AGENDA

REGULAR MEETING OF CITY COUNCIL

2013 07 15

4:30 P.M.

COUNCIL CHAMBERS

1. ADOPTION OF MINUTES

Mover: Councillor S. Butland
Seconder: Councillor F. Manzo
Resolved that the Minutes of the Regular Council Meeting of 2013 06 24 be approved.

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

3. APPROVE AGENDA AS PRESENTED

Mover: Councillor P. Christian
Seconder: Councillor J. Krmpotich
Resolved that the Agenda for 2013 07 15 City Council meeting as presented be approved.

4. DELEGATIONS/PROCLAMATIONS

a) Don Calvert – Chairman of Sault Accessible Sports Incorporated will be in attendance concerning proclamation – Accessible Sports Week.

b) Larry Girardi, Commissioner of Public Works and Transportation will be in attendance to present the department's 2013 budget and year-to-date financial information – agenda item 6.(7)(a).

PART ONE – CONSENT AGENDA

5. COMMUNICATIONS AND ROUTINE REPORTS OF CITY DEPARTMENTS, BOARDS AND COMMITTEES

Mover: Councillor P. Christian
Seconder: Councillor F. Manzo
Resolved that all the items listed under date 2013 07 15 – Part One – Consent Agenda be approved as recommended.

a) Correspondence from AMO is attached for the information of Council.

b) Correspondence from the Premier of Ontario concerning Northern Ontario issues is attached for the information of Council.

c) Correspondence from the Municipal Property Assessment Corporation concerning an information update is attached for the information of Council.

d) Correspondence from the Alzheimer Society Sudbury-Manitoulin concerning Dementia Care Strategy is attached for the information of Council.

e) Correspondence from Clean North concerning the Civic Centre's Green Days program is attached for the information of Council.

f) Correspondence requesting permission for a private property liquor license extension is attached for the consideration of Council.

Mover: Councillor P. Christian
Seconder: Councillor J. Krmpotich
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 time:

The Royal Canadian Legion – Branch 25
96 Great Northern Road
Annual Horeshoe Tournament – August 24, 2013 from 11:00 a.m. to 11:00p.m.

g) A letter of request for a temporary street closing is attached for the consideration of Council.

1) on Queen Street East from Pim Street to Dennis Street – August 9 from 6:00 p.m. to 11:00 p.m. and on Queen Street East from East Street to Brock Street – August 10 from 11:00 a.m. to 11:00 p.m. and August 11 from 11:00 a.m. to 7:00 p.m. in conjunction with Buskerfest.

The relevant By-law 2013-143 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

h) **Staff Travel**

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

Mover: Councillor S. Butland
Seconder: Councillor F. Manzo
Resolved that the report of the Chief Administrative Officer dated 2013 07 15 concerning Staff Travel requests be approved as requested.

i) **Tender for Supply and Delivery of One (1) Para-Transit Mini Bus**

A report of the Manager of Purchasing is attached for the consideration of Council.

Mover: Councillor S. Butland
Seconder: Councillor J. Krmpotich
Resolved that the report of the Manager of Purchasing dated 2013 07 15 be endorsed and that the tender for the supply and delivery of One (1) Para-Transit Mini Bus, as required by the Transit Division of the Public Works and Transportation Department, be awarded as recommended.

j) **2012 Financial Statements and Appointment of City Auditor for the 2013 Fiscal Year**

A report of the Commissioner of Finance and Treasurer is attached for the consideration of Council.
The draft 2012 Financial Statements are attached under separate cover.

Mover: Councillor P. Chrisitan
Seconder: Councillor F. Manzo
Resolved that the report of the Commissioner of Finance and Treasurer dated 2013 07 15 concerning the audited Consolidated Financial Statements for 2012 be approved; and
Further that KPMG LLP, Chartered Accountants be appointed as the City Auditor for the 2013 fiscal year.

k) **Municipal Coat of Arms**

A report of the City Clerk is attached for the consideration of Council.

Mover: Councillor P. Chrisitan
Seconder: Councillor J. Krmpotich
Resolved that the report of the City Clerk dated 2013 07 15 concerning Municipal Coat of Arms be accepted and the recommendation to approve the draft blazon as provided by the Deputy Chief Herald be endorsed.

l) **Ermatinger•Clergue National Historic Site – Heritage Discovery Centre – Agreement with Architect**

A report of the Commissioner of Community Services is attached for the consideration of Council.

The relevant By-law 2013-142 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

m) **Contract 2013-5E – Clark Creek Upgrades**

A report of the Land Development and Environmental Engineer is attached for the consideration of Council.

The relevant By-law 2013-138 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

n) **Fermented Sludge Recycle**

A report of the Land Development and Environmental Engineer is attached for the consideration of Council.

The relevant By-law 2013-120 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

o) **Contract 2013-9E – Miscellaneous Sewer Repair**

A report of the Design and Construction Engineer is attached for the consideration of Council.

The relevant By-laws 2013-144 and 2013-145 are listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

p) **Forcemain Condition Assessment – River Road Pump Station to East End Wastewater Treatment Plant**

A report of the Land Development and Environmental Engineer is attached for the consideration of Council.

The relevant By-law 2013-134 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

q) **Demolition of Northern Brewery Building – 503 Bay St.**

A report of the Commissioner of Engineering and Planning is attached for the consideration of Council.

Mover: Councillor P. Chrisitan
Seconder: Councillor F. Manzo
Resolved that the report of the Commissioner of Engineering and Planning dated 2013 07 15 concerning Demolition of Northern Brewery Building – 503 Bay St. be received as information.

r) **Demolition of 606 Wellington Street East**

A report of the Chief Building Official is attached for the consideration of Council.

Mover: Councillor P. Christian
Seconder: Councillor J. Krmpotich
Resolved that the report of the Chief Building Official/Property Standards Officer dated 2013 07 15 concerning Civic No. 606 Wellington Street East be accepted and the recommendation that the Corporation hire the forces necessary to demolish the existing 2-unit apartment building, adding the costs of this action to the taxes of the subject property be approved.

s) **Waste Supply and Reformation Amending Agreement**

A report of the Land Development and Environmental Engineer is attached for the consideration of Council.

The relevant By-law 2013-152 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

t) **Elementa Group Inc. Purchase of City Owner Property – Part of 903 Base Line**

A report of the City Solicitor is attached for the consideration of Council.

The relevant By-law 2013-139 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

u) **Fireworks By-law**

A report of the Assistant City Solicitor is attached for the consideration of Council.

The relevant By-law 2013-146 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

v) **Street Closing Application – Greenfield Park "A" Subdivision, Plan H518**

A report of the City Solicitor is attached for the consideration of Council.

The relevant By-laws 2013-132 and 2013-133 are listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

w) **Street Closing Application – McKinnon Subdivision, Plan M113 Parke**

A report of the City Solicitor is attached for the consideration of Council.

The relevant By-laws 2013-136 and 2013-137 are listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

x) **8 Dufferin Street, Licence of Occupation of City Property**

A report of the Solicitor/Prosecutor is attached for the consideration of Council.

The relevant By-law 2013-147 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

y) **The Ukrainian Catholic Episcopal Corporation of Eastern Canada Licence of Occupation for a Sign on City Property**

A report of the Solicitor/Prosecutor is attached for the consideration of Council.

The relevant By-law 2013-135 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

z) **Algonquin Hotel, Licence of Occupation of City Property**

A report of the Solicitor/Prosecutor is attached for the consideration of Council.

The relevant By-law 2013-128 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

aa) **Buskerfest – August 9 – 11, 2013**

A report of the Assistant City Solicitor is attached for the consideration of Council.

The relevant By-laws 2013-148 and 2013-149 are listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

bb) **Loplops Patio Bar**

A report of the Assistant City Solicitor is attached for the consideration of Council.

The relevant By-law 2013-150 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

PART TWO – REGULAR AGENDA

6. REPORTS OF CITY DEPARTMENTS, BOARDS AND COMMITTEES

(1) ADMINISTRATION

(2) COMMUNITY SERVICES DEPARTMENT

(3) ENGINEERING

(4) FIRE

(5) LEGAL

(6) PLANNING

a) **Application A-11-13-Z – filed by Nino Dipasquo – 414 Korah Road**

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

Mover: Councillor S. Butland
Seconder: Councillor F. Manzo
Resolved that the report of the Planning Division dated 2013 07 15 concerning Application No. A-11-13-Z – filed by Nino Dipasquo – 414 Korah Road be received and that City Council approve the application and rezone the subject property from "R3" (Single Detached Residential) zone to "R3.S" (Single Detached Residential) zone with a Special Exception to permit a 4-plex, in addition to the uses permitted in an "R3" zone.

b) **Application A-16-13-Z.OP – filed by Seamless Eavestrough MFG – 68 Railroad Avenue**

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

Mover: Councillor P. Christian
Seconder: Councillor F. Manzo
Resolved that the report of the Planning Division dated 2013 07 15 concerning Application No. A-16-13-Z.OP – filed by Seamless Eavestrough MFG – 68 Railroad Avenue be received and that City Council approve the application subject to the 5 conditions contained in the report.

c) **Application No. A-17-13-Z – filed by Emilio Lina and Mauro Guzzo – 720 Douglas Street**

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

Mover: Councillor P. Christian
Seconder: Councillor J. Krmpotich
Resolved that the report of the Planning Division dated 2013 07 15 concerning Application No. A-17-13-Z – filed by Emilio, Lina and Mauro Guzzo – 720 Douglas Street be received and that City Council approve the application and rezone the subject property from "R2" (Single Detached Residential) zone to "R3" (Low Density Residential) zone, in order to permit the construction of multiple attached dwellings, and that the subject property be deemed subject to site plan control.

d) **Application No. 10-13-Z.OP – filed by Jeff and Patricia Avery – 179 & 227 Pointe Aux Pins Drive**

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

Mover: Councillor S. Butland
Seconder: Councillor J. Krmpotich
Resolved that the report of the Planning Division dated 2013 07 15 concerning Application No. 10-13-Z.OP – filed by Jeff and Patricia Avery – 179 & 227 Pointe Aux Pins Drive be received and that City Council approve the request for a 91 lot rural estate subdivision on the subject property subject to the 12 conditions outlined in the report.

(7) PUBLIC WORKS AND TRANSPORTATION

a) **Public Works and Transportation Budget Update**

A report of the Commissioner of Public Works and Transportation is attached for the consideration of Council.

Mover: Councillor S. Butland
Seconder: Councillor F. Manzo
Resolved that the report of the Commissioner of Public Works and Transportation dated 2013 07 15 concerning Public Works and Transportation Budget Update be received as information.

(8) BOARDS AND COMMITTEES

7. UNFINISHED BUSINESS, NOTICE OF MOTIONS AND RESOLUTIONS PLACED ON AGENDA BY MEMBERS 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 TO BE PASSED which do not require more than a simple majority.

AGREEMENTS

a) **2013-120**

A by-law to authorize the execution of an agreement between the City and AECOM Canada Ltd. For the design and contract administration for the fermented sludge recycle for an engineering fee estimate of Twenty Four Thousand Five Hundred ($24,500) Dollars (excluding HST).

A report from the Land Development and Environmental Engineer is on the Agenda.

b) **2013-128**

A by-law to authorize the execution of an agreement between the City and 1584866 Ontario Inc. operating as The Algonquin Hotel as Licencee to grant to the Licencee the right to occupy the property of the City identified as a portion of the Pim Street boulevard.

A report from the Solicitor/Prosecutor is on the Agenda.

c) **2013-134**

A by-law to authorize the execution of an agreement between the City and AECOM Canada Ltd. For engineering services for the forcemain condition assessment for an engineering fee estimate of Twenty-Nine Thousand Nine Hundred Dollars $29,900 (excluding HST).

A report from the Land Development and Environmental Engineer is on the Agenda.

d) **2013-135**

A by-law to authorize the execution of a Licence Agreement between the City and The Ukrainian Catholic Episcopal Corporation of Eastern Canada to permit a sign to be placed on a portion of City Property located directly west of 293 St. Georges Avenue East and abutting St. Georges Avenue.

A report from the Solicitor/Prosecutor on the agenda.

e) **2013-138**

A by-law to authorize a contract between the City and Cecchetto & Sons Ltd. for the Clark Creek Sewage Pumping Station improvements (Contract 2013-5E).

A report from the Land Development and Environmental Engineer is on the Agenda.

f) **2013-141**

A by-law to authorize an agreement between the City and Pro North Roofing for the replacement of the roof at the Jessie Irving Children's Centre. Due to the volume, the agreement in the form of Schedule "A" may be viewed in the Clerk's Department.

Approved by Council Resolution on June 24, 2013.

g) **2013-142**

A by-law to authorize an agreement between the City and Chris Tossell, Architect for tendering, contract administration and field review of the Heritage Discovery Centre project, 800 Bay Street, Sault Ste. Marie, Ontario.

A report from the Commissioner Community Services is on the Agenda.

h) **2013-144**

A by-law to authorize execution of a contract between the City and R.M. Belanger Limited for miscellaneous sewer repairs (Contract 2013-9E).

A report from the Design and Construction Engineer is on the Agenda.

i) **2013-147**

A by-law to authorize an agreement between the City and Valery Neil as Licencee to permit an accessibility ramp to be placed on the Dufferin Street boulevard in front of the Licencee's property at 8 Dufferin.

A report from the Solicitor/Prosecutor is on the Agenda.

j) **2013-148**

A by-law to authorize an agreement between the City, Loplops, the Downtown Association and Sault Ste. Marie Buskerfest as Licencees to permit the Licencees to occupy various portions of Queen Street East on August 9 – 11, 2013 for the Buskerfest Weekend Activities.

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

k) **2013-149**

A by-law to authorize an agreement between the City and Sault Ste. Marie Buskerfest as Licencee to permit the Licencee to occupy a portion of Queen Street East between Brock and East Streets on August 9 – 11, 2013 for the Buskerfest Weekend Activities.

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

l) **2013-150**

A by-law to authorize an agreement between the City and Loplops as Licencee to permit the Licencee to occupy a portion of the City Boulevard and Sidewalk in front of 651 Queen Street East to erect an outdoor patio on July 18 – 21, 2013 inclusive and August 9 – 11, 2013 inclusive.

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

m) **2013-152**

A by-law to authorize an agreement between the City and Elementa Group Inc. for Waste Supply and Reformation.

A report from the Land Development and Environmental Engineer is on the agenda.

DEVELOPMENT CONTROL

n) **2013-131**

A by-law to designate the lands located at 68 Railroad Avenue an area of site plan control (Seamless Eavestrough MFG).

OFFICIAL PLAN

o) **2013-129**

A by-law to adopt Amendment No. 195 to the Official Plan for the City of Sault Ste. Marie (Seamless Eavestrough MFG).

PARKING

p) **2013-151**

A by-law to appoint Municipal Law Enforcement Officers to enforce the by-laws on various private properties and to amend Schedule "A" to By-law 90-305.

PROPERTY SALE

q) **2013-139**

A by-law to authorize the conveyance of 15.3 acres at the southeast corner of Base Line and Leigh's Bay Road (part of civic 903 Base Line) to Elementa Group Inc. or such other person or companies as directed by them.

A report from the City Solicitor is on the Agenda.

REGULATIONS

r) **2013-146**

A by-law to regulate the sale and setting off of fireworks and to repeal By-law 73-107.

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

STREET ASSUMPTION

s) **2013-132**

A by-law to assume for public use and establish as a public street, a street in the Greenfield Park "A" Subdivision, Plan H518.

A report from the City Solicitor is on the Agenda.

t) **2013-136**

A by-law to assume for public use and establish as a public street, a street in the McKinnon Subdivision, Plan M113 Parke.

A report from the City Solicitor is on the Agenda.

TEMPORARY STREET CLOSING

u) **013-140**

A by-law to permit the temporary closing of Queen Street East from Pim Street to Dennis Street on August 9th, 2013 from 6:00 p.m. to 11:00 p.m. to facilitate Buskerfest.

v) **2013-143**

A by-law to permit the temporary closing of Queen Street East from East Street to Brock Street on August 10th, 2013 from 11:00 a.m. to 11:00 p.m. and on August 11th, 2013 from 11:00 a.m. to 7:00 p.m. to facilitate the Buskerfest Street Festival.

w) **2013-145**

A by-law to permit the temporary closing of Woodward Avenue from Queen Street East to Wellington Street East and Rossmore Road from Cooper Street to Korah Road from August 1, 2013 until October 31, 2013.

ZONING

x) **2013-126**

A by-law to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 concerning lands located at 414 Korah Road (DiPasquo).

y) **2013-130**

A by-law to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 concerning lands located at 68 Railroad Avenue (Seamless Eavestrough MFG).

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

STREET CLOSING

z) **2013-133**

A by-law to stop up, close and authorize the conveyance of a street in the Greenfield Park "A" Subdivision, Plan H518.

aa) **2013-137**

A by-law to stop up, close and authorize the conveyance of a street in the McKinnon Subdivision, Plan M113 Parke.

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

12. ADDENDUM TO THE AGENDA

13. ADJOURNMENT

Mover: Councillor S. Butland
Seconder: Councillor F. Manzo
Resolved that this Council now adjourn.

MINUTES

REGULAR MEETING OF CITY COUNCIL

2013 06 24

4:30 P.M.

COUNCIL CHAMBERS

Present: Mayor D. Amaroso, Councillors L. Turco, S. Butland, S. Myers, M. Bruni, J. Krmpotich, B. Watkins, R. Niro, P. Christian, F. Fata, T. Sheehan, F. Manzo, P. Mick

Officials: J. Fratesi, M. White, N. Kenny, L. Girardi, N. Apostle, B. Freiburger, J. Dolcetti, C. Taddo, M. Provenzano, J. St. Jules, P. Tonazzo, F. Coccimiglio

1. ADOPTION OF MINUTES

Moved by: Councillor F. Manzo
Seconded by: Councillor S. Butland
Resolved that the Minutes of the Regular Council Meeting of 2013 06 10 be approved. CARRIED

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

3. APPROVE AGENDA AS PRESENTED

Moved by: Councillor F. Manzo
Seconded by: Councillor P. Christian
Resolved that the Agenda for 2013 06 24 City Council meeting as presented be approved. CARRIED

4. DELEGATIONS/PROCLAMATIONS

a) Danny Krmpotich was in attendance concerning proclamation – Canadian Multiculturalism Day.

b) Marcel Provenzano, Fire Chief was in attendance to present the Fire Department's 2013 budget and year-to-date financial information – agenda item 6.(4)(a).

c) Tom Dodds, Chief Executive Officer of Economic Development Corporation was in attendance concerning agenda items 6.(8)(a) and (b).

d) Mark Brown was in attendance concerning agenda item 5.(j).

e) Deane Greenwood was in attendance concerning agenda item 5.(o).

f) Linda Bassanello was in attendance concerning agenda item 5.(p).

g) Albert Williams was in attendance concerning agenda item 5.(q).

h) Jerry Bumbacco was in attendance concerning agenda item 5.(q).

i) Jake Derosier was in attendance concerning agenda item 6.(6)(a).

PART ONE – CONSENT AGENDA

5. COMMUNICATIONS AND ROUTINE REPORTS OF CITY DEPARTMENTS, BOARDS AND COMMITTEES

Moved by: Councillor J. Krmpotich
Seconded by: Councillor S. Butland
Resolved that all the items listed under date 2013 06 24 – Part One – Consent Agenda and Addendum #1 be approved as recommended, save and except items 5.(o), (p) and (q).

a) Correspondence from AMO was received by Council.

b) Correspondence from the Minister of Finance responding to a recent letter from Mayor Amaroso concerning the Ontario Lottery and Gaming Corporation was received by Council.

c) Correspondence from Muscular Dystrophy Canada concerning fundraising efforts by Fire Services was received by Council.

d) A letter of request for a temporary street closing was received by Council.

1) Italian Festival – Cathcart Street – from Hudson Street to Carmen's Way – July 14, 2013 from 11 a.m. to 12 midnight

The relevant By-law 2013-123 is listed under Item 10 of the Minutes.

e) Correspondence requesting permission for private property liquor license extensions was received by Council.

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that City Council has no objection to the proposed extended licenced area as detailed in the written request for liquor license extension for an outdoor event on the following stated dates, conditional upon a licence of occupation agreement being executed prior to the event dates.

1. Loplop Gallery Lounge
   651 Queen Street East
   Downtown Days, Rotaryfest – July 17 to 20, 2013
   Buskerfest – August 7 to 11, 2013

CARRIED

f) **Staff Travel**

The report of the Chief Administrative Officer was received by Council.

Moved by: Councillor F. Manzo
Seconded by: Councillor S. Butland
Resolved that the report of the Chief Administrative Officer dated 2013 06 24 concerning Staff Travel requests be approved as requested. CARRIED

g) **Tender for Roof Replacement – Jessie Irving Children's Centre**

The report of the Manager of Purchasing was received by Council.

Moved by: Councillor F. Manzo
Seconded by: Councillor P. Christian
Resolved that the report of the Manager of Purchasing dated 2013 06 24 be endorsed and that the tender for the Replacement of the Roof at the Jessie Irving Children's Centre as required by the Community Services Department be awarded as recommended. CARRIED

h) **RFP for Chiller Replacement – McMeeken Centre (2013CD01P)**

The report of the Manager of Purchasing was received by Council.

Moved by: Councillor J. Kmpotich
Seconded by: Councillor S. Butland
Resolved that the report of the Manager of Purchasing dated 2013 06 24 be endorsed and that the proposal for the Replacement of the Chiller at the McMeeken Centre as required by the Community Centres Division of the Community Services Department be approved as recommended. CARRIED

i) **Property Tax Appeals**

The report of the City Tax Collector was received by Council.

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that Pursuant to Section 357 of the Municipal Act, 2001, that the adjustments for the tax accounts outlined on the City Tax Collector's report of 2013 06 24 be approved and that the tax records be amended accordingly. CARRIED

j) **Procedure By-law Review**

The report of the City Clerk was received by Council.
Correspondence from Mark Brown was received by Council.

The relevant By-law 2013-100 is listed under Item 10 of the Minutes.

Moved by: Councillor T. Sheehan
Seconded by: Councillor P. Mick
Resolved that the ten page report on Consent Agenda 5.(j) be referred to the Procedure By-law Review Committee for a written response to be brought forward to a future meeting. DEFEATED

k) **Request for Financial Assistance for National/International Sports Competitions – Reid's Martial Arts Team**

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

Moved by: Councillor F. Manzo
Seconded by: Councillor S. Butland
Resolved that the report of the Manager of Recreation and Culture dated 2013 06 24 concerning Request for Financial Assistance for National/International Sports Competitions be accepted and the recommendation to provide a $400 grant to John Reid's martial arts team to participate in the World Karate and Kickboxing Council's Canadian Championships in Ottawa May 17-19, 2013 be approved. CARRIED

l) **Canadian Red Cross – Sault Ste. Marie Home Maintenance Snow Removal Program**

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

Moved by: Councillor F. Manzo
Seconded by: Councillor P. Christian
Resolved that the report of the Commissioner of Community Services dated 2013 06 24 concerning Canadian Red Cross – Sault Ste. Marie Home Maintenance Snow Removal program be accepted as information. CARRIED

m) **Cultural Advisory Board By-law – Proposed Revisions**

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

The relevant By-law 2013-117 is listed under Item 10 of the Minutes.

n) **Outdoor Fitness Equipment**

The report of the Supervisor of Community Services was received by Council.

Moved by: Councillor J. Krmpotich
Seconded by: Councillor S. Butland
Resolved that the report of the Supervisor of Community Services dated 2013 06 24 concerning Outdoor Fitness Equipment be accepted as information.
CARRIED

o) **Community Bicycle Park**

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

Moved by: Councillor J. Kmpotich
Seconded by: Councillor P. Christian
That the report of the Manager of Recreation and Culture concerning Community Bicycle Park be accepted and that:

1. the recommendation of the Parks and Recreation Advisory Committee that $50,000 be earmarked from the Subdividers Reserve fund for Phase 1 of the Bicycle Pump Park be approved; and
2. the design phase of the park be authorized to proceed;
3. the estimated annual cost of $8,700 for the Public Works and Transportation Department – Parks Division to perform inspection and maintenance of the Bicycle Pump Park be referred to the 2014 budget for Council's consideration; and
4. any amount required to complete Phase 2 of the Bicycle Pump Park exceeding the funds provided by City Council be the responsibility of the Community Bicycle Park Subcommittee to fundraise. CARRIED

p) **Leash-Free Dog Park Update**

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

Moved by: Councillor F. Manzo
Seconded by: Councillor S. Butland
Resolved that the report of the Manager of Recreation and Culture dated 2013 06 24 concerning Leash-Free Dog Park Update be accepted and that:

1. the Leash-Free Dog Park proceed at the Humane Society site of the Strathclair complex once the Legal Off Leash Dog Owners Group of Sault Ste. Marie fundraises their portion of the project; and
2. the estimated annual cost of $8,500 for the Public Works and Transportation Department – Parks Division to perform site maintenance be referred to the 2014 budget for Council's consideration. CARRIED

q) **MacDonald Park – Playground Equipment**

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

Moved by: Councillor S. Myers
Seconded by: Councillor P. Mick
Resolved that agenda item 5.(q) be amended by striking out the text in section 1. of the motion following the words 'be approved' and striking out the text in section 3. Following the words 'playground equipment' and adding the words 'included in the 2014 budget. CARRIED

Moved by: Councillor F. Manzo
Seconded by: Councillor P. Christian
That the report of the Manager of Recreation and Culture dated 2013 06 24 concerning MacDonald Park Playground Equipment be accepted and that:

1. the recommendation from the Parks and Recreation Advisory Committee to accept the generous offer of a donation from Mr. Albert Williams of $7,000 for the provision and installation of playground equipment at MacDonald Park (including a set of swings) be approved with the condition that the donation not be accepted until after the annual maintenance cost is approved during the 2014 budget process;
2. that the capital funds required be provided from the 5% Subdividers reserve
3. the estimated annual cost of $1,150 for the Public Works and Transportation Department – Parks Division to perform inspection and maintenance of the playground equipment be referred to the 2014 budget for Council's consideration.

CARRIED AS AMENDED

r) **Essar Centre – Failure of Main Circulation Fan**

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

Moved by: Councillor J. Krmpotich
Seconded by: Councillor S. Butland
Resolved that the report of the Commissioner of Community Services dated 2013 06 24 concerning the Essar Centre Fan Failure be accepted and that the supply and installation of the required fan be sole-sourced to S&T Group, with funds from the Essar Centre reserve account, any additional funds that may be required to come from the McMeeken Centre Chiller project (which came in under budget). CARRIED

s) **Municipal Bridge No. 34 Rehabilitation – Closure of Wallace Terrace at Brookfield Avenue**

The report of the Design and Construction Engineer was received by Council.

The relevant By-law 2013-21 is listed under Item 10 of the Minutes.

t) **Contract 2012-3E – Closure of Biggings Avenue**

The report of the Design and Construction Engineer was received by Council.

The relevant By-law 2013-118 is listed under Item 10 of the Minutes.

u) **Landfill Site, Operations and Monitoring 2012 – Environmental Monitoring Committee**

The report of the Land Development and Environmental Engineer was received by Council.

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that the report of the Land Development and Environmental Engineer dated 2013 06 24 concerning Landfill Site, Operations and Monitoring 2012 – Environmental Monitoring Committee be received as information. CARRIED

v) **Replacement of 1999 Pumper**

The report of the Assistant Fire Chief, Support Services was received by Council.

Moved by: Councillor F. Manzo
Seconded by: Councillor S. Butland
Resolved that the report of the Assistant Fire Chief, Support Services dated 2013 06 24 concerning Replacement of 1999 Pumper be accepted and that the recommendation to proceed to purchase a 75' pumper/aerial truck for delivery in 2014, sole-sourced from Safetek Emergency Vehicles in an effort to standardize front line firefighting equipment, be approved with funds to come from the Fire Services Capital Equipment reserve account. CARRIED

w) **Downtown Days – July 18, 2013**

The report of the Assistant City Solicitor was received by Council.

The relevant By-law 2013-121 is listed under Item 10 of the Minutes.

x) **441 Korah Road Turnaround Agreement**

The report of the Solicitor/Prosecutor was received by Council.

The relevant By-law 2013-114 is listed under Item 10 of the Minutes.

y) **Agreement Between the City and Sandra Belanger and Kenneth Belanger**

The report of the Assistant City Solicitor was received by Council.

The relevant By-law 2013-122 is listed under Item 10 of the Minutes.

z) **City Purchase of a Portion of Two Properties for Sidewalk Installation**

The report of the Solicitor/Prosecutor was received by Council.

Moved by: Councillor F. Manzo
Seconded by: Councillor P. Christian
Resolved that the report of the Solicitor/Prosecutor dated 2013 06 24 concerning City Purchase of a Portion of Two Properties for Sidewalk Installation be accepted and that the purchase of properties from Sault College and the owner of 885 Second Line East (and all costs related thereto) be authorized for the purpose of installing a sidewalk on the south side of Second Line East. CARRIED

aa) **Cycling Master Plan – Consulting Services**

The report of the Planning Division was received by Council.

The relevant By-laws 2013-115 and 2013-116 authorizing the execution of these agreements are listed under Item 10 of the Minutes.

bb) **Municipal Household Special Waste Facility and Funding Agreement with Recycling Council of Ontario**

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

The relevant By-law 2013-98 is listed under Item 10 of the Minutes.

cc) **PWT Sidewalk and Curb Program – 2013**

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

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that the report of the Deputy Commissioner of Public Works and Transportation dated 2013 06 24 concerning PWT Sidewalk and Curb Program – 2013 be accepted as information. CARRIED

dd) **New Horizons for Seniors Program (NHSP) Grant Application Review**

The report of the Community Engagement Assistant was received by Council.

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that the report of the Community Engagement Assistant dated 2013 06 24 concerning New Horizons for Seniors Program (NHSP) Grant Application Review be accepted as information. CARRIED

ee) A letter of request for a temporary street closing is attached for the consideration of Council.

1. Kiwanis International Walleye Tournament Parade of Boats
   St. Mary's River Drive – Station Mall Walmart Entrance to Station Mall Sears Entrance
   July 12, 2013 from 5:00 p.m. to 9:00 p.m.

The relevant By-law 2013-124 is listed under Item 10 of the Minutes.

ff) **Ronald Sonke – 397 Sunnyside Beach Road – Ontario Municipal Board Hearing**

The report of the Solicitor/Prosecutor was received by Council.

Moved by: Councillor F. Manzo
Seconded by: Councillor P. Christian
Resolved that the report of the Solicitor/Prosecutor dated 2013 06 24 concerning Ronald Sonke – 397 Sunnyside Beach Road – Ontario Municipal Board Hearing be received as information. CARRIED

gg) **Licence to Occupy City Property Agreement Between the City and Luigi Michael Iaconis and Tristina Filomena Turco**

The report of Assistant City Solicitor was received by Council.

The relevant By-law 2013-125 is listed under Item 10 of the Minutes.

hh) Correspondence requesting permission for private property liquor license extensions are attached for the consideration of Council.

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that City Council has no objection to the proposed extended licenced areas as detailed in the agenda item 5.(w) and by-law 2013-121 for an outdoor event on the following stated date:

Loplop Gallery Lounge
651 Queen Street East
Downtown Days - July 18, 2013

CARRIED

PART TWO – REGULAR AGENDA

6. REPORTS OF CITY DEPARTMENTS, BOARDS AND COMMITTEES

(1) ADMINISTRATION

(2) COMMUNITY SERVICES DEPARTMENT

a) **West End Community Centre – Naming Rights**

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

Moved by: Councillor J. Krmpotich
Seconded by: Councillor S. Butland
Resolved that the report of the Commissioner of Community Services dated 2013 06 24 concerning Naming Rights for the West End Community Centre be accepted; that the proposal of Northern Credit Union for naming rights be approved; and the agreement as outlined in the report be prepared for approval at a future meeting of Council. CARRIED

Recorded Vote:

For: Mayor D. Amaroso, Councillors L.Turco, S. Butland, S. Myers, M. Bruni, J. Krmpotich, B. Watkins, R. Niro, P. Christian, F. Fata, T. Sheehan, P. Mick

Against: Councillor F. Manzo

(3) ENGINEERING

(4) FIRE

a) **Fire Services Budget Update**

The report of the Fire Chief was received by Council.

Moved by: Councillor F. Manzo
Seconded by: Councillor P. Christian
Resolved that the report of the Fire Chief dated 2013 06 14 concerning Fire Services Budget Update be received as information. CARRIED

(5) LEGAL

(6) PLANNING

a) **Application No. A-8-13-Z – filed by Jake Desrosiers – 11 White Oak Drive East**

The report of the Planning Division was received by Council.

Moved by: Councillor J. Krmpotich
Seconded by: Councillor S. Butland
Resolved that the report of the Planning Division dated 2013 06 24 concerning Application No. A-8-13-Z – filled by Jake Desrosiers – 11 White Oak Drive East be accepted and that City Council approve this application on a temporary basis and rezones the subject property from M1.S245 (Light Industrial) zone with Special Exception 245 to M1.S245 (Light Industrial) zone with an amended Special Exception 245 to add a food trailer as an additional permitted use on the subject property. The food trailer use shall be permitted for a period not to exceed three (3) years. CARRIED

(7) PUBLIC WORKS AND TRANSPORTATION

(8) BOARDS AND COMMITTEES

a) Economic Development Corporation 2012 Annual Report

The report of the Chief Executive Officer of Economic Development Corporation was received by Council.

Moved by: Councillor J. Krmpotich
Seconded by: Councillor S. Butland
Resolved that the report of the Chief Executive Officer dated 2013 06 18 concerning Economic Development Corporation 2012 Annual Report be received as information. CARRIED

Pecuniary Interest – Councillor R. Niro – family member employed by OLG
Councillor P. Christian - family member employed by OLG
Councillor M. Bruni - family member employed by OLG

b) Ontario Lottery and Gaming Modernization Strategy

A copy of a presentation of the Economic Development Corporation was received by Council.

Moved by: Councillor F. Manzo
Seconded by: Councillor S. Butland
Resolved that the report of the Economic Development Corporation dated 2013 06 23 concerning Ontario Lottery and Gaming Modernization Strategy be received as information. CARRIED

Pecuniary Interest – Councillor R. Niro – family member employed by OLG
Councillor P. Christian - family member employed by OLG
Councillor M. Bruni - family member employed by OLG

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

a) Moved by: Councillor S. Myers
Seconded by: Councillor T. Sheehan
Whereas Church Street south of Wellington Street East is one way northbound and residents on that street report a chronic problem with vehicles traveling the wrong direction southbound; and
Whereas a request for more prominent "wrong way" signage has been made by residents;
Now Therefore Be It Resolved that the appropriate staff be requested to review this intersection and report back to City Council regarding any recommended changes. CARRIED

b) Moved by: Councillor S. Myers
Seconded by: Councillor T. Sheehan
Whereas gas prices in Sault Ste. Marie run a minimum ten cents higher than many other Southern Ontario cities and in some cases up to fifteen cents more a litre; and
Whereas in Northern Eastern Ontario, gas prices in Sault Ste. Marie are an average of seven cents higher than Sudbury, twelve to fifteen cents higher than North Bay and about the same as Timmins; and
Whereas with the coming summer season when we are beginning to see a measurable increase in U.S. visitor traffic via automobile; and
Whereas there are increased efforts by Tourism Sault Ste. Marie to draw more visitors from within Ontario, particularly Southern Ontario; and
Whereas the higher prices of gas in Sault Ste. Marie are of great concern and puzzling as to why they are so much higher; and
Whereas our location on a U.S. border where gas costs even less will cause visitors and locals alike to fill up on the U. S. side;
Now Therefore Be It Resolved that a letter from City Council be sent to our elected members of provincial and federal government asking them to look into this important matter that affects all Saultites and has an impact on our economy and that they be requested to provide information as to how their governments can assist in leveling gas prices across Ontario and
Further Be It Resolved that the letter be copied to the Chamber of Commerce, Sault Ste. Marie Economic Development Corporation, Federation of Northern Ontario Municipalities, the Algoma District Municipal Association and Prince Township, asking them to support this request for action from our provincial and federal representatives. CARRIED

c) Moved by: Councillor S. Butland
Seconded by: Councillor L. Turco
Whereas Sault Ste. Marie has no representation on the present Northern Ontario School of Medicine Board of Directors;

Now Therefore Be It Resolved that the Chair of the Board of Directors of the Northern Ontario School of Medicine be made aware of this inequity and be requested to remedy the same as soon as possible. CARRIED

d) Moved by: Councillor S. Butland
Seconded by: Councillor P. Christian
Whereas there are numerous pathways and trails across the City that appear to be well used for recreational and practical purposes;
Now Therefore Be It Resolved that appropriate staff be requested to compile an inventory of such trails and prepare a preliminary report to include the following
1. Numbers and locations of trails and their apparent usage (or lack thereof)
2. Identifying any trails that could be utilized as spokes as part of the larger John Rowswell Hub Trail
3. The feasibility of providing basic upgrades to significant trails, including potential subsequent costs and liabilities. CARRIED

e) Moved by: Councillor S. Butland
Seconded by: Councillor S. Myers
Resolved that Council approve the annual operating costs of the Bicycle Park $8,700 (agenda item 5.(o) and the Leash-Free Dog Park $8,500 (agenda item 5.(p) and that they be included in the 2014 budget. 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 F. Manzo
Seconded by: Councillor S. Butland
Resolved that all by-laws listed under Item 10 of the AGENDA under date June 24, 2013 be approved, save and except 2013-100, 2013-119 and 2013-125.

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that by-law 2013-11 being a by-law to permit a food trailer at 11 White Oak Drive East as a three (3) year temporary use (Desrosiers) be PASSED in open Council this 24th day of June, 2013. CARRIED

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that by-law 2013-21 being a by-law to permit the closing of Wallace Terrace at Brookfield Avenue for approximately six (6) weeks in order to replace

the approach slabs on the west side of Municipal Bridge No. 34 be PASSED in open Council this 24th day of June, 2013. CARRIED

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that By-law 2013-98 being a by-law to authorize an agreement between the City and the Recycling Council of Ontario for funding for the Phase 2 materials received at the Municipal Household Special Waste Facility be PASSED in open Council this 24th day of June, 2013. CARRIED

Moved by: Councillor S. Myers
Seconded by: Councillor P. Christian
Resolved that By-law 2013-100 being a By-law to regulate the proceedings of the Council of the City of Sault Ste. Marie be PASSED in open Council this 24th day of June. 2013. CARRIED

Recorded Vote:

For: Mayor D. Amaroso, Councillors L.Turco, S. Butland, S. Myers, M. Bruni, J. Krmpotich, B. Watkins, R. Niro, P. Christian, F. Fata, T. Sheehan, P. Mick

Against: Councillor F. Manzo

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that By-law 2013-111 being by-law to appoint Inspectors under the *Building Code Act*, 1992 and Municipal Law Enforcement Officers under the *Police Services Act* be PASSED in open Council this 24th day of June, 2013. CARRIED

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that By-law 2013-114 being a by-law to authorize the execution of an agreement between the City and Cesare Mincone and Pia Mincone for the use of a portion of 441 Korah Road as a turnaround for municipal purposes be PASSED in open Council this 24th day of June, 2013. CARRIED

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that By-law 2013-115 being a by-law to authorize the execution of an agreement between the City and MMM Group, in association with Kresin Engineering to perform preliminary design services for three priority cycling routes and cost estimation services, at an estimated cost of Thirty Five Thousand ($35,000.00) Dollars be PASSED in open Council this 24th day of June, 2013. CARRIED

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that By-law 2013-116 being a by-law to authorize the execution of an agreement between the City and Stem Engineering Group Incorporated to perform design and cost estimation services for the design of a connecting spoke from the Finnish Rest Home Property to the Fort Creek Hub Trail at an estimated cost of Thirteen Thousand Four Hundred ($13,400.00) Dollars be PASSED in open Council this 24th day of June, 2013. CARRIED

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that By-law 2013-117 being a by-law to re-establish a Cultural Advisory Board and to repeal By-law 2003-112 be PASSED in open Council this 24th day of June, 2013. CARRIED

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that By-law 2013-118 being a by-law to permit the closing of Biggings Avenue to through traffic from Queen Street East to Wellington Street East from July 8th to July 26th, 2013 to complete restoration, final paving, and watermain work be PASSED in open Council this 24th day of June, 2013. CARRIED

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that By-law 2013-119 being a by-law to authorize an agreement between the City and Avery Construction Ltd. for the construction of the Heritage Discovery Centre be PASSED in open Council this 24th day of June, 2013. CARRIED

Recorded Vote:

For: Mayor D. Amaroso, Councillors L.Turco, S. Butland, S. Myers, M. Bruni, J. Krmpotich, B. Watkins, R. Niro, P. Christian, F. Fata, T. Sheehan, P. Mick

Against: Councillor F. Fata, F. Manzo

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that By-law 2013-121 being a by-law to authorize a Licence Agreement between the City, Loplops and the Downtown Association to permit five (5) Patio Pods on five (5) separate portions of City owned lands on Queen Street East, Sault Ste. Marie be PASSED in open Council this 24th day of June, 2013.. CARRIED

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that By-law 2013-122 being a by-law to authorize the execution of an agreement between the City and Sandra and Kenneth Belanger to permit the Belangers to utilize their lands for a storage shed and above ground swimming

pool while still protecting the City Easement and the City's right of access to the property be PASSED in open Council this 24th day of June, 2013. CARRIED

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that By-law 2013-123 being a by-law to permit the temporary closing of Cathcart Street from Hudson Street to Carmen's Way on July 14, 2013 to facilitate the Italian Festival be PASSED in open Council this 24th day of June, 2013. CARRIED

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that By-law 2013-124 being a by-law to permit the temporary closing of St. Mary's River Drive from Station Mall Walmart Entrance to Station Mall Sears Entrance on July 12, 2013 to facilitate the Kiwanis International Walleye Tournament Parade of Boats be PASSED in open Council this 24th day of June, 2013. CARRIED

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that By-law 2013-125 being a by-law to authorize an agreement between the City and Luigi Michael Iaconis and Tristina Filomena Turco, the property owners of 64 Retta Street, Sault Ste. Marie, to permit certain vehicles and equipment access over a portion of Retta Park in order to access the rear yard of 64 Retta Street from Retta Street be PASSED in open Council this 24th day of June, 2013. CARRIED

Pecuniary Interest – Councillor L. Turco – related to one of the applicants.

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

12. ADDENDUM TO THE AGENDA

13. ADJOURNMENT

Moved by: Councillor J. Krmpotich
Seconded by: Councillor P. Christian
Resolved that this Council now adjourn. CARRIED

5(a)

AMO Councillor Training

The Meetings Series

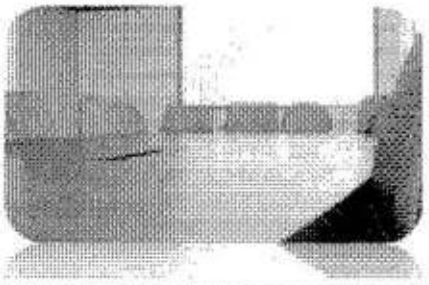
Overview

Chairing and participating in meetings effectively places challenges and opportunities in front of you. How you conduct yourself and how you prepare for these meetings can determine how you actively engage as a participant. This course focuses on how to improve the planning of a meeting, how to chair a meeting and will also aim to increase your success in chairing and conducting meetings. As municipal meetings are unique, this course will look beyond generic tips and tricks and will look at your municipal needs to run effective open and closed meetings.

Who Should Attend

All those who actively participate in municipal meetings from members of council to municipal staff.





BENEFITS	AGENDA AT A GLANCE
• Better understanding of the rules of meetings in the municipal context	The topics covered below are a sample of what is covered in the complete course.
• Comprehensive knowledge of the roles of meeting participants	• Principles of successful meetings • Planning and meeting agendas
• A number of helpful strategies for successful meetings	• Roles and responsibilities • Procedure By-Law
• Foundation to build and form positive relationships with meeting participants	This is a full day course that runs from 8:30 am to 4:30 pm (approx.) with lunch provided

Upcoming Sessions

- Friday, October 11: Stratford (Festival Inn, 1144 Ontario St., Stratford, N5A 6Z3 519.273.1150)
- Tuesday, October 15: Belleville (Travelodge Belleville, 11 Bay Bridge Rd, Belleville, K8P 3P6 613.968.3411)

Cost

This full day course is $400.00 plus HST ($452.00)

Cancellation Policy

Cancellations must be made in writing to events@amo.on.ca no later than 14 days prior to the scheduled date of the workshop. Cancellations will be refunded less an administration fee of $75.00 plus HST ($84.75)

5(a)

The Meetings Series Registration Form

Please type or print clearly. Use one form per registrant. Payment MUST accompany registration. Please fax registration form to (416) 971-9372		
First Name		Last Name
Title		Municipality
Address		
City	Province	Postal Code
Phone	Fax	E-mail

Session Title	Please indicate location preference	Cost	Final Cost
The Meetings Series		$400 + 13% HST	$452.00

PAYMENT

Registration forms CANNOT be processed unless accompanied by proper payment.

Refund Policy: Cancellations must be made in writing and received by AMO no later than end of day August 2nd, 2013 to receive a partial refund minus the administration fee of $ 75.00 plus HST. No refunds will be made for any cancellations made after August 2nd, 2013.

☐ Cheque payable to: Association of Municipalities of Ontario 200 University Avenue, Suite 801 Toronto, ON., M5H 3C6	☐ Mastercard ☐ Visa
	Card #
	Name on Card
	Expiry Date
	Signature

Association of Municipalities Ontario
200 University Avenue, Suite 801, Toronto, Ontario M5H 3C6
T: (416) 971-9856
F: (416) 971-6191
E: events@amo.on.ca

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Working with Media & Social Media Workshop

Municipal communicators must be able to share information. Give clear instructions. Sell ideas. Messages should be easy to understand, and easy to remember.

AMO's Media and Social Media Training program will improve your ability to:

- Express yourself clearly,
- Develop strong messages quickly,
- Manage issues better, and
- Lead under pressure.

While the session is grounded in municipal experience, the material will be of interest to other public and private sector leaders. All are welcome to register.

The session will cover:



Media Relations:

- Understanding what makes news and why
- How to meet the different demands of print, radio and television
- Finding the right message, in real time and while under pressure
- How to make messages stronger and more memorable
- How to prepare for and deliver strong interviews
- How to use images and photographs effectively
- How to 'be the media,' if needed.



Social Media:

- How it is being used by municipalities and elected officials in comparable communities
- Developing effective social media policies
- Best practices related to corporate use and personal use
- Resource allocation
- Risk management (internally, externally and around the Council Chamber).

About the Instructor:

Brian Lambie,
President, Redbrick Communications

As AMO's primary media contact, Brian deals with media on a daily basis, taking calls from the most senior reporters at Queen's Park to the most inexperienced reporters at your local newspaper.

He has trained hundreds of public and private sector officials in the past decade and is a popular conference speaker. His clients include municipalities, Ontario government ministries and private companies.

Dates and Locations:

Media Relations and Social Media Use in *Northern Communities*

- North Bay: October 2
- Thunder Bay: October 16

Media Relations and Social Media in *Small Urban & Rural Communities*

- Kingston: November 13
- London: November 20

Media Relations & Social Media in *Large Urban Communities*

- Mississauga (Airport vicinity): November 6

All sessions will be full-day sessions (9 am - 4 pm) with registration at 8:30 am and lunch provided.

Session Cost:

- $400 plus HST ($452 total)

5(a)

Working with Media & Social Media Registration Form

Please type or print clearly. Use one form per registrant. Payment MUST accompany registration.
Please fax registration form to 416.971.9372

First Name		Last Name
Title		Municipality
Address		
City	Province	Postal Code
Phone	Fax	E-mail

	Please indicate location preference	Cost	Final Cost
	North Bay: October 2 (Location tbc)	$400 + 13% HST	$452.00
	Thunder Bay: October 16 (Valhalla Inn, 1 Valhalla Inn Road)	$400 + 13% HST	$452.00
	Kingston: November 13 (Delta Kingston Waterfront, 1 Johnson Street)	$400 + 13% HST	$452.00
	London: November 20 (Four Points by Sheraton, 1150 Wellington Road)	$400 + 13% HST	$452.00
	Mississauga: November 6 (Delta Toronto Airport West, 5444 Dixie Road)	$400 + 13% HST	$452.00

PAYMENT

Registration forms CANNOT be processed unless accompanied by proper payment.

Refund Policy: Cancellations must be made in writing and received by AMO no later than 14 days prior to the session selected to receive a partial refund minus the administration fee of $ 75.00 plus HST. No refunds will be made for any cancellations made less than 14 days prior to session selected.

☐ Cheque payable to:
Association of Municipalities of Ontario
200 University Avenue, Suite 801
Toronto, ON., M5H 3C6

☐ Mastercard ☐ Visa

Card #

Name on Card

Expiry Date

Signature

Association of Municipalities Ontario
200 University Avenue, Suite 801, Toronto, Ontario M5H 3C6
T: (416) 971-9856
F: (416) 971-6191
E: events@amo.on.ca

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5(a)

Malcolm White

From: AMO Communications <communicate@amo.on.ca>
Sent: July 03, 2013 6:08 PM
To: Malcolm White
Subject: Policy Update - June 2013

TO THE IMMEDIATE ATTENTION OF THE CLERK AND COUNCIL

June 21, 2013

AMO Report to Members
Highlights of the June 2013 Board Meeting

The following are highlights of the Board of Directors meeting. Don't forget to register for AMO's Annual Conference August 18-21 is in Ottawa. Watch for a special announcement July 8th. Register online at http://www.amo.on.ca/AMO-PDFs/Events/CONF2013/RegForm-RegRate.aspx.

Municipal Waste Diversion – Proposed New Act
The proposed new *Waste Reduction Act, 2013* would hold producers responsible for the end of life management of the products and packaging that they generate. It addresses our major concerns. AMO will be preparing a response to the EBR posting of the legislation before the September 4, 2013 deadline and will send members information to use to support the Bill.

Contact: Monika Turner, Director of Policy, email: mturner@amo.on.ca, Ext. 318.

Renewable Energy Changes Aimed at Municipalities
The Ministry of Energy's announced changes to the large Feed-In Tariff (FIT) program provides a sense of how it intends to approach new large renewable energy projects, with greater local input and a focus on more willing communities. AMO will continue to press for mechanisms that provide appropriate local input for communities willing to host these projects while respecting the wishes of those that do not. Our Energy Task Force will be preparing a submission to the Ministry for its summer consultation.

Contact: Cathie Brown, Senior Advisor, email: cathiebrown@amo.on.ca, Ext. 342.

Provincial and Federal Infrastructure Initiatives Update

- The provincial government is consulting on its 2013 $100 million Rural, Small Urban and Northern Municipalities Fund and its future permanency. The Board set up a sub-committee to develop ideas on design matters as well as looking at Metrolinx's investment recommendations that could mean ongoing revenue tools for all Ontario municipalities.
- The Board also talked about the design of the new Building Canada Fund. AMO's interest is to gain as much flexibility as possible and ensure its component programs meet members' needs. This includes negotiations of the permanent Federal Gas Tax which AMO administers on behalf of the Government of

Canada. AMO has identified improvements to the agreement and wishes to see this agreement's negation as a priority in Ontario so that municipalities can continue to receive Gas Tax funding without interruption.

Contact: Judy Dezell, Gas Tax Project Manager, email: jdezell@amo.on.ca, Ext. 306 ; Craig Reid, Senior Advisor,
email: creid@amo.on.ca, Ext. 334.

2012 Federal Gas Tax Fund Report

The Board approved the submission of the 2012 Gas Tax Fund Interim Annual Expenditure Report to Infrastructure Canada.

- In 2012 municipalities spent $553 million from Canada's Gas Tax Fund on 1,508 active projects worth over $4.5 billion.
- The report highlights the current municipal infrastructure situation in Ontario and the accomplishments of municipalities.

Contact: Jay Paleja, Policy Advisor, email: jpaleja@amo.on.ca, Ext. 352.

OMPF Review Update

The provincial budget plans to scale back the total funding envelope from 2012 through to 2016. While the Ministry of Finance looks at how this could be done, AMO's messaging to the Province has been that with rising OPP policing costs and assessment changes, the OMPF review needs to be fully informed so that there are no unintended consequences and that the government defer the 2014 OMPF cut of $25 million so that this can be properly done.

Contact: Matthew Wilson, Senior Advisor, email: mwilson@amo.on.ca, Ext. 323.

Aggregates Update

The Board received several updates on aggregate-related activities that include impacts of assessment changes on pits and cost of appeals to the OMB on proposed aggregate operations and the yet to be released Standing Committee on General Government Report on its review of the *Aggregate Resources Act*:

Contact: Cathie Brown, Senior Advisor, email: cathiebrown@amo.on.ca, Ext. 342.

Soil Management Pilot Project and BMP Implementation

The Board has given general support to the Residential and Civil Construction Alliance of Ontario for a pilot project to establish a web-based registry and soil matching process for managing excess soils.

Contact: Cathie Brown, Senior Advisor, email: cathiebrown@amo.on.ca, Ext. 342.

Watershed Management Futures for Ontario
Conservation Ontario has released a call for action for more efficient and effective governance respecting the roles and responsibilities of agencies engaged in managing the natural environment. The Board supported the creation of a Future of Watershed Management Committee and that AMO participate on this committee.

Contact: Cathie Brown, Senior Advisor, email: cathiebrown@amo.on.ca, Ext. 342.

PLEASE NOTE AMO Breaking News will be broadcast to the member municipality's council, administrator and clerk. Recipients of the AMO broadcasts are free to redistribute the AMO broadcasts to other municipal staff as required. We have decided to not add other staff to these broadcast lists in order to ensure accuracy and efficiency in the management of our various broadcast lists.

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

5(a)

Malcolm White

From: AMO Communications <communicate@amo.on.ca>
Sent: June 28, 2013 4:06 PM
To: Malcolm White
Subject: AMO Breaking News - Policing Update

TO THE IMMEDIATE ATTENTION OF THE CLERK AND COUNCIL

Date: June 28, 2013

Policing Update

OPP Billing Reform Survey – Urgent matter, July 10th deadline.

AMO's policing update of June 14th indicated the OPP survey on cost recovery would be distributed shortly. The survey has now been distributed to all municipal CAOs or clerks via email. All municipalities are encouraged to reply. This includes municipalities with an OPP contract or without an OPP contract. It has also been sent to municipalities with their own police force because some may be considering using the OPP in the future.

The cost of policing is a top priority for all communities. This is your municipality's opportunity to relay concerns regarding cost and billing directly to the OPP and the Ministry of Community Safety and Correctional Services. If OPP billing reform is implemented in 2014, it would have very significant implications for upcoming municipal budgets. Any billing changes (either positive or negative), would be in addition to the impact of the OPP's 2014 salary award increase of 8.55%. Previous salary changes were: 2011, 5%; 2012, 0%; and 2013, 0%.

The OPP is requesting that surveys be completed by July 10, 2013.

Questions regarding the survey may be directed to Janet Peroni at 705-329-6389 or at janet.peroni@ontario.ca. Should you experience any technical difficulties with the survey please contact Molly Acton Rinaldo at 705-329-7579 or at molly.acton@ontario.ca.

Future of Policing Advisory Committee Update

The Ministry of Community Safety and Correctional Services has asked the respective "stakeholders" with representation on this Advisory Committee to distribute the following update:

Future of Policing Advisory Committee

COMMUNIQUE

June 2013

Following the establishment of the Future of Policing Advisory Committee (FPAC) last year, the Ministry of Community Safety and Correctional Services (MCSCS) has worked with our policing partners to plan for effective, efficient and sustainable police service delivery in Ontario in the future.

Through FPAC and its four working groups, MCSCS has sought the experience and expertise of senior policing and municipal leaders in reviewing the issues and helping develop a clear plan forward.

FPAC and the working groups have provided thoughtful and valuable advice to address several emerging themes. Those themes include:

- *Forward-thinking policy direction provided by the Province that includes clear goals, objectives and priorities for policing, inclusive of performance measures;*
- *A new Community Safety model that provides for multi-disciplinary approaches and partnerships to resolve complex social problems;*
- *Strengthened local governance and oversight;*
- *Sharing of services, infrastructure and resources to realize economies of scale and maximizes service delivery; and*
- *Identifying alternative resources for service delivery while ensuring proper training and oversight.*

With this phase of the work well advanced, MCSCS is taking key themes identified to other ministries and affected stakeholders for broader consultation. That consultation will occur over the next year and will inform further action and next steps.

MCSCS is also developing proposals for legislative, regulatory and policy change in the area of police service delivery to address the themes noted above and any further matters identified through broader consultation. MCSCS will seek the input of FPAC in finalizing these proposals through ongoing review and discussion at the FPAC table throughout this year and next, with an expected completion timeframe of spring 2015.

MCSCS is committed to developing a new strategic vision for community safety, including police service delivery that will support fiscally prudent, transparent, sustainable and accountable standards of service for the people of Ontario now and into the future.

The work of FPAC to date has been most valuable and necessary. MCSCS is committed to continuing this collaboration going forward.

AMO's comments on the update:

AMO will continue to keep municipalities up-to-date regarding policing issues and we continue to message that more immediate actions to bring about cost-savings should be pursued by the Province.

AMO Contact: Matthew Wilson, Senior Advisor - mwilson@amo.on.ca 416-971-9856 extension 323.

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5(a)

Malcolm White

From: AMO Communications <communicate@amo.on.ca>
Sent: June 28, 2013 1:07 PM
To: Malcolm White
Subject: MEPCO OMERS UPDATE
Attachments: 130628 MEPCO Update on OMERS.pdf

TO THE IMMEDIATE ATTENTION OF MEPCO MEMBERS

June 28, 2013

For the information of MEPCO members, we are attaching an OMERS update on the 2013 Specified Plan Change proposals.

PLEASE NOTE AMO Breaking News will be broadcast to the member municipality's council, administrator and clerk. Recipients of the AMO broadcasts are free to redistribute the AMO broadcasts to other municipal staff as required. We have decided to not add other staff to these broadcast lists in order to ensure accuracy and efficiency in the management of our various broadcast lists.

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5(a)

MEPCO
MUNICIPAL EMPLOYER
PENSION CENTRE ONTARIO

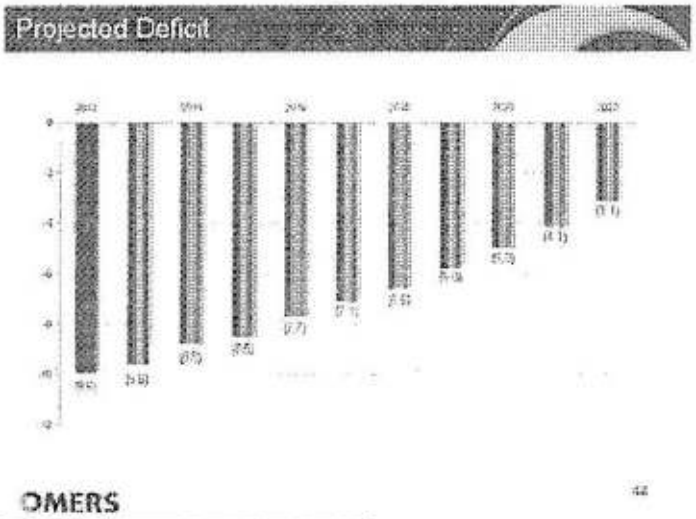
OMERS Update – June 28, 2013

Necessary OMERS Benefit Reductions Fail to Pass

MEPCO is disappointed that meaningful, and measured benefit reductions proposed by MEPCO/AMO in collaboration with other employer sponsors have failed. At its meeting on June 25, the Sponsors Corporation (SC) Board completed its consideration of the 2013 Specified Plan Change (SPC) proposals and did not approve any specific plan changes that would contribute to the Plan's sustainability and affordability.

Proposed employer sponsor changes included, on a prospective basis, a reduction to indexing by 50 per cent for a period of time, a higher reduced benefit for those who elect to retire 5 years prior to their normal retirement age as well as a reduction to the benefit accrual rate in the pension formula from 2.0% to 1.85%. [1] These proposals were designed to relieve pressure on the high combined contribution rate which has reached a blended rate of 21.3%. Contribution rates for both employers and employees have increased 40% over 5 years. These three Plan change proposals would also help address some of the inter-generational impacts anticipated in the future with few new members supporting a larger cohort of retired members. Regrettably, these proposals failed to achieve the two thirds majority required of the SC for approval.

On the positive side, employee sponsor proposals to move police civilians and paramedics into NRA 60 failed. Both proposals would have added costs to employers that have their own police services and that provide ambulance services as well as add new liabilities to the Plan.



Why is it important to confront the sustainability of OMERS now?

The Plan's current actuarial deficit of $10 b is not projected to diminish until 2022 (to $3.3 b). To achieve this reduction, OMERS must have an investment return of at least 6.5% annually. It also assumes no change to current demographic assumptions. MEPCO holds that there is a risk to relying on these assumptions. If they are not met, the Plan's liabilities will increase further and even more drastic actions will be needed.

[1] For SPC technical information go to: http://www.omerssc.com/PlanChanges/4783.aspx.

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MEPCO/AMO and other employer sponsors are disappointed that the SC Board could not support reasonable temporary, prospective benefit decreases like the indexing reduction. It would have reduced the current blended contribution rate of 21.3% to about 19.7% and reduced the Plan's liabilities. In addition, it would have transferred some of the indexing costs to a later period when the Plan was in better condition.

This failure to move on any path to take pressure off contribution rates and to reduce the Plan's actuarial deficit faster clearly sets the OMERS Plan apart from other Ontario jointly sponsored public pension plans like Teachers and HOOPP. These Plans have taken even more significant steps to take the pressure off future contribution rate increases as they consider Plan sustainability.

MEPCO/AMO remains firmly committed to ensuring OMERS Plan sustainability. It will continue to advocate actions to secure sustainability and seek protection from unnecessary future contribution rate increases and ways to reduce these rates which are a drain to both employers' budgets and employees' paychecks.

All the proposals as summarized below if you missed our previous communications.

Employer sponsors formulated a proposal that would take effect in 2016. It would prefund 50% of indexing (CPI rate) for future service and would reduce the costs of pensions by $3.8 billion. The blended contribution rate would decrease from 21.3% to approx. 19.7%. It also provided for the prospective restoration of the current 100% indexing when the Plan returned to surplus. In effect, it would shift future indexing costs to a future period when rates likely will be lower. To minimize the impact on retirees, it guaranteed that no pensioner in the first 10 years after the 2016 effective date would suffer any reduction in the pension s/he would otherwise have received had the current indexing formula remained in effect. [Note: This proposal is along the lines of the Teachers action to manage its Plan deficit and contribution rates. OMERS has almost 2 times Teachers Pension Plan deficit with a little more than 1/3 Teachers assets.]

Proposals submitted by employee sponsors are identical to ones proposed last year. There is the perennial proposal to allow paramedics to negotiate with their employers for the same NRA 60 coverage as police and fire. Second, the Police Association of Ontario continues to ask that civilian employees of police forces be moved to Normal Retirement Age 60 OMERS Plan component. (Both proposals add liabilities and costs.)

Two proposals advanced by employer representatives last year were re-submitted. The first attempts to roll back the early retirement option while the Plan is in deficit so that an NRA 60 member retiring before age 55 and an NRA 65 member retiring before age 60 would receive an actuarial reduction in their pension. The second proposal would reduce the accrual rate (from 2% to 1.85%) on pensions earned in respect of a member's earnings above the YMPE. Both proposals would reduce the Plan's liabilities.

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Tel: 416.971.9856 ext. 350 Toll Free in Ontario
Fax 416.971.6161 877.426.6527

5(b)

The Premier
of Ontario

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

La première ministre
de l'Ontario

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

Ontario

June 26, 2013

Her Worship Debbie Amaroso
Mayor
City of Sault Ste. Marie
Civic Centre
PO Box 580
99 Foster Drive
Sault Ste. Marie, Ontario
P6A 5N1

Dear Mayor Amaroso:

Thank you for taking the time to send your letter of thanks on behalf of the City of Sault Ste. Marie regarding the Cabinet meeting that was held in your city. I appreciate your kind words of support.

My colleagues and I are committed to building a brighter future for all the people of Ontario, including the people of Northern Ontario. In the Speech from the Throne, our government promised to address the special transportation needs of Ontario's north, including improving vital access to the Ring of Fire. Northern Ontario is an integral part of Ontario's economy and our government wants to ensure that our northern communities continue to remain on a positive track towards prosperity and growth.

I am confident that having a Northern Cabinet Committee means we can look at policies and issues through a northern lens. This is also an opportunity to let the people of the North know our government is listening to their concerns. Sustained growth of the northern economy is a priority. Guided by the Growth Plan for Northern Ontario, our government will continue to invest in the infrastructure foundation the North needs to succeed.

.../2

Once again, thank you for your kind words and support. I look forward to working with municipal representatives like you, First Nations and all stakeholders, to address the issues that matter most to Northern Ontario — and to ensure that we are creating jobs, prosperity and opportunities for all northerners, for generations to come. Please accept my best wishes.

Sincerely,

Kathleen Wynne
Premier

c: The Honourable Michael Gravelle

5(c)

MUNICIPAL PROPERTY ASSESSMENT CORPORATION

VIA EMAIL ONLY

July 08, 2013

To: Heads of Council
All Ontario Municipalities

From: Dan Mathieson
Chair, MPAC Board of Directors

Subject: Update from MPAC

I am writing to provide you with an update on the work we are doing at the Municipal Property Assessment Corporation (MPAC).

In addition to the Assessment Update activities that MPAC has been focused on, the corporation also launched a four-year strategic plan (2013-2016). The new plan is an ambitious one and it has the potential to save as much as $20 million over the next four years. The savings will be achieved through 18 strategic initiatives which we plan to implement over 2013-2016. These initiatives directly impact the product and services that MPAC delivers to the property owners of Ontario as well as our municipal and government stakeholders. I will take the opportunity to highlight some of our initiatives throughout this report.

2012 Province-Wide Assessment Update

Last fall, MPAC delivered its second province-wide Assessment Update as part of Ontario's four-year assessment cycle. This represented placing new values on Ontario's almost five million properties as of the legislated valuation date of January 1, 2012.

For the 2012 Assessment Update, MPAC received 110,000 Request for Reconsiderations (RfRs). In comparison, 195,000 were filed for the last update in 2008, representing a decrease of 85,000 RfRs or 44 per cent. MPAC is committed to completing 100 per cent of this year's RfRs by the legislated deadline of September 30, 2013.

In large part, this reduction in RfRs filed can be attributed to the public outreach undertaken last fall along with the relaunch of a new and improved aboutmyproperty.ca and release of Market Snapshot.

Office of the Chair c/o Municipal Property Assessment Corporation
1340 Pickering Parkway, Suite 101, Pickering, Ontario L1V 0C4
T: 519.271.0250 ext 236 F: 905.831.0040 www.mpac.ca

The first edition of Market Snapshot was launched prior to the mailing of Notices and highlighted the market changes. The report was well received by stakeholders and the media. More than 85 outlets covered the release of the report with the overall tone being positive.

I am pleased to report that property owners have embraced the opportunity to visit aboutmyproperty.ca to learn more about their assessment. From the start of the mailout of Notices to June 2013 (September 2012 – June 2013), more than 205,000 property owners registered on AboutMyProperty™, representing close to 240,000 properties. More than 2.4 million property snapshots were viewed and over 310,000 Properties of Interest were selected.

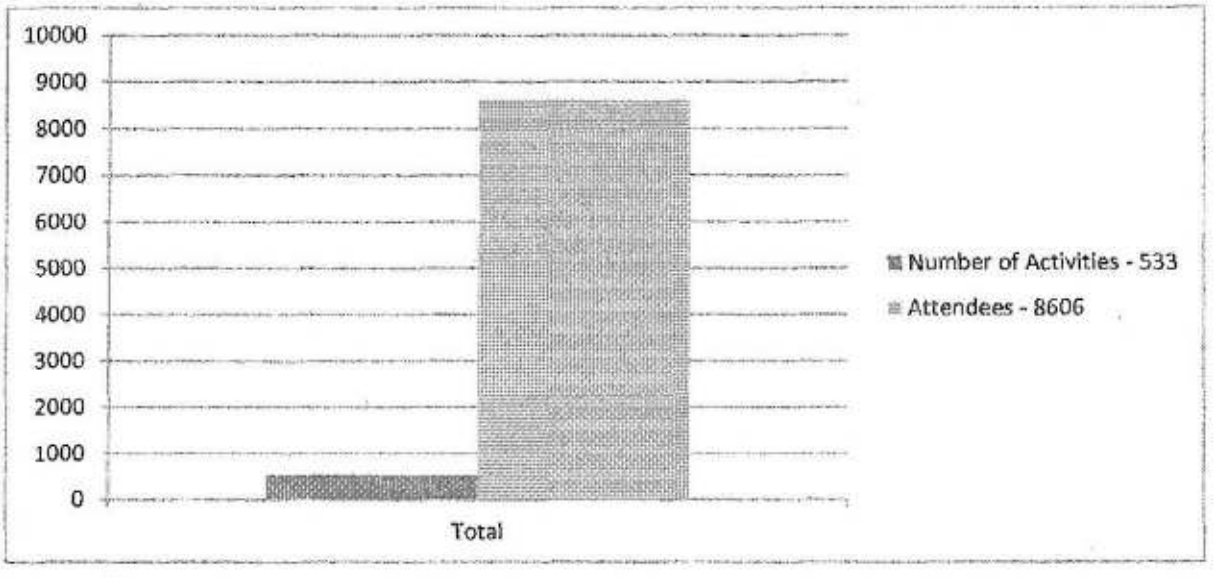
As of March 31, 2013, there were 79,568 outstanding Assessment Review Board (ARB) Appeals. Of this number, 7,785 are residential and 71,783 are non-residential. Over the first quarter, the ARB disposed of more than 11,000 Appeals.

One of the strategic initiatives in MPAC's new strategic plan directly addresses our commitment to respond and resolve all outstanding appeals within the four-year assessment cycle.

Public Education & Outreach

MPAC continues its community outreach activities in support of assessment related activities.

This year, MPAC has held more than 517 outreach activities across the province with various property taxpayer and stakeholder groups including municipalities. MPAC also attended 16 municipal association conferences and trade shows. In total, MPAC has connected with over 8600 stakeholders across the province.



2013 Growth Update

This year, MPAC is committed to processing over 160,000 building permits, with an anticipated taxable assessment growth, through Supplementary Assessment Listings, of approximately $23 billion.

2013 Estimated Assessment Growth – Municipal Zone	
Southwestern Ontario	$2.8 billion
Golden Horseshoe	$4.1 billion
Central North Eastern Ontario	$4.9 billion
Greater Toronto Area	$5.8 billion
Central Ontario (Cottage Country)	$1.8 billion
Eastern Ontario	$2.6 billion
Northern Ontario	$0.7 billion

In 2012, we delivered approximately **$24.3 billion** in assessment growth through Supplementary Assessment Listings delivered to municipalities throughout the year.

MPAC staff have also been following up with municipal partners to ensure there is an understanding of growth targets in your community in support of the municipal budget process.

2013 Ontario Budget: Strengthening Ontario's Property Tax System

In the 2013 Spring Budget, the government identified the need to review the timelines for the assessment appeal process as well as clarify and refine the assessment methodologies applied to special purpose business properties such as mills, industrial lands and billboards.

MPAC understands the concerns raised by municipalities about these properties and we look forward to working with all stakeholders to implement recommendations to strengthen the property tax system.

Transforming Relationships into Partnerships

As an elected municipal colleague and Chair of the MPAC Board of Directors, you have my assurance that we will continue to deliver on our commitment to property assessment excellence and outstanding service to our municipal partners, government stakeholders and the property taxpayers of Ontario.

The cornerstone of MPAC's four-year strategic plan is to transform its relationships with stakeholders into partnerships. I encourage you to call your local Municipal Relations Representative if you have any questions about the assessment activities in your community. You may also contact Arthur Anderson, Director of Municipal Relations at 905 837-6993 or 1 877 635-6722, extension 6993. If you would like to speak with me directly, I can be reached at 519 271-0250, extension 234.

I hope we have the opportunity to meet at the Association of Municipalities of Ontario Annual Conference this August in Ottawa. MPAC will be holding a concurrent session at the conference and I encourage you to attend our session if your schedule permits to hear an update from myself as well as MPAC President and Chief Administrative Officer Antoni Wisniowski.

Yours truly,

Dan Mathieson

Dan Mathieson
Chair, MPAC Board of Directors

Copy MPAC Board of Directors
Antoni Wisniowski
MPAC Executive Management Group
Joan Young, Vice-President, Stakeholder Relations & Communications, MPAC
Arthur Anderson
Account Managers, Municipal Relations, and Municipal Relations Representatives, MPAC
Municipal Chief Administrative Officers, Clerks and Treasurers
Municipal Liaison Group – Assessment

5(d)

Société Alzheimer Society
SUDBURY-MANITOULIN

Dear Sir or Madam,

RE: ACTION: Dementia Care Strategy

Every 5 minutes, a new case of dementia is reported in Canada. I am contacting your municipality to discuss the need for collaboration as Canadians to work together to implement a national, provincial, and municipal dementia strategy to meet the growing needs of all citizens in the next 30 years.

Alzheimer's disease and related dementias are progressive and degenerative diseases of the brain that cause thinking and memory to become impaired. Currently, over 500,000 Canadians are living with Alzheimer's disease and related dementias (including 200,000 Ontarians) and within the next generation this number is expected to rise to 1.1 million people. The current health care costs associated with these diseases are over $15 billion annually and this amount is steadily increasing.

Alzheimer's disease and related dementias have a momentous impact on those living with these diseases and also their caregivers, families, health care providers, and communities. Some of the consequences of people living with Alzheimer's disease and related dementias include the need for support from informal caregivers, the need for more in-home supports to reduce the use of hospital and long term care beds, the need for more housing models including supportive housing, and financial assistance to ensure that people at risk are receiving the subsidized support that they need.

Alzheimer's disease and related dementias are not a normal part of the aging process and it affects us all, directly and/or indirectly. Many countries have recognized the urgency and impact of Alzheimer's disease and related dementias and have developed strategies accordingly. Canada does not have a strategy for supporting the people, health care system, and communities that are affected by Alzheimer's disease and related dementias.

I am asking that you discuss and pass a resolution in your municipality, such as the City of Greater Sudbury, to support the people in your area who are affected by dementia and to also reduce the burden of dementia in your community in the future. By building this awareness and through sending this resolution to the Government of Ontario and Government of Canada requesting urgent action for the development of a dementia strategy at all levels of government, we may put into place a plan of action reducing fiscal expenditures. For more information about the need for a national dementia strategy, please see the following: http://www.alzheimer.ca/en/Get-involved/Raise-your-voice/Rising-Tide .

SOCIÉTÉ ALZHEIMER SOCIETY SUDBURY-MANITOULIN
960B NOTRE DAME AVENUE, SUDBURY, ONTARIO P3A 2T4
TEL: (705) 560-0603 FAX: (705) 560-6938 TOLL FREE 1-800-407-6369
E-MAIL: info@alzheimersudbury.ca
www.alzheimersudbury.ca
CHARITABLE REGISTRATION NUMBER: 12423 7124 RR 0001

5(d)

I have included a draft resolution passed by the City of Greater Sudbury and supported by Alzheimer Society of Ontario and Alzheimer Society of Canada in support for Members Bill 356 (national) and Members Bill 54 (provincial). I look forward to following up with you about this matter and remain hopeful that your council can pass this resolution at your next council meeting.

For more information, please communicate with Jackie Quesnel or myself at 705-560-0603 or by email at lleblanc@alzheimersudbury.ca

Kind regards,

Lorraine LeBlanc

Lorraine LeBlanc
Société Alzheimer Society Sudbury-Manitoulin
960B Avenue Notre Dame Avenue
Sudbury Ontario P3A 2T4
Tel. 705-560-0603
Fx. 705-560-6938
Toll Free 1-800-407-6369
E-Mail : lleblanc@alzheimersudbury.ca



CC: Honourable Mayor M. Matichuk, City of Greater Sudbury
MP Claude Gravel, Nickel Belt, Ontario
MPP Donna Canfield, Etobicoke, Ontario

5(d)

A Resolution in Support of a National Dementia Strategy

Whereas Alzheimer's disease and other dementias are progressive, degenerative diseases of the brain that cause thinking and memory to become seriously impaired;

Whereas Alzheimer's disease and other dementias most often occur in people over the age of 65 but can strike adults at any age; and

Whereas Alzheimer's disease and other dementias affect more than 500,000 Canadians currently and that this figure is projected to reach 1.1 million within a generation; and

Whereas Alzheimer's disease and other dementias also takes their toll on hundreds of thousands of families and care partners; and

Whereas an estimated further three million Canadians face the burden and challenges of providing care for those suffering with Alzheimer's disease and other dementias; and

Whereas there is no known cause or cure for this devastating illness; and

Whereas the cost related to the health care system is in the billions and only going to increase, at a time when our health care system is already facing enormous financial challenges; and

Whereas Canada, unlike many countries, does not have a national dementia strategy; and

Whereas there is an urgent need to plan and raise awareness and understanding about Alzheimer's disease and other dementias for the sake of improving the quality of life of the people it touches; and

Whereas MP Claude Gravelle Nickel Belt has introduced Bill C-356, *An Act respecting a National Strategy for Dementia*, as he works for broad, all party and non partisan support for an issue that touches us all. His legislation calls for a national plan that includes the development of strategies in primary health care, in health promotion and prevention of illness, in community development, in building community capacity and care partner engagement, investments in research and other (advisory board, objectives, investment in research, and caregivers and more)

Now therefore, the City of INSERT YOUR TOWN HERE calls on all levels of government and the Federation of Municipalities to adopt a national dementia strategy, and urges all citizens of our communities to become more aware and engaged concerning the far-reaching effects of this devastating disease.

5(e)

To the Mayor, CAO and Green Team,

June 27, 2013

On behalf of Clean North I would like to thank you again for honouring us this year as recipients of the funds generated during your Green Days program. We enjoyed the activities at the Civic Centre and were happy to be able to donate a rain barrel for your raffle.

Clean North will put your donation to good use helping us to continue our projects in Sault Ste. Marie. This coming year we will be planting trees, as well as distributing rain barrels and bat houses like we have done in the past. Hopefully we will continue to orgaize the annual Christmas Tree Recycling event whereby we turn 3000 trees into garden mulch for distribution the following spring.

We also are very interested in pursuing many of the ideas presented earlier this year at the Age Friendly Communities presentation. Encouraging urban green spaces, maintaining and planting of trees, wetland conservation, more accessible public transportation, comprehensive bike paths and reduced energy consumption are areas of interest to Clean North. These figure prominently in the Age Friendly Communities approach.

Clean North would be interested in partnering with the City on any programs that enhance the environmental sustainability of the Soo. We have an army of volunteers we can call on and a storefront office to operate from. We have worked cooperatively with the city in the past. The Phosphate Reduction Program, the hazardous waste proposal and the "Bring out your dead" computer recycling events come to mind.

We also continue to have public meetings to promote environmental issues and give many school and public presentations on a variety of topics from worm composting to water conservation. Clean North sees itself mainly in an educational role with a practical hands-on component to put our message into practice.

Perhaps we could arrange a meeting to explore future cooperative ventures in our collective interests in making Sault Ste. Marie even more "Naturally Gifted". If you have some projects in the works that we could be of assistance please contact us.

And thanks once again for your donation.

Regards

David Trowbridge

David Trowbridge

Chair

Clean North

RECEIVED
JUL 09 2013
CITY OF SAULT STE. MARIE

Clean North's Activities

Christmas Tree Chipping
In January, volunteers collect and chip all of the Sault's old Christmas trees. The mulch is used later in the year to cover trails and nurture young trees.

Tree Planting
Our volunteers are growing hundreds of trees that are available to plant in the community. If you have a suggestion for where a tree might be planted, please give us a call!

Litter Clean-ups
Do you know of a neighbourhood that could use a litter clean up? If you do and you would like help organizing this, our volunteers are available.

Seedy Saturday
We co-sponsor this annual seed-trading event. Seed Swaps encourage the saving of diverse species of organic and heirloom open-pollinated seeds from a variety of fruits, vegetables and other plants. Come and trade, and learn something new in the workshops too!

Campaigns
Our volunteers provide public education on both local and global environmental issues.

Sustainability Presentations
Some of our volunteers are available to make presentations in the community on sustainability issues. Please call to inquire.

Allard Street Community Garden
Our volunteers are actively involved in this community initiative. We participate in work-bees, regular maintenance, as workshop presenters and as active gardeners.

E-waste Recycling
We are a cooperating partner in the Community E-waste and Styrofoam Recycling Depot being operated by Community Living Algoma.

Computer Bulletin Board
Visit www.cleannorth.org for news bulletins and local environmental resource information.

Newsletter and other publications
Our newsletter is delivered to all members four times a year, with an email option now available! Plus, we have brochures on many topics, Green lawn signs, composting information and more!

Public Education & Film Nights
Join us for informative speakers, lively discussions and great movies!

Fundraising items:
Vermicomposter kits
Rain barrels
Bat houses
Compressed Coir blocks (coconut husk mulch)

Volunteers are always welcome. We have a diversity of activities for you to find your niche!

Clean North meetings are generally the first Tuesday of each month at 7:00 p.m.
Newcomers Welcome.
Please call the office to confirm meeting schedule
(705)945-1573

Edited December 28, 2008.

Clean North Membership Form

Name: _____

_____

Address: _____

_____

City: _____

Postal Code: _____

Phone: (H)_____
(W)_____

Email: _____

Please check:
- o **New Member**
- o **Renewing Member**
- o **I'd like an emailed newsletter to save paper and postage**
- o **Please keep me informed, or**
- o **I'd like to get involved! (check any..)**

Projects:
__Tree chipping __Tree Planting
__Litter Clean-up __Seedy Saturday
__YEP __Campaigns
__C. Gardening __Public Education

Organizational matters:
__Newsletter __Office work
__Fundraising __Grants
__Computers __Memberships
__Publicity

Issues work:
__Toxic waste __Nuclear waste
__Food safety __Pesticides
__Recycling __Bicycling
__Transportation __Air quality
__Water quality __Other: _____
_____
_____

3(e)

Clean North Membership Form

(September to August – fees paid after June will cover the entire following membership year)

Individual	$20.00
Family	$25.00

Donation $_____
(any amount is appreciated)

*Receipts will be issued for tax purposes.

Please make your cheque payable to:

Clean North
736-A Queen Street East
Sault Ste. Marie, ON
P6A 2A9
(705)945-1573
For more information:
info@cleannorth.org
Our website:
www.cleannorth.org

"Let us put our minds together and see what life we can make for our children."

-Sitting Bull, Lakota Sioux, 1877

What You Can DO!
(to lessen your environmental impact)

Reduce:
- ✓ **Buy in bulk or buy products with less packaging**
- ✓ **Wash clothes in cold water**
- ✓ **Walk, ride a bike, or use public transportation**
- ✓ **Seek and use alternatives to chemicals**

Reuse:
- ✓ **Use cloth diapers**
- ✓ **Use cloth grocery bags**
- ✓ **Use rechargeable batteries**
- ✓ **Use re-usable containers for food instead of wraps and foil**
- ✓ **Have a garage sale or donate goods to charity**

Recycle:
- ✓ **Use your blue and yellow box**
- ✓ **Put yard and leaf waste curbside in paper bags**
- ✓ **Start a compost**
- ✓ **Take toxic waste to the special waste depot**
- ✓ **Take e-waste and Styrofoam to the CLA depot**



"To protect the environment through the reduction, reuse, and recycling of residential and industrial waste in the Sault and Algoma District."

- ✓ A positive force
- ✓ Non-confrontational
- ✓ Educating
- ✓ Empowering
- ✓ Promoting awareness
- ✓ Promoting change

Clean North is a registered charitable organization
Charity Registration #130567456RR0001
Canada Revenue Agency:
www.cra.gc.ca/charities
Founded in 1989

5(e)

5(f)

THE ROYAL CANADIAN LEGION
BRANCH 25

P.O. BOX 22040 — SAULT STE. MARIE, ON — P6B 6H4
OFFICE: (705) 945-8721 ~ Lounge (705) 256-6921
FAX (705) 945-6372

RECEIVED
CITY CLERK
JUL 04 2013
NO.: 52776.
DIST: Agenda

July 3, 2013

City of Sault Ste. Marie
Municipal Clerk
99 Foster Drive
Sault Ste. Marie, Ontario
P6A 5X6

To Whom It May Concern:

Regarding: Extension of Liquor Permit # 44404 August 24, 2013

Please be advised that the Royal Canadian Legion Branch 25 in Sault Ste. Marie will be hosting the Annual Horseshoe Tournament at their location 96 Great Northern Rd., Sault Ste. Marie, Ontario on August 24, 2013.

As per the AGCO application, we require a letter from you that states "no objection' to the extension. The letter may be sent to the above address attention Helen Stewart. An e-mailed copy is sufficient.

If you have comments or concerns, please contact the writer at (705) 945-8721

Sincerely

Helen Stewart

Helen Stewart, Secretary
Royal Canadian Legion Branch 25

JUN-20-2013 THU 02:59 PM DOWNTOWN ASSOCIATION FAX:705 942 6368 P.001/002

TEMPORARY STREET CLOSURE - APPLICATION FORM

CONTACT NAME: Tasha Varpio TELEPHONE: 942-2919

ADDRESS: 496 Queen St. E. POSTAL CODE: P6A 1Z8

The above person hereby makes application for the closing of

Queen Street

(Name of street to be closed)

from Pim Street to Dennis Street

(reference points - street numbers, cross streets, etc.)

on the 9 day of August 20 13 from 6 am/pm to 11 am/pm

for the purpose of Bonkerfest

APPROVALS SECTION:

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

Sgt R. Maynard #208 JUN 2 0 2013

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
65 Old Garden River Road

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(g)

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Telephone 949-6300 ext 348
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580 Second Line East

Signature of Official

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72 Tancred Street

Signature of Official

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Signature of Official

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APPROVALS SECTION:

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Telephone 949-6300 ext 348
Fax 759-7820
580 Second Line East

Signature of Official

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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
65 Old Garden River Road

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.)

TEMPORARY STREET CLOSURE - APPLICATION FORM

CONTACT NAME: Tasha Varpio TELEPHONE: 942-2919

ADDRESS: 496 Queen St. E. POSTAL CODE: P6A 1Z8

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(Name of street to be closed)

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(reference points - street numbers, cross streets, etc.)

on the 9 day of August, 20 13 from 6 am/pm to 11 am/pm

for the purpose of Bruskerfest

APPROVALS SECTION:

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

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 759-5854
111 Huron Street

Signature of Official

5. Central Ambulance Communication Centre (C.A.C.C.)
Telephone 946-1227
Fax 945-6883
65 Old Garden River Road

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.)

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on the 9 day of August, 20 13 from 6 am/pm to 11 am/pm

for the purpose of Bus keafeat

APPROVALS SECTION:

1. Police Services, Traffic Dept.
Telephone 949-6300 ext 348
Fax 758-7820
580 Second Line East
Sgt. R. Hagman #298 JUN 20 2013
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
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Fax 759-5834
111 Huron Street
Signature of Official

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65 Old Garden River Road
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.)

5(g)

RECEIVED
CITY CLERK
JUL 05 2013
NO.: 52779
DIST:

For: Malcolm White

Re: Buskerfest temporary street closure Aug 10 – 11th, 2013

Andrew Ross
705 987 1979

5(g)

TEMPORARY STREET CLOSURE - APPLICATION FORM

CONTACT NAME: Andrew Ross TELEPHONE: 705 987 1979

ADDRESS: 138 Woodward Ave POSTAL CODE: P6A 3T7

The above person hereby makes application for the closing of

Queen Street east

(Name of street to be closed)

from East street to Brock Street

(reference points - street numbers, cross streets, etc.)

on the 10th / 11th day of August, 20 13 from 11 / 11 am (am/pm) to 11 / 7 am (am/pm)

for the purpose of Buskerfest Street festival

APPROVALS SECTION:

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

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

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Telephone 946-1227
Fax 945-6883
65 Old Garden River Road

Signature of Official

6. Downtown Association
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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.)

5(9)

TEMPORARY STREET CLOSURE - APPLICATION FORM

CONTACT NAME: Andrew Ross TELEPHONE: 705 987 1979

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on the 10th / 11th day of August, 20 13 from 11 (am)/pm to 11 am/(pm)
11 am 7 pm

for the purpose of Buskerfest Street festival

APPROVALS SECTION:

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

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

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Telephone 759-5320
Fax 759-5834
111 Huron Street

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.)

569

FAXED

TEMPORARY STREET CLOSURE - APPLICATION FORM

CONTACT NAME: Andrew Ross TELEPHONE: 705 987 1979

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for the purpose of Buskerfest Street festival

APPROVALS SECTION:

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Telephone 949-6300 ext 348
Fax 759-7820
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Signature of Official

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Fax 949-2341
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128 Sackville Road

Signature of Official

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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(g)

TEMPORARY STREET CLOSURE - APPLICATION FORM

CONTACT NAME: Andrew Ross TELEPHONE: 705 987 1879

ADDRESS: 138 Woodward Ave POSTAL CODE: P6A 3T7

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for the purpose of Buskerfest Street festival

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

Signature of Official

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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

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Fax 759-5834
111 Huron Street

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Telephone 946-1227
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Signature of Official

6. Downtown Association
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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.)

5(g)

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on the 10th / 11th day of August, 20 13 from 11 / 11 am/pm to 11 / 7 am/pm

for the purpose of Buskerfest Street festival

APPROVALS SECTION:

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Telephone 949-6300 ext 348
Fax 759-7820
580 Second Line East

Signature of Official

2. Fire Services/Emergency Medical Services (EMS)
Telephone 949-3335/949-3367
Fax 949-2341
72 Tancred Street

Signature of Official

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

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(QUEEN STREET CLOSINGS ONLY)

Signature of Official

CITY CLERK SECTION:

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

JUL-02-2013 TUE 02:33 PM DOWNTOWN ASSOCIATION FAX:705 942 6368 P. 001/001
28 Jun 13 01:34p p.2

5(g)

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for the purpose of Buskerfest Street festival

APPROVALS SECTION:

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

~~Sgt. R. Meghan # 209~~ JUL 02 2013

Signature of Official

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

Signature of Official

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~~Sgt. R. Magnan # 209~~ JUL 02 2013
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72 Tancred Street

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Signature of Official

CITY CLERK SECTION:

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

5(h)

Joseph M. Fratesi, B.A., J.D. (LL.B.)
Chief Administrative Officer

THE CORPORATION OF THE CITY OF SAULT STE. MARIE CANADA

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

2013 07 15

Mayor Debbie Amaroso 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. **Joe Fratesi – Office of the CAO**
   OLG Meeting with Premier Kathleen Wynn
   July 31, 2013
   Toronto, Ontario
   Estimated total cost to the City - $ 466.57
   Estimated net cost to the City - $ 466.57

2. **Bob Camirand & Mike Vanderloo**
   Purchase of Used Buses
   July 15, 2013 – July 16, 2013
   Ottawa, Ontario
   Estimated total cost to the City - $ 2,030.29
   Estimated net cost to the City - $ 2,030.29

Yours truly,

J. Fratesi

JMF: bb

Joseph M. Fratesi
Chief Administrative Officer

Tim Gowans
Manager of Purchasing



Finance Department
Purchasing Division

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

RE: TENDER FOR SUPPLY & DELIVERY OF ONE (1) PARA-TRANSIT MINI BUS

PURPOSE

Attached hereto for your information and consideration is a summary of the tenders received for the supply & delivery of One (1) Para-Transit Mini Bus as required by the Transit Division of the City's Public Works and Transportation Department.

BACKGROUND

The tender was publicly advertised and tender documents forwarded to all firms on our bidders lists. A public opening of the tenders was held June 19, 2013 with Councillor Paul Christian representing City Council.

ANALYSIS

The tenders received have been thoroughly evaluated and reviewed with Mr. Don Scott, Manager of Transit and Parking, and Mr. Bob Camirand, Shop Supervisor – Transit; and the low tendered price, meeting specifications, has been indicated on the attached summary.

IMPACT

Funding for supply & delivery of the Para-Transit Mini Bus is allocated in the 2013 Capital from Current.

STRATEGIC PLAN

This equipment purchase is not an activity listed in the Corporate Strategic Plan.

RECOMMENDATION

It is therefore my recommendation that the tender for the supply and delivery of One (1) Para-Transit Mini Bus be awarded to Crestline Coach Ltd. at their low tendered amount meeting specifications of $65,841.68, plus H.S.T.

-More-

This report is submitted for Council's approval.

Respectfully submitted,

Tim Gowans
Manager of Purchasing

Recommended for approval,

W. Freiburger
Commissioner of Finance & Treasurer

TG:tgg
Attach.

RECOMMENDED FOR APPROVAL
Joseph M. Fratesi
Chief Administrative Officer

FINANCE DEPARTMENT
PURCHASING DIVISION
Budget Amount: $75,000.00

RECEIVED: June 19, 2013
File #2013CK02T

SUMMARY OF TENDERS
ONE (1) PARA-TRANSIT MINI BUS

Firm	Option	Make & Model	Delivery	Warranty	Tendered Price (H.S.T. Extra)	Remarks
City View Bus Sales Ltd. Toronto, ON		2013 Eldorado National Aerotech 220 GMC 4500 Chassis	120-150 w/days	1 yr/12,000 miles on Base 5 yr/100,000 miles on Body 3 yr/36,000 miles on Chassis	$68,017.00	Meets specifications with minor variances
Creative Carriage St. George, ON		2014 Champion Challenger 2014 Express Commercial Cutaway	108 w/days	Information not provided	$67,817.00	Does not meet specifications Alternate lift tendered
Crestline Coach Ltd. Saskatoon, SK		2013 Goshen GCII 2014 GMC 4500 Chassis	140 w/days	1yr/12,000 miles comprehensive 6yr/60,000 miles on Body 3 yr/36,000 miles on Chassis	$65,841.68	Meets specifications
Girardin Bluebird Brantford, ON		2014 Girardin G5 GM Vortec V8	90 w/days	Information not provided	$70,500.00	Does not meet specifications Alternator capacity less than required Fuel Tank capacity less than required Lift capacity less than required
Leeds Transit Inc. Elgin, ON		2013 Diamond VIP2500 Ford E450 Chassis	90-120 w/days	1 yr/12,000 miles on Base 3 yr/36,000 miles on Chassis	$80,727.00	Meets specifications with minor variances
Overland Custom Coach (2007) Inc Thorndale, ON	1	2014 Elkhard Coach ECII 2014 GMC G4500 (177"WB)	107 w/days	6yr/72,000 miles on Coach 3 yr/36,000 miles on Chassis	$67,760.00	Meets specifications
	2	2014 Glaval Titan II 2014 GMC G4500 (190"WB)	65 w/days	5 yr/100,000 miles on Coach 3 yr/36,000 miles on Chassis	$73,350.00	Meets specifications

NOTE: The low tendered price, meeting specifications, is boxed above.
The total cost to the City will be $67,000.49 including the non-refundable portion of the H.S.T.
It is my recommendation that the low tendered price, meeting specifications, submitted by *Crestline Coach Ltd.*, be accepted.

Tim Gowans
Manager of Purchasing

(12)

5(j)

William Freiburger, CMA
Commissioner of Finance
and Treasurer

Finance Department

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

RE: 2012 FINANCIAL STATEMENTS AND APPOINTMENT OF CITY AUDITOR FOR THE 2013 FISCAL YEAR

PURPOSE

The purpose of the report is to approve the draft audited Consolidated Financial Statements for 2012 under separate cover, and appoint KPMG LLP, Chartered Accountants as the City Auditor for the 2013 fiscal year.

BACKGROUND

The Finance Committee met on July 8, 2013 with the City's Auditor KPMG LLP, Chartered Accountants to review the 2012 City audit and the following resolutions were approved.

Moved By: Councillor Paul Christian
Seconded By: Councillor Brian Watkins

Resolved that the Finance Committee approve the 2012 Financial Statements as presented and recommend the 2012 Financial Statements to City Council for approval.

Moved By: Councillor Susan Myers
Seconded By: Councillor Paul Christian

Resolved that KPMG LLP, Chartered Accountants, be appointed the City Auditor for the 2013 fiscal year.

ANALYSIS

Not applicable.

–More–

5(j)

IMPACT
Not applicable.

STRATEGIC PLAN
Not applicable.

RECOMMENDATION
That the report of the Commissioner and Finance concerning the audited Consolidated Financial Statements for 2012 be approved, and KPMG LLP, Chartered Accountants be appointed as the City Auditor for the 2013 fiscal year.

Respectfully submitted,

W. Freiburger, CMA
Commissioner of Finance and Treasurer

RECOMMENDED FOR APPROVAL
Joseph M. Fratesi
Chief Administrative Officer

WF/kl
attachment

5(K)

Malcolm White,
B.P.H.E., CMO
City Clerk

Clerk's Department

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

RE: Municipal Coat of Arms

PURPOSE

The purpose of this report is to advise of progress in development of an accredited municipal coat of arms.

BACKGROUND

At the May 14, 2012 Council Meeting, Council approved proceeding to seek an officially accredited coat of arms for the City of Sault Ste. Marie from the Canadian Heraldic Authority within the Governor General's office.

The Coat of Arms committee is composed of: Councillors Susan Myers and Terry Sheehan, City Clerk Malcolm White, Deputy City Clerk Rachel Tyczinski, Celebrate 100! Project Co-ordinator Donna Irving, Sault Ste. Marie Police Sergeant Ray Magnan and Sault Ste. Marie Museum Curator Kim Forbes.

Sergeant Magnan is included because the shield of the City's coat of arms will be the basis of a coat of arms for the City's police service. Coats or arms of municipal police forces include the shield of the accredited municipal coat of arms within a wreath of maple leaves, with the provincial flower at its base and a royal crown at the top.

ANALYSIS

In my report of May 27, 2013 Council was advised that the Committee recommended incorporation of the following elements in an accredited coat of arms:

- Rapids
- Locks
- Representation of First Nations meeting place – the words "Ojibwa Kitche Gumeeng Odena"
- Fish and fur trade (whitefish; eastern or timber wolf):
- Industrialization (Clergue)
- Steel industry
- Forestry industry
- Maple leaves (to represent the City's importance as a border city and to distinguish it from its twin American sister of the same name)

- City colours – blue to represent water; grey to represent industrialization (steel in particular) and natural resources – and gold

The Heraldic Authority has provided a draft blazon along with a basic description and the symbolism for Council's approval, a copy of which is attached. The blazon is the formal description of a coat of arms from which the reader can reconstruct the image.

Once the design description is approved by Council, a preliminary artistic rendering, or visual depiction, of the coat of arms will be undertaken for Council's approval.

IMPACT
There will be no additional financial impact to this project resulting from this report[1].

STRATEGIC PLAN
The adoption of an official coat of arms is identified as an activity in the Corporate Strategic Plan under Strategic Direction 2: Delivering Excellent Services; Objective 2A – Communications.

RECOMMENDATION
That the report of the City Clerk with respect to Municipal Coat of Arms dated 2013 07 15 be accepted and the recommendation to approve the draft blazon as provided by the Deputy Chief Herald be endorsed.

Respectfully submitted,

Malcolm White
City Clerk

RECOMMENDED FOR APPROVAL
Joseph M. Fratesi
Chief Administrative Officer

1

5(K)

Armorial bearings proposed for The Corporation of the City of Sault Ste. Marie Ontario

by Bruce Patterson, Deputy Chief Herald of Canada, July 10, 2013

Technical Description (in blazon, the language of heraldry)

Arms (shield): Azure two square flaunches couped Or conjoined by two chevrons between in chief a whitefish naiant and in base a lily Argent;

Crest (above the shield): *(Upon a helmet mantled Azure doubled Or, within a wreath Argent, Or and Azure)* The Clergue Block House proper;

Supporters: Two eastern wolves proper each holding a hand crucible shafted Or and standing on a mount of pine branches and maple leaves issuant from waves of rapids proper;

Motto: OJIBWA KITCHE GUMEENG ODENA, an Ojibwe phrase meaning "Settlement near the Ojibwe's big lake";

Badge: *(For the Sault Ste. Marie Police Service)* The shield of the Arms of the Corporation of the City of Sault Ste. Marie within an annulus Azure edged Or inscribed COMMITMENT · EXCELLENCE · COMMUNITY in letters Argent, all within a wreath of maple leaves Or issuant from a trillium, the whole ensigned by the Royal Crown proper;

Description and Symbolism

Arms: The shield has yellow-gold side sections and a blue centre section composed of a vertical stripe that angles out at the top and bottom. On the stripe section are two white chevrons pointing upwards, one above the other, with a whitefish above and a white lily flower below them.

The arms are in the colours of the city and the background of the design makes reference to its most famous feature, the historic lock gates of the Sault Ste. Marie Canal. The shape refers to the narrowing of the passage of water through the locks, and it also resembles the cross section of a steel girder, thus alluding to the steel industry that was an important part of the city's history. The whitefish is a species that has been found in great numbers in the Sault rapids. The lily is a symbol of St. Mary and thus alludes to the city's name; it also makes reference to city's French heritage.

Crest: The Clergue Block House in Sault Ste. Marie. This is set on a steel helmet draped with cloth mantling in gold and blue, set in place by a wreath of twisted cloth in these colours.

The Block House is a distinctive local building, and one of the older in the city. Originally a fur trade structure used by the Northwest Company, it was acquired and expanded by Francis Clergue, an American industrialist who developed the city's industrial base in the 1890s.

Supporters: On either side of the shield is an Eastern, or timber, wolf in its natural grey colour, each holding the shaft of a hand crucible as used by steelworkers, in gold/yellow. They stand on a base of pine branches and gold or autumnal maple leaves, placed on white and blue waves from rapids.

The eastern or timber wolf is a powerful local animal known for its gregariousness. The crucibles, held by long shafts, are tools used by steelworkers to gather molten steel; as such, they provide another reference to the city's steel industry heritage. The base marks the significance of the local forestry industry, with the white-capped waves a reference to the Sault rapids. The maple leaves indicate the city's identity as a Canadian border municipality, their gold colour alluding to those in the coat of arms of Ontario.

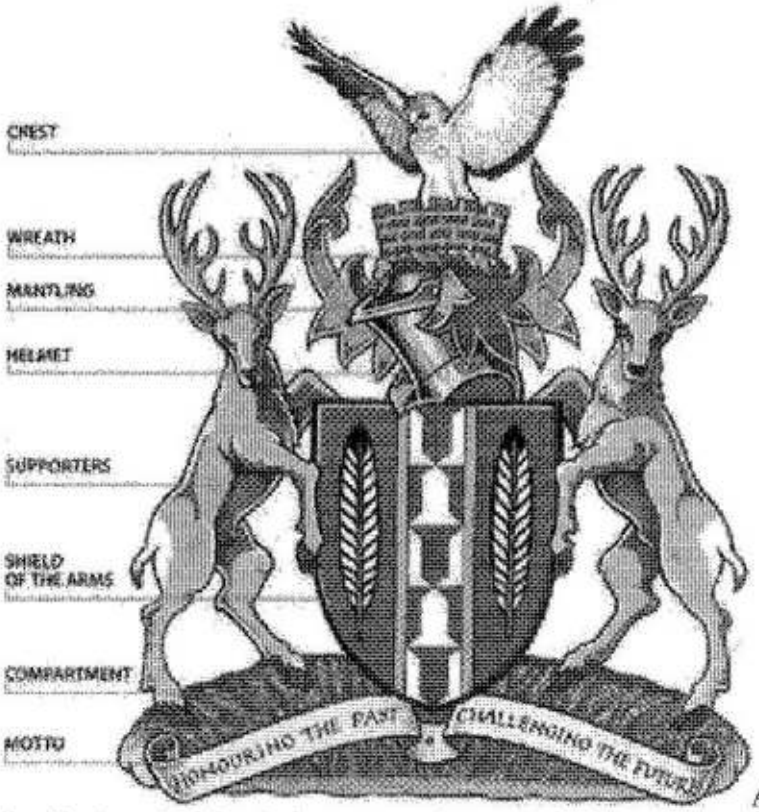
Motto: This phrase in the Ojibway language appeared on the original emblem of Sault Ste. Marie.

Police Badge: At the centre is the shield of the city's arms, surrounded by a blue ring edged in gold on which are the words COMMITMENT · EXCELLENCE · COMMUNITY in white letters. At the top of the ring is the Royal Crown in its usual colours, and the rest of the ring is surrounded by a wreath of gold maple leaves with a trillium flower at the base.

This follows the usual pattern for the badge of a municipal police service, with the provincial flower.

Print Cancel

Components of a Coat of Arms



A coat of arms is centred on a shield and may be displayed with a helmet, mantling, a crest and a motto. A grant of supporters is limited to corporate bodies and to some individuals in specific categories.

Many grants also include a flag or a badge. A badge is a heraldic emblem distinct from the arms.

(Image on right: The Coat of Arms of the Town of Penhold, Alberta)

NICHOLAS J. APOSTLE
COMMISSIONER COMMUNITY SERVICES

COMMUNITY SERVICES DEPARTMENT
Community Centres Division
Municipal Day Nurseries Division
Recreation & Culture Division

July 15, 2013

Mayor Debbie Amaroso
And Members of City Council

RE: Ermatinger Clergue National Historic Site - Heritage Discovery Centre – Agreement with Architect

PURPOSE

The purpose of this report is to reinstate the agreement for professional services with Chris Tossell, Architect for the Ermatinger Clergue National Historic Site (ECNHS) - Heritage Discovery Centre project.

BACKGROUND

In 2010, as a result of a Request for Proposals, Council approved Chris Tossell as the Architect for the ECNHS Heritage Discovery Centre project. Later that same year the project was suspended due to financial reasons.

Early in 2013 Council approved the funding for the project. Subsequently a tender was issued and approved. The project is presently under construction.

As part of the process, the 2010 agreement with the Architect was reviewed and it was found that technically the agreement had been "abandoned" meaning that a new agreement needed to be entered into. All along the Architect has worked under the arrangements of the 2010 agreement.

A new agreement has been prepared for Council's consideration. Essentially it is the 2010 agreement updated to reflect the status of the project. Staff has reviewed the agreement and recommends that it be approved.

A copy of the agreement and associated by-law appear elsewhere on your agenda and are also recommended for approval.

IMPACT

Professional fees are included in the overall project budget. It is anticipated that this expenditure will be under budget.

The calculation for the payment of professional fees is the same as it was in the 2010 agreement and is based on a percentage of the cost of construction. Council may recall that the construction tender came in roughly $300,000 under budget which means the professional fees will be lower than budgeted for by approximately $10,000.

-More-

STRATEGIC PLAN

The Heritage Discovery Centre is specifically mentioned in Strategic Direction 3: Enhancing Quality of Life: Objective 3A – Recreational/Cultural Infrastructure.

RECOMMENDATION

That the report of the Commissioner of Community Services concerning the Heritage Discovery Centre project be received and the recommendation that the agreement with Chris Tossell, Architect for professional services for the Heritage Discovery Centre project be approved.

By-law #2013-142 appears elsewhere on the agenda and is recommended for approval.

Respectfully submitted,

per Nicholas J. Apostle
Commissioner Community Services

RECOMMENDED FOR APPROVAL

Joseph M. Fresesi
Chief Administrative Officer

lr/CSS Admin/Council/2013/HDC July15-2013 Architech Agreement

cc: B. Freiburger – Commissioner of Finance
N. Kenny – City Solicitor

5(m)

Jerry Dolcetti, RPP
Commissioner

Catherine Taddo, P. Eng.
Land Development & Environmental Engineer



ENGINEERING & PLANNING DEPARTMENT

Engineering & Construction Division

2013 07 15
Our File: Contract 2013-5E

Mayor Debbie Amaroso and
Members of City Council

RE: CONTRACT 2013-5E
CLARK CREEK UPGRADES

PURPOSE

The purpose of this report is to obtain approval to award Contract 2013-5E, Clark Creek Upgrades.

BACKGROUND

At the November 7, 2011 meeting, Council authorized entering into an agreement for engineering services with Kresin Engineering, for improvements to the Clark Creek Sewage pump station, including installation of equipment to address health and safety concerns, flow and level measurement equipment, as well as the replacement of process piping, valves, sluice gates, and influent solids screens. At the October 9, 2012 meeting, Council was advised that the original capital work was tendered with one tender received for a value of $4,918,492.24 (including HST). Since that time, additional equipment was added to the design for air quality purposes. Cost saving measures were also reviewed.

An air quality monitoring study was completed, subsequent to receipt of odour complaints from adjacent residents. The results of the study were presented at the March 25, 2013 meeting. Council approved a revised budget of $3,000,000 for the Clark Creek capital upgrades, which included odour control equipment. An engineering fee of $35,616 related to proposed odour control equipment was also approved, for a total of $189,272.29 (including net HST cost) in fees.

A revised tender was issued to include the odour control design, and cost saving measures. Tenders received for Contract 2013-5E were opened at a public meeting Thursday, June 27, 2013 in the Steelton Room of the Civic Centre. Present at the opening was Councilor Bruni as well as City staff and a contractor representative.

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5(m)

ANALYSIS

A total of two (2) tenders were received. All tenders submitted were found to be complete, with the exception of Christie Mechanical not fully completing the Breakdown of Estimated Materials and Estimated Labour. The results are summarized on the attached report. The low tender of **$2,980,704.96** (including HST) was received from Cecchetto & Sons Ltd. This is 3% higher than the Engineer's pre-tender estimate for this contract of $2,893,470.09 (including HST).

IMPACT

When recoverable HST is removed and allowances for engineering are added, the City's cost to complete this project is projected to be **$2,873,489.43**. This is within the budget allowance of $3,000,000 for the project.

STRATEGIC PLAN

The Clark Creek upgrades are linked to Objective 1A, Environmental Leadership under the Developing Solid Infrastructure strategic direction.

RECOMMENDATION

We recommend Contract 2013-5E be awarded to Cecchetto & Sons Ltd. By-law 2013-138 authorizing execution of the Contract, has been placed on the Agenda for your consideration.

Respectfully submitted,

C. Taddo

Catherine Taddo, P. Eng.
Land Development and Environmental Engineer

Recommended for approval,

Jerry Dolcetti, RPP
Commissioner
Engineering and Planning Department

RECOMMENDED FOR APPROVAL

Joseph M. Fratesi
Chief Administrative Officer

5(m)

KRESIN
Engineering Corporation

536 Fourth Line East
Sault Ste. Marie, ON P6A 6J8
tel: 705-949-4900
fax: 705-949-9965
Email: info@kresinengineering.ca

working together...finding solutions

July 3, 2013
Ref. No. 1144.03
By Delivery

City of Sault Ste. Marie
Civic Centre
P.O. Box 580, 99 Foster Drive
Sault Ste. Marie, ON
P6A 5N1

Attention: **Ms. Catherine Taddo, P.Eng.**
Land Development & Environmental Engineer

Re: **City Contract 2013-5E; Clark Creek Sewage Pumping Station Improvements**

Dear Ms. Taddo:

We have reviewed the tenders received at the Sault Ste. Marie Clerk's Office on June 27, 2013 for the above-noted Contract and present herein our Tender Report and Recommendations.

Introduction

The work generally consists of supplying all materials, labour and equipment necessary for improvements to the Clark Creek Sewage Pumping Station, consisting of the installation of equipment to address health and safety concerns, flow and level measurement equipment, and odour control equipment as well as the replacement of process piping, valves, and influent solids screens.

The tender was publicly advertised in The Sault Star on Saturday, June 1, 2013. Tender documents were distributed to contractors who provided the required refundable deposit of $50.00. There were a total of ten (10) plan takers. Documents were also provided to the Sault Ste. Marie Construction Association and the Sudbury Construction Association.

A non mandatory site visit was held on Monday June 10, 2013 to allow contractors to familiarize themselves with the site prior to submitting a bid.

During the tender period, various inquiries from plan takers were received regarding the technical specifications and drawings. A total of two (2) Addenda were issued to provide clarification on issues as they arose throughout the tender period.

Summary of Tenders

Two (2) bids were received at the City Clerk's office prior to the tender closing deadline of 3:00 p.m. on Thursday, June 27, 2013. The tenders were publicly opened at 3:15 p.m. on the same day in the Civic Centre's Steelton Room. At the time of the opening, the tender values were read publicly and submissions were reviewed to ensure they were in general compliance with the tender documents

9. The two lowest bidders were required to complete and submit pages F of T - 3 and F of T - 4, Breakdown Schedule of Price of Items Included in the Schedule of Items and Prices, within two working days after the closing of tenders. As only two tenders were received, both bidders were requested to complete and submit pages F of T - 3 and F of T - 4. Both bidders complied.

Discussion

From our review of the bids received for this contract, we note that all submissions were in compliance with the requirements outlined in the tender documents with the exception of Christie Mechanical not fully completing a portion of page F of T - 2, Breakdown of Estimated Materials and Estimated Labour.

All bidders seem to have the necessary experience and background with similar projects as outlined on Statement 'A' provided with each tender. With respect to the low tenderer, Cecchetto & Sons, they have successfully completed numerous similar contracts in the past. As part of our Tender Review, two (2) references listed on Statement 'A' were contacted by telephone to discuss their previous experience(s) working with Cecchetto & Sons. General comments from both references indicate that Cecchetto & Sons is very skilled and knowledgeable and both references indicated they would recommend Cecchetto & Sons. Neither of the references contacted identified any issues with Cecchetto & Sons on previous projects. In our experience of working with Cecchetto & Sons, we found them to be thorough in all aspects of project management and their subcontractors were knowledgeable and provided excellent workmanship.

Recommendations

Based on our review of the tenders submitted and specifically the low tender by Cecchetto & Sons, we believe the prices quoted are reasonable for the proposed work under Contract 2013-5E. Furthermore, based on our discussions with two of their references and our knowledge of their related experience, it is our opinion that Cecchetto & Sons is capable of carrying out and completing the work under this contract.

We recommend that the tender submitted by Cecchetto & Sons in the amount of $2,637,792.00 (excluding HST) be accepted for award.

Attached please find a Draft Form of Agreement for your review.

We further recommend that Tender Deposits received from Cecchetto & Sons and Christie Mechanical be retained until a contract has been properly and fully executed.

Please call should you have any questions or require further elaboration/clarification regarding this Tender Report.

Yours very truly,
Kresin Engineering Corporation

Orlan Euale, P.Eng

Chris Kresin, P.Eng.
Consulting Engineer

Encl.
1144 Tender Report

5(n)

Jerry Dolcetti, RPP
Commissioner

Catherine Taddo, P. Eng.
Land Development & Environmental
Engineer

ENGINEERING & PLANNING
DEPARTMENT

Engineering & Construction Division

2013 07 15

File: 11.4

Mayor Debbie Amaroso and
Members of City Council

RE: FERMENTED SLUDGE RECYCLE

PURPOSE

The purpose of this report is to obtain approval for engineering fees related to a fermented sludge recycle project at the East End Wastewater Treatment Plant.

BACKGROUND

The original design of the Sault Ste. Marie East End WPCP included fermented sludge pumps located in the primary clarifier pump gallery, approximately 34 meters from the fermenter. A 150 mm diameter suction pipe extended from the fermenter hopper to the suction side of the pumps. The design included one, forty-five degree bend prior to dropping into the pump gallery.

Through construction the general contractor proposed shifting the new primary clarifiers easterly in order to retrofit an existing circular clarifier into the plant's new biofilter. This proposal was accepted as a significant cost saving measure. Unfortunately, this change extended the distance between the fermenter and the fermented sludge pumps. The length of the suction pipe was increased from approximately 34 meters to approximately 55 meters, an increase of over 60%. Two new 90 degree bends were also added to avoid the existing circular clarifier.

At the time, the relocation of the primary clarifiers, and pump gallery, was not seen as a significant issue. The head losses on the suction side of the fermented sludge pumps were increased, but it was not anticipated that the system would experience significant impacts. Although the existing fermented sludge pumping system is experiencing some undesirable operational difficulties it has been in operation and performing its intended function since commissioned. The proposed sludge recycle system will thin the sludge blanket in the fermenter and, in turn, improve suction conditions for the fermented sludge pumps. This will enhance the overall pumping conditions and longevity of the pumping system.

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5(n)

IMPACT

The impact to the budget is $24,500 (excluding HST) in engineering fees. This budget includes $7,000 in supervisory control and data acquisition (SCADA) programming that will be required as a result of the capital upgrades. A budget of $120,000 has been established through the sanitary sewer surcharge account for construction and engineering of the fermented sludge recycle project. The project is anticipated to be completed during the 2013 budget year.

STRATEGIC PLAN

This project is not specifically identified; however, it is related to Strategic Direction 1 - Developing Solids Infrastructure under Direction 1A – Environmental Leadership.

RECOMMENDATION

It is recommended that Council authorize entering into an agreement for engineering services with AECOM for the design and contract administration for the fermented sludge recycle for an engineering fee estimate of $24,500 (excluding HST). By-law 2013-120 authorizing the execution of the agreement can be found elsewhere on this evening's Agenda.

Respectfully submitted,

C Taddo

Catherine Taddo, P. Eng.
Land Development and Environmental Engineer

Recommended for approval,

Jerry Dolcetti, RPP
Commissioner
Engineering and Planning Department

RECOMMENDED FOR APPROVAL

Joseph M. Fratesi
Chief Administrative Officer

5(o)

Jerry D. Dolcetti, RPP
Commissioner

Carl Rumiel, P. Eng
Design & Construction Engineer

ENGINEERING & PLANNING
DEPARTMENT

Engineering & Construction Division

2013 07 15
Our File: Contract 2013-9E

Mayor Debbie Amaroso and
Members of City Council

RE: CONTRACT 2013-9E
MISCELLANEOUS SEWER REPAIR

PURPOSE

The purpose of this report is to obtain approval to award Contract 2013-9E, Miscellaneous Sewer Repair.

BACKGROUND

Tenders received for Contract 2013-9E were opened at a public meeting Thursday, July 4, 2013 at the Civic Centre. Present at the opening was Councillor Steve Butland as well as City staff and contractor representatives.

The work consists of the replacement of failed sanitary sewers on Woodward Avenue from Queen Street East to approximately 200m north, watermain on Woodward Avenue from Queen Street East to Wellington Street East and sanitary sewer on Rossmore Road from 90m west of Pond Street to the Central Creek 'A' culvert crossing.

ANALYSIS

A total of three (3) tenders were received which were found to be complete and accurate and are summarized on the attached sheet. The tender of **$1,240,422.75** (including HST) was received from R. M. Belanger Limited.

IMPACT

Included in the Tender Amount is $727,165.00 for PUC Waterworks. When PUC costs and non-recoverable HST are removed, the total amount that will be paid by the City is **$377,076.00**. This fits within the $555,000 Emergency Repairs Projects allocation placed in the 2013 Sewer Surcharge Budget for this purpose.

STRATEGIC PLAN

Ensuring sanitary sewage conveyance is not compromised is consistent with Strategic Direction 1: Developing Solid Infrastructure. In particular Objective 1A, Environmental Leadership, is being met.

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5(o)

RECOMMENDATION

We recommend Contract 2013-9E be awarded to R. M. Belanger Limited. By-law **2013-144** authorizing execution of the Contract and By-law **2013-145** authorizing the road closures of Woodward Avenue (Queen Street East to Wellington Street East) and Rossmore Road (Cooper Street to Korah Road) from August 1, 2013 until October 31, 2013, have been placed on the Agenda for your consideration.

Respectfully submitted,

Carl Rumiel, P. Eng.
Design & Construction Engineer

Recommended for approval,

Jerry Dolcetti, RPP
Commissioner
Engineering & Planning Department

Attach.

5(o)

2013 07 15
Our File: Contract 2013-9E

CONTRACT 2013-9E

MISCELLANEOUS SEWER REPAIRS

LIST OF BIDDERS

CONTRACTOR	TOTAL BID PRICE
R. M. Belanger Limited	$1,240,422.75
Pioneer Construction Inc.	$1,291,292.04
Palmer Construction Group Inc.	$1,304,647.60

5(p)

Jerry Dolcetti, RPP
Commissioner

Catherine Taddo, P. Eng.
Land Development & Environmental
Engineer

THE CORPORATION OF THE CITY OF SAULT STE. MARIE CANADA

ENGINEERING & PLANNING
DEPARTMENT

Engineering & Construction Division

2013 07 15
File: 11.8.6

Mayor Debbie Amaroso and
Members of City Council

RE: FORCEMAIN CONDITION ASSESSMENT
RIVER ROAD PUMP STATION TO EAST END WASTEWATER TREATMENT PLANT

PURPOSE

The purpose of the report is to request approval for engineering fees related to a condition assessment for the forcemain extending from the River Road Pump Station to the East End Wastewater Treatment Plant.

BACKGROUND

The existing forcemain is 450 mm in diameter, 1.15 km in length, and was constructed in the 1960's. This particular forcemain also extends through the Lorna Well wellhead protection area. Although there have been no problems with this main, due to the age of the pipe the Engineering and Construction Division is recommending a forcemain condition assessment.

ANALYSIS

The Condition Assessment Program is divided into three proposed tasks as follows:

- **Task 1** – Compile and review existing records and initial assessment of risk factors;
- **Task 2** – Test pit program;
- **Task 3** – The results of tasks one and two would be used to assess the physical condition of the pipe and rationalize its current risk.

The results of the screening program would assist in determining whether more advanced tools should be used for further inspection. A staged approach is recommended to assess failure consequence and failure probability based on internal and external exposure conditions prior to proceeding with more advanced techniques. The results of the screening program would identify whether more advanced techniques should be carried out, timing for the potential assessment, and the appropriate technology.

The City has used advanced technologies in the past for inspection purposes. In 2008 an advanced tool was utilized to inspect portions of the Pim Street Forcemain and the Clark Creek Forcemain. The inspection was conducted on approximately 1,935 metres of forcemain, and identified two air pockets in the Clark Creek forcemain. Modelling is currently

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5(p)

forcemain, and identified two air pockets in the Clark Creek forcemain. Modelling is currently being undertaken to determine the location of the proposed air release/vacuum valves and sizing to mitigate the identified air pockets.

IMPACT

The impact to the budget is $29,900 (excluding HST) for the proposed forcemain condition assessment, as detailed in the attached condition assessment program. Public Works and Transportation resources will also be required in order to expose the pipe to permit visual assessment of the pipe's exterior under task two. A budget of $100,000 has been established through the 2013 sanitary sewer surcharge account to complete the forcemain assessment and any potential advanced inspection as may be required.

STRATEGIC PLAN

Although not specifically mentioned, this task is linked to Strategic Direction 1, Developing Solids Infrastructure, Objective 1A, Environmental Leadership.

RECOMMENDATION

It is recommended that Council authorize entering into an agreement for engineering services with AECOM for the forcemain condition assessment for an engineering fee estimate of $29,900 (excluding HST). By-law 2013-134 authorizing the execution of the agreement can be found elsewhere on this evening's Agenda.

Respectfully submitted,

C. Taddo

Catherine Taddo, P. Eng.
Land Development & Environmental Engineer

Recommended for approval,

Jerry Dolcetti, RPP
Commissioner
Engineering & Planning Department

Attach.

c: Susan Hamilton Beach, P. Eng., Deputy Commissioner, PWT

RECOMMENDED FOR APPROVAL
Joseph M. Pratasi
Chief Administrative Officer

5(A)

AECOM
99 Commerce Drive
Winnipeg, MB, Canada R3P 0Y7
www.aecom.com

204 477 5381 tel
204 284 2040 fax

Memorandum

To	Rick Talvite, P. Eng	Page	1
CC			
Subject	450 mm Forcemain on Queen Street East Sault Ste. Marie, ON Initial Condition Assessment Program		
From	Chris Macey - AECOM		
Date	June 24, 2013	Project Number	BD

Understanding

The Queen Street East Forcemain is a 450 mm diameter forcemain about 1.15 km in length. The original construction drawings indicate a design dated 1964 that was updated to an As-constructed drawing in 1968. The pipe is not reported to have any maintenance history of note to date. As the pipe is in excess of 45 years of age, the Owner wishes to gain some better insight into the condition of the forcemain.

The record drawings note that the forcemain is constructed of "wound" cylinder pipe. Based on the notations on the drawing, the pipe appears to be a Class 100, "bar" wrapped cylinder pipe which conforms to AWWA C303. Further information provided by the City indicates that they believe the pipe may be an AWWA C302 pipe (Reinforced concrete – non-cylinder type) as opposed to a C303 pipe. While C302 and C303 are markedly different pipes, the assessment approach would be similar for either pipe.

As per our previous memorandum, we would recommend a staged approach to ascertain the pipe's condition, which in the initial stages will characterize the exposure conditions for the pipe relative the known factors that can cause it to deteriorate, categorize these risks and recommend steps and timing that would be prudent for a more advanced or definitive determination of condition.

Note that this pipe material is believed to be either an AWWA C302 or C303 pipe not a C301 pipe. Therefore, advanced technologies such as remote field transformer coupling technology (RFTC) would likely be of very limited value to be used as screening technology, either initially or at an advanced stage. RFTC uses electromagnetic techniques which are very expensive but can be very useful to deploy in AWWA C301 pipe, as they can detect the presence of broken wire zones in the prestressing wire (as long as they don't occur in proximity to the joint) which is usually an early stage of deterioration in C301 pipe (the 2nd stage after breakdown of the exterior mortar coating). The loss of prestressing wire in C301 pipe leads to a loss of compression in the core of the pipe, which is a critical design requirement for C301 pipe. In either C302 or C303 pipe, the reinforcing scheme does

not use prestressed wire and the designs are not premised on keeping the core concrete in compression. Their predominate failure modes are radically different than C301 pipe.

C302 pipe is reinforced concrete pressure pipe – non-cylinder type. It is a rigid pipe and needs to have very strict limits placed on crack control in the concrete for serviceability as the hydrostatic integrity of the pipe is achieved through the concrete wall. Leakage testing can often be an effective tool to infer condition of the pipe.

C303 is a reinforced concrete pipe with a steel cylinder to provide hydrostatic integrity for the pipe. It is a semi-rigid pipe that needs to achieve reasonably high levels of crack control in its exterior coating for corrosion protection of its reinforcing steel (i.e. to preserve design life). Its reinforcing schemes are markedly different than either C301 or C302 pipe. Its external condition is not well assessed through either leak detection or RFTC.

As the cost of any advanced tools that are deployed within the pipe is both very expensive and has considerable risk in deployment, we recommend using a staged approach to initially characterize failure consequence and initial failure probability based on a review of internal and external exposure conditions prior to initiating the use of more advanced techniques. Further we would recommend securing some point observations of condition prior to trying to deploy a continuous assessment technology, should the initial screening indicate acceptable risk levels for same.

The need and feasibility of using advanced techniques with continuous assessment capability would be better understood after this initial assessment as well as a recommended timing for same based on the determination of site specific risk conditions. This approach is consistent with the most current AWWA Recommended Practice for Condition Assessment for PCCP and in the initial stages would be applicable to either AWWA C302 and/or C303 pipe as well.

The staged approach proposed in our previous Memorandum was developed on the assumption that drill rigs were readily available to be deployed at the site. Based on the last correspondence, it was noted that a drill rig is not locally available in the Sault Ste. Marie area; therefore, a geotechnical boring program in advance of testholes was not a cost effective approach. Further, records were located of the original geotechnical investigations for the area were located, sufficient to carry out a more detailed review of soil conditions in the office review phase. A recommended revised approach for the program, therefore, follows.

Condition Assessment Program

Task 1 Compile and review existing records and initial assessment of risk factors

This would include compiling and reviewing the existing construction drawings, the geotechnical reports in support of initial construction, regional geotechnical drawings, etc. Based on the record drawings previously provided, the pipe notations are consistent with the pipe being an AWWA C303 pipe as opposed to an AWWA C302 pipe; however, it is essential to confirm pipe material to carry out the initial assessment.

To confirm pipe material in Task 1, the following would be carried out:

- Confirm as-built drawing nomenclature with the design basis for the pipes. C303, for example, is commonly designated with a Class 100, Class 150 designation referring tothe pressure class of the product. C302, on the other hand, is generally intended for lower pressure applications and more commonly designated by a structural limit state similar to the manner that ASTM C76 pipe is specified (e.g. Class III, Class IV, etc., which are class designations that relate to the strength of the pipe in a three-edge bearing test).

- Review internal AECOM records and any other City records that can be made available to ascertain product, original design details.

- Contact select pipe manufacturers whose legacy companies manufactured AWWA C302 and C303 pipe to see if they have any record of the project as well to see if original laying schedules could be located. This would include making enquiries through Hanson Pressure Pipe (predominate supplier of C303 pipe in the Canadian market through its St. Eustache, QC facility), Munro Concrete (predominate manufacturer of C302 pipe both currently and historically) and the Ontario Concrete Pipe Association (OCPA).

The remaining sub-tasks for Task 1 would include:

- The operating conditions for the pipe would be reviewed and an initial assessment of applied loads versus pipe capacity would be made.

- Relevant characteristics of the raw waste stream data would be reviewed and the potential for internal degradation would be assessed.

- The profile of the pipe would be reviewed in conjunction with the flow rates and the "as-built" profiles in the line to assess the effectiveness of the pipe at expelling air including the spatial variation of risk exposure to air accumulation. A simplified transient model would be developed to examine air management characteristics and rationalize extreme short term over pressure exposure.

- The original geotechnical reports would be reviewed to in conjunction with Regional soil mapping to infer relevant soil chemistry and electrochemistry characteristics that contribute to the deterioration of C302 and/or C303 pipe.

A preliminary assessment would then be made of risk factors (e.g. potential deteriorating mechanisms and exposure factors versus the known material degradation drivers for the pipe) and the pipe's sensitivity to deterioration (e.g. the pipe's ability to withstand applied loads versus an estimate of the actual applied loads).

Based on the available information we would recommend proceeding to a test pit program directly, irrespective of whether the pipe is an AWWA C302 or C303 pipe. Based on the inferred condition and structural characteristics of the pipe, input would be provided into the protocol for the test hole program.

Task 2 A test pit program would then be initiated based on the assumption that at least two locations could safely be exposed.

We would assume that the City operational staff could expose the pipe and secure the locations to permit visual assessment of the pipe's exterior. Ideally pipe joints should be

exposed (the ability to do this with certainty would be dependent on whether laying schedules could be located or not) as joint locations are a higher risk location for deterioration.

Local assessment at each test pit would include:

- Visual classification of native soil and groundwater conditions and classifying native soils in conformance with ASTM D2488 (Standard Practice for Description and Identification of Soils (Visual-Manual Procedure).
- Visual classification of concrete integrity
- In-place soil resistivities
- Pipe to soil potential measurements
- Securing of soil and groundwater (if available) samples for electrochemical and chemical testing
- Securing of mortar samples (only if evidence of deterioration was present).

The excavations would need a standard excavation protocol developed to mitigate the risk associated with inadvertent damage to the pipe as well as sequentially exposing the pipe in a manner that would permit the excavation to be abandoned should a more advanced state of deterioration be found to exist. The excavation protocol would consider the applied loads to the pipe versus its structural capacity as determined in the initial stage of the program.

Laboratory testing would include determination of:

- Sulphate levels (soil and groundwater)
- Chloride levels (soil and groundwater)
- Sodium abortion rate (SAR) (soil)
- Resistivity (as-delivered and saturated) (soil)
- Redox potential (soil)
- Sulphide levels (soil)
- Moisture contents

Task 3 The results of Tasks 1 and 2 would be used to assess the physical condition of the pipe and rationalize its current risk for short term and longer term deterioration based on:

- Exposure conditions versus the pipe material
- Observed physical condition
- Applied loads versus the pipe's serviceability and structural limit states
- Consideration of present and future land use to assess the potential for deterioration factors that may change over time.

The physical condition would be reported with certainty limits to as great a degree as possible which would be derived by the nature of the deterioration factors present, the completeness of the historical record, the variability of the results, and the degree of coverage that the investigation was based on.

The results of the screening program would ascertain, with certainty whether continuous inspection tools should be deployed in the short term or longer term (as a long term objective in condition assessment for the forcemain). Based on the forcemain's unique exposure risks, an appropriate technology would be identified for longer term assessment.

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Estimated Cost

The estimated cost for the type of program would be as follows:

- Task 1 ~ $13.5 k
- Task 2 ~ if the City can support the excavations and get us in the hole, our costs are $8.6 k (includes an allowance of $2000 for travel for outside inspector and $1500 for 3rd party lab tests)
- Task 3 ~ Analytical phase is in the $7.8 k

The first task has been expanded somewhat to include some transient modeling and can be done by itself and will put into clear perspective whether the pipe was designed very conservatively (and can accommodate a lot of deterioration) or very close to its one of its limit states – especially a serviceability limit state; in which case it wouldn't tolerate much deterioration or would be very susceptible to deterioration at very low exposure levels. In order to understand the potential for deterioration with more certainty we will need to get some clarity on the external exposure conditions and that means getting some soil and groundwater samples and having them analysed.

Trusting this is satisfactory at this time. Any queries, please don't hesitate to contact me.

Regards,

C.C. Macey

5(q)

Jerry Dolcetti, RPP
Commissioner

Engineering & Planning
Department

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

SUBJECT: DEMOLITION OF NORTHERN BREWERY BUILDING – 503 BAY ST.

PURPOSE
The purpose of this report is to inform Council as to the status of the above noted.

BACKGROUND
At the Council meeting of May 27, 2013, Council approved the following resolution:

> *Resolved that the report of the Chief Building Official/Property Standards Officer dated 2013 05 27 concerning Civic No. 503 Bay Street be accepted and the recommendation that the Corporation hire the forces necessary to do a structural review to determine the structural integrity of the portion that has suffered fire damage and proceed, if determined necessary, demolish the front 2 storey office portion at an estimated cost of $130,000 adding the costs of this action to the taxes of the subject property be approved.*

Tendering documents were prepared and notification advertised in the Sault Star and the City's website. Tenders were closed at 12 PM on July 8, 2013 and were opened at 3 PM of that day.

Included in the tender documents under Special Provisions Section 1.17 "Award of Contract", bidders were advised that the property owner, prior to July 15, 2013 and awarded by Council, would be able to undertake demolition using their own contracted forces. This would be subject to meeting financial obligations and addressing all conditions in satisfying the need to obtain a permit for demolition prior to the July 15, 2013 meeting of Council. On July 9, 2013, staff were informed by the owner's contractor, First General, that the claims adjuster (Rocca Claims) advised the owner on July 9th that the insurance company (Lloyd's of London) have reached a decision to cover the costs of the demolition as it related to the portion of the building affected by the fire on February 7, 2013; correspondence attached.

A meeting was scheduled on July 9th between First General and City staff. At that meeting, staff advised First General that the information provided was sufficient, but also noted that in the event that the demolition does not proceed in a timely manner, the City would still exercise its authority to bring forward a report and

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recommendation to award the demolition to one of the bidders at its August 12th meeting of Council.

In discussions with First General, every attempt will be made to begin demolition during the week of July 22, 2013. It is expected that this portion of the demolition will take approximately 5 days to complete.

Staff also reinforced the need to address the demolition of the entire building, returning the site to a more marketable and value-added status given its location along the waterfront.

IMPACT
The costs to date in the preparation of the tender documents along with obtaining the environmental reports and analysis/assessment of hazardous building materials/waste audit documents has amounted to approximately $25,000. This cost will be recouped by adding them to the property taxes. The partial demolition of the Northern Brewery building will be covered through the insurance claim

STRATEGIC PLAN
This is a public safety activity not specifically articulated in the Corporate Strategic Plan.

RECOMMENDATION
That Council accept this report as information.

Respectfully submitted,

Jerry Dolcetti, RPP
Commissioner
Engineering & Planning Department

RECOMMENDED FOR APPROVAL
Joseph M. Fratesi
Chief Administrative Officer

/bb
Attach.

5(g)

FIRST GENERAL SERVICES

Corporation of the City of Sault Ste Marie
90 Foster Drive
Sault Ste Marie ON
P6A 5N1

Subject:

Demolition -Northern Brewery Building
503 Bay St
Sault Ste Marie ON

Insured:
Renaissance Place Corporation
6220 Kingston Rod
Toronto ON M1C 1K9

Attention: To whom it may be concerned

This letter is to indicate that as per the attached document re: Rocca Claims, a decision has been made as it pertains to insurance coverage on the subject property; Insurance has been afforded to the subject insured in relation to the recent fire at the subject property.

Further as per the attached document re: Signed Work Authorization by Renaissance Place Corporation, and in accordance with the insured's insurance policy First General Sault Ste Marie has been authorized to proceed with the demolition of the subject property.

To that end First General will be proceeding with said demolition and scheduling same immediately upon receiving the requisite demo permit.

We anticipate demolition to begin the week of July ~~15~~ 22 2013 but will confirm.

Please contact me with any questions.

Thanks

Marty Moore
Project Manager

5(q)

ROCCA CLAIMS

www.roccaclaims.com

G.Rocca & Associates Consulting Inc.
2174 Southlane Road
Sudbury, ON P3G 1C8
fgrocca@roccaclaims.com

July 9th, 2013

Attention: Nirmala Singh,

Re:	Our Insured:	Renaissance Place Corporation
	Our File #:	GR0004
	Date of Incident:	Feb 7th, 2013
	Loss Location:	503 Bay St, SSM, ON, P6A 5K6

Dear Ms. Singh,

As indicated previously, the insurer on this matter was respectfully reviewing coverage allocation. A decision has now been reached and coverage will be afforded specific to the damaged portion of the building. Although coverage has been afforded all invoices are subject to review.

Emergency services conducted by TC Contracting and First General Services will be reviewed and payment will be made accordingly.

All other submitted expenses will now be reviewed for payment recommendation with a response on each item to follow in due course.

To date, we thank you for your continued co-operation, and look forward to working with you throughout this process as quickly as possible.

Should you have any questions and/or concerns at any time, please don't hesitate to contact me at your convenience.

Kind regards,

F. Giovanni Rocca

CC: IGBINOSUN Barrister & Solicitor via fax 416-463-7668

CC: First General Services c/o Marty Moore

5(g)

First General

Work Authorization / Contract

Job Number:	Customer Claim Number:
FG-0092-13	GR0004

To:	AND TO:
First General (Sault Ste. Marie) 231 Northern Ave., East, Sault, Ontario P6B 4H9 Phone: (705) 946-4480 Fax: (705) 946-4493	Renaissance Place Corporation 6220 Kingston Road Toronto, Ontario M1C 1K9
(the "COMPANY")	*(the "PROPERTY OWNER")*

Insurance Company:	Policy Number:
LLOYD'S OF LONDON	WID 15007
(the "INSURER")	

The undersigned, as the owner/agent of the PROPERTY located at:

Address:	503 Bay Street
City:	Sault Ste. Marie
Province/State:	ON P6A 1X6
Home Phone:	(705)
Temporary Phone:	
Deductible:	$1,000.00

(the "PROPERTY")

I/We hereby authorize and instruct the COMPANY to perform the work and services on the PROPERTY outlined in the attached Scope of Work.

I/We hereby give access to the PROPERTY and authorization to FIRST GENERAL (Sault Ste. Marie) for the purpose of making necessary repairs to the PROPERTY as a result **of a fire on February 7, 2013.**

I/We irrevocably direct my/our Insurer to include the name FIRST GENERAL (Sault Ste. Marie) as payee on any cheque or draft issued in payment of said insurance claim with regard to the building and/or content repairs, and to send that cheque directly to FIRST GENERAL (Sault Ste. Marie) at the above address.

I/We hereby acknowledge that I/we am/are responsible for payment to FIRST GENERAL (Sault Ste. Marie) of any and all shortfalls in payment from the Insurance Company and/or authorized extras including the deductible, HST (if applicable) and any depreciation (if applicable)

The undersigned acknowledges that all accounts are due and payable upon completion. Warranty is in effect upon the COMPANY receiving payment of all amounts owing, including extras and taxes where applicable.

Nirmala Singh, Renaissance Place Corporation
PROPERTY OWNER

Singh
COMPANY SIGNATURE

July 9, 2013
DATE

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Jerry D. Dolcetti, RPP
Commissioner

Don Maki, CBCO
Chief Building Official

THE CORPORATION OF THE CITY OF SAULT STE. MARIE CANADA

ENGINEERING & PLANNING
DEPARTMENT

Building Division

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

RE: DEMOLITION OF 606 WELLINGTON STREET EAST

PURPOSE

The purpose of this report is to outline the issue with the property known as 606 Wellington Street East and to seek a resolution to demolish the remainder of the structure and add the cost of such demolition work to the property taxes.

BACKGROUND

On January 18, 2012 we received a complaint about a fire damaged building located at 606 Wellington Street East. An inspection was conducted January 19, 2012. It was evident that the rear portion of the building had suffered severe fire damage. The siding had been burned off the rear and the structure appeared unsafe.

An Order to Remedy was issued to the owners Perry Kerns and Tracy-Lynn Broadbent. The Order directed the owners to make repairs to the fire damaged building and demolish the structurally unsound portion of the building. The deadline for compliance to the Order was March 2, 2012.

A follow-up inspection was conducted by the By-Law Enforcement Officer on April 4, 2012. Little or no progress was made by the owners. Subsequent to this inspection a second Order to Remedy was issued that would direct the owners to restore the entire building to the original condition prior to the fire, or demolish the entire building by June 7, 2013. A work requisition was also issued to immediately board the building to prevent entry. This work was undertaken and the cost of such added to the taxes.

On May 8, 2012 the By-Law Enforcement Officer attended the site with the area Building Inspector and the owner Mr. Kerns. Mr. Kerns was directed on how to comply with the Order. Mr. Kerns had indicated that he needed more time to comply to the Order however, extra time was not granted.

On July 4, 2012 an appeal to the Order was received by the Secretary of the Property Standards Committee. The appeal was heard by the Committee on July 18, 2012. The Committee allowed the appeal and amended the Order to Remedy to reflect the following.

The Corporation of the City of Sault Ste. Marie
P.O. Box 580 ~ 99 Foster Drive ~ Sault Ste. Marie, ON P6A 5N1
Telephone: (705) 759-5399 ~ Fax: (705) 541-7165
www.cityssm.on.ca ~ d.maki@cityssm.on.ca

5(r)

1. The rear addition be demolished and removed from the site by October 31, 2012 and

2. The remainder of the structure be sided and fitted with windows, soffit and fascia by October 31, 2012.

OR

1. The entire structure be sided and fitted with windows, soffit and fascia by October 31, 2012 and

2. A permit be obtained to renovate the entire interior by June 1, 2013.

On November 2, 2012 an inspection of the property was undertaken by the By-Law Enforcement Officer. The structure had not been removed as ordered and a large amount of debris remained on the site from the partial demolition.

On November 16, 2012 an Order to Comply was issued to remove all debris from the site. An inspection dated November 27, 2012 revealed that the owner had failed to clear the site. A work requisition was issued to remove the debris. The work was subsequently undertaken and the cost of such was added to the taxes.

The owner had successfully removed the rear burned out, unsafe portion of the building leaving the front portion containing vacant apartments.

The owner has however, failed to add siding, windows, soffit and fascia to the remainder and has left the foundation and subfloor system in place. The owner has therefore failed to comply to the amended Order of the Property Standards Committee (see attached photos).

ANALYSIS
Many of the homes and properties in this area are very stately and well maintained. Despite our orders, efforts and extra time afforded by the Property Standards Committee, this property has been kept in a continual state of disrepair and the owners have failed to comply as ordered. The parking of a large, inoperable motor home at the rear of the property further aggravates the situation for the neighbours.

The City now has the option to repair the existing structure and remove the remaining foundation system, or demolish the entire remaining structure. Under Section 15.4(1), the municipality has the authority to undertaken either option. The option of repairing the existing building would involve some alterations to the foundation system as well, which would prove to be very costly on its own. It is recommended that we remove the entire structure as the remedy to gain compliance.

IMPACT
There would be no impact on the City as outside forces would be hired for demolition and the cost of such work added to the taxes under the authority of Section 15.4 (4) of the Building Code Act.

STRATEGIC PLAN
This is a public safety activity not specifically articulated in the Corporate Strategic Plan.

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RECOMMENDATION

It is recommended that Council authorize the City to hire the forces necessary to demolish the building at 606 Wellington Street East and add such costs to the taxes, and furthermore, after the demolition, that the owner arranges to have the motor home relocated to a more suitable location.

Respectfully submitted,

Don W. Maki, CBCO
Chief Building Official

Recommended for approval,

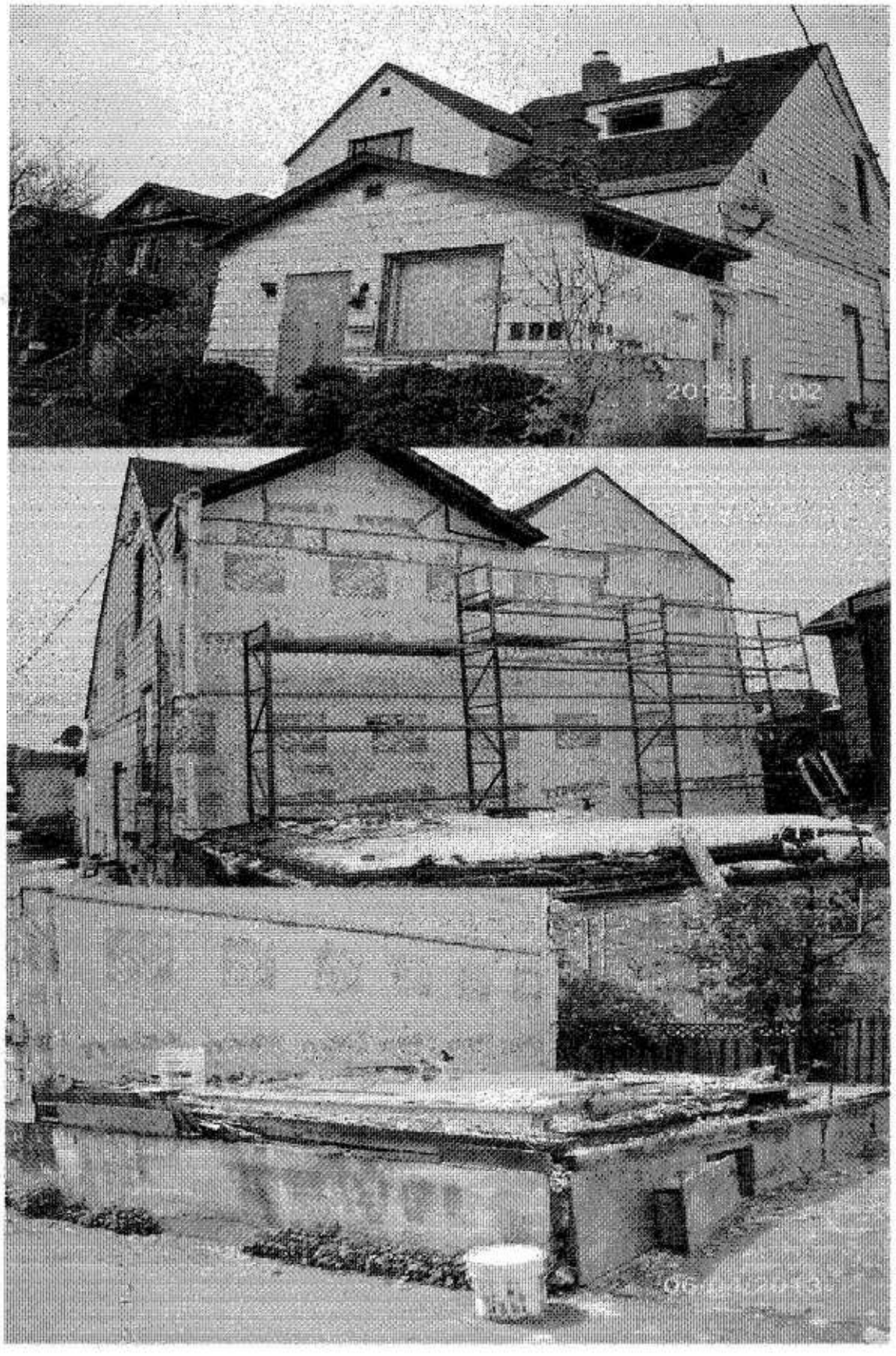
Jerry D. Dolcetti, RPP
Commissioner of Engineering and Planning

DWM/ds

Attach.

RECOMMENDED FOR APPROVAL
Joseph M. Fratesi
Chief Administrative Officer

5(r)



Jerry Dolcetti, RPP
Commissioner

Catherine Taddo, P. Eng.
Land Development and
Environmental Engineer



ENGINEERING & PLANNING
DEPARTMENT

Engineering & Construction Division

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

RE: WASTE SUPPLY AND REFORMATION AMENDING AGREEMENT ELEMENTA GROUP INC.

PURPOSE

The purpose of the report is to advise Council of a request from Elementa Group Inc. for a Waste Supply and Reformation Amending Agreement.

BACKGROUND

On October 26, 2009, Council approved a Waste Supply and Reformation Agreement with Elementa Group Inc. Since this time, Elementa Group Inc. has been working toward establishing an Ontario Power Authority Agreement for electricity generation. Due to the time necessary for these negotiations, dates referenced in the original agreement require amendment. Additional amendments requested relate to the CPI adjustment clause, and the tipping fee for residue waste.

ANALYSIS

Elementa Group Inc. has requested that the City move ahead with an amendment to the original Waste Supply and Reformation Agreement. A summary of changes including tipping fee amendments, dates, and CPI adjustment clauses are as follows:

1. **Tipping Fees Paid to the City of Sault Ste. Marie**
   The tipping fee for the residue waste is proposed at fifty percent of the tipping fee in effect at the time, should the residue be tested to be non-hazardous waste, and be suitable for landfill cover. This is standard policy for any waste that may be used as cover. Should the waste be unacceptable as cover, the current tipping fee, as amended from time to time, would apply.

2. **Waste Supply Term, and Commencement Date**
   The commencement date for waste supply is amended to replace April 1, 2011 with January 1, 2016. The waste supply term is ten (10) years from the commencement date of waste supply which results in an amended ten (10) year term ending on January 1, 2026, in lieu of the existing date of April 1, 2021. The intended date of commencement of construction has also been included to reflect the spring of 2014, but

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no later than September 1, 2014. As a result, the first full year of production must be accomplished by 2017, in lieu of 2015.

3. **Consumer Price Index Adjustment (CPI) Adjustment to Tipping Fee**
The existing agreement stipulates that the tipping fee shall be subject to adjustment following the first full year of production, which shall be accomplished no later than 2015. The proposed amendment requires that the first full year of production shall be accomplished no later than 2017, and that the tipping fee is subject to adjustment one year following execution of the Agreement dated October 26, 2009, resulting in approximately eight additional years of CPI adjustments. By way of example this would result in an increase in tipping fee from $60.00/tonne to $64.37/tonne as of 2013.

IMPACT

The impact to the budget for the amended CPI rate adjustment clause when taking into account the minimum waste supply quantity of 12,500 tonnes, would be an annual increase in cost of $54,625, based on 2013 CPI adjusted rates for example. Should the annual overall waste stream priority commitment of 25,000 tonnes identified in the Agreement be provided, the impact to the budget would be an additional cost of $109,250 based on 2013 CPI adjusted tipping fee values as an example. The residue waste from Elementa Group Inc. is estimated at a maximum of 550 tonnes per month. The impact to the budget should this waste be accepted as landfill cover would be a decrease in tipping fee paid to the City of $231,000 per annum based on current fees and estimated residue, consistent with existing policy for all waste suitable as landfill cover.

STRATEGIC PLAN

The Elementa Group Inc. Waste Supply and Reformation Amending Agreement is not linked to the Strategic Plan.

RECOMMENDATION

By-law 2013-152 authorizing execution of the attached Waste Supply and Reformation Amending Agreement has been placed on the Agenda for your consideration. Appearing elsewhere on the Agenda is a report to Council from the City Legal Department regarding amendments to the Elementa Group Inc. Property Purchase Agreement, relating to the proposed waste to energy site.

Respectfully submitted,

C Taddo

Catherine Taddo, P. Eng.
Land Development and Environmental Engineer

Recommended for approval,

Jerry Dolcetti, RPP
Commissioner
Engineering and Planning Department

Attach.

c.: Bill Freiburger, Commissioner of Finance/Treasurer

RECOMMENDED FOR APPROVAL

Joseph M. Fratesi
Chief Administrative Officer

NUALA KENNY
CITY SOLICITOR

MELANIE BOROWICZ-SIBENIK
ASSISTANT CITY SOLICITOR

MATTHEW CAPUTO
SOLICITOR/PROSECUTOR

LEGAL DEPARTMENT

File No. PR1.31

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

RE: ELEMENTA GROUP INC. PURCHASE OF CITY OWNED PROPERTY – PART OF 903 BASE LINE

PURPOSE

The purpose of this report is to seek Council's approval to sell the aforementioned property to Elementa Group Inc.

BACKGROUND

On January 11, 2010, City Council passed By-law 2010-10. The by-law authorized the sale of a parcel of City owned land known as part of 903 Base Line to Elementa Group Inc. The agreement was for 15.30 acres.

Since January 2010 Elementa Group Inc. has been working to obtain the necessary Ministry of the Environment approvals. This has caused a significant delay to the Purchase and Sale Agreement.

ANALYSIS

The proposed agreement is for the sale of 15.3 acres at a price as follows:

9.6225 acres at $20,000 per acre for a total of $192,450 and the remainder (5.6775 acres) at $7,000 per acre for a total of $39,742.50. The total purchase price is $232,192.50.

As of the date of writing it seems that Elementa Group Inc. will be able to obtain the necessary approvals to proceed with the Energy from Waste Project. It is understood that the purchase of the City property should not proceed if the Energy from Waste Project cannot

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proceed. In addition, there have been some changes to the Agreement of Purchase and Sale, mostly relating to date changes. Accordingly, it is recommended that By-law 2010-10 be repealed and replaced with By-law 2013-139.

IMPACT

There will be a positive financial impact to the City from the sale of this land.

STRATEGIC PLAN

The sale to Elementa Group Inc. is consistent with the corporate value of environmental stewardship and fiscal responsibility.

RECOMMENDATION

By-law 2013-139, is located elsewhere on your agenda tonight and is recommended for approval if Elementa has the necessary approvals to proceed with its Energy from Waste project simultaneously. The by-law authorizes the sale of City land to Elementa Group Inc. in accordance with the terms of the agreement attached to the by-law.

Respectfully submitted,

Nuala Kenny
City Solicitor

RECOMMENDED FOR APPROVAL

Joseph M. Fratesi
Chief Administrative Officer

NK/da

LEGAL\STAFF\COUNCIL REPORTS\2013\ELEMENTA PF CITY 903 BASE LINE.DOC

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NUALA KENNY
CITY SOLICITOR

MELANIE BOROWICZ-SIBENIK
ASSISTANT CITY SOLICITOR

MATTHEW CAPUTO
SOLICITOR/PROSECUTOR

LEGAL DEPARTMENT

File No. R1.16

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

RE: FIREWORKS BY-LAW

PURPOSE

On February 4, 2013, City Council passed the following Resolution:

> "Resolved that the report of the Assistant City Solicitor dated 2013 02 04 concerning (the) fireworks by-law be accepted and the recommendation to direct the Legal Department to draft a new fireworks by-law be approved".

The purpose of this report is to present the draft Fireworks By-law to City Council for consideration and recommend that same be approved.

BACKGROUND

The City's present fireworks by-law was enacted on April 16, 1973 ("By-law 73-107") and regulated the sale and set off of fireworks in Sault Ste. Marie. The Legal Department reported to City Council by report dated February 4, 2013, a copy of which is attached to this report ("the February Report"). The February Report noted that By-law 73-107 is outdated given the significant changes to the legislation that underpins same. Furthermore, the February Report noted various procedural issues that have arisen given the wording in By-law 73-107. Essentially, a person could receive permission to set off "Family Fireworks" outside of the Canada Day and Victoria Day permitted times, however that person may not be able to purchase fireworks given the restrictions imposed for the sale of fireworks in By-law 73-107.

The February Report recommended that a new fireworks by-law be drafted to address the legislative changes and procedural issues, and the recommendation was accepted by City Council.

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ANALYSIS

The proposed Fireworks By-law ("Proposed By-law") defines the fireworks to be regulated to mirror the new classification system as set out in the Explosives Regulations. Specifically, it purports to regulate four (4) categories of fireworks, namely, Consumer Fireworks, Exhibition Fireworks, Firecrackers and Pyrotechnic Special Effects Fireworks, each of which are defined. The Proposed By-law permits the sale of fireworks year round and sets out rules and regulations governing the same.

With respect to the discharge of fireworks, Consumer Fireworks may be discharged on Victoria Day or the day immediately preceding or following Victoria Day and on Canada Day, along with the day preceding Canada Day and the following days up to and including the 5th of July, given our geographic location. Further, the Proposed By-law establishes a permit process for persons who seek to discharge Consumer Fireworks outside of these timeframes. This permit process did not exist in By-law 73-107. Similarly, the permit process continues and is more detailed for persons who seek to discharge Exhibition Fireworks, Firecrackers and Pyrotechnic Special Effects Fireworks. The City Fire Department is prepared to oversee the permit process envisioned in the Proposed By-law.

It is anticipated that the permit process will streamline the procedural difficulties that were encountered in administering By-law 73-107. Attached to the Proposed By-law are Application Forms for the Discharge of Consumer Fireworks (Schedule "A") and the Discharge of Firecrackers, Exhibition Fireworks and Pyrotechnics Special Effects Fireworks (Schedule "B"). A person or corporation can now complete the required application form which will set out the relevant information for the proposed discharge of fireworks. The City Fire Department can then circulate the application to relevant City Departments for comment. Ultimately, the City Fire Department may permit the requested discharge of fireworks, with or without conditions or deny same. A consistent approach will therefore be achieved in the handling of such requests for the discharge of fireworks.

IMPACT

The City Fire Department will handle the permit process envisioned in the Proposed By-law, including receiving the application, circulating same, conducting any necessary site visits and rendering a decision on the application. The Fire Department proposes to permit some time to elapse following the passage of the Proposed By-law, if so passed, wherein it will maintain statistics on the administration of the permit process to include the number of applications, the work involved and the number of site visits conducted. The Fire Department will report to City Council in the future as to whether or not a user fee for such applications is appropriate.

-More-

5(a)

STRATEGIC PLAN

Not applicable.

RECOMMENDATION

By- law 2013-146 appears elsewhere on this agenda and is recommended for approval.

Respectfully submitted,

Melanie Borowicz-Sibenik
Assistant City Solicitor

Recommended for approval,

Nuala Kenny
City Solicitor

MBS/da
Attachment
c. Marcel Provenzano, Fire Chief
c. Inspector Art Pluss, Police Services

RECOMMENDED FOR APPROVAL
Joseph M. Fratesi
Chief Administrative Officer

5(a)

NUALA KENNY
CITY SOLICITOR

MELANIE BOROWICZ-SIBENIK
ASSISTANT CITY SOLICITOR

MATTHEW CAPUTO
SOLICITOR/PROSECUTOR

LEGAL DEPARTMENT

File No. R1.16

2013 02 04

Mayor Debbie Amaroso and
Members of City Council

RE: FIREWORKS BY-LAW

PURPOSE

The purpose of this report is to recommend amendments to By-law 73-107 (the "Fireworks By-law").

BACKGROUND

The Fireworks By-law was enacted on April 16, 1973 pursuant to section 254 of *The Municipal Act*, R.S.O. 1970, Chapter 284. The Fireworks By-law regulates the sale and set off of fireworks in Sault Ste. Marie by establishing procedural requirements for two categories of fireworks, namely "Family Fireworks" and "Exhibition Fireworks". The categories were defined based on the classification system of fireworks as set out in *The Explosives Act*, Revised Statutes of Canada, 1970, Chapter E-15.

There have been significant changes to the above referenced legislation that underpins the City's Fireworks By-law. Specifically, *The Municipal Act* was repealed and the *Municipal Act, 2001*, S.O. 2001, c. 25 came into force on January 1, 2003. Further, the *Explosives Act* was amended by the *Explosives Act*, R.S.C. 1985, c.E-17. *Explosive Regulation* C.R.C., c. 599 made thereunder sets out a new classification system for fireworks. The current wording of the Fireworks By-law does not mirror the legislative changes.

Furthermore, there have been some procedural issues that have arisen given the current wording of the Fireworks By-law. Specifically, the Fireworks By-law permits the sale of "Family Fireworks" from the second Sunday in May until September 15th of each year. "Family Fireworks" are only permitted to be set off on specific dates, namely Victoria Day, Dominion Day (Canada Day) and the two days before and after each of those dates. In the

-more-

past, the City has received requests from numerous groups and individuals for permission to set off fireworks outside of the time frames specified in the Fireworks By-law. It has come to the City's attention that while the City has granted such permission, the Fireworks By-law restricts store owners from selling "Family Fireworks" from the second Sunday in May until September 15th of each year. Effectively, a person may receive permission to set off "Family Fireworks", however that person may not be able to purchase same in the City.

On the other hand, the Fireworks By-law does not restrict when "Exhibition Fireworks" can be sold. Section 5 of the Fireworks By-law sets out a permit process whereby a person (including a corporation) can make application to the City Fire Department for a permit for the display of "Exhibition Fireworks". Such a person must comply with various conditions before being issued a permit and the Fire Department has authority to revoke any permit issued in the event of non-compliance. A permit issued under this Section may permit the display of "Exhibition Fireworks" on any day of the year. The permit process for "Exhibition Fireworks" was not mirrored for the situation of "Family Fireworks".

ANALYSIS

The City's Fireworks By-law is presently outdated given the legislative changes referenced above. The current statutory references in the Fireworks By-law are not accurate and a new fireworks by-law should reflect the new classification system as set out in the Explosives Regulation. It is therefore recommended that City Council instruct the Legal Department to draft a new Fireworks By-law that addresses these legislative changes.

Further, it is recommended that the new by-law contemplate a permit process for fireworks considered "Family Fireworks" as it currently provides for fireworks of an "Exhibition Fireworks" nature.

Finally, it is recommended that the new by-law refrain from restricting the times for sale of fireworks considered "Family Fireworks", consistent as with fireworks of an "Exhibition Fireworks" nature. This will enable persons who receive permission to set off such fireworks to purchase same.

IMPACT

Not applicable

STRATEGIC PLAN

No impact on the strategic plan.

-more-

RECOMMENDATION

It is recommended that City Council instruct the Legal Department to draft a new Fireworks By-law to address the legislative changes and procedural issues as set out herein.

Respectfully submitted,

Melanie Borowicz-Sibenik
Assistant City Solicitor

Recommended for approval,

Nuala Kenny
City Solicitor

MBS/cf

c.c. Paul Milosevich, Assistant Fire Chief Prevention & Education, Fire Services

staff/Council reports/2013/fireworks report feb4.13

5(v)

NUALA KENNY
CITY SOLICITOR

MELANIE BOROWICZ-SIBENIK
ASSISTANT CITY SOLICITOR

MATTHEW CAPUTO
SOLICITOR/PROSECUTOR

LEGAL DEPARTMENT

File No. PR2

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

RE: STREET CLOSING APPLICATION – GREENFIELD PARK "A" SUBDIVISION, PLAN H518

PURPOSE

The purpose of this report is to seek Council's approval to close and convey a street in the Greenfield Park "A" Subdivision, Plan H518.

BACKGROUND

The Legal Department received a petition to close and convey the public street described as:

> PIN 31566-0101 (LT) 1 FT RESERVE PL H518 KORAH AT N LIMIT OF UNNAMED RD, BTN LT 10 & 11 PL H518; UNNAMED RD PL H518 KORAH BTN LOT 10 & 11 PL H518 LYING N OF GREENFIELD DR., BEING UNNAMED RD.; SAULT STE. MARIE

The request was circulated to the appropriate departments. All comments were favourable. The only condition of the potential closing and conveying of the subject property is the registration of an easement in favour of Bell Canada for an underground telephone line and an easement in favour of PUC for a watermain.

ATTACHMENT

Attached as Schedule "A" is Plan H518 showing the "subject property".

IMPACT

-more-

There is no significant financial impact associated with this matter.

STRATEGIC PLAN

N/A

RECOMMENDATION

By-law 2013-132, a by-law to assume the street for public use and establish it as a public street and By-law 2013-133, a by-law to stop up, close and authorize the conveyance of the street have been prepared for your consideration and appear elsewhere on the agenda. By-law 2013-133 is before Council for the first and second reading this evening.

Respectfully submitted,

Nuala Kenny
City Solicitor

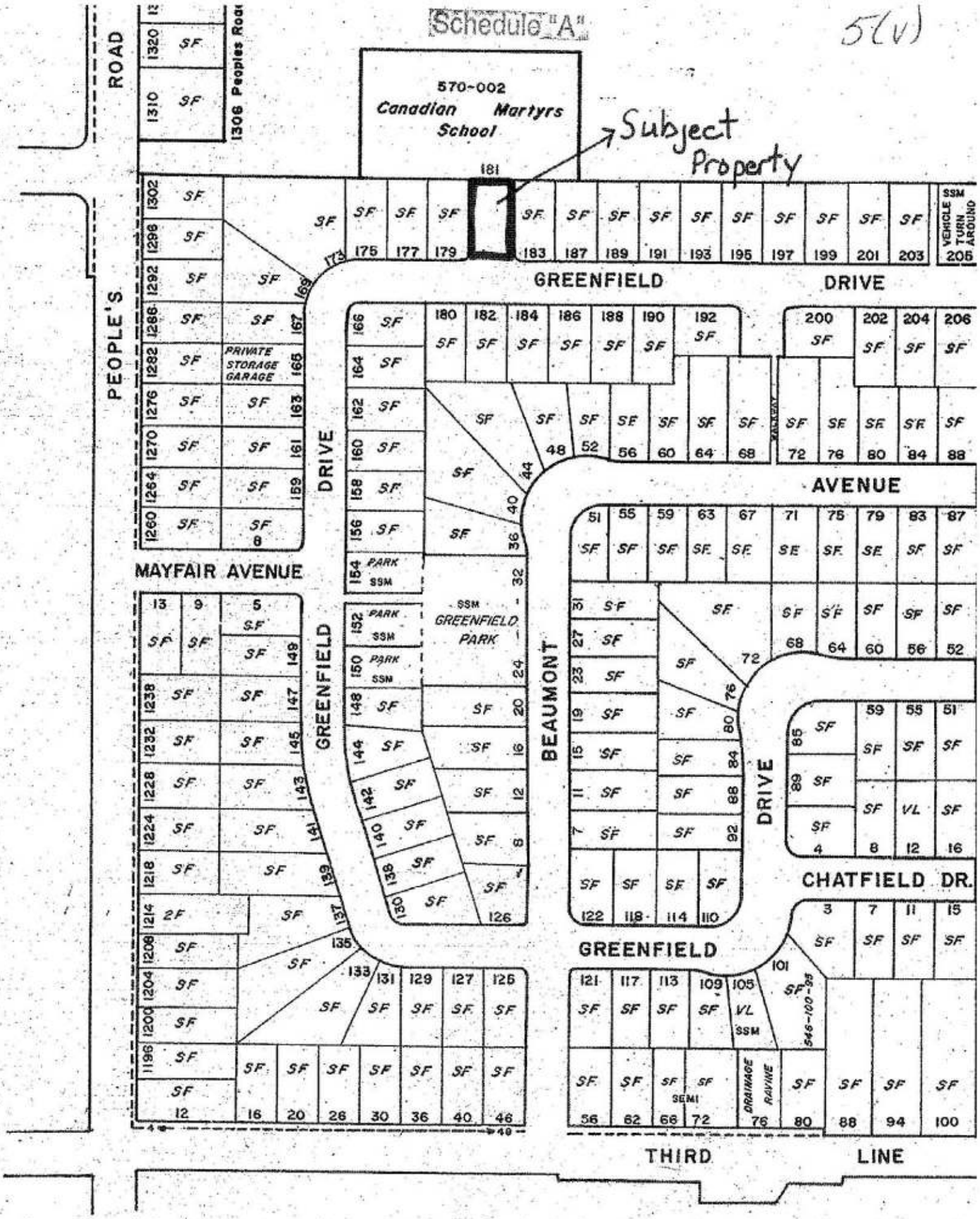
RECOMMENDED FOR APPROVAL
Joseph M. Fratesi
Chief Administrative Officer

NK/cf
attachment

cf LEGAL\STAFF\COUNCIL REPORTS\2013\Street CLOSING Greenfield Park "A" sub Naccarato july15.13

Schedule "A"

5(v)



5(w)

NUALA KENNY
CITY SOLICITOR

MELANIE BOROWICZ-SIBENIK
ASSISTANT CITY SOLICITOR

MATTHEW CAPUTO
SOLICITOR/PROSECUTOR

LEGAL DEPARTMENT

File No. PR2

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

RE: STREET CLOSING APPLICATION – MCKINNON SUBDIVISION, PLAN M113 PARKE

PURPOSE

The purpose of this report is to seek Council's approval to close and convey a street in the McKinnon Subdivision, Plan M113 Parke.

