



Policy Review Committee Action Report
for the December 13th, 2016 meeting to be held in
the Council Chambers following Council

PRESENT: Mayor Antonakos, Deputy-Mayor Flynn, Councillor Black, Councillor Doucett, Councillor Redmond, Councillor Fritz, Councillor Trimble, Duncan Rogers, Clerk, Paul Knowles, Chief Administrative Officer

- 1) **DECLARATION OF PECUNIARY/CONFLICT OF INTEREST AND GENERAL NATURE THEREOF** – now or anytime during the meeting
- 2) **PUBLIC MEETING – NONE THIS EVENING**
- 3) **REGISTRATION OF PUBLIC WISHING TO SPEAK**
- 4) **PLEASE TURN OFF ALL CELL PHONES AND PAGERS**
- 5) **COMMUNICATION 128026 IS A CLOSED MEETING**
- 6) **IF THERE IS AN ADDENDUM, IN ACCORDANCE WITH SECTION 15.2.4 (OF THE STRIKING REPORT) DOES THE COMMITTEE WISH TO APPROVED THIS ADDENDUM**

The following items are for information only and will not be discussed unless the Committee chooses to do so. The Chair will entertain a motion to proceed as recommended for those items not pulled out for discussion.

COMMUNICATION 128022

Received from	Ontario Ombudsman
Addressed to	Policy Review Committee
Date	November 29 th , 2016
Topic	2015 – 2016 Annual Report.

SUMMARY

The Ontario Ombudsman has released their Annual Report for 2015-2016, a copy of which is available to view in the Clerk's Office. Further information can be found on the Ombudsman's web site at www.ombudsman.on.ca

This is the first annual report since the jurisdiction of the Ombudsman was expanded to include municipalities, universities and school boards, in addition to provincial government organizations.

128022 Continued

COMMENT

For Council's Information

STAFF RECOMMENDATION

Receive and Record

COMMITTEE DECISION

Receive and Record

TO BE DISCUSSED

COMMUNICATION 127285

Received from Stalwart Brewing Co.
Addressed to Town of Carleton Place
Date June 17th, 2016
Topic Retail Business Holidays Act

SUMMARY

Section 4 of the Retail Business Holidays Act allows a municipality by by-law to permit retail business establishments to be open on holidays for the maintenance or development of tourism. Ontario Regulation 711/91 defines the tourism criteria and application process. Should the municipality decide to proceed with a by-law to permit an exemption, a public meeting is required to be held giving the public thirty days' notice of the meeting to consider the proposed by-law.

UPDATE – August 2nd, 2016

Both the Carleton Place BIA and the Carleton Place and District Chamber of Commerce support the creation of tourism area to permit local businesses to be open on Statutory Holidays. The Chamber of Commerce would support the designation of the whole community as a tourism area. The Town of Perth By-law No. 3118 permits retail business establishments to open on holidays within the Town Limits.

Should Council wish to proceed, Section 4(6) of the Retail Business Holidays Acts requires Council to hold a public meeting in respect of a proposed By-law under the said Section 4.

UPDATE – October 11th, 2016

Notice of the meeting was given as per Section 4(1) of the Retail Business Holidays Act. Input has been received from the local Chamber of Commerce and Business Improvement Association. Staff have prepared the attached draft By-law for the meeting.

127285 Continued

UPDATE – October 25th, 2016

Staff has revised the draft by-law and has recirculated the same to the local Chamber of Commerce and Business Association for comment by October 28th, 2016.

UPDATE – November 8th, 2016

As requested at the October 25, 2016 Policy Review Committee meeting, staff revised the original draft By-law and re-circulated the same for comment.

Comment received back on the revised By-law included the following recommendation from the Carleton Place BIA regarding the wording of the draft By-law:

The BIA suggests the following wording:

Furthermore, to support the economic development of small businesses, in respect of the carrying on of a retail business on a statutory holiday where, on that day:

- (a) There is no specific limitation on the type of product sold; and
- (b) The number of persons engaged in the service of the public in the establishment does not at any time exceed five; and
- (c) The total area used for serving the public or for selling or displaying to the public in the establishment is less than 5,000 square feet

Comment from the BIA also noted that the Livestock Store associated with the Wool Shop is 7,500 square feet.

Stalwart Brewing Company commented that their business may in the future have up to ten employees, however the wording for the number of employees as noted above would be acceptable.

UPDATE – November 22nd, 2016

At the November 8th, 2016 Policy Review Committee meeting, the members of the Committee requested that further advertisement and notice be given regarding the proposed draft by-law. This will be done through Municipal Matters as requested by Committee.

UPDATE – December 13th, 2016

As requested, staff advertised in Municipal Matters and on the Town's web site but has not received any further comment on the above-noted subject.

STAFF RECOMMENDATION

THAT the Committee make a recommendation on this matter and inform the applicant.

127285 Continued

COMMITTEE DECISION

THAT a by-law incorporating

- (a) There is no specific limitation on the type of product sold; and
- (b) The number of persons engaged in the service of the public in the establishment does not at any time exceed five; and
- (c) The total area used for serving the public or for selling or displaying to the public in the establishment is less than 5,000 square feet

be forwarded to Council.

COMMUNICATION 127422

Received from	David Somppi
Addressed to	Paul Knowles, Chief Administrative Officer
Date	November 8 th , 2016
Topic	Roy Brown Park

SUMMARY

Resident is concerned that the Town did not follow the Procurement of Goods and Services Policy when the work in Roy Brown Park was awarded without using a formal tendering process. He wishes acknowledgement of his formal complaint and an investigation of the issue.

COMMENT

On August 16th, 2016 (127282) Council agreed with the staff recommendation and “authorizes staff to engage Stantec and Cavanagh Construction, on a time and material basis, to construct Phase 1 of Roy Brown Park so that the pavilions and signage can proceed”.

