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Merrickville 1860
Amalgamated 1998

Telephone (613) 269-4791
Facsimile (613) 269-3095

VILLAGE OF MERRICKVILLE-WOLFORD

Agenda for Council
Council Chambers

Special Council Meeting 2:00 p.m. Tuesday, August 24, 2021

*****IMPORTANT NOTICE: This meeting will be held electronically. To ensure transparency, an audio recording of this meeting will be livestreamed on YouTube on the "Village of Merrickville-Wolford" YouTube channel at https://www.youtube.com/channel/UC_OEkw3ylMarGSHGeNecrQg and posted on the website following adjournment.*****

1. **Call to Order**
2. **Disclosure of Pecuniary Interest and the general nature thereof**
3. **Approval of the Agenda**
4. **Minutes** Approval of Minutes of regular Council meeting of July 26, 2021
   Approval of Minutes of special Council meeting of August 6, 2021
   Approval of Minutes of the Environmental Advisory Committee meeting of June 30, 2021
5. **Motion:** Community Fireworks Appreciation Event
6. **Planning:** Consent Application B-109-21 & B-110-21 & Jp2g Report – Maitland Road
   Consent Application B-128-20 & B-129-20 & Jp2g Report – County Rd 43
   By-Law 17-21 re: Herbert Street Unopened Road Allowance
7. **Correspondence:** Request for In-Kind services from Merrickville Makers Market
   Report from Aird & Berlis LLP
8. **Finance:** FIN-13-2021 Re: Tax Write Off
   FIN-14-2021 Re: 2nd Quarter Report
9. **Fire:** FD-02-2021 Re: 2nd Quarter Report
10. **CAO/Clerk:** Council Liaison to Environmental Advisory Committee
11. **Public Question Period:** Questions may be emailed to: mayor@merrickville-wolford.ca
12. **In Camera**
    1. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
    2. Security of the property of the municipality or local board.
13. **Next meeting of Council**: Monday, September 13th, 2021 at 2:00 PM
14. **Confirming By-Law:** 45-2021 re: Confirm Proceedings of Council meeting of August 24, 2021
15. **Adjournment**.

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VILLAGE OF MERRICKVILLE-WOLFORD

For Clerk's use only, if required.		
Recorded Vote Requested By:		
Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 21

Date: August 24, 2021

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

Be it hereby resolved that:

The Council of the Corporation of the Village of Merrickville-Wolford does hereby approve the agenda of the special Council meeting of August 24, 2021 as:

___ circulated.

___ amended.

Carried / Defeated

_____

J. Douglas Struthers, Mayor

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VILLAGE OF MERRICKVILLE-WOLFORD

For Clerk's use only, if required.
Recorded Vote Requested By:

Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 21

Date: August 24, 2021

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

Be it hereby resolved that:

The Council of the Corporation of the Village of Merrickville-Wolford does hereby approve the Minutes of the regular Council meeting of July 26, 2021 as

_____ circulated.

_____ amended.

Carried / Defeated

_____

J. Douglas Struthers, Mayor

The Corporation of the Village of Merrickville-Wolford

Monday, July 26, 2021, 2:00 p.m.

Chaired by:	Mayor J. Douglas Struthers
Members of Council:	Deputy Mayor Michael Cameron Councillor Bob Foster Councillor Timothy Molloy **Note:** Councillor Molloy arrived at 2:09 PM. during the In Camera session
Absent:	Councillor Don Halpenny
Staff in Attendance:	Doug Robertson, CAO/Clerk Kirsten Rahm, Treasurer/Deputy Clerk Stacie Lloyd, Manager, Community Development Brad Cole, Firechief/Manager of Operations
Guests:	Forbes Symon, Jp2g Consultants Inc.

NOTE: This meeting was held electronically via Zoom and livestreamed on the Village's YouTube Channel

Disclosure of Pecuniary Interest and the general nature thereof: None.

Approval of Agenda

R-194-21 Moved by Deputy Mayor Cameron, Seconded by Councillor Foster

Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville-Wolford does hereby approve the agenda of the regular Council meeting of July 26, 2021.

Carried.

In-Camera

R-195-21 Moved by Deputy Mayor Cameron, Seconded by Councillor Foster

Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville-Wolford does hereby move to an "In-Camera" session at 2:07 p.m. under Section 239(2) of the Municipal Act, 2001, as amended, to address matters pertaining to:

1. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
2. A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by the municipality or local board; and
3. Personal matters about an identifiable individual, including municipal or local board employees.

Carried.

Rise and Report

R-196-21 Moved by Councillor Foster, Seconded by Deputy Mayor Cameron

Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville-Wolford does hereby rise and report from the "In-Camera" session of the regular Council meeting, with staff being given direction at 4:08 p.m.

Carried.

Motion to Reconsider

R-197-21 Moved by Councillor Molloy, Seconded by Deputy Mayor Cameron

Whereas at the In Camera meeting of July 26, 2021, Council received new information related to File #ZBA-01-2021 regarding the July 7, 2021 resolution R-191-2021 to rezone the lands described as Lot 72, Plan 6, Village of Merrickville from "Residential Type One (R1)" to Residential Type Two (R2).

Now Be It Hereby Resolved that Council reconsider their decision to refuse approval of the application to rezone under File #ZBA-01-2021.

Carried.

R-198-21 Moved by Deputy Mayor Cameron, Seconded by Councillor Molloy

Be it Hereby resolved that: That Council pass By-Law 42-2021 to rezone the lands described as Lot 72, Plan 6, Village of Merrickville from "Residential Type One (R1)" to "Residential Type Two (R2)" (File #ZBA-01-2021).

Carried.

R-199-21 Moved by Deputy Mayor Cameron, Seconded by Councillor Foster

Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville-Wolford does hereby receive Planning Report from Forbes Symon of Jp2g Consultants Inc. dated July 8, 2021 with respect to Consent Application B-97-21 and Municipal Consent Application Questionnaire Form, for information purposes; and

That Council does hereby recommend deferral of Consent Application B-97-21 to the Consent Granting Authority until the satisfactory completion of the following:

1. The applicant to commission an Environmental Impact Statement (EIS) to determine if any negative impacts will occur on the identified significant woodlands and potential fishery resources, and this point to be deferred to the Rideau Valley Conservation Authority comments on the need and scope of an EIS.
2. The applicant to commission a hydrogeological and terrain analysis to demonstrate that the lot is suitable for development by way of private well and septic system.
3. A zoning by-law amendment be obtained to recognize the existing accessory structure prior to the principal use.

Carried.

R-200-21 Moved by Deputy Mayor Cameron, Seconded by Councillor Foster

Be it hereby resolved that: That the Council of the Corporation of the Village of Merrickville-Wolford does hereby receive Planning Report prepared by Forbes Symon of

Jp2g Consultants Inc. dated July 6, 2021 and Municipal Consent Application Questionnaire Form regarding Consent Application Nos. B-98-21 and B-99-21; and

That Council does hereby recommend approval of Consent Application Nos. B-98-21 and B-99-21 to the Consent Granting Authority with the standard conditions identified on the municipal questionnaire as well as the following condition:

1. That a suitable building, well and septic envelope be identified which meets the 30 m setback for the existing watercourse and any necessary setbacks from the utility corridor on the severed lots and that these matters be identified in a Development Agreement to be registered at owner's expense on the title of the property.

Carried.

R-201-21 Moved by Councillor Molly, Seconded by Councillor Foster

Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville-Wolford does hereby receive Planning Report from Forbes Symon of Jp2g Consultants Inc. dated July 19, 2021 with respect to Consent Application B-108-21 and Municipal Consent Application Questionnaire Form, for information purposes; and

That Council does hereby recommend deferral of Consent Application B-108-21 to the Consent Granting Authority until the satisfactory completion of the following:

1. The applicant to commission an Environmental Impact Statement (EIS) to determine if any negative impacts will occur on the identified significant wetland and/or ANSI; and
2. The applicant undertake a Minimum Distance Separation (MDS) calculation for the existing barn on the retained lands to ensure it does not cause a negative impact on the proposed severed lot; and
3. The applicant commission a Terrain Analysis report which demonstrates there is a suitable building envelope on the severed lot, outside of lands with unstable soils; and
4. The applicant commission an Aggregate Impact Assessment to determine what mitigation measures, if any, are necessary to minimize the impact to and from the existing aggregate deposit.

Carried.

Minutes:

R-202-21 Moved by Councillor Foster, Seconded by Deputy Mayor Cameron

Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville-Wolford does hereby approved the Minutes of the special Council meeting of June 28, 2021 as circulated.

Carried.

R-203-21 Moved by Councillor Molloy, Seconded by Councillor Foster

Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville-Wolford does hereby approved the Minutes of the special Council meeting of July 7, 2021 as circulated.

Carried.

Correspondence:

R-204-21 Moved by Councillor Molloy, Seconded by Deputy Mayor Cameron

Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville-Wolford does hereby receive and support motion 68-2021, dated June 7, 2021, from the Township of Rideau Lakes, to urge the Government of Ontario to provide funding sources for municipalities for the ongoing maintenance and preservation repair of abandoned cemeteries in their care.

Carried.

R-205-21 Moved by Deputy Mayor Cameron, Seconded by Councillor Molloy

Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville-Wolford does hereby receive correspondence from Parkinson Canada.

Carried.

R-206-21 Moved by Councillor Foster, Seconded by Councillor Molloy

Whereas, Parkinson's Disease is the fastest growing neurological condition in the world and

Whereas, Per capita, it is more prevalent in Canada than most other countries and

Whereas, There has been and will continue to be a steady increase of people in our communities who will require support and

Whereas, There is evidence that knowledge, awareness and early intervention are key to improved outcomes and

Whereas, The Parkinson Canada SuperWalk in Lanark North Leeds is an inspirational community event that raises both funds and awareness

Now Be it hereby resolved that:

The Council of the Corporation of the Village of Merrickville-Wolford does hereby declare Saturday, September 11, 2021 as Parkinson Canada SuperWalk Day.

Carried.

R-207-21 Moved by Deputy Mayor Cameron, Seconded by Councillor Foster

Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville-Wolford does hereby receive correspondence from the Canadian Wildlife Federation concerning rights-of-way pollinator habitat restoration.

Carried.

R-208-21 Moved by Councillor Foster, Seconded by Deputy Mayor Cameron

Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville-Wolford does hereby receive correspondence from United Counties of Leeds Grenville about the Point in Time Count and Byname List.

Carried.

R-209-21 Moved by Deputy Mayor Cameron, Seconded by Councillor Molloy

Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville-Wolford does hereby receive correspondence from Waste Reduction Week Canada.

Carried.

R-210-21 Moved by Councillor Foster, Seconded by Deputy Mayor Cameron

Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville-Wolford does hereby receive correspondence from Hasting County concerning Ontario Connects.

Carried.

Finance

R-211-21

Moved by Deputy Mayor Cameron, Seconded by Councillor Molloy

Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville Wolford does hereby receive report FIN-12-2021, being a report regarding debt financing, and does hereby authorize the Treasurer to proceed with the refinancing of the debt with the Royal Bank of Canada for a 10 year term.

Carried, as amended.

Public Works

R-212-21 Moved by Deputy Mayor Cameron, Seconded by Councillor Foster

Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville Wolford does hereby receive report PW-04-2021, being a report regarding the awarding of the Tar and Chip tender.

Carried.

R-213-21 Moved by Councillor Foster, Seconded by Councillor Molloy

Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville Wolford does hereby award Tender PW-04-2021 to Smiths Construction, a division of Miller Paving Limited.

Carried.

Councillor Molloy asked which roads were being done, and Mr. Cole responded with the following information:

- Bates Road 3.7 km
- Weedmark Road 2.47km
- Snowdons Corners Road 4.7 km
- Ireland Road 3.5 km
- Reid Street 0.866 km

Public Question Period:

A question was received about which roads were being tarred and chipped and how many km were being done. The question was previously answered.

A question was received inquiring as to when the Official Plan will be posted on the Village website. The County made some mapping changes to the OP, and once these are completed it will be posted on the website.

Questions unrelated to the agenda were not answered.

Confirming By-Law

R-214-21 Moved by Deputy Mayor Cameron, Seconded by Councillor Molloy

Be it hereby resolved that: By-law 43-2021, being a by-law to confirm the proceedings of the Council meeting of July 26, 2021, be read a first and second time, and that By-law 43-2021 be read a third and final time and passed.

Carried.

Adjournment

R-215-21 Moved by Councillor Foster, Seconded by Councillor Molloy

Be it hereby resolved that: This regular meeting of the Council of the Corporation of the Village of Merrickville-Wolford does now adjourn at 5:14 p.m. until the next regular meeting of Council on Monday, August 23rd, 2021 or until the call of the Mayor subject to need.

Carried.

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VILLAGE OF MERRICKVILLE-WOLFORD

For Clerk's use only, if required: **Recorded Vote Requested By:**		
Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 21

Date: August 24, 2021

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

Be it hereby resolved that:

The Council of the Corporation of the Village of Merrickville-Wolford does hereby approve the Minutes of the special Council meeting of August 6, 2021 as

_____ circulated.

_____ amended.

Carried / Defeated

_____

J. Douglas Struthers, Mayor

The Corporation of the Village of Merrickville-Wolford

Friday, August 6, 2021, 3:30 p.m.

Chaired by:	Mayor J. Douglas Struthers
Members of Council:	Deputy Mayor Michael Cameron Councillor Bob Foster
Absent:	Councillor Don Halpenny Councillor Timothy Molloy
Staff in Attendance:	Doug Robertson, CAO/Clerk Kirsten Rahm, Treasurer/Deputy Clerk

NOTE: This meeting was held electronically via Zoom and livestreamed on the Village's YouTube Channel

Disclosure of Pecuniary Interest and the general nature thereof: None.

Approval of Agenda

R-216-21 Moved by Councillor Foster, Seconded by Deputy Mayor Cameron
Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville-Wolford does hereby approve the agenda of the special Council meeting of August 6, 2021.

Carried.

R-217-21 Moved by Councillor Foster, Seconded by Deputy Mayor Cameron
Be it Hereby resolved that: The Council of the Corporation of the Village of Merrickville-Wolford does hereby approve the purchase of new self-contained breathing apparatus from 3M Scott/M&L Supply to replace the outdated SCBAs that are not NFPA compliant and not repairable; and

That: Council does hereby approve that this purchase be funded from the Working Fund Reserve.

Carried.

Confirming By-Law

R-218-21 Moved by Deputy Mayor Cameron, Seconded by Councillor Foster
Be it hereby resolved that: By-law 44-2021, being a by-law to confirm the proceedings of the Council meeting of August 6, 2021, be read a first and second time, and that By-law 44-2021 be read a third and final time and passed.

Carried.

Adjournment

R-219-21 Moved by Councillor Foster, Seconded by Deputy Mayor Cameron
Be it hereby resolved that: This special meeting of the Council of the Corporation of the Village of Merrickville-Wolford does now adjourn at 3:45 p.m. until the next regular meeting of Council on Monday, August 23rd, 2021 or until the call of the Mayor subject to need.

Carried

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VILLAGE OF MERRICKVILLE-WOLFORD

For Clerk's use only, if required.		
Recorded Vote Requested By:		
Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 21

Date: August 24, 2021

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

Be it hereby resolved that:

The Council of the Corporation of the Village of Merrickville-Wolford does hereby approve the Minutes of the Environmental Advisory Committee meeting of June 30, 2021 as:

_____ circulated.

_____ amended.

Carried / Defeated

_____

J. Douglas Struthers, Mayor

Environmental Advisory Committee (EAC)

June 30, 2021 at 5 p.m. via Zoom

Members Present: Gary Brown, Anney de Gobeo, Janice Ife, Clair Sexton

Members absent: Paul Marriott

1. **Meeting call to order:**
   The meeting was called to order at 5:04 p.m.

2. **Disclosure of Pecuniary Interest**: none

3. **Approval of the Agenda:**
   Moved by Clair Sexton, Seconded by Janice Ife:
   Be it hereby resolved that the Environmental Advisory Committee does approve the agenda as circulated.
   Motion carried.

4. **Approval of previous meeting minutes:**
   Moved by Clair Sexton, Seconded by Anney de Gobeo:
   Be it hereby resolved that the Environmental Advisory Committee does Approve the minutes of the January 2019 meeting.
   Motion carried.

5. **EAC Strategic Plan, Budget and November 2018 Update and**
6. **Waste Management Plan 2011 - discussion**

   Considerable discussion revealed several overlapping items which need to be updated, due to the lapse in time between meetings (thank you Covid). Once these items are known the EAC can move ahead on recommendations for both the EAC Strategic Plan and The Waste Management Plan.

In order for the EAC and the Village Council and Staff to move forward on both these issues, the following information and/or questions need to be updated and/or answered:

a) Growth in Village population
b) Has the Village moved on any of the recommendations in the EAC Strategic Plan of 2018? Several had little or no cost and may have been able to be implemented.
c) Has the Village moved on partnerships with other regional communities on a joint contract with waste management companies?
d) What are the statistics for the use of the Landfill for the past 5 years?

Moved by Claire Sexton, Seconded by Janice Ife:
Be it hereby resolved that the Environmental Advisory Committee requests an update on the above information so we can move forward on Strategic Plan and Waste Management Plan recommendations.
Motion carried.

7. New Business:

a) The EAC has received a request for support from Sustainable M-W regarding waste management at upcoming special events. Since much of the waste created at special events in the Village does not get properly sorted by attendees, SMW would like to have a table for all garbage drop off where it can be sorted properly by volunteers, ensuring recyclable items do not wind up in the Landfill. A volunteer from SM-W has offered to take the organic waste to her farm.

Moved by Claire Sexton, Seconded by Gary Brown:
Be it hereby resolved that the Environmental Advisory Committee supports Sustainable Merrickville-Wolford in their request to use a table(s) for handling of waste at Village events.
Motion carried.

b) The Village has received a request from FoodCycler to form a partnership for Impact Canada Food Waste Reduction Challenge. After considerable discussion the members of the EAC felt that while we could support the concept $10,000 cost was a lot of money to spend on one program when we are unsure what will be prioritized in the update of the Waste Management Plan.

Moved by Claire Sexton, Seconded by Gary Brown:
Motion to **reject** participation in the Impact Canada Food Waste Reduction Challenge.
Motion carried.

8. Next Meeting: Wednesday July 28, 2021. Format to be confirmed.

9. Adjournment

Moved by Gary Brown, Seconded by Janice Ife:
Be it hereby resolved that the Environmental Advisory Committee meeting adjourns at 6:16 p.m.
Motion carried.

Approved Minutes signed by Chair:

_____

Environmental Advisory Committee (EAC)

Resolution Number EAC – 003 – 21

Date: June 30, 2021

Moved By Claire Sexton

Seconded by Gary Brown

Be it hereby resolved that the Environmental Advisory Committee Moves to reject participation in the Impact Canada Food Waste Reduction Challenge.

Motion Carried.

_____

CHAIR

Environmental Advisory Committee (EAC)

Resolution Number EAC – 002 – 21

Date: June 30, 2021

Moved By Claire Sexton

Seconded by Gary Brown

Be it hereby resolved that the Environmental Advisory Committee supports SM-W in their request to use a table(s) for handling of waste at Village events.

Motion Carried.

_____

CHAIR

Environmental Advisory Committee (EAC)

Resolution Number EAC – 003 – 21

Date: June 30, 2021

Moved By Claire Sexton

Seconded by Gary Brown

Be it hereby resolved that the Environmental Advisory Committee Moves to reject participation in the Impact Canada Food Waste Reduction Challenge.

Motion Carried.

_____

CHAIR

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VILLAGE OF MERRICKVILLE-WOLFORD

For Clerk's use only, if required:
Recorded Vote Requested By:

Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 21

Date: August 24, 2021

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

Whereas the Council of the Corporation of the Village of Merrickville-Wolford approved $7632 in the 2021 budget for Canada Day fireworks; and

Whereas the Canada Day celebrations were cancelled because of COVID-19; and

Whereas Council would like to recognize the hard work and perseverance of the Merrickville-Wolford Community;

Now Be It Hereby Resolved that Council approves the reallocation of the firework funds for a fireworks display on August 28, 2021 and execution by the Mayor and/or CAO/Clerk of related approval documents.

Carried / Defeated

_____

J. Douglas Struthers, Mayor

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VILLAGE OF MERRICKVILLE-WOLFORD

For Clerk's use only, if required: **Recorded Vote Requested By:**		
Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 21

Date: August 24, 2021

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

Be it Hereby resolved that:

That the Council of the Corporation of the Village of Merrickville-Wolford does hereby receive Planning Report prepared by Forbes Symon of Jp2g Consultants Inc. dated July 22, 2021 and Municipal Consent Application Questionnaire Form regarding Consent Application Nos. B-109-21 and B-110-21; and

That Council does hereby recommend support of Consent Application Nos. B-109-21 and B-110-21 to the Consent Granting Authority with the standard conditions as identified on the municipal questionnaire.

Carried / Defeated

_____

J. Douglas Struthers, Mayor

Jp2g Consultants Inc.
ENGINEERS • PLANNERS • PROJECT MANAGERS
12 International Drive, Pembroke, ON, K8A 6W5
T 613-735-2507, F 613-735-4513, www.jp2g.com

July 22, 2021

Village of Merrickville-Wolford
317 Brock Street West
P.O. Box 340
Merrickville, ON K0G 1N0

Attention: Doug Robertson, CAO/Clerk

Dear Mr. Robertson:

Re: Planning Report – Consent Applications B109-21 & B110-21 (Jackson)
350 Maitland Road, Pt Lot 24 & 25, Concession 3, Wolford
Village of Merrickville-Wolford

I have now had an opportunity to review the Consent Applications B109-21 and B110-21 as it relates to the Village of Merrickville Wolford Official Plan (2021), the Village of Merrickville Wolford Zoning By-law 23-08 and the United Counties of Leeds and Grenville Official Plan and provide the following comments.

The applicant owns a 9.1acre (3.67 ha) parcel of land which he wishes to divide into three (3) separate lots. Both of the proposed severed lots will be approximately 2.5 acre (1.01 ha) in size with frontages roughly 197 feet (60 m) on Maitland Road. The retained parcel will be approximately 4 acres (1.65 ha) in size.

The subject lands are designated "Rural" in the Merrickville Wolford Official Plan (2021) and zoned "Rural (RU)" in the Merrickville Wolford Zoning By-law 23-08.

The subject property is best characterized as unimproved rural lands some regeneration tree cover. The property appears relatively flat and does not appear to contain any natural or cultural heritage features. There is former road allowance noted on the property which appears to have been merged on title with the subject lands.

The property has frontage on both Maitland and Bates Road. The applications indicate that the two severed lots and the retained will all gain access via Maitland Road.

Local Official Plan Policies

The Village Official Plan places the property within the Rural designation. There does not appear to be any identified significant natural heritage features associated with this property. The subject property appears to have no severance history and is a lot that existing in 1988 as a stand along parcel.

Section 9.3.1 (2), Division of Land, indicates that the minimum lot size for new lots on private services should generally have a minimum lot area of 0.4 ha (1 acre). The policies in Section 9.3.2.8 limits the number of consents to three lots, including the retain for rural lands since 1988.

The subject property appears to have no severance history and is a lot that existing in 1988 as a stand along parcel.

The proposed consent applications appear to conform to the policies of the Village of Merrickville Wolford Official Plan.

Merrickville-Wolford Zoning By-law 22-08

The Village Zoning By-law 22-08 identifies the subject property as being within the "Rural (RU)" zone. Single detached residential is a permitted use within the RU zone and is the intended use of the proposed lots. The RU zone establishes a minimum lot size of 2.5 acres (1 ha) and a minimum lot frontage of 131 feet (40 m). The severances will result in lots which exceed the minimum lot frontage and meet the minimum lot area requirements of the RU zone.

The proposed consent applications appear to conform the regulations of the Village of Merrickville Zoning By-law.

United Counties Official Plan Policies

The Official Plan for the United Counties of Leeds and Grenville, Schedule A, recognizes the subject property as being located within the Rural designation. The Official Plan recognizes limited residential development within the Rural area. The OP defers the specific consent policies and lot standards to the local Official Plans.

In summary the proposed development appears to conform to the Official Plan for the United Counties of Leeds and Grenville.

Summary and Recommendation

The proposed consent applications will result in the creation of two 1.0 ha rural residential lots, each with approximately 60 m of frontage on Maitland Road. No planning related issues or concerns were identified through the review of the applications. The applications appear to conform to the Official Plan for the United Counties of Leeds and Grenville, the Village of Merrickville Wolford Official Plan and the Village of Merrickville Wolford Zoning By-law.

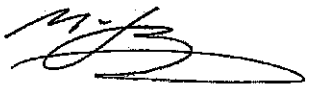
The recommendation of this Report is to support the proposed consent applications with the standard conditions (deposit survey, payment of outstanding taxes, payment of parkland fee).

All of which is respectfully submitted.

Sincerely,

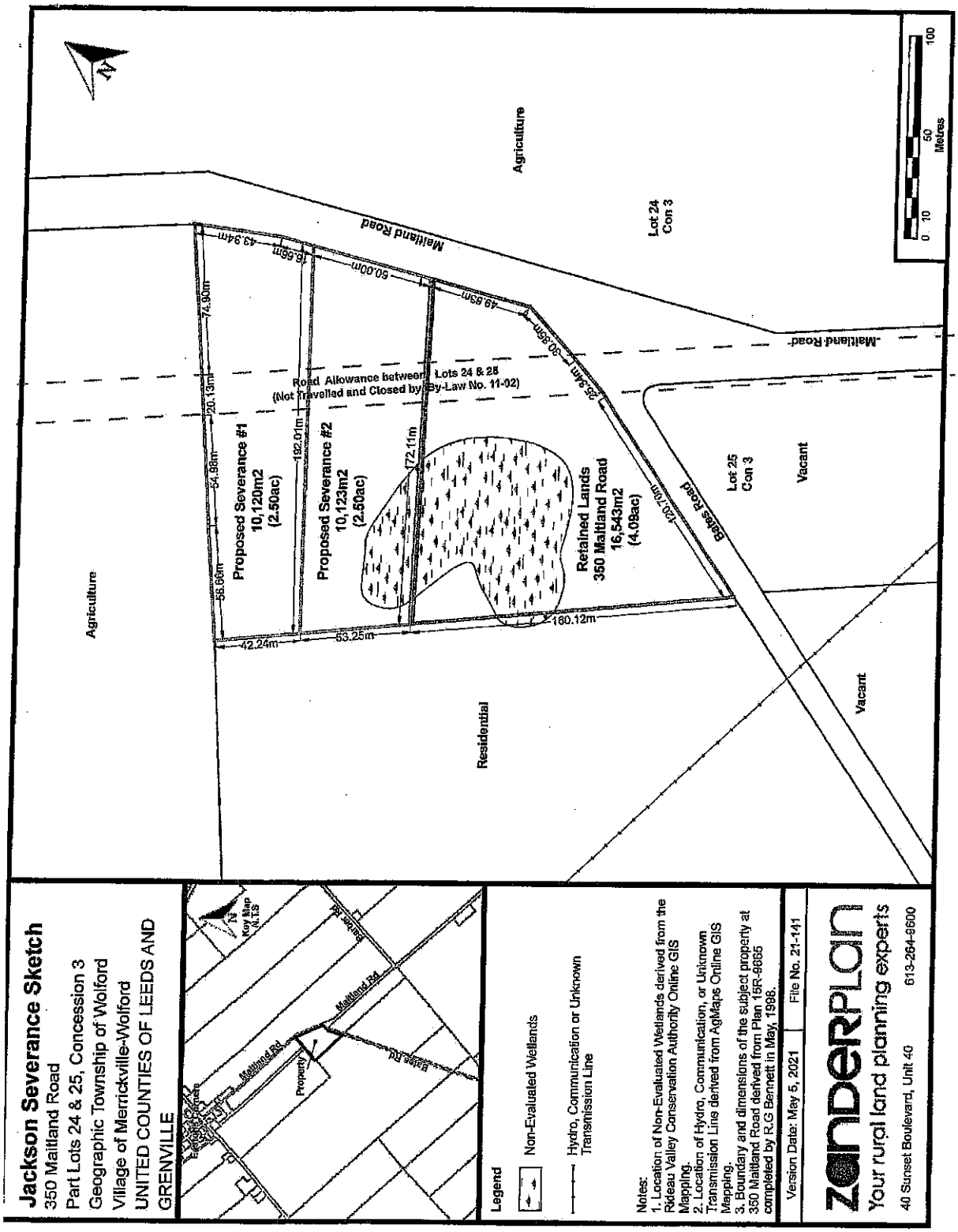
Jp2g Consultants Inc.

ENGINEERS · PLANNERS · PROJECT MANAGERS



Forbes Symon, MCIP, RPP
Senior Planner

Appendix A

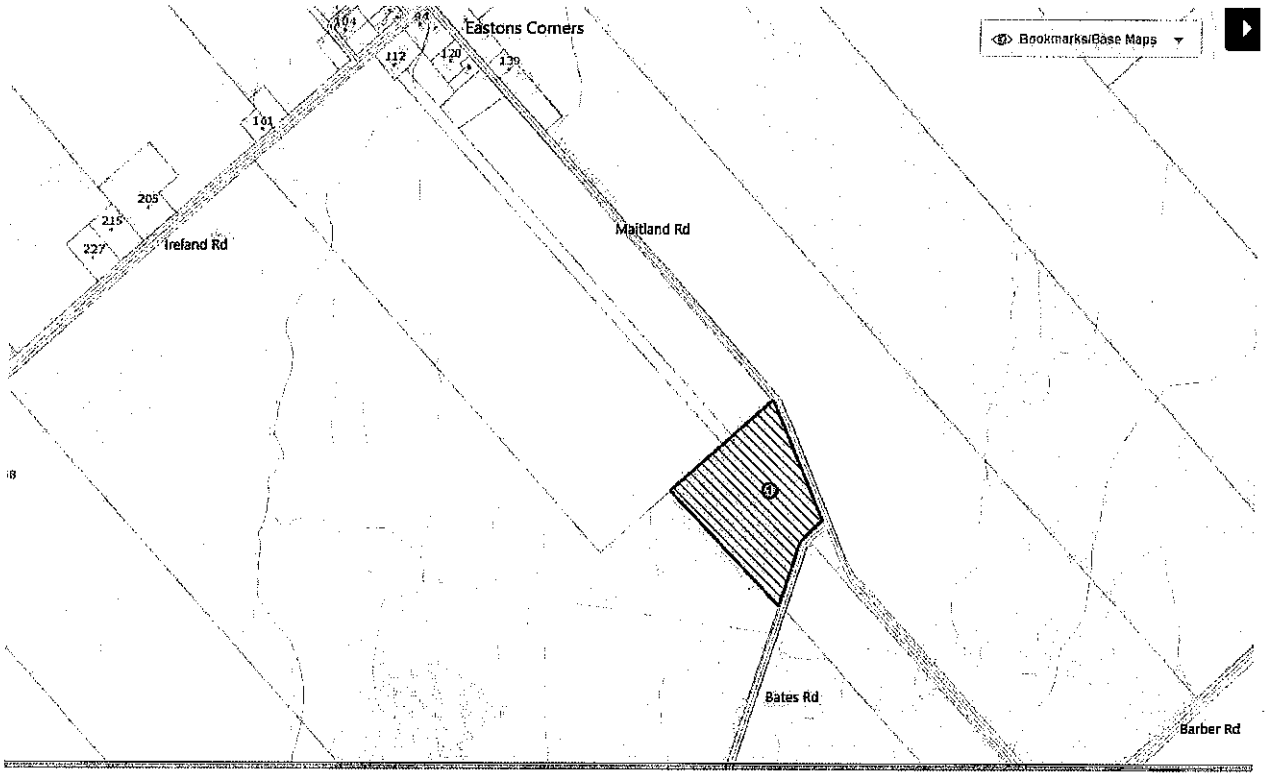

Jackson Severance Sketch
350 Maitland Road
Part Lots 24 & 25, Concession 3
Geographic Township of Wolford
Village of Merrickville-Wolford
UNITED COUNTIES OF LEEDS AND GRENVILLE
Maitland Road
Agriculture
Lot 24 Con 3
Road Allowance between Lots 24 & 25 (Not Travelled and Closed by By-Law No. 11-02)
Proposed Severance #1 10,120m2 (2.50ac)
Proposed Severance #2 10,123m2 (2.50ac)
Retained Lands 350 Maitland Road 16,543m2 (4.09ac)
Lot 25 Con 3
Vacant
Residential
Vacant
Agriculture
Property
Key Map N.T.S.
Legend
Non-Evaluated Wetlands
Hydro, Communication or Unknown Transmission Line
Notes:
1. Location of Non-Evaluated Wetlands derived from the Rideau Valley Conservation Authority Online GIS Mapping.
2. Location of Hydro, Communication, or Unknown Transmission Line derived from AgMaps Online GIS Mapping.
3. Boundary and dimensions of the subject property at 350 Maitland Road derived from Plan 15R-9665 completed by R.G Bennett in May, 1998.
Version Date: May 5, 2021
File No. 21-141
zanderPLAN
Your rural land planning experts
40 Sunset Boulevard, Unit 40
613-264-9600
0 10 50 100
Metres

350 Maitland Rd

Map to Council for Clarity, to accompany consent applications

B-109-21 and B-110-21

August 23, 2021



Municipal Consent Application Form

Please complete and send to the Secretary-Treasurer (via email) within 30-days of receipt of an application to Krista.Weidenaar@uclg.on.ca

File:	B109-21 & B110-21
Municipality:	Village of Merrickville Wolford
Owner:	Jackson Homes Inc (c/o Josh Jackson)
Location:	Pt lots 24 & 25, Con 3, Wolford

Municipal Responses	Yes	No
What is the local Official Plan designation of the land? Rural		
Does the application conform to the local Official Plan?	☑	☐
If not, please give relevant sections of the plan.		
What is the land currently zoned in the Zoning By-Law? Rural (RU)		
Does the application comply with the municipal Zoning By-Law?	☑	☐
If not, please give relevant sections of the By-Law.		
Are there any other relevant documents or other Municipal By-Laws which would affect the proposed consent?	☐	☑
Are there any additional applications on the subject lands (minor variance, Official Plan Amendment Zoning By-Law amendment, etc.)? If yes, what type?	☐	☑

Additional Information

Please check which of these municipal services are available for the subject lands?

Water	☐	Sanitary Sewers	☐	Access to a public and maintained road	☑
Electricity	☑	Garbage Collection	☐	Name of public road	Maitland Road

Municipal Consent Application Form

Recommendations	Yes	No
Does the Planning Committee, or Council, recommend approval be given to this application, and why? please see planning report	☑	☐
Are there any issues the approval authority should be made aware of for the application lands (Site conditions, development history/activity, flooding, water quality and quantity concerns, etc.)?	☐	☑

If provisional approval is granted, what **Conditions** would the municipality wish to see attached? (Please attach Council's resolution, a Planning Report, list of conditions, or check below).

please see planning report

	Yes	No
Does the municipality require their own copy of the reference plan for the subject lands?	☑	☐
Does the municipality require that the balance of any outstanding taxes, including penalties and interest, be paid to the municipality?	☑	☐
Does the municipality require an Environmental Impact Study or other supporting studies? If yes, please describe.	☐	☑
Does the municipality require a road widening?	☐	☑
Does the Planning Committee or Council wish to recommend that up to 5% of the land if residential, or 2% for commercial or industrial, be set aside as parkland dedication? Or does Council wish to accept cash to the value of 2% or 5% of the land? If Yes, please describe below. cash in lieu at rate of $500 per new lot	☑	☐

Date: July 22, 2021 Signed: Forbes Symon

Position: Contract Planner Municipality of Village of Merrickville Wolford

Established 1793
Incorporated
Wolford 1850
Merrickville 1860
Amalgamated 1998

Telephone (613) 269-4791
Facsimile (613) 269-3095

VILLAGE OF MERRICKVILLE-WOLFORD

For Clerk's use only, if required: Recorded Vote Requested By:		
Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 21

Date: August 24, 2021

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

Be it hereby resolved that:

That the Council of the Corporation of the Village of Merrickville-Wolford does hereby receive Planning Report prepared by Forbes Symon of Jp2g Consultants Inc. dated August 10, 2021 and Municipal Consent Application Questionnaire Form regarding Consent Application Nos. B-128-20 and B-129-20; and

That Council does hereby recommend support of Consent Application Nos. B-128-20 and B-129-20 to the Consent Granting Authority with the standard conditions as identified on the municipal questionnaire, and the following conditions:

1. That the applicant submit a plot plan, to scale, identifying the building envelop for the proposed lots;

2. That the applicant commission a Final Acoustical Report to be prepared based on the proposed building envelops;

3. That the applicant enter into a Development Agreement with the Village, to be registered on title, which identifies the building envelops and includes the recommendations of the Noise Study and any subsequent Final Acoustical Report.

Carried / Defeated

_____

J. Douglas Struthers, Mayor

Jp2g Consultants Inc.
ENGINEERS • PLANNERS • PROJECT MANAGERS
12 International Drive, Pembroke, ON, K8A 6W5
T 613-735-2507, F 613-735-4513, www.jp2g.com

August 10, 2021

Village of Merrickville-Wolford
317 Brock Street West
P.O. Box 340
Merrickville, ON K0G 1N0

Attention: Doug Robertson, CAO/Clerk

Dear Mr. Robertson:

Re: Planning Report Addendum
Consent Application B128-20 & B129-20 (Kirkpatrick/LaBrash)
1094 County Road #43, Pt Lot 6, Con A, Wolford
Village of Merrickville-Wolford

These consent applications were originally reviewed early in 2021 and a Planning Report submitted to the Village Council on January 7, 2021 for consideration. The original Planning Report recommended deferral of consideration of the application until the applicant had an opportunity to prepare and submitted an archeological assessment and noise impact assessment for review (Appendix A).

Staff have now received the Stage 1 and Stage 2 Archeological Assessment prepared by Cameron Heritage Consulting and dated June 17, 2021 (Appendix B). Staff have also received a Noise Study prepared by IBI Group and date July 15, 2021 (Appendix C).

The Archeological Assessment concluded that "the entire AAA (subject property) was inspected and surveyed in all areas with archaeological potential. Nine pre-1900 historic artifacts were recovered, but no archaeological sites were recorded during the stage 1 & 2 archaeological assessment as the distribution density does not meet the definition of an archaeological site. No further archaeological assessment has been recommended." This report is accepted, as submitted, and deemed to satisfy Section 3.18.1 of the Village's Official Plan (former OP).

The Noise Study concluded "that while the development will experience noise in excess of the MECP noise level criteria, this noise can be appropriately mitigated to control impacts from County Road 43 vehicle traffic noise and from the CPR rail traffic noise. A final noise analysis will be required at the detailed design stage to confirm the traffic and rail noise source data, provide additional details related to any on-site stationary noise sources, identify any required noise mitigation measures, confirm warning clauses, and confirm the assumptions and recommendations of this report."

The noise mitigation measures recommended included:

1. "At the Final Design / Site Plan stage of development, and once the site layout and building concepts have been finalized, a Final Acoustical Report must be prepared verifying the results of this Preliminary Report and to determine specific mitigation measures (including physical mitigation) and warning clauses required, based on the site and the buildings at final design.

2. Due to expected noise levels from County Road 43 and the Canadian Pacific Railway, all units are to have provision for air conditioning and Warning Clause C which reads as follows:

   "This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment."

3. Due to the expected exceedance of road noise criteria, physical mitigation of noise may be required for outdoor living areas. Physical mitigation may need to take the form of noise barriers, to be determined when the site plan and architectural plans have been prepared."

Provided that the above noted recommendations are included within a Development Agreement to be registered on the title of the proposed severed lots, the requirements of Section 3.22.1 of the Official Plan will be satisfied.

Summary and Recommendation

The proposed consent applications will result in the creation of two rural residential lots, ranging in size from 2.5 acres to 3 acre, with roughly 450 feet of frontage on County Road #43. The subject property is located on the southeast side of County Road #43 within 175 m of the Rideau River. The proposed lots are also within 225 metres of an active railway right-of-way.

All planning related issues or concerns identified through the review of the applications have been addressed through the submission of the Archeological Assessment and Noise Study. The applications appear to conform to the Official Plan for the United Counties of Leeds and Grenville, the Village of Merrickville Wolford Official Plan and the Village of Merrickville Wolford Zoning By-law.

The recommendation of this Report is to support the proposed consent applications with the standard conditions (deposit survey, payment of outstanding taxes, payment of parkland fee), plus:

1. That the applicant submit a plot plan, to scale, identifying the building envelop for the proposed lots;
2. That the applicant commission a Final Acoustical Report to be prepared based on the proposed building envelops;
3. That the applicant enter into a Development Agreement with the Village, to be registered on title, which identifies the building envelops and includes the recommendations of the Noise Study and any subsequent Final Acoustical Report.

All of which is respectfully submitted.

Sincerely,

Jp2g Consultants Inc.

ENGINEERS - PLANNERS - PROJECT MANAGERS

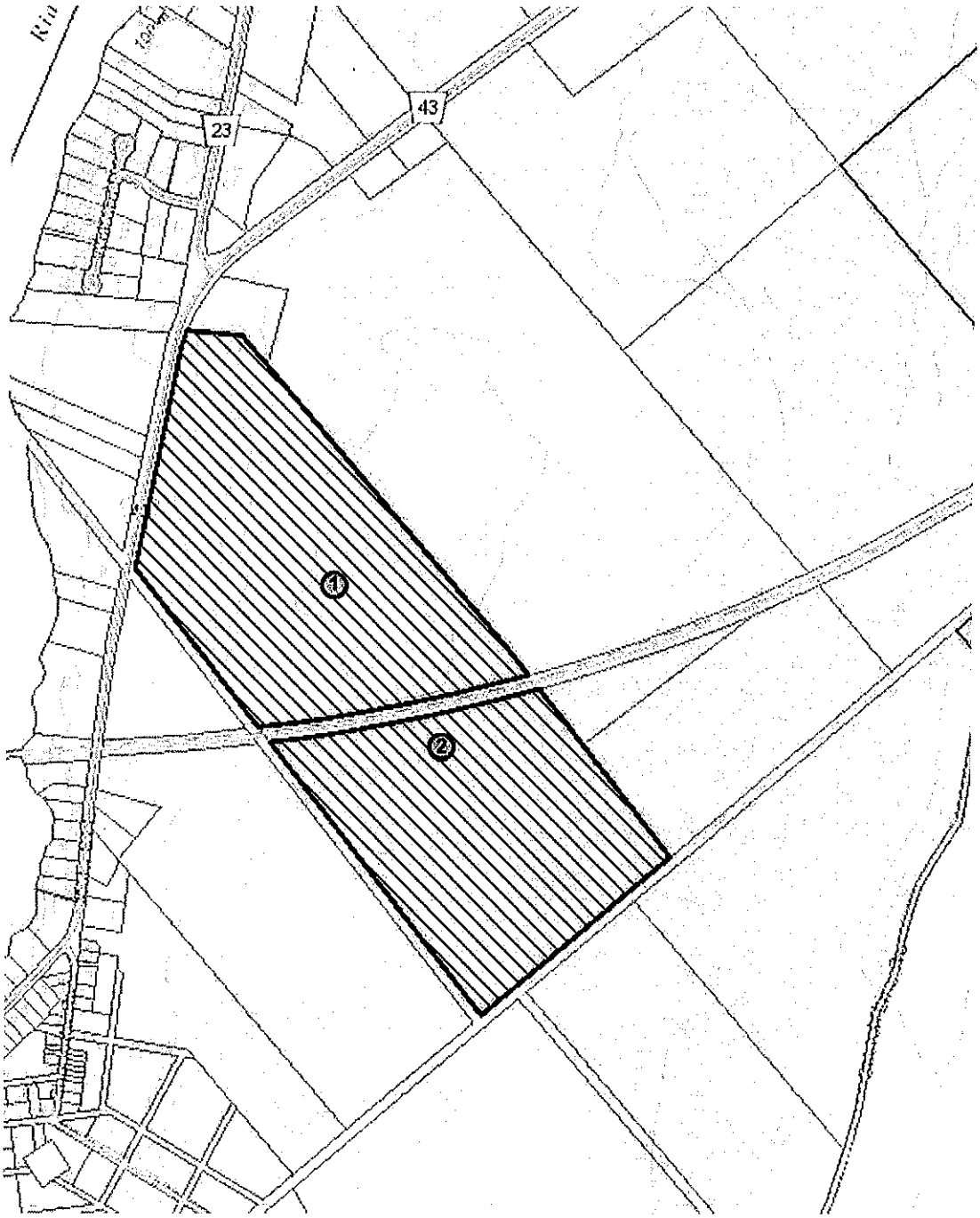
Forbes Symon, MCIP, RPP
Senior Planner

1094 County Rd 43

Map to Council for Clarity, to accompany consent applications

B-128-20 and B-129-20

August 23, 2021



APPENDIX A – January 7, 2021 Planning Report

APPENDIX B - Stage 1 and Stage 2 Archeological Assessment

APPENDIX C - Noise Study

APPENDIX A

Jp2g Consultants Inc.
ENGINEERS • PLANNERS • PROJECT MANAGERS
12 International Drive, Pembroke, ON, K8A 6W5
T 613-735-2507, F 613-735-4513, www.jp2g.com

January 7, 2021

Village of Merrickville-Wolford
317 Brock Street West
P.O. Box 340
Merrickville, ON K0G 1N0

Attention: Doug Robertson, CAO/Clerk

Dear Mr. Robertson:

Re: Planning Report – Consent Application B128-20 & B129-20 (Kirkpatrick/LaBrash)
1094 County Road #43, Pt Lot 6, Con A, Wolford
Village of Merrickville-Wolford

I have now had an opportunity to review the Consent Applications B128-20 and B129-20 as they relate to the Village of Merrickville Wolford Official Plan and Zoning By-law and provide the following comments.

