

AGENDA

REGULAR MEETING OF CITY COUNCIL

2009 06 08

4:30 P.M.

COUNCIL CHAMBERS

1. ADOPTION OF MINUTES

Mover - Councillor F. Manzo

Seconder - Councillor J. Caicco

Resolved that the Minutes of the Regular Council Meeting of 2009 05 25 be approved.

2. QUESTIONS AND INFORMATION ARISING OUT OF MINUTES AND NOT OTHERWISE ON AGENDA

3. APPROVE AGENDA AS PRESENTED

Mover - Councillor F. Manzo

Seconder - Councillor S. Butland

Resolved that the Agenda for the 2009 06 08 City Council Meeting as presented be approved.

4. DELEGATIONS/PROCLAMATIONS

- (a) Norma Elliott, Director of Programs and Staff; and Dale Kenney, Director of Community Relations and Finance, Women in Crisis Algoma Inc. will be in attendance concerning Proclamation – Women in Crisis Day.
- (b) Glenda Gies on behalf of Waste Diversion Ontario (WDO) will be in attendance concerning information on the roles, responsibilities and programs offered by Waste Diversion Ontario.
- (c) Jay Zwierschke, President and C.E.O., Elementa Group Inc. will be in attendance concerning agenda item 6.(3)(a).

PART ONE – CONSENT AGENDA

5.

COMMUNICATIONS AND ROUTINE REPORTS OF CITY DEPARTMENTS; BOARDS AND COMMITTEES

Mover - Councillor O. Grandinetti

Seconder - Councillor J. Caicco

Resolved that all the items listed under date 2009 06 08 - Part One - Consent Agenda be approved as recommended.

- (a) Correspondence from AMO is attached for the information of Council.
- (b) Correspondence from the Town of Smith Falls (concerning provincial grants to public libraries); Oxford County (concerning a request for legislation to grant municipalities the authorization to eliminate capping in any/all of the protected property classes); Township of South Stormont (concerning a request to the Ministry of Health and Long Term Care to provide a simultaneous EMS and Fire dispatch); City of Ottawa (concerning an OMB decision in the Village of Manotick); City of Kingston (concerning a request that the Province locate the Energy Czar detailed in the Green Energy Act in Kingston); Greater Toronto Area Countryside Mayors Alliance (concerning the 'Buy American' provisions in the American Recover and Reinvestment Act); Town of Fort Erie (concerning including hospitals under the jurisdiction of the Ombudsman); and Town of Hawkesbury (concerning investments made by Canadians in industries being protected against being moved outside of the country) is attached for the information of Council.
- (c) A letter of request for a temporary street closing is attached for the consideration of Council.
 - 1) on Queen Street (East to Spring) and for a by-law to prohibit uninvited vendors from locating on the festival grounds in conjunction with the 2009 Buskerfest Festival being held August 7, 8 and 9, 2009.The relevant By-laws 2009-113 and 2009-114 are listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.
- (d) Letters from:
 - 1) The Premier of Ontario in response to a Council resolution concerning St. Marys Renewable Energy Centre;
 - 2) Muscular Dystrophy Canada thanking the SSM Professional Fire Fighters Association who raised \$2,045.00 in 2008-09.
 - 3) Wallaceburg Disaster Relief Committee concerning a request for financial assistance from all municipalities in Ontario.

5. (d) Mover - Councillor O. Grandinetti
Seconded - Councillor S. Butland

Whereas a severe flood occurred in February 2009 in the community of Wallaceburg Ontario, and the municipality has been declared a Disaster Area; and

Whereas the Wallaceburg Disaster Relief Committee is seeking financial assistance from all municipalities in Ontario and has set a fundraising target of \$41,500.00 to assist flooding victims in the community of Wallaceburg;

Now therefore be it resolved that City Council authorizes a donation of \$250.00 (with funds to come from the Unforeseen Expense Account) on behalf of the City of Sault Ste. Marie to the Wallaceburg Relief Fund to assist the residents of that community in coping with the aftermath of the severe flooding, be approved.

- (e) A letter requesting permission for a private property liquor license extension is attached for the consideration of Council.

Mover - Councillor F. Manzo
Seconded - Councillor J. Caicco

Resolved that City Council has no objection to the proposed extended licensed area as detailed in the written request for a liquor license extension on private property for an outdoor event on the following stated date and times:

Portuguese Canadian Association of Sault Ste. Marie

5 Cornwall Street

Annual Picnic – August 2, 2009 from 12:00 noon to 7:00 p.m.

- (f) A letter from the Coordinator, Relay for Life requesting an exemption to the Noise By-law for the event at the John Rhodes Community Centre on June 19th and 20th is attached for the consideration of Council. The relevant By-law 2009-118 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

- (g) **Appointments to Boards and Committees**

Mover - Councillor F. Manzo
Seconded - Councillor S. Butland

Resolved that citizen John Walker be nominated to the Community Theatre Centre Management Board from June 8, 2009 to December 31, 2010.

- (h) **Staff Travel Requests**

A report of the Chief Administrative Officer is attached for the consideration of Council.

5. (h) Mover - Councillor O. Grandinetti
Seconded - Councillor J. Caicco
Resolved that the Staff Travel Requests contained in the report of the Chief Administrative Officer dated 2009 06 08 be approved as requested.

(i) **Property Tax Appeals**

A report of the City Tax Collector is attached for the consideration of Council.

Mover - Councillor O. Grandinetti

Seconded - Councillor S. Butland

Resolved that pursuant to Section 357 of the Municipal Act, 2001, the adjustments for tax accounts outlined on the City Tax Collector's report of 2009 06 08 be approved and the tax records be amended accordingly.

(j) **Ermatinger-Clergue National Historic Site – Targeted Wage Subsidy Application – Events Coordinator**

A report of the Curator, Ermatinger-Clergue National Historic Site is attached for the consideration of Council.

Mover - Councillor F. Manzo

Seconded - Councillor J. Caicco

Resolved that the report of the Curator Ermatinger Clergue National Historic Site dated 2009 06 08 concerning Ermatinger-Clergue National Historic Site - Targeted Wage Subsidy Application - Events Coordinator be received as information.

(k) **Firearms By-law Exemption - Ermatinger-Clergue National Historic Site – Special Events**

A report of the Curator, Ermatinger-Clergue National Historic Site is attached for the consideration of Council. The relevant By-law 2009-115 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

(l) **Resurfacing of City Streets – 2009 – Miscellaneous Construction Program - Revision**

A report of the Director of Engineering Services is attached for the consideration of Council.

5. (l) Mover - Councillor F. Manzo
Second - Councillor S. Butland
Resolved that the report of the Director of Engineering Services dated 2009 06 08 concerning Resurfacing of City Streets - 2009 Miscellaneous Construction Program Revision be accepted and the recommendation that the resurfacing program be revised to include:
1. Wellington Street from East Street to North Street;
 2. Bingham Street;
 3. Landslide Road from Fish Hatchery Road southerly towards Old Garden River Road
- be approved.
- (m) **Contract 2007-4E – Trunk Road Improvements – Closure of Lake Street at Trunk Road**
A report of the Design and Construction Engineer is attached for the consideration of Council. The relevant By-law 2009-116 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.
- (n) **Contract 2009-8E – Third Line Extension – Great Northern Road to 1,000 Metres Easterly**
A report of the Design and Construction Engineer is attached for the consideration of Council. The relevant By-laws 2009-119 and 2009-120 are listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.
- (o) **Contract 2009-9E – Carpin Beach Road Bridge Replacement**
A report of the Design and Construction Engineer is attached for the consideration of Council. The relevant By-laws 2009-122 and 2009-123 are listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.
- (p) **Proposed Sale of 276 Wellington Street East to Shaw Milling Ltd.**
A report of the City Solicitor is attached for the consideration of Council. The relevant By-law 2009-117 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.
- (q) **Provincial Offences Inter-Municipal Agreement**
A report of the Assistant City Solicitor is attached for the consideration of Council. The relevant By-law 2009-111 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.
- (r) **Effectiveness of the Pilot Community Bus Service to Pawating Place**
A report of the Transit Manager is attached for the consideration of Council. This item was deferred at the 2009 05 25 Council Meeting.

5. (r) Mover - Councillor O. Grandinetti
Second - Councillor J. Caicco
Resolved that the report of the Transit Manager dated 2009 05 25 concerning Effectiveness of the Pilot Community Bus Service to Pawating Place be accepted and the recommendation that the current level of transit service to Pawating Place be maintained and reviewed annually be approved.
- (s) **Youth Crime Project Status Report**
A report of the Sault Ste. Marie Innovation Centre is attached for the consideration of Council.
- Mover - Councillor O. Grandinetti
Second - Councillor S. Butland
Resolved that the report of the Sault Ste. Marie Innovation Centre, prepared for the Council Committee on Youth Crime, dated May 28, 2009 entitled 'Youth Crime Project Status Report' be received as information.

PART TWO – REGULAR AGENDA

6. **REPORTS OF CITY DEPARTMENTS; BOARDS AND COMMITTEES**

6. (3) **ENGINEERING**

(a) **Elementa (Formerly EnQuest) Proposal for a Demonstration/Commercial Energy-From-Waste Plant in the City of Sault Ste. Marie**

A report of the Land Development and Environmental Engineer is attached for the consideration of Council. Note: The Elementa Group report entitled 'Clean Energy Proposal' is attached for the information of Council. A letter of Support for the Elementa project from the Executive Director, Development Sault Ste. Marie is also attached for the information of Council.

Mover - Councillor F. Manzo
Second - Councillor J. Caicco

Resolved that the report of the Land Development and Environmental Engineer dated 2009 06 08 concerning Elementa (formerly EnQuest) Proposal for a Energy-from-Waste Plant in the City of Sault Ste. Marie be accepted and the recommendation that the City negotiate an agreement with Elementa for the long term provision of all residential curbside waste (i.e., five-year contract plus five-year renewal option) that would address the concerns/risks to the City, including but not limited to the following:

1. There shall be no guarantee or liability associated with the quantity or quality of waste provided by the City;
2. Elementa shall agree to the \$60.00 per tonne tipping fee subject to annual CPI adjustment, and this cost shall not be negotiable during the term of the contract;

6. (3)
(a) 3. all Federal, Provincial, and local permits and approvals shall be the responsibility of Elementa;
4. Elementa shall carry insurance acceptable to the City to cover fire and explosion risks;
5. the City's Fifth Line landfill site shall not be considered an option for the location of the Elementa plant; and
Furthermore that the City's Waste Management EA consultant team shall facilitate and assist the City in the agreement negotiations; and
Furthermore that Elementa must construct and have in operation the energy-from-waste plant to process Sault Ste. Marie's curbside MSW within 5 years of the MOE approval of the energy-from-waste plant; and
Furthermore approve the continuance of the landfill operation and the City's continuing investigation through the completion of the overall waste management EA study,
be approved.

6. (6) **PLANNING**

- (a) **Application No. A-16-09-Z.OP – Ed Lofstrom – 626 Fifth Line East and 32 Powley Road – Request to Permit the Sale and Service of Utility Trailers, Recreational Trailers and Recreational Vehicles**

A report of the Planning Division is attached for the consideration of Council.

Mover - Councillor F. Manzo
Seconder - Councillor S. Butland

Resolved that the report of the Planning Division dated 2009 06 08 concerning Application No. A-16-09-Z.OP – Ed Lofstrom be accepted and the Planning Director's recommendation that City Council rezone the southern portion of the property at 626 Fifth Line East by way of a Special Exception to the Rural Area zoning subject to the nine (9) conditions contained in the report be endorsed.

- (b) **Application No. A-17-09-Z – Marc Stanghetta – 1351 Great Northern Road - Request to Permit a Motor Vehicle Sales and Parts Dealer**

A report of the Planning Division is attached for the consideration of Council.

Mover - Councillor O. Grandinetti
Seconder - Councillor J. Caicco

Resolved that the report of the Planning Division dated 2009 06 08 concerning Application No. A-17-09-Z – Marc Stanghetta be accepted and the Planning Director's recommendation that City Council approve the rezoning of the subject property from "R.1" (Estate Residential) zone, to "R.1", with a Special Exception to permit a motor vehicle sales and parts dealer, subject to the four (4) conditions contained in the report be endorsed.

7.

**UNFINISHED BUSINESS, NOTICE OF MOTIONS AND RESOLUTIONS
PLACED ON AGENDA BY MEMBERS OF COUNCIL**

- (a) Mover - Councillor J. Caicco
Second - Councillor S. Butland

Whereas the orderly conduct of any legislative body is best pre-determined by way of procedures which are clearly articulated in writing; and

Whereas the conduct of meetings by municipal Councils in Ontario is regulated in part by provisions contained in the Municipal Act and in part by procedural by-laws which may be passed from time to time by the respective municipal Councils; and

Whereas the Municipal Act is reviewed on a regular basis and it is recommended by AMO that municipalities regularly review their by-laws, including any procedural by-law it may have for the conduct of Council meetings; and

Whereas the City of Sault Ste. Marie Council procedural by-law has not been reviewed during this term of Council;

Now therefore be it resolved that a committee of appropriate City staff (CAO, City Solicitor and City Clerk) and three members of Council be formed to undertake a review of the current procedural by-law and to report back to Council on recommended changes, if any, which might be considered and which would improve how City Council meetings are currently conducted.

- (b) Mover - Councillor L. Tridico
Second - Councillor F. Fata

Whereas the former James Street mall area is an important historic neighbourhood to residents of this City; and

Whereas the area has not undergone any significant maintenance or reconstruction for 40 or more years; and

Whereas there is a need for this area to be developed once again as a business and retail area for the neighbourhood residents and for all residents of this City;

Now therefore be it resolved that appropriate staff undertake a feasibility study for the revitalization of the former James Street mall area and report back to City Council at the earliest opportunity.

- (c) Mover - Councillor B. Hayes
Second - Councillor J. Caicco

Whereas water is our most valuable resource and practicing water conservation benefits you and your community; and

Whereas it is recognized that half the water we use is wasted and that between 40% and 50% of household water usage is consumed in your bathroom and that your toilet is responsible for 30% of your total bathroom consumption; and

7. (c) Whereas new low-flush toilets use less than ½ the water of older models resulting in possible savings on your water bill of close to \$100.00 per year; and Whereas several municipalities in Ontario and across Canada currently offer a low-flush toilet rebate program;
Now therefore be it resolved that appropriate staff report back to Council on the implications of offering a toilet replacement rebate program in Sault Ste. Marie.

- (d) Mover - Councillor J. Caicco
Second - Councillor S. Butland
Whereas Algoma University recently was approved to become an independent University, free of its history of affiliation with Laurentian University in Sudbury, Ontario; and
Whereas the Board of Governors is currently in the process of rewriting its by-laws to confirm its new status as an autonomous institution; and
Whereas the City of Sault Ste. Marie has been very instrumental in the growth and development of Algoma throughout its history, including in the recent bid for independence; and
Whereas it is important, like other universities, that the Board of the new institution reflects the local, regional and national mandate and scope and that it is therefore desirous that there be representation from the City;
Now therefore be it resolved that City Council, in response to the request from the President of Algoma University, on behalf of its Board of Directors, agrees to appoint a Member of City Council to the Board of Governors.

A letter from the President of Algoma University is attached for the information of Council.

8. **COMMITTEE OF THE WHOLE FOR THE PURPOSE OF SUCH MATTERS AS ARE REFERRED TO IT BY THE COUNCIL BY RESOLUTION**

9. **ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE**

10. **CONSIDERATION AND PASSING OF BY-LAWS**

By-laws before Council for THREE readings which do not require more than a simple majority.

AGREEMENTS

- (a) 2009-111 A by-law to authorize an inter-municipal agreement between the City and the Municipal Partners for the provision of Provincial Offences administration, revenue sharing and prosecutorial services.

A report from the Assistant City Solicitor is on the agenda.

10. (b) 2009-119 A by-law to authorize an agreement between the City and R.M. Belanger Ltd. for the reconstruction of Third Line East. (Contract 2009-8E)
- A report from the Design and Construction Engineer is on the agenda.
- (c) 2009-122 A by-law to authorize an agreement between the City and Harold Phillips Haulage for the removal and replacement of the Carpin Beach Road Bridge. (Contract 2009-9E)
- A report from the Design and Construction Engineer is on the agenda.

APPOINTMENTS

- (d) 2009-112 A by-law to appoint inspectors under the Building Code Act, 1992 and municipal law enforcement officers under the Police Services Act.

LICENCING

- (e) 2009-114 A by-law to prohibit vendors from locating on or near the Buskerfest grounds on Queen Street from East Street to Spring Street.

PROPERTY SALE

- (f) 2009-117 A by-law to approve the sale of the property at 276 Wellington Street East to Shaw Milling Limited for the price of \$35,000.00.
- A report from the City Solicitor is on the agenda.

REGULATIONS

- (g) 2009-115 A by-law to exempt the Ermatinger-Clergue National Historic Site from By-law 2008-168 being a by-law to prohibit the discharge of firearms in the municipality.
- (h) 2009-118 A by-law to amend By-law 80-200 and By-law 4100 dealing with the exemption from the noise control by-laws for the Canadian Cancer Society's Annual Relay for Life Event.

10. **TEMPORARY STREET CLOSINGS**

- (i) 2009-113 A by-law to permit the temporary street closing of Queen Street from East Street to Spring Street to facilitate the 2009 Buskerfest.
- (j) 2009-116 A by-law to authorize the temporary closing of Lake Street along the south side of Trunk Road from June 8, 2009 to August 31, 2009 for road reconstruction.
- A report from the Design and Construction Engineer is on the agenda.
- (k) 2009-120 A by-law to authorize the temporary closing of Third Line East from Great Northern Road to 1,000 metres easterly from June 9, 2009 to August 31, 2009.
- (l) 2009-123 A by-law to authorize the temporary closing of Carpin Beach Road at the bridge, necessary for the removal and replacement of the Carpin Beach Road Bridge.
- A report from the Design and Construction Engineer is on the agenda.

By-laws before Council for **THIRD** reading which do not require more than a simple majority.

- (m) 2009-96 A by-law to stop up, close and convey an unopened portion of Alfred Street, Brooks Subdivision, Plan 2674.

11. **QUESTIONS BY, NEW BUSINESS FROM, OR ADDRESSES BY MEMBERS OF COUNCIL CONCERNING MATTERS NOT OTHERWISE ON AGENDA**

12. **ADDENDUM TO THE AGENDA**

13. **ADJOURNMENT**

Mover - Councillor O. Grandinetti
Seconded - Councillor J. Caicco
Resolved that this Council shall now adjourn.

MAYOR

CLERK

MINUTES

REGULAR MEETING OF CITY COUNCIL

2009 05 25

4:30 P.M.

COUNCIL CHAMBERS

PRESENT: Mayor J. Rowswell, Councillors J. Caicco, L. Turco, B. Hayes, D. Celetti, O. Grandinetti, S. Myers, L. Tridico, F. Fata, T. Sheehan, S. Butland, F. Manzo, P. Mick

OFFICIALS: J. Fratesi, D. Irving, N. Apostle, L. Bottos, J. Dolcetti, D. McConnell, B. Freiburger, J. Elliott

1. **ADOPTION OF MINUTES**

Moved by Councillor F. Fata

Seconded by Councillor S. Myers

Resolved that the Minutes of the Regular Council Meeting of 2009 05 11 and Budget Meeting of 2009 05 13 be approved. CARRIED.

2. **QUESTIONS AND INFORMATION ARISING OUT OF MINUTES AND NOT OTHERWISE ON AGENDA**

3. **APPROVE AGENDA AS PRESENTED**

Moved by Councillor F. Fata

Seconded by Councillor T. Sheehan

Resolved that the Agenda for the 2009 05 25 City Council Meeting as presented be approved. CARRIED.

4. **DELEGATIONS/PROCLAMATIONS**

- (a) Paul Coghill and Ethan Matteson representing Community Living Algoma were in attendance concerning Proclamation – Community Living Awareness Week.
- (b) Brian Mealey and Mac Marceau were in attendance concerning agenda item 5.(k).
- (c) A representative of Pawating Place Cooperative was in attendance concerning agenda item 5.(u).

4. (d) Police Chief Bob Davies was in attendance concerning agenda item 5.(w).
- (e) Brian Curran, President and CEO, PUC Inc. was in attendance concerning agenda item 5.(x) – 2009 First Quarter Shareholder Report and concerning the PUC Inc. Annual Shareholder Meeting.
- Moved by Councillor D. Celetti
Seconded by Councillor S. Myers
Resolved that City Council is now authorized to meet in Open Session as the sole shareholder of PUC Inc.; and
Further resolved that City Council appoints Mayor John Rowsell as Council's proxy to vote on the resolutions of the shareholder of PUC Inc. CARRIED.
- (f) Alvin Olar was in attendance concerning agenda item 7.(a).
- (g) Andy Savelle, Canadian Auto Workers National Representative; Janice Pettalia, Canadian Auto Workers Local 1120 President; and Richard Bennett, Canadian Auto Workers Local 1120 Vice President were in attendance concerning agenda item 7.(b).

PART ONE – CONSENT AGENDA

5. **COMMUNICATIONS AND ROUTINE REPORTS OF
CITY DEPARTMENTS; BOARDS AND COMMITTEES**

- Moved by Councillor D. Celetti
Seconded by Councillor S. Myers
Resolved that all the items listed under date 2009 05 25 - Part One - Consent Agenda [save and except 5.(u) – Tabled to June 8th] be approved as recommended. CARRIED.
- (a) Correspondence from AMO and OGRA was received by Council.
- (b) Correspondence from the Township of Woolwich and the Township of Centre Wellington (concerning WSIB coverage for volunteer and part-time firefighters); and Homegrown Ontario Steering Committee (concerning support for Ontario farmers by purchasing Ontario produced meat and poultry) was received by Council.

5. (c) Letters from:
1. Minister for the Federal Economic Development Initiative for Northern Ontario in response to a City Council resolution dated 2009 02 09 concerning Canada's Economic Action Plan; and
 2. Federal Minister of Transport, Infrastructure and Communities and Provincial Minister of Energy and Infrastructure concerning the Infrastructure Stimulus Fund were received by Council.
- (d) **Staff Travel Requests**
The report of the Chief Administrative Officer was accepted by Council.
- Moved by Councillor D. Celetti
Seconded by Councillor T. Sheehan
Resolved that the Staff Travel Requests contained in the report of the Chief Administrative Officer dated 2009 05 25 be approved as requested. CARRIED.
- (e) **Tender for Ready-Mix Concrete**
The report of the Manager of Purchasing was accepted by Council.
- Moved by Councillor F. Fata
Seconded by Councillor S. Myers
Resolved that the report of the Manager of Purchasing dated 2009 05 25 be endorsed and that the tender for the supply and delivery of Ready-Mix Concrete, required by the Public Works and Transportation Department, be awarded as recommended. CARRIED.
- (f) **Tender for Asphaltic Concrete**
The report of the Manager of Purchasing was accepted by Council.
- Moved by Councillor F. Fata
Seconded by Councillor T. Sheehan
Resolved that the report of the Manager of Purchasing dated 2009 05 25 be endorsed and that the tender for the supply of Asphaltic Concrete, required by the Public Works and Transportation Department, be awarded as recommended. CARRIED.
- (g) **Funding for the Recreational Infrastructure Canada Program**
The report of the Commissioner of Finance and Treasurer was accepted by Council.

5. (g) Moved by Councillor D. Celetti
Seconded by Councillor S. Myers
Resolved that the report of the Commissioner of Finance and Treasurer dated 2009 05 25 concerning Funding for the Recreational Infrastructure Canada Program be accepted and the recommendation that Council allocate \$708,333.00 for the Recreational Infrastructure Canada Program from the \$12.2 million funding approved on 2009 04 07 for infrastructure projects be approved. CARRIED.

(h) **New PUC Corporate Building**

The report of the Commissioner of Finance and Treasurer was received by Council.

Moved by Councillor D. Celetti
Seconded by Councillor T. Sheehan

Resolved that the report of the Commissioner of Finance and Treasurer dated 2009 05 25 concerning New PUC Corporate Building be received as information. CARRIED.

(i) **2009 Budget Taxation Summary**

The report of the Manager of Budgets and Revenue was received by Council. The relevant By-laws 2009-72, 2009-73, 2009-74 and 2009-75 are listed under Item 10 of the Minutes.

Moved by Councillor F. Fata
Seconded by Councillor S. Myers

Resolved that the report of the Manager of Budget and Revenue dated 2009 05 25 concerning 2009 Budget Taxation Summary be received as information. CARRIED.

Councillor L. Turco declared a pecuniary interest concerning any budget items related to Police Services – spouse employed by Police Services.

(j) **2009 Cultural Financial Assistance Grants**

The report of the Manager of Recreation and Culture was accepted by Council.

Moved by Councillor F. Fata
Seconded by Councillor T. Sheehan

Resolved that the report of the Manager of Recreation and Culture on behalf of the Cultural Advisory Board dated 2009 05 25 concerning 2009 Cultural Financial Assistance Grants be accepted and the recommendation that Council approve the recommendations of the Cultural Advisory Board for the 2009 Cultural Financial Assistance Grants as outlined in the report be approved. CARRIED.

5. (k) **Sault Ski Racers – Request to Use City Land for Training**

The report of the Commissioner of Community Services was accepted by Council.

Moved by Councillor D. Celetti

Seconded by Councillor S. Myers

Resolved that the report of the Commissioner of Community Services dated 2009 05 25 concerning Sault Ski Racers - Request to Use City Land (Finn Hill) for Training be accepted and the recommendation that the request BE REFERRED to the Parks and Recreation Advisory Committee for review and report back to City Council be approved. CARRIED.

(l) **Recreational Infrastructure Canada Program in Ontario (RINC Ontario)**

The report of the Commissioner of Community Services was accepted by Council.

Moved by Councillor D. Celetti

Seconded by Councillor T. Sheehan

Resolved that the report of the Commissioner of Community Services dated 2009 05 25 concerning Recreational Infrastructure Canada Program in Ontario (RINC Ontario) be accepted and the recommendation that City Council approve staff to apply for funding under the Recreational Infrastructure Canada Program in Ontario (RINC Ontario) program for the following projects:

1. Roberta Bondar Park – Tent Pavilion Exterior Fabric Replacement – total cost estimated at \$1 million to \$1.5 million;
 2. Strathclair Park – Additional Lighting for Slow-pitch Diamonds – estimated at \$200,000.00;
 3. Replacement of the mechanical systems at the Peter G. Manzo Outdoor Pool and the V. E. Greco Outdoor Pool – estimated at \$100,000.00 and \$150,000.00 respectively;
 4. John Rhodes Community Centre – Arena 1 (built in 1978) – HVAC replacement estimated at \$100,000.00 and replacement of arena boards and glass – estimated at \$275,000.00
- be approved. CARRIED.

(m) **Annual Permit Fee Report**

The report of the Chief Building Official was received by Council.

Moved by Councillor F. Fata

Seconded by Councillor S. Myers

Resolved that the report of the Chief Building Official dated 2009 05 25 concerning Annual Permit Fee Report be received as information. CARRIED.

5. (n) **Contract 2009-3E – Reconstruction of Shannon Road (Wellington Street East to Trunk Road)**

The report of the Design and Construction Engineer was accepted by Council. The relevant By-laws 2009-102 and 2009-103 are listed under Item 10 of the Minutes.

(o) **Contract 2009-4E – Replacement of Third Line Culvert Across the Bennett Creek**

The report of the Design and Construction Engineer was accepted by Council. The relevant By-laws 2009-104 and 2009-105 are listed under Item 10 of the Minutes.

(p) **Contract 2009-5E – Old Goulais Bay Road Bridge Replacements**

The report of the Design and Construction Engineer was accepted by Council. The relevant By-law 2009-106 is listed under Item 10 of the Minutes.

(q) **Contract 2009-10E – Reconstruction of Borron Avenue (Pim Street to Fauquier Avenue)**

The report of the Design and Construction Engineer was accepted by Council. The relevant By-laws 2009-108 and 2009-109 are listed under Item 10 of the Minutes.

(r) **Official Plan Review – Part 2 – Residential Land Inventory and Rural Area Severance Policies**

The report of the Planning Division was accepted by Council.

Moved by Councillor F. Fata

Seconded by Councillor T. Sheehan

Resolved that the report of the Planning Division dated 2009 05 25 concerning the Official Plan Review – Part 2, Residential Land Inventory and Rural Area Severance Policies be accepted and the Planning Director's recommendation that City Council accept this report as information and authorize the Planning Advisory Committee to advertise and host an open house on June 10, 2009 to obtain public comment be endorsed. CARRIED.

(s) **Public Works Equipment Needs – 2009**

The report of the Deputy Commissioner of Public Works and Transportation was accepted by Council.

Moved by Councillor D. Celetti

Seconded by Councillor S. Myers

Resolved that the report of the Deputy Commissioner of Public Works and Transportation dated 2009 05 25 concerning Public Works Equipment Needs 2009 be accepted and the recommendation that Council authorize staff to prepare specifications and to tender for the various pieces of equipment be approved. CARRIED.

5. (t) **Ditching Program - 2009**

The report of the Deputy Commissioner of Public Works and Transportation was received by Council.

Moved by Councillor D. Celetti

Seconded by Councillor T. Sheehan

Resolved that the report of the Deputy Commissioner of Public Works and Transportation dated 2009 05 25 concerning Ditching Program 2009 be received as information. CARRIED.

(u) **Effectiveness of the Pilot Community Bus Service to Pawating Place**

The report of the Transit Manager was received by Council.

Moved by Councillor F. Fata

Seconded by Councillor S. Myers

Resolved that the report of the Transit Manager dated 2009 05 25 concerning Effectiveness of the Pilot Community Bus Service to Pawating Place be accepted and the recommendation that the current level of transit service to Pawating Place be maintained and reviewed annually be approved. OFFICIALLY READ NOT DEALT WITH. (TABLED FOR TWO WEEKS TO JUNE 8, 2009)

(v) **Request to Include One Additional Bus to the Existing Orion Transit Bus Order Number 1334A**

The report of the Transit Manager was accepted by Council.

Moved by Councillor F. Fata

Seconded by Councillor T. Sheehan

Resolved that the report of the Transit Manager dated 2009 05 25 concerning Request to Include One Additional Bus to the Existing Orion Transit Bus Order Number 1334A be accepted and the recommendation to purchase one additional bus from Orion Transit Buses at their low 2008 tendered pricing and guaranteed delivery of April 2010 at a cost of \$441,850.00 excluding G.S.T. and P.S.T. be approved. CARRIED.

(w) **Business Plan – Results Year Two**

The report of the Chief of Police was received by Council.

Moved by Councillor D. Celetti

Seconded by Councillor S. Myers

Resolved that the report of the Chief of Police dated 2009 05 01 concerning Business Plan – Results Year Two be received as information. CARRIED.

Councillor L. Turco declared a pecuniary interest – spouse employed by Police Services.

5. (x) **2009 First Quarter Shareholder Report**

The report of the President and CEO, PUC Inc. was received by Council.

Moved by Councillor D. Celetti

Seconded by Councillor T. Sheehan

Resolved that the report of the President and CEO, PUC Inc. dated 2009 05 08 concerning PUC Inc. 2009 First Quarter Shareholder Report be received as information. CARRIED.

- (y) Correspondence concerning requests to hold Special Occasion permit events at outdoor municipal facilities are attached for the consideration of Council.

Moved by Councillor F. Fata

Seconded by Councillor S. Myers

Resolved that the following requests to hold Special Occasion permit events at outdoor municipal facilities on the stated dates and times be endorsed by City Council:

- 1) Roberta Bondar Pavilion

Sault Symphony Association

Musicfest XV! – Bratwurst, Beer and Beethoven

June 14, 2009 – 12:00 noon to 9:00 p.m.

- 2) Rocky DiPietro Field

Sault Steelers Football Games

June 13, 20; July 18; and August 8, 15 and 22, 2009 – 6:30 to 10:30 p.m.

June 27, 2009 – 2:00 to 5:30 p.m. CARRIED.

(z) **Boards and Committees Travel**

The report of the Unit Manager, Ontario Works was accepted by Council.

Moved by Councillor F. Fata

Seconded by Councillor T. Sheehan

Resolved that Accessibility Advisory Committee member Ann Marie McPhee be authorized to travel to an Accessibility Advisory Committee's Regional Forum being held in London, Ontario on May 29, 2009 at no cost to the City. CARRIED.

(aa) **Contract 2009-6E – Sussex Road Bridge Replacement**

The report of the Design and Construction Engineer was accepted by Council. The relevant By-law 2009-110 is listed under Item 10 of the Minutes.

(bb) **Downtown Development Initiative – Community Adjustment Fund**

The report of the Planning Division was accepted by Council.

5. (bb) Moved by Councillor D. Celetti
Seconded by Councillor S. Myers
Resolved that the report of the Planning Division dated 2009 05 25 concerning the Downtown Development Initiative – Community Adjustment Fund be accepted and the Planning Director's recommendation that City Council authorize an application to the Community Adjustment Fund in the amount of \$500,000.00 to further implement the City's Downtown Development Initiative be endorsed. CARRIED.

Councillor L. Tridico declared a pecuniary interest – family member is applicant for Downtown Development Initiative funding.

(cc) **Council Travel**

Moved by Councillor F. Fata
Seconded by Councillor T. Sheehan
Resolved that Councillor Lou Turco (representing FONOM and as a NOSM Director), be authorized to travel to the Northern Ontario School of Medicine (NOSM) Inaugural Graduation being held in Sudbury (two days in June) at no cost to the City, be approved. CARRIED.

PART TWO – REGULAR AGENDA

6. **REPORTS OF CITY DEPARTMENTS; BOARDS AND COMMITTEES**

6. (6) **PLANNING**

- (a) **Application No. A-12-09-Z.OP & 57T-09-501 – Ruscio Masonry and Construction Limited – 184 Queensgate Boulevard – Request to Redesignate the Property From Parks and Recreation to Residential and Requesting Draft Plan Approval for a Ninety-Four Lot Subdivision**

The report of the Planning Division was accepted by Council.

Moved by Councillor F. Fata
Seconded by Councillor S. Myers
Resolved that the report of the Planning Division dated 2009 05 25 concerning Application No. A-12-09-Z.OP and 57T-09-501 – filed by Ruscio Masonry and Construction Ltd. be accepted and the Planning Director's recommendation that City Council DEFER this application to the June 22nd Council Meeting to address the three (3) items contained in the report be endorsed. CARRIED.

Mayor J. Rowsell declared a pecuniary interest – Ruscio Construction is a past client of engineering firm.

6. (6)
(a) Councillor J. Caicco declared a pecuniary interest – realtor currently has property listed with Ruscio Construction.

7. **UNFINISHED BUSINESS, NOTICE OF MOTIONS AND RESOLUTIONS
PLACED ON AGENDA BY MEMBERS OF COUNCIL**

- (a) Moved by Councillor T. Sheehan
Seconded by Councillor S. Butland
Whereas the City of Sault Ste. Marie funded the Sault Youth Association last year with funds from the City budget and from DSSAB; and
Whereas City Council had intended the funding to be in place for two years; and
Whereas the DSSAB funding is no longer available; and
Whereas the Sault Youth Association is the City's advocate for Youth and has/is working on a number of projects for Sault Ste. Marie's youth;
Now therefore be it resolved that City Council approves \$20,000.00 from City Council's community fund to be added to the \$7,500.00 already committed for that purpose. CARRIED.
- (b) Moved by Councillor T. Sheehan
Seconded by Councillor S. Myers
Whereas citizens expect their governments to spend wisely, invest in their communities and recognize that the creation of healthy communities, good jobs and a strong economy are the responsibility of all levels of government; and
Whereas Canada's manufacturing sector is critical to the economy, is highly productive, generates the highest value-added, accounts for two-thirds of our nation's total exports and funds three-quarters of all private sector research; and
Whereas unbalanced global trade and the uncontrolled surge in the Canadian dollar have resulted in downsizing, layoffs, bankruptcies, plant closures, and the relocation of production to off-shore locations and within North America; and
Whereas Canada has lost 350,000 good manufacturing jobs over the past five years, 190 every day, and the pace of job loss is accelerating across the entire range of manufacturing activity, including high technology, resource-based and labour intensive industries; and
Whereas the loss of good manufacturing jobs has devastated workers, their families and entire communities from coast to coast, and severely limits quality job prospects for our children and grandchildren; and
Whereas governments the world over, including those of our main trading partners, clearly understand the benefits of domestic purchasing rules including the direct and spin-off employment created, taxes generated, and the environmental benefits of local sourcing; and
Whereas international trade agreements signed by Canada specifically allow for domestic purchasing rules including NAFTA and the WTO Agreement on Government Procurement; and

7. (b) Whereas there is urgent need for the largest investments in municipal infrastructure in more than a generation, recently estimated by the Federation of Canadian Municipalities to total \$123 billion just for the maintenance of existing infrastructure, and a further \$115 billion to meet needs of our growing communities; and
Whereas the Canadian Manufacturers and Exporters have called on federal and provincial governments to introduce Canadian content rules; Ontario Chamber of Commerce has called on the Ontario government to introduce Canadian content rules; and a private members bill (M-183) calling for Canadian content rules has been introduced for debate in federal parliament;
Now therefore be it resolved that City Council requests a report back from appropriate staff at a future date which will work to keep good jobs in our communities by:
1. Adopting a "Buy Canadian" policy for municipal purchases which could include:
 - requiring a minimum of 50% Canadian content and domestic final assembly in the purchase of public transit vehicles.
 - requiring the purchase of goods and services with the highest possible level of Canadian content.
 - requiring potential vendors to identify the source of goods and services and the overall level of Canadian content as part of the tendering process.
 - reporting annually to Council on the level of Canadian content in municipal purchases.
 - identifying opportunities to enhance the level of Canadian content in future purchases.
- OFFICIALLY READ NOT DEALT WITH. (TABLED TO A FUTURE MEETING.)

Councillor L. Turco declared a pecuniary interest – represents an American firm for employment.

- (c) Moved by Councillor L. Turco
Seconded by Councillor J. Caicco
Whereas the citizens of Sault Ste. Marie are well aware of the high degree of community pride that comes with the winning of a Memorial Cup, our Soo Greyhounds having won this prestigious national prize in 1993; and
Whereas the Windsor Spitfires are currently coached by two former Greyhounds, Bob Boughner and Bobby Jones, who no doubt have contributed to their current strength and success; and
Whereas in a hard fought, come-from-behind series of wins, the Windsor Spitfires captured the championship Memorial Cup this past weekend, bringing much pride to the City of Windsor;
Now therefore Sault Ste. Marie extends its heartfelt congratulations to the Windsor Spitfires hockey organization and the people of Windsor, Ontario on their great success this past season. CARRIED.

8. **COMMITTEE OF THE WHOLE FOR THE PURPOSE OF SUCH MATTERS AS
ARE REFERRED TO IT BY THE COUNCIL BY RESOLUTION**

9. **ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE**

10. **CONSIDERATION AND PASSING OF BY-LAWS**

Moved by Councillor D. Celetti

Seconded by Councillor T. Sheehan

Resolved that all the by-laws listed under Item 10 of the Agenda under date 2009 05 25 be approved. CARRIED.

(a) Moved by Councillor D. Celetti

Seconded by Councillor T. Sheehan

Resolved that By-law 2009-31 being a by-law to authorize the construction of sanitary sewer and private drain connection and Class "A" Pavement on Borron Avenue from Pim Street to Fauquier Avenue under Section 3 of the Municipal Act, 2001, Ontario Regulation 586/06 be read a third time and passed in Open Council this 25th day of May 2009. CARRIED.

(b) Moved by Councillor D. Celetti

Seconded by Councillor T. Sheehan

Resolved that By-law 2009-72 being a by-law to provide for the adoption of taxation transition ratios be read three times and passed in Open Council this 25th day of May 2009. CARRIED.

Councillor L. Turco declared a pecuniary interest concerning any budget items related to Police Services – spouse employed by Police Services.

(c) Moved by Councillor D. Celetti

Seconded by Councillor T. Sheehan

Resolved that By-law 2009-73 being a by-law to provide for the adoption of property tax rates for 2009 be read three times and passed in Open Council this 25th day of May 2009. CARRIED.

Councillor L. Turco declared a pecuniary interest concerning any budget items related to Police Services – spouse employed by Police Services.

(d) Moved by Councillor D. Celetti

Seconded by Councillor T. Sheehan

Resolved that By-law 2009-74 being a by-law to provide for the adoption of Education Taxation Rates as established by the Province of Ontario be read three times and passed in Open Council this 25th day of May 2009. CARRIED.

Councillor L. Turco declared a pecuniary interest concerning any budget items related to Police Services – spouse employed by Police Services.

10. (e) Moved by Councillor D. Celetti
Seconded by Councillor T. Sheehan
Resolved that By-law 2009-75 being a by-law to provide for the adoption of property tax rates for 2009 for both Municipal and Education be read three times and passed in Open Council this 25th day of May 2009. CARRIED.

Councillor L. Turco declared a pecuniary interest concerning any budget items related to Police Services – spouse employed by Police Services.

- (f) Moved by Councillor D. Celetti
Seconded by Councillor T. Sheehan
Resolved that By-law 2009-86 being a by-law to stop up, close and authorize the conveyance of a lane in the Brooks Subdivision be read a third time and passed in Open Council this 25th day of May 2009. CARRIED.
- (g) Moved by Councillor D. Celetti
Seconded by Councillor T. Sheehan
Resolved that By-law 2009-98 being a by-law to authorize the execution of an Agreement of Purchase and Sale between the Corporation of the City of Sault Ste. Marie and Suncor Energy Inc. for the purchase by the City of property on McNabb Street for the price of \$15,340.00 for the purpose of the McNabb Street and South Market realignment be read three times and passed in Open Council this 25th day of May 2009. CARRIED.
- (h) Moved by Councillor D. Celetti
Seconded by Councillor T. Sheehan
Resolved that By-law 2009-99 being a by-law to adopt Amendment No. 164 to the Official Plan and further be it resolved that By-law 2009-100 being a by-law to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 concerning lands located at 46 Melrose Avenue [Major Contracting (Algoma) Ltd.] be read three times and passed in Open Council this 25th day of May 2009. CARRIED.
- (i) Moved by Councillor D. Celetti
Seconded by Councillor T. Sheehan
Resolved that By-law 2009-102 being a by-law to authorize an agreement between the City and Palmer Construction Group Inc. for the reconstruction of Shannon Road from 100m south of Wellington Street East to Trunk Road be read three times and passed in Open Council this 25th day of May 2009. CARRIED.

10. (j) Moved by Councillor D. Celetti
Seconded by Councillor T. Sheehan
Resolved that By-law 2009-103 being a by-law to authorize the temporary closing of Shannon Road from May 26, 2009 until October 31, 2009 and May 1, 2010 to October 31, 2010 for road reconstruction be read three times and passed in Open Council this 25th day of May 2009. CARRIED.
- (k) Moved by Councillor D. Celetti
Seconded by Councillor T. Sheehan
Resolved that By-law 2009-104 being a by-law to authorize an agreement between the City and Avery Construction Ltd. for road reconstruction be read three times and passed in Open Council this 25th day of May 2009. CARRIED.
- (l) Moved by Councillor D. Celetti
Seconded by Councillor T. Sheehan
Resolved that By-law 2009-105 being a by-law to authorize the temporary closing of Third Line West from May 26, 2009 until October 31, 2009 be read three times and passed in Open Council this 25th day of May 2009. CARRIED.
- (m) Moved by Councillor D. Celetti
Seconded by Councillor T. Sheehan
Resolved that By-law 2009-106 being a by-law to authorize an agreement between the City and R. M. Belanger Ltd. for the removal and replacement of two bridges on Old Goulais Bay Road be read three times and passed in Open Council this 25th day of May 2009. CARRIED.
- (n) Moved by Councillor D. Celetti
Seconded by Councillor T. Sheehan
Resolved that By-law 2009-107 being a by-law to provide for the adoption of recovery percentages for the 2009 taxation year be read three times and passed in Open Council this 25th day of May 2009. CARRIED.
- (o) Moved by Councillor D. Celetti
Seconded by Councillor T. Sheehan
Resolved that By-law 2009-108 being a by-law to authorize an agreement between the City and Boyer Construction (1531161 Ontario Inc.) for road reconstruction be read three times and passed in Open Council this 25th day of May 2009. CARRIED.
- (p) Moved by Councillor D. Celetti
Seconded by Councillor T. Sheehan
Resolved that By-law 2009-109 being a by-law to authorize the temporary closing of Borron Avenue from May 26, 2009 until October 31, 2009 for road reconstruction be read three times and passed in Open Council this 25th day of May 2009. CARRIED.

10. (q) Moved by Councillor D. Celetti
Seconded by Councillor T. Sheehan
Resolved that By-law 2009-110 being a by-law to authorize an agreement between the City and Avery Construction Limited for the removal and replacement of the Sussex Road Bridge be read three times and passed in Open Council this 25th day of May 2009. CARRIED.