BACKGROUND

The Legal Department received a petition to close and convey the public street described as:

> PIN 31614-0151 (LT) PCL 2745 SEC AWS; STREETS PL M113 PARKE; SAULT STE. MARIE

The request was circulated to the appropriate departments. The Engineering and Planning Department is in favour of the request to close the street conditional upon approval of the draft plan of subdivision. Engineering also recommended that an alternate route is to be established to access the properties south of the proposed road closure. The Department of Public Works and Transportation supports the closure of the street on the condition that City turnarounds are constructed to City standards and that their construction allows for the continuance of waste management services and winter maintenance to existing residents in the area. Easements in favour of Union Gas, Bell Canada and PUC will be required.

ATTACHMENT

Attached as Schedule "A" is Plan M113 showing the "subject property".

-more-

IMPACT

There is no significant financial impact associated with this matter.

STRATEGIC PLAN

N/A

RECOMMENDATION

By-law 2013-136, a by-law to assume the street for public use and establish it as a public street and By-law 2013-137, a by-law to stop up, close and authorize the conveyance of the street have been prepared for your consideration and appear elsewhere on the agenda. By-law 2013-137 is before Council for the first and second reading this evening.

Respectfully submitted,

Nuala Kenny
City Solicitor

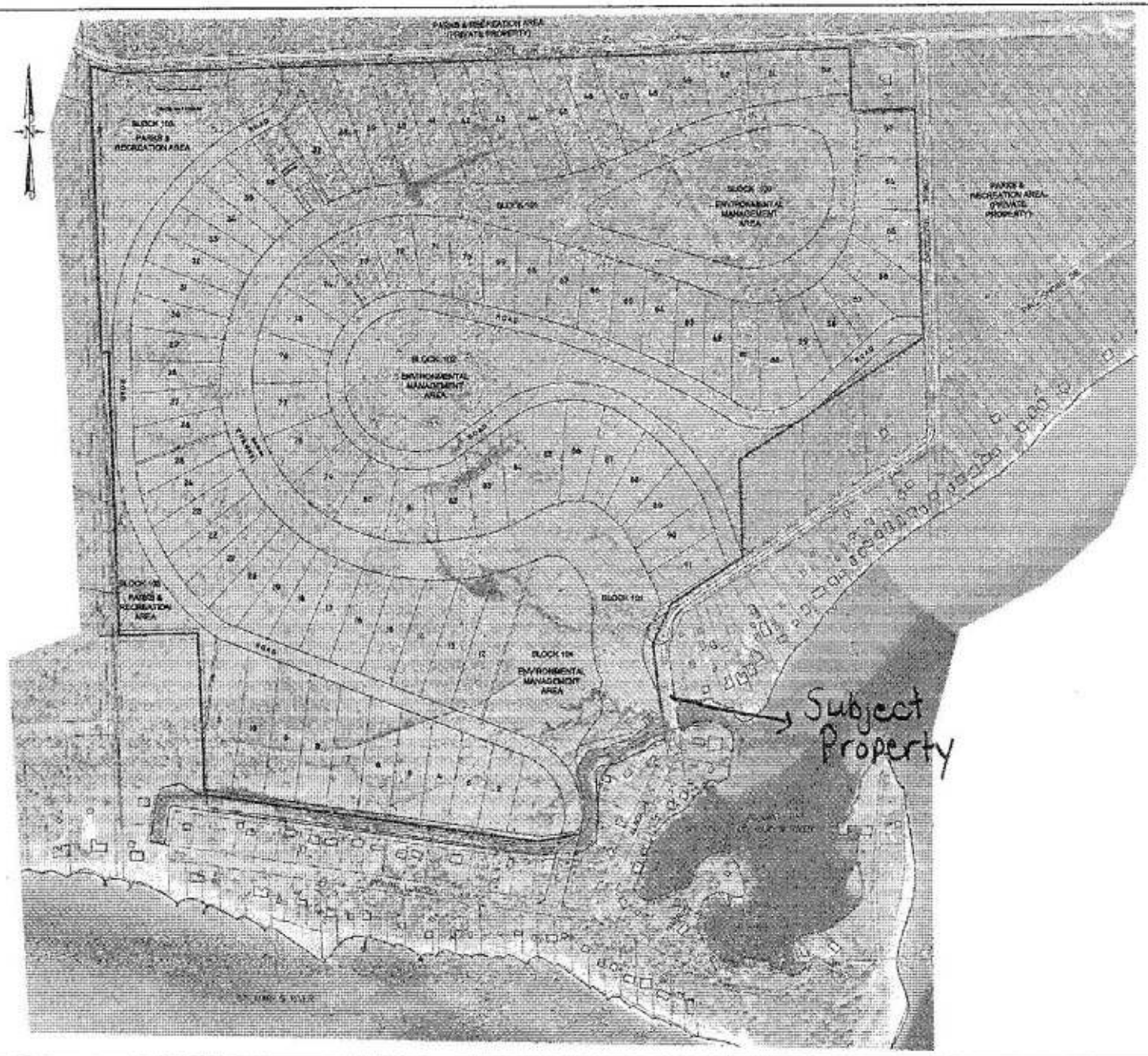
NK/cf
attachment

RECOMMENDED FOR APPROVAL
Joseph M. Fratesi
Chief Administrative Officer

cf LEGAL\STAFF\COUNCIL REPORTS\2013\Street CLOSING McKinnon Sub Avery july15.13

5(w)

[Schedule "A"]



PRELIMINARY

TULLOCH ENGINEERING

No.	DATE	ISSUES
0	NOV 23/15	ISSUED FOR PLANNING REVIEW

PROJECT TITLE
POINTE ESTATES SUBDIVISION

DRAWING TITLE
SITE PLAN

LOCATION
POINTE LOUISE SAULT STE. MARIE, ON.

DATE NOV. 23/15
DESIGN JPH
DRAWN JPH
CHECKED JPH
SCALE 1:2000 (ARCH D)
ISSUED FOR REVIEW
CERTIFICATE OF AUTHORIZATION

DWG. NO. G1 | PROJECT No. 13-1016 | REV. No. 0

Horizontal Datum: North American Datum 1983 (CSRS) 6 Degree Modified Transverse Mercator (MTM) Zone 11
Vertical Datum: Canadian Geodetic Vertical Datum, 1928 Adjustment, Geodetic Elevations

5(x)

NUALA KENNY
CITY SOLICITOR

MELANIE BOROWICZ-SIBENIK
ASSISTANT CITY SOLICITOR

MATTHEW CAPUTO
SOLICITOR/PROSECUTOR

LEGAL DEPARTMENT

File No. LE-113

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

RE: 8 DUFFERIN STREET, LICENCE OF OCCUPATION OF CITY PROPERTY

PURPOSE

The purpose of this report is to seek Council's approval for a Licence to Occupy City Property Agreement (the "Licence Agreement") between the City and Valery Neil (the "Licencee") to permit an accessibility ramp (the "Ramp") to be placed on the Dufferin Street boulevard in front of the Licencee's property (the "City Property").

BACKGROUND

Valery Neil is the registered owner of 8 Dufferin Street. On October 3, 2012, the City inspected 8 Dufferin Street, which inspection revealed that the Ramp had been built from the main front doorway of the dwelling to the property line abutting Dufferin Street. The Ramp was built without the benefit of a permit from the City. A warning letter was sent to the Licencee requiring Ms. Neil to apply for a Permit for the Ramp.

Ms. Neil applied for a permit, and a City inspection of the Ramp revealed that it did not meet the requirements of the Building Code Act due to the incline of the Ramp being too steep.

In order to construct the Ramp in accordance with the Building Code, the Ramp must be extended to reduce the incline to the required grade. In doing so, the Ramp must encroach onto the City Property. The City has therefore received a request from the Licencee for permission to use a portion of the City's boulevard in front of 8 Dufferin Street for the extension of the Ramp.

-More-

ANALYSIS

The Legal Department circulated this request to relevant City Departments for comment. The City's Public Works and Transportation Department commented that the Ramp needs to allow at least a two (2) foot setback from the sidewalk. The proposed location of the Ramp is set back three (3) feet from the sidewalk. The concern of the Public Works and Transportation Department is satisfied, and no other concerns were raised.

The term of the Licence Agreement is for one (1) year commencing on July 15, 2013 and continues thereafter from year to year until terminated. The Licence Agreement can be terminated by the City or the Licencee by giving six (6) months' notice to the other party.

The Licence Agreement only permits Ms. Neil to construct the Ramp on a portion of the City's boulevard at a defined location, and restricts any other use of the City Property.

IMPACT

Not applicable.

STRATEGIC PLAN

Not applicable.

RECOMMENDATION

By- law 2013-147, which appears elsewhere on the agenda, authorizes the City to enter into the Licence Agreement between the City and Valery Neil, and is recommended for approval.

Respectfully submitted,

Matthew Caputo
Solicitor/Prosecutor

Recommended for approval,

Nuala Kenny
City Solicitor

MC/da

Legal\Staff\COUNCIL REPORTS\2013\2013-07-15 - REPORT - Neil, Valery - 8 Dufferin Ramp Licence of Occupation.doc

RECOMMENDED FOR APPROVAL

Joseph M. Fratesi
Chief Administrative Officer

5(y)

NUALA KENNY
CITY SOLICITOR

MELANIE BOROWICZ-SIBENIK
ASSISTANT CITY SOLICITOR

MATTHEW CAPUTO
SOLICITOR/PROSECUTOR

LEGAL DEPARTMENT

File No. LE-112

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

RE: **THE UKRAINIAN CATHOLIC EPISCOPAL CORPORATION OF EASTERN CANADA LICENCE OF OCCUPATION FOR A SIGN ON CITY PROPERTY**

PURPOSE

The purpose of this report is to seek Council's approval for a Licence to Occupy City Property Agreement (the "Licence Agreement") between the City of Sault Ste. Marie (the "City") and the Ukrainian Catholic Episcopal Corporation Of Eastern Canada (the "Licencee") to permit a sign to be placed on a portion of the City Property located directly west of 293 St. Georges Avenue East, and abutting St. Georges Avenue (the "City Property"), specifically as marked, shown and identified on the document attached as Schedule "A" to the by-law.

BACKGROUND

The Licencee has had a Sign on the City Property for many years. As a result of a City inspection conducted in the vicinity of the Licencee's property the City discovered that the location of the Sign was not on the Licencee's property, but was in fact on City Property. As a result, the Licencee is seeking a Licence of Occupation to permit the Sign to remain in its current location.

ANALYSIS

The Licence Agreement permits the sign to remain in its current location for a period of one (1) year, recurring each year until terminated. The Licence Agreement can be terminated by the City or the Licencee by giving six (6) months' notice to the other party.

-more-

The Licence Agreement only permits the Licencee to place the sign on the City Property, and restricts all other uses. As a further condition of the Licence Agreement, the Licencee must apply for and obtain a sign permit from the City every year during the term of the Licence Agreement. The Licencee has already applied for and received the permit for this year.

IMPACT

Not applicable.

STRATEGIC PLAN

Not applicable.

RECOMMENDATION

By- law 2013-135, which appears elsewhere on the agenda, authorizes the City to enter into the Licence Agreement between the City and the Licencee, and is recommended for approval.

Respectfully submitted,

Matthew Caputo
Solicitor/Prosecutor

Recommended for approval,

Nuala Kenny
City Solicitor

MRC/cf

RECOMMENDED FOR APPROVAL

Joseph M. Fratesi
Chief Administrative Officer

5(2)

NUALA KENNY
CITY SOLICITOR

MELANIE BOROWICZ-SIBENIK
ASSISTANT CITY SOLICITOR

MATTHEW CAPUTO
SOLICITOR/PROSECUTOR

LEGAL DEPARTMENT

File No. LE-80

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

RE: ALGONQUIN HOTEL, LICENCE OF OCCUPATION OF CITY PROPERTY

PURPOSE

The purpose of this report is to seek Council's approval for a Licence to Occupy City Property Agreement ("Licence Agreement") between the City of Sault Ste. Marie (the "City") and 1584866 Ontario Inc. operating as the Algonquin Hotel (the "Licencee") to permit a raised patio deck and sign to be placed on the Pim Street boulevard in front of the Licencee's property (the "City Property").

BACKGROUND

On March 22, 2010 the City entered into a Licence to Occupy City Property Agreement (the "Previous Agreement") with the Licencee. The Previous Agreement has been in place since. The Previous Agreement permitted the Licencee to construct a raised patio deck on the City Property.

The City has received a request from the Licencee to place a sign next to the raised patio deck. This sign was not included in the original site plan for the Licence of Occupancy, and would be located on the City Property. Therefore the licence of occupancy would have to be amended to include that sign.

Further the Previous Agreement did not include a number of standard provisions that are now included in City Licence to Occupy City Property Agreements. The Licence Agreement updates the Previous Agreement by including these provisions and permits the sign as requested.

-more-

ANALYSIS

The sign is located directly beside the current raised patio deck, and does not interfere with pedestrian traffic.

The Licence Agreement is for a term of one (1) year commencing on July 15, 2013 and continues thereafter from year to year until terminated. The Licence Agreement can be terminated by the City or the Licencee by giving six (6) months' notice to the other party.

IMPACT

Not applicable.

STRATEGIC PLAN

Not applicable.

RECOMMENDATION

By-law 2013-128, which appears elsewhere on the agenda, authorizes the City to enter into the Licence Agreement between the City and the Licencee, and is recommended for approval.

Respectfully submitted,

Matthew Caputo
Solicitor/Prosecutor

MC/da

Recommended for approval,

Nuala Kenny
City Solicitor

RECOMMENDED FOR APPROVAL

Joseph M. Fraser
Chief Administrative Officer

LEGAL\STAFF\COUNCIL REPORTS\2013\2013-07-15 - REPORT - ALGONQUIN HOTEL, AGREEMENT PATIO & SIGN.DOC

5(aa)

NUALA KENNY
CITY SOLICITOR

MELANIE BOROWICZ-SIBENIK
ASSISTANT CITY SOLICITOR

MATTHEW CAPUTO
SOLICITOR/PROSECUTOR

LEGAL DEPARTMENT

File No. LE 114

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

RE: BUSKERFEST – AUGUST 9 – 11, 2013

PURPOSE

The purpose of this report is to seek Council's approval for two (2) Licences to Occupy City Property Agreements regarding programming to be held as part of the Buskerfest Weekend Activities on Queen Street East between August 9 – 11, 2013 as follows:

a) A Licence Agreement between the City, Loplops, Downtown Association and Sault Ste. Marie Buskerfest with respect to programming to be held on August 9, 2013; and

b) An Agreement between the City and Sault Ste. Marie Buskerfest ("SSM Buskerfest") with respect to programming to be held on August 10 and 11, 2013.

BACKGROUND

For several years, the City has permitted SSM Buskerfest to conduct programming for the Buskerfest Weekend Activities on Queen Street East. This year, Sault Ste. Marie Buskerfest has partnered with the Downtown Association and Loplops (the "First Event Hosts") for an entertaining evening of activities on August 9, 2013 (the "First Event") to kick off the Buskerfest Weekend Activities.

The First Event is proposed to be conducted on Queen Street East between Pim Street and Dennis Street. The First Event Hosts propose that Loplops set up six (6) tent structures over five (5) blocks on Queen Street East that are twenty feet by twenty feet in size (the "Patio Pods"). Each tent structure would serve alcoholic beverages during the hours of 6:30 p.m. to 10:30 p.m. SSM Buskerfest proposes to set up and conduct Buskerfest Pitch Programming at six (6) "Pitches" strategically set up on Queen Street East between the Patio Pods.

- more -

Further, the Downtown Association proposes to conduct some programming, specifically children's activities and a photo booth on Square Three, Queen Street East. The First Event Hosts have collaborated together to create this itinerary of programming for the First Event.

On August 10 and 11, 2013, SSM Buskerfest has requested permission to utilize a portion of Queen Street East (mainly between Brock and East Streets) to continue the Buskerfest Programming (the "Second Event").

ANALYSIS

The proposed First Event and Second Event each require a Licence Agreement between the City and the respective Event Hosts, specifically for insurance purposes and to confirm the agreement between the City and the respective Event Hosts. The first Licence Agreement for consideration by Council confirms that Loplops has permission to install the six (6) tent structures at its sole cost, expense and liability at the locations as marked on Schedule "A" to the Licence Agreement. Loplops would be permitted to serve alcoholic beverages between 6:30 and 10:30 p.m. Between the hours of 6:00 and 7:00 p.m., Loplops would be permitted to set up the Patio Pods. Finally, between the hours of 10:00 and 11:00 p.m., Loplops would have the responsibility to remove the Patio Pods from Queen Street East and complete all necessary clean-up activities at their sole cost and expense. The Downtown Programming and the SSM Buskerfest Programming may take place between the hours of 6:00 p.m. and 10:30 p.m.

The second Licence Agreement confirms that SSM Buskerfest has permission to conduct the Buskerfest Programming at the specified locations on Queen Street East on August 10, 2013 from 11:00 a.m. to 11:00 p.m. and on August 11, 2013 from 11:00 a.m. to 7:00 p.m.

Both Licence Agreements contain indemnification clauses, such that the respective Event Hosts shall be responsible for any cost, expenses and liabilities that in any way result from the proposed First Event and Second Event. The Licence Agreements each require the respective Event Hosts to maintain insurance during the term of the Licence Agreement. The Licence Agreements also contain a provision that permits the City and/or Emergency Personnel to remove any portion or the entirety of the Patio Pods or Programming if, at the sole discretion of the City and/or Emergency Personnel, access to any portion of Queen Street East is required for same.

The first Licence Agreement further confirms that Loplops has full responsibility for ensuring that it has met the liquor licence requirements to provide and serve alcohol at the Patio Pods. Loplops is presently awaiting AGCO's approval for the proposed Patio Pods. The Licence Agreement requires Loplops to provide written confirmation from AGCO that it has approved the Patio Pods by noon on August 8, 2013, failing which the first Licence Agreement as it pertains to the Patio Pods shall be terminated.

-more-

The City Legal Department has corresponded with the City Police and Fire Departments with respect to both the First and Second Event. Both the City Police and Fire Departments support the proposal, provided that Loplops ensures compliance with any applicable legislation relevant to same along with the conditions set out in the Licence Agreement. Other City Departments and Algoma Public Health have been circulated with respect to this request and no concerns were raised with respect to either the First Event or Second Event.

IMPACT

There is no significant financial impact associated with this matter.

STRATEGIC PLAN

N/A

RECOMMENDATION

By-law 2013-148 appears elsewhere on the agenda and authorizes a Licence to Occupy City Property Agreement between the City, Loplops, Downtown Association and SSM Buskerfest and is recommended for approval. By-law 2013-149 also appears elsewhere on the agenda and authorizes a Licence to Occupy City Property Agreement between the City and Sault Ste. Marie Buskerfest and is recommended for approval.

Respectfully submitted,

Melanie Borowicz-Sibenik
Assistant City Solicitor

Recommended for Approval,

Nuala Kenny
City Solicitor

MBS/cf

RECOMMENDED FOR APPROVAL

Joseph M. Fratesi
Chief Administrative Officer

cf LEGAL\STAFF\COUNCIL REPORTS\2013\Buskerfest july15.13

5(bb)

NUALA KENNY
CITY SOLICITOR

MELANIE BOROWICZ-SIBENIK
ASSISTANT CITY SOLICITOR

MATTHEW CAPUTO
SOLICITOR/PROSECUTOR

LEGAL DEPARTMENT

File No. LE-102

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

RE: LOPLOPS PATIO BAR

PURPOSE

The purpose of this report is to seek Council's approval for a Licence to Occupy City Property Agreement (the "Licence Agreement") between the City (the "Licencor") and Loplops (the "Licencee") to permit the Licencee to occupy a portion of the City Boulevard and Sidewalk in front of 651 Queen Street East to erect an outdoor patio on July 18 – 21, 2013 inclusive and August 9 – 11, 2013 inclusive.

BACKGROUND

Steve Alexander, owner of Loplops in Sault Ste. Marie contacted the City Legal Department to request permission to erect an outdoor patio of the dimension 20 feet by 28 feet to occupy a portion of the City Boulevard and Sidewalk in front of 651 Queen Street East, Sault Ste. Marie, Ontario. The outdoor patio is not permanent structure, but would rather be set up and utilized by Loplops for both the Downtown Days and Buskerfest Weekend Activities. Specifically, Loplops seeks to erect the outdoor patio on July 18, 2013 at 9:00 a.m. and remove same by 6:00 p.m. on July 21, 2013. Similarly, Loplops seeks to erect the outdoor patio at 9:00 a.m. on August 9, 2013 and remove same by 8:00 p.m. on August 11, 2013.

The City has previously consented to the placement of the outdoor patio at the same location over the past six (6) years. However, a Licence Agreement between the City and the Licencee is now required, specifically for insurance purposes and to confirm the agreement between the City and the Licencee.

-more-

ANALYSIS

The Licence Agreement confirms that Loplops has permission to erect the outdoor patio of the dimension 20 feet by 28 feet at the location identified in Schedule "A" to the Licence Agreement at its sole cost, liability and expense for the time periods requested over both the Downtown Days and Buskerfest Weekend Activities. The Licence Agreement contains indemnification clauses, such that the Licencee shall be responsible for any costs, expenses and liabilities that in any way result from the proposed outdoor patio. The Licence Agreement requires the Licencee to maintain insurance during the term of the agreement. The Licence Agreement also contains a provision that permits the City and/or Emergency Personnel to remove any portion or the entirety of the outdoor patio if, at the sole discretion of the City and/or Emergency Personnel, access to any portion of Queen Street is required for same.

The Licence Agreement further confirms that Loplops has full responsibility for ensuring that it has met the liquor licence requirements to provide and serve alcohol at the proposed outdoor patio. The Licence Agreement requires Loplops to provide written confirmation from AGCO that it has approved the outdoor patio by noon on July 17, 2013, failing which the Licence Agreement shall be terminated as it pertains to the July 18 – 21, 2013 outdoor patio event. The Licence Agreement further requires Loplops to provide written confirmation from AGCO that it has approved the outdoor patio by noon on August 8, 2013, failing which the Licence Agreement shall be terminated as it pertains to the August 9 – 11, 2013 outdoor patio event.

The City Legal Department has corresponded with relevant City Departments with respect to this request. The City Police and Fire Departments support the proposal, provided that Loplops complies with any applicable legislation relevant to the proposed outdoor patio and the terms of the Licence Agreement. The City's Accessiblity Office requested confirmation that the outdoor patio would address accessibility in the design of the outdoor patio. Steve Alexander from Loplops has confirmed that a path will be provided through the patio area with accessibility on the west side of the proposed outdoor patio, which confirmation is satisfactory to the City's Accessibility Office.

IMPACT

There is no significant financial impact associated with this matter.

STRATEGIC PLAN

N/A

RECOMMENDATION

By-law 2013-150 appears elsewhere on the agenda and authorizes a Licence to Occupy City Property Agreement between the City and Loplops and is recommended for approval.

Respectfully submitted,

Melanie Borowicz-Sibenik
Assistant City Solicitor

Recommended for Approval,

Nuala Kenny
City Solicitor

MBS/cf

cf LEGAL\STAFF\COUNCIL REPORTS\2013\Loplops july15.13

RECOMMENDED FOR APPROVAL

Joseph M. Tiralosi
Chief Administrative Officer

6(6)(a)

Jerry D. Dolcetti, RPP
Commissioner

Donald B. McConnell, RPP
Planning Director

ENGINEERING & PLANNING
DEPARTMENT

Planning Division

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

RE: Application No. A-11-13-Z – filed by Nino Dipasquo – 414 Korah Road

PURPOSE

On May 27, 2013 City Council approved this application in principle, however, prior to the passing of the By-law an error was identified in the public notice whereby the incorrect zones were referenced. In view of this error, a new public notice is being circulated with reference to the correct zoning on the subject property. The applicant's original request has not changed. The applicant is requesting a rezoning to permit the existing building to be converted into a 4-plex.

PROPOSED CHANGE

The applicant is requesting a rezoning from "R2" (Single Detached Residential) zone to "R2.S" (Single Detached Residential) zone with a Special Exception to permit a 4-plex, in addition to the uses permitted in an "R2" (Single Detached Residential) zone.

ANALYSIS

The original report package is attached for Council's information.

At the Council meeting on May 27, 2013 there was one letter of objection which was received after the report package had been completed. Mrs. Cuglietta's property abuts the subject property to the south, and while she is not contesting the rezoning, she is concerned that motorists often cross through the end of her driveway to access the subject property.

On June 25, 2013 Planning staff met on-site with Mrs. Cuglietta and it was determined that a fence projecting so close to Korah Road would not be within the character of the area, and difficult to maintain. Rather than a fence, the applicant and Mrs. Guglietta have agreed that either 'curb stops' or planters will be located along the common lot line to the front lot line adjacent to Korah Road. These 'curb stops' or planters will effectively block motorists from cutting through the neighbour's property.

IMPACT

Approval of this application will not have a significant impact on City operations or revenues.

STRATEGIC PLAN

Approval of this application is not related to any activity identified in the City's Corporate Strategic Plan.

RECOMMENTATION

That City Council approves this application and rezones the subject property from "R2" (Single Detached Residential) zone to "R2.S" (Single Detached Residential) zone with a Special Exception to permit a 4-plex, in addition to the uses permitted in an "R2" (Single Detached Residential) zone.

Respectfully submitted,

Peter Tonazzo, MCIP, RPP
Planner

Recommended for approval,

Donald B. McConnell, MCIP, RPP
Planning Director

Recommended for approval,

Jerry Dolcetti, RPP
Commissioner Engineering & Planning

RECOMMENDED FOR APPROVAL

Joseph M. Fratesi
Chief Administrative Officer

PT/ps

attachment(s)

G:\PLAND\V\Data\APPL\REPORT\A-11-13-Z(revised).docx

6(6)(a)

Jerry Dolcetti, RPP
Commissioner

Donald B. McConnell, RPP
Planning Director

ENGINEERING & PLANNING
DEPARTMENT

Planning Division

2013 05 27

Mayor Debbie Amaroso and
Members of City Council

RE: Application No. A-11-13-Z – filed by Nino Dipasquo – 414 Korah Road

PURPOSE

The applicant is requesting a rezoning to permit the existing building to be converted into a 4-plex.

PROPOSED CHANGE

The applicant is requesting a rezoning from "R3" (Single Detached Residential) zone to "R3.S" (Single Detached Residential) zone with a Special Exception to permit a 4-plex.

Subject Property:

- Location – Located on the southeast corner of Korah Road and Hocking Avenue
- Size – 30.5m (100') frontage on Korah Road by 38.3m (126') totalling 1110m^2 (11,948sq.ft.)
- Present Use – Three (3) dwelling units and a music school
- Owner – Nino Dipasquo

BACKGROUND

There are no previous Rezoning or Official Plan Amendment applications.

ANALYSIS

Conformity with the Official Plan

The subject property is designated 'Residential' on Land Use Schedule 'C' of the Official Plan. The following Residential policies support the applicant's proposal to create a 4-plex on the subject property:

R.3 Medium density residential dwellings may be integrated into low density areas subject to rezoning.

R.4 Small scale intensification may be permitted in all residential areas unless adequate supporting infrastructure is not available or significant physical constraints exist.

R.5 Small scale residential intensification may include, but not be limited to apartments in houses, infill development and redevelopment.

This application represents small scale residential intensification, as the additional dwelling units will be located within the existing building. A 4-plex is locally identified as medium density residential dwelling. As per the site plan attached and the comments below, the subject property is large enough to support the proposed use, adequate supporting infrastructure is available, and there are no significant physical constraints.

Comments

Since the late 1960's, the property has been utilized as a music school and single detached dwelling. At some point two (2) additional dwellings were added without the benefit of a permit. Therefore, a music school and triplex currently occupy the site. The applicant is seeking City Council's approval to permit a 4-plex within the existing building on the subject property. The music school will be closed and replaced by the fourth dwelling unit.

Referring to the applicant's site plan attached, four (4) of the five (5) required parking spaces will be located within the southwest portion of the property. The fifth space will be located within the existing garage, located east of the main building. An adequately sized outdoor amenity area will be provided south of the proposed 4-plex. The amenity area is currently fenced on the west and south sides. The western portion of the property is completely paved, from the building to the west and north lot lines. Given the discontinuation of the music school and the reduction in parking demand, the applicant is urged to remove some paving and provide additional landscaping, which will add to the overall residential appearance of the subject property.

The character of this area is mixed. According to MPAC records, a number of single detached homes have been converted to duplexes, including the abutting lots to the south. There are also a number of triplexes and 4-plexes located further south on Korah Road. The former St. Joseph School, located on Korah Road across from the subject property, is currently occupied by a local labourers union. Further west behind the former school is the 25-unit St. Gregory's Senior Citizens Housing Complex. The area to the east of the subject property is primarily single detached residential, however MPAC records indicate that a number of these homes have also been converted to duplexes.

This portion of Korah Road is identified as an 'Arterial Street', accommodating substantial traffic volumes.

Consultation

The following departments/agencies commented on the application as part of the consultation process:

- See attached letters – Building Division, Accessibility Advisory Committee

- No objections/comments – CSD, Municipal Heritage Committee, PWT, Conservation Authority, Fire Services, Engineering Department, PUC Services

Building Division notes that the existing building was constructed under a permit for a single detached dwelling, issued in 1968. In 1979 the owner received a minor variance for a family room addition, conditional upon the addition being utilized for single detached residential purposes only. At that time, a variance was also granted to legalize the music school. Sometime between 1979 and current, two (2) additional dwelling units were constructed without the benefit of a permit. Consequently, if approved, permits will be required for three (3) dwelling units.

The Accessory Advisory Committee (AAC) notes that the site plan should allow for at least one visitor parking area in addition to those spaces set aside for tenants. It is worth noting that there is ample space available for additional on-site parking spaces. The AAC also notes that walkways, sidewalks and ramps should be designed to the Facility Accessibility Design Standards (FADS), which are a set of design guidelines aimed at designing accessible spaces. In 2009 City Council adopted these standards however they only apply to municipally owned, leased and/or operated facilities, and not private buildings.

Up until the drafting of this report, there have been no comments or objections received from neighbours.

IMPACT

There are no significant impacts on municipal services resulting from the approval of this application.

STRATEGIC PLAN

Approval of this application is not related to any activity identified in the City's Corporate Strategic Plan.

SUMMARY

This application represents an appropriate residential intensification opportunity, which is supported by the Residential Policies of the Official Plan. The lot is large enough to support the proposed 4-plex, including required parking, an adequately sized outdoor amenity area, and additional visitor parking above and beyond what is required by the Zoning By-law.

The additional dwelling units are proposed to be located within the existing building. Given the current layout of the site and the character of the area, negative impacts to nearby residences will be negligible. It is therefore recommended that City Council approve this application.

RECOMMENDATION

That Council approve the application and rezone the subject property from "R3" (Single Detached Residential) zone to "R3.S" (Single Detached Residential) zone with a Special Exception to permit a 4-plex, in addition to the uses permitted in an "R3" Zone.

Respectfully submitted,

Peter Tonazzo, MCIP, RPP
Planner

Recommended for approval,

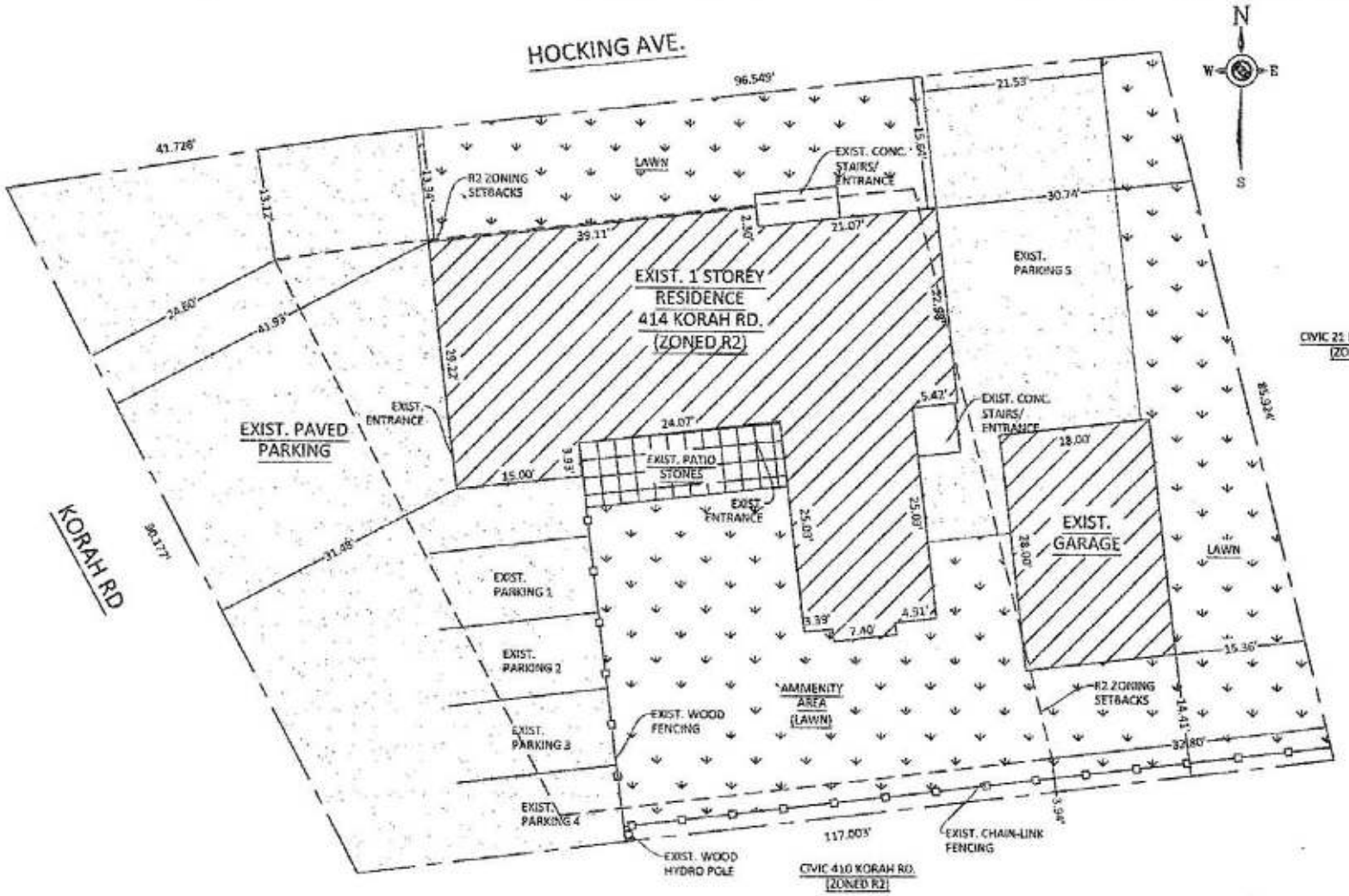
Donald B. McConnell, MCIP, RPP
Planning Director

Recommended for approval,

Jerry Dolcetti, RPP
Commissioner Engineering & Planning

PT/ps

attachment(s)



SITE PLAN - CIVIC 414 KORAH ROAD
SCALE: 1" = 15'-0"

NOTE-
THIS IS NOT A LEGAL BINDING SURVEY. THIS PLAN IS TO OUTLINE PROPERTY AND BUILDING MEASUREMENTS ONLY. IT IS NOT A LEGAL DOCUMENT. A TIE IN SURVEY WOULD FINALIZE EXACT BUILDING LOCATION AND DIMENSIONS.

CAIRNS ENGINEERING INC
145 INDUSTRIAL COURT "B" UNIT 3
SAULT STE. MARIE ONTARIO P6B 5Z6
PHONE: 705-254-7040 FAX: 705-254-2655

PROJECT TITLE: 4-PLEX CONVERSION - NINO DIPASQUO
ADDRESS: 414 KORAH ROAD, SAULT STE. MARIE, ON
DRAWING TITLE: SITE PLAN - 414 KORAH ROAD
DRAWN BY: A. MUHAMMAD
CHECKED BY: R. DOUGLAS
CHECKED BY: M. MELLAS
PROJECT No: 2013-203
DRAWING No: SP1
SCALE: 1" = 15'-0"
DATE: APR 15, 2013
DATE:
REVISION No:

b(i)(a)

6(6)(a)



May 23, 2013

To Whom it may Concern:

Please be advised that I do not contest the building of a 4-plex on your property. But if you do go ahead with this, I am asking that a fence be erected for the rest of the 25 feet on the South side of your property to keep the traffic and snow from coming into my property. And it will also stop any kids from entering my property and destroying my yard.

Sincerely,

Monique Cuglietta

6(6)(a)

Pat Schinners

From: Don Maki
Sent: April 30, 2013 4:27 PM
To: Don McConnell; Pat Schinners
Subject: Rezoning application A-11-13-Z 414 Korah Road

Hi Don
Our records show that in 1968 the present owner applied for and received a permit for a new single family dwelling. In 1979 th present owner made an application for a minor variance to reduce the rear for a family room addition to a single family dwellin The planning division felt the use as a music studio was not legal non-conforming. The variance was granted subject to the owner agreeing that the expansion would be for the single dwelling only. Building permit was granted for a family room additio to a single family dwelling in 1979. I have no record of 3 dwelling units being created at this address. There has been no permit for such a conversion.
Don

Don Maki CBCO
Chief Building Official
City of Sault Ste. Marie
99 Foster Drive
Sault Ste. Marie, ON P6A 5X6
Phone (705) 759-5399
d.maki@cityssm.on.ca

www.cityssm.on.ca

6(6)(a)

Accessibility Moving Forward
Sault Ste. Marie - AAC

May 8, 2013
Don McConnell
Planning Director
City Planning & Engineering Division

SUBJECT: REZONING APPLICATION REVIEW – A-11-13-Z

Nino Dipasquo 414 Korah Road

Dear Mr. McConnell

The Accessibility Advisory Committee makes the following recommendations in respect of barriers to access for person with disabilities on the subject rezoning application.

Exterior

1. Parking: Parking according to FADS. Should allow for at least one visitor parking area in addition to tenants.
2. Walkways & Sidewalks: Barrier Free path of travel.
3. Curb cuts: level elevation according to FADS.
4. Ramping: According to FADS.
5. Transit Access: NA
6. Lighting: Additional lighting In accordance with the Illuminating Engineers Society of North America Standards
7. Signage: As needed according to municipal standards.
8. Other:

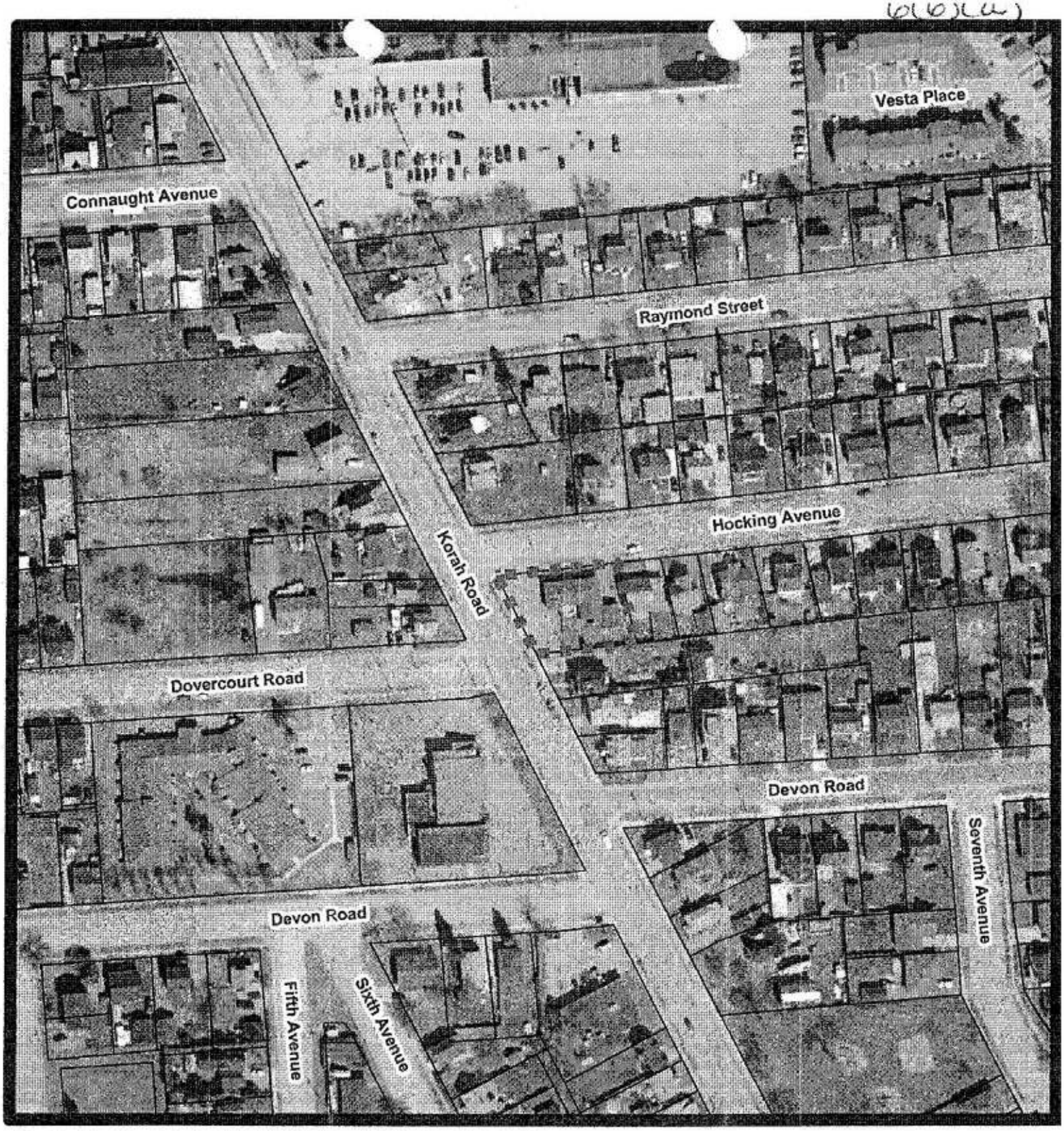
Thank you for your attention to these recommendations.

☒ We request a Site Plan We do not want a Site Plan for review

Sincerely,

Ann Marie McPhee

Ann Marie McPhee
Chair, Site Plan Sub Committee
on behalf of The Accessibility Advisory Committee



2012 ORTHO PHOTO

414 KORAH ROAD

Planning Application: A-11-13-Z

N

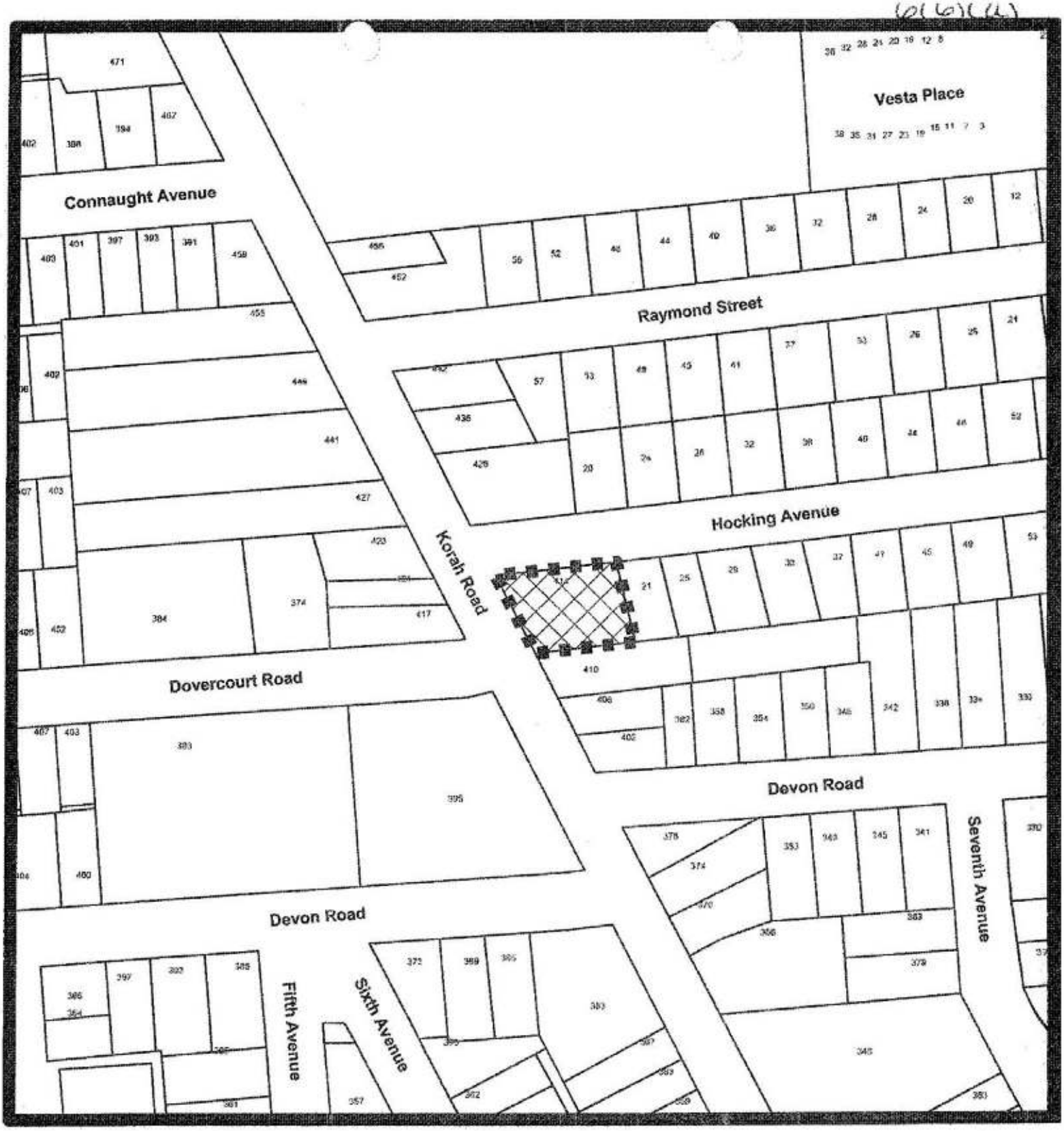
METRIC SCALE
1 : 1800

MAP REFERENCE
55 & 1-71

MAIL LABEL ID
A-11-13-Z

Legend

Subject Property = 414 Korah Road



SUBJECT PROPERTY MAP

414 KORAH ROAD

Planning Application: A-11-13-Z

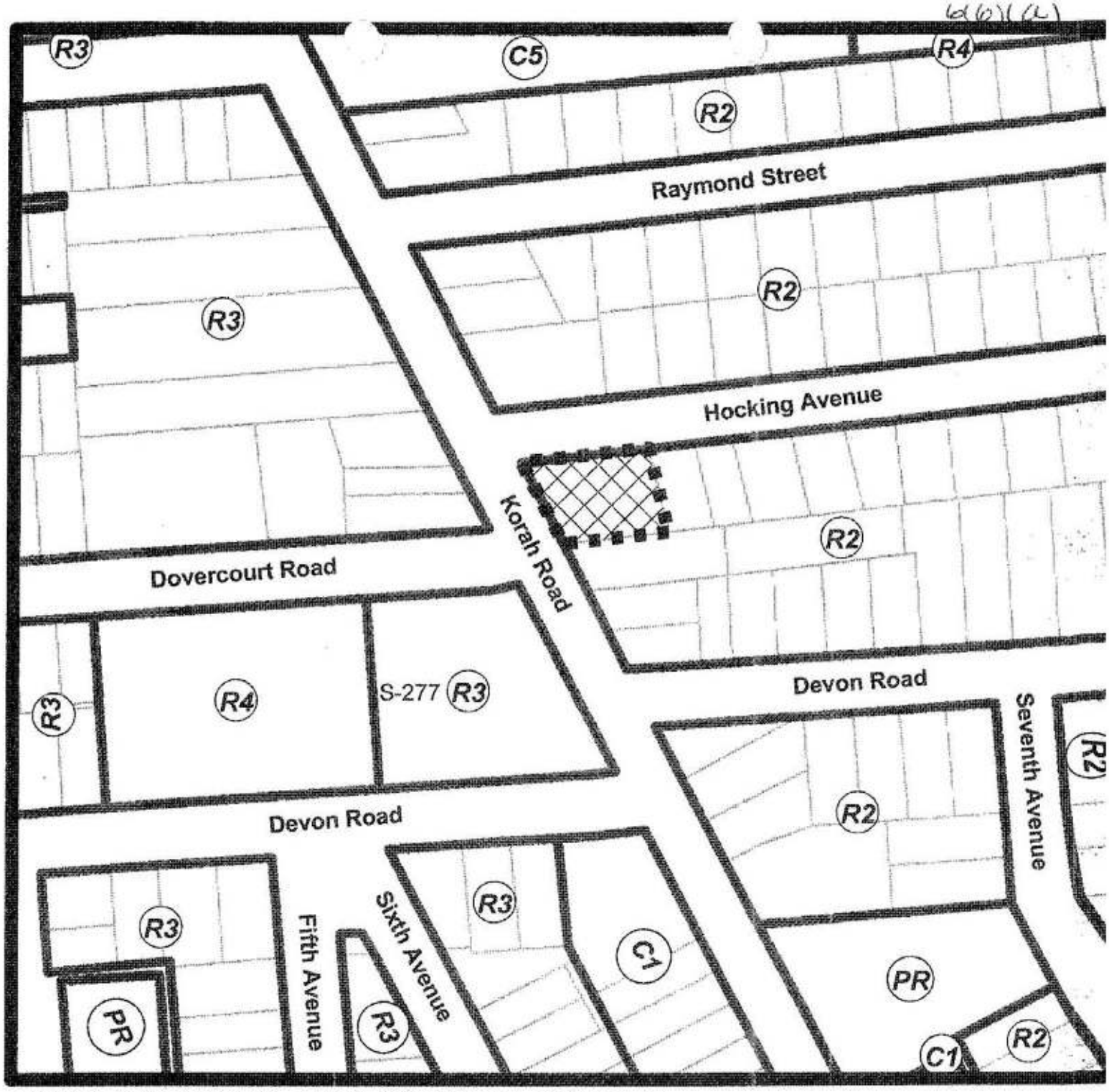
METRIC SCALE
1 : 1800

MAP REFERENCE
55 & 1-71

MAIL LABEL ID
A-11-13-Z

Legend

Subject Property = 414 Korah Road



EXISTING ZONING MAP

414 KORAH ROAD

Planning Application: A-11-13-Z

METRIC SCAL
1 : 1800

- Subject Property = 414 Korah Road
- R2 - Single Detached Residential Zone
- R3 - Low Density Residential Zone
- R4 - Medium Density Residential Zone
- C1 - Traditional Commercial Zone
- CT2 - Commercial Transitional Zone
- C5 - Shopping Centre Zone
- PR - Parks and Recreation Zone
- S-# = Special Exception Zoning

MAP REFERENC
55 & 1-71

MAIL LABEL
A-11-13-Z

6(6)(b)

Jerry Dolcetti, RPP
Commissioner

Donald B. McConnell, RPP
Planning Director

THE CORPORATION OF THE CITY OF SAULT STE. MARIE CANADA

ENGINEERING & PLANNING
DEPARTMENT

Planning Division

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

RE: Application No. A-16-13-Z.OP – filed by Seamless Eavestrough MFG
68 Railroad Avenue

PURPOSE

The applicant, Seamless Eavestrough MFG is seeking City Council's approval to rezone the subject property to "CT2" (Commercial Transitional) zone and add as additional permitted uses a contractor's yard specializing in the installation of seamless eavestrough, vinyl siding and vinyl decks, as well as to allow cold storage and a professional, scientific and technical office within the existing building. This application also requires an Official Plan Amendment to re-designate the property from Residential to Commercial on Land Use Schedule C of the Official Plan, as well as a notwithstanding clause to the Commercial policies of the OP, to permit the contractors yard and cold storage uses. The overall effect of this application is to allow the applicant to relocate his contracting business to the subject property, and to legalize the existing cold storage and office uses which currently occupy the building.

PROPOSED CHANGE

The applicant is requesting an Official Plan Amendment to re-designate the subject property from Residential to Commercial on Land Use Schedule C of the Official Plan as well as a notwithstanding clause to the Commercial policies of the OP, to permit the contractors yard and cold storage uses. The applicant is also seeking a rezoning from "R3" (Low Density Residential) zone to "CT2" (Commercial Transitional) zone with a Special Exception to permit a contractor's yard specializing in the installation of seamless eavestrough, vinyl siding and vinyl decks, as well as cold storage and a professional, scientific and technical office, in addition to those permitted in a "CT2" zone.

Subject Property:

- Location – Located on the southeast corner of Francis Street and Railroad Avenue, civic no. 68 Railroad Avenue
- Size – 30.5m (100m) frontage on Railroad Avenue by 35m (115') of depth totalling approximately 1067.5m^2 (11,491sq.ft.)

- Present Use – Cold storage, office use & material testing and inspection (concrete, asphalt and soils)
- Owner – Repeat Rentals Limited

BACKGROUND

There have been no previous applications on the subject property.

ANALYSIS

Conformity with the Official Plan

The subject property is designated 'Residential' on Land Use Schedule C of the Official Plan. The applicant is requesting City Council's approval to rezone the subject property from "R'3" (Low Density Residential) zone to "CT2" (Commercial Transitional) zone with a Special Exception to add as additional permitted uses a contractor's yard specializing in the installation of seamless eavestrough, vinyl siding and vinyl decks, as well as to allow cold storage and a professional, scientific and technical office within the existing building.

Approval of this application requires the following Official Plan Amendments:

1. Map Change (Schedule C) – Residential to Commercial
   The proposed Commercial Transitional zone provides for and regulates a mix of commercial, small office, and residential land uses. While this zone is primarily applied to the areas immediately surrounding the downtown core, it has also been applied as a 'neighbourhood commercial zone' within residential areas.

2. Notwithstanding Clause to the commercial policies of the Official Plan to permit a contractors yard and cold storage
   Contractor's yards and cold storage are generally considered as industrial land uses and as such, a notwithstanding clause is required to permit the proposed contractor's yard and cold storage uses.

Comments

This application is twofold. The applicant is seeking City Council's approval to relocate his business to the subject property, which by definition is a contractor's yard. The second part of the application is to rezone the subject property to the Commercial Transitional zone for future development purposes. Most recently, Repeat Rentals occupied the building, and at present, a portion of the building is utilized as cold storage, and a professional, scientific and technical office.

Although zoned and designated Residential, the existing building on the subject property has traditionally operated with a combination of industrial and commercial uses. The overall design of the building reflects the historic uses of the property. The building was constructed along the west and north lot lines of the subject property, with two (2) overhead doors along the Francis Street (west) frontage. The eastern portion of the subject property is a fenced compound area, which traditionally stored goods in association with the Repeat Rentals.

The character of this area is primarily residential. The Canadian Pacific rail line runs behind the rear lot line of the subject property. Further west along Railroad Avenue and London Street there are two (2) vacant industrially zoned parcels, which were formerly occupied by Soo Mill. Although Railroad Avenue and Francis Street are local residential streets, they are often utilized as an alternative route downtown and as such, experience somewhat higher traffic volumes than most local residential streets.

According to the applicant's site plan, the rear portion of the existing building will be utilized for cold storage. The middle portions will be used by Seamless Eavestrough as a 'contractor's shop', and the front portion will house the offices associated with Seamless Eavestrough and the existing professional, scientific and technical office use. The compound area would remain, housing truck and trailer units associated with seamless eavestrough. Employee parking will be provided along the eastern lot line. Although the applicant's site plan shows two (2) recycling bins and one (1) garbage bin in the front yard, upon further discussion with staff, the applicant has agreed to relocate these bins into the building.

Although the character of the area is somewhat mixed, protecting the residential character of this area is critical in assessing the merits of this application. More specifically noise, dust odour, vibrations and traffic associated with the proposed contractor's yard. The zoning definition of a contractor's yard is:

Contractor's Yard
Establishments primarily engaged in activities generally needed in the construction of buildings and structures. The activities performed may include new construction, additions, alterations, maintenance, and repairs. Such uses may include the following or similar uses:

- *Foundation, structure, and building exterior contractors*
- *Building equipment contractors (electrical, plumbing, heating/cooling)*
- *Building finishing contractors*
- *Landscaping contractors*
- *Other specialty contractors*
- *Exclusion: Contractor's yards supporting heavy and civil engineering construction.*

Contractor's yards are permitted in all three Industrial zones. Although 'contractor's yards supporting heavy and civil engineering construction are excluded and defined separately, the current definition is very broad. The broad definition captures all contractors, however it is recognized that not all contracting businesses are alike, and there is a great deal of variation in terms of the potential for off-site impacts. In designing this definition, it was felt that all contractors should be treated alike, but that rezoning applications could be assessed on a case by case basis.

In the case of Seamless Eavestrough, this business specializes in the installation of seamless aluminum eavestrough, vinyl decks, fences and siding. The applicant has stated that all work is conducted at the job site. Any on-site work would be completed totally within the existing building. Outdoor storage associated with the site will consist of truck/trailer units which are used at the job site, and employee parking. The applicant has also stated that refuse and recycling bins will be located within the existing building. A cube van associated with the business will also be parked within the existing building.

Beyond employee parking and the storage of truck/trailer units, there will be no other outdoor storage associated with the proposed use. The compound area is intended to be bound with a visually solid fence along the east lot line, which abuts an existing residence. A security fence and gate will also be constructed between the east lot line and the east wall of the existing building.

Consequently, the off-site impacts, as well as the potential for future off-site impacts associated with this specific contracting business are minimal, however, it is recommended that approval be specific to Seamless Eavestrough's current business, which is the installation of seamless eavestrough, vinyl siding and vinyl decks only. A combination of specifically defining the use, prohibiting outdoor storage beyond what is described above, and requiring buffering along the east lot line will appropriately minimize off-site impacts. To this end, it is also recommended that the property be deemed subject to Site Plan Control, which will allow staff to ensure that adequate buffering and landscaping (along the Railroad Avenue frontage) is constructed and maintained.

The applicant is also requesting City Council's approval to rezone the subject property from "R3" (Low Density Residential) zone to "CT2" (Commercial Transitional) zone, for future development purposes. Given the current design of the building, and the close proximity of the railway tracks makes it difficult to redevelop the property under the current "R3" zoning.

The "CT2" (Commercial Transitional) zone is appropriately utilized as a neighbourhood commercial zone, permitting a variety of residential and small scale commercial uses which can be appropriately located within residential areas. Although the existing building has been constructed to the west lot line, the proposed 'compound area' has the ability to support roughly fifteen (15) parking spaces, which has the effect of limiting the overall size and scope of any future commercial uses, in a manner that would result in future commercial development being of an appropriate size conducive to the residential neighbourhood.

As previously mentioned, there is an office use which currently occupies a small portion of the existing building. If City Council approves this application, the 'professional, scientific and technical office' use will be permitted as an 'office use' within the "CT2" zone.

Finally, the current location of the building is such that it was constructed upon the west (ext. side) and north (front) lot lines. Although the building does enjoy legal non-conformity, it is recommended that approvals should include legalizing the building setbacks as they presently exist. It is worth noting that any building additions would have to conform to the CT2 Zone setback regulations.

Consultation

The following departments/agencies commented on the application as part of the consultation process:

- See attached letters – Building Division
- No objections/comments – Accessibility Advisory Committee, CSD, Municipal Heritage Committee, Conservation Authority, PUC Services, Fire Services, Engineering Department, PWT

Correspondence from the Building Division notes a long history of complaints regarding the previous use of the building. The most recent complaint dates back to 1990. Recognizing neighbour concerns with the previous use of the subject property, the applicant has indicated that he went door-to-door and discussed his intentions with a number of neighbours immediately surrounding the subject property.

Up until the drafting of this report, there have been no comments or objections submitted by neighbours.

IMPACT

There are no significant impacts on municipal services resulting from the approval of this application.

STRATEGIC PLAN

Approval of this application is not related to any activity identified in the City's Corporate Strategic Plan.

SUMMARY

The proposed rezoning and Official Plan amendments will allow for the appropriate re-use of the subject property. Given the design of the current building, coupled with the close proximity of the abutting rail line to the south, future residential development potential is difficult.

Although contractor's yards are not typically conducive to a residential area, the zoning definition is broad, and in terms of off-site impacts, one cannot treat all contracting businesses alike. Seamless Eavestrough does not utilize any machinery beyond trucks utilized to transport materials to and from job sites. It is recommended that any storage or on-site work be restricted to inside the existing building. The applicant is agreeable to prohibiting outdoor storage, beyond the storage of operable vehicles, including utility trailers and employee parking. Given the broad definition of a 'contractor's yard', it is also important that any approvals clearly define what type of contractor's yard is permitted.

The applicant has also stated that he will work with Planning staff to develop an appropriate buffer along the east lot line, which abuts the residence to the east. More specifically, a 1.83m (6') visually solid fence will be constructed to replace the existing fence. Planning staff will also work with the applicant to design appropriate landscaping along the Railroad Avenue frontage, where the entrance to the compound is located.

In terms of the applicants request to rezone the subject property for future commercial purposes, the Commercial Transitional zone is appropriately utilized as a neighbourhood commercial zone, permitting a variety of residential and small scale commercial uses, which are intended to serve the immediate neighbourhood.

RECOMMENDATION

That City Council:

1. Approve Official Plan Amendment No. 195.

2. Rezones the subject property from "R3" (Low Density Residential) zone to "CT2.S" (Commercial Transitional) zone with a Special Exception permitting the following uses in addition to the uses permitted in a "CT2" zone:
   a. A contractor's yard specializing in the installation of seamless eavestrough, vinyl siding and vinyl decks
   b. Cold storage.

3. Outdoor storage associated with the contractor's yard or cold storage uses is prohibited, except for operable vehicles, utility trailers and employee parking.

4. That the setback requirements be reduced to those which currently exist.

5. Deem the property subject to Site Plan Control.

Respectfully submitted,

Peter Tonazzo, MCIP, RPP
Planner

Recommended for approval,

Donald B. McConnell, MCIP, RPP
Planning Director

Recommended for approval,

Jerry Dolcetti, RPP
Commissioner Engineering & Planning

RECOMMENDED FOR APPROVAL

Joseph M. Fratesi
Chief Administrative Officer

PT/ps

attachment(s)

6(6)(b)

AMENDMENT NO. 195
TO THE
SAULT STE. MARIE OFFICIAL PLAN

PURPOSE:

This Amendment is an amendment to Schedule "C" of the Official Plan, as well as a text change by way of a notwithstanding clause to the commercial policies of the Official Plan.

LOCATION:

Lots 21 to 24 on Plan 19938, located on the southeast corner of Francis Street and Railroad Avenue, having civic address 68 Railroad Avenue.

BASIS:

This Amendment is necessary in view of the request to rezone and redesignate the subject property from residential to commercial, with a contractor's yard specializing in the installation of seamless eavestrough, vinyl siding and vinyl decks, as well as cold storage as additional permitted uses.

Council now considers it desirable to amend the Official Plan, re-designating the subject property from "Residential" to "Commercial", and adding a notwithstanding clause to the Commercial Policies of the Official Plan, to permit a contractor's yard specializing in the installation of seamless eavestrough, vinyl siding and vinyl decks, as well as cold storage as additional permitted uses.

DETAILS OF THE ACTUAL AMENDMENT & POLICIES RELATED THERETO:

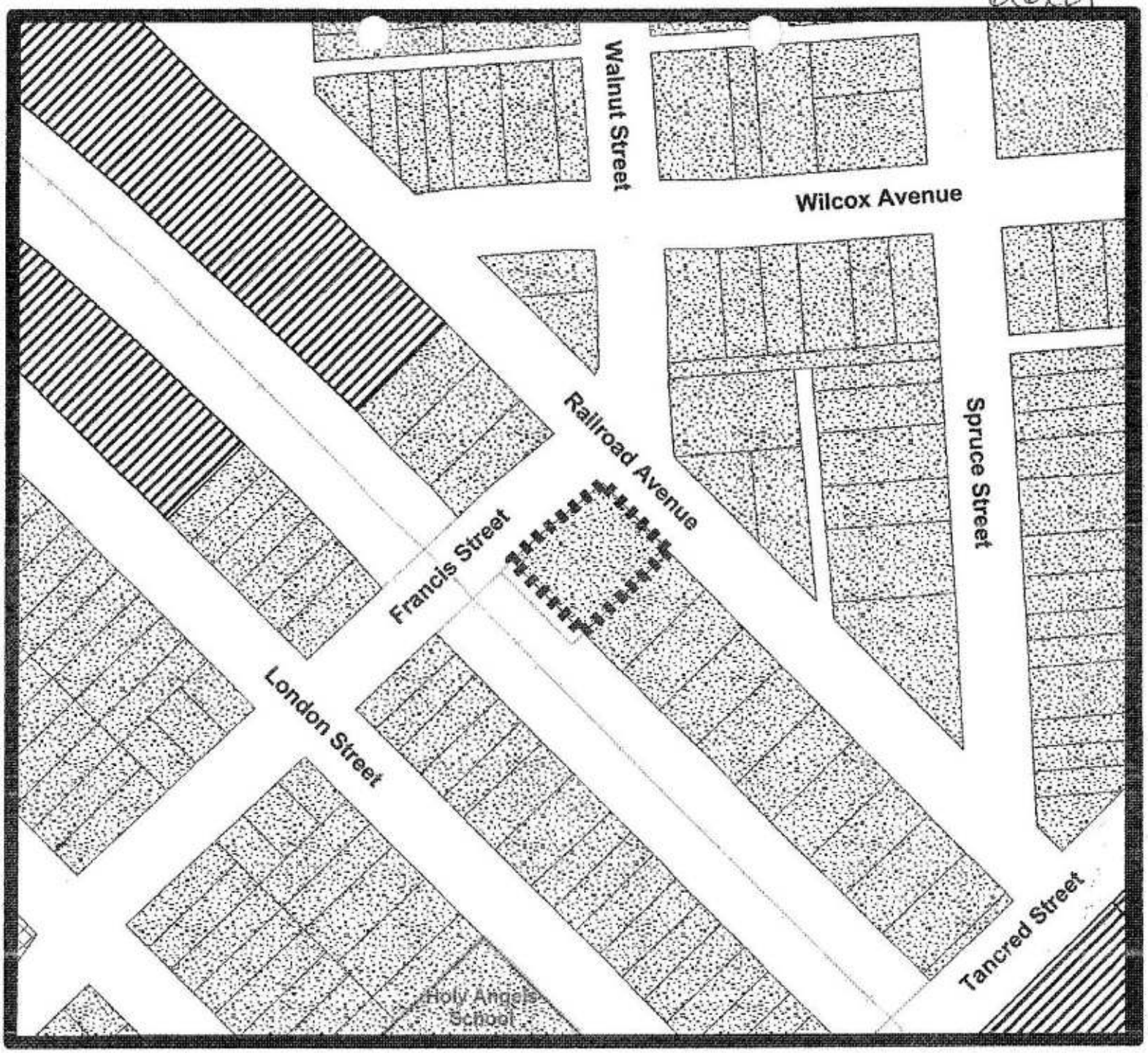
Schedule "C" to the Sault Ste. Marie Official Plan is hereby amended re-designating Lots 21 to 24 on Plan 19938, located on the southeast corner of Francis Street and Railroad Avenue, having civic address 68 Railroad Ave., shown on the attached schedule, from "Residential" to "Commercial".

132 Notwithstanding the Commercial policies of the Official Plan, the subject property may be used to permit a contractor's yard specializing in the installation of seamless eavestrough, vinyl siding and vinyl decks, as well as cold storage as additional permitted uses

INTERPRETATION

The provisions of the Official Plan as amended from time to time will apply to this Amendment.

(66LP)



OFFICIAL PLAN LAND USE MAP

Schedule "C" 68 RAILROAD AVENUE

Planning Application A-16-13-Z-OP

MAP REFERENCE
26 & 1-29

ROLL NUMBER
040-019-048-00

Subject Property = 68 Railroad Avenue

OFFICIAL PLAN LAND USE DESIGNATION

- Residential
- Industrial
- Commercial

OFFICIAL PLAN AMENDMENT NUMBER

195

6(6)(b)

Pat Schinners

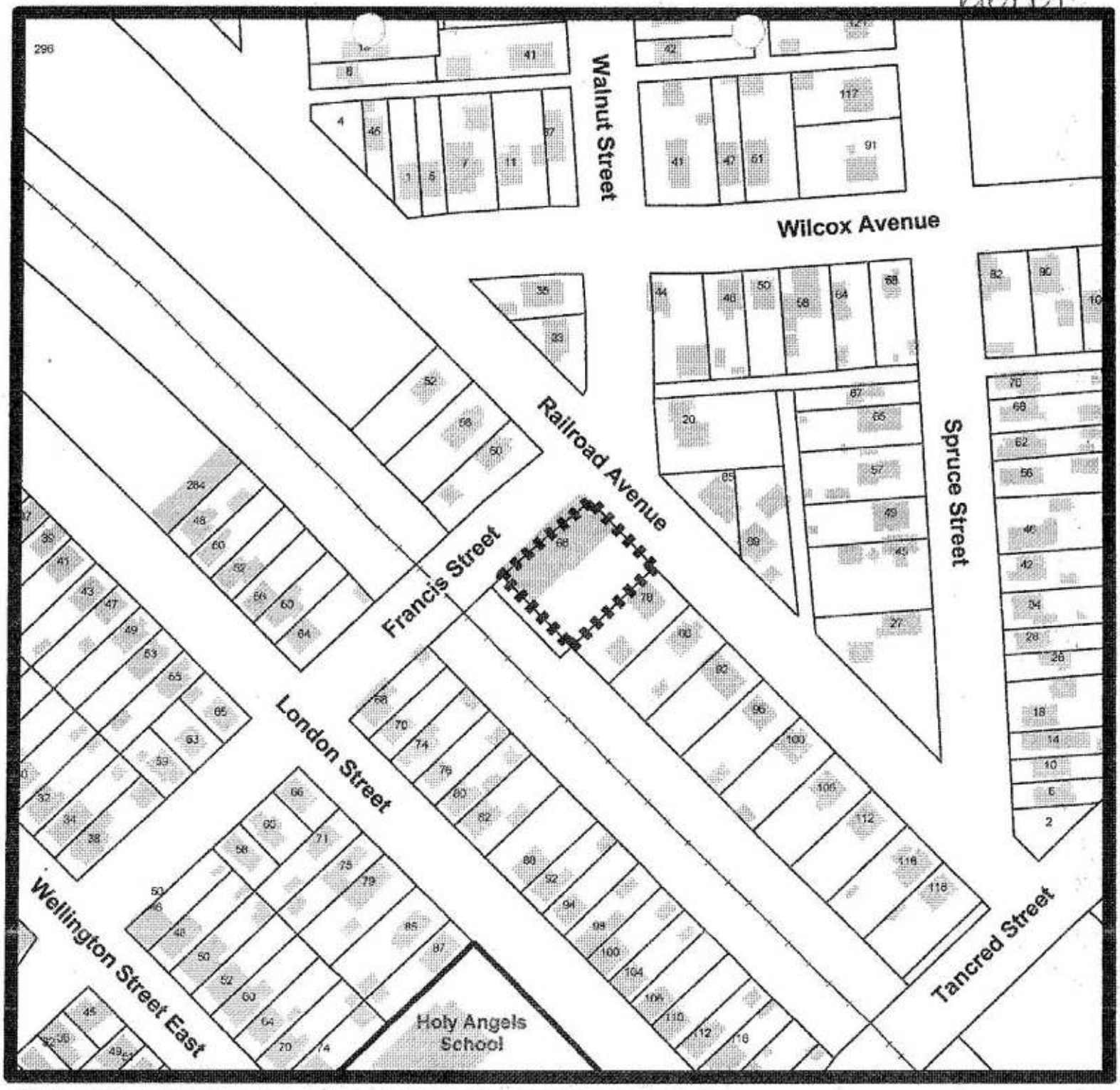
From: Don Maki
Sent: May 10, 2013 11:51 AM
To: Don McConnell; Pat Schinners
Subject: Rezoning application A-16-13-Z.OP 68 Railroad Avenue

Hi Don
This property has had a long history of complaints regarding the use and noise from these uses in the past. However the most recent issues were back in 1990.
Don

Don Maki CBCO
Chief Building Official
City of Sault Ste. Marie
99 Foster Drive
Sault Ste. Marie, ON P6A 5X6
Phone (705) 759-5399
d.maki@cityssm.on.ca

www.cityssm.on.ca

(6b1b)



SUBJECT PROPERTY MAP

68 RAILROAD AVENUE

Planning Application A-16-13-Z-OP

METRIC SCALE
1 : 1600

MAP REFERENCE
26 & 1-29

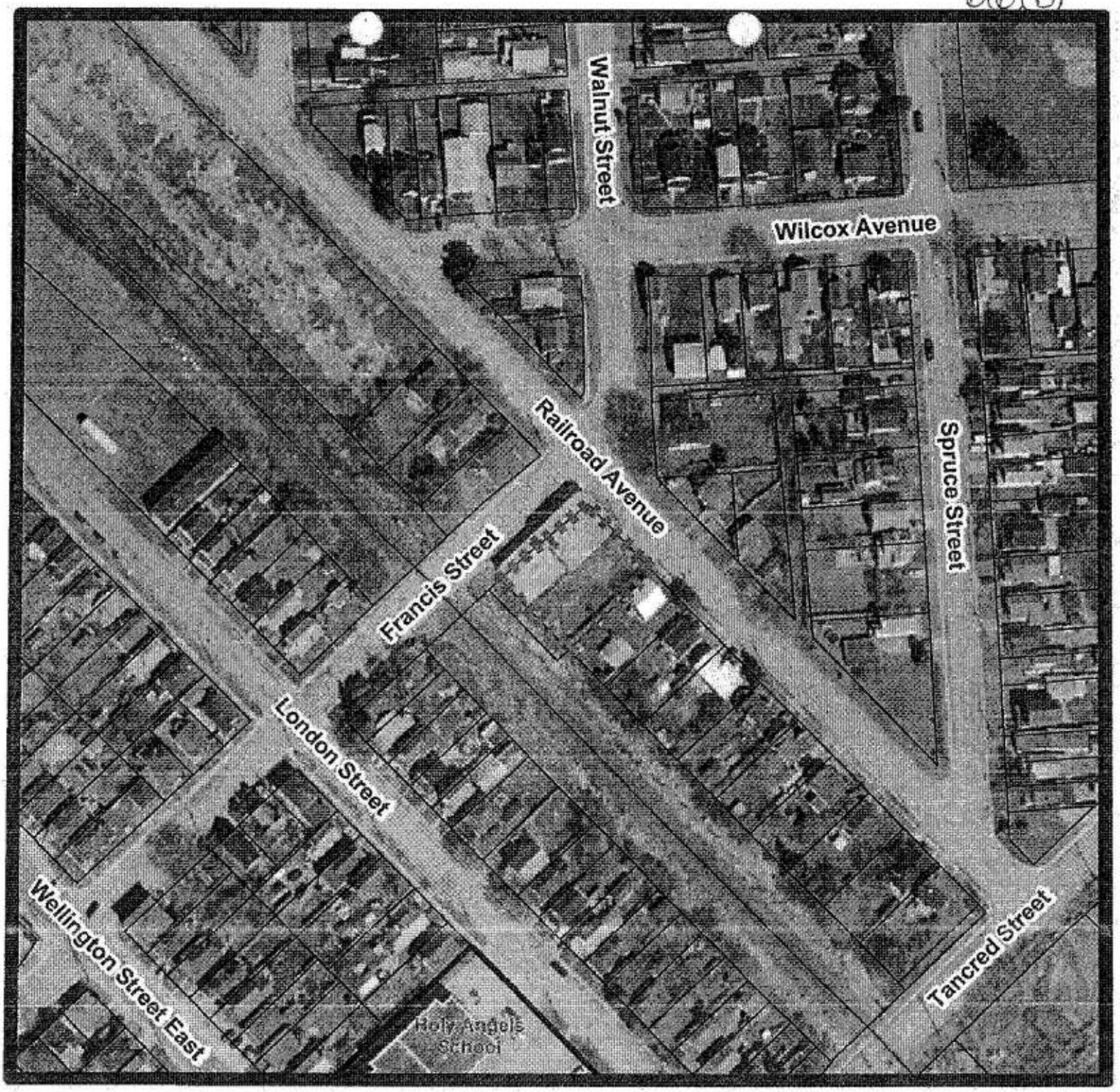
MAIL LABEL ID
A-16-13-Z

ROLL NUMBER
040-019-048-00

Legend

Subject Property = 68 Railroad Avenue

(6(D)



2012 ORTHO PHOTO

68 RAILROAD AVENUE

Planning Application A-16-13-Z-OP

N

METRIC SCALE
1 : 1600

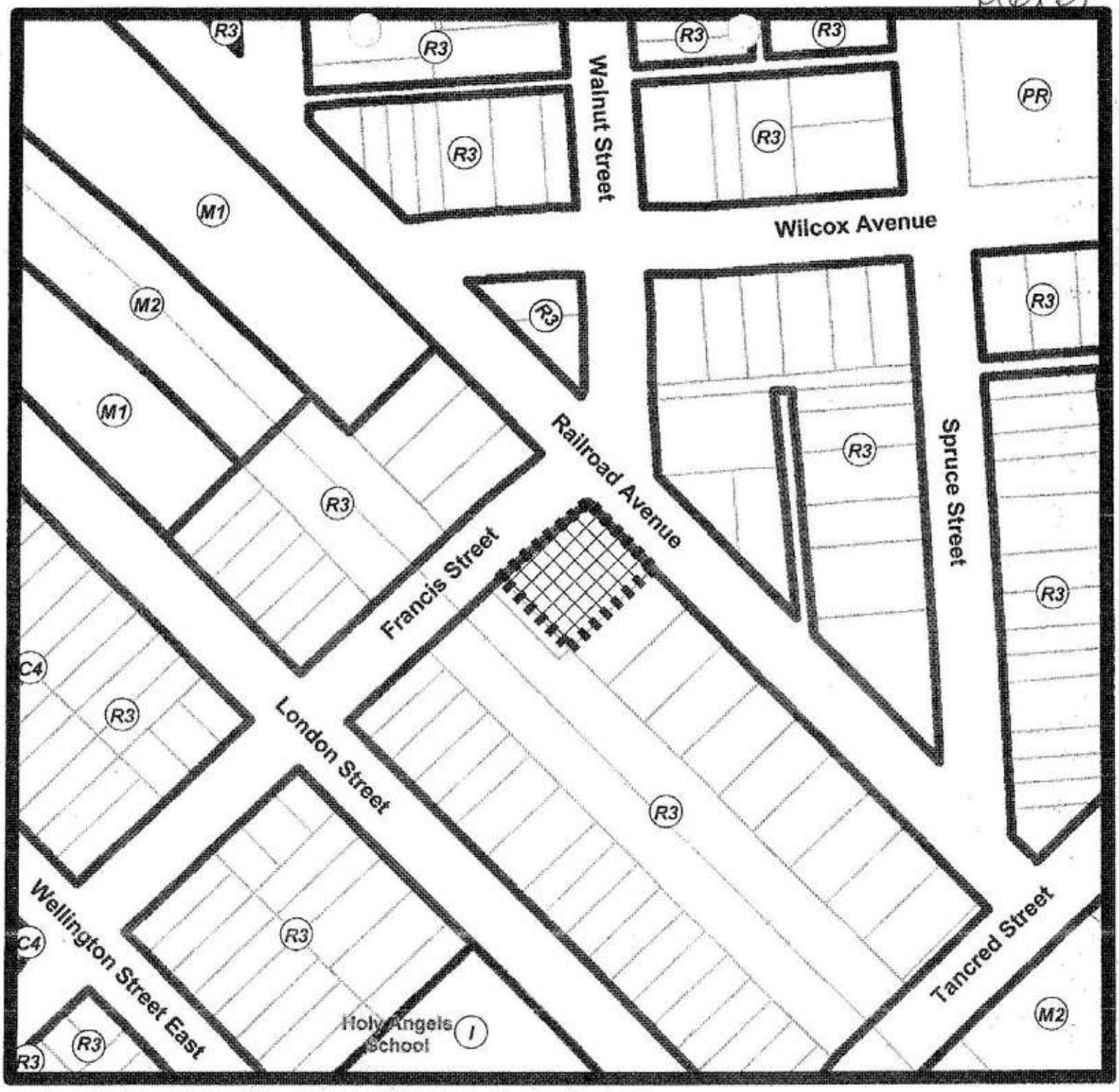
MAP REFERENCE
26 & 1-29

MAIL LABEL ID
A-16-13-Z

ROLL NUMBER
040-019-048-00

Legend

Subject Property = 68 Railroad Avenue



EXISTING ZONING MAP

68 RAILROAD AVENUE

Planning Application A-16-13-Z-OP

ZONE CATEGORIES

- Subject Property = 68 Railroad Avenue
- R3 - Low Density Residential Zone
- C4 - General Commercial Zone
- M1 - Light Industrial Zone
- M2 - Medium Industrial Zone; M2hp
- I - Institutional Zone

METRIC SCALE
1 : 1600

MAP REFERENCE
26 & 1-29

MAIL LABEL ID
A-16-13-Z

ROLL NUMBER
040-019-048-00

(6(6)(c)

Jerry Dolcetti, RPP
Commissioner

Donald B. McConnell, RPP
Planning Director

ENGINEERING & PLANNING
DEPARTMENT

Planning Division

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

RE: Application No. A-17-13-Z – filed by Emilio, Lina & Mauro Guzzo
720 Douglas Street

PURPOSE

The applicants are seeking a rezoning to facilitate the construction of 12 multiple attached (townhouse) units on the subject property.

PROPOSED CHANGE

The applicants are seeking a rezoning from "R2" (Single Detached Residential) zone to "R3" (Low Density Residential) zone, to facilitate the construction of 12 multiple attached dwelling units on the subject property.

Subject Property:

- Location – Located on the north side of Douglas Street, approximately 33m east of its intersection with Goulais Avenue, civic no. 720 Douglas Street
- Size – Approximately 53.1m (174.2') frontage by 110.7m (363.6') depth totalling 0.6ha (1.47acres)
- Present Use – Vacant
- Owner – Emilio Guzzo

BACKGROUND

In 1988 the original parcel was severed and the western portion was rezoned to permit semi-detached dwellings.

ANALYSIS

Conformity with the Official Plan

The subject property is designated 'Residential' on Land Use Schedule 'C' of the Official Plan, and therefore, the proposed townhouse development conforms to the existing Official Plan land use designation.

The applicants proposal is further supported by the following residential policies:

R.3 Medium density residential dwellings may be integrated into low density areas subject to rezoning.

R.4 Small scale intensification may be permitted in all residential areas unless adequate supporting infrastructure is not available or significant physical constraints exist.

The resulting density will be approximately eight (8) dwelling units/acre. Within the local context, medium density residential development is characterized as between eight (8) and twelve (12) dwelling units per acre, therefore, this proposal represents a medium density residential development.

The applicants proposal can also be characterized as 'small scale intensification', which is generally defined in Residential Policy 5 as *"rooming, boarding and lodging houses, apartments in houses, infill development and redevelopment."* This application represents infill development within an existing mixed residential neighbourhood.

In September 2012, City Council adopted Official Plan Amendment No. 188, which implements the city wide Archaeological Potential Assessment completed by Archaeological Services Inc. The subject property is identified as having archaeological potential, however it has been determined that an archaeological study is not required at this time. Archaeological Policy 2 notes that *"archaeological assessments may not be required in areas that have been subject to previous intensive and extensive soil disturbance."* A review of air photo archives reveals that the subject property was actively farmed and the soil was tilled from the 1930's to the early 1980's. Such soil disturbance would have impacted any archaeological remains that may have existed on the site, and therefore, an archeological review is not required.

Comments

The applicants are requesting City Council's approval to locate three (3) townhouse blocks consisting of four (4) dwelling units each, totalling twelve (12) dwelling units on the subject property. As per the attached site plan, the development is proposed to be constructed in three phases. Although the applicant's site plan is preliminary in nature, there appears to be enough space on the subject property to support the proposed development. Although the east and west lot lines are interior side yards by definition, they will function as front and rear

yards for phases 1 and 2. The proposed 7.5m (25') front yards for Phase 1 and 2 are large enough to accommodate the required parking (1 space/unit), and the 7.5m (25') rear yards are large enough to support ample outdoor amenity areas. Phase 3 would include larger front and rear yards. Although not shown on the site plan, the area south of Phase 3 is large enough to accommodate additional parking spaces, refuse bins, and a common outdoor area for residents.

The townhouses are proposed to be rental units. The buildings will be 1 storey, and designed in a manner that is very similar to other recently constructed townhouses. Several units will also include an attached garage.

The character of this area is mixed residential, consisting of single detached dwellings to the east and northwest, a vacant parcel to the north, a combination of single-detached and semi-detached dwellings to the west, and a number of apartment buildings to the south. From a land use perspective, this is an infill development which will further round out this mixed residential neighbourhood.

Given the preliminary nature of the applicant's site plan, it is recommended that if approved, the property also be deemed subject to site plan control, which will grant City staff an opportunity to review development details and enter into an agreement with the applicants prior to the issuance of a building permit. More specifically, matters such as drainage, buffering and servicing will be addressed through the site plan control process.

Consultation

The following departments/agencies commented on the application as part of the consultation process:

- See attached letters – PUC Services, Accessibility Advisory Committee
- No objections/comments – PWT, CSD, Municipal Heritage Committee, Conservation Authority, Fire Services, Building Division

PUC Services indicates no objection to the proposed rezoning, but to note that as part of the overall development design, the applicant's consultant should confirm available water service and fire flow capacity, which may impact design requirements for the proposed development. PUC also notes that water frontage charges are due for any proposed development upon the subject property.

Correspondence from the Engineering Department deals with drainage and site servicing requirements. Engineering also recommends that the property be deemed subject to site plan control, to allow staff to review and approve drainage and servicing plans.

Correspondence from the Accessibility Advisory Committee recommends that the Facility Accessibility Design Standards (FADS) be adhered to when designing the site. It is worth noting that FADS only apply to municipally owned, operated or leased facilities. As this is a privately owned development, FADS will not apply, however Ontario Building Code requirements must be adhered to. The attached correspondence also requests clarification on how many accessible parking spaces will be required, and how many of the units must be

designed in an accessible manner. Not unlike single or semi-detached dwellings, the required parking for multiple attached dwellings is 1 space per dwelling unit. Based on the site plan, individual parking spaces will be located on individual driveways, again, very much like a single or semi-detached setting. Consequently, separate barrier free parking facilities are not required.

As it relates to accessible units, the Chief Building Official has confirmed that the Building Code requires that at least 10% of new dwelling units must be accessible, applies to apartment buildings, and does not apply to multiple attached units. While the applicants may decide to incorporate one or more barrier free units into the development, this cannot be a requirement.

Until the drafting of this report there have been no objections received from neighbours.

IMPACT

There are no anticipated financial impacts to the municipality as a result of the proposed zoning change.

STRATEGIC PLAN

City's Strategic Plan will not be impacted by the proposed zoning request.

SUMMARY

This application represents an infill development opportunity. The subject property is large enough to support the proposed twelve (12) multiple attached dwelling units, which will fit into the overall mixed residential character of the area.

Given the preliminary nature of the attached site plan, it is recommended that site plan control be utilized to ensure the site is designed in a manner that is consistent with sound design principles. Site Plan Control will also ensure that drainage and servicing works are designed and constructed.

RECOMMENDATION

That City Council approve this application and rezone the subject property from "R2" (Single Detached Residential) zone to "R3" (Low Density Residential) zone, in order to permit the construction of multiple attached dwellings, and that the subject property be deemed subject to site plan control.

Respectfully submitted,

Peter Tonazzo, MCIP, RPP
Planner

Recommended for approval,

Donald B. McConnell, MCIP, RPP
Planning Director

Recommended for approval,

Jerry Dolcetti, RPP
Commissioner Engineering & Planning

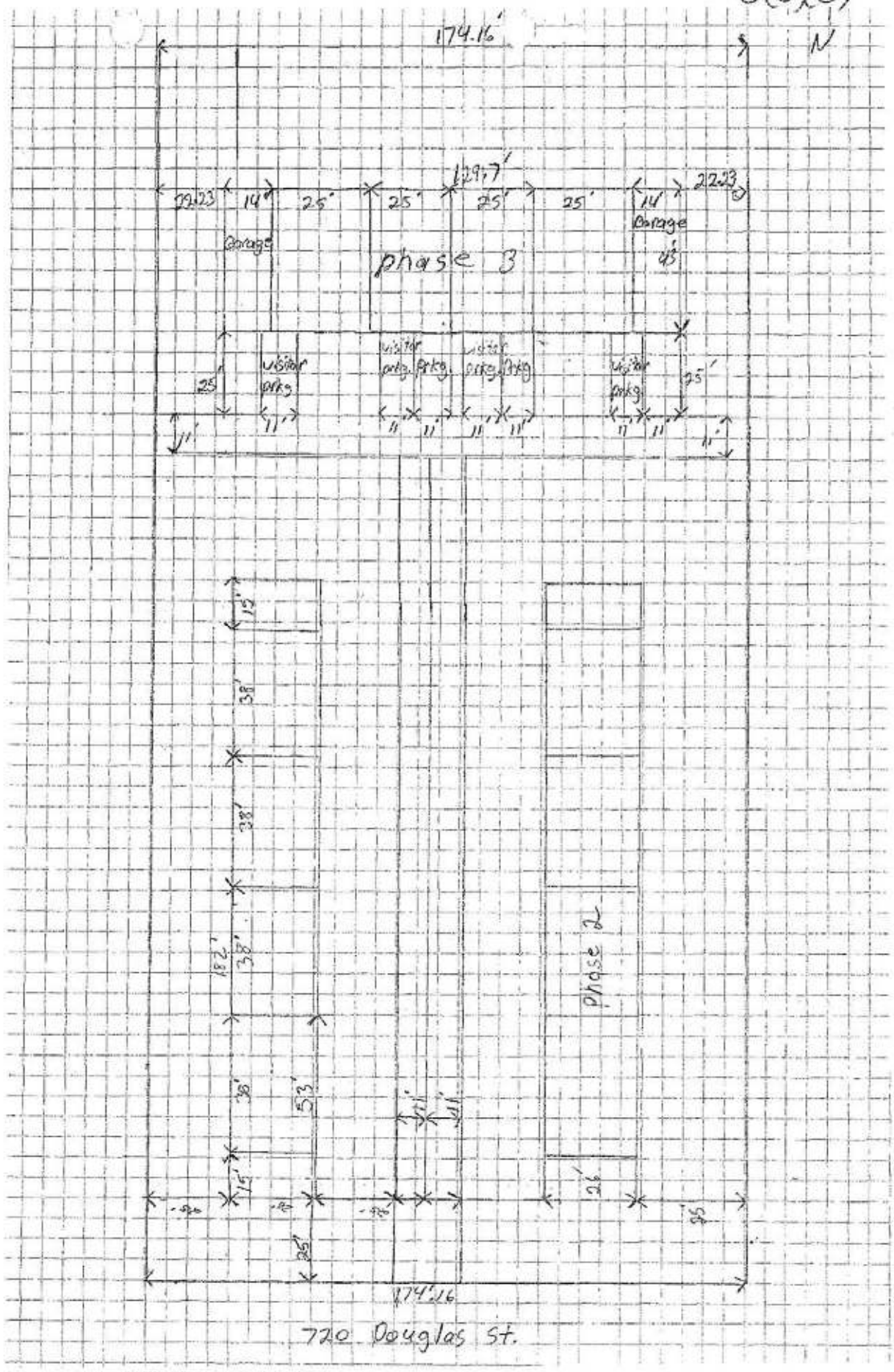
PT/ps

attachment(s)

RECOMMENDED FOR APPROVAL
Joseph M. Fratesi
Chief Administrative Officer

Data\APPL\REPORTA-17-13-Z.docx

6(6)(c)


174.16'
N
22.23
14
25'
25'
129.7'
25'
25'
22.23
14
Garage
Garage
phase 3
45'
visitor parking
visitor parking
visitor parking
visitor parking
visitor parking
25'
11'
11'
11'
11'
11'
11'
11'
11'
15'
38'
38'
38'
182'
38'
53'
41'
41'
15'
26'
95'
25'
phase 2
174.16'
720 Douglas St.

(d6)(c)

PUC SERVICES INC.
ENGINEERING DEPARTMENT
500 Second Line East, P.O. Box 9000
SAULT STE. MARIE, ONTARIO, P6A 6P2

June 20, 2013

Donald B. McConnell, MCIP, RPP
Planning Director
The Corporation of The
City of Sault Ste. Marie
P.O. Box 580
Sault Ste. Marie, ON P6A 5N1

emailed: d.mcconnell@cityssm.on.ca

Dear Sir:

Re: Application A-17-13-Z
720 Douglas Street

PUC wishes to advise that we have no objection to the proposed rezoning application.

Given the proposed repurposing of the property, the owner should confirm the available water service capacity and fire flow capacity which may impact design requirements for the proposed development. We also comment that water frontage charges would be due for any such development.

Best Regards,

PUC SERVICES INC.

Rob Harten, P. Eng.
Manager of Engineering

RH*jf

PUC DISTRIBUTION INC.
Tel. (705) 759-6515

PUC SERVICES INC.
Fax. (705) 949-0083

PUBLIC UTILITIES COMMISSION
Email: rob.harten@ssmpuc.com

6(6)(c)

Jerry D. Dolcetti, RPP
Commissioner

Daniel Perri, EIT
Engineering Intern

ENGINEERING & PLANNING
DEPARTMENT

Engineering & Construction Division

2013 07 02
Our File: A-14-12-Z.OP

Donald B. McConnell, MCIP, RPP
Planning Director
Engineering and Planning Department
City of Sault Ste. Marie

Dear Mr. McConnell:

RE: A-17-13-Z – 720 DOUGLAS STREET
REQUEST FOR AN AMENDMENT TO THE ZONING BY-LAW

The Engineering and Construction Division has reviewed the above noted application, and provides the following:

- No owner of an industrial, commercial or institutional premise or multi-residential development of four (4) units or greater shall undertake any works or make any connection or do anything that would increase peak flow rates of storm water or which would impair the quality of storm water which is discharged to a sewer without prior approval of the City Engineer;

- Post development flows shall not exceed pre-development flows for all storms up to and including a 100 year event, unless otherwise approved;

- The City will require a servicing plan, showing proposed storm and sanitary pipes, in addition to storm water management plan, and associated lot grading plan;

- The existing sanitary sewers shall be verified to ensure adequate downstream capacity to accommodate the increase in flow from the new development;

- The owner or operator of multi residential buildings, with more than nine (9) units, which are connected to a sewage works shall install and maintain in good repair in each connection to a sewage works, a suitable maintenance hole to allow for observation, sampling and flow measurement of the sewage, uncontaminated water or storm water therein, or provide, where the installation of a maintenance access hole is not possible, an alternative device or facility with the prior written approval of the City Engineer;

The Corporation of the City of Sault Ste. Marie
P.O. Box 580~ 99 Foster Drive ~ Sault Ste. Marie, ON P6A 5N1
Telephone: (705) 759-5385 ~ Fax: (705) 541-7165
www.cityssm.on.ca ~ d.perri@cityssm.on.ca

6(6)(c)

- The maintenance access hole or alternative device or facility shall be located on the property of the owner or the operator of the premise, as close to the property line as possible, unless the City Engineer has given prior written approval for a different location;

- There are currently three sanitary laterals servicing the subject property. The condition of these laterals should be verified prior to connection;

- A storm lateral is required at the Applicant's expense; and

- It is recommended that the Development be subject to Site Plan Control to ensure the above requirements are met.

If you have any questions, please contact the undersigned.

Yours truly,

D. Perri

Daniel Perri, EIT
Engineering Intern

c: Jerry Dolcetti, Commissioner, Engineering & Planning
Susan Hamilton Beach, P. Eng., Deputy Commissioner, PWT
Pat Schinners, Planning

6(6)(c)

Accessibility
Moving Forward
Sault Ste. Marie - AAC

June 24, 2013
Don McConnell
Planning Director
City Planning & Engineering Division

SUBJECT: REZONING APPLICATION REVIEW – A-17-13-Z

720 Douglas Street

Dear Mr. McConnell

The Accessibility Advisory Committee makes the following recommendations in respect of barriers to access for person with disabilities on the subject rezoning application.

Exterior

1. Parking: Parking according to FADS.
2. Walkways & Sidewalks: Barrier Free path of travel.
3. Curb cuts: level elevation according to FADS.
4. Ramping: According to FADS.
5. Transit Access: NA
6. Lighting: Additional lighting In accordance with the Illuminating Engineers Society of North America Standards
7. Signage: As needed according to municipal standards.
8. Park area
9. Other: Noted that these units will be phased in. Will this affect the parking spaces for accessibility? Will any of the units be available for persons with disabilities, some of whom may be seniors?

Thank you for your attention to these recommendations.

☒ We request a Site Plan ☐ We do not want a Site Plan for review

Sincerely,

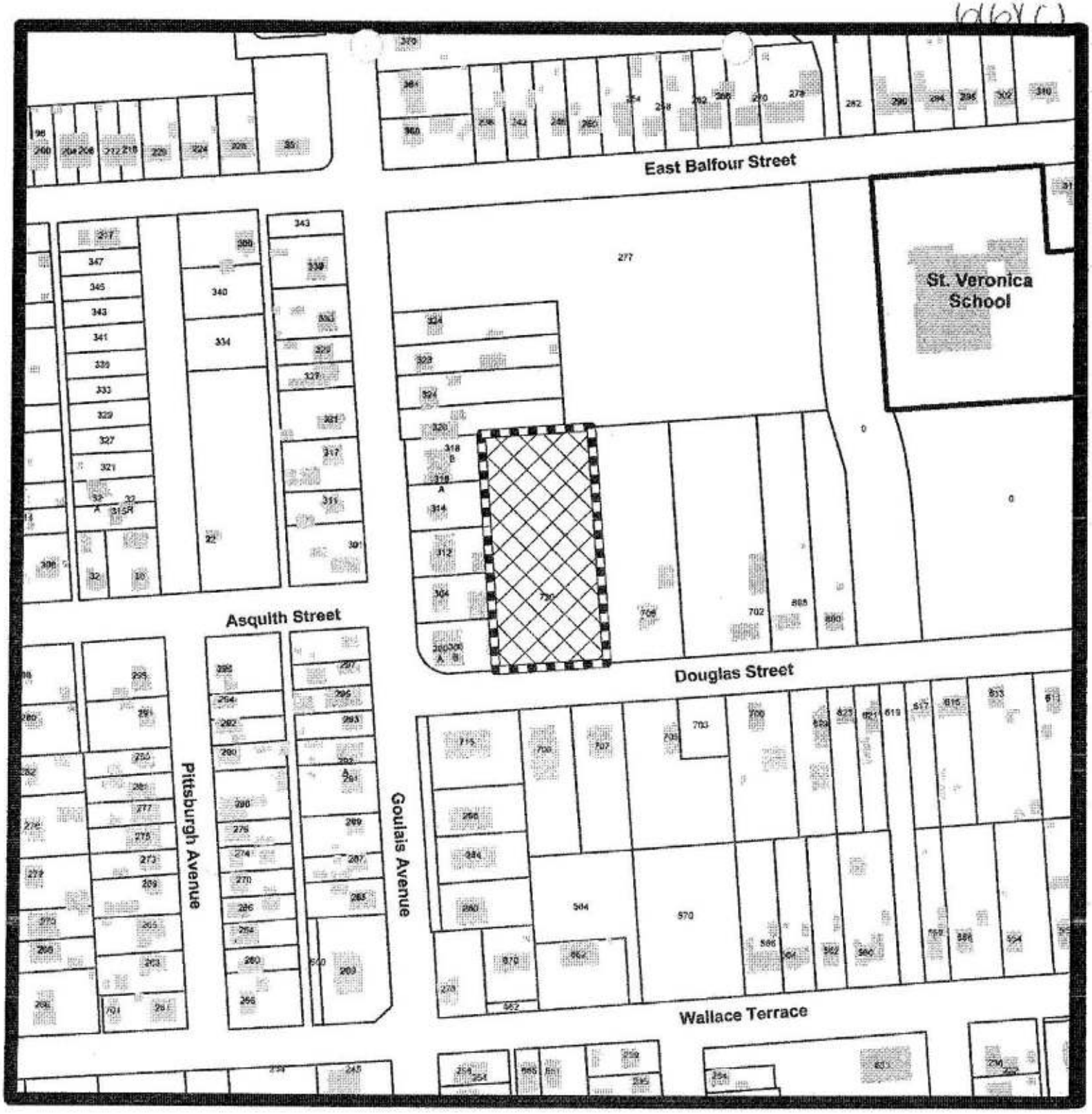
Ann Marie McPhee

Ann Marie McPhee

6(6)(c)

Accessibility
Moving Forward
Sault Ste. Marie - AAC

Chair, Site Plan Sub Committee
on behalf of The Accessibility Advisory Committee



SUBJECT PROPERTY MAP

720 DOUGLAS STREET

Planning Application A-17-13-Z

LEGEND

Subject Property = 720 Douglas Street

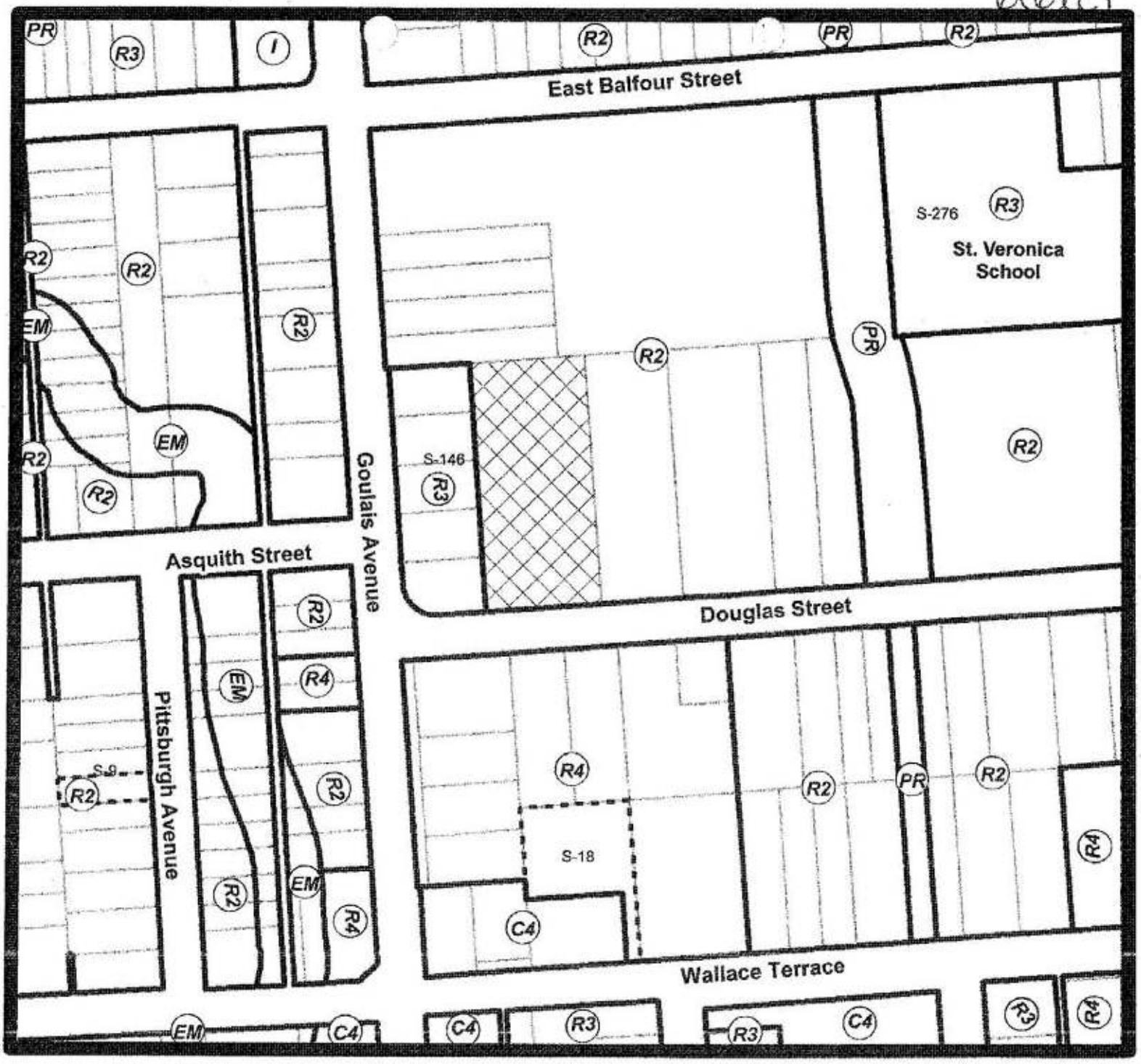
METRIC SCALE
1 : 2500

MAP REFERENCE
54 & 1-70

MAIL LABEL ID
A-14-13-Z

ROLL NUMBER
060-007-061-10

6(6)(c)



EXISTING ZONING MAP

720 DOUGLAS STREET

ROLL NUMBER
060-007-061-10

MAIL LABEL ID
A-14-13-Z

MAP REFERENCE
54 & 1-70

METRIC SCALE
1 : 2500

Planning Application A-17-13-Z

- Subject Property = 720 Douglas Street
- R2 - Single Detached Residential Zone; R2hp
- R3 - Low Density Residential Zone
- R4 - Medium Density Residential Zone
- C4 - General Commercial Zone
- I - Institutional Zone
- EM - Environmental Management Zone
- PR - Parks and Recreation Zone
- 3-# = Special Exception Zoning

(d61c)



2012 ORTHO PHOTO

720 DOUGLAS STREET

Planning Application A-17-13-Z

METRIC SCALE
1 : 2500

MAP REFERENCE
54 & 1-70

MAIL LABEL ID
A-14-13-Z

ROLL NUMBER
060-007-061-10

LEGEND

Subject Property = 720 Douglas Street

(66)

Petition To Not Change Zoning From "R2 to R3")

Cause of Petition:

TO NOT HAVE: a rezoning from "R2 (Single Detached Residential) zone to R3" (Low Density Residential) zone at 720 Douglas Street. Application No: A-17-13-Z

Details of Lead Petitioner

Name: William Schill

Address: 304 Goulais Avenue
P6C5A4

Mobile:

E-mail: billysault@bell.net

RECEIVED
CITY CLERK
JUL 10 2013
NO.: 52786.
DIST: Planning
Agenda

We, the undersigned, want the City of Sault Ste. Marie Council and Planning Division to:

Not let the owners (Emilio, Lina & Mauro Guzzo) of said property 720 Douglas Street change the zoning from "R2 (Single detached Residential) to R3 (Low Density Residential) to facilitate the construction of 12 to 14 multiple attached dwellings on the subject property.

1 - Property in the immediate area is deemed conservation land by the conservation authority.

2 – Noise levels will increase.

3 – Privacy issues will arise, due to the close proximity of the houses being built close to previously built homes

Signature of Lead Petitioner: W. Schill

*6(6)(c)

Petition To Not Change Zoning From "R2 to R3"

Cause of Petition:

TO NOT HAVE: a rezoning from "R2 (Single Detached Residential) zone to R3" (Low Density Residential) zone at 720 Douglas Street. Application No: A-17-13-Z

Details of Lead Petitioner

Name: Real Lavallee

Address:

700 DOUGLAS ST

Mobile:

E-mail: EFFIELAVALLEE@BELL.NET

We, the undersigned, want the City of Sault Ste. Marie Council and Planning Division to:

Not let the owners (Emilio, Lina & Mauro Guzzo) of said property 720 Douglas Street change the zoning from "R2 (Single detached Residential) to R3 (Low Density Residential) to facilitate the construction of 12 to 14 multiple attached dwellings on the subject property.

1 - Property in the immediate area is deemed conservation land by the conservation authority.

2 – Noise levels will increase.

3 – Privacy issues will arise, due to the close proximity of the houses being built close to previously built homes

---

Signature of Lead Petitioner:

(d6)(c)

Signatures of Other Petitioners

Sr. No.	Name	Address	Signature
1	BRUCE KLEPATZ	621 DOUGLAS ST	Bruce Klepatz
2	Anne Klepatz	699 Douglas St	Anne Klepatz
3	Gisela Matte	"	G. Matte
4	FRANCO TRECARICE	609 A	
5	Monica Anich	609 Douglas	Monica Anich
6	Blair St. John	603 Douglas Ave	Blair St John
7	Ron Fiacconi	605 Douglas St	Ron Fiacconi
8	Roger Philion	623 Douglas St	Roger Philion
9	Tony Chiarella	706 Douglas	Tony Chiarella
10	MIKE MUTO	702 DOUGLAS	Mike Muto
11	Ingrid Wyatt	698 Douglas	Ingrid Wyatt
12	Rob DENNIE	437 Third Ave	
13	Joe Magli	613 Douglas St	J. Magli
14	Calvin Haven	607 Douglas St	C. Haven
15	Anna Fiacconi	605 Douglas St.	Anna Fiacconi
16	MIKE GREELEY	606-B DOUGLAS ST	

(d6)(c)

17	SUSAN GREELEY	606-B DOUGLAS ST	
18	Doug Nelson	600 Douglas St	
19	Shannan Givens	602 Douglas St	
20	MARK LEMIEUX	131 WILDING AVE	

LINDA ISAACSON 131 WILDING AVE

Theresa Woodcock 126 Wilding

Scott & Rose Watson 314 East Balfour

Trevor [illegible] 313 East Balfour

L + C McColman - 705 Douglas St.

Mike Hanchuk - 360 GOULAIS AVE

Judi Hanchuk - 360 GOULAIS AVE.

Anna Spina 364 " "

Dave Wierzbicki 374 Goulais Ave

Pamela Wierzbicki 370 Goulais Ave.

Linda Wierzbicki 374 Goulais Ave.

Virjo Apiia 242 East Balfour St.

[illegible] 254 EAST BALFOUR

Carlo Petrone 262 EAST BALFOUR Ave

George Kolibas - 258 " "

Effie Lavallee 700 Douglas St.

6(6)(c)

Sr. No.	Name	Address	Signature
1	William Schill	304 Goulais Ave	
2	A. Schill	304 Goulais	
3	Sandra Mucgli	312 Goulais	Sandra Mucgli
4		320 Goulais Ave	
5		324 Goulais Ave	
6		334 Goulais Ave	
7		317 Goulais Ave	
8	Ann Heslip	317 Goulais Ave	
9	Glenn Charlebois	301 Goulais Ave	
10	Gerry Robert	300B Goulais Ave	
11	Toni Nisbet	300A Goulais Ave	
12	Paul Bouchard	298 Apt B Goulais Ave	
13	Brian Kleiman	617 Douglas	
14	Carolene Nowicki	700 Douglas St	
15			
16			

6.(6)(d)

Jerry Dolcetti, RPP
Commissioner

Donald B. McConnell, RPP
Planning Director



ENGINEERING & PLANNING
DEPARTMENT

Planning Division

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

RE: Application No. A-10-13-Z.OP & 57T-13-502 – 179 & 227 Pointe Aux Pins Drive

PURPOSE

The applicant is requesting an Official Plan Amendment, Rezoning, Draft Plan of Subdivision Approval and Draft Plan of Condominium Approval to develop a 91 lot single detached rural estate subdivision. The dwellings are proposed to be developed with individual well and septic services with frontage on a municipally owned roadway. Each lot is designed to have direct water access to a proposed channel connected to the upper St. Mary's River. Approval of this application requires the closing of a portion of Alagash Drive and construction of a new access road at 248 Pointe Louise Drive.

Closure of this roadway is the subject of a separate application which appears elsewhere on City Council's agenda.

PROPOSED CHANGE

The applicant is requesting 1) an Official Plan Amendment by way of a Notwithstanding Clause to the existing Official Plan policies, 2) a Rezoning of the property from "Rural Area" (RA) to "Estate Residential" (R1) with a Special Exception to permit in addition to single detached residences, a boat launch, boat lift and boat storage facility, and to rezone a portion of the property to "Environmental Management" (EM), 3) Draft Subdivision Approval for a 91 lot subdivision and 4) Draft Plan of Condominium Approval.

Subject Property:

- Location – The subject property is located south of Pointe Aux Pins Drive, west of Dalgleish Road, north of Alagash Drive and Pointe Louise Drive. This property is part of Section 24 in the former Township of Parke, now in the City of Sault Ste. Marie. Civic address 179 and 227 Pointe Aux Pins Drive.
- Size – 102.19 ha (252.5 acres)
- Present Use – Single detached dwelling and vacant land

- Owners – Jeff and Patricia Avery

BACKGROUND

The shoreline in this area was originally developed in the 1940s and 1950s as the McKinnon Subdivision.

The 25 lots on the north side of Alagash Drive and Pointe Louise Drive (Pineland Subdivision) backing onto the existing man made channel were approved in 1962. The City has minimal information on this application which was approved by the Province; however this property was part of a larger 108 lot application made in 1959 which proposed several additional 24.3 m (80 foot) wide channels on a portion of the subject property. The 25 approved lots average 0.16 ha (0.4 acres) in size. Correspondence in the file indicates concerns with respect to the suitability of the area for septic systems.

In 2007, the applicants filed an application with the City for this development. At the time, it was agreed that the applicants should pursue Conservation Authority approval prior to presenting the application to City Council.

In June 2010, an application to the Conservation Authority for approval under Ontario Regulation 176/06 for Development, Interference with Wetlands and Alterations to Shoreline and Watercourses was denied due to concerns with the loss of wetland function, loss of wetland habitat and water quality issues in the proposed canal system.

The applicant appealed this decision to the Mining and Lands Commissioner. Prior to a hearing, the applicant agreed to proceed with a hydrological study at the request of the Conservation Authority Board. This study was subsequently completed and the Conservation Authority approved the subdivision on December 13, 2012. This approval is for the construction of the subdivision (roads, channels, etc.) but does not include the individual residences. A separate approval will be required for each lot that is regulated by Ont. Reg. 176/06 prior to the issuance of a building permit.

Opponents of the project have appealed the CA's decision and this matter is now the subject of a judicial review which will be heard in October. The City's Legal Department has advised Council that both Municipal and Conservation Authority approval is required and that both applications may be considered concurrently. Legal has also noted that either or both applications may be appealed. Section 51(34) requires that City Council make a decision on proposed plans of subdivision within 180 days. Failing this, the applicant may apply to the Ontario Municipal Board for approval.

Given the length of time since the original application was filed with the City, a new application was filed along with a request to close a portion of Alagash Drive. Numerous technical reports have been filed by the applicant in support of this application and are available for review in the Planning Office.

PROPOSAL

The proposal currently before City Council is to develop the property as a 91 lot subdivision with each lot having direct access onto both a municipally owned roadway and a channel with boating access to Lake Superior. The development of a 2 km long, 35 m (115 foot) wide boating channel is the key feature to the development of this subdivision.

Areas for wetland preservation and open space will be created. It is also proposed to widen the existing Alagash Channel.

The proposed lots range from 0.50 ha (1.24 acres) to 0.95 (2.35 acres) in size. Facilities for boat storage, with a boat launch and lift are also proposed. These facilities will be available to residents of the general area.

Access to the property is proposed from Dalgleish Road and a new road that will connect Pointe Louise Drive to Points Aux Pins Drive. Fifteen of the lots will have access onto Pointe aux Pins Drive and an additional four lots will have access onto Dalgleish Road.

In 2007, the applicants commissioned a report from Clayton Research Associates Limited concerning the market demand for the proposed development. Given the length of time involved and the "housing crisis" of 2008, the applicants commissioned a second market analysis by the Altus Group in 2013. This study updates some of the analysis of the Clayton report and concludes that there is sufficient demand for new homes of this type for the developer to proceed with the project.

The Altus Group notes that household growth in the Sault Ste. Marie area was higher than projected in 2006 – 2011 although this growth is projected to decline. Attracting new home buyers from outside Sault Ste. Marie can help to stem the decline in new housing demand. The report also notes that there have been large increases in house prices since 2006.

If approved, this project would create a form of lifestyle housing that is not readily available and which may assist with attracting newcomers to the community. Given the community's aging population, attracting newcomers is essential to economic growth.

ANALYSIS

Conformity with the Official Plan

The subject property is designated Rural Area in the Official Plan.

When the City's Official Plan was approved in 1996, the creation of new rural residential lots was prohibited. This was a reflection of the limited demand for new lots given the local economy at the time, and a large number of existing lots or new subdivisions that had received draft approval but had not yet been constructed. Any variance to this policy required City Council's approval of an Official Plan Amendment. The only exception was when rural residential lots were being created as accessory to the development of a natural resource.

Over the years and with a stronger local economy, a number of previously approved rural residential subdivisions were registered for development and applications were received for several new rural estate subdivisions. In 2007, City Council passed an interim policy that continued the existing practice of allowing individual lot severances where appropriate subject to an Official Plan Amendment. City Council also decided that the seven subdivisions being considered by City Council at the time would be processed in accordance with the City's standard practice. Pointe Estates was one of these subdivisions.

In 2009, City Council approved Official Plan Amendment No. 167 which considered, in part, Rural Area severance policies. This new policy allowed for the approval of one new lot for each existing rural area lot without the need for an Official Plan Amendment. New un-serviced estate residential plans of subdivision were not permitted.

Therefore, approval of this application will require an Official Plan Amendment.

Comments

City Council's decisions must be consistent with the Provincial Policy Statement (PPS). The PPS sets out the Provincial requirements for land use planning in the Province in Ontario.

The Ministry of Municipal Affairs and Housing has provided a letter (attached) setting out the particular sections of the Provincial Policy Statement that apply to the proposed development. The following summarizes and comments on each of these requirements and Official Plan policies as they affect this proposal

Section 1.1.1 – Managing Efficient Development and Land Use Patterns

The intent of this section is to ensure that development is undertaken in an efficient manner so that land and services are well utilized and financial and environmental risks are minimized.

This requirement is implemented in the City's Official Plan through the use of a defined Urban Settlement Area which identifies lands for future development at urban densities with full municipal services (see Section 1.1.3). This proposed rural estate subdivision is remote from the City's Urban Settlement Area and there is no land within the Urban Settlement Area that can accommodate the proposed development.

This section also requires that an appropriate range and mix of various uses are provided for. Locally, and throughout northern Ontario, not all development will be at urban densities with full municipal services.

The proposal before City Council represents a form of housing within the city that is no longer generally available. (i.e. larger residential lots with waterfront access). With the success of the Sunnyside Beach Subdivision, there appears to be a demand for this type of development. This has been confirmed by the applicant's market studies.

Given that there is a demand for this type of development, which cannot be accommodated within the city's existing urban area, this proposal represents an efficient use of land and may reduce the number of individual severances throughout the rural area.

Approval of this application would not compromise future expansions to the existing Urban Settlement Area.

Section 1.1.2 - Promoting Intensification and Redevelopment

Similar to Section 1.1.1, the intent of this policy is to achieve efficient development patterns through intensification and redevelopment.

Most intensification and redevelopment in Sault Ste. Marie is done through the addition of residential units to existing single detached dwellings or the conversion of existing commercial space to residential. While intensification and redevelopment should be encouraged, numerous sites throughout the community have already been zoned to permit these types of redevelopment. Approval of this application will not significantly impact either the market demand or opportunity for intensification and redevelopment in the community as this proposal is intended for a different and unique market.

Section 1.1.3 – Settlement Areas

Most new development in a community should be located with full municipal services either within or immediately adjacent to the existing urban areas known as Settlement Areas. In Sault Ste. Marie, the Urban Settlement Area is generally consistent with the availability of municipal services. The purpose of directing development within the Urban Settlement Area is to encourage the efficient use of land and services. The majority of new development in Sault Ste. Marie occurs within our Urban Settlement Area in compliance with Provincial policy.

As noted in the letter from the Ministry of Municipal Affairs and Housing, the materials provided by the applicant refer to this area as a "rural waterfront settlement area." While there are more than 200 existing dwellings in this area, the property is not identified as a settlement area in the City's Official Plan nor would it meet the Provincial definition which includes a mix of land uses.

Both Provincial policy and the City's Official Plan recognize that some residential development will occur in the Rural Area. There is a market for the rural estate lifestyle and the proposed development will, in part, meet this demand without further subdividing existing lots in a scattered fashion throughout the rural area.

Due to the large lots and desire for waterfront access, this project cannot be constructed within the City's Settlement Area. However as per the Provincial Policy Statement, approval of this application would not result in the loss of lands that are set aside for future urban or rural development purposes, will not result in the extension of municipal services or create conflicts with existing agricultural or other rural land uses.

Section 1.1.4 – Rural Areas in Municipalities

The PPS states "permitted uses and activities shall relate to the management or use of resources, resource base recreational activities, limited residential development and other rural land uses". A 91 lot rural estate subdivision cannot be considered as "limited residential development." The City's Official Plan is consistent with this policy.

This policy is intended to ensure that lands required for agriculture or other resource based activities (sand and gravel operations, etc.) that require larger areas and separation from other uses are not compromised by residential development.

However as noted previously, the area around the subject property has already been developed with more than 200 residential dwellings. The majority of these homes are on smaller properties creating a higher density of development than what is currently proposed. Given the distance from existing sewer and water services, development of the subject property at urban densities is not possible within the foreseeable future.

The proposed use is consistent with the neighbouring development, is compatible with the rural landscape and can be sustained by the existing service levels in the area.

Section 1.4.3 – Housing

The Provincial Policy Statement requires that municipalities maintain a minimum 10 year supply of land to accommodate various types of residential growth at all times. This can be done through a combination of residential intensification, redevelopment and lands designated for residential development. The municipality has recently completed a review of residential land as part of a comprehensive review of the City's Official Plan. This analysis concluded that sufficient lands are currently available to meet this requirement.

While not required from a land availability viewpoint, the proposed development is unique in providing waterfront access as there are very few other lots available.

Provincial policy also requires the establishment of minimum targets for the provision of housing which is affordable to low and moderate income households. The proposed revisions to the Official Plan currently before City Council recommend an affordability target of 30% or 9,600 of the approximately 32,000 households in Sault Ste. Marie.

It is not possible to construct new affordable housing without significant and on-going subsidy. Most affordable housing is created through the conversion of older buildings into apartments. Many areas in the community are already zoned to permit this and the proposed Rental Housing Community Improvement Plan will encourage the construction of new apartment buildings. Sault Ste. Marie also has a large number of smaller, older homes which are affordable to many.

Last year, Money-Sense magazine ranked Sault Ste. Marie second in affordable housing out of 180 municipalities across Canada with populations of more than 10,000.

Approval of this application will create an additional lifestyle form of housing option and not compromise the City's continuing efforts to support affordable housing.

Section 1.6 – Infrastructure and Public Service Facilities

This section requires that both infrastructure and public services are provided in an efficient and cost-effective manner.

As the proposed subdivision will be constructed with individual well and septic systems, the only new infrastructure is the construction of approximately 2.5 km of roadway and electrical services.

Public Works and Transportation has indicated that they have no concerns with approval of this application provided that appropriate turnarounds will be provided where the existing section of Alagash Drive will be removed. The provision of electrical services will require an agreement with PUC Services. This may require alterations or relocations to existing services. All costs will be the responsibility of the developer including non-municipal services such as communications and natural gas.

No new public service facilities (schools, libraries, etc.) are proposed or required.

Section 1.6.4 – Sewage and Water

Although not specifically referenced by the Ministry of Municipal Affairs and Housing, planning for well and septic systems is a major component of the suitability of this property for development.

The PPS allows for individual on-site water and sewage services for more than five lots or private residences in rural areas provided that these services are solely for permitted rural area uses and site conditions are suitable.

The applicants have provided two studies. The first, by Waters Environmental Geosciences Ltd. dated October 31, 2006 concludes that "the groundwater yields in the confined till/bedrock contact aquifer are sufficient to support individual on-site wells, but do not have the capacity to support larger communal water supplies. Wells constructed in the shallow unconfined aquifer are not recommended in the proposed development, due to concerns for long-term water quality. The two supply sources are separated by a clay aquitard, and development in the deeper water supply source is not anticipated to impact the shallow water table aquifer in the area."

When considering the suitability of the land for septic systems, the report notes that "From a groundwater perspective, the presently proposed lot sizes (in excess of 0.5 ha each) appear sufficient to address any long-term nitrate-nitrogen loadings to the underlying shallow groundwater system. The deeper till/bedrock contact aquifer will not be impacted by the on-site septic systems."

Waters Environmental Geosciences Ltd. than prepared a second, more detailed report dated April 24, 2013. This report focused on determining the well yield potential of the deeper

aquifer and included the results of three test wells. The proposed program was reviewed with the Ministry of Environment prior to testing.

This report concluded that "the aquifer has the yield potential to support individual water wells on the proposed 91 lot subdivision without significant interference effects both between adjacent wells within the proposed subdivision, and beyond the subdivision boundaries." The report goes on to state that "the water chemistry results indicate that, based on present test results, once a well is put into service, the water quality is potable. Individual homeowners may choose to install point of use water treatment systems at their own discretion."

The applicant had both reports peer reviewed by Golder Associates. Golder provided two letters commenting on both the Waters reports and concerns raised by the Conservation Authority. Golder concluded that "In general, the methodology and testing program performed by Waters meets the intent of the Ontario Ministry of Environment guidelines. Detailed aquifer testing was performed following industry standard protocols and the results were analyzed using standard analytic methods."

Algoma Public Health have reviewed the various reports submitted by the developer and provided a letter dated July 10, 2013 (attached) indicating that they have no objections to the proposed development.

The applicants have also submitted a Geotechnical Report by Tulloch Engineering dated March 2013. This report is a geotechnical evaluation of the property and provides recommendations on residential foundations, sewer and water trench design, road construction and bridge foundations.

Section 1.6.5 – Transportation Systems

This section encourages the safe and energy efficient movement of people and goods. Emphasis is placed on the efficient use of existing and planned infrastructure.

The application requires the closing of a portion of Alagash Drive to permit water access to the interior lands. The existing residences on the southern portion of Alagash Drive and Pointe Louise Drive will utilize a new roadway through the proposed subdivision to access Pointe aux Pins Drive.

The applicant retained the services of Cole Engineering to complete a traffic impact study. This study concluded that when complete, the subdivision morning peak hour would generate approximately 73 two-way trips (18 inbound and 55 outbound) and 97 two-way trips (61 inbound and 36 outbound) during the afternoon peak hour. Based on these estimates, the existing roadway system is expected to continue to operate at excellent levels of service.

Details of the roadway design, including appropriate turnarounds where a portion of Alagash Drive will be removed, will be subject to municipal review as part of a subdivision agreement.

Section 1.6.7 – Airports

This section of the PPS requires that airports be protected from incompatible land uses and that any new land uses are designed to minimize adverse effects.

New residential development is not permitted where noise levels are above the 30 NEF (Noise Exposure Forecast) sound levels.

In 2007, the applicant retained Valcoustics Canada Ltd. to undertake an environmental noise analysis. In 2008, a more detailed study was prepared by Avatar Consulting Limited and Jacobs Consultancy Canada Inc. This study considered three possible airport configurations. The first was for the existing airport runways. The second considered the expansion of Runway 12-30 westerly by 610m (2,000 feet) and easterly, toward the subject property by 152 m (500 feet). The third configuration considered was for Runway 12-30 to be extended only easterly by 610 m (2,000 feet) toward the subject property.

The report concludes that the NEF 25 contour would only reach the northern boundary of the subject property under the third scenario. However the third configuration is not considered likely to proceed due to cost considerations. Therefore the report concludes that "the aircraft noise exposure on the subject property is predicted to be well within the allowable limits as prescribed by applicable Federal and Provincial land use regulations and guidelines."

Transport Canada has reviewed the report and recommended that the following clause be included as part of any agreements to purchase or lease property within the proposed subdivision.

"Prospective tenants or owners should be aware that this residential property/dwelling unit is located in close proximity to a takeoff and approach area for the Sault Ste. Marie airport and residents will be subjected to the noise impact associated with substantial aircraft activity."

This recommendation should be included as a condition of approval.

A letter from the Sault Ste. Marie Airport Development Corporation indicating they have no objections is attached. The SSMADC also supports the above recommendation from Transport Canada.

Section 2.1 – Natural Heritage

This section is intended to ensure that natural features and areas are protected for the long-term.

Specifically, The Provincial Policy Statement prohibits development in significant wetlands or coastal wetlands. Significant means an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province.

The applicants retained Great Lakes Environmental Services (GLES) to undertake an evaluation of the wetland areas of the subject property. The findings of this evaluation are

contained in a report from GLES dated March 2010. Ministry of Natural Resources employees assisted with and approved the evaluation. Areas which exceed 600 total points or 200 points in either the Biological or Special Features component of the Ontario Wetland Evaluation System are considered provincially significant.

The wetland evaluation produced the following scores:

Biological Component	138
Social Component	112
Hydrological Component	76
Special Features	183
Wetland Total	509

Therefore this wetland is not considered provincially significant.

An opinion on the wetland evaluation was completed by Beacon Environmental for the Pointes Protection Association (attached). This review suggested minor changes to the scoring with the exception of the Special Features component. Given reported sightings of Bald Eagles, Beacon is suggesting that an additional 50 points should be included in the Special Features component bringing the total score for this component to 233. This would make the wetland provincially significant.

Planning staff contacted the local MNR office that confirmed, in their opinion, the wetland on the subject property is not provincially significant.

The City's Official Plan allows for development in wetlands that are not provincially significant where there is:

1. No loss of wetland function
2. No encouragement for future development that will impair wetland functions
3. No conflict with site specific wetland management practices

And that the loss of any wetland areas through development shall be made up by the creation and/or dedication of other wetland areas.

The applicants have submitted a report by Great Lakes Environmental Services dated November, 2008 entitled Pointe Estates Subdivision Scoped Environmental Impact Study for Development in a Wetland. This report relied, in part, on other studies referenced elsewhere in this report.

The study considered expected or possible effects and mitigation measures related to surface water quality and quantity, flooding, groundwater quality and quantity, loss of fish habitat, loss of vegetation, loss of wetlands, loss of wildlife habitat, social impacts, sewage system impacts and impacts on adjacent wetlands.

This study proposed an erosion and sediment control plan to ensure that adjacent surface water quality and fish habitat are protected.

This section of the Provincial Policy Statement also prohibits any development in fish habitat except in accordance with provincial and federal requirements. The applicants have submitted a report titled Pointe Estates Fisheries Assessment and Conceptual Compensation Plan prepared by Great Lakes Environmental Services dated November 2008.

This report identifies the loss of existing fish habitat, mostly due to work in the existing channels. However considerable new fish habitant will be developed as a result of the new canal and the construction of a shallow pond in the centre of an island to be constructed at the north end of the canal. In summary, this project will create a net gain of 84,867 sq. m of new fish habitat. Approval from the Department of Fisheries and Oceans is required prior to construction.

The Provincial Policy Statement also prohibits development in areas of significant wildlife habitat. Significant is defined as a habitat for endangered or threatened species as identified by the Ontario Ministry of Natural Resources. The subject property has not been identified as being an area of significant wildlife habitat.

However the applicants did retain the services of Great Lakes Environmental Services to complete a report entitled Pointe Estates Winter Deer Yard Survey dated March 2007. Considerable evidence of deer activity was noted. The consultant recommended incorporating green space into the subdivision layout and retaining forested vegetation where possible.

In summary, while there is a significant increase in fish habitat, there will also be a loss of approximately 40% of the 46 ha wetland. The City's Official Plan allows development where there is no net loss of wetland. Therefore, an Official Plan amendment to exempt this development from this requirement is necessary for this project to be approved. It should be noted that the wetland on this property is not provincially significant.

Section 2.2 – Water and Section 3.1 – Natural Hazards

Section 2.2 of the Provincial Policy Statement is intended to protect, improve or restore the quality and quantity of water.

Section 3.1 of the PPS is intended to direct development away from lands that may be unsafe for development due to naturally occurring processes.

The applicants have submitted two reports by Coldwater Consulting Ltd. titled Pointe Estates Hydrologic and Hydraulic Analysis and Pointe Estates Summary Report. Both are dated December 2008. These reports look at flood risk, water quality, and circulation and water quality conditions within the proposed canal.

The reports conclude that the proposed development poses no flooding risk as any increase in runoff flows will be more than offset by the increased carrying capacity created by replacing the existing culvert with an open channel. The report also notes that there are no historical references to flooding in this area.

The report also considers water quality within the proposed canal. Concerns have been expressed that a dead end canal may result in stagnant water. The Coldwater reports identify three measures to ensure good water quality. It should be noted that the existing 2.0 m culvert will be replaced with an open channel which will improve the mixing of water between the canals and river.

The first is the circulation within the lower portions of the canals created by passing great lakes freighters. This occurs approximately 6,000 times each year. These ships create a wave of water up to 0.5 m in height which fills, then empties the bay at the mouth of the Alagash.

The second process is called seiching which is a natural process that creates fluctuations in water levels of between 0.3 m and 0.5 m over a period of 2 to 8 hours. This creates a flushing action for water within the development.

Since mixing effects are strongest near the mouth of the Alagash, water quality near the mouth of the Alagash is expected to be very good.

The third water quality measure is the installation of a pumping system near the mouth of the Alagash to circulate well mixed water to the headwaters of both existing and proposed canals. This will be combined with a mechanical aeration system to enhance dissolved oxygen levels. The result will be a consistent water quality throughout the waterways.

It should be noted that theses pumps will not operate continuously. The pumping system will be managed by the Condominium Association and operated based on a water quality monitoring program.

The applicants have also submitted a Preliminary Stormwater Management Study prepared by Tulloch Engineering dated April 2013. This report considers various approaches and makes recommendations with regard to stormwater runoff.

The report notes that runoff quantities will not be an issue due to the size and proximity of the canals which connect to the upper St. Mary's River.

Clean stormwater runoff will assist with maintaining the quality of water in the canals. The Conservation Authority has recommended that 70% of suspended solids be removed prior to discharge into the downstream system (canals and upper St. Mary's River). However the consultant has recommended an enhanced level with 80% of suspended solids to be removed as the proposed and existing canals are intended to provide habitat for a variety of fish species during multiple life stages.

This can be accomplished by a combination of reduced lot grading and grassed swales with retention/infiltration areas on each lot. Specifically each lot will be developed as follows:

- Reduced lot grading
- Grassed or vegetated swales along property lines
- Enhanced grassed swales with check dams along property lines which convey roadway ditching discharges to the canal.

- Vegetated retention/infiltration areas at the canal edge.
- Vegetated filter strip along canal bank with level spreader (a small swale that evenly distributes water over the treatment area).

Tulloch Engineering has also noted that additional approvals will be required from the Ministry of Environment, Ministry of Natural Resources, and Department of Fisheries and Oceans. Individual lots will require approvals from the Sault Ste. Marie Regional Conservation Authority and Algoma Public Health.

Construction and maintenance of these lot requirements will be enforced by the condominium corporation.

In addition, the previously referenced report by Great Lakes Environmental Services titled Pointe Estates Subdivision Scoped Environmental Impact Study for Development in a Wetland included a section on good practices for homeowners that should be included as part of an information package to potential purchasers. This includes recommendations on landscaping and the use of natural treatment programs to limit the need for pesticides and herbicides.

Overall, the proposed development is designed to create and maintain a good quality of water within the subdivision in an environmentally responsible manner.

Section 2.6 – Cultural Heritage and Archaeology

Although not referenced in the comments from the Ministry of Municipal Affairs and Housing, a portion of the subject property has been identified as an area of archaeological potential.

The applicants have submitted a Stage I/II Archaeological Assessment prepared by Woodland Heritage Services Limited dated September 2006. This report included both a review of available data in the general area, a field assessment and test pits.

No cultural material of any kind was discovered. No further cultural heritage work is recommended by the archaeologist.

Consultation

The following departments/agencies commented on the application as part of the consultation process and indicated no concerns or comments:

- Accessibility Advisory Committee
- Building Division
- Huron Superior Catholic District School board
- Municipal Heritage Committee
- Fire Department

The following agencies have provided written comments (attached):

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Algoma Public Health - As noted previously, APH have indicated that they have no objection to the proposed development but request an opportunity to review the proposed water testing program. The applicant has indicated his agreement with this request.

Community Services Department - Attached are two comments from CSD. The first, dated May 22, 2013 recommends that a park with playground equipment be included in the plan. This is not consistent with past City practice which is to require developers in the rural area to pay a cash-in-lieu of parkland fee. These funds are then used to provide playground equipment throughout the City as needed. The second comment dated July 2, 2013 notes the opportunities for recreation within and near the proposed development. Accordingly, a playground is not being recommended.

Conservation Authority – The Conservation Authority provided comments via a letter dated February 21, 2013. The CA subsequently confirmed that they would be providing no additional comments.

Their comments focussed on the capability of the aquifer to support 91 additional homes. Waters Environmental has confirmed that this is the case. The CA also noted that the consultant's report indicated that the wells would be low yield and that this condition should be included in the subdivision agreement. However the reference to low yield actually refers to the expected demand, not the amount of water available. A third comment notes that the well water test results should be brought to the attention of Algoma Public Health. This has been done. The last comment notes that Ministry of Environment approval is necessary for the stormwater management system.

Engineering Division – The Engineering Division notes that a Subdivision Agreement with the City will be required. This will include, among other items, an agreement that no portion of Alagash Drive may be closed until an alternate route is constructed. A subsequent email recommends that as the shoreline will include stormwater quality controls; these facilities should be part of the condominium. This will be addressed as part of the condominium requirements. In addition, the City will register a drainage agreement on title to ensure that these facilities are maintained.

Public Works and Transportation – PWT has advised that the proposed turnarounds must be constructed to City standards. PWT maintenance will be limited to the roadways.

PUC Services – PUC has noted that a subdivision agreement with them is also required. All costs will be the responsibility of the applicant.

St. Mary's River BPAC – BPAC has submitted a letter expressing concerns that the proposed development is at odds with the Great Lakes Water Quality Agreement. In particular, BPAC expressed concerns with destruction of wetlands, alteration to coastal hydrology and groundwater impact from septic systems. These issues are regulated through the Provincial Policy Statement and required approvals from both the federal and provincial governments. The letter makes considerable reference to the 2012 Great Lakes Water Quality Agreement. However this agreement deals with the purpose, principles, approaches and objectives. Detailed implementation is left to the specific requirements of the various federal and provincial agencies involved. The Ontario Ministry of Natural Resources has confirmed that

the wetland on the subject property is not provincially significant. All other required approvals must be obtained before this project can proceed.

Public Comments

The Pointes Protection Association has submitted four documents commenting on the land use planning report submitted by the developer, concerns relating to the proposed canal, concerns relating to the destruction of wildlife habitat and a "Simple Facts" letter. The Pointes Protection association will be making a presentation at the City Council meeting.

The Pointes Protection Association has also submitted a letter from Anthony Usher, a planning consultant. Mr. Usher provides comment on the applicants' proposal as related to the Provincial Policy Statement and the City's Official Plan. In particular, he discusses the status of the wetland, the loss of the deer yard, ground and surface water protection, PPS settlement area policy, airport noise and site servicing. All of these issues have been dealt with elsewhere in this report.

Letters both in support of and opposition to this application have been received and are attached. Many of the neighbourhood concerns relate to the proposed loss of wetland, water quality in the existing and proposed canals, possible contamination of existing wells, possible contamination of nearby shorelines and the decision of the Conservation Authority.

IMPACT

The only impact on the City's finances and operations will be the additional cost associated with maintaining the new roadways. This cost will be more than offset by the additional property tax revenues from this development.

STRATEGIC PLAN

Approval of this request would not create a direct impact on any item in the City's Corporate Strategic Plan.

SUMMARY

The applicant is requesting an Official Plan Amendment, Rezoning, Draft Plan of Subdivision Approval and Draft Plan of Condominium Approval to develop a 91 lot single detached rural estate subdivision. The dwellings are proposed to be developed with individual well and septic services with frontage on a municipally owned roadway. Each lot is designed to have direct water access to a proposed channel connected to the upper St. Mary's River. Approval of this application requires the closing of a portion of Alagash Drive and construction of a new access road at 248 Pointe Louise Drive. In addition, the existing Alagash Channel will be widened.

The applicant has submitted numerous technical reports in support of the application.

This application was reviewed with regard to the Provincial Policy Statement which sets out Provincial requirements for land use planning in Ontario. Given that there is a demand for

this type of development which cannot be accommodated within the city's existing urban area and that all technical requirements have been met, this request conforms to the policies and intent of the Provincial Policy Statement.

It should be noted that approval of this application would not result in the loss of lands that are set aside for future urban or rural development purposes, will not result in the extension of municipal services or create conflicts with existing agricultural or other rural land uses.

The wetland on this property is not provincially significant. Although there will be a net loss of wetland, there will be a significant increase in fish habitat. Technical studies indicate that the development will not create any water or sewage quality concerns.

This application also requires approval from the Conservation Authority, Department of Fisheries and Oceans, Ministry of Environment, Ministry of Natural Resources and Algoma Public Health.

The Conservation Authority granted approval for the construction of the subdivision (roads, channels, etc.) on December 13, 2012. This approval is currently the subject of a judicial review which will be heard in October. A separate approval will be required for each lot that is regulated by Ont. Reg. 176/06 prior to the issuance of a building permit.

The development was approved by the Conservation Authority without conditions.

City staff is recommending that municipal approval be subject to a detailed development plan to be prepared by a qualified engineer describing the construction techniques to be used and advising of compliance with all applicable regulations. This plan will integrate the recommendations of the various studies submitted in support of this application to ensure that construction is on a best practice basis. This plan should also determine an appropriate water monitoring program to be followed by the condominium association.

All construction must be done under the supervision of a qualified engineer and include a regular monitoring program.

Several reports identify best practices for homeowners. These recommendations should be included as part of the information for homeowners to be included in all offer to purchase agreements.

This development represents a unique form of lifestyle housing that will otherwise not be available to local residents.

Letters from neighbouring residents indicate both support for, and opposition to this development.

Section 51(34) requires that City Council make a decision on proposed plans of subdivision within 180 days. Failing this, the applicant may apply to the Ontario Municipal Board for approval.

RECOMMENDATION

That City Council approve the request for a 91 lot rural estate subdivision on the subject property subject to the following:

1. That City Council approve Official Plan Amendment No. 196, to permit a 91 lot rural estate development on the subject property.

2. That City Council approve a rezoning for those areas identified for rural estate development, open space, boat launch, boat lift and boat storage from "Rural Area" (RA) to "Estate Residential" (R1) with a Special Exception to permit a maximum of 91 units and that Blocks 100, 101, 102 and 104 being the canal, island and environmental management areas be rezoned from "Rural Area" to "Environmental Management" (EM).

3. That City Council grant draft approval for the 91 lot subdivision.

4. That City Council grant draft approval of the proposed condominium.

5. That City Council close the required portion of Alagash Drive (subject to a separate application) and that this closure only take effect after the construction and preliminary acceptance by the City of the alternative access roadway.

6. That the developer enter into a Subdivision Agreement and Drainage Agreement with the City and that prior to the finalization of these agreements that the following matters be addressed and/or included:

    a. A detailed development plan is prepared by a qualified engineer describing the construction techniques to be used and advising of compliance with all applicable regulations. This plan will integrate the recommendations of the various studies submitted in support of this application to ensure that construction is on a best practice basis.

    b. All construction must be done under the supervision of a qualified engineer and include a regular monitoring program.

7. That prior to the finalization of the Subdivision Agreement, the applicant complies with the requirements of the Engineering Division, as outlined in their letter, dated 2013 05 30 and attached to this report, and that no work shall be commenced without the approval of the Commissioner of Engineering and Planning, or his designate, and that any work which requires approvals from the City or other approval agencies shall not commence until such approvals and agreements are endorsed.

8. That as part of the Condominium Agreement, the developer obtain or inform potential purchasers of the lots affected by the fill regulated area and that a permit is required from the Conservation Authority prior to the placing of any fill or development.

9. Ongoing stormwater management requirements shall be identified and either registered on title and/or incorporated into the condominium declaration.

10. That the developer enters into an Agreement with PUC Services regarding the provision of electrical services.

11. That the following clause be included as part of any agreements to purchase or lease property within the proposed subdivision.

    "Prospective tenants or owners should be aware that this residential property/dwelling unit is located in close proximity to a takeoff and approach area for the Sault Ste. Marie airport and residents will be subjected to the noise impact associated with substantial aircraft activity."

12. That a section on good practices for homeowners with recommendations on landscaping and the use of natural treatment programs to limit the need for pesticides and herbicides be included as part of an information package to potential purchasers.

Recommended for approval,

Donald B. McConnell, MCIP, RPP
Planning Director

Recommended for approval,

Jerry Dolcetti, RPP
Commissioner Engineering & Planning

RECOMMENDED FOR APPROVAL

Joseph M. Fratesi
Chief Administrative Officer

DBM/ps

attachment(s)

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AMENDMENT NO. 196
TO THE
SAULT STE. MARIE OFFICIAL PLAN

PURPOSE:

This Amendment is an amendment to the text of the Official Plan.

LOCATION:

Part of Section 24 in the former Township of Parke, now in the City of Sault Ste. Marie located south of Pointe aux Pins Drive, west of Dalgleish Road, and north of Alagash Drive and Pointe Louise Drive. Civic addresses 179 and 227 Pointe aux Pins Drive.

BASIS:

This Amendment is necessary in view of the request to permit a 91 lot single detached rural estate subdivision and a boat launch, boat lift and boat storage facility. Each lot will have frontage on a municipally owned roadway and have direct water access to a proposed channel connected to the upper St. Mary's River.

The proposal does not conform to the existing Rural Area and Wetland Official Plan policies as they relate to the subject property as new subdivisions are not permitted in the rural area and there will be a loss of existing but not Provincially Significant wetland.

Given that this development will create a unique form of lifestyle housing that will otherwise not be available to local residents and that all significant technical issues have been addressed, Council now considers it desirable to amend the Official Plan, by way of a notwithstanding clause.

DETAILS OF THE ACTUAL AMENDMENT & POLICIES RELATED THERETO:

133. Notwithstanding the Rural Area and Wetland policies of the Official Plan, the lands described as Part of Section 24 in the former Township of Parke, now in the City of Sault Ste. Marie located south of Pointe aux Pins Drive, west of Dalgleish Road, and north of Alagash Drive and Pointe Louise Drive, civic addresses 179 and 227 Pointe aux Pins Drive, may be used for a 91 lot single detached rural estate subdivision and a boat launch, boat lift and boat storage facility.

INTERPRETATION

The provisions of the Official Plan as amended from time to time will be applied to this Amendment.

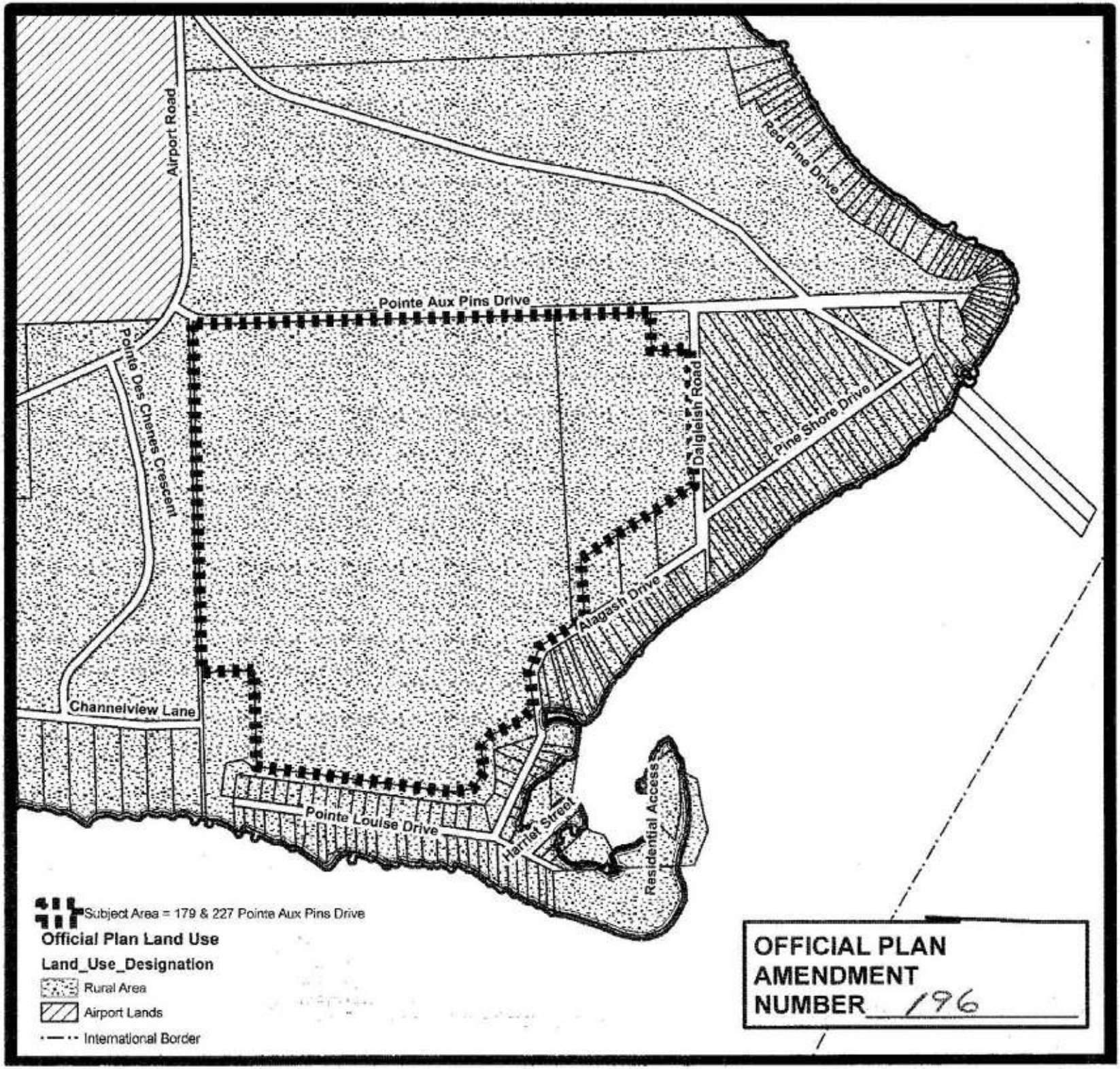
OFFICIAL PLAN LAND USE MAP

SCHEDULE "C"

Planning Application A-10-13-Z.OP

Subdivision Application 57T-13-502

179 & 227 POINTE AUX PINS DRIVE



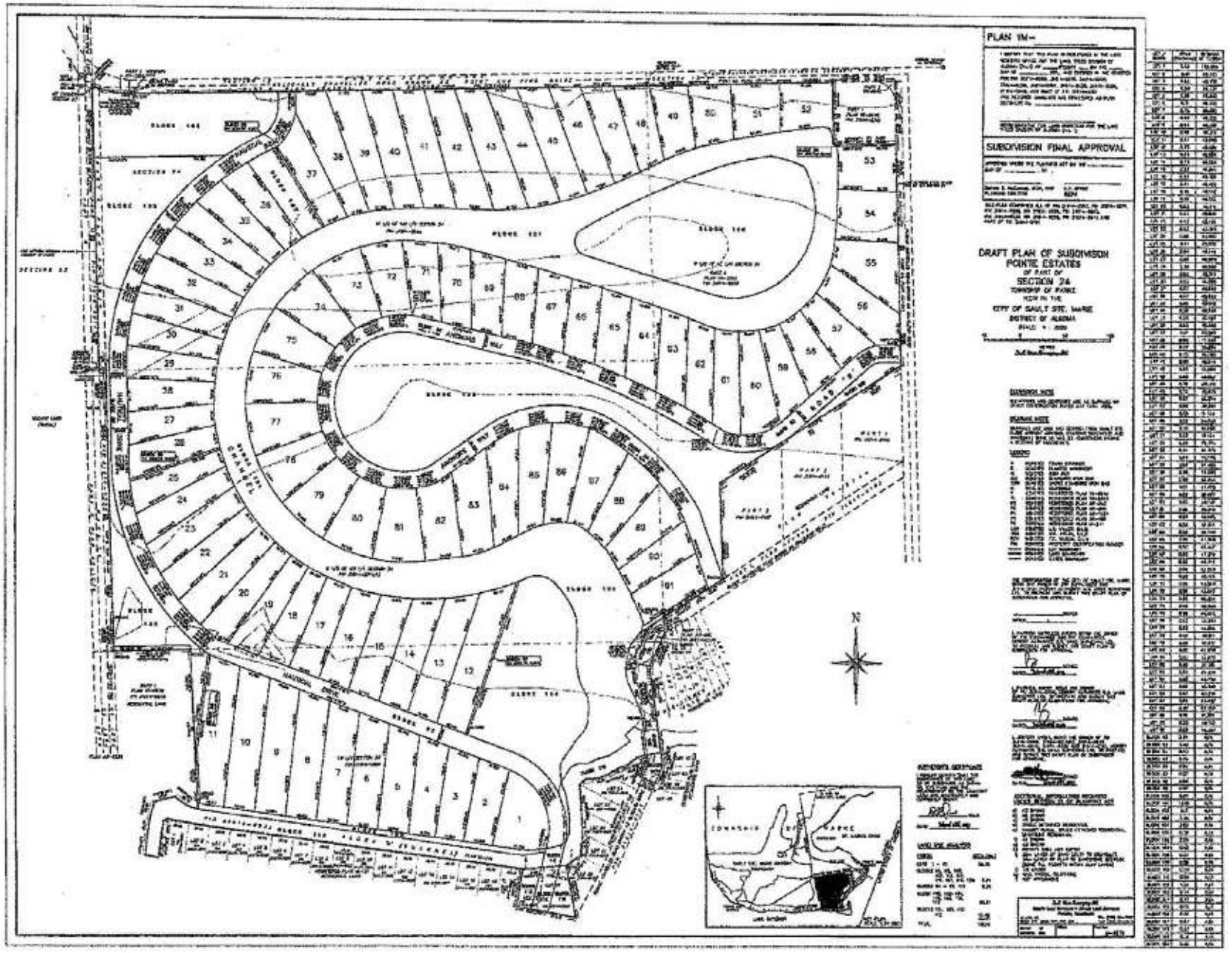
OFFICIAL PLAN AMENDMENT NUMBER 196

METRIC SCLAE
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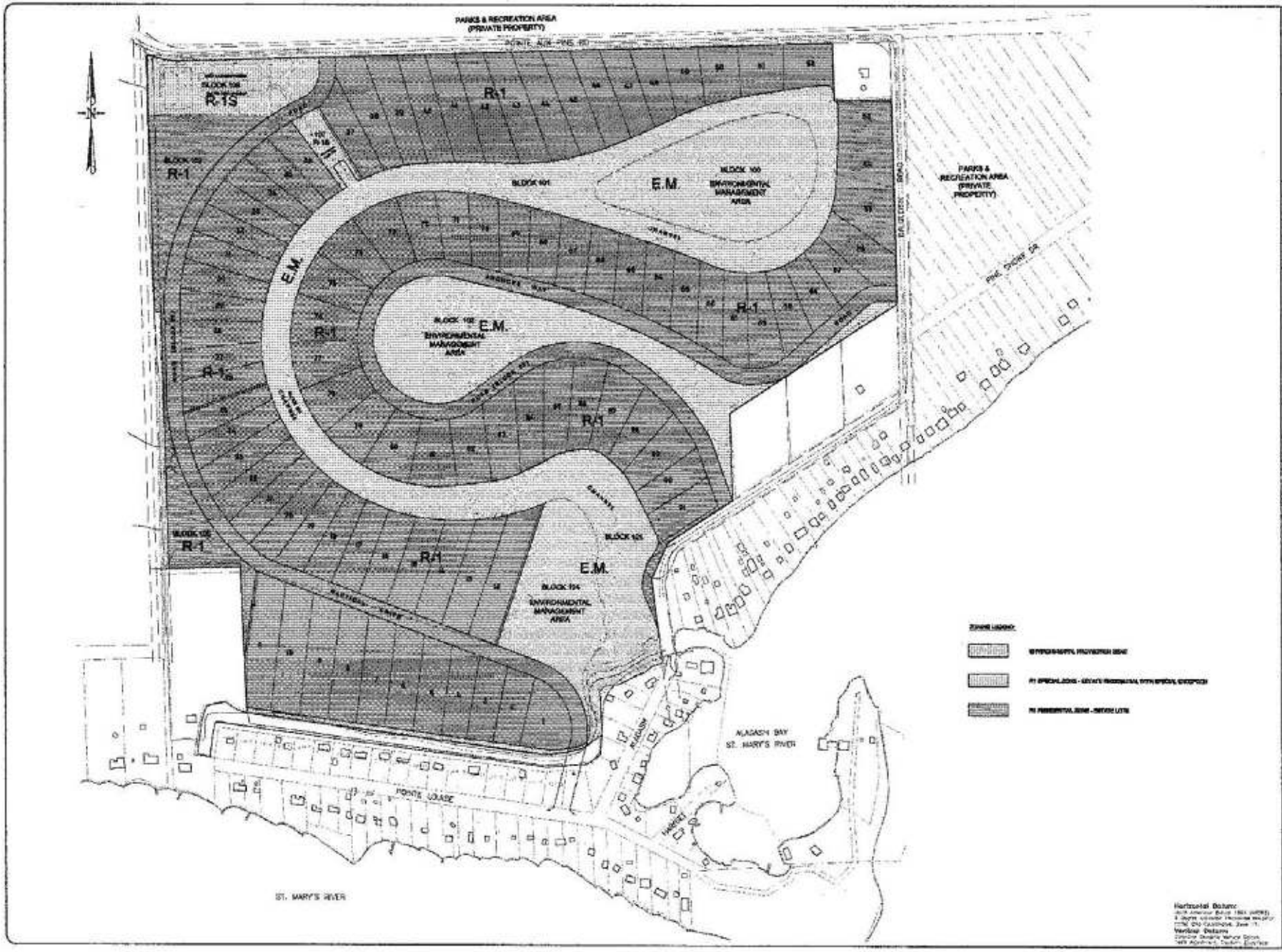
MAP REFERENCE
312 & 2-4

MAIL LABEL ID
A-10-13-Z

6.(a)(d)


PLAN 1M-
SUBDIVISION FINAL APPROVAL
DRAFT PLAN OF SUBDIVISION
POINTE ESTATES
OF PART OF
SECTION 24
TOWNSHIP OF PARKE
NOW IN THE
CITY OF SAULT STE. MARIE
DISTRICT OF ALGOMA
SCALE 1 : 1000
N

6.(a)(9)



TULLOCH
ENGINEERING

POINTE ESTATES SUBDIVISION

ZONING PLAN

POINTE LOUISE
SAULT STE. MARIE, ON.

G4 | 13-1016 | 1

6.(a)(d)

6.(6)(d)

Ministry of Municipal Affairs and Housing

Municipal Services Office
North (Sudbury)
159 Cedar Street, Suite 401
Sudbury ON P3E 6A5
Telephone: 705 564-0120
Toll Free: 1 800-461-1193
Fax: 705 564-6863

Ministère des Affaires municipales et du Logement

Bureau des services aux municipalités
du Nord (Sudbury)
159, rue Cedar, bureau 401
Sudbury ON P3E 6A5
Téléphone : 705 564-0120
Sans frais : 1 800 461-1193
Télécopieur : 705 564-6863

Ontario

June 3, 2013

By E-Mail and Post

Mr. Donald McConnell, MCIP, RPP
Planning Director
City of Sault Ste. Marie
P.O. Box 580
99 Foster Drive
Sault Ste. Marie, ON P6A 5N1

RECEIVED
JUN 10 2013
Planning Division

Dear Mr. McConnell:

RE: Official Plan Amendment No. A-10-13-Z.OP
Subdivision Application No. 57T-13-502
179 and 227 Pointe Aux pins Drive
City of Sault Ste. Marie

We are writing to you in respect of proposed Official Plan Amendment (OPA) A-10-13-Z.OP and proposed Subdivision Application 57T-13-502 which were circulated to the Ministry of Municipal Affairs and Housing (MMAH) by the City of Sault Ste. Marie and received on May 14, 2013.

The applications propose to develop a 91 lot plan of subdivision and the creation of a canal system. The City's Official Plan identifies that the subject lands are located within the Rural Area designation, outside of the identified urban settlement area.

There are Provincial interests in the proposed OPA and MMAH wishes to make these interests known to you as you consider the proposed Official Plan Amendment at your June 24, 2013 meeting. The proposed OPA shall have regard for matters of Provincial interest outlined in Section 2 of the Planning Act, such as:

a) the protection of ecological systems, including natural areas, features and functions
c) the conservation and management of natural resources;
e) the supply, efficient use and conservation of energy and water;
f) the adequate and efficient use of transportation, sewage and water services and waste management systems;
h) the orderly development of safe and healthy communities;
l) the protection of the financial and economic well-being of the Province and its municipalities;
p) the appropriate location of growth and development; and
q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.

In accordance with Section 3 of the Planning Act (as amended) a decision of the council of a municipality in respect of the exercise of any authority that affects a planning matter, "shall be consistent with" the

Provincial Policy Statement (PPS, 2005). The PPS, 2005 applies to all applications, matters and proceedings commenced on or after March 1, 2005. The proposed ORA shall be consistent with the provincial policies identified in Section 1.1.1, Section 1.1.2, Section 1.1.3, Section 1.1.4, Section 1.4.3, Section 1.6, Section 1.6.5, Section 2.1 and Section 3.1 of the PPS, 2005. These policies are directly related to building strong communities by wisely managing change and promoting efficient land use and development patterns. The proposed OPA shall also be consistent with provincial policy direction to protect natural heritage, water features and direct development away from natural hazards.

We have reviewed the PPS 2005 policies referred to in the Planning Advisory Services Land Use Planning Report (the report), dated March 2013. To provide clarity the PPS 2005 policy references and interpretations related to other policies of the PPS are discussed below.

The report outlines on page 4 that a "settlement area" is defined in the PPS as "urban and rural settlement areas within a municipality that are: built up areas where development is concentrated and which have a mix of land uses." This is incomplete. The PPS 2005 definition is as follows:

> "**Settlement areas:** means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:
> a) built up areas where development is concentrated and which have a mix of land uses; and
> b) lands which have been designated in an official plan for development over the long term planning horizon provided for in policy 1.1.2. In cases where land in *designated growth areas* is not available, the *settlement area* may be no larger than the area where development is concentrated.

The subject lands do not meet the PPS 2005 definition of settlement area because the subject land is not within a built up area where development is concentrated and which has a mix of land uses and because the subject lands have not been designated in the City Official Plan for development over the long term planning horizon provided in PPS 2005 policy 1.1.2.

The report further states that while the lands are in a "rural waterfront settlement area" the PPS 2005 policy 1.1.4 Rural Areas in Municipalities also applies to the development. These statements are contradictory; the subject lands cannot be both a "settlement area" and a rural area in the municipality. The subject lands meet the PPS 2005 definition of "**rural areas**: means lands in the rural area which are located outside settlement areas and which are outside prime agricultural areas." We encourage the City to review the policies of PPS 2005 section 1.1.4, specifically subsection a) relating to limited residential development.

The planning analysis provided in the report relates to housing and the proposed range and types. PPS 2005 policy 1.4.3 is referenced in the report and we recommend that the City review this policy section in its entirety and apply all relevant policies to this proposed development.

The proposed development application and supporting materials must be reviewed for its consistency with section 2.0, Wise Use and Management of Resources, of the PPS 2005. The City should ensure that the protection of natural heritage, water and other environmental features is reviewed and any permits required are obtained. Policy 2.1.5 states that development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. Please contact and circulate if necessary the Ontario Ministry of Natural Resources and the Department of Fisheries and Oceans for technical assistance.

The PPS 2005 addresses transportation systems and corridors in section 1.6, as well as land use compatibility around airports. It is recommended that the municipality contact Transport Canada regarding the proposed development and ask Transport Canada Aviation, (Air Navigation Services division) for its recommendations concerning the Aircraft Noise Study and proposed adjustment to noise impact relative to the official NEF contour. Transport Canada should also be consulted on the creation of a new entrance for marine vessels into the St. Mary's navigable waterway.

We note that the proposed OPA to allow the development of 91 lots by plan of subdivision is not in keeping with the policy direction of the City's Official Plan. The Official Plan states that "all future residential growth within the City can be accommodated on lands already committed to development

within the existing settlement area" (Section 2.3, Urban Growth and Settlement, pg. 33). Further, the City's Official Plan specifically identifies that "no new estate residential plans of subdivision will be permitted" (Section 2.3, Rural Residential Growth, pg.33) within the City of Sault Ste. Marie Rural Area designation.

To ensure good planning principles are followed the municipality may wish to address the above policy areas in addition to Official Plan policy for Natural Heritage Features and the Rural Area so that Council may make a decision which is consistent with the City's Official Plan, the Planning Act and the PPS, 2005.

