

THE CORPORATION OF THE TOWNSHIP OF ESSA
COMMITTEE OF THE WHOLE

WEDNESDAY, SEPTEMBER 18, 2019
6:00 p.m.

AGENDA

1. OPENING OF MEETING BY THE MAYOR
2. DISCLOSURE OF PECUNIARY INTEREST
3. DELEGATIONS / PRESENTATIONS / PUBLIC MEETINGS

STAFF REPORTS

4. PLANNING AND DEVELOPMENT
 5. PARKS AND RECREATION/ COMMUNITY SERVICES
- p. 1 a. **Staff Report PR005-19 submitted by the Manager of Parks and Recreation, re: Memorial Bench Placement at Don Ross Fishing Park.**

Recommendation: *Be it resolved that Staff Report PR005-19 be received; and That Council authorize the installation of a Memorial Bench in the Don Ross Fishing Park provided that the approved bench is situated in a location approved by staff, any wording on an associated plaque is subject to Township approval, and all costs are to be paid by the applicant.*

6. FIRE AND EMERGENCY SERVICES
 7. PUBLIC WORKS
- p. 3 a. **Staff Report PW034-19 submitted by the Manager of Public Works, re: Award of Tender – Resurfacing of 9th Line, Scotch Line and 5th Sideroad from Scotch to 3rd Line.**

Recommendation: *Be it resolved that Staff Report PW034-19 be received; and That the tender received from Coco Paving Inc. for the resurfacing of 9th Line from County Road 90 to 30th Sideroad, Scotch Line south of County Road 21 approximately 250 meters and the 5th Sideroad from Scotch Line to 3rd Line be accepted in the amount of \$1,111,856.76, plus H.S.T., and That Council authorize Ainley & Associates Limited to arrange for the necessary works to be completed; and That Council authorize Ainley & Associates Limited to carry out inspection and contract administration for this Project, at a cost of \$55,000.00 plus H.S.T.*

- p. 11 **b. Staff Report PW035-19 submitted by the Manager of Public Works, re: Draft Policy for Payment of Water Bills.**

Recommendation: *Be it resolved that Staff Report PW035-19 be received; and That Council approve Draft Policy HR 2020-01 "Payment of Water Accounts", as attached.*

8. FINANCE

9. CLERKS / BY-LAW ENFORCEMENT / IT

- p. 15 **a. Staff Report C029-19 submitted by the Clerk, re: C09-2010 "Council Code of Conduct" – Proposed Amendments to Section 4.2 (f) "Acceptance of Gifts".**

Recommendation: *Be it resolved that Staff Report C029-19 be received; and That Council approve the proposed amendments to C09-2010 "Council Code of Conduct", specific to section 4.2 (f) "Acceptance of Gifts".*

- p. 28 **b. Staff Report C030-19 submitted by the Deputy Clerk, re: Traffic Advisory Committee.**

Recommendation: *Be it resolved that Staff Report C030-19 be received; and That Council approve the formation of a Traffic Advisory Committee as well as the Terms of Reference attached; and That Council authorize staff to advertise the Traffic Advisory Committee on the Township's media sites and in the local newspaper seeking volunteer participation; and That Council appoint Council member _____ to the Committee.*

- p. 63 **c. Staff Report C031-19 submitted by the Clerk, re: Proposed Amendments to Noise By-law 2018-47 to Exempt Noise Emitted by Snow Removal Operations.**

Recommendation: *Be it resolved that Staff Report C031-19 be received; and That Council approve the proposed amendments to the Township's Noise By-law 2018-47.*

10. CHIEF ADMINISTRATIVE OFFICER (C.A.O.)

- p. 76 **a. Staff Report CAO041-19 submitted by the Chief Administrative Officer, re: Block 128, M-844, Nadmarc Court – Stonemount Subdivision, Angus.**

Recommendation: *Be it resolved that Staff Report CAO041-19 be received; and That Council allow Block 128 on Nadmarc Court (Plan M-844) to carry on as owned by the municipality, with neighbours continuing to enjoy the extra use of land so long as they cut the grass and maintain the land, and that this arrangement be extended from 5 existing land owners to additional land owners adjacent to Block 128, and as well, that this arrangement be agreed to in writing by all parties involved.*

- p. 84 **b. Staff Report CAO042-19 submitted by the Chief Administrative Officer,
re: Joint and Several Liability and Impact on Municipalities.**

Recommendation: *Be it resolved that Staff Report CAO042-19 be received; and That Council authorize staff to send a letter to the Province, prior to the end of their consultation period, to express concern for small municipalities being held responsible more often for large court judgements although our responsibility for a claim might be very small, and that consequently, unless something is done, small municipalities are to be continuously faced with large judgement costs, rising insurance premiums and an unfair impact on taxes and taxpayers.*

11. OTHER BUSINESS

12. ADJOURNMENT

Recommendation: *Be it resolved that this meeting of Committee of the Whole of the Township of Essa adjourn at _____ p.m. to meet again on the 2nd day of October, 2019 at 6:00 p.m.*



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PR005- 19
DATE: September 11, 2019
TO: Committee of the Whole
FROM: Jason Coleman, Manager of Parks and Recreation
SUBJECT: Memorial Bench Placement at Don Ross Fishing Park

RECOMMENDATION

That Staff Report PR005 -19 be received; and

That Council consider authorizing the installation of a Memorial Bench in the Don Ross Fishing Park provided that: the approved bench is situated in a location approved by staff, any wording on an associated plaque is subject to Township Approval, and all costs are to be paid by the applicant.

BACKGROUND

A request was made by Nancy Blain asking about placing a bench in Don Ross Fishing Park in Memorial of her son. Her son Robert Blain was born in 1977 and passed away in 2008. Robert's roots of hockey were within Angus Minor Hockey before he went on to play in the OHL for the Windsor Spitfires.

COMMENTS AND CONSIDERATIONS

Parks and Recreation Department is willing to work with the applicant on the purchase and installation of this bench, at her sole cost, and provided the following conditions are met:

- The Township agrees to the selection type of bench
- The Township determines the location of bench for installation
- The Township approves any wording on an associated plaque or nearby signage and associated amenities

FINANCIAL IMPACT

The financial impact for the Township will be zero as the applicant is willing to cover the cost of the bench and plaque. Staff is recommending that Council approve the Memorial Bench proposal and Recreation Department will complete the installation.

SUMMARY/OPTIONS

Council may:

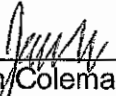
1. Take no further action.
2. That Council consider authorizing the installation of a Memorial Bench in the Don Ross Fishing Park provided that: the approved bench is situated in a location approved by staff, any wording on an associated plaque is subject to Township Approval, and all costs are to be paid by applicant.
3. Direct staff in another course of action.

CONCLUSION

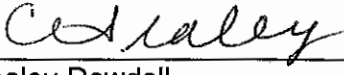
Staff recommends that option 2 be approved.

Respectfully submitted:

Reviewed by:



 Jason Coleman
 Manager of Parks and Recreation



 Colleen Healey-Dowdall
 Chief Administrative Officer



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PW034-19

DATE: September 18, 2019

TO: Committee of the Whole

FROM: Bob Morrison, CRS-I, Manager of Public Works

SUBJECT: Award of Tender – Resurfacing of 9th Line, Scotch Line and 5th Sideroad from Scotch to 3rd Line

RECOMMENDATION

That Staff Report PW034-19 be received; and

That the tender received from Coco Paving Inc. for the resurfacing of 9th Line from County Road 90 to 30th Sideroad, Scotch Line south of County Road 21 approximately 250 meters and the 5th Sideroad from Scotch Line to 3rd Line be accepted in the amount of \$1,111,856.76, plus H.S.T., and that Ainley & Associates Limited be authorized to arrange for the necessary work to be completed; and

Authorize that Ainley & Associates Limited carry out inspection and contract administration for this project at a cost of \$55,000.00

BACKGROUND

At the Council meeting held on May 15, 2019, the Manager of Public Works brought a report to Council (PW019-19) asking for authorization to prepare the necessary tender for resurfacing the 9th Line in Colwell and portions of the Scotch Line and 5th Sideroad and that \$1,000,000.00 be taken from the Gas Tax Reserve account to fund this work.

In July 2019, the Township retained Ainley & Associates Limited to prepare a design for the reconstruction of the 9th line from County Road 90 to the 30th Sideroad, 5th Sideroad from the Scotch Line to the 3rd Line and 250 Meter south of County 21 on the Scotch Line.

The design and tender documents were finalized in August 2019. This work will include some excavation of subbase, pulverising of existing pavement, adding granular A and reshaping road, placing new pavement and gravel shoulders, top soil and hydro seed plus signs and line painting as needed.

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COMMENTS AND CONSIDERATIONS

The Tender documents were posted on Bidding and Township website on August 26, 2019 and closed on September 3, 2019.

One (1) bid was received and is summarized on Attachment No. 1.

Contractor	Bid Price (plus HST)
Coco Paving Inc.	\$1,111,856.76

Ainley & Associates Limited has reviewed the tender, checked references of the contractor and has provided their recommendation, see Attachment No.2.

FINANCIAL IMPACT

The Township's Gas Tax Reserve account has a balance of \$1,228,980.74 as of September 10, 2019. There is also unspent Gas Tax Monies from previous years.

Coco Paving has submitted the only bid for the works totaling \$1,111,856.76 (plus H.S.T.).

The Ainley Group has provided an estimate of \$55,000.00 to complete the contract administration and inspection.

SUMMARY/OPTIONS

Council may:

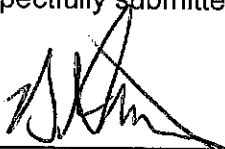
1. Take no action.
2. Award the tender received from Coco Paving Inc. in the amount of \$1,111,856 (plus H.S.T.) for the resurfacing of the 9th Line, portions of the Scotch Line and 5th Sideroad and that the Ainley Group be authorized to arrange for the necessary work to be completed.
3. Do not award the tender to Coco Paving and postpone this work.

CONCLUSION

Staff recommends that Option 2 be approved.

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Respectfully submitted,



Bob Morrison, CRS-I
Manager of Public Works



Colleen Healey
Chief Administrative Officer

Attachments:

1. Summary of Bids
2. The Ainley Group Letter
3. PW019-19

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Attachment No. 1

TOWNSHIP OF ESSA
RESURFACING OF 9TH LINE, SCOTCH LINE, AND 5TH SIDEROAD
CONTRACT #219049 - TENDER RESULTS

Closing: September 3rd, 2019 at 1:00 p.m.

BIDDERS' COMPANY NAME	CONTACT NAME	ADDENDUM	TENDER DEPOSIT \$25,000	AGREEMENT TO BOND	TOTAL TENDER (incl. HST)	RATING
Coco Paving Ltd	Blair Fraser	Yes	Yes	Yes	\$ 1,256,398.14	1

Witness: Bob Morrison _____ Essa Township
Scott Ingram-Cotton _____ Ainley Group



Ainley & Associates Limited
 550 Welham Road, Barrie, Ontario, L4N 8Z7
 Tel: (705) 726-3371 • Fax: (705) 726-4391
 E-mail barrie@ainleygroup.com

September 4th, 2019

File No. 218036

"By Email"

Township of Essa
 5786 County Road 21
 Utopia, ON
 L0M 1T0

Attn: Mr. Bob Morrison
Manager of Public Works

Ref: Resurfacing of 9th Line, Scotch Line, and 5th Side Road
Tender Results – Contract 219049

Dear Mr. Morrison,

Further to the close of Tenders for the Resurfacing of 9th Line, Scotch Line, and 5th Side Road project on September 3rd, 2019, we are pleased to attach a summary of the only bid and provide the following report on the tender received for this Contract.

One (1) bid was received and opened shortly after 1:10pm at the Township office. The one (1) bid received was from Coco Paving Inc.

We have reviewed the tender and confirm that the lowest bid was received from Coco Paving Inc. in the amount of \$1,111,856.76 plus \$144,541.38 HST for a total of **\$1,256,398.14**. We note that Coco Paving's bid was submitted with the requisite tender deposit cheque, Agreement to Bond, list of experience and sub-contractors in accordance with the requirements of the tender documents.

Ainley Group has also successfully completed contract administration and inspection services on capital works projects with Coco Paving Inc., most recently on Township of Springwater's Yonge Street Reconstruction in Elmvale. We have found Coco Paving Inc. to be a proficient contractor and we have no concerns with their ability to complete the project safely, in accordance with the design specifications and on schedule.

We have also reviewed Coco Paving Inc.'s list of subcontractors. They have indicated that the topsoil and hydroseeding work will be completed by D. Lipani & Sons Ltd, line painting works by Precision Marking Inc and shouldering works by D & D Trucking & Construction. Our office has reviewed the work completed by these sub-contractors on a variety of projects and have had no concerns with their abilities and the quality of their workmanship.

Based on the aforementioned information and review of the tender submission, we hereby recommend that, subject to budget considerations, the Township consider awarding the full project to **Coco Paving Inc.** in the amount of **\$1,256,398.14**, including HST.

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We trust the above is satisfactory. Should you have any questions regarding this information please do not hesitate to contact the undersigned.

Yours truly,
AINLEY GROUP

A handwritten signature in black ink, appearing to read "Scott Ingram-Cotton".

Scott Ingram-Cotton, C. Tech
Engineering Technologist

S:\219049\Letters\219049-September 4 2019 - Tender Recommendation ltr.docx

Encl.



