



**TOWNSHIP OF WILMOT  
COUNCIL MEETING AGENDA  
MONDAY, JUNE 1, 2015**

**CLOSED COUNCIL MEETING  
WILMOT COMMUNITY ROOM  
5:45 P.M.  
REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
7:00 P.M.**

**1. MOTION TO CONVENE INTO CLOSED SESSION**

**Recommendation**

That Council convene into Closed Session on Monday, June 1, 2015 at 5:45 P.M. to consider subject matter that falls under the *Municipal Act 2001, Section 239 (2) (a) the security of the property of the municipality or local board, and Section 239 (2) (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.*

**2. MOTION TO RECONVENE IN OPEN SESSION**

**3. MOMENT OF SILENCE**

**4. ADDITIONS TO THE AGENDA**

**5. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT**

**6. MINUTES OF PREVIOUS MEETINGS**

**6.1 Council Meeting Minutes May 25, 2015**

**Recommendation**

**THAT the minutes of the following meeting be adopted as presented:**

**Council Meeting May 25, 2015.**

**7. PUBLIC MEETINGS**

**8. PRESENTATIONS/DELEGATIONS**

**9. REPORTS**

**9.1 CAO – no reports**

**9.2 CLERKS****9.2.1 REPORT NO. CL2015-15**

**Baden Corn Festival and Baden Fire Fighters Association Co-ed Slo-Pitch Baseball Tournament Noise By-Law Exemption and Amending By-law**

**Recommendation**

**THAT Schedule A of By-law No. 2007-17 be amended to include the Baden Corn Festival and Baden Firefighters Association Co-ed Slo-Pitch Baseball Tournament.**

**9.2.2 REPORT NO. CL2015-16**

**Independent Electricity System Operator (IESO)  
FIT Program  
Request for Municipal Support  
Re Rooftop Solar Applications  
Wilmot Township**

**Recommendation**

**WHEREAS Green Energy Cooperatives of Ontario (GECO) (the “Applicant”) proposes to construct and operate several rooftop solar PV systems, (the “Projects”) on 66, 108, 116, 124, 132, 140 and 148 Hincks Street, New Hamburg (the “Lands”) in the Township of Wilmot under the Province’s FIT Program. (Attached as Schedule ‘A’ to this report.)**

**AND WHEREAS Solar Power Network (the “Applicant”) proposes to construct and operate rooftop solar PV systems, (the “Projects”) on 65 Heritage Drive and 30 Marvin Street, New Hamburg (the “Lands”) in the Township of Wilmot under the Province’s FIT Program. (Attached as Schedule ‘B’ to this report.)**

**AND WHEREAS the Applicants have requested that the Council of The Township of Wilmot indicate by resolution, Council’s support for the construction and operation of the projects on the lands,**

**AND WHEREAS pursuant to the FIT Rules, Version 4.0, Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicants being offered a FIT Contract prior to other Persons applying for FIT Contracts;**

**NOW THEREFORE BE IT RESOLVED,**

**THAT the Council of The Township of Wilmot supports the construction and operation of the Projects on the Lands.**

**AND FURTHER THAT all requests for municipal support for the Province’s FIT Program shall continue to be considered by Council on an individual basis,**

**AND FURTHER THAT this resolution’s sole purpose is to enable the Applicant to receive Priority Points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Projects, or for any other purpose.**

**9.3 FINANCE****9.3.1 REPORT NO. FIN 2015-22  
Canada 150 Community Infrastructure Program****Recommendation**

**THAT the Township of Wilmot application to Canada 150 Community Infrastructure Program for trail development within the WRC Woodlot and Schmidt Woods be endorsed.**

**9.4 PUBLIC WORKS****9.4.1 REPORT NO. PW-2015-14  
Phragmites Control in the Laurel Creek Headwaters  
Environmentally Sensitive Landscape****Recommendation**

**THAT the Township of Wilmot authorize Region of Waterloo staff to work on the Wilmot Line and Carmel-Koch road allowances, within the Laurel Creek Headwaters ESL, to undertake a control program for Phragmites.**

**9.5 DEVELOPMENT SERVICES****9.5.1 REPORT NO. DS 2015-21  
Beckdale Trailways and Schmidt Woods****Recommendation**

**1. THAT Council accept the generous donation of lands from the Schmidt Estate for the purposes of trails and parklands as follows:**

- 1. Schmidt Woods (Parts 1&2, 58R-18339);**
- 2. Beckdale North Trailway (Parts 1, 2 & 3, 58R-18335);**
- 3. Beckdale South Trailway & Gateway Park (Part 3, 58R-18584 and Parts 1, 2 & 3, 58R-18304); and,**
- 4. Beckdale Lane & Path (Parts 1 & 2, 58R-18584 and Parts 1, 2, 3, 4 & 5, 58R-13806)**

**2. THAT Council agree to convey an easement over the future Beckdale Lane in favour of the properties abutting the lane and subject to the conditions of use, maintenance and future construction identified within the document attached as Appendix C to this report.**

- 9.5.2 REPORT NO. DS 2015-22**  
**Zone Change Application 07/15**  
**Craig McNally**  
**Lot 130 and Part of Lot 129, Plan 627**  
**Parts 2 and 3, Plan 58R-4327**  
**55 Snyder's Road West, Baden**

**Recommendation**

**THAT Zone Change Application 07/15 made by Craig McNally, affecting Lot 130 and Part of Lot 129, Plan 627, being Parts 2 and 3, Plan 58R-4237, be approved to permit a dwelling unit to be located within an accessory building and to reduce the required off-street parking spaces for the property to a minimum of five spaces.**

- 9.5.3 REPORT NO. DS 2015-23**  
**Partial Release of Safety Berm Easement**  
**Lot 46, Plan 58M-495**  
**96 Smith's Creek Drive, New Hamburg**

**Recommendation**

**THAT the Township release the Safety Berm Easement between the Township of Wilmot and the owner(s) of 96 Smith's Creek Drive from the title of Lot 46, Plan 58M-495 as it applies to the portion said lands where the berm has not been constructed, subject to the following conditions:**

- 1. That, prior to registration of the release, the Township of Wilmot be advised by the Region of Waterloo that they have no objection to the release;**
- 2. That the applicant be responsible to provide, at no cost to the Township, revised engineering drawings to reflect the modified berm and lot grading and drainage on Lot 96;**
- 3. That the applicant be responsible for all costs associated with the preparation and registration of a reference plan to describe the lands to be released;**
- 4. That the applicant be responsible for all costs related to the preparation and registration of the release by the Township or that the applicant prepare and register the release of the agreement at no cost to the Township of Wilmot.**

**9.6 FACILITIES AND RECREATION SERVICES – no reports**

**9.7 FIRE – no reports**

**9.8 CASTLE KILBRIDE – no reports**

**10. CORRESPONDENCE – no correspondence**



**11. BY-LAWS**

- 11.1 By-law No. 2015-35 – Zone Change Application 07/15, Craig McInally, Lot 130 and Part of Lot 129, Plan 627, Parts 2 and 3, Plan 58R-4327, 55 Snyder's Road West, Baden**
- 11.2 By-law No. 2015-36 – By-Law to Amend Schedule A of By-Law 2007-17, Permanent Exemptions To The Noise By-Law**

**Recommendation**

**THAT By-law Nos. 2015-35 and 2015-36 be read a first, second and third time and finally passed in Open Council.**

**12. NOTICE OF MOTIONS**

**13. QUESTIONS/NEW BUSINESS/ANNOUNCEMENTS**

**14. BUSINESS ARISING FROM CLOSED SESSION**

**15. CONFIRMATORY BY-LAW**

- 15.1 By-law No. 2015-37**

**Recommendation**

**THAT By-law No. 2015-37 to Confirm the Proceedings of Council at its Meeting held on June 1, 2015 be introduced, read a first, second, and third time and finally passed in Open Council.**

**16. ADJOURNMENT**

**Recommendation**

**THAT we do now adjourn to meet again at the call of the Mayor.**



**TOWNSHIP OF WILMOT  
COUNCIL MEETING MINUTES  
MONDAY, MAY 25, 2015**

**REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
7:00 P.M.**

**Members Present: Mayor L. Armstrong, Councillors A. Junker, P. Roe, B. Fisher, J. Gerber,  
M. Murray**

**Staff Present: Chief Administration Officer G. Whittington, Director of Clerk's Services  
B. McLeod, Deputy Clerk D. Mittelholtz, Director of Public Works G. Charbonneau,  
Director of Facilities and Recreation Services S. Nancekivell, Director of  
Development Services H. O'Kafka, Fire Chief M. Raine, Director of Finance R. Tse,  
Planner/EDO A. Martin**

**1. MOTION TO CONVENE INTO CLOSED SESSION**

**2. MOTION TO RECONVENE IN OPEN SESSION**

**3. MOMENT OF SILENCE**

**4. ADDITIONS TO THE AGENDA**

**4.1 REPORT 9.2.1 – REPORT NO. Addendum to Report CL2015-14**

**Correspondence Relative to the Consideration of the Engineer's Report, Trussler Road  
Municipal Drain 2015**

**Resolution No. 2015-110**

**Moved by: M. Murray**

**Seconded by: B. Fisher**

**THAT the above document received in regards to REPORT 9.2.1 – REPORT NO. Addendum to  
Report CL2015-14 be added to the Agenda.**

**CARRIED.**

**5. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST  
ACT**

## **6. MINUTES OF PREVIOUS MEETINGS**

### **6.1 Council Meeting Minutes May 11, 2015**

#### **Resolution No. 2015-111**

**Moved by: P. Roe**

**Seconded by: M. Murray**

**THAT the minutes of the following meeting be adopted as presented:**

**Council Meeting May 11, 2015.**

**CARRIED.**

## **7. PUBLIC MEETINGS**

### **7.1 REPORT NO. DS 2015-20 Zone Change Application 09/15 Louise Guthrie Part of Lot 7, Concession North of Erb's Road 97 Clarence Avenue, St. Agatha**

#### **Resolution No. 2015-112**

**Moved by: P. Roe**

**Seconded by: B. Fisher**

**THAT Zone Change Application 09/15 made by Louise Guthrie, affecting Part of Lot 7, Concession North of Erb's Road, to permit a second dwelling unit to be located within the existing single detached dwelling on the subject property, be approved.**

**CARRIED.**

Mayor Armstrong declared the public meeting open and stated that Council would hear all interested parties who wished to speak. He indicated that if the decision of Council is appealed to the Ontario Municipal Board, the Board has the power to dismiss an appeal if individuals do not speak at the public meeting or make written submissions before the by-law is passed.

