Finance, Administration and Operations Committee

Tuesday, July 19, 2011,4:15 p.m.
City Hall - Council Chambers

Committee Members	Areas of Responsibility:	
Councillor J. Fullarton, Chair	Clerk's Office	CRCA
Councillor L. Bursey	Environmental Services	Cemetery
Councillor L. Journal	Finance Department	Health Unit
Councillor D. LeSueur	Fire Department	Joint Services Committee
Councillor M. McFall	Human Resources Dept.	PLMG
Mayor D. Henderson, Ex-Officio	Operations Department	Police Services Board
	Airport Commission	Safe Communities Coalition
	Arena Advisory Board	St. Lawrence Lodge Management Board
	Brockville Municipal Accessibility Advisory Committee (BMAAC)	Volunteer Awards
		All legal matters [excepting the purchase and sale of land]

AGENDA

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DISCLOSURE OF INTEREST

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Water & Wastewater Systems
Quarterly Report
(April - June 2011)

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2011 Debt Capacity Limit
F08-20

25-31 3. 2011-075-07
Contribution to Ontario Good Roads Association
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33-48 4. 2011-077-07
Expectations and Comments
Renewable Energy Application
Owner: 2176047 Ontario Inc.
Agent: Hatch Ltd.

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STAFF REPORTS

Project No.: 2176047 Solar Energy Project

5. Water Pollution Control Plant
Construction Project Update

Staff will present an update on the project.

FAO - CONSENT AGENDA

July 7, 2011

REPORT TO FINANCE, ADMINISTRATION, OPERATIONS COMMITTEE – JULY 19, 2011

2011-072-07
WATER & WASTEWATER SYSTEMS QUARTERLY REPORT (APR. – JUN. 2011)

PETER RAABE, P. ENG.
DIRECTOR OF ENVIRONMENTAL SERVICES
ED MALCOMNSON
WASTEWATER SYSTEMS SUPERVISOR
DON RICHARDS
WATER SYSTEMS SUPERVISOR

RECOMMENDED

THAT Report 2011-072-07 Water & Wastewater Systems Quarterly Report (Apr. – Jun. 2011) be received for information purposes.

PURPOSE

This report covers the months of April, May and June 2011. The intent of the report is to keep the Committee, Council, and the public current with performance and major operational aspects of the Water Treatment Plant, Water Distribution System, the Water Pollution Control Centre (wastewater treatment system), and Wastewater Collection System, including any notable highlights, MOE Inspections and adverse conditions.

BACKGROUND

This report is submitted quarterly, and represents the second quarter of 2011.

ANALYSIS/OPTIONS

A. WATER TREATMENT PLANT AND WATER DISTRIBUTION SYSTEM

The City continues to be in compliance with the Water Treatment Plant's Certificate of Approval (C of A), in addition to the Ontario Safe Drinking Water Act and Regulations. Please refer to Attachment #1 – Brockville Drinking Water System Performance Assessment Report to review the treatment and bacteriological sampling results.

<u>Adverse Water Quality Incidents</u>:

Adverse Water Quality Incident AWQI # 100875
Fluoride Residual Exceedance

At approximately 08:30 hours on Saturday May 14, 2011, the WTP duty operator was priming our fluoride chemical feed pump and the plant effluent fluoride residual spiked to 2.0 mg/L. Chemical feed pump was shutdown; feedermain was flushed and additional fluoride residuals taken at the following locations:

- Feedermain Hydrant # 815: 0.32 mg/L
- Overhead Tank: 0.30 mg/L

Verbal notification to Ministry of Health (MOH) and Spills Action Centre (SAC) was given. Notification and Notice of Resolution forms completed and submitted to Spills Action Centre (SAC) & Ministry of Health (MOH).

Items of Note:

1. Main Treatment Plant
   - New PLC gateway for Low Lift installed and commissioned (2011 Capital).
   - Vibration analysis completed on all pumps and motors.
   - Long Watch security system installed and commissioned (2011 Capital).
   - Spill containment for coagulant chemical PAX-XL 1900 ordered and installed (2011 Capital).
   - TSSA fuel system upgrade completed on diesel fuel tanks (2011 Capital).
   - Chief Operator created fillable PDF documents for timesheets, purchase orders, SCADA trending pages, and hydrant rebuild and inspection forms.

2. Booster Stations & Parkedale Reservoir:
   - Parkedale Reservoir drained, cleaned, inspected and disinfected. Mixer installed and connected to SCADA - trial run conducted. Mixer will be placed in service once approval from MOE is received.
   - Portable standby generator on site at Parkedale Reservoir to operate Zone 2 pumps in the event of a power failure.
   - Vibration analysis completed on all pumps and motors. Problem with lower bearing on Zone 1 diesel pump - recommendation immediate repair. Problem developing with outboard bearing pump 2 – Zone 2. Repairs will be made using funds from 2011 Capital contingency account.
   - TSSA fuel system upgrade completed on diesel fuel tank (2011 Capital).
   - Zone 2, pump 1, rebuild completed (2011 Capital)

3. Filters:
   - New control panels for filters #1 & #2 fabricated and installed (2011 Capital).
   - Filters #1 & #2 inspected and GAC samples taken and sent to Calgon for analysis.
   - Annual servicing of filter agitators completed.

4. Overhead Tank:
   - All safety upgrades completed (2011 Capital).

5. Low Lift Pump Station:
   - Low Lift pump and motor #3 refurb work completed (2011 Capital).
   - Zebra mussel control system in service.
   - Low Lift intake pipe annual inspection completed.

- Problem with Low Lift transformer – continues to blow fuses. Transformer undersized for current electrical load for station. New transformer ordered and installed, project funded from the 2011 Capital contingency account.

6. Drinking Water Quality Management System:
   - Standard Operational Procedures and Emergency Procedure Manual updated to conform to DWQMS Operational Plan.
   - Operational Plan amended and approved by Senior Management.
   - As per Element 20 of the Operational Plan an annual meeting was held with the following Management Review Committee members;
     - Peter Raabe
     - Wendy Gillan
     - Jill Buckland
     - Don Richards
     - Mayor Henderson
     - Bob Casselman
     - Councillor Journal

DWQMS Internal Audit:

- DWQMS Internal Audit was conducted on June 8th, 2011 covering elements 5,7,8,11,13,14,19, and 20.

  Audit team consisted of three members:
  Lead Auditor: Don Richards, Supervisor Water Systems Division
  Mike Hanley, Instrumentation Technician Water System Operator
  Wendy Gillan, Administrative Coordinator Environmental Services Department

  City staff contacted during the audit process included:
  Peter Raabe, Director of Environmental Services – DWQMS Representative
  Jason Barlow, Chief Operator Water System
  Andrew Christophersen, Water Systems Operator
  Dwayne Mallory, Water Systems Operator
  Doug Jensen, Water Systems Operator

AUDIT SUMMARY

The second 2011 internal audit for the City of Brockville identified 2 concerns along with 3 minor non-conformances and 0 major non-conformances.

ELEMENT 5: Documentation and Records Control

Concerns:

- Operational procedures and emergency plans not readily available at the Parkedale Reservoir Booster Station.

Minor Non-Conformance:

- DWQMS alternate delegate not properly identified.
- DWQMS documents not on City of Brockville website.

ELEMENT 7 & 8: Risk Assessment and Outcomes

Concerns:

- After reviewing the risk assessment annual review report, which identified AWQI incidents resulting from hydrant inspections conducted by the Brockville Fire Department - it is the audit team's recommendation to bring the risk forward to the DWQMS Committee and Top Management for a formal risk assessment. It was noted that the hydrant inspections currently conducted by the Fire Department have ceased until further direction from Top Management.
- Organizational structure, roles, responsibilities and authorities shall include the Brockville Fire Department if applicable for hydrant inspections within the Brockville Drinking Water System.

ELEMENT 19: Internal Auditing

Minor Non-Conformance:

- 2011 Audit schedule did not identify who the lead auditors are. Appendix H Internal Audit Procedure, conducting the Audit 5.5 "The DWQMS Rep shall determine a Lead Auditor from the assigned Audit Team members".

CONCLUSION:

As a result of the internal audit, no Corrective Action Request (CAR) has been generated and presented to the City of Brockville. However, there are two concerns and three minor non- conformances which will need to be addressed in a timely manner. An evaluation of the effectiveness of the corrective action taken will be verified by the audit team. Once the effectiveness of the corrective action has been verified by the Audit Team, the audit will be considered closed.

It was evident that all Water Systems staff has been diligent in conforming to the City of Brockville's Drinking Water Quality Management System Operational Plan.

7. MOE Inspections:
   - No MOE inspections scheduled.

8. Regulatory Sampling
   - All regulatory weekly bacti sampling for Brockville and Elizabethtown-Kitley completed.
   - All regulatory quarterly sampling for THM's Nitrate, Nitrite for Brockville and Elizabethtown-Kitley completed.

9. Trunk Water Distribution:
   - No items to report.

10. Elizabethtown-Kitley Distribution:
    - Flush hydrant on Ackerman Road repaired.
    - Seasonal installation of water meters for Butternut Bay residence completed.
    - Pressure transmitter failure Country Club meter chamber – new transmitter purchased and installed.

11. Local Water Distribution:

    - Water Main Breaks:
      - June 2011 - Abbott St & Dales Ave – 4" CI repaired.

    - Flushing Program:
      - Annual flushing program and hydrant fire flow testing conducted.

    - Service Repairs / Replacement:
      - Fulford Place service line replaced.
      - 6" tap completed for new WPCC plant service line.
      - 7 bulk water service connections installed.
      - Water service disconnects for non-payment of accounts completed.
      - Service repaired on Development Drive.

    - Valve / Hydrant Inspection:
      - Valve inspections in Zone 1 & Zone 2.
      - Air release valves installed on PRV's at First Ave and Ferguson Drive.
      - Hydrant colour coding.
      - Private hydrant inspections completed.
      - 10 year hydrant rebuild program:
        April 2011 – 5 completed
        May 2011 – 23 completed
        June 2011 – 16 completed

    - Capital Projects WD:
      - Grenville Court and Parkview full re-construction, isolation valves installed for the backfeed system installation. Full water/sewer restoration project is expected to commence in early August.

