

**TOWNSHIP OF SOUTH FRONTENAC
COUNCIL MEETING
AGENDA**

TIME: 7:00 PM,
DATE: Tuesday, December 19, 2017
PLACE: Council Chambers.

- 1. Call to Order
- 2. Declaration of pecuniary interest and the general nature thereof
- 3. Scheduled Closed Session - N/A
- 4. ***Recess*** - N/A
- 5. Public Meeting
 - a) Resolution
 - b) Zoning By-law Amendment - McFadden Subdivision, Concession VII, Part of Lots 14 & 15 3 - 8
 - c) Zoning By-law Amendment - Concession V, Part of Lots 25 & 26, Storrington - Coleman 9 - 12
- 6. Approval of Minutes
 - a) Minutes of the November 28, 2017 Committee of the Whole Meeting 13 - 16
 - b) Minutes of the December 5, 2017 Council Meeting 17 - 24
 - c) Minutes of the December 12, 2017 Committee of the Whole Meeting 25 - 26
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 - a) Notice of Motion - MNRF Benefit Permits 27
- 8. Reports Requiring Action
 - a) Mark Segsworth, Public Works Manager, re: Proposed Extension of Reduced Speed Zone of Road Segments (See By-law 2017-80) 28
 - b) Mark Segsworth, Public Works Manager, re: PR-2017-04 - Accessible Entrance and Upgrade to Steps at Glendower Hall 29
 - c) Angela Maddocks, Deputy Clerk, re: Perth Road Public School - Playground Equipment 30 - 31
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 - b) Public Services Committee meeting held November 16, 2017 35 - 36
- 10. By-Laws

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b)	By-law 2017-79 - Rezoning of Concession V, Part of Lots 25 & 26 Storrington	39 - 40
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11.	<u>Reports for Information</u>	
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a)	Email from Meela Melnik-Proud, Evonne Potts and Matt Rennie, re: Concerns from December 5, 2017 Council meeting	55 - 56
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c)	Meela Melnik-Proud, re: Petition to Stop the Plan of Condominium on Johnston Point	129 - 130
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13.	<u>Notice of Motions</u>	
14.	<u>Announcements</u>	
15.	<u>Question of Clarity (from the public on outcome of agenda items)</u>	
16.	<u>Closed Session (if requested)</u>	
17.	<u>Confirmatory By-law</u>	
a)	By-law 2017-81	141
18.	<u>Adjournment</u>	



REPORT TO COUNCIL PLANNING DEPARTMENT



AGENDA DATE: December 19, 2017

REPORT DATE: December 12, 2017

**SUBJECT: Public Meeting: Zoning By-law Amendment
Application: McFadden Subdivision**

RECOMMENDATION

It is recommended that Council hear comments from the public on a by-law to rezone lands for a proposed five-lot subdivision in Part of Lots 14 and 15, Concession VIII, District of Loughborough, from Rural (RU) to Residential (R) and Special Residential (R-29), and consider passage of amending By-law #2017- 78.

BACKGROUND

On August 1, 2017 the Township approved draft plan conditions for a five-lot plan of subdivision on McFadden Road in Loughborough District. Attachment #1 is a map showing the location of the subject land and Attachment #2 shows the proposed lot layout, building locations and septic locations. Attachment #3 is an excerpt from the draft plan conditions for Council's reference.

Condition # 15 of the draft plan conditions requires that the subdivision lands be zoned to a Residential (R) zone and, accordingly, the subject application is being brought forward.

The present zoning of the property is Rural (RU) which permits a range of land uses including:

- a single detached dwelling,
- agriculture,
- a hobby farm,
- a research facility,
- a veterinary clinic,
- a grain drying facility etc.

Many of the above uses are not appropriate in the proposed development and, thus, the 'R' zoning would recognize that the land is to be used strictly for residential purposes within a plan of subdivision development.

The subject land is a former pit site where sand and gravel was extracted. This excavation resulted in ponding of water in various low depressions where wetlands and habitats have formed. The standard requirement in the zoning by-law is that there be a minimum 30 metre setback/no cut area around these wetlands to help preserve them in their natural state. However, an environmental report submitted to support the subdivision application provided justification to reduce the setback to 15 metres around the wetland pockets (see Attachment #2). Council will recall that this proposed reduced setback was brought to the attention of Council and, on December 5, 2017, Council agreed to change the original condition in the draft plan conditions to reduce the setback on the wetlands from 30 metres to 15 metres.

Accordingly, the zoning amendment would apply the Residential (R) zoning to the property and would also acknowledge the reduced 15 metre setback for these waterbodies. By-law No. 2017-78 would amend the Comprehensive Zoning By-law to effect the changes described above.

FINANCIAL and STAFFING CONSIDERATIONS

n/a.

ATTACHMENTS

- Attachment #1 - is a location map.
- Attachment #2 - is a map showing the lot layout.
- Attachment #3 - is an excerpt from the daft plan conditions.

Approved by: Lindsay Mills Prepared/Submitted by: Lindsay Mills

ATTACHMENT #1

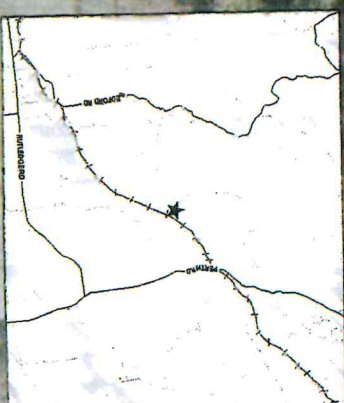


ATTACHMENT #2

WILMER ROAD



2 Butternut Trees Clustered within 5 meters.
Both Category 2.



ATTACHMENT #3

Recommended Conditions

- A. That the Council of the Township of South Frontenac endorses the following conditions of draft approval and recommends the conditions to the County of Frontenac for a five lot Plan of Subdivision by Pittsburgh Building & Energy Systems Inc, on lands described as Part of Lots 14 and 15, Concession 8, former Township of Loughborough, Township of South Frontenac.
 1. That this approval applies to the Draft Plan of Subdivision dated by the Owner of March 20, 2017 showing a total of five residential lots, prepared and certified by Phil Chitty, O.L.S of HC Lands Surveying Inc, March 13, 2017.
 2. That the Owner shall agree to enter into a subdivision agreement with the Township of South Frontenac, to the satisfaction of the Township and to be registered on title of the subject land.
 3. That the Owner shall agree in writing to satisfy all the requirements, financial or otherwise to the Township of South Frontenac concerning the provision/upgrade of roads, installation of services, drainage works, utilities and all other required works in accordance with the Township's Design Criteria and Guidelines. Further, that the development, construction and use of the lands in this subdivision shall be in accordance with the following reports submitted with the application for draft approval, unless otherwise amended, modified, or directed in writing by the Township and as secured in the subdivision agreement:
 - (a) IBI Group, Planning Report, 5550 McFadden Road Draft Plan of Subdivision, March 2017
 - (b) Josselyn Engineering Inc, Pittsburg Building and Energy Systems, 5550 McFadden Road, Project 1390, March 10, 2017
 - (c) ASC Environmental Inc, Hydrogeological Study, Servicing Options and Terrain Analyses, Proposed Residential Development, 5550 McFadden Road, August 31, 2016
 - (d) NEA, Environmental Impact Study, Pittsburgh Building & Energy Systems Inc Plan of Subdivision, 5550 McFadden Road, March 2017
 4. That the Owner shall reimburse the Township of South Frontenac and the County of Frontenac for all legal, engineering, planning, administrative expenses and permit fees, including the cost of any peer review that the Township or the County may require in relation to the development.
 5. That the Owner agrees in writing that any easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
 6. That the Owner shall agree in writing to relocate the existing hydro line in front of Lot 5 and if necessary install and power street lighting to the satisfaction of the Township and in accordance with Design Criteria and Guidelines.
 7. That the Owner shall agree in writing that all entrances to any lots including entrance culverts be located and constructed to the satisfaction of the Township.
 8. That the Owner agrees in writing to pay cash-in-lieu of parkland in accordance with approved Township policies.
 9. That the Owner agrees in writing that the Township may implement whatever measures it deems necessary to ensure development of the plan of subdivision proceeds according to the phasing plan set out in the subdivision agreement, including but not limited to the requirement of separate subdivision agreements, imposition of "h" holding zoning or 0.3 metre reserves.

10. That the Owner agrees to deposit with the Township, securities in the form of a letter of credit, representing 100% of the estimated cost of the works to be provided with respect to the subdivision. The letter of credit shall be reduced, in accordance with the terms and conditions of the Subdivision Agreement.
11. That the Owner agrees for the subdivision agreement to contain a provision requiring the Owner to pay development charges, in place at the time of the issuance of the building permit, prior to the issuance of the building permit and to acknowledge and agree that the Township will not issue any building permit until the development charges have been paid in full.
12. That the Owner shall agree in writing to obtain permits or approvals as may be required from any federal, provincial, municipal or local authority and to file copies thereof with the Township.
13. That the Owner shall agree in writing to provide direct access to the Cataraqui Trail for all five proposed residential lots.
14. That the Owner shall agree in writing that the natural soil and vegetation within the 30 metres setback area from the wetlands/watercourses are not to be disturbed and is to be left in its natural state as of the date of draft approval and that the subdivision agreement include provisions that would require protection and or restoration of the 30 metre setback area.
- 
 15. That prior to final approval, the County of Frontenac is to be advised by the Township of South Frontenac that this proposed subdivision conforms to the Zoning By-law in effect for the Township. This will require a zoning by-law amendment to place the lands within the "R – Residential" zone.
16. That the Owner shall agree in writing that a Canada Post Centralized Community Mail Boxes, be installed, if deemed necessary by Canada Post, at a location on the road allowance to the satisfaction of Canada Post and the Township.
17. That the recommendations and conditions from KFL&A Public Health to the County of Frontenac, be addressed to the satisfaction of the Township and KFL&A Public Health.
18. That all requirements and recommendations specified in the hydrogeology report entitled ASC Environmental Inc, Hydrogeological Study, Servicing Options and Terrain Analyses, Proposed Residential Development, 5550 McFadden Road, August 31, 2016 and all associated drawings be addressed to the satisfaction of the Township , KFL&A Public Health and Cataraqui Region Conservation Authority.
19. That any existing wells and/or septic systems that may be present on the site and which are not planned to be used as part of the subdivision development be decommissioned as per applicable regulations.\
20. That the recommendations of the environmental impact statement, entitled NEA, Environmental Impact Study, Pittsburgh Building & Energy Systems Inc Plan of Subdivision, 5550 McFadden Road, March 2017 be addressed to the satisfaction of the Township and Cataraqui Region Conservation Authority.
21. That the recommendation and conditions outlined by the Cataraqui Region Conservation Authority to the County of Frontenac, be addressed to the satisfaction of the Township and the Conservation Authority.



REPORT TO COUNCIL PLANNING DEPARTMENT



AGENDA DATE: December 19, 2017

REPORT DATE: December 13, 2017

SUBJECT: PUBLIC MEETING - Zoning for New Lots: Coleman

RECOMMENDATION:

It is recommended that Council hear comments from the public on a by-law to rezone lands in Part of Lots 25 and 26, Concession V, District of Storrington from Rural Zone (RU) to Waterfront Residential Zone (RW) and Limited Service Residential-Waterfront Zone (RLSW), and consider passage of amending By-law #2017-79.

BACKGROUND:

An application has been submitted to amend the Township of South Frontenac Comprehensive Zoning By-law to rezone land that was the subject of consent applications S-45-16-S and S-46-16-S to create two new residential lots. The applications were given conditional approval by the Committee of Adjustment subject to obtaining a rezoning among other standard conditions. Attachment #1 shows the location of the subject land at Loughborough Lake and Attachment #2 illustrates the proposed new lots and the retained portion with frontage on Lake Road.

As shown on Attachment #2, Lot #1 would be twelve acres in size and would have more than 91 metres (300 ft.) of waterfrontage and 76 metres (250 ft.) of frontage on a private lane (Kauffman Lane). Lot #2 would be approximately ten acres and would also have 91 metres (300 ft.) of waterfrontage and 76 metres (250 ft.) of frontage on Lake Road. It should be noted that Lake Road is not maintained by the Township west of Jones Lane (see Attachment #2). For this reason the lot configuration needed to provide a minimum of 76 metres of frontage on the maintained portion of the road (east of Jones Lane) while the remaining frontage is on the unmaintained portion.

In compliance with the above, the amendment would rezone the proposed new waterfront lot accessed by Kauffman Lane to Limited Service Residential-Waterfront (RLSW). The new waterfront lot with frontage on Lake Road would be rezoned to Waterfront Residential (RW).

The new lots are positioned on sloping land that terminates at the shore of Loughborough Lake. There are low-lying areas as well with some wet pockets of land. The property is developed with a single detached home, a cottage, a large farm facility and a garage. Referring to the lot outlines shown on Attachment #2, the effect of the severances would be that lot #1 -- accessed by Kauffman Lane would contain the single detached dwelling, the farm facility and the garage and lot #2 at Lake Road would contain the cottage. The retained land would be left vacant.

It should be noted that the retained land would still be a very large land holding at approximately 190 acres with waterfrontage on Loughborough Lake at its northwest shore and Round Lake at its south end. Much of this land is wetland and is inaccessible although a building area does still exist at its north end at Lake Road.

The land is designated 'Rural' in the Official Plan with the major wetland portions on the retained land designated 'Provincially Significant Wetlands'. The Plan permits waterfront development as proposed stating that it is Council's intention that a limited amount of development is permitted in the Rural area so as to

provide a variety of living accommodation for the residents of the Township. It should also be noted that there are no environmental concerns associated with the lot creations since the wetlands are not in proximity to the development and would be unaffected and this portion of Loughborough Lake is not identified as being highly sensitive for lake trout.

All commenting agencies had no objection at the consent stage. At time of preparation of this report no comments had been received from the public in response to the advertisement of the application.

From a planning perspective, the proposed lots appear to be consistent with the intent of the Official Plan to direct some development to the Rural areas to provide for a variety of types of living. Also, the lots would meet the minimum standards of the Plan in terms of lot size, frontage on the lake and access. Thus, the application to rezone is supported by the Planning Department.

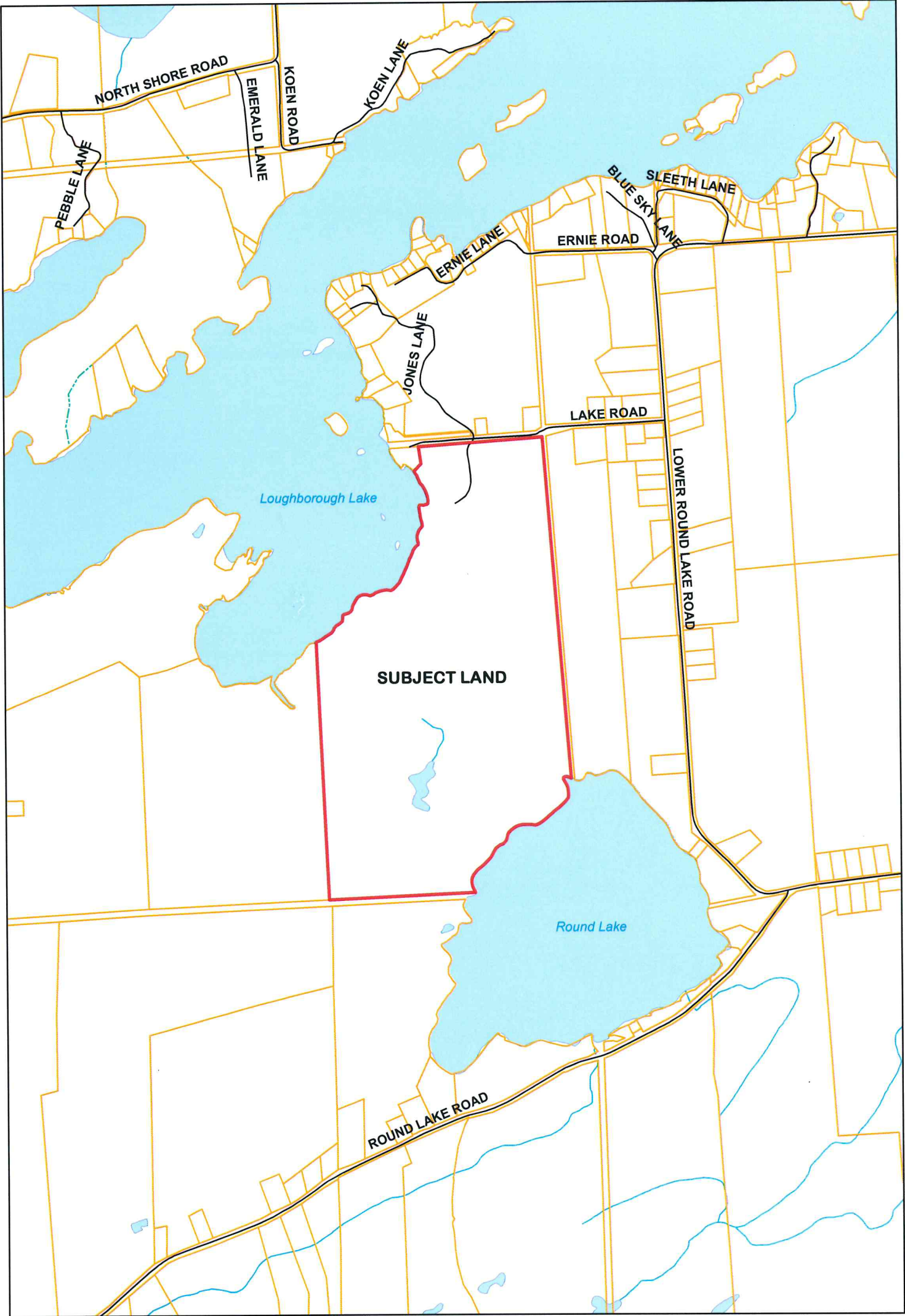
By-law No. 2017-79 would amend the Comprehensive Zoning By-law for the above.

FINANCIAL and STAFFING CONSIDERATIONS
N/A

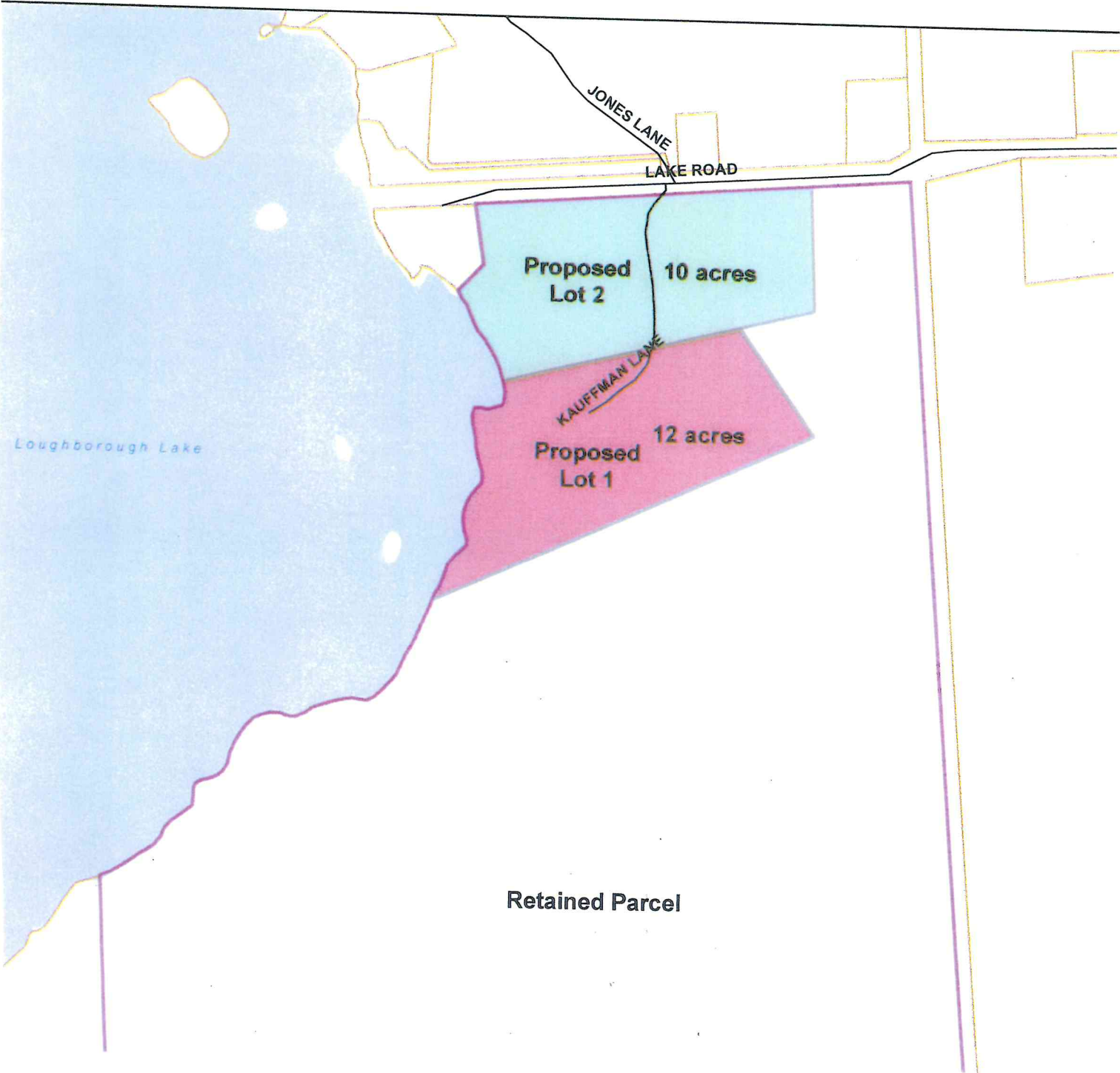
ATTACHMENTS
Attachment #1 – shows the location of the subject land.
Attachment #2 - is a depiction of the proposed new lots and retained parcel.

Approved by: Lindsay Mills Prepared/Submitted by: Lindsay Mills

ATTACHMENT #1



ATTACHMENT #2



Minutes of Committee of the Whole
November 28, 2017

Time: 7:00 p.m.

Location: Council Chambers

Meeting # 37

Present: Mayor Ron Vandewal, Brad Barbeau, Pat Barr, John McDougall, Alan Revill, Norm Roberts, Mark Schjerner, Ron Sleeth, Ross Sutherland

Staff: Wayne Orr, Chief Administrative Officer, Mark Segsworth, Public Works Manager, Louise Fragnito, Treasurer, Angela Maddocks, Deputy Clerk.

1. Call to Order
 - a) Mayor Vandewal called the meeting to order at 7:00 pm.
2. Declaration of pecuniary interest and the general nature thereof - n/a
3. Scheduled Closed Session - n/a
4. ***Recess*** - n/a
5. Delegations
 - a) Dan Trafford, Kinsmen Dream Home, re: Building Permit Fees

Mr Trafford requested financial support for the Kingston Dream Home project in 2018. He felt there could be more tickets purchased for a rural area home with high end finishes. While he made no specific amount request, a suggestion of waiving the building permit fee would be significant financial support. He noted that the project involves a lot of community involvement through time, material and sweat equity. The Kinsmen typically donate money back to the community to agencies such as the Boys and Girls Club, the neo-natal unit and the UHKF.

Council requested information about benefiting agencies in South Frontenac and what other municipalities have done in the past where a Dream Home has been constructed.

- b) Mr. & Mrs. Young, re: Legal costs for Road Closing on Leland Road

Mr. Young requested relief from the legal fees for the road closing on Leland Road similar to what Council had granted for Spencers. He recognized that this land swap was done in the early 1980's and not registered properly but felt he should not be responsible for payment of the said fees.

Council was supportive of paying the legal fees as it had been a land swap that resulted in straighter and better road and agreed to cover the legal costs.

Mayor Vandewal cautioned that legal fees won't be paid to others unless the circumstances are similar to the Leland Road situation.

- c) Roel Vertegaal, Meela Melnik-Proud, Evonn Potts, Matt Rennie, re: Proposed Benefit Permit for Johnston Point

Evonn Potts read a letter from the Battersea Loughborough Lake Association that spoke to species at risk. She asked that the entire draft plan for Johnston Point be reviewed as there are false claims and oversights by the OMB, the County and South Frontenac Township. This development will kill the harmony and harass the endangered species. She supports the request to deny the

Committee of the Whole
November 28, 2017

benefit permit as it only addressed two species and not the six identified noting that no one knows the cumulative results. The Ministry of Natural Resources and Forestry do not deny benefit permits and there is no mechanism to appeal their decisions. A copy of her presentation was left with the Clerk and will be included in the next agenda package.

Meela Melnik-Proud went to the OMB for party status but was denied. She presented a petition and also noted that MNRF has never denied a permit despite concerns expressed about this development. She listed a number of species affected that the ministry identified and recommended for protection in 1993 and asked that Council deny the benefit permit. She urged Council to go back to the original agreement with the Ontario Municipal Board ruling and be the first community to make a difference in our natural heritage. A copy of her presentation was left with the Clerk and will be included it the next agenda.

d) Delegations - Proposed Changes to Procedural By-law

There were no requests made for delegation status to address the proposed changes.

6. Reports Requiring Action

a) Louise Fragnito, Treasurer, re: 2018 Budget Update

Council was supportive of moving the 2018 Budget as presented. This will be brought forward to the December 5, 2017 Council meeting for approval.

b) Wayne Orr, Chief Administrative Officer, re: Revised Draft Procedural By-law - Public Input

There was no public input received on the proposed changes to the by-law. Council provided a few minor changes and directed the CAO to bring forward for approval.

7. Reports for Information

a) Louise Fragnito, Treasurer, re: Long Range Financial Plan Update

The Kingston Frontenac Public Library Board will need to provide a more detailed request for a library in Verona; this has been removed from the long range plan.

8. Rise & Report

a) County Council

Councillor McDougall reported on the budget process at the County that included a contribution to the University Hospitals Foundation, a drivers program for North Frontenac and grants for handicapped seniors for travel expenses.

b) Arena Board

No updates at this time.

c) Police Services Board

There was no public attendance at the annual meeting. Wayne Orr will be attending a session on new regulations. There is no provincial appointee named yet.

d) Portland Heritage

The museum will be decorated for Christmas. Items will be catalogued. There is no room to accept or store any more artifacts or donations.

9. Information Items

a) Niblett Environmental Associates Inc, re: McFadden Road Subdivision Environmental Impact Study (circulated to Council on November 14)

b) Robert Quaiff, Chair, Eastern Ontario Wardens Caucus, re: Bill 160

c) Mary Royer, re: Response to comments on November 14, 2017

d) AMO Policy Update - November 21, 2017

10. Notice of Motions

a) Councillor Barbeau served a notice of motion to defer progress on Fermoy Hall until the Heritage Committee meets in January.

b) Councillor Schjerning served a notice of motion to cover the legal fees associated with the road closing as requested by Mr. Young.

c) Councillor Sutherland served a notice of motion requesting that Council comment on the environmental registry specific to bats and whippoorwills and the Johnston Point development.

11. Announcements

a) Councillor Schjerning thanked staff for decorating the tree in the township parking lot as part of the community tree lighting in Sydenham.

b) Councillor Sutherland requested an update on the motion from February 21 regarding contracts for micro surfacing and crack sealing.

c) Councillor McDougall and Deputy Mayor Roberts attended the grand opening of the seniors housing project in Marysville. He congratulated the Frontenac Islands Council for this successful project.

d) Mayor Vandewal reminded Council of the Harrowsmith Santa Claus parade on Saturday, December 2.

e) The CAO spoke to the new challenge with advertising with the recent loss of the Frontenac Gazette newspaper.

Wilma Kenny, on behalf of the Frontenac News, indicated that they will be expanding their circulation to include all of South Frontenac.

Committee of the Whole
November 28, 2017

12. Question of Clarity (from the public on outcome of agenda items)
 - a) Fran Willes asked if the Planning Act is silent on the length of time for delegations to speak to planning items. The CAP confirmed that the act does not specify a time frame. Mrs. Willes was also concerned that limiting the time would be cutting out the public opportunity to comment on such matters.

Mayor Vandewal noted the opportunity for commenting at the Committee of Adjustment stage to planning applications.

- b) Matt Rennie inquired about when the changes to the procedural by-law would be implemented.

The CAO confirmed that this would be January 2018.

13. Closed Session -n/a
14. Adjournment
 - a) The meeting was adjourned at 8:30 p.m.

Minutes of Council
December, 5, 2017

Time: 6:00 PM

Location: Council Chambers

Meeting # 38

Present: Mayor Ron Vandewal, Pat Barr, Brad Barbeau, John McDougall, Alan Revill, Norm Roberts, Mark Schjerning, Ron Sleeth, Ross Sutherland

Staff: Wayne Orr, Chief Administrative Officer, Mark Segsworth, Public Works Manager, Louise Fragnito, Treasurer, Angela Maddocks, Deputy Clerk

1. Call to Order

a) Resolution

Resolution No. 2017-38-01
Moved by Councillor McDougall
Seconded by Councillor Schjerning

THAT the Council meeting of December 5, 2017 be called to order at 6:00 p.m.
Carried

2. Declaration of pecuniary interest and the general nature thereof

a) Councillor Revill declared a pecuniary interest with respect to agenda items 8 (a) and 9 (c).

3. Scheduled Closed Session

a) Resolution

Resolution No. 2017-38-02
Moved by Councillor Schjerning
Seconded by Councillor McDougall

THAT the Council meeting of December 5, 2017 move into closed session to approve minutes of previous meetings, discuss matters concerning an identifiable individual and to receive advise that is subject to solicitor client privilege.

Carried

b) Approval of Minutes from Closed Meetings

c) Personal matters about an Identifiable individual - Verbal report from CAO

d) Advice that is subject to solicitor client privilege

e) Resolution

Resolution No. 2017-38-04
Moved by Councillor Barr
Seconded by Councillor Roberts

THAT Council move out of closed session.

Carried

4. ***Recess - reconvene at 7:00 p.m. for Open Session

5. Declaration of Office for Deputy Mayor

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- a) Pat Barr was sworn in as the next Deputy Mayor.

6. Public Meeting

- a) Resolution

Resolution No. 2017-38-05
Moved by Councillor Roberts
Seconded by Deputy Mayor Barr

THAT a public meeting be held to discuss planning matters related to:

- Rezoning of Concession VII, Part of Lot 33, Bedford District
- Rezoning of Concession XI, Part of Lot 8, Storrington District

Carried

- b) Rezoning Part of Lot 33, Concession VII, Bedford - Cooper

Lindsay Mills indicated that the Conservation Authority has not yet submitted their comments on this application and recommended deferral of a decision by Council.

Resolution No. 2017-38-06
Moved by Councillor Sutherland
Seconded by Councillor Barbeau

THAT the public meeting for Cooper (Rezoning of Concession VII, Part of Lot 33, Bedford District) be deferred until after inspections and agency comments are received.

Carried

- c) Rezoning of Part of Lot 8, Concession XI, Storrington - Pater

Lindsay Mills explained that the purpose of this application is to rezone a new waterfront lot on North Shore Road. A significant portion of the area of the proposed new lot is comprised of a defined wetland area and as such is unsuitable for development. The applicant has proposed this severance for the purposes of deeding the new lot to the Nature Conservancy of Canada to allow for proper management and long-term protection of this wetland area. All commenting agencies had no objections at the consent stage and Planning staff are supportive of this rezoning.

There were no comments from Council or the public.

Resolution No. 2017-38-07
Moved by Councillor Roberts
Seconded by Deputy Mayor Barr

THAT an opportunity having been provided, the public meeting be closed.

Carried

7. Approval of Minutes

- a) Minutes of November 7, 2017 Council Meeting

Resolution No. 2017-38-08
Moved by Councillor Sleeth
Seconded by Councillor Barbeau

THAT Council approves the minutes of the November 7, 2017 Council meeting.

Carried

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December, 5, 2017

b) Minutes of November 14, 2017 Committee of the Whole Meeting

Resolution No. 2017-38-09
Moved by Councillor Sleeth
Seconded by Councillor Barbeau

THAT Council approve the minutes of the November 14, 2017 Committee of the Whole meeting.

Carried

c) Minutes of November 18, 2017 Special Committee of the Whole Meeting

Resolution No. 2017-38-10
Moved by Councillor Sleeth
Seconded by Councillor Barbeau

THAT Council approves the minutes of the November 18, 2017 and November 20, 2017 Special Committee of the Whole meetings.

Carried

d) Minutes of November 20, 2017 Special Committee of the Whole meeting

8. Business Arising from the Minutes

a) Reimbursement for Ontario Association of Committees of Adjustment Seminar

Resolution No. 2017-38-11
Moved by Councillor Sleeth
Seconded by Councillor Roberts

THAT Council reimburse Councillor Revill for his registration and mileage and meeting expenses incurred to attend the Ontario Association of Committees of Adjustment Seminar on October 24, 2017 in Cobourg.

Carried

b) Lindsay Mills, Planner, re: Third Reading of By Law 2017-58 (1324789 Ontario Inc)

c) Lindsay Mills, Planner, re: Revised Draft Plan Conditions - McFadden Subdivision

Resolution No. 2017-38-12
Moved by Councillor Revill
Seconded by Councillor Sutherland

THAT Council approve revisions to the Township's draft plan conditions for the McFadden Road Subdivision in Part of Lots 14 and 15, Concession VIII, Loughborough District, as follows:

1. Add a condition to require that the Owner dedicate to the Township a road widening of McFadden Road so that the road allowance along the whole frontage of the subject land has a width of 10 metres (33 ft.) measured from the centre line of the travelled portion of the road to the subject property line.

2. Delete Condition #13 requiring direct access to the Cataraqui Trail.

3. Change Condition #14 to state that no development is permitted within 15 metres of the two westernmost wetlands identified in Figure 1 of the

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December, 5, 2017

Environmental Impact Study dated March 2017, prepared by Niblett Environmental Associates Inc. and that no development is permitted within 30 metres of any other waterbody on the subject land.

AND direct staff to forward the Township's revised conditions of draft plan approval to the County of Frontenac with a request that the requirement for a road widening of McFadden Road be incorporated into the County's draft plan conditions.

Carried

d) Notice of Motion - Young legal costs

Resolution No. 2017-38-13
Moved by Councillor Sutherland
Seconded by Councillor Revill

THAT the Township of South Frontenac cover the legal costs incurred by William and Wendy Young in connection with the closing of a road allowance outlined in By-law 2016-46.

Carried

e) Notice of Motion - Heritage Committee - Fermoy Hall

Resolution No. 2017-38-14
Moved by Councillor Sleeth
Seconded by Councillor Barbeau

THAT Council defer any work on Fermoy Hall, regardless of the funding source, until such time that the Heritage Committee has met and made recommendations back to Council.

Withdrawn

f) Notice of Motion - Commenting on Environmental Registry

Resolution No. 2017-38-15
Moved by Councillor Sutherland
Seconded by Councillor Schjerning

BE IT RESOLVED THAT South Frontenac Township comment on Environmental Registry (ER) listing 013-1130 stating that:

1) More detail is needed on the habitat to be protected for the Blanding Turtle and the Grey Rat Snake, and

2) Consideration needs to be given to the bats and whippoorwill, species at risk identified in the area.

Defeated

9. Reports Requiring Action

a) Lindsay Mills, Planner, re: Mundell - Road Allowance Closing

See By-law 2017-75.

b) Budget Decision

Resolution No. 2017-38-16
Moved by Councillor Revill
Seconded by Councillor Sleeth

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December, 5, 2017

THAT Council approve and adopt the combined 2018 Capital and Operating Budgets requiring \$19,129,719 to be raised by taxation,

AND THAT Council also approve the 2018 PSAB budget attached in the Treasurer's report dated December 5, 2017.