Mayor Armstrong stated that persons attending as delegations at this meeting are required to leave their names and addresses which will become part of the public record and advised that this information may be posted on the Township's official website.

The Planner/EDO highlighted the report.

Mayor L. Armstrong asked if there were questions of a technical nature from Council. There were none.

Mayor Armstrong asked if the applicant wished to address Council. The applicant did not address Council.

Mayor L. Armstrong asked twice if anyone else wished to address Council, and in the absence of any comments, declared the public meeting to be closed.

## **9. PRESENTATIONS/DELEGATIONS**

**9. REPORTS****9.1 CAO – no reports****9.2 CLERKS**

**9.2.1 Addendum to Report CL2015-14  
Consideration of Engineer's Report  
For the Trussler Road Municipal Drain 2015  
Parts of Lots 1 and 2, German Block North of Bleams Road  
Township of Wilmot  
And Parts of Lots 46 and 129, German Company Tract  
City of Kitchener  
Region of Waterloo**

**Resolution No. 2015-113****Moved by: P. Roe****Seconded by: B. Fisher**

**THAT the Drainage Engineer's Report dated April 29, 2015 for the Trussler Road Municipal Drain, for improved drainage in Parts of Lots 1 and 2, German Block North of Bleams Road, Township of Wilmot, and Parts of Lots 46 and 129, German Company Tract, City of Kitchener, Region of Waterloo, be adopted;**

**THAT Provisional By-law 2015-30 is hereby given first and second reading in Open Council; and further,**

**THAT the date for the Court of Revision be scheduled for Monday, June 22, 2015 at 7:00 pm and that Mayor L. Armstrong, Councillor A. Junker, Councillor B. Fisher (as an alternate) and a representative from the Council of the City of Kitchener be appointed to the Court of Revision.**

**CARRIED.**

Greg Nancekivell addressed Council on behalf of Dietrich Engineering. He explained the process and purpose of the Drainage Act and provided a brief history of this petition with reference to the applicable provisions of the Act and the specific meetings held with affected property owners. Mr. G. Nancekivell highlighted the maps included with the Engineer's Report with details of the works being proposed. He concluded his presentation with a summary of the allowances on page five of the Engineer's Report.

Mayor L. Armstrong asked Council if they had any questions of a technical nature. There were none.

Patrick Kraemer from Duncan Linton, LLP addressed Council as a representative of an assessed land owner, Mr. Choi. He advised Council that Mr. Choi has attended six different meetings relative to this drainage petition to avail himself of every opportunity to understand this project. He clarified that he has contacted Dietrich Engineering on behalf of Mr. Choi since the May 11, 2015 Council Meeting. Mr. Kraemer reiterated that he is requesting that the petition and the Engineer's Report be set aside since he feels it is in contravention of the Planning Act. He asserted that the storm water management must be addressed through the subdivision agreement and that there is no provision within the Planning Act for storm water to be managed through the Drainage Act. He noted that the details in the Engineer's Report regarding the municipal drain accommodating the future plans to expand Trussler Road are contradictory to the Drainage Act which is concerned only with current water drainage, not future needs. His concerns also were with the question of how the assessment of future drain maintenance will be handled with the possible thousand land owners in the Activa development. Mr. Kraemer stated that the drain should not go across Mr. Choi's property, he does not want it across his property. He further stated that Mr. Choi received no benefit for the drain, that the location was simply the cheapest option, that the allowances

were miscalculated and that the land value is not the fair market value. He concluded his presentation by reiterating that the concerns presented are not just technical issues and that they should be addressed given that the Engineer's Report is not correct. He requested that the Engineer's Report be rejected or, at least, sent back for reconsideration.

Mayor L. Armstrong stated for those in attendance that the petitions do now have the right to withdraw their names from the petition and any other land owners has the right to add their name to the petition. No petitioners or land owners came forward.

Mayor L. Armstrong asked if any other land owners wished to address Council.

Jennifer Voss from Activa Holdings Inc. confirmed that Council had received correspondence from their solicitor, Goodmans LLP. She reiterated the solicitor's comments that the Drainage Act has the authority to deal with this legal drainage outlet and requested that the Engineer's Report be approved.

Councillor B. Fisher asked the Director of Development Services or the Planner/EDO to provide their opinion on the comments raised concerning the Planning Act in this matter.

The Director of Development Services advised that the application under the Planning Act from Activa for their development in the City of Kitchener has been approved by the Ontario Municipal Board. He stated his opinion that the Planning Act is not a factor in this matter given that approval has been granted but noted that he is not an expert on municipal drainage and the Drainage Act.

Mr. G. Nancekivell noted that a small calculation error was made in the Report relative to the Choi assessment/allowance in the amount of \$150.00 which he stated is not significant enough to warrant reconsideration of the Report but could be addressed during the Court of Revision with \$150.00 being added to their allowance. He confirmed that the Planning Act is not applicable in this matter and he cited a case file from 2012 which approved a similar Engineer's Report that was being appealed on the same grounds. He reiterated that the allowances are not for 100% of the fair market value since the lands are returned back to previous use. He advised Council that the missing column noted in the solicitor's letter was addressed in the body of the report. With regards to assessment he confirmed that this is not the venue for the discussion but that appeals may be made at the Court of Revision. With respect to rerouting the drain off of Mr. Choi's property, Mr. Nancekivell stated that the cost of such a project would likely be over one million dollars. He concluded by requesting Council provide direction as to what sections of the Report are to be reconsidered if the motion is to reconsider the report.

Councillor J. Gerber inquired if any representatives from the City of Kitchener or Region of Waterloo were present.

Steve van De Keere, Director of Transportation for the Region of Waterloo stated that the Region is in support of the Engineer's Report.

Steve Brickman from Dietrich Engineering confirmed for Councillor J. Gerber that he had spoken with Mr. Kraemer on May 19, 2015 regarding the Report.

Mayor L. Armstrong provided Council with their options concerning the Engineer's Report which included the recommendation in the staff report presented tonight directing the Report be reconsidered or the recommendation from the staff from May 11, 2015 approving the Report.

Councillor J. Gerber's inquired as to which recommendation staff is supporting following the solicitors' correspondence and preceding discussion. The Director of Clerk's Services advised that at the time of writing Report CL2015-14 no confirmation had been given that communications took place between Dietrich Engineering and Mr. Choi or his representative. She noted that all parties have had the opportunity to present to Council. She iterated that if there are concerns for which ever recommendation is approved, that there is an appeal process available.

Mayor L. Armstrong advised that Council may make a motion for either recommendation and it will be voted on but that if the motion is to reconsider the Report that direction would be needed as to what needs to be reconsidered.

Councillor P. Roe noted that Council has heard from both sides but stated the difficulty in making a decision based on the opposing viewpoint of two equally reputable firms. Councillor P. Roe then made a motion to approve the Engineer's Report, give the Provisional By-law first and second reading and set the date for the Court of Revision.

Councillor A. Junker noted his approval of the motion and stated that the appeal process is in place if required.

Councillor B. Fisher also indicated his support for the motion and suggested that appeals may be made if deemed appropriate by the land owners.

It was noted that the date for the Court of Revision has been rescheduled to June 22<sup>nd</sup> within the recommendation.

**9.3 FINANCE – no reports**

**9.4 PUBLIC WORKS**

**9.4.1 REPORT NO. PW-2015-12  
Zehr Municipal Drain Construction**

**Resolution No. 2015-113**

**Moved by: J. Gerber**

**Seconded by: M. Murray**

**THAT the tender submitted by Sebben AG Drainage Systems Ltd. for the construction of the Zehr Municipal Drain in the amount of \$76,061.00, plus HST, be accepted.**

**CARRIED.**

**9.5 DEVELOPMENT SERVICES – no additional reports**

**9.6 FACILITIES AND RECREATION SERVICES – no reports**

**9.7 FIRE – no reports**

**9.8 CASTLE KILBRIDE – no reports**

**10. CORRESPONDENCE – no correspondence**

**11. BY-LAWS**

- 11.1 By-law No. 2015-33 – Zone Change Application 09/15, Louise Guthrie, Part of Lot 11, Concession North of Erb's Road, 97 Clarence Avenue, St. Agatha**

**Resolution No. 2015-114**

**Moved by: J. Gerber**

**Seconded by: P. Roe**

**THAT By-law No. 2015-33 be read a first, second and third time and finally passed in Open Council.**

**CARRIED.**

- 11.2 By-law No. 2015-15 – Zehr Municipal Drain 2015**

**Resolution No. 2015-115**

**Moved by: M. Murray**

**Seconded by: B. Fisher**

**THAT By-law No. 2015-15 be read a third and final time in Open Council.**

**CARRIED.**

**12. NOTICE OF MOTIONS****13. QUESTIONS/NEW BUSINESS/ANNOUNCEMENTS**

- 13.1** Councillor J. Gerber noted the success of the Civitan Sports Waterloo Region Athlete of the Year Awards Banquet that occurred on May 20 at the Wilmot Recreation Complex. The recognition of the Wilmot Aquatic Aces and the Firebirds, the honour of hosting and the positive feedback on the facility were highlights of the banquet.

Mayor L. Armstrong advised Council that the event will be held throughout the Region on a rotating basis and will likely be back in Wilmot within a few years.

**14. BUSINESS ARISING FROM CLOSED SESSION****15. CONFIRMATORY BY-LAW**

- 15.1 By-law No. 2015-34**

**Resolution No. 2015-116**

**Moved by: A. Junker**

**Seconded by: M. Murray**

**THAT By-law No. 2015-34 to Confirm the Proceedings of Council at its Meeting held on May 25, 2015 be introduced, read a first, second, and third time and finally passed in Open Council.**

**CARRIED.**

**16. ADJOURNMENT (7:55 P.M.)**

**Resolution No. 2015-117**

**Moved by: P. Roe**

**Seconded by: B. Fisher**

**THAT we do now adjourn to meet again at the call of the Mayor.**

**CARRIED.**

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**Mayor**

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**Clerk**





## ***Township of Wilmot REPORT***

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<b>REPORT NO.</b>	<b>CL2015-15</b>
<b>TO:</b>	<b>Council</b>
<b>PREPARED BY:</b>	<b>Dawn Mittelholtz, Deputy Clerk</b>
<b>DATE:</b>	<b>June 1, 2015</b>
<b>SUBJECT:</b>	<b>Baden Corn Festival and Baden Fire Fighters Association Co-ed Slo-Pitch Baseball Tournament Noise By-Law Exemption and Amending By-law</b>

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### **Recommendation:**

**THAT Schedule A of By-law No. 2007-17 be amended to include the Baden Corn Festival and Baden Firefighters Association Co-ed Slo-Pitch Baseball Tournament.**

### **Background:**

The annual Baden Corn Festival began in 2013 and has had tremendous success in its first two years. The Committee for the Corn Festival continues to work closely with Township staff in planning the event. The Festival is located on municipal property from Charles Street to Beck Street and the Municipal Administration Complex. Compliance with Township and Regional by-laws and policies have been a priority for the organizers and no concerns have been noted.