11. **QUESTIONS BY, NEW BUSINESS FROM, OR ADDRESSES BY MEMBERS OF COUNCIL CONCERNING MATTERS NOT OTHERWISE ON AGENDA**

- (a) Moved by Councillor F. Fata
Seconded by Councillor S. Myers
Resolved that Council shall now go into Caucus to:
1. discuss one labour relations matter concerning 2009 collective bargaining;
and
Further be it resolved that should the said caucus meeting be adjourned, Council may reconvene in caucus to continue to discuss the same matter without the need for a further authorizing resolution. CARRIED.

12. **ADJOURNMENT**

Moved by Councillor F. Fata
Seconded by Councillor T. Sheehan
Resolved that this Council shall now adjourn. CARRIED.

MAYOR

CLERK



200 University Ave, Suite 801
Toronto, ON M5H 3C6
Tel.: (416) 971-9856 | Fax: (416) 971-6191
E-mail: amo@amo.on.ca

5(a)
ALERT

MEMBER COMMUNICATION

ALERT N°: 09/042

To the attention of the Clerk and Council
June 1, 2009

Needle Safety Regulatory Review

Issue

The Ministry of Labour (MOL) and the Ministry of Health and Long-Term Care (MOHLTC) are seeking municipal input regarding the extended use of safety-engineered needles or needleless systems (SENS) in workplaces and health care services.

Background

The Needle Safety Regulation has already been applied to hospitals, long-term care homes, psychiatric facilities, laboratories and specimen collection centres. The move to extend the use of SENS is to prevent needlestick injuries which can transmit serious blood-borne infectious diseases to health care workers including Hepatitis B, Hepatitis C and HIV. The MOL identifies thousands of injuries per year to Ontario health care workers resulting in millions of dollars in costs.

The MOL and MOHLTC are considering extending the regulation of SENS into a number of municipal service areas and are looking for input in how to apply the regulations to health care workers who provide services in places such as schools, community centres and emergency services.

Some Ontario EMS providers are already voluntarily implementing SENS. The move is towards an industry standard which is being reached in the United States as well as Canada, specifically British Columbia, Alberta and Nova Scotia.

Employers must pay for higher upfront costs of SENS and associated training; however, additional costs may be offset by the resulting reductions in needle-related employee injuries currently requiring WSIB claims. The cost of SENS is also expected to drop due to supply and demand as their use becomes the norm.

Action

The Ministry of Labour is taking stakeholder feedback until July 10, 2009. Interested parties are invited to make written submissions concerning the proposal to extend the scope of the Needle Safety Regulation and the practicality of implementing the proposal.

Please see the attached document for contact details and more information.

This information is available in the Policy Issues section of the AMO website at www.amo.on.ca.

ATTACHMENT

Dear Valued Stakeholder:

The Ministry of Labour (MOL) and the Ministry of Health and Long-Term Care (MOHLTC) are jointly consulting on a proposal to extend the scope of the Needle Safety Regulation to additional workplaces and health care services and would like to solicit your input.

Needle Safety Regulation

The Needle Safety Regulation (O. Reg. 474/07) under the *Occupational Health and Safety Act* is part of the government's efforts to support healthy work environments for Ontario's nurses and other health care workers.

The Regulation currently applies to hospitals, long-term care homes, psychiatric facilities, laboratories and specimen collection centres. It mandates the use of safety-engineered needles or needleless systems (SENs) to replace hollow-bore needles to protect health care workers from needlestick injuries. Needlestick injuries can transmit serious blood-borne infectious diseases to health care workers including Hepatitis B, Hepatitis C and HIV.

SENs have been designed with built-in safety features that eliminate or minimize the risk of a needle puncture to the health care worker (e.g. hinged needle cap, retractable needle), thereby protecting the user from a needlestick injury and exposure to blood-borne infectious diseases.

To address patient care, availability and other issues, the Needle Safety Regulation provides several exceptions to the requirement to use SENs. A SEN is not required if:

- A worker determines that the use of a SEN would pose a greater risk of harm to himself or herself, another worker or the patient than would a conventional hollow-bore needle.
- An employer is unable, despite making a reasonable effort, to obtain a SEN that is appropriate for the work.
- An emergency is declared or a situation exists that constitutes or may constitute a serious risk to public health, an employer's supplies of SENs have been exhausted, and postponing work would create a greater risk of harm than the risk of using a hollow-bore needle that is not a SEN.

Proposal to Extend the Regulation to Other Health Care Workplaces

At this time, the MOL and the MOHLTC are jointly consulting on a proposal to extend the scope of the Needle Safety Regulation to other places where health care services involving the use of hollow-bore needles are provided to individuals, whether in medical facilities, private homes, public places or other locations. The MOL and the MOHLTC are seeking input from stakeholders regarding which additional places and health care services the regulation could cover and how to implement the regulation in these places and for these health care services. The planned effective date for implementation is April 1, 2010.

For example, the MOL and the MOHLTC are considering whether to extend the regulation to the following places where workers may use hollow-bore needles:

- Doctors' and dentists' offices and clinics;
- Community Health Centres;
- Public Health Units;
- Family Health Teams;
- Independent health facilities such as those providing cataract eye surgery or cosmetic procedures;
- Cancer treatment clinics and hospices;
- Blood donor clinics; and,
- Other establishments where health care is provided by professionals regulated under the *Regulated Health Professions Act, 1991*.

The MOL and the MOHLTC are also seeking input from stakeholders on how to apply the regulation to workers, businesses and organizations that provide health care services and programs to individuals that involve the use of hollow-bore needles in places that are not traditionally considered health care facilities or locations. Examples include:

- Home care services, including those provided through Community Care Access Centres;
- Emergency medical services including ambulance services;
- Public health programs such as immunizations in schools, businesses, community centres, retail malls;
- Health support services to students in schools such as insulin injections; and,
- Health care and first aid services to workers or individuals in industrial and other workplaces.

How You Can Participate

Stakeholder input is an essential part of the regulatory development process. Involving industry and labour stakeholders, health care professionals and other interested parties in developing potential changes to the regulation will help ensure effective implementation and prevent exposures of health care workers to needlestick injuries.

Interested parties are invited to make written submissions concerning the proposal to extend the scope of the Needle Safety Regulation and the practicality of implementing the proposal.

Please submit your comments by July 10, 2009:

Mail: Needle Safety Regulatory Review
Ontario Ministry of Labour
400 University Avenue, 12th Floor
Toronto, ON M7A 1T7

Facsimile: 416 326-7650

E-mail: needlesafety@ontario.ca

A copy of O. Reg. 474/07 can be found on the Government of Ontario's E-laws website at http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_070474_e.htm.

For further information, please visit our website: www.labour.gov.on.ca.

Submissions and comments provided to the MOL are part of a public consultation to solicit views on a proposal to extend the application of the Needle Safety Regulation to additional health care workplaces and services. This process may involve disclosing materials, comments or summaries of them, to other interested parties during and after the public comment period. However, the Ministry will not disclose personal information, such as an individual's name and contact details, unless required by law.

If you have any questions regarding freedom of information or privacy matters, you may contact the MOL's Freedom of Information and Privacy office at (416) 326-7786.

Thank you for your time.

Sincerely,

John Vander Doelen
Director, Health and Safety Policy and
Program Development Branch
Ministry of Labour

John Amodeo
Director, Health Sector Labour Market Policy
Branch
Ministry of Health And Long-Term Care



200 University Ave, Suite 801
Toronto, ON M5H 3C6
Tel.: (416) 971-9856 | Fax: (416) 971-6191
E-mail: amo@amo.on.ca

5(a)
ALERT

MEMBER COMMUNICATION

ALERT N°: 09/041

To the attention of the Clerk and Council
May 29, 2009

FOR MORE INFORMATION CONTACT:
Petra Wolfbeiss, AMO Senior Policy Advisor
(416) 971-9856 ext 329

AMO Comments on Long Term Care Homes Act Proposed Regulations

Issue:

AMO has provided feedback on the proposed regulations under the Long Term Care Homes Act and is encouraging municipalities to do the same.

Background:

The Ministry of Health and Long Term Care is seeking feedback on the proposed regulations under the Long Term Care Homes Act. The deadline for feedback is **June 5, 2009**.

From AMO's review of the proposed changes, it appears that there will be an increase in regulatory and administrative duties for long term care homes. AMO's fundamental concern is that in the event that there is an increase in such activity, there would need to be additional Provincial funding to enable the home to meet the requirements without usurping the resources dedicated to resident care.

Ontario's municipal governments go far beyond what they are required to do in law by investing approximately \$300 million a year of municipal resources in the provincial long-term care system through the funding and operation of homes for the aged. They do so because they recognize the need for services in their communities.

While expectations on improvements in care are being raised, it is likely, that municipalities will be squeezed in a number of directions under the new regulatory framework, potentially resulting in a reduction in municipal services. AMO is hopeful that the government recognizes this risk and will take steps to provide all necessary and appropriate funding to support the implementation of the regulations.

For AMO's response, [please click here](#).

Action: AMO is recommending municipalities review the proposed regulations and provide comment to the Ministry of Health and Long Term Care by the deadline of **June 5, 2009**.

This information is available in the Policy Issues section of the AMO website at www.amo.on.ca.



200 University Ave, Suite 801
Toronto, ON M5H 3C6
Tel.: (416) 971-9856 | Fax: (416) 971-6191
E-mail: amo@amo.on.ca

5(a)
FYI

MEMBER COMMUNICATION

FYI N°: 09-008

To the attention of the Clerk and Council
May 26, 2009

FOR MORE INFORMATION CONTACT:
Jeff Brown, Policy Intern
(416) 971-9856 ext 353

Canadian Sport Tourism Alliance Offers Regional Sport Tourism Workshops

Issue: Regional Sport Tourism Workshops will be held in Huntsville, Ontario on Thursday, June 18, 2009.

Background:

The Canadian Sport Tourism Alliance is a tourism industry led organization that promotes sport tourism as an economic development initiative at the community level. Sport tourism is the fastest growing grassroots economic development initiative in Canada today, with approximately \$2.4 billion in annual domestic spending.

These workshops are of interest to representatives of parks & recreation departments, economic development agencies, convention & visitor bureaus and other destination marketing organizations, sport councils, sport events rights holders, organizing committees, and other interested individuals.

Those interested should call the resort's reservations department at 1-800-461-4393. CSTA recommends that callers identify themselves as being a participant of the CSTA Sport Tourism Workshop for ease of booking. **Reservation requests must be made by Tuesday, June 16, 2009** in order to qualify for the CSTA group rate.

Event Information: These interactive workshops are designed to build capacity at the local level and help communities become more actively involved in the sport tourism industry.

Topics will include:

- Introduction to Sport Tourism
- Developing a Local Sport Tourism Strategy
- A Town Hall working lunch designed to address specific challenges and issues commonly encountered at the community level
- Sport Tourism Economic Assessment Model (STEAM) training session

This one-day workshop (scheduled to be held from 9:00 am- 4:00 pm) is designed for groups in the surrounding Central and near North regions of Ontario.

Interested participants should email Steven Trainor at strainor@canadiansporttourism.com to register. Please note that registration is limited, so please reserve your place today!

This information is available in the Policy Issues section of the AMO website at www.amo.on.ca.



5(a)



200 University Ave, Suite 801
 Toronto, ON M5H 3C6
 Tel.: (416) 971-9856 | Fax: (416) 971-6191
 E-mail: amo@amo.on.ca



MEMBER COMMUNICATION

FYI N°: 09-007

To the attention of the Clerk and Council
 May 20, 2009

FOR MORE INFORMATION CONTACT:
 Craig Reid, AMO Senior Policy Advisor
 (416) 971-9856 ext 334

Invitation – Proposed Enhancements to the Ontario Dam Safety Program

The Ministry of Natural Resources (MNR) is developing enhancements to Ontario's dam safety program through the introduction of new regulations under the *Lakes and Rivers Improvement Act* (LRIA). Ontario municipalities are invited to attend a workshop to provide input on how the proposed enhancements will impact municipalities as dam owners. The MNR is particularly interested in feedback from municipal public works and engineering departments regarding municipal dams, however interested municipal representatives from other areas are also encouraged to attend.

The proposed enhancements to the Enhanced Dam Safety Program will place new requirements on dam owners to:

1. Ensure new and existing dams meet standards related to the life cycle management of dams (design, construction, operation, maintenance, emergency preparedness, inspection/monitoring, public safety around dams, decommissioning); and
2. Register their dams and provide the MNR with associated information through a new Dam Registry System.

The workshop agenda will include:

- Overview of existing program and imperatives for the new requirements.
- Presentations on the key elements of the proposed LRIA regulations (preliminary inspections and dam classification; public safety; operation, maintenance and surveillance plans; dam registry).
- Questions and Answers.
- Feedback and Wrap up.

Details:

The workshop will be held from 10:00 a.m. – 3:00 p.m. on Tuesday, June 16th at the York Region Municipal Building located at 17250 Yonge Street, Newmarket.

RSVP:

Interested staff should contact Mike Passey at MNR, by phone at (705) 755-5877 or by email at mike.passey@ontario.ca by Friday, June 5th, 2009. Space is limited. Materials will be sent by MNR in advance by e-mail.

This information is available in the Policy Issues section of the AMO website at www.amo.on.ca.



5(a)



200 University Ave, Suite 801
 Toronto, ON M5H 3C6
 Tel.: (416) 971-9856 | Fax: (416) 971-6191
 E-mail: amo@amo.on.ca

MEMBER COMMUNICATION

ALERT N°: 09/039

To the attention of the Clerk and Council
 May 20, 2009

FOR MORE INFORMATION CONTACT:
 Scott Vokey, AMO/LAS Energy Coordinator
 (416) 971-9856 ext 357

ALERT

Province Passes Green Energy Act

Bill 150, the Green Energy and Green Economy Act received third reading and royal assent in the legislature on May 14, 2009. The Act impacts municipalities in the following ways:

- Alters the planning approvals process for (renewable) energy projects;
- Enables municipalities to generate energy for sale into the grid;
- Enables local distribution companies (LDCs) to become more active in energy conservation, planning, storage, and generation;
- Establishes a more aggressive tariff system for renewable energy fed into the grid;
- Stimulates the development of a smart grid;
- Encourages distributed generation;
- Mandates the development of Energy Conservation Plans;
- Amends municipal revenues derived from (renewable) energy projects; and
- Empowers the Minister to mandate future energy efficiency standards for newly constructed municipal buildings and municipal procurement.

The Green Energy and Green Economy Act will fundamentally transform the legislative and regulatory environment governing energy conservation, generation, and planning in Ontario. Most of what is proposed is an improvement on the status quo including provisions for enhanced conservation and local generation as previously requested by AMO. Most of AMO's recommendations pertinent to the Act itself have been incorporated, while others will be determined by regulation. The sections that follow are organized into the four broad areas to be affected:

Approval Process

AMO staff are working with an inter-ministerial working group on the proposed regulations outlining the new planning approval process around large scale renewable energy applications. Staff are currently reviewing the latest thinking on municipal consultation in regards to the Renewable Energy Approval and will be providing comments.

Community Power

There are numerous benefits to municipalities as potential generators of electricity either on their own or through their local distribution companies from the proposed improved grid connections and higher feed-in tariffs (prices paid for electricity). The proposed



5(a)

amendments to both the sections of the Act and the Feed-In Tariff are both of direct benefit to municipalities.

Conservation and Building Code

A regulation requiring municipalities to develop energy conservation plans has been expected since the passage of the *Energy Conservation Leadership Act* in 2006. The Ministry has committed to working with AMO on the development of the regulation governing these plans. AMO's recommendation to include water efficiency standards in the building code appears to have been adopted.

As mentioned in an AMO Alert (09/034) on May 13, the Ministry of Energy and Infrastructure has begun consultations around the first of many regulations to be developed under the Act. The "Local Barriers to Renewable Energy Installations" Regulation affecting micro solar and geothermal applications is currently posted on the EBR for comment:

<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTA2Mzg4&statusId=MTU5NTUx&language=en>

AMO staff will continue to advise members about future regulations developed under the Act through Alerts and member communications.

This information is available in the Policy Issues section of the AMO website at www.amo.on.ca.

ALERT



200 University Ave, Suite 801
Toronto, ON M5H 3C6
Tel.: (416) 971-9856 | Fax: (416) 971-6191
E-mail: amo@amo.on.ca

5(a)
ALERT

MEMBER COMMUNICATION

ALERT N°: 09/043

To the attention of the Clerk and Council
June 3, 2009

FOR MORE INFORMATION CONTACT:
Petra Wolfbeiss, AMO Senior Policy Advisor
(416) 971-9856 ext 329

Government Announces Consultation Process on Long Term Affordable Housing Strategy

Issue: Today, the Honourable Jim Watson, Minister of Municipal Affairs released details on how the government will be moving forward on developing their affordable housing strategy.

Background:

The Long Term Affordable Housing Strategy (LTAHS) builds on key government initiatives including outcomes of the Provincial and Municipal Fiscal and Service Delivery Review (PMFSDR) and the Poverty Reduction Strategy. A key recommendation arising from the PMFSDR was to work towards consolidating the twenty odd housing and homelessness programs into an outcomes based, municipally managed service. This will include a review of the current Social Housing Reform Act (SHRA).

The Poverty Reduction Strategy provided \$5 million annually for the Rent Bank Program but deferred further action on affordable housing to the LTAHS.

The government will be holding consultations sessions across the province from June to September. AMO recommends that municipal representatives attend these sessions to ensure municipal concerns and issues from across the province are heard by the government.

The consultation sessions will focus on five key questions that explore: appropriate roles for each order of government in housing, consideration of changes that may be needed on existing affordable housing and homelessness programs, changes that are needed under the SHRA, suggestions for creative ideas and innovation on affordable housing and suggestions for poverty indicators related to affordable housing in Ontario.

In the 2009 budget, the government, together with the federal government committed \$1.2 billion over two years to renovate 50,000 social housing units and build 4,500 new affordable units.

AMO, together with the provincial government continues to move housing forward in Ontario. Working towards responsive and flexible housing policy in Ontario and advocating for federal involvement in housing have been key outcomes of the joint efforts.

Action: AMO will be attending consultation sessions and developing a comprehensive response through the AMO Social Policy Task Force.

Sensational!



5(b)

May 22, 2009

To: All Ontario Municipalities

At their meeting of May 19th, 2009, the Council of the Corporation of the Town of Smiths Falls passed the following resolution that we would like circulated to all municipalities requesting their support on this important issue:

WHEREAS public libraries have a strong role in literacy, innovation, community and prosperity in municipalities;

AND WHEREAS the Ministry of Culture is currently updating its policies related to supporting public libraries as they wish to ensure that policies position public libraries for the future;

AND WHEREAS the role of learning in Ontario's future knowledge-based economy grows, the informal learning systems of public libraries will be even more important.

AND WHEREAS the library of the future will need to respond to a new social, technological and economic environment.

AND WHEREAS municipalities are incurring the majority of costs associated with delivering library programming.

AND WHEREAS those same municipalities bear the majority of the costs to build and maintain library facilities.

AND WHEREAS the province has decreased its annual grants since 1985 from 15% of annual revenue to 4% of annual revenue which continues to threaten the future of these engines of cultural and economic development.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Smiths Falls petitions that the Province increase its annual grants to 15% of library revenue.

AND FURTHER THAT a copy of the motion be forwarded to the Premier of Ontario, the Honourable Aileen Carroll Minister of Culture, MPP Randy Hillier, the Ontario Library Service and the Association of Municipalities of Ontario for circulation.

Resolution #: 2009-05-172

If you require further information please do not hesitate to contact me.

Yours very truly,

Kerry Costello
Town Clerk

cc: Hon. Dalton McGuinty, Premier of Ontario
Honourable Aileen Carroll Minister of Culture
MPP Randy Hillier
Ontario Library Service



OFFICE OF THE C.A.O./ CLERK

P. O. Box 1614, 21 Reeve Street

Woodstock, Ontario N4S 7Y3

Phone: 519-539-9800 Ext. 3002 • Fax: 519-421-4712

E-mail: btabor@oxfordcounty.ca

Web site: www.oxfordcounty.ca

May 26, 2009

Municipal Councils
Upper and Single Tier Municipalities
Province of Ontario

Dear Members of Council:

Please be advised that Oxford County Council, at its meeting held on May 13, 2009, adopted the following resolution:

"That Council of the County of Oxford request that, in addition to the legislated capping calculation tools currently available, that the Province of Ontario enact legislation to grant municipalities the authorization to effectively eliminate capping in any or all of the protected property classes as they may determine; and

That a copy of this resolution be forwarded to the Minister of Finance, The Honourable Dwight Duncan, Ernie Hardeman, M.P.P., Oxford, municipalities in Ontario authorized to set tax policy, the Association of Municipalities of Ontario (AMO) and the Municipal Finance Officers' Association (MFOA) seeking their support."

All parties mentioned above are requested to consider the resolution and send letters of support to The Honourable Dwight Duncan, Ministry of Finance, 7th Floor, 7 Queen's Park Crescent, Toronto, Ontario, M7A 1Y7, with a copy to the County of Oxford addressed to my attention.

Yours very truly,

A handwritten signature in cursive script that reads 'Brenda J. Tabor'.

Brenda J. Tabor
Clerk

Copy - Warden Paul Holbrough
Members - Oxford County Council
Michael Bragg, C.A.O.
Lynn Buchner, Director of Corporate Services

TOWNSHIP OF SOUTH STORMONT

4949 County Road No. 14
P. O. Box 340, Ingleside, ON K0C 1M0
Phone: (613) 537-2362, info@southstormont.ca



May 15, 2009

To: All municipalities in Ontario

Re: Request for simultaneous dispatch for Emergency Medical Service (EMS) and Fire Response

Council of the Township of South Stormont passed Resolution No. 94/2009 adopting a report (summarized below) requesting simultaneous dispatch for EMS and Fire Response. Your support and endorsement in this regard would be appreciated. Please send any resolution of support to the Ministry of Health and Long Term Care and your local MPP with a copy to the Township of South Stormont.

Summary of Recommendation:

That Council receive this Report, and instruct staff to forward a letter to our local MPP and lobby the Ministry of Health and Long Term Care to provide a simultaneous EMS and Fire Dispatch.

Summary of Issues:

To provide a simultaneous Fire and EMS Dispatch:

- That the patient has a better chance of survival,
- To reduce unnecessary cost to the taxpayer,
- To reduce the risk of an accident when responding to a false alarm, and
- To eliminate the frustration that firefighters experience when being dispatched several minutes after the call was received.

Background / History

In the mid-nineties the South Stormont fire service entered into an agreement with base hospital to provide First Response with Defibrillators. The concept of this delivery service was designed for rapid intervention by deploying firefighters as first responders. Fire departments are strategically positioned especially in the rural areas to deliver a rapid emergency response. Under the current system, many fire departments are either not being dispatched, or they are being dispatched significantly later than the EMS Ambulance.

In 2008, the South Stormont Fire Service responded to a total of sixty six (66) EMS calls. Thirty (30) of the calls were either cancelled or the ambulance was already on scene requiring no assistance from the Fire Service. This is a clear example of the situation that is currently occurring daily across the Province. Failure to call the community fire department simultaneously, despite existing agreements to do so, compromises the public and severely hampers the fire service's ability to provide rapid and effective emergency response. While not only being a frustrating situation for both the public and the firefighters this could also have a significant impact on a patient's outcome.

The Ontario Association of Fire Chiefs and the Ontario Professional Fire Fighters Association have drafted a "Discussion Paper" (Saving a life in 6.0 minutes or less by utilizing the efficiencies of the Ontario Fire Services) which explains the Winnipeg (Manitoba) Model where the emergency response system has Fire and EMS working closely together and reducing the response time in half. This is an excellent example of better utilization of community fire departments in emergency medical responses.

The Council of the Township of South Stormont appreciates your support in this regard.

Yours truly,
Betty de Haan, CMO
CAO/Clerk

5(b)

The Council of the City of Ottawa, at its meeting of 22 April 2009, adopted the following resolution:

MOTION NO. 65/28

Moved by Councillor G. Brooks
Seconded by Councillor D. Deans

WHEREAS the decision of the Ontario Municipal Board approving the application by Minto Communities Inc. to amend the Secondary Official Plan for the village of Manotick was released on April 23, 2009;

AND WHEREAS the decision gave very little consideration to the amendments to the *Planning Act* that were intended to strengthen the ability of municipalities to govern development;

AND WHEREAS it is the view of the Council of Ottawa that this decision is contrary to the vision for Manotick as expressed in the Official Plan of the City of Ottawa, including the Manotick Secondary Plan, and this decision does not give proper consideration to the provisions of the *Planning Act*, especially the amendments in Bill 51;

AND WHEREAS many municipalities in Ontario have expressed grave concern over the lack of regard had by the Ontario Municipal Board to the decisions of the democratically elected Councils;

THEREFORE BE IT RESOLVED THAT, due to the failure of the Ontario Municipal Board to give proper consideration to the amendments to the *Planning Act* strengthening the role of municipal councils, the City Clerk and Solicitor be authorized to seek leave to appeal the decision of the Ontario Municipal Board respecting the application by Minto Communities Inc. to amend the Secondary Official Plan for the village of Manotick;

AND BE IT FURTHER RESOLVED THAT the City seek the involvement of and funding by the Association of Municipalities of Ontario and other municipalities in its application for leave to appeal.

City of Ottawa
110 Laurier Avenue
Ottawa, ON
K1P 1J1

Ville d'Ottawa
110, avenue Laurier
Ottawa, ON
K1P 1J1

Attention: Dawn Whelan, Council Coordinator
Telephone: 580-2424, Ext. 21837
Facsimile: 580-9609
E-mail: dawn.whelan@ottawa.ca

Attention : Dawn Whelan, Coordonnatrice de conseil
Tél : 613-580-2424, poste 21837
Courriel: dawn.whelan@ottawa.ca

À sa réunion du 22 avril 2009, le Conseil municipal d'Ottawa a approuvé la recommandation suivante :

MOTION N° 65/28

Motion du conseiller G. Brooks
Appuyée par la conseillère D. Deans

ATTENDU QUE la décision de la Commission des affaires municipales de l'Ontario d'approuver la demande faite par Minto Communities Inc. en vue de modifier le Plan officiel secondaire du village de Manotick a été rendue le 23 avril 2009;

ATTENDU QUE cette décision a très peu tenu compte des modifications à la *Loi sur l'aménagement du territoire* destinées à renforcer la capacité des municipalités à régir leur aménagement;

ATTENDU QUE le Conseil municipal d'Ottawa est d'avis que cette décision est contraire à la vision d'avenir pour Manotick exprimée dans le Plan officiel de la Ville d'Ottawa, y compris le Plan secondaire de Manotick, et que cette décision ne tient pas vraiment compte des dispositions de la *Loi sur l'aménagement du territoire*, particulièrement les modifications du projet de loi 51;

ATTENDU QUE de nombreuses municipalités de l'Ontario ont exprimé leur vive préoccupation face au manque de considération accordé par la Commission des affaires municipales de l'Ontario pour les décisions rendues par des conseils élus démocratiquement;

PAR CONSÉQUENT, IL EST RÉSOLU QUE, étant donné le manque de considération accordé par la Commission des affaires municipales de l'Ontario pour les modifications de la *Loi sur l'aménagement du territoire*, qui renforcent le rôle des conseils municipaux, le greffier municipal et le chef du contentieux soient autorisés à demander l'autorisation d'en appeler de la décision de la Commission des affaires municipales de l'Ontario concernant la demande faite par Minto Communities Inc. en vue de modifier le Plan officiel secondaire du village de Manotick;

ET IL EST RÉSOLU QUE la Ville demande l'engagement et le financement de l'Association des municipalités de l'Ontario et d'autres municipalités pour cette demande d'autorisation de faire appel.

5(b)



Office of the City Clerk

April 22, 2009

All Municipalities in Ontario with a population over 50,000

Dear Sirs:

RE: MOTION (3) – MAY 19, 2009 – LOCATION OF ENERGY CZAR IN KINGSTON

I would confirm that Kingston City Council, at its regular Council meeting held on May 19, 2009, approved the following Motion (3) during the Motions portion of the meeting:

- (7) Moved by Councillor Garrison
Seconded by Councillor Hutchison

THAT the City of Kingston hereby endorses the following resolution from the Township of Frontenac Islands which reads as follows:

WHEREAS Kingston and the Islands and the eastern Ontario region has developed a significant alternative green energy industry and culture; and

WHEREAS the region's universities and colleges are actively engaged in research, education and training to support this industry; and

WHEREAS the region is recognized as a leader locally, regionally and globally in the development of green energy;

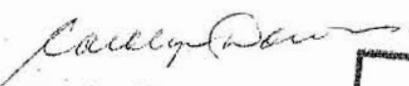
THAT the Township of Frontenac Islands requests that the Province locate the Energy Czar, detailed in the Green Energy Act, in Kingston to support this significant alternative energy network; and

THAT this resolution be circulated to the Frontenac's and the City of Kingston.

THAT a copy of this resolution be forwarded for endorsement to Township of Frontenac Islands, Premier Dalton McGuinty, Hon. John Gerretsen, M.P.P. for Kingston and the Islands, Hon. George Smitherman, Minister of Energy, AMO and all municipalities on our distribution list.

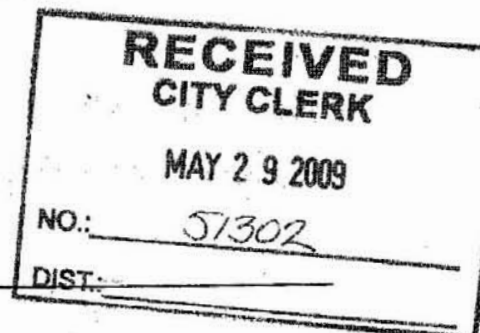
CARRIED
(with agreed to amendments)

Yours truly,


Carolyn Downs
City Clerk

/ki

Cc: Councillor S. Garrison
File No.



The Corporation of the City of Kingston
216 Ontario Street, Kingston, ON K7L 2Z3

Phone: (613) 546-4291 ext. 1245

Fax: (613) 546-5232

cdowns@cityofkingston.ca

THE GREATER TORONTO AREA COUNTRYSIDE MAYORS' ALLIANCE

Date: May 22, 2009

Moved by: Mayor Rick Bonnette (The Town of Halton Hills)

Seconded by: Mayor Marilyn Pearce (Township of Scugog)

WHEREAS the world's economy has entered into a period of slow economic growth;

AND WHEREAS Governments throughout the world have introduced various stimulus packages to encourage economic growth;

AND WHEREAS the United States of America is Canada's largest trading partner and a signatory of the North American Free Trade Agreement;

AND WHEREAS the Greater Toronto Area Countryside Mayors' Alliance is supportive of Free Trade between Canada and the United States which has existed for many years;

AND WHEREAS the Government of the United States of American has introduced infrastructure stimulus packages including the American Recovery and Reinvestment Act (ARRA) which includes "Buy American" provisions for steel and other manufactured products;

AND WHEREAS these restrictive provisions which are contrary to the spirit of free trade will prevent Canadian companies from bidding on contracts which contain the "Buy American" provisions at the municipal and state levels in the United States since NAFTA and The General Procurement Agreement of the World Trade Organization do not nullify such provisions at those levels;

AND WHEREAS Canadian stimulus infrastructure programs do not contain any restrictions on manufacturers from other countries including the United States bidding on such contracts in Canada;

AND WHEREAS Canadian companies may be adversely affected by these restrictions possibly leading to lay-offs and financial losses and further could lead to the erosion of their overall viability;

NOW THEREFORE BE IT RESOLVED that the Greater Toronto Area Countryside Mayor's Alliance (GTACMA) is supportive of Free Trade between the United States and Canada and that the restrictive "Buy American" provisions in the American Recovery and Reinvestment Act are contrary to that spirit of free trade;

AND FURTHER THAT IT BE RESOLVED that the GTACMA supports the Canadian Manufacturers and Exporters in its quest to have the United States Congress reconsider and repeal their current "Buy American" requirements for the United States stimulus packages;

AND FURTHER THAT IT BE RESOLVED that Canadian municipalities adopt a procurement policy that future Canadian Infrastructure projects at the municipal level, including environmental projects such as water and wastewater treatment projects, require that any goods and materials required for the projects be bought only from companies whose countries of origin do not impose local trade restrictions against goods and materials manufactured in Canada to better ensure open, fair and competitive practices across the globe;

AND FURTHER THAT IT BE RESOLVED that the GTACMA requests the Town of Halton Hills to present this resolution to the Federation of Canadian Municipalities for their consideration of endorsement, with a request that it be presented at its annual convention June 5-8, 2009;

AND FURTHER THAT IT BE RESOLVED that a copy of this Resolution be forwarded to the Prime Minister, the Premier of Ontario, the Federal and Provincial Ministers of Trade and Industry, the Regions of Durham, York, Peel, Halton and all municipalities therein, the Association of Municipalities of Ontario (AMO) and the Canadian Manufacturers and Exporters Association (CME).

Motion carried,



Mayor Marolyn Morrison
Chair
Greater Toronto Area Countryside Mayors' Alliance

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MEDIA RELEASE

5(b)

FOR IMMEDIATE RELEASE
May 25, 2009

MAYORS SUPPORT FREE TRADE WHEN IT'S FAIR TRADE

The Greater Toronto Area Countryside Mayors Alliance (GTACMA) has long recognized the benefits that Free Trade between the United States and Canada has provided to municipalities on both sides of the border. However, at their meeting on May 22, 2009, it was resolved that the American Recovery and Reinvestment Act (ARRA), commonly referred to as the "Buy American" act, is contrary to the spirit of free trade.

"This Mayors' Alliance believes in Free Trade, but more importantly in Fair Trade," said Town of Caledon Mayor Marolyn Morrison, chair of the GTACMA. "The restrictive measures of the American Recovery and Reinvestment Act essentially prevent Canadian companies from bidding on American contracts. In Canada, we have no such restrictions. This is simply not fair, nor is it good business practice."

In addition to the North America Free Trade Act, Canadian municipalities are governed by several other pieces of legislation which promote open and fair competition: the Discriminatory Business Practices Act; and the Inter-provincial Agreement on International Trade; the Federal Competition Act. Even the Canadian Charter of Rights provides for fair competition in a free-trade environment, regardless of geographic location.

In their resolutions, the GTACMA also announced their support of the Canadian Manufacturers and Exporters in their quest to have the United States Congress reconsider and repeal the "Buy American" requirements. Additionally, the GTACMA is requesting that the Federation of Canadian Municipalities consider the resolutions from this May meeting be presented at the annual convention in June, and will be forwarding their resolution package to the Prime Minister of Canada, the Premier of Ontario and the Federal and Provincial Ministers of Trade and Industry, in addition to the Association of Municipalities of Ontario and the Canadian Manufacturers and Exporters Association.

"Given the fundamental differences between the Free Trade agreement which was drafted in the spirit of fair and open commerce, and the restrictions of the current "Buy American" economic stimulus plan, there is now a need to find a way to make companies in both countries equal. This is not only good for the economy, it's just good business," said Mayor Morrison.

The Resolutions from the May 22, 2009 meeting, moved by Halton Hills Mayor Rick Bonnette, and seconded by Township of Scugog Mayor Marilyn Pearce, are attached for your reference.

ABOUT GTCMA:

The Greater Toronto Area Countryside Mayors' Alliance is comprised of Mayors from municipalities with populations under 100,000. These municipalities include: the town of Aurora, the township of Brock, the town of Caledon, the municipality of Clarington, the town of Georgina, the town of East Gwillimbury, the town of Halton Hills, the township of King, the town of Milton, the town of Newmarket, the township of Scugog, the township of Uxbridge, the town of Whitchurch-Stouffville and the city of Pickering. The GTCMA monitors and evaluates Provincial policies, procedures, and regulations, provides input and conducts research for the enhancement of local government in the countryside municipalities of the greater Toronto area, and advocates for changes to proposed legislation on behalf of members.

- 30 -

Media Contact:

Laura Johnston | Communications Specialist, Economic Development & Communications Department
905.584.2272 x4106 | laura.johnston@caledon.ca

TOWN HALL
6311 Old Church Road, Caledon, ON L7C 1J6
905.584.2272 | 1.888.CALEDON | FAX 905.584.4325 | www.caledon.ca

MR-2009-036



Legal and Legislative Services

May 28, 2009

To: All Municipalities in the Province of Ontario

Re: Petition Province to include hospitals under jurisdiction of Ombudsman

At the Council Meeting of May 25, 2009, the following resolution was passed, respecting the above referenced matter:

WHEREAS the Ombudsman is the "citizen representative" and the Office of the Ombudsman is responsible for responding to complaints affecting government organizations save and except hospitals, long-term care facilities and children's aid societies, and

WHEREAS the Office of the Ombudsman has been advocating since 1975 to include hospitals under the jurisdiction of the Ombudsman, but to date, Ontario remains the ONLY Province in Canada who's Ombudsman has no jurisdiction over hospitals and long-term care facilities, and

WHEREAS hospitals spend more than \$20 billion in public money every year in Ontario, and

WHEREAS whether overseeing the police, the military or the Provincial Government, Mr. Marin has stated one of the beliefs that's closest to his heart is that these bodies don't exist for their own ends. They exist to serve the public. The public also has great expectations of the checks and balances that exist to keep the system functioning as it should, and

WHEREAS the historical reason for not including hospitals under the Ombudsman Act is extremely weak and is based on the fact they do not fall under the definition because they have their own elected boards, and

WHEREAS a municipal "board of directors" is directly elected by the public and the hospital board is not, and

WHEREAS the Office of the Ombudsman is quoted as saying, "Ontario is the only province in Canada whose Ombudsman does not have a mandate to oversee hospitals. Despite this, the Ombudsman's Office receives many serious complaints about hospitals every year that cannot be investigated. A total of 276 complaints about hospitals were received in fiscal 2007-2008.", and

WHEREAS the time has come for the Government of Ontario to include hospitals under the jurisdiction of the Ombudsman Act to ensure a high level of health care, fiscal responsibility, accountability, openness and transparency;

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Town of Fort Erie that it hereby petitions the Premier of Ontario to take the necessary steps in a timely manner to amend the Ombudsman Act to include hospitals under the jurisdiction of the Ombudsman, and further

THAT:In the event the Premier responds negatively, the Municipal Council of the Town of Fort Erie respectfully requests and expects a full and complete explanation as to why the Province will not amend the Act as requested, and further

THAT:This resolution be circulated to all municipalities in the Province of Ontario for support, and further

THAT:The appropriate persons be so notified of this action. (CARRIED)

To All Municipalities in the Province of Ontario

Page two

Re: Petition Province to include hospitals under jurisdiction of Ombudsman

For your information, in our letter to Ombudsman, Andre Marin, we commented we were hopeful:

In closing, we are hopeful the timing is right for the Province to finally take action to include hospitals in the Ombudsman Act given the massive health care restructuring currently underway in Ontario.

For your further information, in our letter to Premier Dalton McGuinty, the following commentary was added:

Although the resolution speaks for itself, the timing could not be more prudent than now to include hospitals in the Ombudsman Act, especially with the uncertainty surrounding the massive restructuring of health services currently underway in Ontario. The public has no right of recourse to lodge complaints about hospital care or services, and to expect a fair and independent investigation. Such action leads to recommendations to improve care and services. Premier McGuinty, the LHIN Boards are famous for chanting "Right Care, at the Right Place, at the Right Time." We believe including hospitals in the Ombudsman Act will provide the "Right Voice, at the Right Place, at the Right Time."

We thank you for your considerations herein and are available to assist where appropriate. Please keep us informed of your progress in a realistic manner and not through a form letter. As stated in the resolution, in the event you determine not to move forward, Council respectfully requests and expects a full and complete explanation as to why the Province will not amend the Act as requested.

In closing, your municipality has no doubt heard of Fort Erie's fight to keep its hospital open. Now this fight is spreading across the Province directly affecting rural and northern hospitals and directly impacting urban hospitals. All of our efforts to date, combined with the efforts of many others, including the Alliance to Save Ontario's Small, Rural and Northern Hospitals, have failed to move the Premier or the Minister of Health.

Rather than give up, we continue to search for fair, equal and timely access to health care in Ontario.

We sincerely thank you in advance for your attention to this matter. Perhaps if the Premier hears from hundreds of communities, he will at least move to amend the Ombudsman Act to ensure openness and transparency of hospitals in the Province of Ontario.

Yours very truly,

Carolyn J. Kett, A.M.C.T.
Town Clerk

Contact Information

Carolyn J. Kett, A.M.C.T., Town Clerk
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6
Phone: 905-871-1600 ext. 2211
Fax: 905-871-4022
Email: ckett@forterie.on.ca

Extrait de la réunion ordinaire du 25 mai 2009

Extract of the minutes of the regular meeting held on May 25, 2009

Conjoncture économique, réf.: Investissements et emplois

R-229-09

Proposé par Sylvain Dubé
avec l'appui de Gilles Roch Greffe

Attendu la conjoncture économique difficile que la province de l'Ontario et le pays vivent présentement, et;

Attendu la fermeture et/ou le ralentissement des industries dans tous les secteurs économiques à travers le pays résultant en des pertes massives d'emplois, et;

Attendu les répercussions sur l'économie locale que représente l'incertitude face à l'avenir, et;

Attendu les investissements réalisés au cours des années par les différents paliers gouvernementaux afin d'aider les industries au pays à être plus compétitives sur le marché mondial.

Qu'il soit résolu que la présente résolution soit acheminée aux municipalités de l'Ontario dans le but de faire pressions auprès des gouvernements fédéral et de l'Ontario pour que les investissements faits par les canadiens et canadiennes dans les industries soient protégés à long terme et soient garantis contre le déménagement hors pays ou une fermeture définitive des activités sans consultation des bailleurs de fonds.

Adoptée.

Economic climate, Re: Investment and jobs

R-229-09

Moved by Sylvain Dubé
Seconded by Gilles Roch Greffe

Whereas the present precarious economic climate in the province of Ontario and throughout the country, and;

Whereas the closing of and/or the slowing down of industries in all economic sectors throughout the country resulting in a massive loss of jobs, and;

Whereas the impacts on local economy that represents the uncertainty about the future, and;

Whereas investments in recent years by various levels of government to help industries become more competitive in the international market.

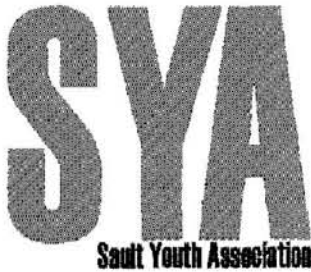
Be it resolved that this resolution be sent to Ontario municipalities for the purpose of lobbying the federal and Ontario Governments to ensure that investments made by Canadians in industries be protected in a long term basis and be secured against being moved outside of the country or being permanently closed without consultation with Canadian investors.

Carried.

Christine Groulx
Greffière/Clerk
(613) 632-0106 #2226

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44 Great Northern Road
Unit #13, Cambrian Mall
Sault Ste. Marie, ON
P6B 4Y5
705.946.1299

5(c)

June 1, 2009

Donna P. Irving

City Clerk

Corporation of the City of Sault Ste. Marie
Level IV - Civic Centre
99 Foster Drive
P.O. Box 580
Sault Ste. Marie, Ontario
P6A 5X6

Subject: 2009 Sault Buskerfest

Dear Donna,

Please find enclosed a Temporary Street Closure Application, with all signatures required, and our Proposal for Vendor By-Law for the 2009 Sault Buskerfest that we are planning for August 7 to 9, 2009.

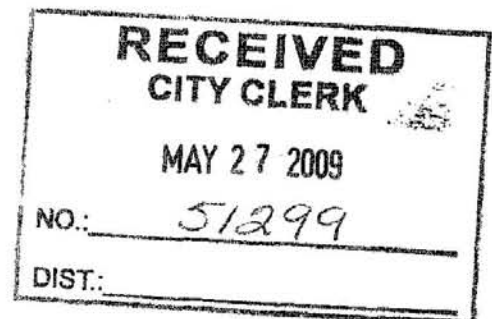
The street closure will be along Queen Street from East Street to Spring Street. Buskerfest has grown substantially and is now in its sixth year. Last year was an amazing success and we had great participation from the community. We are expanding this year's event to include Square One and Square Two. The street closure will be used as the venue for this event and we plan to have street performers entertaining audiences.

We trust that these documents are adequate for your consideration. Please advise when Buskerfest will be included on Council's agenda, so a member of Buskerfest will be present to answer any questions. In the meantime, if there is anything else we can provide in support of our application you may reach Donna Hopper, Buskerfest General Manager at 946-1299.

Sincerely,

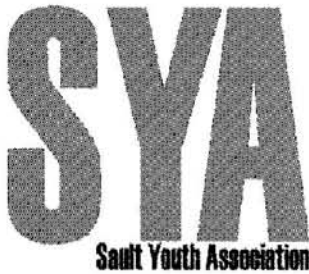
Alvin E. Olar

Chair,
Sault Youth Association



Sault Youth Association

The Sault Youth Association: An advocate to empower youth to strengthen their community.



44 Sault Northern Road
Unit 413, Cambrian Mall
Sault Ste. Marie, ON
P6B 4Y5
305.946.1209

5(c)

June 1, 2009

Donna P. Irving
City Clerk
Corporation of the City of Sault Ste. Marie
Level IV – Civic Centre
99 Foster Drive
P.O. Box 580
Sault Ste. Marie, ON
P6A 5X6

Subject: 2009 Sault Buskerfest Vendor Committee Approval

Dear Donna Irving,

The Sault Youth Association and the Sault Buskerfest Committee are requesting City Council approval to pass a bylaw for the 2009 Sault Buskerfest on Vendor Committee Approval. This bylaw was passed for the 2007 and 2008 Buskerfest events and we are looking to sustain this aspect of the festival.

