

THE CORPORATION OF THE TOWN OF GEORGINA

COUNCIL AGENDA ADDENDUM

Wednesday, July 15, 2015
7:00 P.M.

12. (2) REPORTS REQUIRING SEPARATE DISCUSSION (continued)

Report from the Administrative Services Department:

- (G) Pawsitive Approach Pet Services
349 Annshiela Drive, Keswick

Report No. DAS-2015-0044

Recommendation(s):

- 1. That Council receive Report No. DAS-2015-0044 prepared by the Administrative Services Department dated July 15, 2015 respecting Pawsitive Approach Pet Services, located at 349 Annshiela Drive, Keswick, ON.**
- 2. That Council has no objection to the proposed kennel licence, Class III, being issued by the Town Clerk to Pawsitive Approach Pet Services, located at 349 Annshiela Drive, Keswick, ON with the site specific lot size area exemption request as detailed within the report.**

(Advisement: Refer to Deputation, June 24, 2015)

- (H) Report from the Operations and Engineering Department:

Cancellation of Tender OED2015-006
Lowndes Avenue Sanitary Sewer

Report No. OED-2015-0029

Recommendation(s):

- 1. That Council receive Report No. OED-2013-0029 prepared by Operations and Engineering Department dated July 15, 2015 regarding the cancellation of tender OED2015-006, for installation of a gravity sewer on Lowndes Avenue.**

2. **That the Town not accept the tender received from Trisan Construction and cancel the Tender OED2015-006.**
3. **That Council support staff recommendations to add this project to the other infrastructure works on Dalton Road.**

13 DISPOSITIONS/PROCLAMATIONS, GENERAL INFORMATION ITEMS AND COMMITTEE OF ADJUSTMENT

(2) General Information Items:

- (a) Lake Simcoe Region Conservation Authority dated July 13, 2015 respecting Lake Simcoe Region Conservation Authority's process specifically in regards to Section 28 permit applications and to provide the Town of Georgina Council with an update regarding our most current undertaking with the DG Group.

(Advisement: Correspondence relates to Item 9 (3) on July 15, 2015 agenda)

- (b) The Ontario Headwaters Institute dated July 13, 2015 respecting a permit application in a provincially significant wetland (PSW) in the North Gwillimbury Forest.

(Advisement: Correspondence relates to Item 9 (3) on July 15, 2015 agenda)

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DAS-2015-0044

**FOR THE CONSIDERATION OF
COUNCIL
JULY 15, 2015**

**SUBJECT: PAWSITIVE APPROACH PET SERVICES
349 ANNSHIELA DRIVE, KESWICK, ON**

1. RECOMMENDATIONS:

- 1. That Council receive Report No. DAS-2015-0044 prepared by the Administrative Services Department dated July 15, 2015 respecting Pawsitive Approach Pet Services, located at 349 Annshiela Drive, Keswick, ON.**
- 2. That Council has no objection to the proposed kennel licence, Class III, being issued by the Town Clerk to Pawsitive Approach Pet Services, located at 349 Annshiela Drive, Keswick, ON with the site specific lot size area exemption request as detailed within the report.**

2. PURPOSE:

The purpose of this report is to provide Council with an overview of the request for consideration and to seek Council approval for issuance of a Business Licence, for Pawsitive Approach Pet Services for exemption from minimum lot size for the property located at 349 Annshiela Drive, Keswick, ON from 0.40 hectares to 0.28 hectares to board a maximum number of five (5) special needs dogs.

3. BACKGROUND:

At the Council meeting of June 24, 2015, Ms. Trish Soulier made a deputation requesting consideration for exemption from the lot size to provide for in-home care for dogs with special needs beyond a typical kennel boarding facility. Ms. Soulier identified that her existing in-home boarding services provides care for dogs with special needs, post-operative care, senior dogs and dogs in palliative care as well as administration of medication, including injectable treatments and accommodation for dogs with physical disabilities. This type of boarding kennel is unique as to the type of boarding services provided for dogs with special needs.

Council referred this matter to staff for further report and recommendation.

4. ANALYSIS:

The current kennel licencing By-law 2015-0034, was adopted on April 8, 2015 after considerable discussion and public participation. Schedule C (Attachment #1) of the By-law 2015-0034 sets out the minimum lot size area for various classes. Class III, Kennel Boarding requirements are as follows:

Kennel Type	# of Dogs	Size
Class III, Boarding	1 – 5	Minimum .40 hectares
	6 – 10	Minimum .80 hectares
	11 – 20	Minimum 1.2 hectares
	21-30	Minimum 1.6 hectares

Ms. Soulier is requesting site specific exemption from the lot area size under Schedule C of By-Law 2015-0034 for the property located at 349 Annshiela Drive, Keswick, ON. Ms. Soulier is requesting to limit the number of dogs to a maximum of 5 dogs and a lot area of 0.28 hectares whereby the existing by-law requires 0.40 hectares.

