



COMMITTEE OF THE WHOLE - GENERAL

Tuesday, May 16, 2023, 9:30 a.m.

	Pages
1. CALL TO ORDER	
2. ADOPTION OF AGENDA	
3. CONFLICT OF INTEREST	
4. DELEGATIONS	
4.1 Non-Agenda Delegation	
4.2 Agenda Delegation	
4.2.1 Jeff Sentineal - Agenda Item 7.4 - Caleche - Operator Expansion Request - OPS-23-032	3
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5. RESPONSE TO DELEGATIONS	
6. PRESENTATIONS	
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7. CONSENT AGENDA	
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9. NEW BUSINESS	

10. ADJOURNMENT

REQUEST TO APPEAR AS A DELEGATE
TOWN OF NIAGARA-ON-THE-LAKE
(PLEASE PRINT CLEARLY OR TYPE ON THIS FORM)

Name: <u>JEFF SENTINEL</u>	E-mail:	
Street: <u>64 NIAGARA</u>	Box # / RR #:	Phone #: <u>289-929-4548</u>
City: <u>N-O-T-L-</u>	Postal Code: <u>L0S-1J0</u>	Fax #: <u>—</u>

- ✓ (☐) Non Agenda Delegation - a presentation which addresses topics that do not appear on the Council or COTW Agenda and for which no report has been prepared for Council by Staff must be submitted no later than 12 p.m. on the Thursday prior to the COTW or Council Meeting
- ✓ (☐) Agenda Delegation - a presentation which specifically addresses a COTW or Council Agenda item.

☐ (✓) **I have never spoken on this issue before and the key points of my presentation are as follows:**

CALECHE LICENCE - do not support any more
licences for the town of NOTL.
for caleche.
any questions to ask.

If an applicant wishes to address an issue they have previously spoken to as COTW or Council, they will only be permitted to do so if they bring forward significant new information. Specific details on how this information is new must be identified below and is subject to approval by the Town Clerk. Council will be advised if significant new information has not been provided.

☐ (✓) **I have spoken on this issue before, and the specific new information I wish Council to review is as follows:** (attach a separate page(s) if necessary)

I wish to appear before Council on _____

Meeting time is 6:00 p.m. unless otherwise noted)

DATE

Note: Your request must be made no later than 12:00 p.m. on the day of the schedule meeting.

I wish to appear before Committee of the Whole on _____

MAY 16 / 23

(Meeting time is 6:00 p.m. unless otherwise noted)

DATE

☐ Community & Development Services ☐ Corporate Services ☐ Operations-Parks & Recreation/Public Works

Note: Your request must be made no later than 12:00 p.m. on the day of the schedule meeting.

I have read and understand the Delegation Protocol on the back of this form and acknowledge the information contained on this form, including any attachments, will become public documents and listed on Town Meeting Agendas.

I also understand presentation materials must be submitted with this delegation form and electronic presentations must be emailed to clerks@notl.com no later than 12:00 p.m. on the day of the schedule meeting.


Signature

Apr 28 / 23
Date

Presentation Requirements: No ☐ Yes (description) _____



From: no-reply@web-response.com on behalf of [Town of Niagara-on-the-Lake](#)
To: [Clerks](#)
Subject: Webform submission from: Delegation Request Form
Date: Monday, May 15, 2023 11:27:56 AM
Attachments: [Ronda Cave Delegation May 16th.pptx](#)

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Submitted on Mon, 05/15/2023 - 11:25

Submitted by: Anonymous

Submitted values are:

Information

Name

Ronda Cave

Address

234 Johnson St. Cottage
Niagara on the Lake. L0S 1J0

Email Address

[REDACTED]

Telephone Number

Cell: [REDACTED]

Presentation

Agenda Delegation

Agenda Delegation

Topic

I have spoken on this issue before, and would like to provide specific new information I wish Council to review

The specific new information I wish Council to review is as follows:

I would like to Respond to Report OPS-23-032 new, proposed revisions of OTR for Caleche operations

Terms

I have read and understand the Delegation Protocol and acknowledge the information contained on this form, including any attachments, will become public documents and listed on Town Meeting Agendas. I also understand presentation materials including speaking notes and electronic presentations must be submitted by email to clerks@notl.com no later than 12:00 p.m. on the Monday prior the scheduled meeting.
No

Meeting Time

I wish to appear before:
Council, Committee of the Whole

Date
Tue, 05/16/2023 - 00:00

Presentation Requirements

Do you have a presentation?
Yes

I agree
Yes

Upload
[Ronda Cave Delegation May 16th.pptx](#)

Delegation

I will be appearing:
In person

I also understand presentation materials including speaking notes and electronic presentations must be submitted by email to clerks@notl.com no later than 12:00 p.m. on the Monday prior to the scheduled meeting.
Yes

I acknowledge I have 10 minutes to delegate
Yes

I give permission to be audio and video recorded on the Town of Niagara on the Lake's livestream
Yes

In point form, provide an overview of what points you will be speaking to:

-Revisions to Caleche operating terms of reference suggested in Staff Report
-1.2.1, 1.2.2, 1.2. 3. 1.3

Do you require accessible accommodation to participate:

No

Privacy Disclaimer

I have read and understand the above Privacy Disclaimer.

No



Town of Niagara-on-the-Lake

1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 www.notl.com

REPORT #: OPS-23-027 **COMMITTEE DATE:** 2023-05-16
REPORT TO: COTW-General **DUE IN COUNCIL:** 2023-05-23
SUBJECT: Pedal Pub – Revised Route for 2023/24

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1. Council approves the proposed route (**Appendix I – Option 1 – Proposed 2023/24 Route**) to be used by the Pedal Pub operator for the 2023/2024 season; and
- 1.2. Staff be directed to forward the Council decision to the Regional Municipality of Niagara.

2. EXECUTIVE SUMMARY

- Pedal Pub has applied to the Regional Municipality of Niagara to renew its licence and continue its operation. Pedal Pub has also requested that the Town of Niagara-on-the-Lake approve a revised route for the 2023/24 season.
- Staff have worked with the applicant to revise the proposed route to address the needs of the operator, businesses, and residents of the Town.
- The recommended revised route (**Appendix I – Option 1 – Proposed 2023/24 Route**) does not include the use of Market Street, which could conflict with the Town's Heritage Shuttle operations.

3. PURPOSE

The purpose of this report is to seek approval from Council regarding a revised route for the Pedal Pub Operators, attached as **Appendix I**.

4. BACKGROUND

The Pedal Pub has operated in Niagara-on-the-Lake since 2019 and requires a licence from the Regional Municipality of Niagara to conduct its operations. That licence is required to be renewed annually with the endorsement of the route required by the Town.

5. DISCUSSION / ANALYSIS

On March 10, 2023, Town Staff met with the operators of the Pedal Pub to discuss the upcoming season's operation and review the proposed revised route. When considering route options, safety, parking challenges, existing community partners and businesses were discussed.

In previous seasons of operations, the operator has made several operational modifications to provide additional safety features to address comments and concerns raised by the last term of Council.

The modifications include but are not limited to the following:

- Placed additional signage on the rear of the vehicle
- Placed larger "slow-moving vehicle" signage
- Installed a dash camera
- Adjusted route(s) to address safety concerns
- Reduced noise when travelling through residential areas

Option 1: Proposed 2023/24 Route (Appendix):

Option 1 includes the route being altered from the route approved by Council in 2022. The revised route includes altering the stops along the route to reflect current business partnerships while having passengers board and disembark in parking areas dedicated for Fornos Restaurant on Regent Street, Aura on the Lake (at the rear) on King Street, and Selfie Mode on Mary Street.

Pros:

- Safety concerns were addressed by limiting the number of left turns at uncontrolled intersections
- Addresses the parking challenge and allows for safer boarding and disembarking.
- Represents a benefit to some local businesses
- Limits the use of Mississauga Street and Queen Street
- Balances the needs of the Pedal Pub, businesses, and residents

Cons:

- The route still traverses Queen Street (this could be viewed as a pro or a con, depending on the perspective)
- There could be potential for some disruption

Option 2: Existing Council-Approved Route (Appendix II):

Option 2 proposes maintaining the 'Status Quo' and continuing with the approved 2022 route.

Pros:

- The Pedal Pub and its patrons are familiar with this route
- The Pedal Pub has addressed several previous concerns presented in former years with this route.

Cons:

- There is additional interaction with traffic along Queen Street and Mississauga Street, so there is a heightened risk of safety concerns and increased impacts on vehicular traffic compared to Option 1
- This option does not reflect the current business partnerships

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar(s)

1. Protect Distinctive Community Assets

Objective(s)

1.3 Recognize the importance of tourism in Niagara-on-the-Lake

Tactic(s)

Other

7. OPTIONS

- 7.1 **Option 1:** Council approves Option 1, as shown in **Appendix I. (Recommended)**
- 7.2 **Option 2:** Council proceeds with Option 2, as shown in **Appendix II.** This is the "Status Quo" option and would not align with the operator's proposed changes in their operations and partnerships for the upcoming calendar year. *(Not Recommended)*

8. FINANCIAL IMPLICATIONS

N/A. There are no financial implications associated with this report.

9. ENVIRONMENTAL IMPLICATIONS

N/A. No environmental impacts are associated with this report; the pedal pubs are person-powered vehicles.

10. COMMUNICATIONS

Upon Council approval, staff will communicate Council's decision to the Pedal Pub operator and the licensing division of the Regional Municipality of Niagara.

The Town will request that the Pedal Pub provide the Town and the Regional Municipality of Niagara with proof of liability insurance, naming the Town and the Region as additional insured parties for the duration of their licence (ending in July 2024).

11. CONCLUSION

Staff supports the proposed Pedal Pub route and requests that Council approve the applicant to operate with the revised route during the 2023/24 season.

12. PREVIOUS REPORTS

- **OPS-22-021** – Pedal Pub – Revised Route for 2022/23
- **CS-21-028** – Pedal Pub – Revised Route for 2021/22
- **CS-20-020** – Pedal Pub Request – Revised Route for 2020

13. APPENDICES

- **Appendix I** – Option 1 – Proposed 2023/24 Route
- **Appendix II** – Option 2 – Existing Council-Approved Route

Respectfully submitted:

Prepared by:



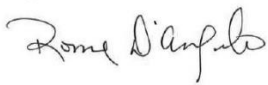
Mike Komljenovic
Engineering Supervisor

Recommended by:



Darren MacKenzie, C.Tech., rcsi ENV SP
Manager of Public Works

Recommended by:



Rome D'Angelo, CET, CFM
Director of Operations


Submitted by:




Marnie Cluckie, MS.LOD, B.ARCH, B.ES
Chief Administrative Officer

Pedal Pub Route Options Appendix I - Option 1

Legend

 Option 1

Legend

 Option 1

Notes:

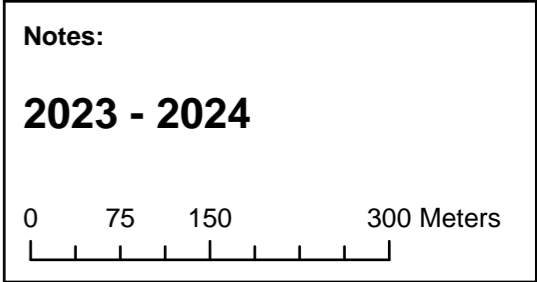
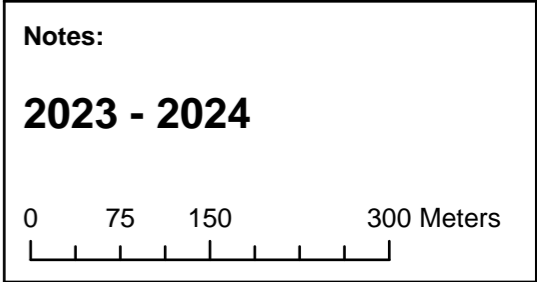
2023 - 2024

0 75 150 300 Meters

Notes:

2023 - 2024

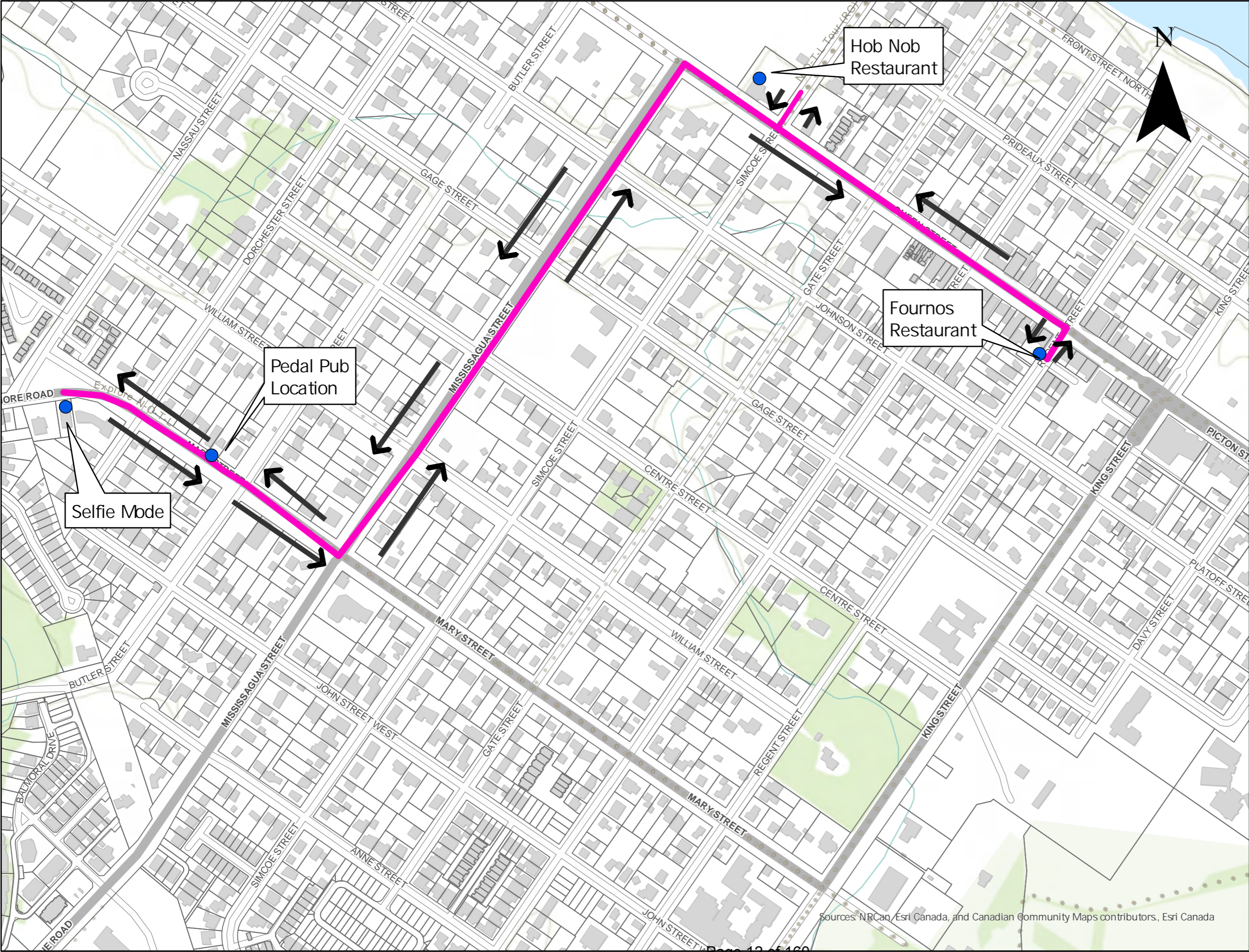
0 75 150 300 Meters



The map illustrates a proposed Pedal Pub route in downtown Mississauga. The route is highlighted in pink and includes several key stops and landmarks:

- Selfie Mode:** Located at the waterfront near the waterfront road.
- Pedal Pub Location:** Located on the waterfront near the waterfront road.
- Fornos Restaurant:** Located on the waterfront near the waterfront road.
- Aura on the Lake:** Located on the waterfront near the waterfront road.

The route follows a path that starts on the waterfront, goes north along the waterfront, then turns inland along a series of streets including Mississauga Street, Simcoe Street, and Centre Street. A north arrow is located in the top right corner of the map.



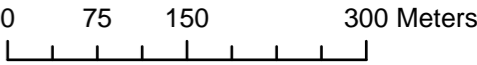
Pedal Pub Route Options

Appendix II - Option 2

Legend

Option 2

Notes:
2022 - 2023



Sources: NRCan, Esri Canada, and Canadian Community Maps contributors, Esri Canada



Town of Niagara-on-the-Lake

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905-468-3266 www.notl.com

REPORT #: OPS-23-025

COMMITTEE DATE: 2023-05-16

DUE IN COUNCIL: 2023-05-23

REPORT TO: COTW-General

SUBJECT: Sewer and Maintenance Hole Flushing and CCTV Inspection (For 2023 and 2024) - ES2023-02

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council approve the lowest compliant tender bid of \$351,832.81 (applicable taxes extra) from GFL Environmental Services Inc. for a two-year contract for Sewer and Maintenance Hole Flushing and CCTV Inspection; and
- 1.2 Council authorize the Director of Operations to sign the required contract documents on behalf of the Corporation.

2. EXECUTIVE SUMMARY

- Historically, the agreement to perform ongoing Closed-Circuit Television (CCTV) inspection of sewer pipelines within the Town of Niagara-on-the-Lake ("Town") sewer and storm system has been annual.
- This agreement has been established as a two-year agreement with GFL Environmental Services Inc. to complete the flushing and CCTV works on the Town's sewer pipelines, to determine its current condition and establish a life cycle assessment (LCA) which is necessary for defining future capital planning needs and the best environmental management strategies.
- A two-year contract has the benefits of better pricing obtained from contractors due to increased volumes over the contract term and reduced staff time in preparing tender documents.
- On February 21, 2023, the Town issued a Request for Tender, and GFL Environmental Services Inc. (GFL) submitted the lowest acceptable (evaluated) bid. The subcontractor, Pipetek, will complete the maintenance hole inspection.
- GFL will perform CCTV inspections on nearly 18,890 meters of sanitary sewer and 18,855 meters of storm sewer, including associated maintenance holes located in various parts of the Town. They will also assess their existing condition and prepare inspection reports and videos documenting the condition of the pipelines and maintenance holes.
- The comprehensive reports provided will be instrumental in evaluating the overall condition of the sewer lines and identifying areas where replacement, rehabilitation, spot repairs, or cleaning are required.
- Staff recommend approval of the lowest compliant bid of \$351,832.81 (applicable taxes extra) from GFL Environmental Services Inc. for a two-year contract. (2023: \$173,363, 2024: \$178,469.81)

3. PURPOSE

The purpose of this report is to obtain Council approval to award a two (2) year contract (Contract ES2023-02) to GFL Environmental Services Inc., the lowest compliant bid for Sewer and Maintenance Hole Flushing and CCTV Inspection for 2023 and 2024.

4. BACKGROUND

The Town maintains approximately 97 km of sanitary sewer and 71 km of storm sewer mains.

The CCTV inspection program collects data on the condition of the sanitary and storm sewer mains for operations and maintenance purposes. It also collects and verifies other sewer data such as size, material type, inflow, and infiltration into the system. This information enables the Environmental Services Section of Public Works to verify the current condition and identify defects in the system for regular maintenance and capital rehabilitation planning and management. These industry practices and the introduction of maintenance and asset management techniques, along with life-cycle analysis, have been continuously conducted to efficiently utilize the Town's limited budget and prevent maintenance costs from rapidly rising. One of the crucial aspects of maintaining the sanitary sewer and storm sewer networks is calculating the optimum time for replacing the discharge pipes.

Regular CCTV inspection provides information to reduce risks and liabilities associated with sewer failures and backups. The current scope of the work involves CCTV inspection of approximately 18,890 meters of sanitary sewer and 18,855 meters of storm sewer mains yearly.

5. REQUEST FOR TENDER (RFT) INFORMATION:

Advertised and Issued Date	Tuesday, February 21, 2023
RFT Closing Date	Tuesday, March 7, 2023
Number of contractors picking up RFT documents	16
Number of contractors responding to the RFT	9

Note: One bidder was disqualified as they did not meet the mandatory requirement of submitting a Bid Bond with their submission. As outlined in Part V Section 8.4 of the Town's Special Instructions to Bidders, *"The Town of Niagara-on-the-Lake will only accept submissions that include both the Bid Bond and Agreement to Bond in **an electronically verifiable/enforceable (e-Bond) format.**"*

6. DISCUSSION / ANALYSIS

Detailed Pricing Information Inclusive of HST:

Company	2023	2024
GFL Environmental Services Inc.	*\$173,363.00	*\$178,469.81
Dambro Environmental Inc.	\$175,805.50	\$191,759.40
Sewer Technologies Inc.	\$182,626.00	\$193,624.04
Bob Robinson & Son Construction	*\$191,532.50	*\$190,159.90

Civica Infrastructure Inc.	\$213,709.75	\$227,783.40
Nieltech Services Ltd.	\$217,950.50	\$221,684.30
Capital Sewer Services Inc.	\$227,634.75	\$231,863.85
York 1 Hydrovac	\$440,643.75	\$459,501.75

* *Mathematically corrected pricing, as provisional pricing was not to be included or total calculation error.*

GFL Environmental Services Inc. is currently under contract with another local Municipality and has completed many other projects similar to the scope of this Tender.

Pipetek is a subcontractor for GFL Environmental Services Inc. to complete the maintenance inspections and has successfully completed work for the Town in the past.

7. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar(s)

3. Create a Culture of Customer Service Excellence

Objective(s)

3.3 Use technology to improve levels of service

Tactic(s)

4.2 a) Develop collaboration between departments by enhancing the degree to which everyone knows

8. OPTIONS

8.1 **Option 1:** Council approves the Award of Tender to the lowest compliant bidder, GFL Environmental Services Inc., in the total amount of \$351,832.81 (applicable taxes extra) for a two-year contract for Sewer and Maintenance Hole Flushing and CCTV Inspection (\$173,363.00 + HST for 2023 and \$178,469.81 + HST for 2024) **(Recommended)**

8.2 **Option 2:** Council directs Staff to cancel the Request for Tender. *(Not Recommended)*

9. FINANCIAL IMPLICATIONS

The total estimated cost of the complete project (excluding applicable taxes) is as follows:

Contract	2023	2024
Sewer and Maintenance Hole Flushing and CCTV Inspection	\$173,363.00	\$178,469.81

The cost difference between the first-year and second-year projects is an increase of 2.9%.

The project funding, as per the Draft 2023 Operation Budgets, is as follows:

Account Name	Account #	Budget Amount 2023
Sanitary CCTV	720-4950-41000	\$75,000.00
Sanitary Flushing	720-5050-41000	\$80,000.00
Sanitary Manhole Maintenance	720-4900-32000	\$5,000.00
Storm CCTV	730-4950-41000	\$45,000.00
Storm Flushing	730-2550-41000	\$52,500.00
Storm Manhole Maintenance	730-4900-41000	\$5,000.00
Total Draft budget:		\$262,500.00

Based on the proposed 2023 budget (\$262,500), sufficient funds are available to complete the 2023 work. Staff propose the same budget amount in 2024 (\$262,500), which would also be sufficient to complete the 2024 portion. The expected remaining budget in the 2023 and 2024 Sanitary and Storm Flushing and CCTV project will be utilized to flush and clean obstructed storm sewer pipes and address emergency situations.

10. ENVIRONMENTAL IMPLICATIONS

Sewer inspection may have environmental implications if it reveals leaks or damage in the sewer system. In such cases, untreated wastewater may be released into the environment, potentially causing pollution and harm to aquatic life. It is crucial to manage these environmental implications and minimize their impact by instituting a proper inspection process. This may involve identifying and addressing potential issues before they can cause harm to the environment, as well as using environmentally friendly methods for any necessary repairs or cleaning.

11. COMMUNICATIONS

Upon Council's approval, Staff will publish the RFT results and communicate the Award of Tender decision to all Proponents through the Town's eProcurement platform, Bids and Tenders. Staff will inform the successful Bidder, GFL Environmental Services Inc. and sign the contract documents.

12. CONCLUSION

Staff recommend that GFL Environmental Services Inc. be awarded the Sewer and Maintenance Hole Flushing and CCTV Inspection for 2023 and 2024. GFL Environmental Services Inc. is currently under contract with another local Municipality and has completed many other projects similar to this Tender.

13. PREVIOUS REPORTS

Not Applicable

14. APPENDICES

Not Applicable

Respectfully submitted:

Prepared by:



Brett Ruck
Supervisor of Environmental Services

Recommended by:

Darren MacKenzie, C.Tech., rcsi, ENV SP
Manager of Public Works

Recommended by:

Rome D'Angelo, CET, CFM
Director of Operations

Submitted by:

Marnie Cluckie, MS.LOD, B.ARCH, B.ES
Chief Administrative Officer



Town of Niagara-on-the-Lake

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REPORT #: OPS-23-026 **COMMITTEE DATE:** 2023-05-16
REPORT TO: COTW-General **DUE IN COUNCIL:** 2023-05-30
SUBJECT: Drinking Water Quality Management System (DWQMS) Operational Plan Update

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council endorse the update of the Drinking Water Quality Management System Operational Plan for the Town of Niagara-on-the-Lake and Bevan Heights Drinking Water Distribution Systems dated January 2023, as attached in **Appendix VII**.
- 1.2 Council approve the Lord Mayor and Director of Operations to authorize the required agreements and documents.

2. EXECUTIVE SUMMARY

- The Operational Plan for the Town's Drinking Water Systems is a document that is required under the *Safe Drinking Water Act*.
- In March 2009, Council approved the original version of the Drinking Water Quality Management System (DWQMS) Operational Plan for the Niagara-on-the-Lake and Bevan Heights Drinking Water Distribution Systems.
- The Operational Plan provides a high-level summary of the Town's DWQMS and strategies to ensure conformance with the standard. Regular review and updates to the Plan are required.
- Council endorsement of the DWQMS Operational Plan is a requirement of the *Safe Drinking Water Act* and applicable Provincial legislation.
- Staff recommend that Council approves the most recent update of the DWQMS Operational Plan – Rev 9 dated January 2023 (**Appendix VII**).

3. PURPOSE

The purpose of this report is to advise and obtain the approval of Council, as the Owner of the Town's two Drinking Water Systems, on the latest revisions to the Operational Plan.

4. BACKGROUND

In March of 2009, Council approved the original version of the Drinking Water Quality Management System (DWQMS) Operational Plan for the Niagara-on-the-Lake and Bevan Heights Drinking Water Systems and instructed staff to submit these to the Ministry of the Environment and the appointed auditors as required under the regulations of the *Safe Drinking Water Act*. This is just one of many requirements for the Town to maintain its "Municipal Drinking Water Licences."

In September 2019, Town Council endorsed the last version of the DWQMS Operational Plan through approval of Report No. OPS-19-018.

The Operational Plan provides a high-level summary of the Town's DWQMS. It outlines strategies developed by the Town's Operations Department to ensure conformance with the 21 elements of the DWQMS Standard as it applies to each of the Drinking Water Systems. The external auditors must determine whether there has been compliance with this document which is necessary for accreditation. The Operational Plan is a living document that needs periodic updating to keep it current.

5. DISCUSSION / ANALYSIS

There have been changes in recent years concerning legislation and documentation requirements that are reflected in the attached updated version dated January 2023. The original document, with revisions, was reviewed both by the Operating Authority (Water & Wastewater ORO) and Top Management (both the Director of Operations and the Manager of Public Works). The signatures of the Lord Mayor and the Director of Operations attest to the endorsement of the document, subject to the Town Council's approval of the Owner and Top Management, respectively.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar(s)

1. Protect Distinctive Community Assets

Objective(s)

- 1.1 Preserve unique community elements

Tactic(s)

- 5.3 b) Understand and meet the informational needs of all constituents

7. OPTIONS

- 7.1 **Option 1:** That Council approve the updated DWQMS Operational Plan and authorize its endorsement via signatures of the Lord Mayor and Director of Operations to maintain legislative requirements of the *Safe Drinking Water Act*. **(Recommended)**
- 7.2 **Option 2:** That Council does not approve the updated DWQMS Operational Plan and risks not complying with the *Safe Drinking Water Act*. **(Not Recommended)**

8. FINANCIAL IMPLICATIONS

N/A. There are no direct financial implications (expenses or fees) associated with updating the Operational Plan.

9. ENVIRONMENTAL IMPLICATIONS

The Operational Plan and the *Safe Drinking Water Act* help ensure there are no negative impacts on the environment or the health and safety of all.

10. COMMUNICATIONS

The Operational Plan sets out the communications required between the Operating Authority and each Owner, the public, the Ministry of the Environment, Conservation and Parks (MECP), the Region of Niagara and other affected contractors, suppliers, and agencies. Drinking Water System records, including the Operational Plan, are made available for review by customers and/or stakeholders.

The updated Operational Plan will be kept in the records management system by the QMS Representative for retrieval as required. A copy will also be forwarded to the agency that the Town has engaged in conducting the external audits (SAI Global), staff members who perform the internal audits, and the MECP.

11. CONCLUSION

Council endorsement of the Operational Plan is a requirement of the *Safe Drinking Water Act* and applicable Provincial legislation.



