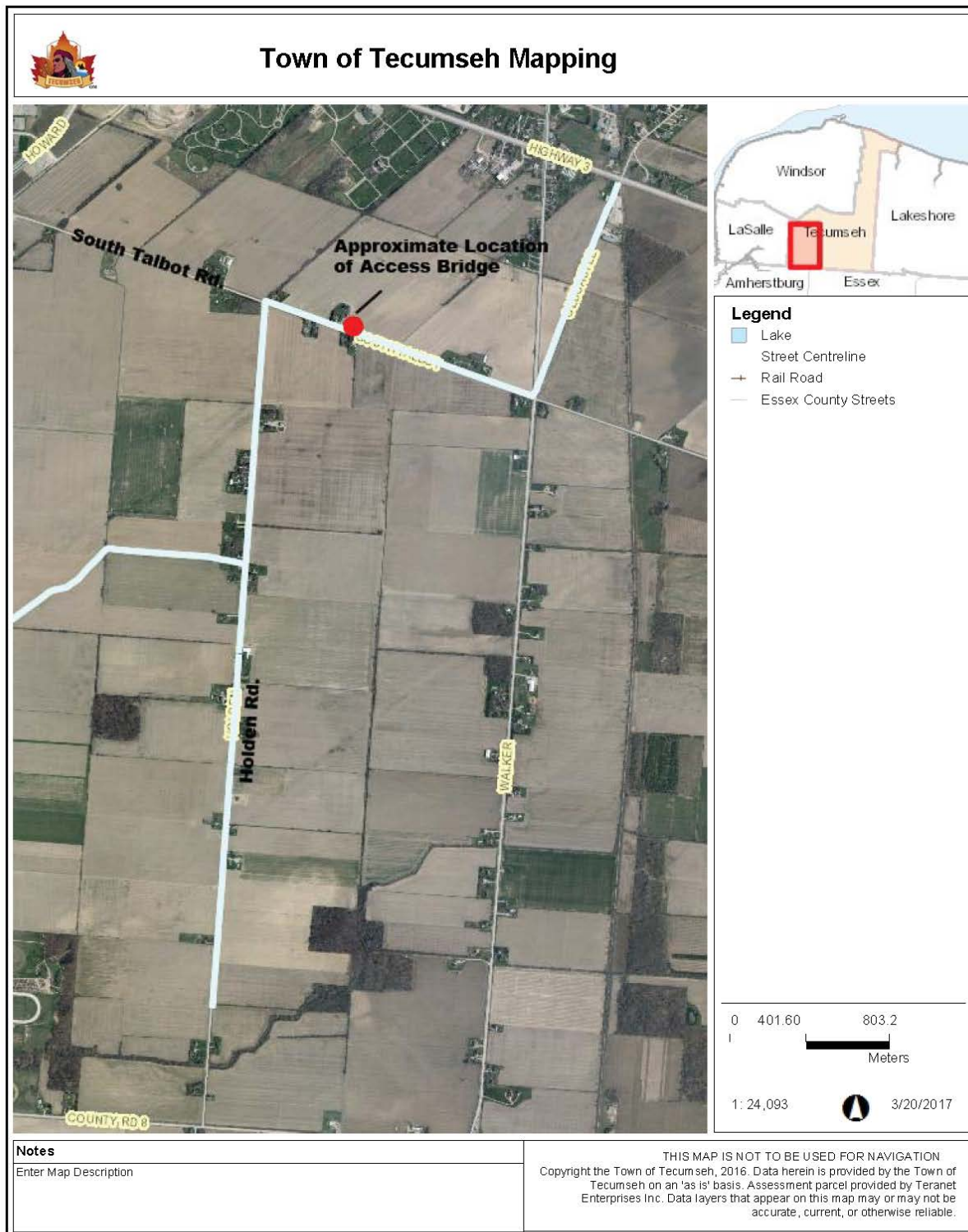
*Moy, Laura*

Signature of Clerk

*Laura Moy*



**ATTACHMENT No. 2**  
**LOCATION MAP**  
**1600 SOUTH TALBOT ROAD**





## THE CORPORATION OF THE TOWN OF TECUMSEH

Public Works & Environmental Services  
Report No. 24/17

**TO:** Mayor and Members of Council

**FROM:** Kirby McArdle, P.Eng., Manager Roads & Fleet

**DATE OF REPORT:** April 18, 2017

**DATE TO COUNCIL:** April 25, 2017

**SUBJECT:** Supply of Tandem Axle Truck and Snow Plow Package

---

### **RECOMMENDATIONS**

It is recommended:

1. That the purchase of one Tandem Axle Truck and Snow Plow Package in the amount of \$282,229.95 plus HST be awarded to Team Truck Centers Ltd.