This decision was made for several reasons:

- 1) Stantec had already completed considerable work that was available at no cost to the Town, on the project. If another firm was engaged the Town would have to fund the cost of this work;
- 2) Preparing a tender document, advertising, evaluating and then awarding the tender would have added considerable time and the project could not have been completed this fall. Also, tendering for this project would have increased costs, particularly for engineering.
- 3) The Town is not actually paying cash for this project. Instead Cavanagh will perform work for the Town for a negotiated price that is equivalent to the area occupied by the SWM pond valued at \$192,000/Ha.

127422 Continued

A proposed agreement with Cavanagh and a report on costs to date is currently being prepared.

UPDATE – December 13th, 2016

The first estimate, received from the proposed work in Roy Brown Park is shown below:

Item	Estimated Quantity	Unit	Unit Price	Total Price
Strip Existing Topsoil	30,000	m ²	\$2.41	\$72,300.00
Screen and Place Topsoil	25,000	m ²	\$4.97	\$124,250.00
Stone Dust Pathway (3m width)	655	M	\$38.69	\$25,341.95
Chain Link for Dog Park	210	M	\$75.00	\$15,750.00
Silt Fence	600	M	\$13.53	\$8,118.00
Clearing	1	LS	\$5,000.00	\$5,000.00
Total				\$250,759.95

This estimate was prepared on the typical tender approach of paying for the work by unit costs. In addition to these costs, engineering work would be required for design and to measure the actual quantities. When establishing their fixed unit price, contractors have to estimate the time required for the work and include an allowance for contingencies and profit. This typical approach was unaffordable and deemed a poor way to approach this particular project. Also, the typical approach would have required time to prepare tender documents, and gather tender prices from contractors. This would have delayed the project so that it could not have been completed this fall.

Instead, staff recommended proceeding with the work by engaging the contractor on a time and material bases. For this project staff negotiated the following prices with Cavanagh. Staff have gathered prices for equipment from other contractors to prepare a budget for an upcoming project. The prices negotiated with Cavanagh compare favourably with other quoted prices.

ROY BROWN PARK COST COMPARISON

Item	Cavanagh	Greely	Drummond	Crains	Battlefield
Foreman	\$85.00				
Excavator	\$130.00	\$160.00	\$148.00	\$130.00	
Off Road	\$125.00		\$126.00	\$160.00	
D6 Dozer	\$130.00	\$140.00	\$130.00	\$130.00	
Screening Plant and Stacker	\$180.00	\$195.00	\$181.25		
Loader	\$100.00	\$130.00	\$126.00	\$100.00	
Skid Steer	\$85.00			\$85.00	\$88.21
Loader/Backhoe	\$75.00	\$95.00		\$75.00	
Labourers	\$42.50				
Diesel Plate	\$15.00				\$23.37
Stone Dust	\$9.15/T	\$20.25/t			
Silt Fence	\$1.40/m				\$1.45/m
Triaxle	\$85.00	\$93.00		\$85.00	
Float (each way)	N/C	\$195.00		\$125.00	\$185.00

127422 Continued

The work in 2016 in Roy Brown Park has now been completed and the total cost based on the negotiated prices is \$123,615.25 which is significantly less than the original estimate of \$250,760.

Installation of the fence around the dog park is included in the 2017 budget and will proceed in the spring of 2017.

In the future, the subdivision and SWM pond will be constructed by the Developer. A portion of the Town's property will drain into this SWM pond and so the Town, as a benefitting property owner, will need to contribute to the cost of the SWM pond.

To fund this work, Cavanagh owes the Town compensation for the property that will be occupied by the SWM pond based on \$192,000/Ha.

To summarize:

Credit to Cavanagh for 2016 work	\$123,615.25
Town's share of SWM Pond	\$ 63,600.00
Compensation to Town for property	<u>(\$192,000.00)</u>
Net Cost	(\$ 4,784.75)

As directed on August 16, 2016, staff have prepared the attached agreement with Cavanagh Construction.

STAFF RECOMMENDATION

THAT the Agreement with Cavanagh Construction that sets out the work that will be performed in Roy Brown Park in exchange for using property for a SWM Pond be executed.

COMMITTEE DECISION

Staff are to obtain a legal opinion regarding Council's ability to a sole sourced contract. Bring forward to Corporate Services Committee December 20th, 2016

COMMUNICATION 127428

Received from	Duncan Rogers, Clerk
Addressed to	Policy Review Committee
Date	November 16 th , 2016
Topic	E-Volve Integrated Electronic Voting Solutions – Simply Voting 2018 Municipal Election

SUMMARY

The 2014 Municipal Election was conducted by paper ballot and electronic tabulation for the election results.

127428 Continued

A number of local municipalities have indicated that they will be conducting the 2018 Municipal Election by electronic voting. There are several advantages to electronic voting including the following:

- Convenience for the elector
- More accessible for people with disabilities
- Reduced cost of training and the provision of election workers
- No requirement for advance voting stations or proxy voting
- Overall reduced cost to conduct the election

COMMENT

Staff has arranged for Mr. Steen Lattey, of Simply Voting Inc., to provide a presentation on electronic voting for the 2018 Municipal Election.

A paper copy of the presentation was circulated to the members of the Committee.

UPDATE – December 13, 2016

LEGISLATIVE SUMMARY

The Municipal Elections Act, 1996, sets out the rules and regulations for electors, candidates, local Councils and Clerks in both municipal and school board elections in Ontario.

On April 4, 2016, the Ministry of Municipal Affairs tabled Bill 181, The Municipal Elections Modernization Act, which introduced significant amendments to the Municipal Elections Act. The Bill received Royal Assent in June of 2016. Some of the regulations associated with the changes are been finalized by the Ministry. This legislation will impact the 2018 municipal election.