12. PREVIOUS REPORTS

- OPS-19-018

13. APPENDICES

- Appendix I - Operations and Maintenance Manual
- Appendix II - DWQMS Risk Assessments for both DW Systems
- Appendix III - CCP for Low Chlorine in the Distribution System
- Appendix IV - Water Operations Emergency Response Plan
- Appendix V - Schedule C for the NOTL Distribution System
- Appendix VI - Schedule C for the Bevan Heights Distribution System
- Appendix VII - DWQMS Operational Plan – Rev9 – January 2023

Respectfully submitted:

Prepared by:  Darrin Wills, C. Tech. Engineering Technologist, DWQMS	Recommended by:  Darren MacKenzie, C.Tech., rcsi, ENV SP Manager of Public Works
---	--

Recommended by:

A handwritten signature in cursive script that reads "Rome D'Angelo".

Rome D'Angelo
Director of Operations

Submitted by:

A handwritten signature in cursive script that reads "M. Cluckie".

Marnie Cluckie, MS.LOD, B.ARCH, B.ES
Chief Administrative Officer

The **Operations and Maintenance Manual (PW-DW-MAN-018-001)** consists of the following:

PW-DW-SOP-011-001 -	Watermain Break
PW-DW-SOP-011-002 -	Leak Detection
PW-DW-SOP-011-003 -	Annual Water Main Flushing Program
PW-DW-SOP-011-004 -	Water Valve Maintenance
PW-DW-SOP-011-005 -	Hydrant Maintenance
PW-DW-SOP-011-006 -	Maintenance of Water Services on Public Road Allowances
PW-DW-SOP-011-007 -	Testing and Repair of Water Meters
PW-DW-SOP-011-008 -	Locates of Town Water Utilities
PW-DW-SOP-011-009 -	Installation of Fire Mains
PW-DW-SOP-011-010 -	New Water Service Installation
PW-DW-SOP-011-011 -	Water Service Turn Off and Turn On
PW-DW-SOP-011-012 -	Inventory Control
PW-DW-SOP-011-013 -	Water Filling for Contractors
PW-DW-SOP-011-014 -	Low Water Consumption
PW-DW-SOP-011-015 -	High Water Consumption
PW-DW-SOP-011-016 -	Water Meter Installation
PW-DW-SOP-011-017 -	Lead Service Replacement
PW-DW-SOP-011-018 -	Commissioning of New Watermains
PW-DW-SOP-012-001 -	Water Sampling of the Water Distribution Systems
PW-DW-SOP-012-002 -	Reporting of Adverse Test Results
PW-DW-SOP-012-003 -	Corrective Action for Adverse Water Quality Samples
PW-DW-SOP-013-001 -	Calibration of Monitoring Equipment
PW-DW-SOP-019-001 -	DWQMS Receipt & Processing of Customer Calls
PW-DW-SOP-018-001 -	Critical Control Procedure for Low Chlorine in the Distribution System
PW-DW-LM-011-001 -	New Watermain Commissioning Checklist
PW-DW-PRO-014-001 -	DWQMS Emergency Management
PW-DW-PRO-014-002 -	Biological Contamination Of Water
PW-DW-PRO-014-003 -	Chemical Contamination of Water - Known
PW-DW-PRO-014-004 -	Chemical Contamination of Water - Unknown
PW-DW-PRO-014-005 -	Suspected Intentional Contamination
PW-DW-PRO-014-006 -	Suspected Backflow Event
PW-DW-PRO-014-007 -	Unexpected Loss of Distribution System Pressure
PW-DW-PRO-014-008 -	Loss or Decrease in Regional Water Supply
PW-DW-PRO-014-009 -	Drinking Water Quality Advisory – Boil Water Advisory
PW-DW- LM -014-001 -	DWQMS Emergency Contact List
PW-DW-MIS -020-005 -	Drinking Water Licence for Bevan Heights System
PW-DW-MIS -020-006 -	Drinking Water Works Permit for Bevan Heights System
PW-DW-MIS -020-007 -	Drinking Water Licence for Niagara-on-the-Lake System
PW-DW-MIS -020-008 -	Drinking Water Works Permit for Niagara-on-the-Lake System

Please refer to individual procedures or List.



Date of Re-assessment: November 23, 2021

DWS Assessed: Bevan Heights DWS

Date Reviewed: December 8, 2020

DWQMS Risk Assessment Threshold = 25

Recognize							Assess				Control			
Element or Process Step			Hazardous Event	Potential Hazard	Current Available Control Measures	Reliability/Redundancy of Equipment	Risk Evaluation				CCP? Yes or No	Critical Control Limits (can be qualitative or quantitative; use appropriate units)	Relevant Procedures	Potential Additional Controls
#	Process Category	Description of Process					Likelihood (1-5)	Consequence (1-5)	Detectability (1-5)	Assessed Risk (L x C x D = 1 - 125)				
1	Upstream Transmission (Region)	Upstream Water Quality from Niagara Falls WTP	Inadequate disinfection or inadequate chlorine residual	Biological contamination of water	Region monitors at St. Paul Ave. Testing completed in NF at Stanley Ave & Church's Lane	NA	2	3	2	12	No - Under Regional Control	-	-	-
2	Upstream Transmission (Region)	Upstream Water Quality from Niagara Falls WTP	Chemical or physical contamination at water source or at chemical addition	Chemical contamination of water	Region manages treatment process	NA	1	4	4	16	No - Under Regional Control	-	-	-
3	Upstream Transmission (Region- Niagara Falls WTP)	Upstream Water from Niagara Falls WTP through transmission main	Break in transmission main	Insufficient supply of water - all purposes	Double supply (also from DeCew) Second supply coming from St. Catharines (Eastchester) now operational Adequate supply from NF, but concerns that Town may not be able to supply all areas (some at higher pressures)	NA	2	2	1	4	No	-	-	-
4	Upstream Transmission (other Municipalities)	Upstream Water through other Municipalities' systems	Contamination of water through other Municipalities' systems	Biological/chemical contamination	Biological - weekly testing of micro & residual	NA	1	4	4	16	No - Under Regional Control	-	-	-
5	Distribution (Town)	Watermain - distribution, infrastructure (i.e. Watermain break)	General physical failure of watermain due to aging, deterioration	Insufficient supply (all purposes) Biological/chemical contamination	Watermain repair procedure in place: PW-DW-SOP-011-001 No leak detection programs in place. 80% or more PVC/PE - infrastructure	- Minimum essential supplies required in stock - Essential Supplies & Services list for approved suppliers & services (PW-DW-LM-009-001) in emergency situations, with 24 hour numbers on Emergency Contact List (PW-DW-LM-014-001) - Aggressive replacement program, system largely renewed	4	1	3	12	No	-	-	-
6	Distribution (Town)	Watermain - distribution, infrastructure	Biological contamination occurring during regular operations - i.e. biofilms	Biological contamination of water	Flushing program in place (annual): PW-DW-SOP-011-003 Weekly sampling & testing for micro (including HPC) and chlorine residual (PW-DW-SOP-012-001)	NA	1	3	2	6	No	-	-	-



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Element or Process Step			Hazardous Event	Potential Hazard	Current Available Control Measures	Reliability/Redundancy of Equipment	Risk Evaluation				CCP? Yes or No	Critical Control Limits (can be qualitative or quantitative; use appropriate units)	Relevant Procedures	Potential Additional Controls
#	Process Category	Description of Process					Likelihood (1-5)	Consequence (1-5)	Detectability (1-5)	Assessed Risk (L x C x D = 1 - 125)				
7	Distribution (Town)	Watermain - distribution, infrastructure	General chemical/physical contamination	Chemical contamination of water	Majority of system is constructed in PVC/PE. Flushing program in place (annual) (W-DW-SOP-011-003)	NA	2	3	3	18	No	-	-	-
8	Distribution (Town)	Watermain - distribution, infrastructure	Lead contamination (chemical)	Chemical contamination of water	Period of regulatory relief from community lead testing program. Relatively few incidents of lead in drinking water system	NA	1	2	2	4	No	-	-	-
9	Distribution (Town)	Watermain - distribution, infrastructure	Geological fault - i.e. earthquake	Insufficient supply (all purposes)	No incidents in recent history - any tremors have not been substantial enough to cause damage to the system.	- Minimum essential supplies required in stock	1	1	1	1	No	-	-	-
10	Distribution (Town)	Watermain - distribution, infrastructure	Heat wave	Insufficient supply (all purposes)	Water restriction bylaw in place. Consultation with the Region occurs during summer months re: storage monitoring, etc.	NA	2	2	1	4	No	-	-	-
11	Distribution (Town)	Watermain - commissioning of new watermains	Contamination of water - new connections to distribution system	Biological contamination of water	New connections completed by contractor under supervision of licensed operator. Bacteriological testing completed prior to turning water on. Would not connect main if testing had not passed.	NA	-	-	-	N/A	-	-	-	Watermain not commissioned yet, therefore not applicable.
12	Distribution (Town)	Watermain - distribution, infrastructure	Deep freeze	Frozen services or mains, supply loss	Service thawing machine	one machine in stock - possibility of borrowing from other local municipalities if needed	2	1	2	4	No	-	-	-
13	Distribution (Town)	Watermain - distribution, infrastructure	Extreme weather conditions (tornado, ice storm, flood, etc.)	System failure or loss of access to control valves	Tiger torch, steamer, road plow trucks, backhoes	multiple types of equipment on hand and available contractors	1	2	1	2	No	-	-	-
14	Distribution (Town)	Watermain - distribution, infrastructure	Long term impact of climate change	System failure or inadequacy	multiple transmission feeds and two source water feeds	multiple transmission feeds and valves for isolation	1	2	1	2	No	-	-	-



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Element or Process Step			Hazardous Event	Potential Hazard	Current Available Control Measures	Reliability/Redundancy of Equipment	Risk Evaluation				CCP? Yes or No	Critical Control Limits (can be qualitative or quantitative; use appropriate units)	Relevant Procedures	Potential Additional Controls
#	Process Category	Description of Process					Likelihood (1-5)	Consequence (1-5)	Detectability (1-5)	Assessed Risk (L x C x D = 1 - 125)				
15	Distribution (Town)	Watermain - distribution, infrastructure	Water supply shortfall - drought or other reasons	Insufficient supply for all purposes	multiple transmission feeds and two source water feeds	NA	1	5	1	5	No	-	-	Water restriction options through By-law
16	Distribution (Town)	Repair of watermain	Contamination of water - repair to watermain	Biological contamination of water	Repair completed by staff or by contractor under supervision of licensed operator. Bacteriological testing completed but water is turned on prior to results. Chlorine residual testing completed.	- Minimum essential supplies required in stock	1	3	5	15	Yes	AWWA C651 Niagara Municipalities SOP for Watermain Repairs & MECP Disinfection Procedure	AWWA C651 Niagara Municipalities SOP for Watermain Repairs & MECP Disinfection Procedure	Wherever possible, reinstate main only following receipt of results
17	Distribution (Town)	Cross-connections & backflows	Cross-connections & backflows from industrial, agricultural or multi-storey residential service and new construction source water	Biological or chemical cross-contamination of water	No backflow bylaw in place. System runs at high pressure - reduced potential for negative/low pressure events. Known previous incidents (2 in ~40 years).	NA	2	3	4	24	No	Immediate response to backflow events upon becoming aware of event	Suspected Backflow Event PW-DW-PRO-014-006	Backflow bylaw being drafted. BSI Online contracted for tracking devices and tests
18	Distribution (Town)	Cross-connections & backflows	Cross-connections and/or backflows from residential services (i.e. private interconnections to well or cistern)	Biological or chemical cross-contamination of water	No backflow bylaw in place. System runs at high pressure - reduced potential for negative/low pressure events.	NA	1	3	4	12	No	Immediate response to backflow events upon becoming aware of event	Suspected Backflow Event PW-DW-PRO-014-006	Backflow bylaw being drafted. BSI Online contracted for tracking devices and tests
19	Distribution (Town)	Low Chlorine, for example: dead ends	Stagnant water - low chlorine residuals, bacterial regrowth	Biological contamination of water	Flushing completed annually (more often if required). No recent issues with chlorine residuals. Weekly chlorine residuals checked as well as chlorine samples taken with every microbiological sample	- 3 Chlorine Analyzers, meters calibrated quarterly as per PW-DW-PRO-013-001 - Minimum essential supplies required in stock	4	2	3	24	Yes	Maintain minimum free residual of 0.10 mg/L	Water Sampling of Water Distribution System (PW-DW-SOP-012-001); Annual Watermain Flushing (PW-DW-SOP-011-003)	Critical Control Procedure for Low Chlorine in the Distribution System (PW-DW-SOP-018-001)



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Element or Process Step			Hazardous Event	Potential Hazard	Current Available Control Measures	Reliability/Redundancy of Equipment	Risk Evaluation				CCP? Yes or No	Critical Control Limits (can be qualitative or quantitative; use appropriate units)	Relevant Procedures	Potential Additional Controls
#	Process Category	Description of Process					Likelihood (1-5)	Consequence (1-5)	Detectability (1-5)	Assessed Risk (L x C x D = 1 - 125)				
20	Distribution (Town)	Water delivery system - filling from hydrants (authorized connections)	Failure of Backflow Prevention devices	Biological or chemical contamination of water	Agricultural/contractor users can rent hookup from Town (meter & BFP) for irrigation during set hours This issue is controlled through the application process	-a procedure to check backflow protection devices (checked annually) - Monthly inspection of both Bulk Water Station	2	3	4	24	No	Program in place Backflow Preventers tested annually (contracted service)	DWQMS Operational Plan (PW-DW-OP-001-001) Section 15: Infrastructure Maintenance, Rehabilitation & Renewal	Inspection during filling Education of customer
21	Distribution (Town)	Watermain - distribution, infrastructure (i.e. Leaks)	Minor physical failure of watermain (i.e. Breaks)	Biological contamination of water	100% of system is constructed in PVC (newer). No leak detection program.	- Minimum essential supplies required in stock	3	2	4	24	No	-	-	-
22	Distribution (Town)	Fire hydrant performance (public and private)	Malfunction of hydrants (leaks, freezing etc)	Water loss, loss of pressure for fire flows	Some self-draining hydrants. Hydrant inspection program in place (monthly during winter, otherwise 20% inspected per year). Includes accessibility - Town digs out hydrants. Town inspects all hydrants (public and private).	- Minimum essential supplies required in stock	5	2	2	20	No	-	-	-
23	Distribution (Town)	Customer linkages - fire sprinkler systems	Cross-contamination from private sprinkler systems	Biological or chemical contamination of water	Backflow preventers required as part of Fire Code	NA	1	3	5	15	No	-	-	-
24	Distribution (Private - downstream)	Customer elements - customer system issues	Lead contamination from private connections (pipes, soldered joints, faucets)	Chemical contamination of water (lead)	No known lead services; lead lines are replaced up to property line as they are found. Property owners are advised to do the same. Procedure for replacement: PW-DW-SOP-011-017 Qualified for regulatory relief for lead sampling.	NA	1	2	2	4	No	-	-	-



Date of Re-assessment: November 23, 2021

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Element or Process Step			Hazardous Event	Potential Hazard	Current Available Control Measures	Reliability/Redundancy of Equipment	Risk Evaluation				CCP? Yes or No	Critical Control Limits (can be qualitative or quantitative; use appropriate units)	Relevant Procedures	Potential Additional Controls
#	Process Category	Description of Process					Likelihood (1-5)	Consequence (1-5)	Detectability (1-5)	Assessed Risk (L x C x D = 1 - 125)				
1	Upstream Transmission (Region)	Upstream Water Quality from St. Catharines WTP	Inadequate disinfection or inadequate chlorine residual	Biological contamination of water	Region samples at Line 2 and at monitoring station at Niagara Stone Road & Anderson Lane - Testing completed in St. Cath - not sure where locations are Notification process in place when WTP experiences problems - not formalized	NA	1	3	2	6	No - Under Regional Control	-	-	-
2	Upstream Transmission (Region)	Upstream Water Quality from St. Catharines WTP	Chemical or physical contamination at water source or at chemical addition	Chemical contamination of water	Region manages treatment process	NA	1	4	4	16	No - Under Regional Control	-	-	-
3	Upstream Transmission (Region)	Upstream Water Quality from Niagara Falls WTP	Inadequate disinfection or inadequate chlorine residual	Biological contamination of water	Region monitors at St. Paul Ave. Testing completed in NF - not sure where locations are	NA	2	3	2	12	No - Under Regional Control	-	-	-
4	Upstream Transmission (Region)	Upstream Water Quality from Niagara Falls WTP	Chemical or physical contamination at water source or at chemical addition	Chemical contamination of water	Region manages treatment process	NA	1	4	4	16	No - Under Regional Control	-	-	-
5	Upstream Transmission (Region- St. Catharines WTP)	Upstream Water from St. Catharines WTP through transmission main	Break in transmission main	Insufficient supply of water - all purposes	Double supply (also from NF) Second supply coming from St. Catharines (Eastchester) now operational Adequate supply from NF	NA	2	2	1	4	No	-	-	-
6	Upstream Transmission (Region- Niagara Falls WTP)	Upstream Water from Niagara Falls WTP through transmission main	Break in transmission main	Insufficient supply of water - all purposes	Double supply (also from DeCew) Second supply coming from St. Catharines (Eastchester) now operational Adequate supply from NF, but concerns that Town may not be able to supply all areas (some at higher pressures)	NA	2	2	1	4	No	-	-	-



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Element or Process Step			Hazardous Event	Potential Hazard	Current Available Control Measures	Reliability/Redundancy of Equipment	Risk Evaluation				CCP? Yes or No	Critical Control Limits (can be qualitative or quantitative; use appropriate units)	Relevant Procedures	Potential Additional Controls
#	Process Category	Description of Process					Likelihood (1-5)	Consequence (1-5)	Detectability (1-5)	Assessed Risk (L x C x D = 1 - 125)				
7	Upstream Storage (Region)	Stored Water - Standpipe or Tower	Animal Intrusion	Biological contamination or physical damage	Region ensures routine inspections are completed. The Region has a security policy in place and standards for fencing and related security equipment	NA	1	3	4	12	No	-	-	-
8	Upstream Storage (Region)	Stored Water - Standpipe or Tower	Sabotage	Biological/chemical contamination or physical damage	Region ensures routine inspections are completed. The Region has a security policy in place and standards for fencing and related security equipment	NA	1	5	5	25	No - Under Regional Control	-	Niagara Region's Emergency Response Plan	-
9	Upstream Transmission (all)	Pressure Reducing Valves in transmission mains	Failure of pressure reducing valves - general	Damage to system & services	Region is increasing maintenance & control of PRVs PRVs monitored through plant (SCADA - Region)	NA	2	2	1	4	No	-	-	-
10	Upstream Transmission (other Municipalities)	Upstream Water through other Municipalities' systems	Contamination of water through other Municipalities' systems	Biological/chemical contamination	Biological - weekly testing of micro & residual	NA	1	4	4	16	No - Under Regional Control	-	-	-
11	Distribution (Town)	Watermain - distribution, infrastructure (i.e. Watermain break)	General physical failure of watermain due to aging, deterioration	Insufficient supply (all purposes) Biological/chemical contamination	Watermain repair procedure in place: PW-DW-SOP-011-001 No leak detection programs in place, 80% or more PVC/PE - infrastructure	- Minimum essential supplies required in stock - Essential Supplies & Services list for approved suppliers & services (PW-DW-LM-009-001) in emergency situations, with 24 hour numbers on Emergency Contact List (PW-DW-LM-014-001) - Aggressive replacement program, system largely renewed	4	1	3	12	No	-	-	-
12	Distribution (Town)	Watermain - distribution, infrastructure	Biological contamination occurring during regular operations - i.e. biofilms	Biological contamination of water	Flushing program in place (annual): PW-DW-SOP-011-003 Weekly sampling & testing for micro (including HPC) and chlorine residual (PW-DW-SOP-012-001)	NA	1	3	2	6	No	-	-	-
13	Distribution (Town)	Watermain - distribution, infrastructure	General chemical/physical contamination	Chemical contamination of water	Majority of system is constructed in PVC/PE. Flushing program in place (annual) (W-DW-SOP-011-003)	NA	2	3	3	18	No	-	-	-



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Element or Process Step			Hazardous Event	Potential Hazard	Current Available Control Measures	Reliability/Redundancy of Equipment	Risk Evaluation				CCP? Yes or No	Critical Control Limits (can be qualitative or quantitative; use appropriate units)	Relevant Procedures	Potential Additional Controls
#	Process Category	Description of Process					Likelihood (1-5)	Consequence (1-5)	Detectability (1-5)	Assessed Risk (L x C x D = 1 - 125)				
14	Distribution (Town)	Watermain - distribution, infrastructure	Lead contamination (chemical)	Chemical contamination of water	Period of regulatory relief from community lead testing program. Relatively few incidents of lead in drinking water system	NA	1	2	2	4	No	-	-	-
15	Distribution (Town)	Watermain - distribution, infrastructure	Geological fault - i.e. earthquake	Insufficient supply (all purposes)	No incidents in recent history - any tremors have not been substantial enough to cause damage to the system.	- Minimum essential supplies required in stock	1	1	1	1	No	-	-	-
16	Distribution (Town)	Watermain - distribution, infrastructure	Heat wave	Insufficient supply (all purposes)	Water restriction bylaw in place. Consultation with the Region occurs during summer months re: storage monitoring, etc.	NA	2	2	1	4	No	-	-	-
17	Distribution (Town)	Watermain - commissioning of new watermains	Contamination of water new connections to distribution system	Biological contamination of water	New connections completed by contractor under supervision of licensed operator. Bacteriological testing completed prior to turning water on. Would not connect main if testing had not passed.	NA	-	-	-	N/A	-	-	-	Watermain not commissioned yet, therefore not applicable.
18	Distribution (Town)	Watermain - distribution, infrastructure	Deep freeze	Frozen services or mains, supply loss	Service thawing machine	one machine in stock - possibility of borrowing from other local municipalities if needed	2	1	2	4	No	-	-	-
19	Distribution (Town)	Watermain - distribution, infrastructure	Extreme weather conditions (tornado, ice storm, flood, etc.)	System failure or loss of access to control valves	Tiger torch, steamer, road plow trucks, backhoes	multiple types of equipment on hand and available contractors	1	2	1	2	No	-	-	-
20	Distribution (Town)	Watermain - distribution, infrastructure	Long term impact of climate change	System failure or inadequacy	multiple transmission feeds and two source water feeds	multiple transmission feeds and valves for isolation	1	2	1	2	No	-	-	-
21	Distribution (Town)	Watermain - distribution, infrastructure	Water supply shortfall - drought or other reasons	Insufficient supply for all purposes	multiple transmission feeds and two source water feeds	NA	1	5	1	5	No	-	-	Water restriction options through By-law



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Element or Process Step			Hazardous Event	Potential Hazard	Current Available Control Measures	Reliability/Redundancy of Equipment	Risk Evaluation				CCP? Yes or No	Critical Control Limits (can be qualitative or quantitative; use appropriate units)	Relevant Procedures	Potential Additional Controls
#	Process Category	Description of Process					Likelihood (1-5)	Consequence (1-5)	Detectability (1-5)	Assessed Risk (L x C x D = 1 - 125)				
22	Distribution (Town)	Repair of watermain	Contamination of water repair to watermain	Biological contamination of water	Repair completed by staff or by contractor under supervision of licensed operator. Bacteriological testing completed but water is turned on prior to results. Chlorine residual testing completed.	- Minimum essential supplies required in stock	1	3	5	15	Yes	AWWA C651 Niagara Municipalities SOP for Watermain Repairs & MECP 2020 Disinfection Procedure	AWWA C651 Niagara Municipalities SOP for Watermain Repairs & MECP 2020 Disinfection Procedure	Wherever possible, reinstate main only following receipt of results
23	Distribution (Town)	Cross-connections & backflows	Cross-connections & backflows from industrial, agricultural or multi-storey residential service and new construction source water	Biological or chemical cross-contamination of water	No backflow bylaw in place. System runs at high pressure - reduced potential for negative/low pressure events. Known previous incidents (2 in ~40 years).	NA	2	3	4	24	Yes	Immediate response to backflow events upon becoming aware of event	Suspected Backflow Event PW-DW-PRO-014-006	Backflow bylaw being drafted. BSI Online contracted for tracking devices and tests
24	Distribution (Town)	Cross-connections & backflows	Cross-connections and/or backflows from residential services (i.e. private interconnections to well or cistern)	Biological or chemical cross-contamination of water	No backflow bylaw in place. System runs at high pressure - reduced potential for negative/low pressure events.	NA	1	3	4	12	Yes	Immediate response to backflow events upon becoming aware of event	Suspected Backflow Event PW-DW-PRO-014-006	Backflow bylaw being drafted. BSI Online contracted for tracking devices and tests
25	Distribution (Town)	Low Chlorine, for example: dead ends	Stagnant water - low chlorine residuals, bacterial regrowth	Biological contamination of water	Flushing completed annually (more often if required). No recent issues with chlorine residuals. Weekly chlorine residuals checked as well as chlorine samples taken with every microbiological sample	- 3 Chlorine Analyzers, meters calibrated quarterly as per PW-DW-PRO-013-001 - Minimum essential supplies required in stock	4	2	3	24	Yes	Maintain minimum free residual of 0.10 mg/L	Water Sampling of Water Distribution System (PW-DW-SOP-012-001); Annual Watermain Flushing (PW-DW-SOP-011-003)	Critical Control Procedure for Low Chlorine in the Distribution System (PW-DW-SOP-018-001)



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Element or Process Step			Hazardous Event	Potential Hazard	Current Available Control Measures	Reliability/Redundancy of Equipment	Risk Evaluation				CCP? Yes or No	Critical Control Limits (can be qualitative or quantitative; use appropriate units)	Relevant Procedures	Potential Additional Controls
#	Process Category	Description of Process					Likelihood (1-5)	Consequence (1-5)	Detectability (1-5)	Assessed Risk (L x C x D = 1 - 125)				
26	Distribution (Town)	Water delivery system - filling from hydrants (authorized connections)	Failure of Backflow Prevention devices	Biological or chemical contamination of water	Agricultural/contractor users can rent hookup from Town (meter & BFP) for irrigation during set hours This issue is controlled through the application process	-a procedure to check backflow protection devices (checked annually) - Monthly inspection of both Bulk Water Station	2	3	4	24	No	Program in place Backflow Preventers tested annually (contracted service)	DWQMS Operational Plan (PW-DW-OP-001-001) Section 15: Infrastructure Maintenance, Rehabilitation & Renewal	Inspection during filling Education of customer
27	Distribution (Town)	Water delivery system - Water Station - Town-owned bulk water stations	Failure of Backflow Prevention devices	Biological or chemical contamination of water	Two stations: overhead fill (air gap), Backflow preventers installed Annual inspection of BFPs		1	3	4	12	No	-	-	
28	Distribution (Town)	Watermain - distribution, infrastructure (i.e. Leaks)	Minor physical failure of watermain (i.e. Breaks)	Biological contamination of water	80% of system is constructed in PVC/PE (newer). No leak detection program. Some shallow sewers; 90% of sewers are deeper than watermains.	- Minimum essential supplies required in stock	3	2	4	24	No	-	-	-
29	Distribution (Town)	Fire hydrant performance (public and private)	Malfunction of hydrants (leaks, freezing etc)	Water loss, loss of pressure for fire flows	Some self-draining hydrants. Hydrant inspection program in place (monthly during winter, otherwise 20% inspected per year). Includes accessibility - Town digs out hydrants. Town inspects all hydrants (public and private).	- Minimum essential supplies required in stock	5	2	2	20	No	-	-	-
30	Distribution (Town)	Customer linkages - fire sprinkler systems	Cross-contamination from private sprinkler systems	Biological or chemical contamination of water	Backflow preventers required as part of Fire Code	NA	1	3	5	15	No	-	-	



Date of Re-assessment: November 23, 2021

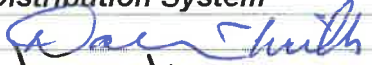

DWS Assessed: Niagara-on-the-Lake DWS

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Element or Process Step			Hazardous Event	Potential Hazard	Current Available Control Measures	Reliability/Redundancy of Equipment	Risk Evaluation				CCP? Yes or No	Critical Control Limits (can be qualitative or quantitative; use appropriate units)	Relevant Procedures	Potential Additional Controls
#	Process Category	Description of Process					Likelihood (1-5)	Consequence (1-5)	Detectability (1-5)	Assessed Risk (L x C x D = 1 - 125)				
31	Distribution (Private - downstream)	Customer elements - customer system issues	Lead contamination from private connections (pipes, soldered joints, faucets)	Chemical contamination of water (lead)	No known lead services; lead lines are replaced up to property line as they are found. Property owners are advised to do the same. Procedure for replacement: PW-DW-SOP-011-017 Qualified for regulatory relief for lead sampling.	NA	1	2	2	4	No			



Title:	Critical Control Procedure for Low Chlorine in the Distribution System		
Document #	PW-DW-SOP-018-001	Created by:	
Status of Document:	Final	Approved by:	
Issue/ Revision Date:	May 2017	Start of Next Review Period:	As required
Revision #:	2	No. of Pages	2

1.0 PURPOSE

To document the procedure used to correct low chlorine residual readings in our system. This procedure is a preventative measure to avoid an adverse water quality incident for chlorine residual. Also, the Risk Assessment lists 0.10 mg/L as a critical control limit for free chlorine residuals.