The bylaw would state that all vendors that would like to set up and sell their goods and services, on or near the festival site must be approved by the Buskerfest Committee. This would ensure that all vendors who are participating in the festival have and will follow the guidelines and regulations set out by the committee. We would like to reserve the right to remove any vendors whom do not follow protocol, abide by this bylaw and follow the stipulations regarding vending during the festival and on or near the festival grounds.

The 2009 Buskerfest will take place from August 7 to 9, 2009 on Queen Street from East Street to Spring Street.

We thank you for the City's continued support of this festival and our Youth who continue to bring this unique and magical event to our community.

Sincerely,

Alvin Olar
Chair
Sault Youth Association

Sault Youth Association

The Sault Youth Association is a non-profit organization that provides a safe and healthy environment for youth in the Sault Ste. Marie area.

Fresh
Magazine

5(c)

TEMPORARY STREET CLOSURE - APPROVAL PROCESSCONTACT NAME: Donna Hopper c/o Sault Youth Association TELEPHONE: 946-1299ADDRESS: 44 Great Northern Rd. Unit. #13
Cambrian Mall, SSM, ON POSTAL CODE: P6B 4Y5The above person hereby makes application for the closing of Queen St. East

(Name of street to be closed)

from East St. to Spring St.
(reference points - street numbers, cross streets, etc.)on the _____ day of _____, 20 ____ from _____
for the purpose of Buskerfest 2009

Aug. 7, 2009 Friday	4pm to 11pm
Aug. 8, 2009 Saturday	11am to 11pm
Aug. 9, 2009 Sunday	11am to 7pm

APPROVALS SECTION:

1. Police Services, Traffic Dept.
Telephone 949-6300 ext 348
Fax 759-7820
580 Second Line East

J. Hopper
Signature of Official

2. Fire Services/Emergency Medical Services (EMS)
Telephone 949-3335/949-3387
Fax 949-2341
72 Tancred Street

Signature of Official

3. Public Works & Transportation Dept.
Telephone 541-7000
Fax 541-7010
128 Sackville Road

Signature of Official

4. Transit/Parking
Telephone 759-5320
Fax 759-5834
111 Huron Street

Signature of Official

5. Central Ambulance Communication
Centre (C.A.C.C.)
Telephone 946-1227
Fax 945-6883
969 Queen Street East
(Rear of Plummer Hospital)

Signature of Official

6. Downtown Association
Telephone 942-2919
Fax 942-6368
496 Queen Street East
(QUEEN STREET CLOSINGS ONLY)

Signature of Official

CITY CLERK SECTION:

City Council approval was received on _____ (date) _____ (By-law No.)

5(c)

TEMPORARY STREET CLOSURE - APPROVAL PROCESS

CONTACT NAME: Donna Hopper c/o Sault Youth Association TELEPHONE: 946-1299

ADDRESS: 44 Great Northern Rd. Unit. #13 POSTAL CODE: P6B 4Y5
Cambrian Mall, SSM, ON

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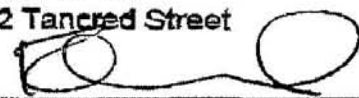
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Fax 759-7820
580 Second Line East

Signature of Official

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Fax 949-2341
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Signature of Official

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Signature of Official

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111 Huron Street

Signature of Official

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Fax 945-6883
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(Rear of Plummer Hospital)

Signature of Official

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Fax 942-6368
496 Queen Street East
(QUEEN STREET CLOSINGS ONLY)

Signature of Official

CITY CLERK SECTION:

City Council approval was received on _____ (date) _____ (By-law No.)

05/04/2009 MON 9:22 FAX 705 253 6798 Employment ServsYMCA

002/002

5(c)

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Fax 759-7820
580 Second Line East

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Fax 949-2341
72 Tancred Street

Signature of Official_____
Signature of Official

3. Public Works & Transportation Dept.
Telephone 541-7000
Fax 541-7010
128 Sackville Road

4. Transit/Parking
Telephone 759-5320
Fax 759-5834
111 Huron Street

Signature of Official_____
Signature of Official

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Fax 945-6883
969 Queen Street East
(Rear of Plummer Hospital)

6. Downtown Association
Telephone 942-2919
Fax 942-6368
496 Queen Street East
(QUEEN STREET CLOSINGS ONLY)

Signature of Official_____
Signature of Official**CITY CLERK SECTION:**City Council approval was received on _____
(date) (By-law No.)

05/04/2009 MON 9:10 FAX 705 253 6798 Employmentment ServsYMCA

002/002

5(c)

TEMPORARY STREET CLOSURE - APPROVAL PROCESS

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496 Queen Street East
(QUEEN STREET CLOSINGS ONLY)

Signature of Official_____
Signature of Official**CITY CLERK SECTION:**City Council approval was received on _____
(date) (By-law No.)

05/04/2009 MON 9:17 FAX 705 253 6798 Employmentment ServsYMCA

002/002

5(c)

TEMPORARY STREET CLOSURE - APPROVAL PROCESS

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Cambrian Mall, SSM, ON POSTAL CODE: P6B 4Y5

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Telephone 949-3335/949-3387
Fax 949-2341
72 Tancred Street

Signature of Official_____
Signature of Official

3. Public Works & Transportation Dept.
Telephone 541-7000
Fax 541-7010
128 Sackville Road

4. Transit/Parking
Telephone 759-5320
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Signature of Official

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Fax 945-6883
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(Rear of Plummer Hospital)

6. Downtown Association
Telephone 942-2919
Fax 942-6368
496 Queen Street East
(QUEEN STREET CLOSINGS ONLY)

Signature of Official_____
Signature of Official**CITY CLERK SECTION:**City Council approval was received on _____
(date) (By-law No.)

5(c)

TEMPORARY STREET CLOSURE - APPROVAL PROCESS

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Cambrian Mall, SSM, ON

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Signature of Official

Signature of Official

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Telephone 541-7000
Fax 541-7010
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Telephone 759-5320
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111 Huron Street

Signature of Official

Signature of Official

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969 Queen Street East
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Fax 942-6368
496 Queen Street East
(QUEEN STREET CLOSINGS ONLY)

Signature of Official

Kira Boyonowski
Signature of Official

CITY CLERK SECTION:

City Council approval was received on _____
(date) (By-law No.)

5(d)

The Premier
of Ontario

Legislative Building
Queen's Park
Toronto, Ontario
M7A 1A1

Le Premier ministre
de l'Ontario

Édifice de l'Assemblée législative
Queen's Park
Toronto (Ontario)
M7A 1A1



May 22, 2009

Ms. Donna P. Irving
City Clerk
City of Sault Ste. Marie
99 Foster Drive
PO Box 580
Sault Ste. Marie, Ontario
P6A 5N1

Dear Ms. Irving:

Thank you for your letter of May 14 providing me with a copy of council's resolution regarding St. Marys Renewable Energy Centre. I appreciate your keeping me informed of council's activities.

As this issue falls under the jurisdiction of my colleague the Honourable George Smitherman, Minister of Energy and Infrastructure, I have sent him a copy of council's resolution. I trust that the minister will also take council's views into consideration.

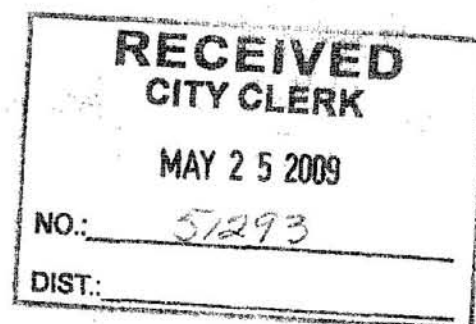
Thank you again for the information.

Yours truly,

A handwritten signature in black ink, appearing to read "Dalton McGuinty".

Dalton McGuinty
Premier

c: The Honourable George Smitherman



May 11, 2009 City Council Meeting Minutes
Clerk's Department

Moved by Councillor S. Butland
Seconded by Councillor T. Sheehan

Whereas the City of Sault Ste Marie has declared itself the Alternative Energy Capital of North America and has pursued various environmental initiatives and technologies (biodiesel, reusable bags, styrofoam collection, hybrid vehicles, biomass co-generation, wind and solar power, waste to energy etc.); and

Whereas St Marys Renewable Energy Corp. and St Marys Paper Corp. are submitting a proposal to the Ontario Power Authority, CHP III, renewable energy procurement program, to construct a 35 MW biomass fired combined heat and power (CHP) co-generation plant on a portion of the property owned by St Marys Paper Corp. in Sault Ste Marie to be known as the St Marys Renewable Energy Centre;

Be it resolved that Sault Ste Marie City Council hereby endorses and promotes the St Marys Renewable Energy Centre project as one of the potential Sault Ste Marie renewable energy projects through their support of Destiny Sault Ste Marie's Energy Committee; and

Fully supports St Marys Renewable Energy Corp's planning, and construction of the St Marys Renewable Energy Centre project which will complement both St Marys Paper Corp supercalandered paper mill and the City of Sault Ste Marie's designation as Alternative Energy Capital of North America; and

Encourages the approval, contracting with, and building of St Marys Renewable Energy Centre to provide a long term consistent supply of energy through the harnessing of available forest biofibre and other biomass which in turn provides needed economic stimulus to the forest resource sector of the Algoma District and beyond; and

Commends St Marys Paper Corp's pursuit of its business plan to build a modern renewable biomass energy centre. CARRIED.



5(d)

RECEIVED
MAY 22 2009
MAYOR'S OFFICE

Ontario & Nunavut Region
Ottawa Community Office
150 Isabella Street
Suite 215
Ottawa, Ontario
K1S 1V7

613.232.7334 T
1.866.337.3365
613.567.2288 F
www.muscle.ca W

May 14, 2009

Mayor John Roswell
City of Sault Ste. Marie
P.O. Box 580
99 Foster Drive
Sault Ste. Marie, ON P6A 5N1

Your worship Mayor Roswell,

It is with great pleasure that I acknowledge the exceptional efforts of the Sault Ste. Marie Professional Fire Fighters Association, who raised \$2,045.00 for Muscular Dystrophy Canada through their fundraising efforts in 2008-2009.

With these generous funds Muscular Dystrophy Canada was able to fight over 100 neuromuscular disorders in a multitude of ways. We helped Canadian families purchase more than \$2.6 million worth of equipment: including wheelchairs, walkers, and scooters; we made over 21,000 phone calls to support people affected by neuromuscular disorders and their families and we helped to fund over \$4.54 million of cutting edge neuromuscular research.

Since 1954, Fire Fighters have supported Muscular Dystrophy Canada and continue to be the largest fundraising group of our organization. In fiscal year 2008-2009 Canadian Fire Fighters raised over \$2.8 million across Canada, with more than \$1.62 million generated from Ontario Fire Fighters. Their ongoing commitment to assisting people with neuromuscular disorders is admirable.

Muscular Dystrophy Canada thanks the Fire Fighters and their communities and leaders, such as yourself, that support them.

Together, we can make muscles move!

Sincerely,

Pamela Musgrave
Regional Manager, Ontario and Nunavut

CC: MD Chairperson - Dan Coutu

A SPECIAL THANKS TO FIRE FIGHTERS AND CHAPTER VOLUNTEERS FOR THEIR OUTSTANDING WORK
IN MOVING MUSCLES FOR MORE THAN 50 YEARS.

Taxation Charity Registration Number | 10775 5837 RR0001

WALLACEBURG DISASTER RELIEF COMMITTEE

To All Municipalities:

On February 12th this year an ice jam caused localized flooding in the Southwestern Ontario community of Wallaceburg. Numerous homeowners and small businesses have lost essential property.

Flood victims are discovering that the suffering caused by a disaster can continue for long after news of it disappears from the media. At a minimum, residents face the chore of cleaning up and repairing damage to their homes and businesses.

At the request of the Municipality of Chatham-Kent, the Ministry of Municipal Affairs and Housing declared the Municipality of Wallaceburg a "Disaster Area" for the purpose of the Ontario Disaster Relief Program. This provides an opportunity to help your neighbours devastated by the flood.

A volunteer committee has been appointed by the Municipality of Chatham-Kent to spearhead the local effort. Disaster Relief Committee has set a tentative fundraising target of \$41,500 to provide assistance for homeowners and small businesses. The Province will contribute up to \$2 for every local dollar raised to an amount necessary to settle all eligible claims.

The Wallaceburg Disaster Relief Committee is seeking financial assistance from all Municipalities in Ontario. Your help will make a huge difference in assisting the victims of our flood damages and all money raised together with the Provincial contribution will go to eligible claimants.

Please make your financial contribution, payable to Wallaceburg Relief Fund, c/o 786 Dufferin Ave. Wallaceburg, ON. N8A 2V3 will be greatly appreciated.

Sincerely

Robert Simpson
Chairperson,
Wallaceburg Disaster Relief Committee.

Telephone 519-627-1603 ext: 266

DISCLAIMER

This material is provided under contract as a paid service by the originating organization and does not necessarily reflect the view or positions of the Association of Municipalities of Ontario (AMO), its subsidiary companies, officers, directors or agents.



Portuguese Canadian Association
Of Sault Ste. Marie, Ontario, Canada

5(e)

To:
The Clerk's Office,
City of Sault Ste. Marie

May 19, 2009

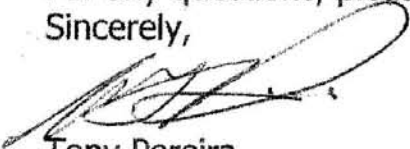
From: Portuguese Canadian Association of Sault Ste. Marie
5 Cornwall St.
Sault Ste. Marie, On. P6C 1C4

Re: Application for Special Occasion Permit
Outdoor Event/Picnic, Aug 02, from 12:00 to 07:00 p.m.

The following is submitted as per guidelines for obtaining a AGCO occasional use permit to consume liquor outdoors. This premise does hold a permanent liquor license for inside consumption. The event planned is a picnic at the Portuguese Club grounds, 5 Cornwall Street. This is private property, consisting of three acres fenced all around by a four foot wire fence. The event is not open to the general public, but is for family, friends and acquaintances of Association members. Number of people expected is approx. 100. This is a yearly event, which has proven popular and uneventful in the past. As per guidelines, the following agencies have been contacted under separate cover:

Algoma Health Unit
Sault Ste. Marie Police Services
Sault Ste. Marie Fire Services

For any questions, please contact the undersigned at any time.
Sincerely,


Tony Pereira
President, Portuguese Canadian Association
949-5077 or
541-1071 cel.
949-6916 fax
tdpereira@shaw.ca

RECEIVED
CITY CLERK
MAY 21 2009
NO.: 51288
DIST.:

5(f)

March 31, 2009

Mayor and Council
C/o City Clerk's Department
The Corporation of the City of Sault Ste. Marie
99 Foster Drive
Sault Ste. Marie, ON P6A 5N1

Re: Exemption from City noise by-law

Dear Council,

The Algoma and District Unit of the Canadian Cancer Society, along with local event sponsor Scotiabank, is holding the 9th annual **Relay For Life** event on June 19 and June 20, 2009 at the John Rhodes Community Centre in Sault Ste. Marie, ON.

This letter is to seek an exemption from the City of Sault Ste. Marie noise by-law. The **Relay For Life** Steering Committee is looking to extend the by-law to 1 a.m. on Friday, June 19, 2009 and waive the by-law on Saturday, June 20, so activities can begin at 6 a.m.

Relay For Life, an overnight, 12-hour, non-competitive relay that honours and celebrates cancer survivors, is the signature fundraising event of the Canadian Cancer Society. Every June, communities across Canada unite in the fight against cancer for a night of fun, friendship and fundraising with incredible results.

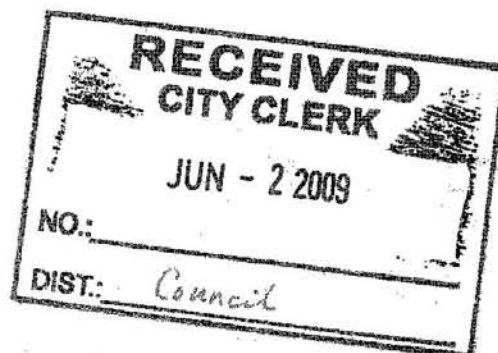
Relay For Life has proven over the last eight years to be a remarkably successful fundraising event for the Canadian Cancer Society here in Sault Ste. Marie. In 2008 our community raised over \$200,000, with 110 teams participating. We are expecting great things for 2009!

Please consider our request and if you have any questions, please contact the Canadian Cancer Society at (705) 253-4781

Let's make cancer history.

Sincerely,

Tiffany Caicco
Coordinator, Relay for Life



5(h)

Joseph M. Fratesi, B.A. LL.B.
Chief Administrative Officer



99 Foster Drive
P.O. Box 580, Civic Centre
Sault Ste. Marie, Ontario
Canada. P6A 5N1
(705) 759-5347
(705) 759-5952 (Fax)
E-Mail:
j.fratesi@cityssm.on.ca
b.berlingieri@cityssm.on.ca

2009 06 08

Mayor John Rowswell and
Members of City Council
Civic Centre

RE: STAFF TRAVEL REQUESTS

Dear Council:

The following staff travel requests are presented to you for approval:

1. **Shelley Schell – Finance**
MFOA HST Working Group
June, 2009
Toronto, ON
Estimated total cost to the City - \$ 650.00
Estimated net cost to the City - \$ 300.00

2. **Carlo Provenzano – Fire Services**
Flammable and Combustible Liquids
July, 2009
Gravenhurst, ON
Estimated total cost to the City - \$ 225.00
Estimated net cost to the City - \$ 225.00

3. **Brian Campbell – Fire Services**
Principles of Adult Learning
August, 2009
Gravenhurst, ON
Estimated total cost to the City - \$ 225.00
Estimated net cost to the City - \$ 225.00

4. **Brian Campbell – Fire Services**
Application of Adult Education Principles
August, 2009
Gravenhurst, ON
Estimated total cost to the City - \$ 225.00
Estimated net cost to the City - \$ 225.00

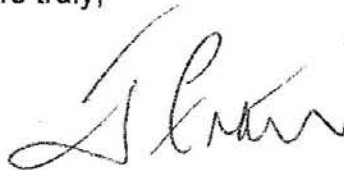
5. **Louise McAuliffe – CSD, R&C, ECNHS – HSB**
Provincial War 1812 Mtg.
June, 2009
Niagara Region, ON
Estimated total cost to the City - \$ 742.85
Estimated net cost to the City - \$ 0.00

6. **Lori Ballstadt – CSD – Recreation and Culture**
Parks and Recreation Ontario Board Meeting
June, 2009
Toronto, ON
Estimated total cost to the City - \$ 1013.80
Estimated net cost to the City - \$ 109.00

7. **John Luszka – Human Resources**
2009 Drug Plan Management Conference
June, 2009
Mississauga, ON
Estimated total cost to the City - \$ 108.00
Estimated net cost to the City - \$ 108.00

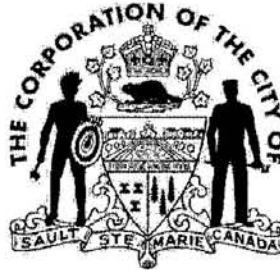
8. **Mike Blanchard, Brian Avery – Public Works**
Snow School – Ontario Road Salt Management
September, 2009
Alliston, ON
Estimated total cost to the City - \$ 1,958.00
Estimated net cost to the City - \$ 1,958.00

Yours truly,



JMF: bb

Joseph M. Fratesi
Chief Administrative Officer



2009 06 08

Mayor John Rowswell
and Members of City Council
Civic Centre

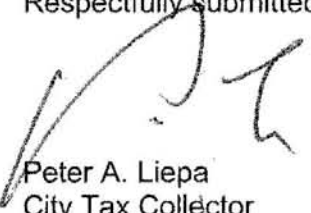
RE: Property Tax Appeals

Attached are the listings that summarize applications for adjustments to the Tax Roll pursuant to Section 357 of the Municipal Act, 2001.

The Municipal Property Assessment Corporation (MPAC) has recommended the amount of assessment to be adjusted. Each of the applications has been reviewed individually and recommended as shown.

An appropriate resolution has been prepared for your consideration.

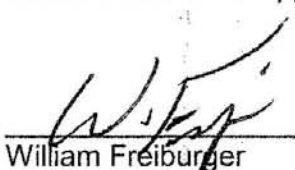
Respectfully submitted,


Peter A. Liepa
City Tax Collector

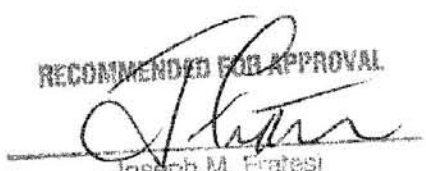
PAL/bk

Attach.

Recommended for Approval:


William Freiburger
Commissioner of Finance & Treasurer

RECOMMENDED FOR APPROVAL


Joseph M. Fratesi
Chief Administrative Officer

APPLICATION TO COUNCIL TO CANCEL
OR REFUND PROPERTY TAXES PURSUANT TO SECTION 357
OF THE MUNICIPAL ACT, 2001

THE CORPORATION OF THE CITY OF SAULT STE. MARIE
PROPERTY TAX APPEALS
2009

DATE: 2009-06-08
PAGE: 1 of 1

ROLL NUMBER	PROPERTY ADDRESS	PERSON ASSESSED	PROPERTY CLASS	REASON	APPEAL NO.	CANCELLATIONS TAXES INTEREST	TOTAL ADJUSTMENT
010 080 045 00	751 RIVER RD	MORGAN ERIC HUGH	RESIDENTIAL	D	09-001	CONFIRMED	
050 043 064 00	40 FAIRVIEW AVE	CORBETT ERVIN MICHAEL	RESIDENTIAL	D	09-002	CONFIRMED	

Certified Correct:

REPORT TOTAL

Peter A. Liepa
City Tax Collector

- A. REALTY TAX CLASS CONVERSION FROM COMMERCIAL TO RESIDENTIAL
- B. BECAME EXEMPT AFTER RETURN OF ROLL
- C. RAZED BY FIRE AFTER RETURN OF ROLL

- D. DEMOLISHED AFTER RETURN OF ROLL
- E. OVERCHARGED BY REASON OF GROSS OR MANIFEST CLERICAL ERROR
- F. REAL PROPERTY THAT COULD NOT BE USED FOR A PERIOD OF AT LEAST 3 MONTHS
DUE TO REPAIRS OR RENOVATIONS
- G. INDUSTRIAL TO COMMERCIAL REALTY TAX CLASS CHANGE

5(i)

APPLICATION TO COUNCIL TO CANCEL
OR REFUND PROPERTY TAXES PURSUANT TO SECTION 357
OF THE MUNICIPAL ACT, 2001

THE CORPORATION OF THE CITY OF SAULT STE. MARIE
PROPERTY TAX APPEALS
2008

DATE: 2009-06-08
PAGE: 1 of 1

ROLL NUMBER	PROPERTY ADDRESS	PERSON ASSESSED	PROPERTY CLASS	REASON	APPEAL NO.	CANCELLATIONS		TOTAL
						TAXES	INTEREST	
010 080 045 00	751 RIVER RD	MORGAN ERIC HUGH	RESIDENTIAL	D	08-039	229.25	-	229.25
020 038 032 00	509 WELLINGTON ST E	WILKINSON JOSEPH DENNIS	COMMERCIAL/RESIDENTIAL	A	08-040	619.96	-	619.96
050 002 047 00	512 WELLINGTON ST W	985872 ONTARIO INC	RESIDENTIAL	D	08-041	634.16	-	634.16
050 002 048 00	506 WELLINGTON ST W	985872 ONTARIO INC	RESIDENTIAL	D	08-042	389.35	-	389.35
050 002 049 00	502 WELLINGTON ST W	985872 ONTARIO INC	RESIDENTIAL	D	08-043	170.00	-	170.00

Certified Correct

REPORT TOTAL 2,042.72 - 2,042.72

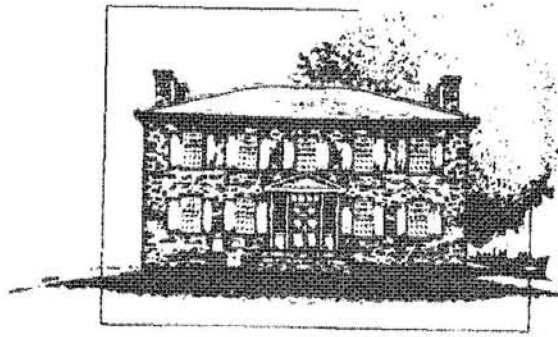
Peter A. Liepa
City Tax Collector

A. REALTY TAX CLASS CONVERSION FROM COMMERCIAL TO RESIDENTIAL
B. BECAME EXEMPT AFTER RETURN OF ROLL
C. RAZED BY FIRE AFTER RETURN OF ROLL

D. DEMOLISHED AFTER RETURN OF ROLL
E. OVERCHARGED BY REASON OF GROSS OR MANIFEST CLERICAL ERROR
F. REAL PROPERTY THAT COULD NOT BE USED FOR A PERIOD OF AT LEAST 3 MONTHS
DUE TO REPAIRS OR RENOVATIONS
G. INDUSTRIAL TO COMMERCIAL REALTY TAX CLASS CHANGE

5(i)

5(j)



Ermatinger • Clergue National Historic Site

2009 06 08

Mayor John Rowswell
and Members of City Council

**ERMATINGER • CLERGUE NATIONAL HISTORIC SITE – Targeted Wage Subsidy
Application - Events Coordinator**

On May 15, 2009, an application was submitted to the Ministry of Training, Colleges and Universities for a Targeted Wage Subsidy Grant. The initiative is proposed for 26 weeks.

The grant will assist the Historic Sites Board in hiring the current Administrative Assistant, whom has been working on the War of 1812 projects through a Job Creation Partnership program. The program also requires the candidate to be currently unemployed (a requirement met on May 22, 2009 when the JCP program ended).

Targeted Wage Subsidy provides 60% funding for the 26 weeks. The matching funding for the wages of this project will be provided through the War 1812 Bicentennial funding received from the Ministry of Tourism.

In order to continue with the plans of the Bicentennial and the 200th anniversary of the Ermatinger Old Stone House in 2012, the Historic Sites Board would like to have the consistency of staff working on the projects in order to be able to move forward with the planning. Planning to date consists of:

- Legacy development - Monument development & Visitor Centre design
- Marketing development – Logo development, web site, design of marketing tools
- Planning – committees working on Events & Education
- Pan-Provincial planning with the Ministry of Tourism

The Historic Sites Board has **received funding** continually from the Ministry of Tourism for continued planning. The Targeted Wage Subsidy program will allow the committees to utilize the funding in the other areas of marketing and promotion, so as to meet the goal of increased tourism during 2012, 2013, 2014.

5(j)

At the May 14, 2009 meeting of the Historic Sites Board, the following resolution was passed:

Moved by: K. Yukich

Seconded by: C. Crawford

"Resolved that the members of the Historic Sites Board recommend and approve the submission of the Targeted Wage Subsidy application to the Ministry of Training, Colleges and Universities, for an Event Coordinator / Administrative Assistant."

CARRIED

On behalf of the Historic Sites Board, and as the Curator of the Ermatinger•Clergue National Historic Site, please accept this report as information.

Respectfully submitted,

K. Fisher

Kathy Fisher, Curator
Ermatinger•Clergue National Historic Site

Recommended for submission to City Council,

N. J. Apostle

Nicholas J. Apostle
Commissioner Community Services

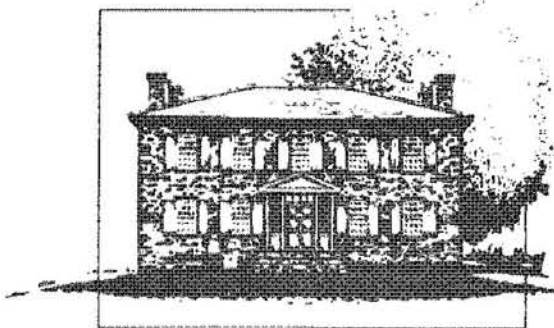
RECOMMENDED FOR APPROVAL

J. M. Fratesi
Joseph M. Fratesi
Chief Administrative Officer

cc: Members of H.S.B.
J. Cain, Manager Recreation & Culture
B. Freiburger, Commissioner of Finance

5(k)

2009 06 08



Mayor John Rowswell
and Members of City Council

Ermatinger • Clergue National Historic Site

FIREARMS BYLAW EXEMPTION

ERMATINGER•CLERGUE NATIONAL HISTORIC SITE – SPECIAL EVENTS

This season the staff and volunteers of the Ermatinger•Clergue National Historic Site will be hosting a number of special events at the site. At these events we often will have displays and re-enactments by the Coureur Du Bois II.

The Coureur Du Bois II have members in full Voyageur costumes that will set up an encampment exhibit and conduct demonstrations depicting daily life of the early 1800's. In their re-enacting, this group will be demonstrating the loading and firing of heritage firearms (Black Powder Shooting).

In early October we will also be hosting the 1812 Rendezvous – a five-day event that will involve a larger group of re-enactors who will be utilizing black powder in their muskets and possibly cannons.

The Historic Sites Board has discussed the bylaw concerning firearms and is aware that this request is being submitted for the annual exemption of the 2009 season for purposes of the discharge of historic firearms within City limits at the Ermatinger•Clergue National Historic Site.

Due to the nature of our National Historic Site, the Coureur Du Bois II are contacted to be a part of our interpretation on a regular basis – sometimes with little to no lead time, and they are most willing to join our re-enactments; therefore, we are requesting that this exemption be effective during our prime operational season.

It is therefore recommended that the Coureur Du Bois II be exempt from the bylaw concerning the discharge of firearms within the City limits at the Ermatinger•Clergue National Historic Site; and further that this exemption for this entity be effective from June 8, 2009 to December 12, 2009.

Respectfully submitted,

K. Fisher

Kathy Fisher, Curator
Ermatinger•Clergue National Historic Site

Recommended for approval,

NJ Apostle

Nicholas J. Apostle
Commissioner Community Services

RECOMMENDED FOR APPROVAL

Joseph M. Fratesi
Joseph M. Fratesi
Chief Administrative Officer

forrecult/historic/zhnsa/firearms bylaw request to council

cc: J. Cain, Manager Recreation & Culture
L. Bottos, City Solicitor

ERMATINGER • CLERGUE NATIONAL HISTORIC SITE • RECREATION & CULTURE DIVISION
P.O. BOX 580 • CIVIC CENTRE • SAULT STE. MARIE • ONTARIO • P6A 5N1
Phone 705-759-5443 • Fax 705-541-7023 • Email:old.stone.house@cityssm.on.ca

Jerry D. Dolcetti, RPP
Commissioner

Don J. Elliott, P. Eng.
Director of Engineering Services



5(1)
ENGINEERING & PLANNING DEPARTMENT

Engineering & Construction Division

Tel: (705) 759-5378
Fax: (705) 541-7165

2009 06 08

Mayor John Rowsell
Members of Council

**Re: Resurfacing of City Streets – 2009
Miscellaneous Construction Program - Revision**

At the 2009 04 27 meeting, Council was advised that the 2009 resurfacing program would include the following streets:

- People's Road from Everett Street north to Railway tracks;
- Bruce Street from Salisbury Avenue to Wilson Street;
- Bingham Street from Bay Street to approx 50 m North; and
- Landslide Road from Fish Hatchery Road southerly as budget permits.

At our recent utility coordination meeting, the PUC advised that it is planning to replace the watermain on People's Road within the next few years. It is therefore advisable not to resurface People's Road if the new surface will be removed soon.

Several factors are considered when evaluating candidate arterial and collector roads for resurfacing, including traffic volume, surface condition, resurfacing/pavement recycling method, actual depth of existing asphalt, and estimated cost. Some candidates for resurfacing have insufficient pavement depth for asphalt recycling.

Based on these factors, and discussions with Public Works, the Engineering Department recommends that the funds for People's Road and Bruce Street be reassigned to the resurfacing of Wellington Street from East Street to North Street. The road was reconstructed in 1991, and it was milled and overlayed in 2001. Unfortunately, the surface has deteriorated again in just 8 years. It is proposed that instead of milling and overlaying the street, that we use either cold-in place (CIP) or cold in-place recycled expanded asphalt mix (CIREAM) techniques. The recycled material from Wellington and Second Line (from the Connecting Link contract) will be used to resurface Landslide Road. Since Wellington is longer than Peoples Road, we propose to defer Bruce Street hill also, to help fund Wellington. The Bruce Street hill is a relatively short section and resurfacing can be delayed to a future date, enabling Wellington Street resurfacing to be completed to North Street.

The Engineering Department is aware that this choice would disrupt another portion of Wellington this year, however, since it is closed east of East Street, the flow of traffic is reduced, particularly between East and Bruce Streets. The Public Works and Transportation Department has confirmed that the traffic on Wellington between East and Bruce has

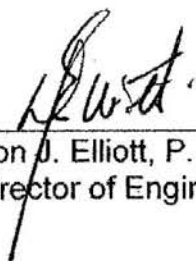
dropped from 9384 to 4305 vehicles per day. It is actually a good opportunity to complete this resurfacing, as much of the traffic has been re-routed to Queen Street. Further, the road will remain open to traffic throughout the duration of the resurfacing work. There will be a special provision in the contract that prevents the work from being started until August 17th, in order to avoid Community Day and Buskerfest.

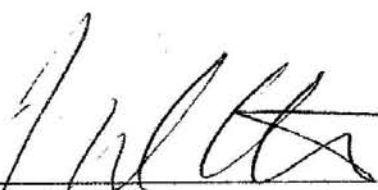
We estimate that there may be insufficient funds in the budgeted amount in the 2009 miscellaneous construction budget for resurfacing streets, however, to date there are surplus funds based on several tenders closed in the Capital Works Program. The Engineering Department intends to request Council's approval at the time of contract award if any funds are required from the capital program to complete Wellington resurfacing.

In summary, the Engineering Department recommends that the resurfacing program be revised to include Wellington from East to North Street, Bingham Street and Landslide Road from Fish Hatchery Road southerly towards Old Garden River Road.

Respectfully Submitted,

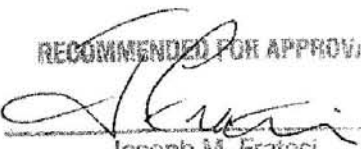
Recommended for Approval,


 Don J. Elliott, P. Eng.
 Director of Engineering Services


 Jerry Dolcetti, RPP
 Commissioner
 Engineering & Planning Department

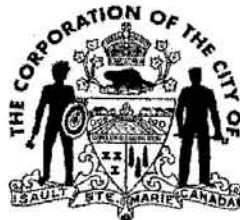
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RECOMMENDED FOR APPROVAL

 Joseph M. Fratesi
 Chief Administrative Officer

Jerry D. Dolcetti, RPP
Commissioner

Don J. Elliott, P. Eng.
Director of Engineering Services



5(m)
ENGINEERING & PLANNING DEPARTMENT

Engineering & Construction Division

Tel: (705) 759-5378
Fax: (705) 541-7165

2009 06 08

Our File: Contract 2007-4E

Mayor John Rowswell and
Members of City Council
Civic Centre

**RE: CONTRACT 2007-4E - TRUNK ROAD IMPROVEMENTS
CLOSURE OF LAKE STREET AT TRUNK ROAD**

As Council is aware, Contract 2007-4E was completed by Ellwood Robinson Limited during the summer of 2008. Under this contract, PUC Services Inc. had planned to reconstruct a section of their municipal watermain but were unfortunately unable to complete the work in 2008. This work will be proceeding on June 9, 2009 and requires the closure of Lake Street along the south side of Trunk Road. This closure will be approximately three (3) months and will not impact traffic on Trunk Road.

By-Law **2009-116** authorizing the closure of Lake Street along the south side of Trunk Road from June 9, 2009 to August 31, 2009 has been placed on the Agenda for your consideration.

Respectfully submitted,

Carl Rumel, P. Eng.
Design & Construction Engineer

Recommended for approval,

Jerry D. Dolcetti, RPP
Commissioner
Engineering & Planning

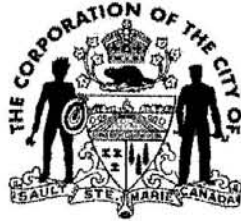
DJE/al

RECOMMENDED FOR APPROVAL

Joseph M. Fiatesi
Chief Administrative Officer

Jerry D. Dolcetti, RPP
Commissioner

Don J. Elliott, P. Eng.
Director of Engineering Services



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ENGINEERING & PLANNING DEPARTMENT

Engineering & Construction Division

Tel: (705) 759-5378
Fax: (705) 541-7165

2009 06 08

Our File: Contract 2009-8E

Mayor John Rowswell and
Members of City Council
Civic Centre

**RE: CONTRACT 2009-8E
THIRD LINE EXTENSION – GREAT NORTHERN ROAD TO 1,000 METRES EASTERLY**

Tenders received for Contract 2009-8E were opened at a public meeting Friday, May 29, 2009 in the Steelton Room of the Civic Centre. Present at the opening was Councilor Lou Turco as well as City staff and contractor representatives.

The contract calls for the reconstruction of Third Line from Great Northern Road to 1,000 metres easterly. The work includes all associated work as well as a portion of the hub trail.

A total of five (5) tenders were received. Each tender has been checked as shown on the attached report from AECOM. The low tender of **\$3,782,955.24** (incl. GST) was received from R.M. Belanger Limited, which is below the pre-tender estimate of **\$3,900,000.00**. When GST and PUC costs are removed and allowances for engineering and utility relocations are added, the City's projected cost to complete the entire project is **\$3,530,000.00**. This is the second of four contracts for the completion of Third Line. At this time, according to our estimates, we are tracking on budget. Tendering of the next phase will commence in the fall 2009. The attached report from AECOM summarizes the bids received for this contract.

Recommendation

It is recommended that Contract 2009-8E be awarded to R. M. Belanger Limited. By-Law **2009-119** authorizing execution of the Contract and By-Law **2009-120** authorizing the closure of Third Line East from Great Northern Road to 1,000 metres easterly from June 9, 2009 to October 31, 2009 have been placed elsewhere on the Agenda for your consideration.

Respectfully submitted,

Carl Rumiel, P. Eng.
Design & Construction Engineer

CR/al
attachment

Recommended for approval,

Jerry D. Dolcetti, RPP
Commissioner Engineering & Planning

RECOMMENDED FOR APPROVAL

Joseph M. Fratesi
Chief Administrative Officer

5(n)

AECOM

AECOM

523 Wellington Street East, Sault Ste. Marie, ON, Canada P6A 2M4
T 705.942.2612 F 705.942.3642 www.aecom.com

June 1, 2009

Project Number: 60383

Mr. C. Rumiel, P. Eng.

City of Sault Ste. Marie
Engineering Department
99 Foster Drive
Sault Ste. Marie, Ontario
P6A 5N1

Dear Mr. Rumiel:

**Re: Third Line Extension
Great Northern Road Easterly 1,000 Metres
Contract No. 2009-8E
Tender Report**

We have reviewed the tenders received by the City Clerk's office on Friday, May 29, 2009 for the above contract and present herewith our Tender Report.

1.0 Introduction

Contract No. 2009-8E – Third Line Extension consists of the reconstruction of Third Line from Great Northern Road, easterly 1,000 metres. The reconstruction work generally consists of the reconstruction of approximately 1,000 metres of roadway and hub trail construction including removals, grading, geotextile, select subgrade material, granular subbase and base, asphalt, curb and gutter, storm sewers, sanitary sewers, watermain, traffic items and associated appurtenances.

The tender advertisement was published in the Sault Star on Saturday, May 9, 2009 for notification to prospective bidders of the availability of the tender documents. The tender documents were also available for review by potential bidders at the Sault Ste. Marie Construction Association, Sudbury Construction Association, Toronto Construction Association (upon request), and the Consultant's office.

A total of eleven (11) Contractors and Suppliers picked up tender documents during the tender period following submission of the \$50.00 refundable deposit. Plan takers consisted of nine (9) general contractors, one (1) subcontractor and one (1) supplier.

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During the tender period, there were questions from plan takers on a few issues that were subsequently clarified by addendum. One (1) addendum was issued by the Consultant to address issues/questions raised by the plan takers and to incorporate some final design related changes.

2.0 Summary of Tenders

Five (5) Contractors submitted sealed tenders for Contract No. 2009-8E to the City Clerk's office prior to the closing time of 3:00 p.m. on Friday, May 29, 2009. The tenders were publicly opened at 3:15 p.m. on the same day by Councillor Fata in the presence of City and Consultant staff as well as representatives of the bidding Contractors. At the time of the tender opening, the Total Tender Values were read and the tenders were reviewed to ensure they included the required \$100,000 tender deposit and agreement to bond.

The tender deposits, which were in the form of certified cheques, were retained by the City while the balance of the tender submissions was provided to the Consultant for a further detailed review of each tender submitted.

The following were the results of the submitted Total Tender Values, including GST, in ascending order of bid price:

- | | | |
|----|--------------------------|---|
| 1. | R.M. Belanger Inc. | - \$3,782,944.97 (corrected \$3,782,955.24) |
| 2. | Avery Construction | - \$3,849,776.94 |
| 3. | Pioneer Construction | - \$3,863,123.29 |
| 4. | General Contracting | - \$3,998,967.05 |
| 5. | Ellwood Robinson Limited | - \$4,541,300.66 |

It should be noted that the Total Tender Value for each includes a contingency allowance of \$100,000 along with various provisional items.

The Engineer's tender estimate for this Contract was \$3,897,665 which was compiled based on prices from previous City contracts and the final tender items and quantities established for the proposed works. A Summary of Tender Prices for each of the above tenders along with the Engineer's tender estimate is attached as Appendix 1. The original copies of all tenders received are attached to this report, for the City's records.

3.0 Review of Tenders Received

The tenders were reviewed to verify all tender submission requirements were complied with as stipulated in the Information to Tenderers. A Summary of the review is attached as Appendix 2. The following specific comments are noted:

1. All tenders were properly signed and executed.
2. The tenders were checked for mathematical errors. All tenders were correctly calculated in computing the Total Tender Value except for the tender submission from R.M. Belanger.

which contained a minor error in the amount of \$10.27. This minor error did not change their ranking amongst the tenders submitted.

3. The Instructions to Tenderers indicated that all tenders were to include a \$100,000 tender deposit in the form of a certified cheque. All tenders complied with submission of the required certified cheques.
4. The tender document called for submission of Statements 'A' to 'D' which outline the tenderers' related work experience, supervisory staff, available construction equipment and proposed sub-contractors. All tenderers filled in the appropriate statements or attached separate breakdowns.
5. The tenderers were required to provide an Agreement to Bond from a Surety Company certifying that they are able to obtain the required 100% Performance and 50% Labour and Material Payment bonds. An Agreement to Bond was attached to each tender submitted.
6. The tenders were to provide a completed Statement of Canadian Content. All tenderers submitted the required form, although, it is noted that the tender submitted by Avery included \$0 for both the imported and Canadian goods (i.e. was not properly completed).
7. All tenderers were required to acknowledge any Addenda received during the tender period. All tenderers confirmed receipt of Addendum No. 1.

4.0 Discussions

In our review of the tenders submitted, we did not note any significant errors or omissions with the tenders that would lead to disqualification of any of the submitted tenders.

With respect to the low tenderer, R.M. Belanger Limited, they are a well known Contractor from Chelmsford, Ontario, who have completed numerous similar contracts in the past for other Municipalities in Northern Ontario including previous contracts for the City of Sault Ste. Marie. Subcontractors identified in their tender submission include TC Contracting for the roadwork and pipework, Pioneer for the asphalt paving and Double S for the traffic signal work. All are local Contractors who have completed work for the City.

5.0 Tender Estimate

The low tender amount of \$3,782,955.24 (incl. GST) is lower than the Engineer's tender estimate by \$114,701 (incl. GST) or approx. 3%. The underrun from the tender estimate generally pertains to lower pricing submitted for the Waterworks Section which relate to costs chargeable to the P.U.C.

6.0 Conclusions

In summary, based on our detailed review of the tenders submitted, we recommend the following:

1. The required by-law be passed by Council as per the attached Form of Agreement for execution of the related construction contract; and
2. AECOM be authorized to issue an award letter to the successful Contractor which will include requirements for the Contractor to submit the required contract documentation (ie: bonds, insurance, etc.) and prepare the related contracts for signing by both parties.

We hope you find this report acceptable, although, please do not hesitate to call should you have any questions regarding the contents of this Tender Report.

Yours very truly,
AECOM Canada Ltd.



Darrell Maahs, C. Tech.
Project Manager

DRM:nm

Encl.
cc:

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Jerry D. Dolcetti, RPP
Commissioner

Don J. Elliott, P. Eng.
Director of Engineering Services



ENGINEERING & PLANNING DEPARTMENT

Engineering & Construction Division

Tel: (705) 759-5378
Fax: (705) 541-7165

2009 06 08
Our File: Contract 2009-9E

Mayor John Rowswell and
Members of City Council
Civic Centre

**RE: CONTRACT 2009-9E
CARPIN BEACH ROAD BRIDGE REPLACEMENT**

Tenders received for Contract 2009-9E were opened at a public meeting Thursday, May 28, 2009 in the Steelton Room of the Civic Centre. Present at the opening was Councilor Lou Turco as well as City staff and contractor representatives.