The proposal involves the creation of two rural residential lots, ranging in size from 2.5 acres to 3 acre, with roughly 450 feet of frontage on County Road #43. The subject property is located on the southeast side of County Road #43 within 175 m of the Rideau River. The proposed lots are also within 225 metres of an active railway right-of-way.

The subject lands are designated Rural in the Merrickville Wolford Official Plan and Rural (RU) in the Merrickville Wolford Zoning By-law.

Section 3.7.1 (4) of the Official Plan discourages direct access onto a County Road for new lots. Section 5.2.1 indicates that where there is direct access onto a County Road that the local Council will require the issuance of an entrance permit prior to considering the application. This is not a matter of concern for the Village Council but is a matter that the application should address prior to the matter being considered by the United Counties Land Division Committee.

Section 3.18.1 of the Official Plan requires that development proposed within 300 m of a watercourse have an archeological survey be completed. This information has not been provided and it is recommended that consideration of the application be deferred until this supporting information is provided.

Section 3.22.1 of the Official Plan sets out the noise impact policies and identifies that a noise impact assessment may be requested by the Town when development is proposed within 500 metres of an active railway. The application of this policy is at the discretion of Council but I would recommend that a noise study be done given the fact that both parcels are within 500 meter of a Major Rail Line. Again it is recommended that consideration of the application be deferred until this supporting information is provided.

Other than the above noted matters, all other polices of the Official Plan appear to be satisfied.

The application appears to conform to the relevant policies of the Zoning By-law.

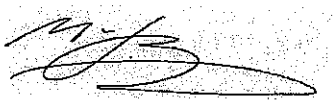
Given need for an Archeological Assessment and a Noise Impact Study, it is recommended that consideration of these consent applications be deferred until such time as the applicant has presented the necessary supporting information.

All of which is respectfully submitted.

Sincerely,

Jp2g Consultants Inc.

ENGINEERS • PLANNERS • PROJECT MANAGERS



Forbes Symon, MCIP, RPP
Senior Planner

APPENDIX B

Stage 1 & 2 Archaeological Assessment

Proposed Kirkpatrick Severance, 1094 County Road 43 Village of Merrickville-Wolford, Ontario

on

Part of Lot 6, Concession A, Village of Merrickville-Wolford, Wolford Township [geo], United Counties of Leeds & Grenville, Ontario

Prepared for:

Anne Kirkpatrick
1094 County Road 43,
Merrickville, Ontario, K0G 1N0
613-828-7800 x 220
email: Annek1094@icloud.com

Prepared by:

Cameron Heritage Consulting Inc.
5021- 25 Civic Centre Road
Petawawa, ON K8H 0B0
Phone (613) 281-3838
email: Courtney@CameronHeritage.com

Project #2021-006

PIF Number: P371-0034-2021

ORIGINAL REPORT

June 17, 2021

Executive Summary

This Stage 1 & 2 archaeological assessment was completed under the scope of the Village of Merrickville – Wolford Official Plan in preparation for the proposed development at 1094 County Road 43, Merrickville. The Archaeological Assessment Area (AAA) is located within Part of Lot 6, Concession A, Township of Wolford. The AAA is located within the Village of Merrickville, and is between 165 and 315 m east of the Rideau River, a heritage waterway of national historical interest. The AAA consists of an agricultural field. In total, the AAA is approximately 2.8 ha.

The Stage 1 & 2 archaeological assessment included consultation with local heritage organizations or local reference books, land grant and title records, reviews of aerial imagery, national topographic maps, physiographic maps, and early maps of the area. In addition, information regarding known archaeological sites and previous archaeological work in the vicinity was reviewed.

Fieldwork consisted of a field inspection and a pedestrian survey, using transects at 5 m intervals, which was conducted on May 2, 2021. The entire AAA was inspected and surveyed in all areas with archaeological potential. Nine pre-1900 historic artifacts were recovered, but no archaeological sites were recorded during the stage 1 & 2 archaeological assessment as the distribution density does not meet the definition of an archaeological site. No further archaeological assessment has been recommended.

The Stage 1 & 2 archaeological assessment study was completed by Courtney Cameron M.A., (P371) Archaeologist with Cameron Heritage Consulting Incorporated.

Table of Contents

1 Project Context 6
1.1 Objectives 6
1.2 Development & Regulatory Context 7
1.3 Historical Context 7
1.3.1 Palaeoenvironmental History 7
1.3.2 Pre-Contact Period 8
1.3.3 Algonquin Oral History 11
1.3.4 Algonquin History 13
1.3.4.1 Proto-Historic Period 13
1.3.4.2 Iroquoian/Beaver Wars 14
1.3.4.3 The French Regime 1701 – 1759 15
1.3.4.4 Pre-Confederation British Colonial Period 1760 – 1867 16
1.3.4.5 Post-Confederation Federal-Provincial Colonial Period 19
1.3.5 Euro-Canadian Period 22
1.3.5.1 Wolford Township 23
1.3.5.2 Part of Lot 6, Concession A, Wolford Township 23
1.4 Archaeological Context/Existing Conditions 25
1.4.1 Physiographic Conditions 25
1.4.2 Hydrological Conditions 26
1.4.3 Soils and Geological Conditions 26
1.4.4 Existing Heritage Plaques and Monuments 26
1.4.5 Built Heritage and Cemetery locations 27
1.4.6 Previous Archaeological Assessments and Potential Mapping 27
1.4.7 Existing Archaeological Sites 27
1.4.8 Field Conditions 27
1.5 Stage 1 Field Methods – Property Inspection 28
2 Analysis and Conclusions of Stage 1 Assessment 29
2.1 Analysis of Archaeological Potential. 29
2.1.1 Analysis of Pre-Contact Context 29
2.1.2 Analysis of the Post-Contact Context 30
2.2 Conclusions of the Existing Conditions. 31
2.2.1 Stage 1 Recommendations. 31
3 Stage 2 Archaeological Assessment Field Methods 31
3.1 Pedestrian Survey Methodology 31
4 Record of Finds 32
4.1 Domestic artifacts 32
4.1.1 Ceramic Artifacts 32
4.1.2 Glass Artifacts 34
4.2 Analysis and Conclusions of the Stage 2 Field Assessment. 34
5 Recommendations 34

6 Advice on Compliance with Legislation 34

7 Report Conditions & Limitations 35

8 References 37

9 Figures (Maps and Plates) 46

10 Photos 61

Project Personnel

Project Manager
Courtney E.G. Cameron (P371)

Report Author
Courtney E.G. Cameron
Don Webb
J. Ken Swayze (P039)

Project Research
Courtney E.G. Cameron
Don Webb
Sandra Kingsmith

Field Work
Courtney E.G. Cameron (Field Director)
Sandy Kingsmith
Don Webb

Assessment, Analysis and Report Preparation
Courtney E.G. Cameron
Don Webb

Mapping
Courtney E.G. Cameron
Renée Van Den Berghe

1 Project Context

1.1 Objectives

Projects that require an archaeological assessment in the province of Ontario generally start with a Stage 1 Background Study. The Ministry of Heritage, Sport, Tourism and Culture Industries (HSTCI) published *The Standards and Guidelines for Consultant Archaeologists* (MTC 2011) document that outlines the purpose and requirements for conducting a Stage 1 Background Study, which "documents the property's archaeological and land use history and present condition" (MTC 2011). The information used in this study has been garnered from several sources that include, but are not limited to:

- A review of the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) Archaeological sites database for archaeological sites that have been recorded within a two km radius of the Archaeologic Assessment Area (AAA).
- A review of archaeological assessments that have taken place within a 50 m radius of the AAA.
- A review of historical maps, and of maps containing topographic, geological and other natural feature information.
- A review of the databases of historic places, commemorative plaques or monuments around the AAA.
- A review of any available archaeological management plans, archaeological potential mapping or other archaeological documents of the general area.
- Interviews with previous property owners, members of historical societies, local museums, and/or First Nations.
- A visual inspection of the AAA.

The information was used to determine the potential for the presence of archaeological resources within the AAA, and to develop recommendations for stage 2 based on the results.

According to the *Standards and Guidelines for Consultant Archaeologists*, a Stage 2 archaeological property assessment "provides an overview of archaeological resources on the property and a determination of whether any of the resources might be artifacts and archaeological sites with cultural heritage value or interest" (MTC 2011: 27). The objectives of the Stage 2 Archaeological Property Assessment are:

- To document all archaeological resources on the property
- To determine whether the property contains archaeological resources requiring further assessment
- To recommend appropriate Stage 3 assessment strategies for any archaeological sites identified.

These objectives were achieved by conducting an on-site documentation and inventory of all archaeological resources through systematic means according to the *Standards and Guidelines for Consultant Archaeologists* (MTCS 2011).

1.2 Development & Regulatory Context

This archaeological assessment was completed under the scope of *Village of Merrickville- Wolford Official Plan* (Novatech 2020), in preparation for a proposed land severance. The Archaeological Assessment Area (AAA) is located on Part of Lot 6, Concession A, Wolford Township (Geo), United Counties of Leeds and Grenville, Ontario, in the Village of Merrickville-Wolford (Figures 1 & 2). The AAA consists of a single 2.8 ha parcel of land located within 300 m of the Rideau River.

The Stage 1 and 2 archaeological assessment is required by the *Village of Merrickville-Wolford Official Plan* under section 4.2.1.1. which states:

> Where there are known archaeological resources and/or areas exhibiting archaeological potential, Council shall require an archaeological assessment, to be conducted by a licensed archaeologist, to the satisfaction of the Village and Ministry of Tourism, Culture and Sport (MTCS) pursuant to the Ontario Heritage Act prior to approving a development proposal and site alterations, or to constructing a public infrastructure Project...archaeological potential is based on criteria established by the Ministry of Tourism, Culture and Sport as set out in Criteria for Evaluating Archaeological Potential (Novatech 2020:24)."

Therefore, under the scope of the Village of Merrickville-Wolford Official Plan, an Archaeological Assessment was necessary. Cameron Heritage Consulting Incorporated was retained by the owner Anne Kirkpatrick, to undertake the Stage 1 & 2 archaeological assessment. The property inspection and pedestrian survey was completed by Courtney Cameron, M.A. Permission to access the property, and to collect and remove artifacts was given by Anne Kirkpatrick.

1.3 Historical Context

1.3.1 Palaeoenvironmental History

During the Wisconsin Late-Glacial Maximum (LGM) 18,000 BP[1], the entire area of Ontario was covered by the Laurentide Ice Sheet. Following an episode of abrupt warming event 16,000 BP known as a Heinrich Event, kilometer thick ice-sheets became unstable and began to collapse globally. By approximately 15,000 BP, the de-glaciation of Southern Ontario and the Great Lakes Basin had begun (Munson 2013, Figure 3). As the Laurentide ice-sheet receded, the land underwent significant change. The geography of today's Ontario was formed through this process of deglaciation. The glaciers scoured the landscape and during deglaciation deposited till as moraine and eskers. Large amounts of glacial melt-water previously held back in ice blocked valleys creating large post-glacial lakes and rivers. Prior to the deglaciation of the St. Lawrence Valley area large pro-glacial lake occupied in the basin of present-day Lake Ontario. That lake, known as Glacial Lake Iroquois, drained through the Mohawk Valley into the Hudson River and subsequently into the Atlantic 13,500 BP (Zaremba & Scholz 2019).

With the northward retreat of the St. Maurice Lobe of the Laurentide ice sheet the St. Lawrence and Ottawa Valleys flooded with marine waters from the Gulf of St. Lawrence and the Atlantic Ocean (Figure 4). Previously areas such as parts of the Ottawa Valley and the St. Lawrence Lowlands were occupied by large pro-glacial lakes such as Lakes Candona, Vermont, and

[1] BP- Before Present. A time scale used to specify when events occurred before the origin of radiocarbon dating and is set at 1950.

Iroquois. Beginning 13,000 BP, these coalesced with the invading marine waters creating a large inland sea known as Champlain Sea (Normandeau et al. 2018).

The most significant and dramatic effect of the post-glacial period in Eastern Ontario was the creation of the Champlain Sea and its regression, over several millennia, through a series of river basin lakes. Beginning about 12,700 BP the entire St Lawrence Lowlands was submerged under the Champlain Sea (Gilbert 1994:6). The northwest arm of this sea (Barnett 1988) occupied the upper Ottawa Valley as far as Point Alexander, near Rolphton. The exact location of the western extent of the Champlain Sea is still being studied, but shells in marine sediments near Pembroke Ontario date to 10,870± 130 BP (GSC-90) (Fullerton 1980, Watson 1999), and skeletons of marine whales have been found near White Lake (Kennedy 1977).

Although the environment of this sea, and its fluctuating littoral, was complex and capable of such biodiversity and biomass as necessary to support a Palaeo-Indian or Early Archaic lifestyle (Watson 1999), there is other evidence which suggests that the Ottawa Valley may have been a dangerous environment, at least at intervals when Agassiz 'slugs' flooded the valley walls. As Teller (1988) points out, this evidence has come to light relatively recently, and earth scientists, and others, have not yet considered the impact of those dynamic years on the environment of the Ottawa/St. Lawrence basin, let alone their effect on human populations.

The Champlain Sea would have been a major hydrological feature of the project area about 10,000 BP, during the Late Palaeo-Indian cultural period. The Geological Survey of Canada (Catto *et al.* 1982; Lewis and Andersen 1989) postulate an Early Holocene water plane that fell in sequentially lower episodes until modern continental drainage patterns developed in the mid-Holocene about 4,700 BP, and the Ottawa River as it is now was established.

The environment that existed at the time of deglaciation was vastly different than today. At first it was cooler and more tundra-like. The vegetation would have changed over time with the advent of the hypsithermal period, about 9,000 BP, when average temperatures were higher than today. Vegetation would also have changed with distance from the Champlain Sea. Recent studies suggest that a small group of plant species that were associated with the perimeter of the Champlain Sea still exist in relict pockets on the shores of some lakes (Watson 1999). Megafauna, such as mastodon and mammoths, giant beaver, as well as bison, caribou, and musk-ox all existed immediately following deglaciation, but eventually they would have been supplanted by species common to the boreal forest environment. The climate was cooler and moister in the mid-Holocene and peat bogs and organic terrain filled many formerly open water bodies.

1.3.2 Pre-Contact Period

The pre-contact period covers the span of time when people first came to North American to when contact was made with Europeans. The most widely accepted theory of North America occupation is the migration of people across Beringia from Siberia to Alaska. The exact timing of this migration is still a topic of debate among archaeologists, however, recent analysis by the University of Montreal of artifacts excavated by Jacques Cinq-Mars at the Bluefish Caves site in the Yukon, has confirmed a date of 24,000 BP (Cinq-Mars 1979, CBC 2017). This site is currently the oldest known in North America.

The peopling of Ontario could only begin once the glaciers withdrew from the landscape. Only then were people able to move in and exploit new resources. In Ontario, the glaciers began receding in the south approximately 15,000 BP (Munson 2013). But in Eastern Ontario, the glaciers did not recede until approximately 11,000 BP (Peers 1985, Storck 1971), and therefore, no archaeological sites are known to date before this. The environment that existed at that time was cooler and more tundra-like which supported megafauna. The land started to rebound

after years of subsistence due to the weight of the glaciers, and large amounts of water were released from the glaciers which carved the landscape, and marine waters inundated Eastern Ontario forming the Champlain Sea. This combination of events created a landscape which resembles nothing like today. Archaeologists, call the people who lived in this environment between 11,000 and 10,000 BP, Palaeo-Indians. Because of the presence of glaciers and the Champlain Sea, the Palaeo-Indian Period occurs later in Eastern Ontario than in Southern Ontario.

The Palaeo-Indian Period (*pre* 10,000 years BP)

The Palaeo-Indian culture is considered to be fairly homogenous throughout North America, with small regional variations in lithic materials and knapping technologies. While occurring at different times throughout the continent, there are attributes that tie all peoples of this culture period together. Palaeo-Indian peoples are described as nomadic hunter-gatherers, living opportunistically on the landscape. They gathered vegetal foodstuffs and hunted game, including megafauna. The theories generated about Palaeo-Indians are based on few material remains. The lithic tool kit that can be associated with Palaeo-Indians include their unique fluted projectile points made from exotic cherts; uniface and biface knives; uniface end, side, and spoke-shave scrapers; gravers; borers; drills; flint wedges, and a few rough stone hammers or anvils (Ritchie 1983). Palaeo-Indian people would have used a large amount of organic material (*i.e.*, plants and animals), which is very perishable, and it is therefore not surprising that not much remains. Only one Palaeo-Indian site in Ontario has ever produced burned food remains. They included caribou, arctic fox, and either hare or rabbit (Storck and Spiess 1994). Palaeo-Indian sites are rare and there are just over 100 known Palaeo-Indian sites in Ontario (Ellis 2013).

The environment continued to warm throughout the Palaeo-Indian Period and eventually, the megafauna animals disappeared. Technology and culture continued to evolve and these changes can be observed in the archaeological record. Seven thousand years ago such a change occurred. Archaeologists have characterized sites dating between 10,000 - 3,000 BP, as Archaic. All archaeological sites within the Archaic show similar attributes, but can be further divided into three sub-categories termed the Early, Middle, and Late Archaic Period.

Few indisputable Palaeo-Indian artifacts have been found in the Ottawa Valley. Gordon Watson found an isolated find of a lanceolate point near Big Rideau Lake. Elsewhere in Eastern Ontario, a lanceolate point was recovered at Thompson Island in the Cornwall area (Ritchie 1969:18, Wright 1995:106); and during Cultural Resource Management work, Heritage Quest Inc. reported non-fluted lanceolate points from the Kingston and the Thousand Islands areas (Daechsel 1989, Kennett and Earl 2000).

The Archaic Period (*ca* 10,000 - 2,900 years BP)

At around 10,000 BP, the archaeological record begins to exhibit more regional diversity. It appears that groups moved seasonally to take advantage of natural resources. The Archaic tool kit is different from the Paleo-lithic, as it contains smaller knapped projectile points that have a notched base instead of a fluted base. Archaic people added grinding technology to their manipulation of lithic materials. Many of these ground stone tools, such as adzes, and gouges indicate woodworking activities. Evidence for fishing, such as net sinkers, plummets, and fishhooks, and occasionally fish scales and bones are also found on Archaic sites. In addition, native copper is used and traded over long distances. Culturally, the presence of cemeteries and non-utilitarian items, such as "gorgets", pipes, bracelets, and "birdstones" appear. Some of the most significant and widely-known Archaic sites in North America are in traditional Algonquin

territory on Morrison Island and Allumettes Island in the Ottawa River. Recent archaeological research has proposed that people could have occupied the shorelines of the Champlain Sea and Ancestral Ottawa River in the Ottawa area in the Early Archaic Period, between 10,000 and 6,500 years BP (Swayze and McGhee 2011), and suggests that the closest fit, in terms of cultural affiliation, is the *Gulf of Maine Archaic tradition* (GMAT) as defined by Robinson (1992).

By the end of the Archaic the glaciers had completely receded and the Champlain Sea had withdrawn exposing areas not previously available for exploitation. The environment cooled, peat bogs began to grow and spread, and began to resemble modern conditions. The population of North America grew and archaeological sites indicate that social groups became larger, and more regionally diverse. It is believed that people at this time started to identify themselves regionally as unique Nations with their own language, customs, and traditions.

The Woodland Period (*ca* 3,000 - 350 years BP)

The Woodland Period is defined by significant changes in social organization and technology. Pottery made an appearance in the early part of the Woodland Period and the bow and arrow at the end. During the late Woodland, in the southern and eastern portion of the province horticulture/agriculture was practiced in addition to the basic lifestyle of the hunting/gathering/fishing groups.

The pottery of the Early Woodland Period (*ca* 3000 -2400 BP) is considered crude, thick, poorly fired and undecorated but it was an effective vessel for transporting and cooking maize. One of the oldest examples of pottery in the Upper Ottawa Valley is a "Vinette 1" pottery vessel recovered by Barry Mitchell in 1963 near Deep River (Mitchell 1963). Cord markings appear inside and outside on the pottery, which probably indicates the clay was formed around a basket or bag before it was fired. Ceremonial mounds began to be constructed in the Great Lakes Region, and over the Woodland Period they became more elaborate. For instance, some mounds took the form of effigy of animals and symbols, and some burial mounds included status artifacts, such as gorgets and birdstones (OAS 2015).

The Middle Woodland Period (*ca* 2400 - 1100 BP) is distinguished from the Early Woodland Period by projectile point type changes, and by the pottery, which becomes more decorative and more regionally variable in the decoration. It is during the Middle Woodland that most of the burial mounds, such as Serpent Mound at Rice Lake, Ontario, were created. According to the archaeological site database, mounds have been reported in Algonquin traditional territory at North Bay and Mattawa. There is some evidence for the introduction of agriculture in the Middle Woodland in the southern part of the province (OAS 2015). Archaeologists have been able to identify four main complexes (*i.e.*, cultures) that existed throughout the province during the Middle Woodland Period. These complexes are The Point Peninsula Complex in Algonquin traditional territory, the Saugeen Complex in western Ontario, the Couture Complex in peninsular Ontario, and the Laurel Complex in the northwest. The Point Peninsula Complex is found in the southcentral and southeastern part of the province, including along the Ottawa River (The Mud Lake sites near Pembroke, the Pointe au Baptême site in Chalk River Laboratories, the Rideau Lakes complex and the Leamy Lake sites in Gatineau); The Saugeen Complex is found along the southeast shores of Lake Huron and the Bruce Peninsula, around the London area, and possibly as far east as the Grand River. The Couture Complex is found around Lake St. Clair and the western end of Lake Erie. The Laurel Complex is found in Northern Ontario.

Towards the end of the Middle Woodland Period, archaeologists have identified two additional cultures that appear to have developed in Southern Ontario (Princess Point - between Lake Ontario and Lake Erie and Sandbanks - around Kingston). The methods of decorating and

constructing pottery also changes from the coil technique to the paddle and anvil technique. This was also when corn and tobacco appear in Southern Ontario.

The Late Woodland (*ca* 1,100 -350 BP) exhibits the most regional variability throughout Ontario and can be subdivided by region and by chronology. During the Late Woodland period in Northern Ontario, the economy retained the hunter-gatherer lifestyle, but there was variation in pottery design and decoration over time. Pottery vessels from Southern Ontario found in Northern Ontario indicate that there was an extensive trade network throughout the province and a common material culture. Although the people of Northern Ontario continued to build mounds, in which they sometimes buried their dead, this practice disappeared throughout the rest of the province. It is believed that pictographs and petroglyphs were first created during the Late Woodland, although some archaeologists suggest that they probably occurred earlier.

In Southern Ontario the Late Woodland Period is defined primarily by the change in subsistence from a hunter-gatherer society to an agricultural society based on corn, beans and squash. This culture is called the Ontario Iroquois tradition. The increased reliance on horticulture, lead to an increase in population, and the formation of villages that were occupied for 20 - 40 years before being moved (OAS 2015). It is also probable that during this time political groups larger than the single village emerge. Material remains indicates that there is a temporal variation in pottery design and decoration, and in projectile point shape.

In Eastern Ontario it appears that there is an overlap in hunter-gatherer and horticultural subsistence strategies. Those cultures that continued to use hunter-gatherer subsistence strategies are generally believed to be Algonquin speaking populations along the Ottawa Valley (OAS 2015). Archaeologists have identified a distinct culture (along the St. Lawrence River and eastern shore of Lake Ontario, and lower tributaries of the Ottawa River), which they call the St. Lawrence Iroquois Tradition. It is during this time that semi-permanent villages and fishing camps start to emerge, and the pottery technique improves to create thinner more compact vessels, and there is more reliance on agriculture. During his travels through what is now Renfrew County, Samuel de Champlain visited the village of the Algonquin Chief Nibacis, near Cobden, and noted his fields of corn and gardens. Dave Croft, an avocational archaeologist from Pembroke, observed a St. Lawrence Iroquois type pottery (Lalonde High Collar) *in situ* nearby at Astrolabe Lake in the 1970s, which may be associated with this village, and, since Lalonde High Collar dates to Champlain's day, it suggests a connection between the Algonquin Nibacis and St. Lawrence Iroquois material culture (Croft 2006).

1.3.3 Algonquin Oral History

Algonquin oral history is reported in some detail here because once accepted into the public register, archaeological reports will be used for research and educational purposes. It is an opportunity to present a history of Algonquins, who have described themselves as "invisible people".

The traditional oral history of the Anishinabek (those who speak an "Algonquian" language) includes a concept of the postglacial world. The Algonquin creation story refers to an ancient flood that destroyed an earlier world. Only Original Man survived. He found himself, with only a few animals and birds for company, floating in a water-world. With kindness, ingenuity, and selflessness, the animals provided a home called "Turtle Island", where he and his offspring lived after receiving the breath of life from him through the Mide shell. One of those descendants was the hero Nanaboozhoo (or Nanabush, or Wiskedjak) who survived a second flood in a similar fashion. The original glacial and postglacial world of the Anishinabek was truly a water world that, like Turtle Island, grew larger and larger over time.

There are several traditional stories (Speck 1915; Morrison 2007:19) that resonate with the geological post-glacial landscape evolution described below. A story from the Temiskaming Reserve refers to a giant beaver, who used a mountain for a lodge and ponded a huge lake in the upper Dumoine River. Wiskedjak came hunting it and broke the giant beaver dam, which caused a flood to sluice through the Allumette Basin and the Calumet chutes of the Ottawa River. Similarly, the Nipissing and Amikwa people told Nicolas Perrot, in the 1600s, that a giant beaver had entered Lake Nipissing from the French River and built a series of dams as it traveled eastward through the Mattawa River and down the Ottawa River, which later became rapids and portages. Charlevoix, who traveled through Nipissing territory in 1721, reports a similar story and recounts that the beaver was buried in a mountain on the north shore of Lake Nipissing. Joseph Misabi told the surveyor Robert Bell in 1891 that in ancient times Kitchigami (Lake Superior) was the pond of the great beaver Manitou called Amik and his dam was at Bawating (Sault Ste Marie rapids). Wiskedjak and his wife came hunting him and they broke the dam, which caused the giant beaver to hurry along the North Channel of Lake Huron, up the French River forming a series of dams and rapids along the way. The beaver continued down the Mattawa and Ottawa Rivers to the Noddaway (St. Lawrence) River where he died and formed the mountain at Montreal Island.

There is also a traditional story, based on a wampum belt that was held by Elder William Commanda, called the Prophecy of the Seven Fires, which refers to time periods the history of Anishinabek (Benton-Banai 1988:89-93). This story is relevant because it shows that the Anishinabek know that their ancestors arrived a very long time ago when the world was predominantly water and the landscape was emerging from it. It also provides an opportunity to associate geological and archaeological (cultural) periods to the time of each "fire period" in the story.

The prophecy of the First Fire describes a migration from the Atlantic Region in watercraft upon large inland bodies of water, which sound like the Champlain Sea and the Ancestral Great Lakes. The First Fire and Second Fire may be the times that archaeologists call the "Palaeo-Indian" and "Early Archaic" and "Middle Archaic" periods, which have a radiocarbon dates that span from about 11,500 to 6,000 BP. By the time the Third Fire prophecy occurred, the Anishinaabe were adapted to life on lakes and rivers and their economy focused on littoral environments. The Third Fire spans many thousands of years and includes what archaeologists call the Archaic and Woodland Periods.

In terms of glacial and postglacial lake phases in the traditional territory of the Algonquin-Nipissing, the First, Second, and Third Fires happened, successively, during the Lake Algonquin and Champlain Sea maximum (First Fire) and during the recessional (Third Period) Champlain Sea and Mattawa Early Flood and Mattawa Base Flow periods (as per Lewis and Anderson 1989). Modern water levels began about 5,000 BP also in the Third Fire period, during the Late Archaic.

In the prophecy of the Fourth Fire the Anishinabek two prophets (indicated by a double diamond shape in the center of the wampum belt) warned of the imminent arrival of a Light-Skinned Race, who would either show the face of brotherhood or bring death. The time of the Fourth Fire is called the proto-historic period and occurred during Late Woodland times. The prophecy of the Fifth Fire soon followed and warned of suffering and false promises. The Fifth Fire occurred during the "Historical Period" from the 17th to 19th centuries when missionaries, warfare, expropriation, and colonialism had great effect on traditional Anishinabek culture. The prophecy of the Sixth Fire, or Colonial Period, occurred in the 20th century, when cultural assimilation caused a new sickness to afflict the Anishinabek and it foretold that the sacred bundles and scrolls of the Midewiwin Way would be first hidden from danger, then revealed again to inspire the emergence of New People and inspire a reborn Anishinabek. We are now,

perhaps, in the time of the Seventh Fire when all the people have a choice to make between respect for life on Turtle Island or see its destruction.

This integration of geological and archaeological time scales with the "Seven Fires" of the prophecy belt is the consultant's own interpretation, not necessarily that of others. The consultant thinks that the association between the First, Third, Fourth and subsequent fires with the Palaeo-Indian/Early Archaic, Archaic & Woodland, Proto-Historic, Historic and Modern, is straight-forward enough—it is the Second Fire which is most difficult to integrate. It was a time of social upheaval and it occurred a long time ago at the end of the First Fire journey and the beginning of the long, long, golden years of the Third Fire. Since it was a time of social upheaval, it has arbitrarily been associated with the Marquette-Ottawa Low Stand simply because it was a time of great environmental stress and catastrophe.

1.3.4 Algonquin History

The objective of this historical outline is to present Algonquin history from the proto-historic to the attempted establishment of a reserve in the early 20th century with reference to what can, or could, be corroborated by the archaeological record and to provide a discussion of nature of the archaeological deposits of each period. Such information, ultimately, will lead to an improved ability to predict where archaeological sites will most likely be found.

To summarize briefly, this Algonquin history identifies factors that must have affected technological and settlement pattern change that, theoretically, should be reflected in the archaeological record. These include: 1) technological change from "quartz time" to the "iron age" and resultant change in cold season settlement patterns from, fish and stored nuts and wild rice, to fur harvesting and reliance on deer and beaver; 2) Beginning in the mid-19th century there was a homesteading movement in the upper Madawaska Valley, which involved technological change and a more sedentary settlement pattern. While the first changes will be hard to test, because of the difficulty of finding and identifying the deposits, the archaeological remains and features of the Algonquin settlers should be "relatively easy" to identify.

1.3.4.1 Proto-Historic Period

European whalers and fishermen began to interact on a regular basis with Anishinabek, Haudenosaunee, (Iroquoian-speaking "People of the Long House") and Inuit people in the St. Lawrence estuary as early as the late 1500s (Bailey 1969). They introduced iron knives, hatchets, and metal cooking vessels that must have had a great effect on Anishinabek lifestyle and economy: for tasks that could be completed in hours with hatchets and crooked knives had previously, taken days of "quartz time". On the other hand, numerous contagious diseases were introduced for the first time in the proto-historic period and tribal warfare became endemic, as successive people competed for advantage in the fur trade. Finally, as the luxuries and trophies of trade became necessities, the traditional economy of the Anishinabek came to be based on the fur trade.

Champlain and various missionaries provide most of the written record of the early contact period. The French then believed that the Algonquin identified their own subgroups according to the river basin they occupied: thus, the Kitchisipirini, Keinouche, Ottagowtowuemin, and Onontchataronon lived, respectively, at: Allumette/Morrison Islands, Muskrat River, Upper Allumette/Holden basin, and South Nation; while the Matouweskarini occupied the Madawaska River valley (Pendergast 1999). Kirby Whiteduck (1995) has reviewed the historical record of this period, from the Algonquin point of view, and he points out that historical interpretation should take into account the numerous factors that biased the authors of these histories.

The archaeological record of this transitional period is poorly known generally because it was a fleeting moment in time. A hallmark of sites of this period in the Leeds-Grenville region is the Roebuck site excavated by William Wintemberg between 1912 and 1915. The Roebuck site is a palisaded Iroquoian village site (Wintemberg 1936). The pottery is characterized by high collars with castellations, corncob motifs, and handles, and are called St. Lawrence Iroquois pottery. This pottery has been found throughout Glengarry County, as far west as Middlesex County (Wintemberg 1936), at Highland Lake, Renfrew County, and near the Eardley escarpment in lower Quebec. In the 1970s, Dave Croft observed this distinctive pottery at Astrolabe Lake, near Cobden, however he was not able to sample the site (Swayze 2000). It is worth noting that these sites, and others of the period, are strategically situated off the main waterways in locations that provide a view of any approach and offer a choice of "back door" exits. In 1613, Champlain visited the Upper Ottawa Valley and met Chief Nibacis who showed him his gardens and fields and took him to Chief Tessouat's village, on Lower Allumette Lake, and his fort on Morrison Island (Biggar 1925). The location of these village sites has never been identified but, if they still exist, high-collared pottery should be in evidence. The archives of the Canadian Museum of Civilization contain a report that describes Algonquin graves from this period that were found the shore of Lower Allumette Lake. The dead were sprinkled with red ochre and buried in birchbark coffins, with trade goods such as swords, rings, and crucifixes, but also with native-made pottery (Swayze 2000).

From an archaeological perspective, the proto-historic period is marked by technological changes that saw stone and native pottery replaced by iron, brass, and ceramics. The new technology must have provided the Algonquin of the day with more time on their hands. Although some of this time must been spent acquiring a surplus of furs, other time may have been spent on regalia and ceremonial elaboration. There also must have been a shift in settlement patterns in this period: in the pre-contact and early proto-historic, sites must have been located so as to facilitate access to food resources; while, in the early historic period, access to fur-bearing animals would have been of increasing importance. In the Stone Age, First Nations only trapped enough furbearers to clothe their own family for the winter; but in the Iron Age they labored all winter to accumulate bales of furs in order to purchase food and clothing. In order to take advantage of seasonal resource availability Anishinabek groups moved frequently over the course of the year and, although population aggregation was possible at some locations, usually in the summer, in the winter people scattered widely in order to trap and hunt. The winter season settlement pattern of this period probably differed from pre-contact times. Whereas in the past a fishery near stores of rice or nuts may have been important, in the proto-historic a focus on ungulates, bear, and beaver may have been the case. Moose hunting in particular may have become less risky as access to firearms became common. However, since there are so few sites recorded from the proto-historic period, these predictions cannot be tested.

1.3.4.2 Iroquoian/Beaver Wars

Although the ancestors of the Anishinabek have probably been on the Algonquin Dome since early postglacial period (Swayze 2008; Swayze and McGhee 2011), the ancestors of the Haudenosaunee have interacted with them and shared some of the land base for thousands of years (Sioui 1999, Porter 2008).

In the early French regime, the hostility between Anishinabek and Haudenosaunee, which had originated in the proto-historic, escalated from violent raids and skirmishes into full-scale warfare, from 1640 to 1650, that resulted in the destruction of "Huronia". Although they were driven from "Huronia", the "Hurons,", or more properly the Wendat, (like the "St. Lawrence Iroquois" before them) were not extirpated (like the passenger pigeon), since large numbers of

them were captured and adopted by the Seneca and Mohawk Nation. Others went to Quebec and became established as the Huron of Wendake, while others went to Montreal and lived with the Mohawk. Still others settled in the mid-west and became known as the Wyandot.

The period of the Beaver Wars, from 1650 to 1675, is often referred to as a 'period of dispersal' because Anishinabek withdrew from shorelines of the major lakes and rivers and some families moved temporarily to the St. Lawrence settlements, or farther afield to Timiskaming or Lake Nipigon. With regards to the so-called "period of dispersal", the reader should remember that European observers (and potential historians) were, obviously, few in number at that time—and they did not frequently travel the back-country—and reports that the territory was completely abandoned were probably exaggerated. It seems unlikely that hunter-gatherers, who knew every tributary stream of their territory, would completely abandon the Lake Nipissing basin and the Ottawa Valley in order to avoid Iroquois war parties (Holmes 1993: ii). Nevertheless, until 1701, when the French in Montreal made peace with the Iroquois, the shores of the main travel routes must have been thinly occupied and avoided. Even though the Iroquois hunted widely over the Ontario peninsula and some established villages on the north shore of Lake Ontario, it should be noted that the Anishinabek defended their territory and took offensive action.

1.3.4.3 The French Regime 1701 – 1759

The histories of Champlain and the Jesuit Relations speak of the "Nipissing" as a people apart from the "Algonquins" as if the homeland of the former was the shores of Lake Nipissing. However, by the 18th century the historical records invariably state that the two groups considered the entire drainage from Lake Nipissing to the St. Lawrence River to be their ancestral homeland.

In the Ottawa River watershed in the historical period, the Nipissing and Algonquin both lived together and acted together in economic and political matters. They wrote joint petitions to successive Colonial Government officials that described their territory as a single undivided land—although they always signed the documents under the heading of "Algonquin" or "Nipissing". From the *etic* point of view of the outsider—like missionaries, British colonial officers, or this consultant—this close association between the Algonquin and the Nipissing, makes it seem that they were essentially the same people. Their language, material culture, and customs were apparently the same and they intermarried and resided together. The *emic,* or internalist, view was not revealed partly because Europeans largely wrote (or translated, or edited) the historical record and, partly, because the Nipissing and Algonquin of the time did not see that an explanation of the difference between the two terms was called for. Since the Algonquin and Nipissing kinship system must have been similar, perhaps this dichotomy of self-identity acted like a moiety, or division, of the community irrespective of clan structure.

> "Our old Chiefs and principal warriors...[decided that]..the whole of our hunting grounds...should be divided into two parts as equally as possible according to the different situations abounding in furs, and part to be enjoyed by the Algonquin tribe, and the other for the benefit of the Nipissings; the part or proportion allotted to each...band or clan might have a certain extent...in proportion to the number of the band...By this arrangement, the various chiefs or heads of bands had an opportunity of nursing their beavers and otters...by dividing the portion belonging to the band into two equal parts, which were still very extensive, and hunting and changing alternately every two or three years from one part to the other..." (Holmes 1993, Document 315 Note: although the intent is clear, this paragraph of the document is fragmentary).

In addition, the Europeans of the historical period were ignorant of the traditional clan system that both groups used and they superimposed their own system.

In the French Regime period, the Algonquin and Nipissing began to visit the Sulpician mission at Lake of Two Mountains for up to two months each year, usually in the summer. Although some spent the greater part of the year at the mission, most people continued to make seasonal rounds in their own territory. The church records of this period may underestimate the total population of Algonquin and Nipissing by assuming that all had become Christian. Although the fur trade economy required considerable labour during the winter months, by the 17th and 18th centuries the Algonquin and Nipissing had become successful merchants of a scarce luxury product and they generally received good prices for their furs (Ray and Freeman 1978).

Except for scattered trading posts, the Algonquin and Nipissing were the sole occupants of the Ottawa Valley in this period and, of course, they chose to live, as much as possible, at the most attractive locations in their territory. These included: the islands in the Ottawa River, the mouths of principal tributaries, the junctions of principal tributary streams, the foot of rapids and falls, at the ends of portage routes, and around wild rice lakes and fisheries. Since these attractive locations were generally the first to be later chosen by settlers and industrialists, the archaeological deposits formed in French Regime period have been greatly impacted and many have been lost to posterity. Nevertheless, some deposits from this period must remain along the shores of the major waterways; however, as noted above, the archaeological record of the Ottawa valley is sparse because of the relative lack of field survey as compared to southern Ontario.

An astrolabe found by accident on the Champlain Lakes Trail route at Astrolabe Lake in the 19th century has been attributed to Champlain ever since (Biggar 1925; Swayze 2000). Indeed, given that there are no extant historical records to indicate this route was ever used again during the French Regime, who else could have lost it? During his celebrated meeting on June 6, 1613 near Cobden with Chief Nibacis, Champlain was shown the gardens and fields around the Algonquin village, and his description indicates that Nibacis' village economy, unlike other early descriptions of Algonquin settlement and subsistence, combined intensive agriculture with traditional hunting, gathering, and fishing. This hybrid economy was also characteristic of the St. Lawrence Iroquois, who had abandoned their lower Ottawa Valley territory only a couple of generations before Champlain's visit. Taken with David Croft's discovery of a type of pot-sherd at Astrolabe Lake (Pers. Comm., see Swayze 2000), that was in the St. Lawrence Iroquois style, and an historical account (see Pendergast 1999), where an Algonquin on Mont Royal claimed his ancestors had lived in a village below that is now called the Dawson archaeological site, a deposit usually attributed to the St. Lawrence Iroquois village, which Cartier observed in 1535.

The French briefly occupied Grenville County in Edwardsburgh township (1670), and Pointe au Baril (Maitland, in Augusta township (1759).

1.3.4.4 Pre-Confederation British Colonial Period 1760 – 1867

After the fall of New France, in 1759, the Algonquin and Nipissing came under the administration of the colonial government's Indian Affairs Department, represented initially by Sir William Johnson. Although the Proclamation of 1763 recognized the territorial rights of First Nations, including those of the Nipissing and Algonquin, by 1772 they found it necessary to deliver a formal claim to the land from Long Sault on St. Lawrence to Lake Nipissing. They also protested against the liquor trade in their hunting grounds. Twelve Nipissing and seven Algonquin signed the 1772 petition. In the next two generations, up to 1841, they resubmitted the same petition nine more times.

The Algonquin and Nipissing fought for the British during the American Revolution and the War of 1812. In 1841 Chief *Ka-on-di-no-kitch* reminded Superintendent Hughes of this:

> "During the last two wars with the United States, our ancestors as well as ourselves, were called upon by our fathers the then Governors and told that we had lands to defend, as well as our white brethren. We obeyed; we knew it was our duty to defend our hunting grounds. We gave the war whoop, we fought, and bled, in defending the rights of our great father, and our soil, and we would assure our father, the Governor- General, that we are ready to do so again whenever called upon." (Holmes, 1993, Document 249).

The 1840s was a time of encroachment and alienation throughout peninsular Ontario as well as the Lake Huron basin and the Ottawa Valley. In petition after petition The Nipissing and the Algonquin pointed out that they were loyal allies and war veterans and they stressed that, when the invasion of loggers and settlers began, they had been patient and helpful towards the newcomers and had not, generally, resorted to violent resistance.

In 1840 the Algonquin and Nipissing addressed a comprehensive petition to Lord Sydenham, Governor of Lower Canada, including statements that clearly indicate that their economy and land use patterns were changing:

> "That day is now arrived—which we never expected to see—your red Children the Nipissing and Algonquin, have never been in the habit of tilling the ground, from time immemorial our chief and only dependence for a livelihood sprang from the chase from which we procured abundance. Not so now—our hunting grounds are entirely ruined—our beaver & other fur have been destroyed by the constant fires made by the lumber men in our majestic forests; our deer have disappeared—our timber to the amount of hundreds of thousands of pounds, is annually taken from those very hunting grounds, which by our Great Father's orders were to be removed for us and us only...As we...can no longer depend on the chase for support, we must set ourselves to the hoe—or else starve—we demand your assistance" (Holmes 1993, Document 241).

Similarly, Chief *Ka-on-di-no-kitch* (Nipissing) in council at Lake of Two Mountains with Superintendent Hughes:

> "...we have already told you that our hunting grounds, which are vast and extensive and once abounded in the richest furs and swarmed with deer of every description, are now ruined. we own...that we are partly the cause of these present misfortunes: we were too good and generous: we permitted strangers to come and settle on our grounds and to cultivate the land; wood merchants to destroy our valuable timber, who have done us much injury, as by burning our rich forests, they have annihilated our beaver and our peltries and driven away our deer...but we had good hearts and took pity on our white brethren; we know that they must live as well as ourselves... we never thought of futurity and we were silent at these encroachments. But now we are pitiful ourselves and are obliged to crave assistance..." [in order to settle on farmsteads] (Holmes 1993, Document 249).