In completing your review of the submitted studies and other information specific to the proposed application, the City is encouraged to involve the range of stakeholders who may have an interest in this proposed development. In particular, we encourage you to engage Aboriginal and Métis communities whose interests may be impacted, to ensure they have adequate opportunity to participate fully in the official plan amendment and subdivision process. Natural features on the subject lands (water, fishing and hunting resources/areas) will be involved in the proposal and may be of particular interest to local Aboriginal and Métis communities.

The Ministry of Municipal Affairs and Housing hereby requests that the City of Sault Ste. Marie forward to our office a copy of the Notice of Public Meeting published for both these applications in accordance with Ontario Regulation 543/06 s(3)(10)(12). In addition, the Ministry requests Notice of Decision on these applications, issued in accordance with the Planning Act section 17 (23) and Ontario Regulation 543/06 s(5)(2).

Thank you for this opportunity to comment on the proposed application. If you have any questions or comments on any of the above, please contact me at (705) 564-6855 or charlsey.white@ontario.ca.

Sincerely;

Charlsey White, MCIP, RPP
Planner - Algoma District and Manitoulin District
Northeastern Municipal Services Office
Ministry of Municipal Affairs and Housing
Suite 401, 159 Cedar Street
Sudbury, Ontario P3E 6A5
Tel:(705) 564-6855; Fax:(705) 564-6863
e-mail: charlsey.white@ontario.ca

6.(6)(d)

Algoma
PUBLIC HEALTH
Santé publique Algoma

AA Northan MD MHSc FRCP(C)
Medical Officer of Health
www.algomapublichealth.com

July 10, 2013

Don McConnell
SSM Planning Division
Level V - Civic Centre
99 Foster Drive, P.O. Box 580
Sault Ste. Marie, ON P6A 5N1

Dear Don McConnell,

On July 4, 2013 we met with Jeff Avery and his team to discuss our concerns as outlined in our letter to the City of Sault Ste. Marie of June 27, 2013.

The consultants for Mr. Avery provided additional information and reports that addressed our questions. With our available resources and at this stage in the process we have no objections to the draft plan approval of the Pointe Estates Subdivision proposal.

In addition we would like to reserve the right to ask additional questions if they arise and would like to be included in the decisions for water sampling in the proposed canal and helping to set parameters and frequency of testing to ensure water quality.

Should you require any further information, please feel free to contact Wes Terry at 705-942-4646 ext. 3113.

For healthier communities,

Marshall Chow
Chief Building Official

/ts

Cc: Jeff Avery
Dr. Allan Northan, MOH

Blind River
P.O. Box 194
9B Lawton Street
Blind River, ON P0R 1B0
Tel: 705-356-2551
TF: 1 (888) 356-2551
Fax: 705-356-2494

Elliot Lake
50 Roman Avenue
Elliot Lake, ON P5A 2T2
Tel: 705-848-2314
TF: 1 (877) 748-2314
Fax: 705-848-1911

Sault Ste. Marie
294 Willow Avenue
Sault Ste. Marie, ON P6B 0A9
Tel: 705-942-4646
TF: 1 (866) 892-0172
Fax: 705-759-1534

Wawa
18 Ganley Street
Wawa, ON P0S 1K0
Tel: 705-856-7208
TF: 1 (888) 211-8074
Fax: 705-856-1752

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6.(6)(d)

Sault Ste. Marie Airport Development Corporation

July 5, 2013

Mr. Donald B. McConnell, Planning Director
Planning Division
Engineering & Planning Department
The Corporation of the City of Sault Ste. Marie
Civic Centre
99 Foster Drive
Sault Ste. Marie, ON
P6A 5X6

Dear Mr. McConnell:

Re: Application No. A-10-13-Z.OP & 57T-13-502
Request for Amendment to the Zoning By-law, Official Plan and Draft Subdivision Approval

Subsequent to my initial correspondences on this matter on May 3, 2007 and June 1, 2007, we are in receipt of your letter of May 13, 2013 and the new documents that have been prepared for this project.

The Sault Ste. Marie Airport Development Corporation would again like to note that as a private enterprise that relies on a healthy community and economy to generate ridership we are always encouraged by development within the City of Sault Ste. Marie and surrounding area.

Based on our review of the May 2008 Jacobs Consultancy report, which should be noted we were consulted on and confirmed the current airport usage and layout as well as any possible future development. As well as previously reviewed and support the findings of Jacobs Consultancy in their report. We find that the issue that would be of most concern to the Sault Ste. Marie Airport Development Corporation being that of noise has been addressed.

The contours being used previously were very dated, the Jacobs report updates these contours based on current traffic and projected future traffic and runway expansion as well as correctly used the 25 NEF contours for development. Based on the Jacobs report we find no issues with the proposed development and note that the development falls outside of the critical contours. We would still request that purchases be advised of the location being in close proximity to the airport and advised that noise could be an issue. The Sault Airport is a 24 hour 7 day a week operation with scheduled flights from 6:00 am to 12:30 am as well as a very active Sault College Flight training program.

RR#1, Box#1, Sault Ste. Marie, Ontario P6A 5K6 • Phone: (705) 779-3031 • Fax: (705) 779-3371

6.16)(d)

Our other previously noted concern was that of obstacle limitations in the vicinity of the Airport, we note based on the submitted development plan that none of the proposed development would create any obstacle limitation issues for the airport. In fact we are encouraged that it is our understanding that a number of trees that are in close proximity to our current obstacle zoning limitations will be removed as part of the development.

Based on our review of the documents provided, our previous correspondences and the above noted comments, we feel that the updated information provided covers our previous concerns in regards to development in proximity to an airport and that the updated report from Jacobs confirms that the development falls outside of the 25 NEF and therefore we have no objections, but would still request that the deeds note the close proximity to an airport and the possible noise issues.

Yours Truly,

Terry Bos

Terry Bos
CEO

6.(6)(d)

Peter Tonazzo

From: Rhonda Bateman <RBateman@ssmrca.ca>
Sent: June 04, 2013 11:33 AM
To: Peter Tonazzo
Cc: Linda Whalen
Subject: Comments on Application A-10-13-ZOP & 57T-13-502

The Conservation Authority has no further comments on this application other than those submitted for consideration dated February 21, 2013 at the DART meeting held February 22, 2013.

Rhonda Bateman
DWSP Coordinator
SSMRCA
705-946-8530
rbateman@ssmrca.ca

6.(6)(d)

Sault Ste. Marie Region Conservation Authority
SSMRCA

1100 Fifth Line East
Sault Ste. Marie, ON P6A 5K7
Tel: (705) 946-8530
Fax: (705) 946-8533
Email: nature@ssmrca.ca
www.ssmrca.ca

February 21, 2013

Mr. Donald B. McConnell
Planning Director
The Corporation of the City of Sault Ste. Marie
Civic Centre P.O. Box 580
Sault Ste. Marie, ON P6A 5N1

Re: DART Meeting - Pointe Estate Subdivision

Dear Mr. McConnell:

Thank you for the invitation to attend the DART meeting regarding The Pointe Estate Subdivision proposal. At this time, we are unable to attend the meeting but would like to provide the following comments on behalf of the Sault Ste. Marie Region Conservation Authority (SSMRCA).

Most, if not all lots will be located in an area under the jurisdiction of the Sault Ste. Marie Region Conservation Authority (SSMRCA) with regard to the O. Reg.176/06 for Development, Interference with Wetlands and Alterations to Shoreline and Watercourses. The specific lots subject to O. Reg. 176/06 will be identified once the final layout of the subdivision is available to indicate details of the proposed roads, stormwater system, and the location of building lots or other structures. The physical and environmental characteristics of the property will be altered significantly by the development of this subdivision. Therefore it is imperative that site conditions be assessed through the SSMRCA permitting process for each individual lot within the regulated area and an approved permit be obtained prior to development of the individual residential lots.

The Pointe Estates Well Yield Analysis study dated September 25, 2012 by Waters Environmental Geosciences Ltd. was submitted to the SSMRCA in November 2012. If the City Planning Department has not be provided with a copy, you may wish to obtain one from the proponent.

The SSMRCA staff review of this study revealed that, in Section 4.0, Summary and Recommendations (Page 17) it is stated that "A pumping test on the aquifer beneath the proposed Pointe Estates subdivision development has indicated that the confined bedrock aquifer is capable of meeting the groundwater yield requirements of a domestic residence with only minor drawdown effects." SSMRCA staff have requested written clarification of this point to confirm the aquifer's capability of meeting the groundwater yield requirements of 91 residences, and further doing so

without adversely impacting the water quality and quantity of neighbouring wells. However to date we have not received a such a confirmation. Therefore we recommend that this clarification be pursued.

The Aquifer and Well Yield Analysis Report page 9, also states that "in the present assessment, the individual subdivision wells would be considered low-yield well uses". Therefore the Subdivision Agreement should include a provision that purchasers be advised that the availability of water for normal household use is expected to be low yield.

It should be noted that as per the Aquifer And Well Yield Study, the levels of Dissolved Uranium, Organic Nitrate and Iron are either higher or equal to the Maximum Acceptable Concentration as per Ontario Drinking Water Standards. The Dissolved Uranium is above or equal to the Maximum Acceptable Concentration of 0.20 mg/L with readings of 0.21 mg/L and 0.20 mg/L. It is also noted that Sodium is in exceedence (34-35 mg/L) of the health related warning level (>20 mg/L) in a test well but meets the provincial aesthetic requirements. We recommend that this be brought to the attention of Algoma Public Health.

Since a sediment control plan and stormwater management study are typical requirements associated with subdivision developments, we require the opportunity to review and comment on these in order to provide the Ontario Ministry of the Environment with the necessary Clearance regarding the Environmental Compliance Approval (ECA) application of the Stormwater Management System (Section 4.6 and 6.1 of ECA application).

Thank you for the opportunity to comment. Any questions regarding technical matters can be directed to Anjum Amin, P. Eng. Water Resources Engineer. aamin@ssmrca.ca

Yours truly,

Linda Whalen
General Manager.

6.(a)(d)

Pat Schinners

From: Don Maki
Sent: May 21, 2013 4:07 PM
To: Don McConnell; Pat Schinners
Subject: Rezoning Application A-10-13-Z.OP

Hi Don
I have no comments on the above noted rezoning application.
Don

Don Maki CBCO
Chief Building Official
City of Sault Ste. Marie
99 Foster Drive
Sault Ste. Marie, ON P6A 5X6
Phone (705) 759-5399
d.maki@cityssm.on.ca

www.cityssm.on.ca

6.(b)(d)

Jerry D. Dolcetti, RPP
Commissioner

Daniel Perri, EIT
Engineering Intern

THE CORPORATION OF THE CITY OF SAULT STE. MARIE CANADA

ENGINEERING & PLANNING
DEPARTMENT

Engineering & Construction Division

2013 05 30
Our File: A-10-13-Z.OP

Donald B. McConnell, MCIP, RPP
Planning Director
Engineering and Planning Department
City of Sault Ste. Marie

Dear Mr. McConnell:

RE: A-10-13-Z.OP & 57T-13-502 – 179 & 227 POINTE AUX PINS ROAD REQUEST FOR AN AMENDMENT TO THE ZONING BY-LAW, OFFICIAL PLAN AND DRAFT SUBDIVISION APPROVAL

The Engineering and Construction Division has reviewed the above noted application and provides the following:

- The applicant shall be required to enter into a Subdivision Agreement with the City;
- A sediment control plan must be submitted to the satisfaction of the Commissioner of Engineering and Planning or his designate, and the Sault Ste. Marie Region Conservation Authority;
- Plans and specifications showing final presale grades should be reviewed and approved by the Commissioner of Engineering and Planning or his designate. Lot grading plans should show existing contours, proposed grades, and buildable area for each lot. As constructed drawings should be modified to show only final grades;
- The Engineering Department agrees with the Consultant's recommendation to use the deeper till/ bedrock contact aquifer for water supply purposes; however, the applicant should be aware that there may be additional costs associated with using the deeper aquifer.
- The portion of Alagash Drive shall not be closed until an alternate route is established to access the properties south of the proposed road closure.
- Stormwater management shall be to the satisfaction of the Commissioner of Engineering and Planning or his designate; and

The Corporation of the City of Sault Ste. Marie
P.O. Box 580~ 99 Foster Drive ~ Sault Ste. Marie, ON P6A 5N1
Telephone: (705) 759-5385 ~ Fax: (705) 541-7165
www.cityssm.on.ca ~ d.perri@cityssm.on.ca

- No work shall be commenced without the approval of the Commissioner of Engineering & Planning or his designate. Any work which requires approvals from the City and the Ministry of the Environment shall not commence until such approvals and agreements are endorsed.

If you have any questions, please contact the undersigned.

Yours truly,

D. Perri

Daniel Perri, EIT
Engineering Intern

c: Jerry Dolcetti, Commissioner, Engineering & Planning
Susan Hamilton Beach, P. Eng., Deputy Commissioner, PWT
Pat Schinners, Administrative Clerk, Planning Division

6.(b)(d)

Don McConnell

From: Dan Perri
Sent: June 19, 2013 11:40 AM
To: Don McConnell
Cc: Susan Hamilton Beach
Subject: Pointe Estates Subdivision

Hi Don,
Please accept this email for file/ as a reminder for the Subdivision Agreement stage to review the proposed stormwater quality controls being proposed on a lot by lot basis for this development. The Consultant is proposing to use enhanced vegetated swales with rock check dams along property lines, vegetated ponding areas along with a vegetated filter strip and level spreader near rear (canal) property lines. To ensure that these facilities are properly maintained, it is recommended that the maintenance of these facilities be a part of the condominium.
If you have any questions please do not hesitate to contact me.
Thanks,
Dan

Daniel Perri, EIT
Engineering Intern
Engineering & Planning Department
City of Sault Ste. Marie
99 Foster Drive
Sault Ste. Marie, ON P6A 5X6
d.perri@cityssm.on.ca
Ph: 705 759-5385
Fax: 705 541-7165

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6.(6)(d)

S. Hamilton Beach P. Eng
Deputy Commissioner

Larry Girardi
Commissioner

June 4, 2013

Donald McConnell
Planning Director

Subject: Application Number A-10-13-Z.OP and 57T-13-502
Request for an amendment to the Zoning By-law, Official Plan and Draft Subdivision Approval

Applicant: Jeff and Patricia Avery

Subject Property: 179 & 227 Pointe Aux Pins Drive

Staff from Public Works and Transportation has reviewed this application and provide the following comments:

- The turnarounds established at the proposed locations along Alagash Drive/Dagleish Road must be constructed to City standards and our provision of waste management services and winter maintenance must not be impeded by construction;
- It is the understanding of PWT that there will be no maintenance requirements in association with the waterways, walking trails or the swales along the common lot lines within the subdivision;
- It is also the understanding of PWT that there shall be no maintenance requirements associated with any of the Blocks held in the ownership of the Condominium Corporation or privately held.

If you have any further questions please contact me at (705)541-5207.

Susan Hamilton Beach, P. Eng.

Deputy Commissioner
Public Works and Transportation

c. D. Perri, EIT

6.(6)(d)

NICHOLAS J. APOSTLE
COMMISSIONER COMMUNITY SERVICES

COMMUNITY SERVICES DEPARTMENT
Community Centres Division
Municipal Day Nurseries Division
Recreation & Culture Division

RECEIVED
JUL 9 4 2013
Planning Division

MEMO TO: Don McConnell

FROM: Nick Apostle

SUBJECT: **Application No. A-10-13-Z.OP & 5TZ-13-502**

DATE: July 2, 2013

Further to my memo and our meeting, I wanted to revise my comments from my May 22, 2013 memo which were made without a comprehensive understanding of the project.

In our meeting you provided detailed information on the proposed sub-division with regards to opportunities for recreation within and around the proposed development, the City's position with all other previous rural developments, as well as the proponent's plan for a private boat launch.

I do not have any concerns, from a recreation standpoint, with the application now that I have a clearer picture of the proposed development.

N J Apostle

Copy to: **Joe Fratesi**

6.(6)(d)

NICHOLAS J. APOSTLE
COMMISSIONER COMMUNITY SERVICES



COMMUNITY SERVICES DEPARTMENT
Community Centres Division
Municipal Day Nurseries Division
Recreation & Culture Division

MEMO TO: **Don McConnell, Planning Director**

FROM: **Nick Apostle, Commissioner of Community Services**

SUBJECT: **Application No. A-10-13-Z.OP & 57T-13-502**

DATE: **May 22, 2013**

Further to your memo on this matter requesting my review and comment, I would like to express my concern with there not being a park along with playground equipment identified in the plan.

A subdivision of this size, even though it is rural, should, in my opinion, have a park and playground equipment. I understand that there will be a path for walking and possibly jogging and other activities.

The Canadian Recreation agenda and the Parks and Recreation Ontario agenda speaks to people of all ages becoming more active and that exercise has a direct relationship to reducing health costs.

My opinion is that it should be a park with opportunities and equipment for physical activity for residents of all ages. There are new exciting fitness trends that can be implemented in and along a trail system.

Furthermore, it is also important to note that there is no public boat launch that services the upper river. With this development there is a very high probability that there will be even more demand for a public launch. Perhaps it should be part of the development. In the very least, a location for one really needs to be looked at.

In closing, I would be available to meet with the applicants to discuss this further.

N. J. Apostle

6.(6)(d)

Jerry D. Dolcetti, RPP
Commissioner

Donald B. McConnell, MCIP, RPP
Planning Director

THE CORPORATION OF THE CITY OF SAULT STE. MARIE CANADA

ENGINEERING & PLANNING DEPARTMENT

Planning Division

Tel: (705) 759-5368
Fax: (705) 541-7165

2013 05 13

TO: N. Kenny, City Solicitor
J. Dolcetti, Commissioner of Engineering & Planning
D. Perry, Junior Engineer, Engineering & Planning Dept.
S. Hamilton Beach, Deputy Commissioner of Public Works & Transportation
D. Maki, Chief Building Official
N. Apostle, Commissioner of Community Services
R. Harten, Manager of Engineering, P.U.C.
T. Dodds, CEO, E.D.C.
P. Milosevich, Assistant Fire Chief
L. Whalen, General Manager, Conservation Authority
Municipal Heritage Committee, C.S.D.
N. Scott, Accessibility Coordinator, Social Services

COMMUNITY SERVICES DEPT.

MAY 13 2013

RECEIVED

SUBJECT: Application No. A-10-13-Z.OP & 57T-13-502
Request for an amendment to the Zoning By-law, Official Plan and Draft Subdivision Approval

APPLICANT: Jeff and Patricia Avery

SUBJECT PROPERTY: 179 & 227 Pointe Aux Pins Drive

Don - no concerns from heritage property / building perspective.

Please find enclosed a copy of the above-mentioned rezoning application for your review and comments.

City Council should receive all pertinent data with respect to the subject property. A summary will form part of the report on this matter. Please ensure your review and comments contain a history of any problems experienced, such as non-conformity with by-laws, site agreements, drainage, neighbourhood complaints, etc.

We would appreciate receiving your comments on or before May 31, 2013.

Yours truly,

D.B. McConnell

Donald B. McConnell, MCIP, RPP
PLANNING DIRECTOR

DBM/pms

Enclosure

6.(6)(d)

Fire Chief - Marcel Provenzano

Division Heads:
Suppression – Frank Brescacin
EMS – Robert Rushworth
Fire Prevention – Paul Milosevich
Support Services – Jim St. Jules

Emergency Direct "911"
Emergency Phone (705) 949-3333
Business Phone (705) 949-3335
Fire Prevention Phone (705) 949-3377
Emergency Medical Services (705) 949-3387
Fax Phone (705) 949-2341

FIRE SERVICES
72 Tancred Street
Sault Ste. Marie, Ontario
P6A 2W1

RECEIVED
MAY 23 2013
Planning Division

May 23, 2013

MEMORANDUM

TO: Donald B. McConnell, MCIP, RPP
Planning Director

RE: Application No. A-10-13-Z.OP & 57T-13-502
179 & 227 Pointe Aux Pins Drive

The Fire Prevention Division has reviewed the above-mentioned rezoning application and currently has no history of problems. Fire Services has no objection to the approval of this application.

Should you have any further questions, please contact me at (705) 949-3377 extension # 233.

Paul Milosevich – Assistant Fire Chief – Fire Prevention
Sault Ste. Marie Fire Services

PM/ks

6.(6)(d)

PUC SERVICES INC.
ENGINEERING DEPARTMENT
500 Second Line East, P.O. Box 9000
SAULT STE. MARIE. ONTARIO. P6A 6P2

May 24, 2013

Donald B. McConnell, MCIP, RPP
Planning Director
The Corporation of The
City of Sault Ste. Marie
P.O. Box 580
Sault Ste. Marie, ON P6A 5N1

emailed: d.mcconnell@cityssm.on.ca

Dear Sir:

Re: Application A-10-13-Z.OP & 57T-13-502
179 & 227 Pointe Aux Pins Drive

We wish to advise that the Owner must enter into a subdivision agreement with PUC Services in order to provide electric service to the proposed development. Specific requirements related to alter and or relocate any existing facilities impacted by the proposed development plan will be included in the agreements as required.

Particular note is made with respect to the proposed road closure, and culvert removal on Alagash Drive which is anticipated to require securing suitable easements for existing electrical facilities, and a potential alteration to meet navigable water clearance standards for the proposed improved access canal. In addition the proposed road closure may have some impact on power outage restoration response times to the existing area customer's. Engineering assessment of the supply arrangements to the development may include connection requirements to mitigate such impacts and would be included in the subdivision agreement conditions.

The Subdivision Developer will be required to pay all applicable costs for the electrical distribution services subject to the regulatory and company requirements covered in our Conditions of Service Guidelines.

Yours truly,

PUC SERVICES INC.

Rob Harten, P. Eng.
Manager of Engineering

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Pat Schinners

From: Don McConnell
Sent: May 23, 2013 8:48 AM
To: Pat Schinners
Subject: FW: Rezoning A-10-13-Z.OP & 57T-13-502 179-227 Point Aux Pins

From: Ann Marie McPhee [mailto:annmariemcphee@shaw.ca]
Sent: May 22, 2013 4:50 PM
To: Don McConnell
Cc: Nancie Scott; Diane.morrell@sciontario.org; Wendy Houle; Gerard.taylor3@gmail.com; King, Wayne
Subject: Rezoning A-10-13-Z.OP & 57T-13-502 179-227 Point Aux Pins

Not many comments for this one, it looks like there will be nothing other than street light upon which to make comments. We thought with the canals and streets there would not be sidewalk and curbs etc. Correct me if we are wrong.
Thanks,
Ann Marie

Huron-Superior Catholic District School Board

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Lindsay Liske
Chairperson

John Stadnyk
Director of Education

RECEIVED
MAY 15 2013
Planning Division

2013 05 14

Mr Don McConnell, Planning Director

The Corporation of the City of Sault Ste. Marie

99 Foster Drive

Sault Ste Marie, ON P6A5X6

RE: Application Number A-10-13-ZOP, 57T-13-502

Dear Mr. McConnell:

We have no formal comments or concerns for this application.

I trust this is satisfactory.

Sincerely yours,

Janine Brodie, Purchasing and Planning Officer

Catholic Education Centre
90 Ontario Avenue
Sault Ste. Marie, ON P6B 6G7
Tel: (705) 945-5400
Fax: (705) 945-5575
website: www.hscdsb.on.ca

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ST. MARYS RIVER

BINATIONAL PUBLIC ADVISORY COUNCIL



Conservation Authority Board
Sault Ste. Marie Region Conservation Authority
1100 Fifth Line East
Sault Ste. Marie, ON P6A 5K7

March 5, 2013

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

Reeve and Council
Prince Township Municipal Office
3042 Second Line West
Sault Ste. Marie, ON P6A 6K4

Re: Proposed Pointe Estates Development.

Dear Mayor, Reeve, Councilors, and Conservation Authority Board Members:

On behalf of the Binational Public Advisory Council (BPAC) for the St. Marys River Remedial Action Plan (RAP), we are writing to express our concern regarding the recent decision by the Sault Ste. Marie Region Conservation Authority (SSMRCA) to approve the continued pursuit by a private developer of a proposed subdivision in wetlands adjacent to the St. Marys River (proposed Pointe Estates). In addition to reasons expressed in previous correspondence by BPAC, we believe that the development is at odds with the Great Lakes Water Quality Agreement, recently amended by Canada and the United States.

BPAC, created in 1988, is a stakeholder's group whose members include citizens, property owners, Native American Tribes, elected officials, health units, municipal staff, and university staff from both Canada and the United States. BPAC was formed to assist government agencies responsible for preparing a Remedial Action Plan (RAP) for the St. Marys River AOC. Specifically, BPAC informs the agencies about public views and opinions regarding the clean-up of the St. Marys River AOC, and advocates for projects that achieve the restoration goals. BPAC is dedicated to ensuring that the river water quality and the ecosystem are improved and protected for all users.

BPAC submitted a letter to the City of Sault Ste. Marie dated May 18, 2007 with the following major concerns regarding the proposed Pointe Estates:

- **Destruction of Wetlands** – The St. Marys River AOC has 11 beneficial use impairments (BUIs) as determined through the Great Lakes Water Quality Agreement. Loss of Fish and Wildlife Habitat and Degradation of Fish and Wildlife Populations are two of the BUIs directly linked to the historical and on-going destruction of coastal wetlands in the St. Marys River. This particular wetland site was part of a larger complex of dune and swale wetlands that was partially destroyed for construction of the city airport.
- **Alteration of Coastal Hydrology** – BPAC has been informed that the owner/contractor is also proposing to dredge up to 2.3 kilometers of the wetland to create a canal system for boat access to the proposed development. Not only will this result in additional loss of benthic communities and beneficial wetland functions but there is also concern that the resulting stagnant water will lead to unhealthy conditions.
- **Groundwater saturated with septic sewage** – BPAC understands that the contractor does not plan to connect the development to the city sewage treatment system. The owner/contractor has stated that there will be a septic tank on each of the home development sites. BPAC is concerned that the groundwater is already saturated with septic sewage in the Pointe aux Pins/Pointe Louise area because of the density of houses in that area that currently have on-site (and many ageing) septic tanks.

BPAC is currently involved in actions being taken on Canadian and U.S. sides of the river to restore fish and wildlife habitat. This includes: a review of different design options for the Little Rapids project (for which costs are projected to range between $2,845,000 and $12,611,984), and preliminary discussions on potential projects on the Canadian side of the river. This builds upon previous initiatives carried out on both sides of the boarder to restore parts of the river to more natural shorelines. Since multiple levels of government have invested, and continue to invest, tax dollars to further recover the St. Marys River environment under the RAP, it would be counterproductive to permit the loss or destruction of existing wetland habitat.

The Great Lakes Water Quality Protocol of 2012 (http://www.ec.gc.ca/grandslacs-greatlakes/default.asp?lang=En&n=A1C62826) provides clear direction for the protection and restoration of the Great Lakes, connecting waterways, and the watersheds that feed them. We believe the decision of the Board flies in the face of the intent of parts of this agreement, as encompassed by the Preamble which includes:

EMPHASIZING the need to strengthen efforts to address new and continuing threats to the quality of the Waters of the Great Lakes, including… nutrients, chemical substances, and the loss of habitats and species;

RECOGNIZING that nearshore areas must be restored and protected because they are the major source of drinking water for communities within the basin, are where most human

commerce and recreation occurs, and are the critical ecological link between watersheds and the open waters of the Great Lakes, and;

RECOGNIZING that the involvement and participation of ... Municipal Governments, watershed management agencies, local public agencies, and the Public are essential to achieve the objectives of this Agreement.

We ask you to refer to Article 2, Section 4 of the Agreement, which outlines the principles and approaches to be followed:

(c) adequate treatment – treating wastewater without relying on flow augmentation to achieve applicable water quality standards; we suggest that the proposed Pointe Estates development, that relies on water surges in the canal, fails to meet this principle.

(d) anti-degradation – implementing all reasonable and practicable measures to maintain ... areas that have outstanding natural resource value; we suggest that permitting development within the wetlands would violate this provision.

(i) precaution – incorporating the precautionary approach, the Parties intend that, "Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation"; we suggest that there is currently enough scientific certainty that the wetland in question is of high environmental value, and that there is sufficient evidence that the water circulation plan for the proposed canal does not meet environmental standards.

(j) prevention – anticipating and preventing pollution and other threats to the quality of the Waters of the Great Lakes to reduce overall risks to the environment and human health; we suggest the proposed subdivision is a clear threat to the high quality wetland environment, and that the Board by authorizing the next step in the subdivision implementation has failed to anticipate and prevent this threat.

(l) science-based management – implementing management decisions, policies and programs that are based on best available science, research and knowledge, as well as traditional ecological knowledge, when available; we suggest that the best available science and knowledge points to a Board decision that should have rejected the plans for the subdivision in the wetland.

Article 3, Section 1 (a) of the Agreement spells out in the General Objectives that the waters of the Great Lakes should:

(v) support healthy and productive wetlands and other habitats to sustain resilient populations of native species;

(vi) be free from nutrients that directly or indirectly enter the water as a result of human activity, in amounts that promote growth of algae and cyanobacteria that interfere with aquatic ecosystem health, or human use of the ecosystem;
Article 3 further states (in the part titled Implementation): "The Parties shall progress toward the attainment of these General Objectives ... through their respective domestic programs. The Parties shall use best efforts to ensure that ... regulatory requirements of the Parties, State and Provincial Governments ... Municipal Governments, watershed management agencies, and other local public agencies are consistent with all of these objectives. Objectives developed jointly by the Parties do not preclude either Party from establishing more stringent domestic requirements.

At BPAC, we view this statement to mean that Municipal Governments including its Boards are required through the Agreement to meet the Objectives. We see no provision for "opting out" of the Objectives in order to further a local proposed development in wetlands that adjoin the Great Lakes. Further, a study that has shown problems with nutrient-laden water in the proposed subdivision canal, and since this water would drain into the Great Lakes, the proposed subdivision and canal would appear to not meet Objective (vi).

Article 4, Section 1 of the Agreement states that "The Parties, in cooperation and consultation with ... Municipal Governments ... shall develop and implement programs and other measures to fulfill the purpose of this Agreement, in accordance with the Principles and Approaches set forth in Article 2; and to achieve the General and Specific Objectives set forth in Article 3." Section 2 of Article 4 states "These programs and other measures shall include, but are not limited to pollution abatement, control, and prevention programs for urban drainage, and ...conservation programs to restore and protect habitat." We believe that the recent decision by the Board regarding the Pointe Estates development, instead of preventing pollution would add to it, and; instead of protecting habitat, would damage it.

We would also call your attention to Bill 100 entitled An Act to protect and restore the Great Lakes-St. Lawrence River Basin, which went to First Reading on June 06, 2012 in the Ontario Legislature. This is the provincial means of implementing the Canada-US Water Quality Agreement, designed specifically to protect and restore wetlands and beaches and other coastal areas, and natural habitats and bio-diversity of the Great Lakes-St. Lawrence River Basin. From our understanding of this Bill, municipalities and municipal planning authorities that have jurisdiction in the Great Lakes-St. Lawrence River Basin must conform with the principles and objectives of the Agreement (See sections 21 to 24 of Bill 100). The Bill would have provided for regulations to protect the ecological health of the Great Lakes-St. Lawrence River Basin, and would apply to areas close to shorelines, tributaries or wetlands (See section 26). Should this Bill become law, all municipal bylaws and plans must conform to it. We suggest that the proposed development of the Pointe Estates subdivision cannot meet the provisions of Bill 100.

We urge the Board of the SSMRCA to reverse their decision to grant a permit regarding Pointe Estates, and further urge other parties involved in this process to recognize the Agreement and reject any further steps towards creating this subdivision in the wetlands within the upper reach of the St. Marys River AOC.

Sincerely,

Donald L Marles

Mr. Donald Marles
Canadian BPAC Vice Chair

Mr. Mike Ripley
U.S. BPAC Vice Chair

Cc: International Joint Commission, Canadian Section
MPP David Orazietti, Minister of Natural Resources
Jerry Dolcetti, Commissioner of Engineering and Planning
Don McConnell, Planning Director
Sherri Cleaves, Algoma Public Health

6.(6)(d)

Don McConnell

From: Peter Gagnon <simplysuperiorservices@gmail.com>
Sent: July 09, 2013 8:52 AM
To: Don McConnell
Cc: Helen Scott; Anthony Usher; r. gartshore
Subject: Pointe Estates Development Proposal
Attachments: Land use planning comments.docx; water exchange letter for july 2013.docx; destruction of wildlife habitat letter for July 2013.docx; Facts-Final.docx

Don McConnell,
Planning Director
City of Sault Ste. Marie

July 9, 2013

Dear Sir,

Please find the attached documents entitled Attachments I,II,II and IV that we would like included in your own planning review, and, the package for the up and coming public meeting, with respect to the above noted proposal. We would also ask that this be our formal request to make a presentation at the advertised public/council meeting. We will be making a Powerpoint presentation which will be made on behalf of the Pointes Protection Association, which represents over 30 families in the Pointe Louise and Pointe Aux Pins areas.

In addition to this, you will be receiving comments from two additional sources, one of which we have retained to address the planning issues, Mr. Anthony Usher, MCIP, RPP, and the second, Mr. Frank Breen, P.G., both of whose comments will be addressed briefly in our presentation. More information on our many years of research and commentary on this development proposal can be found on our website; pointesprotection.org, if people would like background and details on our concerns/issues. We would also request that you please provide us with notice of council's decision at your earliest convenience following the meeting.

Yours truly,
Peter Gagnon

--
Peter Gagnon R.P.F.
President, Pointes Protection Association
189 Pointe Louise Drive
Sault Ste. Marie ON P6A5K6
705-779-3796 cell 705-542-4586

"Always tell the truth and then you never have to remember what you said" - Mark Twain 1895

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Attachment I

Our comments on Land Planning Use Report submitted by the developer

Page 2 *"The SSMRCA after diligent review approved the project."*

SSMRCA staff and four of six City representatives were opposed to approval. Hayes, Myers, Manzo and Bruni voted to deny approval. Watkins and Grandinetti voted to allow the development in Dec, 2013.

Page 3 – Aircraft Noise

The established the 2000 NEF contours are still the official contours and prohibit development in the upper third of the property. The following are some comments by the SSM Airport Development Corporation.

- *"It should be recognized that in the best interests of an ongoing Airport operation, development in close proximity to the Airport is strongly discouraged."*
- *"I note that the proponent is using in excess of 35 NEF in their report, not 30 NEF as set out in the Provincial Policy Statement, therefore based on the recognition of 30 NEF as the point of no development their proposed lots 34 to 71 would not be available for development."*

Page 4 – Settlement Areas

This is not a settlement area. (see MMAH comments)

Page 5 – *"The proposed development represents a use of land that is directly related to resource – based recreational activities"*

A definition of Natural Resources: *"Natural resources occur naturally within environments that exist relatively undisturbed by mankind, in a natural form. A natural resource is often characterized by amounts of biodiversity and geodiversity existent in various ecosystems."* The natural resources on the development site are the wetland, fishery, forest and wildlife. To suggest, as the developer's planner does, that destroying all of these natural resources and then building a man-made canal for boating and attempting to rebuild the fishery that was destroyed is economic development of a natural resource makes a mockery of the Official Plan; such a broad interpretation would render the provisions of the plan meaningless.

-The Pointes Estate Project will result in a net gain of fish habitat.

The spawning and nursery habitat exists and the loss is factual, the spawning and nursery habitat gain is possible. The total gain in habitat is poor quality/deep water. From page 26 of EIS:

Habitat Loss **Habitat Gain**

spawning and nursery habitat	23,180m^2	23,000m^2
poor quality/deep water fish habitat	1,000m^2	102,500m^2
Total	24,180m^2 loss	125,500m^2 gain

OMNR comment: "Fish habitat would be created by this proposal but the fish habitat created is very different than the existing habitat and may support different species."

Page 7 – "development of un-serviced lots in the rural area is not required to meet the growth needs of the community."

It is suggested that this is outdated as this policy of the Official Plan was developed in 1996. However, the draft Official Plan of Feb. 2013 states *"new un-serviced estate residential plans of subdivision are not permitted in the Rural Area. The further development of lots in areas zoned Rural Area shall be limited to the creation of one new lot, plus the remnant or retained parcel. This limit shall be applied from the day of the adoption of Official Plan Amendment 167, November 9, 2009."*

Page 11 – Natural Environment – *"The policies require a proponent to conduct the necessary Environmental Impact Studies".*

A full Environmental Impact Study (EIS) has not been done. The original Draft EIS was found deficient by the MNR in a number of areas, such as:

- *"Scope of the EIS – It is noted that the EIS was scoped to address impacts within the wetland portions of the subject property only. There has not been a comparable assessment of potential impacts on the remaining property which is part of this development application. It is not clear that all matters of provincial interest have been thoroughly considered in the EIS document (e.g. deer wintering areas)".*
- *"Wildlife Habitat Considerations – some of the lands associated with the proposed development have been identified as significant wildlife habitat. We recommend that the EIS be expanded to assess potential impacts on the entire property under consideration for this development".*
- *"More detail is required within the EIS as to how boat slips will be constructed. For example, if they are being built into the shoreline area or if filling is required, how will sedimentation and potential impacts to fish habitat be managed and/or mitigated".*
- *Typically in an EIS, breeding bird surveys are conducted in early summer. We were unable to determine whether breeding bird surveys were completed at the appropriate time based on the information provided."*

Above are just a few examples. The response by the developer was to issue a Scoped EIS that was *"scoped in nature and not intended to be a full scale study of the development."* and *"No*

breeding bird survey was conducted". Neither the Draft EIS nor the more limited Scoped EIS support this development. The conclusion from the EIS:

Despite mitigation efforts, long-term impacts are:

- *Phosphorus loading from septic beds may impact water quality in the canal*
- *Construction of the canal may result in stagnant water*
- *Direct loss of vegetation and wildlife habitat due to removal of site vegetation*
- *Direct loss of physical wetland*
- *Loss of hydrologic function of wetland*
- *Impact on water quality (wetlands function to trap sediment, control pollution, and treat water).*
- *Loss of wetland habitat (provides food, water and shelter for fish, birds and mammals and serves as breeding grounds and nursery for many species).*

Page 11 – Natural Heritage Features -

"the subject lands does not contain any distinctive or unusual features, perform a key ecological function nor does it provide habitat for significant plant or animal species".

Consider the following

- *"It is MNR's opinion that these deer yards should be considered to be significant wildlife habitat as identified within policy 2.1.4 of the Provincial Policy Statement.*
- MNR has indicated that it *"believes that the fish habitat should be scored as locally significant"*. (Wetland evaluation). This designation has also been provided by Fisheries and Oceans Canada (DFO).
- "*This wetland is considered a coastal wetland of Lake Superior – a relatively rare feature*" (DFO)
- Habitat for several bird species – one provincially significant and one species of special status. (CA 2010 staff report)
- The wetland has water quality benefits for the immediate area and the Great Lakes System. (CA 2010 staff report)

Page 12 – Fish Habitat

See comments for page 5

Page 12 – Great Lakes Flood Line

"The present land elevation falls approximately 1 metre from a high of 185.5m at the north limit to 184.5m on the south limit."

This is incorrect. The property falls from 185.5m to 183.5m in the south. A large portion of the property is in the floodplain of the St. Mary's River.

Page 13 – Wetlands

"The result of the review was a determination that this wetland is not a provincially significant coastal wetland"

A subsequent review conducted by Beacon Environmental (considered by many the foremost wetland environmental consultants in Ontario) concluded the Pointe Louise Wetland is Provincially Significant.

"The SSMRCA after diligent review of the proposal approved the application."

The diligent review was carried out by the CA staff and they recommended against approval of the development.

Page 14 – *"Wetland functions can be set in three categories, habitat, and water quality, and hydrologic."*

Most of the wildlife habitat will be destroyed, the water quality will be threatened and with the complete removal of the existing wetland, there will be a loss of wetland functions.

"The development is configured to discourage further development of the large open space areas on the subject property".

The development will encourage development on the adjoining properties that will impair the function of the remaining smaller wetlands that are part of the Pointe Louise Wetland complex. *The EIS and the Scoped EIS list the long term impacts on the wetlands as:*

- *"Direct loss of physical wetland due to replacement with proposed subdivision (fill for lots and roads, canal etc.)",*
- *"Loss of hydrolic function related to the quantity of water that enters and is stored in or leaves the wetland, including such factors as reduction of flow velocity and the influence of wetlands on atmospheric processes,"*
- *"Impact on water quality as wetlands function to trap sediment, control pollution and treat water as it flows through the wetland",*
- *"Loss of wetland habitat"*

Page 16 – *"While this section states that no new estate residential plans of subdivision will be permitted in Official Plan RA.4 it does allow Council to consider a development that is associated with the economic development of a Natural Resource located in the Rural Area."*

A definition of Natural Resources: *"Natural resources occur naturally within environments that exist relatively undisturbed by mankind, in a natural form. A natural resource is often characterized by amounts of biodiversity and geodiversity existent in various ecosystems."* The natural resources on the development site are the wetland, fishery, forest and wildlife. To suggest, as the developer's planner does, that destroying all of these natural resources and biodiversity and then building a man-made canal for boating and attempting to rebuild the fishery that was destroyed is economic development of a natural resource makes a mockery of the Official Plan; such a broad interpretation would render the provisions of the Plan meaningless.

Page 20 - Pedestrian Travel

"The proposed design recognizes that the existing streets are used by a number of area residents for their daily exercise. To accommodate these pedestrians a lighted walkway is being proposed along the westerly internal road. This will provide a safe alternative to walking on the shoulder of the road."

This will not be a public sidewalk. The sidewalk and lighting will be owned by the condominium association. Maintenance, snowplowing, repairs, and electrical costs will be the responsibility of the new residents. Add to this the responsibility and costs of ongoing dredging of the canal and the channel to the St Mary's River along the Alagash Road shoreline, maintenance of the canal banks and erosion, water testing and water quality control, removal of any weed rack in the canal, maintenance and expense of pumping and aeration, responsibility for oil/fuel spillages in the canal, maintenance of all common areas, and any related insurance and legal costs for the aforementioned. What happens when these residents refuse to bear these ongoing costs over and above their City taxes?

POINTES PROTECTION ASSOCIATION

Attachment II

We would like to express our concerns with the proposed construction of a 2.3 km dead end canal at Pointe Louise/Pointe aux Pins. There does not appear to be reasonable rationale to conclude that anywhere near a reasonable amount and frequency of water exchange will occur within the canal.

"The American Society of Civil Engineers recommends a preferred flushing rate of 2 times daily. In the Great Lakes non-tidal situation, this will often be difficult to achieve. The U.S. Corps of Engineers suggests that for single entrance harbours, an average daily exchange of water equivalent to one third of the harbour volume will be sufficient to prevent stagnation" (From Ministry of Environment Guideline B-6). The calculations of the proponent predicts a water exchange approximately once in 15 days. This does not include the fact that the Bay and canal are not ice free for 3 to 4 months of the year. Regardless, the predicted flushing rate is 5 times the MOEE Guideline.

From Chapter 5 of Management Measures for Marinas by the Environmental Protection Agency:

"The ideal situation is one in which the distance between the exchange boundary and the inner portion of the basin is minimized. ***The marinas aspect ratio (the ratio of its length to its breadth) should be used as a guideline with respect to flushing. For marinas with one entrance connected directly to the water body, the length to breadth ratio should be between 0.5 and 3.0.*** *In the Northwest, a minimum flushing reduction of 70% per day was judged to be adequate (Cardwell and Koons, 1981). The 70 percent value, which represents the overall flushing rate for the marina basin, was based on the prevailing 1.82 meter* (6ft) *tidal range for a 24 hour period. The measure was selected because it has been shown that adequate flushing will greatly reduce or eliminate the potential for stagnation and will help maintain biological productivity and aesthetics."*

Minor fluctuation of water levels over days or weeks 10 miles upriver at Gros Cap (which are not necessarily reflected at the Alagash because it is protected from wind) are rather insignificant when compared to the 1.82 meter tides every 24 hours required to achieve the desired flushing of a harbour with a 40m opening that projects only 120 meters into an embayment and has an aspect ratio of 3.0. **This development, with a 40m opening, projects 2300 meters inland and has an aspect ratio of 57.5.**

It is unclear whether or not adding a pump to aid in flushing will even work. From the Draft Environmental Impact Statement: *"A pumping rate of about 1200 lgpm would in theory turn over the entire new canal once a month. Unfortunately, it could not be verified that the bulk of the new water would flow down the canal and out into the St Mary's River as it could simply enter the local groundwater aquifer due to the extensive sand present. The use of a canal liner was discussed but was considered to be too disruptive to local groundwater movement* ***and the***

***operation of septic systems**. This option was therefore not considered further."* It appears that pumping was put back in to play without further consideration.

Furthermore, if flushing of the canal is partially successful, the nutrients and pathogens will be flushed out of the canal, into the bay, and along the Alagash and Pointe aux Pins shoreline. This would lead to deteriorating waters for existing residences. No adequate studies have been done to quantify the effects of sewage, fertilizers, animal waste or boating within the canal or adjoining waters.

In his Summary Report, M. Davies of Coldwater Consultants attempts to point to a few examples of successful canals. Most of them are on City sewer and water systems and not serviced by private well and septic systems. Being on municipal services eliminates many of the nutrients and pathogens entering the canal system, thereby removing some of the risk to water quality and of eutrophication.
One of his examples was Queensland Australia. Consider the following:

- *"The purpose of the Canal Estates (Prohibition) Bill 2011 is to prohibit canal estate developments in Tasmania."*
- *"In some other Australian jurisdictions, where canal estate projects have been carried out over a number of years, governments have now moved to either ban or circumscribe their development. New South Wales and Victoria have banned canal estate developments outright and Western Australia and **Queensland** have severely circumscribed their development through planning policy."*

Another example was the City of Ocean Shores, Washington. Mr. Davies states *"it is located on a meso/micro tidal coast which receive a **similar level of flushing action** due to the small tides there as the Pointes Estates project."* The reality is that Ocean Shores is a spit of land projecting into the Pacific Ocean that is 2 miles wide at its widest and averages 1 ½ miles in width and is surrounded on three sides by Ocean. For the first week in June this year the **morning high tide averaged 6 feet above morning low tide** and **evening high tide averaged 6 ½ feet above evening low tide.** To use this as a comparison to the inches that the Bay at Pointe Louise fluctuates on average defies logic.

Regarding nutrient and pollutant sources from lawns and manicured lawns to the water's edge, Mr. Davies stated "the lands of Pointe Estates, are expected to broadly replicate the lot development seen along Alagash Drive: heavily treed lots with minimal grass plantings. This was also the response to leaving a buffer strip along the banks of the canal. Basically 100 % of the lots along Alagash Drive have lawns to their break wall or water's edge. The idea that land owners on the canal would leave a 15m strip of land along the canal edge that was allowed to return to nature is unrealistic.

We would hope the City would require much more due diligence in meeting the water exchange guidelines and protecting existing residents than has been done by the developer's consultants. We respectfully request that the City and Councillors not approve the application for the Pointe Estates Subdivision.

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POINTES PROTECTION ASSOCIATION

Attachment III

We are writing to express our concerns for the destruction of wildlife habitat that will occur if this development were to proceed. The habitat of most, if not all, of the present resident and future resident species will be destroyed. This includes the provincially rare Black Crowned Night Heron, as well as the provincially significant deer yards, nesting area of the Great Blue Heron, home to otters, beaver, pileated wood peckers, nesting and staging area for many species of waterfowl, good rearing and feeding area for young fish and good spawning area for forage fish.

Most of the wildlife cannot survive if their habitat is destroyed

- On page 19 the Coldwater Summary states: *"Existing land elevations range from 183.5 to 185.5"*
- The developer's Draft EIS as well as his Scoped EIS (top of page 4) state: *"The top of the canal bank will be set at 1.5m above the 100 year return period water level of 184.4m CGD."* This results in a top of canal bank elevation of **185.9**. The Draft Plan of Subdivision submitted with this application contains the existing land contour elevations. The southerly one third of the development area is at an existing average elevation of **184.0** resulting in almost 2m of sand fill (no vegetation remaining) to bring the land to elevation 185.9. The middle third of the development area is at existing average elevation **184.5** resulting in 1.4m of fill (no vegetation remaining). The northerly third of the development is at existing average elevation **185** requiring 0.9 m of fill (minimal vegetation remaining). The only area not requiring fill would be a strip along the existing roadways of Pointe aux Pins and Dalgleish. It becomes obvious that the wetland, which occupies the southern half of the development area, will be destroyed along with all existing vegetation. With the amount of fill required in the northern half of the development, minimal vegetation will remain. The removal of most of the organics and vegetation prior to filling results in the destruction of most, if not all wildlife habitat.
- The existing contours and stated top of bank elevations are in direct conflict with the Coldwater summary which states on page 9: *"Lots 21-91,* (the northerly two thirds) *These lots will be left in the most natural state possible; it is planned to only clear 30% of the brush on these properties for the house, garage, septic beds and well footprints."*
- On page 25 the Coldwater Summary states: *"development on each lot will be limited (45% maximum disturbed area) to maintain as much wildlife habitat as possible"*. This is in direct conflict with the existing contours and stated finished elevation.

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Considering the existing contours, the stated finished elevations, the amount of fill required and the fact that over 70% of the development is within the defined flood plain of the St. Mary's River, we believe most of the wildlife habitat will be removed. This is unacceptable and goes against the Provincial Policy Statement, the Official Plan and good planning. We request that the draft application of subdivision, as presented, not be supported by the City.

POINTES PROTECTION ASSOCIATION

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Attachment IV – Facts about the Pointe Louise Wetland

February 18, 2013

Registered Letter to: Sault Ste. Marie Region Conservation Authority Board Members

Brian Watkins, Ken Lamming, Marcy Bruni, Joe Krmpotich, Frank Manzo

Subject: ***The Simple Facts concerning the Pointe Louise Wetland***

It is the responsibility of all citizens of Ontario to uphold the laws of the province. It is especially incumbent on Board Members representing the public in a position of power to serve the public's interest by upholding both the letter and the spirit of applicable laws of the Federal Parliament and Ontario Legislature, and the laws and policies of the local board of which they are a member. The relevant Provincial law applicable to wetlands in the Sault Ste. Marie areas is Ont. Reg. 176/06, as well as the laws and policies of the SSMRCA.

The SSMRCA staff report of April 2010 summarized the regulations, policies and impacts of the development on the wetland and concluded **"The proposed development does not fall within the limited scope of the CA Board authority to consider permitting this proposal inside a wetland area"** as well as **"This application for permission to develop inside a wetland is not in conformance with the policy direction/authority under which the Conservation Authority is required to operate. Therefore, the request to develop a residential subdivision with water access to individual lots via a canal, within the Pointe Louise Wetland should be denied."**

The developer purchased the southern portion of the property with the knowledge that it contained a wetland and was development constrained because of its presence. Aside from the Wetland Evaluations, the only study conducted by the developer that dealt directly with the wetland was the "Pointe Estates Subdivision Environmental Impact Study for Development in a Wetland (Draft)" which concluded the long term impacts of development would be the direct loss of the physical wetland, loss of the hydraulic function of the wetland, loss of vegetation and wildlife habitat and negative impacts on water quality.

On June 15, 2010, The SSMRCA Board passed the resolution denying permission under Ont. Reg. 176/06 as well as their stated policies.

Because the developer consequently appealed the decision to the Lands and Mines Commissioner, the SSMRCA hired professional hydrogeologist and geochemist Frank Breen to conduct an objective technical evaluation of the available information and reports. He concluded "the technical information provided to the SSMRCA by the Pointe Estates Developers is at best preliminary, incomplete, and to some extent misleading and inaccurate". **Mr. Breen did not deal with the wetland but did deal with pollution of surface waters and the upper aquifer.**

At this point the SSMRCA board decided to negotiate with the developer. (***How can you negotiate the destruction of a wetland that you are mandated by law and policy to protect?***) This resulted in the submission of the Waters report "Aquifer and Well Yield Analysis" in late 2012. In Nov. **2006**, after the Waters preliminary hydrogeological impact statement had been submitted, the developer's representative stated in writing **"This preliminary report will be followed by a complete Hydrogeological Study prior to final approval of the subdivision. This study will include pumping test wells at a rate equal to the total proposed draw from the subdivision and the monitoring of existing wells for impact".** This was not done in spite of many requests from the SSMRCA. **The incomplete report provided in late 2012, as the sole part of the "negotiated" settlement, did not deal with the wetland, existing wells, surface waters or the upper aquifer. This report had no relevance to the wetland**.

On Dec. 13, 2012 the board passed a resolution permitting the development in the wetland **despite the objections of SSMRCA staff and without conditions**.

The 2012 SSMRCA board **never** dealt with its mandate to protect the wetland since the previous board's refusal of permission to develop. It was the main reason for refusing permission in 2010, and remains the responsibility of the board to refuse it now. The only study or report done since the refusal in 2010 that is relevant to the wetland is the Breen Report which shows the risks and pathways of pollution in the development.

O. Reg 176/06, which the Board is mandated to uphold, clearly states in the regulation: **"Development is prohibited in wetlands".**
"The Authority may grant permission for development in or on the areas described in subsection 2 (1) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land **will not** be affected by the development. O. Reg. 176/06, s. 3 (1)." At the minimum pollution **and** conservation of land **will** be affected. Permission to develop in wetlands is the exception not the rule. The exception cannot be granted if **any** of the five areas are affected.

Definition of Pollution: any deleterious physical substance or other contaminant that has the potential to be generated by *development* in an area to which a regulation made under clause (1) (c) of the *Conservation Authorities Act* applies. (Conservation Authorities Act)

Definition of Conservation of Land: According to Conservation Ontario Policy, "The Conservation of Land is interpreted as: "...**the protection, management, or restoration of lands within the watershed ecosystem for the purpose of maintaining or enhancing the natural features and hydrologic and ecological functions within the watershed** (February 2008)".

> "This wetland at Pointe Louise is locally significant in its present state from the standpoint of its flood protection in the Pointe Louise area, water treatment capabilities, fish habitat and local wildlife. **This wetland has the necessary ecosystem and**

characteristics to meet the definition of "conservation of land"". (CA 2010 staff report)

Facts relating to Conservation of land and pollution:

- Wetland was the dominant feature of the area and has been documented as such as early as the late 1800's (see attached Map)
- The present failed canal was dug in the late 1950's as part of a larger proposal which was rejected by the Department of Municipal Affairs because "The land was low lying, marshy and subject to flooding, under conditions not suitable for septic tank operation". The Ontario Water Resources commission pointed out that "where canals are dredged through the subdivision, there is the possibility of septic tank drainage flowing into such canals". The Ontario Department of Planning and Development stated "We heartily agree with the opinion of Ontario Water Resources Commission that a dangerous pollution problem will undoubtedly arise in the channel system throughout this proposed subdivision, and will also affect the waterfronts of the lake itself in proximity to the outlets at the lake."
- Airport was built in middle of the extensive wetlands in early 1960's
- Wetland is shown on City plan under development constraints
- Wetland is locally significant and was part of a much larger wetland that encompassed Shore Ridges Provincially Significant Wetland prior to construction of the Airport (CA 2010 staff report).
- Much of the site is under the jurisdiction of the SSMRCA because it involves a wetland greater than 2 hectares. The portion of the wetland on the development site is 40.65 hectares (staff report)
- The 120 metre buffer around the wetland falls within the CA's jurisdiction as well as the northern section of the site where development could interfere with the hydrologic function of the wetland (CA 2010 staff report).

- The Environmental Impact Statement by Great Lakes Environmental Services on development in the wetland (commissioned by the developer) concludes:

Despite mitigation efforts, long-term impacts are:

- ***Phosphorus loading from septic beds may impact water quality in the canal***
- ***Construction of the canal may result in stagnant water***
- ***Direct loss of vegetation and wildlife habitat due to removal of site vegetation***
- ***Direct loss of physical wetland***
- ***Loss of hydrologic function of wetland***
- ***Impact on water quality (wetlands function to trap sediment, control pollution, and treat water).***

- ***Loss of wetland habitat (provides food, water and shelter for fish, birds and mammals and serves as breeding grounds and nursery for many species).***

The policy of the Conservation Authority dictates that development in or near wetlands **will not be permitted where**:

1. The hydrologic function of the wetland will be adversely affected
2. Unmitigable adverse impacts to water quality and water quantity will be created.
3. Flooding problems will be initiated or aggravated by the development
4 The wetlands are located within groundwater recharge zones of private and municipal groundwater wells.
5 A potential source of pollution which will impair the water quality in the wetland and water quality may be introduced. (i.e. pesticides, fertilizers, oils and fuels, sewage, solid or hazardous wastes) (CA 2010 staff report)

- Discharge of nitrates or pathogens to the canal represents a risk to human health or the environment. (Breen rebuttal presentation)
- Discharge of canal water into the inlet Bay results in increased risks to swimmers along the shoreline and potentially Marks Bay. (Breen rebuttal presentation)
- Flushing of Canal is equivalent to discharging contaminated water to St. Mary's River. (Breen rebuttal presentation)
- The Environmental Impact Study (EIS) concludes *"the annual phosphorus load* (from septics) *would be in the order* ***of .08 to .16 mg/L.***" This is 4 to 8 times the Provincial Water Quality Objectives (PWQO) of **.02 mg/L** without considering existing background phosphorus which already exceeds PWQO or additional loadings due to lawn fertilizers and pet droppings.
- The following is from the **"Delaware/Maryland Dead-end Canal Conference"** convened to attempt to deal with the problems associated with this type of construction. *"Dead-end canals are problematic for several reasons. They usually have only one opening. Most were dug through wetlands with the material being cast aside to create development lands for home sites. The canals were dug deeper than their receiving waters. This created lower bottom elevation and poor flushing, which causes the canal water to stagnate and become depleted of dissolved oxygen, which is essential for organisms to survive. The amount of waterfront has been increased dramatically by this development, thus increasing non-point source pollution from all residences. Animal waste and homeowner fertilizers are major sources of non-point pollution. Wetlands serve as filters to cleanse runoff pollution and improve water quality. The loss of wetlands to development has meant a decreased ability to filter out nutrients and pollution before they reach the bays. Canals require constant maintenance to remove the silt deposits that form at their mouths. These canals have been experiencing many challenges to their ecosystems such as poor circulation and flushing, excessive nutrients,*

low dissolved oxygen levels, hydrogen sulfide, fish kills, odiferous and unsightly algae, navigational problems due to turbid waters, declining benthic communities, stagnant, polluted waters, harmful algae blooms and more."

- The following project notification for Lagoon City Ontario, which is mostly serviced by municipal sewer and water, shows the concern for any septic systems located on or near the canals.
  Project Name: Lagoon City Septic System Decommissioning - 2010
  Description: This project's main objective is to reduce phosphorus loadings to Lake Simcoe. The project involves replacing 13 existing septic systems with connections to the municipal sewage collection and treatment system. This will help to eliminate non-point sources of nutrients and other contaminants into Lake Simcoe.

- *"It is MNR's opinion that these deer yards should be considered to be significant wildlife habitat as identified within policy 2.1.4 of the Provincial Policy Statement."* (see MNR comments to City dated May 14, 2007 and June 6, 2007).
- The water the wetland treats by filtering, chemical and biological functions is located in the upper aquifer. This is part of the water that comprises the main source of water for many of the landowners to the south of the proposed development who are on shallow wells. (CA 2010 staff report)
- MNR has indicated that it "believes that the fish habitat should be scored as locally significant". (wetland evaluation) This designation has also been provided by Fisheries and Oceans Canada (DFO).
- "This wetland is considered a coastal wetland of Lake Superior – a relatively rare feature" (DFO)
- In Sault Ste Marie this wetland ranks fifth in size and fifth under the wetland evaluation scoring for the SSMRCA area of jurisdiction. (CA 2010 staff report)
- Habitat for several bird species – one provincially significant and one species of special status. (CA 2010 staff report)
- The wetland has water quality benefits for the immediate area and the Great Lakes System. (CA 2010 staff report)

- **The proposed development does not fall within the limited scope of the CA Board authority to consider permitting this proposal inside a wetland area. Development types to be considered is limited "to public infrastructure (e.g. roads, sewers flood restoration projects, development associated with public parks (e.g. passive or low intensity outdoor recreation and education, trail system)". (CA 2010 staff report)**

- **The conservation authority is mandated to conserve, protect, maintain and rehabilitate the natural environment in lands under its jurisdiction. Wetlands are one of the primary areas of concern under this mandate and the regulations and**

policy direct the full protection of not only wetlands but also the area they are influenced by. (CA 2010 staff report)

- In the decision of the Mining and Lands Commissioner in 611428 Ontario limited v. Metropolitan Toronto and Region Conservation Authority (unreported) File CA 007-92. At page 63 of that decision, the Commissioner stated: *The tribunal finds that "conservation of land", in the context of clause 28(1) (f), includes all aspects of the physical environment, be it terrestrial, aquatic, biological, botanic or air and the relationship between them. Therefore, notwithstanding the fact that the term was not used, "ecosystem", not having yet been coined, "ecosystem" is found to be included in the definition of "land" as used in "conservation of land".*

- As stated in the Objectives of the Sault Ste. Marie Conservation Authority: *"The objects of an authority as stated in the Conservation Authorities Act are: to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals. R.S.O. 1990, c. C.27, s. 20."* This was further clarified by the OMB: *"It is clear to the tribunal that an authority's responsibility, and on appeal its own responsibility, is to deal with natural resources, not the construction of municipal infrastructure and urban development, other than to protect its interest regarding the influence of such development on the natural environment and its resources"*

- O.Reg. 176/06 was brought into effect by Cabinet, so that it cannot be construed as merely the view of the SSMRCA. While an application to interfere with a wetland will be entertained, the permission is an exception to the prohibition when it is granted by the executive. Being an exception, it must be based on sound science and superior supporting documentation. **The exception cannot be granted if any of the five areas are affected.**

We trust you will read this summary and take the necessary action in performing your duties and responsibilities in applying the laws of Ontario.

Yours truly,

Rick Gartshore and Peter Gagnon

Pointes Protection Association

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July 9, 2013

Mr. Don McConnell
Planning Director
City of Sault Ste. Marie
Box 580
Sault Ste. Marie, Ontario
P6A 5N1

Dear Mr. McConnell:

Re: 179 & 227 Pointe aux Pins Drive

I have been retained by the Pointes Protection Association to advise it with respect to the applications of Jeff and Patricia Avery for Official Plan and zoning bylaw amendments, draft plan of subdivision, and condominium description to enable the Pointe Estates development on the above properties.

On behalf of the PPA, and in anticipation of the July 15, 2013 public meeting, I would like to provide Council and staff with my comments on certain aspects of the applications, with particular emphasis on conformity with applicable planning policies. I will not be attending the meeting. The PPA will also be making its own written and verbal submissions.

I have reviewed the information available to me, which includes the applications, most of the applicants' reports, and some agency comments, as well as maps and plans of the area, all of which I have considered in the context of the *Planning Act*, the Provincial Policy Statement, the Official Plan, and the Comprehensive Zoning Bylaw. I have not visited the site, though I have visited the Pointe des Chênes-Pointe Louise-Pointe aux Pins area in the past.

Provincially Significant Wetland?

The Pointe Louise wetland complex occupies the majority of the subject lands.

This wetland has not been evaluated by the Ministry of Natural Resources. However, the applicants' Wetland Evaluation (Great Lakes Environmental Services, March 2010) includes an evaluation under the Ontario Wetland Evaluation System.

To qualify as provincially significant, a wetland has to score 600 points total, or 200 in either the biological or special features components. The evaluators concluded that the Pointe Louise wetland scored 509 points total, 138 in the biological component, and 183 in the special features component. They therefore concluded that the wetland is not provincially significant, which means development is subject only to policies in the Official Plan (see next section). This evaluation was reviewed and confirmed by qualified MNR staff.

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However, if the Pointe Louise wetland were demonstrated to be provincially significant, no development would be permitted within it (PPS policy 2.1.3(b); OP section V.4.5, policy W.1), and development would only be permitted within 120 m if it were demonstrated that there would be no negative impacts on the wetland (PPS policy 2.1.6).

Although the Ontario Wetland Evaluation System is a sound and established scientific methodology, environmental science is not exact, and different evaluators may reach somewhat different conclusions based on the resource information available to them and their interpretation and understanding of the information.

And, as the Evaluation System's Northern Manual (2013 version) says,

> "the evaluation is not a complete biophysical inventory and certain information, particularly about the presence of rare species and about hydrological functions, may be lacking even after the evaluation is completed. If this is determined to be the case, then more information should be obtained before making decisions about the types of land uses in the vicinity of evaluated wetlands (particularly those deemed to be provincially significant)." (p. 2).
>
> "The evaluation always remains as an open file, subject to change as more information becomes available or as a consequence of changes to the wetland itself." (p. 14).

The PPA retained Beacon Environmental, a firm very experienced with wetland evaluations, to review the applicants' Wetland Evaluation. I enclose Beacon's June 23, 2010 review, which relies on the information presented in the applicants' evaluation; key points include:

- As described above, there can be variation from evaluator to evaluator.
- In most components of the evaluation, Beacon's scoring was not significantly different than the evaluator's.
- However, for a variety of reasons described in the letter, Beacon concluded that the special features component should have been scored considerably higher - and safely over the 200 required for provincially significant wetland status.

In a situation where the evaluation scores are fairly close to the line, one single factor can be critical to whether a wetland is provincially significant or not, and therefore whether it can be developed or not. To take one example in the Pointe Estates case, the Evaluation System includes scoring for the presence of "provincially significant animal species" (a term used only in the Evaluation System). The applicants' Wetland Evaluation includes a total score of 50 under this heading, recognizing the presence of one such species, the black-crowned night heron. The bald eagle is another such species. As Beacon notes, there are quite credible observations suggesting regular use of the Pointe Louise wetland by bald eagles. If the bald eagle were also recognized under this heading as Beacon believes it should be, then the score for "provincially significant animal species" would increase to 80; the total score for special features would increase to 213; and the wetland would be considered provincially significant.

Surely, this is a situation where a precautionary approach should be taken, Beacon's comments should be considered, and a revision of the evaluation should be undertaken involving all parties and on the results of which hopefully all parties would agree. In Beacon's words, "In an adversarial situation,

this determination [by MNR] could be challenged using appropriate expert witnesses, but in most cases in our experience, opposing parties are able to agree on a score."

Not a Provincially Significant Wetland?

The following comments apply if despite my recommendation above, or as a result of a revised evaluation, the Pointe Louise wetland complex continues to be considered as not provincially significant.

In that circumstance, development of the wetland would remain subject to Official Plan policies (section V.3.2, policies W.3 through W.6). The wetland is also considered by the Sault Ste. Marie Region Conservation Authority to be locally significant (Proposed Pointe Estates Subdivision Assessment, April 6, 2010).

Given the fact that all wetlands not provincially significant are still subject to Official Plan policies, and that most of the Pointe Louise wetland within the subject lands is shown on Schedule C of the Plan, it is reasonable to conclude that the Official Plan considers the Pointe Louise wetland to be a natural feature. The Provincial Policy Statement, policies 2.1.1 and 2.1.2, requires that "natural features and areas shall be protected for the long term", and that their diversity and connectivity be maintained, even where those features and areas are not "significant" in terms of subsequent PPS policies.

The following Official Plan policies require the following in wetlands not provincially significant:

- development proposals require an environmental impact study (W.4), which has been done, without making any judgement about its sufficiency;
- in the absence of any amendment, the only permitted uses are low intensity resource and recreational uses (W.3);
- development is only permitted where there is:
  - "no loss of wetland functions
  - "no encouragement for future development that will impair wetland functions
  - "no conflict with site specific wetland management practices" (W.5);
- the loss of any wetland areas is to be compensated by the creation and dedication of other wetland areas (W.6).

In addition, section V.3.2 of the Plan, policy H.3 requires that development not be approved if in any environmental impact study, "the overall impact upon the natural heritage feature or area, or ecological function is negative (i.e. detrimental)".

According to the applicants, the Pointe Estates proposal involves clearing 54% of the entire subject lands, and that is a net figure after replanting. (I rely on a table in the applicants' Summary Report, Coldwater Consulting, December 2008. This table has several computational errors, but the most reasonable interpretation of the data presented is that 58% of the site will be cleared initially and then 4% will be replanted.) Comparing the draft plan with the Summary Report information on where clearing will take place shows that of the Pointe Louise wetland within the subject lands, considerably more than 58% will need to be cleared initially. Again according to the Summary Report and draft plan, of this wetland area to be cleared, about 15 ha will then be buried under fill, while several more hectares will be turned into canal.

In fact, the Summary Report may underestimate the amount of clearing involved. The applicants advocate a 100 year flood level for this site of 184.4 m asl, although I understand the SSMRCA advocates 184.7 m, and that is the minimum level for building openings in the Comprehensive Zoning Bylaw. In any case, the applicants' Scoped Environmental Study for Development in a Wetland (Great Lakes Environmental Services, November 27, 2008) indicates (p. 4) a canal bank top 1.5 m above the applicants' preferred flood level, or 185.9 m. There is no suggestion in the applicants' materials that this canal bank will serve as a levee or berm. Therefore, one has to assume that the lots will be filled, to ensure an upward grade from the canal banks inland and northwards. The elevations on the draft plan indicate that almost none of the subject lands exceeds 185.9 m. In the absence of information to the contrary, does that mean that all of the subject lands that are not canal or island will be filled? If this is the case, then *all* of the subject lands will need to be cleared initially, except for two areas that the Summary Report suggests would not be cleared in any event - the result being that 89% of the site would be cleared initially based on the Summary Report.

Regarding policy W.5, the applicants submit that it has been demonstrated that there will be no loss of wetland functions (Land-Use Planning Report, Planning Advisory Services, March 2013, p. 14). However:

- The applicants' Scoped Environmental Study does not demonstrate this. As that study concludes (p. 27):

  > "There will however be some long term residual impact due to the development. Specifically there will be a direct loss of wetland, vegetation and associated wildlife habitat due the [sic] site development."

- The Scoped Environmental Study goes on to suggest that these losses would be compensated for by the economic and social benefits of the development. However, there is no such compensation policy in the Official Plan.

- The SSMRCA's 2010 Subdivision Assessment calculates a net loss of 27.4 ha of wetland on the subject lands, even after the creation of some new artificial wetland. Although a canal would also be created, "this canal cannot replicate the functions of a wetland" (p. 6). The assessment concludes that the wetland will essentially be destroyed, and in particular, that "if the wetland is destroyed, the hydrologic function will cease" (p. 30).

- The SSMRCA Subdivision Assessment also raises the possibility that portions of the Pointe Louise wetland that are upgradient from and drain into the subject lands could be adversely affected by the proposed development.

- Comments from MNR, June 8, 2007, raise the same concern about loss of hydrologic function. "[T]he creation of an open canal will provide water storage capacity, but it will not function as a wetland does to filter and slow the release of water into the St. Mary's [sic] River." (p. 5). I am not aware of any more recent comments from MNR that vary this opinion.

- It is extremely difficult to reconcile the applicants' own information regarding clearing, described above, with "no loss of wetland functions".

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Regarding policy W.6, the Land-Use Planning Report says that 3.3 ha of new wetland will be created (p. 15). This can be compared with the SSMRCA Subdivision Assessment's calculation of a gross loss of 34.2 ha of wetland (that assessment calculated 6.8 ha of new wetland). Whichever figure for new wetland is preferred, it is still less than 20% of the wetland lost.

To summarize:

- The evidence is that the test of Official Plan policy W.5 has not and cannot be met.
- Official Plan policy W.6 can only be met if one were to read the policy as allowing the loss of any amount of wetland area (no matter how large) to be made up by the creation of any amount of new wetland area (no matter how small). While the policy could have been written more clearly, surely this is not what Council intended.

Significant Wildlife Habitat

It appears that the entire subject lands are a deer yard. MNR, in its comments of June 8, 2007, considers the deer yard to be significant wildlife habitat.

Under the Provincial Policy Statement, policy 2.1.4(d), development is only permitted in a significant wildlife habitat if no negative impacts are demonstrated.

A Winter Deer Yard Survey (Great Lakes Environmental Services, March 2007) was undertaken for the applicants. This study does not demonstrate no negative impacts. Rather, it says that "Impacts of the subdivision to the local deer population would involve a loss of food supply and a severance of existing migration routes being used at present" (p. 7). The study then goes on to describe some mitigation measures, which "would retain a small amount of the existing vegetation for deer to utilize" and "reduce impacts to the heavily used migration corridor" - hardly a demonstration of no residual impacts post-mitigation. MNR's comments of June 8, 2007 indicate similar concerns.

When one also takes into account the applicants' own information about clearing, as described above, the evidence is that the test of PPS policy 2.1.4(d) has not been met.

Ground and Surface Water Protection

The applicable policy tests here are:
- Provincial Policy Statement, policies 2.2.1 and 2.2.2,
- Official Plan section VI.2.5 (wrongly numbered as the second VI.2.4), policy S.5.

The applicants have submitted professional studies that address water quantity and quality and assert that these will be protected, improved, or restored, to use the words of the PPS.

Against these, various professional opinions have been advanced asserting that the development will impair the quality of ground and surface waters within and beyond the subject lands:
- SSMRCA, Proposed Pointe Estates Subdivision Assessment, April 6, 2010
- Breen GeoScience Management, Inc., presentation to SSMRCA Board, September 14, 2011, and technical opinion to SSMRCA, December 26, 2011.

I will not attempt to summarize the position of Frank Breen, P.G. (equivalent to P.Geo.), as I understand he will be making his own submissions to the City.

However, if these analysts are correct in their concerns about water quality, then the tests of PPS policies 2.2.1 and 2.2.2 have not been met. At the very least, these analysts raise enough doubt that it would be most appropriate for the City to take a precautionary approach and require further studies before any approval.

Urban or Rural Area?

In my opinion, the subject lands, and the existing Pointe des Chênes-Pointe Louise-Pointe aux Pins residential area, are clearly not an "area of settlement" as defined in the *Planning Act* or a "settlement area" as defined in the Provincial Policy Statement. It is clear that instead, they are part of a "rural area" as defined in the PPS. The Ministry of Municipal Affairs and Housing expresses the same view in its comments of June 3, 2013.

The Official Plan is very clear that the subject lands are part of the Rural Area of the City. This is further reinforced by the Comprehensive Zoning Bylaw, which zones all existing lots in the Pointes area as R1, Estate Residential (aside from special exceptions). Section 9.5 of the Bylaw says that such lots are generally located in the rural area, and that the "lot regulations reflect a rural setting".

There has not been any suggestion that the City wishes to expand the existing settlement area, or identify a new one in the Pointes area, as per policy 1.1.3.9 of the PPS.

And, as the MMAH notes in its June 3, 2013 comments, there is no such thing as a "rural waterfront settlement area", as the Land-Use Planning Study (p. 4) describes the Pointes residential area.

Therefore, the applicable policies of concern are
- PPS, policies 1.1.4.1(a) and 1.4.3,
- Official Plan section VI.2.3.6, Introduction and policy RA.4.

Under PPS policy 1.1.4.1(a), only "limited" residential development is permitted in rural areas. What "limited" means is open to some interpretation, but only an extremely elastic interpretation would admit a 91 lot subdivision. In any case, since there is an element of discretion here, the Official Plan should prevail if it is more prescriptive.

In that regard, Official Plan section VI.2.3.6, policy RA.4 is very clear:

> "Further development of unserviced lots in the rural area is not required to meet the growth needs of the community and development shall be limited to existing lots of record. No new estate residential plans of subdivision shall be permitted. Residential use may only be permitted as accessory to the economic development of a Natural Resource located in the Rural Area which meets health standards and has no impact on the environment."

The Introduction to section VI.2.3.6 further makes clear that the "limited residential development" permitted in the rural area is "limited residential development on lots in existence as of the date of

adoption of this Plan" (1996).

The Land-Use Planning Report submits that the second sentence of policy RA.4 allows the proposed development because the St. Marys River is a recreational resource. However, in my view this claim is unsupportable because:

- Residential development permitted by policy RA.4 is to relate to a Natural Resource, capitalized. Natural Resources are described in section V.3.1 of the Plan and shown on Schedule A. It is clear that these are limited to pits and quarries, and that the purpose of the second sentence is solely to allow extremely limited residential development (i.e., a dwelling for an operator/manager) at an aggregate site.

- This is further supported by the use of the word "accessory" in the second sentence. Residential uses are main uses, not accessory uses, except when they are accessory dwellings, which are normally understood to be limited to on-premises residences for owners, operators, or employees at a commercial, industrial, or institutional site.

- Further, section VI.2.3 must still be consistent with policy 1.1.4.1(a) of the PPS. The latter policy, in addition to allowing "limited" residential development in rural areas, also allows resource use and management, and resource-based recreation. Each of those uses is clearly intended to be separate. In other words, the PPS does not allow some kind of "non-limited" residential development masquerading as a resource use, over and above "limited" residential development. The only exception, of course, is accessory dwellings, which while not spelled out in the PPS, are always understood to be part of and subordinate to the main non-residential use they support.

- Finally, that the proposed development would have "no impact on the environment" is, as described earlier in this letter, very questionable.

The Land-Use Planning Report makes much of the fact that the background studies that policy RA.4 is based on may be outdated, and that housing demand, and rural housing demand in particular, is greater than anticipated at the time (pp. 7-8 and 16). Perhaps that is so, but Council has not seen fit to modify policy RA.4. Also, demand is only one of several factors that should enter into any decision to change this policy.

As well, the present policy RA.4 is clearly consistent with policy 1.1.4.1(a) of the PPS. Policy RA.4 could certainly be modified to allow some rural development and remain consistent with the PPS. However, in my view, if policy RA.4 were modified to the extent that the proposed development would conform with it, that policy would no longer be consistent with the PPS.

In that regard, it is interesting to note that in the February 2013 draft new Official Plan, which is presumably based on the most current background studies, draft policy 4.1.6.6 would have the same effect on the subject lands as the present policy RA.4.

Finally, PPS policy 1.4.3 requires planning authorities to provide for "an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area".

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The Land-Use Planning Report (pp. 7-8) appears to question whether policy RA.4 of the Official Plan is consistent with the PPS in this regard. It reminds readers that current housing growth projections for Sault Ste. Marie may be more buoyant than those of 1996 - although the applicants' Market Analysis Update (Altus Group Economic Consulting, May 28, 2013) projects significantly lower growth than what the Land-Use Planning Report suggests. Certainly, the latter report suggests that PPS policy 1.4.3 helps justify the proposed development.

In my view, however, PPS policy 1.4.3 is not at all relevant to Pointe Estates. The primary focus of this policy is on ensuring that:

- there is a supply of housing for those of low and moderate incomes.
- there is a diversified mix of housing that in particular accommodates the needs of those less abled,
- residential intensification and redevelopment, including of brownfields, is permitted,
- new housing is directed to where there is sufficient infrastructure and community facilities.
- residential development standards promote economical and compact development.

The Market Analysis Update submits that the type of development the applicants propose may encourage non-residents of Sault Ste. Marie, who would not otherwise be attracted to move to the City, to buy into Pointe Estates. That may be so, but it does not support policies 1.1.4.1(a) or 1.4.3 of the PPS, nor does it justify overriding other policies of the PPS or the Official Plan that would be offended by this particular development proposal.

Airport Noise

Because the subject lands are close to the City airport, Provincial Policy Statement policies 1.6.7.1, and particularly 1.6.7.2, apply.

Policy 1.6.7.2(a) prohibits new residential development in areas "above 30 NEF/NEP, as set out on maps (as revised from time to time) that have been reviewed by Transport Canada".

The applicants' Environmental Noise Analysis (Valcoustics Canada Ltd., January 18, 2007) indicates that the then (and still) current Transport Canada maps indicate that 38 lots would be subject to between 30 and 35 NEF.

The applicants then commissioned an Aircraft Noise Study (Avatar Consulting Limited, May 2008). This report suggests that the present Transport Canada noise mapping is outdated, and proposes new mapping. According to this report, under 2007 operations none of the subject lands would be subject to 30 NEF, and this was unlikely to change under various future scenarios. (It should be noted, though, that airport operations have changed since 2007, and since 2009 when the Aircraft Noise Study was updated, with the introduction of new services.)

However, so far as I know, Transport Canada has not yet chosen to revise its mapping.

Both of the applicants' noise studies appear to rely on PPS policy 1.6.7.2(b), which allows some consideration of development in areas above 30 NEF/NEP "if it has been demonstrated that there will be no negative impacts on the long-term function of the airport". However, policy 1.6.7.2(b) also requires that any such residential development consist of:

- "redevelopment of existing residential uses", which this is not, or
- "infilling of residential . . . uses".

Residential development in the Pointe des Chênes-Pointe Louise-Pointe aux Pins area currently consists of a shoreline ribbon, with no vacant lands that could be infilled. The proposed development would involve a very substantial inward incursion of the development boundary behind that shoreline ribbon, and would increase the number of residential lots in the entire Pointes area by 42% (based on the number of existing lots reported in the Land-Use Planning Report). It is hard to see how that can be characterized as "infill". Nor can I agree with the Land-Use Planning Report's assertion (p. 4) that the proposal represents a "logical expansion" of the existing development pattern.

Therefore, in my opinion PPS policy 1.6.7.2(b) does not apply to the proposed development, and clearly, a large part of the proposal is not consistent with policy 1.6.7.2(a), based on the mapping currently in effect. The Sault Ste. Marie Airport Development Corporation, in its comments of May 3, 2007, takes the same view. The Land-Use Planning Report (pp. 3-4) suggests otherwise, but we have not seen the agency comments that support its assertions.

Site Servicing

Official Plan section V.3.5, policy CL.1, and section VI.2.3.6, policies RA.2 and RA.6, indicate the City's expectations that Algoma Public Health be satisfied that rural development can be adequately and appropriately serviced by individual on-site sewage systems. It is clear from its June 27, 2013 comments that Algoma Public Health is not yet satisfied about this development.

Conclusion

My professional opinion and recommendation is that these applications should be refused.

In accordance with sections 17(23), 34(18), and 51(37) of the *Planning Act*, please provide me with notice of Council's decision.

Yours sincerely,

[original signed by]

Anthony Usher, MCIP, RPP

6.(6)(d)

BEACON ENVIRONMENTAL

GUIDING SOLUTIONS IN THE NATURAL ENVIRONMENT

June 26, 2010

Pointes Protection Association
C/o Mr. Peter Gagnon R.P.F.
Sault Ste. Marie
Ontario

Re: Review of the March 2010 Pointe Louise Wetland Evaluation

Dear Mr. Gagnon:

Beacon Environmental has been retained by the Pointes Protection Association to review the above noted wetland evaluation. This letter report represents Beacon's deliverable under this retainer.

Beacon Environmental staff have reviewed several hundred wetland evaluations and undertaken many wetland evaluations using the Ontario Wetland Evaluations System (OWES) in both northern and southern Ontario. Beacon staff have also instructed the Wetland Evaluation Training Course on behalf of the Ontario Ministry of Natural Resources (OMNR) for over 12 years up to and including 2009. These experiences have allowed us to become very familiar with the OWES.

Introduction

Beacon Environmental has been asked to review the document entitled: *Pointes Louise Wetland Evaluation* that was prepared by Tulloch Engineering Inc. o/a Great Lakes Environmental Services (GLES), dated March 2010. GLES also produced the report entitled: *Pointe Estates Subdivision Environmental Impact Study for Development in a Wetland* (Draft dated February 2007) for the same wetland area. At this time Beacon has not been retained to peer review the EIS.

As you may be aware the OWES has been established by the OMNR to determine the relative importance of wetland areas in Ontario. The system is meant to be applied in order that wetlands may be assessed in a manner relative to one another and compared against a policy determination of significance based on the scores achieved. It is therefore important that wetlands are evaluated in a consistent manner. When a wetland reaches the test of provincial significance, this affects how decisions regarding the area may be made under the provincial *Planning Act*. In addition the *Conservation Authorities Act* apples to almost all wetlands, whether or not they are provincially significant.

Seldom, if ever, have we undertaken a review of an evaluation and found that we have no suggested changes. This is because the system is complex and difficult to apply and these days relatively few evaluators apply the system on a regular basis. In our review we are also not focussed on matters of subjectivity. In the first instance, the OWES has removed many sources of subjectivity in order to ensure that all evaluations are consistent. In the second instance most subjectivity occurs in the

144 Main St. North, Suite 206, Markham, Ontario, Canada L3P 5T3
Tel: (905) 201 7622 ❖ Fax: (905) 201 0839

mapping of internal wetland communities and we are generally excluding this element from our review as this would require extensive field work for minimal import.

It is important to note that wetland boundaries in evaluations are generally the approximate location of the area where wetland plant species dominate (i.e., are 50% or more by cover, preferentially using woody species). The detailed mapping of a wetland limit may typically be established during a staking and survey exercise with a proponent and a conservation authority and/or the OMNR. The OWES does not expect or demand wetland boundaries to be mapped at a precise level. While some boundaries may be very accurate, without a staking and survey, it is reasonable to assume that most evaluations are accurate to within 20-30 m. They can also change over time, which is one reason that a wetland evaluation is considered to be an "open file" to which new information can be added and scores adjusted accordingly.

In most cases adjustments to wetland boundaries and particularly internal communities tends not to greatly affect the ultimate score. However this can change as the wetland area approaches key thresholds.

Ultimately, it important to note that it is OMNR makes the final decision on matters relating to scoring; indeed it is impossible to complete an evaluation without OMNR direction. The resulting determination of significance (i.e., provincially significant or not provincially significant) becomes OMNRs determination. In an adversarial situation, this determination could be challenged using appropriate expert witnesses, but in most cases in our experience, opposing parties are able to agree on a score.

Methods

Beacon staff have examined the evaluation, additional mapping and satellite photography of the area. We also undertook a telephone call with OMNR staff, including one of the evaluators, which provided a useful opportunity to ask questions on some of the scoring decisions that were made. We went through the evaluation with the wetland evaluation manual for Northern Ontario and reviewed every score, supporting documentation and mapping. Other than discussions with local residents through the PPA, we have not attempted to gather addition biological information from sources such as the Ontario Breeding Bird Atlas coordinator.

Review

Overall, the evaluation has been thoughtfully prepared. We found relatively few errors and most were of a minor nature. We were surprised to see a caveat in the evaluation that the evaluation team did not agree on all scores (i.e., the scoring of Black-crowned Night Heron). As the evaluation is now "owned" by OMNR's we would expect this caveat to be removed.

Biological Component

1.1.3 Site Type
The evaluation indicates that an Isolated site type is present. However, Isolated must be applied at the Wetland Unit level, not the community level. The data indicate that there are no Isolated wetland units. Score unchanged (affects later scoring).

1.1.2 Vegetation Communities
This section has been overscored as individual, but identical communities, appear to have been double counted. The correct score appears to be 23 not 30.

1.2.3 Diversity of Surrounding Habitat
Aerial photograph appears to show a fencerow in the area. Score 1 point.

1.3 Size
The score changes do not affect the total score in this table.

Social Component

2.3.1 Distinctness
A wetland that is very difficult to map should be scored as indistinct. The wetland does not meet the distinct guidelines in the manual. Loose 3 points.

2.4.1 Educational Uses
No source is provided raising some doubt as to whether the local schools were actually contacted. There may be infrequent use to score based on a 2004 school visit. Add 12 points but only if confirmed.

2.7 Size
There is a minor math error in the scoring. However the resulting score is unchanged in the table, even with the additional educational points.

2.8.1 Aboriginal Values
It would be more appropriate if a response could be elicited from the local band rather than score "unknown". It is uncertain if a letter was sent through the MNR liaison officer or directly to the band.

Hydrological Component

3.1 Flood Attenuation
As there is no isolated wetland the 12 points are assigned in error.

3.3.1 Watershed Improvement Factor
Isolated should be removed. Palustrine inflows - it seems likely that this would be scored. Score may change to 25 from 21.

3.6 Groundwater Discharge
Fen should be scored as only presence is required not dominance. This adds 3 points within the table, but results in a net gain of only 1 point (as the total score is capped).

Special Features

4.1.2.3 Provincially Significant Species
The GLES opinion regarding Black-crowned Night Heron should be removed from the evaluation. It is our opinion that this is appropriately scored, as the simple presence of this species has been in many evaluations. Local sources report the regular presence of Bald Eagle, which scores in this section (supporting material provided at the end of this report). This adds 30 points to this section.

4.2.3 Waterfowl Staging/moulting
If waterfowl are breeding then moulting must occur as adult breeding hens moult at the breeding area. The lists have Mallard and habitat is suitable. We therefore would suggest scoring adding 10 points.

4.2.5 Migratory Passerine, Shorebird or Raptor Stopover Area
Given the coastal location and the importance recognised to shore line areas in the Great Lakes we are surprised that the evaluators choose to score Not Significant. We would propose a Site District level of importance based on known migration routes and the location. This would add 10 points.

4.2.6 Ungulate Habitat
With 36 ha of conifer swamp we would seek clarification on the non-scoring of ungulate summer cover, especially as winter cover was scored.

4.3 Ecosystem Age
The area of shrub-dominated fen may have been underestimated as only a sedge-dominated fen was recorded and the evaluators were unable to identify *Carex* species, which could have been fen indicators.

Mapping

Beacon staff have not visited the wetland and therefore we are not in a position to review the determination of wetland-upland interface. However some comments are offered based on existing information.

1. The inability to identify sedges and willows (for example in community S7) may have led to the under-mapping of fen communities and affected the scoring. Wetland evaluators should either be able identify sedges (and some willows) or collect specimens for later identification. Regionally rare species could also result.
2. Contiguous wetland areas within the airport lands were excluded based on land use. This is inconsistent with other evaluations where wetlands have been mapped within airport lands (e.g., Peterborough Airport PSW). In addition alternate land uses (e.g., agriculture) do not limit

evaluators as long as wetland functions are still present. In our view the contiguous wetlands, if they have wetland function, should be included, if they are removed in the future by the airport authorities then they could be removed from a future update at that time.

3. The wetland map appears to show a contiguous connection from the northern unit to the southern coastal units, although the text says that this connection is absent. One or the other should be changed. This could add 25 points in Special Features for additional coastal wetlands.
4. The wetland map shows three units whereas the evaluation identifies only two. The additional small unit is also unlabelled and may not have been included in the calculations.
5. What appears to be a relatively large conifer swamp unit is contiguous with (8) cS13, south of Des Chenes Drive. It also appears to be the source of water feeding the mapped wetland to the east, providing a hydrological argument for complexing. Part of this area is also mapped as wetland by the conservation authority.

Bald Eagles

The usual required standard by OMNR is that observation of provincially rare species be accompanied by the name and contact details for observers along with dates of observation and any other pertinent details. This is not a difficult species to identify and therefore confusion with other species is unlikely.

Given the relative abundance of eagles in this area, the presence of a deer yard and the coastal attributes of the wetland, it is entirely anticipated that Bald Eagles would use the area. In most cases it is local residents who would have knowledge of such occurrences.

The pattern of observations gathered to date strongly suggests regular use of the wetland itself for hunting and even that there may be breeding within the wetland area

The following table summarizes the supporting information for scoring this species as occurring for an additional 30 points. There are other observations which are not to hand at the time of writing. However, the information provided should be more than sufficient to establish use of the wetland directly (observations of eagles hunting and flying into the wetland with prey, foraging in the wetland on Muskrat) and indirectly (observations close to the wetland by a wide ranging animal species should be scored if the animal is likely to use the wetland area).

Observers	Contact	Date	Details
Peter Gagnon	peter.gagnon@xplornet.ca (705) 779-3796	09:30 March 15-20 2010	Adult flying east towards wetland.
Peter Gagnon	peter.gagnon@xplornet.ca (705) 779-3796	09:30 March 22-25 2010	Adult corner of Airport Road And Pointe Aux Pins. Circling at approximately 200', apparently hunting.
Don & Jan Johnston	(705) 779-3393	09:45 May 9 or 10th 2010	Adult in wetland area north of 144 Pt. Louise, over wetland.
Jan Johnston & Diana Curran	(705) 779-3393	10:50 May 24 2010	Adult over Alagash Canal Flying west to east.
Rick Gartshore	(705) 779-3796	May 14/10, 2010	Adult and immature, 100 metres south of wetland boundary, feeding. Photographs are available.
Robert Cole	(705) 779-3522	Summer 2008	Adult bald eagle sitting at the top of a tall tree in the wetlands across from 171 Point Louise Dr. on more than one occasion during the summer of 2008. The markings of the bird were clear indicating that is was a Bald Eagle.
Jim Evans	(705) 559-1087	Summer 2009	Often seen eagles in the channel year round, winter time on the edge of the ice. Also observed eagles on Pointe des Chenes Road in large pine trees there. They would always fly towards the direction of the Avery Lighthouse (across the wetland). Observed an eagle summer 2009 jumping off the road by the bridge on the Alagash Canal with what appeared to be a Muskrat in his claws. Flew inland into the wetland marshy area with the prey. Suspect nest in that area.

The current Ontario Breeding Bird Atlas also has a possible designation for breeding by Bald Eagle in this general area. In addition the atlas indicates probable Bufflehead breeding record from this area that should be investigated. Use of the wetland area by Bufflehead would also score in this section.

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Summary

In summary, based on our review the scores might change as presented in the following table:

Component	Current Score	Suggested Changes (additional information required for bracketed scores)	Differential (additional information required for bracketed scores)
Biological	138	132 (136)	-6 (-2)
Social	112	109 (121)	-3 (+9)
Hydrological	76	65 (69)	-11 (-7)
Special Features	183	233 (248)	+50 (+65)
Total Score	509	539 (574)	+30 (+65)

Based on our review of the available information the overall score would change by plus 30 points. However, the Special Features Score of 233 would exceed the 200 points threshold making the wetland provincially significant.

In addition there is photographic and other evidence to indicate the presence of additional fen within the currently evaluated area and, more importantly, potential additional wetland areas, that could further increase the score. These potential wetlands could be investigated to see if they are wetlands and if so whether or not they should be included in the evaluation.

If you require further information please do not hesitate to contact the undersigned at (905) 201-7622 extn. 222.

Yours truly,



Brian E. Henshaw, Principal, Senior Ecologist
Beacon Environmental

6.(6)(d)

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Planning Division

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MAR 15 2013
NO.: 52849
DIST: Council - 13

Planning
Agenda file

Mark & Mary Mageran
116 Alagash Drive
Sault Ste Marie Ont.

Attention: City Council

March 5,2013

This letter is in response to the proposed Pointe Estate Subdivision. We would like to express our support for Mr. & Mrs. Avery in the subdivision they have proposed.

The proposed subdivision for this area would be one of the most prestige subdivisions offered to Sault Ste Marie.

The concept of adding access to our waterways from a residence also offers a unique opportunity for others to enjoy.

As a registered Vendor/Builder I know that there is a high demand for building lots of this nature in the Sault Ste Marie area.

We have no objections to this development and wish the Avery's all the best for this project.

Yours truly,
Mark & Mary Mageran

6.(6)(d)

Alderman Joe Krmpotich

Dear Joe, Mar 6 2013

My name is Barry Armstrong and although we have not met, you are my Ward 6 Alderman.

I am writing this note concerning the Pointe Estates Development. I have been at Pointe Aux Pins for over 70 years and my parents and grandparents before me. My Mother and her parents tented on our property in 1910 so as you can see we have a long history here.

I have watched the area develop from a time before Pointe Louise existed, Pointe Louise Drive was not there, only 1/3 of the present Alagash Drive existed, Point Aux Pins Drive did not exist and the current Pine Shore Drive was not built. Dalgleish road was cart path and there was no Airport.

I live on Pine Shore Drive and my property does back onto the Dalgleish Road across the street from the proposed development as does that of a number of my neighbors, unlike many of the self appointed opponents.

When I was a child the Alagash was a creek that one could go up with a small boat. This was before the road and current bridge/fill & culvert were built in order to develop Pointe Louise by Grant McKinnon the property owner of the day.

A few years later, Grant McKinnon purchased an old dredge from AB Mclean and dredged the present Alagash up to the current bridge (culvert) and back filled the area immediately downstream and sold the lots. He then temporarily removed the bridge and moved the old dredge farther in and continued out to the other end at Pointe Des Chenes. He was not able to keep the upper end open as the sand filled it back in several times.

The original plan was to build a bailey type bridge on Alagash drive but he was prevented from doing so by a similar political movement such as is taking place at this time. Had he been successful, small boat traffic would have been possible to the current properties on the back side of Pointe Louise Drive and the free flow of water would have been restored avoiding the stagnant water there today.

I am in favor of any development that is done according to the rules and I would strongly urge you to personally poll the people in the area to find out their views as I believe you are the only reasonable representation we have in our ward.

6.(6)(d)

I do not know who the members of the Pointe Protection group are but suspect they are a small dissident group from Pointe Louise. I find it very annoying that they appear to think they represent all of the residents in our area. Many of my neighbors and I have not spoken out because we feel that the rules of the day must be followed and that the appropriate committees and board will make the right decisions.

It is disconcerting that a few individuals such as Mr. Gartshore and Mr. Gagnon as well as Frank Manzo seem to feel they are more expert than the companies that provided the surveys which were required and that they have the right to represent us all.

It was very much out of line for Frank Manzo to accuse a member of the Conservation Board of being biased because he is a very distant relation of the developer and he was even ruder to Mr. Watkins, although we have come to expect this sort of thing from Frank.

The Averys' are excellent corporate citizens who never turn down an opportunity to provide a helping hand in our community by providing funds, equipment and their precious time. They do not deserve to have their integrity questioned because they have a vision that some do not agree with. The development has met whatever criterion was thrown at them and it is time this city stood up to the few naysayers and approves this development.

Barry and Dianne Armstrong
290 Pine Shore Drive
(705) 779-2387

Cc: Mayor Amaroso
Members of City Council
A. Avery
J. Fratesi

6.(6)(d)

Don McConnell

From: Mayor Amaroso
Sent: March 14, 2013 12:26 PM
To: Don McConnell
Subject: FW: Pointe Estates project Urgent

I am going to start forwarding these emails to you for once we get the application. I am responding to people that we have not as yet received anything but will keep their comments on file in the event we do. I would appreciate knowing when this application gets filed so I can change my message.

Thanks

From: Landon Odom [mailto:landon@mapleleafmotors.ca]
Sent: March 14, 2013 11:13 AM
To: Mayor Amaroso; Joe Krmpotich; Steve Butland; Paul Christian; Terry Sheehan; Susan Myers; Pat Mick; Brian Watkins; Rick Niro; Lou Turco; Marchy Bruni; Frank Fata; j.fratesi (Internet); Jerry Dolcetti
Subject: Pointe Estates project Urgent

This letter is intended to show my unwavering support for the proposed Pointes Estates project which is to be built near my property on Alagash Drive. I have been in support of this project since it was first proposed. My belief is that it will help boost property values in the area, will provide additional recreational opportunities in the area, and will lessen the traffic activity past my property. It has come to my attention that a handful of people calling themselves the Pointes protection association claims to represent the majority of property owners in the area. Please understand clearly that this group does not and never has represented my interests and I fully disagree with their position. As far as I am concerned this is just another group of the " not in my backyard gang" that seems to come out of the woodwork every time anyone tries to accomplish any type of progress or development in this city. It is also my belief that they do not have the support of most property owners in the area. In fact it is a handful of people that want to enjoy someone else's property that they have no investment in and at no cost to themselves. I believe that they should raise their own monies and build their own park. This is a large piece of prime property for development and would benefit the entire area nicely if the project goes ahead as proposed. Please feel free to contact me or ask questions if further information is required.

--

Yours in Service,

Landon Odom
Maple Leaf Motors
(P)705.945.9500
(F)705.945.9489

6.(6)(d)

Mar 17, 2013

Dear Mayor Amaroso,

It is our understanding that you have received a copy of the BPAC Report concerning the Pointe Estates plan and will be discussing it shortly at a City Council meeting.

As a property owner for several years at Pointe Louise, we have been following this proposed development from the beginning and we oppose this development for many reasons. There are many unanswered questions and the recent events at a Conservation meeting on Dec 13, 2012 make us even more skeptical about how this development is being handled. It is very unfortunate that the long time residents of the area are not being treated fairly.

We trust that you and your fellow councilors will listen very closely to our concerns and not be pressured by the tactics of the developer.

Sincerely,

Susan and Austin Duquette
39 Margaret St.
Sault Ste. Marie, ON
P6A 6J7

6.(6)(d)

Don McConnell

From: Malcolm White
Sent: March 18, 2013 4:47 PM
To: Don McConnell
Subject: FW: Support of Pointe Estate Development

From: Kim Vaudry **On Behalf Of** City Clerk
Sent: March 14, 2013 12:49 PM
To: Malcolm White
Subject: FW: Support of Pointe Estate Development

From: A Markevich [mailto:marke101@live.ca]
Sent: March 14, 2013 12:10 PM
To: City Clerk
Subject: Support of Pointe Estate Development

Dear Malcom White, City Clerk, City of SSM

We are a resident at Pointe Louise and live at 40 Alagash Drive. We have always been, and continue to be, in full support of the Pointe Estate Development Project. We believe the development would enhance and beautify our area and appreciate all of the hard work and expertise that has been provided to date.

Please ensure all members of council receive a copy of this email.

Thank You,
Debbie and Andy Markevich
40 Alagash Drive
Sault Ste. Marie, Ontario P6A 5K6

6.(6)(d)

Don McConnell

From: Mayor Amaroso
Sent: April 30, 2013 9:59 AM
To: Don McConnell
Subject: FW: SSM PED Proposal

For the file

From: Bryan Stortini [mailto:bstortini@hotmail.com]
Sent: April 29, 2013 8:59 PM
To: Mayor Amaroso; Renee Wysynski
Subject: SSM PED Proposal

Hello Mayor Amaroso,

I am writing to you regarding the proposed Pointe Estates Development. I know you have received numerous emails and calls concerning this plan and am confident they have been both for and against. As I'm sure you have read the March 5, 2013 BPAC report, I will not go in to detail about their recommendation that the project not be carried out in the best interest of the environment. Additionally, I will not go over the proven reasons as to why wetlands are so important based on their natural ability to purify water and provide unique terrestrial and aquatic species a liveable habitat. Rather, I would like to understand why this is being discussed as a potential project and where it is that you stand?

We know the expert's recommendations and the science behind the importance of conserving our wetlands. We also see the value of keeping our city, province and country naturally beautiful for the years to come. According to the MNR, by the 1980's, 68% of southern Ontario's wetlands had been converted to other uses. This is why we now have groups, such as BPAC, to analyse and make recommendations regarding certain sensitive developments such as this. Some will note that much of that area has already been built on a wetland, that was a mistake that we can't take back, however, we can learn from it and not make the same fault again.

We should also consider the future non-environmental impacts this can cause (i.e. safety concerns regarding increased water/road traffic in a small area, the effects of doubling the wells and septic systems and the loss of a key aspect of what makes northern Ontario so enjoyable – its natural wilderness and tranquillity).

You have been elected to your position of power and I am asking that you use that power in a responsible manner that is the best interest of the environment and the generations to come.

Thank you,

Bryan Stortini

6.(6)(d)

Don McConnell

From: Renee Wysynski
Sent: April 30, 2013 10:06 AM
To: Don McConnell
Subject: FW: letter to the Editor re: Point Estates Development

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From: mayor.amaroso@cityssm.on.ca [mailto:mayor.amaroso@cityssm.on.ca]
Sent: April 30, 2013 10:04 AM
To: Renee Wysynski
Subject: Re: letter to the Editor re: Point Estates Development

Please send to Don for the file.
Sent wirelessly from my BlackBerry device on the Bell network.
Envoyé sans fil par mon terminal mobile BlackBerry sur le réseau de Bell.

From: "Renee Wysynski" <r.wysynski@cityssm.on.ca>
Date: Mon, 29 Apr 2013 09:41:02 -0400
To: Councillor Brian Watkins<b.watkins@cityssm.on.ca>; Councillor Frank Fata<f.fata@cityssm.on.ca>; Councillor Lou Turco<l.turco@cityssm.on.ca>; Councillor Marchy Bruni<m.bruni@cityssm.on.ca>; Councillor Pat Mick<p.mick@cityssm.on.ca>; Councillor Paul Christian<p.christian@cityssm.on.ca>; Councillor Stephen Butland<s.butland@cityssm.on.ca>; Councillor Susan Myers<s.myers@cityssm.on.ca>; Councillor Terry Sheehan<t.sheehan@cityssm.on.ca>; Joe Krmpotich<j.krmpotich@cityssm.on.ca>; <mayor.amaroso@cityssm.on.ca>; Rick Niro<r.niro@cityssm.on.ca>
Subject: FW: letter to the Editor re: Point Estates Development

FYI

From: Nilo Fabbro [mailto:nilofabbro@hotmail.com]
Sent: April 27, 2013 9:31 AM
To: Renee Wysynski
Subject: FW: letter to the Editor re: Point Estates Development

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From: nilofabbro@hotmail.com
To: mayor.amaroso@ssm.on.ca
Subject: FW: letter to the Editor re: Point Estates Development
Date: Sat, 27 Apr 2013 09:24:23 -0400

Mayor Amaroso and members of council,

I am forwarding to you a letter I am sending to the editor of the Sault Star for your consideration.

Respectfully,

Nilo Fabbro

letter to the editor re: proposed subdivision

I am writing this letter to inform all Sault Ste Marie residents of the facts surrounding the Point Estates Development. I passionately urge everyone to read this letter and then consider the devastating effects the ill advised decision of the Conservation Board will have on the Pointe Aux Pins and Pointe Louise areas.

I have lived in this area for approx. 45 yrs. and have seen the effects of both high and low water levels in the upper St. Mary`s river. Let us be perfectly clear on what is being proposed here by the developer. THIS IS NOT WATERFRONT PROPERTY! This is a LANDLOCKED WETLAND! The current road to Pointe Louise will be closed and the traffic to that area will be diverted through the proposed subdivision. There will be ONE water entrance to the proposed subdivision from the St Mary`s river. The water in expected to go in and out of the subdivision at the same time [which will be physically impossible]. The water in the river is at an all time low and is expected to remain that way for years to come. The proposal is that the channel into the subdivision will be continually dredged by the developer and a large pump will be installed on an island in the development to circulate the water, year round, in and out through the one channel at the same time; which is a physical impossibility. The water level in the river is lower than the level of the subdivision and I have yet to see water flow upstream. A development similar to this was attempted 50 yrs. ago, when the water was at a high level, at what is known as "the Alagash". That development was a dismal failure and is now stagnant.

This landlocked wetland occupies 45 hectares[100 acres]. Without this wetland not only is the upper aquifer gone, but the volume of water available to everyone in the area could be severely diminished. All of the reports of the area conclude that because of the number of septic tanks being proposed there could be severe contamination of the drinking water in that area and potentially the St Mary`s river,and all the beaches down stream.

6.(6)(d)

The Conservation Authority staff, Mr. Breen [an independent professional hydrological engineer], the St Mary`s River Binational Public Advisory Council [BPAC] all reached the same conclusions in their investigations and final reports. They all advised to REJECT THE DEVELOPMENT; and gave it "two thumbs down"; therefore they need to be taken seriously. However, three Conservation Authority board members chose to ignore these facts and voted to approve the development, without conditions. WHY?

Only three individuals voted in favour of this project [Ken Lamming, Brian Watkins, and Ozzie Grandinetti]. Other than the developer, and his contracted engineer, no other independent group or person has endorsed this project. There have been speculation circulating as to why they voted that way, but I will not comment on that.

I urge the Conservation Board and City Council to respect the natural wetlands as they currently exist and do not allow this development to proceed. I believe the Sault`s slogan is "naturally gifted", so this natural gift must remain in place in order for it to function the way it has for years, purifying the water, protecting against flooding and providing important habit for hundreds of species of unique plants and animals.

City council now has the opportunity and obligation to reverse a very bad decision. They must use their vested powers wisely and do what is right, not only for all the people in the area, and the people downstream, but for the everlasting preservation of the environment, which we depend on for our own survival.

Nilo Fabbro
139 Caddy Ave.
Sault Ste Marie,ON
P6A6H7
1-705-254-7759

6.(6)(d)

Don McConnell

From: David Crookston <dcrookston@shaw.ca>
Sent: June 03, 2013 3:47 PM
To: Don McConnell
Subject: Application A-10-13-Z.OP & 57T-13-502, 170 & 227 Pointe Aux Pines Drive

Dear Don,

I would like to support the application of Jeff and Patricia Avery to develop a 91 lot subdivision at Pointe Aux Pins. I believe that the development will be an asset to the area, especially to recreational boaters such as me.

I hope that the application is approved by City Council. I would like to be informed of its decision.

All the best,

David Crookston
258 Pine Shore Drive
Sault Ste. Marie, ON
P6A 5K6

Mailing address: 711 Bay St., Unit 601
Sault Ste. Marie, ON P6A 6Y3

6.(6)(d)

Pat Schinners

From: Peter McLarty <pjmclarty@shaw.ca>
Sent: June 04, 2013 9:06 AM
To: Malcolm White
Cc: Pat Schinners
Subject: Council agenda June 24, 2013

City Clerk
City SSM

Re: Planning application no: A-10-13-Z.OP & 57T-13-502 (Pointe Estates)

Dear Sir:

Please be advised that I will be in attendance at the meeting of City Council June 24, 2013 and that I will be making a presentation in opposition to this application.

Sincerely

Peter McLarty
755 Fifth Line East
705-759-3393

6.(6)(d)

Pat Schinners

From: Don McConnell
Sent: June 04, 2013 11:14 AM
To: Pat Schinners
Subject: FW: Point Estates Development

From: Mayor Amaroso
Sent: March 14, 2013 12:27 PM
To: Don McConnell
Subject: FW: Point Estates Development

From: Don McGorman [mailto:mcgormd@hotmail.com]
Sent: January 31, 2013 3:59 PM
To: Susan Myers; Mayor Amaroso; Terry Sheehan; f.manzo@cityssm.on.ca; Lou Turco; Joe Krmpotich; Marchy Bruni; Frank Fata; Paul Christian; Rick Niro; Brian Watkins; Steve Butland; Pat Mick
Cc: Peter Gagnon
Subject: RE: Point Estates Development

Dear Sault Ste Marie City Council,

Peter Gagon has shared with me his letter to the SSM Region Conservation Authority (SSMRCA) regarding the Point Estates development.

If what Peter indicates is true, I am very concerned with the decision of the Conservation Authority board to permit the application of the Point Estates development.

Since SSM City Council appoints the majority of members to the SSMRCA board, I consider each of you personally and collectively responsible for the board's judgement and integrity.

Please do what you can to ensure that Peter Gagnon receives a complete and timely reply to his letter.

Thank you.

Don McGorman
74 Trelawne Ave, SSM
Ward 4 resident

January 30, 2013
Memo to: Chair, Conservation Authority Board & Members
Subject: Pointe Estates Development
Dear Sir,

6.(6)(d)

I am writing you today to inquire as to how you arrived at the recent decision to permit the application of the Point Estates Development, when the criteria that you had established as a minimum prerequisite for any further consideration were, in fact, not met by the developer. It is my understanding that, because of the nature and sensitivity of this area, Conservation Authority staff recommended refusal of this development permit in their report of April 2010 (attached) where they noted that the destruction of the 45 hectare wetland was unacceptable and that a number of criterion as outlined in the Regulation 176/06 for possible exemption of development in or near a wetland had not been met. The Conservation Authority Board voted in accordance with the staff recommendation at that time, to deny a permit. Shortly after that decision, the applicant appealed the decision. During the appeal process, two of the Board members who voted against the development left the Board (one of whom gave no reason for doing so) and subsequently the Conservation Authority Board entered into a negotiated settlement with the applicant prior to the scheduled hearing. Fortunately, prior to that decision, the Conservation Authority had hired the services of a qualified hydro geologist who prepared a 588 page report outlining a range of issues and concerns with the development, which supported and corroborated the earlier staff report, providing more evidence as to the potential effects of pollution and destruction of the hydro geological function of the wetland, and, confirming the developer's failure to address these concerns.

Subsequently, at the December 2011 Board meeting, it was confirmed that ***"the developer has been requested to provide a hydro geological study to support the application to identify potential impacts of the proposed development on the quantity and quality of groundwater resources and interrelated surface water resources, and to assess the significance of these impacts in terms of human habitat needs."*** (See attached "SSMRCA's Hydro geological Requirements of Land Development at Point Estate Subdivision" and accompanying map.)

Sometime in the fall of 2012, the SSMRCA received a copy of an "Aquifer and Well Yield Analysis" dated September 25, 2012 from the developer. On November 27, 2012, the Conservation Authority prepared a report that concluded **"The applicant has not provided the extensive hydro geological information needed to demonstrate that the available groundwater can meet water quality standards with on-site treatment. Only one test well was used to conclude water quality results – 8 were requested." It goes on to conclude that "the report does not provide a complete conceptual model of the Hydro geology at the specific site. Considering the hydro geologic sensitivity of the area and the reported water quantity, it may be appropriate to develop a more detailed characterization of groundwater conditions by testing the wells within the wetland complex of the proposed subdivision"** (as requested in the original outline of requirements December 2011).

With the detailed Technical Opinion of Frank Breen, professional hydro geologist and geochemist (summaries attached); the November 27th, 2012 8 page critique written by Anjum Amin P. Eng., Water Resource Engineer for the SSMRCA (attached); on the "Aquifer and Well Yield Analysis" that was submitted by the developer, and the questions/concerns that were raised by Anjum in his report, I respectfully ask how you were able to approve this development? In addition, since I have attended many CA Board meetings where I have witnessed many conditions being applied to reduce water and water quality effects on routine developments such as the construction of a garage or a single family home, where in many cases they are not even close to a wetland or waterway, I question how this development can proceed with no conditions included?

When one considers that the Conservation Authority Board has actually approved the destruction of one of only a few major Lake Superior wetlands ("This wetland is considered a coastal wetland of Lake Superior - a relatively rare feature" (DFO))., and that all reports prepared and commissioned by the Conservation Authority have indicated the potential for serious environmental and personal damage to the people already living in the area and ultimately the upper St. Mary's River, we need some answers on how and why you approved this development. I would appreciate a detailed response to my questions at your earliest convenience.

Peter Gagnon R.P.F.

President, Pointes Protection Association

Cc Mayor, Debbie Amaroso, City Councilors, Gerry Dolcetti, Don McConnell, BPAC, OMNR, OMOE, et al.

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Peter Gagnon R.P.F.
Simply Superior Services
189 Pointe Louise Drive
Sault Ste. Marie ON P6A5K6
705-779-3796 cell 705-542-4586

"The trees are drawing me near, I've got to find out why?" - Moody Blues

6.(6)(d)

Don McConnell

From: JOHN FABBRO <johnfabbro@shaw.ca>
Sent: June 26, 2013 9:21 PM
To: Don McConnell
Cc: Marchy Bruni; Steve Butland; Paul Christian; Frank Fata; Joe Krmpotich; Pat Mick; Susan Myers; Rick Niro; Terry Sheehan
Subject: Application #: A-10-13-Z.OP and 57T-13-502

Hello, my name is John Fabbro, address 45 Greenview Lane, Sault Ste Marie, Ontario, P6A 6K8. I am submitting a written submission regarding the above application by Jeff and Patricia Avery.

I have concerns regarding the proposed creation of an extensive man-made waterway in the proposal. I would have no concern with the development of the land without creating a waterway.

My concerns with the waterway are based on conflicting engineering reports . Mr Avery has reports that contend that there will be flow to the extreme end of the waterway sufficient to circulate the water and prevent algae and bacterial growth. The BPAC committee and water expert Mr Breen are concerned that this man-made waterway will not have proper flow and turnover of water to prevent algae and bacterial growth in this water system.

Who do we believe? Personally, I feel we have to assume the worst possible scenario will occur. Since separate experts provide conflicting reports we have to believe they present considerably likely outcomes. So, if it is plausible that all proposed events are possible, then we as a community cannot chose the path that could result in algae and bacteria production in the waterway that could flow out onto the existing clean beaches of Point aux Pines and Mark's Bay, and down river. This would be extremely harmful to the existing property and water in the area. If the city allows this to occur, would they provide the clean up to the beaches and waterways and correct the source of the problem if indeed Mr Breen and BPAC are correct?

Having spoken to several councillors I am aware that some have never been to this area to appreciate the scope of what is being proposed. You have all seen the pond at Bellevue Park. It is stagnant at times. Imagine extending that pond with a canal north along Churchill Blvd to Wellington Street. Would there be water flow at the end of that canal? would it be stagnant? That is the extent of this canal being proposed.

As a property owner on a beautiful beach at Pointe aux Pines, I fear what could possibly happen to my beach if this moves forward. Outflow of algae and bacteria from a stagnant canal could be terribly damaging to my property.

Please consider everything when deciding on this proposal. If anyone has not been to this area and is interested in seeing it, I would gladly show you around.

Thank you, John Fabbro

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Don McConnell

From: Don McConnell
Sent: June 30, 2013 10:47 AM
To: 'Douglas and Gail Fleck'
Subject: RE: 179 & 227 Pointe aux Pins Drive Application No.: A-10-13-Z.OP & 57T-13-502 Applicant Jeff and Patricia Avery

Good morning –

My apologies for the delay in responding to your letter. I have responded to each point raised as numbered.

1. You may be aware that the proposed Pointe Estates application has been rescheduled to July 15th. The City staff report on this matter will not be available until July 12th. This is done to be consistent with the date the agenda package is delivered to City Council. In the interim, the applicant has provided numerous studies in support of his application. You are welcome to come into the planning office to review the file.
2. It is not unusual for a single application to consider both residential and commercial uses.
3. The majority of the development would have to be constructed in a single stage as the proposed canal would have to be constructed to completion at one time. My understanding is that the developer intends to complete the entire project as quickly as possible. I suspect that it would take up to 10 years to complete the housing subject to market conditions.
4. All roads and services would be substantially completed prior to issuing building permits. Substantially is a defined engineering term which basically means that the service can be safely used for the intended purpose. In this instance, it means that you can use the road but that a second layer of asphalt has not been placed. This usually occurs the following year.
5. A new bridge will be constructed at the vacant property at 248 Pointe Louise Drive. I am not aware if the applicant has considered a swing bridge, however City is not likely to support this option given the ongoing operation and maintenance costs.
6. The proposed roadways will be assumed and maintained by the City upon completion.
7. The applicant has submitted a traffic impact study as part of his application. The existing roadways are sufficient for the anticipated increase in traffic.
8. The applicant has submitted considerable information on the suitability of the soils and ground water for 91 additional homes. These studies are all available for public review. I can have studies delivered to you if this is more convenient.
9. The applicant's reports are all based on a 91 lot subdivision. Hover, City Council does have the option of approving fewer lots.
10. Any provision of gas and oil productions is mandated by Provincial requirements.

I would be happy to discuss this with you further. Please feel free to call or email me at any time.

Don

Donald B. McConnell, MCIP RPP
Planning Director
The Corporation of the City of Sault Ste. Marie
Civic Centre, 99 Foster Drive
Sault Ste. Marie, ON
P6A 5X6
Tel: 705.759.5375
Fax: 705.541.7165

From: Douglas and Gail Fleck [mailto:fleckontario@gmail.com]
Sent: June 05, 2013 11:00 AM
To: Don McConnell
Subject: 179 & 227 Pointe aux Pins Drive Application No.: A-10-13-Z.OP & 57T-13-502 Applicant Jeff and Patricia Avery

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Please find attached our letter of concerns regarding the above.

Douglas and Gail Fleck

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City of Sault Ste. Marie,
Civic Centre,
Council Chambers,
99 Forest Drive,
Sault Ste Marie

165 Pointe Louise Drive,
Sault Ste Marie

Application No: A-10-13-Z.OP & 57T-13-502

Attention, Mr. Don McConnell, Planner

Don,

We reside at 165 Point Louise Drive. We are recent residents to the Sault, although my wife has spent the majority of her time these past few years in the Sault. I am "in the process" of retiring to the Sault!

We have some concerns regarding this major development, and unfortunately we shall be out of the country, attending the Rotary International Conference, during the hearing period. Many of our concerns may have already been addressed, however, there is no specific detail available at this time for us to review, and therefore I raise our concerns regarding this application.

1. The report is not available until the 19th of June, and it appears that there is a very narrow window of opportunity to review and express concerns. For such a major development are these standard timelines for due process and review? (I have been involved in industrial projects in the UK, Canada and the US, and the review due process for review was many months)
2. The application is for 91 single family homes, as well as a commercial boat storage and maintenance area. Should these not be two separate Applications?
3. The 91 single family homes, probably represents 0.5% of the total single family homes in Sault Ste Marie. I am not sure of the availability of new homes in the area; however, this appears to be a considerable development for the area. What are the proposed timelines for such a development?
4. The application states that there will be significant changes to roads, services, etc. as well as the closing of the existing right of way to Pointe Louise Drive. As part of the application, I trust that all roads and services shall be completed prior to the building of these homes. Twenty four hour access for emergency services is essential for this area.
5. I note that there will be a new bridge access to Point Louise Drive. Are details available regarding the positioning of this new bridge, and what the impact will be during the building process? As an alternative, has the applicant considered the possible installation of a swing bridge to replace the existing bridge? This is a very common feature in many water frontage home developments.
6. Please confirm that all the new roads and services will be assumed by the Town immediately upon completion. What are the timelines for the completion of these new roads? We rely on

good snow clearing, garbage pick, hydro as well as the many independent operators who service the existing properties. Many will not use unassumed roads, due to insurance issues.

7. As stated earlier, the application for 91 homes is considerable, and will have an impact on the traffic flow along Airport Road, as well as at the intersection of Pointe aux Pins. What are the planned improvements regarding the existing roads, and what will be the impact of the commercial traffic involved in the project? Will restrictions regarding traffic flow be included in the application?
8. Has the Town considered the impact of 91 homes, single family, with the possible addition of 330 new residents, the addition of possibly 200 cars or trucks? What impact will the addition of 91 new wells have on the existing well systems? What impact will the development of 91 new septic systems have on the immediate and existing area? This area appears to be very wet around the River and there are many streams throughout the area. What will the long term effect be regarding the addition of these new homes to the existing homes regarding the supply of well water and the septic systems? I have no knowledge of how the supply of water to the wells work, or of the impact of the existing septic has on the immediate environment, however, the development of 91 homes, in the immediate are, must have some considerable impact. How will this be managed for the long term? If wells go dry as a result of climate change or the impact of the additional 91 homes, what plan does the City have to supply water to the area?
9. I will say, that the plan to open up the River, clean it up, manage the area and develop the area, is an interesting concept, and generally I welcome the opportunity it presents to all existing and new home owners. However, I believe that the impact of 91 new homes in the area, will have a long term negative impact, and will be an expensive additional overhead for the City to manage in the future. The opportunity to develop the area is commendable, however, I would suggest that the number of homes being proposed be reduced, and that further discussion regarding the access roads and the long term management of the river, by the City, need to be addressed.
10. Regarding the Commercial development of the Boat slip, storage area, and the commercial aspects of the development are a separate issue. I have no idea of the location, and the Impact that such a commercial project involves. I am not a boating person, however, the storage of boats, the lifting equipment, service area, as well as the supply of gas and oils for the boats, the cleaning of septic from the boats, and the establishment of office and other facilities are considerable. Noise is also something that needs to be considered. I believe this must be addressed separately.

Don, these are some of our concerns. Unfortunately we shall not be here during the time allotted to express these concerns. If many of our concerns have been addressed, please advise.

This is a major development for the City of Sault Ste Marie, and hopefully, all concerns will be addressed accordingly, be fact based and for the long term good of the City.

Thank you.

Douglas and Gail Fleck

6.(6)(d)

Don McConnell

From: ANDRE RIOPEL <ariopel@shaw.ca>
Sent: June 05, 2013 3:30 PM
To: Joe Krmpotich; ""Andre Riopel""; Marchy Bruni; Frank Fata; Rick Niro; Pat Mick; Susan Myers; Terry Sheehan; Lou Turco; Mayor Amaroso; "Brian Watkins"; Steve Butland
Cc: Don McConnell; Steve Turco
Subject: Pointe Louise

Dear Mayor Amaroso and members of city council

Please accept this email to encourage you to oppose the approval of the Pointe Louise development. In addition to the well-articulated environmental concerns there are other important reasons not to approve this development.

Urban sprawl: There is significant exposure to taxpayers that offsets any new residential tax revenues when developments occur away from the urban core. This large remote development will require police, fire, road maintenance and garbage collection. Despite stagnant population numbers in the past 30 years, there have been significant increases in traffic volumes due in large part to people buying large lots in the countryside and becoming car-dependent for all their transportation. People who live far away from the workplace, shopping and recreation without access to public transit spend a lot of time driving or driving dependants everywhere. This causes traffic congestion, air pollution and more acccidents, and contributes to obesity and poor fitness. The city has an adequate supply of residential building lots within the urban service line and I am fairly certain that the Pointe Louise plan does not comply with the city master plan, [insert comma] which could result in an OMB hearing.

Conflict of interest: The SSMRCA staff and consultants have opposed this development and some members of the board have elected not to follow the advice provided to them by their experts. There will be many questions asked by citizens as to real or perceived conflict of interest issues in this case. The priority of the conservation authority is to protect the environment and not be or appear to be subservient to developers.

I believe that the majority of voters in this city see this as a form of favouritism for a small elite to the overall detriment of the community. I would like to see supporters of the development scheme articulate their arguments about just how it is supposed to be good for this city.

Thank you
Andre Riopel
Case Road

6.(6)(d)

Don McConnell

From: Ryan Paquette <rypaq@hotmail.com>
Sent: June 14, 2013 9:13 PM
To: Don McConnell
Subject: Request for Notice

Don McConnell, Planner
City of Sault Ste. Marie
99 Foster Drive
Sault Ste. Marie, ON

Hello Mr. McConnell,

Concerning the request of official plan amendment, rezoning, and draft plan of subdivision approval to develop a 91 lot single detached subdivision of applicant Jeff and Patricia Avery, applicant number A-10-13-Z.OP & 57T-13-502, I would like to receive written notification of the City's decision to adopt or refuse the application.

Thank you,

Ryan Paquette
43 Alagash Drive
Sault Ste. Marie, ON
P6A 5K6

6.(6)(d)

Don McConnell

From: debbie campbell <deberdu@hotmail.com>
Sent: June 17, 2013 4:14 PM
To: Don McConnell
Subject: Re. Proposed Application for rezoning at Pointe Aux Pins

I am responding to Application No.:A-10-13-Z.OP & 57T-13-502. We wish to have our names added to adopt the proposed application for Subdivision approval and with special exception to permit a boat launch, boat lift and boat storage facility. Debbie Campbell Cindy Fergus Don Delayer 312 Pineshore Dr. S.S.M.

6.(6)(d)

Don McConnell

From: Don McConnell
Sent: June 23, 2013 10:08 AM
To: 'Frank Flammia'
Subject: RE: Application # A-10-13-Z.OP & 57T-13-502

Good morning –

The new route to your property involves travelling over a new road that will be constructed from Pointe aux Pins Drive to connect with the vacant property at 248 Pointe Louise Drive.

We have a map and considerable information in the office on this application. Please feel free to stop by anytime to review the file. If you give me call in advance, I can be in the office to meet with you.

Thanks, Don

Donald B. McConnell, MCIP RPP
Planning Director
The Corporation of the City of Sault Ste. Marie
Civic Centre, 99 Foster Drive
Sault Ste. Marie, ON
P6A 5X6
Tel: 705.759.5375
Fax: 705.541.7165

From: Frank Flammia [mailto:fflammia@olg.ca]
Sent: June 13, 2013 12:36 PM
To: Don McConnell
Subject: Application # A-10-13-Z.OP & 57T-13-502

Hello,

I was looking to get a copy of the development plan for this application. My wife and I have a place on Point Louise Drive where we currently use Alagash Drive as our access. We received the Notice of Application and Public Meeting whereby the letter indicates that a portion of the Alagash Drive would have to close.

Apart from wanting to review the whole plan to see the implications this development would have on our property, our major concern is with the closing of this road. I'm assuming that a portion of the road is being closed permanently. That being said, we would like a detailed description as to the route we would have to take to get to Pointe Louise Drive.

Thanks

Frank Flammia
Corporate Payroll Compliance Analyst
70 Foster Drive Office
Phone: 705 946 6761
Fax: 705 946 6872
Email: fflammia@olg.ca

6.(6)(d)

Don McConnell

From: Mayor Amaroso
Sent: July 08, 2013 2:16 PM
To: Don McConnell
Subject: FW: Pointe Estates Development

For the file

-----Original Message-----
From: David Brescacin [mailto:davebrescacin@shaw.ca]
Sent: July 08, 2013 2:06 PM
To: Mayor Amaroso; Steve Butland; Paul Christian; Terry Sheehan; Susan Myers; Pat Mick; Brian Watkins; Rick Niro; Frank Fata; Joe Krmpotich; Lou Turco; Marchy Bruni
Cc: Jeff Avery; 'Patti Avery'
Subject: Pointe Estates Development

Dear Mayor Amaroso and City Council

We are contacting you today to offer our support to the Pointe Estates Development. As residents of Sault Ste. Marie, and having owned property on Pointe Louise Drive, we see this development as a tremendous opportunity for growth in Sault Ste. Marie. The prospect of this development offers many benefits to the economy of the Sault in terms of monies spent in construction, as well as our city tax base, and the local economy. The development would also be a great advantage in attracting/recruiting new businesses and families to our community, as it gives them a unique living lifestyle not offered anywhere in our community. As a community we need to do more to have businesses and families want to locate here, and this is exactly what may persuade those very people to do so.

We are well aware of families who travel from Southern Ontario to "cottage country", from the large metropolitan areas, when they could have easy access to Pointe Estates through the ever expanding services of Porter and Air Canada air services. Our area airport is also very capable of handling private aircraft for those individuals who are able to make use of this service. What a great way to showcase the many treasures we have in our community, and what we have to offer in terms of our hospitality.

Many of our next generation (our children) have not been able to return to Sault Ste. Marie as the employment/career opportunities are not available to them. This development would be a future attraction for many of them. They may consider summer residences, with future plans of retiring to these homes. Our children, and grandchildren back in Sault Ste. Marie, what an exciting legacy for all of us to consider!

We have read the reports/studies provided on the Pointe Estates website that have been completed by the professional organizations responsible for ensuring that this development would meet and exceed all the protocols necessary to proceed. We feel that Jeff and Patti Avery have answered all the concerns that have been raised, and that they have been addressed to the degree that this development is an initiative that should be fully supported by our city and its citizens.

Sincerely:

Suzanne and David Brescacin

6.16(d)

Don McConnell

From: Mayor Amaroso
Sent: July 08, 2013 2:17 PM
To: Don McConnell
Subject: FW: point estate development

For the file

From: George Pinder [mailto:george.pinder@sympatico.ca]
Sent: July 07, 2013 3:46 PM
To: Mayor Amaroso; Steve Butland; Paul Christian; Terry Sheehan; Susan Myers; Pat Mick; Brian Watkins; Rick Niro; Frank Fata; Joe Krmpotich; Lou Turco; Marchy Bruni
Cc: Jeff Avery
Subject: point estate development

Dear Mayor Amaroso and city council:I contact you today as a life long resident or the city's extreme west end and to offer my support to Jeff and Patty Avery in their efforts to create what I believe to be a tremendous development to our area, Pointe Estates. I have studied the plan,spoke with Mr.Avery about it and have visited the area.I see no reason why anyone would not want to live there. I work for the city as an equipment operator and as such have had the opportunity to maintain roads and I recall wondering why more people didn't live in this beautiful place.Our waterfront is our bread and butter and with Pointe Estates more people will have the chance to enjoy it and if the city benefits from more tax revenue and our local businesses thrive..all the better. Please let this development proceed, it will be a focal point and will no doubt be an attraction for potential business people and new residents. Thank you, George and Robin Pinder Base Line

6.(6)(d)

Application # : A-10-13-Z.OP & 57T-13-502

We would like to take this opportunity to address an issue that is extremely important to us, regarding the Pointe Aux Pins proposed Subdivision.

We are Rene and Brenda Aubin. We have a cottage at 16 Dalgleish Drive, which is located at the corner of Dalgleish and Alagash Drive.

Approximately six years ago, the mouth of the Alagash Creek was dredged so that boats would be able to get in and out of the creek. We are 19 lots down river from the mouth of the Alagash, where this took place. During and after this area was dredged, black gooy silt-like substance built up in the water in front of our cottage and at least six other cottages. It was from the shore line to about 100 to 150 feet out from the shore. We used to have a beautiful, hard sand bottom, before this dredging was done. For about two years, we were not able to walk into the water without some sort of beach shoes and even then, we would come out of the water with this black guck on our feet, up to our ankles. It was devastating to us and to our guests. It took two years for nature to build sand over top of the guck. Now the bottom is covered with a thin layer of sand and it is soft. If people walk out into the water and run or play or twist their feet, they will sink through the thin layer of sand and into the black guck. This is the result approximately six years after the mouth of the Alagash was dredged. It saddens us because we know what we had prior to this. We did not make a fuss about the black bottom before because the damage from the dredging was already done. We know that the people responsible for the dredging of the mouth of the Alagash did not know this would happen, nor did they intend for this to happen. Once the damage was done, it was too late for us to do anything about it. We assumed that this would be a one time occurrence and that we would not have to worry about it again. But that does not appear to be the case.

Our problem with this proposal is when they dredge for this project, which will be hundreds of times larger than what was done previously, we know that this black, mushy bottom will happen again to our beautiful waterfront... but on a much larger scale. So we need to know, before this project begins ... WHO WILL BE RESPONSIBLE TO CLEAN UP THIS GUCK THAT WILL DRIFT DOWN RIVER (continuously – during and after project completion) AND SETTLE IN FRONT OF OUR COTTAGE AND MANY OTHERS ? We need to know in writing who and how this will be cleaned up because once the boats and the water start flowing all the time through the Alagash Creek, the silt and guck will continually flow out and settle in front of our place for many years to come. You may have an expert tell you this won't happen but we know it will because it has happened. WHO WILL BE RESPONSIBLE TO PAY FOR OUR CLEAN UP? Please put this answer in a formal letter to us. We intend to hold those who ok this project accountable, as we have explained to you what has and will happen to our waters.

Please contact us if you have any questions. Please mail the formal answer to our home address.

Thank you.

Rene and Brenda Aubin

(705) 942-0016 24 Appaloosa Ave. Sault Ste. Marie, ON P6A 0B1 bbaubin@shaw.ca

6.(6)(d)

Don McConnell

From: Glen Stortini <gastortini@hotmail.com>
Sent: July 07, 2013 9:31 PM
To: Don McConnell
Subject: Pointe Estates Development

Don McConnell
Planning Director
99 Foster Drive
Sault Ste Marie, On
P6A 5X6

Dear Mr. McConnell:

I am sending you this letter that I passionately urge you to "thoroughly" read in order to better understand and consider the devastating effects an ill advised decision will have on the Pointe Aux Pins and Point Louise area. The one important fact to consider is how/why could the Conservation Board have passed this proposed development when the Conservation Authority, BPAC and an independant hydrological engineer (Mr. Breen) that was in fact hired by the Conservation Authority all gave it a two thumbs down. Only three individuals voted in favour for this project (Lamming, Watkins and Grandinetti). No other independant group or person has ever endorsed this project. WHY.

To be perfectly clear this is a wetland. It consumes over 45 hectares, which equates to over 100 acres. Without this wetland not only is the aquifier gone, but the volume of water available to everyone in the area is severely diminished. Whatever water is available will surely be contaminated because of over double the number of septic systems leaching into the ground. These are the facts stated in the reports and not propoganda.

If you read any of the reports you will see that there is no question that there will be pollution of the upper and potentially the lower acquifer, pollution in the proposed canal, the beaches downstream and ultimately the upper St. Mary's river. Please take the time to read the report from BPAC and be conscious of all of the other issues that they have raised.

I urge you to respect the natural wetlands as they currently are and do not allow this development to proceed. I believe the Sault's slogan is "naturally gifted", so please allow this natural gift to remain in place and do the job that it was intended to do. As the Planning Director you have the opportunity do reverse a very bad decision made by the Conservation Board. Please use your vested powers wisely and do what is right not only for all the people in the area, but for the everlasting preservation of the environment.

Those who are familiar with the Pointe Estates Development are totally amazed at how/why this Development was ever approved, especially since the Conservation Authority and BPAC have never given their endorsement. Once you read this letter it will become quite clear as to what the right thing for you and the Conservation Board to do - reverse their decision.

Numerous published letters and reports explain the ecological issues which indicate this development should never happen. This development will not only destroy an important wetland, but will also pollute the upper aquifer and beaches and ultimately the upper St. Mary's river.

It is astounding that the Conservation Board did not heed the professional advice of the Conservation Authority or BPAC who were put in place to specifically protect the environment. How and why can this happen? There must be some underlying reason.

Why would Ken Lamming, Ozzie Grandinetti and Brian Watkins favor this development? This unbelievable, head shaking decision was "pushed" through at the Dec 13th, 2012 meeting where Ozzie Grandinetti was attending his final meeting as a board member. It was my understanding that the sole purpose of that meeting was to discuss the written answers to questions submitted by the developer to the Conservation Authority - NOT TO VOTE, yet they voted and pushed this resolution through.

How can 3 people who are not considered trained professionals in conservation matters make a decision against the better judgement and wisdom of the Conservation Authority and BPAC who are professionally trained. This decision will have catastrophic effects on the lives of everyone who live and enjoy the area.

The law states that you can't build on a wetland - period, so why did these 3 board members vote in favour of this development?

I believe this new 2.3 kilometer canal will have inadequate water exchange which will cause stagnation of the water, mosquitoes and smells, bringing about many various health concerns. There will be adverse effects on the water table and septic systems because there will now be over double the residents in the area. Many of the current residents are already having water issues with their wells, so what will 91 more wells and septics do to the area?

Bill 100 is an an Act to protect and restore the Great Lakes-St. Lawrence River Basin,
which went to First Reading on June 06, 2012 in the Ontario Legislature. In a March 3/13 letter from BPAC to the Conservation Authority and City Council it is BPAC's understanding that municipalities must conform with the principles and objectives of the Agreement. Should this Bill become law, all municipal bylaws and plans must conform to it. BPAC suggested that the proposed development of the Pointe Estates subdivision cannot meet the provisions of Bill 100. BPAC also believe that the development is at odds with the Great Lakes Water Quality Agreement, recently amended by Canada and the United States.

I urge you as the Planning Director and ultimately the Conservation Board to do what is "right" and rescind this resolution and NOT endorse this development. It will not only destroy a wetland, but the purification of our water, create pollution in the area, bring about a dangerous non reversible condition to the area, sever a community and destroy the natural habitat of various species of wildlife. This is wrong - very wrong and must not be allowed to happen.

Respectfully

Glen Stortini

6.(6)(d)

Don McConnell

From: Ted Fewchuk <fewchuks@bell.net>
Sent: July 08, 2013 8:04 PM
To: Don McConnell
Cc: Steve Butland; Mayor Amaroso; Paul Christian; Terry Sheehan; Susan Myers; Pat Mick; Brian Watkins; Rick Niro; Lou Turco; Marchy Bruni; Frank Fata; Joe Krmpotich
Subject: Pointes Estates Development

Dr. Mr. McConnell,

This letter is in response to Application No. A-10-13-Z.OP & 57T-13-502 by Jeff and Patricia Avery. We wish to express our grave concerns about this proposed development.

First I would like to say that I have a great deal of respect for entrepreneurs and developers in our city and I would never try to stop "progress" in our city without giving it a lot of thought. My husband's family have been cottagers at Pointe aux Pins for the past two generations dating back over 80 years and we recently sold the family cottage and purchased a home 5 years ago a few doors away to live in year round fulfilling our lifelong dream. We look at this as an investment to the future for both our children and grandchildren to enjoy. That will be 5 generations that have and will enjoy all the glory of nature within our fair city.

When the Avery's first moved to the point they tore down the old Carter place and built a beautiful new home at the mouth of the Alagash. When they landscaped the property they put slag all along the water's edge. Shortly after this all of the minnows disappeared from the area. Now for generations we as children and as adults fished in this area of the Alagash and caught minnows there, as there was an abundance to say the least. There were perch and catfish, and large pike would come into here to eat the smaller fish. All of this changed after the Avery's built and put fill in and around the Alagash on their property. This may have been a coincidence, but I think not; I think the acid in the slag changed the PH of the water. It has only been in the last few years that the minnows have started coming back and fish of any size are hard to find or mark on fish finders anywhere in the area.

The Alagash was dredged by others 3 to 5 years ago and this caused all kinds of black silt to accumulate along our beach down river from it and this is a small thing compared to what they want to do if they get permission to develop this land. We believe that this will be an environmental nightmare if this development is allowed to proceed and one of the most beautiful and pristine areas of Canada will be damaged forever. When you read the research that the Conservation Authority's hydro-geologist has done, and there is an enormous amount of information compiled, we can't imagine anyone letting this development proceed. It's alarming that no one seems to be accountable for the environmental disaster that could happen from this development. If this is allowed to go ahead, then those who agreed to let it proceed should be held to account as well as the developer; which he is suggesting will be the responsibility of the condominium association. This in itself is a major issue that needs to be addressed. We understand that a petition from the Maki Rd. residents to the conservation authority was upheld. Please help us to understand why our area is not worth preserving.

It occurred to my husband and I that if we don't protect our environment then all is lost for future generations to come and if the fragile ecosystem is destroyed there will be no turning back. The destruction of the Pointe Louise wetland and its associated effect on our drinking water and the water along the shores of our beaches is a major concern that needs to be addressed. We would never try to stop a development for purely selfish or personal reasons; we do this as guardians of our planet and we wish Mr. Avery no ill will. We trust you will read all the studies and make the necessary recommendations to stop this development and the irreparable damage it will create.

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Sincerely,

Nancy & Ted Fewchuk

6.(6)(d)

July 8, 2013

Don McConnell
Planning Director
Civic Center
99 Foster Drive
Sault Ste. Marie, Ontario

Re: Application A-10-13-Z.OP & 57T -13-502
The Pointe Estates Proposal

We are property owners at Pointe Louise and are becoming very concerned that the Points Estates project may be approved. This project should have remained rejected however, lobbying efforts and politics had the original decision reversed in December 2012. We can't believe the irresponsible actions of the Conservation Board approving the Points Estates Development. The board made their decision without proper or any regard to the scientific evidence nor the Conservation Authority's recommendation to reject the Points Estates project. We have not read one report that recommends the acceptance of this project, and yet the Board still voted in favour. Council can reverse a bad decision.

This project if it goes ahead will destroy valuable wetlands, over 45 hectares (100 acres), (equivalent to over 75 Canadian foot ball fields) as well as polluting the waterway downstream of the bay and the Alagash. Make no mistake, this is a wetland. I urge that all the council members walk the site before making a decision. The water table in most of the area is less than a foot as evidenced by the non flowing water in the adjacent ditches. This contravenes a significant portion of the Sault Ste. Marie, 2013 Official Plan. I understand that most of the development falls within the 100 year flood level. This area was flooded the evening that the Edmond Fitzgerald went down. Development in a flood plain in itself should have rejected this proposal.

Water is expected to flow in and out of the proposed canal (physically impossible). This water way will not have flow, increasing the amount of stagnant water and mosquito population. Doubling the number of septic systems leaching into the ground in an already sensitive area will contaminate the canal. This will become more severe every time Lake Superior surges. These are the facts stated in the reports, (Sault Ste. Marie Region Conservation Authority, Beacon Environmental, Frank Breen - an independent professional hydro-geological engineer to name a few) and is not propaganda.

Take a look at the first attempt to develop water front properties in this area. Grant McKinnon dredged a 4-6 foot deep channel that paralleled Pointe Louise Drive. This canal does not flow. Over the years the bottom has come up and the average depth is now one to two feet. It is not useable.

The developer's solution is to pump fresh water into the canal. Where will the fresh water come from? I can't imagine the Great Lakes Protection Authority allowing a

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pipeline to take water from the main river to flush the canal that would achieve a complete exchange every 4 days. Furthermore, flushing of the canal is equivalent to discharging contaminated water into the St. Mary's River destroying the water quality downstream of the Alagash. This was proven when the channel into the Alagash was dredged a few years ago as it contaminated the water flowing in front of the beach properties along Alagash Drive for several days and many of the owners still have the silt on the bottom in their swimming area.

Who is going to be responsible to maintain this site and repair the devastating effects this cannel may have for our future residents of the area. Turning this development into a condominium complex takes the onus away from the developer and would put this burden on the proposed 90 lot home owners. The establishment of a condominium association does not guarantee the flow of funds necessary to address the potential problems after construction. This expense would be unmanageable and would be put on the shoulders of the city's tax payers.

Our family summer cottage has been on a sand spike since the late 40's and we have enjoyed crystal clear great tasting water. All our water samples have tested well. If this project were allowed to proceed, I would like to see a guarantee for the homes that are on shallow wells and sand spikes that their water quality will remain.

Clear cutting this area will expose the mature trees along Pine Shores to the full force of the north-west winds coming across the airport over the proposed development and devastating the last stand of mature trees along Alagash Drive.

Approving this project could have catastrophic results. I haven't read a professional report that supports this project. If this plan is forced through who will be responsible for any clean up and water quality loss to many homes? Much of the damage will be irreversible. Before this proposal can be taken seriously you need to have reports from engineers and environmental professionals that will stake their careers on their conclusions.

Protection of our wetlands and environment is far more important to the future of our citizens than a new development. This is not a simple ditch and contravenes many regulations, bylaws and city plans. Council has a mandate to conserve the natural environment in the lands under its jurisdiction and now has the opportunity to reverse a bad decision. As directors of this community you are responsible for your decisions and you must do what is right.

Doreen & Michael Skippen
231 Pointe Louise Drive
Sault Ste. Marie

6.(6)(d)

July 8, 2013.

Don McConnell,
Planning Director,
Civic Center,
99 Foster Drive,
Sault Ste. Marie, Ontario

Re: Application A-10-13-Z.OP & 57T-13-502
The Pointe Estates Proposal

We are property owners at Pointe Louise and are very concerned that the Pointe Estates project may be approved. Our objection to this ill-conceived development encompasses two main arguments.

The first revolves around the impact on us as property owners. We are deeply worried that this will have a grave impact on our water supply and quality. We are dependent on a sand spike for quality drinking water and our fear is that this massive development will have impact on our water supply. To the best of our knowledge the developer has not guaranteed that the water supply and quality will be maintained. In the past, all of our water samples have tested to be excellent quality.

The second issue revolves around the specifics of the project itself. Based on our own observations and scientific studies that we have acquired, we believe this project has the potential of being a white elephant and a burden to the community. The Conservation Authority staff, Mr. Breen and the St. Mary's River Binational Public Advisory council advises rejection of the development. Having been a long term resident of this community, over 60 years, we are aware of the geography and landscape where this project is being developed. These are wetlands which are natural habitats of wildlife which will be destroyed forever. Also, we do not believe that a canal can be viable in this location and has a potential of being a stagnant pool of water. There was evidence of this when the Alagash was dredged many years ago and if you see it now it is a mosquito infested reservoir of stagnant water. When the channel in the Alagash was dredged a few years ago the shore line was contaminated with froth and sludge. The sludge still remains in front of a few residents. We believe that if this project goes through it will be difficult to maintain and will become a dismal failure causing problems for the residents of this community.

Also, we have enjoyed relationships in the community and with this project the community will be divided by new boundaries and will disrupt the availability of these relationships.

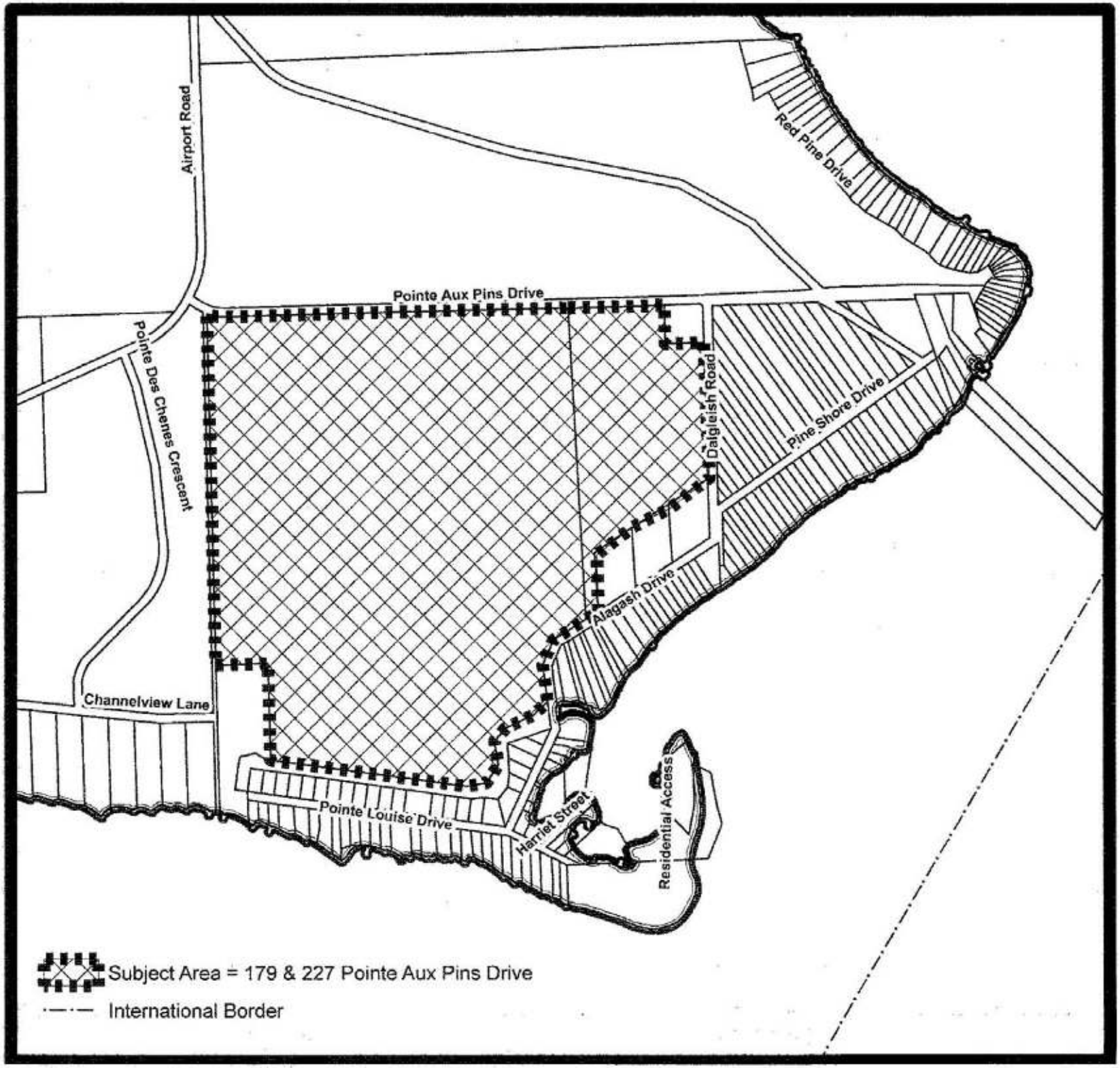
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We believe that the Conservation Board approving the Pointe Estates Development is irresponsible. If the counselors approve this proposal after being aware of the scientific evidence and personal objections of the residents of the community then they are not fulfilling their duties and also acting in an irresponsible manner.

We hope that you take our strong objections seriously and act appropriately.

Respectfully submitted,

Sylvia Skippen & Mario Esposito



SUBJECT PROPERTY MAP

Planning Application A-10-13-Z.OP

Subdivision Application 57T-13-502

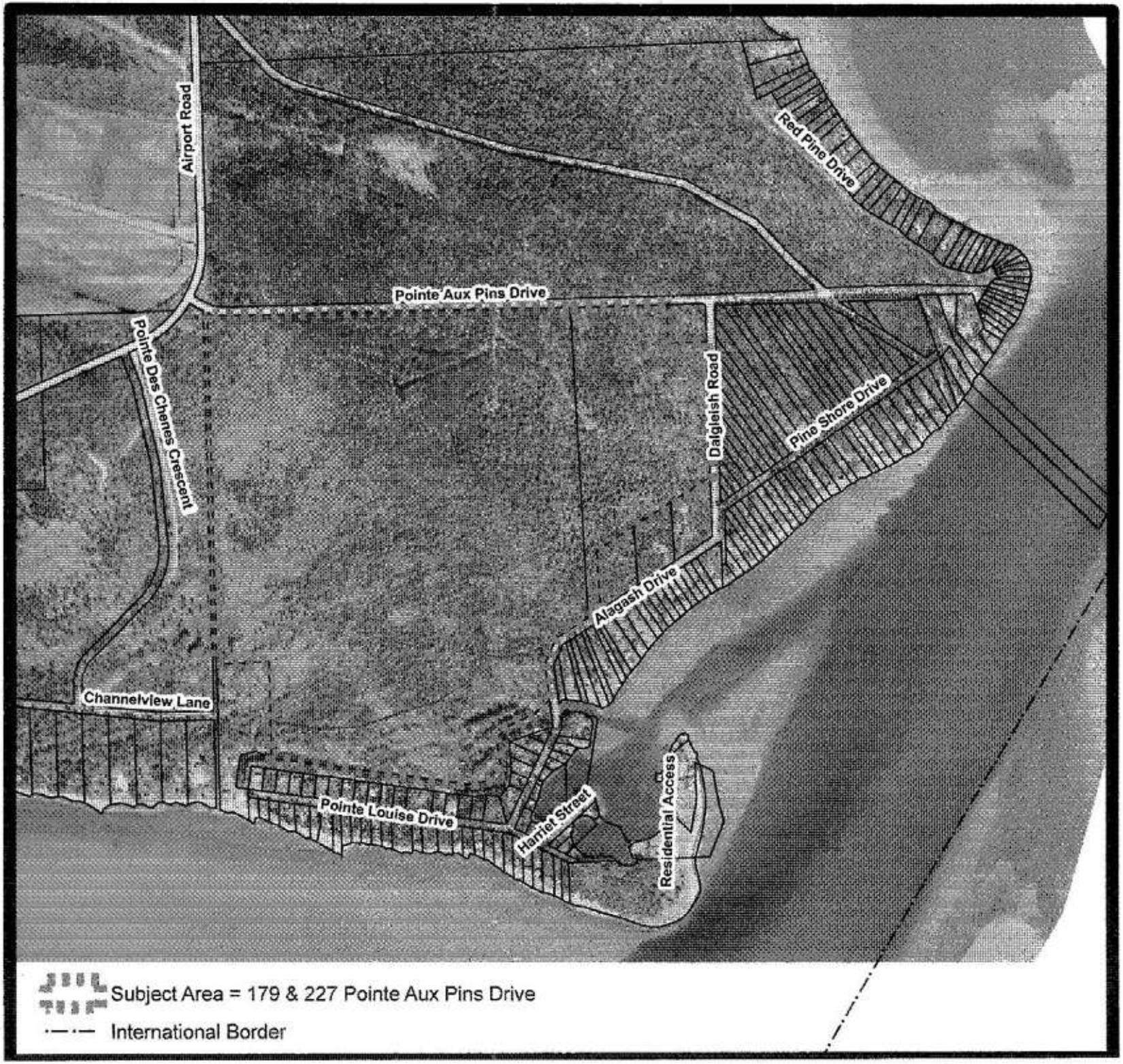
179 & 227 POINTE AUX PINS DRIVE

METRIC SCLAE
1 : 12000

MAP REFERENCE
312 & 2-4

MAIL LABEL ID
A-10-13-Z

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2012 ORTHO PHOTO

Planning Application A-10-13-Z.OP

Subdivision Application 57T-13-502

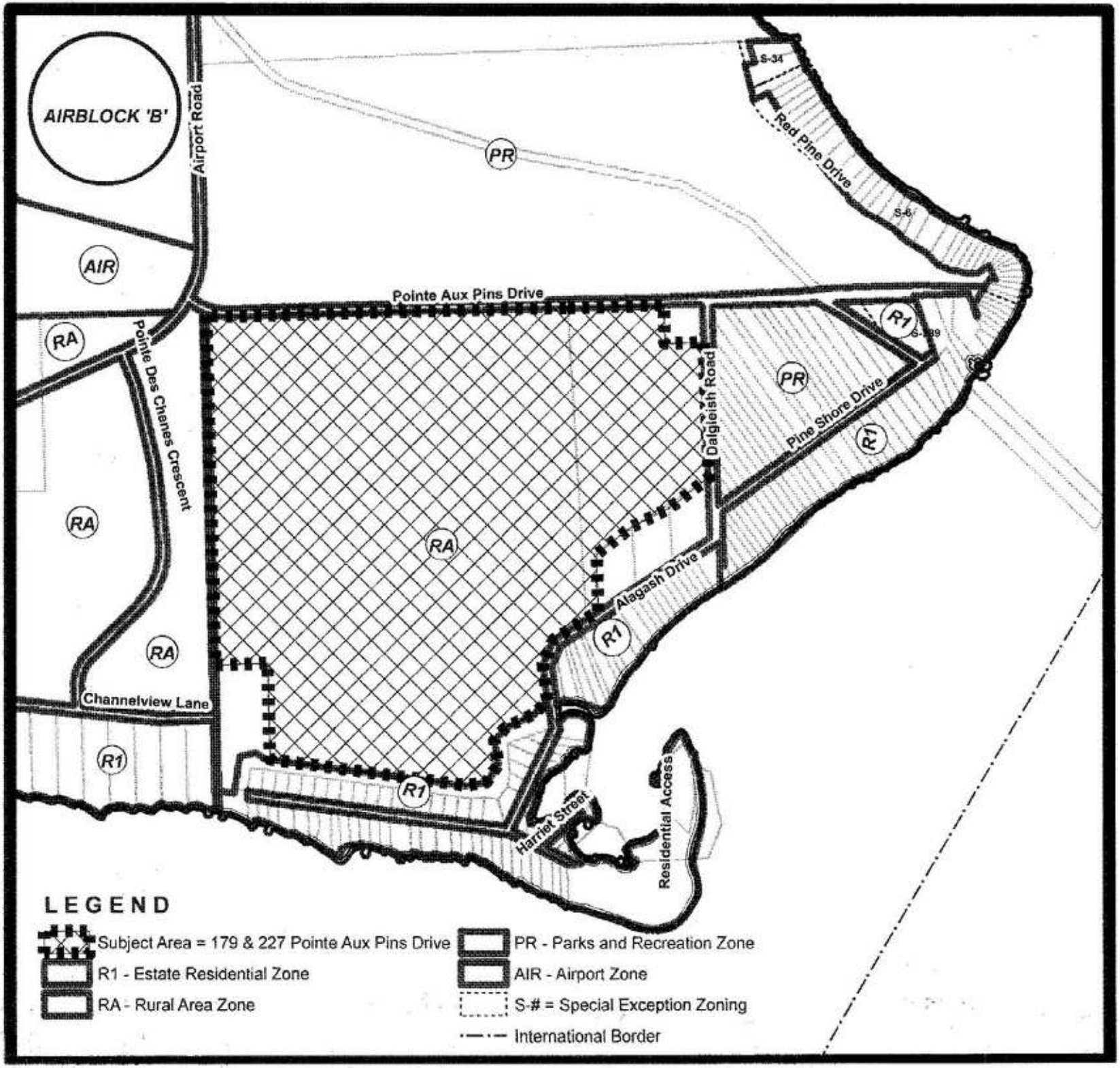
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EXISTING ZONING MAP

Planning Application A-10-13-Z.OP

Subdivision Application 57T-13-502

179 & 227 POINTE AUX PINS DRIVE

METRIC SCLAE
1 : 12000

MAP REFERENCE
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MAIL LABEL ID
A-10-13-Z

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POINTE AUX PINS ESTATE DEVELOPMENT Application #: A-10-13-Z.OP & 57T-13-502

We would like to take this opportunity to address an issue that is extremely important to us, regarding the Pointe Aux Pins proposed Subdivision.

We are Rene and Brenda Aubin. We have a cottage at 16 Dalgleish Drive, which is located at the corner of Dalgleish and Alagash Drive.

Approximately six years ago, the mouth of the Alagash Creek was dredged so that boats would be able to get in and out of the creek. We are 19 lots down river from the mouth of the Alagash, where this took place. During and after this area was dredged, black gooy silt-like substance built up in the water in front of our cottage and at least six other cottages. It was from the shore line to about 100 to 150 feet out from the shore. We used to have a beautiful, hard sand bottom, before this dredging was done. For about two years, we were not able to walk into the water without some sort of beach shoes and even then, we would come out of the water with this black guck on our feet, up to our ankles. It was devastating to us and to our guests. It took two years for nature to build sand over top of the guck. Now the bottom is covered with a thin layer of sand and it is soft. If people walk out into the water and run or play or twist their feet, they will sink through the thin layer of sand and into the black guck. This is the result approximately six years after the mouth of the Alagash was dredged. It saddens us because we know what we had prior to this. We did not make a fuss about the black bottom before because the damage from the dredging was already done. We know that the people responsible for the dredging of the mouth of the Alagash did not know this would happen, nor did they intend for this to happen. Once the damage was done, it was too late for us to do anything about it. We assumed that this would be a one time occurrence and that we would not have to worry about it again. But that does not appear to be the case.

Our problem with this proposal is when they dredge for this project, which will be hundreds of times larger than what was done previously, we know that this black, mushy bottom will happen again to our beautiful waterfront... but on a much larger scale. So we need to know, before this project begins ... WHO WILL BE RESPONSIBLE TO CLEAN UP THIS GUCK THAT WILL DRIFT DOWN RIVER (continuously – during and after project completion) AND SETTLE IN FRONT OF OUR COTTAGE AND MANY OTHERS ? We need to know in writing who and how this will be cleaned up because once the boats and the water start flowing all the time through the Alagash Creek, the silt and guck will continually flow out and settle in front of our place for many years to come. You may have an expert tell you this won't happen but we know it will because it has happened. WHO WILL BE RESPONSIBLE TO PAY FOR OUR CLEAN UP? Please put this answer in a formal letter to us. We intend to hold those who ok this project accountable, as we have explained to you what has and will happen to our waters.

Please contact us if you have any questions. Please mail the formal answers to our home address.

Thank you.

Rene and Brenda Aubin

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CITY CLERK
JUL 10 2013
NO.: 52785
DIST: Agenda
Planning.

(705) 942-0016
24 Appaloosa Ave.
Sault Ste. Marie, ON P6A 0B1
bbaubin@shaw.ca

6(6)(d)

Sault Ste. Marie Association of Ratepayers
357 Northern Avenue East, Sault Ste. Marie, Ontario, P6B 4J7, (705) 253-8853
saultratepayers@hotmail.com

2013-07-11
Dear Mayor Amoroso and City Councillors:

Re: Point Estates Zoning

Through discussion with numerous ratepayers concerns about council proceeding with rezoning of the above-mentioned project the general consensus being that this should not be dealt with until all litigation is completed making all information available.
Therefore, it is requested that this be postponed at this time until all litigation is completed

Yours truly
David Poluck
Volunteer Organizer
Sault Ste. Marie Association of Ratepayers
Communications Group
C/O Procedural Group

Cc: media
Procedural Group
Finance Group

6(6)(d)

Malcolm White

From: Frank Breen <fab@breengeosci.com>
Sent: July 11, 2013 12:20 PM
To: Malcolm White
Subject: 1 of 5

Malcolm White, B.P.H.E., CMO
City Clerk
City of Sault Ste. Marie

RE: Planning Application 179 & 227 Pointe aux Pins Drive

Dear Malcolm,

Thank you for the opportunity to appear before City Council on July 15 regarding the above referenced application. Please accept this email, and the attached documents as my formal written material.

My position throughout my involvement in this process is not to advocate or condemn the proposed development, but strictly to insure the protection of the public health and environment. A recent letter prepared by the Algoma Health Unit (attached as AHU Comments.pdf, dated May 27, 2013) supports my primary concerns regarding the proposed development, and the failure of the developers and the SSMRCA Board of Directors to address these issues. While I understand that the issues related to the pending hearing before OMB are not directly related to the current application before council, as stated in Mr. Ushers letter, dated July 3, 2013 (attached as WhitefromUsher03Jy13-s.pdf), the issues related to pollution and potential risks to the public health which have not been addressed are relevant to Council's consideration of the above referenced application.

Technical studies conducted by the developer, including the 2006 Preliminary Hydrogeologic Assessement, and the Aquifer Yield Study prepared in Sept. and April 2013 have not addressed these potential concerns. It is my intention to bring these issues before Council in order to make sure that potential risks to the public health and environment are addressed. For background, I have also included my Dec.
2011 opinion with figures.

Thank you again for allowing my time to speak before Council.

Sincerely,

Frank Breen
Hydrogeologist

Breen GeoScience Management, Inc.
4234 I-75 Business Spur
Sault Ste. Marie, MI. 49783

ph: 906 248-5683
cell: 906 322-2605

fab@breengeosci.com

6.6)(d)

RECEIVED
JUL – 5 2013
MAYOR'S OFFICE

July 3, 2013

Dear Mayor

As long time residents of South Bay, Mary and we are aware of the positive economic impact [illegible] has had on our city.

Proposed by the Avenue Improvement Association and the Chamber of Commerce, [illegible] will help to continue the success of our city.

We are asking for your support for this project.

Yours Sincerely

Mary and Roy Watson
Riverbank

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Technical Opinion

To: Linda Whalen, Sault Ste. Marie Region Conservation Authority

From: Frank Breen, P.G., Breen GeoScience Management, Inc.

Date: December 26, 2011

RE: Technical Opinion, Pointe Estates Development

Technical Opinion
Evaluation Of The Proposed Pointe Estates Development,
Sault Ste. Marie, Ontario Canada

F. A. Breen, P.G.

I am a professional hydrogeologist and geochemist with expertise in the fate and transport of chemicals in surface and subsurface environments. I am the president of Breen GeoScience Management, Inc. and teach hydrogeology, geochemistry, geology, environmental science, and project management at Lake Superior State University, in Sault Ste. Marie, Michigan. I work throughout the United States and Canada and have conducted numerous projects dealing with the interaction of groundwater and surface water, and the discharge of groundwater to man made canals and water ways, including the Ottawa River in Cleveland, Ohio and the Houston Ship Channel, Houston, Texas. I have experience in the use of numerical models for assessing hydrologic systems, chemical fate and transport, developing remedial strategies at numerous industrial sites, providing litigation support, and in support of environmental and human health risk assessments at the state and federal level. I have over 20 years of technical experience and am a certified professional

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geologist in the states of Texas, and Indiana and I am recognized as a professional geologist by the National Association of State Board of Geology (ASBOG).

A copy of my curriculum vitae is attached.

I have no stake, either personally or professionally, in the outcome of the issues surrounding the Pointe Estates Development. My purpose for providing this opinion is in response to potential litigation, to assist in minimizing any potential risk to human health or the environment, and to provide technical input regarding the work conducted as part of the permitting of the Pointe Estates Development.

Given the potential for future litigation between the Pointe Estates Development and the Sault Ste. Marie Region Conservation Authority as well as the fact that full discovery of information regarding the proposed development has not been provided by the Pointe Estates technical consultants or counsel, I reserve the right to modify this opinion as additional information becomes available.