BACKGROUND INFORMATION

KEY DATES FOR THE 2018 MUNICIPAL/SCHOOL BOARD ELECTION

Change	Old Legislation	New Legislation
By-law for use of alternative voting	June 1, 2018	May 1, 2017
Bylaw for ranked ballots	N/A	May 1, 2017
Clerk's Policy & Procedures for voting/alternative voting	June 1, 2018	December 31, 2017
Clerk determines single or batch elimination for ranked votes	N/A	December 31, 2017
Ballot Question	June 1, 2018	March 1, 2018
Nominations and third party advertiser	January 2, 2018	May 1, 2018
Registration open use of Corporate Services Committee Resource Policy	N/A	May 1, 2018
Nomination Day	September 14, 2018	July 27, 2018
Close of third party advertising	N/A	October 19, 2018

127428 Continued

Nomination Period and Process

The municipal election campaign period for the 2018 Election has been shortened to thirteen weeks. Candidates can file a nomination paper with the Clerk between May 1, 2018 and July 27, 2018.

Also, a new requirement is that the nomination of a person must now be signed by at least twenty-five electors who are eligible to vote in the municipality at the time of the endorsement.

Ranked Ballot Voting

The Municipal Elections Modernization Act, gives municipalities the option to use ranked ballot voting, beginning in the 2018 election. The candidate with a majority vote will be the successful candidate. If no majority vote, the candidate with the fewest votes on the ballot would be given to the top preferred candidate. Until such time as a candidate obtains a majority vote, the lowest count ballot is redistributed to the highest preferred candidate. Ranked balloting is not permitted for the school board elections.

Methods of Voting

- Traditional voting by paper ballot and ballot box
- Traditional voting by paper ballot and electronic tabulator
- Alternate voting such as touch screen voting (you go to a voting place and vote by touching a screen)
- Vote by mail
- Vote by phone
- Vote by internet

In the 2010 Municipal/School Board Election, paper ballots and traditional vote count was used here in Carleton Place with 24 voting stations. In the 2014 election, paper ballots with electronic tabulators were used with 27 voting stations.

It is estimated for the 2018 election, using paper balloting only, the number of voting stations would increase due to the increase in population from 27 to 29 or even 30 voting stations.

The trend in municipal elections across Ontario is towards internet voting. In the 2010 election, 44 municipalities used internet voting while in 2014 the number of municipalities using internet voting increased to 97 municipalities. The chart below shows a survey of local municipalities in our area and how they intend to vote on Election Day in 2018. The survey was conducted during the week of November 28, 2016.

127428 Continued

MUNICIPALITY	TYPE OF ELECTION PROPOSED FOR 2018
Arnprior	Internet Voting
Beckwith	No decision yet Probably traditional paper ballot
Drummond/North Elmsley	Internet Voting
Lanark Highlands	No decision yet 2014 Election – Vote by mail
North Grenville	Internet Voting
Montague	Internet Voting
Mississippi Mills	Internet Voting
Perth	Decision in January Recommending Internet Voting
Renfrew	Internet Voting
Smith's Falls	No decision yet 2014 Election – Vote by mail Staff is recommending internet voting
Tay Valley	Internet Voting

The results of the 11 municipalities contacted are as follows:

- 7 municipalities will be using internet voting, some with the addition of telephone voting and limited paper ballot stations.
- 4 municipality have not made a decision yet.

Only one of the eleven municipalities canvased will likely be using paper ballots only for the 2018 election. Staff with the Town of Smiths Falls informed this office that while they used vote by mail in 2014, they will be recommending internet voting for 2018. Lanark Highlands which also used vote by mail in 2014 has not yet made a decision.

The Town of Perth which has used internet voting in the past three elections, will be recommending the same in January to Council for the 2018 election.

A majority of the municipalities in this area using internet voting utilized Intelivote Inc. for the 2014 election and plan to do the same for 2018.

Staff has contacted Intelivote Inc. who would like to give a presentation on internet voting by their firm on Tuesday, February 14, 2017 at the Policy Review Committee.

In the event that internet voting is approved by Council for the 2018 Municipal/School Board Election in Carleton Place, the following is recommended also.

That paper balloting with electronic tabulation vote count be offered as an alternative on Voting Day for electors who do not wish to vote by internet.

127428 Continued

That paper balloting be offered to residents of the four senior homes in Carleton Place for those residents who do not wish to vote by internet voting.

The Act requires that Council adopt a By-law no later than May 1, 2017 on voting, alternative voting methods and vote counting equipment.

Campaign Finance

Bill 181 prohibits corporate and union contributions to council candidates and school board trustee candidates. It provides for regulations to suspend limits on post-campaign spending on gifts and parties. Candidates do not have to open a special bank account if they do not raise or spend any money.

The nomination fee is only refunded if financial statements are filed on time. A new penalty of \$500.00 has been introduced for filing financial statements after a “grace period” of thirty days after the deadline. The Clerk is responsible for reviewing the financial statements.

Third Party Advertising

Bill 181 introduces a framework to regulate third-party advertising, which includes contribution and spending limits. Only contributors who are eligible under the Act will be able to register as a third party. Third parties also have to identify themselves on signs and advertisements. Spending limits for third-party advertising will be set out in regulation. The Act denies third-party advertising as advertisements supporting or opposing a candidate.

Advertising that does not cost money to post or broadcast, such as comments made on social media, will not be considered to be third-party advertising.

Election Signs and Advertising

Candidates are now required to include language on all campaign signs and ads to make it clear who is responsible for the messaging. Candidates must provide publishers/broadcasters with contact information which is to be kept on file for four years. There are strengthened provisions for the municipality to remove illegally placed campaign signs.

Recounts

Changes to the Act now direct the Clerk to hold a recount in accordance with a policy adopted by the Municipality. i.e. Close Vote Recount Policy.

Miscellaneous Matters

There is now a new offence for any offer, promise or agreement intended to convince an individual to register, withdraw, or avoid becoming a candidate.