Another popular annual event in Baden is the Co-ed Slo-Pitch Baseball Tournament which includes a summer dance at the Sir Adam Beck Park. This fundraising initiative has been occurring for the previous eight years. In the eight years of the event only one noise complaint was received but it was for a social gathering not associated with the Baseball Tournament.

### **Discussion:**

Schedule A of By-law 2007-17 contains a list of several events in Wilmot Township that would be considered community events, on-going annual events and events that provide a benefit to a large number of residents through recreation, fundraising, athletics or arts and culture. Additionally, they drive tourism for the Township and benefit local businesses. These factors have been identified through the Township's Strategic Plan process as important to the residents of Wilmot. The Baden Corn Festival and the Baden Firefighters Association Co-Ed Slo-Pitch Baseball Tournament encompasses all of these factors and are logical additions to the schedule of permanent Noise By-law Exemptions.

**Strategic Plan Conformity:**

The granting of this request conforms to several components of the Strategic Plan including recreational opportunities for all residents, promotion of Wilmot's rich cultural heritage, supporting community events and celebrations, strengthening customer service, integrating volunteers, establishing a well-recognized brand and identity and promoting a bustling year-round tourism.

**Financial Considerations:**

There is no fee associated with Noise By-law Exemptions, as such there is no revenue impact for the exemption.

**Conclusion:**

Staff support the amendment to Schedule A of By-law 2007-17 to grant a permanent Noise By-law Exemption to the Baden Corn Festival and Baden Firefighters Association Co-ed Slo-Pitch Baseball Tournament.

  
Dawn Mittelholtz, Deputy Clerk

  
Barbara McLeod, Director of Clerk's Services

  
Reviewed by CAO



## ***Township of Wilmot*** **REPORT**

**REPORT NO.** CL2015-16

**TO:** Council

**PREPARED BY:** Barbara McLeod, Director of Clerk's Services

**DATE:** June 1, 2015

**SUBJECT:** Independent Electricity System Operator (IESO)  
FIT Program  
Request for Municipal Support  
Re Rooftop Solar Applications  
Wilmot Township

### **Recommendation:**

**WHEREAS** Green Energy Cooperatives of Ontario (GECO) (the "Applicant") proposes to construct and operate several rooftop solar PV systems, (the "Projects") on 66, 108, 116, 124, 132, 140 and 148 Hincks Street, New Hamburg (the "Lands") in the Township of Wilmot under the Province's FIT Program. (Attached as Schedule 'A' to this report.)

**AND WHEREAS** Solar Power Network (the "Applicant") proposes to construct and operate rooftop solar PV systems, (the "Projects") on 65 Heritage Drive and 30 Marvin Street, New Hamburg (the "Lands") in the Township of Wilmot under the Province's FIT Program. (Attached as Schedule 'B' to this report.)

**AND WHEREAS** the Applicants have requested that the Council of The Township of Wilmot indicate by resolution, Council's support for the construction and operation of the projects on the lands,

**AND WHEREAS** pursuant to the FIT Rules, Version 4.0, Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicants being offered a FIT Contract prior to other Persons applying for FIT Contracts;

**NOW THEREFORE BE IT RESOLVED,**

**THAT** the Council of The Township of Wilmot supports the construction and operation of the Projects on the Lands.

**AND FURTHER THAT all requests for municipal support for the Province's FIT Program shall continue to be considered by Council on an individual basis,**

**AND FURTHER THAT this resolution's sole purpose is to enable the Applicant to receive Priority Points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Projects, or for any other purpose.**

### **Background:**

Ontario's Green Energy Act was created to expand renewable energy generation, encourage energy conservation and promote the creation of clean energy jobs.

The Ministry of Energy developed a Feed-in Tariff Program (FIT) under this Act which was finalized in March of this year and is implemented by The Independent Electricity System Operator (IESO) – formally the Ontario Power Authority (OPA). The FIT Program is a straightforward way to contract for renewable energy generation. It is divided into two streams: FIT and microFIT. The FIT Program is for renewable energy projects that can generate more than 10 kilowatts (kW) of electricity. The microFIT Program is for very small projects, at a home or small business that can generate 10 kW or less.

Under the FIT Program a point prioritization system has been put into effect to judge competing applications. The points system adds weight to or ranks the applications for contracts to initiate solar rooftop projects based on municipal support, community participation, Aboriginal participation, education or health participation, project readiness and water and bioenergy projects.

The IESO is looking to gain Municipal engagement and awareness of these projects. The sole purpose of the municipal resolution of support is to enable FIT Program participants to receive priority points under the program's rules. The resolution does not affect normal requirements for permits, or any other relevant local requirement for the construction of the projects.

### **Discussion**

At the time of this report, the Township has received two inquiries regarding rooftop solar generation projects, both seeking to obtain Council support for their projects in Wilmot Township in order to receive priority points under the FIT program. They are:

**Green Energy Cooperatives of Ontario (GECO), for projects located at 66, 108, 116, 124, 132, 140 and 148 Hincks Street, New Hamburg and from**

**Solar Power Network for projects located at: 65 Heritage Drive, New Hamburg and 30 Marvin Street, New Hamburg.**

From discussions with the abovementioned applicants, it is anticipated that more requests for support under FIT will be received by the Township due to the short application window under this program.

The IESO has provided the Applicants with draft municipal support resolution templates – one for blanket support and one for individual project support. The window for the FIT 4.0 projects opens July 13, 2015 and closes July 30, 2015. Applications will be given priority points by time stamp when received.

The Township's Fire Department has advised that any property with alternative sources of energy should be identified for the safety and protection of firefighters and that a report and by-law to address these concerns will be prepared for Council's consideration. The Fire Chief will be notified of these types of properties.

The Township's Development Services Department will receive building permit applications for the construction of the rooftop solar panels.

**Strategic Plan Conformity:**

Municipal support of the rooftop solar applications reduces the use of fossil fuels which protects our natural environment.


**Financial Considerations:**

There are no financial implications for the municipality.

**Conclusion:**

Staff recommend that Council support the applications for the rooftop solar systems in Wilmot Township, under the FIT 4.0 provincial program.

  
Barbara McLeod, Director of Clerk's Services

  
Reviewed by CAO

Schedule 'A'



1315 North Service Road East,  
Suite 300  
Oakville, ON, Canada,  
L6H 1A7

VIA EMAIL

May 20, 2015

The Corporation of the Township of Wilmot  
60 Snyder's Road West  
Baden, Ontario  
N3A 1A1  
Canada

Regarding: Municipal Council Support Resolution for Solar PV Systems

Dear Council,

We are seeking a Municipal Council Support Resolution from the Township of Wilmot regarding the application and instillation of several rooftop solar PV systems within the limits of the municipality, in accordance with the Feed-in-Tariff (FIT) program.

As you may or may not be aware the Independent Electricity System Operators (IESO) awards contracts under the FIT program based on a point system, where one point is given for an application supported by the Municipality where the project is located.

The window for applications under the FIT 4.0 program is projected to open July 13, 2015. Applications will also be given priority points by time stamp when received.

We respectfully request your support for the solar development in the Township of Wilmot described in Appendix A.

Thank you very much for your time and consideration in this matter. We look forward to hearing from you.

Kevin Epp  
President  
Green Energy Cooperatives of Ontario (GECO)



1315 North Service Road East,  
Suite 300  
Oakville, ON, Canada,  
L6H 1A7

#### APPENDIX A: List of Proposed Properties

PROJECT NAME/ADDRESS	TOWN/CITY	POSTAL CODE	PROJECT SIZE (KW)
66 HINCKS STREET	NEW HAMBURG	N3A 2A3	300
108 HINCKS STREET	NEW HAMBURG	N3A 2A4	50
116 HINCKS STREET	NEW HAMBURG	N3A 2A4	50
124 HINCKS STREET	NEW HAMBURG	N3A 2A4	50
132 HINCKS STREET	NEW HAMBURG	N3A 2A4	50
140 HINCKS STREET	NEW HAMBURG	N3A 2A4	50
148 HINCKS STREET	NEW HAMBURG	N3A 2A4	50

**Barb McLeod**

---

**From:** John Aird Spark <johna@sparksolar.ca>  
**Sent:** Wednesday, May 20, 2015 3:18 PM  
**To:** Barb McLeod  
**Subject:** Feed-in-Tariff Program  
**Attachments:** Municipal Resolution Cover Letter - Wilmot.docx; ATT00001.htm; WATE0029.pdf; ATT00002.htm; WATE0030.pdf; ATT00003.htm; WATE0032.pdf; ATT00004.htm; WATE0033.pdf; ATT00005.htm; WATE0034.pdf; ATT00006.htm; WATE0035.pdf; ATT00007.htm; WATE0036.pdf; ATT00008.htm

Good Afternoon Barb:

As you may or may not be aware, The Independent Electricity System Operator (IESO – formally the OPA) is opening the FIT 4 procurement in mid-July.

The IESO awards contracts under the FIT program based on a point system, where one point is given for an application supported by the Municipality where the project is located.

Please find attached a cover letter with the proposed properties, along with Municipal Council Support Resolution template.

Thank you very much for your consideration, I look forward to hearing from you.