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- Appendix C. Selected Figures, Sault Ste. Marie Area Groundwater Management and Protection Study: Volume 1 - Main Report
- Appendix D. Preliminary Hydrogeological Impact Assessment, The Pointe Estates Sault Ste. Marie, Ontario. Technical Report, Waters Environmental Geosciences Ltd.
- Appendix E. MOEE Procedure D-5-4: Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment, Technical Report
- Appendix F. Technical Opinion, Hydrologic Evaluation of the Proposed Pointe Estates Development, Breen GeoScience Management, Inc. October 2010
- Appendix G. Database of Shipping Traffic, Sault Locks, 2010
- Appendix H. Ecoli Water Quality Data, St. Marys River
- Appendix I. Pointe Estates Hydrologic and Hydraulic Analysis, Technical Report with Presentation, Coldwater Consulting, Ltd.
- Appendix J. Present to the SSM Region Conservation Authority Board of Directors, Sept. 14, 2011. Breen GeoScience Management, Inc.

Preface

The following document presents my opinion regarding the technical work conducted in partial fulfillment of the requirements for the permitting the proposed Pointe Estates Development. At the request of the Sault Ste. Marie Region Conservation Authority, I have conducted an objective technical evaluation of the available information and reports. All data, reports, maps, and additional information used in the preparation of this opinion is provided either in paper or electronic form in the attached appendices. The intent of this additional information is to allow for any third party reviewers to have all the necessary information to recreate the analysis presented herein, or to provide a basis for review, questions, or challenges to the conclusions made.

The analysis presented dealt with the issues raised in the Chant Group Appeal to the Mining and Lands Commissioner regarding the June 2010 decision by the Conservation Authority. These issues dealt with the subsurface hydrogeology and surface water hydraulics of the proposed canal in the area of the proposed development. This opinion does not address in any manner the provincial definition of a wetland as it pertains to provincial or regulatory guidance, area, flora, or fauna since this it outside my area of expertise.

Opinions and conclusions made in this document were presented in a direct and specific manner and any strong criticism of past technical work is intentional since it is my opinion, based on the information presented, that the intended litigation brought against the Sault Ste. Marie Region Conservation Authority is baseless and without merit. However, it is important to emphasize that it is not the intention of this document, nor was it my intention in the preparation of this document, to advocate one side of the issue against another. Rather, what should be clearly understood, is the need for a clear understanding and adherence to the spirit, technical intent, and regulatory requirements of the permitting process. This is due to the fact that at present, the available information from the area of the proposed development clearly indicates a potentially significant risk to human health and the environment, and, this risk cannot be addressed without a well defined and implemented site-specific hydrogeologic assessment.

Conceptual figures and illustrations were used in this document in an effort to communicate technical concepts and ideas. These conceptual figures were identified as such and are not based on any site specific analysis or data.

Finally, the cost for the preparation of this document and my participation in meetings has been

raised. It is acknowledged that the cost for the preparation of this document was not trivial, primarily due to the requirements of pending litigation. However, it should also be noted that from the period of January 2010 through December 2011, I have provided over 300 hours of work in relation to this issue at no cost to the Conservation Authority or the tax payers of the City of Sault Ste. Marie or the Province of Ontario. Information presented in this report is based on the available data and information, including shortcomings in the data and data gaps, so that regulators and managers can make the best possible decisions for the protection of human health and the environment, and to identify areas where further information is needed. It is my hope that the information presented in this document will be closely evaluated and used in the development of any future hydrogeologic investigations.

1 Introduction

The following technical opinion was prepared by Breen GeoScience Management, Inc. (BGM) at the request of the Sault Ste. Marie Region Conservation Authority (SSMRCA) regarding the Chant Group Appeal to the Mining and Lands Commissioner[1]. Specifically, BGM was requested to conduct a review of the hydrogeology and geochemistry of the proposed development area (Figure 1) in relation to the following:

- shortcomings, if any, in the technical information which formed the basis of the material provided in support of the application;
- comment on the technical information which was submitted, including, but not limited to, modeling, data used, calculations and assessments; and
- comments on the impact or potential impact on water quality and hydrological function of the wetlands, the St. Marys River and the surrounding environment if the development is permitted as proposed.

2 Risk Based Approach

Evaluation of the available information regarding the Pointe Estates Development was conducted using a Risk Based Approach (RBA) which is a common methodology for assessing potential risk to human health and the environment. A description of this methology is provided in Appendix A, Section 5 [5].

In order for a risk to human health or the environment to be presented, three elements are required:

1. a source of chemicals released to the environment (defined as a hazard in [5]),
2. a receptor that may be adversely affected by the hazard, and,
3. a pathway or means by which chemicals released from the source can reach potential receptors.

[1]MLC File No. 004-10

If any of these three elements are not present, there is no risk. For example, if a source of chemicals is present in the environment, but there is no pathway or means for the chemicals to migrate and impact a receptor, then there is no risk.

2.1 Receptors

A receptor is any organism, environment, or ecosystem that can be negatively impacted by chemicals from the source if the receptor is exposed to these chemicals at a concentration which represents a risk. In the case of people, receptor risk typically takes on one of two forms, either acute or carcinogenic. Acute risk means that a person would have an immediate negative effect upon exposure to a particular chemical in the environment, whereas carcinogenic risk occurs as a result of exposure over a longer term duration. In dealing with the potential risk associated with septic systems, the risk to human health is primarily acute. For example, if septic system effluent were to migrate through the groundwater and reach a domestic well, a person could immediately become ill as a result of pathogens in the well water. Exposure to septic system pathogens would not require long term exposure to have a negative effect on human health.

Ecosystems, such as streams and surface waters, can also be susceptible to septic system effluent. In this case, the risk would take the form of excessive nutrient addition which may cause excessive plant growth or eutrophication. Eutrophication would result in a depletion of oxygen from surface waters causing fish kills and stagnation to occur.

2.2 Sources

The primary source of potential constituents of concern (COCs) would be the septic systems. COCs from septic systems include:

1. Pathogens, which would include bacteria such as Escherichia coli (Ecoli) or viruses,
2. Nitrates and phosphates, and
3. to a lesser extent metals and organic compounds.

Of the above mentioned COCs, pathogens, nitrates, and phosphates are of primary concern.

2.3 Pathways

Pathways represent the mechanism by which COCs from the source can reach potential receptors. This is often the most complex aspect of RBA since it involves an understanding of the environmental factors which control chemical migration, such as hydrogeology, as well as the behavior of the chemical in the environment, i.e. does the chemical degrade naturally or adsorb to soils etc.

3 Conventional Septic System Design

Conventional septic systems are used to process household waste water through geochemical reactions in the subsurface. These geochemical reactions can be characterized into three oxidation reduction (redox) zones:

- Septic Tank,
- Tile Field, and,
- Groundwater.

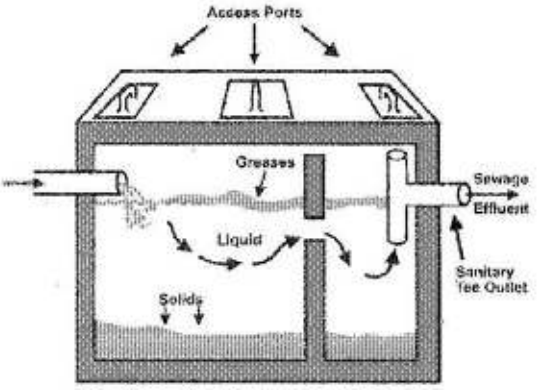
3.1 Septic Tank

The primary role of the septic tank is to collect solids and break down carbon and nitrogen containing organic material. The characteristic geochemical environment with in the septic tank includes:

- Anerobic (oxygen deficient) conditions - low dissolved oxygen and high organic material,
- Organic hydrolysis occurs which breaks down organic carbon to carbon dioxide (CO_2) and organic nitrogen to ammonia (NH_4^+),
- Fermentation of carbon to methane (CH_4), and,
- Transformation of organic sulfur to dissolved hydrogen sulfide (HS^-).

Technical Opinion

The primary process is the conversion of organic nitrogen complexes to inorganic nitrogen, primarily in the form of ammonia. Solid material will settle to the bottom of the tank while grease and lighter material will form a scum on the surface. Liquid effluent will discharge from the tank to the tile field. This effluent typically contains elevated levels of ammonia, total suspended solids (TSS), total coliforms, and chlorides, with phosphate to a lesser extent.



Septic Tank

Constituent	*Unit*	*Low*	*Typical*	*High*
Total Suspended Solids (TSS)	mg/L	100	220	350
Biochemical Oxidation Demand (BOD5)	mg/L	110	220	400
Total Coliforms	MPN[2]	106	108	109
Nitrogen (total, as N)	mg/L	20	40	85
Ammonia	mg/L	12	25	50
Nitrate	mg/L	0	0	0
Phosphorus (total, as P)	mg/L	4	8	15
Chlorides	mg/L	30	50	100
Metals	mg/L	Low	Low	Unknown
Synthetic Organic Compounds	ug/L	Low	Unknown	Unknown

Constituent Concentrations in Typical Septic Tank Effluent [7]

Constituent	Unit	mg/L
Biological Oxygen Demand (BOD) 5 day	mg/L	300
BOD 5 day (filtered)	mg/L	188
Chemical Oxygen Demand (COD)	mg/L	750
Total Organic Carbon (TOC)	mg/L	200
TOC (filtered)	mg/L	138
Total Solids (TS)	mg/L	781
Total Suspended Solids (SS)	mg/L	250
Total Keljahl Nitrogen (TKN)	mg/L	38
Ammonia (NH_4^+)	mg/L	12
Nitrate (NO_2)	mg/L	0.6
Total Phosphorous (TP)	mg/L	25
Phosphate	mg/L	8.8
Oil & Grease	mg/L	94

Septic Tank Effluent[6]

3.2 Tile Field & Groundwater

Effluent from the septic tank migrates to the tile field and discharges into the aerobic unsaturated zone. Under these condition, oxidation of ammonia occurs resulting in the formation of nitrate that can be roughly two to seven times the drinking water limit[16]. Since nitrate is highly soluble and mobile in groundwater, a distinct groundwater plume of elevated nitrate can extend a significant distance from the septic tile field [17]. Attenuation of nitrate in the groundwater occurs through denitrification provided that sufficient organic carbon is present for complete transformation of nitrate to nitrogen gas. For septic systems near surface waters, nitrate loadings can result in nearshore nitrate levels of ~50 to 100 times greater that adjacent surface water concentrations [9].

In addition to nitrate, the potential for the migration of pathogens also represents a risk [2]. Pathogens, including fecal coliform, Ecoli, and viruses can migrate in groundwater systems and impact domestic wells and shoreline environments [9]. Ecoli levels in the St. Marys River system have also become an increasing problem in recent years. The presence of Ecoli in the St. Marys River will be discussed in a subsequent section of this report.

4 Pathway Analysis

The analysis of potential risk pathways for the migration of COCs to potential receptors is typically the most complex aspect of quantifying human health and environment risk. Often there are multiple potential pathways for chemical migration, and each of these pathways should be addressed.

A diagram illustrating potential sources, pathways, and receptors is presented in Figure 2. An evaluation of potential risk with the proposed Pointe Estates Development indicates three potential sources of chemicals.

- Septic tanks,
- Chemical applications to yards, and
- Chemicals, particularly petroleum, related to the use of water craft.

Of these three sources, septic tanks have been previously identified as the primary source of COCs with water craft and yard chemicals being minor. Therefore, the focus of this risk analysis assumes septic tanks to be the primary sources, although steps should be taken to insure that no COCs are released from other potential sources.

Potential pathways include migration from the septic tanks into the shallow A Sand aquifer and migration and discharge to the proposed canal with subsequent migration of chemicals to the St. Marys River, impacts to sediment, and potential ingestion by fish and lower trophic level organisms. The migration of COCs to the St. Marys River represents a potential risk to bathers and recreational boaters both in the canal as well as along the St. Marys River shoreline downstream of the Alagash. Migration of COCs from the septic systems into the shallow A Sand aquifer and subsequent vertical migration from the A Sand into the lower sandstone bedrock aquifer also represents a potential risk since the bedrock aquifer is heavily utilized for residential water supply.

For the purpose of this evaluation, three primary risk pathways are identified:

- Pathway A - Migration of COCs from the septic systems into the upper aquifer with vertical migration to the sandstone aquifer,

- Pathway B - Migration of COCs from the septic systems in the shallow sand aquifer and discharge to the proposed canal, and,
- Pathway C - Discharge of COCs present in the canal to the St. Marys River system and subsequent migrations along the shoreline.

5 Risk Pathway A - Migration to the Bedrock

The following section interprets the available geologic information as it pertains to the potential migration of COCs vertically from the shallow sand aquifer to the deeper bedrock aquifer. Limitations in this data and information supporting the need for a site specific hydrogeologic study[3] are discussed.

5.1 Well Database

Characterization of the geology and hydrogeology in the area of the Pointe Estates Development was interpreted based on geologic information in the Ontario Ministry of Environment (MOE) online database provided in Appendix B[4]. The MOE database contains geologic, hydrogeologic, well construction, and location information for groundwater wells in Ontario. Information provided in the database was obtained primarily from well drillers dating back numerous decades, and, therefore, some errors as to the location of wells is present. Well location data presented in the database does provide information regarding the error associated with the spatial location of the wells (Figure 3). A number of the wells located within the proposed development, including wells 20, 21, 23, 25, 26, and 29, have location errors in the range of 300 meters to 1 kilometer. Inspection of the aerial photograph does not indicate the presence of residences in the area of these wells, and, therefore, a low degree of confidence in the location of these wells needs to be assumed. Well 19, plotted in the St. Marys River, is obviously incorrectly located in the database.

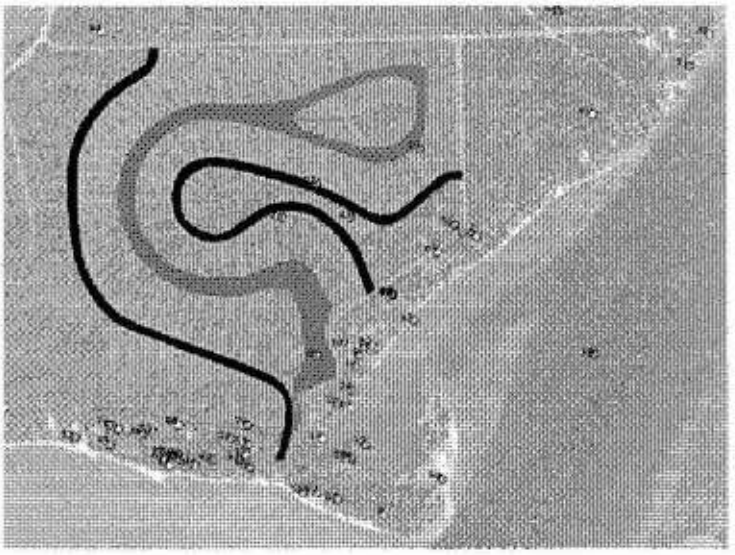
In addition to the error identified in the MOE database, comparison of the ground elevations at each location with the elevation presented in the MOE database (Figure 4) was conducted to identify

[3]Initially requested by the SSMRCA in 2006.

[4]http://www.ene.gov.on.ca/environment/en/resources/collection/data_downloads/index.htm#Well%20Records

any errors associated with calculating the depths of each geologic unit. Ground elevations were obtained for each location using the electronic digital elevation map file[5] and compared with the location information presented in the MOE data. The results of this analysis is presented in Figure 4 and indicates that with the exception of wells 6, 57, 58, and 59, located along the shoreline, vertical errors were less than 1 meter.

In conducting the geologic characterization in this effort, as well as in the previous preliminary hydrogeologic report [10], it is assumed that the well locations are reasonable. The only exception is that well 19 was removed from consideration in this analysis due to it's obvious error. It is strongly recommended that the well locations be accurately identified and the geologic information re-evaluated before this information is used in any additional hydrogeologic studies in order to best characterize where additional borings are needed.



MOE Well Location Error

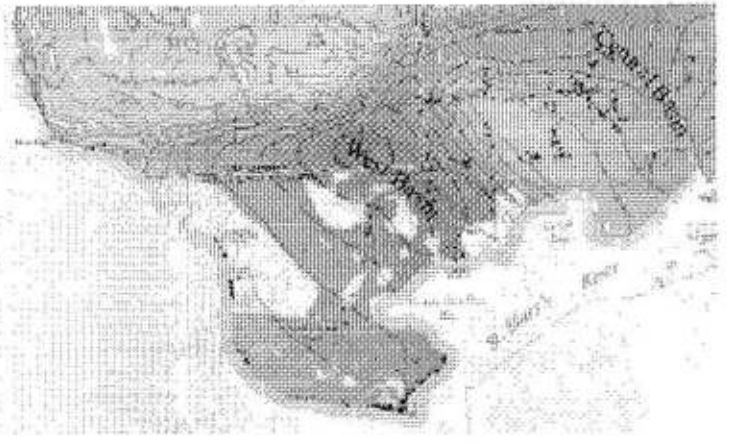
5.2 Area Geology

The Sault area consists of two landforms, the Precambrian uplands north of the city, and the lowlands, an area of relatively little topographic relief adjacent to the St. Marys River. Residential and commercial development occurs in the lowlands within the city of Sault Ste. Marie. The geology of the lowlands area consists of three basins identified as the East, Central, and West basins [1][6]. Municipal supply wells for the City of Sault Ste. Marie are present in the East basin (Shannon and

[5] identify file name and appendix location
[6] Appendix C, Figure 4.2

Lorna wells) and the Central basin (Goulais and Steelton wells). No municipal wells are located in the West basin.

The proposed Pointe Estates Development is located on the western extent of the West basin, just southeast of the Sault Ste. Marie airport within the limits of the city of Sault Ste. Marie near Pointe Louise just east of Airport Road. Aside from the airport, land use in the area is primarily residential with most residences located along the shoreline of the St. Marys River.



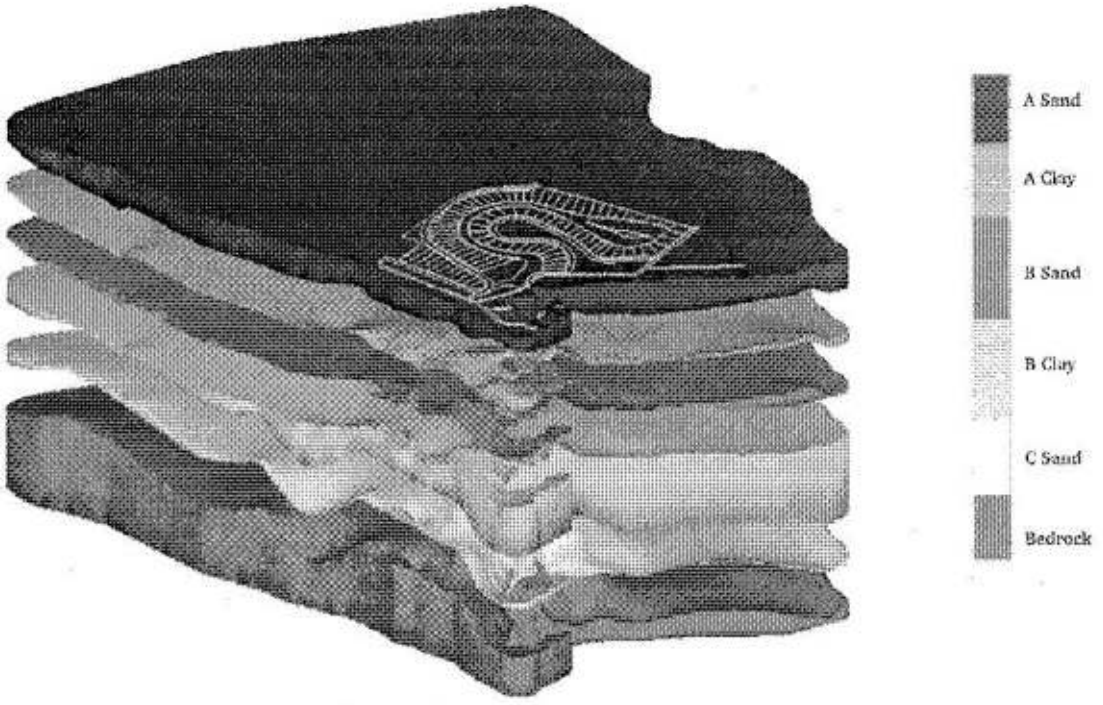
Bedrock Elevation, Burnside Figure 4.2

The geology around the proposed Pointe Estates Development was evaluated by developing a three dimensional geologic model based on the information presented in the MOE database[7] (Table 1). The geology of the Pointe Estates area consists of a sequence of sands, gravels, and clays comprising the glaciolacustrine and lacustrine shallow water deposits[1][8] overlying a sandstone bedrock aquifer which is used as a sole source aquifer for domestic water wells. As previously discussed, the site is located on the western extent of the West Basin where a significant rise in the elevation of the bedrock surface occurs changing from 60 meters msl within the central portion of the West Basin to 140 meters msl in the area of the proposed development. This represents a rise of ~80 meters over a distance of ~5 kilometers. A closer evaluation of the thickness of overburden based on the MOE dataset indicates six geologic units in the Pointe Estates area identified as follows: A Sand, A Clay, B Sand, B Clay, C Sand, and Bedrock. The A Clay, B Sand, and C Sand units are intermittent across the study area and are considered inconsequential. A description of each of these units is presented.

[7] Appendix B

[8] Burnside Figure 4.3, Appendix C

(6)(d)



Three Dimensional Geologic Model

5.2.1 A Sand

The A Sand unit is the dominant sand unit underlying the proposed development. This is the unit where the septic systems will be installed. The sand unit thickness is approximately 35 to 40 feet thick in a north south direction through the proposed development, thickening in an easterly and westerly direction. The thinnest portion of the A Sand is in the southern portion of the development in the vicinity of the Alagash with a thickness of approximately 25 feet (Figure 5).

5.2.2 B Clay

The B Clay unit is a confining unit which separates the upper sand units from the bedrock aquifer. This clay unit is thickest in the northern portion of the proposed development, thinning in a south-westerly direction. The B Clay is an important geologic unit since it's presence will prevent the vertical migration of septic tank effluent from the upper A Sand downward to the bedrock aquifer. Of particular concern is Boring 29 (MOE Well ID 11-01297) which indicates a clay thickness of 3 feet or less than 1 meter (Figure 6). The location error of this boring, however, is high, between 300 meters to 1 kilometer. The kriging analysis indicates that the clay thickness in the southern portion of the development is thin to non-existent. As will be discussed, this is a result of the clay thickness in Boring 29 as well as the rising bedrock surface beneath the clay. The model analysis of the B Clay in the southern portion of the development should therefore be interpreted as possible clay thickness, but, also, clearly indicates a significant datagap that must be addressed in the hydrogeologic study.

5.2.3 Bedrock

The sandstone bedrock unit comprises the primary aquifer beneath the proposed development. Currently over 100 residential wells are installed in this aquifer for the purpose of domestic water supply. The elevation of the bedrock surface is variable across the proposed development and comes to within 50 feet of ground surface in the southern portion of the site (Figure 7). This rise in the bedrock surface is consistent with the regional geology of the Sault Ste. Marie area which indicates the site to be on the western extent of the west basin where a regional rise in the bedrock surface is identified[1][9].

[9]Burnside Figure 4.2, Appendix D

Geologic Unit	Description
A Sand	Uppermost hydrostratigraph unit consisting of fine - medium sands. Geologic unit where septic systems will be installed. Represents the thickest sand unit across the area, generally averaging up to ~50 foot thick across the site.
A Clay	Clay unit underlying the A Sand, discontinuous across the area generally averages a few feet thick to not present across the Pointe Estates area.
B Sand	Sand, similar to A Sand, separated from A Sand where A Clay is present.
B Clay	Clay unit separating upper sands from bedrock unit. Thickest in the northeastern portion of the Pointe Estates Development, thins towards the southwest. Potentially not present in south western portion of the development.
C Sandy Till	Intermittent sand unit overlying sandstone bedrock. Most likely weather bedrock surface. Often characterized as clayey sand or hardpan.
Bedrock	Sandstone bedrock underlying the lowlands area beneath Sault Ste. Marie. Water bearing unit for domestic water wells in the area of the Pointe Estates Development.

Summary of Geologic Units in the Pointe Estates Area

5.3 Previous Geologic Assessment

A preliminary hydrogeologic assessment was conducted in October 2006[10] in response to issues raised by the SSMRCA. As part of this assessment, an interpretation of the geology in the area of the Pointe Estates Development was conducted. Geologic information used in this assessment was obtained from the MOE database. Based on this assessment, a single cross section was developed in a southeasterly direction across the proposed development[10] indicating a depression in the bedrock surface overlain by approximately 55 meters of overburden of which about 30 meters of clay were interpreted above the bedrock surface.

"Beneath the upper sand unit is a relatively thick clay horizon, which acts as an aquitard and hydraulically seperates the surficial water table from the deeper water bearing units beneath the site. This unit ranges in thickness from 1 m to 63 m, and averages 29 m (arithmetic average).

[10]Waters 2006, Figure 1 Site Plan and Cross-Section, Appendix D

Locally, beneath the study site, the clay unit is on the order of 30 m in thickness" [11]

This interpretation was based on MOE well 11-3855. A review of hydrologic report appendix[12] indicated that this well was drilled in 1985 to a depth of 268 feet. Location coordinates for this well, however, were identified as easting 999999, and northing 9999999 indicating that no location coordinates were available for this well. Therefore, the conclusion that the upper sand and the deeper water bearing unit is hydraulically separate by a thick sequence of clay cannot be confirmed. An analysis of the geologic cross section in the same orientation as presented in the Waters report (Figure 6) indicates that the B Clay thickness is significantly less that 10 meters thick and potentially not present in this area.

In the construction of geologic cross sections, it is advantageous to construct more that a single cross section, with at least one cross section in the direction of the greatest geologic variation, and the second in a direction perpendicular to the first. As previously discussed, the regional geology indicates a rise in the bedrock surface in the vicinity of the proposed site with the highest degree of variation occurring in a northeast to southwest direction, perpendicular to the cross section presented by Waters. Therefore, the Waters cross section is misleading and does not present an accurate or clear interpretation of the geology across the proposed development since it is oriented in a direction of the least variation in geology. In fairness to the Waters report it should be noted that the report did state that the clay ranged in thickness from 1 to 63 meters. However, given the high degree of variability in the clay thickness and the implications regarding nature and extent of this clay as it pertains to the protection of human health, a more detailed evaluation of the geology in the area of the proposed development should have been conducted and the variability in the geology more explicitly presented.

5.4 Revised Geologic Cross Sections

Based on the geologic model constructed as part of this evaluation, two cross sections (slice planes) were constructed through the 3D geologic model. Cross section A-A' was constructed along UTM Easting 5149400 m from west to east, and, cross section B-B' constructed along UTM Northing 693500 m from south to north (Figures 8 - 9). Consistent with the geologic model previously presented, these cross sections clearly illustrate the rise in the bedrock surface as well as a significant

[11] Waters 2006, Appendix D pg. 2, paragraph 4.
[12] Waters 2006, Appendix D Pg. 225

thinning in the B Clay overlying the sandstone. The greatest change in B clay thickness was observed in the north south cross section (B-B') with the clay thickness ranging across the proposed development from about 60 meters to less than a few meters and potentially not existent in the southern portion of the site.

5.5 Hydrogeology

Groundwater levels across the site, based on records in the MOE database, indicate upward gradients between the lower bedrock and upper A Sand units. This is primarily due to the presence of artesian or discharging well conditions which is consistent with regional groundwater discharge to the St. Marys River. The Waters report indicated that 62% of the wells across the study area showed flowing well conditions upon completion of the well. The distribution of flowing to non-flowing wells is presented in Figure 10. As presented in the Waters report, the majority of wells in the area of the proposed development are flowing indicating upward gradients. Wells 29 and 26, located in the area where the B Clay is thinning, both indicate non-flowing conditions. The combination of a thin sequence of clay and non-flowing wells indicate a potential issue regarding the risk to wells in the bedrock aquifer in this area.

In making a case for upward gradients being protective of the bedrock aquifer, it is important to consider that hydrogeologic conditions can change as a result of pumpage or climate changes. Therefore, unlike geologic controls, hydrogeologic controls can be subject to outside stresses which can alter the direction of groundwater flow. It is also important to consider the potential changes to vertical gradients as a result of the addition of 90+ additional household wells in the area of the proposed development, effectively doubling the number of supply wells in this area. This increase in pumpage could result in a reversal of the upward gradients and increase the potential for downward migration of septic tank effluent particularly during periods of low rainfall and high pumpage such as during the summer months. As previously discussed in 2.1, constituents found in septic tank effluent, in particular Ecoli, represent an acute toxic risk, meaning that long term exposure is not required for illness to occur. A one time event could be sufficient to result in potential toxicity to residents as a result of the migration of septic tank constituents into domestic water wells. Therefore, reliance on groundwater gradients to eliminate the potential vertical migration pathway between the shallow A Sand unit and the underlying bedrock water supply aquifer is not advisable.

Finally, as an additional note, there is an assumption through this section that all the residential wells are drilled into the sandstone bedrock. Anecdotal information indicates that some of the older residents may have non-recorded sand point wells that may be directly impacted by septic dispersal in to the upper A sand layer.

6 Risk Pathway B - Migration to the Proposed Canal

The following risk pathway deals with the potential migration of COCs from the septic systems into the shallow A Sand aquifer and migration of these COCs towards the proposed canal. This section also deals with specific comments to the Preliminary Hydrogeological Impact Assessment[10].

6.1 Groundwater Flow to the Proposed Canal

In a presentation to the SSMRCA Board of Directors, the consultant for the Pointe Estates Development[13] stated that water in the shallow A Sand aquifer will migrate under gravity conditions to the proposed canal and Alagash, specifically,

"Groundwater Pathways

- *The flow of groundwater in the upper (unconfined) aquifer is driven by gravity.*
- *Groundwater generally flows downhill to the south (towards the St. Marys River).*
- *In the study area groundwater levels are controlled by (and effectively equal to) the water level in the river.*
- *At the existing Alagash, groundwater on either side of the waterway flows towards the Alagash"*

These statements appear to indicate that groundwater from the lots will migrate in a southerly direction towards the St. Marys River while shallow groundwater from the existing lots along the Alagash will flow towards the Alagash. Also the statement *"In the study area groundwater*

[13]SSMRCA Hearing Board, April 20, 2010

levels are controlled by (and effectively equal to) the water level in the river.", is misleading. If the groundwater levels in the study area were the same as the river, groundwater flow would not occur since there would be no hydraulic gradients causing groundwater to flow and discharge to the river. Groundwater flow model simulations were also presented to demonstrate groundwater flow towards the Alagash and the proposed canal, however, sufficient documentation of this model was not provided in the presentation, and, therefore, a review could not be conducted.

Statements regarding the migration of groundwater in the shallow aquifer appear contradictory. One the one hand, shallow groundwater from the proposed lots will migrate south or remain stagnant and not be influenced by the proposed canal, while shallow groundwater from lots along the Alagash will be controlled by the Alagash. Assimilative Capacity Model analysis conducted by Coldwater[14] further assumes that shallow groundwater from each of the lots will discharge to the proposed canal.

A reasonable assessment as to the direction of groundwater flow in the shallow system would be towards the proposed canal since the water level in the canal would be expected to be lower than in the shallow aquifer. This conclusion is based on straightforward and well documented hydrogeologic principles. The rate of groundwater flow and the magnitude of the groundwater discharge to the canal, however, cannot be accurately calculated since a hydrogeologic study has not been performed.

In evaluating this risk pathway, it is reasonable to assume that septic tank effluent will discharge to the shallow A Sand aquifer and migrate towards the proposed canal where it will potentially discharge into the canal. The potential impact to the water quality in the canal is based on a number of factors, including:

- the initial concentration of COCs discharging from the septic tanks,
- the volume of septic tank effluent discharged from the septic tile field,
- the nature of the COCs originating from the septic tanks,
- the rate of migration of groundwater potentially impacted by the septic tanks towards the canal,

[14]Presentation to the SSMRCA Board of Directors, April 19,2010, slide 24

- rainfall and weather conditions,
- the nature and extent of the shallow A Sand aquifer,
- the nature and extent of the underlying B Clay,
- the downgradient distance between the septic tank and the proposed canal, and
- the water level in the proposed canal.

Although groundwater in the A Sand will most likely migrate towards the canal, it is not certain that this groundwater will contain septic tank COCs at concentrations that could represent a risk to water quality in the canal. Engineering designs of the septic tank systems or the attenuation capacity of the A Sand could greatly limit or eliminate the discharge of COCs. However, conclusions regarding the migration of COCs, or lack thereof, cannot be made without the benefit of a well designed and complete hydrogeologic study.

6.2 Discussion of the Proposed Subdivision Lot Sizes

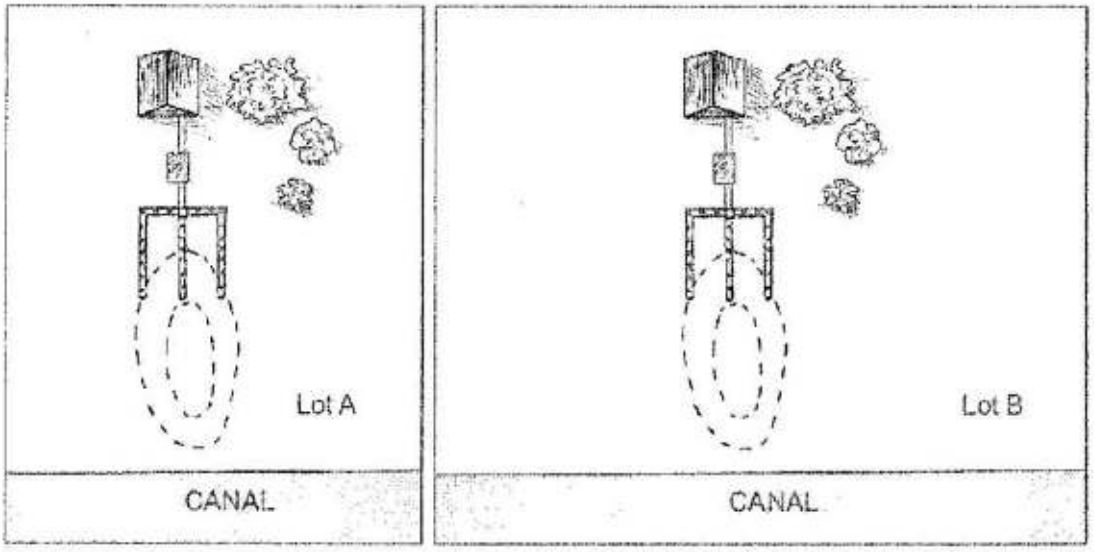
One conclusion of particular concern was made regarding the impact of lot sizes[10] as taken from provincial guidance[15][8]. Excerpts regarding this analysis include:[16]

- *"The assessment considers the nitrogen loading from a single on-site sewage system to the water table aquifer beneath each property, based on a simple-dilution mixing model. The source concentration of nitrate-nitrogen is set at 40 mg/L (as N), and the daily discharge volume for a single family residential unit is set at 1000 L/day/lot (Procedure D-5-4)."*
- "*The effluent from the on-site system, once entering into the subsurface, is then considered to mix with fresh rainwater infiltration over the entire property area, thereby achieving a dilution of the concentration of nitrate-nitrogen prior to any off-site discharges from the lot.*"

These statements and the resulting calculation regarding lot sizes are completely erroneous, technically incorrect, and misleading. The simple idea that an arbitrary factor such as lot size will dilute the concentration of nitrate-nitrogen from the septic system is simply wrong.

[15]Provincial Guidance D-5-4, Appendix E
[16]Section 3.0 Groundwater Impact Assessment, pg. 5 [10]

6(6)(d)



Conceptual Diagram of Lot Sizes Related to Plume Concentration

Consider the following conceptual illustration depicting two lots, Lot A and Lot B.

Both lots are adjacent to the proposed canal and both are identical, except for the lot sizes. Lot A has a lot size approximately half the size of Lot B. In both these cases, the distance from the septic tank tile field to the canal is the same and the chemical plumes from both septic systems are also equal. Since both plumes are migrating towards the canal, the discharge concentrations from each system is the same, regardless of the lot size. Infiltrating water onto the lots will not mix more with the plume on Lot B than on Lot A since lot size is arbitrary and has nothing to do with the hydrologic processes of mixing of infiltrating rainwater with each plume.

The influence of lot sizes relates to the density of septic systems in a subdivision and the collective migration of effluent plumes. If a subdivision utilizes smaller lot sizes, more septic systems are present per given area, and the likelihood of intersecting a plume with elevated COCs is more likely. This will increase the potential risk to downgradient receptors. If, on the other hand, lot sizes are larger, the overall density of septic systems will be lower and the potential impacts are reduced. A good description of this process is presented in Appendix A[17].

In relation to the proposed Pointe Estates Subdivision, the *"width"* of each lot along the canal will have an impact on the total mass of COCs present in the proposed canal not the lot size. Obviously,

[17]Section 2.4.8, pg. 25, Figures 8,9, & 10[5]

the more lots present along the canal, the more potential mass of COCs in the canal and the greater the resulting COC concentrations. Density of lots in this case, however, is a function of the number of lots per linear distance along the canal, not the total area of each lot, i.e., the wider the lots, the less lots along the canal, the less potential impact. The resulting concentration of COCs in the canal will also be influence by mixing in the canal, rainfall, etc. These processes were not addressed in the hydrologic study.

Finally, it needs to be emphasized that there is a possibility that COCs from the septic systems will not impact the proposed canal due to the attenuation potential of the A Sand aquifer and potential design considerations for the septic systems. The important consideration here is not the lot size or width, but the linear distance from the septic system tile field to the canal in the direction of groundwater flow. The longer the distance, the longer the residence time of any potential COC in the groundwater, the greater the potential for attenuation. Hydraulic properties along with the geochemical conditions in the A Sand aquifer are important factors to consider in assessing the potential attenuation of COCs. As stated numerous times, characterization of these processes can only be conducted if a hydrogeologic study is performed.

6.3 Unsaturated Zone Thickness

The thickness of the unsaturated zone beneath the septic tank tile field plays an important role in both the attenuation of potential COCs as well as the overall hydraulic performance of the septic system [12, 15, 14, 13, 11]. Currently, the vertical permeability of the unsaturated soils and the distance from ground surface to the water table is unknown. These factors will have a significant impact on the performance of the septic systems and should be addressed. Site specific information to address these factors would be obtained through a proper hydrogeologic investigation.

6.4 Preliminary Hydrogeologic Assessment - Additional Comments

Development of subdivisions which require individual septic tank systems requires permitting in accordance with the Ontario Ministry of Environment Guidelines[8](Appendix E). Based on information in this guideline, the hydrogeologic assessment conducted by Waters[10] does not represent a valid hydrogeologic investigation, since it is preliminary and incomplete, i.e.,

Where a report is found to be incomplete, draft or preliminary, or makes unsubstantiated claims, the MOEE will advise the proponent by letter with regard to the report's deficiencies. MOEE may not undertake a full review until such time that a complete report (i.e., on which satisfies the requirement of this Guideline) has been submitted.[18]

Also, the report does not contain the site specific hydrogeologic data or analysis required for permitting. The SSMRCA requested that a hydrogeologic investigation be conducted at the proposed development in accordance with D-5-4, but to date, this work has not been performed.

Special consideration also needs to be made for developments along shorelines or developments which could potentially impact surface waters, i.e.,

In some cases, it may be necessary to demonstrate isolation from sensitive surface water environments. Wherever there is a potential for surface water impact, the proponent should contact the MOEE Regional Surface Water Staff.[19]

Shoreline development proposals will be reviewed on a case-by-case basis.[20]

The Pointe Estates Development Group has not met the permitting requirements and has not clearly demonstrated through a valid hydrogeologic study, that surface waters or domestic drinking water supplies will not be impacted. This section is intended to strongly emphasize that neither the appropriate level of technical evaluation or regulatory requirements have been met by the developers. Therefore, the Pointe Estates Development Groups assertion that all of the required technical information has been submitted is not valid. Additional studies are required, and any potential legal action brought by the Pointe Estates Developers claiming sufficient technical evaluations have been done, is baseless. Since the Waters report does not meet the permitting requirements, a valid hydrogeologic study, conducted by a reputable hydrogeologic firm will need to be done as previously requested by the SSMRCA.

7 Risk Pathway C - Discharge to the St. Marys River System

In order to address potential impacts to the proposed canal, a hydrologic analysis was conducted[3]. The primary purpose of this analysis was to demonstrate that water from the St. Marys River

[18] *D-5-4, Section 5.2*
[19] *D-5-4, Section 5.5*
[20] *D-5-4, Section 6.0 Implementation*

will dilute canal water and prevent degradation of the water quality. The primary mechanism for dilution in the canal was waves from the river as a result of seiches and commercial shipping traffic through the Sault Locks. Comments conducted by BGM regarding the application of the hydraulic modeling[4] is presented in Appendix F. Additional comments regarding the application of this model and potential impacts of the proposed management options for the canal are discussed in this section.

7.1 Commercial Shipping and Ship Wake Effects

The passage of ships in the St. Marys River through the Sault Locks generates waves which could potentially result in the exchange of water between the river and the proposed canal. The result of this exchange would be to keep the lower portion of the proposed canal well-flushed and maintain good water quality. Widening of the mouth of the Alagash was proposed to increase this degree of exchange.

7.1.1 Water Exchange

Wave action between the proposed canal and the St. Marys River causes the displacement of water in the canal as a wave from the river moves into the canal. This process will cause mounding on the far side of the canal followed by the discharge of water from the canal into the river. This back and forth movement of water into and out of the mouth of the canal will result in the displacement of water, but will not result in the effective mixing or dilution of canal water.

At the contact of canal and river water, a slight mixing zone will occur which will result in the dilution of canal water, however, these exchange processes will only occur at the mouth of the proposed canal and will not be adequate to insure the water quality throughout the entire canal.

In addition to the exchange processes, it is important to consider the net flow of water between the canal and the river. The total flow of water into the canal will not be from the river, but rather from the canal into the river. This net discharge of water from the canal into the river is the result of the discharge of groundwater from the proposed lots, direct precipitation into the canal, and the impact of regional groundwater flow towards the St. Marys River. The resulting canal water will then migrate along the shoreline in a downstream direction after discharging from the mouth of the

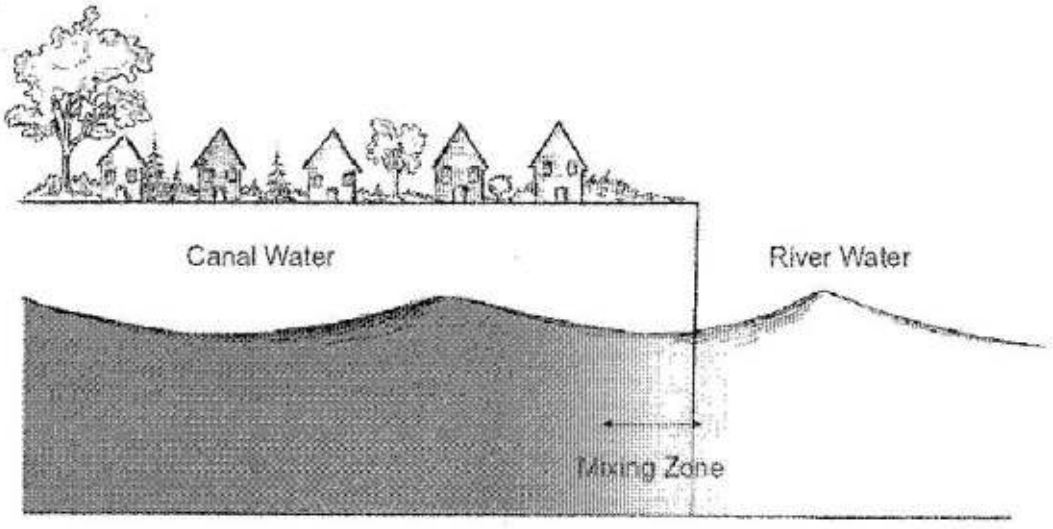


Illustration showing the displacement of canal water and river water and the formation of a mixing zone.

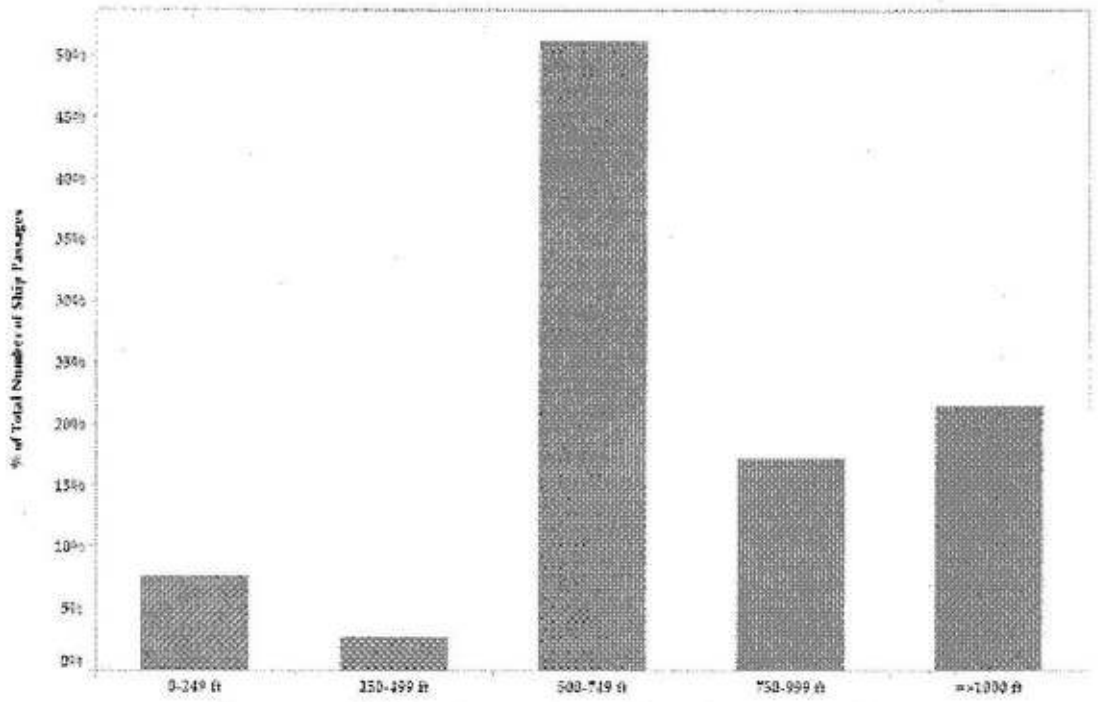
proposed canal. Wave action from seiches and ship traffic will cause the discharged canal water to migrate along the shoreline and not flow or mix with water in the deeper portion St. Marys River. This migration of canal water represents a direct risk to bathers and residents along the shoreline should the canal water contain elevated levels of septic tank COCs.

7.1.2 Shipping Traffic

As discussed in the hydraulic report, critical to the hydrologic modeling and canal / river water exchange, is the passage of ships in the St. Marys River. The assumption in the modeling effort was that, on average, 6000 large commercial vessels will pass by Pointe Louise, many of which are 1,000 foot or greater. In order to evaluate this assumption, ship passage records for the Sault Locks were obtained [21] and dimensions and dates of passage for each ship were compiled into a database for the shipping year 2010 (Table 2).

Over the 2010 shipping year, there was a total of 4,216 passages which was less than 75% of the 6000 passages assumed in the hydraulic model. Also, since the Sault Locks are closed during a

[21] Appendix G - http://www.boatnerd.com

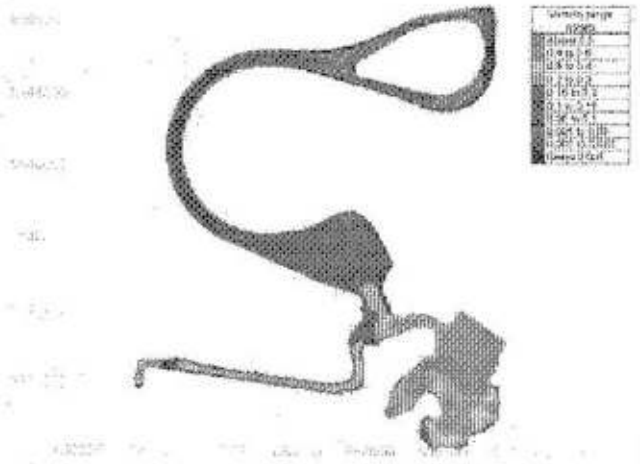


Summary of Ship Passages According to Vessel Length

portion of the winter months, there were no passages between January, 16 and March 20, 2010. Therefore a continuous exchange of water as a result of ship passage throughout the year cannot be assumed.

Comparison of ship passages with the dimensions of each ship indicates that only approximately 22% of the vessels passing through the Sault Locks were 1000 ft or greater, with the majority (~50%) being between 500-749 feet.

Therefore, based on the available data from 2010, the primary assumptions of the size and frequency of freighter passages is less than the assumptions in the model indicating that the hydraulic model overestimated the influence of shipping on the exchange of water between the proposed canal and the St. Marys River.



Hydraulic Model Simulation of the Inlet Bay

7.2 Flushing of the Proposed Canal

One potential remedial option for maintaining the water quality in the proposed canal is to flush water through the canal by pumping water from the St. Marys River at a rate of 1500 gpm to the upstream portion of the canal. The resulting flushing action will displace the existing water in the canal subsequently discharging the impacted canal water into the inlet bay formed by Pointe Louise. Water present in the inlet bay will then migrate along the shoreline in a downstream direction towards Marks Bay and will represent a risk to bathers and residents along the shore.

7.2.1 The Potential for Dilution of Canal Water

The basic idea behind this proposed flushing is that water discharged from the canal will mix and dilute with water in the St. Marys River. However, while mixing of waters in this manner does not occur under normal flow conditions, the additional factor regarding the inlet bay needs to be considered. In the hydraulic modeling[3], it was concluded that wave action will be significant in the inlet bay.

Based on the results of the hydraulic model, water from the St. Marys River will flow into the inlet bay more than in the proposed canal. It is reasonable, therefore, to assume that the water from the

proposed canal will migrate into the inlet bay. As previously discussed, water from the river will tend to displace canal water, and mixing will be limited. In addition, the amount of water in the proposed canal is greater than the amount of water in the inlet bay significantly limiting potential dilution, even if mixing were to occur, for example:

> Assuming that the depth of the inlet bay and the proposed canal are the same, the amount of potential dilution can be estimated based on the area of the proposed canal and the inlet bay and assuming complete mixing (which is unlikely). Estimated areas are as follows:

- Area of Canal including the Canal Island = 173,560 m^2
- Area of Inlet Bay = 63,564 m^2
- Area of Canal Island = 47,552 m^2

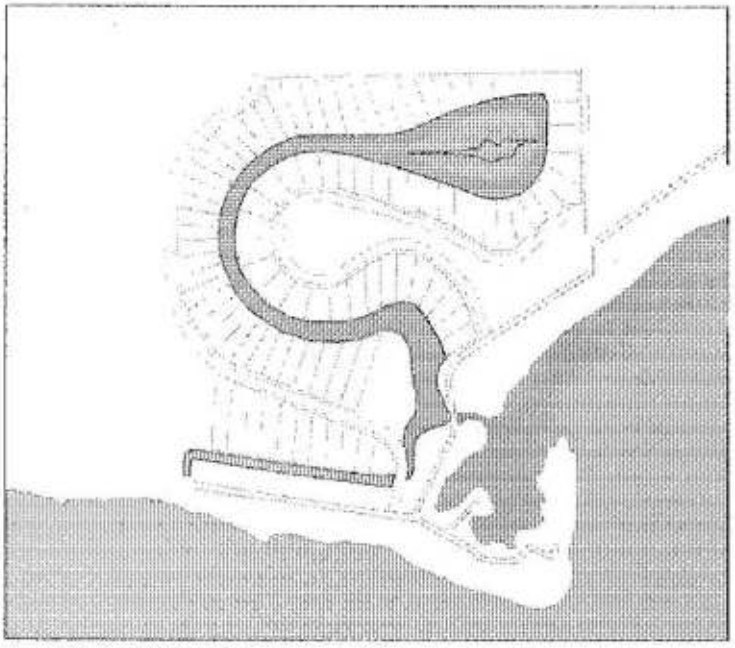
Therefore:

- Net area of canal = 173,560 - 47,552 = 126,009 m^2

The ratio of the area of the canal to the area of the inlet bay:

$$Ratio = \frac{126{,}009\,m^2}{63{,}564\,m^2} \approx 2.0$$

Therefore, since the amount of water in the proposed canal is approximately twice the amount of water in the inlet bay, the potential for impacts to the water quality in the inlet bay is significant. In addition, once the water in the inlet bay is impacted, it will tend to migrate downstream along the shoreline. This will result in an increase risk to the residents along both the shoreline and inlet bay and should be avoided.



Conceptual Model of Canal Water Migration Along the Shoreline of the St. Marys River from the Inlet Bay

7.2.2 Ecoli Levels in the St. Marys River

While an analysis of Ecoli levels in the St. Marys River is beyond the scope of this opinion, Ecoli information was compiled. Sampling locations are presented in Figure11 and the compile data is provided in Table 3 as well as Appendix H.

The basis for the inclusion of St. Marys River Ecoli data is to emphasis the following:

- that water discharged to the St. Marys River does not dilute to below risk levels,
- to identify that water quality in the St. Marys River is being impacted, and
- that not all of these impacts are the result of possible sources downstream of the Sault Locks, that impacts upstream of the Locks are present.

While the vast majority of sampling points are present below the Locks due to the identification of potential sources, sampling points above the Locks, such as the outfall at MOE_1 have historically

indicated elevated levels of Ecoli contamination. Therefore, it should not be assumed that discharge from the proposed canal into the St. Marys River will result in dilution of canal water with no potential impact to the St. Marys River system. The assumption of dilution in the St. Marys River does not represent a valid approach to maintaining water quality. Also, since the discharge of water from the canal represents a point source discharge, regulatory permitting maybe required.

8 Conclusions

Based on a review of the available information and the opinion provided herein, the following conclusions are made.

- *The legal proceedings against the SSMRCA are baseless.*

The appeal made by the Pointe Estates Development Group regarding the SSMRCA decision (Decision) of June 6, 2010 claiming, in part, that,

> *"SSMRCA made the Decision without proper or any regard to the scientific evidence submitted and filed by the Applicants in support of it's Application"* and
> *"SSMRCA based the Decision upon facts unsubstantiated in evidence"*

is baseless and without merit. As presented in this opinion, the technical information provided to the SSMRCA by the Pointe Estates Developers is at best preliminary, incomplete, and to some extent misleading and inaccurate. The hydrogeologic assessment conducted and submitted to the SSMRCA is inconsistent with applicable provincial guidance and does not present a complete evaluation of the available MOE well data. Furthermore, this assessment incorrectly applies portions of the MOE guidance, fails to make a clear determination of the risk to residential wells and nearby surface waters, and contains no site-specific data or information with which to accurately quantify the potential risk to human health or the environment. In short, it contains no valid *"scientific"* evidence as claimed in the appeal.

The hydraulic model evaluating the influence of seiches and ship traffic on water quality in the proposed canal also cannot be considered to be a valid scientific evaluation of the potential risk to human health or the environment. The application of this model was not conducted in a manner

consistent with accepted modeling practices, or accepted practices identified by the consultant on previous modeling projects[4], and the physical process of wave action causing dilution in the canal is technically incorrect. Furthermore, the proposal to conduct flushing of the canal could pose a risk to residents along the shoreline as well as the overall water quality in the St. Marys River.

- *The hydraulic modeling conducted by the Pointe Estates Development Group does not meet the permitting requirements and cannot be considered valid scientific evidence for the development application.*

Provincial guidance regarding the scientific requirements for permitting subdivision developments requires that a valid hydrogeologic study be performed. There are no requirements or guidance indicating that hydraulic studies, surface water models, or the assessment of impacts of shipping or seiches needs to be conducted as part of the permitting process. Nor can the hydraulic model analysis be accepted in place of a valid hydrogeologic study in the permitting process. Therefore, submission by the Pointe Estates Development Group of the hydraulic analysis cannot be considered by the SSMRCA as valid scientific evidence or as meeting the minimum permitting requirements.

- *A reputable hydrogeologic firm needs to be retained by the Pointe Estates Development Group in order to carry out a valid, technically defensible hydrogeologic study.*

As has been reiterated multiple times thoughout this opinion, a valid hydrogeologic assessment needs to be conducted as originally requested by the SSMRCA. The hydrogeologic assessment should clearly identify and address all potential impacts to residential wells or surface waters in the area. It is also important that a reputable hydrogeologic firm be retained to conduct this work to insure that all technical work is conducted in accordance with the required permitting process.

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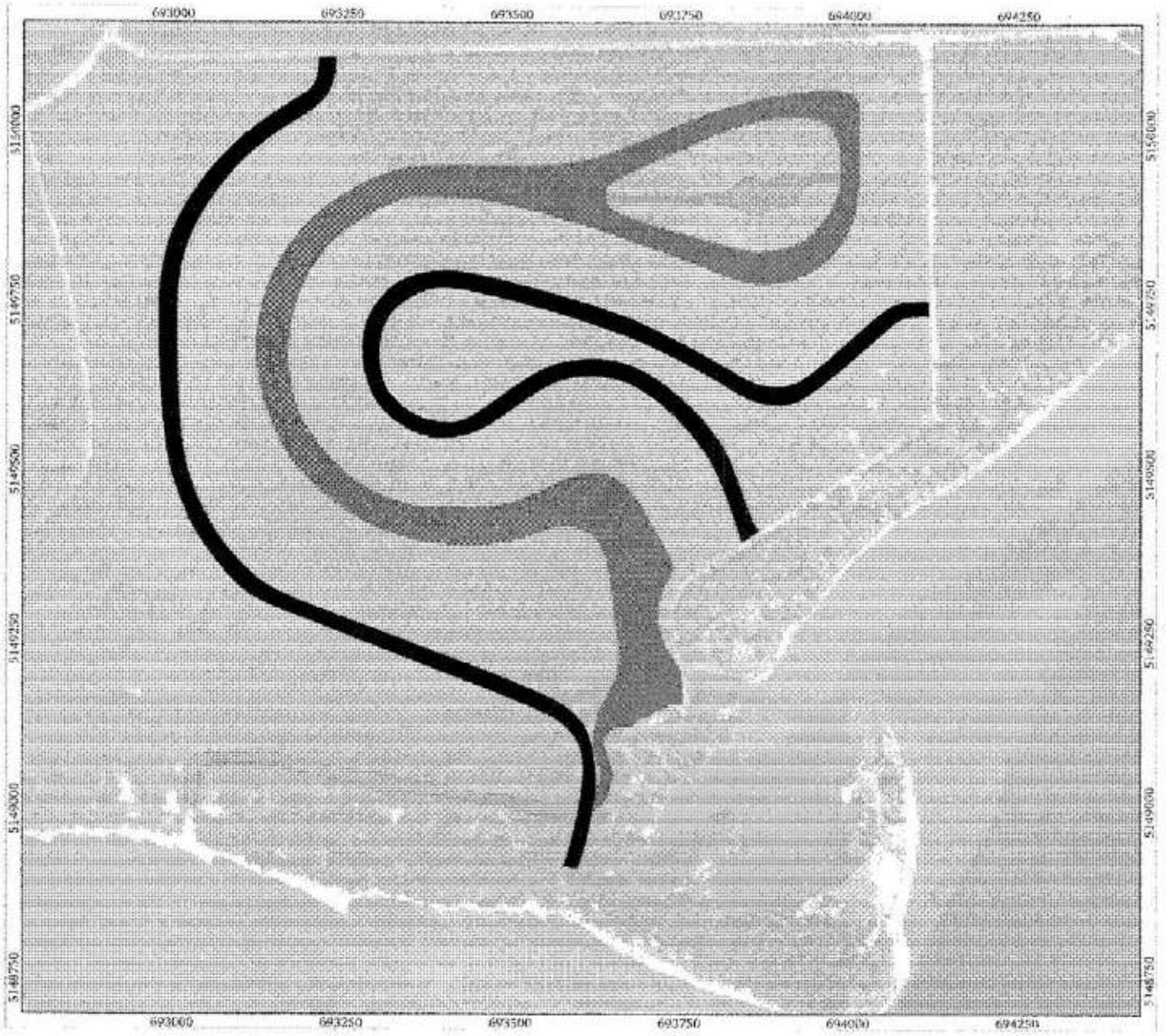
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SSMRCA

Sault Ste. Marie Region Conservation Authority

Legend

Proposed Island

Alagash

Proposed Roads

Proposed Canal

Proposed Lots

Proposed Island Pond

Aerial Photograph

300 0 100 200 300 metres

Figure 1

Proposed Features

Pointe Estates Development

Beacon Environmental Management Inc.

6.(b)(d)

SSMRCA

Sault Ste. Marie Region
Conservation Authority

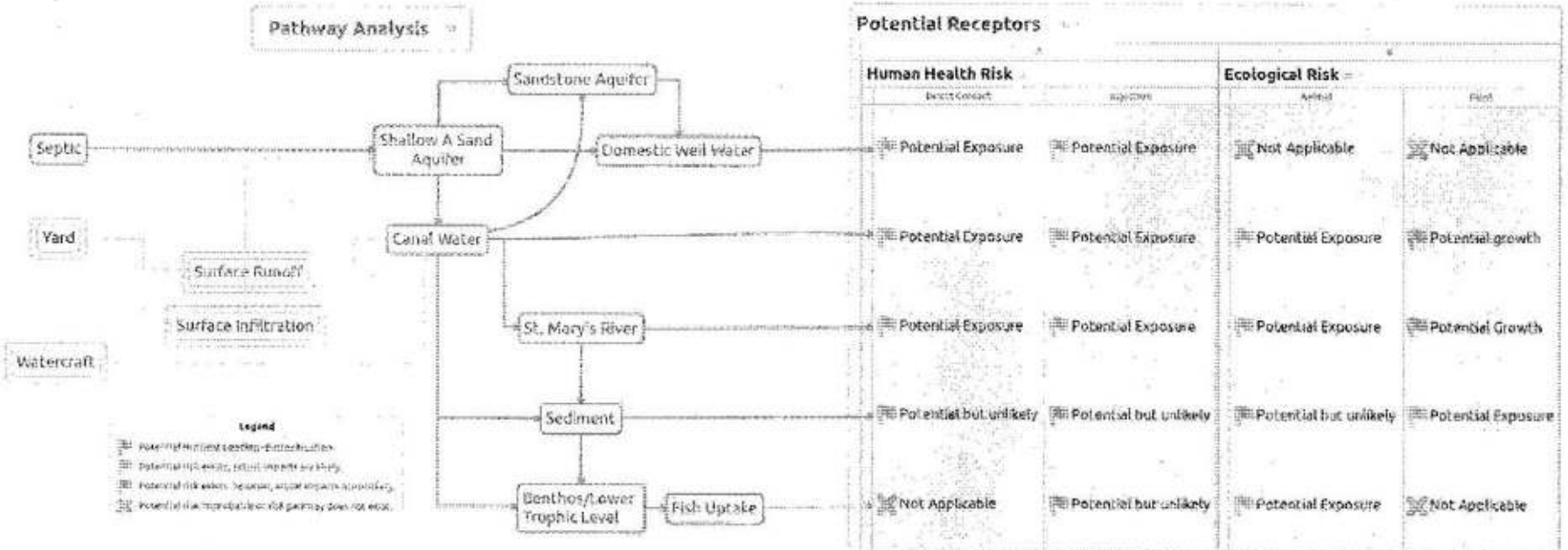
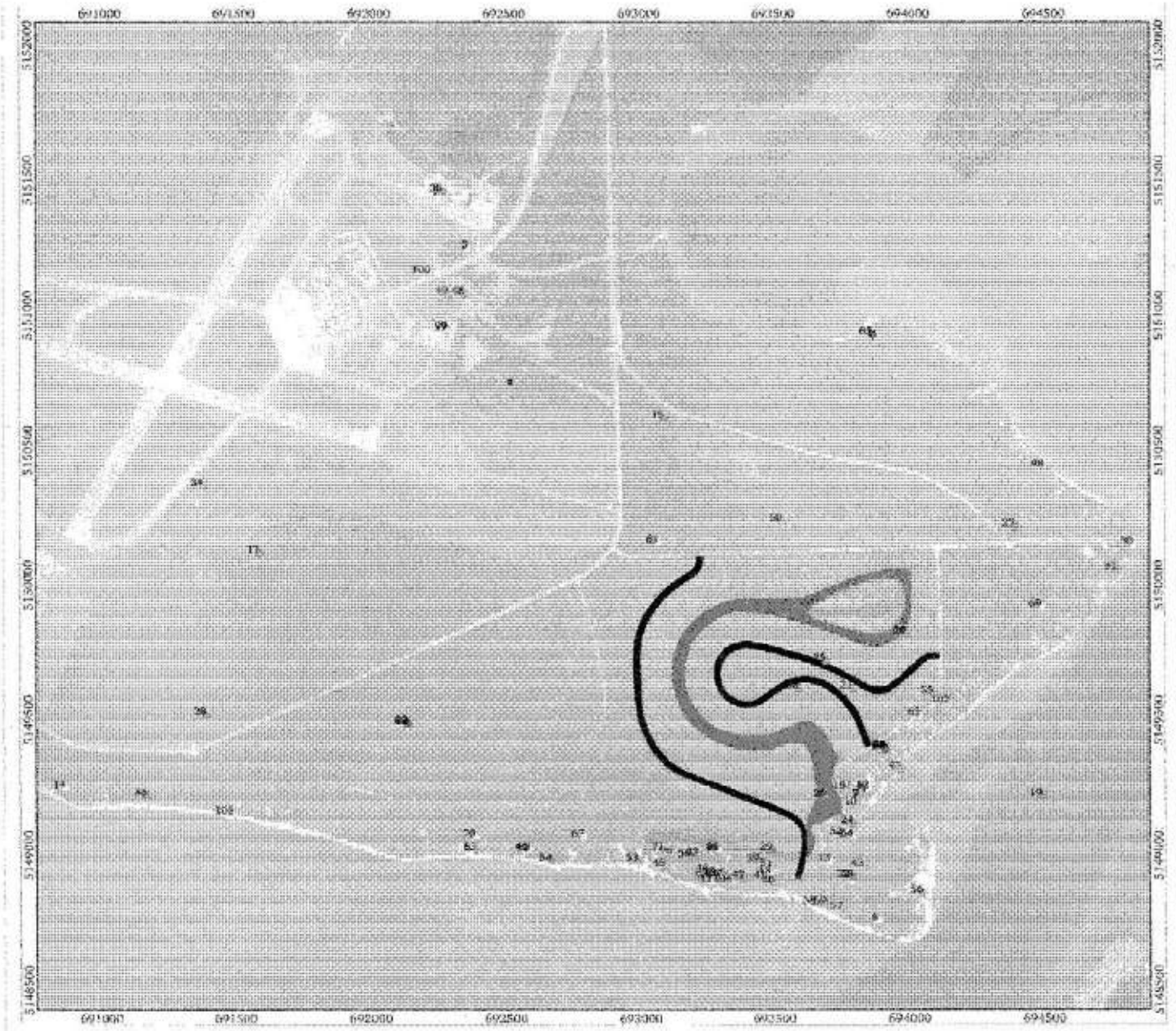


Figure 2.
Pathway Analysis Diagram
Pointe Estates Development

6.(6)(d)



SSMRCA

Sault Ste. Marie Region Conservation Authority

Legend

Location Error

- Lot centroid
- Water Well Record
- Margin of Error : 30 m - 100 m
- Margin of Error : 100 m - 300 m
- Margin of Error : 300 m - 1 Km
- Unknown UTM

Proposed Island

Alagash

Proposed Roads

Proposed Canal

Proposed Lots

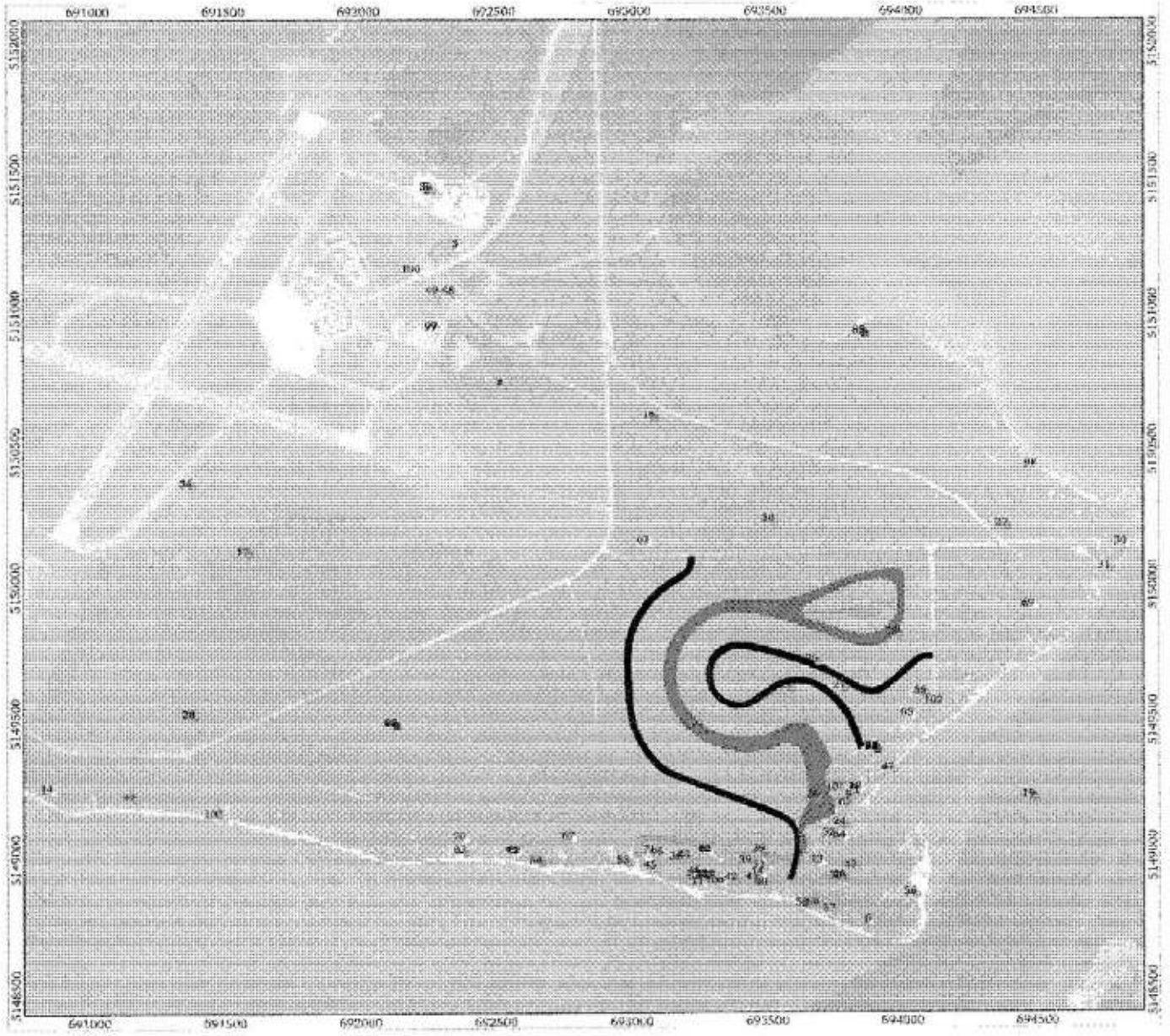
Proposed Island Pond

250 0 250 500 750 meters

Figure 3.
MOE Database Location Error
Pointe Estates Development

Nature Conservation Management, Inc

6.(b)(d)



SSMRCA

Sault Ste. Marie Region Conservation Authority

Legend

Location Error

- Lot centroid
- Water Well Record
- Margin of Error : 30 m - 100 m
- Margin of Error : 100 m - 300 m
- Margin of Error : 300 m - 1 km
- Unknown UTM

Proposed Island

Algash

Proposed Roads

Proposed Canal

Proposed Lots

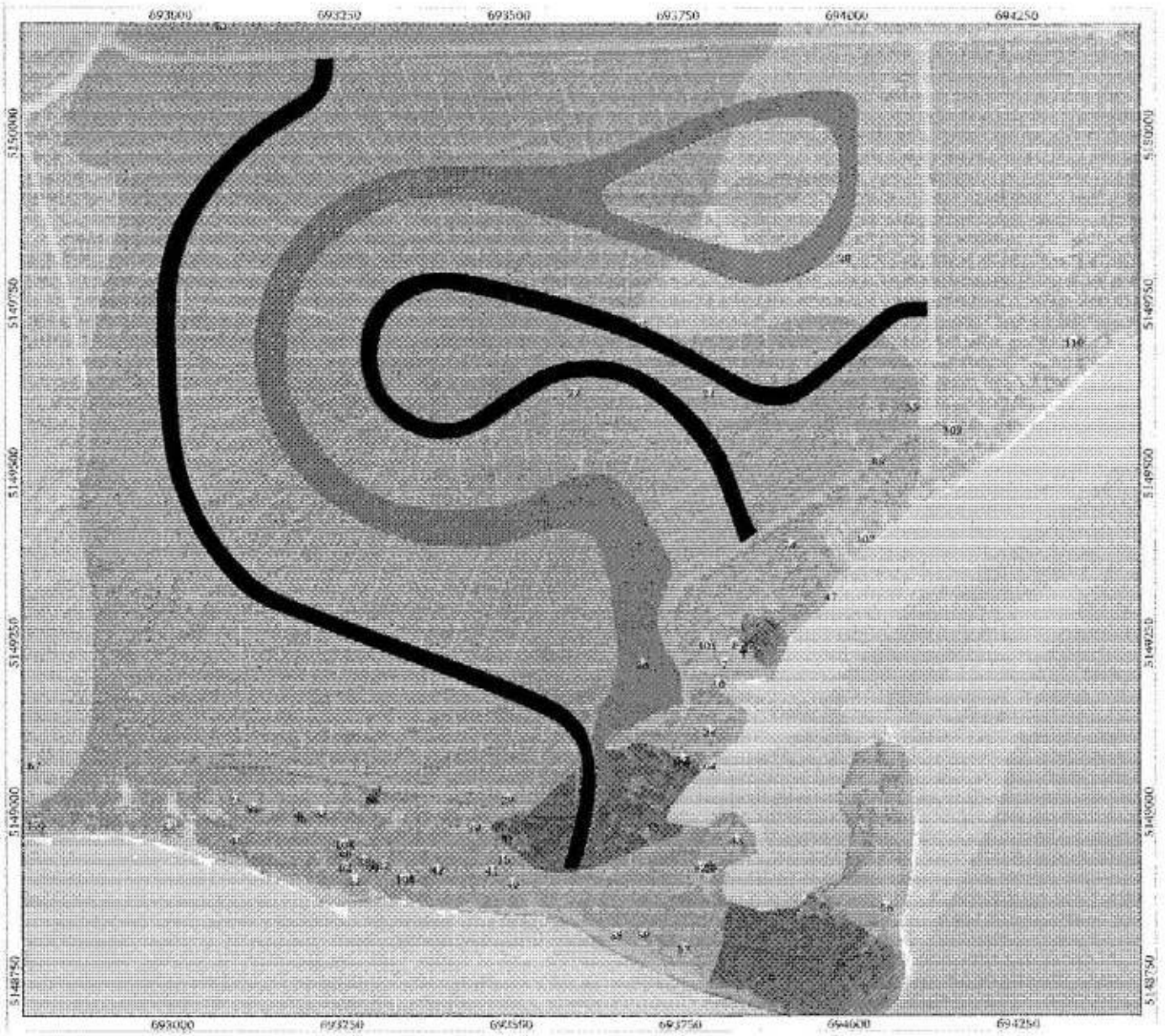
Proposed Island Pond

250 0 250 500 750 Meter

Figure 4.
Elevation Between DEM Map and MOE Database

Land Use Planning Management, Inc

6(6)(d)



SSMRCA

Sault Ste. Marie Region Conservation Authority

Legend

A Sand Thickness

- > 30 m
- 20 - 30 m ft
- 10 - 20 m
- < 10 m

Proposed Island

Alagash

Proposed Roads

Proposed Canal

Proposed Lots

Proposed Island Pond

NauticalMapNo63-rcv_modified

Overburden

bedrockElev

A Sand Thickness

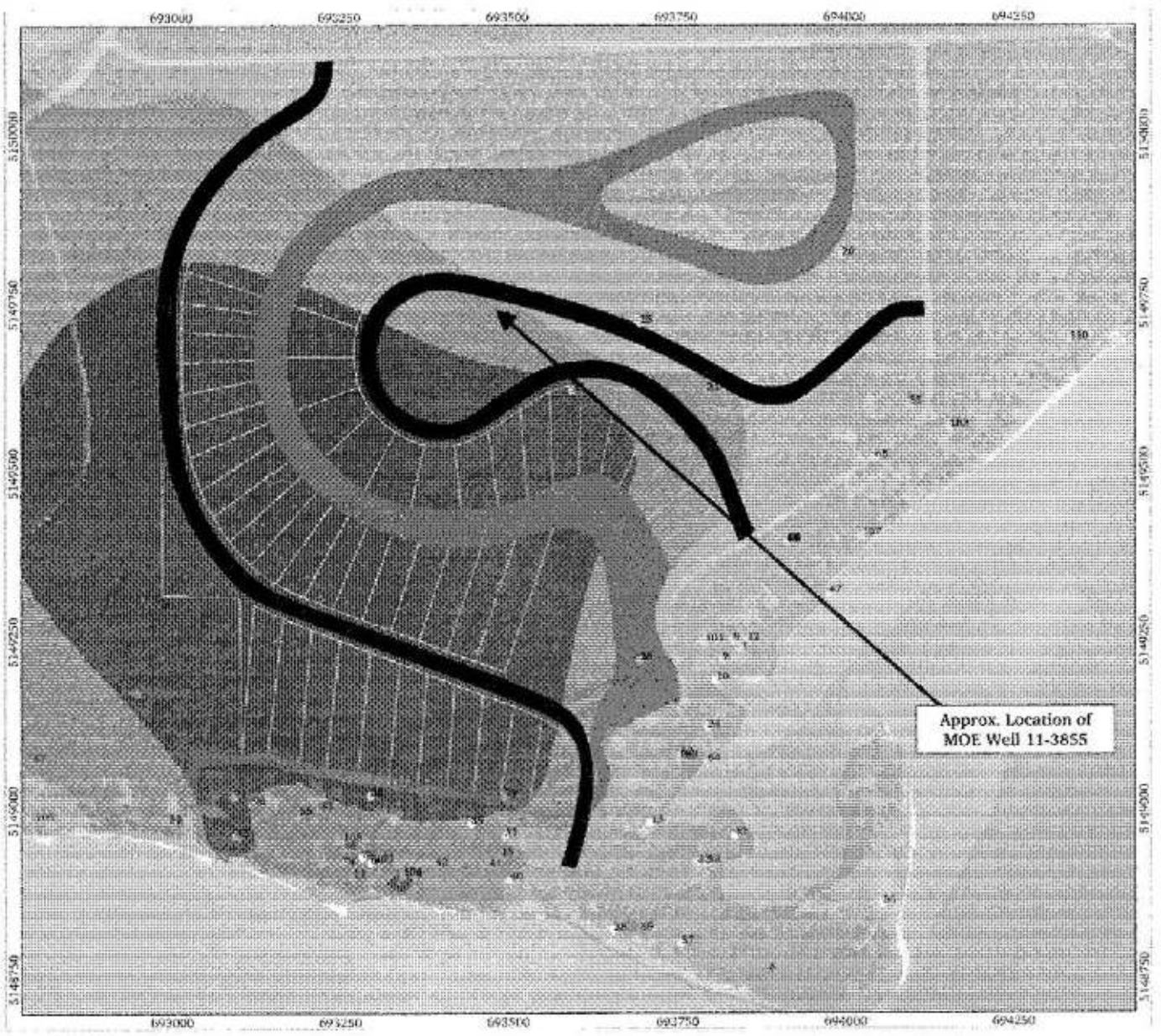
70m
60m
50m
40m
30m
20m
10m
0m

100 0 100 200 300 meters

Figure 5.

A Sand Thickness
Pointe Estates Development

6.(b)(d)



SSMRCA

Sault Ste. Marie Region Conservation Authority

Legend

Clay Thickness
- > 80 m
- 60 - 80 m
- 40 - 60 m
- 20 - 40 m
- 5 - 20 m
- 1 - 5 m
- < 1 m

Proposed Island

Alagash

Proposed Roads

Proposed Canal

Proposed Lots

Proposed Island Pond

bedrockElev

B Clay Thickness
70m
60m
50m
40m
30m
20m
10m
0m

100 0 100 200 300 meter

Figure 6.
B Clay Thickness
Pointe Estates Development

Green Geoscience Management, Inc

6.(a)(d)

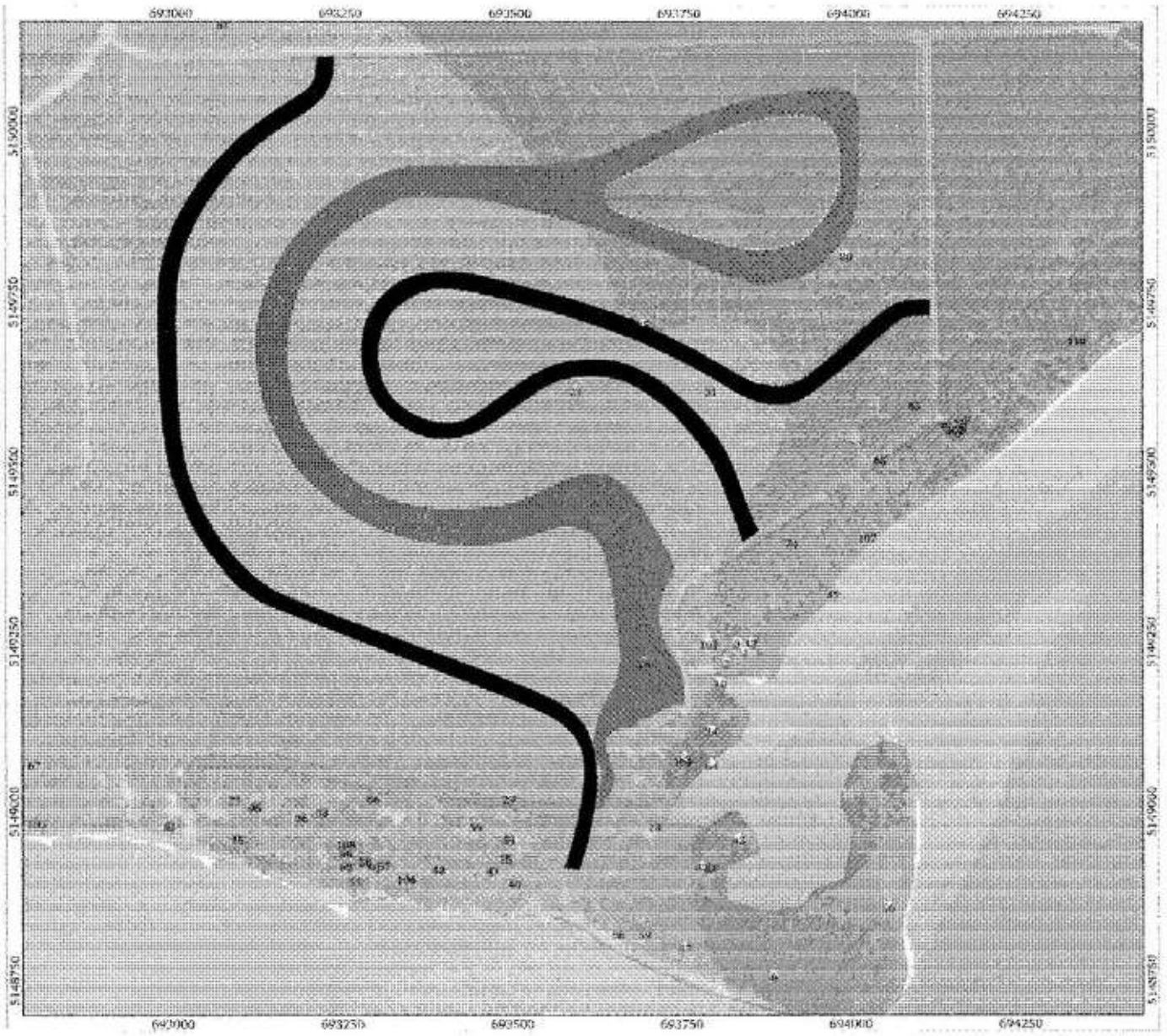


Figure 7.
Bedrock Elevation
Pointe Estates Development

6.(6)(d)

6.(6)(d)

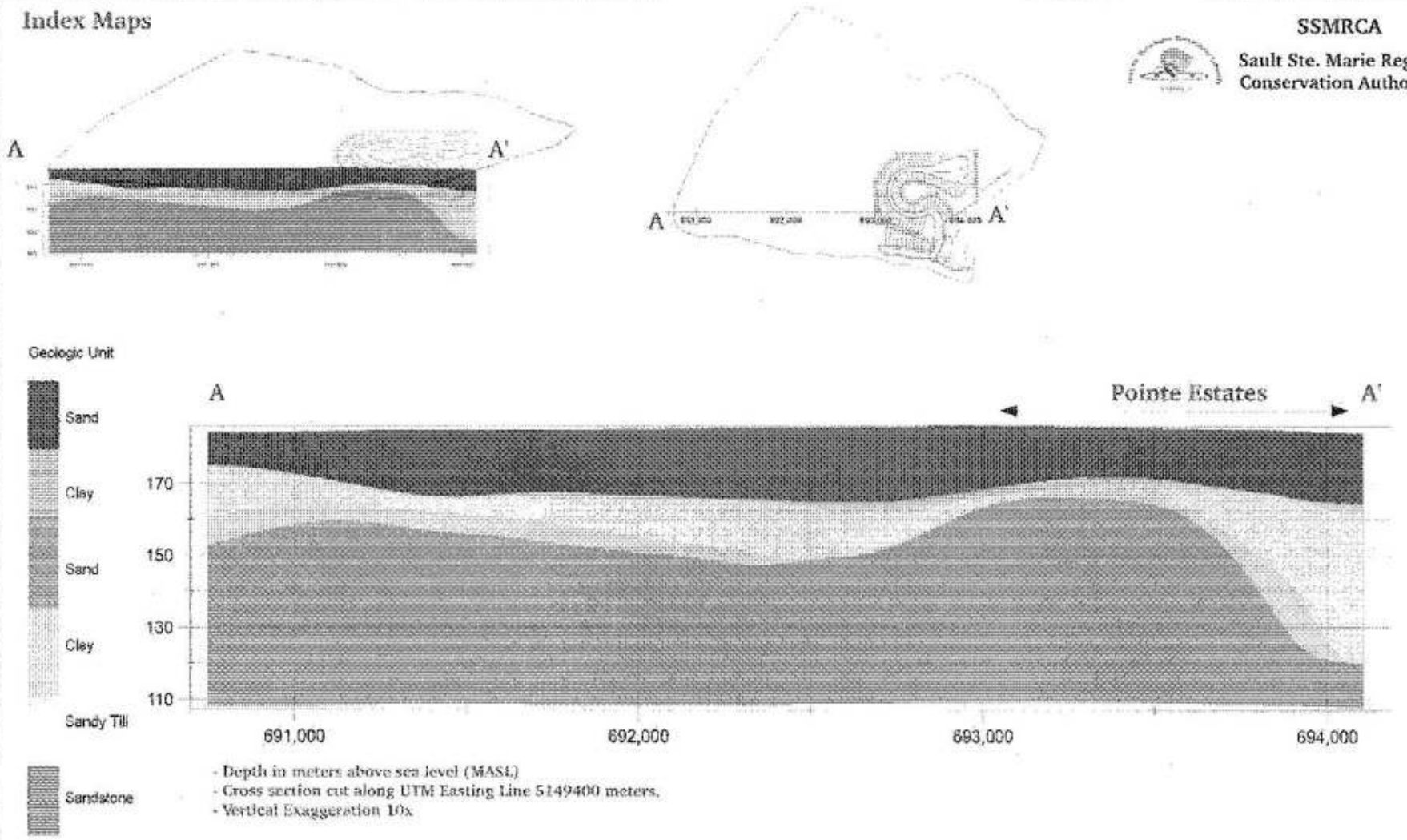
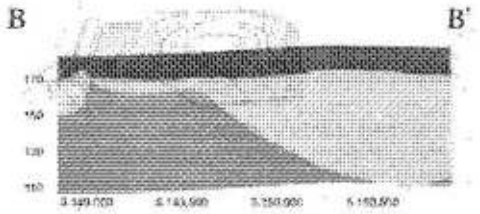
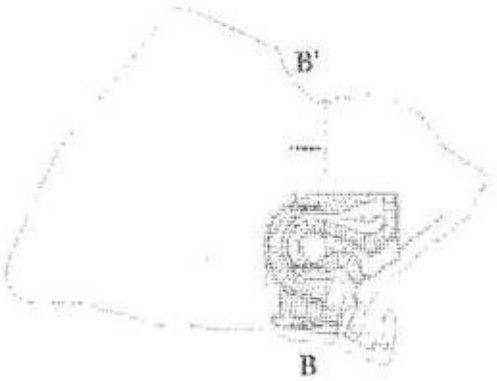


Figure 8.
A-A' Cross Section
Pointe Estates Development

6. (a)(d)

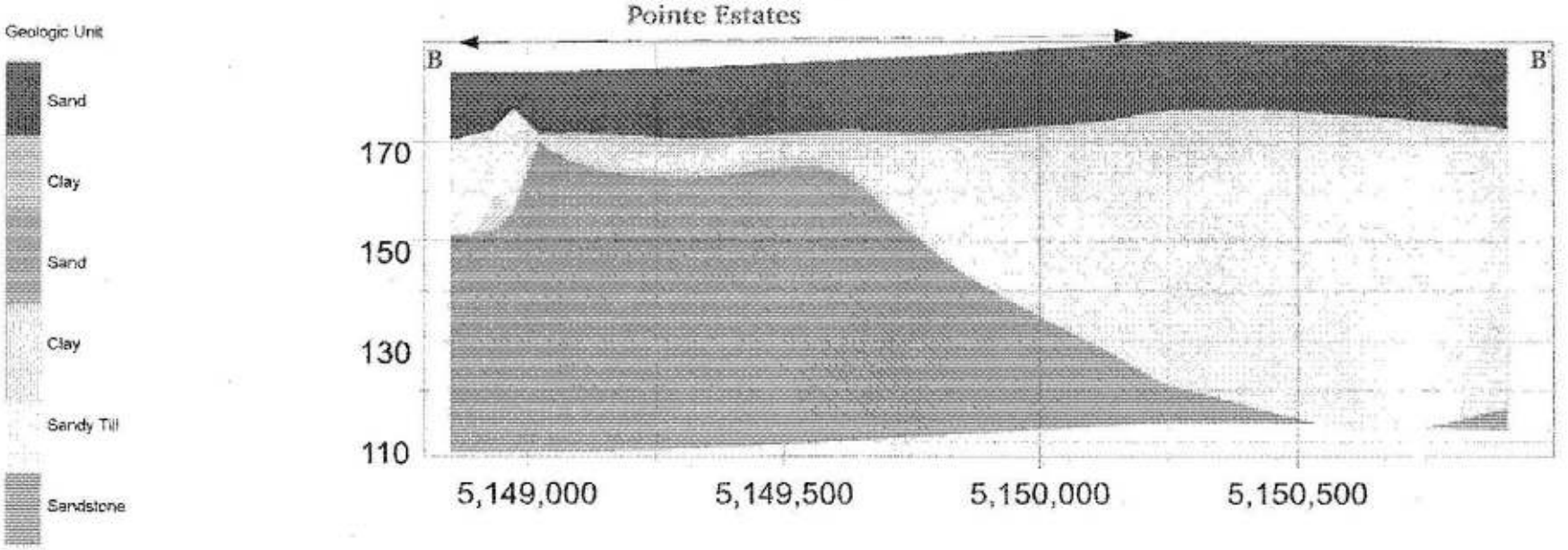
Index Maps





SSMRCA
Sault Ste. Marie Region
Conservation Authority

Pointe Estates



- Depth in meters above sea level (MASL)
- Cross section cut along UTM Northing Line 5935000 meters.
- Vertical Exaggeration 10x

Figure 9.
Cross Section B-B'
Pointe Estates Development

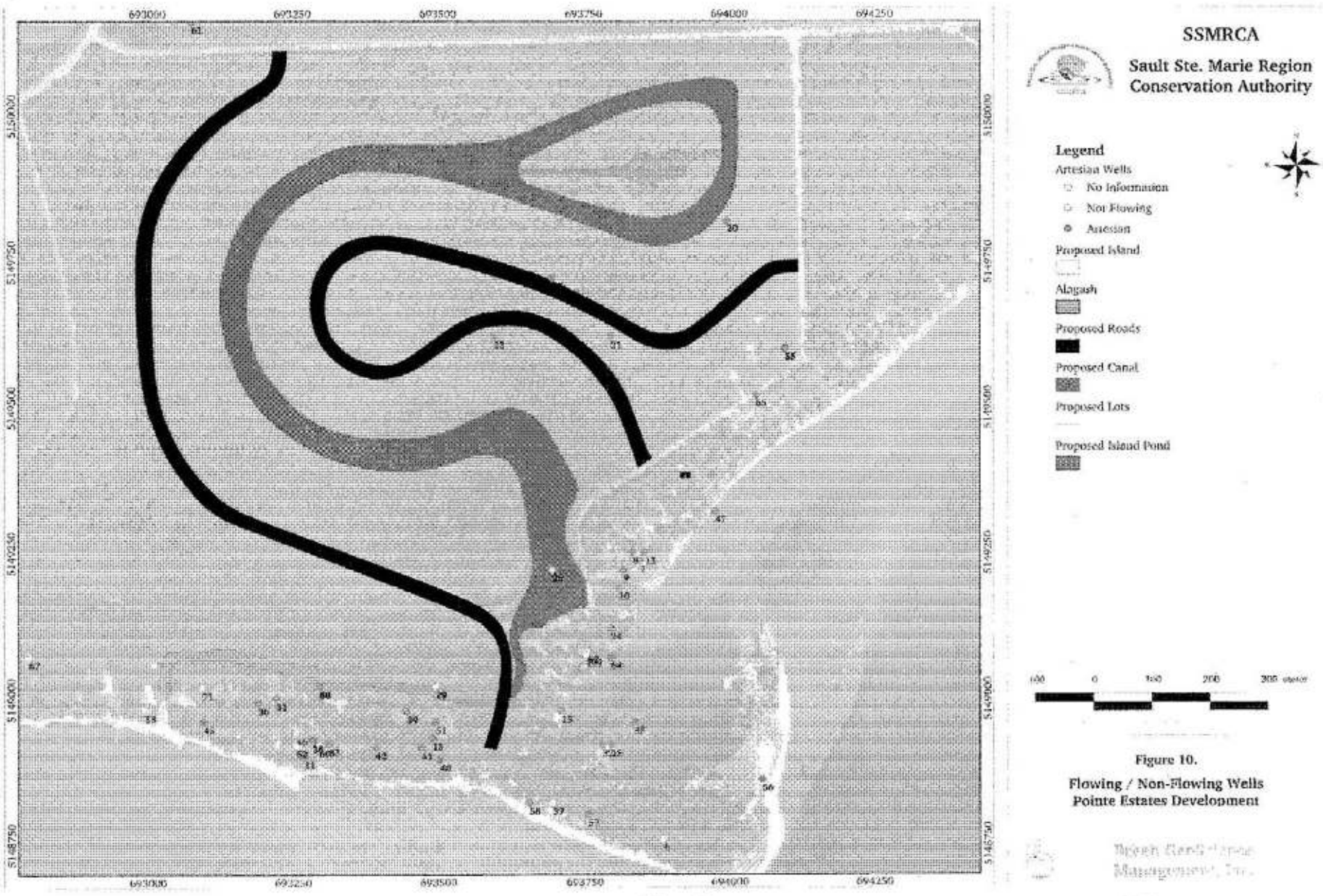
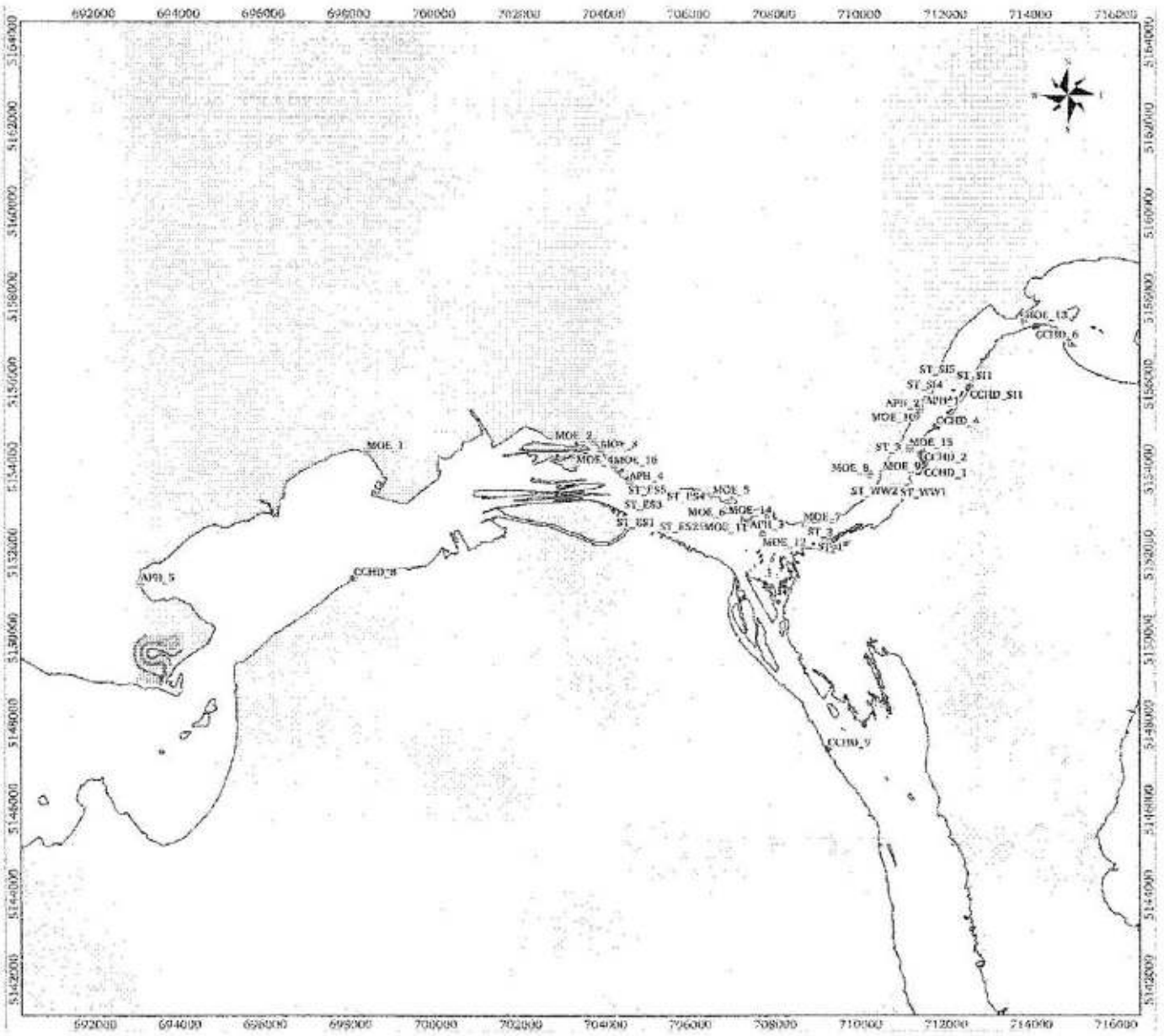


Figure 10.
Flowing / Non-Flowing Wells
Pointe Estates Development

Ecosystem Management, Inc.

6.(b)(d)



SSMRCA

Sault Ste. Marie Region Conservation Authority

Legend

Ecoli Sample Locations

- Algoma Public Health
- Chippewa County Health Dept.
- Ontario Ministry of Environment
- Sault Tribe

Proposed Island

Alagash

Proposed Roads

Proposed Canal

Proposed Lots

Proposed Island Pond

Ontario

Michigan

5000 0 1000 2000 3000 4000 5000 meter

Figure 11.
Ecoli Sample Locations
Pointe Estates Development

Prepared by: [illegible]

(P)(6).9

6.(6)(d)

Algoma
PUBLIC HEALTH
Santé publique Algoma
AA Northan MD MHSc FRCP(C)
Medical Officer of Health
www.algomapublichealth.com

RECEIVED
JUN 0 3 2013
Planning Division

May 27, 2013

DON MCCONNELL
PLANNING DIRECTOR
CITY OF SAULT STE MARIE
99 FOSTER DRIVE
4TH FLOOR CIVIC CENTRE
SAULT STE MARIE ON P6A 5X6

Dear Mr. McConnell:

RE: Comments on proposed development of Pointe Estates Subdivision

Algoma Public Health has requested the assistance of the Ministry of the environment to review the studies completed on the proposed Pointe Estates Subdivision. Our comments will not be available until we have reviewed their feedback.

For healthier communities,

Marshall Chow, CPHI(C), BAA
Chief Building Official Part IIIV

/ta

Blind River
P.O. Box 194
9B Lawton Street
Blind River, ON P0R 1B0
Tel: 705-356-2551
TF: 1 (888) 356-2551
Fax: 705-356-2494

Elliot Lake
40 Roman Avenue
Elliot Lake, ON P5A 1R9
Tel: 705-848-2314
TF: 1 (877) 748-2314
Fax: 705-848-1911

Sault Ste. Marie
294 Willow Avenue
Sault Ste. Marie, ON P6B 0A9
Tel: 705-942-4646
TF: 1 (866) 892-0172
Fax: 705-759-1554

Wawa
18 Gauley Street
Wawa, ON P0S 1K0
Tel: 705-856-7208
TF: 1 (888) 211-8074
Fax: 705-856-1752

Accredited for Excellence/Reconnu pour l'excellence

6.(6)(d)

Algoma
PUBLIC HEALTH
Santé publique Algoma

AA Northey MD MHSc FRCP(C)
Medical Officer of Health
www.algomapublichealth.com

June 27, 2013

Don McConnell
Planning Director, City of SSM
99 Foster Drive
Sault Ste. Marie ON P6A 5X6

RE: Point Estates Additional Information Request

Algoma Public Health is requesting additional information to satisfy the requirements of MOEE Procedure D-5-4 (Technical Guidelines for Individual On-Site Sewage Systems: Water Quality Impact Assessment-August 1996).

We have requested the regional office of MOEE to assist in the review of the technical documents in reference to the Point Estates Subdivision proposal specifically D-5-4 requirements of the Director. However, they have declined to comment on the proposal.

We therefore are requesting the following information:

1) Hydrogeological study specific to potential effect of the proposed 91 private home septic systems:
   a. expand on MOEE D-5-4 Requirement- stipulates individual lot assessment if surface water is present;
   b. ensure the anticipated septic systems will not negatively impact the ground water or the canal water;
   c. ensure the proposed subdivision will not negatively affect the existing drinking water wells (suggestion to determine the (baseline) current potability of the existing drinking water wells along the developed shoreline especially those using the shallow aquifer).
2) Ensure that any anticipated "flushing of the canal" will not negatively affect the bathing water quality along the shore line of Lake Superior (International waterway).
3) Additional bore holes to determine accurately the depth of the clay layer throughout the entire proposed subdivision, and nature of the clay from lab analysis (coefficient of permeability).
4) Additional bore holes to also determine the depth to the sandstone in the area by the proposed canal.
5) Clarification if the Condominium agreement will include maintenance of the septic systems and/or drinking water wells.

Blind River
P.O. Box 194
9B Lawton Street
Blind River, ON P0R 1B0
Tel: 705-356-2551
TF: 1 (888) 356-2551
Fax: 705-356-2494

Elliot Lake
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Elliot Lake, ON P5A 2T2
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Fax: 705-848-1911

Sault Ste. Marie
294 Willow Avenue
Sault Ste. Marie, ON P6B 0A9
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TF: 1 (866) 892-0172
Fax: 705-759-1534

Wawa
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Wawa, ON P0S 1K0
Tel: 705-856-7208
TF: 1 (888) 241-8874
Fax: 705-856-1752

Accredited for Excellence/Reconnu pour l'excellence

6.(6)(d)

If you require any further information or clarification, please contact Wes Terry at (705)942-4646 ext. 3113.

For healthier communities,

Marshall Chew, B.A.A., C.P.H.I.(C)
District Public Health Program Director
Chief Building Official – Part 8 OBC
Algoma Public Health

/ts

cc: Trish Westman
Jeff Avery

6.(6)(d)

Anthony Usher Planning Consultant
146 Laird Drive, Suite 105, Toronto, Ontario M4G 3V7
(416) 425-5964
auplan@bellnet.ca

July 3, 2013

Mr. Malcolm White
City Clerk
City of Sault Ste. Marie
Box 580
Sault Ste. Marie, Ontario
P6A 5N1

Dear Mr. White:

Re: 179 & 227 Pointe aux Pins Drive

I have been retained by the Pointes Protection Association to advise them with respect to the applications for Official Plan and zoning bylaw amendments, draft plan of subdivision, and condominium description to enable development of the above properties.

My client has asked me to write you with respect to issues that have been raised about the appearance of Frank Breen at the statutory public meeting scheduled for July 15.

As you know, Section 17(15)(d) of the *Planning Act* requires that a public meeting be held when an official plan is proposed. Section 17(19.2) says, "Every person who attends a public meeting required under clause (15)(d) shall be given an opportunity to make representations in respect of the current proposed plan." Section 22(1)(b) makes clear that these requirements apply to a proposed official plan amendment unless the official plan includes alternative requirements, which Sault Ste. Marie's does not. Section 34(14.2) establishes similar requirements for zoning bylaw amendments.

I recognize, of course, that the Chair has the prerogative to limit presenters to a reasonable length, encourage presenters not to simply repeat what other presenters have covered, and discourage presenters from addressing topics not relevant to Council's planning decisions.

The Pointes Protection Association plans to make a presentation. It will speak on behalf of all its member residents of the Pointe Louise and Pointe aux Pins areas. Those members will forgo their opportunities to make individual presentations.

Frank Breen is the principal of Breen GeoScience Management, Inc. of Sault Ste. Marie, Michigan, and is the American equivalent of a P.Geo. He was retained by the Sault Ste. Marie Region Conservation Authority as a subject matter expert in hydrogeology in 2010 and 2011, while the Authority was reviewing the *Conservation Authorities Act* Section 28 permit application for the subject lands. In addition to his unquestioned right to present at the public meeting, Mr. Breen has an obvious interest in this matter. He is not retained by my client, and aside from sharing some of the same concerns about the applications, does not have the same interests as my client.

6.(6)(d)

I understand that concerns have been raised about the relevance of any submission by Mr. Breen, because in his work for the Conservation Authority he was addressing the issue of a permit under the *Conservation Authorities Act*, which is of course not the subject of the public meeting or Council's decisions.

Mr. Breen provided the Conservation Authority with a technical opinion in which he reviewed the hydrogeology and geochemistry of the subject lands and the potential impacts of the subject development. He identified potential sources of contamination, primarily pathogens and nutrients, and examined how they could affect both ground and surface waters. Although he does not specifically say so in his report, he was essentially addressing "pollution", which is one of the five tests for issue of a *Conservation Authorities Act* permit.

However, Mr. Breen's expertise and experience with this matter are equally pertinent to water quality and hydrologic functions, essential considerations for Council in making its planning decisions. As you know, Council must:

- have regard to Sections 2(a), (e), and (f) of the *Planning Act*,
- be consistent with Policies 2.2.1 and 2.2.2 of the Provincial Policy Statement,
- conform with the requirements of Policy S.5 in Section VI.2.5 (wrongly numbered as the second VI.2.4 in the 2006 consolidation) of the Official Plan.

Mr. Breen's expertise and experience are entirely relevant to Council's consideration of the above planning tests, and provided he focuses on those tests and not those of the *Conservation Authorities Act*, there should be no basis for concern about the appropriateness or relevance of his presentation.

Yours sincerely,

[original signed by]

Anthony Usher, MCIP, RPP

cc. Don McConnell
Frank Breen

City of Sault Ste Marie
PUBLIC WORKS & TRANSPORTATION
For the Five Months Ending May 31, 2013

Department	May	YTD Actual	YTD Budget	Variance	Percentage Budget-Rem	2012 Actual
REVENUE						
Fees and user charges	($564,035.97)	($2,604,332.80)	($7,286,350.00)	($4,682,017.20)	64.26%	***($7,522,139.07)***
Government grants	(8,863.04)	269,702.20	($1,755,000.00)	($2,024,702.20)	115.37%	***($2,012,348.18)***
Contribution from own funds			($70,000.00)	($70,000.00)	100.00%	***($143,883.69)***
Other income	(11,280.27)	(56,353.08)	($1,000.00)	$55,353.08	(5,535.31%)	***($84,333.11)***
	(584,179.28)	(2,390,983.68)	($9,112,350.00)	($6,721,366.32)	73.76%	***($9,762,704.05)***
EXPENDITURES						
Salaries	1,449,567.85	7,400,326.45	$19,307,804.00	$11,907,477.55	61.67%	***$18,505,047.57***
Benefits	431,809.10	1,981,732.63	$5,746,243.00	$3,764,510.37	65.51%	***$4,910,327.51***
Travel and training	2,364.62	29,017.93	$99,245.00	$70,227.07	70.76%	***$56,391.12***
Vehicle allowance, maintenance and repairs	325,851.63	1,343,353.24	$3,172,650.00	$1,829,296.76	57.66%	***$2,513,118.42***
Utilities and Fuel	234,876.37	1,479,645.25	$2,893,825.00	$1,414,179.75	48.87%	***$2,871,232.50***
Materials and supplies	186,294.46	1,436,703.38	$3,156,150.00	$1,719,446.62	54.48%	***$4,604,050.21***
Maintenance and repairs	23,298.89	166,458.17	$339,150.00	$172,691.83	50.92%	***$393,573.97***
Taxes and licenses	233,683.87	235,886.58	$373,595.00	$137,708.42	36.86%	***$341,817.73***
Financial expenses		2,299.66	$4,000.00	$1,700.34	42.51%	***$7,417.40***
Purchased and contracted services	255,509.09	965,128.35	$3,332,570.00	$2,367,441.65	71.04%	***$3,109,386.08***
Transfer to own funds	1,333,865.41	1,340,965.41	$2,709,521.00	$1,368,555.59	50.51%	***$3,445,633.68***
Capital expense		15,322.35	$23,895.00	$8,572.65	35.88%	***$14,351.48***
Less: recoverable costs	(20,203.56)	(92,454.92)	($328,130.00)	($235,675.08)	71.82%	***($717,922.94)***
	4,456,917.73	16,304,364.48	$40,830,518.00	$24,526,133.52	60.07%	***$40,054,424.73***
NET (REVENUE)/EXPENDITURE	**3,872,738.45**	**13,913,400.80**	**$31,718,168.00**	**$17,804,767.20**	**56.13%**	***$30,291,720.68***

(7)(a)

City of Sault Ste Marie
PWT-WORKS
For the Five Months Ending May 31, 2013

Department	May	YTD Actual	YTD Budget	Variance	Percentage Budget-Rem	*2012 Actual*
REVENUE						
Fees and user charges	($266,538.05)	($917,202.46)	($3,270,650.00)	($2,353,447.54)	71.96%	***($3,379,809.92)***
Government grants	(8,863.04)	(33,076.80)	($535,000.00)	($501,923.20)	93.82%	***($798,536.18)***
Contribution from own funds			($20,000.00)	($20,000.00)	100.00%	***($80,357.69)***
Other income	(10,785.27)	(55,858.08)	$0.00	$55,858.08		***($79,216.99)***
	(286,186.36)	(1,006,137.34)	($3,825,650.00)	($2,819,512.66)	73.70%	***($4,337,920.78)***
EXPENDITURES						
Salaries	981,713.61	5,125,320.97	$13,375,105.00	$8,249,784.03	61.68%	***$12,874,623.61***
Benefits	290,318.26	1,318,338.54	$3,903,037.00	$2,584,698.46	66.22%	***$3,107,294.75***
Travel and training	1,171.42	21,916.63	$74,030.00	$52,113.37	70.39%	***$40,000.60***
Vehicle allowance, maintenance and repairs	274,493.32	1,113,565.69	$2,373,940.00	$1,260,374.31	53.09%	***$1,967,989.72***
Utilities and Fuel	115,984.20	839,219.50	$1,396,260.00	$557,040.50	39.90%	***$1,417,082.83***
Materials and supplies	154,169.13	1,238,953.35	$2,925,345.00	$1,686,391.65	57.65%	***$4,022,972.29***
Taxes and licenses	80,682.78	82,626.49	$117,670.00	$35,043.51	29.78%	***$89,471.06***
Financial expenses		454.49	$2,000.00	$1,545.51	77.28%	***$2,463.20***
Purchased and contracted services	237,356.42	846,367.75	$2,933,130.00	$2,086,762.25	71.14%	***$2,787,898.87***
Transfer to own funds	1,334,830.00	1,341,930.00	$2,517,480.00	$1,175,550.00	46.70%	***$2,710,888.58***
Capital expense		2,129.67	$3,000.00	$870.33	29.01%	***$3,512.33***
Less: recoverable costs	(20,203.56)	(92,454.92)	($328,130.00)	($235,675.08)	71.82%	***($717,922.94)***
	3,450,515.58	11,838,368.16	$29,292,867.00	$17,454,498.84	59.59%	***$28,306,274.90***
NET (REVENUE)/EXPENDITURE	**3,164,329.22**	**10,832,230.82**	**$25,467,217.00**	**$14,634,986.18**	**57.47%**	***$23,968,354.12***

City of Sault Ste Marie
WINTER CONTROL - ROADWAYS
For the Five Months Ending May 31, 2013

Department	May	YTD Actual	YTD Budget	Variance	Percentage Budget-Rem	2012 Actual
REVENUE						
Fees and user charges	($2,475.96)	($127,663.05)	($68,550.00)	$59,113.05	(86.23%)	***($66,989.59)***
	(2,475.96)	(127,663.05)	($68,550.00)	$59,113.05	(86.23%)	***($66,989.59)***
EXPENDITURES						
Salaries	151,306.67	1,311,167.67	$1,775,576.00	$464,408.33	26.16%	***$1,640,958.90***
Benefits	40,477.95	349,513.33	$602,055.00	$252,541.67	41.95%	***$472,723.16***
Vehicle allowance, maintenance and repairs	255,958.07	1,927,283.38	$2,496,220.00	$568,936.62	22.79%	***$2,156,559.12***
Materials and supplies	41,688.89	874,867.24	$794,490.00	($80,377.24)	(10.12%)	***$1,035,706.39***
Purchased and contracted services		7,452.52	$15,000.00	$7,547.48	50.32%	***$7,601.58***
Transfer to own funds			$0.00	$0.00		***$35,463.36***
Less: recoverable costs		(31,914.64)	($40,000.00)	($8,085.36)	20.21%	***($38,120.01)***
	489,431.58	4,438,369.50	$5,643,341.00	$1,204,971.50	21.35%	***$5,310,892.50***
NET (REVENUE)/EXPENDITURE	**486,955.62**	**4,310,706.45**	**$5,574,791.00**	**$1,264,084.55**	**22.68%**	***$5,243,902.91***
Winter Control - Sidewalks		**535,248.62**	**622,470.00**	**87,221.38**	**14.01%**	
Total Winter Control		**4,845,955.07**	**6,197,261.00**	**1,351,305.93**	**21.80%**	

6(7)(a)

City of Sault Ste Marie
TRANSIT
For the Five Months Ending May 31, 2013

Department	May	YTD Actual	YTD Budget	Variance	Percentage Budget-Rem	2012 Actual
REVENUE						
Fees and user charges	($220,934.26)	($1,112,473.01)	($2,570,675.00)	($1,458,201.99)	56.72%	***($2,554,843.91)***
Government grants		302,779.00	($1,220,000.00)	($1,522,779.00)	124.82%	***($1,208,952.00)***
Other income	(495.00)	(495.00)	($1,000.00)	($505.00)	50.50%	***($5,116.12)***
	(221,429.26)	(810,189.01)	($3,791,675.00)	($2,981,485.99)	78.63%	***($3,768,912.03)***
EXPENDITURES						
Salaries	372,498.25	1,879,402.52	$4,847,304.00	$2,967,901.48	61.23%	***$4,651,259.56***
Benefits	122,890.30	585,372.39	$1,640,382.00	$1,055,009.61	64.31%	***$1,607,834.23***
Travel and training	1,193.20	5,130.93	$22,015.00	$16,884.07	76.69%	***$16,294.99***
Vehicle allowance, maintenance and repairs	43,364.53	206,474.59	$745,565.00	$539,090.41	72.31%	***$520,668.63***
Utilities and Fuel	111,424.41	600,682.79	$1,387,215.00	$786,532.21	56.70%	***$1,360,969.25***
Materials and supplies	27,918.73	182,418.75	$158,925.00	($23,493.75)	(14.78%)	***$522,234.61***
Maintenance and repairs	22,309.78	100,956.66	$210,330.00	$109,373.34	52.00%	***$271,457.57***
Taxes and licenses	117,546.56	117,805.56	$209,575.00	$91,769.44	43.79%	***$206,001.74***
Financial expenses		1,743.83	$0.00	($1,743.83)		***$4,745.02***
Purchased and contracted services	4,766.02	65,661.14	$164,770.00	$99,108.86	60.15%	***$114,516.78***
Transfer to own funds	(964.59)	(964.59)	$130,000.00	$130,964.59	100.74%	***$409,138.32***
Capital expense		12,912.69	$16,895.00	$3,982.31	23.57%	***$10,686.66***
	822,947.19	3,757,597.26	$9,532,976.00	$5,775,378.74	60.58%	***$9,695,807.36***
NET (REVENUE)/EXPENDITURE	**601,517.93**	**2,947,408.25**	**$5,741,301.00**	**$2,793,892.75**	**48.66%**	***$5,926,895.33***

City of Sault Ste Marie
CEMETERY OPERATIONS
For the Five Months Ending May 31, 2013

Department	May	YTD Actual	YTD Budget	Variance	Percentage Budget-Rem	2012 Actual
REVENUE						
Fees and user charges	($54,385.05)	($368,632.26)	($1,067,655.00)	($699,022.74)	65.47%	***($1,204,600.47)***
Government grants			$0.00	$0.00		***($4,860.00)***
Contribution from own funds			($50,000.00)	($50,000.00)	100.00%	***($63,526.00)***
	(54,385.05)	(368,632.26)	($1,117,655.00)	($749,022.74)	67.02%	***($1,272,986.47)***
EXPENDITURES						
Salaries	58,766.13	222,897.22	$657,830.00	$434,932.78	66.12%	***$618,239.14***
Benefits	13,415.81	54,218.64	$158,128.00	$103,909.36	65.71%	***$134,934.82***
Travel and training		1,843.37	$2,000.00	$156.63	7.83%	***$0.00***
Vehicle allowance, maintenance and repairs	4,667.71	13,890.71	$47,875.00	$33,984.29	70.99%	***$8,358.58***
Utilities and Fuel	7,437.13	36,779.30	$94,000.00	$57,220.70	60.87%	***$87,341.78***
Materials and supplies	4,045.41	13,432.69	$64,590.00	$51,157.31	79.20%	***$53,614.32***
Financial expenses			$2,000.00	$2,000.00	100.00%	***$0.00***
Purchased and contracted services	1,500.97	3,445.50	$69,195.00	$65,749.50	95.02%	***$44,891.05***
Transfer to own funds			$22,041.00	$22,041.00	100.00%	***$325,606.78***
	89,833.16	346,507.43	$1,117,659.00	$771,151.57	69.00%	***$1,272,986.47***
NET (REVENUE)/EXPENDITURE	**35,448.11**	**(22,124.83)**	**$4.00**	**$22,128.83**		***$0.00***

10(a)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2013-120

AGREEMENT: (E2.3) A by-law to authorize the execution of an agreement between the City and AECOM Canada Ltd. for the design and contract administration for the fermented sludge recycle for an engineering fee estimate of Twenty Four Thousand Five Hundred ($24,500) Dollars (excluding HST).

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENT**

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 agreement in the form of Schedule "A" attached and dated the 25th day of June, 2013 and made between the City and AECOM Canada Ltd. for the design and contract administration for the fermented sludge recycle for an engineering fee estimate of Twenty Four Thousand Five Hundred ($24,500) Dollars (excluding HST).

2. **SCHEDULE "A"**

Schedule "A" attached forms part of this by-law.

3. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

PASSED in open Council this 15th day of July, 2013.

_____

MAYOR – DEBBIE AMAROSO

_____

CITY CLERK – MALCOLM WHITE

nm LEGAL\STAFF\BYLAWS\2013\2013-120 EXECUTION of AECOM Agreement.DOC

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

AGREEMENT

FOR

PROFESSIONAL CONSULTING SERVICES

MEMORANDUM OF AGREEMENT dated the 25th day of June, 2013

-BETWEEN-

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

(Hereinafter called the 'Client')

THE PARTY OF THE FIRST PART

-AND-

AECOM CANADA LTD.

(Hereinafter called the 'Consultant')

THE PARTY OF THE SECOND PART

WHEREAS the Client intends to provide engineering services for modifications to allow recycling of the fermented sludge at the East End Water Pollution Control Plant.

AND WHEREAS the Consultant agrees to provide the requested services;

NOW THEREFORE WITNESSETH that in consideration of the covenants contained herein, the Client and the Consultant mutually agree as follows:

ARTICLE 1 - GENERAL CONDITIONS

1.01 Retainer

The Client hereby retains the services of the Consultant in connection with the Project and the Consultant hereby agrees to provide the services described herein under the general direction and control of the Client.

In this Agreement the word Consultant shall mean professionals and other specialists engaged by the Client directly and whose names are party to this Agreement.

1.02 Services

The services to be provided by the Consultant and by the Client for the Project are set forth in Article 2 and such services as changed, altered or added to under Section 1.08 are hereinafter called the 'Services'.

1.03 Compensation

The Client shall pay the Consultant in accordance with the provisions set forth in Article 3. For purposes of this agreement, the basis of payment shall be as specified in Article 3.

1.04 Staff and Methods

The Consultant shall perform the services under this agreement with that degree of care, skill and diligence normally provided in the performance of such services as contemplated by the Agreement at the time such services are rendered and as required by the Professional Engineers Act (RSO 1990, Chapter P. 28) and regulations therein. The Consultant shall employ only competent staff who will be under the supervision of a senior member of the Consultant's staff.

1.05 Drawings and Documents

Subject to Section 3.2.4 of Article 3, drawings and documents or copies thereof required for the Project shall be exchanged between the parties on a reciprocal basis. Documents prepared by the Consultant for the Client, including record drawings, may be used by the Client, for the Project herein described. In accordance with Article 1.06, the Client shall indemnify the Consultant for any loss or damage suffered by the Client or any third parties resulting from any unauthorized use of the documents and deliverables

1.06 Intellectual Property

All concepts, products or processes produced by or resulting from the Services rendered by the Consultant in connection with the Project, or which are otherwise developed or first reduced to practice by the Consultant in the performance of his Services, and which are patentable, capable of trademark or otherwise, shall be considered as Intellectual Property and remain the property of the Consultant.

The Client shall have permanent non-exclusive royalty-free license to use any concept, product or process, which is patentable, capable of trademark or otherwise produced by or resulting from the Services rendered by the Consultant in connection with the Project and for no other purpose or project.

1.07 Records and Audit

(a) In order to provide data for the calculation of fees on a time basis, the Consultant shall keep a detailed record of the hours worked by staff employed for the Project.

(b) The Client may inspect timesheets and record of expenses and disbursements of the Consultant during regular office hours with respect to any item which the Client is required to pay on a time scale or disbursement basis as a result of this Agreement.

(c) The Consultant, when requested by the Client, shall provide copies of receipts with respect to any disbursement for which the Consultant claims payment under this Agreement.

1.08 Changes and Alterations and Additional Services

With the consent of the Consultant the Client may in writing at any time after the execution of the Agreement or the commencement of the Services delete, extend, increase, vary or otherwise alter the

Services forming the subject of the Agreement, and if such action by the Client necessitates additional staff or services, the Consultant shall be paid in accordance with Section 3.2.1 for such additional staff employed directly thereon, together with such expenses and disbursements as allowed under Section 3.2.4. In the event that the Client delays the project then the Consultant shall have the right to renegotiate the agreement.

1.09 **Suspension or Termination**

Either party may at any time by notice in writing to the other party, suspend or terminate the Services or any portion thereof at any stage of the project. Upon receipt of such written notice, the Consultant shall perform no further Services other than those reasonably necessary to close out his Services. In such an event, the Consultant shall be entitled to payment in accordance with Section 3.2. for any of the Consultant's staff employed directly thereon together with such expenses and disbursements allowed under Section 3.2.

If the Consultant is practicing as an individual and dies before his Services have been completed, this Agreement shall terminate as of the date of his death, and the Client shall pay for the Services rendered and disbursements incurred by the Consultant to the date of such termination.

1.10 **Indemnification**

The Consultant shall indemnify and save harmless the Client from and against all claims, actions, losses, expenses, costs or damages of every nature and kind whatsoever which the Client, his employees or officers may suffer, to the extent the Consultant is legally liable as a result of the negligent acts of the Consultant, its employees or officers in the performance of this Agreement. Notwithstanding anything to the contrary, the Consultant shall not be responsible for any loss, damage, or liability to the extent arising from any contributing negligent acts by the Client, or its subcontractors, agents, employees or consultants.

The Client agrees to hold harmless, indemnify and defend the Consultant from and against any and all claim, losses, damages, liability and costs of defense arising out of or in any way connected with the presence, discharge, release or escape of contaminants of any kind, excluding only such liability as may arise out of the negligent acts of the Consultant in the performance of consulting services to the Client within this project.

Neither party shall be responsible to the other for any special, incidental, indirect, consequential, financial and non-material damages of any kind whatsoever arising out of or related to or arising from said party's obligations under the Agreement or the breach thereof.

1.11 **Insurance**

The Client will accept the insurance coverage amount specified in this clause section 1.11 as the aggregate limit of liability of the Consultant and its employees for the Client's damages.

a) Comprehensive General Liability and Automobile Insurance

The Insurance Coverage shall be $2,000,000 per occurrence and in the aggregate for general liability and $2,000,000 for automobile insurance. When requested the Consultant shall provide the Client with proof of Comprehensive General Liability and Automobile Insurance (Inclusive Limits) for both owned and non-owned vehicles.

b) Professional Liability Insurance

The Insurance Coverage shall be in the amount of $2,000,000 per claim and in the aggregate. When requested, the Consultant shall provide to the Client proof of Professional Liability Insurance carried by the Consultant, and in accordance with the *Professional Engineers Act* (RSO 1990, Chapter P. 28) and regulations therein.

c) Change in Coverage

If the Client requests to have the amount of coverage increased or to obtain other special insurance for this Project then the Consultant shall endeavour forthwith to obtain such increased or special insurance at the Client's expense as a disbursement allowed under Section 3.2.

It is understood and agreed that the coverage provided by these policies will not be cancelled by the Consultant until thirty (30) days after written notice of cancellation has been delivered to the Client.

1.12 Contracting for Construction

Neither the Consultant nor any person, firm or corporation associated or affiliated with or subsidiary to the Consultant shall tender for the construction of the Project, or have an interest either directly or indirectly in the construction of the Project.

1.13 Assignment

The Consultant shall be entitled at anytime to assign this Agreement to any of its subsidiaries or affiliates upon written notice to client.

1.14 Previous Agreements

This Agreement supersedes all previous agreements, arrangements or understandings between the parties whether written or oral in connection with or incidental to the Project.

1.15 Approval by Other Authorities

Unless otherwise provided in this Agreement, where the work of the Consultant is subject to the approval or review of an authority, department of government, or agency other than the Client, such applications for approval or review shall be the responsibility of the Consultant, but shall be submitted through the offices of the Client and unless authorized by the Client in writing, such applications for approval or review shall not be obtained by direct contact by the Consultant with such other authority, department of government or agency.

1.16 Principals and Executives

The use of Principals and Executives on a time basis by the Consultant, will be in accordance with Section 1.23.1 (c).

1.17 Sub-Consultants

The Consultant may engage others as sub-consultants for specialized services provided that prior approval is obtained, in writing, from the Client and may add a mark-up of not more than 5% of the cost of such services to cover office administration costs when claiming reimbursement from the Client plus the cost of the additional insurance incurred by the Consultant for the specialized services.

1.18 Inspection

The Client, or persons authorized by the Client, shall have the right, at all reasonable times, to inspect or otherwise review the Services performed, or being performed, under the Project and the premises where they are being performed.

1.19 Publication

The Consultant agrees to obtain the consent in writing of the Client before publishing or issuing any information regarding the Project.

1.20 Confidential Data

The Consultant shall not divulge any specific information identified as confidential, communicated to or acquired by him, or disclosed by the client in the course of carrying out the Services provided for herein. These obligations of confidentiality shall not apply to information which is in the public domain, which is provided to the Consultant by a third party without obligation of confidentiality which is independently developed by the Consultant without access to the Client's information, or which is required to be disclosed by law or by court order. No such information shall be used by the Consultant on any other project without the approval in writing of the Client.

1.21 Dispute Resolution

(a) If requested in writing by either the Client or the Consultant, the Client and the Consultant shall attempt to resolve any dispute between them arising out of or in connection with this Agreement by entering into structured non-binding negotiations with the assistance of a mediator on a without prejudice basis. The mediator shall be appointed by agreement of the parties. If a dispute cannot be settled within a period of ninety (90) calendar days with the mediator, the dispute shall be referred to and finally resolved by arbitration under the rules of the province having jurisdiction or by an arbitrator appointed by the agreement of the parties.

(b) No person shall be appointed to act as mediator or arbitrator who is in any way interested, financially or otherwise, in the conduct of the work on the Project or in the business or other affairs of either the Client or the Consultant.

(c) The provisions of *The Arbitration Act*, S.O., 1991, Chapter 17, as amended shall apply.

1.22 Time

The Consultant shall perform the Services expeditiously to meet the requirements of the Client and shall complete any portion or portions of the Services in such order as the Client may require.

The Client shall give due consideration to all designs, drawings, plans, specifications, reports, tenders, proposals and other information submitted by the Consultant, and shall make any decisions which he is required to make in connection therewith within a reasonable time so as not to delay the work of the Consultant.

Neither party shall be liable or penalized for delays or failure to perform its services if same is caused directly or indirectly by circumstances beyond a party's reasonable control.

1.23 Estimates, Schedules and Staff List

1.23.1 Preparation of Estimate of Fees, Schedule of Progress and Staff List

When requested by the Client, and where payment is calculated on a time basis, the Consultant shall provide, for approval by the Client:

(a) An estimate of the total fees to be paid for the Services.

(b) A Schedule showing an estimate of the portion of the Services to be completed in each month and an estimate of the portion of the fee which will be payable for each such month.

(c) A Staff list showing the number, classifications and hourly rate ranges for staff, Principals and Executives, for which the Consultant will seek payment on a time basis. The Consultant shall relate such information to the particular type of work that such staff is to perform, while employed on the Project. Such list shall designate the member of the Consultant's staff who is to be the liaison person between the Consultant and the Client.

1.23.2 Subsequent Changes in the Estimate of Fees, Schedule of Progress and Staff List

The Consultant will require prior written approval, from the Client for any of the following changes:

(a) Any increase in the estimated fees beyond those approved under Subsection 1.23.1 (a).

(b) Any change in the schedule at progress which results in a longer period than provided in Subsection 1.23.1 (b).

(c) Any change in the number, classification and hourly rate ranges of the staff provided under Subsection 1.23.1 (c).

1.23.3 Monthly Reporting of Progress

When requested by the Client, the Consultant shall provide the Client with a written report showing the portion of the Services completed in the preceding month.

1.24 Additional Conditions

ARTICLE 2 - SERVICES

2.01 Consultant's Services for Planning and Preliminary Design Services

N/A

2.02 Client's Services for Planning and Preliminary Design Services

N/A

2.03 Services to be Provided by Consultant for Detailed Design and Tendering

1. Prepare detailed drawings.
2. Prepare technical specifications.
3. Prepare a tender package to solicit pricing from local Contractors.
4. Issue tenders, answer questions during the tender period and award the work.

2.04 Services to be Provided by Client for Detailed Design

1. Access to and, where necessary, copies of existing plans, profiles or other topographic information showing or pertaining to existing conditions within the Project area.
2. Registered legal plans, legal documents and surveys, where necessary, defining the property limits of land affected by the Project and as required in the acquisition of property and lands for the Project.
3. Specimen contract drawings for the guidance of the Consultant in the design of the Project to the standards required by the Client.
4. General direction of the Consultant in the provision of the services.
5. Arranging and making provision for the Consultant's entry and ready access to property (public and private) as well as to the site of the Project, as necessary to enable him to perform his services.
6. Designating in writing an individual to act as his Representative who will transmit instructions to and receive information from the Consultant.

2.05 Services to be Provided by Consultant for Contract Administration, Construction Inspection of the Project and Scada Programming

1. Administer the contract.
2. Conduct period inspections as the work progresses.
3. Prepare as-constructed drawings.
4. SCADA programming work to integrate the system changes.

2.06 Services to be Provided by Client for Contract Administration and Construction Inspection of the Project

1. General direction of the Consultant in the provision of services within reasonable time as necessary during the construction phase of the Project.

2.07 Milestones

The Consultant shall endeavour to perform the services set forth in paragraph 2.03 of this Agreement within four weeks following receipt of authorization to proceed.

ARTICLE 3 - FEES AND DISBURSEMENTS

3.1 Definitions

For the purpose of this Agreement, the following definitions shall apply:

(a) **Cost of the Work:**

(i) The "Cost of the Work" shall mean the total cost of the Project including all materials, equipment, sales taxes, labour and contractor's overhead and profit, necessary to complete the work for which the Consultant prepares designs, drawings or specifications, for which he is responsible. Where sales taxes are not included in the cost of the work, the fee shall be adjusted upwards by the factor equivalent to the sales taxes. The adjusted fee may be computed to the nearest one-tenth of one percent (1/10%).

(ii) Wherever the client furnishes labour or other service which is incorporated in the work, the current price of labour or other service when the work was executed shall be used to compute the Cost of the Work.

(iii) Whenever used materials or equipment is furnished by or on behalf of the Client, the fair market value of such materials or equipment, as though it was purchased new, shall be used to compute the Cost of the Work.

(iv) In computing the Cost of the Work, no deductions shall be made on account of any penalties or damages claimed by the Client from any contractor or on account of any other sum withheld from any contractor.

(v) The Cost of the Work shall not include any fees and disbursements due to the Consultant, the Client's engineering and office expenses, or cost of land.

(b) **Site:**

Site includes the actual work site and other locations where the checking of materials, equipment and workmanship is carried out.

3.2 Basis of Payment

3.2.1 Fees Calculated on a Percentage of Cost Basis

(Not Applicable)

3.2. 2 Fees Calculated on a Time Basis

The Client shall pay the Consultant a fee, calculated on a time basis, for that part of the Services described in Article 2. Fees on a time basis for all staff shall be hourly rates based on job classifications as follows:

a) Staff on normal assignments – Payroll Cost multiplied by a factor of 2.0.

b) Services During Construction:
   (i) For all services, except for staff full-time continuously on site – Payroll cost multiplied by a factor of 2.0.
   (ii) For site staff working full-time continuously – Payroll cost multiplied by a factor of 1.7.

For a project of over one (1) year duration, or for projects which become extended beyond one (1) year in duration, the consultant may from time to time seek approval from the client to adjust hourly rates and such approval shall not be unreasonably withheld.

Time Expended

All time expended on the assignment, whether in the Consultant's office, at the Client's premises, or elsewhere, and including travel time, shall be chargeable. This also includes, but is not limited to, stenographic and clerical staff engaged in the preparation of documents such as reports and specifications.

3.2.3 **Lump-Sum Fee / Negotiated Fee**

3.2.3.1 Lump-Sum Fee Basis

(Not Applicable)

3.2.4 **Reimbursable Expenses**

In addition to the fee, the Consultant shall be reimbursed at cost plus an administrative charge of 5%, plus the cost of additional insurance incurred by the Consultant, for all expenses properly incurred by him in connection with the project, including but not limited to: vehicle use charges, travelling and living expenses, advertising for tenders, overtime premium costs, and the cost of providing and maintaining site offices, supplies and equipment, chemical and physical tests and reproducing specifications and drawing sets.

3.2.4.1 In addition to the fee a communication/ Information Technology (IT) charge equal to 5% of invoiced labour costs will be charged to cover telephone charges, long distance telephone charges, facsimile transmission charges, printing and reproductions, progress photography, special delivery and express charges, postage and IT costs. The IT assessment shall include all information technology resources required for purposes of providing the services contemplated under this agreement, including: computer equipment/systems, computer software, computer supplies, networking (local and wide area), and labour associated with computer management, administration and support. Computer systems include all types of computers, such as: general purpose microcomputers, PC-CADD microcomputers, graphic design workstations, and notebooks. The cost for reproducing specifications and drawing sets shall not be included in this rate.

3.3 **Payment**

3.3.1 **Fees Calculated on a Time Basis**

The Consultant shall submit an invoice to the Client for all Services completed in the immediately preceding month. Interest at the annual rate of 12 percent (1 percent monthly) will be paid on the total outstanding unpaid balance commencing 30 days after the Client has received the Consultant's invoice.

3.3.2 **Fees Calculated on a Percentage of Cost Basis**

(Not Applicable)

3.3.3 **Lump Sum Fee/Negotiated Fee**

(Not Applicable)

ARTICLE 4 – GENERAL PROVISIONS

4.1 **Notices:** All notices under this Agreement shall be in writing. It shall be sufficient in all respects if the Notice is delivered by hand, sent by electronic means of sending messages, including facsimile transmission, which produces a paper record ("Transmission") during normal business hours, or sent by registered mail, postage prepaid, addressed to:

AECOM CANADA LTD.	CITY OF SAULT STE. MARIE ENGINEERING DEPARTMENT
523 Wellington Street East	99 Foster Drive, 5th Floor
Sault Ste. Marie, Ontario P6A 2M4	Sault Ste. Marie, Ontario P6A 5N1
Attn: Mr. Rick Talvitie	Attn: Ms. Catherine Taddo
Branch Manager	Land Development & Environmental Engineer
Phone: 705-942-2612	Phone: 705-759-5380
Fax No.: 705-942-3642	Fax: 705-541-7165

or to such other address as either Party shall have designated by written notice to the other Party. Any notice so given shall be deemed to have been given and to have been received on the day of delivery, if so delivered, on the third Business Day (excluding each day during which there exists any interruption of postal services due to strike, lockout or other cause) following the mailing thereof, if so mailed, and on the day that notice was sent by Transmission, provided such day is a Business Day (a Business Day being any day of the week save and except for Saturday and Sunday) and if not, on the first Business Day thereafter.

4.2 **Waiver of Rights:** Any waiver of, or consent to depart from, the requirements of any provision of this Agreement shall be effective only if it is in writing and signed by the Party giving it, and only in the specific instance and for the specific purpose for which it has been given. No failure on the part of any Party to exercise, and no delay in exercising, any right under this Agreement shall operate as a waiver of such right. No single or partial exercise of any such right shall preclude any other or further exercise of such right or the exercise of any other right.

4.3 **Applicable Law:** This Agreement shall be governed by, and interpreted and enforced in accordance with, the laws in the Province of Ontario and the laws of Canada, as applicable.

4.4 **Entire Agreement, Modifications, Headings, Severability:** The Parties acknowledge that this Agreement constitutes the entire Agreement between them and supersedes all prior representations, warranties, agreements, and understandings, oral or written, between the Parties with respect to its subject matter. Unless stated otherwise in this Agreement, this Agreement may not be modified except in writing signed by both Parties. The headings to this Agreement are for convenience and reference purposes only and shall not constitute a part of the Agreement. If any element of this Agreement is later held to violate the law or a regulation, it shall be deemed void, and all remaining provisions shall continue in force.

[Execution Page Follows]

IN WITNESS WHEREOF the parties have executed this Agreement on the date first written above.

AECOM CANADA LTD.
The signatory shall have the authority to bind the corporation for purposes of this Agreement

_____
(Signature)

_____
(Name)

_____
(Title)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE
The signatory shall have the authority to bind the municipality or its agency for purposes of this agreement

_____
MAYOR Mayor - Debbie Amaroso

_____
CLERK City Clerk - Malcolm White

SCHEDULE "A"

to Memorandum of Agreement

Dated the 25th day of June, 2013 A.D.

1. The estimated fees/upset fee limit for each phase of the project is as follows:

Description	Scope of Work	Estimated Fee incl. Disbursements
Detail Design and Tendering	As per Agreement	$13,000
Contract Administration	As per Agreement	$4,500
Scada Programming	As per Agreement	$7,000

Note:
(i) Fees exclude taxes.

2. A range of billing rates for each employee classification is as follows:

Classification	Billing Rate ($/hour)
Senior Engineer	120 - 200
Intermediate Engineer	90 - 120
Senior Technician	90 - 130
Intermediate Technician	60 - 90
Support Staff	50 - 65

10(b)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2013-128

AGREEMENT: (LE-80) A by-law to authorize the execution of an agreement between the City and 1584866 Ontario Inc. operating as The Algonquin Hotel as Licencee to grant to the Licencee the right to occupy the property of the City identified as a portion of the Pim Street boulevard.

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENT**

The Mayor and City Clerk are hereby authorized for and in the name of the Corporation to execute and affix the seal of the Corporation to a Licence to Occupy City Property Agreement dated July 15, 2013 between the City and 1584866 Ontario Inc. operating as The Algonquin Hotel as Licencee attached as Schedule "A" hereto. This agreement grants to the Licencee the right to occupy the property of the City identified as a portion of the Pim Street boulevard as identified on Schedule "A" attached to the said Licence to Occupy City Property.

2. **SCHEDULE "A"**

Schedule "A" forms part of this by-law.

3. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

PASSED in open Council this 15th day of July, 2013.

MAYOR - DEBBIE AMAROSO

CITY CLERK - MALCOLM WHITE

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

dd LEGAL\STAFF\BYLAWS\2013\2013-128 EXECUTION ALGONQUIN .DOC

10(b)

Schedule "A"

LE-80

LICENCE TO OCCUPY CITY PROPERTY

THIS LICENCE made in duplicate this 15th day of July, 2013.

B E T W E E N: **THE CORPORATION OF THE CITY OF SAULT STE. MARIE**
(herein referred to as the "City")

- and - **1584866 ONTARIO INC.**
operating as THE ALGONQUIN HOTEL
(herein referred to as the "Licencee")

The City grants to the Licencee the right to occupy the property of the City ("the City Property") identified as a portion of the Pim Street boulevard, in the City of Sault Ste. Marie, specifically as shown and identified on Schedule "A" attached to this Licence to Occupy City Property (the "Licence").

This Licence is subject to the conditions set out in Schedule "B" attached, which to the extent each condition is or becomes applicable, the Licencee covenants to observe for the period of one (1) year commencing on July 15, 2013 and thereafter from year to year until the Licence is terminated in accordance with Schedule "B".

In this Licence, "the City" means the "Council" of the City of Sault Ste. Marie and any person authorized to act on its behalf.

This Licence shall enure to the benefit of and be binding upon the parties hereto, their heirs, successors and assigns.

In witness thereof the parties hereto have affixed their hands and seals on the date written above.

SIGNED, SEALED AND DELIVERED)

1584866 ONTARIO INC. operating as THE ALGONQUIN HOTEL

_____
MARTIN FISER – PRESIDENT

I have authority to bind 1584866 ONTARIO INC.

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

_____
MAYOR – DEBBIE AMAROSO

_____
CITY CLERK – MALCOLM WHITE

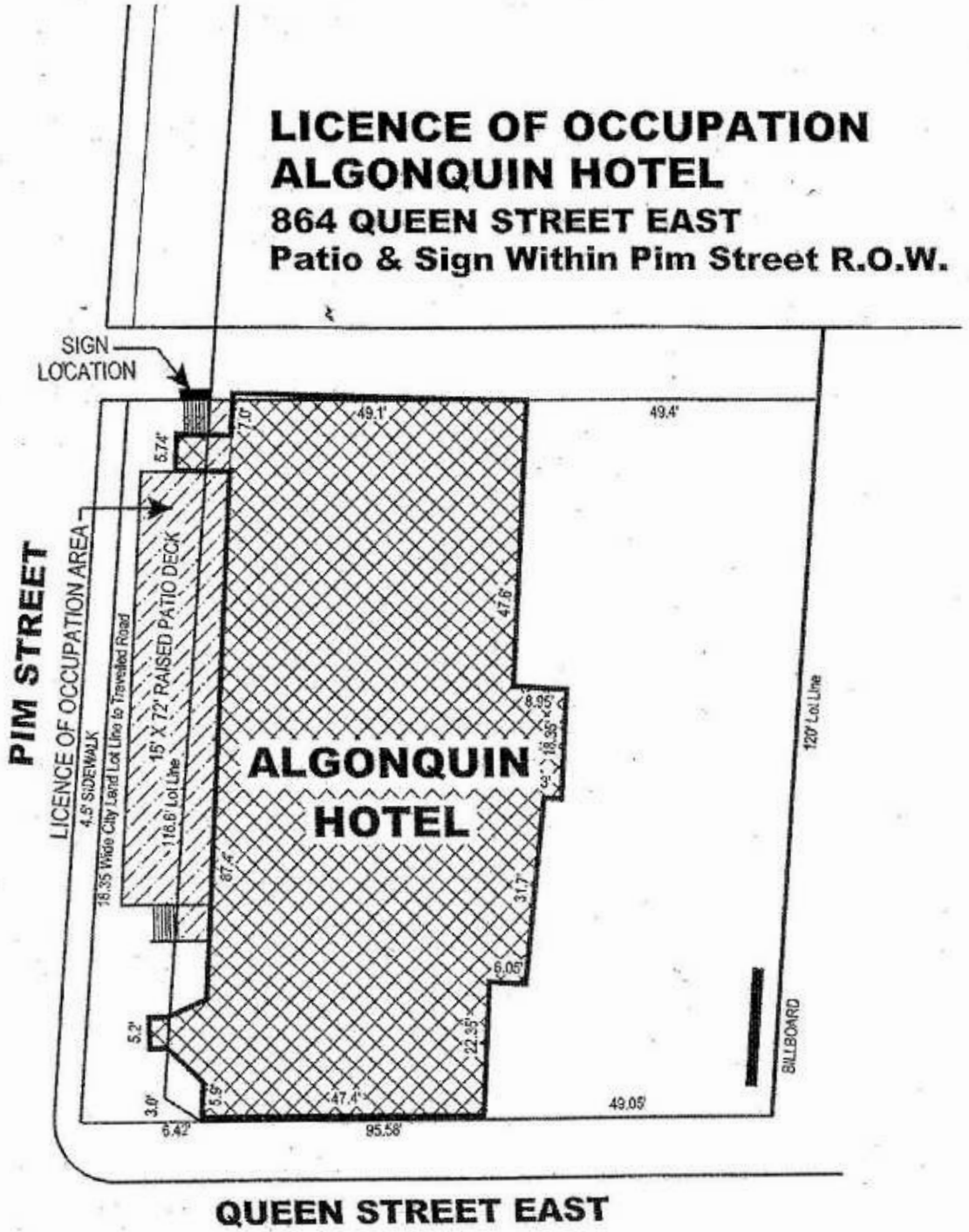
WE HAVE THE AUTHORITY TO BIND THE CORPORATION

10(b)

SCHEDULE "A" TO
LICENCE TO OCCUPY CITY PROPERTY

City Property

The City grants the Licencee the right to occupy that portion of the Pim Street Boulevard in the location as indicated on the map below, and subject to the conditions outlined in Schedule "B":



SCHEDULE "B"
LICENCE TO OCCUPY CITY PROPERTY

This Licence is subject to the following conditions:

1. The City hereby grants the Licencee permission to have a raised patio deck and a maximum seven (7') foot by four (4') foot sign (the "Sign") to be used for advertising for the Algonquin Hotel only, at the locations identified in Schedule "A" to this Licence Agreement ("City Property") for a period of one (1) year commencing on July 15, 2013 and thereafter from year to year until terminated (the "Term").

2. The City or the Licencee may cancel this agreement on giving six (6) months' written notice to the other party of their intention to do so. In the event that the City received complaints with regards to noise being generated from the raised patio deck, the City reserves the right to cancel this agreement on giving ten (10) days' written notice to the Licencee. Notices shall be deemed given if deposited in the mail with postage charges prepaid and addressed to the party for whom intended at such party's address herein specified:

   CITY
   City Solicitor
   The Corporation of the City of Sault Ste. Marie
   P.O. Box 580
   Sault Ste. Marie, Ontario
   P6A 5N1

   LICENCEE
   Algonquin Hotel
   864 Queen Street East
   Sault Ste. Marie, Ontario
   P6A 2B4

3. At no time shall the City be responsible for setting up, maintaining, removing or otherwise dealing with the raised patio deck, stairs or Sign. The Licencee shall be responsible for all costs, expenses and liabilities relating to the setup, presence, use and removal of all structures and signs located on the City Property. The Licencee shall indemnify and save harmless the City from any costs and expenses incurred by the City that may result from the setup, maintenance, removal and use of the patio deck and Sign and any other matters arising either directly or indirectly from this Agreement.

4. The Licencee represents and warrants that it has secured all necessary liquor license approvals for utilizing the raised patio deck during the Term.

5. The Licencee shall have full responsibility to ensure that it has satisfied all liquor licence requirements to utilize the City Property during the Term. At no time shall the City be responsible for any matters related to liquor licence requirements or approvals. The Licencee shall save harmless and fully indemnify the City from and against all losses, costs, damages and expenses of every kind or nature which the City may suffer, be at or be put to by reason of or in consequence of the noncompliance by the Licencee of such liquor licence requirements and/or approvals.

6. The Licencee shall comply with all Laws, By-Laws, Rules and Regulations of any governing body respecting the use of the City Property during the Term, and shall save harmless and fully indemnify the City from and against all losses, costs, damages and expenses, of every kind or nature which the City may suffer, be at or be put to by reason of or in consequence of the noncompliance by the Licencee with such Laws, By-Laws, Rules and Regulations.

7. The Licencee shall be liable for all taxes, permits, licences or assessments of every nature and kind whatsoever, in any way arising from the use of the City Property during the Term.

8. The Licencee shall indemnify and save harmless the City from all costs and expenses caused to or incurred by the City and from all claims and demands, awards, losses, costs, damages, actions, suits or other proceedings, by whomsoever made, brought or prosecuted, in any manner based upon, arising out of or connected with, the Licencee's use of the City Property, the intent being that the City shall be at no risk or expense to which it would not have been put had the use the City Property by the Licencee not occurred.

9. The Licencee shall not assign, transfer or make any other disposition of the Licence, or of the rights conferred thereby, without the prior written consent of the City.

10. If, at the sole discretion of the City and/or emergency personnel, the City and/or emergency personnel requires access to any portion of the City Property, such that removal of any portion or the entirety of the raised patio deck and/or Sign, the Licencee shall in no way restrict such access and the City and/or emergency personnel shall in no way be responsible for restoring the raised patio deck and/or Sign to its condition prior to such access and/or removal of the patio deck or Sign by the City and/or emergency personnel.

11. The Licencee shall not use or permit the use of the City Property for any purpose other than the purpose herein set out. The Licencee shall not erect any buildings or other structures on the City Property.

12. In the event that this Licence is terminated in accordance with paragraph 2, the provisions of paragraphs 3-11 inclusive of this Licence shall survive the termination of this Licence. All structures on the City Property shall be removed upon such termination.

13. The Licencee shall keep in force during the Term, property damage insurance and personal injury insurance against claims for bodily injury, death or property damage occurring on the City Property in an amount not less than Five Million ($5,000,00.00) Dollars and name the City as "Additional Insured" to same. Proof of said insurance shall be filed with the Legal Department of the City of Sault Ste. Marie.

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2013-134

AGREEMENT: (E2.3) A by-law to authorize the execution of an agreement between the City and AECOM Canada Ltd. for engineering services for the forcemain condition assessment for an engineering fee estimate of Twenty-Nine Thousand Nine Hundred Dollars $29,900 (excluding HST).

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENT**

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 agreement in the form of Schedule "A" attached and dated the 15th day of July, 2013 and made between the City and AECOM Canada Ltd. for engineering services for the forcemain condition assessment for an engineering fee estimate of Twenty-Nine Thousand Nine Hundred Dollars $29,900 (excluding HST).

2. **SCHEDULE "A"**

Schedule "A" attached forms part of this by-law.

3. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

PASSED in open Council this 15th day of July, 2013.

_____

MAYOR – DEBBIE AMAROSO

_____

CITY CLERK – MALCOLM WHITE

da LEGAL\STAFF\BYLAWS\2013\2013-134 EXECUTION OF AECOM AGREEMENT FORCEMAIN CONDITION ASSESSMENT.DOC

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

Schedule "A"

AGREEMENT

FOR

PROFESSIONAL CONSULTING SERVICES

MEMORANDUM OF AGREEMENT dated the 15th day of July, 2013

-BETWEEN-

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

(Hereinafter called the 'Client')

THE PARTY OF THE FIRST PART

-AND-

AECOM CANADA LTD.

(Hereinafter called the 'Consultant')

THE PARTY OF THE SECOND PART

WHEREAS the Client intends to undertake a condition assessment of 450 mm forcemain on Queen Street East.

AND WHEREAS the Consultant agrees to provide the requested services;

NOW THEREFORE WITNESSETH that in consideration of the covenants contained herein, the Client and the Consultant mutually agree as follows:

ARTICLE 1 - GENERAL CONDITIONS

1.01 Retainer

The Client hereby retains the services of the Consultant in connection with the Project and the Consultant hereby agrees to provide the services described herein under the general direction and control of the Client.

In this Agreement the word Consultant shall mean professionals and other specialists engaged by the Client directly and whose names are party to this Agreement.

1.02 Services

The services to be provided by the Consultant and by the Client for the Project are set forth in Article 2 and such services as changed, altered or added to under Section 1.08 are hereinafter called the 'Services'.

1.03 Compensation

The Client shall pay the Consultant in accordance with the provisions set forth in Article 3. For purposes of this agreement, the basis of payment shall be as specified in Article 3.

1.04 Staff and Methods

The Consultant shall perform the services under this agreement with that degree of care, skill and diligence normally provided in the performance of such services as contemplated by the Agreement at the time such services are rendered and as required by the Professional Engineers Act (RSO 1990, Chapter P. 28) and regulations therein. The Consultant shall employ only competent staff who will be under the supervision of a senior member of the Consultant's staff.

1.05 Drawings and Documents

Subject to Section 3.2.4 of Article 3, drawings and documents or copies thereof required for the Project shall be exchanged between the parties on a reciprocal basis. Documents prepared by the Consultant for the Client, including record drawings, may be used by the Client, for the Project herein described. In accordance with Article 1.06, the Client shall indemnify the Consultant for any loss or damage suffered by the Client or any third parties resulting from any unauthorized use of the documents and deliverables

1.06 Intellectual Property

All concepts, products or processes produced by or resulting from the Services rendered by the Consultant in connection with the Project, or which are otherwise developed or first reduced to practice by the Consultant in the performance of his Services, and which are patentable, capable of trademark or otherwise, shall be considered as Intellectual Property and remain the property of the Consultant.

The Client shall have permanent non-exclusive royalty-free license to use any concept, product or process, which is patentable, capable of trademark or otherwise produced by or resulting from the Services rendered by the Consultant in connection with the Project and for no other purpose or project.

1.07 Records and Audit

(a) In order to provide data for the calculation of fees on a time basis, the Consultant shall keep a detailed record of the hours worked by staff employed for the Project.

(b) The Client may inspect timesheets and record of expenses and disbursements of the Consultant during regular office hours with respect to any item which the Client is required to pay on a time scale or disbursement basis as a result of this Agreement.

(c) The Consultant, when requested by the Client, shall provide copies of receipts with respect to any disbursement for which the Consultant claims payment under this Agreement.

1.08 Changes and Alterations and Additional Services

With the consent of the Consultant the Client may in writing at any time after the execution of the Agreement or the commencement of the Services delete, extend, increase, vary or otherwise alter the Services forming the subject of the Agreement, and if such action by the Client necessitates additional staff or services, the Consultant shall be paid in accordance with Section 3.2.1 for such additional staff employed directly thereon, together with such expenses and disbursements as allowed under Section 3.2.4. In the event that the Client delays the project then the Consultant shall have the right to renegotiate the agreement.

1.09 Suspension or Termination

Either party may at any time by notice in writing to the other party, suspend or terminate the Services or any portion thereof at any stage of the project. Upon receipt of such written notice, the Consultant shall perform no further Services other than those reasonably necessary to close out his Services. In such an event, the Consultant shall be entitled to payment in accordance with Section 3.2. for any of the Consultant's staff employed directly thereon together with such expenses and disbursements allowed under Section 3.2.

If the Consultant is practicing as an individual and dies before his Services have been completed, this Agreement shall terminate as of the date of his death, and the Client shall pay for the Services rendered and disbursements incurred by the Consultant to the date of such termination.

1.10 Indemnification

The Consultant shall indemnify and save harmless the Client from and against all claims, actions, losses, expenses, costs or damages of every nature and kind whatsoever which the Client, his employees or officers may suffer, to the extent the Consultant is legally liable as a result of the negligent acts of the Consultant, its employees or officers in the performance of this Agreement. Notwithstanding anything to the contrary, the Consultant shall not be responsible for any loss, damage, or liability to the extent arising from any contributing negligent acts by the Client, or its subcontractors, agents, employees or consultants.

The Client agrees to hold harmless, indemnify and defend the Consultant from and against any and all claim, losses, damages, liability and costs of defense arising out of or in any way connected with the presence, discharge, release or escape of contaminants of any kind, excluding only such liability as may arise out of the negligent acts of the Consultant in the performance of consulting services to the Client within this project.

Neither party shall be responsible to the other for any special, incidental, indirect, consequential, financial and non-material damages of any kind whatsoever arising out of or related to or arising from said party's obligations under the Agreement or the breach thereof.

1.11 Insurance

The Client will accept the insurance coverage amount specified in this clause section 1.11 as the aggregate limit of liability of the Consultant and its employees for the Client's damages.

a) Comprehensive General Liability and Automobile Insurance

The Insurance Coverage shall be $2,000,000 per occurrence and in the aggregate for general liability and $2,000,000 for automobile insurance. When requested the Consultant shall provide the Client with proof of Comprehensive General Liability and Automobile Insurance (Inclusive Limits) for both owned and non-owned vehicles.

b) Professional Liability Insurance

The Insurance Coverage shall be in the amount of $2,000,000 per claim and in the aggregate. When requested, the Consultant shall provide to the Client proof of Professional Liability Insurance carried by the Consultant, and in accordance with the *Professional Engineers Act* (RSO 1990, Chapter P. 28) and regulations therein.

c) Change in Coverage

If the Client requests to have the amount of coverage increased or to obtain other special insurance for this Project then the Consultant shall endeavour forthwith to obtain such increased or special insurance at the Client's expense as a disbursement allowed under Section 3.2.

It is understood and agreed that the coverage provided by these policies will not be cancelled by the Consultant until thirty (30) days after written notice of cancellation has been delivered to the Client.

1.12 Contracting for Construction

Neither the Consultant nor any person, firm or corporation associated or affiliated with or subsidiary to the Consultant shall tender for the construction of the Project, or have an interest either directly or indirectly in the construction of the Project.

1.13 Assignment

The Consultant shall be entitled at anytime to assign this Agreement to any of its subsidiaries or affiliates upon written notice to client.

1.14 Previous Agreements

This Agreement supersedes all previous agreements, arrangements or understandings between the parties whether written or oral in connection with or incidental to the Project.

1.15 Approval by Other Authorities

Unless otherwise provided in this Agreement, where the work of the Consultant is subject to the approval or review of an authority, department of government, or agency other than the Client, such applications for approval or review shall be the responsibility of the Consultant, but shall be submitted through the offices of the Client and unless authorized by the Client in writing, such applications for approval or review shall not be obtained by direct contact by the Consultant with such other authority, department of government or agency.

1.16 Principals and Executives

The use of Principals and Executives on a time basis by the Consultant, will be in accordance with Section 1.23.1 (c).

1.17 Sub-Consultants

The Consultant may engage others as sub-consultants for specialized services provided that prior approval is obtained, in writing, from the Client and may add a mark-up of not more than 5% of the cost of such services to cover office administration costs when claiming reimbursement from the Client plus the cost of the additional insurance incurred by the Consultant for the specialized services.

1.18 Inspection

The Client, or persons authorized by the Client, shall have the right, at all reasonable times, to inspect or otherwise review the Services performed, or being performed, under the Project and the premises where they are being performed.

1.19 Publication

The Consultant agrees to obtain the consent in writing of the Client before publishing or issuing any information regarding the Project.

1.20 Confidential Data

The Consultant shall not divulge any specific information identified as confidential, communicated to or acquired by him, or disclosed by the client in the course of carrying out the Services provided for herein. These obligations of confidentiality shall not apply to information which is in the public domain, which is provided to the Consultant by a third party without obligation of confidentiality which is independently developed by the Consultant without access to the Client's information, or which is

required to be disclosed by law or by court order. No such information shall be used by the Consultant on any other project without the approval in writing of the Client.

1.21 Dispute Resolution

(a) If requested in writing by either the Client or the Consultant, the Client and the Consultant shall attempt to resolve any dispute between them arising out of or in connection with this Agreement by entering into structured non-binding negotiations with the assistance of a mediator on a without prejudice basis. The mediator shall be appointed by agreement of the parties. If a dispute cannot be settled within a period of ninety (90) calendar days with the mediator, the dispute shall be referred to and finally resolved by arbitration under the rules of the province having jurisdiction or by an arbitrator appointed by the agreement of the parties.

(b) No person shall be appointed to act as mediator or arbitrator who is in any way interested, financially or otherwise, in the conduct of the work on the Project or in the business or other affairs of either the Client or the Consultant.

(c) The provisions of *The Arbitration Act*, S.O., 1991, Chapter 17, as amended shall apply.

1.22 Time

The Consultant shall perform the Services expeditiously to meet the requirements of the Client and shall complete any portion or portions of the Services in such order as the Client may require.

The Client shall give due consideration to all designs, drawings, plans, specifications, reports, tenders, proposals and other information submitted by the Consultant, and shall make any decisions which he is required to make in connection therewith within a reasonable time so as not to delay the work of the Consultant.

Neither party shall be liable or penalized for delays or failure to perform its services if same is caused directly or indirectly by circumstances beyond a party's reasonable control.

1.23 Estimates, Schedules and Staff List

1.23.1 Preparation of Estimate of Fees, Schedule of Progress and Staff List

When requested by the Client, and where payment is calculated on a time basis, the Consultant shall provide, for approval by the Client:

(a) An estimate of the total fees to be paid for the Services.

(b) A Schedule showing an estimate of the portion of the Services to be completed in each month and an estimate of the portion of the fee which will be payable for each such month.

(c) A Staff list showing the number, classifications and hourly rate ranges for staff, Principals and Executives, for which the Consultant will seek payment on a time basis. The Consultant shall relate such information to the particular type of work that such staff is to perform, while employed on the Project. Such list shall designate the member of the Consultant's staff who is to be the liaison person between the Consultant and the Client.

1.23.2 Subsequent Changes in the Estimate of Fees, Schedule of Progress and Staff List

The Consultant will require prior written approval, from the Client for any of the following changes:

(a) Any increase in the estimated fees beyond those approved under Subsection 1.23.1 (a).

(b) Any change in the schedule at progress which results in a longer period than provided in Subsection 1.23.1 (b).

(c) Any change in the number, classification and hourly rate ranges of the staff provided under Subsection 1.23.1 (c).

1.23.3 Monthly Reporting of Progress

When requested by the Client, the Consultant shall provide the Client with a written report showing the portion of the Services completed in the preceding month.

1.24 **Additional Conditions**

ARTICLE 2 - SERVICES

2.01 The Consultant shall provide services for the condition assessment of 450 mm forcemain from the River Road Pumping Station to the East End Water Pollution Control Plant in accordance with the attached Memorandum from Chris Macey dated June 24, 2013.

2.02 Client's Services for Planning and Preliminary Design Services

The Client shall provide the Consultant with the following, unless already provided:

1. Copies of available information, investigations/studies undertaken for or related to the Work.
2. Access to and the use of existing plans, profiles, utility information, legal documents (plans), reports and correspondence relevant to the Project.
3. General direction of the Consultant in the provision of services and approvals within reasonable time as necessary during the currency of this agreement.

The Consultant shall be entitled to rely upon the information, direction and approvals provided by the Client pursuant to clauses (l) to (3) hereof, inclusive, as being accurate, in the performance of the Consultant's services under this Agreement.

2.03 Services to be Provided by Consultant for Detailed Design and Tendering

N/A

2.04 Services to be Provided by Client for Detailed Design

N/A

2.05 Services to be Provided by Consultant for Contract Administration and Construction Inspection of the Project

N/A

2.06 Services to be Provided by Client for Contract Administration and Construction Inspection of the Project

N/A

2.07 Milestones

The Consultant shall endeavour to perform the services set forth in paragraph 2.01 of this Agreement by October 31, 2013.

ARTICLE 3 - FEES AND DISBURSEMENTS

3.1 Definitions

For the purpose of this Agreement, the following definitions shall apply:

(a) **Cost of the Work:**

(i) The "Cost of the Work" shall mean the total cost of the Project including all materials, equipment, sales taxes, labour and contractor's overhead and profit, necessary to complete the work for which the Consultant prepares designs, drawings or specifications, for which he is responsible. Where sales taxes are not included in the cost of the work, the fee shall be adjusted upwards by the factor equivalent to the sales taxes. The adjusted fee may be computed to the nearest one-tenth of one percent (1/10%).

(ii) Wherever the client furnishes labour or other service which is incorporated in the work, the current price of labour or other service when the work was executed shall be used to compute the Cost of the Work.

(iii) Whenever used materials or equipment is furnished by or on behalf of the Client, the fair market value of such materials or equipment, as though it was purchased new, shall be used to compute the Cost of the Work.

(iv) In computing the Cost of the Work, no deductions shall be made on account of any penalties or damages claimed by the Client from any contractor or on account of any other sum withheld from any contractor.

(v) The Cost of the Work shall not include any fees and disbursements due to the Consultant, the Client's engineering and office expenses, or cost of land.

(b) **Site:**

Site includes the actual work site and other locations where the checking of materials, equipment and workmanship is carried out.

