

The Corporation of the Town of



REGULAR COUNCIL MEETING AGENDA

Held on August 13, 2019 at 5:00 PM

At Town Hall – Council Chambers – 2nd Floor – 30 King Street East

1	Call Meeting to Order
2	Disclosure of Pecuniary Interest & General Nature Thereof
3	Closed Meeting of Council
	<input checked="" type="checkbox"/> A Position, Plan, Procedure, Criteria or Instruction to be Applied to any Negotiations Carried On or to be Carried on by or on Behalf of the Municipality or Local Board <ul style="list-style-type: none"> • Two (2) Items
	<input checked="" type="checkbox"/> Labour Relations or Employee Negotiations <ul style="list-style-type: none"> • One (1) Item
4	Adoption of Closed Minutes – Tuesday, June 18 and Monday, July 15, 2019
5	Move Out of Closed Session
6	Matters Arising from Closed Session
7	Disclosure of Additional Items
8	Presentations/Awards/Deputations
	1. Certificate of Achievement – Completion of Basic Recruit Training – Gananoque Fire Department: <ul style="list-style-type: none"> ❖ Kaitlin Briggs ❖ Dillon Champagne ❖ Andrew Coe ❖ Kevin Conway ❖ Rick Hart ❖ Andrew Kent ❖ Ryan Longthorne ❖ Timothy McFadden ❖ Kate Millar
9	Mayor’s Declaration – None
10	Public Meetings – None
11	Unfinished / New Business
	Adam McCluskey, Project Manager
	Council-RECM-2019-08 – Construction of Gord Brown Memorial 150 Rink – Award of Tender – Seaway Construction & Management Inc.

12	Consent Agenda
12a	Minutes of Council – Approval of Council Minutes – Monday, July 15, Tuesday, July 16 and Wednesday, July 24, 2019
13	Motions (Council Direction to Staff)
14	Notice Required Under the Notice By-law – None
15	Committee Updates (Council Reps)
16	Discussion of Additional Items
17	Miscellaneous
	Brenda Guy, Manager of Community Development
	Council-CD-2019-06 – Model Home Agreement – SD2019-01 – Veenstra c/o 1622378 Ontario Inc.
18	Confirmation By-law
	By-law No. 2019-082 – Confirm the proceedings of Council for the meeting held on Tuesday, August 13, 2019 (3 Readings)
19	Next Meeting – Tuesday, September 3, 2019
20	Adjournment



Council Report – RECM-2019-08

Date: August 13, 2019

IN CAMERA

Subject: Construction of Gord Brown Memorial (GBM) Canada 150 Rink
– Award of Tender

Author: Adam McCluskey, Project Manager

OPEN SESSION

RECOMMENDATION:

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2019-080 TO AWARD THE TENDER FOR THE CONSTRUCTION OF THE GORD BROWN MEMORIAL (GBM) CANADA 150 RINK TO SEAWAY CONSTRUCTION & MANAGEMENT INC.. IN THE AMOUNT OF \$563,109 PLUS THE TOWN'S PORTION OF THE HST (RECOGNIZING A \$150K CASH ALLOWANCE), AND FURTHER, AUTHORIZE THE MAYOR AND CLERK TO SIGN THE ASSOCIATED AGREEMENT, AS PRESENTED IN COUNCIL REPORT RECM-2019-08.

STRATEGIC PLAN COMMENTS:

Sector #4 – Quality of Life – Strategic Initiative #1 – To ensure the recreation needs of our community are being met in fiscally responsible manner.

BACKGROUND:

The Town of Gananoque received the award of the Canada 150 Rink in September of 2018. Thanks to the efforts of staff and volunteers on the fundraising committee, several grants were secured to help cover costs for the construction of the NHL sized rink at the Lou Jeffries Arena site. Eastern Engineering was awarded the contract as lead consultant for the design and construction of the GBM 150 outdoor rink. The Town has previously bulk purchased construction materials to take advantage of funding deadlines and also hired a refrigeration specialist separately to design the infrastructure for refrigeration plant. As the last step in the completing phase 1 of the Gord Brown Memorial Canada 150 rink, a constructor is now needed to commence the physical work to bring this project to reality.