2.0 SCOPE

This procedure applies to both the Niagara-on-the-Lake and Bevan Heights Drinking-water systems.

3.0 DEFINITIONS

Low Chlorine	Free chlorine residuals at or below 0.10 mg/L are considered low chlorine residuals
Critical Control limit	The point at which a critical control point response procedure is initiated
DWS	Drinking water system
DWS Operator	Person who conducts operational checks or who adjusts, tests or evaluates a process that controls the effectiveness or efficiency of a drinking water system, including the flow, pressure or quality of water within the drinking water system.
Grab Sample	A discrete, single sample of water collected at a particular time and place that represents the composition of the water only at that time and place.
Water/Wastewater Operator & Water Quality Analyst	Conduct sampling in accordance with applicable regulations, the requirements of this procedure and other relevant SOPs, and/or as directed by the Supervisor of Environmental Services.

4.0 RESPONSIBILITIES

Not applicable

5.0 PROCEDURE

- 5.1 Ensure that all regulatory samples are collected by licensed operators or licensed water quality analysts.



- 5.2 Licensed operators or licensed water quality analysts are to follow the standard operating procedure "Water Sampling of the Water Distribution Systems" when collecting regulatory samples.
- 5.3 When testing and monitoring free chlorine residuals within the Distribution Systems, a water/wastewater operator or water quality analyst should follow the following procedure if a free chlorine residual reading is at or below 0.10 mg/L.
1. Call the ORO immediately.
 2. Immediately flush the system until residuals are above 0.20 mg/L, sampling at 15 minutes intervals. If after 2 samples the free chlorine residuals are not about 0.20 mg/L, alter the sampling frequency to every 30 minutes until a free chlorine residual greater than 0.20 mg/L is achieved . *Note: Only licensed DWS Operators are allowed to flush the DWS.*
 3. Record all samples results and flushing activity in the Operators Log Book.

6.0 ASSOCIATED DOCUMENTS

Water Sampling of the Water Distribution Systems – PW-DW-SOP-012-001

7.0 REVISION HISTORY

Previous Revision No.:	1
Date of Last Revision:	July 2014
Last Approval Date:	July 2014
Reason for Change(s):	Annual Internal Audit and Corporate structure changes
Summary of Change(s):	Changed next review date to "as required", removed Water/Wastewater Supervisor title and added Supervisor of Environmental Services title.

The **Water Operations Emergency Response Plan (PW-DW-MAN-014-001)** consists of the following:

- PW-DW-PRO-014-001 – DWQMS Emergency Management
- PW-DW-PRO-014-002 – Biological Contamination of Water
- PW-DW-PRO-014-003 – Chemical Contamination of Water –Known Contaminant
- PW-DW-PRO-014-004 – Chemical Contaminations of Water – Unknown Contaminant
- PW-DW-PRO-014-005 – Suspected Intentional Contamination of Water
- PW-DW-PRO-014-006 – Suspected Backflow Event
- PW-DW-PRO-014-007 – Unexpected Loss of Distribution System Pressure
- PW-DW-PRO-014-008 – Loss of Decrease in Regional Water Supply
- PW-DW-PRO-014-009 – Drinking Water Quality Advisory/Boil Water Advisory
- PW-DW-LM-014-001 – DWQMS Emergency Contact List

Please refer to individual procedures or List.

Schedule C – Director's Directions for Operational Plans (Subject System Description Form) Municipal Residential Drinking Water System

Fields marked with an asterisk (*) are mandatory.

Owner of Municipal Residential Drinking Water System *
Corporation of the Town of Niagara-on-the-Lake

Subject Systems

Name of Drinking Water System (DWS) *	Licence Number *	Name of Operating Subsystems (If applicable)	Name of Operating Authority *	DWS Number(s) *
1. Niagara on the Lake Distribution System	069-102		Town of Niagara-on-the-Lake	260001380

Contact Information for Questions Regarding the Operational Plan

Primary Contact

Last Name *	First Name *	Middle Initial
Wills	Darrin	A
Title *	Telephone Number *	Email Address *
Engineering Technologist, DWQMS	905-468-3061 ext. 272	darrin.wills@notl.com

Secondary Contact

Last Name	First Name	Middle Initial
MacKenzie	Darren	
Title	Telephone Number	Email Address
Manager of Public Works	905-468-3061 ext. 277	darren.mackenzie@notl.com

Schedule C – Director's Directions for Operational Plans (Subject System Description Form)

Municipal Residential Drinking Water System

Fields marked with an asterisk (*) are mandatory.

Owner of Municipal Residential Drinking Water System *

Corporation of the Town of Niagara-on-the-Lake

Subject Systems

Name of Drinking Water System (DWS) *	Licence Number *	Name of Operating Subsystems (if applicable)	Name of Operating Authority *	DWS Number(s) *
1. Bevan Heights Distribution System	069-101		Town of Niagara-on-the-Lake	260062452

Contact Information for Questions Regarding the Operational Plan

Primary Contact

Last Name *

Wills

First Name *

Darrin

Middle Initial

A

Title *

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Telephone Number *

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darrin.wills@notl.com

Secondary Contact

Last Name

MacKenzie

First Name

Darren

Middle Initial

Title

Manager of Public Works

Telephone Number

905-468-3061 ext. 277

Email Address

darren.mackenzie@notl.com



THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE

DWQMS OPERATIONAL PLAN:

NIAGARA-ON-THE-LAKE DRINKING WATER SYSTEM

(BEING A LARGE MUNICIPAL DRINKING WATER DISTRIBUTION SYSTEM,
LICENSE NUMBER 069-102, ISSUE NUMBER 4) **DWS # 260001380**

AND

BEVAN HEIGHTS DRINKING WATER SYSTEM

(BEING A SMALL MUNICIPAL DRINKING WATER DISTRIBUTION SYSTEM,
LICENSE NUMBER 069-101, ISSUE NUMBER 4) **DWS # 260062452**

January 2023, Revision # 9

PW-DW-OP-001-001

DWQMS OPERATIONAL PLAN

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1.0 Quality Management System

1.1 Purpose

The purpose of this Operational Plan is to document the Town of Niagara-on-the-Lake's Drinking Water Quality Management System as part of the Town's efforts to ensure that safe drinking water is supplied to all of its customers. This Operational Plan was developed in alignment with the requirements of the Ministry of the Environment's Drinking Water Quality Management Standard Version 2.0 (February 2017).

1.2 Scope

This Operational Plan applies to all drinking-water-related operations at the Town of Niagara-on-the-Lake, including both the Niagara-on-the-Lake and Bevan Heights drinking-water systems. All components of this Operational Plan are understood to apply to both of the Town's drinking-water systems, unless otherwise noted. Where a section of this Operational Plan applies to only one of the Town's drinking-water systems, the scope of the section is clearly stated.

The contents of the DWQMS Operational Plan include the following:

Part Title	Part
Operations and Maintenance Manual	Appendix I
DWQMS Risk Assessment Results for both DW Sytems	Appendix II
CCP for Low Chlorine in the Distribution System	Appendix III
Water Operations Emergency Response Plan	Appendix IV
Schedule C for the NOTL Distribution System	Appendix V
Schedule C for the Bevan Heights Distribution System	Appendix VI
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1.3 Definitions

Accreditation Body Independent, third-party body that has been appointed to conduct DWQMS Accreditation Audits. The Accreditation Body is authorized to make recommendations for certification of a Municipality's DWQMS. For DWQMS accreditation, the Accreditation Body has been identified as **SAI Global**.

AWQI (Adverse Water Quality Incident) Incident affecting drinking water quality in which one or more of the following conditions is observed:

1. A drinking water test result is obtained that exceeds any of the standards prescribed by Schedule 1, 2 or 3 of O. Reg. 169/03, other than the standard for fluoride.
2. A drinking water test result is obtained that indicates the



	presence of <i>Aeromonas</i> spp., <i>Pseudomonas aeruginosa</i> , <i>Staphylococcus aureus</i> , <i>Clostridium</i> spp. or fecal <i>streptococci</i> (Group D <i>streptococci</i>).
AWQI (Adverse Water Quality Incident) (continued)	<p>3. A drinking water test result is obtained that indicates the presence of a pesticide not listed in Schedule 2 of O. Reg. 169/03.</p> <p>4. A drinking water test result is obtained indicating that the concentration of free chlorine residual is less than 0.05 mg/L in a distribution sample.</p>
DWQMS	Drinking Water Quality Management System
DWS	Drinking-water system.
DWS Operator	Person who conducts operational checks or who adjusts, tests or evaluates a process that controls the effectiveness or efficiency of a DWS, including the flow, pressure or quality of water within the DWS.
DWS Vendor	Supplier or service provider that provides a product or service related to the drinking water system.
Ministry of the Environment, Conservation & Parks (MECP)	Provincial Ministry that developed the DWQMS Standard and requires select Ontario municipalities & utilities to develop and implement a DWQMS as a component of the Municipal Drinking-Water Licence Program.
Operator-in-Charge (OIC)	Operator designated by the Owner or Operating Authority to perform duties as outlined in O. Reg. 128/04, s. 25 (SDWA) and as per applicable Town procedures.
Overall Responsible Operator (ORO)	Operator designated by the Owner or Operating Authority to perform duties as outlined in O. Reg. 128/04, s. 23 (SDWA) and as per applicable Town procedures.
Owner	Legal or beneficial owner of the DWS. For the Town of Niagara-on-the-Lake, the Owner is represented by the Lord Mayor and Council. The Chief Administrative Officer has been identified as an Owner Representative.
QMS	Quality Management System
Top Management	Person(s) at the highest management level within the Operating Authority that makes decisions respecting the DWQMS and recommended actions to the Owner regarding the DWS. For the Town of Niagara-on-the-Lake, Top Management has been identified as the Director of Operations and the Manager of Public Works and the Supervisor of Environmental Services.
Town	Town of Niagara-on-the-Lake



2.0 Quality Management System Policy

The Town of Niagara-on-the-Lake's DWQMS Policy applies to both the Niagara-on-the-Lake and Bevan Heights drinking water systems, and is as follows:

"The Town of Niagara-on-the-Lake owns and operates the Niagara-on-the-Lake Distribution System and the Bevan Heights Distribution System. The Town is committed to:

- Working to ensure legislative compliance with the Safe Drinking Water Act and all applicable regulations;
- Acting quickly to resolve any issues relating to drinking-water quality;
- Taking all steps necessary to provide safe drinking-water to Town consumers;
- Establishing open and effective communication with Town water consumers;
- Reviewing and continually improving its Drinking-Water Quality Management System."

The DWQMS Policy is approved and endorsed by the Owner and Top Management of the DWS as a component of this Operational Plan¹. The DWQMS Policy is posted (**PW-DW-VIS-001-001**) at the Town of Niagara-on-the-Lake's Public Works Department, and will also be communicated to the public through posting on the Town's website.

3.0 Commitment and Endorsement

This Operational Plan has been reviewed and approved by Top Management and the Owner of the Town of Niagara-on-the-Lake's drinking water systems. A resolution was passed by Council endorsing the Operational Plan and its contents on September 16, 2019 as per Report to Council OPS-19-018. The signatures below further serve as endorsement of this most recent version of the DWQMS Operational Plan with the new Lord Mayor, Director of Operations and Councilors.

Gary Zalepa
Lord Mayor
On behalf of the Owner
(Lord Mayor & Council)

Rome D'Angelo
Director of Operations
DWS Top Management Representative

¹ As per the acceptance of Report to Council # OPS-23-026



4.0 Quality Management System Representative

The Engineering Technologist, DWQMS has been appointed as the Quality Management System Representative for the Town of Niagara-on-the-Lake's DWQMS, and has been authorized to carry out all of the responsibilities associated with this role. One certified operator on staff in the water department has been appointed as a backup QMS Representative.

In addition to the other aspects of their role, the Engineering Technologist, DWQMS holds the following responsibilities as Quality Management System Representative:

- Ensuring that processes and procedures required for the DWQMS are established, implemented and maintained;
- Reporting to Top Management regarding DWQMS performance and any need for improvement;
- Ensuring that only current versions of documentation required by the DWQMS are in use at all times;
- Ensuring that personnel are aware of all applicable legislative and regulatory requirements that pertain to their duties in the operation of the Town of Niagara-on-the-Lake's drinking-water systems; and
- Promoting awareness of the DWQMS throughout the Operating Authority.

5.0 Document and Records Control

5.1 Document Control

A procedure has been developed that outlines document control processes for the Operating Authority. The purpose of **Control of Documents (PW-DW-PRO-002-001 – see Appendix I)** is to provide a controlled process for the creation, modification, review, approval, distribution, retrieval and protection of DWS-related documentation at the Town of Niagara-on-the-Lake.

5.2 Records Control

A procedure has been developed that outlines record control processes for the Operating Authority. **Control of Records (PW-DW-PRO-003-001 – see Appendix I)** specifies processes for the collection, identification, storage, maintenance, protection, retention and disposal of DWS-related records at the Town of Niagara-on-the-Lake.



The **DWQMS Record Control Matrix (PW-DW-LM-003-001** – see *Appendix I*) lists DWS records managed under this procedure. Each record profile within the Matrix lists the record name, minimum record retention time, record owner (i.e., person responsible for the record), and physical form of storage including the storage location(s). Where required by legislation and/or regulations, DWS records are made available for review by customers and/or stakeholders.

Once the indicated minimum retention time has been reached, drinking-water system records may be destroyed. Records should be disposed by the end of the calendar year in which their retention time elapses. The Town reserves the right to retain selected records of interest for periods exceeding the record's specified minimum retention time.

6.0 Drinking Water System Process Description

6.1 General

The Town of Niagara-on-the-Lake (Town) owns and operates two separate drinking water distribution systems including the Niagara-on-the-Lake drinking water system (Niagara-on-the-Lake DWS) and the Bevan Heights drinking water system (Bevan Heights DWS). The Town maintains responsibility for water distribution only. Raw water uptake, water treatment, transmission mains and treated water storage processes and infrastructure are owned and managed by Niagara Region (Region). In combination, the Niagara-on-the-Lake and Bevan Heights drinking water systems distribute treated drinking water within a service area of approximately 12,600ha. The service area is bounded by Lake Ontario, the Niagara River, the City of Niagara Falls and the City of St. Catharines as shown in the ***Town of Niagara-on-the-Lake Service Area Map (PW-DW-VIS-001-002)***.

Letter of Understanding

A ***Memorandum of Understanding – Water Servicing (November 22, 2016)*** exists between Niagara Region and the Town of Niagara-on-the-Lake. The ***Memorandum of Understanding*** documents Regional and Town responsibilities and activities that are completed to ensure the continued supply, operation and delivery of water services to Town residents and customers. The Memorandum of Understanding applies in respect of both the Niagara-on-the-Lake and Bevan Heights drinking water systems, and outlines the following:

- **Ownership of Infrastructure**: In examination of Region-to-Town connection points, it is understood that Niagara Region will own and operate, to and including, the first valve on any connections to any Region-owned transmission main.



- Supply Requirements: Supply requirements are outlined including quantity of water to be delivered by the Region, system pressure requirements, and operation and continued supply.
- Maintenance Requirements: Outlined requirements provide details of watermain break protocols, communication of system isolation and watermain flushing activities.
- Water Quality Requirements: Details include drinking water quality requirements, water testing requirements, and requirements for sharing of test results and adverse water quality event notifications. It is stated that drinking water quality shall meet or exceed all regulatory requirements, operational guidelines, and aesthetic objectives as detailed in the Ontario Drinking-Water Standards.
- Emergency Response Requirements: Outlined are requirements for contingencies, responsibilities, request for support and emergency response contact list availability. Plans for Emergency Response Procedures shall be shared with all parties and maintained and updated as required.

6.2 Niagara-on-the-Lake DWS

The Niagara-on-the-Lake Distribution System receives treated drinking-water from the St. Catharines (Decew) Water Treatment Plant (Decew WTP) and the Niagara Falls Water Treatment Plant (Niagara Falls WTP), both of which are Regionally-owned and operated. Treated water is conveyed to approximately 15,400 residents through approximately 200 km of Town-owned watermains.

6.2.1 *Decew Water Treatment Plant & Treated Water Quality*

While the Town is not responsible for water treatment processes, a brief description of the Decew WTP is included for informational purposes.

Owned and operated by the Region, the Decew WTP is a water intake and treatment facility serving the Cities of St. Catharines and Thorold and the Towns of Lincoln and Niagara-on-the-Lake, including a portion of the Niagara-on-the-Lake DWS. The facility is rated at a maximum capacity of 227 ML/day.

Lake Erie serves as the raw water source for Decew WTP operation. Raw water is drawn through a supply canal and a series of reservoirs. The intake consists of two surface intake conduits approximately 7.3 m in length, with a combined width of 7.5m. Treatment components include zebra mussel control, coagulation, flocculation, sedimentation, filtration and primary disinfection. The water travels through a high-lift pumping station before being transferred to the Region's transmission system. Two Regionally-owned water storage facilities, the Virgil Water Tower and the St. Davids Standpipe, store treated water for distribution within the Town of Niagara-on-the-Lake DWS.



Treated water leaving the Water Treatment Plants must meet or exceed all regulatory requirements. The Region monitors treated water turbidity and free chlorine residual at the WTP discharge and provides this data to the Town as required or requested.

6.2.2 Niagara Falls Water Treatment Plant & Treated Water Quality

While the Town is not responsible for water treatment processes, a brief description of the Niagara Falls WTP is included for informational purposes.

Owned and operated by the Region, the Niagara Falls WTP is a water intake and treatment facility serving the Cities of Niagara Falls and Thorold and the Town of Niagara-on-the-Lake, including a portion of the Niagara-on-the-Lake DWS and the Bevan Heights DWS. The facility is rated at a maximum capacity of 145ML/day.

The Welland River serves as the raw water source for Niagara Falls WTP operation. Raw water is introduced via a 1,200mm diameter intake pipe extending approximately 140m into the Welland River. Water treatment processes include pre-chlorination, coagulation, flocculation, sedimentation, filtration and primary disinfection. A high-lift pumping station conveys treated water from the WTP to the Niagara-on-the-Lake DWS and the Bevan Heights DWS via Regional transmission mains. The Regionally-owned St. David's Standpipe stores treated water for distribution within the Town of Niagara-on-the-Lake DWS.

Treated water leaving the Water Treatment Plants must meet or exceed all regulatory requirements. The Region monitors treated water turbidity and free chlorine residual at the WTP discharge and provides this data to the Town as required or requested.

6.2.3 Niagara-on-the-Lake DWS: Water Distribution

The Niagara-on-the-Lake DWS distributes treated drinking water to approximately 15,000 residents². Distribution system infrastructure includes approximately 201 km of Town watermains ranging in size from 50mm to 300 mm; additional conveyance is provided by approximately 40 km of Regionally-owned and operated watermains ranging in size from 100 mm to 550 mm.

Approximately 70% of the Town's watermains are constructed in polyvinyl chloride (PVC) with the remaining constructed in asbestos cement, ductile iron, polyethylene (PE) and copper. Additional infrastructure includes approximately 1,410 fire hydrants and 1,383 valves, two water filling stations, and one Regionally-owned and operated

² Service population established as of 2011



water storage facilities. The Niagara-on-the-Lake DWS is 100% metered. The Town does not complete any drinking water treatment or rechlorination activities, and does not provide drinking water to any downstream municipalities.

Connections to and from the Niagara-on-the-Lake DWS are summarized as follows:

Table 6-1: Niagara-on-the-Lake Distribution System Connections

From	To
Decew WTP (Regional) (via trunk watermain Glendale Avenue)	Niagara-on-the-Lake DWS (Town-Owned)
Niagara Falls WTP (Regional) (Four Mile Creek Road, and also via Niagara Falls Distribution System on Concession 6 via Mewburn Road)	Niagara-on-the-Lake DWS (Town-Owned)

6.2.4 Common Event-Driven Fluctuations

As the Town of Niagara-on-the-Lake is not responsible for water treatment, the Town's operations are not directly impacted by fluctuations in raw water quality. Impacts of event-driven fluctuations (i.e., storms) are managed by the Region at the treatment stage and do not typically affect the Town's operation of the drinking-water distribution system.

Water volume has not been an issue in the past for the Niagara-on-the-Lake DWS. Lake Erie serves as the raw water source for the Decew WTP, and lake volumes do not fluctuate to a degree that would compromise WTP operations. Similarly, volumes at the Welland River do not fluctuate to a degree that would compromise Niagara Falls WTP operations. One Regionally-owned and operated treated water storage facility (Virgil Water Tower) provide a limited backup supply of treated water for the distribution system. However, water restrictions may be enforced on occasion to compensate for limitations in flow capacities; these limitations are observed in Regional infrastructure. Treated water supply to storage facilities is a Regional responsibility, but water demand may dictate the need for restrictions (i.e., in a drought). Water restrictions are typically only required during peak seasons, when treated water demand is at its highest. The Town of Niagara-on-the-Lake's By-Law #1943-88 is in place to enact water restrictions during situations of heightened demand.

6.2.5 Operational Challenges



A number of pressure-reducing valves (PRVs) (approximately 40) are installed throughout the Niagara-on-the-Lake DWS. These PRVs are owned and operated by Niagara Region and can cause pressure fluctuations within the Town's drinking water system if their operating settings are not optimized.

6.3 Bevan Heights DWS

6.3.1 *Niagara Falls Water Treatment Plant*

The Bevan Heights Distribution System receives treated drinking-water from the Niagara Falls WTP via the City of Niagara Falls' drinking water distribution system. ***While the Town is not responsible for water treatment processes, a description of the Niagara Falls WTP is included for informational purposes (refer to Section 6.2.2 of this Operational Plan).***

6.3.2 *Bevan Heights DWS: Water Distribution*

The Bevan Heights Distribution System is a small municipal residential system servicing 72 customers. Water is received from the City of Niagara Falls' distribution system. The original water system here dates to the 1950's. All watermains, appurtenances and service lines within the Bevan Heights subdivision were renewed in 2002. On September 24, 2012 the Ministry of the Environment requested that the water system on Concession 6 Road (Niagara Falls boundary to Highway 405) be included with Bevan Heights for the purpose of reporting. The watermain on Concession 6 Road was constructed in 1994. There are approximately 16 fire hydrants and 19 valves in the Bevan Heights system (including Concession 6 Road).

6.3.3 *Bevan Heights DWS: Source Water*

The Bevan Heights DWS receives treated drinking water from the Niagara Falls WTP via the City of Niagara Falls DWS. Treated water leaving the WTP must meet or exceed all regulatory requirements. The Region monitors treated water turbidity and free chlorine residual at the WTP discharge and provides this data to the Town on a weekly basis.

6.3.4 *Common Event-Driven Fluctuations*

As the Town of Niagara-on-the-Lake is not responsible for water treatment, the Town's operations are not directly impacted by fluctuations in raw water quality. Impacts of event-driven fluctuations (i.e., storms) are managed by the Region at the treatment stage and do not typically affect the Town's operation of the drinking-water distribution system.



Water volume has not been an issue in the past for the Bevan Heights DWS. The Welland River serves as the raw water source for the Niagara Falls WTP, and river volumes do not fluctuate to a degree that would compromise WTP operations. However, water restrictions may be enforced on occasion to compensate for limitations in flow capacities; these limitations are observed in Regional infrastructure. Treated water supply to storage facilities is a Regional responsibility, but water demand may dictate the need for restrictions (i.e. in a drought). Water restrictions are typically only required during peak seasons, when treated water demand is at its highest. The Town of Niagara-on-the-Lake's By-Law #1943-88 is in place to enact water restrictions during situations of heightened demand.

6.3.5 Operational Challenges

Significant challenges are not commonplace in the operation of the Bevan Heights DWS. The system infrastructure is relatively new and is thus in good condition. Additionally, the types and configurations of system infrastructure are relatively simple in nature (i.e., hydrants and valves only).

7.0 Risk Assessment

A procedure has been created to describe the Town of Niagara-on-the-Lake's DWQMS Risk Assessment process. The **DWQMS Risk Assessment** procedure (**PW-DW-PRO-004-001** – see *Appendix I*) documents the process for completing the Town of Niagara-on-the-Lake's DWQMS Risk Assessment, including the legislative, regulatory and internal requirements for this risk assessment and the criteria for assessing risk.

8.0 Risk Assessment Outcomes

8.1 Niagara-on-the Lake DWS

The most recent DWQMS Risk Assessment for the Niagara-on-the-Lake DWS was completed on December 19, 2018. The completed Risk Assessment Matrix (see Appendix II) documents the results of this DWQMS Risk Assessment. All hazards were identified, assessed and addressed according to Section 7.0 of this Operational Plan and the Town's **DWQMS Risk Assessment** procedure (**PW-DW-PRO-004-001**).

The Town's Critical Control Limit Monitoring and Response SOPs can be found in Appendix III and include monitoring and/or response requirements for Critical Control Limit exceedances. These procedures are identified as follows:

- **Water Sampling of Water Distribution System (PW-DW-SOP-012-001)**
- **Annual Watermain Flushing (PW-DW-SOP-011-003)**
- **MECP Watermain Disinfection Procedure, August 2020**
- **AWWA C651-14, "Disinfecting Water Mains" (not included in Appendix III)**
- **Niagara Municipalities Standard Operating Procedure for the Repair of Watermains (not included in Appendix III)**



8.2 Bevan Heights DWS

The most recent DWQMS Risk Assessment for the Bevan Heights DWS was completed on December 19, 2018. The completed Risk Assessment Matrix (see Appendix II) documents the results of this DWQMS Risk Assessment. All hazards were identified, assessed and addressed according to Section 7.0 of this Operational Plan and the Town's **DWQMS Risk Assessment** procedure (**PW-DW-PRO-004-001**).

The Town's Critical Control Limit Monitoring and Response SOPs can be found in Appendix III and include monitoring and response requirements for Critical Control Limit exceedances. These procedures are identified as follows:

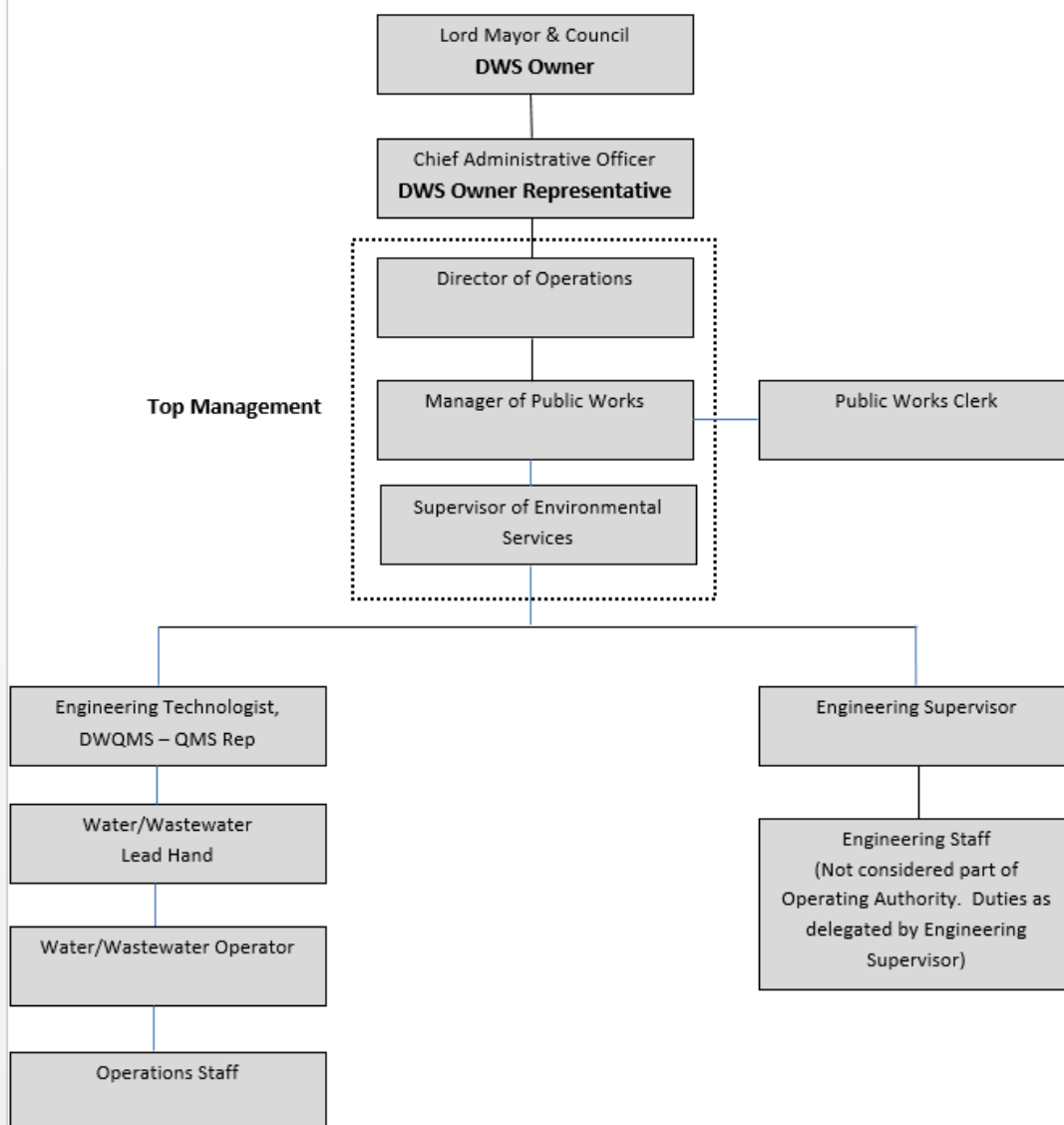
- ***Water Sampling of Water Distribution System (PW-DW-SOP-012-001)***
- ***Annual Watermain Flushing (PW-DW-SOP-011-003)***
- ***MECP Watermain Disinfection Procedure, August 2020***
- ***AWWA C651-14, "Disinfecting Water Mains" (not included in Appendix III)***
- ***Niagara Municipalities Standard Operating Procedure for the Repair of Watermains (not included in Appendix III)***

9.0 **Organizational Structure, Roles, Responsibilities and Authorities**

9.1 DWQMS Organizational Chart

The DWQMS Organizational Chart for the Town of Niagara-on-the-Lake's DWS is shown in Figure 9-1 below. The organizational structure depicted in Figure 9-1 applies in respect of both the Niagara-on-the-Lake and Bevan Heights drinking water systems.