John B. Aird

416.725.6458



# SCHEDULE 'B'

SPN ID #	Opportunity Address	Account Name	Lease Signed Date	Net Sqft	Municipality	FIT 3 Municipal Resolution	Resolution Date:	kW Applied For	Generation Connection Status
479	65 Heritage Drive, New Hamburg ON, N3A 2J3	Ten Thousand Villages	21-Nov-12	58,300	Wilmot	Site-Specific	14-Jan-13	500	Pass
523	30 Marvin St., New Hamburg ON, N3A 4H8	Klassen Bronze	13-Dec-12	26,400	Wilmot	Site-Specific	14-Jan-13	360	Pass



## ***Township of Wilmot*** **REPORT**

**REPORT NO.** FIN 2015-22

**TO:** Council

**PREPARED BY:** Rosita Tse, Director of Finance  
Scott Nancekivell, Director of Facilities & Recreation Services  
Harold O'Krafka, Director of Development Service  
Gary Charbonneau, Director of Public Works

**DATE:** June 1, 2015

**SUBJECT:** Canada 150 Community Infrastructure Program

### **Recommendation:**

**That the Township of Wilmot application to Canada 150 Community Infrastructure Program for trail development within the WRC Woodlot and Schmidt Woods be endorsed.**

### **Background:**

Economic Action Plan 2015 announced \$150 million nationally over two years for the new Canada 150 Community Infrastructure Program (CIP 150). The CIP 150 is part of a coordinated federal approach to celebrating Canada's 150<sup>th</sup> anniversary. The federal Economic Development Agency for Southern Ontario (FedDev Ontario) is delivering the program in southern Ontario with an allocation of \$44.4 million over two years.

Eligible costs have to be incurred between April 1, 2016 and March 31, 2018. Qualified recipients may receive a non-repayable contribution of up to 50 percent of total eligible costs. Priority may be given to projects that require a federal contribution of 33.3 percent. The deadline for the application is June 9, 2015.

### **Discussion:**

Funding under the CIP 150 program is being provided for the rehabilitation, renovation and expansion of existing community infrastructure assets that are non-commercial in nature. Municipalities are one of the eligible recipients listed under this program, and projects must fall within the following categories:

- community centres, cultural centres and museums;
- parks, recreational trails, including fitness trails, bike paths and other types of trails;

- libraries; recreational facilities including local arenas, gymnasias, swimming pools, sports fields, tennis, basketball, volleyball or other sport-specific courts, golf courses, ski hills or other types of recreational facilities;
- tourism facilities; docks; cenotaphs; and
- other existing community infrastructure assets for public benefit that have a local community impact, such as local roads, drinking water treatment and distribution systems, connectivity and broadband, local airports, solid waste management and wastewater infrastructure

Upon notification of the funding program, senior management team reviewed the criteria of CIP 150 alongside the Township's existing 10-year Capital Forecast. Through this review it was determined that trails projects were the most appropriate for this funding opportunity.

The WRC Woodlot Trail was previously identified as a high priority project within the Trails Master Plan. The design portion of the project was included in the 2015 budget, with construction to occur in 2016.

The donation of lands, as outlined in Report DS 2015-21, has provided an opportunity to expand the existing community snowmobile trail network, and allow for usage by multiple modes including cross country skiing, biking, walking, running, etc.

The combination of the WRC Woodlot Trail with the Schmidt Woods trail network aligns with elements of the funding criteria. The WRC Woodlot trail system provides an expansion to the entranceways to a municipal facility to improve accessibility, while the installation of trails within Schmidt Woods will expand an existing trail network.

It is important to note that this source of external funding will enhance and expand the connectivity of our communities by advancing trails projects forward to 2016, without impacting the general levy.

#### **Strategic Plan Conformity:**

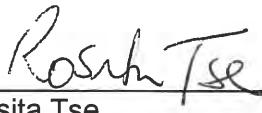
This report is aligned with the Strategic Plan goal of enjoying our quality of life through enhancing the mobility of the citizens of Township by completing the trails within the Township.

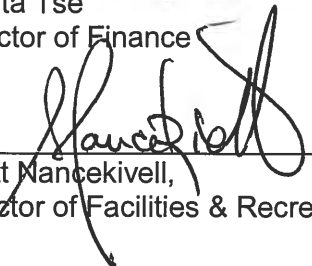
#### **Financial Considerations:**

The 2014 DC Background study included funding towards future trail development beginning in 2017. The total cost of the construction for the two components combined is estimated at \$450,000. Staff will apply for 33.3 percent of the trail development costs with the remaining funding from development charges. The 10-year Capital Forecast will be updated to include this funding, if application is successful.

**Conclusion:**

Upon Council's approval, staff will submit the application to the Federal Economic Development Agency for Southern Ontario on or before June 9, 2015.

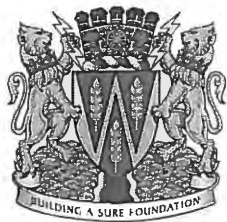
  
\_\_\_\_\_  
Rosita Tse  
Director of Finance

  
\_\_\_\_\_  
Scott Mancekivell,  
Director of Facilities & Recreation

  
\_\_\_\_\_  
Harold O'Kafka,  
Director of Development Services

  
\_\_\_\_\_  
Gary Charbonneau  
Director of Public Works

  
\_\_\_\_\_  
Reviewed by CAO



## ***Township of Wilmot*** **REPORT**

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<b>REPORT NO.:</b>	<b>PW-2015-14</b>
<b>TO:</b>	<b>Council</b>
<b>PREPARED BY:</b>	<b>Gary Charbonneau, Director of Public Works</b>
<b>DATE:</b>	<b>June 1, 2015</b>
<b>SUBJECT:</b>	<b>Phragmites Control in the Laurel Creek Headwaters Environmentally Sensitive Landscape</b>

---

### **Recommendation:**

**That the Township of Wilmot authorize Region of Waterloo staff to work on the Wilmot Line and Carmel-Koch road allowances, within the Laurel Creek Headwaters ESL, to undertake a control program for Phragmites.**

### **Background:**

As noted in the attached letter and factsheet, from Chris Gosselin, Manager of Environmental Planning at the Region of Waterloo, European Common Reed (*Phragmites australis*) is an aggressive, non-native species which has been invading wetlands and roadside ditches for decades. Regional Council has approved funding in the form of a grant from the Community Environmental Fund to the liaison committee of the Laurel Creek Headwaters Environmentally Sensitive Landscape (ESL) to implement a control program for Phragmites.

The liaison committee is a committee appointed by Regional Council to advise Regional staff on the implementation of ESL policies as they affect Laurel Creek.

### **Discussion:**

In 2014 a survey of Phragmites infestations in the Laurel Creek ESL was carried out under the guidance of the Laurel Creek ESL liaison committee. The survey mapped Phragmites within the ESL and also looked at means of control which had been tried in other locations. The second phase of the control project is to work in more readily accessible sites with a professional pesticide applicator to eliminate the Phragmites. It is intended that this will serve as a pilot study for eliminating Phragmites from other ESL's and natural areas within the Region.

Regional staff are asking for permission from Wilmot to work within the road allowances and to spray an approved herbicide on roadside ditches. All work will be completed by a licensed applicator who will follow all applicable legislation and regulations. In addition Regional staff will prepare signage, contact affected property owners and respond to questions/concerns.

**Strategic Plan Conformity:**

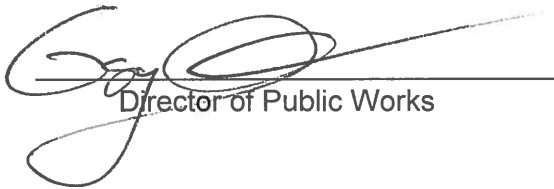
Wilmot is a cohesive, vibrant and welcoming countryside community where the environment is protected through caring for our water courses.

**Financial Considerations:**

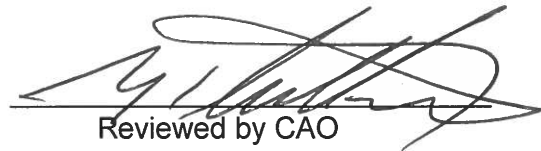
There are no cost implications to the Township for this program.

**Conclusion:**

That staff from the Region of Waterloo be authorized to undertake a program to control Phragmites within the Wilmot Line and Carmel-Koch road allowances.



Director of Public Works



Reviewed by CAO



Region of Waterloo

PLANNING, DEVELOPMENT  
AND LEGISLATIVE SERVICES

150 Frederick Street, 8th Floor  
Kitchener ON N2G 4J3 Canada  
Telephone: 519-575-4400  
TTY: 519-575-4608  
Fax: 519-575-4449  
[www.regionofwaterloo.ca](http://www.regionofwaterloo.ca)

Chris Gosselin 519-575-4501

May 14 , 2015

Mayor Les Armstrong,  
The Corporation of the Township of Wilmot,  
60 Snyder's Road West,  
Baden, Ontario, N3A 1A1.

**RE: Phragmites Control in the Laurel Creek Headwaters Environmentally  
Sensitive Landscape**

Dear Mayor Armstrong;

On April 22, 2015, Regional Council approved grants from the Community Environmental Fund to a variety of stewardship projects. Project 2015-07 was submitted by the Laurel Creek Headwaters Environmentally Sensitive Landscape Public Liaison Committee, a committee appointed by Regional Council to advise Regional staff on the implementation of the Environmentally Sensitive Landscape policies in the Regional Official Plan as they affect the Laurel Creek Headwaters E.S.L. This is the second part of an ongoing project called "Phragmites Control in the Laurel Creek Headwaters Environmentally Sensitive Landscape."

European Common Reed (*Phragmites australis*) is an aggressive non-native species which has been invading wetlands, roadside ditches, and natural areas for several decades. It has now become such a problem that it has been identified as a target species for control by the Ontario Invasive Plant Council and the Ministry of Natural Resources and Forestry. I have attached a brief factsheet for your information. Phragmites is fast-growing, forms dense stands or "cells," and out-competes native plants. It can also pose a challenge for the maintenance of roadside ditches.

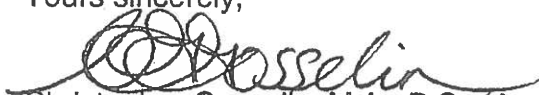
In 2014, the Community Environmental Fund supported the first phase of the Phragmites control project which resulted in mapping 32 cells within the E.S.L. and investigating methods of control. Cells were classed as to their likelihood to spread rapidly and assigned priority for control. While some cells are on private property, most of the higher priority cells are on or near roadsides where access is relatively easy. The most effective control mechanism to date is spraying with herbicides approved for the purpose. Herbicides may not be applied over water, but the majority of the high-priority

cells are in drier areas or in areas which dry sufficiently by July when spraying is normally carried out.

Regional staff and Committee members visited an extensive and successful Phragmites control programme in Lambton Shores on Lake Huron, an area where the infestation has been particularly severe. The recently approved Laurel Creek Headwaters E.S.L. project is more localised, but seeks to build upon the experience gained in Lambton Shores. The first year of the project is proposed to concentrate on building relationships with municipal road authorities, local landowners, and potential volunteers. Such relationships have been shown to be essential to a successful control programme. It is also proposed to treat relatively accessible Phragmites cells which are not over water by retaining the services of a registered professional applicator who has developed extensive expertise in Lambton Shores. This will be supplemented by physical cutting and removal of other cells by volunteers. Once Phragmites has been suppressed, many treated areas will vegetate on their own with native species; however, some treated areas may require active restoration. Some of the private landowners on the Public Liaison Committee have committed to controlling Phragmites infestations on their own properties within the E.S.L. The project is expected to last up to three years, as treated cells are monitored in years two and three for any required follow up.