INFORMATION/DISCUSSION

The Town advertised tender RECM-2019-8610A on biddingo.com and the Town's website on July 5th, 2019 for the construction of the Gord Brown Memorial 150 Rink with a closing date and time of July 19th, 2019 at 12:00 pm. The Town received four (4) bids for this RFQ. The tenders were opened at Town Hall at 12:00 pm on July 19th, 2019 with Treasurer, Melanie Kirkby and Manager of Parks & Recreation, Kari Lambe in attendance.

The submission is as follows:

Bidder	Amount exc. HST and \$150K cash allowance
SEAWAY Construction & Management Inc.	\$626,342
Gordon Barr Limited	\$708,745
Frecon Construction Limited	\$823,000
Richard D Steele Construction	\$975,794

Staff reviewed the submissions thoroughly ensuring that the proposals met the spirit and specifications required in the revised tender. SEAWAY Construction & Management Inc. (SEAWAY) was the lowest bidder while providing the best value to the Town. It should be noted that the bids include a \$150,000 cash allowance that reduces the SEAWAY bid to \$476,342.

On July 24, 2019, Council passed Motion #19-164 to direct staff to negotiate with Seaway to identify potential cost savings through scope reductions to bring the contract closer to the proposed budget/amounts fundraised.

Staff met with SEAWAY and the engineering consultant on August 8, 2019 to remove non-critical infrastructure from the scope in order to bring the construction costs within budget and bring the GBM150 project to fruition.

SEAWAY submitted a list of cost savings (Attachment #1) in the amount of \$63,233.81 bringing their overall bid to \$563,109.00 less the \$150K cash allowance for a total of \$413,109 plus the Town's portion of the HST.

APPLICABLE POLICY/LEGISLATION:

Procurement By-law No. 2015-087

FINANCIAL CONSIDERATIONS:

All capital costs for the construction of the GBM150 are 100% grant or fund risen. Below is a chart of monies received from either grants or the fund raising committee to date, note that other amounts have been confirmed but not yet received so they are not currently reported.

Source	Amount
1000 Islands CDC	\$112,227
Thousand Islands Accommodation Partners	\$125,000
Canada 150 Grant	\$150,000
Town Capital (Zamboni)	\$109,220.12
Donations	\$252,057.52
Farm Credit Canada	\$25,000
Ontario Trillium Foundation	\$150,000
Total	\$923,504.64

Below are expenditures already incurred for the GBM 150 project:

Source	Amount
Eastern Engineering	\$99,075
Building Materials	\$119,915.06
Site Work (Survey, Topographical study, etc)	\$11,781.83
Zamboni	\$109,220.12
CIMCO	\$150,000.00
Total	\$489,992.01

Source	Amount
Funds Received to date	\$648,504.64
TIAP Contribution (pending)	\$100,000.00
Ontario Trillium Foundation	\$150,000.00
Farm Credit Canada	\$25,000.00
Expenditures to date	\$489,992.01
Funds from the Gord Brown Memorial Golf Tournament on August 15, 2019	TBD
Balance Remaining for Construction	\$433,512.63

CONSULTATIONS:

Seaway Construction & Management Inc.
Eastern Engineering

ATTACHMENTS:

Seaway Cost Saving Summary

APPROVAL	<p>_____</p> <p>Adam McCluskey, Project Manager</p> <p>_____</p> <p>Shellee Fournier, CAO</p>
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The Corporation of the Town of Gananoque
30 King St., East, Box 100
Gananoque, On K7G 2T6

August 09, 2019

Attn: Ms. Shellee Fournier, Ec.D, CMO

Re: Cost Saving Proposal for Gord Brown Memorial 150 Rink

Dear Shellee, please find attached our cost breakdown sheet for the above project with cost saving adjustments as per our meeting yesterday at our office. We have taken the time to review our project costs and feel that we have adjusted/deleted as much as we are comfortable with. We hope that this is to the satisfaction of the town and it's representatives. Please find below a brief summary of the revised items. if you have any questions or concerns please feel free to contact us at anytime. We look forward to hearing from you at your earliest convenience.