    - Water Innovations Program:
      - Water Innovations application submitted to the MOE to replace existing continuous flushing stations with automated flushing stations and thereby reducing the amount of water flushed, the amount of water being treated at the WPCC and a reduction in operating costs.

The program will focus on a limited number of projects that communities throughout Ontario and abroad can learn from and be inspired by.

The program complements Ontario's water strategy and the Water Opportunities Act by fostering innovation, creating opportunities for economic development and protecting water resources for present and future generations.

Under the Showcasing Water Innovation program, the province will fund projects that:

- take an integrated and sustainable approach to solve water management challenges.
- use new and innovative approaches and technologies.
- produce results that can be easily used by other communities.
- create partnerships that highlight the benefits of collaboration.

The program is open to Ontario municipalities, municipal corporations, local services boards, Aboriginal communities, public institutions, conservation authorities and non-profit organizations. Small and remote communities are encouraged to apply.

Communities are eligible to receive up to 50 per cent of their project costs to a maximum of $1,000,000.

A total of $17 million is available over three years and is part of the $30 million announcement in Ontario's budget for community demonstration programs, municipal water sustainability planning, and education and public awareness of water conservation.

B. WASTEWATER TREATMENT PLANT AND COLLECTION SYSTEM

Please refer to Attachment #2 – Brockville WPCC Sewage Plant Performance Assessment Report for all Operational Data for the quarter. In regards to compliance of Carbonaceous 5-day Biochemical Oxygen Demand ($CBOD_5$), as of the end of June the 12 month revolving average effluent characteristics (concentration and loading) for $CBOD_5$ are 51.91 mg/L and 995.62 kg/day respectively and remain out of compliance with the Certificate of Approval.

Items of Note:

1. Main Plant:

    - The scum pump was removed and replaced with a spare unit.
    - Primary Clarifiers #1 and #2 were drained, cleaned, inspected and put back in service.
    - The new digester flare stack has been installed and commissioned.
    - Existing dry polymer mixing systems were removed and replaced with new liquid emulsion systems as part of the Secondary Treatment Upgrade.
    - Shop drawings were approved and the new centrifuge ordered. Expected delivery date September 2011.

2. Main Pumping Station:

    - Pump #2 Variable Frequency Drive cooling fan failed and was replaced.
    - Bypasses: No bypasses to report.

3. Pumping Stations:
    - WPCC staff responded to two (2) mechanical pump calls. The necessary repairs were made and both pumps were put back in service.
    - Upgrades have been completed at Thomas Street Pumping Station, West End Pumping Station and Broome Pumping Station. These stations have been turned back over to the City but have not been commissioned yet.
    - Upgrades have started on Bayview and Leachate Pumping Stations.
    - Leachate Pumping Station forcemains were cleaned as part of Spring maintenance.
    - WPCC Staff have started weekly inspections of the landfill site and gas system.

4. Power Outages:
    - We had two power outages at the WPCC/Pumping Stations. No issues to report.

5. Wastewater Collection System:
    - 32 blocked sewer/maintenance/smell of sewer gas responses.
    - 2 blocked main responses.
    - 2 sewer lateral service repairs.
    - 2011 Mainline Cleaning Contract has been completed.

POLICY IMPLICATIONS

No policy implications at this time.

FINANCIAL CONSIDERATIONS

No financial considerations at this time.

CONCLUSION

It is recommended that Council receive the report for information purposes.

P. Raabe P. Eng.
Director of Environmental Services

E. Malcomnson
Wastewater Systems Supervisor

D. Richards
Water Systems Supervisor

D. Cyr
Director of Finance

B. Casselman
City Manager

ATTACHMENT #1

BROCKVILLE DRINKING WATER SYSTEM
PERFORMANCE ASSESSMENT REPORT

	CITY OF BROCKVILLE				ELIZABETHTOWN-KITLEY		BACTERIOLOGICAL SAMPLING		
							BROCKVILLE WDS		
Month 2011	Total Volume Treated (ML)	Avg. Daily Flow (ML/d)	Avg. Fl2 Residual (mg/L)	WDS Avg. FCR (mg/L)	Total Flow (ML)	Avg. Daily Flow (ML/d)	EC	TC	HPC
APR	334.82	11.16	0.42	1.15	5.63	0.19	36 36 out of 36 Safe	36 36 out of 36 Safe	16 16 out of 16 Safe
MAY	364.62	11.76	0.45	1.03	6.44	0.21	45 45 out of 45 Safe	45 45 out of 45 Safe	20 20 out of 20 Safe
JUN	385.73	12.86	0.40	1.01	6.99	0.23	36 36 out of 36 Safe	36 36 out of 36 Safe	16 16 out of 16 Safe

FCR - Free Chlorine Residual

WDS - Water Distribution System

EC - E. coli

TC - Total Coliform

HPC - Heterotrophic Plate Count

ML - Million Litres

ATTACHMENT #2

BROCKVILLE WATER POLLUTION CONTROL CENTRE

MUNICIPALITY: BROCKVILLE
PROJECT: BROCKVILLE
PROJECT NUM.:
WORKS NUM.: 120000122

YEAR: 2010/2011
WATER COURSE: ST. LAWRENCE RIVER
DESIGN CAPACITY: 21,800 X 1000 m3/d
PEAK DESIGN CAPACITY: 54,500 X 1000 m3/d

DESCRIPTION: A PRIMARY TREATMENT FACILITY, COMPLETE WITH TWO PRIMARY ANAEROBIC DIGESTERS TWO CENTRIFUGES FOR SLUDGE THICKENING AND UTILIZING FERRIC CHLORIDE FOR PHOSPHORUS REMOVAL AND SODIUM HYPOCHLORITE FOR EFFLUENT DISINFECTION.

MONTH	FLOWS			BOD/CBOD			SUSPENDED SOLIDS				PHOSPHORUS			
	TOTAL FLOW 1000M3	AVG DAY FLOW 1000M3	MAX DAY FLOW 1000M3	AVG RAW BOD (mg/L)	AVG EFF CBOD (mg/L)	TOTAL LOADING EFF. CBOD (kg/day)	AVG RAW SS (mg/L)	AVG EFF SS (mg/L)	TOTAL LOADING EFF. SS. (kg/day)	PERCENT REMOVAL	AVG RAW PHOS. (mg/L)	AVG EFF PHOS. (mg/L)	TOTAL LOADING EFF.PHOS. (kg/day)	PERCENT REMOVAL
JUN 11	545.65	18.188	22.796	164.42	65.58	1192.77	185.58	45.00	818.46	75.8	3.19	0.89	16.19	72.1
MAY 11	806.83	26.027	41.137	106.73	38.40	999.44	115.00	27.00	702.73	76.5	1.97	0.57	14.84	71.1
APR 11	761.79	25.393	43.915	92.00	36.00	914.15	103.50	22.58	573.37	78.2	1.91	0.51	12.95	73.3
MAR 11	864.40	27.884	47.378	95.25	33.67	938.85	95.14	24.07	671.17	74.7	1.88	0.49	13.66	73.9
FEB 11	460.18	16.435	27.914	149.55	64.64	1062.36	156.50	38.58	634.06	75.3	3.04	0.92	15.12	69.7
JAN 11	483.33	15.591	16.876	163.00	70.46	1098.54	157.50	40.42	630.19	74.3	3.23	1.08	16.84	66.6
DEC 10	605.17	19.522	31.584	123.50	51.75	1010.26	116.75	29.38	573.56	74.8	2.66	0.65	12.69	75.6
NOV 10	564.29	18.810	26.423	152.27	59.27	1114.87	142.36	33.46	629.38	76.5	2.73	0.66	12.41	75.8
OCT 10	712.57	22.986	40.672	122.82	42.46	975.99	114.73	33.27	764.74	71.0	2.30	0.59	13.56	74.3
SEP 10	498.83	16.628	40.528	165.78	66.11	1099.28	164.33	36.17	601.43	78.0	3.05	0.78	12.97	74.4
AUG 10	529.55	17.082	41.555	116.82	52.18	891.34	128.64	35.27	602.48	72.6	2.99	0.86	14.69	71.2
JUI 10	475.43	15.336	19.539	118.55	42.36	649.63	138.91	29.55	453.18	78.7	2.95	0.64	9.82	78.3
AVG		19.990		130.89	51.91	995.62	134.91	32.90	637.90	75.54	2.66	0.72	13.81	73.03
MAX			47.378	165.78	70.46		185.58	45.00		78.73	3.23	1.08		
CRITERIA		21.800			35.00	763.00		45.00	981.00			1.00	22.00	
COMPLIANCE		YES			NO	NO		YES	YES			YES	YES	
STATISTICS FOR THE MONTH OF JUNE:														
2010	498.39	16.613	25.459	134.00	46.78	777.16	147.67	26.92	447.22	81.8	2.73	0.66	10.96	75.8
2009	493.00	16.433	19.174	102.90	42.09	691.66	144.00	31.42	516.32	78.20	2.83	0.79	12.98	72.1
2008	634.55	21.152	34.128	78.67	34.33	726.15	123.38	23.13	489.25	81.3	2.42	0.55	11.63	77.3

MONTH	Total Loadings		
	TOTAL RAW BOD (kg/day)	TOTAL RAW SS (kg/day)	TOTAL RAW P (kg/day)
JUN 11	2,990	3,375	58
MAY 11	2,778	2,993	51
APR 11	2,336	2,628	49
MAR 11	2,656	2,653	52
FEB 11	2,458	2,572	50
JAN 11	2,541	2,456	50
DEC 10	2,411	2,279	52
NOV 10	2,864	2,678	51
OCT 10	2,823	2,637	53
SEP 10	2,757	2,732	51
AUG 10	1,996	2,197	51
JUI 10	1,818	2,130	45
AVG	2,536	2,611	51
MAX	2,990	3,375	58

COMMENTS:

JULY 11, 2011

REPORT TO FINANCE, ADMINISTRATION & OPERATIONS COMMITTEE – JULY 19, 2011

2011-074-07
2011 DEBT CAPACITY LIMIT
F08-20

D. CYR
DIRECTOR OF FINANCE
L. FERGUSON
SUPERVISOR OF ACCOUNTING SERVICES
C. WARD
TREASURY OFFICER – RESERVES & CAPITAL

RECOMMENDATION

THAT the Debt Capacity Limit for 2011, as calculated and updated by the Treasurer be received.

