



September 6, 2023 Regular Council Meeting

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Addition to the Agenda Questions received from Council seeking additional information and the corresponding responses provided by staff regarding the September 6, 2023 Council agenda items.

Responses Appreciated Prior to Meeting

Re RMP:

- Transverse Rumble strips - where would these be appropriate in Puslinch?
Transverse rumble strips are only used on approaches to a controlled intersections (i.e. approaching a stop signs). They are not used for speed mitigation and may be appropriate at certain intersections in Puslinch, however, they are very loud and and prone to neighbouring property complaints.
- How long do they last?
Generally last 5 years before they are required to be re-milled.
 - Community Safety zone warrant 2 (and 8.2.4) Pedestrian generating land uses; with respect to the Puslinch community. P.64 The criteria for 75 pedestrians walking per hour in Puslinch doesn't seem reasonable. We don't have the population density for 75 people to be out walking. How are pedestrian generating land uses identified?
Staff did not hear back from the traffic consultant in time to circulate the responses. Staff hope to have a response for the Council meeting.
 - A local example in Puslinch of a pedestrian generating land use could be an equestrian farm - lots of daily in/out, horses walking on the road, horse shows including trailers and parking of vehicle
 - Another example could be the entrance to a conservation tract or Wellington County agreement forest. Could these be included in the community safety zone criteria?
The HTA is unclear as to the criteria for a CSZ, other than stating "The council of a municipality may by by-law designate a part of a highway under



its jurisdiction as a community safety zone if, in the council's opinion, public safety is of special concern on that part of the highway."

- Pavement markings – how often do these need to be repainted?
The Township currently budgets for repainting every 2-3 years based on wear and tear.
- How does this Roads Management Plan fit with the Wellington County Active Transportation Plan from 2012? If Puslinch is to work towards integrating an Active Transportation network connecting neighbouring municipalities what is the recommended guiding process?

The Township currently does not have the road infrastructure to accommodate additional modes of transportation such as cycling and walking safely. The process to implementing an active transportation network would likely start by considering platform and road widening upgrades at the time of road rehabilitation. This would significantly increase the cost associated with the Township's road construction budgets and would likely take 20 years to implement.

(Resident comment march 16 2021 from avid biker – has any further follow up occurred?)

Responses are being provided to the questions received as part of the RMP project once the RMP is approved by Council.

What are staff comments on the prospect of a sub-committee being formed to start this conversation and link into the Active Transportation Master Plan.

(resident, county staff, township staff, other interested parties...)

Prior to considering public engagement specific to active transportation (i.e. sub-committee), Council likely needs to provide direction on whether staff are to incorporate platform and road widening upgrades at the time of road rehabilitation as this will significantly impact the asset management plan schedule.

- Community traffic reporting form – 'agricultural area' not a listed option

Acknowledging the local features of Puslinch, and the rural nature of many of its roads, an "Agricultural Area," "Equestrian Farm," or "Recreation Area" could be considered pedestrian generating uses and added to Appendix M. This would allow these areas to pass warrant 1 and be subject to the risk score of warrant 2.



We'd recommend descriptive language, consistent with the other examples in warrant 1. Agricultural area could be interpreted as an agricultural farm, which may not be as appropriate for a CSZ as compared to a recreation area or equestrian centre.

- Truck by-law – exceptions – site alteration – what if the permit has been approved through the conservation authority? How is the truck route determined when the township has not issued the site alteration permit?
The Township has an approved by-law (see attached) which prohibits heavy trucks on the roads listed in Schedule A. Typically, the Township is consulted when a CA is reviewing a fill/alteration permit and the Township will request that the CA add the condition of a approve haul route. This is enforceable by the Township's by-law in respect to the roads listed in Schedule A.
- Truck route penalty – where is this outlined? Is it outlined in our fees?
The Township's existing Heavy Truck By-law outlines the restrictions already in place on the roads specified in Schedule A. The Short Form Wording is also included and has been approved by the Ministry of the Attorney General and is in full force and effect. The fine is \$450.
- Is there a penalty for half load violations? How is this monitored?
The Township has a reduced load by-law that includes all roads in the Township under the Township's jurisdiction from January 1-December 31. The by-law is attached. The reduced load is currently monitored and enforced by the OPP.

ERO McLean Rd – how does the proposed sewage application compare in size to the sewage system previously on the property?

The two new septic systems will be larger than the previous ones. Each sewage system will independently serve the two new 420,000 sf buildings.

ERO Con7 – our bylaw states “No significant sewage disposal requirements are necessary as part of the assembly, manufacture, fabrication, repair, packaging and storage activities;” so there should be no “establishment of a new subservice disposal works” in a dry industrial zone unless we are looking at a zoning amendment. Is this correct?