At this time, Regional staff are requesting permission from the Township of Wilmot to work on The Wilmot Line and Carmel-Koch rights-of-way and to spray an approved herbicide on roadside ditches early this summer when the ditches are dry. The work will be carried out by an experienced, licensed pesticide applicator and will comply with all applicable legislation and regulations. Regional Community Planning staff will prepare appropriate signage, and will ensure that affected property owners are properly notified and consulted, and will respond to any questions and concerns they may have. Regional staff will oversee the control processes and will consult with the Township's Director of Public Works prior to the commencement of any work. We look forward to working with Township staff and residents as we implement this project.

Yours sincerely,



Christopher Gosselin, M.A.; B.Sc.(Agr.), M.A.,  
M.C.I.P., R.P.P.  
Manager of Environmental Planning,  
[CGosselin@regionofwaterloo.ca](mailto:CGosselin@regionofwaterloo.ca)



## European Common Reed (*Phragmites australis*)

- *Phragmites australis* is a robust perennial grass capable of developing into large mono-dominant stands
- In 2005 it was recognized as Canada's worst invasive plant
- *Phragmites* colonizes new sites via seeds, rhizomes, and stolon dispersal
- Seeds can be dispersed by winds, up to a ~ 10 km radius
- Seeds, rhizomes, stolons and stems can be dispersed by flowing water
- Disturbed sites are most vulnerable to colonization
- Once plants become established expansion is exponential via stolons and rhizomes
- Roadside ditches are the primary spread vectors
- Humans spread *Phragmites* throughout the province via movement of contaminated heavy equipment
- Spread is also increasing due to ATV and other off road vehicle use



## Contributors

Karen Alexander, Outreach & Education Coordinator, Lake Huron Centre for Coastal Conservation  
 Heather Crewe, Manager, Professional Development & Training, Ontario Good Roads Association  
 Elaine Ferrier, Co-Chair/Ontario *Phragmites* Working Group (OPWG)  
 Steve Ford, General Manager, Green Stream, Hamilton  
 Mary Gartshore & Peter Carson, Restoration Specialists  
 Janice Gilbert, Co-Chair/OPWG, Invasive *Phragmites* Representative for Nature Conservancy of Canada,  
 Sue Gilpin, Superintendent, Environmental Services, City of Hamilton  
 Paul Johnson, Operations Manager, Roads Division, Wellington County  
 Frank Letourneau, President, Dover Agri-Serve  
 Linda McDougall, Ecologist Planner, City of London  
 Derek Scholten, Owner, Colvoy Equipment, Brantford  
 Kellie Sherman, Project Liaison, Ontario Invasive Plant Council  
 Rob Steiginga, Operations Manager, Roads Division, Lambton County  
 Nancy Vidler, Chair, Lambton Shores *Phragmites* Community Group  
 Janelle Warren, Curriculum Coordinator, Ontario Good Roads Association



The Ontario *Phragmites* Working Group (OPWG) is non-profit and volunteer based. OPWG was established in 2011, and is composed of dedicated people working together to facilitate effective, efficient and environmentally responsible management of invasive *Phragmites* in Ontario.

OPWG became a committee of the Ontario Invasive Plant Council in October 2013.

More information about OPWG can be found at:  
<http://www.opwg.ca>



## Smart Practices for Controlling Invasive *Phragmites* in Ontario's Roadside Ditches



Boom sprayer used to control roadside invasive *Phragmites*

## Negative Impacts

- Phragmites is a strong competitor for nutrients and can survive, and even thrive, in a wide variety of conditions
- Phragmites is allelopathic, exuding chemicals from its roots that harm other plants
- There are no natural controls to keep Phragmites in check
- Its typical growth habit is to develop into dense, mono-culture cells
- Native plant species cannot effectively compete against Phragmites
- Wildlife may use the edges of a Phragmites cell, but the interior sections are effectively dead zones
- A high number of Species at Risk are negatively impacted by Phragmites
- Phragmites can grow so tall and thick that cells become effective barriers along shorelines, impacting recreational access, aesthetic enjoyment and property values
- During the dormant period the standing dead biomass presents a significant fire hazard to infrastructure and residential areas
- Phragmites plugs agricultural drainage ditches and tiles creating flooded conditions and impacting crop yields
- Phragmites blocks site lines along roads creating safety hazards



## Control Methods

### Mowing/Cutting

- Cutting will not cause Phragmites mortality, but it may slow growth, reduce stand density and reduce seed head development
- The entire cell should be cut, and a regular cutting regime must remain in place for perpetuity since the plants can grow quite rapidly and dense cells can re-establish once cutting discontinues
- In areas where conventional riding mowers are currently being used, Phragmites will need to be cut in the spring before attaining a height that prohibits mowing
- Cutting should be done early and often to stress plants, and sites will require frequent cutting throughout the growing season, since Phragmites growth is fairly rapid even during hot, dry periods



Boom mower cutting invasive Phragmites along a road

### Excavation

- If an infested ditch is to be excavated, it is highly recommended that the Phragmites be sprayed at least three weeks prior to this work being undertaken
- Options for disposing of contaminated spoil include composting, burying, burning or disposal in an open field where emerging plants can be treated
- Excavated Phragmites material must be contained, to ensure seeds or other viable plant parts do not escape while on route to the disposal site

### Herbicide Application

- Only Integrated Pest Management (IPM) certified operators may apply herbicides in Ontario
- With proper timing, concentration and application methods, Phragmites can be brought under control using herbicides effectively, efficiently and environmentally responsibly
- Currently only two products are legally available in Canada to control Phragmites australis; Weather-MAX® and VisionMAX; neither product can be applied over water
- The recommended concentration of either product for the control of Phragmites is 4.5% - 5%.
- The surfactant MSO Concentrate Methylated Seed Oil should be added (1% concentration) to increase plant uptake and improve herbicide efficacy
- The entire cell should be treated, followed by touch-up spot spraying after 3 weeks
- Treatment should occur when plants are ~1.5 m tall with sufficient leaf surface to intercept the spray, up until the first heavy frost
- New Wet Blade technology has recently been used to control Phragmites within sites that cannot be sprayed using conventional herbicide application equipment
- The Diamond WetBlade system applies herbicide, directly to the cut stems simultaneously while mowing.



A Diamond WetBlade System



## ***Township of Wilmot*** **REPORT**

**REPORT NO.** DS 2015-21

**TO:** Council

**PREPARED BY:** Harold O'Krafka, Director of Development Services

**DATE:** June 1, 2015

**SUBJECT:** Proposed Conveyances to the Township of Wilmot  
Beckdale Trailways and Schmidt Woods

### **Recommendation:**

1. That Council accept the donation of lands from the Schmidt Estate, Shantz Mennonite Church and Mennonite Church Eastern Canada (MCEC) for the purposes of trails and parklands together as a package and described as follows:
  1. Schmidt Woods (Parts 1&2, 58R-18339);
  2. Beckdale North Trailway (Parts 1, 2 & 3, 58R-18335);
  3. Beckdale South Trailway & Gateway Park (Part 3, 58R-18584 and Parts 1, 2 & 3, 58R-18304); and,
  4. Beckdale Lane & Path (Parts 1 & 2, 58R-18584 and Parts 1, 2, 3, 4 & 5, 58R-13806)
2. That Council agree to convey an easement over the future Beckdale Lane in favour of the properties abutting the lane and subject to the conditions of use, maintenance and future construction identified within the draft document attached as Appendix C to this report.

### **Background:**

Harold & Enid Schmidt and Beckdale Farms are synonymous with Baden to many people. While Harold was a long time school board trustee and served on Township Council for 24 years, he and Enid were better known for their generous support of public projects and private charities in and around Baden. Harold passed away at the age of 81 in 2001 and his wife Enid passed away in 2011.

As Council is aware the Schmidt's Beckdale Farms had acquired a considerable land holding in Baden and area over the years. Many of their land holdings had merged together on title notwithstanding the significant infrastructure spread throughout the properties. Multiple homes, barns and driving sheds together with the MAX Canada building by the Baden pond are all collectively part of Schmidt Estate.



Through discussions with between staff and representatives of the Estate the opportunity to honour the memory and legacy of Harold and Enid Schmidt and Beckdale Farms through the conveyance of parklands and trailways became an obvious and mutually beneficial opportunity.

Council will recall the conveyance of a trail to the Township around Steinmann Mennonite Church Cemetery in 2012 which created a parcel of land to permit the significant expansion of the cemetery thereby ensuring its viability for many years to come. That future trail will allow pedestrians and cyclists a means by which to avoid the busy intersection of Snyder's Road / Waterloo Street / Nafziger Road.

That exercise was a smaller part of a much larger exercise to divide the holdings into logical property units while creating a network of trails and parklands linking Baden and Waterloo-Oxford to the Wilmot Recreation Complex.

At this time the Schmidt Estate, Shantz Mennonite Church and MCEC are prepared to move forward with the full donation of 16.49ha (40.76 ac) of trails, parkland and a future street to the Township of Wilmot as a permanent tribute to the legacy of Harold and Enid Schmidt.

### **Discussion:**

In order to properly describe the package of conveyances staff have prepared the following written and visual summary of the conveyances for Council. The conveyances have been grouped into Beckdale North Trailway & Schmidt Woods, Beckdale South Trailway & Gateway Park and Beckdale Lane.

#### **Beckdale North Trailway and Schmidt Woods (Appendix A)**

The largest single component of the conveyance package is Schmidt Woods. Located adjacent to the Wilmot Recreation Complex this 12.6 ha (31ac) is a welcome addition which will afford the Township the opportunity to establish a significant volume of multi-use trails adjacent to the rec complex for walking, hiking, running, cross country skiing and other uses Council deems appropriate.

The northerly Beckdale Trailway connects Waterloo-Oxford and the Brenneman Drive neighbourhood to Nafziger Road. The lands provide the opportunity, combined with future reconstruction of Nafziger Road, to create a year round multi-use trail which effectively creates a spine around which future development can grow.

The trailway conveyances recreate three previously existing separate properties (2 farms and a non-farm residential lot) in a manner which does not offend the short term viability of the farms while recognizing that growth over time will occur.