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PW019-19
DATE: May 15, 2019
TO: Committee of the Whole
FROM: Dan Perreault, C.E.T., Manager of Public Works
SUBJECT: Resurfacing of 9th Line, Scotch Line and 5th Sideroad

RECOMMENDATION

That Staff Report PW019-19 be received; and

That Council authorize the Manager of Public Works to prepare the necessary tender for the resurfacing of the 9th Line in Colwell and portions of the Scotch Line & the 5th Sideroad, and

That \$1,000,000.00 be taken from the Gas Tax Reserve account to fund this work.

BACKGROUND

The Winter and Spring of 2019 has been particularly hard on the Township road network, the continuous freeze thaw cycles, rain, wheel rutting and increased traffic have caused many roads to deteriorate much quicker than expected. The 9th Line between the 30th Sideroad and County Road 90, the Scotch Line from County Road 21 to the 5th Sideroad (in many areas) and the 5th Sideroad between the Scotch Line and the 3rd Line have been particularly hit hard. The existing surface treatment on these roads has outlived its life span by many years and is need of resurfacing.

COMMENTS AND CONSIDERATIONS

Staff are proposing that a tender be prepared to have the 9th Line, Scotch Line and the 5th Sideroad pulverized, gravel added to the road surface and reshaped, then resurface the road with asphalt. Due to the amount of work involved with this project, it would not be possible for Township staff to complete this work. The summary of these tenders will be presented at a future Council meeting.

Township staff may perform some ditching, culvert replacement, etc. prior to the resurfacing work, if needed.

FINANCIAL IMPACT

The Township's Gas Tax Reserve account had a balance of \$1,101,250.29 at the end of 2018. The 2019 allocation for the Gas Tax payment is \$639,578.82 and \$463,174 has been allocated for projects approved in the 2019 budget. This would leave \$1,277,655.11 available for the project if approved by Council.

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The Township has also been notified that there may be a one time double-up of the Gas Tax for 2019 to each municipality, however, this has not been factored into the available amount, because we have not received confirmation of this.

SUMMARY/OPTIONS

Council may:

1. Take no action.
2. Authorize the Manager of Public Works to prepare the necessary tender for the resurfacing of the 9th Line in Colwell and portions of the Scotch Line & the 5th Sideroad, and that \$1,000,000.00 be taken from the Gas Tax Reserve account to fund this work.
3. Authorize the Manager of Public Works to prepare the necessary tender for the resurfacing of the 9th Line in Colwell and portions of the Scotch Line & the 5th Sideroad, and that an amount as determined by Council be taken from the Gas Tax Reserve account to fund this work.
4. Do not authorize this work to be done.

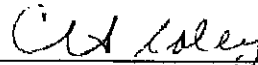
CONCLUSION

Staff recommends that Option 2 be approved.

Respectfully submitted,



Dan Perreault, C.E.T.
Manager of Public Works



Colleen Healey-Dowdall
Chief Administrative Officer



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PW035-19
DATE: September 18, 2019
TO: Committee of the Whole
FROM: Bob Morrison, CRS-I, Manager of Public Works
SUBJECT: Draft Policy for Payment of Water Bills

RECOMMENDATION

That Staff Report PW035-19 be received; and

That Council approve Draft Policy No. HR 2020-01 "Payment of Water Accounts", as attached.

BACKGROUND

At the Committee of the Whole Meeting held on September 4, 2019, Council asked Staff to draft a policy to apply when residents request a reduction of cost on their water bill.

COMMENTS AND CONSIDERATIONS

It is clearly stated in the Township's Water By-Law, No. 2003-27:

Page Four (4) "All water passing through a meter will be charged for, whether used or wasted."

Page Five (9) "No reduction shall be made in Section 8 if the owner or occupant of the building has not complied with provisions of this by-law."

FINANCIAL IMPACT

Once this policy has been approved and implemented, there will be no lost revenue.

In 2019 there has been a total of \$4504.42 in water and sewer bills pardoned and in 2018 there was \$1537.22 written off.

If adopted, there will also be efficiencies associated with the amount of staff time involved in the administration of these request for reductions.

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SUMMARY/OPTIONS

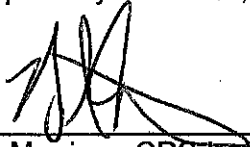
Council may:

1. Take no action
2. Review and accept the attached policy
3. Review and make recommendations to the attached policy


CONCLUSION

Staff recommends that Option 2 be approved.

Respectfully submitted,



Bob Morrison, CRS-T
Manager of Public Works



Colleen Healey-Dowdall
Chief Administrative Officer

Attachments:

1. Draft Policy HR2020-01

POLICY: Procedures For Payment of Water Accounts	POLICY NO.: HR2020-01
SECTION: Public Works/Billing/Collections	NO. OF PAGES: 2
EFFECTIVE DATE: Jan 1/2020	REVISED:

1. Purpose

This policy supports the Township's commitment to provide potable water to its residents at a fair price.

This policy applies to all property owners connected to municipal water systems.

AUTHORITY

This policy authorizes Managers to empower approved employees within their departments or area of responsibility to invoice for water that has passed through a meter.

PROCEDURE AND IMPLEMENTATION

One meter only shall be placed in each new developed property or other commercial and industrial premises in the Township, and the plumbing shall be so arranged that all water used on such premises shall pass through such meters and the owner of the premises **will be held liable for water charges**

All water passing through a meter **will be charged for**, whether used or wasted.

NOTICE

There will be no exceptions to this Policy

GENERAL

It is the responsibility of the owners to ensure that there is no water leaks in their premises. Examples : toilets, faucets, outside taps, hot water tanks, water

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softeners, pool filters, washing machines, dishwashers, water cooled A/C, humidifiers, irrigation systems and showerheads.

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TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C029-19
DATE: September 18, 2019
TO: Committee of the Whole
FROM: Lisa Lehr, Clerk
SUBJECT: C09-2010 "Council Code of Conduct" – Proposed Amendments to Section 4.2 (f) "Acceptance of Gifts"

RECOMMENDATION

That Staff Report C009-19 be received; and
That Council consider approving the proposed amendments to C09-2010 'Council Code of Conduct', specific to section 4.2 (f) "Acceptance of Gifts".

BACKGROUND

Effective March 1, 2019, municipalities were mandated to have a Council Code of Conduct in place. Essa's Council Code of Conduct (C09-2010) was implemented in 2010, and was more recently amended in January of 2019 to comply with Bill 68 requirements, and to strengthen Council's commitment to accountability and transparency.

In respect of the "Acceptance of Gifts", the current Council Code of Conduct contains the following provision in Section 4.2 (f)

Acceptance of Gifts

Council members shall comply with the Municipal Conflict of Interest Act and must not accept a gift or personal benefit that is connected with their performance of the duties of office. This does not include gifts, personal benefits or hospitality received as a matter of the protocol or social obligations that normally accompany the responsibility of office.

COMMENTS AND CONSIDERATIONS

It was recently brought to the attention of the Clerk that Council is desirous of strengthening section 4.2 (f), specific to the acceptance of gifts by members of Council, by placing a threshold/limit on the value of gifts/mementos/hospitality/etc. whereby anything above a certain amount and/or not included as an "exclusion" is required to be disclosed to the public and the municipality. The intent of implementing a threshold / limit is to provide for accountability and transparency to the public, in addition to clarity in the rules for Council.

As such, the author of this Report has researched other municipalities for comparisons, in order to determine a suitable threshold / limit appropriate to the Acceptance of Gifts / Benefits / Hospitality, in addition to those that are excluded from being reported.

Attachment No. 1 contains the current Code of Conduct C09-2010.
Attachment No. 2 contains the proposed amendments to section 4.2 (f) for Council's consideration (changes are bolded).

The Clerk is recommending that the changes as outlined in Attachment No. 1 be made to section 4.2 (f) of C09-2010 "Council Code of Conduct" in an effort to achieve Council's wishes.

FINANCIAL IMPACT

There is no financial impact.

SUMMARY/OPTIONS

Council may:

1. Take no further action.
2. Approve the proposed amendments to C09-2010 "Council Code of Conduct", specific to section 4.2 (f) "Acceptance of Gifts"
3. Amend section 4.2 (f) of C09-2010 "Council Code of Conduct" as deemed appropriate by Council.

CONCLUSION

Staff recommends that Council approve Option No. 2.

Respectfully submitted:

Reviewed by:



Lisa Lehr
Clerk



Colleen Healey-Dowdall
Chief Administrative Officer

Attachments:

- 1 – C09-2010 Council Code of Conduct
- 2 – Proposed Amendments to section 4.2 (f) "Acceptance of Gifts / Benefits / Hospitality"



Where Town and Country Meet

COUNCIL CODE OF CONDUCT C09-2010

CONSOLIDATION

Amendments:
February 6, 2019 - CW023-2019 – Conflict of Interest – eff. March 1, 2019
February 6, 2019 – CW024-2019 – Council-Staff Relations – eff. March 1, 2019
February 20, 2019 – CW036-2019 – Integrity Commissioner; Compliant Procedure – eff. March 1, 2019

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1. Conflict of Interest Procedure & Form
2. Council-Staff Relations Policy (By-law 2019-10)
3. Complaint Procedure



THE CORPORATION OF THE TOWNSHIP OF ESSA
COUNCIL CODE OF CONDUCT

POLICY: Council Code of Conduct	COUNCIL APPROVAL DATE: 15 DECEMBER 2010 RES. NO: CW 234-2010
POLICY NO: C09-2010	REVISED DATE: February 6 & February 20, 2019 RES. NOS: CW023-20019, CW024-2019, CW036-2019

1. PREAMBLE:

The Council of the Township of Essa is committed to achieving the highest standards of conduct which is essential to maintaining and ensuring public trust and confidence in the Township's planning, administration and operations. Members of Council of the Township of Essa will act in an accountable and responsible manner with integrity, transparency and fairness in its decision making processes.

2. PURPOSE:

The Township of Essa Council Code of Conduct has been developed to:

- Set out clear expectations of the conduct of members of Council;
- Provide information to the public as to the conduct they can expect from Council; and
- Provide guidance to members of Council in the execution of their duties as elected officials.
- Outline a process to be followed for the filing of a complaint in relation to an alleged breach in the Code of Conduct by a member of Council.

3. APPLICATION:

The Council Code of Conduct shall apply to all members of Council. It is the responsibility of all members of Council to be aware of and comply with the Code.

4. POLICY STATEMENT/GUIDELINES:**4.1 Rationale and Legislative Authority**

This Code of Conduct operates along with and as a supplement to the existing statutes governing conduct. Five pieces of Federal and Provincial legislation govern the conduct of members of Council, those being:

- The *Criminal Code of Canada*;
- The *Municipal Conflict of Interest Act*, as amended;
- The *Municipal Elections Act*, 1996, as amended;
- The *Municipal Freedom of Information and Protection of Privacy Act*; and,
- The *Municipal Act*, 2001, as amended.

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4.2 Specific Policy

(a) Roles and Obligations

Council members recognize their mandate includes a duty to:

- Fairly represent the diversity of community views in developing an overall strategy for the future of the Township.
- Set objectives and determine strategies to achieve the goals of the Township Strategic Plan.
- Achieve sound financial management, planning and accountability.
- Be aware of and understand statutory obligations imposed on Council as a whole, as well as each individual member of Council.

(b) Confidentiality

Authorized under Section 239 of the *Municipal Act, 2001*, where a matter discussed at an in-camera (closed) meeting remains confidential; no member shall disclose the content of that matter, or the substance of the deliberations of an in-camera meeting. Members shall not permit any persons, other than those who are entitled thereto, to have access to confidential information. Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required to do so by law.

Particular care should be exercised in ensuring the confidentiality of the following types of information:

- The security of the property of the municipality or local board;
- Personnel matters about an identifiable individual, including municipal employees;
- A proposed or pending acquisition or disposition of land by the municipality or local board;
- Labour relations or employee negotiations;
- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- Items under negotiation, or personnel matters;
- Information that infringes on the rights of others (e.g. sources of complaints where the identity of a complainant is given in confidence);
- Price schedules in contract tender or Request For Proposal submissions as specified;
- Information deemed to be "personal information" under the *Municipal Freedom of Information and Protection of Privacy Act*;
- Statistical data required by law not to be released (e.g. certain census or assessment data); and,
- Any and all statements that have been provided in confidence.

The list is provided as an example and is not exclusive. Requests for information will be referred to appropriate staff to be addressed as either an informal request

for access to municipal records or as a formal request under the *Municipal Freedom of Information and Protection of Privacy Act*.

(c) Conflict of Interest / Improper Use of Influence

Members of Council will recognize their obligation to follow and respect the provisions of the *Municipal Conflict of Interest Act*. The onus is on the member of Council to disclose any possible conflicts of interests and to follow the "CONFLICT OF INTEREST" Procedure (C09-2010-C) as attached to this Policy as Appendix 1. Members of Council shall provide the Clerk with a completed "Disclosure of Pecuniary Interest Form" as attached to the Procedure set forth, and the municipality shall record the declaration of the conflict in the required registry.

No member shall use the influence of his/her office for any purpose other than for the exercise of his/her official duties. No member shall seek or obtain by reason of his/her office any personal privilege or private advantage with respect to Township services not otherwise available to the general public and not consequent to his/her official duties.