3.2 Basis of Payment

3.2.1 Fees Calculated on a Percentage of Cost Basis

(Not Applicable)

3.2. 2 Fees Calculated on a Time Basis

The Client shall pay the Consultant a fee, calculated on a time basis, for that part of the Services described in Article 2. Fees on a time basis for all staff shall be hourly rates based on job classifications as follows:

a) Staff on normal assignments – Payroll Cost multiplied by a factor of 2.0.

b) Services During Construction:
   (i) For all services, except for staff full-time continuously on site – Payroll cost multiplied by a factor of 2.0.
   (ii) For site staff working full-time continuously – Payroll cost multiplied by a factor of 1.7.

For a project of over one (1) year duration, or for projects which become extended beyond one (1) year in duration, the consultant may from time to time seek approval from the client to adjust hourly rates and such approval shall not be unreasonably withheld.

Time Expended

All time expended on the assignment, whether in the Consultant's office, at the Client's premises, or elsewhere, and including travel time, shall be chargeable. This also includes, but is not limited to, stenographic and clerical staff engaged in the preparation of documents such as reports and specifications.

3.2.3 Lump-Sum Fee / Negotiated Fee

3.2.3.1 Lump-Sum Fee Basis

(Not Applicable)

3.2.4 Reimbursable Expenses

In addition to the fee, the Consultant shall be reimbursed at cost plus an administrative charge of 5%, plus the cost of additional insurance incurred by the Consultant, for all expenses properly incurred by him in connection with the project, including but not limited to: vehicle use charges, travelling and living expenses, advertising for tenders, overtime premium costs, and the cost of providing and maintaining site offices, supplies and equipment, chemical and physical tests and reproducing specifications and drawing sets.

3.2.4.1 In addition to the fee a communication/ Information Technology (IT) charge equal to 5% of invoiced labour costs will be charged to cover telephone charges, long distance telephone charges, facsimile transmission charges, printing and reproductions, progress photography, special delivery and express charges, postage and IT costs. The IT assessment shall include all information technology resources required for purposes of providing the services contemplated under this agreement, including: computer equipment/systems, computer software, computer supplies, networking (local and wide area), and labour associated with computer management, administration and support. Computer systems include all types of computers, such as: general purpose microcomputers, PC-CADD microcomputers, graphic design workstations, and notebooks. The cost for reproducing specifications and drawing sets shall not be included in this rate.

3.3 Payment

3.3.1 Fees Calculated on a Time Basis

The Consultant shall submit an invoice to the Client for all Services completed in the immediately preceding month. Interest at the annual rate of 12 percent (1 percent monthly) will be paid on the total outstanding unpaid balance commencing 30 days after the Client has received the Consultant's invoice.

3.3.2 Fees Calculated on a Percentage of Cost Basis

(Not Applicable)

3.3.3 Lump Sum Fee/Negotiated Fee

(Not Applicable)

ARTICLE 4 – GENERAL PROVISIONS

4.1 **Notices:** All notices under this Agreement shall be in writing. It shall be sufficient in all respects if the Notice is delivered by hand, sent by electronic means of sending messages, including facsimile transmission, which produces a paper record ("Transmission") during normal business hours, or sent by registered mail, postage prepaid, addressed to:

AECOM CANADA LTD.	CITY OF SAULT STE. MARIE ENGINEERING DEPARTMENT
523 Wellington Street East	99 Foster Drive, 5th Floor
Sault Ste. Marie, Ontario P6A 2M4	Sault Ste. Marie, Ontario P6A 5N1
Attn: Mr. Rick Talvitie	Attn: Mr. Don Elliott
Branch Manager	Director of Engineering Services
Phone: 705-942-2612	Phone: 705-759-5329
Fax No.: 705-942-3642	Fax: 705-541-7165

or to such other address as either Party shall have designated by written notice to the other Party. Any notice so given shall be deemed to have been given and to have been received on the day of delivery, if so delivered, on the third Business Day (excluding each day during which there exists any interruption of postal services due to strike, lockout or other cause) following the mailing thereof, if so mailed, and on the day that notice was sent by Transmission, provided such day is a Business Day (a Business Day being any day of the week save and except for Saturday and Sunday) and if not, on the first Business Day thereafter.

4.2 **Waiver of Rights:** Any waiver of, or consent to depart from, the requirements of any provision of this Agreement shall be effective only if it is in writing and signed by the Party giving it, and only in the specific instance and for the specific purpose for which it has been given. No failure on the part of any Party to exercise, and no delay in exercising, any right under this Agreement shall operate as a waiver of such right. No single or partial exercise of any such right shall preclude any other or further exercise of such right or the exercise of any other right.

4.3 **Applicable Law:** This Agreement shall be governed by, and interpreted and enforced in accordance with, the laws in the Province of Ontario and the laws of Canada, as applicable.

4.4 **Entire Agreement, Modifications, Headings, Severability:** The Parties acknowledge that this Agreement constitutes the entire Agreement between them and supersedes all prior representations, warranties, agreements, and understandings, oral or written, between the Parties with respect to its subject matter. Unless stated otherwise in this Agreement, this Agreement may not be modified except in writing signed by both Parties. The headings to this Agreement are for convenience and reference purposes only and shall not constitute a part of the Agreement. If any element of this Agreement is later held to violate the law or a regulation, it shall be deemed void, and all remaining provisions shall continue in force.

[Execution Page Follows]

IN WITNESS WHEREOF the parties have executed this Agreement on the date first written above.

AECOM CANADA LTD.
The signatory shall have the authority to bind the corporation for purposes of this Agreement

_____
(Signature)

_____
(Name)

_____
(Title)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE
The signatory shall have the authority to bind the municipality or its agency for purposes of this agreement

_____
MAYOR DEBBIE AMAROSO

_____
CLERK

SCHEDULE "A"

to Memorandum of Agreement
Forcemain Condition Assessment

Dated the 15th day of July, 2013

1. The estimated fees/upset fee limit for each phase of the project is as follows:

Description	Scope of Work	Estimated Fee	Upset Fee Limit	Estimated Disbursements
Assessment	Memorandum dated June 24, 2013		$29,900	$3,500

Note:
(i) Fees excludes taxes.

2. A range of billing rates for each employee classification is as follows:

Classification	Billing Rate ($/hour)	Anticipated Staff Allocation to this Project
Senior Engineer	120 - 250	2
Intermediate Engineer	90 - 120	1
Senior Technician	90 - 130	2
Intermediate Technician	60 - 90	1
Support Staff	50 - 65	2

10(C)

AECOM
99 Commerce Drive
Winnipeg, MB, Canada R3P 0Y7
www.aecom.com

204 477 5381 tel
204 284 2040 fax

Memorandum

To	Rick Talvite, P. Eng	Page	1
CC			
Subject	450 mm Forcemain on Queen Street East Sault Ste. Marie, ON Initial Condition Assessment Program		
From	Chris Macey - AECOM		
Date	June 24, 2013	Project Number	BD

Understanding

The Queen Street East Forcemain is a 450 mm diameter forcemain about 1.15 km in length. The original construction drawings indicate a design dated 1964 that was updated to an As-constructed drawing in 1968. The pipe is not reported to have any maintenance history of note to date. As the pipe is in excess of 45 years of age, the Owner wishes to gain some better insight into the condition of the forcemain.

The record drawings note that the forcemain is constructed of "wound" cylinder pipe. Based on the notations on the drawing, the pipe appears to be a Class 100, "bar" wrapped cylinder pipe which conforms to AWWA C303. Further information provided by the City indicates that they believe the pipe may be an AWWA C302 pipe (Reinforced concrete – non-cylinder type) as opposed to a C303 pipe. While C302 and C303 are markedly different pipes, the assessment approach would be similar for either pipe.

As per our previous memorandum, we would recommend a staged approach to ascertain the pipe's condition, which in the initial stages will characterize the exposure conditions for the pipe relative the known factors that can cause it to deteriorate, categorize these risks and recommend steps and timing that would be prudent for a more advanced or definitive determination of condition.

Note that this pipe material is believed to be either an AWWA C302 or C303 pipe not a C301 pipe. Therefore, advanced technologies such as remote field transformer coupling technology (RFTC) would likely be of very limited value to be used as screening technology, either initially or at an advanced stage. RFTC uses electromagnetic techniques which are very expensive but can be very useful to deploy in AWWA C301 pipe, as they can detect the presence of broken wire zones in the prestressing wire (as long as they don't occur in proximity to the joint) which is usually an early stage of deterioration in C301 pipe (the 2nd stage after breakdown of the exterior mortar coating). The loss of prestressing wire in C301 pipe leads to a loss of compression in the core of the pipe, which is a critical design requirement for C301 pipe. In either C302 or C303 pipe, the reinforcing scheme does

not use prestressed wire and the designs are not premised on keeping the core concrete in compression. Their predominate failure modes are radically different than C301 pipe.

C302 pipe is reinforced concrete pressure pipe – non-cylinder type. It is a rigid pipe and needs to have very strict limits placed on crack control in the concrete for serviceability as the hydrostatic integrity of the pipe is achieved through the concrete wall. Leakage testing can often be an effective tool to infer condition of the pipe.

C303 is a reinforced concrete pipe with a steel cylinder to provide hydrostatic integrity for the pipe. It is a semi-rigid pipe that needs to achieve reasonably high levels of crack control in its exterior coating for corrosion protection of its reinforcing steel (i.e. to preserve design life). Its reinforcing schemes are markedly different than either C301 or C302 pipe. Its external condition is not well assessed through either leak detection or RFTC.

As the cost of any advanced tools that are deployed within the pipe is both very expensive and has considerable risk in deployment, we recommend using a staged approach to initially characterize failure consequence and initial failure probability based on a review of internal and external exposure conditions prior to initiating the use of more advanced techniques. Further we would recommend securing some point observations of condition prior to trying to deploy a continuous assessment technology, should the initial screening indicate acceptable risk levels for same.

The need and feasibility of using advanced techniques with continuous assessment capability would be better understood after this initial assessment as well as a recommended timing for same based on the determination of site specific risk conditions. This approach is consistent with the most current AWWA Recommended Practice for Condition Assessment for PCCP and in the initial stages would be applicable to either AWWA C302 and/or C303 pipe as well.

The staged approach proposed in our previous Memorandum was developed on the assumption that drill rigs were readily available to be deployed at the site. Based on the last correspondence, it was noted that a drill rig is not locally available in the Sault Ste. Marie area; therefore, a geotechnical boring program in advance of testholes was not a cost effective approach. Further, records were located of the original geotechnical investigations for the area were located, sufficient to carry out a more detailed review of soil conditions in the office review phase. A recommended revised approach for the program, therefore, follows.

Condition Assessment Program

Task 1 Compile and review existing records and initial assessment of risk factors

This would include compiling and reviewing the existing construction drawings, the geotechnical reports in support of initial construction, regional geotechnical drawings, etc. Based on the record drawings previously provided, the pipe notations are consistent with the pipe being an AWWA C303 pipe as opposed to an AWWA C302 pipe; however, it is essential to confirm pipe material to carry out the initial assessment.

To confirm pipe material in Task 1, the following would be carried out:

- Confirm as-built drawing nomenclature with the design basis for the pipes. C303, for example, is commonly designated with a Class 100, Class 150 designation referring tothe pressure class of the product. C302, on the other hand, is generally intended for lower pressure applications and more commonly designated by a structural limit state similar to the manner that ASTM C76 pipe is specified (e.g. Class III, Class IV, etc., which are class designations that relate to the strength of the pipe in a three-edge bearing test).

- Review internal AECOM records and any other City records that can be made available to ascertain product, original design details.

- Contact select pipe manufacturers whose legacy companies manufactured AWWA C302 and C303 pipe to see if they have any record of the project as well to see if original laying schedules could be located. This would include making enquiries through Hanson Pressure Pipe (predominate supplier of C303 pipe in the Canadian market through its St. Eustache, QC facility), Munro Concrete (predominate manufacturer of C302 pipe both currently and historically) and the Ontario Concrete Pipe Association (OCPA).

The remaining sub-tasks for Task 1 would include:

- The operating conditions for the pipe would be reviewed and an initial assessment of applied loads versus pipe capacity would be made.

- Relevant characteristics of the raw waste stream data would be reviewed and the potential for internal degradation would be assessed.

- The profile of the pipe would be reviewed in conjunction with the flow rates and the "as-built" profiles in the line to assess the effectiveness of the pipe at expelling air including the spatial variation of risk exposure to air accumulation. A simplified transient model would be developed to examine air management characteristics and rationalize extreme short term over pressure exposure.

- The original geotechnical reports would be reviewed to in conjunction with Regional soil mapping to infer relevant soil chemistry and electrochemistry characteristics that contribute to the deterioration of C302 and/or C303 pipe.

A preliminary assessment would then be made of risk factors (e.g. potential deteriorating mechanisms and exposure factors versus the known material degradation drivers for the pipe) and the pipe's sensitivity to deterioration (e.g. the pipe's ability to withstand applied loads versus an estimate of the actual applied loads).

Based on the available information we would recommend proceeding to a test pit program directly, irrespective of whether the pipe is an AWWA C302 or C303 pipe. Based on the inferred condition and structural characteristics of the pipe, input would be provided into the protocol for the test hole program.

Task 2 A test pit program would then be initiated based on the assumption that at least two locations could safely be exposed.

We would assume that the City operational staff could expose the pipe and secure the locations to permit visual assessment of the pipe's exterior. Ideally pipe joints should be

exposed (the ability to do this with certainty would be dependent on whether laying schedules could be located or not) as joint locations are a higher risk location for deterioration.

Local assessment at each test pit would include:

- Visual classification of native soil and groundwater conditions and classifying native soils in conformance with ASTM D2488 (Standard Practice for Description and Identification of Soils (Visual-Manual Procedure).
- Visual classification of concrete integrity
- In-place soil resistivities
- Pipe to soil potential measurements
- Securing of soil and groundwater (if available) samples for electrochemical and chemical testing
- Securing of mortar samples (only if evidence of deterioration was present).

The excavations would need a standard excavation protocol developed to mitigate the risk associated with inadvertent damage to the pipe as well as sequentially exposing the pipe in a manner that would permit the excavation to be abandoned should a more advanced state of deterioration be found to exist. The excavation protocol would consider the applied loads to the pipe versus its structural capacity as determined in the initial stage of the program.

Laboratory testing would include determination of:

- Sulphate levels (soil and groundwater)
- Chloride levels (soil and groundwater)
- Sodium abortion rate (SAR) (soil)
- Resistivity (as-delivered and saturated) (soil)
- Redox potential (soil)
- Sulphide levels (soil)
- Moisture contents

Task 3 The results of Tasks 1 and 2 would be used to assess the physical condition of the pipe and rationalize its current risk for short term and longer term deterioration based on:

- Exposure conditions versus the pipe material
- Observed physical condition
- Applied loads versus the pipe's serviceability and structural limit states
- Consideration of present and future land use to assess the potential for deterioration factors that may change over time.

The physical condition would be reported with certainty limits to as great a degree as possible which would be derived by the nature of the deterioration factors present, the completeness of the historical record, the variability of the results, and the degree of coverage that the investigation was based on.

The results of the screening program would ascertain, with certainty whether continuous inspection tools should be deployed in the short term or longer term (as a long term objective in condition assessment for the forcemain). Based on the forcemain's unique exposure risks, an appropriate technology would be identified for longer term assessment.

AECOM

Estimated Cost

The estimated cost for the type of program would be as follows:

- Task 1 ~ $13.5 k
- Task 2 ~ if the City can support the excavations and get us in the hole, our costs are $8.6 k (includes an allowance of $2000 for travel for outside inspector and $1500 for 3rd party lab tests)
- Task 3 ~ Analytical phase is in the $7.8 k

The first task has been expanded somewhat to include some transient modeling and can be done by itself and will put into clear perspective whether the pipe was designed very conservatively (and can accommodate a lot of deterioration) or very close to its one of its limit states – especially a serviceability limit state; in which case it wouldn't tolerate much deterioration or would be very susceptible to deterioration at very low exposure levels. In order to understand the potential for deterioration with more certainty we will need to get some clarity on the external exposure conditions and that means getting some soil and groundwater samples and having them analysed.

Trusting this is satisfactory at this time. Any queries, please don't hesitate to contact me.

Regards,

C.C. Macey

10(d)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2013-135

AGREEMENT: (LE-112) A by-law to authorize the execution of a Licence Agreement between the City and The Ukrainian Catholic Episcopal Corporation of Eastern Canada to permit a sign to be placed on a portion of City Property located directly west of 293 St. Georges Avenue East and abutting St. Georges Avenue.

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, C. 25, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENT**

   The Mayor and City Clerk are hereby authorized for and in the name of the Corporation to execute and affix the seal of the Corporation to a Licence to Occupy City Property Agreement dated July 15, 2013, and made between the City and The Ukrainian Catholic Episcopal Corporation of Eastern Canada to permit a sign to be located on a portion of City Property located directly west of 293 St. Georges Avenue East and abutting St. Georges Avenue.

2. **SCHEDULE "A"**

   Schedule "A" forms part of this by-law.

3. **EFFECTIVE DATE**

   This by-law takes effect on the day of its final passing.

PASSED in open Council this 15th day of July, 2013.

_____

MAYOR – DEBBIE AMAROSO

_____

CITY CLERK – MALCOLM WHITE

cf LEGAL\STAFF\BYLAWS\2013\2013-135 Ukrainian Church

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CITY SOLICITOR

10(d)

Schedule "A"

LE-112

LICENCE TO OCCUPY CITY PROPERTY

THIS LICENCE made in duplicate this 15th day of July, 2013.

BETWEEN: **THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

(herein referred to as the "City")

- and - **THE UKRAINIAN CATHOLIC EPISCOPAL CORPORATION OF EASTERN CANADA**

(herein referred to as the "Licencee")

The City grants to the Licencee the right to occupy a portion of the property of the City located directly west of 293 St. Georges Avenue East, specifically as described, marked and identified on Schedule "A" attached to this Licence to Occupy City Property (the "City Property").

This Licence is subject to the conditions set out in Schedule "B" attached, which to the extent each condition is or becomes applicable, the Licencee covenants to observe for the period of one (1) year commencing July 15, 2013 and thereafter from year to year until terminated as provided in Schedule "B".

In this Licence, the "City" means the "Council" of the City of Sault Ste. Marie and any person authorized to act on its behalf.

This Licence shall enure to the benefit of and be binding upon the parties hereto, their heirs, successors and assigns.

In witness thereof the parties hereto have affixed their hands and seals on the date written above.

SIGNED, SEALED AND DELIVERED)

THE UKRAINIAN CATHOLIC EPISCOPAL CORPORATION OF EASTERN CANADA

____

FATHER JAROSLAW LAZORYK

I HAVE AUTHORITY TO BIND THE CORPORATION.

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

____

MAYOR – DEBBIE AMAROSO

____

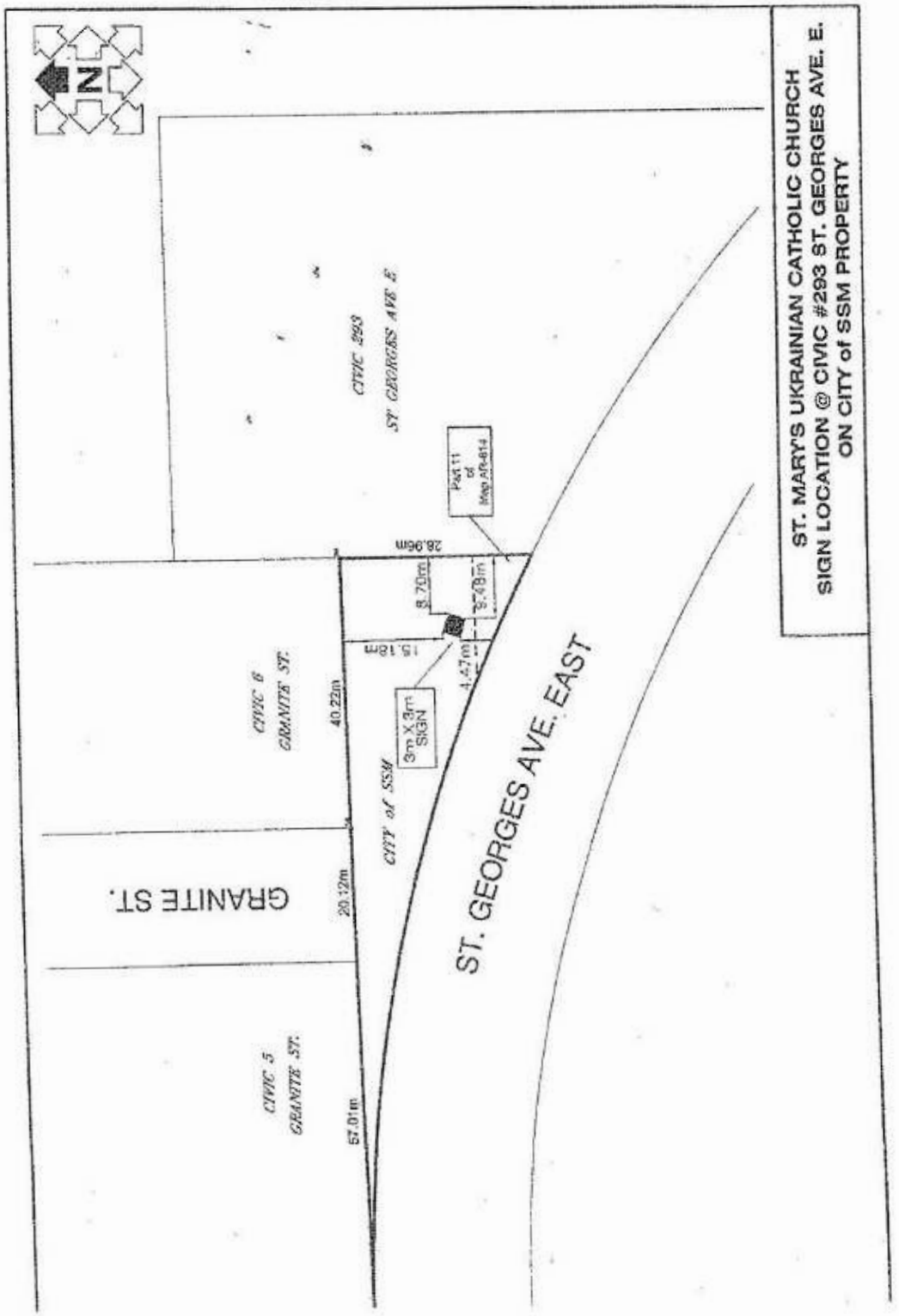
CITY CLERK – MALCOLM WHITE

WE HAVE THE AUTHORITY TO BIND THE CORPORATION

SCHEDULE "A" TO
LICENCE TO OCCUPY CITY PROPERTY

City Property

The parties hereto acknowledge and agree that the City is the registered owner of the lands legally described in PIN 31550-0463. The City grants the Licencee the right to occupy that portion of the City Property identified on PIN 31550-0463, located north of Part 11 of Plan AR-614, which portion of City Property is marked and identified on the map below, and subject to the conditions outlined in Schedule "B". The parties hereto acknowledge and agree that, although this is not a proper legal description, the map below properly identifies the proper location of the Sign on the City Property.



SCHEDULE "B"
LICENCE TO OCCUPY CITY PROPERTY

This Licence is subject to the following conditions:

1. The City hereby grants the Licencee permission to place a three (3) metre by three (3) metre portable sign (the "Sign") for a period of one (1) year commencing on July 15, 2013 and thereafter from year to year until terminated (the "Term"), on the City Property described, marked and identified on Schedule "A" to this Licence (the "City Property").

2. The City or the Licencee may cancel this Licence by giving six (6) months written notice to the other party of their intention to do so. Notices shall be deemed given if deposited in the mail with postage charges prepaid and addressed to the party for whom intended at such party's address herein specified:

CITY	City Solicitor The Corporation of the City of Sault Ste. Marie P.O. Box 580 Sault Ste. Marie, Ontario P6A 5N1
LICENCEE	The Ukrainian Catholic Episcopal Corporation of Eastern Canada 293 St. Georges Avenue East Sault Ste. Marie, Ontario P6B 6E8

3. The Licencee shall apply for and successfully be issued a Sign Permit by the City at all times during the term.

4. At no time shall the City be responsible for setting up, maintaining, removing or otherwise dealing with the Sign. The Licencee shall be responsible for all costs, expenses and liabilities relating to the setup, presence, content and removal of the Sign located on the City Property. The Licencee shall indemnify and save harmless the City from any costs, liabilities and expenses incurred by the City that may result from the presence of the Sign on the City Property and any other matters arising directly or indirectly from this Agreement.

5. The Licencee shall comply with all Laws, By-Laws, Rules and Regulations of any governing body respecting the use of the City Property during the Term. The Licencee shall save harmless and fully indemnify the City from and against all losses, costs, damages, liabilities and expenses, of every kind or nature which the City may suffer, be at or be put to by reason of or in consequence of the noncompliance by the Licencee with such Laws, By-Laws, Rules and Regulations.

6. The Licencee shall be liable for all taxes, permits, licences or assessments of every nature and kind whatsoever, in any way arising from the use of the City Property during the Term.

7. The Licencee shall indemnify and save harmless the City from all costs and expenses caused to or incurred by the City and from all claims and demands, awards, losses, costs, damages, actions, suits or other proceedings, by whomsoever made, brought or prosecuted, in any manner based upon, arising out of or connected with, the Licencee's use of the City Property, the intent being that the City shall be at no risk or expense to which it would not have been put had the use the City Property by the Licencee not occurred.

8. The Licencee shall not assign, transfer or make any other disposition of the Licence, or of the rights conferred thereby, without the prior written consent of the City.

9. If, at the sole discretion of the City and/or emergency personnel, the City and/or emergency personnel requires access to any portion of the City Property, such that the removal of any portion or the entirety of the Sign is required, the Licencee shall in no way restrict such access and the City and/or emergency personnel shall in no way be responsible for restoring the Sign to its condition prior to such access by the City and/or emergency personnel.

10. The Licencee shall not use or permit the use of the City Property for any purpose other than the purpose herein set out. The Licencee shall not erect any buildings or other structures on the City Property.

11. In the event that this Licence Agreement is terminated in accordance with paragraph 2, the provisions of paragraphs 3-10 inclusive of this Licence Agreement shall survive the termination of this Licence.

12. The sign shall be removed in its entirety upon the termination of this Licence.

13. The Licencee shall keep in force during the Term, property damage insurance and personal injury insurance against claims for bodily injury, death or property damage occurring on the City Property in an amount not less than Two Million ($2,000,00.00) Dollars and name the City as "Additional Insured" to same. Proof of said insurance shall be filed with the Legal Department of the City of Sault Ste. Marie.

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2013-138

AGREEMENT: (E2.2) A by-law to authorize a contract between the City and Cecchetto & Sons Ltd. for the Clark Creek Sewage Pumping Station improvements. (Contract 2013-5E)

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENT**

   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 a contract in the form of Schedule "A" attached hereto, dated July 15, 2013 and made between the City and Cecchetto & Sons Ltd. for the Clark Creek Sewage Pumping Station improvements (Contract 2013-5E).

2. **SCHEDULE "A"**

   Schedule "A" forms part of this by-law.

3. **EFFECTIVE DATE**

   This by-law takes effect on the day of its final passing.

PASSED in open Council this 15th day of July, 2013.

MAYOR - DEBBIE AMAROSO

CITY CLERK – MALCOLM WHITE

wl LEGAL\STAFF\BYLAWS\2013\2013-138 Agreement Clark Creek Sewage pump station upgrades 2013-5E.doc

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CITY SOLICITOR

Schedule "A"

CORPORATION OF THE CITY OF SAULT STE. MARIE

CONTRACT NO. 2013-5E

FORM OF AGREEMENT

This Agreement made (in triplicate) this 15th day of July in the year 2013 by and between

Cecchetto & Sons Ltd. hereinafter called the "Contractor"

AND

The Corporation of the City of Sault Ste. Marie, Ontario hereinafter called the "Corporation".

WITNESSETH: That the Contractor and the Corporation undertake and agree as follows:

1. The Contractor will provide all the materials and all the works shown and described in the contract documents entitled:

CLARK CREEK SEWAGE PUMPING STATION
IMPROVEMENTS
Contract No. 2013-5E

which have been signed in triplicate by both parties and which were prepared under the supervision of Kresin Engineering Corporation.

2. The Contractor will do and fulfil everything indicated by the Agreement, the General Conditions, the Supplementary Conditions, Information for Tenderers, Form of Tender, Specification, Addenda, if any, and the Drawings all of which comprise the Contract Documents.

3. The Contractor will complete all the work under the supervision and direction and to the entire satisfaction of the Owner within the period of time specified.

4. The Corporation shall pay to the Contractor the contract price as set forth in the Form of Tender in accordance with the provisions as set forth in the General Conditions, the Specifications and the Supplementary Conditions.

5. The Corporation shall pay the Contractor for work that is ordered in writing by the Engineer and that cannot be classified as coming under any of the contract units and for which no unit price, lump sum,

or other basis can be agreed upon, on a cost-plus basis as set out in the General Conditions.

6. The Contractor shall indemnify and save harmless the Corporation, its officers, employees and agents, from all loss, damages, costs, charges and expenses of every nature and kind whatsoever which may be made or brought against the Corporation, its officers, employees and agents, by reason or in consequence of the execution and performance or maintenance of the work by the Contractor, its employees, agents or officers.

7. All communications in writing between the Corporation, the Contractor and the Engineer shall be deemed to have been received by the Addressee if delivered to the individual, a member of the firm or an officer of the Corporation for whom they are intended or if sent by post or by telegram addressed as follows:

The Corporation:	The Corporation of the City of Sault Ste. Marie P. O. Box 580 Civic Centre, 99 Foster Drive Sault Ste. Marie, ON P6A 5N1
The Contractor:	Cecchetto & Sons Ltd. 6 Sutherland Ave. Sudbury, ON P3C 3A6
The Engineer:	Kresin Engineering Corporation 536 Fourth Line East Sault Ste. Marie, ON P6A 6J8

IN WITNESS WHEREOF the parties hereto have executed this Agreement by the day and year first above written.

Signed, Sealed and Delivered
in the presence of

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

_____

Mayor – Debbie Amaroso

(seal)

_____

City Clerk – Malcolm White

CECCHETTO & SONS LTD.

_____

Signing Officer

(seal)

_____

Signature

10(f)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2013-141

AGREEMENTS: (S3.3) A by-law to authorize an agreement between the City and Pro North Roofing for the replacement of the roof at the Jessie Irving Children's Centre.

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, **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 agreement in the form of Schedule "A", available for viewing in the Clerks Department, dated the 15th day of July, 2013 and made between the City and Pro North Roofing for the replacement of the roof at the Jessie Irving Children's Centre.

2. **SCHEDULE "A"**

Schedule "A" to the agreement may be viewed in the Clerk's Department.

3. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

PASSED in open Council this 15th day of July, 2013.

MAYOR – DEBBIE AMAROSO

CITY CLERK – MALCOLM WHITE

cf/staff/by-laws/2013/2013-141/Agreement Jessie Irving Children's Centre

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10(g)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2013-142

AGREEMENT: (C3.6) A by-law to authorize an agreement between the City and Chris Tossell, Architect for tendering, contract administration and field review of the Heritage Discovery Centre project, 800 Bay Street, Sault Ste. Marie, Ontario.

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENT**

   The Mayor and City Clerk are hereby authorized for and in the name of the Corporation to execute and affix the seal of the Corporation to an agreement dated May 1, 2013 between the City and Chris Tossell, Architect, attached as Schedule "A" hereto. This agreement is for tendering, contract administration and field review of the Heritage Discovery Centre project, 800 Bay Street, Sault Ste. Marie, Ontario.

2. **SCHEDULE "A"**

   Schedule "A" forms part of this by-law.

3. **EFFECTIVE DATE**

   This by-law takes effect on the day of its final passing.

PASSED in open Council this 15th day of July, 2013.

_____

MAYOR – DEBBIE AMAROSO

_____

CITY CLERK – MALCOLM WHITE

da LEGAL\STAFF\BYLAWS\2013\BY-LAW 2013-142 EXECUTION BY-LAW HERITAGE DISCOVERY CENTRE RE ARCHITECT.DOC

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CITY SOLICITOR

10(g)

Schedule "A"

Ontario Association of Architects

Standard Form of Contract for Architect's Services

OAA 600-2013

FOR

The Construction of the Heritage Discovery Centre
800 Bay Street, Sault Ste Marie, Ontario
for
The Corporation of the City of Sault Ste Marie

Contract Limited to Tendering, Contract Administration and Field Review of the Project

OAA 600-2013
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10(g)

OAA 600-2013

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* *List any documents attached to and forming part of this contract in GC13 Other Terms of Contract.*

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10(g)

AGREEMENT

A1 This contract made as of the 1 day of the month of May in the year 2013.

A2 between the *Client*:

The Corporation of the City of Sault Ste Marie
99 Foster Drive,
SAult Ste Marie ON P6A 5N8

A3 and the *Architect*:

Chris Tossell, Architect
3-531 River Road
Sault Ste Marie ON P6A 6X7

A4 for the following *Project*:

For Tendering, Contract Administration and Field Review of the Heritage Discovery Centre, 800 Bay Street, Sault Ste Marie, Ontario.

A5 The owner, if other than the *Client*, is: N/A

A6 The *Client's* budget for *Construction Cost* is: $ 2,772,450.00

A7 The *Client's* anticipated dates for construction are as follows:

.1 Commencement of construction: 11 June, 2013

.2 *Substantial Performance of the Work*: 28 February, 2014

A8 The anticipated construction delivery type and anticipated construction contract between the owner and the contractor are:

.1 Delivery type: Competative Tender

.2 Construction contract: CCDC2

A9 The *Client* and the *Architect* may rely on the initial information contained in A6 to A8. In the event that this information changes materially, or is altered by conditions beyond the control of the *Architect*, the *Client* and *Architect* shall appropriately adjust the schedule, the *Architect's* services and the *Architect's* compensation.

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10(g)

A10 The *Architect* shall coordinate the services of the following *Consultants*:

.1 engaged by the *Architect*

Structural Engineering Services Mechanical & Electrical Consulting Engineering Services Landscape Architect.	

.2 engaged by the *Client*

N/A	

A11 For the *Architect's* services the fee shall be computed as follows: *(refer also to GC11)*

1) Fee Calculation for Tendering, Contract Administration and Field Review.
A fee of 9% applied to the low bid for the project ($2,772,450.00 + $360,418.50 HST= $3,132,868.50) x 30% (amount allocated to tendering, contract administration and field review) = $84,587.45 + HST to see the project through to completion.
2) Additional work requested by Client to be performed at hourly rates: Principal - $180.00/hour, Senior Technologist - $100.00/hour.

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A12 Where fees are based on a lump sum or percentage of the *Construction Cost* the compensation and invoicing for each phase of services shall be based on the following apportionment of the total fees:

Schematic design phase	(0.00 %)
Design development phase	(0.00 %)
Construction documents phase	(0.00 %)
Bidding or negotiating phase	(15.00 %)
Construction phase	(85.00 %)
Total	(100.00 %)

A13 An administrative charge of 0.00 % shall be added to the reimbursable expenses as noted in GC11.2.

A14 The rate for calculating automobile travel costs shall be $ 0.70 per kilometre.

A15 The *Client* shall pay to the *Architect,* upon execution of this contract, a retaining fee in the amount of $ 0.00. This retaining fee shall be credited against the *Architect's* last invoice and is the minimum payment that the *Client* must pay the *Architect* under this contract.

A16 The *Client* shall pay the *Architect* upon receipt of invoices on account of the *Architect's* fee and reimbursable expenses plus applicable taxes. Invoices shall be issued and submitted monthly unless otherwise agreed.

A17 An unpaid invoice shall bear interest, calculated monthly at the rate of 2.00 % per annum, commencing 30 days after the date that the *Architect* submits the invoice.

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DEFINITIONS

The following Definitions apply to this contract. References to the singular shall be considered to include the plural as the context requires.

Architect is the entity identified in Article A3 which is the holder of a Certificate of Practice issued by the OAA.

Client is the person or entity identified in Article A2.

Construction Cost is the total cost of the *Work* to the *Client* to construct all elements of the *Project* designed or specified by, or on behalf of, or as a result of, the coordination by the *Architect*, including construction contract price(s), cash allowances included in the construction contracts, building permit fees, changes during construction, contractors general conditions costs, overhead and profit, construction management fees or other fees for the coordination and procurement of construction services, and all applicable taxes, including the full amount of value-added taxes, whether recoverable or not. The *Construction Cost* does not include the compensation of the *Architect* and the *Consultants*, land cost, land development charges or other professional fees, which are the responsibility of the *Client*.

Construction Documents consist of drawings, specifications and other documents appropriate to the size and complexity of the *Project*, to describe the size and character of the *Project* including architectural and where applicable structural, mechanical, and electrical systems, materials and such other elements setting forth in detail the requirements for the construction, enlargement or alteration of the building or buildings and any related components comprising the *Project*.

Consultant is a person or an entity engaged by the *Client* or the *Architect* to provide services supplementary to those provided by the *Architect*.

Consultant Coordination consists of:

- managing the communications between *Consultants* and with the *Client*, and
- providing direction as necessary to give effect to any design decisions taken, and
- reviewing the product of the *Work* to assist in identifying conflicts and to monitor compliance with directions.

Contingency means an amount calculated as a percentage of the *Construction Cost* to cover unknowns or changing factors of cost and include: (1) escalation *Contingency* to cover price escalation from the time of an estimate to the time of bidding, (2) design *Contingency* for design development factors prior to construction and (3) construction *Contingency* to cover unforeseen changes during construction.

Electronic Documents are one of the formats in which *Instruments of Service* may be provided by the *Architect*. *Electronic Documents* refer to portable document files (PDF - non-editable) but do not include computer-aided design documents (e.g. CAD or BIM – editable files) unless otherwise agreed in writing.

Estimate of Construction Cost is a statement of the approximate total *Construction Cost* as defined, based on current area, volume or similar conceptual techniques and includes *Contingencies* as defined.

General Review means review during visits to the *Place of the Work* (and where applicable, at locations where building components are fabricated for use at the *Project* site) at intervals appropriate to the stage of the construction that the *Architect* in its professional discretion, considers necessary to become familiar with the progress and quality of the *Work* and to determine that the *Work* is in general conformity with the construction contract documents, and to report, in writing, to the *Client*, contractor and chief building official.

Instruments of Service are the paper or non-editable *Electronic Documents* which comprise the design, drawings, specifications and reports prepared by or on behalf of the *Architect* or *Consultant*, including but not limited to plans, sketches, drawings, graphic representations and specifications and materials which are prepared for the approval of the *Client* and the authorities having jurisdiction and for construction, but do not include software systems, databases, computer programs, or computer-aided design documents (e.g. CAD or BIM – editable files) unless otherwise agreed in writing.

Place of the Work is the designated site or location of the *Work* identified in the construction contract documents.

Project as described in this contract means the total enterprise or endeavour contemplated of which the *Work* may be the whole or a part.

Substantial Performance of the Work means substantial performance of the contract as defined under the Construction Lien Act. Where the *Place of the Work* is located outside of Ontario, *Substantial Performance of the Work* shall be as defined in the lien legislation applicable to the *Place of the Work*, or in the absence of such legislation it shall mean the date the *Work* is ready for the purpose intended.

Toxic or Hazardous Substances or Materials means any solid, liquid, gaseous, thermal or electromagnetic irritant or contaminant, and includes, without limitation, pollutants, moulds, asbestos, bio-contaminants, biohazards and nuclear, and hazardous and special wastes whether or not defined in any federal, provincial, territorial or municipal laws, statutes or regulations.

Work means the total construction and related services required by the construction contract documents.

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GENERAL CONDITIONS

GC1 ARCHITECT'S RESPONSIBILITIES

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

.1 exercise such professional skill and care as would be provided by *Architects* practising in the same area in the same or similar locality under similar circumstances,

.2 perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the *Project*,

.3 identify a representative authorized to act on behalf of the *Architect* with respect to the *Project*,

.4 include the *Consultant Coordination* of all *Consultants* engaged by the *Architect* and those other *Consultants* engaged by the *Client* listed in Article A10.2,

.5 maintain records of reimbursable expenses, and for any services for which the fee is computed as a multiple of hourly rates. These records shall be maintained in accordance with generally acceptable accounting standards and made available to the *Client* for review upon request at mutually convenient times,

.6 utilize key personnel where so identified and request the *Client's* approval of any change, which approval shall not unreasonably be withheld,

.7 maintain the confidentiality of information so identified and provided by the *Client*, and

.8 except with the *Client's* knowledge and consent, neither engage in any activity, nor accept any employment, interest or contribution that would unreasonably compromise the *Architect*'s professional judgment with respect to the *Project*.

GC2 ARCHITECT'S SCOPE OF BASIC SERVICES

2.1 The *Architect's* basic services consist of those services performed by the *Architect*, the *Architect's* employees, and the *Architect's Consultants* set forth herein or otherwise mutually agreed in writing. They include the provision of basic structural, mechanical and electrical engineering services by professional engineers when these *Consultants* are engaged by the *Architect*.

(Indicate in the table below each basic service to be provided by the Architect and the manner of compensation as indicated in Fee Reference for each as identified in Article A11.

2.1	ITEM	Service Provided:	Fee Reference:	Comments
	SCHEMATIC DESIGN PHASE			
.1	**Review Program** - Review the *Client's* Program of Requirements and other information furnished by the *Client* and the characteristics of the site.			N/A
.2	**Review Applicable Codes** - Review applicable statutes, regulations, codes and by-laws and where necessary review the same with the authorities having jurisdiction.			N/A
.3	**Prepare Initial Evaluation** - Prepare an initial evaluation of the *Client's* Program of Requirements, schedule, budget for the *Construction Cost*, *Project* site and the proposed procurement or delivery method and other initial information provided by the *Client* each in terms of the other, to ascertain the requirements of the *Project*. The *Architect* shall notify the *Client* of (1) any inconsistencies discovered in the information, and (2) other information or consulting services that may be reasonably needed for the *Project*.			N/A
.4	**Review Initial Evaluation** - Present and review with the *Client* the initial evaluation and discuss alternative approaches to design and construction of the *Project*. The *Architect* shall reach an understanding with the *Client* regarding the requirements of the *Project*.			N/A

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10(g)

2.1	ITEM	Service Provided:	Fee Reference:	Comments
.5	**Preliminary Concept Design** - Based on the *Project's* requirements agreed upon with the *Client*, the *Architect* shall prepare for the *Client's* approval a preliminary concept design illustrating the scale and relationship of the *Project* components.			N/A
.6	**Schematic Design Documents** - Based on the *Client's* approval of the preliminary concept design, mutually agreed upon Program of Requirements, schedule and budget for the *Construction Cost*, prepare for the *Client's* review and approval, schematic design documents to illustrate the scale and character of the *Project* and how the parts of the *Project* functionally relate to each other including as appropriate: • Site Plan • Spatial Relationship diagrams • Floor Plans • Elevations • Building Sections • Outline Specifications			N/A
.7	***Estimate of Construction Cost*** - Prepare and submit to the *Client* an *Estimate of Construction Cost* based on current area or volume unit cost prepared in accordance with GC5.3.			N/A
.8	**Submit Schematic Design** - Submit the schematic design documents to the *Client* and request the *Client's* approval.			N/A
	DESIGN DEVELOPMENT PHASE			
.9	**Design Development Documents** - Based on the *Client*'s approved schematic design documents and agreed *Estimate of Construction Cost*, and any *Client's* authorization o adjustments in the *Project* requirements and the budget for the *Construction Cost* prepare for the *Client*'s review and approval, design development documents, drawing and other documents to describe the size and character of the *Project* including as appropriate the architectural, structural, mechanical, and electrical systems, materials and such other elements: • Site Plan • Floor Plans • Elevations • Building Sections • *Project* brief detailing area calculations, building systems and outline specifications			N/A
.10	**Continue Review of Applicable Codes** - Continue to review applicable statutes, regulations codes and by-laws as the design of the *Project* is developed and where necessary review the same with the authorities having jurisdiction.			N/A
.11	**Update *Estimate of Construction Cost*** - Prepare and submit to the *Client* for approval an updated *Estimate of Construction Cost*.			N/A
.12	**Submit Design Development** - Submit the design development documents to the *Client*, advise the *Client* of any adjustments to the *Estimate of Construction Cost* and request the *Client's* approval.			N/A
	CONSTRUCTION DOCUMENTS PHASE			
.13	**Drawings and Specifications** - Based on the *Client's* approved design development documents and agreed updated *Estimate of Construction Cost*, prepare for *Client's* review and approval, *Construction Documents* consisting of drawings and specifications setting forth in detail the requirements for the construction of the *Project*.			N/A

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2.1	ITEM	Service Provided:	Fee Reference:	Comments
.14	**Review Applicable Codes** - Review statutes, regulations, codes and by-laws applicable to the design and, where necessary, review the same with the authorities having jurisdiction in order that the consents, approvals, licences and permits necessary for the *Project* may be obtained.			N/A
.15	**Bidding Information** - Obtain instructions from and advise the *Client* on the preparation of the bidding information, bidding forms, conditions of the construction contract and the form of construction contract between *Client* and contractor.			N/A
.16	**Update *Estimate of Construction Cost*** - Update the *Estimate of Construction Cost*.			N/A
.17	**Submit *Construction Documents*** - Submit the *Construction Documents* to the *Client*, advise the *Client* of any adjustments to the *Estimate of Construction Cost*, including adjustments indicated by changes in requirements and general market conditions; take any action required under GC 5.2 and request the *Client's* approval.			N/A
	PERMITS AND APPROVALS			
.18	**Building Permit Application** - Prepare documents for building permit application, for owner's signature as applicant and assist with submission of the application.	Yes		
	BIDDING/NEGOTIATION PHASE			
.19	**Bidding/Negotiation** - Following the *Client's* approval of the *Construction Documents* and the latest agreed *Estimate of Construction Cost*: assemble and provide bid documents to bidders, monitor and respond to enquiries regarding bid requirements, prepare and process addenda during bidding, arrange for receipt of bids, opening of bids, comparative review and report results for *Client's* direction on award. Assist the *Client* with construction contract negotiations, prepare construction contracts and assemble construction contract documents for signature by the contracting parties.	Yes		
	CONSTRUCTION PHASE			
.20	***General Review*** - Provide *General Review* services during construction; examine, evaluate and report upon representative samples of the *Work*; keep the *Client* informed of the progress and quality of the *Work*; report defects and deficiencies in the *Work* observed during the course of the site reviews; and report in writing to the *Client*, contractor and chief building official.	Yes		
.21	**Site Meetings** - Attend site meetings with contractor, major sub-contractors and *Consultants*, where appropriate, to review the progress of the *Work*.	Yes		
.22	**WSIB Certificates, Bonds and Insurance Policies** - Arrange to receive from the contractor, as required under the construction contract, WSIB certificates, bonds and insurance policies and deliver to *Client* for *Client's* bond and insurance advisors to review.	Yes		
.23	**Construction Schedule** - Receive construction schedule from contractor, review and forward to *Client*.	Yes		
.24	**Schedule of Values** - Receive schedule of values from contractor, review and adjust, if required. Advise both *Client* and contractor that the agreed schedule of values will form the basis for factoring percentage of *Work* completed into certificates for payment.	Yes		

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2.1	ITEM	Service Provided:	Fee Reference:	Comments
.25	**Payment Certification** - When engaged to provide *General Review*, receive and assess contractor's applications for payment; determine the amounts owing to the contractor under the construction contract based on the *Architect's* observations and evaluation of the contractor's applications for payment having factored percentage of completeness against the contractor's schedule of values and issue certificates of payment to the *Client* in the value proportionate to the amount of the construction contract, of work performed and products delivered to the *Place of the Work*.	Yes		
.26	**Construction Contract Documentation Interpretation** - On the written request of either the *Client* or the contractor, render written interpretations and findings within a reasonable time, consistent with the intent of and reasonably inferable from the construction contract documents, showing partiality to neither the *Client* nor the contractor, on claims, disputes and other matters in question between the *Client* and the contractor relating to the execution or performance of the *Work* or the interpretation of the construction contract documents.	Yes		
.27	**Shop Drawings and Submittals** - Review and take other appropriate action with reasonable promptness upon such contractor's submittals as shop drawings, product data, and samples for conformance with the general design concept of the *Work* as provided in the construction contract documents.	Yes		
.28	**Supplemental Details and Instructions** - Prepare and issue additional documents and supplemental instructions to the contractor, as required for clarification of the requirements of the contract documents, with reasonable promptness or in accordance with a schedule for such instructions agreed to by the *Architect* and the contractor.	Yes		
.29	**Requests for information (RFI's)** - Receive requests for information (RFI's) from the contractor and process accordingly.	Yes		
.30	**Proposed Change Notices/Change Orders and Change Directives** - Prepare proposed change notices, drawings, specifications and supporting data, evaluate contractor's proposals, prepare change orders and change directives for the *Client*'s approval and signature in accordance with the construction contract documents.	Yes		
.31	**Inspection & Testing Services** - Provide assistance in having inspection and testing companies perform services as required by the construction contract documents, receive and review their reports and report to *Client*.	Yes		
.32	**Substantial Performance and Completion** - As payment certifier prepare and issue at the appropriate time, a certificate of *Substantial Performance of the Work* and a statement of construction contract deemed completion in accordance with the provisions of the *Construction Lien Act*.	Yes		
.33	**Contractor's Documentation at Completion** - Receive from the contractor and forward to the *Client* for the *Client's* acceptance the written warranties and related documents as required under the construction contract.	Yes		
.34	**Takeover Procedure** - Arrange for takeover of the *Project* by the *Client*, including demonstration of operating equipment, handover of operating and maintenance manuals and replacement parts as specified.	Yes		
.35	**Twelve Month Warranty Review** - Prior to the end of the period of one year following the date of *Substantial Performance of the Work*, review any defects or deficiencies which have been reported or observed during that period, and notify the contractor in writing of those items requiring attention by the contractor to complete the *Work* in accordance with the construction contract between the owner and contractor.	Yes		

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GC3 PROVISION OF ADDITIONAL SERVICES

3.1 The Additional Services listed below are not included in the *Architect's* basic services. The *Architect* shall provide the Additional Services indicated in the table below and the *Client* shall compensate the *Architect* in the manner indicated by Fee Reference and Article A11.

(Indicate in the table below Additional Services to be provided by the Architect and the manner of compensation as indicated in Fee Reference for each identified in Article A 11.

3.1	ITEM	Service Provided:	Fee Reference:	Comments
	PRE-DESIGN SERVICES			
.1	**Pre-Design Study** - Provide pre-design study or services such as: to assist with analyzing the reasonable probability of the *Client's* objectives for the *Project* being reached within the *Client's* budget and advise on measures to align the *Project* requirements with the budget, assess the suitability of the *Client's* site to accommodate the *Project* taking into account known site constraints, ability to support future additions, and potential impact of known proposed developments in the vicinity.			N/A
.2	**Multiple Sites** – Provide pre-design site evaluations, planning surveys, or comparative studies of a number of multiple prospective sites.			N/A
.3	**Programming** – Provide analyses of the *Client's* needs and prepare a written Program of Requirements as described in GC4.1.			N/A
.4	**Verifying Drawings** - Review drawings furnished by the *Client,* visit site and take measurements to satisfy that drawings are reasonably accurate in their representation of the premises.			N/A
.5	**Measured Drawings** - Confirm with the *Client* the purpose of the measured drawings and the accuracy required, make measurements, augment with photographs and field notes as appropriate and prepare drawings.			N/A
.6	**Survey, Geotechnical or Hazardous Materials** - Assist the *Client* in the engagement of a *Consultant* to obtain survey, geotechnical or hazardous materials reports referred to in GC4.3			N/A
	GENERAL SERVICES, ALL APPLICABLE PHASES			
.7	**Detailed *Estimates of Construction Cost*** - Provide detailed *Estimates of Construction Costs.*			N/A
.8	**Detailed Quantity Surveys, Inventories, Operating Costs** - Provide detailed quantity surveys, inventories of material and equipment, or analyses of owning and operating costs.			N/A
.9	**Future Facilities** - Provide services relating to future facilities, systems and equipment not included in the *Construction Cost.*			N/A
.10	**Provision of Interior Design Services** - Provide or engage the services of an interior designer to provide interior design services commensurate with other architectural services under this contract.			N/A
.11	**FF&E** - Provide services for the selection and installation of furniture, fixtures and equipment (FF&E), including re-use of *Client's* inventoried FF&E.			N/A

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3.1	ITEM	Service Provided:	Fee Reference:	Comments
.12	**Signage** - Provide services for design, selection, procurement and installation of graphics, signage and similar elements for interior or exterior application.			N/A
.13	**Tenant Related Services** – Provide tenant layout and design services or documents not otherwise included in fees.			N/A
.14	**Marketing** - Prepare promotional presentations or special marketing materials.			N/A
.15	**Model/Rendering/Video** - Provide specifically commissioned physical model (maquette), architectural rendering, computer rendering or video, which become the property of the *Client*.			N/A
.16	**Photography** - Provide specially commissioned photography or photographic records of site, existing conditions, construction or other.			N/A
.17	**Language Translation** - Provide language translation services for *Construction Documents* or other documents.			N/A
.18	**Value Engineering** - Provide services in connection with value engineering or analysis.			N/A
	PERMITS AND APPROVALS			
.19	**Special Approvals of Authorities** - Provide studies, prepare drawings and other documents, attend meetings or public hearings, arrange for engagement of specialist *Consultants* if required and assist *Client* in submission of application for:			N/A
.1	**Zoning or Land Use Amendment:**			N/A
.2	**Committee of Adjustment or variance from by-laws:**			N/A
.3	**Site Plan Approval:**			N/A
.4	**Other Approvals:** (list and describe)			N/A
	BIDDING/NEGOTIATION PHASE			
.20	**Pre-qualification of Bidders** - Prepare parameters of pre-qualification process, advise participants of rating criteria, receive responses from interested parties, prepare analysis spreadsheet and report results to *Client* for *Client's* decision.			N/A
.21	**Multiple Bid Packages** - Provide services and prepare multiple bid document packages in connection with alternative, separate or sequential bidding or negotiation of trade contracts.			N/A
.22	**Issued for Construction Drawings** - Prepare Issued for Construction drawings incorporating relevant addenda or negotiated changes during bid/negotiation phase.			N/A
	CONSTRUCTION PHASE			
.23	**Additional On-Site Representation** – Provide extensive or full-time on-site review or representation.			N/A

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3.1	ITEM	Service Provided:	Fee Reference:	Comments
.24	**Multiple Contracts** - Provide additional construction contract administration services in connection with Construction Management, Fast track or Design Build delivery.			N/A
.25	**Multiple Phases** - Provide services in connection with multiple phased occupancies.			N/A
.26	**Client's Own Forces** - Coordinate work performed by the *Client's* own forces and coordinate the services required in connection with construction performed and equipment supplied by the *Client*.			N/A
.27	**Updated Drawings** - Prepare Updated Drawings incorporating supplemental instructions, change orders and other changes issued during construction.	Yes		
.28	**Record Drawings** - Prepare Record Drawings incorporating changes in the *Work* made during construction based on as-built drawings (marked-up prints), drawings, and other data furnished by the contractor to the *Architect*; the accuracy of the information supplied by the contractor shall not be the responsibility of the *Architect*.		2	
.29	**Commissioning** - Provide services related to commissioning in the utilization of equipment or systems such as testing, adjusting and balancing, preparation of operation and maintenance manuals, training operation or maintenance personnel for operation and maintenance and consultation during operation		2	

3.2 Upon recognizing the need to perform the following unforeseen Additional Services the *Architect* shall notify the *Client* with reasonable promptness explaining the facts and circumstances. The *Architect* shall not proceed to provide the following services until the *Architect* receives the *Client's* written authorization. Compensation shall be at hourly rates identified in Article A11 unless mutually agreed otherwise. This shall include providing services, reviewing, evaluating, revising or providing additional drawings or specifications including proposed change notices, change orders, change directives or other documents which are:

.1 caused by instructions that are inconsistent with instructions or written approvals previously given by the *Client*, including revisions made necessary by adjustments in the *Client*'s Program of Requirements or budget for *Construction Cost*;

.2 required because of significant changes to the *Project*, including size, quality, complexity, the *Client*'s schedule, or the method of bidding or negotiating and contracting for construction;

.3 caused by the enactment or revisions of statutes, regulations, codes or by-laws, subsequent to the preparation of such documents;

.4 caused by an interpretation by the authorities having jurisdiction which differs from the *Architect's* interpretation of statutes, regulations, codes and by-laws, which difference the *Architect* could not have reasonably anticipated;

.5 due to changes required as a result of the *Client*'s failure to render decisions in a timely manner;

.6 in connection with evaluating substitutions proposed by the contractor and making subsequent revisions to the drawings, specifications and other documentation resulting from them;

.7 required to evaluate an extensive or unreasonable number or size of claims or requests for information (RFI's) submitted by the contractor or others in connection with the *Work*;

.8 due to replacement of any of the *Work* damaged by fire or other cause during construction and furnishing services as may be required in connection with the replacement of such work;

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.9 made necessary by the default of the contractor, by major defects or deficiencies in the *Work* of the contractor, by failure of performance by either the *Client* or the contractor under the construction contract;

.10 requested by the *Client* in connection with any mediation, arbitration proceeding, or legal proceeding; or

.11 made necessary by the extension of the anticipated dates for construction described in Article A7.

GC4 CLIENT'S RESPONSIBILITIES

4.1 The *Client* shall provide full information regarding the requirements for the *Project* including the *Client's Project* objectives, constraints and criteria and a written Program of Requirements including spatial and functional requirements and relationships, flexibility, expandability, special equipment, systems, and site requirements.

4.2 The *Client* shall initially establish and periodically update a budget for the *Construction Cost* of the *Project* which includes *Contingencies* for (1) escalation, (2) design and (3) unforeseen changes during construction. If the *Client* significantly increases or decreases the budget for the *Construction Cost* the *Client* shall notify the *Architect.* The *Client* and *Architect* shall thereafter agree to a corresponding change in the *Project's* size and quality.

4.3 The *Client* shall provide information, surveys, reports and services as set out below, the accuracy and completeness of which the *Architect* shall be entitled to rely upon and such contracts for the provision of information, surveys, reports and services, whether arranged by the *Client* or the *Architect*, shall be considered direct contracts with *Client* unless explicitly provided otherwise:

.1 surveys describing physical characteristics, legal limitations and utility locations for the *Project* site, and a written legal description of the site and adjoining properties as necessary showing the following survey and legal information, as applicable: grades and lines of streets, alleys, pavements and adjoining property and structures; adjacent drainage; rights of way; restrictions; easements; encroachments; zoning; deed restrictions; boundaries and contours of the site; locations, dimensions and data pertaining to existing buildings, other improvements, and trees; and information concerning utility services, both public and private, above and below grade, including inverts and depths;

.2 subsurface investigation and reports which include but are not limited to test borings, test pits, determination of soil bearing values, percolation tests, a list of and evaluations of *Toxic or Hazardous Substances or Materials* present at the *Place of the Work*, ground corrosion and resistively tests, including necessary operations for anticipating subsoil conditions, with reports and appropriate professional recommendations; and

.3 air and water pollution tests, tests for *Toxic or Hazardous Substances or Materials*, structural, mechanical, chemical, and other laboratory and environmental tests, inspections, laboratory and field tests and reports as required by the *Architect*, the *Architect's Consultants*, the authorities having jurisdiction or the construction contract documents.

4.4 The *Client* shall:

.1 authorize in writing a person to act on the *Client's* behalf and define that person's scope of authority with respect to the *Project* when necessary. In the absence of such naming of an authorized representative, the signatory to this contract is deemed to be the representative;

.2 review documents submitted by the *Architect* and give the *Architect* timely decisions for the orderly progress of the *Architect's* services;

.3 sign applications for permits as the owner, or if the *Client* is not the owner arrange for the owner to sign, and pay for the building permit and all other permits and development costs;

.4 immediately notify the *Architect* in writing if the *Client* observes or otherwise becomes aware of any fault or defect in the *Project* or any nonconformity with the requirements of the construction contract;

.5 engage *Consultants* identified in Article A10.2 of this contract under terms and conditions of other contracts that are compatible with this contract;

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.6 ensure that all *Consultants* engaged by the *Client* under other contracts carry professional liability insurance coverage;

.7 provide any legal, accounting and insurance counselling services as may be necessary at any time for the *Project,* including such auditing services as the *Client* may require to verify the contractor's applications for payment or to ascertain how or for what purpose the contractor uses the monies paid by or on behalf of the *Client*; and

.8 provide reports and appropriate professional recommendations of specialist *Consultants* if required by the *Architect.*

4.5 The *Client* agrees that, should the construction contract include provision that any dispute between the *Client* and the contractor may be finally resolved by arbitration, the construction contract shall include provisions satisfactory to the *Architect* that:

.1 require the *Client* and contractor to notify the *Architect* in writing of any arbitration and of any matters in dispute that affect the *Architect*;

.2 provide that, upon receipt of the notice in GC4.5.1 above, the *Architect* shall have the option to participate in the arbitration as a party;

.3 provide that, in the event that GC4.5.1 and GC 4.5.2 above are not complied with, the *Client* and contractor agree to not pursue any claim against the *Architect* arising from matters resolved by the arbitration.

GC5 BUDGET, ESTIMATES AND CONSTRUCTION COST

5.1 The *Client's* budget for the *Construction Cost* is provided initially and may be adjusted throughout the *Project* as required under GC 4.2. Initial evaluations of the *Client's* budget for the *Construction Cost*, the preliminary *Estimate of Construction Cost* and updated *Estimates of Construction Cost* where prepared by the *Architect*, represent the *Architect's* judgement as a design professional. It is recognized however that neither the *Architect* nor the *Client* has control over the cost of labour, materials or equipment, over the *Contractor's* methods of determining bid prices, or over competitive bidding, market or negotiating conditions. Accordingly the *Architect* cannot and does not warrant or represent that bids or negotiated prices will not vary from the *Client's* budget for the *Construction Cost* or from any *Estimate of Construction Cost* or evaluation prepared or agreed to by the *Architect.*

5.2 If at any time the *Architect's Estimate of Construction Cost* exceeds the *Client's* budget for the *Construction Cost*, the *Architect* shall make appropriate recommendations to the *Client* to adjust the *Project's* size, quality or budget for the *Construction Cost*, and the *Client* shall cooperate with the *Architect* in making such adjustments.

5.3 When engaged to provide *Estimates of Construction Cost*, the *Architect* shall be permitted to include *Contingencies* for (1) escalation (2) design and (3) unforeseen changes during construction. The *Architect's Estimate of Construction Cost* shall be based on current area, volume or similar conceptual techniques. If the *Client* requests detailed cost estimating services, the *Architect* shall provide such services as an Additional Service.

5.4 If the bidding or negotiation phase has not commenced within three months after the *Architect* submits the *Construction Documents* to the *Client*, the agreed *Estimate of Construction Cost* shall be adjusted to reflect changes in the general level of prices in the construction industry between the date of submission of the *Construction Documents* to the *Client* and the date on which bids or proposals are sought.

5.5 If the lowest compliant bid or lowest negotiated proposal exceeds the latest agreed *Estimate of Construction Cost* the *Client* shall provide:

.1 written approval of an increase in the budget for the *Construction Cost*, or
.2 authorization for re-bidding or re-negotiating of the proposal, or
.3 co-operation with the *Architect* in revising the *Project* size or quality as necessary to reduce the *Construction Cost*, or
.4 termination of this contract in accordance with GC 10 if the *Project* is abandoned.

5.6 If the *Client* proceeds under GC5.5.3, and the extent to which the lowest compliant bid or lowest negotiated proposal exceeds the latest agreed *Estimate of Construction Cost* by more than 15% and is not due to extraordinary market conditions or other factors not reasonably foreseeable by or under the control of the

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Architect, then the *Client* may require the *Architect* to modify the *Construction Documents* or provide other services necessary to reduce the *Construction Cost* to within 15% of the latest agreed *Estimate of Construction Cost* for no additional fee. Such modification of the *Construction Documents* to that extent shall be the limit of the *Architect's* responsibility under GC5.5.3, and having made such modifications, the *Architect* shall be entitled to compensation in accordance with this contract, for all other services performed, whether or not the construction phase is commenced.

5.7 Where the latest agreed *Estimates of Construction Cost* referred to in GC 5.6 is provided by a *Consultant* engaged by the *Client*, modifications to the *Construction Documents* described in GC 5.6 shall be an Additional Service.

GC6 CONSTRUCTION PHASE SERVICES

6.1 The extent of the duties, responsibilities and limitations of authority of the *Architect* as the *Client's* representative during construction shall be modified or extended only with the written consent of the *Client* and the *Architect*.

6.2 When engaged for services during the construction phase the *Architect* shall:

.1 be a representative of the *Client*;

.2 advise and consult with the *Client*;

.3 have the authority to act on the *Client's* behalf to the extent provided in this contract, have access to the *Work* at all times wherever it is in preparation or progress;

.4 forward all instructions from the *Client* to the contractor;

.5 have the authority to reject *Work* which does not conform to the construction contract documents, and whenever, in the *Architect's* opinion, it is necessary or advisable for the implementation of the intent of the construction contract documents, have the authority to require special inspection or testing of *Work*, whether or not such *Work* has been fabricated, installed or completed; and

.6 have the authority to order minor adjustments in the *Work* which are consistent with the intent of the construction contract documents, when these do not involve an adjustment in the construction contract price or an extension of the construction contract time.

6.3 When engaged to provide payment certification, the issuance of a certificate for payment shall constitute a representation by the *Architect* to the *Client*, based on the *Architect's General Review* and on review of the contractor's schedule of values and application for payment, that the *Work* has progressed to the value indicated; that to the best of the *Architect's* knowledge, information and belief, the *Work* observed during the course of *General Review* is in general conformity with the construction contract documents and that the contractor is entitled to payment in the amount certified. Such certification is subject to:

.1 review and evaluation of the *Work* as it progresses for general conformity as provided in the services described in this contract;
.2 the results of any subsequent tests required by or performed under the construction contract documents;
.3 minor deviations from the construction contract documents being corrected prior to completion; and
.4 any specific qualifications stated in the certificate for payment.

6.4 The issuance of the certificate for payment shall not be a representation that the *Architect* has made any examination to ascertain how and for what purpose the contractor has used the monies paid on account of the contract price, or that the contractor has discharged the obligations imposed on the contractor by law, or requirements of the Workplace Safety Insurance Board, or other applicable statute, non-compliance with which may render the *Client* personally liable for the contractor's default.

GC7 COPYRIGHT AND USE OF DOCUMENTS

7.1 Copyright for the *Architect's Instruments of Service* belongs to the *Architect*. The *Architect's Instruments of Service* shall remain the property of the *Architect* whether the *Project* for which they are made is executed or not, and whether or not the *Architect* has been paid for the services. Alteration of the *Architect's Instruments of Service* by the *Client* or any other person is prohibited without a written license from the *Architect*.

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7.2 Submissions or distribution of the *Architect's Instruments of Service*, including all *Electronic Documents*, to meet official regulatory requirements or for other purposes in connection with the *Project* is not to be construed as publication in derogation of the *Architect's* reserved rights.

7.3 The *Client* may retain copies of the *Architect's Instruments of Service*, including non-editable *Electronic Documents*, for information and reference in connection with the *Client's* use and occupancy of the *Project*.

7.4 Copies of the *Architect's Instruments of Service* may be used only for the purposes intended and for a one-time use, on the same site, and for the same *Project*, by this *Client* only and may not be offered for sale or transfer without the express written consent of the *Architect*. The *Architect's Instruments of Service*, including non-editable *Electronic Documents*, may be used for renovations, additions or alterations to this *Project*, but shall not be used for renovations, additions or alterations to any other project without a written licence from the *Architect* permitting the use of the *Instruments of Service* for such additional purposes.

7.5 As a condition precedent to the use of the *Architect's Instruments of Service* for the *Project*, all fees and reimbursable expenses, including all fees and expenses of suspension or termination, due to the *Architect*, are required to be paid in full.

GC8 LIABILITY OF THE ARCHITECT

8.1 The *Architect* carries professional errors and omissions liability coverage, and the policy is available for inspection by the *Client* upon request.

8.2 The *Client* agrees that any and all claims, whether in contract or tort, which the *Client* has or hereafter may have against the *Architect* in any way arising out of or related to the *Architect's* duties and responsibilities pursuant to this contract, shall be limited to coverage and amount of professional liability insurance carried and available to the *Architect* for the payment of such claims at the time the claim is made. Prior to the date of execution of this contract, if the *Client* wishes to increase the amount of the coverage of such policy or to obtain other special insurance coverage, then the *Architect* shall cooperate with the *Client* to obtain such increased or special insurance at the *Client's* expense.

8.3 The *Architect* shall be entitled to rely upon software and product information published by manufacturers and shall not be held liable for relying on information or representation which it reasonably believes to be accurate.

8.4 The *Architect* shall not:

.1 be required to make exhaustive or continuous on-site reviews;

.2 be responsible for acts or omissions of the contractor, subcontractors, suppliers or any other persons performing any of the *Work*, or for failure of any of them to carry out the *Work* in accordance with the construction contract documents;

.3 have control, charge, or supervision, or responsibility for construction means, methods, techniques, schedules, sequences or procedures, or, for safety precautions and programs required in connection with the *Work*,

.4 be responsible for any and all matters arising from *Toxic or Hazardous Substances or Materials*, and

.5 be liable for the result of any interpretation or finding rendered in good faith in accordance with the construction contract documents.

8.5 The *Client* acknowledges that either the *Architect* or the *Client* may engage *Consultants* on behalf of and for the benefit and convenience of the *Client*; and agrees that the *Architect* shall not be liable to the *Client*, in contract or in tort, for the acts, omissions or errors of *Consultants* engaged by the *Client* identified in Article A10.2 or the *Consultants* described in GC 4.3 engaged on behalf of the *Client*. Nothing in this clause shall derogate from the *Architect's* duty of *Consultant Coordination*.

8.6 The *Client* shall not commence any claim or proceeding in contract, tort, breach of statutory duty or otherwise against any current or former employee, officer or director of the *Architect* arising out of negligent, wrongful or intentional acts, omissions or errors of such person pursuant to this contract.

8.7 The *Client* agrees that the *Architect* shall not be responsible in contract or in tort for any changes made by others to the *Architect's* design or the *Construction Documents*.

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GC9 SUSPENSION OF SERVICES

9.1 If the *Client* lacks the financial ability or authority to proceed, the *Client* may give seven (7) days written notice to the *Architect* that the *Client* elects to suspend the *Architect's* services.

9.2 If any invoice submitted by the *Architect* remains unpaid by the *Client* for forty-five (45) days or more from the date the invoice was submitted, then the *Architect* may give seven (7) days written notice to the *Client* that the *Architect* will suspend services.

9.3 The *Architect* may suspend services on the *Project*:

.1 if within seven (7) days of delivery of the notice in GC9.2, the *Client* has not paid the Architect's invoice, or the *Architect* and the *Client* have not agreed in writing on terms for payment of the invoice, or

.2 if construction of the *Work* proceeds in the absence of a building permit and without the chief building official dispatching building officials to the site or, if the *Architect* becomes aware of an action taken by the *Client* which violates applicable building codes or regulations.

9.4 In either of the events of GC9.3 the *Client* shall not have any claim whatsoever against the *Architect* for any loss, cost, damage, or expense incurred or anticipated to be incurred by the *Client* as a result of the suspended services.

9.5 The rights of the *Architect* given by GC9.3 are in addition to and not in substitution for any other rights the *Architect* may have under this contract or otherwise for non-payment of the *Architect's* invoices by the *Client*.

9.6 In the event of a suspension of services, the *Architect* shall not be liable for delay or damage as a result of the suspension of services. Upon suspension, the *Architect* shall submit an invoice for all services performed to the effective suspension date, together with reimbursable expenses and applicable taxes then due. Before resuming services, the *Architect* shall be entitled to payment, within thirty (30) days of the date that the invoice for suspension of services is submitted, for all suspension expenses as defined in GC9.7 and for all expenses for recommencement of services. The *Architect's* fees for the remaining services and time schedules shall be adjusted accordingly.

9.7 Suspension expenses include expenses directly attributable to suspension of the *Project* for which the *Architect* is not otherwise compensated, including costs attributed to suspending the *Architect's* contractual and employee commitments.

GC10 TERMINATION OF SERVICES

10.1 This contract is terminated on the earliest of:

.1 completion of the services
.2 termination in accordance with GC10.
.3 one year from the date of certification of *Substantial Performance of the Work*; or
.4 one year from the date of completion of the *Work*.

10.2 This contract may be terminated by either party upon not less than seven (7) days written notice should the other party fail substantially to perform in accordance with its terms through no fault of the party initiating the termination.

10.3 This contract may be terminated by the *Client* upon at least seven (7) days written notice to the *Architect* in the event that the *Project* is abandoned.

10.4 If the *Project* is suspended or abandoned in whole or in part for more than a total of sixty (60) days, it shall be deemed to be abandoned and treated in accordance with Article GC10.2.

10.5 In the event of termination, the *Architect* shall be paid, within thirty (30) days of the date that an invoice is submitted, for all services performed to the effective termination date, together with reimbursable expenses and applicable taxes then due, and for all termination expenses as defined in GC10.6.

10.6 Termination expenses are in addition to compensation for the *Architect's* services and include expenses directly attributable to termination for which the *Architect* is not otherwise compensated, plus an amount for the *Architect's* anticipated profit calculated as 10% of the value of the services remaining to be performed by the *Architect* or such other amount as may be mutually agreed.

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GC11 PAYMENTS TO THE ARCHITECT

11.1 An invoice submitted by the *Architect* under this contract is due and payable when submitted to the *Client*. Payments for the *Architect's* services shall be made on account for invoices as described in Article A11 of this contract and, where applicable, shall be in proportion to services performed within each phase of the service.

11.2 The *Client* shall pay the *Architect* for all reimbursable expenses plus an administrative charge as identified in Article A13 of this contract.

11.3 Reimbursable expenses include the following actual expenditures, supported by receipts or invoices, incurred by the *Architect*, and the *Architect's Consultants* in the interest of the *Project:*

.1 transportation in connection with the *Project* for authorized travel, e.g. for transportation, lodging and meals;
.2 communication and shipping, e.g. for long distance telephone calls and facsimile messages, courier service, postage and electronic conveyances;
.3 reproduction of *Instruments of Service*, photographs, and other documents;
.4 web-based project management services, specifically requested by the *Client*;
.5 fees, levies, duties or taxes for permits, licences or approvals from authorities having jurisdiction;
.6 premiums for additional insurance coverage or limits, including that of professional liability insurance, requested by the *Client* in excess of that normally carried by the *Architect* and the *Architect's Consultants*; and
.7 other *Project* related expenses approved by the *Client* prior to expenditure.

11.4 No deductions shall be made by the *Client* from amounts payable to the *Architect* on account of penalty, liquidated damages, or other sums withheld from payments to contractors, or on account of the cost of changes in the *Work* other than those for which the *Architect* is proven to be legally responsible or has agreed to pay.

11.5 Variance from the *Client's* budget for the *Construction Cost* established under this contract shall not constitute grounds for the *Client* to withhold fees due to the *Architect*.

11.6 When a percentage-based fee is used as the method for determining the *Architect's* fee, the basis for calculating the applicable portion of the fee for each phase of the *Architect's* services shall be based on Article A12 of this contract.

11.7 When a percentage-based fee is used and any parts of the *Project* are deleted or otherwise not constructed the *Construction Cost* shall be the *Estimate of Construction Cost* as determined by the *Architect*, or as agreed by the *Architect* if a cost *Consultant* is engaged, at market rates at the anticipated time of construction.

11.8 If and to the extent that the contract time initially established in the construction contract is exceeded or extended through no fault of the *Architect*, fees for services required for such extended period of the construction contract administration shall be adjusted and computed as set forth in Article A11 of this contract or as otherwise mutually agreed with the *Client*.

11.9 The *Client* shall pay to the *Architect*, together with, and in addition to, any fees and reimbursable expenses, value added taxes that are, or become, payable as required by legislation.

11.10 If this contract requires the *Architect* to provide services both before and after the commencement of the *Work* and the *Client* is retaining holdback pursuant to the Construction Lien Act (Ontario) from payments to the *Architect*, then, for purposes of the Construction Lien Act (Ontario), this contract shall be deemed to be divided into two (2) contracts, with the terms and conditions of this contract applying with necessary modifications to both deemed contracts as follows, with:

.1 a contract for the provision of the *Architect's* services up to and including the commencement of the *Work*; and
.2 a contract for the provision of the *Architect's* services after the commencement of the *Work*.

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GC12 MISCELLANEOUS CONDITIONS

12.1 The addresses for official notice shall be as stated in Article A2 and A3. Notices in writing between the parties shall be considered to have been received by the addressee on the date of delivery if delivered to the individual, or to a member of the firm, or to an officer of the corporation for whom they are intended, by hand or by registered post; or if sent by regular post, to have been delivered five (5) working days from the date of mailing; or if sent by electronic conveyance during the transmission of which no indication of failure of receipt is communicated to the sender, deemed to have been received on the date of its transmission provided that if such day is not a working day or if it is received after the end of normal business hours on the date of its transmission at the place of receipt, then it shall be deemed to have been received at the opening of business at the place of receipt on the first working day next following the transmission thereof.

12.2 The *Architect* shall be entitled to sign the building by inscription, or otherwise, on a permanent, suitable and reasonably visible part of the building.

12.3 The *Architect* shall be entitled to include as part of the construction contract documents a provision to erect a sign identifying the *Architect* and the *Architect's Consultants* at the *Place of the Work*. In some instances the *Client* may also be represented on the sign. Graphics on the sign may also include a reproduction of a rendering of the *Project*.

12.4 If any provision of this contract is declared by a court of competent jurisdiction to be invalid, illegal, or unenforceable, such provision shall be severed from this contract and the other provisions shall remain in full force and effect.

12.5 This contract shall be governed by the law of the Province of Ontario.

12.6 The *Client* and the *Architect* respectively bind themselves, their partners, successors, assigns and legal representatives to the other party to this contract and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of this contract. Except as otherwise provided herein, neither the *Client* nor the *Architect* shall assign, sublet, or transfer an interest in this contract without the written consent of the other. Consent to such assignment or transference shall not be unreasonably withheld.

12.7 This contract represents the entire and integrated contract between the *Client* and the *Architect* and supersedes all prior negotiations, representations, or contracts, either written or oral. This contract may be amended only in writing signed by both the *Client* and the *Architect*.

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10(g)

GC13 OTHER TERMS OF CONTRACT:

The *Client* and the *Architect* agree as set forth in the following other terms:

The Architect agreees to engage and co-ordinate the work of the Interpretive Consultant upon successful completion of negotiations.

This contract is entered into as of the day and year first written above.

THE CORPORATION OF THE
CITY OF SAULT STE. MARIE

CLIENT *(Signature)*

(Printed name and title)
MAYOR DEBBIE AMAROSO

CITY CLERK MALCOLM WHITE

Chris Tossell 13-07-03

ARCHITECT *(Signature)*

Chris Tossell, Architect

(Printed name and title)

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10(h)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2013-144

AGREEMENT: (E2.2) A by-law to authorize execution of a contract between the City and R. M. Belanger Limited for miscellaneous sewer repairs. (Contract 2013-9E)

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENT**

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 a contract in the form of Schedule "A" attached hereto, dated July 15, 2013 and made between the City and R. M. Belanger Limited for miscellaneous sewer repairs (Contract 2013-9E).

2. **SCHEDULE "A"**

Schedule "A" forms part of this by-law.

3. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

PASSED in open Council this 15th day of July, 2013.

MAYOR - DEBBIE AMAROSO

CITY CLERK – MALCOLM WHITE

ca LEGAL\STAFF\BYLAWS\2013\2013-144 AGREEMENT MISCELLANEOUS SEWER REPAIRS 2013-9E.DOC

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

Schedule "A"

CORPORATION OF THE CITY OF SAULT STE. MARIE

CONTRACT 2013-9E

FORM OF AGREEMENT

This Agreement made (in triplicate) this 15th day of July in the year 2013 by and between R. M. Belanger Limited hereinafter called the "Contractor"

AND

The Municipal Corporation of the City of Sault Ste. Marie, Ontario hereinafter called the "Corporation".

WITNESSETH: That the Contractor and the Corporation undertake and agree as follows:

1. The Contractor will provide all the materials and all the works shown and described in the contract documents entitled:

MISCELLANEOUS SEWER REPAIR
CONTRACT 2013-9E

Which have been signed in triplicate by both parties and which were prepared under the supervision of Jerry D. Dolcetti, RPP, Commissioner of Engineering & Planning acting as and herein entitled, the Owner.

2. The Contractor will do and fulfill everything indicated by the Agreement, the General Conditions, the Specifications, the Special Provisions and the Drawings.

3. The Contractor will complete all the work to the entire satisfaction of the Owner within the period of time specified.

4. The Corporation shall pay to the Contractor the contract price as set forth in the Form of Tender in accordance with the provisions as set forth in the General Conditions and the Special Provisions. The quantities contained in the Form of Tender are approximate only and the final payment shall be made for the actual quantities that are incorporated in or made necessary by the work covered by the contract.

5. The Corporation shall pay the Contractor for work that is ordered in writing by the Owner and that cannot be classified as coming under any of the contract units and for which no unit price, lump sum, or other basis can be agreed upon, on a time and material basis as set out in the General Conditions.

6. The Contractor shall indemnify and save harmless the Corporation, its officers, employees and agents, from all loss, damages, costs, charges and expenses of every nature and kind whatsoever which may be made or brought against the Corporation, its officers, employees and agents, by reason or in consequence of the execution and performance or maintenance of the work by the Contractor, its employees, agents or officers.

7. All communications in writing between the Corporation, the Contractor and the Owner shall be deemed to have been received by the Addressee if delivered to the individual, a member of the firm or an officer of the Corporation for whom they are intended or if sent by post or by facsimile as follows:

THE CORPORATION:
The Corporation of the City of Sault Ste. Marie
P.O. Box 580
Civic Centre
99 Foster Drive
Sault Ste. Marie, ON P6A 5N1

THE CONTRACTOR:
R. M. Belanger Limited
100 Radisson Avenue
Chelmsford, ON P0M 1L0

THE OWNER:
Mr. Jerry D. Dolcetti, RPP
Commissioner, Engineering & Planning
P.O. Box 580
99 Foster Drive
Sault Ste. Marie, ON P6A 5N1
Facsimile 705-541-7165

IN WITNESS WHEREOF the parties hereto have executed this Agreement by the day and year first above written.

Signed, Sealed and Delivered
in the presence of

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

_____
MAYOR - DEBBIE AMAROSO

(seal)

_____
CITY CLERK – MALCOLM WHITE

THE CONTRACTOR

_____
COMPANY NAME

(seal)

_____
SIGNATURE

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2013-147

AGREEMENT: (LE-113) A by-law to authorize an agreement between the City and Valery Neil as Licencee to permit an accessibility ramp to be placed on the Dufferin Street boulevard in front of the Licencee's property at 8 Dufferin Street.

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, C. 25, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENT**

   The Mayor and City Clerk are hereby authorized for and in the name of the Corporation to execute and affix the seal of the Corporation to a Licence to Occupy City Property Agreement dated July 15, 2013 between the City and Valery Neil as Licencee attached as Schedule "A" hereto. This agreement permits an accessibility ramp to be placed on the Dufferin Street boulevard in front of the Licencee's property at 8 Dufferin Street.

2. **SCHEDULE "A"**

   Schedule "A" forms part of this by-law.

3. **EFFECTIVE DATE**

   This by-law takes effect on the day of its final passing.

PASSED in open Council this 15th day of July, 2013.

_____

MAYOR – DEBBIE AMAROSO

_____

CITY CLERK – MALCOLM WHITE

da LEGAL\STAFF\BYLAWS\2013\2013-147 LICENCE AGREEMENT 8 DUFFERIN ST VALERY NEIL.DOC

NOTICE
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CITY SOLICITOR

10(i)

Schedule "A"

LE-113

LICENCE TO OCCUPY CITY PROPERTY

THIS LICENCE made in duplicate this 15th day of July, 2013.

B E T W E E N: **THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

(herein referred to as the "City")

- and - **VALERY NEIL**

(herein referred to as the "Licencee")

The City grants to the Licencee the right to occupy a portion of the property of the City identified as a portion of the Dufferin Street boulevard located in front of 8 Dufferin Street. Specifically, that portion of the boulevard marked and identified on Schedule "A" attached to this Licence to Occupy City Property.

This Licence is subject to the conditions set out in Schedule "B" attached, which to the extent each condition is or becomes applicable, the Licencee covenants to observe for the period of one (1) year commencing on July 15, 2013 and thereafter from year to year until the Licence is terminated in accordance with Schedule "B".

In this Licence, the "City" means the "Council" of the City of Sault Ste. Marie and any person authorized to act on its behalf.

This Licence shall enure to the benefit of and be binding upon the parties hereto, their heirs, successors and assigns.

In witness thereof the parties hereto have affixed their hands and seals on the date written above.

SIGNED, SEALED AND DELIVERED)

)

)

) _____

) **VALERY NEIL**

)

)

)

) **THE CORPORATION OF THE CITY**

) **OF SAULT STE. MARIE**

)

) _____

) **MAYOR – DEBBIE AMAROSO**

)

) _____

) **CITY CLERK – MALCOLM WHITE**

)

)

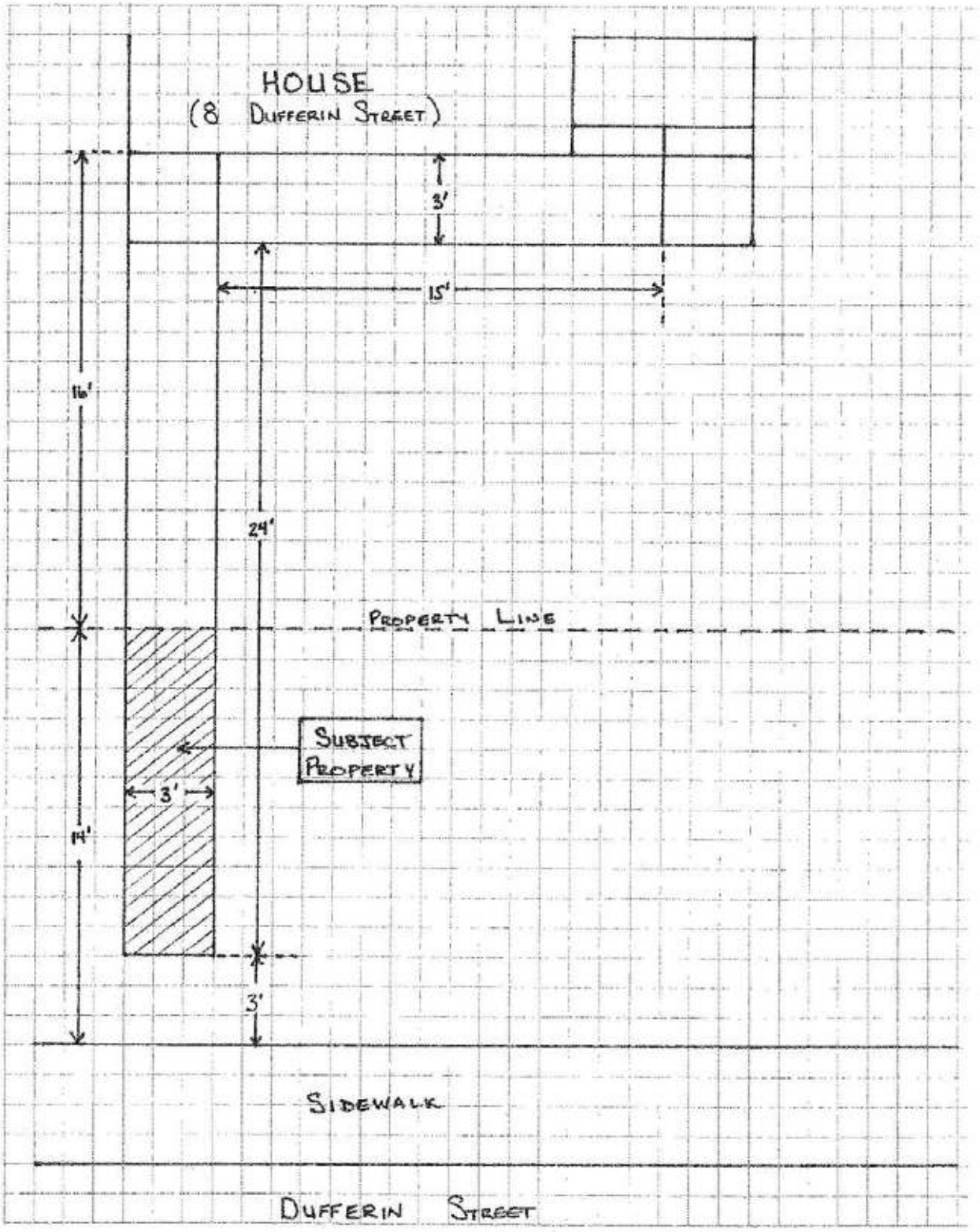
) **WE HAVE THE AUTHORITY TO BIND**

) **THE CORPORATION**

SCHEDULE "A" TO
LICENCE TO OCCUPY CITY PROPERTY

City Property

The City grants the Licencee the right to occupy that portion of the Dufferin Street Boulevard in front of 8 Dufferin Street in Sault Ste. Marie, Ontario, in the location as indicated on the following map, and subject to the conditions outlined in Schedule "B":



SCHEDULE "B"
LICENCE TO OCCUPY CITY PROPERTY

This Licence is subject to the following conditions:

1. The City hereby grants the Licencee permission to construct a Ramp for a period of one (1) year commencing on July 15, 2013 and thereafter from year to year until terminated (the "Term"), on the City Property described, marked and identified in Schedule "A" to this Licence (the "City Property").

2. The City or the Licencee may cancel this Licence on giving six (6) months' written notice to the other party of their intention to do so. Notices shall be deemed given if deposited in the mail with postage charges prepaid and addressed to the party for whom intended at such party's address herein specified:

   CITY
   City Solicitor
   The Corporation of the City of Sault Ste. Marie
   P.O. Box 580
   Sault Ste. Marie, Ontario
   P6A 5N1

   LICENCEE
   Valery Neil
   8 Dufferin Street
   Sault Ste. Marie, Ontario
   P6B 2N4

3. At no time shall the City be responsible for setting up, maintaining, removing or otherwise dealing with the Ramp, nor shall the City be responsible for any matters relating to the use of the Ramp. The Licencee shall be responsible for all costs, expenses and liabilities relating to the setup, presence, use and removal of the Ramp located on the City Property. The Licencee shall indemnify and save harmless the City from any costs and expenses incurred by the City that may result from the setup, maintenance, removal, and use of the Ramp and any other matters arising directly or indirectly from this Agreement.

4. The Licencee shall comply with all Laws, By-Laws, Rules and Regulations of any governing body respecting the construction of the Ramp, and the use of the City Property during the Term, and shall save harmless and fully indemnify the City from and against all losses, costs, damages and expenses, of every kind or nature which the City may suffer, be at or be put to by reason of or in consequence of the noncompliance by the Licencee with such Laws, By-Laws, Rules and Regulations.

5. The Licencee shall be liable for all taxes, permits, licences or assessments of every nature and kind whatsoever, in any way arising from the use of the City Property during the Term.

6. The Licencee shall indemnify and save harmless the City from all costs, liabilities and expenses caused to or incurred by the City and from all claims and demands, awards, losses, costs, damages, actions, suits or other proceedings, by whomsoever made, brought or prosecuted, in any manner based upon, arising out of or connected with, the Licencee's setup, maintenance, removal and use of the Ramp or City Property, the intent being that the City shall be at no risk or expense to which it would not have been put had the use the City Property by the Licencee not occurred.

7. The Licencee shall not assign, transfer or make any other disposition of the Licence, or of the rights conferred thereby, without the prior written consent of the City.

8. If, at the sole discretion of the City and/or emergency personnel, the City and/or emergency personnel requires access to any portion of the City Property, such that the removal of any portion of the Ramp located on the City Property is required, the Licencee shall in no way restrict such access and/or removal of a portion or the entirety of the Ramp, and the City and/or emergency personnel shall in no way be responsible for restoring the Ramp to its condition prior to such access and/or removal of the Ramp by the City and/or emergency personnel.

9. The Licencee shall not use or permit the use of the City Property for any purpose other than the purpose herein set out. The Licencee shall not erect any buildings or other structures on the City Property.

10. In the event that this Licence is terminated in accordance with paragraph 2, the provisions of paragraphs 3-9 inclusive of this Licence shall survive the termination of this Licence. The Ramp shall be removed immediately upon termination of this Licence.

11. The Licencee shall keep in force during the Term, property damage insurance and personal injury insurance against claims for bodily injury, death or property damage occurring on the City Property in an amount not less than Two Million ($2,000,00.00) Dollars and name the City as "Additional Insured" to same. Proof of said insurance shall be filed with the Legal Department of the City of Sault Ste. Marie.

10(j)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2013-148

AGREEMENT: (LE-114) A by-law to authorize an agreement between the City, Loplops, the Downtown Association and Sault Ste. Marie Buskerfest as Licencees to permit the Licencees to occupy various portions of Queen Street East on August 9 -11, 2013 for the Buskerfest Weekend Activities.

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENT**

   The Mayor and City Clerk are hereby authorized for and in the name of the Corporation to execute and affix the seal of the Corporation to a Licence to Occupy City Property Agreement dated July 15, 2013 between the City and Loplops, the Downtown Association and Sault Ste. Marie Buskerfest as Licencees attached as Schedule "A" hereto. This agreement permits the Licencees to occupy various portions of Queen Street East on August 9 – 11, 2013 for the Buskerfest Weekend Activities.

2. **SCHEDULE "A"**

   Schedule "A" forms part of this by-law.

3. **EFFECTIVE DATE**

   This by-law takes effect on the day of its final passing.

PASSED in open Council this 15th day of July, 2013.

MAYOR - DEBBIE AMAROSO

CITY CLERK - MALCOLM WHITE

cf LEGAL\STAFF\BYLAWS\2013\2013-148 LICENCE AGREEMENT Loplops Buskerfest Downtown City

NOTICE
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CITY SOLICITOR

LE-114

Schedule "A"

10(j)

LICENCE TO OCCUPY CITY PROPERTY

THIS LICENCE made in duplicate this 15th day of July, 2013.

BETWEEN:

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

(herein referred to as the "City")

- and -

LOPLOPS

(herein referred to as the "Licencee")

- and -

DOWNTOWN ASSOCIATION

(herein also referred to as the "Licencee")

-and-

SAULT STE. MARIE BUSKERFEST

(herein also referred to as the "Licencee")

The City grants to the Licencees the right to occupy the property of the City ("the City Property") identified as six (6) separate portions of land on Queen Street East, Sault Ste. Marie, specifically as shown and identified on Schedule "A" attached to this Licence to Occupy City Property.

This Licence is subject to the conditions set out in Schedule "B" attached.

In this Licence, the "City" means the "Council" of the City of Sault Ste. Marie and any person authorized to act on its behalf.

This Licence shall enure to the benefit of and be binding upon the parties hereto, their heirs, successors and assigns.

In witness thereof the parties hereto have affixed their hands and seals on the date written above.

SIGNED, SEALED AND DELIVERED)

Date:_____

_____

LOPLOPS

Name: _____

Person Signing on behalf of Loplops

I HAVE THE AUTHORITY TO BIND LOPLOPS.

Date:_____

_____

DOWNTOWN ASSOCIATION

Name: _____

Person Signing on behalf of the Downtown Association

I HAVE THE AUTHORITY TO BIND THE DOWNTOWN ASSOCIATION.

10(j)

Date:_____

SAULT STE. MARIE BUSKERFEST

_____

PRESIDENT – DONNA HOPPER

I HAVE THE AUTHORITY TO BIND SAULT STE. MARIE BUSKERFEST.

Date:_____

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

_____

MAYOR – DEBBIE AMAROSO

_____

CITY CLERK – MALCOLM WHITE

WE HAVE THE AUTHORITY TO BIND THE CORPORATION.

10(j)

City Property

The following programming and structures are permitted to be set up and/or conducted at the following locations on City Property:

A. Patios and programming locations

1. Heritage Block on Queen Street East.
   a) One Pop Up Patio located in the vicinity of 740 Queen Street East of the size twenty (20') feet by twenty (20') (hereinafter the "Pop Up Patios"); and
   b) Buskerfest "Pitch" which shall include one of the formats of programming defined in Section B below (the "Buskerfest Programming").

2. Square One on Queen Street East.
   a) Pop Up Patios; and
   b) Buskerfest "Pitch" which shall include one of the formats of Buskerfest Programming.

3. Square Two on Queen Street East.
   a) Pop Up Patio located in the vicinity of 555 Queen Street East; and
   b) Buskerfest "Pitch" which shall include one of the formats of Buskerfest Programming.

4. Square Three on Queen Street East.
   a) Pop Up Patio located in the vicinity of the Downtown Association;
   b) Buskerfest "Pitch" which shall include one of the formats of Buskerfest Programming;
   c) Photo booth; and
   d) Children's activities.

5. Square Four on Queen Street East.
   a) Pop Up Patio located in the vicinity of Fabricland;
   b) Pop Up Patio located in the vicinity of Summit Church; and
   c) Buskerfest "Pitch" which shall include one of the formats of Buskerfest Programming.

6. Square Five on Queen Street.
   a) Buskerfest "Pitch" which shall include one of the formats of Buskerfest Programming.

B. Buskerfest Pitch and Programming

The following programming is permitted to be set up and conducted at the locations referenced in Section A above as the Buskerfest Pitch.

a) Street Circus - hand-to-hand acrobatics and contortion, juggling, fire eating, hoola hoops, cyr wheel;
b) Lisa Lottie - hoola hoops, contortion;
c) Reuben Dotdotdot - Chinese pole acrobatics;
d) Aerial Angels - aerial silks and hoops, hand-to-hand acrobatics, fire eating;
e) Eden Cheung - illusionist, comedy;
f) Acrobuffos - comedy, water balloon battles with heavy audience participation; and
g) Hiccup the Clown - unicycle, juggling, children's shows (singing, guitar, comedy).

SCHEDULE "B"
LICENCE TO OCCUPY CITY PROPERTY

This Licence is subject to the following conditions:

1. The City hereby grants Loplops permission to set up six (6) tent structures, each of the size twenty (20') feet by twenty (20') feet ("Pop Up Patios") on August 9, 2013 as part of the Buskerfest Weekend Activities, on Queen Street East, Sault Ste. Marie, Ontario, at the locations identified in Schedule "A" to this Licence Agreement ("City Property"), and subject to the following time schedules for August 9, 2013:

    a. between the hours of 6:00 p.m. to 7:00 p.m., Loplops may set up the Pop Up Patios;
    b. between the hours of 6:30 p.m. and 10:30 p.m., Loplops may serve alcoholic beverages at the Pop Up Patios; and
    c. between the hours of 10:00 p.m. and 11:00 p.m., Loplops shall promptly remove the Pop Up Patios from City Property, and complete all necessary clean-up activities at their sole cost and expense.

2. Loplops shall ensure the following conditions are complied with regarding the Pop Up Patios, specifically:

    a. all Pop Up Patios, and fencing shall not impede egress or access from or to a structure;
    b. the Pop Up Patios shall not exceed overall occupant numbers as listed on the Loplops' liquor license; and
    c. all Pop Up Patios shall be equipped with a portable fire extinguisher with a minimum 2A10BC rating and all staff for the Pop Up Patios shall be trained in their use.

3. Paragraphs 1 and 2 of Schedule "B" above are collectively referred to as the "Pop Up Patios Event" for the purpose of this Licence Agreement.

4. Loplops represents and warrants that it is the holder of a valid catering endorsement attached to its sales licence. Loplops further represents and warrants that it has submitted a written form of notification of the Pop Up Patios Event to the Alcohol and Gaming Commission of Ontario ("AGCO"), Algoma Public Health, the City Fire Department, the City Police Department and the City Building Department as required under Ontario Regulation 719, made under the *Liquor Licence Act*. Loplops is presently awaiting the AGCO's approval for the Pop Up Patios Event.

5. Loplops represents and warrants that it shall provide and serve alcohol for the Pop Up Patios Event if approved by the AGCO. The Downtown Association represents and warrants that it is the sponsor for the Pop Up Patios Event.

6. Prior to the commencement of the Pop Up Patios Event, Loplops shall provide the City with written confirmation by facsimile or email from the AGCO that Loplops has received approval for the Pop Up Patios Event. In the event that such confirmation of approval has not been received by the City by noon on August 8, 2013, the Licencees acknowledge and agree that the Pop Up Patios Event shall not proceed on August 9, 2013 and this Licence Agreement is hereby terminated as it pertains to the Pop Up Patios Event. Such written confirmation shall be sent as follows:

    Melanie Borowicz-Sibenik
    Assistant City Solicitor
    Corporation of the City of Sault Ste. Marie
    99 Foster Drive
    Sault Ste. Marie, ON P6A 5N1
    Tel: (705)759-5403
    Fax: (705)759-5405
    Email : m.borowiczsibenik@cityssm.on.ca.

7. At no time shall the City be responsible for setting up, maintaining, removing or otherwise dealing with the Pop Up Patios or the Pop Up Patios Event. The Licencees shall be responsible for all costs, expenses and liabilities relating to the setup, presence, use and removal of the Pop Up Patios and related supplies and equipment located on City Property. The Licencees shall

indemnify and save harmless the City from any costs and expenses incurred by the City that may result from the Pop Up Patios or the Pop Up Patios Event.

8. Loplops shall have full responsibility to ensure that it has satisfied all liquor licence requirements for the Pop Up Patios Event. At no time shall the City be responsible for any matters related to liquor licence requirements or approvals for the Pop Up Patios Event. Loplops shall save harmless and fully indemnify the City from and against all losses, costs, damages and expenses of every kind or nature which the City may suffer, be at or be put to by reason of or in consequence of the noncompliance by the Loplops of such liquor licence requirements and/or approvals.

9. The City further hereby grants permission to Sault Ste. Marie Buskerfest to set and conduct the Buskerfest Programming specifically enumerated in Schedule "A" to this Licence Agreement on August 9, 2013 as part of the Sault Ste. Marie Buskerfest Weekend Activities on Queen Street East, Sault Ste. Marie, Ontario at the locations identified in Schedule "A" to this Licence Agreement (the "City Property") and subject to the following schedule for August 9, 2013:

   - Set up and conduct Buskerfest Pitch Programming from 6:00 p.m. to 10:30 p.m.

   The above is collectively referred to as the "Buskerfest Programming" for the purpose of this Licence Agreement.

10. The City further hereby grants permission to the Downtown Association to set up and conduct the programming specifically enumerated in Section A (4)(c) and (d) of Schedule "A" to this Licence Agreement on August 9, 2013 as part of the Sault Ste. Marie Buskerfest Weekend Activities on Queen Street East, Sault Ste. Marie, Ontario at the locations identified on Schedule "A" to this Licence Agreement (the "City Property") and subject to the following schedule for August 9, 2013:

    - Set up and conduct of programming from 6:00 p.m. to 10:30 p.m.

    The above is collectively referred to as the "Downtown Programming" for the purpose of this Licence Agreement.

11. At no time shall the City be responsible for setting up, maintaining, removing or otherwise dealing with the Downtown Programming or the Buskerfest Programming. The Licencees shall be responsible for all costs, expenses and liabilities relating to the setup, presence, use and removal of the Downtown Programming and the Buskerfest Programming located on City Property. The Licencees shall indemnify and save harmless the City from any costs and expenses incurred by the City that may result from the Downtown Proramming and/or the Buskerfest Programming.

12. All matters related to the Pop Up Patios Event, Buskerfest Programming and Downtown Programming are the responsibility of the Licencees. At no time shall the City be responsible for any matters related to the Pop Up Patios Event, Buskerfest Programming and Downtown Programming, and the Licencees shall indemnify and save harmless the City from any costs and expenses incurred by the City that may result from same.

13. The Licencees shall comply with all Laws, By-Laws, Rules and Regulations of any governing body respecting the Pop Up Patios Event, Buskerfest Programming and Downtown Programming, and shall save harmless and fully indemnify the City from and against all losses, costs, damages and expenses, of every kind or nature which the City may suffer, be at or be put to by reason of or in consequence of the noncompliance by the Licencees with such Laws, By-Laws, Rules and Regulations.

14. The Licencees shall be liable for all taxes, permits, licences or assessments of every nature and kind whatsoever, in any way arising from the Pop Up Patios Event, Buskerfest Programming and Downtown Programming.

15. The Licencees shall indemnify and save harmless the City from all costs and expenses caused to or incurred by the City and from all claims and demands, awards, losses, costs, damages, actions, suits or other proceedings, by whomsoever made, brought or prosecuted, in any manner based upon, arising out of or connected with the Pop Up Patios Event, Buskerfest Programming

and Downtown Programming, the intent being that the City shall be at no risk or expense to which it would not have been put had the Pop Up Patios Event, Buskerfest Programming and Downtown Programming not occurred.

16. The Licencees shall not assign, transfer or make any other disposition of this Licence Agreement, or of the rights conferred thereby, without the prior written consent of the City.

17. If, at the sole discretion of the City and/or emergency personnel, the City and/or emergency personnel requires access to any portion of Queen Street East, such that removal of any portion or the entirety of the Pop Up Patios Event, Buskerfest Programming and/or Downtown Programming is required, the Licencees shall in no way restrict such access and the City and/or emergency personnel shall in no way be responsible for restoring the Pop Up Patios Event, Buskerfest Progamming and/or Downtown Programming to its condition prior to such access by the City and/or emergency personnel.

18. The Pop Up Patios Event shall terminate at 10:30 p.m. on August 9, 2013. Commencing at 10:00 p.m. on August 9, 2013, Loplops shall commence the removal of the Pop Up Patios from City Property and complete all necessary clean-up activities at their sole cost and expense by the hour of 11:00 p.m. on August 9, 2013, and leave the City property in a condition satisfactory to the City; provided that if the required clean-up activities are not completed and/or the Pop Up Patios are not removed by the Loplops by 11:00 p.m. on August 9, 2013, the City may complete such clean up and removal of the Pop Up Patios as it deems necessary at the expense and risk of the Loplops.

19. The Downtown Programming shall terminate at 10:30 p.m. on August 9, 2013. At 10:30 p.m., on August 9, 2013, the Downtown Association shall promptly remove the Downtown Programming and complete all necessary cleanup activities at their sole cost and expense by the hour of 11:00 p.m. on August 9, 2013 and leave the City Property in a condition satisfactory to the City, provided that if the required cleanup activities are not completed and/or the Downtown Programming is not removed by the Downtown Association by 11:00 p.m. on August 9, 2013, the City may complete such cleanup and removal of the Downtown Programming as it deems necessary at the expense and risk of the Downtown Association.

20. The Buskerfest Programming shall terminate at 10:30 p.m. on August 9, 2013. At 10:30 p.m., on August 9, 2013, the Sault Ste. Marie Buskerfest shall promptly remove the Buskerfest Programming and complete all necessary cleanup activities at their sole cost and expense by the hour of 11:00 p.m. on August 9, 2013 and leave the City Property in a condition satisfactory to the City, provided that if the required cleanup activities are not completed and/or the Buskerfest Programming is not removed by the Sault Ste. Marie Buskerfest by 11:00 p.m. on August 9, 2013, the City may complete such cleanup and removal of the Downtown Programming as it deems necessary at the expense and risk of the Sault Ste. Marie Buskerfest.

21. This Licence Agreement shall terminate at 11:00 p.m. on August 9, 2013. The provisions of paragraphs 7-15 inclusive and paragraphs 18-20 inclusive of this Licence Agreement survive the termination of this Licence Agreement.

22. The Licencees will not use or permit the use of the City Property for any purpose other than the purpose herein set out, namely the Pop Up Patios Event, Buskerfest Programming and Downtown Programming. The Licencees shall not erect any other buildings or structures, or conduct any other programming on the City Property.

23. The Licencees shall each keep in force during the term of this Licence Agreement, property damage insurance and personal injury insurance against claims for bodily injury, death or property damage occurring on the City Property in an amount not less than Five Million ($5,000,000.00) Dollars and name the City as "Additional Insured" to same. Proof of said insurance shall be filed with the Legal Department of the City of Sault Ste. Marie on or before August 8, 2013.

10(K)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2013-149

AGREEMENT: (LE-114) A by-law to authorize an agreement between the City and Sault Ste. Marie Buskerfest as Licencee to permit the Licencee to occupy a portion of Queen Street East between Brock and East Streets on August 9 -11, 2013 for the Buskerfest Weekend Activities.

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENT**

   The Mayor and City Clerk are hereby authorized for and in the name of the Corporation to execute and affix the seal of the Corporation to a Licence to Occupy City Property Agreement dated July 15, 2013 between the City and Sault Ste. Marie Buskerfest as Licencee attached as Schedule "A" hereto. This agreement permits the Licencee to occupy a portion of Queen Street East between Brock and East Streets on August 9 – 11, 2013 for the Buskerfest Weekend Activities.

2. **SCHEDULE "A"**

   Schedule "A" forms part of this by-law.

3. **EFFECTIVE DATE**

   This by-law takes effect on the day of its final passing.

PASSED in open Council this 15th day of July, 2013.

MAYOR - DEBBIE AMAROSO

CITY CLERK - MALCOLM WHITE

cf LEGAL\STAFF\BYLAWS\2013\2013-149 LICENCE AGREEMENT Buskerfest

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

LE-114

Schedule "A"

10(K)

LICENCE TO OCCUPY CITY PROPERTY

THIS LICENCE made in duplicate this 15th day of July, 2013.

BETWEEN:

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

(herein referred to as the "City")

- and -

SAULT STE. MARIE BUSKERFEST

(herein referred to as the "Licencee")

The City grants to the Licencee the right to occupy the property of the City ("the City Property") identified as Heritage Block on Queen Street East, Sault Ste. Marie, specifically as shown and identified on Schedule "A" attached to this Licence to Occupy City Property.

This Licence is subject to the conditions set out in Schedule "B" attached.

In this Licence, the "City" means the "Council" of the City of Sault Ste. Marie and any person authorized to act on its behalf.

This Licence shall enure to the benefit of and be binding upon the parties hereto, their heirs, successors and assigns.

In witness thereof the parties hereto have affixed their hands and seals on the date written above.

SIGNED, SEALED AND DELIVERED

Date:_____

_____

SAULT STE. MARIE BUSKERFEST

Name: _____

Person Signing on behalf of the Sault Ste. Marie Buskerfest

I HAVE THE AUTHORITY TO BIND THE SAULT STE. MARIE BUSKERFEST.

Date:_____

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

_____

MAYOR – DEBBIE AMAROSO

_____

CITY CLERK – MALCOLM WHITE

WE HAVE THE AUTHORITY TO BIND THE CORPORATION.

SCHEDULE "A" TO
LICENCE TO OCCUPY CITY PROPERTY

City Property

The following programming is permitted to be set up and/or conducted at the following locations on City Property:

1. Heritage Block on Queen Street East, between Brock and East Streets.

    a) Street Circus - hand-to-hand acrobatics and contortion, juggling, fire eating, hoola hoops, cyr wheel
    b) Lisa Lottie - hoola hoops, contortion
    c) Reuben Dotdotdot - Chinese pole acrobatics
    d) Aerial Angels - aerial silks and hoops, hand-to-hand acrobatics, fire eating
    e) Eden Cheung - illusionist, comedy
    f) Acrobuffos - comedy, water balloon battles with heavy audience participation
    g) Hiccup the Clown - unicycle, juggling, children's shows (singing, guitar, comedy).

The above programming is referred to as "Buskerfest Programming" in this Licence Agreement.

SCHEDULE "B"
LICENCE TO OCCUPY CITY PROPERTY

This Licence is subject to the following conditions:

1. The City hereby grants permission to Sault Ste. Marie Buskerfest to set up and conduct the Buskerfest Programming specifically enumerated in Schedule "A" to this Licence Agreement on August 10 and 11, 2013 inclusive as part of the Sault Ste. Marie Buskerfest Weekend Activities on Queen Street East, Sault Ste. Marie, Ontario, at the location identified in Schedule "A" to this Licence Agreement (the "City Property"), and subject to the following schedule for August 10 and 11, 2013:
    a. Set up and conduct of Buskerfest Programming on August 10, 2013 from 11:00 a.m. to 11:00 p.m.; and
    b. Set up and conduct of Buskerfest Programming on August 11, 2013 from 11:00 a.m. to 7:00 p.m.

2. At no time shall the City be responsible for setting up, maintaining, removing or otherwise dealing with the Buskerfest Programming. The Licencee shall be responsible for all costs, expenses and liabilities relating to the setup, presence, use and removal of the Buskerfest Programming located on City Property. The Licencee shall indemnify and save harmless the City from any costs and expenses incurred by the City that may result from the Buskerfest Programming.

3. All matters related to the Buskerfest Programming are the responsibility of the Licencee. At no time shall the City be responsible for any matters related to the Buskerfest Programming, and the Licencee shall indemnify and save harmless the City from any costs and expenses incurred by the City that may result from the Buskerfest Programming.

4. The Licencee shall comply with all Laws, By-Laws, Rules and Regulations of any governing body respecting the Buskerfest Programming, and shall save harmless and fully indemnify the City from and against all losses, costs, damages and expenses, of every kind or nature which the City may suffer, be at or be put to by reason of or in consequence of the noncompliance by the Licencee with such Laws, By-Laws, Rules and Regulations.

5. The Licencee shall be liable for all taxes, permits, licences or assessments of every nature and kind whatsoever, in any way arising from the Buskerfest Programming.

6. The Licencee shall indemnify and save harmless the City from all costs and expenses caused to or incurred by the City and from all claims and demands, awards, losses, costs, damages, actions, suits or other proceedings, by whomsoever made, brought or prosecuted, in any manner based upon, arising out of or connected with the Buskerfest Programming, the intent being that the City shall be at no risk or expense to which it would not have been put had the Buskerfest Programming not occurred.

7. The Licencee shall not assign, transfer or make any other disposition of this Licence Agreement, or of the rights conferred thereby, without the prior written consent of the City.

8. If, at the sole discretion of the City and/or emergency personnel, the City and/or emergency personnel requires access to any portion of Queen Street East, such that removal of any portion or the entirety of the Buskerfest Programming is required, the Licencee shall in no way restrict such access and the City and/or emergency personnel shall in no way be responsible for restoring the Buskerfest Programming to its condition prior to such access by the City and/or emergency personnel.

9. The Buskerfest Programming shall terminate at 11:00 p.m. on August 10, 2013 and at 7:00 p.m. on August 11, 2013. The Licencee shall promptly remove the Buskerfest Programming and complete all necessary cleanup activities at their sole cost and expense by the hour of 11:00 p.m. on August 10, 2013 and 7:00 p.m. on August 11, 2013 and leave the City Property in a condition satisfactory to the City, provided that if the required cleanup activities are not completed and/or the Buskerfest Programming is not removed by the Licencee by 11:00 p.m. on August 10, 2013 and/or 7:00 p.m. on August 11, 2013, the City may complete such cleanup and removal of the Buskerfest Programming as it deems necessary at the expense and risk of the Licencee.

10. This Licence Agreement shall terminate at 7:00 p.m. on August 11, 2013. The provisions of paragraphs 2-6 inclusive and paragraph 9 of this Licence Agreement survive the termination of this Licence Agreement.

11. The Licencee will not use or permit the use of the City Property for any purpose other than the purpose herein set out, namely the Buskerfest Programming. No buildings, structures or other programming shall be erected or conducted on the City Property by the Licencee unless the City provides its prior express written consent to same.

12. The Licencee shall keep in force during the term of this Licence Agreement, property damage insurance and personal injury insurance against claims for bodily injury, death or property damage occurring on the City Property in an amount not less than Two Million ($2,000,000.00) Dollars and name the City as "Additional Insured" to same. Proof of said insurance shall be filed with the Legal Department of the City of Sault Ste. Marie on or before August 9, 2013.

10(1)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2013-150

AGREEMENT: (LE-102) A by-law to authorize an agreement between the City and Loplops as Licencee to permit the Licencee to occupy a portion of the City Boulevard and Sidewalk in front of 651 Queen Street East to erect an outdoor patio on July 18 -21, 2013 inclusive and August 9 – 11, 2013 inclusive.

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENT**

   The Mayor and City Clerk are hereby authorized for and in the name of the Corporation to execute and affix the seal of the Corporation to a Licence to Occupy City Property Agreement dated July 15, 2013 between the City and Loplops as Licencee attached as Schedule "A" hereto. This agreement permits the Licencee to occupy a portion of the City Boulevard and Sidewalk in front of 651 Queen Street East to erect an outdoor patio on July 18 – 21, 2013 inclusive and August 9 – 11, 2013 inclusive.

2. **SCHEDULE "A"**

   Schedule "A" forms part of this by-law.

3. **EFFECTIVE DATE**

   This by-law takes effect on the day of its final passing.

PASSED in open Council this 15th day of July, 2013.

_____

MAYOR – DEBBIE AMAROSO

_____

CITY CLERK – MALCOLM WHITE

cf LEGAL\STAFF\BYLAWS\2013\2013-150 LICENCE AGREEMENT Loplops Patio Bar

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

LE-102

Schedule "A"

10(1)

LICENCE TO OCCUPY CITY PROPERTY

THIS LICENCE made in duplicate this 15th day of July, 2013.

B E T W E E N:

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

(herein referred to as the "City")

- and -

LOPLOPS

(herein referred to as the "Licencee")

The City grants to the Licencee the right to occupy the property of the City ("the City Property") identified as a portion of the City Boulevard and sidewalk in front of 651 Queen Street East, Sault Ste. Marie, specifically as shown and identified on the sketch attached as Schedule "A" to this Licence to Occupy City Property.

This Licence is subject to the conditions set out in Schedule "B" attached.

In this Licence, the "City" means the "Council" of the City of Sault Ste. Marie and any person authorized to act on its behalf.

This Licence shall enure to the benefit of and be binding upon the parties hereto, their heirs, successors and assigns.

In witness thereof the parties hereto have affixed their hands and seals on the date written above.

SIGNED, SEALED AND DELIVERED)

Date:_____

_____

LOPLOPS

Name: _____

Person Signing on behalf of Loplops

I HAVE THE AUTHORITY TO BIND LOPLOPS.

Date:_____

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

_____

MAYOR DEBBIE AMAROSO

_____

CITY CLERK – MALCOLM WHITE

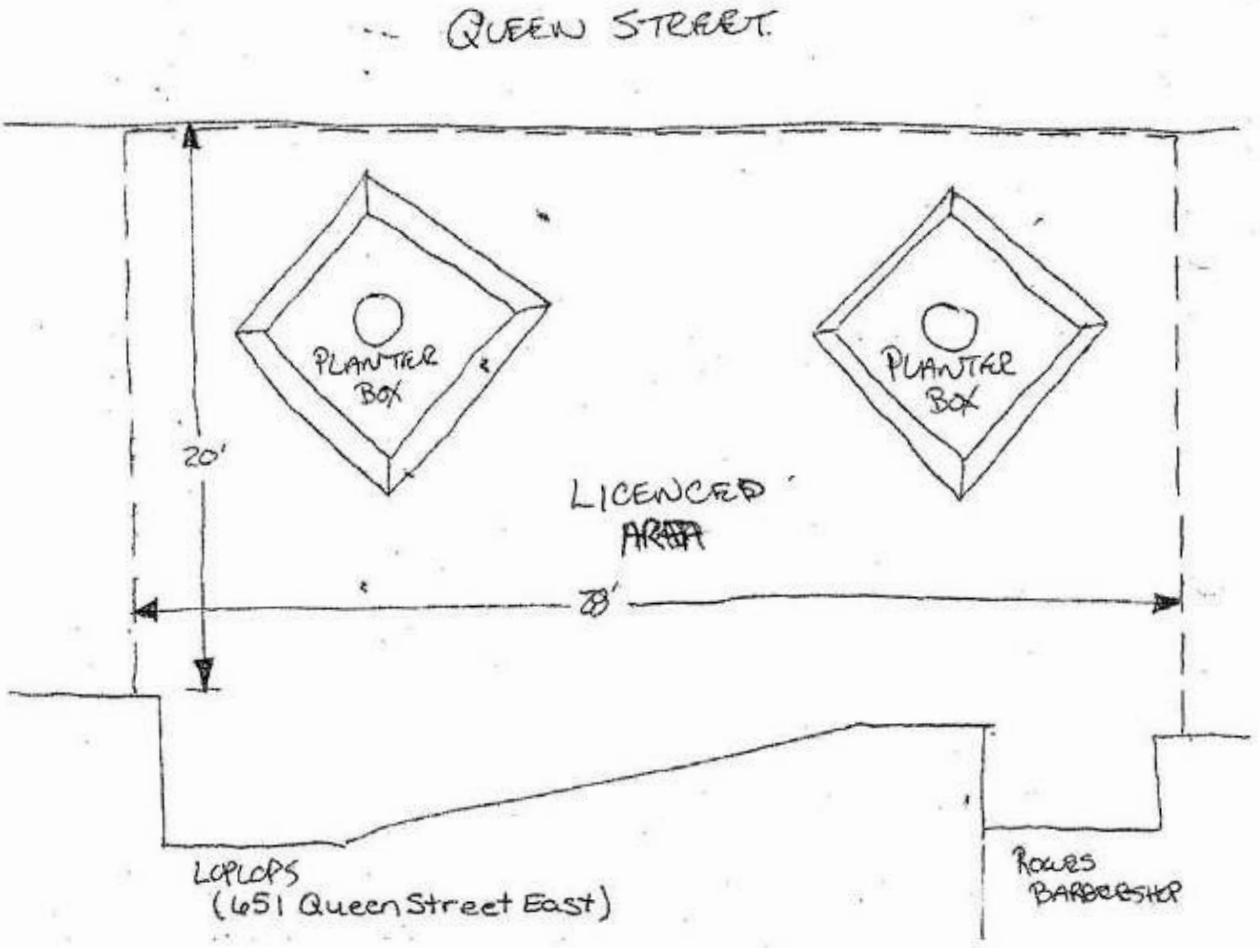
WE HAVE THE AUTHORITY TO BIND THE CORPORATION.

10(1)

SCHEDULE "A" TO
LICENCE TO OCCUPY CITY PROPERTY

City Property

The City hereby grants the Licencee permission to erect an outdoor patio on a portion of the City Boulevard and sidewalk in front of 651 Queen Street East, Sault Ste. Marie at the location identified and marked on the drawing below.



SCHEDULE "B"
LICENCE TO OCCUPY CITY PROPERTY

This Licence is subject to the following conditions:

1. The City hereby grants Loplops permission to erect and use an outdoor patio of the dimension twenty (20') feet by twenty-eight (28') feet (the "Outdoor Patio") at the location identified in Schedule "A" to this Licence Agreement (the "City Property") on July 18, 2013 to July 21, 2013, inclusive and August 9, 2013 to August 11, 2013, inclusive, subject to the following time schedules:

    a. commencing at 9:00 a.m. on July 18, 2013 and ending at 6:00 p.m. on July 21, 2013; and
    b. commencing at 9:00 a.m. on August 9, 2013 and ending at 8:00 p.m. on August 11, 2013.

2. Loplops shall ensure the following conditions are complied with regarding the Outdoor Patio, specifically:

    a. the Outdoor Patio, and fencing shall not impede egress or access from or to a structure;
    b. the Outdoor Patio shall not exceed overall occupant numbers as listed on the Loplops' liquor license;
    c. the Outdoor Patio shall be equipped with a portable fire extinguisher with a minimum 2A10BC rating and all staff for the Outdoor Patio shall be trained in their use; and
    d. the Outdoor Patio shall be designed such that it shall remain accessible at all times.

3. Loplops represents and warrants that it is the holder of a valid catering endorsement attached to its sales licence. Loplops further represents and warrants that it has submitted a written form of notification of the Outdoor Patio to the Alcohol and Gaming Commission of Ontario ("AGCO"), Algoma Public Health, the City Fire Department, the City Police Department and the City Building Department as required under Ontario Regulation 719, made under the Liquor Licence Act. Loplops is presently awaiting the AGCO's approval for the Outdoor Patio.

4. Loplops represents and warrants that it shall provide and serve alcohol at the Outdoor Patio if approved by the AGCO.

5. Prior to the commencement of construction and use of the Outdoor Patio, Loplops shall provide the City with written confirmation by facsimile or email from the AGCO that Loplops has received approval for the Outdoor Patio. In the event that such confirmation of approval has not been received by the City by noon on July 17, 2013, the Licencee acknowledges and agrees that this Licence Agreement shall terminate and the permission granted for the July 18, 2013 to July 21, 2013 Outdoor Patio shall be revoked by the City. Further, in the event that such confirmation of approval has not been received by the City by noon on August 8, 2013, the Licencee acknowledges and agrees that this Licence Agreement shall terminate and the permission granted for the August 9, 2013 to August 11, 2013 Outdoor Patio shall be revoked by the City. Such written confirmation shall be sent as follows:

    Melanie Borowicz-Sibenik
    Assistant City Solicitor
    Corporation of the City of Sault Ste. Marie
    99 Foster Drive
    Sault Ste. Marie, ON P6A 5N1
    Tel: (705)759-5403
    Fax : (705)759-5405
    Email : m.borowiczsibenik@cityssm.on.ca.

6. At no time shall the City be responsible for setting up, maintaining, removing or otherwise dealing with the Outdoor Patio. The Licencee shall be responsible for all costs, expenses and liabilities relating to the setup, presence, use and removal of the Outdoor Patio located on City Property. The Licencee shall indemnify and save harmless the City from any costs and expenses incurred by the City that may result from the Outdoor Patio.

7. The Licencee shall have full responsibility to ensure that it has satisfied all liquor licence requirements for the Outdoor Patio. At no time shall the City be responsible for any matters

related to liquor licence requirements or approvals for the Outdoor Patio. The Licencee shall save harmless and fully indemnify the City from and against all losses, costs, damages and expenses of every kind or nature which the City may suffer, be at or be put to by reason of or in consequence of the noncompliance by the Licencee of such liquor licence requirements and/or approvals.

8. All matters related to the Outdoor Patio is the responsibility of the Licencee. At no time shall the City be responsible for any matters related to the Outdoor Patio, and the Licencee shall indemnify and save harmless the City from any costs and expenses incurred by the City that may result from same.

9. The Licencee shall comply with all Laws, By-Laws, Rules and Regulations of any governing body respecting the Outdoor Patio, and shall save harmless and fully indemnify the City from and against all losses, costs, damages and expenses, of every kind or nature which the City may suffer, be at or be put to by reason of or in consequence of the noncompliance by the Licencee with such Laws, By-Laws, Rules and Regulations.

10. The Licencee shall be liable for all taxes, permits, licences or assessments of every nature and kind whatsoever, in any way arising from the Outdoor Patio.

11. The Licencee shall indemnify and save harmless the City from all costs and expenses caused to or incurred by the City and from all claims and demands, awards, losses, costs, damages, actions, suits or other proceedings, by whomsoever made, brought or prosecuted, in any manner based upon, arising out of or connected with, the Outdoor Patio, the intent being that the City shall be at no risk or expense to which it would not have been put had the Outdoor Patio not occurred.

12. The Licencee shall not assign, transfer or make any other disposition of this Licence Agreement, or of the rights conferred thereby, without the prior written consent of the City.

13. If, at the sole discretion of the City and/or emergency personnel, the City and/or emergency personnel requires access to any portion of Queen Street East, such that removal of any portion or the entirety of the Outdoor Patio is required, the Licencee shall in no way restrict such access and the City and/or emergency personnel shall in no way be responsible for restoring the Outdoor Patio to its condition prior to such access by the City and/or emergency personnel.

14. The Outdoor Patio Event shall terminate at 6:00 p.m. on July 21, 2013 and at 8:00 p.m. on August 11, 2013. Loplops shall commence the removal of the Outdoor Patio from City Property and complete all necessary clean-up activities at their sole cost and expense by the hour of 6:00 p.m. on July 21, 2013 and 8:00 p.m. on August 11, 2013, and in each instance, leave the City Property in a condition satisfactory to the City; provided that if the required clean-up activities are not completed and/or the Outdoor Patio removed by the Licencee by 6:00 p.m. on July 21, 2013 and by 8:00 p.m. on August 11, 2013, the City may complete such clean up and removal of the Outdoor Patio as it deems necessary at the expense and risk of the Licencee.

15. This Licence Agreement shall terminate at 8:00 p.m. on August 11, 2013. The provisions of paragraphs 6-12 inclusive and paragraph 14 of this Licence Agreement survive the termination of this Licence Agreement.

16. The Licencee will not use or permit the use of the City Property for any purpose other than the purpose herein set out, namely the Outdoor Patio. No buildings or other structures will be erected on the City Property.

17. The Licencee shall keep in force during the term of this Licence Agreement, property damage insurance and personal injury insurance against claims for bodily injury, death or property damage occurring on the City Property in an amount not less than Five Million ($5,000,000.00) Dollars and name the City as "Additional Insured" to same. Proof of said insurance shall be filed with the Legal Department of the City of Sault Ste. Marie on or before July 17, 2013.

10(m)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2013-152

AGREEMENT: (E2.7) A by-law to authorize an agreement between the City and Elementa Group Inc. for Waste Supply and Reformation.

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENT**

   The Mayor and City Clerk are hereby authorized for and in the name of the Corporation to execute and affix the seal of the Corporation to an Agreement dated July 15, 2013 between the City and Elementa Group Inc. attached as Schedule "A" hereto. This agreement is for Waste Supply and Reformation.

2. **SCHEDULE "A"**

   Schedule "A" forms part of this by-law.

3. **EFFECTIVE DATE**

   This by-law takes effect on the day of its final passing.

PASSED in open Council this 15th day of July, 2013.

_____

MAYOR - DEBBIE AMAROSO

_____

CITY CLERK - MALCOLM WHITE

cf LEGAL\STAFF\BYLAWS\2013\2013-152 AGREEMENT Elementa

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

Schedule "A"

10(m)

WASTE SUPPLY AND REFORMATION AMENDING AGREEMENT

This Waste Supply and Reformation Amending Agreement is made effective the 15th day of July, 2013 (the "Amending Agreement").

BETWEEN:

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

(hereinafter the "**City**")

– and –

ELEMENTA GROUP INC.,

(hereinafter "**Elementa**")

WHEREAS the City and Elementa entered into a Waste Supply and Reformation Agreement dated October 26, 2009 (the "Waste Agreement"); and

AND WHEREAS Section 21.13 of the aforesaid Waste Agreement permits the amendment of the Waste Agreement by written document signed by the parties hereto;

AND WHEREAS the parties hereto wish to make certain amendments to the Waste Agreement in accordance with the provisions set forth below;

NOW THEREFORE THIS AMENDING AGREEMENT WITNESSETH that in consideration of the promises and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

1. Unless otherwise defined herein, the capitalized terms used in this Amending Agreement shall have the meaning given to them in the Waste Agreement.

2. The definition of "Commencement Date for Waste Supply" in Section 1.1 of the Waste Agreement is hereby amended by deleting the date "April 1st, 2011" and replacing same with "January 1, 2016".

3. Section 2.5 of the Waste Agreement is hereby amended by deleting the reference to the "effective date of this Agreement" in the first sentence of Section 2.5 and replacing same with "Commencement Date for Waste Supply".

4. Section 2.6 of the Waste Agreement is hereby amended by deleting the reference to "in each year of this Agreement" and replacing same with "in each year of the Waste Supply Term".

5. Section 2.8 of the Waste Agreement is hereby amended and restated as follows:

"2.8 Tipping Fee

2.8.1 Tipping Fee for Reformable Waste Payable by City to Elementa

The Tipping Fee payable by the City to Elementa for all Reformable Waste that is tipped by the City, collected in the bins at the City Landfill and accepted by Elementa during the Waste Supply Term and prior to the First Year of Full Production shall be $60.00/tonne with effective date of November 1, 2009, which amount shall be adjusted by the CPI on an annual basis as set out below.

The Tipping Fee paid by the City to Elementa, as outlined above, shall be adjusted each November 1 following November 1, 2009, based on the percentage change of the Consumer Price Index for "All Items" in Ontario ("CPI"). The formula to be applied in determining the per tonne unit price changes is provided below by way of example.

EXAMPLE

Per Tonne Unit Price for November 1, 2010 to October 31, 2011 = CPI (at October 31 of the current year, 2010) / CPI (at October 31 of the previous year, 2009) * per tonne unit price, beginning of contract.

The change in price(s) shall become effective on November 1st each year following November 1, 2009.

Example:

CPI at October 31, 2009 = 113.9
CPI at October 31, 2010 = 117.8

Unit Price per tonne for November 1, 2010 to October 31, 2011
= 117.8/113.9 * $60.00
= $62.05

2.8.2 Tipping Fee Payable by Elementa to City

(a) The Tipping Fee payable by Elementa to the City for any Reformable Waste that is accepted by Elementa but subsequently diverted to the City Landfill shall be equal to the Tipping Fee rate per tonne at the applicable time such Reformable Waste is accepted by the City (ie. Tipping Fee rate of $70.00 per tonne with effective date of July 4, 2013).

(b) The Tipping Fee for any Residue as defined in Section 3.5(e) of the Waste Agreement delivered by Elementa to the City Landfill site and accepted by the City during the Waste Supply Term shall be:

(i) equal to one-half of the Tipping Fee per tonne at the applicable time such Residue is accepted by the City (ie. one-half of the Tipping Fee rate of $70.00 per tonne as of July 4, 2013 which equals $35.00 per tonne of accepted Residue) for any Residue that the City determines is suitable for Landfill cover in accordance with Section 3.5(e) of the Agreement; or

(ii) equal to the Tipping Fee per tonne at the applicable time such Residue is accepted by the City (ie. Tipping Fee rate of $70.00 per tonne with effective date of July 4, 2013) for any Residue that the City determines is not suitable for Landfill cover in accordance with Section 3.5(e) of the Agreement."

6. Section 2.9 of the Waste Agreement is hereby amended by adding a new Section 2.9.6 to read as follows:

"2.9.6 On a monthly basis, the City shall invoice Elementa the applicable Tipping Fee for deliveries of Reformable Waste and Residue, which Residue is defined in Section 3.5(e) of this Agreement, made within the previous month by multiplying the applicable Tipping Fee as set out in Section 2.8.2 by the total metric tonnes of Reformable Waste and/or Residue, as the case may be, delivered by Elementa and accepted by the City Landfill that month. Weigh tickets from the City Landfill shall be proof of the tonnage of Reformable Waste and/or Residue delivered by Elementa to the City Landfill and accepted by the City. Elementa shall pay the City the amount as stated on the applicable invoice within thirty (30) days after receipt of

same, providing there is no disagreement regarding the submitted invoice. In accordance with Section 3.5(e), the parties hereto acknowledge and agree that the City shall have the sole discretion and right to determine whether or not the Residue is suitable for Landfill cover. The parties therefore further acknowledge and agree that Elementa shall not dispute an invoice submitted by the City based on the City's decision as to the suitability of such Residue for Landfill cover. The City may, at its sole discretion and in addition to any other remedies permitted in this Agreement or at law, set off the monthly amounts to which it is entitled to be paid by Elementa from monthly amounts it is otherwise obligated to pay Elementa pursuant to this Section 2.9, clearly noting the applicable accounting in invoices and payment notices, subject to subsequent settlement of any incorrect amount."

7. Section 2.11(a) of the Waste Agreement is hereby amended by deleting "Within thirty (30) days of the Agreement" at the commencement of the second sentence of this section and replacing same with "No later than thirty (30) days before Elementa commences or causes the construction of the Elementa Facility in accordance with Section 7.1(e) of this Agreement".

8. Section 3.5(e) of the Waste Agreement is hereby amended by deleting the last sentence and replacing it with the following:

"If Elementa requires the disposal of such Residue, Elementa shall first, prior to the delivery of any Residue to the City Landfill, cause the Residue to be tested by an accredited laboratory that is acceptable to the City to determine whether or not the Residue is non-hazardous waste and subsequently provide the City with the results from such testing. The City shall thereafter have the sole discretion and right to determine whether or not the City shall accept or refuse the aforesaid Residue. The parties hereto acknowledge and agree that such decision by the City shall be final in all respects and shall not be subject to review, nor shall it be subject to the Dispute Resolution provisions of this Agreement. In the event that the City determines the Residue is hazardous, which decision the parties hereto acknowledge and agree shall be made at the sole discretion of the City, the City shall refuse acceptance of the said Residue. In the event that the City determines the Residue is suitable for Landfill cover, which decision the parties hereto acknowledge and agree shall be made at the sole discretion of the City, the City shall accept same and shall invoice Elementa pursuant to Section 2.9.6 of the Agreement, a Tipping Fee equal to one-half of the Tipping Fee per tonne at the applicable time such Residue is accepted by the City in accordance with Section 2.8.2(b)(i) of this Agreement. In the event that the City determines the Residue is not suitable for Landfill cover, which decision the parties hereto acknowledge and agree shall be made at the sole discretion of the City, the City shall accept same and shall invoice Elementa pursuant to Section 2.9.6 of the Agreement a Tipping Fee equal to the Tipping Fee rate per tonne at the applicable time such Residue is accepted by the City in accordance with Section 2.8.2(b)(ii) of this Agreement. The parties hereto further acknowledge and agree that Elementa shall deliver all Residue to the City Landfill separate and apart from any Reformable Waste accepted by Elementa and subsequently diverted to the City Landfill site."

9. Section 7.1 is hereby amended by adding subsection 7.1 (e) as follows:

"(e) **Construction of Elementa Facility.** Elementa represents and warrants that it shall commence the construction of the Elementa Facility in the Spring of 2014, and no later than September 1, 2014. Elementa further represents and warrants that the Elementa Facility shall be fully constructed no later than the Commencement Date for Waste Supply."

10. Section 14.1(a) is hereby amended and restated as follows:

"(a) Elementa materially fails to adhere to the Agreement requirements before the Commencement Date for Waste Supply and during the Waste Supply Term."

11. Section 14.1(b) is hereby amended and restated as follows:

"(b) Elementa materially fails to commence the Reforming Services or any portion thereof, on the Commencement Date for Waste Supply."

12. Section 14.1(i) is hereby amended by deleting "December 31, 2015" and replacing same with "December 31, 2017".

13. Section 14.1 is hereby amended by adding subsection (j) as follows:

"(j) Elementa fails to commence the construction of the Elementa Facility by September 1, 2014."

14. Section 14.4 is hereby amended by deleting "to the full term" at the end of this section and replacing same with "Waste Supply Term".

15. The parties hereby confirm that except as amended by this Amending Agreement, the terms and conditions of the Waste Agreement shall continue in full force and effect, unamended.

16. This Amendment may be executed in counterparts, each of which shall be deemed an original and all of which, taken together, shall constitute one and the same instrument.

17. This Amending Agreement is governed by the laws of the Province of Ontario and the laws of Canada applicable therein.

IN WITNESS WHEREOF, the Parties have executed this Amendment effective as of the date first above written.

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

Per: _____
Name:
Title: Mayor - Debbie Amaroso

Per: _____
Name
Title: City Clerk - Malcolm White

ELEMENTA GROUP INC.

Per: _____
Name:
Title:

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 2013-131

DEVELOPMENT CONTROL: A by-law to designate the lands located at 68 Railroad Avenue an area of site plan control (Seamless Eavestrough MFG).

THE COUNCIL of The Corporation of the City of Sault Ste. Marie **ENACTS** as follows:

1. **DEVELOPMENT CONTROL AREA**

   The lands described on Schedule "A" attached hereto are hereby designated to be an area of site plan control pursuant to section 41 of the *Planning Act*, R.S.O. 1990, chapter P. 13 and amendments thereto.

2. **SITE PLAN POWERS DELEGATED**

   The Council hereby delegates to the Planning Director and in his absence to the Planner of the City of Sault Ste. Marie, Council's powers to enter into a site plan agreement dealing with any of the works or matters mentioned in Section 41 of the *Planning Act* as amended, for the lands more particularly described in Schedule "A" to this by-law.

3. **SCHEDULE "A"**

   Schedule "A" hereto forms a part of this by-law.

4. **PENALTY**

   Any person who contravenes this by-law including the obligations pursuant to the agreement entered into under the authority of this by-law is liable upon conviction therefore to penalty provisions as contained in the *Planning Act* and the *Municipal Act*.

5. **EFFECTIVE DATE**

   This by-law takes effect from the date of its final passing.

PASSED in open Council this 15th day of July, 2013.

MAYOR - DEBBIE AMAROSO

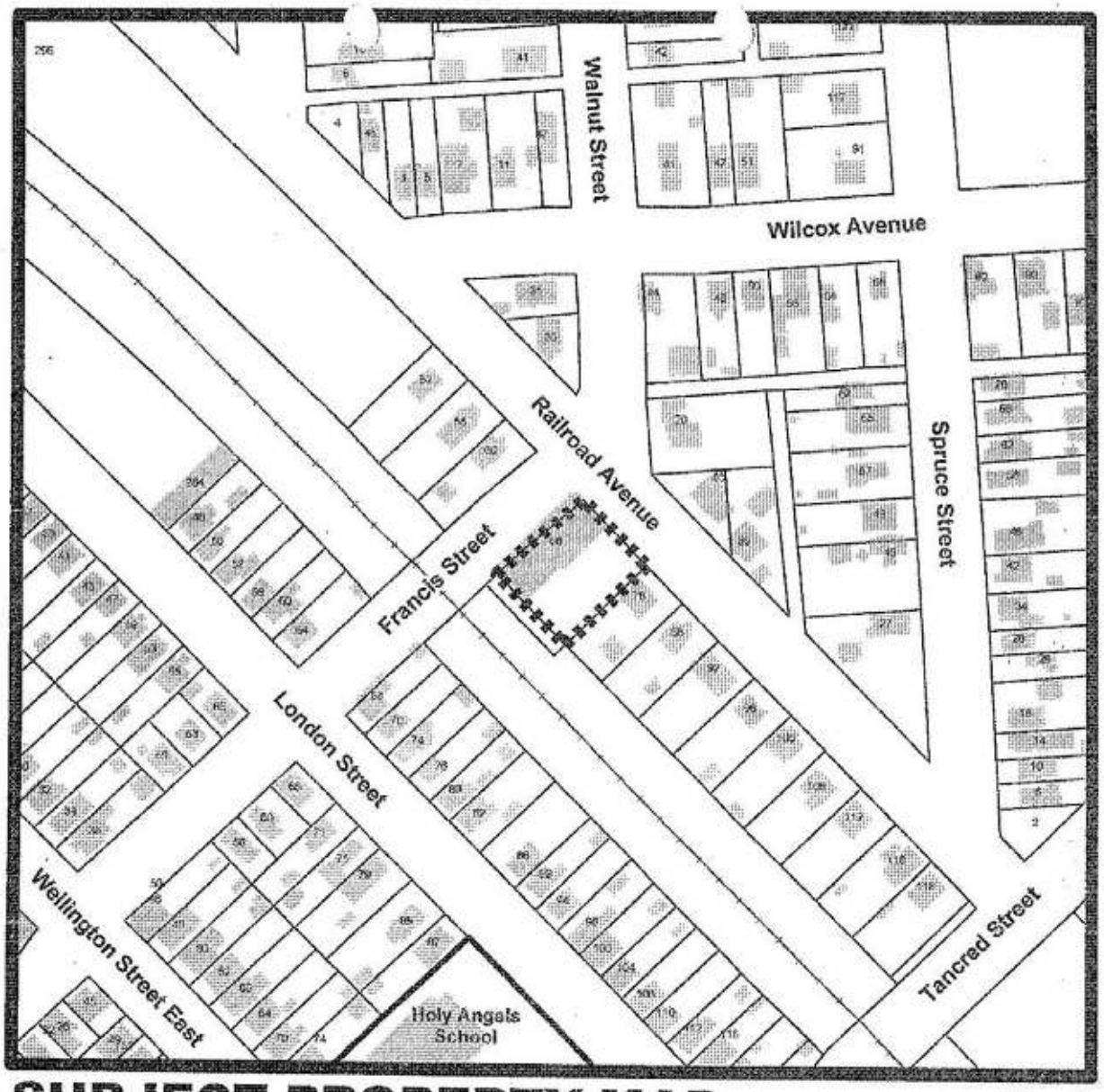
CITY CLERK - MALCOLM WHITE

cf LEGAL\STAFF\ZONING\2013\2013-130 Seamless Eavestrough (68 Railroad)

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CITY SOLICITOR

10(n)

SCHEDULE "A" TO BY-LAW 2013-131



SUBJECT PROPERTY MAP

68 RAILROAD AVENUE

Planning Application A-16-13-Z-OP

N

METRIC SCALE
1 : 1600

MAP REFERENCE
26 & 1-29

MAIL LABEL ID
A-16-13-Z

ROLL NUMBER
040-019-048-00

Legend

Subject Property = 68 Railroad Avenue

THE CORPORATION OF THE CITY OF SAULT STE.MARIE

BY-LAW 2013-129

OFFICIAL PLAN AMENDMENT: A by-law to adopt Amendment No. 195 to the Official Plan for the City of Sault Ste. Marie (Seamless Eavestrough MFG).

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to section 21 of the *Planning Act*, R.S.O. 1990, chapter P.13 and amendments thereto, **ENACTS** as follows:

1. The Council hereby adopts Amendment No. 195 to the Official Plan for the Sault Ste. Marie planning area in the form attached hereto.

2. Subject to any referrals under the Planning Act, this by-law shall come into force on the date of its final passing.

PASSED in open Council this 15th day of July, 2013.

_____

MAYOR - DEBBIE AMAROSO

_____

CITY CLERK - MALCOLM WHITE

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CITY SOLICITOR

AMENDMENT NO. 195
TO THE
SAULT STE. MARIE OFFICIAL PLAN

PURPOSE:

This Amendment is an amendment to Schedule "C" of the Official Plan, as well as a text change by way of a notwithstanding clause to the commercial policies of the Official Plan.

LOCATION:

Lots 21 to 24 on Plan 19938, located on the southeast corner of Francis Street and Railroad Avenue, having civic address 68 Railroad Avenue.

BASIS:

This Amendment is necessary in view of the request to rezone and redesignate the subject property from residential to commercial, with a contractor's yard specializing in the installation of seamless eavestrough, vinyl siding and vinyl decks, as well as cold storage as additional permitted uses.

Council now considers it desirable to amend the Official Plan, re-designating the subject property from "Residential" to "Commercial", and adding a notwithstanding clause to the Commercial Policies of the Official Plan, to permit a contractor's yard specializing in the installation of seamless eavestrough, vinyl siding and vinyl decks, as well as cold storage as additional permitted uses.

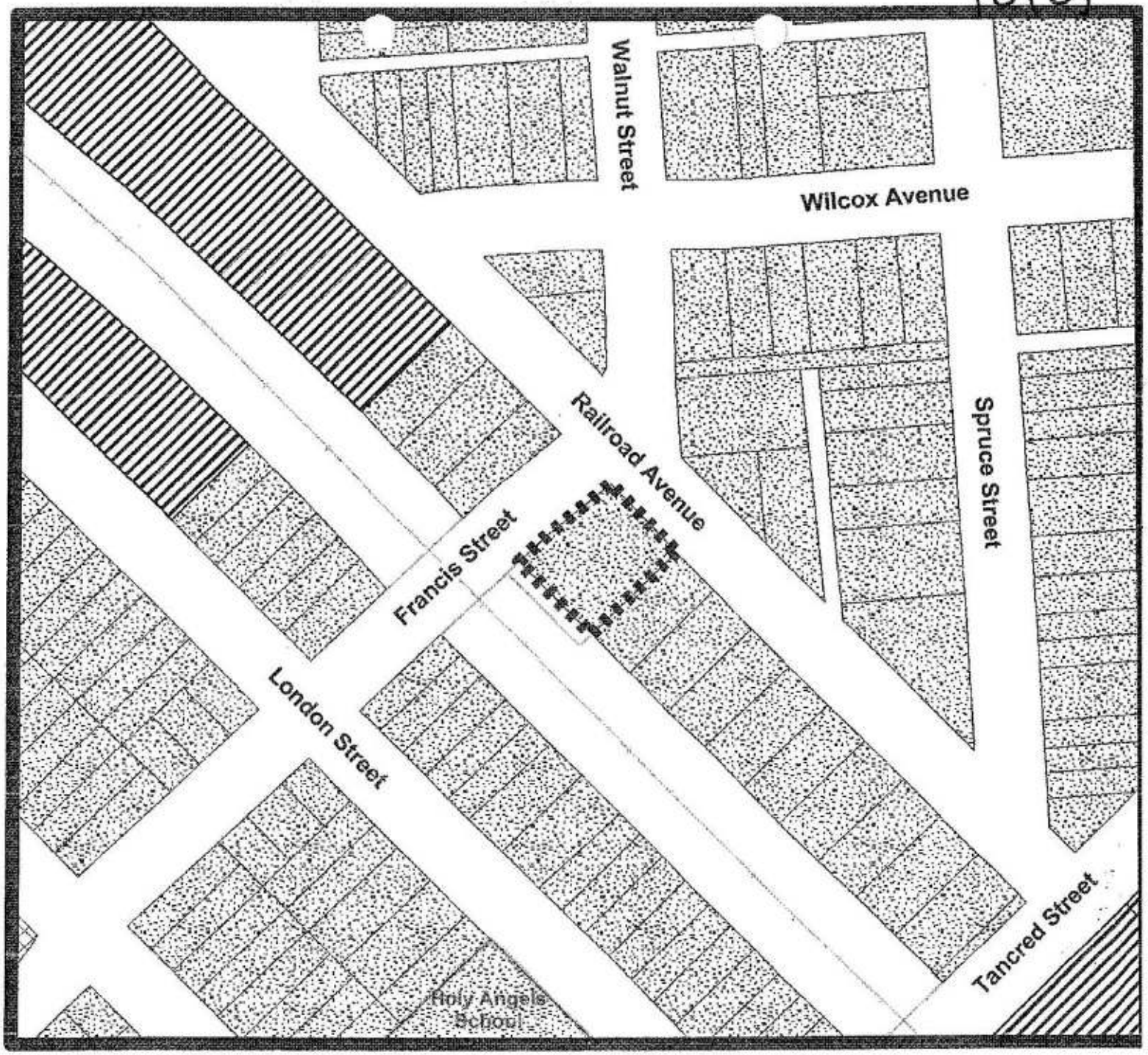
DETAILS OF THE ACTUAL AMENDMENT & POLICIES RELATED THERETO:

Schedule "C" to the Sault Ste. Marie Official Plan is hereby amended re-designating Lots 21 to 24 on Plan 19938, located on the southeast corner of Francis Street and Railroad Avenue, having civic address 68 Railroad Ave., shown on the attached schedule, from "Residential" to "Commercial".

132 Notwithstanding the Commercial policies of the Official Plan, the subject property may be used to permit a contractor's yard specializing in the installation of seamless eavestrough, vinyl siding and vinyl decks, as well as cold storage as additional permitted uses

INTERPRETATION

The provisions of the Official Plan as amended from time to time will apply to this Amendment.



OFFICIAL PLAN LAND USE MAP

Schedule "C" 68 RAILROAD AVENUE

Planning Application A-16-13-Z-OP

MAP REFERENCE
26 & 1-29

ROLL NUMBER
040-019-048-00

Subject Property = 68 Railroad Avenue

OFFICIAL PLAN LAND USE DESIGNATION

- Residential
- Industrial
- Commercial

OFFICIAL PLAN AMENDMENT NUMBER

195

10(p)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2013-151

PARKING: (P3.9(3)) A by-law to appoint Municipal Law Enforcement Officers to enforce the by-laws on various private properties and to amend Schedule "A" to By-law 90-305.

THE COUNCIL of the Corporation of the City of Sault Ste. Marie pursuant to Section 15 of the *Police Services Act, R.S.O. 1990,* chapter P.15 and amendments thereto, **ENACTS** as follows:

1. **SCHEDULE "A" TO BY-LAW 90-305 AMENDED**

   Schedule "A" to By-law 90-305 is hereby repealed and replaced with Schedule "A" attached to this by-law.

2. **EFFECTIVE DATE**

   This by-law takes effect on the day of its final passing.

PASSED in open Council this 15th day of July, 2013.

_____
MAYOR – DEBBIE AMAROSO

_____
CITY CLERK – MALCOLM WHITE

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CITY SOLICITOR

SCHEDULE "A"

10(p)

JUDGE	SPECIAL CONSTABLE	EMPLOYER	PROPERTY LOCATION
12	ROUSE,BRIAN	ALGOMA UNIVERSITY	1520 QUEEN ST E
26	MCLEOD,ROD	FLEMING & SMITH	378 QUEEN ST E & APARTMENTS & 27 KING ST.
30	RENDELL,VERN	ALGOMA CENTRAL PROP	STATION MALL/STATION 49/STATION TOWER
35	ORR,DEREK	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
59	SARONE,MARCELLO	ALGOMA UNIVERSITY	1520 QUEEN ST E
109	SEBEGIC,JOHN,LUDVIC	DENTAL BUILDING	948 & 216 QUEEN ST E.
113	TAYLOR,GARY	ALGOMA UNIVERSITY	1520 QUEEN ST E
115	LEE,RICHARD,JOHN	ALGOMA UNIVERSITY	1520 QUEEN ST E
138	CAIN,JOSEPH	CITY OF SAULT STE MARIE	BELLUVE MARINA & BONDAR MARINE & PARK
151	PARR,DEREK,RAYMOND	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
153	TASSONE,VITO	TASSONE CHIROPRACTIC	673 QUEEN ST E
163	BUMBACCO,PHILIP,CARMEN	ALGOMA CENTRAL PROP	STATION MALL/STATION 49/STATION TOWER
178	D'AGOSTINI,ROSEMARY	DR. RAYMOND CHO	71 & 131 EAST ST.
191	BROWN,STEVEN,GEORGE	SSP SCHOOL BOARD	SEPARATE SCHOOL BOARD PROPERTIES
196	SEABROOK,LAURA LEE	ALGOMA CENTRAL PROP	STATION MALL/STATION 49/STATION TOWER
240	MASON,STEPHEN	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
241	COGHILL,ROBIN	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
248	CHAN,GILBERT	DR. RAYMOND CHO	71 & 131 EAST ST / 129 SECOND LINE W
249	CHO,LINDA	DR. RAYMOND CHO	71 & 131 EAST ST./ 129 SECOND LINE W
253	TRAVSON,TERRANCE(TERRY	NORTH EAST SECURITY	S.COLLEGE/A.UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
267	CORBIERE,JOHN(TED)	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
276	SMITH DENIS,ROBERT	G4S SECURE SOLUTIONS	AIRPORT
314	AASEN,PAULINE	STANDARD PARKING	ONTARIO REALITY CORP/ROBERTA BONDAR PLACE/426 QUEEN ST E
321	LORENZO,COREY	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
334	MILLER,BRADLEY	CITY OF SAULT STE MARIE	TRANSIT SERVICE AREAS
335	GROSSO,DONALD	NORTH EAST SECURITY	S.COLLEGE/A.UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
343	CHILLMAN,JODI	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
344	HARPE,KENNETH	DAYS INN	DAYS INN HOTEL
346	HAZELTON,MARGARET	CITY OF SAULT STE MARIE	BELLUVE MARINA & BONDAR MARINE & PARK
354	STEEVES,ROBERT	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
366	TROINOW,VICTORIA	G4S SECURE SOLUTIONS	AIRPORT
369	CARMICHAEL,MARY	ON.FINNISH HOME ASS.	FINNISH REST HOME
370	HANSEN,LOUIS	ON.FINNISH HOME ASS.	FINNISH REST HOME
372	BENOIT,ALAIN	ON.FINNISH HOME ASS.	FINNISH REST HOME
374	TAAVEL,ANDRE	CITY OF SAULT STE MARIE	TRANSIT SERVICE AREAS
376	FINN,ROBERT	G4S SECURE SOLUTIONS	AIRPORT
377	BADGERO,PAUL	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
384	BOREAN,RICK	CITY OF SAULT STE MARIE	BELLUVE MARINA & BONDAR MARINE & PARK
389	SANDIE,KEVIN	NORPRO SECURITY	REGENT PRO./S.COLLEGE/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
391	MCLEOD,HEATHER	NORTH EAST SECURITY	S.COLLEGE/A.UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
397	LAFRAMBOISE,YVON	NORTH EAST SECURITY	S.COLLEGE/A.UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
400	JOHNSON,MICHAEL	NORTH EAST SECURITY	S.COLLEGE/A.UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
404	HUDSON,BRIAN	CORPS OF COMM	22 BAY ST (FEDERAL BUILDING)
405	MATCHETT,CASEY	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
406	LEBLANC,SERGE	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
410	POYNER,HAROLD	G4S SECURE SOLUTIONS	AIRPORT
411	MOORE,ROBERT	G4S SECURE SOLUTIONS	AIRPORT
413	HILL,MICHAEL	CORPS OF COMM	SAULT HOSPITAL
420	FABIANO,ANTONIO	G4S SECURE SOLUTIONS	AIRPORT
423	VANDERLIFT,DYLAN	CORPS OF COMM	SAULT HOSPITAL
430	RUSCIO,DOMINIC	MAJOR CONTR.	TRAVELODGE
431	DICKSON,SHANE	NORTH EAST SECURITY	S.COLLEGE/A.UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
435	TRUMBLE,GEORGE	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
438	LAMBERT,JOSEPH	STANDARD PARKING	ONTARIO REALITY CORP/ROBERTA BONDAR PLACE/426 QUEEN ST E
440	HAMMERSTEDT,ERIC	NORTH EAST SECURITY	S.COLLEGE/A.UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
441	WILSON,DAVID	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
442	MACLENNAN,MATTHEW	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
443	MARCIL,MARK	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
444	MARSHALL,JONATHAN	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
445	HALLIDAY,DANA	SAULT COLLEGE	SAULT COLLEGE
447	FRIGAULT,JESSE	NORPRO SECURITY	REGENT PRO./S.COLLEGE/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
450	CHAPMAN,DANIEL	NORTH EAST SECURITY	S.COLLEGE/A.UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
452	ROGERS,RICHARD	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
453	DERASP,RICHARD	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
455	BOYCHUK,BLAINE	NORPRO SECURITY	REGENT PRO/DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
456	CONEYBEARE,KEVIN	NORTH EAST SECURITY	S.COLLEGE/A.UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
458	ROBINSON,GEORGE	CORPS OF COMM	SAULT AREA HOSPITAL
459	SLEEMAN,RAY	CORPS OF COMM	SAULT AREA HOSPITAL
460	BOUGIE,DAN	CORPS OF COMM	SAULT AREA HOSPITAL
462	GAULT,JAMES	CORPS OF COMM	SAULT AREA HOSPITAL
463	MORIN,ALEX	CORPS OF COMM	SAULT AREA HOSPITAL
464	DITOMMASO,RYAN	2220917 ONT. INC.	456 BAY ST.
465	DELAVALLE,DON	NORTH EAST SECURITY	S.COLLEGE/A.UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
467	BERNIER,JUNE	NORTH EAST SECURITY	S.COLLEGE/A.UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
468	AGNEW,BRENDAN	NORTH EAST SECURITY	S.COLLEGE/A.UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
469	SANTELLI,DOMINIC	NORTH EAST SECURITY	S.COLLEGE/A.UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
470	WOOLLEY,NATHANIEL	NORTH EAST SECURITY	S.COLLEGE/A.UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
471	STOYCHEFF,CHRISCPHER	NORTH EAST SECURITY	S.COLLEGE/A.UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
472	BRUNETTA,ANGELO	NORPRO SECURITY	REGENT PRO./S.COLLEGE/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
474	MANCUSO,ANTHONY	NORTH EAST SECURITY	S.COLLEGE/A.UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
475	TORRANCE,RENEE	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
477	BROWLEY,DAVID	CORPS OF COMM	SAULT AREA HOSPITAL
479	GROULX,VINCE	CORPS OF COMM	SAULT AREA HOSPITAL
480	TELFORD,JASON	CORPS OF COMM /NORPR	SAULT AREA HOSPITAL /REGENT PRO/S.COLLEGE/QUEENSCENTRE/GHC/AHP

10(p)

481	FORD,BRIAN	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
482	LEWCELLE,BRACE	CORPS OF COMM	SAULT AREA HOSPITAL
484	MCLEOD,VIRIGINA	CITY OF SAULT STE MARIE	BELLUVE MARINA & BONDAR MARINE & PARK
485	ARMSTRONG,KENNETH	CITY OF SAULT STE MARIE	BELLUVE MARINA & BONDAR MARINE & PARK
486	LONGO,NADIA	GT.NORTHERN RET.HOME	760 GREAT NORTHERN RD.
487	ROUGEAU,MARISA	GT.NORTHERN RET.HOME	760 GREAT NORTHERN RD.
488	LEFLEUR,MARILYN	GT.NORTHERN RET.HOME	760 GREAT NORTHERN RD.
489	MCQUEEN,WANDA	GT.NORTHERN RET.HOME	760 GREAT NORTHERN RD.
490	LUXTON,JEFF	GT.NORTHERN RET.HOME	760 GREAT NORTHERN RD.
492	PARKER,MICHAEL	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
493	BROWN,FRASER	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
494	SHEWFELT,CODY	G4S SECURE SOLUTIONS	AIRPORT
497	ALLEN,ROBERT	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
498	MARQUES,STEVEN	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
499	SCALI,NICOLA	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
500	EASBY,JOSHUA	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
501	QUARRELL,ROBERT	ELSTRONG MANAGEMENT	621,627,631 MACDONALD AVE
502	HAMEL,CHRIS	ELSTRONG MANAGEMENT	621,627,631 MACDONALD AVE
503	HAMEL,MELANIE	ELSTRONG MANAGEMENT	621,627,631 MACDONALD AVE
505	JONES,CHELSEY	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
507	SMYTHE,RICHARD	BANK OF MONTREAL	556 QUEEN ST E
509	MATTALO,JOE	CORPS OF COMM	SAULT AREA HOSPITAL
511	ADAIR,BRENDAN	CORPS OF COMM	SAULT AREA HOSPITAL
512	DIMMA,JUSTIN	CORPS OF COMM	SAULT AREA HOSPITAL
513	MEINCKE,KEN	CORPS OF COMM	SAULT AREA HOSPITAL
514	BONIFERRO,BRIAN	CORPS OF COMM	SAULT AREA HOSPITAL
515	MANGONE,MATT	CORPS OF COMM	SAULT AREA HOSPITAL
516	GAY,JAMES	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
517	ROY,BRENDA	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
518	TREPASSO,GRANT	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
519	FRAGOMENI,JOSEPH	CORPS OF COMM	SAULT AREA HOSPITAL
520	THOMPSON,JOHN	CORPS OF COMM	SAULT AREA HOSPITAL
522	MCNAMA,STEVEN	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
523	MCBRIDE,GUY	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
524	DUNLOP,DAVID	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
525	IACHETTA,CHRIS	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
526	JOHNSTON,CORY	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
527	KOZAK,EMILIE	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
529	ROMAIN,GERALDINE	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
530	WADE,SAMUEL	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
531	AHIAGBE,ENOHUOMEN	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
532	BROUILLARD,BERNARD	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
533	STILLERT,CHRISTIAN	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
534	LADOUCEUR,RACHAEL	CORPS OF COMM	SAULT AREA HOSPITAL
535	HUTZAN,CHRISTIAN	CORPS OF COMM	SAULT AREA HOSPITAL
536	SAUERZOPF,JUSTIN	CORPS OF COMM	SAULT AREA HOSPITAL
537	GRAWBARGER,KYLE	CORPS OF COMM	SAULT AREA HOSPITAL
538	MCCAIG,BRANDON	CORPS OF COMM	SAULT AREA HOSPITAL
539	CUTLER,JESSE	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
540	ZEPPA,ROBERT	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
541	DIMMA,WILLIAM	ALGOMA CENTRAL PROP	STATION MALL/STATION 49/STATION TOWER
542	RALPH,NANCY	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
543	HAYNES,MICHAEL	ALGOMA CENTRAL PROP	STATION MALL/STATION 49/STATION TOWER
544	NELSON,MATTHEW	ALGOMA CENTRAL PROP	STATION MALL/STATION 49/STATION TOWER
545	GRECO,BRYAN	ALGOMA CENTRAL PROP	STATION MALL/STATION 49/STATION TOWER
546	ZORIT,TRAVIS	ALGOMA CENTRAL PROP	STATION MALL/STATION 49/STATION TOWER
547	LIEPA,MATTHEW	ALGOMA CENTRAL PROP	STATION MALL/STATION 49/STATION TOWER
548	CARON,ROGER	CITY OF SAULT STE MARIE	99 FOSTER DR.(CIVIC CENTRE)
549	WICKSTROM,ZAAK	G4S SECURE SOLUTIONS	AIRPORT
550	BADU,EDMUND	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
551	PIPER,ADAM	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
552	SENEGALGUDUR,DANIEL	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
553	ST.PIERRE,WILLIAM	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
554	IRWIN,JACOB	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
555	ROY,DARCY	G4S SECURE SOLUTIONS	AIRPORT
556	ARCAND,SCOTT	G4S SECURE SOLUTIONS	AIRPORT
557	HUTCHINGS,GEORGE	CORPS OF COMM	SAULT AREA HOSPITAL
558	LARKIN,NICHOLAS	CORPS OF COMM	SAULT AREA HOSPITAL
559	SUMMERS,STEPHEN	CORPS OF COMM	SAULT AREA HOSPITAL
560	ADDISON,CHRISTOPHER	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
561	CARTER,TIGER	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
562	DEARING,DEVIN	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
563	FLEURY,TAMMY-JO	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
564	LAPRADE,DANIEL	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
565	LISCUMB,GERALD	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
566	SWEET,WILLARD	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
567	BOSTON,CODY	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
568	FICK,DENNY	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
569	ZEPPA,JACOB	G4S SECURE SOLUTIONS	AIRPORT
570	BERTRAND,CHRISTOPHER	G4S SECURE SOLUTIONS	AIRPORT
571	BRESNAHAN,JAMES	SSM AIRPORT CORP.	AIRPORT -SUPERVISOR OF BUSINESS OPERATIONS
572	BELANGER,COWAN	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
573	RHODES,LILIAN	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
574	BOUCHARD,DARYL	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
575	LALOUDE,DANIEL	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
576	HULL,BRADLEY	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
577	LARIVIERE,EUGENE	NORPRO SECURITY	REGENT PRO./DAVEY HOME/GHC/QUEENSCENTRE/ST MARY'S PAPER/ELGIN TOWER/APH
578	MAKI,ROBERT	CORPS OF COMM	SAULT AREA HOSPITAL
579	SANTERRE,JAYCE	CORPS OF COMM	SAULT AREA HOSPITAL
580	CHARETTE,ROBERT	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
581	PAVONI,JORDAN	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
582	MAITLAND,DARLA	NORTH EAST SECURITY	S.COLLEGE/A,UNIVERSITY&RES/ESSAR/GHC/CAMBRIAN MALL/TENARIS
583	MADIGAN,LORRI-ANNE	ELSTRONG MANAGEMENT	621,627,631 MACDONALD AVE
584	PROULX,PAUL	G4S SECURE SOLUTIONS	AIRPORT

10(g)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 2013-139

PROPERTY SALE: (PR1.31) A by-law to authorize the conveyance of 15.3 acres at the southeast corner of Base Line and Leigh's Bay Road (part of civic 903 Base Line) to Elementa Group Inc. or such other person or companies as directed by them.