It is envisioned that a future trailway from New Hamburg will similarly connect with the Nafziger Road Multi-Use Boulevard Trailway effectively linking both communities and the highschool with the Wilmot Recreation Complex.

#### **Beckdale South Trailway & Gateway Park (Appendix B)**

Beckdale South Trailway provides the opportunity for future trail linkages from Queen Street in Baden south to Nafziger Road and easterly along the Baden Creek to include the naturalized area along Foundry Street.

These 'gateway' lands serve as a prominent opportunity for a future trailhead and park to be established for Baden residents and guests alike. Within the trailhead/park staff envision the opportunity to include interpretive historical plaques to describe the history not only of Baden but also of the lands themselves highlighting the Beck Family, the Livingston Flaxmill, and the Schmidt Family.

The linkages to Gingerich Road would connect the the components of the Beckdale South Trailway to provide a looping effect. Further the connections to the planned multi-use trail envisioned on the north side of Gingerich Road allows connection to the Wilmot Recreation Complex and indeed to the components of the Beckdale North Trailway and future New Hamburg Trailway.

### **Beckdale Lane (Appendix B)**

Beckdale Lane represents a reconveyance of lands acquired from the Township by Harold Schmidt to facilitate the construction of the MAX Canada building. In addition to the former Louisa Street road allowance the Estate is proposing to convey a sufficient turnaround bulb to allow the logical and orderly construction of Beckdale Lane at some point in the future to municipal standards.

An agreement has been drafted to accompany the transfer of these lands to ensure that in the interim the various lots abutting the street will enjoy access while ensuring that the Township is not responsible for the interim maintenance of the parcel (ie snowplowing etc...) It is attached as Appendix C to this report.

The agreement further provides that the future owner(s) of Lots 9-14, Plan 18 will be responsible for the costs of extending services and constructing Beckdale Lane to municipal standards at no cost to other abutting owners or the Township of Wilmot.

A parcel of land conveyed along the rear of the lots of Plan 18 would allow a pedestrian linkage back to Foundry Street while providing a greenspace buffer between future homes and the light industrially designated lands abutting them.

This pathway would logically cross the future Beckdale Lane and link north along the Baden pond and along King George Street to again create a looping effect of trailways within the Beckdale South Trailway.

### **Strategic Plan Conformity:**

The acceptance of this donation achieves many of the strategies of the Township Strategic Plan including providing recreational opportunities for everyone, enhancing our mobility, and planning for growth while protecting farmland and green space.

### **Financial Considerations:**

Timing and funding for the future construction of these trails was included in the 2014 Development Charges Study and Bylaw and the 2015 10yr Capital Forecast.

The availability of Federal, Provincial and private funding opportunities would potentially accelerate the timing of construction.

### **Conclusion:**

In conclusion, Township staff are very pleased to present these proposed conveyances to Township Council and recommend that the conveyances be accepted as a lasting tribute to the legacy of Harold and Enid Schmidt.

The conveyances are, in the opinion of staff, of substantive long term benefit to Baden and the greater Wilmot Township community.

The conveyances allow the Estate to disperse its assets in manageable and logical components while the at the same time creating an opportunity for the Township to acquire trailways and parklands which would typically only be acquired in a piecemeal fashion over many many years through the development approvals process.

Accepting the proposed conveyances at this time allows the Township the opportunity to create a greenspace and trailway network which will serve as the backbone for future planning exercises ensuring that residents of New Hamburg and Baden are connected in more ways than just roads and sidewalks. Planning for green space and offroad linkages before development occurs is a unique and welcomed opportunity which the Township should seize upon.

In order to ensure that the legacy of Harold and Enid Schmidt, and the generosity of Shantz Mennonite Church and MCEC are appropriately recognized, staff recommend that appropriate signage be incorporated and included to recognize this special gift for generations to come as the Beckdale Trailways and parklands are developed.

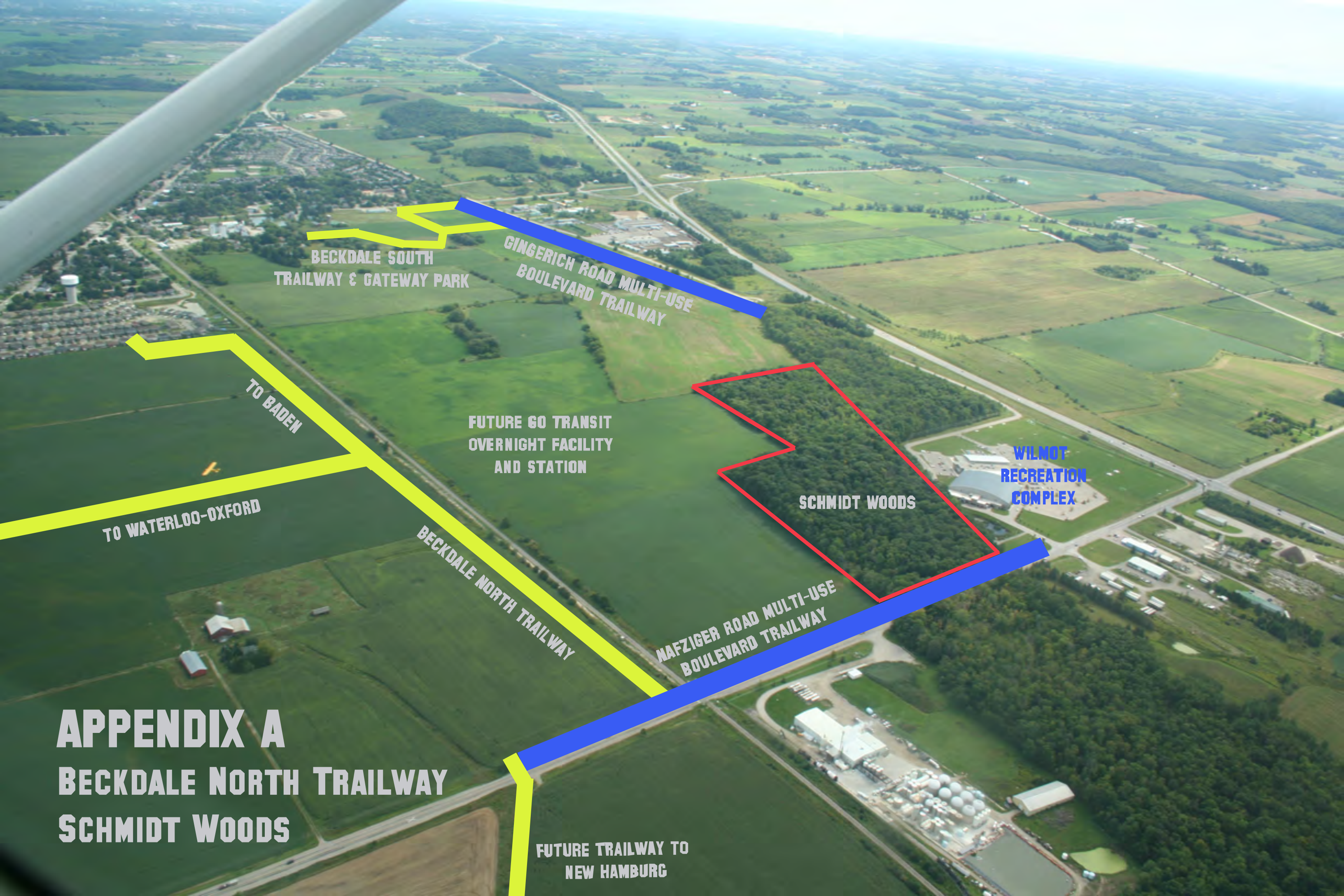
A handwritten signature in black ink, consisting of a large, stylized 'H' and 'O' followed by a horizontal line.

Harold O'Kraika, MCIP RPP  
Director of Development Services

A handwritten signature in black ink, appearing to be 'Y. H. H. H.' followed by a horizontal line.

Reviewed by CAO





BECKDALE SOUTH  
TRAILWAY & GATEWAY PARK

GINGERICH ROAD MULTI-USE  
BOULEVARD TRAILWAY

FUTURE 60 TRANSIT  
OVERNIGHT FACILITY  
AND STATION

WILMOT  
RECREATION  
COMPLEX

SCHMIDT WOODS

NAFZIGER ROAD MULTI-USE  
BOULEVARD TRAILWAY

FUTURE TRAILWAY TO  
NEW HAMBURG

**APPENDIX A**  
**BECKDALE NORTH TRAILWAY**  
**SCHMIDT WOODS**





## APPENDIX B

BECKDALE SOUTH TRAILWAY AND GATEWAY PARK  
BECKDALE LANE



APPENDIX C

**THIS AGREEMENT** made the                      day of May, 2015.

**B E T W E E N:**

**Harold J. Schmidt Enterprises Inc. and Murray Pfeifer, Estate Trustee with a Will of the Estate of the Late Enid Elizabeth Schmidt**

**(Hereinafter the “Owners”)**

**-and-**

**The Corporation of the Township of Wilmot**

**(Hereinafter the “Township”)**

**WHEREAS** the Owners own Part of Lot 15 South of Snyder’s Road, Part of Louisa Street Closed by Judge’s Order Instrument No. 1415489, Part of Mill Street, Registered Plan 627 Closed by Judge’s Order Instrument No. 1474148 in the Township of Wilmot (Geographic Township of Wilmot) in the Regional Municipality of Waterloo being in part Parts 1-5, Reference Plan 58R-18306, Township of Wilmot, Regional Municipality of Waterloo;

**AND WHEREAS** the Owners are conveying to the Township Parts 1-5 Reference Plan 58R-18306, Township of Wilmot, Regional Municipality of Waterloo;

**IN CONSIDERATION OF THE PAYMENT TO THE OWNERS BY THE TOWNSHIP** of ONE DOLLAR (\$1.00) each, the parties hereto covenant and agree as follows:

1. The foregoing recitals are true in substance and fact.

2. The Owners agree upon execution of this agreement by the parties hereto, to forthwith convey to the Township the lands legally described as Parts 1 and 5, Reference Plan 58R-18306 Township of Wilmot (PIN: 22193-0177) and Parts 2 and 4 on Reference Plan 58R-18306, Township of Wilmot (PIN: 22193-0183) and Part 3 on Reference Plan 58R-18306, Township of Wilmot (PIN: 22193-0182), Regional Municipality of Waterloo (collectively “Louisa Street and the Turnaround”) free and clear of all encumbrances at the Owners’ expense.
  