PURPOSE

To inform Council of the debt repayment limit calculated by the Ministry of Municipal Affairs and Housing, which has subsequently been updated by the Treasurer as required under Ontario Regulation 403/02.

BACKGROUND

Each year, the Ministry of Municipal Affairs and Housing (MMAH) determines the Municipality's Annual Debt Repayment Limit [Attachment 1 to Report # 2011-074-07]. This limit is calculated as prescribed under Ontario Regulation 403/02 [Attachment 2 to Report # 2011-074-07]. Information obtained from a previous year's Financial Information Return (FIR) is used in the determination of this limit. For this year, the information is obtained from the 2009 FIR. Regulation 403/02 also requires that the Treasurer update this calculation [Attachment 3 to Report # Report # 2011-074-07] with more recent information before the issuance of any new long term debt instrument (i.e. debentures).

ANALYSIS

The Unadjusted Annual Repayment Limit for 2011 provided by MMAH $ 6,889,059

Treasurer's Adjustments:

Debt Charges

Add: Debt Charges for Debt Matured in 2010 $ 93,000

Less:	2005 & 2006 projects left to be debentured	(1,874)
	2009 Debenture Issue Debt Charges	(148,088)
	2010 Debenture Issue Debt Charges	(195,526)
	Estimated 2011 Debenture Issue Debt Charges	(184,151)
	Borrowing – Solar Project	(236,667)
	Estimated short-term interest re: WPCC Upgrade	(100,000)
	Estimated Debt Charges for the WPCC Upgrade	(566,910)

Financial Commitments

Less:	St. Lawrence College (2008-2011)	(37,500)
	Xerox lease agreement	(36,001)
	Police vehicle lease (4 year lease)	(6,870)
	Brockville General Hospital – Physician Recruitment	(21,000)
	Brockville General Hospital (5 year commitment from 2009-2013)	(10,000)
	Kingston General Hospital (5 year commitment from 2009-2013)	(25,000)
	Maritime Discovery Centre (MDC)	(2,920,000)
	2008 Contribution	350,000
	2009 Contribution	245,000
Adjusted Annual Repayment Limit for 2011:		**$ 3,087,472**

The Adjusted Annual Repayment Limit for 2011 of $3,087,472 equates to:

Term	Interest Rate	Amount
10 year Debenture Issue	6.0 %	$ 22,724,065

This reflects the maximum amount of new debentures that may be issued according to Provincial Regulations. This does not indicate Brockville's ability or capacity to assume this debt and its annual debt charges.

FINANCIAL CONSIDERATIONS

There are no financial considerations at this time.

CONCLUSION

The debt charge capacity calculated by the Province and as adjusted by the Treasurer is effective January 1, 2011.

Christine Ward
C. Ward, Treasury Officer – Reserves & Capital

L. Ferguson, Supervisor of Accounting Services

Donna Cyr
D. Cyr, Director of Finance

B. Casselman, City Manager

Ontario

Ministry of Municipal Affairs and Housing
777 Bay Street,
Toronto, Ontario M5G 2E5

Ministère des affaires municipales et du logement
777 rue Bay,
Toronto (Ontario) M5G 2E5

2011 ANNUAL REPAYMENT LIMIT

(UNDER ONTARIO REGULATION 403 / 02)

MMAH CODE:	**56101**	**FIR CLEAN FLAG:**	**C**
MUNID:	**7015**		
MUNICIPALITY:	**Brockville C**		
UPPER TIER:	**N/A**		
REPAYMENT LIMIT:		**$**	**6,889,059**

The repayment limit has been calculated based on data contained in the 2009 Financial Information Return, as submitted to the Ministry. This limit represents the maximum amount which the municipality had available as of December 31, 2009 to commit to payments relating to debt and financial obligation. Prior to the authorization by Council of a long term debt or financial obligation, this limit must be adjusted by the Treasurer in the prescribed manner. The limit is effective January 01, 2011.

FOR ILLUSTRATION PURPOSES ONLY,

The additional long-term borrowing which a municipality could undertake over a 5-year, a 10-year, a 15-year and a 20-year period is show.

If the municipalities could borrow at 5% or 7% annually, the annual repayment limits shown above would allow it to undertake additional long-term borrowing as follows:

5% Interest Rate			
(a)	20 years @ 5% p.a.	$	85,852,905
(a)	15 years @ 5% p.a.	$	71,506,079
(a)	10 years @ 5% p.a.	$	53,195,489
(a)	5 years @ 5% p.a.	$	29,826,021

7% Interest Rate			
(a)	20 years @ 7% p.a.	$	72,982,792
(a)	15 years @ 7% p.a.	$	62,744,959
(a)	10 years @ 7% p.a.	$	48,385,869
(a)	5 years @ 7% p.a.	$	28,246,503

DETERMINATION OF ANNUAL DEBT REPAYMENT LIMIT
(UNDER ONTARIO REGULATION 403/02)

MUNICIPALITY: Brockville C MMAH CODE: 56101

		1 $
	Debt Charges for the Current Year	
0210	Principal (SLC 74 3099 01)	1,996,143
0220	Interest (SLC 74 3099 02)	1,272,538
0299	**Subtotal**	3,268,681
	Ontario Clean Water Agency Provincial Projects	
0410	Water projects - For this Municipality only (SLC 74 2810 03)	0
0420	Water projects - Share of integrated project(s) (SLC 74 2820 03)	0
0430	Wastewater projects - For this Municipality only (SLC 74 2830 03)	0
0440	Wastewater projects - Share of integrated project(s) (SLC 74 2840 03)	0
0499	**Subtotal**	0
0610	Payments for Long Term Commitments and Liabilities financed from the consolidated statement of operations (SLC 42 6010 01)	0
0810	Debt Charges for Lease Purchase Agreements (Tangible Capital Leases) (SLC 74 3140 03)	0
9910	**Total Debt Charges**	3,268,681

		1 $
	Amounts Recovered from Unconsolidated Entities	
1010	Electricity - Principal (SLC 74 3030 01)	0
1020	Electricity - Interest (SLC 74 3030 02)	0
1030	Gas - Principal (SLC 74 3040 01)	0
1040	Gas - Interest (SLC 74 3040 02)	0
1050	Telephone - Principal (SLC 74 3050 01)	0
1060	Telephone - Interest (SLC 74 3050 02)	0
1099	**Subtotal**	0
1410	Debt Charges for Tile Drainage/Shoreline Assistance (SLC 74 3015 01 + SLC 74 3015 02)	0
1420	**Total Debt Charges to be Excluded**	0
9920	**Net Debt Charges**	3,268,681

		1 $
1610	Total Revenues (Excluding Donations of Tangible Capital Assets) (SLC 10 9910 01 - SLC 53 0610 01)	49,221,711
2010	Fees for Tile Drainage / Shoreline Assistance (SLC 12 1850 04)	0
	Grants from Government of Ontario, Canada and Other Municipalities	
2210	Ontario Grants, including Grants for Tangible Capital Assets (SLC 10 0699 01 + SLC 10 0810 01 + SLC10 0815 01)	5,905,730
2220	Canada Grants, including Grants for Tangible Capital Assets (SLC 10 0820 01 + SLC 10 0825 01)	1,802,518
2230	Revenue from other municipalities (SLC 10 1099 01)	744,553
2240	Gain/Loss on sale of land & capital assets (SLC 10 1811 01)	0
2250	Deferred revenue earned (Development Charges) (SLC 10 1812 01)	137,949
2299	**Subtotal**	8,590,750
2410	Fees and Revenue for Joint Local Boards for Homes for the Aged	0
2610	**Net Revenues**	40,630,961
2620	**25% of Net Revenues**	10,157,740
9930	**ESTIMATED ANNUAL REPAYMENT LIMIT** **(25% of Net Revenues less Net Debt Charges)**	6,889,059

* SLC denotes Schedule, Line Column.

Attachment #2 to Report 2011-074-07

ServiceOntario
e-Laws

Municipal Act, 2001
Loi de 2001 sur les municipalités

ONTARIO REGULATION 403/02

DEBT AND FINANCIAL OBLIGATION LIMITS

Consolidation Period: From March 29, 2010 to the e-Laws currency date.

Note: July 1, 2010 has been named by proclamation as the day on which section 1 of the *Long-Term Care Homes Act, 2007* **comes into force.**
Last amendment: O. Reg. 89/10.

This Regulation is made in English only.

Debt and financial obligation limit

1. (1) The annual debt and financial obligation limit for municipalities shall be determined under this Regulation. O. Reg. 403/02, s. 1 (1).

(2) The Ministry shall annually determine the limit using the formula described in section 3 based on the financial information supplied to the Ministry by each municipality under the Act and under the *Municipal Affairs Act*. O. Reg. 403/02, s. 1 (2).

(3) The Ministry shall inform the treasurer of the municipality in writing of the limit. O. Reg. 403/02, s. 1 (3).

Determination as to whether OMB approval required

2. A municipality shall use the most recent limit provided to it by the Ministry to determine whether Ontario Municipal Board approval is required in respect of the following categories of debt or financial obligation:

1. Long-term debt assumed by a municipality for which repayment will be required beyond the term for which the council was elected.
2. Other financial commitments, liabilities and contractual obligations, for which payment may or will be required beyond the term for which the council was elected, including, without being limited to,
   i. lease agreements,
   ii. financial commitments to hospitals and universities. O. Reg. 403/02, s. 2.