Despite their reliance on country food until this period, there is historical evidence that the Algonquin had been gardening and raising maize since at least the 17th century, if not since the Middle Woodland period. Champlain reported in 1613 Chief Nibacis' village had gardens and cornfields and Chief Tessouat's village garden included peas—of which the knowledge and seed stock had only been recently acquired. According to Superintendent Hughes, the Algonquin and Nipissing of Lake of Two Mountains used hoes and spades to raise "Indian corn, pease [sic], beans, potatoes, pumpkins, oats, and hay" (Holmes 1993, Document 297).

Given that they only spent the summer months at the mission, and that they could not attain title to these lands or sell the produce on the open market, these gardening efforts were on a small scale.

In a petition dated 1849 some Algonquin and Nipissing described their decision to acquire land and farm as follows:

> "When you see us traveling from one end of the rivers and lakes to the other in our frail canoes, you are surprised at our way of life and you find us very poor. We confess that this is certainly true. We are poverty stricken, because day by day we are being stripped of our possessions. Our lands are rapidly passing into the hands of the Whites. You have long advised us to cultivate the land; long too have we failed to listen to such salutary advice. Is this surprising? We were rich in bygone days. We lacked for nothing. The forests were inhabited by animals of every species and we sold the carcasses to eager merchants for a very good price. But now it is no longer thus...we are reduced to dire poverty. We want to imitate the Whites. This is why we are asking for land to farm...we want to farm near our hunting grounds... (Holmes 1993, Document 330).

In 1862, the Nipissing and Algonquin again petitioned the Governor General of Canada, Viscount Monk, and claimed that the Ottawa Valley had been their home since time immemorial. They protested the incursion of white trappers who stripped the fur-bearing animals from their territory, while they always left enough animals to breed.

> "We have no desire to interfere with the Lumbermen, whose legitimate object is the manufacture of timber, nor with the settler whose object is the cultivation of the soil, but what we consider a real grievance is the custom pursued by white trappers who infest our hunting grounds for the sole purpose of trapping. The Indian, whose hunting ground is secured to him according to ancient usages amongst his own people under the regulation of his Chief, pays every attention to the increase of (particularly the muskrat and beaver) which are purely local, whilst the white trappers invariably exterminate them." (Holmes 1993, Document 398).

Eight Chiefs and over 250 individual Algonquin and Nipissing, whose hunting grounds were in the Madawaska Valley, petitioned Monk in 1863 for a specific tract of land on the upper South Madawaska adjacent Canisbay Township:

> "That in times past [our] hunting grounds were in the country watered by the Madawaska and adjoining streams about 150 miles from...Two Mountains, but owing to that country having become during the last few years thickly settled it has rendered useless and destroyed [our] hunting grounds and has compelled [us] to travel still further westward until at present [our] hunting grounds are from 300 to 350 miles from (Two Mountains]".
>
> That [we] are desirous of having a tract of land near our present hunting grounds granted or reserved for them for the purpose of building up an Indian Village capable of supporting four hundred families, a desire we sincerely trust will be gratified, ...[since] the whole country was once [ours] and the land of the departed braves, [our] fathers."
>
> "That such a tract of land, as would suit the purposes required, [we] have found in the Township of Lawrence, next adjoining the Township of Eyre, [which] would meet all the requirements [since it] is near their hunting grounds, is suitable for the village, and would be the greatest blessing that could be bestowed on [us]... (Holmes 1993, Document 400]"

The local Member of Parliament (Robert Bell) found supporters for the Lawrence Reserve and the Department of Indian Affairs recommended it to the Commissioner of Crown Lands, who heeded the appeal. In 1866 he notified the Indian Agent at Arnprior that he had:

> "...reserved the south east quarter of the Township of Lawrence from sale during the pleasure of the Crown for the use of the Algonquin Indians for a settlement. The Indians are not to have any right to the merchantable timber on the land nor are they to interrupt those parties who hold timber licenses for it from cutting and carrying off the timber" (Holmes 1993, Document 407).

William Spragge, Deputy Superintendent of Indian Affairs, even went so far as to recommend that, "given the rugged character of the terrain", the northeast quarter of the Lawrence Township should be added to double the size of the reserve (Holmes 1993, Document 408).

1.3.4.5 Post-Confederation Federal-Provincial Colonial Period

Two years later, however, after Confederation, when Upper Canada became the Province of Ontario, Pon Sogmogneche, High Chief of the Algonquin and Nipissing, was still waiting for official recognition of the reserve:

> "Some time since I was given to understand that there was a tract of land granted to me for use of my tribe of Indians in the Township of Lawrence on the Madawaska River. I wish to know if the boundary lines will be run and the lots laid out so that each one of my tribe settling will know his portion and I wish for a document from you as soon as practible (sic) to shew that I have authority to settle without molestation on the said land and that it is laid apart for use of my Indians" (Holmes 1993, Document 412).

In 1878, when Niven surveyed the Township of Nightingale, which is on the east side of Lawrence Township and also on the Madawaska, he noted two "Indian" clearings (Holmes 1993, Document 445).

In 1886, Chief Nogon-nak-suk-way forwarded another request for land in Lawrence Township to L. Vankoughnet, the Deputy Superintendent General of Indian Affairs:

> "I am requested by the Chief *Non-non-she-gushig* and his band to make enquiries on their behalf. The said Chief and his band...now desire, unitedly, to locate on some good land that they might see fit for farming purposes in the Township of Lawrence, or in some other. And such lands if found to be set apart for them as an Indian reserve." (Holmes 1993, Document 477)

Vankoughnet replied to this request saying: "I beg in reply to state that the Algonquin band of Indians have a Reserve on the River Desert in the Township of Maniwaki on the upper Ottawa where there is plenty of land to accommodate them." (Holmes 1993, Document 478).

Two years later, in 1888, an Algonquin or Nipissing, who said he was the Chief of 30 families or 150 people (his return address was a post office near Barrys Bay), wrote to Indian Affairs on behalf of the Lawrence Township band:

> "It seems the South East quarter of the Township of Lawrence has been reserved for the Algonquin Indians, their Chief *Non-no-che-ke-shick* has requested me to write to [Indian Affairs] to have that reserve cancelled in exchange for some other nearer a market." (Holmes 1993, Document 480).

Indian Affairs replied that in order for this exchange to take place, Non-no-che-ke-shick and his band, "for whom part of Lawrence was set aside", must pass a resolution stating their intention

and specify the land desired in exchange so that tract could be assessed for suitability and if the result was favorable, then "the Government of Ontario should be applied to for an exchange of the tract in Lawrence for land selected by the Indians." (Holmes 1993, Document 481).

No further correspondence on the Madawaska reserve issue was found until 1894; when Chief Peter Sharbot revived the Lawrence Reserve request with Indian Affairs Canada, stating that his band had been in occupation since 1849 (Document 500). In 1896, Chief Sharbot provided a list of families, totaling 46 people (Document 514). The Crown forwarded the matter to Ontario Department of Crown Lands with a request that the claim be investigated (Documents 503 and 512). Although Superintendent Thomson of Algonquin Park did visit Lawrence Township, "The report of the inspection by Superintendent Thomson was not made as he died before he could write a report" (Holmes 1993:174). Nevertheless, Crown Lands provided an account of the inspection (Document 522), which must have stemmed from comments Thompson made before he died. This document is quoted at length below, because it provides information about potential for archaeological material of 19th century Algonquin settlement.

> "...Mr. Thomson visited the township in August last, that he did not find a single Indian settler in the township and the only attempt at clearing or settling which he found was a small improvement, if it could be called such, made by one Francois Antoine, which consisted of an attempt to clear up part of lots 3 and 4 in the 9th and 10th Cons. the nature of the work being roughly under brushing in the Indian style about 1½ acre. He [Thomson] states that the nature of the land in the township is such that it is well adapted for settlement, the greater part of the township being fine, arable, rolling land, dipping to the east and south. The soil is black loam and sand mixed, the timber beech, black and yellow birch, spruce and pine, the quantity of pine estimated to be some 45 million feet, which is scattered through the township."
>
> "The township of Lawrence is situated upon the confines of Algonquin National Park, which as you know was reserved as a home for game of all descriptions, the intention being to preserve the beauty of the Park and to afford a harbor for the different wild animals, birds, etc. which are natives of this Province. The formation of a settlement of Indians upon the borders of a territory of this kind would, in my opinion, be attended with great danger to the preservation of the game in the Park. You know the predatory habits of these people, how they roam about, and how difficult it is to keep watch of their movements in the forest or get them to recognize a law which applies to white people, with respect at the rate to the killing of game, should be made to apply to the Indian, who depends for his livelihood in a great measure upon what he can kill in the forest...There being such a large quantity of pine timber still growing in the township is another difficulty. The Department does not open to sale to white people lands upon which there is still a considerable quantity of pine timber growing, and where there is about 40 or 50 million feet of pine in a township, it would not be a proper thing to open it to indiscriminate settlement."
>
> "It would appear from what Mr. Simpson says that there is a considerable number of Indians in the Township of Nightingale, some 32 individuals in all, many of whom have entered into possession of lots and made small clearings, and have been there for a considerable period. I think it would be well that these people should be given to understand by your Department that they have no rights there, and that they must not expect that these lands will, as a matter of course, be allowed to them."

Undaunted, in 1896, Chief Sharbot suggested to Indian Affairs (Document 527) an alternate site in Sabine Township: "You will see by the enclosed letter that the Indians at Long Lake in

Lawrence Township have located a place to live on away from Lawrence or Nightingale..." (Holmes 1993, Document 528). In 1897, in a letter to Agent Bennett, Chief Sharbot elaborated:

> "In regard to the Reserve, which we are trying to get. I might say that the land we wish to secure lies at the head of Hay Lake in the township of Sabine to the south west end of the lake, there are four families living there now, all with more or less clearance and there would be probably ten families altogether living there should that part of the township to be set aside for the purpose of a reserve. Kindly let me know what further steps I should take in this matter. We are all Algonquins" (Holmes 1993, Document 534).

Three weeks later, Chief Sharbot, in response to Bennett's reply, sent another letter to Agent Bennett:

> "Yours of January 20th to hand and in reply beg to enclose you letter received from Dept. Crown Lands through Mr. Simpson Park Superintendent. We also wish to say that we were not aware that the lands in question were not in the market and that there are at present four families of Indians living there all more or less clearance, while three more families are intending to locate there in the spring.
>
> The reasons we have for desiring this location are that it is in a country fifteen miles from the nearest railway and about seven or eight miles from the nearest white settlers who have been living in the same township for over eighteen years, the land is also well situated on the water ways being on Hay Lake which is emptied into Long Lake of the Madawaska River and also near the Mink Lakes tributary to the York Branch of the Madawaska.
>
> The pine is all cut off this part of the country and if you could induce the Indian Dpt. to grant us one fourth of this township for settlement, we would be self-supporting and independent of government assistance in every way" (Holmes 1993, Document 535).

Agent Bennett's superiors at Indian Affairs instructed him, in April 1897, to tell the "Indians of Sabine" to "go to Golden Lake Reserve" and in May, the exasperated agent had to inform head office that :

> "...the Indians at Sabine do not belong to Golden Lake Reserve, also there is no room for them on the Reserve...So there is no use in asking them to come to live on the Reserve. ...If it is possible it would be better to get the reserve for them in Sabine. I understand that there is two parties, and that they are not agreed on the place to locate. I think it would be advisable to send someone and call a meeting of all the Indians and find out the particulars and then report to govt" (Holmes 1993, Document 542).

Indian Affairs duly sent Agent Bennett to meet with the Sabine band and report (Holmes 1993, Document 546), which he did promptly, for he filed a report dated July 15 1897. Because of its relevance to archaeological potential Bennett's letter report is cited, in full, below:

> "I visited the Indians at Sabine (who are Algonquins) as authorized by Department, and found three families settled on land bordering on Hay Lake in the Township of Sabine, and others and others waiting to settle on the proposed Reserve. The names and ages of the Indians whom I found there are:

Mat Whiteduck	Aged	37 years	wife	and	family
Amab Lavally		28	"		
Henry Macoose		35	"		
Exavier Levally		24	unmarried		

Denis "	29	"
Lemab Sharbot	20	"
Peter Sharbot	65	widower
Frank Sharbot	29	wife and family
William Levally	30	"
Louis "	50	widower
John "	32	wife and family

> Three families are living on land on Sabine with improvements made thereon the other Indians who are there but afraid to make any improvements until they are sure of the Reserve being set aside for them.
>
> The area of the Reserve they want is ten lots in width and seven in length, there is about 1500 acres of a drowned [sic] marsh in the south east corner of the Township of Sabine, I think however that 4000 acres would be sufficient for these Indians and would recommend that lots 1 to 10 inclusive in con. 4-5-6-7 of the Township of Sabine be acquired for them. This tract of land is not fit for settlement and I do not think it will be settled upon by white settlers" (Holmes 1993, Document 547).

In 1893, these townships were incorporated into Algonquin Park and, in 1894, Peter Sharbot and 32 Algonquin settlers were evicted (Allen 2007). Kidd (1948) referred to some of these Algonquin homestead remains at Rock Lake, during his excavations in 1939; however, his interest was primarily deposits of the pre-contact period. Allen has carried out archaeological assessments at "Franceways" homestead at Rock Lake and elsewhere on the upper Madawaska.

1.3.5 Euro-Canadian Period

The first Europeans on record to travel up the St. Lawrence River into the Ottawa Valley and the Great Lakes basin was Étienne Brûlé in 1610, Nicholas de Vignau in 1611, and Samuel de Champlain in 1613, who produced the oldest known map of the Ottawa River (Kennedy 1970:71, DeVolpi 1964), and connected with the Algonquin Nation. After Étienne Brûlé travelled up the Ottawa River in 1610, Europeans began using the Ottawa River as a major route to access the interior of the continent; and its major tributaries: the Rideau, Mississippi and Madawaska would have been used. Commercial and military posts were not established west of the St. Lawrence and Ottawa River Valleys until the late 17th century. In 1673, the first French fort on Lake Ontario was established at Cataraqui. Headed by Count de Frontenac, the French company took control of a strategic location at the junction of the St. Lawrence, Lake Ontario, and the Cataraqui/Rideau River system (Guillet 1933).

After the American Revolution the British arranged for the settlement of United Empire Loyalists and the Mohawk, under Joseph Brant, in Mississauga territory on the north side of Lake Ontario and the upper St. Lawrence River. Although the Algonquins were not included in the Crawford Purchase negotiations and did not cede any land in the area, including Grenville County, the British presumed as much. During the long Napoleonic wars, the natural resources of the Crawford Purchase land, became of significance to the British—particularly its pine timber, pitch, and potash.

One of the first histories of Ottawa, by H. Belden (1881), provides insight to the initial contact between Algonquin and settlers with the story of Philemon Wright's arrival in Hull at the turn-of-the-century. According to Belden, the Algonquin greeted Wright cordially, even though he was cutting down their maple grove in the sugaring season. After welcoming and feasting Wright, the Algonquin asked him by what authority he was cutting down their sugar bush and

were not satisfied until Wright (an American) produced a letter of approval from Sir John Johnson, a minister of the Crown, and provided a payment and gifts to the Algonquins.

After the Napoleonic Wars, or the War of 1812, the British began to settle veteran soldiers and their families in eastern Ontario, in Perth and Richmond, by presuming it was allowed by the Crawford Purchases, and through other payments made to the Mississauga. The Algonquins were not consulted about this settlement, and the land remains unceded Algonquin territory.

At the time of contact the Rideau River was an important travel route for the Algonquin Nation between Lake Ontario and the Ottawa River. Reflected in the traditional Anishinaabe name for the river, Pasapkedjinawong – 'the river that passes between the rocks'. Numerous Indigenous villages were present in Grenville County when the settlers first arrived, and were essentially forced out by the settlements.

The Algonquins of Ontario (AOO), consider nine million acres of the drainage basins of the Mattawa and Ottawa River, which includes the Rideau River, to be their traditional territory. The AOO are represented by the Algonquins of Pikwakanagan, based on the reserve at Golden Lake, and nine other non-status communities throughout the Eastern Ontario. The AOO are currently negotiating a modern land claim settlement with Canada and Ontario, and have already signed an agreement in principle (AIP) that recognizes the importance of the archaeological record of their ancestor's presence on the land (AOO 2016).

1.3.5.1 Wolford Township

In the late 1700s United Empire Loyalists began immigrating to specially created townships west of the Ottawa River and the Quebec border. Grenville County was created in 1792, and consisted of five townships: Augusta, Edwardsburgh, Oxford-on-Rideau- South Gower, and Wolford.

The original survey for settlement of Wolford Township took place in 1795 and opened in 1797 and Incorporated in 1850 and includes the communities; Easton's Corners, Jasper (Olmstead's Mills and Irish Creek), Kilmarnook and the village of Merrickville (Merrick's Mills). The township was named after Wolford Lodge, the Devonshire seat of Col. John Graves Simcoe (Rayburn 1997).

The first land patents in Wolford Township were granted in 1804. The rapids at Merrickville attracted Roger Stevens who built a mill in about 1790 (Watson 1996). William Merrick arrived in 1794 and built grist, saw, and carding mills. The settlement took the name Merrick's Mills after William Merrick and when construction began on a dam and three locks for the Rideau Canal in 1827, the population was approximately 300. The Rideau Canal utilized the existing Rideau River and instead of destroying the water power for the Mills, the excess water was used to power the Mills. Thus, the creation of the Rideau Canal improved transportation of the area, and industry thrived; and Merrickville soon became an important industrial and manufacturing center through 1851 into the mid 1860s until the decline of the commercial phase of the Rideau Canal, when the railway by-passed Merrickville in favour of Smith Falls (Merrickville and District Historical Society 2018; Cotton 2016).

1.3.5.2 Part of Lot 6, Concession A, Wolford Township

Unless otherwise noted, the information is from Ontario Land Titles Records (Grenville County n.d.). Definition of Patent is: a "Letters Patent" which transfers full ownership of a property, or part of a property, from the government or Crown to an individual, or private corporation, or company. Due to Covid-19 pandemic restrictions the assessment rolls for the township were not available for reference.

In 1802, Crown Patent for all 100 acres [*sic*] of Lot 6, Concession A, Wolford Township, County of Grenville (now United Counties of Leeds and Grenville) was issued to Elizabeth Beckham (Lot 6 Concession A is actually 175 acres in size; she received the patent for the entire lot) (Library and Archives Canada, n.d., Figure 5). At the same time Beckham also patented (all 100 acres [*sic*]) of the adjoining Lot 6, Concession B, which is actually quite small lot (under 10 acres) that fronts the Rideau River (ibid). The township papers, dated 1805, indicate that originally Robert Bickham [*sic*] requested the land patent, but he was not entitled to the land; however, as Elizabeth was the daughter of a U.E. Loyalist she was able to make a claim (Ontario Crown Lands Department 1982).

Although small parcels were sold off from the property over the next hundred years, the main parts of the two Lots continued to be sold together into the 20th Century.

In 1811, Elizabeth Beckham and her husband Robert sold all of Lot 6, Concession A and B, Wolford Township to Caroline and Walter Gates. In 1828, Caroline Gates and her sister Anne Nichols inherited the property from Walter Gates.

In 1833, the Sherriff sold off 19 acres of Lot 6, Concession A, and 6 acres from Lot 6 Concession B "for assessments" (unpaid taxes?) to George Langley. In 1841, the Sherriff sold the remaining land to Griswold Enos, it is described as "All with 6 Concession B". In 1842, Ruth Langley, wife of George Langley, her sons, William & George, and daughter, Sarah inherited the 19 acres from George's estate.

By 1847, Griswold Enos sold the land again described as being "All with 6 Concession B =164 ½ acres" to Aaron Merrick. Also, in 1847 George C. and Sarah M. Langley inherited the 19 acres in Lot 6 Concession A from their mother Ruth Langley.

In 1849, Aaron Merrick sold "All with 6 Concession B=164 ½ acres" to James Francis Jr [note: later land title documents continue to describe the property this way. For this document, to avoid confusion, the property will be described as Lot 6, Concession A&B, Wolford Township].

Unfortunately, 1851 agricultural census for this Lot has not survived so there is some uncertainty that James Francis was on the Lot, but it seems very likely. The 1851 Census records James Francis (64), as a farmer living with his daughters Ellen (29) and Rachel (21), and grandson James (2). They are living in a single-storey log house. The enumerator's comment was "Gravelly soil mixed with clay…deep soil produced good crops when well cultivated" (Government of Canada 1851).

In 1856 James Francis Jr. sold Lot 6, Concession A&B, Wolford Township to Silas Andrews and four years later in 1860, Silas Andrews and his wife sold the property to William Andrews. The land this time is described as "150 acres being All with Lot 6 in Concession B, except 14 acres"

The Census for 1861 shows William Andrews (23), owner, farmer, and wife Elizabeth (23) occupied Lot 6 Concession A&B, living in a 1 ½ story log house on 150 acres, of which 70 acres are cultivated and 80 acres as woodlot. They grew wheat, peas, oats, buckwheat, Indian corn, potatoes, beans, and hay (Government of Canada 1861). The 1861 Walling map shows the house is located on the north side of County Road 43, opposite to the AAA (Figure 6, Walling 1861)

The Census also records Silas Andrews (55), owner, farmer, and wife Almilta (41), and their sons James (20), Silas (9), Colen (6), Homer (5), and daughter Anne (2). They lived in a 1 ½ storey brick house. There was no agricultural information available for this family, so it cannot be determined if Silas Andrews was on the Lot, but it seems very likely that he was on the 14 acres that he retained when he sold the rest to William Andrews.

Land titles indicate that in 1868 William and Elizabeth Andrews sold the property to Elizabeth Forbes. The land is described as "150 acres being All with 6 in Concession B, except 14 acres".

The 1871 Census records David Forbes (55), as owner, farmer, and his wife Elizabeth (44), with their daughters Anna (17) and Dorah (16) occupying Lot 6 Concession A (150 acres), of which 66 acres are improved, including 10 acres of orchard. They had a house and 3 barns, 4 sleighs or wagons, and 2 ploughs (Government of Canada 1871). They grew wheat, barley, peas, beans, buckwheat, potatoes, beets, carrots, clover seed, hay, and fruit. They produced 400 lb. maple sugar, 500 lb. butter, 36 lb. wool. Livestock consists of 2 horses, 6 milk cows, 4 cattle, 17 sheep, and 7 swine. [note: The family still owned the land Lot 6 Concession A&B described above and must have been farming all of the property.

In 1883 Elizabeth Forbes and her husband David sold the property to Nathan Davis, the land described as "150 acres being All with 6 in Concession B, except 14 acres". In 1886, Nathan Davis and wife sold *"4 and 17/100 acres"* to the Ontario and Quebec Railway Company.

The 1901 Census records Nathan Davis (74), still in residence as farmer with his wife Dianna (69), daughters Anna (45), married, and Phoebe (25), their son Charles (23), granddaughter Minnie Kerr (6), and a lodger Rodewell Cosby (13), living in a 9-room wooden house. They occupy 140 acres. No other agricultural information was recorded at that time (Government of Canada 1901).

A 1915 memo of agreement entered on the title records that Nathan Davis died intestate, and that his 12 heirs (named) agreed to maintain Davis' wife Annie during her natural lifetime.

During the 100 years since the lot was patented, it was a thriving farm and the property changed hands several times. Exactly, when the AAA was cleared and used as an agricultural field is unknown, but given that only about 50 acres of Lot 6 Concession A is arable and the 1861 indicates that approximately 70 acres of the property (both Concession A and B). So, all possible arable land was under cultivation by 1861 and was still under cultivation in 1936 (Ministry of Natural Resources 1936, Figure 7).

1.4 Archaeological Context/Existing Conditions

1.4.1 Physiographic Conditions

The AAA consists of a single 2.8 ha treeless open agricultural field within Part of Lot 6, Concession A, in the Township of Wolford (Figure 2). The AAA is a portion the Kirkpatrick farm that has been proposed for severance from the original property. The AAA is relatively level with a relief of approximately 3 m (between 103 -106 masl), over 145 m. There are no buildings, roads, or infrastructure located within the AAA.

The physiographic conditions are the natural properties of the area. These include landforms, bedrock geology, surficial geology, hydrological features, and soil types. Canada has been divided into seven broad physiographic regions that are further divided by province and landscape. The Ontario Ecological Land Classification system divides the province into Ecozones, Ecoregions, and Ecodistricts.

The AAA is situated in the Rideau River Valley and rests on a clay plain that runs along the valley floor. The AAA is located in the Lake Simcoe-Rideau Ecoregion (Figure 8), which extends from Lake Huron in the west to the Ottawa River in the east, the Ontario portion of the St. Lawrence River Valley and most of the shore of Lake Ontario.

The AAA is situated within the Mixedwood Plains Ecozone. The Mixedwood Plains Ecozone makes up 8.6% of the province and is situated south of the Canadian Shield. It encompasses the entire southern part of the province from Lake Huron to Quebec. The Mixedwood Plains Ecozone is divided into two Ecoregions based on a characteristic range and pattern in climatic variables (Crins *et al* 2009:6). The Lake Simcoe-Rideau Ecoregion is further subdivided into 16

Ecodistricts, based on a characteristic set of physiographic features, including bedrock and/or surficial geology, and topography (Wester *et al* 2018: 2).

The AAA is located in the Smith Falls Ecodistrict (6E-11). The Ecodistrict encompasses the largest and most continuous tract of shallow substrate over Paleozoic bedrock within the Lake Simcoe-Rideau Ecoregion (Chapman and Putman 1984). Ecodistrict 6E-11 is associated with the Eastern Temperate Deciduous Forest Vegetation Zone (Figure 8, Baldwin *et al* 2018).

1.4.2 Hydrological Conditions

The major hydrological feature of the area is the Rideau River, located approximately 180 m to the east of the AAA. The Rideau waterway was designated a UNESCO World Heritage Site in 2007 based on the significance of the waterway in the cultural heritage of Canada. There are no other watercourses or waterbodies in or adjacent to the AAA (Figure 9). There are no relict shoreline features within the AAA.

1.4.3 Soils and Geological Conditions

The AAA is situated within the Ottawa – St. Lawrence Lowland east of the Frontenac Axis and is underlain by flat-lying Paleozoic sedimentary rocks (Sharpe 1979). Those rocks are Ordovician aged dolostone and sandstones formed approximately 460 million years ago. The underlying bedrock is Early-Ordovician aged Dolostone, part of the Beekmantown Group (Figure 10). Like the rest of the surrounding area, the massive, grey limestone grades to dolostone.

A detailed surficial geological map of the Merrickville region shows that the AAA contains two different types of surface geology (Figure 11). Coarse textured glaciomarine foreshore and basal deposits comprised of sand, gravel, with minor silt and clay dated to the Late Wisconsinan and Paleozoic bedrock. However; the site inspection did not note the exposure of the bedrock and the entire AAA was consistent with the glaciomarine sediments. These sediments are linked to the Champlain Sea marine phase and formed of shallow marine water sediments, sand and gravels. Fossilized Pleistocene aged fauna are common and wide spread. The dominant feature is the drift associated sands which are plane-bedded and overlay deeper and finer silts and clays. Due to the shallowness of the Champlain Sea in the area, the sediments are fine grained deposits which formed in protected locations along valley-bottoms and other depressions in the landscape. The highest strandlines in the Merrickville area appear between 122 to 137 masl. on relatively exposed upland surfaces in the form of shingle beaches comprised of flaggy cobbles of local bedrock. Shoreline features are generally low ridges (<1 m) in thin drift on bedrock (Sharpe 1979).

The AAA holds Manotick series soils which are fine textured and grade from dark brown to grey/brown in color (Figure 12). These soils belong to the Orthic Humic Gleysols subgroup and are characterized as predominantly poorly drained (70%) due to clayey subsoils. Manotick soils have an upper veneer of sandy loam which has low moisture holding ability. Weathered B horizons are strong brown to yellowish brown and structure is single grain. A Thin olive-brown B/C horizon also with single structure frequently overlies a clayey sub stratum (Gillespie *et al.* 1968).

1.4.4 Existing Heritage Plaques and Monuments

A review was made the Ontario Heritage Trust Online Plaque Guide (Ontario Heritage Trust 2018). There are no existing heritage plaques or monuments within or near the AAA.

1.4.5 Built Heritage and Cemetery locations

A review was made of the Building Stories database maintained by the University of Waterloo and the Canadian Register of Historic Places, and there are no registered built heritage properties in, the AAA (CRHP 2018, University of Waterloo 2018). There are ten built heritage properties located in nearby Merrickville and Andrewsville and includes the Rideau Canal National Historic Site of Canada. The Rideau Canal Historic Site is a 200 km man-made waterway running through a corridor of communities from the Ottawa River to Lake Ontario, and runs through Merrickville and within 160 m of the AAA. The construction of the Rideau Canal infrastructure started around 1827 and used the existing Rideau River. The Rideau Canal Waterway was designated a UNESCO World Heritage Site in 2007. There are no known cemeteries within or adjacent to the AAA. The closest cemeteries are the Collar Hill Cemetery, which is approximately 1 km south, and the Merrickville Union Cemetery, which is approximately 1 km northeast of the AAA (CGWCP 2004).

1.4.6 Previous Archaeological Assessments and Potential Mapping

According to a review of the MTCS archaeological reports database, there are 2 reports that detail archaeological work that was carried out within 2 km of the AAA and the findings are summarized in Table 1 (MHSTCI 2021a).

No archaeological potential mapping exists for the area.

Table 1: Reports of archaeological work carried out within 1 km of the AAA.

PIF #	Distance from AAA	Title	Results and Recommendations	Reference
P336-0151-2017	1 km south of AAA	Stage 1 Archaeological Assessment for the Princiotta Charlotte street subdivision	No further assessment required.	Past Recovery Archaeological Services Inc. 2017
P039-071-2006	Located 4 km from the AAA	Stage 1&2 Archaeological assessment of the proposed McMillian-Dupuis Subdivision	Stage 3 recommended.	Swayze 2011
2002-046-002	Lot adjacent to AAA	Stage 1 & 2 A. A., Rideau River Road Natural Gas Corridor	One isolated Pre-Contact artifact recorded. No further work recommended.	Swayze 2002

1.4.7 Existing Archaeological Sites

According to the Borden (1952) system of archaeological site registration used by Ontario, the AAA is in BfFw "Borden Block" (a rectangular area, about 13 x 19 km).

According to a review of the MTCS archaeological sites database and existing reports, there are no archaeological sites within 2 km of the AAA (MHSTCI 2021b). The closest sites are within 4 km of the AAA and consist of two pre-contact (Middle and Early Archaic) campsites and one Euro-Canadian farmstead.

1.4.8 Field Conditions

The AAA is approximately 3 ha in size fronted on its western boundary by County Road 43. The AAA is an active agricultural field 100% of the ground surface is visible and there was no crop stubble or weeds present during the survey. The site has gently rolling topography with a shallow swale in the center of the AAA (Photographs 1, 2, and 3, Figure 13). The topsoil of the

AAA grades between sand and silty clay and forms a well-drained veneer across the site. The eastern portion of the survey area has a higher incidence of included gravels on the surface. No streams, wetlands, or any hydrology is located within the archaeological assessment area.

1.5 Stage 1 Field Methods – Property Inspection

The purpose of the Stage 1 property inspection is to visit the AAA and gain first-hand knowledge of its geography, topography, current condition, and to evaluate and map archaeological potential, as well as any areas that might be exempted from the stage 2 survey. The property inspection was completed May 2, 2021 concurrently with the Stage 2 pedestrian survey. The property inspection was conducted according to the archaeological fieldwork standards as outlined in the *Standards and Guidelines for Consultant Archaeologists* (MTC 2011) (Table 2). Permission to access the site was granted by Anne Kirkpatrick.

Table 2: Property Inspection Standards

Features	Comments
Inspect the entire property and its periphery. The inspection may be either systematic (e.g., every 30 m) or random spot checking. Coverage must be sufficient to identify the presence or absence of any features of archaeological potential.	The entire area of the AAA was inspected. Due to the open nature of the field, coverage was excellent (Photographs 1&2).
Inspect the property when weather conditions permit good visibility of land features. Do not inspect when weather conditions (e.g., snow cover, frozen ground, excessive rain or drought), may reduce the chances of observing features of archaeological potential.	Weather was seasonal, partly overcast, and visibility was 100%.
Confirm that previously identified features of archaeological potential are present where they were previously identified. Watercourses are present where mapped and are not artificial or altered. Land formations are natural and not artificial.	Potential was determined by the proximity of the Rideau River located outside of the AAA. The surficial geology of the area indicates that approximately the west half of the AAA consists of coarse-textured glaciomarine deposits. The site inspection indicates that this deposit covers the entire AAA.
Identify and document additional features of archaeological potential not visible on mapping. Knolls, ridges or plateau too small to show on large-scale topographic maps. Relict water channels glacial shorelines Patches of well-drained soils in areas of heavy soil Slightly elevated areas in low and wet areas.	No additional features were identified. No relict topographic features, water channels or glacial shorelines were noted.

Features	Comments
Identify and document features that will affect assessment strategies, e.g., woodlots small bogs, swamps or permanently wet areas steeper grade than indicated on maps overgrown vegetation that does not allow ploughing heavier soils than expected recent land disturbances such as regrading, depositing fill or clearing vegetation	AAA is an open cultivated field. The landscape is slightly rolling and featureless (Photographs 1,2 & 3)
Identify and document structures and build features that will affect assessment strategies, e.g.: heritage structures or landscapes cairns, monuments or plaques cemeteries	No heritage features or buildings are present within the AAA.

2 Analysis and Conclusions of Stage 1 Assessment

2.1 Analysis of Archaeological Potential.

2.1.1 Analysis of Pre-Contact Context

Using the background research and the field inspection results, it has been determined that there are features and characteristics that indicate potential for the presence of Pre-Contact archaeological resources. These are listed in the *Standards and Guidelines for Consultant Archaeologists* (MTCS 2011) and are evaluated in Table 3.

Table 3: Presence or absence of features indicating archaeological potential-Pre-Contact Context.

Features	Presence	Comments
Previously identified archaeological sites within or near the AAA	N	-
Water sources within 300 m of the AAA		
Primary Water Source (lakes, river, streams and creeks)	Y	Rideau River
Secondary Water Source (intermittent streams and creeks, springs, marshes, swamps	N	-
Features indicating past water sources (e.g., glacial lake shorelines indicated by the presence of raised sand or gravel beach ridges, relic river or stream channels indicated by clear dip or swale in the topography, shorelines or drained lakes or marshes, cobble beaches)	Y	Coarse-textured glaciomarine deposits of sand, gravel with some silt and clay; Littoral deposits
Accessible or inaccessible shoreline (e.g., high bluffs, swamp or marsh fields by the edge of a lake, sandbars stretching into marsh	N	-
Elevated topography (e.g., eskers, drumlins, large knolls, plateaux)	N	-

Pockets of well-drained sandy soil, especially near areas of heavy soil or rocky ground	N	-
Distinctive land formations that might have been special or spiritual places	N	-
Resources areas for food or medicinal plants, scarce raw materials	Y	Terrestrial subsistence resources
Deeply buried deposits	N	-
Archaeological potential mapping	N	-
Other	N	-

2.1.2 Analysis of the Post-Contact Context

Using the background research and field inspection results, it has been determined that there are features and characteristics that would indicate the potential for the presence of post-contact archaeological resources. These are listed in the *Standards and Guidelines for Consultant Archaeologists* (MTC 2011) and are evaluated in Table 4.

Table 4: Presence or absence of Features indicating archaeological potential- Post-Contact Context

Features	Presence	Comments
Previously identified archaeological sites within or near the AAA	N	
Resources areas for food or fresh water	Y	Both
Resource areas for Euro-Canadian industry (e.g., fur trade, logging, prospecting, mining)	Y	Fur-trade and early timber harvesting
Areas of early Euro-Canadian settlement (e.g., pioneer homesteads, isolated cabins, farmsteads	Y	1820s farm
Early historical transportation routes	Y	Rideau Waterway UNESCO site.
Property listed on a municipal register or designated as a historic landmark or site	N	-
Property that local histories or informants have identified with possible archaeological sites, historical events, activities, or occupations	N	-
Presence of monuments or plaques indicating an event, historical person or place	N	-
The presence of early churches or cemeteries	N	-

Archaeological potential can be determined not to be present for either the entire property or parts of it when the area under consideration has been subject to extensive and deep land alterations that have severely damaged the integrity of any archaeological resources. According to *The Standards and Guidelines for Consulting Archaeologists* (MTC 2011) these may include the features in the following table.

Table 5: Features indicating that archaeological potential has been removed

Features	Presence	Comments
Quarrying	N	-
Major landscaping involving grading below topsoil	N	-
Building footprints	N	-
Sewage and infrastructure development	N	-

Archaeological potential is not considered removed where agricultural cultivation, gardening minor grading and landscaping do not necessarily affect archaeological potential, nor is archaeological potential removed where it is documented for potential for deeply buried intact archaeological resources beneath land alterations or where it cannot be clearly demonstrated that there has been complete and intensive disturbance of an area.

2.2 Conclusions of the Existing Conditions.

A review of the background research and the field inspection of the AAA shows there are features present that indicate potential for archaeological resources (Tables 3 and 4). These features are the proximity of a significant hydrological feature (Rideau River), the proximity of significant cultural heritage sites (The Rideau Waterway), resources for Euro-Canadian industries, and the presence of glaciomarine deposits. All (100%) of AAA contains potential for the presence of heritage resources (Figure 14).

2.2.1 Stage 1 Recommendations.

The results of the Stage 1 assessment form the basis of the following recommendation.

- 100% of the AAA contains potential for the presence of archaeological resources and therefore should be subjected to Stage 2 archaeological assessment using a pedestrian survey strategy at 5 m transect intervals.

3 Stage 2 Archaeological Assessment Field Methods

The purpose of a Stage 2 assessment is to determine whether archaeological resources exist on the property and, if so, whether they require further assessment. The Stage 2 assessment was conducted May 2, 2021 when the weather was warm and sunny, and visibility was excellent. The Stage 2 Property Assessment was carried out according to the 2011 *Standards and Guidelines for Consultant Archaeologists* (MTC 2011). The agricultural field was ploughed to a maximum depth of 30 cm and allowed to weather as per MHTSCI Standards and Guidelines (Table 6, MTC 2011) in preparation for pedestrian survey.

3.1 Pedestrian Survey Methodology

The AAA is an open field which has been cultivated in the recent past; so it was ploughed and disced and allowed to weather. After discing, and prior to the pedestrian survey the weather had been cool and rainy, which resulted in a well-weathered surface exposure across the entire field. No crop stubble or weeds were present, and there was 100% visibility of the surface. The site has gently rolling topography with a shallow swale in the center of the AAA (Photographs 1, 2, and 3). The topsoil of the AAA graded between sand and silty-clay and formed a well-drained veneer across the site. The eastern portion of the survey area has a higher incidence of included gravels.

Survey transects, at 5 m intervals, were walked across the field. Approximately 60 transects (20 transects per hectare) of the 2.8 ha AAA were completed. When archaeological resources were found, the find was flagged, and an intensification survey around that artifact was conducted at 1 m intervals out to a 20 m radius, to determine if that find was isolated, or part of a larger scatter (Figure 15). Artifacts collected from the pedestrian survey were labelled using a unique address.

Table 6: Standards for Pedestrian Survey

Standard	Guideline
Actively or recently cultivated agricultural land must be subject to pedestrian survey.	The entire AAA is an active agricultural field and was subjected to pedestrian survey.
Land to be surveyed must be recently ploughed. Use of chisel ploughs is not acceptable. In heavy clay soils ensure furrows are disked after ploughing to break them up further.	The agricultural field was ploughed and disced prior to the pedestrian survey.
Land to be surveyed must be weathered by one heavy rainfall or several light rains to improve the visibility of archaeological resources.	Prior to the survey, several rainfalls had fallen on the ploughed area which helped to weather the soil surface, and aid artifact visibility.
Ploughing must be deep enough to provide total topsoil exposure, but not deeper than previous ploughing.	Ploughing was no deeper than 30 cm.
At least 80% of the ploughed ground surface must be visible.	100 % of the ploughed ground surface was visible.
Space survey transects at maximum intervals of 5 m (20 survey transects per hectare).	A pedestrian survey using transects at 5 m intervals was employed in all areas of the agricultural field (Photograph 4).
When archaeological resources are found, decrease survey transects to 1 m intervals over a minimum of 20 m radius around the find to determine whether it is an isolated find or part of a larger scatter. Continue working outward at this interval until the full extent of the surface scatter has been defined.	When archaeological resources were identified, intensification survey transects at 1 m intervals were conducted over a 20 m radius around the find.

4 Record of Finds

Approximately 50 pieces of cultural material were noted during the Stage 2 pedestrian survey all of which are from the post-contact period, and are of 19th, 20th century and modern manufacture. All formal artifact types and diagnostics were collected. A total of 31 artifacts were recovered during the Stage 2. These consist of 31 domestic artifacts, of which 29 (93.5%) were ceramic sherds. Only 2 (6.5%) artifacts of the collection were glass. The finds where fragmentary and quite small in size (<4 cm^2). Find spots did not cluster and were random within the assessed area. The finds were separated into those which had diagnostic features and those that did not, to assist with CHVI determination. Approximately 20 pieces of plain refined earthenware, glass and brick (Photograph 5), were left in the field because they are non-diagnostic or are modern (post-1900). The collected cultural materials date between the early 19th century and the mid-20th century (Photograph 6).

4.1 Domestic artifacts

A total of 31 domestic artifacts were collected during the stage 2 and consist of 29 ceramic fragments, 2 bottle-glass shards, and a single mineral sample (coal).

4.1.1 Ceramic Artifacts

A total of 29 ceramics were recovered during the stage 2 survey which include 20 (69%) decorated refined white earthenware, 1 (3%) plain white earthenware, 3 (10%) vitrified white earthenware, 2 (7%) coarse earthenware, 1 (3%) yellowware, 1 (3%) stoneware, and 1 (3%) earthenware.

Decorated Refined White Earthenware

Twenty decorated refined white earthenware (RWE) sherds were collected. Refined white earthenware is usually used as tableware, tea sets or toilet sets (Munson 2018). All of the samples were quite small (<4 cm^2) and fragmentary (missing part or all of the surface). There were two rim sherds of blue shell scalloped tableware, which are temporally diagnostic to 1802-1832 (Miller *et al.* 2000). Three fragments of dark blue transferware were collected which date from 1802-1842 (Samford 1997). Ten fragments of blue transferware, were collected. There was not enough pattern to determine if the blue transferware was part of a dark blue or light blue transferware pattern. Generally, blue transferware dates from 1790 to 1870 (Miller 2000); although Kenyon 1991 notes that transferwares were produced into the 20th century. Determining date of manufacture of blue transferware is difficult because of its long history, popularity and the replication of popular patterns through the years. Combined with the fragmentary nature of the finds, there were insufficient diagnostic attributes to determine a pre-1900 age and are therefore temporally non-diagnostic. A single sherd of black transferware was collected in the field. Black transferware was introduced in 1800 and was produced until 1850 (Jouppien 1980). Three fragments of green-painted RWE were collected. There were insufficient diagnostic attributes to determine a pre-1900 age. There was a single sherd of red transferware that dates between 1818-1880 (Samford 1997).

Plain Refined White Earthenware

One sherd of plain refined white earthenware (RWE) was collected. It was small (< 2 cm^2), and fragmentary. RWE was introduced in the 1820s but is still produced into present (Miller 2000), and is therefore temporally non-diagnostic.

Vitrified White Earthenware

Three sherds of vitrified white earthenware (VWE) were collected. All were small (< 3 cm^2) and fragmentary. One is decorated with blue transfer, one is the upper half of a handle from a tea cup, and the last is plain. Vitrified white earthenware dates from the 1840s to present (Miller 2000, Jouppien 1980). There were not sufficient attributes to determine a pre-1900 age and they are therefore temporally non-diagnostic.

Coarse Earthenware

Three sherds of earthenware were present and collected. One fragment is coarse earthenware with buff colored fabric was produced between 1796-1920 (Newlands 1979). It is inferred that the original vessel is of 19th century manufacture due to its relatedness to similar earthenware finds in the AAA. The second sherd of earthenware has a coarse grey fabric with remnants of grey glaze but was too small to accurately date. The third sherd is unglazed earthenware with the remains of a red-toned pigment on the exterior surface. The sherd is terracotta and compares well with the rim of a small plant pot. The sample was too small to accurately date. All fragments were too small to determine function, but coarse earthenware was usually used for crocks, jugs and milk pans (Munson 2018).

