

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
MINUTES OF REGULAR COUNCIL MEETING – OCTOBER 11, 2022 AT 2:00 P.M.  
CLOSED SESSION TO FOLLOW OPEN SESSION  
HYBRID MEETING WITH COUNCIL IN PERSON AND OTHERS VIA WEB CONFERENCING**

**Members Present:**

**Mayor: Andrew Lennox  
Councillors: Lisa Hern  
Steve McCabe  
Dan Yake**

**Member Absent**

**Councillor: Sherry Burke**

**Staff Present:**

**Chief Administrative Officer: Brooke Lambert  
Director of Legislative Services/Clerk: Karren Wallace  
Deputy Clerk: Catherine Conrad  
Chief Building Official: Darren Jones  
Director of Operations: Matthew Aston  
Economic Development Officer: Dale Small  
Human Resources Manager: Amy Tollefson  
Manager of Recreation Services: Tom Bowden  
Director of Fire Services: Chris Harrow  
Manager of Development Planning: Curtis Marshall  
Senior Planner: Matthieu Daoust**

**CALLING TO ORDER**

Mayor Lennox called the meeting to order.

**ADOPTION OF THE AGENDA**

RESOLUTION: 2022-326

Moved: Councillor McCabe

Seconded: Councillor Yake

THAT the Agenda for the October 11, 2022 Regular Meeting of Council be accepted and passed with the following:

- addition of Items for Consideration, Council, 8 d, Mount Forest Lions request to have the month of November declared as Diabetes Awareness Month, and November 14<sup>th</sup>, 2022 as World Diabetes Day in Wellington North,
- deletion of Items for Consideration, Operations, 6b, Report OPS 2022-027 being a report for Council to set the 2023 water and wastewater fees and charges.

CARRIED

**DISCLOSURE OF PECUNIARY INTEREST**

Councillor Yake declared a potential conflict with Item 6b under the heading Items for Consideration – Operations – Report OPS 2022-024 being a report on the proposed agreement with the Ontario Clean Water Agency (OCWA) for the period 2023 to 2025, as well as By-law Number 112-22 being a by-law to amend by-law 078-16 being a by-law to authorize the execution of a Services Agreement between the Ontario Clean Water Agency (OCWA) and The Corporation of the Township of Wellington North and repeal By-law 027-20, as the Ontario Clean Water Agency is his employer.

## PRESENTATIONS

Jennifer Stephens, General Manager/Secretary-Treasurer, and Laura Molson, Manager, Corporate Services, Saugeen Valley Conservation Authority (SVCA)

- Draft Budget 2023

Ms. Stephens noted that the SVCA is one of 36 Conservation Authorities across Ontario under the umbrella organization of Conservation Ontario with mandated responsibilities under the Conservation Authorities Act.

The SVCA flood management program encompasses non-structural approaches to keep people away from water, such as regulation of development in floodplains, flood forecasting and warning, water infrastructure maintenance and inspection, and emergency planning; and structural approaches to keep water away from people, such as dams to control flow of frazil ice and water, dykes to restrict flow to the proper channel, and channel works to protect slopes from erosion.

The Environmental Planning and Regulations department is composed of several tasks. Plan review and input is provided for Planning Act applications and development proposals and inquiries. Implementation of Regulation 169/06 includes issuing permits, enforcement, and providing support for development, proposals, and inquiries. Support is provided to individual land owners and municipalities for municipal drains, environmental assessments, etc.

Water Quality Program objectives include establishing baseline water quality data, observing trends, and assessing the effectiveness of watershed programs. Surface water monitoring takes samples at 29 different stations to understand the watershed. The ground water program has 23 aquifers with sampling done at 14 sites. Biomonitoring samples sediments for insect larvae.

The Forestry Program consists of tree planting, a managed forest tax incentive program, tree marking and tendering program, and maintenance and improvement projects related to Authority forested properties.

Through the most recent amendments to the Conservation Authorities Act the conservation authority is required to develop a conservation area strategy with an inventory of all conservation lands to be provided to the province by December 2024.

Ms. Molson reviewed the 2022 approved budget and the 2023 proposed budget comparison. There is a significant increase, of which the majority is capital water programs that would only proceed if they are able to secure funding, mostly from the Province and municipalities that are affected. Money from reserves will be used for the water hazard tree issues on conservation areas and campgrounds. Wellington North's 2023 levy will increase by approximately \$7,600.