Figure 9-1: Town of Niagara-on-the-Lake Organizational Chart



9.2 DWQMS Roles, Responsibilities & Authorities

The ***DWQMS Roles and Responsibilities Matrix (PW-DW-LM-005-001*** – see *Appendix I*) defines roles, responsibilities and authorities of staff within the Town of Niagara-on-the-Lake's Operating Authority and includes both general roles as well as DWQMS-specific responsibilities for each role³. The Matrix applies in respect of both the Niagara-on-the-Lake and Bevan Heights drinking water systems. The Matrix is

³ The role descriptions within the Matrix may not include specific position responsibilities related to other aspects of Town operations. Job descriptions are to be considered as the primary source for inclusive summaries of the listed roles.



reviewed periodically as specified in the **DWQMS Document Control Matrix (PW-DW-LM-002-001)** or as significant organizational changes occur within the Operating Authority. The QMS Representative and affected Supervisors are responsible to ensure that staff remain aware of their respective roles, responsibilities and authorities.

10.0 Competencies

A procedure has been developed to outline training requirements for Certified Water Operators at the Town of Niagara-on-the-Lake. **DWQMS Competencies & Training (PW-DW-PRO-006-001 – see Appendix I)** applies to all Certified Water Operators employed with the Town of Niagara-on-the-Lake's Public Works Department and includes roles and responsibilities for other non-licensed staff that may be responsible for coordinating, documenting, tracking and/or assisting in training.

All Certified Water Operators must maintain a certificate applicable to that type of subsystem as the Niagara-on-the-Lake and Bevan Heights DWSs. The ORO must hold a certificate for that type of subsystem that is of the same class or higher than the class of the Niagara-on-the-Lake and Bevan Heights DWSs. Certified Water Operators must complete training activities in accordance with O. Reg. 128/04, "Certification of Drinking Water System Operators and Water Quality Analysts".

The QMS Representative, is primarily responsible for arranging training for Certified Water Operators. The QMS Representative is responsible for tracking training records to ensure that Certified Water Operators are completing training activities as required to maintain Drinking Water Operator Certification. The QMS Representative reviews training records on a quarterly basis.

The **DWQMS Competencies Matrix (PW-DW-LM-006-001 – see Appendix I)** outlines the competencies of Operating Authority Personnel whose work directly affects drinking-water quality. The Matrix applies in respect of both the Niagara-on-the-Lake and Bevan Heights drinking water systems. The descriptions highlight only those required competencies relating to work affecting drinking-water quality; job descriptions are to be observed as the primary source of inclusive summaries for the listed positions.

All Certified Water Operators must complete the Ministry of the Environment's new mandatory training courses in order to maintain Drinking Water Operator Certification.

11.0 Personnel Coverage

A procedure, **DWQMS Personnel Coverage (PW-DW-PRO-007-001 – see Appendix I)**, has been developed to document the processes used by the Town of Niagara-on-the-Lake to ensure that adequate staffing & personnel coverage is maintained for effective DWS operation. This is an integrated procedure that applies in respect of both the Niagara-on-the-Lake and Bevan Heights drinking water systems. The procedure



details personnel coverage measures to be followed during regular business hours as well as evenings, weekends and holidays.

12.0 Communications

A procedure, ***DWQMS Communications (PW-DW-PRO-008-001 – see Appendix I)***, has been developed to outline the processes and methods used by the Top Management of the Town of Niagara-on-the-Lake's Operating Authority in communicating with the Lord Mayor and Council, Operating Authority staff, DWS Vendors, and the public on matters relating to the Town's drinking-water system.

13.0 Essential Supplies and Services

DWQMS Essential Supplies and Services (PW-DW-PRO-009-001 – see Appendix I) describes the processes by which the Town of Niagara-on-the-Lake identifies the supplies and services that it deems essential to its water-related operations and verifies the quality of the supplies and services insofar as they impact drinking-water quality. This is an integrated procedure that applies in respect of both the Niagara-on-the-Lake and Bevan Heights drinking water systems.

The ***List of Essential Drinking-Water System Supplies and Services (PW-DW-LM-009-001 – see Appendix I)*** lists essential supplies and services used in the operation & maintenance of the Town's drinking-water systems; these supplies and services are subject to the requirements of ***DWQMS Essential Supplies and Services (PW-DW-PRO-009-001)***. Supplies and services are deemed to be "essential" if they are essential to the safe delivery of water and/or if they relate to disinfection of drinking-water or drinking water infrastructure.

A Quality Assurance Review is undertaken for all DWQMS essential supplies and services as necessary (ie: new vendor, changes in management, materials or supplies). Essential supplies and services are evaluated according to criteria identified in ***DWQMS Essential Supplies and Services (PW-DW-PRO-009-001)***.

Results of the Quality Assurance Review are forwarded to Top Management along with any recommendations for Vendor non-conformances, Vendor continual improvement initiatives or Vendor exclusions. Top Management and any other affected Supervisors are informed if action is required with respect to a DWS Vendor.

Non-conformances may be issued to DWS Vendors and documented as per ***DWQMS Preventive and Corrective Action (PW-DW-PRO-017-001 – see Section 21.0 of this Operational Plan)***. Non-conformances are communicated to Vendors with a requested date for response. Vendor nonconformance reports (with corrective actions) are reviewed on an annual basis as part of the Vendor QA Review.



14.0 Review and Provision of Infrastructure

A procedure has been developed to outline the process followed by the Town of Niagara-on-the-Lake in reviewing the adequacy of its drinking-water system infrastructure. ***DWQMS Review and Provision of Infrastructure (PW-DW-PRO-010-001 – see Appendix I)*** is an integrated procedure that applies in respect of both the Niagara-on-the-Lake and Bevan Heights drinking water systems.

The DWS infrastructure review process is depicted as follows:

Members of the Town of Niagara-on-the-Lake's DWS Infrastructure Review Team are identified in ***DWQMS Review and Provision of Infrastructure (PW-DW-PRO-010-001)***. The DWS Infrastructure Review Team meets on an annual basis to review the previous year's operational history and proposed infrastructure rehabilitation plans for the subsequent year. The Team can complete a separate Infrastructure Review for each DWS, or may elect to complete an integrated Infrastructure Review that examines both DWSs.

15.0 Infrastructure, Maintenance, Rehabilitation and Renewal

The Town of Niagara-on-the-Lake's Public Works Department has established several infrastructure maintenance, rehabilitation and renewal programs to protect the integrity of its drinking-water system infrastructure and the quality of its drinking-water.

15.1 Infrastructure Maintenance Programs

Table 15-1 (following page) summarizes the drinking-water system infrastructure maintenance programs that are in place at the Town of Niagara-on-the-Lake. These programs apply in respect of both the Niagara-on-the-Lake and Bevan Heights drinking water systems unless otherwise noted.

Infrastructure maintenance programs are completed according to the levels of services outlined in Table 15-1. Deficiencies are corrected on a priority basis. Any fire hydrant deficiencies are considered to be of high priority and are repaired as soon as possible.

The Town of Niagara-on-the-Lake strives for continuous delivery of safe drinking water. To this end, the Town has established Operational Performance Indicators as a means of ensuring the continued performance of its infrastructure and the effectiveness of its maintenance programs. The table includes a summary of the Operational Performance Indicators outlined for selected infrastructure components. Operational Performance Indicators are established based on unexpected failures in infrastructure, and do not include deficiencies discovered during the completion of routine maintenance programs.

Table 155-1: DWS Infrastructure Maintenance Programs

Infrastructure Component	Level of Service			Operational Performance Indicator	Tracking Method
	Maintenance Activities	Frequency	Applicable Procedure		
Watermains	Complete emergency watermain break repairs.	As required.	Watermain Break Protocol (PW-DW-SOP-011-001)	<ul style="list-style-type: none"> Less than 15 system isolations required per year due to watermain breaks. Average repair time \leq 24 hours per break (annual average). 	Niagara-on-the-Lake Watermain Repair / Watermain Appurtenance Installation Report
	Complete leak detection.	As required.	Leak Detection (PW-DW-SOP-011-002)	<ul style="list-style-type: none"> Infrastructure Leakage Index $< \text{X}\%$.⁴ 	Contractor Report
	Complete watermain flushing.	Annually	Annual Watermain Flushing Program (PW-DW-SOP-011-003)	<ul style="list-style-type: none"> Completion of Program. Water quality indicators from sampling and testing 	Distribution System Log Book and/or GIS app. or hydrant flushing reports
Valves	Inspect and exercise valves, check valve boxes for deficiencies and paint valve box lids, perform minor maintenance on valves.	Complete for whole system once every 5 years.	Water Valve Maintenance (PW-DW-SOP-011-004)	<ul style="list-style-type: none"> Less than 10 inoperable valves permitted per 100 required uses. 	Valve Inspection and Maintenance Checklist and/or GIS app.

⁴ An operational Performance Indicator will not be set for Infrastructure Leakage Index until reliable data is available.

Infrastructure Component	Level of Service			Operational Performance Indicator	Tracking Method
	Maintenance Activities	Frequency	Applicable Procedure		
Fire Hydrants	Inspect and lubricate hydrants. Exercise secondary valves. Perform scheduled maintenance. Paint hydrant barrels.	Complete once every 5 years.	Hydrant Maintenance (PW-DW-SOP-011-005)	<ul style="list-style-type: none"> Completion of Program. 	Hydrant Inspection and Maintenance Checklist and/or GIS app.
	Check for operational problems (i.e. freezing).	Nov 1 to Mar 31 each year – monthly checks.	Hydrant Maintenance (PW-DW-SOP-011-005)	<ul style="list-style-type: none"> None. 	Hydrant Inspection and Maintenance Checklist and/or GIS app.
	Complete hydrant flow testing.	As needed.	Contractor's Protocol	<ul style="list-style-type: none"> None. 	Contractor Report
	Hydrant backflow preventer testing	Annually	Contractor's Protocol	<ul style="list-style-type: none"> Backflow test reports 	Contractor Report
Curb Stops & Boxes	Repair/replace curb stops and/or curb boxes.	As needed.	None	<ul style="list-style-type: none"> Operational 	Service Location Card
Water Services	Investigate and repair water service leaks on public property.	As needed.	Maintenance of Water Services on Public Road Allowances (PW-DW-SOP-011-007)	<ul style="list-style-type: none"> Average time to repair following locates ≤ 7 days. 	Service Location Card

Infrastructure Component	Level of Service			Operational Performance Indicator	Tracking Method
	Maintenance Activities	Frequency	Applicable Procedure		
Bulk Water Stations (Niagara-on-the-Lake DWS only)	Complete visual inspection of bulk water stations.	Monthly.	None	<ul style="list-style-type: none"> Two stations not out of service simultaneously. Each station out of service for less than 1 week /year. 	Bulk Water Station Inspection Checklist
	Inspect backflow prevention devices.	Annually.	Contractor Protocol	<ul style="list-style-type: none"> Zero failures permitted. 	Contractor Report
Blow-Offs	Repair and replace.	As needed (based on flushing results.	None	<ul style="list-style-type: none"> Zero adverse water quality incidents permitted as a result of low chlorine residuals. 	Distribution System Log Book
	Flush	Coincide with Flushing Program	Annual Watermain Flushing Program (PW-DW-SOP-011-003)	<ul style="list-style-type: none"> Zero failures permitted. 	Distribution System Log Book
Water Meters	Test & Replace	As needed	Testing and Repair of Water Meters (PW-DW-SOP-011-004)	<ul style="list-style-type: none"> Meter age Meter calibration test report 	Service Location Card



15.2 Infrastructure Rehabilitation & Renewal Programs

At the Town of Niagara-on-the-Lake, infrastructure rehabilitation and renewal activities are typically financed via capital expenditures and are thus examined in more detail during the DWQMS Infrastructure Review process (see Section 14.0 of this Operational Plan). Potential rehabilitation and renewal projects are evaluated on a case-by-case basis. Renewal activities are preferred where rehabilitation activities are not expected to adequately improve infrastructure performance and are not expected to be cost-beneficial.

Table 155-2 documents typical drinking-water system infrastructure rehabilitation and renewal programs in place at the Town of Niagara-on-the-Lake. These programs apply in respect of both the Niagara-on-the-Lake and Bevan Heights drinking water systems.

Table 155-2: DWS Infrastructure Rehabilitation & Renewal Programs

Infrastructure Component	Rehabilitation & Renewal Activities
Watermains – Replacement	Replacement initiatives are prioritized based on main break history, hydraulic capacity and issues with maintenance of chlorine residual. Water services that do not meet current Town standards may be replaced as needed in conjunction with replacement of the associated watermain.



16.0 Sampling, Testing and Monitoring

A procedure has been developed to outline the required distribution system sampling, testing and monitoring activities completed by the Town of Niagara-on-the-Lake's Operating Authority Staff in the operation of the Town's drinking-water systems. ***DWQMS Sampling, Testing and Monitoring (PW-DW-PRO-012-001*** – see Appendix I) also outlines the types and numbers of samples required, frequency of sampling and Standard Operating Procedures to be followed. This is an integrated procedure that applies in respect of both the Niagara-on-the-Lake and Bevan Heights drinking water systems.

Sampling and monitoring requirements for the Town's drinking-water distribution systems are identified in ***DWQMS Sampling, Testing and Monitoring (PW-DW-PRO-012-001)***. In some cases, selected samples are required to be taken at a point in the system where conditions are most challenging⁵. Where this is a requirement for the sample in question, sample location conditions are outlined in the procedure.

Treated water is provided to the Town of Niagara-on-the-Lake by the Niagara Region; as such, the Town's Operating Authority Staff are responsible for distribution system sampling as required by O. Reg. 170/03. The Niagara Region is required to conduct raw water and treated water sampling activities.

The Town's contracted accredited testing laboratory provides immediate oral notification to the Town in the event of an adverse test result. The Town then provides immediate oral notification to the Niagara Medical Officer of Health and the Ministry of the Environment Spills Action Centre. Guidance in reporting and responding to Adverse Water Quality Incidents is provided in ***Reporting of Adverse Test Results (PW-DW-SOP-012-002*** – see Appendix I) and ***Corrective Action for Adverse Water Quality Samples (PW-DW-SOP-012-003*** – see Appendix I).

The Drinking-Water System Annual Reports summarize all drinking-water system sampling and testing, including any adverse results. This report is made available to the public upon completion each year, and forms the basis for a more detailed Summary Report that is presented to Council for information purposes.

⁵ As per O. Reg. 170/03, "Drinking Water Systems".



17.0 Measurement and Recording Equipment Calibration and Maintenance

DWQMS Measurement and Recording Equipment Calibration and Maintenance (PW-DW-PRO-013-001 – see *Appendix I*) outlines requirements for the calibration and verification of measurement and recording equipment used for sampling, testing and monitoring.

All measurement, monitoring and recording devices owned by the Town of Niagara-on-the-Lake and used in Water Distribution Operations are subject to periodic calibration by Operating Authority Staff and to occasional calibration by the manufacturer, if required. **DWQMS Measurement and Recording Equipment Calibration and Maintenance (PW-DW-PRO-013-001)** lists the measurement and recording equipment used by the Operating Authority in respect of the drinking-water system and specifies calibration requirements for each piece of equipment.

Types of equipment used in DWS sampling, testing and monitoring include:

- Pocket Colorimeters;
- pH Testers;
- Portable pressure gauges.

These pieces of equipment are used to complete sampling, testing and monitoring activities for both of the Town's drinking water systems.

For each piece of equipment, **DWQMS Measurement and Recording Equipment Calibration and Maintenance (PW-DW-PRO-013-001)** provides information including manufacturer name, equipment model number and serial number, calibration frequency, and associated calibration SOPs.

18.0 Emergency Management

The purpose of **DWQMS Emergency Management (PW-DW-PRO-014-001** – see *Appendix I*) procedure is to identify the Town's **Water Operations Emergency Response Plan (PW-DW-MAN-014-001)**, to specify training and testing requirements for this Plan, and to outline emergency communication protocols and emergency contacts.

The **Water Operations Emergency Response Plan (PW-DW-MAN-014-001)** applies in respect of both the Niagara-on-the-Lake and Bevan Heights drinking water systems. The **Emergency Response Plan** includes detailed emergency response procedures for the following identified emergencies; these are listed below and are included as Appendix IV to this Operational Plan.



- ***Biological Contamination of Water (PW-DW-PRO-014-002)***
- ***Chemical Contamination of Water – Known Contaminant (PW-DW-PRO-014-003)***
- ***Chemical Contamination of Water – Unknown Contaminant (PW-DW-PRO-014-004)***
- ***Suspected Intentional Contamination of Water (PW-DW-PRO-014-005)***
- ***Suspected Backflow Event (PW-DW-PRO-014-006)***
- ***Unexpected Loss of System Pressure (PW-DW-PRO-014-007)***
- ***Loss or Decrease of Regional Water Supply (PW-DW-PRO-014-008)***
- ***Drinking Water Quality Advisory / Boil Water Advisory (PW-DW-PRO-014-009)***

Communication protocols for each emergency scenario are embedded in the respective emergency response procedures.

A list of emergency contacts is found in ***DWS Emergency Contact List (PW-DW-LM-014-001*** – see *Appendix IV*). The Contact List includes contact information for both internal and external Water Operations contacts that may be required in an emergency.

Emergency response procedure training requirements for Operating Authority staff are outlined in Table 1 of ***DWQMS Emergency Management (PW-DW-PRO-014-001)***.

On an annual basis, at least one emergency response procedure contained within the ***Water Operations Emergency Response Plan (PW-DW-MAN-014-001)*** is selected for staff training and testing. Emergency response procedures are reviewed and updated as required in conjunction with these periodic testing activities.



19.0 Internal Audits

A procedure has been created to describe the Town of Niagara-on-the-Lake's DWQMS Internal Auditing Program & associated processes. **DWQMS Internal Auditing (PW-DW-PRO-015-001 – see Appendix I)** documents required activities & processes relating to the planning, execution and documentation of DWQMS Internal Audits, including recording of non-conformances and reporting of results to Top Management and the Owner.

DWQMS Internal Auditors are selected by Top Management and must achieve and maintain defined competency requirements in order to fulfill this role. Required competencies include the following:

- Internal Auditors must possess an understanding of both the requirements and the intent of the DWQMS Standard;
- Internal Auditors must receive appropriate Internal Auditor Training;
- Internal Auditors should have a good knowledge of drinking-water system operations and of drinking water quality requirements;
- Internal Auditors must be familiar with the Public Works Department's DWQMS auditing procedures and protocols.

The Lead Auditor and QMS Representative work together to plan and execute the annual DWQMS Internal Audit with the assistance of the Internal Audit Team. The role of Lead Auditor can be fulfilled by the QMS Representative if desired. Internal Auditors must remain objective and impartial throughout the audit process, and cannot audit their own work or work areas.

Audit conclusions may identify actual or potential non-conformances in current operations or processes, indicating the need for corrective action or preventive action, respectively. Auditors may also suggest potential improvement initiatives. Actual and potential non-conformances must be documented and resolved according to the Operating Authority's defined continual improvement process (refer to Section 21.0 of this Operational Plan). Completion and effectiveness of corrective and preventive actions are verified by the Lead Auditor or an Internal Audit Team delegate.

Upon completion of scheduled internal audits, the QMS Representative (or designate) reviews audit findings and compiles the information for presentation to Top Management as part of the annual DWQMS Management Review (refer to Section 20.0 of this Operational Plan). Audit findings must be considered in future relevant audits.

The Town of Niagara-on-the-Lake's DWQMS must be audited in its entirety at least once every calendar year.



20.0 Management Review

A procedure has been developed to document the process followed by Top Management in planning, executing and documenting DWQMS Management Reviews, including provision of feedback to the Operating Authority and reporting of review results to the Owner.

The Management Review process ensures that all levels of the organizational structure are kept informed and aware of the DWQMS and DWS performance. The QMS Representative has a significant role in the DWQMS Management Review process, compiling all required input data for presentation to Top Management and attending Management Review meetings as a facilitator.

Required inputs to the review process are listed in ***DWQMS Management Review (PW-DW-PRO-016-001)***; examples include details of operational performance, drinking water quality results, consumer feedback and staff suggestions. Other Town staff may be invited to assist in presenting information to the Management Review Team, or in reviewing the information presented, where they offer additional expertise or insight regarding the subject matter. Top Management is responsible for reviewing the input materials presented, identifying deficiencies, and formulating and delegating action items to address the deficiencies.

Management Review meetings can be conducted as one meeting per calendar year at a minimum, or may be split into several smaller meetings over the course of the year. Either method is acceptable as long as all required review inputs and agenda items are addressed over the course of the year.

DWQMS Management Review outputs are documented and retained as proof of completion, and results of the Management Review are communicated to the Owner as per ***DWQMS Management Review (PW-DW-PRO-016-001)***.



21.0 Continual Improvement

A procedure has been developed to document the process followed to ensure effective resolution of DWQMS non-conformances. **DWQMS Preventive & Corrective Action (PW-DW-PRO-017-001 – see Appendix I)** addresses both potential and actual non-conformances and includes root cause analysis, identification and implementation of preventive or corrective actions, and verification of their effectiveness.

The handling of Adverse Water Quality Incidents (AWQIs) is not included in the scope of **DWQMS Preventive & Corrective Action (PW-DW-PRO-017-001)**. Separate procedures, **Reporting of Adverse Test Results (PW-DW-SOP-012-002)** and **Corrective Action for Adverse Water Quality Samples (PW-DW-SOP-012-003)**, have been developed to document processes for addressing these occurrences.

Potential and actual DWQMS non-conformances are identified through several different means, including but not limited to DWQMS audits, internal and external communication, monitoring and measurement of DWQMS performance, employee observations/suggestions, and DWQMS Management Reviews. The nonconformance is documented on a **DWQMS Preventive & Corrective Action Request Form (PW-DW-FRM-017-001)**; this form is used to document the root cause of the non-conformance, associated preventive and/or corrective actions, and follow-up verification activities. Operating Authority Staff are selected to implement preventive or corrective actions. The QMS Representative (or designate) then verifies the effectiveness of the preventive or corrective action. The Director of Operations (or designate) is responsible for approving and closing DWQMS Preventive and Corrective Requests, and will only do so once the effectiveness of the implemented solution has been verified by the QMS Representative.

Continual Improvement is tracked through the procedure **Continual Improvement (PW-DW-PRO-017-002)**. All items deemed as Continual Improvement are logged and subsequently evaluated for effectiveness through the **DWQMS Continual Improvement Action Item Log (PW-DW-FRM-018-001)**.

The QMS Representative retains records of DWQMS Preventive & Corrective Action Requests and the Continual Improvement Action Items and generates an annual summary for presentation as an input to DWQMS Management Reviews.



Town of Niagara-on-the-Lake

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REPORT #: OPS-23-032 **COMMITTEE DATE:** 2023-05-16
REPORT TO: COTW-General **DUE IN COUNCIL:** 2023-05-23
SUBJECT: Caleche – Annual Renewal Agreements and Expansion Request

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council approve the 2023 Licence to Occupy Town Land Agreement (LOTLA) to occupy lands owned by the Town of Niagara-on-the-Lake with the two existing Owner/Operators – Sentineal Carriages Inc. and Queens Royal Tours (**Appendix I & II**);
- 1.2 Council approve the revised Operating Terms of Reference (OTR) for operating a Caleche in the Town of Niagara-on-the-Lake (**Appendix IV**), specifically:
 - 1.2.1 Revising Section 24 – *Number of Caleche Allowed in Town at Any Given Time*, to specifically state the two existing Owner/Operators only be permitted to operate;
 - 1.2.2 Revising Section 25 – *Licencing*, to include a sunset clause;
 - 1.2.3 Revising Section 26 – *New Licencing*, to not accept any new licences; and
- 1.3 Council approve the Lord Mayor and Town Clerk to authorize the Licence to Occupy Town Land Agreement for Sentineal Carriages Inc. and Queens Royal Tours.

2. EXECUTIVE SUMMARY

- Town Staff are dedicated to ensuring caleche operations can operate safely within the Town of Niagara-on-the-Lake.
- The proposed OTR has been modified to include revised Sections 24, 25 and 26 (**Appendix IV**, pages 8 to 10), including but not limited to, adding a sunset clause, and refusing current and future requests for additional licences to operate.
- This Report seeks the required annual approval of the Land to Occupy Town Land Agreement (LOTLA) and revised Operating Terms of Reference (OTR) for the two existing Operators, for a total of five (5) licences.
- As well, at the April 11, 2023 Committee of the Whole – General meeting, Council directed Staff to review a delegate's request to operate as a caleche operator in the Town of Niagara-on-the-Lake.
- The Report recommends against adding any new operators or issuing any new LOTLA because beyond the limit of five licences would cause capacity concerns and have a negative impact on traffic and safety.
- Staff recommends that Council approve the recommendations of this report and the

attached Agreements (**Appendix I & II**) and Operating Terms of Reference (**Appendix IV**).

3. PURPOSE

The purpose of this report is to seek Council's approval to authorize a Licence to Occupy Town Land Agreement (LOTLA) and revised Operating Terms of Reference (OTR) with the two existing Operators in the Town of Niagara-on-the-Lake; Sentineal Carriages Inc. and Queens Royal Tours. Further, the purpose of the report is also to respond to Council's direction at the April 11, 2023 Committee of the Whole – General meeting, for Staff to review Rhonda Cave's delegation request and bring forward a report at the May 16, Committee of the Whole – General meeting.

4. BACKGROUND

In May 2022, Council approved Report OPS-22-022 which authorized Licence to Occupy Town Land Agreements at the corner of King & Queen Street (LOTLA) for two Operators; Sentineal Carriages Inc. and Queens Royal Tours. In addition to revising the OTR that Council has previously approved (CS-10-017), the LOTLA and the OTR helps guide the caleche operations in future years.

In 2022, engagement was undertaken with the following organizations:

- a) Town of Niagara-on-the-Lake – Staff and external legal counsel
- b) Caleche Operator – Sentineal Carriages Inc.
- c) Caleche Operator – Queens Royal Tours
- d) Niagara Region – Business Licensing Staff and
- e) Town's legal counsel

The LOTLA defines the area of operations in the Town road allowance and the term. Town Staff discussed with the Niagara Region Business Licensing Department to ensure alignment with the caleche Operators' approvals under Regional By-law 2021-58, as amended. An annual renewal clause was included that requires Council approval.

The LOTLA was drafted in 2022, in consultation with the Town's solicitor, to ensure the necessary controls are in place. The main sections of the LOTLA detail the following areas:

- Area to be occupied by the caleche operation
- Term of the Agreement
- Annual licence fee
- Timing of operations
- Niagara Region licensing requirements
- Insurance requirements
- Termination of the licence agreement
- Covenants

The OTR was revised in 2022 to provide an operating framework for the existing Operators. The main sections of the OTR detail the following areas:

- Town Requirements & Expectations
- Operating Routes/Districts
- Other Operating Specifications
- Licensing
- Enforcement
- Guiding Principles
- Functions of the Caleche

On April 11, 2023, Town Council received a delegation from Ronda Cave to request permission to operate a caleche within the Town of Niagara-on-the-Lake. This would add an additional caleche Operator in the Town, bringing the total number of caleche Operators to three (3). The following motion was approved at the meeting:

Moved By: Lord Mayor Zalepa

That Ronda Cave's request be referred back to Staff and for Staff to bring forward a report at the May 16th meeting.

APPROVED (8-0)

5. DISCUSSION / ANALYSIS

Town Staff has reviewed the current OTR to identify sections that apply to the delegation Council received on April 11, 2023.

Existing OTR Sections - Review:

Section 24 of the existing OTR addresses the number of caleches allowed in Town at any given time:

24. NUMBER OF CALECHE ALLOWED IN TOWN AT ANY GIVEN TIME

The Town Council has repeatedly stated its intent to limit the number of permissions to five (5). Outside of the busy season, five (5) Caleche aren't necessary to handle the existing volume of customers. Staff still advocate for a limit of five (5) Caleche permissions and the current limit is able to accommodate the demand without causing an excessive impact on traffic, safety concerns etc. Having said that, there have been times when the volume of caleche has been problematic. Should portions of the caleche business operation rely on the use of other private properties for: a staging area, parking, travel route, turn around, etc., then the caleche owner shall provide the Town with a copy of a letter from the applicable private property owner confirming no objection and applicable timelines / terms (if any).