Determination of limit

3. The Ministry shall determine the debt and financial obligation limit of a municipality as

follows:

1. Calculate the revenues for a past fiscal year, excluding, whether or not they are revenues, amounts received in the year,

   i. as grants from the Government of Ontario or Canada or from another municipality,

   ii. as proceeds from the sale of real property,

   iii. as a contribution or transfer from a reserve fund or reserve,

   iv. under agreement with the Government of Ontario, for the purpose of repaying the principal and interest of long-term debt or meeting financial obligations of the municipality,

   v. from another municipality or a school board for the repayment of the principal and interest of long-term debt of the municipality borrowed for the exclusive purposes of the other municipality or school board,

   vi. as revenues from electrical, telephone and gas service, and

   vii. as revenues for the purpose of repaying the principal and interest of debt under the *Tile Drainage Act* or the *Shoreline Property Assistance Act*,

   viii. Revoked: O. Reg. 294/09, s. 1 (3).

2. Multiply the amount obtained in paragraph 1 by 25 per cent.

3. Subtract from the amount obtained in paragraph 2 the total payments in the fiscal year related to the long-term debt of the municipality less,

   i. the payments in that year for long-term debt or financial obligations for which the Government of Ontario has agreed to provide to the municipality the amounts required by the municipality to repay the principal and interest of the debt or to meet the financial obligations,

   ii. payments in that year from another municipality or a school board for the repayment of the principal and interest of long-term debt of the municipality borrowed for the exclusive purposes of the other municipality or school board,

   iii. the payments for electrical, telephone and gas service provided by the municipality for which revenues are received by the municipality in that year, and

   iv. the payments for shoreline assistance and tile drainage in that year,

   v. Revoked: O. Reg. 294/09, s. 1 (4).

4. Subtract from the amount obtained in paragraph 3,

   i. payments made in the fiscal year in respect of the financial commitments, obligations and liabilities described in paragraph 2 of section 2, and

   ii. for any fiscal year in a construction period during which amounts of principal, interest or both are not payable in respect of debenture debt for an undertaking authorized by the municipality for its purposes through a by-law under clause 408 (4) (d) of the Act, an amount equal to the estimated average annual amount

of principal and interest that will be payable by the municipality in respect of the debt during the period when those debt payments are to be actually made. O. Reg. 403/02, s. 3; O. Reg. 294/09, s. 1.

Updated limit

4. (1) Before authorizing any specific work or class of work or any increase in expenditure for a previously authorized specific work or class of work that would require a long-term debt or financial obligation described in section 2, the council of the municipality shall have its treasurer calculate an updated limit using the most recent debt and financial obligation limit determined by the Ministry. O. Reg. 403/02, s. 4 (1).

(2) The treasurer shall update the most recent limit determined by the Ministry as follows:

1. Adjust the limit in respect of the estimated annual amount payable for any long-term debt or financial obligation described in section 2 assumed or discharged by the municipality since the last day of the past fiscal year for which the limit was calculated.
2. Subtract from the amount obtained in paragraph 1, the estimated annual amount payable in respect of any project approved by the Ontario Municipal Board or the council, as the case may be, to be financed by long-term debt or financial obligation described in section 2 but not as yet assumed unless council has, by resolution, indicated that it will not proceed with that project.
3. Subtract from the amount obtained in paragraph 1, for any fiscal year in a construction period during which amounts of principal, interest or both are not payable in respect of debenture debt for an undertaking authorized by the municipality for its purposes through a by-law under clause 408 (4) (d) of the Act, an amount equal to the estimated average annual amount of principal and interest that will be payable by the municipality in respect of the debt during the period when those debt payments are to be actually made.
4. Subtract from the amount obtained in paragraph 1 any amount recognized by the treasurer as annually payable or as payable in the year in respect of a financial obligation described in paragraph 2 of section 2.
5. Add to the amount obtained in paragraph 1 the estimated amount annually payable for any long-term debt or financial obligation described in section 2 in respect of the owner's share of the cost of a work undertaken as a local improvement under Ontario Regulation 586/06 (Local Improvement Charges — Priority Lien Status) made under the Act. O. Reg. 403/02, s. 4 (2); O. Reg. 294/09, s. 2 (1).

(3) The treasurer shall calculate the estimated annual amount payable by the municipality in respect of the work or class of work. O. Reg. 403/02, s. 4 (3).

(4) The treasurer shall not include in the update under subsection (2) or the calculation under subsection (3) any amounts payable by the municipality for the following categories of long-term debt or financial obligation:

1. Debt or financial obligation for which the Government of Ontario has agreed to pay to the municipality the amounts required by the municipality to repay the principal and interest of the debt or to meet the financial obligation.

2. Debt under the *Tile Drainage Act* or the *Shoreline Property Assistance Act.*

3. Debt or financial obligation in respect of electrical, telephone and gas service provided by the municipality for which revenues are received by the municipality.

4. Revoked: O. Reg. 294/09, s. 2 (2).

O. Reg. 403/02, s. 4 (4); O. Reg. 294/09, s. 2 (2).

(5) The treasurer is not required to include in the update under subsection (2) or the calculation under subsection (3) any amounts recognized by the treasurer as expenses in the current year that are, or are payable under, any of the following:

1. Arrangements to provide pensions.

2. Agreements with a municipality or local body under section 20 of the Act.

3. Agreements with a First Nation under section 21 of the Act.

4. Agreements with the Province of Ontario under section 22 of the Act.

5. Agreements under the *Police Services Act* respecting policing of the whole or any part of a municipality by the Ontario Provincial Police.

6. Agreements respecting matters of employment of officers and employees of the municipality or a local board of the municipality.

7. Agreements for sharing the cost of services of officers and employees of municipalities or local boards.

8. Agreements respecting homes under the *Homes for the Aged and Rest Homes Act.*

Note: On the day section 1 of the *Long-Term Care Homes Act, 2007* comes into force, paragraph 8 is revoked and the following substituted:

8. Agreements respecting long-term care homes under Part VIII of the *Long-Term Care Homes Act, 2007.*

See: O. Reg. 89/10, ss. 1, 2.

9. Agreements respecting bus franchises.

10. Agreements for insurance and reciprocal contracts of indemnity or inter-insurance, including premium notes given for fire insurance.

11. Any other agreement with any person for the provision of a service. O. Reg. 403/02, s. 4 (5); O. Reg. 294/09, s. 2 (3).

(6) Subsection (5) does not apply to,

(a) agreements to borrow money or sell debt prescribed under section 305 of the Act payable to the municipality;

(b) agreements to incur debt without borrowing money for the purpose of obtaining long-term financing of any capital work of the municipality, including lease agreements; or

(c) agreements for the purpose of minimizing costs or financial risk associated with the incurring of debt. O. Reg. 403/02, s. 4 (6); O. Reg. 294/09, s. 2 (4).

(7) The council of any municipality that borrows money or issues debentures for the

exclusive purposes of one or more other municipalities or school boards is not required to have its treasurer update its debt and financial obligation limit in respect of the borrowing or issuance. O. Reg. 403/02, s. 4 (7).

(8) If a council does not require the treasurer to calculate an updated limit under subsection (7), the treasurer shall not include any amount in respect of the borrowing, issuance or authorization in an update under subsection (2) or a calculation under subsection (3). O. Reg. 403/02, s. 4 (8).

(9) If the amount calculated under subsection (3) exceeds the amount updated under subsection (2), the council must obtain the approval of the Ontario Municipal Board before authorizing the work or class of work. O. Reg. 403/02, s. 4 (9).

Transitional limit

5. (1) The Ministry shall calculate a transitional debt and financial obligation limit for a municipality in respect of any fiscal year in which the following conditions are met:

1. The municipality has been erected, incorporated or created by statute or has had a boundary alteration within the past five years.
2. The financial information necessary for the Ministry to determine a debt and financial obligation for the municipality under section 3 is not available. O. Reg. 403/02, s. 5 (1).

(2) Despite sections 1 and 3, the Ministry may determine a transitional debt limit by estimating the revenues for the year and by using relevant financial information obtained from any municipality or from any fiscal year. O. Reg. 403/02, s. 5 (2); O. Reg. 294/09, s. 3.

(3) Despite section 4, the treasurer may update a transitional debt limit using relevant financial information from any fiscal year. O. Reg. 403/02, s. 5 (3).

6. Omitted (revokes other Regulations). O. Reg. 403/02, s. 6.

7. Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 403/02, s. 7.

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TREASURERS CALCULATION OF THE CITY'S ANNUAL DEBT CAPACITY BASED ON TH
CALCULATION METHODS AND INFORMATION PROVIDED BY THE PROVI...

DETERMINATION OF ANNUAL DEBT REPAYMENT LIMIT
UPDATED JUNE 29, 2011
AS PER PROVINCIAL REGULATION 403/02

CALCULATION OF ANNUAL REPAYMENT LIMIT		2009
TOTAL REVENUE FUND REVENUES	per FIR	49,221,711
ADD:		
FEES AND REVENUES FOR SOCIAL HOUSING		0
LESS:		
FEES FOR REPAYING THE PROVINCE FOR DOWNTOWN REVITALIZATION LOANS		0
FEES FOR TILE DRAINAGE & SHORELINE ASSISTANCE		0
GRANTS FROM GOVERNMENT OF ONTARIO, GOVERNMENT OF CANADA AND OTHER MUNICIPALITIES		
ONTARIO GRANTS		(5,905,730)
CANADA GRANTS		(1,802,518)
OTHER MUNICIPALITIES		(744,553)
DEFERRED REVENUE EARNED (DEVELOPMENT CHARGES)		(137,949)
SUB-TOTAL	Lines 13.1;13.2;13.3	(8,590,750)
FEES AND REVENUES FOR JOINT LOCAL BOARDS FOR HOMES FOR THE AGED		
NET REVENUE FUND REVENUES		**40,630,961**
25% OF NET REVENUE FUND REVENUE		10,157,740
ANNUAL REPAYMENT LIMIT		
(a) 25% of Net Revenue Fund Expenditures: City Debt Capacity		10,157,740
(b) Less: 2009 Net Debt Charges		(3,268,681)
ANNUAL REPAYMENT AMOUNT AVAILABLE FOR 2011 PER MMAH:		**6,889,059**
TREASURER'S ADJUSTMENTS:		
DEBT:		
Add:		
Debt Charges for Debt Maturing in 2008		0
Debt Charges for Debt Maturing in 2009		0
Debt Charges for Debt Maturing in 2010		93,000
Less:		
2009 Debenture Issue Debt Charges		(148,088)
Remaining 2005 & 2006 capital projects to be debentured		(1,874)
2010 Proposed Debenture Issue Debt Charges		(195,526)
2011 Proposed Debenture Issue Debt Charges		(184,151)
Borrowing charges re: Solar Project		(236,667)
Estimated interest on construction loan re: Secondary Treatment Upgrade		(100,000)
Estimated Debt Charges for the Secondary Treatment Upgrade to the WPCC (25 yrs @ 5%)		(568,910)
FINANCIAL COMMITMENTS:		
Add:		
Less:		
St. Lawrence College 2010 - 2011		(37,500)
Xerox lease agreement		(36,001)
Police vehicle lease (4 year lease)		(6,870)
Brockville General Hospital (5 year commitment)		(10,000)
Brockville General Hospital - Physician Recruitment		(21,000)
Kingston General Hospital (5 year commitment)		(25,000)
Maritime Discovery Centre		(2,920,000)
2008 Contribution		350,000
2009 Contribution		245,000
ADJUSTED ANNUAL REPAYMENT AMOUNT AVAILABLE FOR 2011:		**3,087,472**