Stoneware

A single sherd of stoneware was present and collected. The stoneware is salt-glazed, which dates from 1876-1900 (Jouppien 1980). The fragment is too small to determine function, but stoneware was used as bottles for carbonated beverages, crocks, mugs, jugs and bottles for ink (Munson 2018).

Yellowware

A single piece of yellowware was present and collected. The piece is approximately 2 cm^2 in size and the yellow glaze remains on only one side. Yellowware dates from 1830 to 1920

(Kenyon and Kenyon 1982) or 1940 (Miller 2000). There were not sufficient attributes on the fragment to determine a pre-1900 age and is therefore temporally non-diagnostic.

4.1.2 Glass Artifacts

Two domestic clear glass fragments were recovered from the survey. Both are container glass from square bottles. Neither contained attributes that are temporally diagnostic.

The fieldwork generated a documentary record of one field report, 10 photographs, and 1 page of notes.

In keeping with the requirements set out in Section 2.1 Standard 4 of the *Standards and Guidelines for Consultant Archaeologists* (MTC 2011:29), GPS coordinates were recorded on a hand-held Bad Elf GNSS Surveyor with ± 1 m, for fixed reference landmarks (e.g., Ontario Land Surveyor benchmarks, and wells) located within the study area. The GPS co-ordinates for fixed reference landmarks are in UTM NAD 83 and appear in Table 7. The locations of the fixed landmarks are on Figure 13.

Table 7: GPS Coordinates for Fixed Reference Landmarks (NAD 83)

Location	UTM Zone	Northing	Easting
FRP #1: Entrance – north pole	18	4975001	434728
FRP #2: Hydro pole #BZD93L	18	4974936	434703

4.2 Analysis and Conclusions of the Stage 2 Field Assessment.

Only nine 19th century diagnostic artifacts were identified. All are from the historical period and widely separated across the AAA. No material associated with the Pre-Contact era was observed.

According to the *Standards and Guidelines for Consultant Archaeologists* (MTC 2011:160) in order to meet the definition of a historic archaeological site there needs to be 10 or more 19th century artifacts within a 10 m radius (Standard 1 (c), MTC 2011). The highest density of 19th century artifacts is five within a 10 m radius located in the south-central part of the assessment area. This scatter of historic artifacts does not meet the definition of an archaeological site.

Since the collection does not meet the definition of an archaeological site, it has no cultural heritage value or interest (CHVI) and has not been assigned a "Borden Number"; and it has not been registered in the Provincial archaeological site database.

5 Recommendations

The background study, field visit, and results of Stage 2 fieldwork, form the basis for the following recommendations:

- No archaeological sites with cultural heritage value or interest found on property. No further archaeological assessment is recommended.

6 Advice on Compliance with Legislation

This report is submitted to the Minister of Heritage, Sport, Tourism and Culture Industries as a condition of licensing in accordance with Part VI of the Ontario Heritage Act, R.S.O. 1990, c. O.18.

The report is reviewed to ensure that it complies with the *Standards and Guidelines for Consultant Archaeologists* (2011) that are issued by the Minister, and that the archaeological fieldwork and report recommendations ensure the conservation, protection, and preservation of the cultural heritage of Ontario. When all matters relating to archaeological sites within the project area of a development proposal have been addressed to the satisfaction of the Ministry of Heritage Sport Tourism and Culture Industries, a letter will be issued by the Ministry stating that there are no further concerns with regard to alterations to archaeological sites by the proposed development.

It is an offence under Sections 48 and 69 of the Ontario Heritage Act for any party other than a licensed archaeologist to make any alteration to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from the site, until such time as a licensed archaeologist has completed archaeological fieldwork on the site, submitted a report to the Minister stating that the site has no further cultural heritage value or interest, and the report has been filed in the Ontario Public Register of Archaeological Reports referred to in Section 65.1 of the Ontario Heritage Act.

Should previously undocumented archaeological resources be discovered, they may be a new archaeological site, and therefore subject to Section 48(1) of the Ontario Heritage Act. The proponent or person discovering the archaeological resources must cease alteration of the site immediately, and engage a licensed consultant archeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the Ontario Heritage Act.

The Cemeteries Act, R.S.O. 1990 c.C.4 and the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33 (when proclaimed in force) required that any person discovering human remains must notify the police or coroner and the Registrar of Cemeteries at the Ministry of Consumer Services.

7 Report Conditions & Limitations

This report has been prepared by Cameron Heritage Consulting Incorporated as a requirement of Archaeological PIF #P371-0034-2021, for the sole benefit of Anne Kirkpatrick with regards to a specific site, design objective, development or purpose that are described within the report.

Interpretations, conclusions, and recommendations are specific to this particular project and are intended only for the guidance of the client, and are not applicable to any other project or location. Any use which a third party makes of this report is the responsibility of such third party. The information and recommendations contained in this report are based upon work undertaken in accordance with generally accepted scientific practices, and *Standards & Guidelines for Consultant Archaeologists* current at the time the work was performed, and in a manner consistent with archaeological practices in the jurisdiction within which the work was undertaken, and subject to the time limits and physical constraints applied to the project.

Further, the information and recommendations contained in this report are in accordance with our understanding of the project as it was presented at the time of our report. The information provided in this report was compiled from existing documents, design information provided by Anne Kirkpatrick, data provided by regulatory agencies and others, specifically in support of this report.

Any follow-up work recommended in this report must be reviewed by the Archaeology Program Unit, Programs and Services Branch, Ministry of Heritage Sport Tourism and Culture Industries, Province of Ontario, which may take several months after the submission of the report.

Given that archaeological investigations are conducted to identify subsurface archaeological resources, even the most comprehensive investigation, sampling and testing may fail to detect all or some archaeological resources. Since the potential always exists to miss important information in archaeological surveys, if any artifacts or human remains are encountered during the development of the subject property, please refer to section 6 of this report, and for any of Indigenous interest please contact:

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We trust this report provides sufficient information for your present purposes. If you have any questions or comments on the contents of this report, or we can be of further service to you, please contact the undersigned.

CAMERON HERITAGE CONSULTING INCORPORATED

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9 Figures (Maps and Plates)

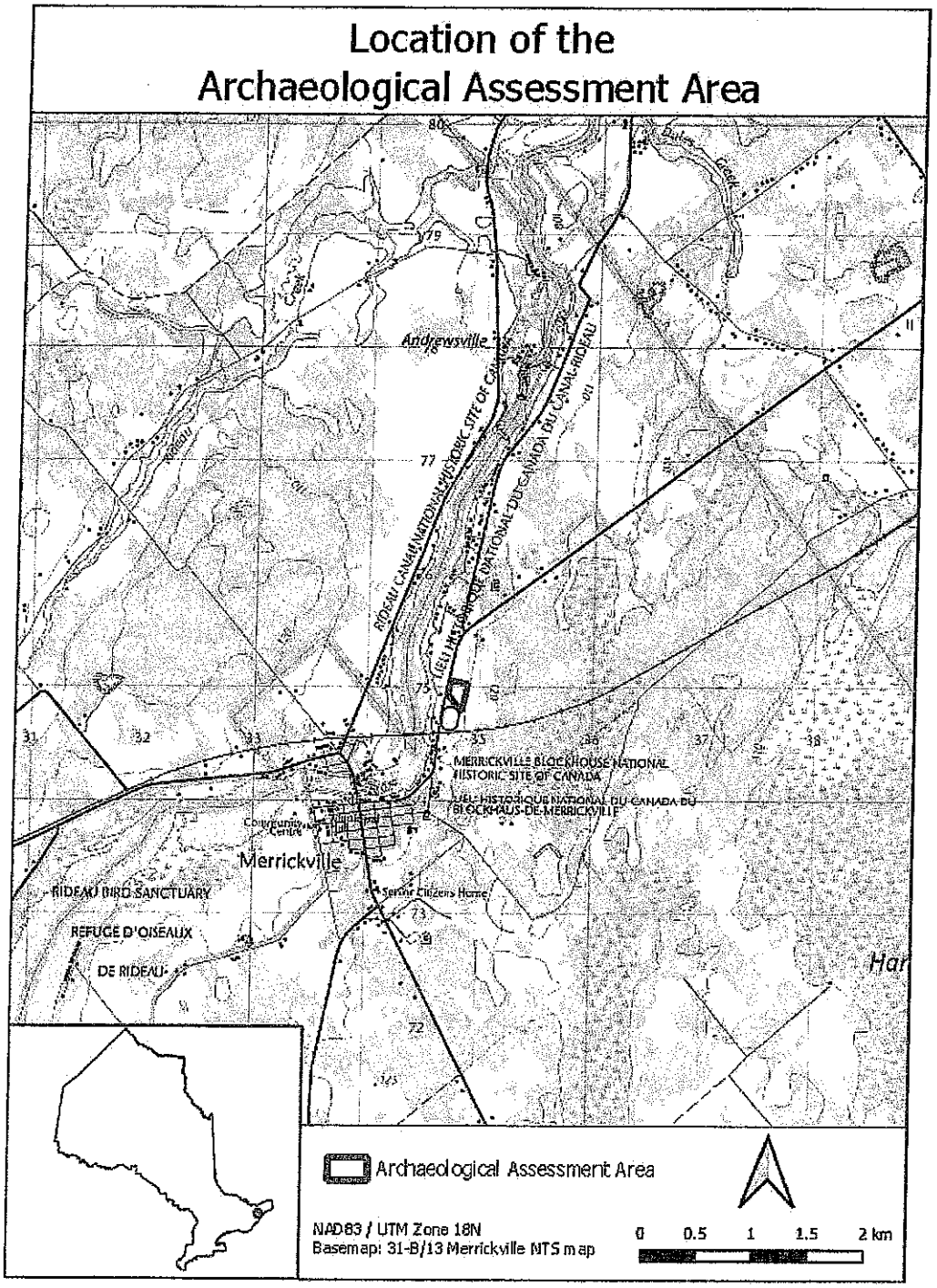


Figure 1: Location of the archaeological assessment area (after Natural Resources Canada 1982).

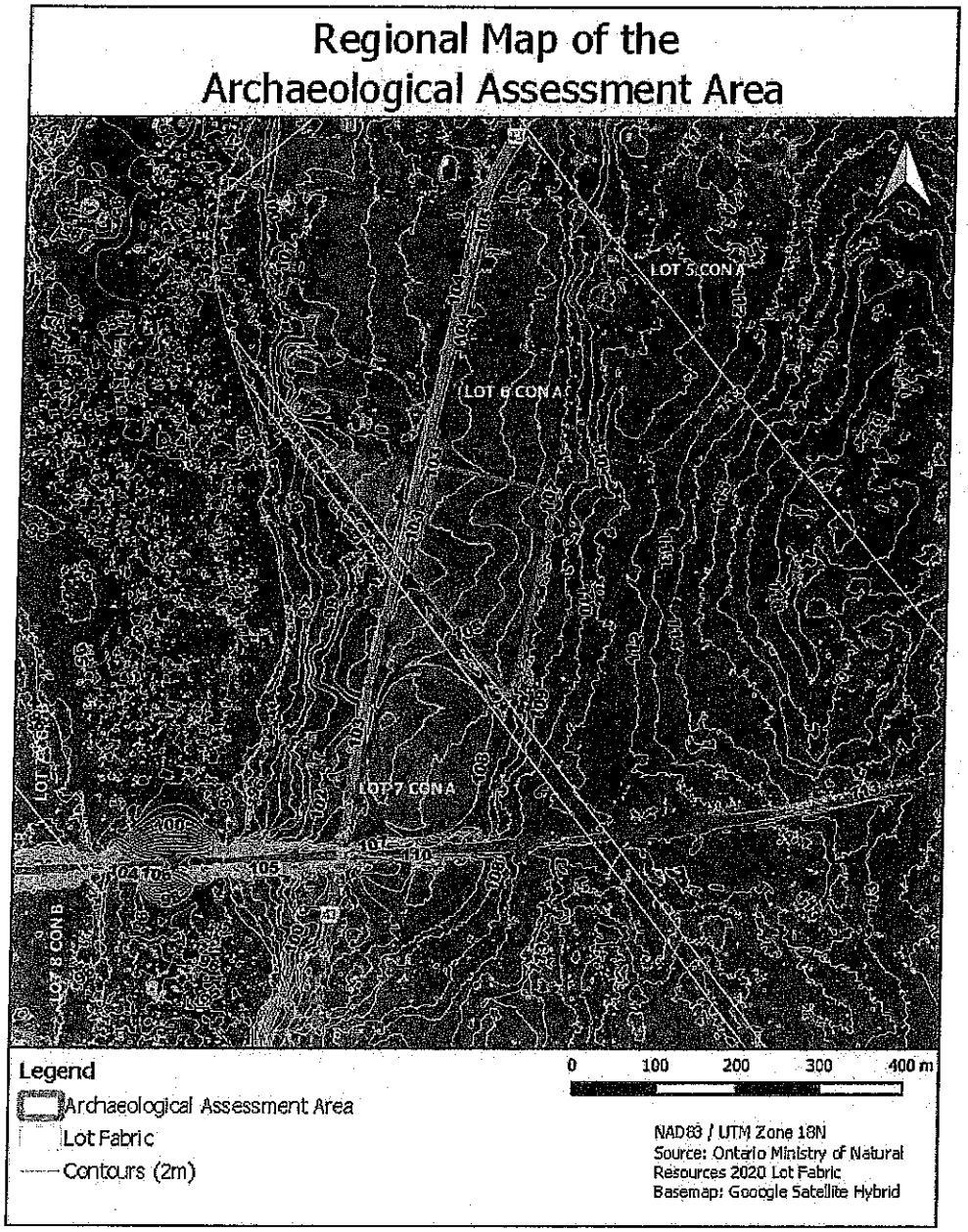


Figure 2: Regional map of the archaeological assessment area showing contours (derived from Ontario DEM data), and the lot and concession.

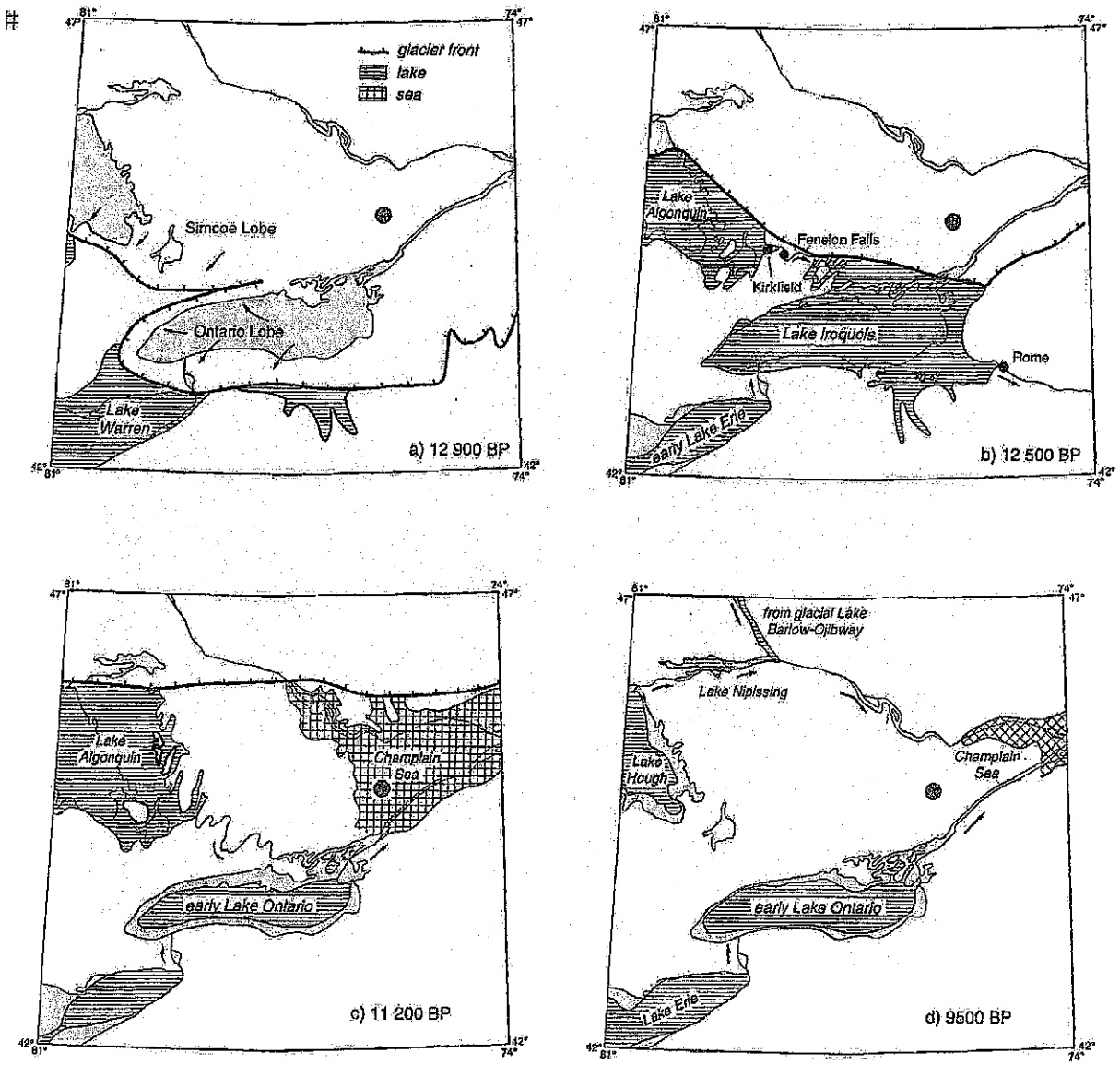


Figure 3: Chronology of the deglaciation of Southern Ontario. Location of the archaeological assessment area is the purple dot (after Gilbert 1994).

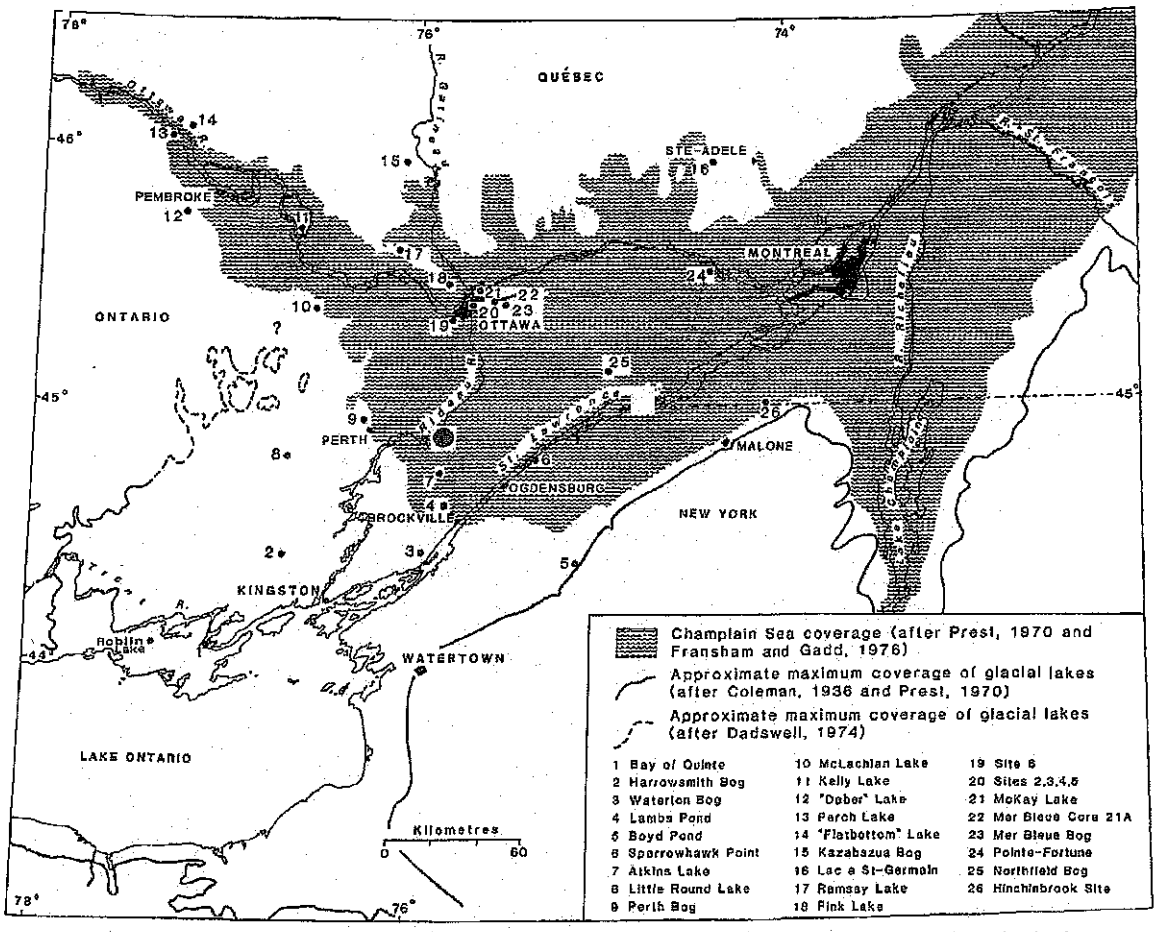


Figure 4: Maximum extent of the Champlain Sea over the lifetime of the Champlain Sea. Archaeological assessment area is the purple dot (after Anderson 1987).

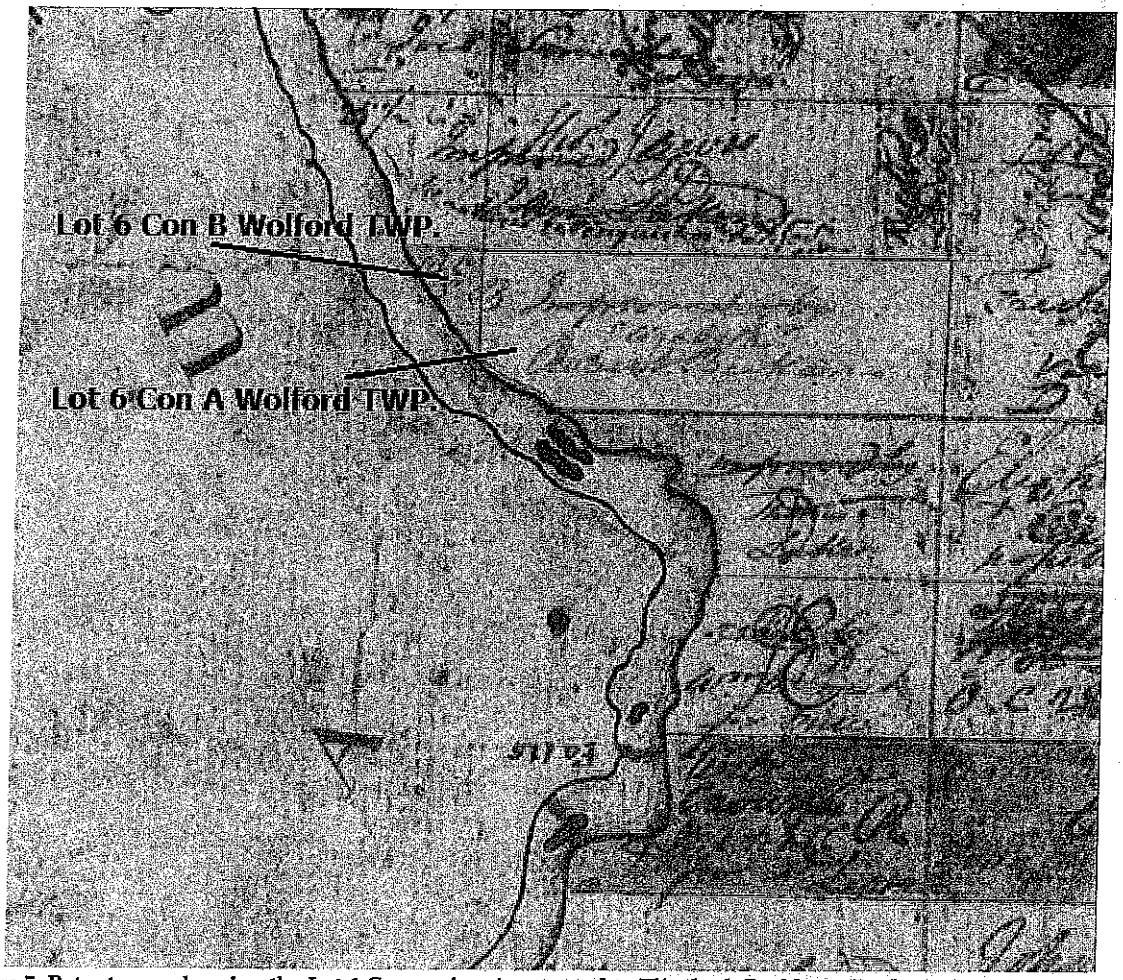


Figure 5: Patent map showing the Lot 6 Concession A patented to Elizabeth Beckham 'Beekman'.

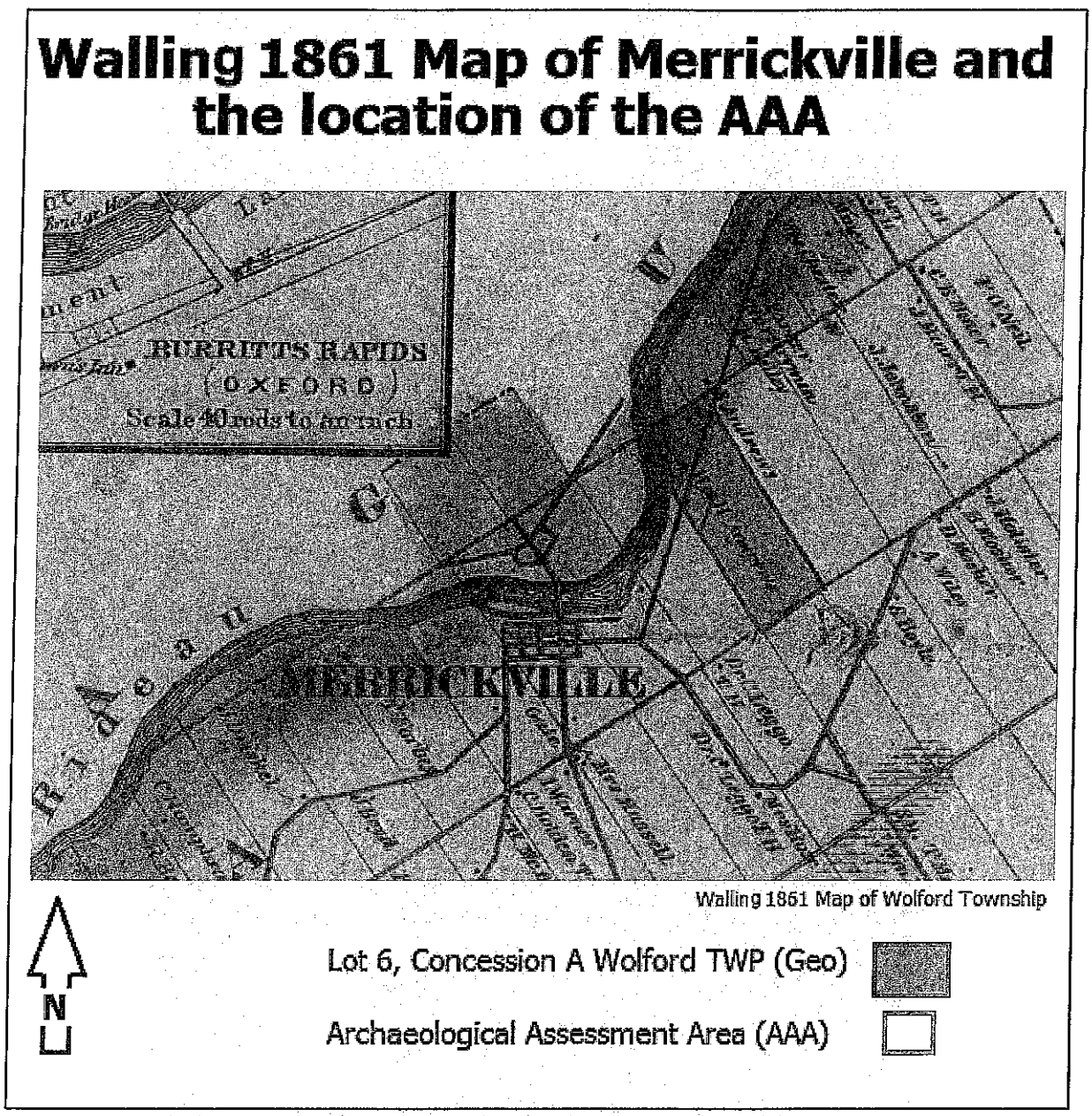


Figure 6: Walling 1861 map showing the town of Merrickville and the archaeological assessment area. The map shows a building on the north side of the County Road – opposite the archaeological assessment area.

Figure 7: 1936 aerial photograph of the archaeological assessment area (after NAPL A5403_092 30 June 1936).

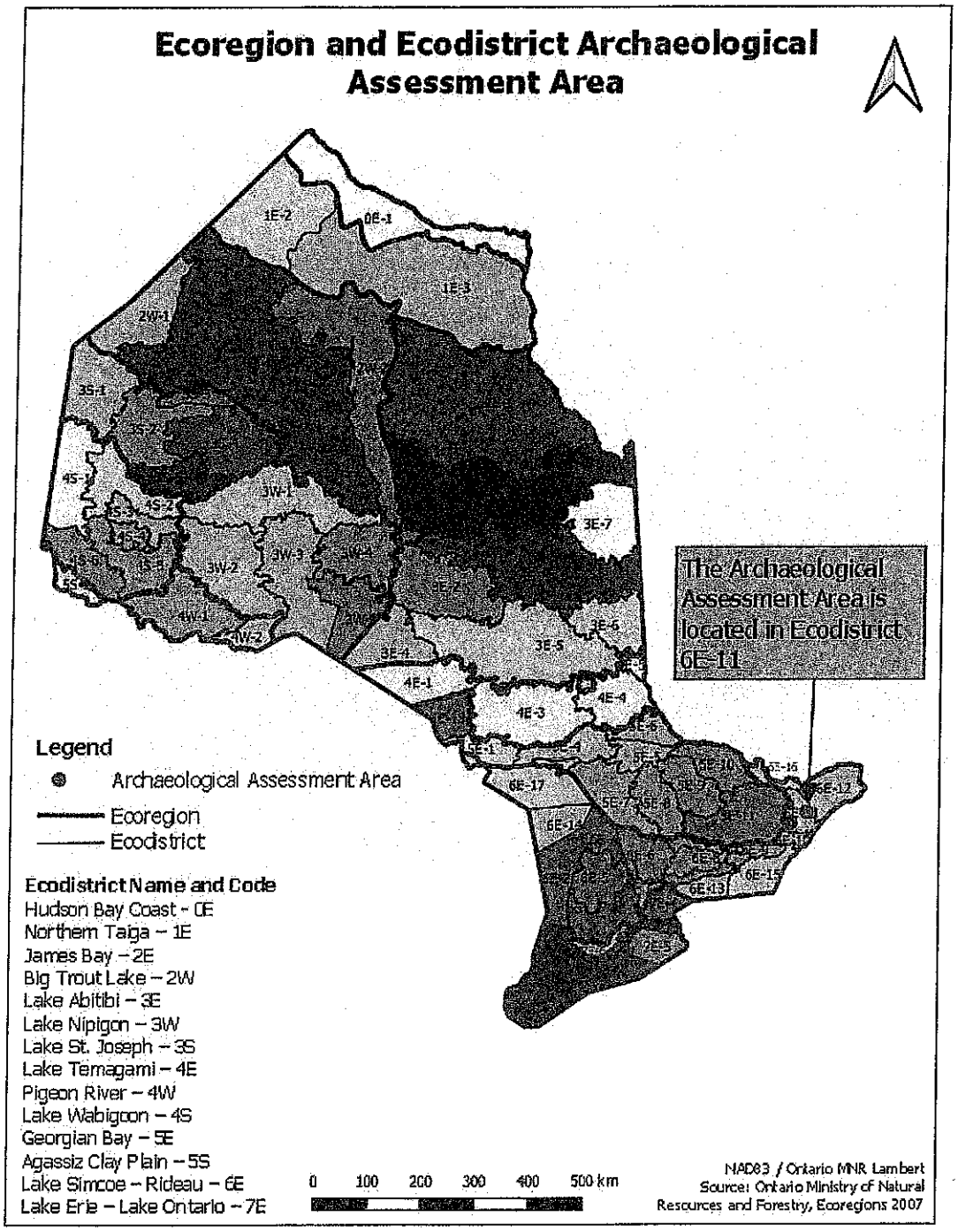


Figure 8: Eco-districts of Ontario. Showing the location of the archaeological assessment area within Ecodistrict 6E-11 (after Ontario Ministry of Natural Resources and Forestry 2007)

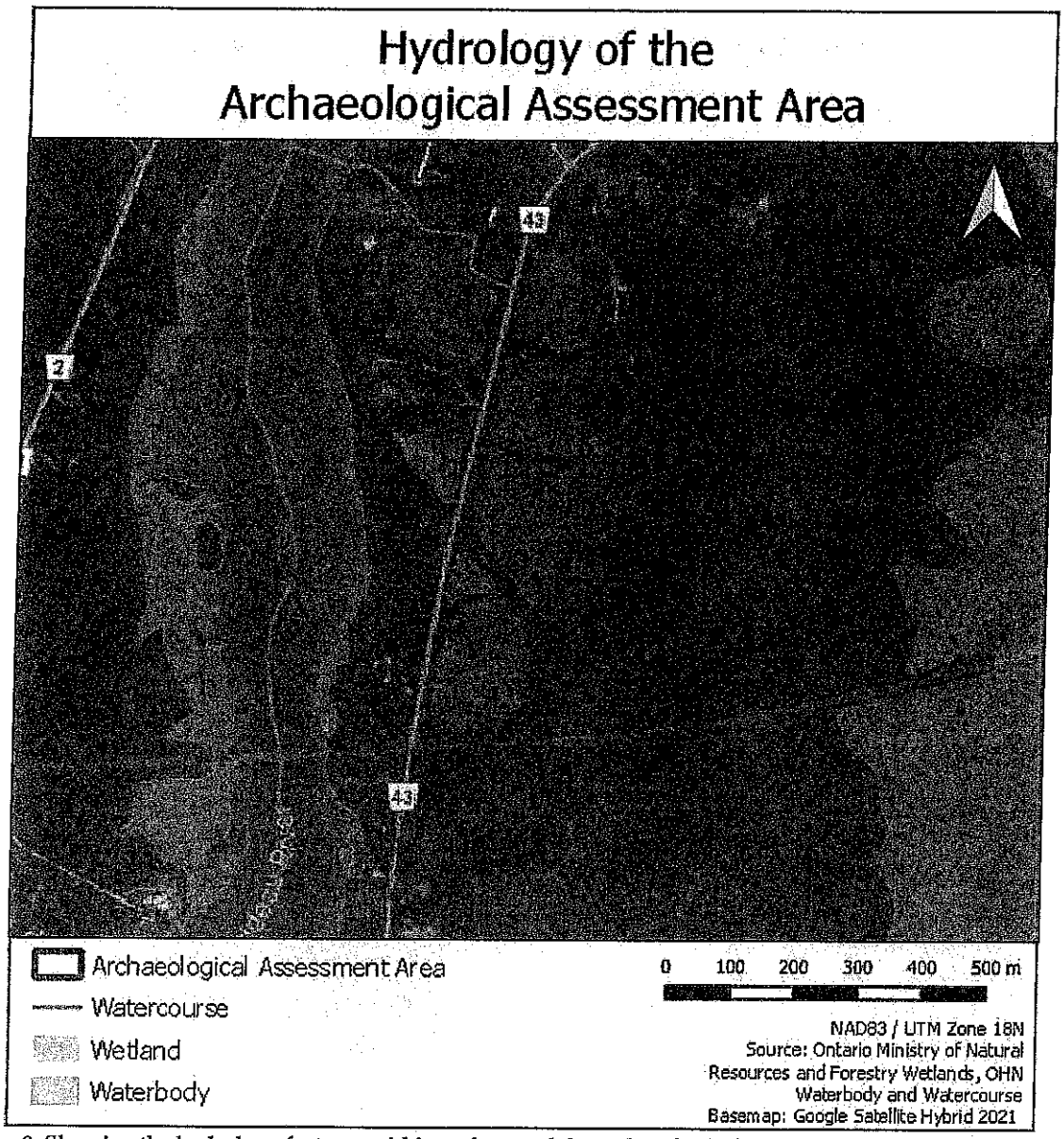


Figure 9: Showing the hydrology features within and around the archaeological assessment area.

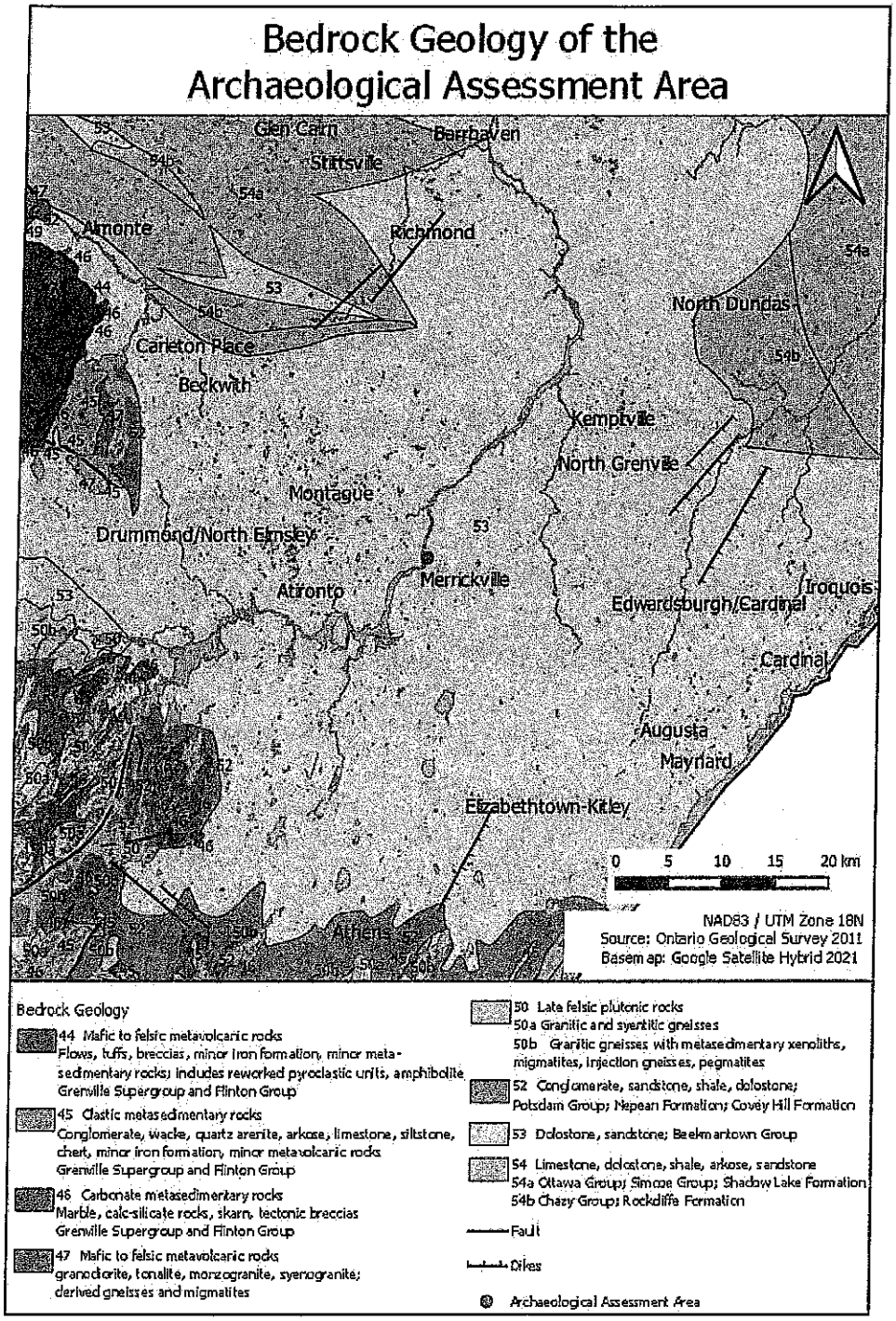


Figure 10: Bedrock geology of the archaeological assessment area and region.

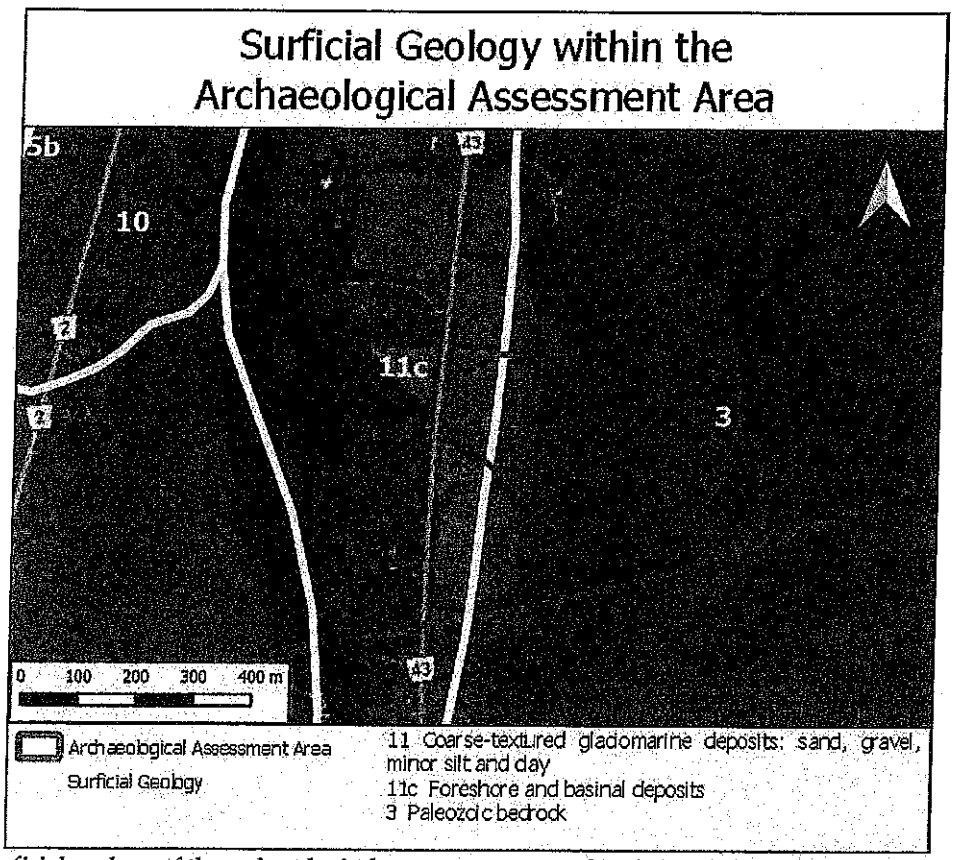


Figure 11: Surficial geology of the archaeological assessment area and region. Note that the data from the Ontario Geological Survey indicates that there are two types of surficial geology in the archaeological assessment area (foreshore and basinal glaciomarine deposits, and bedrock); however, the site inspection noted that there was no bedrock present in the archaeological assessment area, and the glaciomarine deposits covered 100% of the AAA.