The work consists of supplying all materials, labour and equipment necessary for the removal and replacement of the Carpin Beach Road Bridge. It is a single lane bridge which will be replaced with a two lane bridge.

A total of three (3) tenders were received. Each tender has been checked as shown on the attached report from M.R. Wright and Associates Co. Ltd. The low tender of **\$436,241.80 (excluding GST)** received from Harold Phillips Haulage is above the pretender estimate of **\$330,750**. When an allowance for engineering is added, the City's projected cost to complete the entire project is \$465,000.00 which is above the budget amount. However, the entire 2009 capital program is tracking under budget. Accordingly, we recommend that Contract 2009-9E be awarded to Harold Phillips Haulage. By-Law **2009-122** authorizing execution of the Contract and By-Law **2009-123** authorizing closure of Carpin Beach Road at the bridge have been placed on the Agenda for your consideration.

Respectfully submitted,

Carl Rumiel, P. Eng.
Design & Construction Engineer

CR/al
attachment

Recommended for approval,

Jerry D. Dolcetti, RPP
Commissioner Engineering & Planning

RECOMMENDED FOR APPROVAL

Joseph M. Fratesi
Chief Administrative Officer



May 15, 2009

Mr. Carl Rumiel, P.Eng
Design and Construction Engineer
Engineering and Planning Department
The Corporation of the City of Sault Ste. Marie
Civic Centre - 99 Foster Drive
Sault Ste. Marie, ON. P6A 5X6

Re: Contract 2009-9E, Carpin Beach Road Bridge Replacement - Tender Review

Dear Mr. Rumiel

We have reviewed the Form of Tenders, Bonding Certificates, Proposed Equipment Forms, Tender's Experience, and the List of Subcontractors with respect to the above noted project and herein provide the following comments for your consideration.

Submissions

The tender process officially closed at 3:00 p.m. the 28th of May, 2009 for the above noted project. At approximately 3:15 pm the same day, the tenders were opened and read publicly in the Steelton Meeting Room at City Hall. Three (3) general contractors submitted bids for the above mentioned project and all three had representatives present for the opening. Councillor Mr. Lou Turco opened the submitted tender packages.

M.R. Wright and Associates Pre-Tender Estimate

In late March 2009 MRW completed a tender construction cost estimate and estimated the project cost to be \$330,750.00 excluding GST. As you are aware the Old Goulais Bay Road Bridge Replacements tender submissions in which similar structures are proposed came in over budget by \$127,000 (\$65,000 each). The Carpin Beach tender pricing is also over budget by a comparable amount. The extra is proportional to the Old Goulais Bay Road projects and in the opinion of MRW is reasonable due to the addition of deep foundations at the Carpin Beach Road site.

Submitted Prices

Phillips Haulage Ltd. submitted the lowest signed and sealed bid, \$436,241.80 excl GST. Phillips Haulage tender submission was free of errors and omissions. The tender price submitted by R.M. Belanger Ltd. was signed, sealed and mistake free and totalled \$448,420.00 excluding GST. The submitted price by R.M. Belanger is an additional \$12,178.20 from the amount submitted by Phillips Haulage Ltd.

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Avery Construction Ltd. submitted on the page 5 of the Form of Tender a Total Tender Price of \$463,937.90 excluding GST. This page was correctly signed and sealed by the contractor. Unit prices throughout the Form of Tender were provided in the correct item locations and when totalled was found to be without error.

Prior to tendering, MRW distributed an Addendum to the contractors. In this addendum MRW allowed an approved equal to the precast arch structure specified in the tender documents. This addendum was sent to all tender package takers and receipt of addendum was confirmed by all.

As a written addition, on page 4 of the Form of Tender, Avery Construction Ltd. provided a note indicating that use of an alternate precast structure from that originally specified would deduct \$28,700.00 from Item A.14 of the Form of Tender. This deduction was not carried through to the Summary page on page 5 of the Form of Tender nor does it indicate if the \$28,700.00 includes GST. In our opinion, the discount/addition provided by Avery Construction should be rejected as informal as described in Information to Tenderers Section 4 as follows;

4. INFORMAL TENDERS

Tenders which are incomplete, unbalanced, conditional, or obscure, or which contain additions not called for, erasures, alterations, or irregularities of any kind, may be rejected as informal. All blanks must be legibly and properly completed, in ink or typewriter, otherwise the Tender may be declared informal. Persons tendering are required to fill in all blanks. Should any uncertainty arise as to the proper manner of doing so, instruction on proper procedure will, upon request, be given by the Engineer.

Tenders that contain prices which appear to be unbalanced as likely to affect adversely the interests of the owner may be rejected.

Tenders Experience

In the opinion of MRW, Phillips Haulage Ltd. has the experience to complete the project.

Subcontractors

The contractor has indicated the use of sub-contractors for performing portions of the work. It is our opinion that the experience of the sub-contractors is adequate.

Proposed Equipment

A list of equipment was not provided within the submission. In accordance with the Special Provisions section 1.1, the contractor will be required, before the commencement of the work, to submit a complete inventory of all equipment expected to be used on the project in accordance with OPSS Form 127.

Recommendation

MRW recommends that the Corporation of the City of Sault Ste. Marie accept the terms and conditions as set out in the Carpin Beach Road Bridge Replacement, Contract No. 2009-9E Tender Documents, and award Phillips Haulage Limited the Contract for the proposed works.

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We trust you will find the above acceptable for your consideration. Please find attached a copy of the submitted Form of Tender and accompanying documents for the three submissions. Additionally, please find attached the tender cost comparison form for your information. Should you have any questions please feel free to contact the undersigned at your convenience.

5(6)

Yours truly,



John McDonald, P.Eng.

Jm

Encl.

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LORIE BOTTOS
CITY SOLICITOR

NUALA KENNY
ASSISTANT CITY SOLICITOR



5(p)
**LEGAL
DEPARTMENT**

File No. P.4.6.407

REPORT TO: Mayor John Rowswell
and Members of City Council

REPORT FROM: Lorie Bottos
City Solicitor

DATE: 2009 06 08

SUBJECT: **PROPOSED SALE OF 276 WELLINGTON ST. E. TO SHAW MILLING LTD.**

1. **PURPOSE**

The purpose of this report is to seek Council's approval to sell 276 Wellington Street East located at the NW corner of Bruce and Wellington Streets to Shaw Milling Ltd.

2. **BACKGROUND**

At its meeting of April 27th, 2009 Council declared the above noted property surplus. Two notices were placed in the Sault Star and as a result two offers were received. The offers were in the amounts of \$11,000.00 and \$35,000.00 – the highest offer being received from Shaw Milling Ltd. There are three conditions that the offer is subject to:

1. That the property remains zoned C4 – General Commercial
2. That Shaw be allowed to move the billboard on the north side back to the NW corner once the building on the property has been removed.
3. That the building on the property be removed prior to purchase.

3. **RECOMMENDATION**

It is recommended that the property be sold Shaw Milling Ltd. for the offered price and under the conditions set out above. An appropriate by-law has been prepared and is recommended for your approval.

Respectfully submitted,

L. A. Bottos
City Solicitor
/sd

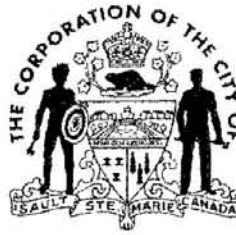
RECOMMENDED FOR APPROVAL

Joseph M. Fratesi
Chief Administrative Officer

5(9)

LORIE BOTTOS
CITY SOLICITOR

NUALA KENNY
ASSISTANT CITY SOLICITOR



LEGAL
DEPARTMENT

File No. L.7.1

REPORT TO: Mayor John Rowswell
and Members of Council

REPORT FROM: Nuala M. Kenny, Assistant City Solicitor

DATE: 2009 06 08

RE: PROVINCIAL OFFENCES INTER-MUNICIPAL AGREEMENT

BACKGROUND

On March 12, 2001, the City assumed the prosecution and administration of Provincial Offences charges. Since that time, the City has been operating the Provincial Offences Court on the first floor of the Civic Centre. The City's Provincial Offences Office services the Algoma Catchment Area, which encompasses an area which runs east to the Municipality of Huron Shores and north to White River. Accordingly, we have an Inter-municipal Agreement with all the municipalities in the Catchment Area to provide Provincial Offences services and revenue sharing. The term of the existing Inter-municipal Agreement has expired and must be renewed for a further five-year term ending February 29, 2014.

The First Nations of Batchewana and Garden River have requested to participate in the Inter-Municipal Agreement. The inclusion of the First Nations will have a minimal impact on the revenue sharing, but it is Legal Department's view that it is more consistent with the concept of a seamless and consistent administration of provincial offences for the Algoma Catchment Area. Accordingly, I recommend that we include Garden River First Nation and Batchewana First Nation of Ojibways as Municipal Partners. The current Municipal Partners have agreed to the inclusion of the First Nations.

5(9)

All municipalities have executed the Agreement and Legal Department now submits this Agreement to Council for approval. All Municipal Partners have signed the new agreement, which is appended to By-law 2009-111 which appears on the agenda tonight.

RECOMMENDATION

By-law 2009-111 appears elsewhere on the agenda and is recommended for approval.

Yours truly,



Nuala M. Kenny
Assistant City Solicitor

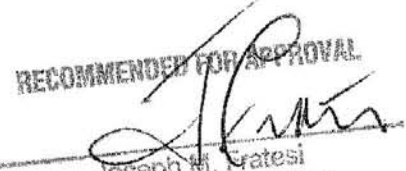
NMK/dh

\\Council Reports\\2009\\POA Agrt.doc

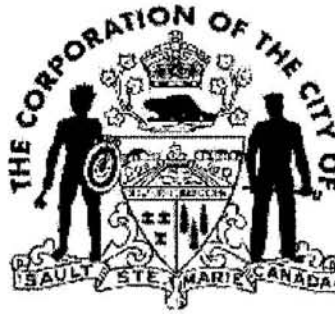
Recommended for Approval,



Lorie A. Bottos
City Solicitor

RECOMMENDED FOR APPROVAL

Joseph M. Gratesi
Chief Administrative Officer

Mr. Don Scott
Transit Manager



5(r)
Public Works and Transportation
Department
Transit Division

2009 05 25

Mayor John Rowswell &
Members of City Council
Civic Centre

**RE: EFFECTIVENESS OF THE PILOT COMMUNITY BUS SERVICE TO
PAWATING PLACE**

BACKGROUND

At their meeting on September 22, 2008, Council resolved "that staff report back to Council in 9 months on the effectiveness of the pilot Community bus service to Pawating Place". The purpose of this report is to provide Council with the results from the first seven months of Community bus service to Pawating Place.

DISCUSSION

At their meeting on September 22, 2008, Councillors Mick and Hayes tabled a resolution asking that the City of Sault Ste. Marie provide Transit Service for Pawating Place as it is the only public housing complex within the city that is not served by nearby busing.

For two years prior to September 2008, Transit staff monitored the Community bus program to determine the most appropriate means of inserting Pawating Place, at no added cost, into existing service schedules.

Effective November 3, 2008 the Community bus began service to Pawating Place every Tuesday and Thursday with six trips per day. During the week of January 4, 2009, Community bus was expanded to include Pawating Place on Fridays, which resulted in service three days per week to said housing complex.

RESULTS

Ridership for Pawating Place was monitored on a daily basis between the dates of November 4, 2008 and April 30, 2009. A total of 194 passengers used the transit service. Monthly passenger trips did not increase when the extra day of service was added to the Pawating schedule in January 2009.

The ridership to date for Pawating Place is comparable to other housing units on scheduled service such as Cara House, Knights of Columbus and the Moose Lodge apartment complex.

RECOMMENDATION

It is recommended that the current level of transit service to Pawating Place be maintained and reviewed annually.

Respectfully submitted,



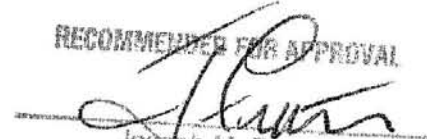
Don Scott
Transit Manager
Public Works and Transportation

Recommended for approval,



Patrick M. McAuley, P. Eng.
Commissioner
Public Works and Transportation

RECOMMENDED FOR APPROVAL



Joseph M. Fratesi
Chief Administrative Officer



CITY COUNCIL RESOLUTION

5(r)

Date: September 22, 2008

Agenda Item

MOVED BY
SECONDED BY

Councillor
Councillor

B. Hayes
J. Caicco

Resolved that the report of the Transit Manager dated 2008 09 22 concerning Transit Service for Pawating Place be accepted and the recommendation that Transit Services implement the following plan to provide transit service to the Pawating Place area:

1. effective November 3, 2008 the Community Bus to provide service to Pawating Place on Tuesdays and Thursdays with scheduled service at 9:00 a.m.; 10:30 a.m.; 12:00 noon; 2:00 p.m.; 3:30 p.m. and 5:00 p.m.; and
2. effective the week of January 4, 2009 the Community Bus service to Pawating Place be expanded to include Fridays; and
3. upon completion of the South Market extension project, staff will confirm the possibility of re-routing the McNabb bus to travel north on Lake Street turning left onto Pentagon Boulevard and returning to McNabb Street; and
4. that staff report back to Council in 9 months on the effectiveness of the pilot community bus service to Pawating Place be approved.

☒ CARRIED
☐ REFERRED

☐ DEFEATED
☐ OFFICIALLY READ NOT DEALT WITH

☐ AMENDED
☐ DEFERRED


SIGNATURE

☒ C.A.O.
☒ City Solicitor
☒ Comm. Finance/Treasurer
☒ Comm. Eng. & Planning
☐ Comm. Human Resources

☐ Comm. Community Services
☒ Comm. P.W. & Transportation
☒ City Clerk
☐ Fire Chief
☐ Police Chief

☐ Mayor
☐ Dir. Libraries
☐ E.D.C.
☐ Cons. Authority
☒ D. Scott

Mr. Don Scott
Transit Manager



5(r)
Public Works and Transportation
Department
Transit Division

2008 09 22

Mayor John Rowsell &
Members of City Council
Civic Centre

RE: TRANSIT SERVICE FOR THE PAWATING PLACE

BACKGROUND

The purpose of this report is to update Council with regard to the request for transit service to the Pawating Place area.

DISCUSSION

In September of 2006, the Transit Manager received a request from a resident living at Pawating Place asking that we look into the possibility of providing conventional or Community Bus service to the Pawating housing complex. In my responding correspondence to the inquiring resident, I indicated that the P-Patch has historically been recognized as a low demand area for public transportation and that we will not be providing conventional bus service to that area. As an alternative we would look at the possibility of providing the Community Bus or a fixed route, shared ride taxi service (TransCab) pilot project similar to what is currently operating in the McQueen Subdivision area. I also indicated to the resident at Pawating Place that we were forecasting implementation in 2008 for either the TransCab pilot project or Community Bus.

PROCESS

CONVENTIONAL TRANSIT

Over the last two years, Transit staff has researched how we can provide cost effective service to Pawating Place. Although we do not currently provide transit service to the P-Patch area, staff is looking at the possibility of sending the McNabb bus north on Lake St. towards Pawating Place, turning onto Pentagon Blvd. and then returning to McNabb Street. This may be possible after the South Market connection is completed. The completion of the South Market connection will allow the re-structuring of the Eastside bus route to cover the east end of the McNabb route. This could possibly provide the extra time required for the McNabb bus to service Lake St. and Pentagon Blvd. Real time schedules will be driven at the completion of the South Market project therefore confirming the viability of providing transit service to Lake St. and Pentagon Blvd.

TRANSCAB

The TransCab program is a viable option for consideration, but \$80,000 in additional funding is required. This option would require Council's approval as existing provincial gas tax dollars are committed to current operations.

COMMUNITY BUS

After almost two years of monitoring Community Bus ridership, staff has the information to adjust the current schedule to provide fewer trips to underperforming existing stops and insert Pawating Place, at no extra cost, into our Tuesday and Thursday service schedule. This bus will connect to Food Basics, Station Mall, Group Health Centre, YMCA and the bus terminal, which will allow the rider to transfer to other routes.

RECOMMENDATION

It is recommended that the Transit Services Division of the Public Works and Transportation Department implement the following plan to provide transit service to the Pawating Place area.

- a) Effective November 3rd, 2008 the Community Bus will begin to provide service to Pawating Place on Tuesdays and Thursdays. Scheduled service will occur at 9 a.m., 10:30 a.m., 12 noon, 2:00 p.m., 3:30 p.m. and 5:00 p.m.
- b) Effective the week of January 4th, 2009, Community Bus service will be expanded to include Friday.
- c) Upon completion of the South Market extension project, staff will confirm the possibility of re-routing the McNabb bus to travel north on Lake St., turning left onto Pentagon Blvd. and returning to McNabb St.

Respectfully submitted,

Recommended for approval,

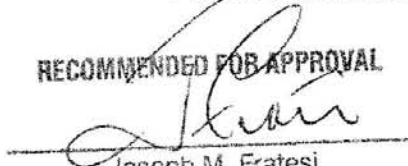


Don Scott
Transit Manager
Public Works and Transportation



Patrick M. McAuley, P. Eng.
Commissioner
Public Works and Transportation

RECOMMENDED FOR APPROVAL



Joseph M. Fratesi
Chief Administrative Officer

5(r)



*Rick Cobean, Manager
Housing Programs*

**Social Services
Department**

180 Brock Street
Social Services Building II
Sault Ste. Marie, Ontario P6A 3B7
Phone (705) 541-7356 Fax (705) 759-5212

Supporting Safe, Secure and
Affordable Housing for All

MEMO TO: Pat Mick, Chair
District of Sault Ste. Marie Social Services Administration Board

DATE: September 17, 2008

SUBJECT: City Transit Service: Pawating Co-operative Homes Inc.

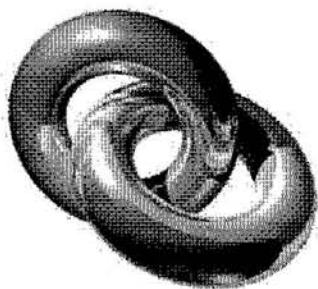
Housing Programs Division is in support of City bus service being made available to and from Pawating Co-operative Homes (Pawating Co-op) for the following reasons:

- Approximately 30% of rent-geared-to-income housing applicants no longer wish to live at Pawating Co-op when it is learned that city bus service is not available to and from the Co-op; Applicants request to have name removed from Pawating Co-op's wait list.
- Potential for increase in subsidy costs paid by the DSSAB to Pawating Co-op; vacant units remain vacant as there are no applicants on Pawating Co-op's wait list. Increased costs passed on to the local taxpayer.
- The cost for an individual to take a taxi cab (grocery store, etc.) from Pawating Co-op is approximately \$10.00 one way. This is a financial hardship for individuals on a limited income.

Thank you.

Rick Cobean

RECEIVED	
CITY CLERK	
SEP 19 2008	
NO.:	
DIST.:	



SAULT STE. MARIE
INNOVATION
CENTRE

Community Geomatics Centre

Youth Crime Project Status Report

Date: May 28, 2009

Sault Ste. Marie Innovation Centre
65 Willow Ave.
Sault Ste. Marie, Ontario
P6B 5B1

Sault Ste. Marie Police Services requested a data extract of crime occurrences in Sault Ste. Marie committed by offenders ages 12 – 25. Only data for ages 12 – 17 was used in this project, but data for ages 18 to 25 is available if needed. This data extract from OPTIC (Ontario Police Technology Information Cooperative) was the first of its kind in Ontario, which resulted in a delay in receiving the data. Before it could be compiled into a GIS format, the data needed more preliminary work than was accounted for in the first project scope. Once the data was cleaned, maps were created based on the location of occurrences and the location of the youth offenders. Occurrence locations were mapped to show where crimes took place in Sault Ste. Marie. The number of occurrences by dissemination areas (DAs) was mapped for all three years of data and one map was created to show the total number of occurrences by DA for 2006 – 2008 combined. Offender locations were mapped to show where the youth offenders live in Sault Ste. Marie. The number of offenders by DA was mapped for all three years of data and one map was created to show the total number of offenders by DA for 2006 – 2008 combined.

Additional maps were created to show the total numbers of types of crime occurrences by DA for each year by occurrence location and offender location. Assaults, break and enters, drugs, mischief, robberies, thefts and thefts of a motor vehicle were mapped to provide a more detailed look at youth crime in Sault Ste. Marie.

To summarize the large number of maps created and to highlight the problem neighbourhoods, maps were made showing the change in youth crime and the neighbourhoods in which youth crime and offenders increased. The change in the number of crimes committed by youth was mapped for 2006 – 2007, 2007 – 2008 and 2006 – 2008 by occurrence and offender location. Neighbourhoods which showed an increase in occurrences and offenders were mapped for 2006 – 2008. The neighbourhoods in which both occurrences and offenders increased were also mapped separately to show which neighbourhoods may benefit from implementing new programs to curb youth involvement in crime.

The maps from the original scope have been completed and delivered to Sault Ste. Marie Police Services and Bryan Hayes for their review (Appendix A). All maps (except for Sault Ste. Marie background maps) use DAs as geographic boundaries because they represent approximately the size of a neighbourhood. Census background maps were included to give the Committee an understanding of the demographics and socio-economic factors in different neighbourhoods in Sault Ste. Marie. These influences shape how youth grow up and may provide insight into why some DAs house more youth offenders than others.

Some youth crimes are more likely to be committed in certain locations. For example, shoplifting and robbery appear to occur more often in areas with shopping centres and convenience stores while assaults are likely to occur on school grounds and parks. A few maps were included to show where some likely locations for youth crime may be found in Sault Ste. Marie.

An overview report was written to illustrate youth crime totals in Sault Ste. Marie. This report includes the total number of youth offenders and occurrences, as well as the percent change over the past three years (2006 – 2008). Also included were graphs and tables showing total offenders and occurrences and total number of occurrences by type

of crime. This report shows how youth crime in Sault Ste. Marie has changed and what types of crime need to be addressed in the youth population.

Next Steps

As a result of the delay in receiving the raw data from OPTIC, and the data requiring additional preliminary work prior to the mapping/analysis stage, the project has been delayed and the anticipated completion date is now September. This new timeline would allow the Sault Ste. Marie Innovation Centre and the Youth Crime Committee more time to further investigate youth crime in Sault Ste. Marie.

Community service providers with an interest in curbing youth crime will also meet in the near future to discuss what the next steps will be. Some of the interested providers include The John Howard Society, Focus Coalition, District of Sault Ste. Marie Social Services Board, Algoma Family Services, and the Ministry of Children and Youth Services through the local Probation Office.

The Sault Ste. Marie Innovation Centre will be conducting further analysis to pinpoint neighbourhoods in Sault Ste. Marie that are the most in need of services to curb youth involvement in crime. This would involve assigning weights to the socio-economic factors, demographics, and numbers of occurrences and offenders in each dissemination area or census tract (CT). The weights will be used to assign a score to each DA or CT, which in turn would show the areas most in need of youth services. Gaps in services throughout the city will also be assessed and compared with neighbourhoods in need. The outcome of these assessments will provide insight into how to target youth crime effectively.

There has been discussion surrounding the comparison of Sault Ste. Marie to other communities, however since this is the first extract from OPTIC of its kind, as well as different reporting methods from community to community, and the usage of different enforcement programs from each communities Police Services, this is unattainable. The best approach is to attempt to reduce youth crime in Sault Ste. Marie by focusing the communities attention to a small number of localized neighbourhoods where intervention programs may have the most effect.

Appendix A: List of Maps Created to Date

Census Maps

1. Low Income Cut Offs (LICO) in Sault Ste. Marie, 2006

maps
(not attached)

2. Lone Parent Families in Sault Ste. Marie, 2006
3. Median Income in Sault Ste. Marie, 2006
4. Mobility in Sault Ste. Marie, 2006
5. Youth in Sault Ste. Marie, 2006
6. Unemployment in Sault Ste. Marie, 2006

Sault Ste. Marie Background Maps

7. Major Shopping Centres and Convenience Stores in Sault Ste. Marie
8. Schools and Parks in Sault Ste. Marie

Youth Crime Occurrence Locations

9. Occurrence Location of Youth Crime by DA as a % of Total Youth Crime Occurrences in Sault Ste. Marie, 2006
10. Occurrence Location of Youth Crime by DA as a % of Total Youth Crime Occurrences in Sault Ste. Marie, 2007
11. Occurrence Location of Youth Crime by DA as a % of Total Youth Crime Occurrences in Sault Ste. Marie, 2008
12. Occurrence Location of Youth Crime by DA as a % of Total Youth Crime Occurrences in Sault Ste. Marie, 2006 – 2008

Youth Crime Offenders

13. Youth Offenders by DA as a % of Total Youth Offenders in Sault Ste. Marie, 2006
14. Youth Offenders by DA as a % of Total Youth Offenders in Sault Ste. Marie, 2007
15. Youth Offenders by DA as a % of Total Youth Offenders in Sault Ste. Marie, 2008
16. Youth Offenders by DA as a % of Total Youth Offenders in Sault Ste. Marie, 2006 – 2008

Types of Crime by Occurrence Location

17. Assaults Committed by Youth by Occurrence Location, 2006
18. Assaults Committed by Youth by Occurrence Location, 2007
19. Assaults Committed by Youth by Occurrence Location, 2008
20. Break and Enters Committed by Youth by Occurrence Location, 2006
21. Break and Enters Committed by Youth by Occurrence Location, 2007
22. Break and Enters Committed by Youth by Occurrence Location, 2008
23. Drug Offences Committed by Youth by Occurrence Location, 2006
24. Drug Offences Committed by Youth by Occurrence Location, 2007
25. Drug Offences Committed by Youth by Occurrence Location, 2008
26. Mischief Committed by Youth by Occurrence Location, 2006
27. Mischief Committed by Youth by Occurrence Location, 2007
28. Mischief Committed by Youth by Occurrence Location, 2008
29. Robberies Committed by Youth by Occurrence Location, 2006
30. Robberies Committed by Youth by Occurrence Location, 2007
31. Robberies Committed by Youth by Occurrence Location, 2008
32. Thefts Committed by Youth by Occurrence Location, 2006
33. Thefts Committed by Youth by Occurrence Location, 2007
34. Thefts Committed by Youth by Occurrence Location, 2008
35. Thefts of a Motor Vehicle Committed by Youth by Occurrence Location, 2006
36. Thefts of a Motor Vehicle Committed by Youth by Occurrence Location, 2007
37. Thefts of a Motor Vehicle Committed by Youth by Occurrence Location, 2008

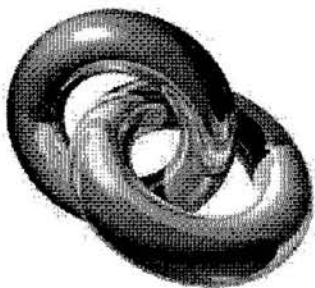
Types of Crime by Offender Location

38. Assaults Committed by Youth by Offender Location, 2006
39. Assaults Committed by Youth by Offender Location, 2007
40. Assaults Committed by Youth by Offender Location, 2008
41. Break and Enters Committed by Youth by Offender Location, 2006

42. Break and Enters Committed by Youth by Offender Location, 2007
43. Break and Enters Committed by Youth by Offender Location, 2008
44. Drug Offences Committed by Youth by Offender Location, 2006
45. Drug Offences Committed by Youth by Offender Location, 2007
46. Drug Offences Committed by Youth by Offender Location, 2008
47. Mischief Committed by Youth by Offender Location, 2006
48. Mischief Committed by Youth by Offender Location, 2007
49. Mischief Committed by Youth by Offender Location, 2008
50. Robberies Committed by Youth by Offender Location, 2006
51. Robberies Committed by Youth by Offender Location, 2007
52. Robberies Committed by Youth by Offender Location, 2008
53. Thefts Committed by Youth by Offender Location, 2006
54. Thefts Committed by Youth by Offender Location, 2007
55. Thefts Committed by Youth by Offender Location, 2008
56. Thefts of a Motor Vehicle Committed by Youth by Offender Location, 2006
57. Thefts of a Motor Vehicle Committed by Youth by Offender Location, 2007
58. Thefts of a Motor Vehicle Committed by Youth by Offender Location, 2008

Summary Maps

59. Change in Youth Crime by Occurrence Location from 2006 to 2007
60. Change in Youth Crime by Occurrence Location from 2007 to 2008
61. Change in Youth Crime by Occurrence Location from 2006 – 2008
62. Change in Youth Crime by Offender Location from 2006 to 2007
63. Change in Youth Crime by Offender Location from 2007 to 2008
64. Change in Youth Crime by Offender Location from 2006 to 2008
65. Increase in Youth Crime by Occurrence Location from 2006 to 2008
66. Increase in Youth Crime by Offender Location from 2006 to 2008
67. Increase in Youth Crime and Offenders from 2006 to 2007
68. Increase in Youth Crime and Offenders from 2007 to 2008



SAULT STE. MARIE
INNOVATION
CENTRE

Community Geomatics Centre

Youth Crime

Date: May 13, 2009

Sault Ste. Marie Innovation Centre
65 Willow Ave.
Sault Ste. Marie, Ontario
P6B 5B1

REVISION HISTORY

Version/ Release	Date	Description of Revisions
1.0	May 13 th , 2009	Initial Creation of Document
1.1	May 26 th , 2009	Revisions

Table of Contents

Types of Crime	4
Crime Stats – Individual Occurrences/Offenders.....	5
Breakdown by Type of Crime	7
Individual Youth Crime Occurrences based on Occurrence File Number.....	7
Crime Breakdown; Individual Occurrences	8

Types of Crime

Occurrences Included in the Analysis:

- Assault
- Sexual Assault
- Break and Enter
- Disturb the Peace
- Drug Offences
- Fraud
- Harassment
- Impaired Driving/Over 80
- Indecent Acts
- Mischief
- Noise complaint
- Possession of Stolen Property
- Robbery
- Suspicious Person
- Theft
- Stolen Vehicle
- Shoplifting
- Threats
- Trespass by Night
- Trespass to Property
- Trouble with Youth
- Unlawfully at Large
- Warrants
- Weapons

Occurrences Not Included in the Analysis:

- | | |
|--|---|
| <ul style="list-style-type: none"> • 911 call/hang-up • Abduction • Airplane Crash • Arson • Attempt Murder • Attempt of threat of suicide • Audits & Information Security • Bail Violations • Breach of Probation • Community Services • Counterfeit Money • Court Order • Dangerous Conditions • Domestic Dispute • Duplicate Occurrence • Escape Custody • Escort • FAC/POL/PAL • FAC/POL/PAL rev-refuse • Family Dispute • Fire • Gaming and Betting • Homicide • Hostage Taking • Insecure Premises • Kidnapping • Liquor License Act • Mental Health Act • Missing Person • Missing Person Located • Motor Vehicle – Abandoned • Motor Vehicle – Recovered | <ul style="list-style-type: none"> • Municipal By Law • Neighbour Dispute • Non-police Matter – Low Priority • Non-traffic Accident • Motor Vehicle Collision • Obstruct Peace Officer • Other Criminal Code • Other Federal Statutes • Other Provincial Statutes • Person Check-In • Police Information • Police Pursuit • Prevent Breach of Peace • Property Check • Property Related • Prostitution • Public Morals • Report Office • Routine Traffic Stop • Strikes • Sudden Death • Suspicious Vehicle • Test CAD event for Police • Towed Vehicle • Traffic Complaint • Traffic Control • Traffic Enforcement – HTA • Traffic Enforcement – Other • Traffic Hazard • Unit Emergency • Wires Down – Possible Fire |
|--|---|

Crime Stats – Individual Occurrences/Offenders**2006**

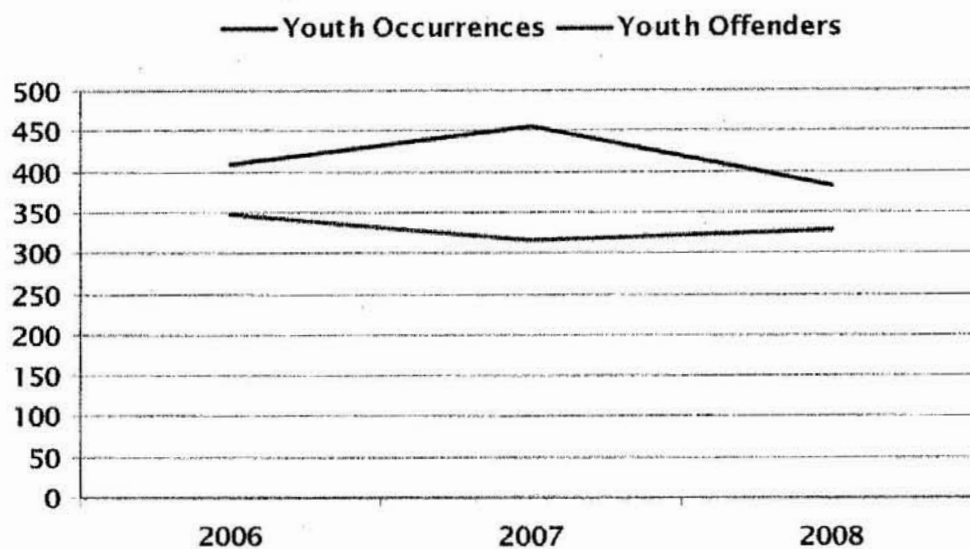
Total Youth Occurrences (12 – 17 years of age) 410**Total Youth Offenders (12 – 17 years of age)** 348**2007**

Total Youth Occurrences (12 – 17 years of age) 456
Percent Change in Youth Occurrences since 2006 11% increase**Total Youth Offenders (12 – 17 years of age)** 315
Percent Change in Youth Offenders since 2006 9% decrease**2008**

Total Youth Occurrences (12 – 17 years of age) 382
Percent Change in Youth Occurrences since 2007 16% decrease
Percent Change in Youth Occurrences since 2006 7% decrease**Total Youth Offenders (12 – 17 years of age)** 327
Percent Change in Youth Offenders since 2007 4% increase
Percent Change in Youth Offenders since 2006 6% decrease

- Occurrences were calculated by dissolving the data based on the Occurrence File Number so duplicate records would be eliminated.
- Offenders were dissolved based on the creation of a unique ID field (Municipality + Birth Date + Address) which allowed duplicate records to be eliminated.

5(s)



The number of Youth Occurrences spiked in 2007, however, the number of Youth Offenders decreased.

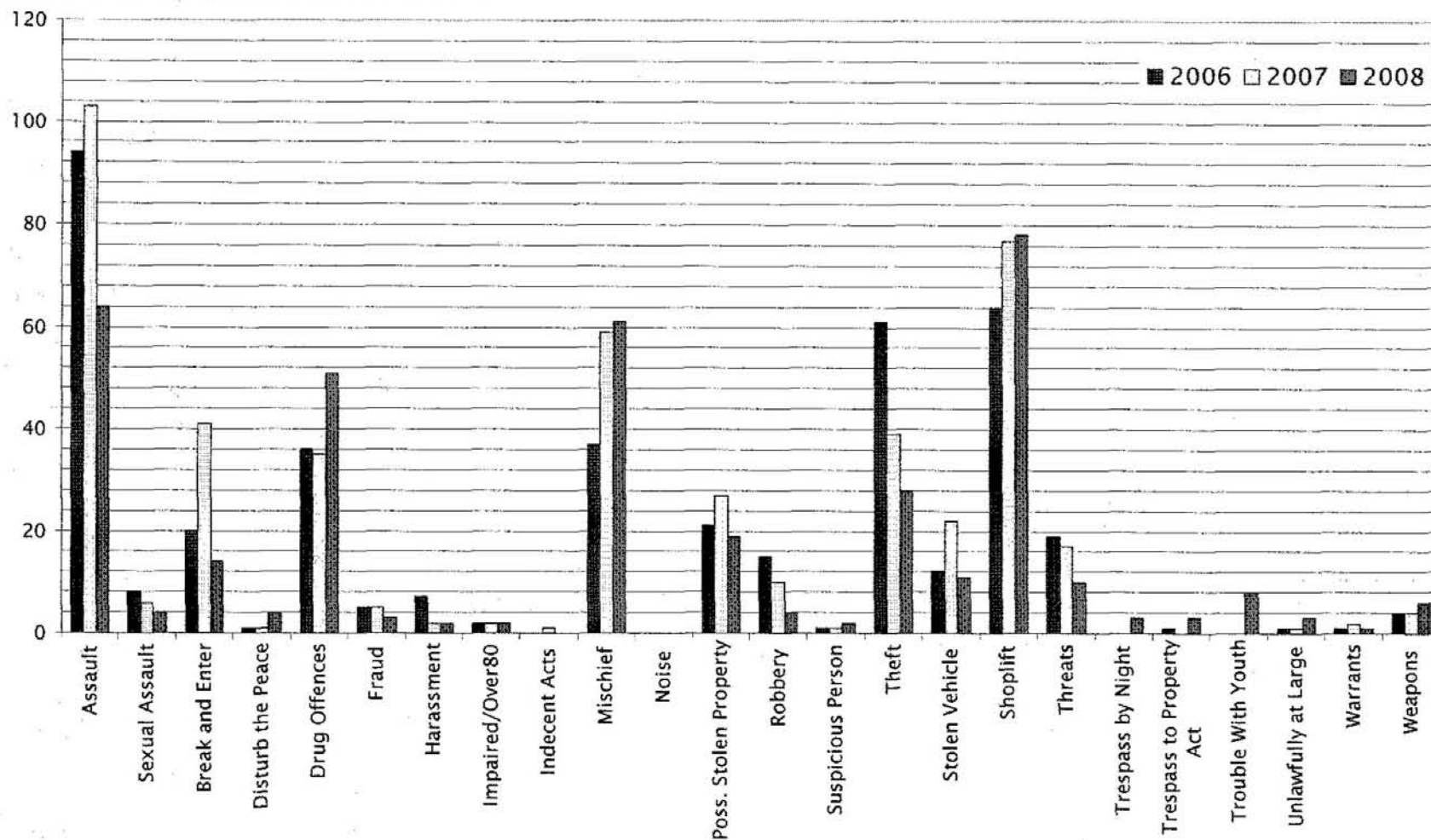
Breakdown by Type of Crime

Individual Youth Crime Occurrences based on Occurrence File Number

	2006	2007	2008
	<18	<18	<18
Assault	94	103	64
Sexual Assault	8	6	4
Break and Enter	20	41	14
Disturb the Peace	1	1	4
Drug Offences	36	35	51
Fraud	5	5	3
Harassment	7	2	2
Impaired/Over80	2	2	2
Indecent Acts	0	1	0
Mischief	37	59	61
Possession Stolen Property	21	27	19
Robbery	15	10	4
Suspicious Person	1	1	2
Theft	61	39	28
Stolen Vehicle	12	22	11
Shoplifting	64	77	78
Threats	19	17	10
Trespass by Night	0	0	3
Trespass to Property Act	1	0	3
Trouble with Youth	0	0	8
Unlawfully at Large	1	1	3
Warrants	1	2	1
Weapons	4	4	6

	Increase in Occurrences
	Increase in 2007 Occurrences
	Decrease in Occurrences
	Less than 10 Occurrences per Year

Crime Breakdown; Individual Occurrences



Jerry D. Dolcetti, RPP
Commissioner

Don J. Elliott, P. Eng.
Director of Engineering Services



6(3)(a)
ENGINEERING & PLANNING DEPARTMENT

Engineering & Construction Division

Tel: (705) 759-5378
Fax: (705) 541-7165

June 8, 2009

Our File: B-05-04

Mayor John Rowsell
Members of City Council

**RE: Elementa (formerly EnQuest) Proposal for a
Energy-from-Waste Plant in the City of Sault Ste. Marie**

Purpose of the Report

The purpose of this report is to address the Council resolution dated July 21, 2008, the conditions of the MOU and Elementa's current request that the City enter into a long term waste provision contract. The timing of this report is such that it has allowed for Elementa to conduct its source testing, have the required reports prepared which have then been reviewed and discussed in a number of meetings and teleconferences between Elementa, the City and our Consulting team.

Introduction

The Elementa (formerly EnQuest) project has resulted in lengthy consultation and review by many levels of government, consultants and the Elementa team. It should be recognized that the following have participated in this process:

- Engineering and Planning Department Staff (J. Dolcetti, D. Elliott, S. Hamilton Beach, D. McConnell, S. Turco);
- Legal Department (L. Bottos);
- Finance Department (B. Freiburger);
- Public Works & Transportation (J. Elliott);
- Elementa Group (J. Zwierschke, E. Dueck, D. Wood);
- Conestoga-Rovers & Associates (S. Eckert-Ferguson) – Consultant to Elementa;
- Shelby Environmental Services (Jim Harmar) – Consultant to Elementa;
- AECOM - SSM (Rick Talvitie) – Waste Management EA Consultant for City SSM;
- GENIVAR (Dave Merriman) – Waste Management EA Consultant for City SSM;
- AECOM - Vancouver (Konrad Fichtner) – Waste Management EA consultant for City SSM;
- Councillor Steve Butland; and
- MOE Staff – Lilian Keen, Rod Stewart, Guillermo Azocar.

Background

Following the report to Council dated July 21, 2008, see attached, a Memorandum of Understanding was entered into between the City and Elementa dated August 18, 2008. A copy of this MOU is also included for your reference. The Council Resolution read as follows:

"Resolved that the report of the Land Development and Environmental Engineer dated 2008 08 18 concerning Request from EnQuest Power Corporation to enter into a Memorandum of Understanding with the Corporation of the City of Sault Ste. Marie be accepted and the recommendation

1. that the MOU be entered into with EnQuest Power Corporation for a six-month period of time which will allow EnQuest to further prove/support their claims to both the City and the MOE; and
2. that following the six-month stage, a further report be prepared by Staff for Council to present the success/failure of the pilot project based on the criteria established by the MOE and the City; and
3. that Council approve the continuance of the landfill operation and the City's continuing investigation of the present waste management EA study, be approved."

Items 1 through 6 on page 2 of the MOU were the obligations to be met by Elementa prior to moving forward.

On December 16, 2008 a detailed submission was made by Elementa to the City which included the following key documents:

1. Source Testing Report by Lehder (draft dated October 2008). Final provided later dated January 5, 2009;
2. SNC Lavalin Report (Third Party Review) dated December 3, 2008;
3. Financial Package including a Financial Summary, BMO Indicative Term Sheet (unauthorized), Term Sheet for SDTC (Sustainable Developmental Technology Fund) Funding;
4. MOE Certificate of Approvals; and
5. Company Profiles for Similar Technologies (potential partners).

The review of this submission resulted in a letter being forwarded to Elementa dated February 19, 2009 by the City which accompanied a letter report prepared by our Consultant team with further questions or concerns.

A number of meetings and teleconferences resulted in a streamlined list of outstanding questions (12 in total) which we received a reply to on May 14, 2009 with further supporting documentation.

Several key points should be made:

- In total, several hundred pages of information have been provided by the Elementa team with the genuine intent to satisfy the City's requirements. In general, staff and our Consulting team understand the conditions of the MOU have been substantially satisfied, however, the length of time of continuous operation of the pilot plant was less than stipulated.
- The review of the submissions has been thorough with the intent of City staff and our Consultants being to identify and minimize the risk(s) to the City of entering into a long-term waste provision contract. It was not the goal of this process to recommend this technology or the decision to proceed with energy-from-waste. Those recommendations would only result after the completion of our Waste Management EA.
- In general, our Waste Management EA has been "stalled" for the timeframe of this review in order to fully appreciate the impact it may have on the results of our EA. Our Consultant team has taken this step at the direction of the City and have patiently awaited to recommence the study activities, with the encouragement of the Ministry of the Environment.

General Discussion

It should be noted that the evaluation criteria established in our Waste Management Plan EA has been applied in this separate decision making process and has thus created the foundation for the discussion below.

- a) **Compliance with Regulation and Policies** – The study conducted at the Elementa pilot plant provided encouraging results with regards to compliance with relevant air emission standards. The Lehder Report noted "the Syngas Flare Stack appears to be well within all applicable pollutant concentration limits described in C of A....".

The MOE's Source Assessment Officer has made the following key comments:

1. During the source testing program, only domestic municipal waste was processed, which provides only a narrow scope of the gasification process effectiveness to process wastes other than municipal waste;
2. The reported feed rates throughout the source testing were optimized at 26% of the maximum allowable by the C of A. There is concern that this low feed rate may not represent pilot plant emissions when operating at maximum feed rate capacity; and
3. All the contaminants with in-stack limits met those limits, but for nitrogen oxides.

- b) **Environmental Acceptability** – Based on preliminary air emission results, it is most probable that any environmental concerns can be mitigated / engineered.