### **BACKGROUND**

At the February 28, 2017 Regular Meeting of Council, Council considered Public Works & Environmental Services Report No. 13/17 and passed Motion RCM-58/17 that authorized Administration to obtain quotations for the Supply of a Tandem Axle Truck and Snow Plow Package with an estimated price of \$290,000 to be funded from the Fleet Lifecycle Reserve.

### **COMMENTS**

Administration prepared a "Request for Formal Quotes for the Supply of a Tandem Axle Truck & Snow Plow Package" (RFQ) in accordance with the Town's Purchasing Policy.

The RFQ was advertised on the Town's website and three (3) local suppliers were contacted directly with an invitation to bid.

On Thursday, April 13, 2017, the Purchasing Officer received three (3) responses to the RFQ. The quotations were opened publicly in Council chambers in the presence of Administration on Thursday, April 13, 2017.

The table below summarizes the (corrected) quotations received:

Company Name	Quote (excl. HST)
Team Truck Centres	\$282,229.95
401 Trucksource Inc.	\$284,765.50*
Carrier Centers	\$288,570.50

*\*Mathematical error in submission*

The Manager of Roads & Fleet reviewed the quotations submitted for compliance with the RFQ specifications. All bids were checked for completeness and conformance to specifications.

At the tender opening, the bids were announced and 401 Trucksource Inc. submitted the lowest bid of \$277,981.50. Upon review of the tender documentation it was found that 401 Trucksource Inc. did not include the price required for an extended warranty as specified within tender. Team Truck Centres and Carrier Centers both included the specified warranty. In consultation with 401 Trucksource Inc., it was verified that the warranty was not included in their submitted quote. Therefore, the corrected submission supplied by 401 Trucksource Inc. of \$284,765.50, accounts for the extended warranty.

Both Team Truck Centres and 401 Truck Centers gave a delivery timeframe of 28-40 weeks. Carrier Centers did not specify a timeframe although it is our experience that the delivery date would be similar.

Administration stated in the RFQ that delivery date would be a factor in evaluating the award of tender. It is Administration's experience that the market place in building these specialized pieces of equipment is very volatile. The trucks are built upon order and the dealers who place these orders are restricted to when and at what volume the manufacturers will produce these vehicles. These vehicles have to then be shipped to a body manufacturer, such as Viking, to have the plow package manufactured. They can only pre-manufacture a portion of the equipment as these are all one-off vehicles depending on options on the chassis. Viking is a premier manufacturer for almost all of Ontario municipalities and as such when the vehicle is delivered to Viking's facility determines completion date.

Administration has had previous experience with Team Truck Centres for the supply of equipment and has found Team Truck Centres to be acceptable in the process, with no undue delays.

## **CONSULTATIONS**

Director Financial Services & Treasurer  
Purchasing Officer

## **FINANCIAL IMPLICATIONS**

Quote excluding HST	\$282,229.95
HST non-rebate (1.76%)	\$4,967.25
Approved allocation as per PWES Report No. 03/17	\$290,000.00
<b>Allocation surplus</b>	<b>\$2,802.80</b>

The quotes received were all relatively competitive, with less than 5% separating the high bid from the low bid.

Administration notes that the prices fall within the approved allocation of \$290,000. Based on the review and the cost analysis above, Administration recommends that Council award the purchase of one Tandem Axle Truck & Snow Plow Package to Team Truck Centres Ltd. in the amount of \$282,229.95 plus HST.

## **LINK TO STRATEGIC PRIORITIES**

No.	2017-18 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	✓
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	✓
5.	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 CAO.