Section 26 addresses a new licence and states the following:

26. NEW LICENCES:

In the event that Council decides to increase the number of Licences available, the existing operators will be given preference when applying for the new Licence. Council

may grant the Licence to either of the existing operators, or to another applicant, at their discretion. The onus is on the new operator to demonstrate that they will operate within these OTR and provide sustainable value to the community.

Preference will also be given to caleche operators who provide a livery site within the municipality.

The Regional Municipality of Niagara's Business Licensing Department requires that the owner of a caleche business obtain a licence to operate as per the Niagara Regional Business Licensing By-law No. 2021-58 (as amended) to be able to charge patrons a fee. To be approved for a caleche licence from the Niagara Region, one of the conditions is that the caleche business receives Permission/Licence from the municipality where they intend to operate.

Currently, in Niagara-on-the-Lake, only five (5) licences will be granted to operate from the King & Queen Street location. Under the current approved OTR, the two caleche companies that have the Town's permission to operate in the Town of Niagara-on-the-Lake are Sentineal Carriages Inc. and Queens Royal Tours Inc.

- a) Sentineal Carriages Inc. has three (3) licences to occupy lands owned by the Town*
- b) Queens Royal Tours has two (2) licences to occupy lands owned by the Town*

Over the past five years, caleche Operators have been phased out of cities like Toronto, Montreal and New York City - Central Park. As this trend likely will continue, Town Staff has recommended that the current OTR be revised (refer to **Appendix IV**) to sunset the permissions on the existing Operators. This would mean that permission to operate a caleche in the Town of Niagara-on-the-Lake would be revoked if the current Operators closes, sells their business, or declares bankruptcy. In addition, effective the 2024 season, if service is discontinued for a one full season, a licence would be revoked.

In addition, Town Staff is seeking permission from Council to revise the OTR to deny any new Operator permission to run a caleche in the Town of Niagara-on-the-Lake.

Revised OTR Sections:

If this report is approved, the following sections of the OTR will have language revisions:

- Section 24 - Number of Caleche allowed in the Town at any given time*
- Permanently cap permissions at five (5)*
 - Cap permissions at three (3) Sentineal Carriages*
 - Cap permissions at two (2) Queens Royal Tours*

(Refer to **Appendix IV**, page 8)

- Section 25 - Licensing*
- Permanently cap permissions at five (5)*
 - Remove licence transferability*

- Remove the new Operator process
- Sunset clause on existing Operators

(Refer to **Appendix IV**, page 8 to 10)

- Section 26
- New Licences
 - Deletion of this section

(Refer to **Appendix IV**, page 10)

As part of Report OPS-22-022, it indicates that Council will approve the existing Operators governed under the LOTLA and OTR annually. Town Staff is recommending the LOTLA and revised OTR for both existing Operators be renewed for the 2023 season and that the annual fee of \$500 is collected.

6. STRATEGIC PLAN

Pillar(s)

1. Protect Distinctive Community Assets

Objective(s)

1.1 Preserve unique community elements

Tactic(s)

1.3 a) Actively steward heritage, agricultural, wine and cultural assets for the benefit of residents and tourists

7. OPTIONS

- 7.1 **Option 1:** Council approves the recommendations of this report as presented.
(Recommended)
- 7.2 **Option 2:** Council modifies the recommendations of this report. *(Not Recommended)*
- 7.3 **Option 3:** Council declines the modifies the recommendations of this report. *(Not Recommended)*

8. FINANCIAL IMPLICATIONS

Section 2.01 of the LOTLA identifies the requirements for payment of an Annual Licence Fee. That fee was determined to be \$500 per caleche Operator per year. Payment terms identify April 1 of each year as the due date.

9. ENVIRONMENTAL IMPLICATIONS

A Caleche operation has minimal impact on the environment. The operation emits far fewer emissions than a motor vehicle. The low speed of the caleche will allow the customers a unique view of the natural beauty of the Town of Niagara-on-the-Lake.

10. COMMUNICATIONS

Upon approval by Council, Staff will coordinate with the caleche Operators to finalize the requirement of the LOTLA and the OTR. Also, Staff will forward the direction of Council to Ms. Cave. Additionally, Town Staff will forward the decision of Council to the Niagara Region Business Licensing Department.

11. CONCLUSION

The caleche operations provide a unique view of the Town and a heritage tourism element. This report preserves the existing caleche operations, addresses the municipal operational challenges, and balances the needs of the caleche operations, residents, businesses and visitors.

12. PREVIOUS REPORTS

- **CS-10-017 – Caleche**
- **OPS-22-022 – Caleche Licence to Operate**

13. APPENDICES

- **Appendix I** – Licence to Occupy Town Land Agreement (LOTLA) – Sentineal Carriages
- **Appendix II** – Licence to Occupy Town Land Agreement (LOTLA) – Queens Royal Tours
- **Appendix III** – Schedule A – Map – King and Queen Street Locations
- **Appendix IV** – Schedule B – Revised Caleche Operating Terms of Reference


Respectfully submitted:

Prepared by:



Kevin Turcotte, Manager of Parks and Recreation, Department of Operations

Recommended by:



**Rome D'Angelo
Director, Department of Operations**

Submitted by:



**Marnie Cluckie, MS.LOD, B.ARCH, B.ES
Chief Administrative Officer**

**LICENCE TO OCCUPY LAND OWNED
BY THE CORPORATION OF
THE TOWN OF NIAGARA-ON-THE-LAKE**

THIS AGREEMENT made this 23rd day of May, 2023.

BETWEEN

**THE CORPORATION OF THE TOWN OF
NIAGARA-ON-THE-LAKE**
(hereinafter called the "Licensor")

- and -

SENTINEAL CARRIAGES INC.
(hereinafter called the "Licencee")

WHEREAS:

1. The Licensor is the registered owner of the lands legally described as PIN 46405-0001 being King Street bounded by Queen Street and Picton Street to the north and Johnson Street and Platoff Street to the south, in the Town of Niagara-on-the-Lake;
2. The Licensor has agreed to grant a licence to the Licencee over that portion of King Street as shown on Schedule "A" attached hereto, (the "Lands") for the purposes of permitting the Licencee to use the Lands for the purposes set out in this Licence Agreement.;

IN CONSIDERATION of the premises and other good and valuable consideration the parties agree as follows:

TERM

1.01 The Licensor grants to the Licencee the use of the Lands for the purposes hereinafter set forth, for the period of one (1) year, commencing April 1, 2023 and expiring on the first (1) day of April, 2024

1.02 The Licencee hereby accepts the Lands in their condition as of the date hereof and will not call upon the Licensor to do or pay for any work or supply any equipment to make the Lands more suitable for the proposed use by the Licencee hereunder.

1.03 The Licencee shall make no alterations to the Lands without first obtaining the written permission of the Licensor.

1.04 The Licensor will entertain the renewal of this licence based on the Licencee obtaining a business licence from the Niagara Region to operate on an annual basis.

CONSIDERATION

2.01 The Licencee shall pay the Licensors and Annual Licence Fee in each year of the term of this Licence Agreement, which shall be comprised of the Base Licence Fee plus an annual Escalation Fee as set out below:

YEAR BEGINNING	BASE LICENCE FEE	ESCALATION FEE	ANNUAL LICENCE FEE
2023	\$ 500	\$ NIL	\$ 500

2.02 During each year of this Licence Agreement, the Licencee agrees to pay the Licensors one hundred per cent (100 %) of the Annual Licence Fee for the year on the 1st day of April.

2.03 The Annual Licence Fee shall be exclusive of any Harmonized Sales Tax payable in the Province of Ontario, which shall be payable by the Licencee to the Licensors in addition to the Annual Licence Fee.

PURPOSES

3.01 The Licensors hereby grants permission to the Licencee to have the **exclusive use** of the Lands for the following primary purposes and associated activities only:

- (a) Parking space for the loading and unloading of passengers as required, for a maximum of three (3) Caleche between the hours of 6 a.m. and 1230 a.m. daily during the Term.

3.02 In this Agreement "Caleche" means a horse-drawn vehicle used on sightseeing trips or otherwise for hire.

TERMS OF OPERATION OF CALECHE

4.01 The Licencee covenants and agrees with the Licensors that the caleche operation shall be conducted in accordance with the following terms and conditions:

- (a) The Licencee shall obtain and maintain in force all licences required by Regional Municipality of Niagara By-law 2021-58 (as amended) with respect to the vehicles and drivers engaged in the operation of the caleches on the Lands, and shall provide the Licensors with a copy of all such licences

annually no later than May 1st in each year of the Term;

- (b) No caleche tours shall operate before 6 a.m. or after 1230 a.m.; and
- (c) The drivers of the caleches and all employees of the Licencee shall refrain from engaging in any verbal confrontations on the Lands with those protesting the operation of the caleche.

4.02 The Licencee covenants and agrees with the Licensor to abide by the terms set out in Schedule B – Niagara-on-the Lake Caleche Operating Terms of Reference (OTR)

INSURANCE AND INDEMNITY

5.01 Prior to May 1 in each year of the Licence Agreement, the Licencee shall provide the Licensor with an insurance certificate satisfactory to the Licensor which identifies the Licensor as a co-insured for the caleche operations of the Licencee with a Public Liability policy limit against claims for personal injuries, death, loss of or damages to property, occurring on, in or about the Lands arising or resulting from or attributable to the use, occupation and maintenance of the Lands by the Licencee, of at least five Million Dollars (\$5,000,000.00) in respect of any personal injury or death to a single person or in respect to any one occurrence. Without limiting the generality of the foregoing, such public liability insurance shall contain provisions for cross-liability, severability of interests, and no cancellations or alterations without the consent of the Licensor.

5.02 The Licencee acknowledges and agrees that the failure of the Licencee to maintain this insurance coverage in force shall entitle the Licensor to immediately suspend all of the Licencee's operations at the Lands. Further, the Licensor shall be entitled to terminate this Licence Agreement if insurance coverage is not obtained within 7 days of delivery of written notice by the Licensor to the Licencee requiring proof of reinstatement of insurance coverage.

5.03 The Licencee shall at all times indemnify and save harmless the Licensor from and against any and all claims, demands, losses, costs, charges, expenses, actions and other proceedings made, brought against, suffered by or imposed on the Licensor or its property in respect of any failure by the Licencee to fulfill any of its obligations under this agreement or for any reason whatsoever or in respect of any loss, damage or injury (including injury resulting in death):

- (a) to any person or property (including, without restricting the generality of the foregoing, employees, contractors, agents and property of the Licensor) directly or indirectly arising out of, resulting from or sustained by reason of the occupation or use of the Lands, or any operation in connection therewith or any fixtures or chattels thereon, or
- (b) to any person while on adjoining lands of the Licensor in the course

of that person's entry onto or exit from the Lands.

5.04 The Licensor shall not be liable, directly or indirectly, for any personal injuries that may be suffered or sustained by any person who may be on the Lands or for any loss of or damage or injury to property belonging to the Licencee or any other person.

5.05 The Licencee hereby releases the Licensor from liability arising from any perils against which the Licencee is insured, or pursuant to the Licence Agreement, is obliged to ensure, whether or not such loss or damage may have arisen out of the negligence of the Licensor or its agents or employees.

TERMINATION OF LICENCE AGREEMENT

6.01 The Licensor shall be entitled to terminate this Licence Agreement prior to its expiry in accordance with the provisions of Section 5, and in addition the Licensor may terminate the Licence Agreement as follows:

- (a) If the Annual Licence Fee or the municipal taxes payable by the Licencee, or any parts thereof, shall be in arrears, or unpaid for thirty (30) days after the date on which payment is due, the Licensor shall be entitled to re-enter the Lands premises and thereafter possess and enjoy the Lands and all improvements thereon.
- (b) If the Licencee defaults in performing any of its obligations under this agreement, or breaches any of its covenants hereunder, the Licensor shall give written notice to the Licencee of such default giving the Licencee Thirty (30) days to remedy such default, failing which the Licensor may terminate this Licence and the Licencee shall then forthwith remove its chattels from the Lands.

6.02 No acceptance by the Licensor of any recent or subsequent breach or default nor any condoning, excusing or overlooking by the Licensor on previous occasions of breaches or defaults similar to that for which re-entry is made shall be taken to operate as a waiver of this term or condition nor in any way alter or defect the rights of the Licensor hereunder.

6.03 Unless by waiver given in writing by the Licensor, the Licensor shall not be deemed to have waived any breach by the Licencee of any of the terms or conditions of this Licence Agreement and a waiver relates only to the specific breach to which it refers and in no way affects or limits the right of the Licensor with respect to any breach to which it does refer.

6.04 The early termination of this Licence Agreement by the Licensor due to the default of the Licencee shall not relieve the Licencee from payment to the Licensor of

the Maximum Annual Licence Fees payable for the remainder of the term of the licence.

ARBITRATION

7.01 Any and all disputes, claims or controversies arising out of or in any way connected with this Licence, its performance, or breach shall be referred to and finally resolved by binding arbitration by a sole arbitrator from which there shall be no appeal.

7.02 The place of arbitration shall be Niagara-on-the-Lake. The language of the arbitration proceedings shall be English. The arbitration shall be conducted under the *Arbitrations Act*, S.O. 1991, C. 17, as amended.

7.03 If any provision of this Agreement is held by competent authority to be invalid, illegal or unenforceable resulting in the intent of either party not being preserved, this Agreement shall either be renegotiated or terminated by either party.

COVENANTS

8.01 The Licencee covenants with the Licensor:

- (a) To pay the licence fees as set out in Section 2;
- (b) To pay taxes (including local improvements) and all rates and other charges imposed on or with respect to the land as same become due;
- (c) To use the land only for the purposes set out in Section 3;
- (d) To maintain the appearance of the Lands and the equipment thereon in a neat, clean and well-kept manner appropriate to the condition of land in the area;
- (e) To ensure that no refuse, litter, garbage or loose or objectionable material accumulates in or about the Lands;
- (f) To permit the Licensor or its agents or employees at all reasonable times to enter and examine the state of repair of the Lands and to make such repairs as may be deemed necessary by the Licensor from time to time;
- (g) Not to assign this agreement without the prior written consent of the Licensor, which consent may be unreasonably withheld;
- (h) To leave the Lands in substantially the same condition at the expiry of this agreement as they were at the commencement of this agreement;
- (i) To comply with all federal, provincial and municipal laws, rules, regulations and

- by-laws and to hold the Licensor harmless from the consequences of its failure to do so; and
- (j) To comply with all of the terms, conditions and obligations imposed by this Licence Agreement

NOTICE

9.01 Any notice required to be given to the Licensor under the terms of this agreement is deemed to be sufficiently given:

- (a) If served personally on the Town Clerk for the Corporation of The Town of Niagara-on-the-Lake; or
- (b) If mailed by prepaid registered mail addressed to the Licensor at

Town Clerk
Town of Niagara-on-the-Lake
1593 Creek Road, P.O. Box 100
Virgil, ON L0S 1T0

9.02 Any notice required to be given to the Licencee under the terms of this agreement is deemed to be sufficiently given

- (a) if served personally on any officer or executive of the Licensor; or
- (b) mailed by prepaid registered mail addressed to the Licencee at

Sentineal Carriages Inc.
1055 Line 1 Road RR2
Niagara-on-the-Lake, ON L0S 1J0

In either case, such notice shall be deemed to have been received on the date of its delivery or in the case of mailing, Five (5) business days after it is delivered to the post office.

BINDING EFFECT

10.01 This agreement shall ensure to the benefit of, and be binding upon the parties and their respective successors and (where permitted) assigns.

IN WITNESS WHEREOF the parties have affixed their respective corporate seals
attested by the hands of their respective officers duly authorized in that behalf.

THE CORPORATION OF THE TOWN
OF NIAGARA-ON-THE-LAKE

Lord Mayor

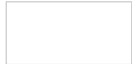

Deputy Town Clerk

SENTINEAL CARRIAGES INC.

Laura Sentineal – President
I have authority to bind the Corporation.



Legend

-  Parcels
-  Horse Carriage Area

Notes:
Schedule A -
King & Queen St
Location



SCHEDULE B
Niagara-on-the-Lake
Caleche Operating Terms of Reference (OTR)
~~June 2022~~ May 2023

The Town of Niagara-on-the-Lake (“NOTL”) has agreed to grant a licence to the Licencee over the Lands, as shown on Schedule “I”, via a Licence to Occupy Land Owned by The Corporation Of The Town Of Niagara-On-The-Lake (the “Agreement”).

The purpose of this Caleche OTR is to outline requirements and expectations about how the Caleche will operate within NOTL. This guiding document will outline the general principles and provide a framework for the Agreement.

~~All terms & conditions were defined in collaboration with the two caleche owners currently in operation (Sentineal Carriages, owned by Fred and Laura Sentineal; and Queens Royal Tours, owned by Jeff Sentineal). In some cases, NOTL’s by laws or Council requirements superseded any opportunity for negotiation.~~

~~It was agreed by all parties that these terms would set out how the caleche operations will operate in NOTL for the length of the licence.~~

RELATIONSHIP TO THE REGIONAL MUNICIPALITY OF NIAGARA

The Regional Municipality of Niagara (“Niagara Region”) regulates and governs businesses carried on within the Region, and provides for a system of licences for said businesses. Niagara Region provides licences for vehicles used for hire (including caleches) for the purposes of ensuring the health and safety of passengers, drivers, and animals, for the protection of persons, property, and animals, and to ensure consumer protection and efficient vehicle-for-hire services within the Region.

The licences issued by Niagara Region provide authorization under the Region’s By-law No. 2021-58 to carry on a business specified therein; and the document, certificate, or card issued, shall provide evidence of such authority as the content may allow. This By-law contains provisions regards the licensing, regulating, and governing of various businesses, with additional general provisions for Caleche owners in section 49.

The licences issued by NOTL provides authorization to occupy the Lands in NOTL for the purposes detailed in the Agreement, such as a parking space for the loading and unloading of passengers as required.

At this time, the ability for NOTL to issue a licence to Caleche owners/operators is directly dependent on said owner/operator having a current and valid licence from Niagara Region to carry on business. The terms and conditions of the NOTL licence, and this corresponding OTR, relate to the occupation of lands, not the general ability to carry on business.

TOWN REQUIREMENTS & EXPECTATIONS (LEGISLATED, BYLAW, SAFETY ETC.)

1. PROFESSIONAL CONDUCT

Caleche drivers, footmen and owners are expected at all times to conduct themselves with professionalism and dignity. Operators are required to treat other drivers, tourists and customers with the utmost respect, courtesy and consideration.

2. CALECHE OWNERS/OPERATORS SHALL AT ALL TIMES OBEY THE REGIONAL LICENSING REQUIREMENTS

The Regional Municipality of Niagara (“Niagara Region”) requires that the owner of a caleche business obtain a licence to operate as per the Niagara Regional Business Licencing By-law No. 2021-58 in order to be able to charge patrons a fee. In order for a caleche business to obtain a licence from Niagara Region, one of the conditions is that the caleche business obtains permission from the municipality in which they are intending to operate, which in this case, is the Town of Niagara-on-the-Lake (“NOTL”).

All requirements of the caleche licence as granted by The Regional Municipality of Niagara must be followed and a copy of the licence shall be provided to the Town of Niagara-on-the-Lake.

3. CALECHE OWNERS/OPERATORS SHALL AT ALL TIMES OBEY OTHER LEGISLATED REQUIREMENTS

- i. Operators must follow all requirements of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as may be amended, and obey all applicable traffic laws.
- ii. Operators must operate in accordance with all municipal by-laws with respect to the use of Town roads, parking spaces, noise, signage etc.
- iii. Operators must operate in accordance with all Niagara Regional by-laws with respect to the use of Regional roads, parking spaces, noise, signage, etc.
- iv. Road or lane closures are not permitted at any time, unless prior authorization has been provided by the Town.
- v. Caleche drivers must have a valid caleche licence.
- vi. Slow moving vehicle sign has to be mounted on rear of Caleche.

4. DISPLAY OF COMPANY NAME ON EACH CARRIAGE.

Each caleche must have visibly painted on the carriage the Company Name for identification purposes. Names and/or company logos should be tastefully presented and identifiable from a distance. It was agreed that appropriate locations on the carriage would be up on the drivers perch, on each side and on the rear.

5. DISPLAY OF LICENCE PLATES

The Niagara Region issues licence plates annually.

All carriages will have valid licence plates clearly mounted in a fixed and visible location on the rear of the vehicle. Licence plates may be mounted in such a way as to be removed and transferred from one vehicle to another.

Operating without an approved licence plate displayed may be cause for the permission to be revoked by the Niagara Region/Town of Niagara-on-the-Lake.

6. DISPLAY OF CALECHE DRIVING LICENCE

All drivers must possess a valid licence to drive a caleche as issued by the Niagara Region. Drivers must carry any/all licences with them at all times and be prepared to show them if asked.

At the beginning of each season, each Caleche owner is to provide the Town with a complete list of all driver names and licences. If drivers change throughout the season the Owner is to advise the Town of the addition/deletion.

Name tags must be worn by drivers showing at least their 1st name and company name.

7. CALECHES OPERATORS SHALL REMAIN ALERT AND YIELD TO ALL MOVING TRAFFIC

Owners are expected to provide driver training to all drivers prior to the beginning of each season. Drivers must remain aware of vehicles behind the carriage. To ensure a continuous flow of traffic in the Old Town, drivers are expected to allow vehicles to pass by keeping to one side (where possible).

Drivers should not interfere with moving traffic and should avoid all contact (including whipping vehicles)

A Caleche is different from a car in that it does not have access to a horn. In the past, cars have driven dangerously close to a Caleche causing the drivers to use the whip to reach out, or to motion towards a car getting too close. The driver is always responsible for knowing what is around them at all times. The driver is also expected to ensure the safety of their passengers and the horse. Using the whip against passing vehicles is strongly discouraged and to only be used in extreme situations where there is a safety concern.

8. CALECHE EMPLOYEES ACTIVELY SOLICITING CUSTOMERS FROM TOWN PROPERTY

The Town's zoning by-law prevents hawkers and peddlers from soliciting business on the sidewalk or street. Drivers are not permitted call out, to pass out flyers or business cards in an effort to actively solicit business. Guests should approach the caleche first, at which point the drivers may talk about the services they offer.

9. CALECHE DRIVERS MUST OBEY THE TOWN'S PARKING REGULATIONS AT ALL TIMES (THE SAME AS ANY OTHER VEHICLE)

Caleche operates as a motor vehicle at it relates to abiding by the rules of the road and therefore must obey the Town's parking regulations at all time. Examples include:

- i. No stopping or parking on corners or intersections (unless to temporarily let traffic through)
- ii. No stopping or parking in handicapped spaces
- iii. No stopping signs mean that stopping is not permitted. Drivers should find another location to let passengers on/off
- iv. Carriages are not permitted to block driveways to homes, businesses etc.

Defined parking spaces in the Old Town are general intended for the use of tourist and customers. Use of a defined parking space by a Caleche is strongly discouraged.

If there is a pressing reason, other than for drop-off/loading of passengers, to use a defined parking space then the driver is expected to purchase a Pay & Display ticket, or to put money in the meter.

If a driver is temporarily loading/unloading passengers at a street location other than the main staging area on King Street, then they may use some form of signage that reads "pick-up/drop-off in progress".

Drivers may use the curb cut-out space in front of St. Vincent de Paul church for brief pick-ups/drop-offs, or if privately hired for weddings held at the church. This area is not to be used as a regular staging area.

10. LIMITS AROUND CALECHE ACCESS/USE OF TOWN PARKING LOTS

Caleche should avoid all parking lots. Parking lots are not designed to accommodate the size of a Caleche. Often, there is limited space available to navigate around parked vehicles. The caleche may also create a pedestrian safety risk. The Community Shuttle route (behind the Courthouse) must remain open and unblocked. The Court House lot in particular should not be used as a short-cut.

11. LIMITS AROUND CALECHE PERMISSION TO ACCESS/USE FORT GEORGE BUS PARKING LOT

Horses are not allowed in the bus parking lot at Fort George. There are too many people, buses are too big and may put the horses, passengers or pedestrians at risk. Drivers may use the car park side for pick-ups/drop-offs of passengers who arrived by bus. Drivers are generally discouraged from using the Queen's Parade however may pause, if it is safe to do so, along the gravel boulevard in order to allow the horse to relieve itself.

12. ADVERTISING ON THE CARRIAGES

No paid advertising is allowed on or about the Caleche during regular tours through Town. Only the company name may be visibly painted on both sides of the carriage for identification purposes. The exception to this is when the Caleche is participating in a Parade, or has been hired for weddings or private functions.

13. ADVERTISING AND AVAILABILITY OF BROCHURES FOR OTHER BUSINESSES WITHIN THE CARRIAGES

As noted before, drivers are not to actively solicit business. However, it may be appropriate for drivers and footmen to distribute tour info when requested. Brochures, maps, business cards etc. should be discretely stored in the carriages.

14. ADVERTISING VIA A-FRAME SIGNS THROUGHOUT THE OLD TOWN

A-Frame signs advertising on the sidewalks are not allowed under the Town's Sign bylaw.

15. RELOCATION IF REQUESTED BY THE TOWN

Caleche owners could be asked by the Town to temporarily relocate elsewhere within the Old Town. While this could be for a special event or to control the crowds (i.e.; protestors). If the Town requests the operations to relocate it will be to the location (North side Byron Street – shoulder) set out in Schedule I. The Town will provide a water service for the operation from a hydrant. The Town will also ensure that a discussion with both caleche operators will occur before the requested relocation along with the estimated time of relocation.

OPERATING ROUTES/DISTRICTS

16. STANDING AREA

The current standing area is located on the east side of King Street, south of Picton, next to the Prince of Wales hotel. See Schedule II.

Current regulations require that vehicles may not be parked within 10 meters from the corner. Lines will be painted on the road to identify the beginning and end of the standing area and the line at the corner that horses shall not pass (to ensure pedestrian safety). A maximum of 3-4 carriages at any given time is preferred.

Any standing area, and any required on-street parking, must be available. The location must be acceptable to the Town and to any of the adjacent resident/business directly affected.

17. AREAS OF OPERATION

The general service area of Caleche operations is the Queen-Picton Heritage District. Caleche may however operate within the Heritage Expansion Area when responding to reservation pickups (e.g. B&B's), weddings, Vintage Inns, Heritage Tours, special events etc.

The *Highway Traffic Act* regulates the overall vehicular safety requirements of horse drawn vehicles for use on public roads.

Travel routes will not be permitted on Town roads where staff has determined poor driver visibility exists or where there are steep hills, sharp curves, etc.

For instance, Carriages are to avoid Picton Street wherever possible. Exceptions would be when doing pick-ups/drop-offs at the Prince of Wales or Moffat Inn.

As long as large draft horses are being used, then the Melville Street hill may be traveled with caution. The area should be avoided where possible. Any horses less than 1,000 lbs should avoid this are entirely for their own safety and for the safety of the passengers.

Carriages should avoid the corner of Front & Simcoe (by the golf course) where ever possible due to the narrow streets and blind corners.

Should a travel route include a Regional Road, the caleche owner must provide the Town with a copy of the Niagara Region's approval to operate on the specific Regional road(s).

Caleche may be transported by truck & trailer to/from locations. Any Caleche operation on private property, such as a winery, is doing so outside of the requirements of this OTR.

OTHER OPERATING SPECIFICATIONS

Niagara Region sets out operating specifications based on the permitting regarding animal welfare under their Bylaw 2021-58 – as amended. The Niagara Region requirements for carrying on a business take precedence over the specifications in this OTR, if a conflict arises.

18. MAXIMUM NUMBER OF PASSENGERS PER CARRIAGE

This condition is limited already in large part by the seating capacity of the Caleche. Carriages should not be overloaded beyond the normal seating capacity of the vehicle. Generally, capacity is limited to 4 adults and 2 small children or equivalent. Larger carriages are only used for reservations and have set limits.

19. STYLE AND SIZE OF THE CARRIAGE AND HORSE

Regional requirements supersede the Town's authority on this matter. Please refer to the Region's website and by-laws for additional guidance.

The vision for the King Street caleche is to be using a 6 passenger Vis a Vie style of carriage (see pictures attached). Surry style carriages may be used to accommodate special events or corporate functions. 9, 12, 22 passenger carriages and hay wagons may be rented out for special reservations but are not to be used for regular in-town tours.

The Regional licensing requirement requires that the Owner demonstrates and ensures that every horse utilized in the Caleche business is free of any disease or sores, in good health, and fit to pull a Caleche in an urban setting without posing a danger to the public or itself, as certified by a veterinarian. A Caleche may not be operated with an unhealthy horse. A Caleche operator must conform to all the Regional requirements ensuring the health of the horse. This can be found under Regional Bylaw 20221-58- as amended.

It is recommended that the horse receive gradual stable training for at least one year before being used on the road with paying passengers.

20. MINIMUM TRAINING REQUIREMENTS FOR CARRIAGE DRIVERS

Regional requirements supersede the Town's authority on this matter.

Owners are strongly encouraged to provide a minimum of 40 hours on the carriage with a licenced driver before allowing the new driver on the road with paying passengers. Drivers must have a valid caleche drivers licence. Drivers should be tastefully uniformed.