Carried

- c) Mark Segsworth, Public Works Manager, re: Private Lane Upgrade Program

Resolution No. 2017-38-17
Moved by Councillor Sleeth
Seconded by Councillor Barbeau

THAT Council approve payments totalling \$83,045.20 in the amounts as listed in the Private Lane Upgrading Assistance Program report dated December 5, 2017.

Carried

- d) Wayne Orr, Chief Administrative Officer, re: Seniors Housing Initial Commitment

Resolution No. 2017-38-18
Moved by Councillor Sutherland
Seconded by Councillor Revill

THAT Council commit to pursuing a Seniors Housing Project which includes a municipal investment and direct staff to explore a partnership with Kingston Frontenac Housing Corporation and explore potential sites.

Carried

- e) Wayne Orr Chief Administrative Officer, re: Support for Kinsmen Dream Home Raffle

Resolution No. 2017-38-19
Moved by Councillor Sleeth
Seconded by Councillor Revill

THAT Council authorize the CAO to support the 2018 Kinsmen Dream Home raffle with comparable donations back to the community.

Carried

- f) Wayne Orr, Chief Administrative Officer, re: Procedural By-law

See By-law 2017-76.

- g) Angela Maddocks, Deputy Clerk, re: January 2018 Meetings

Resolution No. 2017-38-20
Moved by Councillor McDougall
Seconded by Councillor Schjerning

THAT the Committee of the Whole meeting for January 2018 be scheduled for January 9, 2018 and the Council meeting be scheduled for January 16, 2018.

Carried

10. Committee Meeting Minutes

- a) Public Services Committee meeting held October 20, 2017

Minutes of Council
December, 5, 2017

- b) Portland District Recreation meeting held September 25, 2017
- c) Portland District & Area Heritage Society meeting held November 16, 2017
- d) Police Services Board - meeting of October 16, 2017
- e) Corporate Services Committee meeting of October 10, 2017

Resolution No. 2017-38-21

Moved by Deputy Mayor Barr

Seconded by Councillor Roberts

THAT Council receives for information the minutes of the following committee meetings:

- Public Services Committee meeting held October 20, 2017
- Portland District Recreation Committee meeting held September 25, 2017
- Portland District & Area Heritage Society meeting held November 15, 2017
- South Frontenac Police Services Board meeting held October 16, 2017
- Corporate Services Committee meeting held October 10, 2017

Carried

11. By-Laws

- a) By-law 2017-58 - Rezoning of Concession III, Part Lots 23 & 24, Storrington (third reading)

Resolution No. 2017-38-22

Moved by Councillor Sleeth

Seconded by Councillor Barbeau

THAT By-law 2017-58, being a by-law to amend By-law 2003-75, as amended, to rezone lands from Special Rural (RU-45) to Rural (RU) and Special Limited Service Residential-Waterfront (RLSW-115), Part Lot 243 & 24, Concession III, Storrington District, be given third reading, signed and sealed.

Carried

- b) By-Law 2017-74 - Rezoning Part of Lot 8, Concession XI, Storrington

Resolution No. 2017-38-23

Moved by Councillor Sleeth

Seconded by Councillor Barbeau

THAT the following by-laws be given first and second reading:

- By-law 2017-74
- By-law 2017-75
- By-law 2017-76

Carried

Resolution No. 2017-38-24

Moved by Deputy Mayor Barr

Seconded by Councillor Roberts

THAT By-law 2017-74, being a by-law to amend By-law 2003-75, as amended, to rezone land from Waterfront Residential Zone (RW) to Open Space - Private Zone (OSP), Part Lot 8 Concession XI, Storrington District, be given third reading, signed and sealed.

Carried

Minutes of Council
December, 5, 2017

c) By-Law 2017-75 - Closing of Road Allowance - Mundell

Resolution No. 2017-38-25
Moved by Councillor Roberts
Seconded by Deputy Mayor Barr

THAT By-law 2017-75, being a by-law to stop up, close and sell a portion of an unopened road allowance in Part of Lot 19 between Concession V and VI, Loughborough District, be given third reading, signed and sealed.

Carried

d) By-law 2017-76 - Procedural By-law

Councillor Sutherland moved that there be two amendments to the by-law, however no one seconded his motion to amend.

Resolution No. 2017-38-26
Moved by Deputy Mayor Barr
Seconded by Councillor Roberts

THAT By-law 2017-76, being a by-law to provide for governing the proceedings of the Council, the conduct of member and the calling of meetings be given third reading, signed and sealed.

Carried

12. Reports for Information

a) Accounts Payable and Payroll Listing

13. Information Items

a) Stephen Hunt, Chair, Inverary Lake Residents Association, re: Rezoning on Inverary Lake

b) Hon. Bill Mauro, re: Transient Accommodation Tax

c) Submissions received re: Proposed Benefit Permit for Johnston Point

d) Martha and Gary Beach - response to Delegation re: Proposed Benefit Permit for Johnston Point

e) Philippe Archambault, re: Safety measures within 2018 budget

14. Notice of Motions

a) Councillor Revill served notice of motion to request a Ministry of Natural Resources and Forestry representative attend a meeting to discuss the benefit agreement for Johnston Point.

15. Announcements

a) Councillor Sutherland questioned the status of the Development Services Committee.

b) Councillor Sutherland noted the \$80,000.00 grant for cycling infrastructure and thanked Council for supporting the "share the road" initiative.

c) Mayor Vandewal announced that the Land O' Lakes Tourist Association will be ceasing operations after 70 years and that the Ontario East Municipal Conference for 2018 will be held in Cornwall.

Minutes of Council
December, 5, 2017

16. Question of Clarity (from the public on outcome of agenda items)

- a) Evonn Potts questioned the notice of motion to request the MNRF attend a Council meeting for clarification on the benefit permit for Johnston Point and what area of the ministry would be responding

Mayor Vandewal comments that Council is seeking clarification on the end result and how they got to it. He felt the Ministry of Natural Resources and Forestry would stop the development if conditions were not being met.

- b) Meela Melnik-Proud felt the Ministry is failing and getting approvals wrong. It is disconcerting as the public believes that South Frontenac is making decision on behalf of the County.

17. Closed Session - n/a

18. Confirmatory By-law

- a) By-law 2017-77

Resolution No. 2017-38-27
Moved by Councillor Schjerning
Seconded by Councillor McDougall

THAT By-law 2017-77, being a by-law to confirm generally previous actions of the Council of the Township of South Frontenac, be given first and second reading this 5 day of December 2017.

Carried

Resolution No. 2017-38-28
Moved by Councillor Schjerning
Seconded by Councillor McDougall

THAT By-law 2017-77, being a by-law to confirm generally previous actions of the Council of the Township of South Frontenac be given third reading, signed and sealed this 5 day of December 2017.

Carried

19. Adjournment

- a) Resolution

Resolution No. 2017-38-29
Moved by Councillor McDougall
Seconded by Councillor Schjerning

THAT the Council meeting of December 5, 2017 be adjourned at 8:25 p.m.

Carried

Ron Vandewal, Mayor

Wayne Orr, Chief Administrative Officer

Minutes of Committee of the Whole
December 12, 2017

Time: 7:00 p.m.

Location: Council Chambers

Meeting # 39

Present: Mayor Ron Vandewal, Brad Barbeau, Pat Barr, John McDougall, Alan Revill, Norm Roberts, Mark Schjerning, Ron Sleeth, Ross Sutherland

Staff: Wayne Orr, Chief Administrative Officer, Mark Segsworth, Public Works Manager, Angela Maddocks, Deputy Clerk

1. Call to Order
 - a) Mayor Vandewal called the meeting to order at 7:00 p.m.
2. Declaration of pecuniary interest and the general nature thereof
 - a) Councillor Schjerning declared a pecuniary interest with respect to the delegation presentation as he is a member of the Sydenham Lake Association and the current president.
3. Scheduled Closed Session - n/a
4. ***Recess *** - n/a
5. Delegations
 - a) Gord Rodgers and Bill Pears, re: Final Sydenham Lake Stewardship Plan

Gord Rodgers presented the final Sydenham Lake Stewardship Plan, a community action plan to protect the health and special character of Sydenham Lake. Copies were distributed to Council members.

Discussion took place regarding the cost of developing a stewardship plan and the dark sky initiative noted in the presentation. Councillor Schjerning suggested that the Development Services Committee look at a funding source for other lake associations to develop plans based on a business plan in the New Year.

6. Reports Requiring Action
 - a) Lindsay Mills, Planner, re: Proposed Shooting Range - Concession III, Part Lot 2, Portland District

Council directed staff to provide public consultation on this request based on the planning application guidelines, posting of notice, newspaper and website advertising and giving 20 days advance notice of a public meeting to be held in late January or early February.

- b) Wayne Orr, Chief Administrative Officer, re: Development and Building Services

Council confirmed their commitment to recruiting for the role of Manager of Development Services slated for early in the New Year.

Council was generally supportive of Councillor Schjerning's suggestion to change the title from "manager" to "director" as this may broaden the scope for interested applicants.

Committee of the Whole
December 12, 2017

7. Reports for Information

- a) Mark Segsworth, Public Works Manager, re: Phase II Environmental Site Assessments

8. Rise & Report

- a) Cataraqui Region Conservation Authority

Councillor Revill indicated there was nothing new to report, however he noted that the new Conservation Authorities Act has been proclaimed.

- b) Quinte Conservation Authority

Councillor Roberts reported that the next meeting is this Thursday.

- c) Rideau Valley Conservation Authority

Deputy Mayor Barr reported that the next meeting is this Thursday.

9. Information Items

- a) Around the Rideau - November/December 2017 Issue

- b) Donna Garland, re: Fermoy Hall (distributed to Council on December 5)

10. Notice of Motions - n/a

11. Announcements - n/a

12. Question of Clarity (from the public on outcome of agenda items)

- a) Steve Saunders asked for clarification on the next steps in his request for a private shooting range.

13. Closed Session - n/a

14. Adjournment

- a) The meeting was adjourned at 7:55 p.m.



REPORT TO COUNCIL CLERSK DEPARTMENT



AGENDA DATE: December 19, 2017

SUBJECT: Notice of Motion- MNRF Benefit Permits

RECOMMENDATION

That Council direct staff to invite a representative from the Ministry of Natural Resources and Forestry to attend a meeting to clarify and provide information about the benefit permit process as it relates to the Johnston Point Development.

BACKGROUND

Council's Procedural By-Law 2016-71 establishes the process for Notice of Motion.

At the Council Meeting of December 5, 2017, Councillor Revill served Notice of Motion to request that a representative from the Ministry of Natural Resources and Forestry attend a Council meeting to clarify and discuss the benefit permit for Johnston Point. A notice of motion requires a seconder at the next regular Council meeting. If seconded, the motion is debated and then voted upon.

ATTACHMENTS

N/A

Submitted/approved by:

Angela Maddocks
Deputy Clerk



REPORT TO COUNCIL
PUBLIC WORKS DEPARTMENT



AGENDA DATE: December 19, 2017

SUBJECT: Proposed extension of reduced speed zone of road segments

RECOMMENDATION:

That Council pass By-law 2017-80 to amend By-law 2000-01 as amended, to regulate traffic, parking and stopping on Township Highways and Bridges, by adding **Schedule A-44** and repealing **Schedules A-4 and A-6**.

BACKGROUND

Requests for reduced speed limits are received and reviewed on an ad hoc basis. Two segments have been requested for extension. These segments include Harrowsmith Road beyond Peters Road, and Rutledge Road to 300 metres East of Sydenham Road.

These road segments have been reviewed by both the OPP and the Public Services Committee using objective criteria. Both are generally supportive of the recommendations.

FINANCIAL and STAFFING CONSIDERATIONS

Not applicable as the intent is to relocate and reuse the existing signage.

Submitted/approved by:

Mark Segsworth, P. Eng.
Public Works Manager

Prepared by:

David Holliday, CET
Area Supervisor



REPORT TO COUNCIL
PUBLIC WORKS



AGENDA DATE: December 19, 2017

SUBJECT: PR-2017-04 – Accessible Entrance and Upgrade to Steps at
Glendower Hall

RECOMMENDATION

That Council not award Tender PR-2017-04. Public Works will re-tender this project in early spring of 2018 to avoid costs associated with heating the project during the winter months.

BACKGROUND

Tender PR-2017-04 closed December 13, 2017 for the Installation of an Accessible Entrance and Upgrades to Steps at the Glendower Hall. Three bids were received and one bid was rejected as it was received after the deadline of 1:00 pm.

CONTRACTOR	PRICE
Ubcon Construction Ltd.	\$ 74,427.00
Anglin Group Ltd.	\$ 103,320.00
Wemp & Smith Construction Ltd.	\$ 122,940.00
(HST is not included in pricing)	

FINANCIAL IMPLICATIONS

In the 2016 Capital Budget. \$40,000.00 was approved for this project. Engineering design costs of \$1,882.56 have since been spent, leaving a remaining budget of \$38,117.44. An estimated \$20,000 will be required to complete this project in the spring of 2018. After consulting with the Treasurer, the Parkland Reserve Fund holds sufficient funds to complete this project.

Submitted/approved by:

Mark Segsworth, P. Eng.
Public Works Manager

Prepared by:

Jamie Brash
Supervisor, Facilities/Solid Waste



REPORT TO COUNCIL CLERKS DEPARTMENT



AGENDA DATE: December 19, 2017

SUBJECT: Perth Road Public School – Playground Equipment

RECOMMENDATION

That Council donate \$1000.00 to Perth Road Public School for their fundraising campaign for new playground equipment.

BACKGROUND

At the Council meeting on September 5, 2017 a funding request was considered by Council for new playground equipment at Loughborough Public School and a resolution was passed to donate \$1000.00 for the project. Additionally on October 17, Council also agreed to donate \$1000.00 to Harrowsmith Public School for their fundraising campaign for new playground equipment.

The attached correspondence has been received from Allison Croth, Principal at Perth Road Public School with a request for financial assistance to help with their fundraising efforts for newly installed playground equipment.

ATTACHMENTS

Correspondence from Allison Croth, Principal, Perth Road Public School Committee

Submitted/approved by:

Angela Maddocks
Deputy Clerk



Perth Road Public School

Limestone District School Board

Tel: (613) 353-2151 Fax: (613) 353-1219

1084 Walsh Road, Perth Road, Ontario K0H 2L0

Principal: Mrs. A. Croth Office Coordinator: Mrs. Joanne Baxter

Parent Council Chairs: N. Vankoughnett, S. Pearce

November 20th, 2017

Mayor Vandewal and the Township of South Frontenac Council,

This letter is to verify that the Parent Council of Perth Road Public School is working diligently to raise funds in order to enhance our school yard through the purchase of additional playground equipment.

In previous years our Parent Council has raised money to build a primary play structure. This past year, Perth Road Public School staff and the Parent Council worked together in order to seek input from our students about how they envision their playground and what they feel would improve the quality of their play while at school. Many ideas were generated and submissions were made by the students to the Parent Council regarding what students would like to added to the yard. Students indicated that they would like a structure for our junior/intermediate students to enjoy as well as improving and enhancing the area around the existing primary play structure.

It is the understanding of our Parent Council that the South Frontenac Township Council has set aside funds for enhancement projects such as the one listed above. I would like to take this opportunity to thank you in advance for speaking with our parent representative and considering to support our school. Your consideration is deeply appreciated.

If you would like to contact me for further information, please do so.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Croth', written in a cursive style.

Allison Croth
Principal

Corporate Services Committee
November, 14, 2017

Time: 8:30 AM

Location: Council Chambers

Present: Alan Revill, Chair, Councillor Brad Barbeau, Councillor Ross Sutherland, Mayor Ron Vandewal

Staff: Wayne Orr, Chief Administrative Officer, Louise Fragnito, Treasurer, Angela Maddocks, Deputy Clerk

1. Call to Order

- a) Councillor Revill called the meeting to order at 8:30 a.m.

2. Declaration of pecuniary interest and the general nature thereof - n/a

3. Approval of Minutes

- a) Minutes of October 10, 2017 Meeting

Resolution No. 2017-CSC-11/14-01

Moved by Mayor Vandewal

Seconded by Councillor Sutherland

THAT the minutes of the October 10, 2017 meeting be approved.

Carried

4. Business Arising from the Minutes

- a) Annual Education/Website Updates

Louise Fragnito indicated this item will be addressed at the December meeting.

Mayor Vandewal has received comments from contractors/vendors about them not knowing when tenders were out. The committee recognizes that the notification for tenders is published in the weekly banner advertising and on the website.

- b) Hall Rental Fees

Tim Laprade is in the process of doing some analysis with the revenue and expenditure data provided by the Treasurer. He will be reviewing this information with Mark Segsworth. The review of rental fees will include township recreation fields.

- c) Social Media Policy

Wayne Orr noted that at the recent CAO meeting there was discussion about social media training for the Frontenac's. It is anticipated that South Frontenac will launch the Facebook and Twitter accounts early in the new year.

- d) Exterior Signage

Angela Maddocks reported that it installation will be anticipated later this week or early next dependent on the weather.

5. New Business

- a) Investments Update

Louise Fragnito provided an update on investments that reflect a much better

position than the last report. She will be bringing forward a report on alternative investment strategies to the December meeting.

Discussion about the challenge of investment fluctuations took place. It was recognized that it is the responsibility of staff to keep Council informed of investment results.

b) Tax Sale Changes

Louise Fragnito provided an overview of the changes to the tax sale process. Currently if taxes are three years in arrears the property qualifies for tax sale however this now changes to two years. She recommended that we communicate this change to taxpayers in 2018 and start in 2019 as this is the same approach as the other Frontenac's. She also reviewed the changes to the extension agreements where there will no longer be a requirement to approve these by by-law. With respect to the surplus funds from the tax sale currently the township can apply for the funds after a one year period. With legislation changes the township won't be able to apply and the funds will be held by the courts for a 10 year period for the property owner to apply for and if they don't the money goes to the Public Guardian. She noted that currently South Frontenac does not have an administration fee to cover associated costs with the tax sale process.

The committee expressed concerns about providing adequate notice to taxpayers, advising homelessness prevention groups of this change and what is South Frontenac's tax liability currently. The direction from the committee was to bring this forward directly to Council for approval and they were supportive of imposing an administration fee.

c) Staffing

Wayne Orr provided insight into the three positions included in the 2018 budget and the rationale for each of these positions.

While there were concerns expressed about the additional mechanic position, generally the committee was supportive however this will be part of the Special Committee of the Whole budget discussions on November 18.

d) Bill 148

Wayne Orr provided an update on the implications of Bill 148 with respect to employment standards and labour relations. The impact of the minimum wage increase has been allocated in the draft 2018 budget that could affect summer students and volunteer firefighters.

The committee discussed the impact of Bill 148 and clarification of what positions would be considered "on-call" within the South Frontenac workforce.

e) Speed Limit Postings on Lakes

Mayor Vandewal relayed an inquiry about watercraft speed limit signage along lake frontage.

Speed limit on lakes is enforced and regulated by the OPP and does not fall within the townships jurisdiction and not the responsibility of the township to post speed limit signs.

f) Wayne Orr requested input from the committee on an email request from Cerebral Palsy to install donation boxes at the 9 firehalls. The organization would be responsible for weekly pick up and maintenance. The donation boxes

Corporate Services Committee
November 14, 2017

would provide a revenue source for the Fire Services budget.

The committee was not supportive of this request as they were concerned about maintaining clear paths both for the users and access for firefighters vehicles especially during the winter months.

6. Next Meeting: December 12, 2017
7. Adjournment
 - a) The meeting was adjourned at 9:23 a.m.

Public Services Committee
November 16, 2017

Time: 8:30 AM

Location: Council Chambers

Present: Ron Sleeth, Chairman, Mayor Ron Vandewal, John McDougall (left the meeting at 9:40 am) Mark Schjerning

Staff: Mark Segsworth, Public Works Manager, Wayne Orr, Chief Administrative Officer, Angela Maddocks, Deputy Clerk.

1. Call to Order

- a) The Chair called the meeting to order at 8:30 a.m.

2. Declaration of pecuniary interest and the general nature thereof - n/a

3. Approval of Minutes

- a) October 20, 2017

Resolution No. PSC-2017-11/16-01

Moved by Councillor Schjerning

Seconded by Councillor McDougall

THAT the minutes of the October 20, 2017 meeting be approved.

Carried

4. Business Arising from the Minutes

- a) Harrowsmith Intersection

The goal had been to have Wilton Road completed in 2017 however due to the weather, there will only be the base course completed. The sidewalk to the school and the widening of the shoulder for school buses will be done. The re-alignment of the trail and identifying a potential location for the sculpture are being assessed. The storm sewer replacement under Road 38 will hopefully be done before March 2018.

- b) Fire Hall Update

Inside work is ongoing, there is no update on the additions/deletions but there has not been any significant change orders. There has been a delay on the steel for roofing.

Jamie Brash is the project manager for the fire hall.

- c) Water Hauling Station

This is a carry over in the budget. Mark Segsworth is working with Utilities Kingston and will be providing more details. He envisions the station to be a small scale filling station for residential use initially. There is a need to look at capacity as it is anticipated that there will be a call for commercial use as well.

- d) Bedford Road Project

Bricaza Construction will be on site next year. All service relocates will be done this year. Mark Segsworth indicate this project will be completed by July 1, 2018. The committee discussed the road closing for local traffic only during the construction period. The project will encompass the section of road from Alton Road to the bridge on George Street and includes the realignment of the Portland Ave intersection and the replacement of a section of the storm sewer.

e) Solid Waste

Mark Segsworth circulated copies of the memo from Cambium on the update to the Frontenac Waste Management Review and a document concerning the future of the blue box program from AMO. He provided an update on collaborative negotiating with Stewardship Ontario and the discussions surrounding changes to the Waste Free Ontario Act where producers may be responsible for 50 % of the blue box program. Currently the Frontenac's operate independently however the county wide approach to waste management may include a regional transfer station with the catchment area being larger than the Kingston area.

Mark Segsworth will be reviewing this on a monthly basis and keep the committee updated on changes. He anticipates a report to Council in January.

f) RWIS Station

The Regional Director for MTO gave a presentation on the Road Weather Information System which is essentially weather forecasting. There is a void along the Road 38 corridor and the province is looking for a space and have asked South Frontenac to invest \$100,000.00. Mark Segsworth noted that the Weather Network is a good resource and the trucks are equipped with monitors. He will do more investigation and provide more details as the committee did not see the worthiness of an investment of this size at this time.

g) Committee Initiatives

Mark Segsworth reviewed the updated initiatives. The sign by-law requires more staff input and awaits the Development Review Team as a whole to draft. Mark Schjerning noted this initiative was sent out two years ago and he had provided his feedback.

The committee discussed the County of Frontenac signage project as well as the CFDC initiative for "business district" signage.

5. New Business

- a) Mayor Vandewal inquired about the Loughborough Garage assessment and if money has been included in the budget for this.

- b) The committee reviewed the notes from the meeting on September 21 with cottage and lane associations concerning communal bin garbage collection. Mark Segsworth will provide copies of the pamphlet sent out that reflects potential service enhancements.

- c) Mark Segsworth provided an update on the improvements to Storrington Centre and Glendower Hall. Drawings are being done and these projects will be going out to tender soon.

- d) Mark Segsworth provided a rationale for the two positions included in the 2018 Public Works budget; a light equipment operator and a mechanic.

6. Next Meeting: December 14, 2017

7. Adjournment:

- a) The meeting adjourned at 9:55 a.m.

TOWNSHIP OF SOUTH FRONTENAC

BY-LAW NUMBER 2017-78

BEING A BY-LAW TO AMEND BY-LAW NUMBER 2003-75, AS AMENDED, TO REZONE LAND FROM RURAL ZONE (RU) TO RESIDENTIAL ZONE (R) AND SPECIAL RESIDENTIAL ZONE (R-29) PART LOTS 14 AND 15, CONCESSION VIII, DISTRICT OF LOUGHBOROUGH: McFADDEN ROAD SUBDIVISION

WHEREAS, the Municipal Council of the Township of South Frontenac deems it expedient to amend By-law Number 2003-75 as amended, as it relates to a parcel of land located in Part of Lots 14 and 15, Concession VIII of the District of Loughborough;

NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC BY ITS COUNCIL, HEREBY ENACTS AS FOLLOWS:

1. THAT Schedule "B", to Zoning By-law Number 2003-75 as amended, is hereby further amended by changing the zoning from Rural Zone (RU) to Residential Zone (R) and Special Residential Zone (R-29) for those lands shown on the attached map designated as Schedule "1".
2. THAT Zoning By-law Number 2003-75 as amended is hereby further amended by adding a new section R-29 (Part Lots 14 and 15, Concession VIII, Loughborough District) immediately after section R-28 (Part Lot 19, Concession II, Storrington District – Willowbrook Estates), to read as follows:

R-29 (Part Lots 14 and 15, Concession VIII, Loughborough District – McFadden Road Subdivision)

Notwithstanding the provisions of section 12.3.3 or any other provision of this By-law to the contrary, on the lands zoned Special Residential (R-29), the following special provision shall apply:

Special Provision

- Setback from the highwater mark or floodline of a waterbody (Minimum)..... 15 metres (50 ft.)

All other provisions of this by-law shall apply.

3. THIS BY-LAW shall come into force in accordance with section 34 of the Planning Act, 1990, as amended, either upon the date of passage or as otherwise provided by said section 34.

Dated at the Township of South Frontenac this nineteenth day of December, 2017.

Read a first and second time this nineteenth day of December, 2017.

Read a third time and finally passed this nineteenth day of December, 2017.

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC**

Ron Vandewal, Mayor

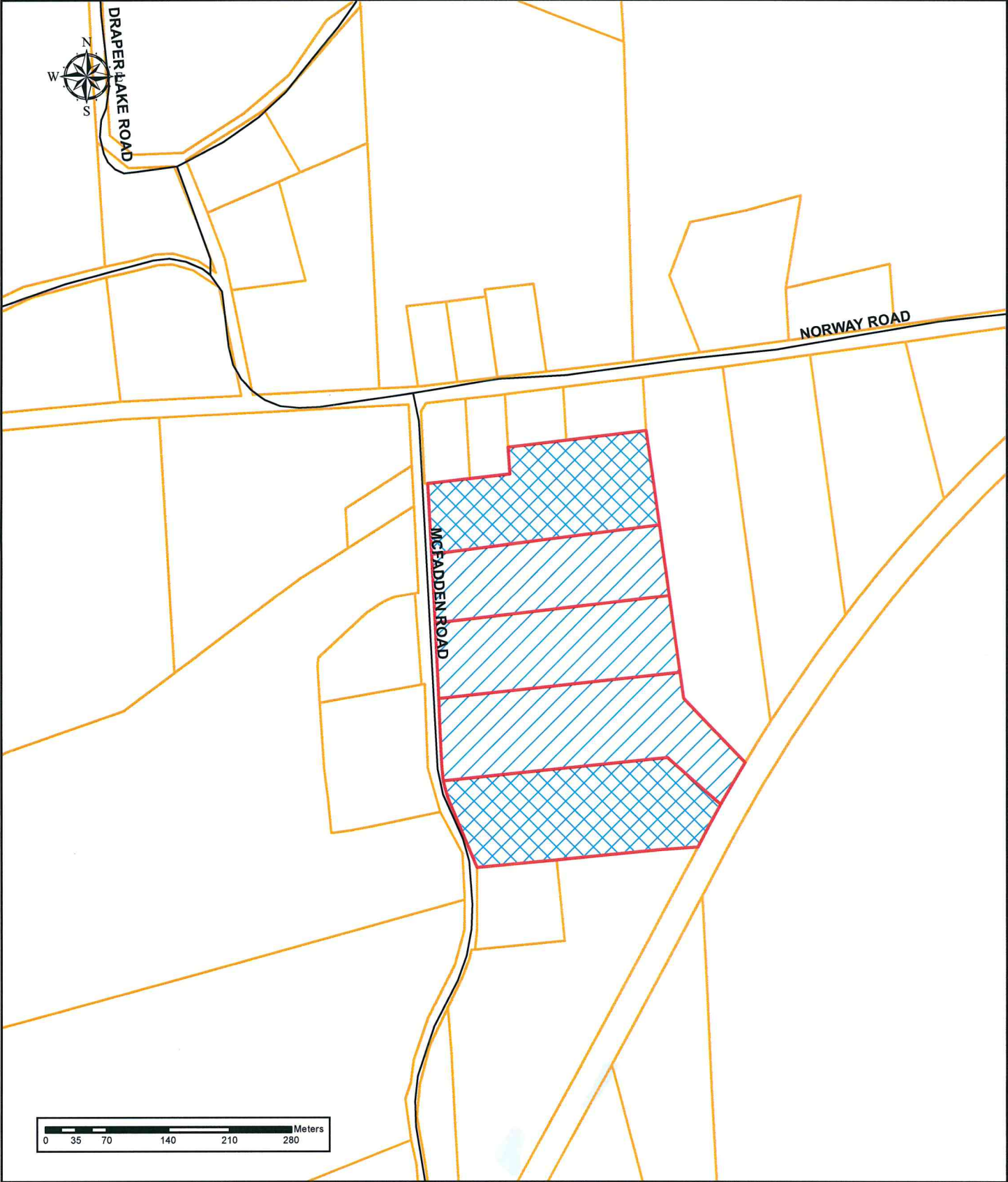
Wayne Orr, Clerk-Administrator

TOWNSHIP OF SOUTH FRONTENAC



SCHEDULE '1' TO
BY-LAW NO. 2017-78

-  AREA REZONED FROM 'RU' TO 'R'
-  AREA REZONE FROM 'RU' TO 'R-29'



THIS SCHEDULE '1' TO BY-LAW NO. 2017-78
PASSED THIS 19TH DAY OF DECEMBER 2017

MAYOR _____

CLERK _____

TOWNSHIP OF SOUTH FRONTENAC

BY-LAW NUMBER 2017-79

BEING A BY-LAW TO AMEND BY-LAW NUMBER 2003-75, AS AMENDED, TO REZONE LAND FROM RURAL ZONE (RU) TO WATERFRONT RESIDENTIAL ZONE (RW) AND LIMITED SERVICE RESIDENTIAL-WATERFRONT ZONE (RLSW) PART LOTS 25 AND 26, CONCESSION V, DISTRICT OF STORRINGTON: COLEMAN

WHEREAS, the Municipal Council of the Township of South Frontenac deems it expedient to amend By-law Number 2003-75 as amended, as it relates to a parcel of land located in Part of Lots 25 and 26, Concession V of the District of Storrington;

NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC BY ITS COUNCIL, HEREBY ENACTS AS FOLLOWS:

1. THAT Schedule "C", to Zoning By-law Number 2003-75 as amended, is hereby further amended by changing the zoning from Rural Zone (RU) to Waterfront Residential Zone (RW) and Limited Service Residential-Waterfront Zone (RLSW) for those lands shown on the attached map designated as Schedule "1".
2. THIS BY-LAW shall come into force in accordance with section 34 of the Planning Act, 1990, as amended, either upon the date of passage or as otherwise provided by said section 34.

Dated at the Township of South Frontenac this nineteenth day of December, 2017.

Read a first and second time this nineteenth day of December, 2017.

Read a third time and finally passed this nineteenth day of December, 2017.

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC**

Ron Vandewal, Mayor

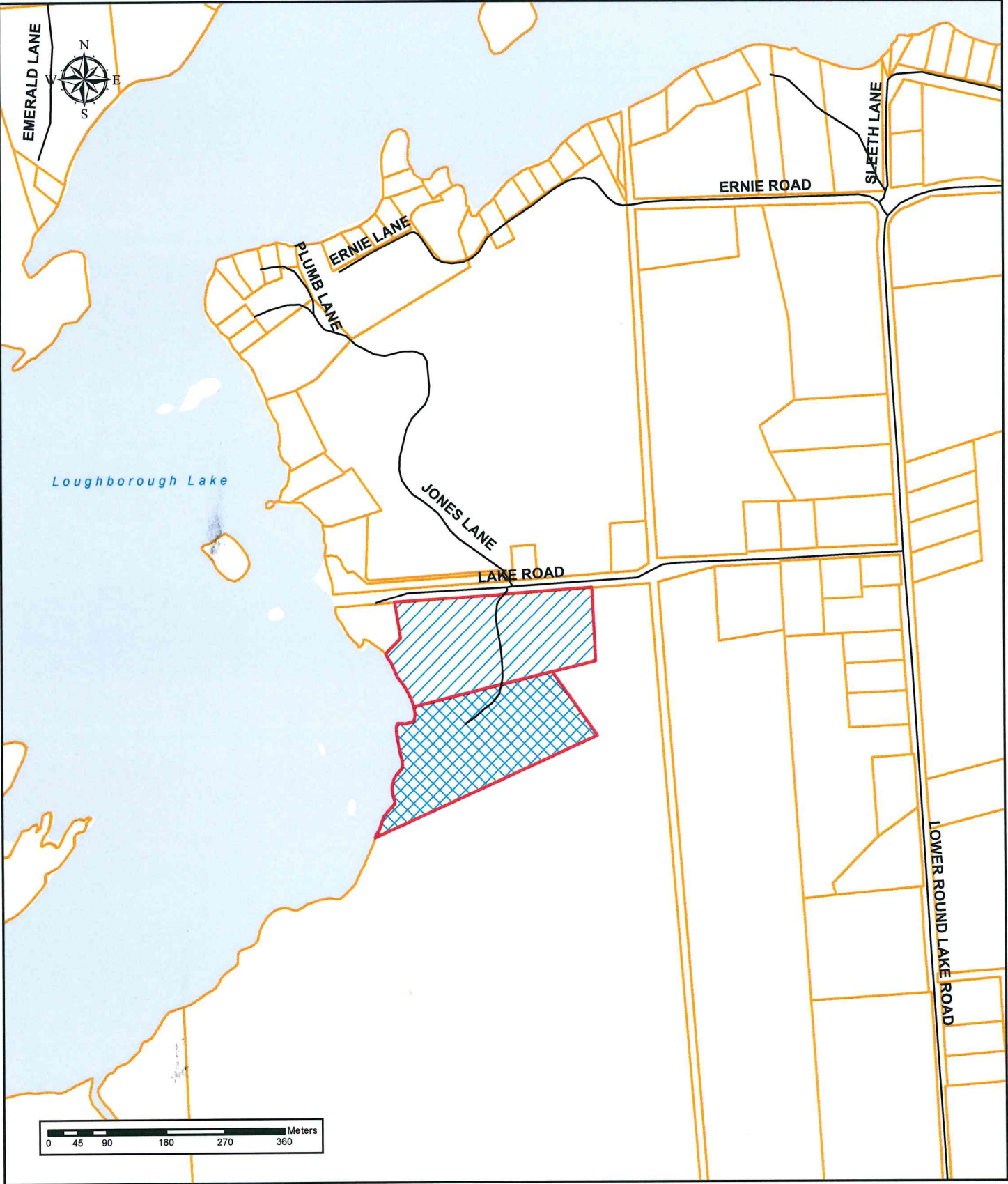
Wayne Orr, Clerk-Administrator

TOWNSHIP OF SOUTH FRONTENAC



SCHEDULE '1' TO
BY-LAW NO. 2017-79

-  AREA REZONED FROM 'RU' TO 'RW'
-  AREA REZONED FROM 'RU' TO 'RLSW'



THIS SCHEDULE '1' TO BY-LAW NO. 2017-79
PASSED THIS 19TH DAY OF DECEMBER 2017

MAYOR _____

CLERK _____

TOWNSHIP OF SOUTH FRONTENAC

BY-LAW 2017-80

A BY-LAW TO AMEND BY-LAW 2000-01, BEING A BY-LAW TO REGULATE THE USE OF TRAFFIC, PARKING AND STOPPING ON HIGHWAYS AND BRIDGES IN THE TOWNSHIP OF SOUTH FRONTENAC, TO REGULATE SPEEDS AS OUTLINED IN SCHEDULE "A".