Before May 1st of the year of an election, municipalities and local boards shall establish rules and procedures with response to the use of municipal or board resources during the election campaign period.

127428 Continued

Accessibility

The Act requires municipal Clerks to prepare accessibility plans to identify, remove and prevent barriers that could affect electors and candidates with disabilities and make the plan available to the public prior to voting day.

STAFF RECOMMENDATION:

That Mr. Dean Smith of Intelivote Inc. be permitted to give a presentation on internet voting at the Tuesday, February 14, 2017 Policy Review Committee meeting.

Further, that ranked balloting not be used in the 2018 Town of Carleton Place municipal election and;

Further, that the above information be Received and Recorded.

COMMITTEE DECISION

That Mr. Dean Smith of Intelivote Inc. be permitted to give a presentation on internet voting at the Tuesday, February 14, 2017 Policy Review Committee meeting.

Further, that ranked balloting not be used in the 2018 Town of Carleton Place municipal election;

Bring forward

COMMUNICATION 128014

Received from	Paul Knowles, Chief Administrative Officer
Addressed to	Policy Review Committee
Date	December 1 st , 2016
Topic	Jackson Ridge – Cost Sharing

SUMMARY

Developer has completed certain works (servicing) in Jackson Ridge Subdivision that will benefit other nearby owners. As outlined in the Subdivision Agreement, the fair share of the cost of these works is to be recovered from the benefiting owners when they decide to develop and connect to these services.

In this case, the Developer is offering to provide a 25% discount on these amounts to any owner that pays their fair share within 3 years.

128014 Continued

COMMENT

When developers design infrastructure for their project, (SWM Ponds, sewer, intersections) when appropriate the Town requires that the design include provisions that would allow future development or re-development of nearby properties. The Town then ensures the Developers are compensated when the benefitting owners develop and connect to the services. The owners are never required to contribute if they do not proceed with development and benefit from the infrastructure work. The proposed charges have been reviewed with the impacted owners.

One owner, Lynda Burger at 228 Sarah Street, feels that her property will never benefit from the infrastructure, in particular, the SWM Pond, which has been designed to include her property. She is opposed to the Town adopting a by-law requiring a contribution from her or a future owner if the property is ever connected and to having this by-law registered on title.

UPDATE – December 13th, 2016

Resident is concerned that the final plan of the subdivision only provided 10m of frontage for her property on a new street instead of the approximately 90m that was shown on a 1997 preliminary plan. Also, she asks Council not to include her property in a by-law that would recover the cost for sanitary sewer and SWM pond if her property ever connected because her property is already serviced with sanitary sewer and will not connect to the SWM pond.

COMMENT

In 1997, a preliminary plan for the area showed the creation of a road along her western edge of her property. This would have required upgrading Little Sarah Street to a full public street.

Ownership of the property changed and the subdivision plan that was approved through a public process altered the road pattern. The final plan for the subdivision includes 10m frontage on a new street for this property – sufficient for constructing a multi-family development if the owner ever decided to redevelop.

If a multi-family development was constructed on the property, there is a high probability that a connection to the newly constructed sanitary sewer and SWM pond would be sensible. If this occurs, it is reasonable that the owner should contribute a fair share of the costs of the services. However, if there is no redevelopment or, if the redevelopment is designed such that a connection to the new sanitary sewer or the SWM pond is not required, then no costs will be recovered.

STAFF RECOMMENDATION

THAT a By-law to impose the following charges to recover the capital cost of infrastructures be forwarded to Council. Owners would only be asked to pay for the services to which they connect.

128014 Continued

CHARGES PRIOR TO DECEMBER 20TH, 2019

Owner	Street	Sanitary Sewer	SWM Pond	Enbridge (Off-Site)	Total Fair Share
Thorbjornsson Holdings Ltd	\$254,696.25	\$14,921.25	\$42,251.25	\$3,975.00	\$315,843.75
Veley	\$64,256.25	\$10,177.50	\$80,838.75	\$5,850.00	\$161,122.50
Charania/Blakeley		\$2,070.00	\$22,995.00		\$25,065.00
Mulligan		\$1,983.75	\$21,292.50		\$23,276.25
Burger	\$4,312.50	\$7,503.75	\$59,362.50		\$71,178.75
Devcore				\$23,550.00	\$23,550.00
TOTAL	\$323,265.00	\$36,656.25	\$226,740.00	\$33,375.00	\$620,036.25

CHARGES AFTER DECEMBER 20TH, 2019

Owner	Street	Sanitary Sewer	SWM Pond	Enbridge (Off-Site)	Total Fair Share
Thorbjornsson Holdings Ltd	\$339,595	\$19,895	\$56,335	\$5,300	\$421,125
Veley	\$85,675	\$13,570	\$107,785	\$7,800	\$214,830
Charania/Blakeley		\$2,760	\$30,660		\$33,420
Mulligan		\$2,645	\$28,390		\$31,035
Burger	\$5,750	\$10,005	\$79,150		\$94,905
Devcore				\$31,400	\$31,400
TOTAL	\$431,020	\$48,875	\$302,320	\$44,500	\$826,715

NOTE: All charges will be adjusted based on CPI

COMMITTEE DECISION

THAT staff seek legal advice related to removing the by-law after re-development of the property. Bring forward.

COMMUNICATION 128023

Received from Paul Knowles, Chief Administrative Officer
 Addressed to Policy Review Committee
 Date December 5th, 2016
 Topic BIA Update

SUMMARY

In response to Council's invitation, the BIA would like to provide an update.

STAFF RECOMMENDATION

THAT Council hear their presentation.

128023 Continued

COMMITTEE DECISION

Receive and Record

COMMUNICATION 128024

Received from 150th Anniversary of Canada Committee
Addressed to Policy Review Committee
Date November 30th, 2016
Topic 150 Anniversary

SUMMARY

The Anniversary Committee would like to make a presentation and update Council and the events planned for the 150th Anniversary.