### RECESS TO MOVE INTO PUBLIC MEETING

RESOLUTION: 2022-327

Moved: Councillor Hern

Seconded: Councillor McCabe

THAT the Council of the Corporation of the Township of Wellington North recess the October 1, 2022 Regular Meeting of Council for the purpose of holding a Public Meeting under the Planning Act:

- Surinder Chaudry
- Kathryn Spark

CARRIED

### RESUME REGULAR MEETING OF COUNCIL

RESOLUTION: 2022-328

Moved: Councillor Yake

Seconded: Councillor McCabe

THAT the Council of the Corporation of the Township of Wellington North resume the October 11, 2022 Regular Meeting of Council at 2:58 p.m.

CARRIED

### PASSAGE OF BY-LAWS ARISING FROM PUBLIC MEETING

- a. By-law Number 111-22 being a by-law to amend By-law 66-01, being a Zoning By-law for the Township of Wellington North. (WOSR Part Division 3 and 4 Part Lot 27 with civic address of 8848 Highway 6, Kathryn Spark)

RESOLUTION: 2022-329

Moved: Councillor McCabe

Seconded: Councillor Yake

THAT By-law Number 111-22 being a by-law to amend By-law 66-01, being a Zoning By-law for the Township of Wellington North be read a First, Second and Third time and enacted. (WOSR Part Division 3 and 4 Part Lot 27 with civic address of 8848 Highway 6, Kathryn Spark)

CARRIED

### ADOPTION OF MINUTES OF COUNCIL AND PUBLIC MEETING

1. Special Meeting of Council, September 26, 2022
2. Regular Meeting of Council, September 26, 2022

RESOLUTION: 2022-330

Moved: Councillor McCabe

Seconded: Councillor Yake

THAT the minutes of the Special Meeting of Council and the Regular Meeting of Council held on September 26, 2022 be adopted as circulated.

CARRIED

### IDENTIFICATION OF ITEMS REQUIRING SEPARATE DISCUSSION

2a, 4a, 6a, 6e

**ADOPTION OF ALL ITEMS NOT REQUIRING SEPARATE DISCUSSION**

RESOLUTION: 2022-331

Moved: Councillor Hern

Seconded: Councillor McCabe

THAT all items listed under Items For Consideration on the October 11, 2022 Council agenda, with the exception of those items identified for separate discussion, be approved and the recommendations therein be adopted:

THAT the Council of the Corporation of the Township of Wellington North receive the minutes of the Arthur Business Improvement Association meeting held on September 21, 2022.

THAT the Council of the Corporation of the Township of Wellington North receive the minutes of the Grand River Conservation Authority Summary of the General Membership General Meeting held on September 23, 2022.

THAT the Council of the Corporation of the Township of Wellington North receive the minutes of the Arthur Chamber of Commerce Directors Meeting held on September 7, 2022.

THAT the Council of the Corporation of the Township of Wellington North receive Report DC 2022-045 being a report on Consent Application (Lot Line Adjustment) B125-22 known as Part Lot 16, e/s Elgin St. Plan Town of Mount Forest.

AND FURTHER THAT the Council of the Township of Wellington North supports consent application B125-22 as presented with the following conditions:

- THAT the Owner satisfy all the requirements of the local municipality, financial and otherwise (included but not limited to Taxes paid in Full; a Fee of \$130.00 for Township Clearance Letter of conditions — or whatever fee is applicable at the time of clearance under the municipal Fees and Charges by-law) which the Township of Wellington North may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands;
- THAT zoning compliance be achieved to the satisfaction of the local municipality;

AND FURTHER THAT Council authorizes the Development Clerk to file with the Secretary-Treasurer of the Planning and Land Division Committee at the County of Wellington, a letter of clearance of these conditions on completion of same.

THAT the Council of the Corporation of the Township of Wellington North receive County of Wellington correspondence dated October 3, 2022, regarding County Official Plan Review Reports dated September 8, 2022 regarding County Official Plan Review – Growth Forecast Amendment (OPA 120), and County Official Plan Review – Land Needs Assessment.