On June 24, 2015 Ms. Soulier distributed supportive correspondence to Council from neighbours, clients, boarding kennels, animal clinics and veterinarian services supporting this boarding kennel service.

The request has been circulated to Town departments for comment. At the time of this report, no objections have been received from departments or agencies circulated.

5. FINANCIAL AND BUDGETARY IMPACT:

There are no financial or budgetary impacts associated with the recommendations contained in this report other than the licencing fee. The licencing fee of \$150.00 has been paid and an application made by Ms. Soulier.

6. PUBLIC CONSULTATION AND NOTICE:

No public consultation or notice of this exemption is required under the existing by-law. The report will be listed on Council's agenda and will be posted to the Town's website.

7. CONCLUSION:

This report seeks Council's decision and approval to direct the Town Clerk to issue the kennel licence to PAWSITIVE APPROACH PET SERVICES at 349 Annshiela Drive, Keswick, ON.

Prepared by:




John Espinosa
Town Clerk

Recommended by:

Approved by:



Rebecca Mathewson, CPA, CGA
Director of Administrative Services
& Treasurer



Winanne Grant, B.A., AMCT, CEMC
Chief Administrative Officer

Attachment #1 –By-law 2015-0034, Schedule C

SCHEDULE "C"
To By-law 2015-0034 (REG-1)
MINIMUM REQUIRED LOT SIZE

KENNEL TYPE	# OF DOGS	SMALL 0-24LBS	MEDIUM 25-49LBS	LARGE 50-79LBS	X-LARGE 80+LBS
Class I Breeding	1-5	.20 hectares	.40 hectares	.60 hectares	.80 hectares
	6-10	.40 hectares	.60 hectares	1 hectare	1.2 hectares
	11-20	.60 hectares	1.2 hectares	1.4 hectares	1.6 hectares
Class II Doggie Day Care	1-5	.20 hectares	.40 hectares	.60 hectares	.80 hectares
	6-10	.40 hectares	.60 hectares	1 hectare	1.2 hectares
	11-20	.60 hectares	1.2 hectares	1.4 hectares	1.6 hectares
Class II Groomer	As per the Town of Georgina Zoning By-law 500, as amended				
Class III Boarding	1-5	Minimum .40 hectares			
	6-10	Minimum .80 hectares			
	11-20	Minimum 1.2 hectares			
	21-30	Minimum 1.6 hectares			
Class IV Pet Stores	As per the Town of Georgina Zoning By-law 500, as amended, reviewed or replaced				
Class V Hobbyist	1-5	.20 hectares	.40 hectares	.60 hectares	.80 hectares
	6-10	.40 hectares	.80 hectares	1 hectare	1.2 hectares
	11-20	.80 hectares	1.2 hectares	1.4 hectares	1.6 hectares
Class VI Fancier	1-3	As per the Town of Georgina By-law 2004-0130(LI-3), as amended, reviewed or replaced			
	4-10	.30 hectares	.60 hectares	.80 hectares	1.2 hectares
	11-20	.80 hectares	1.2 hectares	1.4 hectares	1.6 hectares
Class VII Rescue	Minimum .60 hectares required				
Class VIII Cattery	1-5	.20 hectares			
	6-10	.30 hectares			
	11-20	.40 hectares			
Class IX Broker	Minimum .40 hectares required				

Conversion Table	.20 hectares = .50 acres	.40 hectares = 1 acre
.60 hectares = 1.5 acres	.80 hectares = 2 acres	1 hectare = 2.5 acres
1.2 hectares = 3 acres	1.4 hectares = 3.5 acres	1.6 hectares = 4 acres

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. OED-2015-0029

FOR THE CONSIDERATION OF COUNCIL

July 15, 2015

**SUBJECT: CANCELLATION OF TENDER OED2015-006
LOWNDES AVENUE SANITARY SEWER**

1. RECOMMENDATION:

- 1. That Council receive Report No. OED-2015-0029 prepared by the Operations and Engineering Department dated July 15, 2015 regarding the cancellation of tender OED2015-006, for installation of a gravity sewer on Lowndes Avenue.**
- 2. That the Town not accept the tender received from Trisan Construction and cancel the Tender OED2015-006**
- 3. That Council support staff recommendations to add this project to the other infrastructure works on Dalton Road.**

2. PURPOSE:

To inform Council of a second unsuccessful attempt to award a contract to complete the sanitary sewer on Lowndes Avenue and to offer a problem resolution.