3. Until such time as the Council of the Township passes a by-law to establish the Louisa Street and the Turnaround as a public highway Louisa Street and the Turnaround may continue to be used as access to:
  - (a) Pt Lot 15, Concession S of Snyders Road Wilmot; Pt Mill Pond Plan 627 Wilmot Pt 1, 58R-11508 Wilmot (PIN: 22193-0162(R));
  
  - (b) Lot 1, Plan 18, Wilmot; Part Lot 2, Plan 18, Wilmot; Pt 2 on 58R-11508; S/T 1457730 Wilmot (PIN: 22193-0175 (LT));
  
  - (c) Pt Lot 2-8 Pl 18 Wilmot Pt 3 on 58R-11508 S/T 1457730, Wilmot (PIN: 22193-0174 (LT));
  
  - (d) Lots 15 and 16, Registered Plan 18, Township of Wilmot, Regional Municipality of Waterloo and Pt Lot 15, Con S of Snyders Road, Wilmot; Pt William Street Plan 627 Closed by 694348 as in C16925; except Part 3 58R-602 and 58G913; Wilmot (PIN 22193:0182);
  
  - (e) Part 7, Plan 58R-18307, Township of Wilmot, Regional Municipality of Waterloo.

and the Owners acknowledge that the Township is not responsible for the maintenance and/or repair of Louisa Street and the Turnaround and the Owners and their respective invitees shall use the Louisa Street and the Turnaround at the Owners' risk.

4. The Owners and the Township hereby covenant and agree that the proposed opening up of the former Louisa Street as "Beckdale Lane" by the Township will not occur unless and until the registered owner(s) or one, some or all of them, of Lots 9-14 Registered Plan 18, Township of Wilmot, Regional Municipality of Waterloo or their successors or assigns build all of Louisa Street and the Turnaround to Township specifications including extending services to the satisfaction of the Township and there shall be no obligation on the Part of the Owners of the Lands referred to in Paragraphs 3(a) – (e) above other than the registered owners of Lots 9-14 Registered Plan 18, Township of Wilmot as aforesaid to contribute to the construction or share in the cost of so building Louisa Street and the Turnaround to the said Township specifications including extending services to the said satisfaction of the Township.
5. The Township covenants and agrees with the owners not to put in place a perimeter land reserve contiguous to Parts 1 to 5, Plan 58R-18306.
6. This agreement shall enure to the benefit of and be binding upon the successors, heirs and assigns of the signatories below.

**DATED** this                      day of May, 2015.

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Witness

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Murray Pfeifer, Estate Trustee with a Will  
of the Estate of the Late Enid Elizabeth  
Schmidt

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Witness

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Harold J. Schmidt Enterprises Inc. by its  
authorized signing officer,  
Murray Pfeifer

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Witness

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The Corporation of the Township of Wilmot



## ***Township of Wilmot*** **REPORT**

**REPORT NO.**                **DS 2015-22**

**TO:**                         **Council**

**PREPARED BY:**        **Andrew Martin, Planner/EDO**

**DATE:**                    **June 1, 2015**

**SUBJECT:**                **Zone Change Application 07/15**  
**Craig McNally**  
**Lot 130 and Part of Lot 129, Plan 627**  
**Parts 2 and 3, Plan 58R-4327**  
**55 Snyder's Road West, Baden**

### **Recommendation:**

**That Zone Change Application 07/15 made by Craig McNally, affecting Lot 130 and Part of Lot 129, Plan 627, being Parts 2 and 3, Plan 58R-4237, be approved to permit a dwelling unit to be located within an accessory building and to reduce the required off-street parking spaces for the property to a minimum of five spaces.**

### **Background:**

A Public meeting was held on April 13, 2015. Notice of the Public Meeting was given to property owners within 120 metres of the subject lands on March 18, 2015. The following is a summary of all comments received before, during and after the Public Meeting.

Public: none

#### Agencies:

*Region of Waterloo:* updated comments received May 26, 2015 indicating no objections to the application provided the applicants enter into an agreement with the Township of Wilmot to implement the findings of the Noise and Vibration Feasibility Study.

*GRCA:* no comments or concerns

### **Discussion:**

The subject lands are designated Urban Core in the Township Official Plan, and are zoned Zone 5 (Commercial) within the Township Zoning By-law. The property is currently developed with a commercial building (containing two commercial units on the first floor and two residential units on the second floor) as well as a detached garage / storage shed. The applicant proposes to

convert the storage shed into one dwelling unit. To facilitate this conversion, this application proposes to amend the zoning to permit one dwelling unit within an accessory structure and to reduce the required number of off-street parking spaces on the property. The attached sketch outlines the site layout, proposed parking configuration, and location of the building in question.

The proposed parking layout reflects the present available parking on site. This application proposes the introduction of one new dwelling unit and as such, the requirement for one dedicated parking space. Based on the present occupancy of the commercial building on the property, the parking area to the rear of the building is not readily used for the customers of the commercial tenants. The rear parking lot provides space for residential occupants and staff of the commercial units. As the site plan illustrates, there are two additional areas that can support parking, but do not meet the minimum dimensions of a parking space under current zoning regulations. Despite their reduced size, these areas can support parking of smaller vehicles. Staff would suggest that five parking stalls as well as the two additional areas provides sufficient room for the residential occupants of the property as well as staff parking for the two commercial units.

Based on requirements from the Region of Waterloo, the applicant retained the services of a Professional Engineer to complete an Environmental Noise Study and a Rail Vibration Study in support of the application given the proposed dwelling unit's proximity to the CN railway. At the time of the April Public Meeting, the Region had requested additional clarification on aspects of the completed study. The Region is now satisfied with the study provided the applicant enter into an agreement with the Township of Wilmot to implement the recommended mitigation measures outlined in the report including upgrades to windows and exterior cladding and the inclusion of noise warning clauses in future purchase and rental agreements.

No objections were raised through circulation of the application and no concerns were raised at the April Public Meeting.

**Strategic Plan Conformity:**

The approval of appropriate accessory dwelling units maximizes the use of existing infrastructure and reduces the demand for additional greenfield lands to accommodate all residential development which are both strategies in achieving the Township's goal to protect the natural environment.

**Financial Considerations:**

The application fees, established by the Township of Wilmot Fees and Charges By-law, were collected at the time of application.

**Conclusion:**

The approval of this additional dwelling unit provides future opportunity for a rental unit and is an appropriate use of the subject property.

  
\_\_\_\_\_  
Andrew Martin, MCIP RPP  
Planner/EDO  
\_\_\_\_\_  
Reviewed by CAO


Snyder's Road West


Mill Street

Charlotte Street

ZCA-07/15  
55 Snyder's Road W



 proposed parking layout

 two additional parking spaces  
(smaller than required dimensions,  
so not counted towards minimum  
requirement)

ON/GOV Railway

1

55

existing  
commercial  
with 2 residential  
units above

53

3

4

5

2

existing  
deck

existing  
garage/shed  
to be converted  
to dwelling unit

+

+

existing  
right-of-way  
in favour of  
53 Snyder's Rd W





## ***Township of Wilmot*** **REPORT**

**REPORT NO.** DS 2015-23

**TO:** Council

**PREPARED BY:** Andrew Martin, Planner/EDO

**DATE:** June 1, 2015

**SUBJECT:** Partial Release of Safety Berm Easement  
Lot 46, Plan 58M-495  
96 Smith's Creek Drive, New Hamburg

### **Recommendation:**

That the Township release the Safety Berm Easement between the Township of Wilmot and the owner(s) of 96 Smith's Creek Drive from the title of Lot 46, Plan 58M-495 as it applies to the portion said lands where the berm has not been constructed, subject to the following conditions:

1. That, prior to registration of the release, the Township of Wilmot be advised by the Region of Waterloo that they have no objection to the release;
2. That the applicant be responsible to provide, at no cost to the Township, revised engineering drawings to reflect the modified berm and lot grading and drainage on Lot 96;
3. That the applicant be responsible for all costs associated with the preparation and registration of a reference plan to describe the lands to be released;
4. That the applicant be responsible for all costs related to the preparation and registration of the release by the Township or that the applicant prepare and register the release of the agreement at no cost to the Township of Wilmot.

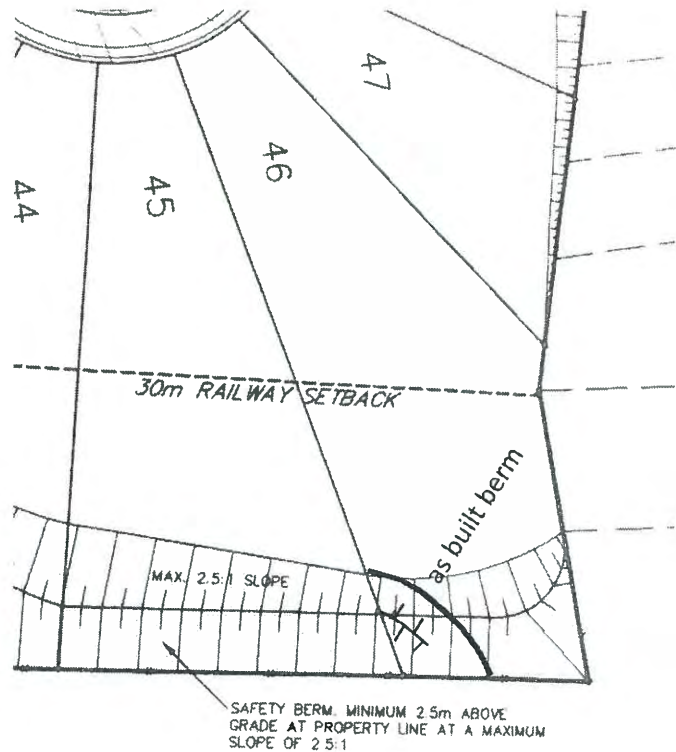
### **Background:**

Smith's Creek Drive is part of the Sunvest Development Corp subdivision located west of Catherine Street in New Hamburg. As part of the draft approval conditions of the development, the developer was to have constructed a safety berm along the rear property lines of Lots 43-46 where they abut the CN railway. The developer entered into an agreement with the Township of Wilmot to ensure that the berm and surrounding grades are not modified. Upon sale of the lots, this agreement remained registered on title and bound the purchasers of homes on Lots 43-46. Despite the provisions of the subdivision's draft approval conditions, the registered subdivision agreement, and the safety berm easement, the developer never constructed a portion of the berm over Lot 46 as illustrated below.