THAT the Council of the Corporation of the Township of Wellington North receive Report CBO 2022-11 Building Permit Review for the period ending September 30<sup>th</sup>, 2022.

THAT the Council of the Corporation of the Township of Wellington North receive the Vendor Cheque Register Report dated September 30, 2022.

THAT the Council of the Corporation of the Township of Wellington North receive the correspondence, dated September 23, 2022, from Drexler Construction Limited regarding reconstruction of Domville St. request for extension.

THAT the Council of the Corporation of the Township of Wellington North receive the correspondence dated October 4, 2022 from Frank Vanderloo, P.Eng., B.M. Ross and Associates Limited, regarding Marlana Homes Subdivision, Draft Plan 23T-17001, Preliminary Acceptance for Stage 1 & Stage 2, Securities Reduction.

THAT the Council of the Corporation of the Township of Wellington North grant Marlana Homes Inc., for its Newfoundland Street subdivision in the community of Mount Forest (Draft Plan 23T-17001):

1. Preliminary Acceptance for Stage 1 and for Stage 2, subject to and effective from the date the Township CBO receives from the Developer proof of subdivision registration.
2. A reduction in securities to the amount of \$333,393.81, subject to the submission of a Statutory Declaration re: Payment of Accounts by the Developer to the Township CBO.

THAT the Council of the Corporation of the Township of Wellington North receive Report CLK 2022-019 being a report on the Strong Mayors and Building Homes Act.

THAT the Council of the Corporation of the Township of Wellington North receive Report HR 2022-012 being a report on Electronic Monitoring policy;  
AND FURTHER THAT Council endorse the Electronic Monitoring Policy.

THAT the Council of the Corporation of the Township of Wellington North receive for information correspondence from Ontario Coalition For Better Child Care and CUPE Ontario, dated July 18, 2022, regarding 22nd Annual Child Care Worker and Early Childhood Educator Appreciation Day, October 18, 2022.

THAT the Council of the Corporation of the Township of Wellington North receive Grand River Conservation Authority, Report Number GM-09-22-71, dated September 23, 2022 regarding Progress Report #2 – Ontario Regulation 687/21.

THAT the Council of the Corporation of the Township of Wellington North receive the Crime Stoppers Guelph Wellington Fall 2022 Newsletter.

On behalf of the Township of Wellington North, I Andrew Lennox, Mayor, would like to proclaim November as Diabetes Month and November 14th as World Diabetes Day in Wellington North.

World Diabetes Day is celebrated worldwide by the over 200 member associations of the International Diabetes Federation in more than 160 countries, all Member States of the United Nations, as well as by other associations and organizations, companies, healthcare professionals and people living with diabetes and their families.

The World Diabetes Day logo is the blue circle - the global symbol for diabetes which was developed as part of the Unite for Diabetes awareness campaign.

The logo was adopted in 2007 to mark the passage of the United Nations World Diabetes Day Resolution.

The significance of the blue circle symbol is overwhelmingly positive. Across cultures, the circle symbolizes life and health. The colour blue reflects the sky that unites all nations and is the colour of the United Nations flag.

The blue circle signifies the unity of the global diabetes community in response to the diabetes pandemic.

CARRIED

**CONSIDERATION OF ITEMS FOR SEPARATE DISCUSSION AND ADOPTION**

RESOLUTION: 2022-332

Moved: Councillor McCabe

Seconded: Councillor Hern

THAT the Council of the Corporation of the Township of Wellington North receive Report DC 2022-044 being a report on Consent Application (Severance) B122-22 known as Part Lot 32, WOSR Division 1, 2 & 3 in the former Township of Arthur.

AND FURTHER THAT Council is not in support of this application as the lot creation policies in the Prime Agricultural designation as well as policies within the Provincial Policy Statement do not permit the creation of a residential lot.