Prepared by:

---

Kirby McArdle, P.Eng.  
Manager Roads & Fleet

Reviewed by:

Reviewed by:

---

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

---

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

Recommended by:

---

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer



## THE CORPORATION OF THE TOWN OF TECUMSEH

Public Works & Environmental Services  
Report No. 25/17

**TO:** Mayor and Members of Council

**FROM:** Kirby McArdle, P.Eng., Manager Roads & Fleet

**DATE OF REPORT:** April 13, 2017

**DATE TO COUNCIL:** April 25, 2017

**SUBJECT:** 2017 Supply of Various Vehicles  
Tender Award

---

### **RECOMMENDATIONS**

It is recommended that:

1. The following vehicle purchases be awarded to Oxford Dodge Chrysler (1992) Ltd.:
  - a) Item 1: one (1) 2500 Crew Cab Pickup Truck, in the amount of \$34,713 plus HST; and
  - b) Item 2: one (1) 1500 Ext. Cab Pickup Truck, in the amount of \$29,886 plus HST.

### **BACKGROUND**

At the February 28, 2017 Regular Meeting of Council, Council considered Public Works & Environmental Services Report No. 03/17 and passed Motion RCM-58/17 that authorized Administration to obtain quotations for the Supply of Various Vehicles of the following, net of recoverable HST:

Parks.....	2500 Crew Cab Pickup Truck .....	\$37,000
Water .....	1500 Ext. Cab Pickup Truck .....	\$32,000

At the same meeting, Council also authorized funding the purchase of the 2017 Supply of Various Vehicles be provided by the Fleet Lifecycle Reserve.

### **COMMENTS**

Administration prepared a "Request for Formal Quotes for the Supply of Vehicle" (RFQ) with reference to the 2017 Parks and Water vehicles to be replaced in accordance with the Town's Purchasing Policy.

The RFQ was advertised on the Town's website and an invitation to submit was forwarded to 14 vehicle suppliers.

On April 13, 2017, the Purchasing Officer received responses to the RFQ from three (3) dealerships. The quotations were opened publicly in Council chambers in the presence of Administration on Thursday, April 13, 2017.

The table below summarizes the quotations received (excluding HST).

Company Name	Item 1 Parks	Item 2 Water
Oxford Dodge Chrysler	\$34,713	\$29,886
Rose City	\$34,923	\$32,694
Ken Knapp	\$47,883	\$44,683

The Manager of Roads and Fleet and the Purchasing Officer reviewed the quotations submitted. All bids were found to be acceptable in principle. The submissions were checked for completeness and the degree to which each submission met the specifications.

The RFQ recommended below best meets the criteria outlined in the Town specification package.

Accordingly, Administration recommends that the following vehicle purchases be awarded to Oxford Dodge Chrysler (1992) Ltd.:

- a) Item 1: one (1) 2500 Crew Cab Pickup Truck, in the amount of \$34,713 plus HST; and
- b) Item 2: one (1) 1500 Ext. Cab Pickup Truck, in the amount of \$29,886 plus HST.

The new 2017 vehicles are in keeping with the Town's Green Initiatives: the vehicles are fuel efficient, rated fuel efficiency of 17/100km highway and 12/100km city. These vehicles also have multiple cylinder displacement technology which shuts off engine cylinders when not required, actively decreasing fuel consumption. This assists in keeping the Town vehicle emissions as low as possible.

## **CONSULTATIONS**

Director Financial Services & Treasurer  
Purchasing Officer

## **FINANCIAL IMPLICATIONS**

Vehicle costs excluding HST	
Item 1 (4x2 Crew Cab)	\$34,713
Item 2 (4x4 Ext. Cab)	\$29,886
HST non-rebate (1.76%)	\$1,137
Approved allocation per PWES No. xx/17	\$69,000
<b>Allocation surplus</b>	<b>\$3,264</b>

Based on the review and the costs being within close range of the approved budget allocation, Administration recommends that:

The following vehicle purchases be awarded to Oxford Dodge Chrysler (1992) Ltd.:

- a) Item 1: one (1) 2500 Crew Cab Pickup Truck, in the amount of \$34,713 plus HST; and
- b) Item 2: one (1) 1500 Ext. Cab Pickup Truck, in the amount of \$29,886 plus HST.



## **LINK TO STRATEGIC PRIORITIES**

No.	2017-18 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	✓
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	✓
5.	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 CAO.