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, **ENACTS** as follows:

1. **LANDS DECLARED SURPLUS**

The lands more particularly described in Schedule "A" to this by-law 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 in Schedule "A" hereto to the person or persons (or such other person or companies directed) and at the consideration shown therefore in the Schedule upon the conditions set out in Schedule "A".

Attached as Schedule "B" hereto is a copy of the Agreement of Purchase and Sale dated July 15, 2013, between Elementa Group Inc. as Buyer and The Corporation of the City of Sault Ste. Marie as Seller.

3. **EXECUTION OF DOCUMENTS**

The Mayor and City 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. **BY-LAW 2010-10 REPEALED**

By-law 2010-10 is hereby repealed.

5. **SCHEDULE "A"**

Schedule "A" hereto forms a part of this by-law.

6. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

PASSED in open Council this 15th day of July, 2013.

MAYOR – DEBBIE AMAROSO

CITY CLERK – MALCOLM WHITE

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

10(g)

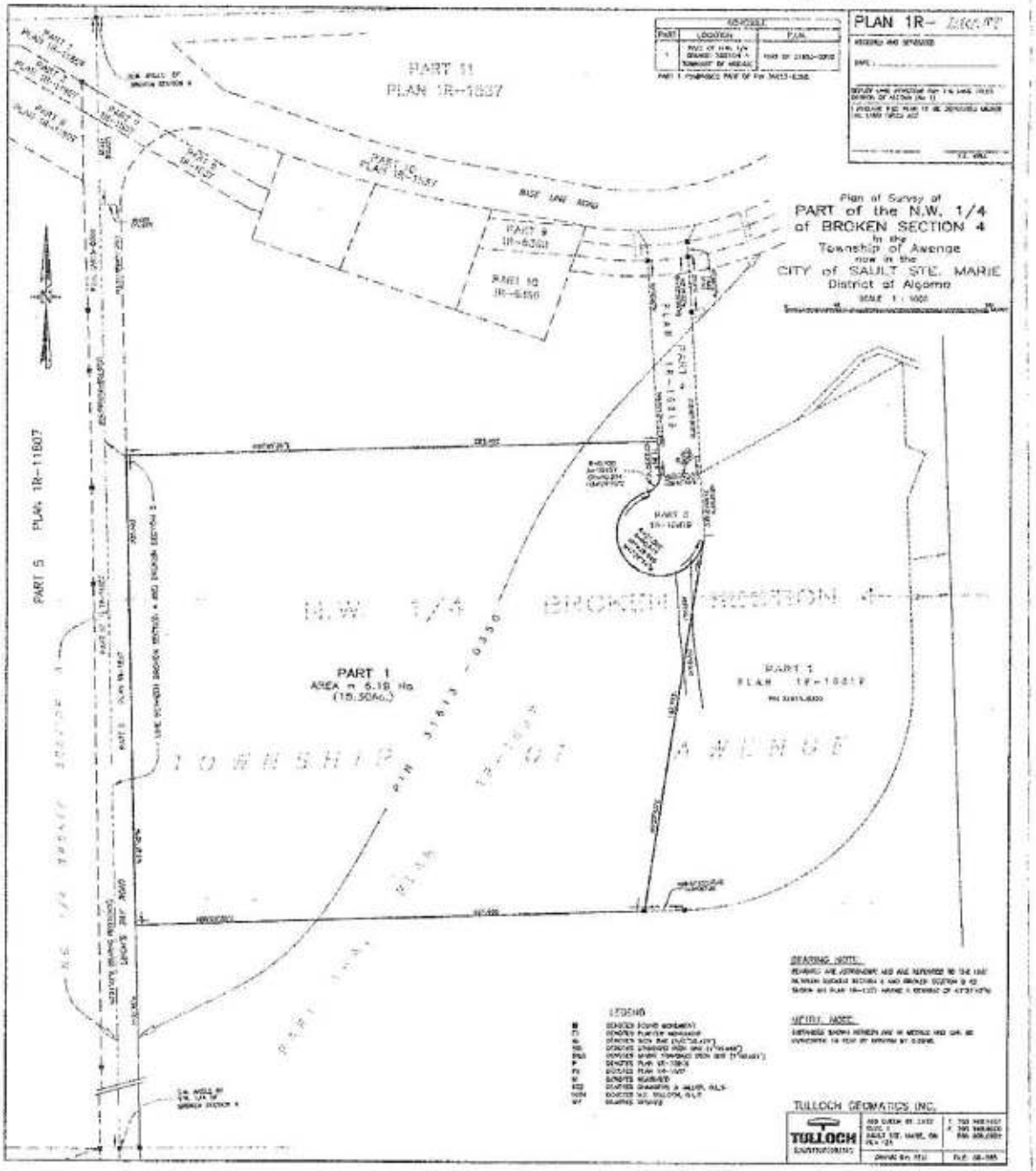
SCHEDULE "A" TO BY-LAW 2013-139

PURCHASER: ELEMENTA GROUP INC.

ADDRESS: PART OF 903 BASE LINE

LEGAL DESCRIPTION: PART OF PIN 31613-0350 (LT) BEING PART OF THE NW ¼ OF THE BROKEN SECTION 4, TOWNSHIP OF AWENGE, NOW IN THE CITY OF SAULT STE. MARIE SHOWN AS PART 1 ON THE DRAFT REFERENCE PLAN OF SURVEY ATTACHED HERETO

CONSIDERATION: $232,192.50 (subject to the usual adjustments)



Schedule "B";

Agreement of Purchase and Sale

Elementa Group Inc. (the "Buyer"), agrees to purchase from The Corporation of the City of Sault Ste. Marie (the "Seller") and Seller agrees to sell to Buyer, the real property having municipal address 903 Base Line (part), Sault Ste. Marie, Ontario and legally described as Part of the N,W, 1/4 of the Broken Section 4 in the Township of Awenge now in the City of Sault Ste. Marie shown as Part 1 on the draft reference plan of survey, a copy of which is attached hereto as Schedule "A" (the "Property") on the following terms and conditions.

1. **COMPLETION:** This completion of the transaction of purchase and sale contemplated by this Agreement (the "Closing") shall occur by no later than 6:00 p.m. on the earlier to occur of:

   (a) that date which is fifteen (15) business days after the Buyer gives notice to the Seller that it has satisfied or waived all of the Buyer's Conditions (as defined in paragraph 5); and

   (b) January 22, 2014,

   (the "Closing Date"). On Closing, vacant possession of the Property shall be given to Buyer unless otherwise provided for in this Agreement.

2. **PURCHASE PRICE:** The purchase price for the Property shall be $232,192.50 (the "Purchase Price") of lawful money of Canada, payable as follows:

   (a) $5,000,00 to Seller as a deposit (the "Deposit") upon the execution and delivery of this Agreement by the parties hereto, to be held by Seller pending completion or other termination of this Agreement and to be credited on account of the Purchase Price on Closing; and

   (b) the balance of the Purchase Price to Seller on Closing.

   In the event this Agreement is terminated for any reason other than the fault of Buyer, the Deposit shall be returned to Buyer forthwith without interest or deduction.

   The Purchase Price has been calculated on the basis that the Property contains 15.30 acres at a price as follows:

9.6225 acres @ $20,000.00 per acre	$192,450.00
Remainder (5.6775 acres) @ $7,000.00 per acre	$ 39,742.50
	$ 232,192.50

3. **TITLE SEARCH:** Buyer shall be allowed until 6:00 p.m. on August 28, 2013 (the "Requisition Date") to examine the title to the Property at its own expense. Seller hereby

INITIALS OF BUYER: ( ) **INITIALS OF SELLER:** ( )

agrees to execute and deliver such authorizations as Buyer may reasonably require for the release of information to enable Buyer to conduct its investigations.

4. **TITLE:** Provided that the title to the Property is good and free from all registered restrictions, charges, liens, and encumbrances except as otherwise specifically provided in this Agreement and save and except for (a) any registered municipal agreements and registered agreements with publicly regulated utilities to which Buyer is a party or which have been approved in writing by Buyer; and (b) any easements for the supply of utility or other services to the Property which have been approved in writing by Buyer. If within the specified times referred to in paragraph 3 any valid objection to title is made in writing to Seller and which Seller is unable to remove, remedy or satisfy, (with all related costs at the expense of Seller), and which Buyer will not waive, this Agreement notwithstanding any intermediate acts or negotiations in respect of such objections, shall be at an end and the Deposit shall be forthwith returned to Buyer without interest or deduction and Seller shall not be liable for any costs or damages. Save as to any valid objection so made by such day and except for any objection going to the root of the title, Buyer shall be conclusively deemed to have accepted Seller's title to the Property.

5. **BUYER'S CONDITIONS:** This Agreement is conditional (the "Buyer's Conditions") upon:

   (a) the Buyer completing an "Energy from Waste Agreement" with the Ontario Power Authority; and

   (b) the Buyer satisfying its obligations under the said Energy from Waste Agreement to post certain security,

   (collectively, the "Buyer's Conditions"). Buyer shall notify Seller on or before January 6, 2014 whether the Buyer's Conditions have been satisfied or waived.

   If Buyer fails to notify Seller that any Buyer's Condition has been satisfied or waived within the relevant time period, the Buyer's Condition shall be deemed to have been satisfied.

   If Buyer notifies Seller within the relevant time period that any Buyer's Condition has not be satisfied or waived, then this Agreement shall be terminated, and the Deposit, shall be returned to Buyer forthwith without interest or deduction. The Buyer's Conditions have been inserted in this Agreement for the sole benefit of Buyer and may be waived by it in its sole absolute and unfettered discretion.

6. **BUYER'S REPRESENTATION AND WARRANTY:** Buyer hereby represents and warrants to and in favour of Seller that as of the date of this Agreement, Buyer is a corporation validity existing and governed by the laws of the Province of Ontario and has the necessary authority, power and capacity to enter into this Agreement and perform its obligations under this Agreement.

INITIALS OF BUYER: ( ) **INITIALS OF SELLER:** ( )

7. **SELLER'S REPRESENTATIONS AND WARRANTIES:** Seller hereby represents and warrants to and in favour of Buyer that as of the date of this Agreement, as follows:

(a) Seller has the necessary authority to enter into this Agreement and perform its obligations under this Agreement;

(b) Seller has delivered to Buyer all environmental, planning and other information, materials, plans, documents and reports relating to the Property within Seller's possession or control;

(c) the Property is zoned M3 Heavy Industrial;

(d) Seller is not aware of any non-compliance of the Property with any environmental laws or regulations, any prior use of the Property as a waste disposal site or any toxic, waste or hazardous materials or conditions in, on or around the Property;

(e) there are no unregistered easements, right-of-way or restrictions which affect the Property; and

8. **SURVIVAL OF REPRESENTATIONS AND WARRANTIES:** The representations and warranties contained in this Agreement shall not merge on Closing and shall continue in full force and effect after Closing.

9. **CONDITIONS FOR SELLER:** The obligation of Seller to complete the transaction of purchase and sale contemplated by this Agreement shall be subject to fulfillment of each of the following conditions:

(a) Buyer has complied with or performed all of the terms of this Agreement to be complied with or performed by Buyer; and

(b) on Closing, the representations and warranties of Buyer in this Agreement shall be true and accurate as if made as of the Closing.

The conditions herein set forth are for the benefit of Seller and may be waived in whole or in part by Seller.

10. **CONDITIONS FOR BUYER:** The obligation of Buyer to complete the transaction of purchase and sale contemplated by this Agreement shall be subject to fulfillment of each of the following conditions:

(a) Seller has complied with or performed all of the terms of this Agreement to be complied with or performed by Seller; and

(b) on Closing, the representations and warranties of Seller in this Agreement shall be true and accurate as if made as of the Closing.

The conditions herein set forth are for the benefit of Buyer and may be waived in whole or in part by Buyer.

INITIALS OF BUYER: ( ) **INITIALS OF SELLER:** ( )

11. **DOCUMENTS:** Buyer shall not call for the production of any title deed, abstract, survey or other evidence of title to the Property except such as are in the possession or control of Seller.

12. **CLOSING DOCUMENTS AND DOCUMENT PREPARATION:** The Transfer/Deed shall, save for the Land Transfer Tax Affidavit, be prepared in registrable form at the expense of Seller. If requested by Buyer, Seller covenants that the Transfer/Deed to be delivered on Closing shall contain the statements contemplated by Section 50(22) of the *Planning Act*, R.S.O. 1990. Each of Seller and Buyer shall provide a certificate of an officer of Seller or Buyer, as the case may be, to the effect that the representations and warrants of Seller or Buyer in this Agreement, as the case may be, are true and correct on Closing. Each of the parties hereto shall deliver to the other party hereto on Closing such documents which the other party hereto reasonably requests to give effect to the transaction of purchase and sale contemplated by this Agreement. All documentation shall be in form and substance acceptable to Buyer's and Seller's solicitors, each acting reasonably.

13. **RESIDENCY:** Buyer shall be credited towards the Purchase Price with the amount, if any, necessary for Buyer to pay to the Minister of National Revenue to satisfy Buyer's liability in respect of tax payable by Seller under the non-residency provisions of the *Income Tax Act* by reason of this sale. Buyer shall not claim such credit if Seller delivers on completion the prescribed certificate or a statutory declaration that Seller is not then a non-resident of Canada.

14. **HST:** If this transaction is subject to Harmonized Sales Tax (HST), then such tax shall be in addition to the Purchase Price. Seller will not collect HST if Buyer provides to Seller a warranty that Buyer is registered under the *Excise Tax Act* ("ETA"), together with a copy of Buyer's ETA registration, a warranty that Buyer shall self-assess and remit the HST payable and file the prescribed form and shall indemnify Seller in respect of any HST payable. The foregoing warranties shall not merge but shall survive the completion of the transaction contemplated herein. If this transaction is not subject to HST, Seller agrees to certify on or before Closing, that the transaction is not subject to HST.

15. **CLOSING ARRANGEMENTS:** Where each of Seller and Buyer retain a solicitor to complete this Agreement, and where the transaction will be completed by electronic registration pursuant to Part III of the *Land Registration Reform Act*, R.S.O. 1990, Chapter L4 and the *Electronic Registration Act*, S.O. 1991, Chapter 44, and any amendments thereto, Seller and Buyer acknowledge and agree that the exchange of closing funds, non-registrable documents and other items (the "Requisite Deliveries") and the release thereof to Seller and Buyer will (a) not occur at the same time as the registration of the Transfer/Deed (and any other documents intended to be registered in connection with the completion of this transaction) and (b) be subject to conditions whereby the solicitor(s) receiving any of the Requisite Deliveries will be required to hold same in trust and not release same except in accordance with the terms o a document registration agreement between the said solicitors. Seller and Buyer irrevocably instruct the said solicitors to be bound by the document registration agreement which is recommended from time to time by the Law Society of Upper Canada.

INITIALS OF BUYER: ( ) **INITIALS OF SELLER:** ( )

16. **NOTICES:** Any notice to be given under or in connection with this Agreement shall be in writing and shall be given by delivery or by facsimile addressed or sent as set out below:

(a) Seller: The Corporation of the City of Sault Ste. Marie
99 Foster Drive
Sault Ste. Marie, ON P6A 5N1

Attention: Nuala Kenny, City Solicitor

Facsimile: 705-759-5405

(b) Buyer: Elementa Group Inc.
123 March Street, Suite 203
Sault Ste. Marie, ON P6A 2Z5

Attention: Jason Zwierschke, CEO

Facsimile: 705-945-1903

with a copy to: Bennett Jones LLP
3400 One First Canadian Place P.O.
Box 130 Toronto, ON M5X 1A4

Attention: Jane C. Helmstadter/Eden M. Oliver

Facsimile: 416-863-1716

Any notice, if addressed, shall be deemed to have been validly and effectively given and received on the date of such delivery and, if sent by facsimile, shall be deemed to have been validly and effectively given and received on the business day next following the day it was received. Either party may, at any time and from time to time, change its address for notice.

17. **PLANNING ACT:** This Agreement shall be effective to create an interest in the Property only if Seller complies with the subdivision control provisions of the *Planning Act* by completion and Seller covenants to proceed diligently at his expense to obtain any necessary consent by completion.

18. **TENDER:** Any tender of documents or money hereunder may be made upon Seller or Buyer or their respective solicitors on the day set for completion. Money may be tendered by bank draft or cheque certified by a Chartered Bank, Trust Company, Province of Ontario Savings Office, Credit Union or Caisse Populaire.

19. **TIME LIMITS:** Time shall in all respects be of the essence hereof provided that the time for doing or completing of any matter provided for herein may be extended or

INITIALS OF BUYER: ( ) **INITIALS OF SELLER:** ( )

abridged by an agreement in writing signed by Seller and Buyer or by their respective solicitors who may be specifically authorized in that regard.

20. **AGREEMENT IN WRITING:** This Agreement including any Schedule attached hereto, shall constitute the entire Agreement between Buyer and Seller. There is no representation, warranty, collateral agreement or condition, which affects this Agreement other than as expressed herein. This Agreement shall be read with all changes of gender or number required by the context.

21. **SCHEDULES:** Schedule "A attached hereto form part of this Agreement.

22. **SUCCESSORS AND ASSIGNS:** The successors and assigns of the undersigned are bound by the terms herein.

Dated this 15th day of July, 2013.

ELEMENTA GROUP INC.

By: _____
Name:
Title:

By: _____
Name:
Title:

I/We have authority to bind the Corporation.

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

By: _____
Name: Debbie Amaroso
Title: Mayor

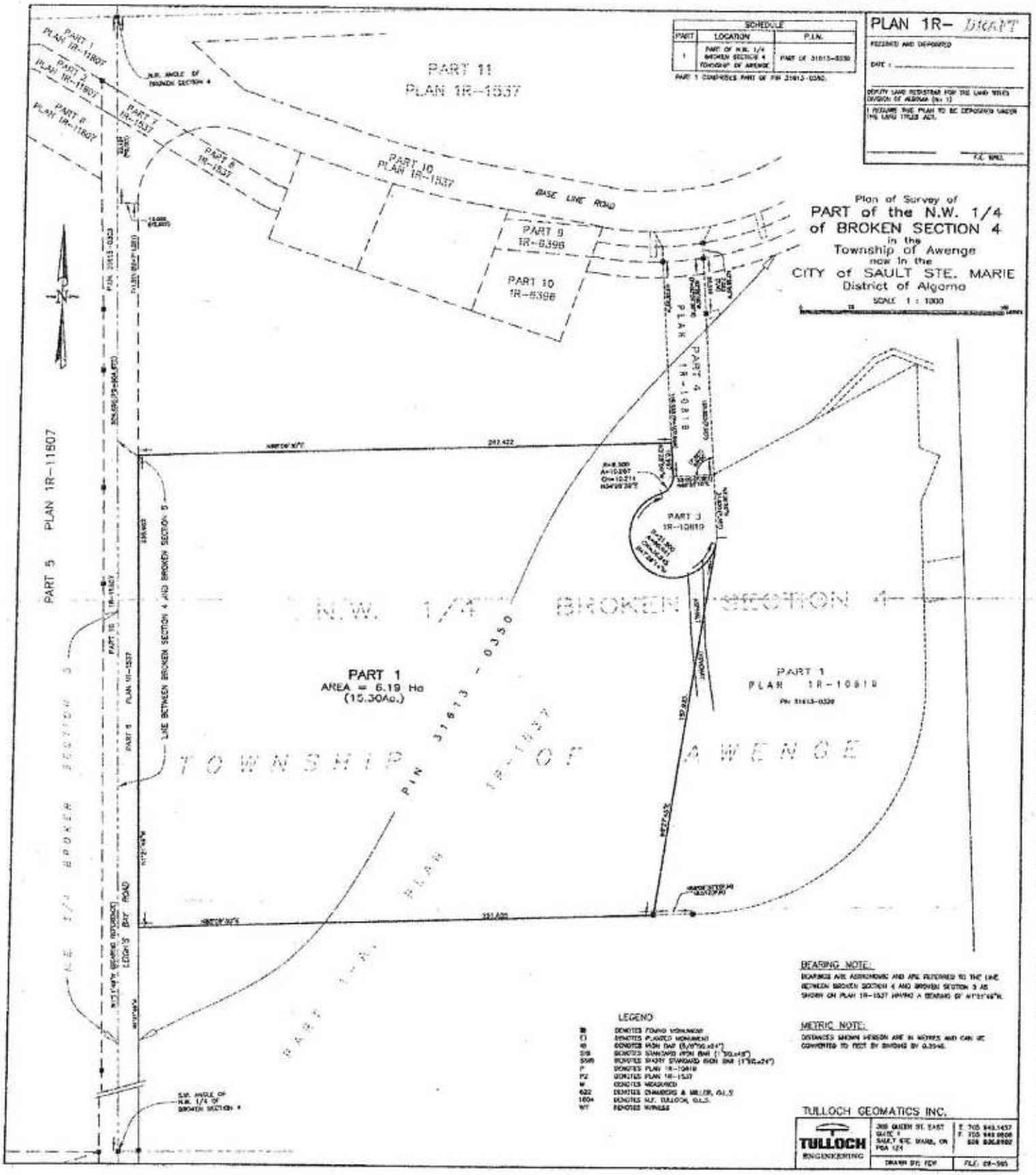
By: _____
Name: Malcolm White
Title: City Clerk

We have authority to bind the Corporation.

INITIALS OF BUYER: ( ) **INITIALS OF SELLER:** ( )

10(9)

Schedule "A"



10(r)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2013-146

REGULATIONS (FIREWORKS): (R1.16) A by-law to regulate the sale and setting off of fireworks and to repeal By-law 73-107.

WHEREAS pursuant to the provisions of section 121 of the *Municipal Act, 2001*, S.O. 2001, c. 25, by-laws may be passed by the Councils of local municipalities to regulate the sale and setting off of fireworks;

AND WHEREAS City Council deems it expedient to regulate the sale and setting off of fireworks in the City of Sault Ste. Marie;

NOW THEREFORE the Council of the Corporation of the City of Sault Ste. Marie **ENACTS** as follows:

1. DEFINITIONS

In this by-law:

"*Act*" means the *Explosives Act*, R.S.C., 1985, c. E-17, and the Regulations enacted thereunder as amended from time to time or any Act and Regulations enacted in substitution thereof;

"Chief Fire Official" means the Fire Chief for the Corporation of the City of Sault Ste. Marie, or his or her designate;

"Consumer Firework" means an outdoor, low hazard, recreational firework that is classed as Subdivision 1 of Division 2 of Class 7 Fireworks under the *Act*, and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, and sparklers but does not include:

a) Sparklers less than two (2) feet in length,

b) Christmas crackers, and

c) Caps for toy guns;

"Exhibition Firework" means an outdoor, high hazard, recreational firework that is classed as a Subdivision 2 of Division 2 of Class 7 Fireworks under the *Act*, and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons but does not include firecrackers;

"Firecracker" means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion;

"Fireworks" means Consumer Fireworks, Firecrackers, Exhibition Fireworks, or Pyrotechnic Special Effects Fireworks;

"Fireworks Supervisor" means a person who is an approved purchaser of Exhibition Fireworks and who is qualified under the *Act* to supervise the discharge of Exhibition Fireworks;

"Highway" has the same definition as in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended from time to time;

"Model Rocket Engine" means a firework that is classed as Subdivision 3 of Division 2 of Class 7 Fireworks under the *Act*, and includes model rocket engines (toy propellant devices) containing a propellant the total impulse of

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which does not exceed 80 Newton-seconds (17.92 pound-seconds) and does not exceed a net propellant weight of 125 grams (approximately four ounces);

"Permit Holder" means a person who is in possession of a Permit to Discharge Consumer Fireworks, a Permit to Discharge Firecrackers, a Permit to Discharge Exhibition Fireworks, or a Permit to Discharge Pyrotechnic Special Effects Fireworks issued by the Chief Fire Official in accordance with this By-law;

"Person" includes a corporation;

"Possession" means actual physical possession, meaning that the Permit Holder has the Permit to Discharge Consumer Fireworks, Permit to Discharge Firecrackers, Permit to Discharge Exhibition Fireworks or Permit to Discharge Pyrotechnic Special Effects Fireworks as the case may be on the Permit Holder's person at all times that the applicable Fireworks are being discharged in accordance with this By-law;

"Practical Use Fireworks" means a low hazard firework that is classed as Subdivision 4 of Division 2 of Class 7 Fireworks under the *Act*, and includes highway flares, fusees and other small distress signals;

"Prohibited Firework" includes but is not limited to cigarette loads or pings, exploding matches, sparkling matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, cherry bombs, M-80 and silver salutes and flash crackers, throw down torpedoes and crackling balls, exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party poppers and table bombs, table rockets and battle sky rockets, fake firecrackers and other trick devices or practical jokes as included on the most recent list of prohibited fireworks as published from time to time under the *Act* and any fireworks not on the approved list of the Ministry of National Resources Explosives Branch as amended from time to time;

"Pyrotechnic Special Effects Firework" means a high hazard firework that is classed as Subdivision 5 of Division 2 of Class 7 Fireworks under the *Act*, and is used to produce a special pyrotechnic effect for indoor or outdoor performances and includes black powder bombs, bullet effect, flash, powder, air bursts, smoke compositions, gerbs, lances and wheels;

"Pyrotechnician" means a person who is certified under the *Act* as a Theatrical User, and Assistant, a Pyrotechnician or a Special Effects Pyrotechnician and is qualified to purchase and supervise the display of Pyrotechnic Special Effects Fireworks under the *Act*; and

"Sell" includes offer for sale, cause or permit to be sold and to possess for the purpose of sale, and the words "selling" and "sold" have similar meaning.

2. SALE AND STORAGE OF FIREWORKS AND FIRECRACKERS

a) No person shall sell any Prohibited Fireworks in the City of Sault Ste. Marie.

b) No person shall sell any Fireworks to a person under the age of eighteen (18) years.

c) No person shall sell any Firecrackers in the City of Sault Ste. Marie except to a Permit Holder for Firecrackers.

d) No person shall sell any Exhibition Fireworks or Pyrotechnical Special Effects Fireworks in the City of Sault Ste. Marie unless such person is qualified to sell such Exhibition Fireworks or Pyrotechnical Special Effects Fireworks under the *Act*.

e) A person qualified to sell Exhibition Fireworks as set out in Section 2(d) to this By-law shall only sell such Exhibition Fireworks to a Fireworks Supervisor who is also a Permit Holder for Exhibition Fireworks.

f) A person qualified to sell Pyrotechnic Special Effects Fireworks as set out in Section 2(d) to this By-law shall only sell such Pyrotechnical Special Effects Fireworks to a Pyrotechnician who is also a Permit Holder for Pyrotechnic Special Effects Fireworks.

g) A person selling Fireworks shall ensure that store displays of Fireworks shall be mock samples only, and shall not contain explosive composition.

h) All persons who store Fireworks within the City of Sault Ste. Marie shall ensure that same are stored in accordance with the *Act*.

3. DISCHARGE OF PROHIBITED FIREWORKS AND FIRECRACKERS

a) No person shall discharge a Prohibited Firework in the City of Sault Ste. Marie.

b) No person shall discharge a Firecracker in the City of Sault Ste. Marie, except in accordance with Sections 6 and 8 of this By-law.

4. DISCHARGE OF FIREWORKS ON CITY PROPERTY

No person shall discharge any Fireworks on property owned by the City of Sault Ste. Marie without first having obtained the approval of City Council and the applicable permit for the discharge of such Fireworks from the Chief Fire Official in accordance with this By-law.

5. DISCHARGE OF CONSUMER FIREWORKS

a) No person shall discharge any Consumer Fireworks except on the following days:

   (i) Victoria Day and the day immediately preceding and following Victoria Day;

   (ii) Canada Day, the day immediately preceding Canada Day and the days following Canada Day up to and including the 5th of July; and

   (iii) The day(s) outlined on a Permit to Discharge Consumer Fireworks, issued to that person by the Chief Fire Official in accordance with Section 7 of this By-law.

b) A person eighteen (18) years of age or older may only on those days specified in section 5(a) herein, discharge the aforesaid Consumer Fireworks:

   (i) on land belonging to him or her; or

   (ii) on any other privately owned land where the owner thereof has given written permission for the discharge of such Consumer Fireworks, which written permission shall be in the possession of the person discharging the said Consumer Fireworks at the time the aforesaid Consumer Fireworks are being discharged.

c) No person under the age of eighteen (18) years shall discharge any Consumer Fireworks, except under the direct supervision of and control of a person eighteen (18) years or over, and in accordance with this By-law.

d) No person being the parent or guardian of a child under the age of eighteen (18) years shall allow the child to discharge any Consumer Fireworks, except when such parent or guardian or other responsible person of eighteen (18) years or over is in direct supervision and control of the said person discharging Consumer Fireworks and all other provisions of this By-law are being followed.

e) No person shall discharge Consumer Fireworks in such a manner as might create a danger, or do, cause or allow any unsafe act or omission at the time and place for the discharging of Consumer Fireworks.

f) No person shall discharge Consumer Fireworks:

(i) in or into any building, doorway, or automobile; and

(ii) in, on or into any Highway, street, lane, square or other public place unless so permitted in accordance with Section 7 of this By-law.

6. DISCHARGE OF FIRECRACKERS, EXHIBITION FIREWORKS AND PYROTECHNIC SPECIAL EFFECTS FIREWORKS

a) No person shall discharge Firecrackers in the City of Sault Ste. Marie, except on those date(s) and time(s) and in the location(s) set out in a Permit to Discharge Firecrackers issued by the Chief Fire Official under Section 8 of this By-law.

b) No person shall discharge Exhibition Fireworks in the City of Sault Ste. Marie, except on those date(s) and time(s) and in the location(s) set out in a Permit to Discharge Exhibition Fireworks issued by the Chief Fire Official under Section 8 of this By-law.

c) No person shall discharge Pyrotechnic Special Effects Fireworks in the City of Sault Ste. Marie, except on those date(s) and time(s) and in the location(s) set out in a Permit to Discharge Pyrotechnic Special Effects Fireworks issued by the Chief Fire Official under Section 8 herein.

7. PERMIT FOR THE DISCHARGE OF CONSUMER FIREWORKS IN ACCORDANCE WITH SECTION 5(A)(III) OF THIS BY-LAW

a) No person shall discharge Consumer Fireworks outside of the days permitted in Sections 5(a)(i) and (ii) inclusive of this By-law without first:

(i) completing an Application for a Permit to Discharge Consumer Fireworks in accordance with this Section of the By-law to the satisfaction of the Chief Fire Official;

(ii) being issued a Permit to Discharge Consumer Fireworks by the Chief Fire Official authorizing the discharge of the said Consumer Fireworks; and

(iii) otherwise complying with all of the provisions of this By-law and the *Act*.

b) Every Application for a Permit to Discharge Consumer Fireworks shall be made to the Chief Fire Official a minimum of thirty (30) days prior to the event when the proposed discharge of Consumer Fireworks is to occur.

c) Every Application for a Permit to Discharge Consumer Fireworks shall include:

(i) A description of the event including:

a) the date(s) and time(s) of the proposed discharge of Consumer Fireworks;

b) the type, kind and number of Consumer Fireworks that are proposed to be discharged;

c) the discharge techniques to be used;

d) the manner and means of restraining unauthorized persons from attending too near the discharge site;

e) the manner in which unused Consumer Fireworks are to be disposed of; and

f) the names and contact information of persons authorized to handle and discharge the Consumer Fireworks;

(ii) A site plan providing a description of the site to be used for the discharging of the Consumer Fireworks;

(iii) A description of the fire emergency procedures;

(iv) The name and address of the sponsoring organization, if applicable;

(v) Written proof of the consent of the owner of the property to the discharge of Consumer Fireworks;

(vi) Such other information as required by the Chief Fire Official.

d) The Chief Fire Official may, at his or her sole discretion, issue a Permit to Discharge Consumer Fireworks applied for under this Section of the By-law, with or without conditions, or deny same.

e) Subject to the *Act*, the Permit Holder for Consumer Fireworks shall comply with the following conditions in discharging Consumer Fireworks in accordance with a Permit to Discharge Consumer Fireworks issued under this By-law:

(i) the Consumer Fireworks shall be discharged at the location(s) and on the date(s) and time(s) set forth in the Permit to Discharge Consumer Fireworks;

(ii) the Consumer Fireworks shall be discharged under the direct supervision of the Permit Holder for Consumer Fireworks;

(iii) the Consumer Fireworks shall be discharged in a manner consistent with the *Act* and all safety procedures outlined for such discharge of Consumer Fireworks; and

(iv) the Consumer Fireworks and debris shall be removed and safely disposed of by the Permit Holder immediately after the discharge of same.

8. PERMIT FOR THE DISCHARGE OF FIRECRACKERS, EXHIBITION FIREWORKS AND PYROTECHNIC SPECIAL EFFECTS FIREWORKS

a) No person or group of persons shall discharge Firecrackers, Exhibition Fireworks or Pyrotechnic Special Effects Fireworks without first:

(i) completing an Application for a Permit to Discharge Firecrackers, an Application for a Permit to Discharge Exhibition Fireworks or an Application for a Permit to Discharge Pyrotechnic Special Effects Fireworks in accordance with this Section of the By-law to the satisfaction of the Chief Fire Official;

(ii) being issued a Permit to Discharge Firecrackers, a Permit to Discharge Exhibition Fireworks or a Permit to Discharge Pyrotechnic Special Effects Fireworks authorizing the discharge of same; and

(iii) Otherwise complying with all of the provisions of this By-law and the *Act*.

b) Every Application for a Permit to Discharge Firecrackers, Application for a Permit to Discharge Exhibition Fireworks, and Application for a Permit to Discharge Pyrotechnic Special Effects Fireworks shall be made to the Chief Fire Official a minimum of thirty (30) days prior to the event when the proposed discharge is to occur.

c) Every Application for a Permit to Discharge Firecrackers, Application for a Permit to Discharge Exhibition Fireworks, and Application for a Permit to Discharge Pyrotechnic Special Effects Fireworks shall include:

(i) A description of the event including:

a) the date(s) and time(s) of the proposed discharge of Firecrackers, Exhibition Fireworks or Pyrotechnic Special Effects Fireworks as the case may be;

b) the type, kind and number of Firecrackers, Exhibition Fireworks or Pyrotechnic Special Effects Fireworks that are proposed to be discharged;

c) the discharge techniques to be used;

d) the manner in which unused Firecrackers, Exhibition Fireworks or Pyrotechnic Special Effects Fireworks are to be disposed of; and

e) the names and contact information of persons authorized to handle and discharge the Firecrackers, Exhibition Fireworks or Pyrotechnic Special Effects Fireworks.

(ii) The method of restraining persons present at the discharge of Firecrackers, Exhibition Fireworks or Pyrotechnic Special Effects Fireworks as the case may be to the distance required by section 9(e)(vii) of this By-law;

(iii) A site plan providing a description of the discharge site to be used for the discharging of the Firecrackers, Exhibition Fireworks or Pyrotechnic Special Effects Fireworks as the case may be;

(iv) A description of the fire emergency procedures;

(v) The name and address of the sponsoring organization, if applicable;

(vi) Written proof of the consent of the owner of the property to the discharge of Firecrackers, Exhibition Fireworks or Pyrotechnic Special Effects Fireworks;

(vii) Proof of insurance and indemnification in accordance with Sections 9 and 10 of this By-law;

(viii) In an Application for a Permit to Discharge Exhibition Fireworks, proof that the Applicant is a Fireworks Supervisor;

(ix) In an Application for a Permit to Discharge Pyrotechnic Special Effects Fireworks, proof that the Applicant is a Pyrotechnician; and

(x) Such other information as required by the Chief Fire Official.

d) The Chief Fire Official may, at his or her sole discretion, issue a Permit to Discharge Firecrackers, a Permit to Discharge Exhibition Fireworks or a Permit to Discharge Pyrotechnic Special Effects Fireworks with or without conditions, or deny same.

e) A Permit Holder of a Permit to Discharge Firecrackers, a Permit to Discharge Exhibition Fireworks and a Permit to Discharge Pyrotechnic Special Effects Fireworks issued pursuant to this By-law shall comply with the following additional conditions, subject to the *Act*:

(i) the Firecrackers, Exhibition Fireworks and Pyrotechnic Special Effects Fireworks shall be discharged at the location(s) and on the date(s) and time(s) set forth in the applicable Permit;

(ii) Firecrackers shall be discharged under the direct supervision of the Permit Holder for Firecrackers;

(iii) Exhibition Fireworks shall be discharged under the direct supervision of the Permit Holder for Exhibition Fireworks who shall be a Fireworks Supervisor;

(iv) Pyrotechnic Special Effects Fireworks shall be discharged under the direct supervision of the Permit Holder for Pyrotechnic Special Effects Fireworks who shall be a Pyrotechnician;

(v) Firecrackers, Exhibition Fireworks and Pyrotechnic Special Effects Fireworks shall be discharged in a manner consistent with the *Act* and all safety procedures outlined for the discharge of same;

(vi) all persons present at the discharge of Firecrackers, Exhibition Fireworks and/or Pyrotechnic Special Effects Fireworks, other than those involved in their discharge or supervision thereof, shall be kept back at least fifty (50m) meters from the place where the Firecrackers, Exhibition Fireworks and Pyrotechnic Special Effects Fireworks; and

(vii) Firecrackers, Exhibition Fireworks and Pyrotechnic Special Effects Fireworks and the debris from same shall be removed and safely disposed of by the Permit Holder immediately after the discharge of same.

9. INSURANCE

Together with an Application for a Permit to Discharge Firecrackers, an Application for a Permit to Discharge Exhibition Fireworks or an Application for a Permit to Discharge Pyrotechnic Special Effects Fireworks as the case may be, the proposed Permit Holder shall provide the Chief Fire Official proof of and thereafter

maintain Commercial General Liability insurance subject to limits of not less than Five Million ($5,000,000.00) Dollars inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. Such insurance shall be in the name of the Permit Holder or such other person responsible for the event, and shall name the City of Sault Ste. Marie as an "Additional Insured" thereunder. Such insurance shall include the permission to conduct displays of Firecrackers, Exhibition Fireworks or Pyrotechnic Special Effects Fireworks, as applicable. Such insurance policy shall contain an endorsement to provide the City of Sault Ste. Marie with thirty (30) days' prior written notice of cancellation or of a material change that would diminish coverage. The proposed Permit Holder shall provide the Chief Fire Official with a Certificate of Insurance evidencing such insurance coverage prior to the issuance of any applicable Permit.

10. INDEMNIFICATION

The Permit Holder of a Permit to Discharge Firecrackers, a Permit to Discharge Exhibition Fireworks and a Permit to Discharge Pyrotechnic Special Effects Fireworks issued pursuant to this By-law shall indemnify and save harmless the City of Sault Ste. Marie from all costs and expenses caused to or incurred by the City of Sault Ste. Marie and from all claims and demands, awards, losses, costs, damages, actions, suits or other proceedings, by whomsoever made, brought or prosecuted, in any manner based upon, arising out of or connected with, the performance of the Permit Holder as set out in this By-law whether with or without negligence on the part of the Permit Holder, the Permit Holder's employees, directors, contractors, subcontractors, agents and assigns.

11. GENERAL PERMIT REQUIREMENTS

a) Every Permit Holder shall produce the applicable Permit immediately upon being so directed by the Chief Fire Official.

b) A Permit issued under this By-law may be revoked at any time by the Chief Fire Official in the event of non-compliance with the provisions of this By-law, the *Act* or the terms of the said Permit.

c) All Permits issued under this By-law are personal, non-transferable, and issued subject to this By-law.

d) All Permits issued under this By-law are deemed revoked during any fire ban instituted by the Ministry of Natural Resources.

12. FIREWORKS NOT DEEMED FIREWORKS DISPLAYS

a) For greater certainty, it is hereby declared that for the purposes of this By-law, the sale, storage or setting off of Practical Use Fireworks, Model Rocket Engines and pyrotechnic signaling devices for marine, military or railway purposes shall not be deemed to be respectively the sale, storage or setting off of Fireworks when sold, stored or set off for their intended purpose.

b) The provisions of the *Act* do not apply to the sale, storage or setting off of Practical Use Fireworks, Model Rocket Engines and pyrotechnic signaling devices for marine, military or railway purposes.

13. PENALTY

Every person who contravenes any of the provisions of this By-law is guilty of an offence, and upon conviction, is liable to a fine pursuant to the provisions of the *Provincial Offences Act,* R.S.O. 1990, c. P.33.

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14. SEVERABILITY

In the event that any portion of this By-law is declared by a court of competent jurisdiction to be invalid for any reason the same shall not affect the validity of the remaining provisions of this By-law.

15. EFFECTIVE DATE

This By-law is effective on the date of its final passing.

16. BY-LAW 73-107 REPEALED

By-law 73-107 is hereby repealed.

PASSED in Open Council this 15th day of July, 2013.

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MAYOR – DEBBIE AMAROSO

_____

CITY CLERK – MALCOLM WHITE

da LEGAL\STAFF\BYLAWS\2013\2013-146 FIREWORKS BY-LAW.DOCX

10 (5)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 2013-132

STREET ASSUMPTION: (PR2) A by-law to assume for public use and establish as a public street, a street in the Greenfield Park "A" Subdivision, Plan H518.

THE COUNCIL of the Corporation of the City of Sault Ste. Marie, pursuant to the *Municipal Act, 2001*, S.O. 2001, **ENACTS** as follows:

1. **STREET ESTABLISHED AND ASSUMED**

   The street or parts of street more particularly described in Schedule "A" to this by-law is hereby established as a public street and is assumed for public use.

2. **SCHEDULE "A"**

   Schedule "A" forms a part of this by-law.

3. **EFFECTIVE DATE**

   The by-law takes effect on the day of its final passing.

PASSED in open Council this 15th day of July, 2013.

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MAYOR – DEBBIE AMAROSO

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CITY CLERK – MALCOLM WHITE

cf\LEGAL\STAFF\BYLAWS\2013\2013-132 Street ASSUMP Greenfield Sub "A"

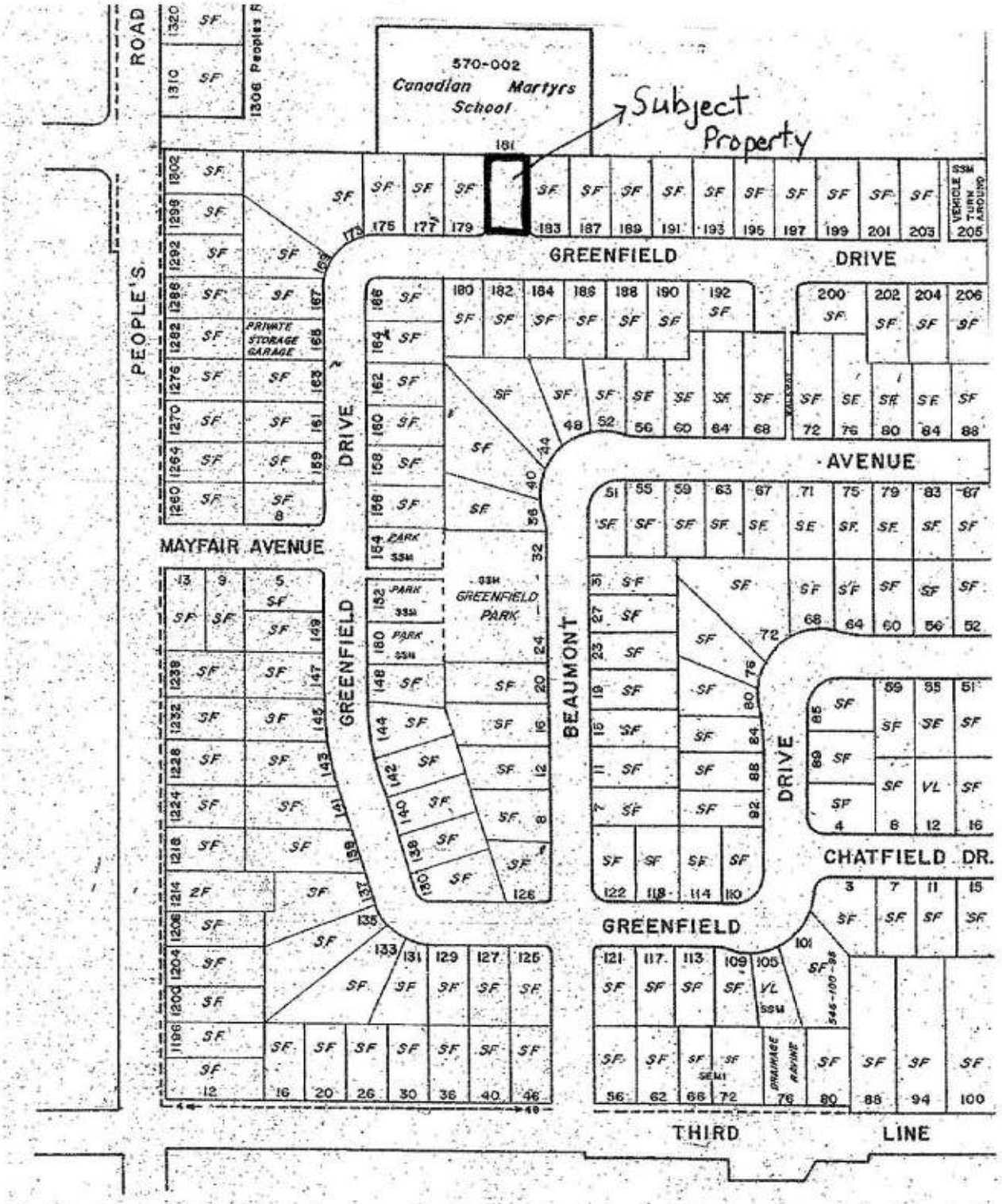
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SCHEDULE "A" TO BY-LAW 2013-132 AND BY-LAW 2013-133

PIN 31566-0101 (LT)

1 FT RESERVE PL H518 KORAH AT N LIMIT OF UNNAMED RD, BTN LT 10 & 11 PL H518; UNNAMED RD PL H518 KORAH BTN LOT 10 & 11 PL H518 LYING N OF GREENFIELD DR., BEING UNNAMED RD.; SAULT STE. MARIE



10(f)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 2013-136

STREET ASSUMPTION: (PR2) A by-law to assume for public use and establish as a public street, a street in the McKinnon Subdivision, Plan M113 Parke.

THE COUNCIL of the Corporation of the City of Sault Ste. Marie, pursuant to the *Municipal Act, 2001*, S.O. 2001, **ENACTS** as follows:

1. **STREET ESTABLISHED AND ASSUMED**

   The street or parts of street more particularly described in Schedule "A" to this by-law is hereby established as a public street and is assumed for public use.

2. **SCHEDULE "A"**

   Schedule "A" forms a part of this by-law.

3. **EFFECTIVE DATE**

   The by-law takes effect on the day of its final passing.

PASSED in open Council this 15th day of July, 2013.

MAYOR – DEBBIE AMAROSO

CITY CLERK – MALCOLM WHITE

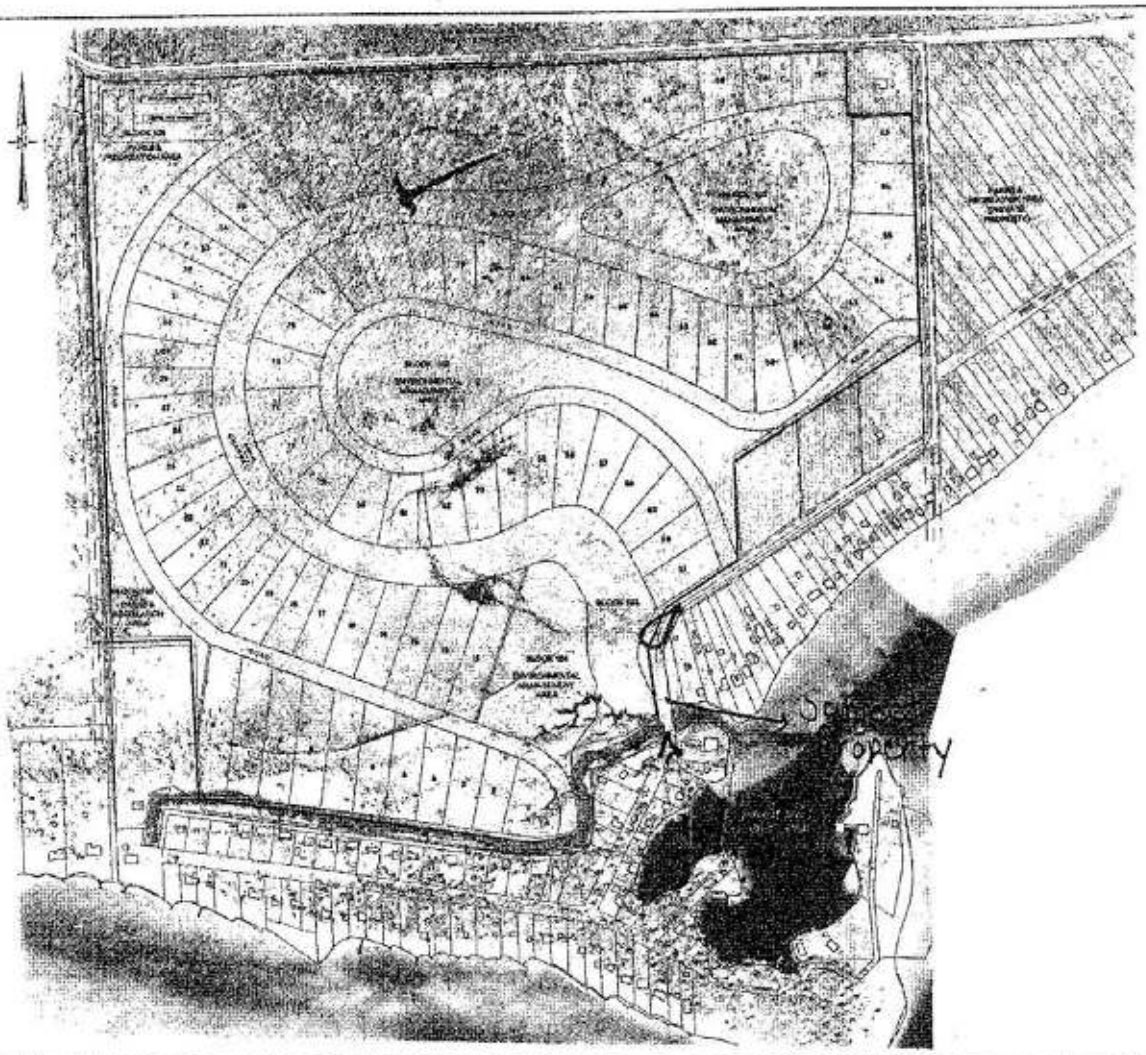
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SCHEDULE "A" TO BY-LAW 2013-136 AND BY-LAW 2013-137

STREETS PL M113 PARKE; SAULT STE. MARIE



10(4)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2013-140

TEMPORARY STREET CLOSING: (S4.1) A by-law to permit the temporary closing of Queen Street East from Pim Street to Dennis Street on August 9th, 2013 from 6:00 p.m. to 11:00 p.m. to facilitate 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 EAST**

   The Council of the Corporation of the City of Sault Ste. Marie hereby authorizes the closing to vehicular traffic of Queen Street East from Pim Street to Dennis Street on August 9th, 2013 from 6:00 p.m. to 11:00 p.m. to facilitate Buskerfest.

2. **EFFECTIVE DATE**

   This by-law takes effect on the day of its final passing.

PASSED in Open Council this 15th day of July, 2013.

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MAYOR – DEBBIE AMAROSO

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CITY CLERK – MALCOLM WHITE

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THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2013-143

TEMPORARY STREET CLOSING: (S4.1) A by-law to permit the temporary closing of Queen Street East from East Street to Brock Street on August 10th, 2013 from 11:00 a.m. to 11:00 p.m. and on August 11th, 2013 from 11:00 a.m. to 7:00 p.m. to facilitate the Buskerfest Street Festival.

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 EAST**

   The Council of the Corporation of the City of Sault Ste. Marie hereby authorizes the closing to vehicular traffic of Queen Street East from East Street to Brock Street on August 10th, 2013 from 11:00 a.m. to 11:00 p.m. and on August 11th, 2013 from 11:00 a.m. to 7:00 p.m. to facilitate the Buskerfest Street Festival.

2. **EFFECTIVE DATE**

   This by-law takes effect on the day of its final passing.

PASSED in Open Council this 15th day of July, 2013.

MAYOR – DEBBIE AMAROSO

CITY CLERK – MALCOLM WHITE

da LEGAL\STAFF\BYLAWS\2013\2013-143 TEMP. ST. CLOSING - QUEEN ST EAST EAST ST TO BROCK ST BUSKERFEST STREET FESTIVAL.DOC

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THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2013-145

TEMPORARY STREET CLOSING: (S4.1) A by-law to permit the temporary closing of Woodward Avenue from Queen Street East to Wellington Street East and Rossmore Road from Cooper Street to Korah Road from August 1, 2013 until October 31, 2013.

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 WOODWARD AVENUE AND ROSSMORE ROAD**

   The Council of the Corporation of the City of Sault Ste. Marie hereby authorizes the closing to vehicular traffic of Woodward Avenue from Queen Street East to Wellington Street East and Rossmore Road from Cooper Street to Korah Road from August 1, 2013 until October 31, 2013.

2. **EFFECTIVE DATE**

   This by-law takes effect on the day of its final passing.

PASSED in Open Council this 15th day of July, 2013.

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MAYOR – DEBBIE AMAROSO

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CITY CLERK – MALCOLM WHITE

da LEGAL\STAFF\BYLAWS\2013\2013-145 TEMP. ST. CLOSING - QUEEN ST EAST EAST ST TO BROCK ST BUSKERFEST STREET FESTIVAL.DOC

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THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 2013-126

ZONING: A by-law to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 concerning lands located at 414 Korah Road (Dipasquo).

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to section 34 of the *Planning Act*, R.S.O. 1990, chapter P.13 and amendments thereto, **ENACTS** as follows:

1. **414 KORAH ROAD; LOCATED ON THE SOUTHEAST CORNER OF KORAH ROAD AND HOCKING AVENUE; CHANGE FROM R2 TO R2.S WITH A "SPECIAL EXCEPTION"**

   The zone designation on the lands described in Section 2 of this by-law, which lands are shown on Map 1-71 of Schedule "A" to By-law 2005-150, is changed from R2 (Single Detached Residential) zone to R2.S (Single Detached Residential) zone with a "Special Exception".

2. **BY-LAW 2005-151 AMENDED**

   Section 2 of By-law 2005-151 is amended by adding the following subsection 2(328) and heading as follows:

   "2(328) 414 Korah Road

   Despite the provisions of By-law 2005-150, the zone designation on the lands located on the southeast corner of Korah Road and Hocking Avenue, and having civic no. 414 Korah Road and outlined and marked "Subject Property" on the map attached as Schedule 328 hereto is changed from R2 (Single Detached Residential) zone to R2.S (Single Detached Residential) zone with a "Special Exception" to permit, in addition to those uses permitted in an R2 zone, a 4-plex."

3. **SCHEDULE "A"**

   Schedule "A" hereto forms a part of this by-law.

4. **CERTIFICATE OF CONFORMITY**

   It is hereby certified that this by-law is in conformity with the Official Plan for the City of Sault Ste. Marie authorized and in force on the day of the passing of this by-law.

PASSED in Open Council this 15th day of July, 2013.

MAYOR - DEBBIE AMAROSO

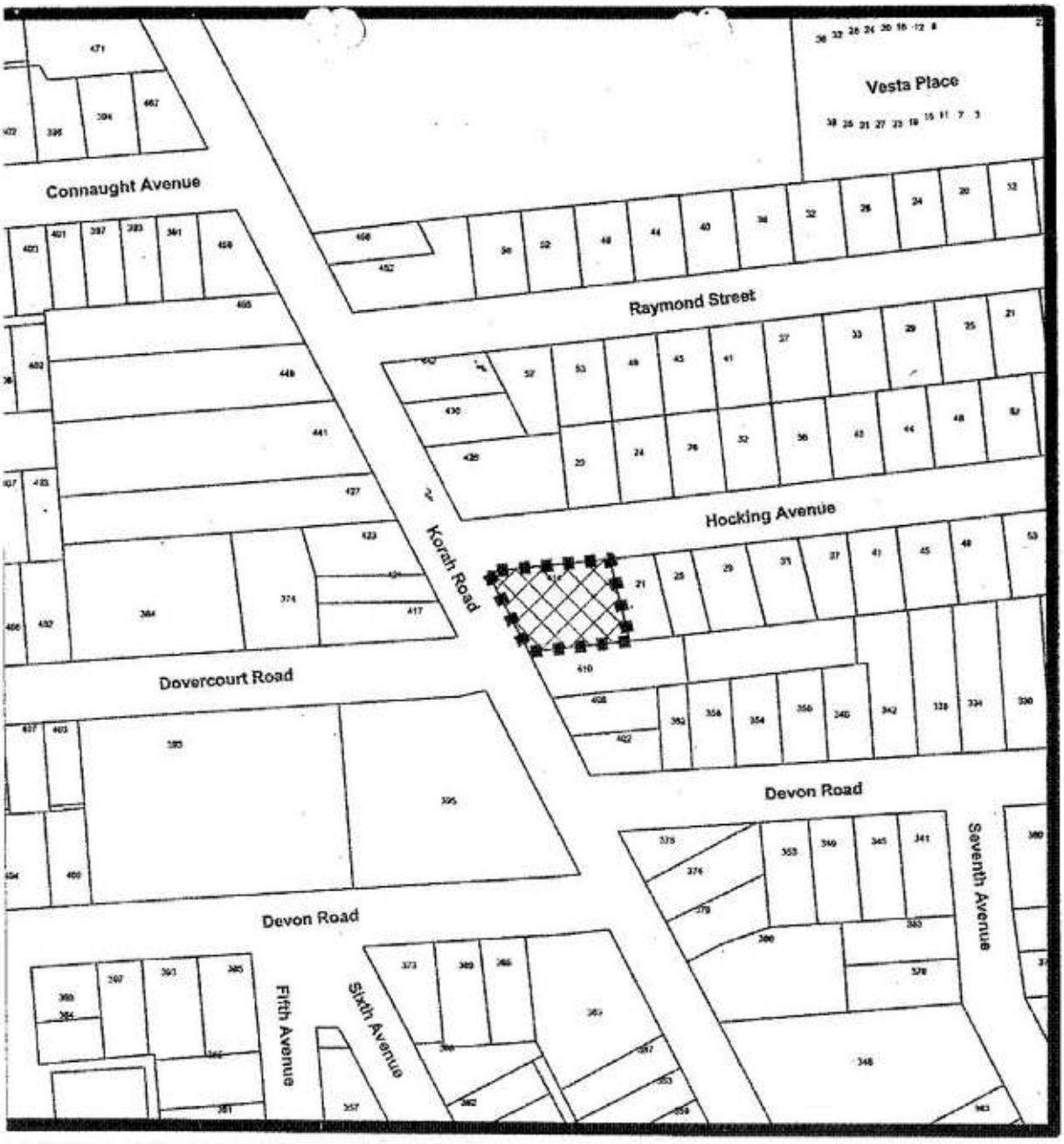
CITY CLERK - MALCOLM WHITE

cf LegalDept\LegalStaff\ZONING\2013-126 Dipasquo (414 Korah Rd)\by-law

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CITY SOLICITOR

10(x)

SCHEDULE "A" TO BY-LAW 2013-126 AND
SCHEDULE 328 TO BY-LAW 2005-151



SUBJECT PROPERTY MAP

414 KORAH ROAD

Planning Application: A-11-13-Z

N

METRIC SCALE
1 : 1800

MAP REFERENCE
55 & 1-71

MAIL LABEL ID
A-11-13-Z

Legend

Subject Property = 414 Korah Road

10(y)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 2013-130

ZONING: A by-law to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 concerning lands located at 68 Railroad Avenue (Seamless Eavestrough MFG).

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to section 34 of the *Planning Act*, R.S.O. 1990, chapter P.13 and amendments thereto, **ENACTS** as follows:

1. **68 RAILROAD AVENUE; LOCATED ON THE SOUTHEAST CORNER OF FRANCIS STREET AND RAILROAD AVENUE; CHANGE FROM R3 TO CT2.S WITH A "SPECIAL EXCEPTION"**

   The zone designation on the lands described in Section 2 of this by-law, which lands are shown on Map 1-29 of Schedule "A" to By-law 2005-150, is changed from R3 (Low Density Residential) zone to CT2.S (Commercial Transitional) zone with a "Special Exception".

2. **BY-LAW 2005-151 AMENDED**

   Section 2 of By-law 2005-151 is amended by adding the following subsection 2(329) and heading as follows:

   "2(329) 68 Railroad Avenue

   Despite the provisions of By-law 2005-150, the zone designation on the lands located on the southeast corner of Francis Street and Railroad Avenue and having civic no. 68 Railroad Avenue and outlined and marked "Subject Property" on the map attached as Schedule 329A hereto is changed from R3 (Low Density Residential) zone to CT2.S (Commercial Transitional) zone with a "Special Exception" to permit, in addition to those uses permitted in a CT2 zone, (i) a contractor's yard specializing in the installation of seamless eavestrough, vinyl siding and vinyl decks, and (ii) cold storage, subject to the following conditions:

   1) That outdoor storage associated with the contractor's yard and cold storage be prohibited, except for operable vehicles, utility trailers and employee parking;

   2) That the required setback for the northwest exterior side lot line be reduced from five (5m) meters to zero (0m) meters for the existing building, as indicated on the map attached as Schedule 329B hereto; and

   3) That the required setback for the northeast front lot line be reduced from five (5m) meters to zero (0m) meters for the existing building, as indicated on the map attached as Schedule 329B hereto."

3. **SCHEDULE "A"**

   Schedule "A" hereto forms a part of this by-law.

4. **SCHEDULE "B"**

   Schedule "B" hereto forms a part of this by-law.

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5. **CERTIFICATE OF CONFORMITY**

It is hereby certified that this by-law is in conformity with the Official Plan for the City of Sault Ste. Marie authorized and in force on the day of the passing of this by-law as amended by Official Plan Amendment No. 195.

PASSED in Open Council this 15th day of July, 2013.

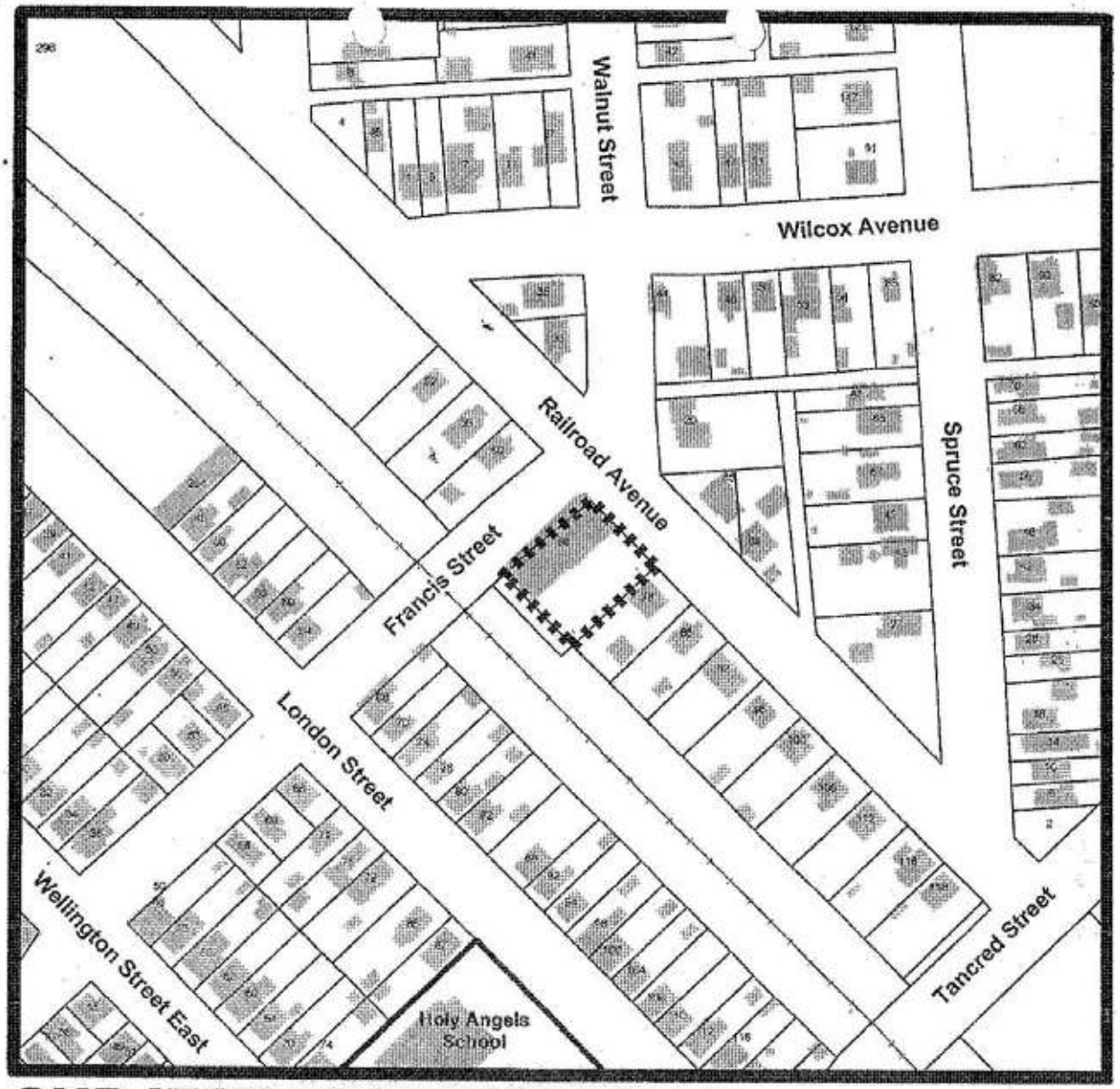
MAYOR - DEBBIE AMAROSO

CITY CLERK - MALCOLM WHITE

cf Legal\Dept\Legal\Staff\ZONING\2013\2013-130 Seamless Eavestrough (68 Railroad)

10(y)

SCHEDULE "A" TO BY-LAW 2013-130 AND
SCHEDULE 329A TO BY-LAW 2005-151



SUBJECT PROPERTY MAP

68 RAILROAD AVENUE

Planning Application A-16-13-Z-OP

METRIC SCALE
1 : 1600

MAP REFERENCE
26 & 1-29

MAIL LABEL ID
A-16-13-Z

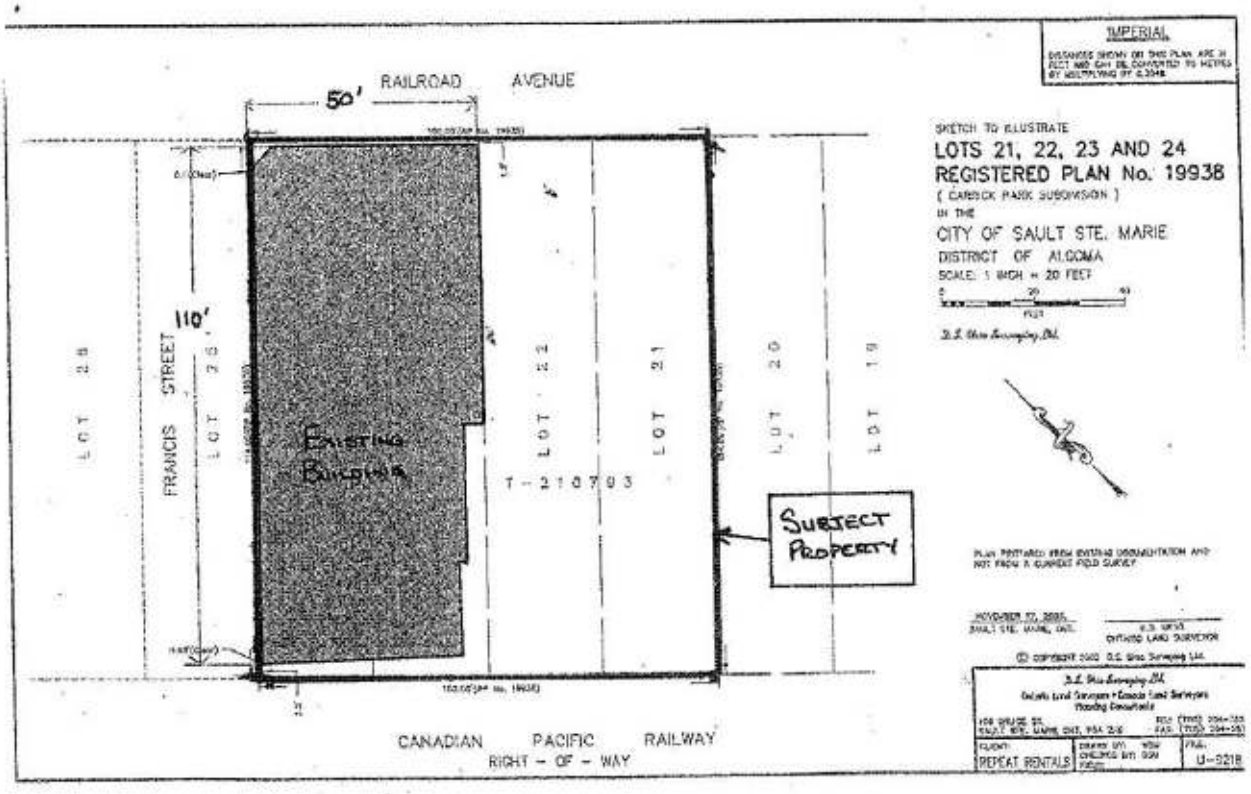
ROLL NUMBER
040-019-048-00

Legend

Subject Property = 68 Railroad Avenue

10(y)

SCHEDULE "B" TO BY-LAW 2013-130 AND
SCHEDULE 329B TO BY-LAW 2005-151



10(2)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO 2013-133

STREET CLOSING: (PR2) A by-law to stop up, close and authorize the conveyance of a street in the Greenfield Park "A" Subdivision, Plan H518.

WHEREAS the street more particularly hereinafter described was established as a public street and assumed for public use by By-law 2013-132;

NOW THEREFORE the Council of The Corporation of the City of Sault Ste. Marie, pursuant to *the Municipal Act, 2001*, S.O. 2001, **ENACTS** as follows:

1. **STREET CLOSED**

   The street more particularly described in Schedule "A" to this by-law, having been assumed by the Corporation for public use, is hereby stopped up and closed.

2. **STREET DECLARED SURPLUS**

   The street more particularly described in Schedule "A" to this by-law is surplus to the requirements of the municipality.

3. **EXECUTION OF DOCUMENTS**

   The Mayor and City 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.

4. **EASEMENTS TO BE RETAINED**

   The street is subject to the retention of easements if required. The Corporation shall stop up, close and authorize the conveyance of the street more particularly described in Schedule "A" to this by-law.

5. **SCHEDULE "A"**

   Schedule "A" forms a part of this by-law.

6. **EFFECTIVE DATE**

   This by-law takes effect on the day of its final passing.

READ the **FIRST** and **SECOND** time this 15th day of July, 2013.

MAYOR – DEBBIE AMAROSO

CITY CLERK – MALCOLM WHITE

c/LEGAL\STAFF\BYLAWS\2013\2013-133 Greenfield Park "A" sub street closing

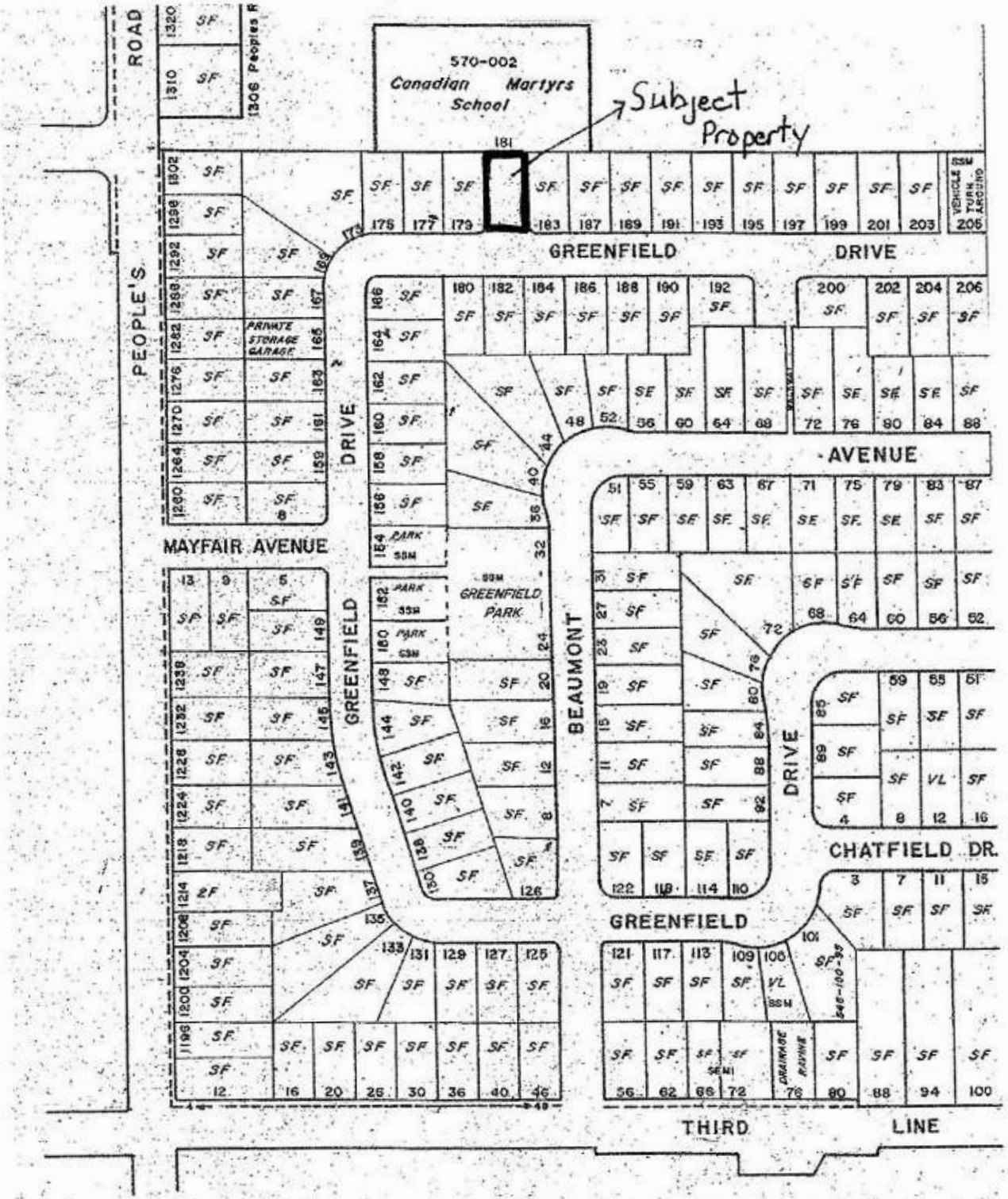
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10(2)

SCHEDULE "A" TO BY-LAW 2013-132 AND BY-LAW 2013-133

PIN 31566-0101 (LT)

1 FT RESERVE PL H518 KORAH AT N LIMIT OF UNNAMED RD, BTN LT 10 & 11 PL H518; UNNAMED RD PL H518 KORAH BTN LOT 10 & 11 PL H518 LYING N OF GREENFIELD DR., BEING UNNAMED RD.; SAULT STE. MARIE



10(aa)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO 2013-137

STREET CLOSING: (PR2) A by-law to stop up, close and authorize the conveyance of a street in the McKinnon Subdivision, Plan M113 Parke.

WHEREAS the street more particularly hereinafter described was established as a public street and assumed for public use by By-law 2013-136;

NOW THEREFORE the Council of The Corporation of the City of Sault Ste. Marie, pursuant to *the Municipal Act, 2001*, S.O. 2001, **ENACTS** as follows:

1. **STREET CLOSED**

   The street more particularly described in Schedule "A" to this by-law, having been assumed by the Corporation for public use, is hereby stopped up and closed.

2. **STREET DECLARED SURPLUS**

   The street more particularly described in Schedule "A" to this by-law is surplus to the requirements of the municipality.

3. **EXECUTION OF DOCUMENTS**

   The Mayor and City 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.

4. **EASEMENTS TO BE RETAINED**

   The street is subject to the retention of easements if required. The Corporation shall stop up, close and authorize the conveyance of the street more particularly described in Schedule "A" to this by-law.

5. **SCHEDULE "A"**

   Schedule "A" forms a part of this by-law.

6. **EFFECTIVE DATE**

   This by-law takes effect on the day of registration of this by-law.

READ the **FIRST** and **SECOND** time this 15th day of July, 2013.

_____

MAYOR – DEBBIE AMAROSO

_____

CITY CLERK – MALCOLM WHITE

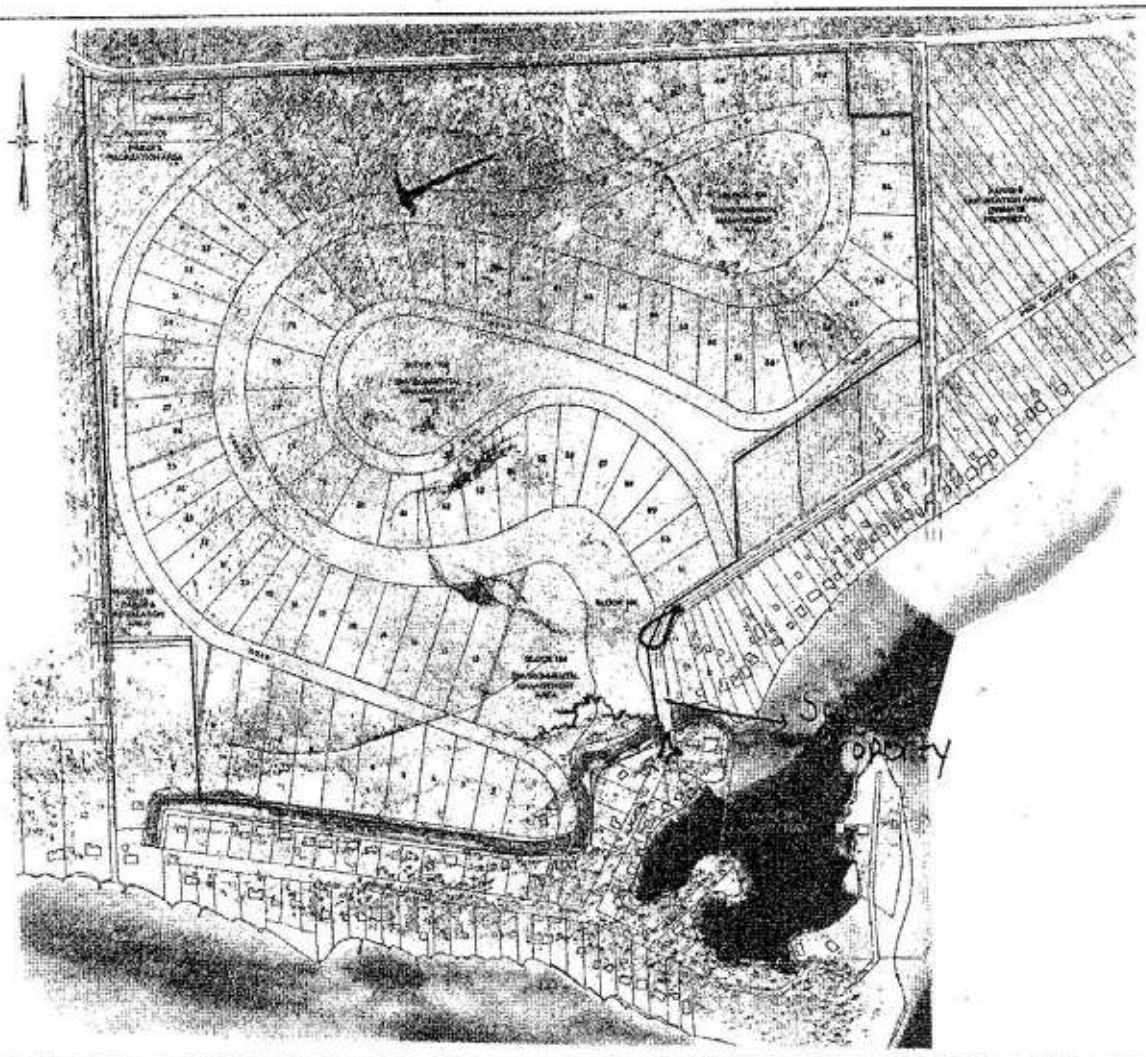
cf/LEGAL\STAFF\BYLAWS\2013\2013-133 McKinnon sub street closing

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SCHEDULE "A" TO BY-LAW 2013-136 AND BY-LAW 2013-137

STREETS PL M113 PARKE; SAULT STE. MARIE



Consolidated Financial Statements of

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

Year ended December 31, 2012

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THE CORPORATION OF THE CITY OF SAULT STE. MARIE

Consolidated Financial Statements

Year ended December 31, 2012

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Management's Responsibility for the Consolidated Financial Statements

The accompanying consolidated financial statements of The Corporation of The City of Sault Ste. Marie (the "City) are the responsibility of the City's management and have been prepared in compliance with legislation, and in accordance with Canadian public sector accounting standards. A summary of the significant accounting policies are described in Note 1 to the consolidated financial statements. The preparation of financial statements necessarily involves the use of estimates based on management's judgment, particularly when transactions affecting the current accounting period cannot be finalized with certainty until future periods.

The City's management maintains a system of internal controls designed to provide reasonable assurance that assets are safeguarded, transactions are properly authorized and recorded in compliance with legislative and regulatory requirements, and reliable financial information is available on a timely basis for preparation of the consolidated financial statements. These systems are monitored and evaluated by management.

The finance committee meets with management and the external auditors to review the consolidated financial statements and discuss any significant financial reporting or internal control matters prior to their approval of the consolidated financial statements.

The consolidated financial statements have been audited by KPMG LLP, independent external auditors appointed by the City. The accompanying Auditors' Report outlines their responsibilities, the scope of their examination and their opinion on the City's consolidated financial statements.

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_____ _____

Chief Administrative Officer Commissioner of Finance & Treasurer

KPMG LLP
Chartered Accountants
111 Elgin Street, PO Box 578
Sault Ste. Marie ON P6A 5M6

Telephone (705) 949-5811
Fax (705) 949-0911
Internet www.kpmg.ca

INDEPENDENT AUDITORS' REPORT

To the Members of Council, Inhabitants and Ratepayers of
The Corporation of The City of Sault Ste. Marie

We have audited the accompanying consolidated financial statements of The Corporation of The City of Sault Ste. Marie (the "City"), which comprise the consolidated statement of financial position as at December 31, 2012, the consolidated statements of operations and accumulated surplus, changes in net financial assets and cash flows for the year then ended, and notes, comprising a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Consolidated Financial Statements

Management is responsible for the preparation and fair presentation of these consolidated financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these consolidated financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the consolidated financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the consolidated financial statements. The procedures selected depend on our judgment, including the assessment of the risks of material misstatement of the consolidated financial statements, whether due to fraud or error. In making those risk assessments, we consider internal control relevant to the entity's preparation and fair presentation of the consolidated financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the consolidated financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the consolidated financial statements present fairly, in all material respects, the consolidated financial position of the City as at December 31, 2012, and its consolidated results of operations and its consolidated cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Chartered Accountants, Licensed Public Accountants

July 15, 2013
Sault Ste Marie, Canada

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KPMG LLP, is a Canadian limited liability partnership and a member firm of the KPMG network of independent member firms affiliated with KPMG International **Cooperative ("KPMG International"), a Swiss entity**. KPMG Canada provides services to KPMG LLP.

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

Consolidated Statement of Financial Position

Year ended December 31, 2012, with comparative figures for 2011

	2012	2011
Financial assets:		
Cash and cash equivalents	$ 46,894,825	$ 43,616,273
Taxes receivable	8,241,522	4,699,342
Accounts receivable	14,095,005	18,883,753
Other current assets	168,709	348,709
Investment in government business enterprises (note 5)	68,949,573	67,975,054
	138,349,634	135,523,131
Financial liabilities:		
Accounts payable and accrued liabilities	23,098,853	23,034,078
Temporary advances from trust funds	336,489	981,422
Employee future benefit obligations (note 11)	33,062,550	31,650,501
Deferred revenue (note 3)	3,496,823	2,377,607
Landfill closure and post closure liability (note 12)	18,737,811	16,631,552
Net long-term liabilities (note 4)	14,569,473	16,718,442
	93,301,999	91,393,602
Net financial assets	45,047,635	44,129,529
Non-financial assets:		
Tangible capital assets (note 13)	426,660,444	417,951,866
Prepaid expenses	1,395,141	1,194,841
Inventories	2,103,479	2,044,743
	430,159,064	421,191,450
Commitments (note 9)		
Contingent liabilities (note 10)		
Accumulated surplus (note 14)	$ 475,206,699	$ 465,320,979

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The accompanying notes are an integral part of these consolidated financial statements.

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

Consolidated Statement of Operations and Accumulated Surplus

Year ended December 31, 2012, with comparative figures for 2011

	Budget	2012	2011
	(unaudited)		
Revenue:			
Property taxation	$ 98,063,683	$ 98,734,596	$ 95,609,707
Taxation from other governments	4,553,690	4,665,890	4,643,592
Fees and user charges	59,611,486	56,853,461	53,492,407
Government grants (note 15)	21,622,195	28,645,313	37,019,467
Investment income	5,777,000	4,988,710	5,028,441
Other	731,530	3,026,727	3,464,084
Gain on disposal of tangible capital assets	–	86,484	45,328
Government business enterprises operating results (note 5)	–	1,584,598	4,679,138
Total revenue	190,359,584	198,585,779	203,982,164
Expenses:			
General government	13,856,955	13,272,519	15,527,145
Protection services	39,122,104	39,655,730	39,333,714
Transportation services	34,336,114	36,851,469	33,117,768
Environmental services	22,039,108	25,579,717	24,127,221
Health services	7,818,570	8,214,847	7,560,626
Social and family services	26,959,466	25,368,024	24,934,041
Social housing	2,315,835	2,344,599	2,237,272
Planning and development	3,520,050	4,210,597	4,556,993
Recreation and cultural services	14,058,346	13,958,114	14,130,026
Contribution to new hospital construction	2,100,000	2,100,000	2,100,000
Amortization of tangible capital assets	–	17,144,443	16,471,017
Total expenses	166,126,548	188,700,059	184,095,823
Annual surplus	25,142,035	9,885,720	19,886,341
Accumulated surplus, beginning of year	465,320,979	465,320,979	445,434,638
Accumulated surplus, end of year	$ 490,463,014	$ 475,206,699	$ 465,320,979

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The accompanying notes are an integral part of these consolidated financial statements.

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

Consolidated Statement of Change in Net Financial Assets

Year ended December 31, 2012, with comparative figures for 2011

	Budget	2012	2011
	(unaudited)		
Annual surplus	$ 25,142,035	$ 9,885,720	$ 19,886,341
Acquisition of tangible capital assets	(26,740,828)	(26,056,720)	(31,809,145)
Amortization of tangible capital assets	–	17,144,443	16,471,017
Gain on sale of tangible capital assets	–	(86,484)	(45,328)
Proceeds on sale of tangible capital assets	–	290,183	71,550
	(1,598,793)	1,177,142	4,574,435
Change in prepaid expenses	–	(200,300)	(499,614)
Change in inventories	–	(58,736)	(26,615)
Change in net financial assets	(1,598,793)	918,106	4,048,206
Net financial assets, beginning of year	44,129,529	44,129,529	40,081,323
Net financial assets, end of year	$ 42,530,736	$ 45,047,635	$ 44,129,529

The accompanying notes are an integral part of these consolidated financial statements

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THE CORPORATION OF THE CITY OF SAULT STE. MARIE

Consolidated Statement of Cash Flows

Year ended December 31, 2012, with comparative figures for 2011

	2012	2011
Cash provided by (used in):		
Operating Activities:		
Annual surplus	$ 9,885,720	$ 19,886,341
Items not involving cash:		
Amortization of tangible capital assets	17,144,443	16,471,017
Gain on sale of tangible capital assets	(86,484)	(45,328)
Developer contributions of tangible capital assets	(2,354,392)	(1,547,239)
Change in future employee benefit obligations	1,412,049	1,798,366
Change in landfill closure and post-closure liability	2,106,259	2,254,647
Government business enterprises operating results	(1,584,598)	(4,679,138)
Change in non-cash assets and liabilities:		
Taxes receivable	(3,542,180)	2,132,659
Accounts receivable	4,788,748	4,648,065
Prepaid expenses	(200,300)	(499,613)
Other current assets	180,000	122,000
Inventories	(58,736)	(26,616)
Accounts payable and accrued liabilities	64,744	(1,783,425)
Deferred revenue	1,119,216	(446,977)
Temporary advances from trust funds	(644,933)	128,153
Net change in cash from operating activities	28,229,556	38,412,912
Capital Activities:		
Proceeds on sale of tangible capital assets	290,183	71,550
Cash used to acquire tangible capital assets	(23,702,328)	(30,261,907)
Net change in cash from capital activities	(23,412,145)	(30,190,357)
Investing Activities:		
Dividends received from government business enterprises	610,080	610,080
Financing Activities:		
Proceeds from long-term liabilities	–	663,447
Repayment of long-term liabilities	(2,148,969)	(2,434,826)
Net change in cash from financing activities	(2,148,969)	(1,771,379)
Net change in cash	3,278,552	7,061,256
Cash and cash equivalents, beginning of year	43,616,273	36,555,017
Cash and cash equivalents, end of year	$ 46,894,825	$ 43,616,273

The accompanying notes are an integral part of these consolidated financial statements.

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The City of Sault Ste. Marie (the "City") is a municipality that was created on January 1, 1950 pursuant to the City Act. The City provides municipal services such as police, fire, public works, planning, parks and recreation, library and other general government operations.

1. Significant accounting policies:

The consolidated financial statements of The City of Sault Ste. Marie (the "City") are prepared by management in accordance with Canadian generally accepted accounting principles for governments as recommended by the Public Sector Accounting Board ("PSAB") of the Canadian Institute of Chartered Accountants. Significant accounting policies adopted by the City are as follows:

(a) Basis of consolidation:

(i) Consolidated entities

The consolidated financial statements reflect the assets, liabilities, revenues and expenses of the reporting entity. The reporting entity is comprised of all organizations, committees and local boards accountable for the administration of their financial affairs and resources to the City and which are owned or controlled by the City except for the City's government business enterprises which are accounted for on the modified equity basis of accounting.

These entities and organizations include:

Sault Ste. Marie Police Services Board
City of Sault Ste. Marie Public Utilities Commission
Sault Ste. Marie Public Library

Interdepartmental and inter-organizational transactions and balances between these entities and organizations have been eliminated.

(ii) Investment in Government Business Enterprises

The City's investment in PUC Inc. and PUC Services Inc. is accounted for on a modified equity basis, consistent with Canadian generally accounting principles as recommended by PSAB for investments in government business enterprises. On December 31, 2010 PUC Inc. was restructured creating two separate companies: PUC Inc and PUC Services Inc. Previous to the restructuring, PUC Services Inc. was owned by PUC Inc. and thus included in the consolidated financial statements of PUC Inc. Under the modified equity basis, PUC Inc.'s and PUC Services Inc.'s accounting policies are not adjusted to conform with those of the municipality and inter-organizational transactions and balances are not eliminated. The City recognizes its equity interest in the annual income or loss of PUC Inc. and PUC Services Inc. in its consolidated statement of operations with a corresponding increase or decrease in its investment asset account. Any dividends that the City may receive from PUC Inc. and PUC Services Inc. will be reflected as reductions in the investment asset account.

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1. Summary of significant accounting policies (continued):

(iii) Related entities:

The consolidated financial statements do not reflect the assets, liabilities, sources of financing, expenses and the activities of the following Boards and enterprises which are not under the control of Council.

Algoma Health Unit
District of Sault Ste. Marie Social Services Administration Board
Board of Management of Queenstown
The Sault Ste. Marie Central Business District Improvement Area
Board of Management of City Centre Business Improvement Area
Sault Ste. Marie Public Region Conservation Authority

(iv) Trust funds:

Trust funds and their related operations administered by the City are not included in their consolidated financial statements.

(b) Basis of accounting:

The City follows the accrual method of accounting for revenues and expenses. Revenues are normally recognized in the year in which they are earned and measurable. Expenses are recognized as they are incurred and measurable as a result of receipt of goods or services and/or the creation of a legal obligation to pay.

(c) Government transfers:

Government transfers received relate to social services, child care, housing and health programs. Government transfers paid relate to social services programs. Transfers are recognized in the financial statements as revenues in the period in which events giving rise to the transfer occur, providing the transfers are authorized, any eligibility criteria have been met, and reasonable estimates of the amounts can be made.

(d) Temporary investments:

Temporary investments are recorded at the lower of cost and market value.

(e) Inventories:

Inventories held for resale are stated at the lower of cost and net realizable value, while inventories of supplies are stated at lower of cost and replacement value.

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1. Significant accounting policies (continued):

(f) Deferred revenue:

Deferred revenues represent licenses, permits and other fees which have been collected, but for which the related services or inspections have yet to be performed. These amounts will be recognized as revenues in the fiscal year the services are performed.

(g) Non-financial assets:

Non-financial assets are not available to discharge existing liabilities and are held for use in the provision of services. They have useful lives extending beyond the current year and are not intended for sale in the ordinary course of operations.

i. Tangible capital assets:

Tangible capital assets are recorded at cost which includes amounts that are directly attributable to acquisition, construction, development or betterment of the asset. The cost, less (if applicable) residual value of the tangible capital assets excluding land, are amortized on a straight line basis over their estimated useful lives as follows:

Asset	Useful Life-Years
Landfill and land improvements	10-30 years
Buildings and building improvements	10-60 years
Vehicles	3-15 years
Machinery and equipment	5-25 years
Infrastructure	15-100 years

Half year amortization is charged in the year of acquisition and in the year of disposal. Assets under construction are not amortized until the asset is available for productive use.

ii. Contributions for tangible capital assets

Tangible capital assets received as contributions are recorded at their fair value at the date of receipt and also recorded as revenue.

iii. Leased tangible capital assets

Leases which transfer substantially all of the benefits and risks incidental to ownership of property, are accounted for as leased tangible capital assets. All other leases are accounted for as operating leases and the related payments are charged to expenses as incurred.

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1. Significant accounting policies (continued):

(h) Use of estimates:

The preparation of consolidated financial statements requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenditures during the reporting period. Significant estimates include assumptions used in estimating provisions for accrued liabilities, landfill liability and in performing actuarial valuations of employee future benefits.

In addition, the City's implementation of the Public Sector Accounting Handbook PS3150 has required management to make estimates of historical cost and useful lives of tangible capital assets.

Actual results could differ from these estimates.

(i) Employee future benefits:

i. The City provides certain benefits which will require funding in future periods. These benefits include sick leave, benefits under the Workplace Safety and Insurance Board ("WSIB") Act, and life insurance, extended health and dental benefits for early retirees.

The costs of sick leave, benefits under the Workplace Safety and Insurance Board Act and life insurance, extended health and dental benefits are actuarially determined using management's best estimate of salary escalation, accumulated sick days at retirement, insurance and health care cost trends, long-term inflation rates and discount rates.

For self-insured retirement and other employee future benefits that vest or accumulated over the periods of service provided by employees, such as retirement gratuities, compensated absences and health, dental and life insurance benefits for retirees, the cost is actuarially determined using the projected benefits method prorated on service. Under this method, the benefit costs are recognized over the expected average service life of the employee group. Any actuarial gains and losses related to the past service of employees are amortized over the expected average remaining service life of the employee group.

For those self-insured benefit obligations that arise from specific events that occur from time to time, such as obligations for workers' compensation and life insurance and health care benefits for those on disability leave, the cost is recognized immediately in the period the events occur. Any actuarial gains and losses that are related to these benefits are recognized immediately in the period they arise.

ii. The costs of multi-employer defined contribution pension plan benefits, such as the Ontario Municipal Employees Retirement System ("OMERS") pensions, are the employer's contributions due to the plan in the period.

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1. Significant accounting policies (continued):

(j) Landfill liability:

The liability for closure of operational sites and post-closure care has been recognized based on estimated future expenses, estimated inflation and the usage of the site's capacity during the year.

2. Tax revenues:

Property tax billings are prepared by the City based on an assessment roll prepared by the Municipal Property Assessment Corporation ("MPAC"), an agency of the Ontario government. All assessed property values in the City were reviewed and new values established based on a common valuation date which was used by the City in computing the property tax bills for 2012. However, the property tax revenue and tax receivables of the City are subject to measurement uncertainty as a number of significant appeals submitted by ratepayers have yet to be heard.

The City has established a contingency reserve for tax appeals and other items in the amount of $1,754,638 (2011 - $1,754,638). Any supplementary billing adjustments made necessary by the determination of such changes will be recognized in the fiscal year they are determined.

3. Deferred revenue:

The balances in the deferred revenue of the City consist of:

	2012	2011
Development charges act	$ 357,703	$ 350,905
Provincial Gas Tax	61,183	22,763
Federal Gas Tax	1,436,590	–
Parkland	429,617	316,919
Building permits Bill 124	1,211,730	1,687,020
	$ 3,496,823	$ 2,377,607

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3. Deferred revenue (continued):

Continuity of deferred revenue is as follows:

	2012	2011
Balance, beginning of year:		
Development charges act	$ 350,905	$ 344,255
Provincial Gas Tax	22,763	9,929
Federal Gas Tax	–	563,606
Parkland	316,919	281,221
Building permits Bill 124	1,687,020	1,625,242
	2,377,607	2,824,253
Other revenue	1,525,268	34,670
Interest earned	38,114	36,488
Total revenue	1,563,382	71,158
Contributions used	(444,166)	(517,804)
Balance, end of year	$ 3,496,823	$ 2,377,607

4. Net long-term liabilities:

	2012	2011
Total long-term liabilities incurred by the City	$ 14,569,473	$ 16,718,442

Principal payments due on net long-term liabilities for the next five fiscal years and thereafter are as follows:

	2013 to 2017	2018 to 2022	2023 and thereafter	2012 Total	2011 Total
From general municipal revenues	$8,174,146	$5,272,182	$1,123,145	$14,569,473	$16,718,442

The annual principal and interest payments required to service the long-term obligations of the City are within the annual debt repayment limit prescribed by the Ministry of Municipal Affairs and Housing.

The long-term obligations issued in the name of the City have received approval of the Ontario Municipal board for those approved on or before December 31, 1992. Those approved after January 1, 1993 have been approved by by-law.

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4. Net long-term liabilities (continued):

The above long-term debt has various maturity dates and interest rates ranging from due on demand to 2021 and 0% to 8.07% respectively.

Interest paid in the year and included in current expenses is $837,291 (2011 - $945,770).

5. Investment in government business enterprises:

PUC Inc. is incorporated under the laws of the Province of Ontario and provides municipal electrical distribution and other services to the residents of Sault Ste. Marie. The City owns 100% of the outstanding shares of PUC Inc. PUC Services Inc. is incorporated under the laws of the Province of Ontario and provides management, operations and maintenance services related to water, wastewater and electrical services to its related entities and other organizations. The City owns 100% of the outstanding shares of PUC Services Inc. The note payable to the City of $6,720,000 is unsecured, bears interest at 8.5% per annum, and is payable one year after demand. The note payable to the City of $25,000,000 is unsecured, bears interest at rates negotiated periodically, currently 6.1%, and is payable one year after demand.

The following schedule reflects the combined financial information of PUC Inc. and PUC Services Inc. as at December 31:

	2012	2011
Financial Position:		
Current assets	$ 42,570,078	$ 41,913,467
Notes receivable	8,310,000	8,310,000
Future income tax assets	2,834,800	2,062,600
Capital assets	84,049,482	57,146,727
Regulatory assets	–	4,894,792
Total assets	$ 137,764,360	$ 114,327,586
Current liabilities	$ 28,605,071	$ 24,905,739
Employee future benefit obligations	1,645,644	1,501,284
Notes payable	62,500,930	46,122,003
Regulatory liabilities	7,783,142	5,543,506
Total liabilities	100,534,787	78,072,532
Shareholder's equity	37,229,573	36,255,054
Total liabilities and equity	$ 137,764,360	$ 114,327,586

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5. Investment in government business enterprises (continued):

	2012	2011
Results of Operations:		
Revenues	$ 93,990,864	$ 91,886,525
Expenses	(91,987,191)	(88,255,557)
Gain on sale of assets	22,253	2,005,070
Provision for payment in lieu of taxes	(441,328)	(956,900)
Net income for the year	$ 1,584,598	$ 4,679,138
The City's investment in government business enterprises is comprised of:		
Common shares	$ 15,668,248	$ 15,668,248
Special shares	15,513,300	15,513,300
Retained earnings	6,048,025	5,073,506
Equity, end of year	37,229,573	36,255,054
Notes receivable	31,720,000	31,720,000
Investment in government business enterprises	$ 68,949,573	$ 67,975,054

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6. Pension agreements:

The City makes contributions to the Ontario Municipal Employees Retirement Fund ("OMERS"), which is a multi-employer plan, on behalf of all permanent, full-time members of its staff. This plan is a defined benefit plan which specifies the amount of the retirement to be received by the employees based on the length of service and rates of pay.

The amount contributed to OMERS for 2012 was $5,941,977 (2011 - $5,386,606) is included as an expense on the consolidated statement of financial activities.

7. Operations of school boards:

During 2012, the City collected and transferred property taxes totaling $19,422,120 (2011 - $19,332,217) on behalf of area school boards.

8. Trust funds:

The trust funds administered by the City amounting to $7,243,872 (2011 - $7,046,488) are presented in a separate financial statement of trust fund balances and operations. As such balances are held in trust by the City for the benefit of others; they are not presented as part of the City's financial position or financial activities. At December 31, 2012, the trust fund balances are comprised of:

	2012	2011
Cemetery Care and Maintenance funds	$ 4,828,056	$ 4,665,443
Pre-need assurance	2,142,592	2,119,418
Transit employees pension	72,575	71,894
Historic Sites	111,445	95,919
Heritage Sault Ste. Marie	58,270	58,414
Ontario Home Renewal Program	20,934	25,400
Cultural Endowment	10,000	10,000
	$ 7,243,872	$ 7,046,488

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9. Commitments:

The City has committed to providing funding of $29,500,000 for the new hospital in Sault Ste. Marie of which $26,709,101 (2011 - $24,609,101) has been contributed to date. $22,509,101 was contributed up to March 31, 2010 and the remaining funding is provided in installments of $2,100,000 with the first payment having been made in 2011 and the remainder until such time that the full commitment is advanced. Of the annual contribution, $1,100,000 is to be levied upon the taxpayers of Sault Ste. Marie, while the other $1,000,000 is derived from the City's share of Charity Casino revenues.

10. Contingent liabilities:

The City has been named in litigation matters, the outcome of which is not determinable and accordingly, no provision has been made for them in these financial statements. Should any loss result from these claims, such loss would be charged to operations in the year of resolution.

11. Employee future benefit obligations:

Employee future benefits are liabilities of the City to its employees and early retirees for the following benefits earned but not taken as at December 31 are as follows:

	2012	2011
Future payments required to W.S.I.B.	$ 13,652,371	$ 13,325,860
Post employment and post retirement benefits	10,729,724	10,346,815
Vacation pay	7,876,999	7,475,494
Non-vesting sick leave benefits	803,456	501,882
Employee future benefit obligations	$ 33,062,550	$ 31,650,501

Post employment and post retirement benefits

The City provides non-pension benefits to employees and retirees until they reach 65 years of age. The values that follow have been estimated based upon employee data available during the actuarial review which was completed as at December 31, 2010.

The benefit liability continuity is as follows:

	2012	2011
Accrued benefit liability, January 1	$ 10,346,815	$ 9,963,686
Expense	834,433	746,170
Payments	(451,524)	(363,041)
Accrued benefit liability, December 31	$ 10,729,724	$ 10,346,815

Significant assumptions

Discount rate	3.75%
Health cost increase	5.00% - 8.50%

Non-vesting sick leave benefits

Sick leave benefits accrue to City employees at a rate of one and a half days per month. Unused sick days are banked and may be used in the future if sick leave is beyond yearly allocation. No cash payments are made for unused sick time upon termination or retirement.

Accrued vacation pay

Accrued vacation pay represents the liability for vacation entitlements earned by employees but not taken as at December 31, 2012.

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11. Employee future benefit obligation (continued):

Future payments for Worker's Safety and Insurance Board (WSIB)

Under the provisions of the Workplace Safety and Insurance Board Act, the City has elected to be treated as a Schedule 2 employer and remits payments to the WSIB as required, to fund current disability payments. An actuarial estimate of future liabilities has been completed and forms the basis for the estimated liability.

12. Landfill closure and post-closure liability:

The Environmental Protection Act sets out the regulatory requirements to properly close and maintain all active and inactive landfill sites. Under environmental law, there is a requirement for closure and post-closure care of solid waste landfill sites. This requirement is to be provided for over the estimated life of the landfill site based on usage.

Landfill closure and post-closure care requirements have been defined in accordance with industry standards and include final covering and landscaping of the landfill, pumping of ground water and leachates from the site, and ongoing environmental monitoring, site inspection and maintenance. The reported liability is based on estimates and assumptions with respect to events extending over a sixty year period using the best information available to management. Future events may result in significant changes to the estimated total expenditures capacity used or total capacity and the estimated liability, and would be recognized prospectively, as a change in estimate, when applicable.

The City operates one primary landfill site, the 5th Line Landfill. The site has capacity of approximately 3,000,000 metric tons with approximately 480,000 metric tons of remaining capacity. At current average fill rates, the site has a remaining operating life of approximately 8.0 years.

It is estimated that the total net present value of the cost to close and maintain the 5th Line Landfill site is approximately $22,307,000 (2011 - $20,233,000). At December 31, 2012, an amount of $18,737,811 (2011 - $16,631,552) with respect to landfill closure and post-closure liability has been accrued and will be funded from future taxation revenues. The City has established a reserve to contribute to the cost of closing and maintaining the landfill site of $10,976,964 (2011 - $9,564,427).

The City will be undertaking a full Environmental Assessment of the landfill site to determine future options which may extend the operating life of the landfill.

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13. Tangible capital assets:

	2012							
	Land	Landfill and Land Improvements	Buildings and Building Improvements	Infrastructure	Machinery and Equipment	Vehicles	Assets under Construction	Total
Cost								
Balance, beginning of year	$ 24,988,579	$ 11,098,030	$ 79,805,883	$ 465,086,348	$ 22,948,725	$ 28,611,719	$ 15,604,460	$ 648,143,744
Additions	17,544	581,041	11,084,266	18,439,132	1,596,335	1,734,786	4,682,769	38,135,873
Disposals	(163,873)	-	-	(1,054,008)	(595,567)	(1,457,399)	(12,079,155)	(15,350,002)
Balance, end of year	24,842,250	11,679,071	90,890,149	482,471,472	23,949,493	28,889,106	8,208,074	670,929,615
Accumulated Amortization								
Balance, beginning of year	-	(4,646,975)	(26,760,134)	(172,486,125)	(10,936,939)	(15,361,705)	-	(230,191,878)
Disposals	-	-	-	1,072,296	618,996	1,375,858	-	3,067,150
Amortization Expense	-	(630,352)	(1,908,763)	(10,866,053)	(1,865,128)	(1,874,147)	-	(17,144,443)
Balance, end of year	-	(5,277,327)	(28,668,897)	(182,279,882)	(12,183,071)	(15,859,994)	-	(244,269,171)
Net Book Value, end of year	$ 24,842,250	$ 6,401,744	$ 62,221,252	$ 300,191,590	$ 11,766,422	$ 13,029,112	$ 8,208,074	$ 426,660,444
Net Book value, beginning of year	$ 24,988,579	$ 6,451,055	$ 53,045,749	$ 292,600,223	$ 12,011,786	$ 13,250,014	$ 15,604,460	$ 417,951,866

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13. Tangible capital assets (continued):

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	2011							
	Land	Landfill and Land Improvements	Buildings and Building Improvements	Infrastructure	Machinery and Equipment	Vehicles	Assets under Construction	Total
Cost								
Balance, beginning of year	$ 24,505,879	$ 10,937,944	$ 79,805,883	$ 430,626,947	$ 21,814,870	$ 26,151,928	$ 24,394,216	$ 618,237,667
Additions	486,403	160,086	-	35,302,729	1,612,934	3,036,749	13,843,440	54,442,341
Disposals	(3,703)	-	-	(843,328)	(479,079)	(576,958)	(22,633,196)	(24,536,264)
Balance, end of year	24,988,579	11,098,030	79,805,883	465,086,348	22,948,725	28,611,719	15,604,460	648,143,744
Accumulated Amortization								
Balance, beginning of year	-	(4,036,248)	(24,982,230)	(163,008,893)	(9,579,154)	(13,991,182)	-	(215,597,707)
Disposals	-	-	-	850,261	480,204	546,381	-	1,876,846
Amortization Expense	-	(610,727)	(1,777,904)	(10,327,493)	(1,837,989)	(1,916,904)	-	(16,471,017)
Balance, end of year	-	(4,646,975)	(26,760,134)	(172,486,125)	(10,936,939)	(15,361,705)	-	(230,191,878)
Net Book Value, end of year	$ 24,998,579	$ 6,451,055	$ 53,045,749	$ 292,600,223	$ 12,011,786	$ 13,250,014	$ 15,604,460	$ 417,951,866
Net Book value, beginning of year	$ 24,505,879	$ 6,901,696	$ 54,823,653	$ 267,618,054	$ 12,235,716	$ 12,160,745	$ 24,394,216	$ 402,639,960

13. Tangible capital assets (continued):

a) Assets under construction:

Assets under construction having a value of $8,208,074 (2011 - $15,604,460) have not been amortized. Amortization of these assets will commence when the asset is put into service.

b) Contributed tangible capital assets:

Contributed capital assets have been recognized at fair market value at the date of contribution. The value of contributed assets received during the year was $2,354,392 (2011 - $1,547,239) comprised of water infrastructure, land and roads infrastructure.

c) Tangible capital assets disclosed at nominal values:

Where an estimate of fair value could not be made, the tangible capital asset was recognized at a nominal value.

d) Works of art and historical treasures:

The City manages and controls various works of art and non-operational historical cultural assets including buildings, artifacts, paintings and sculptures located at City sites and public display areas. These assets are not recorded as tangible capital assets and are not amortized.

e) Write-down of tangible capital assets:

The write-down of tangible capital assets during the year was $nil (2011 - $nil).

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14. Accumulated surplus:

Accumulated surplus consists of individual fund surplus and reserves and reserve funds as follows:

	2012	2011
Surplus:		
Invested in tangible capital assets	$ 426,660,444	$ 417,951,866
Invested in government business enterprises	68,949,573	67,975,054
Other	18,070,015	18,759,553
Unfunded		
Net long-term liabilities	(14,569,473)	(16,718,442)
Landfill closure costs	(18,737,811)	(16,631,552)
Employee benefits	(33,062,550)	(31,650,501)
Total surplus	447,310,198	439,685,978
Reserves set aside for specific purpose by Council:		
Working capital	1,081,007	1,081,007
Acquisition of tangible capital assets	3,867,325	3,466,771
Planning and development	797,575	717,572
Parking facilities	3,614	3,614
Other programs	7,127,813	6,388,292
Waste disposal site	10,976,964	9,564,427
Total reserves	23,854,298	21,221,683
Reserve funds set aside for specific purpose by Council:		
Sewage plants	483,821	470,183
Cemetery development	939,532	1,257,397
Industrial land	44,748	44,259
Property purchases	1,268,378	936,815
Hospital development	1,126,905	1,530,603
Other programs	178,819	174,061
Total reserve funds	4,042,203	4,413,318
	$ 475,206,699	$ 465,320,979

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15. Government transfers:

The City recognizes the transfer of government funding as expenses or revenues in the period that the events giving rise to the transfer occurred. The transfers reported on the Statement of Operations are:

	2012	2011
Revenue:		
Provincial grants	$ 23,684,351	$ 26,560,917
Federal grants	4,960,962	10,458,550
Total revenues	$ 28,645,313	$ 37,019,467

16. Segmented information:

The City of Sault Ste. Marie is a diversified municipal government institution that provides a wide range of services to its citizens. City services are provided by departments and certain departments have been separately disclosed in the segmented information, along with the services they provide. These departments are:

General Government

General Government is comprised of City Council, the Chief Administrators' Office (CAO), Clerks Department, Legal Department, Human Resources Department and the Finance Department. Each of these departments provides program support to various other areas.

The Chief Administrators' Office is charged with the responsibility of coordinating the work of all municipal departments and ensuring that those departments carry out the policies and directions given by City Council.

The Clerks Departments' primary task is to function as the corporate secretary to City Council, ensuring that all Council Agendas, Minutes of proceedings, resolutions, decisions, voting, records, and accounts are recorded, documented and certified.

The Legal Department is responsible for the preparation of by-laws, deeds, leases, agreements and other legal documents, as well as property management for the City in regards to purchases, sales, leasing, easements and related agreements. Prosecutions and administration of Provincial Offences Act is also part of their responsibility.
The Human Resources Department is charged with negotiation and administration of all collective agreements as well as all facets of employment and employee benefits.

The Finance Department is responsible for the City's general financial management and budget preparation. The department is comprised of financial administration, accounting, tax and licensing, purchasing and information technology.

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16. Segmented information (continued):

Fire Services

Fire Services is responsible to provide fire suppression service; fire prevention programs; training and education related to prevention, detection or extinguishment of fires. It is also responsible, through its Emergency Medical Services, for pre-hospital emergency paramedical care and the transport of the sick and injured.

Police Services

The mandate of the Police Services is to ensure the safety of the lives and property of citizens; preserve the peace and good order; prevent crimes from occurring; detect offenders; and enforce the law.

Engineering and Planning

The Engineering and Planning Department provides diverse services. It manages urban development for business interests, environmental concerns, local neighborhoods and the downtown through city planning and community development. It ensures the quality of building construction and maintenance of properties through enforcement of construction codes, building standards and by-law for the protection of occupants. It facilitates economic development by providing services for the approval of all land development plans, the application of enforcement of zoning by-laws and the processing of building permit applications

Public Works and Transportation

The Public Works and Transportation Department is responsible for maintenance of municipal infrastructure, such as streets, sewers, transit, parks and cemeteries. The department provides solid waste management through refuse collection, recycling programs, and sanitary landfill management. The department is also responsible for traffic control, including signage, signals and pavement markings.

Community Services

The Community Services Department provides public services in the area of recreation and culture. In addition it is responsible for the operations of the City-run Day Nurseries and Community Centres.

Social Services

The Social Services Department provides administration support to the Sault Ste. Marie District Social Services Administration Board. This includes assisting in the development of client action plans designed to facilitate financial independence; providing employment resources to assist consumers in the transition to self-sufficiency; coordination of community child care services; administering and managing the Rent-Geared-to-Income Public Housing Portfolio and central administration and coordination for the Rent Supplement Program and the Non-Profit and Cooperative Housing Developments.

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16. Segmented information (continued):

	2012								
	General Government	Fire Services	Police Services	Engineering and Planning	Public Works and Transportation	Community Services	Social Services	Government Business Enterprises	Total
Revenues:									
Taxation	$ 19,475,930	$ 10,378,365	$ 20,001,699	$ 4,452,421	$ 27,604,310	$ 7,857,387	$ 13,630,374	$ -	$ 103,400,486
Fees and user charges	2,359,517	4,546,483	404,030	27,882,813	7,535,235	5,507,880	8,617,504	-	56,853,462
Government grants	2,779,604	1,745,620	3,663,843	8,403,386	6,494,911	2,666,338	2,891,612	-	28,645,314
Investment income	4,780,670	111	-	63,549	31,680	112,699	-	-	4,988,709
Other	272,276	3,878	212,123	2,187,294	89,863	261,294	-	-	3,026,728
Gain (loss) on disposal of capital assets	27,305	-	(26,691)	(125)	85,994	-	-	-	86,483
Government business enterprises	-	-	-	-	-	-	-	1,584,598	1,584,598
Total revenues	29,695,302	16,674,457	24,255,004	42,989,338	41,841,993	16,405,598	25,139,490	1,584,598	198,585,780
Expenses:									
Salaries, wages and employee benefits	7,065,909	15,981,331	21,530,865	7,641,111	23,679,746	9,094,033	7,446,400	-	92,439,395
Materials	2,251,355	887,102	1,872,839	11,881,354	16,054,576	2,153,089	450,751	-	35,551,066
Contracted services		296,972	989,830	8,010,416	3,502,960	1,885,633	117,004	-	14,802,815
Rents and financial	2,628,741	4,141	79,857	100,557	7,417	810,186	400,154	-	4,031,053
Grants to others	75,847	-	-	3,101,046	-	2,522,951	16,931,436	-	22,631,280
Contribution to new hospital	2,100,000	-	-	-	-	-	-	-	2,100,000
Amortization	554,243	384,879	521,358	11,642,237	2,199,548	1,729,406	112,772	-	17,144,442
Total expenses	14,676,095	17,554,425	24,994,749	42,376,719	45,444,247	18,195,298	25,458,517	-	188,700,050
Annual surplus (deficit)	$ 15,019,207	$ (879,968)	$ (739,745)	$ 612,619	$ (3,602,254)	$ (1,789,700)	$ (206,255)	$ 1,584,598	$ 9,885,730

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16. Segmented information (continued):

	2011								
	General Government	Fire Services	Police Services	Engineering and Planning	Public Works and Transportation	Community Services	Social Services	Government Business Enterprises	Total
Revenues:									
Taxation	$ 17,014,166	$ 9,982,591	$ 19,006,233	$ 6,294,764	$ 26,751,169	$ 7,732,048	$ 13,472,328	$ -	$ 100,253,299
Fees and user charges	2,696,891	4,384,644	396,890	25,084,266	7,972,797	5,216,180	7,740,737	-	53,492,405
Government grants	3,397,693	1,940,753	4,178,061	14,942,787	6,090,598	3,225,068	3,244,507	-	37,019,467
Investment income	4,440,688	115,750	351,775	49,060	30,993	40,175	-	-	5,028,441
Other	158,500	13,791	266,235	2,759,283	135,030	131,245	-	-	3,464,084
Gain (loss) on disposal of capital assets	5,897	-	-	(43)	39,474	-	-	-	45,328
Government business enterprises	-	-	-	-	-	-	-	4,679,138	4,679,138
Total revenues	27,713,837	16,437,529	24,199,194	49,130,117	41,020,061	16,344,716	24,457,572	4,679,138	203,982,164
Expenses:									
Salaries, wages and employee benefits	6,361,807	15,749,867	21,153,599	7,447,761	24,017,349	8,700,043	7,371,475	-	90,801,901
Materials	1,955,836	1,495,634	1,669,521	7,826,276	14,084,422	2,701,854	505,093	-	30,238,636
Contracted services	-	261,071	949,795	8,371,657	3,688,970	1,814,257	148,606	-	15,234,356
Rents and financial	5,770,028	2,429	65,723	100,296	13,188	858,841	431,244	-	7,241,749
Grants to others	8,284	-	-	3,144,413	-	2,485,481	16,369,987	-	22,008,165
Contribution to new hospital	2,100,000	-	-	-	-	-	-	-	2,100,000
Amortization	588,511	391,688	522,171	11,144,989	2,133,723	1,574,646	115,284	-	16,471,013
Total expenses	16,784,471	17,900,689	24,360,809	38,035,391	43,937,652	18,135,122	24,941,687	-	184,095,823
Annual surplus (deficit)	$ 10,929,366	$ (1,463,160)	$ (161,615)	$ 11,094,726	$ (2,917,591)	$ (1,790,406)	$ (484,117)	$ 4,679,138	$ 19,886,341

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17. Comparative figures:

Certain comparative figures have been reclassified to conform with the financial statement presentation adopted in the current year.

DRAFT

Financial Statements of

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

Trust Funds

Year ended December 31, 2012

DRAFT

INDEPENDENT AUDITORS' REPORT

To the Members of Council, Inhabitants and Ratepayers of
The Corporation of The City of Sault Ste. Marie

We have audited the accompanying financial statements of the trust funds of The Corporation of The City of Sault Ste. Marie (the "Trust"), which comprise the statement of financial position as at December 31, 2012 and the statement of continuity of the trust funds for the year then ended, and notes, comprising a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on our judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, we consider internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

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Opinion

In our opinion, the financial statements present fairly, in all material respects, the financial position of the trust funds of the Trust as at December 31, 2012, and the continuity of the trust funds for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

Comparative information

Without modifying our opinion, we draw attention to the notes to the financial statements which describes that the trust funds of The Corporation of The City of Sault Ste. Marie adopted Canadian accounting standards for not-for-profit organizations on January 1, 2012 with a transition date of January 1, 2011. These standards were applied retrospectively by management to the comparative information in these financial statements, including the statements of financial position as at December 31, 2011 and January 1, 2011, and the statements of operations, changes in net assets and cash flows for the year ended December 31, 2011 and related disclosures. We were not engaged to report on the restated comparative information, and as such, it is unaudited

KPMG LLP

Chartered Accountants, Licensed Public Accountants

July 15, 2013
Sault Ste. Marie, Canada

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The Corporation of the City of Sault Ste. Marie
Trust Funds
Statement of Financial Postion

December 31, 2012, with comparative figures for December 31, 2011 and January 1, 2011

	Care and Maintenance	Pre-need Assurance	Ontario Home Renewal Plan	Historic Sites	Heritage SSM	Transit Employees Pension	Cultural Endowment	December 31, 2012 Total	December 31, 2011 Total (Unaudited)	January 1, 2011 Total (Unaudited)
Assets										
Cash and investments	$ 4,537,237	$ 2,141,149	$ 23,848	$ 40,959	$ 59,062	$ 72,582	$ -	$ 6,874,837	$ 6,030,837	$ 5,971,392
Receivable from other funds	290,819	1,443	-	70,486	-	-	10,000	372,748	1,016,533	888,398
Loans receivable (note 2)	-	-	32,859	-	-	-	-	32,859	34,522	39,111
	$ 4,828,056	$ 2,142,592	$ 56,707	$ 111,445	$ 59,062	$ 72,582	$ 10,000	$ 7,280,444	$ 7,081,892	$ 6,898,901
Liabilities										
Payable to other funds	$ -	$ -	$ 35,773	$ -	$ 792	$ 7	$ -	$ 36,572	$ 35,404	$ 35,451
Fund Balance	4,828,056	2,142,592	20,934	111,445	58,270	72,575	10,000	7,243,872	7,046,488	6,863,450
	$ 4,828,056	$ 2,142,592	$ 56,707	$ 111,445	$ 59,062	$ 72,582	$ 10,000	$ 7,280,444	$ 7,081,892	$ 6,898,901

The accompanying notes are an integral part of these financial statements.

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The Corporation of the City of Sault Ste. Marie
Trust Funds
Statement of Continuity

December 31, 2012, with comparative figures for December 31, 2011

	Care and Maintenance	Pre-need Assurance	Ontario Home Renewal Plan	Historic Sites	Heritage SSM	Transit Employees Pension	Cultural Endowment	December 31, 2012 Total	December 31, 2011 Total (Unaudited)
Fund balance, beginning of the year	$ 4,665,443	$ 2,119,418	$ 25,400	$ 95,919	$ 58,414	$ 71,894	$ 10,000	$ 7,046,488	$ 6,863,450
Revenue:									
Capital receipts	162,613	136,583	-	550	-	-	-	299,746	272,549
Contributions from revenue fund	-	-	-	14,452	-	-	-	14,452	20,226
Interest earned	63,526	17,117	290	524	648	681	-	82,786	67,570
	226,139	153,700	290	15,526	648	681	-	396,984	360,345
Expenditures:									
Contributions to revenue fund	63,526	130,526	263	-	792	-	-	195,107	164,557
Transfer to Province of Ontario	-	-	4,409	-	-	-	-	4,409	9,621
Administration charges	-	-	84	-	-	-	-	84	3,129
	63,526	130,526	4,756	-	792	-	-	199,600	177,307
Fund balance, end of year	$ 4,828,056	$ 2,142,592	$ 20,934	$ 111,445	$ 58,270	$ 72,575	$ 10,000	$ 7,243,872	$ 7,046,488

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The accompanying notes are an integral part of these financial statements.

The Corporation of the City of Sault Ste. Marie
Trust Funds
Notes to Financial Statements

Year ended December 31, 2012

On January 1, 2012, the trust funds of the Corporation of The City of Sault Ste. Marie ("Trust") adopted Canadian accounting standards for not-for-profit organizations in Part III of the CICA Handbook. These are the first financial statements prepared in accordance with not-for-profit standards.

In accordance with the transitional provisions in not-for-profit standards, the Trust has adopted the changes retrospectively, subject to certain exemptions allowed under these standards. The transition date is January 1, 2011 and all comparative information provided has been presented by applying not-for-profit standards.

There are no adjustments to net assets as at January 1, 2011 or excess of revenue over expenses for the year ended December 31, 2011 as a result of the transition to not-for-profit standards

1. Summary of Significant Accounting Policies:

These financial statements are prepared in accordance with Canadian Accounting Standards for Not-For-Profit Organizations in Part III of the CICA Handbook.

(a) Basis of accounting:

The financial statements are prepared by management and are reported on the accrual basis of accounting. The accrual basis of accounting recognizes revenues as they become available and measurable. Expenditures are recognized as they are incurred and measurable as a result of receipt of goods or services and the creation of a legal obligation to pay.

(b) Financial instruments:

Financial instruments are recorded at fair value on initial recognition. Freestanding derivative instruments that are not in a qualifying hedging relationship and equity instruments that are quoted in an active market are subsequently measured at fair value. All other financial instruments are subsequently recorded at cost or amortized cost, unless management has elected to carry the instruments at fair value. The Trust has not elected to carry any such financial instruments at fair value.

Transaction costs incurred on the acquisition of financial instruments measured subsequently at fair value are expensed as incurred. All other financial instruments are adjusted by transaction costs incurred on acquisition and financing costs, which are amortized using the effective interest rate method.

Financial assets are assessed for impairment on an annual basis at the end of the fiscal year if there are indicators of impairment. If there is an indicator or impairment, the Trust determines if there is a significant adverse change in the expected amount or timing of future cash flows from the financial asset. If there is a significant adverse change in the expected cash flows, the carrying value of the financial assets is reduced to the highest of the present value of the expected cash flows, the amount that could be

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1. Summary of Significant Accounting Policies (continued):

(b) Financial instruments (continued):

realized from selling the financial asset or the amount the Trust expects to realize by exercising its right to any collateral. If events and circumstances reverse in a future period, an impairment loss will be reversed to the extent of the improvement, not exceeding the initial carrying value.

(c) Use of estimates

The preparation of the financial statements requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenue and expenses during the year. Significant items subject to such estimates and assumptions include the carrying amount of capital assets, and assets and obligations related to employee future benefits. Actual results could differ from those estimates.

2. Ontario Home Renewal Program:

The Ontario Home Renewal Program ("OHRP") was established by the Ontario Ministry of Housing in 1973 to provide grants for municipalities to make loans to assist owner occupants to repair, rehabilitate and improve their homes to local property standards. Individual loans were limited to $7,500, of which the maximum deferred portion was $4,000.

Ontario Home Renewal Program loans receivable at December 31, 2012 comprise repayable loans of $9,092 (2011 - $9,537) and deferred loans of $23,767 (2011 - $24,985). Loan forgiveness is earned and recorded at a rate of up to $600 per year of continuous ownership and occupancy. The deferred portion of the loan is deferred for a five year period. In the event of the sale or lease of the home or in the event of the homeowner ceasing to occupy the home, the balance of the loans immediately become due and payable by the homeowner.

The Province of Ontario legislated an end to the OHRP program in 1993. As of July 16, 1993, no new loans were issued. All funds collected on outstanding OHRP loans are remitted to the Province by March 1 of the following year. However, municipalities are provided an administration fee of five per cent of the balances collected after December 31, 1993 and are permitted to retain the interest earned on unremitted OHRP trust account balances.

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3. Investments:

Total investments by the trust funds of $3,269,068 (2011 - $3,219,624) included in cash and investments on the Statement of Financial Position at cost, have a market value of $3,546,305 (2011 - $3,446,000).

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ADDENDUM

REGULAR MEETING OF CITY COUNCIL

2013 07 15

4:30 P.M.

COUNCIL CHAMBERS

3. APPROVE AGENDA AS PRESENTED

Mover: Councillor S. Butland
Seconder: Councillor F. Manzo
Resolved that the Addendum #1 for the 2013 07 15 City Council meeting as presented be approved.

4. DELEGATIONS/PROCLAMATIONS

PART ONE – CONSENT AGENDA

5. COMMUNICATIONS AND ROUTINE REPORTS OF CITY DEPARTMENTS, BOARDS AND COMMITTEES

r) **Demolition of 606 Wellington Street East**

Please find attached page three of the report which was inadvertently missing from some printed agendas.

Also attached is correspondence from Perry Kerns for the information of Council.

s)&t) Mover:
Seconder:
Resolved that concerning agenda items 5.(s) and 5.(t) (by-laws 2013-152 and 2013-139) that the execution of these agreements be conditional on Elementa having satisfied or satisfying all of its current and past obligations with the Corporation of the City of Sault Ste. Marie and P.U.C. Inc. under any other agreements.

cc) **Black Road at Truck Road – Railway Crossing**

A report of the Deputy Commissioner of Public Works and Transportation is attached for the consideration of Council.

Mover: Councillor P. Chrisitan
Seconder: Councillor F. Manzo
Resolved that the report of the Deputy Commissioner of Public Works and Transportation dated 2013 07 15 concerning Black Road at Trunk Road – Railway Crossing be accepted and the recommendation to include the estimated cost of $45,000 in the 2014 budget be approved.

dd) Correspondence from the Mayor to the Premier of Ontario concerning the Ontario Lottery Commission is attached for the information of Council.

ee) Correspondence from the Deputy Minister of Northern Development and Mines concerning Assistant Deputy Minister, Northern Development Division is attached for the information of Council.

PART TWO – REGULAR AGENDA

6. REPORTS OF CITY DEPARTMENTS, BOARDS AND COMMITTEES

(1) ADMINISTRATION

(2) COMMUNITY SERVICES DEPARTMENT

(3) ENGINEERING

(4) FIRE

(5) LEGAL

(6) PLANNING

d) **Application No. 10-13-Z.OP – filed by Jeff and Patricia Avery – 179 & 227 Pointe Aux Pins Drive**

Further correspondence is attached for the information of Council.

Mover: Councillor J. Krmpotich
Seconder: Councillor S. Butland
Resolved that agenda item 6.(6)(d) be postponed to a future meeting of City Council.

(7) PUBLIC WORKS AND TRANSPORTATION

(8) BOARDS AND COMMITTEES

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

5(r)

RECOMMENDATION

It is recommended that Council authorize the City to hire the forces necessary to demolish the building at 606 Wellington Street East and add such costs to the taxes, and furthermore, after the demolition, that the owner arranges to have the motor home relocated to a more suitable location.

Respectfully submitted,

Don W. Maki, CBCO
Chief Building Official

Recommended for approval,

Jerry D. Dolcetti, RPP
Commissioner of Engineering and Planning

DWM/ds

Attach.

RECOMMENDED FOR APPROVAL
Joseph M. Fratesi
Chief Administrative Officer

5(r)

July 15 2013

Mr. Malcom White
City Clerk
99 Foster Drive
Sault Ste Marie

Mr Perry Kerns
107 Forest Ave
Sault Ste Marie

Re : 606 Wellington East

I would like to add a few things that the Council Members and Mayor should know. The Tenants, and building were effected greatly as result of the arsonist that lived at the Primercica Building next door. The one tenant was killed Miss Lee-Ann Hill only 48.

The rear porch of building where the fire was set was removed, the rear 2 storey and the apartment where Lee- Ann resided was removed.

New sheeting, typar added to the rear, wood was treated and sealed. In the pictures you have, are not updated photos the inspector has seen the other work completed. The wood foundation has been removed, and the foundation stone and block walls have been lowered.

All that remains is the rear siding to be installed around 3 square and install a small roof 6 feet by 6 feet. I have the permit, and work will be completed by July 25, 2013 or sooner for the order.

5(r)

In regards to the Motorhome it is legally allowed to be on the property. It is Zoned CT2 and have attached a copy in regards to the uses. The inspector Mr. Tyler Bertrian and Chief Building Official Mr Don Maki have seen it started, and ridden in it. It also has had valid insurance for almost a year.

Myself and others and especially Lee-Ann have all been Victims of the Arsonist Next Door. To add move burden to myself is not fair and right.

I Thank – You at this Time

Perry Kerns,

5(r)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE
BUILDING DIVISION

PERMIT

PERMIT NO. 2013-0891

FILE NO. 654
BLDG PLAN NO.

ADDRESS 606 Wellington Street East

DATE 2013/07/08

TYPE OF PERMIT ISSUED: Building

DESCRIPTION: Apartment

BUILDING CLASS: Residential

EXTENT OF PERMIT: PERMIT TO REPLACING SIDING

VALUE OF WORKS: $2,000.00

WIDTH OF ENTRANCE:

CULVERT LENGTH:

NO. OF FIXTURES:

LEGAL DESCRIPTION: PLAN 87 LOT 8

C/A NO.

NO. OF STOREYS:

ZONING: CT2

SITE PLAN:

APPLICANT:	KERNS, PERRY	OWNER:	KERNS, PERRY
APPLICANT ADDRESS:	606 Wellington Street East Sault Ste. Marie, ON P6A2M5	OWNER ADDRESS:	606 Wellington Street East Sault Ste. Marie, ON P6A2M5
APPLICANT PHONE:	705 975 1657	OWNER PHONE:	705 975 1657

BUILDING CONTRACTOR: Self
PLUMBING CONTRACTOR:
SEWER CONTRACTOR:
HEATING CONTRACTOR:

DESIGNER:
DESIGNER BCIN NO.
CULVERT CONTRACTOR:
CURBCUT CONTRACTOR:

DECLARATION: All of the statements and representations contained in the attached documents filed in support of this application shall be deemed to be part of this application for all purposes. I am the owner or authorized agent of the owner for the above application, and I certify the truth of all statements or representations contained therein or attached thereto. I agree if a permit is issued, not to depart from the plans, specifications or building location proposed in this application.

ISSUED BY: _____
For Don Maki, Chief Building Official

ISSUED DATE: 13·07·03
Sault Ste. Marie, Ontario

PLEASE PRINT: PERRY KERNS

PLEASE SIGN: _____
Owner / Authorized Agent

TO REQUEST AN INSPECTION CALL **705-759-5410**. AFTER HOURS YOUR REQUEST WILL BE RECORDED.
NOTE: 48 HOURS ADVANCE NOTICE **MUST** BE GIVEN FOR THE FOLLOWING INSPECTIONS.

- ☐ Sewer and water service
- ☐ Prior to pouring of concrete for footings
- ☐ Prior to backfilling foundation
- ☐ Prior to backfilling plumbing ground run
- ☐ Prior to covering plumbing rough-in
- ☐ Upon completion of structural framing
- ☐ Prior to cover of HVAC ductwork
- ☐ Prior to covering insulation,VB, AB
- ☐ Prior to covering air barrier system
- ☐ Completion of all fire separations
- ☐ Completion of all fire protection systems, alarms, sprinklers
- ☐ Final inspection before occupancy
- ☐ Final inspection upon completion

YOUR INSPECTOR: Frank Bentrovato E-MAIL: f.bentrovato@cityssm.on.ca PHONE: (705) 759-2750 CELL: (705) 941-8126

PLACE PERMIT IN PROMINENT LOCATION - APPROVED PLANS MUST BE KEPT ON SITE FOR REVIEW

13.2 CENTRAL COMMERCIAL ZONE (C2)

Introduction

Applied to *the downtown* of Sault Ste. Marie, this zone is intended to regulate and provide for an intensive use of the land. Reuse, redevelopment, and conversions will be encouraged with minimal regulations and lot-line-to-lot-line *building footprints*. Permitted uses and regulations will have regard for the need to preserve the vibrancy of *the downtown* area as the administrative, cultural and entertainment center of the community. No limitations have been set on *building height* or size.

13.2.1 PERMITTED USES

- *Accessory uses*
- {2007-105} *Accessory use solar power installations*– Refer to Section 1.1.6 for additional regulations
- {2006-200} *Accessory use wind turbines*- Refer to Section 4.13 for additional regulations
- *Accommodation services*
- *Amusement and fitness facilities*
- *Arts, culture, and heritage uses*
- *Assembly facilities*
- *Bingo halls*
- *Broadcasting*
- *Building, hardware, and garden supply stores*
- *Car wash facilities*
- *Casinos*
- *Day care facilities*
- *Delivery and courier services*
- *Food Services*
- *Fuel sales*
- *Home based business*
- *Information and technology services*
- *Medical centres*
- *Motion picture and sound recording studios*
- *Motor vehicle rental and leasing services*
- *Motor vehicle sales and parts dealers*
- *Movie theatres*
- *Nursing and residential care facilities*
- *Office uses*
- *Parking lots*
- *Personal services*
- *Places of worship*
- *Repair and maintenance services*

13.3 COMMERCIAL TRANSITIONAL ZONE (CT2)

Introduction

This zone provides for and regulates a mix of commercial, small office, and residential land uses throughout the community. While this zone is primarily applied to the areas immediately surrounding the Central Commercial Zone, it may also be applied as a neighbourhood commercial zone within residential areas. Building regulations will reflect the present forms of development, as well as encourage the re-use of *existing* buildings.

13.3.1 PERMITTED USES

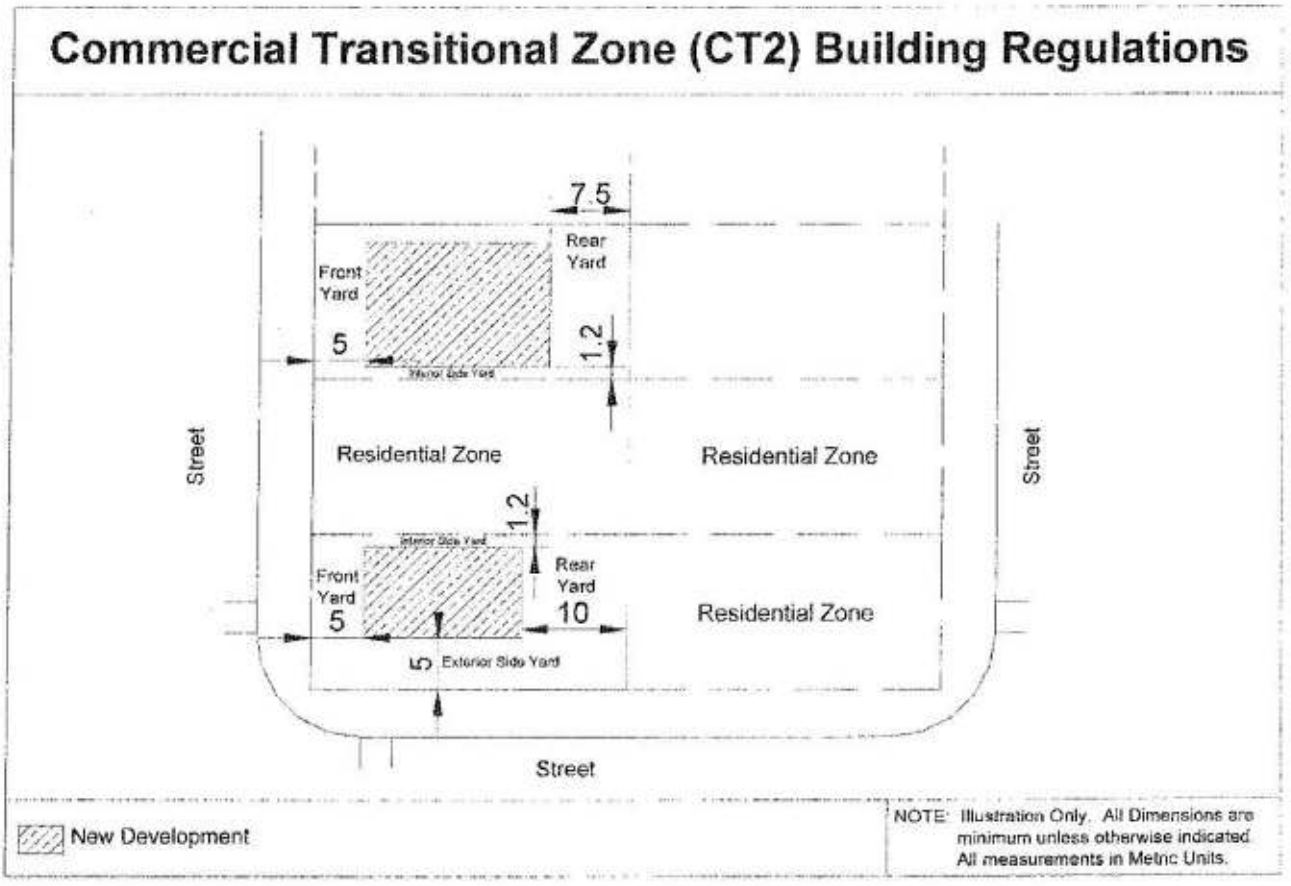
- *Accessory uses*
- {2007-105} *Accessory use solar power installations*– Refer to Section 1.1.6 for additional regulations
- {2006-200} *Accessory use wind turbines* - Refer to Section 4.13 for additional regulations
- *Arts, culture, and heritage uses*
- *Bed and Breakfasts* – Subject to site plan control
- *Day care facilities*
- *Federal Provincial and Municipal Government administration*
- *Food services*
  - ***Exclusions**: Fast food outlets, Bars and taverns*
- *Group homes*
- *Group residences* – Subject to site plan control
- *Home based business*
- *Information and technology services*
- *Nursing and Residential Care Facilities*
- *Office uses*
- *Parking Lots*
- *Personal services*
- *Residential Dwellings*
  - *Single Detached* - Subject to R3 zone regulations
  - *Semi-Detached* - Subject to R3 zone regulations
  - *Duplexes and Triplexes* - Subject to R3 zone regulations
  - *Multiple Attached* - Subject to R4 *zone* regulations
  - *Apartment Dwellings* – Subject to R4 zone regulations
- *Retail trade – Maximum gross floor area* = **300m^2**, excluding *existing* buildings
- *Rooming houses*
- *Similar uses*

13.3.2 COMMERCIAL TRANSITIONAL ZONE (CT2) BUILDING REGULATIONS

All Minimums Unless Otherwise Noted

	Metres
Front yard	5m
Exterior side yard	5m
Interior side yard Abutting a Residential Zone	0m 1.2m for 1 storey, 1.8 for 2 or more storeys
Rear yard Abutting Residential Zone	7.5m 10m
Maximum building height	12m

Table 28 : Commercial Transitional Zone (CT2) Building Regulations



5(cc)

Susan Hamilton Beach, P. Eng.
Deputy Commissioner

Public Works and Transportation Department

2013 07 15

Mayor Debbie Amaroso and
Members of City Council

RE: BLACK ROAD AT TRUNK ROAD – RAILWAY CROSSING

PURPOSE

The purpose of this report is to inform Council of the proposed railway crossing project scheduled to occur later this month and to seek Council's approval of the City's payment of a portion of this work by carrying over the value into the 2014 budgetary process.

BACKGROUND

PWT understands that the City is 100% responsible for payment of maintenance items related to this crossing as per a Transport Canada Board Order. Huron Central has identified issues with the Black Road railway crossing which they have scheduled to re-build this summer and is a high priority item with the railway.

Their first contact with Public Works and Transportation was in May, 2013. PWT advised that there was no funding identified in our 2013 budget for this project's completion. It should be noted that a portion of this work will be funded by the Infrastructure Canada program. The work is scheduled to take place over two separate weekends – the first being from midnight Friday, July 26th to Monday morning, July 29th with the second weekend affected being Saturday, August 10th to Sunday, August 11th. For both of those weekends the railway crossing will be closed and therefore access to Black Road from Trunk Road will be prohibited. A detour has been planned and staff asks for the public's patience and cooperation.

ANALYSIS

It is recognized that work needs to be completed at this railway crossing and as third party funding is available this is the best financial situation for the City given our 100% financial obligation. After the funding contribution by Infrastructure Canada and Huron Central's contribution of significant labour and materials – the City of Sault Ste. Marie is responsible for an estimated $45,000 in capital costs (ie. railseal, rail and railway ties). Huron Central has agreed to defer these costs to the 2014 budget.

IMPACT

As previously stated, Huron Central has agreed to take financial responsibility of the project costs until 2014 with PWT committing labour and some material costs for this year. It should be noted that traffic will be affected with a significant detour planned.

STRATEGIC PLAN

The topic of this report is tied to the first Strategic Direction: Developing Solid Infrastructure within the Corporate Strategic Plan.

RECOMMENDATION

"That the report of the Deputy Commissioner concerning the proposed railway crossing project at Black Road be accepted and furthermore that Council approve the estimated cost of $45,000 be carried over to the 2014 budget."

Respectfully submitted,

Susan Hamilton Beach, P. Eng.
Deputy Commissioner

Recommended for approval

for Larry Girardi
Commissioner

5(dd)

DEBBIE AMAROSO
MAYOR



CORPORATION OF THE
CITY OF SAULT STE. MARIE

July 10, 2013

The Honourable Kathleen Wynne
Premier of Ontario
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Dear Premier Wynne,

Firstly let me express my sincere thanks for your agreeing to meet with myself and Sault Ste. Marie's Chief Administrative Officer, Joe Fratesi on Wednesday July 31, 2013 at 2:30 p.m. We are delighted that Minister Sousa will also join us as we discuss this matter which is of utmost importance to our community and the region.

We firmly believe that the economic future of our community and our citizens are in jeopardy as long as the future of the OLG Head Office, serving as the focal point for the management of lottery and gaming in the Province, remains ambiguous and Sault Ste. Marie ends up being a figurehead "head office". This sentiment is reflected in the enclosed column from the Sault Star, which appeared in the June 29th issue and is shared by the community.

Closer to the meeting date we will provide the agenda for your review, but in the meantime I would like to give you a sense of the urgency surrounding this meeting. We believe that the issues and impacts are well covered in the enclosed Star editorial.

Most of the tangible actions we see from the OLG leads us to fear that a viable Sault Ste. Marie Head Office employing at least 550 (the approximate current total) skilled and highly trained workers, is seen by the OLG as dispensable and a lesser priority. We need to hear from the Government that the Premier's commitment to Northern Ontario, job maintenance and creation will drive a decision to provide direction to the OLG to at least maintain the average annual job levels in the Sault.

The City and the Sault Ste. Marie Economic Development Corporation have been supportive of lottery and gaming Modernization because we were led to believe that the OLG Head Office - in name and in management reality - would continue to be here.
Look forward to working with you to frame the particular agenda items for the July 31st meeting.

Sincerely,

Debbie Amaroso

Debbie Amaroso
Mayor

CC:
The Honourable Charles Sousa, Minister of Finance
The Honourable David Orazietti, Minister of Natural Resources
Tom Teahen, Chief of Staff, Office of the Premier
Karim Bardeesy, Exec. Dir., Policy - Policy & Research, Office of the Premier
Dylan Marando, Policy Advisor, OLG - Policy & Research, Office of the Premier
Fahim Kaderdina, Chief of Staff, Finance Minister's Office
Peter Wallace, Chair, OLG & Secretary to Cabinet
Rod Phillips, CEO, OLG
Tom Marinelli, Chief Transformation Officer and Chief Information Officer, OLG
Steve Orsini, Deputy Minister of Finance & Secretary of Treasury Board
Barry Goodwin, Assistant Deputy Minister, Revenue Agencies, Min. of Finance
Don Mitchell, President and Chair, Sault Ste. Marie Economic Development Corp.
Tom Dodds, CEO, Sault Ste. Marie Economic Development Corp.

Sault Star, Saturday, June 29, 2013 9:14:25
Opinion Column

Premier needs to go all in for Sault — MILLS

By Tom Mills, Sault Star

Saturday, June 29, 2013 9:14:25 EDT AM

Premier Kathleen Wynne has been talking the talk about making the provincial government less Toronto-centric ever since she took over from Dalton McGuinty.

Now it's time for her to put her money, or at least our tax dollars, where her mouth is and restore all Ontario Lottery and Gaming Corporation executive jobs to Sault Ste. Marie, where they rightfully belong.

You'll recall that in 1986 the Liberal government of David Peterson placed the OLG headquarters in the Sault.

But since then, particularly about 10 years ago during the regime of then-chair and Chief Executive Officer Ron Barbaro, a lot of important jobs have been raked off the Sault table and pocketed by OLG offices in the York Mills area of Toronto.

Today the Sault is just "a" headquarters, a title it shares with York Mills.

And it's the ugly sister of the two, because the entire OLG senior executive team is in Toronto. In 2012 the provincial capital housed about 725 OLG employees in total, compared to the Sault's about 585.

This has all the makings of a shell game.

The Sault should be "the" headquarters. And it's time for Wynne to get stop hedging her bets and declare it so.

If she can fire the head of OLG, as her government did last month, surely she can move some headquarters jobs. And if the people filling them are reluctant to leave the excitement of a Hogtown commute behind, others can be found to do the job.

This city can't afford to see any more whittling away of OLG staffing here.

Sault MPP David Orazietti remarked earlier this year that 25 positions have been added in the Sault since 2003, but clearly they were not at the top of the OLG pyramid.

Sault Chief Administrative Officer Joe Fratesi has noted that OLG jobs mean a lot more to the Sault than they do to Toronto, where they are "a spit in the bucket."

The Sault needs OLG as a keystone of its economy.

Its major industrial employer, Essar Algoma Steel, may be surviving but is not exactly thriving, according to recent financial reports.

OLG was brought here to provide economic diversification, with its high-paid and high-skilled jobs, when the Sault's steel and forestry sectors were sagging. While much has been done by the city's Economic Development Corporation since then to attract other new industries and businesses, none packs the wallop of a lottery headquarters.

It's not surprising that important OLG jobs headed south under the McGuinty government's watch, because his Liberals got into the habit of treating rural and Northern Ontario concerns as penny ante, compared to the importance of the vote-rich Greater Toronto Area and the Golden Horseshoe.

Those neglected voters made the government pay last election. Wynne, who was in the inner circle of a government that mishandled the electoral hinterlands, seems to have seen the error of her ways and is now courting voters outside the GTA.

Reuniting OLG headquarters would be a very easy way for the premier to demonstrate her sincerity. It would certainly cause a much smaller hit to the provincial budget than the Liberals' vote-buying gesture last election, the multi-million-dollar cancellation of gas generating plants in two GTA ridings.

It might even save tax dollars. With facilities already in place, more available at low cost and trained staff in the building, transition could be painless.

And the Drummond Report, which studied reforms to Ontario's public service, recommended the OLG head office be located in the Sault. The OLG is undergoing a major modernization process, which could easily include consolidating its head offices in the Sault.

It makes sense for OLG to employ front-line staff and have a prize office in the GTA. But executive functions don't have to be performed there, especially considering the huge expense of big-city office space.

Technology has brought "remote" locations such as the Sault a lot closer to Toronto since 1972. So has improved and lower-cost air transportation.

Even before technology compressed distances, many governments saw the sense of distributing offices, agencies and branches outside of their capitals, to reduce costs, boost regional economies and show the flag throughout their jurisdictions. Ontario has been a backslider since the Peterson days.

Still Wynne has done nothing but tap-dance around attempts by Sault officials to nail her down on the headquarters issue.

Sault Mayor Debbie Amaroso pressed the headquarters point, with supporting documents, in a letter to the premier April 15. The response came from finance minister Charles Sousa June 19.

"I continue to assure you that the OLG's head office in Sault Ste. Marie will remain open," was the best he could offer.

Not very reassuring, because sticking a "headquarters" sign on a shopping mall lottery kiosk might meet such slack criteria.

Sault officials are to meet with the province at the end of July, which would be a great time for the finance minister or premier to take a bold step to stabilize the city's economy.

The Sault needs a headquarters in fact, not just in name. This city is overdue for a payout from the province, and it could be a Wynne-win situation.

5(ee)

From: Baffier, Stephane (MNDM)
Sent: Friday, July 12, 2013 10:35 AM
To: Baffier, Stephane (MNDM)
Subject: Message sent on behalf of George Ross: Assistant Deputy Minister – Northern Development Division

MEMORANDUM

To: MNDM Stakeholders

From: George Ross, Deputy Minister, Northern Development and Mines

Date: July 9, 2013

Subject: Assistant Deputy Minister – Northern Development Division

I am writing to inform you that Bill Thornton will be joining the Ministry of Northern Development and Mines (MNDM). Working from Sault Ste. Marie, Bill will assume the role of Assistant Deputy Minister of the Northern Development Division effective August 19, 2013. Bill is no stranger to MNDM. After beginning his OPS career, 26 years ago, as a field forester with the Ministry of Natural Resources (MNR) in Timmins, he held numerous positions dealing with the management of natural resources and economic development with both MNR and MNDM.

Bill is an Ontario Registered Professional Forester, a Director on the Board of FPInnovations, and a former Campaign Chair for the United Way of Sault Ste. Marie. He holds a Bachelor of Science in Forestry from the University of New Brunswick and an MBA from Dalhousie University.

The experience Bill has amassed through his previous roles and the leadership he has provided in key government initiatives makes him a valuable addition to our team as we continue to help northerners build stronger, more prosperous economies and sustainable communities. Bill's knowledge of and commitment to the North will serve our northern communities, partners and stakeholders very well.

Thank you.

George Ross, Deputy Minister

6.(6)(d)

July 8, 2013

Dear Mayor Amaroso and Councillors:

Re: Pointe Estates

We are closely following the progress of Pointe Estates and are hopeful that the proposed plan will be developed.

As former Pointe Aux Pins residents, (1976-2011), we thoroughly enjoyed our community. We appreciated the area especially residing on the largest Great Lake with full shipping channel view, and boating pleasure. We enjoyed the convenience of the airport, nature trails, short distances to shopping, theatre, dining establishments, schools, recreational centres, etc.

We both were born and raised in Sault Ste. Marie and felt extremely fortunate to have raised our family in a beautiful setting, offering them similar and additional activities, which our parents had offered us. These included boating, cross country skiing, sandy beach access, skating on the frozen bay----all around appreciation of country living.

Unfortunately that came to a sudden end in 2011 due to loss of employment. After much deliberation we relocated to Port Perry, Ontario. Yet, upon retirement we want to return to Sault Ste. Marie and specifically to the Pointe community. We realize that unless further development occurs we will not see our dream fulfilled.

Presently, here we see changes, growth and development occurring on a daily basis. The 407-

expansion, numerous neighbourhood developments have changed many farm and open land areas. As newcomers and observers we are impressed at how the residents of Durham Region have adapted to these major changes. Many businesses have embraced the additional opportunities i.e. salvaging home and barn materials, reusing resources i.e. rock for landscaping, fencing. Tree farmers have seen a growth supplying subdivisions with mature trees, shrubs, etc. Contractors are kept busy hiring additional labourers to build homes, landscape, and so on. Actually, it is a breath of "fresh air" to see employment opportunities and choices especially for young people.

We believe the residents of Sault Ste. Marie deserve this "breath of fresh air", too. Pointe Estates would enhance opportunities for contractors, landscape designers, tradespeople, etc. More revenue would be generated for Sault Ste. Marie through waterfront tax dollars, use of resources and services.

Pointe Estates would attract newcomers to your City. Newcomers have much to contribute improving overall living conditions for everyone---a win/win situation. In other words Pointe Estates would support your mission statement---"The Corporation of the City of Sault Ste. Marie will be a leader in the provision of efficient, affordable and quality services supporting a progressive and sustainable community". We are hopeful you will uphold your mission statement supporting a progressive and sustainable community by approving the development of Pointe Estates.

Sincerely,

Dan & Glynnice Cappellani, Port Perry, ON

6.(6)(a)

Jeff Avery

From: Albert Giommi <ag@nationalgroup.ca>
Sent: July-04-13 11:56 AM
To: 'Mayor Amaroso'; p.christian@cityssm.on.ca; s.butland@cityssm.on.ca; t.sheehan@cityssm.on.ca; Susan Myers; p.mick@cityssm.on.ca; Brian; r.niro@cityssm.on.ca; l.turco@cityssm.on.ca; m.bruni@cityssm.on.ca; f.fata@cityssm.on.ca; j.krmpotich@cityssm.on.ca
Subject: Albert Giommi re Pointe Estates

Good Day Mayor and Council members

Most of the members of council know me very well and I normally do not get too involved with issues unless I feel that something is not correct and on this topic I feel that what is going on is not proper.

I personally have been thru these stall tactics that had cost me hundreds of thousands of dollars only to go to OMB and win in half hour. The stall tactics that were brought on by certain members of council at that time (that had self-serving issues) that are no longer in our community because they could not find work. The lost jobs from these tactics hurt community tremendously.

Most of you will know the project which was for a transfer facility on 6th line on a rail siding called Odena.

We had a very viable business opportunity with contracts in place with very large manufacturing companies that would of switched their transfer facility to Sault Ste Marie from Chicago. Shortly after losing this business and a change in council, members with in our community had taken up the task to try and revive it but to no avail as these companies were forced to sign long term transfer agreements with the firm out of Chicago.

Since the stall tactics by certain council members at that time had extended past our ability to open the facility with in a time frame we lost all of that potential business and the Transfer facility never got constructed and therefore jobs were not created. This happened in 1999. I still have this file as it cost me over $500,000 in consulting fees and engineering fees to use at a time like this.

At a certain point a project does not become viable due to the costs that us business people must endure because councillors are tippy toeing as not to upset anyone. This is not proper. We need to stop this thought and make a decisions quickly with the information the professionals bring forth that we hire. We cannot make everyone happy. This is simple support it or not. If not than we as business people have another venue to appeal as much as those opposing it. Dragging the issue out for months or years hurts and then we have lost opportunities.

It is simple decide one way or another quickly so we can carry on with our business!

The Pointe Estate property development is a worthwhile project that has been thought out and all of the engineering has been completed to support this project but for some reason this project keeps getting delayed. I believe the proponents of this project have the financial means to bring it to fruition compared to many pipe dreams that have been brought forth to this city that never materialize. This proponent is capable to bring this project to reality.

We need to create greater wealth within our community. The greater the wealth within a certain generation the greater opportunity for our community to grow. At a certain point in life we get tired of the game and stop playing and that does not help SSM. The more the dollar turns within our community the stronger we get.

I and all of my staff support this project. It also comes at a time when our city is in a slowdown in the construction and industrial business and will be a definite post to many local companies. Every company in this community is currently hurting due to the inactivity in the construction business and the industrial sector. This project will create a lot of needed jobs.

I want you all to think of something after reading this short support letter of this project.

How many companies are in SSM that are trading on the stock exchange?

How many **locally owned** companies in SSM have offices outside our community and bring the profits back in to our community?

I want you to think of one other item and that is the growth of our community. Out of the last 5 years how much of the new construction was created with **private sector** monies for manufacturing vs. **government money**. We are becoming the welfare of Ontario with our hands continually out want more government or tax payers' dollars.

This city has an in-balance on the amount of Dollars exported out of SSM versus the Import of Dollars back into SSM. Countries watch to make sure they have an equal balance on export vs. import. In order to maintain a balance. The more dollars a country brings in makes it stronger.

I truly hope you take the time to read this and I am more than open at any time to discuss this with anyone 705-542-9840 or e mail me your thoughts. It has been something burning in me for many many years.

MAKE A DECISION AND LET US CARRY ON WITH OUR BUSINESS.

Albert Giommi
National
Office: 705-253-5646
Fax: 705-253-0261
ag@nationalgroup.ca
www.nationalgroup.ca

NATIONAL

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6.(b)(d)

Jeff Avery

From: roy wilson <royf.wilson@sympatico.ca>
Sent: July-10-13 2:24 PM
To: jeff@averyconstruction.ca
Subject: project

We sent three letters of support to council. GOOD LUCK!

6.16KD

Paul Jobst & Susan Merrett-Jobst
1130 Airport Road
Sault Ste. Marie, ON
P6A 5K6

March 26, 2013

Attention: Mayor and City Counsel,

RE: Proposed Development of Pointe Estates

Until recently we were the property owners of the municipal lots located at 44 Alagash Drive as well as 35 Alagash Drive. We now reside on Airport Road.

We have kept ourselves informed of the on going issues regarding the proposed development known as Pointe Estates. The developer has been faced with many challenges in addressing all concerns that have been raised regarding any possible impact on the area. We are satisfied that the developer has made a diligent effort in providing numerous studies and documentation to address all concerns.

We are confident that the impacts from these proposed changes by way of pointe estates, will be **positive enhancements** to that community, its surrounding area and the City of Sault Ste. Marie.

Please note our full support of this proposed land development known as Pointe Estates.

Regards;

Paul Jobst & Susan Merrett-Jobst

6.(6)(d)

Jeff Nury & Chant Construction

We support the upcoming project 'Pointe Estates' We like the idea because it was a progressive one for the area and city, also that it would be close proximity of the Nury family were involved. That last newsletter proves that and should address any concerns.

It seems to benefit most residents, a boat at your back door, access to the waterway, boat storage, bike and walking trails on a quiet dead end road, (as is our case, a canal not the ocean and Hayward.)

John Eade
Ben Eade
268 Pointe Louise Dr.

6.(6).(d

March 8, 2010

Mr. Malcolm White, City Clerk
City of Sault Ste. Marie

Say Yes to the Future of the Alagash and Clean Water

- Currently 25 residential lots on Alagash
- I have been a resident for the past 65 years and 40 of them on Pointe Louise Drive
- Mr. Len Ciaschini started this very project over 50 years ago
- If this gentleman, who had a vision like the Avery's do, had not passed, this would have been a done deal today
- The future of this project does not just concern us as residents but the future of our children and grandchildren and future residents of this area
- The residents of Pointe Louise Drive on the Alagash side have the right to clean fresh water in front of their houses as the River side has already
- Access to Lake Superior and the St. Marys River
- This project will help develop and maintain the beauty of the whole area
- Without development and continual decrease of water flow, the future of the Alagash is bleak
- We already see this downturn – the water is a very large body that seats stagnant and has become a very large breeding ground for mosquitoes and blackfly infestation
- At one time, the water ran clear and the bottom was sandy and it could be used and was for recreation now it is overgrown with grasses and weeds due to no water flow
- As time passes we will be left with nothing but a ditch that will then affect the value of our homes and discourage any future development

Anthony Disano

6.(6)(d)

297 Pointe Louise Drive
Sault Ste. Marie, Ontario
P6A 5K6

March 5, 2010

City of Sault Ste. Marie Council
P.O. Box 580, Civic Centre
Sault Ste. Marie, Ontario
P6A 5N1

Attention: Malcolm White, City Clerk

We realize there is a great deal of controversy over the development of the Pointe Estates.

Residents have complained for years about the mosquito infested stagnant water. The Pointe Estates development would be an excellent opportunity to correct this problem. It would also enhance the area making it a more desirable location to live. Also, it would create more properties for those who wish to reside on the water.

Norris and Sharon Pyette
(Residents – 26 years)

6.(6)(d)

From: rcarella@hotmail.com

To: p.christian@cityssm.on.ca; s.butland@cityssm.on.ca; t.sheehan@cityssm.on.ca; p.mick@cityssm.on.ca; l.turco@cityssm.on.ca; m.bruni@cityssm.on.ca; f.fata@cityssm.on.ca; j.krmpotich@cityssm.on.ca; s.myers@cityssm.on.ca; b.watkins@cityssm.on.ca; d.amoroso@cityssm.on.ca

Subject: Pointe Estates

Date: Thu, 11 Jul 2013 17:47:30 -0600

RE: POINTE ESTATES

In support of a positive outcome for the Pointe Estates and hopeful that the plan put forward by Patricia and Jeff Avery will be successful, accepted and developed.

Mayor Amoroso and City Councillors:

As a seasonal resident in the area, I find the Pointe Estates Development an exciting addition to, not only the immediate and surrounding area, but also for the community of Sault Ste Marie. Not only will the Pointe Estates enhance the natural beauty of the existing area with its natural trails, spectacular view, beach and quiet living, but it will give a much needed boast to our community. It will create a beautiful waterfront and provide an incentive for those living outside of the Sault an opportunity to live here on the water. There is such a great demand for waterfront living and this development offers everything and more!

I have always felt that our city has such wonderful potential and is such a great place to live, but when I drive into the downtown area there seems to be absolutely no activity - not even pedestrian traffic. Our city needs and injection of revitalization - bring in new people, new ideas, new attitudes, and new energy! We have the possibility of doing exactly this so let us embrace it. Patricia and Jeff Avery are

6.(6)(d)

ready to bring in a development that will be completed thoughtfully, in a manner that will respect, conserve and enhance the natural habitat. They want to preserve the natural state of the area and will take every positive step to ensure and strive to achieve the highest level of development relating to: minimizing environmental impact; enhancing the existing natural environment with trails, parks and so on; providing for the city of Sault Ste Marie much needed job opportunities from construction to designing; infuse our city with revenue, not only in tax dollars, but to the overall business community.

I am excited that this development will bring in new children for our schools, infuse dollars into our stores, boast our dwindling population and most of all it will make Sault Ste Marie a competitive, progressive community with the ability to attract and sustain a new vibrant population. I am so hopeful that this Council is a visionary one, and that as leaders you will look to our future and the future of this community. I trust that, like me, you want this city to be noticed, to be "the place to live", to be competitive and progressive and to offer our children a place they can come back to. Patricia and Jeff Avery are visionaries. Like me, they want all this for our city. They are willing to give us this opportunity. I hope I will not be disappointed again, and see this opportunity lost.

Rica Carella

(705) 759-1071 or (705) 779-3970

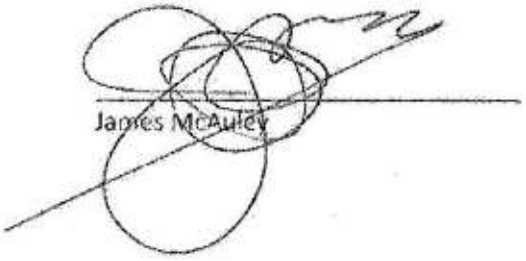
6.(6)(d)

July 11, 2013

To The Corporation of the City of Sault Ste. Marie:

Our family has owned property in the Pointe area for many years and still does.

I would like to say that I / we are in favour of the proposed project.



