



REPORT

REPORT TO: Mayor Rick Bonnette and Members of Council

REPORT FROM: Romaine Scott, Legal Coordinator
Planning & Development

DATE: January 18, 2021

REPORT NO.: PD-2021-0005

RE: Authorization for License Agreements to allow private owners to install monitoring wells/probes below the surface of certain Town-owned Land for the benefit of 24 Ontario Street and 2 Glen Road, Georgetown

RECOMMENDATION:

THAT Report No. PD-2021-0005 dated January 18, 2021 regarding the License Agreements to permit the installation of monitoring wells/probes below the surface of certain Town-owned lands in the vicinity of 24 Ontario Street and 2 Glen Road, Georgetown, in order to conduct water/soil sampling, testing and monitoring activities, be received;

AND FURTHER THAT Council enact the necessary by-law to authorize the Mayor and Clerk to execute the necessary License Agreements, for the purpose of installing monitoring wells/probes to conduct sampling, testing and monitoring activities below the surface of certain Town-owned lands in the vicinity of 24 Ontario Street and 2 Glen Road, Georgetown for a period of 10 years, with the option for renewal for a further 5 years, for the benefit of those properties;

AND FURTHER THAT such the terms and conditions of the License Agreements be to the satisfactory to the Commissioner of Transportation & Public Works.

BACKGROUND:

An agent representing ADM AGRI-INDUSTRIES COMPANY; HAMMOND POWER SOLUTIONS INC. and HAMMOND MANUFACTURING COMPANY LIMITED (the "Applicants") has applied to the Town for permission to install monitoring wells/probes in order to conduct water/soil testing and sampling activities below the surface of certain Town-owned lands for the benefit of the adjacent properties located at 24 Guelph Street and 2 Glen Road in Georgetown (the "Properties"). The Properties are currently

undergoing environmental site assessment and in order to complete these works, it is necessary to extend the areas of assessment to the surrounding rights-of-ways and adjacent open space lands in the jurisdiction of the Town.

The location of the Properties and the general locations of the monitoring wells/probes are shown on the drawing(s) accompanying this Report.

COMMENTS:

Staff has reviewed the request for access to the Town-owned lands and has no objections to the Town permitting access for the purposes set out in this Report, subject to the Applicants entering into the required License Agreement with the Town.

The following is a list of the salient conditions of the License Agreements required to formally grant the Applicants the permission to access the Town-owned lands to install the wells/probes and conduct the necessary testing/monitoring activities:

- The Term of the License Agreements will be for a period of 10 years from the date the Town signs the Agreements herein, with the option of renewing for a further 5 years. The Applicants will be allowed the flexibility to install and/or remove the wells/probes as required from time to time, within the Term of the Agreement.
- The Applicants will fully indemnify the Town and hold the Town harmless against liability. The Town will be added as an additional insured to the Applicants' commercial general liability insurance policies for a minimum coverage of \$5M per occurrence for the entire Term of the license.
- The Town will be provided with drawing(s) showing the locations of the monitoring wells/probes once they have been installed.
- At the end of the Term or upon termination of the Agreements, the Applicants will decommission the wells/probes and complete the necessary improvements to the Town-owned lands to the satisfaction of the Town. The decommissioning and restoration will be at the cost of the Applicants.
- The Town will hold security to ensure total cost recovery and administration fee for the decommissioning of the monitoring wells/probes and the restoration of the Town-owned lands. Such security will be in a form and an amount acceptable to the Town.
- The Applicants will apply for and obtain an excavation permit from the Town for the initial installation of the monitoring wells/probes and re-apply for and maintain an excavation permit on an annual basis for the on-going monitoring of the wells/probes.
- The Applicants will be solely responsible for all costs associated with the installation, maintenance and decommissioning of the monitoring wells/probes.
- The Applicants will be required to provide the Town with a summary report of the testing results.

- The Applicants will be responsible for exercising the appropriate traffic control during the initial installation of the works and during the testing, monitoring and decommissioning events.

RELATIONSHIP TO STRATEGIC PLAN:

This is an operational issue. This report has no bearing on the Town's Strategic Plan.

FINANCIAL IMPACT:

The Applicants have paid the Town's fee for the preparation and administration of the License.

CONSULTATION:

In addition to consultations with the Applicants, there has also been consultations among staff from Planning & Development, Transportation & Public Works, and Corporate Services.

PUBLIC ENGAGEMENT:

There is no public engagement with respect to this Report.

SUSTAINABILITY IMPLICATIONS:

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life. However, the recommendation outlined in this report is not applicable to the Strategy's implementation.

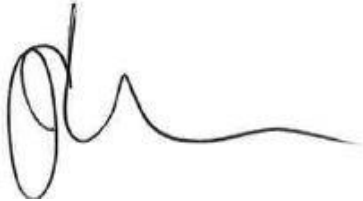
COMMUNICATIONS:

There is no communications implication with respect to this Report.

CONCLUSION:

The Applicants have provided the necessary fees and documentations and are prepared to enter into the required License Agreements as set out herein. Staff recommends that Council pass the necessary by-law to authorize the Mayor and Clerk to execute the License Agreements to allow the installing of the monitoring wells/probes under the surface of the Town-owned lands to conduct the sampling, testing and monitoring activities described herein.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to be 'J. Linhardt', with a long horizontal flourish extending to the right.

John Linhardt, Commissioner of Planning and Development

A handwritten signature in black ink, appearing to be 'C. Mills', with a horizontal line crossing through the middle of the signature.

Chris Mills, Acting Chief Administrative Officer