ADDITIONAL DEBENTURES IN THE FOLLOWING AMOUNTS COULD BE ISSUED AT THE INDICATED INTEREST RATE AND AMORTIZATION :

RATE OF INTEREST	YEARS TO AMORTIZE	ADDITIONAL DEBENTURES
6.00%	10	22,724,065

Certificate of the Treasurer

I, Donna Cyr, Treasurer of the City of Brockville in the County of Leeds do hereby certify that annual payments relating to the net capital cost of the works plus the annual debt payments relating to all other capital projects proposed by the municipality are within the annual debt repayment limit established by the Ministry of Municipal Affairs and Housing under Ontario Regulation 403/02 and therefore OMB approval is not required.

Dated and signed in the City of Brockville this th day of July 2011

Donna Cyr, Treasurer

JUNE 30, 2011

REPORT TO FINANCE, ADMINISTRATION & OPERATIONS COMMITTEE – JULY 19, 2011

2011-075-07
CONTRIBUTION TO ONTARIO GOOD ROADS ASSOCIATION LITIGATION FUND RELATED TO MINIMUM MAINTENANCE STANDARDS
FILE: L02-00

D. CYR
DIRECTOR OF FINANCE
C. COSGROVE
DIRECTOR OF OPERATIONS

RECOMMENDATION

THAT Council authorize a contribution to Ontario Good Roads Association's Litigation Fund in the amount of $2,000; and

THAT this contribution be expensed to Account 01-5-071160-4740.

PURPOSE

To financially assist toward the legal costs being incurred by the Ontario Good Roads Association (OGRA) in their defense of the Minimum Maintenance Standards (MMS) of roadways which is currently being challenged within the court system.

BACKGROUND

MMS were created to assist Ontario municipalities manage their risk from legal action stemming from personal injury on municipal roads. Claims are continually brought against municipalities for personal injury and property damage alleging inadequate maintenance of roads, signage or failing to provide proper winter de-icing, sanding and/or plowing. The MMS has been very successful as a defense against these types of claims. If the municipality can illustrate that they were following the minimum level of maintenance as set out in the regulations, plaintiffs are often discouraged from proceeding with their claims either by their own lawyers or upon presentation of proof in discovery. Courts, typically in catastrophic injury claims, look for MMS compliance with regard to municipal liability.

An application has been filed with the Superior Court of Justice to have the MMS declared null and void. The application has been filed by individuals who have also filed a lawsuit against a municipality for a winter related accident. As part of their defense, the municipality is proving that they were in compliance with the MMS.

OGRA has filed a notice with the court to oppose the application on behalf of their municipal members. On October 8, 2010 the court issued an order adding OGRA as an intervener in regard to this case.

Attachment #1 to Report 2011-075-07 is an update from OGRA, dated May 26, 2011, in regard to the MMS litigation.

ANALYSIS

If the application to have an order declaring the MMS null and void is successful it will have huge implications for all Ontario municipalities. Municipalities, such as the City of Brockville, who exercise due diligence and maintain their roads in good repair or provide excellent winter maintenance will no longer have viable defence against specious claims of liability. With no viable defence, claims that might otherwise be "thrown out" will continue onto expensive trials and old claims could possibly be re-filed. The courts may start awarding large settlements which will result in higher insurance premiums for municipalities.

Due to the potential financial impact, it is important to have municipalities represented at this legal challenge. The MMS litigation steering committee is comprised not only of OGRA members but representatives from municipal insurance groups (Ontario Municipal Insurance Exchange [OMEX], Frank Cowan Company Limited, and the Waterloo Regional Municipalities Insurance Pool); the Regional Municipality of York; and the Province of Ontario.

In 2010, OGRA had requested financial assistance towards the litigation costs associated with defending this application and potential appeals. Any funds that are not used will be refunded to the contributing municipalities on a pro-rated basis.

POLICY IMPLICATIONS

Council, at their meeting held on June 29, 2010, defeated a motion to contribute monies from Fiscal Policy to the MMS Litigation Fund. (Attachment #2 to Report 2011-075-07)

City Clerk Sandra Seale has confirmed that a reconsideration of this motion does not apply due to it being a new term of Council.

FINANCIAL CONSIDERATIONS

A contribution of $2,000 towards the MMS Litigation Fund would be mitigated through the City Manager's legal account.

CONCLUSION

Staff believes that the City of Brockville should contribute towards the MMS Litigation Fund as a small contribution now towards these legal costs may save significant monies in the future.

C. Cosgrove, Director of Operations

D. Cyr, Director of Finance

B. Casselman, City Manager

TO: Ontario Municipalities

FROM: J. W. Tiernay, Executive Director
Ontario Good Roads Association

DATE: May 26, 2011

RE: Minimum Maintenance Standards Litigation – Status Report

Background

Last year all heads of Council received a letter advising that a legal challenge had been filed to have the Minimum Maintenance Standards (MMS) declared null and void. The letter requested municipalities consider contributing to a Litigation Fund to fight the application. I am pleased to report that many municipalities have contributed to the fund and we are proceeding with our opposition to this application. If your municipality is still considering the request please let me know at your earliest convenience as to whether funds will be forthcoming.

This memo is intended to keep all municipalities informed as to the progress to date on this important matter.

Discussion

OGRA has retained J. Murray Davison, Q.C. of the law firm, Paterson, MacDougall, LLP as our legal counsel to represent your interests. Mr. Davison is very knowledgeable in the area of Minimum Maintenance Standards having volunteered his time and expertise in the development of the initial standards and the 5 year review that was recently undertaken.

Our counsel filed an application with the courts to grant OGRA intervenor status. The opposing counsel did not object to this application and the court issued an order adding OGRA as intervenor on October 8, 2010.

A MMS Litigation steering committee made up of representatives from the Ontario Good Roads Association; the Ontario Municipal Insurance Exchange (OMEX); the Regional Municipality of York; the Province of Ontario; the Waterloo Region Municipalities Insurance Pool and Frank Cowan Company Limited met on May 25, 2011 and received an update from our legal team.

The plaintiff's Counsel has filed a motion for the production of all documents associated with the creation of the original Minimum Maintenance Standards.

Our litigation team is supporting two motions filed by the Crown. The first being to limit the scope of the hearing to the standards that were in effect at the time of the accident that precipitated this action. The second motion is to transfer the hearing from the Superior Court to the Divisional Court. In the Superior Court only one judge presides, while at Divisional Court three judges preside. Our legal team feels that this move would be advantageous to our position.

All the above referenced motions are currently scheduled to be heard on June 13, 2011. A further update will be issued subsequent to that hearing.

We previously advised that the Ontario Trial Lawyers Association was going to seek intervenor status. They have not done so to-date however we anticipate that they will do so later.

At this time there is a possibility that the application will be heard in the fall of this year, however the prevailing opinion suggests that it might not be heard until spring of 2012.

Further updates will be issued as the matter progresses.

JWT

2010-100-06
Joint Compliance Audit Committee

Moved by: Councillor Earle

THAT the Clerk be directed to continue to work with neighbouring Municipal Clerks to establish a Joint Compliance Audit Committee as per the attached Terms of Reference, followed by recommendation for appointments.

CARRIED

NEW BUSINESS - REPORT FROM MEMBERS OF COUNCIL

Councillor H. Noble
Re: Ontario Good Roads Association Minimum Maintenance Standards

Motion to Amend

Moved by: Councillor Journal

THAT the motion be referred to the Finance and Administration Committee.

DEFEATED

Motion to Amend

Moved by: Councillor Kalivas

THAT the City of Brockville contribute $1,000 from Fiscal Policy to the MMS Litigation Fund.

DEFEATED

Moved by: Councillor Noble

WHEREAS the attached letter from the Ontario Good Roads Association identifies the multimillion dollar savings associated with having minimum standards of maintenance of municipal roads such that they can be considered safe thereby precluding vexatious and ill founded claims for injury; and

WHEREAS if such standards are struck down by the courts there will be no standard by which courts can decide if municipal roads are safe or if local governments are adequately and responsibly maintaining their roads; and

WHEREAS in the absence of any standard courts tend to side with petitioners and emotional arguments and award massive damage awards seeing local governments as having very deep pockets and holding local governments to very high standards of responsibility; and

WHEREAS the Ontario Good Roads Association needs funds to defend the present system against a court challenge and the legal weight of representing a large number of financially participating municipalities; and

WHEREAS maintaining the present system is the city's first line of defense against potentially huge claims on our insurance which eventually is funded by our taxpayers; and

THEREFORE BE IT RESOLVED THAT the City of Brockville will contribute $2,000 from Fiscal Policy (approximately 10 cents per capita) to the MMS Litigation Fund.

DEFEATED

Councillor H. Noble
Re: 2010 Brockville Refugee Island Breakfast

Moved by: Councillor Noble

WHEREAS the Brockville Refugee Island Breakfast has just completed its fifth year of operation; and

WHEREAS this is the result of many sponsors of food and supplies; and

WHEREAS the dive charters and others assist with transportation; and

WHEREAS the organization, lugging of equipment, ordering of food, setting up, taking down and marketing is a tremendous amount of work of which the backbone is Dave Paul and the Brockville Flying Club whose initiative and dedication makes it happen; and

WHEREAS this event has become ever more popular and allows residents and visitors alike to experience one of Brockville' treasures which are unique to our city...the Islands.