The dry industrial limitation only relates to industrial uses that meet the definition. For instance, a septic system over 10,000 L/day that services office space would be permitted in the industrial zone because the office use does not meet the industrial use definition. Likewise for water taking. Staff recommend that the Township object to the ECA application for sewage until the



details of the proposed development are provided and it is demonstrated that the use complies with the Township's zoning by-law.

Has the holding provision (h-7) been removed?

The holding provision has not been lifted. This will require Council approval and will be a public process.

- How much engagement was there in respect to the budget public engagement questionnaire? What is the plan to increase this?

Staff are continually seeking to improve public engagement by utilizing the communication tools available and are pleased with the year over year engagement. Below are the various ways the public is engaged through the budget process:

- *Township Website Banner and Budget Page at puslinch.ca/government/budget/*
- *Community Engagement Survey at EngagePuslinch.ca*
- *Puslinch Today*
- *Public Information Meeting on January 25, 2023*
- *Media releases related to EngagePuslinch.ca survey and final budget highlights.*
- *Community Newsletter regarding final budget highlights sent with the final tax bill in August 2023.*
- *Advisory Committee input*
 - *Formal Budget Training:*
 - *Recreation Advisory Committee Meeting – May 16, 2023*
 - *Heritage Advisory Committee Meeting – May 1, 2023*
 - *Youth Advisory Committee Meeting – May 1, 2023*
 - *PDAC and Committee of Adjustment Meetings – May 9, 2023*
- *Social*
 - *Posts January 17, 2023, January 25, 2023 & January 30, 2023*
 - *1st Facebook Advertisement Jan 17th to Jan 24th*
 - *2nd Facebook Advertisement Jan 26th to Jan 30th*

Post	Start Date	End Date	Budget	Reach	Post Shares	Post Engagements	Link Clicks
EngagePuslinch Budget	17-Jan-23	24-Jan-23	\$20.00	1861	1	46	34



EngagePuslinch	26-Jan-	30-Jan-						
Budget	23	23	\$20.00	2271	0	27	23	

- Follow up on the 2022 comment by CH regarding formal direction regarding aggregate peer review process – recoverable p28
Staff have direction to only send monitoring reports where costs are recoverable from the operator or where staff have been directed by Council in the past to have a peer review conducted. All other reports will be included on the Council agenda without peer review. This provides Council the opportunity to have a peer review conducted after reviewing the monitoring report with the understanding that costs are not recoverable.
- Follow up on the 2022 comment by MB regarding environmental sustainability implications on staff reports p22
Staff require more information regarding the type of implications or recommendations Council would like to see under this proposed report heading. Depending on the information, staff may not have the expertise to make these recommendations or identify implications.
- If detour traffic increases infrastructure usage, how does this impact the asset replacement timing?
The asset replacement timing would be considered taking into account the specific road and the increased usage and impact. Increased usage may result in the infrastructure replacement occurring earlier than planned.

6.4 Ministry of Natural Resources and Forestry - Streamlining of Approvals under the Aggregate Resources Act and Supporting Policy

- re “6. Despite clause (2) (d), an amendment to a site plan to remove a provision relating to the importation or use of material imported for rehabilitation purposes if the site plan was approved prior to July 1, 2022 and the provision does any of the following:

- i. It specifies the quality of excess soil that can be deposited at the site of the pit or quarry for rehabilitation purposes.
- ii. It requires sampling of excess soil after being received at the site.
- iii. It requires annual reporting to the Ministry regarding excess soil imported for rehabilitation purposes.
- iv. It requires notification to the Ministry when excess soil is received at the site.”;



do staff interpret this to mean that now any of the cited items i. to iv. can be removed without ministerial approval?

*Aggregate licence-holders and permit-holders that meet the eligibility conditions set out in section 7.2(1) subclause 6 of O. Reg. 244/97 no longer have to obtain MNRF approval prior to amending their site plans and must instead "self-file" (i.e., provide notice to the MNRF of the intention to amend the site plan - see <https://www.ontario.ca/page/aggregate-resources>), **UNLESS** they are subject to any of the exceptions set out in section 7.2(2) (other than clause (2)(d)) or section 7.2(3) of O. Reg. 244/97. See below for the applicable section of the O.Reg:*

O. Reg. 244/07 (General)

O. Reg. 244/07 (General) under the Act has been amended to now include section 7.2(1). Section 7.2(1) allows aggregate licence-holders and permit-holders to amend their site plans without prior approval from the MNRF (but still requires "self-filing"/notice to the MNRF of the amendments) and specifically includes subclause 6, which is cited by Council in your email to me below. Section 7.2(1) subclause 6 sets out a list of conditions that the permit-holder/licence-holder must meet to be eligible to be exempt from having to obtain prior approval from the MNRF.