- c) **Proven Technical Capability** – The Lavalin Report states that “the findings of this study indicate that, based on the rotary kiln process technology used in the Elementa Pilot Plant the process technology can be scaled up to design, build and operate a Commercial Demonstration Plant.” It should be noted that, as indicated in the Lavalin Report, the pilot plant test results are promising however, 8 “Observations and Discussion” points were raised that need to be addressed in the design and operation of the Commercial Demonstration Plant. It is City staff’s opinion that the next stage of the development remains experimental in nature and the overall success of the full scale plant must yet be proven. Our consultant team has concluded that one of the areas of risk remains the “scaleability” of this project.
- d) **Flexibility of the System** – In general, an energy-from-waste plant remains less flexible than a landfill. The plant will be designed for a specific volume in order for it to be profitable through the sale of electricity. It is our understanding the plant will be designed to process 25,000 – 32,000 tonnes annually. The volume of curbside residential waste that is the focus of the City’s agreement is currently between 12,000 – 15,000 tonnes annually. Elementa has been provided with the results of a 2006 City of Sault Ste. Marie residential waste audit and we have had discussions regarding the potential changes to the waste stream. It has been made clear that no guarantees can be made as to quantity or quality of waste at the curb. It has also been noted that the City’s overall waste management program may change as we may be mandated by provincial regulations (ie. organics program) and these changes have the potential to result in significant future impacts to the energy value of our waste.

Once the optimal design is complete and the plant is built, it can be extremely costly to modify to accommodate waste stream changes or more stringent regulatory emission requirements.

- e) **Capability of Managing Waste Quantities and Qualities** – The municipality of Sault Ste. Marie can only commit to the provision of residential waste. The Industrial, Commercial and Institutional (“IC & I”) sector is responsible annually for equal or greater volumes, but this waste is left to the private sector to manage. It is our belief that a portion or a balance of the waste required for the Elementa plant may come from this sector. This sector is currently a “customer” of the landfill and therefore every tonne of waste diverted from this sector to the energy-from-waste facility will result in a loss of revenue in tipping fees to the City. This has the potential to be approximately \$1M annually, but, it would further extend the life of the landfill.
- f) **Economic / Cost** – As has been previously stated to Council, conventional incineration / high heat processes are significantly more costly than landfilling. Elementa has offered the City of Sault Ste. Marie the tipping fee of \$60 per tonne. Much of the recent effort by City staff and our Consultants has been spent validating the feasibility of the plant in an effort to avoid a possible higher tipping fee down the road. Other communities have been faced with this situation in the past as once an energy-from-waste plant is built and operating, the economics require an increased tipping fee. Since several parameters seem very optimistic in their financial model (eg. quantity of electricity produced annually) the economic viability of the facility with a \$60.00 per tonne tipping fee remains to be proven. It should be noted that at \$60 per

tonne plus CPI, the potential of diverting 12,000 – 15,000 tonnes per year from the landfill for approximately \$1M is cost effective for the City, however, the terms of the agreement need to protect the City from future increases.

Our consultant team has concluded that one of the areas of risk remains the revenue side of this project (ie. the financial model includes the plant operating 95% of the time with a very high efficiency rate and rate for electricity from the Ontario Power Authority 'OPA' remains under negotiation).

- g) **Ability of the City to Implement the Alternative** – The proposal from Elementa would include the design, build and operation of the facility, thus the City would not be required to have this in-house expertise. The location of the commercial/demonstration plant has not yet been confirmed, however, the City landfill site is not an option due to the liabilities it would pose.

Waste Management Decision Making Process

Stated once again, Sault Ste. Marie finds itself in a unique situation with regards to its most recent waste management decision making process. We have hosted an energy-from-waste pilot project within our community and initial results, on a small scale with limited quantities of waste and no energy production, seem promising. Without the completion of the EA process, we are being asked to include energy-from-waste in our waste management system. As is written in the March 2009 issue of Municipal World article *Energy-from-Waste Essential to a Successful Integrated Waste Management System*, "Since evidence indicates a zero-waste society is at least a generation or more away, the diversification that is fundamental to an integrated system mitigates risk. An integrated system is fully compatible with triple bottom-line measures of sustainability: social, environmental, and economic."

Integrated options must reduce the overall environmental burden by complementing – not competing with – recycling and diversion programs. Moreover, as Canadians annually generate over 1,000 kilograms of waste per capita (a steadily rising number); ignoring the role of energy-from-waste is counter-productive.

Staff accepts that a fully integrated approach for Sault Ste. Marie may mean landfilling, recycling and energy-from-waste and anticipate that a community based integrated solution may be possible if Elementa is successful in its next stage of project development. It does need to be recognized that Elementa's technology will only be addressing a portion of the waste stream (approximately half) and there will be a residual to their process.

Another issue is created for the municipality with the elimination of all of the residential curbside waste from landfill disposal – biosolids management. Currently, approximately 10,000 tonnes annually of this material is mixed in and covered by the curbside refuse that arrives at the site daily.

Completing the overall Waste Management EA will properly address how the City should handle its entire waste stream and include an updated business plan on how best to pay for the expense of an integrated approach.

Waste Provision Agreement

It is staff's understanding, based on MOE discussions and correspondence, that the City may enter into a long-term waste provision agreement with Elementa and not contravene the Environmental Assessment Act. It is expected that an agreement may be negotiated with Elementa that will allow for the supply of curbside waste with no guarantees or liabilities with respect to quantities, composition or its energy value. There are other municipal sources of waste that Elementa may wish to secure with other implications, ie. additional transportation costs, contractual obligations, lost tipping fee revenue etc. that will need to be addressed. It is anticipated these potential feedstocks will be independently addressed and negotiated.

Schedule

Please find attached Figure 1 which represents staff's best estimate of the revised potential timeline for the establishment of a full scale energy-from-waste plant. *Given the success or failure of this plant, it must be recognized that landfill capacity will be required.*

It is critical, as has been strongly encouraged by the MOE, that the overall Waste Management Plan EA be continued to meet the waste requirements of the community for years to come.

It is understood by Staff and has been stated most recently by the Environmental Commissioner of Ontario, Mr. Gordon Miller, that it typically takes 10 – 15 years for a new technology to thrive and therefore the timeframe included with this report may be optimistic.

Summary

In summary, the decision to include Elementa's energy-from-waste technology as part of the City's integrated waste management system must be perceived by the community and Council as participating in an experiment. The City and Consultant review has identified a number of potential risks and concerns. There remains uncertainty with regards to the feasibility of the project – ie. the revenue side of the financial model, overall plant reliability, efficiency and scalability.

However, it is staff's opinion that an acceptable agreement may be negotiated which ensures those risks will be borne by Elementa and not the City. Continuing with the overall Waste Management EA will ensure the municipality's waste management responsibility is addressed and the funding requirements identified.

Recommendation

Given consideration of all of the above, the Engineering and Planning Department recommends that the City negotiate an agreement with Elementa for the long term provision of all residential curbside waste (ie. five year contract plus 5 year renewal option) that would address the concerns/risks to the City, including, but not limited to the following:

1. There shall be no guarantee or liability associated with the quantity or quality of waste provided by the City.
2. Elementa shall agree to the \$60.00 per tonne tipping fee, subject to an annual CPI adjustment, and this cost shall not be negotiable during the term of the contract.
3. All Federal, Provincial and local permits and approvals shall be the responsibility of Elementa.
4. Elementa shall carry insurance, acceptable to the City to cover fire and explosion risks.
5. That the City's Fifth Line landfill site shall not be considered an option for the location of the Elementa plant.

And

Furthermore, that the City's Waste Management EA consultant team shall facilitate and assist the City in the agreement negotiations.

And

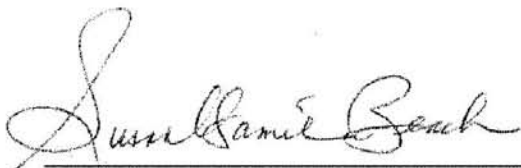
Furthermore, that Elementa must construct and have in operation the energy-from-waste plant to process Sault Ste. Marie's curbside MSW within 5 years of the MOE approval of the energy-from-waste plant.

And

Furthermore, approve the continuance of the landfill operation and the City's continuing investigation through the completion of the overall Waste Management EA study.

Respectfully submitted,

Recommended for Approval:

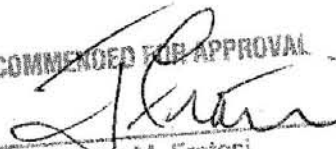


Susan Hamilton Beach, P. Eng
Land Development & Environmental Engineer



Jerry D. Dolcetti, RPP
Commissioner
Engineering & Planning Department

RECOMMENDED FOR APPROVAL



Joseph M. Fratesi
Chief Administrative Officer

**Figure 1 - Elementa Energy-from-Waste Project - Potential Timeframe and Waste Processing Targets
(City's Best Estimate)**

Stage of Elementa Development			MOE Approvals (Note #1)	MOE Approvals								
			Completion of Screened EA (Note #1)	Completion of Screened EA								
	Operation of Pilot Plant			Build facility (Elementa estimates 18 mos.)			Commission & Operate E-F-W Plant					
Length of Time (years)		1	2		3	4		5		6		7
Date	Fall '07	Jan 24'09	June '10	June '11	June '12	June '13	June '14	June '15				
Tonnage of Waste Potentially Processed	0	0		0			0 to 30,000 tonnes/year					
Tonnage of Waste to be Landfilled (Note #2)	Approx. 60,000 tonnes/year						Approx. 30,000 - 60,000 tonnes/year					
Remaining Landfill Space (Fall 2008 - 571,000 tonnes)	331,000 tonnes						151,000 - 241,000 tonnes					

Notes:

1. It is staff's understanding that the MOE is agreeable to the Screened EA being completed simultaneously to the Certificate of Approval application process. From the City's past experience with much simpler applications and EA's allowing 2 years time for this effort is very optimistic.
2. The Elementa facility will also have a residual end product (approx. 15-25%) that may need to be landfilled which is not included here.
3. The MOE Approvals and the completion of the Screened EA should be complete prior to commencing the construction of the facility.

6(3)(a)



6(3)(a)

Memorandum of Understanding

Between

EnQuest Power Corporation (EnQuest)

and

The Corporation of the City of Sault Ste. Marie (SSM)

regarding a proposed Energy from Waste (EFW) Demonstration Plant

1. EnQuest Power Corporation welcomes the support of the City of Sault Ste. Marie in developing a state of the art Energy from Waste (EFW) facility in the City.
2. Throughout the past several years, SSM has become a leader in supporting the development of clean energy projects by adapting a forward-thinking approach to implementing new and sustainable business models.
3. The parties are prepared to proceed to the next stage of development subject to the terms set out in this memorandum of understanding.
4. It is recognized that SSM is not a partner with EnQuest, but, rather wishes to encourage and assist EnQuest in its endeavour. SSM provides a venue for the advancement of EnQuest's technology and SSM shares EnQuest's interest in showcasing world class clean energy technology.

After lengthy consultation with City staff, SSM is allowing EnQuest to continue to develop and evaluate the EnQuest process. EnQuest is confident that the conditions in the Memorandum of Understanding will further divert waste from the landfill while securing a clean energy mandate.

This MOU is executed as of the date set out below (Effective Date) and it sets out the mutual intent and limited agreement of SSM and EnQuest. SSM and EnQuest may be referred to in this MOU as the "Party" or "Parties".

The purpose of this MOU is to allow the Parties to set the framework for the Parties to negotiate a contract (the term of which is as set out below) for the supply of curbside Municipal Solid Waste (MSW) and potentially sewage sludge as determined by SSM to EnQuest. A contract for the supply of curbside MSW will support the development of EnQuest technology within SSM for the benefit of the community and assist EnQuest in promoting its technology on a global basis.

EnQuest will meet all conditions of the MOU and supply forthwith information as reasonably requested by SSM in SSM's efforts to complete both due diligence and technology verification as required prior to entering into a contract. The following is a list of prerequisite conditions that are compulsory to the previously mentioned contract.

EnQuest:

1. must provide a positive credible third-party verification of the commercial viability of its technology based upon the pilot plant located at the SSM Fifth Line landfill site.
2. must complete with positive results, third-party air emission testing in compliance with Ontario Ministry of the Environment Guideline A-7 and the Certificate of Approval (Air) for the pilot plant located at the SSM Fifth Line landfill site.
3. must supply SSM with detailed capital and operating costs breakdowns and verification of project financing for the entire project.
4. will satisfy all the requirements of its Certificates of Approvals (Waste and Air) for the pilot project within 6 months of the effective date of this agreement. If EnQuest fails to satisfy the said requirements for the pilot project within 6 months, SSM may terminate this MOU and SSM shall not be responsible for any liability in closing the pilot plant operation nor is SSM responsible for any other costs incurred by EnQuest.
5. will demonstrate the pilot plant can operate continuously with MSW as its feedstock for a minimum time period of two weeks.
6. acknowledges and agrees that if it does not meet the requirements in the Certificates of Approvals (Waste and Air) issued by the Ministry of the Environment and satisfy third-party verification set out above, that SSM will then proceed with its full waste management environmental assessment. No extension of this 6 months deadline will be requested by EnQuest.

Providing the above mentioned clauses are met by EnQuest a contract shall be negotiated based on the following:

EnQuest:

7. must determine the preferred location for the EnQuest demonstration plant within the limits of SSM and work to satisfy complying with the comprehensive zoning bylaw of SSM.
8. shall obtain all Federal, Provincial and local permits and approvals, with the timing, cost and requirements of those approvals the responsibility and risk of EnQuest.
9. will take all of SSM's curbside MSW and process all of the waste through EnQuest's demonstration plant up to the approved limits of the plant.
10. must construct and have in operation the demonstration plant to process SSM's curbside MSW within 5 years of the MOE approval of the demonstration plant.

SSM:

11. will enter into a 5 year contract with a 5 year renewal option for the supply to EnQuest of all curbside residential MSW from SSM up to the limit of the EnQuest Certificate of Approval(s). The Parties may extend the term of the contract

beyond 5 years intervals once EnQuest has received its final Certificate of Approval(s). SSM and EnQuest understand that this may be 75 tonnes per day (Monday to Friday).

12. pay a service (tipping) fee of sixty (\$60.00) dollars per tonne plus any increase in the Ontario Consumer Price Index (OCPI) on an annual basis after the first year of operation.
13. will provide cooperation and support from City staff in securing permits and approvals from government agencies.
14. agree in the contract that SSM employees or contractors will transport the MSW to the EnQuest plant. However, any sorting of the curbside MSW will be the responsibility of EnQuest.

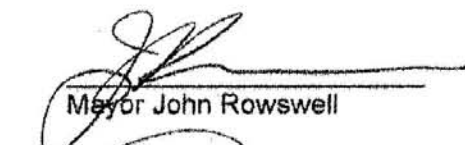
The Parties look forward to future collaboration and development of an EnQuest clean EFW plant in Sault Ste. Marie. This opportunity as presented by EnQuest contributes towards the direction of SSM implementing sustainable energy.

Dated at Sault Ste. Marie this 18th day of August, 2008

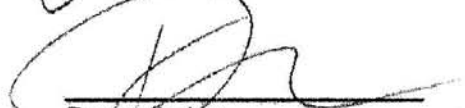


Jayson Zwierschke
EnQuest Power Corporation

The Corporation of the City of Sault Ste. Marie



Mayor John Rowsell



Donna Irving
City Clerk



CITY COUNCIL RESOLUTION

6(3)(a)

Agenda Item

Date: August 18, 2008

MOVED BY
SECONDED BY

Councillor
Councillor

T. Sheehan
F. Fata

Resolved that the report of the Land Development and Environmental Engineer dated 2008 08 18 concerning Request from EnQuest Power Corporation to enter into a Memorandum of Understanding with the Corporation of the City of Sault Ste. Marie be accepted and the recommendation

1. that the MOU be entered into with EnQuest Power Corporation for a six-month period of time which will allow EnQuest to further prove/support their claims to both the City and the MOE; and
2. that following the six-month stage, a further report be prepared by Staff for Council to present the success/failure of the pilot project based on the criteria established by the MOE and the City; and
3. that Council approve the continuance of the landfill operation and the City's continuing investigation of the present waste management EA study, be approved.

☒ CARRIED
☐ REFERRED

☐ DEFEATED
☐ OFFICIALLY READ NOT DEALT WITH

☐ AMENDED

☐ DEFERRED



SIGNATURE

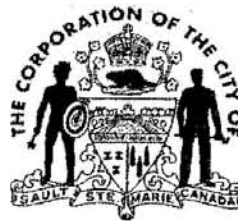
☒ C.A.O.
☒ City Solicitor
☒ Comm. Finance/Treasurer
☒ Comm. Eng. & Planning
☐ Comm. Human Resources

☐ Comm. Community Services
☐ Comm. P.W. & Transportation
☐ City Clerk
☐ Fire Chief
☐ Police Chief

☐ Mayor
☐ Dir. Libraries
☐ E.D.C.
☐ Cons. Authority
☒ S. Hamilton-Beach

Jerry D. Dolcetti, RPP
Commissioner

Don J. Elliott, P. Eng.
Director of Engineering Services



6(3)(a)
ENGINEERING & PLANNING DEPARTMENT

Engineering & Construction Division

Tel: (705) 759-5378
Fax: (705) 541-7165

August 18, 2008

Mayor John Rowsell
Members of City Council

RE: REQUEST FROM EnQUEST POWER CORPORATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CORPORATION OF THE CITY OF SAULT STE. MARIE

Introduction

After lengthy consultation including the following individuals over the past several weeks, Engineering and Planning present this report regarding the EnQuest technology and the Memorandum of Understanding proposed by EnQuest:

- Jerry Dolcetti, Don Elliott and Susan Hamilton Beach (Engineering);
- Don McConnell (Planning);
- Lorie Bottos (Legal);
- Bill Freiburger (Finance);
- Jim Elliott (Public Works and Transportation)
- Jayson Zwierschke and Ernie Dueck, President and VP, EnQuest Power;
- Sarah Eckert Ferguson, Conestoga Rovers Associates (Consultant to EnQuest);
- Rick Talvitie, TSH (Waste Management EA Consultant for City SSM);
- Dave Merriman, Genivar (Waste Management EA Consultant for City SSM);
- Councillor Steve Butland; and
- Lilian Keen (MOE).

Background

The EnQuest pilot plant is located at the Sault Ste. Marie Fifth Line landfill site. The building has been fully constructed for approximately one year with the experimental process equipment undergoing commissioning since Fall 2007. The local MOE office has set January 24, 2008 as the initial day of operation with a one year lifespan established by the Certificate of Approvals (Waste and Air) for the site. It should be noted that the MOE is the governing agency authorizing the operation with allowable process limits (ie. maximum 3 tonnes of waste per day) and emissions standards (ie. compliance with MOE A-7 Guidelines) set by the C of A's.

The City of Sault Ste. Marie has a lease agreement with EnQuest and has agreed to supply the municipal solid waste ('MSW') for the pilot project. To-date we have supplied approximately 6 tonnes, in total. It is our understanding there have been a number of 'test batches' run over the last six months using feedstock such as mullet and MSW.

It is also our understanding that the emissions test (ie. stack test) has not been possible due to the inability to operate continuously. Staff has been told that the remaining issues are currently being addressed and that EnQuest intends to complete this test by the end of the Summer.

A number of City staff, Council and other invited guests have visited the pilot project.

Current Status of Waste Management EA

The City of Sault Ste. Marie's Waste Management Environmental Assessment ('EA') has been running parallel to the EnQuest pilot project for a number of years. Given the original timeframes estimated for the EnQuest pilot project to be complete, it was anticipated results of the pilot project could be considered within the evaluation of waste- to-energy ('w-t-e') technologies at an early stage of our EA, however, that has not been possible.

Over the last year, the City and our Consultants have been evaluating alternative approaches to managing solid waste in Sault Ste. Marie. The alternatives considered comprise of:

- Increased Waste Diversion
- Landfill
- Incineration/High Heat Processes
- Export (to a disposal facility elsewhere); and
- 'Do nothing'.

Evaluation criteria has been established and used to assess each of the waste management options. The criteria includes the following;

- Compliance with Regulations and Policies
- Environmental Acceptability
- Proven Technical Capability
- Ability of the City to Implement the Alternative
- Flexibility of the System
- Capability of Managing Waste Quantities and Qualities
- Economic/Cost

Elimination of Export and 'Do nothing' alternatives

The 'Do nothing' alternative has no advantages over other alternatives for any of the criteria considered. Export has few advantages when compared to the other alternatives. This is consistent with the input received by the public at our input sessions where comments stressed the 'Do nothing' alternative was not a realistic option and exporting waste was not reliable or sustainable for the long term.

Consideration of Increased Waste Diversion

Increased waste diversion is considered to be a preferred way of managing Sault Ste. Marie's waste. It is preferred or equal to other alternatives for five of the seven criteria. The primary disadvantage of this alternative is that it can only manage a portion of the City's waste.

Consideration of Landfill and High Heat Processes

The remaining two alternatives, landfill and conventional incineration/high heat processes, are considered to be equal for three of the criteria, including:

- Compliance with Regulations and Policies – both landfill and conventional incineration/high heat processes can comply with regulations and policies;
- Environmental Acceptability – both alternatives are highly engineered and can be designed to minimize potential for environmental effects;
- Proven Technical Capability – both alternatives have a proven ability to manage solid waste.

It must be clear that vendors of some of the newer high heat processes (eg. EnQuest and Plasco) have yet to prove they are equivalent to landfill for the criteria listed above.

Landfill is preferred when compared to conventional incineration/high heat processes for the remaining four criteria, considering:

- Flexibility of the System – Landfill is considered to be more flexible in its ability to adapt to changes in the waste stream, fluctuations in waste quantities and changes in government regulations and policies; whereas conventional incineration/high heat process facilities must be designed for a specified waste stream and can be costly to retrofit and/or expand.
- Capability of Managing Waste Quantities and Qualities – Landfill can accommodate virtually all of Sault Ste. Marie's waste; whereas conventional incineration/high heat process must be designed for only the most reliable component of the waste stream and this reduces its ability to include some of the other waste (ie. IC&I) which is an important factor in attracting and retaining economic development in Sault Ste. Marie.
- Economic/Cost – Landfill is currently significantly less costly than conventional incineration/high heat processes with a cost range of \$65-\$75 per tonne compared to \$110-\$220 per tonne for conventional incineration/high heat processes depending on the technology used.
- Ability of the City to Implement the Alternative – the City has significant experience with landfill and no experience with conventional incineration/high heat processes;

It should be noted that the conclusions above, particularly those related to the "Ability of the City to Implement the Alternative" and "Economic/Cost" may change in the future if the claims made by some vendors of the new high heat processes prove to be correct (ie. a private sector facility owner operator able to provide reliable service at a price that is competitive with landfill). This is the claim of EnQuest and these statements form the basis of the City moving forward with EnQuest in the next phases of their development.

For Council's information, based on the discussion about evaluation criteria at the Public Input Session in June 2007, issues related to environmental acceptability, flexibility and cost were top of mind for session participants. Landfill is equal or preferred over conventional incineration/high heat processes for all three of these criteria.

Summary of Preliminary Results of EA Evaluation

Overall, the preliminary results of the evaluation indicate that the preferred way for Sault Ste. Marie to manage its solid waste at this time is a combination of increased diversion and landfill. This system is the most flexible alternative to address changes in waste streams and an increase in recycling and reduction in waste generation; it can fulfill all of Sault Ste. Marie's waste management needs including continuing to service the private IC&I sector in a cost effective manner; and should not result in a significant cost increase to implement and operate.

It is noted that during consultation on the "Alternatives To", comments were received in support of landfill and incineration/high heat processes. The City's decision to move forward with increased diversion and landfill at this time, does not preclude the consideration of incineration/high heat process technologies in the future as systems are refined, prove their capabilities and reliability, and become less costly. The provision of additional disposal capacity in a landfill at this time would also support the future implementation of an incineration/high heat process facility when it becomes a more practical and cost effective system for Sault Ste. Marie since the residual material from a high heat process must be landfilled.

The EnQuest Proposal

EnQuest Power has approached Staff with the request of entering into a Memorandum of Understanding for the supply of curbside MSW for a demonstration plant. EnQuest requires this document in order to secure \$3.4M funding from Sustainability Development Technology Canada. A demonstration plant, by definition of the MOE, will be allowed to process a maximum of 75 tonnes per day of waste. Further details are provided in the report by Lorie Bottos, which is appended to this report. This report poses two non-technical concerns of Staff that being sole sourcing the technology and the annual expenditure of an estimated \$1.5M in tipping fees to EnQuest which is currently not included in the budget.

The Memorandum of Understanding is also attached for Council's information and approval.

Sault Ste. Marie's Unique Situation

Ultimately, the City of Sault Ste. Marie finds itself in a unique situation. We have hosted a waste-to-energy pilot project within our community with the proponent confidently claiming this technology is going to revolutionize waste management worldwide. Existing proven conventional incineration/high heat processes are reliable, but, are not financially feasible for a community of our size.

However, most recently in Ontario, there are new waste-to-energy technologies making the claim that they can process municipal solid waste for smaller communities more economically. EnQuest is one such technology. The principle difference between the new technologies versus the conventional proven technologies is that the vendors of the newer technologies claim they can generate 1200-1400 kW/hr of electricity per tonne of waste as opposed to 600 kW/hr/tonne with conventional incineration/high heat processes. These enhanced electricity revenues allow the vendors to charge a lower tipping fee for the waste.

Giving consideration to the claims and the benefit that a waste-to-energy facility may have in reducing the quantity of waste going to our landfill, Staff and our Consultant state the risks must be understood and minimized if we choose to move forward with EnQuest.

The risks include:

1. **Costs/Tipping Fee** – There have been examples across the province whereby the cost analysis and thus the tipping fee were a moving target throughout the development process.

EnQuest has offered a tipping fee of \$60.00 per tonne be paid by the City of SSM and this price is competitive to our landfill cost. City staff have stated this cost in the Memorandum of Understanding, with consideration of the Ontario Consumer Price Index, and stress that at this cost this is a reasonable proposal.

2. **Siting the Facility** – Our Consultant recommended along with Staff that the facility be located off of the landfill property and on privately owned property. Due to the nature of the operation there would be insurance and potential liability considerations if on City-owned land. This requirement is included in the proposed Memorandum of Understanding.
3. **Decommissioning Considerations** – Our Consultant recommended that all decommissioning responsibilities be the responsibility of EnQuest. Once again, if the facility was on our landfill property that responsibility could fall to the City should the process fail and waste remained on the site unprocessed. Should the process fail off-site, the MOE may still hold the City liable for cleanup based on the origin/ownership of the waste. By ensuring the development be located off of the landfill property, it is expected that this risk is minimized.

It must be understood that although Staff expect risks may be minimized, Engineering and Planning will not be able to recommend EnQuest technology in comparison to any other new waste-to-energy technology even following the pilot project as there is not enough competition or measures to compare (ie. the only other plant is Plasco in Ottawa). Our Consultant suggests that a positive recommendation could be based on the proof that the claims by EnQuest are true.

Most importantly, based on the timing of the pilot project, the typical and potential timeframe to develop a demonstration facility and the years required to establish a potential commercial full-scale permanent facility, our Consultant stressed that support of EnQuest's technology should not mean abandoning our existing landfill. Please refer to Figure 1 as a potential timeline for the EnQuest development and the affect of the potential waste processing quantities on our current landfill. Ensuring that adequate landfill capacity is available for all of Sault Ste. Marie's waste is essential, as succeed or fail, landfill space will be required to serve the City.

Recommendation

Given consideration of all of the above, the Engineering and Planning Department recommends that the Memorandum of Understanding be entered into with EnQuest Power Corporation for a six month period of time. It is anticipated that the six month time frame will allow EnQuest to further prove/support their claims to both the municipality and the MOE.

The following supporting documentation should be included in EnQuest's submission:

- The cost to build/operate is proven – ie. \$60.00 per tonne of waste.
- The emissions are proven to be within A-7 Guidelines and consider all future emission targets, as the MOE currently states the target will get more stringent.
- The process is reliable – the operation can continuously operate and
- The process can meet the demands of an energy partner.

And

Furthermore, following this six month stage it is recommended that a further report be prepared by Staff for Council to present the success/failure of the pilot project based on the criteria established by the MOE and the City.

And

Furthermore, approve the continuance of the landfill operation and the City's continuing investigation of the present waste management EA study.

Respectfully submitted,

Recommended for Approval:



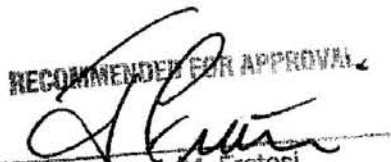
Susan Hamilton Beach, P. Eng
Land Development & Environmental Engineer



Jerry D. Dolcetti, RPP
Commissioner

/bb

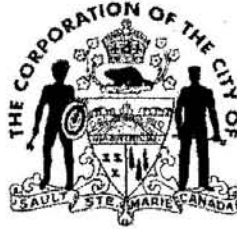
RECOMMENDED FOR APPROVAL



Joseph M. Fratesi
Chief Administrative Officer

LORIE BOTTOS
CITY SOLICITOR

NUALA KENNY
ASSISTANT CITY SOLICITOR



**LEGAL
DEPARTMENT**

L-298

REPORT TO: Mayor John Rowswell
and Members of Council

REPORT FROM: Lorie A. Bottos
City Solicitor

DATE: 2008 08 18

SUBJECT: REQUEST FROM ENQUEST POWER CORPORATION TO
ENTER INTO A MEMORANDUM OF UNDERSTANDING
WITH THE CORPORATION OF THE CITY OF SAULT STE.
MARIE

PURPOSE

The purpose of this report along with Susan Hamilton Beach's report is to bring to council's attention the request from Jayson Zwierschke President of EnQuest Power Corporation for the City to sign a Memorandum of Understanding with that company for the municipal solid waste generated by the city.

BACKGROUND

On June 10 Jayson Zwierschke of EnQuest asked to meet with me. Also in attendance at that meeting were Mike Wozny of the Economic Development Corporation and Councillor Butland. At that meeting Jayson put forward a request for the City to enter into a Memorandum of Understanding or Letter of Agreement with EnQuest whereby the City would agree to provide to EnQuest the municipal solid waste generated by the City of Sault Ste. Marie residents. This was the first time that EnQuest raised the prospect of a Memorandum of Understanding with the City.

The reason EnQuest needs a Memorandum of Understanding is that it has applied for funding from Sustainable Development Technology Canada (SDTC) to the tune of \$3,400,000. As part of that funding application EnQuest must show that it has a host municipality for the facility that it proposes to construct.

As a result of the City of Sault Ste. Marie's four year history with EnQuest, EnQuest wants that host municipality to be Sault Ste. Marie.

As most members of council know, EnQuest first approached the City through the Sault Ste. Marie Economic Development Corporation in 2004 with a proposal that it be allowed to locate a pilot project at the Fifth Line landfill. EnQuest built a building at the Fifth Line landfill. EnQuest is working on a pilot project. If the pilot project proves successful, the next step is a demonstration project. If that proves successful then EnQuest can apply to the Ministry of the Environment to have a full commercial facility.

When EnQuest first started its relationship with the City I think it is fair to say that EnQuest expected the pilot project to go much more quickly than it has. EnQuest has been working diligently to comply with the Certificate of Approval from the Ministry of the Environment. There are obligations imposed on EnQuest under the Certificate some of which cannot be done yet because EnQuest has to run the process for a continuous period. An example of such an obligation is the stack test.

The request from EnQuest for this Memorandum of Understanding was not expected by City staff. The expectation of City staff was that EnQuest would complete the pilot project, then move to a different location for the demonstration project and the eventual commercial operation without the City being asked to sign any documents.

Council is well aware that the City is in the middle of an environmental assessment for the fifth line landfill. That environmental assessment being done by TSH Engineering has been to some extent held in an abeyance as the City considers the EnQuest option. Some parts of it are progressing.

COMMENT

The way the Memorandum of Understanding is drafted EnQuest must meet its obligations, most significantly obtain all Federal, Provincial and local permits and approvals. The major hurdle EnQuest has in that regard is the Ministry of the Environment Certificate of Approval. EnQuest must comply with the certificate of approval within 6 months of the signing of the Memorandum of Understanding.

If EnQuest meets its obligations, then the second part of the Memorandum of Understanding obligates the City to enter into a five year contract with a five year renewal option for the City's municipal solid waste. There are other renewal options upon mutual agreement. For this service the City will pay \$60.00 per tonne adjusted to the Ontario Consumer Price Index annually.

There are two significant issues from City staff point of view. They are:

1. If EnQuest satisfies its obligations, then the City is required to enter into an agreement with EnQuest. This amounts to sole sourcing of a fairly significant contract. The estimate is that the revenue to EnQuest is approximately \$1,500,000 per year. There are other companies that might be interested in that handling the city's waste and indeed other companies that are proposing perhaps slightly different waste to energy technologies.
2. The other significant matter from staff's point of view is that this proposal will require the city to spend \$1,500,000 annually which is now not budgeted for. This is the money that the City would be paying to EnQuest under the terms of the five year agreement with the five year renewal option. Right now the City does not incur this cost. There are costs certainly associated with running the landfill but those costs will not be saved with a possible EnQuest contract. There will still be costs incurred with operating the landfill as waste will still be brought to the landfill. However if the EnQuest proposal does work, the saving to the City will come from the extended life of the landfill. It is difficult to determine what that saving would be to the City but certainly there is a benefit to the City in extending the life of the landfill site and perhaps even mining the waste in the current site.

CONCLUSION

This is a difficult recommendation from staff. In this case staff includes representatives from Engineering (Jerry Dolcetti, Susan Hamilton Beach and Don Elliott), Public Works (Jim Elliott) and Planning (Don McConnell). I think the initial preference certainly would have been to recommend to Council that we proceed with completing the environmental assessment and not enter into any formal arrangements with EnQuest other than the current lease for the building at the landfill site.

However we have had a four year relationship with EnQuest. EnQuest is confident that it is on the threshold of proving its technology and making a significant contribution to the community both in creating a large commercial facility here in the City and also being able to showcase that facility to interested parties from around the world. However it is important to note that City staff and the City's environmental assessment consultant (Rick Talvitie) have not seen evidence that the technology is on the verge of proving itself.

6(3)(a)

Respectfully submitted,

A handwritten signature in cursive script that reads "Lorie Bottos". The signature is written in dark ink and is positioned above the printed name.

Lorie A. Bottos
City Solicitor
LAB:cf

Figure 1 - EnQuest Development - Potential Timeframe and Waste Processing Targets

Stage of EnQuest Development															EA Approval Permanent Facility		Commercial Facility built, approved and operating...			
	Pilot Plant	Approvals for Demo		Build facility		Commission & Operate Demo			Potential 2 yr extension		EA Approval Permanent Facility		Commercial Facility built, approved and operating...							
Years		1	2	3	4	5	6	7	8	9	10	11	12	13	14					
Tonnage of Waste Potentially Processed	0	0		0		0 to 20,000 tonnes/year			20,000 tonnes/year		20,000 + tonnes/year		20,000 + tonnes/year							
Tonnage of Waste to be Landfilled	Approx. 60,000 tonnes/year					40,000 - 60,000 tonnes/year					40,000 tonnes/year									
Remaining Landfill Space (2007 - 580,300 tonnes)	340,300 tonnes					40,300 to 140,300 tonnes					Zero									

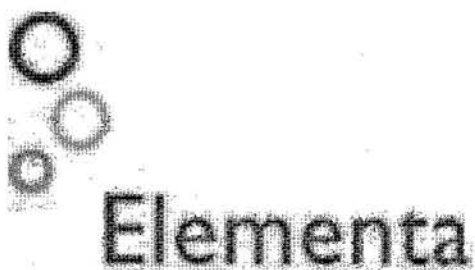
Note: The EnQuest facility will also have a residual end product (approx. 10%) that would currently need to be landfilled.

6131(a)

**The Corporation of the
City of Sault Ste. Marie**
Clean Energy Proposal

Elementa Group

Prepared by:
Donald Wood,
Chief Operating Officer



Elementa
Clean Energy Proposal

Prepared for: The City of Sault Ste. Marie.

Executive Summary

Elementa is introducing a combination of technologies that will have immense and far reaching impact in respect to how efficiently we generate electricity, manage waste streams, and reduce the emissions of greenhouse gases. Elementa has developed a clean energy process containing a unique combination of proven systems while cultivating a technology platform of intellectual property, trade secrets and operating intelligence. Many of these technologies and systems exist independently and have been deployed in industry from the turn of the century. These technologies include the combination of gasification, gas cleaning, power generation and control systems. Elementa's process represents an essential departure from incineration or combustion. The Chemistry is that of *Steam Reforming*.

Due to its broad application, this environmentally clean technology shows promise of restructuring the energy-from-waste (EFW) and landfill market as we know it today. Alternative energy is receiving increasing attention and support internationally, these changes are being stimulated by Government intervention, through legislation and subsidies to encourage green energy investments. The Governments desire is to reduce Green House Gas emissions and to diversify the energy supply mix, reduce the susceptibility of fossil fuel price shock and to encourage renewable and alternative energy sources. Industry drivers include the need to utilize the increasing production of waste materials, deregulation within the energy sector, promoting smaller energy producers and distributed energy systems - all factors point towards the Elementa solution.

If this the Elementa process was deployed in Ontario, with waste generated curb side pick-up it would provide distributed base load power and the impact would be:

- More than 5000 MW
- 25,000 green jobs

Background

Elementa is a technology provider and licensor of Steam Reforming (SR) systems for the conversion of carbonaceous materials into valuable syngas for power generation, commodities markets and recovery applications. The SR system represents Elementa's technology, trade secrets, patents, technology license agreements, engineering and know how (the "Elementa Technology"). Four years ago, management from Elementa Group Inc., then EnQuest Power, approached the City of Sault Ste. Marie with its technology. The municipality was undergoing an environmental assessment for the disposal of Municipal

Solid Waste along with other renewable energies. The City provided Elementa with a section of land that is located on the landfill site as part of assistance to promote the technology. The provision was that Elementa could use the land to build a plant and prove-out its technology.

Elementa's relationship with Sault Ste. Marie is that of a municipality that wants to be proactive and innovative about growing environmental concerns. Sault Ste. Marie has given Elementa, a start-up company with a promising technology, the chance to succeed.

Sault Ste. Marie has been very cooperative and shown a forward-looking approach in working with Elementa and has a very progressive attitude that has opened the municipality up as a renewable energy capital of North America.

Ownership- Elementa will own the project.

Project Description

We propose to convert 25,000 tonnes (or upwards of 100 tonnes/day) per year of municipal solid waste to provide over 5 MW of power to your grid. The Elementa Group will provide the technology, design, build, operate and maintain the plant. It will be the first scaled up full sized plant, and the flagship for this technology (demonstrated in SSM). We have had interest in the pilot plant from most areas of the globe. We intend to use the plant as the basis for demonstrating the technology and to train operators for new plants wherever they are built while securing world-wide attraction.

- Elementa requires the following to obtain financing. Municipal solid waste (MSW) contract for,
 - 25,000 tonnes per year of MSW
- Plant site – sufficient lands from including services such as road access and municipal services;
- MOE approval
- Connection to the SSM PUC Distributed Grid
- Natural gas supply contract option and sufficient supply availability
- A Power Purchase Agreement (PPA) - under negotiation with the Ontario Power Authority and Independent Commercial Purchaser(s). Description
 - Power generated –5-6 MW
 - Projected capital cost – in the order of \$30 million
 - Long term employment – 25 "Green" jobs
 - 80 to 100 immediate development and construction jobs

Elementa has arranged financing for the project subject to a suitable agreement with the City.

Proposal Index

Index

1. ELEMENTA GROUP
2. PROCESS DESCRIPTION AND TECHNOLOGY SUMMARY
3. PROJECT DESCRIPTION TOO BE DETERMINED
4. PROCESS PRODUCTS AND HIGHLIGHTS
5. ENVIRONMENTAL SUMMARY
6. PROJECT DEVELOPMENT AND FINANCING.

1. **Elementa Group – Company Summary**

www.elementagroup.com

Reducing wastes generating clean electricity, and combating air, soil and water pollution are among the most pressing challenges facing the world today. Elementa Group ("Elementa") has responded to these challenges by turning them into economic and environmental opportunities.

Elementa's Steam Reformation ("SR") technology will be used in its Energy-From-Waste ("EFW") power plants. Elementa will utilize its intellectual property and expertise in SR to develop major affiliations and partnerships to make the Company a globally recognized leader in EFW technology.

Elementa, formerly EnQuest Power Corporation, is a private Canadian company engaged in the development of clean EFW systems. Elementa's corporate office is located in St. Catharines, Ontario, Canada and also has a demonstration plant in Sault Ste. Marie, Ontario. The Company's demonstration plant was completed in October of 2007 to further prove its technology, processes and construction designs, and the technology has been demonstrated to governments and industry leaders. Tests conducted at the Sault plant confirm Elementa's processes, equipment selection, environmental performance, and mass and energy balance equations (verifies the plant efficiencies and commercial viability). The project has also successfully received permits from the Ontario Ministry of Environment for processing Municipal Solid Waste ("MSW"), bio-solids (sewage sludge), paper processing waste, biomass (wood waste), coal, and energy crop feedstock. (Reference 1-Elementa Plant Tour.pdf)

Elementa's team is comprised of waste management and clean energy professionals, and technical expertise including engineers and scientists from a wide array of competencies such as chemical, mechanical, process, electrical and research and development, many of whom have over 30 years of engineering experience. Elementa's strong technical knowledge is complemented by a foundation of entrepreneurs and business professionals to guide the company and develop an effective business strategy.

Elementa has developed a proprietary SR system that converts organic (carbon based) material, e.g.: plastic, wood, clean coal, paper, agricultural by-products, household garbage (municipal solid waste-MSW) etc.) into useful energy. The SR system is clean, efficient, adaptable, durable, cost-effective, and compares favourably to competitive systems in all of these criteria.

Elementa offers a new generation of waste conversion systems that efficiently and cleanly provide renewable energy. The Company's technology proposes to change the concept of "waste" further reduces our dependency on fossil fuels for power production, provides a predictable, cost effective and environmentally sound power supply. The Company expects to have a measurable impact on the environment and a sound business case for each project application. Elementa's core technologies are proven and ready for commercial application.

2. Process Description and Technology Summary

Steam Reformation is the application of high-temperature steam in a closed environment to cause the complete decomposition – or 'reformation' – of complex carbon-based compounds into their basic chemical constituents.

The reaction of carbon-based materials with steam results in the creation of a synthetic gas ("syngas") that is similar in utility value to natural gas. Syngas is primarily comprised of carbon monoxide (CO) and hydrogen (H₂). Syngas retains a high utility value and may be used as a fuel for various power systems. It may also be directly separated into pure hydrogen or distilled into energetic liquids such as methanol and ethanol.

The Elementa Process (EP) is endothermic (requires heat) and approximately 20% of the total syngas produced is used to fuel the EP process, completing a self-sustaining system that is independent of external energy supplies. This closed-loop system contributes to making the Company's SR process ~~very energy-efficient~~ relative to competitive systems. Because this process excludes oxygen, there is no combustion-related generation of dioxins, furans and other noxious oxides.

Most of the useable energy that the EP system extracts is in the form of syngas. The energetic syngas is used to fuel gas turbines or engines that generate electrical power and the resultant heat from the SR and power plant process are used to produce additional electrical power using heat recovery technology. In this way, the EP can be employed in a combined-cycle/cogeneration process making the conversion from MSW very efficient and clean.

Validations have been conducted at a Canadian research facility by Elementa and several commercial and demonstration projects have been performed by Energy Solutions Inc. an affiliate of Elementa. All process modeling has been evaluated and verified by experienced and reputable third party firms (see Giffels report and University of Waterloo). The company has completed third party testing as required by the Ministry of the Environment during October 2008 (air emission source testing in compliance with Ontario Ministry of Environment, Guideline A-7). (See Lehder report)

Elementa's proprietary SR process technology offers a number of advantages over competing technologies as detailed below:

- Elementa's Steam Reforming (SR) technology is primarily a power generation system. Incineration is primarily a volume and mass reduction system that produces power to offset its operating costs and delivers only small amounts of excess power to the grid. Incineration is therefore dependent on high tipping fees for its economic viability, while Elementa typically produces 3 times the amount of electricity, per unit of feed material

than a comparable incineration plant and is therefore not dependent on high tipping fees for its economic viability.

- The SR process represents clean conversion technology. Since conversion and transformation of the input feed is achieved in the absence of oxygen, toxic oxides such as dioxins and furans are not formed.
- Typically 90 (+) % of the mass and 98% of the volume from input materials are converted to a useable synfuel; the remainder is recoverable metals, or inert aggregate, all of which are marketable products.
- SR produces multiple revenue streams derived from the production of syngas and electricity. The syngas may be transformed into electrical power and industrial commodities such as hydrogen. Syngas will react with the appropriate synthesis catalyst to produce such fuels as ethanol, methanol and higher hydrocarbons. The heat co-product may be used for district heating or in industrial processes that demand large quantities of process heat.
- Since the process is scalable and environmentally benign, plants may be located in close proximity to urban areas, thereby providing substantial savings to the local municipality in logistics costs. First by reducing the long distance hauling of waste and secondly by avoiding electrical transmission line losses by producing electricity within the local distribution grid network.
- The capital and operating costs are lower than competitive processes.
- Elementa has developed a commercial modle for small scale EFW plants by incorporating off-the-shelf equipment and proven power generation systems for high conversion of electrical power.
- Significant reduction in greenhouse gases (GHG) , see OCETA report.