WHEREAS By-law 2000-01 regulates the use of traffic, parking and stopping on highways and bridges under the jurisdiction of the Council of the Corporation of the Township of South Frontenac, pursuant to the Municipal Act, R.S.O. 1990, Ch. 45, as amended and the Municipal Act, 2001, Ch. 25, as amended; and

WHEREAS Council wishes to amend By-law 2000-01 as amended, for the purposes of regulating speed on various roads.

NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC, BY ITS COUNCIL, HEREBY ENACTS AS FOLLOWS:

1. That the attached Schedule "A-44" is hereby added to By-law 2000-01 as amended.
2. That the Schedule "A-4" of By-Law 2000-01 be repealed
3. That the Schedule "A-6" of By-Law 2000-01 be repealed
4. This by-law shall come into force and take effect upon the posting of the appropriate speed limit signs.

Dated at the Township of South Frontenac this 19 day of December, 2017.

Read a first and second time this 19 day of December 2017.

Read a third time and finally passed this 19 day of December, 2017.

THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC

Ron Vandewal, Mayor

Wayne Orr, Clerk-Administrator

SCHEDULE “A-44”
(By-law 2017-80)

Maximum Rate of speed 60 kilometers (35 miles) per hour.

<u>Highway</u>	<u>From</u>	<u>To</u>
Township Road 5	400m East of East Limits of Road 38	Easterly 700m
Township Road 5	150m East of Sydenham High School Property	Easterly to 300m East of Township Road 9



Payment Listing
For the period of December 6, 2017 to December 19, 2017

Accounts Payable Payment Listing:

For the period of December 6, 2017 to December 19, 2017 3,460,893.81

Payroll Payment Listing:

Pay Period #25	Pay date December 6, 2017	90,971.51
	For the period of November 19, 2017 to December 2, 2017	
Council Reimbursement	Pay date December 6, 2017	1,313.70
	For the period of November 19, 2017 to December 2, 2017	

Total Payments

\$ 3,553,179.02

RECOMMENDATION:

1. It is recommended that Council receive for information the listing of the Accounts Payable and Payroll for the period ending December 19, 2017 in the amount of \$ 3,553,179.02

Submitted/approved by:
Stephanie Kuca - Deputy Treasurer

Township of South Frontenac

CHEQUE DISTRIBUTION REPORT

Ranges: From: To: Distribution Types Included:

Cheque Date: 2017-12-06 2017-12-19 PURCH, MISC

10 GG

0000 Gen

Cheque	Date	Inv #	Vendor	Description	Amount
EFT000000008517	2017-12-19	51029	COUNTY OF FRONTENAC	FMIS 4th Quarter 2017	\$27,222.99
Total EFT000000008517					\$27,222.99
EFT000000008525	2017-12-19	65647	THE FRONTENAC NEWS	Ad-17/11/30	\$332.69
Total EFT000000008525					\$332.69
EFT000000008538	2017-12-19	4436023	METROLAND MEDIA GROUP	17/11 Advertising	\$1,873.20
Total EFT000000008538					\$1,873.20
EFT000000008550	2017-12-19	17918	SUPPORT WAREHOUSE	HP P2000 G3 Server Support	\$1,069.50
Total EFT000000008550					\$1,069.50
Total Gen					\$30,498.38

0020 TaxC

Cheque	Date	Inv #	Vendor	Description	Amount
EFT000000008517	2017-12-19	51015	COUNTY OF FRONTENAC	DEC 2017 LEVY	\$1,363,534.25
		2017 YE PIL/SUPS/WO		2017 YE PIL/SUPS/WO	\$36,310.32
Total EFT000000008517					\$1,399,844.57
Total TaxC					\$1,399,844.57

0035 TaxSB-EP

Cheque	Date	Inv #	Vendor	Description	Amount
EFT000000008533	2017-12-19		LIMESTONE DISTRICT SCHOOL		
		DEC 2017 LEVY		DEC 2017 LEVY	\$1,320,818.23
		2017-ADJUSTMENT		2017-ADJUSTMENT	\$22,242.65
Total EFT000000008533					\$1,343,060.88
Total TaxSB-EP					\$1,343,060.88

0036 TaxSB-ES

Cheque	Date	Inv #	Vendor	Description	Amount
EFT000000008508	2017-12-19		ALGONQUIN AND LAKESHORE		
		DEC 2017 LEVY		DEC 2017 LEVY	\$114,167.91
Total EFT000000008508					\$114,167.91
Total TaxSB-ES					\$114,167.91

0037 TaxSB-FP

Cheque	Date	Inv #	Vendor	Description	Amount
EFT000000008515	2017-12-19		CONSEIL DES ECOLES PUBLIQUES		
		DEC 2017 LEVY		DEC 2017 LEVY	\$5,153.13
Total EFT000000008515					\$5,153.13
Total TaxSB-FP					\$5,153.13

0038 TaxSB-FS

Cheque	Date	Inv #	Vendor	Description	Amount
EFT000000008516	2017-12-19		CONSEIL SCOLAIRE CATHOLIQUE DU		
		DEC 2017 LEVY		DEC 2017 LEVY	\$8,026.15
Total EFT000000008516					\$8,026.15
Total TaxSB-FS					\$8,026.15

1000

Cheque	Date	Inv #	Vendor	Description	Amount
EFT000000008519	2017-12-19	0985517	CULLIGAN	Drinking Water	\$148.22
Total EFT000000008519					\$148.22
EFT000000008542	2017-12-19	1417379	PINCHIN LTD.	Haz Materials- Generator Proj.	\$330.72
Total EFT000000008542					\$330.72
EFT000000008547	2017-12-19	4886	SIMMONS PLUMBING & PUMP SERV.	Repair toilet + Parts	\$101.76
Total EFT000000008547					\$101.76
EFT000000008549	2017-12-19	17750748	SUPERIOR PROPANE INC.	Propane	\$1,180.74
Total EFT000000008549					\$1,180.74
EFT000000008558	2017-12-19	6812	TRUE ELECTRIC	Xmas Tree Lights Installation	\$3,682.63
Total EFT000000008558					\$3,682.63
Total					\$5,444.07

1100 Counc

Cheque	Date	Inv #	Vendor	Description	Amount
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System:	2017-12-14 11:12:13 AM	Township of South Frontenac		Page:	2
User ID:	skuca	CHEQUE DISTRIBUTION REPORT		Page 45 of 141	
069062	2017-12-12	BUCKS POINT ASSOCIATION			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$1,832.10
Total 069062					\$1,832.10
069063	2017-12-12	BURNS LANE COMMUNITY ASSOCIATION			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$1,263.70
Total 069063					\$1,263.70
069064	2017-12-12	GARTER LAKE LANE ASSOCIATION			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$3,991.73
Total 069064					\$3,991.73
069065	2017-12-12	HIAWATHA LANE ASSOCIATION			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$2,827.43
Total 069065					\$2,827.43
069066	2017-12-12	REVILL, ALAN			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$3,318.79
Total 069066					\$3,318.79
069067	2017-12-12	RIDEAU SEELEY BAY COTTAGE ASSOCIATION			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$7,667.62
Total 069067					\$7,667.62
069068	2017-12-12	BEAMISH, DON			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$1,194.98
Total 069068					\$1,194.98
069070	2017-12-12	BLUEWATER COTTAGERS ASSOCIATION INC.			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$1,801.95
Total 069070					\$1,801.95
069071	2017-12-12	BLUNDELL, DAVID			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$12,500.00
Total 069071					\$12,500.00
069072	2017-12-12	BRUYNs, RON			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$1,538.16
Total 069072					\$1,538.16
069073	2017-12-12	B.S.A.C.A.			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$1,644.15
Total 069073					\$1,644.15
069074	2017-12-12	CASSELMAN, RICHARD			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$554.21
Total 069074					\$554.21
069075	2017-12-12	CLIFF, DAVID C.			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$748.63
Total 069075					\$748.63
069076	2017-12-12	CORNEIL, SHARON			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$1,582.00
Total 069076					\$1,582.00
069077	2017-12-12	DEER PARK LANE ROAD ASSOCIATION			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$4,908.10
Total 069077					\$4,908.10
069078	2017-12-12	DONALLY, ROBERT			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$5,556.78
Total 069078					\$5,556.78
069079	2017-12-12	FOURTEEN ISLAND NORTH FEEDER LAKE ASSOCATION			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$7,024.50
Total 069079					\$7,024.50
069080	2017-12-12	HANNA, DON			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$781.42
Total 069080					\$781.42
069081	2017-12-12	HEINRICHS, R. WALTER			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$2,889.70
Total 069081					\$2,889.70
069082	2017-12-12	KIRKHAM, WAYNE			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$614.28
Total 069082					\$614.28
069083	2017-12-12	KOM, LES			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$465.00
Total 069083					\$465.00
069084	2017-12-12	MIDWOOD, DALE			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$1,214.75
Total 069084					\$1,214.75
069085	2017-12-12	OLD MINE ROAD ASSOCIATIION			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$2,909.97
Total 069085					\$2,909.97
069086	2017-12-12	SUNSET SHORES PENINSULA ASSOC			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$4,409.10
Total 069086					\$4,409.10
069087	2017-12-12	VANDESANDE, ED			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$1,553.75
Total 069087					\$1,553.75
069088	2017-12-12	VAN NEST, PAUL			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$1,684.27
Total 069088					\$1,684.27
069089	2017-12-12	EVANS, ELIZABETH			
		2017 PRIVATE LANE	2017 PRIVATE LANE		\$6,568.13
Total 069089					\$6,568.13
069112	2017-12-19	LEFEBVRE, JESSICA			
		CIP GRANT 2017-08	CIP GRANT 2017-08		\$1,690.69
Total 069112					\$1,690.69
Total Counc					\$84,735.89

Township of South Frontenac

CHEQUE DISTRIBUTION REPORT

1250 Clk

Cheque	Date	Inv #	Vendor	Description	Amount
EFT000000008517	2017-12-19	51023	COUNTY OF FRONTENAC	17/12 EAP	\$234.08
Total EFT000000008517					\$234.08
EFT000000008556	2017-12-19	2819 4751	TROUSDALE'S FOODLAND	Coffee, Milk, cream Cream	\$34.52 \$2.79
Total EFT000000008556					\$37.31
Total Clk					\$271.39

1275 Fin

Cheque	Date	Inv #	Vendor	Description	Amount
069106	2017-12-19	8100317047	SHRED-IT INTERNATIONAL ULC	Shredding Services	\$72.27
Total 069106					\$72.27
Total Fin					\$72.27

1950 Syd End

Cheque	Date	Inv #	Vendor	Description	Amount
EFT000000008558	2017-12-19	6812	TRUE ELECTRIC	Xmas Tree Receptacle	\$494.61
Total EFT000000008558					\$494.61
Total Syd End					\$494.61

Total GG

\$2,991,769.25

20 PP&P

2100 Fire

Cheque	Date	Inv #	Vendor	Description	Amount
069092	2017-12-19	1-242806	BELL MOBILITY (RADIO DIVISION)	17/12 Monthly Site Rental	\$295.38
Total 069092					\$295.38
069098	2017-12-19	17/11/26-	KIDD ELECTRICAL & CONTRACTING	SYD FIRE Repair lights in meetng room	\$188.26
Total 069098					\$188.26
069099	2017-12-19	002848	KINGSTON FIRE AND RESCUE	Dispatching Fees 4th Qtr 2017	\$8,900.00
Total 069099					\$8,900.00
069109	2017-12-19	17-5-691	WENTWORTH LANDSCAPES	17/10 Grass Cutting	\$55.19
Total 069109					\$55.19
EFT000000008505	2017-12-19	A0572963 A0576951	ABELL PEST CONTROL INC.	17/11 Pest Control 17/11 Pest Control	\$37.72 \$44.46
Total EFT000000008505					\$82.18
EFT000000008510	2017-12-19	1774	ANGLIN GROUP LTD	Progress Draw #4	\$215,897.40
Total EFT000000008510					\$215,897.40
EFT000000008511	2017-12-19	291117	BOWES CARPENTRY	Labour and Misc. Materials	\$12,714.91
Total EFT000000008511					\$12,714.91
EFT000000008519	2017-12-19	0987190	CULLIGAN	Drinking Water-Delivery Charge	\$2.02
Total EFT000000008519					\$2.02
EFT000000008523	2017-12-19	437617	FIRE SERVICE MANAGEMENT	Repair + Wash Suit	\$322.03
Total EFT000000008523					\$322.03
EFT000000008530	2017-12-19	KS21165	KENWORTH ONTARIO - KINGSTON	Design building entry	\$6,235.17
Total EFT000000008530					\$6,235.17
EFT000000008531	2017-12-19	17/11/30-40	LEONARD, ELIZABETH	Cleaning Products	\$22.21
Total EFT000000008531					\$22.21
EFT000000008532	2017-12-19	1244403-00	LEVITT-SAFETY LIMITED	Air Packs + Resp. Equip.	\$437.57
Total EFT000000008532					\$437.57
EFT000000008534	2017-12-19	57517403	LINDE CANADA LIMITED 15687	Oxygen	\$360.50
Total EFT000000008534					\$360.50
EFT000000008536	2017-12-19	17/11/30	MARK R. HALLADAY EMERGENCY	CPR + AED Training	\$5,464.51
Total EFT000000008536					\$5,464.51
EFT000000008545	2017-12-19	614512 614227 615156	ROSEN ENERGY GROUP	BURR 158.0L CLR@.9910 SYD 446.5L GAS@1.0780 SYD 663.3 L GAS @1.0490	\$159.34 \$489.79 \$708.04
Total EFT000000008545					\$1,357.17
EFT000000008548	2017-12-19	170394	STERLMAR EQUIPMENT	Console Face Plate	\$68.94
Total EFT000000008548					\$68.94
EFT000000008552	2017-12-19	K579853	SWISH MAINTENANCE LIMITED	Cleaning Products	\$215.78
Total EFT000000008552					\$215.78

Township of South Frontenac
CHEQUE DISTRIBUTION REPORT

EFT000000008554	2017-12-19		TORBRAM ELECTRIC SUPPLY CORP	
		KIN/078502	Exit Signs	\$25.89
Total EFT000000008554				\$25.89
EFT000000008557	2017-12-19		TROUSDALE'S HOME HARDWARE	
		76311	Shower Rod, Curtain + Mat	\$47.80
		212499	Hat Hooks	\$24.41
Total EFT000000008557				\$72.21
Total Fire				\$252,717.32
Total PP&P				\$252,717.32

30 Trans

3000 PW OH

Cheque	Date	Inv #	Vendor	Description	Amount
069101	2017-12-19		MCGREGOR, WENDY		
		17/05/01- RIM DAMAGE		Insurance Claim-Rim Damage	\$369.37
Total 069101					\$369.37
EFT000000008509	2017-12-19		ALLIANCE WIRELESS COMMUNICATIONS		
		C14258-1217		Answering Service	\$237.08
Total EFT000000008509					\$237.08
EFT000000008559	2017-12-19		UPPER CANADA OFFICE SYSTEMS		
		322110		Copier Usage	\$135.98
Total EFT000000008559					\$135.98
Total PW OH					\$742.43

3005 RdAdmOH

Cheque	Date	Inv #	Vendor	Description	Amount
069092	2017-12-19		BELL MOBILITY (RADIO DIVISION)		
		1-242806		17/12 Monthly Site Rental	\$295.38
Total 069092					\$295.38
Total RdAdmOH					\$295.38

3010

Cheque	Date	Inv #	Vendor	Description	Amount
069090	2017-12-19		ATKINSON HOME BUILDING CENTRE		
		130239		Auger Bit	\$42.73
Total 069090					\$42.73
069094	2017-12-19		DPH SERVICE STATION MAINTENANCE		
		253		Filter-MKD+ Annual Insp.-all	\$132.80
		260		Annual Insp. All 3 pumps	\$122.11
		254		Annual Insp. Both pumps	\$122.11
Total 069094					\$377.02
069095	2017-12-19		FLYNN AUTO GLASS & TINTING		
		8332		Windshield	\$381.60
Total 069095					\$381.60
069100	2017-12-19		LEA CONSULTING LTD		
		17181354		17/10 Traffic Signal Review	\$1,790.98
Total 069100					\$1,790.98
069107	2017-12-19		SNIDER, PERCY		
		17/11/24-20		Portland garage/Waste	\$178.08
Total 069107					\$178.08
DEC 12/2017	2017-12-12		OMERS		
		2016 OMISS. PER.			\$1,692.99
Total DEC 12/2017					\$1,692.99
EFT000000008506	2017-12-19		AECOM CANADA LTD		
		38280223		Retaining wall options report	\$4,375.68
Total EFT000000008506					\$4,375.68
EFT000000008507	2017-12-19		AIR LIQUIDE CANADA INC.		
		67665029		Oxygen	\$28.09
Total EFT000000008507					\$28.09
EFT000000008512	2017-12-19		CAMECH INDUSTRIAL INC.		
		30654		2X Hydraulic Hose Assemblies	\$696.98
Total EFT000000008512					\$696.98
EFT000000008514	2017-12-19		CINTAS		
		884111625		Cleaning supplies	\$22.80
		884111625		Uniform	\$13.21
		884109695		Cleaning Supplies	\$164.29
		884109695		Uniform	\$12.09
		884109686		Cleaning Supplies	\$22.80
		884109686		Uniform	\$13.21
		884107718		Cleaning Supplies	\$118.23
		884107718		Uniform	\$12.10
		884107707		Cleaning supplies	\$41.12
		884107707		Uniform	\$13.21
		884111635		Cleaning Supplies	\$89.49
		884111635		Uniform	\$14.47
Total EFT000000008514					\$537.02
EFT000000008518	2017-12-19		CRUICKSHANK CONSTRUCTION		
		90082073		Gravel	\$265.89
		90084825		Shoulder Spreading	\$6,181.92
		90084825		Shoulder Spreading	\$12,157.78
Total EFT000000008518					\$18,605.59
EFT000000008520	2017-12-19		CUNNINGHAM SWAN CARTY		
		148101		Dale+McQuillan-Easement	\$571.01
Total EFT000000008520					\$571.01
EFT000000008524	2017-12-19		FISH, DOROTHY		

Township of South Frontenac

CHEQUE DISTRIBUTION REPORT

		5965	Cleaning	\$306.00
Total EFT000000008524				\$306.00
EFT000000008526	2017-12-19		GRAND & TOY LIMITED	
		L787151	Office Supplies	\$84.74
Total EFT000000008526				\$84.74
EFT000000008527	2017-12-19		G WILLIAMS PAVING LTD	
		6739	Asphalt Entrance Repairs	\$6,538.08
Total EFT000000008527				\$6,538.08
EFT000000008529	2017-12-19		KENT AUTOMOTIVE	
		9305412898	Cablee Ties+ Wipers	\$190.31
		9305408520	Nuts+ Bolts	\$238.14
Total EFT000000008529				\$428.45
EFT000000008531	2017-12-19		LEONARD, ELIZABETH	
		17/11/30-40	Cleaning Products	\$20.00
		17/11/30-38	Cleaning	\$375.00
Total EFT000000008531				\$395.00
EFT000000008540	2017-12-19		NORTRAX	
		788578	Repair Wiring- Mice had chewed	\$605.31
Total EFT000000008540				\$605.31
EFT000000008542	2017-12-19		PINCHIN LTD.	
		1417334	Env. Site Assessment	\$8,853.12
		1417335	Env. Site Assessment	\$9,819.84
Total EFT000000008542				\$18,672.96
EFT000000008544	2017-12-19		PRO-TECH TRAINING SERVICES INC.	
		36	DailyInspection+DriverTraining	\$2,493.12
Total EFT000000008544				\$2,493.12
EFT000000008555	2017-12-19		TOWN AND COUNTRY AUTO SUPPLY	
		6083-467495	LED Spotlight	\$111.68
		6083-467495	LED Spotlight	\$111.68
		6083-467495	LED Spotlight	\$111.68
		6083-467495	LED Spotlight	\$111.67
Total EFT000000008555				\$446.71
EFT000000008556	2017-12-19		TROUSDALE'S FOODLAND	
		9988	Coffee, Whitener and Sugar	\$34.95
Total EFT000000008556				\$34.95
EFT000000008557	2017-12-19		TROUSDALE'S HOME HARDWARE	
		212366	Fruit Fly Traps	\$16.27
		212512	Jerry Can Spouts + Battery	\$20.73
		76622	Flashlights X8	\$84.22
		76623	Extension Cord X2	\$28.42
Total EFT000000008557				\$149.64
EFT000000008560	2017-12-19		UCF/MCKEOWN & WOOD FUELS	
		559294	1344.2L Oil @.9170	\$1,254.32
		708514	Hydrex AW 46 Hydraulic Oil 20L	\$149.79
Total EFT000000008560				\$1,404.11
EFT000000008561	2017-12-19		WASTE CONNECTIONS OF CANADA	
		7150-0000231308	Waste, Dump + Exchange	\$546.22
Total EFT000000008561				\$546.22
EFT000000008563	2017-12-19		W.R. BRIGHTMAN & SON LIMITED	
		17137	Unican Repair	\$407.04
Total EFT000000008563				\$407.04
Total				\$61,790.10

3215 Drainage

Cheque	Date	Inv #	Vendor	Description	Amount
EFT000000008527	2017-12-19		G WILLIAMS PAVING LTD		
		6740	Road Repairs		\$17,482.37
Total EFT000000008527					\$17,482.37
EFT000000008537	2017-12-19		MCNICHOLS CONSTRUCTION LTD		
		17/11/28-ROAD 38	Cat Excavator Rental		\$2,248.90
Total EFT000000008537					\$2,248.90
EFT000000008551	2017-12-19		SWEET'S SAND & GRAVEL		
		S-0052803	Gravel		\$528.20
Total EFT000000008551					\$528.20
Total Drainage					\$20,259.47

3220 Ctc,Cb>r

Cheque	Date	Inv #	Vendor	Description	Amount
069093	2017-12-19		CANADA BUILDING MATERIALS		
		888320286	3 X Ready Mix Concrete		\$849.70
Total 069093					\$849.70
Total Ctc,Cb>r					\$849.70

3310 Hardtop Patching

Cheque	Date	Inv #	Vendor	Description	Amount
EFT000000008504	2017-12-19		BOULTON SEPTIC/LARMON'S		
		26288	Hot Patching		\$4,518.14
		26308	Hot Patching		\$1,302.53
		26287	Hot Patching		\$2,930.69
		26234	Hot Patching		\$1,790.98
Total EFT000000008504					\$10,542.34
Total Hardtop Patching					\$10,542.34

3315 Sweeping

Cheque	Date	Inv #	Vendor	Description	Amount
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Township of South Frontenac
CHEQUE DISTRIBUTION REPORT

EFT000000008539	2017-12-19		MUNRO & SCULLION CONTRACTING INC		
		23247		Street Sweeping	\$8,086.30
		23247		Street Sweeping	\$12,129.44
Total EFT000000008539					\$20,215.74
Total Sweeping					\$20,215.74
3405 Washout					
Cheque	Date	Inv #	Vendor	Description	Amount
EFT000000008551	2017-12-19		SWEET'S SAND & GRAVEL		
		S-0052803		Gravel	\$529.22
Total EFT000000008551					\$529.22
Total Washout					\$529.22
3601 Barricds & Sfty Matls					
Cheque	Date	Inv #	Vendor	Description	Amount
EFT000000008541	2017-12-19		PERFECT SOLUTIONS		
		11311		Thinsulate Gloves X12	\$91.05
Total EFT000000008541					\$91.05
Total Barricds & Sfty Matls					\$91.05
3610 Trfc Sg mnt					
Cheque	Date	Inv #	Vendor	Description	Amount
EFT000000008558	2017-12-19		TRUE ELECTRIC		
		6814		Traffic Beacon Repair	\$977.51
Total EFT000000008558					\$977.51
Total Trfc Sg mnt					\$977.51
3625 RR cross mnt					
Cheque	Date	Inv #	Vendor	Description	Amount
EFT000000008513	2017-12-19		CANADIAN PACIFIC RAILWAY		
		11097175		17/11 Rail Crossing	\$744.00
Total EFT000000008513					\$744.00
Total RR cross mnt					\$744.00
3650 Street Lights					
Cheque	Date	Inv #	Vendor	Description	Amount
EFT000000008558	2017-12-19		TRUE ELECTRIC		
		6814		Traffic Beacon Repair	\$738.47
Total EFT000000008558					\$738.47
Total Street Lights					\$738.47
Total Trans					\$117,775.41
40 Env					
4110 Water Treat					
Cheque	Date	Inv #	Vendor	Description	Amount
069091	2017-12-19		BELL CANADA-WATER TOWER PHONE LINE		
		7631-17/11		17/11 Telephone	\$77.11
Total 069091					\$77.11
Total Water Treat					\$77.11
5005 SW & Fac OH					
Cheque	Date	Inv #	Vendor	Description	Amount
069105	2017-12-19		RDC GROUP		
		1773		Gloves	\$146.41
Total 069105					\$146.41
EFT000000008557	2017-12-19		TROUSDALE'S HOME HARDWARE		
		76310		Bit set, staples (staple gun)	\$19.50
Total EFT000000008557					\$19.50
Total SW & Fac OH					\$165.91
5105 Garb coll					
Cheque	Date	Inv #	Vendor	Description	Amount
069103	2017-12-19		NYBOM WELDING		
		2166		Level 4 Loads of Fill	\$681.79
Total 069103					\$681.79
EFT000000008557	2017-12-19		TROUSDALE'S HOME HARDWARE		
		76531		4X4 Lumber	\$48.55
		212499		4X4 Lumber for Garbage Bins	\$24.28
Total EFT000000008557					\$72.83
Total Garb coll					\$754.62
5110 Gab disp					
Cheque	Date	Inv #	Vendor	Description	Amount
069107	2017-12-19		SNIDER, PERCY		
		17/11/16-15		Portland Dump/Dozer	\$814.08
		17/11/10-17		Portland Dump/Waste	\$534.24
		17/11/28-21		Portland Dump/Waste	\$534.24
		17/11/22-18		Portland Dump/Waste	\$356.16

Township of South Frontenac

CHEQUE DISTRIBUTION REPORT

Total 069107						\$2,238.72	
EFT000000008505	2017-12-19	A0601622	ABELL PEST CONTROL INC.		17/12 Pest Control	\$101.83	
Total EFT000000008505							
EFT000000008522	2017-12-19	89691	ENVIRO-GUARD PLUS INC.		17/11 Pest Control	\$42.74	
Total EFT000000008522							
EFT000000008546	2017-12-19	20170712 20170612	RTD TRAILERS		Generator with Remote Switch 8.5 X 20 Foot Custom Trailer	\$5,800.32	
Total EFT000000008546							
EFT000000008553	2017-12-19		TOMLINSON ENVIRONMENTAL SERVICES				\$28,403.43
Total EFT000000008553		1971	Landfill Gridding			\$28,403.43	
EFT000000008557	2017-12-19	212375 76531	TROUSDALE'S HOME HARDWARE		Silt Fence Manure Fork X2	\$55.96	
Total EFT000000008557							
EFT000000008561	2017-12-19		WASTE CONNECTIONS OF CANADA				\$8,021.31
Total EFT000000008561		647-0000023694	84.77 MT ICI+Resi Waste			\$2,594.18	
EFT000000008562	2017-12-19	7150-0000231308	Waste, Dump + Exchange			\$10,615.49	
Total EFT000000008562		511100	WHALEY, GEORGE		17/11 Landfill Maintenance	\$5,598.73	
Total Gab disp						\$5,598.73	
5200 Recyc						\$71,646.17	
Cheque	Date	Inv #	Vendor	Description		Amount	
EFT000000008543	2017-12-19	103466	PRINTFUSION INC.		No Compliance Notices	\$372.25	
Total EFT000000008543							
Total Recyc						\$372.25	
Total Env						\$73,016.06	
70 Cem							
7000 Health							
Cheque	Date	Inv #	Vendor	Description		Amount	
069107	2017-12-19	17/11-36	SNIDER, PERCY		Clean up long grass and brush	\$686.88	
Total 069107							
069109	2017-12-19	17-5-691 17-5-691	WENTWORTH LANDSCAPES		17/10 Grass Cutting 17/10 Grass Cutting	\$135.91	
Total 069109							
EFT000000008521	2017-12-19		D G YOUNGE CONCRETE BURIAL VAULTS				\$72.20
Total EFT000000008521		1775	Cremations+ Interments			\$208.11	
EFT000000008557	2017-12-19	1775	Cremations+ Interments			\$407.04	
Total EFT000000008557		76468	TROUSDALE'S HOME HARDWARE		12 Gauge Wire+ Fence posts	\$1,526.40	
Total Health						\$146.41	
Total Cem						\$146.41	
80 Rec						\$2,974.84	
8000 Rec						\$2,974.84	
Cheque	Date	Inv #	Vendor	Description		Amount	
069096	2017-12-19	1795	GROUNDWORK ENGINEERING LTD		Septic System Design	\$1,755.36	
Total 069096							
069097	2017-12-19	17 163	HAMBLY GROUP		Design building entry	\$1,755.36	
Total 069097							
069109	2017-12-19	17-5-691	WENTWORTH LANDSCAPES		17/10 Grass Cutting	\$1,882.56	
Total 069109							
EFT000000008519	2017-12-19	758938-17/09	CULLIGAN		17/09 Drinking Water	\$67.89	
Total EFT000000008519							
EFT000000008531	2017-12-19		LEONARD, ELIZABETH				\$67.02
Total EFT000000008531		17/11/30-40	Cleaning Products			\$67.02	
EFT000000008535	2017-12-19	191086 191086	LONDRY ALARMS		17/12 Montly Monitoring+Rental 17/12 Montly Monitoring+Rental	\$22.20	
Total EFT000000008535							
EFT000000008547	2017-12-19		SIMMONS PLUMBING & PUMP SERV.				\$26.46
Total EFT000000008547		4887	Repair UV light+ Toilet Repair			\$26.46	
EFT000000008554	2017-12-19	KIN/078502	TORBRAM ELECTRIC SUPPLY CORP		Triphosphors	\$52.92	
Total EFT000000008554							
						\$213.70	
						\$213.70	
						\$20.30	
						\$20.30	

Township of South Frontenac

CHEQUE DISTRIBUTION REPORT

EFT000000008557	2017-12-19		212499	TROUSDALE'S HOME HARDWARE		
				Xmas Lights		\$71.22
Total EFT000000008557						\$71.22
Total Rec						\$4,153.17
8030 Cda Day						
Cheque	Date	Inv #	Vendor	Description		Amount
EFT000000008538	2017-12-19		METROLAND MEDIA GROUP			
		4436023		17/11 Advertising		\$580.03
Total EFT000000008538						\$580.03
Total Cda Day						\$580.03
8210 VCA						
Cheque	Date	Inv #	Vendor	Description		Amount
069108	2017-12-19		VERONA COMPUTER STORE			
		1465-VCA		E. Sign- Internet Connection		\$33.07
Total 069108						\$33.07
Total VCA						\$33.07
Total Rec						\$4,766.27
90 Plan						
9000 Plan						
Cheque	Date	Inv #	Vendor	Description		Amount
069111	2017-12-19		JESPERSEN, EVELYN AND KURT			
		Z-17/13 REFUND		Z-17/13 refund		-\$1,700.00
Total 069111						-\$1,700.00
069113	2017-12-19		QUINTAL, MARC			
		Z-17/12 REFUND		Z-17/12 refund		-\$1,700.00
Total 069113						-\$1,700.00
EFT000000008520	2017-12-19		CUNNINGHAM SWAN CARTY			
		145541		Young- Closing Road Allowance		\$1,496.51
		145700		Young- Closing Road Allowance		\$32.04
Total EFT000000008520						\$1,528.55
Total Plan						-\$1,871.45
Total Plan						-\$1,871.45
99						
9999						
Cheque	Date	Inv #	Vendor	Description		Amount
069114	2017-12-19		JENKINS ANTHONY THOMAS			
		CRADJ4898-1		060010029040000		\$1,974.95
Total 069114						\$1,974.95
069115	2017-12-19		MILLIGAN JODIE-ANNE			
		CRADJ4899-1		0600601900300000		\$955.72
Total 069115						\$955.72
EFT000000008545	2017-12-19		ROSEN ENERGY GROUP			
		614773		F 2229.8L GAS @.9850		\$2,235.01
		614774		F 401.1L CLR @1.02		\$416.32
		614778		B 326.9L GAS @.9850		\$327.67
		614780		B 634.1 L MKD @ .8870		\$572.35
		614799		B 267.0L CLR @1.02		\$277.12
		614777		P 657.40 MKD @.8870		\$593.36
		614776		P 1800.8L CLR @1.0200		\$1,869.15
		614515		B 1040.8 L CLR @1.0010		\$1,060.18
		614516		B 63.8 L MKD@ .8680		\$56.35
		614510		F 1954.2 L GAS @.9680		\$1,924.97
		614514		B 289.9L GAS @.9680		\$285.56
		614513		F 605.9 L MKD @.8680		\$535.17
		614511		F 1696.1L CLR @1.0010		\$1,727.68
		614557		SUN 600.6L CLR @1.0060		\$614.83
		615114		F 951.1 L GAS @.9470		\$916.54
		615125		F 1791.5 L MKD@ .8620		\$1,571.46
		615118		B 494.8 L MKD @.8620		\$434.03
		615116		B 241.2 L GAS @.9470		\$232.44
		615164		SUN 1139.4L CLR @1.005		\$1,165.25
Total EFT000000008545						\$16,815.44
Total						\$19,746.11
Total						\$19,746.11
Total						\$3,460,893.81



INFORMATION REPORT TO
COUNCIL
PUBLIC WORKS



AGENDA DATE: December 19, 2017
SUBJECT: Revision to 2018 Capital Fleet Budget

RECOMMENDATION

For information only.

PURPOSE OF REPORT

The Public Services Committee was briefed on this matter at their meeting held December 14, 2017.

An amount of \$65,000 has been budgeted in the 2018 Capital for the replacement of a 2011 GMC Sierra ¾ Ton Truck (F52) in line with the Equipment Replacement Schedule. Last week the engine went in our 2008 F-550 (F42) and the estimated cost to repair is \$23,500 + HST. Staff feels that the proposed amount exceeds the truck value.

A similar issue arose with a tandem. An amount of \$250,000 has been budgeted in the 2018 Capital to replace a 2002 Tandem Truck (F27). A 2006 Sterling (F36) was reported to be “losing power”. This tandem was sent to Premier Trucks in Belleville and upon further review it was found that the engine had blow-by and the only repair for this would be to replace the engine. This truck is still usable as is but is not running at optimal performance. Estimated cost for this engine is \$45,000 - \$50,000 installed. Similarly, staff feels that the proposed amount to replace the engine exceeds the truck value.

ANALYSIS

The 2008 F550 Ford (F42) is slated to be replaced in 2020. With its current mileage and attachments it is estimated the truck to be worth between \$5,000 and \$10,000. With a new engine, estimated to cost \$23,500, the potential value would increase by roughly \$5,000. For this reason staff intends to replace the F550 (F42) as is in place of the ¾ Ton truck (F52). As the F550 (F42) has a dedicated snow plow route staff also intends to install a plow and sander in the ¾ ton truck (F52) that can be transferred to another truck upon its replacement.

The 2006 Tandem Dump Truck (F36) is slated to be replaced in 2021. Typically Tandem Dump Trucks are traded for \$7,000 to \$15,000. It is estimated that a new engine, estimated at \$45,000 to \$50,000, would not change the trade in value. For this reason staff intends to replace the 2006 Tandem (F36) as is in place of the 2002 Tandem Truck (F27) that was slated for replacement this year.