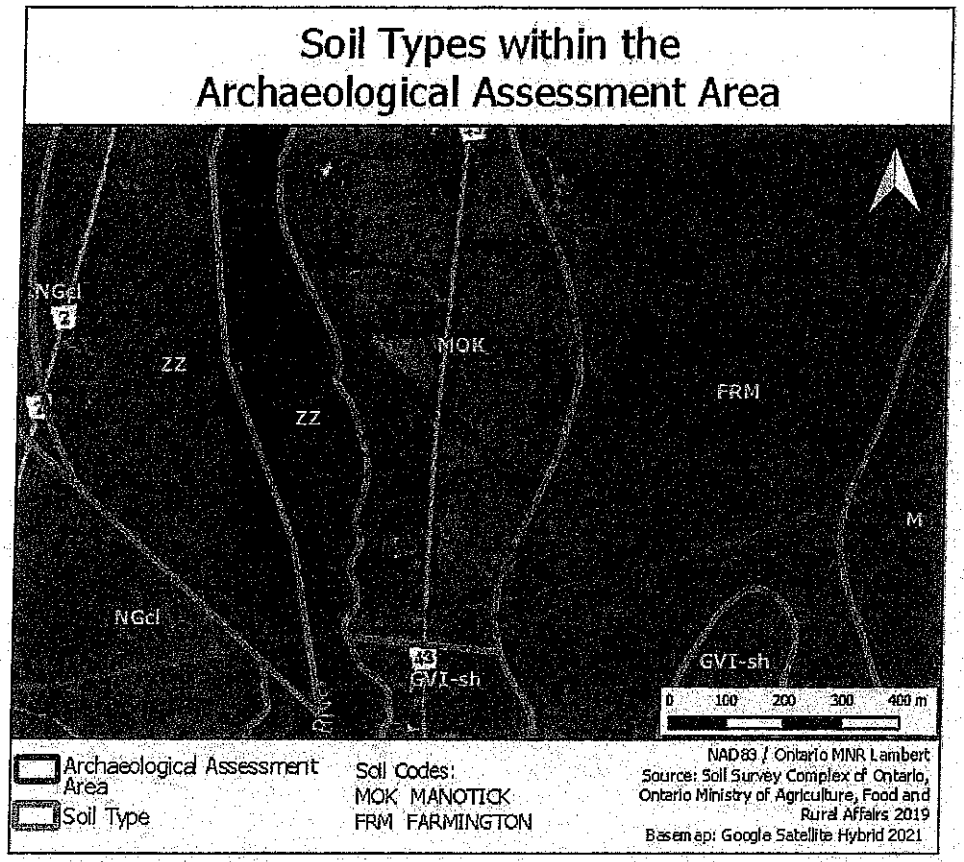


Figure 12: Soil types of the archaeological assessment area and region.

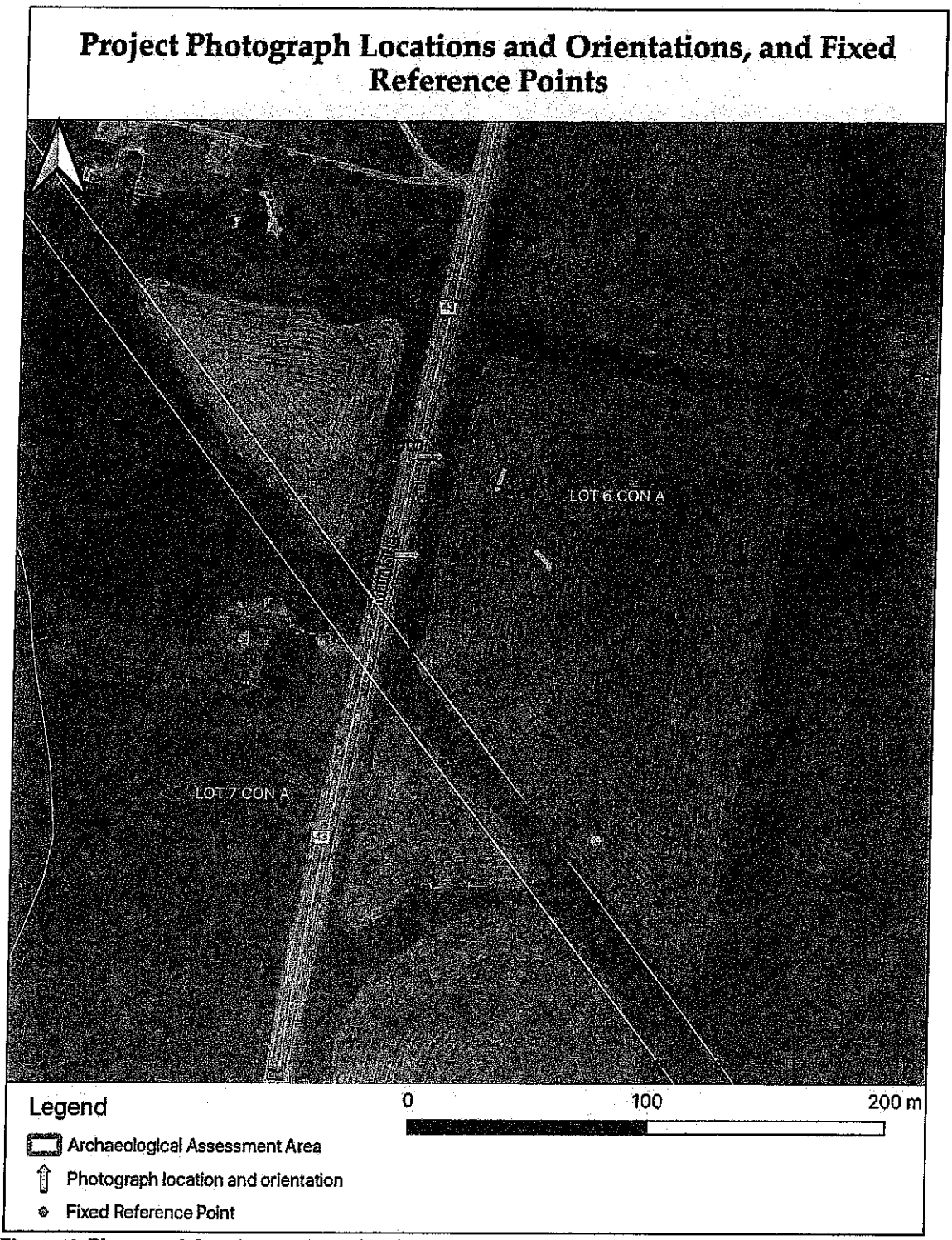


Figure 13: Photograph locations and Fixed Reference Points

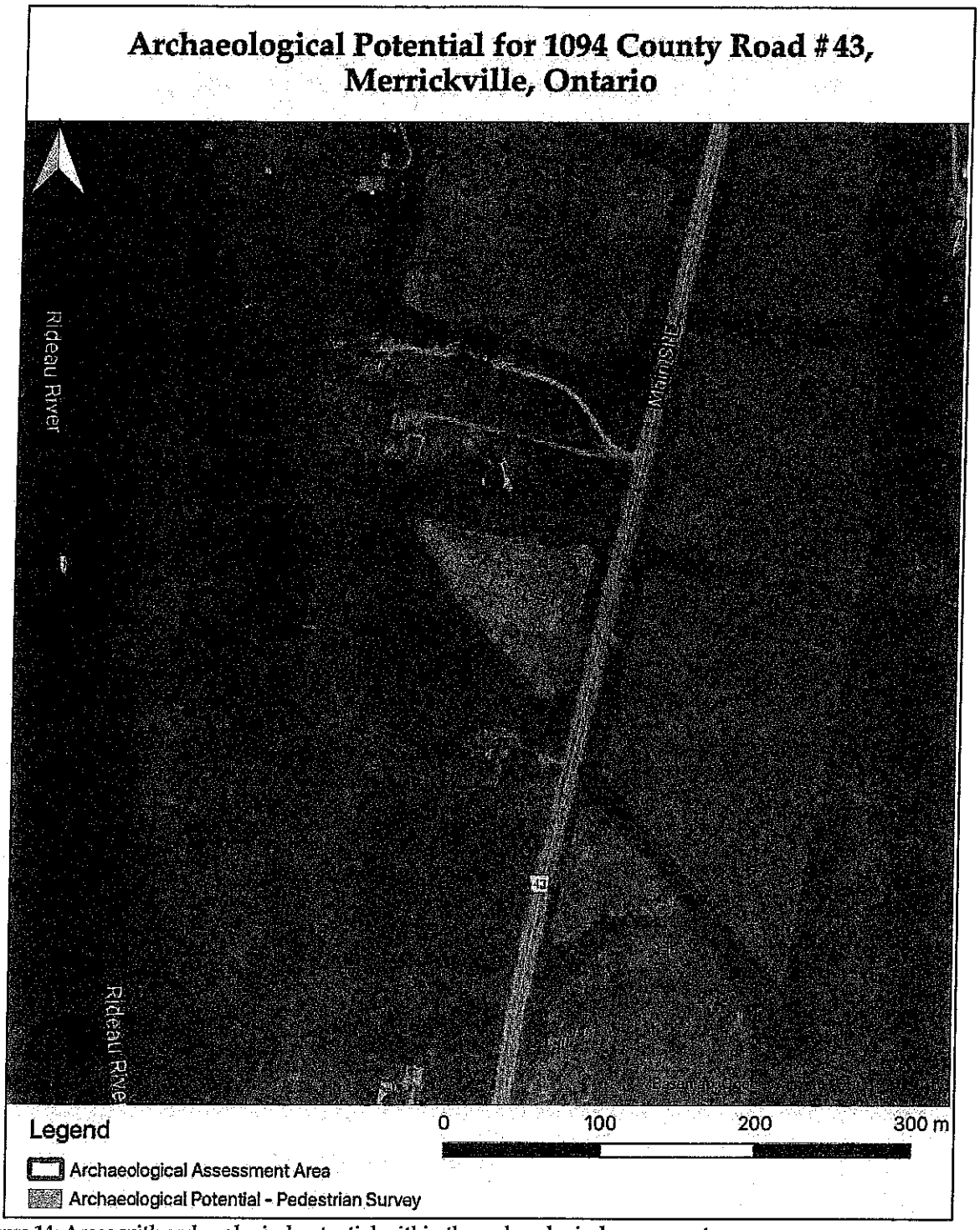


Figure 14: Areas with archaeological potential within the archaeological assessment area.

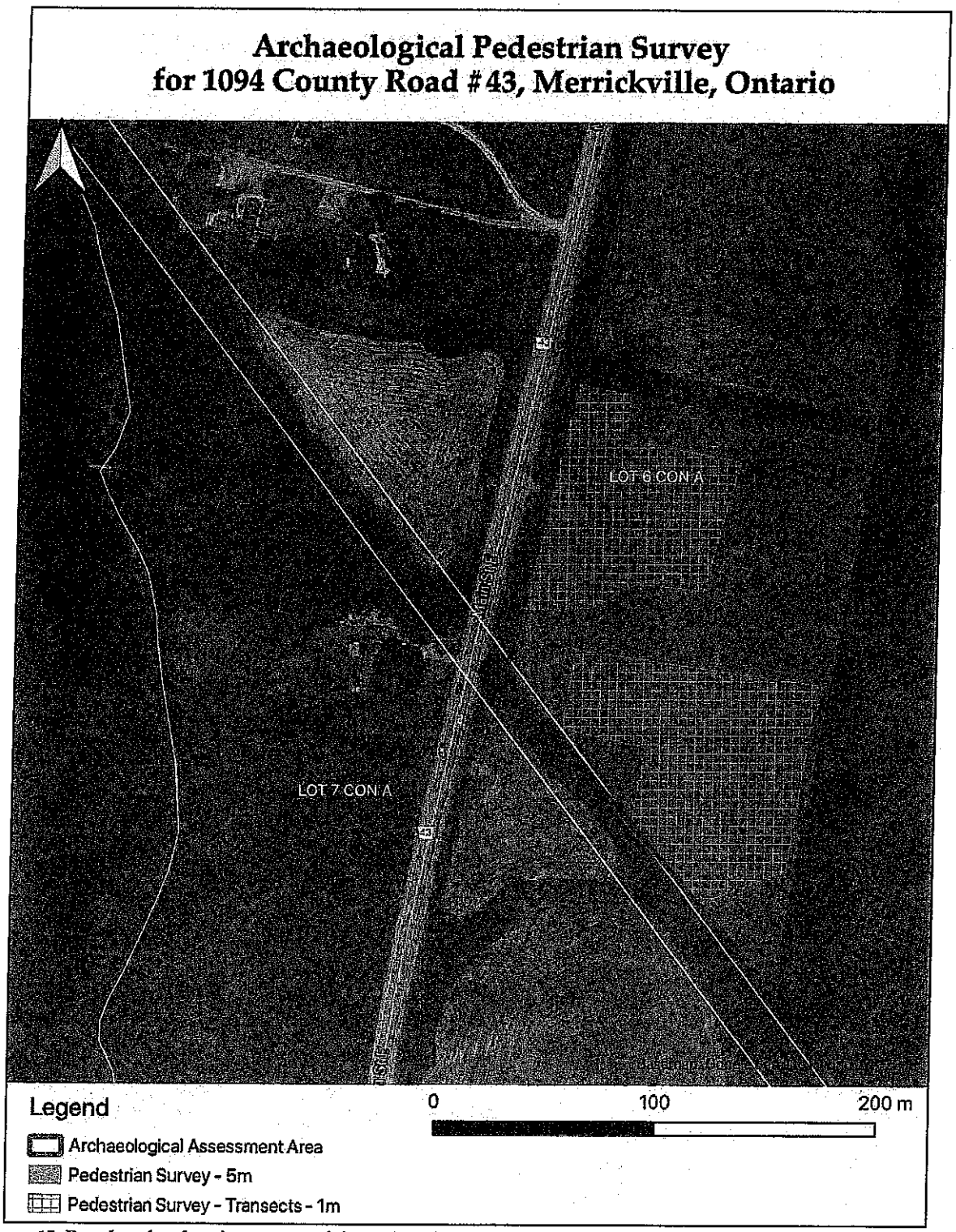
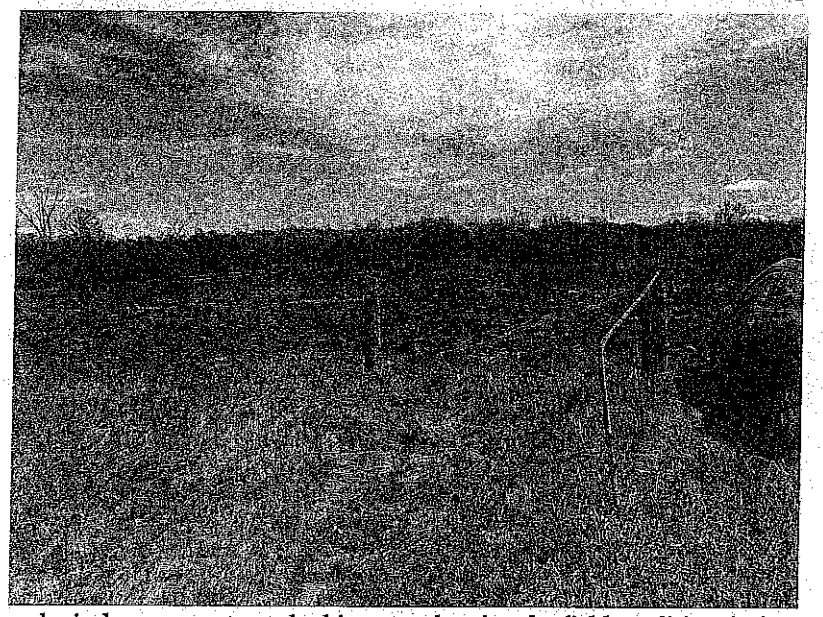


Figure 15: Results of pedestrian survey of the archaeological assessment area.

10 Photos

Photograph 1. Archaeological assessment area looking east showing the field condition during Stage 2 survey.

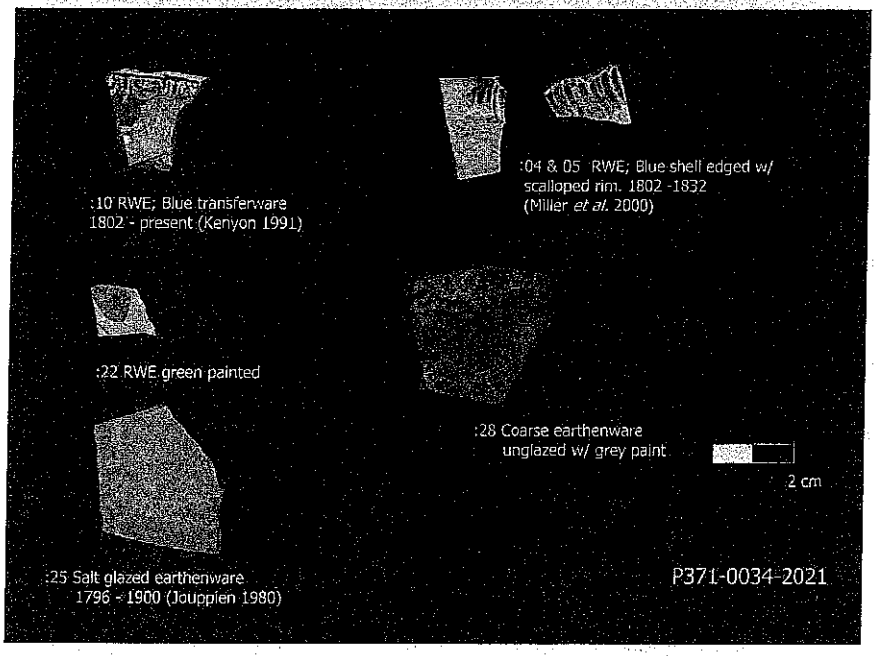


Photograph 2. Archaeological assessment area looking east showing the field condition during Stage 2 survey.

Photograph 3. Archaeological assessment area looking south. Orange and blue pin flags indicate surface finds.

Photograph 4. Pedestrian survey used east-west transects at 5 m intervals.

Photograph 5: Example of the material noted during the pedestrian survey.



Photograph 6: Example of artifacts recovered during the archaeological assessment.

1. APPENDIX A

No.	Date	Address	QTY	Material	Object	Attributes	Comments	Reference
#1	May 2, 2021	SK04	1	Ceramic	Kitchen/Food	Rim Sherd	VME; blue transferware; 1840-present	Jouppien 1980
#2	May 2, 2021	DW11	1	Ceramic	Kitchen/Food	Handle	VME; handle fragment	
#3	May 2, 2021	SK05	1	Ceramic	Kitchen/Food	Rim Sherd	VME	
#4	May 2, 2021	DW13	1	Ceramic	Kitchen/Food	Rim Sherd	RWE; blue shell scalloped; 1802-1832	Miller *et al.* 2000
#5	May 2, 2021	SK03	1	Ceramic	Kitchen/Food	Rim Sherd	RWE; blue shell scalloped; 1802-1832	Miller *et al.* 2000
#6	May 2, 2021	DW01	1	Ceramic	Kitchen/Food	Body Sherd	RWE; dark blue transferware 1802-1846	Samford 1997
#7	May 2, 2021	DW14	1	Ceramic	Kitchen/Food	Body Sherd	RWE; dark blue transferware 1802-1846	Samford 1997
#8	May 2, 2021	SK18	1	Ceramic	Kitchen/Food	Body Sherd	RWE; dark blue transferware 1802-1846	Samford 1997
#9	May 2, 2021	DW02	1	Ceramic	Kitchen/Food	Rim Sherd	RWE;blue transferware; 1802-present	Kenyon 1991
#10	May 2, 2021	DW04	1	Ceramic	Kitchen/Food	Rim Sherd	RWE;blue transferware; 1802-present	Kenyon 1991
#11	May 2, 2021	DW10	1	Ceramic	Kitchen/Food	Rim Sherd	RWE; black transferware; 1800-1850	Jouppien 1980
#12	May 2, 2021	SK13	1	Ceramic	Kitchen/Food	Body Sherd	RWE;blue transferware; 1802-present	Kenyon 1991
#13	May 2, 2021	DW08	1	Ceramic	Kitchen/Food	Body Sherd	RWE;blue transferware; 1802-present	Kenyon 1991
#14	May 2, 2021	DW15	1	Ceramic	Kitchen/Food	Body Sherd	RWE;blue transferware; 1802-present	Kenyon 1991
#15	May 2, 2021	SK11	1	Ceramic	Kitchen/Food	Body Sherd	RWE;blue transferware; 1802-present	Kenyon 1991
#16	May 2, 2021	DW12	1	Ceramic	Kitchen/Food	Body Sherd	RWE;blue transferware; 1802-present	Kenyon 1991
#17	May 2, 2021	DW03	1	Ceramic	Kitchen/Food	Body Sherd	RWE;blue transferware; 1802-present	Kenyon 1991

No.	Date	Address	QTY	Material	Object	Attributes	Comments	Reference
#18	May 2, 2021	SK08	1	Ceramic	Kitchen/Food	Body Sherd	RWE; blue transferware; 1802-present	Kenyon 1991
#19	May 2, 2021	SK02	1	Ceramic	Kitchen/Food	Body Sherd	RWE; blue transferware; 1802-present	Kenyon 1991
#20	May 2, 2021	DW06	1	Ceramic	Kitchen/Food	Body Sherd	RWE; red transfer; 1828-1900	Miller *et al.* 2000
#21	May 2, 2021	SK06	1	Ceramic	Kitchen/Food	Body Sherd	RWE; green painted	
#22	May 2, 2021	DW10	1	Ceramic	Kitchen/Food	Body Sherd	RWE; green painted	
#23	May 2, 2021	SK06	1	Ceramic	Kitchen/Food	Body Sherd	RWE; green painted	
#24	May 2, 2021	SK05	1	Ceramic	Kitchen/Food	Body Sherd	RWE	
#25	May 2, 2021	DW07	1	Ceramic	Kitchen/Food	Body Sherd	Stoneware; salt glazed;1796-1900	Jouppien 1980
#26	May 2, 2021	SK07	1	Ceramic	Kitchen/Food	Body Sherd	Coarse buff earthenware; 1796-1920	Newlands 1979
#27	May 2, 2021	SK02	1	Ceramic	Kitchen/Food	Body Sherd	Yellow ware; 1842- present	Kenyon 1991
#28	May 2, 2021	DW16	1	Ceramic	Kitchen/Food	Body Sherd	Coarse earthenware; grey glaze	
#29	May 2, 2021	SK09	1	Ceramic	Kitchen/Food	Rim Sherd	Earthenware; unglazed; red pigment	
#30	May 2, 2021	DW09	1	Glass	Kitchen/Food	Container Glass	CLR; embossed "ESPA...482	
#31	May 2, 2021	SK10	1	Glass	Kitchen/Food	Container Glass	CLR	

APPENDIX C

Noise Study

Merrickville Lot Severance – County Road 43 Merrickville, ON

Prepared for Anne Kirkpatrick
by IBI Group
July 15, 2021

Document Control Page

CLIENT:	Anne Kirkpatrick
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REVIEWER:	Andy Kroess
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CIRCULATION LIST:	
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Table of Contents

1 Preface 1

2 Introduction 1

3 Background and Noise Criteria 1

3.1 Road & Rail Traffic Noise Criteria 1

3.2 Area Classification 3

4 Noise Prediction Methods and Noise Data 3

4.1 Road Noise 3

4.2 Rail Noise 4

5 Receiver Locations 5

6 Free Field Analysis 5

6.1 Road Noise 5

6.2 Rail Noise 6

7 Results 6

7.1 Road Noise 6

7.2 Rail Noise 7

8 Noise Mitigation 7

8.1 Transportation Noise 7

9 Recommendations 8

1 Preface

The purpose of the Study is to determine the feasibility of the site's development from an acoustical perspective. Once the project proceeds to final design, the results of this preliminary acoustical study will be updated to reflect final design details of the development.

2 Introduction

IBI Group was retained to conduct a Preliminary Acoustical Study to examine the impacts of noise created by surrounding road and rail traffic adjacent to the proposed lot severance, and to recommend any mitigation, if required, based on criteria set by the Ministry of the Environment (MECP) and County of Leeds and Grenville.

The total development area is approximately 2.76 ha and is located east of County Road 43, north of the Village of Merrickville. The lands are currently vacant and will be undergoing a severance.

This report documents the noise analysis and findings to review the feasibility of the site from an acoustical perspective and is based on available information received to date from the County of Leeds and Grenville, the railway operators and site observations.

3 Background and Noise Criteria

The MECP noise guideline NPC-300 "Stationary and Transportation Sources – Approval and Planning" was used to determine the criteria considered for this study. The primary noise sources that may impact the proposed sensitive residential receivers are as follows:

Road Noise:

- County Road 43

Rail Noise:

- Canadian Pacific Railway (CPR)

Air traffic was not considered as the development is located outside the zone of influence of local airports.

No stationary noise sources were identified within range of the subject site, as such, no stationary noise analysis was completed.

3.1 Road & Rail Traffic Noise Criteria

For transportation noise, Section C6 and C7 of NPC-300 are used to determine the noise criteria for the development.

The road and rail traffic criteria are shown in Table 1. It is noted that the indoor noise level criteria are 5 dBA lower for rail noise versus road traffic noise criteria to account for low frequency tonal noise emitted from the diesel locomotive during pass-by.

In addition, if the noise levels (Leq, 24 hours) are greater than 60 dBA at a receiver location during night time hours, or if the receiver location is located within 100 meters of the track, then the exterior walls are to be built to a minimum of brick veneer or masonry equivalent.

The criteria are shown in Table 1 and the mitigation and warning clause requirements are tabulated in Table 2.

Table 1 – MECP Road & Rail Traffic Noise Level Criteria

LOCATION	ASSESSMENT LOCATION	NOISE LEVEL CRITERIA (DBA)	
		ROAD	RAIL
Outdoor Living Areas (OLA) [1,2]: Daytime (0700 to 2300)	Outdoor	55	55
Living area [3,4]: Anytime	Indoor	45	40
Bedrooms [4]: Daytime (0700 to 2300)	Indoor	45	40
Nighttime (2300 to 0700)	Indoor	40	35

Notes:

1) Train whistle noise is excluded for OLA noise assessments, and included for Living / Dining Room and Sleeping Quarter assessments, where applicable.
2) Road and Rail noise impacts are combined for assessment of OLA impacts.
3) Residence area Dens, Hospitals, Nursing Homes, Schools, Daycares are included. During the nighttime period, Schools and Daycares are excluded.
4) An assessment of indoor noise levels is required only if the criteria in **Table 1** are exceeded

Table 2 – MECP Road & Rail Traffic Noise Mitigation and Warning Clause Requirements

LOCATION	NOISE LEVELS (dBA)		MITIGATION REQUIREMENT
	ROAD	RAIL	
Outdoor Living Areas (Daytime- 0700 to 2300)	Less than 55		i) No control required.
	55 to 60		i) Physical control required, **OR** ii) Type A warning clause required.
	Greater than 60		i) Physical control required (reduce noise to 55dBA), **AND** ii) Type B warning clause required.
Outside Livingroom Window (Daytime- 0700 to 2300)	Less than 55		i) No control required.
	55 to 65		i) Forced air heating with provision of A/C required, **AND** ii) Type C warning clause required.
	Greater than 65		i) Central air conditioning required, **AND** ii) Type D warning clause required, **AND** iii) Special building components potentially required.
Outside Bedroom Window (Night time- 2300 to 0700)	Less than 50		i) No control required.
	50 to 60		i) Forced air heating with provision of A/C required, **AND** ii) Type C warning clause required.
	Greater than 60		i) Central air conditioning required, **AND** ii) Type D warning clause required, **AND** iii) Special building components potentially required.

Notes:
1) Train whistle noise is excluded except for building component analysis where it is included;
2) Road and Rail noise is combined except for building component analysis where it is assessed separately.

3.2 Area Classification

It will be assumed that the development is located in a "Class 2" area (urban/rural) as defined by the MECP in NPC-300, due to the acoustical environment typical of a population center, where the background sound level is dominated by the urban hum during the daytime, and an environment dominated by natural sounds during the nighttime.

4 Noise Prediction Methods and Noise Data

4.1 Road Noise

The noise levels produced by traffic along County Road 43 were calculated using the MECP's computer modelling software "STAMSON 5.04".

The MECP requires that all traffic data be projected ten (10) years into the future from the date of construction such that the proposed mitigation will be relevant for future volumes. Traffic volumes were obtained from the United Counties of Leeds and Grenville via email on May 2, 2021 (refer to correspondence in Appendix A). The percentage of both medium and heavy trucks, as well as the annual growth rate were conservatively estimated to be 2.5%, 2.5%, and 2.5%, respectively. Traffic volumes along with other relevant traffic data utilized by STAMSON are summarized in Table 3.

Table 3 – Road Traffic Data (2019)

ITEM	COUNTY ROAD 43
Annual Average Daily Traffic	5,050 vpd
Annual Growth Rate	2.5%
Growth Period	12 years
Medium Trucks	2.5%
Heavy Trucks	2.5%
Road Grade	<1%
Speed Limit	70 kph
Day/Night Split	90% / 10%

4.2 Rail Noise

CPR operates on the rail lines adjacent to the implicated lot. Noise levels produced by rail traffic were calculated using the MECP's computer modelling software "STAMSON 5.04". There was an attempt to contact CPR, however CPR has indicated that they will no longer provide details of rail traffic (refer to Appendix A).

The information provided in Table 4 was previously obtained from CNR in 2020 for their major double-track rail line that passes through Kingston, Ontario, which will provide a conservative estimation of the noise levels due to significant rail traffic. An annual growth rate of 2.5% was applied to the rail data (11 years of growth).

Table 4 – Rail Traffic Data

TRAIN TYPE	# OF TRAINS (DAY/NIGHT)	# OF LOCOMOTIVES	MAXIMUM # OF CARS	SPEED LIMIT	GROWTH RATE
Freight (CPR)	11/7	4	140	90 km/h	2.5%
Passenger	30/0	2	10	105 km/h	2.5%

5 Receiver Locations

To facilitate the analysis, various sensitive receiver locations were identified. All receivers were located 6 metres inside of the lot, at the four corners of the lot, to determine the potential range of noise levels along the entirety of the site.

Table 5 identifies the various receiver locations within the proposed development.

Table 5 – Receivers

RECEIVER	LOT CORNER	DISTANCE TO CENTERLINE (m)	
		ROAD	TRAIL
A	North-East	151.6	410.5
B	South-East	160.0	193.7
C	North-West	20.7	337.3
D	South-West	21.3	442.7

6 Free Field Analysis

6.1 Road Noise

A free field analysis was completed using "STAMSON 5.04" for the road noise along County Road 43. This analysis is the assessment of traffic noise impacts on the proposed development without any proposed structures or features providing noise mitigation. From this analysis, the limits at which warning clauses and/or building components are required can be established. The results of this analysis are shown in Table 6 and graphically in Appendix A.

Table 6 – Free Field Analysis Results

FREE FIELD LIMIT	DISTANCE FROM CENTRELINE OF COUNTY ROAD 43
65 dBA (Day)	<15m
60 dBA (Day)	26m
55 dBA (Day)	53m
60 dBA (Night)	<15m
50 dBA (Night)	46m

Table 6 shows the daytime acoustical impact on development located within 53 metres of the centreline of County Road 43 will have noise levels in excess of 55 dBA which exceeds the daytime noise level criteria. The nighttime acoustical impact on development located within 46 metres of the centreline of County Road 43 will have noise levels in excess of 50 dBA which exceeds the nighttime noise level criteria.

Accordingly, further analysis is necessary to determine the extent of mitigation required.

6.2 Rail Noise

A free field analysis was completed for the rail noise using STAMSON 5.04 in order to determine the distances at which MECP warning clauses are required. The free field impact limits are shown in Table 7 and graphically in Appendix A.

Table 7 – Free Field Impact Distances

MECP CRITERIA	DISTANCE FROM CENTRELINE OF RAILWAY	
	FREIGHT (CPR)	PASSENGER
Daytime 65 dBA	60m	41m
Daytime 60 dBA	125m	86m
Daytime 55 dBA	257m	177m
Nighttime 60 dBA	170m	N/A
Nighttime 50 dBA	> 500m	N/A

Table 7 shows the daytime acoustical impact on development located within 257 metres of the centreline of CPR will have noise levels in excess of 55 dBA which exceeds the daytime noise level criteria. The nighttime acoustical impact on development located beyond 170 metres of the centreline of CPR will have noise levels in excess of 60 dBA which exceeds the nighttime noise level criteria.

Accordingly, further analysis is necessary to determine the extent of mitigation required.

7 Results

7.1 Road Noise

The noise modeling program "STAMSON 5.04" was used to estimate noise levels produced by the expected future traffic volumes along County Road 43 based on the information provided in Table 3. The results from this analysis are shown in Table 8 and model output in included in Appendix B.

Table 8 – Predicted Unattenuated Road Traffic Noise Levels (dBA)

RECEIVER	LOT CORNER	TOTAL	
		DAY	NIGHT
A	North-East	47.4	41.8
B	South-East	47.0	41.5
C	North-West	61.8	55.2
D	South-West	61.5	55.3

As noise levels do not exceed 65 dBA during the daytime and do not exceed 60 dBA during the nighttime at each of the receivers, provision for air conditioning and warning clauses will be required.

7.2 Rail Noise

The noise modeling program "STAMSON 5.04" was used to estimate noise levels produced by the expected future rail traffic volumes along the rail lines based on the information provided in Table 4. The results from this analysis are shown in Table 9 and model output in included in Appendix B.

Table 9 – Predicted Unattenuated Rail Traffic Noise Levels (dBA)

RECEIVER	LOT CORNER	TOTAL	
		DAY	NIGHT
A	North-East	53.6	54.2
B	South-East	58.8	59.1
C	North-West	55.0	55.5
D	South-West	53.1	53.7

As noise levels do not exceed 65 dBA during the daytime and do not exceed 60 dBA during the nighttime at each of the receivers, provision for air conditioning and warning clauses will be required.

8 Noise Mitigation

8.1 Transportation Noise

The maximum noise level from transportation sources (road) at Receiver C and D (west side of lot) is 61 dBA (criteria = 55dBA) and 55 dBA (criteria = 50 dBA) during daytime and nighttime, respectively.

Site plans and architectural plans have not yet been provided, therefore further analysis must be completed at the site plan stage to determine the necessary measures to mitigate noise.

9 Recommendations

The following specific recommendations are provided in order to satisfy MECP criteria for this development:

GENERAL

Recommendation #1

At the Final Design / Site Plan stage of development, and once the site layout and building concepts have been finalized, a Final Acoustical Report must be prepared verifying the results of this Preliminary Report and to determine specific mitigation measures (including physical mitigation) and warning clauses required, based on the site and the buildings at final design.

TRANSPORATION NOISE

Recommendation #2

Due to expected noise levels from County Road 43 and the Canadian Pacific Railway, all units are to have provision for air conditioning and Warning Clause C which reads as follows:

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment."

Recommendation #3 (Physical Noise Control)

Due to the expected exceedance of road noise criteria, physical mitigation of noise may be required for outdoor living areas. Physical mitigation may need to take the form of noise barriers, to be determined when the site plan and architectural plans have been prepared.

Based on the preceding it is concluded that while the development will experience noise in excess of the MECP noise level criteria, this noise can be appropriately mitigated to control impacts from County Road 43 vehicle traffic noise and from the CPR rail traffic noise.

A final noise analysis will be required at the detailed design stage to confirm the traffic and rail noise source data, provide additional details related to any on-site stationary noise sources, identify any required noise mitigation measures, confirm warning clauses, and confirm the assumptions and recommendations of this report.

All of which is respectfully submitted.

IBI Group

Report prepared by:

Jasmine Leikucs
Project Analyst

Report reviewed by:

Andy Kroess, M.Eng., P.Eng.
Senior Engineer

Appendix A – Noise Information Plan

1. Correspondence
2. Figures

Jasmine Leikucs

From: White, Shirley <Shirley.White@uclg.on.ca>
Sent: Wednesday, June 2, 2021 3:08 PM
To: Jasmine Leikucs
Subject: RE: Traffic Information

Hi Jasmine,

I have been informed that whatever information is on the website is all that we have.

Sorry about that.

Take care,

Shirley White, Administrative Assistant
Public Works Division
United Counties of Leeds and Grenville
25 Central Ave. W., Suite 100
Brockville, ON, K6V 4N6
Phone # 613-342-3840 x 2413
Fax # 613-342-2101

Leeds Grenville

where lifestyle grows good business

From: Jasmine Leikucs <jasmine.leikucs@ibigroup.com>
Sent: Wednesday, June 2, 2021 2:56 PM
To: White, Shirley <Shirley.White@uclg.on.ca>
Subject: RE: Traffic Information

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.
Hi Shirley,

Thanks so much! Do you know if there is any information regarding the truck percentages and growth rates?

Jasmine Leikucs

Engineering Intern

IBI GROUP
650 Dalton Avenue

Kingston ON K7M 8N7 Canada
tel +1 613 531 4440 ext 63312

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From: White, Shirley <Shirley.White@uclg.on.ca>
Sent: Wednesday, June 2, 2021 1:37 PM
To: Jasmine Leikucs <jasmine.leikucs@ibigroup.com>
Cc: Minkhorst, Helen <Helen.Minkhorst@uclg.on.ca>
Subject: RE: Traffic Information

Good afternoon,

By following the link below, you will be able to find the information you require on traffic count information.

http://uclg.maps.arcgis.com/apps/MapSeries/index.html?appid=1b72f532609b402eb2f36fdece43e158

Take care and have a wonderful day!

Shirley White, Administrative Assistant
Public Works Division
United Counties of Leeds and Grenville
25 Central Ave. W., Suite 100
Brockville, ON, K6V 4N6
Phone # 613-342-3840 x 2413
Fax # 613-342-2101

Leeds Grenville

where lifestyle grows good business

From: Jasmine Leikucs <jasmine.leikucs@ibigroup.com>
Sent: Wednesday, June 2, 2021 1:06 PM
To: Roads <Roads@uclg.on.ca>
Subject: Traffic Information

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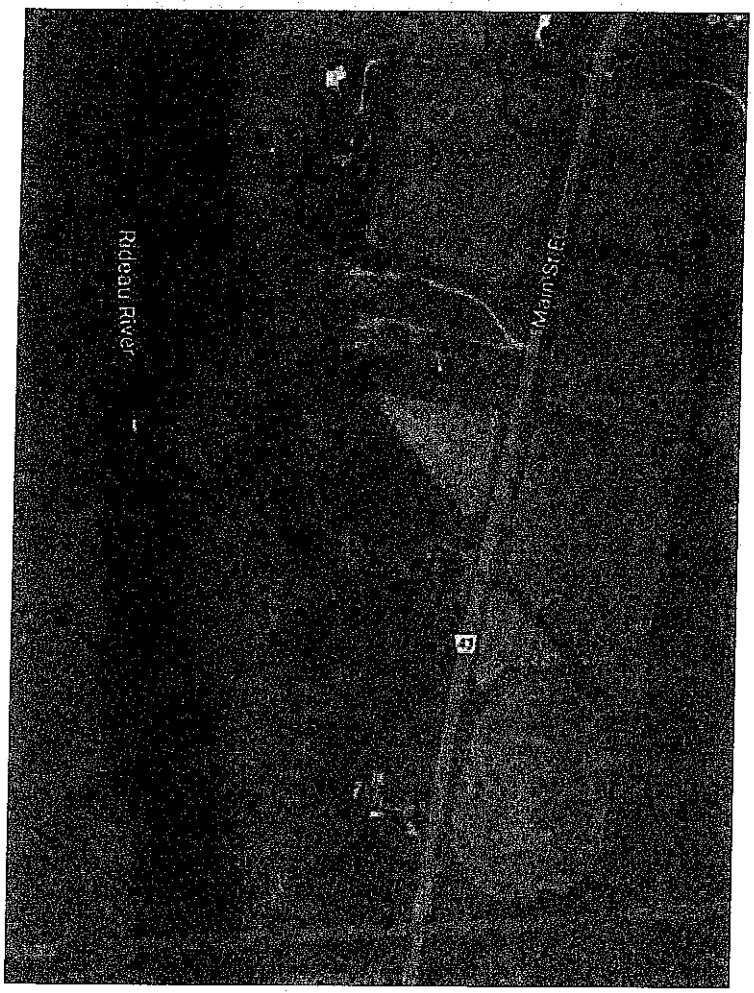
Hello,

I'm inquiring about traffic information for a noise study that I will be conducting in Merrickville, and I was wondering if you have the required information or if you may be able to direct me to someone who does.

I require the following information for Main Street East:

AADT (vehicles/day)
Growth rate (%)
% medium trucks
% heavy trucks
Posted speed limit
Road grade
Day/night traffic split

Please let me know if there is any additional information you require!



Thanks,

Jasmine Leikucs

Engineering Intern

IBI GROUP
650 Dalton Avenue
Kingston ON K7M 8N7 Canada

Jasmine Leikucs

Engineering Intern

IBI GROUP
650 Dalton Avenue
Kingston ON K7M 8N7 Canada
tel +1 613 531 4440 ext 63312

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Jasmine Leikucs

From: Crystal Watts <Crystal_Watts@cpr.ca>
Sent: Tuesday, June 15, 2021 12:11 PM
To: Jasmine Leikucs
Subject: RE: Rail traffic inquiry - Winchester division

Good Afternoon Jasmine,

Thank you for reaching out to CP Real Estate with regards to CP's Winchester Subdivision, classified as principal mainline track. Please note that our CP Real Estate Team has changed its position regarding the sharing of its proprietary & confidential rail data and will no longer be providing rail data or yard specs to third parties. We appreciate that this is a change to what was previously provided by our group. Further, rail traffic data is merely a snapshot in time, and traffic volumes are subject to fluctuation as a function of market demand.

Information that I am able to share would be that current operations along these tracks include regular freight trains travelling through, 24 hours a day, 7 days a week. With these operations, engines are constantly running and the operations are continuous, loud and cause a lot of vibration. Rail traffic volume on any part of our North American network is a function of market demand. Traffic volumes fluctuate regularly as market demand for goods and commodities shifts or as export patterns change and does not have a set schedule. . Any development near railway infrastructure should assume the potential for frequent train activity at any time of the day or night, on any day of the year. There is also the possibility of increasing operations in future being increased, including adding or moving track or any other railway related use.

Thank you,

Crystal Watts
Analyst Real Estate
7550 Ogden Dale Road SE, Building 1
Calgary AB T2C 4X9

From: Frank Gulas <Frank_Gulas@cpr.ca>
Sent: June 8, 2021 7:19 AM
To: Crystal Watts <Crystal_Watts@cpr.ca>
Subject: FW: Rail traffic inquiry - Winchester division

Good Morning Crystal,

Can you advise Jasmine accordingly.

Frank Gulas
Manager Real Estate –
Ontario & Manitoba
O 403-319-3436
F 403-319-3727
7550 Ogden Dale Road SE
Calgary AB T2C 4X9

From: Jasmine Leikucs <jasmine.leikucs@ibigroup.com>
Sent: Tuesday, June 8, 2021 6:24 AM
To: Frank Gulas <Frank_Gulas@cpr.ca>
Cc: Corey Alderman <Corey.Alderman@ibigroup.com>; Andy Kroess <Andy.Kroess@IBIGroup.com>
Subject: Rail traffic inquiry - Winchester division

This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

Hello Frank,

I'm conducting a noise study in Merrickville Ontario and was contacting you to see if there's a way I can receive the traffic information for the CP rail line in the Winchester division. I appreciate whatever you can provide.