3. Project Description

The plant will process approximately 25,000 tonnes (MOE application will be submitted for less than 100 tonnes/day) per year of municipal solid waste (MSW -curbside) into more than 5 MW of electricity. It will be built at a capital cost estimated at \$30 million, and employ approximately 25 people on site. Many of the staff will be professionals with qualifications as process operators and stationary engineers. Services for maintenance and support will be purchased from local vendors to the extent available. The overall design will incorporate features to accommodate future expansion.

The primary objective of the project design focuses on SSM issues:

- Consume solid waste available to help achieve diversion of MSW from landfill and eliminate such future landfill gases, a GHG contributor;
- Maximize the production of electricity;
- Minimize process risk by use of well proven technology wherever possible;
- Minimize emissions (reduce GHG's) and waste by products; and
- Meet or exceed current best practices for air emissions.

The main features of the project are:

1. Elementa will use conventional, proven technology and equipment for waste handling to receive, store, separate ferrous and non-ferrous metals (further enhance local recycling initiatives) and process waste (1-3 inch minus) into appropriate size for feed injection into the indirectly heated kiln (kiln).
2. The kilns will operate using the fundamental design and process proven at Burgau, near Ulm, Germany since 1984 and at the RWE plant at Hamm Germany. That process will be modified slightly to raise process temperature in the kiln and use the Elementa patented steam reforming addition. The Elementa chemistry and technology generates a cleaner syngas having a greater utility value, producing significantly more hydrogen and generating valuable carbon credits. Redundancy will be built into the system guaranteeing full process and conversion capabilities of all waste volumes delivered to the plant. (See Reference 2-BurgauPyrolysisFacility.pdf and Reference 3-Technip Contherm Plant.pdf attached.)
3. Further alliances have been developed with the Technical University of Vienna (Austria) which has developed a commercial gasification plant for converting biomass to syngas and electrical power. This plant has more than 50,000 operating hours and power production performance from syngas. Elementa has worked with the Austrian team to supplement their commercializing efforts. The plant is located in Guessing, Austria and is currently producing electrical power from Jenbacher engines and thermal heat to the local town, see information on section.
4. The energy-from-waste process developed by Elementa focuses on a high efficiency conversion rate of MSW with a resultant syngas having a moderate Btu value and clean composition with utility value similar to natural gas and will be used to fuel reciprocating engines. Heat recovery will be maximized.
5. Natural gas will be used as fuel for the kiln and to fill out syngas feed variability.

4. Process Products and Highlights

The Demonstration plant at Sault Ste. Marie, Ontario Canada was built to validate the process design resulting from extensive modeling, small scale operations and data collection from affiliate companies and experimental work. The plant is being used to demonstrate environmental compliance, and as a test bed to provide process information for scale up design and equipment selection. Elementa has retained the SNC-Lavalin (SNC) refining group from Sarnia, Ontario to assess our scale up plans and provide commercial plant design. Their report is attached.

Metals will be extracted prior to and subsequent to shredding by magnetic and eddy current systems, valuable metals will be sold to the scrap metal market. This component of the Elementa system provides further recycle and supports sustainable management practice.

Approximately three quarters of the synthetic fuel product from the kiln is synthetic gas (will increase based upon feedstock composition). The balance is a mixture of renewable carbon and higher hydrocarbons that are suitable for fuel (clean fuel source). Our current experience with residue make-up is that it has been varying from 2% of the feed mass to a high of 15%, directly related to the input feedstock composition. We have analysis reports available as listed below (characteristic sample):

- Composition from Elementa Test #23 (typical sample) is attached as document Reference X - 3.5SG Constituent Results -09.08.9.xls
- Residue tests – Reference X-document 4.6783 –Species&Leachate_8Residue Tests 16-19.xls, and Reference X - 6.7051-Species&Leachate_Scrubber&SGPipeResidue-07.30.08.xls.

This indicates that the kiln residue is benign. The residence time approximating 30 minutes in the kiln at temperatures in the area of 900°C are confirming our modeling results. The residue product is suitable for sale as concrete aggregate and similar construction filler. These are typical results obtained by sampling from the plant.

As outlined below we have completed extensive testing in compliance with the guidelines and conditions of the Ontario Ministry of Environment operating permits. The MOE has advised that we can expect a formal renewal of our operating permit within the early portion of the second quarter 2009. Elementa has completed the full range of independent air emission testing and lab analysis. The MOE has provided an avenue to obtain early approval for the full scale plant within the legislation of Reg. 101/07, see MOE correspondence.

5. Environmental Summary

The Technology Demonstration Plant operates under permits issued by the Ontario Ministry of Environment. The C of A requires us to meet Guideline A-7 for air emissions, (Reference 12 – MOE Guideline A-7 – 1746e.pdf). Currently the process is sending cleaned syngas from the kiln and gas cleaning plant to a combination oxidizer and flare which combusts the syngas at temperatures between 1000 and 1200°C. The source test requires that samples be taken of these gases post combustion be analyzed, and the analysis compared to Guideline A-7. This was completed on October 20th 2008. Lehder Environmental, an organization with expertise in hot stack gas sampling was contracted by Elementa to perform this work. The results are included in the exhibits.

Our permit also sets standards for solids and liquids moving off the site. They are included in Reference X-document 4.6783 –Species&Leachate_8Residue Tests 16-19.xls, tab 6783-8-B and Reference X - 6.7051-Species&Leachate_Scrubber&SGPipeResidue-07.30.08.xls tab 7051-2-B.

6. Project Development and Financing

We have alliances with Conestoga-Rovers and SNC-Lavalin, global Canadian engineering companies. In addition to engineering, construction, commissioning, training and operating support they have developed expertise in project financing. Both have solid relationships and working experience with the Canadian Export Development Corporation which now can provide guarantees for this project under recently announced domestic guarantees. Further to the SNC –Lavalin relationship, Elementa has a corporate relationships with the Bank of Montreal and a Deloitte who been retained by Elementa to complete the equity funding upon final agreement with the City of Sault Ste. Marie and resolution from Council. Elementa has obtained

Sustainable Development Technology Canada (SDTC) funding for the project in the amount of \$3,300,000.

Reference Documents

1. Elementa Plant Tour.pdf
2. Giffels Report
3. Giffels PP Presentation
4. Elementa response to Giffels report
5. BurgauPyrolysisFacility.pdf
6. Technip Contherm Plant.pdf
7. Guessing Plant
8. MOE Correspondence-1
9. MOE Correspondence -2
10. 3.5SG Constituent Results -09.08.9.xls
11. 4.6783 -Species&Leachate_8Residue Tests 16-19.xls
12. 6.7051-Species&Leachate_Scrubber&SGPipeResidue-07.30.08.xls
13. Lehder Report Summary
14. Source Test Results
15. SNC Lavalin Report Executive Summary.
16. Bank of Montreal Letter and Indicative Term Sheet



Sault Ste. Marie
ECONOMIC
DEVELOPMENT
CORPORATION



DEVELOPMENT
Sault Ste. Marie
a Division of the EDC/EDC

June 3, 2009.

Mayor John Rowswell

Members City Council

RE: REQUEST FROM ELEMENTA TO ENTER INTO AN AGREEMENT WITH THE CORPORATION OF THE CITY OF SAULT STE. MARIE FOR THE COMMERCIALIZATION OF WASTE TO ENERGY

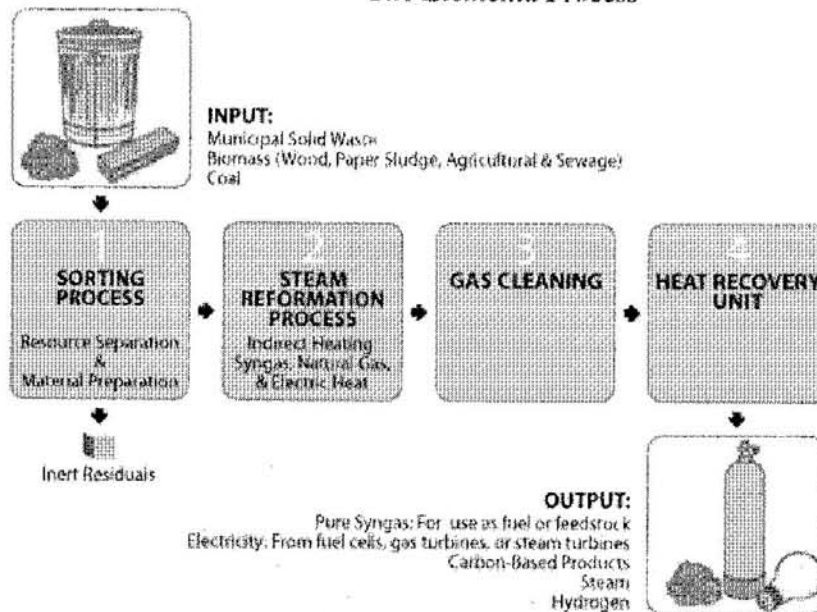
Background

Further to our previous support, Development Sault Ste. Marie, a division of the Sault Ste. Marie Economic Development Corporation, has been working closely with Elementa and fully supports this innovative project. Development Sault Ste. Marie has assisted in various tasks and processes including the development and completion an approved application under the Emerging Technology Program with the Northern Ontario Heritage Fund Corporation. The Elementa proponents have been very professional, proficient and a pleasure to work with on this technologically innovative clean energy project.

The Technology

This project is very exciting as it addresses the municipal solid waste problem with a totally green, environmental solution by converting it to clean energy. The Elementa system is molecular restructuring based on steam reformation -- the chemical breakdown of materials under high temperatures in an oxygen-free environment (no incineration). The steam reformation process converts organic (carbonaceous) materials into a hydrogen-rich synthetic gas that is very similar to natural gas and can be used as a process gas in electrical power generation (fuel cells and turbines). Basically, it's an innovative but simple process of vaporizing a solid (garbage) into a gas (syngas) and into clean electricity. When municipal solid waste is used as the input, the Elementa system is capable of achieving a volume reduction of approximately 98%.

Figure A
The Elementa Process



Signature Project For Sault Ste. Marie

Development Sault Ste. Marie is building the brand and developing Sault Ste. Marie as the Alternative Energy Capital of North America. In addition to our hydro-electric generating capability, we have the largest wind energy farm in Canada, a co-generation energy facility at Essar Steel, bio-fuel company, soon to have the largest solar energy farm in Canada, other waste-to-energy, a planned bio-mass co-generation energy facility at St. Mary's Paper and other energy generation projects that may include hydrogen and bio-algae.

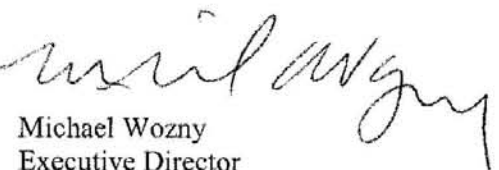
Elementa is our current signature energy project for Sault Ste. Marie. Using proven technology in an innovative process, Elementa is ready to evolve from the \$3 million pilot facility to a \$30+ million facility capable of handling our municipal solid waste.

Aside from interest and support from the federal and provincial government for the Elementa project, the Sault Ste. Marie Economic Development Corporation has hosted suitors and investors from Canada, United States, Mexico, Australia, Slovakia, Austria, Spain, Dubai and St. Lucia.

Sault Ste. Marie is positioned to be the world headquarters for Elementa demonstrating the process, facilities and operations as well as working to provide manufacturing, sales, operational training and system support.

Recommendation

Development Sault Ste. Marie Economic has worked very closely with Elementa in fulfilling the requirements of the Memorandum of Understanding and has met and corresponded with municipal staff and third party engineers in this process. This project is ready to evolve to the full large scale develop stage. Development Sault Ste. Marie will continue to provide support and will work with all parties in ensuring the large scale plant becomes a reality and recommends Council approval to enter into a long-term agreement with Elementa for all residential curbside waste.



Michael Wozny
Executive Director
Development Sault Ste. Marie
Sault Ste. Marie Economic Development Corporation

cc. J. Fratesi - CAO City of Sault Ste. Marie
B. Strapp - CEO SSMEDC



2009 06 08

REPORT OF THE ENGINEERING & PLANNING DEPARTMENT

PLANNING DIVISION

TO: Mayor John Rowswell
and Members of City Council

SUBJECT: Application No. A-16-09-Z.OP – filed by Ed Lofstrom

SUBJECT PROPERTY:

Location – Located on the northeast corner of Fifth Line East & Great Northern Road, civic no's 626 Fifth Line East & 32 Powley Road

Size – The irregularly shaped parcel has approximately 195m (640') of frontage along Fifth Line East and 961m (3,152') of frontage along Great Northern Road; 3.8 ha (9.5 acres)

Present Use – Vacant land

Owner – Lisa Lofstrom

REQUEST:

626 Fifth Line East – The applicant, Ed Lofstrom is requesting an Official Plan amendment and Rezoning to permit the sale and service of utility trailers, recreational trailers and recreational vehicles, excluding any servicing or repairs to engines and/or transmissions on the southerly portion of the property.

32 Powley Road – The applicant Ed Lofstrom is requesting to remove the existing Special Exception from the current Estate Residential zone and rezone the subject property by way of a temporary use by-law to permit the sale of trailers to occur upon the subject property for a period not to exceed 18 months. The effect of this application is to allow Martins Trailers to operate from the site for a period not to exceed

18 months, after which, the property will revert back to the "R.1" (Estate Residential) zone and the existing commercial uses must vacate 32 Powley Road.

CONSULTATION:

Engineering – See attached letter
Building Division – See attached letter
Legal Department – No comments
PUC Services – No objection
Fire Services – No objection
CSD – No concerns
Municipal Heritage Committee – No concerns
PW&T – See attached letter
EDC – No objections
Conservation Authority – See attached letter
Accessibility Advisory Committee – No comments

PREVIOUS APPLICATIONS

In February 2000, City Council approved Official Plan and Zoning By-law amendments to permit the sale and service of trailers at 32 Powley Road. This was done as a Special Exception to the Rural Area zoning (Special Exception 205). Over the next four years, the applicant's business (Martin's Trailers) grew and he purchased the large property across the street at 626 Fifth Line East with the intention of relocating and expanding his business.

In June 2004, City Council approved Mr. Lofstrom's request to amend the Official Plan and Zoning By-law to permit "the sale and service of trailers and accessory equipment" at 626 Fifth Line East. This approval was conditional on retaining a 15 metre tree buffer along both Fifth Line and Great Northern Road and the property was made subject to site plan control.

As City Council wanted to ensure that the business was relocated entirely within a reasonable amount of time, the previously approved zoning at 32 Powley Road was repealed and replaced with a temporary zoning that would have expired on September 30, 2006. City Council's approval also included a provision to allow for the construction of a house on part of the Fifth Line property that was to be severed. This house has since been built.

In July of 2004, the applicant's solicitor indicated that he wished to have the Zoning By-law include the sale and servicing of recreational vehicles ranging from small vans to large bus type RVs. As this was not included in the original zoning request, City Council accepted the staff recommendation that new notice should be provided if the applicant wished to proceed on this basis.

In August 2004, City Council dealt with the amended request following new public notice. As this property is on the City's aquifer recharge area, staff recommended that the request to expand the uses to include mechanical repairs be denied. City Council deferred their decision and asked that the application be considered for either the sale of recreational vehicles only or the servicing of the "recreational living" portions of RVs but excluding the drive train portions.

In September 2004, the application was again deferred at the applicant's request to allow him an opportunity to look at different options.

In November 2004, the City Solicitor, after consulting with all affected parties recommended and Council approved four bylaws (Official Plan, Zoning, Temporary Use and Site Plan Control) in accordance with their original June decision. This decision was subsequently appealed by a neighbour.

In March 2007, the Ontario Municipal Board heard the appeal following an attempt to reach a satisfactory settlement without the need for a full hearing. The Board agreed that the Fifth Line property was suitable for the proposed use and approved the rezoning subject to a site plan agreement. However since Mrs. Lofstrom is the registered owner of the property, she refused to consent to an agreement and in August 2007 the approval was revoked on the grounds that the applicant failed to comply with the conditions set out by the Board as part of the approval.

Conformity with the Official Plan

The subject property is designated Rural Area on Schedule "C" of the Official Plan. The applicant's request to rezone to permit the sale and service of trailers on the southerly portion of the subject property will require an amendment to the Rural Area policies of the Plan.

The subject property is within the groundwater recharge area and the mineral aggregate area as defined in the Official Plan. The proposed use would not pose a threat to groundwater provided that any hazardous materials associated with the use are handled and stored indoors. Hazardous materials would be cleaning solutions, antifreeze agents, etc, which are usually stored in small quantities. The property size is such that the economic extraction of aggregate is not practical in this location.

The Commercial policies of the Official Plan specifically state "the wilderness area north of Fourth Line shall be maintained" (Policy C.15). The applicant's proposal involves a display and parking area for trailers that would not contribute to the wilderness of this tourist entrance into the community nor would it enhance the rural residential nature of the area. Therefore any approval should be subject to significant buffer requirements.

Comments

This application is to rezone the southerly portion of 626 Fifth Line East to permit the sale and servicing of trailers. This use would be relocated from the existing location at 32 Powley Road which was previously approved by City Council in 2000. The northerly portion of the property will be severed and retained by Mrs. Lofstrom.

Since approval was given for the Powley Road site, the applicant's business has expanded considerably and created numerous problems for the neighbours. City Council previously approved the request to rezone and relocate the use to 626 Fifth Line East. However this decision was appealed to the Ontario Municipal Board and denied when the property owner refused to enter into a site plan agreement.

Planning staff is once again recommending approval subject to various conditions to limit the impact of any problems associated with the proposed relocation.

The relocation of the entire use from 32 Powley Road is a major component of the approval of this application. When this application was filed it only included the property at 626 Fifth Line East. Planning staff advised the applicant that the application should be amended to include removing the existing Special Exception zoning which allows the sale of trailers at 32 Powley Road. This would restore the original "R.1" (Estate Residential) zoning on this property. Although a fax was received from the owner's solicitor indicating that his client was agreeable to this, the amended application was never signed. The owner's approval of a rezoning has been a long-standing practice of the City; however this is not a legal requirement. City Council can attach whatever reasonable conditions they believe necessary as part of the approval process.

In this case, it is recommended that the Special Exception zoning at 32 Powley Road be repealed and replaced by a Temporary Use Permit to allow the applicant sufficient time to relocate his business. Although the applicant has suggested 18 months as a timeframe to permit the relocation, Planning staff is recommending that the Temporary Use Permit be approved with an expiry date of September 30, 2010 which is similar to City Council's original approval.

If approved on this basis, the larger Fifth Line property would better accommodate the expanded use, create better buffers and setbacks from the abutting streets, remove the traffic and parking from Powley Road and enable the applicant to display his trailers in a park like setting. The use should be limited to the sale and service of trailers and accessory equipment only. The commercial sale, rental or servicing of motor vehicles including recreational vehicles, motor homes, all-terrain vehicles, snowmobiles or similar equipment should be

prohibited. The existing Powley Road site would continue to be used for the residential use only.

The City's Department of Public Works and Transportation reviewed the application and has no objections provided that no vehicles or trailers are allowed to encroach onto the City's right-of-way. In addition, no vegetation can be removed from the right-of-way unless approval is given by City staff as per existing policy. No access will be permitted along the Great Northern Road frontage.

It is recommended that as per the OMB order, the applicant be allowed to relocate the existing two pole signs to the Great Northern Road frontage but that no additional signage be permitted in this area. As Fifth Line is more residential in nature, total signage on this street frontage should be limited to no more than 0.75 square meters to identify the business and entrance locations.

City Council's original approval included a requirement for a 15m buffer area to be retained along both the Great Northern Road and Fifth Line frontage. Given that there is now a residence to the east, this 15m buffer requirement should also be applied to the easterly lot line. The buffer should be continuous with the exception of the driveways along the Fifth Line frontage and selected clearing for trailer displays along the Great Northern Road frontage. Where the existing landscaping is less than 15m in width, additional planting or fencing should be provided to ensure an adequate visual buffer.

The OMB order also included a provision to permit up to 200 litres of fuel to be stored on the site in a double walled tank with an impervious catchment basin. All fuel transfers were to be done on an impervious surface. It is further recommended that all trailer repairs be made within an enclosed building to minimize the risk of any accidental spill in this area.

Approval should be subject to a site plan agreement to ensure a detailed review of the driveway and signage locations, landscaping and buffering, exterior lighting, fuel storage and fuelling areas, garbage storage areas, site grading and drainage.

SUMMARY

The applicant wishes to relocate and expand the existing trailer sales and service business at 32 Powley Road to the southerly portion of the larger property at 626 Fifth Line East. City Council has dealt with this application on numerous occasions in the past.

Staff is again recommending that the entire business be relocated onto the new site and that the use of the existing commercial property on Powley Road be limited to rural residential only. The applicant has requested a Temporary Use

Permit to allow him to remain at the present location for 18 months. Planning staff is recommending that the Temporary Use Permit only to be approved until September 30, 2010 to permit two full construction seasons as per City Council's original decision. The application is recommended subject to a number of conditions as set out in the recommendation below.

Please note that a portion of the applicant's request to include the sale and servicing of recreational vehicles as an additional permitted use has not been recommended. When this issue was previously considered in 2004, City staff recommended against including these uses due to potential concerns with spills or leakage from vehicle engines in the aquifer recharge area.

Planning Director's Recommendation

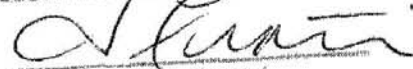
That City Council rezone the southern portion of the property at 626 Fifth Line East by way of a Special Exception to the Rural Area zoning subject to the following 9 conditions:

1. That the permitted use be limited to the sale and service of trailers and accessory equipment only. For greater clarity, the commercial sale, rental or servicing of motor vehicles including recreational vehicles, motor homes, all-terrain vehicles, snowmobiles or similar equipment is prohibited.
2. Approval of Official plan Amendment No. 166.
3. No access will be permitted along the Great Northern Road frontage.
4. The existing two pole signs may be relocated to the Great Northern Road frontage. Total signage on the Fifth Line frontage is limited to no more than 0.75 square meters to identify the business and entrance locations. No additional signage will be permitted.
5. A 15m buffer area will be retained along both the Great Northern Road and Fifth Line frontage and the east lot line. The buffer should be continuous with the exception of the driveways along the Fifth Line frontage and selected clearing for trailer displays along the Great Northern Road frontage. Where the existing landscaping is less than 15m in width, additional planting or fencing shall be provided to ensure an adequate visual buffer.
6. A maximum 200 litres of fuel may be stored on site in a double walled tank with an impervious catchment basin. All fuel transfers are to be done on an impervious surface.

6(b)(a)

7. All trailer repairs involving liquids shall be made within an enclosed building to minimize the risk of any accidental spill in this area.
8. The subject property shall be designated as an area of Site Plan Control pursuant to Section 41 of the Planning Act to ensure a detailed review of the driveway and signage locations, landscaping and buffering, exterior lighting, fuel storage and fuelling areas, garbage storage areas, site grading and drainage.
9. That the Special Exception zoning at 32 Powley Road be repealed and replaced by a Temporary Use Permit with an expiry date of September 30, 2010.

RECOMMENDED FOR APPROVAL



Joseph M. Fratest
Chief Administrative Officer

DBM/pms

PUBLIC NOTICE – 2009 06 08, Council Chambers, Civic Centre

**AMENDMENT NO. 166
TO THE
SAULT STE. MARIE OFFICIAL PLAN**

PURPOSE

This Amendment is an amendment to the Text of the Official Plan as it relates to the Rural Area designation.

LOCATION

A portion of the SW ¼ of Section 8 of the Former Township of Tarentorus located at the northeast corner of Great Northern Road and Fifth Line. More specifically, the southern portion of civic no. 626 Fifth Line East.

BASIS

This Amendment is necessary in view of a request to amend the existing zoning on the subject property to permit the sale and service of trailers.

The proposed use does not conform with the Rural Area designation on the property.

Council now considers it desirable to amend the Official Plan.

DETAILS OF THE ACTUAL AMENDMENT & POLICIES RELATED THERETO

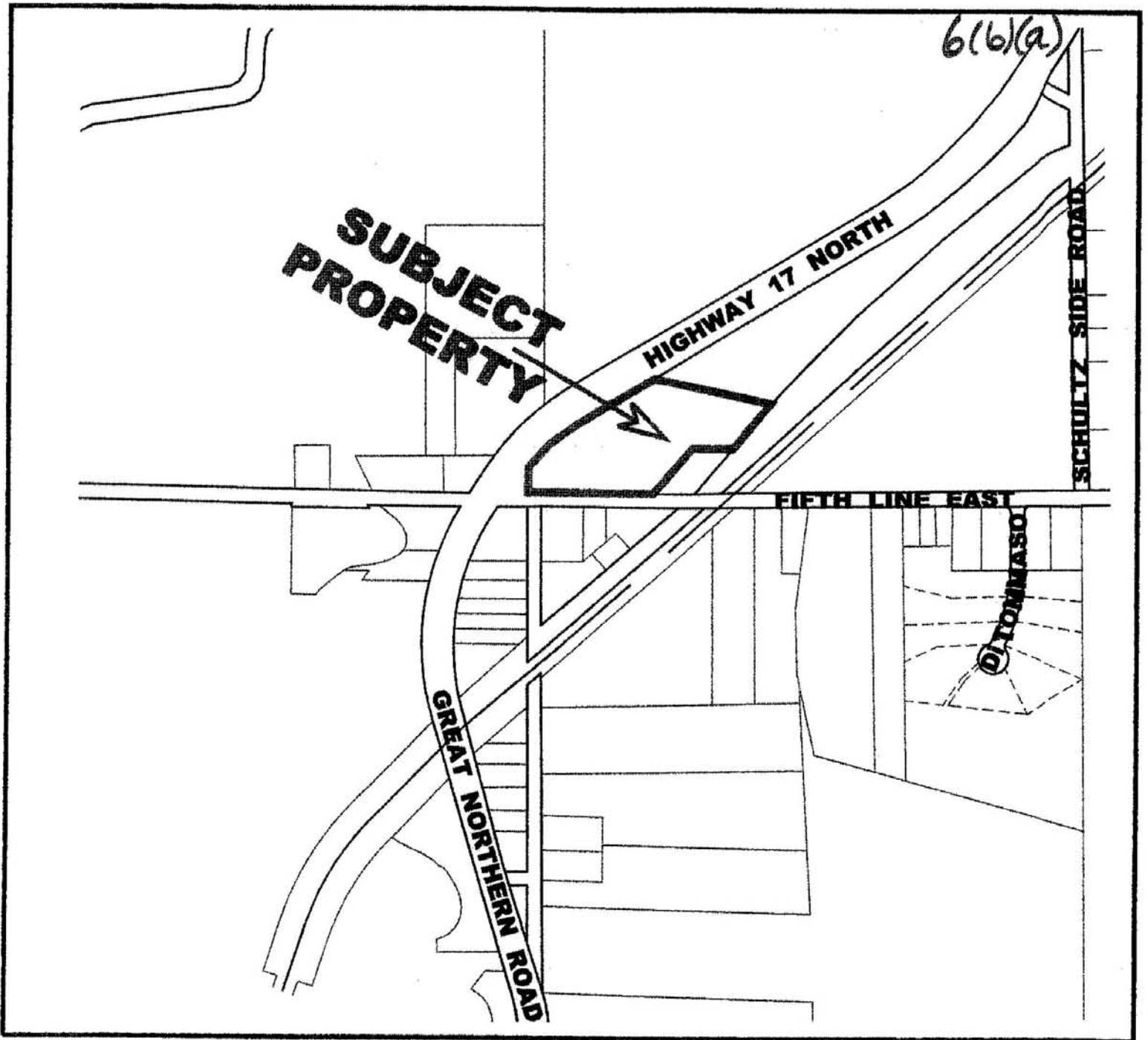
The Official Plan for the City of Sault Ste. Marie is hereby amended by adding the following paragraph to the Special Exceptions Section:

"Special Exceptions"

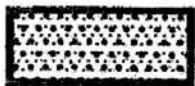
114. Notwithstanding the Rural Area Policies of the Official Plan, lands described as a portion of the SW ¼ of Section 8 of the former Township of Tarentorus located at the northeast corner of Great Northern Road and Fifth Line, known as the southern portion of civic no. 626 Fifth Line East may be used for the sale and service of trailers.

INTERPRETATION

The provisions of the Official Plan as amended from time to time will be applied to this Amendment.



OFFICIAL PLAN SCHEDULE "C"
LAND USE LEGEND



RESIDENTIAL



INDUSTRIAL



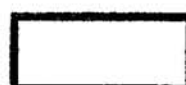
PARKS
RECREATIONAL



COMMERCIAL

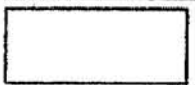


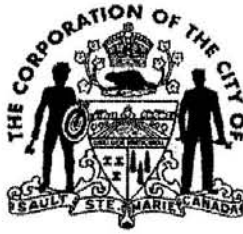
INSTITUTIONAL



RURAL AREA

SCHEDULE "A" to AMENDMENT No. 166





2009 05 07
Our File: A-16-09-Z.OP

MEMO TO: Don McConnell, MCIP, RPP
Planning Director

FROM: Catherine Taddo, P. Eng.
Municipal Services Engineer

SUBJECT: APPLICATION No. A-16-09-Z.OP - 626 FIFTH LINE EAST
REQUEST FOR AN AMENDMENT TO THE
OFFICIAL PLAN & ZONING BY-LAW

The Engineering Department has reviewed the above noted application, and has the following comments:

- Although the City makes every effort to control odour as part of the landfill operation, from time to time odours may be noticeable.

If you require anything further please, contact me.

Sincerely,

Catherine Taddo, P. Eng.
Municipal Services Engineer

c: Jerry Dolcetti, RPP
Jim Elliott, P. Eng.

6(6)(a)

Pat Schinners

From: Don Maki
Sent: April 22, 2009 1:28 PM
To: Don McConnell; Pat Schinners
Subject: Rezoning Application A-16-09-Z.OP 626 Fifth Line East

Hi Don

The matter of use of the property has been going on for some time. At this time the property is in compliance to the zoning By-law and we have dropped all legal action against the owners. There is still a matter with a culvert that has been removed from the property without authorization from the city. The culvert is stored on another property. The culvert should be returned to this site and reinstalled as required.

Don Maki CBCO
Chief Building Official
Building Division
Engineering and Planning
705-759-5399

04/22/09

6(6)(a)

Pat Schinners

From: Peter Tonazzo
Sent: May 08, 2009 9:35 AM
To: Pat Schinners
Subject: FW: Application Number: A16-09-Z.OP

From: Jim Elliott
Sent: May 07, 2009 8:56 AM
To: Don McConnell
Cc: Peter Tonazzo
Subject: Application Number: A16-09-Z.OP

Don McConnell
Planning Director

Subject: Request for an Amendment to the Official Plan and Zoning Bylaw
Application Number: A16-09-Z.OP
Ed Loftstrom
625 Fifth Line East

Staff from the Public Works and Transportation Department has reviewed this application and have no objections. We do however request that no vehicles or trailers be allowed to encroach on the City right of ways on Highway 17 North and Fifth Line East. In addition, no vegetation can be removed from the City right of ways unless approval is given by City staff.

If you have any questions, do not hesitate to contact me at 759-5207.

Yours truly

J. M. Elliott, P. Eng
Deputy Commissioner
Public Works and Transportation Department

05/08/09



b(6)(a)

1100 Fifth Line East
Sault Ste. Marie, ON P6A 5K7
Phone: (705) 946-8530
Fax: (705) 946-8533
Email: nature@ssmrca.ca
www.ssmrca.ca

Donald B. McConnell, MCIP, RPP,
Planning Director
City of Sault Ste. Marie
P.O. Box 580
Sault Ste. Marie, ON P6A 5N1

April 24, 2008

VIA FAX 541-7165

Conservation Authority Comments:

Application # A-16-09-Z.OP
Ed Lofstrom (Applicant)
626 Fifth Line East
Sault Ste. Marie

The subject property is located in an area under the jurisdiction of the Conservation Authority with regard to the O. Reg. 176/06 for Development, Interference with Wetlands and Alterations to Shoreline and Watercourses. A permit is required for any development on this site.

The subject property is under consideration of the Drinking Water Source Protection Program of the Conservation Authority with regard to Drinking Water Source Protection as it is within the Significant Groundwater Recharge Area as well as the 25 Year Capture Zone Sensitivity Area.

Therefore the following recommendations on the Special Exception rezoning application from the Drinking Water Source Protection are offered (during and after construction):

1. Safeguards for the proper storage of any petroleum products are instituted on site.
2. Safeguards for the proper storage of any chemical products are instituted on site.

Should you have any questions on our comments please contact our office.

Sincerely,

Marlene McKinnon
GIS Specialist

File: A-16-09-Z_OP_24Apr09.doc

6(6)(a)



May 26, 2009

D.P. Irving
City Clerk
P.O. Box 580
Sault Ste. Marie, Ontario
P6A 5N1

Via: Regular Mail and email

Re: Application Number A-16-09-Z.OP – Filed by Ed Lofstrom

Please note, regarding this application, I am in opposition to this request.

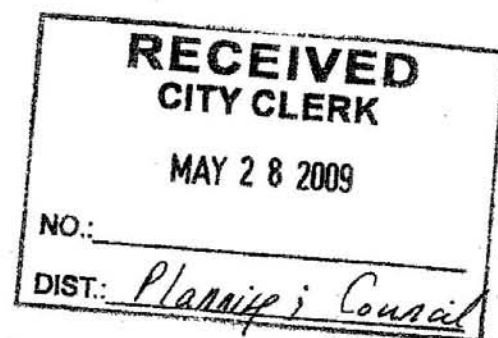
The parcels of land in question have already been reviewed by the Ontario Municipal Board, Decision/Order No. 2424 OMB Case No. PL 050104, whereby the Ontario Municipal Board denied a previous application by Mr. Lofstrom as there was no site plan agreement in place.

At this time, the property is owned by Lisa Lofstrom, not Ed Lofstrom, and while I understand that via the legal system, anyone can apply to have any parcel of land re-zoned, it makes absolutely no sense to continue with this application, as the land owner is not part of this application, and this request was previously brought before the OMB in two separate trials, and the decision remains the same.

Respectfully,

A handwritten signature in cursive script that reads "Lori Babcock".

Ms. Lori Babcock
44 Labelle Avenue
Sault Ste. Marie, Ontario
P6B 3C2
Home Telephone 705-253-3986
Email lori_b2003@hotmail.com



Hello Mr. Mayor & members of council

June 1/2009

My name is Fiore Giunti I reside at 47 Powley rd. and have since June of 99.

I am here tonight to speak against a request by Mr Lofstrom for an 18 month extension to Powley rd. and rezoning of a piece of property at 626 Fifth Line east. I have concerns with the Powley rd. issue. From my understanding Mr Lofstroms fiancé is trying to or has bought 32 Powley rd. I think that he will try to use this property for as long as he can for sales and service of trailers. Mr Lofstroms past performance with planning speaks for itself. The moving of trailers from Martins Trailers to residential drive way at 32 Powley rd. happen on a daily bases. The problem with parking is a nightmare when he is busy Powley rd is the new parking lot. If you have any questions on Powley rd please ask me.

626 Fifth Line East

This is another area of major concern. If by chance they have bought 32 Powley rd I believe that they will be using both pieces of property for Martins Trailer. They will shuttle trailers from one site to the other as they have done in the past. Fifth Line will help Powley rd. issues, but if Mr Lofstrom still has interest in 32 Powley rd. and is granted the use of 626 Fifth Line East I can see this as another can of worms opening up.

There are areas that can support a trailer business; one is on Fifth Line where he is storing trailers at the present time. Fifth line east and north of Fourth Line should be maintained as wilderness area or rural residential. There are many concerns, but these are only a few that I have mentioned

In closing I hope that these past years will come to an end so myself family and neighbors can enjoy a residential surrounding with peace and quiet. This as been a long time coming, and I hope that council will not pass the Powley rd application or the Fifth Line also. I'll be more than happy to answer any questions.

Thanks for your time and consideration Fiore & Laurie Giunti

6(6)(a)

To: Scot Billingsley
Cc: Don McConnell
Subject: A-16-09-Z.OP Ed Lofstrom

June 2, 2009

Mr. Billingsley:

Thank you for the e-mail which will be included in the official record concerning rezoning application #A-16-09-Z.OP Ed Lofstrom, which is scheduled for public hearing at City Council's June 8th meeting commencing at 5:30 p.m. or shortly thereafter.

Donna Irving, City Clerk
City of Sault Ste. Marie
Tele: 705 759 5391
Fax: 705 759 2310
E-mail: d.irving@cityssm.on.ca

From: Scot Billingsley [mailto:scotb32@hotmail.com]
Sent: June 02, 2009 4:32 PM
To: Donna Irving
Subject:

regarding plan a-16-9 martins trailers i object to rezoning scot billingsley

Attention all humans. We are your photos. Free us.

06/02/09



2008 ORTHO PHOTO

APPLICATION A-16-09-Z.OP

626 Fifth Line East & 32 Powley Road



Metric Scale
1 : 7000

Maps
504 & 2-62

Mail Label ID
A16-09

 Subject Property

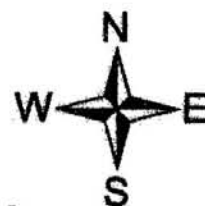
 Other Land Owned By Applicant



SUBJECT PROPERTY MAP

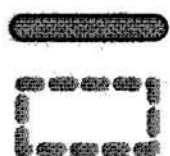
APPLICATION A-16-09-Z.OP

626 Fifth Line East
32 Powley Road



Metric Scale
1 : 7000

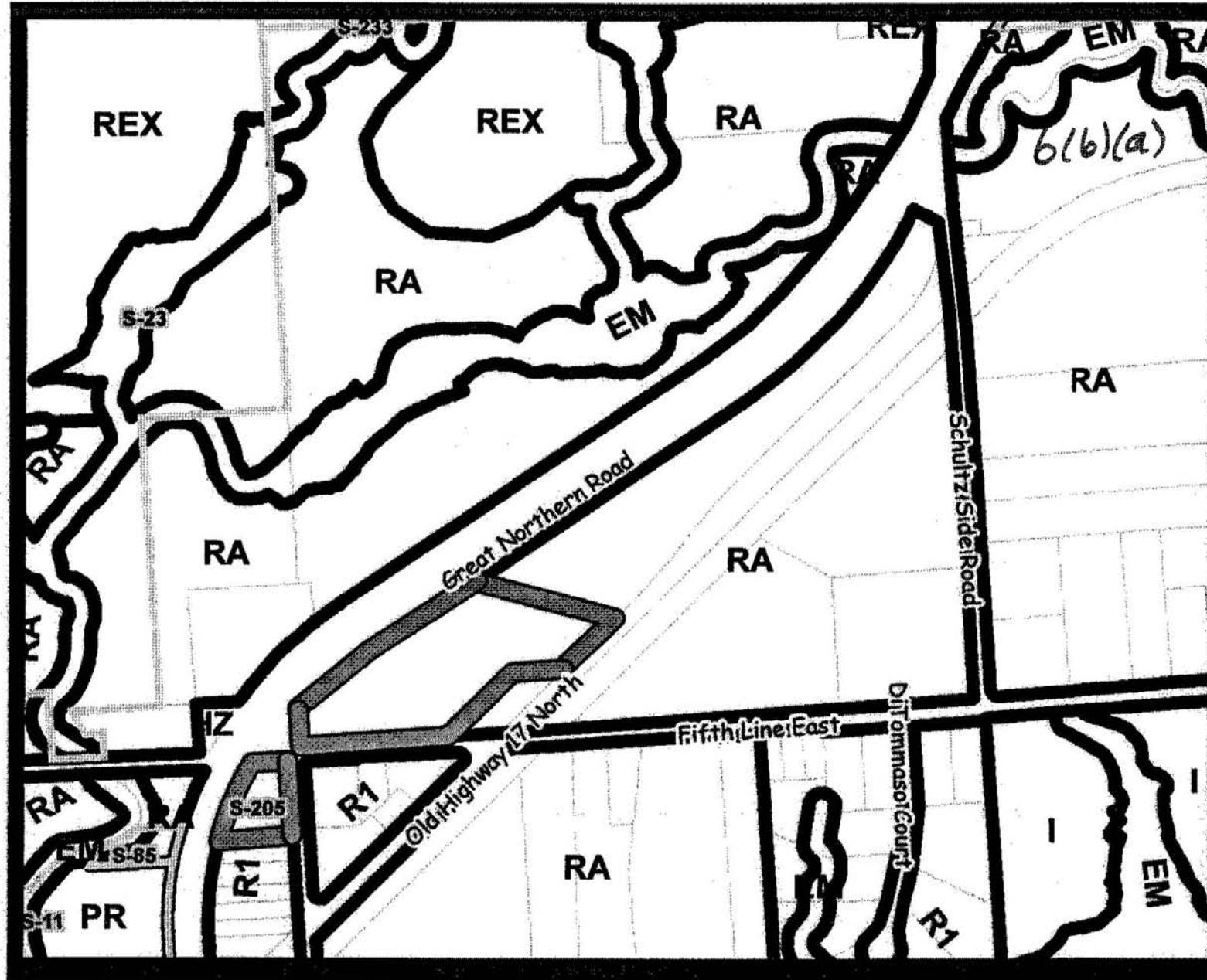
Maps
504 & 2-62



Subject Property

Other Land Owned By Applicant

Mail Label ID
A16-09



EXISTING ZONING MAP

APPLICATION A-16-09-Z.OP

626 Fifth Line East & 32 Powley Road

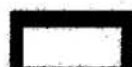
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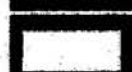


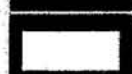
Maps
504 & 2-62

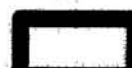
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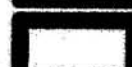
 Subject_Property

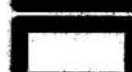
 R1 - Estate Residential Zone

 RA - Rural Area Zone; RAhp

 I - Institutional Zone

 EM - Environmental Management Zone

 PR - Parks and Recreation Zone

 REX

 BYLAW_2005_151

From: Peter McLarty [petmcla@sympatico.ca]
Sent: June 03, 2009 10:17 PM
To: City Clerk
Cc: Terry Sheehan; Susan Myers; Steve Butland; Pat Mick; Ozzie Grandinetti; Lou Turco; James Caicco; Frank Fata; David Celetti; Bryan Hayes; Lorena Tridico
Subject: Zoning application A-16-09ZOP

June 3, 2009

755 Fifth Line East
Sault Ste Marie, On
P6A 5K7

Ms D. Irving
City Clerk
99 Foster Drive
Sault Ste Marie, On

Dear Ms Irving

Re: Planning application A-16-09ZOP (Lofstrom/Martin's Trailers)

I would like to register my opposition to this application, noting four concerns:

1. Section C.15 of the Official Plan designates Great Northern Road north of the Fourth Line as a "green corridor". The present business at the corner of Fifth Line is a cluttered "eyesore" along the entrance of our "Naturally Gifted" city. Relocation to the larger property across the road will create an even larger eyesore.

2. The subject property lies on the city's aquifer recharge area and any/all commercial development must be discouraged in order to protect this precious resource.

3. This application (if approved) would allow for expansion of a commercial enterprise into an area which (with the exception of Martin's Trailers) is a rural residential neighbourhood. In hindsight, the original rezoning should never have been permitted. Allowing this rezoning application only exacerbates the documented problems with this business in the neighbourhood.

4. There are major traffic safety issues at the corner of Fifth Line and the Highway. The intersection is on a blind corner where speed limits are regularly ignored. Large numbers of heavy trucks enter and leave the Highway at this corner. The road surfaces are sloped in all directions. There have been several major accidents at the intersection and we have witnessed several close calls.

Our family frequently goes out of the way to avoid entering the highway at the Fifth Line (especially during "rush" hours). We will take Shultz Road or Landslide Road to avoid turning left onto Great Northern.

The operators of our yellow buses have instructed their drivers NOT to turn from the Fifth Line onto Great Northern Road because of safety concerns.

The presence of brightly coloured trailers and signage on the Martin's Trailer property creates (intentionally?) a visual distractions to drivers and adds to the accident risks already present.

Allowing this rezoning would allow for the expansion of the business and increase traffic flows making a bad situation worse.

I will not be in attendance at the City Council on June 8.

Sincerely

Peter McLarty

6(6)(a)

**RECEIVED
CITY CLERK**

JUN - 4 2009

Notice of Public Meeting

NO.: 51309 Application No. A-16-09-Z.OP: Official Plan and Zoning By-law 2005-150- filed
DIST.: by Ed Lofstrom

DATE: Monday, June 8, 2009, at 5:30 p.m or thereafter in the council chambers of the Civic Centre.

REQUEST: If Ed Lofstrom is granted approval of his request in the 18 month permit in the Official Plan amendment & rezoning. We the people ask that all business is conducted on property. This includes customer parking and repairs to trailers. In the past, parking has been an issue for the residents on Fifth Line and Powley Rd. Parking in this area creates a dangerous hazard because it obstructs the view of the highway, and the oncoming traffic. This also creates a heightened risk for the pedestrians, and young children in this vicinity. We the people ask that proper protocol be implemented on the land. We do not want any environmental damages to occur that will jeopardize our land and wells.