Prepared by:

Reviewed by:

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Cheryl Curran, BES  
Clerk I – Administrative Clerk

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Kirby McArdle, P.Eng.  
Manager Roads & Fleet

Reviewed by:

Reviewed by:

---

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

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

Recommended by:

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Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

**THE CORPORATION OF THE TOWN OF TECUMSEH**

**BY-LAW 2017-25**

Being a by-law to amend By-law 2065,  
the Town's Comprehensive Zoning By-law  
for those lands in the former Village of St.  
Clair Beach

(Removal of Holding Zone Symbol "H",  
affecting the 0.3 hectare parcel of land  
situated on the north-east corner of the  
Tecumseh Road/Brighton Road  
intersection – 14306 Tecumseh Road)

**WHEREAS** By-law No. 2065 is the Town's comprehensive zoning by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Tecumseh, for lands situated within the former Village of St. Clair Beach;

**AND WHEREAS** the Council of the Corporation of the Town of Tecumseh deems it necessary and in the best interest of proper planning to further amend By-law No. 2065;

**AND WHEREAS** this By-law conforms to the Official Plan in effect for the Town of Tecumseh for lands in the former Village of St. Clair Beach, as amended;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF TECUMSEH ENACTS AS FOLLOWS:**

1. That Schedule "A", to By-law 2065, as amended, is hereby further amended by removing the holding zone symbol for those lands as indicated on Schedule "A" attached hereto and forming part of this By-law.
2. This By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 36 of the *Planning Act, R.S.O. 1990*.

**READ** a first, second and third time and finally passed this 25<sup>th</sup> day of April, 2017.

"SEAL"

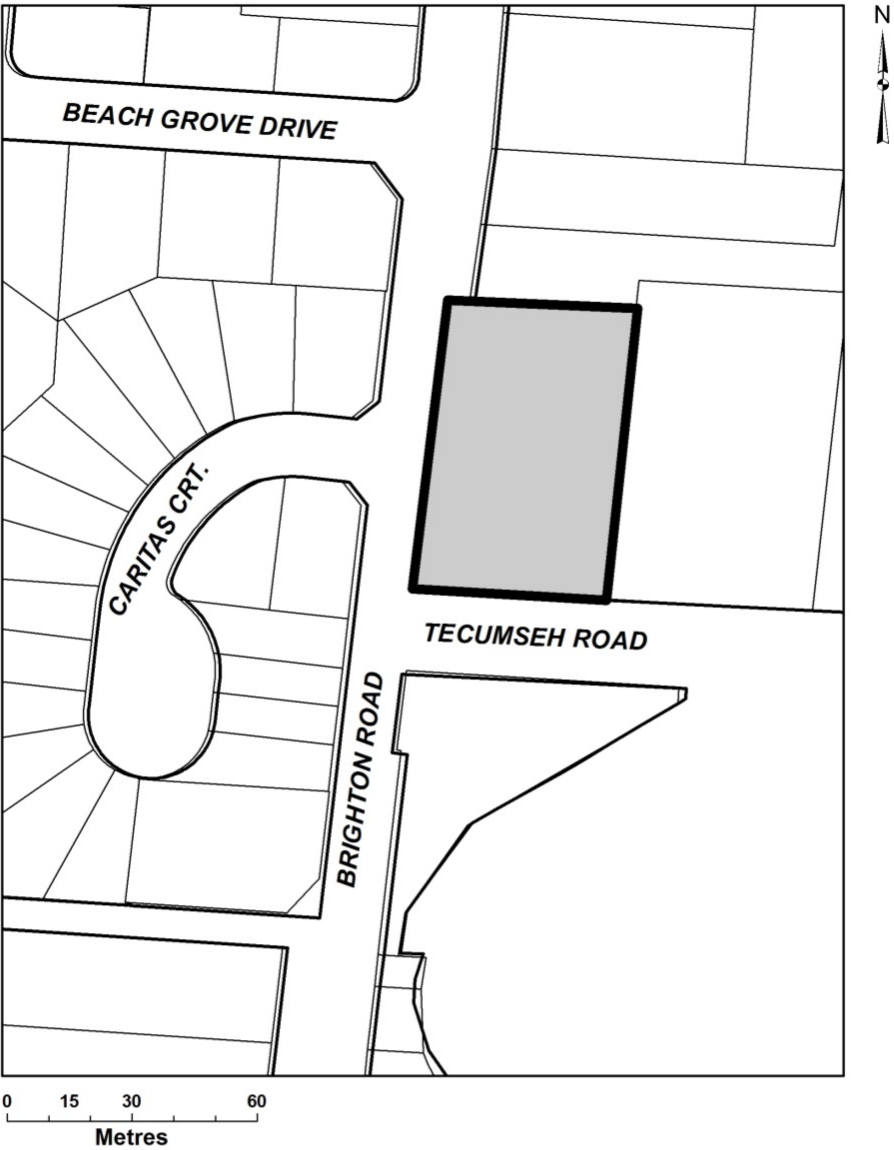
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Gary McNamara, Mayor