FINANCIAL/STAFFING IMPLICATIONS

Sufficient funds exist in the approved 2018 Capital Budget for this purpose.

Submitted/approved by:

Prepared by:

Mark Segsworth, P. Eng.
Public Works Manager

David Holliday, CET
Area Supervisor



REPORT TO COUNCIL CLERKS DEPARTMENT



AGENDA DATE: December 19, 2017

SUBJECT: 2017 Year in Review

RECOMMENDATION:

For information only

BACKGROUND

As Council closes the book on its third full year in office, it is helpful to look back and recognize both the volume of issues that have come before Council in 2017, to celebrate the successes and to look forward to the upcoming year.

This report is not intended to chronicle all the work that is done on a day to day basis in serving our community; rather it is an overview of the highlights from the 2017 Council and Committee Agendas.

None of this could be accomplished without the expertise and commitment of staff. And while the listing highlights activity at Council, it is the day to day service of our front line staff, volunteers and managers that our citizens and visitors experience and count on. They are the backbone of our success.

2017 Year in Review

- 23 Council meetings, 17 Committee of the Whole meetings, totalling over 67 hours
- 23 Notices of Motion
- 38 Public Delegations
- 23 Public Meetings
- 82 Planning Reports
- 30 Procurement Reports
- Swearing in of Councillor Barbeau
- Annual Lake Association meeting
- Confirmed moving forward with a Seniors Housing project
- Secured funding through Ontario 150th Capital Grant Program for additional work at The Point park
- Hosted a successfully Canada 150th Car Rally
- Launched the Healthy Kids Parks Drop In Program
- Ball Diamond Advertising Signage Policy
- Commenced construction on new fire hall in Perth Road
- 2018 budget developed and approved that met the target established by Council
- Development Services Committee established
- Developed a flowchart for Development Review Team to follow
- Developed terms of reference and appointed members to newly created Heritage Committee
- Appointed members to newly created Harrowsmith Beautification Committee
- Harrowsmith Community Improvement Plan resulting in \$59,000.00 in grants and loans to residents so far
- Joint RFP with other Frontenac's for auditing services
- First year without any tax sales
- Use of a Temporary Road Closure for culvert replacement on Moreland-Dixon Road

Our strength is our community.



REPORT TO COUNCIL CLERKS DEPARTMENT



- Harrowsmith Intersection improvements continue with opening of "Robinson Road" honouring the late Councillor Robinson
- Use of Temporary Road Closure on Bedford Road to relocate hydro and Bell prior to the 2018 construction project
- Adopted a social media policy
- Consolidated grass cutting tender for parks, facilities, fire halls and cemeteries
- Consolidated snow removal tender for parks, facilities, fire halls and cemeteries
- Updated Procedural By-law reflecting changes under Bill 68
- Outdoor Solid Fuel Burning Appliance By-law passed
- Received confirmation of \$80,000 funding for cycling infrastructure
- Tender for legal services awarded to Cunningham Swan
- Education campaign for septic system maintenance
- Continuation of keeping up day to day operations in the Building Department despite staffing shortages and changes
- Updated Recruitment Policy (By-law 2017-55)
- Adopted a Policy for determining the amount of parkland cash-in-lieu (By-law 2017-16)
- PTSD Prevention Plan and training to volunteer firefighters as well as mental health awareness
- Continued Human Resources and Health & Safety Policy development
- Drafted Operating Procedures and Safe Work Practices to be completed in 2018
- Defended Township position at two significant OMB Hearings awaiting decisions from the Board

Submitted/approved by:

Wayne Orr
Chief Administrative Officer

Prepared by:

Angela Maddocks
Deputy Clerk

From: Meela Melnik-Proud [<mailto:meelamelnik@hotmail.com>]

Sent: December-07-17 12:02 PM

To: Ron Vandewal <rvandewal@southfrontenac.net>; councillornroberts@gmail.com; councillorrevill@gmail.com; john.mcdougall@xplornet.ca; patbarr1@aol.com; markschjerning@outlook.com; 7846elbe@gmail.com; sfcron.sleeth@gmail.com; Wayne Orr <worr@southfrontenac.net>; Evonne Potts <evonne.potts@gmail.com>; Matthew Rennie <mattrennie27@hotmail.com>

Subject: Concerns from Tuesday's Council meeting

RE: December 5 , 2017 Council Agenda (a) Notice of Motion – Commenting on Environmental Registry listing 013-1130 and (b) Martha and Gary Beach - response to Delegation re: Proposed Benefit Permit for Johnston Point

Dear Mayor and Council;

I must apologize for breaking protocol with respect to last Tuesday's call for clarity, and opening with a statement, and not a question to frame my concern over the response to the two items on the agenda concerning Johnston Point - Councillor Sutherland's Motion and Gary and Martha Beach's response to our November 28, 2017 delegation.

We were -saddened and disappointed that no hands went up for Councillor Sutherland's Motion, and no immediate resolution came of Councillor Revill's quickly drawn up Notice of Motion to invite the MNRF to discuss the overall benefit permit. As Evonne clarified for Council, given that the deadline to comment on the proposed permit is December 11th, our worry is that it is simply "too little, too late".

Had it been passed, we think Councillor Sutherland's Motion would have been at least a little helpful, and certainly more beneficial than having the Township say absolutely nothing to the MNRF, knowing that based on the content and number of responses to the petition I submitted to you last week, citizens are outraged by the MNRF's decision to post a proposed benefit permit to the Environmental Registry.

Nevertheless, we thank, and look forward to Councillor Revill's Motion next week. It is important to note that Gary and Martha Beach's requirement for ESA permit authorization was first brought to the Township's attention in Catherine Warren's September 30, 2016 letter from the MNRF. With Councillor Sutherland's October 2016 on MNRF Benefit Permit Authorization and Mitigation unanimously carried, we expected Council to already have been *"updated by the MNRF on negotiations with the Developer on the progress of the species at risk benefit agreement."*

It is why the posting of the proposed permit to the Environmental Registry, came so unexpectedly, and falls far short of our expectations under the Provincial Policy Statement (PPS), OMB ruling, our Environmental Bill of Rights (EBR) and the Endangered Species Act (ESA), as we only had the opportunity to touch on in our November 28th delegation.

Ultimately, at least the way we interpret the OMB ruling, it is the authority of the County to delay, deny or grant this proposal. So in order to be able to make an informed decision with any measure of public confidence, there must be an open and direct channel of communication between the Township (as an acting authority for the County) and the MNRF. We hope that can begin with the passing of Councillor Revill's Motion next week.

Mostly importantly with this letter, we would like to express our deep concern surrounding our need for clarity on the statement I made to open my part of our delegation last week. My clarity question on Tuesday, should have asked: Mayor Vandewal and Councillor McDougal, on what evidence do you defend your positions on the statement that **"the MNRF has never denied an ESA permit to any applicant"**?

It was restated and its significance downplayed to lend support in defeating Councillor Sutherland's Motion, and quickly move past any further discussion of the Beach's

letter. The emphasis was on the Township's confidence in leaving the decision making up to the MNRF. Considering the source of that quote - the 2017 Environmental Protection Report of the Environmental Commissioner of Ontario (ECO) - this is both misleading and misinforming the public.

The quote is from Chapter 7 of the ECO's report - '**Getting Approvals Wrong**' - red highlighted on page 221. There is a second bold statement on page 248. "**The MNRF has utterly failed to implement the law effectively.**" It is submitted to the Legislative Assembly of Ontario in accordance with Section 58 (1) of our EBR with a cover letter from the ECO that concludes that the MNRF is **using a modernization approvals framework "to sacrifice the protection of species at risk for the convenience of industry."** (<https://eco.on.ca/reports/2017-good-choices-bad-choices/>).

The Environmental Commissioner of Ontario is our province's environmental watchdog, and our guardian of the Environmental Bill of Rights under which the overall 'benefit' permit on Johnston Point is posted to the Environmental Registry for public comment. Commissioner Dr. Dianne Saxe is a Certified Environmental Law Specialist acknowledged as one of the world's top 25 environmental lawyers. Her expert opinion doesn't just matter to us, it matters to all Ontarians, and we want to act accordingly to it. But it is in stark contrast to the opinions expressed by Mayor Vandewal and Councillor McDougal at Tuesday's Council meeting and the Beach's claim in their letter that the MNRF "*has fulfilled its mandate responsibly and in accordance with its Regulations and best practices.*"

We are responding to Magenta Waterfront Development Corp., proposed ESA permit (ER notice number 013-1130) having read Chapter 7 of the ECO's report, as it is reflected in our experience of trying to work in partnership with the municipality and the MNRF to protect the species at risk on Johnston Point.

We have learned, only by submitting a freedom of information request under the Freedom of Information and Protection of Privacy Act that in August 2016 an MNRF assessment was delivered to Ecological Services which read that the MNRF had "*determined that regulated habitat for Gray Ratsnake and general habitat for Blanding's Turtle are both present on site at Johnston's Point ... the project, as currently proposed, will likely contravene sections 9 and 10 of the ESA (species and habitat protection) for both these species ... additional information is required to complete MNRF's assessment regarding Eastern Whippoorwill, Butternut and Bats... we strongly encourage the proponent to consider modifying the proposed project to avoid impacting species at risk.*"

Together with Chapter 7 of the ECO's report, it speaks volumes on why we believe the County and the Township cannot, with any public confidence, approve conditions 5D and 5E that by OMB ruling were to "*ensure that matters of Provincial interest as well as the public interest [are] appropriately addressed and duly safeguarded*". Given the damage and destruction that has already occurred on Johnston Point they most certainly were not.

"The MNRF has never denied an ESA permit to any applicant. ... The MNRF is failing to not just protect species at risk as intended under the law, but also to lead effective recovery programs. In the best case, the MNRF has created a system that leaves itself with a minimal role to play; in the worse case, it has a created a system designed to fail."

Please, Mayor Vandewal and Councillor McDougal, given the Environmental Commissioner's warnings to us that "*the MNRF has never denied an ESA permit to any applicant*" and that the MNRF is failing to protect species at risk as intended under the law, on what evidence do you defend your positions to stay the course and leave this irreversible decision up to the MNRF just because they are the experts?

Yours in protecting the species at risk on Johnston Point,

Meela Melnik, Evonne Potts and Matt Rennie

From: Meela Melnik-Proud [<mailto:meelamelnik@hotmail.com>]

Sent: December-12-17 12:48 PM

To: Ron Vandewal <rvandewal@southfrontenac.net>; councillornroberts@gmail.com; councillorrevill@gmail.com; john.mcdougall@xplornet.ca; patbarr1@aol.com; markschjerning@outlook.com; 7846elbe@gmail.com; sfcron.sleeth@gmail.com; Wayne Orr <worr@southfrontenac.net>; brad.barbeau@bell.net

Cc: Warren, Catherine (MNRF) <Catherine.Warren@ontario.ca>; Andy Baxter <andy.baxter@ontario.ca>; Evonne Potts <evonne.potts@gmail.com>; Matthew Rennie <mattrennie27@hotmail.com>; roel@cs.queensu.ca; jgallivan@frontenacounty.ca

Subject: ER 013-1130 Submission and December 11, 2017 Press Release

Dear Mayor and Councillors,

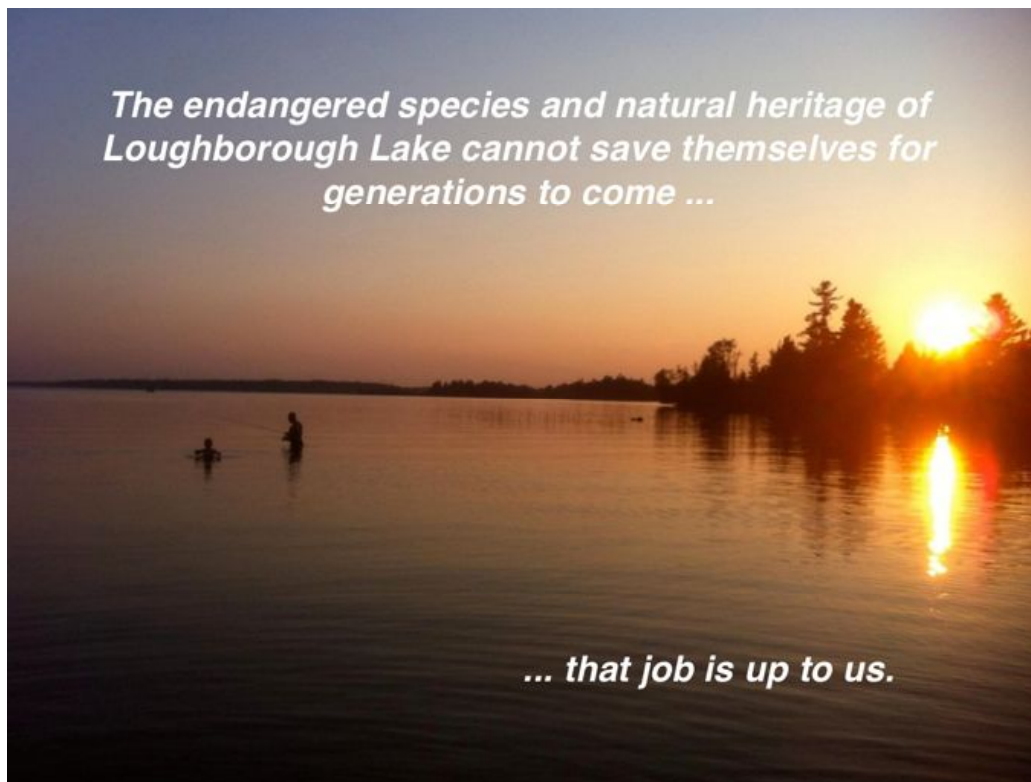
Please find attached our ER Permit 013-1130 Submission, a cover letter from Donnelly Law, and Statement from Gord Miller. Also, find attach our December 11, 2017 press release in regard to this ESA Permit.

The seven other supporting documents referenced in our statement were also submitted to the ER registry yesterday. I did not include them with this email, as they are all already on your public record. They are as follows:

1. McIntosh-Perry Peer Review of Johnston Point EIAs, July 2015.
2. OMB Statement, N. Melnik-Proud, April 2016.
3. OMB SAR Expert Witness Statement, John Urquhart, April 2016.
4. Bat Survey, Johnston Point, Toby Thorne, August 2017.
5. Addendum to Bat Survey, Johnston Point, Toby Thorne, August 2017
6. Whippoorwill survey Johnston Point, Cambium, June 2017.
7. Peer Review Response, Ecological Services.

Yours, in protecting the species at risk and their unique natural heritage environment on Johnston Point, and making ESA permit history together,

Meela and Evonne.



**LET'S MAKE HISTORY - A CALL TO ACTION FOR THE MNRF TO
DENY ESA PERMIT ER 013-1130**

AND

**A 10-POINT STATEMENT ON THE PETITION CALLING TO STOP
THE PLAN OF CONDOMINIUM DEVELOPMENT ON JOHNSTON
POINT**

Meela Melnik-Proud and Evonne Potts
December 11, 2017

Re: Magenta Waterfront Development Corp., Permit for activities with conditions to achieve overall benefit to the species - ESA s.17(2)(c); ER notice number 013-1130

PETITION CALLING TO STOP THE PLAN OF CONDOMINIUM DEVELOPMENT ON JOHNSTON POINT

"The people of Ontario recognize the inherent value of the natural environment.

The people of Ontario have a right to a healthful environment.

The people of Ontario have as a common goal the protection, conservation and restoration of the natural environment for the benefit of present and future generations.

While the government has the primary responsibility for achieving this goal, the people should have means to ensure that it is achieved in an effective, timely, open and fair manner."

Environmental Bill of Rights, 1993

We, the people of Ontario, are committed to the protection and recovery of species at risk at Johnston Point, through the preservation of their Natural Heritage environment, as legally mandated by Ontario's Endangered Species Act and set forth in the Provincial Policy Statement, and in keeping with the concerns of the citizens of South Frontenac brought forward to the OMB on April 4, 2016.

Recognizing that six species at risk on the Ontario list have been independently documented on Johnston Point by expert independent investigations that were not previously identified by this Developer - Butternut (endangered), Myotis Bat (endangered), Blanding's Turtle (threatened), Gray Ratsnake (threatened), Eastern Whippoorwill (threatened) and, Snapping Turtle (special concern), and

Recognizing that Johnston Point's species at risk are contained in an area treasured and acclaimed for its many provincially significant and international Natural Heritage designations - Provincially Significant Wetland, Provincially Significant Woodland, Provincially Significant Wildlife Habitat and Fish Habitat, and part of the Frontenac Arch, a United Nations (UNESCO) World Biosphere Reserve – and is an Area of Natural and Scientific Interest identified and recommended for protection by Ontario's Ministry of Natural Resources (MNRF) in 1993, and

Recognizing that the OMB granted approval conditionally prior to, but on condition of, an MNRF assessment this proposal, specifically through a species at risk lens, and that the MNRF has now assessed the Conditions of Draft Plan Approval and deemed that the Plan of Condominium as written and presented to the OMB, Frontenac County and South Frontenac Township will likely contravene sections 9 and 10 of the ESA (species and habitat protection) and WILL have negative impacts on the natural features and ecological functions that under the Provincial Policy Statement DO NOT PERMIT development or site alteration, and

Recognizing that extensive, unauthorized site alteration has occurred prior to the MNRF assessment of the proposal, and that this site alteration has caused significant damage and destruction of the natural features on Johnston Point so that sections 9 and 10 of the ESA, for species and habitat protection may have already been contravened, and

Recognizing that the species at risk on this unique piece of Ontario's natural heritage have NOT been duly addressed and safeguarded, because of omissions and oversights in the proponent's environmental assessments, the proponent's failure to follow due process to obtain MNRF approvals and authorizations, and/or authorities incapacity to oversee the conditions of draft plan approval and monitor developer compliance, and

Recognizing that lots are being advertised without benefit permit authorization, and with unsuspecting buyers unaware of restrictions and implications imposed under the Endangered Species Act,

On the Subject of the Magenta Waterfront Development Corp. Permit for activities with conditions to achieve overall benefit to the species - ESA s.17(2)(c); ER notice number 013-1130,

We, the following people of Ontario, respectfully ask that despite the fact that the MNRF has never denied an ESA permit to any applicant, and especially since there is no appeal process, that any, and all benefit permits relating to the Plan of Condominium at Johnston Point be denied.

We strongly feel that denial of this benefit permit is important to all the people of Ontario as it will not specifically benefit the species at risk locally, on site, or provincially, and it is not in keeping with our rights under the Environmental Bill of Rights or the MNRF's Statement of Environmental Values (SEV) under which this decision must be considered.

Let's Make History – A Call To Action for the MNRF to deny ESA permit (ER 013-1130) and a 10-Point Statement on the petition calling to stop the for the Plan of Condominium on Johnston Point.

EBR Registry Number: 013-1130

Ministry:

Ministry of Natural Resources and Forestry

Date Information Notice loaded to the Registry:

November 09, 2017

December 11, 2017

Re: Magenta Waterfront Development Corp., Permit for activities with conditions to achieve overall benefit to the species - ESA s.17(2)(c); ER notice number 013-1130

Please find our written comments, submitted by email to MNRF.PET@ontario.ca that include the following:

- Petition calling to the stop the Plan of Condominium development
of Johnston Point p. 2
- List of Supporting Documents - Links (A),
Email attachments (B), and Appendix (C) p. 4
- Meela Melnik-Proud, Personal Statement p. 5
- Evonne Potts, Personal statement p. 6
- Outline of our 10- Point Statement p. 7
- The 10-Points explained pp. 8-27
- Appendix pp. 28-53

List of Supporting Documents: Links (A), Email attachments (B), and Appendix (C)

A. Supporting Documents Submitted as Links or Email attachments.

1. Good Choices, Bad Choices', the 2017 Environmental Protection Report of the Environmental Commissioner of Ontario. (<https://eco.on.ca/reports/2017-good-choices-bad-choices/>).
2. Ontario's 'Endangered Species Act Submission Standards for Activity Review and 17(2)(c) Overall Benefit Permits'.
http://files.ontario.ca/environment-and-energy/species-at-risk/stdprod_093115.pdf
3. Provincial Policy Statement (2014). <http://www.mah.gov.on.ca/Page10679.aspx>
4. Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement (2005). <https://www.ontario.ca/document/natural-heritage-reference-manual>
5. OMNFR (2007) Endangered Species Act, 2007, S.O. 2007, c.6.
<https://www.ontario.ca/laws/statute/07e06/v1>

B. Supporting Documents Submitted as Email attachments

1. McIntosh-Perry Peer Review of Johnston Point EIAs, July 2015.
Note: 2014 and 2012 EIAs by Ecological Services are contained as an appendix to this attachment)
2. OMB Statement, N. Melnik-Proud, April 2016.
3. OMB SAR Expert Witness Statement, John Urquhart, April 2016.
4. Bat Survey, Johnston Point, Toby Thorne, August 2017.
5. Addendum to Bat Survey, Johnston Point, Toby Thorne, August 2017
6. Whippoorwill survey Johnston Point, Cambium, June 2017.
7. Peer Review Response, Ecological Services.

C. Appendix of Personal Letters and Letters of Endorsement submitted to South Frontenac Township and/or County leading up to the November 2017 Petition

1. Letter of Endorsement, Request for independent peer review of EIA, March 17, 2015.
 2. Personal letter, Development of Johnston Point, March 18, 2015.
 3. Personal letter, Ontario's Climate Change Strategy Discussion Paper reflected on Johnston Point, June 1, 2015.
 4. Letter of Endorsement, Concern for Johnston Point, June 6, 2015.
 5. Letter of Endorsement, Concern over Planning Report for Approval of Applewood Condominium Agreement, March 1, 2016 Council Meeting, March 1, 2016.
 6. Letter of Endorsement, March 2016 Settlement Agreement on Johnston Point, March 31, 2016
 7. Personal Letter, MNRF letter to Township, October 11, 2016.
 8. Personal Letter, Submission of Toby Thorne's Bat Activity Survey Report, September 19, 2017.
 9. Personal Letter, Submission of Cambium Whippoorwill Survey, November 14, 2017.
 10. Personal Letter, Nov. 28th delegation for call to action on ESA Permit, December 2, 2017.
 11. Personal Letter, Council Agenda (a) Notice of Motion commenting on Environmental Registry listing 013-1130 and (b) Beach's response to Delegation, December 5, 2017.
 12. Catherine Warren's Sept 2016 and Oct 2015 letters
 13. Beach's response to our Delegation, November 28, 2017 .pdf
 14. October 18, 2016 Motion on MNRF Benefit Permit Authorization and Mitigation.
- To Whom It May Concern:

Thank you for this opportunity to comment on the ESA permit. It is one, I do not take lightly for two reasons.

One, I am a person that has lived and raised a family in a subdivision near similar wetland on Loughborough Lake, and someone who has worried over the course of 25 years how exactly to measure and balance the negative impacts of suburban development of which I am a part. I've witnessed first hand the erosion of our Township's natural heritage and cultural fabric in my 'exclusive waterfront community', and I have experienced a developer's saddling of lot owners and the municipality with unforeseen burdens as a result of authority's blind faith in compliance, and lack of enforcement of policy and agreements. I weigh this permit, as I did in my bid for Party status at the April 2016 OMB appeal - against the fact that there are literally hundreds of subdivision proposals currently in process in South Frontenac Township.

Two, my daughter's and I are earth scientists – a climate change biologist, and environmental and geological engineers. It is our knowledge and understanding we put into local action in 2005, advocating and designing youth-led educational programs for the poorly mentioned United Nations' Millennium Development Goals (MDGs). They now color, and are woven into, every aspect of our life – including our opinions on Johnston Point.



The MDGs are 8 international development goals pledged by ALL UN member states at the September 2000 UN Millennium Assembly. They vitally link sustainable global development to issues of poverty, education, disease, climate change, environmental degradation, and conflict, and set specific, time-bound objectives to be achieved by 2015. With the 2015 Paris Climate Summit, the MDGs have transitioned to the SDGs - the Sustainable Development Goals – as the post-2015 development agenda.

While Africa was the focus of the MDGs, they were set as a global framework for every country to strive towards as a means of squarely addressing poverty, in all its dimensions, and tackling the daunting challenges of climate change and loss of biodiversity. Yet, if you ask your friends and colleagues what the MDGs are, my bet is that you will get a blank stare.

When I think of whether or not to issue this ER permit, I don't think first and foremost of what is convenient for Magenta Development Corp. I think of MDG 7 – to ensure environmental sustainability – carried forward in the SDGs, and centered on the United Nation's Framework Convention on Climate Change (UNFCCC) and Convention on Biodiversity (COB). I think of the planetary boundaries around which the international community recognizes safe operating limits for humanity and preconditions for sustainable development, understanding that we are pressing dangerously hard against the physical boundaries of Earth, and doing so in very full knowledge and at all our own peril.

I think of not just urgency, but also of opportunity if only we empower people and politics to take ownership of this global framework. It means constant and concerted effort to ensure our province's law and policies that are reflected in the MDGs, flow, and not just trickle, to protect the species at risk and their natural heritage environment in my own backyard.

Meela Melnik-Proud

ER 013-1130

To the Ministry of Natural Resources and Forestry,

PROTECT: To keep safe from harm or injury.

You are the governing body that has been given the honour and responsibility to oversee that all of Ontario's species at risk, and their habitats, are protected.

We, as individual Ontarians, look to you as the experts, whose passion for the protection of our beautiful yet fragile ecosystems commits you to serve our province and keep safe from harm or injury our natural resources and forests as mandated by law.

Naively, when the glaring inaccuracies, oversights, and omissions on the part of the Johnston Point's developer and his ecologist were first discovered, then challenged, and then proven to be inadequate, the public believed that it would lead to accountability, corrective measures and disciplinary action. However, instead of that reasonable expectation, the local township, county, and the MNRF chose not to address this issue and chose not to protect the confirmed six species at risk on Johnston Point, but rather chose to stand behind the decision to issue a proposed overall benefit permit with the full knowledge that large scale damaging construction work has already commenced on site, protective environmental buffer zones and neighbouring property had already been cleared, and that all of this destruction may have already contravened the Endangered Species Act (ESA).

The MNRF has left monitoring of developments to the developer; an absurd method of policing if there ever was one. Two different set of rules seem to be at play here. Hunters and anglers can attest to the power of the MNRF when individuals are suspected of not following the law, but when confronted with possible contraventions of the ESA by a developer, the MNRF refuses to go onsite without an invitation and claims that they do not have the legal authority to do otherwise.

The proposed development at Johnston Point is the perfect example of how government at many levels is failing the people of Ontario. Johnston Point has three provincially significant designations, one ANSI protection designated by the MNRF itself, one UNESCO global designation, six confirmed species at risk, eight possible more species at risk, four species at risk unaddressed in the proposed benefit permit, and two scientific reports paid for by local citizens using MNRF protocols that disprove the developer's claims and confirm two additional species at risk onsite. Shockingly these reports were barely acknowledged and glossed over by the MNRF. In addition, Johnston Point has a local municipality that acknowledges its incapacity to monitor the development, two provincial agencies insisting they cannot go onsite to enforce the law, and a developer who has been unable to identify any species at risk but who has been appointed with the task of protecting them and regulating himself. The proposed benefit is too vague, offers little to no protection for the species at risk on site, will not be monitored or enforced, and does not take into account the cumulative effects of this development along with the new development by the same developer, also in a provincially significant wetland, on the south shore, almost directly across the lake from Johnston Point.

Quite simply, if Johnston Point Plan of Condominium is allowed to go ahead, then there is *no place* in Ontario which is safe from development.

The entire approval process from township council to the MNRF's posting of the proposed benefit permit has eroded the public's confidence in our various government's efforts, ability, and willingness to protect species at risk, either on Johnston Point or anywhere in Ontario. The public has learned that developers know that the bar is low, the financial prize is high, the public can be silenced, and that the government is complacent and actively on-board with these ecologically detrimental developments.

This is the time for the MNRF to restore public trust and confidence by denying the overall benefit permit ER 013-1130 and any future proposed permits for this development.

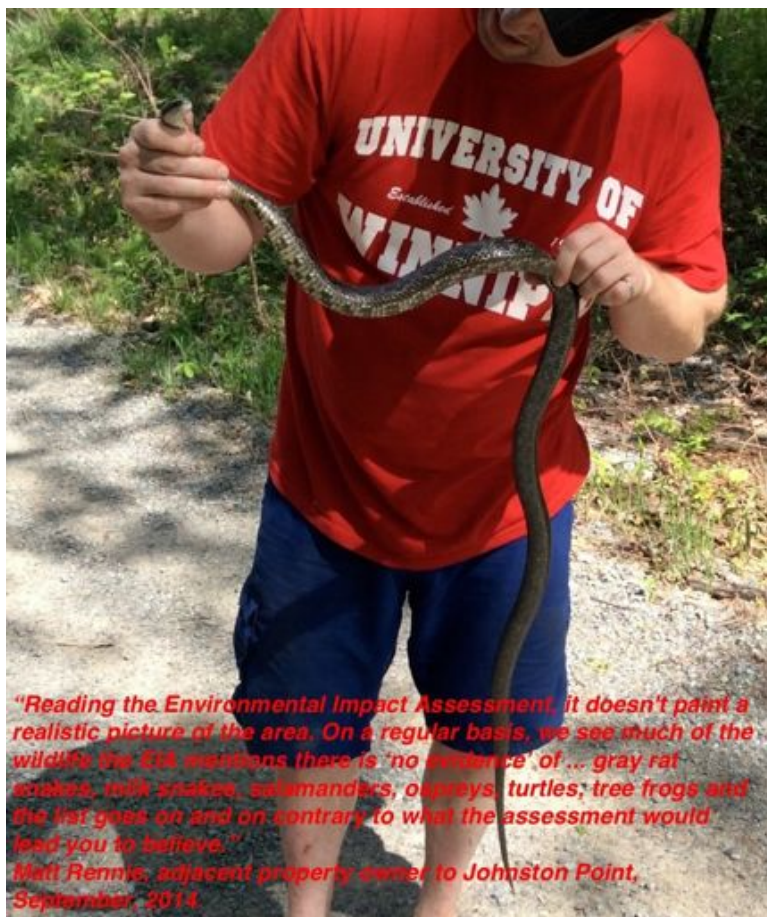
Anything less will ultimately fail to protect Johnston Point's many species at risk.

Evonne Potts

Outline of Points for Delegation:

1. **“The MNRF has never denied an ESA permit to any applicant.”** NEVER! One small voice for the species at risk inspired one giant public outcry to make MNRF history.
2. **‘Good Choices, Bad Choices’.** The uniqueness and life science value of the species at risk habitat made it a good choice for the MNRF to protect in 1993. Why the change in policy?
3. There is **no mention of the endangered Myotis** in the MNRF’s posting of Overall ‘Benefit’ Permit.
4. There is **no mention of the threatened Eastern Whippoorwill** in the MNRF’s posting of Overall ‘Benefit’ Permit.
5. There is **no mention of the endangered Butternut** in the MNRF’s posting of Overall ‘Benefit’ Permit.
6. **Truth and Reconsideration.** The Plan of Condominium as decided by the OMB is not compliant with Natural Heritage policy under the Provincial Policy Statement (PPS) nor has it been fully assessed.
 - 6.1 **Slow Down. It moves too fast.** According to Provincial Standards for ESA Permits, Johnston Point is at Phase 1 not Phase 3 of the permit process.
 - 6.2 **Seen through a Species at Risk lens.** The MNRF assessment, that was ruled by the OMB as conditional to draft plan approval, has confirmed 5 threatened and endangered species on Johnston Point, and our understanding that development is not permitted according almost EVERY natural heritage policy under Section 2.0 of the PPS.
7. **Too little, too late.** Johnston Point’s many species at risk and their natural heritage environment have NOT been duly addressed and safeguarded, as ordered by the OMB. Disruption and fragmentation of Johnston Point’s significant natural heritage system has already occurred, that may have contravened the Endangered Species Act.
8. **Developers develop.** They should **not lead decision making** in provincially significant environmental decisions.
9. **For Sale. Buyer beware.** Are unsuspecting buyers aware of the fact that a permit might not be issued, and/or that they are implicated in environmental restrictions imposed by the benefit permit conditions?
10. **Let’s Make History together.** This provincially significant environmental decision is through and through a developer-driven process, not a partnership with the people of Ontario who hold dear our Environmental Bill of Rights.

1. The MNRF has never denied an ESA permit to any applicant. NEVER! One small voice for the species at risk inspired one giant public outcry to make MNRF history.



On November 28th, 2017, we asked for a delegation to Council to bring forward the petition and outline our reasoning for why we wanted this ESA permit denied.

It was the culmination of a community effort that began when one person – Matt Rennie, an immediate neighbour to Johnston Point – made a public stance against this proposal in **September 2014** saying, hold on, wait a minute, “*Reading the Environmental Impact Assessment, it doesn't paint a realistic picture of the area. On a regular basis, we see much of the wildlife the EIA mentions there is ‘no evidence’ of ... gray rat snakes, milk snakes, salamanders, ospreys, turtles, tree frogs and the list goes on and on contrary to what the assessment would lead you to believe.*”

Community support for Matt, has only done one thing, and that is, it has grown. It is because more and more people have become aware of the development, and the way decisions are being made on it, particularly the fact that they rely heavily on the 2012 and 2014 Environmental Impact Assessments (EIAs) that had not identified any living species at risk, and had altogether overlooked the ANSI designation of the property.

Following an open house on March 3, 2015, concerned citizens began directly calling on the Township for an independent review of the EIAs, submitting a **March 17, 2015 letter with community endorsement** (Appendix #1, p. 29, Appendix #2, p. 30) in support of two Motions expected to be voted on that evening - namely to closely re-evaluate the planner's report to address 10 specific issues raised by the Battersea Loughborough Lake Association (BLLA), and a Motion for a qualified, independent peer review of the EIAs.

Instead, we were informed that night of the Developer's appeal to the OMB and that the Township would seek legal council in this regard - actions by both parties that effectively left citizens of South Frontenac Township locked out of the decision making process on Johnston Point, hinging everything on the appeal to the OMB invoked by the 180/120 day clause. Overnight the proposal for development of Johnston Point went from a community partnership to address legitimate concerns for Johnston Point's endangered species and unique natural heritage, to closed-door legal sessions between the Township and the Developer, with decision-making aimed squarely at approval.

Our **June 6, 2015 letter with community endorsement** (Appendix #4, p. 36 and Appendix #3, p.33) kept up a call for openness, transparency and above all partnership in deciding on Johnston Point, going even so far as to obtain our own quote for what we considered to be a ‘gold standard’ independent review of the EIA’s to offer to the Township.

Our **March 1, 2016 letter with community endorsement** (Appendix #5, p. 38) started calling for the Township to take a clear ‘No’ stance, with the release of the Planning Report for Approval of the Applewood Condominium Agreement – the first of two Plans of Condominium by Magenta in the same Provincially Significant Wetland Complex, (with EIAs also by Ecological Services, that were never peer reviewed). By this time, there was mounting evidence to deny the Johnston Point development:

- In July 2015, the Township commission their own peer review of Johnston Point’s EIAs by experts of McIntosh-Perry (email attachment #1). It validated Matt’s observations on species at risk, and highly criticized the EIAs, and also brought Johnston Point to the attention of the MNRF over possible ESA contraventions that may have already occurred due to development work, unauthorized by the MNRF in 2012;
- Matt Rennie had documented Magenta’s contraventions of the Cataraqui Regional Conservation Authority (CRCA) dock permit for Applewood that he brought forward to authorities in November 2015. While they were dismissed by the CRCA, they raised Council debate over monitoring developer compliance going forward, which led to,
- the Township’s CAO warning in granting final approval to Applewood that “*the Township does not have the processes or staffing capacity in place to effectively manage the agreement as written.*” (Planning Department County File: 10T-2013/001). It still admittedly doesn’t, neither for Applewood nor for Johnston Point.