Revised Items:

Item 2- Demolish existing chain link fence and dispose of same.	Savings	\$ 1,000.00
Item 5- Delete 2- HDPE catch-basins.	Savings	\$ 5,700.00
Item 6- Delete entirely.	Savings	\$ 5,571.59
Item 7- Delete entirely.	Savings	\$ 1,710.00
Item 10- Delete tie-beams entirely.	Savings	\$ 18,000.30
Item 13- Delete scoreboard installation, conduit to location only.	Savings	\$ 21,538.02
Item 16- Delete entirely.	Savings	\$ 2,405.40
Item 17- Delete entirely.	Savings	\$ 2,308.50
Bonding delete entirely.	Savings	<u>\$ 5,000.00</u>
Total Savings		\$ 63,233.81

Regards,



Greg Hanna

Project Manager/Estimator

In accordance with the first paragraph of this Tender the Contractor hereby offers to complete the work specified in the Contract for the following prices for:

CONTRACT NO. 8610 PHASE 1

ITEM NO.	SPEC. NO.	DESCRIPTION	UNIT	EST. QTY.			
1	S.P.	Environmental Protection	L.S.	L.S.	\$ 1,710.00	\$ 1,710.00	\$ 1,710.00
2	S.P.	Site Preparation *** Note 3	L.S.	L.S.	\$ 17,980.08	\$ 17,980.08	\$ 16,980.08
3	S.P.	Earth Excavation (Grubbing/Grading)	L.S.	L.S.	\$ 26,983.80	\$ 26,983.80	\$ 26,983.80
4	S.P.	Storm Subdrain	per each	100	\$ 176.70	\$ 17,670.00	\$ 17,670.00
5	S.P.	HDPE Catchbasin ****Note 4	per each	5	\$ 2,850.00	\$ 14,250.00	\$ 8,550.00
6	S.P.	19mm Water Service	per m	16	\$ 348.22	\$ 5,571.59	\$ -
7	S.P.	Yard Hydrant Set	per each	1	\$ 1,710.00	\$ 1,710.00	\$ -
8	S.P.	Sodding including placing of Topsoil	per sq. m	420	\$ 17.10	\$ 7,182.00	\$ 7,182.00
9	S.P.	100mm Utility Duct PVC	per m	190	\$ 79.80	\$ 15,162.00	\$ 15,162.00
10	S.P.	Concrete Ice Pad ** Note 2	L.S.	L.S.	\$ 204,510.30	\$ 204,510.30	\$ 186,510.00
11	S.P.	Ice Pad Base	L.S.	L.S.	\$ 22,923.12	\$ 22,923.12	\$ 22,923.12
12	S.P.	Lighting Installation	L.S.	L.S.	\$ 52,440.00	\$ 52,440.00	\$ 52,440.00
13	S.P.	Score board installation *Note 1	L.S.	L.S.	\$ 25,186.02	\$ 25,186.02	\$ 3,648.00
14	S.P.	Refrigeration Piping	Cash allowance		\$162,750.00	\$162,750.00	\$162,750.00
15	S.P.	Board Installation	L.S.	L.S.	\$ 45,600.00	\$ 45,600.00	\$ 45,600.00
16	S.P.	Granular 'A'	per ton	100	\$ 24.05	\$ 2,405.40	\$ -
17	S.P.	Granular 'B', Type II (Modified)	per ton	100	\$ 23.09	\$ 2,308.50	\$ -
Subtotal						\$ 626,342.81	\$ 568,109.00

Delete Bonding -\$5,000
 Total Contract \$ 563,109.00
 Total Savings \$ 63,233.81

NOTES: * Note # 1- Supply & install conduit only to scoreboard
 **Note # 2- Delete Tie beams entirely
 ***Note # 3- Demolish existing chain link
 ****Note # 4- Delete 2 HDPE catchbasins

The Corporation of the Town of



Consent Agenda Items

Moved by:

Seconded by:

Be it resolved that the By-laws and Motions listed on the Consent Agenda be passed accordingly:

BY-LAWS:

2019-077 – Amend By-law No. 2018-039 – Municipal Alcohol Policy – Various Amendments

2019-078 – Temporary Egress Agreement – 1662378 Ontario Inc. (Veenstra)

MOTIONS:

#19-165 – Approval of Minutes – Monday, July 15, Tuesday, July 16 and Wednesday, July 24, 2019
BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE HEREBY ADOPTS THE MINUTES OF MONDAY, JULY 15TH, TUESDAY, JULY 16TH AND WEDNESDAY, JULY 24TH, 2019, MEETING.