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Laura Moy, Clerk

SCHEDULE "A"  
0.3 HECTARE PARCEL OF LAND LOCATED ON THE NORTH-EAST  
CORNER OF TECUMSEH ROAD/BRIGHTON ROAD INTERSECTION  
TOWN OF TECUMSEH





Change from "(H) C1-7" to "C1-7"

This is Schedule "A" to By-law No. 2017-25.  
Passed the 25 th day of April, 2017.

Signed

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

# THE CORPORATION OF THE TOWN OF TECUMSEH

## BY-LAW NUMBER 2017-26

Being a by-law to authorize the execution of a Site Plan Control Agreement between The Corporation of the Town of Tecumseh and Hasan Bahcheli & Emine Bahcheli

**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;

**AND WHEREAS** under Section 5 of the *Municipal Act 2001, S.O. 2001 c.25*, the powers of a municipality shall be exercised by its Council by by-law;

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF TECUMSEH HEREBY ENACTS AS FOLLOWS:**

1. **THAT** the Mayor and the Clerk be and they are hereby authorized and empowered on behalf of The Corporation of the Town of Tecumseh, to execute a Site Plan Control Agreement between The Corporation of the Town of Tecumseh and Hasan Bahcheli & Emine Bahcheli, dated the 25<sup>th</sup> day of April, 2017, a copy of which Site Plan Control Agreement is attached hereto and forms part of this by-law and to do such further and other acts which may be necessary to implement the said Site Plan Control Agreement.
2. **AND THAT** this by-law shall come into force and take effect upon on the date of the third and final reading thereof.

**READ** a first, second and third time and finally passed this 25<sup>th</sup> day of April, 2017.

"SEAL"

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Gary McNamara, Mayor

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Laura Moy, Clerk

## **SITE PLAN CONTROL AGREEMENT**

**Between:**

**The Corporation of the Town of Tecumseh**

**- and -**

**Hasan Bahcheli and Emine Bahcheli**

**PREPARED BY:**

**WOLF HOOKER PROFESSIONAL CORPORATION**

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

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- Schedule “B” - Site Plan
- Schedule “C” – Site Services Plan
- Schedule “D” – Elevation Plan



## **SITE PLAN CONTROL AGREEMENT**

**THIS AGREEMENT** made in triplicate this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**BETWEEN:**

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

**OF THE FIRST PART**

-and-

**HASAN BAHCHELI AND EMINE BAHCHELI**  
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 Schedule "C" (the Site Services Plan) 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 Site Services Plan;

##### **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 fulfil 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 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.

#### 2.1.4.6 Elevation Plans

The owner shall construct the building in accordance with the elevation plans annexed hereto and marked Schedule "D". The owner further agrees to maintain the building for so long as it exists in accordance with said plans.

#### 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.

##### **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.

##### **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.

#### 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.

#### 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 Schedule “C”, 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;

**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 annexed hereto and marked Schedule "B" and "C" 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, watermain, 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:  
296 Russell Woods Dr., Tecumseh, ON N8N 4K5

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 marked as Schedules "B" and "C" have been signed by the parties and are on file with the Municipality. A reduced copy of those schedules are annexed hereto. A reduced copy of those schedules are annexed hereto which copy may be removed prior to registration on title should the Land Registry Office so determine or require.