Our **March 31, 2016 letter with community endorsement** (Appendix #6, p.40) was a public call for clarity over the March 2016 Settlement Agreement on Johnston Point heading into the April 2016 OMB hearing. We asked for clarity on the misleading media headlines in our local newspaper “*County approves condo project*”, and an explanation from Township and County councilors, as to why they were approving the settlement conditions quickly, and with no further review, given that on December 1st 2015, Township councilors voted AGAINST the Conditions of Draft Plan Approval for Johnston Point. Note: the link to the Whig Standard article from March 2016, now reads “*County council OKs disputed condo project*.”

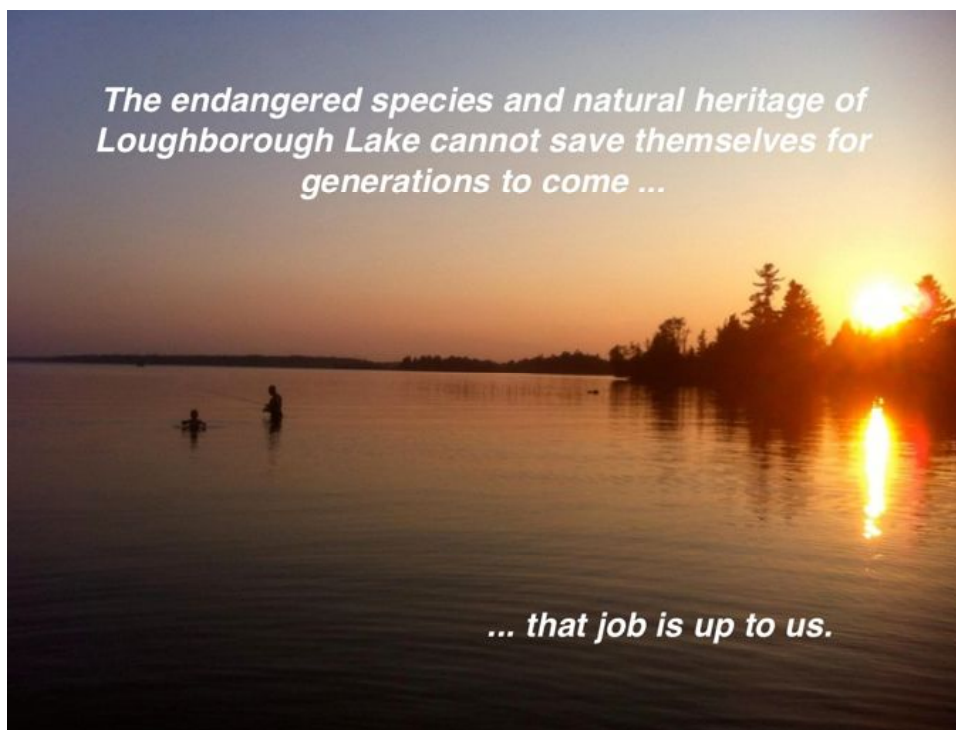
<http://www.thewhig.com/2016/03/16/county-council-oks-disputed-condo-project>

Our **November 24, 2016 Petition with community endorsement** (Appendix #10, #11, pp. 48-49) in response to the ER posting, is strong evidence that public concern over this development has not stopped peaking. Our delegation brought the petition forward to the Township on November 28, 2017, sponsored by Battersea Loughborough Lake Association (BLLA), and having already received dozens of hand written signatures, and hundreds of online endorsements, when it had only started circulating three days earlier. To date, over 1265 have signed the online petition.

<https://www.change.org/p/battersea-loughborough-lake-association-stop-development-of-johnston-point-on-loughborough-lake-north-of-kingston-ontario>

We have learned by experience with this controversial Plan for Condominium Development that our Township’s motto isn’t just a Township motto. “*Community IS our greatest strength*” and Matt Rennie’s reasoned stance in September 2014 certainly has solid community ground.

2. ‘Good Choices, Bad Choices’. The uniqueness and life science value of the species at risk habitat made it a good choice for the MNRF to protect in 1993. Why the change in policy?



We submitted our petition to Council along with the following two documents (email Attachments # 1 and 2):

1. Good Choices, Bad Choices, the 2017 Environmental Protection Report of the Environmental Commissioner of Ontario, recognizing the ECO as our guardian of the Environmental Bill of Rights under which the ESA permit is posted for public comment. We drew our Council's attention in particular to Chapter 7 - 'Getting Approvals Wrong'.

(<https://eco.on.ca/reports/2017-good-choices-bad-choices/>).

2. Ontario's Endangered Species Act Submission Standards for Activity Review and 17(2)(c) Overall Benefit Permits, to ensure that all of Township agrees with us on the processes and guiding principles that the proponent and the MNRF must be held accountable for when developing and assessing overall benefit permits under subclause 17(2)(c) of the ESA.

http://files.ontario.ca/environment-and-energy/species-at-risk/stdprod_093115.pdf

Species at risk on Johnston Point are contained in part, or in whole, by Provincially Significant Wetland (PSW), Significant Woodland, Significant Wildlife Habitat and Fish Habitat, and Area of Natural and Scientific Interest (ANSI) that the MNRF identified and recommended for protection in 1993. In July 2015, experts of McIntosh-Perry conducted a single site visit as part of their peer review that directly observed Blanding's Turtle, Snapping Turtle, and Butternut, and noted suitable habitat on the property for Gray Ratsnake, Eastern Whippoorwill, Cerulean Warbler, Least Bittern, Eastern Wood-PeWee, Wood Thrush, Golden-winged Warbler, Milksnake, Eastern Ribbonsnake, Northern Map Turtle and Broad Beech Fern. Together with the ANSI designation, it speaks volumes on why the public is outspoken about protecting Johnston Point from development, and why we respectfully ask that this ESA permit be denied.

As stated in the Natural Heritage Reference Manual (NHRM), “Life science ANSIs are significant representative segments of Ontario’s biodiversity and natural landscapes ... their native plants and animals, and their supporting environments. They contain relatively undisturbed vegetation and landforms, and their associated species and communities ... include the most significant and best examples of the natural heritage features in the province ... play an important role in the protection of Ontario’s natural heritage, since they best represent the full spectrum of biological communities, natural landforms and environments across Ontario outside of provincial parks and conservation reserves.”

According to the Ontario’s Endangered Species Act Submission Standards for Activity Review and 17(2)(c) Overall Benefit Permits, two of the guiding principles that must be considered with this permit are that:

1. “Outcomes should involve consideration of where the greatest overall benefit can be achieved for the species.

- Location of the overall benefit actions should be biologically and ecologically appropriate for the species.
- Overall benefit actions that focus on the local population or habitat adversely affected by the activity are preferred.”

2. “Proposed actions should involve consideration of ecological function. Actions will involve consideration of:

- ecological and physical processes within the relevant landscape context as well as the complexity of dynamic ecosystems; and
- the degree to which the overall benefit actions improve the ability of the species at risk to carry out their various life processes.”

What possible overall benefit offsets could improve the circumstances for Gray Ratsnake and Blanding’s Turtle in Ontario and justify habitat destruction on this property long since recognized as an ANSI and recommended by the MNRF for protection? What possible overall benefit could outweigh the benefit of leaving this unique and provincially significant habitat from any further disturbance in order that its ecological multi-function remains unchanged? Building and monitoring nest boxes, erecting warning signs, and providing educational and protection initiatives to achieve an overall benefit for Gray Ratsnake, and creating basking logs and nesting substrate to achieve an overall benefit for Blanding’s Turtle are deeply disturbing and low standards of protection.

They echo the sentiments on page 248 of Good Choices, Bad Choices, the 2017 Environmental Protection Report of the Environmental Commissioner of Ontario: “The ECO still stands behind the ESA in principle – it is a good law that has the potential to protect and recover species at risk. But as we have now reported on many occasions, the MNRF has utterly failed to implement the law effectively. With each passing year, the extent of this failure becomes more clear – the ministry has reduced what should have been a robust system for protecting species at risk to what is largely a paper exercise. The MNRF is failing to not just protect species at risk as intended under the law, but also to lead effective recovery programs. In the best case, the MNRF has created a system that leaves itself with a minimal role to play; in the worse case, it has created a system designed to fail.”

The McIntosh-Perry peer review recognized that the “Loughborough Lake Swamp, Provincial life science ANSI (EO ID 1381) is located within Long Bay and extends onto the subject

property and it approximates the boundaries of the Loughborough Lake Complex, Provincially Significant Wetland (EO ID 8149) ... this is a candidate ANSI, however it reflects the area that is generally the most important or sensitive within an areas labelled as PSW and therefore should receive more consideration for potential impacts to the ecosystem.” (McIntosh-Perry EIA peer review, page 9).

In our OMB statement (email attachment #2), we respectfully asked the Board to give ‘significant’ designation to Johnston Point’s ANSI as per Section 10.3 of the Natural Heritage Reference Manual: *“Planning authorities may choose to protect candidate ANSIs as locally or regionally significant natural heritage features and areas as per the PPS definition for ‘significant.’”*

With our ER submission, we respectfully ask not only that this permit be denied, but also that the MNRF follow through with their longstanding recommendation to protect Johnston Point, and give it full ANSI designation. We believe this would be in keeping with the new information now provided by the MNRF’s own negative impact assessment of this proposal; the Butternut Health Assessment the MNRF called for in August 2016; and, the SAR reports for the endangered Myotis and Whippoorwill that we have previously submitted to the MNRF.

3. There is no mention of the endangered Myotis in the MNRF’s posting of Overall ‘Benefit’ Permit.



Note: this photograph is not of a Little Brown Myotis on Johnston Point. It was given to us courtesy Toby J. Thorne, the bat expert we commissioned for our SAR bat survey in July 2017, to help us communicate his findings of Myotis on Johnston Point.

On September 14, 2016 we submitted Toby Thorne’s Bat Activity Survey Report on Johnston Point to the MNRF (email attachments #4 and #5). On September 18, 2017, we submitted it to the Township, having learned from the MNRF that it had not already been forwarded. We included it together with the World Wildlife Fund’s 2017 Living Planet Report Canada - the world’s leading organization in wildlife conservation and endangered species. (Appendix #8, p.44). We drew authority’s attention to p. 20 of the WWF report that featured the endangered Little Brown Bat - one of three species ever to have been emergency listed as Endangered federally in 2014. We emphasized, once again, our commitment to work in partnership with

Township and the MNRF to protect and recover species at risk in our own backyard, reinforced on this occasion, by submitting Toby Thorne's report and addendum.

We understood that the MNRF had specifically asked for SAR bat surveys of the property, and none had been found. Therefore, we took extra measures to ensure MNRF's most recent bat survey protocol was followed, and that it was conducted by a certified bat expert holding specific skills in acoustic surveying and call identification of bats, in order to ensure decision-making regarding the endangered *Myotis* was based on the best available scientific information and community knowledge.

We learned the details on the previous bat surveys that had been conducted on Johnston Point, only by submitting a freedom of information request under the Freedom of Information and Protection of Privacy Act. Our request was formally received on December 23, 2016, but we did not receive the information until June 30, 2017, when the bat survey was already underway, which required an addendum to Toby Thorne's report, after we forwarded him relevant new information (email attachment #5).

Toby Thorne's bat survey was guided by MNRF's April 2017 'Survey Protocol for Species at Risk Bats within Treed Habitats', using an automated recorder deployed for 13 nights directly on Johnston Point, on a neighboring property within approximately 30 m of Lot #11. Between the period June 30, 2017 to July 12, 2017, the acoustical survey recorded a total of 848 observations of Little Brown *Myotis* and a further 760 observations identified to *Myotis* genus, but not to species. Toby Thorne's report concluded that *"although the full OMRF protocol for surveying SAR bats in treed habitat could not be followed due to the absence of site access, the presence of suitable ecosites, combined with the high level of acoustic activity from SAR bats indicates the likely presence of maternity habitat."*

The addendum comments on the 2011 guidelines Ecological Services used in previous surveys, noting that *"a series of updated guidance documents have been produced by the MNRF specifically relating to surveys for SAR bat activity in treed habitat."* It concludes that *"the overwhelming evidence of SAR bat presence described in the primary report provides a clear and irrefutable indication that relevant species are present immediately adjacent to the site of proposed developments. Given the high mobility and foraging ecology of bats it would be wholly remarkable if they were not also present < 50 m away on the site itself, and accordingly more comprehensive acoustic surveys may be appropriate."*

Measured against the findings of the World Wildlife Fund, we are a community that can turn the tide for this endangered species! According the WWF 2017 report, white-nose syndrome has wiped out 94 per cent of hibernating little brown bats in Nova Scotia, New Brunswick, Ontario and the disease is expected to infect the entire range in Canada by 2028, in what some ecologists consider this **the most rapid decline of mammals ever documented**. Toby Thorne's findings of suitable ecosites on Johnston Point hosting a significant population of Little Brown *Myotis*, and the likely presence of maternity habitat within 50m of the recorder, should be the talk of our town that is celebrated across the nation. It should stop any further Plan of Development in its tracks as a most effective means to mitigating the devastating decline of this endangered species.

We have had no further update from the MNRF following our email from MNRF's Andy Baxter on September 14, 2017 indicating to us that he *"will share the Report and Addendum with the*

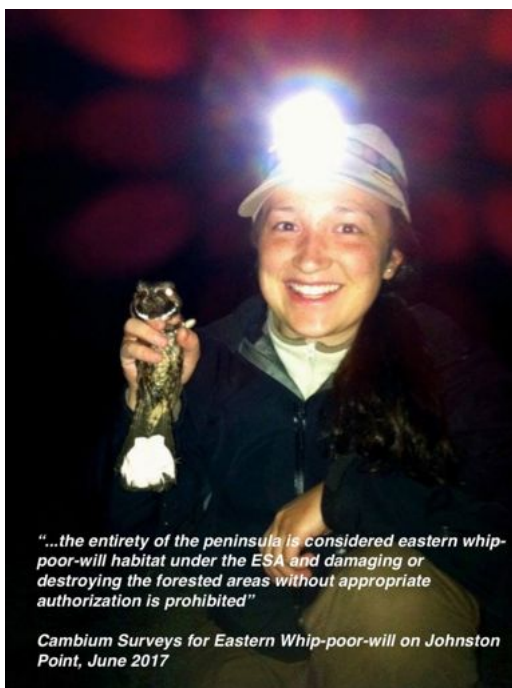
project proponent to obtain their input as well as share this with MNRF biologists for review.”
(personal email, Meela Melnik Proud September 2017)

It is why the posting of the proposed permit to the Environmental Registry, came so unexpectedly, and falls far short of our expectations.

Given the findings and conclusion of this bat expert, we expected the MNRF to recognize Johnston Point as a balance ecological site for multiple species at risk, specifically where habitat for Gray Ratsnakes and Blanding’s Turtle is also suitable habitat for a significant *Myotis* population. We expected ‘overall benefit’ permit considerations to be weighed heavily against the value of keeping Johnston Point habitat intact so that *Myotis* genetics can play an unhindered role in disease resistance or tolerance. As in any species at risk where disease is the leading cause of the decline, it seems only natural to assume that individual or populations of little brown on Johnston Point have, or are able to develop a resistance or tolerance to white-nose syndrome.

Yet, there was no call from the MNRF for further targeted bat surveys with up to date protocol, and no mention of the endangered *Myotis* on the ER posting for Overall ‘Benefit’ Permit.

4. There is no mention of the threatened Eastern Whippoorwill in the MNRF’s posting of Overall ‘Benefit’ Permit.



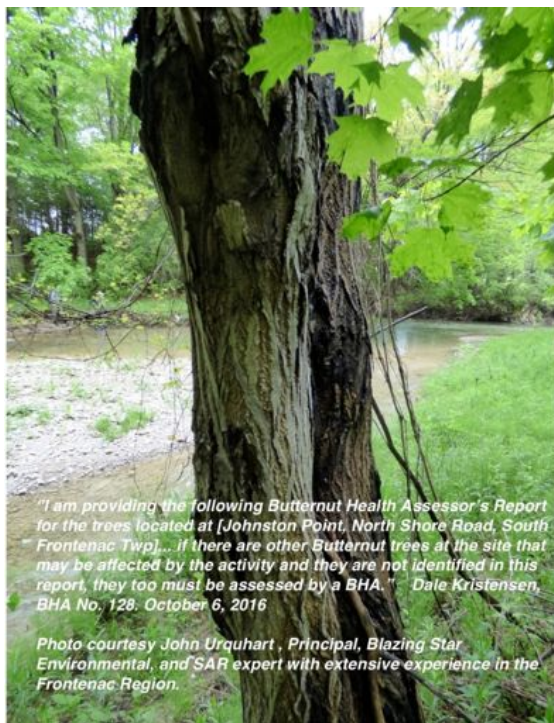
Note: this photograph is not of an Eastern Whippoorwill on Johnston Point. It was given to us courtesy a very close family friend who lives nearby, currently a M.Sc. student at Queen's University, who conducted field work on Whippoorwill in area near to Johnston Point in Summer 2013 to identify possible causes of their population decline.

Though no Whippoorwills were found in the EIA’s, neighbors could tell you for certain they exist on the Point. They hear them call regularly, and have repeatedly reported those calls to the MNRF. We commissioned the Cambium study in June 2017 to confirm local common knowledge of this threatened species, and to identify Eastern Whippoorwill for decision makers, based on the best available scientific information. We have provided evidence that *“the entirety of the peninsula is considered eastern whip-poor-will habitat under the ESA and damaging or destroying the forested areas without appropriate authorization is prohibited.”* (email attachment #9).

The Whippoorwill report was forward to the Township, on November 14th 2017, with a request for an immediate delegation to Council in response to the ER notification (Appendix 9, p. 40).

As with the Bat report, we had expected the MNRF to issue a call to Ecological Services for further targeted Whippoorwill surveys next season, not a notification of the ER posting with no mention of the threatened Eastern Whippoorwill.

5. There is no mention of the endangered Butternut in the MNRF's posting of Overall 'Benefit' Permit.



Note: this photograph is not of a Butternut on Johnston Point. It was given to us courtesy John Urquhart to help us communicate the importance of Johnston Point's Species at Risk. Mr. Urquhart was the Expert SAR Witness we brought forward to the OMB.

On October 6, 2016, a focused Butternut Health Assessment (BHA) of nine Butternut trees was conducted by Dale Kristensen, certified Butternut Health Assessor No. 128. It is our understanding that the MNRF called for the assessment following their site visit in August 2016, which identified Butternut trees in addition to the one observed in the McIntosh-Perry peer review.

It is also our understanding that the BHA was focused around the immediate footprint of the Plan of Condominium, where no Butternuts had previously been identified by Ecological Services, other than two dead trees in the 2012 EIA.

It is despite the fact, according to page 4 of their August 2015 peer review response, that Ecological Services *"were always on the lookout between 2010 and 2015 for this species. In particular, we put a specific focus on the laneway route in 2011, and on all potential building sites in 2014, due to the potential tree clearing."* (email attachment #7).

Experts of McIntosh-Perry, MNRF officials and a certified Butternut Health Assessor have provided authorities with evidence that, at a minimum, 9 Butternuts exist on the property.

Given the 42 hectare expanse of Johnston Point that is greater than 60% woodland, there is a high probability more Butternuts would be found.

As for the Myotis Bat, we feel that a full BHA of the property is warranted, so that any ‘overall benefit’ permit considerations can be weighed heavily against the value of keeping Johnston Point habitat intact so that Butternut genetics can play an unhindered role in disease resistance or tolerance to Butternut Canker. We are also concerned that Butternut trees may have been damaged or destroyed during the two phases of road development, during the blasting that occurred to install underground hydro, and during extensive clearing in the 30m environmental buffer zone along the shoreline. From information obtained through the *Freedom of Information Act* in June 2017, we know for certain that at least one of the nine Butternuts identified in the BHA was “beside the main roadway.”

Yet, again, the Township was not aware of the BHA, and there was no mention of the endangered Butternut on the ER posting for Overall ‘Benefit’ Permit.

6. Truth and Reconsideration. The Plan of Condominium as decided by the OMB is not compliant with Natural Heritage policy under the Provincial Policy Statement (PPS) nor has it been fully assessed.



6.1 Slow Down. It moves too fast. According to Provincial Standards for ESA Permits, the permit for Johnston Point is at Phase 1 not Phase 3 of the permit process.

According to the Ontario's Endangered Species Act Submission Standards for Activity Review and 17(2)(c) Overall Benefit Permits, *“the process for MNR to assess proposed activities and advise proponents on whether or not they should seek an overall benefit, and then having a proponent apply for an overall benefit permit, is multi-phased,”* Phase 1- Information Gathering, Phase 2 - Activity Review and Assessment, Phase 3 - Permit Application and Assessment, Phase 4 - Permit Drafting, Phase 5 - Permit Decision and Phase 6 -Permit Implementation.

It is our understanding that we are only on Phase 1, Information Gathering, to determine:

- *“whether any protected species at risk or their habitats are present at or near the location of the proposed activity;*
- *the determination of potential effects of the activity on these species and habitats and whether the activity is likely to contravene subsection 9(1) or 10(1) of the ESA; and*
- *whether it is advisable for the proponent to apply for an overall benefit permit under clause 17(2)(c) of the ESA prior to proceeding with the activity. “*

The MNR's negative assessment of this proposal, together with findings now of Butternut, Myotis Bat and Whippoorwill by independent investigation, make it clear that species at risk had not been identified by the developer, so that further targeted surveys are now needed to ensure that other species at risk noted in the McIntosh Perry peer review have not also been missed, and also to ensure that negative habitat impact is fully assessed. As such, due process on this permit is not being followed according to the first principle outlined in the Submission Standards for 17(2)(c) Permits that is:

“Overall benefit will be scaled and assessed on a contextual basis (e.g., species by species and activity by activity). Determining the sufficiency of overall benefit actions will involve consideration of:

- *baseline condition of the species (e.g., numbers, current state, trend, sensitivity to disturbance, life processes) or habitat (e.g., amount, current state, trend, sensitivity to disturbance and functionality) that would be adversely affected by the activity;*
- *the severity, geographic extent, duration and permanency of the potential adverse effects likely to result from the proposed activity;*
- *whether the proposed overall benefit actions are biologically and ecologically appropriate for the species;*
- ***Recognition that in some circumstances, given the above, it may not be possible to achieve an overall benefit for the species.***

Our surveys for Myotis Bat and Whippoorwill have identified these species and their habitat on Johnston Point this past field season, but our experts did not have access to the property. Up until those reports, neither of these species had been found by the developer's ecological consultants, so how can baseline conditions of these species have been established or assessed?

Butternut were identified by the McIntosh-Perry review in July 2015 and the BHA in August 2016, but we worry that did not lead to a full reassessment of the EIAs specifically in terms of this species. With the additional information on Butternut, Johnston Point can arguably now be classified as Provincially Significant Woodland according to each ecological function category under the 'Recommended Significant Woodland Evaluation Criteria and Standards' listed on pages 68-70 of the Natural Heritage Reference Manual (NHRM). The 2014 EIA acknowledged

that Johnston Point meets Proximity (2b) and Water Protection (2d) criteria. However, Woodland Linkage (2c) and Woodland Diversity (2e) were dismissed on the basis of lack of other significant features and unique woodland species, and Interior Habitat (2a) was dismissed *"due to the road gap separation and the narrow width of the point"*. The occurrence of SAR that includes Butternut, and the ANSI designation, both of which were overlooked in the 2014 EIA, now provide supporting evidence for Woodland Linkage (2c) and Woodland Diversity (2e). According to the NHRM, Interior Habitat criteria for road gap separation only applies for a *"maintained public road,"* whereas the proposal for development of Johnston Point was specifically submitted under the Plan of Condominium to eliminate the Township's responsibility for maintaining the road. This fact is made clear with Condition 5A of Draft Plan Approval: *"That the vacant land condominium agreement contains wording applying to all of the proposed units setting out the municipality's limited service policies to recognize that there is no commitment or requirement by the municipality to assume responsibility for ownership or maintenance of the private lane within the plan."*

According to Natural Heritage policy under the PPS, development is not permitted in Significant Woodlands, *"unless it has been demonstrated that there will be no negative impact on the natural features or their ecological functions."* Yet, heavy road construction crosscuts a swath, approximately 6m by 1100m wide through this woodland clearly visible by air.

6.2 Seen through a Species at Risk lens. The MNR assessment, that was ruled by the OMB as conditional to draft plan approval, has confirmed 5 threatened and endangered species on Johnston Point, and our understanding that development is not permitted according almost EVERY natural heritage policy under Section 2.0 of the PPS.

Non-compliance with Natural Heritage policy under the PPS was a fundamental concern that experts of McIntosh-Perry and the MNR had warned the Township about with the July 2015 peer review of the EIAs, and that we had brought forward to the OMB, specifically asking the Board to consider that the Draft Plan was not compliant with the PPS and the ESA.

We lost our bid for Party Status, and the Township and County chose not to engage McIntosh-Perry or the MNR in the OMB process. The Board accepted *"the uncontested evidence and opinion of Mr. Keene [the proponent's Planner] to find that the development proposal aligns with the principles of good land use planning, and is consistent with the policy directions established by the PPS."* (email attachment #2).

Therefore, up until the MNR assessment of this proposal, decision makers had all endorsed the opinions and evidence of Ecological Service's August 2016 response to the McIntosh-Perry peer review, *"that the proposed development will not cause a negative impact to significant natural heritage features for the purposes of the Provincial Policy Statement (PPS) and the South Frontenac Township Official Plan (OP), and will not be in violation of the Endangered Species Act"*. (email attachment #7).

However, all parties to the OMB, did agreed that approval was conditional of an MNR assessment of the proposal specifically through a species at risk lens. It can now be demonstrated that the Draft Plan, as written and proposed to the OMB is fully non-compliant with subsection 3(5) of the *Planning Act*, which holds that all planning decisions on Johnston Point *"shall be consistent"* with Natural Heritage policy under Section 2.1 of the Provincial Policy Statement as stated on pages 22-23:

“2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features...

2.1.4 Development and site alteration shall not be permitted in:

a) significant wetlands in Ecoregions 5E, 6E and 7E1; ...

2.1.5 Development and site alteration shall not be permitted in: ...b) significant woodlands in Ecoregions 6E ... d) significant wildlife habitat; e) significant areas of natural and scientific interest; ... unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions...

2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

Furthermore, it is our understanding that, according to the Natural Heritage Reference Manual, page 49, *“a permit that would authorize the destruction of endangered or threatened species habitat under the ESA cannot be used to justify development and site alteration in a natural heritage feature where such is not permitted for other reasons (e.g., significant wetland).”*

We realize that strictly speaking, this Point 6.2 strays beyond the ESA permit under consideration and instead raises larger planning/policy issues and criticizes the outcome of the OMB decision.

But we believe fundamentally that larger planning/policy issues need to be raised, as this was not the way this proposal was delivered to the OMB, and the settlement agreement decided on by our Township and our County. The MNRF called for an Information Gathering Form following the July 2015 McIntosh-Perry review. It came in a letter to Township from MNRF's Catherine Warren, clearly warning of the impact to species at risk and their habitat going forward, and strongly advised that the MNRF be engaged in the decision making process and authorization of all further development work (Appendix #12, p. 51).

Had the MNRF been engaged, and had the IGF been submitted prior to the OMB hearing, then authorities would have had the full information they needed in order to make informed decisions on this proposal, whereas they are only now beginning to understand that this development will likely be in contravention of the ESA and have negative impact to almost every Natural Heritage policy under Section 2.1 of the PPS.

In their letter to the Township, in response to our request for a delegation (Appendix #13, p.52), Gary and Martha called on our Township to *“remember that our development was recommended for approval by the Township, after much scrutiny and debate, in the form of a Settlement*

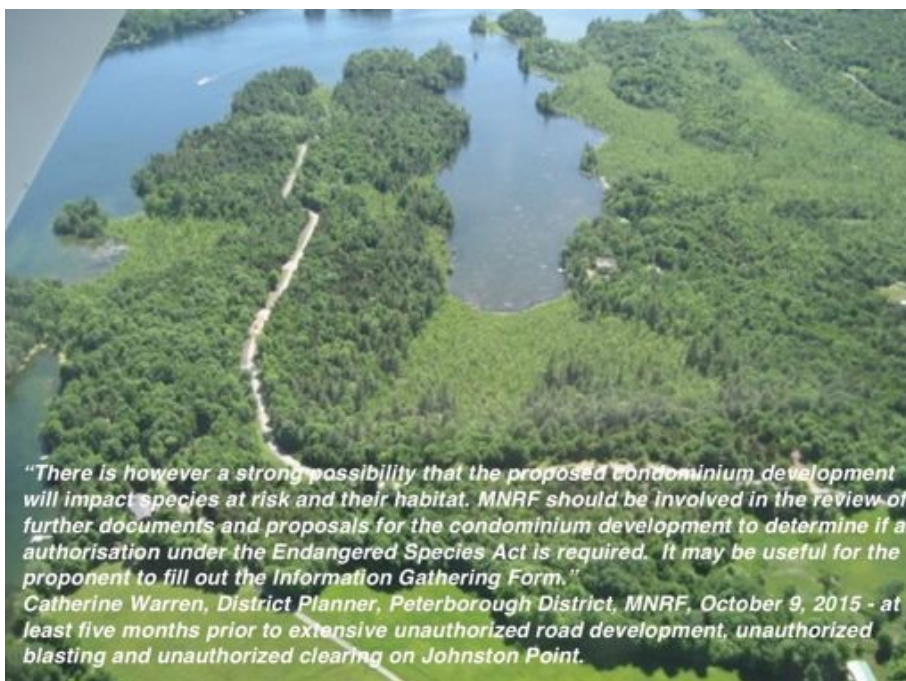
presented to and accepted by the OMB ... It is critical that Council remember that these two Conditions were negotiated with the Township and that they were agreed to by us on the basis that the development would be approved. We negotiated in good faith and we have to believe that the Township did the same. We have followed through with the agreed upon Draft Plan Conditions. The OMNRF has fulfilled its mandate responsibly and in accordance with its Regulations and best practices. Council agreed that OMNRF had the mandate and the competency to protect the environment and species at risk and you are now being asked to violate that trust."

We would agree on only two points. First, that the MNRF does indeed have a mandate to protect the species at risk on Johnston Point, and second, that the Township negotiated with the Beach's in good faith. But that faith was blind, and a conditional agreement is exactly that – conditional.

We are responding to the Magenta Waterfront Development Corp., proposed ESA permit having read Chapter 7 of the ECO's report, as it is reflected in our experience of trying to work in partnership with the municipality and the MNRF to protect the species at risk on Johnston Point. It speaks volumes on why we believe the County and the Township cannot, with any public confidence, approve conditions 5D and 5E that by OMB ruling were to "*ensure that matters of Provincial interest as well as the public interest [are] appropriately addressed and duly safeguarded*". Given that damage and destruction has already occurred on Johnston Point, we have had no such insurance.

Furthermore, the MNRF assessment has determined that this proposal is no longer just a matter between the Beaches and our Township, it is an important environmental government decision that could have, and should have been fully addressed by the OMB before any further damage was done to this unique Natural Heritage gem.

7. Too little, too late. Johnston Point's many species at risk and their natural heritage environment have NOT been duly addressed and safeguarded. Disruption and fragmentation of Johnston Point's significant natural heritage system has already occurred, that may have contravened the Endangered Species Act.



There is just so much we find wrong about this **conditional** approval. It is not consistent with our values and principles, our Township's values or policies, or the values and policies of our provincial government, and it is not in accordance with Ontario law as we understand it written in the *Planning Act*, the *Endangered Species Act (ESA)* and the *Environmental Bill of Rights (EBR)*.

Nothing demonstrates this better than the fact that a road for this Plan of Condominium **that has yet to be approved** marks a 1000m scar across this unique natural heritage property that is so clearly visible by air, and, here on the ground by the Township, the County and the MNRF. It speaks volumes, and it is deeply disturbing that we are commenting on an overall benefit permit AFTER heavy road construction, AFTER blasting, and AFTER extensive clearing - activities without permit that are otherwise prohibited under the ESA.

In **July 2015** the Township's own peer review of the EIA (email attachment #1):

- revealed the potential for this Plan of Condominium to result in serious and long-term negative impact on Johnston Point's species at risk and natural heritage features and ecological functions,
- warned that the Developer may not have exercised due diligence to ensure that road construction that had already been undertaken on the property may have contravened the ESA,
- raised these concerns directly to the MNRF on behalf of the Township and County, who "***strongly recommended that the MNR be consulted prior to any further site alteration to ensure proposed development does not contravene the Endangered Species Act and its associated regulations; and obtain any necessary approvals or permits required to undertake activities that have the potential for adverse impacts to species at risk and their habitat.***" (Appendix #12, p. 51).

Conditions 5D and 5E were negotiated with the knowledge of the July 2015 peer review, and according to the OMB ruling, "***Conditions of Draft Plan Approval will ensure that matters of Provincial interest as well as the public interest is appropriately addressed and duly safeguarded ... Condition 5D and 5E, serve to ensure that the necessary approvals and/or permissions are appropriately obtained. It is not otherwise the role of the Board to either regulate or scrutinize compliance with the ESA.***"

The results of the MNRF assessment were not made known to the Township until the **September 30, 2016** notification from Catherine Warren that the MNRF had "*received an application from the proponent for an overall benefit permit under the Endangered Species Act... The permit application we are currently considering involves Gray Ratsnake and Blanding's Turtle. If the application is successful it would allow the proponent to undertake works that may be detrimental to the habitat and individuals of these species.*" (Appendix #12, p. 51).

Too little, too late for the species at risk, and their natural heritage environment on Johnston Point.

Heavy road construction began on Johnston Point immediately following the April 2016 OMB hearing **without** MNRF knowledge or authorization, and **without** the developer having submitted that the Information Gathering Form (IGF).

Concerned lake residents reported this work to the MNRF, the Township and the County. The MNRF did not call for a stop order, and Council defeated a May 17, 2016 Motion that would

have had the Township submit concern for development activity to the MNRF and call for the Township and County planners to account for work authorization.

Therefore further site alteration was allowed to continue without the MNRF assessment of the IGF, while crucial questions raised by concerned citizens regarding work on the property and monitoring of the settlement agreement remained unanswered. It is still not clear to us who, if anyone, approved this work being done before conditions 5D and 5E of Draft Plan Approval were met.

On at least four separate occasions since the April 2016 OMB, local residents have brought unauthorized development activity on Johnston Point to the attention of authorities. Most recently it was for extensive clearing, coincidentally in the immediate vicinity of the acoustical survey for SAR Bats that was conducted on property adjacent to Lot #11. (Appendix #7, p. 42).

In the days immediately prior to the survey, the owner had witnessed and reported illegal clearing of forest undergrowth and trimming of large trees to the extent that the proponent had inadvertently created a roadway through the owner's bush property onto the proponent's property. The private property owner had reported that activity to the Township and the MNRF in June 2017. To our knowledge, it has not been investigated in light of Toby Thorne's SAR Bat report that was submitted to the Township and the MNRF in September 2017 and identified the likely presence of maternity habitat in the same vicinity. In keeping with the ESA, it is our responsibility to ensure that it is.

As a result of omissions and oversights in the proponent's environmental assessment; the proponent's failure to follow due process to obtain MNRF approvals and authorizations; and/or authorities incapacity to oversee the conditions of draft plan approval and monitor developer compliance, disruption and fragmentation of Johnston Point's significant natural heritage system has already occurred. The many natural heritage features and their ecological functions may have already been seriously and negatively impacted, and the Endangered Species Act (species and habitat protection) may have already been contravened, at a minimum, for Gray Ratsnake and Blanding's Turtle AND Myotis Bat, Eastern Whippoorwill and Butternut.