#19-166 – Notice of Motion – Amend Traffic and Parking By-law No. 2015-070 – Allow Sport Activities on Roadways
AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE DIRECTS STAFF TO REVIEW THE TRAFFIC AND PARKING BY-LAW NO. 2015-070, PARTICULARLY SECTION 53.1 AND 63.2.5, TO AMEND THE PROVISIONS TO ALLOW GAMING OR SPORTS ON ROADWAYS, AND BRING BACK A REPORT TO THE COMMITTEE OF THE WHOLE FOR CONSIDERATION.

#19-167 – Notice of Motion – Upper Canada District School Board – Request for Electronic Signage from Gananoque Intermediate Secondary School (GISS)
AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE DIRECTS STAFF TO SUBMIT A FORMAL REQUEST TO THE UPPER CANADA DISTRICT SCHOOL BOARD (UCDSB) REGARDING THE POTENTIAL GIFTING OF THE ELECTRONIC SIGN LOCATED AT THE GANANOQUE INTERMEDIATE AND SECONDARY SCHOOL (GISS),

AND FURTHER, REQUEST STAFF TO BRING BACK A REPORT FOR THE COMMITTEE'S CONSIDERATION PROVIDING THE COSTS ASSOCIATED WITH ACQUIRING/INSTALLING AND OPERATING THE ELECTRONIC SIGN.

#19-168 – Notice of Motion – Recognize First Nations in Gananoque
AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE REQUESTS THE MUNICIPAL HERITAGE ADVISORY PANEL TO INVESTIGATE THE FEASIBILITY OF DEDICATING A TOWN PARK (TO BE DETERMINED) TO RECOGNIZE THE CONNECTION TO OUR FIRST NATIONS IN TOWN.

#19-169 – Notice of Motion – Gananoque Marina – Study on Improvements
WHEREAS THE MARINA BUILDING ASSESSMENT, IN THE AMOUNT OF \$15,000, WAS REMOVED BY COUNCIL FROM THE 2019 CAPITAL BUDGET,

NOW THEREFORE, AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE DIRECT STAFF TO ONCE AGAIN INCLUDE THE MARINA BUILDING ASSESSMENT IN THE 2020 BUDGET FOR CONSIDERATION.

#19-170 – Council Grant Application – Joel Stone's Birthday Celebration – Request for Funding
AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE APPROVES A COUNCIL GRANT IN THE AMOUNT OF \$400.00, FOR JOEL STONE'S BIRTHDAY CELEBRATION, SCHEDULED FOR WEDNESDAY AUGUST 7TH, 2019.

#19-171 – Accounts Payable – June 25 to July 8, 2019

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES THE STATEMENT OF ACCOUNTS PAYABLE FOR CHEQUES ISSUED FROM JUNE 25 TO JULY 8, 2019 TOTALLING \$505,842.50, AS PRESENTED.

#19-172 – Capital Matters Pending

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES THE CAPITAL MATTERS PENDING UPDATE, AS PRESENTED IN COW REPORT FIN-2019-27.

#19-173 – Community Safety and Wellbeing Plan

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES AND ADOPTS THE COMMUNITY SAFETY AND WELLBEING PLAN, AS PRESENTED IN REPORT COW-CAO-2019-05.

SAVE AND EXCEPT:

By-law No. 2019-079 – Municipal Cannabis Retail Policy Statement

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2019-079, BEING A BY-LAW TO ESTABLISH A MUNICIPAL CANNABIS RETAIL POLICY STATEMENT AS IT RELATES TO RETAIL CANNABIS STORES IN THE TOWN OF GANANOQUE, AS PRESENTED IN COW REPORT CD-2019-10, AND REMOVE LOWER TOWN AS A SENSITIVE AREA.

#19-174 – 2019 Capital Project List – Remove Garbage Disposal Enclosure from 2019 Capital Projects

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE DIRECT STAFF TO REMOVE THE GARBAGE ENCLOSURE FROM THE 2019 CAPITAL PROJECT LIST.

As presented at the regular Council Meeting held this 13th day of August, 2019.