THEREFORE BE IT RESOLVED THAT:

1. On the occasion of this fifth anniversary of the Island Breakfast, City Council wishes to thank all the sponsors and volunteers and especially acknowledge the

14 July 2011
REPORT TO FINANCE, ADMINISTRATION AND OPERATIONS COMMITTEE – 19 JULY 2011

2011-077-07
EXPECTATIONS AND COMMENTS
RENEWABLE ENERGY APPLICATION
OWNER: 2176047 ONTARIO INC.
AGENT: HATCH LTD.
PROJECT NO.: 2176047 SOLAR ENERGY PROJECT

M. PASCOE MERKLEY
DIRECTOR OF PLANNING
J. FAURSCHOU
PLANNER I

RECOMMENDATION:

1. THAT, the City of Brockville does not support the use of lands designated as "Employment Lands" for use as a passive, non-employment generating solar facility.

2. THAT municipal consultation form be submitted with those expectations and comments as shown on **Schedule "C"** to this Report.

PURPOSE

The purpose of this report is to provide direction on municipal comment to Canada Solar Solutions Inc. and Upper Canada Solar Ltd. In addition to completion and submission of the Renewable Energy Approval Consultation Form: Municipalities, Local Authorities, ss. 18(2) Ontario Regulation 359/09, a copy of which is attached as **Schedule "B"** to this report.

BACKGROUND:

The City of Brockville has been notified of a proposed joint venture between UC Solar Ltd. (U.C. Solar) and Canadian Solar Solutions Inc. (Canadian Solar) to develop a 10-MW solar photovoltaic project titled "2176047 Solar Energy Project". Hatch Ltd. is the Agent for the project.

Under the joint venture:

- Canadian Solar Solutions Inc. owns the land under company 2176047 Ontario Inc.;
- UC Solar Ltd. is the minority shareholder of 2176047 Ontario Inc. and is helping with initial development work as well as working with Canadian Solar during the REA process; and
- Canadian Solar Solutions Inc. is the majority shareholder of 2176047 Ontario Inc. Canadian Solar is working together with UC Solar Ltd in terms of obtaining the REA. Canadian Solar will manufacture and supply the solar PV modules for the Project as well as operate the project.

The Project is located on privately owned lands (2176047 Ontario Inc.) located on the north-west corner of the intersection of North Augusta Road and Centennial Road on lands identified as Part of Lots 7 and 8, Concession 3, in both the Township of Elizabethtown–Kitley and the City of Brockville. The subject lands are shown on **Schedule "A"** to this report.

The site encompasses an area of approximately 102 hectares (252 acres), approximately18 hectares (45 acres) of which are located within the City of Brockville. The subject lands have been purchased by the Project developer. The municipal address of the site is 12 Centennial Road East, Brockville, Ontario, K6V 5T2.

The project is summarized as follows:

- Remotely operated with no permanent on-site operator;
- 10 inverter buildings, including 2 transformer buildings;
- 2,180 racks to support 52,260 PV (photovoltaic) modules;
- Access during construction is from two new roads off North Augusta Road/County Road 6 and Centennial Road and one permanent access is across the TransCanada easement;
- The entire site will be enclosed with approximately 4,000 metres of 2.4 metre high galvanized steel fence topped with barbed wire;
- There are no water, wastewater facilities required;
- Solid waste disposal is to be minimal and is the responsibility of the developer;
- There are no facilities which would discharge contaminants or pollutants.

An inter-provincial pipeline corridor passes through the southern portion of the site. North of the pipeline corridor, the lands are predominately forested and further north, a large Class 1 wetland is present. Southeast of the corridor, the site lands are actively used for agriculture and there is a residential building present; southwest of the corridor, the lands are idle and covered by successional vegetation. To the west of the site, the lands are forested and there is an electrical transmission corridor and a railway line. Industrial buildings are present to the south of the site and rural residential dwellings align County Road 6 to the east of the site. A small pond feature is present about 400 metres (1312 feet) east of the site. A large reservoir and wetland feature is present west of the site that is part of the Mac Johnson Wildlife Area, a 532 ha. (1,314 acre) conservation area under the jurisdiction of the Cataraqui Region Conservation Authority designated as a Provincially Significant Wetland (PSW).

As required, UC Solar is proceeding through the Renewable Energy Approval (REA) process as described in Ontario Regulation 359/09 under the *Environmental Protection Act*. The current step in this process is to complete the "Renewable Energy Approval Consultation Form: municipalities, local authorities ss. 8(2) Ontario Regulation 359/09" based on a series of reports as provided by the proponent. The reports are available for viewing in the City Clerk Department.

ANALYSIS

Projects which fall within the purview of the Green Energy Act, S.O. 2009, ch. 12, are exempt from approvals under the Planning Act, R.S.O., c.P.13. However, various other Acts including, but not limited to, the Building Code Act, 1992 and various municipal by-laws are applicable.

As a result, the City is unable to have the proponent enter into a Site Plan Control Agreement wherein concerns such as landscaping, setbacks, buildings, parking, lighting, dust control, traffic, etc. would be reviewed by various departments and Agencies and a binding agreement entered into between the proponents with the City which is the case of all other development within the City. Accordingly, in order to ensure that the concerns of the City of Brockville are considered within the scope of the approvals process, the City has prepared a list of expectations and comments based on a review of all reports submitted to-date. The expectations and comments are set out in **Schedule "C"** to this report.

Official Plan Designation:	Industrial (current Official Plan) Employment Area (June 14, 2011, Adopted by Council)
Zone:	H1-M1, Holding Industrial Zone (H1 refers to serving requirements)

Given that the Planning Act does not apply to the proposed development, amendment to the Official Plan or to City of Brockville Zoning By-law 194-94 are not required. However, concerns are present regarding the following:

- The subject land is located within the Employment Area as identified under the Official Plan, June 14, 2011; and
- The proposed development is not consistent with polices under Section 1.3-Employment Areas of the Provincial Policy Statement, 2005 (PPS).

<u>Employment Lands</u>:

The proposed site for the solar energy project is atypical to the rural based sites for other solar developments in which the land may be designated for varying degrees of agricultural or rural use – a designation which carries a minimal assessment value and a minimal employment potential.

Conversely, the proponent has chosen to place the solar energy project within an area of the City designated as an "Employment Lands".

Table 6.2, of the Official Plan Review Growth Analysis Study, 2006-2031, Final Report, dated 13 April 2009, prepared by Watson & Associates, indicates the unserviced Land Area for Industrial (Employment Land) at 22.7 net hectares (56.2 net acres).

Given the limited available lands within the City of Brockville suitable for industrial uses, the loss of approximately 18 hectares (45 acres) represents a seventy-nine percent (79%) loss of available unserviced Industrial (Employment Land) area to a facility with no full time employment and few part-time employment positions. This has significant negative impact on the potential future economic growth and well being of the City.
This position is further supported by Section 3.4 Land Use & Growth Management – Sustainability Goals and Targets of The Land Use & Growth Management Strategy, Adopted by Council on 15 December 2009, prepared by MMM Group, Sustainability is achieved through, among other elements, reduction of land consumption by ensuring the most efficient use of land and maintaining a suitable employment land use assessment, neither of which is achieved by permitting the solar energy project in the proposed location.

Accordingly, the solar energy project significantly and adversely affects the future economic potential for industrial development of the City.

Similarly, the use of such employment lands is in direct conflict with those policies within Section 1.3-Employment Areas, of the PPS which reads as follows:

"1.3 Employment Areas

1.3.1 *Planning authorities shall promote economic development and competitiveness by:*

a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;
b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
c) planning for, protecting and preserving employment areas for current and future uses; and
d) ensuring the necessary infrastructure is provided to support current and projected needs.

1.3.2 *Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and there is a need for the conversion."*

The recent Official Plan process which resulted in the various policy and land use designations in the Official Plan, endorsed by Council on June 14, 2011, was the result of a number of background studies as noted above. Based on these studies and the Official Plan, the proposed solar energy project is in direct contravention of Policy 1.3.1 and Policy 1.3.2 of the PPS.

Renewable Energy:

The current Official Plan for the City of Brockville, does not specifically address green energy and renewable energy but does encourage the development of electric power facilities.

The Official Plan for the City of Brockville which was adopted by Council on June 14, 2011, recognizes the benefit of energy efficiency and conservation, including green energy and renewable energy.

The Community Strategic Plan of 2009 does recognise that environmental sustainability, including energy needs, are to be encouraged.

Based on the fore-going, the City is in support of renewable energy but not at the cost of future economic opportunities within the limited usable area of the City. Alternative locations which do not have the potential adverse economic impacts associated with the current proposal have been discussed in the past and include such locations as roof tops and development at the former City landfill site or within the "development constraint zone" surrounding the former City landfill site.

POLICY IMPLICATIONS

As noted above, the proposed Solar Energy Project is not consistent with policies under the PPS nor is it consistent with the Official Plan or City of Brockville Zoning By-law 194-94, as amended.

FINANCIAL IMPLICATIONS

The proposed Solar Energy Project has received approval under the Feed in Tariff (FIT) program. There is no direct benefit to the City from participation in this program.

As designated, the subject lands are suitable for development as an Industrial Use, a use which typically has a high number of employees with associated wages and economic impact to the City and a relatively high assessment rate. Conversely, following completion of construction, the proposed use has an estimated two (2) part-time employees, and a low assessment rate, estimated by MPAC to be in the range of $365,000.00 to $380,000.00, based on an industrial rate. The current assessment for the subject lands is $168,663.00 based on residential rate. The difference in property taxes is approxiamtley $10,340.00.

Accordingly, the potential benefit to the City in terms of property taxes is minimal and nil in terms of wage/employment economic benefits to the City.