Species at risk and their natural heritage environment have NOT been duly addressed and have NOT been duly safeguarded.

How can the public, or the MNRF have any confidence in the developer's conditions of benefit permit going forward, or the authorities' ability to oversee them?

Again, we echo the sentiments 'Getting Approvals Wrong', Chapter 7 of the ECO's 2017 Report, "...the MNRF has utterly failed to implement the law effectively."

We respectfully ask the MNRF to deny this permit bases on the following two statements concerning the authorities responsible for this significant provincial matter:

1. *"The CAO advises Council that the Township does not have the processes or staffing capacity in place to effectively manage the agreement as written [...]"* (February 26, 2016, Planning Department County File: 10T-2013/001)
2. *"None of the essential compliance and enforcement information is tracked ... the MNRF has no legal authority to conduct routine on-the-ground compliance monitoring of registered activities."* (the 2017 Environmental Protection Report of the Environmental Commissioner of Ontario).

8. Developers develop. They should not lead decision making in provincially significant environmental decisions.



Photo of Blanding's Turtle on Matt Rennie's property, immediately adjacent to, and sharing identical habitat with, Johnston Point.

The ER posting reads that *“Reasonable alternatives are being considered, including ones that would not adversely affect the species, and may include not proceeding with the new development, reducing the number of lots to be developed, and using alternate methods, equipment, designs, etc. to carry out the proposed activity.”*

All of these activities involve serious changes to the conditions of draft plan that should draw the MNRF and the Township back to the October 2016 Motion on Benefit Permit Authorization and Mitigation, and the condition under which it was amended to remove the clause *“that the Township write the MNRF to express our preference for species at risk habitat on Johnston's point be left as is, rather destroyed in a trade off.”* (Appendix #14, p. 53).

It was in response to the Township's notification from MNRF's Catherine Warren last September 30, 2016 that the MNRF had received an application from the proponent for an overall benefit permit. In closed session just prior to the vote, the Township's lawyer had Council amend the Motion to remove the mitigation clause, and there was no further public discussion. It was our understanding that it was because it would be seen as an attempt to change the conditions of draft plan.

The Township has been the acting authority for the County on Johnston Point. The OMB ruled that the County administer the conditions of draft plan, jointly with the MNRF, to regulate and scrutinize compliance with the ESA specifically through Conditions 5D and 5E.

Given the MNRF's negative impact assessment of the proposal, legitimate and fundamental changes to the Conditions of Draft Plan were indeed required then, as they are now, and the OMB allowed for those changes, pending the MNRF's assessment as per line number [56]: *“In the event there are difficulties implementing any of the conditions of draft plan approval, or if any changes to the draft plan are required, the Board may be spoken to further.”* Given that “NOT proceeding with this development” is a “reasonable alternative” under consideration of the

Developer and the MNRF, we hold that it was the MNRF's responsibility to have notified and fully engaged the Township in these considerations.

We respectfully ask that the MNRF open a dialogue with the Township on the October 2016 Motion, that should have been opened when the amended Motion was unanimously passed last fall. We respectfully ask for that dialogue to focus on the Ontario's Endangered Species Act Submission Standards for Activity Review and 17(2)(c) Overall Benefit Permits, which states that “*Assessment of overall benefit will involve the consideration of relevant uncertainties and risks (e.g., variability of ecological processes, level of understanding of the species, impacts of activities, mitigation measures and overall benefit actions such as habitat creation).*”

- *It is recognized there is uncertainty in the collective understanding about a species at risk, potential adverse effects of a proposed activity, and outcomes of overall benefit actions. The degree of uncertainty in these factors will be considered in determining the type, amount and magnitude of the overall benefit actions required.*
- *Where there is an increased potential for risk to the species or its habitat or proposed overall benefit actions carry a higher degree of uncertainty, determination of the adequacy of the overall benefit plan will err on the side of caution in favour of affording greater benefits to the species or habitat. “*

Concerned citizens have been assessing the Conditions of Draft Plan Approval, the basis on which they have been decided on, and the manner in which they have, and will be, monitored for compliance. We have now assessed the proposal for overall benefit permit. As a community, we consider the relevant uncertainties and risks to be great, and an increased potential for risk, at a minimum, to Butternut (endangered), Myotis Bat (endangered), Blanding's Turtle (threatened), Gray Ratsnake (threatened) and Eastern Whippoorwill (threatened).

As a community, we err on the side of caution, and in favor of affording greater benefits to these species and their habitat, in respectfully asking the MNRF to deny this ESA permit.

It is a request in keeping with the letter from the Battersea Loughborough Lake Association, that we read at the November 28, 2017 delegation to Township Council:

“1. The entire proposed Plan of Condominium development and the Conditions of Draft Plan Approval be reviewed as required by law and as authorized by the OMB decision issued on June 28, 2016. As per line [56] ... “In the event there are difficulties implementing any of the conditions of draft plan approval, or if any changes to the draft plan are required, the Board may be spoken to further.” This plan was originally conditionally approved by the Township and the County and the OMB under false claims and oversights. In order to be open, transparent and fair, it must be reviewed again as it pertains to the Planning Act and the Endangered Species Act by the Township, the County and the OMB, this time with the full knowledge that among other things:

- *Several species at risk live on Johnston Point and that this development will result in the killing, harming and harassing of them and/or destruction of their habitat.*
- *Johnston Point is a candidate ANSI identified and recommended by the MNR for protection in 1993, a fact overlooked by the developer's EIAs.*
- *As well as a candidate ANSI, Johnston Point is in whole, or in part, in Provincially Significant Wetland, Provincially Significant Wildlife and Fish Habitat, Provincially Significant Woodland therefore a housing development is not permitted under the Provincial Policy Statement and South Frontenac Township's Official Plan.*

2) That township support our request to the MNRF to deny the proposed benefit permit based on the following reasons:

- The MNRF's process is proponent driven and proponent monitored, yet this proponent was unable to recognize or identify to the Township, or the County or the OMB any living species at risk on Johnston Point which is a cause for concern.
- The proposed permit only addresses two of the six species at risk known to exist on Johnston Point.
- There is the very high possibility that more species at risk are on Johnston Point.
- The proposed permit is too vague and unclear as to what actions are being proposed and what mitigation methods are being suggested.
- Mitigation methods have not been proven to be successful.
- The cumulative effects of this type of damage are not known to the MNRF.
- The MNRF claims not to have the legal authority to conduct routine on-the-ground compliance monitoring of registered activities.
- The MNRF does not track any of the essential compliance and enforcement information.
- Despite all of the above the MNRF has never denied an Overall Benefit Permit leading us to consider how effectively the Endangered Species Act is being enforced.
- There is a concern that there is no mechanism to appeal the MNRF's decision.

3) Since township has a role in the long term consequences of this decision, we ask that Township make their own on-site visit to assess site alteration, and that Township order an independent review of the findings of these six known species at risk on site and, order a full review of Johnston Point to establish if any other species at risk have been overlooked."

9. For Sale. Buyer beware. Are unsuspecting buyers aware of the fact that a permit might not be issued, and/or that they are implicated in environmental restrictions imposed by the benefit permit conditions?



The for sale signs have been up for some time on Johnston Point, and are being featured in glossy full page ads, locally in our Whig Standard, and abroad in the Globe and Mail for exclusive sale, even before a final decision has been made.

We see online that Bone Living wants to work in partnership with Magenta

Waterfront Development Corp., to build 'net zero' homes on site that has yet to be approved. (<https://boneliving.com/johnstonpoint/>). For sure, they are attracting potential buyers with their stated 'eco' values. But we wonder just what these corporations are telling potential buyers?

Do they have any idea that this property is even before the MNRF for ESA permit approval, and exactly what 'overall benefit' means?

The notice on the Environmental Registry notes potential approaches to minimize adverse effects on individual members of Blanding's Turtle and Rat Snake may include *"Developing a Condominium Environmental Committee to support species at risk including the development of a landowner stewardship manual"*. Are unsuspecting buyers aware of the fact that a permit might not be issued, and/or that they are implicated in environmental precautions contained in the benefit permit conditions?

Given that they would be direct stakeholders in this provincially significant environmental decision, shouldn't perspective purchasers be made aware of the need for Overall Benefit authorization and have full disclosure of the potential environmental restrictions the proposed permit contains?

10. Let's Make History together. This provincially significant environmental decision is through and through a developer-driven process, not a partnership with the people of Ontario who hold dear our Environmental Bill of Rights.



We are committed to the protection and recovery of species at risk at Johnston Point, and the preservation of their Natural Heritage environment, in keeping with the serious concerns that Matt Rennie first raised to the Township in September 2014 that moved our community to action – first, to make a bid to stop this development at the OMB hearing in April 2016, and now with a Petition to the MNRF in response to the ER posting of this proposed ESA permit that has received signature and on-line endorsement by over 1000 people.

What more can we do as citizens to show, and to explain why Johnston Point matters to us and it matters to all Ontarians?

Since 1993, this provincial jewel in our backyard has been identified and recommended by the MNRF recommended for protection as “*land and water containing natural landscapes or features that have been identified as having life science values related to protection, scientific study or education.*” (PPS p. 39; NHRM p. 90).

It is stunning that the MNRF would now agree (in principle) to benefit permit conditions for this proposed Plan of Condominium on Johnston Point that is not only in ‘Area of Natural and Scientific Interest’, but is also in whole, or in part, designated by the province as Provincially Significant Wetland, Significant Woodland, Significant Wildlife Habitat and Fish Habitat. Any one of these Provincially Significant designations on their own merit could have served to protect this area from housing development, let alone the confirmation now, despite the developer's initial claims to the contrary, of **five** species at risk on this property, with the possibility of many more.

It is inconceivable to us that this approval process has been allowed to go as far as it has. On what values are authorities allowing this Draft Plan of Condominium to proceed to a proposal for ‘OVERALL’ benefit? They are most certainly not the values we expect to be upheld by **our** Ministry of Natural Resources, and that we hold dear under **our** Environmental Bill of Rights.

They are most certainly are not values that will uphold the Endangered Species Act, under which this permit will be issued, for the purpose of addressing the devastating decline in **our** nation's wildlife that we brought forward to our Township with our submission of the SAR Bat Survey last September (Appendix #8, p. 44):

“As human actions transform the natural world, Earth’s ecological systems are undergoing fundamental change, the consequences of which are breathtaking in scope and speed. Biological diversity is undergoing such catastrophic declines that scientists, in peer-reviewed studies, are describing “biological annihilation” and warning of a sixth mass extinction in a historically unparalleled time-frame. To tackle biodiversity conservation in the face of increasing development pressures and climate change, WWF-Canada draws upon scientific principles ... to ensure evidence-based decision-making, and to increase the likelihood of success.”

World Wildlife Fund -Canada, 2017 Living Planet Report.

“The MNRF has never denied an ESA permit to any applicant” NEVER! Here is a golden opportunity, with every reason and a community that wants to make history in understanding ‘Good Choices, Bad Choices’ to avoid the pitfalls of Chapter 7 of the ECO's 2017 Environmental Protection Report, “Getting Approvals Wrong”.

“Community IS our greatest strength.”

Respectfully,
Meela Melnik-Proud and Evonne Potts.

Appendix of Personal Letters and Letters of Endorsement submitted to South Frontenac Township and/or County leading up to the November 2017 Petition

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**1. Letter of Endorsement: Request for independent peer review of EIA
Development of Johnston Point, March 17, 2015**

As a concerned resident of South Frontenac township, I am writing you to thank you for the courage shown on Tuesday to request an independent review of the EIA. I would like to underline the importance that the selection is made by council and not the developer and suggest that the name of the person or organization overseeing the environmental assessment is withheld from the developer to maximize independence.

I am happy to assist in whichever way I can, and feel free to email me at any time with any requests.

Cordially, Roel Vertegaal

ENDORSEMENTS

Mike Koen
Diane Koen
Matt Rennie
Jeff Peters
Sue Peters
Anne Fisher
Bob Fisher
Margie McKenzie
Charlie Cumpson
Andrea Cumpson
Orrie Cumpson
Charlie Cumpson
Hailey Conium
Sally Blasko
George Proud
Rachael Melnik-Proud
Meela Melnik-Proud
Keith Sommerville
Betty Sommerville
Bernard Finn
Luanne Finn
Roland Somogyi
Judy Vanhooser
Jan Wood
Anthony Cameron
Jan Fox
Greg Howastson

Erin Wicklam
Annie G. Robison
Doug Cameron
Steve Pattison
Erin Wylie
Nick Fisher
Susan Radford
Paul Radford
Sherry Vivian
Evonne Potts
Dan Kerr
Carolyn Tanner
Sophie Harrison-Saxe
Mirjam Netten
Marilyn Rennie
Ray Rennie
Karl Hammer
Michelle Hammer
Doug Fraser

2. Personal Letter, Development of Johnston Point, Loughborough Lake

March 18, 2015

Mr. Mayor, Councillors;

This letter is to first thank you for the recommendations from last week's COW for a peer review of the Environmental Study on Johnston Point, and for the referral of Lindsay Mill's report back to the Planning Department for re-appraisal. Secondly, it is to appeal for their re-evaluation not just in the specific terms of the Johnston Point Development but within the larger framework of the Frontenac Arch UNESCO Biosphere Reserve (FAB) of which it is a part

(<http://www.frontenacarchbiosphere.ca/>), and in review of the Ontario Climate Change 2015 Discussion Paper that was featured for public consultation in Kingston last Thursday (see attached).



I was taken aback in last week's COW by the township planner's response to Dr. Vertergaal's March 3rd letter that draws attention to the United Nations biosphere status of our area. I was stunned at how quickly his letter was dismissed and his comments misinterpreted. I did not see it at all as an attack on any one type of person who will eventually take up residence in this, or any of the other township developments, and I do not say this lightly, for I am one of those people living in what he would consider to be "a large and dense suburban development", namely the Kingsmere 'Estates' Subdivision. I've witnessed first hand the erosion of natural and cultural fabric of which he is concerned, and developers saddling lot owners and the municipality with unforeseen burdens, and I've worried over my 23 years on Loughborough Lake how exactly to measure the negative impacts of what is certainly not my "low-impact ecologically sensitive lifestyle".

I saw his letter as asking difficult questions necessary to respond to what are unquestionably global challenges of sustainable development being played out in communities all over the world. They are most certainly crucial environmental questions, easily overlooked, but not easily answered, for they are not only inherently complex and interconnected in nature, but they tend to play out over the much longer term, so that there is no immediate and tangible social, political or economic gain in asking them. But, if you know the score, and trust the science behind it, it seems that we stand to lose everything if we choose not to ask them and examine them carefully, so that we can make more informed and comprehensive decisions leading to new strategies going forward. It was what the public conversation over the Climate Change Discussion paper I attended last Thursday in Kingston was all about, summoning all Ontarians to collaborate for immediate, transformative action with bold vision to "establish Ontario as a leader in climate change mitigation and science; redesign and build strong carbon neutral economy, communities, infrastructure and energy; protect ecosystems including air land and water; and, leave a legacy of a healthy world for our children and future generations."

<https://www.ontario.ca/environment-and-energy/climate-change-consultation>

Dr. Vertegaal's letter prompted me to probe more deeply into the Frontenac Arch UNESCO Biosphere

Reserve, as I ask you to do, to shed light not only on the concerns the public has over the Johnson Point Development, but also appreciate how vital and valuable an asset it is for our community and our province in meeting its goals to adapt to climate change and reduce carbon emissions to 80% by 2050. This is a daunting challenge, but one in good keeping with political negotiations internationally. In September 2015, world leaders, from the 193 member states of the United Nations are expected to gather at the UN headquarters in New York, to adopt the Sustainable Development Goals (SDG's), as a sustainable development framework to negotiate international carbon reduction targets, culminating in a binding agreement on climate change at the Paris Climate Conference (COP21) in December 2015.

The province's public collaborations through the Discussion Paper are also in keeping with the growing numbers of concerned citizens all over the world mobilizing around climate change. My daughters and I took to the streets of NYC for last September's Peoples Climate March with some 400,000 others in the lead up to Paris 2015, and will be heading to Quebec City April 11th for the Act on Climate March to challenge Canada's provinces and territories to live up to their commitments. <http://act-on-climate.ca/about-2/> The language in the streets, as in the science behind climate change, is clear and unmistakable, and its echoes around the world have been responded to accordingly in Ontario's Climate Change Discussion Paper 2015 - "climate change is the critical issue of our time" and the 4 degree Celsius increase in the mean temperature expected for the planet over this century, "will have catastrophic effect".

What is even more frightening is that 2 degrees Celsius beyond the pre-industrial temperature, not 4, is the upper limit of safety that is internationally agreed on, and that climate change is only one of a framework of 9 planetary boundaries around which the international community recognizes safe operating limits for humanity and preconditions for sustainable development. These 9 earth system processes are climate change, ocean acidification, ozone depletion, pollution from nitrogen and phosphorus fertilizers, global freshwater use, change in land use, biodiversity loss, atmospheric aerosol loading and chemical pollution – three, including climate change, rate of biodiversity loss, and human interference with the nitrogen cycle, we have already exceeded. These are of course rough scientific estimates carrying large uncertainties, but what is clear is that we are pressing dangerously hard against the physical boundaries of Earth and doing so in very full knowledge and at our own peril.

I am surprised how little we hear about the UNESCO Biosphere Reserves and the vital role they can play in helping us stay within these boundaries. Seems to me, our local gem with international designation, and its untapped riches is not something we should overlook or take for granted. It will certainly be part of my submission to the Ontario Climate Change 2015 Discussion Paper, and it should be reconsidered as well in the peer review of the EIA to more thoroughly understand the 'negative impacts' of this proposed Johnson Point development.

I've attached a picture my daughter Rachael emailed home to me on her first visit to UN headquarters several years ago, of her standing against a UN wall featuring a quote from Dag Hammarskjöld, the 2nd Secretary General of the United Nations and winner of the 1961 Nobel Peace Prize - "THE UN WAS NOT CREATED TO TAKE HUMANITY TO HEAVEN, BUT TO PREVENT IT FROM GOING TO HELL". It is an image it seems I can never forget, and one that should burn in all our minds as we consider together the year ahead in politics as our world leaders teeter-totter at setting a binding international framework to address climate change that ultimately must flow, and not just trickle down to provincial and municipal jurisdictions to address development proposals like the Johnston Point happening in communities everywhere around the world. Heeding that stark message means asking difficult questions here at the grassroots, like what impact does the Johnson Point development have on the 34 flora and fauna 'species at risk' in our area, and what other economic opportunity is there for the area's farmers and property owners to simply preserve their natural space AS IT IS? It means asking questions that speak to the core

of our modern economy, in which the world's population is projected to be 9 billion by 2050 with a global GDP of more than \$200 trillion, to trigger a paradigm shift in dollars and sense, so that our farmers and property owners are paid for simply being stewards of our natural earth systems, and our impoverished Least Bitterns and Blanding Turtles are paid for their biodiversity services rendered, just as the Johnson Point forest and wetlands is paid for providing these dwindling species habitat and for the removal and storage of carbon dioxide.

Co-incidental though the two events I attended last week seem - this provincial conversation on climate change that is underway across Ontario to prepare a new strategy for fighting climate change and your March 10th COW calling for more careful consideration of the Johnston Point proposal – they present our community with the perfect timing and opportunity to step forward, quite literally, as a world leader in climate change solutions through actively advancing the Frontenac Arch Biosphere as part of a global network of 631 biosphere reserves, and exemplifying it as a learning site for sustainable community development, and a truly protected area of natural and cultural heritage.

Respectfully, Meela Melnik-Proud

3. Personal Letter, Ontario's Climate Change Strategy Discussion Paper reflected on Johnston Point, June 1, 2015

"So let us not be blind to our differences, but let us also direct attention to our common interests and the means by which those differences can be resolved. And if we cannot end now our differences, at least we can help make the world safe for diversity. For in the final analysis, our most basic common link is that we all inhabit this small planet. We all breathe the same air. We all cherish our children's futures. And we are all mortal." John F. Kennedy, 1963



Matt Rennie and his son fishing together on Loughborough Lake, August 2013



My daughter's and I, with friends, demonstrating the Millennium Development Goals (MDG's), Act on Climate March, Quebec City, April 2015

June 1, 2015

Dear Council;

This letter is nothing short of a leap of faith to direct your attention to our common interests in Johnston Point and the means by which our differences could be resolved. It was inspired by Matt Rennie, who I met for the first time at the open house in March, and who has since taught me a great deal on the issues surrounding the proposal for its development. I have been struck by his passion to protect the lake for his children, as he fondly remembers growing up along its shores as a child, and I have come to more fully appreciate the tremendous effort and dedication of the BLLA to representing such interests of property owners in perpetuity, since its founding in 1963. Matt's picture captures the very essence of the Johnston Point controversy and the resolve to work in good-will and partnership with council to ensure sustainable lake development. It speaks to the very heart and soul of our concerns, and our disillusionment and dissatisfaction over council's response to the developer's appeal that has effectively shut the public out of the decision making process.

Much has changed for me since the first letter I submitted in March having newly become aware of the controversy surrounding Johnston Point. The two events that framed it - the public open house for the Climate Change Strategy Discussion Paper in Kingston on March 12 <https://www.ontario.ca/environment-and-energy/climate-change-consultation> and the Act on Climate March in Quebec City April 11 <http://act-on-climate.ca/> – have both come and gone with important lessons learned and brought to bear on Johnston Point, so that with the unprecedented nature of the appeal, I now find myself embroiled in the issue.

What I learned from the Climate Change Discussion Paper was that our provincial government has a well planned strategy, but a clear lack of the leadership required to move its citizenry in the direction of its bold agenda to *"establish Ontario as a leader in climate change mitigation and science; redesign and build strong carbon neutral economy, communities, infrastructure and energy; protect ecosystems including air land and water; and, leave a legacy of a healthy world for our children and future generations."* One should have expected the room at the Tett Centre for Creativity and Learning in Kingston to be overflowing with officials and concerned citizens wanting to share in the conversation. It wasn't of course, and while that is something I do not find unusual, what I witnessed over and above the lack of public participation shocked me to my core – a handful of climate change deniers that were able to dominate the public open house, and the inability of its government representatives to credibly answer the questions

this opposition posed so to instill public confidence. If I had attended that discussion having street-level knowledge on climate change, I would have left ignorant and indifferent and entirely confused over a problem that a plethora of scientists are telling us will make all life on earth a 'species at risk', and for which we are running out of time to address with clear strategies for recovery. Like the Whip-poor-will that haunts many of us as a 'canary in the coal mine' on Johnston Point, we are all threatened if you trust the science. And YES there ARE Whip-poor-wills on Johnston Point, and YES there is a proposed recovery strategy to ensure their survival.

What I learned from the Act On Climate March in Quebec City was the power of the people in the face of this crisis of leadership and environment - an estimated 25,000 citizens of all ages and walks of life demanding immediate and transformative action from government leaders in a show of solidarity that jammed the cold, damp, streets for a 3 kilometer march to parliament to form a giant red thermometer symbolically representing the dangerous and uncharted territory we are headed towards on our current, '**business-as-usual**' path to the 4° Celsius rise in mean surface temperature above pre-industrial levels. We are not thorns in the side of government, but everyday people heeding the reports of the Intergovernmental Panel on Climate Change (IPCC), that tell us 4° Celsius is a full 2° over the safe operational threshold of the planet and one that we have already crossed, and that YES it has had severe and irreversible negative impacts on the natural features and their ecological functions on adjacent lands and YES there is a proposed recovery strategy to mitigate them. <https://www.ipcc.ch/report/ar5/syr/>.

Advocating for the UN Millennium Development Goal's (MDG's) is what led me to both those events, and to urge a strong 'NO' stance from council, having had the opportunity to look more closely at the process by which the Planning Department is recommending approval for development and the various federal and provincial documents that regulate the decision making process. The 8 MDG's are to eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health, combat HIV/AIDS, malaria and other diseases, ensure environmental sustainability and develop global partnership. Though they are little mentioned here in Canada, our nation, as all other 192 member states of the UN, are party to the MDG's. Since September 2000, the goals have been an operational, global framework to address sustainable development in its varied economic, social, political and environmental dimensions, setting clear targets and timelines to 2015, that will play out when world leaders meet in Paris this December, where all hopes are focused on setting global and legally binding limits on greenhouse gas emissions.

Goal #7, to **ensure** environmental sustainability, is centered on two legally binding agreements opened for signature at the Earth Summit in Rio de Janeiro in 1992 – the United Nations Framework Convention on Climate Change (UNFCCC) and the Convention on Biodiversity (COB). The UN Climate Summit in Paris is what underpins Ontario's bold new Climate Change Agenda and demonstrations like the Act on Climate March, big and small all over the world. The Convention on Biodiversity is what provides us with the tools we need to take practical, community-level measures to mitigate the effects of climate change and environmental degradation. National updates on the status, trends and threats on biodiversity linked to human wellbeing, and strategies for implementation and mainstreaming biodiversity are brought directly into play in Johnston Point with its designation as a Provincially Significant Wetland, its Whip-poor-will's and Rat Snakes as Species At Risk, and the EIA's which prioritize improving our understanding of the links between its biodiversity and ecosystem services and measuring the 'natural' capital of their goods and services over simply rubber stamping development for quick monetary gain. <https://www.cbd.int/>

We have all been left scrambling in response to what are pressure tactics of the developer not all in the spirit of community co-operation to ensure sustainable development. While some of us may, or may not, have the time or resource to apply as party to the appeal at the OMB, we are all party to the Convention on Biodiversity. As I have come to understand it, in making decisions on Johnston Point we should all be *"Conscious of the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components, Conscious also of the importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere, Affirming that the conservation of biological diversity is a common concern of humankind ... Aware of the general lack of information and knowledge regarding biological diversity and of the urgent need to develop scientific, technical and institutional capacities to provide the basic understanding upon which to plan and implement appropriate measures, Noting that it is vital to anticipate, prevent and attack the causes of significant reduction or loss of biological diversity at source, Noting also that where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used*

as a reason for postponing measures to avoid or minimize such a threat. [Precautionary Principle #15 of the 1992 Earth Summit Declaration], Noting further that the fundamental requirement for the conservation of biological diversity is the in-situ conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings, Noting further that ex-situ measures, preferably in the country of origin, also have an important role to play ..." <https://www.cbd.int/doc/legal/cbd-en.pdf>

I would like to thank you for the open house on March 3 and the broader awareness it raised over Johnston Point, for without it, I would be both ignorant and indifferent about the choice that was before you to either grant or deny approval. I would not have had the opportunity to make, and then share with others, the connections between what was playing out on the world stage with the Climate Change Strategy Discussion Paper and the Act on Climate March, and what was playing out in my own backyard. I would never have taken a leap of faith to work in earnest and in community partnership to end the differences over Johnston Point and make this little spot on the world safe for as possible for diversity.

With respect and in co-operation, Meela Melnik-Proud.

4: Letter of Endorsement , Concern for Johnston Point, June 6, 2015

Dear Mayor and Councillors.

We first of all would like to thank you for the March 3 Open House that provided further opportunity for residents to voice their concerns over the proposed Plan of Condominium for Johnston Point. It demonstrated both a commitment to community partnership in ensuring sustainable lake development, and a need for a further study to clearly understand the impacts of development on the Provincially Significant Wetland and preserving more generally the natural heritage and ecological functions of Loughborough Lake.

In the face of mounting public concern and mounting evidence against development of Johnston Point, the overriding interest of developers to pressure council for approval became obvious with the announcement on March 17 of their action to appeal to the Ontario Municipal Board (OMB), prior to any decision having been made by council, and in full disrespect of the two motions it forced council to defer - namely to closely re-evaluate the planner's report to address 10 specific issues raised by Councillor Sutherland on behalf of the BLLA, and Councillor Sleeth's motion for a qualified, independent peer review of the Environmental Impact Assessment (EIA) paid for by the developer.

We are a group of lake residents who have come together as LEAP, a Loughborough Environmental Assessment Partnership, to respond to an appeal that, since March 18, has effectively left the citizens of South Frontenac township locked out of the decision making process on Johnston Point. Members of LEAP share the conviction that:

1. Council should take a strong 'NO' stance and deny the Plan of Condominium for Johnston Point.
2. A peer review of the EIA without a Recreational and Full Length Lake Assessment cannot adequately ensure that, in terms of the PSW and adjacent lands, "there will be no negative impacts on the natural features or their ecological functions" under section 2.1.8 of the 2014 Provincial Policy Statement.
3. In keeping with our March 17 letter of endorsement, in choosing an agency for peer review of the EIA, "selection is made by council and not the developer ... and the name of the person or organization overseeing the environmental assessment is withheld from the developer to maximize independence."

We want to thank you for re-tabling the two motions, and tendering a peer review of the EIA for contract at the April 21 council meeting. Although we feel council and taxpayers are now unjustly saddled with its financial burdens, we have obtained a quote to deliver a gold standard response to the two motions that are before council. We would like to offer this quotation to council on request and meet with council to discuss the opportunity to work in partnership with the community, to ensure sustainable lake management and preserving the natural heritage and beauty of Loughborough Lake in perpetuity.

With respect,
Meela Melnik-Proud, Matt Rennie, Roel Vertegaal, Anne Fisher

Endorsements

Rachael Melnik-Proud
George Proud
Robert Fisher
Kevin Weaver
Anthony Cameron
Shailyn Normand
Amy Bates

Jan Fox
Nicki Mundell
Steve Pattison
Chris Hammer
Stephanie Hawkey
Carolyn Tanner
Roy Chan
Domenic Lombardi
Margie Mckenzie
Scott Lombardi
Luca Lombardi
Chrissy Heise
Brent Pople
Heather Robinson
Nikki Rennie
Nathan Giller
Erin Malcolm-Kerr
Jan Wood
Joe Dawson
Trevor Irwin
Sue Saulnier

5. Letter of Endorsement, Concern over Planning Report for Approval of Applewood Condominium Agreement, March 1, 2016 Council Meeting, March 1, 2016

Dear Mayor and Councillors.

It is our understanding that on March 1st Council will be voting to allow development of the Applewood Estates Condominium in the Provincially Significant Wetland (PSW) Complex that includes Johnston Point. Of utmost concern is the statement in the Applewood Planning Report requesting your approval, that ***“The CAO advises Council that the Township does not have the processes or staffing capacity in place to effectively manage the agreement as written and while the CAO is not in a position to state what is definitely needed at this time, nothing is to be gained by delaying”***. Since the Oct. 7 2014 public meeting that provided opportunity for residents to voice their concerns over the proposed Plan of Condominium for Johnston Point, we have worked in good faith and with a commitment to community partnership to reveal oversights, inadequacies and contraventions in conditions of draft plan approval for both Johnston Point and Applewood that underscore your CAO’s concern and our position that any further development be prohibited on both these properties. These include, but are not limited to:

1. The peer review of the Johnston Point EIA which concluded it ***“does not sufficiently demonstrate there will be no negative impacts on the natural features or their ecological functions on the subject property as per the requirements of the Provincial Policy Statement”***. The fact remains that under Policy 2.1.4 of the PPS no development or site alteration is permitted “in” this provincially significant wetland, and Policy 2.1.8 applies to protect its “adjacent lands” since it has NOT been determined that there will be no negative impacts on the natural features or ecological functions of those lands.
2. The identification of Species at Risk (SAR) in the peer review and in our own independent documentation of Grey Rat Snakes, Whippoorwills, Blanding’s Turtles and Five-lined skink in the immediately vicinity of Johnston Point. It is vital to point out that the Johnston Point EIA concluded that ***“No living threatened or endangered species were found”*** and that there was no peer review of the Applewood EIA to challenge our conviction that there are indeed similar endangered and threatened species on this property that require protection by law under the Species at Risk Act .
3. Magenta’s contraventions of the Cataraqui Regional Conservation Authority (CRCA) dock permit for Applewood that we brought to your attention last November. The contraventions are as follows – the dock is a full 66% longer than indicated in the permit and water levels surrounding the dock up to 75% less than the specified 1m minimum water depth – but of equal and unresolved concern is the fact, made known to you in the CRCA delegation to council January 12, 2016, that while this wetland is under the jurisdiction of the CRCA, they cannot enforce the existing environmental regulations and made it clear that the responsibilities to enforce the conditions of draft plan would fall to the Township.

It is on these grounds, and in light of this new disclosure from your CAO that ***“the Township does not have the processes or staffing capacity in place to effectively manage the agreement as written”***, we call for Council not to authorize the Applewood Condominium agreement and to once again, take a strong ‘NO’ stance against the proposed Johnston Point Plan of Condominium.

Meela Melnik-Proud, Matt Rennie , with the following endorsements,

Endorsements

Roel Vertegaal
 Anne Fisher
 George Proud
 Ed Koen
 Helen Bartsch
 Don Maxwell
 Anne Robinson
 Ron Turney
 Kathleen O'Hara
 Stella Hiemstra
 Marc Hiemstra
 Evonne Potts
 Sue Peters
 Jeff Peters
 Andrea Cumpson
 Orrie Cumpson
 Ray Rennie
 Karl Hammer
 Hayden Peters
 Garnet Peters
 Hailey Cumpson
 Charlie Cumpson
 Pete Mackenzie
 Cheryl Anne Honsberger-Bell
 Sharon Dunn
 Kate Tindal
 Judy Vanhooser
 Carolyn Tanner
 Delina Campbell-Melo
 Laura Moreland
 Danielle Nicole
 Kevin Weaver
 Erin Wicklam
 Amy Bates
 Gail Convery Van Esch
 Susan Nobes-Tindal
 Carolann Sutherland
 Jeff Parsons
 Joe Pater
 Dave Curtis
 Chris Hammer
 Jan Fox
 Jason Martin
 Sharilyn Normand
 Amanda Michelle Burns
 Wayne Sutherland
 Rick Bell
 Jan Wood

Larry Wood
 Jennifer Mallon
 Andrew Wilby
 Joanne McDonnell
 Stephanie Hawkey
 David Finlay
 Keith Sommerville,
 Betty Sommerville
 Bernard Finn
 Sue Saulnier
 Vivian Lee Koen

6. Letter of Endorsement, March 2016 Settlement Agreements on Johnston Point, March 31, 2016

Township of South Frontenac
4432 George St., Box 100,
Sydenham, ON
K0H 2T0

County of Frontenac
2069 Battersea Road,
Glenburnie, ON
K0H 1S0

Dear Mayor and Councillors.

It is with profound disappointment that we received the County council's March 16th position on Johnston Point and saw it presented to the broader public in the Kingston Whig-Standard.

<http://www.thewhig.com/2016/03/16/county-council-oks-disputed-condo-project> Ever more so, followed four days later by media attention drawing us towards 'Preserving Wetland'.
<http://www.thewhig.com/2016/03/20/preserving-wetlands>

The bold media headline - "**County approves condo project**" – underscores our municipality's lack of understanding of the 'undeveloped' value of this wetland and the ecosystem services it provides, and further masks its lack of accountability, clarity and transparency towards this plan of Condominium Development and of Applewood Estates, also by Magenta Corp. and in the same wetland complex. These two developments together will constitute an estimated 12% increase in lots in Loughborough Lake's East Basin, alarmingly concentrated in an area with Environmental Protection designation for the many natural heritage features it encompasses - Provincially Significant Wetland (PSW), Species at Risk (SAR), Area of Natural and Scientific Interest (ANSI) and the Frontenac Arch UNESCO World Biosphere Reserve.