Thanks,

Jasmine Leikucs

Engineering Intern

IBI GROUP
650 Dalton Avenue
Kingston ON K7M 8N7 Canada
tel +1 613 531 4440 ext 63312

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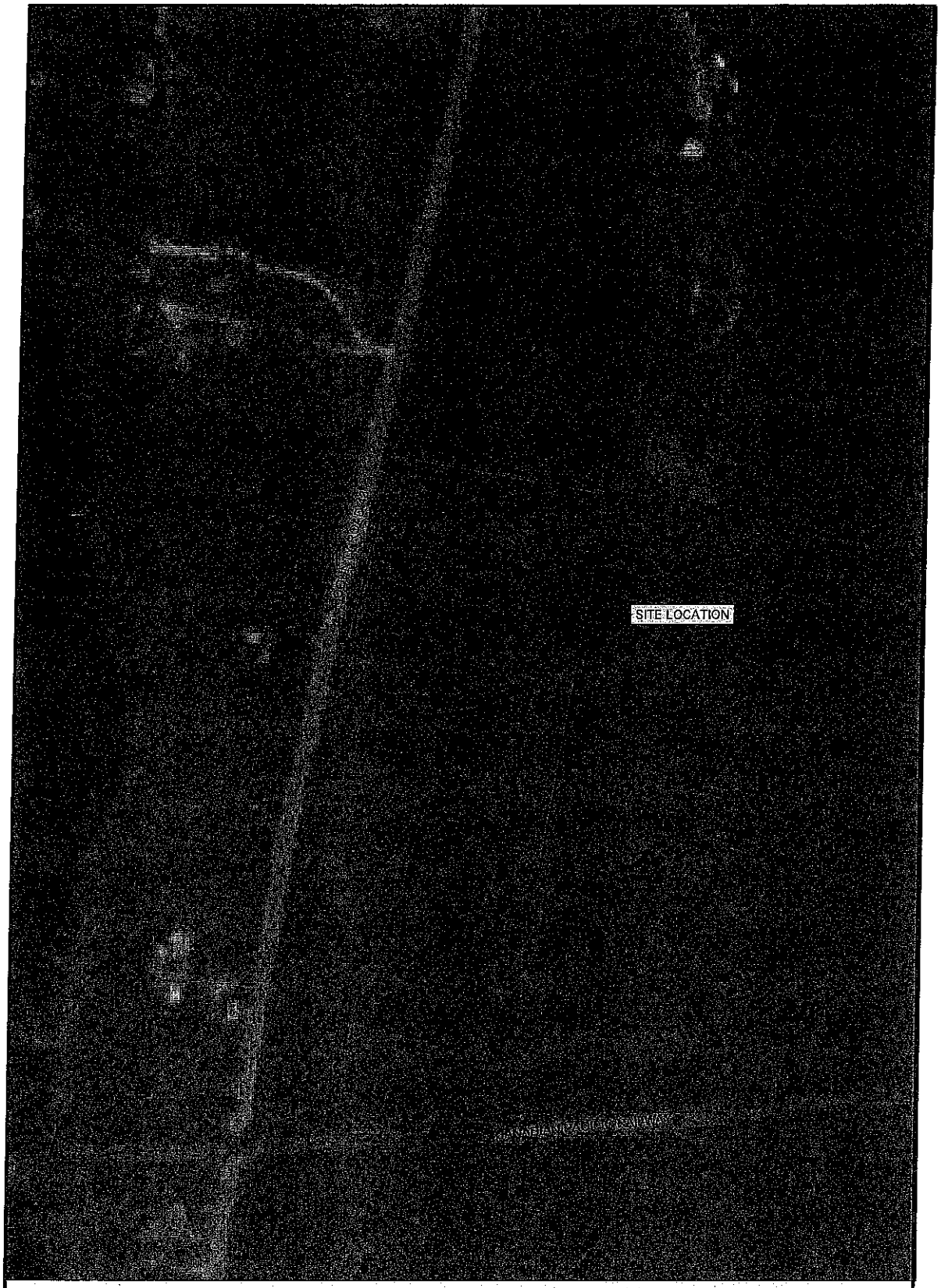

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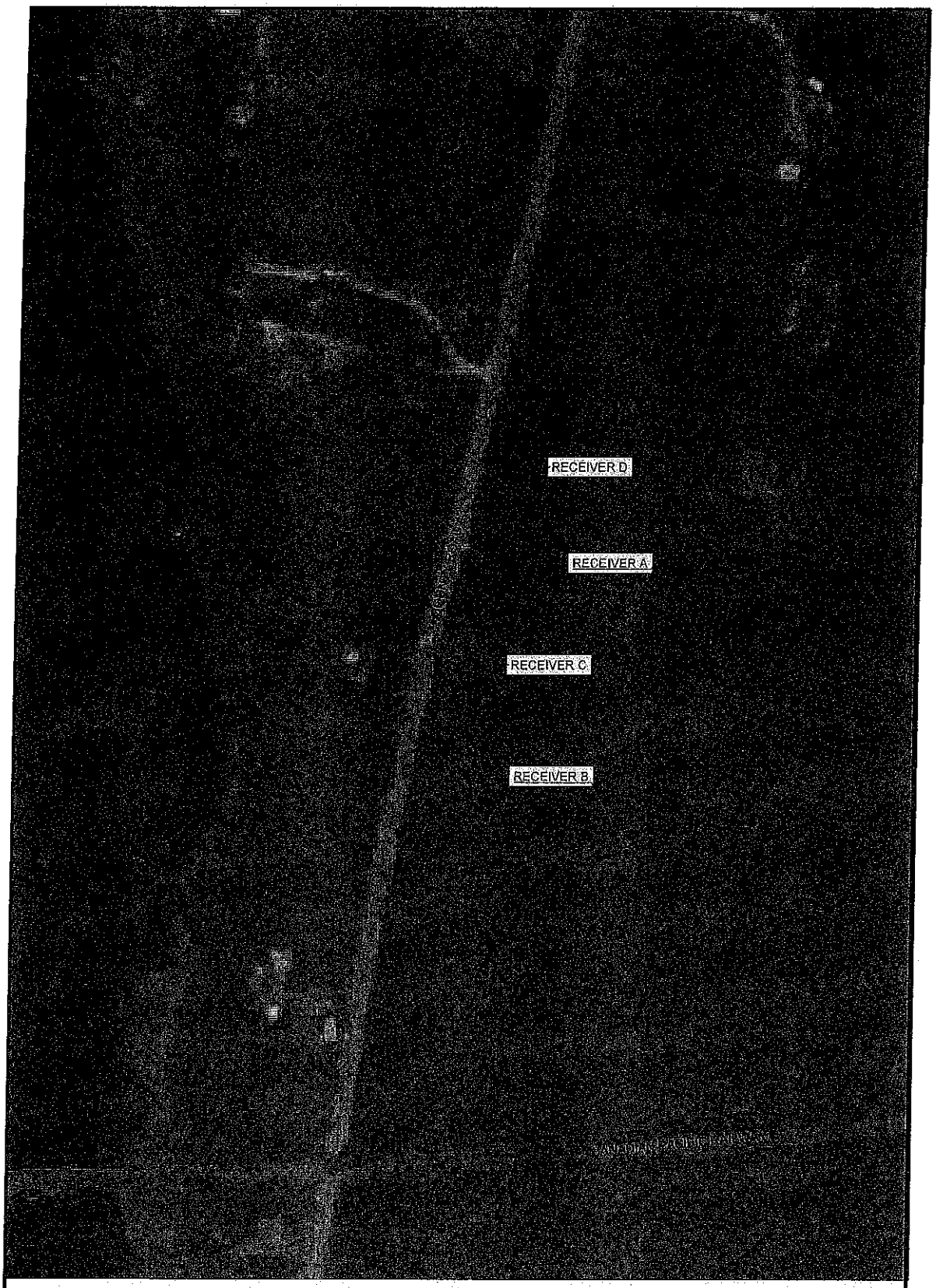
	CHECKED BY:	APPROVED BY:			
	PROJECT NO:				



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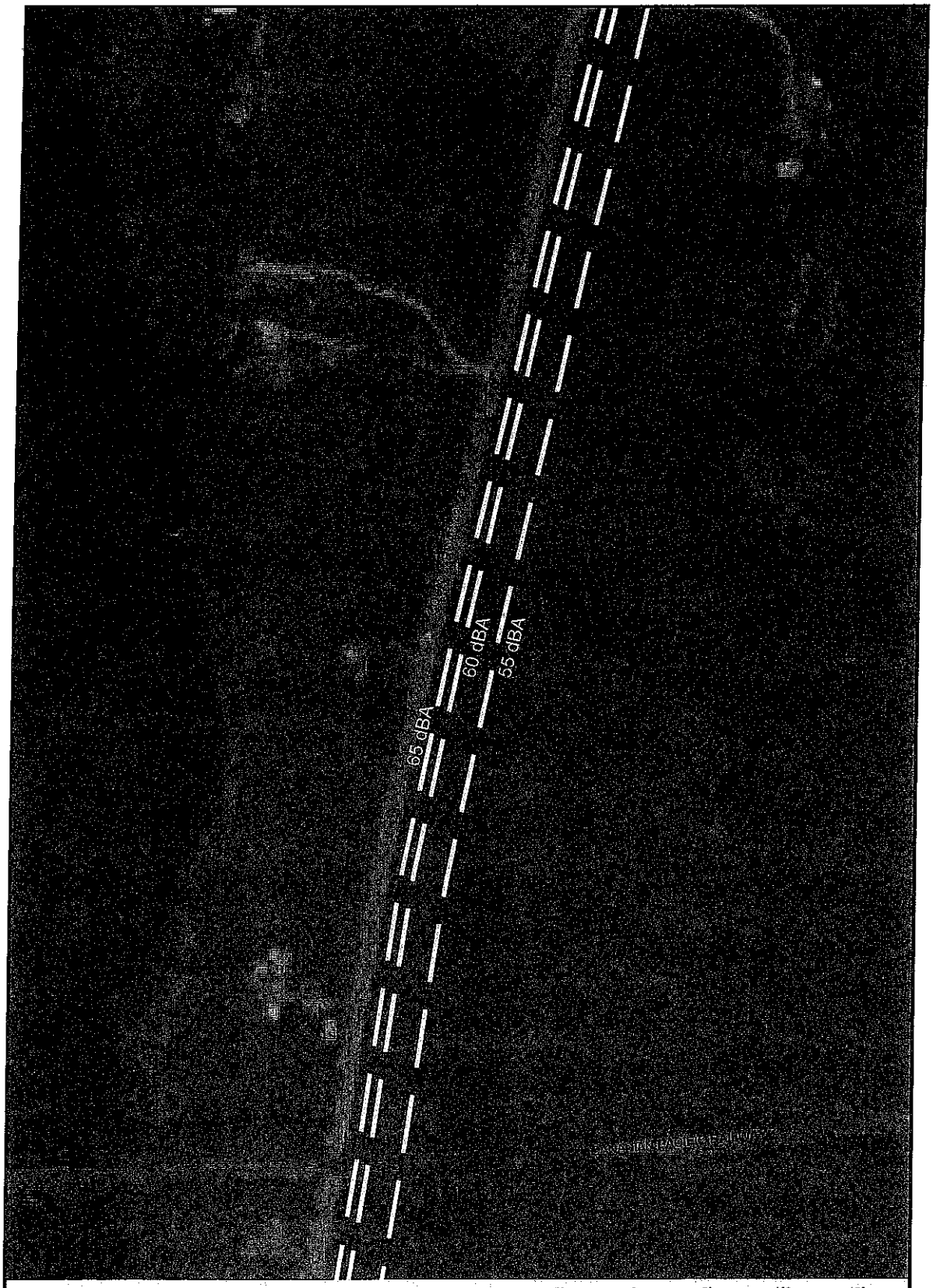
	SCALE: 1:3000 / DATE: 2021-07-15 PROJECT ENG: AK / DRAWN BY: JL CHECKED BY: / APPROVED BY:	FIGURE NAME: RECEIVER LOCATIONS	FIGURE NO.: 2 / REVISION: 0



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SCALE: 1:3000	DATE: 2021-07-15	FIGURE NAME: ROAD FREE FIELD LIMITS (DAYTIME)	FIGURE NO.: 3
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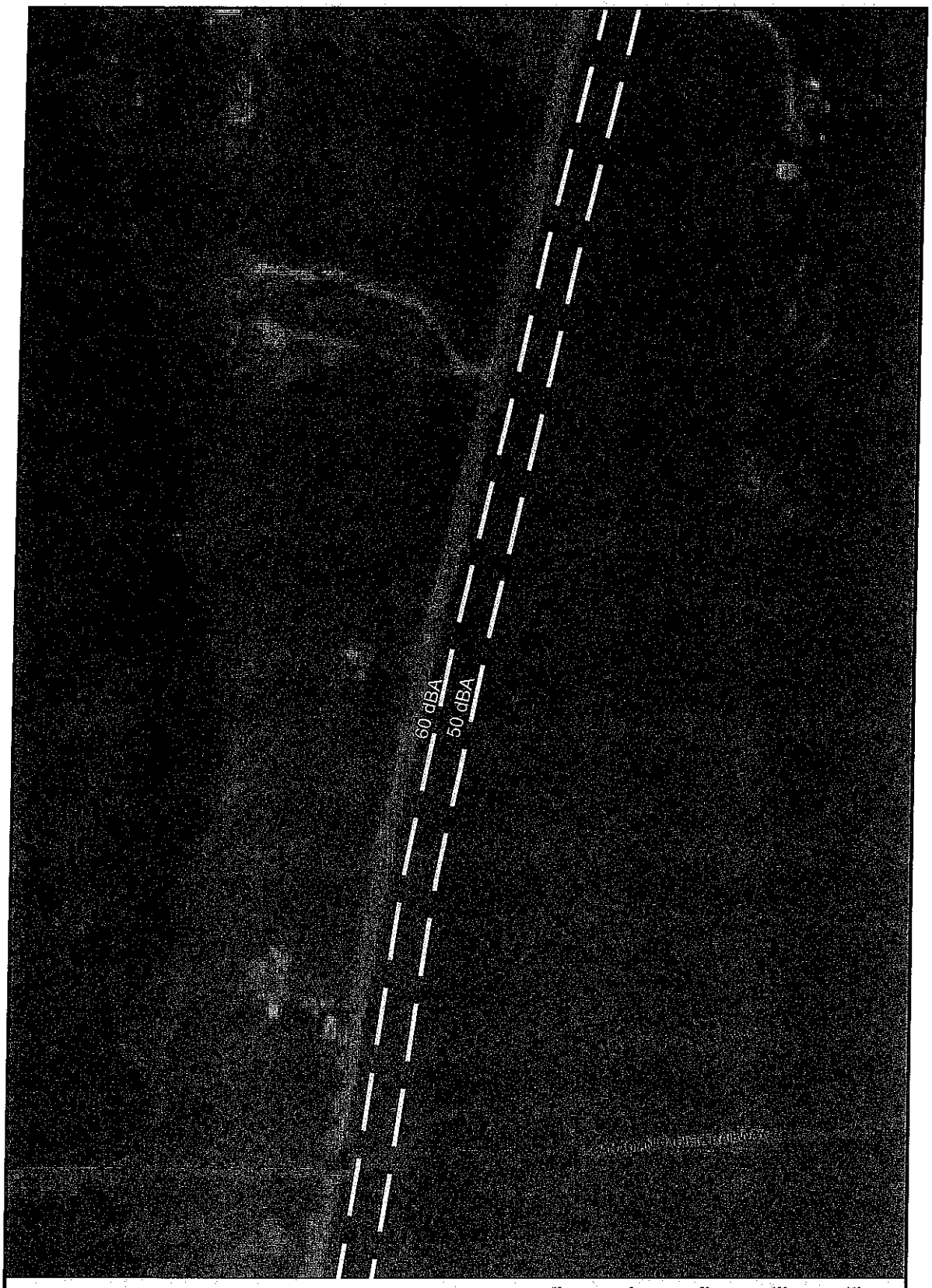
CHECKED BY:	APPROVED BY:		



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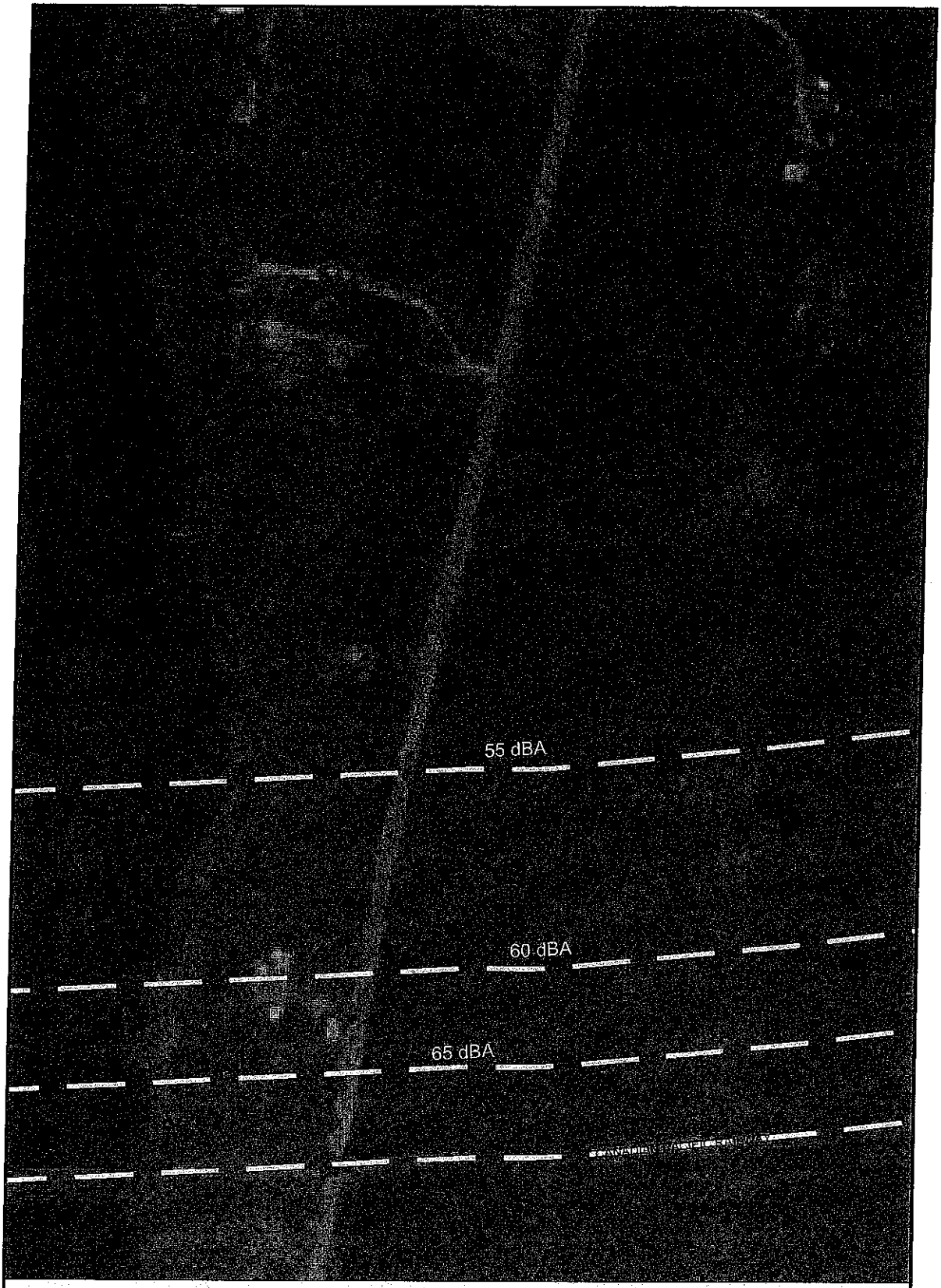
	SCALE: 1:3000 / DATE: 2021-07-15 PROJECT ENG: AK / DRAWN BY: JL CHECKED BY: / APPROVED BY:	FIGURE NAME: ROAD FREE FIELD LIMITS (NIGHTTIME)	FIGURE NO.: 4 / REVISION: 0



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SCALE: 1:3000	DATE: 2021-07-15	FIGURE NAME: RAIL FREE FIELD LIMITS (CPR) (DAYTIME)	FIGURE NO.: 5
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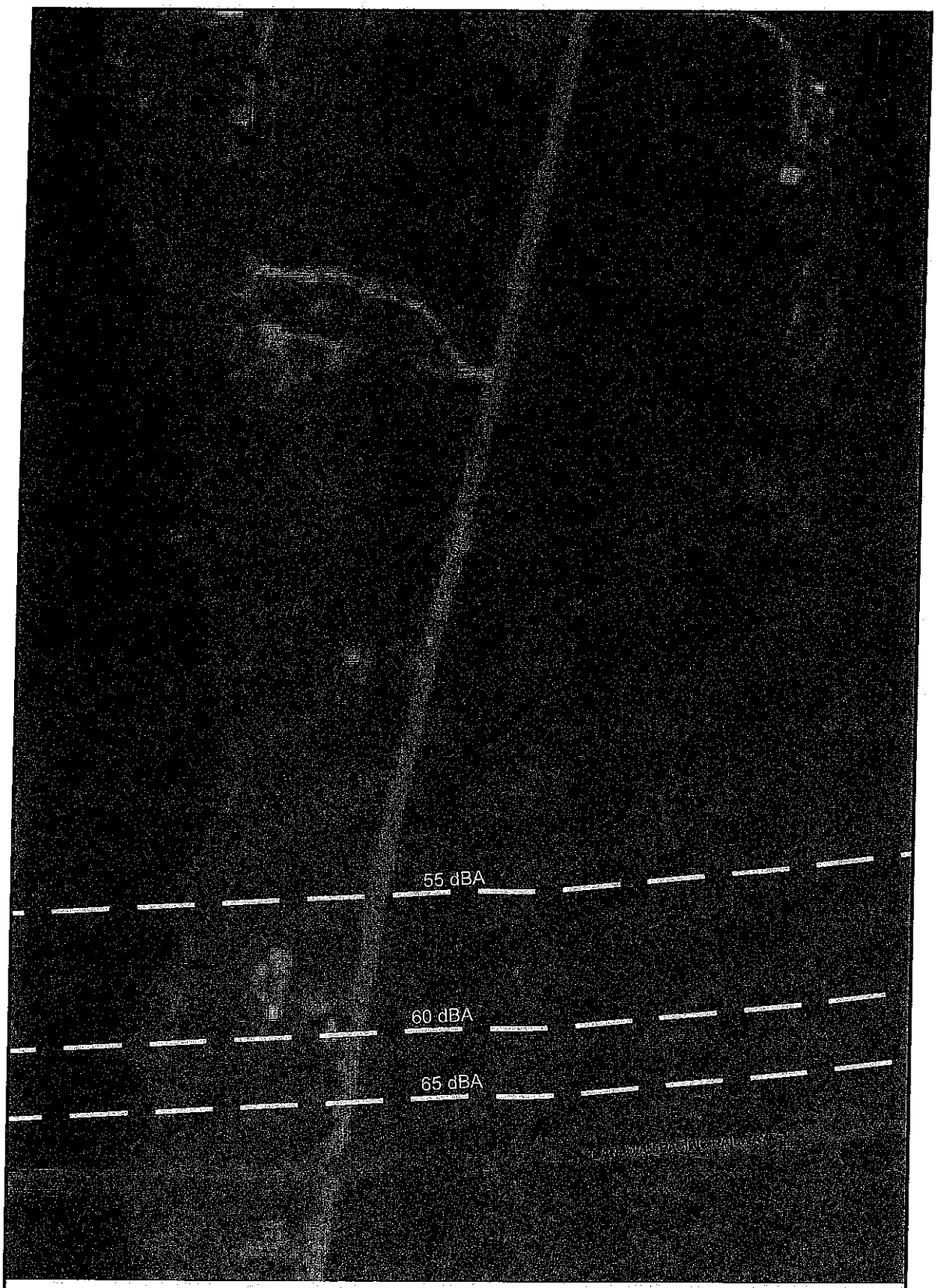
PROJECT NO:			



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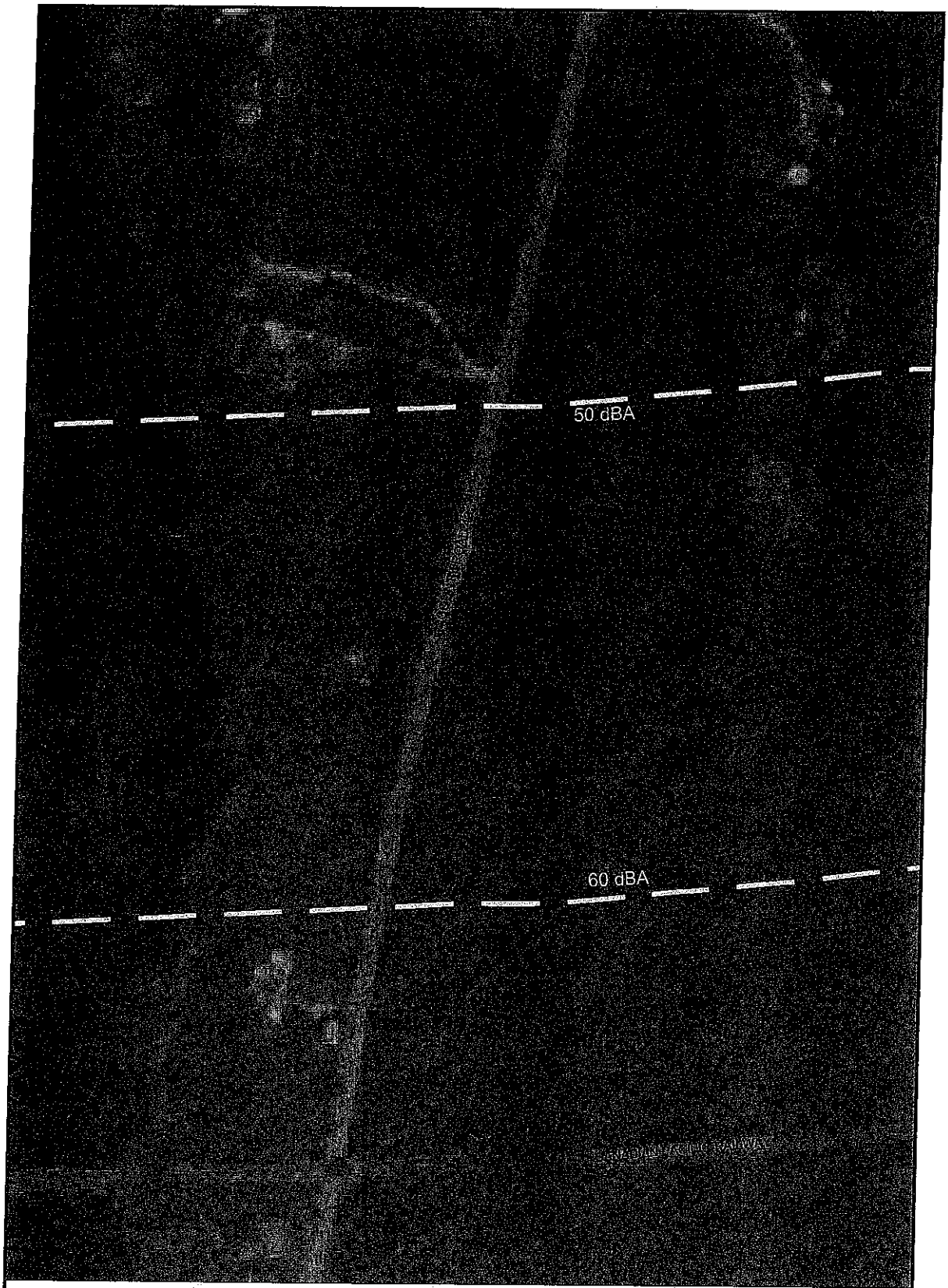

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1094 Hwy 43E, Merrickville, On K0G 1N0	SCALE: 1:3000 / DATE: 2021-07-15 PROJECT ENG: AK / DRAWN BY: JL CHECKED BY: / APPROVED BY:	FIGURE NAME: RAIL FREE FIELD LIMITS (CPR)(NIGHTTIME)	FIGURE NO.: 7 / REVISION: 0

Appendix B – STAMSON Output

1. Road Traffic Reports
2. Rail Traffic Reports

STAMSON 5.0 NORMAL REPORT
Date: 14-07-2021 20:37:04
MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: FF55.te Time Period: Day/Night 16/8 hours

Description: Free Field Limits County Road 43 - Day & Night

Road data, segment # 1: CR43 (day/night)

Car traffic volume : 5807/645 veh/TimePeriod *
Medium truck volume : 153/17 veh/TimePeriod *
Heavy truck volume : 153/17 veh/TimePeriod *
Posted speed limit : 70 km/h
Road gradient : 1 %
Road pavement : 1 (Typical asphalt or concrete)

* Refers to calculated road volumes based on the following input:

24 hr Traffic Volume (AADT or SADT): 5050
Percentage of Annual Growth : 2.50
Number of Years of Growth : 12.00
Medium Truck % of Total Volume : 2.50
Heavy Truck % of Total Volume : 2.50
Day (16 hrs) % of Total Volume : 90.00

Data for Segment # 1: CR43 (day/night)

Angle1 Angle2 : -90.00 deg 90.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 26.57 / 46.38 m
Receiver height : 1.50 / 4.50 m
Topography : 1 (Flat/gentle slope; no barrier)
Reference angle : 0.00

Results segment # 1: CR43 (day)

Source height = 1.26 m

ROAD (0.00 + 60.00 + 0.00) = 60.00 dBA

Angle1 Angle2 Alpha RefLeq P.Adj D.Adj F.Adj W.Adj H.Adj B.Adj SubLeq
---
-90 90 0.66 65.58 0.00 -4.12 -1.46 0.00 0.00 0.00 60.00

Segment Leq : 60.00 dBA

Total Leq All Segments: 60.00 dBA

Results segment # 1: CR43 (night)

Source height = 1.26 m

ROAD (0.00 + 50.00 + 0.00) = 50.00 dBA
Angle1 Angle2 Alpha RefLeq P.Adj D.Adj F.Adj W.Adj H.Adj B.Adj SubLeq
---
-90 90 0.58 59.04 0.00 -7.73 -1.32 0.00 0.00 0.00 50.00

Segment Leq : 50.00 dBA

Total Leq All Segments: 50.00 dBA

TOTAL Leq FROM ALL SOURCES (DAY): 60.00
(NIGHT): 50.00

STAMSON 5.0 NORMAL REPORT
Date: 14-07-2021 20:40:07
MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: ROADA.te Time Period: Day/Night 16/8 hours

Description: Receiver A - Road Noise Daytime & Nighttime

Road data, segment # 1: CR43 (day/night)

Car traffic volume : 5807/645 veh/TimePeriod *
Medium truck volume : 153/17 veh/TimePeriod *
Heavy truck volume : 153/17 veh/TimePeriod *
Posted speed limit : 70 km/h
Road gradient : 1 %
Road pavement : 1 (Typical asphalt or concrete)

* Refers to calculated road volumes based on the following input:

24 hr Traffic Volume (AADT or SADT): 5050
Percentage of Annual Growth : 2.50
Number of Years of Growth : 12.00
Medium Truck % of Total Volume : 2.50
Heavy Truck % of Total Volume : 2.50
Day (16 hrs) % of Total Volume : 90.00

Data for Segment # 1: CR43 (day/night)

Angle1 Angle2 : -90.00 deg 90.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 151.60 / 151.60 m
Receiver height : 1.50 / 4.50 m
Topography : 1 (Flat/gentle slope; no barrier)
Reference angle : 0.00

Results segment # 1: CR43 (day)

Source height = 1.26 m

ROAD (0.00 + 47.44 + 0.00) = 47.44 dBA

Angle1 Angle2 Alpha RefLeq P.Adj D.Adj F.Adj W.Adj H.Adj B.Adj SubLeq
---
-90 90 0.66 65.58 0.00 -16.68 -1.46 0.00 0.00 0.00 47.44

Segment Leq : 47.44 dBA

Total Leq All Segments: 47.44 dBA

Results segment # 1: CR43 (night)

Source height = 1.26 m

ROAD (0.00 + 41.88 + 0.00) = 41.88 dBA

Angle1 Angle2 Alpha RefLeq P.Adj D.Adj F.Adj W.Adj H.Adj B.Adj SubLeq
---
-90 90 0.58 59.04 0.00 -15.85 -1.32 0.00 0.00 0.00 41.88

Segment Leq : 41.88 dBA

Total Leq All Segments: 41.88 dBA

TOTAL Leq FROM ALL SOURCES (DAY): 47.44
(NIGHT): 41.88

STAMSON 5.0 NORMAL REPORT
Date: 14-07-2021 20:41:28
MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: ROADB.te Time Period: Day/Night 16/8 hours

Description: Receiver B - Road Noise Daytime & Nighttime

Road data, segment # 1: CR43 (day/night)

Car traffic volume : 5807/645 veh/TimePeriod *
Medium truck volume : 153/17 veh/TimePeriod *
Heavy truck volume : 153/17 veh/TimePeriod *
Posted speed limit : 70 km/h
Road gradient : 1 %
Road pavement : 1 (Typical asphalt or concrete)

* Refers to calculated road volumes based on the following input:

24 hr Traffic Volume (AADT or SADT): 5050
Percentage of Annual Growth : 2.50
Number of Years of Growth : 12.00
Medium Truck % of Total Volume : 2.50
Heavy Truck % of Total Volume : 2.50
Day (16 hrs) % of Total Volume : 90.00

Data for Segment # 1: CR43 (day/night)

Angle1 Angle2 : -90.00 deg 90.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 160.00 / 160.00 m
Receiver height : 1.50 / 4.50 m
Topography : 1 (Flat/gentle slope; no barrier)
Reference angle : 0.00

Results segment # 1: CR43 (day)

Source height = 1.26 m

ROAD (0.00 + 47.05 + 0.00) = 47.05 dBA

Angle1 Angle2 Alpha RefLeq P.Adj D.Adj F.Adj W.Adj H.Adj B.Adj SubLeq
---
-90 90 0.66 65.58 0.00 -17.07 -1.46 0.00 0.00 0.00 47.05

Segment Leq : 47.05 dBA

Total Leq All Segments: 47.05 dBA

Results segment # 1: CR43 (night)

Source height = 1.26 m

ROAD (0.00 + 41.51 + 0.00) = 41.51 dBA
Angle1 Angle2 Alpha RefLeq P.Adj D.Adj F.Adj W.Adj H.Adj B.Adj SubLeq
---
-90 90 0.58 59.04 0.00 -16.21 -1.32 0.00 0.00 0.00 41.51

Segment Leq : 41.51 dBA

Total Leq All Segments: 41.51 dBA

TOTAL Leq FROM ALL SOURCES (DAY): 47.05
(NIGHT): 41.51

STAMSON 5.0 NORMAL REPORT
Date: 14-07-2021 20:42:34
MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: ROADC.te Time Period: Day/Night 16/8 hours

Description: Receiver C - Road Noise Daytime & Nighttime

Road data, segment # 1: CR43 (day/night)

Car traffic volume : 5807/645 veh/TimePeriod *
Medium truck volume : 153/17 veh/TimePeriod *
Heavy truck volume : 153/17 veh/TimePeriod *
Posted speed limit : 70 km/h
Road gradient : 1 %
Road pavement : 1 (Typical asphalt or concrete)

* Refers to calculated road volumes based on the following input:

24 hr Traffic Volume (AADT or SADT): 5050
Percentage of Annual Growth : 2.50
Number of Years of Growth : 12.00
Medium Truck % of Total Volume : 2.50
Heavy Truck % of Total Volume : 2.50
Day (16 hrs) % of Total Volume : 90.00

Data for Segment # 1: CR43 (day/night)

Angle1 Angle2 : -90.00 deg 90.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 20.70 / 20.70 m
Receiver height : 1.50 / 4.50 m
Topography : 1 (Flat/gentle slope; no barrier)
Reference angle : 0.00

Results segment # 1: CR43 (day)

Source height = 1.26 m

ROAD (0.00 + 61.80 + 0.00) = 61.80 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.66	65.58	0.00	-2.32	-1.46	0.00	0.00	0.00	61.80

Segment Leq : 61.80 dBA

Total Leq All Segments: 61.80 dBA

Results segment # 1: CR43 (night)

Source height = 1.26 m

ROAD (0.00 + 55.52 + 0.00) = 55.52 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.58	59.04	0.00	-2.21	-1.32	0.00	0.00	0.00	55.52

Segment Leq : 55.52 dBA

Total Leq All Segments: 55.52 dBA

TOTAL Leq FROM ALL SOURCES (DAY): 61.80
(NIGHT): 55.52

STAMSON 5.0 NORMAL REPORT
Date: 14-07-2021 20:43:42
MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: ROADD.te Time Period: Day/Night 16/8 hours

Description: Receiver D - Road Noise Daytime & Nighttime

Road data, segment # 1: CR43 (day/night)

Car traffic volume : 5807/645 veh/TimePeriod *
Medium truck volume : 153/17 veh/TimePeriod *
Heavy truck volume : 153/17 veh/TimePeriod *
Posted speed limit : 70 km/h
Road gradient : 1 %
Road pavement : 1 (Typical asphalt or concrete)

* Refers to calculated road volumes based on the following input:

24 hr Traffic Volume (AADT or SADT): 5050
Percentage of Annual Growth : 2.50
Number of Years of Growth : 12.00
Medium Truck % of Total Volume : 2.50
Heavy Truck % of Total Volume : 2.50
Day (16 hrs) % of Total Volume : 90.00

Data for Segment # 1: CR43 (day/night)

Angle1 Angle2 : -90.00 deg 90.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 21.30 / 21.30 m
Receiver height : 1.50 / 4.50 m
Topography : 1 (Flat/gentle slope; no barrier)
Reference angle : 0.00

Results segment # 1: CR43 (day)

Source height = 1.26 m

ROAD (0.00 + 61.59 + 0.00) = 61.59 dBA

Angle1 Angle2 Alpha RefLeq P.Adj D.Adj F.Adj W.Adj H.Adj B.Adj SubLeq
---
-90 90 0.66 65.58 0.00 -2.53 -1.46 0.00 0.00 0.00 61.59

Segment Leq : 61.59 dBA

Total Leq All Segments: 61.59 dBA

Results segment # 1: CR43 (night)

Source height = 1.26 m

ROAD (0.00 + 55.33 + 0.00) = 55.33 dBA
Angle1 Angle2 Alpha RefLeq P.Adj D.Adj F.Adj W.Adj H.Adj B.Adj SubLeq
---
-90 90 0.58 59.04 0.00 -2.40 -1.32 0.00 0.00 0.00 55.33

Segment Leq : 55.33 dBA

Total Leq All Segments: 55.33 dBA

TOTAL Leq FROM ALL SOURCES (DAY): 61.59
(NIGHT): 55.33

STAMSON 5.0 NORMAL REPORT
Date: 14-07-2021 21:24:00
MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: FFRAIL1.te Time Period: Day/Night 16/8 hours

Description: Free Field - Freight Train Daytime & Nighttime

Rail data, segment # 1: Freight CPR (day/night)

Train Type	Trains	Speed (km/h)	# loc /Train	# Cars /Train	Cont. weld
* 1.	14.4/9.2	90.0	4.0	140.0	Diesel Yes

* The identified number of trains have been adjusted for future growth using the following parameters:

Train type: No	Name	Unadj. Trains	Annual % Increase	Years of Growth
1.		11.0/7.0	2.50	11.00

Data for Segment # 1: Freight CPR (day/night)

Angle1 Angle2 : -90.00 deg 90.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 60.94 / 170.11 m
Receiver height : 1.50 / 4.50 m
Topography : 1 (Flat/gentle slope; no barrier)
No Whistle
Reference angle : 0.00

Results segment # 1: Freight CPR (day)

LOCOMOTIVE (0.00 + 64.22 + 0.00) = 64.22 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.58	75.20	-9.65	-1.33	0.00	0.00	0.00	64.22

WHEEL (0.00 + 57.15 + 0.00) = 57.15 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.66	68.71	-10.11	-1.46	0.00	0.00	0.00	57.15

Segment Leq : 65.00 dBA

Total Leq All Segments: 65.00 dBA

Results segment # 1: Freight CPR (night)

LOCOMOTIVE (0.00 + 59.33 + 0.00) = 59.33 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.50	76.26	-15.77	-1.17	0.00	0.00	0.00	59.33

WHEEL (0.00 + 51.55 + 0.00) = 51.55 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.60	69.77	-16.87	-1.35	0.00	0.00	0.00	51.55

Segment Leq : 60.00 dBA

Total Leq All Segments: 60.00 dBA

TOTAL Leq FROM ALL SOURCES (DAY): 65.00
(NIGHT): 60.00

STAMSON 5.0 NORMAL REPORT
Date: 14-07-2021 21:26:25
MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: FFRAIL1.te Time Period: Day/Night 16/8 hours

Description: Free Field - Passenger Train Daytime

Rail data, segment # 1: Passenger CP (day/night)

Train Type	Trains (day/night)	Speed (km/h)	# loc /Train	# Cars /Train	Eng type	Cont weld
* 1.	39.4/0.0	105.0	2.0	10.0	Diesel	Yes

* The identified number of trains have been adjusted for future growth using the following parameters:

Train type: No	Name	Unadj. Trains (day/night)	Annual % Increase	Years of Growth
1.		30.0/0.0	2.50	11.00

Data for Segment # 1: Passenger CP (day/night)

Angle1 Angle2 : -90.00 deg 90.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 41.76 / 41.76 m
Receiver height : 1.50 / 4.50 m
Topography : 1 (Flat/gentle slope; no barrier)
No Whistle
Reference angle : 0.00

Results segment # 1: Passenger CP (day)

LOCOMOTIVE (0.00 + 64.59 + 0.00) = 64.59 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.58	72.96	-7.05	-1.33	0.00	0.00	0.00	64.59

WHEEL (0.00 + 54.50 + 0.00) = 54.50 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.66	63.34	-7.38	-1.46	0.00	0.00	0.00	54.50

Segment Leq : 65.00 dBA

Total Leq All Segments: 65.00 dBA

Results segment # 1: Passenger CP (night)

LOCOMOTIVE (0.00 + -10.55 + 0.00) = 0.00 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.00	0.00	-10.55	0.00	0.00	0.00	0.00	-10.55

WHEEL (0.00 + -10.55 + 0.00) = 0.00 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.00	0.00	-10.55	0.00	0.00	0.00	0.00	-10.55

Segment Leq : 0.00 dBA

Total Leq All Segments: 0.00 dBA

TOTAL Leq FROM ALL SOURCES (DAY): 65.00
(NIGHT): 0.00

STAMSON 5.0 NORMAL REPORT
Date: 14-07-2021 21:16:23
MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: TRAINA.te Time Period: Day/Night 16/8 hours

Description: Receiver A - Rail Noise Daytime & Nighttime

Rail data, segment # 1: Freight CPR (day/night)

Train Type	Trains !	Speed (km/h)	# loc / Train	# Cars / Train	Eng type	Cont weld
* 1.	14.4/9.2	90.0	4.0	140.0	Diesel	Yes

* The identified number of trains have been adjusted for future growth using the following parameters:

Train type: No	Name	Unadj. Trains	Annual % Increase	Years of Growth
1.		11.0/7.0	2.50	11.00

Data for Segment # 1: Freight CPR (day/night)

Angle1 Angle2	: -90.00 deg 90.00 deg
Wood depth	: 0 (No woods.)
No of house rows	: 0 / 0
Surface	: 1 (Absorptive ground surface)
Receiver source distance	: 410.50 / 410.50 m
Receiver height	: 1.50 / 4.50 m
Topography	: 1 (Flat/gentle slope; no barrier)
No Whistle	
Reference angle	: 0.00

Rail data, segment # 2: Passenger CP (day/night)

Train Type	Trains !	Speed (km/h)	# loc / Train	# Cars / Train	Eng type	Cont weld
* 1.	39.4/0.0	105.0	2.0	10.0	Diesel	Yes

* The identified number of trains have been adjusted for future growth using the following parameters:

Train type: No	Name	Unadj. Trains	Annual % Increase	Years of Growth
1.		30.0/0.0	2.50	11.00

Data for Segment # 2: Passenger CP (day/night)

Angle1 Angle2	: -90.00 deg 90.00 deg
Wood depth	: 0 (No woods.)
No of house rows	: 0 / 0
Surface	: 1 (Absorptive ground surface)
Receiver source distance	: 410.50 / 410.50 m
Receiver height	: 1.50 / 4.50 m
Topography	: 1 (Flat/gentle slope; no barrier)
No Whistle	
Reference angle	: 0.00

Results segment # 1: Freight CPR (day)

LOCOMOTIVE (0.00 + 51.09 + 0.00) = 51.09 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.58	75.20	-22.78	-1.33	0.00	0.00	0.00	51.09

WHEEL (0.00 + 43.40 + 0.00) = 43.40 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.66	68.71	-23.86	-1.46	0.00	0.00	0.00	43.40

Segment Leq : 51.77 dBA

Results segment # 2: Passenger CP (day)

LOCOMOTIVE (0.00 + 48.85 + 0.00) = 48.85 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.58	72.96	-22.78	-1.33	0.00	0.00	0.00	48.85

WHEEL (0.00 + 38.03 + 0.00) = 38.03 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.66	63.34	-23.86	-1.46	0.00	0.00	0.00	38.03

Segment Leq : 49.20 dBA

Total Leq All Segments: 53.68 dBA

Results segment # 1: Freight CPR (night)

LOCOMOTIVE (0.00 + 53.61 + 0.00) = 53.61 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.50	76.26	-21.49	-1.17	0.00	0.00	0.00	53.61

WHEEL (0.00 + 45.42 + 0.00) = 45.42 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.60	69.77	-23.00	-1.35	0.00	0.00	0.00	45.42

Segment Leq : 54.22 dBA

Results segment # 2: Passenger CP (night)

LOCOMOTIVE (0.00 + -22.65 + 0.00) = 0.00 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.50	0.00	-21.49	-1.17	0.00	0.00	0.00	-22.65

WHEEL (0.00 + -24.35 + 0.00) = 0.00 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.60	0.00	-23.00	-1.35	0.00	0.00	0.00	-24.35

Segment Leq : 0.00 dBA

Total Leq All Segments: 54.22 dBA

TOTAL Leq FROM ALL SOURCES (DAY): 53.68

(NIGHT): 54.22

STAMSON 5.0 NORMAL REPORT
Date: 14-07-2021 21:14:53
MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: TRAINB.te Time Period: Day/Night 16/8 hours

Description: Receiver B - Rail Noise Daytime & Nighttime

Rail data, segment # 1: Freight CPR (day/night)

Train Type	Trains (day/night)	Speed (km/h)	# loc/Train	# Cars/Train	Eng type	Cont weld
* 1.	14.4/9.2	90.0	4.0	140.0	Diesel	Yes

