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Category 2 Programs and Services Agreement

(hereafter, "Agreement")

THIS AGREEMENT is made on the 1st day of December, 2023 (the "Effective Date").

BETWEEN:

TOWNSHIP OF WELLINGTON NORTH

(hereinafter, "Participating Municipality")

AND:

SAUGEEN VALLEY CONSERVATION AUTHORITY

(hereinafter, "SVCA")

WHEREAS SVCA is a conservation authority established under the *Conservation Authorities Act* (the "Act") and is governed by its participating municipalities in accordance with the Act,

AND WHEREAS the Participating Municipality is located wholly or partly within the area under the jurisdiction of SVCA,

AND WHEREAS under the Act, Category 2 programs and services may be provided with municipal funding subject to a memorandum of understanding ("MOU") or such other agreement in respect of the programs and services,

AND WHEREAS the Participating Municipality wishes to avail themselves of the Category 2 programs and services attached hereto as Schedule 'B',

AND WHEREAS the Council of the Participating Municipality has authorized the Participating Municipality to enter into this Agreement with SVCA for the delivery of a Category 2 program or service,

NOW THEREFORE, in consideration of the terms of this Agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. This Agreement shall commence on January 1st, 2024 and shall continue for five (5) years to and including December 31st, 2028 (the "Term"), unless either party provides written notice of termination to the other party at least ninety (90) days prior to the expiry of the Term.
2. All schedules attached shall form part of this Agreement and be binding upon the parties herein.
3. SVCA agrees to provide Category 2 programs and services for the structure identified in Schedule 'A' of this Agreement.
4. SVCA will not add to or delete from the list of activities identified in Schedule 'B' funded through this Agreement. Any change requires an amendment to this Agreement in writing with the Participating Municipality. In accordance with Schedule 'B', capital projects will not be offered by SVCA unless approved by the SVCA Board of Directors.
5. The Participating Municipality agrees to the costs as identified in Schedule 'C' to the Agreement. Time and material costs will be billed to the Participating Municipality at the end of each calendar year during the Term, following the prescribed budgetary process in accordance with the requirements of the applicable regulations under the Act. Payment by the Participating Municipality is to be made within 60 days of the invoice date.
6. Costs identified in Schedule 'C' are subject to reasonable work and/or cost revision, all of which is subject to reasonable notice to the Participating Municipality. The Participating Municipality has the right to refuse revisions. Should the Participating Municipality refuse to agree to reasonable work and/or cost revisions, they would cease to be part of this Agreement.
7. SVCA and the Participating Municipality will agree to facilitate open and timely communication at all levels.
8. Unless otherwise provided for within the Act, if a dispute arises between the parties, including in respect of the content or interpretation of this Agreement, which has not been resolved within sixty (60) days, such dispute may be submitted to a third party mediator, the choice of mediator to be agreed upon by the parties, and failing agreement to choose a mediator within an additional sixty (60) days, the mediator to be appointed

by a judge of the Superior Court, for resolution via non-binding mediation conducted pursuant to the National Mediation Rules of the ADR.

9. Neither party shall be in default with respect to the performance or non-performance of the terms of the Agreement resulting directly or indirectly from causes beyond its reasonable control (other than for financial inability) that could not reasonably have been foreseen, including, without limitation, any delay caused by war, invasion, riots, acts of terrorism or sabotage, acts of government authority (other than by the Participating Municipality), plague, epidemic, pandemic, natural disaster, strike, lock-out, inability to procure material, acts, laws or regulations of government authority or other cause beyond the reasonable control of such party and not caused by the act or omission of such party, and the performance of such term or terms shall be extended for a period equivalent to the period of such delay. This provision does not relieve the Participating Municipality of its obligation to pay fees and costs when due.
10. If any provision of this Agreement is invalid, unenforceable, or unlawful, such provision shall be deemed to be deleted from this Agreement and all other provisions of this Agreement shall remain in full force and effect and shall be binding in all respects between the parties hereto.
11. The resolution of the SVCA Board of Directors to execute this Agreement shall be included as Schedule 'D' to this Agreement.
12. The resolution of Council from the Participating Municipality to execute this Agreement shall be included as Schedule 'E' to this Agreement.
13. This Agreement shall be binding upon the parties after duly executed resolutions from both the SVCA Board of Directors and the council of the Participating Municipality approving this Agreement have been passed.
14. This Agreement shall be binding upon the successors and assigns of the parties hereto.
15. This Agreement may be executed in counterparts and when each party has executed a counterpart, each of such counterparts shall be deemed to be an original and all such counterparts, when taken together, shall constitute one and the same agreement.