NAME	ADDRESS	PHONE NUMBER	SIGNATURE
A DEPLONTY	8 POWLEY RD	759-2339	A Deplonty
K. MONTGOMERY	4 Powley	256-8636	K. Montgomery
D. Young	124 Shultz	946-8922	D. Young
H. Deplonty	8 Powley Rd	759-2339	H. Deplonty
M. Montgomery	4 Powley Rd	256-8636	M. Montgomery
K. Deplonty	8 Powley Rd	759-2339	K. Deplonty
G. Young	12 Powley Rd	759-1686	G. Young
Kelly Jackson	185 Old Hwy 17N	946-2306	K. Jackson

07

S. Jones	236 Old Hwy 17 N	941-9941	<i>S Jones</i>
D McLeel	641 5TH LINE E.	575-3488	D McLeel.
April Deplenty	31 Old Garden River Rd	575-1027	aleplenty
Marc Plouffe	3 Old Garden River Road	575 1027	M Plouffe
Bailey Young	124 Shultz side Road	987-3493	Bailey Young.
Kayla Naden	35 Parker Ave	941-1054	K Naden
Bill DiPasquale	783 Fifth Line	946-3671	Bill DiPasquale
Carol Mount	791 Fifth Line	759-3945	Carol Mount
GLYNN Mount	✓ ✓	✓	<i>Glynn Mount</i>
ROSINA MACDONALD	165 Old Hwy 17 N.	759-8640	Rosina MacDonald
ERNIE MACDONALD	165 Old Hwy 17 N.	759-8640	<i>Ernie MacDonald</i>



2009 06 08

REPORT OF THE ENGINEERING & PLANNING DEPARTMENT

PLANNING DIVISION

TO: Mayor John Rowsell
and Members of City Council

SUBJECT: Application No. A-17-09-Z – filed by Marc Stanghetta

SUBJECT PROPERTY:

Location – Located on the west side of Great Northern Road, approximately 20m (66') south of its intersection with Wigle Street, civic no. 1351 Great Northern Road

Size – Approximately 37.2m (122') frontage x 70m (230') depth; 0.26 ha (.65 acres)

Present Use – Residential, former used car sales

Owner – 497084 Ontario Ltd.

REQUEST: The applicant, Marc Stanghetta is requesting a Rezoning by way of a Special Exception to the "R.1" (Estate Residential) zone to permit a motor vehicle sales and parts dealer excluding the service and repair of motors or transmissions.

CONSULTATION:

Engineering – No comments

Building Division – See attached letter

Legal Department – No objection

PUC Services – No objection

Fire Services – No objection

PW&T – No comments or objections

CSD – No concerns

Municipal Heritage Committee – No concerns

EDC – No objections

Accessibility Advisory Committee – No comments

PREVIOUS APPLICATIONS

In 1998, City Council approved the rezoning of the subject property from Residential to Highway Commercial in order to utilize the property for a car sales lot. In 2003, City

Council approved a subsequent rezoning application, reverting the property back to a residential zoning.

Conformity with the Official Plan

The subject property is located at the interface of the Commercial and Rural Area land use designations. The Official Plan states that boundaries between land use designations are "fixed only where they coincide with physical features such as streets, railways, rivers or streams." Minor departures from land designation boundaries within the Plan are permitted provided the "general intent of the Plan is maintained." This flexibility permits Council to consider applications such as this without formal amendments to the Official Plan land use designations.

The property is in the defined Ground Water Recharge Area, as shown on Schedule "B" of the Plan. As such, the policies of the Plan relating to on site storage or use of fuel, chemicals or hazardous materials apply to this application. These policies can be implemented through site plan control.

The subject property is not affected by the Resource policies of the Official Plan.

Since the site is adjacent to the highway, the Urban Design policies indicate that the "visual quality of visitor access corridors should be enhanced, and that front yard landscaping and landscaped buffers should be provided to separate and visually screen parking areas from the street and abutting properties."

Comments

The applicant is seeking to rezone the property from R1, (Estate Residential Zone) to R1, with a special exception to permit a motor vehicle sales and parts dealer, excluding the service and repairs of motors and transmissions. The rezoning will allow the applicant to establish a utility trailer sales business and the flexibility to also sell used cars. The subject property was formerly zoned for this type of use, and if approved, the application will re-establish the zoning that was approved in 1998.

The proposed use is compatible with the surrounding land uses as the subject property is immediately adjacent to commercial uses to the south (Perry's Gun Shop) as well as the Trading Post travel centre directly across the street. The subject property abuts residential homes on the north and west. An existing, visually solid fence runs along the north and westerly property lines that abut the residential homes.

The subject property is governed by an existing site plan agreement. As such, any future use of this property will have to be in conformity with the approved site plan agreement prior to the issuance of an occupancy permit. Any changes to the site plan agreement that are required to facilitate the development must be approved as part of a site plan amendment.

The existing development is not consistent with the current site plan agreement as the original car sales operation existed for only a short period of time and the zoning has reverted back to residential since the time of the car sales operation closing.

It should be noted that the landscaping existing on the site is deficient from the approved site plan agreement. As such, the landscaping deficiencies should be rectified prior to the issuance of an occupancy permit.

In addition, a drainage ditch has been constructed along the property boundaries of the site, which is not reflected in the site plan agreement. The drainage works should be reviewed by the City's Engineering Division and an amendment to the existing site plan agreement should be processed to reflect the drainage work completed.

Based on a site visit to the property, the fence along the rear property line is in disrepair and does not run along the full length of the common property line with the adjoining westerly residential dwelling. The by-law requires where a non-residential zone abuts a residential zone a vegetative strip or fence be used as a buffer. Although the zone will remain residential, given that the use will be commercial, staff recommend that a required 1.8 meter (6') visually solid fence along the westerly, and along the northerly lot line to a distance of 17.68 (58') of the front lot line, form part of the approval. This is consistent with the existing site plan agreement.

As part of the 1998 application, a condition of approval was that the display area be set back 15.24 (50') from the front property line and that the front yard be landscaped. A maximum of three vehicles was permitted to be displayed as part of the 1998 approval. Planning staff recommend that the same conditions be applied to this approval.

The zoning by-law requires an asphalt or similar surface treatment for required parking areas, however, properties zoned Rural Area are exempt from this requirement. Given that the use will be of a commercial nature and its location on a main corridor into the City, planning staff recommend that area shown on the approved site plan be surfaced treated with asphalt or a similar hard and dustless treatment.

Building Division has commented that the owner has taken out building permit to renovate the existing single dwelling unit. If renovations are required to facilitate the new operations, additional building permits will be required.

SUMMARY

The applicant is seeking to rezone the property from R1, (Estate Residential Zone) to R1, with a special exception to permit a motor vehicle sales and parts dealer, excluding the service and repairs of motors and transmissions. The rezoning will allow the applicant to establish a used car sales business, as well as utility trailer sales.

Planning staff are recommending approval of this application, subject to the parking area, shown on the approved site plan, being treated with asphalt or a similar hard and dustless treatment. Also, conditions relating to the display areas, fencing and landscaping form part of staff's recommendation.

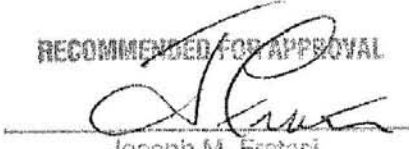
Prior to the issuance of an occupancy permit, the applicant must amend the current site plan to ensure the drainage measures implemented are appropriate. As well any landscape provisions that are required by the site plan agreement must be rectified prior to occupancy.

Planning Director's Recommendation

That City Council approve the rezoning of the subject property from "R.1" (Estate Residential) zone, to "R.1", with a Special Exception to permit a motor vehicle sales and parts dealer, subject to the following:

1. That the service and repairs of motors and transmissions be excluded as a permitted use, and;
2. That the parking area, shown on the approved site plan, be treated with asphalt or a similar hard and dustless treatment.
3. That a 1.8 meter (6') visually solid fence be constructed along the westerly lot line and along northerly lot line to a distance of 15.24 (50') of the front lot line.
4. That the display area for trailers or cars or similar items as permitted under the motor vehicles sales and parts dealers' definition of Zoning By-law 2005-150, be set back 17.68 meters (58') from the front property line, and that the front yard setback area be appropriately landscaped with a variety of grass, trees, shrubs, etc., provided however that a maximum of three (3) display items may be displayed within this landscaped area.

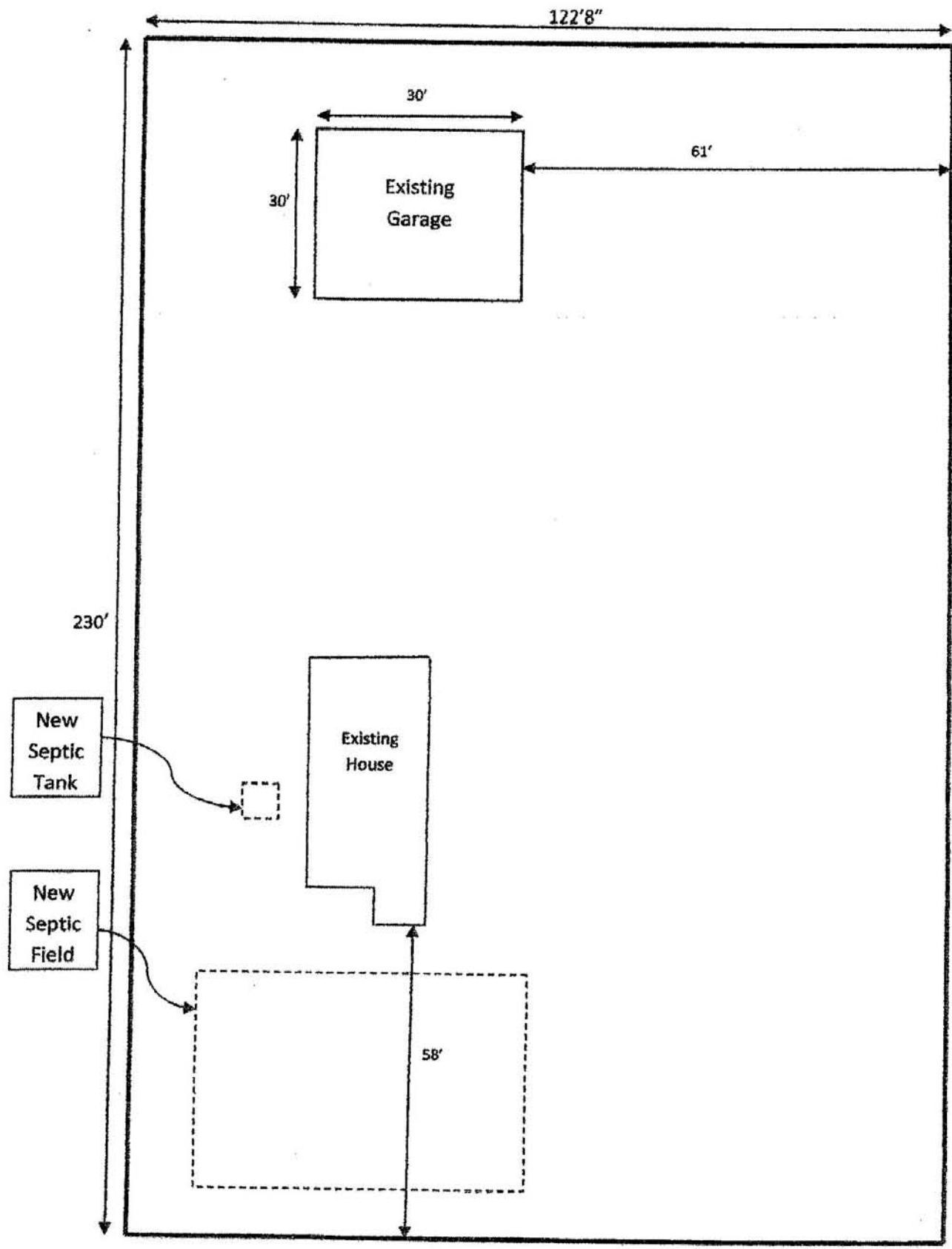
RECOMMENDED FOR APPROVAL


Joseph M. Fratesi
Chief Administrative Officer

SDT/pms

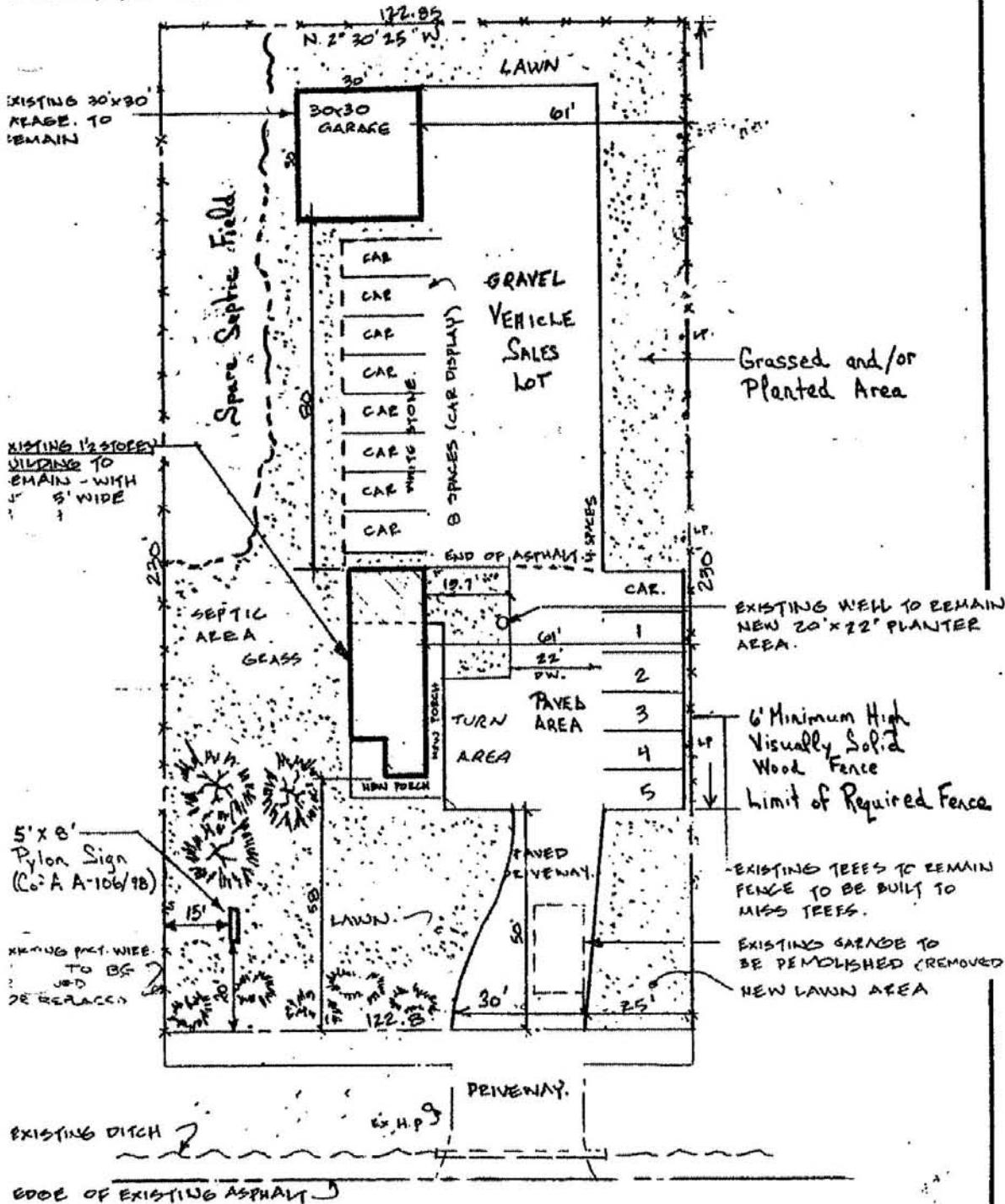
PUBLIC NOTICE – 2009 06 08, Council Chambers, Civic Centre

6(6)(b)



Great Northern Road

Additional Property Identifier(s) and/or Other Information



(1351) GREAT NORTHERN ROAD

SITE PLAN -

SCALE: 1" = 30'-0"

September 8, 1998

Revised: September 15, 1998

October 14, 1998

November 16, 1998

ENDORSEMENT

This SITE PLAN AMENDING SCHEDULE B

to AGREEMENT D3 - D3-481

has been APPROVED and ENDORSED by

D.B. McConnell
D.B. McCONNELL, City Planning Director

This 16th Day of Nov. 1998

6(6)(b)

Pat Schinners

From: Don Maki
Sent: May 11, 2009 9:00 AM
To: Don McConnell; Pat Schinners
Subject: Rezoning application A-17-09-Z 1351 Great Northern Rd

Hi Don

Presently the property is being used for the sale of utility trailers contrary to the zoning by-law. Our office was asked to look into the use of the property. The owner has also in taken out a permit in 2008 to renovate the existing sales office for a single family dwelling. If there is any change to the this intent revisions to be sent in for review.

Don

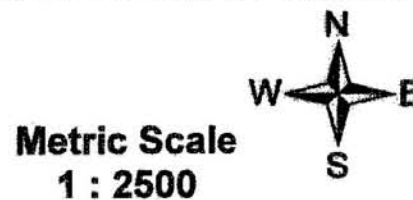
Don Maki CBCO
Chief Building Official
Building Division
Engineering and Planning
705-759-5399

05/11/09



**2008 ORTHO PHOTO
APPLICATION A-17-09-Z**

1351 GREAT NORTHERN ROAD

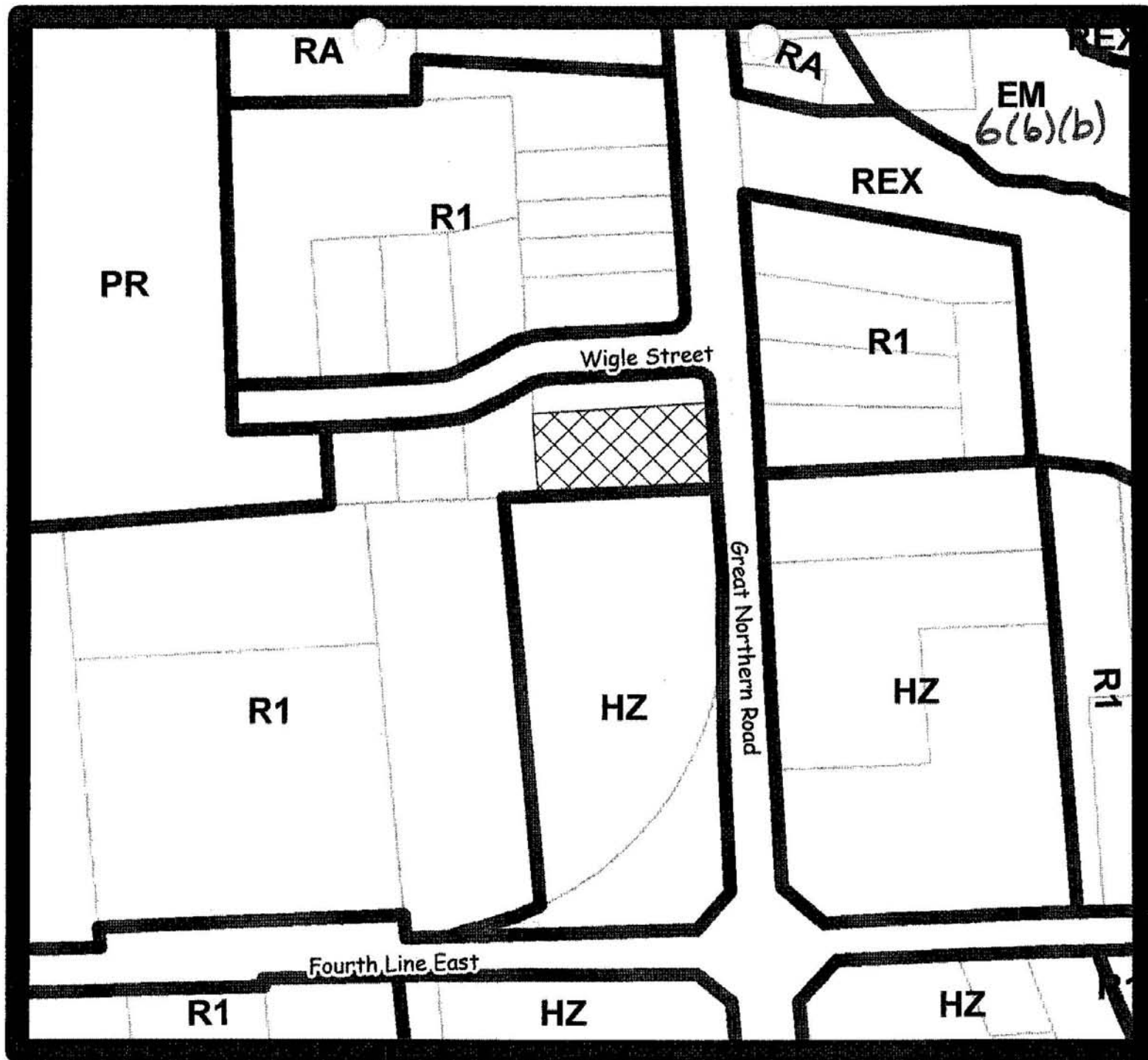


**Maps
140 & 2-44**

**Mail Label ID
A17-09**



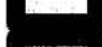
Subject Property - 1351 Great Northern Road



EXISTING ZONING MAP **APPLICATION A-17-09-Z** **1351 GREAT NORTHERN ROAD**



Subject Property - 1351 Great Northern Road

-  R1 - Estate Residential Zone
-  RA - Rural Area Zone; RAhp
-  HZ - Highway Zone
-  PR - Parks and Recreation Zone
-  EM - Environmental Management Zone



Metric Scale
1 : 2500

Maps
140 & 2-44

Mail Label ID
A17-09



ALGOMA
university

7(d)

February 5, 2009

Mr. Jamie Caicco
60 Dell Avenue
Sault Ste. Marie, ON
P6A 5R6

Dear Mr. Caicco:

The Algoma University Board of Governors is rewriting the university by-laws to conform to our new status as an autonomous university. We are working to ensure that the composition of our Board of Governors reflects our local, regional, and national mandate and scope. I am writing at this time to request assistance in ensuring that there is appropriate representation of the City on the University's Board.

The support of the City of Sault Ste. Marie for Algoma University and especially for our bid for independence has been critical to our recent successes. The support of the Mayor and members of City Council brings credibility to the university and establishes a firm and productive partnership that is most beneficial to development in our region.

The Algoma University Board of Governors would like to include the Mayor or a Mayoral designate to sit as a full member on our Board of Governors. This position would be specified in our by-laws. The term as Board representative would be linked to the term as Mayor or as Councillor, with a maximum duration of three years, renewable once.

Many Ontario universities have Mayoral designates or City Council appointments listed in their by-laws, including the University of Windsor (Mayor), Lakehead University (City Council appointment), and Nipissing University (Mayoral designate).

As Algoma University moves forward as an independent institution, a strong connection between the City and the University will help us align our strategic plans and take advantage of opportunities for mutual benefit. Thank you for any advice and assistance you can provide to us on this request for a Mayoral or Mayoral designate appointment to the Algoma University Board of Governors.

Sincerely,



Dr. Celia Ross
President

11 7(d)

DRAFT

ALGOMA UNIVERSITY COLLEGE
AMENDED AND RESTATED BY-LAW NO.1

being by-law to regulate generally the affairs and the exercise of the powers of the Corporation and of The Board of Governors (hereinafter referred to as the Board) of Algoma University College and the calling and conduct of its meetings.

BE IT ENACTED AND IT IS HEREBY ENACTED as the By-law of The Board of Governors of Algoma University College as follows:

A. PURPOSES

1. Algoma University College is constituted as a corporation without share capital under the laws of the Province of Ontario in Letters Patent dated 23 October 1964 and in Supplementary Letters Patent as have been and shall be approved from time to time under the Corporations Act of the Province of Ontario in the name of Algoma University College.
2. Algoma University College pursues truth, knowledge, and wisdom using innovative, interdisciplinary, and student-focussed approaches which respect Indigenous peoples and our culturally diverse community.
3. Algoma University College is guided by our mission:
 - To encourage students to pursue excellence and achieve their full potential.
 - To nurture inquiring attitudes and analytical capacities for a future of lifelong learning.
 - To build a teaching and learning community which fosters interdisciplinary studies while respecting the integrity of the disciplines.
 - To advance knowledge through excellence in research and scholarship.
 - To enhance social, economic, and cultural development and to build educational and research partnerships with the wider community.
 - To secure and manage its resources responsibly and prudently to ensure its long-term ability to carry out its mission.

4. Algoma University College presently offers the degrees of Laurentian University through the existing affiliation agreement. It will seek charter status at the appropriate time and authority to award its own degrees, and to affiliate with other universities, colleges, and institutions of learning on such terms and for such periods of time as the Board may determine.

B. INTERPRETATION

1. "Corporation" means Algoma University College.
2. "Member of the Corporation" means any person so named by the Board from time to time under the terms and conditions set out in this by-law and confirmed by the members in general meeting.
3. "Board" means the Board of Governors of Algoma University College.
4. "Senate" means the Senate of Algoma University College.
5. "Faculty" includes professors, associate professors, assistant professors, and lecturers engaged in the work of teaching or giving instruction or in research.
6. "Letters patent" means the original Letters Patent dates 23 October 1964 of the Corporation and Supplementary Letters Patent of 24 August 1976, 9 November 1978, 4 September 1986, 7 April 1988 and 2 November 1990.
7. "Officer of the Corporation" shall mean the Chair and Vice-Chair of the Board, the President, the Academic Dean, the Director of Administration, and such other officers as the Board may designate from time to time.
8. "External member" means any member of the Board who is not a student of Algoma University College or an employee except for an individual who is employed by Algoma University College solely as a sessional instructor.
9. "Special resolution" means a resolution passed by the directors and confirmed with or without variation by at least two-thirds of the votes cast at an annual or general meeting of the members of the Corporation duly called for that purpose.

C. MEMBERS OF THE CORPORATION

1. Members of the Corporation shall consist of:
 - the Chair of the Board
 - the President of Algoma University College

- each member of the Board of Governors, from the time of election as a member of the Board by the membership and throughout said Board member's tenure on the Board.
- 2. The Board of Governors shall establish membership dues, if any, and other conditions of membership for members of the Corporation.

D. MEETINGS OF MEMBERS

1. The annual meeting of members will be held within ten months of the fiscal year-end.
2. The Board of Governors or the President shall have power to call at any time a general meeting of the members of the Corporation.
3. The Chair of the Board of Governors, or in the absence of the Chair, the Vice-Chair of the Board of Governors, shall preside over meetings of the members of the Corporation.
4. The annual or any other general meeting of the members shall be held at the University or elsewhere in the City of Sault Ste. Marie or environs as the Board of Governors may determine and on such day as the Board shall appoint.
5. No public notice nor advertisement of members' meetings, annual or general, shall be required, but notice of the time and place of every such meeting shall be given to each member by prepaid post or electronic transmission at least seven days before the time appointed for the holding of such meeting; provided that any meeting of members may be held at any time and place without such notice if all the members of the Corporation are present thereat, or have given written consent that the meeting may occur, or are represented by proxy duly appointed, and at such meeting any business may be transacted which the Corporation at an annual or general meetings may transact.
6. No error or omission in giving notice of any annual or general meeting or any adjourned meeting of the members of the Corporation shall invalidate such meeting or make void any proceedings taken thereat and any member may at any time waive notice of any such meeting.
7. The members may consider and transact any business either special or general without any notice thereof at any meeting of the members.
8. At every annual meeting, in addition to any other business that may be transacted, the report of the Board of Governors, the financial statement and the report of the auditors shall be presented. At this meeting the Board

shall appoint the auditors for the ensuing year and make provision for the remuneration of the auditors.

9. A quorum at a meeting shall consist of at least 50% of external members who shall be present in person or by electronic transmission. This will apply to all Board committees.
10. Subject to the provisions, if any, contained in the Letters Patent of the Corporation, each member of the Corporation shall at all meetings of members be entitled to one vote and may vote by proxy. A proxy need not be a member but before voting shall produce and deposit with the Secretary sufficient appointment in writing from the member of the Corporation to be represented by said proxy.
11. No member shall be entitled either in person or by proxy to vote at meetings of the Corporation unless all dues or fees, if any, then payable by such member have been paid.
12. Every question shall be decided in the first instance by a show of hands unless a poll be demanded by any member.
 - (a) Upon a show of hands, unless a poll be demanded, a declaration by the Chair that a resolution has been carried or not carried and an entry to that effect in the Minutes of the Corporation shall be admissible in evidence as *prima facie* proof of the fact without proof of the number or proportion of the votes accorded in favour of or against such resolution.
 - (b) The demand for a poll may be withdrawn, but if a poll be demanded and not withdrawn the question shall be decided by a majority of votes given by the members present in person or by proxy and such poll shall be taken in such manner as the chair shall direct and the result of such poll shall be deemed the decision of the Corporation in general meeting upon the matter in question.
13. At all meetings of members every question shall be decided by a majority of the votes of the members present in person or represented by proxy unless otherwise required by this by-law of the Board of Governors, or by law.
14. In case of equality of votes at any general meeting, whether upon a show of hands or at a poll, the Chair shall be entitled to a second or casting vote. Should the chair decline to vote to break the tie, the question before the members shall be defeated.

E. MEMBERS OF THE BOARD OF GOVERNORS

1. The composition of the Board shall be as specified in the current By-Laws in respect to number and constituencies represented.
2. Members of the Board shall be elected by the members of the Corporation as follows:
 - (a) Members from the Council of the City of Sault Ste. Marie, the AUC Alumni Advisory Council, the native communities, the Senate of Algoma University College, the full-time support staff, the Children of Shingwauk Alumni Association, the Algoma University College Foundation Board, and the full-time student body of Algoma University College normally shall be appointed upon approval of the nomination by the Board of those respective constituencies.
 - (b) Members-at-large will normally be appointed from among nominees proposed by the Nominating and Governance Committee of the Board.
3. No member of the Board may appoint or send a designate or proxy to act or vote on the member's behalf on the Board, except that an Acting President duly appointed under by-law L.2 or L.3 below may participate and vote on behalf of the President.
4. All members except the member elected from the student constituency, who shall hold office for a term of one year, shall hold office for a term of three years, or until the third annual meeting following the year of appointment, whichever occurs first.
 - (a) No member shall hold office for more than two consecutive terms of three years each, excluding the balance of a partial term. In the case of student representatives, no member shall hold office for more than three consecutive terms of one year each, excluding the balance of a partial term.
 - (b) Notwithstanding (a) above, the term of a member serving as Chair-elect may be extended by a resolution of the Board, passed by a two-thirds majority of those voting at a duly constituted meeting. A maximum of three one-year extensions will not be exceeded.
 - (c) A former member of the Board will be eligible for re-election or re-appointment to the Board after a lapse of one year following completion of the second consecutive three-year term.
5. The Secretary shall maintain a roll showing the names and addresses of each member which may be used for service of any notice. Each member

shall maintain current information with the Secretary.

6. Except for the *ex officio* members, the Secretary shall maintain records of the service of members appointed to the Board and shall notify the appointing authority of the expiration of a member's term of office at least one month in advance of the expiration date.
7. With the exception of an *ex officio* member, a member who expects or finds an inability to fulfil responsibilities as a member of the Board for six consecutive months or more should resign membership on the Board.
8. The Board shall declare the seat of a member vacant should that member fail to attend three consecutive regularly scheduled meetings.
9. The Board shall elect one of its external members as the Board's representative on the Senate Algoma University College as per Chapter 2, 2.1.i of the By-laws of the Academic Senate.

F. OFFICERS OF THE BOARD

1. At the first meeting of the Board in each fiscal year, the Board shall appoint a Chair and a Vice-Chair. The Chair and the Vice-Chair may be re-elected for successive years. [See Item E.4(b).]
2. Only those members of the Board who are external members of the Board are eligible for election as Chair or Vice-Chair, or to assume the position of Acting Chair.
3. In the event of a vacancy in the office of Chair or Vice-Chair for any reason, the Board shall elect a replacement who shall hold office until the next election under article F.1 above; provided, however, that if the time remaining in the term of office falling vacant is six months or less, the Board in its discretion may allow the office to remain vacant until the next regular election.
4. The Chair shall preside at all meetings of the Board and shall carry out such other duties as the Board may from time to time prescribe. In the case of absence or illness of the Chair, or there being a vacancy in that office, the Vice-Chair shall act and shall have all the powers of the Chair.
5. In the absence or illness of both the Chair and the Vice-Chair, or there being vacancies in these offices, the powers and duties of the Chair shall be exercised by an Acting Chair who shall be appointed subject to section F.2.
6. The Secretary, who shall be the Secretary of the Board, shall be appointed by the Board, and shall hold office during the pleasure of the Board.
 - (a) Unless otherwise determined by the Board, in the absence of the

Secretary, an Acting Secretary designated by the Secretary to so act shall perform the duties of the Secretary of the Board.

7. The Secretary shall attend all meetings of the Board and shall:
- (a) enter or cause to be entered in books for that purpose, Minutes of all proceedings;
 - (b) provide copies of such Minutes to all Board members as soon as possible;
 - (c) give, or cause to be given, all notices required to be given to members of the Board as well as agenda and related documents as may be necessary for a meeting;
 - (d) be responsible for arrangements for meetings;
 - (e) be the custodian of the minute books, papers, records, documents, and other instruments of the Board;
 - (f) be responsible for the dissemination of decisions or instructions by the Board to all parties concerned unless otherwise ordered by the Board; and
 - (g) perform such other duties as may from time to time be prescribed by the Board or required by law.

G. MEETINGS OF THE BOARD

1. Regular meetings of the Board shall be held at the University or elsewhere in the City of Sault Ste. Marie or its environs as may be determined by the Chair. The Board shall hold a minimum of four regular meetings per year. The dates and times of such meetings shall be established from time to time by the Board.
2. Notice in writing of the time and place of each regular meeting shall be sent to each member of the Board by prepaid post or by electronic transmission addressed to the member's address, as it appears in the records of the Board, and such notice shall be given at least seven days before the time appointed for the holding of such meeting. Such notice shall specify in reasonable detail the matters, other than those of a routine nature, which are to be dealt with at the meeting.
3. Special meetings of the Board shall be held at the call of the Chair, or, in the event of the Chair's absence or inability to act, at the call of the Vice-Chair, and may also be called on the written request of not fewer than five members of the Board. Such meetings may be held at any time and at any place in the City of Sault Ste. Marie or its environs.
 - (a) Notice in writing of the time and place of each special meeting shall be sent to each member of the Board by prepaid post or by electronic transmission addressed to the member's address as it appears in the records of the Board, with transmission of such notice initiated at least seventy-two hours before the time appointed for the holding of such meeting. Such notice shall specify in reasonable detail the purpose for which the meeting is called.
 - (b) A special meeting of the Board may be held at any time and at any place without notice if all members of the Board are present thereat or have given written consent that the meeting occur.
 - (c) On matters of an urgent nature, the Chair may authorize the Secretary to conduct a telephone poll of all Board members for the guidance of the Executive Committee in acting on behalf of the Board.
4. The accidental omission of provision of notice for a regular or special meeting to any member of the Board, or any accidental irregularity in connection with the giving of notice, shall not invalidate the proceedings of the meeting.
5. Items of business shall normally be presented to the Board by the following only:

The Chair of the Board
 The Chairs of Committees
 The President
 The Board Representative to the Senate who shall report at each Board meeting.

but a member of the Board may present an item which has been submitted and approved for inclusion in the agenda of the meeting. Except for the reports of Committees, items of business furnished to the Secretary for inclusion on the agenda shall be summarized in appropriate form with relevant supporting documents to be attached as necessary.

6. The business of a meeting shall be confined to the agenda and no new matter, other than a point of order or privilege, shall be dealt with unless the introduction of such new matter shall be approved by a two-thirds vote of members present and voting. All matters for inclusion in the agenda of Board meetings must be in the hands of the Secretary at least ten working days prior to the day of the meeting at which they are to be presented, and only matters which have been placed in the hands of the Secretary shall be included in the agenda pre-circulated to members.
 - (a) The Chair shall be notified before the meeting of new items submitted for inclusion on the agenda subsequent to its approval and at the commencement of the meeting shall request a motion concerning the disposal of such items.
7. Except as established by Roberts Rules of Order, all motions and resolutions shall be decided by a majority of the members present and voting at the said meeting.
8. Voting may be by show of hands or by assumed consent where no dissent is voiced. A resolution consented to in writing by all members of the Board shall have the same force and effect as if passed at a regularly constituted meeting of the Board.
9. All dissenting votes at the level of the Board of Governors which relate to issues that may incur personal liability as a result of statutory regulation shall be recorded in the Minutes if requested by the dissenting member at the time the vote is taken. Members absent from a meeting may submit to the Secretary of the Board notice of dissent not more than 7 days after receipt of the draft Board Minutes. Notices of dissent so submitted will be retained on file by the Secretary of the Board, but shall not affect the outcome of the vote nor be recorded in the Minutes.
10. Subject to limitations of space, meetings of the Board shall be open to attendance by the public except during a confidential session so designated for the consideration of confidential business, such as matters concerning

personnel, finance acquisition or disposal of property, and other confidential matters of the University, the disclosure of which might be prejudicial to an individual or to the best interests of the University.

11. Movement into closed session shall be preceded by a motion to adopt the confidential portion of the agenda and such motion or a motion to amend the agenda shall not be debatable. When movement into the open session occurs, the Chair shall report back decisions reached in the closed session which are not deemed to be of a confidential nature.
12. Members of the Board shall observe strictly the confidential nature of business dealt with in closed session and it shall be their responsibility to ensure that such information is not divulged to unauthorized persons. At the commencement of a closed session the Chair shall remind members of their obligations in respect to confidentiality.

Members are reminded that discussions entered into and the decisions made during the closed session of this meeting are carried out in confidence and are not to be repeated or discussed outside the Board Room. Any material provided for the session will be retained in confidence afterwards, or may be returned to the Secretary at the end of the meeting.

Decisions reached during the closed session which are to be announced after the meeting will be made public by official announcement or press release only and such publication does not free members of the obligation to hold in confidence the discussions which took place in the meeting or the material involved.

The continued presence of a member in the room shall indicate acceptance of these conditions.

13. Should a member declare an intention of non-compliance with the conditions of confidentiality and refuse to leave the room when requested to do so, the Chair shall, subject to a resolution of the Board supported by a majority vote direct that, in the absence of immediate assurance to the effect that henceforth the member shall abide by the rules of the Board in respect to the confidentiality of information, the seat of the member shall be declared vacant.
14. Except by the permission of the Chair, spectators (including representatives of the news media) shall not be permitted to address a meeting, to communicate with individual members, to disturb the conduct of a meeting in any way, or to introduce placards or signs or cameras or other recording machines into the Board Room.

15. A record of the proceedings of each meeting of the Board shall be kept in a book provided for that purpose and the full Minutes of every meeting shall be submitted at the next meeting of the Board, and after adoption by the Board, the Minutes shall be signed by the Chair (or the Acting Chair) and the Secretary (or Acting Secretary), and such Minutes shall be open to inspection by any member of the Board at any time during regular office hours in the office of the Secretary of the Board, but such inspection shall not be permitted by other persons.
 - (a) At a minimum, Minutes must show all resolutions, by-laws, and motions dealt with, including names of movers and seconders.
 - (b) Save and except where it is otherwise herein provided, the action of the Board upon any matter coming before it shall be evidenced by by-law or resolution and the entry thereof in the Minutes of the Board shall be *prima facie* evidence of the action taken.
 - (c) A copy of the Minutes of each meeting of the Board, as drafted by the Secretary of the Board, shall be sent to each member of the Board as soon as possible after such meeting, but amendments to the Minutes may be made only at a meeting of the Board where the Minutes are presented for adoption.
 - (d) The Secretary shall be responsible for safeguarding the confidentiality of Board Minutes but shall have discretion to furnish extracts or summaries therefrom to authorized officers of the University or in satisfaction of a reasonable request.
 - (e) The Secretary shall forward to the Library, for public examination, a copy of the approved Minutes of the open session of the Board.

H. COMMITTEES OF THE BOARD

1. There shall be an Executive Committee with the following members:

Chair and Vice-Chair of the Board

President

One Senate constituency member of the Board, elected by the Board

Two members of the Board who are not employees of the Corporation, elected by the Board

One Staff representative on the Board, who shall be non-voting.

- (a) The Vice-Chair of the Board shall be the Chair of the Executive Committee.

- (b) The Executive Committee shall initiate, investigate, and make recommendations to the Board on agenda matters.
- (c) The Executive Committee shall undertake such matters as may from time to time be referred to it by the Board.
- (d) Executive Committee shall, with Senate Co-ordinating Committee, jointly constitute a Liaison Committee between Board and Senate as defined by resolutions of these bodies.

2. The Board shall maintain as Standing Committees of the Board, *inter alia*:

The Nominating and Governance Committee

The Finance Committee

The Anishinaabe Peoples' Council

The Board-Senate Liaison Committee

The Campus Development Committee

- (a) The composition, duties and responsibilities of such Committees shall be as determined from time to time by Special Resolution of the Board.
- (b) Each Standing Committee of the Board must meet at least once each year and shall report to the Board at least annually.
- (c) The Nominating and Governance Committee:
 - (1) Membership and Procedure: Five Board members, at least three of whom are external Board members, per Clause 2(j) of the Supplementary Letters Patent dated November 2, 1990 and one of whom shall serve as Chair.
 - (2) As vacancies arise on the Board, the Nominating and Governance Committee will work with the chair to ensure that the constituencies identified in Clause 2(b) to (1) of the Supplementary Letters Patent, dated November 2, 1990 put forward their proposed representatives to the Board in a timely fashion. For the members at large (Clause 2(j)), the Nominating and Governance Committee will nominate candidates to the Board to fill these vacancies as they arise.
 - (3) In responsibly discharging this task, the Nominating and Governance Committee will actively seek to identify the best qualified candidates to meet the functional

needs of the Board and to ensure that the Board is representative of the community Algoma University serves. In so doing, the Committee will strive to ensure:

- i) gender balance,
- ii) representation of the ethnic and linguistic communities of Sault Ste. Marie and the district,
- iii) representation from the professional, business and labour communities,
- iv) representation of the geographic communities served by Algoma University College.

(d) The Finance Committee is made up of the following members:

Chair of the Board or designate

President

Up to Five External Members, with a minimum of four, of whom at least two must be Board Members

One Senate constituency member of the Board, elected by the Board.

Staff representative on the Board

The Finance Committee's terms of reference are:

- (1) To deal generally with the finances of the Corporation and to ensure that any proposals regarding funds are founded on sound financial consideration in both the long and short term.
- (2) To function, with the exclusion of members of the Administration, as the Audit Committee of the Board in performing such audit duties as may from time to time be required by the Board.
- (3) To carry out the following specific tasks:
 - i) to review and recommend to the Board the annual operating budget and modifications thereto;
 - ii) to monitor operating results against the approved budget;
 - iii) to monitor investment activities and to approve on behalf of the Board all investments excepting short-term deposits with a term not exceeding one year;
 - iv) to review and recommend to the Board with respect to tuition fees.
- (4) To deal with such other matters as may be referred by the Board from time to time.

(e) The Anishinaabe People's Council: Membership and Terms of Reference are outlined in the document *Terms of Reference, The Anishinaabe People's Council* as follows:

TERMS OF REFERENCE
THE ANISHINAABE PEOPLE'S COUNCIL
 COMMITTEE OF THE BOARD OF GOVERNORS
 ALGOMA UNIVERSITY COLLEGE

The Anishinaabe Peoples' Council has a collective responsibility to represent the needs, interests and aspirations of the First Nations, Métis community, Anishinaabe people and Anishinaabe students at all times. The mandate and responsibilities of the Council consists of the following objectives.

1. Objectives:

- (i) The Council will function as a Board Committee on Anishinaabe policy, on academic and support services, and therefore the council will report to the Board on such matters.
- (ii) The Council will consult and liaise with First Nations, the Métis and Anishinaabe communities on their educational needs, aspirations and proposed Anishinaabe initiatives.
- (iii) The Anishinaabe Peoples' Council shall participate in mechanisms related to the development of Algoma University's Anishinaabe academic, research and support services, long range and annual action plans, such as but not limited to its representation on Senate and the Anishinaabe Learning Council. To receive information and provide recommendations to Anishinaabe academic, research and support services, long range and annual action plans.
- (iv) The Anishinaabe Peoples' Council shall participate in mechanisms related to the hiring of Anishinaabe personnel in Indigenous specific positions.
- (v) The Anishinaabe Peoples' Council shall participate in the development and initial approval of policies for the management of Anishinaabe student support services.
- (vi) The Anishinaabe Peoples' Council in co-operation with Anishinaabe personnel has the responsibility to participate in the planning and the conducting of cross-cultural learning experiences for faculty, students,

support staff, management officers, and governing bodies of the University

- (vii) The Anishinaabe Peoples' Council shall participate in the committees of the College as appropriate.
- (viii) The Anishinaabe Peoples' Council has the responsibility to initiate and work with Algoma University College on funding proposals to various sources to meet Anishinaabe academic, research and support services needs, as well as receive updates of these Indigenous funded initiatives.