3. BACKGROUND:

In 2014, staff issued a similar tender but the amount bid was substantially (approximately 100%) over our proposed budget. Staff increased the budget for 2015 to reflect the increased bid cost.

4. ANALYSIS:

As per the Purchasing Manager's memorandum, Attachment No. 1, only one (1) bid was received for this work. Trisan Construction Limited submitted a bid of \$1,565,079.20 (not including HST). Staff with the assistance of our consultant carried out an evaluation of the bid submitted. Cole Engineering completed a Bid Evaluation. Of particular concern are line items for insurance and bonding of \$198,450 each. Staff feel that the bid does not meet the provisions of our Procurement bylaw, specifically:

- The bid exceeds the budgeted amount
- The price submitted is not competitive

- Prices for bonding and insurance are not proportional to the contract price and as a result the bid is unbalanced.

To address the situation, staff have explored the opportunity to complete this project similar in nature to works being proposed for Dalton Road. On Friday we met with the Region to discuss Dalton Road and inquired about adding this project to the scope of work? Cole Engineering is also the consultant the Region has retained to do their project.

5. FINANCIAL AND BUDGETARY IMPACT:

The sanitary pumping station at the northeast corner of Glenwoods and Lowndes has been operated since the sewer system was built in the 70's. The gravity pipe running north on Lowndes and west on Bayview Avenue has been oversized to include the flows currently entering the pumping station. This is the ultimate design for the area.

Staff are recommending that the existing station and drainage system remain in place until a competitive price is obtained for constructing the gravity sewer.

6. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

n/a

7. CONCLUSION:

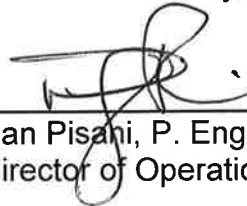
It is recommended therefore that this project as designed be included with work being proposed for Dalton Road. A larger tender (economy of scale) should benefit both the Region of York and the Town of Georgina.

Prepared by:



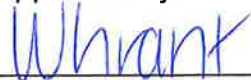
Robert Fortier, C.E.T., CRS
Capital Projects Manager

Recommended by:



Dan Pisani, P. Eng.
Director of Operations & Engineering

Approved by:



Winanne Grant, B.A., AMCT, CEMC
Chief Administrative Officer

RF/hs

Interoffice
MEMORANDUM

To: Bob Fortier, Capital Projects Manager, Operations and Engineering Dept.
From: Brian Jordan, Purchasing Manager
Subject: Lowndes Avenue Sewer Project – OED2015-006
Date: July 6, 2015

Tenders for the Construction of a Proposed Sanitary Sewer, Lowndes Avenue, R.F.T. Document No. OED2015-006 closed at 2:00 p.m. Local Time, Friday July 3, 2015, as per the R.F.T. Document. Bids received were opened at 2:15 p.m., July 3, 2015, in the Committee Room, located on the second floor of the Civic Centre. Those present during the opening were as follows:

Brian Jordan, Purchasing Manager
Patricia Nash, Deputy Clerk

Only one (1) bids was received and the submission was as follows:

Company	Total Bid (H.S.T Extra)
Trisan Construction Inc., Schomberg	\$1,565,079.20

The RFT Document was prepared by Cole Engineering, the Operations and Engineering Department and the Purchasing Manager. The bid document was made available to the public on June 12, 2015. The Request for Tender was advertised in the Georgina Advocate on June 18, 2015 and ran in all possible editions until the closing date. It was also advertised on the Ontario Public Buyers Association’s website, Biddingo and the Town’s website. This project is a re-release of Project OED2014- 051 from the fall of 2014, all previous bidders of the 2014 project were notified of this Tender opportunity. A total of four (4) document sets were distributed.

No Addendums were issued for this project.

Copies of the Bids received have been forwarded to the Operations and Engineering Department for further evaluation and final recommendation.

Final approval of the preferred Contractor will remain the responsibility of the Operations and Engineering Department.

Tender Evaluation Memo – Lowndes Ave Sewer Project – OED2015-006

In order to comply with the terms and conditions as set out in the Town of Georgina Purchasing By-Law # 2004-0120, Section 6.0, Reports to Council, it may be necessary for the Department Head to submit the awarding of this contract to Council for approval.

Respectfully Submitted by:

Brian Jordan,
Purchasing Manager



July 13, 2015

Open letter to Town of Georgina Council

Dear Mayor Quirk and Members of Council:

I am writing to clarify Lake Simcoe Region Conservation Authority's process specifically in regards to Section 28 permit applications and to provide the Town of Georgina Council with an update regarding our most current undertaking with the DG Group.