James McAuley

6.(6)(d)

Jeff Avery

From: Norm Pigeau <norm@ocp.ca>
Sent: July-04-13 12:26 PM
To: jeff@averyconstruction.ca
Subject: FW: Pointe Estates

www.ocp.ca

From: Norm Pigeau [mailto:norm@ocp.ca]
Sent: July-04-13 12:25 PM
To: 'mayor.amoroso@cityssm.on.ca'
Subject: Pointe Estates

Dear mayor,
I am sending this email on support of the Avery's on the Pointe Estates development project. As a branch manager of a construction supply company, I think this is vital for our company. Because of economic slowdown in Sault Ste Marie and the Algoma region I was forced to layoff 2 of my workers. We went from a staff of 5 fulltime to 3 for the first time since 1995. I do realize that we are a small company but it makes a difference to us it would impact several other companies our size.
Please seriously consider Jeff's proposal on July 15th with members of council.

O.C.P. Construction Supplies Inc.
Cousineau Concrete Pumping Inc.

Norm Pigeau
28 Industrial Court A
Sault Ste. Marie, Ontario
P6B5W6
Phone: 705-759-1200
Fax: 705-759-9369
www.ocp.ca

6.(6)(d)

Ellwood Robinson Limited

Road Builders and Pavers

2075 GREAT NORTHERN ROAD
SAULT STE. MARIE, ONTARIO, P6A 5K7
OFFICE: (705) 758-1759 FAX: (705) 945-8237

July 10 2013

Mayor and Council
City of Sault Ste. Marie

"Without Prejudice"

Re: Pointe Estates

Mayor Amaroso and Council

We at Ellwood Robinson Limited are aware of the "Pointe Estates Development" in the Pointe aux Pins area. We are aware that this includes the development of 91 water access lots. We are aware that this matter will be before council on Monday July 15th.

We encourage Mayor Amaroso and Council to give this project due consideration. With this project given acceptance, there will be many benefits for the construction industry and their suppliers. The benefits are not limited to this sector as this would add an alternative lifestyle within the boundaries of Sault Ste. Marie. A project of this magnitude will also add considerably to the city's tax base.

We are confident that the many studies and reports commissioned, paid, assembled, and presented by Avery Construction will provide all relevant information required to make an educated and informed decision. We are of the understanding that all necessary government agencies have given their approval. The purpose of this correspondence is to promote you, as Mayor and Council to make a decision on Monday July 15th, to either accept or deny this application. To delay this matter serves no purpose.

Cordially

Mr. John Thomas
Vice-President
Ellwood Robinson Limited

Cc Jeff Avery, Avery Construction & Transportation Ltd.

July 11, 2013

To whom it may Concern at The Corporation of the City of Sault Ste. Marie:

As concerned City Residence we want to show our support for the Pointe Estates project by signing this letter "supporting" the development being suggest for the property.

Supporters

Janet Tessier

Tracey Paolucci

Aldo Borrelli

Don Mitchell

Ron Lamon

Cate Krezek

6.(6)(d)

S&T Group

158 Sackville Road, Sault Ste. Marie, Ontario P6B 4T6

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• TEL 705.942.3043 • FAX 705.942.0614

July 11, 2013

Mayor and Council
City of Sault Ste. Marie

"Without Prejudice"

Re: Pointe Estates

A decision will need to be made on the development of 91 lots with water access in the west end of our community on Monday July 15th to either accept the applicant's scientific proposal or deny it.

If the development is approved to proceed it will create many needed construction jobs, added revenue to the suppliers of building materials, increase the tax base of our city and offer an alternative lifestyle to individuals who are looking to relocate from other parts of Ontario. This development is unique and allows those who have cottages and homes the opportunity to consolidate and create their dream home minutes from the downtown corridor whereby our community benefits by retaining those dollars that would be spent elsewhere.

The close proximity to the Airport offers commuters a choice to either live in Sault Ste Marie where you can stay and play or fight the ever growing traffic on the 400 series highways struggling to get to your cottage in the Muskokas on Friday afternoon and again on the return Sunday evening.

The development has been designed by professionals who have studied the property to ensure that this is an environmentally sound project and all governing bodies and agencies have given their approval.

I fully support this development and if this city is open to business I would urge you as Mayor and Council to make the decision to accept or deny this application on Monday, July 15, 2013.

Yours truly
S. & T. Group

Andrew Sarlo
Vice President of Construction

DT/lj

CC: Jeff Avery, Avery Construction & Transportation Ltd

6.(6)(d)

S&T Group

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July 11, 2013

Mayor and Council
City of Sault Ste. Marie

"Without Prejudice"

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Yours truly
S. & T. Group

Dennis Tatasciore
Vice President of Operations/Estimating

DT/lj

CC: Jeff Avery, Avery Construction & Transportation Ltd.

6.(b)(d)

Jeff Avery

From: Randy Tallon <r.tallon@ssmedc.ca>
Sent: July-10-13 8:12 AM
To: 'Jeff Avery'
Subject: RE: Proposed Pointe Estates Development

Jeff I will be in attendance as I fully support this project personally (increased in considering purchasing a lot) and from a job creation and municipal tax increase perspective. Regards

Randy Tallon
Director, International Relations\Global Logistics –SSMEDC
Co-Chair Sponsorship Naturallia 2013



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Joignez-vous à nous du 28 au 30 octobre à Sault Ste. Marie, Ontari

99 Foster Drive - Level Three
Sault Ste. Marie, ON., P6A 5X6
Email: r.tallon@ssmedc.ca
Tel. No.: 705-759-5928
Mobile: 705-987-0990
Toll No.: 866-558-5144
Fax No: 705-759-2185
URL: www.SaultCanada.com

6.(6 Kd)

July 12, 2013

Mayor Amoroso and Council Members

City of Sault Ste. Marie

RE: Pointe Estates

As a resident of Pointe Louise for more than 62 years I have seen many changes, positive and negative, and feel that consideration has not been given for the generations of families who have chosen to make this their home. They located here for the serenity, clean water and beaches, proximity to wildlife and the great community of like-minded people.

You have been given the developer's edited information along with factual information from professionals which you choose to ignore. The proposed development is not a minor one and will transform the physical landscape as well as the social landscape. Generations of friends and family live here and closure of the existing roadway will install a 130 foot water barrier between them, dividing the community in half and virtually isolating Pointe Louise. The new roadway to be constructed will include a bridge across a similar distance and alter the travelling distance by 7 km round trip. Friends and family will now have to walk, bike, or be driven an additional 3.5 km each way to visit one another. For young children, with limited playmates, this will be devastating and will also entail the removal of their favourite fishing area. The Pointe Louise residents have been the driving force of opposition out of concern for our neighbours at Point aux Pins who will bear the brunt of negative impacts to their water, beaches and swimming areas. You cannot add 91 wells and septic systems to an already saturated area and not affect the current residents. And no; extensive testing to prove otherwise has NOT been done.

I was a youngster myself when the existing man-made canal was created behind us. The freshwater opening began to fill with sand within a year and was completely closed and stagnation started not long after. With no one but the property owners to maintain it, the depth went from 8 to 10 ft. to the current 2-3 ft. weed-filled level. Being fed only by precipitation and most fortunately, the water draining from the airport wetland area, it has been able to maintain enough life to provide food and shelter for numerous waterfowl, otters, beavers, turtles, moose, deer, a variety of birds(some endangered), and a horde of mosquitos. Many living on this canal are anxious for someone else to clean their canal and increase their property values, so they can then sell and move on.

The homeowners on the proposed canal (3 times the length of the existing stagnant canal) will be responsible, under a condominium agreement, for the maintenance and upkeep of the pumping system, storm water management, the sidewalks and most importantly, the canal. Though constant pumping to flush the water should be required,

this canal will be frozen over and dormant for approximately 5 months of the year, allowing lots of time for contaminants to be idle.

As for demand, check the real estate listings. There are plenty of prime "true waterfront" properties available along the St. Mary's River. There are a number in this area, including Pointe des Chenes and Sunnyside Beach, which have been on the market for more than two years. The lower river actually offers better boating and fishing without the volatility of Lake Superior. At least at the moment, we can boast good swimming but that will change with increases in septic systems, lawn care and regular dredging. In fact minor dredging 5 or 6 years ago left a black gooey sludge embedded in the water in front of several residences. Without allowing for the financial burden, how will the new canal residents keep their waterway dredged and clean without polluting the beaches and waterways downstream? The fish nursery, once vibrant, is just starting to recover from that dredging. What chance of survival does it have?

There are folks who like the idea of an additional boat launch who would promote ongoing dredging (most likely not at their expense). The Conservation Authority is working with Eagle Feather Aviation who has agreed to provide a boat launch for area residents in adjacent Mark's Bay. This will be within an existing freshwater bay with natural flushing and away from property owners' beaches and swimming areas.

Little has been mentioned of the bridge to be constructed on Pointe Louise Drive to allow the now isolated residents to travel to and from their homes. Since Pointe Louise Drive encompasses only half of the road allowance, for safety reasons alone the road will require widening to proper distances to accommodate traffic entering and exiting this bridge, so there will be costs to taxpayers. This will be welcomed by the residents since last year's normal snowfall made the roadway barely navigable for one car traffic. Since the City will ultimately be responsible for this bridge can we expect that when repairs and maintenance are required that they will be done in a more timely fashion than those on the Farewell Terrace bridge? It will, after all, become our only connection to the outside world.

When you dream of the extra tax dollars that this development might generate, give some thought to the existing homeowners who pay hefty taxes to live in their dream homes. When the area is cleared for development it will remove all vegetation and the buffer which filters the noise from the airport and will create a greater path for the northwesterly winds. The wetland and its valuable functions will be lost forever along with the wildlife it supports. Our drinking water and beaches will be prone to contamination and we can now enjoy more road traffic, ATVs, ski-doos and sea-doos to enhance the serenity of our surroundings. This is a very pretty natural area with clean sandy beaches that will be put at risk for a developer's "dream". Be reminded that the

existing stagnant canal was also a developer's "dream". We have asked this developer to find ANY successful freshwater dead end canal, not on city sewer and water, which does not have water quality problems. He hasn't found one yet but feel free to search for yourselves; there is plenty of history available on failed dead end canals.

If the waters and beaches in this area and along the St. Mary's River become contaminated, you will have lost another gift of nature to add to destruction of the Pointe Louise wetland and irrevocable damage to the Shore Ridges (Sunnyside) "provincially significant" wetland. Progress indeed. The call of children and grandchildren in southern Ontario and elsewhere will become far more appealing and they are far better informed on environmental concerns.

Official plans in this kingdom appear to have no meaning. Other municipalities actually comply with their legislation. Hopefully we still have some independent thinkers who will take the time to read all of the experts' information (not scoped or edited versions) before all is lost.

With such forward thinking, when the last person leaves, be sure to have them turn off the lights. We're GREEN after all!

Gay Gartshore

Pointe Louise Drive

6.(6)(d)

Malcolm White

From:	Sharon Burns <sharonjoanburns@gmail.com>
Sent:	July 14, 2013 5:31 PM
To:	Mayor Amaroso; Steve Butland; Paul Christian; Terry Sheehan; Susan Myers; Pat Mick; Brian Watkins; Rick Niro; Lou Turco; Marchy Bruni; Frank Fata; Joe Krmpotich; Don McConnell; Malcolm White
Cc:	bbaubin@shaw.ca; rebecca.l.harris@gm.com; Wendy Beilhartz; Sharon Burns
Subject:	Pointe Aux Pins Development Project

To whom it may concern:

Rae and I are asking you to carefully consider the following concerns we have with the proposed Pointe development project.

Although we reside at Nokomis Beach., our association with the Pointe is longstanding, and very important to us. We both spent our summers there as children when grandparents (Harry Merrett) and parents (Robert Burns) built cottages in the late 30"s and early 40's. Our son Tim now owns the Merrett cottage with his family.

Six years ago, there was dredging done at the Alagash with resulting murky water at the Pointe shoreline and residue from the dredging remains.

We find it unusual and unprecedented that the Conservation Board would approve this development when the Conservation Authority, BPCA, the report from an independent hydrological engineer (Mr. Breen) rejected the proposal.

If this project goes through, and there is a change in the quality of water along the shoreline and the riverbed, (muck and silt) is effected as a result of the excavation from this new development, we have questions and concerns to be addressed:

1) Would it be possible to clean this up?

2) Who would pay for this clean-up?

A) The developer?

B) The City?

C) A Government agency?

D) The Cottage owners?

3) Would there be a time limit on the clean-up?

We are concerned as well about the loss of property value as a result of negative changes to the river bed and murky shoreline. We would expect that the city assessment office would review this concern before any decision is made.

Another implication is the health and safety of our grandchildren, playing and swimming at their cottage.

We have other ecological and environmental concerns and it would appear from the information documented that this project is taking us backwards rather than forward from these perspectives.

Respectfully submitted,

Rae and Sharon Burns

Timothy and Rebecca Burns, property owners

6.(6)(d)

Malcolm White

From: Don McConnell
Sent: July 15, 2013 8:39 AM
To: Malcolm White
Subject: FW: Proposal for Development at Pointe Louise

-----Original Message-----
From: Patricia Grattan [mailto:grattan.pat@gmail.com]
Sent: July 13, 2013 5:40 PM
To: Don McConnell
Subject: Proposal for Development at Pointe Louise

Dear Mr. McConnell

Please accept my apology for not getting my e-mail to you correctly.

I was asking that you be aware that my husband and I strongly object to the Pointe Estate Development going ahead. We are aware that it is being presented to City Hall on Monday. Unfortunately we are not able to attend this meeting but will be praying that the council members turn it down 100 %.

With all the data that has been gathered there is clear evidence that this will greatly affect the wetland. The developer claims that it isn't a significant wetland but any wetland is of significance. Only just last week there was an article in the Sault Star from David Suzuki expressing the importance of a wetland and the roll it plays on the environment.

As you know this development was tried several years ago and it failed. The developer then let it go to ruin.

Apparently Mr. Avery wants to turn this development into a Condo unit.
This washes his hands of any responsibility if anything should go wrong. When this development turns out to be an environment disaster, it will be irriversable. We will be unable to put the existing bridge back, the wetland can't be brought back. Who will answer to this years down the road? Certainly not Avery or his children.

Please, please, please do not let this go through.

I request notice as to the outcome of the meeting on Monday evening.

Forward to grattan.pat@gmail.com

Yours,

Captain Graham & Patricia Grattan

6.(6)(d)

Malcolm White

From: Don McConnell
Sent: July 12, 2013 8:31 AM
To: Malcolm White
Subject: FW: URGENT: please read for Pointe aux Pins meeting Monday

From: LISA SICOLI [mailto:lsicoli@rogers.com]
Sent: July 11, 2013 10:19 PM
To: major.amaroso@cityssm.on.ca
Cc: Steve Butland; Paul Christian; Terry Sheehan; Susan Myers; Pat Mick; Brian Watkins; Rick Niro; Lou Turco; Marchy Bruni; Frank Fata; Joe Krmpotich; Don McConnell; Malcolm White
Subject: Fw: URGENT: please read for Pointe aux Pins meeting Monday

Re: Application No.: A-10-13-Z. OP & 57T-13-502

We would like you to consider some URGENT concerns that we have regarding the Pointe Aux Pins proposed Subdivision.

We are Jack and Nella Sicoli. We have lived at 24 Dalgleish Drive for almost 4 years at the corner of Dalgleish and Alagash Drive. We have 5 grandchildren who have spent much of their summer holidays for the past 3 years playing on our beach and swimming in the water. We are EXTREMELY CONCERNED about the implications of dredging Alagash Creek and the consequent potential health implications for all who swim in the water following such action.

We were not living in the area six years ago when the mouth of Alagash Creek was dredged so that boats would be able to get in and out of the creek. However, we continue to live with the effects of that dredging on our beach. Three years ago, our brother-in-law took photographs of the beach showing the areas along the beach where the black silt settled following the dredging of the creek. In addition, the sand in the water continues to be squishy and when individuals walk through the water, they sink through the thin layer of sand and into black guck. We cannot help but wonder if there are any toxins floating around in the water when our grandchildren swim in the water and disturb the thin layer of sand below them.

We would like several questions answered in writing:

1) Has there been an INDEPENDENT STUDY examining the POTENTIAL HEALTH IMPLICATIONS ON CHILDREN swimming in the water once the creek is dredged? If such a study has been conducted WHY IS THIS PROPOSAL STILL BEING CONSIDERED?

2) We KNOW based on the effects of dredging the creek 6 years ago that there WILL BE BLACK GUCK that will be dislodged and drift down the river with any FURTHER dredging of the creek due to the scale of the proposed project will be SIGNIFICANTLY WORSE. WHAT PROTOCOLS AND PROCEDURES WILL BE FOLLOWED TO ASSURE THAT THE BLACK GUCK IS CONTAINED? HOW will the contractor be made ACCOUNTABLE to follow such procedures? Are these procedures based on EMPIRICALLY SUPPORTED RESEARCH and have proven to be effective in

containing similar debris? If such a proven effective method for containing the guck does not exist, WHY is dredging the creek even being considered?

3) WILL THE CONTRACTOR BE made RESPONSIBLE (in a FORMAL manner) for following CLEAN UP procedures of any potential negative effects of GUCK THAT WILL DRIFT DOWN RIVER (continuously – during and after project completion) AND SETTLE IN FRONT OF OUR COTTAGE AND MANY OTHERS ?

We need to know in writing who and how this will be cleaned up because once the boats and the water start flowing all the time through the Alagash Creek, the silt and guck will continually flow out and settle in front of our place for many years to come. You may have an expert tell you this won't happen but we know it will because it has happened. WHO WILL BE RESPONSIBLE TO PAY FOR OUR CLEAN UP? Please put the above answers to our questions in a formal letter to us. We intend to hold those who ok this project accountable, as we have explained to you what has and will happen to our waters.

Please contact us if you have any questions. Please mail the formal answer to our home address.

Thank you.

Jack and Nella Sicoli
24 Dalgleish Drive
Sault Ste. Marie, Ontario
P6A 5K6
(705) 253-2691
lsicoli@rogers.com

6.(6)(d)

Amanda Avery

From: Jeff Avery <jeff@averyconstruction.ca>
Sent: July-08-13 8:13 AM
To: amanda@averyconstruction.ca
Subject: FW: point estate development

From: George Pinder [mailto:george.pinder@sympatico.ca]
Sent: July-07-13 3:46 PM
To: mayor.amaroso@cityssm.on.ca; s.butland@cityssm.on.ca; p.christian@cityssm.on.ca; t.sheehan@cityssm.on.ca; s.myers@cityssm.on.ca; p.mick@cityssm.on.ca; b.watkins@cityssm.on.ca; r.niro@cityssm.on.ca; f.fata@cityssm.on.ca; j.krmpotich@cityssm.on.ca; l.turco@cityssm.on.ca; m.bruni@cityssm.on.ca
Cc: Jeff Avery
Subject: point estate development

Dear Mayor Amaroso and city council:I contact you today as a life long resident or the city's extreme west end and to offer my support to Jeff and Patty Avery in their efforts to create what I believe to be a tremendous development to our area, Pointe Estates. I have studied the plan,spoke with Mr.Avery about it and have visited the area.I see no reason why anyone would not want to live there. I work for the city as an equipment operator and as such have had the opportunity to maintain roads and I recall wondering why more people didn't live in this beautiful place.Our waterfront is our bread and butter and with Pointe Estates more people will have the chance to enjoy it and if the city benefits from more tax revenue and our local businesses thrive..all the better. Please let this development proceed, it will be a focal point and will no doubt be an attraction for potential business people and new residents. Thank you, George and Robin Pinder Base Line

6.(b)(d)

Malcolm White

From: bryan dumanski <bryanddc@yahoo.ca>
Sent: July 14, 2013 9:21 PM
To: Brian Watkins; Bryan.Hayes.C1A@parl.gc.ca; bryan.hayes@parl.gc.ca; chris cartright; Dave Carney; f.fata|@cityssm.on.ca; j.kmpotich@cityssm.on.ca; Lou Turco; Marchy Bruni; marnie@sootoday.com; Mayor Amaroso; the national; news@ctv.ca; news@wcanews.com; newsonline@ctv.ca; p.christian@cityssm.oc.ca; Pat Mick; rough cuts; roxie.greystone@envconsult.ca; Susan Myers; speaker.president@parl.gc.ca; surane.weerasinghe@bellmedia.ca; Terry Sheehan; w5@ctv.ca; webadmin@greenparty.ca; bbc world news; Malcolm White
Subject: DEATH OF REGULATION 176.06 AND PRECEDENCE OF YOUR DECISION

COUNCILLORS OF SAULT. STE .MARIE

Please make an INFORMED DECISION based on science and common sense this Monday. Despite possible favors requested of you from certain individuals for a particular developer, Please keep in mind the oath you took when you place your hand upon the volume of the sacred law. There has been MANY codes of conduct and ethics broken by a few on the SSMRCA regarding this proposed development. Bias for the developer, negating professional opinion and FABRICATING LIES regarding roberts rule of order that stopped a LEGAL motion by Frank Manzo on Jan 22 2013. I have these comments on tape verbatim and have entered this into evidence for legal recourse against Ken Lamming and Bryan Watkins. Omitting such a resolution , may be considered yet another cleat of deceit and desperation by those willing to break regulations, ignore professional opinion and perpetuate feelings of disconnect with any sound and reasonable onlooker (voter and tax payer).

6.(6)(d)

July 11th, 2013

Dear Mayor Amaroso and City Councillors

Re: Application No. A-10-13-Z.OP & 57T-13-502

I am the legal representative of Elizabeth Furkey and the late George Furkey, owners of 59 Alagash Drive, and strongly object to the closing of Alagash Drive.

59 Alagash is the first house past the existing bridge on the west side of Alagash Drive, and which will become the turn-around area if Alagash Drive is in fact closed. Because the city road allowance is located on the west side of the road any widening to effect a turnaround, large enough to accommodate large vehicles such as snow plow trucks and/or school buses, would be taken from the property at 59 Alagash, and most likely it would be used as the snow dump at this newly created dead end.

This property will also very negatively affected by the construction of the canal as it would be directly at the entrance of the canal and receive the full impact of all water traffic from the new residents and the boat launching area, not to mention the loss of the existing tranquil view.

As Ontario Regulation 176/06 is so simple and clear regarding wetlands, I find it difficult to comprehend that the application for this development could have passed at the Conservation Authority level; however, you now have the opportunity to stop the process. I urge you to vote against the Applications before you.

Yours truly,

Georgina Naccarato

6.(6(d

July 11th, 2013

Dear Mayor Amaroso and City Councillors

Re: Application No. A-10-13-Z.OP & 57T-13-502

After receiving and perusing this application which will be before you on July 15th, I wish to add my objections specifically with respect to 255 Pointe Louise Drive, Sault Ste Marie, ON, in addition to the concerns expressed on my behalf by the Pointes Protection Association.

I am the owner of 255 Pointe Louise Drive where I resided with my family for approximately the past 45 years. Prior to purchasing this property, my parents owned a summer cottage next door for approximately 25 years. I have watched this area evolve over the years and strongly feel that this new development will be detrimental in every way.

My home is almost directly South of the existing intersection of Alagash Drive and Pointe Louise Drive. My property will be negatively affected by the construction of a new access road at 248 Pointe Louise Drive, as the traffic will move directly in front my existing driveway. By clearing the trees at 248 Pointe Louise Drive to accommodate this new roadway, in addition to all of the trees that will be destroyed where the new homes will be built, a wind tunnel will be created by Northerly and Westerly winds towards my property.

People can destroy trees to build roads and can dig canals and call it a waterfront, but they cannot control the wind and the water!

Please take this opportunity to stop this development before it is too late.

Respectfully submitted

Georgina Naccarato

6.(6)(d

July 12, 2013

Dear Steve and Paul;

As a resident of your Ward, I would like to make a couple of short comments about the Point Estate's proposed subdivision. I have no idea where either of you sit on this issue. I really believe this is a very unique subdivision plan that will have positive benefits for our Community beyond simply housing. I hope councillors consider the possibility of this concept of housing being very attractive to individuals outside of Sault Ste. Marie. The opportunity to boat directly in Lake Superior, the largest fresh water lake in the world, while keeping a boat at your own dock and living within 10 minutes of an Airport, will result in opening up Sault Ste. Marie to new affluent residents, that not only will add to our tax base, but will support our Golf courses, restaurants, airport, and other facilities. I believe that by offering a unique lifestyle, Point Estate Subdivision will assist in attracting and retaining Doctors and other Professionals. My experience has been that this type of individual and family typically are very conservation oriented. I believe the negative consequences of building on part of a wetland, if that is an issue you are concerned with, will be outweighed by the positive benefits these new individuals can bring to the area.

My guess is the silent major support the Avery's project. The business case for this project, that we have private funding for, is important for this City to survive and diversify. If we truly are open for business, then please have an honest debate about Point Estates Monday night, look to the potential opportunities, and yes consider the environment and nature, but openly look to how this development will add significantly to the diversity, quality, and stability of our community. This is an exciting and bold project, privately funded, that will benefit this community.

Robert Cohen
108 Caddy Avenue

6.(6)(d)

Re: Application A-10-13-2.OP & 57T-13-502
Point Louise

I lived on Pointe Louise Drive for 40 years. My family was the first ones to move there for permanent year round living. I watched as the existing canal was dug to create lots on the north side of Pointe Louise drive so the community could grow.

In 1963 our family cottage, on the St Mary's River side, became our permanent home. Shortly thereafter my grandparents moved to their cottage at the east end of Pointe Aux Pins, followed by my brother who bought a place on Alagash Drive, and my uncle who moved to his cottage next to Pointe Louise low range light house. Every year more and more people started turning their cottages into year round homes. The community was coming alive. Did we want to stop it? "NO" let it grow.

I later purchased one of the lots on the canal across from my parents and built my first house facing the canal and lived there for 27 years. This canal was open to St Mary's River for some time at the west end. The east end was only open to the water way via a 24" X 36" wooden duct under the road, with very low flow through it. Later a 4'Ø metal culvert was installed; the flow through this was minimal at best. Had a proper bridge been installed water could have migrated in and out of the canal providing a more pleasant and active water way. This canal was home to many ducks, other water fowl and small animals.

The large grass area north of the canal was also home to many birds and also deer. Rain water drained from the grass area to the canal, but proper ditching from Pointe Aux Pins road , on the north west side, was never maintained and the excavated sand piles created on the north side of the canal were never leveled properly or provided with ditches to properly drain the area. I truly believe , that had proper maintenance, ditching and water depth control been applied , the canal could have had a natural flow to the river and been a more pleasing water way. In earlier years small motorized boats and canoes travelled the canal until sand banks washed back into the canal allowing vegetation to grow on the bottom making it too shallow to be functional. The banks on a canal such as this need to have rock rip-rap in place to hold the sand back. Done properly water will migrate from the higher areas filtering through the sand and finding its way to the river.

Slow moving boat traffic in a canal system such as this will agitate the water keeping microorganisms moving around so fish and other water fowl can feed easily and keep a clean and active environmentally friendly system.

The entire area of the proposed Pointe Estate, including the grass and wooded area is all situated on a sand based ground. Sand being the best type of filter media for water to flow through and be filtered is a natural to this property. Properly install canals with nicely textured banks held in place by stone rip-rap and maintained to a proper depth will create a natural flowing system. Rain water falling on the high ground area to the north side of Pointe Aux Pins road, on the airport property, will filter down into the ground resending the aquifer and naturally flow through the sandy ground finding its way to the newly created canals and on to the St Mary's River being the lowest point for the water to flow.

The St Mary's River naturally flows down to the St Mary's Rapids. The six mile per hour flow in the river will draw water from the canal , as the rain fall in the high ground area and the Sault Ste Marie Airport property create

pressure to push it through the system. Geologists will confirm that water does flow through sand to find a natura low point reservoir, at the river.

The west side of the Pointe estates property is going to have some of the natural grass and treed area left untouched for the small ground animals to remain and live in harmony with birds, ducks and new fish that will enter the canal ways. Creating the waterways will allow more ducks and fish to find a new home.

The new subdivision sanitary systems will have to have sand filter raised beds which is the best way to filter effluent water and they are grassed over, to draw moisture out of the soil and also feed the grass. This new subdivision will enhance the values of the existing property owners, some of which have been gradually turning their properties over to their children or selling due to age and mobility issues, as some of these property owners have lived here for 30 to 45 years. This will give them more income in their pockets if they are forced to leave du to aging.

I would expect the new landowners will be of a younger generation because of the type of active community this subdivision will create, with water sports, cross country skiing, snow shoeing, hiking, and snow machining right at their doorsteps.

This is the way it started 50 years ago when we first settled at Pointe Aux Pins, Pointe Louise, Pointe De Chenes, Nokomis Beach, and Sunny Side Beach areas. I witnessed the Sault Ste Marie Airport property being cleared and the runways paved.

Oh what a change in these areas, with 90% of the properties being full time residence now.
A few more new people can only create a nice private community tucked away living together with Mother Nature. The perfect dream mixture, "country living in the city".

No one was against the growth of this area 50 years ago when permanent residency began, why stop progress now.

Sincerely
D.John McLeod

6.(6)(d)

Mr. Don McConnell
Planning Division
The Corporation of the City of Sault Ste Marie
99 Foster Drive
Sault Ste Marie, ON
d.mcconnell@cityssm.on.ca

Subject: Application No A-10-13-Z.OP & 57T-13-502

I would like to express my concerns and request answers to the issues listed below regarding the ament of the zoning of 179 & 227 Pointe Aux Pins Drive Application No A-10-13-Z.OP& 57T-13-502. I would appreciate bring these questions forward at the Council meeting July 15, 2013.

1. I have some questions from the prospective of being a current resident on Pointe Louise Dr. with property adjacent to the existing Alagash.
    a. How will the development of the canal shoreline impact the current residents that are on the existing Alagash. Will there be any cost to the existing home owners due to the development.
    b. Will current residents be subjected to any condominium fees proposed by the new development?
    c. Will travel access through the new development be restricted to residents of the Pointes area (such as a gated community)
    d. How will Infrastructure maintenance be managed? Will the city maintain the water way, shoreline, canals, bridge and roads or will this be a direct levy against the residents of the area.

2. Sault Ste Marie Conservation Authority Approval
    a. What will be the impact of City council's decision with the SSMCA approval to the Pointe Estates subdivision development and the pending legal action from the Pointes Protection Association?
    b. Could the Mayor provide and explanation to the City's role to oversee the SSMCA
    c. When these issues escalated beyond the capability of the current and past board why did the City not step in to resolve these procedural issues as the board is appointed by the City.

3. City of Sault Ste Marie's Future responsibility to manage the risk to current residents of the Pointes Area
    a. There are several subject matter experts with evaluation and opinions on the development and several have expressed concerns on proceeding with the development. If the City approves the development will the City of Sault Ste. Marie assume the responsibly and degradation to the drinking water of the current residents?

b. Will the City take corrective action if there are any health risks resulting in incomplete or incorrectly implemented construction/development of the canal or surrounding area?

Thank you the opportunity of voice my concerns. I would like to be notified of the Council of the City of Sault Ste. Marie decision to adopt or refuse the approval of an application.

Thank You

Lou Simonetti

6.(6)d.

Don McConnell

From: Barbara Rajnovich <barbararajnovich@gmail.com>
Sent: June 24, 2013 5:27 PM
To: Don McConnell
Subject: A-10-13-Z.OP & 57T-13-502

We understand there is a public hearing about this application. We would like to express our concerns about this proposal.
We live on Red Pine Drive off Pointe aux Pins road and are co-owners of the property directly across from the area as shown on the map: known as The EASTEND POINTE AUX PINS SYNDICATE.

We have for many years had issues with motorized vehicles violating the NO TRESPASSING signs on our property, even though it is clearly marked that there is to be no trespassing.
THE CONSERVATION AUTHORITY property which sits adjacent to our property also have clearly marked signs that there is to be no motorized vehicles on the Conservation property. However, this is constantly violated.

The SYNDICATE property is a designated tree farm for animals, such as deer, bear, smaller animals and serves as a breeding ground for all manner of fowl life, and many more.

The Airport is very busy at certain times of the day and night. As it is not a double highway, it is often slow going. The entrance to the Airport has been the scene of many an accident and near misses as people coming out of the airport are not aware of residents living to the right of the entrance. The travellers think that all are turning into the airport and pull out in front of cars.

More traffic, as this proposal seems to suggest, would be a greater hazard in the making.
Please keep us informed of any further developments on this issue.
Thankyou
Dr. James and Barbara RAJNOVICH
578 Red Pine Drive,
SSM.
705 779 3233

6.(6)(d)

Mayor Student (Lucas Turpin)

From: ANDREA LANDRY <ajlandry@shaw.ca>
Sent: July 15, 2013 3:13 PM
To: Mayor Student (Lucas Turpin)
Subject: Fwd: Pointe Estates

To: r wysynski <r.wysynski@cityssm.on.ca>, s butland <s.butland@cityssm.on.ca>, p christian <p.christian@cityssm.on.ca>, t sheehan <t.sheehan@cityssm.on.ca>, s myers <s.myers@cityssm.on.ca>, p mick <p.mick@cityssm.on.ca>, b watkins <b.watkins@cityssm.on.ca>, r niro <r.niro@cityssm.on.ca>, l turco <l.turco@cityssm.on.ca>, m bruni <m.bruni@cityssm.on.ca>, f fata <f.fata@cityssm.on.ca>, j krmpotich <j.krmpotich@cityssm.on.ca>
Sent: Mon, 15 Jul 2013 10:31:24 -0600 (MDT)
Subject: Pointe Estates

A life long dream - let this be a reality. Studies have been done, countless hours and resources have been spent. This community needs this development, we need the jobs for various businesses - well drillers, construction labour, plumbers, electricians, landscapers, lumber yards only to name a few. Let people live in harmony with nature. The wildlife will thrive with mankind as they already have in other areas - this should not be a problem. To my understanding some of the wildlife is even being fed by some of the Averys. The Averys have done lots for this community (next weekend you will see their trucks in the Rotary parade as always) by donation to the community - Christmas parade as well. They help everyone they can.
Now it's time to help this lifelong dream become real. I truly hope you really consider the impact this will have on our community. We need this development - let's make it happen so we can be proud of our city.

Thank you
Andrea Landry

6.(6)(d)

Malcolm White

From: Peter Gagnon <simplysuperiorservices@gmail.com>
Sent: July 15, 2013 11:44 AM
To: Don McConnell
Cc: Malcolm White
Subject: More information for tonight's meeting
Attachments: Exhibit 8 Pointe Estates Enviromental Impact Study Feb_2007[1].pdf; MNR's 2007 Response.pdf

--
Peter Gagnon R.P.F.
President, Pointes Protection Association
189 Pointe Louise Drive
Sault Ste. Marie ON P6A5K6
705-779-3796 cell 705-542-4586

"Always tell the truth and then you never have to remember what you said" - Mark Twain 1895

6.(6)(d)

Pointe Estates Subdivision Environmental Impact Study for Development in a Wetland (DRAFT)

Prepared for:
Chant Construction

Prepared By:
1353170 Ontario Ltd., o/a
Great Lakes Environmental Services
2016 Latimer Crescent
Sudbury, Ontario
P3E 5L6

February 2007

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1.0 Introduction

1.1 Purpose of the Report and Regulatory Context

Great Lakes Environmental Services (GLES) was retained by Chant Construction to prepare this information package for the proposed development of a new subdivision in the Pointe Louise area.

This report was developed in response to an information request from the Sault Ste. Marie Regional Conservation Authority (SSMRCA). Regulation 167/07 for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses gives the SSMRCA the jurisdiction over development on wetland an allows the Authority "to grant permission for development in or on..." wetlands " if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development." The contents of this report is limited to the SSMRCA request and impacts on the wetland present on the site.

The Pointe Estates Subdivision is proposed to be developed within a wetland complex at Pointe Louise. A recent wetland evaluation (GLES, October 2004) has determined that the wetland is not provincially significant. As the wetland area is greater than 2 hectares in area it has been classified as being regionally significant by the SSMRCA.

In general, policy being developed by the SSMRCA will dictate that development in or near wetlands will not be permitted where:

- the hydrologic function of the wetland will be adversely affected,
- un-mitigable adverse impacts to water quality and water quantity will be created,
- flooding problems will be initiated or aggravated by the development,
- the wetlands are located within groundwater recharge zones of private and municipal groundwater wells and,
- potential sources of pollution which may impair the water quality in the wetland and water quality may be introduced (i.e. pesticides, fertilizers, oils, fuels, sewage, solid or hazardous wastes).

The SSMRCA requires that the proponent show that control of flooding, erosion, pollution and land conservation will not be impacted or to show that an alternative proposal will alleviate the loss of the wetland by ensuring that control of flooding, erosion of land, pollution or conservation of land will compensate for the loss.

In order to illustrate this fact, the proponent is required to prepare an Environmental Impact Study (EIS). The EIS is to describe the significance of any negative or positive effects of the proposal and the proposal alternatives surrounding the natural heritage features, functions or areas. The SSMRCA has directed that the assessment should include, but not be limited to:

- The effects of the proposal in regard to surface water and groundwater quality and quantity, hydrologic function/flooding/water storage, loss of habitat, social impacts etc.,
- The impact from sewage systems located in the subdivision,
- The impacts from construction, boat movement, erosion and sediment control, lawn care and maintenance etc.,
- The short and long term impacts/benefits which can be expected,

- The impact on neighbouring or connected wetland systems including water level maintenance and control, impact assessment,
- Remedies for insect and vector control which may be necessitated and,
- Alternatives to maintain freshwater/fish habitat in the proposed channel.

The analysis is to include various measures to compensate for the loss of the wetland including:

- The assessment of as many feasible mitigation measures as possible,
- Those effects that can be reduced or eliminated by the various mitigating measures,
- A detailed description of the proposed mitigating measures to eliminate or reduce negative effects,
- The relative effectiveness of implementing these mitigating measures should be estimated and the extent of any remaining impacts discussed and,
- Opportunities for enhancement of the natural heritage features, function or area resulting from positive effects.

This report addresses all of the specific information requested by the SSMRCA and how it impacts the existing wetland only.

1.2 Report Author and Proponent

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1.3 Project Location and Setting

The proposed subdivision will be located in the southwest portion of the City of Sault Ste. Marie, in close proximity to the Sault Ste. Marie Airport. The total area proposed for development measures approximately 200 acres. Adjacent land is occupied by permanent homes as well as seasonal and recreational properties and undeveloped land. Access to the site can be gained directly through Alagash Drive at the following UTM coordinates: NAD 83 Zone 16N 693400 5149330.

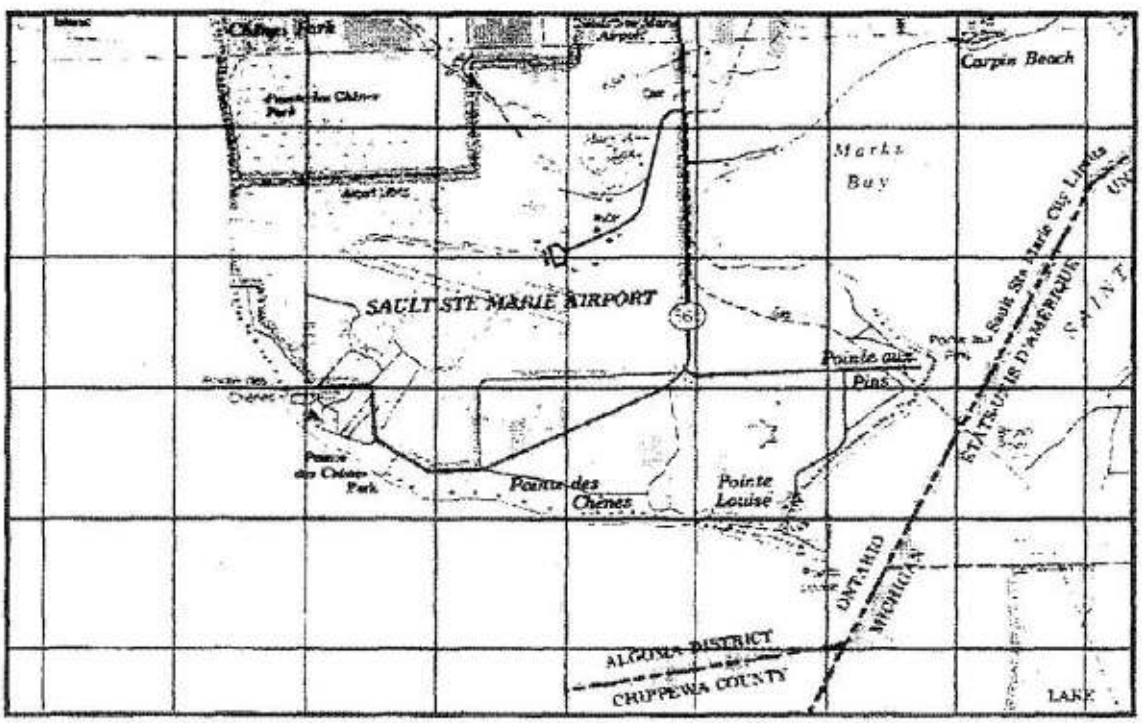


Figure 1: Project Location

1.4 Description of Proposed Works

A 91-lot subdivision with two primary access points from Pointe aux Pins Road and Dalgleish Road is proposed for this 200 acre parcel of land. The land is zoned Rural Area, with rezoning to Rural Estate currently under consideration to accommodate smaller lots. The subdivision design will incorporate most of the available land to be used for individual lots, with a large parcel at the northwest corner of the site to be used as greenspace and for boat storage. Greenspace will also be allotted in the central portion of the site, which will also provide an area to deposit surplus organic material from excavation operations. The lots will be a minimum of 1.2 acres (1/2 hectare) with a minimum 45m frontage to allow for self contained wells and septic beds.

All lots will have access to the St. Marys River through a new dredged canal system (about 2300m long) which will be connected directly to the existing Alagash and then into the St. Marys River. The new canal will have a width of 40m at the chart datum water level for Lake Superior (183.2m IGLD) and will be 30m wide at its base. The banks of the new canal will be set at a 2:1 slope (horizontal to vertical) and will be protected against erosion through the application of a 300-500mm thick layer of 100-400mm blast rock. The canal will be excavated to a depth of 2.5m below the chart datum of

183.2m IGLD (design water level). The top of the canal bank will be set at 1.5m above the 100 year return period water level of 184.4m CGD. The bottom of the canal will remain as native sand substrate. Several areas within the canal have been designed to allow for the addition of fish habitat, providing both spawning and nursery habitat as well as refuge areas for fish.

Homeowners occupying the waterfront lots will have the option of a boat slip or dock. They will also have access to a newly constructed boat launch and lift well, which will be constructed at the northeast corner of the property at the end of the new canal.

Dredging of the existing Alagash and canal leading to the St. Mary's River is also planned in order to deepen the canal and allow for boat access into the St. Mary's River. It is anticipated that the Alagash and canal will be dredged to a depth of 2.4m below the chart datum elevation of 183.2m IGLD. The banks of the Alagash will be set at a 2:1 slope (horizontal to vertical) and will be protected against erosion through the application of a 300-500mm thick layer of 100-400mm blast rock. The existing Alagash Road and culvert will be removed as part of this process.

Removal of existing trees and vegetation will be completed to allow for construction of the new roads and for placement of new houses, septic systems and driveways. It is anticipated that a number of mature trees will be left in place to increase the aesthetic value of the properties.

The sand removed during the canal excavation will be used to infill building lots. Unsuitable organic material will be disposed off site in an approved manner or stored within the designated green space areas.

Two new roads will be constructed to provide access to the subdivision. The first road will originate directly off Pointe Aux Pins Road offering access to Lots 1 through 52 as well as existing residents on Pointe Louise Drive. The second road will provide access off Dalgleish Drive for Lots 53 through 91. A new bridge will be constructed across the Alagash at the south section of the subdivision to provide access for local residents living on Pointe Louise Drive and Alagash Drive.

Individual septic beds and potable wells will be installed on each lot. Figure 2 below illustrates the general layout of the proposed subdivision.

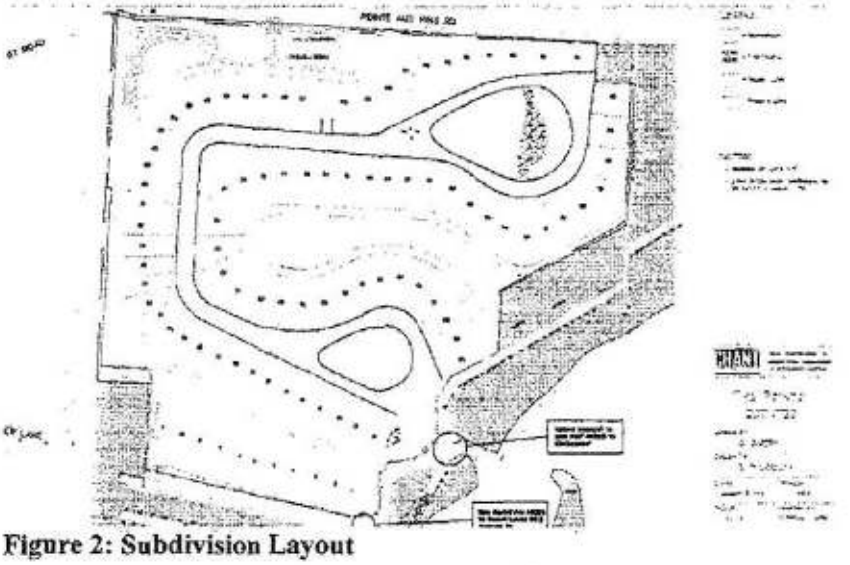


Figure 2: Subdivision Layout

1.5 Project Schedule

The proponent is planning to obtain all necessary permits and approvals by the summer of 2007. Work is scheduled to begin on the subdivision in late 2007 or early 2008.

As the existing fish habitat within the project location is considered to contain both warmwater and coldwater species the appropriate MNR work window will apply. Therefore, all in water work will be completed on the project between July 15 and August 15. The various fish species and the timing restrictions for them (no in water work allowed) are as follows.

Algoma Area Work Windows (no in water work allowed) for Great Lakes Shoreline and St. Marys River (A. Dupoat & S. Greenwood, October 25, 1996)

Spring Spawners	Timing Restriction (no in water work)
Walleye	April 1 to June 30
Northern Pike	April 1 to June 15
Sturgeon	May 1 to July 15
Muskellunge	May 1 to June 30
Largemouth Bass	May 1 to July 15
Smallmouth Bass	May 15 to July 15
Rainbow Trout	April 1 to June 30
Other Warmwater Species	April 1 to July 15
Fall Spawners	
Lake Trout	September 15 to May 15
Brook Trout	September 1 to June 15
Pacific Salmon	August 15 to June 15
Lake Whitefish	October 15 to May 15
Lake Herring	November 1 to May 15
Menominee	November 1 to May 15
Other Coldwater Species	September 1 to June 15

2.0 Physical Description of Existing Natural Features in the Wetland

2.1 Soil and Bedrock Geology

According to the Preliminary Hydrogeological Impact Assessment completed by Waters Environmental Geosciences Ltd., the entire site is underlain by approximately 22m of sand (silty to gravely). An approximately 30m thick layer of clay underlies this upper sand unit, which in turn is underlain by sandstone bedrock. Some areas of till are also present at the clay to sandstone bedrock interface.

2.2 Terrain, Surface Water and Drainage Patterns

On a regional basis all streams in the area of the proposed development generally report to the St. Marys River, which flows between Lake Superior and Lake Huron. The closest defined watercourse to the project site is the Big Carp River which drains an area to the northeast of the subject property, emptying into St. Marys River approximately 4km downstream of the development. Drainage patterns to the northwest of the site are influenced by drainage ditches installed around the City of Sault Ste. Marie Airport. The various ditches around the airport direct water into the St. Marys River with the discharge point into the river located about 4km upstream of the development.

The entire subject property is very flat with very little relief present. Available Ontario Base Mapping indicates that most of the site is at an elevation of about 187m.

Sheet Flow

There are no creeks or streams draining across or through the site. A small creek (designated as the North Channel of Alagash) originates in the southeast corner of the property and flows south into a historic excavated canal (Alagash), which is located along the north side of and parallel to Pointe Louise Drive. Surface water from this canal flows through an existing culvert beneath Alagash Drive and into the St Marys River.

There is also a small excavated ditch located along the north edge of an existing ATV trail which appears to be stagnant. This ditch has no permanent connection into any portion of the Alagash, however appears to be connected during flood events. A second ditch is located along the west boundary of the subject property and appears to drain intermittently into the east end of the Alagash.

wetland

There are no other ditches, creeks or streams present on the property.

Overland flow on the property is expected to follow existing topographic patterns and generally flow south and east towards the St. Marys River. This flow pattern is influenced or interrupted by the existing North Channel of the Alagash, the Alagash, the ditch along ATV Trail and the ditch along the west edge of the property.

2.3 *Fish and Fish Habitat*

A detailed fish and fish habitat survey was conducted on August 21-22, 2006 by GLES. Details of this investigation are provided in the Pointe Estates Fisheries Assessment and Compensation Plan (GLES 2006). This study focused on physical habitat characteristics (stream morphology and dimensions, substrate type, instream and canopy cover and riparian vegetation) and the identification of areas of significant fish habitat and/or spawning sites. The study included all surface water channels and ditching within the project site. Following is a summary of the findings of the study.

The proposed subdivision is centered mainly on a wetland area dominated by thicket swamp and mature deciduous and conifer swamps. Channels and ditching, historically excavated for drainage and accessibility are prevalent throughout the site, all of which ultimately drain into what is locally known as the "Alagash" a large, dredged canal, located on the south side of the site. The Alagash then drains directly into the St. Mary's River.

For the purposes of this report and ease of reading, fish habitat within the study site has been classified into three separate sections. The first being the North Channel of the Alagash, which is characterized by several fingers and a network of small channels, the second being the small ditch which runs along the length of an ATV trail in the south portion of the property and third, the Alagash itself, which runs along the entire south boundary of the subject property and empties through a culvert on Alagash Drive and into the upper portion of the St. Mary's River.

North Channel of the Alagash

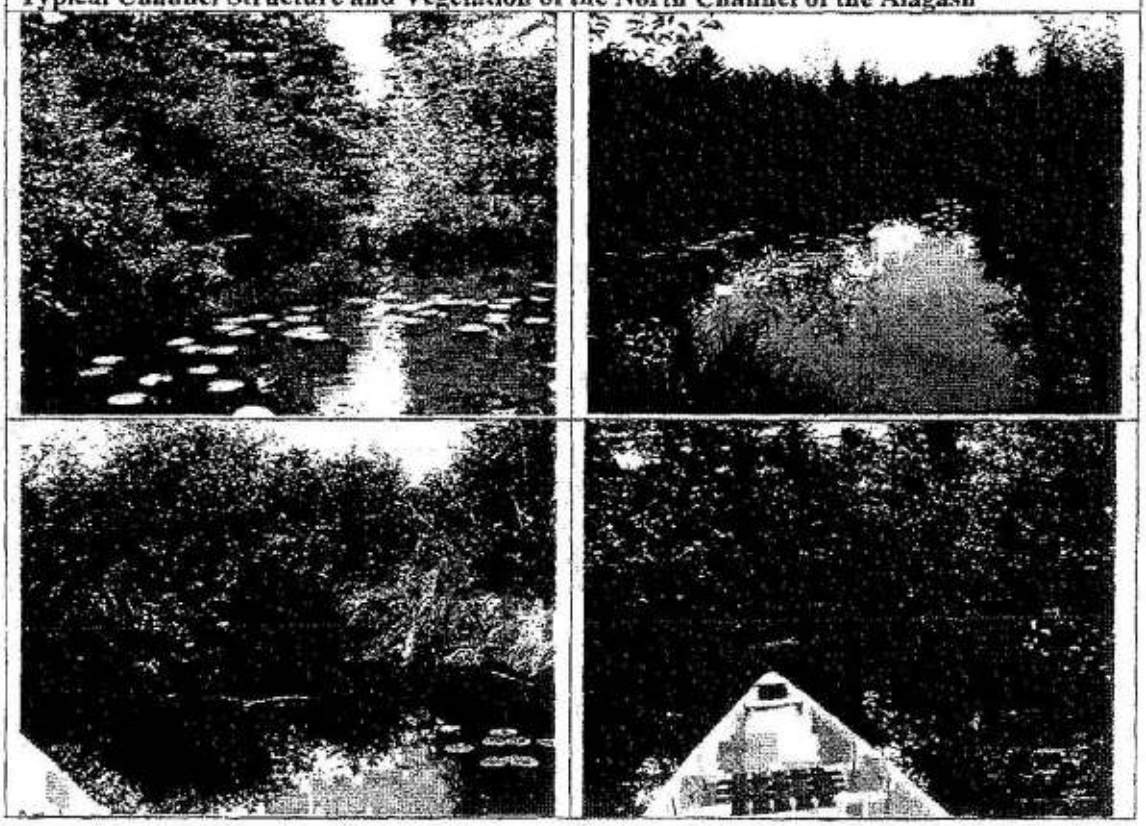
The north channel of the Alagash consists of a series of meandering, shallow channels, containing a network of small beaver and muskrat dams and a number of small interconnecting side channels, presumably constructed over the years by both mammals mentioned above. This section consists of two main channels, both having a mean width of 4 to 5 metres and a depth range of between 0.6m to 0.1m. The channel extends about 150m off of the Alagash. Substrate was primarily sand with an equal amount of silt and muck, probably due to the lack of water flow though the area.

$2 \times 5 \times 150 = 1500\ m^2$

Vegetation throughout this section consisted almost entirely of submergent vegetation which covered a large portion of the streambed. A smaller portion of floating vegetation was also present. Areas not covered by vegetation included those that were recently disturbed by beaver and/or muskrat activity. A high degree of emergent vegetation was present along the stream banks and in shallower portions of the basin. While canopy cover was poor, instream cover was relatively high, with a substantial amount of cover being offered by herbaceous vegetation and undercut banks.

This section is considered to contain a moderate amount of good rearing and feeding habitat for young fish and good spawning habitat for various forage fish species.

Typical Channel Structure and Vegetation of the North Channel of the Alagash



Ditch Along ATV Trail

A ditch was noted along an overgrown ATV trail, which travels in an east west direction in the south portion of the property. The ditch has no permanent connection to any part of the Alagash however it is likely that a surface water connection to the Alagash would be present during flood events. The ditch measures approximately 600m in length and 2m in width. Several obstructions (such as old beaver dams) were present at the downstream portion of the ditch. A large build up of sediment was present at the inlet to an old culvert that would connect the ditch to the Alagash during high water levels.

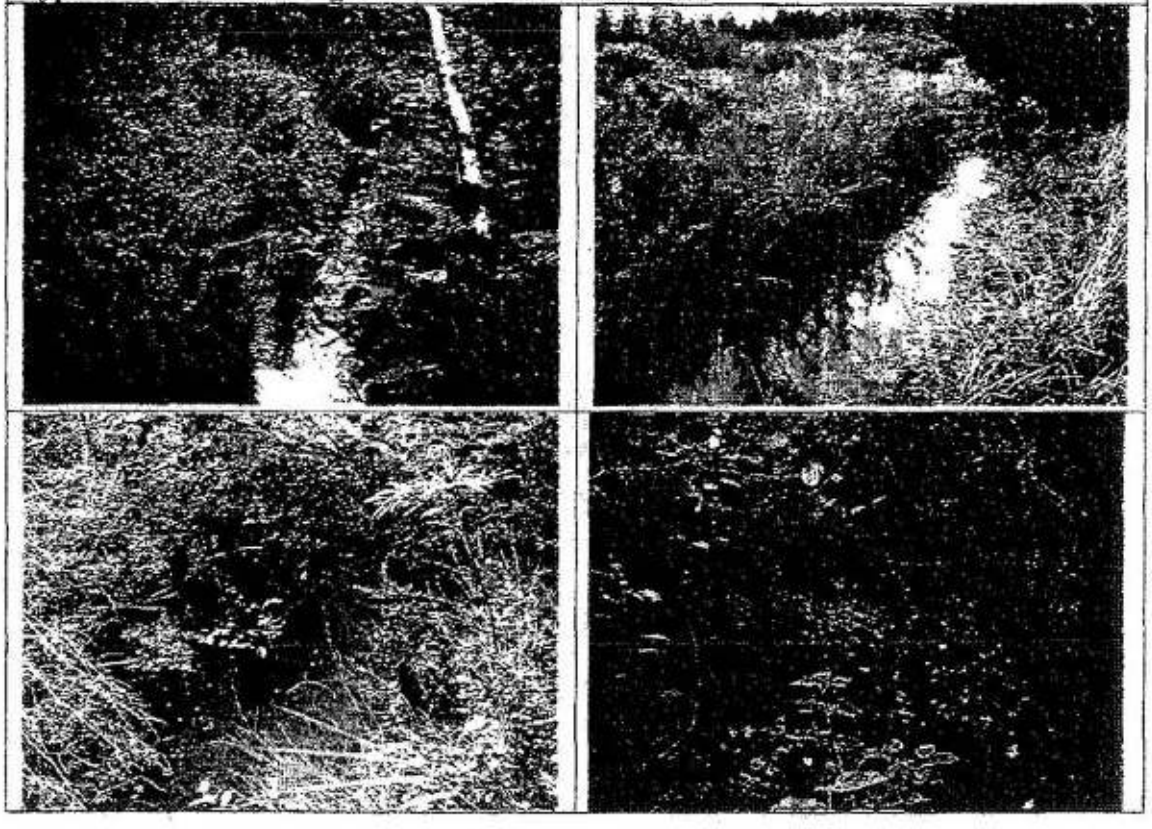
New

1200 m²

Canopy cover was high, with an abundance of small shrubs and trees growing over the banks of the ditch, however instream vegetation was nearly nonexistent. Substrate in this section was primarily sand with a build up of muck/organic debris in various locations.

Fish habitat within the channel is considered to be of low quality, and water appeared to be stagnant with no flow noted. Fish species observed within the ditch (brook stickle back and central mudminnow) and lack of any other fish species supports this premise, as both species survive well in poor quality, oxygen deprived habitats.

Typical Structure and Vegetation in the ATV Trail Ditch



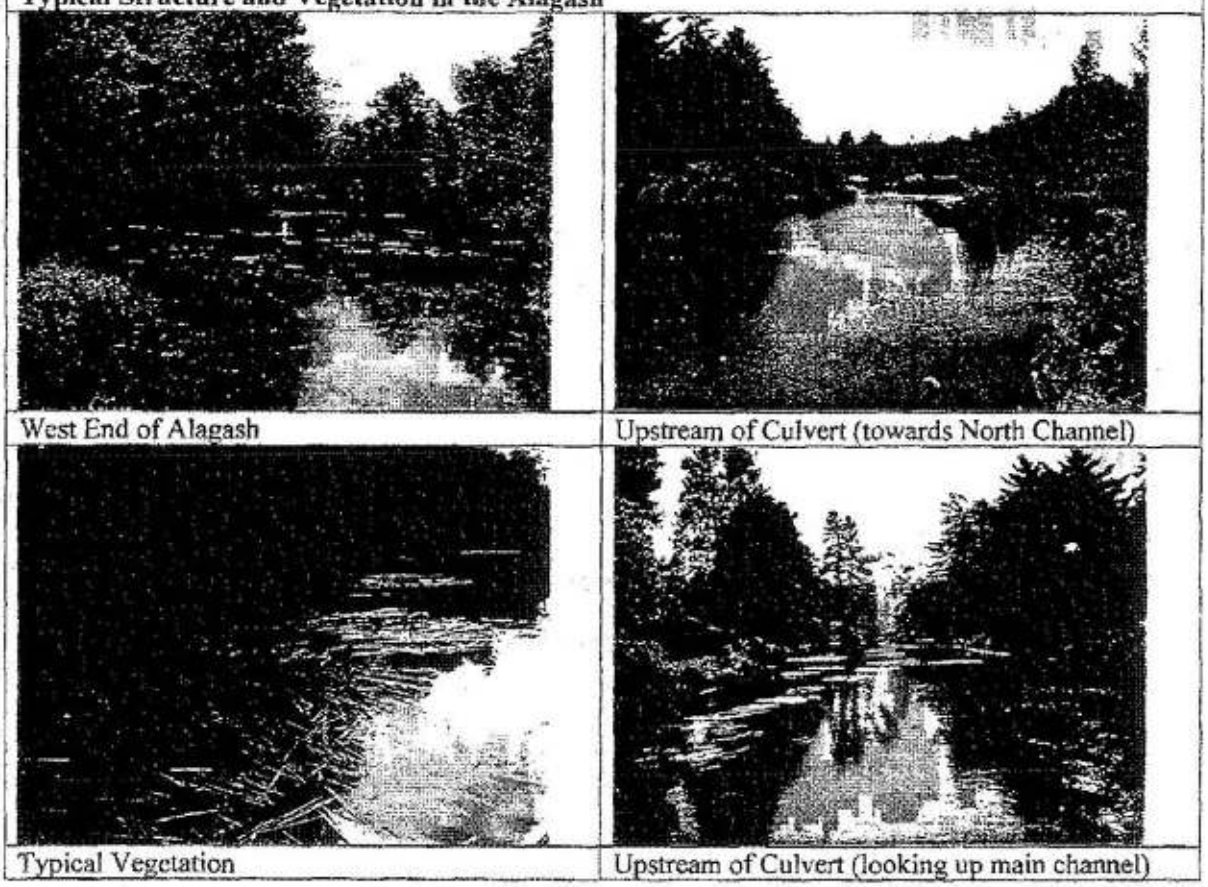
Alagash

The 'Alagash' is a large excavated canal which runs along the entire south boundary of the property, parallel to and north of Pointe Louise Drive. Flow from this area passes through a culvert beneath Alagash Drive and into the St. Mary's River. Observations made at the culvert beneath Alagash Drive showed water flowing both into and out of the Alagash, as shipping traffic passes the site in the St. Mary's River.

The Alagash is fairly wide and uniform with respect to overall channel morphology and structure. It measures approximately 25m wide and has a total length of about 900m. Compared to the width and length of the channel, the Alagash is an extremely shallow waterbody, with an average depth of only about 1m. Submergent vegetation dominated the bed of the channel, providing plentiful instream cover and spawning habit for various forage fish species. Canopy cover was relatively poor, due to

the wide nature of the watercourse and presence of a number of existing cleared residential lots along the south side of the channel. Substrate mimicked that of the other sections, being made up of sand and organic debris, with a small area near the culvert inlet containing cobbles and several large boulders, likely placed during the culvert installation.

Typical Structure and Vegetation in the Alagash



West End of Alagash | Upstream of Culvert (towards North Channel)

Typical Vegetation | Upstream of Culvert (looking up main channel)

The Algoma District office of the Ministry of Natural Resources (MNR) was contacted to determine what type of fish might be present in the general area. Information provided by Mr. Andre Dupont, Area Biologist, indicated that the St. Mary's River contains a substantial diversity of fish including both warmwater and coldwater species. Although there was no historic information available on fish inhabiting the waterbodies within the study site, it is expected that a number of fish species found within the St. Mary's River basin such as cyprinids and small sport fish such as yellow perch would utilize the habitat provided within the Alagash and its connecting channels for spawning and nursery purposes.

During the site visit on the afternoon of August 21, 2006, eight (8) standard minnow traps were set and recovered after 24 hours. Five of the traps were set in various locations throughout the Alagash, with the remaining 3 traps were set within the ditch along the north edge of the ATV trail. Locations of each minnow trap can be found in Appendix II (Fish Habitat Forms and Mapping) of the Pointe Estates Fisheries Assessment and Compensation Plan (GLES 2006). Capture results indicate a

6.(6)(d)

healthy population of forage and baitfish species, which is not surprising due to the supportive habitat present for this type of fishery. The table below contains a summary of the fish captured during the site visit.

33 49 54

148 fish / 24 hours / 4 traps / 6 @

Trap 1		Trap 2		Trap 3		Trap 4	
Fish Species	**#**	**Fish Species**	**#**	**Fish Species**	**#**	**Fish Species**	**#**
Yellow Perch	17	Yellow Perch	4	Yellow Perch	7	NONE CAPTURED	
Golden Shiner	7	Golden Shiner	32	Golden Shiner	4		
Pumpkinseed	8	Pumpkinseed	7	Pumpkinseed	15		
Bluntnose Minnow	1	Bluntnose Minnow	3	Bluntnose Minnow	12		
		Rock Bass	1	Common Shiner	16		
		White sucker	2				

12

Trap 5		Trap 6		Trap 7		Trap 8	
Fish Species	**#**	**Fish Species**	**#**	**Fish Species**	**#**	**Fish Species**	**#**
Pumpkinseed	12	Central Mudminnow	1	Central Mudminnow	2	Central Mudminnow	4
				Brook Stickleback	6		

Dip netting was also performed at the inlet of the culvert beneath Alagash Drive, resulting in the capture of both bluntnose minnows and common shiners.

During the site visit water quality samples were recovered and tested at three stations, in various locations throughout the study site. Locations of each water quality station can be viewed in Appendix II (Fish Habitat Forms and Mapping) of the Pointe Estates Fisheries Assessment and Compensation Plan (GLES 2006). Station 1 was located in the east end of the Alagash, Station 2 in the west end of the Alagash and Station 3 in the ditch along the north edge of the ATV trail. The results obtained are outlined in the table below.

Parameters	Station 1	Station 2	Station 3
Temperature (C)	27	27	27
pH (pH units)	6	5.5	5.5
Conductivity (Us/cm)	66	97	38
Dissolved Oxygen (mg/l)	10	10	7

The results were compared against the criteria outlined in the Ministry of the Environment's (MOE) Provincial Water Quality Objectives, July 1994. The pH values recorded at all stations are slightly below the recommended pH criteria (6.5 to 8.5) for the protection of aquatic life, however are not lethal to fish. The temperatures recorded at all three stations were fairly high, but were typical of shallow, slow flowing surface waters for late August and did not indicate the presence of any large influx of groundwater in the area. The low conductivity value is typical of surface waters in the area. Dissolved oxygen is a basic requirement for a healthy aquatic ecosystem. Levels recorded during the site visit were normal and capable of supporting all fish species.

2.4 Wetland Complex and Vegetation

The project site is centered on a wetland which is bordered to the north and west by undeveloped forest. The east and south portions of the wetland are bordered by both seasonal and permanent residents. The central portion of the wetland is composed mainly of tall shrub swamp with speckled

alder (*Alnus incana* ssp. *rugosa*), dwarf birch (*Betula pumila*) and tamarack (*Larix laricina*) dominating the vegetative community and mainly sedges and grasses present within the understory. Several small open patches of grasses and herbaceous plants are present in the core area of the wetland, in and surrounding a large network of recently used ATV trails. Forested communities surrounding the central core of the wetland are made up of both hardwood forested swamp with red maple (*Acer rubrum)* dominating and conifer swamp composed mainly of tamarack. Dominant understory vegetation included bracken fern (*Pteridium aquilinum*), royal fern (*Osmunda regalis*), northern wild raisin (*Viburnum cassinoides*), bunchberry (*Cornus canadensis*), velvet-leaved blueberry (*Vaccinum myrtilloides*) and various moss species.

Channels and ditching, historically excavated for drainage and accessibility are prevalent throughout the site, all of which ultimately drain into what is locally known as the "Alagash" a large, dredged canal and open water marsh, located on the south side of the property which drains directly into the St. Mary's River. This community was dominated entirely by submergent vegetation such as various types of pondweed, with small pockets of floating vegetation (both yellow and white pond lily) throughout.

A wetland evaluation conducted in 2004 found the wetland to be not Provincially Significant. This evaluation was subsequently accepted by the Ministry of Natural Resources in the summer of 2006.

2.5 Wildlife

The subject parcel of land supports a variety of local mammal and bird species. Observations over several site visits reported tracks and signs of various mammal species including white-tailed deer (*Odocoileus virginianus),* moose *(Alces alces*), beaver (*Castor canadensis*), muskrat (*Ondatra zibethicus)* and red squirrel *(Tamiasciurus hudsonicus).* It is expected that other local mammal species also utilize this space in one form or another.

Discussions and information provided by local MNR Biologist indicate that this property and the surrounding area support a Stratum II deer yard, which also encompasses a large portion of area around the airport and north to Baseline Road. This general deer yard classification indicates use by deer year round and more specifically during the early winter months before conditions turn harsh and snow deepens during the late winter season. Although the subject property hosts a fair amount of suitable browse and some overhead canopy cover, the site has been exposed to forestry operations in recent years and does not appear to contain a substantial amount of thick conifer species needed for protection during the late winter season.

Bird species observed during field investigations included mallard duck (*Anas platyrhynchos),* great blue heron *(Ardea herodias)* as well as a number of local songbirds.

No rare or endangered species were encountered during any field investigations.

2.6 Social and Cultural Setting

The new subdivision will be located in the southwest portion of the City of Sault Ste. Marie adjacent to the local airport. The total area proposed for development measures approximately 200 acres and is all contained within undeveloped private property. Adjacent land is occupied by both seasonal and permanent homes, recreational properties and undeveloped land to the north and west.

All land abutting the south portion of the Alagash is occupied by permanent or seasonal residents, as is the land along the east side of Dalgleish and Alagash Drives. Residents along the Alagash currently use the Alagash for recreational fishing and the viewing of wildlife such as waterfowl, songbirds and mammals.

No significant cultural values have been identified within the project boundaries.

3.0 Assessment of Environmental Impacts and Mitigation

3.1 Assessment Methodology

This section describes the general assessment methods used to predict the potential effects of the project on the biophysical and social aspects of the wetland environment.

Environmental impacts can be identified various forms including:

- Footprint Impacts -impacts to the area and features, which are caused by physical intrusion of the project components onto the wetland,
- Interference Impacts -impacts to the area and features, which are caused by obstruction by the project components to fish and wildlife passage, pedestrian access, water flow, light transmission, etc.,
- Traffic Access Modification Impacts -impacts to property, neighbourhoods etc., which are caused by the closure or redirection of vehicular access to or from an area,
- Emission Impacts -impacts to air, water, soil, which are caused by the release or escape from the various project component of noise, dust, sediment, odours, light, etc., and,
- Timing Impacts -impacts, relative to the season, week, day, hour, duration, which relate to the timing of the footprint, interference, traffic access modification and emission impacts.

The assessment and evaluation of the impacts are based on the following:

- Significance of the expected condition changes/effects, level of effect, duration and certainty of effects,
- Degree to which condition changes/effects can be mitigated, based on previous and concurrent experience and,
- Mitigation measures that must be incorporated.

A wide range of environmental protection measures should be considered and utilized to address potential environmental impacts including:

- Avoidance/prevention,
- Control/mitigation or reducing the severity of environmental impacts,
- Compensation or the provision of equivalent or countervailing environmental features and,
- Enhancement or improvement over previous environmental features.

Potential impacts on the significant environmental features outlined in section 2.0 above and mitigation techniques associated with this project are outlined in Table 1 below.

3.2 *Impact Assessment and Mitigation*

The following table summarizes the anticipated impacts and recommended mitigation measures for the project. Additional details on some of the proposed mitigation measures are provided where required in section 4.0 below.

Table 1: Anticipated Impacts and Mitigation Measures

Natural Feature	Effect/Possible Effects	Mitigation Measures/Comments
Surface Water Quality	Nutrient loading (fertilizers) from lawn care may impact water quality in canal.	-Implement aeration program as required (see section 4.1 below). -Increased area of canal opening at Alagash Drive (from culvert to open canal) will increase flushing effect of shipping traffic and provide some additional fresh water into canal. -Discourage any dumping of lawn clippings into any surface water. -Encourage home owners to minimize lawn area and to maintain lots with natural vegetation wherever possible to limit the requirement for fertilizers. -Provide public education to homeowners on good housekeeping, proper use and storage of fertilizers and chemicals, responsible lawn care practices, hazardous materials collection and eliminating illegal discharges. -Consider the use of a buffer strip or allowance for riparian vegetation along the canal edge of each lot (trees, shrubs and native grasses to reduce velocity of overland flow, filter out soil particles and increase nutrient uptake. -Use limited applications of low phosphate, slow release nitrogen fertilizers only.
	Phosphorus loading from septic beds may impact water quality in canal.	-Implement aeration program as required (see section 4.1 below). -Increased area of canal opening at Alagash Drive (from culvert to open canal) will increase flushing effect of shipping traffic and provide some additional fresh water into canal. -Maintain all septic beds in good working order. -Locate all septic beds as far away from any surface water as possible. -Utilize other septic systems with greater phosphorus removal rates (intermittent of recirculating sand filters to about 80% total phosphorus removal versus conventional system at about 57% removal, USEPA, 1993). -Consider the use of a buffer strip or

		allowance for riparian vegetation along the canal edge of each lot (trees, shrubs and native grasses to reduce velocity of overland flow, filter out soil particles and increase nutrient uptake. -Encourage the use of low phosphorus biodegradable detergents. -Consider the use of a slag filter to reduce phosphorus levels by up to 96% from septic tank effluent (Kinsley, Crolla and Joy, 2002).
	Boat traffic in the canal could result in erosion along the banks of the canal which could reduce surface water quality.	-Canal banks will be set at a 2 horizontal to 1 vertical slope and will be protected with a 300-500mm thick layer of 100-400mm sized blast rock to eliminate any erosion concerns.
	Dredging of the canal, Alagash and boat access into the St Marys River will result in the disturbance of soil particles which could impact local surface water quality.	-Implement Erosion and Sediment Control Plan to prevent disturbed soil particles from moving off site and impacting adjacent surface waters (see section 4.2 below).
	Use of construction equipment on the site will require fuel, oil and grease to be present, the spill of which could result in contamination of surface waters.	-Ensure all equipment is free from any leaks or excess oil and grease. -Conduct all refuelling or oiling operations a minimum of 100m away from any surface water and take measures to contain any accidental spills. -Do not store any fuel, grease or oil within 100m of any watercourse and ensure all are stored in leak proof containers. Make spill kits readily available for use at all times during the work. -Spill response kits should include absorbent booms and pillows capable of preventing off site migration of contaminants.
	Pesticides/herbicides from lawn care may impact water quality.	-Encourage home owners to minimize lawn area and to maintain lots with natural vegetation wherever possible to limit the requirement for pesticides and herbicides. -Do not allow any surface water drains or ditches to enter directly into the canal or Alagash. -Encourage the use of natural treatment programs or resistant species to limit the requirement of herbicides or pesticides. -Provide public education to homeowners on good housekeeping, proper use and storage of fertilizers and chemicals, responsible lawn care practices, hazardous materials collection and eliminating illegal

		discharges. -Consider the use of a buffer strip or allowance for riparian vegetation along the canal edge of each lot (trees, shrubs and native grasses to reduce velocity of overland flow, filter out soil particles and increase nutrient uptake. -Implement Integrated Pest Management Principles on lots (select healthy seeds and seedlings that are disease resistant and suited to climate, alternate plants each year, use manual control methods such as hoeing etc., maintain proper drainage and aeration, reduce watering to control seepage of pesticides, use biological controls.
	Pesticides applied to control insects may result in contamination of local surface waters.	-Encourage home owners to avoid the use of pesticides wherever possible. -Provide public education to homeowners on good housekeeping, proper use and storage of fertilizers and chemicals, responsible lawn care practices, hazardous materials collection and eliminating illegal discharges.
	Chemicals (household chemicals, antifreeze, used oil etc.) may be improperly disposed of and enter the adjacent surface water, impairing its quality.	-Discourage the dumping of any waste chemicals into septic systems or onto any land. -Properly dispose of any waste chemicals. -Provide public education to homeowners on good housekeeping, proper use and storage of fertilizers and chemicals, responsible lawn care practices, hazardous materials collection and eliminating illegal discharges.
	Salt may be applied to subdivision roads and driveways that could enter the local surface water and impair its quality.	-Discourage the use of salt for de-icing purposes in the subdivision.
	Construction of canal system may result in stagnant water and impairment to surface water quality.	-Implement aeration program as required (see section 4.1 below).
	Disturbance to vegetation and soils during initial construction of the subdivision and later construction of individual homes may result in an increase in the erosion of soil particles which may enter the adjacent surface water, impairing its water quality. Phosphorus is associated strongly with soil particles and allowing disturbed soil to enter the surface water will increase available phosphorus levels.	-Implement Erosion and Sediment Control Plan to prevent disturbed soil particles from moving off site and impacting adjacent surface waters (see section 4.2 below). -Maintain as much vegetation as possible during all aspects of construction. -Install standard silt fences as required to prevent disturbed soil particles from leaving the site and entering the adjacent surface water.

		-Seed and re-vegetate all ditches and exposed soil as soon as practical.
	Disturbance to soils during construction of the subdivision and access roads will increase the erosion potential of the site and may result in soil particles (and associated nutrients) entering the adjacent surface water which could impair the water quality.	-Implement Erosion and Sediment Control Plan to prevent disturbed soil particles from moving off site and impacting adjacent surface waters (see section 4.2 below). -Maintain as much vegetation as possible during all aspects of construction. -Install standard silt fences as required to prevent disturbed soil particles from leaving the site and entering the adjacent surface water. -Seed and re-vegetate all ditches and exposed soil as soon as practical.
Surface Water Quantity	Changes to existing drainage patterns may result in modifications to the quantity of surface water reporting to specific areas.	-Drainage from the Alagash and the North Channel of the Alagash will be improved by replacing the existing culvert with an open canal. -The perimeter drainage pattern around the site will not be changed. -Internal drainage from the site will continue to follow the current pathway.
	Changes to the site permeability (adding impermeable areas such as roof tops, driveways, paved roads etc.) may result in an increase in peak flows and a reduction in base flows in the area.	-Encourage home owners to limit impermeable areas a minimum. -Avoid paved driveways. -Ensure drainage from any impermeable area is encouraged to re-enter the local groundwater (infiltration trenches, grassy swales).
Flooding	Potential increase in flood levels on or adjacent to the development	-All structures will be set a minimum of 1.5m above the 100 year flood elevation for Lake Superior (184.7m). -Drainage from the Alagash and the North Channel of the Alagash will be improved by replacing the existing culvert with an open canal which will reduce the risk of area flooding. -The perimeter drainage pattern around the site will not be changed and perimeter drainage will be enhanced to ensure that no surface water flow moves onto adjacent properties as a result of the development. -Design lot grading and drainage plan to avoid directing any surface water runoff onto adjacent lands. -Ensure development is designed to take into account cut and fill balance so that there is no resulting increase in adjacent flood levels due to infilling in a flood plain area. -see section 4.5 below for a detailed discussion of the proposed channel

		hydraulics in relation to the estimated 100 year flood flow event
Groundwater Quality	See Hydrogeological Assessment, Water Environmental Geosciences, September 2006	-See Preliminary Hydrogeological Impact Assessment, The Pointe Estates Waters, Environmental Geosciences, September 2006
Groundwater Quantity (including groundwater recharge zones)	See Hydrogeological Assessment, Water Environmental Geosciences, September 2006	-See Preliminary Hydrogeological Assessment, Pointe Louise, Water Environmental Geosciences, September 2006
Loss of Fish Habitat	Direct loss or alteration of fish habitat during the infilling of existing channels and creation of the new canal over top of the existing creek and during the dredging of the Alagash and boat canal into the St. Marys River.	-Compensate for lost or altered habitat as per the Pointe Estates Fisheries Assessment and Compensation Plan (GLES, September 2006, see section 4.3 below)
Loss of Vegetation	Direct loss of vegetation due to removal during development.	-Maintain as much vegetation as possible during all aspects of construction and development. -Seed and re-vegetate all ditches and exposed soil as soon as practical. (note an arborist will be retained to advise on removal and replacement of vegetation) -Consider the use of a buffer strip or allowance for riparian vegetation along the canal edge of each lot (trees, shrubs and native grasses to reduce velocity of overland flow, filter out soil particles and increase nutrient uptake.
	Effects on ANSI's, ESA's, Provincially Significant Wetlands, Provincially Rare Species	-A Wetland Evaluation Report (GLES, 2004) completed on the subject property concluded that the existing wetland did not contain any ANSI's, ESA's or Provincially Rare Species. It also determined that the existing wetland was not Provincially Significant.
Loss of Wetlands	Direct loss of physical wetland due to replacement with proposed subdivision (fill for lots and roads, canal etc.)	-Ensure drainage is maintained between any areas of the wetland left un-disturbed. -Maintain as much vegetation as possible during all aspects of construction and development. -Seed and re-vegetate all ditches and exposed soil as soon as practical. -Maintain as much existing wetland in designated Green Space as possible (see section 4.4 below)
	Loss of hydrologic function related to the quantity of water that enters and is stored in or leaves a wetland, including such factors as reduction of flow velocity and the influence of wetlands on atmospheric processes.	-Construction of an approximately 2400m long, 40m wide and 2.5m deep canal through the flat area of the subdivision will provide a large storage area for surface water and will reduce overland flow velocity off of

	Removal of wetland will reduce volume of water stored and the time that it is held.	the site. -Maintain as much existing wetland in designated Green Space as possible (see section 4.4 below) -see section 4.6 for detailed discussion on the impacts of the development on the hydrologic function of the wetland
	Loss of hydrologic function related to the quantity of water that enters and is stored in or leaves a wetland, including the role of wetlands as groundwater recharge or discharge areas.	-See Preliminary Hydrogeological Impact Assessment, The Pointe Estates, Water Environmental Geosciences, September 2006
	Impact on water quality as wetlands function to trap sediment, control pollution and treats water as it flows through the wetland.	-Ensure drainage is maintained between any areas of the wetland left un-disturbed. -Maintain as much vegetation as possible during all aspects of construction and development. -Seed and re-vegetate all ditches and exposed soil as soon as practical. -Maintain as much existing wetland in designated Green Space as possible (see section 4.4 below) -Consider the use of a buffer strip or allowance for riparian vegetation along the canal edge of each lot (trees, shrubs and native grasses to reduce velocity of overland flow, filter out soil particles and increase nutrient uptake.
Loss of Wildlife Habitat	Direct loss of wildlife habitat due to removal of approximately 75% of all site vegetation	-Maintain as much vegetation as possible during all aspects of construction and development. -Seed and re-vegetate all ditches and exposed soil as soon as practical. -Maintain as much existing wetland in designated Green Space as possible (see section 4.4 below). -Consider the use of a buffer strip or allowance for riparian vegetation along the canal edge of each lot (trees, shrubs and native grasses to reduce velocity of overland flow, filter out soil particles and increase nutrient uptake.
	Loss of wetland habitat (physical environment in which plants and animals live) that provides food, water and shelter for fish, birds and mammals and serve as breeding grounds and nursery for many species	-Ensure drainage is maintained between any areas of the wetland left un-disturbed. -Maintain as much vegetation as possible during all aspects of construction and development. -Seed and re-vegetate all ditches and exposed soil as soon as practical. -Maintain as much existing wetland in designated Green Space as possible (see section 4.4 below).

	Loss of movement corridors	-Maintain as much vegetation as possible during all aspects of construction and development. -Seed and re-vegetate all ditches and exposed soil as soon as practical. -Maintain as much existing wetland in designated Green Space as possible (see section 4.4 below).
Social Impacts	Change in aesthetics due to development of subdivision	-Maintain as much vegetation as possible during all aspects of construction and development. -Seed and re-vegetate all ditches and exposed soil as soon as practical. -Plant trees wherever possible to provide a buffer between the existing homes and the proposed subdivision. -Maintain as much existing wetland in designated Green Space as possible (see section 4.4 below). -Consider the use of a buffer strip or allowance for riparian vegetation along the canal edge of each lot (trees, shrubs and native grasses to reduce velocity of overland flow, filter out soil particles and increase nutrient uptake.
	Increase in noise levels during construction may disturb local residences and wildlife.	-Ensure all construction equipment is in good working order. Limit hours of work to those required by the City of Sault Ste. Marie Noise Bylaw
	Long term increase in noise may be apparent that may disturb adjacent landowners	-Not expected that noise generation from new residential lots will exceed those typically associated with such developments.
	Loss of recreational facilities	-Dredging of the existing Alagash and the creation of a new 2400m long canal with direct access to the St Marys River will improve access to these recreational areas. -Maintain as much existing wetland in designated Green Space as possible (see section 4.4 below).
	Removal of existing access (culvert crossing) on Alagash Road will require adjacent landowners to access properties through a different route	-Ensure landowners have uninterrupted access to their properties during and after construction.
	Airport noise	-Refer to Environmental Noise Analysis report
Sewage System Impacts	See surface and groundwater quality	-See surface and groundwater quality
Impacts on Adjacent Wetlands	Water level maintenance and control with respect to potential impacts on water levels in adjacent wetlands due to the development	-Maintain existing perimeter drainage including ditch along the west edge of the subject property. -Maintain as much existing wetland in designated Green Space as possible (see section 4.4 below).

4.0 Summary of Impact Avoidance, Enhancement and Mitigation/ Measures and Effectiveness

4.1 Aeration Program

The proposed aeration system should mitigate some of the effects of additional phosphorus loading into the canal however its overall effectiveness on preventing stagnant and/or eutrophic conditions in the canal cannot be guaranteed.

It is unclear whether nutrient loading from the subdivision (septic beds, lawn fertilizers, erosion and transport of soil particles, pet droppings etc.) will result in the development of stagnant or eutrophic conditions in the proposed canal. Variables such as the impact of the uptake of phosphorus by plants and binding to soil particles as well as continuing groundwater flow through the canal and flushing of the canal due to shipping traffic and a larger outlet to the St. Marys River are all contributing factors.

The following discussion deals with phosphorus loading only as it is typically the limiting nutrient in plant and algae growth. For discussion on expected nitrogen levels see Preliminary Hydrogeological Impact Assessment, The Pointe Estates, Waters Environmental Geosciences, September 2006.

Phosphorus is typically released through septic beds and in association with normal runoff (due to lawn fertilizers). Other minor sources of phosphorus could include detergents from boat washing, large bird roosts or pet droppings. Soil loss through erosion is another possible source as phosphate can be tightly bound to soil particles that can be deposited into surface waters along with stormwater runoff.

Lake eutrophication can be defined as the over enrichment of a water body with nutrients that results in the excessive growth of organisms and the depletion of oxygen concentrations. This process can begin when the Biological Oxygen Demand (BOD) of a lake cannot be met. When excessive organic matter and nutrients enter a lake, plant and algae growth can be excessive. The plants and algae eventually die and sink to the bottom resulting in an overload of organic sludge. Lower forms of life then die and the resulting debris is decomposed by bacteria and other organisms utilizing available oxygen in the process. Aquatic plants that generate oxygen during the day through photosynthesis reverse the process at night and use oxygen through respiration further compounding the problem. This subsequent reduction in oxygen levels can result in the direct mortality of fish. Anaerobic bacteria (which require no oxygen) generate gases such as hydrogen sulphide, ammonia and methane during the anaerobic decomposition process, further impacting water quality.

Under aerobic conditions, the majority of phosphorus in a lake ecosystem is bound in the sediment, while under anaerobic conditions phosphorus can move readily into water column (Wetzel, 1975). Stefan and Hanson observed significant phosphorus transport from the anoxic bottom water to the surface waters associated with mixing in five shallow lakes in south central Minnesota (Stefan and Hanson, 1981). After a nutrient diversion project failed to restore Cedar Lake in Indiana, Jones found that 69-92% of the total phosphorus load was entering the lake from the anoxic sediment (Jones, 1985). Phosphorus compounds are part of a special chemical cycle in the bottom of a lake that is mediated by dissolved oxygen. Under most conditions, phosphorus compounds are strongly associated (absorbed) with soil provided that dissolved oxygen is available. If oxygen levels at the bottom of a lake are reduced sufficiently, a chemical shift results in the bound phosphorus being

released into the water column making it readily available for additional plant (algae) growth, causing a further reduction in water quality.

A typical household generates 1-2lbs of phosphorus per year (Delaware Department of Natural Resources and Environmental Control). About two-thirds or more of phosphorus in domestic wastewater is contained in the black water and about two-thirds of the phosphorus in the black water is in urine. Therefore roughly 50% of the phosphorus generated in the home is in the urine (Stone Environmental, 2005). The average effectiveness of on site conventional septic beds (total system reductions) is a total phosphorus reduction of 57%. Therefore the proposed 91 lot subdivision can be expected to produce approximately 41-82kg of phosphorus per year and discharge about 18-36kg per year from the septic beds. Assuming all of this phosphorus enters the new canal (2300m long x 40m wide x 2.5m deep) the annual phosphorus load would be in the order of 80-160ug/L. The interim Provincial Water Quality Objectives for Ontario indicate that in order to avoid nuisance concentrations of algae in lakes, the average total phosphorus concentration for the ice free period should not exceed 20ug/L. The estimated phosphorus load is significantly higher than this limit and does demonstrate the potential for a future concern. However various factors such as dilution by groundwater and the existing Alagash, additional uptake of phosphorus by plants and soil and the potential flushing of portions of the canal due to shipping traffic in the St. Marys River cannot be readily estimated. Additional loadings due to lawn fertilizers and pet droppings have also not been included. This preliminary estimate does however indicate that there may be some impact on the canal water quality due to the additional phosphorus loading from the subdivision.

In order to mitigate this potential impact, all measures possible should be undertaken to limit the amount of phosphorus that can enter the adjacent canal using the various mitigation methods detailed in Table 1 above.

The option of adding additional water into the terminal end of the new canal to ensure that the canal did not become stagnant was reviewed. Water would be pumped (air lift or mechanical system) from the St. Marys River to the end of the canal, which could then flush out the canal on a continuous basis. A pumping rate of about 1200Igpm would in theory turn over the entire new canal (2400m long by 40m wide by 2.5m deep) once a month. Unfortunately, it could not be verified that the bulk of the new water would flow down the canal and out into the St. Marys River as it could simply enter the local groundwater aquifer due to the extensive sand present. The use of a canal liner was discussed but was considered to be too disruptive to local groundwater movement and the operation of the septic systems. This option was therefore not considered further.

Aeration systems can be used to improve water quality by maintaining adequate dissolved oxygen levels in the water lying along the base of the canal. Under adequate dissolved oxygen conditions typical benthic species such as insect larvae, snails etc. can continue to live. Maintaining proper dissolved oxygen levels at the bottom of the canal will also help to retain excess phosphorus in the sediment making it unavailable for algae. An aeration system would inject air bubbles at the bottom of the canal causing the lighter mixture of water and air to rise to the surface. This will expose the water from the bottom of the canal to the atmosphere allowing oxygen to be taken up and the water column to be completely mixed. Under aerobic conditions the break down of organic material is enhanced and algae growth is reduced as its food source (nutrients) are continually removed. Aeration has the added benefit of removing any hydrogen sulphide and methane and limiting anaerobic bacteria. Note that the proposed system would not reduce the amount of phosphorus that enters the canal.

The proposed aeration system would consist of a series of blowers connected to piping and diffusers laid along the bottom of the canal. Diffusers must be set just off the bottom of the canal to ensure full mixing of the entire water column while avoiding disturbances to the bottom sediments. Mechanisms will be established for the installation and maintenance of an aeration system if and when required based on the monitoring recommended below.

It is recommended that water quality (total phosphorus and dissolved oxygen levels) in the canal be monitored on an annual basis. Should water quality issues arise, the aeration program should be implemented and monitoring continued. Based on the monitoring results, modifications can be made to the installed system or other treatments can be implemented as required. At the same time an investigation into the actual sources of phosphorus entering the canal should be undertaken to try and further reduce the phosphorus load into the canal.

This method has been shown to improve dissolved oxygen levels in the bottom of lakes and ponds, reduce nitrogen and phosphorus levels and remove green algae (Bateman and Laing, 1997). A typical supplier of this system (continuous laminar flow inversion) is Clean-Flo International (http://65.36.183.183/).

4.2 Erosion and Sediment Control Plan for Dredging Operations

The following erosion and sediment control plans will be implemented during the work to ensure that the adjacent surface water quality and fish habitat are protected.

David Holla, P. Eng., has overall responsibility for the plan and the plan will not be changed without his approval. The site supervisor will be responsible for implementation of this plan. The site supervisor will hold a meeting with all equipment operators working on the project to make them aware of the identified values and concerns and the measures outlined in this plan to control sediment.

Existing vegetation is to be protected to the maximum extent possible, yet still allow room for construction equipment. An arborist will be retained for guidance in the removal and replacement of vegetation.

No blasting will be undertaken on this project.

Note that rip rap lining of the canals can be completed without any additional erosion and sediment controls as clean (free of any fine particles) blast rock will be used for this purpose.

Complete all in water work between July 15 and August 15 to have regard for MNR in water work timing restrictions.

Identified Values and Concerns

To the maximum extent possible, no disturbed soil particles should enter any surface water during any aspect of the work. Short-term introductions of disturbed soil particles should be kept to the lowest practical level and there should be no long-term sources of disturbed soil particles from the completed project.

Pre-Construction Site Activities

Any lay down or spoil piles subject to water erosion and the subsequent transmission of disturbed soil particles into any watercourse should be surrounded by a silt fence to prevent any migration of soil into the adjacent surface waters. Silt fences should be constructed prior to any material being placed.

Any equipment working adjacent to the water must be free from any leaks of oil, grease or other contaminants. All equipment should be cleaned of all contaminants prior to being brought to the site.

No oil changes or greasing of equipment should take place within 100m of any surface water. A hydrocarbon spill response kit should be on site at all times during the work and half of the workers on site should be trained in its use.

Inspection and Maintenance

Construction operations will be under the direction of the site supervisor to ensure that the sediment control plan is complied with. Any problems or concerns should be resolved by contacting David Holla at 705-522-6303 (fax 522-5783, email: gles@sympatico.ca).

Comments resulting from inspections made by regulatory agencies (DFO, MNR, SSMRCA) should be made to the site supervisor who may discuss them with David Holla, as required.

Construction Sequence and Erosion and Sediment Control Plan

1. Excavate the new canal starting at the northeast end, working toward the North Channel of the Alagash. Initially remove and stockpile all topsoil (surround with silt fence) for re-use. Place all excavated sand as required on lots to obtain design elevation. Ensure deposited sand is contained with silt fence as required to prevent any disturbed soil particles from entering any surface water. Continue excavation until a short berm of material is left between the new canal and the existing North Channel of the Alagash (complete majority of excavation in isolation from any surface water). Note that before any excavation occurs near the ditch along the ATV Trail ensure any fish present in the ditch are re-located prior to excavation and/or dewatering.
2. Dredge the boat access canal from Alagash Drive downstream into the St. Marys River using a barge mounted excavator. Encircle the work area as required with a standard turbidity curtain to prevent disturbed soil particles from moving out of the work area. Load dredged material from the work area onto an adjacent transfer barge to transport the material on shore for proper disposal. Ensure that the transfer barge does not allow disturbed soil particles to enter the surface water during transport (i.e. no leaks).
3. Starting at the west end of the Alagash, exclude fish from the initial section of work using seines. Install a standard turbidity curtain to isolate the work area (along the east edge of the work area). Conduct the required dredging using a barge mounted excavator. Place spoil onto adjacent lots. Install silt fences as required to prevent any disturbed soils from entering the adjacent surface water. Once initial section has been completed allow any disturbed soil particles to settle then isolate fish from adjacent area and install new turbidity curtain at extent of fish exclusion area (east edge). Move barge mounted excavator to new work area and install additional turbidity curtain at west edge of new work zone to protect any fish that may have been initially stranded in the work area and protect water quality along the existing homes. Continue this process until dredging of the Alagash has extended

to the intersection with the North Channel of the Alagash. Allow final settling to occur and then remove all turbidity curtains and seines.

4. Exclude all fish from the North Channel of the Alagash. Install turbidity curtains on the upstream side of Alagash Drive and at the entrance to the Alagash. Note that this work must be done when flows are very low through the system and any flow present should be passed (pumped) around the works site. Complete the dredging from a barge mounted excavator and deposit spoil onto adjacent lots. Install silt fences as required to prevent any disturbed soils from entering the adjacent surface water. Once all work has been completed, allow all disturbed soil particles to settle then remove all turbidity curtains and seines.
5. Install turbidity curtains up and downstream of plug remaining between the North Channel of the Alagash and the new canal and excavate remainder of the canal. Place spoil onto adjacent lots. Install silt fences as required to prevent any disturbed soils from entering the adjacent surface water. Once all work has been completed, allow all disturbed soil particles to settle then remove all turbidity curtains.
6. To install bridge abutments for the new crossing of the Alagash, initially encircle footprint of new abutments with turbidity curtains (encircle each abutment area from adjacent shore, out and around proposed abutment, which will require two separate installations, one for each abutment). Ensure that all fish are removed from the isolated areas. Install abutments, construct bridge and remove turbidity curtains.
7. Install turbidity curtains up and downstream of Alagash Drive and excavate to create new canal. Dispose of soil onto adjacent lots. Install silt fences as required to prevent any disturbed soils from entering the adjacent surface water. Once all work has been completed, allow all disturbed soil particles to settle then remove all turbidity curtains.
8. Stabilize any disturbed areas with vegetation.
9. Remove the silt fences and dispose off site in an approved manner.
10. Install silt fence as required surrounding compensations measures to ensure no disturbed soil particles can leave the site.
11. Perform a general site cleanup

Accountability

Plan Prepared By:

_____

David Holla, P. Eng.
Fisheries Biologist/Water Resources Engineer
1353170 Ontario Ltd., o/a Great Lakes Environmental Services

Plan Implemented By:

_____

Site Supervisor

The proposed erosion and sediment control plan utilizes proven methods and controls and no residual impact is anticipated.

4.3 Proposed Mitigation/Compensation for Lost/Altered Fish Habitat

A detailed compensation plan has been proposed to compensate for lost or altered habitat. Details of this plan are provided in the Pointe Estates Fisheries and Compensation Plan (GLES, September 2006).

In summary, the following fish habitat features are intended to be constructed to compensate for the lost or altered habitat present.

Location	Habitat Loss	Habitat Gain
North Channel of Alagash	560m^2 of spawning and nursery habitat due to infilling of the existing channels	
Alagash	22,500m^2 of sand substrate and submerged vegetation (spawning and nursery habitat) due to dredging	22,500m^2 of sand and cobble substrate (blast rock on shoreline) and deep water fish habitat
ATV Trail Ditch	1,000m^2 of poor quality fish habitat due to infilling of the existing channel	
New bridge abutments on Alagash	120m^2 sand substrate and submerged vegetation (spawning and nursery habitat)	
Dredging in Bay at Pointe Louise	unknown	none
New canal system in subdivision		80,000m^2 of new deep water fish habitat and cobble substrate (blast rock along shoreline)
Islands and edges of new canal		23,000m^2 pockets of spawning and nursery habitat with lunkers, root wads, riparian vegetation, etc
spawning and nursery habitat	23,180m^2	23,000m^2
poor quality/deep water fish habitat	1,000m^2	102,500m^2
Total	24,180m^2 loss	125,500m^2 gain

The proposed fish habitat compensation plan utilizes proven fish habitat features that have been proven to be effective. By implementing the above features, no residual impact is anticipated and existing fish habitat will be enhanced.

4.4 Construction of New Wetland Areas in Designated Green Space

In order to minimize the impact on the existing wetland as much of the existing wetland possible will be maintained within the designated green spaces during the development.

Despite this mitigation, there will continue to be some residual, long term effect over the loss of most if not all of the existing wetland.

4.5 Channel Hydraulics and Flooding in Relation to 100 Year Flood Flow Event

The Watershed Classification and Rationale Method were used to obtain a preliminary estimate of the 100 year return period flood flow for this 170ha watershed at the discharge point of the new canal into the St. Marys River of between 1 and 2m^3/s. The proposed new boat canal will have a cross sectional area of about 100m^2 (40m wide by 2.5m deep). The estimated 100 year return period flood flow of between 1 and 2 m^3/s would result in an average velocity in the canal section of between 0.01 and 0.02m/s. The permissible velocity to prevent erosion for coarse sand is about 0.5m/s. This provides a 25 to 50 time factor of safety against erosion for the sand base present in the new canal.

Provided that sufficient perimeter ditching is provided to prevent any surface water flow from entering adjacent properties, the proposed development should not result in any increased flooding on adjacent properties. The impact of the development on flooding as it relates to groundwater is discussed in the Preliminary Hydrogeological Impact Assessment, The Pointe Estates (Water Environmental Geosciences Ltd, 2006).

4.6 Impact of Development on the Hydrologic Function of the Existing Wetland

The U.S. Geological Survey, National Water Summary on Wetland Resources, provides a definition of the hydrologic function of a wetland in the document "Restoration, Creation and Recovery of Wetlands, Wetland Functions, Values and Assessment", (US Geological Water Supply Paper 2425). Hydrologic functions of a wetland are those related to the quantity of water that enters, is stored in or leaves a wetland including such factors as the reduction of flow velocity, the role of wetlands as groundwater recharge or discharge areas and the influence of wetlands on atmospheric processes. The SSMRCA has also requested that the inter-relationship of the subject wetland with other adjacent wetlands should be explored.

The role of the subject wetland as a groundwater recharge or discharge area is discussed in the Preliminary Hydrogeological Impact Assessment, The Pointe Estates (Water Environmental Geosciences Ltd, 2006). The remainder of the hydrologic functions of the wetland and how they will be impacted by the proposed development are discussed below.

Changes to Surface Water Drainage Patterns as Result of the Proposed Development

Based on available mapping, aerial photography and site elevations and clarifications provided by Chant Construction, under existing conditions, surface water flow will generally pass from north to south over the subject property. Contour lines generally run in an east to west direction over the subject property with an elevation of about 185.5m along the north boundary of the site, falling to around 184.0 and 183.5m near the south end of the site. Surface water from the north and central portions of the subject property would then enter the open water areas of the Alagash and wetland, then flow into St. Marys River, which is presently at an elevation of about 183m.

The proposed development will require the infilling of lots to an elevation of at least 184.7m. In addition, roads will be constructed to access the rear portion of the new lots and a large canal will be excavated along the front side of each lot. Lots will be graded so that about half of the lot drains towards the new canal while the other half will drain back towards the access road.

The development will disrupt the surface water flow pattern on the subject property by dividing it into three distinct sub watersheds as follows. Firstly, surface water flow from the northern most portion of the subject property will encounter the fill for the new lots in the northern portion of the property and

will be directed to the northwest (un-disturbed) portion of the site, then along the west boundary and into the Alagash. Secondly, all surface water flow from the front (canal) side of the lots will flow into the canal and out into the St. Marys River. Finally all surface water flow from the back side of the lots in the central portion of the subject property will flow into the central un-disturbed area and through ditches into the downstream end of the new canal.

Note that proper ditches will be required along the west and east sides of the subject property and to provide drainage from the undisturbed areas in order to prevent any excess surface water flow from entering adjacent lots.

It is generally expected that surface water flow over the site will be minimal due to the deep sand soils present.

All surface water flow from the site will continue to flow into the St. Marys River through either the Alagash or the new canal.

Water Entering, Stored In or Leaving a Wetland and Flood Attenuation

Wetlands store precipitation and surface water to a greater extent than other terrestrial areas. Wetlands slowly release this stored water into associated surface water resources, groundwater and the atmosphere. Wetland areas are know to attenuate flood waters by storing excess peak flows and slowly releasing the water back into the drainage system.

A wetland's opportunity to attenuate flood water involves such variables as the location of the wetland in the watershed (upper, middle or lower portion of the watershed), the size of the wetland and the size of the watershed. Riverine or lacustrine wetlands are typically assigned a low flood attenuation value due to their lack of importance in flood attenuation. Inland (isolated) wetlands are assigned a higher value owing to their greater opportunity to retain large volumes of water and attenuate flood waters. Optimal flood control typically occurs for larger wetlands (greater than 81 ha), while storage of floodwater (for mitigation of floods) is generally non-existent in smaller wetlands. In addition the presence of large impervious areas within a watershed (over 50%) will typically enhance the opportunity of a wetland to perform flood control.

The subject wetland with an area of about 46ha is located in the southern (downgradient) half of the proposed development (total development area of about 81ha). The wetland and proposed development are both located within a larger watershed area of about 170ha. The subject wetland is located at the downstream end of the watershed (i.e. immediately upstream of its discharge point into the St. Marys River). As such it has little impact on flood attenuation in all of the upstream portions of the watershed. The fact that the wetland is centred on a surface water drain in a watershed with very little impervious area (pre or post development) also limits its flood attenuation capability (i.e. it cannot be considered as an isolated wetland). Furthermore the small overall size of the watershed (about 170ha) and the very flat gradient throughout limits the need for any flood flow attenuation.

Removal of a large portion of the wetland during development of the proposed subdivision will greatly reduce its ability to provide water storage and flood attenuation functions. The new subdivision will have a limited ability to store water and attenuate flood peaks however it appears that the existing wetland does not have a significant capacity to attenuate existing flood flows. There will however be some local impacts on surface water storage and release due to the development and this may have direct effects on the local natural environment. There may also be some opportunity to

utilize the undisturbed areas proposed to remain in the subdivision for water storage and flood attenuation.

Reduction of Flow Velocity
By attenuating flood flow peaks, storing flood waters and slowly releasing flows into the adjacent surface water, wetlands can reduce the erosive forces of high velocity flows in a watershed. The thick vegetation, extensive low lying areas and numerous pools typically associated with a wetland also act to further reduce the velocity of flowing water which in turn reduces the overall erosion potential.

The proposed subdivision will eliminate the majority of the existing wetland and its ability to reduce the velocity of overland flow. The subdivision will be centered on a large canal (2400m long by 40m wide by 2.5m deep). Overland flow from the infilling area may enter this canal and flow out to the St. Marys River. Due to the large cross sectional area of the canal and the relatively small watershed area, flow velocity within the canal is expected to be minimal (see section 4.5 above). In addition, the new canal will be protected with blast rock to prevent any erosion from occurring.

There may be some opportunity for increased velocity and erosion in local ditches and drains that will be installed to ensure surface water remains on the site (i.e. and does not move onto adjacent properties). Measures should be taken to reduce the erosion potential of these installations by lining them with rip rap or other appropriate materials.

Influence of Wetlands on Atmospheric Processes
Wetlands can return up to two thirds of their annual water input to the atmosphere through evapotranspiration. Wetlands may also moderate temperature extremes in adjacent upland areas.

The proposed subdivision development will remove the majority of the wetland and thereby significantly reduce its contribution to evapotranspiration and moderation of temperatures.

The existing 46ha wetland is relatively small and as it is located adjacent to Lake Superior its overall impact on atmospheric processes is expected to be minimal. As the wetland is directly connected to a watercourse, its contribution to evapotranspiration on a per hectare basis would likely be somewhat less than an isolated wetland. In addition, the large lots and undisturbed green space proposed for the new subdivision will leave a large portion of the 81ha site in a somewhat "natural' state from which evapotranspiration can continue.

Relationship with Adjacent Wetlands
An approximately 40ha wetland is located approximately 600m west of the subject wetland. An existing drainage ditch runs along the entire west boundary of the subject property. Pointe des Chenes Crescent is located to the west of this ditch. Both features provide some degree of physical and hydraulic separation between the subject wetland and the wetland to the west.

As discussed above, surface water flow will generally pass from north to south over the subject property. This general pattern of surface water flow is expected to continue for some distance to the west of the subject parcel. Near the south end of the airport, the land appears to drop off more rapidly and surface drainage will begin to turn to the west, through various drainage ditches and then out into the St. Marys River. It is unlikely that the proposed development will have any impact on the wetland located to the west of the subject property as any changes to surface water flow patterns will be limited to the subject property by enhanced perimeter ditching and two existing physical separations

(Pointe des Chenes Crescent and an existing ditch). In addition, the existing surface water flow patterns are believed to be from north to south on the subject property and the adjacent area to the west. The development should therefore not impact on surface water flow patterns on the property to the west of the subject property as they should continue in their pre-development pattern.

5.0 Summary of Short and Long Term Impacts

The short and long term impacts associated with this project are summarized below.

5.1 Short Term Impacts and Mitigation

The short term impacts associated with the construction of this project include.

- Dredging of the canal, Alagash and boat access into the St Marys River will result in the disturbance of soil particles which could impact local surface water quality.
- Use of construction equipment on the site will require fuel, oil and grease to be present, the spill of which could result in contamination of surface waters.
- Disturbance to vegetation and soils during initial construction of the subdivision and later construction of individual homes may result in an increase in the erosion of soil particles which may enter the adjacent surface water, impairing its water quality.
- Disturbance to soils during construction of the subdivision and access roads will increase the erosion potential of the site and may result in soil particles (and associated nutrients) entering the adjacent surface water which could impair the water quality. Phosphorus is associated strongly with soil particles and allowing disturbed soil to enter the surface water will increase available phosphorus levels.
- Increase in noise levels during construction may disturb local residences and wildlife.

Proposed mitigation methods include.

- Implement Erosion and Sediment Control Plan to prevent disturbed soil particles from moving of site and impacting adjacent surface waters (see section 4.2).
- Ensure all equipment is free from any leaks or excess oil and grease.
- Conduct all refuelling or oiling operations a minimum of 100m away from any surface water and take measures to contain any accidental spills.
- Do not store any fuel, grease or oil within 100m of any watercourse and ensure all are stored in leak proof containers.
- Make spill kits readily available for use at all times during the work.
- Spill response kits should include absorbent booms and pillows capable of preventing off site migration of contaminants.
- Maintain as much vegetation as possible during all aspects of construction.
- Install standard silt fences as required to prevent disturbed soil particles from leaving the site and entering the adjacent surface water.
- Seed and re-vegetate all ditches and exposed soil as soon as practical.
- Ensure all construction equipment is in good working order. Limit hours of work to those required by the City of Sault Ste. Marie Noise Bylaw.

Short term impacts can be managed through the proper mitigation methods outlined above. The mitigation methods are proven and effective. No long term residual effects should result.

5.2 Long Term Impacts

The long term impacts on the existing wetland associated with the development of this subdivision include.

- Nutrient loading (fertilizers) from lawn care may impact water quality in canal.
- Phosphorus loading from septic beds may impact water quality in canal.
- Boat traffic in the canal could result in erosion along the banks of the canal which could reduce surface water quality.
- Pesticides/herbicides from lawn care may impact water quality.
- Pesticides applied to control insects may result in contamination of local surface waters.
- Chemicals (household chemicals, antifreeze, used oil etc.) may be improperly disposed of and enter the adjacent surface water, impairing its quality.
- Salt may be applied to subdivision roads and driveways that could enter the local surface water and impair its quality.
- Construction of canal system may result in stagnant water and impairment to surface water quality.
- Changes to existing drainage patterns may result in modifications to the quantity of surface water reporting to specific areas.
- Changes to the site permeability (adding impermeable areas such as roof tops, driveways, paved roads etc.) may result in an increase in peak flows and a reduction in base flows in the area.
- Potential increase in flood levels on or adjacent to the development.
- Direct loss or alteration of fish habitat during the creation of the new canal over top of the existing creek and during the dredging of the Alagash and boat canal in the St. Marys River.
- Direct loss of vegetation due to removal of site vegetation during development.
- Effects on ANSI's, ESA's, Provincially Significant Wetlands, Provincially Rare Species.
- Direct loss of physical wetland due to replacement with proposed subdivision (fill for lots and roads, canal etc.).
- Loss of hydrologic function related to the quantity of water that enters and is stored in or leaves a wetland, including such factors as reduction of flow velocity and the influence of wetlands on atmospheric processes.
- Impact on water quality as wetlands function to trap sediment, control pollution and treat water as it flows through the wetland.
- Direct loss of wildlife habitat due to removal of site vegetation
- Loss of wetland habitat (physical environment in which plants and animals live) that provides food, water and shelter for fish, birds and mammals and serves as breeding grounds and nursery for many species.
- Increase in wildlife/vehicle accidents.
- Loss of movement corridors.
- Change in aesthetics due to development of subdivision.
- Long term increase in noise may be apparent that may disturb adjacent landowners.

Mitigation methods include.

- Implement aeration program as required (see section 4.1 above).
- Increased area of canal opening at Alagash Drive (from culvert to open canal) will increase flushing effect of shipping traffic and provide some additional fresh water into canal.
- Discourage any dumping of lawn clippings into any surface water.
- Maintain all septic beds in good working order.
- Locate all septic beds as far away from any surface water possible.
- Utilize other septic systems with greater phosphorus removal rates (intermittent of recirculating sand filters to about 80% total phosphorus removal versus conventional system at about 57% removal, USEPA, 1993).
- Encourage the use of low phosphorus biodegradable detergents.
- Consider the use of a slag filter to reduce phosphorus levels by up to 96% from septic tank effluent (Kinsley, Crolla and Joy, 2002).
- Canal banks will be set at a 2 horizontal to 1 vertical slope and will be protected with a 300-500mm thick layer of 100-400mm sized blast rock to eliminate any erosion concerns.
- Encourage home owners to minimize lawn area and to maintain lots with natural vegetation wherever possible to limit the requirement for pesticides and herbicides.
- Do not allow any surface water drains or ditches to enter directly into the canal or Alagash.
- Encourage the use of natural treatment programs or resistant species to limit the requirement of herbicides or pesticides.
- Encourage home owners to avoid the use of pesticides wherever possible.
- Discourage the dumping of any waste chemicals into septic systems or onto any land.
- Properly dispose of any waste chemicals.
- Discourage the use of salt for de-icing purposes in the subdivision.
- Provide public education to homeowners on good housekeeping, proper use and storage of fertilizers and chemicals, responsible lawn care practices, hazardous materials collection and eliminating illegal discharges.
- Implement Integrated Pest Management Principles on lots (select healthy seeds and seedlings that are disease resistant and suited to climate, alternate plants each year, use manual control methods such as hoeing etc., maintain proper drainage and aeration, reduce watering to control seepage of pesticides, use biological controls.
- Use limited applications of low phosphate, slow release nitrogen fertilizers only.
- Drainage from the Alagash and the North Channel of the Alagash will be improved by replacing the existing culvert with an open canal.
- The overall perimeter drainage pattern of the site will not be changed and perimeter drainage will be enhanced to ensure that no surface water flow moves onto adjacent properties as a result of the development.
- Line local ditches and drains with rip rap or other appropriate materials to prevent erosion.
- Encourage home owners to limit impermeable areas to a minimum.
- Avoid paved driveways.
- Ensure drainage from any impermeable areas is encouraged to re-enter the local groundwater (infiltration trenches, grassy swales etc.).
- Consider the use of a buffer strip or allowance for riparian vegetation along the canal edge of each lot (trees, shrubs and native grasses to reduce velocity of overland flow, filter out soil particles and increase nutrient uptake.

- All structures will be set a minimum of 1.5m above the 100 year flood elevation for Lake Superior (184.4m).
- Drainage from the Alagash and the North Channel of the Alagash will be improved by replacing the existing culvert with an open canal which could reduce the risk of area flooding.
- Design lot grading and drainage plan to avoid directing any surface water runoff onto adjacent lands.
- Ensure development is designed to take into account cut and fill balance so that there is no resulting increase in adjacent flood levels due to infilling in a flood plain area.
- Compensate for lost or altered habitat as per the Pointe Estates Fisheries Assessment and Compensation Plan (GLES, September 2006, see section 4.3 below).
- Maintain as much vegetation as possible during all aspects of construction and development.
- Seed and re-vegetate all ditches and exposed soil as soon as practical.
- A Wetland Evaluation Report (GLES, 2004) completed on the subject property concluded that the existing wetland did not contain any ANSI's, ESA's or Provincially Rare Species. It also determined that the existing wetland was not Provincially Significant.
- Ensure drainage is maintained between any areas of the wetland left un-disturbed.
- Maintain as much existing wetland in designated Green Space as possible (see section 4.4)
- Construction of an approximately 2400m long, 40m wide and 2.5m deep canal through the flat area of the subdivision will provide a large storage area for surface water and will reduce overland flow velocity off of the site.
- Plant trees wherever possible to provide a buffer between the existing homes and the proposed subdivision.

A portion of the long term impacts listed above can be managed through the proper mitigation methods provided. The designated mitigation methods are proven and effective. No long term residual effects should result from them.

Despite the mitigation methods provided, there will be some long term residual impact to the following environmental components.

- Phosphorus loading from septic beds may impact water quality in the canal.
- Construction of the canal system may result in stagnant water.
- Direct loss of vegetation and wildlife habitat due to removal of site vegetation.
- Direct loss of physical wetland.
- Loss of hydrologic function of wetland (quantity of water stored, reduction of flow velocity).
- Impact on water quality (wetlands function to trap sediment, control pollution and treat water).
- Loss of wetland habitat (provides food, water and shelter for fish, birds and mammals and serves as breeding grounds and nursery for many species).

These residual impacts must be balanced against the benefits of a new waterfront development in the City of Sault Ste. Marie that will offer housing and recreational opportunities and an increased tax base.

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6.0 Monitoring

6.1 During Construction

In order to ensure that all mitigation measures are being carried out as per the design, an environmental inspector should conduct routine site inspections during the active construction period. Any discrepancies with the commitments will be rectified on site immediately.

6.2 Post Construction

EIS mg. letter dated Nov 29 mtg Nov 15 Report Feb 07

Annual monitoring of the water quality in the canal (total phosphorus and dissolved oxygen) will be completed in order to determine whether the aeration program needs to be implemented. If and when it is required, the annual monitoring will determine how effective the program is and will allow the aeration system to be modified or supplemented by other techniques to ensure it is effective.

7.0 Public and Regulatory Consultation → didn't happen.

A public consultation for the property owners in the surrounding area of the proposed development is scheduled for Wednesday, November 15, 2006. It will be held at the Prince Township Community Centre from 4:00 p.m. to 8:00 p.m. Property owners will be introduced to the develop plan and will have an opportunity to express any concerns. Any and all questions will be responded to in written format and distributed to all property owners. Didn't happen

8.0 Use of This Report

This report is prepared for the exclusive use of Chant Construction and the appropriate review agencies. The material in it reflects Great Lakes Environmental Services best judgement in the light of the information available to it at the time of preparation. Any use which any third party makes of this report, or any reliance on or decisions taken based upon it, are the responsibility of such third party. Great Lakes Environmental Services accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions taken based on this report.

9.0 Summary

This report provides a description of the existing wetland habitat, details of construction, potential impacts, mitigation, restoration and monitoring for the project.

Detailed mitigation methods are provided to ensure that the work is undertaken in a manner that provides the greatest practical level of environmental protection. Monitoring during and after construction will ensure that all portions of the mitigation plan are followed.

Report Prepared By:

D. Holla

still a draft.

David Holla, P.Eng.
Fisheries Biologist/Water Resources Engineer
1353170 Ontario Ltd., o/a Great Lakes Environmental Services

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Jerry D. Dolcetti, RPP
Commissioner

Donald B. McConnell, MCIP, RPP
Planning Director

ENGINEERING & PLANNING DEPARTMENT

Planning Division

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FILE COPY

2007 06 12

Mr. Alan Avery
Chant Construction Limited
129 Second Line West
Sault Ste. Marie, ON P6C 2G9

Dear Mr. Avery:

RE: PROPOSED POINTE ESTATES SUBDIVISION
FILE NO.: A-9-07-Z.OP & 57T-07-502

Attached is a letter from the Ministry of Natural Resources commenting on the various reports that you provided as part of this application.

As part of her comments, Sheila Walsh has recommended a meeting with the applicants, Conservation Authority, Ministry of Natural Resources and the City. Given the complexity and number of issues with this project, I believe such a meeting would be useful for all parties.

Please contact me at your earliest convenience so that suitable arrangements can be made.

Yours truly,

D. B. McConnell

Donald B. McConnell, MCIP, RPP
PLANNING DIRECTOR

DBM/pms

Attachments

c. Robert W. Paciocco, Laidlaw, Paciocco, Melville
604-421 Bay Street, Station Tower, SSM, ON P6A 1X3
Frank Tesolin, Conservation Authority
Jerry Dolcetti, Commissioner of Engineering & Planning

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Ontario

Ministry of Natural Resources | Ministère des Richesses naturelles

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June 8, 2007

Mr. Don McConnell
Planning Division
The Corporation of the City of Sault Ste. Marie
99 Foster Drive
Sault Ste. Marie, ON
P6A 5X6

Mr. Frank Tesolin
SSM Region Conservation Authority
1100 Fifth Line East
Sault Ste. Marie, ON
P6A 5K7

SUBJECT: Pointe Estates Application to SSM Region Conservation Authority
OMNR Technical Review

Gentlemen,
In response to your independent requests for review comments on the application package for the proposed Pointe Estates development, we are providing you with the attached document that summarizes MNR technical comments and information.

We received a binder of information from the Conservation Authority labeled "The Pointe Estates Application to the SSM Region Conservation Authority, March 2007". The binder contained the following materials: Land Use Planning Report, public meeting summaries, engineered drawings, draft Environmental Impact Study (EIS) for Development in a Wetland Portion of the Development Site, Preliminary Hydrogeological Impact Assessment, the Pointe Estates Fisheries Assessment & Compensation Plan, an archeological assessment, and the Pointe Estates Winter Deer Survey. We have read through most of this material and are providing you with our technical information and comments on the items that are relevant to our ministry. Specifically, you will find **comments on the Land Use Planning Report, the draft Environmental Impact Study, and the Winter Deer Yard Survey.** To simplify our correspondence, and to ensure that both parties have received the same review comments, we are providing to you both all of our comments/questions on these documents. It is likely that some of our comments will not be relevant to the mandate of the Conservation Authority. We trust you will be able to discern those that are applicable to your individual assessments of the development application.

Our comments should be read in their entirety for full detail and context. However, our main responses can be summarized as follows:

- *Scope of the EIS* – it is noted that the EIS was scoped to address impacts within the wetland portions of the subject property only. There has not been a comparable

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assessment of potential impacts on the remaining property which is part of this development application. It is not clear that all matters of provincial interest have been thoroughly considered in the EIS document (eg. deer wintering areas)

- *Wetland evaluation* – it is recommended that a meeting be arranged with the Conservation Authority, the proponent, and the MNR to discuss new information that has become available since the wetland area was originally evaluated. We are prepared to meet / discuss this information at your earliest convenience.

- *Shoreline Impacts* – we have noted in several parts of the EIS that, based on MNR experience, voluntary compliance measures intended to mitigate the effects of erosion, run-off, and sedimentation tend not to be very effective. Further consideration of mitigation measures may be warranted.

- *Wildlife Habitat Considerations* – some of the lands associated with the proposed development have been identified as significant wildlife habitat. We recommend that the EIS be expanded to assess potential impacts on the entire property under consideration for this proposed development.

Thank you for the opportunity to review the materials associated with this proposed development. We hope that our technical review comments will be of assistance to you as you assess the application. If after reading all our detailed comments you have questions about any of them, please feel free to contact me directly.

Sincerely,

Sheila A. Walsh

Sheila Walsh
A/District Planner
Sault Ste. Marie District

c. Andre Dupont, Area Biologist, OMNR
Janice Christian, IRM Technical Specialist, OMNR
Jason Ferrigan, MMAH Planner

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OMNR Comments: June 2007
The Pointe Estates Application to the SSM Region Conservation Authority

Land-Use Planning Report

Page 1: Introduction

- As has been shown previously with the Alagash Canal, manmade canal systems often require re-dredging in order to maintain the channel. Dredging can and often does cause sedimentation into the water in the vicinity of the dredging activity. If not done carefully, it can negatively impact fish and fish habitat. The more often dredging occurs, the higher the likelihood of negative impacts arising from this activity.

Page 5 – Fish Habitat

- Fish habitat would be created by this proposal but the fish habitat created is very different than the existing habitat and may support different species. Fisheries & Oceans Canada is the approval agency with regards to fish habitat alterations.

Page 6 – Transportation

- The final paragraph states that the proposed new canal will create additional boat traffic; however, shoreline erosion will be limited through private property posting and a 5 km/hr speed limit. We would recommend that further details be provided as to how shoreline erosion will be prevented, as our experience with voluntary compliance measures indicates that it tends to be ineffective. We would recommend that details regarding enforcement, monitoring and mitigation be included within the Environmental Impact Study (EIS).

Page 11

- There appears to be a general lack of information in the proposal regarding which parties will be responsible for on-going maintenance and maintenance details of the Alagash Canal. Additionally, the impacts of dredging on the Alagash Canal have not been fully addressed. We would recommend that further details be provided in the EIS to address these areas.

Draft Environmental Impact Study for Development in a Wetland

Page 2, 3rd para

- The author refers to wetlands as a complex, yet the evaluation prepared by Great Lakes Environmental Services (GLES), dated December 2006, identifies it as a single, contiguous wetland area.

Page 5, 1st para

- More detail is required within the EIS as to how the boat slips will be constructed. For example, if they are being built into the shoreline area or if filling is required, how will sedimentation and potential impacts to fish habitat be managed and/or mitigated?

OMNR Comments: June 2007
The Pointe Estates Application to the SSM Region Conservation Authority

- Figure 2 – This figure is different than the Conceptual Layout Drawing contained in the Drawing section. Please confirm which drawing is correct.

Page 7, Section 2.3

- 3rd paragraph –Please provide a map of the fish habitat study locations, including fish habitat study reaches, water chemistry stations, minnow trap and seine locations.

- While four surface water drainages are identified in section 2.2, only three of these drainages are defined and described in section 2.3 Fish and Fish Habitat. Discussion should be provided regarding the fisheries values of the ditch located along the west boundary of the subject property.

Page 8, North Channel of the Alagash

- Emergent vegetation would also be potential spawning habitat for sport fish species such as yellow perch and northern pike.

Page 9, last para

- See above comment.

Page 10

- Question: Were any minnow traps put into the North Channel of the Alagash?

- Appendix II depicts Subdivision Development and Bridge Plans. Appendix I provides individual locations of fish habitat mapping and forms. An overview map of sampling locations needs to be provided.

Page 11, sec. 2.4
Wetland Complex and Vegetation

- Reference again is made to a wetland complex, which is not described in the Wetland Evaluation of December 2006.

- It is MNR's observation that the Environmental Impact Study (EIS) is partially relying on the Wetland Evaluation as a tool by which to assess wetland impacts from the proposed development. We have some concerns about this, as the Wetland Evaluation is not designed as an impact assessment document, but rather as a tool by which to determine the status (provincially significant or non-provincially significant) of a wetland. The application of the Evaluation as an assessment tool would be inappropriate. For example, while an EIS would include a breeding bird survey conducted at the appropriate time, the Wetland Evaluation is conducted at a time when wetland plants are most easily identified, and any bird observations are secondary to this.

- The MNR serves as the provincial approval authority for wetland evaluations. As discussed previously, wetland evaluations are living documents which, in some cases, require revisiting should new information be brought forward. New

information has recently been obtained regarding drainage within the Pointe Louise Wetland as well as the proximity of an adjacent wetland. In light of this new information, the MNR recommends a meeting between the proponent, the CA, and the OMNR to discuss the December 2006 Wetland Evaluation Report and any changes that may be required.

- There is no discussion in section 2.4 (Wetland Complex & Vegetation) of the four rare plants identified by the OMNR's Natural Heritage Information Centre (NHIC) in the general area of the proposed development.

Page 12, Section 2.5
Wildlife

- There is no discussion in this section of the one rare invertebrate identified by the OMNR's Natural Heritage Information Centre (NHIC) in the general area of the proposed development.

- There is no indication in the EIS of when wildlife site visits were conducted. These details are required for us to determine the completeness of the data.

- Typically in an EIS, breeding bird surveys are conducted in early summer. We were unable to determine whether breeding bird surveys were completed at the appropriate time based on the information provided.

- There is no reference in this section to the **Pointe Estates Winter Deer Yard Survey**. We assume that the Deer Yard Survey is an appendix to the EIS and offer the following comments on the survey report.
    - We note that mapping has been provided for deer wintering areas on lands adjacent to and within the Pointe Louise wetland. It is MNR's opinion that these deer yards should be considered to be significant wildlife habitat as identified within Policy 2.1.4 of the Provincial Policy Statement. While the Ministry agrees with the mapping of this feature as contained within the Winter Deer Yard Survey, the EIS does not appear to demonstrate no negative impacts on the natural features or ecological functions of the deer yard, and provides little or no discussion as to potential mitigation of the impacts.

    - This survey occurred over two days in late February and early March 2007. From a winter severity perspective, the winter of 2006-2007 was considered mild. The survey also reports that the average snow depth at the time was 46 cm. During mild winters, deer will not necessarily move from other parts of their general wintering area into core deer yards. The implication is that the number of deer observed during the survey period may not be indicative of the total number of deer that potentially could use the area in question in a more severe winter.

OMNR Comments: June 2007
The Pointe Estates Application to the SSM Region Conservation Authority

- The comments on deer migration corridors in the survey report are reasonable given that suspected core deer winter cover is located to the southwest and northeast of the subject property.

- The survey report indicates that there may be small areas of winter cover on the property predevelopment but there is no discussion of mitigation for this feature. For example, the habitat description of Transect 6 on page 5 identifies "... a thick cedar swamp, which contained mature trees with a higher degree of canopy cover (50% in some locations). Ten deer beds and numerous single deer tracks were observed throughout this area."

- As an aside, the reference to the cedar swamp in the deer survey report leads MNR to ask whether this area was or should have been included in the wetland area evaluated in 2004.

Page 14 - Section 3.2, Table 1

- Surface Water Quality Mitigation Features: Many/most of the proposed mitigation features consist of voluntary compliance measures from landowners, with no enforcement capabilities identified. Sedimentation, for instance, is to be mitigated by considering the use of a buffer strip or allowance for riparian vegetation along the canal edge. Our experience indicates that most people like having a well-manicured lawn to the water's edge. As a result, it's unlikely that these mitigation measures would be effective as presented.

Buffer strip

Page 15, Table 1
Boat Traffic in the Canal & Dredging of the Canal

- More detail is required within the EIS as to how the boat slips will be constructed. For example, if they are being built into the shoreline area or if filling is required, how will sedimentation and potential impacts to fish habitat be managed and/or mitigated?
- Dredging would have to be done in mid-summer to protect spawning fish. The work-in-water window for this project has been determined as July 15 to August 15.

Page 16 – Table 1
Disturbance to Vegetation and Soils

- The mitigation plan during initial construction for vegetation disturbance ("maintain as much vegetation as possible") is vague and requires further detail. Section 4.2 indicates that: "Existing vegetation is to be protected to the maximum extent possible, yet still allow room for construction equipment. An arborist will be retained for guidance in the removal and replacement of vegetation." This seems to contradict the Description of Proposed Works (see section 1.4, p. 5, para 4), which states: "Removal of existing trees and vegetation will be completed to allow for construction of the new roads and for placement of new houses, septic systems and driveways."

Removal of trees

OMNR Comments: June 2007
The Pointe Estates Application to the SSM Region Conservation Authority

Page 17 – Table 1
Surface Water Quantity - Changes to site permeability

- Many/most of the proposed mitigation features consist of voluntary compliance measures from landowners, with no enforcement capabilities identified. Increases in peak flows could promote erosion and sedimentation into the water.

Page 18 – Table 1
Loss of Fish Habitat

- Note that the Fisheries Assessment & Compensation Plan requires Fisheries & Oceans Canada input and approval.

Loss of Vegetation

- Many/most of the proposed mitigation features consist of voluntary compliance measures from landowners, with no enforcement capabilities identified. Sedimentation, for instance, is to be mitigated by considering the use of a buffer strip or allowance for riparian vegetation along the canal edge. Our experience indicates that most people like having a well-manicured lawn to the water's edge. As a result, it's unlikely that these mitigation measures would be effective as presented.

- Effects on ANSIs, ESAs, PSWs, Provincially Rare Species: It doesn't appear that the EIS has addressed these values outside of the wetland area (see section 2.4 and 2.5 comments above).

Loss of Wetlands

- Loss of hydrologic function – the creation of an open canal will provide water storage capacity, but it will not function as a wetland does to filter and slow the release of water into the St. Mary's River. It may influence or cause damage (erosion or sedimentation into the water) during heavy rainfall events and spring run-off events.
- Impact on water quality - Many/most of the proposed mitigation features consist of voluntary compliance measures from landowners, with no enforcement capabilities identified. Sedimentation, for instance, is to be mitigated by considering the use of a buffer strip or allowance for riparian vegetation along the canal edge. Our experience indicates that most people like having a well-manicured lawn to the water's edge. As a result, it is unlikely that these mitigation measures would be effective as presented.

Pages 19 & 20 - Table 1
Loss of Wildlife Habitat

- Direct loss of wildlife habitat due to removal of approx. 75% of all site vegetation: It is unlikely that the proposed measures can mitigate for the loss of wildlife habitat.
- Loss of wetland habitat: As above, it is unlikely that the proposed measures can mitigate for the loss of wetland habitat.

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Pages 21 – Section 4.1
Aeration Program

- The report states that the proposed aeration program cannot guarantee against the stagnation and eutrophication of the canal. Fish and other aquatic species need adequate levels of oxygen to survive. Note that the Fisheries Assessment & Compensation Plan requires Fisheries & Oceans Canada input and approval.

- The report recommends that total phosphorus and dissolved oxygen levels in the canal be monitored annually. There is no discussion about who is responsible for this monitoring and any required modifications to the aeration system. It is important that this be determined prior to approval so that the monitoring and potential mitigation measures are fully understood and can be implemented.

Page 23
Section 4.2 – Erosion and Sediment Control Plan for Dredging Operations

- Pre-construction site activities – To prevent sedimentation, spoil piles should be a minimum of 15 m away from any water course in addition to being surrounded by silt fencing.
- Construction Sequence – The Construction Sequence should state when the rock revetment will be installed. This should occur when the canal is still dry. Clean rock from a dry land source should be used.

Page 26
Section 4.3 - Proposed Mitigation/ Compensation for Lost/Altered Fish Habitat

- Note that the Fisheries Assessment & Compensation Plan requires Fisheries & Oceans Canada input and approval.

Page 27 - Section 4.5

- Mapping should be provided which illustrates the 170 ha watershed area.

Page 27 – Section 4.6

- Changes to Surface water Drainage Patterns - Earlier in the report (bottom of page 6) it states that the elevation of the site is generally 187 m; here it says it ranges between 183.5m and 185.5m. Why is there a discrepancy? Which is correct?

Page 29 – Section 4.6

- Relationship with Adjacent Wetlands - We note in this section that the western wetland area is some 600 m distance from the evaluated Pointe Louise Wetland which is within the 750m rule of thumb for complexing within a watershed. In light of this new information, as well as information regarding drainage within the Pointe Louise wetland, the MNR recommends a meeting between the proponent, the Conservation Authority, and the OMNR to discuss the December 2006 Wetland Evaluation Report and any changes that may be required.

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Page 31, 32, 33 - Section 5.2

- Long-term impacts – The EIS discusses the fact that dredging will be required in the Alagash Canal and the new canal but there is no discussion about any dredging that may be required in the St. Mary's River to get water levels deep enough to support the types of water craft expected.
- Many/most of the proposed mitigation features consist of voluntary compliance measures from landowners, with no enforcement capabilities identified. As a result, it is unlikely that these mitigation measures would be effective as presented.
- Long term residual impacts – The seven residual impacts on the natural environment are clearly stated on page 33 and are not insignificant. MNR's comments and questions related to these impacts are summarized above.

6.(6)(d)

Malcolm White

From: Peter Gagnon <simplysuperiorservices@gmail.com>
Sent: July 15, 2013 11:44 AM
To: Don McConnell
Cc: Malcolm White
Subject: Additional information for Meeting tonight
Attachments: CA Staff Report April06.10.pdf; encl 1-conservation authority 03.10.doc; encl 2 - phosphorus overview 03.10.doc; encl 3 Dead end canals 03.10.doc; encl 4 Flushing the Flushing theories 03.10.doc; Exhibit 9 Summary of Concerns to CA 2007.pdf; SSMRCA_Hydrogeological Requirement_Point Estate.docx; Pointe Estates - Staff Review_Aquifer and Well Yield Analysis_Pointe Estate_November 27 2012 (2).pdf

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Don, Here's some additional information that we feel needs to be included in the information package for tonight's council meeting regarding the Pointes Estates development. I tried to send it as one package but your system returned it so I'll send as two.

Peter

--

Peter Gagnon R.P.F.
President, Pointes Protection Association
189 Pointe Louise Drive
Sault Ste. Marie ON P6A5K6
705-779-3796 cell 705-542-4586

"Always tell the truth and then you never have to remember what you said" - Mark Twain 1895

Enclosure 1: Re: Pointes Estates Development Proposal

DEVELOPMENT IN OR ADJACENT TO A WETLAND

We respectfully request that the subdivision plan be refused because of the resulting destruction of the locally significant coastal wetland thereby contravening the City Official Plan, the Provincial Policy Statement and the Conservation Act. The proposed development would virtually require the complete removal of the existing wetland, which occupies over 40 hectares of the proposed 100-hectare site. This area is classified as an Environmentally Sensitive Area in the Great Lakes Sensitivity Atlas. This wetland is part of a larger complex of wetlands flowing through culverts at Des Chenes Crescent and Airport Road. Elevations of ground water and culverts as far up as the western end of Des Chenes Crescent show drainage to the Pointe Louise Wetland. The Pointe Louise wetland is one of only two large coastal wetlands on the St. Mary's river within the City of Sault Ste. Marie. According to the Provincial Policy Statement Coastal wetland: means

1. any wetland that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers)

In support of this position I ask you to adhere to the following direction:

From City Official Plan, the following:

4.2 L.2 Along the lake new development consisting of new subdivisions shall not be permitted within the regulatory shorelands

4.5 W.3 Permitted uses in wetland areas that are not provincially significant include passive or low intensity recreational uses, fish and wildlife management and forestry provided that such land uses maintain and enhance the natural functions and area of the wetland.

W.5 Development shall only be permitted in wetlands that are not "Provincially Significant" where there is:

1. no loss of wetland functions

W.6 The loss of any wetland areas through development shall be made up by the creation and/or dedication of other wetland areas.

This development does not conform to the Provincial Policy Statement (2005) because it destroys the wetland, which is a natural ecosystem supporting a variety of habitat, and destroys its linkage to and function within the groundwater supply aquifer. The removal of the wetland threatens the groundwater supply to the shallow wells and the installation of a dead end canal introduces a pollution source (see phosphorus letter).

Sault Ste. Marie Regional Conservation Area O. Reg 176/06

2. *(1) Subject to section 3, no person shall undertake development, or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are,*

2. *(d) wetlands: or*

(Everyone agrees this wetland is a wetland of at least local and regional significance)

(e) *areas where development could interfere with the hydrologic function of a wetland, including areas within 120 meters of all provincially significant wetlands and wetlands greater than 2 hectares in size.*

The Pointe Louise Wetland exceeds 40 hectares and as the Environmental Impact Study (EIS) concludes: *Despite mitigation efforts, long-term impacts are direct loss of physical wetland and loss of hydrologic function of the wetland.*

The assessment of impacts on neighbouring and connected wetland systems including water level maintenance and control have not been done as required by CA letter of Nov. 29/06.

Pollution:
Water quality will be degraded by the addition of phosphorus which in combination with the background phosphorus entering the site will result in phosphorus levels 8 to 13 times the Provincial Water Quality Guidelines (see phosphorus and water exchange reports).
From the EIS: *Despite mitigation efforts, long-term impacts are:*

- *Phosphorus loading from septic beds may impact water quality in the canal*
- *Construction of the canal may result in stagnant water and impairment of surface water quality.*
- *Nutrient loading (fertilizers), boat traffic, pesticides from lawn care, household chemicals and salt from roadways may impact, reduce or impair the water quality in the canal.*

Conservation of land:
By ruling, an ecosystem is included in the definition of conservation of land. All will agree that a wetland is an ecosystem. As the EIS points out: *the wetland and its hydrologic function will be destroyed.* Furthermore the animal habitat which falls under this definition will be destroyed. *"It is MNR's opinion that these deer yards should be considered to be significant wildlife habitat as identified within policy 2.1.4 of the Provincial Policy Statement."* (see MNR comments to City dated May 14, 2007 and June 6, 2007). The conservation of land is definitely affected detrimentally.

In the decision of the Mining and Lands Commissioner in 611428 Ontario limited v. Metropolitan Toronto and Region Conservation Authority (unreported) File CA 007-92. At page 63 of that decision, the Commissioner stated: *The tribunal finds that "conservation of land", in the context of clause 28(1)(f), includes all aspects of the physical environment, be it terrestrial, aquatic, biological, botanic or air and the relationship between them. Therefore, notwithstanding the fact that the term was not used, "ecosystem", not having yet been coined, "ecosystem" is found to be included in the definition of "land" as used in "conservation of land".*

From the EIS: *Despite mitigation efforts, long-term impacts are:*

- *Loss of wetland habitat (provides food, water and shelter for fish, birds and mammals and serves as breeding grounds and nursery for many species.*
- *Direct loss of vegetation and wildlife habitat due to removal of site vegetation*
- *Direct loss of physical wetland*
- *Construction of the canal may result in stagnant water*

- *Impact on water quality (wetlands function to trap sediment, control pollution, and treat water).*

The Policy of the Sault Ste Marie Conservation Authority dictates that development in or near wetlands will not be permitted where:

1. *the hydrologic function of the wetland will be adversely affected*
2. *Unmitigable adverse impacts to water quality and water quantity will be created.*
4 *the wetlands are located within groundwater recharge zones of private and municipal groundwater wells.*

The developer's own Environmental Impact Statement by Great Lakes Environmental Services on development in the wetland concludes:

Despite mitigation efforts, long-term impacts are:

- *Phosphorus loading from septic beds may impact water quality in the canal*
- *Construction of the canal may result in stagnant water*
- *Direct loss of vegetation and wildlife habitat due to removal of site vegetation*
- *Direct loss of physical wetland*
- *Loss of hydrologic function of wetland*
- *Impact on water quality (wetlands function to trap sediment, control pollution, and treat water).*
- *Loss of wetland habitat (provides food, water and shelter for fish, birds and mammals and serves as breeding grounds and nursery for many species.*

4 *the wetlands are located within groundwater recharge zones of private and municipal groundwater wells.*

From the developer's preliminary hydrogeological impact assessment: (note: it does not appear that there were any site investigations or visits but this was based solely on well records and 1968 rainfall data) "*Wells constructed in the shallow unconfined aquifer have been classified as having a high susceptibility to contamination. Wells constructed in the shallow unconfined aquifer are not recommended due to concerns for long term water quality.*" There are many existing wells in the shallow unconfined aquifer of neighbouring properties that households utilize for potable water.

The developer suggests he will create or retain 20.65 hectares of wetland. An 8-foot deep canal with a width of approximately 130 ft and lined with blasted rock is not and will never be or function as a wetland. This leaves 6.53 hectares. A green area surrounded by roads and hydrologically separated from its water source by a

130 foot wide and 8-foot deep canal, whose water level will be 5 to 6 feet lower than the land does not make a wetland. A 2.18-hectare island wetland may be possible in stable water level conditions. However, as the water level has fluctuated over 4 feet at the Pointes since the mid 1980's, this area will either be dry, as it has no linkage to stable surface water, or too flooded to develop the necessary hydric soils and vegetation required to support a viable wetland. This leaves .49 hectares. This .49 hectares is the shoreline adjacent to the island that will be lined with rock and have a fluctuating water level. We believe the Environmental Impact Study came to the proper conclusion: there will be a "*long term effect over the loss of most if not all of the existing wetland*".

The clear intent of the Provincial Policy Statement and the Conservation Authorities Act continues to be violated at the Provincially Significant Shore Ridges Wetland by allowing development in the wetland and within the 120 meter buffer as well as filling in floodplain areas and allowing drainage of the wetland at the westerly end. Drainage culverts across the roadway will also interfere with and alter the wetland over time. This along with the destruction (if this project were to proceed) of one of only two large coastal wetlands on the upper St. Mary's River would make a mockery of the Provincial Policy Statement and the Conservation Authorities Act. *"Nowhere in the Conservation Authorities Act are conservation authorities given authority to balance competing interests in reaching their determinations. Conservation authorities do not consider, nor do they have the power to consider the relative merits of competing interests. Their mandate is to determine the impact of a proposal on the very limited capacity of land within their jurisdiction and based upon the degree of severity to allow or refuse permission" (OMB ruling).* Furthermore approval of this project to destroy this wetland would set a precedent for the destruction of all wetlands within the City.

As stated in the Objectives of the Sault Ste. Marie Conservation Authority: *"The objects of an authority as stated in the Conservation Authorities Act are: to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals. R.S.O. 1990, c. C.27, s. 20." This was further clarified by the OMB: "It is clear to the tribunal that an authority's responsibility, and on appeal its own responsibility, is to deal with natural resources, not the construction of municipal infrastructure and urban development, other than to protect its interest regarding the influence of such development on the natural environment and its resources*". It is clear the proposal does have negative impact on the natural features in the area, namely the wetlands and significant wildlife habitat, as well as the future pollution and contamination of

the immediate and surrounding surface waters and potentially the upper acquifer.

Provincial Policy Statement:

3.1.2 Development and site alteration shall not be permitted within:

- *Defined portions of the one hundred year flood level along connecting channels (the St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers).*

Parts of the Pointes Estates development are within the defined portion of the one hundred year flood level of the St. Mary's River.

SUMMARY:

The proposed project would completely destroy the existing wetland along with its hydrologic functions, destroy significant wildlife habitat, introduce pollutants into the ground and surface water, and, through the construction of a dead end canal without adequate water exchange, cause the surface water to become degraded and hyper eutrophic. We trust the Sault Ste Marie Conservation Authority will acknowledge its responsibilities, look at the science and environment to which it is entrusted and do the correct thing for the sake of all citizens.

Enclosure 2: Re: Pointes Estates Development Proposal

PHOSPHORUS AND EUTROPHICATION IN DEAD END CANALS

There has been much scientific literature written on the deleterious effects of dead end canals. The most serious of these is eutrophication of the water in the canal and receiving water bodies leading to excessive plant growth, low dissolved oxygen levels and algal blooms.

The Environmental Protection Agency concludes, "*Surface waters that are maintained at **.01 to .03 mg/l** of total phosphorus tend to remain uncontaminated by algal blooms.*" **(USEPA, 1986)**. The Ontario Ministry of Environment states "*Excessive plant growth due to elevated phosphorus levels can occur in surface waters at concentrations above **0.03 mg/L***" **(MOE, 1984).**

From the Provincial Water Quality Objectives:

Any activity that has the potential for affecting water quality or quantity requires close scrutiny. For example the development of land and the resulting non-point sources of pollution have proven to have significant impact on water resources, and thus deserve careful attention.

3.2.1 Areas with Water Quality Better than the Objectives

Policy 1

"In areas which have water quality better than the Provincial Water Quality Objectives, water quality shall be maintained at or above the Objectives."

Although some lowering of water quality is permissible in these areas, degradation below the Provincial Water Quality Objectives will not be allowed, ensuring continuing protection of aquatic communities and recreational uses.

3.2.2 Areas with Water Quality Not Meeting the Objectives

Policy 2

"Water quality which presently does not meet the Provincial Water Quality Objectives shall not be degraded further and all practical measures shall be taken to upgrade the water quality to the Objectives."

Provincial Water Quality Objective for total Phosphorus

Phosphorus, total CAS No. 7723-14-0	**Interim PWQO[1]:** **Current scientific evidence is insufficient to develop a firm Objective at this time. Accordingly, the following phosphorus concentrations should be considered as general guidelines which should be supplemented by site-specific studies:** **To avoid nuisance concentrations of algae in lakes, average total phosphorus concentrations for the ice-free period should not exceed 20µg/L;** **A high level of protection against aesthetic deterioration will be provided by a total phosphorus concentration for the ice-free period of 10µg/L or less. This should apply to all lakes naturally below this value;** **Excessive plant growth in rivers and streams should be eliminated at a total phosphorus concentration below 30µg/L.**

- Note: **10ug/L = .01mg/L, 30ug/L = .03mg/L**

The bar has been set: Phosphorus levels should be maintained at **.02mg/L** and not above **.03mg/L**.

The existing .85 km dredged canal at Pointe Louise (locally known as "the Alagash") is in a eutrophic state. The proposal to install another such canal approximately 2.3 km in length leads to many concerns about the resulting water quality. Due to these concerns, the Pointes Protection Association took water samples at various locations in the area and had them analysed for total phosphorus. The test results from Testmark Laboratories Ltd are attached. The results were:

*near culvert crossing at Airport Road ---------- **0.11 mg/L**

*near culvert crossing at Des Chenes Cres.--------**.0971 mg/L**

*half way point of existing Alagash ----------**.0841 mg/L**

The samples average **4 times the .02 mg/L allowed under the Provincial Water Quality Guidelines.** Environment Canada classifies .035 to .1 mg/L as eutrophic and above .1 as hyper-eutrophic. The readings taken from the ground water entering the proposed site indicates near hyper-eutrophic inputs on an ongoing basis. This is only the background phosphorus emanating from the airport and other wetlands in the complex.

The Environmental Impact Study (EIS) commissioned by the proponent concludes *"the annual phosphorus load* (from septics) *would be in the order* ***of .08 to .16 mg/L.***" Adding the background phosphorus to the EIS study results in a phosphorus load on the surface waters of **.18 to .26mg/L or 9 to 13 times the Provincial Water Quality Guidelines**. According to the EIS, *"Additional loadings due to lawn fertilizers and pet droppings have not been included*". Over time, the combination of these inputs could double the phosphorus loading in the existing eutrophic canal and lead to a eutrophic status in the new canal. These loadings would also have negative effects on the Bay and the St. Mary's River.

St. Mary's River Area of Concern

> Governments of Canada and the United States. Revised 1987. Great Lakes Water Quality Agreement of 1978. Office Consolidation International Joint Commission United States and Canada. "*Adverse effects that further contribute to the impairment of Areas of Concern such as contaminated sediments, eutrophication (excess nutrients), degraded fish and wildlife populations, and loss of fish and wildlife habitat, should be considered significant.*"

Summary

- **Excessive phosphorus loading leads to eutrophication, low dissolved oxygen, and algal blooms.**

- Background Phosphorus of groundwater entering the proposed site (average .0971 mg/L) is 4 times Provincial Water Quality Objectives (PWQO) of .02 mg/L
- Background Phosphorus is over 3 times MOEE and EPA guidelines
- PWQO states water quality shall not be degraded if phosphorus above .02mg/L
- Environmental Impact Study (EIS)of the proponent: septics will add (.08 to .16mg/L) 4 to 8 times the phosphorus of PWQO over and above background levels.
- Total phosphorus loading on canal of .18 to .26 mg/L is 9 to 13 times Provincial Water Quality Objectives
- EIS also states: Nutrient loading (fertilizers) from lawn care may impact water quality in the canal (not included above).
- EIS: Pesticides/herbicides from lawn care may impact water quality
- Existing water body (Alagash) is eutrophic
- Above loadings of phosphorus on a continuing basis indicates the probability of the planned water bodies becoming hyper-eutrophic over time.

Enclosure 3: Re: Pointe Estates Development Proposal

BACKGROUND ON DEAD END CANALS

The proponent proposes to install a 2.3-kilometer long dead end canal with a restricted outlet into the Bay along with a 60-ton boat launching facility. This is in addition to the failed .85-kilometer existing degraded dead end canal. The depth of the water in the canal would be deeper than the receiving waters between the Bay and the St. Mary's River thus inhibiting water exchange. The protection of the outlet, provided by the properties surrounding the bay, would further inhibit any exchange of waters in the canal as a result of water currents and winds. The orientation of the canal, along with the right-angled turns would result in the predominant west wind having little or no impact on the flushing of the canal. The removal of the wetlands would result in the removal of the filter, which presently cleans the water of natural organic and man-made pollutants before entering the bay. The bay, having areas deeper than its outlet into the river, would be the recipient of any pollutants, with minimal abilities to discharge them.

"There is a strong correlation between dead end canals and poor water quality, resulting in high or low concentrations of nutrients, hydrocarbons and fecal coliforms, and a community of organisms which is lower in diversity than natural systems. Dead end canals do not exist in natural estuarine systems." (**South Carolina law court**)

"The major environmental impact of early canal design was loss of wetlands. The dead-end configurations inhibited mixing and exchange of canal waters with the parent water body. As a consequence, storm-water pollutants and domestic wastes accumulated in the canals, resulting in nuisance plant growth and depressed dissolved oxygen. Because of the resulting environmental degradation, most regulatory agencies prohibit the construction of new residential canals until it can be shown that such systems are compatible with the site and that the environment will not be degraded." (from **U.S. Army Corps of Engineers Manual**)

The following is from the **"Delaware/Maryland Dead-end Canal Conference"** convened to attempt to deal with the problems associated with this type of construction. *"Dead-end canals are problematic for several reasons. They usually have only one opening. Most were dug through wetlands with the material being cast aside to create development lands for home sites. The canals were dug deeper than their receiving waters. This created lower bottom elevation and poor flushing, which causes the canal water to stagnate and become depleted of dissolved*

oxygen, which is essential for organisms to survive. The amount of waterfront has been increased dramatically by this development, thus increasing non-point source pollution from all residences. Animal waste and homeowner fertilizers are major sources of non-point pollution. Wetlands serve as filters to cleanse runoff pollution and improve water quality. The loss of wetlands to development has meant a decreased ability to filter out nutrients and pollution before they reach the bays. Canals require constant maintenance to remove the silt deposits that form at their mouths. These canals have been experiencing many challenges to their ecosystems such as poor circulation and flushing, excessive nutrients, low dissolved oxygen levels, hydrogen sulfide, fish kills, odiferous and unsightly algae, navigational problems due to turbid waters, declining benthic communities, stagnant, polluted waters, harmful algae blooms and more."

Many of the dead end canals were built in coastal waters in the 1950's and 60's. Over time the resulting problems with this type of construction became apparent and design parameters were developed in an attempt to mitigate these problems. The following recommendations are from the Florida Department of Environmental Protection and are much the same as those recommended by the U.S Army Corps of Engineers as well as others.

Florida Department of Environmental Protection and U.S. Army Corps Today's New School of "Rational Canal Design"

Many of the environmental and water quality problems posed by canals are the result of hasty construction and poor design. In response to growing concerns over the ecological impacts of canals, researchers have developed a variety of recommendations, primarily in regards to canal design and structure, for the modification of existing canal systems and the construction of new ones.

Canal designers now recommend: (Pointe Estates plan comparison)

- ***Limit canal construction that connects to shallow lakes with restricted connections to tidal waters*** (the developer's plan fails to meet these standards - as the receiving waters of the river will be shallower than the canal and connection is restricted)
- ***Include a flow through water exchange system.*** (The developer's plan fails to meet these standards -- the canal has only one opening and two dead ends with no flow thru)
- ***Cease construction of dead end canals.*** (fails - two dead ends)
- ***Canal developments should be restricted to non-wetland areas*** (fails)

- ***Canal depth should be uniform or progressively shallower away from the parent waterbody.*** (fails - Although canal depth is uniform, the depth of the receiving waters is shallower)
- ***Septic systems should not be permitted within a canal development.*** (fails - there will be approx. 113 septic systems on the canals)
- ***Stormwater and effluent should be directed away from canal systems.*** (fails - all stormwater presently runs into existing stagnant canal and wetlands)
- ***Nutrients and other contaminants should be reduced (i.e. vegetative buffer zones).*** (fails - all vegetation will be removed and replaced with hardened shorelines)
- ***Canals should not interface with aquifers.*** (fails - interfaces with shallow aquifer – many residents have wells in the shallow aquifer)
- ***Canals should be as wide as possible (in relation to depth and length of canal) and oriented to prevailing winds.*** (fails - although the width of the canals are excellent in relation to depth, the length inhibits flushing and the prevailing west wind will blow the water into dead ends or right angles. The design does not allow for the wind to aid in flushing)
- ***Requirements for navigable depths to shoreline should be eliminated.*** (fails -- as each lot will have a boat slip further restricting water movement along the canal)
- ***Bulkheading should be reduced and sloping banks and native vegetation restored or planted.*** *(fails - although banks are sloping, rip-rap (stone) banks are planned with no vegetation)*
- ***Sand and substrates should be diversified.***
- ***Eliminate linear and right angle designs.*** (fails - even worse most right angles are at or near the outlet.)
- ***Flared inlets should be added to dead end canals that are oriented perpendicular to prevailing winds.*** (fails - as opposed to being flared, the outlet is constricted)
- ***Promote habitat diversity.*** (severe failure)
- ***Other ideas include: installation of mechanical pumps.*** (aeration is suggested and has been shown to be ineffective)

The proposed Pointe Estates project is consistent in that it fails to meet most (if not all) of the above recommendations. Further, in regard to water quality, it should be noted that there is a big difference between freshwater waterways (that is, lakes) and fully tidal saltwater waterways. Freshwater systems are more susceptible to nutrient enrichment and are usually not "flushed" as easily as canals which benefit from strong tidal flows through the waterway system.

Enclosure 4: Re: Pointes Estates Development Proposal

CANAL FLUSHING

Under Guideline B6 of the MOEE, the Pointes Estate project would be classified as a harbour created by *"excavating basins behind the original shoreline (e.g. Fifty Point, Lagoon City)"*. It further states that the *"Provision of adequate circulation will dominate water quality considerations in a new harbour or marina basin. The American Society of Civil Engineers recommends a preferred flushing rate of 2 times daily volume. In the Great Lakes non-tidal situation, this will often be difficult to achieve. The U. S. Corps of Engineers suggests that for single entrance harbours, an average daily exchange of water equivalent to one third of the harbour volume will be sufficient to prevent stagnation"*

The proponents have indicated three possible measures of flushing the dead end canals: wave action from ships and possible installation of a small pump** and seiches. (**details of the pump's location – there are two canals - operational design and operating responsibility were not provided.)

Wave action

The proponents presented a simulation of a wave from a ship moving up the canal and suggested this would result in water being mixed in the canal. The key point to keep in mind about the water wave is that it is not made up of water: The wave is made up of energy travelling through the water. The wave never transfers mass through the space, but only energy. The water molecules move in a circular motion and end up where they started while passing their energy to the next particle in line. "Theory holds that the particles of a perfect liquid hold the same relative position to each other after change as they did before." (Slichter: The mixing effect of water waves). In more simple terms, if the water moved, then all the water in Lake Superior would end up in Whitefish Bay after a period of sustained wave action from strong west winds. The seagull would be carried to shore if the water was moving, instead of bobbing up and down. Enough of the grade eleven physics; suffice it to say there is no "new" water entering the canals with the wave action, from ships, only energy. The energy is released when the

wave encounters bottom friction (causing sediment transport) or an obstacle like the shoreline (causing erosion). The wave does not transport water. The simulated wave can travel all the way to the end of the proposed dead end canals but would bring about no exchange of water. We see no value or science in the proposed ships' waves method of flushing the canal and would like to see further details on this professed water exchange modus .

Pumping

At the Conservation Authority meeting the proponents indicated they would have a pumping system available as a backup should the canal become polluted. We believe, barring any other solution, this would become the primary means of water exchange as the wave theory doesn't hold water. The canals will hold over 60 million gallons (Imperial) of water at datum level. Using the less rigorous Corps of Engineers requirement of average daily exchange of water equivalent to one third of the water, it would require the pumping of over 20 million gallons per day on a continuous basis to achieve the required rate of water exchange. We understand the proponents suggested a pump size of 1500 gal/minute. This pump would be capable of only 2.16 million gallons per day running full time. This is approximately one tenth of the minimum recommended requirement. Furthermore, there are two canals that will require pumping and unless the pumped water is drawn from the further out in the river, the net result would simply be a recirculation of the already degraded water, in only one of the canals. We would, if all other concerns can be addressed, at a minimum want to see a proposal that meets the water exchange guidelines that has some basis in science.

Seiches

Small seiches on Lake Superior are common but large ones are quite rare. The last large seiche occurred in 1995 and resulted in a variation of approx. 1 meter. A seiche of this magnitude does result in a large exchange of water and much of the existing Alagash was drained by the 1995 seiche and replaced with what could be assumed as cleaner water. The net result of this relatively recent

large seiche and intervening small ones is that we have an existing canal that is close to being hyper-eutrophic without the addition of more nutrients from the proposed development. Also no one remembers the canal water as being clear right after this event. This reinforces how quickly the water on the site deteriorates and what one can reasonably predict will be the condition of the proposed new canal in a short period of time. We would like to have access to the proponents data to have a professional review undertaken to investigate their claims.

The Pointes Protection Association

Exhibit "G"

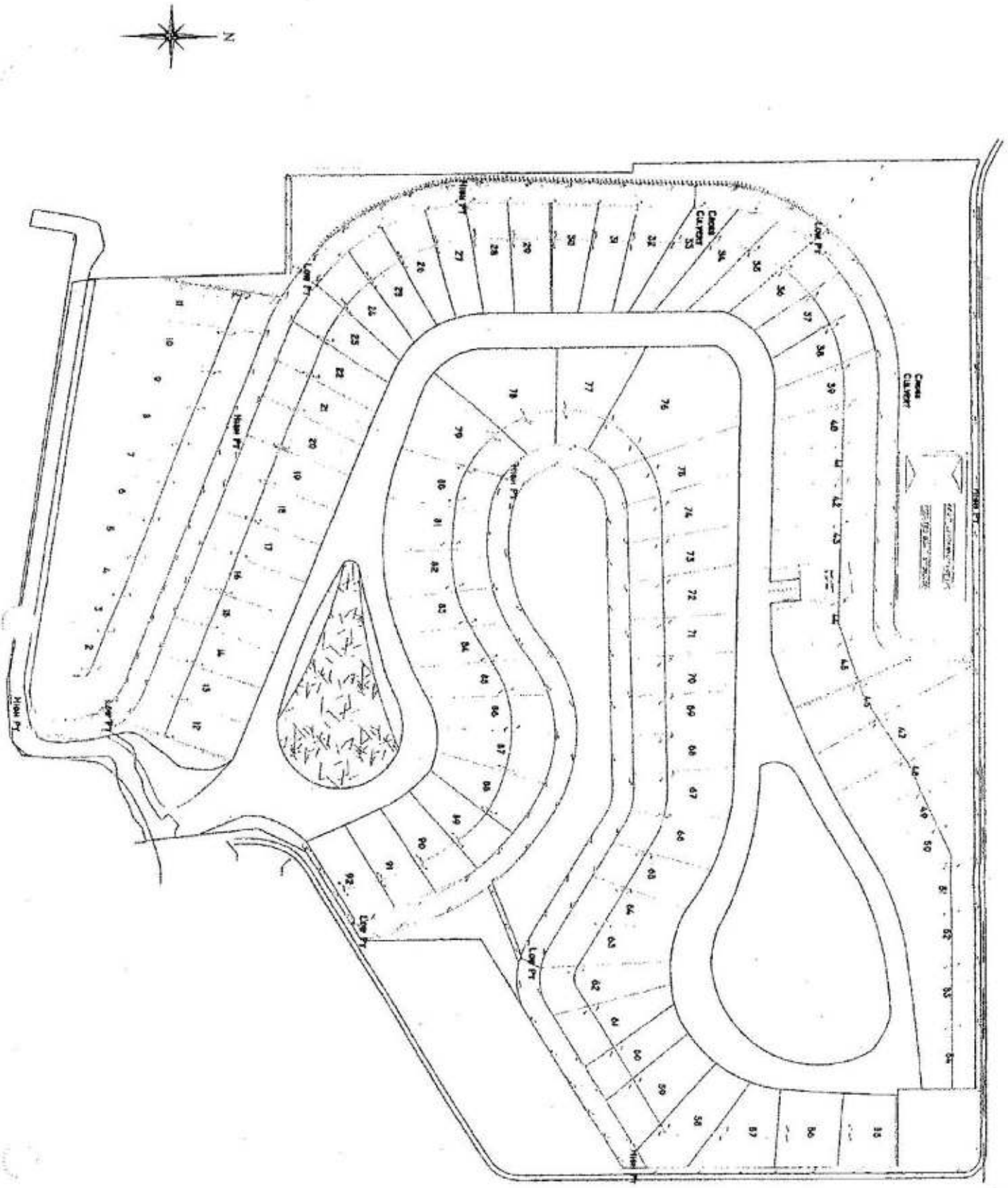
Please read the attached paper in its entirety. It covers the concerns and objections that many of us, as residents of the area, have with the proposed Pointe Estates development.

This paper will be updated as more information becomes available (May1)

Enclosed:

- Map of wetland and development area
- Drawing of proposed development
- Submission of objections and concerns
- Addendum #1

6.06Kd1



'ointe Estates – the following represents a summary of information gathered on a number of concerns raised with the existing proposal. (revised May. 1 /07). The developer has had a copy of these concerns for awhile and none have been addressed to date. The developer has not held an information session on the Environmental Impact Statement as required by the Conservation Authority in their letter dated Nov. 29. This public session would allow the proper venue for residents and interested parties to ask questions and make some of their concerns known. We urge this be done.

Contents

Ecological and Human Impacts:

1. *Designated Wetland and Natural Heritage*
2. *Dead End Canal*
3. *Hydrology*
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10. *Summary*

1. Locally Significant Wetland and Natural Heritage

The proposed development would virtually require the complete removal of the existing wetland, which occupies approx. 100 acres of the proposed 256-acre site (It should be noted that many feel this wetland occupies a larger area than indicated). This wetland and its watershed then extend into neighboring properties and the Federal Airport. The Pointe Louise wetland is one of only three large coastal wetlands on the St. Mary's river within the City and is hydrogeologically linked to the Provincially Significant Shore Ridges Wetland. As the Environmental Impact Study states: The Pointe Louise wetland "*cannot be considered as an isolated wetland*".

These special areas serve as filters for water, removing pollutants and reducing sediment which otherwise flow into the river. The quality of our water is much better when wetlands are left in place to do their work. Wetlands exist as part of a watershed. Watersheds are landscape-level systems through which water flows and drains. Wetlands play the role of nature's water filter. They have the amazing ability to remove harmful impurities from the water we drink and use every day - long before it reaches the pipes that carry it to our homes. As wetlands store excess water, they release it back into the environment. Water held in a wetland seeps slowly back into the ground and is purified and filtered. This supplies us with clean water. Floodplain lands and adjacent waters, including wetlands, combine to form a complex, dynamic physical and biological system that support a multitude of water resources.

This wetland is important for fish and wildlife populations; providing habitat for fish species, invertebrates, birds such as the blue heron, piliated woodpecker and many species of ducks, as well as mammals such as deer, otter and beaver. The wetland at the Pointe is a designated wetland that has been identified by the Conservation Authority as regionally significant. As far as being provincially significant or not, the blue heron and others that frequent this wetland don't seem to notice. The beavers have been residents since before anyone can remember and most every child growing up in the area caught their first fish in the river between the wetland and the bay. This wetland and its surrounding ecosystem are part of the natural heritage of the Pointes. It existed long before people settled the area and well before the last canal through the edge of the wetland was attempted and failed.

According to the "Official Plan" of the City:

-If "Provincially Significant Wetlands" are identified; no development shall be permitted within the wetland.

-Development shall only be permitted in wetlands that are not "Provincially Significant" where there is:

1. *no loss of wetland functions*
2. *no encouragement for future dev't that will impair wetland function*

The loss of any wetland areas through development shall be made up by the creation and/or dedication of other wetland areas.

The City is planning on constructing a demonstration wetland next to City Hall at a cost of $260,000 so we have no doubt they will not allow a 100 acre plus natural coastal wetland that serves the ecology and residents of this area, as well as the City as a whole, to be destroyed.