CONCLUSION

The Planning Department does not support the use of lands described as the north-west corner of the intersection of North Augusta Road and Centennial Road on lands

identified as Part of Lots 7 and 8, Concession 3, Township of Elizabethtown–Kitley and City of Brockville for the proposed 2176047 Solar Energy Project.

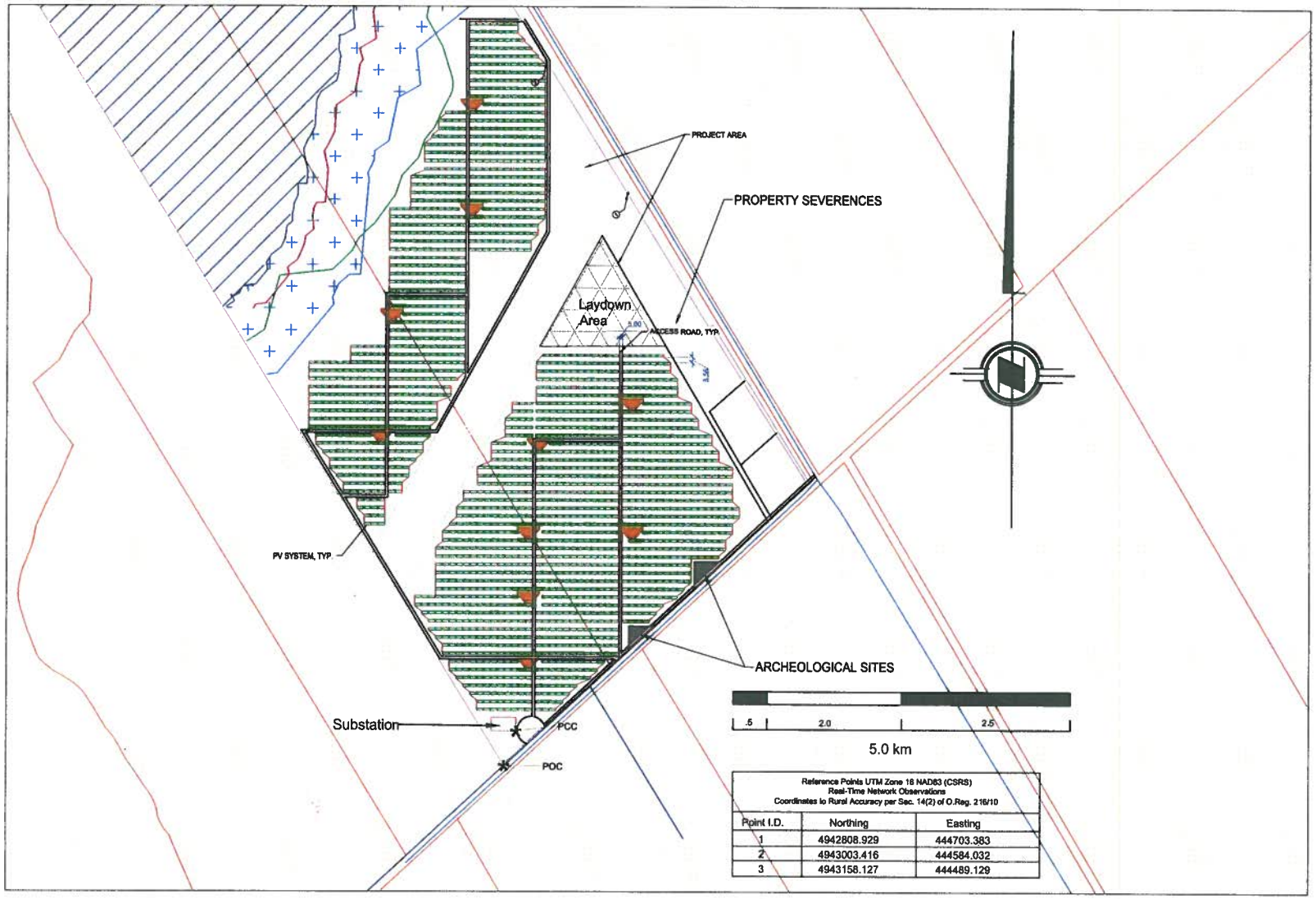
The Planning Department recommends that the above-noted recommendation, including a copy of this report, should be submitted with the completed Renewable Energy Approval Consultation Form: Municipalities, Local Authorities, ss. 18(2) Ontario Regulation 359/09. In addition, **Schedule "C"** should be submitted as an addendum to the Consultation Form to ensure that should the proposal be supported by the MOE, despite objection by the City, the MOE will be advised of the expectations and comments from the City of Brockville.

M. Maureen Pascoe Merkley
Director of Planning

Bob Casselman
City Manager

J. Faurechou
Planner I

D. Cyr
Director of Finance



Reference Points UTM Zone 18 NAD83 (CSRS)
Real-Time Network Observations
Coordinates to Rural Accuracy per Sec. 14(2) of O.Reg. 216/10

Point I.D.	Northing	Easting
1	4942808.929	444703.383
2	4943003.416	444584.032
3	4943158.127	444489.129

Project Size
10MW AC

Location
44-38'08.75"N
75-42'12.52"W

Legend

- Property Boundary
- Lot Lines
- Laydown Area
- Roads
- Transmission Line
- PSW
- Substation
- Inverter
- Rack - 24 Panels in total
- 120m Setback from PSW
- 30m Setback from PSW
- Tree Line

Notes

- 10MW AC (12.01MW DC) system shown. 52,260 panels @ 230W each.
- Rack offsets are based off a 35 degree module tilt angle and 15 degree sun angle with UNIRAC's IGM system.
- Modules facing perfect south.
- Connection point is located at the South Western Corner of the property.
- Incoming Transmission line is shown in blue. Feeder Name: 24M27, Voltage: 44kv.
- 20*500KW AC Satcon Inverters have been indicated on the layout.
- 120m setback from Watercourses and Provincially Significant Wetlands.
- Access roads are a standard single lane width of 3.67m wide. With an additional half meter of buffer space on either side.

This layout is a spatial evaluation for an estimation of what a ground mounted solution could be. The size of the solution or land is subject to change after a formal site visit has occurred which includes a survey of the property with land topography and obstructions taken into account.

3RD ANGLE PROJECTION

ALL DIMENSIONS "mm"

CanadianSolar

Spatial Layout
Aerial View

DATE: November 1 1th, 2010	DESIGNED BY: Joel Lachapelle		PROPOSAL #: OICI-2010-0086
DWG SIZE 11x17	ADDRESS: 12 Centennial Rd. East Brockville, ON. K6V 5T2		REV. No. 2
SCALE : N/A	FN #: 216047	CUSTOMER: UC Solar	SHEET: 1 OF 1

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Ontario

Ministry of the Environment

Renewable Energy Approval
Consultation Form: municipalities, local authorities
ss. 18(2) Ontario Regulation 359/09

Ce formulaire est disponible en français

PART A: TO BE COMPLETED BY THE APPLICANT BEFORE SUBMITTING TO MUNICIPALITY OR LOCAL AUTHORITY

Section 1 - Project Description

1.1 - Renewable Energy Project

Project Name *(Project identifier to be used as a reference in correspondence)*

2176047 Solar Energy Project

Project Location

Same as Applicant Physical Address? ☐ Yes ☒ No (If no, please provide site address information below)

Civic Address- Street information *(includes street number, name, type and direction)*	Unit Identifier *(i.e. apartment number)*
12 Centennial Road East, Brockville, Ontario	

Survey Address *(Not required if Street Information is provided)*

Lot and Conc.:
used to indicate location within a subdivided township and consists of a lot number and a concession number.

Lot	Conc.
7 & 8	3

Part and Reference:
used to indicate location within unorganized territory, and consists of a part and a reference plan number indicating the location within that plan. Attach copy of the plan.

Part	Reference Plan

Location Information *(includes any additional information to clarify physical location)(e.g. municipality, ward/ township)*

Elizabethtown-Kitley Township and City of Brockville, United Counties of Leeds and Grenville

Geo Reference *(e.g. southwest corner of property)*

Map Datum	Zone	Accuracy Estimate	Geo Referencing Method	UTM Easting	UTM Northing

Project Phasing *(outline construction, operation and decommissioning activities)*

Construction - Construction of access roads, laydown area preparation, installation of underground cabling, construction of foundations and substructures for arrays, construction of concrete pad for transformer station and inverter, erection of a 44 kV distribution connection from the facility to the connection point, and site restoration of disturbed areas.

Operation - Operation and maintenance of solar panels, including occasional cleaning with water, and associated infrastructure

Decommissioning - Removal of all project infrastructure, and site restoration of disturbed areas

1.2 - Environmental Context

Describe any negative environmental effects that may result from engaging in the project *(consider construction, operation and decommissioning activities.)*

Environmental effects that may occur from this project include, but are not limited to:
- soil erosion from areas of exposed vegetation
- removal of some natural vegetation
- disturbance of local wildlife and some loss of habitat
- noise emissions from transformers and inverters

Propose early avoidance/prevention/mitigation concepts and measures.

- Standard sediment/erosion control measures will be used on site
- Impacts to areas of natural vegetation will be minimized where possible
- No construction of solar panels or transformer to occur within at least 30 m of the high water mark of a watercourse
- A spill clean-up procedure/emergency response plan will be developed for the site by the construction contractor
- Noise studies carried out in order to ensure no impact on receptors; noise barriers will be considered if required

1.3 - Renewable Energy Generation Facility

Type of Facility / Operation *(select all that apply & complete all appropriate sections)*

☐	Wind Facility (Land Based)	☐	Biofuel Facility
☐	Wind Facility (Off-Shore)	☒	Solar Photo Voltaic Facility
☐	Biogas Facility (Anaerobic Digesters)	☐	Other Describe :
☐	Biomass Facility (Thermal Treatment)	☐	Class (if applicable) :

Name Plate Capacity	Expected Generation	Service Area	Total Area of Site *(hectares)*
10 MW	± 12 GWh in first year		36

Provide a description of the facilities equipment or technology that will be used to convert the renewable energy source or any other energy source to electricity.

Solar photovoltaic panels will be installed on the site to convert solar energy into electricity. The exact panels to be used remain to be determined.