(d) Council-Staff Relations

Members of Council shall acknowledge and respect the fact that staff work for the Township as a corporate body and are responsible for making recommendations that reflect their professional expertise and corporate objective, without due influence from any individual member. Members shall respect the fact that staff carry out direction of Council as a whole and administer the policies of the Township.

In accordance with the "COUNCIL-STAFF RELATIONS" Policy (C011-2019), as passed by By-law No. 2019-10 and attached to this Policy as Appendix 2, members of Council shall refrain from publicly criticizing individual members of staff in a way that casts aspersions on their professional competence and credibility, and they shall refrain from using their position to improperly influence members of staff in their duties or function or to gain an advantage for themselves or others. It is expected that all members of Council shall comply with all provisions contained in the Council-Staff Relations Policy.

Members of Council shall use the following Administrative Protocols in accordance with section "G" of Council-Staff Relations Policy C11-2019:

1. All requests from Council for reports shall be introduced under "Other Business".
2. Members of Council are not to direct subordinate staff in a supervisory capacity. Staff are supervised and directed by their Department Manager and/or the Chief Administrative Officer.
3. Council members are to filter questions/concerns by email or telephone to the Chief Administrative and/or the Department Manager.

(e) Conduct at Meetings

During Council, Committee of the Whole or any other advisory committee meetings, or working group meetings, members shall conduct themselves with decorum and in accordance with the Township's Procedural By-Law. Respect for delegations and for fellow Council members and staff requires that all members show courtesy and not distract from the business of Council during presentations and when other members have the floor. In addition to this, meetings shall provide a platform for transparent and healthy debate among members.

(f) Acceptance of Gifts

Council members shall comply with the *Municipal Conflict of Interest Act* and must not accept a gift or personal benefit that is connected with their performance of the duties of office. This does not include gifts or personal benefits received as a matter of the protocol or social obligations that normally accompany the responsibility of office.

(g) Expenses

Members of Council shall comply with the provisions of the Township's applicable policies relative to per diem payments and expenses governing reimbursement for attendance at conferences, seminars, training courses and workshops.

(h) Use of Township Property, Services & Other Resources

Members shall not use any Township property, equipment, services, or supplies other than for purposes connected with the discharge of their official duties or associated community activities having the sanction of Council.

Members shall not obtain financial gain from the use of Township developed intellectual property, computer programs, technological innovation, or other kinds of property, while an elected official or thereafter. All such property remains the exclusive property of the Township.

(i) Conduct of a Political Nature

Members shall comply with the Township Policy C08-2010, Use of Corporate Resources during Elections. No member shall use Township facilities, services or property for his or her re-election campaign. Further, no member shall use the services of Township employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Township.

(j) Discreditable Conduct

Members shall abide by the provisions of the Human Rights Code and, in doing so, shall treat every person with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

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Harassment may be defined as any behaviour by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation,

marital status or family status and other grounds under the provisions of the Ontario Human Rights Code.

Members shall comply with Township Policy HR08-01, Workplace Harassment and Discrimination Policy. Discrimination or harassment of another member, staff or any member of the public is misconduct. All persons shall be treated fairly in the workplace in an environment free of discrimination and or personal and harassment.

(k) Public Input

Council will periodically use formal and informal opportunities to seek public input as a component of the decision making process which have broad impacts on the community. The purpose of the exercise will be to provide stakeholders with a mechanism to provide opinions and advice so that the widest range of views and information is available before final decisions are made.

Council may, from time to time, establish committees to provide advice on specific issues. Such committees shall not be established without the sanction of Council.

(l) Professional Development

Members of Council have an obligation to promote, support, pursue and partake in opportunities for professional development.

4.3 Limitation

Nothing in this Policy shall preclude a member of Council from performing their job as Mayor, Deputy Mayor, or Councillor, nor inhibit them from representing the interests of the constituents who elected them.

5. IMPLEMENTATION

Council members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis or when so requested by Council.

6. INTEGRITY COMMISSIONER

The Township of Essa appointed an Integrity Commissioner in accordance with the mandated requirement set forth in the *Municipal Act, 2001*. The roles and responsibilities of the Integrity Commissioner are outlined in the appropriate By-law / Agreement and are in accordance with those mandated in Part V.1 of the *Municipal Act, 2001*.

6.1 Acting on Advice of Integrity Commissioner

Any written advice given by the Integrity Commissioner to a member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter, as long as all relevant facts were disclosed to the Integrity Commissioner, and the member adhered to the advice given by the Integrity Commissioner.



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6.2 Reprisals and Obstruction

It is a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of his/her responsibilities.

No member shall threaten or undertake any active reprisal against a person initiating an inquiry or complaint under the Code of Conduct, or against any person who provides information to the Integrity Commissioner in any investigation.

It is a violation of the Council Code of Conduct to destroy documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a formal complaint has been lodged under the Code of Conduct.

7. COMPLAINTS

Council shall be aware that, where an allegation of a perceived breach in the Council Code of Conduct has occurred, the complainant can file a complaint outlining the alleged breach either informally or formally, as the case may be, in accordance with the Complaint Procedure attached hereto as Appendix 3.

Appendices -- Not Attached

- 1 – Conflict of Interest Procedure
- 2 – Council Staff Relations Policy (By-law 2019-10)
- 3 – Complaint Procedure

Policy C09-2010
Council Code of Conduct
PROPOSED AMENDMENTS TO SECTION 4.2 (f)

4.2 (f) Acceptance of Gifts / **Benefits / Hospitality**

Council members shall comply with the *Municipal Conflict of Interest Act* and must not accept a gift or personal benefit that is connected with their performance of the duties of office. This does not include gifts, personal benefits or hospitality received as a matter of protocol or social obligations that normally accompany the responsibility of office.

Proposed to
Add →
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Gifts, benefits and hospitality are often received by elected officials in the course of their duties, and attendance at public functions is expected and considered part of the role. Business-related entertainment and gift-giving can be a token of respect and admiration for the Member, but can also be seen as an instrument of influence and manipulation.

To ensure and foster a culture of impartiality, no Member shall directly or indirectly solicit any gift, or benefit or accept/receive a fee, advance, cash, gift or personal benefit which may be tied directly or indirectly to their position or the performance of their duties of office unless permitted by the exceptions listed below:

- i. Compensation or benefit authorized by law, Policy or by Council Resolution;
- ii. Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation; (re: Charity Golf Tournaments)
- iii. A political contribution otherwise authorized and reported by law, in the case of a member running for office;
- iv. Services provided without compensation by persons volunteering their time to a Member;
- v. A suitable memento of a function honoring the Member;
- vi. Sponsorships and donations for community events or initiatives organized or run by a Member or a third party on behalf of a Member;
- vii. Admission to a training or education program, including meals and refreshments furnished to all attendees, if such training or education is related to the Member's role;
- viii. Food, lodging, transportation and entertainment provided by federal, provincial or other local or regional governments or by a foreign event organizer where the Member is either speaking or attending in an official capacity at an official event;
- ix. Food and beverages consumed at banquets, conferences, seminars, training, receptions, or similar events, if:
 - a. Attendance serves a legitimate business purpose;
 - b. The person extending the invitation or a representative of the organization is in attendance; and
 - c. The value is reasonable and the invitation is infrequent;
- x. Business Meals

In the case of any of the recognized exceptions listed above under points ii, v, ix and x, if the value of the gift or hospitality exceeds \$75.00, or the total value of gifts or hospitality from one source exceeds \$150.00 per calendar year, the Member shall file (by March 31 for the previous year) a Disclosure Statement with the municipality (see Appendix A).

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✓ Except in the case of exceptions listed above under i, iii, and viii, no Member shall accept a gift, benefit or hospitality worth in excess of \$200.00, or gifts or hospitality from one source during a calendar year which together are worth in excess of \$300.00.

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Policy C09-2010
 Council Code of Conduct
 Appendix A
 Disclosure Statement (Gift / Benefit / Hospitality)

Section 4.2 (f) of the Council Code of Conduct requires Members to disclose the receipt of certain gifts and benefits received from one source if the dollar value exceeds certain thresholds as indicated below:

Gift / Benefit	One Time Threshold	Calendar Year Threshold
Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation	\$75.00	\$150.00
A suitable memento of a function honoring the Member	\$75.00	\$150.00
Food and beverages consumed at banquets, conferences, seminars, training, receptions, or similar events, if: <ul style="list-style-type: none"> • Attendance serves a legitimate business purpose; • The person extending the invitation or a representative of the organization is in attendance; and • The value is reasonable and the invitation is infrequent 	\$75.00	\$150.00
Business Meals	\$75.00	\$150.00
Compensation authorized by law, Policy or Council Resolution	\$200.00	\$300.00
A political contribution otherwise authorized and reported by law, in the case of a member running for office	\$200.00	\$300.00
Food, lodging, transportation and entertainment provided by federal, provincial or other local or regional governments or by a foreign event organizer where the Member is either speaking or attending in an official capacity at an official event	\$200.00	\$300.00

This Disclosure Statement is to be used to report on such gifts and benefits that exceed the thresholds referenced in Section 4.2 of the Council Code of Conduct, and shall be filed with the Clerk within 30 days of receipt of such gift or benefit, or upon reaching the annual limit. Every Disclosure Statement filed under this Code shall be made a public record

Nature of Gift/Benefit/Hospitality Received:	
Estimated Value of Gift/Benefit/Hospitality:	
Source of Gift/Benefit/Hospitality:	
Date Gift/Benefit/Hospitality was Received:	
Circumstances under which Gift/Benefit/Hospitality was Received:	
Intended Use of Gift (ie: will it be donated or provided to the Township?)	

Signature of Member

Date

Signature of Clerk

Date of Receipt

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TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C030-19
DATE: September 18, 2019
TO: Committee of the Whole
FROM: Krista Pascoe, Deputy Clerk
SUBJECT: Traffic Advisory Committee

RECOMMENDATION

That Staff Report C030-19 be received; and
 That Council approve a Traffic Advisory Committee and the Terms of Reference attached; and
 That Council authorize staff to advertise the Traffic Advisory Committee on the Township's media sites and in the local newspaper seeking volunteer participation; and
 That Council appoint Council member _____ to the Committee.

BACKGROUND

At its meeting of September 4th, 2019, the Nottawasaga OPP Detachment presented Council with a deputation relating to Traffic Calming measures specific to Essa Township. They provided Council with an overview of the Detachment and Traffic Statistics, as well as information relating to Paid Duty Officers, Photo Radar, speed limit reductions and traffic calming measures.

The OPP concluded the deputation by recommending that Council consider creating a focus group specific to Traffic Management, with the intentions of initiating open dialogue regarding traffic concerns.

COMMENTS AND CONSIDERATIONS

On September 19, 2018, Council adopted a Traffic Calming Policy that has been in place since (Attachment No. 1). This policy requests that residents with traffic concerns complete the subsequent Traffic Calming Request Form and return to the Manager of Public Works for follow-up.

Section 2.2 (e) of this policy states:

"Traffic calming measures have a direct impact on neighbourhoods and the residents living in them. As such, an integral part of the process includes resident communication and feedback. Good community involvement leads to solutions to specific local traffic issues. Effective communication with residents provides staff with the opportunity to explain to residents the benefits of traffic calming measures while deterring them from less effective counter measures".

The proposed Traffic Advisory Committee will be the ideal platform to support the above statement. Therefore, the proposed draft Terms of Reference specific for this Committee have

been attached for Council's consideration. With the advice of the OPP, it is recommended that the Committee comprise of the following members:

- One member of Council
- Manager of Public Works
- Municipal By-law Enforcement Officer
- One Community member from each of the 3 wards within Essa Township.
- At least one member of the OPP Nottawasaga Detachment - Traffic Unit
- A staff member to act as secretary (Deputy Clerk)

With Council's consent, staff wish to place an advertisement for the proposed committee on the Township's social media outlets, as well as in the local newspaper, seeking interested applicants from within the Township. It is suggested that the application deadline be October 4th, 2019, allowing staff time to prepare a follow-up appointment report to come before Council at its meeting of October 16th, 2019.

FINANCIAL IMPACT

Based on the 2018 Committee Recruitment Ad, which was a total cost of \$354.82 and being a similar add, the fee for advertising this committee would be under \$400.00.

SUMMARY/OPTIONS


Council may:

1. Take no further action.
2. **Receive the report and approve the Terms of Reference for the Traffic Advisory Committee and authorize staff to advertise and appoint _____ as the Council member.**
3. Receive the report, and approve the Terms of Reference as Council sees fit and authorize staff to advertise, and appoint _____ as the Council member.

CONCLUSION

It is recommended that Council approve Option 2.

Respectfully submitted:



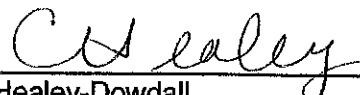
 Krista Pascoe
 Deputy Clerk

Reviewed by:



 Lisa Lehr
 Clerk

Reviewed by:



 Colleen Healey-Dowdall
 Chief Administrative Officer

Attachments:

1. Traffic Calming Policy
2. Draft Terms of Reference



TOWNSHIP OF ESSA

TRAFFIC CALMING POLICY

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- B. Assessment of Traffic Calming Need

1 Introduction

1.1 Purpose

The purpose of this policy is to provide staff with a guideline and procedure for the initiation, investigation and implementation of traffic calming measures for roadways within the Township of Essa.