What has not been made clear to the public is the fact that the County did not make a decision on Johnston Point. Following suit of Township council on March 1st, County council on March 16th simply voted to support this plan as their legal position in front of the April 4th OMB hearing. Without actually making a 'decision' on Johnston Point, our community has effectively been shut out of that process. It strips us of the opportunity to file a separate appeal to dispute the actual 'approval' of Johnston Point. The 'decision' by the OMB following the April 4th hearing is final and cannot be reversed (other than through a very unlikely OMB decision to send the matter back to the municipality). A mere three weeks before the hearing we learned the County's position on Johnston Point, which is not to approve or deny this Plan of Condominium, yet with their legal stance, supporting the settlement agreement to lend public "approve condo project" impression. Our Township's natural heritage that has, for the last two years, been our community struggle to preserve through working in partnership with our municipality – in the end feels to us like a lawyer's game lake residents cannot afford to play in. In the County's haste to pass motion of approval on Johnston Point at their March 16th council meeting, there was not a single response from councilors to Matt Rennie's presentation documenting clear violations and non-compliances with the Provincial Policy Statement and Township and County Official Plans, nor was he given the opportunity to field his list of questions following the planners presentation as promised.

This letter of endorsement is a call for an explanation from Township and County councilors, their reasoning for approving the settlement conditions at such a late stage in their decision process, for it was

our understanding that on December 1st 2015, Township councilors voted AGAINST the Conditions of Draft Plan Approval for Johnston Point in keeping with:

1. the Township's peer review of the EIA and a Wetland Evaluation that clearly state that they do not **"sufficiently demonstrate there will be no negative impacts on the natural features or their ecological functions on the subject property as per the requirements of the Provincial Policy Statement"**.
2. a notice from the MNRF dated October 9, 2015 stating that there is **"a strong possibility that the proposed condominium development will impact species at risk and their habitat."**
3. the disclosure by the CRCA delegation to council January 12, 2016, that while this wetland is under the jurisdiction of the CRCA, they cannot enforce the existing environmental regulations and made it clear that the responsibilities to enforce the conditions of draft plan would fall to the Township.
4. the disclosure from the Township's CAO in the March 1st, 2016 planning report for the approval of the Applewood agreement that **"the Township does not have the processes or staffing capacity in place to effectively manage the agreement"**.

We look forward to your response and as we endeavor to 'preserve wetlands', we hope to see the Township and County planning staff and councillors at the very timely wetland seminar this Thursday March 31 at the Invista Community Centre 1350 Gardiners Road, Kingston, by the Frontenac Stewardship Foundation . Called **'Get your Feet Wet: Understanding our Wetlands'** it is a golden opportunity to understand together, more thoroughly our concerns for Johnston Point and respond to them accordingly at the upcoming OMB hearing on Johnston Point.

Respectfully,
Meela Melnik-Proud and Matt Rennie

Endorsements

Anne Fisher	Eliot Stephens
Diane Koen	Maria G. Dipillo
Nona Mariotti	Jeff Kleinlagel
Roel Vertegaal	Joe Pater
George Proud	Rick Bell
Clayton Potts	Carolyn Tanner
Evonne Potts	Kevin Weaver
Ed Koen	Chris Hammer
Erin Wicklam	Susan Nobes Tindal
Marc Hiemstra	Jennifer Mallon
Ann Robinson	Beth Pater
Don Maxwell	Jan Wood
Rachael Melnik-Proud	Larry Wood
Mike Koen	Sue Peters
Susan Sutherland	Jeff Peters
Ken Burns	Andrea Cumpson
Tasha Proud	Orrie Cumpson
Sharon Dunn	Sally Blasko
Jan Fox	Charlie Cumpson
Dan Floyd	Hailey Cumpson
Delina Campbell Melo	Nada Beamish
Lynn DeGeer-Ostrom	
Chelsea McCallum	
Erin Malcolm-Kerr	

7. Personal Letter, MNRF letter to Township, October 11, 2016

Dear Mayor and Councillors;

I would like to take this opportunity to thank Councillor Sutherland and Councillor Sleeth for their ongoing concern over Johnston Point and the effort behind their two motions this past summer. They speak to the heart of the MNRF letter from Catherine Warren that is before council on tonight's agenda, and to the ongoing effort of concerned lake residents to monitor compliance on Johnston Point and ensure the conditions of draft plan approval can be met - particularly in terms of species at risk (SAR).

Please find attached my OMB statement and that of John Urquhart, the expert SAR witness Matt Rennie, Dr. Roel Vertegaal and I brought with us in order to have the issue of species at risk on Johnston Point comprehensively addressed at the April 4th, 2016 OMB hearing. As you are aware, we were denied Party Status and Mr. Urquhart was dismissed on the basis that his evidence "*relied on hearsay*" and "*would not be of assistance to the Board*". Nevertheless, Mr. Urquhart's SARs records, the SAR data from the Macintosh-Perry peer review and sightings by local lake residents were forwarded to the MNRF immediately following the OMB hearing to ensure the MNRF had updated SAR information and that the Developer submitted the Information Gathering Form (IGF) referred to on page 7 of my statement, as the first step towards identifying species at risk and their significant habitat on Johnston Point.

The overall benefit permit application Catherine Warren refers to in her letter on tonight's agenda is an indication not only that SAR exist on Johnston Point, but that the MNRF has assessed the proposal as NOT avoiding negative impact to their habitat. Like the Township's own peer review of the EIA in July 2015, it clearly refutes the claim of the Developer's two EIAs that there will be no negative impacts to the natural features or their ecological function which under the Provincial Policy Statement (PPS) would deny development of Johnston Point. So too, it exposes a blatant disregard for the Natural Heritage Reference Manual (NHRM) which provides both the Township and the Developer guidance for implementing SAR policies in the PPS.

Ms. Warren's letter only heightens my concerns regarding the proponent's responsibilities under the Endangered Species Act, which are two fold:

1. Assessing whether or not any contraventions to the ESA have already occurred. Extensive site alteration began immediately following the April hearing, still under the Developer's assumption that there are no SAR on Johnston Point, and without the Township's or MNRF prior knowledge or authorization, or the formal OMB decision that wasn't issued until June 28, 2016. It is my understanding that the MNRF should be assessing a static project plan, and an immediate stop order should have been issued to the Developer for the multiple phases of development activity that concerned lake residents brought to your attention over course of the spring and summer - road development, blasting for installation of underground power lines, tree clearing, etc. - that is ongoing without a complete SAR investigation to serve as a baseline for assessing impact of site alteration, and without final approval.

2. Fulfilling conditions of draft plan approval 5D and 5E of the OMB decision. They are "*D. The owner shall confirm that MNRF have been consulted on all species at risk issues and that the Declaration and the Vacant Land Condominium Agreement shall incorporate all recommendations from the MNRF included in any Benefit Permit, **if issued**, related to **Gray Rat Snakes and Blandings Turtles or any other species at risk identified**. E. That the Owner shall complete Whip Poor Will surveys to determine if they are present at the site and submit this information to the MNRF.*" The MNRF letter mentions benefit permit considerations for Gray Ratsnake and Blanding's Turtle, however the Township can no longer ignore the peer review findings **that on a single site visit** observed Blanding's Turtle, Snapping Turtle, and Butternut,

and noted suitable habitat for Gray Ratsnake, Eastern Whippoorwill, Cerulean Warbler, Least Bittern, Eastern Wood-PeWee, Wood Thrush, Golden-winged Warbler, Milksnake, Eastern Ribbonsnake, Northern Map Turtle and Broad Beech Fern. Going forward, each of these 14 SAR need to be properly evaluated to identify and delineate various significant habitat, assess the impact of development, and consider benefit permit considerations on a species by species basis.

I am reminded once again of the statement our Township's CAO made in February 2015 on the heels of the announcement of the OMB appeal and our disclosure to the Township of CRCA dock permit contraventions in Applewood. ***"The CAO advises Council that the Township does not have the processes or staffing capacity in place to effectively manage the agreement as written and while the CAO is not in a position to state what is definitely needed at this time, nothing is to be gained by delaying approval"***. (Planning Department County File: 10T-2013/001):

As it stands now, neither the municipality or the MNRF, can clear these conditions of draft plan approval as required in the OMB decision. While it remains inexplicable to me how final approval can be given to Johnston Point, I draw your attention to the conclusions of my OMB statement as a still timely and gainful way forward to work together to respond to the this MNRF letter:

"1. A requirement is made that a properly and respectfully executed Information Gathering Form is submitted to the MNR, **under the supervision and guidance of an independent expert environmentalist of Township choosing**.

2. **That the MNR be contacted** to determine whether species at risk surveys are required.

3. **That the negative impact assessments on the Johnston Point Species at Risk be scientifically assessed through an independent longitudinal study.**

4. That Johnston Point be designated as an integral and vital component of the PSW that provides valuable habitat to SAR that are semi-aquatic, and also **that this candidate ANSI be designated as a 'significant' ANSI as per the PPS definition for 'significant' as allowed for under the Natural Heritage Reference Manual**, noting on Page 49 of the Manual that *"A permit that would authorize the destruction of endangered or threatened species habitat under the ESA cannot be used to justify development and site alteration in a natural heritage feature where such is not permitted for other reasons (e.g., significant wetland)."*

5. That this case be dismissed based on the fact that the 180-day clause invoked by the Developer is **specifically aimed at avoiding due process** as set out by the Laws of Ontario with regards to SAR. We respectfully ask the OMB not to allow the use of this clause to force a decision that contravenes due process as set out by the legally binding ESA, given **that it is anticipated that information gathering on SAR will take multiple extended sessions with seasonal overlap."**

I'd be happy to meet to discuss any or all of these points in further detail, having dedicated considerable time and effort to carefully monitor the status and compliance on Johnston Point and to ensure thorough evaluation of the proposal.

Respectfully,
Meela Melnik-Proud

8. Personal Letter, Submission of Toby Thorne's Bat Activity Survey Report, September 19, 2017

"As human actions transform the natural world, Earth's ecological systems are undergoing fundamental change, the consequences of which are breathtaking in scope and speed. Biological diversity is undergoing such catastrophic declines that scientists, in peer-reviewed studies, are describing "biological annihilation" and warning of a sixth mass extinction in a historically unparalleled time-frame. To tackle biodiversity conservation in the face of increasing development pressures and climate change, WWF-Canada draws upon scientific principles ... to ensure evidence-based decision-making, and to increase the likelihood of success." World Wildlife Fund -Canada, 2017 Living Planet Report.

September 18, 2017

Dear Mayor and Councillors.

Please find attached a Bat Activity Survey Report on Johnston Point with an Addendum by Toby J. Thorne, and also the World Wildlife Fund's 2017 Living Planet Report Canada. Our concerned citizens group commissioned and paid for the peer review survey, which was guided by MNRF's most recent bat survey protocol, and conducted by a certified bat expert holding specific skills in acoustic surveying and call identification of bats.

Between the period June 30, 2017 to July 12, 2017, a total of 848 observations of the endangered Little Brown Myotis bat were recorded on Johnston Point. A further 760 observations could be identified to Myotis genus, but not to species. Mr. Thorne's report concludes that *"the presence of suitable ecosites, combined with the high level of acoustic activity from SAR bats indicates the likely presence of maternity habitat."* It offers new and compelling evidence that this endangered species is not only present on Johnston Point, but very active. It was submitted to the MNRF last Thursday, as the WWF's release of the 2017 Living Planet Report Canada, coincidentally made sobering news of the day.

WWF's Living Planet Report is considered the most comprehensive synthesis of Canadian wildlife population trends ever conducted. Alarming, it found that from 1970 to 2014, half of the monitored vertebrate wildlife species - 451 of 903 mammal, bird, reptile, amphibian and fish species across the country - suffered an average population decline of 83%. Habitat destruction and climate change are cited as the leading cause.

The loss of Canada's wildlife is staggering, but what hits closest to home was the further news regarding the numbers for at-risk species. Despite protection, since the Species at Risk Act became law in 2002, the rate of decline for Canada's federally protected at-risk appears to be increasing by 2.7% per year. ***"According to researchers, the federal Species at Risk Act has faltered in its mission to protect Canada's most beleaguered wildlife,"*** says the report. It cites ***"government failures to meet SARA's timelines for recovery strategies and in identifying and protecting critical habitat"*** as one of the biggest shortcomings.

Ironically, one of the deepest losses is for the endangered Little Brown Bat, highlighted on page 20 of the Living Planet Report. *"Within three years of discovery, white-nose syndrome had wiped out 94 per cent of hibernating little brown bats in Nova Scotia, New Brunswick, Ontario and Quebec. Some ecologists consider this the most rapid decline of mammals ever documented. The westward sweep of the disease is expected to infect the entire range in Canada by 2028. The little brown bat was emergency listed as Endangered under SARA in 2014, one of three species ever to receive such treatment out of all invertebrates, vertebrates and flora."*

The recommendations of the WWF report are:

- 1. Citizen-based conservation:** By helping to monitor wildlife, and protect and restore habitats, individual actions, collectively will help reverse the decline of wildlife in Canada.
- 2. Collect and share information on ecosystems:** Without accurate information, meaningful decisions to protect wildlife can't be made.
- 3. Better understand climate change:** New knowledge will allow us to build evidence-based strategies for mitigating climate-change impacts and for enhancing ecosystem resilience.

4. Take ecosystem-based action and bolster the Species at Risk Act: An ecosystems-based approach to take into account multiple species and their habitats is essential.

5. Make a commitment to nature. Solutions are far more likely to be realized with broad public support for difficult resource allocation and land-use decisions that have a goal of benefiting nature at their core.

Once again, we commend Township Council on commissioning the July 2015 McIntosh-Perry peer review of Johnston Point's EIAs in the Developer's haste for a decision on the Plan of Condominium. It is what gave us the capacity, in keeping with these recommendations to work together to tackle wildlife conservation in our own backyard.

That peer review fuelled our stance for Party Status at the OMB to give voice to Johnston Point's species at risk.

It grounded us in monitoring Conditions 5D and 5E following the April 2016 hearing, to ensure that the threatened and endangered species and their significant Natural Heritage environment were fully addressed and safeguarded.

It helped us determine where science-based evidence was lacking, and commission further surveys to aid the MNRF in their assessment of the proposal. The July 2015 peer review had directly observed Blanding's Turtle, Butternut and Snapping Turtle. Since then, the MNRF's assessment together with further targeted peer review surveys for species at risk have identified Gray Ratsnake and Whippoorwill habitat, and likely Little Brown Myotis maternity habitat on Johnston Point, none of which had been found in the 2012 and 2014 EIAs. Collectively we have monitored multiple species and their habitats on Johnston Point.

Collectively we can demonstrate the concerns concluded on them by experts of McIntosh-Perry well in advance of the OMB. They are worth repeating, along with the fact that Johnston Point has only **conditional** approval, **contingent on the MNRF's assessment of the project through a species-at-risk lens.**

"It is the opinion of McIntosh Perry that the Environmental Impact Assessment report does not sufficiently demonstrate there will be no negative impacts on the natural features or their ecological functions on the subject property as per the requirements of the Provincial Policy Statement. The EIA report in general did not include sufficient or adequate information to be able to assess if the report meets the requirements of the various legislative requirements. The EIA report (2014):

- *Does not document the date, type, extent or results of field surveys.*
- *Does not include Ministry of Natural Resources consultation.*
- *Does not demonstrate there will be no negative impacts on the natural features or their ecological functions for significant wildlife habitat for threatened species.*
- *Does not demonstrate there will be no negative impacts on the natural features or their ecological functions for the ANSI or the PSW.*
- *Does not demonstrate development and site alteration in fish habitat will be in accordance with provincial and federal requirements.*

*Site alterations performed may have contravened the prohibitions of the Endangered Species Act. **At a minimum, the proposed development has the potential to result in long-term negative impacts to Blanding's Turtle, Snapping Turtle and Gray Ratsnake. It is strongly recommended that the MNR be consulted prior to any further site alteration to:***

- *ensure proposed development does not contravene the Endangered Species Act and its associated regulations; and*
- *obtain any necessary approvals or permits required to undertake activities that have the potential for adverse impacts to species at risk and their habitat." (McIntosh-Perry, July 2015 peer review, p. 11)*

We have in our hands the Provincial Policy Statement, the Endangered Species Act, the Natural Heritage Reference Manual. We have the McIntosh Perry peer review of the EIAs, John Urquhart's species at risk data forwarded to the MNRF by Nature Conservancy Canada (NCC), the MNRF's assessment of the proposal, and peer review SAR surveys for Whippoorwill and Bats.

Undeniably there are multiple species at risk on Johnston Point that were altogether missed in the settlement agreement. They are contained, in whole or in part, by Provincially Significant Wetland (PSW), Significant Woodland, Significant Wildlife Habitat, and Fish Habitat, and an Area of Natural and Scientific Interest, that by ANSI definition in the Provincial Policy Statement, is *"land and water containing natural landscapes or features that have been identified as having life science values related to protection, scientific study or education."* (PPS, p. 39; NHRM p. 90).

Judging by our effort to protect this Natural Heritage gem in South Frontenac Township, what fuels the catastrophic decline in Canada's wildlife is not missing evidence or strategy for mitigating climate-change impacts and for enhancing ecosystem resilience. What's missing is simply political goodwill and bold action to lead us in the direction evidence tells us we urgently need to go.

In March 2015, the Township's own CAO had advised *"that the Township does not have the processes or staffing capacity in place to effectively manage the agreement as written."* We can only assume it was this fundamental truth, exposed through Matt Rennie's documentation of Applewood's dock permit violations that led the Township to take the necessary bold action to deny the Conditions of Draft Plan Approval, prior to the OMB.

We saw leadership and bold action from Township Council stopped in its tracks again last October, with the Motion on mitigation in response to the MNRF's assessment of the proposal. Catherine Warren's second letter to the Township made it clear that the proposed Plan of Condominium cannot avoid negative impact in particular to Blanding's Turtle and Gray Ratsnake, and will likely contravene sections 9 and 10 of the ESA for both these species. In recognizing linkages between these two species and their habitat in and/or adjacent to significant wetland, significant woodland, significant wildlife habitat, fish habitat and ANSI, the plan as written cannot demonstrate that there will be no negative impacts on the natural features or their ecological functions in general. Simple enforcement of the Natural Heritage Policy under the PPS would not permit any site alteration and development on Johnson Point. Had Township Council not been silenced by the amendment, it may have *"resolved that the Township write the MNRF to express our preference for species at risk habitat on Johnston's point be left as is, rather destroyed in a trade off"*.

The only unchallenged bold action we continued to see and hear is that of more heavy construction and the sounds of further blasting on Johnston Point, without conditions of approval having been met.

David Miller, WWF-Canada president and CEO, says *"Wildlife loss is not someone else's problem. It's a Canadian problem We all, collectively, have a moral duty — and a self-interest — to halt wildlife decline."* To this end, I look forward to the MNRF's response to Mr. Thorne's Bat survey of Johnston Point, and trust it opens wide channels of communication that go towards a call for an immediate Stop Work Order that is enforced, and withdrawal and review of any and all permits to be issued under section 17(2)c of the ESA.

Respectfully,
Meela Melnik-Proud

**9. Personal Letter, Submission of Cambium Whippoorwill Survey,
November 14, 2017**

November 14th, London, England.

Dear Council and Mayor,

In light of the MNRF posting a provisional notice of an upcoming Benefit Permit under section 17.2(c) of the Endangered Species Act of Ontario, we would like to ask for your support against the issuing of this permit for the Plan of Condominium at Johnston Point, a private development that is not in the interest of the citizens of South Frontenac Township.

The benefit permit completely disregards significant evidence gathered by citizens of South Frontenac regarding the presence of at least two more species: Little Brown Myotis bats (Endangered), as well as Eastern Whippoorwill (Species at Risk). I attach a scientific survey conducted by Cambium that concludes there are breeding pairs of Whippoorwill on the peninsula. These two species require a separate benefit permit, making the issuing of this permit unlawful and countervailing the decision by the OMB that proper measures are taken for the protection of Eastern Whippoorwill in this development.

Moreover, the requested actions by the developer fall short of any meaningful improvement to the plight of the other two species identified in a report issued by South Frontenac Township: the Blandings Turtle (Species at Risk) and the Gray Rat Snake (Species at Risk). No action is taken either with regard to the fifth (Endangered) species, the Butternut Tree.

We ask for your support in pressuring MNRF to stop this development, and we ask to present at the next available township meeting to state our case as to why this development is not only unlawful, but unethical in light of the continued destruction of habitat in what is the third most biodiverse area in Canada, and a United Nations Biosphere, the Frontenac Arch, as well as beautiful Loughborough Lake, a tourist destination, for the purpose of a private investor's gain.

Respectfully,

Professor **Roel** Vertegaal, PhD
Meela Melnik-Proud, Evonne Potts, and Matt Rennie.

10. Personal Letter, November 28, delegation for Call to Action on ESA Permit, December 2, 2017

Dear Mayor and Council;

Please see attached an electronic copy of the petition, as promise at Tuesday's delegation. You will recall, I referred to the following two documents. For your information, I am providing you the names and links to them as follows:

- 'Good Choices, Bad Choices', the 2017 Environmental Protection Report of the Environmental Commissioner of Ontario. (<https://eco.on.ca/reports/2017-good-choices-bad-choices/>).
- Ontario's 'Endangered Species Act Submission Standards for Activity Review and 17(2)(c) Overall Benefit Permits'. http://files.ontario.ca/environment-and-energy/species-at-risk/stdprod_093115.pdf

We hope the Township will endorse the Battersea Loughborough Lake Association petition, and we invite each of you to sign it individually.

Due to time constraints, we were unable to present the video summarizing our concerns for Johnston Point that we raised in Tuesday's delegation. Here is a link to the video. We welcome any comments you may have.

<https://youtu.be/MmAbs3FZjs>

Like the petition, it has been positively received, and is generating much public interest, proving that protection of species at risk and destruction of their habitat for the benefit of development, is not just a local issue, but is of concern to all citizens of Ontario,.

"Our strength IS our Community".

Respectfully, Meela

11. Personal Letter, Council Agenda (a) Notice of Motion commenting on Environmental Registry listing 013-1130 and (b) Beach's response to Delegation, December 5, 2017

Dear Mayor and Council;

I must apologize for breaking protocol with respect to last Tuesday's call for clarity, and opening with a statement, and not a question to frame my concern over the response to the two items on the agenda concerning Johnston Point - Councillor Sutherland's Motion and Gary and Martha Beach's response to our November 28, 2017 delegation.

We were -saddened and disappointed that no hands went up for Councillor Sutherland's Motion, and no immediate resolution came of Councillor Revill's quickly drawn up Notice of Motion to invite the MNRF to discuss the overall benefit permit. As Evonne clarified for Council, given that the deadline to comment on the proposed permit is December 11th, our worry is that it is simply "too little, too late".

Had it been passed, we think Councillor Sutherland's Motion would have been at least a little helpful, and certainly more beneficial than having the Township say absolutely nothing to the MNRF, knowing that based on the content and number of responses to the petition I submitted to you last week, citizens are outraged by the MNRF's decision to post a proposed benefit permit to the Environmental Registry.

Nevertheless, we thank, and look forward to Councillor Revill's Motion next week. It is important to note that Gary and Martha Beach's requirement for ESA permit authorization was first brought to the Township's attention in Catherine Warren's September 30, 2016 letter from the MNRF. With Councillor Sutherland's October 2016 on MNRF Benefit Permit Authorization and Mitigation unanimously carried, we expected Council to already have been *"updated by the MNRF on negotiations with the Developer on the progress of the species at risk benefit agreement."*

It is why the posting of the proposed permit to the Environmental Registry, came so unexpectedly, and falls far short of our expectations under the Provincial Policy Statement (PPS), OMB ruling, our Environmental Bill of Rights (EBR) and the Endangered Species Act (ESA), as we only had the opportunity to touch on in our November 28th delegation.

Ultimately, at least the way we interpret the OMB ruling, it is the authority of the County to delay, deny or grant this proposal. So in order to be able to make an informed decision with any measure of public confidence, there must be an open and direct channel of communication between the Township (as an acting authority for the County) and the MNRF. We hope that can begin with the passing of Councillor Revill's Motion next week.

Mostly importantly with this letter, we would like to express our deep concern surrounding our need for clarity on the statement I made to open my part of our delegation last week. My clarity question on Tuesday, should have asked: Mayor Vandewal and Councillor McDougal, on what evidence do you defend your positions on the statement that **"the MNRF has never denied an ESA permit to any applicant"**?

It was restated and its significance downplayed to lend support in defeating Councillor Sutherland's Motion, and quickly move past any further discussion of the Beach's letter. The emphasis was on the Township's confidence in leaving the decision making up to the MNRF. Considering the source of that quote - the 2017 Environmental Protection Report of the Environmental Commissioner of Ontario (ECO) - this is both misleading and misinforming the public.

The quote is from Chapter 7 of the ECO's report - **'Getting Approvals Wrong'** - red highlighted on page 221. There is a second bold statement on page 248. **"The MNRF has utterly failed to implement the law**

effectively.” It is submitted to the Legislative Assembly of Ontario in accordance with Section 58 (1) of our EBR with a cover letter from the ECO that concludes that the MNRF is **using a modernization approvals framework “to sacrifice the protection of species at risk for the convenience of industry.”** (<https://eco.on.ca/reports/2017-good-choices-bad-choices/>).

The Environmental Commissioner of Ontario is our province’s environmental watchdog, and our guardian of the Environmental Bill of Rights under which the overall ‘benefit’ permit on Johnston Point is posted to the Environmental Registry for public comment. Commissioner Dr. Dianne Saxe is a Certified Environmental Law Specialist acknowledged as one of the world’s top 25 environmental lawyers. Her expert opinion doesn’t just matter to us, it matters to all Ontarians, and we want to act accordingly to it. But it is in stark contrast to the opinions expressed by Mayor Vandewal and Councillor McDougal at Tuesday’s Council meeting and the Beach’s claim in their letter that the MNRF *“has fulfilled its mandate responsibly and in accordance with its Regulations and best practices.”*

We are responding to Magenta Waterfront Development Corp., proposed ESA permit (ER notice number 013-1130) having read Chapter 7 of the ECO’s report, as it is reflected in our experience of trying to work in partnership with the municipality and the MNRF to protect the species at risk on Johnston Point.

We have learned, only by submitting a freedom of information request under the Freedom of Information and Protection of Privacy Act that in August 2016 an MNRF assessment was delivered to Ecological Services which read that the MNRF had *“determined that regulated habitat for Gray Ratsnake and general habitat for Blanding’s Turtle are both present on site at Johnston’s Point ... the project, as currently proposed, will likely contravene sections 9 and 10 of the ESA (species and habitat protection) for both these species ... additional information is required to complete MNRF’s assessment regarding Eastern Whippoorwill, Butternut and Bats... we strongly encourage the proponent to consider modifying the proposed project to avoid impacting species at risk.”*

Together with Chapter 7 of the ECO’s report, it speaks volumes on why we believe the County and the Township cannot, with any public confidence, approve conditions 5D and 5E that by OMB ruling were to *“ensure that matters of Provincial interest as well as the public interest [are] appropriately addressed and duly safeguarded”*. Given the damage and destruction that has already occurred on Johnston Point they most certainly were not.

“The MNRF has never denied an ESA permit to any applicant. ... The MNRF is failing to not just protect species at risk as intended under the law, but also to lead effective recovery programs. In the best case, the MNRF has created a system that leaves itself with a minimal role to play; in the worse case, it has a created a system designed to fail.”

Please, Mayor Vandewal and Councillor McDougal, given the Environmental Commissioner’s warnings to us that *“the MNRF has never denied an ESA permit to any applicant”* and that the MNRF is failing to protect species at risk as intended under the law, on what evidence do you defend your positions to stay the course and leave this irreversible decision up to the MNRF just because they are the experts?

Yours in protecting the species at risk on Johnston Point,

Meela Melnik, Evonne Potts and Matt Rennie

12. Catherine Warren's Sept 2016 and Oct 2015 letters

Sent: Friday, September 30 2016 2:30 pm

RE: Johnston Point Development - Long Bay - Loughborough Lake

Hello Angela,

I'm writing to update you on MNRF's involvement with this project.

We have advised the proponent that they have responsibilities under the Endangered Species Act and to ensure they are not damaging or destroying habitat or killing or harming individuals of species that are endangered or threatened.

We have also received an application from the proponent for an overall benefit permit under the Endangered Species Act. There is some information about what this type of permit is and what MNRF's process for considering such an application on this website: <https://www.ontario.ca/page/species-risk-overall-benefit-permits>. The permit application we are currently considering involves Gray Ratsnake and Blanding's Turtle. If the application is successful it would allow the proponent to undertake works that may be detrimental to the habitat and individuals of these species provided the project also contains actions that create an overall benefit to the species involved.

Please let me know if you have any questions or concerns about this.

All the best,
Catherine

From: Warren, Catherine (MNRF)

Sent: October-09-15 10:32 AM

To: 'wrm@southfrontenac.net'; 'amaddicks@southfrontenac.net'

Cc: Pitt, Kathleen (MNRF)

Subject: RE: Johnston Point Development - Long Bay - Loughborough Lake

Hello Angela,

One of our biologists has reviewed the Environmental Impact Assessment that you sent us to assess whether the road development on Johnston Point contravenes the Endangered Species Act.

After reviewing the Environmental Impact Assessment and peer review, we have determined that there are several species at risk as well as species at risk habitat known to occur in the area of the proposed condominium development. While the road development occurred without the knowledge of the Ministry of Natural Resources and Forestry (MNRF) and may have negatively impacted species at risk we have determined that the construction of the road did not contravene the Endangered Species Act.

There is however a strong possibility that the proposed condominium development will impact species at risk and their habitat. MNRF should be involved in the review of further documents and proposals for the condominium development to determine if an authorisation under the Endangered Species Act is required. It may be useful for the proponent to fill out the Information Gathering Form:

<http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/FormDetail?OpenForm&CT=RCR&TAB=PROFILE&SRCH=1&ENV=WWEA&TIT=Q180&NO=Q18-0185E>

All the best,
Catherine

Catherine Warren
District Manager
Peterborough District
Ontario Ministry of Natural Resources and Forestry

13. Beach's response to our Delegation, November 28, 2017 .pdf

1324789 Ontario Inc.,
c/o Martha & Gary Beach
P.O. Box 98,
Battersea, ON K0H 1H0

November 28, 2017

Re: Response to Delegation by Roel Vertegaal, Meela Melnik-Proud, Evonn Potts, Matt Rennie, regrading Proposed Benefit Permit for Johnston Point

Dear Mr. Orr, South Frontenac Township Council,

We have been made aware that a delegation will make submissions to Council, yet again, in the matter of our Johnston Point development. We have read the material filed with you and we believe, therefore, that a response is called for and is necessary.

It is important to remember that our development was recommended for approval by the Township, after much scrutiny and debate, in the form of a Settlement presented to and accepted by the OMB.

As part of that Settlement, Conditions of Draft Plan Approval were agreed to by the County and the Township and were found by the OMB to be acceptable.

Condition 5.E. required us to have Whip Poor Will surveys undertaken and presented to the OMNRF. Those surveys were completed by a competent Ecologist and, as required, were presented to OMNRF. The OMNRF acknowledge we are creating favourable Whip-poor-will habitat at Johnston Point.

Condition 5.D. required us to consult with OMNRF on "all species at risk". We have done so. The Condition also stated that all Recommendations from OMNRF are to be incorporated into the Condominium Agreement with the Township. This of course will be done.

It is critical that Council remember that these two Conditions were negotiated with the Township and that they were agreed to by us on the basis that the development would be approved. We negotiated in good faith and we have to believe that the Township did the same.

We have followed through with the agreed upon Draft Plan Conditions. The OMNRF has fulfilled its mandate responsibly and in accordance with its Regulations and best practices. Council agreed that OMNRF had the mandate and the competency to protect the environment and species at risk and you are now being asked to violate that trust.

It would be inappropriate and dishonourable to deviate from our Settlement in these circumstances, though it appears that you are being asked to do just that.

We urge Council to honour its commitment to this development.

Sincerely,
Martha & Gary Beach

14. October 18, 2016 Motion on MNRF Benefit Permit Authorization and Mitigation

**STAFF REPORT
CLERKS DEPARTMENT**

PREPARED FOR COUNCIL: October 12, 2016

AGENDA DATE: October 18, 2016

SUBJECT:

Notice of Motion – MNRF and Johnston Point

RECOMMENDATION:

Whereas there are significant community concerns about ongoing development on Johnson's Point, and

Whereas both the MNRF survey and the Township review by Macintosh Perry found species at risk not identified by the developer, and

Whereas the Township is a party to the development agreement on Johnson's Point, and

Whereas the health of our lakes and environment is a priority for the Township,

Therefore be it resolved that the Township write the MNRF to express our preference for species at risk habitat on Johnson's point be left as is, rather destroyed in a trade off, and

Further that any proposed trade-off be discussed with the Battersea-Loughborough Lake Association and Council before it is finalized,

Further that Council be updated by the MNRF on negotiations with the Developer on the progress of the species at risk benefit agreement, and

Further that the Township be keep abreast of future developments as party to all correspondence between the developer and the MNRF,

BACKGROUND:

Council's Procedural By-Law 2015-56 establishes the process for Notice of Motion.

At the Committee of the Whole Meeting of October 11, 2016, Deputy Mayor Sutherland served Notice of Motion to have Council write to the Ministry of Natural Resources and Forestry and express our preference for species at risk habitat on Johnston's Point be left as it is.

A notice of motion requires a seconder at the next regular Council meeting. If seconded, the motion is debated and then voted upon.

Submitted by:

**Angela Maddocks
Executive Assistant**



December 11, 2017

Peterborough District
Ministry of Natural Resources and Forestry
Regional Operations Division – Southern Region
200 Water Street, Floor 1
Robinson Place South Tower
Peterborough ON K9J 8M5

Re: Magenta Waterfront Development Corp Permit
Response to EBR Registry Number: 013-1130
Loughborough Lake, Frontenac County

To whom it may concern,

We represent Ms Evonne Potts and Ms Meela Melnik-Proud (the “Respondents”) regarding the proposed Magenta Waterfront Development Corp. (“MWDC”) Permit for activities with conditions to achieve overall benefit to the species – *Endangered Species Act* (“ESA”) s. 17(2)(c) (the “Permit”).

Please see attached the submissions of the respondent pursuant to the EBR Registry Notice Number 013-1130.

MWDC has conditional zoning for a 15-unit condominium development and 1,100 metre roadway on Johnston Point on Loughborough Lake, in South Frontenac Township. Development is conditional on MWDC obtaining a Permit for habitat loss.

Specifically, the Respondents submit that the MWDC consultants have failed to adequately demonstrate that there will be no negative impacts to the natural features or their ecological functions on site, including the habitat of numerous species at risk such as the Blanding’s Turtle, Gray Ratsnake, Eastern Whip-poor-will, Cerulean Warbler, Little Brown Myotis, etc.

Regarding the Permit and your review, critically the MWDC has failed to demonstrate that: avoidance and reasonable alternative to habitat destruction have been considered for the Blanding's Turtle, Gray Ratsnake and other species at risk; adverse effects have been adequately studied and considered; adverse effects have been minimized; and the development will result in an overall benefit to the species in Ontario.

According to an expert retained by the Respondents, Mr. Gord Miller, B.Sc., M.Sc., "MNRF should not issue the proposed overall benefit to species permit".

This opinion confirms the finding by the District Planner for the MNRF Peterborough District Office that the overall benefit measures to be taken by MWDC are not apparent. Reducing road speeds, amphibian crossing signage and a prediction that the roadway will be only occasionally used by amphibians and reptiles is not sufficient to satisfy the condition of ESA clause 17(2)(c).

Sections 9 and 10 of the ESA prohibits the killing of Species at Risk Ontario List threatened or endangered species, and the destruction of their habitat.

