



## **Site Alteration Committee**

### **MINUTES**

Minutes of the Site Alteration Committee held on Tuesday, June 4, 2018, at 5:00 p.m., in the Esqueusing Room, Halton Hills Town Hall.

**MEMBERS PRESENT:** Councillor Ted Brown (Chair)  
Andrew Stabins (Vice-Chair)  
Councillor Bryan Lewis  
Councillor Clark Somerville  
Ralph Padillo  
David McKeown

**REGRETS:** Bill Allison

**STAFF PRESENT:** Bill Andrews, Director of Engineering  
Steve Grace, Program Manager, Water Resources  
Jeff Jelsma, Manager of Development Engineering  
Nova Bonaldo (Recording Secretary)

**OTHERS PRESENT:** Michael Van Dongen, Van Dongen's Garden Centre, Landscaping, Nurseries (Agent)

#### **1. Disclosure of Pecuniary/Conflict of Interest**

Councillor Bryan Lewis declared a conflict of interest with respect to Agenda Item #2 as his grand-daughter is employed as a summer student by Van Dongen's Garden Centre, Landscaping, Nurseries. Councillor Lewis did not partake in any discussion or voting on this matter.

#### **2. Delegation**

- a) SA-18028, Delegation: Michael Van Dongen, Agent representing Agnes and Adrian Van Dongen, Property Owners – 9268 Fifth Line

On behalf of the Owners, the Agent is requesting for an exception from Site Alteration By-law 2017-0040, Item 2.(h) of Schedule C (insurance) for their previously conditionally approved application for a Large Scale/Commercial Site Alteration permit to import fill to

the property's rear 8.4 hectares to re-profile the land to better suit the nursery's agricultural needs.

## **Facts**

On May 16, 2019, Site Alteration Committee Members requested that staff investigate and acquire additional legal advice regarding the Owner's request of exception to the requirement for Environmental Impairment/Pollution Liability Insurance, as per the condition identified under Item 2.(h) of Schedule C of the Site Alteration By-law 2017-0040. Committee Members requested further information concerning insurance requirements, coverage, and liability of the Town prior to determining a recommendation to the current request for site alteration permit file number SA-18028. Staff provided the Inspector Report, dated May 29, 2019, and discussed their findings.

## **Analysis & Discussion**

Staff presented the information and knowledge acquired following discussions with the Town's Legal Counsel and Town's Insurer. The Town's Insurer recommended that the Town maintain the requirement for \$5,000,000 of Environmental Impairment/Pollution Liability Insurance as the Town does not have this type of coverage. However, in the event of an incident, the claim must be received within the duration of the permit's validity as the insurance coverage is only in effect during that time. In the event of an incident after the permit is closed (i.e., insurance has expired), the Town's existing policies would not provide for any coverage of Environmental Impairment/Pollution Liabilities. However, depending on the specific details in the statement of the claim, the Town's existing insurance policies could potentially cover a portion of the claim.

The Town's Legal Counsel indicated it is unlikely that the Town would be exposed to any additional liability through the granting of the requested exception and noted that the Site Alteration By-law 2017-0040 Schedule A, Item 1.(h) and Schedule B, Item 17.(g) require that the Town be released and indemnified to any and all liability which may arise in the event that the fill contains contaminants of concern within the meaning of the *Environmental Protection Act*.

Within the Inspector Report, dated May 29, 2019, staff provided two possible options as recommendation for this application.

## **Conclusion**

Site Alteration Committee Members were satisfied with the information provided by staff.

### Recommendation No. SA-2019-0001

THAT the Site Alteration Committee recommends the "Terms and Conditions of All Permits" listed in Schedule C of the Site Alteration By-law No. 2017-0040 with an exception for the Environmental Impairment/Pollution Liability Insurance Policy identified in Item 2.(h);

AND FURTHER THAT the Site Alteration Committee support the proposed works, subject to the applicant meeting all conditions to the satisfaction of staff.

CARRIED

**4. Next Meeting**

Thursday, June 20, 2019

**5. Adjournment**

The meeting adjourned at 5:06 p.m.