IN WITNESS WHEREOF, the parties have entered into this Agreement as of the Effective Date.

SAUGEEN VALLEY CONSERVATION AUTHORITY

DocuSigned by:
Per: 
0A4B664CD2CD482

Name: Erik Downing

Title: General Manager/Secretary-Treasurer (Acting)


DocuSigned by:
Per: 
F7A42BEDGF5D471

Name: Barbara Dobreen

Title: Chair, SVCA Board of Directors


I/we have the Authority to bind the Corporation.

TOWNSHIP OF WELLINGTON NORTH

DocuSigned by:
Per: 
80AF05F09D204A3

Name: Andrew Lennox, Mayor

Title: Mayor

DocuSigned by:
Per: 
F66A115C71324C9

Name: Karren wallace

Title: Clerk

I/we have the Authority to bind the Corporation.



Schedule 'A' – Mount Forest Dam, Township of Wellington North

Site Summary and Location Map

Site Location and Access:

The Mount Forest Dam is located at the southern limits of the geographic Town of Mount Forest, Ontario, just upstream of Highway 6 (Main Street South) on the South Saugeen River. The dam was accessed via a trail that follows the toe of the downstream left earth embankment and then passes under the Highway 6 bridge, leading to the low flow control structure.

Municipality: Township of Wellington North, geographic Town of Mount Forest

Roll No.: NA – Within road allowance of Highway 6

Legal Description: NA

Description:

The Mount Forest Dam is comprised of an earth embankment dam, with a concrete weir structure and low flow gate/pipe. The concrete structure sits between the roadway embankments of Highway 6 (Main Street South). The embankments are significantly higher than needed for the dam structure as they were constructed to facilitate the bridge crossing of the river valley.

The concrete spillway initially gives the appearance of a concrete gravity dam; however, 1983 rehabilitation work suggests that the original dam was likely constructed of rock-filled timber cribs faced with wooden planks. As the wood planks deteriorated, they were faced with concrete. The concrete was first re-faced in 1966 dating the construction of the dam prior to the 1960's. It is believed that the Mount Forest Dam was originally created as a log structure to supply water for a mill. To our knowledge, the structure was not engineered for a dam in its conception. Repairs in 1966 and 1983 have greatly improved the stability of the dam by enlarging the mass and footprint, as well as sealing it from the top spillway apron to the upstream channel bottom.

There is sheetpiling on the north upstream slope that is used as a retaining wall for the road approach to the bridge. The south upstream bank is armoured with cable-tied concrete. The downstream slope consists of the spillway slopes of the bridge, the lower concrete apron, and a plunge pool covered in cable-tied concrete.

Historically, there were two operational features at the Mount Forest Dam, the low flow gate and flashboards along the crest of the overflow weir. The flashboards were installed between May and November to raise the reservoir level by 0.4 m. This operation came to an end in 1998

when the function of the upstream reservoir changed from recreational to wetland conservation. The dam has been operated without the flashboards since that time.

The low flow gate was operated annually during the removal of the flashboards until 1998. The gate is operated manually with a turn handle or wheel. Currently, the Mount Forest Dam acts as a fixed weir and does not require regular operation. SVCA staff operate the low flow gate once per year to ensure that it remains operational and to clear sediment and debris from the low flow pipe.

2022 External Engineering Inspection:

Public Safety Summary

The public safety measures that have been installed at the site include:

- Railings around a portion of the low flow gate structure.

Based on the site investigation, D.M. Wills identified the following potential public safety issues:

- The railings do not meet the Ontario Building Code requirements.
- The railings do not completely surround the low flow control structure on the left side of the dam and there are no railings on the right side of the dam.
- There is no public safety signage present at the site.
- There is no public safety boom / buoy line present at the site.

Operator Safety Summary

The existing railing generally meets the requirements for a guard rail under O.Reg. 851; however, the railings do not completely surround the low flow control structure on the left side of the dam.

O.Reg. 851 requires a fall arrest system where a worker is exposed to the hazard of falling and the surface to which they might fall is more than 3 m below the position where they are situated. Based on the drawings provided, the potential fall height is approximately 5.3 m; therefore, a fall arrest system for dam operators is required if the grate on the low flow gate structure is opened.