AND FURTHER THAT should the Planning & Land Division Committee approve the consent as proposed on Application B122-22, the following matters are to be addressed as conditions of approval:

- THAT the Owner satisfy all the requirements of the local municipality, financial and otherwise (included but not limited to Taxes paid in Full; a Fee of \$130.00 for Township Clearance Letter of conditions — or whatever fee is applicable at the time of clearance under the municipal Fees and Charges by-law) which the Township of Wellington North may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands;
- THAT the Owner satisfy the requirements of the Township of Wellington North in reference to parkland dedication consistent with By-Law 011-22;
- THAT the Owner enter into an agreement apportioning any future maintenance costs on any municipal drain impacted by the application, and the owner shall provide a \$500.00 deposit to cover the cost of the re-apportionment if it is determined there are municipal drains impacted by the application and a \$250.00 fee for the Drainage Superintendent's review of the application to determine status of any drain;
- THAT driveway access can be provided to the retained lands to the satisfaction of the Township of Wellington North and the Owner satisfy the requirements of the Township of Wellington North's Road Entrance Policy, including payment of all associated fees and charges;

AND FURTHER THAT Council authorizes the Development Clerk to file with the Secretary-Treasurer of the Planning and Land Division Committee at the County of Wellington, a letter of clearance of these conditions on completion of same.

DEFEATED

Council directed staff to forward the conditions within Report DC 2022-044 to the Land Division Committee for inclusion should the application be approved by the Committee.

RESOLUTION: 2022-333

Moved: Councillor McCabe

Seconded: Councillor Yake

THAT the Council of the Corporation of the Township of Wellington North receive Report EDO 2022-026 being a report on Community Improvement Program and Grants & Donations Community Development Fund,

AND FURTHER THAT Council approves Community Improvement Grants as follows:

- Up to \$ 2,500 to Shaveta Kang Physiotherapy Professional Corp at 190 Main Street South in Mount Forest
- \$ 1,500 to Arthur Greenhouses at 7460/7470 Second Line, Arthur
- Up to \$ 1,000 to I'm So Bad at 110 Main Street North in Mount Forest

AND FURTHER THAT Council approves Community Development Fund fee waivers, for the following two organizations:

- \$1,806.87 to the Hayden's Hope Foundation to support Childhood Cancer Awareness month and the inaugural "Strike Out Cancer Ball Tournament and Dance"
- \$200.00 to provide two hours of free skating on Nov 25<sup>th</sup> to support the Arthur Countdown to Christmas 2022 celebrations.

CARRIED

RESOLUTION: 2022-334

Moved: Councillor McCabe

Seconded: Councillor Hern

THAT the Council of the Corporation of the Township of Wellington North receive Report OPS 2022-026 being a report on Cachet Developments (Arthur) Inc. Service Finance Agreement Preston Street North;

AND FURTHER THAT Council agrees to the cost sharing of Preston Street Reconstruction with the Township's cost being at a maximum cost of \$308,086.42 plus applicable taxes;

AND FURTHER THAT Council direct staff to include a Council directed project for the reconstruction of Preston Street North in the 2023 capital budget.

CARRIED

Councillor Yake did not take part in discussion or vote regarding Report OPS 2022-024 as he had declared a potential conflict due to the Ontario Clean Water Agency being his employer.

RESOLUTION: 2022-335

Moved: Councillor McCabe

Seconded: Councillor Hern

THAT the Council of the Corporation of the Township of Wellington North receive Report OPS 2022-024 being a report on the proposed agreement with the Ontario Clean Water Agency (OCWA) for the period 2023 to 2025;

AND FURTHER THAT Council award the Township's wastewater treatment services contract for the period 2023 to 2025 to OCWA;

AND FURTHER THAT Council authorize the Mayor and Clerk to sign the by-law to enter into the agreement.

AND FURTHER THAT Council waive the requirement for a competitive process as detailed within the Township's purchasing and procurement policy.

CARRIED

### **NOTICE OF MOTION**

No notice of motion tabled.

### **COMMUNITY GROUP MEETING PROGRAM REPORT**

Councillor Hern (Ward 3):

- Arthur Chamber of Commerce meeting on October 12, 2022.
- Arthur Chamber of Commerce Annual General Meeting on October 19, 2022
- Mount Forest Chamber of Commerce Annual General Meeting on October 13, 2022.
- The Wellington North Cultural Roundtable meeting has been postponed until December.