**Discussion:**

The owner of 96 Smith's Creek Drive has applied for a building permit for a shed at the rear of their property. The proposed location is within an area of the property subject to the safety berm easement and located where the berm was to have been constructed.

IBI Group, the planning and engineering consulting group for the developer, has contacted CN and obtained a response indicating that CN does not object to the shortening of the berm; a copy of this correspondence is attached. Given the Region of Waterloo provided the conditions of draft approval of the subdivision relative to the safety berm, the Township of Wilmot requires the Region of Waterloo to provide a written response supporting release of a portion of Lot 46 from the provisions of the safety berm easement. Confirmation from the Region of Waterloo ensures that the flow of responsibility for the safety berm is maintained: CN requesting the berm, the Region of Waterloo imposing the provisions requiring its completion, and the Township of Wilmot implementing the requirements through an agreement.



**Strategic Plan Conformity:**

The use of development agreements to ensure logical and orderly development helps protect our natural environment and enjoyment of quality of life.

**Financial Considerations:**

Costs related to the release of the agreement will be borne by the applicant.

**Conclusion:**

Having received the letter from CN, and pending support from the Region of Waterloo, Township staff would not object to the release of a portion of Lot 46 from its requirements to maintain an unaltered safety berm, subject to the conditions outlined in the recommendation.

  
\_\_\_\_\_  
Andrew Martin, MCIP RPP  
Planner/EDO

  
\_\_\_\_\_  
Reviewed by CAO



www.cn.ca

**Affaires juridiques**

**Helene Fleischer**  
Planification et développement  
communautaires

15<sup>e</sup> étage  
935, rue de La Gauchetière Ouest  
Montréal (Québec) H3B 2M9  
Canada

**Law**

**Community Planning and Development**

15<sup>th</sup> Floor  
935 de La Gauchetiere Street West  
Montreal, Quebec, H3B 2M9  
Canada

Dossier : Catherine Street Subdivision, Lot 46, New Hamburg

**Objet : Shortened Berm**

Upon further review, and in light of the information provided for this specific subdivision, CN does not object to a shortened berm as described in the documents provided by IBI group, provided that the municipality consents to this change.

We must however state that the constructed site configuration is not in accordance with CN's habitual criteria for development of sensitive uses in proximity to railway operations.

Helene Fleischer

## TOWNSHIP OF WILMOT

### BY-LAW NO. 2015-35

BY-LAW TO FURTHER AMEND BY-LAW NO. 83-38 OF THE TOWNSHIP OF WILMOT BEING A ZONING BY-LAW FOR THE SAID TOWNSHIP OF WILMOT.

WHEREAS The Corporation of the Township of Wilmot deems it desirable to further amend By-law No. 83-38, being a Zoning By-law for the said Township of Wilmot.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:

1. The lands described on Schedule 'A' and illustrated on Schedule 'B', attached to and forming part of this by-law, may be used for the following accessory use in addition to the uses permitted in the zone in which the property is situate, as amended:
  - a) one accessory apartment, self-contained within an accessory structure;
2. Notwithstanding the provisions of By-law 83-38, the minimum number of off-street parking spaces required to be provided for the lands described on Schedule "A" and illustrated on Schedule "B" attached to and forming part of this by-law, shall be five (5).
3. Except as amended by the preceding regulations, the lands described on Schedule "A" attached to and forming part of this by-law and shown on Schedule "B" attached to and forming part of this by-law, shall be subject to all other applicable regulations as set down in By-law No. 83-38, as amended.
4. This by-law shall come into effect on the final passing thereof by the Council of The Corporation of the Township of Wilmot subject to compliance with the provisions of The Planning Act, R.S.O., 1990 and amendments thereto.

READ a first and second time on the 1<sup>st</sup> day of **June, 2015**.

READ a third time and finally passed in Open Council on the 1<sup>st</sup> day of **June, 2015**.

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MAYOR

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CLERK

**SCHEDULE "A"**

**ALL AND SINGULAR** that certain parcel or tract of land and premises situate, lying and being in the Township of Wilmot, in the Regional Municipality of Waterloo and Province of Ontario being composed of Lot 130 and Part of Lot 129, Plan 627, being Parts 2 and 3, Plan 58R-4327 in the said Township of Wilmot.

This is Schedule "A" to By-law No. 2015-35.

PASSED this 1<sup>st</sup> day of June, 2015.

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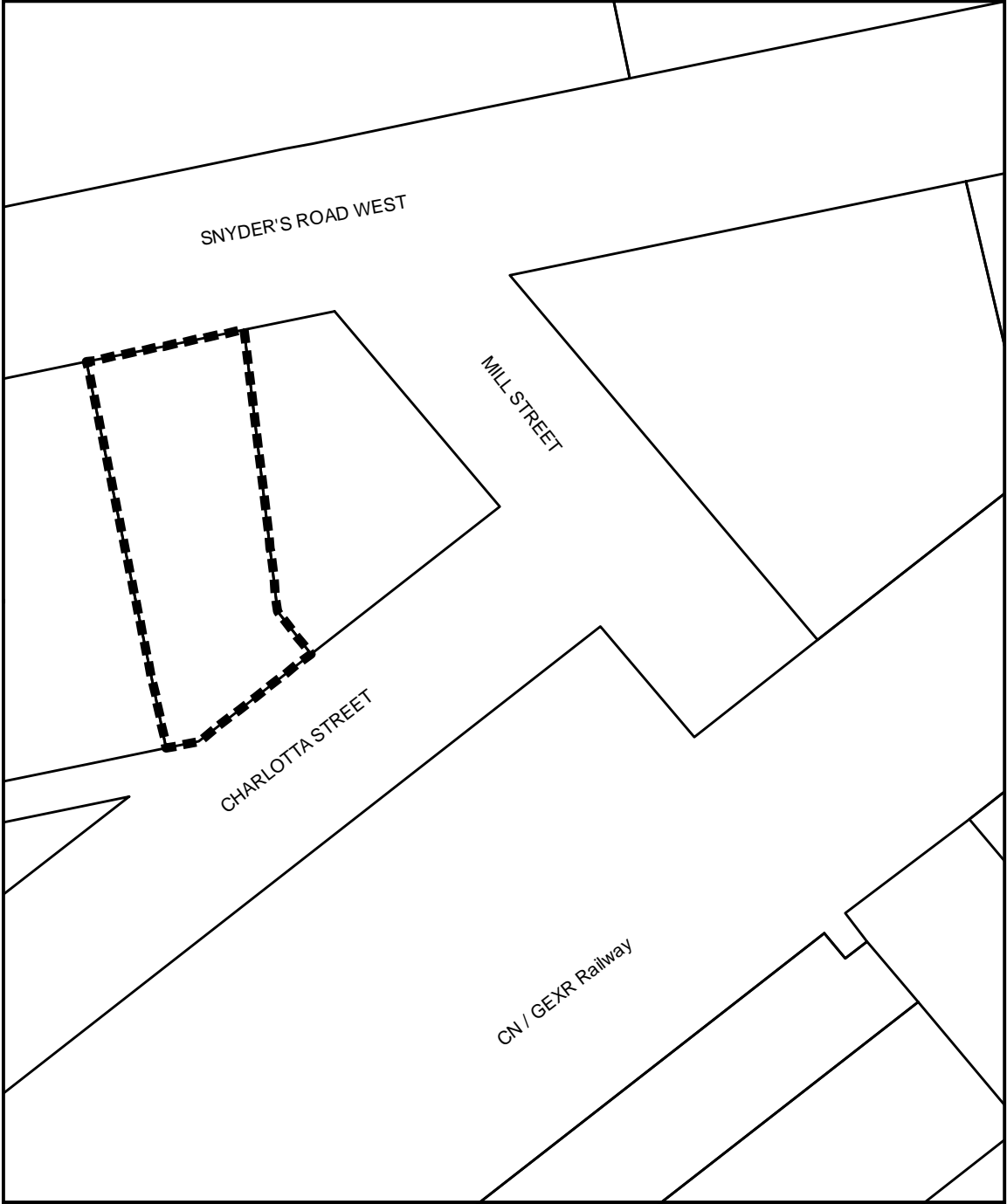
MAYOR

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CLERK

SCHEDULE "B"  
LOT 130 AND PART OF LOT 129, PLAN 627  
PARTS 2 AND 3, Plan 58R-4327  
TOWNSHIP OF WILMOT

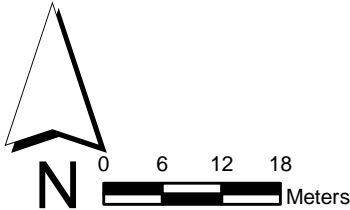
SUBJECT LANDS OUTLINED THUS: - - - - -



THIS IS SCHEDULE "B" TO BY-LAW NO. 2015-35  
PASSED THIS 1ST DAY OF JUNE, 2015.

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MAYOR

\_\_\_\_\_  
CLERK



**THE CORPORATION OF THE TOWNSHIP OF WILMOT  
BY-LAW NO. 2015-36**

**BY-LAW TO AMEND SCHEDULE A OF BY-LAW 2007-17,  
PERMANENT EXEMPTIONS TO THE NOISE BY-LAW**

**WHEREAS** the Municipal Council of the Corporation of the Township of Wilmot deems it expedient to amend Schedule A of By-law No. 2007-17, as hereinafter provided.

**THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF  
THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:**

1. THAT Schedule A of By-law 2007-17 concerning Permanent Exemptions to the Noise By-law be amended to include the Baden Corn Festival and Baden Firefighters Association Co-ed Slo-Pitch Baseball Tournament as illustrated in the amended Schedule A attached.
2. This By-law shall come into effect on the date of passage.

READ a first and second time this 1<sup>st</sup> day of June, 2015.

READ a third time and finally passed in Open Council this 1<sup>st</sup> day of June, 2015.

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Mayor

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Clerk



**SCHEDULE A TO BY-LAW 2007-17  
BY-LAW TO AMEND BY-LAW NO. 98-21, RESPECTING NOISE**

**PERMANENT EXEMPTIONS TO NOISE BY-LAW  
TOWNSHIP OF WILMOT**

The following annual major event users of the Township of Wilmot's Municipal Facilities are exempt from the provisions of the Noise By-law for the purpose of playing amplified music/noise:

**Official Canada Day Event Celebrations**

**Mennonite Relief Sale**

**Moparfest**

**New Hamburg Fall Fair**

**Official Victoria Day Event Celebrations**

**Castle Kilbride Summer Concert Series**

**Baden Corn Festival**

**Baden Firefighters Association Co-ed Slo-Pitch Baseball Tournament**