Approved: August 13, 2019

Ted Lojko, Mayor

Unanimous

Carried

Ayes _____

Nays _____

7.	Public Meetings – None
8.	Unfinished / New Business – None
9.	Consent Agenda
<p>Moved by: Deputy Mayor Osmond Seconded by: Councillor Harper</p> <p>Be it resolved that the By-laws and Motions listed on the Consent Agenda be passed accordingly:</p>	
BY-LAWS:	
2019-072 – Amend General Fees and Rates By-law No. 2016-047- Schedule ‘H’ Community Recreation Services, Ice Surface Rates	
MOTIONS:	
<p>#19-157 – Approval of Minutes – Tuesday, July 2, 2019 BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE HEREBY ADOPTS THE MINUTES OF TUESDAY, JULY 2ND, 2019, MEETING.</p>	
<p>#19-158 – Expression of Interest (EOI) – 400 Stone Street North (Former Kinsmen Building) AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE DIRECT STAFF TO NEGOTIATE WITH THE PREFERRED BIDDER (THOUSAND ISLANDS YOUTH BOXING CLUB) FOR THE LEASE OF A PORTION OF 400 STONE STREET NORTH, AS PRESENTED IN COW REPORT–ED-2019-07.</p>	
<p>#19-159 – Gananoque Lions Club – Request for Relief – Cruise-In Car Show and Pump-Gan Fest AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE APPROVES A COUNCIL GRANT IN THE AMOUNT OF \$0.00, TO THE GANANOQUE LIONS CLUB TO ASSIST IN OFFSETTING FEES FOR THE CRUISE-IN CAR SHOW AND PUMP-GAN FEST, AS REQUESTED IN THEIR CORRESPONDENCE DATED JUNE 21, 2019.</p>	
<p>#19-160 – Police Services Board – Culligan Water Expenses AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE REQUESTS THAT THE POLICE SERVICES BOARD (PSB) INVESTIGATE OPTIONS TO NEGATE THE COSTS OF CULLIGAN WATER EXPENSES.</p>	
<p>#19-161 – Community Grants – Gananoque Canoe & Motorboat Club Request AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE APPROVES THE COMMUNITY GRANT APPLICATION TO THE GANANOQUE CANOE AND MOTORBOAT CLUB IN THE AMOUNT OF \$3,000.00 TOWARD THE COST OF REPLACEMENT DOCKS, AS PRESENTED IN COW REPORT FIN-2019-26.</p>	
CARRIED – UNANIMOUS	
SAVE AND EXCEPT:	
<p>*** Councillor O’Connor declared a pecuniary interest and refrained from voting on the Accounts Payable, Motion #19-162, due to a payment made to his business, O’Connor Gallery.</p>	
<p>#19-162 – Accounts Payable – June 13 to 24, 2019 AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES THE STATEMENT OF ACCOUNTS PAYABLE FOR CHEQUES ISSUED FROM JUNE 13 TO 24, 2019 TALLING \$266,292.61, AS PRESENTED.</p>	
CARRIED – UNANIMOUS, by those voting.	



Council Report-CD-2019-06

Date: August 13, 2019 **IN CAMERA**

Subject: Model Home Agreement – SD2019-01 – Veenstra c/o 1622378 Ontario Inc.

Author: Brenda Guy, Manager of Community Development **OPEN COUNCIL**

RECOMMENDATION:

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2019-081, BEING A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO ENTER INTO A MODEL HOME AGREEMENT WITH 1622378 ONTARIO INC., AS PRESENTED IN COUNCIL REPORT-CD-2019-06.

STRATEGIC PLAN COMMENTS:

Sector 6 – Governance – Strategic Initiative #4 – Town Council will ensure openness and transparency in its operation.

BACKGROUND:

The Town issued draft plan approval for SD2019-01 – 1622378 Ontario Inc., on April 2, 2019 and a Pre-Servicing Agreement on June 13, 2019.

The proposed Plan of Subdivision will create 11 lots for a total of 33 dwelling units being semi-detached and row housing.

INFORMATION/DISCUSSION:

The Applicants, Paul and Evan Veenstra on behalf of 1622378 Ontario Inc., have requested a Model Home Agreement. A model home will provide a showcase for the developer of their works and the layout of the homes they are constructing for future buyers.

The model home was discussed during the Pre-Servicing Agreement and draft plan approval of the subdivision.