Potential operator safety issues include:

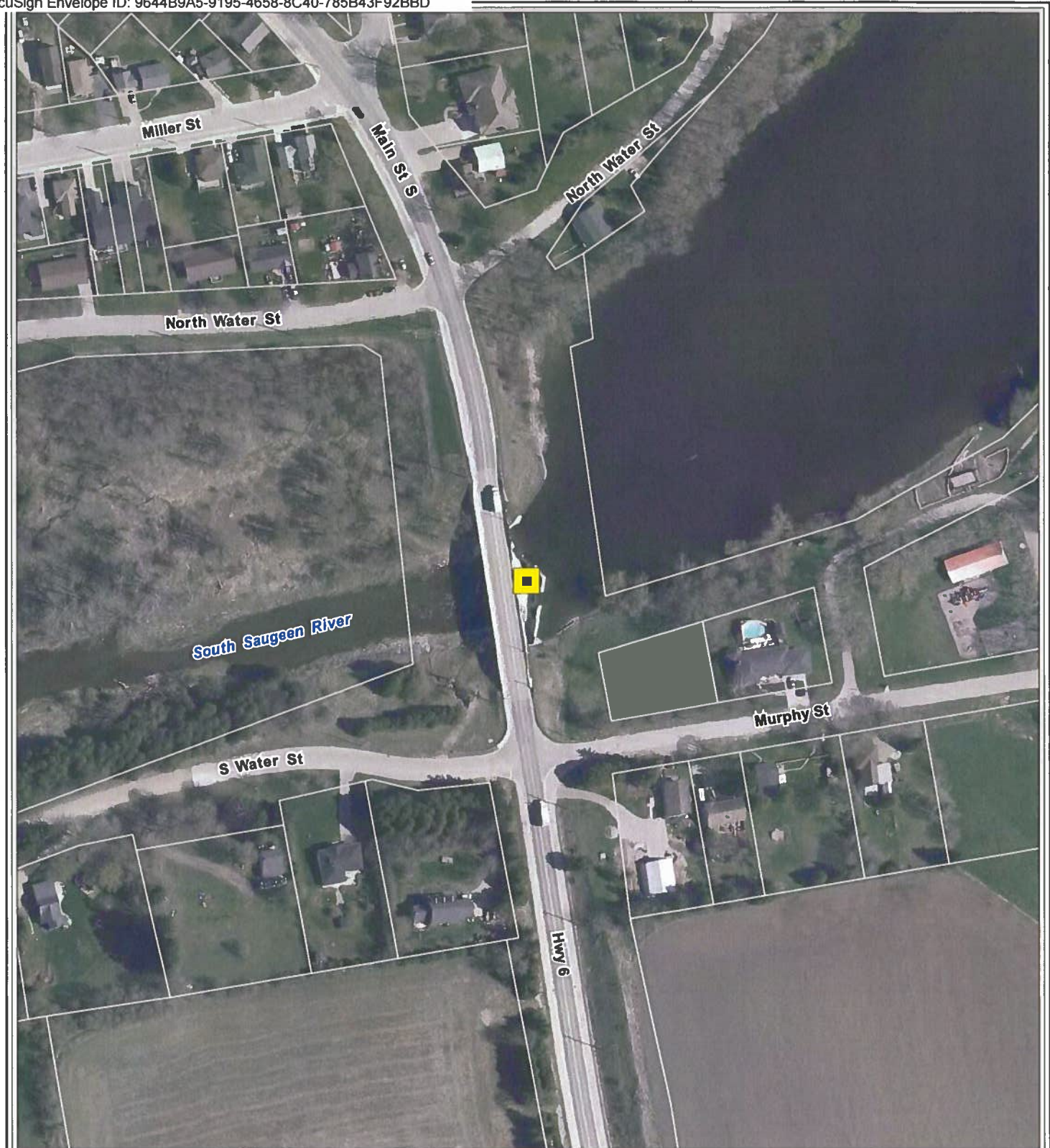
- Working around water may require the use of a life jacket or PFD.
- There is no fall arrest system installed on low flow control structure.
- The railings do not completely surround the low flow control structure.

Condition Summary

In general, the dam was observed to be in good condition with localized areas of concrete deterioration (cracking, efflorescence, and scaling) throughout the weir structure and evidence of graffiti present throughout the site. Erosion was noted on the downstream slope and in the channel downstream of the dam as described below. The low flow gate valve stem was broken during the dam inspections; however, it was repaired shortly after.