This policy also ensures that there is a formal process defined by which all sites/traffic calming requests can be evaluated against using consistent screening and criteria.

Note: This Policy does not apply to arterial roads, as they are intended to serve higher traffic volumes.

2 Traffic Calming

2.1 What is Traffic Calming?

Traffic calming is defined as the combination of mainly physical measures that alter driver behavior to reduce the potential of negative effects of motor vehicle use, and improve conditions for alternate modes of transportation. Traffic calming measures combined with engineering, educational and enforcement tools, can significantly improve the safety of neighbourhoods and related roads.

2.2 Objectives of Traffic Calming

To address undesirable traffic conditions such as poor sight lines, speeding and excessive volume on local and collector roads, the specific objectives of traffic calming and this guide are to:

a) Increase the Safety of Neighbourhoods

Through the use of physical measures to alter driver behavior, traffic calming can improve safety on neighbourhood streets. The resulting reduction in volume and speed will create a safer environment for all residents including pedestrians and cyclists.

b) Improve the Livability of Neighbourhoods

Traffic calming is intended to uphold and restore the livability and sense of community within neighbourhoods by minimizing the volume and speed of through traffic. As a result, negative impacts from traffic such as excessive noise, air pollution, visual presence of numerous vehicles, and potential safety hazards are minimized. In addition, attractively designed traffic calming measures can enhance the aesthetics of a neighbourhood and improve streetscapes.

c) Restore Streets to Their Intended Function

The intended function of a local road is to accommodate low to moderate volumes of traffic travelling at lower speeds in and out of neighbourhoods or from points of origin to the collector road system. Local roads provide direct vehicle access to residences that typically front onto these roads. Through traffic should be discouraged from using local roads. The Township of Essa's collector roads are intended to provide access to properties as well as to provide linkages between local roads and other collector and arterial roads.

d) Maintain Access Routes for Emergency Services, Public Transit & Maintenance Services

The potential impacts to these services have been considered in the development of this guide and will continue to be considered throughout the implementation of traffic calming measures. The needs of these services will be balanced against the need to slow and/or reduce traffic. In addition, this guide outlines the process through which all potentially impacted services will have the opportunity to comment on any proposed plans before implementation.

e) Promote Public Participation & Community Support

Traffic calming measures have a direct impact on neighbourhoods and the residents living in them. As such, an integral part of the process includes resident communication and feedback. Good community involvement leads to solutions to specific local traffic issues. Effective communication with residents provides staff with the opportunity to explain to residents the benefits of traffic calming measures while deterring them from less effective countermeasures.

2.3 Advantages & Disadvantages

General advantages and disadvantages of traffic calming measures are outlined below:

Advantages

- reduce motor vehicle speeds
- reduce traffic volume
- discourage through traffic
- improve overall road safety
- improve neighbourhood livability
- reduce conflicts between road users

Disadvantages

- increase emergency vehicle response time
- reduce ease of access in and out of neighbourhoods
- result in expensive solutions (time and resources)
- divert traffic onto neighbouring roads
- increase maintenance time and costs (e.g. snow clearing, garbage pick-up)

3 Traffic Calming Measures

As per the Institute of Transportation Engineers (ITE) *Traffic Calming: State of the Practice*, physical traffic calming measures are classified as either speed control measures or volume control measures.

3.1 Speed Control Measures

Speed control measures are intended to reduce travel speeds and may include:

- speed bumps / humps (rounded, raised areas placed across the roadway);
 - Not to be considered unless upon urban curb and gutter streets
 - Not to be considered in winter months
 - Could be considered in school zones
 - Consider through trial periods only with community feedback
- speed tables (flat-topped speed humps);
- raised intersections (flat raised areas covering entire intersection, with ramps on all approaches and often with brick or other textured materials on the flat section);
- traffic circles (raised island, placed in intersections, around which traffic circulates);
- roundabouts (larger than traffic circles and typically have raised splitter islands to channel approaching traffic to the right and are used on higher volume streets);
- chokers (curb extensions at midblock locations that narrow a street);
- realigned intersections (changes in alignment that convert T-intersections with straight approaches into curving streets that meet at right angles);
- neck downs (curb extensions at intersections that reduce roadway width curb to curb);
and
- centre island narrowing (placement of a raised island located along the centreline of a street that narrows the travel lanes at that location).

3.2 Volume Control Measures

Volume control measures are less likely to be implemented, however, are intended to reduce traffic volumes and include:

- full or partial street closures (full street closures are barriers placed across a street to close the street completely to through traffic, usually leaving only sidewalks or bicycle paths open, whereas half closures are barriers that block travel in one direction for a short distance on otherwise two-way streets);
- diagonal diverters (barriers placed diagonally across an intersection blocking through movement);
- median barriers (raised islands located along the centreline of a street and continuing through an intersection so as to block through movement at a cross street); and forced turn islands (raised islands that block certain movements on approaches to an intersection).

3.3 Non-Physical Measures

Non-physical traffic calming measures are usually implemented through enforcement, signing and pavement markings. Such measures include:

- speed enforcement (police enforcement);
- pavement marking legends (e.g. painted speed limit on pavement, etc.);
- school zones (signage and pavement markings);
- transverse lane markings (transverse bars or chevron pavement markings on a travel lane);
- lane narrowing and shoulder widening through pavement marking;
- radar speed display signs; and
- Community Safety Zones, where applicable.

It is important to note that stop signs are not to be used for speed control. In accordance with the Ministry of Ontario (MTO) Traffic Manual Book 5 (Regulatory Signs) unwarranted stop signs increase vehicular speeds between stop signs and encourage rolling stops (stop signs only affect speeds within approximately 40 metres of the stop sign). An excessive number of stop signs, particularly those that are not warranted, encourage disrespect for stop control signs and other traffic control devices.

3.4 Considered Measures

In consideration of the Township's objectives in implementing a Traffic Calming Policy, and recognizing a large extent of the Township's road system includes urban, semi-urban and rural roads, the following traffic calming measures have been considered as viable options to implement:

- Police Enforcement
- Community Safety Zones
- Radar speed display signs;
- lane narrowing via pavement markings
- curb extensions
- speed bumps / humps
- speed tables
- centre medians
- traffic circles

3.4.1 Enforcement

Speeding is an infraction of the Highway Traffic Act enforceable by the OPP. It is often used with other traffic calming devices to regulate behaviour and is proven quite effective in reducing travel speeds.

Advantages:

- effective in getting drivers' attention
- no impact to emergency vehicles and snowplows
- can be implemented immediately, when resources permit
- does not affect vehicle operations

Disadvantages:

- may be costly as additional revenue for tickets does not pay for officer work time
- does not provide for a continuous and consistent solution (i.e. not present for 24 hours per day and 7 days a week)
- competing priorities

Estimated Cost:

- varies

3.4.2 Community Safety Zones

Community Safety Zone signs inform drivers they are entering a zone that the community has designated as an area where the safety of its children/citizens is paramount. Traffic related offences committed within the zone are subject to increased fines (many set fines are doubled such as speeding and traffic signal related offences) through a special designation under the Highway Traffic Act

Community Safety Zones may include roadways near schools, day care centers, playgrounds, parks, senior citizen residences and may also be used for collision-prone areas within a community.



Advantages:

- effective as a temporary speed reduction measure.

Disadvantages:

- Relies on motorist to voluntarily comply, duration of effectiveness is limited

Estimated Cost:

- \$250 includes sign and posts installation

3.4.3 Radar Speed Display Signs

Radar speed display signs are portable or permanent radar activated signs that instantaneously display approaching speeds for individual vehicles. They can also be programmed to flash when motorists are exceeding the speed assigned within the sign. The signs can be solar powered to reduce environmental impact.

These devices create a sense of being monitored to the driver and provide an instant notification that the speed limit is being exceeded (if such is the case).



Advantages:

- Educational tool, good public relations, effective as a temporary speed reduction measure.
- Collect data relating to speed, traffic volume, etc.

Disadvantages:

- Relies on motorist to voluntarily comply, duration of effectiveness is limited, not accurate on roads with multiple lanes per direction (too much traffic).
- Staff time consuming, requires to be moved to different locations.

Estimated Cost:

- \$4,500 for sign

3.4.4 Lane Narrowing Through Pavement Markings

This measure narrows the travel lanes to a minimum width of 3.0 metres through the use of pavement markings (centreline and edge lines). Reduced lane widths provide a feeling of constraint and should cause drivers to reduce their travel speed. Any remaining road width would be designated as shoulder.



Advantages:

- provides additional space for shoulders, which may be used for other road users (particularly in absence of sidewalks)
- low cost
- no impact to emergency vehicles and snowplows
- can be readily implemented
- does not affect vehicle operations

Disadvantages:

- lane narrowing reduces separation between oncoming vehicles
- pavement markings require maintenance and are not visible during winter months

Estimated Cost:

- \$1,000 to \$2,000 per km of pavement marking and mobilization

3.4.5 Curb Extension

Also known as “bump-outs”, curb extensions are horizontal extensions of a curb into a road, resulting in a narrower road section. These may be used to provide high visibility of pedestrians, shorter walking distances to cross the road, and to slow motorists down.



Advantages:

- interrupts straight line curbs and slows traffic
- reduces turning radii to slow turning speed
- improves pedestrian safety
- no impacts to emergency services

Disadvantages:

- possible maintenance and drainage issues
- reduces on-street parking
- large vehicles may need to cross centerline to negotiate turns
- may interrupt bike lanes

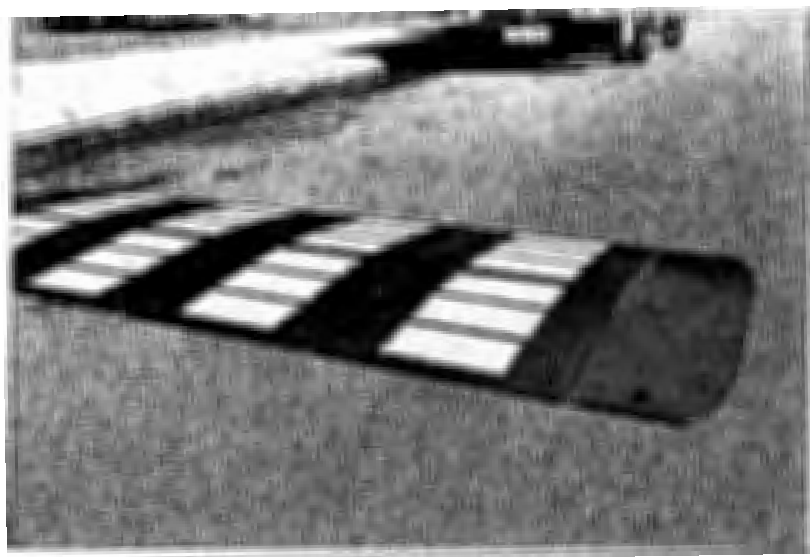
Estimated Cost:

- \$5,000 to \$20,000 Each

3.4.6 Speed Bumps/Humps

Speed bumps / humps are defined as a raised area of the road, which deflects both the wheels and frame of a traversing vehicle. They may be paved as a permanent feature or temporary, removable rubber mounds for seasonal use.

Typically, 80mm high and 4.0m wide (in the direction of travel), spaced 125m to 225m apart. Speed humps are used on residential (local) streets and collector roads.



Advantages:

- relatively cost-efficient
- easy to construct
- deters cut-through traffic
- reduces vehicle speeds

Disadvantages:

- may delay emergency vehicles
- may divert traffic to alternate routes that could negatively affect other roads
- possible noise from braking/acceleration
- may cause discomfort to drivers with disabilities
- impacts to snowplows and trucks
- resources needed to install/remove seasonally

Estimated Cost:

- \$2,000 to \$3,000 each
- \$7,000 for a modular speed hump

3.4.7 Speed Tables

Speed tables are flat-topped asphalt or rubber mounds that cover the full width of the roadway. The ramps of the speed table are more gently sloped than speed humps and thus speed tables are less jarring than a standard speed hump and can allow larger vehicles (emergency vehicles, trucks and snowploughs) to cross with reduced disruption. As such, speed tables are typically not removed seasonally.



For an 85th percentile speed of approximately 40 km/h, the speed table should be 80 mm high and 6.5 metres long in the direction of travel (2 metre ramps at the ends and a 2.5 metre plateau which is typically long enough to accommodate the entire wheelbase of a passenger car).

Advantages:

- relatively cost-efficient
- easy to construct
- deters cut-through traffic
- reduces vehicle speeds
- lesser impacts to larger vehicles as compared to speed humps

Disadvantages:

- may delay emergency vehicle response times
- may divert traffic to alternate routes that could negatively affect other roads
- possible noise created by braking/acceleration
- may cause discomfort to drivers with disabilities
- potential impacts to snowplows and trucks

Estimated Cost:

- \$3,000 to \$5,000 each
- \$10,000 for a modular speed table

3.4.8 Centre Median

A centre median is a raised island installed in the centre of a road to reduce the overall width of the travelled lanes. They help slow traffic without affecting the capacity of the road.

Raised median islands can be combined with curb extensions and/or textured crosswalks to further improve pedestrian safety. This measure may be considered on both local and collector roads.