A permit can be issued as a Conditional Permit under Section 8 (3) of the *Ontario Building Code Act* by the Chief Building Official. Additionally, the Act stipulates that in considering a conditional permit there “*shall be regard to restoration of the site to its original state and use if required approval are not obtained.*” In this regard, Staff are recommending a Model Home Agreement which includes clauses in regards to the construction of the buildings along with insurance and security in the amount of five thousand dollars (\$5,000.00).

This does not preclude the developer from constructing or obtaining mandatory inspections as per the *Ontario Building Code Act* requirements. It is essentially constructing a building on one big lot that is within the draft plan area. As there is no road frontage or maintained roadway that is part of a registered subdivision or assumed by the Town, the developers of the Model Home Agreement will provide stipulations until such time as registration.

The developer assumes all the risk with the construction of the home and there is no occupancy until the plan of subdivision is registered. The developer is required to submit required plans along with the details of access, Fire Department clearance for emergency vehicle access, temporary grading and drainage with the acknowledgement that final plan of subdivision has not been registered.

Staff have no objection to the Mayor and Clerk being authorized to sign the Model Home Agreement with 1662378 Ontario Inc.

APPLICABLE POLICY/LEGISLATION:

Building Code Act, 1992.

FINANCIAL CONSIDERATIONS:

All costs are borne by the developer.

CONSULTATIONS:

Shellee Fournier, CAO

Paul and Evan Veenstra

ATTACHMENTS:

Attachment 1 – Model Home Agreement

APPROVAL	<hr/> <p>Brenda Guy, Manager of Community Development</p> <hr/> <p>Shellee Fournier, CAO</p>
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**THE CORPORATION OF THE TOWN OF GANANOQUE
MODEL HOME AGREEMENT
(CASTLEGROVE SUBDIVISION)**

THIS AGREEMENT made the _____ day of _____, A.D. 2019.

BETWEEN:

1662378 ONTARIO INC.

hereinafter called the “**Owner**”;
OF THE FIRST PART

AND

THE CORPORATION OF THE TOWN OF GANANOQUE

hereinafter called the “**Town**”;
OF THE SECOND PART

WHEREAS the Council for the Corporation of the Town of Gananoque issued draft plan approval on April 16, 2019; and

AND WHEREAS the Owner wishes to construct a model home building on the lands described in Schedule “A” (hereinafter referred to as the “Lands”) prior to final approval of the plan of subdivision; and

AND WHEREAS the Corporation of the Town of Gananoque requires this Agreement to be entered into as a condition precedent to the issuance of conditional building permits for the model home pursuant to the provisions of Section 8(3) of the Building Code Act, 1992;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of covenants herein contained the parties hereto do covenant and agree as follows:

1. The parties confirm and agree that the foregoing recitals are true, both in substance and in fact.
2. It is understood and agreed that the purpose of this agreement is to permit the Owner to erect one model home building once the Pre-Servicing Agreement for the Lands is entered into.
3. The Owner hereby agrees:
 - a. to assume all risks as a result of commencing construction of the model home building prior to:
 - i. approval of final engineering drawings for the plan of subdivision by the Manager of Public Works;
 - ii. execution of a Subdivision Agreement;
 - iii. registration of the Plan of Subdivision of the Lands; and
 - iv. obtaining any approvals of provincial authorities which are applicable to the issuance of a building permit under the Building Code Act, 1992;
 - b. that the model home building will be constructed solely for the purpose of public viewing and promotion, and that no part of the building shall be occupied for residential purposes and no water connection will be commissioned until all the requirements of Section 3 have been met;
 - c. that the model home building shall be constructed in accordance with all plans approved by the Chief Building Official and Manager of Public Works and any other conditions forming part of the conditional building permits issued for the model home building;
 - d. that as part of the building permit application, the Owner will provide a plot plan of the location of the proposed model home building indicating:
 - i. location and driveway access and parking
 - ii. temporary storm drainage and grading, if necessary, until grading is completed in accordance with the plan approved in the Subdivision Agreement, being prepared and to be registered on the lands defined in the draft plan
 - iii. location and treatment of pedestrian access to the site
 - iv. location and treatment of emergency vehicle access
 - v. location, size and material for sanitary lateral sewers
 - vi. location, size and material for water services
 - vii. proposed landscaping, fencing and signage
 - e. that the model home building will be constructed in conformity with engineering drawings and grading and servicing requirements for the proposed Plan of Subdivision as approved by the Manager of Public Works;