21. FUTURE TRAINING OPPORTUNITIES

The Town supports any partnership between caleche operators and Fort George, the Museum or Historical Society, the Chamber of Commerce etc. that helps educate drivers about the Town's history, gather stories etc. to promote the uniqueness and heritage of Niagara-on-the-Lake.

22. ANIMAL WASTE

For the purposes of this OTR, "droppings" mean either manure or urine.

It is the responsibility of the driver to immediately clean up any droppings. Roadways are to be kept clean at all times. If the driver is not able to do so directly, they are to contact the Owners who will respond promptly to remove the droppings from the street.

Emission Control devices (aka diapers) are also required for the horses at all times. The Emission Control devices should be emptied regularly at the designated disposal bin located near the standing area. Disposal bins should be bagged and emptied as soon as they are full.

Horses should be discouraged from urinating in the streets or over storm sewer grates wherever possible. In the event of a urine spill, the affected area should be washed down promptly. Products such as bleach could be used to clean the area and minimize odor. Other products like Stall Dry (similar to a kitty litter) can be used to absorb any liquid and keep the odors down. These products should be shoveled off the road once the liquid has been soaked up. The main thing to remember about urinating on the street is to always remain respectful and rotate locations where an offence is likely to happen.

Complaints procedure: If complaints are made to the Owner or a Town bylaw officer, the complaint will be shared directly with both operators so that they may stay sufficiently informed. Unless the droppings were specifically identified as belonging to a particular company, operators will take turns responding to the clean up request. Operators will respond promptly to the request and have the area cleaned within one hour of the complaint being made.

23. DROP OFF LOCATION FOR HORSES

Transporting horses into the Old Town is not permitted. Horses should be delivered off any main roads and outside of residential neighborhoods, otherwise on private property. In certain circumstances (i.e. ill horse, broken down carriages etc.) it would be acceptable to bring trailers into the Old Town.

NOTL LICENSING REQUIREMENTS

24. NUMBER OF CALECHE ALLOWED IN TOWN AT ANY GIVEN TIME

The Town Council has repeatedly stated its intent to limit the number of permissions to five (5). Outside of the busy season, five (5) Caleche aren't necessary to handle the existing volume of customers. **Council shall cap the number of Caleche permissions at five (5). Those permissions shall be allocated to the following businesses:**

Three (3) permissions – Sentineal Carriages

Two (2) permissions – Queens Royal Tours

~~Staff still advocate for a limit of five (5) Caleche permissions and the current limit is able to accommodate the demand without causing an excessive impact on traffic, safety concerns etc. Having said that, there have been times when the volume of caleche has been problematic.~~

Should portions of the caleche business operation rely on the use of other private properties for: a staging area, parking, travel route, turn around, etc., then the caleche owner shall provide the Town with a copy of a letter from the applicable private property owner confirming no objection and applicable timelines / terms (if any).

25. LICENCING:

Only five (5) Licences will be granted. Currently, the two caleche services provided with "Licences" to operate are Queens Royal Tours and Sentineal Carriages Inc. Queens Royal Tours has 2 licences and Sentineal Carriages Inc. has 3 licences.

The Licence shall remain "owned" by the Town and may not be bought, transferred, assigned, or sold. Licences have no transferability. ~~Only Council, or their staff designate, may authorize a transfer. For example, licences expire upon bankruptcy of the company. If the business is sold, the Town needs to be notified of new ownership details immediately. The new operator will be expected to apply for their own licence within five (5) days of the ownership change and agree to abide by these Operating Terms of Reference.~~

Sunset Clause

Licences will be revoked if:

- i. the current operator(s), closes or sells their business, declares bankruptcy;**
- ii. Effective 2024 season, if there is a break in service or service is discontinued for a short period of time (i.e; one full season).**

Applications for renewal should be submitted and approved prior to the Regional caleche licence renewal date.

Any requests received by the Town of Niagara-on-the-Lake from a caleche owner must be in writing providing sufficient detail of the proposal, including but not limited to:

- i. references,
- ii. fares,
- iii. travel,
- iv. routes (with map),

- v. parking area,
- vi. evidence of permission to operate on Region of Niagara roads, if part of the route,
- vii. written permission to use/operate from property owned by another party whether public or private,
- viii. location of the livery site, etc.

Formal requests are received and assessed by Town of Niagara-on-the-Lake staff. Staff then prepare a report with a recommendation report for Council's consideration.

In order for a caleche business to be granted permission by NOTL, the following criteria must be satisfied:

A. Quality of the Service

- The application must demonstrate a favourable quality of service proposed. If applicable, other municipalities will be contacted as a reference to confirm their satisfaction and experiences with the caleche business operations.

B. Rates

- The fee rates to be charged should be comparable to the industry average.

C. Travel Route

- The Caleche operation must specify the route(s) intended for the service, providing a map(s) of the same.

D. Traffic Safety

- The proposed travel route must not create adverse impacts and/or conflicts with the traffic flow along the roadway.

E. Liability Insurance

- Liability insurance in the amount of FIVE (5) million dollars must be provided by the caleche owner naming the Town of Niagara-on-the-Lake as additional insured.
- A Liability Insurance Certificate must be presented at the time of issuance of the Caleche Permission. The liability insurance is required for the duration of the caleche operation and cannot be cancelled without advance written notification to the Town of Niagara-on-the-Lake.
- Confirmation must be provided by the caleche owner that all required documentation and approvals have been obtained from Niagara Region, and that all Regional liability insurance requirements have been met.

The caleche owner shall indemnify and save harmless Niagara Region and the Town of Niagara-on-the-Lake of any claim that may arise resulting from the caleche operation.

A licence fee will be charged to the caleche owner in accordance with the Town of Niagara-on-the-Lake Rates & Fees schedule, based on the estimated amount of staff time required to review and process the Caleche Licence request. The fee will be payable to the Town of Niagara-on-the-Lake at the time of application. The Rates & Fees schedule is submitted annually for Council approval. Upon approval the rates and fees can be found on the Town's website at www.notl.com

Permission for the caleche operation will be subject to the licence agreement approved by Council. Annually the Town of Niagara-on-the-Lake will review the caleche business operation to determine if permission for the following year of operation should be granted.

Should an infraction of any standard operating conditions or requirements of this OTR occur, the Town has the right, in addition to applying Administrative Penalties, to rescind the permission for the caleche business to operate within Niagara-on-the-Lake.

26. NEW LICENCES:

~~In the event that Council decides to increase the number of Licences available, the existing operators will be given preference when applying for the new Licence. Council may grant the Licence to either of the existing operators, or to another applicant, at their discretion. The onus is on the new operator to demonstrate that they will operate within these OTR and provide sustainable value to the community.~~

~~Preference will also be given to caleche operators who provide a livery site within the municipality.~~

Request for new licences will be denied. The Town is looking to phase-out the horse-drawn carriage within the Town of Niagara-on-the-Lake.

ENFORCEMENT

Niagara Region has their own respective enforcement requirements and processes. Should non-compliance and/or complaints occur, Niagara Region shall determine the best recourse.

27. ROLE OF ENFORCEMENT:

The primary objective is to seek compliance. Town will take a “we trust you to comply” approach until such time as a violation occurs.

28. WHO IS AUTHORIZED TO ENFORCE:

By-law and Parking Enforcement personnel will be empowered to enforce OTR violations. Each Owner is responsible for the actions of all of its personnel. Therefore violations by a driver will be deemed to be a violation by the Owner (company).

29. COMPLAINTS PROCEDURE:

When a complaint is made to a by-law officer about the operations of a particular company, the officer will advise the complainant that “Owner X or Y are very approachable and willing to respond to all concerns. They have invited you to call them directly so that they may resolve the matter promptly” and then provide the appropriate phone numbers.

The complainant will be encouraged to call the Town back if there is no resolution after speaking with Owners. The by-law officer will then mediate a solution, formally request compliance with the conditions of this Operating Terms of Reference, or impose fees and penalties as may be appropriate.

Staff will make every effort to prevent or minimize frivolous or malicious claims.

30. PENALTIES/BUSINESS LICENCE

Punishment will be assessed against the Town's effort to enforce (i.e. the fines will be tied to the amount of time staff require to spend based on the work we are required to do to monitor, check etc.). Penalties will be incremental for repeat violations. A number of violations may result in a suspension of the Licence, and/or a revoking of the Licence in the following year.

The ability for a municipality to apply Administrative Penalties under the *Municipal Act, 2001*, S.O. 2001, c. 25, as may be amended, is dependent on Caleche Owners having a current and valid Business Licence from The Regional Municipality of Niagara.

GUIDING PRINCIPLES BEHIND THE OTR

- Compliance with Niagara Region licensing requirements in By-law No. 2021-58
- Compliance with Town expectations - Caleche will at all times abide by all Town bylaws: past, present & future.
- Safety to pedestrians, vehicles & horses
- Owner may operate to make a profit
- Operations should not diminish tourism
- Operations may promote tourism
- Respect for residents
- Fairness
- Consistency
- Best interest of the horse
- Health of the horse

FUNCTIONS OF THE CALECHE

- Tours
- History lesson
- Lost & found
- Ambassadors/host
- Good will
- Eco-friendly transportation
- Marketing/economic development
- Real estate
- Public awareness/education re. horses
- Limits the speed on roads
- Community surveillance
- Community ambiance – branding

**LICENCE TO OCCUPY LAND OWNED
BY THE CORPORATION OF
THE TOWN OF NIAGARA-ON-THE-LAKE**

THIS AGREEMENT made this 24th day of May, 2023.

BETWEEN

**THE CORPORATION OF THE TOWN OF
NIAGARA-ON-THE-LAKE**
(hereinafter called the "Licensor")

- and -

QUEENS ROYAL TOURS INC.
(hereinafter called the "Licencee")

WHEREAS:

1. The Licensor is the registered owner of the lands legally described as PIN 46405-0001 being King Street bounded by Queen Street and Picton Street to the north and Johnson Street and Platoff Street to the south, in the Town of Niagara-on-the-Lake;
2. The Licensor has agreed to grant a licence to the Licencee over that portion of King Street as shown on Schedule "A" attached hereto, (the "Lands") for the purposes of permitting the Licencee to use the Lands for the purposes set out in this Licence Agreement;

IN CONSIDERATION of the premises and other good and valuable consideration the parties agree as follows:

TERM

1.01 The Licensor grants to the Licencee the use of the Lands for the purposes hereinafter set forth, for the period of one (1) year, commencing April 1, 2023 and expiring on the first (1) day of April, 2024

1.02 The Licencee hereby accepts the Lands in their condition as of the date hereof and will not call upon the Licensor to do or pay for any work or supply any equipment to make the Lands more suitable for the proposed use by the Licencee hereunder.

1.03 The Licencee shall make no alterations to the Lands without first obtaining the written permission of the Licensor.

1.04 The Licensor will entertain the renewal of this licence based on the Licencee obtaining a business licence from the Niagara Region to operate on an annual basis.

CONSIDERATION

2.01 The Licencee shall pay the Licensors and Annual Licence Fee in each year of the term of this Licence Agreement, which shall be comprised of the Base Licence Fee plus an annual Escalation Fee as set out below:

YEAR BEGINNING	BASE LICENCE FEE	ESCALATION FEE	ANNUAL LICENCE FEE
2023	\$ 500	\$ NIL	\$ 500

2.02 During each year of this Licence Agreement, the Licencee agrees to pay the Licensors one hundred per cent (100 %) of the Annual Licence Fee for the year on the 1st day of April.

2.03 The Annual Licence Fee shall be exclusive of any Harmonized Sales Tax payable in the Province of Ontario, which shall be payable by the Licencee to the Licensors in addition to the Annual Licence Fee.

PURPOSES

3.01 The Licensors hereby grants permission to the Licencee to have the **exclusive use** of the Lands for the following primary purposes and associated activities only:

- (a) Parking space for the loading and unloading of passengers as required, for a maximum of two (2) Caleche between the hours of 6 a.m. and 1230 a.m. daily during the Term.

3.02 In this Agreement "Caleche" means a horse-drawn vehicle used on sightseeing trips or otherwise for hire.

TERMS OF OPERATION OF CALECHE

4.01 The Licencee covenants and agrees with the Licensors that the caleche operation shall be conducted in accordance with the following terms and conditions:

- (a) The Licencee shall obtain and maintain in force all licences required by Regional Municipality of Niagara By-law 2021-58 (as amended) with respect to the vehicles and drivers engaged in the operation of the caleches on the Lands, and shall provide the Licensors with a copy of all such licences

annually no later than May 1st in each year of the Term;

- (b) No caleche tours shall operate before 6 a.m. or after 1230 a.m.; and
- (c) The drivers of the caleches and all employees of the Licencee shall refrain from engaging in any verbal confrontations on the Lands with those protesting the operation of the caleche.

4.02 The Licencee covenants and agrees with the Licensor to abide by the terms set out in Schedule B – Niagara-on-the Lake Caleche Operating Terms of Reference (OTR)

INSURANCE AND INDEMNITY

5.01 Prior to May 1 in each year of the Licence Agreement, the Licencee shall provide the Licensor with an insurance certificate satisfactory to the Licensor which identifies the Licensor as a co-insured for the caleche operations of the Licencee with a Public Liability policy limit against claims for personal injuries, death, loss of or damages to property, occurring on, in or about the Lands arising or resulting from or attributable to the use, occupation and maintenance of the Lands by the Licencee, of at least five Million Dollars (\$5,000,000.00) in respect of any personal injury or death to a single person or in respect to any one occurrence. Without limiting the generality of the foregoing, such public liability insurance shall contain provisions for cross-liability, severability of interests, and no cancellations or alterations without the consent of the Licensor.

5.02 The Licencee acknowledges and agrees that the failure of the Licencee to maintain this insurance coverage in force shall entitle the Licensor to immediately suspend all of the Licencee's operations at the Lands. Further, the Licensor shall be entitled to terminate this Licence Agreement if insurance coverage is not obtained within 7 days of delivery of written notice by the Licensor to the Licencee requiring proof of reinstatement of insurance coverage.

5.03 The Licencee shall at all times indemnify and save harmless the Licensor from and against any and all claims, demands, losses, costs, charges, expenses, actions and other proceedings made, brought against, suffered by or imposed on the Licensor or its property in respect of any failure by the Licencee to fulfill any of its obligations under this agreement or for any reason whatsoever or in respect of any loss, damage or injury (including injury resulting in death):

- (a) to any person or property (including, without restricting the generality of the foregoing, employees, contractors, agents and property of the Licensor) directly or indirectly arising out of, resulting from or sustained by reason of the occupation or use of the Lands, or any operation in connection therewith or any fixtures or chattels thereon, or
- (b) to any person while on adjoining lands of the Licensor in the course of that

person's entry onto or exit from the Lands.

5.04 The Licensor shall not be liable, directly or indirectly, for any personal injuries that may be suffered or sustained by any person who may be on the Lands or for any loss of or damage or injury to property belonging to the Licencee or any other person.

5.05 The Licencee hereby releases the Licensor from liability arising from any perils against which the Licencee is insured, or pursuant to the Licence Agreement, is obliged to ensure, whether or not such loss or damage may have arisen out of the negligence of the Licensor or its agents or employees.

TERMINATION OF LICENCE AGREEMENT

6.01 The Licensor shall be entitled to terminate this Licence Agreement prior to its expiry in accordance with the provisions of Section 5, and in addition the Licensor may terminate the Licence Agreement as follows:

- (a) If the Annual Licence Fee or the municipal taxes payable by the Licencee, or any parts thereof, shall be in arrears, or unpaid for thirty (30) days after the date on which payment is due, the Licensor shall be entitled to re-enter the Lands premises and thereafter possess and enjoy the Lands and all improvements thereon.
- (b) If the Licencee defaults in performing any of its obligations under this agreement, or breaches any of its covenants hereunder, the Licensor shall give written notice to the Licencee of such default giving the Licencee Thirty (30) days to remedy such default, failing which the Licensor may terminate this Licence and the Licencee shall then forthwith remove its chattels from the Lands.

6.02 No acceptance by the Licensor of any recent or subsequent breach or default nor any condoning, excusing or overlooking by the Licensor on previous occasions of breaches or defaults similar to that for which re-entry is made shall be taken to operate as a waiver of this term or condition nor in any way alter or defect the rights of the Licensor hereunder.

6.03 Unless by waiver given in writing by the Licensor, the Licensor shall not be deemed to have waived any breach by the Licencee of any of the terms or conditions of this Licence Agreement and a waiver relates only to the specific breach to which it refers and in no way affects or limits the right of the Licensor with respect to any breach to which it does refer.

6.04 The early termination of this Licence Agreement by the Licensor due to the default of the Licencee shall not relieve the Licencee from payment to the Licensor of

the Maximum Annual Licence Fees payable for the remainder of the term of the licence.

ARBITRATION

7.01 Any and all disputes, claims or controversies arising out of or in any way connected with this Licence, its performance, or breach shall be referred to and finally resolved by binding arbitration by a sole arbitrator from which there shall be no appeal.

7.02 The place of arbitration shall be Niagara-on-the-Lake. The language of the arbitration proceedings shall be English. The arbitration shall be conducted under the *Arbitrations Act*, S.). 1991, C. 17, as amended.

7.03 If any provision of this Agreement is held by competent authority to be invalid, illegal or unenforceable resulting in the intent of either party not being preserved, this Agreement shall either be renegotiated or terminated by either party.

COVENANTS

8.01 The Licencee covenants with the Licensor:

- (a) To pay the licence fees as set out in Section 2;
- (b) To pay taxes (including local improvements) and all rates and other charges imposed on or with respect to the land as same become due;
- (c) To use the land only for the purposes set out in Section 3;
- (d) To maintain the appearance of the Lands and the equipment thereon in a neat, clean and well-kept manner appropriate to the condition of land in the area;
- (e) To ensure that no refuse, litter, garbage or loose or objectionable material accumulates in or about the Lands;
- (f) To permit the Licensor or its agents or employees at all reasonable times to enter and examine the state of repair of the Lands and to make such repairs as may be deemed necessary by the Licensor from time to time;
- (g) Not to assign this agreement without the prior written consent of the Licensor, which consent may be unreasonably withheld;
- (h) To leave the Lands in substantially the same condition at the expiry of this agreement as they were at the commencement of this agreement;
- (i) To comply with all federal, provincial and municipal laws, rules, regulations and

- by-laws and to hold the Licensor harmless from the consequences of its failure to do so; and
- (j) To comply with all of the terms, conditions and obligations imposed by this Licence Agreement

NOTICE

9.01 Any notice required to be given to the Licensor under the terms of this agreement is deemed to be sufficiently given:

- (a) If served personally on the Town Clerk for the Corporation of The Town of Niagara-on-the-Lake; or
- (b) If mailed by prepaid registered mail addressed to the Licensor at

Town Clerk
Town of Niagara-on-the-Lake
1593 Creek Road, P.O. Box 100
Virgil, ON L0S 1T0

9.02 Any notice required to be given to the Licencee under the terms of this agreement is deemed to be sufficiently given

- (a) if served personally on any officer or executive of the Licensor; or
- (b) mailed by prepaid registered mail addressed to the Licencee at

Queens Royal Tours Inc.
64 Niagara Street
Niagara-on-the-Lake, ON L0S 1J0

In either case, such notice shall be deemed to have been received on the date of its delivery or in the case of mailing, Five (5) business days after it is delivered to the post office.

BINDING EFFECT

10.01 This agreement shall ensure to the benefit of, and be binding upon the parties and their respective successors and (where permitted) assigns.

IN WITNESS WHEREOF the parties have affixed their respective corporate seals
attested by the hands of their respective officers duly authorized in that behalf.

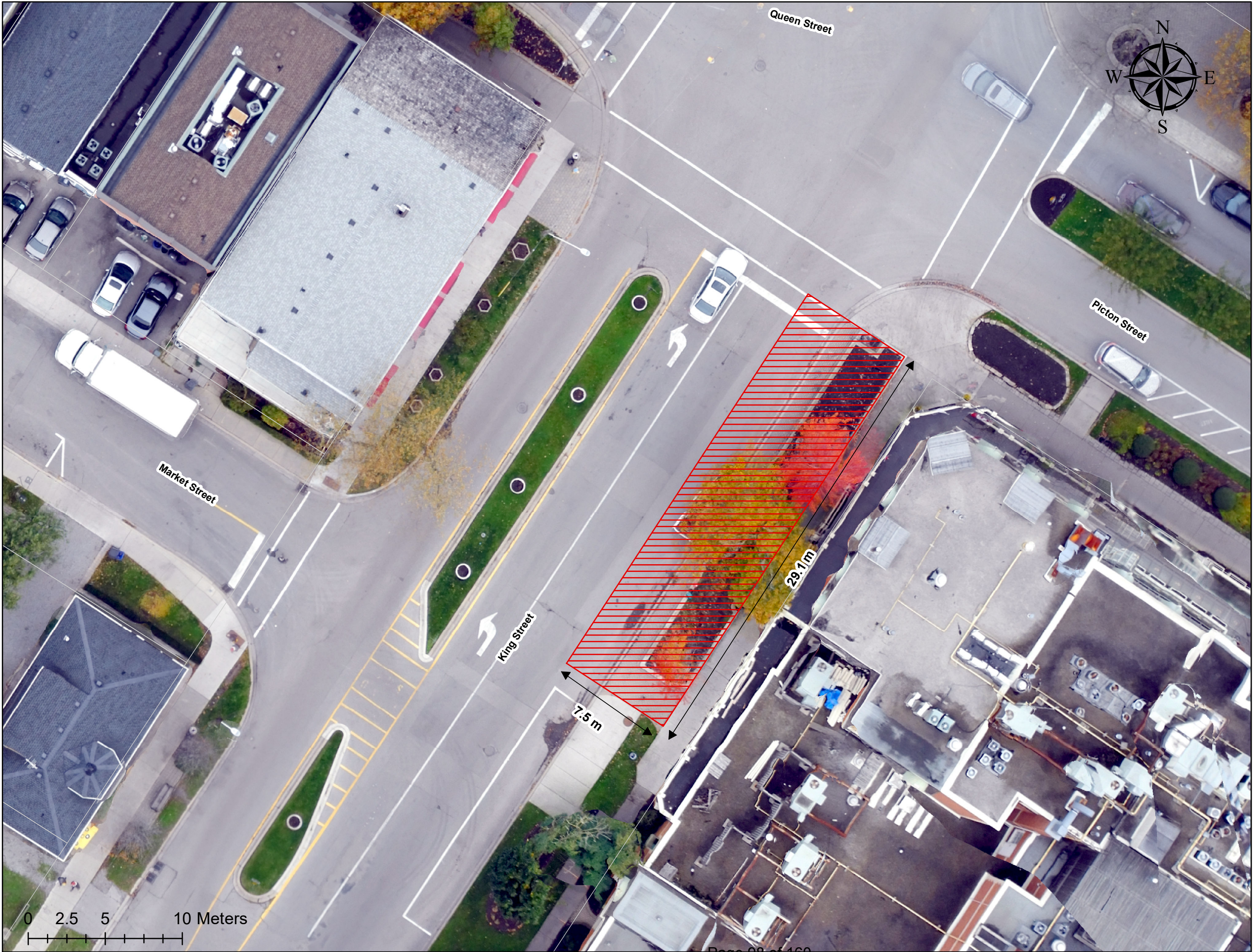
THE CORPORATION OF THE TOWN
OF NIAGARA-ON-THE-LAKE

Lord Mayor

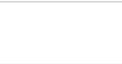
Town Clerk


QUEENS ROYAL TOURS INC.

Jeff Sentineal – President
I have authority to bind the Corporation.



Legend

 Parcels

 Horse Carriage Area

Notes:

Schedule A -
King & Queen St
Location



SCHEDULE B
Niagara-on-the-Lake
Caleche Operating Terms of Reference (OTR)
~~June 2022~~ May 2023

The Town of Niagara-on-the-Lake (“NOTL”) has agreed to grant a licence to the Licencee over the Lands, as shown on Schedule “I”, via a Licence to Occupy Land Owned by The Corporation Of The Town Of Niagara-On-The-Lake (the “Agreement”).

The purpose of this Caleche OTR is to outline requirements and expectations about how the Caleche will operate within NOTL. This guiding document will outline the general principles and provide a framework for the Agreement.

~~All terms & conditions were defined in collaboration with the two caleche owners currently in operation (Sentineal Carriages, owned by Fred and Laura Sentineal; and Queens Royal Tours, owned by Jeff Sentineal). In some cases, NOTL’s by laws or Council requirements superseded any opportunity for negotiation.~~

~~It was agreed by all parties that these terms would set out how the caleche operations will operate in NOTL for the length of the licence.~~

RELATIONSHIP TO THE REGIONAL MUNICIPALITY OF NIAGARA

The Regional Municipality of Niagara (“Niagara Region”) regulates and governs businesses carried on within the Region, and provides for a system of licences for said businesses. Niagara Region provides licences for vehicles used for hire (including caleches) for the purposes of ensuring the health and safety of passengers, drivers, and animals, for the protection of persons, property, and animals, and to ensure consumer protection and efficient vehicle-for-hire services within the Region.

The licences issued by Niagara Region provide authorization under the Region’s By-law No. 2021-58 to carry on a business specified therein; and the document, certificate, or card issued, shall provide evidence of such authority as the content may allow. This By-law contains provisions regards the licensing, regulating, and governing of various businesses, with additional general provisions for Caleche owners in section 49.

The licences issued by NOTL provides authorization to occupy the Lands in NOTL for the purposes detailed in the Agreement, such as a parking space for the loading and unloading of passengers as required.

At this time, the ability for NOTL to issue a licence to Caleche owners/operators is directly dependent on said owner/operator having a current and valid licence from Niagara Region to carry on business. The terms and conditions of the NOTL licence, and this corresponding OTR, relate to the occupation of lands, not the general ability to carry on business.

TOWN REQUIREMENTS & EXPECTATIONS (LEGISLATED, BYLAW, SAFETY ETC.)

1. PROFESSIONAL CONDUCT

Caleche drivers, footmen and owners are expected at all times to conduct themselves with professionalism and dignity. Operators are required to treat other drivers, tourists and customers with the utmost respect, courtesy and consideration.

2. CALECHE OWNERS/OPERATORS SHALL AT ALL TIMES OBEY THE REGIONAL LICENSING REQUIREMENTS

The Regional Municipality of Niagara (“Niagara Region”) requires that the owner of a caleche business obtain a licence to operate as per the Niagara Regional Business Licencing By-law No. 2021-58 in order to be able to charge patrons a fee. In order for a caleche business to obtain a licence from Niagara Region, one of the conditions is that the caleche business obtains permission from the municipality in which they are intending to operate, which in this case, is the Town of Niagara-on-the-Lake (“NOTL”).

All requirements of the caleche licence as granted by The Regional Municipality of Niagara must be followed and a copy of the licence shall be provided to the Town of Niagara-on-the-Lake.

3. CALECHE OWNERS/OPERATORS SHALL AT ALL TIMES OBEY OTHER LEGISLATED REQUIREMENTS

- i. Operators must follow all requirements of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as may be amended, and obey all applicable traffic laws.
- ii. Operators must operate in accordance with all municipal by-laws with respect to the use of Town roads, parking spaces, noise, signage etc.
- iii. Operators must operate in accordance with all Niagara Regional by-laws with respect to the use of Regional roads, parking spaces, noise, signage, etc.
- iv. Road or lane closures are not permitted at any time, unless prior authorization has been provided by the Town.
- v. Caleche drivers must have a valid caleche licence.
- vi. Slow moving vehicle sign has to be mounted on rear of Caleche.

4. DISPLAY OF COMPANY NAME ON EACH CARRIAGE.

Each caleche must have visibly painted on the carriage the Company Name for identification purposes. Names and/or company logos should be tastefully presented and identifiable from a distance. It was agreed that appropriate locations on the carriage would be up on the drivers perch, on each side and on the rear.

5. DISPLAY OF LICENCE PLATES

The Niagara Region issues licence plates annually.

All carriages will have valid licence plates clearly mounted in a fixed and visible location on the rear of the vehicle. Licence plates may be mounted in such a way as to be removed and transferred from one vehicle to another.

Operating without an approved licence plate displayed may be cause for the permission to be revoked by the Niagara Region/Town of Niagara-on-the-Lake.

6. DISPLAY OF CALECHE DRIVING LICENCE

All drivers must possess a valid licence to drive a caleche as issued by the Niagara Region. Drivers must carry any/all licences with them at all times and be prepared to show them if asked.

At the beginning of each season, each Caleche owner is to provide the Town with a complete list of all driver names and licences. If drivers change throughout the season the Owner is to advise the Town of the addition/deletion.

Name tags must be worn by drivers showing at least their 1st name and company name.

7. CALECHES OPERATORS SHALL REMAIN ALERT AND YIELD TO ALL MOVING TRAFFIC

Owners are expected to provide driver training to all drivers prior to the beginning of each season. Drivers must remain aware of vehicles behind the carriage. To ensure a continuous flow of traffic in the Old Town, drivers are expected to allow vehicles to pass by keeping to one side (where possible).