Recommendations

The attached excerpt from the 2022 D.M. Wills Inspection Report outlines all current recommendations for the Mount Forest Dam.



The included mapping has been compiled from various sources and is for information purposes only. Saugeen Valley Conservation Authority (SVCA) is not responsible for, and cannot guarantee, the accuracy of all the information contained within the map.

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This mapping contains products of the South Western Ontario Orthophotography Project 2020 (SWOOP2020). These images were taken in 2020 at 16cm resolution by Mapcon Mapping Ltd. They are the property of Saugeen Valley Conservation Authority ©2023.

N



UTM Zone 17N, NAD 83

0 50 m



1:2000

Legend



Dam



Parcel Fabric

Township of Wellington North

Mount Forest Dam





Table 2 – Dam Inspection Recommendations

Recommendation	Description of Deficiency	Priority	Estimated Cost	Additional Comments
<p>Dam Safety Management</p> <p>1. Prepare an updated Dam Safety Assessment/Review for the Mount Forest Dam prior to, or as part of, any major decisions regarding the management and maintenance of the Mount Forest Dam. The Dam Safety Assessment/Review should be completed in accordance with the Lakes and Rivers Improvement Act Technical Bulletins and Best Management Practices (MNR, 2011).</p>	<p>There is limited Dam Safety information available for the Mount Forest Dam. A Dam Safety Assessment Report (B.M. Ross, 2006) was provided and reviewed; however, the report only provides a cursory review of the Hazard Potential Classification (i.e. no dam break or hydraulic analyses) and does not provide any information regarding the inflow Design Flood, the hydraulic capacity/freeboard, or the stability of the concrete gravity/earth embankment sections. Additionally, the work was completed using the Draft Ontario Dam Safety Guidelines (MNR, 1999) and these guidelines were replaced by the Lakes and Rivers Improvement Act Technical Bulletins and Best Management Practices (MNR, 2011). The SVCA may benefit from having updated Dam Safety information available when making decisions related to the future management and maintenance of the Mount Forest Dam.</p>	<p>Medium</p>	<p>\$75,000</p>	<p>The estimated cost assumes that the SVCA would retain the services of a qualified consulting engineering firm to complete a full Dam Safety Review. The SVCA may want to consider completing Hazard Potential Classification studies for all of their dams before full Dam Safety Reviews so that the full Dam Safety Reviews can be prioritized for the High hazard structures. The cost of completing the Hazard Potential Classification study would be approximately \$30,000 for this structure. The scope of work would include a hydrology study, the development of a hydraulic model, a dam breach assessment, and an incremental loss assessment. The price per structure could be reduced if several Hazard Potential Classification studies are completed by the same consultant at the same time.</p>
<p>2. Establish a regular frequency for engineering inspections (i.e., annually or bi-annually) as well as routine inspections by staff (i.e., monthly).</p>	<p>The records of past engineering inspections included reports completed by B.M. Ross in 1982 and 2006. There were no records of past routine inspections, other than photos taken in 2015, 2017, 2018, 2019 and 2021. The SVCA would benefit from establishing a regular frequency of engineering inspections (i.e. annually or bi-annually) as well as routine inspections by staff (i.e. monthly).</p>	<p>Immediate</p>	<p>\$2,500</p>	<p>The estimated cost shown is for the completion of an annual or bi-annual inspection by a qualified consulting engineering firm and assumes that the SVCA would have a number of flood and erosion control structures inspected as part of the same contract. The cost for a standalone dam inspection would be estimated as \$10,000. It is assumed that the routine inspections would be completed by SVCA staff as part of their regular duties.</p>
<p>3. Monitor the rotation of the sheet pile retaining wall on the upstream left side of the dam.</p>	<p>The sheet pile retaining wall on the upstream left side of the dam appears as though it may be rotating outwards. It is possible that it was installed this way or that there are excessive earth pressures behind the wall. Monitoring will help to determine if this is an issue that needs to be addressed further.</p>	<p>Ongoing</p>	<p>\$0</p>	<p>It is assumed that this would be completed as part of the routine inspections completed by SVCA staff as part of their regular duties.</p>