Advantages:

- provides refuge for pedestrians
- increases motorist awareness
- can be designed to prohibit left-turns thereby reducing cut-through traffic

Disadvantages:

- may reduce on-street parking
- restricts driveway access
- speeds may increase due to lack of left turns
- additional maintenance if landscaped
- Potential conflict with snow clearing operations

Estimated Cost:

- \$4,000 for 2.0m x 5.0m median with no landscaping

Temporary Centre Median

Similar to the centre median, the temporary centre median is installed in the centre of a road using flexible delineator posts to create reduced travelled lane widths. They help slow traffic without affecting the capacity of the road and are removable for winter snow clearing operations.



Advantages:

- increases motorist awareness
- can be designed to prohibit left-turns thereby reducing cut-through traffic
- removable for snow clearing operations

Disadvantages:

- may reduce on-street parking
- restricts driveway access
- speeds may increase due to lack of left turns
- required to be set up each year

Estimated Cost:

- \$1,000 for signage and flexible posts

3.4.9 Traffic Circles

A "traffic circle" is not the same as a modern day "roundabout". They are much smaller and serve a different purpose for the intersection, which is simply to reduce speed rather than to control high traffic volumes through an intersection.

Circular island about 3m to 6m in diameter, is placed at intersections of residential streets, around which traffic circulates in a counter-clockwise direction.



Advantages:

- reduces speeds through intersections
- provides visual breaks
- reduces collisions
- provides landscaping opportunities

Disadvantages:

- increased maintenance cost if landscaped
- Potential conflict with snow clearing operations
- learning curve for drivers when first installed

Estimated Cost:

- \$8,000 to \$25,000 each

4 Traffic Calming Measures Guidelines

4.1 Consideration for Traffic Calming

Traffic calming measures will:

- Be considered when there is a demonstrated safety, speed or short-cutting traffic concern and acceptable alternative measures have been exhausted.
- Be considered after focus is placed first on improvements to the arterial road network, such as signal timing optimization.
- Include consideration as to whether an area-wide plan versus a street-specific plan is more suitable: an area wide plan should be considered if a street-specific plan would likely result in displacement of traffic onto adjacent streets.
- Be predominantly restricted to two lane roads (one lane of through traffic in each direction).
- Not impede non-motorized, alternative modes of transportation and be designed to ensure pedestrian and cycling traffic is unaffected.
- Not impede Emergency and Transit services access unless alternate measures are agreed upon with the affected Departments.
- Maintain reasonable automobile access to Township roads.
- Consider parking removal on a project-by-project basis. Parking needs of residents should be balanced with the equally important functions of traffic, emergency vehicle access, transit, bicycle, and pedestrian movement.
- Only be installed after staff has investigated existing traffic conditions and the necessary approvals have been received.
- Be monitored; follow-up assessment and report will be completed to confirm effectiveness and the results will be communicated to area residents and Council.

4.2 Community Involvement

Restoring neighbourhood streets to their intended function and improving overall livability are primary objectives of traffic calming. In order to achieve this goal, community involvement and support is paramount. Throughout the process, residents are encouraged to participate in the development of a traffic calming plan suitable to the neighbourhood and the concerns within it.

Communication with residents is made at various stages throughout the process as the traffic calming plan is developed and implemented. Traffic calming plans should be developed with an understanding of current and historical traffic patterns within the area under investigation. For a traffic calming program to be successful, the neighbourhood must support and be committed to the solution. The only means of gaining this commitment is to involve the residents by informing them of the study location being considered for traffic calming measures and the proposed solution.

The benefit of neighbourhood involvement is that it generates support for a traffic calming program and assists in the implementation of a plan without significant opposition upon completion. Neighbourhood involvement also enhances the credibility of the traffic calming program, particularly when it is eventually presented to Committee or Council for approval. In order to obtain a working partnership with the committee or residents, a description of the study will be issued in a notice along with a survey delivered to residents affected by the implementation of the proposed traffic calming measures.

These forms of contact will provide the affected residents with opportunities to offer input into the development of the plan, as well as publicize and increase the awareness of the study.

The review and implementation of traffic calming measures is a time consuming and expensive process requiring many resources. Without public support, the traffic calming measures intended to alleviate traffic concerns could be met with negative public opinion as a result, jeopardizing the outcome and potential positive impacts to affected neighbourhoods.

Neighbourhood support, enforcement, education of motorists, bicyclists and pedestrians, appropriate engineering applications and economics typically determine the success of any traffic calming endeavor. A cooperative partnership between the affected residents and the Township is essential to the success of the project.

In some cases, it may be found that traffic calming measures are warranted and a majority of affected residents would prefer some form of mitigation, but there is a wide range of conflicting opinions regarding the type of mitigation etc. Pending comments received from the residents regarding the notification and survey, the Township may offer to host a Public Open House to discuss potential options for traffic calming measures.

4.3 Class Environmental Assessment Process

Traffic calming is exempt from the Ontario Environmental Assessment Act and is not an undertaking subject to the *Municipal Engineers Association Municipal Class Environmental Assessment* (October 2000, as amended). Where appropriate, public consultation elements of the Municipal Class EA for a Schedule B project (including the potential public meeting when warranted as noted above) have been incorporated in this policy as a best practice.

It should be noted that the retirement of existing laneways, roads and road related facilities is classified as a Schedule A+ project under the Municipal Engineers Association Municipal Class Environmental Assessment (October 2000, as amended). Schedule A+ projects are pre-approved, provided that the public is advised prior to implementation. The manner in which the public is informed throughout this policy will serve as the preferred method of public notification for any traffic calming measures that involve the retirement of existing road facilities.

5 Traffic Calming Staff Review Considerations

The following process will be used when proceeding with a request for traffic calming measures within the Township of Essa. An established and formal process for investigating roads provides consistency and equality in the determination of need and suitability of traffic calming measures.

5.1 Step 1: Initiate Traffic Calming Request

Resident Concern

Residents with traffic related concerns are instructed to complete the form in Appendix A of this Policy and submit their written request to investigate traffic calming on their road or within their neighborhood to the Township of Essa Public Works Department. Staff will then conduct a brief preliminary assessment to determine if the requested road meets the initial screening criteria.

Initial Screening by Township Staff

Initial screening criteria to determine eligibility for consideration for traffic calming measures have been established.

With respect to the road or road section in question, it must:

- be a local or collector road assumed and maintained by the Township of Essa;
- have a minimum length of 150m

In addition, the following must also be satisfied:

- all reasonable efforts have been made to address the concerns utilizing other means including engineering, education and enforcement tools; and
- zoning should be primarily residential in nature.

For roads or road sections with restricted horizontal and/or vertical alignment, and hence restricted sight lines, traffic calming measures could be considered in conjunction with reduced speed limits and adequate warning signs.

Response to Residents

Following the initial review, Township staff will inform residents as to whether or not their location meets the initial screening criteria. Residents with requests that meet the above noted initial screening criteria will receive information about the traffic calming process. Roads that do not meet the above-noted criteria may still be eligible for other mitigating measures and/or police enforcement initiatives.

For locations not meeting the above-noted initial screening criteria, staff will consider front-line mitigating measures to address the neighbourhood traffic concerns. These methods could include tools such as the use of targeted police enforcement, sign installation, and pavement marking modifications.

5.2 Step 2: Data Collection

If the requested location meets the initial screening criteria, data collection and analysis will commence. The collection of traffic data, as deemed necessary by Township staff, will serve to provide a better understanding of the current traffic conditions and to prioritize locations for the investigation of traffic calming.

Staff will conduct the necessary traffic studies (or outsource such studies) to quantify and qualify the submitted traffic concerns. The data collected may include traffic volumes and composition (cars and trucks), vehicle speeds, collisions, sight lines related to deficient horizontal and/or vertical alignment and stopping distance, pedestrian activity, an origin/destination study (third party study), if the request relates to shortcutting traffic, and historical site-specific information.

For vehicle speeds, it is not prudent to consider the highest speed at which motorists travel. Rather, the 85th percentile speed will be considered, which is the speed at which 85% of the total traffic volume on a road is travelling at or below. In considering the need for traffic calming, the 85th percentile speed must exceed the posted speed limit by a minimum of 10 km/h as per the values provided in Table 1.

Table 1: 85th Percentile Speed Considerations

Posted Speed Limit	85 th Percentile Speed
40 km/h	50 km/h
50 km/h	60 km/h
60 km/h	70 km/h

With respect to sight distances and the need for traffic calming to reduce travel speeds upon approach to intersections, the existing sight distances at intersections must be less than the distances outlined in Table 2 for traffic calming to be warranted. For lower speed roads (e.g. posted speed of 50 km/h or less), the design speed is typically taken as 10 km/h over the posted speed, whereas for higher speed roads (e.g. posted speed of 60 km/h or more), design speed is typically 20 km/h greater than posted speed.

Table 2: Stopping Sight Distance Considerations

40 km/h	45 m
50 km/h	65 m
60 km/h	85 m
70 km/h	110 m

The above distances in metres (m) at each design speed are the “minimum stopping sight distances on wet pavement” as outlined in the MTO Geometric Design Standards.

Once collected and summarized, the data will be utilized in the overall assessment to determine the need for traffic calming and assist in setting priority for locations of consideration.

5.3 Step 3: Data Assessment

Basis for Assessment

The data assessment is a screening process focused on the various attributes of a road in order to quantify its potential need for traffic calming. By means of assigning weighted points based on the severity of certain road attributes (e.g. 85th percentile speed), this process will bring to the forefront roads requiring consideration while quantifying the current conditions. A basis for assessment has been prepared in consideration of comparable traffic calming policies in effect throughout the area (refer to Appendix B for the assessment worksheet). Only road sections that achieve the minimum required points as specified in Appendix B will be reviewed further in the next steps of the process.

Should the minimum required points be met for a request, depending on funding availability, locations for implementation will be selected based on the point system, with those locations with the highest points implemented first. If funding does not permit all locations to be implemented in one year, roads will be carried forward to the next year when they will then be re-prioritized to include any new locations.

Assessment Thresholds

The minimum number of points required to proceed with the investigation of traffic calming measures differs based on the classification of road. In keeping with the objective of restoring roads to their intended function, local and collector roads are designed and expected to convey varying levels of traffic volume. This, in turn, has a bearing on the minimum point value required to proceed, as traffic volume is a major consideration. Based on this, the following are minimum point values for each road type, as can be seen in Appendix B:

- Local road minimum 35 points
- Collector road minimum 52 points

Response to Residents

Based on the points received for a request location and the existing conditions / parameters of the area, an appropriate type of traffic calming measure will be selected by staff and communicated to the affected residents by way of a written notice and request for proponents to complete a survey / petition.

Should a location fail to meet the requirements, the resident(s) will be notified in writing and the investigation for traffic calming measures will discontinue. However, staff may (depending on the circumstances of the data assessment, such as excessive speeds being noted) continue to address the concerns of the residents by means of the front-line mitigating measures including:

- request of targeted police enforcement;
- community entrance signs such as "Drive slowly...think of us";
- installation of temporary radar speed display signs.

The signs used as front-line mitigation measures are visual reminders to motorists that they are entering a residential area where the residents are concerned about safety. Targeted police enforcement will make drivers more aware of the speed limit and force them to temporarily reduce their speed and comply with speed limits.

Residents may wish to follow up with the Manager of Public Works who can, if in agreement with the residents' request, propose a motion to Council requesting a report from staff to Council explaining the denial. Through this motion Council may overrule the decision and support a traffic calming measure.

5.4 Step 4: Neighbourhood Petition / Survey

Should it be determined that the road / study area meets the minimum points criteria, staff will advise residents in the neighbourhood that would be affected by the new traffic calming measure advising of the potential new roadway works. Subsequent to a review with the neighbourhood by way of notification or Public Open House, the neighbourhood proponents will be requested to submit a written confirmation of their opinion by way of completing a survey / petition that Township staff will provide to each proponent along with the notice. The focus of the petition will center on whether or not there is sufficient neighbourhood / local support for the Township to implement the proposed / selected traffic calming measure on the requested road. This is to ensure that the majority of residents in the area would actually prefer to have the traffic calming in place, rather than creating more of a neighbourhood nuisance than an effective mitigation measure.

The petition would have to contain an indication of support from at least 51% of the households with direct frontage or flankage onto the section of road that has been identified as the location for the potential implementation of traffic calming measures, as defined by Township staff. Each household is represented by one signature, regardless of the number of people in the household. Failure to meet the 51% support level will result in termination of the investigation; meeting the required 51%, support level will confirm that the proposed traffic calming measure is to proceed. This step in the process is crucial in confirming the level of concern from the residents and will prevent implementation of measures that are not supported by the remainder of the neighbourhood.

Neighbourhood Support Survey

The objective of the neighbourhood support survey is to determine the level of support for the traffic calming design and to provide an opportunity for the most directly affected residents to oppose any modifications to the road. It is also intended to measure the support of the preferred design proposed to the residents. Surveys will be delivered by mail and at a minimum, will contain:

- a brief description of traffic calming, including its advantages and disadvantages;
- the results of the traffic studies undertaken by staff;
- a survey question asking if residents are in favour, opposed or neutral to the implementation of traffic calming measures in the identified location(s);
- the preferred traffic calming design;
- a request for comments and feedback; and

- an indication that this is the final opportunity to modify and improve the preferred design to address any outstanding concerns and to incorporate resident input.

In order for the process to continue, a minimum of 25% of total surveys delivered must be returned to the Township. Of this 25%, 60% acceptance for the implementation of traffic calming is required. This reinforces that community support is vital for the ultimate success of traffic calming. For example, if 100 surveys are delivered, a minimum of 25 surveys is required to be returned and of those, 15 must indicate acceptance of the recommended traffic calming measure.