Councillor McCabe (Ward 4):

- SVCA meeting on October 13, 2022 with budget discussion and will tour the Safe Community

Mayor Lennox:

- A new owner of a business brought food to the Opening of Downtown Parkette in cooperation with the BIA
- Attended the Louise Marshall Hospital Auxiliary 100<sup>th</sup> Anniversary celebration

### **BY-LAWS**

- a. By-law Number 110-22 being a by-law to authorize the execution of the Service Finance Agreement between Cachet Developments (Arthur) Inc. and the Corporation of the Township of Wellington North
- b. By-law Number 112-22 being a by-law to amend by-law 078-16 being a by-law to authorize the execution of a Services Agreement between the Ontario Clean Water Agency (OCWA) and The Corporation of the Township of Wellington North and repeal By-law 027-20

RESOLUTION: 2022-336

Moved: Councillor McCabe

Seconded: Councillor Hern

THAT By-law Number 110-22 be read a First, Second and Third time and enacted.

CARRIED



Councillor Yake did not take part in the vote for By-law Number 112-22. Note: The schedule for this agreement as it appeared on the agenda was incorrect. The correct schedule is attached to these minutes.

RESOLUTION: 2022-337

Moved: Councillor McCabe

Seconded: Councillor Hern

THAT By-law Number 112-22 be read a First, Second and Third time and enacted.

CARRIED

## CULTURAL MOMENT

- Celebrating the Mount Forest Cemetery

The Mount Forest Cemetery was established in 1816. The cemetery is approximately fifteen acres in size and although it is located in Southgate, the cemetery is owned and administered by the Township of Wellington North. In 1872 a formal master plan was developed that established sections that were named for the convenience of physically locating graves.

On average there are about 45 to 50 burials each year. In 1907, there were 111 burials with fifty alone in November of that year. An iron fence along the front was erected in 1937. This was followed by the main entrance gate in 1958 as pictured. The pillars and sign feature we see today were donated by the McHellar family in memory of Mr. Neil McHellar.

The Mortuary/Chapel was built in 1947 and was dedicated on July 6th at the time of the Old Boys Reunion. Over 7,000 plots or niches have been sold since the cemetery was first established and the Mount Forest Cemetery has been included on the Cultural Roundtable's list of historic sites and places. The Cultural Roundtable also worked with the Township on improving public access to historic burial records and currently over 7,700 records can be found on <https://www.findagrave.com/cemetery/2151397/mount-forest-cemetery>.

In 2021 Summer Student Morgan conducted walking tours of the Cemetery during Wellington North Culture Days and in 2022 we are fortunate to have her back once again. Tours will be held on October 29th and Nov 5th and will run from 1:00-2:00pm and 3:00-4:00pm. Reservations can be made by contacting Brianna at the Township office.

Submitted by the Wellington North Cultural Roundtable

## CLOSED MEETING SESSION

The meeting is closed pursuant to Section 239 (2) of the Municipal Act, 2001, specifically:

- (d) labour relations or employee negotiations
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

RESOLUTION: 2022-338

Moved: Councillor Hern

Seconded: Councillor Yake

THAT the Council of the Corporation of the Township of Wellington North go into a meeting at 3:28 p.m. that is closed to the public under subsection 239 (2) of the Municipal Act, 2001, specifically:

(d) labour relations or employee negotiations

(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

CARRIED

#### 1. REPORTS

- HR 2022-013 Revised Non-Union Pay Administration Policy
- Laska vs. Wellington North Verbal Update Chief Building Official

#### 2. REVIEW OF CLOSED SESSION MINUTES

- September 26, 2022, Special Council Meeting

#### 3. RISE AND REPORT FROM CLOSED MEETING SESSION

RESOLUTION: 2022-339

Moved: Councillor Hern

Seconded: Councillor McCabe

THAT the Council of the Corporation of the Township of Wellington North rise from a closed meeting session at 3:40 p.m.

CARRIED

RESOLUTION: 2022-340

Moved: Councillor Yake

Seconded: Councillor McCabe

THAT the Council of the Corporation of the Township of Wellington North receive Report HR 2022-013 Revised Non-Union Pay Administration Policy;

AND FURTHER THAT Council approve the confidential direction to staff.

CARRIED

RESOLUTION: 2022-341

Moved: Councillor McCabe

Seconded: Councillor Hern

THAT the Council of the Corporation of the Township of Wellington North receive the Laska vs. Wellington North verbal update from the Chief Building Official.