* The identified number of trains have been adjusted for future growth using the following parameters:

Train type: No	Name	Unadj. Trains	Annual % Increase	Years of Growth
1.		11.0/7.0	2.50	11.00

Data for Segment # 1: Freight CPR (day/night)

Angle1 Angle2 : -90.00 deg 90.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 193.70 / 193.70 m
Receiver height : 1.50 / 4.50 m
Topography : 1 (Flat/gentle slope; no barrier)
No Whistle
Reference angle : 0.00

Rail data, segment # 2: Passenger CP (day/night)

Train Type	Trains (day/night)	Speed (km/h)	# loc/Train	# Cars/Train	Eng type	Cont weld
* 1.	39.4/0.0	105.0	2.0	10.0	Diesel	Yes

* The identified number of trains have been adjusted for future growth using the following parameters:

Train type: No	Name	Unadj. Trains	Annual % Increase	Years of Growth
1.		30.0/0.0	2.50	11.00

Data for Segment # 2: Passenger CP (day/night)

Angle1 Angle2 : -90.00 deg 90.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 193.70 / 193.70 m
Receiver height : 1.50 / 4.50 m
Topography : 1 (Flat/gentle slope; no barrier)
No Whistle
Reference angle : 0.00

Results segment # 1: Freight CPR (day)

LOCOMOTIVE (0.00 + 56.26 + 0.00) = 56.26 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.58	75.20	-17.61	-1.33	0.00	0.00	0.00	56.26

WHEEL (0.00 + 48.81 + 0.00) = 48.81 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.66	68.71	-18.44	-1.46	0.00	0.00	0.00	48.81

Segment Leq : 56.98 dBA

Results segment # 2: Passenger CP (day)

LOCOMOTIVE (0.00 + 54.02 + 0.00) = 54.02 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.58	72.96	-17.61	-1.33	0.00	0.00	0.00	54.02

WHEEL (0.00 + 43.44 + 0.00) = 43.44 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.66	63.34	-18.44	-1.46	0.00	0.00	0.00	43.44

Segment Leq : 54.38 dBA

Total Leq All Segments: 58.88 dBA

Results segment # 1: Freight CPR (night)

LOCOMOTIVE (0.00 + 58.49 + 0.00) = 58.49 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.50	76.26	-16.61	-1.17	0.00	0.00	0.00	58.49

WHEEL (0.00 + 50.64 + 0.00) = 50.64 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.60	69.77	-17.78	-1.35	0.00	0.00	0.00	50.64

Segment Leq : 59.15 dBA

Results segment # 2: Passenger CP (night)

LOCOMOTIVE (0.00 + -17.78 + 0.00) = 0.00 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.50	0.00	-16.61	-1.17	0.00	0.00	0.00	-17.78

WHEEL (0.00 + -19.13 + 0.00) = 0.00 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.60	0.00	-17.78	-1.35	0.00	0.00	0.00	-19.13

Segment Leq : 0.00 dBA

Total Leq All Segments: 59.15 dBA

TOTAL Leq FROM ALL SOURCES (DAY): 58.88

(NIGHT): 59.15

STAMSON 5.0 NORMAL REPORT
Date: 14-07-2021 21:13:38
MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: TRAINC.te Time Period: Day/Night 16/8 hours

Description: Receiver C - Rail Noise Daytime & Nighttime

Rail data, segment # 1: Freight CPR (day/night)

Train Type	Trains (day/night)	Speed (km/h)	# loc /Train	# Cars /Train	Eng type	Cont weld
* 1.	14.4/9.2	90.0	4.0	140.0	Diesel	Yes

* The identified number of trains have been adjusted for future growth using the following parameters:

Train type: No Name	Unadj. Trains	Annual % Increase	Years of Growth
1.	11.0/7.0	2.50	11.00

Data for Segment # 1: Freight CPR (day/night)

Angle1 Angle2 : -90.00 deg 90.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 337.30 / 337.30 m
Receiver height : 1.50 / 4.50 m
Topography : 1 (Flat/gentle slope; no barrier)
No Whistle
Reference angle : 0.00

Rail data, segment # 2: Passenger CP (day/night)

Train Type	Trains (day/night)	Speed (km/h)	# loc /Train	# Cars /Train	Eng type	Cont weld
* 1.	39.4/0.0	105.0	2.0	10.0	Diesel	Yes

* The identified number of trains have been adjusted for future growth using the following parameters:

Train type: No Name	Unadj. Trains	Annual % Increase	Years of Growth
1.	30.0/0.0	2.50	11.00

Data for Segment # 2: Passenger CP (day/night)

Angle1 Angle2 : -90.00 deg 90.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 337.30 / 337.30 m
Receiver height : 1.50 / 4.50 m
Topography : 1 (Flat/gentle slope; no barrier)
No Whistle
Reference angle : 0.00

Results segment # 1: Freight CPR (day)

LOCOMOTIVE (0.00 + 52.44 + 0.00) = 52.44 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.58	75.20	-21.43	-1.33	0.00	0.00	0.00	52.44

WHEEL (0.00 + 44.81 + 0.00) = 44.81 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.66	68.71	-22.44	-1.46	0.00	0.00	0.00	44.81

Segment Leq : 53.13 dBA

Results segment # 2: Passenger CP (day)

LOCOMOTIVE (0.00 + 50.21 + 0.00) = 50.21 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.58	72.96	-21.43	-1.33	0.00	0.00	0.00	50.21

WHEEL (0.00 + 39.44 + 0.00) = 39.44 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.66	63.34	-22.44	-1.46	0.00	0.00	0.00	39.44

Segment Leq : 50.56 dBA

Total Leq All Segments: 55.04 dBA

Results segment # 1: Freight CPR (night)

LOCOMOTIVE (0.00 + 54.89 + 0.00) = 54.89 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.50	76.26	-20.21	-1.17	0.00	0.00	0.00	54.89

WHEEL (0.00 + 46.79 + 0.00) = 46.79 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.60	69.77	-21.63	-1.35	0.00	0.00	0.00	46.79

Segment Leq : 55.52 dBA

Results segment # 2: Passenger CP (night)

LOCOMOTIVE (0.00 + -21.38 + 0.00) = 0.00 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.50	0.00	-20.21	-1.17	0.00	0.00	0.00	-21.38

WHEEL (0.00 + -22.99 + 0.00) = 0.00 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.60	0.00	-21.63	-1.35	0.00	0.00	0.00	-22.99

Segment Leq : 0.00 dBA

Total Leq All Segments: 55.52 dBA

TOTAL Leq FROM ALL SOURCES (DAY): 55.04

(NIGHT): 55.52

STAMSON 5.0 NORMAL REPORT
Date: 14-07-2021 21:17:30
MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: TRAIND.te Time Period: Day/Night 16/8 hours

Description: Receiver D - Rail Noise Daytime & Nighttime

Rail data, segment # 1: Freight CPR (day/night)

Train Type	Trains	Speed (km/h)	# loc /Train	# Cars /Train	Eng type	Cont weld
* 1.	14.4/9.2	90.0	4.0	140.0	Diesel	Yes

* The identified number of trains have been adjusted for future growth using the following parameters:

Train type: No	Name	Unadj. Trains	Annual % Increase	Years of Growth
1.		11.0/7.0	2.50	11.00

Data for Segment # 1: Freight CPR (day/night)

Angle1 Angle2 : -90.00 deg 90.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 442.70 / 442.70 m
Receiver height : 1.50 / 4.50 m
Topography : 1 (Flat/gentle slope; no barrier)
No Whistle
Reference angle : 0.00

Rail data, segment # 2: Passenger CP (day/night)

Train Type	Trains	Speed (km/h)	# loc /Train	# Cars /Train	Eng type	Cont weld
* 1.	39.4/0.0	105.0	2.0	10.0	Diesel	Yes

* The identified number of trains have been adjusted for future growth using the following parameters:

Train type: No	Name	Unadj. Trains	Annual % Increase	Years of Growth
1.		30.0/0.0	2.50	11.00

Data for Segment # 2: Passenger CP (day/night)

Angle1 Angle2 : -90.00 deg 90.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 442.70 / 442.70 m
Receiver height : 1.50 / 4.50 m
Topography : 1 (Flat/gentle slope; no barrier)
No Whistle
Reference angle : 0.00

Results segment # 1: Freight CPR (day)

LOCOMOTIVE (0.00 + 50.57 + 0.00) = 50.57 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.58	75.20	-23.30	-1.33	0.00	0.00	0.00	50.57

WHEEL (0.00 + 42.85 + 0.00) = 42.85 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.66	68.71	-24.40	-1.46	0.00	0.00	0.00	42.85

Segment Leq : 51.25 dBA

Results segment # 2: Passenger CP (day)

LOCOMOTIVE (0.00 + 48.33 + 0.00) = 48.33 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.58	72.96	-23.30	-1.33	0.00	0.00	0.00	48.33

WHEEL (0.00 + 37.48 + 0.00) = 37.48 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.66	63.34	-24.40	-1.46	0.00	0.00	0.00	37.48

Segment Leq : 48.67 dBA

Total Leq All Segments: 53.16 dBA

LOCOMOTIVE (0.00 + -23.14 + 0.00) = 0.00 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.50	0.00	-21.98	-1.17	0.00	0.00	0.00	-23.14

WHEEL (0.00 + -24.88 + 0.00) = 0.00 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.60	0.00	-23.52	-1.35	0.00	0.00	0.00	-24.88

Segment Leq : 0.00 dBA

Total Leq All Segments: 53.73 dBA

Results segment # 1: Freight CPR (night)

LOCOMOTIVE (0.00 + 53.12 + 0.00) = 53.12 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.50	76.26	-21.98	-1.17	0.00	0.00	0.00	53.12

WHEEL (0.00 + 44.90 + 0.00) = 44.90 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.60	69.77	-23.52	-1.35	0.00	0.00	0.00	44.90

Segment Leq : 53.73 dBA

Results segment # 2: Passenger CP (night)

TOTAL Leq FROM ALL SOURCES (DAY): 53.16

(NIGHT): 53.73

Municipal Consent Application Form

Please complete and send to the Secretary-Treasurer (via email) within 30-days of receipt of an application to Krista.Weidenaar@uclg.on.ca

File:	B 128/20 & B 129/20
Municipality:	Village of Merrickville Wolford
Owner:	Kirkpatrick/LaBrash
Location:	1094 County Road #43, Pt Lot 6, Con A, Wolford

Municipal Responses	Yes	No
What is the local Official Plan designation of the land? Rural		
Does the application conform to the local Official Plan?	☑	☐
If not, please give relevant sections of the plan.		
What is the land currently zoned in the Zoning By-Law? Rural (RU)		
Does the application comply with the municipal Zoning By-Law?	☑	☐
If not, please give relevant sections of the By-Law.		
Are there any other relevant documents or other Municipal By-Laws which would affect the proposed consent?	☐	☑
Are there any additional applications on the subject lands (minor variance, Official Plan Amendment Zoning By-Law amendment, etc.)? If yes, what type?	☐	☑

Additional Information

Please check which of these municipal services are available for the subject lands?

Water	☐	Sanitary Sewers	☐	Access to a public and maintained road	☑
Electricity	☑	Garbage Collection	☐	Name of public road	County Road #43

Municipal Consent Application Form

Recommendations	Yes	No
Does the Planning Committee, or Council, recommend approval be given to this application, and why?	☑	☐
Are there any issues the approval authority should be made aware of for the application lands (Site conditions, development history/activity, flooding, water quality and quantity concerns, etc.)?	☐	☑

If provisional approval is granted, what **Conditions** would the municipality wish to see attached? (Please attach Council's resolution, a Planning Report, list of conditions, or check below).
please see planning report

Does the municipality require their own copy of the reference plan for the subject lands?	☑	☐
Does the municipality require that the balance of any outstanding taxes, including penalties and interest, be paid to the municipality?	☑	☐
Does the municipality require an Environmental Impact Study or other supporting studies? If yes, please describe. Development Agreement to Implement Noise Study Recommendation see planning report	☑	☐
Does the municipality require a road widening?	☐	☑

Does the Planning Committee or Council wish to recommend that up to 5% of the land if residential, or 2% for commercial or industrial, be set aside as parkland dedication? Or does Council wish to accept cash to the value of 2% or 5% of the land? If Yes, please describe below.

$500 in cash in lieu of parkland	☑	☐

Date: August 10, 2021 Signed: Forbes Symon

Position: Contract Planner Municipality of Village of Merrickville Wolford

Established 1793
Incorporated
Wolford 1850
Merrickville 1860
Amalgamated 1998

Telephone (613) 269-4791
Facsimile (613) 269-3095

VILLAGE OF MERRICKVILLE-WOLFORD

For Clerk's use only, if required: **Recorded Vote Requested By:**		
Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 21

Date: August 24, 2021

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

Be it Hereby resolved that:

That the Council of the Corporation of the Village of Merrickville-Wolford does hereby pass By-Law 17-2021, being a By-Law to stop up and permanently close a portion of the Herbert Street Unopened Road Allowance (Plan 6, Part 1, 15R12131), and to authorize the disposition of the aforementioned property to the abutting landowner, 15803893 Ontario Inc. o/a Park View Homes.

Carried / Defeated

_____

J. Douglas Struthers, Mayor

THE CORPORATION OF THE VILLAGE OF MERRICKVILLE - WOLFORD

BY-LAW No. 17-2021

BEING a By-law to Stop up and Permanently Close a Portion of the Herbert Street Unopened Road Allowance

WHEREAS section 5(3) of the Municipal Act, 2001 states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law, unless the municipality is specifically authorized to do otherwise;

AND WHEREAS the Council of the Corporation of the Village of Merrickville-Wolford, on February 8, 2021, did pass By-law 08-2021, being a by-law to declare a portion of the unopened road allowance of Herbert Street as surplus to municipal needs;

AND WHEREAS the Council of the Corporation of the Village of Merrickville-Wolford has, after due consideration, deemed it in the best interest of the Corporation to stop up and permanently close a portion of the Herbert Street unopened road allowance;

NOW THEREFORE the Council of the Corporation of the Village of Merrickville - Wolford does hereby enact as follows that:

1. That part of Herbert Street, Registered Plan No. 6, being Part 1, 15R12131, in the geographic Village of Merrickville, now in the Village of Merrickville-Wolford, County of Grenville, being part of PIN 68108-0172(LT) is hereby stopped up and permanently closed.

2. That the Clerk shall cause a certified copy of this By-law to be registered on the title to that part of land described above.

3. That the Mayor and Clerk are hereby authorized to sign or execute such deeds or other documents that may be necessary to effect conveyance to 15803893 Ontario Inc. o/a Park View Homes of that part of land described above.

3. This By-law shall take effect immediately upon the passage thereof.

READ a first and second time this 24th day of August, 2021.

READ a third and final time and passed this 24th day of August, 2021.

_____
J. Douglas Struthers, Mayor

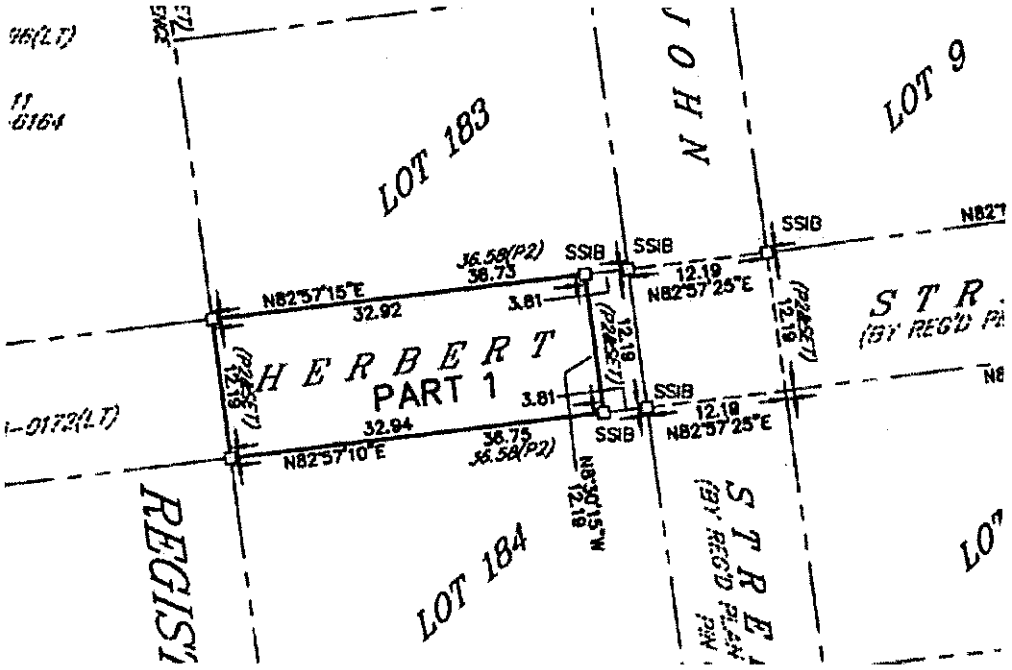
_____
Doug Robertson, CAO/Clerk/
Director of Economic Development

MERRICKVILLE-WOLFORD
Jewel of the Rideau

Notice of Intention to Sell Land

TAKE NOTICE: The Council of the Corporation of the Village of Merrickville-Wolford, at their meeting of February 2, 2021 passed By-law 10-2021, being a by-law to declare the following property surplus to municipal needs:

The property legally described as a portion of Herbert Street, Plan 6, Merrickville, West of St. Lawrence Street, formerly in the Village of Merrickville, now in the Village of Merrickville-Wolford, having dimensions 32.94 m (108.07 ft) x 12.19 m (39.99 ft), as shown below.



FURTHER TAKE NOTICE: The Council of the Corporation of the Village of Merrickville-Wolford intends to stop up, close and authorize the disposition of the aforementioned property to the abutting landowner (Parkview Homes Inc). This notice is given in accordance with By-law 08-10, being a by-law to establish a municipal policy with regard to the sale of municipal lands as required by Section 270 (1) of the *Municipal Act, 2001*.

ADDITIONAL INFORMATION: For more information regarding the intention to sell the aforementioned property, contact:

Kirsten Rahm
Treasurer
finance@merrickville-wolford.ca
Tel: 613-269-4791 ext. 228

or

Stacie Lloyd
Manager, Community Development
edo@merrickville-wolford.ca
Tel: 613-269-4791 ext. 242

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Merrickville 1860
Amalgamated 1998

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Facsimile (613) 269-3095

VILLAGE OF MERRICKVILLE-WOLFORD

For Clerk's use only, if required:		
Recorded Vote Requested By:		
Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 21

Date: August 24, 2021

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

Be it Hereby resolved that:

That the Council of the Corporation of the Village of Merrickville-Wolford does hereby receive a request from the Merrickville Makers Market for In-Kind services in the amount of $190 for their event on September 11, 2021; and

That Council does hereby approve their request for In-Kind services.

Carried / Defeated

_____

J. Douglas Struthers, Mayor

Kirsten Rahm

From: Brad Cole
Sent: Wednesday, August 18, 2021 11:20 AM
To: Kirsten Rahm
Subject: FW: Makers Market

HI,

FYI this is the request from the maker's market.

Thanks

Brad Cole
Fire Chief/ CEMC
Merrickville Fire
613-269-4791 Ext 233
Cell 613-326-4287
firechief@merricville-wolford.ca

From: Robin Hernando <chatterfieldfarm@gmail.com>
Sent: Tuesday, August 17, 2021 8:04 PM
To: Brad Cole <firechief@Merrickville-wolford.ca>
Subject: Re: Makers Market

Hi Brad,
Sorry I forgot to send this- I hope it can get into the agenda in time?

Members of Council:

We were pleased to receive word from Village staff the last week of July that the Makers Market application to host an event at the Merrickville Fairgrounds on September 11 was approved. We signed a contract, and our rental fee and insurance premium were paid in

full on July 29.

Brad Cole was kind enough to respond last week. In his email, he indicated that we should submit a letter to Council detailing our "in-kind" requests. Please accept this email as our formal inquiry.

*We would like to place signage at the corner of Main Street and St. Lawrence Street. This signage would direct people to the fairgrounds. It would be professionally produced and placed in a location so as not to impede vehicular or pedestrian traffic (likely at the parkette by the Blockhouse). It would go up the morning of the market and be removed at the end of the day (the market runs from 10 am to 3 pm).

*We will be using the concrete pad by the shed in the center of the track for our rental port-a-potties and wash station (as per our site plan). Presently, we believe there are picnic tables stacked up there. Can these be moved to another location outside of our market area for the duration of our event? Perhaps at the outside perimeter of the track or directly beside the community center? Our port-a-potties will be delivered by STAR Toilet Rentals in Kemptville at some point the day before (September 10).

*Would it be possible for the grass within our market area to be mowed in advance of our event? Furthermore, In order to ensure we meet strict COVID safety regulations, we want to ensure our market booths are appropriately spaced. Would it be permissible for us to use lawn marking chalk on the mown grass the day before (September 10)?

*Finally, it is our intention to leave the market space at the end of the day spotlessly clean and garbage-free. We had hoped that we might partner with Sustainable Merrickville-Wolford whereby they would provide volunteers to manage garbage/recycling/compost stations at our event. It is our understanding, however, that this innovation has not yet been approved. In the meantime, however, may we be provided with a minimum of six garbage barrels that can be used by our visitors? And will these barrels be emptied later by Village staff? We are looking for advice on how best to handle the inevitable issue of garbage, please.

According to Mr. Cole, these requests go above and beyond the rental fee and, as such, there may be additional fees involved. Although we fully understand that staff time and wear and tear on certain assets is a consideration, we respectfully request that any associated fees with the above items be waived. We have a tentative date of November 13 booked with the Village for our Christmas market. We believe there is a Council meeting this coming Monday, August 23. We apologize for this last-minute addition to the agenda; and we hope you will be able to give it swift approval in light of our pending event.

Thank you

Margaret Armour & Robin Hernando

On Thu, Aug 12, 2021 at 11:14 AM Brad Cole <firechief@merrickville-wolford.ca> wrote:

Good morning,

The letter would be a way for you to ask Council for permission to use the picnic tables and the garbage cans and the grass cutting. There is a cost to all that stuff for wear and tear and staff time so to be fair we have people ask Council for their permission to use it and if you want to ask them to wave the fees associated with the stuff. Is considered an in-kind service to be able to use Municipal property that is essentially funded threw taxation money and it is best to get Councils permission for such asks.

Thanks

Brad Cole

Fire Chief/ CEMC

Merrickville Fire

613-269-4791 Ext 233

Cell 613-326-4287

firechief@merricville-wolford.ca

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THE CORPORATION OF THE

VILLAGE OF MERRICKVILLE-WOLFORD

For Clerk's use only, if required:		
Recorded Vote Requested By:		
Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 21

Date: August 24, 2021

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

Be it hereby resolved that:

The Council of the Corporation of the Village of Merrickville-Wolford does hereby receive the Closed Meeting Investigation Report, dated August 16, 2021, prepared by Aird & Berlis LLP, for information purposes;

That Council does hereby reaffirm its commitment to open and transparent local democracy by continuing to provide a livestream of electronic meetings of Council, where such meetings are to be open to the public; and

That Council does hereby support the Closed Meeting Investigator's recommendations by directing Village staff to develop a policy or protocol regarding electronic meetings of Council, which outlines the various roles and responsibilities of Village staff, Council, and individual members of Council, including addressing the conduct and livestreaming thereof, in addition to addressing contingencies due to technical difficulties or interruptions in livestreaming.

Carried / Defeated

_____

J. Douglas Struthers, Mayor

AIRD BERLIS

REPORT ON CLOSED MEETING INVESTIGATION 2021-01

THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

John George Pappas

Aird & Berlis LLP

August 16, 2021

AIRD BERLIS

John George Pappas
Direct: 416.865.7719
E-mail: jpappas@airdberlis.com

REPORT ON CLOSED MEETING INVESTIGATION 2021-01

INTRODUCTION

A request for a closed meeting investigation, dated March 25, 2021 (the "**Complaint**"), was filed directly with our office.

We wrote to the Chief Administrative Officer/Clerk/Director, Economic Development (the "**CAO**") for the Corporation of the Village of Merrickville-Wolford (the "**Village**") in our capacity as the closed meeting investigator for the Village ("**Investigator**") to advise of the Complaint and to request copies of all pertinent documentation.

During our in-take and initial processing of the Complaint, the Village was in the midst of preparing its annual budget, with its institutional attention devoted to this task. During the months of April and May 2021, our office worked directly with the CAO to gather documents and information to assist in our investigation.

A typical request for a closed meeting investigation deals with a particular subject matter discussed at a particular meeting of a municipal council. The Complaint, on the other hand, deals with a novel issue. It alleges that all meetings of the Village's Council ("**Council**") since the beginning of the COVID-19 Pandemic in March 2020, which have been held virtually, have not been "open to the public" within the meaning of subsection 239(1) of the *Municipal Act, 2001.*[1]

In particular, the Complaint alleges that Council's failure to simultaneously record and broadcast its virtual meetings in real time (i.e. "livestream"), and to instead choose to post audio-only recordings of meetings after the fact, constitutes an improper closed meeting contrary to section 239 of the *Municipal Act, 2001.*

CLOSED MEETING INVESTIGATOR – AUTHORITY & JURISDICTION

The Village appointed Local Authority Services Inc. ("**LAS**") as its closed meeting investigator pursuant to section 239.2 of the *Municipal Act, 2001*. LAS has delegated to Aird & Berlis LLP its authority to act as the Investigator for the Village.

Aird & Berlis LLP was selected by LAS through a competitive procurement process to provide closed meeting investigation services to its participating municipalities; Aird & Berlis LLP was not directly selected by the Village as its Investigator to act in this particular matter. Prior to accepting any investigation mandate, Aird & Berlis LLP conducts a thorough legal conflict search and makes other conflict inquiries to ensure our firm is in a position to conduct an independent and impartial investigation.

Our jurisdiction as Investigator is set out in section 239.2 of the *Municipal Act, 2001*. Our function includes the authority to investigate, in an independent manner, a complaint made by any person to determine whether the Village has complied with section 239 of the *Municipal Act, 2001* or a

[1] S.O. 2001, c. 25.

by-law enacted under subsection 238(2) (i.e. a procedure by-law) in respect of a meeting or part of a meeting that was closed to the public, and to report on the investigation to Council, together with any recommendations as may be applicable.

THE COMPLAINT

The Complaint was properly filed pursuant to section 239.1 of the *Municipal Act, 2001*. As noted, the Complaint was filed directly with our office on March 25, 2021. It takes issue with all meetings of Council from March 16, 2020 to March 25, 2021.

The Complaint has requested an investigation on the following grounds. The Complaint alleges that, since the start of the COVID-19 Pandemic in March 2020, the public has been "banned" from all council meetings, for a period of a little over a year, and that Council is "using the Pandemic as an excuse not to allow members of the public to attend or view Council proceedings." The Complaint notes that an audio recording of a meeting is posted after the fact, but individuals are not permitted to attend in person or virtually.

In March 2020, the Province made amendments to the *Municipal Act, 2001* to permit municipalities to hold meetings entirely electronically, but this amendment did not "ban members of the public from council meetings or prevent their participation in local government."

The Village amended its procedure by-law on March 23, 2020 to permit electronic meetings. Since that time, the Village has held some meetings by telephone conference and some meetings in person, but has not made arrangements for members of the public to attend. The Complaint claims that members of the public "could be easily and safely accommodated at Council meetings" either in Council Chambers or in another municipal facility. Furthermore, the Complaint notes in the alternative that in light of the multitude of video meeting platforms, there is no acceptable excuse for the Village's failure to livestream its meetings.

ISSUE

The Complaint raises one issue, being whether Council's practice of posting an audio recording immediately following a meeting satisfies the requirement that all meetings be "open to the public" within the meaning of subsection 239(1) of the *Municipal Act, 2001*.

INVESTIGATION

In order to assess the Complaint and to make a proper determination on the issue, we have reviewed the following materials, in addition to the applicable law, as set out below:

- the Complaint;
- the Village's Procedure By-law No. 30-17, including various amendments thereto;[2]
- the meeting minutes, agendas and reports related to the holding of Council meetings during the Pandemic; and

[2] Village of Merrickville-Wolford Procedure By-law No. 30-17, as amended (the "Procedure By-law"); see also By-law No. 26-2020, which was passed after the period of time relevant to the Complaint.

- the Village's YouTube Channel, and the meeting recordings uploaded thereto.

Additionally, we conducted telephone interviews with persons (i.e. witnesses) with direct, relevant knowledge about the subject matter of the Complaint. We fully considered multiple and well-articulated submissions provided to us by the Village throughout the investigation.

We also reviewed, considered and had recourse to such applicable secondary source materials, including other closed meeting investigation reports and relevant case law, that we believed to be pertinent to the issue at hand.

The Village and its representatives were fully cooperative and forthright during our investigation and sought to assist us as required and requested.

A draft copy of this Report was provided to the Village on July 26, 2021 to solicit comments and feedback. The Village's comments have been considered in the finalization of this Report.

This is a report on the investigation of the Complaint made in accordance with subsection 239.2(10) of the *Municipal Act, 2001.*

APPLICABLE LAW

(1) *Municipal Act, 2001*

Subsection 239(1) of the *Municipal Act, 2001* sets out a default rule. It provides that all meetings of Council are to be open to the public, unless otherwise excepted. Therefore, all Council or committee meetings, unless they deal with a subject matter falling within a specific exception set out in section 239, are required to be held in an open forum where the public is entitled to attend. The exceptions to the so-called "open meeting rule" relate to the subject matter under discussion, and not the circumstances surrounding the meeting or type of meeting.

The term "meeting" is defined in subsection 238(2) of the *Municipal Act, 2001* as follows:

> "meeting" means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,
>
> (a) a quorum of members is present, and
>
> (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

Formerly, a municipality was permitted, in its procedure by-law, to allow for limited electronic participation by a member of council in a meeting. A member could attend and participate in a meeting by electronic means, subject to some qualifications. The member would not count toward whether "a quorum of members is present" at any given time. Technically, this prevented a municipality from conducting its business entirely electronically. Moreover, the member could not participate electronically in any portion of a meeting that was closed to the public.[3]

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[3] See also Jody E. Johnson and Rebecca Hines, "Electronic participation at council meetings 101 – understanding the implications of Bill 68", *Municipal World* (June 2018) at p. 11.

In light of the public health emergency and requirement for physical distancing, the legislation made municipal decision-making impractical, and to some extent, even unsafe. Following an emergency sitting of the Legislature on March 19, 2020, the Province enacted the *Municipal Emergency Act, 2020,*[4] which amended the *Municipal Act, 2001* to provide municipalities the statutory authority to conduct meetings entirely electronically for the duration of a municipal or provincial declared emergency.[5] The amendment allowed members participating in a meeting by electronic means to be counted towards quorum, and to participate in closed meetings. These amendments were only intended to apply during a declared state of emergency, and were not intended to be a permanent feature of the legislation.

On July 21, 2020, Royal Assent was given to the *COVID-19 Economic Recovery Act, 2020*[6] which, among other things, adopted a more permanent solution to electronic meetings. This statute made several amendments to the *Municipal Act, 2001* to enshrine electronic participation in meetings after the expiration of a declared state of emergency (whether provincial or local). At present, these amendments permit a municipal council to conduct meetings entirely electronically should a municipality so choose.

However, these amendments did not obviate a municipality's obligations under the open meeting rule. Municipalities, and especially municipal clerks, were required to quickly comprehend and implement virtual meetings while still adhering to the open meeting rule. Although the appearance of a virtual meeting may be very different from a conventional, in-person meeting, the principles of openness and transparency underlying the open meeting rule still require that a citizen be able to observe a municipality's decision-making process. Practically, this requires some form of live-streaming of meetings held by electronic means.

(2) Procedure By-law

Subsection 238(2) of the *Municipal Act, 2001* requires the Village to pass a procedure by-law that governs the calling, place and proceedings of meetings. The Village adopted the Procedure By-law pursuant to this direction.

On March 23, 2020, Council passed By-law No. 26-2020 to amend the Procedure By-law to reflect the new permissions in the *Municipal Emergency Act, 2020.* Notably, and despite the limited permissions in the *Municipal Emergency Act, 2020,* the meeting at which this amendment was adopted was held in person, though the Mayor announced that it was not safe for the public to attend on account of the Pandemic.

Despite the passage of the *COVID-19 Economic Recovery Act, 2020* in July 2020, Council did not amend its Procedure By-law to reflect the most recent electronic meeting permissions until April 12, 2021 by passage of By-law No. 14-2021.

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[4] S.O. 2020, c. 4.

[5] We note that the first COVID-19 Emergency Declaration was issued on March 17, 2020, and lifted on July 24, 2020.

[6] S.O. 2020, c. 18.

During the period of time relevant to the Complaint, the provisions of the Procedure By-law regarding electronic meetings included the following:

- in order to participate in meetings of Council, members must be physically present in Council Chambers unless a state of emergency has been declared in the municipality or the Province;
- during a declared emergency, members participating electronically in a meeting may be counted in determining whether or not a quorum of members is present;
- a member can participate electronically in closed meetings, but that member is responsible to take all measures to ensure the security in the event that a closed meeting is held electronically;
- where a state of emergency has been declared and, as a result, the Village Office and Council Chambers have been closed to the public in order to protect the health and safety of residents and employees, electronic meetings of Council that are not closed will be open to the public via technological means, when physical attendance is not possible;
- motions shall not be required to be made in writing during an electronic meeting; and
- all votes during an electronic meeting shall be recorded votes, and that all members eligible to vote shall announce their vote verbally in alphabetical order.[7]

BACKGROUND

As noted above, the purpose of our investigation is to determine whether Council's practice of posting an audio recording of a meeting in lieu of a livestream was sufficient to comply with the open meeting rule. For the purpose of our investigation, we have been asked to review the meetings of Council held between March 16, 2020, the start of the public health emergency, to March 25, 2021, when the Complaint was filed.

1. COVID-19 and Municipal Emergency Declaration

COVID-19 is a novel, potentially lethal coronavirus, transmissible through direct human contact. In early 2020, the COVID-19 Pandemic took hold in Ontario. On March 11, 2020, the World Health Organization declared it to be a pandemic. By mid-March 2020, there was widespread public concern about the grievous risk to public health and safety. Although little was understood about exactly how the virus could spread, many organizations, business and governments began implementing measures to curb its spread, among which were remote working and social distancing. To some, direction from the Provincial government and public health units was unclear and seemingly contradictory.

On Friday, March 13, 2020, the CAO, as the Chair of the Municipal Emergency Control Group ("**MECG**"), activated the Emergency Operations Centre and Emergency Response Plan to address the rapidly growing concerns with the Pandemic. The MECG approved the closure of all municipal facilities, effective March 17, 2020, to protect public safety and minimize the spread of COVID-19. At the time, this was viewed as an overreaction to a developing situation, although a

[7] Procedure By-law, Section 3.9 – Meetings in the Event of a Declared Emergency. This section has been repealed and replaced by By-law No. 14-2021, which added Section 3.9 – Electronic Meetings.

decision which would soon be well-justified.

On Monday, March 16, 2020, Council held a live, in-person Special Emergency Meeting in Council Chambers. Although the Municipal Offices were still open at this time, it is our understanding that this meeting was not attended by any member of the public. At this meeting, Council was advised of the activation of the Emergency Response Plan and the closure of municipal facilities, and passed a resolution requesting that the Public Library Board and Police Services Board cancel all meetings until further notice.

Council's next scheduled meeting was not until March 23, 2020. By this time, the Province had declared a state of emergency pursuant to the *Emergency Management and Civil Protection Act*,[8] and passed the *Municipal Emergency Act, 2020.*

Council's meeting on March 23, 2020 was held in person in Council Chambers. At this point in time, the closure of municipal facilities had come into effect, although for operational matters only. The Municipal Offices were actually open for Council's in-person meeting. We understand that the Village's Fire Chief attended the front door of the Municipal Offices to direct members of the public that wished to attend the meeting. Despite this, the evidence of our investigation is that no member of the public attended this meeting.

The Agenda for the March 23, 2020 meeting contained the following notice:

> "IMPORTANT NOTICE: As required by provincial legislation, this meeting is open to the public. However, due to the unprecedented situation in Ontario related to the COVID-19 Pandemic and current state of emergency declared by the Province, for the purposes of public safety, we are requesting that the public not attend this meeting.
>
> We remind people of the importance of practicing social distancing and self-isolation, and abiding by [hyperlinks to various public health guidelines omitted]"

At its meeting on March 23, 2020, Council passed By-law No. 26-2020 to amend the Procedure By-law to adopt the permissions for electronic meetings set out in the *Municipal Emergencies Act, 2020.*

Further, Council passed Resolution 120-20, with the effect of suspending the regularly scheduled Council meetings until the call of the Mayor or until the state of emergency had terminated.

Shortly after the meeting was adjourned, the Village posted an audio recording of the meeting to its YouTube Channel. We understand that the meeting was not livestreamed.

2. Further Council Meetings Following the Emergency Declaration

Council next met on April 9, 2020 for a Special Council Meeting. This was the first meeting of Council that was held using electronic means. The meeting was conducted partially electronically by telephone conference. The Mayor, the CAO, the Deputy Clerk, and the Treasurer were

[8] R.S.O. 1990, c. E.9.

physically present but distanced in Council Chambers, while all other members of Council participated by telephone conference.

The Agenda for the April 9, 2020 meeting contained the following notice, which was similar to but substantially different from the notice contained in the Agenda of March 23, 2020:

> "IMPORTANT NOTICE: This meeting will be held electronically via teleconference. In order to ensure transparency, an audio recording of this meeting will be posted on the website immediately following adjournment."

At the outset of this meeting, the Mayor made some remarks regarding Council's procedure during electronic meetings "for the public record." This meeting was not livestreamed or otherwise broadcast. Instead, an audio recording of the meeting was posted on the Village's YouTube Channel following the meeting.

Council held its meetings partially by telephone conference from April 9, 2020 to June 22, 2020, for a total of seven (7) meetings. It is our understanding that none of these meetings were livestreamed, but rather, they were all audio recorded and a copy of the recording was posted following the conclusion of the meetings. Importantly, the telephone conference dial-in information was not circulated publicly, and members of the public could not join the telephone conference line for any of the aforementioned meetings.

The Village experienced significant difficulty utilizing and fully adopting technological means for electronic meetings. There were practical limitations for members of Council to fully participate in electronic meetings, which are detailed below in this Report.

Despite the repeated efforts of Village staff, there was some recognition that members of Council would only be able to participate fully in discussion, debate and deliberation if meetings were held in-person while still adhering to social distancing and other public health guidelines.

By July 2020, Council reverted back to holding in-person meetings. Between July 10, 2020 and March 22, 2021, Council held 19 meetings in person in Council Chambers. None of these meetings were livestreamed or otherwise broadcast. Instead, an audio recording was posted to the Village's YouTube Channel immediately following the meetings. Furthermore, the agenda for each of these meetings contained the following notice:

> "IMPORTANT NOTICE: This meeting will be held in person at the Council Chambers. However, due to the Provincial Emergency Orders still in effect, we are unable to safely accommodate the public at this meeting. In order to ensure transparency, an audio recording of this meeting will be posted on the website immediately following adjournment."

3. Technical and Other Impediments to Adopting Electronic Meetings

The Pandemic presented significant challenges for many municipalities in conducting business. Although some limited matters could be dealt with through delegations of authority, municipal councils were still required to hold meetings and make certain decisions. Some municipalities were well-equipped to implement electronic meeting and livestreaming platforms in short order. For many municipalities, the resources and technical expertise to quickly implement electronic meetings were not immediately available. These issues were further compounded by the lack of

high-speed internet service to carry out such electronic meetings in many parts of Ontario. Unfortunately, the Village fell in this latter category.

At the very outset of the Pandemic, the best advice to municipalities unable to immediately implement a livestream or broadcast of meetings was to make video or audio recordings of council or committee proceedings and publish these recordings as soon as practicable after the fact. While not a genuine replacement for livestreaming or in-person attendance, this practice may have been a reasonable and contextually appropriate way to satisfy the requirement for openness and transparency, although only as an interim, temporary measure.

Throughout the Pandemic, Village staff made significant efforts with the limited resources available to it in order to foster an open and transparent decision-making process. The Village also sought legal advice in good faith as to how to implement its new statutory authority in respect of electronic meeting.

Between April and June 2020, Council used a telephone conferencing system to connect members of Council with one another. We understand that this was the only resource immediately available to the Village and members of Council.

The evidence of our investigation was that telephone conference dial-in information was not circulated publicly such that members of the public could join the telephone conference line. It is our understanding that the Village did not publicly circulate the telephone conference details on account of well-founded concerns that these meetings would be ineffective.

First, the host of the telephone conference platform (i.e. the Village) would not have any ability to mute, control, or eject any individual participant from the meeting. The only practical way to prevent someone from speaking, especially without authority, would be to end the telephone conference call and adjourn the meeting.

Second, there had historically been many interruptions and interjections by members of the public at Council meetings. Our office was provided evidence of numerous public interruptions during Council's proceedings prior to the Pandemic. In the Village's view, the combination of these issues would cause confusion among members of Council as to whom comments were attributable, and, more importantly, diminish the integrity of the voting procedure.

Notwithstanding this, Council's telephone conference meetings were not without difficulty. We understand there was a steep learning curve amongst the members of Council regarding how to join and participate in a telephone conference, which was not a familiar medium. Once connected, members of Council experienced difficulty identifying one another by voice only. Even if members of Council did identify themselves before speaking, some members of Council began experiencing difficulty following discussion and participating to their fullest capacity without observing other members of Council. This created difficulty in tracking the proceedings of Council, and, in the Village's view, could have compromised the integrity of Council's proceedings.

Further, it is our understanding that some members of Council suffer from hearing impairments. This made the audio-only format very difficult to follow. Whereas the members of Council would normally have the benefit of physical presence and non-verbal communication to follow along with the proceedings of Council, these features were lost in telephone conferences.

Village staff actively investigated what alternative means for holding virtual meetings were available. Village staff considered the most common videoconferencing platform adopted by

municipalities in Ontario, being Zoom, which is a web-based video conferencing software program. This program was also not without its difficulties. Members of Council required substantial training on how to use this platform. Despite the repeated efforts of Village staff, there were difficulties connecting all members of Council in trial-runs. In addition, parts of the Village lack access to the high-speed internet necessary to conduct such meetings.[9]

On account of these compounding issues, the Village decided that the only effective way to ensure all members of Council were able to effectively participate in meetings was to revert back to conducting in-person meetings, which, at the time, came with its own risks.

Nevertheless, Village staff worked diligently to ensure adherence to public health protocols such as physical distancing and mask wearing. Although members of Council and Village staff met in-person, members of the public were not invited to physically attend Council Chambers during these meetings.

We understand that Village staff did not actively lock the doors to the Municipal Offices during this time, and that members of the public could, in theory, have attended these meetings in person. Despite this, the evidence of our investigation demonstrates that there were no instances in which a member of the public attended or attempted to attend such a meeting.

Furthermore, given the advice of public health officials, representations of the Village, and general reluctance of persons to gather in public, it is reasonable to conclude that members of the public were not at all encouraged or advised to physically attend these meetings of Council. Instead, they were advised that an audio recording of the meeting would be posted following each of the meetings.

In lieu of livestreaming or physical attendance, the Village has consistently posted audio recordings of each meeting on its YouTube Channel and/or website immediately following every meeting. We have been advised that no directions or decisions of Council were implemented or acted on by Village staff prior to the audio recordings being made available to the general public. In the view of the Village, this was to ensure further transparency of the decision-making process and provide the public with an opportunity to understand the decisions of Council before they were acted on by the municipality.

4. The Village Adopts Live Streaming Procedures

In March 2021 – shortly before the Complaint was filed – the Village announced it would begin livestreaming Council meetings through a combination of Zoom and YouTube platforms.

On Tuesday, April 6, 2021, Council held a Special Meeting in-person in the Council Chambers. This was the first meeting that was livestreamed by the Village. The Agenda for Council's meeting contained the following notice:

> "IMPORTANT NOTICE: This meeting will be held in person at the Council Chambers. However, due to the Provincial Emergency Orders still in effect, we are unable to safely accommodate the public at this meeting. In order to ensure

[9] We note that lack of access to high-speed internet has been a pervasive problem in many rural areas and in Northern Ontario. We are aware that staff in the Ontario Ombudsman's office have met with officials from the Ministry of Municipal Affairs and Housing and the Ministry of Infrastructure to discuss the impact of poor internet connection on open and transparent municipal meeting practices.

> transparency, the audio of this meeting will be livestreamed at https://youtu.be/Qzy9CXBmhFg and posted on the website immediately following adjournment."