If this support rate is not met, the process will cease and a notification of failure to meet the neighbourhood support levels will be sent to the residents on the mailing list.

Should the support rate be met but there is a wide range of comments / opinions regarding the type of traffic calming measures being proposed, Township staff may coordinate a public meeting to further engage the affected residents, educate on traffic calming in general and take any final comments into consideration.

5.5 Step 5: Design Consideration & Community Feedback

Selection of Traffic Calming Measure

The data collected combined with site visits, historical information, future maintenance and construction plans, as well as resident feedback will be taken into consideration to determine potential traffic calming measures. Appropriate traffic calming measures will be determined based on the list of traffic calming measures outlined in Section 3 of this policy. The traffic calming design could include one or more different types of traffic calming techniques. The proposed traffic calming measures will be in accordance with the design guidelines outlined in the *Canadian Guide to Neighbourhood Traffic Calming* and the judgment and experience of Township staff and the selected measure will be explained to the affected residents in the notice / request to complete the survey / petition.

Agency Consultation

Staff will provide the preferred design to the relevant agencies (e.g. fire emergency services, transit services, etc.) prior to circulating the notice to the residents. Comments from the potentially affected services will be solicited and feedback with respect to possible impacts will be encouraged. As required, Township staff will work with agencies to modify the design, as necessary. While it is preferable to modify the traffic calming design, if modifications are not able to remedy agency concerns, the traffic calming process will be discontinued for the road under consideration and residents will be notified accordingly.

Neighbourhood Consultation

Using summarized comments from the submitted petition and information about the road and surrounding area, staff will define the area limits for neighbourhood consultation. As part of this process, surrounding roads may be identified as part of the investigation. As a minimum, households with direct frontage onto the road as well as each property whose side yard abuts the subject road section will be issued a notice of the impending traffic control measure. Households that do not directly front the subject road, but who have no other option but to use the section of road where traffic calming is being proposed will also receive a notice.

5.6 Step 6: Finalize & Implement the Traffic Calming Plan

Finalize the Traffic Calming Plan

Using technical data, community feedback, and in keeping with the goals, objectives and principles set out in this Policy, staff will finalize the preferred traffic calming design to be put forward as the preferred Traffic Calming Measure. In finalizing the preferred Traffic Calming Measure, general consideration will be given to the various aspects of road design such as utility placement, landscaping, sign requirements and drainage.

Council Notification

A report recommending the implementation of the preferred traffic calming measure will be submitted to Council. The recommendation may be accompanied by an amending By-law for the inclusion of traffic calming measures, if applicable (e.g. defining a new Community Safety Zone as required under the Highway Traffic Act, etc.). The staff report will also outline estimated costs and anticipated timing for implementing the traffic control measure. The neighbourhood and affected parties will be made aware of when and where Committee and Council will be considering the staff report.

Implementation

Upon approval of Council, resident notification, and sufficient funding, traffic calming measures would be implemented. When immediate funding is not available, budget allocation will be considered during the following annual budget process and prioritized accordingly.

5.7 Step 7: Feedback Monitoring & Evaluation

Monitoring & Evaluation

Township staff will seek feedback and monitor the road to determine the effectiveness of the utilized measures and their impact on the surrounding road network. This may include

subsequent traffic data collection including new traffic volume and speed no sooner than 3 months after the traffic control measure has been installed.

Removal of Traffic Calming Measures

Traffic calming devices may be removed, at the request of residents provided that more than the level of support exists to remove as was measured for installation (i.e. minimum 25% returned surveys, with over 60% of respondents agreeing to the removal). The survey will be delivered to the same residents as was initially done to gauge support for traffic calming. Traffic calming measures must be installed for at least a 3 month trial before consideration is given to remove them. If traffic calming devices are removed, the subject street must wait at least 2 years before requesting a new Traffic Calming Measure; at this point the approval process will start over.

If a request to remove a single traffic calming device, within an overall Traffic Calming Measure, is received, all traffic calming devices will be considered for removal. Depending on circumstances, it could be possible to remove a single device constructed as part of an overall plan, however, in most cases all devices work together to be effective and to ensure that traffic is not diverted where it should not be.

The Township reserves the right to remove traffic calming measures if it determines that they are ineffective or unsafe, or if they have created a negative impact that cannot be corrected. The Township will mail out a notification and advertise in local newspapers informing of its decision to remove traffic calming measures.

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Appendix A: Traffic Calming Request Form

Application date: _____

Description of Location:

Email request to: bmorrison@essatownship.on.ca
-OR-
Mail, Fax or Drop off to: Township of Essa, 5786 County Road 21
Utopia, ON L0M 1T0 Fax# 705-424-2367

Requested by:

Name: _____

Address: _____

Contact phone #: _____

Email address: _____

Why are additional traffic signage and/or mitigation / traffic calming measures being requested at this location? (Provide pictures if available.)

OFFICE USE ONLY	
Staff Review:	Date:
Council Review:	Date:
Council Review:	Date:
Approved/ Bylaw:	

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Appendix B – Assessment of Traffic Calming Need

Road Section: _____		Prepared By: _____	
Road Class: _____		Prepared On: _____	
Traffic Data			
Feature	Range	Criteria	Score
1. Speed	0 to 35	5 points for every 2 km/h that the 85th percentile speed is greater than 10 km/h over the posted speed limit	
2. Volume	0 to 20	Local Roadways: 5 points per 500 ADT Collector Roads: 5 points per 1000 ADT	
3. Short-Cutting Traffic	0 to 15	5 points if there is a presence of 25% or more shortcutting traffic, additional 5 points for every 10% increment above 25%	
4. Collisions	0 to 10	1 point for every collision/year over a 3-year period	
Road Characteristics			
Feature	Range	Criteria	Score
1. Sidewalks	0 to 5	5 points for no sidewalks with evidence of pedestrian activity	
2. Pedestrian Generators	0 to 15	5 points for each nearby (must have direct connection to subject roadway) pedestrian generator such as school, playground, community centre, libraries, retail, etc.	
3. Sight Lines	0 to 10	0 points for excellent sight lines, 5 points impaired sight lines, 10 points for very poor sight lines	
4. Road Allowance Limitations Paved Width ≤6m	0 to 5	5 points for limited paved surface and/or boulevard width	
Overall Assessment			
Does the location meet the minimum requirement:			Total Score:
35 Points			Local Road
52 points			Collector Road

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**TOWNSHIP OF ESSA
TRAFFIC ADVISORY COMMITTEE
TERMS OF REFERENCE 2019-2022**

1. Mandate

The Essa Traffic Advisory Committee provides a community perspective on road safety issues, promotes public awareness and education for road safety initiatives, with an aim to enhance community participation and cooperation on ways to improve safety on Township roads for pedestrians, cyclists and drivers.

2. Scope of Responsibilities

- a) Support the development and implementation of programs, policies and by-laws which promote traffic calming measures;
- b) Evaluate and identify methods to improve safety on all Township roads;
- c) Make recommendations to Council when necessary on strategies and policies to assist road safety;
- d) Identify any potential funding opportunities to assist Essa Township in improving roadways;
- e) Provide a forum for discussion and coordination of traffic related issues and road safety with other community groups and agencies.

3. Composition

- a) The Committee shall be comprised of 1 resident from each ward.
- b) The Manager of Public Works
- c) The Municipal By-law Enforcement Officer
- d) At least one member of Council (Members of Council may not Chair or Vice Chair the meetings)
- e) At least one member of the Nottawasaga OPP Detachment – Traffic Unit
- f) One Township staff member to act as Secretary

4. Appointment

All members of the Committee shall be appointed by Council. Appointments shall be approved by Council in accordance with the membership requirements in the Terms of Reference. The advertising of vacancies and appointments to the Committee will be in accordance with the policies adopted by Council and applicable legislation. A Chair and Vice Chair shall be elected by a majority vote of the committee at its first meeting of each new term to preside over meetings and Committee business. The term for the Chair shall be two years, whereby the Vice Chair shall take on the role of Chair thereafter.

5. Term of Service

The term of service will coincide with the term of council, namely four years, and members will remain in office until their successors are appointed. In the event of a vacancy other than the expiration of the term for which the member was appointed, such vacancy shall be dealt with in accordance with policies adopted by Council and applicable legislation. In the event that a committee member has not attended 3 consecutive meetings, they shall no longer sit on the committee, and the Committee members will recruit for a replacement as well as inform the Clerk of such.

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6. Delegated Authority

The Committee has no authority to direct staff, and any recommendations that need to be carried out (reports or staff actions) must be first considered by Committee of the Whole and/or Council.

7. Meetings

The Committee will meet on an as needed basis. The location of meetings will be mutually agreed upon by members of the committee. The conduct of business at meetings will be governed by the Township's Procedural By-law unless otherwise stipulated.

8. Agenda and Minutes

- a) Secretary assistance for the Committee will be provided by the Office of the Clerk. Staff will prepare the agendas and minutes with input from the Chair and Committee members.
- b) Minutes will be prepared by staff and forwarded to each of the Committee members for review as soon as possible following the meeting. Once approved at the next meeting of the TAC, the minutes will be placed on the regular Council agenda so as to inform Council of the work that the Committee is doing.
- c) An annual report shall be prepared each year summarizing the activities of the committee and will be submitted to Council for review. Records shall be filed with the Clerk and kept in accordance with the Township's records management practices.



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C031-19
DATE: September 18, 2019
TO: Committee of the Whole
FROM: Lisa Lehr, Clerk
SUBJECT: Proposed Amendment to Noise By-law 2018-47 to Exempt Noise Emitted by Snow Removal Operations

RECOMMENDATION

That Staff Report C031-19 be received; and
That Council consider approving the proposed amendments to the Township's Noise By-law 2018-47.

BACKGROUND

By-law 2018-47 was adopted by Council at its meeting of June 6, 2018, which repealed the previous By-law 2005-66.

Currently the Noise By-law sets out restrictions to prohibit and regulate noises permitted between certain times of day/evening, with set fines for persons that do not comply with the restrictions. Additionally, the By-law applies exemptions to industrial and agricultural noises on properties zoned accordingly, noises associated with the normal operation of commercial procedures, noises emitted by military or other bands, as well as emergency vehicles.

COMMENTS AND CONSIDERATIONS

In recent years, the Clerk's Department has received various complaints in respect of noise caused by snow removal operations from both public and private property. More specifically, the majority of these complaints arise from residents whom reside within close proximity to commercial properties.

Falling in line with complaints received by this office in previous years with respect to the noise(s) caused by snow removal operations, the Clerk is proposing that Council consider amending Section 3.1 of the Noise By-law 2018-47 to include the following provision in an effort to exempt noises that are emitted as a result of snow removal operations on private and public property:

3. EXEMPTIONS

3.1 Notwithstanding any other provision of this By-law, this By-law:

- f. Does not apply to noise emitted by the use of vehicles or equipment utilized for the clearing of snow from public and private property.*

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It is believed that inclusion of this provision will provide for clarity to residents, as well as permit for the removal of accumulated snow in a timely fashion, providing for safe travels and/or use of driveways during winter months by patrons and residents, without multiple complaints being received by this office. Often times when businesses hire contractors to remove snow from their driveways, the business owner is not in control of when their contractor will do so, as usually these types of contracts will provide for the removal of snow when it accumulates to a certain point (ie: 4 inches). As well, snow plow operators prefer to clear snow during the night when there is less traffic on roadways to interfere with entering and exiting onto properties to push snow.

Additionally, this provision will allow for private residents to remove snow from their driveway using a snowblower and/or contractor as necessary during the night-time hours, which will allow them to exit their driveway without the hassle of a time-frame imposed by a By-law.

The proposed amendment does not change or alter the intent of the By-law in any way; it simply provides a provision specific to noise caused by snow removal operations being exempt from the Noise Prohibitions contained in the Township's current Noise By-law.

FINANCIAL IMPACT

None.

SUMMARY/OPTIONS

Council may:

1. Take no further action.
2. **Approve the proposed amendments to the Township's Noise By-law, 2018-47.**
3. Direct staff to make further amendments to the Township's current Noise By-law 2018-47, as deemed appropriate by Council.

CONCLUSION

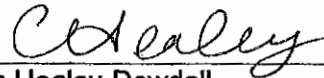
It is recommended that Council approve Option 2.

Respectfully submitted:

Reviewed by:



Lisa Lehr
Clerk



Colleen Healey-Dowdall
Chief Administrative Officer

Attachments:

1. By-law 2018-47 as amended.

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**THE CORPORATION OF THE TOWNSHIP
OF ESSA**

Noise By-law 2018-47 as amended

OFFICE CONSOLIDATION

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THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW NO. 2018 - 47

**Being a By-law to provide for the Prohibition of Certain
Noises and to repeal By-law 2005-66.**

WHEREAS the *Municipal Act*, 2001 S.O., c.25, Sec.128(1), provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances; and

WHEREAS the *Municipal Act*, 2001 S.O., c.25, Sec.129(1), provides that a municipality may pass by-laws to prohibit and regulate noise, vibration, odour, dust and outdoor illumination; and

WHEREAS Council of the Corporation of the Township of Essa enacted By-law 2005-66 on September 21, 2005, to provide for the prohibition of certain noises during restricted times; and

WHEREAS Council of the Township of Essa deems it necessary and desirable to further regulate or prohibit unusual noises, or noises likely to disturb the health, safety, normal use and enjoyment of the inhabitants of the Township;

NOW THEREFORE Council of the Corporation of the Township of Essa hereby enacts as follows:

1. DEFINITIONS

"By-law Enforcement Officer" means the Municipal By-law Enforcement Officer appointed by the Council of the Township of Essa.