STAFF RECOMMENDATION

THAT Council hear their presentation.

COMMITTEE DECISION

Receive and Record

COMMUNICATION 128025

Received from Notre Dave Catholic High School
Addressed to Town
Date November 9th, 2016
Topic Notre Dame Guatemala Mission

SUMMARY

The 2017 Notre Dame Guatemala Mission would like to update the Committee with their plans.

STAFF RECOMMENDATION

THAT students make presentation.

COMMITTEE DECISION

Mayor and Council may provide financial support from their discretionary funds.
Receive and Record

COMMUNICATION 128026

Received from Paul Knowles, Chief Administrative Officer
Addressed to Policy Review Committee
Date December 8th, 2016
Topic Closed Meetings

SUMMARY

As authorized by the Municipal Act, Council should review selected items in closed session.

STAFF RECOMMENDATION

THAT in accordance with Section 239 of the Municipal Act, S.O. 2001, that the meeting be closed to the public with the following agenda.

AGENDA

- 07-06-16-1 personal matters about an identifiable individual, including municipal or local board employees - General Nature – Staff
- 08-11-16-1 personal matters about an identifiable individual, including municipal or local board employees - General Nature – Striking Committee

COMMITTEE DECISION

THAT in accordance with Section 239 of the Municipal Act, S.O. 2001, that the meeting be closed to the public with the following agenda.

AGENDA

- 07-06-16-1 personal matters about an identifiable individual, including municipal or local board employees - General Nature – Staff
- 08-11-16-1 personal matters about an identifiable individual, including municipal or local board employees - General Nature – Striking Committee
- 02-08-16-2 litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board – General Nature – 130 Industrial Avenue
- 13-12-16-1 a proposed or pending acquisition or disposition of land by the municipality or local board – General Nature – Old Train Station

REPORT TO COUNCIL

- 07-06-16-1 Bring forward
- 08-11-16-1 Bring forward
- 02-08-16-2 Receive and Record
- 13-12-16-1 Bring forward



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- 5) **COMMUNICATION 128026 IS A CLOSED MEETING**
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STAFF RECOMMENDATION

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COMMITTEE DECISION

TO BE DISCUSSED

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SUMMARY

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UPDATE – August 2nd, 2016

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STAFF RECOMMENDATION

THAT the Committee make a recommendation on this matter and inform the applicant.

COMMITTEE DECISION

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Addressed to Paul Knowles, Chief Administrative Officer
Date November 8th, 2016
Topic Roy Brown Park

SUMMARY

Resident is concerned that the Town did not follow the Procurement of Goods and Services Policy when the work in Roy Brown Park was awarded without using a formal tendering process. He wishes acknowledgement of his formal complaint and an investigation of the issue.

COMMENT

On August 16th, 2016 (127282) Council agreed with the staff recommendation and “authorizes staff to engage Stantec and Cavanagh Construction, on a time and material basis, to construct Phase 1 of Roy Brown Park so that the pavilions and signage can proceed”.

This decision was made for several reasons:

- 1) Stantec had already completed considerable work that was available at no cost to the Town, on the project. If another firm was engaged the Town would have to fund the cost of this work;
- 2) Preparing a tender document, advertising, evaluating and then awarding the tender would have added considerable time and the project could not have been completed this fall. Also, tendering for this project would have increased costs, particularly for engineering.
- 3) The Town is not actually paying cash for this project. Instead Cavanagh will perform work for the Town for a negotiated price that is equivalent to the area occupied by the SWM pond valued at \$192,000/Ha.

A proposed agreement with Cavanagh and a report on costs to date is currently being prepared.

127422 Continued

UPDATE – December 13th, 2016

The first estimate, received from the proposed work in Roy Brown Park is shown below:

Item	Estimated Quantity	Unit	Unit Price	Total Price
Strip Existing Topsoil	30,000	m ²	\$2.41	\$72,300.00
Screen and Place Topsoil	25,000	m ²	\$4.97	\$124,250.00
Stone Dust Pathway (3m width)	655	M	\$38.69	\$25,341.95
Chain Link for Dog Park	210	M	\$75.00	\$15,750.00
Silt Fence	600	M	\$13.53	\$8,118.00
Clearing	1	LS	\$5,000.00	\$5,000.00
Total				\$250,759.95

This estimate was prepared on the typical tender approach of paying for the work by unit costs. In addition to these costs, engineering work would be required for design and to measure the actual quantities. When establishing their fixed unit price, contractors have to estimate the time required for the work and include an allowance for contingencies and profit. This typical approach was unaffordable and deemed a poor way to approach this particular project. Also, the typical approach would have required time to prepare tender documents, and gather tender prices from contractors. This would have delayed the project so that it could not have been completed this fall.

Instead, staff recommended proceeding with the work by engaging the contractor on a time and material bases. For this project staff negotiated the following prices with Cavanagh. Staff have gathered prices for equipment from other contractors to prepare a budget for an upcoming project. The prices negotiated with Cavanagh compare favourably with other quoted prices.

ROY BROWN PARK COST COMPARISON

Item	Cavanagh	Greely	Drummond	Crains	Battlefield
Foreman	\$85.00				
Excavator	\$130.00	\$160.00	\$148.00	\$130.00	
Off Road	\$125.00		\$126.00	\$160.00	
D6 Dozer	\$130.00	\$140.00	\$130.00	\$130.00	
Screening Plant and Stacker	\$180.00	\$195.00	\$181.25		
Loader	\$100.00	\$130.00	\$126.00	\$100.00	
Skid Steer	\$85.00			\$85.00	\$88.21
Loader/Backhoe	\$75.00	\$95.00		\$75.00	
Labourers	\$42.50				
Diesel Plate	\$15.00				\$23.37
Stone Dust	\$9.15/T	\$20.25/t			
Silt Fence	\$1.40/m				\$1.45/m
Triaxle	\$85.00	\$93.00		\$85.00	
Float (each way)	N/C	\$195.00		\$125.00	\$185.00

127422 Continued

The work in 2016 in Roy Brown Park has now been completed and the total cost based on the negotiated prices is \$123,615.25 which is significantly less than the original estimate of \$250,760.