The Ontario Municipal Board decision *Magenta Waterfront Development Corp. v. South Frontenac (Township)*, 2016 Carswell 10613, dealt with a Zoning By-law Amendment ("ZBA") and Draft Plan approval, specifically a change to rezone the lands from 'Rural' to site specific Residential Zones. The Board left it to the County of Frontenac to clear the conditions of draft plan approval. In particular, the rezoning is conditional on Condition 5.E.D., that "all recommendations from the MNRF included in any Benefit Permit, if issued, related to Gray Rat Snakes and Blandings Turtle or any other species at risk identified". [emphasis added]

In other words, the Board having heard evidence from ecological or biology experts, left the decision regarding the protection of species at risk and habitat to MNRF. In so doing, the Board also made clear that the development is entirely contingent on MNRF doing its job of carefully ensuring habitat is protected.

Most importantly, as one of the stewards of the planning process and protection of the public interest, the Minister must be satisfied the development is beneficial to the species.

Of greatest concern to the Respondents is the fact many of the species recorded on the site, including threatened and endangered species, are not the subject of the Permit application. This is a significant omission.

The Respondents retained several qualified experts to conduct wildlife surveys regarding the property. In addition, they retained Mr. Bob Bowles, a renowned field naturalist to review the MWDC Environmental Impact Assessments, McIntosh

Perry Peer Review, additional field surveys for Whip-poor-will and bats, and the MNRF Registry Information Notice.

According to Mr. Bowles:

I am confident there exists great potential for a good population of Blanding's Turtle on site. A new reptile and amphibian habitat survey must be undertaken because I am confident this is a good place for five-lined skink, musk turtles, snapping turtles and map turtles.

The bat and Eastern Whip-poor-will studies were very professionally done. They certainly document and map a healthy population of Whip-poor-will. The site should be re-surveyed for Little Brown Myotis (Endangered).

This conclusion places a strong onus on MNRF to consider the adequacy of the application it has before it, particularly in light of the comments shared with the developer previously about the lack of apparent overall benefit actions prescribed for the project.

It is respectfully submitted “education and monitoring actions” are not sufficient to meet the strict onus on the Minister under the ESA to be satisfied the recovery and protection of the all species at risk is achieved.

In *Burleigh Bay Corporation v North Kawartha (Township)* 2015 CarswellOnt 15154 (OMB), the Board was acutely aware of the need to treat the subject property as a “whole”, without falling into the trap of treating each species and wet area as discrete units of biological values. The decision states:

“The evidence in this hearing relating to the intensity and ecologically enriched character of the BBC Lands, and the surrounding area, very much “syncs” with the policies of the PPS in that it becomes self-evident as to why the Fraser PSW Complex and the Fairy Lake PSW Complex have been assessed and designated as natural heritage lands that are the most valuable and subject to the special protection afforded by the policies of the PPS. It is clear that s. 2.1.2 should not be considered lightly as the PPS emphasizes “the linkages between and among natural heritage features and areas, surface water features and ground water features”. In the Board’s view, based on the evidence provided by the experts, this recognition of the “whole” and the areas in, around, and between as part of the complex, linked to the PSWs and Stony Lake is required.” [para. 129]

The evidence from the Provincially Significant Wetland and ANSI of Johnston Point points in a similar direction, towards a comprehensive and cumulative impact assessment of the landscape.

In other words, the Board in *Magenta* established a principle that does not support the MWDC rezoning without confirmation from MNRF that the ecological features and functions of the site are being protected, specifically with respect to species at risk habitat.

We trust that given the extraordinary effort by the Respondents and others around the lake to retain multiple experts to provide you with solid, peer reviewed information, this will assist you in reaching a conclusion about whether an overall benefit permit should be issued.

We respectfully submit the evidence clearly indicates this Permit should not be issued, and the property should remain zoned as it is.

Please do not hesitate to contact me at 416-572-0464, or by email to david@donnellylaw.ca, cc'ing sara@donnellylaw.ca, should you have any questions or comments.

Yours truly,



David R. Donnelly

cc: Respondents

STATEMENT OF GORDON MILLER

Regarding Magenta Waterfront Development Corporation's Permit for
Activities with Conditions to Achieve Overall Benefit to the Species –
ESA s. 17(2)(c) - *Environmental Bill of Rights, 1993* Environmental
Registry No. 013-1130:

- 1) Contact Peterborough District Ministry of Natural Resources and Forests; and
- 2) Submissions dated December 11, 2017.

I. Summary

1. Ms Evonne Potts and Ms Meela Melnik-Proud (the "Respondents") retained me as an ecologist and biologist with expertise in environmental and species at risk policy and legislation to provide my opinion on the Information Notice issued November 9, 2017 by the Ministry of Natural Resources and Forestry ("MNR") of Magenta Waterfront Development Corporation's ("MWDC") proposal in relation to an overall benefit permit (the "Permit") under clause 17(2)(c) of the Endangered Species Act, 2007 ("ESA").
2. The permit is with respect to Gray Ratsnake (Frontenac Axis Population) and Blanding's Turtle for the purpose of developing 15 condominium lots on a peninsula known as Johnston Point, in parts of Lots 23 and 24 Concessions 6 and 7 in the Township of South Frontenac, County of Frontenac.
3. In my opinion, the MNR should not issue the proposed overall benefit to species permit.
4. There is no benefit demonstrated or even suggested in the Information Notice regarding the Gray Ratsnake and Blanding's Turtle, both Threatened species under the ESA.

5. Johnston Point is a peninsula with no capacity to accommodate displaced species. The proposed 1,100 metre roadway, plus driveways, 15 residential dwellings, septic systems, lighting, noise, traffic, waste, humans, pets, etc. will expose these species and others to fatal interactions for which mitigation cannot be successful. Finally, the development will destroy a substantial amount of habitat that cannot be replicated nearby.

II. Qualifications

6. I am an ecologist and biologist. I have a B.Sc. (Hon.) Biology and M.Sc. in Plant Ecology. From 2000 to 2015, I served as Environmental Commissioner of Ontario. Prior to my appointment, I worked for the Ontario Ministry of the Environment for 14 years as a scientist, manager of training and development and as a district manager. I have direct and extensive experience with reviewing environmental impact reports.
7. During my tenure as Commissioner, I became very familiar with the MNRF's overall benefit permit process. Since this tool was created, MNRF has issued numerous permits and advice letters permitting the destruction of species at risk habitat. It was my job to review a number of these permits in the context of complaints from the public that the permits were not protective enough of habitat and did not allow for proper public input and appeals.
8. Please find attached my CV (Attachment "A").
9. I have been previously qualified as an expert witness in tribunal proceedings (Joint Board, Ontario Municipal Board, and the Environmental Review Tribunal) and in court to give opinion evidence in the disciplines referenced above.

III. Retainer

10. The Respondents retained me as an ecologist and biologist with expertise in environmental and species at risk policy and legislation to provide my opinion on its proposed MWD Permit for activities with conditions to achieve overall benefit to the species, EBR Registry No. 013-1130.
11. This statement expresses my professional opinion regarding the Information Notice issued November 9, 2017 and supporting materials provided by the Respondents listed in Appendix “B”.

IV. Brief Description of Subject Lands

12. The MDWC subject property is approximately 37 ha (91 acres) located exclusively on Johnston Point on the north shore Loughborough Lake in Frontenac County.
13. The MDWC property is densely wooded, with a healthy diversity of mature trees, brush and marshlands. Bare rock outcrops dot the landscape, including several low lying wet areas and marshes. There is a ridge that runs along the peninsula.
14. Generally, the property contains numerous natural heritage constraints, including significant woodland, significant wildlife habitat and fish habitat. Immediately adjacent to the property is the Loughborough Lake Wetland Complex (Long Bay), a Provincially Significant Wetland.
15. The MNR Natural Heritage Information Centre mapping indicates the Loughborough Lake Swamp is a Provincial Life Science Area of Natural and Scientific Interest (“ANSI”) (EO ID 1381) that is located within Long Bay. The ANSI extends onto the MDWC property.

16. According to MNR, the proposed development property contains Gray Ratsnake, Blanding's Turtle habitat and Butternut.
17. In addition, the MWDC property appears to contain habitat suitable for other Species at Risk in Ontario, including:
- Eastern Whip-poor-will (Threatened)
 - Cerulean Warbler (Threatened)
 - Least Bittern (Threatened)
 - Eastern Wood-Pewee (Special Concern)
 - Wood Thrush (Special Concern)
 - Golden-winged Warbler (Special Concern)
 - Milksnake (Special Concern)
 - Eastern Ribbonsnake (Special Concern)
 - Northern Map Turtle (Special Concern)
 - Broad Beech Fern (Special Concern)

V. Analysis of Site Constraints

18. The critical limiting factor for consideration of the requested MNR overall benefit permit is that we are dealing with a peninsula. This is a very defined and discrete area for a number of species of concern that are not highly mobile.
19. For the Gray Ratsnake and Blanding's Turtle, this is a particularly acute limitation. There is no capacity to displace these species on the peninsula.
20. Driveways, wells, a long roadway, houses, etc. will destroy many of the species and their habitats present. In my opinion, the development will certainly destroy a substantial amount of habitat.
21. Johnston Point can be considered a peninsula with a substantial range of species at risk. Putting a condominium development along nearly its entire length is an extreme case of conflicting values – between species at risk conservation and residential development.

22. MNRF is obligated to look at the development impacts collectively before deciding upon the Permit. In the material provided, I have not seen a comprehensive evaluation of cumulative impacts.
23. There is no consideration or discussion of overall benefits to the species impacted. There is no benefit to the species discussion included in the Information Notice in the EBR Registry posting.
24. Furthermore the overall benefit actions to be taken are not apparent.
25. Issuing this Permit would be a violation of both sections 9 and 10 of the ESA. In this development context i.e. a peninsula, there can be no benefit to the species.
26. Absent from the overall benefit consideration is the critical matter of capacity for displacement.
27. As a result, the issuance of the Permit represents the possible writing off substantial habitat for at least six species at risk. In ecological terms, there is no possible justification for this decision.
28. The Ontario Municipal Board (“OMB”) decision *Magenta Waterfront Development Corp v. South Frontenac (Township)*, 2016 CarswellOnt 10613 (OMB) dated June 28, 2016 (the “OMB Decision”) is explicit that the Conditions of Draft Plan Approval “will ensure that matters of Provincial Interest as well as the public interest is appropriately addressed and duly safeguarded.”
29. In the Conditions to Approval, MWDC must incorporate all recommendations from the MNRF, and including any recommendations in a “Benefit Permit” to protect species at risk.

30. It is my opinion that issuing such a Permit represents the sacrificing of some or all of those species as there is no suitable adjacent habitat they can take refuge in.
31. Johnston Point is a by definition a unique habitat in this landscape.
32. These populations have limited ranges; MWDC cannot go replace this habitat, even if they were proposing to do so, which they are not.
33. MNRF must in making its decision make the Johnston Point peninsula the focus of conservation effort.
34. This includes the other species detected, which elevate the necessity for protecting habitat.
35. In my opinion, the interaction aspects with adjacent PSW has not been properly considered.
36. It cannot be argued there is an overall benefit in this case as required under section 17(2) of the *Endangered Species Act*. There is no evidence there is an overall benefit in this case.
37. On Johnston Point, the species and habitat loss will be absolute. These species will not be moving off to adjacent lands. The population will surely, eventually be lost.
38. One has to generate a benefit elsewhere to encourage and stimulate the species. You have to show there is another population stimulated as complete total replacement, plus augmentation.
39. MNRF should not be satisfied by incomplete measures – it's not the same to show "a benefit".

40. I would say this is the case, on a forested peninsula adjacent PSW: this is the case in which MNRF should disallow the Permit. The OMB and County of Frontenac cannot then clear the conditions of the draft plan approval, the public interest is not protected, and the development should not proceed.

41. Aside from the two species at risk at issue in this notice, the presence of such a large number of species at risk in this small peninsula makes it a unique piece of natural heritage land that should be protected from development. This was clearly the intention of the OMB Decision which makes planning approval contingent on acceptable protection for species at risk. Since it is not possible to protect the habitat of so many species at risk in such a small area converted to residential development, the OMB requirement cannot be satisfied.

Conclusion

42. An overall benefit Permit is inappropriate in this case. To be legitimate, the benefit has to be greater than the loss, which has not been demonstrated in this case and seems unlikely to be possible.

43. Because there is no viable argument presented of overall benefit in this case, a Permit under section 17(2) of the ESA should be denied.

44. The OMB Decision clearly indicates that the planning approval they have issued requires permits and conditions that meet the requirements of the ESA. Since this cannot be achieved, it is the OMB Decision that will disallow the development.



Gordon Miller

11 Dec 2017

Date

Appendix “A” – Curriculum Vitae

CURRICULUM VITAE - GORDON EDWARD MILLER

EDUCATION

B.Sc. (Hon.) Biology 1976 University of Guelph, Ontario

M.Sc. Plant Ecology 1978 University of Guelph, Ontario

CAREER HISTORY

1977-1978 Manager, Biosystems Inc., Guelph

1978-1979 Manager, Pot-Cal Limited, Parry Sound

1979-1980 Supervisor, Mid-West Manufacturing, Thunder Bay

1980-1982 Scientist, Ontario Ministry of the Environment, Toronto

- seminal research into constructed wetlands for wastewater treatment
- management and control of invasive aquatic weeds
- the impact of acid precipitation on fresh water ecosystems

1982-1986 Senior Environmental Officer (1982) then District Officer (1984),
Ontario Ministry of the Environment, Timmins

- delivery of the pollution abatement program to a large portion of northeastern Ontario
- enforcement of Provincial Legislation and Regulations
- management and training of 10 field and office staff
- Director under Part VII of EPA

1986-1989 Professor, Sir Sandford Fleming College, Frost Campus, Lindsay

- co-founding faculty for a new environmental program called
- instructional areas included ecology, soil science, hydrogeology, environmental law, limnology, watershed management

Senior Manager, Training & Development. Ontario Ministry of the Environment, Toronto

- managing a comprehensive training and development program for staff of the Ministry of Environment, municipal water and wastewater operators and others
- formation of the Ontario Environmental Training Consortium of community colleges and continued liaison with that group
- development of legislation for the Certification of Environmental Personnel and advancement of that draft legislation through the approval process

1993-1997 District Manager, North Bay District Office

Ontario Ministry of Environment and Energy, North Bay

- delivery of the pollution abatement program to Parry Sound District, Nipissing District, and a portion of Timiskaming District
- enforcement of Provincial Legislation and Regulations
- comment and advise on Environmental Assessment and planning procedures
- delivery of other M.O.E.E. programs to municipal and industrial clients
- Director under Part VIII of EPA

1997-2000 President, Miller Environmental Services Inc., North Bay, Ontario

- environmental conflict resolution and problem solving
- environmental planning and approvals
- environmental training environmental site assessments

2000-2015 Environmental Commissioner of Ontario

- review the implementation of and compliance of ministries with the Environmental Bill of Rights (EBR)
- provide education programs about the EBR to the public
- review the use of the EBR registry
- provide requested guidance to ministries
- report annually to the Legislative Assembly
- make special reports as required

PUBLICATIONS

- Miller, G. 1977. A Classification of Ontario lakes based on their submersed and floating macrophyte flora. M.Sc. Thesis University of Guelph, Guelph, Ontario
- Dale, H.M. and G.E. Miller. 1978. Changes in the Aquatic macrophyte flora of White Water Lake near Sudbury, Ontario from 1947-1977. *Canadian Field Naturalist* 92(3): 264-270.
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- Wile, I., G. Palmateer, and G.E. Miller. 1981. Use of artificial wetlands for wastewater treatment. In selected proceedings of the mid-west conference on wetland values in management. June 17-19, 1981. Saint Paul, Minnesota, U.S.A.
- Black, S.A., I. Wile and G.E. Miller. 1981. Sewage effluent treatment in an artificial marshland. 1981 Conference of the Water Pollution Control Federation October 4, 1981, Detroit, Michigan, U.S.A.
- Yan, N.D. and G.E. Miller. 1981. Characterization of lakes near Sudbury, Ontario. Chapter 1. Studies of lakes and watersheds near Sudbury, Ontario: Final Technical Report of the Sudbury Environmental Study: Volume 1, Ontario Ministry of the Environment.
- Miller, G.E., I. Wile and G.G. Hitchin. 1983. Patterns of accumulation of selected metals in members of the soft water macrophyte flora of central Ontario lakes. *Aquatic Botany* 15:53-64
- Wile, I. and G.E. Miller. 1983. The macrophyte flora of 46 acidified and acid sensitive soft water lakes in Ontario. Water Resources Branch, Ontario Ministry of

- the Environment, Report 35pp.
- Hitchin, G.G., I. Wile, G.E. Miller and N.D. Yan. 1984. Macrophyte data from 46 southern Ontario soft water lakes of varying pH. Ontario Ministry of the Environment Data Report, DR84/1
 - Yan, N.D. and G.E. Miller. 1984. Effects of deposition of acids and metals on the chemistry and biology of lakes near Sudbury, Ontario. pp 243-282 In: Environmental Impacts of Smelters. J. Nriagu, Ed. Advances in Environmental Sciences Series, J. Wiley and Sons Incorporated, N.Y.
 - Wile, I., G.E. Miller, G.G. Hitchin and N.D. Yan. 1985. Species composition and macrophyte vegetation of one acidified and two acid-sensitive lakes in Ontario. Canadian Field-Naturalist 99(3): 308-312.
 - N.D. Yan, G.E. Miller, I. Wile and G.G. Hitchin. 1985. Richness of aquatic macrophyte floras of soft water lakes of differing pH and trace metal content in Ontario, Canada. Aquatic Botany, 23:27-40
 - Wile, I., G.E. Miller, and S.A. Black. 1985. Design and use of artificial wetlands. pp 26- 37 In: Ecological Considerations in Wetland Treatment in Municipal Wastewaters. Ed. by Paul J. Godfrey, Edward Kaynor, Shelia Pelczalski and J. Bensorado. Van Nostrand Reinhold Co. N.Y. 47 pp.
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 - Schwartzel, E. and G. Miller. 2001. Human Dimensions of Ecosystem Based Planning Using the Environmental Bill of Rights (EBR) to Change Perspectives on Ecosystem Planning. Proceedings of the Parks Research Forum of Ontario 2001 Annual Meeting. pp. 47-52
 - Miller, G. 2005. Choosing Our Legacy: Overcoming Value Conflicts that Frustrate Society's Efforts to Deal With Environmental Challenges. Value and Ethics in Educational Administration, 3(3):1-7
 - Miller, G. 2007. New Directions for Planning in Ontario. Ontario Planning Journal, 22(6):42-43
 - Miller, G. 2008. New Directions for Planning in Ontario. Part II, Southern Ontario. Ontario Planning Journal 23(1) 28-29

MAJOR CONFERENCE PRESENTATIONS – SCIENTIFIC AND TECHNICAL

- Miller, G.E. 1978. A method of establishing native vegetation on disturbed sites consistent with the theory of nucleation. Presented at 3rd Annual Meeting, Canadian
- Land Reclamation Association Conference, Sudbury, Ontario
- Hanna, J.E. and G.E. Miller. 1987. Reclamation legislation in Ontario and its effectiveness. Presented at 12th Annual Meeting, Canadian Land Reclamation Association, Sudbury, Ontario
- Miller, G.E., J.E. Hanna and D. Comrie. 1988. The application of constructed wetlands and geopolymer technologies to reclaim the abandoned Kam Kotia Mine Site, Timmins, Ontario. Presented at the 13th Annual Meeting, Canadian Land Reclamation Association, Ottawa, Ontario
- Miller, G.E. 1990. The design of undergraduate curricula for the environmental protection industry. Presented at the Conference on Undergraduate Curricula in
- Environmental Science, University of Guelph, Guelph, Ontario

Appendix “B” Material Reviewed

45. To provide this opinion, I reviewed and referenced the following:

- A. *Environmental Impact Assessment, Johnson Point, prepared by Ecological Services, March 1, 1012.*
- B. *Environmental Impact Assessment, Magenta Waterfront Development.*
- C. *Johnson Point, Prepared by Ecological Services, June 12, 2014*
- D. *Responding Letter re: Johnson Point Access Road, Prepared by Ecological Services, February 9, 2015.*
- E. *Peer Review of the Environmental Impact Assessments for Magenta Waterfront Development, Loughborough Lake, Prepared by McIntosh Perry, July 28, 2015.*
- F. *Magenta Waterfront Development Corp v. South Frontenac (Township), 2016 CarswellOnt 10613.*
- G. *Letter to the Proponent re: Proposed Project and the Endangered Species Act, 2007, Prepared by Ministry of Natural Resources and Forestry, November 4, 2016.*
- H. *Magenta Waterfront Development Corp. Permit for activities with condition to achieve overall benefit to the species - ESA s.17(2)(c), EBR Registry No. 013-1130, November 9, 2017.*
- I. *Draft Submissions and Attachments of Ms Evonne Potts and Ms Meela Rudnik-Proud in response to EBR Information Notice No. 013-1130, December 10, 2017.*

December 11, 2017

**** FOR IMMEDIATE RELEASE ****

Residents Hire Experts and Lawyer to Save Threatened Species
Controversial Loughborough Lake “Overall Benefit” MNRF Permit Challenged

Frontenac County—Local residents firmly believe a detailed submission calling for protection of Blanding’s Turtle and Gray Ratsnake habitat will be the first successful challenge of “overall benefit” permits under the *Endangered Species Act* (“ESA”).

These controversial permits allow things like road signs and habitat replacement elsewhere, in exchange for destroying habitat. The MNRF has never denied an ESA permit to any applicant.

"Let's make history together," said residents Ms Evonne Potts and Meela Melnik-Proud.

"If development is allowed at Johnston Point, no place will be good enough for protection," said Sarah Harmer, an award-winning environmentalist and singer/songwriter, who has a long-standing connection to Loughborough Lake.

A proposed condominium development with 15 units on Johnston Point in Loughborough Lake, near Kingston, Ontario will introduce a 1.1 km roadway, houses, septic tanks, people and pets onto a peninsula adjacent to a Provincially Significant Wetland and Area of Natural and Scientific Interest (“ANSI”).

Ms Evonne Potts and Meela Melnik-Proud retained Mr. Gord Miller, former Environmental Commissioner of Ontario and ecologist to review the Environmental Impact Statements of the developer, Magenta Waterfront Development Corp. and the MNRF’s Environmental Registry Notice asking for comments.

“In my opinion, the MNRF should not issue the proposed overall benefit to species permit,” said Miller in his opinion statement submitted today.

“Johnston Point is a peninsula with no capacity to accommodate displaced species. There is no overall benefit demonstrated or even suggested as is required by the ESA regarding the Gray Ratsnake and Blanding’s turtle, both threatened species under the ESA. MNRF should deny the necessary permits and then the existing OMB decision will not allow the rezoning,” Miller added.

The Township retained the ecological firm McIntosh Perry to peer review the Environmental Impact Study prepared by the developer. In their opinion, the site has not been carefully studied and that habitat for a number of other threatened and endangered species such as: Little Myotis Bats, Butternut Trees, Cerulean Warblers, Eastern Whip-

poor-wills, Least Bitterns, and others are present on Johnston Point have not been evaluated. These species also need to be protected.

“It is the opinion of McIntosh Perry that the Environmental Impact Assessment Report does not sufficiently demonstrate there will be no negative impacts on the natural features or their ecological functions on the subject property,” is part of the submission made to MNRF.

The submission today is the first step in a process by which the Peterborough District Office of MNRF must make a decision regarding whether or not the habitat on the site can be destroyed to make way for development.

“Johnston Point is a crown jewel of biodiversity in this region,” said Evonne Potts, one of the local residents making a submission.

According to Mr. Bob Bowles, a renowned Ontario field naturalist, “The ecological surveys of threatened Whip-poor-will and endangered bats prove that there is much more critical habitat on site that needs to be protected.”

“Not only do we want the MNRF to expand the scope of the evaluation of species at risk habitat, we are also hoping to be the first community to stop the practice of sacrificing critical habitat for some vague promise of “net gain” or overall benefit elsewhere,” Potts added.

“The Environmental Commissioner of Ontario’s recent report was highly critical of the MNRF “overall benefit” permitting process, essentially saying the law was never written to make habitat like hockey cards for trading around,” said David Donnelly, award-winning environmental lawyer.

A Request for an Investigation of previous habitat destruction will be launched shortly. “We expect Minister McGarry to get engaged after we expose the destruction of habitat in absence of a permit as part of the Environmental Bill of Rights Request for an Investigation,” Donnelly added.

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Contact: Meela Melnik-Proud, denythisESApermit@gmail.com
 Evonne Potts, we.protect.our.lakes@gmail.com
 David Donnelly, 416.722.0220 david@donnellylaw.ca

The following petition sponsored by the **Battersea Loughborough Lake Association** will be available for signature at the meeting, or by endorsing it on our BLLA facebook page.

PETITION CALLING TO STOP THE PLAN OF CONDOMINIUM DEVELOPMENT ON JOHNSTON POINT

*"The people of Ontario recognize the inherent value of the natural environment.
The people of Ontario have a right to a healthful environment.
The people of Ontario have as a common goal the protection, conservation and restoration of the
natural environment for the benefit of present and future generations.
While the government has the primary responsibility for achieving this goal,
the people should have means to ensure that it is achieved in
an effective, timely, open and fair manner."
Environmental Bill of Rights, 1993*

We, the people of Ontario, are committed to the protection and recovery of species at risk at Johnston Point, through the preservation of their Natural Heritage environment, as legally mandated by Ontario's Endangered Species Act and set forth in the Provincial Policy Statement, and in keeping with the concerns of the citizens of South Frontenac brought forward to the OMB on April 4, 2016.

Recognizing that six species at risk on the Ontario list have been independently documented on Johnston Point by expert independent investigations that were not previously identified by this Developer - Butternut (endangered), Myotis Bat (endangered), Blanding's Turtle (threatened), Gray Ratsnake (threatened), Eastern Whippoorwill (threatened) and, Snapping Turtle (special concern), and

Recognizing that Johnston Point's species at risk are contained in an area treasured and acclaimed for its many provincially significant and international Natural Heritage designations - Provincially Significant Wetland, Provincially Significant Woodland, Provincially Significant Wildlife Habitat and Fish Habitat, and part of the Frontenac Arch, a United Nations (UNESCO) World Biosphere Reserve – and is an Area of Natural and Scientific Interest identified and recommended for protection by Ontario's Ministry of Natural Resources (MNRF) in 1993, and

Recognizing that the OMB granted approval conditionally prior to, but on condition of, an MNRF assessment this proposal, specifically through a species at risk lens, and that the MNRF has now assessed the Conditions of Draft Plan Approval and deemed that the Plan of Condominium as written and presented to the OMB, Frontenac County and South Frontenac Township will likely contravene sections 9 and 10 of the ESA (species and habitat protection) and WILL have negative impacts on the natural features and ecological functions that under the Provincial Policy Statement DO NOT PERMIT development or site alteration, and

Recognizing that extensive, unauthorized site alteration has occurred prior to the MNRF assessment of the proposal, and that this site alteration has caused significant damage and destruction of the natural features on Johnston Point so that sections 9 and 10 of the ESA, for species and habitat protection may have already been contravened, and

Recognizing that the species at risk on this unique piece of Ontario's natural heritage have NOT been duly addressed and safeguarded, because of omissions and oversights in the

proponent's environmental assessments, the proponent's failure to follow due process to obtain MNRF approvals and authorizations, and/or authorities incapacity to oversee the conditions of draft plan approval and monitor developer compliance, and

Recognizing that lots are being advertised without benefit permit authorization, and with unsuspecting buyers unaware of restrictions and implications imposed under the Endangered Species Act,

On the Subject of the Magenta Waterfront Development Corp. Permit for activities with conditions to achieve overall benefit to the species - ESA s.17(2)(c); ER notice number 013-1130,

We, the following people of Ontario, respectfully ask that despite the fact that the MNRF has never denied an ESA permit to any applicant, and especially since there is no appeal process, that any, and all benefit permits relating to the Plan of Condominium at Johnston Point be denied.

We strongly feel that denial of this benefit permit is important to all the people of Ontario as it will not specifically benefit the species at risk locally, on site, or provincially, and it is not in keeping with our rights under the Environmental Bill of Rights or the MNRF's Statement of Environmental Values (SEV) under which this decision must be considered.

Signed on November 24, 2017 by,

The Officers and Directors of the Battersea Loughborough Lake Association
Prof. Roel Vertegaal PhD (Director)
Evonne Potts (Director)
Barbara Canton (President)
Joe Pater (Vice-President)
Bob Fugler (Treasurer)
Philippa Fugler (Secretary)
Nada Beamish (Director)
Joanne McDonnell (Director)
Susan Sutherland (Director)

Welcome to Desert Lake

Desert Lake/Holleford Lake Causeway
South Frontenac (Loughborough) Township

Submitted by William F. Pedersen November 30, 2017



To members of Council:

Thank you for the opportunity to provide input and information on the project of rehabilitating the Desert Lake Causeway on Desert Lake Road.

My interest in this is a result of my long residence in the area and my involvement as a tourism operator for 40 years. In 2015, visitor spending on tourism and related activities was over \$750,000,000.00 in Ontario Tourism Region 9, The Great Waterway (www.mtc.gov.on.ca/en/regions/regions.shtml). This activity brings all sorts of jobs to the economy of our rural township.

I enjoy boating and fishing on Desert Lake and Holleford Lake and have an interest in keeping the area environmentally sustainable so all residents and tourists can continue to enjoy the beauty of this natural resource.

History of the Causeway

The beach and boat launch area was maintained by my family for decades. We removed garbage, raked, cleaned the beach daily, all at our own time and expense.

Our area remains very popular for pleasure boating, canoeing and kayaking and connects with Frontenac Provincial Park and adjoining waterways. To see a lovely photo journal of canoeing the "James Auld Waterway" you can visit <https://www.myccr.com/phpbbforum/viewtopic.php?f=108&t=41372>.

As you may be aware, there used to be a bridge across Holleford Creek's outlet (east end of causeway) to Desert Lake. In 1989, it was removed by the County. Culverts were put down, and the outlet filled in. The bridge that once was there was the twin to the bridge that used to be on Mitchell Creek. The Mitchell Creek bridge was recently replaced with a new span bridge that allows boat passage.

This historic bridge allowed boat passage for cottagers and all tourist operations on Desert Lake (Abram's Cottages, Snug Harbour Resort, Desert Lake Family Resort) and Holleford Lake (Lazy Acres Cottages). This action by the County was especially negative to Lazy Acres Cottages.

Excerpts From Official Plan

The remediation of the causeway to deal with flooding problems can support both the Natural Heritage and the Recreation Goals of the Township.

The purpose of the Official Plan is to provide a vision, goals, objectives and policies to direct the physical development of the Township of South Frontenac while having regard for relevant social, economic and environmental matters.

The plan will direct both the public and private sectors with respect to land use and development principles. It will promote the orderly and economic growth of the Township while correcting existing problems and safeguarding the health, convenience and economic well-being of the Township's current and future residents within the financial resources of the municipality.

4.0 GOALS AND OBJECTIVES 4.1 NATURAL HERITAGE GOAL

It is the Natural Heritage Goal of this Official Plan to preserve and enhance South Frontenac Township's environmental quality for the enjoyment of future generations, while realizing its economic potential.

To accomplish this, development decisions will be made from a long term cumulative impact point of view which protects the natural heritage systems within the Township. (a) Objectives (i) to promote sustainable development that meets the needs of the present without compromising the ability of future generations to meet their own needs. (ii) to approach planning decisions on an ecosystem basis, an approach that recognizes the interconnection of all living organisms, including humans, to their environment and to each other. (iii) to consider the cumulative impacts of planning decisions, recognizing that development proposals cannot be addressed only on an individual basis in isolation from past and future decisions. (iv) to ensure that no net loss of environmental quality occurs. (v) to maintain or improve surface and subsurface water quality. (vi) to encourage the re-establishment of natural vegetation along shorelines and the upgrading of existing development around waterbodies, especially older sewage disposal systems which may be adversely affecting water quality

4.9 RECREATIONAL GOAL The Recreational Goal of this Official Plan is to optimize the recreational potential of the Township by ensuring sufficient land is preserved for recreational purposes and by maximizing existing recreational resources. (a) Objectives (i) to provide sufficient park, recreational and sport facilities by receiving the maximum parkland dedication permitted under the Planning Act. (ii) to secure land located along shorelines for public uses. (iii) to develop scenic routes, trails and recreational facilities for boating, recreational vehicles, cross-country skiing and hiking. (iv) to provide opportunities for nature-oriented activities such as sport fishing, bird watching, and hunting.

Summary

This project has the capacity to improve upon the natural heritage and recreation opportunities at Desert Lake/Holleford Lake and to result in a net improvement of the ecology of the lakes, all while improving safety.

The most important environmental benefit to this project would be taking advantage of the opportunity to improve the flow of water from Holleford Lake into Desert Lake. Since the County of Frontenac removed the bridge and replaced it with culverts, the reduced flow has resulted in warmer waters and increased weed and algae growth in Holleford Lake. As Desert Lake is a cold water trout lake, cooler waters flowing in will contribute to the health of the lake and its fishery.

A properly designed bridge would allow adequate water flow to deal with flood waters, whereas the culverts used now plug with sand and collapse. The instant they are installed, they will start filling with sand.

This area has always been used by the human inhabitants and continues today, as can be seen in my pictures. Raising the causeway by 3 feet could have an impact on both of the boat launches, beach and parking areas that must be taken into consideration. The design should take into

consideration safety and continued access for pedestrians, vehicular and bicycle traffic, boat launching and parking.

There is an unused old cabin structure on the southwest side of the causeway. Expropriation and removal of this structure would increase the sight lines of vehicular and pedestrian traffic and improve safety along this stretch.

In summary, I hope that these comments give input to decision making on the Desert Lake Causeway project. I hope we can engineer the design to allow for enhanced recreation use and for environmental improvement. I have attached pictures and a map that will help pass on my first hand knowledge. I would be happy to offer a tour, or additional information if desired by Township Council,

Yours truly,

William F. Pedersen
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ON
K0H 1W0

(Footnote: Map on page 5 made using County of Frontenac's Interactive Mapping Website, 2014 Imagery. www.frontenacmaps.ca)





Desert Lake Beach (Looking West to East with Lazy Acres Cottages in the Background). Note utility lines and parked cars, trucks with boat trailers. (2008 Sally Colman)



Desert Lake Beach looking from west to east. Paved road top, gravel shoulder and beach area can be seen for the north half of the road. Farther past the crowd is the boat launch to Desert Lake. The south side of the causeway is a smaller gravel shoulder with a somewhat abrupt drop into cattail vegetation then the Holleford Lake boat launch farther east. (2008 Sally Colman)



View looking from the east to the west, towards Desert Lake Family Resort. To the left of the speed sign, you can make out the triangle roof of the small shed on the south side of the road. On the north side is the DLFR "Beach House". (2008 Sally Colman)



Our wonderful tourists and residents enjoying Desert Lake. Looking towards the north-east. (2008 Sally Colman)



Flooding of Desert Lake Causeway, Spring 2017 (Lisa Pedersen)

TOWNSHIP OF SOUTH FRONTENAC

BY-LAW 2017-81

A BY-LAW TO CONFIRM GENERALLY PREVIOUS ACTIONS OF THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC.

THEREFORE THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC, BY ITS COUNCIL, HEREBY ENACTS AS FOLLOWS:

1. The actions of the Council of the Corporation of the Township of South Frontenac at its Council Meeting of December 19, 2017 be confirmed.
2. Execution by the Mayor and the Clerk-Administrator of all Deeds, Instruments and other Documents necessary to give effect to any such Resolution, Motion or other action and the affixing of the Corporate Seal to any such Deed, Instruments or other Documents is hereby authorized and confirmed.
3. This By-law shall come into force and take effect on the date of its passage.

Dated at the Township of South Frontenac this 19th day of December, 2017.

Read a first and second time this 19th day of December, 2017.

Read a third time and finally passed this 19th day of December, 2017.

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC**

Ron Vandewal, Mayor

Wayne Orr, Chief Administrative Officer