Those Schedules marked as Schedules “B” and “C” have been signed by the parties and are on file with the Municipality. A reduced copy of those schedules are annexed hereto. A reduced copy of those schedules are 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."*

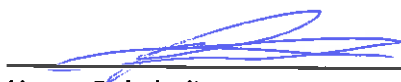

**9.16    INDEPENDENT LEGAL ADVICE**

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

}	
}	<b>THE CORPROATION OF THE TOWN</b>
}	<b>OF TECUMSEH</b>
}	
}	Per:_____
}	Gary McNamara – MAYOR
}	
}	_____
}	Laura Moy - CLERK
}	
}	
}	Hasan Bahcheli
}	
}	
}	Emine Bahcheli

**SCHEDULE "A"**

**THE LANDS**

Property: 414-424 Brighton Rd., Tecumseh, ON  
Legal Description: Pt. Lt. 1 Con. West of River Peche Maidstone (St. Clair Beach) as in  
R168665 & R468666; save & except Pt. 4 12R-23224; Tecumseh  
PIN: 75000-0555

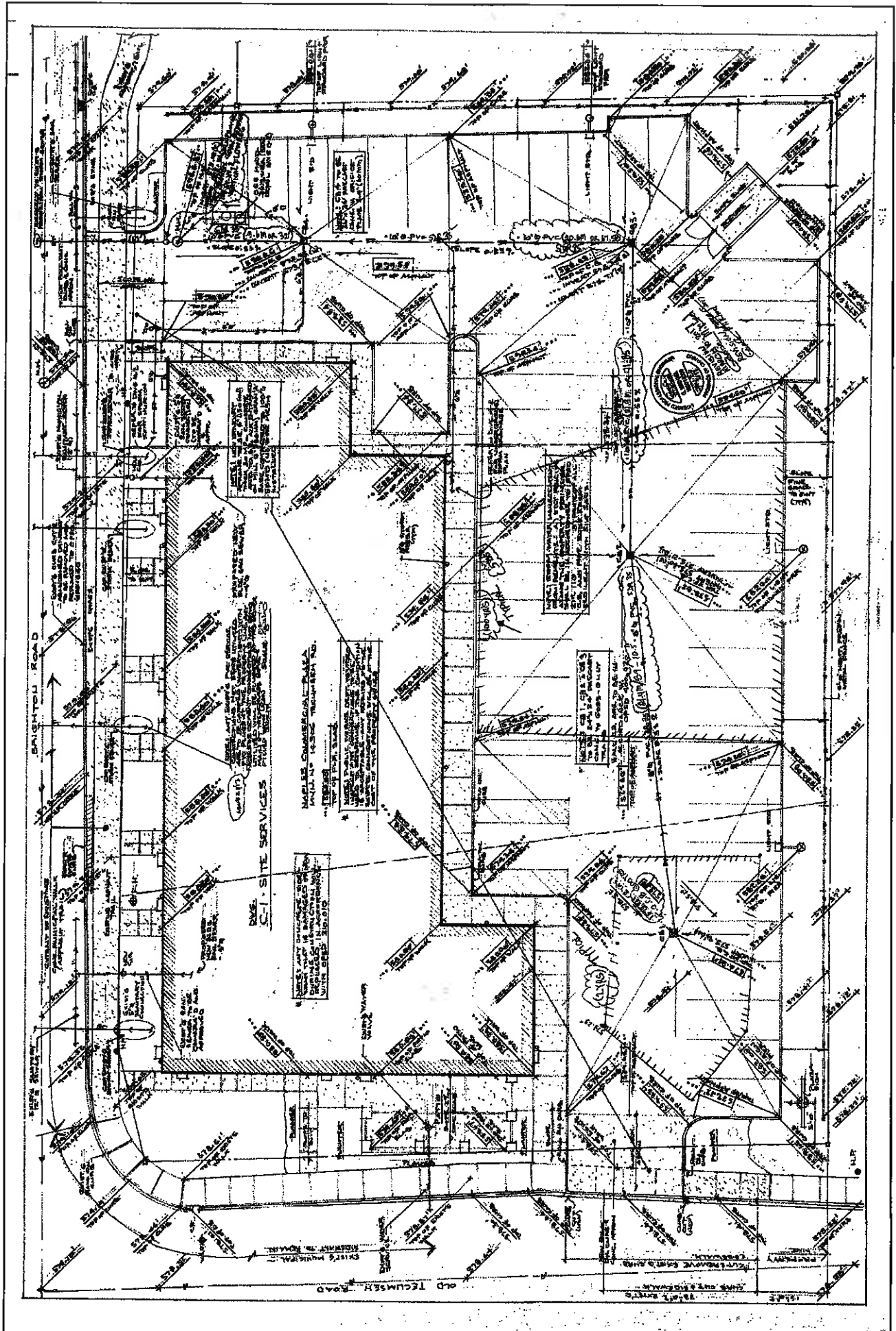
Property: 14306 Tecumseh Rd. East, Tecumseh, ON  
Legal Description: Pt. Lt. 1 Con. West of River Peche designated as Pt. 1 Plan 12R-8653  
save and except Pt. 5 12R-23224; Tecumseh  
PIN: 75000-0057