Installation of the fence around the dog park is included in the 2017 budget and will proceed in the spring of 2017.

In the future, the subdivision and SWM pond will be constructed by the Developer. A portion of the Town's property will drain into this SWM pond and so the Town, as a benefitting property owner, will need to contribute to the cost of the SWM pond.

To fund this work, Cavanagh owes the Town compensation for the property that will be occupied by the SWM pond based on \$192,000/Ha.

To summarize:

Credit to Cavanagh for 2016 work	\$123,615.25
Town's share of SWM Pond	\$ 63,600.00
Compensation to Town for property	<u>(\$192,000.00)</u>
Net Cost	(\$ 4,784.75)

As directed on August 16, 2016, staff have prepared the attached agreement with Cavanagh Construction.

STAFF RECOMMENDATION

THAT the Agreement with Cavanagh Construction that sets out the work that will be performed in Roy Brown Park in exchange for using property for a SWM Pond be executed.

COMMITTEE DECISION

COMMUNICATION 127428

Received from Duncan Rogers, Clerk
Addressed to Policy Review Committee
Date November 16th, 2016
Topic E-Volve Integrated Electronic Voting Solutions – Simply Voting
 2018 Municipal Election

SUMMARY

The 2014 Municipal Election was conducted by paper ballot and electronic tabulation for the election results.

A number of local municipalities have indicated that they will be conducting the 2018 Municipal Election by electronic voting. There are several advantages to electronic voting including the following:

- Convenience for the elector
- More accessible for people with disabilities
- Reduced cost of training and the provision of election workers
- No requirement for advance voting stations or proxy voting
- Overall reduced cost to conduct the election

COMMENT

Staff has arranged for Mr. Steen Lattey, of Simply Voting Inc., to provide a presentation on electronic voting for the 2018 Municipal Election.

A paper copy of the presentation was circulated to the members of the Committee.

UPDATE – December 13, 2016

LEGISLATIVE SUMMARY

The Municipal Elections Act, 1996, sets out the rules and regulations for electors, candidates, local Councils and Clerks in both municipal and school board elections in Ontario.

On April 4, 2016, the Ministry of Municipal Affairs tabled Bill 181, The Municipal Elections Modernization Act, which introduced significant amendments to the Municipal Elections Act. The Bill received Royal Assent in June of 2016. Some of the regulations associated with the changes are being finalized by the Ministry. This legislation will impact the 2018 municipal election.

127428 Continued

BACKGROUND INFORMATION

KEY DATES FOR THE 2018 MUNICIPAL/SCHOOL BOARD ELECTION

Change	Old Legislation	New Legislation
By-law for use of alternative voting	June 1, 2018	May 1, 2017
Bylaw for ranked ballots	N/A	May 1, 2017
Clerk’s Policy & Procedures for voting/alternative voting	June 1, 2018	December 31, 2017
Clerk determines single or batch elimination for ranked votes	N/A	December 31, 2017
Ballot Question	June 1, 2018	March 1, 2018
Nominations and third party advertiser	January 2, 2018	May 1, 2018
Registration open use of Corporate Services Committee Resource Policy	N/A	May 1, 2018
Nomination Day	September 14, 2018	July 27, 2018
Close of third party advertising	N/A	October 19, 2018

Nomination Period and Process

The municipal election campaign period for the 2018 Election has been shortened to thirteen weeks. Candidates can file a nomination paper with the Clerk between May 1, 2018 and July 27, 2018.

Also, a new requirement is that the nomination of a person must now be signed by at least twenty-five electors who are eligible to vote in the municipality at the time of the endorsement.

Ranked Ballot Voting

The Municipal Elections Modernization Act, gives municipalities the option to use ranked ballot voting, beginning in the 2018 election. The candidate with a majority vote will be the successful candidate. If no majority vote, the candidate with the fewest votes on the ballot would be given to the top preferred candidate. Until such time as a candidate obtains a majority vote, the lowest count ballot is redistributed to the highest preferred candidate. Ranked balloting is not permitted for the school board elections.

Methods of Voting

- Traditional voting by paper ballot and ballot box
- Traditional voting by paper ballot and electronic tabulator
- Alternate voting such as touch screen voting (you go to a voting place and vote by touching a screen)
- Vote by mail
- Vote by phone
- Vote by internet

127428 Continued

In the 2010 Municipal/School Board Election, paper ballots and traditional vote count was used here in Carleton Place with 24 voting stations. In the 2014 election, paper ballots with electronic tabulators were used with 27 voting stations. It is estimated for the 2018 election, using paper balloting only, the number of voting stations would increase due to the increase in population from 27 to 29 or even 30 voting stations.

The trend in municipal elections across Ontario is towards internet voting. In the 2010 election, 44 municipalities used internet voting while in 2014 the number of municipalities using internet voting increased to 97 municipalities.

The chart below shows a survey of local municipalities in our area and how they intend to vote on Election Day in 2018. The survey was conducted during the week of November 28, 2016.

MUNICIPALITY	TYPE OF ELECTION PROPOSED FOR 2018
Arnprior	Internet Voting
Beckwith	No decision yet Probably traditional paper ballot
Drummond/North Elmsley	Internet Voting
Lanark Highlands	No decision yet 2014 Election – Vote by mail
North Grenville	Internet Voting
Montague	Internet Voting
Mississippi Mills	Internet Voting
Perth	Decision in January Recommending Internet Voting
Renfrew	Internet Voting
Smith's Falls	No decision yet 2014 Election – Vote by mail Staff is recommending internet voting
Tay Valley	Internet Voting

The results of the 11 municipalities contacted are as follows:

- 7 municipalities will be using internet voting, some with the addition of telephone voting and limited paper ballot stations.
- 4 municipality have not made a decision yet.