(2) Membership:

The Anishinaabe Peoples' Council consists of representatives, duly appointed through a resolution, from First Nations, the Métis community, Indigenous organizations and the Indigenous student body. AUC representatives, and representatives of the Shingwauk Education Trust, are non-voting ex-officio members. Members of the Anishinaabe Peoples' Council will be comprised of the following:

- Batchewana First Nation (Association of Iroquois and Allied Indians)
- Garden River First Nation (Union of Ontario Indians)
- North Shore Tribal Council
- Indian Friendship Centre
- Métis Nation of Ontario
- Ontario Métis Aboriginal Association
- Neech-Ke-When Homes
- SASA Student Representative
- Children of Shingwauk Alumni
- AUC Indigenous Alumni

The ex-officio representatives (non-voting) consist of:

- President of AUC
- Academic Dean
- Chair of the Board of Governors
- Speaker of Senate
- Shingwauk Education Trust

The appointed members of APC will also name an alternate representative. Each representative must receive APC formal approval.

(3) Term of Office:

- (i) The term of office for each representative appointed by a First Nation, Métis community and Indigenous organization shall be for a three-year term, except for the Anishinaabe student representative who will be appointed annually.

- (ii) With the exception of an ex-officio member, a member who expects or finds an inability to fulfil responsibilities as a regular member of APC for no longer than five meetings will notify APC membership. The identified alternate will assume the position representing his/her organization for the duration of the term.
- (iii) The Anishinaabe Peoples' Council shall declare the seat of a member vacant should that member fail to attend three consecutive regularly scheduled meetings.
- (iv) Each representative for a First Nation, Métis community, Anishinaabe organization and Anishinaabe student representative shall be entitled to one vote at all meetings. Ideally, questions will be decided by consensus, however, in the absence of consensus, all motion and resolutions shall be decided by a majority of those members present and voting at the said meetings. Should two representatives from the same First Nation, Métis community, Anishinaabe organization or Anishinaabe student representative attend at an APC meeting, only one representative shall be eligible to vote.

(4) Quorum:

Quorum shall consist of 50% voting members in good standing, with a minimum of four. Good standing shall mean that this seat is not vacant.

(5) Meetings of the Anishinaabe Peoples' Council:

- (i) Anishinaabe Peoples' Council shall meet monthly excluding July and August, with the exception that if a meeting falls on a holiday, then the meeting will be held on the following week. Should a regularly scheduled meeting be cancelled due to lack of quorum, then that agenda will be put forth to the next regularly scheduled meeting.
- (ii) The business of a meeting shall be confined to the agenda and no new matter, other than a point of order or privilege shall be dealt with unless the introduction of such new matter shall be approved by a two thirds vote of members present and voting. All matters of inclusion to the agenda of APC meetings must be in the hand of the Secretary at least ten working days prior to the day of the meeting at which time they are to be represented. Only matters placed in the hands of the Secretary shall be included in the agenda pre-circulated to members.

2.1.1 Special meetings of APC shall be held at the call of the Chair or in the event of the Chair's absence or inability to act, at the call of the Co-Chair and may also be called on the written request of not fewer

than four members of APC.

(iii) Chair and Co-Chair:

- 3.1 A Chair and Co-Chair shall be selected from the Anishinaabe representatives of APC on an annual basis. The Chair or co-Chair is responsible for creating agendas, residing over IPC meetings and may have other duties as assigned by APC.

(iv) The responsibilities of the Council members include participating in the Committee, consulting and reporting to respective First Nation, Métis community, Anishinaabe organizations and Anishinaabe students.

(v) The terms of reference of the Anishinaabe Peoples' Council can be amended from time to time at a duly convened meeting of the Council, with adequate notice for such a meeting and information on proposed amendments. Further, such amendments will be forwarded to the Board of Governors for approval.

(vi) The Council shall see that minutes and records are regularly and properly kept.

(vii) The monthly meetings of the Anishinaabe Peoples' Council will include the traditional Anishinaabe practice of an opening prayer.

(f) The Board-Senate Liaison Committee is made up of members of the Executive Committee and members of the Senate Coordinating Committee. The terms of reference of this committee shall be the following:

Membership

- a) three Board members, including the Chair of the Board of Governors and two other external members of the Board
- b) three Senate members, including the Speaker of Senate and two other fulltime faculty members of Senate who are not concurrently Senate representatives to the Board
- c) meetings to be chaired alternatively by a member of the Board and a member of the Senate

Terms of Reference

- a) to provide a channel of communication enabling members of Senate and Board to be informed of the current and anticipated activities of the other;
- b) to foster the co-ordination of activities of the Senate and Board on issues in which their interests overlap or articulate; and
- c) to provide a channel for formal or informal advice from Board or Senate to the other

(g) The Campus Development Committee

- (1) Composition will be as follows: Three (3) external members of the Board, one of whom will chair the Committee, one external member of the Foundation, one representative from the Shingwauk Education Trust, the President, the Director of University Services, the Director of Administration, one Faculty representative of Senate, one Staff representative, one Student representative as well as other guest members as necessary project-by-project.

- (2) Mandate:

- (a) Recommend to Board a long-range campus development plan and update plan annually;
- (b) Recommend to Board and Foundation a long-range capital financing plan and update plan annually;
- (c) Make recommendations to the Board on short-term capital construction and on capital renovations;
- (d) Monitor capital construction projects.

3. The Board may from time to time by resolution establish and appoint such other standing committees as it sees fit and determine the composition, duties and responsibilities of any committees so established.

- (a) The membership of the Standing Committees of the Board and the appointment of their Chairs and Vice-Chairs, shall be determined by the Board at each annual meeting, on the recommendation of the Nominating and Governance Committee. The Board may fill vacancies in the membership of committees as necessary in the succeeding twelve months.
- (b) Standing Committees may recommend the establishment of standing subcommittees as necessary, the composition and duties and responsibilities of which shall be submitted to the Board for approval.

- (c) Standing Committees may appoint *ad hoc* subcommittees to carry out specific tasks on behalf of the Committee and make recommendations thereto.
4. Special Committees may be established by the Board or by the Executive Committee for specific duties of a non-recurrent nature and whose powers will expire with the completion of the task assigned. Membership may include persons who are not Board members, subject to the proviso that the Chair of the Committee and a majority of the committee must be members of the Board.
 5. Committees of the Board are established primarily to make recommendations to the Board and they may not commit the Board in any matter unless authority to do so has been specifically delegated by the Board. Unless otherwise authorized by the Board, committees of the Board shall report only to the Board.
 6. The Board may also establish additional committees with membership as may be appropriate to advise on operational and other matters. Such committees will report as necessary, but at least annually to the Board through the President.
 7. Except in the case of the Indigenous People's Council, the Chair of the Board and the President shall be *ex officio* and voting members on all committees, in addition to any prescribed membership.
 8. Except on the Anishinaabe Peoples Council and the Board Senate Liaison Committee, only a member of the Board may serve as Chair of A Board Committee.
 9. All administration officers may attend Committee Meetings at the invitation of the Chair, may serve as advisors and resource personnel, but shall not vote.

I. MEETINGS OF THE EXECUTIVE COMMITTEE, STANDING COMMITTEES AND SPECIAL COMMITTEES

1. Meetings of committees may be called whenever it is deemed necessary by the Chair of the Committee, the Chair of the Board, by the President or by petition of a majority of committee members. All standing committees must meet at least once per year.
2. Notice of meeting shall be mailed or otherwise delivered to members by the secretary of the committee concerned in accordance with the procedure approved by the committee.
3. The inadvertent failure to give notice to any member or any irregularity in connection with the giving of notice shall not invalidate the proceedings at a meeting of the committee.
4. The agenda shall be prepared by the secretary of the committee and shall be approved by the Chair. All matters for inclusion in the agenda must be in the hands of the secretary at least three business days prior to the day of the meeting at which they are to be presented, and only matters which have then been placed in the hands of the secretary shall be included in the agenda. The Chair shall be notified of items received subsequently and a motion to adopt the agenda made and passed when the meeting opens, shall be sufficient to include such new matters.
5. All questions at a meeting shall be decided by a majority of the votes of the members present and voting. Each member of the committee present at a meeting, including the Chair or Acting Chair, shall be entitled to one vote and any motion on which there is equality of votes shall be deemed to have been defeated.
6. When deemed necessary, a resolution signed by all members of a committee shall have the same force and effect as if passed at a regularly constituted meeting of the committee.
7. Minutes shall be kept of the proceedings of every meeting of each committee, and it is the responsibility of the Chair of the committee to ensure that the Minutes are submitted to the Secretary as soon as conveniently possible thereafter.

J. INDEMNIFICATION OF BOARD MEMBERS AND OFFICERS

1. Except in respect of an action to procure a judgement in its favour, and except where otherwise prohibited by law, every officer or member of the Board or of any committee or subcommittee of the Board and the heirs, executors and administrators and the estate and effects of each of them, respectively, shall from time to time and at all times be indemnified and saved harmless out of the funds of the University, from and against all costs, charges and expenses whatsoever (including amounts paid to settle an action or satisfy a judgement), that such member or officer sustains or incurs in or about any civil or administrative action, suit, or proceeding that is brought, commenced or prosecuted against such member or officer, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by such member or officer, in or about the execution of the duties of such office, except such costs, charges or expenses as are occasioned by such member's or officer's own wilful neglect or wilful default. Provided however that, in exchange for the presentation of these provisions of indemnity, such indemnified member or officer shall co-operate fully with the University in the defence of such proceedings and shall be subject to such direction as the University or its Counsel shall deem appropriate, failing which such provision of indemnity provided hereby shall forthwith lapse and be of no further force and effect.

K. CONFLICT OF INTEREST

1. While it is both expected and desired that governors will bring a variety of perspectives, a governor's responsibility is to the University and not to any private interest, organization, community tie, or particular university sector.
2. From time to time the Corporation may, in the normal course of business, enter into transactions with enterprises in which members of the Board are involved. This shall not constitute a conflict of interest provided that the Corporation has followed its normal tendering and/or purchasing procedures and provided that the member has declared an interest in accordance with the following guideline.
3. Where a member of the Board or the family of the Board member has a direct or indirect pecuniary interest in any matter under consideration by the Board or in any existing contract or proposed contract to be entered into by the Corporation, such member shall disclose that interest to the Chair at the earliest opportunity and shall not be present during that portion of a meeting when such matter is discussed.
4. A member shall be excluded from entering into any contract or transaction with the Corporation where the member or the member's family has a direct or indirect pecuniary interest in the matter and the member has access to

information which has a bearing on the matter and such information is not available to members of the public.

5. "Family", as the term relates to this by-law on conflict of interest of members of the Board, includes the parents, spouse, siblings, and children of the member.

(a) An *indirect pecuniary interest* shall be deemed to include:

(i) where the member, or a family member, either

[a] is a shareholder, a director, or a senior officer of a corporation that does not offer its securities to the public;

or [b] has a controlling interest, or is a director or senior officer of a corporation offering its securities to the public;

or [c] is a partner of any person who has an interest as described in [a] or [b] above;

or [d] is an employee of any person who has an interest as described in [a] or [b] above;

and where such corporation, person or body enters into a contract with or has a pecuniary interest in any business conducted with the Corporation.

(ii) where a member is a member of any body or corporation which is engaged in any legal action against the Corporation involving monetary consideration.

6. Where a member believes that he/she has a conflict of interest not specifically covered by the guidelines, the member has an obligation to declare such conflict. Where the Board is of the opinion that a conflict of interest exists and has not been declared, the Board may declare by a resolution carried by a majority of the members present at the meeting that a conflict of interest exists, and a member of the Board thus found to be in conflict shall refrain from voting on or otherwise participating in the decision-making with respect to any such matter in open session, and absent him/herself from any related *in camera* session where such matter is discussed.

L. CHIEF EXECUTIVE OFFICER

1. The President, as the Chief Executive Officer of Algoma University College, shall be charged with the general management and supervision of the affairs and operations of the Corporation and shall have such other powers and duties as may from time to time be assigned to the President by the Board.
2. The President is empowered to delegate presidential authority during the period of any temporary absence to any other officer of the University provided that, in the absence of such delegation of authority, the senior officer present, other than a person appointed in an acting capacity, shall be the Acting President according to seniority as follows:

The Academic Dean
The Director of Administration

3. The Board may, in the absence of the President, and shall in the event of a vacancy in the office of the President, appoint an Acting President upon such terms and conditions as the Board may prescribe.

M. DELEGATION OF AUTHORITY

1. Subject to any regulations or directions which the Board may from time to time impose, during the interval between meetings of the Board, the Executive Committee will, **when it is not reasonable or possible to call a meeting of the Board**, exercise all of the powers of the Board in the management of the affairs of the Corporation. All actions of the Executive Committee shall be reported to the Board at its next meeting."
2. The Board may delegate specific discretionary powers or authority to a committee, by by-law, by resolution, or by provisions contained in the terms of reference of the committee concerned.

N. CORPORATE SEAL AND EXECUTION OF INSTRUMENTS

1. The corporate seal or common seal of Algoma University College shall be in the custody of the President or such other person as the Board may from time to time designate.
2. All contracts, documents or instruments requiring execution by the Corporation, or on behalf of the Corporation, shall be signed by any two officers of the Corporation, one of whom shall normally be the President, and all such contracts, documents or instruments in writing, so signed, shall be binding upon the Corporation without any further authorization or formality. The Corporate Seal may, when required, be affixed thereto.

3. All negotiable instruments issued by the Corporation shall be signed by such signing officer or signing officers of the Corporation as may be designated from time to time by resolution of the Board.

O. BANKING AND INVESTMENTS

1. The banking affairs of Algoma University College shall be transacted with such banks, or other corporations carrying on a banking business, as the Board may from time to time designate by resolution, and all such banking affairs shall be transacted on behalf of the Board by such persons as the Board may designate by resolution and to the extent therein provided.
2. The Board may designate by resolution authority to manage the investments owned or held in the name of Algoma University College and to purchase, transfer, exchange, sell or otherwise dispose of securities in accordance with policy approved by the Board.

P. BORROWING AUTHORITY

1. Algoma University College is hereby authorized by resolution of the Board from time to time to:
 - (a) borrow money upon the credit of the Corporation in such amounts, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by resolution by the Board;
 - (b) make, draw and endorse promissory notes or bills of exchange;
 - (c) hypothecate, pledge, charge or mortgage all or any part of the property of the Corporation to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
 - (d) issue bonds, debentures and obligations on such terms and conditions as the Board may, by resolution, decide and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may, by resolution, decide and mortgage, charge hypothecate or pledge all or any part of the property of the Corporation to secure any such bonds, debentures and obligations.
2. The Board may, by resolution, delegate to officers of the Board all or any powers necessary for the purpose of borrowing and giving security by the Corporation to such extent and in such manner as the Board may

determine.

Q. PARLIAMENTARY AUTHORITY

1. Robert's Rules of Order (latest edition) shall govern meetings of the members of the Corporation and of The Board of Governors and its committees and subcommittees in all parliamentary situations not provided for in the Corporations Act, this by-law, Special Resolutions.

R. ENACTMENT, AMENDMENT, OR REPEAL OF BY-LAW

1. The Board may pass, repeal, or amend a by-law not contrary to the Corporations Act, to the Letters Patent or to Supplementary Letters Patent, which shall be in effect only until the next general or annual meeting of the members and subject to the confirmation of the membership at said meeting duly called for that purpose.
 - (a) Notice of motion to enact, amend or repeal any by-law of the Board shall be given at the meeting of the Board next preceding the meeting at which the motion is to be presented.
 - (b) Any such enactment, amendment or repeal must be approved at a meeting of the Board by a two-thirds majority of the Board members present and voting at a duly constituted meeting of the Board.
2. The members may confirm, reject, amend or otherwise deal with any by-law passed by the directors and submitted to the meeting for confirmation, but no act done or right acquired under any such by-law is prejudicially affected by any such rejection, amendment or other dealing.
3. Any action taken under R.2 above that is not confirmed by the membership ceases to have effect at and from that time, and in that case no new by-law of the same or like substance has any effect until confirmed at a general meeting of the members.

Passed by the Board of Governors of Algoma University College on the 4th day of December, 1997.

Chair: _____ Secretary: _____

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2009-111

AGREEMENT: (File No. L.7.1) A by-law to authorize an inter-municipal agreement between the City and the Municipal Partners for the provision of Provincial Offences administration, revenue sharing and prosecutorial services.

THE COUNCIL of the Corporation of the City of Sault Ste. Marie ENACTS as follows:

1. **EXECUTION OF DOCUMENTS**

The Mayor and the City Clerk are hereby authorized for and in the name of the Corporation to execute and affix the seal of the Corporation to an inter-municipal agreement in the form of Schedule "A" hereto dated March 1, 2009 and made between the Corporation and the Municipal Partners for the provision of Provincial Offences administration, revenue sharing and prosecutorial services for the period March 1, 2009 to February 29, 2014.

2. **SCHEDULE "A"**

Schedule "A" hereto forms part of this by-law.

3. **EFFECTIVE DATE**

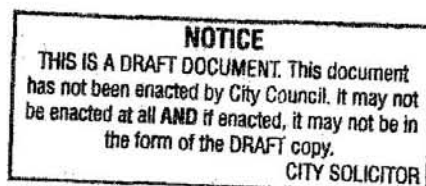
This by-law is effective as of the 1st day of March, 2009.

READ THREE times and PASSED in Open Council this 8th day of June, 2009.

MAYOR – JOHN ROWSWELL

CLERK – DONNA IRVING

Bylaws\2009\2009-111 POA agrt.doc



10(a)

SCHEDULE "A"

RENEWAL OF INTER-MUNICIPAL AGREEMENT

THIS AGREEMENT made this 1st day of March, 2009

BETWEEN:

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

Hereinafter referred to as "the City"

- and -

THE MUNICIPAL PARTNERS BEING:

The Town of Bruce Mines
The Township of Dubreuilville
The Township of Hilton
The Village of Hilton Beach
The Municipality of Huron Shores
The Township of Jocelyn
The Township of Johnson
The Township of Laird
The Township of MacDonald, Meredith & Aberdeen Additional
The Township of Michipicoten
The Township of Plummer Additional
The Township of Prince
The Township of St. Joseph
The Township of Tarbutt & Tarbutt Additional
The Corporation of the Town of Thessalon
The Township of White River
Garden River First Nation
Batchewana First Nation of Ojibways

Hereinafter referred to as "Municipal Partner"

WHEREAS an inter-municipal service agreement dated May 14, 2001 was made between the City and the Municipal Partner in support of a Memorandum of Understanding for the transfer of service delivery for all court administration and court support functions under the *Provincial Offences Act* and prosecutions of matters under Parts I and II of the *Provincial Offences Act*;

AND WHEREAS the parties agreed to the City of Sault Ste. Marie being the service delivery agent to affect a seamless transition of *Provincial Offences Act* court administration and to sharing the net revenues on a population basis among the Municipal Partners;

AND WHEREAS this agreement has been renewed by the City and Municipal Partners from time to time to allow for the continuous provision of services;

AND WHEREAS the parties hereto agreed to renew this agreement for a further five-year term;

NOW THEREFORE the parties hereto agree as follows:

Memorandum of Understanding

1. The City hereby warrants that it entered into a Memorandum of Understanding executed February 26, 2001 with the Attorney General for the Province of Ontario which allows the City to act as the service delivery agent for the court administration and court support functions of the *Provincial Offences Act* and prosecutions commenced under Parts I and II of the *Provincial Offences Act*.
2. The City and each Municipal Partner agree to be bound by the Memorandum of Understanding so as to maintain the integrity and public confidence in the justice system.

Costs and Revenue

3. The City agrees to share the annual net *Provincial Offences Act* revenues and deficits with each Municipal Partner on a population basis. "Population basis" means the population of each individual party to this Agreement divided by the total population of the City and all Municipal Partners multiplied by 100. For the purposes of this Agreement, the population shall be the population for the City and each Municipal Partner as cited in the most current Census data available.
4. Quarterly commencing June 1, 2009, the City shall provide each Municipal Partner with its share of the revenue less the costs of court administration, court support, *Provincial Offences Act* prosecutions, and capital expenditures.
5. Quarterly commencing June 1, 2009, the City shall provide to each Municipal Partner a status report on the POA administration and prosecution operations.
6. A Municipal Partner may review and audit the City's Integrated Court Offences Network (ICON) or Integrated Justice (IJ) financial transactions upon 30 days written notice to the City and at the Municipal Partner's own expense.
7. Each Municipal Partner shall continue to be solely responsible for the prosecution of its own by-law offences, including parking by-law offences.
8. Each Municipal Partner shall be entitled to any or all revenue derived from its own by-

law convictions and such revenue shall not be included in the *Provincial Offences Act* revenue that is referred to in this Agreement.

Term

9. The contract shall be in effect from March 1, 2009 to February 29, 2014, but may be renewed for a further five-year period on the written consent of the parties hereto.

Facilities

10. *Provincial Offences Act* prosecutions to be heard in Sault Ste. Marie shall be held at the Civic Centre, First Floor, 99 Foster Drive, Sault Ste. Marie, Ontario, in the municipal courtroom.

11. *Provincial Offences Act* prosecutions to be heard in Thessalon shall be held at 266 Main Street, Thessalon. The City agrees to maintain its lease with the Town of Thessalon for the use and occupation of the said courtroom space.

12. *Provincial Offences Act* prosecutions to be heard in Wawa shall be held at 40 Broadway Avenue, Wawa. The City agrees to maintain its lease with the Township of Michipicoten for the use and occupation of the said courtroom space.

Amendment of Agreement

13. This Agreement may be amended by any Party hereto with the written consent of all parties hereto.

Dispute Resolution

14. In the event of a dispute between the City and any of the Municipal Partners, it is agreed that a mediator shall be appointed to hear and resolve the dispute in accordance with the provisions of the *Arbitrations Act*.

Notices

15. Any notice, request, demand or other document, required or permitted to be given or sent or delivered to any party hereto shall be in writing and shall be sufficiently given or sent or delivered if it is:

- a) delivered personally to the Mayor or Reeve, or Clerk of each municipality;
- b) delivered personally to the Chief of each First Nation;
- c) sent to the party by registered mail, prepaid first-class mail, or
- d) sent by facsimile machine,

to the parties at their respective offices.

Counterparts

16. This Agreement may be executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute but one and the same instrument.

Severability

17. Each provision of this Agreement is intended to be severable. If any provision is illegal or invalid, such illegality or invalidity shall not affect the validity of the remainder of this Agreement.

Laws of Ontario

18. This agreement shall be governed by and construed in accordance with the laws of the Province of Ontario.

Binding Agreement

19. This agreement shall be binding on and enure to the benefit of the successors and assigns of the parties to this agreement.

IN WITNESS WHEREOF the Parties hereto have signed and sealed this agreement by their proper signing officers as of the date first above written.

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

MAYOR – JOHN ROWSWELL

CLERK – DONNA P. IRVING

THE TOWN OF BRUCE MINES

MAYOR – DARREN FOSTER

CLERK – DONNA BRUNKE

THE TOWNSHIP OF HILTON

REEVE – JIM SEE

CLERK – VALERIE OBARYMSKY

THE TOWNSHIP OF DUBREUILVILLE

MAYOR – REJEAN RAYMOND

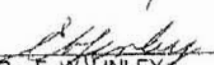
CLERK – MONIQUE OUELLET

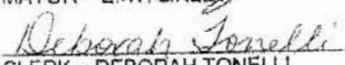
THE VILLAGE OF HILTON BEACH

MAYOR – JACK HORE

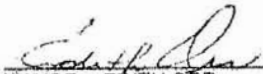
CLERK – GLORIA FISCHER

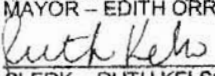
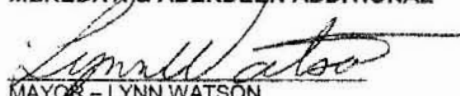
THE MUNICIPALITY OF HURON SHORES

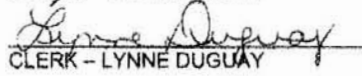

 MAYOR - E.W. LINLEY


 CLERK - DEBORAH TONELLI

THE TOWNSHIP OF JOHNSON

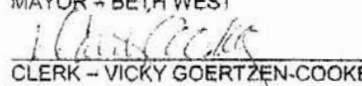

 MAYOR - EDITH ORR


 CLERK - RUTH KELSO
THE TOWNSHIP MACDONALD,
MEREDITH & ABERDEEN ADDITIONAL

 MAYOR - LYNN WATSON

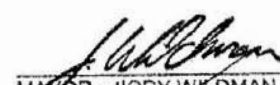

 CLERK - LYNNE DUGUAY

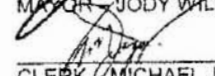
THE TOWNSHIP OF PLUMMER ADDITIONAL


 MAYOR - BETH WEST

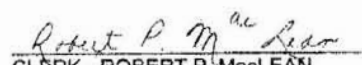

 CLERK - VICKY GOERTZEN-COOKE

THE TOWNSHIP OF ST. JOSEPH


 MAYOR - JODY WILDMAN

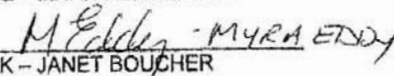

 CLERK - MICHAEL JAGGER
THE CORPORATION OF THE
TOWN OF THESSALON

 MAYOR - DONNA LATULIPPE

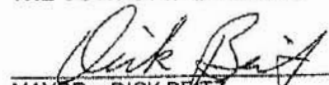

 CLERK - ROBERT P. MacLEAN

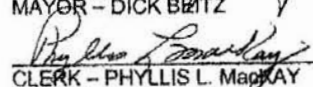
TOWNSHIP OF JOCELYN


 REEVE - MARK HENDERSON

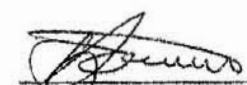

 CLERK - JANET BOUCHER

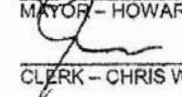
THE TOWNSHIP OF LAIRD


 MAYOR - DICK BEITZ


 CLERK - PHYLLIS L. MacKAY

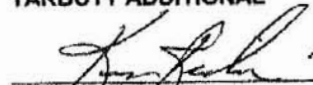
THE TOWNSHIP OF MICHIPICOTEN


 MAYOR - HOWARD WHEAT


 CLERK - CHRIS WRAY

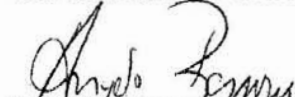
THE TOWNSHIP OF PRINCE


 REEVE - LOU MADONNA


 CLERK - BRIANNA COUGHLIN
THE TOWNSHIP OF TARBUTT &
TARBUTT ADDITIONAL

 MAYOR - KEN RICHIE

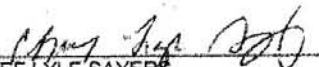

 CLERK - GLENN MARTIN

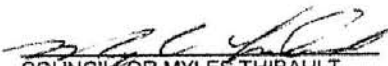
THE TOWNSHIP OF WHITE RIVER


 MAYOR - ANGELO BAZZONI


 CLERK - M. PARENT LETHBRIDGE

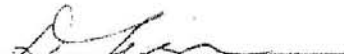
GARDEN RIVER FIRST NATION


CHIEF LYLE SAYERS


COUNCILLOR MYLES THIBAUT

COUNCILLOR BLANIE BELLEAU

COUNCILLOR CAROLINE BARRY


COUNCILLOR DOREEN LESAGE

COUNCILLOR CRAIG SAYERS


COUNCILLOR JIMMIE LEWIS

BATCHEWANA FIRST NATION OF OJIBWAYS


CHIEF DEAN SAYERS

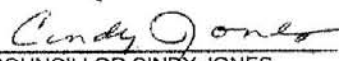

COUNCILLOR TERRY BELLEAU


COUNCILLOR LESLIE ZACK-CARABALLO


COUNCILLOR DELLA PERRAULT


COUNCILLOR PETER JONES


COUNCILLOR ANDY RICKARD


COUNCILLOR CINDY JONES

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2009-119

AGREEMENTS: (E.3.4) A by-law to authorize an agreement between the City and R.M. Belanger Ltd. for the reconstruction of Third Line East. (Contract 2009-8E)

THE COUNCIL of the Corporation of the City of Sault Ste. Marie, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENTS**

The Acting Mayor and the Deputy Clerk are hereby authorized for and in the name of the Corporation to execute and affix the seal of the Corporation to an agreement made between the City and R. M. Belanger Ltd. for the reconstruction of Third Line East. (Contract 2009-8E)

2. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

READ THREE TIMES and **PASSED** in open Council this 8th day of June, 2009.

MAYOR – JOHN ROWSWELL

CITY CLERK – DONNA IRVING

NOTICE

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CITY SOLICITOR

THE CORPORATION OF THE CITY OF SAULT STE. MARIE**BY-LAW 2009-122**

AGREEMENTS: (E.3.4) A by-law to authorize an agreement between the City and Harold Phillips Haulage for the removal and replacement of the Carpin Beach Road Bridge. (Contract 2009-9E)

THE COUNCIL of the Corporation of the City of Sault Ste. Marie, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENTS**

The Acting Mayor and the Deputy Clerk are hereby authorized for and in the name of the Corporation to execute and affix the seal of the Corporation to an agreement made between the City and Harold Phillips Haulage for the removal and replacement of the Carpin Beach Road Bridge. (Contract 2009-9E)

2. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

READ THREE TIMES and **PASSED** in open Council this 8th day of June, 2009.

MAYOR – JOHN ROWSWELL

CITY CLERK – DONNA IRVING

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CITY SOLICITOR

10(d)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2009-112

APPOINTMENTS: (B.1.1.2.) A by-law to appoint inspectors under the Building Code Act, 1992 and municipal law enforcement officers under the Police Services Act.

WHEREAS Section 3 of the Building Code Act requires the Municipality to appoint inspectors under the Building Code Act, 1992;

AND WHEREAS Section 15 of the Police Services Act allows municipal Council to appoint persons to enforce the by-laws of the municipality.

NOW THEREFORE pursuant to the Building Code Act, 1992 and the Police Services Act, Council enacts as follows:

1. BUILDING CODE INSPECTORS

The persons listed on Schedule "A" to this by-law are appointed as Building Code Inspectors.

2. MUNICIPAL LAW ENFORCEMENT OFFICERS

The persons listed on Schedule "A" to this by-law are appointed as Municipal Law Enforcement Officers

3. EFFECTIVE DATE

This by-law is effective on the date of its passing.

READ THREE TIMES and PASSED in Open Council this 8th day of June, 2009.

MAYOR – JOHN ROWSWELL

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CITY SOLICITOR

CITY CLERK – DONNA IRVING

10(d)

SCHEDULE "A" to By-law 2009-112

Freddie Pozzebon
Bryan Bunting
Larry Kennedy
Glenn Irwin
Frank Bentreovato
Tyler Bertrand
Ron Mancuso
Mark Fiacconi
Robert Roznik
Francois Couture
Len Smith

THE CORPORATION OF THE CITY OF SAULT STE. MARIE**BY-LAW 2009-114**

LICENSING: (L.3.1.) A by-law to prohibit vendors from locating on or near the Buskerfest grounds on Queen Street from East Street to Spring Street.

1. VENDORS PROHIBITED

Despite the provisions of By-laws 3306 and 84-196, during August 7, 8 and 9, 2009, vendors licensed under those by-laws shall not locate on or near the Buskerfest grounds on Queen Street from East Street to Spring Street as shown on Schedule "A".

2. PENALTY

Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.

3. SCHEDULE "A"

Schedule "A" hereto forms part of its final passing.

4. EFFECTIVE DATE

This by-law is effective on the final date of its passing.

READ THREE TIMES and PASSED in Open Council this 8th day of June, 2009.

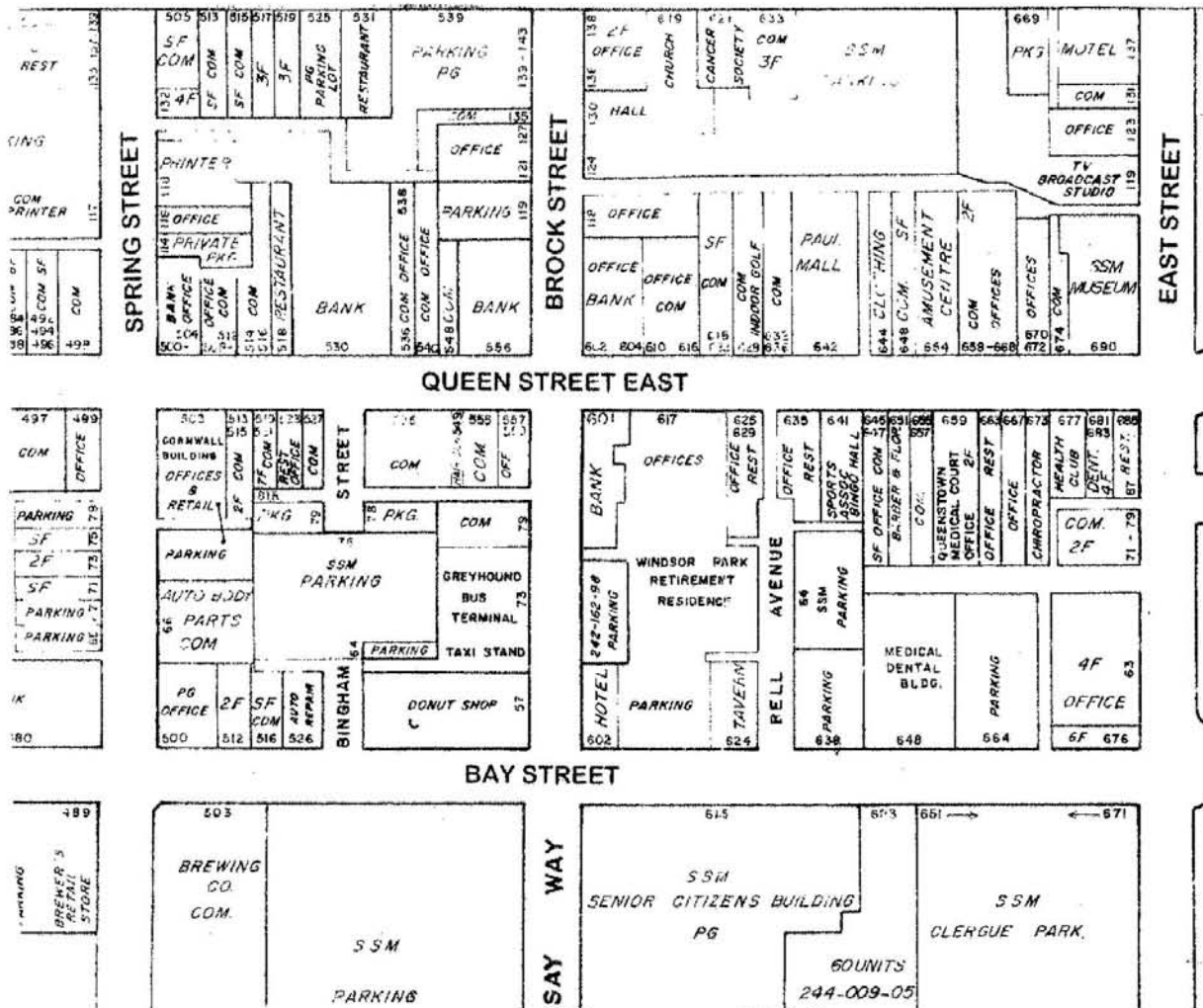
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CITY SOLICITOR

MAYOR – JOHN ROWSWELL

CITY CLERK – DONNA P. IRVING



10(f)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 2009-117

PROPERTY SALE: (P.4.6.407) a by-law to authorize the conveyance of 276 Wellington Street East to Shaw Milling Limited for the price of \$35,000.00 subject to the usual adjustments.

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to the Municipal Act, S.O. 2001, C. 25, ENACTS as follows:

1. LANDS DECLARED SURPLUS

The lands described as 276 Wellington Street East are surplus to the requirements of the municipality.

2. SALE AUTHORIZED

The Corporation of the City of Sault Ste. Marie shall sell the lands more particularly described as 276 Wellington Street East to Shaw Milling Limited for \$35,000.00 subject to the usual adjustments.

3. EXECUTION OF DOCUMENTS

The Mayor and Clerk are hereby authorized for and in the name of the Corporation to execute and to affix the seal of the Corporation to all documents required to complete the sale.

4. EFFECTIVE DATE

This by-law takes effect on the day of its final passing.

Read THREE TIMES and PASSED in open Council this 8th day of June, 2009.

MAYOR – JOHN ROWSWELL

CITY CLERK – DONNA P. IRVING

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CITY SOLICITOR

10(g)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2009-115

REGULATIONS: (R.1.2.6.) A by-law to exempt the Ermatinger-Clergue National Historic Site from By-law 2008-168 being a by-law to prohibit the discharge of firearms in the municipality.

THE COUNCIL of the Corporation of the City of Sault Ste. Marie, ENACTS as follows:

1. **BY-LAW 2008-168 AMENDED**

Despite the provisions of By-law 2008-168 the Ermatinger-Clergue National Historic Site may be used to discharge a gun or other firearm for special events featuring the Coureur De Bois II for the period from June 8, 2009 to December 12, 2009.

2. **EFFECTIVE DATE**

This by-law comes into effect on the day of its final passing.

READ THREE TIMES and PASSED in Open Council this 8th day of June, 2009.

MAYOR – JOHN ROWSWELL

CITY CLERK – DONNA IRVING

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CITY SOLICITOR

10(h)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2009-118

REGULATIONS: (R.1.21.) being a by-law to amend By-law 80-200 and By-law 4100 dealing with the exemption from the noise control by-laws for the Canadian Cancer Society's Annual Relay for Life Event.

The Council of the Corporation of the City of Sault Ste. Marie pursuant to Section 129 of the Municipal Act, 2001, S.O. 2001 c. 25 ENACTS as follows:

1. **EXEMPTION FROM NOISE CONTROL BY-LAWS**

Despite the provisions of By-law 80-200 and By-law 4100 and in conjunction with the annual Relay for Life event held at the John Rhodes Community Centre, the provisions of the noise control by-laws are waived during the holding of the Relay for Life event.

2. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing and shall continue in force from year to year during the hours of 7:00 p.m. Friday and 8:00 a.m. Saturday during the Relay for Life event.

Read THREE times and PASSED in open Council this 8th day of June, 2009.

MAYOR – JOHN ROWSWELL

CITY CLERK – DONNA IRVING

D By-laws\2009\2009-118 – RELAY FOR LIFE

NOTICE

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CITY SOLICITOR

10(i)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2009-113

TEMPORARY STREET CLOSING: (S.2.) A by-law to permit the temporary street closing of Queen Street from East Street to Spring Street to facilitate the 2009 Buskerfest.

THE COUNCIL of the Corporation of the City of Sault Ste. Marie pursuant to Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25 and amendments thereto **ENACTS** as follows:

1. **TEMPORARY STREET CLOSING OF QUEEN STREET FROM EAST STREET TO SPRING STREET**

The Council of the Corporation of the City of Sault Ste. Marie hereby authorizes the closing to vehicular traffic of Queen Street from East Street to Spring Street to facilitate the 2009 Buskerfest between the hours of:

4:00 p.m. to 11:00 p.m. on Friday August 7, 2009;
11:00 a.m. to 11:00 p.m. on Saturday, August 8, 2009; and
11:00 a.m. to 7:00 p.m. on Sunday, August 9, 2009.

2. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

READ THREE TIMES and PASSED in Open Council this 8th day of June, 2009.

MAYOR – JOHN ROWSWELL

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CITY SOLICITOR

CLERK – DONNA P. IRVING

10(j)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 2009-116

TEMPORARY STREET CLOSING: (S.2.) A by-law to authorize the temporary closing of Lake Street along the south side of Trunk Road from June 9, 2009 to August 31, 2009 for road reconstruction.

THE COUNCIL of the Corporation of the City of Sault Ste. Marie pursuant to Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25 and amendments thereto **ENACTS** as follows:

1. **TEMPORARY CLOSING OF LAKE STREET ALONG THE SOUTH SIDE OF TRUNK ROAD**

The Council of The Corporation of the City of Sault Ste. Marie hereby authorizes the temporary closing to vehicular traffic of Lake Street along the south side of Trunk Road from June 9, 2009 to August 31, 2009 for road reconstruction.

2. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

Read THREE times and PASSED in open Council this 8th day of June, 2009.

MAYOR – JOHN ROWSWELL

CITY CLERK – DONNA IRVING

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CITY SOLICITOR

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 2009-120

TEMPORARY STREET CLOSING: (S.2.) A by-law to authorize the temporary closing of Third Line East from Great Northern Road to 1,000 metres easterly from June 9, 2009 to August 31, 2009 for road reconstruction.

THE COUNCIL of the Corporation of the City of Sault Ste. Marie pursuant to Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25 and amendments thereto **ENACTS** as follows:

1. **TEMPORARY CLOSING OF THIRD LINE EAST FROM GREAT NORTHERN ROAD TO 1,000 METRES EASTERLY**

The Council of The Corporation of the City of Sault Ste. Marie hereby authorizes the temporary closing to vehicular traffic of Third Line East from Great Northern Road to 1,000 metres easterly from June 9, 2009 to August 31, 2009 for road reconstruction.

2. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

Read THREE times and PASSED in open Council this 8th day of June, 2009.

NOTICE

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CITY SOLICITOR

MAYOR – JOHN ROWSWELL

CITY CLERK – DONNA IRVING

10(1)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 2009-123

TEMPORARY STREET CLOSING: (S.2.) A by-law to authorize the temporary closing of Carpin Beach Road at the bridge, necessary for the removal and replacement of the Carpin Beach Road Bridge.

THE COUNCIL of the Corporation of the City of Sault Ste. Marie pursuant to Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25 and amendments thereto **ENACTS** as follows:

1. **TEMPORARY CLOSING OF CARPIN BEACH ROAD**

The Council of The Corporation of the City of Sault Ste. Marie hereby authorizes the temporary closing to vehicular traffic of Carpin Beach Road at the bridge, necessary for the removal and replacement of the Carpin Beach Road Bridge.

2. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

Read THREE times and PASSED in open Council this 8th day of June, 2009.

MAYOR – JOHN ROWSWELL

CITY CLERK – DONNA IRVING

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CITY SOLICITOR

10(m)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 2009-96

STREET CLOSING: (S.2.3.) a by-law to stop up, close and convey an unopened portion of Alfred Street, Brooks Subdivision, Plan 2674.

WHEREAS the street or part of the street more particularly hereinafter described was established as a public street and assumed for public use by By-law 2009-23.

NOW THEREFORE the Council of The Corporation of the City of Sault Ste. Marie, pursuant to Section 11(1) and 31(1) and after having advertised pursuant to Section 34 of the Municipal Act, S.O. 2001, Chapter 25, ENACTS as follows:

1. **STREET CLOSED**

The street or part of the street more particularly described in Schedule "A" to this by-law, having been assumed by the Corporation for public use, is hereby stopped and closed and authorized for conveyance.

2. **LANDS DECLARED SURPLUS**

The lands more particularly described in Schedule "A" to this by-law are surplus to the requirements of the municipality.

3. **EASEMENTS TO BE RESERVED**

Subject to the retention of utility easements if necessary the Corporation shall convey part of the streets that are more particularly described in Schedule "A" to this by-law.

4. **CONVEYANCE TO ABUTTING OWNERS**

The said street shall be offered to the owners of the lands abutting thereon. In default of acceptance thereof within 30 days of such offer being made to him or her by prepaid first class mail, the said street shall be offered to the persons owning lands opposite to the said streets or part of streets.

5. **EXECUTION OF DOCUMENTS**

The Mayor and the Clerk are hereby authorized for and in the name of the Corporation to execute and to affix the seal of the Corporation to all documents required to give effect to this by-law.

6. **SCHEDULE "A"**

Schedule "A" forms a part of this by-law.

NOTICE

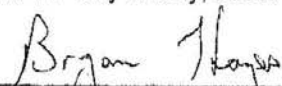
THIS IS A DRAFT DOCUMENT. This document has not been enacted by City Council. It may not be enacted at all AND if enacted, it may not be in the form of the DRAFT copy.

CITY SOLICITOR

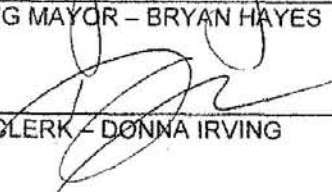
7. EFFECTIVE DATE

This by-law takes effect on the day of its final passing.

Read the first and second times this 11th day of May, 2009.



ACTING MAYOR - BRYAN HAYES



CITY CLERK - DONNA IRVING

Read a THIRD time and PASSED in open Council this 8th day of June 2009, after notice thereof had been published once a week for two consecutive weeks and after the Council had met to hear every person who claims that his land will be prejudicially affected by the by-law and who had applied to be heard.

~~ACTING MAYOR - BRYAN HAYES~~
JOHN ROWSWELL

CITY CLERK - DONNA IRVING

SCHEDULE "A"