7.2 (1) For the purposes of subsections 13 (3.2) and 37.2 (5) of the Act and subject to subsections (2) and (3), the following amendments to a site plan are prescribed as the amendments that the licensee or holder of an aggregate permit may make to a site plan without the approval of the Minister:

...

6. Despite clause (2) (d), an amendment to a site plan to remove a provision relating to the importation or use of material imported for rehabilitation purposes if the site plan was approved prior to July 1, 2022 and the provision does any of the following:

- i. It specifies the quality of excess soil that can be deposited at the site of the pit or quarry for rehabilitation purposes.*
- ii. It requires sampling of excess soil after being received at the site.*
- iii. It requires annual reporting to the Ministry regarding excess soil imported for rehabilitation purposes.*



iv. It requires notification to the Ministry when excess soil is received at the site.

*Sections 7.2(2) and 7.2(3) provide **exceptions** to section 7.2(1) (including subclause 6), other than subsection 7.2(2)(d) (given the highlighted language above):*

(2) An amendment described under subsection (1) shall not be made by a licensee or permittee if the amendment,

(a) would conflict with the Act, the regulations, any other Act or regulation or any licence, permit or approval issued under the Act, the regulations or any other Act or regulation;

(b) would conflict with any condition of the licence or permit;

(c) would affect any provision or restriction on the site plan that was added to the site plan,

(i) to address comments submitted during the licence or permit application process, or

(ii) by an amendment required by the Minister under clause 13 (1) (b) or 37.2 (1) (b) of the Act;

(d) would affect the approved progressive or final rehabilitation of the site; or

(e) in the case of a pit or quarry that is located within an area of development control under the Niagara Escarpment Planning and Development Act, has not been approved by a development permit or exempted from a development permit under that Act. O. Reg. 466/20, s. 10.

(3) If a licensee or permittee amends a site plan to add to the site or relocate on the site a building, structure, scrap storage area, stockpile or internal haul road described in paragraph 3 or 4 of subsection (1), the licensee or permittee shall also add a provision to the site plan indicating that the location of the building, structure, scrap storage area,



stockpile or internal haul road is restricted to an area of the site that is not within a setback or buffer or within an area protected by the setback or buffer. O. Reg. 466/20, s. 10.

9.2 Finance Department

9.2.1 Report FIN-2023-026 – 2024 Proposed Cost of Living Adjustment

-if we were to increase from 4% to 5% what would be the additional budget increase? *The additional estimated operating expense increase of implementing a 4% COLA is approximately \$107K. The additional estimated operating expense increase of implementing a 5% COLA is approximately \$138K.*

9.3 Administration Department

9.3.1 Report ADM-2023-045 – ERO Posting 019-7545 - 7475 Mclean Road East & ERO Posting 019-7435 - Lot 26 & 27 Concession 7

-p.81 it may be appropriate to expand on the reason for objection ie. the property is zoned dry industrial and as such limits the amount of water taking and associated discharge or quote the bylaw –
Staff will have a draft motion prepared.

10. Correspondence – waiting on Stan

10.1.2 Harden Report of Aug. 9 cites “The following is a quote from the conclusions of the 2022 Fisheries Study. The results

from 2022 provide further evidence that aggregate extraction below the water table (beginning in 1995) has had no measurable impact on the level of Brown trout spawning activity. Therefore, Dufferin Aggregates continues to be in compliance with License Condition #23, which states there must be no “net loss of the productive capacity of fish habitat in Mill Creek or its tributaries.””; There doesn’t appear any follow-up discussion in Harden’s Report. Do they agree or disagree with this statement?
Staff did not hear back from Harden in time to circulate the responses. Staff hope to have a response for the Council meeting.

10.1.2 The WSP Appendix A Surface Monitoring Report cites the following;



Based on the findings presented in this report, the following conclusions are provided.

- The 2022 monitoring program was completed in accordance with the surface water monitoring program required by the monitoring conditions.
- Based on the results of the 2022 and historical surface water monitoring program, there is no indication that aggregate extraction activities on the Dufferin Aggregates Mill Creek Pit Property, or the resulting ponds, have affected stream flow or water temperatures in Mill Creek.
- Considering the extensive history of surface water monitoring data demonstrating a lack of surface water flow impacts by the pit operations, consideration should be given to reducing the surface water monitoring program.

It would be good to have Harden's comments regard to the third item. Given Harden's statements that there is an impact and additional investigation should be done, it does not appear to make sense to reduce the surface monitoring program.

Staff did not hear back from Harden in time to circulate the responses. Staff hope to have a response for the Council meeting.