CARRIED

RESOLUTION: 2022-342

Moved: Councillor McCabe

Seconded: Councillor Yake

THAT the Council of the Corporation of the Township of Wellington North approve the Closed Meeting Minutes of the September 26, 2022 Special Council Meeting.

CARRIED

**CONFIRMING BY-LAW**

RESOLUTION: 2022-343

Moved: Councillor Hern

Seconded: Councillor Yake

THAT By-law Number 113-22 being a By-law to Confirm the Proceedings of the Council of the Corporation of the Township of Wellington North at its Regular Meeting held on October 11, 2022 be read a First, Second and Third time and enacted.

CARRIED

**ADJOURNMENT**

RESOLUTION: 2022-344

Moved: Councillor McCabe

Seconded: Councillor Hern

THAT the Regular Council meeting of October 11, 2022 be adjourned at 3:42 p.m.

CARRIED

---

**MAYOR**

---

**CLERK**

## AMENDING AGREEMENT

THIS AMENDING AGREEMENT made as of the 1<sup>st</sup> day of January, 2023.

B E T W E E N

**ONTARIO CLEAN WATER AGENCY/AGENCE ONTARIENNE DES EAUX**,  
a corporation established under the *Capital Investment Plan Act, 1993, c.23*, Statutes  
of Ontario.

(referred to in this Amending Agreement as “OCWA”)

A N D

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH**

(referred to in this Amending Agreement as “the Client”)

(Each a “Party” and together, “the Parties”)

### **BACKGROUND TO THIS AMENDING AGREEMENT**

**WHEREAS** the Client and OCWA entered into an agreement effective **January 1<sup>st</sup> 2017** concerning the operation and maintenance of the Client’s Facilities (the “Existing Agreement”) attached as Appendix A to this Amending Agreement;

**AND WHEREAS** the Client and OCWA amended the Existing Agreement effective **January 1<sup>st</sup> 2020**;

**AND WHEREAS** the Client and OCWA have agreed to amend the Existing Agreement, as described below;

**AND WHEREAS** the Council of the Client passed By-Law No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ authorizing the Client to enter into this Amending Agreement;

**NOW, THEREFORE**, in consideration of the mutual covenants contained in this Amending Agreement and other good and valuable consideration, the sufficiency of which is hereby irrevocably acknowledged, the Client and OCWA agree to the following amendments to the Existing Agreement:

1. Any capitalized terms not defined herein shall have the meaning ascribed to such term in the Existing Agreement.

2. **Section 4.1** of the Existing Agreement is hereby deleted and replaced with the following:

**“Section 4.1 – Initial Term of Agreement**

This Agreement shall start on January 1, 2023 and shall continue in effect for a term of three years, ending December 31, 2025 (the “Term”).”

3. **Schedule A –The Facilities** of the Existing Agreement is hereby deleted and replaced with a new “Schedule A”, which is attached to this Agreement:

**“SCHEDULE A - The Facilities**

**Description of the Facilities**

For the purposes of this Agreement, the description and address of the Facilities is set out in the following document(s):

Mount Forest CofA Number ( June 19<sup>th</sup> 2007) : #6134-73FHHU

Arthur WWTP ECA Number (September 10<sup>th</sup> 2019) : #7654-BEMKVD”

**4. Schedule D – The Estimate And Other Charges** of the Existing Agreement is hereby deleted and replaced with a new “Schedule D”, which is attached to this Agreement:

“SCHEDULE D - The Estimate And Other Charges

1. Operations Estimate

No later than September 30<sup>th</sup> of each year of the Initial Term or any Renewal Term, OCWA shall prepare and submit to the Client, for its approval, an estimate of the charges associated with the provision of the operational and maintenance Services for the following calendar year. The Client will inform OCWA no later than December 1<sup>st</sup> whether the estimate is approved or not approved (the approved estimate is referred to as the “Estimate”). If the Client does not provide OCWA with its decision regarding approval by the December 1<sup>st</sup> date, the Estimate shall be deemed approved. The Estimate shall be OCWA’s authorization to incur the expenditures in the Estimate. The Estimate for the first year of the Initial Term is \$543,702.76

2. Reconciliation of the Estimate and Actual Charges

At the end of each calendar year, OCWA will determine the actual charges for providing the Services to the Client for that year (the “Actual Charges”) which, as indicated in Paragraph 2.7(a), may include an increase in premium for the Insurance. If the Estimate paid by the Client for the year exceeds the Actual Charges, OCWA will pay the Client the difference within thirty (30) days of OCWA making the determination. If the Actual Charges exceed the Estimate paid by the Client, the Client shall pay OCWA the difference within thirty (30) days of OCWA notifying the Client in writing of the determination.