"Construction" includes erection, alteration, repair, dismantling, demolition, painting, moving, structural maintenance, land clearing, earth moving, grading, ploughing, excavating, the laying of pipe and conduit above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith.

"Construction Equipment" means any equipment or device designed and intended for use in construction, or material handling, including but not limited to air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, ploughs, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment.

"Council" means the Council of The Corporation of the Township of Essa.

"Highway" includes a common and public highway, street, lane, road allowance, parkway, driveway, bridge, viaduct or trestle designed and intended for the public passage of vehicles.

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"Motor Vehicle" includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric or

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steam railways, or other vehicles running only upon rails, or a motorized snow vehicle, traction engine farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*.

“Noise” means unwanted sound including but not limited to those listed in Schedule “A” attached to this By-law.

“Public Safety” refers to any emergency service such as police, fire or medical services, and also pertains to municipal road construction and maintenance operations, and utilities (public or privately owned) including but not limited to snow removal and dewatering practices.

“Road Service Vehicle” means a vehicle being used for highway maintenance or construction purposes by or on behalf of the municipality or other authority with jurisdiction and control of the highway.

“Residential Area” means recreational and private dwellings in the settlement areas of Angus, Thornton, Baxter, Ivy, Utopia, Egbert or any other built up area.

“Township” means the land within the geographic limit of the Corporation of the Township of Essa;

2. GENERAL PROHIBITIONS

2.1 No person shall cause or permit to be caused any unusual noises or sounds, or excessive noise likely to disturb the inhabitants of the Township of Essa, including but not limited to the following:

- a. The sounding of a bell, horn, siren, or signaling device for an unnecessary or unreasonable period of time is prohibited, unless specifically required by the Occupational Health and Safety Act and Regulations, or other legislation.
- b. The noise or sound created by the use or operation of any drum, horn, bell, radio or mechanical loudspeaker, or other instrument or device, electrical sound-producing or transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, show or sale or display of goods, wares or merchandise or which amplifies or projects noise or sound into any street or other public place is prohibited, unless the Township has granted specific approval for same.
- c. Unless specific permission is granted by the Township, the sound or noise from or created by any radio, phonograph, public address system, sound equipment, loud speaker, or similar device or devices, or any musical or sound producing instrument, when such device or instrument is played or operated in such a manner or at such volume as to likely annoy or disturb the peace, quiet, comfort or repose of any individual in any type of residence, is prohibited.
- d. Any noise arising from any excavation or construction work whatsoever, whether caused by a large development or an individual, including the erection, demolition, alteration or repair of any building, and/or use of construction equipment, is prohibited between the hours of 8:00 p.m. and 7:00 a.m. Monday through Saturday, or at any time on Sundays or Designated Public Holidays, except in the case of urgent necessity for

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public safety, and then with the approval of the Municipality. Dewatering equipment used for construction work(s) is exempted provided that the said equipment is contained in an enclosure that has adequate noise suppression in place to mitigate such noise(s).

- e. The noise or sound created by the use or operation of any radio or mechanical loudspeaker or amplifier or other instrument or device or sound-producing, sound-reproducing, or sound transmitting instrument or apparatus in or upon any vehicle is prohibited, unless the Municipality has granted specific approval for same.
- f. The noise or sound caused by the discharge of any gun or other firearm, air gun and spring-gun or any class or type thereof is prohibited in any of the built-up or Residential areas of the Municipality. This prohibition shall not apply to peace officers in the performance of their duties, or to agricultural operations in the protection of livestock.
- g. The noise or sound caused by excessive yelling, shouting, hooting, whistling or singing, or excessive sounds generated by a human voice, which is likely to disturb the peace, quiet, comfort or repose of any individual in any type of residence is prohibited.
- h. Persistent barking, whining, howling, calling or other similar noise caused by any domestic pet or any other animal kept or used for any purpose other than agricultural, which is likely to disturb the peace, quiet or comfort of the inhabitants, is prohibited.
- i. The grating, grinding or rattling noises or sound caused by condition of disrepair or maladjustment of any motor vehicle, motorcycle or other vehicle, or part or accessory thereof is prohibited.
- j. The noise or sound created by the use or operation of a lawnmower, chainsaw, power tools or any other noise generating domestic tool or device is prohibited between the hours of 10:00 p.m. of any day and 7:00 a.m. of the following day.
- k. No person shall emit, cause or permit the emission of sound resulting from any act or similar acts listed in Schedule "A" attached to this By-law during the prohibited times.
- l. Where approval has been granted by the Municipality and in accordance with the Township of Essa's Site Alteration and Fill By-law, no person shall cause or permit to be caused the emission of sound created by the performance of a site alteration or fill operation Monday through Friday between the hours of 7:00 p.m. and 7:00 a.m., or at any time on Saturdays, Sundays or Designated Public Holidays

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3. EXEMPTIONS

- 3.1 Notwithstanding any other provision of this By-law, this By-law:
- a. Does not apply to the performance of any use permitted in an Industrial Zone as set out in any By-law in force from time to time passed pursuant to s. 34 of the Planning Act, R.S.O. 1990, p.13, or any predecessor or successor of that section, and further that the noise generated is pursuant to work done in the normal manner, and that the work does not contravene any federal or provincial laws or regulations.
 - b. Does not apply to a person or agricultural operation that emits, causes or permits the emission of sound or vibration in connection with an established agricultural function.
 - c. Does not apply to a commercial procedure that emits, causes or permits the emission of sound or vibration in connection with an established commercial operation.
 - d. Does not apply to any military or other band or to a parade operating under written approval from the Municipality.
 - e. Does not apply to an emergency vehicle of the police or fire department of the municipality, or any ambulance, public service, municipal operation, road service vehicle, private or public utility or emergency vehicle while responding to an emergency or carrying out their duties for the purposes of public health and safety.
- 3.2 No person shall cause or permit sound from the operation of a combustion engine in conjunction with the reasonable use of any amusement ride at a fair or event within the restricted hours except with permission (written approval) from the Municipality.
- 3.3 None of the provisions of this By-law shall apply to the use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other large open space in connection with any public election meeting, public celebration or other lawful gathering within the times specified in Schedule "A" attached, and provided written approval of the Municipality has first been obtained.
- 3.4 Permanent or temporary premises which are licensed for the sale of alcoholic beverages will be governed by the permitted hours of sale in accordance with the terms of their liquor license and business permits, where applicable. This restriction applies to indoor or outdoor establishments.

4. APPLICATION FOR EXEMPTION FROM COUNCIL

- 4.1 Upon receipt of a written request, Council may, by Resolution, grant an exemption to provisions of this By-law for a specified period of time, up to a limit of six months, subject to such terms and conditions as are deemed advisable. The request shall include:
- a. the name and address of the applicant;

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- b. a description of the source of the sound in respect of which an exemption is being sought;
 - c. the period of time for which the exemption is being sought;
 - d. the reasons why an exemption is being sought.
- 4.2 Such request shall be accompanied by proof of publication, within the preceding ten days, in a newspaper of general circulation within the applicable service area of the Township of Essa, of a notice of intention to apply for an exemption to this by-law, containing the information required in clauses (i) through (iv) above, and stating the date upon which the application to Council is intended to be made in order to provide public comment on the request.
- 4.3 A copy of the request shall be provided to the Municipal Law Enforcement Officer who will conduct a site inspection and prepare a report to Council which includes details of any complaint history or corrective measures to be taken.
- 4.4 In deciding whether to grant the exemption, Council will review the request, the staff report, and any written submissions, and will provide the applicant and any person opposed an opportunity to speak in accordance with Council's Procedure By-law.
- 4.5 Where an exemption is granted, any breach of the terms or conditions renders the exemption null and void.

5. ENFORCEMENT AND PENALTIES

- 5.1 Every person who contravenes a section of this By-law is, upon conviction, guilty of an offence and subject to a penalty as provided under the *Provincial Offences Act*.
- 5.2 Each new day of a continuing offence will be considered a new offence and punishable for each day the violation continues.
- 5.3 The Court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

6. GENERAL PROVISIONS

- 6.1 If any court of competent jurisdiction finds that any sections or provisions of this By-law, or parts thereof, are ultra vires, or are invalid for any reason, such section or provision shall be deemed to be severable and shall not invalidate any of the other sections or provisions of the By-law which are separate and independent from each other and shall remain in full force and effect.
- 6.2 Where the context permits, words importing the singular also include more than one person, party or thing of the same kind.
- 6.3 The word "may" shall be construed as permissive and the word "shall" shall be construed as imperative.

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- 6.4 That By-law 2005-66 be and is hereby repealed.
- 6.5 The short form title of this By-law shall be The Township of Essa "Noise By-law".

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 6th day of June, 2018.

Terry Dowdall, Mayor

Lisa Lehr, Clerk

9c

TOWNSHIP OF ESSA BY-LAW NO. 2018-47
SCHEDULE 'A'
TIME PROHIBITIONS

	Prohibited Activity	Prohibited Period of Time
1.	Discharge of firearms. Exception: police services, security and agricultural for the protection of livestock.	All times in any Residential area.
2.	Persistent barking, whining, howling, calling or other similar noise caused by any domestic pet or any other animal kept or used for any purpose other than agricultural.	All times
3.	The operation of a combustion engine which is used in, or is intended for use, in a toy or a model or replica of any device, which model or replica has no function other than amusement and which is not a conveyance.	All times
4.	The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound.	11 p.m. to 7 a.m.
5.	The operation of any auditory signaling device, including but not limited to the ringing of bells or gongs, the playing of music, and the blowing of horns, sirens, whistles or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in an accordance with public safety practices.	11 p.m. to 7 a.m.
6.	The operation of any motorized conveyance other than on a highway or other place intended for its operation including all Commercial vehicles over one ton, except for limited designated deliveries.	11 p.m. to 7 a.m.
7.	Excessive yelling, shouting, hooting, whistling or singing.	All times
8.	Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse whatsoever, unless necessary for essential services, designated industrial uses, public safety or the moving of private household effects.	8 p.m. to 7 a.m.
9.	The operation of any equipment in connection with construction.	8 p.m. to 7 a.m. Monday through Saturday At no time on Sundays or on Designated Holidays
10.	Site alteration or fill operation pursuant to Essa's Site Alteration and Fill By-Law	7:00 p.m. and 7:00 a.m. Monday through Friday At no time on Saturdays, Sundays or Designated Public Holidays.
11.	The operation or use of any tool, machine or motor for domestic purposes other than snow removal	10 p.m. to 7 a.m.

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	Prohibited Activity	Prohibited Period of Time
12.	Cause or allow the emissions of any unreasonable or unusual noise or vibration by means of the use of operation of any electrical motor, electrical, mechanical, hydraulic or pneumatic device, internal combustion engine or other mechanical or like device within a residential area.	10 p.m. to 7 a.m.

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Corporation of the Township of Essa
By-law 2018-47
Noise Control By-law

PART 1 PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision for Creating or Defining Offence	COLUMN 3 Set Fine
1.	Cause or permit unusual or excessive sound from a bell, horn, siren or signaling device	2.1 (a)	\$100.00
2	Cause or permit unusual or excessive sound created by the use or operation of any drum, horn, bell, radio or mechanical loudspeaker, electrical sound-producing or transmitting instrument or apparatus.	2.1 (b)	\$100.00
3.	Cause or permit unusual or excessive sound from any radio, phonograph, public address system, sound equipment, loud speaker, or similar device, or any musical or sound producing instrument during.	2.1 (c)	\$100.00
4.	Cause or permit sound from excavation or construction work during prohibited hours	2.1 (d)	\$100.00
5.	Cause or permit sound from use or operation of mechanical loudspeaker or amplifier or other device or sound-producing, sound-reproducing or sound-transmitting instrument or apparatus in or upon any vehicle.	2.1 (e)	\$100.00
6.	Cause or permit sound caused by the discharge of any gun or other firearm, air gun and spring-gun, or any class or type thereof in any built-up or residential areas of the municipality	2.1 (f)	\$100.00
7.	Cause or permit sound by excessive yelling, shouting, hooting, whistling or singing.	2.1 (g)	\$100.00
8.	Cause or permit persistent barking, whining, howling, calling or other similar noise caused by any domestic pet or any other animal kept or used for any purpose other than agricultural	2.1 (h)	\$100.00
9.	Cause or permit sound grating, grinding, rattling noises caused by motor vehicle, motorcycle or other vehicle.	2.1 (i)	\$100.00
ITEM	COLUMN 1	COLUMN 2	COLUMN 3

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OFFICE CONSOLIDATION
By-law No. 2018-47
As amended by: 2018-88

	Short Form Wording	Provision for Creating or Defining Offence	Set Fine
10.	Cause or permit sound from operation of lawnmower, chainsaw, power tools, or any other noise generating domestic tool or device during prohibited hours.	2.1 (j)	\$100.00
11.	Cause or permit sound from site alteration or fill operations during prohibited hours.	2.1 (l)	\$100.00
12.	Cause or permit sound from the operation of a combustion engine	3.2	\$100.00

NOTE: The Penalty Provision for the offences indicated above is Section 5 of By-law 2018-47, a certified copy of which has been filed, and s. 61 of the *Provincial Offences Act*, R.S.O., 1990, c. P. 33.