127428 Continued

Only one of the eleven municipalities canvased will likely be using paper ballots only for the 2018 election. Staff with the Town of Smiths Falls informed this office that while they used vote by mail in 2014, they will be recommending internet voting for 2018. Lanark Highlands which also used vote by mail in 2014 has not yet made a decision.

The Town of Perth which has used internet voting in the past three elections, will be recommending the same in January to Council for the 2018 election.

A majority of the municipalities in this area using internet voting utilized Intelivote Inc. for the 2014 election and plan to do the same for 2018.

Staff has contacted Intelivote Inc. who would like to give a presentation on internet voting by their firm on Tuesday, February 14, 2017 at the Policy Review Committee.

In the event that internet voting is approved by Council for the 2018 Municipal/School Board Election in Carleton Place, the following is recommended also.

That paper balloting with electronic tabulation vote count be offered as an alternative on Voting Day for electors who do not wish to vote by internet.

That paper balloting be offered to residents of the four senior homes in Carleton Place for those residents who do not wish to vote by internet voting.

The Act requires that Council adopt a By-law no later than May 1, 2017 on voting, alternative voting methods and vote counting equipment.

Campaign Finance

Bill 181 prohibits corporate and union contributions to council candidates and school board trustee candidates. It provides for regulations to suspend limits on post-campaign spending on gifts and parties. Candidates do not have to open a special bank account if they do not raise or spend any money.

The nomination fee is only refunded if financial statements are filed on time. A new penalty of \$500.00 has been introduced for filing financial statements after a “grace period” of thirty days after the deadline. The Clerk is responsible for reviewing the financial statements.

Third Party Advertising

Bill 181 introduces a framework to regulate third-party advertising, which includes contribution and spending limits. Only contributors who are eligible under the Act will be able to register as a third party. Third parties also have to identify themselves on signs and advertisements. Spending limits for third-party advertising will be set out in regulation. The Act denies third-party advertising as advertisements supporting or opposing a candidate.

127428 Continued

Advertising that does not cost money to post or broadcast, such as comments made on social media, will not be considered to be third-party advertising.

Election Signs and Advertising

Candidates are now required to include language on all campaign signs and ads to make it clear who is responsible for the messaging. Candidates must provide publishers/broadcasters with contact information which is to be kept on file for four years. There are strengthened provisions for the municipality to remove illegally placed campaign signs.

Recounts

Changes to the Act now direct the Clerk to hold a recount in accordance with a policy adopted by the Municipality. i.e. Close Vote Recount Policy.

Miscellaneous Matters

There is now a new offence for any offer, promise or agreement intended to convince an individual to register, withdraw, or avoid becoming a candidate.

Before May 1st of the year of an election, municipalities and local boards shall establish rules and procedures with respect to the use of municipal or board resources during the election campaign period.

Accessibility

The Act requires municipal Clerks to prepare accessibility plans to identify, remove and prevent barriers that could affect electors and candidates with disabilities and make the plan available to the public prior to voting day.

STAFF RECOMMENDATION:

That Mr. Dean Smith of Intelivote Inc. be permitted to give a presentation on internet voting at the Tuesday, February 14, 2017 Policy Review Committee meeting.

Further, that ranked balloting not be used in the 2018 Town of Carleton Place municipal election and;

Further, that the above information be Received and Recorded.

COMMITTEE DECISION

COMMUNICATION 128014

Received from Paul Knowles, Chief Administrative Officer
Addressed to Policy Review Committee
Date December 1st, 2016
Topic Jackson Ridge – Cost Sharing

SUMMARY

Developer has completed certain works (servicing) in Jackson Ridge Subdivision that will benefit other nearby owners. As outlined in the Subdivision Agreement, the fair share of the cost of these works is to be recovered from the benefiting owners when they decide to develop and connect to these services.

In this case, the Developer is offering to provide a 25% discount on these amounts to any owner that pays their fair share within 3 years.

COMMENT

When developers design infrastructure for their project, (SWM Ponds, sewer, intersections) when appropriate the Town requires that the design include provisions that would allow future development or re-development of nearby properties. The Town then ensures the Developers are compensated when the benefitting owners develop and connect to the services. The owners are never required to contribute if they do not proceed with development and benefit from the infrastructure work. The proposed charges have been reviewed with the impacted owners.

One owner, Lynda Burger at 228 Sarah Street, feels that her property will never benefit from the infrastructure, in particular, the SWM Pond, which has been designed to include her property. She is opposed to the Town adopting a by-law requiring a contribution from her or a future owner if the property is ever connected and to having this by-law registered on title.

UPDATE – December 13th, 2016

Resident is concerned that the final plan of the subdivision only provided 10m of frontage for her property on a new street instead of the approximately 90m that was shown on a 1997 preliminary plan. Also, she asks Council not to include her property in a by-law that would recover the cost for sanitary sewer and SWM pond if her property ever connected because her property is already serviced with sanitary sewer and will not connect to the SWM pond.

COMMENT

In 1997, a preliminary plan for the area showed the creation of a road along her western edge of her property. This would have required upgrading Little Sarah Street to a full public street.

Ownership of the property changed and the subdivision plan that was approved through a public process altered the road pattern. The final plan for the subdivision includes 10m frontage on a new street for this property – sufficient for constructing a multi-family development if the owner ever decided to redevelop.

128014 Continued

If a multi-family development was constructed on the property, there is a high probability that a connection to the newly constructed sanitary sewer and SWM pond would be sensible. If this occurs, it is reasonable that the owner should contribute a fair share of the costs of the services. However, if there is no redevelopment or, if the redevelopment is designed such that a connection to the new sanitary sewer or the SWM pond is not required, then no costs will be recovered.