## SITE PLAN



# SCHEDULE "C"

## SITE SERVICES PLAN



## ELEVATIONS (PAGE 1 OF 2)





**ELEVATIONS (PAGE 2 OF 2)**

# THE CORPORATION OF THE TOWN OF TECUMSEH

## BY-LAW 2017-27

Being a by-law to authorize the use of internet and telephone voting for the 2018 Municipal and School Board Elections

**WHEREAS** Section 42 of the *Municipal Elections Act, 1996* provides that the Council of a municipality may, by by-law authorize the use of alternate voting methods that does not require electors to attend at a voting place in order to vote, if the by-law is passed before May 1 in the year before the year of the election;

**AND WHEREAS** the Council of The Corporation of the Town of Tecumseh considers it desirable to pass such a by-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF TECUMSEH HEREBY ENACTS AS FOLLOWS:**

1. **THAT** the Council of The Corporation of the Town of Tecumseh hereby authorizes the use of internet and telephone for the purpose of voting for the 2018 municipal and school board election.
2. **THAT** the Mayor and Clerk are herewith authorized to sign the necessary agreement to provide for the use of internet and telephone voting.
3. **THAT** this by-law shall come into full force and take effect as of the date of its passing.

**READ** a first, second, third time and finally passed this 25<sup>th</sup> day of April, 2017.

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Gary McNamara, Mayor

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Laura Moy, Clerk

## UNFINISHED REGULAR COUNCIL BUSINESS

	Meeting Date	Resolution	Subject	Action/Direction	Depart.	Status/Action Taken
20/14	Dec 9, 2014  Feb 14, 2017		County Rd 34 Hamlet	Administration is asked to look into property ownership and to work with the owners on opportunities for alternate service arrangements.  Administration is asked to provide an update to the affected property owners.	PWES/ Clerks	Update provided by Legal on March 14, 2017
5/16	Nov 8, 2016  Feb 14, 2017	RCM 390/16	Traffic Study	That a traffic count be conducted for the intersection of Cada Street and St. Gregory's Road to determine if it warrants the installation of a crosswalk.  A request is made that the traffic count should not take place prior to the soccer season as those numbers ought to be incorporated.	PWES	Scheduled for Spring 2017
1/17	Mar 14, 2017		Optimist Club	A request is made for an impact study on the support the Optimist Club of St. Clair Beach provides to the community through all their fundraising efforts and organized events.	Recreation	
2/17	Mar 14, 2017		Ontario Power Generation	Administration is directed to provide information regarding the Ontario Power Generation's site location to house nuclear waste in Ontario and the environmental effects to the Great Lakes.	Manager Strategic Initiatives	
3/17	Mar 14, 2017		Alley Closing Policy	An alley closing policy is requested to establish a uniformed process for closing alleys.	Clerks	
4/17	Mar 28, 2017		Oldcastle Hamlet	The presentation and requests made by FOOD is referred to Administration for a report and recommendation.	Planning	
5/17	Mar 28, 2017		Corn Festival RFQ	A status update is requested for the Corn Festival RFQ for an independent non-profit organization to assume organizational responsibility of the Corn Festival.	Recreation	RFQ deadline is May 25, 2017 with a report to Council anticipated for June.
7/17	Apr 11, 2017		Noise Decibel	A request is made to investigate how other municipalities manage the entertainment noise decibel level at events.	Recreation	

Meeting Date: April 25, 2017

# THE CORPORATION OF THE TOWN OF TECUMSEH

## BY-LAW NUMBER 2017-28

Being a by-law to confirm the proceedings of the  
**April 25, 2017** 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 **April 25, 2017**, 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 **April 25, 2017**, 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 25<sup>th</sup> day of April, 2017.

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Gary McNamara, Mayor

"SEAL"

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Laura Moy, Clerk