Town Initial

Owner Initial

- f. to arrange and comply with all mandatory building and plumbing inspections required by the Town;
 - g. to ensure that no construction material or debris associated with construction of the model home building will be stored or allowed to accumulate on any public road;
 - h. that all conditions of the conditional building permit issued by the Town will be met;
 - i. to stop all construction and secure the site from public access if the Chief Building Official, acting reasonably, advises in writing that an impediment exists to prevent the lawful or safe continuation of construction;
 - j. to obtain final approval of the Plan of Subdivision within ninety (120) days of the date of this Agreement and to obtain all approvals required under the Subdivision Agreement and s.8 (2) of the Building Code Act, 1992 for the issuance of a final building permit for the model home building within a further ninety (90) days from the date of registration of the Plan of Subdivision.
4. The Owner agrees to provide adequate signage, prior to construction of the works, satisfactory to the Town and erected by the Owner;
- a. parking on the site to the satisfaction of the Town;
 - b. at the entrance to the Lands which shall read as follows:
 - Prior to public access to the model home building “ DANDER KEEP OUT”
 - Upon public access to the model home building “ Road Not Assumed by Municipality – Use at Your Own Risk”
 - c. signage as deemed necessary
5. The Owner shall to the satisfaction of the Fire Chief:
- a. maintain an access route to the Model Home building construction site, capable of supporting firefighting equipment that is free and clear of all construction debris and material.
 - b. keep a water supply for fire suppression purposes, accessible and operational.
6. The Owner hereby agrees that no part of the model home building shall be occupied for residential purposes and no services will become commissioned until after;
- a. the final Plan of Subdivision and the Subdivision Agreement have been registered against the Lands;
 - b. all water supply, sanitary sewer and storm sewer servicing for the Plan of Subdivision is complete, inspected, operational and approved for use by the Municipality;
 - c. all Requirements for Building Permits under the Subdivision Agreement have been fully complied with;
 - d. a building permit has been issued under s.8(2) of the Building Code Act, 1992; and
 - e. a satisfactory building and plumbing inspection of the model home building has been made by the Municipality and a ‘Partially Complete & Ready For Occupancy’ Permit has been issued by the Chief Building Official under the authority of the Ontario Building Code, as amended from time to time.
7. If, upon review of final approved engineering drawings for the Plan of Subdivision, the Town’s Manager of Public Works, acting reasonably, determines that alterations or reconstruction to any model home building or part of a model home building or any part of the subdivision lands on which a model home building has been constructed under this Agreement are required, the Owner agrees to assume full responsibility for completing such alterations or reconstruction at its own expense.
8. The Owner covenants and agrees to submit to the Town, upon execution of this Agreement, in a form satisfactory to the Treasurer of the Town, cash or an irrevocable letter of credit in an amount of \$5,000.00 to secure the obligations of the Owner under this Agreement. It is understood and agreed that draws on the said letter of credit may be undertaken if such draws are deemed appropriate by the Chief Building Official. The letter of credit shall remain in effect until a Subdivision Agreement has been executed between the Owner and the Town and the Town has received securities as required by the Subdivision Agreement.
9. The Owner acknowledges that the Town is not under any obligation to provide further approvals or permits relating to servicing or structures of any kind on the Lands by reason of the issuance of any conditional building permits for any model home building.
10. The Owner assumes all risk in commencing construction under a model home permit and, without limiting the generality of the foregoing, shall not make any claim nor seek indemnification against the Town, the Chief Building Official or the Town Staff and agents for damages, howsoever caused, related to the issuance or revocation of the model home permit.
11. The Owner hereby indemnifies and saves the Town harmless against all actions, causes of action, suits, claims, demands, costs, damages or losses whatsoever arising by reason of any matters under this Agreement.