Section 28 of the *Conservation Authorities Act*: Are Permits open to Third Party Process?

Under provincial privacy legislation, permit applications are protected and therefore not open for public review or comment. However, once a decision has been made and a permit is approved or denied, the application can be made public through a Freedom of Information request.

If there is a Board of Directors' hearing concerning a permit application, the only parties entitled to participate in the hearing are the permit applicant and the conservation authority. The public are welcome to attend such a hearing, but they cannot participate.

These standard operating practices of conservation authorities were reviewed in 2010 by the Ministries of Natural Resources and Municipal Affairs and Housing and documented in a report entitled "Policies and Procedures for Conservation Authority Plan Review and Permitting Activities" published in May 2010. The *Conservation Authorities Act* and the subsequent policies and procedures referenced above have no provision for third party participation. Furthermore, Section 9.0 Adherence to Policies clearly states under subsection 9.1, "All CAs are required to adhere to these policies and procedures". A conservation authority not following these policies and procedures is potentially subject to a provincial audit, disciplinary action and litigation.

The Section 28 permit application process is an objective technical review conducted by highly skilled professionals who have the scientific knowledge, expertise and experience to render decisions on whether or not a permit should be granted. Their primary objective is to protect public safety and property. LSRCA follows this process in accordance with legal responsibility, as legislated under the *Conservation Authorities Act*. Deviating from this process would contravene certain laws, could create an apprehension of bias and could cause significant delay and disruption in the duty to provide permit services in a timely fashion.

Open Letter to Town of Georgina Council
July 13, 2015
Page 2

As an organization that relies on public trust and confidence, LSRCA firmly believes that public participation is a critical part of decision making. In regards to plans of subdivision, this process happens during the planning phase, prior to permit applications being submitted for review.

LSRCA's Undertaking with the DG Group:
A Creative Solution to Protect the Paradise Beach/Island Grove Wetland

LSRCA has a proven track record of protecting wetlands and accordingly is working collaboratively with the Province of Ontario, the Region of York, the Town of Georgina and the DG Group to negotiate an agreement to protect the wetlands in perpetuity. This involves the transfer of DG Group's current development rights to another parcel of land which they own. As part of this agreement, DG Group will transfer ownership of the wetland and forest in its entirety to the public trust. This represents more than a 3:1 increase in the Green Belt and is the most certain approach to protecting the wetlands.

The DG Group has entered into an undertaking (copy attached) with LSRCA to not proceed with any activities in regards to a permit application unless all efforts to negotiate the transfer of development rights have failed. The undertaking also outlines the DG Group's willingness to deed ownership of the lands into the public trust once a transfer of development rights is achieved.

In today's climate, our actions and decisions are guided by what is best for the environmental health of Lake Simcoe and the surrounding watershed. I can say with absolute certainty that LSRCA is fully invested in finding a positive balance between our human needs and the needs of our watershed.

Sincerely,



Michael Walters
Chief Administrative Officer

Attachment

UNDERTAKING

1. In consideration for the acknowledgement set out in paragraph 2 of this Undertaking, Maple Lake Estates Inc. (the "Owner") and the DG Group undertake and agree not to commence any on-site works, including clearing, site alteration, the placement of fill and grading on the lands within Registered Plan of Subdivision known as Maple Lakes Estates 65M-2903, Town of Georgina Roll No. 121-950 in the Town of Georgina ("the Lands") until the conclusion of all reasonable efforts with various public authorities involved to have transferred equivalent development rights from the Lands (65M-2903) to the adjacent lands within Subdivision 65R-3920 and Part of Lots 21 and 22, Concession 3. Should the transfer of the development rights be satisfactory to the Owner, in its sole discretion, the Owner will agree to convey the Lands (65M-2903) in their entirety and at no cost to the appropriate public agency or conservation authority.
2. The LSRCA acknowledges and agrees that the Owner's permit application pursuant to Ontario Regulation 179/06 was submitted on May 20th 2015 and that the permit application will be processed in accordance to the watershed development guidelines in effect at the time of the submission.
3. This undertaking shall expire upon the earlier of the termination of discussions with the various public authorities referred to in paragraph 1 of this Undertaking or January 1, 2016, whichever date is earlier.

Dated at Concord June 12th 2015

DG Group

Per: _____

Name: Robert DeGasperis

Title: President

I have the authority to bind the corporation

Dated at Concord June 12th 2015

Maple Lake Estates Inc.