Every meeting of Council since this meeting has been livestreamed through the Village's YouTube Channel.

FINDINGS

Did Council's practice of posting an audio recording immediately following meetings of Council satisfy the requirement that all meetings be "open to the public" within the meaning of subsection 239(1) of the *Municipal Act, 2001*?

Based on our review of the evidence, on a balance of probabilities, Council's practice of posting an audio recording immediately following meetings of Council was not in keeping with the requirements of the open meeting rule in the *Municipal Act, 2001*. This practice may have been minimally satisfactory at the outset of the Pandemic, in the context of an uncertain landscape and scarcity of resources. We appreciate the immense pressure the Village faced in the early days of the Pandemic. However, as municipal powers to conduct meetings electronically grew in lockstep with the technological options available to municipalities, Council ought to have adopted some form of live broadcast within a reasonable period of time.

While there have certainly been growing pains in adapting to these technologies, Council has fully implemented livestreaming for its meetings. The concerns outlined in the Complaint are now somewhat moot. Nevertheless, it is important to fully understand and consider Council's practice.

(a) Background to Open Municipal Meetings in Ontario

The open meeting rule, in its modern iteration, is a relatively new concept in the history of municipal government in Ontario. Historically, all meetings or deliberations of municipal council were commonly held *in camera* (i.e. Latin for "in chambers"), which meant the exclusion of the public. As early judicial decisions declared, there was no common law obligation that meetings be open to the public.[10] The open meeting rule is a creation of statute.

Some version of the open meeting rule has existed in Ontario for nearly a century, first adopted pursuant to *The Consolidated Municipal Act, 1922*.[11] This version of the open meeting rule provided for a substantively different public right from its modern counterpart. Whether a meeting was to be open to the public depended on the type of meeting being held, not the subject matter being discussed. In general, regular meetings of council were open to the public, whereas committee and other meetings were closed to the public, and could only be opened in the discretion of council.[12]

This led to a recurring issue in many municipalities. Municipal councils would utilize lengthy special meetings or committee meetings which, technically, were properly closed to the public in order to discuss matters without public scrutiny, and subsequently ratify their decisions in a regular council meeting with minimal discussion.[13] The result was an opaque decision-making

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[10] See e.g. *Journal Printing Co. v. McVeity* (1915), 1915 CarswellOnt 86, 33 O.L.R. 166 (Ont. C.A.).

[11] S.O. 1922, c. 72, s. 199:

> **199** (1) The ordinary meetings of every council shall be open and no person shall be excluded therefrom except for improper conduct.

[12] R. O'Connor, *Open Local Government 2: How crucial legislative changes impact the way municipalities do business in Canada* (2004), at p. 25.

[13] 1984 Ontario *Report of the Provincial/Municipal Working Committee on Open Meetings and Access to Information* (p. 2).

process whereby citizens were informed of the decisions made by council without an opportunity to understand or observe how those decisions were made.

In response, in 1994, the provincial government enacted Bill 163, the *Planning and Municipal Statute Law Amendment Act, 1994*[14] which adopted the contemporary version of the open meeting rule which is reflected in section 239 of the *Municipal Act, 2001*.

(b) The Open Meeting Rule

In Ontario, the open meeting rule is enshrined in subsection 239(1) of the *Municipal Act, 2001,* which provides as follows:

> **Meetings open to public**
>
> **239** (1) Except as provided in this section, all meetings shall be open to the public.

The exceptions to the rule are based on the subject matter discussed at a meeting, not the surrounding circumstances or type of meeting. There are no other qualifiers to the requirement that all meetings be open. For all intents and purposes, absent an applicable exception, the requirement that a meeting be open to the public is absolute.

The rationale for the open meeting rule is twofold: to increase public confidence in local government, and to prevent secrecy in municipal decision making.[15] In this sense, the open meeting rule serves to protect the public's right to observe the local democratic process.

This rationale has been further described by the Supreme Court of Canada in its oft-cited judgment in *R.S.J. Holdings Inc. v. London (City)*:

> Municipal law has changed to require that municipal governments hold meetings that are open to the public, in order to imbue municipal governments with a robust democratic legitimacy. The democratic legitimacy of municipal decisions does not spring solely from periodic elections, but also from a decision-making process that is transparent, accessible to the public, and mandated by law.[16]

In this regard, the Supreme Court of Canada drew a distinction between the public's right to *participate* in a meeting with the public's right to *observe* municipal government in action. The Court also wrote that there is a

> ...clear distinction between a citizen's right to notice and participation, and his or her right to observe municipal government in process. The open meeting requirement set out in s. 239 of the *Municipal Act, 2001* concerns the latter.[17] [emphasis added]

In the conventional, pre-Pandemic sense, a meeting would be considered "open" if members of the public could physically attend and/or freely observe the meeting as it happened. Conversely,

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[14] S.O. 1994, c. 23.

[15] *Brantford (City) v. Montour* (2013), 15 M.P.L.R. (5th) 175, at para. 45 (Ont. C.A.).

[16] *R.S.J. Holdings Inc. v. London (City)* (2007), 36 M.P.L.R. (4th) 2, at para. 38 (S.C.C.).

[17] *Ibid*, at para. 32.

if the public was excluded from the meeting for any reason, it was not an open meeting. The *Municipal Act, 2001* does not impose any specific requirement that an audio or video recording of a meeting be made or published by the municipality, although this had become a common practice even before the Pandemic in furtherance of the concepts transparency and accountability.

The requirement for openness does not simply relate to the decisions or outcomes of a council meeting. One would not say they watched a hockey game from simply finding out the final score. In this regard, the open meeting rule attaches to the process of a meeting itself, being the event of debate, deliberation and voting. Otherwise, the requirement for openness would be met by publishing some record of the proceedings after the fact, which would be redundant in light of the practice of keeping meeting minutes.

(c) Observation does not mean Participation

Absent some statutory requirement, no member of the public has an absolute right to participate in a council meeting. This principle was articulated by the Ontario Divisional Court in *Brisson v. Hill*[18] as follows:

> No person has an absolute right to appear before a municipal council meeting merely by making a demand to be heard. The mayor and council have the right to control their own process provided they do not do so arbitrarily or in bad faith.

The above quote and the judicial commentary on section 239 of the *Municipal Act, 2001* make clear that the open meeting rule does not require that members of the public be able to participate, be heard, or personally engage in meetings of council. Rather, the open meeting rule concerns the public's right to observe municipal decision-making in process. This principle should be borne in mind when considering whether a particular means of electronic meeting complies with the requirement for open meetings.

(d) Determinations by Other Closed Meeting Investigators

Although not strictly binding on our investigation, the analysis of other closed meeting investigators provides some helpful insight in approaching the present issue.

(i) Pre-Pandemic Cases

In the pre-Pandemic context, the Office of the Ombudsman of Ontario (the "**Ombudsman**") concluded that posting an audio or video recording after a meeting was not sufficient to comply with the open meeting rule. The Ombudsman's report "Access Denied"[19] dealt with meetings of council for the City of Clarence-Rockland from which members of the public were excluded. As a result of a complete loss of decorum on the part of members of the public, the mayor directed that the council meeting be moved from council chambers, in which members of the public were comfortably seated, to a small conference room in the municipal offices, which was too small to accommodate members of the public.

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[18] *Brisson v. Hill*, 2008 CarswellOnt 615 (Ont. Div. Ct.).

[19] See Ombudsman of Ontario, *Investigation into whether Council for the City of Clarence-Rockland held illegal closed meetings on August 27 and September 15, 2014 "Access Denied"* (December 2014), online: https://www.ombudsman.on.ca/resources/reports-and-case-summaries/municipal-meetings/2015/city-of-clarence-rockland-access-denied%E2%80%9D

The mayor also invited the video crew from a local television station to attend the meeting, and other members of the media joined the meeting once it resumed. A live video feed of the meeting was not provided. Instead, a video recording of the entire meeting was posted online after the meeting.

In coming to his conclusion, the Ombudsman cited the Supreme Court of Canada's statement that the public has "the right to observe municipal government **in process**." (emphasis added in original report) By excluding members of the public from the meeting, and holding it at a location that was inaccessible to the public, the city had effectively turned it into a closed meeting. The Ombudsman went on to write as follows:

> The fact that a video of the session was available for viewing some time later does not make up for the fact that the public was effectively barred from attending while council business was being transacted. If this were sufficient to allow council to meet its open meeting obligations, municipal meetings could take place at any time behind closed doors, as long as a recording was available for public viewing at a later date. This was clearly not the intention of the framers of the open meeting requirements.

The Ombudsman's report makes clear that the spirit and intent of the open meeting rule is that members of the public be able to observe council transact its business in real time. If the open meeting rule could be satisfied by a *post facto* recording of the meeting, council could discuss business at any time, so long as a record was eventually made public.

(ii) Cases During the Pandemic

Since the Pandemic and the adoption of electronic meetings, other closed meeting investigation reports have concluded that in lieu of physical attendance to adhere to public health protocols, some form of livestreaming must be provided in order to satisfy the open meeting rule. Where the public is excluded from observing the proceedings of a meeting in real time, for whatever reason, that meeting is improperly closed to the public.[20]

In a report regarding the City of Richmond Hill, the Ombudsman found that the city contravened the open meeting rule by failing to live broadcast the portions of a special closed session meeting that would ordinarily be open to the public.

On April 22, 2020, Council was to hold a regular meeting through videoconference, which would be immediately followed by a special meeting to deal with a closed session agenda item. The meetings had separate electronic meeting invitations. This required members of council to log-out of the videoconference for the regular meeting and subsequently log into another videoconference link for the closed session discussion. However, members of the public were not provided a hyperlink or electronic meeting invitation for the second videoconference.

Council's special meeting began at 10:10 AM with the requisite resolution to go into closed session under subsection 239(4) of the *Municipal Act, 2001,* which obligates council to pass a resolution before going into closed session (i.e. closing a meeting to the public). This portion of

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[20] See e.g. Ombudsman of Ontario, *Investigation into meetings held by the City of Richmond Hill on April 16, 2019; May 14, 2019; April 1, 2020; April 22, 2020; and May 14, 2020* (March 2021), online: https://www.ombudsman.on.ca/resources/reports-and-case-summaries/municipal-meetings/2021/city-of-richmond-hill

the meeting was not broadcast to the public in any form. The council reconvened in open session at 11:36 AM, at which point a live broadcast of the meeting began.

Similarly, the council held an emergency special meeting on May 14, 2020 via videoconference to consider an urgent, time-sensitive matter in closed session. However, the city did not broadcast any portion of this meeting live, and members of the public were not permitted to attend the council chambers to observe any portion of the meeting in person.

The Ombudsman found that the failure to broadcast portions of meetings was not in keeping with the requirement for open meetings. Citing the Supreme Court's decision in *RSJ Holdings Inc. v. London (City)*, the Ombudsman stressed that the public has a right to observe municipal government in process, especially when electronic meeting formats are adopted. The Ombudsman commented that whenever the public is excluded from in-person attendance, it is imperative that whatever alternative electronic format is selected enables the public to observe all portions of a meeting except a duly constituted closed session. To this end, the Ombudsman held that the "expedited publication of minutes or a post-facto recording of a meeting, while commendable, are not a substitute for enabling the public to observe a meeting while it is happening."

By way of contrast, in a report regarding the Township of Russell,[21] the Ombudsman found that despite confusion caused by the late publication of a hyperlink at which members of the public would be able to watch the meeting, the Township did not contravene the open meeting rule. The evidence gathered by the Ombudsman was that members of the public were able to view the live webcast of the meeting, and also submit questions to the council. As such, the public was not excluded from observing the meeting in progress.

On other occasions, the Ombudsman has found that even where a livestream has been interrupted or has ceased due to technical difficulties, proceeding to conduct a meeting without a proper livestream constitutes a breach of the open meeting rule.[22] For example, where the livestream of a municipal advisory committee was interrupted by the host's sudden loss of internet connection, the Ombudsman found that the advisory committee's decision to proceeding in spite of the livestream interruption, which lasted for a period of 23 minutes, constituted a breach of the open meeting rule. In addition, where a municipality experienced technical difficulties with livestreaming a single meeting of council, alerting residents and local media that a recording would be made available after the meeting was not enough to comply with the open meeting rule.[23]

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[21] See Ontario Ombudsman, *Investigation into a complaint about a special meeting held by the Township of Russell on April 2, 2020 by electronic participation* (April 2020), online: https://www.ombudsman.on.ca/resources/reports-and-case-summaries/municipal-meetings/2020/township-of-russell

[22] See Ombudsman of Ontario, *Investigation into a complaint about a meeting held by the Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee for the City of Hamilton on October 20, 2020* (April 2021), online: https://www.ombudsman.on.ca/resources/reports-and-case-summaries/municipal-meetings/2021/city-of-hamilton

[23] Ombudsman of Ontario, *Investigation regarding meetings held by the Village of Westport on September 15, 2020* (March 2021), online: https://www.ombudsman.on.ca/resources/reports-and-case-summaries/municipal-meetings/2021/village-of-westport

(e) Council's Meeting Practices were not "Open to the Public"

Based on our review of the relevant authorities and evidence obtained during our investigation, Council's practice of posting audio recordings of its meetings following adjournment and in lieu of providing a livestream was not sufficient to satisfy the requirements of the open meeting rule as a non-interim measure. Members of the public were excluded from observing the meetings of Council in process.

After-the-fact audio recordings are merely a record of what has happened, not what is happening. If this could satisfy the requirement that meetings be open to the public, Council could meet privately at any time, so long as a recording was eventually made public. This would defeat one of the underlying rationales of the open meeting rule, being to prevent secrecy in municipal decision-making.

Furthermore, if this practice were sufficient to achieve compliance with the open meeting rule, questions abound as to how soon after the meeting a municipality must publish the record, or more pertinently, how long could a municipality could wait before publishing a meeting.

The extraordinary circumstances of the COVID-19 Pandemic forced many municipalities to make adjustments to their ordinary operations. In Mayor Struthers' words at the meeting of Council on April 9, 2020, it was "business as usual, but not the way we usually do the business." This was especially difficult where municipalities lacked the financial, institutional or even infrastructural resources to immediately implement livestreaming. The Village is no exception. We appreciate the efforts of Village staff to keep the business of the municipality moving while also ensuring transparency, accountability and openness, all while combatting the stress and uncertainly of a global pandemic.

Posting audio recordings of Council meetings may have been the only means to ensure transparency in decision-making at the very outset of the Pandemic when there was little understanding of how to conduct virtual meetings. *Post facto* audio recordings may have been an appropriate interim measure in this context. However, as time went on, many municipalities adopted means of livestreaming meetings. Council did not. Despite best efforts, it had its own technological and practical impediments to adopting electronic meetings, which in turn impeded its ability to livestream meetings.

Between April and June 2020, for a total of seven (7) meetings, Council utilized a telephone conference line to conduct its meetings. As detailed earlier in this report, the telephone conference dial-in information was not circulated publicly, and members of the public were not able to join the telephone conference line to listen to (i.e. "observe") Council transact its business in real time. As such, we conclude that these meetings were not open to the public in accordance with the open meeting rule.

When Council reverted back to conducting its business through in-person meetings between July 2020 and March 2021, for a total of 19 meetings, it posted audio recordings of the meeting following adjournment, but did not livestream its meetings or represent to members of the public that they were invited to physically attend these meetings. These meetings were also not open to the public. We make this finding in spite of the fact that members of the public could, in theory, have accessed Council Chambers as the doors to the Municipal Offices were unlocked; members of the public were discouraged from attending through a combination of public health guidance not to gather in groups, social circumstances, and Council's notice that audio recordings would

be made available after its meetings.[24] As such, we conclude that these meetings were also not open to the public in accordance with the open meeting rule.

We do note however that the March 16, 2020 and March 23, 2020 meetings, having been conducted in person and in a facility that members of the public were able to attend, did not contravene the open meeting rule.

Based on our review of the entire evidentiary record, it is our view that it was not Council's intent to conduct its affairs in secrecy, nor do we make any finding in this regard in this Report. To the contrary, Village staff with whom we spoke assured us that no action was taken on Council's direction or decisions until after an audio recording of the meeting was posted on the Village's website. Again, this was a laudable action by the Village to uphold both transparency and the public trust. However, it was not sufficient to comply with Council's obligation that its meetings be open to the public as a matter of going concern.

CONCLUSIONS

Based on the foregoing, we conclude that Council's practice of posting an audio recording of its meetings after the fact and in lieu of providing a livestream of its meetings was not in full compliance with the open meeting rule. While this may have been a sufficient alternative for the first few meetings during the Pandemic, Council ought, in our view (having taken into account technological, budgetary, staffing and training constraints) to have implemented some form of live broadcast of its meetings within a reasonable period of time.

We recognize that as of writing this report, the Village has successfully implemented livestreaming services for all of its Council meetings.

RECOMMENDATIONS

We understand that the Village has now fully transitioned to livestreaming its meetings through a combination of Zoom and YouTube platforms. By virtue of its efforts, the Village has come into full compliance with the open meeting rule, as it is understood and applied in the context of virtual meetings. Furthermore, we understand that an audio recording of every meeting of Council since the Pandemic began is available on the Village's website and/or YouTube Channel. As such, the Complaint argues what is essentially a moot point about a technological issue which has since been resolved.

However, we wish to make some prospective recommendations to assist the Village in maintaining its livestreaming program.

---

[24] In contrast, see Ontario Ombudsman, letter to Bryan Brooks, CAO/Clerk, Township of Stone Mills (December 22, 2020), re Complaints about council meeting practices, online: https://www.ombudsman.on.ca/resources/reports-and-case-summaries/municipal-meetings/2020/township-of-stone-mills

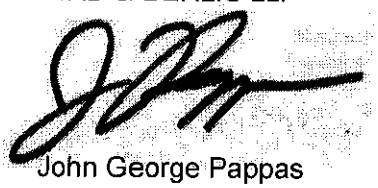
In this letter, the Ombudsman found that the Township's Pandemic-era meetings, which were held in person while adhering to social distancing, were in fact open to the public despite not being live streamed. The Ombudsman noted that the Township's meeting agendas notified the public that they would be able to physically attend the meetings of council.

We recommend that Council adopt a policy regarding the conduct and livestreaming of virtual meetings which outlines the various roles and responsibilities of Village staff, Council, and individual members of Council. Such a policy should also address contingencies due to technical difficulties or interruptions of livestreaming. Where possible, the policy should also identify a "backup" method for broadcasting meetings of Council.

This Report has been prepared for and is forwarded to Council for its consideration. We note that subsection 239.2(11) of the *Municipal Act, 2001* provides that this Report is to be made public.

Subsection 239.2(12) of the *Municipal Act, 2001* requires that Council pass a resolution stating how it intends to address the report.

AIRD & BERLIS LLP



John George Pappas

Closed Meeting Investigator for The Corporation of The Village of Merrickville-Wolford

Dated this 16th day of August, 2021

45153585.5

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Merrickville 1860
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VILLAGE OF MERRICKVILLE-WOLFORD

For Clerk's use only, if required: **Recorded Vote Requested By:**		
Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 21

Date: August 24, 2021

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

Be it hereby resolved that:

The Council of the Corporation of the Village of Merrickville-Wolford does hereby receive report FIN-13-2021, being a report regarding the removal of outstanding taxes from the tax roll, for information purposes; and

That the Treasurer or delegate be authorized to remove from the tax roll outstanding property taxes (including penalties, interest and other charges) in the amount of $1316.38 and any additional levies, penalties or charges that may be added from the date of this report until the date of actual write-off, for Roll #07 14 711 010 10100 0000.

Carried / Defeated

_____

J. Douglas Struthers, Mayor

MERRICKVILLE-WOLFORD
Jewel of the Rideau

Village of Merrickville - Wolford

Report FIN-13-2021
Finance Department
Information Report to Council
Date of Council Meeting: August 24, 2021

RE: Property Tax Write-off

OBJECTIVE:	For information purposes

RECOMMENDATION:

_____ **THAT: Council receive report FIN-13-2021 for information purposes; and**

_____ **THAT: the Treasurer or delegate be authorized to remove from the tax roll outstanding property taxes (including penalties, interest and other charges) in the amount of $1316.38 and any additional levies, penalties or charges that may be added from the date of this report until the date of actual write-off, for Roll #07 14 711 010 10100 0000.**

BACKGROUND:

The Municipal Property Assessment Corporation (MPAC) administers property assessments and appeals of assessment in the province of Ontario. MPAC determines the assessed value for all properties across Ontario. Municipalities set the tax rates and distribute the tax burden based on the assessed values provided by MPAC.

ANALYSIS:

In 2020, the Village of Merrickville-Wolford initiated tax sale proceedings for Roll #714 711 010 10100. During this process, staff discovered that this roll number was already being assessed under roll #0714 711 010 10000, and that it should never have been taxed. An application was submitted to MPAC under 357/358/359 of the Municipal act for a gross/manifest error for lands already assessed under roll # 0714 711 010 10000. MPAC indicated that due to the age of the outstanding taxes, the application was outside the relief period outlined with 358(1)(a) of the Municipal Act. MPAC advised staff that the only course of action at this point is have the municipality cancel the taxes. Therefore, the Village of Merrickville-Wolford must write off taxes for Roll #714 711 010 10100 in the amount of $1316.38. MPAC has since deleted this roll number.

BUDGET/LEGAL IMPLICATIONS:

Tax losses are charged to a provision established for doubtful tax accounts and uncollectible taxes.

LINKS TO STRATEGIC PLANS:

On January 23, 2017, the Council of the Corporation of the Village of Merrickville-Wolford passed By-Law 10-17, being a by-law to adopt the Merrickville-Wolford Strategic Plan 2017-2025.

The priorities of the strategic plan that can be linked to this report are as follows:

Ensuring efficient, effective services and civic engagement:
Making information available to Council ensures transparency and is in keeping with the priority to ensure efficient and effective services are being delivered to the residents of Merrickville-Wolford.

CONCLUSION:

Staff recommends removing $1316.38 from the tax roll, including any penalties, interest or other charges, for Roll # 0714 711 010 10100.

ATTACHMENTS:

None

Submitted by:

Kirsten Rahm,
Manager of Finance - Treasurer

Approved by:

Doug Robertson, CAO/Clerk

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VILLAGE OF MERRICKVILLE-WOLFORD

For Clerk's use only, if required: **Recorded Vote Requested By:**		
Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 21

Date: August 24, 2021

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

Be it hereby resolved that:

The Council of the Corporation of the Village of Merrickville-Wolford does hereby receive report FIN-14-2021, being the 2nd Quarter report of the Finance Department, for information purposes.

Carried / Defeated

_____

J. Douglas Struthers, Mayor

MERRICKVILLE-WOLFORD
Jewel of the Rideau

Village of Merrickville - Wolford

Report FIN-14-2021
Finance Department
Information Report to Council
Date of Council Meeting: August 24, 2021

RE: 2nd Quarter Financial Report to June 30, 2021

OBJECTIVE:	To provide Council with an overview of the financial state of the Village from January 1st to June 30th, 2021.

RECOMMENDATION:

THAT: Council does hereby receive report FIN-14-2021, being the 2nd quarter report of the Finance Department, for information purposes.

BACKGROUND:

On April 26, 2021, Council adopted the 2021 budget for the Village of Merrickville-Wolford.

In order to keep Council fully apprised of the financial state of the Corporation, a financial budget variance report outlining departmental progress is provided to Council, for the period covering January 1 – June 30, 2021.

ANALYSIS:

Schedule "A" to this report provides the operating expenses, revenues and capital expenditures to the end of the second quarter for general operations and for water and wastewater services. The following are highlights from the review of revenue, operating and capital accounts.

General Government:

- Taxation and Payments-in-Lieu are at 95%, as final tax bills have gone out. The percentage reflects the percentage billed to date, not collected. This is normal and reflects the common financial cycle experienced each year.
- Revenues for General Government at only at 35%, due to cost recovery journal entries and reserve transfers that are done at year-end.
- The expenses for Council and Administration are 58% of budgeted expenses, which is within reason.

Page 1 of 3

Emergency & Protective Services:

- The revenue for the Fire Department is at 70%, which is a result of the Fire Chief securing a $5000 grant from Enbridge.
- The revenue for Police is at 81%, as the Village has already received our RIDE program funding for the year.
- Bylaw Department revenue is at 80%, due to Dog Tag revenue. Dog Tags must be renewed prior to April 30th each year.
- Emergency & Protective Services overall expenses are under budget at 34%, largely due to journal entries that are done prior to year-end.

Public Works:

- Revenue for the Operations Department is under budget at 23%, which is attributed to fewer entrance culvert sales, which typically occur throughout the summer and fall.
- Landfill revenue is at 43%, which is within reason.
- Operating expenses are under budget at 32%, due to journal entries and reserve transfers that are done prior to year-end.

Building and Planning:

- Building revenues are at 28%, while expenses are within reason at 58%.
- Planning revenues are at 18% and expenses are at 22%. Many of the planning expenses are recoverable through the implementation of Professional Services Agreements.

Economic Development:

- Economic development expenses are under budget at 29%, largely because the Village was not able to plan Canada Day celebrations due to COVID-19.

RED Program:

- Economic Development revenues for the RED grant are at 46% of the budgeted amount.
- Economic development expenses for the RED grant program are at 23%, because certain activities could not be completed due to COVID-19.

Parks, Recreation and Culture:

- Recreation revenues are at 0%, because of the COVID-19 closures of recreation facilities; Expenses are also under budget at 14%, given that our municipal facilities have been closed to date this year.
- The Summer Camp program was cancelled for 2021 due to a lack of applicants.
- The Blockhouse Museum did not open for the 2021 season.

Capital Expenses:

- Capital expenses are only at 4% of budgeted amounts, however there is no cause for concern. Staff cannot begin capital projects until the budget is approved, which occurred April 26th. Furthermore, many of the capital projects occur over the summer and fall months.

Page 2 of 3

- The Tar and Chip tender has been awarded and work is expected to begin in early September.
- The Kubota has been purchased, and came in under budget at $18,000.
- The tender for the Fire vehicle has been awarded to Bean's Chevrolet.

Water and Wastewater:

- Revenues are within reason at 48%, with 3 billing periods remaining this year
- Operating expenses are within reason at 43%;
- Capital expenses are under budget at 5%, as the Village receives the majority of invoices for major maintenance from the Ontario Clean Water Agency (OCWA) during the 4th quarter.

BUDGET/LEGAL IMPLICATIONS:

Revenues and expenses are outlined in the approved 2021 budget.

LINKS TO STRATEGIC PLANS:

On January 23, 2017, the Council of the Corporation of the Village of Merrickville-Wolford passed By-Law 10-17, being a by-law to adopt the Merrickville-Wolford Strategic Plan 2017-2025.

The priorities of the strategic plan that can be linked to this report are as follows:

Ensuring efficient, effective services and civic engagement: By being able to provide budget to actual data, trends may be identified which may be further analyzed to conclude if there are issues that may need to be identified. Making this information available to Council and the public ensures transparency and is in keeping with the priority to ensure efficient and effective services are being delivered to the residents of Merrickville-Wolford.

CONCLUSION:

This report is for information purposes.

ATTACHMENTS:

Schedule "A" – Budget to Actual data for the period ending June 30th, 2021.

Submitted by:

Kirsten Rahm,
Manager of Finance – Treasurer

Approved by:

Doug Robertson, CAO/Clerk

Page 3 of 3

Attachment A - Budget to Actual Report

Village of Merrickville-Wolford
Statement of Revenues and Expenses
For the Period Ending June 30, 2021

General Budget

REVENUES	**Year to Date**	**Budget**	**% To Date**
Taxation and Payments-In-Lieu	$ 3,216,725	$ 3,402,830	95
Provincial Grants	$ 160,800	$ 319,890	50
Federal Grants	$ -	$ 15,000	
General Government	$ 114,888	$ 323,816	35
Fire	$ 11,526	$ 16,476	70
Police	$ 7,060	$ 8,695	81
By-Law	$ 2,350	$ 2,950	80
Landfill	$ 81,088	$ 189,225	43
Public works	$ 2,100	$ 9,000	23
Planning	$ 13,348	$ 72,530	18
Building	$ 53,279	$ 188,500	28
Economic Development (RED	$ 16,063	$ 35,000	46
Parks and Recreation	$ -	$ 37,400	0
Capital Revenue	$ 221,172	$ 1,029,240	21
Total revenues	$ 3,900,399	$ 5,650,552	69

EXPENSES	**Year to Date**	**Budget**	**% To Date**
General government			
Council	$ 28,641	$ 58,901	49
Admin	$ 640,598	$ 1,037,601	62
Transfer to Reserves	$ -	$ 59,035	0
Total General Government:	$ 669,239	$ 1,155,537	58
Emergency & Protective Services			
Police	$ 195,543	$ 468,010	42
Fire & Emergency Mgmt	$ 77,206	$ 350,020	22
ByLaw & Animal Control	$ 19,615	$ 35,049	56
Total Emergency & Protective	$ 292,364	$ 853,079	34
Public Works			
Public Works	$ 426,051	$ 1,308,781	33
Landfill	$ 62,672	$ 228,726	27
Total Public Works	$ 488,723	$ 1,537,507	32
Building & Planning			
Building	$ 109,657	$ 188,259	58
Planning	$ 25,197	$ 112,805	22
Total Building & Planning:	$ 134,854	$ 301,064	45

Economic Development	Year to Date	Budget	% To Date
Economic Development	$ 13,387	$ 46,180	29
RED program expenses	$ 31,942	$ 140,126	23
Total Economic Development:	$ 45,329	$ 186,306	24
Parks and Recreation	$ 21,927	$ 161,320	14
Total Operating Expenses	$ 1,652,436	$ 4,194,813	39
Capital Expenses	$ 57,016	$ 1,455,740	4

Water and Wastewater Budget

	Year to Date	Budget	% To Date
Operating Revenues	$ 625,904	$ 1,295,879	48
Capital Revenues	$ -	$ 72,342	0
Operating Expenses	$ 477,647	$ 1,103,634	43
Capital Expenses	$ 14,116	$ 264,587	5

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VILLAGE OF MERRICKVILLE-WOLFORD

For Clerk's use only, if required:		
Recorded Vote Requested By:		
Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 21

Date: August 24, 2021

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

Be it hereby resolved that:

The Council of the Corporation of the Village of Merrickville-Wolford does hereby receive report FD-02-2021, being the 2nd Quarter report of the Fire Department, for information purposes.

Carried / Defeated

_____

J. Douglas Struthers, Mayor

Village of Merrickville-Wolford

Report FD-04-2021
Merrickville Fire Department
Information Report to Council
Date to Council: August 24, 2021

RE: 2nd Quarter Report (January 1st to June 30th)

OBJECTIVE:	To provide Council with an update regarding the first and second quarter activity of the Merrickville Fire Department, for information purposes.

RECOMMENDATION:

THAT: Council receives report FD-04-2021, being the first and second Quarter report of the Merrickville Fire Department, for information purposes.

BACKGROUND:

In keeping with the Village's commitment to openness and transparency to Council and the public, it is deemed prudent to report quarterly statistics to keep Council and the public informed of the progress of the Merrickville Fire Department (MFD).

ANALYSIS:

The first and second quarters have been consistent with emergency calls as per previous years due to medical assist calls and public assistance calls. There have been reductions in structure fires, false alarms, CO alarm calls and motor vehicle accidents for the first 2 quarters.

The MFD responds to approximately 80 calls for service each year. Seasonal conditions and higher tourist activity traditionally provide an increase in call volume over the 2nd and 3rd quarters. The calls are primarily responses to medical assists (due to paramedics having to respond from Smiths Falls or Kemptville), motor vehicle collisions and fire/carbon monoxide alarms. **(Reference: Schedule A for 1st and 2nd quarter call statistics.)**

TRAINING

The focus of the Merrickville Fire Department is the protection of all firefighters and citizens in Merrickville-Wolford. This is accomplished by the dedication and time committed to training and equipment maintenance/inspection by all members. Ensuring that the training program(s) for the firefighters is attainable, accessible and to a recognized provincial standard is critical to the level of service expected from the citizens served. The MFD has adopted the National Fire Protection Association (NFPA)

Firefighter 1 & 2, 1001 Training Program and has been following the Program for the past 7 years. Training occurs every second Tuesday evening and this year we have introduced an online portion to the training program. The online platform is through Vector solutions and is used by most Departments within Leeds and Grenville as a valuable NFPA recognized training program that is also supported by The Ontario Fire Marshals Office (OFM). The program offers theory-based learning with testing at the end of each completed module, and we are now able to keep a record of all courses completed with times and dates of completion for each members training record.

NEW RECRUITS

The Department posted early in the spring this year for applicants for the position of volunteer Firefighter. The recruitment was very successful, and we were able to hire 4 new recruits this spring after an interview and 2-part testing process. The recruits are currently going through an in-house National Firefighters Professional Association (NFPA) recognized training program that will see them through the NFPA Firefighter 1 training and sign off by certified instructors. The in-house class has been very successful and has allowed instructors and senior members to mentor the recruits and help teach and guide them. The new recruits are also part of the online program that is geared to their class curriculum. The Department already has another list of applicants that have applied to be a member and we will be holding another class in the winter or following spring.

The MFD continues to work through the new legislation. All firefighters that qualified for grandfathering process for Firefighter 1 or 2 submitted applications and have received all the certifications back from the Ontario Fire Marshal's Office (OFM). The grandfathering process has now closed. The department will be working towards all members taking the provincial testing to be provincially recognized for all their hard work and extensive training hours.

FIREFIGHTER HOURS:

Total Training hours: 1st and 2nd Quarter = 199 hours

Total Emergency Call hours: 1st and 2nd Quarter = 817 hours

VEHICLES AND EQUIPMENT:

The first and second quarters were very busy with the completion of Ladder -1 ladder testing. All fire apparatus received and passed their annual pump testing (Pump 4, Ladder 1 and Pumper/tanker – 1) and have had their annual inspection completed. Regular inspections and annual testing of individual Personal Protective Equipment (PPE) is ongoing and the 10-year life span of this equipment is monitored and replaced as required under the NFPA Standards. All other equipment has been tested as per the standards with only minor repairs to some of the individual PPE. There have been

recommendations by certified technicians for the life cycle replacement of certain apparatus, this will be coming to Council in an apparatus update report this fall.

BURNING PERMITS

The Village of Merrickville-Wolford, in recognizing and abiding by Ontario Regulation 388/97 made under the *Fire Protection and Prevention Act, 1997*, has implemented a by-law to prescribe the precautions and conditions under which fires may be set in open air.

The Open-Air Burning Permit system is permissive, user-friendly and is aligned with current legislation and local by-laws. The permits are still free and available online, at the municipal office or library if residents are unable to access the electronic version. The permit is effective for one year and allows for ease of notifying the MFD when burning, as well as informing individuals of the current fire risk and immediately notifying them if there is a burning ban in effect. It is the responsibility of the individual burning to notify the Fire Department by calling 613-706-2330 when they plan on burning.

Currently, 449 permits have been issued in 2021. All Chief Fire Officers of Leed's and Grenville implemented a full burn ban in late spring due to the dry conditions and lack of precipitation. During that burn ban the Merrickville Fire Department was dispatched to 2 illegal fires that resulted in fines being issued for noncompliance with the burn ban and By Law 13-17.

This system has been reflected in an added cost to the Fire Prevention budget line by $1,500.00, annually. Depending on the season and possible need of other fire bans, a fee system may need to be considered in the 2022 budget to offset the expense to our fire prevention budget. The fire prevention budget was not adjusted (increased) to accommodate this new program at the time of its implementation.

FIRE PREVENTION

The Fire Prevention program for 2021 has proven to be difficult due to the pandemic and new regulations implemented by the Ontario Fire Marshal's Office (OFM). The Prevention team has made many adjustments to make sure that the inspections can be safely done by having Covid testing done before doing inspections and wearing full personal protective equipment (PPE). The Prevention team have been very proactive this year in reaching out to many entities to provide education and inspection services.

ASSOCIATION AND DEPARTMENT INIATIVES

As recognized in the past, the MFD members are dedicated to the service of their community and their support goes well beyond answering the call for emergencies. Due to the pandemic, it has been impossible to hold any fundraising events due to public safety and Provincial orders. The sense of community and commitment of the MFD members in support of community initiatives, not to mention the continued fundraising activities by the Firefighters' Association for the addition of equipment to better serve our citizens and visitors to Merrickville-Wolford, continues to be of great significance. Their dedication, passion and commitment are clearly recognized and appreciated.

BUDGET/LEGAL IMPLICATIONS:

To date, the financial expenditures for the first and second quarters have aligned with the approved 2021 budget.

LINKS TO STRATEGIC PLAN:

On January 23, 2017, the Council of the Corporation of the Village of Merrickville-Wolford passed By-Law 10-17, being a by-law to adopt the Merrickville-Wolford Strategic Plan 2017-2025.

The priorities of the strategic plan that can be linked to this report are as follows:

Ensuring efficient, effective services and civic engagement: By being able to compare data from previous years, trends may be identified which may be further analyzed to conclude if there are issues that may need to be dealt with. Making this information available to Council and the public ensures transparency and is in keeping with the priority to ensure efficient and effective services are being delivered to the residents of Merrickville-Wolford.

CONCLUSION:

This report is for information purposes only.

ATTACHMENTS:

Schedule "A" – 1st and 2nd Quarter Fire Call Breakdown

Submitted by:

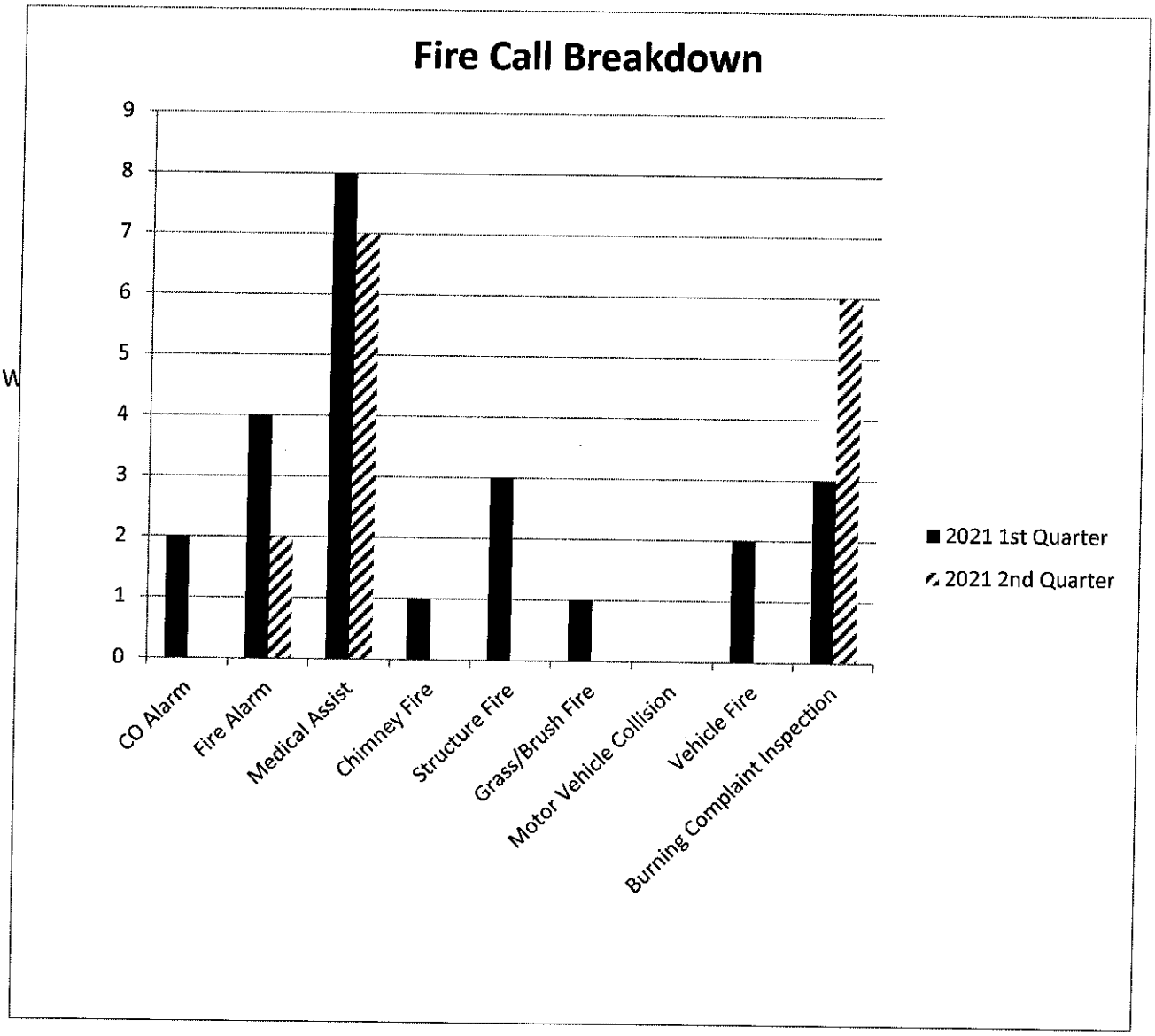
Brad Cole
Manager, Operations/ Fire Chief/ CEMC

Approved by:

Doug Robertson,
CAO/Clerk/Director of Economic Development

Schedule "A" to FD -04-2021

	2021 1st Quarter	2021 2nd Quarter
CO Alarm	2	0
Fire Alarm	4	2
Medical Assist	8	7
Chimney Fire	1	0
Structure Fire	3	0
Grass/Brush Fire	1	0
Motor Vehicle Collision	0	0
Vehicle Fire	2	0
Burning Complaint Inspection	3	6



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VILLAGE OF MERRICKVILLE-WOLFORD

For Clerk's use only, if required:
Recorded Vote Requested By:

Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 21

Date: August 24, 2021

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

Be it hereby resolved that:

The Council of the Corporation of the Village of Merrickville-Wolford does hereby move to an "In-Camera" session at _____p.m. under Section 239 (2) of the *Municipal Act, 2001,* as amended, to address matters pertaining to:

1. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
2. Security of the property of the municipality or local board.

Carried / Defeated

_____
J. Douglas Struthers, Mayor

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Recorded Vote Requested By:		
Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 21

Date: August 24, 2021

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

Be it hereby resolved that:

The Council of the Corporation of the Village of Merrickville-Wolford does hereby rise and report from the "In Camera" session of the regular Council meeting, with staff being given direction, at _____p.m.

Carried / Defeated

_____

J. Douglas Struthers, Mayor

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For Clerk's use only, if required:
Recorded Vote Requested By:

Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 21

Date: August 24, 2021

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

Be it hereby resolved that: By-law 45-2021, being a by-law to confirm the proceedings of the Council meeting of August 24, 2021, be read a first and second time, and that By-law 45-2021 be read a third and final time and passed.

Carried / Defeated

_____
J. Douglas Struthers, Mayor

THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

BY-LAW 45-2021

BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD AT ITS MEETING HELD ON AUGUST 24, 2021

WHEREAS section 5(3) of the Municipal Act, 2001 states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law, unless the municipality is specifically authorized to do otherwise;

AND WHEREAS it is deemed prudent that the proceedings of the Council of the Corporation of the Village of Merrickville-Wolford (hereinafter referred to as "Council") at its meeting held on August 24, 2021 be confirmed and adopted by by-law;

NOW THEREFORE the Council of the Corporation of the Village of Merrickville-Wolford hereby enacts as follows:

1. The proceedings and actions of Council at its meeting held on August 24, 2021 and each recommendation, report, and motion considered by Council at the said meeting, and other actions passed and taken by Council at the said meeting are hereby adopted, ratified and confirmed.

2. The Mayor or his or her designate and the proper officials of the Village of Merrickville-Wolford are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required and, except where otherwise provided, the Mayor and Clerk are hereby directed to execute all documents necessary in that regard, and the Clerk is hereby authorized and directed to affix the Corporate Seal of the Municipality to all such documents.

This by-law shall come into force and take effect immediately upon the final passing thereof.

Read a first, second and third time and passed on the 24th day of August, 2021.

_____
J. Douglas Struthers, Mayor

_____
Doug Robertson, CAO/Clerk

Established 1793
Incorporated
Wolford 1850
Merrickville 1860
Amalgamated 1998

Telephone (613) 269-4791
Facsimile (613) 269-3095

VILLAGE OF MERRICKVILLE-WOLFORD

For Clerk's use only, if required: **Recorded Vote Requested By:**		
Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 21

Date: August 24, 2021

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

Be it hereby resolved that:

This special meeting of the Council of the Corporation of the Village of Merrickville-Wolford does now adjourn at p.m. until the next regular meeting of Council on Monday, September 13th, 2021 or until the call of the Mayor subject to need.

Carried / Defeated

_____

J. Douglas Struthers, Mayor