Town Initial

Owner Initial

12. The Owner acknowledges that the Final Approved Plan has not been registered and that the layout of the lots on the Final Approved Plan to be registered may be altered. The Owner shall apply for any Development Permit amendment which may be required so that the model home building will conform with the Development Permit By-law and if not obtained, the Owner shall alter the building so that it complies or remove the building from the lot.
13. The Owner agrees to provide proof of public liability and property damage insurance to the satisfaction of the Town. The Town of Gananoque shall be named as added insured.
14. The Owner consents to the registration of this agreement by the Town against the title to the Lands.
15. Upon registration of the Plan of Subdivision and the Subdivision Agreement on title to the Lands and provided the Owner has complied with all of its obligations under the subdivision agreement and this agreement, the Town agrees to forthwith execute and register a release of this Agreement from title to that portion of the Lands within the Plan of Subdivision for which no conditional building permit for a model home building has been issued. In respect of those lands within the Plan of Subdivision for which a conditional building permit was issued prior to registration of the Plan of Subdivision, the Town agrees to execute and register a release of this Agreement upon a final building permit for those lands being issued.
16. The Owner covenants and agrees to pay all costs incurred by the Town to prepare and register this Agreement or any release of this Agreement against title to the Lands.
17. The parties agree that the Town has the jurisdiction to enter into this agreement pursuant to the provisions of the Building Code Act, 1992, and the Owner shall not question the jurisdiction of the Town to enter into or enforce any of the terms or provisions of this Agreement, nor question the legality of any portion thereof.
18. If any provision of this Agreement or portion thereof or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, then the remainder of this Agreement and its application to any person or circumstances shall not be affected.
19. The Owner agrees that it shall not assign this Agreement without the prior consent of the Town.
20. This Agreement shall be binding upon and enure to the benefit of the parties and their respective successors and assigns.
21. If any notice is required to be given by the Town to the Developer with respect to this Agreement, such notice shall be delivered, mailed or e-mailed to:

1622378 Ontario Inc.
c/o Paul Veenstra
42 Black Snake Lake
Lansdowne, ON K0E 1L0
613-556-0194
coombecustomhomes@live.com

Or such other address as the Developer has given the Clerk in writing.

If any notice is required to be given by the Town to the Developer with respect to this Agreement, such notice shall be delivered, mailed or e-mailed to:

Penny Kelly, Clerk
Town of Gananoque
30 King Street East , P.O. Box 100
Gananoque, ON K7G 2T6
613-382-2149
clerk@gananoque.ca

IT WITNESS WHEREOF the parties hereto have by the hands and seals executed this agreement as of the first date set out above.

SIGNED, SEALED AND DELIVERED:

OWNER(S):

1662378 ONTARIO INC.

PER: PAUL VEENSTRA, PRESIDENT

Town Initial

Owner Initial

PER:

I/We have authority to bind the Corporation

**THE CORPORATION OF THE TOWN OF
GANANOQUE**

Ted Lojko
MAYOR

Penny Kelly
CLERK

I/We have authority to bind the Corporation

Town Initial

Owner Initial

SCHEDULE "A" – The Lands

Legal Description: PART OF CON 1 PT LOT 16, RP 28R-5721 PT PART 2
THIS APPROVAL APPLIES TO THE DRAFT PLAN (REFERENCE #SD2019-01),
PREPARED BY COLLETT SURVEYING DATED OCTOBER 24, 2018, WHICH IS
IDENTIFIED AS LOTS 1 TO 11 AND THE ROAD NETWORK IDENTIFIED AS WILMER
AVENUE ONLY.

Town Initial

Owner Initial

MOTION / RESOLUTION OF COUNCIL

DATE: August 13, 2019	
Subject: Confirming By-law – August 13, 2019	
MOVED BY:	
SECONDED BY:	
<p>BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2019-082, BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS REGULAR MEETING HELD ON AUGUST 13TH, 2019, BE READ THREE TIMES AND FINALLY PASSED THIS 13TH DAY OF AUGUST, 2019.</p>	

Ayes _____ **Nays** _____

Carried: _____

Defeated: _____

Tabled/Postponed: _____

 Ted Lojko, Mayor

MA s. 246 - When a recorded vote is requested, the Clerk will call for each Councillors vote (Aye or Nay), mark the recorded vote as indicated by the member, and announce whether the motion is carried or defeated. The Mayor will then sign the motion.

RECORDED VOTE:	Aye	Nay
Anderson, D.		
Haird, A.		
Harper, M.		
Kench, M.		
O'Connor, D.		
Osmond, D.		
Lojko, T.		
TOTALS		