Per: _____

Name: Robert DeGasperis

Title: ASO

I have the authority to bind the corporation

Dated at Newmarket June 6 2015

Lake Simcoe Region Conservation Authority

Per: _____

Name: Geoffrey Dawe

Title: Chairman, LSRCA

I have the authority to bind the corporation

Dated at Newmarket, ON June 11, 2015

Lake Simcoe Region Conservation Authority

Per: 

Name: Michael Walters

Title: Chief Administrative Officer

I have the authority to bind the corporation



The Ontario Headwaters Institute

Working to preserve the foundation of Ontario's watersheds

July 13, 2015

Mayor and Council
Town of Georgina
PDF via e-mail

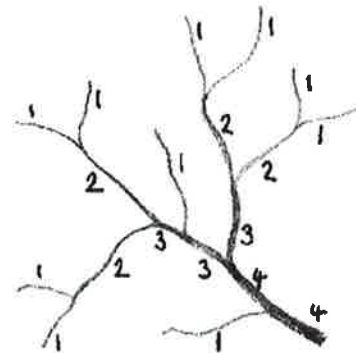
Dear Mayor Quirk and Council,

The Ontario Headwaters Institute, a provincial corporation with charitable status that works to preserve the province's headwaters, asks the Town of Georgina to consider a few key strategic issues in discussing the agenda item regarding a permit application in a provincially significant wetland (PSW) in the North Gillimbury Forest.

As you may aware, headwaters consist of drainage areas, first and second-order streams, wetlands, and groundwater. A first order-stream is one with no tributaries, while a second-order stream starts where two first-order streams converge, as described in the drawing to the right.

The health of our headwaters and their catchment areas is fundamental to the ecological integrity of Ontario. Among other benefits, headwaters:

- ▲ Nurture more of Ontario's biodiversity than any other type of habitat;
- ▲ Filter, store, and drain water from about two thirds of the land in our watersheds;
- ▲ Contribute the majority of nutrients, phosphorus, and organic material to our rivers and lakes; and,
- ▲ Provide the bulk of the flow to our watercourses.



While all headwaters play important roles, wetlands not only provide unique ecological goods and services to our watersheds but are the most threatened type of headwater in Ontario, with some areas of the province having lost 90% of their historic wetlands over the last 200 years.

We offer the following observations and suggestions:

1. Request immediate ruling to prevent development in a Provincially Significant Wetland

Given the designation of the wetland within the North Gillimbury Forest as a PWS, augmented by existing provincial regulations, our understanding is that no development can be allowed in it.

We urge the Town to request an immediate ruling in this regard from the Lake Simcoe and Region Conservation Authority.

Failing such a decision, we urge the Town to request an immediate ruling from the Minister of Natural Resources and Forestry to prevent development in the PSW.

OHI to the Town of Georgina, July 13, 2015

2. Request a more fulsome review of the local conservation authority's development guideline

In February, the OHI provided a submission and deputation to the Lake Simcoe and Region Conservation Authority on their guideline for O. Reg. 179/06, the Development, Interference with Wetlands and Alteration to Shorelines & Watercourses Regulation.

Given the opportunity to develop a fulsome guideline dealing with emerging issues, science, and best practices, such as we suggested regarding headwaters or as per the extensive new guidelines from organizations such as the Toronto and Region Conservation Authority, the local conservation authority chose a path of limited renewal, which has helped fuel the current discussion on the North Gillimbury Forest.

We urge the Town to request a more fulsome review of the guideline on O. Reg 179/06 to avoid extensive discussion on similar issues downstream.

3. Request the Town gear up for the review of the Conservation Authorities Act

The issues described above, issues about public access to CA permitting discussions, and issues of consistency from conservation authority to conservation authority for numerous policies, protocols, and practices, should be discussed in the pending review of the Conservation Authorities Act.

From our perspective, healthy and soundly-managed watersheds:

- Protect terrestrial and aquatic biodiversity, from their sources to their receiving waters;
- Provide regionally-valuable ecological goods and services;
- Protect public health and well-being; and,
- Avoid the cost of downstream problems due to poor upstream conditions or practices;

We urge the Town to become involved in the review, with a bent to strengthening the mandate of and funding to Ontario's conservation authorities.

In conclusion, we urge you to take a strong role in protecting regional wetlands, other headwater types, and the watersheds they nurture. Our biodiversity, drinking water, and social well-being depend on maintaining the ecological integrity of our watersheds.

Please support the immediate protection of the PSW in the North Gillimbury Forest.

Sincerely,

Andrew McCammon
Executive Director

cc: staff in various agencies and civil organizations