3. Other Charges

The Estimate, as reconciled with the Actual Charges, includes all charges associated with providing the Services, except for the following:

- (a) OCWA’s Management Fee (as described in Section 4 of Schedule D below);
- (b) Capital Projects (as described in Section 4.5);
- (c) Unexpected Expenses (as described in Section 4.6);
- (d) charges for any Optional Services that are provided by OCWA to the Client (as described in Section 5 of this Schedule D);

4. Management Fee

- (a) In addition to payment of the Estimate, as reconciled, with the Actual Charges, the Client shall also pay OCWA an annual management fee (the “Management Fee”) to provide the management Services, which shall be \$61,024.54 for the first year of the Initial Term

("Year One"). The Management Fee shall be paid by the Client in twelve (12) equal monthly instalments at the same time and in the same manner as the Estimate. The monthly payment of the Management Fee for Year One of the Initial term shall be \$5,085.37

- (b) For the second year ("Year Two") and subsequent years of the Initial term, the annual Management Fee shall be \$61,024.54 plus an Adjustment for CPI .
- (c) The Management Fee in any Renewal Term shall be as agreed by the Client and OCWA. If the Client and OCWA cannot reach an agreement on the Estimate and Management Fee for any Renewal Term within six (6) months of the beginning of the last year of the current term (whether the Initial Term or a Renewal Term) (the "Current term"), this Agreement will be terminated one year from the last day of the Current Term. The Parties shall treat this final year in the same manner as if the Current term was extended an additional year.

## 5. Optional Services

Unless otherwise agreed to in writing, fees for Optional Services which OCWA agrees to provide to the Client shall be billed directly to the Client on a time and materials basis at the following rates:

- (a) Labour rates on Business Days, Monday to Friday, (0800 to 1630) shall be billed at \$90.00/hour/person for an Operations Manager, Utility Plant Instrumentation Technician (UPIT), Process Compliance Technician(PCT). , and \$65.00/hour/person for an operator or mechanic;
- (b) Labour rates on statutory holidays shall be billed at \$132.50/hour/person for an operations manager, Utility Plant Instrumentation Technician (UPIT), Process Compliance Technician (PCT) , and \$87.50/hour/person for an operator or mechanic, with a minimum eight (8) hour charge;
- (c) Labour rates at all other times (after hours and on weekends) shall be billed at \$132.50/hour/person for an operations manager, Utility Plant Instrumentation Technician (UPIT), Process Compliance Technician(PCT), and \$87.50/hour/person for an operator or mechanic, with a minimum four (4) hour charge;
- (d) Costs for parts, equipment and supplies, and outside labour charges (i.e., contractors), used by OCWA staff to provide the Optional Services shall be billed to the Client, and the Client will pay such costs together with a Service Fee.

## 6. Service Fee

“Service Fee” means an additional fee of 11% charged to the Client when OCWA purchases materials, supplies, equipment or contractor’s services on behalf of the Client.”

**5. Schedule F – List of Pre-Existing Conditions** of the Existing Agreement is hereby deleted and replaced with a new “Schedule F”, which is attached to this Agreement:

**“SCHEDULE F - List of Pre-Existing Conditions**

As per Paragraph 3.1(e) of this Agreement, the following Pre-existing Conditions have been identified:

None Identified”

IN WITNESS WHEREOF the Parties have duly executed this Amending Agreement.

**ONTARIO CLEAN WATER AGENCY**

\_\_\_\_\_  
Date of Signing

\_\_\_\_\_  
By:  
(Authorized Signing Officer)

\_\_\_\_\_  
Date of Signing

\_\_\_\_\_  
By:  
(Authorized Signing Officer)



**THE CORPORATION OF THE TOWNSHIP  
OF WELLINGTON NORTH**

---

Date of Signing

---

By:

(Authorized Signing Officer)

---

Date of Signing

---

By:

(Authorized Signing Officer)