1.4 – Renewable Energy Generation Activities

Describe the activities that will be engaged in as part of the renewable energy project

The facility operates 365 days per year when sufficient solar irradiation exists to generate electricity. Typical electricity generation begins shortly after sunrise and stops shortly before sunset. Operation is remotely monitored.

The faciilty requires periodic visits for maintenance during the oepration phase, such as checking and replacing worn parts, checking electrical connection and cleaning panels. Four (4) to five (5) visits per year are required for routine maintenance and cleaning.

Section 2 – Supporting Documents

2.1 – Requirement	Name of Draft documents distributed for consultation	Date available to Municipal or Local Authority Contact
DRAFT Project Description Report	Project Description Report - 2176047 Solar Project,	August 11, 2010
DRAFT Design and Operations Report	Executive Summary Report,	May 26, 2011
DRAFT Construction Plan Report	Natural Heritage Assessment Records Review,	May 26, 2011
DRAFT Decommissioning Plan Report	Natural Heritage Assessment Site Investigation Report,	May 26, 2011
List of other Documents	Natural Heritage Assessment Evaluation of Significance,	May 26, 2011
	Natural Heritage Assessment Environmental Impact Study,	May 26, 2011
	Water Body Records Review,	May 26, 2011
	Water Body Site Investigation Report,	May 26, 2011
	Stage 1 and 2 Archaeological Assessment Report,	May 26, 2011
	Noise Study Report, Construction Plan Report,	May 26, 2011
	Design & Operations Report; Decommissioning Plan Report;	May 26, 2011
	Storm Water Management Report; Geotechnical Investigation Report	May 26, 2011

Location where written draft reports can be obtained for public inspection *(physical location for viewing and the applicants project website if one is available)*:

A copy of the reports will be made available on the applicants website (www.canadian-solar.com). Copies will be made available for public inspection within the municipality; this location remains to be determined, but a notification will be provided of the release for public review. A hard copy of the reports will also be provided to the municipality for their review.

Section 3 – Applicant Address and Contact Information

3.1 - Applicant Information *(Owner of project/facility)*

Applicant Name *(legal name of individual or organization as evidenced by legal documents)*	Business Identification Number
UC Solar Ltd. in partnership with Canadian Solar Solutions Inc.	

Business Name *(the name under which the entity is operating or trading - also referred to as trade name)* [X] same as Applicant Name

Civic Address- Street information *(includes street number, name, type and direction)*	Unit Identifier *(i.e. apartment number)*
c/o UC Solar Ltd., 5061 City Road 29	

Survey Address *(Not required if Street Information is provided)*

Lot and Conc.: used to indicate location within a subdivided township and consists of a lot number and a concession number.		Part and Reference: used to indicate location within an unsubdivided township or unsurveyed territory, and consists of a part and a reference plan number indicating the location within that plan. Attach copy of the plan.	
Lot	Conc.	Part	Reference Plan

Municipality	County/District	Province/State	Country	Postal Code
Brockville	Leeds & Grenville United Counties	Ontario	Canada	K6V 5V7

PART B: TO BE COMPLETED BY THE MUNICIPALITY OR LOCAL AUTHORITY

Section 4 - Municipal or Local Authority Contact Information (check the one that applies)

Local Municipality *(include each local municipality in which project location is situated)*				☐ Yes	☐ No
Name of Municipality	Address	Phone	Clerk's Name	Clerk's Phone/Fax	E-Mail Address
Upper Tier Municipality *(include each upper tier municipality in which project location is situated)*				☐ Yes	☐ No
Name of Municipality	Address	Phone	Clerk's name	Clerk's Phone/Fax	E-Mail Address
Local roads area *(include each local roads area in which project location is situated)*				☐ Yes	☐ No
Name of local roads board	Address	Phone	Secretary-treasurer's Name	Secretary-treasurer's Phone/Fax	E-Mail Address
Board Area *(include each board area in which project location is situated)*				☐ Yes	☐ No
Name of Local Service Board	Address	Phone	Secretary's name	Secretary's Phone/Fax	E-Mail Address

Section 5: Consultation Requirement

5.1 - Project Location
Provide comment on the project location with respect to infrastructure and servicing.
5.2 – Project Roads
Provide comment on the proposed project's plans respecting proposed road access.
Identify any issues and provide recommendations with respect to road access
Provide comment on any proposed Traffic Management Plans
Identify any issues and provide recommendations with respect to the proposed Traffic Management Plans

5.3 – Municipal or Local authority Service Connections
Provide comment on the proposed project plans related to the location of and type of municipal service connections, other than roads.
Identify any issues and provide recommendations with respect to the type of municipal service connections, other than roads.
5.4 – Facility Other
Identify any issues and recommendations with respect to the proposed landscaping design for the facility
Provide comment on the proposed project plans for emergency management procedures / safety protocols.
Identify any issues and recommendations with respect to the proposed emergency management procedures / safety protocols.
Identify any issues and recommendations with respect to any Easements or Restrictive Covenants associated with the Project Location
5.5 Project Construction
Identify any issues and recommendations with respect to the proposed rehabilitation of any temporary disturbance areas and any municipal or local authority infrastructure that could be damaged during construction.
Identify any issues and recommendations with respect to the proposed location of fire hydrants and connections to existing drainage, water works and sanitary sewers
Identify any issues and recommendations with respect to the proposed location of buried kiosks and above-grade utility vaults

Identify any issues and recommendations with respect to the proposed location of existing and proposed gas and electricity lines and connections
Provide comment on the proposed project plans with respect to Building Code permits and licenses.
Identify any issues and recommendations related to the identification of any significant natural features and water bodies within the municipality or territory.
Identify any issues and recommendations related to the identification any archaeological resource or heritage resource.

SCHEDULE "C" - REPORT 2011-077-07

Recommendations - Expectations and Comments:

1. THAT the developer shall provide contact details to the City of Brockville prior to start of work and shall maintain such contact list for the life of the project.

2. THAT no work shall occur on the subject lands until a complete site plan has been provided to the City of Brockville for review and comment.

3. THAT the project shall not negatively impact on the City of Brockville and the adjacent Township of Elizabethtown–Kitley adjacent road network.

4. THAT prior to construction of an access road(s) to the subject land, the Applicant shall apply for, and receive approval for, an entrance(s).

   Where temporary entrance(s) are required, a separate application shall be submitted for each entrance and such entrance shall be removed and the boulevard, ditches etc. shall be reinstated to the satisfaction of the City of Brockville within upon completion of construction.

5. That all temporary parking areas and laydown areas established for construction purposes, including parking and material storage, shall be reinstated to the satisfaction of the City of Brockville within a reasonable time frame for the completion of construction. Said time frame to be agreed upon between the applicant and the City of Brockville and not to exceed six (6) months.

6. THAT a Landscape Plan be submitted to the City of Brockville. The landscape plan is expected to include provision for buffering the facility from views from North Augusta Road and from Centennial Road and from the adjacent dwellings.

7. THAT full spectrum baseline water testing of adjacent wells be conducted prior to commencement of construction. For the purpose of this condition, adjacent wells would be those located within 500 metres of the perimeter of the subject property.

   THAT follow-up well testing be undertaken within five (5) days of receipt of a complaint(s) from adjacent well owners.

   THAT on-going monitoring for a period of ninety (90) days following completion of construction be undertaken.

   THAT the contractor shall be responsible for remediation and resolution of any and all issues concerning potable water attributable to the solar array installation.

8. THAT the developer shall undertake a hydrogeological study and retain a hydrogeology consultant during construction.

9. That the developer shall undertake, and provide to the City of Brockville, a Stormwater Management Plan (SMP) for review and comment. Said SMP to include connection points to existing and proposed stormwater ditches within the City of Brockville and projected volumes thereto.

10. THAT prior to construction, the Chief Building Official shall be consulted in regard to the requirements for Application for Building Permit.

11. THAT all noise, fencing details (height, security, barbed wire direction and composition, etc), etc. be subject to applicable control By-laws. The applicant is required to make application for exemption(s) to any By-law through the City Clerk.

12. THAT all security lighting and job site lighting, both permanent and temporary, shall be dark sky friendly and shall not spill on to adjacent lands.

13. THAT all internal roads shall be constructed to a standard acceptable to the City of Brockville Fire Department.

14. THAT truck routes, including load types and weights anticipated, be circulated to the City of Brockville for review and approval by the City Engineer against road conditions/capacity, emergency services access/routing, designated emergency transportation routes (ETR), special events, etc.

    Following completion of the construction phase of the facility, the City Engineer shall determine the requirements for repair of road sections attributable to the construction of the facility. All such repairs shall be at the cost of the developer.

15. THAT all traffic measures, including traffic control, oversize loads, etc. shall be undertaken in cooperation with the Brockville Police Department the Brockville Operations Department.

16. THAT appropriate consideration be made during design selection against the airport proximity, including but not limited to, such elements of reflection.

17. THAT, where blasting is found to be required, a pre-blast survey shall be undertaken and seismic readings shall be monitored as necessary.

18. THAT the developer shall undertake dust control measures during construction and throughout the life of the project on all non hard surfaced road surfaces. Upon receipt of written notice from the City of Brockville, the developer shall ensure that dust suppression measures shall be undertaken within not less than five (5) working days.

19. THAT the developer shall be responsible for street cleaning during construction and throughout the life of the project. Upon receipt of written notice from the City of Brockville, the developer shall ensure that the streets are cleaned within not less than five (5) working days.

20. THAT as the development represents a significant loss of lands designated as "Employment Lands" within the Official Plan for the City of Brockville, the developer shall be responsible for a proportionate share of costs for the extension of servicing from the northern terminus of municipal servicing on California Avenue north and east to a point on Centennial Road to be determined by the City Engineer.

21. All proposals for severance of lands which are not an inherent element of the Solar Energy facility are be subject to regulations set out under the Ontario Planning Act, R.S.O. 1990, c.P. 13.

22. Connection of the proposed solar facility to the Hydro One Network Inc. distribution shall line shall be underground.

23. Results of all site monitoring before, during and after construction shall be made available to the City of Brockville upon receipt of a written request from the City of Brockville.