Drivers should not interfere with moving traffic and should avoid all contact (including whipping vehicles)

A Caleche is different from a car in that it does not have access to a horn. In the past, cars have driven dangerously close to a Caleche causing the drivers to use the whip to reach out, or to motion towards a car getting too close. The driver is always responsible for knowing what is around them at all times. The driver is also expected to ensure the safety of their passengers and the horse. Using the whip against passing vehicles is strongly discouraged and to only be used in extreme situations where there is a safety concern.

8. CALECHE EMPLOYEES ACTIVELY SOLICITING CUSTOMERS FROM TOWN PROPERTY

The Town's zoning by-law prevents hawkers and peddlers from soliciting business on the sidewalk or street. Drivers are not permitted call out, to pass out flyers or business cards in an effort to actively solicit business. Guests should approach the caleche first, at which point the drivers may talk about the services they offer.

9. CALECHE DRIVERS MUST OBEY THE TOWN'S PARKING REGULATIONS AT ALL TIMES (THE SAME AS ANY OTHER VEHICLE)

Caleche operates as a motor vehicle at it relates to abiding by the rules of the road and therefore must obey the Town's parking regulations at all time. Examples include:

- i. No stopping or parking on corners or intersections (unless to temporarily let traffic through)
- ii. No stopping or parking in handicapped spaces
- iii. No stopping signs mean that stopping is not permitted. Drivers should find another location to let passengers on/off
- iv. Carriages are not permitted to block driveways to homes, businesses etc.

Defined parking spaces in the Old Town are general intended for the use of tourist and customers. Use of a defined parking space by a Caleche is strongly discouraged.

If there is a pressing reason, other than for drop-off/loading of passengers, to use a defined parking space then the driver is expected to purchase a Pay & Display ticket, or to put money in the meter.

If a driver is temporarily loading/unloading passengers at a street location other than the main staging area on King Street, then they may use some form of signage that reads "pick-up/drop-off in progress".

Drivers may use the curb cut-out space in front of St. Vincent de Paul church for brief pick-ups/drop-offs, or if privately hired for weddings held at the church. This area is not to be used as a regular staging area.

10. LIMITS AROUND CALECHE ACCESS/USE OF TOWN PARKING LOTS

Caleche should avoid all parking lots. Parking lots are not designed to accommodate the size of a Caleche. Often, there is limited space available to navigate around parked vehicles. The caleche may also create a pedestrian safety risk. The Community Shuttle route (behind the Courthouse) must remain open and unblocked. The Court House lot in particular should not be used as a short-cut.

11. LIMITS AROUND CALECHE PERMISSION TO ACCESS/USE FORT GEORGE BUS PARKING LOT

Horses are not allowed in the bus parking lot at Fort George. There are too many people, buses are too big and may put the horses, passengers or pedestrians at risk. Drivers may use the car park side for pick-ups/drop-offs of passengers who arrived by bus. Drivers are generally discouraged from using the Queen's Parade however may pause, if it is safe to do so, along the gravel boulevard in order to allow the horse to relieve itself.

12. ADVERTISING ON THE CARRIAGES

No paid advertising is allowed on or about the Caleche during regular tours through Town. Only the company name may be visibly painted on both sides of the carriage for identification purposes. The exception to this is when the Caleche is participating in a Parade, or has been hired for weddings or private functions.

13. ADVERTISING AND AVAILABILITY OF BROCHURES FOR OTHER BUSINESSES WITHIN THE CARRIAGES

As noted before, drivers are not to actively solicit business. However, it may be appropriate for drivers and footmen to distribute tour info when requested. Brochures, maps, business cards etc. should be discretely stored in the carriages.

14. ADVERTISING VIA A-FRAME SIGNS THROUGHOUT THE OLD TOWN

A-Frame signs advertising on the sidewalks are not allowed under the Town's Sign bylaw.

15. RELOCATION IF REQUESTED BY THE TOWN

Caleche owners could be asked by the Town to temporarily relocate elsewhere within the Old Town. While this could be for a special event or to control the crowds (i.e.; protestors). If the Town requests the operations to relocate it will be to the location (North side Byron Street – shoulder) set out in Schedule I. The Town will provide a water service for the operation from a hydrant. The Town will also ensure that a discussion with both caleche operators will occur before the requested relocation along with the estimated time of relocation.

OPERATING ROUTES/DISTRICTS

16. STANDING AREA

The current standing area is located on the east side of King Street, south of Picton, next to the Prince of Wales hotel. See Schedule II.

Current regulations require that vehicles may not be parked within 10 meters from the corner. Lines will be painted on the road to identify the beginning and end of the standing area and the line at the corner that horses shall not pass (to ensure pedestrian safety). A maximum of 3-4 carriages at any given time is preferred.

Any standing area, and any required on-street parking, must be available. The location must be acceptable to the Town and to any of the adjacent resident/business directly affected.

17. AREAS OF OPERATION

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Sunset Clause

Licences will be revoked if:

- i. the current operator(s), closes or sells their business, declares bankruptcy;**
- ii. Effective 2024 season, if there is a break in service or service is discontinued for a short period of time (i.e; one full season).**

Applications for renewal should be submitted and approved prior to the Regional caleche licence renewal date.

Any requests received by the Town of Niagara-on-the-Lake from a caleche owner must be in writing providing sufficient detail of the proposal, including but not limited to:

- i. references,
- ii. fares,
- iii. travel,
- iv. routes (with map),

- v. parking area,
- vi. evidence of permission to operate on Region of Niagara roads, if part of the route,
- vii. written permission to use/operate from property owned by another party whether public or private,
- viii. location of the livery site, etc.

Formal requests are received and assessed by Town of Niagara-on-the-Lake staff. Staff then prepare a report with a recommendation report for Council's consideration.

In order for a caleche business to be granted permission by NOTL, the following criteria must be satisfied:

A. Quality of the Service

- The application must demonstrate a favourable quality of service proposed. If applicable, other municipalities will be contacted as a reference to confirm their satisfaction and experiences with the caleche business operations.

B. Rates

- The fee rates to be charged should be comparable to the industry average.

C. Travel Route

- The Caleche operation must specify the route(s) intended for the service, providing a map(s) of the same.

D. Traffic Safety

- The proposed travel route must not create adverse impacts and/or conflicts with the traffic flow along the roadway.

E. Liability Insurance

- Liability insurance in the amount of FIVE (5) million dollars must be provided by the caleche owner naming the Town of Niagara-on-the-Lake as additional insured.
- A Liability Insurance Certificate must be presented at the time of issuance of the Caleche Permission. The liability insurance is required for the duration of the caleche operation and cannot be cancelled without advance written notification to the Town of Niagara-on-the-Lake.
- Confirmation must be provided by the caleche owner that all required documentation and approvals have been obtained from Niagara Region, and that all Regional liability insurance requirements have been met.

The caleche owner shall indemnify and save harmless Niagara Region and the Town of Niagara-on-the-Lake of any claim that may arise resulting from the caleche operation.

A licence fee will be charged to the caleche owner in accordance with the Town of Niagara-on-the-Lake Rates & Fees schedule, based on the estimated amount of staff time required to review and process the Caleche Licence request. The fee will be payable to the Town of Niagara-on-the-Lake at the time of application. The Rates & Fees schedule is submitted annually for Council approval. Upon approval the rates and fees can be found on the Town's website at www.notl.com

Permission for the caleche operation will be subject to the licence agreement approved by Council. Annually the Town of Niagara-on-the-Lake will review the caleche business operation to determine if permission for the following year of operation should be granted.

Should an infraction of any standard operating conditions or requirements of this OTR occur, the Town has the right, in addition to applying Administrative Penalties, to rescind the permission for the caleche business to operate within Niagara-on-the-Lake.

26. NEW LICENCES:

~~In the event that Council decides to increase the number of Licences available, the existing operators will be given preference when applying for the new Licence. Council may grant the Licence to either of the existing operators, or to another applicant, at their discretion. The onus is on the new operator to demonstrate that they will operate within these OTR and provide sustainable value to the community.~~

~~Preference will also be given to caleche operators who provide a livery site within the municipality.~~

Request for new licences will be denied. The Town is looking to phase-out the horse-drawn carriage within the Town of Niagara-on-the-Lake.

ENFORCEMENT

Niagara Region has their own respective enforcement requirements and processes. Should non-compliance and/or complaints occur, Niagara Region shall determine the best recourse.

27. ROLE OF ENFORCEMENT:

The primary objective is to seek compliance. Town will take a “we trust you to comply” approach until such time as a violation occurs.

28. WHO IS AUTHORIZED TO ENFORCE:

By-law and Parking Enforcement personnel will be empowered to enforce OTR violations. Each Owner is responsible for the actions of all of its personnel. Therefore violations by a driver will be deemed to be a violation by the Owner (company).

29. COMPLAINTS PROCEDURE:

When a complaint is made to a by-law officer about the operations of a particular company, the officer will advise the complainant that “Owner X or Y are very approachable and willing to respond to all concerns. They have invited you to call them directly so that they may resolve the matter promptly” and then provide the appropriate phone numbers.

The complainant will be encouraged to call the Town back if there is no resolution after speaking with Owners. The by-law officer will then mediate a solution, formally request compliance with the conditions of this Operating Terms of Reference, or impose fees and penalties as may be appropriate.

Staff will make every effort to prevent or minimize frivolous or malicious claims.

30. PENALTIES/BUSINESS LICENCE

Punishment will be assessed against the Town's effort to enforce (i.e. the fines will be tied to the amount of time staff require to spend based on the work we are required to do to monitor, check etc.). Penalties will be incremental for repeat violations. A number of violations may result in a suspension of the Licence, and/or a revoking of the Licence in the following year.

The ability for a municipality to apply Administrative Penalties under the *Municipal Act, 2001*, S.O. 2001, c. 25, as may be amended, is dependent on Caleche Owners having a current and valid Business Licence from The Regional Municipality of Niagara.

GUIDING PRINCIPLES BEHIND THE OTR

- Compliance with Niagara Region licensing requirements in By-law No. 2021-58
- Compliance with Town expectations - Caleche will at all times abide by all Town bylaws: past, present & future.
- Safety to pedestrians, vehicles & horses
- Owner may operate to make a profit
- Operations should not diminish tourism
- Operations may promote tourism
- Respect for residents
- Fairness
- Consistency
- Best interest of the horse
- Health of the horse

FUNCTIONS OF THE CALECHE

- Tours
- History lesson
- Lost & found
- Ambassadors/host
- Good will
- Eco-friendly transportation
- Marketing/economic development
- Real estate
- Public awareness/education re. horses
- Limits the speed on roads
- Community surveillance
- Community ambiance – branding



Appendix III

- Legend**
- Parcels
 - Horse Carriage Area

Notes:

Schedule A -
King & Queen St
Location



SCHEDULE B
Niagara-on-the-Lake
Caleche Operating Terms of Reference (OTR)
~~June 2022~~ May 2023

The Town of Niagara-on-the-Lake (“NOTL”) has agreed to grant a licence to the Licencee over the Lands, as shown on Schedule “I”, via a Licence to Occupy Land Owned by The Corporation Of The Town Of Niagara-On-The-Lake (the “Agreement”).

The purpose of this Caleche OTR is to outline requirements and expectations about how the Caleche will operate within NOTL. This guiding document will outline the general principles and provide a framework for the Agreement.

~~All terms & conditions were defined in collaboration with the two caleche owners currently in operation (Sentineal Carriages, owned by Fred and Laura Sentineal; and Queens Royal Tours, owned by Jeff Sentineal). In some cases, NOTL’s by laws or Council requirements superseded any opportunity for negotiation.~~

~~It was agreed by all parties that these terms would set out how the caleche operations will operate in NOTL for the length of the licence.~~

RELATIONSHIP TO THE REGIONAL MUNICIPALITY OF NIAGARA

The Regional Municipality of Niagara (“Niagara Region”) regulates and governs businesses carried on within the Region, and provides for a system of licences for said businesses. Niagara Region provides licences for vehicles used for hire (including caleches) for the purposes of ensuring the health and safety of passengers, drivers, and animals, for the protection of persons, property, and animals, and to ensure consumer protection and efficient vehicle-for-hire services within the Region.

The licences issued by Niagara Region provide authorization under the Region’s By-law No. 2021-58 to carry on a business specified therein; and the document, certificate, or card issued, shall provide evidence of such authority as the content may allow. This By-law contains provisions regards the licensing, regulating, and governing of various businesses, with additional general provisions for Caleche owners in section 49.

The licences issued by NOTL provides authorization to occupy the Lands in NOTL for the purposes detailed in the Agreement, such as a parking space for the loading and unloading of passengers as required.

At this time, the ability for NOTL to issue a licence to Caleche owners/operators is directly dependent on said owner/operator having a current and valid licence from Niagara Region to carry on business. The terms and conditions of the NOTL licence, and this corresponding OTR, relate to the occupation of lands, not the general ability to carry on business.

TOWN REQUIREMENTS & EXPECTATIONS (LEGISLATED, BYLAW, SAFETY ETC.)

1. PROFESSIONAL CONDUCT

Caleche drivers, footmen and owners are expected at all times to conduct themselves with professionalism and dignity. Operators are required to treat other drivers, tourists and customers with the utmost respect, courtesy and consideration.

2. CALECHE OWNERS/OPERATORS SHALL AT ALL TIMES OBEY THE REGIONAL LICENSING REQUIREMENTS

The Regional Municipality of Niagara (“Niagara Region”) requires that the owner of a caleche business obtain a licence to operate as per the Niagara Regional Business Licencing By-law No. 2021-58 in order to be able to charge patrons a fee. In order for a caleche business to obtain a licence from Niagara Region, one of the conditions is that the caleche business obtains permission from the municipality in which they are intending to operate, which in this case, is the Town of Niagara-on-the-Lake (“NOTL”).

All requirements of the caleche licence as granted by The Regional Municipality of Niagara must be followed and a copy of the licence shall be provided to the Town of Niagara-on-the-Lake.

3. CALECHE OWNERS/OPERATORS SHALL AT ALL TIMES OBEY OTHER LEGISLATED REQUIREMENTS

- i. Operators must follow all requirements of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as may be amended, and obey all applicable traffic laws.
- ii. Operators must operate in accordance with all municipal by-laws with respect to the use of Town roads, parking spaces, noise, signage etc.
- iii. Operators must operate in accordance with all Niagara Regional by-laws with respect to the use of Regional roads, parking spaces, noise, signage, etc.
- iv. Road or lane closures are not permitted at any time, unless prior authorization has been provided by the Town.
- v. Caleche drivers must have a valid caleche licence.
- vi. Slow moving vehicle sign has to be mounted on rear of Caleche.

4. DISPLAY OF COMPANY NAME ON EACH CARRIAGE.

Each caleche must have visibly painted on the carriage the Company Name for identification purposes. Names and/or company logos should be tastefully presented and identifiable from a distance. It was agreed that appropriate locations on the carriage would be up on the drivers perch, on each side and on the rear.

5. DISPLAY OF LICENCE PLATES

The Niagara Region issues licence plates annually.

All carriages will have valid licence plates clearly mounted in a fixed and visible location on the rear of the vehicle. Licence plates may be mounted in such a way as to be removed and transferred from one vehicle to another.

Operating without an approved licence plate displayed may be cause for the permission to be revoked by the Niagara Region/Town of Niagara-on-the-Lake.

6. DISPLAY OF CALECHE DRIVING LICENCE

All drivers must possess a valid licence to drive a caleche as issued by the Niagara Region. Drivers must carry any/all licences with them at all times and be prepared to show them if asked.

At the beginning of each season, each Caleche owner is to provide the Town with a complete list of all driver names and licences. If drivers change throughout the season the Owner is to advise the Town of the addition/deletion.

Name tags must be worn by drivers showing at least their 1st name and company name.

7. CALECHES OPERATORS SHALL REMAIN ALERT AND YIELD TO ALL MOVING TRAFFIC

Owners are expected to provide driver training to all drivers prior to the beginning of each season. Drivers must remain aware of vehicles behind the carriage. To ensure a continuous flow of traffic in the Old Town, drivers are expected to allow vehicles to pass by keeping to one side (where possible).

Drivers should not interfere with moving traffic and should avoid all contact (including whipping vehicles)

A Caleche is different from a car in that it does not have access to a horn. In the past, cars have driven dangerously close to a Caleche causing the drivers to use the whip to reach out, or to motion towards a car getting too close. The driver is always responsible for knowing what is around them at all times. The driver is also expected to ensure the safety of their passengers and the horse. Using the whip against passing vehicles is strongly discouraged and to only be used in extreme situations where there is a safety concern.

8. CALECHE EMPLOYEES ACTIVELY SOLICITING CUSTOMERS FROM TOWN PROPERTY

The Town's zoning by-law prevents hawkers and peddlers from soliciting business on the sidewalk or street. Drivers are not permitted call out, to pass out flyers or business cards in an effort to actively solicit business. Guests should approach the caleche first, at which point the drivers may talk about the services they offer.

9. CALECHE DRIVERS MUST OBEY THE TOWN'S PARKING REGULATIONS AT ALL TIMES (THE SAME AS ANY OTHER VEHICLE)

Caleche operates as a motor vehicle at it relates to abiding by the rules of the road and therefore must obey the Town's parking regulations at all time. Examples include:

- i. No stopping or parking on corners or intersections (unless to temporarily let traffic through)
- ii. No stopping or parking in handicapped spaces
- iii. No stopping signs mean that stopping is not permitted. Drivers should find another location to let passengers on/off
- iv. Carriages are not permitted to block driveways to homes, businesses etc.

Defined parking spaces in the Old Town are general intended for the use of tourist and customers. Use of a defined parking space by a Caleche is strongly discouraged.

If there is a pressing reason, other than for drop-off/loading of passengers, to use a defined parking space then the driver is expected to purchase a Pay & Display ticket, or to put money in the meter.

If a driver is temporarily loading/unloading passengers at a street location other than the main staging area on King Street, then they may use some form of signage that reads "pick-up/drop-off in progress".

Drivers may use the curb cut-out space in front of St. Vincent de Paul church for brief pick-ups/drop-offs, or if privately hired for weddings held at the church. This area is not to be used as a regular staging area.

10. LIMITS AROUND CALECHE ACCESS/USE OF TOWN PARKING LOTS

Caleche should avoid all parking lots. Parking lots are not designed to accommodate the size of a Caleche. Often, there is limited space available to navigate around parked vehicles. The caleche may also create a pedestrian safety risk. The Community Shuttle route (behind the Courthouse) must remain open and unblocked. The Court House lot in particular should not be used as a short-cut.

11. LIMITS AROUND CALECHE PERMISSION TO ACCESS/USE FORT GEORGE BUS PARKING LOT

Horses are not allowed in the bus parking lot at Fort George. There are too many people, buses are too big and may put the horses, passengers or pedestrians at risk. Drivers may use the car park side for pick-ups/drop-offs of passengers who arrived by bus. Drivers are generally discouraged from using the Queen's Parade however may pause, if it is safe to do so, along the gravel boulevard in order to allow the horse to relieve itself.

12. ADVERTISING ON THE CARRIAGES

No paid advertising is allowed on or about the Caleche during regular tours through Town. Only the company name may be visibly painted on both sides of the carriage for identification purposes. The exception to this is when the Caleche is participating in a Parade, or has been hired for weddings or private functions.

13. ADVERTISING AND AVAILABILITY OF BROCHURES FOR OTHER BUSINESSES WITHIN THE CARRIAGES

As noted before, drivers are not to actively solicit business. However, it may be appropriate for drivers and footmen to distribute tour info when requested. Brochures, maps, business cards etc. should be discretely stored in the carriages.

14. ADVERTISING VIA A-FRAME SIGNS THROUGHOUT THE OLD TOWN

A-Frame signs advertising on the sidewalks are not allowed under the Town's Sign bylaw.

15. RELOCATION IF REQUESTED BY THE TOWN

Caleche owners could be asked by the Town to temporarily relocate elsewhere within the Old Town. While this could be for a special event or to control the crowds (i.e.; protestors). If the Town requests the operations to relocate it will be to the location (North side Byron Street – shoulder) set out in Schedule I. The Town will provide a water service for the operation from a hydrant. The Town will also ensure that a discussion with both caleche operators will occur before the requested relocation along with the estimated time of relocation.

OPERATING ROUTES/DISTRICTS

16. STANDING AREA

The current standing area is located on the east side of King Street, south of Picton, next to the Prince of Wales hotel. See Schedule II.

Current regulations require that vehicles may not be parked within 10 meters from the corner. Lines will be painted on the road to identify the beginning and end of the standing area and the line at the corner that horses shall not pass (to ensure pedestrian safety). A maximum of 3-4 carriages at any given time is preferred.

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Sunset Clause

Licences will be revoked if:

- i. the current operator(s), closes or sells their business, declares bankruptcy;**
- ii. Effective 2024 season, if there is a break in service or service is discontinued for a short period of time (i.e; one full season).**

Applications for renewal should be submitted and approved prior to the Regional caleche licence renewal date.

Any requests received by the Town of Niagara-on-the-Lake from a caleche owner must be in writing providing sufficient detail of the proposal, including but not limited to:

- i. references,
- ii. fares,
- iii. travel,
- iv. routes (with map),

- v. parking area,
- vi. evidence of permission to operate on Region of Niagara roads, if part of the route,
- vii. written permission to use/operate from property owned by another party whether public or private,
- viii. location of the livery site, etc.

Formal requests are received and assessed by Town of Niagara-on-the-Lake staff. Staff then prepare a report with a recommendation report for Council's consideration.

In order for a caleche business to be granted permission by NOTL, the following criteria must be satisfied:

A. Quality of the Service

- The application must demonstrate a favourable quality of service proposed. If applicable, other municipalities will be contacted as a reference to confirm their satisfaction and experiences with the caleche business operations.

B. Rates

- The fee rates to be charged should be comparable to the industry average.

C. Travel Route

- The Caleche operation must specify the route(s) intended for the service, providing a map(s) of the same.

D. Traffic Safety

- The proposed travel route must not create adverse impacts and/or conflicts with the traffic flow along the roadway.

E. Liability Insurance

- Liability insurance in the amount of FIVE (5) million dollars must be provided by the caleche owner naming the Town of Niagara-on-the-Lake as additional insured.
- A Liability Insurance Certificate must be presented at the time of issuance of the Caleche Permission. The liability insurance is required for the duration of the caleche operation and cannot be cancelled without advance written notification to the Town of Niagara-on-the-Lake.
- Confirmation must be provided by the caleche owner that all required documentation and approvals have been obtained from Niagara Region, and that all Regional liability insurance requirements have been met.

The caleche owner shall indemnify and save harmless Niagara Region and the Town of Niagara-on-the-Lake of any claim that may arise resulting from the caleche operation.

A licence fee will be charged to the caleche owner in accordance with the Town of Niagara-on-the-Lake Rates & Fees schedule, based on the estimated amount of staff time required to review and process the Caleche Licence request. The fee will be payable to the Town of Niagara-on-the-Lake at the time of application. The Rates & Fees schedule is submitted annually for Council approval. Upon approval the rates and fees can be found on the Town's website at www.notl.com

Permission for the caleche operation will be subject to the licence agreement approved by Council. Annually the Town of Niagara-on-the-Lake will review the caleche business operation to determine if permission for the following year of operation should be granted.

Should an infraction of any standard operating conditions or requirements of this OTR occur, the Town has the right, in addition to applying Administrative Penalties, to rescind the permission for the caleche business to operate within Niagara-on-the-Lake.

26. NEW LICENCES:

~~In the event that Council decides to increase the number of Licences available, the existing operators will be given preference when applying for the new Licence. Council may grant the Licence to either of the existing operators, or to another applicant, at their discretion. The onus is on the new operator to demonstrate that they will operate within these OTR and provide sustainable value to the community.~~

~~Preference will also be given to caleche operators who provide a livery site within the municipality.~~

Request for new licences will be denied. The Town is looking to phase-out the horse-drawn carriage within the Town of Niagara-on-the-Lake.

ENFORCEMENT

Niagara Region has their own respective enforcement requirements and processes. Should non-compliance and/or complaints occur, Niagara Region shall determine the best recourse.

27. ROLE OF ENFORCEMENT:

The primary objective is to seek compliance. Town will take a “we trust you to comply” approach until such time as a violation occurs.

28. WHO IS AUTHORIZED TO ENFORCE:

By-law and Parking Enforcement personnel will be empowered to enforce OTR violations. Each Owner is responsible for the actions of all of its personnel. Therefore violations by a driver will be deemed to be a violation by the Owner (company).

29. COMPLAINTS PROCEDURE:

When a complaint is made to a by-law officer about the operations of a particular company, the officer will advise the complainant that “Owner X or Y are very approachable and willing to respond to all concerns. They have invited you to call them directly so that they may resolve the matter promptly” and then provide the appropriate phone numbers.

The complainant will be encouraged to call the Town back if there is no resolution after speaking with Owners. The by-law officer will then mediate a solution, formally request compliance with the conditions of this Operating Terms of Reference, or impose fees and penalties as may be appropriate.

Staff will make every effort to prevent or minimize frivolous or malicious claims.

30. PENALTIES/BUSINESS LICENCE

Punishment will be assessed against the Town's effort to enforce (i.e. the fines will be tied to the amount of time staff require to spend based on the work we are required to do to monitor, check etc.). Penalties will be incremental for repeat violations. A number of violations may result in a suspension of the Licence, and/or a revoking of the Licence in the following year.

The ability for a municipality to apply Administrative Penalties under the *Municipal Act, 2001*, S.O. 2001, c. 25, as may be amended, is dependent on Caleche Owners having a current and valid Business Licence from The Regional Municipality of Niagara.

GUIDING PRINCIPLES BEHIND THE OTR

- Compliance with Niagara Region licensing requirements in By-law No. 2021-58
- Compliance with Town expectations - Caleche will at all times abide by all Town bylaws: past, present & future.
- Safety to pedestrians, vehicles & horses
- Owner may operate to make a profit
- Operations should not diminish tourism
- Operations may promote tourism
- Respect for residents
- Fairness
- Consistency
- Best interest of the horse
- Health of the horse

FUNCTIONS OF THE CALECHE

- Tours
- History lesson
- Lost & found
- Ambassadors/host
- Good will
- Eco-friendly transportation
- Marketing/economic development
- Real estate
- Public awareness/education re. horses
- Limits the speed on roads
- Community surveillance
- Community ambiance – branding

The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: By-law Enforcement Metrics – April 2023
DATE: 2023-05-16
REPORT #: FES-23-005
PREPARED BY: Erin Montanaro
DEPARTMENT: Fire & Emergency Services

BACKGROUND INFORMATION

This report aims to inform Council of By-law Enforcement metrics for the Town of Niagara-on-the-Lake during April 2023.

By-law Enforcement is part of the Clerks and Legislative Services Division and is responsible for investigating and resolving By-law violation complaints. The Municipal Act 2001 allows municipalities to pass by-laws to regulate many areas affecting health, safety, and the enjoyment of property. In August 2021, Council approved Report No. CDS-21-022 regarding the necessary amendments to the Town's by-laws to allow for implementing the Administrative Monetary Penalty System (AMPS). AMPS provides the municipality with a means to encourage compliance and efficiently deter non-compliance. The Administrative Monetary Penalty System became active in Niagara-on-the-Lake on September 7, 2021. At that time, Staff committed to providing regular enforcement metrics.

The By-laws enforced through AMPS include Animal Care & Control (By-law 4512-11), Clean Yards (By-law 5190-19), Fences (By-law 4778-14), Fireworks Sale of and Use (By-law 5172-19), Noise (By-law 4588-12), Nuisance (By-law 4397-10), Parks (By-law 5306-21), Property Standards (By-law 5192-19), Short Term Rentals (By-law 4634-13), Sign (By-law 4586-12), Site Alteration (By-law 3941-05), Swimming Pool (By-law 5155-19), Private Trees (By-law 4571-12), and Public Trees (By-law 5139-19).

By-law Enforcement Metrics for April 2023

By-law Enforcement metrics for the Town of Niagara-on-the-Lake between **April 1 and April 30, 2023**, are attached as **Appendix I**.

In April 2023, there was a decrease in the number of by-law investigations. Staff undertook **12** Municipal Law Enforcement (MLE) investigations and **2** Property Standards Investigations. Town Staff issued **1** AMPS ticket in April.

By-law Enforcement Staff was able to meet the daily requirements of the municipality and build upon the significant progress made on some of the Town's recent enforcement initiatives.

Additional information related to the core enforcement areas is provided below.

Parking – There were **1256** parking penalties issued, representing a 16.83% increase in the number of tickets compared to April 2022. Seasonal and full-time Parking Enforcement Officers issued parking tickets. Staff will continue to issue parking tickets proactively and respond to complaints.

Short-Term Rental (STR) – Throughout April, By-law staff focused on achieving compliance with the Short-Term Rental (STR) By-law. Building on the progress from previous months, Staff continued to gain compliance by taking a proactive approach. Staff will take an educational approach as a first step in achieving compliance, followed by enforcement through penalties should compliance not be achieved voluntarily.

STR compliance remains an area of high priority within the By-law division. There was 1 AMPS ticket issued in April for Short Term Rental non-compliance. As non-compliance numbers can change daily, By-law staff anticipates non-compliant operators will be maintained at 0 to 10 at any given time.

Summary – The table below provides a monthly overview of the Service Requests directly related to the By-law Enforcement Division, including a comparison to the previous year.