The policy of the Conservation Authority dictates that development in or near wetlands will not be permitted where:

1. *the hydrologic function of the wetland will be adversely affected*
2. *Unmitigable adverse impacts to water quality and water quantity will be created.*
3. *flooding problems will be initiated or aggravated by the development*
4. *the wetlands are located within groundwater recharge zones of private and municipal groundwater wells.*
5. *a potential source of pollution which will impair the water quality in the wetland and water quality may be introduced. (i.e. pesticides, fertilizers, oils and fuels, sewage, solid or hazardous wastes)*

The developers own Environmental Impact Statement by Great Lakes Environmental Services on development in the wetland concludes:

Despite mitigation efforts, long-term impacts are:

- *Phosphorus loading from septic beds may impact water quality in the canal*
- *Construction of the canal may result in stagnant water*
- *Direct loss of vegetation and wildlife habitat due to removal of site vegetation*
- *Direct loss of physical wetland*
- *Loss of hydrologic function of wetland*
- *Impact on water quality (wetlands function to trap sediment, control pollution, and treat water).*
- *Loss of wetland habitat (provides food, water and shelter for fish, birds and mammals and serves as breeding grounds and nursery for many species.*

Prior to the construction of the Sault Airport there was one very large wetland stretching from Gros Cap to Pointe Louise. The existing airport land was created by cutting down the sand ridge and filling in that portion of the wetland, thereby separating the Shore Ridges Wetland from the Pointe Louise Wetland physically, but not hydrogeologically. Test holes on airport property opposite Point Des Chenes Park indicated over five feet of organics and fill. The airport itself sits on part of the excavated sand ridge. Drainage ditches surround the existing runways disposing of much of the water into the St. Mary's River via a ditch through the Park. Nevertheless, the wetland water resurfaces at the southeast of the airport property in sufficient quantity to keep Beaver Creek running year round and to maintain a healthy and necessary wetland at Pointe Louise.

Under section 28 of the Conservation Authorities Act, conservation authorities may make regulations that:

* *Restrict surface water use;*
* *Regulate watercourse alterations; and*
* *Control development near or within floodplains, wetlands, and river and stream valleys.*

Attention is drawn to the underlying premise of the Conservation Authorities Act. It recognizes that there is an inherent inability in certain lands to withstand encroachment and development. The question in an application or appeal, and based upon the facts of the case, is whether the land in question has any of those characteristics, and to what extent, so as to determine whether the requested permission may be allowed, allowed with conditions or refused. At the most extreme end of the considered risks, certain lands are simply too flood prone, with the attendant potential risk to loss of life and property. For others, the impact on certain types of necessary natural ecosystem resources and their functions is too extreme. In such cases, there are no mitigating measures available to permit the requested activity.

Sault Ste. Marie Regional Conservation Area O. Reg 176/06
Development is prohibited in
2.(d) wetlands: or
(e) areas where development could interfere with the hydrologic function of a wetland, including areas within 120 metres of all provincially significant wetlands and wetlands greater than 2 hectares in size. (The Pointe Louise Wetland exceeds 40 hectares)
Permission may be granted if: *pollution or the conservation of land will not be affected.*

In the decision of the Mining and Lands Commissioner in 611428 Ontario Limited v. Metropolitan Toronto and Region Conservation Authority (unreported) File CA 007-92. At page 63 of that decision, the Commissioner stated: *The tribunal finds that "conservation of land", in the context of clause 28(1)(f), includes all aspects of the physical environment, be it terrestrial, aquatic, biological, botanic or air and the relationship between them. Therefore, notwithstanding the fact that the term was not used, "ecosystem", not having yet been coined, "ecosystem" is found to be included in the definition of "land" as used in "conservation of land".*

There is no doubt that this wetland, along with all it interacts with, is an ecosystem.

The developer suggests he will create or retain 20.65 hectares of wetland. An 8-foot deep canal with a width of approximately 130 ft and lined with blasted rock is not and will never be a wetland. This leaves 6.53 hectares. A green area surrounded by roads and hydrogeologically separated from its water source by a 130 foot wide and 8 foot deep canal, whose water level will be 5 to 6 feet lower than the land does not make a wetland. If it was that simple, why is the City spending $260,000 to create a much smaller wetland by City Hall? This leaves 2.67 hectares. A 2.18-hectare island wetland may be possible in stable water level conditions. However, as the water level has fluctuated over 4 feet at the Pointes since the mid 1980's, this area will either be dry as it has no linkage to stable surface water or too flooded to develop the necessary hydric soils and vegetation required to support a viable wetland. This leaves .49 hectares. This .49 hectares is the shoreline adjacent to the island that will be lined rock and have a fluctuating water level. We believe the Draft Environmental Impact Study came to the proper conclusion: there will be a *"long term effect over the loss of most if not all of the existing wetland".*

2. Dead End Canals

The proponent proposes to install a 2.3-kilometer long dead end canal with a restricted outlet into the Bay along with a 60-ton boat launching facility. This is in addition to the failed .85 kilometer existing degraded canal. The depth of the water in the canal would be deeper than the receiving waters between the Bay and the St. Mary's River thus inhibiting water exchange. The protection of the outlet, provided by the properties surrounding the bay, would further inhibit any exchange of waters in the canal as a result of water currents and winds. The orientation of the canal, along with the right-angled turns would result in the predominant west wind having little or no impact on the flushing of the canal. The removal of the wetlands would result in the removal of the filter, which presently cleans the water of natural organic and man made pollutants before entering the bay. The bay, having areas deeper than its outlet into the river, would be the recipient of any pollutants, with minimal abilities to discharge them.

Artificial harbours may be created by excavating basins behind the original shoreline (e.g. Lagoon City). Provision of adequate circulation will dominate water quality considerations in a new harbour or marina basin. The American Society of Civil Engineers recommends a preferred flushing rate of 2 times daily. In the Great Lakes non-tidal situation, this will often be difficult to achieve. The U.S Corps of Engineers suggests that for single entrance harbours, an average daily exchange of water equivalent to one third of the harbour volume will be sufficient to prevent stagnation. (Ministry of the Environment Guideline B-6) Where is the 20 million gallons a day going to come from at the north end of the canal to satisfy these requirements. This canal will take years to fully exchange its water, not days.

"There is a strong correlation between dead end canals and poor water quality, resulting in high or low concentrations of nutrients, hydrocarbons and fecal coliforms, and a community of organisms which is lower in diversity than natural systems. Dead end canals do not exist in natural estuarine systems." **(South Carolina law court)**

"The major environmental impact of early canal design was loss of wetlands. The dead-end configurations inhibited mixing and exchange of canal waters with the parent water body. As a consequence, storm-water pollutants and domestic wastes accumulated in the canals, resulting in nuisance plant growth and depressed dissolved oxygen. Because of the resulting environmental degradation, most regulatory agencies prohibit the construction of new residential canals until it can be shown that such systems are compatible with the site and that the environment will not be degraded." (from **U.S. Army Corps of Engineers Manual**)

The following is from the **"Delaware/Maryland Dead-end Canal Conference"** convened to attempt to deal with the problems associated with this type of construction. *"Dead-end canals are problematic for several reasons. They usually have only one opening. Most were dug through wetlands with the material being cast aside to create development lands for home sites. The canals were dug deeper than their receiving waters. This created lower bottom elevation and poor flushing, which causes the canal water to stagnate and become depleted of dissolved oxygen, which is essential for organisms to survive. The amount of waterfront has been*

increased dramatically by this development, thus increasing non-point source pollution from all residences. Animal waste and homeowner fertilizers are major sources of non-point pollution. Wetlands serve as filters to cleanse runoff pollution and improve water quality. The loss of wetlands to development has meant a decreased ability to filter out nutrients and pollution before they reach the bays. Canals require constant maintenance to remove the silt deposits that form at their mouths. These canals have been experiencing many challenges to their ecosystems such as poor circulation and flushing, excessive nutrients, low dissolved oxygen levels, hydrogen sulfide, fish kills, odiferous and unsightly algae, navigational problems due to turbid waters, declining benthic communities, stagnant, polluted waters, harmful algae blooms and more."

Many of the dead end canals were built in coastal waters in the 1950's and 60's. Over time the resulting problems with this type of construction became apparent and design parameters were developed in an attempt to mitigate these problems. The following recommendations are from the Florida Department of Environmental Protection and are much the same as those recommended by the U.S Army Corps of Engineers as well as others.

Florida Department of Environmental Protection and U.S. Army Corps

Today's New School of "Rational Canal Design"

Many of the environmental and water quality problems posed by canals are the result of hasty construction and poor design. In response to growing concerns over the ecological impacts of canals, researchers have developed a variety of recommendations, primarily in regards to canal design and structure, for the modification of existing canal systems and the construction of new ones.

Canal designers now recommend: (Pointe Estates plan comparison)

- ***Limit canal construction that connects to shallow lakes with restricted connections to tidal waters*** (the developer's plan fails to meet these standards - as the receiving waters of the river will be shallower than the canal and connection is restricted)
- ***Include a flow through water exchange system.*** (The developer's plan fails to meet these standards -- the canal has only one opening and two dead ends with no flow thru)
- ***Cease construction of dead end canals.*** (fails - two dead ends)
- ***Canal developments should be restricted to non-wetland areas*** (fails)
- ***Canal depth should be uniform or progressively shallower away from the parent waterbody.*** (fails - Although canal depth is uniform, the depth of the receiving waters is shallower)
- ***Septic systems should not be permitted within a canal development.*** (fails - there will be approx. 113 septic systems on the canals)
- ***Stormwater and effluent should be directed away from canal systems.*** (fails - all stormwater presently runs into existing stagnant canal and wetlands)
- ***Nutrients and other contaminants should be reduced (i.e. vegetative buffer zones).*** (fails -

all vegetation will be removed and replaced with hardened shorelines)

- ***Canals should not interface with aquifers.*** (fails - interfaces with shallow aquifer – many residents have wells in the shallow aquifer)
- ***Canals should be as wide as possible (in relation to depth and length of canal) and oriented to prevailing winds.*** (fails - although the width of the canals are excellent in relation to depth, the length inhibits flushing and the prevailing west wind will blow the water into dead ends or right angles. The design does not allow for the wind to aid in flushing)
- ***Requirements for navigable depths to shoreline should be eliminated.*** (fails --as each lot will have a boat slip further restricting water movement along the canal)
- ***Bulkheading should be reduced and sloping banks and native vegetation restored or planted.*** *(fails - although banks are sloping, rip-rap (stone) banks are planned with no vegetation)*
- ***Sand and substrates should be diversified.***
- ***Eliminate linear and right angle designs.*** (fails - even worse most right angles are at or near the outlet.)
- ***Flared inlets should be added to dead end canals that are oriented perpendicular to prevailing winds.*** (fails - as opposed to being flared, the outlet is constricted)
- ***Promote habitat diversity.*** (severe failure)
- ***Other ideas include: installation of mechanical pumps.*** (aeration is suggested and has been shown to be ineffective)

The proposed Pointe Estates project is consistent in that it fails to meet most (if not all) of the above recommendations. Further, in regard to water quality, it should be noted that there is a big difference between freshwater waterways (that is, lakes) and fully tidal saltwater waterways. Freshwater systems are more susceptible to nutrient enrichment and are usually not "flushed" as easily as canals which benefit from strong tidal flows through the waterway system.

At the April 17th meeting of the Conservation Authority the developer presented a slide show pointing out a couple of examples of canal developments they had based their design on. Upon questioning they acknowledged these were on City services and not on-site sewage systems. Obviously this is a large difference due to excess nutrient loading in the canal by septic systems.

Who will be responsible and who will pay for the ongoing dredging in the bay and river as well as in the canal? What safeguards will be put in place to protect the environment and residents if the canal does create pollution or environmental concerns and who will pay the cost? What if the dredging causes problems on the river and will no longer be approved? Who will be responsible for the maintenance and repair of the rip-rap and any erosion? Who will be responsible for the control of algae and organic growth in the canal waters? Who will be responsible for the destruction of land and aquatic habitat?

3. Hydrology

The proposed project would require not only the removal of the wetland and organic overburden but also peat deposits a few feet below the surface. By removing all organic soils and installing the canal, common sense says that, over time there would be a substantial lowering of the water table (see comments by Conservation Authority in EIS request). At present the water in the core of the wetland is on or above the surface year round, whereas, the water table at lots adjacent to the old Alagash canal (many of which were underlain with one to two feet of peat) is at or close to lake level. With the number of shallow wells in the area, it is hard to believe that this lowering would not have a negative impact on the quantity and/or quality of water at these wells; just as removal of the wetland would have a negative impact on the quality of the water.

From the developer's preliminary hydrogeological impact assessment: (note: it does not appear that there were any site investigations or visits but this was based solely on well records and 1968 rainfall data) "*Wells constructed in the shallow unconfined aquifer have been classified as having a high susceptibility to contamination.* The developer however, states: *"the hydrogeological study shows that the development will not impact the existing groundwater quantity and quality"*. His preliminary hydrogeological report states: *"this calculation should not be interpreted as indicating a yield that is sustainable for any extended period of time. Site-specific testing of the local aquifer is required to firmly establish the long-term potential of the local aquifer, and was not undertaken. Wells constructed in the shallow unconfined aquifer are not recommended due to concerns for long term water quality."*

The hydrogeological report assumes the groundwater flow direction is to the south. With a project of this nature and the possible detrimental effects to existing residents we would think the developer and hydrogeologist would make the effort to know the flow direction. Is this project so minor as to not require some onsite testing? Conventional wisdom would tell you that if you drew a line from the Pointe Louise Estuary to the center of the Shore Ridges Wetland, this would give you a direction as they are interconnected.

The Developers' Environmental Impact Study lists a number of possible effects to water quality that will result from this development:

- Nutrient loading (fertilizers)
- Phosphorus loading from septic beds
- Boat traffic
- Dredging of canal, Alagash and boat access to river
- Construction equipment
- Pesticides and herbicides from lawn care
- Pesticides for insect control
- Household chemicals
- Road salt
- Stagnant water in canal
- Disturbance of vegetation and soils

- Changes to drainage patterns
- Changes to site permeability

If, as expected, the water table is eventually lowered to lake level within the development area, how does this affect the broader drainage basin? The wetland is what holds the water back from rushing to the lake. The impacts from removal of the wetland, in conjunction with the canal, could have far reaching effects not only on the localized hydrology but could extend to the whole watershed. Depending on the soil composition in the surrounding areas, this project has the potential to negatively impact a much larger area, as well as deeper wells in the area. The drilling of, as well as the operation of 92 new wells, will affect the present underground aquifer. Residents should be aware that if the project were to be approved, any adverse effects to their wells (shallow or deep) would be the responsibility of the individual landowner.

According to the Provincial Policy Statement:

"Planning Authorities shall protect, improve or restore the quality and quantity of water by:

a. using the watershed as the ecologically meaningful scale for planning. (fails)

b. minimizing potential negative impacts. (fails)

c. identifying surface water features, ground water features, hydrologic functions and natural heritage features and areas that are necessary for the ecological and hydrological function of the watershed. (fails)

d. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions. (fails)

e. maintain linkages and related functions among surface water features, ground water features, hydrologic functions and natural heritage features and areas. (fails)

f. promoting efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality. (fails)

g. ensuring stormwater management practices minimize stormwater volumes and containment loads, and maintain or increase the extent of vegetative and pervious surfaces.(fails)

Development and site alteration shall be restricted in or near sensitive surface water features and sensitive groundwater features such that these features and their related hydrologic functions will be protected, improved or restored."

According to the City Official Plan

"The City obtains 50% of its water from groundwater sources. In the rural area most residents depend on ground water for domestic use. The importance of protecting the City's groundwater resources is critically important. For example, one litre of gasoline or similar petroleum solvent can pollute 1 million litres of drinking water. The inter-relationship between ground water and surface streams, and the importance of the forested upper watersheds and wetlands as water storage and recharge areas into the ground water regime should be ecognized. All of these features are necessary to provide high quality water."

4. Road Closure and Traffic

The development of the Pointe aux Pins and Pointe Louise area (the Pointes) for residential purposes began in the first half of the 20th century. Many of the residents have ties to their property going back to the 1920's, 30's and 40's. Over the intervening period many have developed close ties with neighbours throughout the area and many have family members and close friends on both sides of the "Alagash" which is the dividing line between Pointe aux Pins and Pointe Louise. If this proposal were to be allowed to proceed, and close the existing Alagash Drive at the outlet, it would effectively divide the community in half. Neighbours living within sight of each other on either side of the Alagash would now have an approx. 7 to 8-km round trip to visit one another. Parents would be hesitant to let their children bike, let alone walk, this distance by themselves. Due to the lack of recreational facilities in the area, walking and visiting with neighbours is a common pastime for many. How do parents tell their children that everyone on the other side of the Alagash is basically moving 3 or 4 km away just so someone can sell land that has no waterfront, as waterfront property. This proposal is not in the "public good".

The corner at Airport road and Pointe aux Pins Rd has always been hazardous as it is located on a bend of the Airport Road. On stormy winter days it can be a case of closing your eyes and hoping for the best as you navigate the corner. This situation will not be improved by almost doubling the population of this area. Currently, in the summer, the traffic at the corner of Airport Rd. and Pointe aux Pins is dramatically increased due to seasonal residents, visitors and the traffic to Pointe DesChenes Park. There have already been many accidents and at least one fatality that we are aware of. Is a rearrangement of the highway, a widening, and/or a turning lane factored into this proposal?

"It is the municipalities responsibility to properly assess the impacts of the proposed development on the safe and efficient operation of highway traffic, and where necessary, require the proponent to provide highway improvements to meet the anticipated traffic flow demands"

The residents at the turnaround at the dead end of Alagash Dr. will be isolated from their community and will have to put up with school buses and snowplows turning around in the early morning and late at night. When they built their houses, we're sure this was not what they envisioned.

To our knowledge the City has never closed a major road of this nature. The idea of closing a street that has served the residents for 80 years, against the residents wishes and for the sole benefit of a developer who does not have waterfront is outlandish; especially when doing so completely divides our community in half.

5. Water Traffic

Among the people most affected by the proposed development are those in the Bay and along Alagash Drive. Many have invested heavily in having a place on the water for themselves, their children and their grandchildren. They expect and are entitled to the peaceful enjoyment of their property. The Official Plan is very explicit in terms of not permitting rural estate subdivisions and has refused development proposals on this basis.

If allowed to proceed, all boat traffic from the canal and the public boat launch would exit into the Bay, and then proceed down river close to the Alagash property owners' shoreline for a distance of over 1200 feet. This is due to the littoral drift (accumulation of sand) down river from the land at the outer most part of the bay (Turco's). This creates a submerged sand bar extending well down river and creates a channel in front of the waterfront on Alagash Drive. This is where the residents swim and enjoy their waterfront. The large increase in boat traffic would be hazardous to swimmers and properties alike. Add to this the problem of increased personal watercraft traffic in the bay and along the waterfront (which is already problematic) and the peaceful enjoyment of one's property no longer exists. The city controls the width of the lot a person can build on and nature controls how much waterfront is available resulting in some control on the amount of traffic and congestion along the shoreline. This proposal throws out the natural control, overloading the waterway at the expense of the existing landowners, and for whose benefit? The only benefit is the selling of land locked property as waterfront lots. If the developer owned the waterfront as well as inland, and this was the basis on which the waterfront was sold that would be different. The residents in the Bay and on Alagash Drive purchased the land and developed their property on the reasonable expectation of the quiet enjoyment of their premises. Aside from water traffic, snowmobile traffic along the shore and in the canal area will probably increase dramatically. Being a man made waterway, it is a natural destination. In addition to the traffic problems is the reality that any stagnant and/or polluted water emanating from the development will be at their front door. Many are on shallow wells threatened by the disruption of the wetland and ground water. The ground water leaches from the development area into the Alagash properties raising concerns due to the number of additional septic tanks and non-point pollutants (fertilizers, polluted storm run-off, phosphorus, animal waste, pesticides etc.).

6. *Rural Estates*

The Official Plan of the City states: Rural Residential Growth

"*Further development of unserviced lots in the rural area is not required to meet the growth needs of the community and development will be limited to existing lots of record. No new estate residential plans of subdivision will be permitted. Residential use should only be permitted as accessory to the economic development of a Natural Resource located in the Rural Area which meets health standards and has no impact on the environment.*"

There are currently a number of proposed subdivisions in various stages of construction, planning and application within the city. Most of these are within, or adjacent to the urban service line. In terms of rural/rural estate lots, the average number of rural single detached homes constructed per year from 2001 to 2005 was 22 homes according to the 2006/01/09 report of the Planning Division to City Council. This was prior to the closing of St. Mary's Paper, and layoffs at the Tenaris and Boniferro Mills. This report stated "*the best indicator of needs is the number of permits issued for single detached dwellings*". With the above noted layoffs, a shrinking population and labour force going out 10 years (Population, Household and Labour Force Forecasts 2001 - 2026 " by Hemson Consulting) and high fuel prices, a 10 year requirement of 220 rural lots would seem reasonable. A review of tax records, pending subdivisions and existing subdivisions indicated an availability of over 325 rural lots.

From the point of view of the city and the public purse, this project cannot be considered cost effective. The maintenance, long term repairs, and eventual replacement of the bridge would place an unreasonable burden on present and future taxpayers. The majority of the new roadway has a lot on only one side of the road, doubling the snowplowing and maintenance costs per lot, for most of the road. This does not include the sidewalk that would have its own maintenance and clearing budget. It appears the condominium agreement would have the future residents of the canal maintaining this sidewalk, but we do not find this reasonable. With the proposed road being one long curve, this would be hazardous to residents and their children. It will be incumbent on the City to ensure the sidewalk is kept clear in winter to avoid the possible consequences that could result. For the PUC, their cost per meter for power, relative to lots serviced, is almost double. With the creation of two dead end streets the amount of time required for snowplowing and school buses to navigate the area will also increase. After the developer is gone, who would be responsible for the waterway - all taxpayers or just the taxpayers on the lots of the artificial waterway? If the waters become stagnant or polluted affecting others in the area, this will become a problem for the City. Existing residents will not be calling their new neighbours demanding action, but those who allowed it. Why would the City allow or encourage a development this far from the core of the City (approx. 20-km) where there are no municipal services? This would impose an unnecessary burden on emergency services (i.e. police, fire and ambulance) due to the delayed response times and limited resources. Further, in a time of conservation and concern for carbon emissions, why encourage development requiring the use of automobiles to go everywhere including the corner store (approx.15 - 20km round trip). This violates the intent of the Provincial Policy Statement, the City Official Plan and good planning.

7. *Pollution*

The land of the Pointe Estates project **is not** presently waterfront property. It is the intention of the developer to make it so. If the development were allowed to proceed, this would bring the density of septic systems to approx. 200 units per square kilometer (equivalent to 578 per square mile). This is a very intense density within a rural area by anyone's standard. If you add to the intensity the fact that almost all of the systems are on lots abutting water and within a drainage course, watershed and floodplain, the potential for serious problems within this sensitive area is self-evident. Residential density in non-serviced areas is a key determinant of the viability of groundwater supplies and septic waste systems. Uncertainty is an important factor in managing groundwater and septic waste, as the capacity of the system is generally not known until a failure occurs. A failure would not only affect the residents of the area, but also everyone down river including the Mark's Bay Conservation Area. Add to this the non-point pollution from storm runoff (fertilizers, pesticides, stagnant water, boats, etc.), and the consequences are not worth the risk for humans let alone the aquatic life in the region. Furthermore, the City and Province have international agreements to promote the ecology of the coastal waters and take the necessary steps to prevent the further degradation of shared waters.

The developer's Environmental Impact Study concludes: "*the annual phosphorus load would be in the order of 80-160ug/L. The interim Provincial Water Quality Objectives for Ontario indicate that in order to avoid nuisance concentrations of algae in lakes, the average total phosphorus concentration should not exceed 20ug/L. Additional loading due to lawn fertilizers and pet droppings have also not been included. The proposed (aeration) system would not reduce the amount of phosphorus that enters the canal.*" These amounts would exceed Ontario Water Quality objectives by 4 to 8 times without adding the additional loading, thereby virtually guaranteeing eutrophication in the dead end canal and Bay.

According to the Provincial Policy Statement: the municipality is responsible for ensuring that onsite sewage systems are provided in a manner that protects human health and the natural environment, site conditions are suitable for long term provision of such services, development shall be appropriate to the infrastructure which is planned or available and can be sustained by rural service levels. (see 1.1.4, 1.6.4 of PPS)

According to Procedure D-5-4 "Technical Guideline for Individual Onsite Sewage Systems" the Ministry of Environment will not generally support development in areas that are hydrogeologically sensitive. A discussion with an expert in the field supports this view in relation to this project. The guideline applies to residential proposals that use individual onsite sewage systems where development proposals involve more than 5 units. *"Where proposed lot sizes are less than one hectare, the proponent and /or consultant is/are responsible for assessing the potential risk to groundwater."* The developer's literature states the proposed lots are minimum .5 hectares. These studies have not been done. We believe that it is incumbent upon the City in the planning process, where development is proposed on an environmentally sensitive site, that the developer be required to pay the full cost of independent peer reviewed studies in order to ensure that current and future residents, the City and the environment are

fully protected from environmental damage and degradation. In 1995 the responsibility and liability for ensuring that new development is environmentally safe shifted from the MOEE to the Algoma Health Unit and the City.

The following are statements by or attributed to the U.S. Environmental Protection Agency:

-The effluent arising from a domestic septic tank system is a hazard and should be treated as such.

-Septic systems can adversely affect water quality through the release of disease causing organisms and nitrogen. In fact septic systems are the second leading cause of groundwater contamination in the United States. A number of researchers have found a positive relationship between septic system density and groundwater contamination.

-Nitrogen contamination of ground water below infiltration fields has been documented by many investigators (Anderson et al., 1994; Andreoli et al., 1979; Ayres Associates, 1989, 1993b, c; Bouma et al., 1972; Carlile et al., 1981; Cogger and Carlile, 1984; Ellis and Childs, 1973; Erickson and Bastian, 1980; Gibbs, 1977a, b; Peavy and Brawner, 1979; Peavy and Groves, 1978; Polta, 1969; Preul, 1966; Reneau, 1977, 1979; Robertson et al., 1989, 1990; Shaw and Turyk, 1994; Starr and Sawhney, 1980; Tinker, 1991; Uebler, 1984; Viraraghavan and Warnock, 1976a, b, c; Walker et al.). Nitrate-nitrogen concentrations in ground water were usually found to exceed the drinking water standard of 10 mg/L near the infiltration field. Conventional soil-based systems can remove some nitrogen from septic tank effluent (table 3-19), but high-density installation can cause contamination of ground or surface water resources. When nitrate reaches the ground water, it moves freely with little retardation.

-Codes have not normally considered increased pollutant loads to a ground water resource (aquifer) due to higher housing densities, potential contamination of water supplies by nitrates, or the environmental impacts of nutrients and pathogens on nearby surface waters. Preserving and protecting water quality require more comprehensive evaluations of development sites proposed to be served by onsite systems.

-Onsite systems are one of many known contributors of pathogens and nutrients to surface and ground waters. Onsite wastewater systems have also contributed to an overabundance of nutrients in ponds, lakes, and coastal estuaries, leading to overgrowth of algae and other nuisance aquatic plants.

"...there is a direct link between population growth/development and increased nutrient loading. While the extent to which population growth might lead to increased nutrient loading is dependent upon how and where domestic wastewater is treated and how and where the resulting development occurs, some incremental increase in nutrient loading is inevitable with population increase." (C-69). EPA-06

-One of the main concerns associated with septic systems is the problem of human population density. Too many septic systems in any given area will overload the soil's natural purification systems and allow large amounts of wastewater to contaminate the underlying watertable. A density of more than forty household septic systems per square mile will cause an area to become a likely target for subsurface contamination, according to the EPA.6

Currently excess water from the properties to the west of the development and the wetland drains into the existing canal creating some flushing action. The existing dead end canal exhibits signs of stagnant water with high mosquito population. The addition of the proposed canals would increase the amount of water in the canals by approx. eighteen times. With no additional water coming in this will lead to stagnant water, not only in the new canals, but further degrading the water in the existing canal which will receive much less water (I/18th) at its westerly end and promote organic growth and mosquito populations.

The destruction of wetlands releases large amounts of carbon dioxide, methane and nitrous oxides --- all greenhouse gases! Much of the wetland area slated for destruction is probably underlain with peat --- a carbon sink. Do we want to be part of the problem or part of the solution? By removing the wetland we not only remove the filter that retains and purifies runoff and non-source pollutants, but we pollute in removing it.

Wetlands can help reduce West Nile Virus risks

Wetlands decrease mosquito populations by providing proper habitat for the natural enemies of mosquitoes, and by preventing or reducing flooding in areas that aren't normally wet and thus support mosquitoes but not their predators. When the Essex County Mosquito Control Project restored a 1,500-acre wetland in Massachusetts, the mosquito population *dropped by 90 percent.* Experts there know that wetland restoration is synonymous with genuine mosquito control. Of the forty species of mosquitoes that transmit the virus, three species have been implicated as the most common vectors. These mosquitoes are rarely found in healthy wetlands. Adapted to polluted environments, these *Culex* species generally avoid wetlands altogether.

In order to develop the proposed subdivision all organic matter, including the wetlands, would require removal and replacement with several feet of fill over most of the project area, leaving a virtual barren landscape. The existing trees, shrubs and wetland not only provide habitat for a variety of species but also filters noise pollution from air traffic (the development is on the flight path) and road traffic. The existing growth shelters residents, roadways and the mature trees of surrounding properties from the predominant high winds. The stately pines (Pointe aux Pins = "Point of the Pines"), already stressed from the existing low water may not survive a further lowering of the water table and exposure to these winds further destroying the natural heritage of the area.

8. Aquatic Habitat and Fishery

As stated earlier, most children growing up at the Pointes caught their first fish at the Alagash. The catch varied from pike to bass and perch. Whitefish, salmon, trout and pike have been caught in the bay and along the Alagash shoreline. These fish frequent this area for a reason. The proposed development would eliminate the food sources at the end of the wetland for these fish. The requirement for ongoing dredging to allow for large craft and sail boats would further disrupt or destroy the spawning grounds and habitat, as would the degradation of the water in the area caused by removal of the wetland and increased density of houses and septic systems. Without the aquatic life, the blue heron, varied species of ducks and other small mammals would no longer find the area suitable. Any break in the food chain would affect all species and hence the bio-diversity of the whole area.

Ongoing disturbance of the land below the water and the stagnant water in the canal, by boats and dredging, would cause contaminants to gradually move out into the Bay and then along the shoreline. Each time a lot is sold, the new resident will have the opportunity to install a new dock or slip, disturbing the pollutants at the bottom of the canal, which would then migrate into the Bay. This would be on an ongoing basis until all lots are fully developed. This would be a disaster for any aquatic life in the area. The ongoing pollution and sedimentation would destroy fish habitat and spawning areas. The wording of F1.1 of the Official Plan as well as the Fisheries Act to protect all fish habitat from harmful disruption, alteration or destruction should preclude the opening of the roadway, ongoing dredging and disturbance within the canal, and injection of pollutants and sediments into the existing waterways.

"*Most aquatic organisms are able to sustain life in areas where Dissolved Oxygen levels are between 3 mg/L and 5 mg/L. Any less DO in the water is considered to low to support any substantial amount of life. Several conditions can lead to low levels of Dissolved Oxygen; nonmoving water, such as in canals; high levels of nitrates and phosphates, which cause algal blooms; and warm water, which does not have the ability to hold dissolved oxygen very well. Effects of the low DO levels are fish migrations, algal blooms, fish kills, and an overall consequence of a "dead" body of water that is unable to sustain any life*". (An Investigation of Chemical Microbiological Parameters in Aquatic Environments of Canals Associated with Shoreline Housing Developments)

9. Airport Noise

Most of the properties along the shoreline at Pointe aux Pins and Pointe Louise were lots of record and occupied by seasonal cottages before the Airport was built. Although a few are in the flight path, we are all buffered somewhat from the noise by trees and distance from the runway itself. Very few are situated above the NEF 30 noise contour. We have co-existed with the Airport for many years, accepting the inevitable noise irritation from commercial flights, military jets, water bombers, Runway Park and noise from the highly repetitive nature of flight training activities. This peaceful co-existence would probably end with the rezoning of the land and approval of a subdivision that would remove the vegetative buffer that presently exists and install open hardened surfaces such as roads, driveways and a wide canal that will drastically increase noise levels throughout the area. If the rezoning and subdivision were permitted it would not take long before existing residents, as well as the new occupants of the subdivision, were attempting to have the Airport mitigate sound levels and restrict increases in the number of flights and size of planes. As well, strict adherence to flight corridors would be expected. None of us wants to see this happen. Our airport is an integral part of our community's economic engine. Whatever the specifics, the airport is an important community asset.

According to experts, airport safety, noise, and land use planning have always gone hand in hand. The problem is that, in the past, most elected officials and airport sponsors just didn't understand this interaction. Many of the problems existing at airports today are the direct result of poor or non-existent airport land use planning decisions made by elected officials. No airport is safe from the threat of encroachment unless good zoning decisions and advance planning documents are put in place before a problem arises.

Experience has shown that urban encroachment on airports can lead to aircraft noise problems that in turn can result in community pressures to restrict airport operations. Experience has found that airport sponsors and communities who actively plan for the protection of their airport rarely have problems keeping this vital transportation asset available for the use of their citizens.

Enforcement of sensible land use and zoning laws would avoid virtually all noise and safety issues. Unfortunately, too many eager developers have been allowed to build housing projects in areas where residential construction should have been barred. Given the importance of our airport, it is not only prudent, but also necessary that it be protected from incompatible land uses that could impose operational constraints or inhibit future expansion. Most airports see this as the best way to ensure their long-term viability and, it keeps the door open for expansion of the airport if the economic opportunity presents itself.

Residents living in the vicinity of greenfield airports such as ours may be more sensitive to aircraft noise then their urban counterparts due to lower background noise levels and also due to expectations of a 'quiet' rural lifestyle.

If the buffer is removed the noise contours in the area of the subdivision will undoubtedly expand, covering a wider area. Under the Pointe Estates proposal approximately 44 future residences would be above the NEF/NEP 30 sound contour with another 14 above NEF/NEP 25. These numbers would probably increase with the removal of the buffer and installation of hardened surfaces.
One has to understand there is still substantial noise below NEF/NEP 25.

The following are the position of some regulatory bodies:

Transport Canada

4.6.1 New Airports and Community Response to Noise

Where an airport is already surrounded by residential or other noise sensitive land uses, the intent of land use planning guidelines is to ***prevent any increases in incompatible land use.*** *As urbanization increases, any new airport would, by necessity, be planned for and built in non-urban areas.*

The encroachment of incompatible, sensitive land uses is clearly a vital factor in planning and establishing appropriate protection criteria for new airports. The best and often only opportunity to establish a sufficient buffer zone to control noise sensitive development around a new airport is in the initial planning stage of that new airport. This opportunity diminishes quickly as the airport develops and community land use patterns become established.

For new airports, Transport Canada recommends that no new noise sensitive land uses be permitted above 25 NEF/NEP

Transport Canada retains copies of NEFs and NEPs, both regionally and at headquarters, in order to:

1. *provide municipalities and local governments with a basis for zoning; and*
2. *inform the public of noise sensitive areas in the vicinity of airports.*

Transport Canada does not support or advocate incompatible land use ***(especially residential housing)*** *in areas affected by aircraft noise. These areas may begin as low as NEF 25. At NEF 30, speech interference and annoyance caused by aircraft noise are, on average, established and growing. By NEF 35 these effects are very significant.* ***New residential development is therefore not compatible with NEF 30 and above, and should not be undertaken.***
The preparation and approval of noise contours for airports that are neither owned, nor operated by the Federal Government is not a responsibility of TC. However, TC will assist the owner or operator of such airports to produce noise contours for the airports, provided that : the owner uses the noise impact prediction methods, procedures and recommended practices relating to aircraft operations as established by TC.

Provincial Policy

1.6.7 Airports

1.6.7.1 Planning for land uses in the vicinity of airports shall be undertaken so that:

1. *the long term operation and economic role of airports is protected: and*
2. *airports and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.*

1.6.7.2 ***Airports shall be protected from incompatible land uses and development by:***

1. ***prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP****, as set out on maps (as revised from time to time) that have been reviewed by Transport Canada:*

1.7.1

e. *planning so that major facilities (such as airports ,...) and sensitive lands are appropriately designed,* ***buffered and/or separated*** *from each other to prevent adverse effects from odour, noise and other contaminants.*

MOEE: Noise Assessment Criteria in Land Use Planning, Pub. LU-131, 1997

3.2.2 Outdoor Criterion

Table 3 gives the aircraft noise criterion in terms of an NEF/NEP value in any outdoor area, including the Outdoor Living Area. The criterion applies to the entire 24-hour period. The distance separation from the airport and, consequently, the location of the noise sensitive land use with respect to the NEF/NEP contours, is the only measure that controls the outdoor noise impact. Section A.3.2.1 of the Annex describes the application of the criterion and the use of warning clauses.

TABLE 3

Outdoor Aircraft Time Period	*Noise Criterion NEF/NEP*
24 hours	***30 ****

The maximum allowed outdoors for residential is 30 NEF/NEP
Certain conditions apply above NEF/NEP value of 25, see Section A.3.2.1. The criterion may apply to redevelopment and infilling, see Reference [13] and Section A.3.2.1.
(Note: This new subdivision is not redevelopment or infilling)

Sault Ste. Marie Airport Master Plan

D. Land Use

The Airport property contains a number of wetland areas, including one which has been categorized as "Provincially Significant" and is therefore subject to conditions of the Provincial Policy Statement for Wetlands that effectively nullify development in that specific area. To protect airports from incompatible development, the Provincial Policy Statement

and the City's Official Plan limit new residential development in those areas above a 30 Noise Exposure Forecast/Noise Exposure Projections. The noise analysis, carried out as part of this study, identified that a majority of the Airport's lands, currently fall within this criterion and as such are unsuitable for residential development.

City Official Plan

TR.9 Prior to residential ... development proceeding adjacent to an ... airport, developers may be required to carry out noise and/or vibration assessments and determine control measures to meet Provincial noise level and vibration guidelines to the satisfaction of the Ministry of the Environment and the Municipality.

To permit the removal of the buffer and allow sensitive use above NEP/NEF 30 more than a kilometer closer to the main runway than existing dwellings would jeopardize not only the short and long term viability of the airport, but also the right to quiet enjoyment of the existing residents.

10. Summary

As novices, having read the *Planning Act*, the *Provincial Plan*, the *City Official Plan*, the *Conservation Act*, the *Fisheries Act*, etc., etc., we cannot help but feel we are missing something. All seem quite clear in what they are trying to accomplish in attempting to protect natural habitats and the environment; so why is this proposal even being considered? Nevertheless, we feel the sheer preponderance of evidence, and the number of bylaws that would have to be passed to override the city plan, provincial plan and unprecedented road closure; as well as zoning changes to permit the development, boat launch and boat storage; calls for either major changes to this proposal or outright rejection. At the minimum it calls for a peer reviewed Area Wide Risk Assessment or full Environmental Assessment before going to City Council.

As of May the proponent has refused to make available the wetland evaluation to the Conservation Authority, the City or the residents. He has so far failed to hold a public information session on the Environmental Impact Study as Conservation Authority says he must do. The suggestion that the introductory sales meeting at the Prince Hall in November was anything more than that would be an insult to the residents, the City and regulatory bodies.

We believe that if by some mistake this subdivision is approved, a performance bond should be required of the developer to insure that any damage done can be somewhat corrected if the project is unsuccessful, and a maintenance bond should be put in place until such time that an adequate authority assumes responsibility for ongoing maintenance and problems.

In closing, as experts in the field have stated, this is a highly environmentally sensitive area. This is a coastal wetland area draining into a bay on the St. Mary's river surrounded by existing residences with older onsite sewage systems. The probable environmental damage that will be done by adding 81 residences on 2.3 km of new dead canal, along with a further 11 residences on the existing failed .85 km dead end canal, within a two tier shoreline development is too great to ignore. A full environmental assessment must be undertaken.

Humans have long relied on the quantity of air in the atmosphere and water in our lakes, rivers and oceans to dilute our pollutants. This is no longer acceptable. The result has been pollution of the lower St. Mary's River on a local scale and global warming on a worldwide scale. In Sault Ste. Marie we still have the ability and inventory of land to direct development in an ecologically sound and sustainable manner. This proposal does not do this. This is a bad development proposal and we urge this proposal be declined.

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Dave Fluke 158 Alagash Drive
779-3521 Campcanada@sympatico.ca
779-3522

6.(6)(d)

Addendum # 1

Rick,

Having read the paper we offer the following additional thoughts:

WINDFALL GAIN

Society functions by all citizens and organizations respecting and complying with rules and conventions that are to the benefit of all. In this case the rules are set out by the *Planning Act*, the *Provincial Plan*, the *City Official Plan*, the *Conservation Act*, the *Fisheries Act*, etc. and work to our mutual benefit. A developer amassed property under the rules and conventions in existence and is now asking for exceptions or changes to the rules to make a significant windfall profit. The majority of the developer's gain will come not from his own hard work or investment but by asking the community and organizations responsible for the community's well being to make exceptions to the rules.

The person who sold the developer the property, and any others who may have been interested in buying from the seller at the time, assumed that zoning restrictions on the use of wetlands were valid and would not be changed. Likewise the current configuration of roads was not expected to be changed for a commercial reason, i.e. the closure of Alagash Drive. If the developer was to succeed, against common sense, in securing changes or exceptions to regulations then such windfall profits resulting from regulatory change, and not the developer's own efforts, should be attached through a Subdivision Development Charge, or similar charge, on each lot. The resulting monies from the Charge would be reinvested in wetlands, parkland or better still a contingency fund to mitigate against future problems from wetlands, watertables, septic contamination, flooding, well water, higher concentrations of people, etc.

The expectation that we would successfully pursue a corporate developer in the future to recoup costs resulting from today's fears has to have a low priority of success. It would be much better to today assess a subdivision charge and keep the money in a reserve to deal with issues that arise. If developers wish to build in high risk areas, rather than the serviced urban area, then they should expect

commensurate high costs. Pursuing a developer, in the absence of such a reserve, would mean the costs of any future problems would fall on existing residents or the City's taxpayers which is patently unfair.

FRAGILE ECOLOGY

Residents of the Pointes have accepted the ecological risks they live with when they decided to live on sand. We are familiar with the old adage of "the wise man built his house upon a rock while the foolish man built his house on sand". Residents have accepted the risks of living on a fragile sand ecology based on the gradual development of seasonal homes into year round residences. The transition has been gradual and all zoning laws of the City and Province have been recognized and complied with. This will now change with the addition of 91 homes built in the proposed development. This major development with its dead end channel changes the risk equation that we had all accepted. Building new channels, houses and cutting down trees will change the risk of home ownership on the Pointe. We and regulatory authorities must recognize that we are living on sand dunes or sand spits.

AIRPORT

The land for the new subdivision is under the flight plan of arriving or departing planes at the local airport. Such a location should be considered carefully since we would be moving against conventional wisdom to allow subdivision development rather than creating a buffer around the airport. While today we get the noise from turboprop planes we have on occasion been subjected to the arrival and departure of a Hercules aircraft. The noise and vibration from any future jet traffic would be significant. The City has courted transport jets in the past and this could easily resurface. We would sympathize with the plight of residents in the proposed development if they live under the flight plan of large jet aircraft. At minimum the Airport Authority should post signs in the proposed development that homes are being built under plane landing and take-off flight plans. Also we would expect the Airport Authority to speak out at public meetings about the reality of living under landing and departing planes. Failure to take action now could open the Airport Authority to future liability from failing to exercise due diligence.

6.(6)(d)

Exhibit "F"

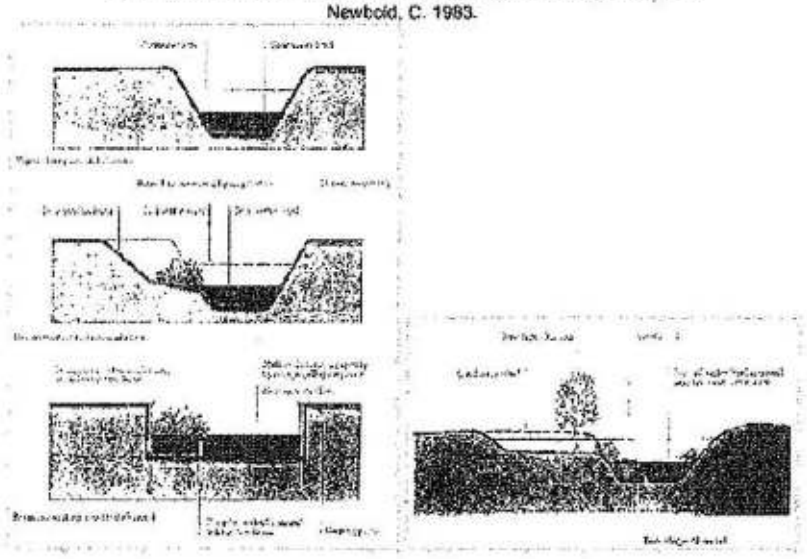
CANAL DESIGNS - Old School and New School

In the past, canalways were designed to emphasize advantages for development rather than the ecosystem. Since developers lacked an understanding of Florida's physical, chemical, and ecological environment, canals were quickly constructed as deep, box-like channels with steep sides, not taking into account water circulation, wind patterns, steep sides, animal life, and ramifications of excessive or insufficient depth.

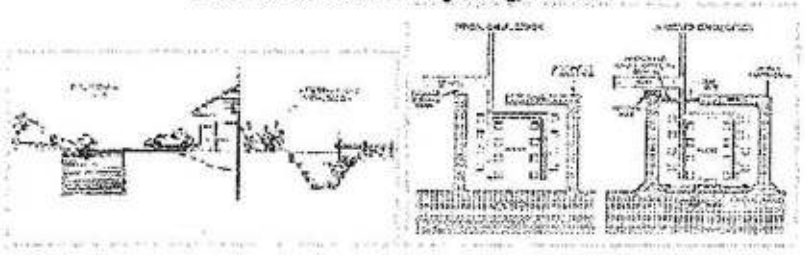
As scientists and conservationists began to identify the short and long term impacts of this kind of canal construction on the environment and human health, a moratorium on canal construction was implemented in many areas. Many scientists and conservationists further recommended filling in or otherwise re-engineering certain existing canals that continue to adversely affect ecosystems and water quality. (For example, the Kissimmee River, originally channelized during the 1950s-60s, is, in 2003, being un-chanellized and restored to its meandering original condition.) Environmental engineers sought new ways to construct canal systems to achieve residential goals with as few environmental impacts as possible.

Here are illustrations from two publications demonstrating alternative canal designs:

Nature Conservation and River Engineering, London
Newbold, C. 1983.



BMPs for Improvement of Residential Canals,
Environmental Science and Engineering, Inc. 1993.



Today's New School of "Rational Canal Design"
Many of the environmental and water quality problems posed by canals are the result of hasty construction and poor design. In response to growing concerns over the ecological impacts of canals, researchers have developed a variety of recommendations, primarily in regards to canal design and structure, for the modification of existing canal systems and the construction of new ones.

Canal designers now recommend:

- Limit canal construction that connects to shallow lakes with restricted connections to tidal waters.
- Include a flow through water exchange system.
- Cease construction of dead end canals
- Canal depth should be uniform or progressively shallower away from the parent waterbody.
- Septic tanks should not be permitted within a canal development.
- Stormwater and effluent should be directed away from canal systems.
- Nutrients and other contaminants should be reduced (i.e. vegetative buffer zones).
- Canals should not interface with aquifers.
- Canals should be as wide as possible (in relation to depth and length of canal) and oriented to prevailing winds.
- Requirements for navigable depths to shoreline should be eliminated.
- Bulkheading should be reduced and sloping banks and native vegetation restored or planted.
- Sand and substrates should be diversified.
- Eliminate linear and right-angle designs.
- Flared inlets should be added to dead end canals that are oriented perpendicular to prevailing winds.
- Promote habitat diversity.
- Other ideas include: installation of mechanical pumps.

PUBLIC INVOLVEMENT

What we do on land directly affects our water. The cooperation of Florida residents and tourists is essential in working toward the goals for healthy canal systems throughout the state.

Limiting pollutants in surface runoff is key to protecting canal water quality. Surface runoff can be reduced in a number of ways. Changing drainage patterns in landscapes and parking lots by creating a series of swales and berms will allow water to be absorbed into sediments and vegetation before it is channeled into nearby canals. Impervious surfaces such as concrete and asphalt impede water from seeping into the soils and provide direct channels for drainage into canal systems. Material such as wood, open-weave concrete, interlocking tiles and bricks or crushed shells are materials that should be considered for decks, patios, driveways, and sidewalks. **Using native vegetation as landscape** absorbs water and retards runoff, increases soil water-holding capacity, and requires less watering and fertilizer than non-native species. Pet wastes, chlorinated swimming pools, leaking automobiles and boats, poorly maintained septic systems, detergents from cleaning, and organic garbage degrade water quality in canal ways - please remember that.

Being efficient in water consumption, using less toxic chemicals such as fertilizers and pesticides, and being mindful of all the ways canals can become degraded are good steps toward protecting the water quality of canals and Florida's natural freshwater ways.

For more information on **what you can do** to conserve Florida's waters,

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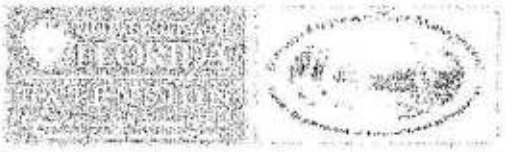
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Chapter 3
Basin Design and Operation Criteria

3-1. Basin Design Criteria

a. Harbor function. The function that a harbor is to provide will determine its design requirements. Sembler et al. (1969) categorize harbors according to the following functions: harbors of refuge, commercial, fishing boat moorage, convenience harbor, recreational center, and yacht club.

(1) Harbor of refuge. When a remote harbor is provided specifically to accommodate transient small boats rather than as a home port for the local boats of the immediate area, it is designated as a harbor of refuge. Such harbors need not have all the refinements of a home port, but must have an entrance that is navigable in adverse weather, access to emergency aid, and appropriate facilities to accommodate the transient boater. Depending on the class of boat and characteristics of the region, the safe cruising distance for small boats is usually between 20 and 40 miles, or two hours cruising time. In remote areas, harbors of refuge meeting just the needs of the transient boaters often are subsidized. In these instances, the harbor of refuge may possibly be made self-sustaining by berthing a small number of home-based boats in addition to meeting the periodic needs of transient boats; it may not survive economically on either type of boat alone.

(2) Commercial. Small boat harbors are designed for various commercial fishing fleets, barges, and small boat transportation terminals, including berths for excursion craft of various kinds. Small boat facilities are often within or adjacent to harbors built primarily for deep-draft cargo or passenger vessels. In such cases, large ships and small craft will move through the same waters. Planning criteria must be adopted to reduce the collision hazard to a minimum without curtailing the activities of either class more than is essential for navigational safety (Dunham and Finn 1974).

(3) Commercial fishing boat moorage. Harbors for commercial fishing boats may be considered a special type of installation. This is due largely to the type of usage, the characteristics and habits of commercial fishery, and equipment requirements. Because a fishing boat is a work boat and the operator's work in port is essentially preparation for the next trip, utility usually supersedes appearance.

(4) Convenience harbor. The convenience harbor is generally designed as an enroute stopover point and provides a minimum of services. Such harbors may serve for overnight stays, temporary tie-ups for repairs and obtaining supplies, and similar usages. Facilities of this type should generally be located at or near population centers for availability of food, fuel, and amusement. Some degree of harbor protection is necessary, but moorage facilities can be minimal and services limited. Because of the lack of direct revenue from a harbor of this type, it is anticipated that it would be installed at community expense with few, if any, charges, its benefit to the community coming from other business generated.

(5) Recreational. Small boat harbors are designed for various recreational craft, including: sailboats, rowboats, pedal craft, and air-cushion vehicles. Other exotic craft are not specifically covered, although the basin and entrance design techniques described will be found satisfactory for all classes of small boat. The development of a recreational harbor will require not only the best weather protection, but also waterside and landside facilities that are best suited for its function. Boaters may patronize a deluxe restaurant, a pleasant bar, and various concessions. They may support boat sales, boat repair facilities, a marine supply store, clothing shops, and other similar establishments. They may use facilities for dancing, skating, bathing, skin diving, and water-skiing, if available. However, they usually demand the most in conveniences, utilities, and services, and a well-managed, clean, and attractive marina.

(6) Yacht clubs. In many areas, boating enthusiasts group together into yacht clubs. These are usually, by their nature, private installations accessible to members only. Yacht clubs may be somewhat meager in their facilities and appointments or may be quite lavish. Of prime importance will be a clubhouse at the water's edge with a good dining room and bar, and an assembly place for races and regattas. These races and regattas constitute one of the major interests in boating of a large segment of small boat owners. These are classed as amateur sports and can be sponsored only by a recognized yacht club. On this basis, the yacht club performs a desirable function and one or more of these should be considered in the planning and design of any recreational type of small boat harbor.

b. Site selection.

(1) Site selection for a small boat basin is probably the single most important aspect of developing a marina in an

environmentally sound manner. A site selected to complement the marina concept and to permit maximum use of the natural attributes can facilitate the entire development process from permit application through completion of construction. For example, wetlands and island refuges may be developed through the construction process.

(2) Selection of a site that has favorable hydrographic characteristics and requires the least amount of modification can reduce potential impacts. Any future modification or expansion should be considered in the design phase. One method is to set a basin perimeter when the basin is constructed. Thereafter, modifications that occur within that perimeter (such as dock reconfiguration) are considered not significant. Another method is to set a limit, such as a 25-percent increase in the number of slips or a set number of slips (such as an increase of more than five slips). The final method is a combination of the above methods.

(3) Small boat basins should not be located in or immediately adjacent to wetlands. In addition, development of small boat basins should not disrupt unique areas such as mouths of streams, isolated aquatic plant beds, or small areas with valuable rock/rubble substrate. These areas should be avoided, or at least small boat basin design and subsequent operation should be implemented to minimize disruption to these habitats. Suitable habitat evaluation techniques are available for wetlands (Adamus et al. 1988).

(4) Site selection considerations for recreational harbors are intended to ensure that a site provides usable land and water resources for marina operation. Chamberlain (1983) recommends that at a minimum, the land area should be at least 10 acres and above the local floodplain. The usable water area should be approximately equal to available land area. The site should offer protection from wave action in the adjacent body of water and at least some protection from wind. The water depth should not be less than 8 ft (2.4 m) at mean low water and not over 20 ft (6.1 m) at mean high water. Figure 3-1 illustrates desirable and undesirable site locations for boat basins.

(5) A major requirement in designing a small boat basin is that it be located and sized to accommodate present and future user needs and related harbor facilities. It must be located in adequate depths for safe vessel operation and be accessible to a nearby navigation channel. Alternative measures and sites for developing a small boat basin must be evaluated and compared for impacts on the

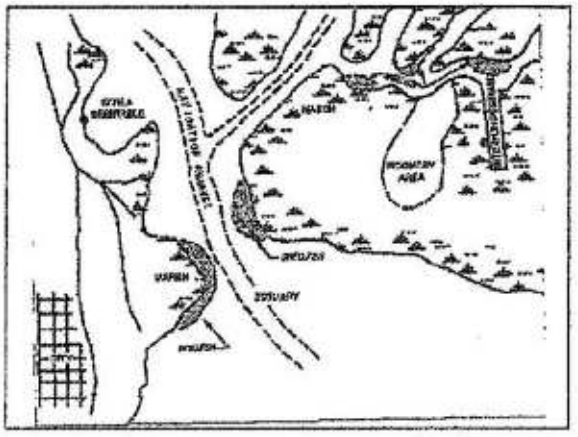


Figure 3-1. Desirable and undesirable site characteristics

natural environment, as mandated by the National Environmental Policy Act and other environmental Policy Act and other environmental statutes and guidelines.

(6) Physical factors that must be considered in locating a small boat basin are circulation and current patterns, bottom conditions, wave action, tides, sedimentation and shoaling, and prevailing winds (Brockwell 1987). If conditions are not suitable, major environmental problems may result. Hazardous conditions for small craft operating out of the basin because of waves, currents, and shoaling may be created. Water quality may be degraded if tides and currents are not adequate to flush the basins. The potential for flushing of marina waters should be the prime consideration in selecting a site. Sites on open water or at the mouth of creeks and tributaries generally have higher flushing rates than those in coves and toward the head of creeks and tributaries that have lower flushing rates.

(7) Dredging and maintenance can also be minimized by selecting deep sites with low sediment transport potential. The land topography at inland sites should be suitable to provide protection to the boat basin from winds, tides, and river flow.

(8) A small boat basin should have the following site characteristics:

(a) Easy access to open water.

(b) Accessibility from roads and waterways.

6(6)(d)

(c) Location in protected waters.

(d) Location near navigable water.

(e) Access to areas suitable for dredged material disposal.

(f) High tides and flushing rates.

(g) Compatibility with existing land and water uses.

(h) Good water quality.

(i) Absence of commercial shellfish beds.

(j) Low value as a fish and wildlife habitat.

(k) Absence of rare, threatened, or endangered species.

c. Site conditions. The natural elements of a site for constructing a small boat basin, such as local weather conditions, ice conditions, tides, currents, waves, and shoaling factors all have to be investigated.

(1) Weather factors. Weather factors such as precipitation, wind, and fog must be considered when evaluating a site.

(a) Precipitation. Maximum rainfall or snowfall present no serious problems for small boat basin operations, although all surface drainage measures have to be considered in marina planning. Drainage facilities have to be designed to be capable of draining or diverting a maximum amount of rainfall. In regions where snowfall is heavy, land-based structures must be designed to withstand these snow loads.

(b) Wind. The prevailing wind is a wind blowing from one general direction for a major portion of the year. Prevailing winds are not the strongest winds. Winds of greater intensity, which occur less frequently, come from other directions. A wind rose may be used to graphically represent the direction, frequency, and intensity of winds at a particular location over a period of time. Heavy wind may affect water levels in the marina basin, raising or lowering the water level. Land-based structures must be designed to withstand the unusually heavy forces. Heavy wind may generate waves or move sand located in dune areas which may shoal the basin or the entrance to the marina. Breakwaters are constructed to protect the entrance to the basin. Planting grass or construction of sand fences may be used to stabilize sand movement.

(c) Fog. Fog may be a serious navigational problem if it reduces visibility. Many marinas have occasional foggy conditions, and for this reason, channels in a small boat basin should be as straight as possible. In regions where fog is a problem, marker buoys and other channel-marking devices have to be installed.

(2) Ice.

(a) In northern climates ice is a serious problem in the operation of small boat basins. In areas with moving ice sheets, marinas must be located in protected areas, because these ice sheets may crush not only boats but also marine structures. Protection is provided by locating the entrance to the marina oriented away from the direction of the prevailing wind or current. This will encourage ice floes to move out of the marina during breakup. The marina should be located as close as possible to an industrial complex so that any available waste heat may be utilized. Although thin ice formation cannot damage boats, they are usually removed from the water during the winter, even in protected marinas. In protected marinas, thick, unbroken ice sheets forming around piles which support marina piers may lift these piles when the water rises, and thus bring the whole structure out of alignment. Repeated freezing and thawing may eventually jack piles completely out of the ground. In large natural basins, wind-driven ice floes may crash onto marine structures as the ice melts in spring, causing considerable damage to these structures.

(b) In Finland, small boat basins have been built with considerable success having piers and quays with a width of 1.5-3.0 m supported by wooden batter piles (Kivekas and Sarela 1985). Batter piles provide better stability in the foundation soil. When water fluctuates steadily, the ice attached to the shore (to a wall of a solid type construction or to a dense row of piles) will break easily at that location when the water changes level. However, in tidal zones, ice could easily build up on vertical surfaces of structures that are fixed on the bottom, thus creating a destabilizing buoyancy force or an additional load on the foundation.

(3) Waves.

(a) Natural phenomena such as waves may be caused by winds, tides, earthquakes, or by disturbances caused by moving vessels. A designer should be interested in waves produced by wind and moving vessels, since they have the most influence on site selection and basin design. Passing ships may generate waves which are sometimes

of greater length than wind waves. Small boat basins on rivers experience the passing of ships or barges that may generate damaging waves. The effect of waves will depend on the height of the wave generated and the distance between the ship and the project site. As a rule of thumb, it can be assumed that the wave height is equal to twice the amount of vessel squat. The wave height at the riverbank is then computed using refraction and diffraction techniques. The wave length is equal to approximately one third of the vessel length (EM 1110-2-1615). If ship-generated waves are considered to be the design wave, model tests or prototype measurements are needed to verify or adjust the predictions. Additional information on the possible impact of vessel wakes may be obtained from Camfield, Ray, and Eckert (1980).

(b) Marina sites need to be protected from adverse wave effects. Some sites may be protected by one or more islands which shield the entrance from waves. If the site does not have natural protection against wave action, breakwaters or other wave-dissipating devices are used at the entrance or inside the marina.

(4) Tides. Tides and tide-like effects (e.g., water level change in inland lakes and rivers due to spring and fall flood) often play an important role in water quality control. The current-producing exchange of water by water fluctuation action may be essential to the marine ecology and the prevention of stagnation conditions. Water circulation is an important component in marina design and can be accomplished by the effective use of the tidal prism of the water. In inland lakes and rivers, water fluctuates in a slower cycle, and although it occurs too slowly to produce substantial water exchange effects, these effects have to be taken into account for the design.

(5) Currents.

(a) Currents are essentially horizontal movement of the water. At coastal locations, currents or flow of tides or freshets moving at only a few tenths of a knot generally cause no serious problems to marina operations. However, in swiftly moving rivers (with a speed of several knots) where seasonal floods are expected, or in large open bodies of water, where wind-generated current may be damaging to the marina, marinas should be in protected locations, e.g., secluded inlets, bays or lagoons, or breakwaters must be installed. Apart from the possibility of direct interference with marina operation, currents may also present other adverse functional effects such as scouring, deposition of sediments, and increased erosion rates.

(b) Currents may cause changes in wave effects, and in the impact of ice and flotsam (floating debris), as well as hampering construction operations. In tidal estuaries, the current can be expected to reverse. The value of tidal current velocity for many locations around the world may be obtained from tables that are published annually by the National Oceanic and Atmospheric Administration (NOAA). Depending on location as well as importance and cost, current velocity measurements may be considered for the project (Coastal and Ocean Engineering 1990).

(6) Shoaling.

(a) A principal cause of shoaling at entrances to marina basins is littoral drift, which is mainly the result of wave and/or current action. Any structure that interferes with wave or current action would cause abnormalities in the wave or current pattern and could substantially affect the shoaling process. Dunham and Finn (1974) suggested the following example. If the unprotected approach channel is dredged through a beach into an inner basin, the wave impinging on either side at the mouth will be refracted in such a way as to cause changes in the wave pattern approaching the lips of the channel. If the approach of the prevailing waves is normal to the shore, the initial effect will be a movement of the littoral material from the lips inward along each flank of the channel, thus eroding the lips and shoaling the inner channel fed by material from the beach on either side of the entrance. Unless tidal currents are strong enough to maintain an opening against the forces tending to shoal the entrance, the channel will soon be blocked. Where the prevailing wave approach is oblique to the shoreline, sediments being transported along the shore by littoral currents will be interrupted at the channel opening near the updrift lip, and that lip will soon begin to accrete. As the wave-induced longshore current again begins to "feel" the shore downdrift of the channel mouth, it attempts to reacquire its sediment load. As a result, at the same rate as the updrift lip accretes, the channel mouth will migrate in the downdrift direction. In each of these cases, the forces of nature are attempting to re-establish the littoral balance that was present before the channel was excavated. The above example is an oversimplified version of an extremely complex process, and excludes consideration of the effects of sandbar formation, eddy currents, and tidal channel meandering (Coastal and Ocean Engineering 1990).

(b) The customary solution to entrance shoaling is the construction of jetties along each flank of the channel

from the lips of the mouth seaward beyond the breaking zone. The structural features of the jetties must be such that the materials will not be washed through or over the structure into the channel. A typical section of a sand-tight, rubble-mound jetty is shown in Figure 3-2. If the littoral transport from one direction predominates and the entrance is stabilized by jetties, accretion will occur along the updrift shore and erosion along the downdrift shore.

(c) The entrance to off-river marinas is often subject to shoaling because of sediment deposition in the quiet water area and to eddy currents that might be created by the entrance configuration and the flowing water in the river. Although shoaling cannot be prevented, it is often reduced by proper entrance design. For example, a flat area on the downstream lip of the entrance could be provided from which a dragline can excavate deposits from the bottom of the entrance channel and cast them into the river downstream of the entrance (Figure 3-3). The entrance must be kept as narrow as practical to permit such an operation, and a training dike at the upstream lip is helpful in reducing the deposits (Coastal and Ocean Engineering 1990).

d. Marina design.

(1) General. Design considerations for a marina may include boat slips, water supply, sanitation, structural integrity, and esthetics of structural/environmental compatibility.

(a) Boat slips. Slip sizes are determined by the size the boats intended to use them. Table 3-1 shows the recommended widths and lengths for fixed and floating slips. The water acreage required for slip use is shown as the maximum number of boats per acre in Table 3-2. Alignment of the slips should be parallel to the current. Configuration of boat slips efficiency is achieved by use of single or double-wide slips with access from walkways attached to the shore. Walkways between rows of slips should be oriented perpendicular to the shoreline. Slips generally should be perpendicular to the main walkway. Designs that use curved walkways or curved slips are not efficient in use of water area, promote damage to boats, and are more expensive to build and maintain. If slips of different widths are off the same walkway, the slips should be arranged symmetrically by width on either side of the walkway to ensure symmetrical transmission of stresses to the walkway. Smaller slips should be placed closer to the shore. Double-wide slips can be used, saving money and water space and allowing more flexibility, but increasing the possibility of damage to boats by boat operators or wave action. Figure 3-4 shows a generalized layout of boat slips (Chamberlain 1983).

(b) Walkways. Walkways should be designed to be above the water level at all times and should be structurally sound and safe, kept free of mud, ice, snow, and grease. Walkways should be constructed perpendicular to the shoreline. Walkways less than 200 ft (61 m) long should be straight, while those greater than 200 ft (61 m) can jog or angle at the halfway point. This change

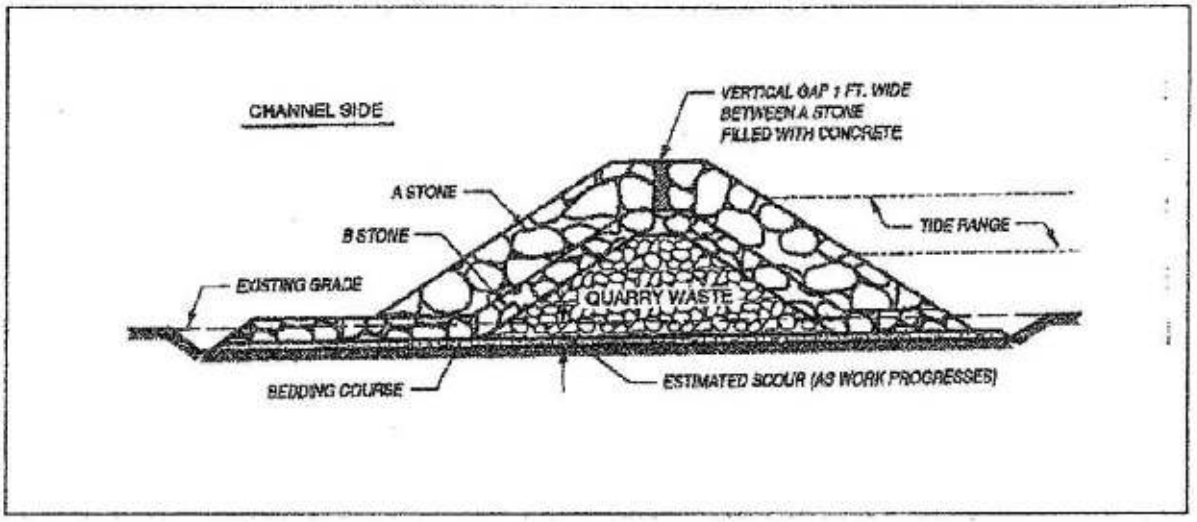


Figure 3-2. Typical cross section of a rubble-mound jetty

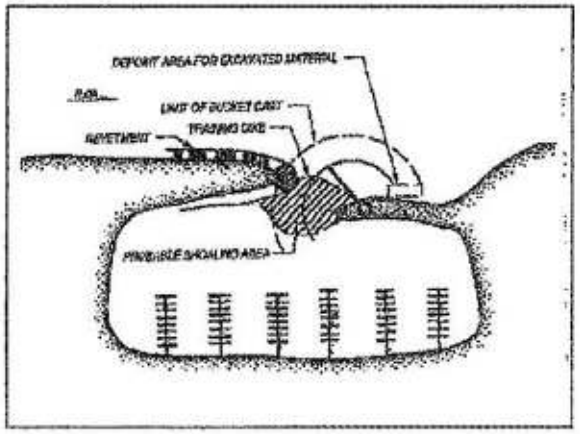


Figure 3-3. Maintenance of entrance to off-river marina basin with land-based equipment

Table 3-1
Recommended Slip Widths for Various Slip lengths

	Slip Length								
	25	30	35	40	45	50	55	60	65
Width, floating slips	10	11	12	14	15	17	18	18	19
Width, fixed slips	11	12	14	16	18	19	19	20	22

Table 3-2
Maximum Number of Boats Per Acre

Fairway Width Boat Length (L)	Floating Slips 1.25 X L	Floating Slips 1.5 X L	Fixed Slips 1.5 X L
25	90	87	93
30	69	66	72
35	50	47	52
40	38	37	41
45	32	31	32
50	26	25	27
55	21	21	25
60	20	19	22
65+	17	16	18

improves lateral stability and modifies the impression of a long pier. Curved or star arrangements for walkways are wasteful of water space, conducive to boat damage, and are expensive to build and maintain. For floating walkways, the finger walkways should extend the full boat length. The finger walkways should not be less than 3 ft wide. A "T" should be placed at the end of a walkway for lateral stability of the pier, and should be at least as long as the slips on either side of the main walkway.

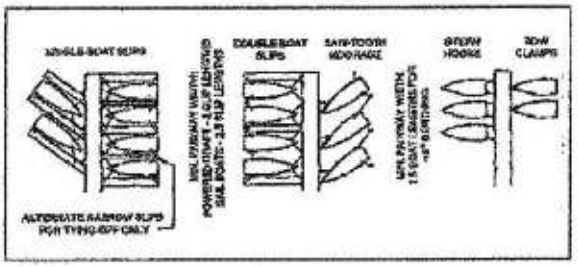


Figure 3-4. Small-craft berthing system (Sembler et al 1969)

Main walkway widths should be a minimum of 4 ft wide. If vehicles such as golf carts are anticipated, a minimum width of 8 ft (2.4 m) should be allowed for turning. Additionally, if significant pedestrian traffic is expected, the width should be at least 8 ft (2.4 m). Finger walkways may need widths greater than 3 ft (0.9 m) for stability (floating) or for strength and rigidity. Finger walkways do not have to extend the length of the slip (Chamberlain 1983, National Water Safety Congress 1988).

(c) Moorings. Mooring piles at the outmost end of the slip allow stern-to-bow mooring (Figure 3-5). For slips longer than about 25 ft (7.6 m), an additional mooring pile should be placed about halfway down the length of the slip. This additional pile, called a spring pile, helps restrain the fore and aft motion and provides protection between boats of adjacent slips. Additionally, a spring pile can be substituted for every other finger walkway (Chamberlain 1983).

(d) Fairway. The width of the area between adjacent rows of slips, i.e., the fairway, should be 1.5 times the length of the longest slip. If the current parallel to the long dimension of the slip exceeds 2 to 3 knots, even temporarily, the fairway should be widened to 1.75 to 2.00 times the length of the longest slip to allow for maneuvering in the down current (Chamberlain 1983).

(e) Basin shape. Natural basins are often used for marina development, taking advantage of natural protection for boat slips. In some cases, it is necessary to construct a basin for protection from waves or high water levels. Surrounding the mooring area with a breakwater or other protection will provide the necessary protection. Marina basins should be rectangular in shape to utilize space and for design purposes, the shorter side should be a multiple of 200 to 250 ft (61 to 76.3 m). The use of vertical bulkhead walls should be minimized and interior

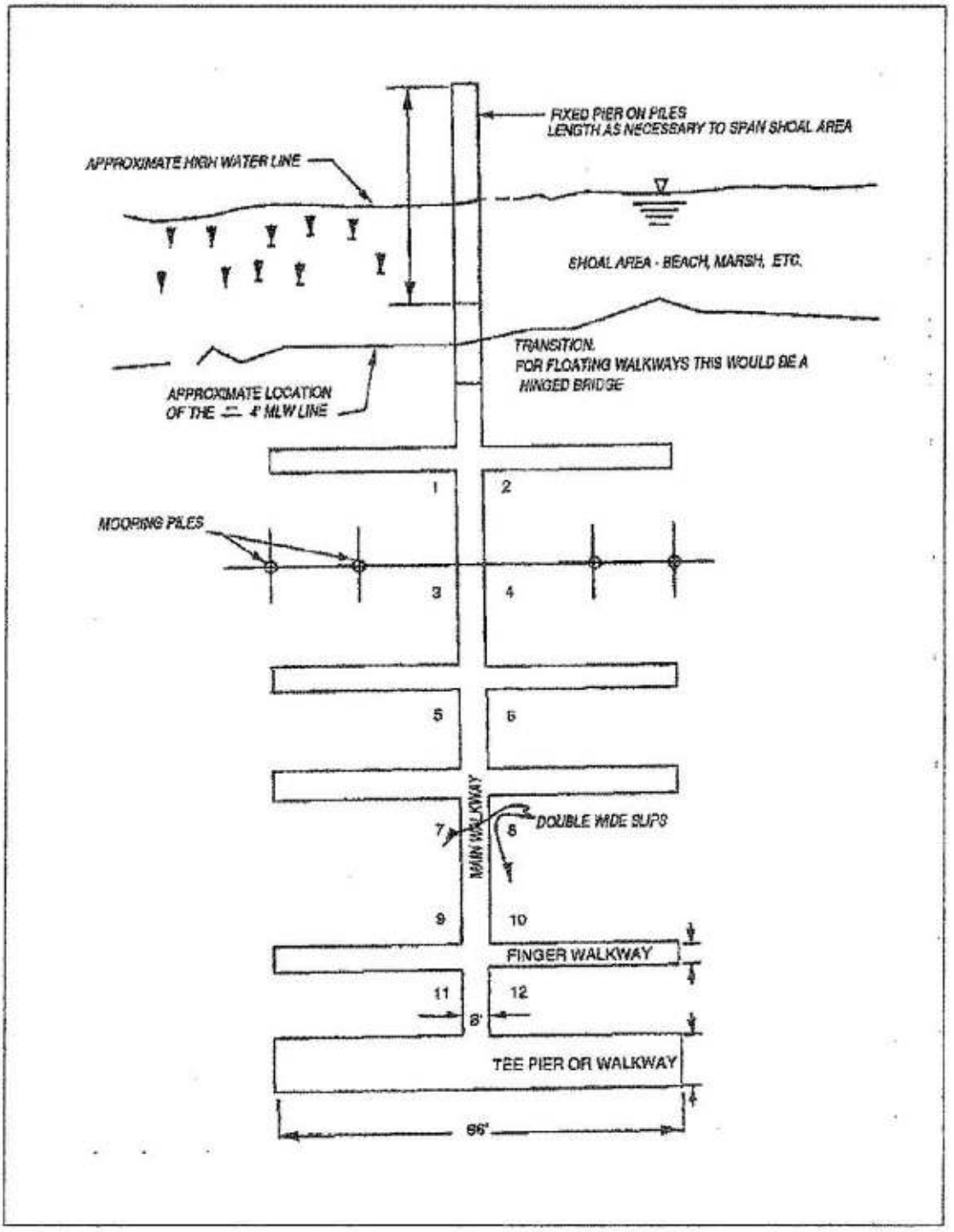


Figure 3-5. Basic layout for marina walkways (Chamberlain 1983)

corners should be gently rounded, preferably with constantly changing radii. Such designs result in the most efficient use of water area and promote water circulation. The basin bottom should be sloped toward the exit and the waterway outside the marina. In designing a basin, concern should be given to preserving or encouraging all natural flushing activities. If necessary, artificial flushing should be considered (Chamberlain 1983).

(f) Channels. Channel entrances and the channel leading to a marina should be as large as possible so as to provide safety and ease of passage in times of storm, fire, or other emergency, and to promote flushing. Where possible, the entrance should be located to avoid the direct entry of waves. Any bends that are necessary should be gradual (Dunham and Finn 1974). A breakwater can be constructed to protect channel entrances from the direct entry of waves (Chamberlain 1983).

(g) Harbor entrance channel. Harbor entrance channels should be at least 60 ft (18.3 m) wide or four times the beam of the widest boat berthed in the marina.

(h) Channel leading to the marina. A clear width of twice the entrance channel width, but not less than 60 ft (18.3 m), should be required.

(i) Channel turning. Required widths for turning are 2.25 times the length of the longest boat. For sites with frequent onshore winds or a large number of single screw power boats, the allowance for turning width should be increased from 2.5 to 2.75 times the longest boat.

e. Dead-end canal.

(1) General. Small boat dead-end canals are generally constructed for access to residences with docking facilities. Construction typically consists of excavation of an access channel through wetlands by widening an existing creek or excavating a totally new watercourse. The access channel provides easy access to the ocean, coastal waterway, river, reservoirs, or lake. Perimeter canals are often connected to the access canals to increase the density of home sites. Christensen and Snyder (1978) provide classification of existing canal systems; most canal systems in the classification terminated in dead ends.

(2) Environmental impact. The major environmental impact of early canal design was loss of wetlands. The dead-end configurations inhibited mixing and exchange of canal waters with the parent water body. As a consequence, storm-water pollutants and domestic wastes accumulated in the canals, resulting in nuisance plant growth and depressed dissolved oxygen. Because of the resulting environmental degradation, most regulatory agencies prohibit the construction of new residential canals until it can be shown that such systems are compatible with the site, that the environment will not be degraded, and that all regulatory criteria are met. Several techniques have recently been developed for reestablishment of wetlands and sea grasses that can be used to mitigate for habitat losses and create new habitat. These techniques are discussed in EM 1110-2-1204 and EM 1110-2-5026.

(3) New canal design. New canal design recommendations that are less damaging to the environment have been suggested (USEPA 1975, Morris 1981, U.S. Army Corps of Engineers 1983):

(a) Canal developments should be restricted to non-wetland areas.

(b) Flow-through or indented boat slip designs are preferable to dead-end canals due to their superior circulation characteristics. To the extent possible, dead-end features should be eliminated from canal systems.

(c) Canal depths for shallow draft pleasure craft should be no more than 4-6 ft below mean low water. It has been observed that "deep" canals are not adequately flushed by tidal action and that lower layers act as a trap for sediments and organic material. It has also been observed that canals that are very shallow (under 4 ft) may have poor flushing characteristics, poor navigability, and increased turbidity due to boat traffic.

(d) The grade of the canal bottom should be such that no sills are created at any point in the system. When a canal is first dredged, before connection to the receiving water body, a plug is often left in place. Upon removal, a sill may remain which impedes the circulation of the bottom waters.

(e) Canals should be designed to maximize wind-induced mixing, i.e., maximum width, minimum length, and orientation with prevailing winds.

(f) Canal design should contain some shallows. Intertidal and littoral vegetation consume nutrients from the water; thus, the canal may improve the quality of the receiving waters by reducing nutrient content and possibly raising the level of dissolved oxygen.

(g) Surface drainage patterns should be designed with swales, contours, and shallow depressions for water retention, to minimize direct runoff into canal waterways.

(h) For residential sewage treatment, package plants or lagoon systems are recommended.

f. Launching ramps.

(1) General. If properly placed and designed, launching ramps should have a minimal impact on aquatic and terrestrial resources. Under some conditions there may be concern over the effects of wave wash on bank stability and vegetation. If adjacent areas are shallow, bottom-dwelling organisms and their habitat can be disrupted if boats run aground or scrape the substrate. Valuable habitats and their biota may be protected if well-marked routes to the launching ramp are established and recreational craft are kept away from sensitive areas. If ramps have to be located near valuable areas, breakwaters, bank protection devices, or speed warnings may be required.

(2) Ramp design. Direct access to water areas should be prevented by designing boat launching ramps that require a deliberate turn from any access roads. Boat ramp designs vary depending upon their usage (U.S. Fish and Wildlife Service 1980). Ramps are usually constructed adjacent to deep water for easy launching of boats on trailers. They may range in widths from 10 ft to over 50 ft (3-15 m). The length of a ramp may be over 60 ft (18 m). The slope should be between 12 and 16 percent above the waterline and 15 to 20 percent below the waterline (EM 1110-1-400, National Water Safety Congress 1988). It is recommended that a ramp be paved to about 5 ft (1.5 m) below the extreme low tide. There should also be a level, gravel shelf at the end of the ramp. The most common construction technique for a ramp is to use a gravel foundation covered by 3 to 6 in. of concrete. Piers should also be provided for boarding and holding a boat while launching. It is recommended that piers be provided on both sides of the ramp. The ramp should be placed in a well-protected area with minimal currents, but one that is well flushed to avoid the buildup of exhaust, petrochemicals, and other pollutants associated with boating operations. The ramp should have a washdown facility. Oil, grease, and other pollutants washed off a boat should be discharged into the sewer system rather than into the boat basin.

(a) Ramp safety designs. To provide adequate traction, the surfaces of the ramp should be scored or patterned. Deep grooves in the concrete should be perpendicular to the slope of the ramp to provide good vehicular traction. Where drop-offs exist or could form, retaining curbs should be incorporated at the lower end of the ramp and on the outside edges or ramps. Consideration should be given to providing chock blocks, where feasible. Operation plans should include plans to keep ramps free of algae growth and siltation (National Water Safety Congress 1988).

(b) Ramp area design. For boat trailer parking, a general rule is 25 car and trailer parking spaces per lane, except where demand or site conditions require deviations. A minimum of one 75-ft- (23-m-) diam vehicular turnaround should be provided for each ramp. Courtesy loading docks should be provided to allow for safe loading and unloading of persons and gear (EM 1110-1-400, National Water Safety Congress 1988).

(c) Security lighting. Adequate security lighting should be provided. Appropriate signs should be placed to encourage safe boating practices. Overhead power lines crossing the water should be posted (National Water Safety Congress 1988).

(3) Environmental impacts.

(a) If not properly designed, the construction of a boat ramp and associated parking facilities can result in both immediate and long-term environmental effects. Construction of a ramp and parking facilities can cause increased erosion and associated turbidity as a result of altering the shoreline and intertidal habitats, smothering of benthic animals, and release of toxic substances used in the construction material. A possible solution is the planting of marsh grasses and sea grasses (EM 1110-2-1204 and EM 1110-2-5026). Ramp site selection should avoid, if possible, wetlands, and highly productive intertidal habitats (i.e., shellfish beds, sea grasses, nursery habitat, etc). The construction of a ramp will displace shoreline and aquatic habitats and in most cases replace it with less productive habitat, particularly if the ramp is heavily used. Construction can also result in increased noise and air pollution.

(b) Long-term impacts are associated with dredging and channel deepening to accommodate the ramp, protective structures that may be required, parking facilities that require clearing and grading the land, and increased human usage of the area. Increased operation of boats in association with the ramp will increase turbulence of the water, petrochemical pollution, and noise which may affect fish and wildlife resources and humans in the area. Generally, channel depths providing a clearance of 2-3 ft between the propeller of a vessel and the channel bottom

during low waters, will be sufficient to prevent increased turbidities (NOAA 1976). It is also possible that a greater number of boats and their wakes may increase shoreline erosion, requiring additional protective shoreline structures. If the ramp becomes a popular boat launching area, it may attract other commercial facilities that could further increase habitat alterations.

(4) Alternatives.

(a) An alternative that should be considered in place of a boat ramp is a hoist that can pick a boat up off a trailer and place it in the water. A hoist usually requires a pier or other structure to allow access to navigable waters. The hoist would be appropriate where the water is deep close to the shore. In areas where there is a narrow band of marsh or shallow water separating the shore from deep water, a dock or pier could be used to span these areas.

(b) A marine way (dolly) is another alternative to a boat ramp. This operation requires lifting the boat onto a rail and lowering the boat down the rail into the water. Its advantage is that boats can be launched in areas with a shallow slope at low tides.

3-2. Basin Operating Criteria

a. Periods of Operation.

(1) Under certain conditions, it is often possible to restrict dredging, construction, or related activities to appropriate times of the year so as not to negatively affect certain biota (LaSalle 1988, Sanders and Killgore 1989). Boat ramps are usually constructed during low water periods when banks are dry and construction will not be impeded by high water. There are probably fewer negative effects to aquatic biota during late summer and fall when aquatic plants have senesced, reproduction of fishes and macroinvertebrates has taken place, and many aquatic insects have emerged. Water clarity is usually highest during late summer and early fall, so the effects of sedimentation may appear great, although impacts to spawning or nursery areas will be minimal.

(2) It may be virtually impossible to restrict access to boat ramps during selected times of the year. When fish spawning and plant growth are maximal (i.e., during the spring), recreation use is often at a peak. Rather than attempt to restrict access, boat ramps and facilities should be designed so that sensitive areas will not be damaged. The use of buoys and breakwaters, placing boat lanes so that they are straight and do not encroach on valuable areas, and enforcement of reduced speed zones are all methods of protecting biota regardless of season. Seasonal restrictions on dredging and construction activities are based on perception or concern that such activities will have a negative impact on biological resources. The major concerns are related to impacts on migrating waterfowl, shore and wading birds, fish migration, and larval and juvenile fish and shellfish. Restrictions may be justified in cases where there are known occurrences of the animals in the vicinity of the construction site during specific seasons. Project activities should be scheduled to minimize interference with reproduction, rearing, and migration of these biological resources (Cardwell and Koons 1981). Careful planning and scheduling of dredging and construction can minimize these impacts.

b. Water quality impacts.

(1) Flushing. Water quality impacts of small boat basins can be attributed to excess input of pollutants and/or inhibited flushing. Flushing is a concept of how long a constituent remains in the water body. The term "flushing" is often misused in that a single number (e.g., 10 days) is sometimes used to describe the flushing time of a harbor. In actuality, the flushing rate ranges from 0 days at the boundary to several weeks depending on location within the marina water body. A decrease in flushing increases the time that a constituent exerts its influence on the water quality. Site selection, basin design, and operation procedures are the most effective ways to minimize possible water quality impacts. Objectives should include minimization of pollution sources and maximization of flushing. Evaluation of water quality impacts involves an assessment of the input of pollutants and flushing of the water body.

(2) Pollutant sources. The term pollutant refers to either naturally occurring or synthetic materials that may occur in sufficient quantity to adversely affect water quality. The major sources of pollution include storm water runoff, sanitary wastes, and wastes from boat operation and maintenance. In addition, pollutants may be introduced through dredging and dredged material disposal during either construction or maintenance.

(a) Rainfall creates runoff from roofs, parking lots, roads, fields, forests, lawns, etc. The runoff may carry a variety of pollutants that may degrade water quality. These pollutants include sediment, nutrients, pesticides, oil and grease, metals, and pathogens.

(b) Sanitary wastes cause an increase in the nutrient supply, an increase in biochemical oxygen demand, and

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introduction of disease-causing viral and bacterial organisms. Pollutants from this source can enter small boat basins in wastewater directly discharged from boats or from improperly functioning or poorly located septic systems that allow sewage effluents to leach into the basin.

(c) Other wastes from boat operation and maintenance include pollutants such as gasoline, oil, and grease; solid waste; trash; lead; copper; and detergents.

(3) Predictive techniques. Application of predictive techniques to assess the water quality impacts (e.g., depressed dissolved oxygen (DO)) of these pollutants requires an estimate of pollutant loading. If actual values for various loadings are not available, the USEPA (1985) provides estimates of constituent concentrations for urban runoff and contribution from boats.

(4) Flushing and DO. The water quality in harbors is generally lower than the water quality of the parent water body. However, successful control of water quality is usually dependent upon periodic exchanges of harbor water with the parent water body. Dunham and Finn (1974) suggested that for single entrance marine harbors, an average daily exchange of water equivalent to about one-third of the harbor's mean tidal volume is usually sufficient to prevent water stagnation. Boozer (1979) stated that for marine harbors, turnover times of 2-4 days will generally prevent stagnation or the buildup of high pollution concentrations. By correlating hydraulic model estimates of flushing with water quality measurements in five Puget Sound Marinas, Cardwell, Nece, and Richey (1980) suggest that a mean exchange coefficient of 30 percent was necessary to prevent serious fluctuations in DO. The mean exchange coefficient is the percentage of water in a basin that is removed and replaced with ambient water during each tidal cycle. Although the three methods use different techniques, the results are nearly equivalent. Importantly, the three exchange estimates are for marinas for which tidal action is the dominant factor.

(a) Rivers and lakes. In flowing rivers, potential water quality problems are minimized because the river currents will induce circulatory flow. In lakes, small craft harbors are typically constructed in coves; the use of floating docks minimally affects the existing circulation and thus the exchange with the parent water body.

(b) Marinas. Marinas may be located near the ocean where solid breakwaters may be used for protection. The harbor construction may significantly affect the water exchange with the parent water body. Nece et al. (1979) used physical models to study geometric effects of marina design and suggested design features for maximum flushing: the best design of a rectangular basin for optimal tidal flushing would have a length/breadth ratio between 0.5 and 2.0, rounded corners, and a centered entrance. However, asymmetric basins within the same length/breadth ratio and with rounded corners also exhibit adequate flushing characteristics. Little guidance was found on designs with multiple entrances; however, parent water body circulation could be used to enhance water exchange. Two openings at opposite ends of the marina could establish flow-through water currents. Other design considerations for enhancing flushing include (Boozer 1979): marinas should have wide and deep entrances with depth gradually decreasing toward the inner reaches of the marina; marinas should never be deeper than either the open water or channels to which they are connected and never deeper than their own access channels; and marinas should use floating breakwaters to dampen incoming waves yet allow less restricted water circulation. Most of the early designs of marina systems were based on a simple flushing analysis. The flushing analyses were a variant of the tidal prism method (Walton 1983). Such an approach for marinas is a reasonable "back-of-the-envelope" calculation to obtain an idea of the exchange of water between the marina and adjacent waterway. The procedure is described in Chapter 4 of the *Coastal Marinas Assessment Handbook* (USEPA 1985). In studying South Beach Marina in Oregon, Callaway (1981) used a simple flushing model to simulate mixing. His results showed excellent agreement with a physical model of the system, but showed that both the physical and flushing models overestimated the flushing time when compared to field data.

(c) Residential canals. Tidal prism analysis is not applicable to canal systems because the assumption of complete mixing is not valid. The use of the one-dimensional model DYNTRAN (Moore and Walton 1984) provides a relatively rapid, conservative, and inexpensive procedure for assessing flushing and DO. The procedure is conservative because the physical mixing processes due to wind, density-induced currents, and secondary currents are not included in the model. Several basin design features that promote flushing are basin depths that are not deeper than the open water, two openings at opposite ends of the marina to establish flow-through currents, minimal vertical walls, a rectangular basin with single entrances that are centered, and basin depths that gradually increase toward open water.

(5) DO analysis. The level of DO is used to characterize water quality because it serves as an integrated

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measure of physical, chemical, and biological processes. DO is included in all state water quality standards. The procedure for DO analysis consists of two phases. The first phase consists of a flushing analysis for estimates of flushing rates or flows. The second phase consists of the use of the flushing rate estimates for the solution of mass balance equations relating DO to sources such as reaeration and sinks such as biochemical oxygen demand (BOD) decay. A procedure is outlined in the Coastal Marinas Assessment Handbook (USEPA 1985). Two- and three-dimensional numerical hydrodynamic and water quality models are available (Hall, Dortch, and Bird 1988) that can address the flushing and water quality of small boat basins. Although not justified in the past, due to the rapid decrease in computational costs and the capability to run some applications on microcomputers, the application of numerical models for analyses of small boat basins is now feasible.

(6) Water exchange. Water exchange does not always ensure good water quality. A significant factor in water quality control is the elimination of direct sources of pollution: storm-water runoff, sanitary wastes, and wastes from boat operation and maintenance.

c. Control of adjacent land and water use. Planning for adjacent land and water use should be documented in a master plan and in provisions of permits for marinas. The master plan should consider trash and garbage pickup, and provision of a boat maintenance area for washing boats. The need for maintenance dredging to minimize siltation and to ensure adequate channel depth and alignment should be evaluated. Maintenance dredging should be scheduled to minimize impacts on current paths and wave action and impacts to adjacent beaches and wetlands (Chamberlain 1983).

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Summary of judgement

SC Administrative Law Court Decisions
AGENCY: South Carolina Department of Health and Environmental Control

http://www.scalc.net/decisions.aspx?q=4&id=5065#N_1

There is a strong correlation between dead-end canals and poor water quality, resulting in high or low concentrations of nutrients, hydrocarbons and fecal coliforms, and a community of organisms which is lower in diversity than natural systems. Dead-end canals do not exist in natural estuarine ecosystems.

Dissolved oxygen in the water column would be reduced by the deepening of the canals.

" There is evidence that if the project were completed as proposed, the banks of the canal would erode and that the waters of the canal would become more stagnant.

It provides that "dredging and filling in wetlands can always be expected to have adverse environmental consequences; therefore, the Department discourages dredging and filling. There are cases, however, where such unavoidable environmental effects are justified if legitimate public needs are to be met." (emphasis added) Regulation 30-12(H)(1) addresses dredging to create and maintain navigational channels: "Certain dredging activities involve the creation and maintenance of navigation channels and access canals. These activities have a potential for severe environmental impacts and should meet a demonstrated public need.

Dead-end canals are generally associated with poor water quality, resulting in high or low concentrations of nutrients, hydrocarbons and fecal coliforms, and a community of organisms which is lower in diversity than natural systems. Dredging of intertidal and shallow subtidal areas in the dead-end finger canals will eliminate important nursery areas, hinder flushing, create stagnant water, and alter the natural processes of the estuarine ecosystem.

Dredging the canals will increase the potential for stagnant water, particularly in the dead ends of the canals. Deepening the canals would, on average, decrease the flushing action or amount of water exchanged by the tide. The action of flushing takes out a build-up of nutrients, contaminants, sediments, etc., and allows for an exchange of water in areas that were isolated, thereby mixing the stagnant water with new water. Deepening the canal will also result in stratification of oxygen in the water column. Without mixing, practically no dissolved oxygen would develop at the bottom. Deepening the canal will cause a greater volume of water to remain in the canal. Therefore, residence time will be increased and there will be more stagnant or old water sitting in the canal. The result would be flushing and stagnant water problems which will eliminate important nursery areas and alter the natural processes of the estuarine ecosystem.

Dredging of intertidal and shallow subtidal areas in the dead-end finger canals will hinder flushing, create stagnant water, and alter water circulation patterns.
Dredging the canals will increase the potential for stagnant water, particularly in the dead- ends of the canals. (Tr. Vol. I, p. 206). Deepening the canal would, on average, decrease the flushing action, or amount of water exchanged by the tide. (Tr. Vol. I, pp. 112-114).
The action of flushing takes out a build-up of nutrients, contaminants, sediments, etc., and allows for an exchange of water in areas that were isolated, thereby mixing the stagnant water with new water. (Tr. Vol. I, pp. 112-113) (Tr. Vol. II, p. 149) (Gilbert Dep. pp. 31, 34-35, 51) (Tr. Vol. V, pp. 72-75).
Deepening the canal would not improve flushing.

Without mixing, almost zero dissolved oxygen would develop at the bottom of the canal. Deepening the canal will cause a greater volume of water to remain in the canal. Therefore, residence time will be increased, and there will be more stagnant or old water sitting in the canal. (Tr. Vol. V, p. 76).

Deepening the canal will result in stratification of oxygen in the water column. Deepening the canal will cause a greater volume of water to remain in the canal and more stagnant or old water to sit in the canal. (Tr. Vol. V, p. 76).
There is a strong association between dead-end canals and poor water quality, resulting in high or low concentrations of nutrients, hydrocarbons and fecal coliforms, and a community of organisms which is lower in diversity than natural systems. (Tr. Vol. IV, pp. 43-44). These problems are basically due to poor flushing in dead-end canals. (Tr. Vol. IV, p. 44).

Maryland Coastal Bays Program
Protecting Today's Treasures for Tomorrow
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Dead End Canal Workshop Informs

May 18, 2002

by Carol Cain, Technical Coordinator for the MD Coastal Bays Program

Recently the Maryland Coastal Bays and Delaware's Center for the Inland Bays joined forces to convene a workshop on the problems associated with dead end canals. More than one hundred participants gathered to discuss the scientific and technical components of canals including how the canals are engineered and what are the possible solutions to prevent pollution and associated algal blooms and fish kills.

Many homeowners were unaware that their property had originally been a marsh. Before the mid 1970's contractors could dig out canals in the marsh and use the adjacent spoils as upland for home sites. Often the canals were deeper than the bays they were connected to and this has prevented proper flushing of the waters in the bottom of the canals. High levels of nutrients and toxic chemicals have been found to accumulate along the bottom thus creating an ecological dead zone. A study conducted by EPA has revealed that 75 percent of the Coastal Bays canals have harmful chemical levels. Additionally, studies of bottom oxygen levels within these canals have revealed that during summer months oxygen levels are consistently falling below the state's minimum standard of 5 parts per million. In fact, more than half (55%) of the canals tested had less than the 5 ppm and 30% had concentrations less than 2 ppm. Additionally harmful algal blooms, which are capable of human and aquatic health impacts have been documented in these canals, and may have contributed to the demise of 15,000 menhaden in a Cape Isle of Wight canal in June 2002. In August of 2001, the State's largest documented fish kill, 3 million silversides, occurred in a West Ocean City canal.

Other issues include shoaling and sedimentation, which impedes navigation. Dredging canals periodically has been the only remedy to date. However, the permit process can be cumbersome and finding a suitable spoil location is becoming increasingly difficult to access. Additionally, large mats of macroalgae, the result of the increase in nutrients within the water, are fouling boat propellers and present an odor nuisance when the algae decompose.

New canals are no longer permitted, however the issues in existing neighborhoods remain to be addressed. Dredging and retrofits to promote circulation are certainly a possibility, albeit temporary and expensive. The best practices to adopt are these, which will prevent further degradation in the first place. This would include directing stormwater away from the canal to prevent increasing the sediment and nutrient levels. Similarly, do not allow grass clipping, pet waste, fertilizers, or other garbage to foul your canal. Try using nontoxic and fouling paint on the bottom of your boat. Substitute vinyl for pressure treated bulkhead materials, which contains toxic chromium, cadmium, and arsenic. And where practical remove the bulkheading and plant native grasses and shrubs which absorb wave energy rather than deflecting it which results in scouring and shoaling.

The Dead-End Canal workshop was an important step in reaching out to residents who live on the water and are best suited to observe and prevent further degradation. Our goal is to educate and implement changes to prevent pollution and put the power and responsibility to do so in the hands of those communities and residents most affected.

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Part of the National Estuary Program, the Maryland Coastal Bays Program is a cooperative effort between Worcester County, Berlin, and Ocean City which have come together to produce the first ever management plan for their bays.

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Questions? Email:

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Delaware/Maryland Dead-end Canal Conference Proceedings:
Challenges and Solutions
May 17, 2003

Summary
The **Delaware/Maryland Dead-end Canal Conference: Challenges and Solutions** took place on Saturday, May 17, 2003 at Crabbers' Cove in the Rusty Rudder Complex, Dewey Beach, Delaware.

The Conference was sponsored by the Center for the Inland Bays, Maryland Coastal Bays Program, Delaware Department of Natural Resources and Environmental Control, Delaware Sea Grant – University of Delaware, Indian River Acres Homeowners Association and Rehoboth Beach Yacht & Country Club Property Owners Association. The sponsors designed the Conference to inform homeowners about the challenges presented by living on dead-end canals, and to initiate discussion about possible solutions to these problems.

Networks of dead-end canals in coastal Delaware and Maryland were created during the 1960's and 1970's by development projects that dug the canals to obtain residential, waterfront land. At that time, thought was not given to the impact that the design, construction, and types of materials used to build the canals might have on the environment. In recent years, these canals have been experiencing many challenges to their ecosystems such as poor circulation and flushing, excessive nutrients, low dissolved oxygen levels, hydrogen sulfide, fish kills, odiferous and unsightly algae, navigational problems due to turbid waters, declining benthic, shellfish and crab communities, stagnant, polluted waters, harmful algal blooms, and more.

Some of these issues are due to the engineering of the canals and the materials used in their construction. Other issues are caused by the problems of eutrophication (excess nutrients) and loss of habitat that plague the Inland Bays. As the watershed's population and corresponding development continue to increase, the burden of pollutants that flow to the bays will continue to overwhelm and destroy these precious, estuarine worlds.

Estuaries provide a unique mix of salt and fresh water environments that many creatures require at some point in their life cycle. These shallow nurseries are havens for the terrapin, blue crabs, shellfish, bottom dwelling organisms, and countless fish and waterfowl that spawn and feed in their waters. Preserving and restoring the Delaware/Maryland coastal estuaries is an urgent priority that can be addressed partially through solving the problems of their dead-end canals.

More than 100 people representing dead-end canal communities from Maryland and Delaware, as well as educators, scientists and governmental representatives gathered to hear presentations on the troublesome lagoons. (See Appendix A for a list of attendees.)

Mr. Bill Moyer (DE Department of Natural Resources and Environmental Control), set the stage for the Conference by giving an overview of the history and environmental background of the Maryland/Delaware canal systems. Dr. Frederick (Rick) Kutz (Maryland Coastal Bays Program) followed with a review of the impact of poor water quality on benthic (bottom-dwelling) communities.

The second section of the agenda included a presentation by Mr. Ben Anderson (DE Department of Natural Resources and Environmental Control) on water quality. He discussed the science of the canals and problems caused by algae and fish kills and presented a lengthy list of features of dead-end canals. Dr. Bob Scarborough (DE Department of Natural Resources and Environmental Control, Coastal Program) followed with a presentation of various mechanical methods for counteracting the problem of low dissolved oxygen. He discussed studies that were conducted during the Torquay Canal fish kill events of 2000.

These presentations were followed by two panel presentations. Mr. Al Goldfarb (Rehoboth Beach Yacht & Country Club Property Owners Association) moderated the first panel. Members gave their views on **Impacts at the Community Level – Public/Community Perspective**. Mr. Bob Henry (DE Department of Natural Resources and Environmental Control) moderated the second panel. Members discussed their views on **Government Opportunities for Remediation.** Panelists entertained questions from the audience.

Mr. Joe Farrell (Delaware Sea Grant – University of Delaware) led the next presentation module on **Approaches to Addressing Canal Issues through Public Involvement**. He described the achievements of the Citizen Monitoring Program and the Volunteer Phytoplankton Monitoring Program. He stressed the importance of public involvement and understanding different viewpoints when seeking solutions. Mr. Dave Blazer (Executive Director, Maryland Coastal Bays Program) presented a list of specific steps homeowners could take to improve water quality in their canals. He also noted the importance of educating and communicating to reach solutions. City Engineer Terry McGean (Ocean City, Maryland) spoke about the challenges of dealing with dead-end canal issues at the local government level.

The final section of the program consisted of an open forum moderated by Dr. Bruce Richards, Executive Director of the Center for the Inland Bays and Mr. Dave Blazer. Attendees suggested solutions and proposed suggested **Next Steps** for dealing with dead-end canal issues.

Summary of Suggested Solutions

- Studies of remediation techniques to improve the environmental quality of dead-end canals should be done. Increasing circulation in the canals may be a recommended technique.
- Removing sediment sills from the mouths of dead-end canals may improve flushing and water quality.
- Dredging may remove contaminated sediments from canal bottoms.
- Maintain unified depths through a combination of dredging and filling in canal bottoms.
- Install aeration or circulation devices (may be difficult and costly).
- Use wind-generated devices (may bring toxins to the surface and may be inconsistent).
- Circulate canal waters by spraying them into retention ponds.
- Create a Shoreline Commission to oversee construction projects and shore stabilization projects.

- Recommend that dock facilities are shared to minimize restricting the flow of water in canals.
- Dredge materials from Army Corps of Engineers projects (or other sources) could be used to fill deep holes in Torquay Canal and other locations.
- When problems are discovered in the community, they can be brought to the University of Delaware Sea Grant, DNREC or the Center for the Inland Bays, for consideration and possible assistance.
- Consider ways to increase public involvement in seeking solutions for canal problems. Use homeowner's association meetings as a forum for educating people.
- Use solar powered treatments to tackle the water quality problem at its source.
- Instead of repairing bulkheads, retrofit them by terracing; install vegetative methods to improve water quality.
- Seed the canals with minnows and filter feeder clams.
- Use Indian River Acres as a test site for studying the result of connecting two canals, on the west and east sides of the community, one of which opens to the bay. Install a propulsion system to accelerate the exchange of water with the bay.
- Send Maryland Coastal Bays Program's Homeowner's Guide to every dead-end lagoon property owner.
- Identify cost share and research dollars from various organizations to start demonstration projects in dead-end canals as has been done in the agricultural community.
- Plant trees, shrubs and vegetation along canal banks to filter nutrients and pollutants.
- Fill canal depressions with dredge materials to the mean canal depth.
- Ensure that canals are no deeper than their receiving waters.
- Provide for canal headwaters to be shallower than receiving waters to allow for natural flushing.
- Small scale pumping operations and windmill-driven pumps may be effective.
- Direct road and roof runoff into manmade lagoons that can be tapped for landscape watering or fire fighting purposes.
- Clean up pet waste.
- Educate property owners in how to petition for the establishment of a tax lagoon district for their community.
- Raise public awareness through education so that community-based solutions can be discovered.
- Minimize the use of cleaning chemicals and avoid dumping and spillage.
- Don't dump lawn clippings and yard waste into canals. Control fertilizer use.
- Don't dump fish-cleaning station contents or crab shells into canals.
- Practice good engine maintenance. Use non-toxic marine paints.
- Keep bilge water clean or filtered.
- Disconnect downspouts so runoff doesn't flow directly into canals.

Welcome and Introductions:

Dr. Bruce Richards – Executive Director, Center for the Inland Bays
Mr. Richard Eakle – Chair, Center for the Inland Bays Board of Directors
Mr. Dave Blazer – Executive Director, Maryland Coastal Bays Program
Mr. Bob Abele – Chair, Maryland Coastal Bays Foundation

Dr. Richards opened the Conference by welcoming homeowners and other attendees. He acknowledged the following dignitaries: former Representative Shirley Price; Mayor Peg Baunchalk, Fenwick Island; Secretary John Hughes, DE Department of Natural Resources and Environmental Control; CIB Board Chairman Rick Eakle; CIB Board Member Pat Campbell-White. Dr. Richards also acknowledged all those who helped to plan the Conference including representatives from the following groups: DE Department of Natural Resources and Environmental Control; Maryland Coastal Bays Program; University of Delaware; Indian River Acres Homeowners Association; and the Rehoboth Beach Yacht & Country Club Property Owners Association.

The Conference focused on issues of interest to homeowners living on or near dead-end canals, including water conditions, dredging and property values. In the interest of conducting a fair and balanced program, attendees did not make comments that would forward personal agendas.

Attendees devoted a moment of silence in respect to the memory of former Mayor Sal Aiello, South Bethany, who had been an active leader in the cause for improving water quality in the Inland Bays.

Dr. Richards read a letter from Senator George Bunting (See Appendix B) who was unable to attend due to family commitments. Lastly, he introduced the CIB staff Mr. Eric Buehl, Mr. Jim Alderman and Ms. Brenda Ross-Greene, and thanked Mr. Dave Blazer, Executive Director of the Maryland Coastal Bays Program, for his contribution to the Conference. In turn, Mr. Blazer delivered welcoming remarks and acknowledged his own staff including Ms. Carol Cain and Mr. Roman Jesien. Mr. Rick Eakle and Mr. Bob Abele also delivered welcoming remarks.

Section One
Setting the Stage: Overview, History & Environmental Background of the Maryland/Delaware Canal Systems.

Presenter: Mr. William Moyer
DE Department of Natural Resources and Environmental Control
Division of Water Resources, Wetlands and Sub-aqueous Lands

Mr. Moyer opened his presentation with a description of Delaware's Inland Bays -- Indian River, Rehoboth and Little Assawoman. These interconnected bodies of water range in depth from three to eight feet and extend for 32 square miles including tributaries. The Inland Bays drain a watershed of 320 square miles. They are especially sensitive to environmental changes because they are shallow and poorly flushed by tidal movement. Indian River Inlet provides the only source of tidal flushing for the upper bays. Therefore, changes in salinity or fluctuations in water

temperature can have dramatic effects on water quality and on the plants, fish, shellfish, and organisms that live in the bays.

The bays are characterized by surrounding marshes, tributaries and wetlands. Historical slides of the Fenwick Island area from 1938, 1960 and 1973, showed the progressive development of wetland areas and of dead-end canals. Historical slides of South Bethany's 1938 wetlands were compared to 1960 (when lagoons were dug) and 1973 (when residential development was started). Infrared photos distinguished between wetland and upland areas for tidal wetlands regulatory maps that were adopted in 1976.

Dead-end canals are problematic for several reasons. They usually have only one opening. Most were dug through wetlands with the material being side cast to create development lands for home sites. The canals were dug deeper than their receiving water. This created lower bottom elevation and poor flushing, which causes the canal water to stagnate and become depleted of the dissolved oxygen, which is essential for organisms to survive. The amount of waterfront has been increased dramatically by this development, thus increasing non-point source pollution from all residences. Animal waste and homeowner fertilizers are major sources of non-point pollution. Wetlands serve as filters to cleanse runoff pollution and improve water quality. The loss of wetlands to development has meant a decreased ability to filter out nutrients and pollution before they reach the bays. Canals require constant maintenance to remove the silt deposits that form at their mouths. Disposal sites for this material are becoming more difficult to find.

Another problem is that most lagoons are stabilized with bulkheading (vertical walls that deflect all wave action and cause scouring of the canal bottom). Scouring can undermine the bulkhead. Furthermore, bulkheading is made with treated lumber containing toxic chemicals including copper, chromium and arsenic (CCA). By 2005, the EPA will have banned the use of CCA from upland playground areas because of its toxic effects. Although the use of CCA for bulkheading has not yet been addressed in Delaware, vinyl or plastic materials are being used in some areas instead of pressure-treated and salt-treated wood.

A slide of the Indian River Acres community showed a variety of designs of canal systems. Most were dug in the late 1960's and early 1970's. Since Delaware's Wetlands Act was passed in 1973, the digging of these types of lagoons has ceased.

Questions and Comments

-- Indian River Acres is studying the severe impact of mosquito control ditches on their canals. Mosquito control ditches are no longer used since proven ineffective. They are being replaced with open marsh water management, which installs and stocks ponds with mosquito eating fish.

-- Research has been done in recent years on the problem of CCA leaching. Data shows that the chemicals do not have a serious impact in tidal areas with good flushing. Rutgers scientist Judy Weiss presented a research paper to the Center for the Inland Bays' Board of Directors that documented leaching chemicals were being absorbed by wetlands plants and entering the food chain. Her paper showed that the level of CCA is higher in dead-end lagoons and has impacted the invertebrate life. Arsenic is chemically similar to phosphorous and will mistakenly be

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absorbed by plankton. It has been found in fish tissue in the Inland Bays. The University of Delaware is conducting remediation studies using *Phragmites* to absorb heavy metals.

-- The use of creosote has been banned in Delaware for many years.

Presenter: Dr. Frederick (Rick) Kutz, Maryland Coastal Bays Program
Former EPA research scientist.

Dr. Kutz delivered the message that dead-end canals are really a dead-end for bottom-dwelling organisms such as clams and worms. The objectives of his presentation were to discuss a scientific study about the condition of the coastal bays, summarize a literature search and consider alternative methods being pursued in other areas of the country.

In 1993, the EPA conducted a scientific study of the entire coastal bay system in Delaware and Maryland. For the purpose of the study, dead-end canals were defined as manmade structures of 200 ft. or more in length with engineered walls on two or three sides. Using a scientific survey design, researchers were able to apply findings taken from 25 selected sites in Delaware and Maryland to the entire dead-end canal system in both states. Exhaustive measurements were taken: physical parameters (dissolved oxygen and depth), water quality (nutrients), chemical contaminants (pesticides, toxic chemicals), benthic communities (bottom-dwelling creatures such as worms and clams).

Findings revealed that dissolved oxygen (DO), which is vital to sustain life, was very low in the dead-end canals. It was about 50% of DO levels in the coastal bays. Dead-end canal levels of DO registered at 3 parts per million compared to the state standards of 5 parts per million. This indicated that the organisms were being stressed. Sometimes nutrients can be found dissolved in the water column, however in the dead-end canals researchers found nutrients absorbed onto particulate matter and at levels almost twice as high as those found in the coastal bays. This condition caused concern because nutrients promote the growth of macroalgae, which can cause a noxious odor as it decays. Worrisome levels of toxic chemicals were found in the bottom sediment of dead-end canals including some from past agricultural applications that are no longer used, such as DDT. Petroleum industry chemicals including copper and arsenic were also found in concentrations of concern. All measurement indexes showed severe, profound stress in benthic organisms.

When dead-end canals are washed out by severe storm action, their polluted waters contaminate the bays. These canals are not functioning as productive estuaries - the nurseries of our environment. They used to be wetlands that performed a rich ecological function, but now they are dead zones. When researchers strained the bottom sediments looking for organisms, they found that 70% of the coastal bays system as a whole had more than 20 species of organisms, whereas 78% of dead-end canal samples had 2 organisms (worms highly tolerant of pollution). An Internet search revealed that Maryland and Delaware are not unique in the issue of poor water quality in dead-end canals. More than 100 references document poor water quality in dead-end canals from New York to Florida. Only three restoration studies were cited (Delaware, Florida and Louisiana). One of these studies reported that "restoration" had been accomplished by filling in the canals with old Christmas trees.

The following actions are recommended for future consideration:

- Do not build any more dead-end canals or related structures until more is understood about how to achieve good water quality for these types of systems.
- Be cautious when disposing of dredged material because of the toxic chemicals in the soil.
- Treat storm water runoff so that it doesn't carry pollutants into the bays. For example, roof shingles contribute tar and petroleum byproducts to the storm water that runs into the bays.
- Plant trees and shrubs along the canals to help filter pollutants and nutrients.

(See Appendix C for bibliographic citations and estuary report references.)

Questions and Comments

-- Studies of remediation techniques to improve the environmental quality of dead-end canals should be done. Increasing circulation in the canals may be a recommended technique. Little is known about flow rates in dead-end canals at the present time.

-- Some information on the residence time of water in the canals is mentioned in reports found in the bibliography in Appendix C. Residence time varies according to location. In Delaware, 75-80% of the fresh water influx into the bays and dead-end canals comes from groundwater.

Section Two

Water Quality: Algae, Fish Kills & Science

Presenter: Mr. Ben Anderson
DE Department of Natural Resources and Environmental Control

Most dead-end canal residents have inherited existing conditions and are searching for solutions to problems that others created in the past. Solutions to these problems can be difficult. These canals bring forward a variety of limitations, constraints and impacts. Physical limitations exist due to the way the canals were constructed and chemical limitations exist due to the nature of the construction materials. Flushing conditions and biological constraints impose limitations. Societal impacts raise issues about which party will bear remediation costs: government or private citizens.

Examination of a map of the Delaware Inland Bays Watershed reveals that the water-to-land ratio in this area is 10/1, as compared to the Maryland Coastal Bays Watershed's 2/1 ratio. Therefore, runoff is more significant in the Delaware area where more pollutants flow into the bays during rain events. Circulation and flushing opportunities are limited by the few number of ocean inlets. This is not as significant an issue farther south on the peninsula where there is less development. Dead-end canals are typically linear channels with hardened shorelines, a single outlet to the estuary and limited exchange of water with outside sources. These canals were not designed to flush. Old septic systems continue to leach through bulkheads into the canals. Thankfully, centralized sewer is being installed and will eventually correct this leaching

problem. There are about 91 separate canal systems in the Maryland/Delaware Coastal Bays covering a total surface water area of 1.7 sq. miles.

When nature designs a tidal system, it creates a channel that is shallow at the headwaters and becomes deeper and wider closer to the estuary or receiving waters. This design maximizes flushing. Manmade systems, on the other hand, tend to be wide and deep and are not designed to flush. They are created as developers dig out sediment on which to build residences. The artificial canal sides don't support vegetation that naturally filters and recycles nutrients. Algae that grow from nutrient-rich runoff become noxious and cause disposal problems.

Other features that impact dead-end canals include the following factors:

-- **Receiving waters** – Canals with lower tidal ranges are limited in their ability to be flushed (i.e., move the canal's water outside to exchange it with fresher bay water) by the supplying waters from open areas of the bays.
-- **Aspect ratio** – Canals with higher length-to-width ratios have limited flushing and poor water quality.
-- **Depth-to-tidal-range ratio** – Deeper canals with lower tidal ranges suffer limited water exchange.
-- **Physical orientation** – Canals that are positioned perpendicular to prevailing winds will experience less internal circulation (i.e., moving water around inside the lagoon).
-- **Sill development** – Sediment deposits trap canal water by acting like a dam at the mouth of the canal. Removing these sills could improve flushing and water quality.
-- **Sediment retention** – The nutrients and toxins carried by storm water runoff settle in fine silt on the canal bottoms. This silt absorbs and holds contaminants that build up over years. Most of the toxins are retained in the lagoon and don't flush out to the open bay waters. The retention problem may be fixed by dredging.
-- **Dissolved oxygen levels** – When dissolved oxygen reaches low levels of 2 parts per million, organisms start dying and the water puts out an unpleasant, heavy hydrogen sulfide odor. Hydrogen sulfide is toxic to fish, animals and algae living in the system.
-- **Retention areas** – Unsightly, wind-driven debris lodges in these canals. Storm water runoff carries toxins and nutrients into the canals where they reside to stimulate algae growth and hydrogen sulfide production. Contaminants become trapped in the canals and can't escape.
-- **Configuration** – Long, shallow lagoons lead to deep, non-flushing waters that trap fish, such as menhaden, who cannot find their way out. These high oxygen consumers suck the oxygen from the canal and perish in a fish kill event.
-- **Residence time** – The amount of time that water resides in a canal without being exchanged with fresher, open bay water is extremely slow because the residence time of the entire system is very slow. Flushing usually occurs during storm events. Models indicate that usually 66% of the water is turned out and 33% of the water is left behind. (Records indicate the flushing of Rehoboth Bay at this 2/3 ratio can take 45 days.) Maximum water exchanges take place during Northeaster storm events. (The normal tidal range for Little Assawoman Bay at Fenwick Island is 1-foot. During a recent Northeaster event, this tidal exchange increased to 2.5-feet.) Tidal ranges and exchanges vary throughout the Inland Bays with all dead-end canals located in 1-foot tidal range areas.

-- **Algae** – High levels of nutrients in the bays result in overabundant algae growth. Harvesters are used to remove large amounts of odiferous algae and apply it to farmlands where it decomposes. Black, bubbling water occurs when decomposing algae produces highly toxic hydrogen sulfide. When macroalgae occurs in dead-end lagoons, it must be harvested quickly before it turns to toxic soup. Another algae, that looks and acts like monofilament fishing line, causes navigation problems when it wraps around boat propellers and must be cut off.
-- **Fish kills** – Surface debris on the water can prevent life-sustaining oxygen from penetrating the water and may contribute to fish kill events. In the summer of 2000, more than 20 fish kills occurred in the Inland Bays. This extremely high rate of fish kills occurred due to weather and environmental conditions including abnormally high rainfall, high temperatures, overcast skies, low dissolved oxygen levels, and runoff-fueled algae growth. Weather stations were installed to measure weather parameters around the bays.
-- **Harmful Algal Blooms** – The University of Delaware and the Center for the Inland Bays have citizens monitoring programs that study HAB occurrences and causes of fish kills. Several species have been found locally to be of concern, including *chattonella*. This species produces brevitoxins; detectable levels of *pfiesteria* have also been detected.. Hot spots of these types of organisms are shifted around lagoons by winds.
-- **Stratification** – the deeper canals form "layers" where toxins like hydrogen sulfide can mix with surface waters during heavy winds. This mixing action can contribute to fish kills.

Options

While there may not be a silver bullet for solving the problems presented by dead-end canals, a combination of the following options may provide a collective solution:

-- Maintain unified depths through a combination of dredging and filling in canal bottoms
-- Install aeration or circulation devices (may be difficult and costly)
-- Use wind-generated devices (may bring poisons to the surface and may be inconsistent)
-- Circulate canal waters by spraying it to retention ponds.

Presenter: Dr. Bob Scarborough, Coastal Program
DE Department of Natural Resources and Environmental Control

In 2000, the Coastal Program was asked to provide a solution for residents to dead-end canal problems. Work began by studying the first major problem concerning dissolved oxygen. The typical pattern showed that dissolved oxygen produced in the day was consumed by algae at night. South Bethany statistics showed that oxygen levels reached a critical low at night especially when following a cloudy day. These low oxygen levels were deadly to animal life.

Several possible solutions were considered:

Air diffusers

A depth of at least 12 ft. depth is recommended for an air diffuser to improve the oxygen content of canal water however, the air bubbles produced by the diffuser do not cause an efficient transfer of oxygen to the water. The diffuser helps improve water quality by creating a water circulation pattern that pulls oxygen rich air from the atmosphere down to bottom waters.

Fountains
Fountains provide a more efficient solution by bringing up bottom water and creating turbulence to mix it with oxygen. Unfortunately, fountains create navigation obstacles.
Pumps
Pumping water from one end of a canal to another to exchange water would require a large pump and extensive pipe that could be difficult and costly to install. Furthermore, this pumping system would create navigation hazards.
Propeller Mixers
Primarily used in fish farms, propeller mixers consist of a submersible electric motor with a propeller attachment that circulates water. Although propeller mixers were created for circular ponds, the Coastal Program worked with the manufacturer to adapt a mixer for installation in a long, narrow canal for testing purposes. The mixer was located 300 ft. from the end of the canal and was hidden under a dock to avoid creating a navigation obstacle.

This study was done at two canal sites in South Bethany. One canal was used as a control site. Continuous monitoring data loggers were employed and fish and benthic samplings were collected at both sites. A third location was established at Indian River Acres close to the bay where there was a significant tidal range of three or more feet and good flushing. Different findings were reported by each site. The South Bethany control site was located in a 1500 ft. canal with very little tidal range or flushing. Every other week, scientists took water quality samples from the surface and 6 inches off the bottom at each site. Samples were taken every 100 - 150 ft. along the canals. Monthly fish samples were taken. The control canal averaged 48 fish per catch while the aerated canal averaged 86 fish per catch. The Indian River location yielded 10,000 fish per catch. Statistics showed high oxygen levels at the surface of the control canal and close to zero at its bottom. The aerated canal, 800 ft. in length, showed a better mix of oxygen that would sustain life. The diversity of fish species was greater in the aerated canal. Furthermore, the aeration significantly improved the benthic habitat. Only a few pollution tolerant worms showed up in the control canal.

The economics of the system included the cost of the aerators ($5,000 each), electricity ($250 per month), and electrician costs ($800). The aerator made a pleasant, gurgling sound. A shut-off switch was added to the Indian River Acres mixer to avoid overheating at low tides. This meant, however, that the mixer did not run when it was most critically needed at low tides. A major problem was caused by the mixers digging their own channels and creating sills that had to be dredged out under emergency conditions. The Coastal Program solved this problem in the second year by installing a thick tarp anchored with sand bags to provide a hard bottom for the mixer. The trade off was that this hard bottom covered the benthic community in that area. The mixers proved to eliminate stratification and increased the total oxygen in the water column by their mixing action. Tests revealed that their effective range is 600 – 1000 ft., so a mixer would be required every 1000 ft. They did not increase the amount of dissolved oxygen in the water's overall system. They caused some erosion to the bottom. Once installed, a mixer would cost approximately $10-20 per household, per month.

During the first year of this study, fish kills occurred at Torquay Canal and Bald Eagle Creek. The Coastal Program investigated these events and collected samples of hydrogen sulfide with Dr. Luther, University of Delaware, College of Marine Studies. Three data loggers were installed

in the horseshoe-shaped Torquay Canal, one at the water's surface, one midway down and the third on the canal bottom. Graphs of the daily fluctuations of oxygen levels were produced. Cross wind conditions caused a mix of water that brought hydrogen sulfide to the surface, causing fish kills. Recommendations for canals with depressions like Torquay, that could contain hydrogen sulfide include: fill the depressions to the mean canal depth; ensure that canals are no deeper than their receiving waters; provide for canal head waters to be shallower than receiving waters to allow for natural flushing.

Questions and Comments

-- It was not expected that a windmill power source would provide enough force to service the required area.

Section Three

Impacts at the Community Level – Public/Community Perspective:

Moderator: Mr. Al Goldfarb, Rehoboth Beach Yacht & Country Club Property Owners Association.

Panelists: Mrs. Pat Campbell-White, Mr. Robert Abele, Mr. Jay Charland, Mr. Chuck Woolson, Mr. Glen Ruoff, Mr. Bob Gallagher.

Mr. Goldfarb introduced the panel and opened the discussion with a description of the history of waterfront lot development and the building of roads that were executed with no thought to how these activities would impact water quality. The Rehoboth Beach Sewer Plant contributed effluent to the dead-end canals, further reducing water quality. Development storm drains brought fertilizers and storm runoff from entire developments into the canals as well. Mr. Gallagher asked attendees not to discuss personal complaints or concerns about specific properties in this venue. Each panel member was permitted a three – five minute statement about what has been the impact of dead-end lagoons at the community level, including property values, navigation and how citizens could improve their local water quality. He asked the audience to participate briefly and constructively.

Pat Campbell-White (Delaware realtor) – Estimates suggest that there are approximately 2,000 waterfront property owners in the target market area. Ms. Campbell-White assisted in marketing the conference to dead-end canal property owners. In 1982, a waterfront lot in Rehoboth Beach Yacht and Country Club at the junction of Bald Eagle Creek and Torquay Canal brought $39,000. In 1993, Great South Beach Improvement Company opened up a new phase in the same development where similar lots brought $125,000 – $195,000. Seven years later, two waterfront lots currently are listed for $670,000 and $850,000 respectively.

Over the years there have been regulatory improvements that have decreased the size of storm water runoff pipes in newer areas of the development. All storm water is collected and diverted into retention ponds or storm water management areas. Vertical timber bulkheads, used in the older sections of the development, have been replaced with more attractive and natural rip-rap, which is more beneficial to the environment. Regulatory processes have changed for the better.

Robert Abele (Maryland boater/fisherman) – It is not just the people who live on canal waterfronts that are responsible for the problems. There are approximately 8,000 homes in the Ocean Pines area near Ocean City. A Public Works map shows how water flows from each of these homes through ditches and trenches into the canals and rivers of the community from as far away as one mile. Canal problems manifest in the following ways: the water quality is a murky brown-green color before boating season starts; boaters worry about fowling their engines with algae filament; turbidity is so cloudy at 1.5-2 feet depth that navigation must be done by depth-finder, not sight; fish have trouble seeing the bait; the quality of crabbing has deteriorated; minnow bait dies due to low oxygen levels; a blood disease causes crabs to die prematurely; canal bottoms are coated in many places with unpleasant smelling silt that spoils the taste of crabs; flounder fishing has been poor; microalgae blooms are present. In general, people are concerned about going into the bays and eating what they catch. If unchecked, these undesirable factors will have significant negative impact on the quality of life and property values.

The following practices contribute to these problems: mulching mowers are not used consistently and weeds and grass clippings are put directly in ditches; animal waste that is not cleaned up washes into the waterways; fish cleaning scraps and carcasses are dumped into canals and add to nitrates; over fertilizing lawns contributes to the nutrient runoff that washes into the canals and bays; atmospheric deposition carried by prevailing winds causes 25-35% of the nitrogen deposits in the Maryland Coastal Bays when washed from roofs and downspouts transporting toxins and nutrients into bays; left over soaps from washing boats, decks and cars find their way to the bays; chemicals are not disposed of properly; topping off gas tanks and creating spills further contaminates the water quality; biodegradable soaps and safe bottom paints are not used. A Marine Activities Advisory Committee study has found anti-fouling bottom paints that are not hazardous. Everyone contributes to the canal problems. With some thoughtful change in personal daily routines, positive effects can happen.

Jay Charland (Assateague Coastal Trust, Coast Keeper) – Who should take responsibility for mitigating the impacts of dead-end canals? It is not the sole responsibility of waterfront property owners to solve the dead-end canal problems. Everyone contributes to the water quality problem, therefore community-based solutions should be proposed that don't just focus on the individual waterfront property owners. Small scale pumping operations and small windmills may be effective. These windmills should not be hooked to the grid; solar and wind-powered devices are preferable. Funding solutions and long-term maintenance is the responsibility of the entire watershed.

Bob Gallaghar (Indian River Acres) – Residents of the Indian River Acres community have improved their practice of cleaning up dog waste. One problem that has been neglected is that house gutters are connected directly to a central pipe that drains into the canal. This practice must be changed. In New South Wales, an Australian community, road and roof runoff is directed into manmade lagoons. These lagoons can be tapped for firefighting purposes. Bulkheads must be maintained better. New technology should be studied and promoted to governmental bodies and the public.

Chuck Woolson (Delaware licensed marine adjuster/Coast Guard Auxiliary) – Dead-end lagoons are filling in rapidly with silt. There has been an increase in water pump repairs in the last year

due to shallow waters. Motor manufacturers are working harder to produce more fuel efficient and environmentally friendly motors. They've done away with TBT paint and more environmentally friendly paints are available today.

Glenn Ruoff (President Eastside Association Rehoboth Beach Yacht & Country Club) Mr. Ruoff represents about 85 homeowners, ½ of which are waterfront property owners. They are very interested in canal events. They are concerned about fish kills which came to their attention when the harvester was brought in to clean out tens of thousands of dead menhaden. Air diffusers were put in Torquay Canal and were found to be relatively ineffective. Dr. George Luther identified several very deep holes throughout the Torquay Canal system. Mr. Ruoff kept homeowners informed of these events and developments. Homeowners want direction on how to bring about solutions to these problems.

Questions and Comments

-- It is not possible to determine the difference in property values between a waterfront community and one without waterfront. It is difficult to find a non-waterfront ½ acre lot for under $100,000 today.

-- Residents need assistance learning what to do to improve the canals. The Maryland Coastal Bays Program guide for homeowners will be distributed in the near future.

Section Four

Government Opportunities for Remediation:

Moderator: Mr. Bob Henry, Administrator, Shoreline and Waterway Management
DE Department of Natural Resources and Environmental Control
Panelists: Mr. Chuck Williams, Ms. Pat Schrawder, Mr. Jeff Gebert.

Mr. Henry introduced the session by speaking about the Tax Lagoon legislation that was proposed by former Representative Price and signed into law in July 2002. The purpose of this law, which was modeled after the Tax Ditch Law, is to provide a way for private lagoon developments to perform canal maintenance when not everyone in community is willing to participate. The law establishes a Lagoon Management Commission to direct the formation of the tax lagoon district. Judge Graves just appointed the commissioners (Al Goldfarb, Dr. Bruce Richards, Buzz Henifin) and their alternates (Don Bell, Pat Campbell-White, Todd Fritchman).

There is a process for property owners to petition for the establishment of a tax lagoon district for their community. Lagoon developments in Delaware are situated almost primarily around the Inland Bays (Rehoboth Bay, Indian River Bay, Little Assawoman Bay, and upper Assawoman Bay) and their tributaries. Indian River Acres is the first community that will go through the process of forming a tax lagoon district.

Chuck Williams (DE Department of Natural Resources and Environmental Control, Shoreline and Waterway management, Program Manager) - Sedimentation and macroalgae are the main problems of dead-end canals. These problems can be alleviated by dredging (mechanical or

hydraulic). Mechanical dredging involves the use of scoops and mechanical devices. The excavated material is placed on floating barges or in trucks for transport. Hydraulic dredges lift material through a suction pipe and transport material away from the site. The latter is considered to be the most environmentally friendly type of dredge in existence. It keeps turbidity at a minimum during operation.

Dredge fill is beneficial for shoreline stabilization projects. New disposal options include: Geotubes (permeable, tube-shaped geotextiles that are hydraulically filled with water and soil. When the water has drained, the tube is cut open so the dredge material can be scooped out and transported to a fill site. Disadvantages to this technology include their limited fill capacity, costliness, and inability to be reused.); Biotubes (made from natural coconut, jute and cotton fibers, these tubes are hydraulically filled with water and soil to form temporary structures. They can be vegetated as the structure gradually disintegrates. They are excellent for wetland restoration and shoreline stabilization projects. They resist wave and boat wake action, but have limited fill capacity.); Dewatering devices (still being perfected, these devices convert hydraulically dredged sediment from a *slurry* to a stackable, dewatered cake that can be transported to a fill site. This is a very costly process.).

Filling deep holes in lagoons with dredge material has never been tried before in Delaware, but might be helpful in cases such as Torquay Canal. To do this work, a permit is required from the Army Corps of Engineers. No more private dredging work will be taken on by DNREC in the near future.

Macroalgae harvesting has been performed in the Inland Bays since 1997. The harvesting season runs generally from May 1 to August 31. Harvested algae is composted for use in gardens the following spring. Sea lettuce, red algae and filamentous algae are the most commonly encountered algae in the Inland Bays. They are caused by excessive concentrations of nutrients. The Division of Fish and Wildlife must be notified when harvesting will occur. Property owners should report algae problems in lagoons to Mr. Williams at (302) 739-4411.

Pat Schrawder (MD Shoreline Commission in Worchester County, Chairman/Coastal Bays Navigation and Dredging Advisory Group) –The viewpoint of the Coastal Bays Navigation and Dredging Advisory Group is that dredging can be beneficial under proper circumstances. There are only two options for dead-end canals: remove the problem by harvesting or dredging, or minimize polluted input to the canals. Some situations will remain to be dealt with due to natural occurrences. Future canals, if there are to be any, must be redesigned.

The Shoreline Commission operates under the Critical Areas Act. The Commission tracks 90 canals. The seven members of the Commission, one representing each Maryland county, hold a public meeting twice a month. Approximately 95% of the Commission's work is done in Ocean Pines. The Shoreline Commission's job is to protect the shoreline by overseeing construction on the shoreline. This would include construction of docks, piers, rip-rap, bulkheads, soft stabilization, and dredging. While local commissioners inspect the construction sites, the Department of Natural Resources and the Army Corps of Engineers inspect the major projects. Inspectors make sure the application for construction represents the property accurately and

adheres to restrictions regarding the width of the canal. The Commission makes suggestions to applicants after reviewing applications and properties.

Under the Critical Areas Act, dredge material cannot be deposited within 100 ft. of the buffer zone and must be taken to a pre-approved landfill. In most cases, materials taken out of canals are not toxic. They may be used to create artificial islands. The Shoreline Commission is still in the process of deciding what to do with these dredged materials. The Commission could mandate that any new canal construction projects, or maintenance work, must follow certain criteria (e.g. installation of aerators). Initially, some dredging will still have to be done.

Jeff Gebert (Army Corps of Engineers, Philadelphia District Coastal Planning NJ/DE, Chief) – The Army Corps of Engineers offers beneficial cost sharing support to local areas, but its procedures and processes can be quite bureaucratic and lengthy. Mr. Gebert reviewed the steps for starting the Corps project "delivery engine" for the Small Project Program. These projects do not require involvement by Congress. The first contact is made through a local state agency such as the DE Department of Natural Resources and Environmental Control. A formal request must be made to the Corps. The Corps offers a number of cost sharing formulas, the benefits of which may be offset by the amount of time it takes to complete the project. Two environmental restoration programs (#1135 and #206) are structured to take a degraded ecosystem and apply a fix to make it less degraded and more natural. These programs work in different aquatic environments (e.g. salt marsh restoration in Cape May, NJ; urban fresh water project in Camden County, NJ).

In the summer of 2002, the Army Corps was apprised of the fish kill concerns of Torquay Canal. They examined the canal's deep holes. It was proposed that dredge material from another Corps navigation project (e.g. Lewes-Rehoboth Canal) could be used to fill the holes in Torquay.

Questions and Comments

-- The Army Corps of Engineers doesn't proceed without local participation and partnership. There are ways to work within that partnership to accelerate and economize on projects.

-- An Ocean Pines volunteer group has measured the depths of local canals. It would be helpful to have a computer program to analyze this data.

-- The Tax Lagoon Law is similar to the Tax Ditch Law. The costs are supported by the people that benefit from the work. The state provides certain administrative and technical resources, but the cost of restoration activities, such as dredging and disposal, would be born by the local tax lagoon district. A copy of the Tax Lagoon Law is available on request from Mr. Williams.

-- Recommendation for dredging the Assawoman Canal is under review by the DE Department of Natural Resources and Environmental Control. The final decision may be made by a delegated DNREC administrator, other than Secretary Hughes, to avoid a conflict of interest.

--The Army Corps is currently not working on Torquay Canal and doesn't have the financial resources to dredge the Lewes and Rehoboth Canal (a federal navigation project) and transport the dredged materials to Torquay.

Section Five

Discussion of Approaches to Addressing Canal Issues through Public Involvement

Presenter: Mr. Joe Farrell, Delaware Sea Grant, University of Delaware
Citizens Monitoring Program

Throughout this Conference there have been discussions about complex problems that do not have simple solutions. Proposed solutions will involve significant financial commitments and communication at many levels. Public involvement is critical to this process. Understanding different points of view is also critical. Although this can be a painful process, it leads to a satisfied and more supportive public as well as a stronger society.

One of the ways that Sea Grant has involved the public is through the Citizens Monitoring Program. Started in 1991, this program has trained more than 200 volunteers to monitor water quality. Many of these volunteers are still involved in the program. They share their findings with peers and decision makers. The program seeks to collect verifiable water quality data, so training, quality assurance and good program design have been very important features.

In 1995, South Bethany initiated a study that identified water quality problems in its canals. Town representatives tried to figure out how to pay for the correction of these issues. Led by Mr. Sal Aiello, the group contacted Sea Grant about developing a water quality study. The University staff trained volunteers and conducted an intensive water quality study over the course of the summer of 1995. This study led to further efforts by the University, the DE Department of Transportation and DNREC to consider some large storm water remediation systems in the Anchorage Canal. Citizen training is a critical part of this process, and the University works with other partners like the Center for the Inland Bays and DNREC to provide appropriate training, funding and resources.

Another successful Sea Grant project has been the Volunteer Phytoplankton Monitoring Program. One of its volunteer monitors identified the large *chattonella* bloom that took place in South Bethany in 2002. (When toxic, this dangerous organism can cause respiratory irritation if aerosolized.) This is a prime example of how citizen involvement can result in a major contribution. Often local citizenry is able to detect problems more closely and respond faster than other partnership organizations. Public involvement is being proposed as a process that can lead to solutions. By bringing community problems to Sea Grant, or other partners, a helpful process may be developed.

Presenter: Mr. Dave Blazer, Maryland Coastal Bays Program
Executive Director

One of the messages to take home from this Conference is that each person can make a difference in improving water quality. One method is to stop the problems at their source. Collaborative steps can be taken to change individual, daily behaviors in the areas such as recycling or conserving water. The Maryland Coastal Bays Program prepared *A Homeowner's Guide to the Coastal Bays* to educate property owners on ways they can protect the bays through healthy environmental practices. Although tailored for Maryland, much of the information in this

book applies to any estuary. Page 31 is dedicated specifically to corrections that canal front property owners can make.

Suggested improvements include the following practices:

Nutrients – Control fertilizer use; don't dump lawn clippings and yard waste into the canals.

Storm water management – Educate people about the damage caused by runoff. Disconnect rooftop downspouts so that runoff doesn't flow directly into canals. Lead runoff through vegetated areas to remove nutrients before it flows into canals. Collect nutrient-rich rainwater in a barrel and recycle it in landscape watering.

Waste products – Don't dump fish-cleaning station contents or crab shells into canals. Scoop up pet waste.

Boaters – Use non-toxic bottom paints. Make sure bilge water is clean or filtered. Maintain engine.

Households – Minimize use of cleaning chemicals. Use biodegradable soaps and household products. Use nontoxic bulkhead materials.

Education and Communication – Educate neighbors. Invite topical speakers to homeowners' association meetings to speak on conservation, restoration and water quality issues. Discuss things each person can do to improve the situation of one's canal, one's neighborhood, one's area, one's watershed.

Presenter: Mr. Terry McGean, City Engineer
Ocean City, Maryland

Several levels of government are involved in the administrative issues discussed at this Conference. Often the most responsive level is at the local level. In the Ocean City, MD area, there are many multistory buildings on canals. Usually, a limited number of units in these buildings have access to boat slips. There are approximately 64 canals in this area. The longest canal is about 4,400 ft. Most of these canals were built between 1960 and 1980. They were created in wetland areas and bulkheaded to create development property.

These canals suffer from various problems. Silting occurs at the mouths of the canals and at their ends where storm drains dump their outfalls. The canals contain pollution and trash. Low oxygen and flushing problems exist. The question of who is responsible for maintaining the canals is ambiguous.

To correct a canal problem at the present time, property owners must petition the mayor and city council. A study will be done, testimony taken and hearings held. Findings by the task force are reported to the mayor and council. Another public hearing is held wherein the mayor and council accept, modify or reject the findings. If the findings are accepted, the council obtains permits and directs the property owners to proceed with the work with assistance from the city. Payment from the property owner is required in advance. This method is lengthy, tedious and does not work well.

Mechanical solutions to canal problems, such as pumps, solar powered mixers and windmills, present a maintenance problem. The effectiveness of a flushing system, including installation of

pipes and dredging, has not been well documented. Canal bottom modifications, dredging and channel interconnects are other proposals that can be expensive and their effectiveness is yet to be determined. Consider tackling the problem at its source by using solar powered treatments. This solution is very effective. It is moderately expensive initially, but this is generally passed on to the developer of the property. Maintenance costs are low to moderate. Public awareness is a very effective, low cost way to address the problem at its source. Direct storm water into bio-retention systems that divert the runoff into landscaping so that it peres into the ground water instead of directly into the canal and silt is contained on site.

Currently there is a stronger approach to private storm water management for new construction areas and redevelopment (due to a new state law that requires a reduction or treatment of storm water flow by 20%). There is also a pilot program to retrofit storm water catch basins with an absorbent, replaceable material that traps oil. A voluntary program has been initiated to encourage storm water disconnects from rooftop downspouts. This will eventually become a requirement. Changes to the city code are recommended so that a funding mechanism can be established and the city can assume responsibility for maintaining canals as public streets are maintained. Priorities need to be set for water quality and symmetry (canal depth) problems. One new solution is being tried in a new development at Sunset Island where a dead-end canal has been interconnected to more open bay water. Other techniques must be tried.

Property owners should repair bulkheads and replace sheeting. Holes in backyards can indicate sheeting needs to be replaced with better material. Be aware that anything dumped in the street ends up in the canal. Take a team approach to solving these problems by involving developers, property owners, community organizations and governmental agencies.

Questions and Comments

-- Something should be done to educate renters about canal problems and what can be done preventatively.

-- Send the homeowners guide to all new property owners. Check on property transfers.

-- Halting runoff would stop pollution and permit the canals to recover naturally.

-- The Town of Fenwick Island passed an ordinance to prohibit impervious surfaces in setback areas. The same ordinance will be proposed for Ocean City, MD.

-- It is hoped that by interconnecting dead-end canals, circulation and water quality would be improved. This theory has been disputed.

Section Six

Next Steps:

Moderators: Dr. Bruce Richards, Center for the Inland Bays
Mr. Dave Blazer, Maryland Coastal Bays Program

An open forum was held to summarize remarks from this first effort at examining dead-end canals, their problems and solutions.

-- Instead of repairing bulkheads, retrofit them by terracing and installing vegetative techniques to improve water quality.

-- Seed the canals with minnows and clams. Even under low oxygen conditions, clams can shut down and survive. These filter feeders take bacteria and viruses out of the water.

-- Indian River Acres has been subject to a control canal and experimental canal study by the state. The potential exists to connect two canals on the west and east side of the community. One canal goes directly to the bay. This could offer a potential experiment where a propulsion system could be installed to accelerate the exchange of water.

-- The homeowner guide should be sent to every dead-end lagoon property owner.

-- Cost share and research dollars from various organizations may be available to start demonstration projects in dead-end canals as has been done in the agricultural community.

-- Start guiding communities through the Tax Lagoon Law.

-- Planter-type islands can be installed for single family homes to manage storm water runoff.

-- Create lagoons in the center of communities for catching runoff.

-- The Assateague Coastal Trust Oyster Gardening Program is building a reef in the St. Martin River. Taylor floats and oysters are provided to volunteers. Call 410-629-1538 for more information.

-- Call Jay Charland, Assateague Coastal Trust Coast Keeper, at 443-235-2014 for assistance with any restoration projects in Maryland or Virginia.

-- Shore stabilization work done in other parts of the country is no longer done with rock riprap or bulkheads. Only natural shorelines are installed. The preferred method is to use *puromats* that encourage the growth of vegetation naturally. This ten-year old technology protects plants until they are established.

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Appendix – A

Conference Attendees

Abele, Robert
Alderman, Jim
Allenspach, Dr. Allan
Anderson, Ben
Archino, Geraldine
Bandy, David
Barraclough, Alan
Baunchaulk, Peggy
Beck, Don
Bell, Donald
Bertram, Robert
Bertram, Jean
Black, Dodee
Black, Steve
Blazer, Dave
Brown, Ron
Buehl, Eric
Caggiano, Nick
Cain, Carol
Campbell-White, Pat
Casey, James
Cestone, Bob
Charland, Jay
Conley, Mary
Counts, Clem
Dadurka, Richard
Daebeller, George
Davis, Jason
DeGenarro, Nicholas
Degrange, David
Degrange, Kathy
DeMul, Joseph
Dershem, Deborah
Dershem, Jeffrey
Donnelly, Kevin
Eakle, Rick
Ekdahl, Gil
Elliott, Jim
Evans, Ken
Farrell, Joe
Feger, James
Flickinger, Harry
Fohner, Sean
Fragomele, Joseph
Gaffney, Doug
Galbraith, Bill
Gallaghar, Bob
Gallaghar, Martha
Gebert, Jeff
Goldfarb, Al
Grubbe, Deb
Haines, Alan
Hanrahan, Neil
Hart, Frances
Henifin, Betsy
Henifin, Buzz
Henry, Bob
Hughes, John
Hughes, Lloyd
Humphries, Edythe
Jayne, Gary
Jesien, Roman
Jones, William
Kearney, P.
Kennedy, Robert
Kincaid, Joe
Kutz, Dr. Frederick
Linn, Jennifer
McFaulsr, Patrick
MacMullin, Ken
McBride, Larry
McBride, Patti
Metz, Carolyn
Mitchell, Roy
Moyer, Bill
Muir, Jacqueline
O'Malley, Frank
Popels, Linda
Price, Shirley
Purnell, Til
Richards, Dr. Bruce
Ricketts, Andy
Riley, Dr. E. Anne
Roche, Tom
Ross-Greene, Brenda
Ruoff, Glenn
Ruoff, Molly
Sanford, Barry
Scarborough, Bob
Schonder, Charles
Schrawder, Pat
Stodter, Mark
Thomas, Ted
Timmons, William
Trulick, Jeff
Tweedy, Alice
Vogel, Joe
Wakefield, Grier
Walker, Rose
Warfield, Delphine
Warfield, John
Wieder, Craig
Wien, Dan
Wierman, Mike
Williams, Chuck
Williams, Mary
Winkler, Bill
Woolson, Chuck
Wyglendowski, Thomas

Appendix – B

Senator Bunting's Letter

GEORGE H. BUNTING, JR.
STATE SENATOR
Twentieth District

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19903

COMMITTEES
Agriculture, Chair
Veterans Affairs, Chair
Banking
Finance
Natural Resources & Environmental Control
Small Business

May 12, 2003

The Center for the Inland Bays
C/O Dr. Bruce A. Richards, Executive Director
467 Highway One
Lewes, DE 19958

Ref: Conference on Dead End Canals

Dear Bruce and Attendees:

I am sorry I cannot be with you as my wife Donna and I will be out of state attending the graduation of my nephew, who is graduating from law school with honors.

For many years, I have had a lot of concern about dead end canals and how to make these waterways healthier. I feel strongly that flushing and better flow must take place. I have family in Cocoa Beach, Florida and for many years they have lived on a waterway where you have to travel over a small bridge due to the large pipe that provides water flow to their street. Manatee and fish can swim freely through this access and you can see a rise and fall of the tide. This better water movement is one way I believe that we could help our dead end lagoons. However, I do feel that the best flushing would be in conjunction with piping to each lagoon at the ends to create flushing action in the Little Assawoman Bay.

As you know, we commissioned a study of flushing the bays using piping and controlled valves from the ocean to the bays. Until we put a manmade controlled flushing mechanism in place, I believe there will be a prevailing problem that will worsen as our population surrounding the bays increases. We know clearly that the population will continue to escalate for this area and with it most likely the amount of pollution our bays will be threatened with. Some type of controlled flushing, I believe will do more to cleanse the Little Assawoman Bay and these lagoons than all the other important measures we are addressing today.

Sincerely,

George Bunting

George H. Bunting, Jr.
State Senator
20th District

GHB/cb

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Appendix – C

Estuary Report References

1. The Ecological Condition of Dead-End Canals of the Delaware and Maryland Coastal Bays. (Estuaries, 1997)

2. Assessment of the Ecological Condition of the Delaware and Maryland Coastal Bays. (EPA Report No. EPA/620/R-96/004)

3. www.epa.gov/maia
   Under "Products/Reports" find the following documents:

   --What is the State of the Environment in the Mid-Atlantic Region?
   (*This document contains references to estuaries.*)

   --Maryland Agriculture and Your Watershed

   Clicking on more reports on the bottom of that page will lead to a section on estuary reports.

4. www.epa.gov/emap
   Click on "Documents"

   See references under "EMAP Documents Organized by Ecological Resources"
and
   "EMAP Documents Organized Geographically."

The Inland Bays are located in the Virginia Province.

EXECUTIVE SUMMARY

The natural communities that make up the Florida Keys ecosystem exist in a dynamic equilibrium, which means that changes that result in a direct impact to one community type can
have profound effects on adjacent communities. The continued existence of the Keys marine
ecosystem is dependent upon maintenance of clear waters with relatively low nutrients. Lack of nutrient removal from domestic wastewater and stormwater has resulted in the addition of nutrient-rich waste waters into confined waters and adjacent nearshore areas. The cumulative effects of these discharges have led to water quality degradation of these inshore areas.

3. Properly functioning septic tank systems remove very little nutrients (4% N, 15% P) from wastewater and, depending upon their location, effluent from septic tank drainfields can rapidly migrate to surface waters.
4. Sewage discharged from septic tanks are a source of nutrients and human pathogens to ground and surface waters.
5. Contaminants in stormwater runoff contribute substantially to the degradation of nearshore water quality.
6. Water quality problems due to on-site sewage disposal practices and stormwater runoff have been documented in residential canals. Water quality parameters that are degraded include nutrient enrichment, fecal coliform contamination, and biochemical oxygen demand.
7. Long, dead-end canal systems, deep canals of any length, and poorly flushed basins accumulate weed wrack and other particulate matter.
8. The water column of many canals over six feet deep is stratified and bottom waters are usually in violation of Florida's Class III Surface Water Quality Standard for dissolved oxygen..
9. Artificial aeration of canals does not eliminate the sources of excessive nutrients in canal waters but may result in better mixing which may facilitate nitrogen cycling.
10. Improving flushing of degraded canal systems may improve the water quality within the canal, but will also result in adding additional nutrients to the adjacent waters.
11. Canal systems and basins with poor water quality are a potential source of nutrients and other contaminants to other nearshore waters.
12. Seagrass beds located near the mouths of some degraded canal systems exhibit signs of eutrophication, such as increased epiphyte load and growth of benthic algae.
13. Vessel generated turbidity (re-suspended sediments) is a growing concern in many areas with high boat traffic including canals and open waters.

CANALS AND OTHER CONFINED WATERS

There is much variability in the design and physical characteristics of canal systems in the Keys. Differences in length, depth, slope, geometry, and underlying geology of canal systems, as well as the population density, affect the impacts of nutrient loading, flushing rates, and the water quality in the canals. The following summary of information on water quality findings in canals is based on studies for particular canal systems. However, many generalities about canal systems can be gleaned from this information.

Much of the pre-1970 information on canal systems in Florida was summarized by Barada and Partington (1972) who reviewed the literature and performed a survey of environmental officials. Based on water quality data and the personal experience of the individuals surveyed, Barada and Partington concluded that excavating artificial canals causes serious environmental degradation within the canals themselves and in waters adjacent to canals. Deep, narrow, box-cut canals with dead-end configurations gradually accumulate oxygen-demanding and toxic sediments and organic wastes, causing low dissolved oxygen, objectionable odors (hydrogen sulfide gas), floating sludge, fish kills, and anaerobic and putrid conditions. Eutrophication of canals with poor circulation is accelerated by a heavy pollution load which is related to population density and shoreline length. Sources of pollution into the canals investigated include stormwater runoff, septic tanks, sewage effluent, and live-aboard houseboats.

Citing Smith, Milo, and Associates (1970), Barada and Partington concluded that none of the soils in Monroe County are suitable for septic tanks. The high water table and extremely porous soils "nullifies the filtering capacity and virtually raw sewage is leached into the waterways." The report also recommended against the discharge of effluent from package plants into canals. Package plants with secondary treatment remove most of the organic material and bacteria, but do not effectively remove dissolved contaminants, such as phosphates, nitrates, and other chemicals that contribute significantly to the degradation of water quality.

Chesher (1973) performed an environmental study of canals and quarries in the lower Keys and concluded that the flow-through canal system at Summerland Key Cove had excellent water quality. Construction of that canal system was begun in 1957 and completed in 1971. At the time of Chesher's study, 69 houses were constructed on the 614-lot subdivision. The total population of the subdivision was 207, which included winter-only residents. All houses utilized septic tanks. Chesher generally found low levels of nutrients in the canals, relatively high oxygen, and no evidence of stratification. Mean nitrate concentration was about 0.03 mg/l (parts per million) and mean phosphate was 0.06 mg/l. Fecal coliform bacteria ranged from 0 to 37 colonies/100 ml. The canal system configuration and orientation prevented any algae or seagrass from accumulating in the canal. Chesher also observed a diverse and numerous biotic community living in the canal system, including seagrasses, fish, lobsters, and many other species.

Chesher's results are atypical of other canal studies for a number of reasons. The Summerland Key Cove canal system was only 11% developed at the time of sampling. Also, nutrients were measured with a HACH kit which is not as sensitive as standard analytical methods. There is no indication that oxygen measurements were made in early morning when daily minimums are expected.

It would be interesting to revisit the Summerland Key Cove canal system today. Chesher's findings of lush marine life is typical of newly dug canals. Barada and Partington (1972) reported that it is a common fallacy that finger canals provide a haven in which fish thrive. That condition may occur in the very early stages after canal excavation. A typical pattern is that in the first few months of spring, bottom animals and fish are abundant in newly-dug canals. However, with the

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GUIDELINE B-6
(This guideline is a consolidation of former Ministry guidelines B-6, B-8, B-10 and B-11.)

Guidelines for Evaluating Construction Activities Impacting on Water Resources

Legislative Authority:

Ontario Water Resources Act, RSO 1990, Sections 29, 30
Environmental Protection Act, RSO 1990, Sections 3, 6, 14
Environmental Assessment Act

Responsible Director:

Director, Program Development Branch

Last Revision Date:

January, 1995

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Foreword

This document updates the series of construction handbooks issued by the Ministry in the mid-70's and revised during the mid-1980's to complement its policies on the protection of water resources from sediment and associated contaminants. The series of documents are titled "EVALUATING CONSTRUCTION ACTIVITIES IMPACTING ON WATER RESOURCES" and covered major land-disturbing activities associated with highways and bridges, oil and gas pipelines, marine construction and small scale riparian activities to enhance recreational uses of waterfront properties.

Planning for any type of development must incorporate an ecosystem approach if many of the past environmental problems are to be avoided. In short, this implies fitting the development into the existing environment without creating any major detrimental effects. A number of factors can be identified during the planning phase that will help to foster incorporation of ecosystem principles and reduce or eliminate the need for expensive control measures and post-construction remedial work. For construction related activities, these include:

1) Avoid areas of significant ecological value or sensitivity. In particular, wetlands, stream headwaters and major areas of groundwater recharge should be avoided.

2) Within an area, confine development and construction to the least sensitive areas. This will involve avoiding areas such as:

- *steep slopes*
- *areas of dense vegetation*
- *porous soils*
- *shorelines*
- *natural drainageways*
- *erodible soils*

Such areas can be accommodated by classifying them as part of the "greenways" (i.e., parks, natural areas).

3) Preserve natural landscapes and drainage systems as much as possible. Developments should be located away from natural drainage areas, maintaining these as "greenways".

4) Design the development such that it is appropriate for the type of terrain. In practice, this means matching the design of the development to the topography of the area.

5) Consider re-using fill materials wherever possible. The design should incorporate the principles of Reduce and Re-use such as to reduce or eliminate material destined for disposal outside of the development area.

6) Incorporate Best Management Practices into the design of the project, and before any work commences, ensure mechanisms are in place to guarantee that these practices will be followed during construction . Initial planning of the project should also ensure that any long-term maintenance programs designed into the project are adequately carried out.

Increased turbidity adversely affects those species of fish which rely on sight for feeding and escaping from predators. Excessive sediment levels may also affect the respiratory mechanism of fish through clogging or abrasion of the gills, although many species of adult fish are able to withstand high levels of suspended sediment for extended periods of time by exuding a protective mucous on their skin and gills. However, this does not assure survival, since the production of this mucous depletes metabolic reserves at a time when feeding is inhibited by turbid conditions (Illinois EPA 1979).

Sediment can also clog the interstices of the substrate in fish spawning areas, thereby interfering with the normal exchange of water which replenishes the oxygen supply and removes accumulated waste products. This impact can be lethal to emerging young (Illinois EPA 1979).

The loss of reproductive capacity through physiological stress, loss of spawning beds, and destruction of eggs or fry may result in a more significant negative impact on fish species than the direct short-term abrasion and clogging effects on adult fish. Although the damaged habitat may recover eventually, recolonization may be by less desirable species.

Effects of development and construction are not limited to the effects of sediment loss to the water. Changes in vegetative cover, infiltration and surface runoff can alter existing habitat to the point where it becomes unsuitable for fish.

2.6 Impacts on Watercourse Uses

In addition to disrupting aquatic biota, the turbidity resulting from construction-related sediment loads may also adversely affect various types of watercourse uses. These are summarized below.

Disruption of Ground and Surface Water Quantity

Alteration of ground and surface water runoff through changes in infiltration can change the discharge pattern of the receiving stream. Rapid runoff can result in more dramatic peaks in runoff, as where storm water is rapidly discharged to the receiving water. This can heighten stream erosion, with subsequent scour and accumulation downstream. This can also lead to morphological changes in the stream course that may result in loss of property.

Changes in land use can result in major alterations in infiltration and surface runoff patterns. Removal of vegetative cover, reduction in surface area available for infiltration, channelization of drainageways can all increase storm runoff and decrease infiltration and groundwater recharge.

Construction activities such as dewatering of trenches, cut and fill operations, blasting, and the reduction of infiltration due to surface compaction, paving, etc., can disrupt the pattern of ground and surface water flow by altering ground water levels.

4. SWAMPS AND WETLANDS

Construction related activities in swamps and wetlands pose special problems and concerns. In addition to the large habitat diversity provided by wetlands, they also serve as an important means of water treatment and flood control.

The ability of natural wetlands to remove sediment serves to provide effective water treatment. Since there is no appreciable current in wetlands, sediments drop out, and wetlands are thus able to absorb and store a great deal of nutrients. However, for this reason wetlands can also accumulate significant levels of contaminants as these accumulate in sediments as well. Thus, wetlands cannot be considered as a substitute for effective source control of chemical contaminants.

Wetlands are extremely sensitive to alterations such as channelization, dredging, filling and sedimentation. Sedimentation can obstruct the biological processes by destroying habitat and reducing primary production. These areas should be left intact wherever possible.

Typical construction activities that could affect wetlands would be road and transmission line crossings (pipelines, electric power), urban development and agriculture and marinas.

In addition to these concerns, the routing of urban storm runoff water to wetlands, or the use of wetlands as an alternative to treatment can lead to the accumulation of contaminants. The use of constructed wetlands for stormwater treatment is addressed in the Ministry document "Constructed Wetlands for Stormwater Management" (April 1992).

The proponent should be aware that a proposed activity in or adjacent to a wetland must be consistent with the Provincial Wetlands Policy issued under Section 3 of the Planning Act. In Provincially Significant Wetlands or other classified wetlands most activities will require prior approval from the Ministry of Natural Resources. Many construction activities will be prohibited in such areas.

Where road and transmission line crossings are unavoidable, care should be taken to:

a) provide adequate cross drainage for road construction to ensure exchange of water

b) limit the disturbance of natural vegetation for pipeline and transmission line crossings

c) install proper sediment control structures where construction activities are taking place upstream of the wetland to prevent deposition of excess amounts of sediment in wetlands.

d) limit any construction in or through the wetland to the low-water period.

Urban development and agricultural development should avoid wetlands entirely. Both, if

A harbour, whether a natural area of refuge, a commercial port, or a recreational marina, by definition is a water area partially enclosed and so protected from storms as to provide safe and suitable accommodation for vessels. Natural harbours may exist at embayments (e.g., Hamilton) in the lee of islands (e.g., Toronto), or at river mouths (e.g., Whitby, Oshawa, Grand Bend). Artificial harbours may be developed by constructing offshore breakwaters (e.g., Port Credit, Thornbury) or excavating basins behind the original shoreline (e.g., Fifty Point, Lagoon City). Typically in Ontario, natural harbours have been artificially enlarged by the construction of breakwaters and by dredging to accommodate the increase in size of commercial vessels, or the increase in numbers of pleasure boats. As natural sites have been fully developed (particularly in western Lake Ontario), completely artificial harbours are being constructed in areas which were previously exposed open shoreline (Bluffers Park, Fifty Point).

7.4.1 Harbour Construction Activities

This applies to both commercial and marina construction. A major difference is the added emphasis at the marina on maintaining water quality to enhance the recreational experience.

a) Siting Considerations

Compatible land uses. Commercial port facilities require land transportation services and may need buffering from other uses. Marinas may be incompatible with natural areas or heavily industrialized areas.

Compatible water uses. Avoid conflicts with water supply and waste disposal. Harbour development in river mouths may conflict with flood control. Recreational boating may interfere with the use of bathing areas or with commercial vessel traffic.

Water Movement. Water circulation in slips or marina basins will be necessary to prevent water quality deterioration. This can be difficult to achieve since harbours must minimize wind driven waves and currents to shelter boats. Circulation is easiest to achieve where multiple openings to the boat basin can be provided to take advantage of prevailing currents.

Coastal Processes. A thorough understanding of coastal processes and stream sedimentation patterns at the site is necessary to produce a design with minimum long term maintenance requirements. When that option does not exist, long term disposal capacity for contaminated dredged material should be designed into the project.

b) Dredging

Dredging is the most common component of harbour construction. The details of dredging and dredged material disposal are discussed at length in the MOEE publication "Evaluating Construction Activities Impacting on Water Resources Part III" and are not discussed in detail here. Disposal of harbour sediments must be done in accordance with the methods laid out in the "Guidelines for the Protection and Management of Aquatic Sediment Quality in Ontario".

c) Filling

Filling operations typically accompany dredging in the creation of harbours. An area of open flat land as large as the water area will be required for commodity storage, parking, winter boat storage, etc. This land area has most often been obtained by filling in wetlands or adjacent shallow water. However, under the Provincial Wetlands Policy this may no longer be possible. The proponent should refer to Section 7.3 and the "Fill Quality Guidelines for Lakefilling in Ontario" for further details regarding filling.

d) Shoreline Treatment

Most harbour facilities will require some areas of vertical bulkheaded walls for berthing. Such walls should be designed to maintain the integrity of the backfill by using the equivalent of interlocking sheet piles or by placing filter fabric against the inside of the wall.

Where space permits, energy expending beaches inside the basin will decrease reflected waves. Such beaches should be sufficiently coarse to maintain their slope without extensive maintenance. All earth banks should receive some protection to prevent erosion and subsequent water quality deterioration. In some instances appropriate planting may suffice.

e) Site Services

It should be appreciated that many boat owners will spend most of their "boating" time at the marina dock socializing as though the boat were a cottage. Accordingly, the need for onshore facilities will be considerable. Washrooms and showers will often be supplemented with a laundromat, supplies store, clubhouse and restaurant. Demand for sewage facilities may be as great as in a cottage subdivision.

Probably every marina will offer fuel sales. The fuel dock should be designed to minimize the impact of potential spills while complying with safety requirements related to fire and explosions.

Waste holding tank pumpout facilities will be required with discharge to approved onshore facilities.

Every effort should be made to prevent the direct discharge of contaminants to the boat basin. Seepage from septic tanks or even surface runoff from parking lots and work areas can degrade water quality in a boat basin with limited water circulation.

At commercial docks cargo handling facilities become important, especially for bulk commodities. Provisions to prevent spillage, control dust and collect surface runoff will be necessary to protect water quality.

<u>Mitigation of Impacts</u>

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J. R. Maxted, S. B. Weisberg, J. C. Chaillou, R. A. Eskin, F. W. Kutz
Estuaries, Vol. 20, No. 2 (Jun., 1997), pp. 319-327

6.(6)(d

doi:10.2307/1352347
This article consists of 9 page(s).

Abstract

Manmade, dead-end canals are common in residential developments along the coastal bays of Delaware and Maryland. The close proximity of housing to the water and the concentration of boating activities enhances the potential for anthropogenic stress to living resources in these poorly flushed aquatic systems. Measurements of water quality, sediment contaminants, and benthic macroinvertebrate assemblages were taken in 25 randomly selected canals and compared to 175 non-canal sites located throughout the coastal bays. The mean bottom dissolved oxygen concentration in canals was half that found in non-canal sites. Mean water-column and benthic chlorophyll concentrations were, respectively, two times and four times higher in the canals. Sediment contaminant concentrations were significantly higher in the canals compared to the coastal bays, and exceeded published guideline values indicating possible adverse ecological effects. The contaminants of greatest concern in the canals included arsenic, copper, polyaromatic hydrocarbons, polychlorinated biphenyls, and several banned, persistent pesticides (DDT, dieldrin, endrin, and chlordane). Benthic macroinvertebrate assemblages in canals were severely degraded; mean species richness, abundance, and biomass were ${\textstyle\frac{1}{7}},{\textstyle\frac{1}{10}},\text{and}\ {\textstyle\frac{1}{20}}$, respectively, of the values for the remaining coastal bays. A single pollution-tolerant polychaete species (Streblospio benedicti) comprised approximately three-fourths (70%) of the community in the canals. Deep (>1 m) and muddy canals were in poorer condition than shallow and sandy ones.

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