STAFF RECOMMENDATION

THAT a By-law to impose the following charges to recover the capital cost of infrastructures be forwarded to Council. Owners would only be asked to pay for the services to which they connect.

CHARGES PRIOR TO DECEMBER 20TH, 2019

Owner	Street	Sanitary Sewer	SWM Pond	Enbridge (Off-Site)	Total Fair Share
Thorbjornsson Holdings Ltd	\$254,696.25	\$14,921.25	\$42,251.25	\$3,975.00	\$315,843.75
Veley	\$64,256.25	\$10,177.50	\$80,838.75	\$5,850.00	\$161,122.50
Charania/Blakeley		\$2,070.00	\$22,995.00		\$25,065.00
Mulligan		\$1,983.75	\$21,292.50		\$23,276.25
Burger	\$4,312.50	\$7,503.75	\$59,362.50		\$71,178.75
Devcore				\$23,550.00	\$23,550.00
TOTAL	\$323,265.00	\$36,656.25	\$226,740.00	\$33,375.00	\$620,036.25

CHARGES AFTER DECEMBER 20TH, 2019

Owner	Street	Sanitary Sewer	SWM Pond	Enbridge (Off-Site)	Total Fair Share
Thorbjornsson Holdings Ltd	\$339,595	\$19,895	\$56,335	\$5,300	\$421,125
Veley	\$85,675	\$13,570	\$107,785	\$7,800	\$214,830
Charania/Blakeley		\$2,760	\$30,660		\$33,420
Mulligan		\$2,645	\$28,390		\$31,035
Burger	\$5,750	\$10,005	\$79,150		\$94,905
Devcore				\$31,400	\$31,400
TOTAL	\$431,020	\$48,875	\$302,320	\$44,500	\$826,715

NOTE: All charges will be adjusted based on CPI

COMMITTEE DECISION

COMMUNICATION 128023

Received from Paul Knowles, Chief Administrative Officer
Addressed to Policy Review Committee
Date December 5th, 2016
Topic BIA Update

SUMMARY

In response to Council's invitation, the BIA would like to provide an update.

STAFF RECOMMENDATION

THAT Council hear their presentation.

COMMITTEE DECISION

COMMUNICATION 128024

Received from 150th Anniversary of Canada Committee
Addressed to Policy Review Committee
Date November 30th, 2016
Topic 150 Anniversary

SUMMARY

The Anniversary Committee would like to make a presentation and update Council and the events planned for the 150th Anniversary.

STAFF RECOMMENDATION

THAT Council hear their presentation.

COMMITTEE DECISION

COMMUNICATION 128025

Received from Notre Dame Catholic High
Addressed to School Town
Date November 9th, 2016
Topic Notre Dame Guatemala Mission

SUMMARY

The 2017 Notre Dame Guatemala Mission would like to update the Committee with their plans.

STAFF RECOMMENDATION

THAT students make presentation.

COMMITTEE DECISION

COMMUNICATION 128026

Received from Paul Knowles, Chief Administrative Officer
Addressed to Policy Review Committee
Date December 8th, 2016
Topic Closed Meetings

SUMMARY

As authorized by the Municipal Act, Council should review selected items in closed session.

STAFF RECOMMENDATION

THAT in accordance with Section 239 of the Municipal Act, S.O. 2001, that the meeting be closed to the public with the following agenda.

128xxx Continued

AGENDA

- 07-06-16-1 personal matters about an identifiable individual, including municipal or local board employees - General Nature – Staff

- 08-11-16-1 personal matters about an identifiable individual, including municipal or local board employees - General Nature – Striking Committee

AGREEMENT

B E T W E E N

the TOWN OF CARLETON PLACE

(hereinafter called the Town)

- AND -

THOMAS CAVANAGH CONSTRUCTION LIMITED

(hereinafter called Cavanagh)

WHEREAS Cavanagh wishes to construct a SWM Pond on the Town's property;

AND WHEREAS the Town has agreed that Cavanagh may construct a SWM Pond on a portion of the Town's property known as Roy Brown Park but only in exchange for compensation at the fair market price of \$192,000/Ha;

AND WHEREAS Cavanagh will provide this compensation primarily in the form of work in Roy Brown Park;

NOW THEREFORE the parties do hereby agree that:

- 1) Cavanagh has completed work (strip, screen and place topsoil, construct pathway) in Roy Brown Park in 2016 valued at \$123,615.25;
- 2) The current estimate for the SWM Pond is \$1,000,000. The Town, as a benefitting property owner, is responsible for 6.3% of the cost of the SWM pond, therefore the Town will owe Cavanagh \$63,600;
- 3) The SWM Pond is estimated to require 1.0 Ha of property, therefore Cavanagh will owe the Town \$192,000;
- 4) To summarize:

Credit to Cavanagh for 2016 work	\$123,615.25
Town's share of SWM Pond	\$ 63,600.00
Compensation to Town for property	<u>(\$192,000.00)</u>
Net Cost	(\$ 4,784.75)

- 5) Upon completion of the SWM Pond, the actual cost of the SWM Pond and the actual area occupied by the SWM Pond will be used to re-calculate the summary in 4) above. Any net cost will be paid by cash. However, Cavanagh guarantees that the Town's share of the SWM pond will not exceed \$68,000.
- 6) This Agreement will expire on December 31st, 2026 and neither party will have any obligations thereafter. For clarity, this means that the Town would not have any obligation to accept the placement of the pond on the Town's property. And, further, that the Town would not have any obligation to pay for the work completed in 2016.

THIS AGREEMENT EXECUTED ON

2016.

Thomas Cavanagh Construction

Louis Antonakos, Mayor

Thomas Cavanagh Construction

D.H. Rogers, Clerk