Town of Niagara-on-the-Lake By-law Data for April 2023		
	April 2022	April 2023
Parking Penalty Notices Issued	1075	1256
Screenings for Parking Notices	9	18
Special Enforcement Area Penalties Issued*	0	0
By-law MLE Investigations	18	12
Property Standards Investigations**	9	2
Tree Permit Exemptions	11	8
Tree Permits Issued	3	4
Tree Permit Denials	0	0
Tree Investigations	0	1
Tree By-law Penalties Issued	0	0
Short-Term Rental Investigations	5	7
Short-Term Rental Penalties Issued	4	1
Other By-law Penalties Issued	0	0
Total AMPS Penalties Issued	4	1

Town of Niagara-on-the-Lake Overall By-law Data for 2023	
Total AMPS Penalties Issued in 2023	6
Total Short Term Rental Penalties Issued in 2023	6
Total Tree By-law Penalties Issued in 2023	0
Total Other By-law Penalties Issued in 2023	0

** Special Enforcement Area increased fines are in place from March 15th to November 15th in accordance with the by-law. (SEA Officer began July 27, 2021)*

*** Property Standards Investigations include Property Standards, Long Grass, and Clean Yards*

Attached as **Appendix I** is the By-law Metrics Infographic for April 2023.

NEXT STEP / CONCLUSION

The Town's By-Law Enforcement Section will continue to provide a monthly update to Council regarding the By-law metrics.

ATTACHMENTS

- **Appendix I** – By-law Metrics Infographic for April 2023

BY-LAW BREAKDOWN FOR APRIL 1 TO APRIL 30, 2023

1 
AMPS* Tickets
(Total)

1 
Short Term
Rental Penalty
Notices

2 
Property Standards
Investigations

12 
By-Law
Investigations

1256 
Parking Tickets

*AMPS: Administrative Monetary Penalty System

The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Winter Breakup – Additional Hot Mix Asphalt Resurfacing and Spot Repairs
DATE: 2023-05-16
REPORT #: OPS-23-029
PREPARED BY: Mike Komljenovic
DEPARTMENT: Operations - Engineering

BACKGROUND INFORMATION

The purpose of this Information Report is to advise Council of additional hot mix asphalt resurfacing locations to be included in this year's hot mix asphalt program due to deteriorating conditions accelerated by winter breakup conditions.

The Town's approved 2023 capital budget included \$579,510 toward the resurfacing of the following streets within the municipality:

1. C01912 Penner Street – Four Mile Creek Road to Elden Street to Niagara Stone Road (\$139,510)
2. C02048 Concession 6 Road – Line 4 Road to Line 5 Road (\$220,000)
3. C02049 Concession 6 Road – Line 5 Road to Line 6 Road (\$220,000)

On March 21, 2023, Town Staff advised Council via an Information Report that tenders were received for the 2023 Hot Mix Asphalt Program with the Award of Tender to Rankin Construction Inc.

Upon review of the schedule of tender unit prices, it has been determined that approximately \$50,000 in surplus funds are available between the listed projects noted above that could be applied toward additional spot repairs and/or full block sections of the road if necessary. The surplus funds are related to favourable unit prices at the time of tendering since the project was budgeted for the fall of 2022.

Over the past several weeks, with temperatures steadily improving and the winter freeze-thaw conditions coming to an end, Town Staff has received referrals from residents and/or members of Council concerning poor road conditions. Through annual spring patrols, Town Roads Staff has also identified numerous locations requiring spot repairs. Typically, Staff would address these locations using available materials to patch the road with cold-mix asphalt; however, in certain

instances, this is not an appropriate long-term solution from a cost, Staff resourcing or time perspective.

Upon further review, the Operation Department is recommending that the following spot repair locations be added to the 2023 Hot Mix Asphalt Paving Program:

Locations of Spot Repairs	Estimated Size (sq. m)
Concession 1 Road – Line 1 Road to Line 2 Road (5 locations)	90
Concession 1 Road – Line 2 Road to Line 3 Road (9 locations)	130
Concession 1 Road – Line 7 Road to Line 8 Road (2 locations)	63
Concession 6 Road – South of York Road (1 location)	42
Cross Street – East of Stewart Road (1 location)	48
King Street – South of Queen Street (2 locations)	75
Paxton Lane – South of York Road (1 location)	72
Princess Street – North of Highlander Street (1 location)	99
Mississagua Street – Gage Street to Centre Street (1 location)	120
Total	739 sq.m

The locations of spot repairs and full block replacements are shown in **Appendix I – 2023 Winter Breakup Location Overview Map**.

FINANCIAL IMPLICATIONS

Spot Repairs

The various spot repairs noted above will be addressed using the Roads Operating Budget Patching & Spray Patching account (320-2400-41000). The estimated cost to mill, apply a tack coat and 50mm of HL3 asphalt at the noted locations based on this year's 2023 Hot Mix Asphalt Tender is as follows:

Total Estimated Cost -	\$59,000 plus applicable taxes.
Available Budget -	\$60,000

Sufficient funds are available in the Roads Operating Budget to address these spot repairs.

Full Block Sections

The Operations Department has calculated the following estimate to complete the work.

1. Dorchester Street – Johnson Street to Queen Street -	\$35,000.00
---	-------------

The Total Estimated Cost is \$35,000.00 plus applicable taxes.

The proposed works include milling 50mm of the existing road surface, applying a tack coat, placing 50mm of HL3HS asphalt, and shouldering to achieve a 6m wide platform with 1m paved shoulders.

The surplus funds identified in this year's Hot Mix Asphalt resurfacing program are sufficient to cover these additional costs.

NEXT STEP / CONCLUSION

Town Staff will arrange for the hot mix asphalt contractor, Rankin Construction Inc., to schedule these works immediately following Council's receipt of this Information Report. Affected residents will be advised through a notice before the work commences.

ATTACHMENTS

- N/A

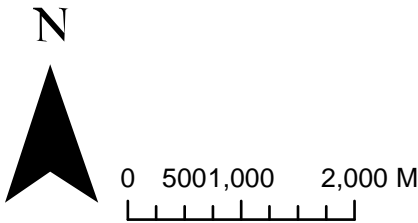
2023 Winter Breakup

Additional hot mix, asphalt resurfacing, and spot repairs

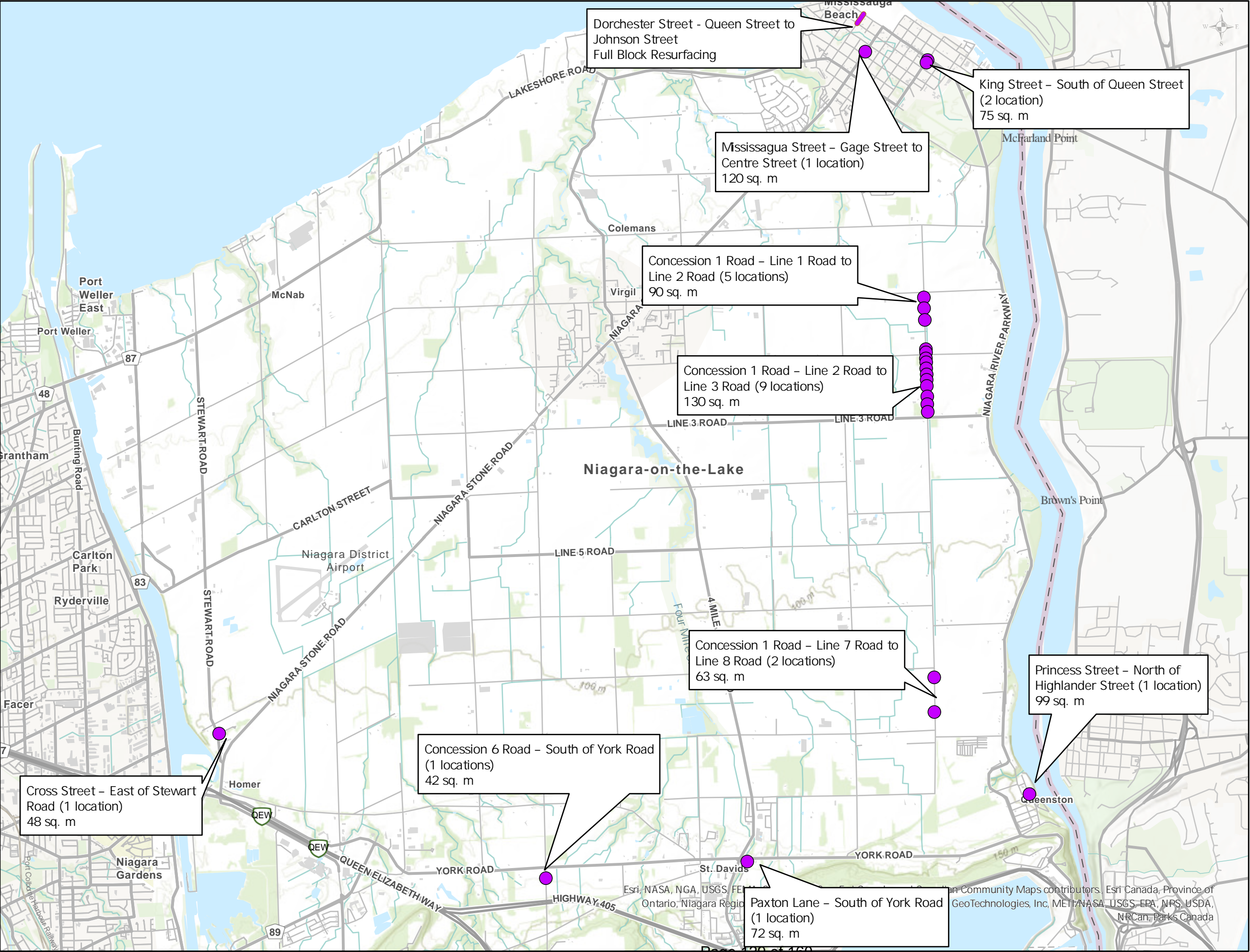
Appendix I

Legend

- Hot Mx Segment 2023
- Hot Mx Spot Repair 2023



Notes:
Total Hot Mx Spot Repair Area m2: 739



The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: 2022 – 2026 Council Strategic Plan Update
DATE: 2023-05-16
REPORT #: CAO-23-053
PREPARED BY: Victoria Steele, Strategy and Government Relations Officer
DEPARTMENT: CAO/Administration

BACKGROUND INFORMATION

At the beginning of each Council term, the Office of the Chief Administrative Officer coordinates the development of a Strategic Plan to establish key goals and initiatives that will move the community forward. Council's Strategic Plan provides direction to Town Staff about areas of focus as the organization works toward achieving its vision.

On March 21, 2023, at the COTW-General meeting, Council received Information Report CAO-23-041, an update on the process and timelines for the 2022 – 2026 Strategic Plan.

To date, the following meetings have taken place:

- Senior Management Team (SMT) Environmental Scan and Strengths, Weaknesses, Opportunities and Threats (SWOT) Analysis
- One-on-one meetings with all Council Members
- Council SWOT Analysis
- Joint Council and SMT Strategic Plan Session

A summary of the Joint Council and SMT Strategic Plan Session, held on April 19, 2023, and the next steps can be found in **Appendix I**. The information in Appendix I will be presented at the May 16, 2023, COTW-G meeting.

NEXT STEP / CONCLUSION

The next stage of the process is to present the information and analysis collected to date and engage the community. It is vital that the development of the Strategic Plan is an inclusive process, engaging and collaborating with residents, business owners, agencies, community partners, staff and Council in a variety of formats.

Input from Town residents and other stakeholders is essential to ensure the Strategic Plan adequately reflects the priorities and issues of the community. The Town recognizes its ability

to consistently deliver exceptional services to citizens depends on aligning its priorities with what matters the most to the community and spending time, energy and money accordingly.

Stakeholder engagement will take place via multiple methods:

- Public Information Centres (PIC)
- Online Survey
- Staff Survey
- Social Media Engagement
- Stakeholder One-on-One Interviews

Public Information Centres

The Public Information Centres will be an interactive booth where the community can provide feedback and ideas. Multiple locations and times were chosen to engage with multiple demographics, and a virtual PIC is planned for those unable to attend in person.

- Tuesday, May 23: 9:30 – 11:30 AM Community Centre Lobby
- Tuesday, May 23: 1:00 – 3:00 PM Queenston Library
- Monday, May 29: 12:00 – 2:00 PM Virgil Sports Park
- Monday, May 29: 3:30 – 5:30 PM Sparky's Park
- Tuesday, May 30: 11:30 – 1:30 PM Outlet Mall - Food Court
- Tuesday, May 30: 2:30 – 4:30 PM Courthouse Steps
- Tuesday, May 30: 6:30 PM Virtual PIC

The PICs and the online survey will be advertised via the Town's social media channels, newspaper ads, and posters at the Community Centre and Town Hall.

Online Survey

A draft copy of the online survey can be found in **Appendix II**. The survey will be available for two weeks, from May 18 to June 1.

Staff Survey

An internal Staff survey will be circulated the first week of June to request feedback on the proposed vision, mission, and pillars.

Social Media Engagement

Through the Town's social media channels, interactive engagement tools such as polls and choice questions will be asked to encourage instant feedback. The posts will encourage users to answer more questions via the online survey and/or attend a PIC.

Stakeholder One-on-One Interviews

It is proposed the following stakeholders be interviewed during the process of the Council's Strategic Plan:

- NOTL Regional Councillor – Andrea Kaiser
- NOTL Chamber of Commerce – President and/or Chair
- Niagara College – President or designate

A workshop will take place on Tuesday, June 13, 2023, before COTW-Planning to review the results of the stakeholder engagement and for Council to provide feedback. Next, Council will

review a draft Strategic Plan at the June 27, 2023, Council meeting and will have additional opportunities for feedback. A final draft of the Strategic Plan is anticipated to be presented at the July 25, 2023, Council Meeting.

Upon Council's approval of the Strategic Plan, a plan will be developed for implementation, ongoing monitoring and updates to Council and the community on the action plan and strategic plan accomplishments.

ATTACHMENTS

- **Appendix I** – Strategic Planning - Follow Up to April 19, 2023
- **Appendix II** – Strategic Planning - Draft Survey



Niagara-on-the-Lake

**Follow Up to April 19, 2023,
Strategic Planning Session**

Table of Contents



Where are we now?

- What is Strategy
- Council SWOT Analysis



Where are we going?

- Corporate Mission and Vision



What could get in our way?

- Risks and Barriers



Future State: Collective

- Priorities and goals
- Re-envisioning Pillars



Next Steps

- Community Engagement
- Timeline



Where are we now?



What does “*STRATEGY*” mean to you?

- Future vision
- Roadmap
- Clarity
- Vision
- Intentional
- Direction
- Priorities

Summary

- Develop an intentional roadmap of priorities to achieve the future vision





Strengths

- Beautiful Environment
- Community Engagement
- Economic Base
- Friendly & Passionate People
- Geographical Location
- Heritage
- Image & Reputation
- Natural Environmental
- Physical & Cultural Assets
- Rural & Urban Mix
- Quality of Life
- Sense of Community
- World Class Tourism
- Youth



Weaknesses

- Change Resistant
- Connected Community
- Development Averse
- Large Geography
- Lack of Healthcare
- Lack of Respectful Dialogue
- Needs of Villages
- No High School
- Parking
- Revenue Streams
- Seasonal Population
- Weak Employment Market



Opportunities

- Broad Demographics
- Engaged Community
- Health Infrastructure
- Implement Strat Plan
- Next Generation
- Official Plan
- Proactive Development
- Post Secondary Institutions
- Smart Development
- Time Specific Goals
- Transparency
- Youth Mapping



Threats

- Aging Population
- Corporate Capacity
- Diminishing Natural & Heritage Assets
- Economy
- Loud Minority
- Municipal Government Centralization
- Relations with Other Levels of Government

Parking Lot Topics

Items that did not fit into Strategic Planning discussions, but we want to save for future discussions:

- Discretionary Grants
- Seasonal Healthcare Patients
- Bill 23
- Affordable Housing (Definition)
- MAT Revenue
- Who are our Community Partners
- Committees of Council (Timing)



Where are we going?



Decision Point

Option 1:
Amend Corporate
Mission and Vision

Option 2:
Keep Corporate
Mission and Vision

Corporate Mission

At your service – providing outstanding support, friendly assistance and effectively delivered services to our residents and businesses throughout Niagara-on-the-Lake

Corporate Vision

Working together to maintain our heritage, agriculture and distinct beauty, while creating vibrant sustainable communities for all.

Vision Proposals

Original

Working together to maintain our heritage, agriculture and distinct beauty, while creating vibrant sustainable communities for all.

Option 1

Sustain our distinct identity while creating a vibrant and complete community for all.

Option 2

Working together to cultivate our heritage, agriculture and distinct beauty while creating a vibrant, livable community.

Option 3

Enhancing our heritage, agriculture and natural beauty, while creating a resilient, vibrant and welcoming community for all.

Mission Proposals

Original

At your service – providing outstanding support, friendly assistance and effectively delivered services to our residents and businesses throughout Niagara-on-the-Lake.

Option 1

Deliver effective, efficient, quality programming.

Option 2

To deliver exceptional municipal services to the Town of Niagara-on-the-Lake.

Option 3

Working together to achieve excellence.

**What could
get in our
way?**



Risks and Barriers to Achieving Mission & Vision

- Attitude
- Capacity
- Economy
- Finances
- Legislative Changes (Regional, Provincial, Federal)
- Other Levels of Government
- Pandemics
- People
- Politics
- Resources (Staff, Supply Chain, Money)
- Time
- (Un)Realistic Expectations
- Weather



Future State: Collective



Future State: Potential New Priorities & Goals

- Advocacy & Government Relations
- Asset Management Plan
- Climate Change Adaptation Plan
- Closing the gap on capital investments
- Coastal Protection Program Strategy
- Customer Experience Excellence Strategy
- Cybersecurity Strategy
- Define, Restructure, and Strengthen Community Partnerships
- Development Guidelines
- Diversity, Equity & Inclusion Lens
- Enforcement Plan: By-law Updates
- Environmental Lens
- Facilities & Land Optimization
- Fleet Services Review (Ops/Greening/\$)

Future State: Potential New Priorities & Goals

- Heritage Resources
- Housing Strategy
- Increase Healthcare Infrastructure
- Increase Awareness of Volunteer Firefighter Model
- Internal: Optimize Performance
- Irrigation Master Plan and System Expansion
- Master Servicing Plan
- Modernization Efforts
- Natural Assets Plan
- People Strategy (Recruit & Retain)
- Physician Recruitment Strategy
- Planning for Progress
- Protect Distinct Community Assets
- Recreational Master Plan
- Revenue Generation (Sponsorships & Donations, User fees, \$ Recovery)

Future State: Potential New Priorities & Goals

- Shared Services Strategy
- State-of-Good Repair Program
- Streamline Processes
- Strengthen Communication Methods
- Sustainable Budget & Fiscal Responsibilities
- Tourism Strategy
- Traffic Calming
- Transportation Master Plan
- Tree Planting Plan & Program
- Update Official Plan
- Update Secondary Plans
- Vibrant Economy - Economic Development / BR&E / MAT / etc.
- Waterfront Strategy
- Youth Programs, Activities, and Facilities

Town of Niagara-on-the-Lake Strategic Plan Options

Community Pillars

Internal/Staff Pillar

Pillar A

- Vibrant & Complete Community
- Vibrant Community
- Community-Minded Guided Growth

Example Priorities & Goals:

- Economic Development
- Healthcare Infrastructure
- Planning for Progress
- Tourism Strategy
- Youth Programs

Pillar B

- Good Governance
- Transparent Government
- Responsible Government

Example Priorities & Goals:

- Advocacy Government Relations
- Revenue Generation
- Shared Services
- Sustainable Budget

Pillar C

- Infrastructure Investment
- Optimize Community Assets & Infrastructure

Example Priorities & Goals:

- Asset Management Plan
- Facility & Land Optimization
- State-of-Good Repair Program
- Transportation Master Plan

Pillar D

- Municipal Excellence
- Optimize Performance

Example Priorities & Goals:

- Customer Experience Strategy
- Enforcement Plan: By-law Updates
- People Strategy
- Streamline Processes

Next Steps



Stakeholder Engagement

- **Public Information Centres (PIC)**

- Tuesday May 23: 1:00 – 3:00 PM, Queenston Library
- Monday May 29: 9:00 – 11:00 AM, Community Centre Lobby
- Monday May 29: 12:00 – 2:00 PM, Virgil Sports Park
- Monday May 29: 3:30 – 5:30 PM, Sparky's Park
- Tuesday May 30: 11:30 – 1:30 PM, Outlet Mall Food Court
- Tuesday May 30: 2:30 – 4:30 PM, Courthouse Steps
- Tuesday May 30: 6:30 PM, Virtual PIC

Stakeholder Engagement

- **Online Survey**
 - Hosted on Join the Conversation (JTC)
 - Thursday May 18 – Thursday June 1
- **Social Media Engagement**
 - Interactive engagement tools (i.e. Instagram story polls, Facebook polls, choice questions)
- **Staff Survey**
 - Monday June 5 – Wednesday June 14
- **Stakeholder Interviews**
 - Wednesday June 14 – Wednesday June 21
 - List of interviewees to be determined at May 16 COTW-G

The Plan: Strategic Planning

- ✓ **March 22 – April 5, 2023:**
 - One-on-one meetings with Council Members
- ✓ **April 19, 2023:**
 - Council SWOT Analysis and Strategic Plan Session
- **May 2023:**
 - Stakeholder Interviews and Public Engagement
 - **May 16, 2023, Presentation (COTW-G)**
 - Summary Presentation, Survey & Info Report
 - **Tuesday June 13, 4:30 – 5:30 PM, Workshop (COTW-P)**
 - Council and SMT Strategic Plan Workshop to present Stakeholder Engagement
 - **June 27, 2023, Presentation (Council):**
 - Draft Plan Presentation at Council
 - **July 25, 2023 (Council):**
 - Final Plan Presentation at Council





Thank you.

2022 - 2026 Council's Strategic Plan

Join the Conversation Niagara-on-the-Lake

2022 - 2026 Niagara-on-the-Lake Council's Strategic Plan Survey

The 2022-2026 Council's Strategic Plan Survey will be open for two (2) weeks, from Thursday, May 18, 2023, to Thursday, June 1, 2023.

The Town's Strategic Plan will develop an intentional roadmap of priorities to achieve the future vision of Niagara-on-the-Lake. It helps to provide clarity to Council's goals and prioritize the focus and direction for this term of Council.

Notice of collection: All personal information collected is done so in accordance with Sections 28 and 29 of the *Municipal Freedom of Information and Protection of Privacy Act*. Submissions are used for their intended submitted purpose of gathering anonymous input for the given topic. In alignment with best practices associated with survey analytics and to protect the anonymity of survey respondents, the raw written data of this survey will not be provided for public viewing. Please ensure that you are only submitting your own personal information and not that of a third party. By providing this information, you are giving your consent to the Town to utilize this information as indicated.

Council and Senior Management worked in groups to refine the Vision statement. Which Vision do you prefer?

(Choose any one option) (Required)

- ☐ Current: Working together to maintain our heritage, agriculture and distinct beauty, while creating vibrant sustainable communities for all.
- ☐ Option 1: Sustain our distinct identity while creating a vibrant and complete community for all.
- ☐ Option 2: Working together to cultivate our heritage, agriculture and distinct beauty while creating a vibrant, livable community.
- ☐ Option 3: Enhancing our heritage, agriculture and natural beauty, while creating a resilient, vibrant and welcoming community for all.

Council and Senior Management worked in groups to refine the Mission statement. Which Mission statement do you prefer?

(Choose any one option) (Required)

- ☐ Current: At your service providing outstanding support, friendly assistance and effectively delivered services to our residents and businesses throughout Niagara on the Lake.
- ☐ Option 1: Deliver effective, efficient, quality programming.
- ☐ Option 2: To deliver exceptional municipal services to the Town of Niagara on the Lake.
- ☐ Option 3: Working together to achieve excellence.

2022 - 2026 Council's Strategic Plan

Join the Conversation Niagara-on-the-Lake

Below is a list of potential priorities and goals that fit within Pillar A. Please rate the importance of each potential priority and goal.

Questions	Very Important	Important	Moderately Important	Slightly Important	Not Important
Business Retention and Expansion Programs					
Define, Restructure and Strengthen Community Partnerships					
Development Guidelines					
Diversity, Equity and Inclusion Strategy					
Housing Strategy					
Municipal Accommodation Tax					
Physician Recruitment Strategy					
Planning for Progress Initiatives					
Short Term Rental Program Updates					
Traffic Calming					
Tourism Strategy					
Transportation Master Plan					
Update Official Plan					
Update Secondary Plans					
Youth Programs, Activities, and Facilities					

What title do you prefer for Pillar A based on the description and example priorities and goals?

Pillar Description

- Focus on transportation options and connectivity, mixed and efficient uses of land, healthy environments, job growth and business diversity
- Aims to meet basic needs of all residents in the community regardless of income, culture, or political ideologies
- Engaged, connected, and energized community members, where anyone can participate in a range of cultural, social, and recreational activities and have access to resources and amenities
- Strong sense of identity and purpose, as well as commitment to continuous improvement and growth
- Promotes a healthy and supportive environment that inclusively taps human, economic, and natural resources to thrive and grow together
- Involves collaborative planning and decision-making processes, and a focus on balancing the interests of various stakeholders

(Choose any one option) (Required)

- ☐ Vibrant & Complete Community
- ☐ Vibrant Community
- ☐ Community-Minded Guided Growth

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Below is a list of potential priorities and goals that fit within Pillar B. Please rate the importance of each potential priority and goal.

Questions	Very important	Important	Moderately Important	Slightly Important	Not important
Advocacy & Government Relations Strategies					
Closing the Gap on Capital Investments					
Closing the Gap on Capital Investments					
Revenue Generation (Sponsorships & Donations, User fees)					
Shared Services Strategy					
Sustainable Budget & Fiscal Responsibilities					
Revenue Generation (Sponsorships & Donations, User fees)					
Sustainable Budget & Fiscal Responsibilities					
Shared Services Strategy					

What title do you prefer for Pillar B based on the description and example priorities and goals?

Pillar Description

- Managing public affairs in an efficient, effective, equitable, and accountable manner
- Fair and efficient use of public resources
- Make government activities and decision-making processes open and transparent to the public
- Disclosure of information about operations, budgets, policies, and procedures in a timely and accurate manner
- Government is accountable and responsive to the needs and interests of citizens and
- Adopt policies and practices that are grounded in accountable and ethical behavior and sound judgment

(Choose any one option) (Required)

- ☐ Good Governance
- ☐ Transparent Government
- ☐ Responsible Government

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Below is a list of potential priorities and goals that fit within Pillar C. Please rate the importance of each potential priority and goal.

Questions	Very important	Important	Moderately Important	Slightly Important	Not Important
Asset Management Plan					
Climate Change Adaptation Plan					
Coastal Protection Program Strategy					
Facilities & Land Optimization					
Increase Healthcare Infrastructure					
Irrigation Master Plan and System Expansion					
Master Servicing Plan					
Natural Assets Plan					
Protect Distinct Community Assets					
Recreational Master Plan					
State-of-Good Repair Program					
Transportation Master Plan					
Tree Planting Plan & Program					
Waterfront Strategy					

What title do you prefer for Pillar C based on the description and example priorities and goals?

Pillar Description

- Development of strategies and allocation of financial resources to support the development, maintenance, and improvement of physical and social infrastructure (i.e. roads, bridges, water and wastewater systems, schools, healthcare, transit)
- Promotes economic growth, creates jobs, improves quality of life, and ensures public safety and security
- Identifies and leverages strengths and resources of community to achieve desired outcomes and develop strategies to maximize the impact of available resources
- Maximizes physical and social infrastructure while identifying ways to improve and expand existing infrastructure

(Choose any one option) (Required)

- ☐ Infrastructure Investment
- ☐ Optimize Community Assets & Infrastructure

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Below is a list of potential priorities and goals that fit within Pillar D. Please rate the importance of each potential priority and goal.

Questions	Very Important	Important	Moderately Important	Slightly Important	Not Important
Customer Experience Excellence Strategy					
Cybersecurity Strategy					
Enforcement Plan: By-law Updates					
Fleet Services Review (Ops/Greening/\$)					
Heritage Resources					
Increase Awareness of Volunteer Firefighter Model					
Modernization Efforts					
People Strategy (Recruit & Retain)					
Streamline Processes					
Strengthen Communication Methods					

What title do you prefer for Pillar D based on the description and example priorities and goals?

Pillar Description

- Delivering high-quality, efficient public service delivery and responsible financial management
- Commitment to continuous improvement, stakeholder engagement and modernization
- Improve efficiencies and effectiveness to achieve customer service excellence
- Identify areas of improvement, enhance communication and collaboration, adopt best practices, and boost reputation to achieve goals.

(Choose any one option) (Required)

- ☐ Municipal Excellence
- ☐ Optimize Performance

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Please rank how important the following items are to you.

(Required)

Questions	1	2	3	4	5	6	7	8	9	10
Diversity, Equity, and Inclusion										
Environmental Stewardship										

What do you believe should be #1 priority for the 2022 – 2026 Council Strategic Plan?

(Required)

Based on the strategic pillars, priorities, and goals listed throughout this survey, are there any topics missing that you would like Council to consider in the 2022 – 2026 Strategic Plan?