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: CAO041-19
DATE: September 18, 2019
TO: Committee of the Whole
FROM: Colleen Healey-Dowdall, Chief Administrative Officer
SUBJECT: Block 128, M-844, Nadmarc Court
 Stonemount Subdivision, Angus

RECOMMENDATION

That Staff Report CAO041-19 be received; and

That Council consider to allow Block 128 on Nadmarc Court (Plan M-844) to carry on as owned by the municipality, with neighbours continuing to enjoy the extra use of land so long as they cut the grass and maintain the land, and that this arrangement be extended from 5 existing land owners to additional land owners adjacent to Block 128, and as well, that this arrangement be agreed to in writing by all parties involved.

BACKGROUND

Block 128 of Plan M-844, within the Stonemount Subdivision on Nadmarc Court, was intended to provide for the overland flow of water, or stormwater drainage, for the subdivision. However, with the amount of erosion, not planned and affecting the riverbanks/yards, engineers approved and installed (in 2013) a catch basin and piping to bring some of the water back to the storm system and pond at an alternate location within the subdivision, rather than directing such water towards the river, which, again, along its course, was contributing to an erosion problem.

Block 128 is not a park block, or more specifically, this block is not intended to provide public access to the river. Rather, it is meant to collect water from the subdivision. Block 128 lands must be maintained to collect water and keep it flowing in the proper direction.

Some neighbours are using the land as their own, which is acceptable given that they were provided with conditional permission in 2013 (refer to letter attached), so long as the proper drainage pattern is not altered. This may be perceived not to be fair to some neighbours who were not involved in the original consultation or "agreement", who also back onto, but don't get to enjoy the benefit of using, Block 128.

COMMENTS AND CONSIDERATIONS

In 2013, the Township agreed to allow 5 land owners, who wrote to the municipality (32, 34, 36, 38 and 40 Nadmarc Court), to not have a fence behind their property so long as these land owners would take on responsibility of cutting the grass beside their yard. Now, at this time, the landowner of 22 Nadmarc Court would also like this same courtesy. It would seem fair to this office that all landowners be treated the same.

Note that there is a concern for children/youth accessing the block and gaining entry to the open space lands and the steep riverbank beyond. The open space and steep riverbank lands are owned by the Township which puts the Township at risk of liability if ever a person was to become injured here or drown, (note that youth are often seen climbing the fence which is in disrepair at the rear of Block 128 (west end) to gain access to the path to the riverbank lands beyond). It is also staff's recommendation that the public access from Nadmarc Court be closed with a new fence since the block is to be maintained by land owners from their own yards (per the 2013 agreement). The riverbank should also be fenced since very steep banks exist at this location (banks of a height of approximately 50 feet in accordance with topographic contours). The access to Nadmarc Court could be closed off with a chain link fence with a gate to provide entry by park staff/maintenance crews if ever a need arise.

FINANCIAL IMPACT

Cost of chain link fencing with gate to restrict public access to be proposed in the 2020 budget working papers since the 2019 Parks Repairs and Maintenance Budget of \$18,000 is now at \$17,169.

SUMMARY/OPTIONS

Council may:

1. Take no further action, contrary to the request of 22 Nadmarc Court.
2. Disallow all neighbours from using Block 128 – fence the entire perimeter of Block 128 with access only from the street for parks and maintenance equipment/crews.
3. Carry on with Block 128 to be retained under Township ownership with neighbours continuing to enjoy the extra use of land so long as they cut the grass and maintain the land but also extend this arrangement to all neighbours (granting the request of 22 Nadmarc Court). Note that this option would ensure that stormwater drainage is maintained.
4. Sell Block 128 to neighbours that are interested in purchasing additional land. Ensure that neighbours recognize there would be a cost to enter into a legal agreement with the Municipality to ensure that an easement be maintained to maintain drainage, and as well, the neighbours should bear all legal costs resulting from surveying and other associated land transfer costs. Fence entry to Block 128 along Nadmarc Court if a private sale takes place.

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CONCLUSION

Option #3 is recommended.

Respectfully submitted:



Colleen Healey-Dowdall
CAO

Attachments:

Map

Letters (Resident and Township)

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Corporation of the Township of Essa
5786 County Road 21
Utopia, Ontario
L0M 1T0



10a
Telephone: (705) 424-9770
Fax: (705) 424-2367
Web Site: www.essatownship.on.ca

June 20, 2018

Mr. Geoffrey Young
32 Nadmarc Court
Angus, ON L0M 1B4

COPY

Dear Mr. Young:

**Re: Proposed Fencing Changes at Nadmarc Court
Request from residents to the Township of Essa**

You will recall in October, 2013, you and your neighbours at numbers 34, 36, 38 and 40 Nadmarc Court petitioned the Township to not place a chain link fence and to not install a cement walkway, along the rear boundaries of each of your properties. The Township agreed to your requests on the following conditions:

- Each landowner shall be responsible for grass cutting, weeding, litter pick up, etc. and any other day to day maintenance activities on top of the ground of the subject block, abutting the lot they own.
- Should any or all of the owners of Lots 60, 63, 64, 65, 66 and 67, Plan 51M-844 require this area to be fenced in the future, it shall be each landowner's responsibility to do so at their expense.
- Should the current landowners sell their respective properties, these requirements should be disclosed to the Buyer by the Seller.

A copy of the letter agreement/email together with a map of the area in question are attached for your reference.

The Township has recently been contacted by one of the residents whose property backs on to the block which is to be maintained by the residents of #32 to #40 Nadmarc Court, both inclusive, to indicate that the area is not being maintained; that the weeds are overgrowing and spreading and the grass has not been cut.

Please be advised that the grass in this block is to be cut and weeded as soon as possible and on an ongoing basis. In the event this is not attended to in accordance with the terms of the letter agreement, the Township may consider installing a fence along the property boundaries to demarcate where the property line is and then cut the grass/weeds in this area every 2 – 3 weeks.

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If you have any questions regarding this matter, please contact the writer.

Yours truly,



Greg Murphy
Chief Administrative Officer

//

Att.

H:\Public Works\12 Subdivision Plans\Subdivisions\NOTTAWASAGA VILLAGE\Stonemount\Nadmarc residents grass maintenance lr Jun 20 18.docx

- cc. Ronald & Sylvia Sauve, 34 Nadmarc Court
- cc. David Ashbourne, 36 Nadmarc Court
- cc. Pamela & David Wesson, 38 Nadmarc Court
- cc. Martin Theriault, 40 Nadmarc Court

For information only:

- cc. John & Alma Parry, 24 Nadmarc Court
- cc. Cherie Tooley & Kevan Crosby, 22 Nadmarc Court
- cc. Shawnette Crouse, Manager of Parks & Recreation

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Greg Murphy

From: Greg Murphy
Sent: October 29, 2013 3:17 PM
To: 'Geoff Young'
Cc: Colleen Healey; Lees, Al
Subject: RE: Proposed fencing change at Nadmarc Crt.

Hi Geoff:

We have discussed your request with the Township Engineer and the developer's representative and have agreed that fencing will not be placed along the south limits of the subject Block 128 (north boundaries of your lots), as each landowner has requested. In consideration of this approval, it is understood that each landowner shall be responsible for grass cutting, weeding, litter pickup, etc. and any other day to day maintenance activities on top of ground of the subject block, on that portion of the Block abutting the lot they own. Additionally, should any or all of the owners of Lots 60,63,64,65, 66, and 67, Plan 51M-844 require this area to be fenced in the future, it shall be each landowner's responsibility to do so, at their expense. Should the current landowners sell their respective properties, these requirements should be disclosed to the Buyer by the Seller.

The owner at 24 Nadmarc Crt. has requested that the chain link fence be installed along the south and west limits of Lot 59 which will be done by the developer's fencing contractor, plus the same fencing work will be done along the west boundary of 22 Nadmarc Crt. (Lot 58) and tied into the chain link fence that is to be installed along the top of the river bank by the treed area at the west end , which will assist in alleviating motorized vehicles from using this area. It is proposed that we not place an access gate across the east limits of Block 128 abutting the west limits of Nadmarc Court and this area will be left open, unless the owner of lot 59 or of lot 60 requests it to be installed at the time of the fencing installation.

Please pass this information along to the other lot owners (63,64,65,66 and 67) and confirm same by return email to me of their acceptance of these terms.

With thanks

Greg Murphy,
Chief Administrative Officer,
Township of Essa

From: Geoff Young [<mailto:geoffly@gmail.com>]
Sent: October 28, 2013 8:27 PM
To: Greg Murphy; labbe446@acn.net
Subject: Proposed fencing change at Nadmarc Crt.

Greg

Attached is a letter requesting a change to the proposed fencing of the easement on Nadmarc Court. Please feel free to contact me with any questions or concerns regarding this matter. We look forward to your response.

Thanks for taking the time to review this request.

Geoff Young
32 Nadmarc Crt.

10a

To: Whom it may concern

October 28, 2013

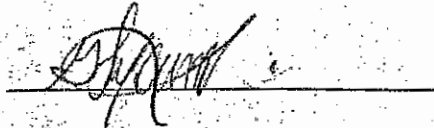
We the owners of 32, 34, 36, 38 & 40 Nadmarc Crt in Angus request that the following change be made to the proposed fencing of the registered easement that is located behind the properties;

*Omit the section of fencing on the south side of the easement that runs adjacent to 32, 34, & 36 Nadmarc Crt.

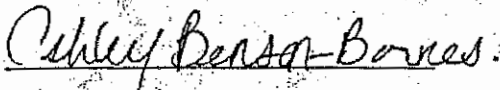
We are concerned that an area fenced on 4 sides will be difficult to maintain (i.e. trash, weeds and general lawn maintenance). If this area is left open property owners will have access to ensure that the area is kept clean. We feel that the proposed plan is not cosmetically appealing considering the lot premiums that were paid during purchase.

We would appreciate careful thought on this request and that we be notified on a final decision before any future construction resumes.

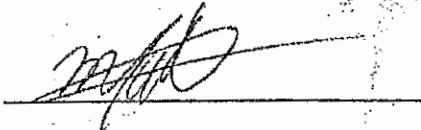
Thank You for considering our request.



Geoffrey Young, 32 Nadmarc Crt.



Ashley Benson-Barnes, 34 Nadmarc Crt.



Marcel Labbe, 36 Nadmarc Crt.



Dave Wesson, 38 Nadmarc Crt.



Marty Theriault, 40 Nadmarc Crt.



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: CAO042-19

DATE: September 18, 2019

TO: Committee of the Whole

FROM: Colleen Healey-Dowdall, Chief Administrative Officer

SUBJECT: Joint and Several Liability and Impact on Municipalities

RECOMMENDATION

That Staff Report CAO042-19 be received; and

That a letter be sent to the Province, prior to the end of their consultation period, to express concern for small municipalities being held responsible more often for large court judgements although our responsibility for a claim might be very small, and that consequently, unless something is done, small municipalities are to be continuously faced with large judgement costs, rising insurance premiums and an unfair impact on taxes and taxpayers.

BACKGROUND

With the Canadian/Provincial law system relying on joint and several liability to ensure that victims are compensated, municipalities are put in the position of the so-called "deep-pocket" defendant. Joint and several liability means that when victims sue for damages from wrong-doers, if one wrong-doer cannot pay, then the victim can collect from the remaining wrong-doers. The premise being that this principle/system restores innocent victims to the position they would be in, had the wrong not occurred.

COMMENTS AND CONSIDERATIONS

The joint and several liability system is long-standing but more recently causing strain on small municipalities as fiscal pressures increase.

Essa, like other small municipalities, has had a concern over the past several years that we are often forced to pay for a judgement (more than our share) even when our responsibility for a claim might be small. This is caused when another defendant, often that most responsible, does not hold enough insurance and/or "walks" from a court proceeding/judgement. This is occurring more often with both, homes (when something goes wrong) and car accidents (on the rise). Essa is left "on the hook" when other defendants "walk" even if we were identified to be as little as only 1% responsible. One

municipality, in fact, was stuck with a judgement of millions of dollars even though only at fault for a very small percentage.

Paying such judgements has caused, in part, our insurance premiums to sky-rocket, putting a strain on the taxpayer.

The Provincial government is currently consulting with the public, municipalities, lawyers and insurance representatives on this matter, to attempt to seek a solution, bearing in mind that they are also hearing concern for accident benefits (the decline in these type of payouts).

This office is suggesting that the municipality write to the Province as a part of the current consultation process to end on September 27th, to express concern on this matter and the fact that municipalities are at risk of having to pay for other wrong-doers' negligence. The letter to the Province should quote the recent increase to our insurance premiums.

It is further suggested by this office that Essa could suggest to the Province, a cap be placed on the amount that we could be held responsible for, to ensure that we are able to plan for our potential loss, for budgeting purposes.

FINANCIAL IMPACT

None.

SUMMARY/OPTIONS

Council may:

1. Take no further action.
2. Send comments to the Province in response to their call for comments on joint and several liability.
3. Direct staff as Council may wish.

CONCLUSION

Option #2 is recommended.

Respectfully submitted:



Colleen Healey-Dowdall
CAO

Attachments: None.