Recommendation	Description of Deficiency	Priority	Estimated Cost	Additional Comments
4. Monitor the seepage around the low flow pipe on the downstream side of the control structure.	There is seepage around the low flow pipe on the downstream side of the control structure. While minor at this time, it should be monitored and addressed if the problem worsens.	Ongoing	\$0	It is assumed that this would be completed as part of the routine inspections completed by SVCA staff as part of their regular duties.
Public Safety				
5. Complete a Public Safety Risk Assessment and prepare a Public Safety Plan for the Mount Forest Dam and implement appropriate public safety measures (i.e. railings, fencing, signage, public safety boom/buoys). This work should be completed in accordance with the Best Management Practices for Public Safety Around Dams (MNR, 2011) and the Guidelines for Public Safety Around Dams (CDA, 2011).	There is no Public Safety Risk Assessment for public Safety Plan for the Mount Forest Dam and it is evident that there is a significant public presence at the site (i.e. graffiti).	High	\$15,000	The cost estimate assumes that the SVCA would retain the services of a qualified consulting engineering firm to complete this work; however, this could be completed by SVCA staff if they have the appropriate knowledge and experience. The appropriate public safety measures and their costs would be identified as part of the Public Safety Risk Assessment.
Operator Safety				
6. Investigate opportunities to improve operator safety at the dam, including the provision of a fall arrest system and the installation of an appropriate railing system on the low flow control structure.	There are inadequate railings to protect operator safety. The railings do not completely surround the low flow control structure on the left side of the dam and there are no railings on the right side of the dam. When the grate on the low flow gate structure is opened, the fall height for workers is approximately 5.3 m; therefore, a fall arrest system should be provided.	High	\$15,000	
Minor Maintenance				
7. Notify the road authority of the erosion around the storm sewer/culvert on the downstream right embankment so that they can undertake appropriate repairs.	There is a section of the downstream right embankment that is severely eroded, along the path of a storm sewer pipe/culvert. While this erosion should be repaired, it is anticipated that this work would not be within the responsibility of the SVCA.	Low	\$0	It is assumed that the coordination with the road authority would be completed by SVCA staff as part of their regular duties and it is anticipated that there would not be cost to the SVCA to repair this erosion as the work would be completed at the expense of the road authority.
8. Monitor the condition of the repaired low flow gate stem and undertake further repairs or replacement as required to ensure the desired functionality.	The low flow gate stem broke while being operated during the dam inspection and was repaired shortly thereafter. Future repair or replacement works may be required in order to ensure reliable operation.	Ongoing	\$0	It is assumed that this would be completed as part of the routine inspections completed by SVCA staff as part of their regular duties.



Recommendation	Description of Deficiency	Priority	Estimated Cost	Additional Comments
<p>Major Maintenance</p> <p>9. Monitor the erosion downstream of the dam and undertake further investigations and repairs as necessary to ensure the stability of the dam, bridge, and watercourse.</p>	<p>Downstream of the apron, the cable concrete mat has been displaced as a result of high flow velocities and piles of the matting are visible in the channel downstream. The extent of the deterioration of the cable concrete matting could not be determined due to high levels of turbidity. It is likely that a scour pool has developed downstream of the apron. It is anticipated that this area will continue to erode if additional erosion protection is not provided.</p>	<p>Ongoing</p>	<p>\$0</p>	<p>It is assumed that this would be completed as part of the routine inspections completed by SVCA staff as part of their regular duties. The cost to repair the downstream erosion protection could be in the \$75,000 to \$100,000 range, depending on the preferred solution.</p>



Schedule 'B' – Mount Forest Dam, Township of Wellington North

Category 2 Programs and Services

Maintenance Activities:

The maintenance activities listed below would be performed in the absence of a public safety plan and other recommended studies as prescribed by the most recent external engineer inspection report.

- Installation and maintenance of signage
- Minor concrete repairs, as needed
- Debris removal impeding flow of water over dam
- Vegetation control
- Repairs to existing fencing and railing; no new fencing or railing improvements to be completed
- Annual exercising and flushing of the low flow gate
- Access and repairs within the bypass chamber associated with the low flow gate will not be considered until a certified operator fall arrest system is in place
- Associated permitting (SVCA and/or other environmental agencies) associated with the above noted maintenance activities
- End of year summary of maintenance and inspection activities

The above maintenance activities are contingent on SVCA staff having full, unobstructed access to the site and permissions from all affected landowners.

Inspection:

- Quarterly inspections and subsequent inspection report by SVCA staff
- Inspections to include monitoring rotation of sheet pile retaining wall, monitoring seepage around emergency bypass pipe and downstream erosion
- Coordination of annual inspection by a qualified external engineer

Capital Project(s):

A motion by the SVCA Board of Directors must be passed for SVCA staff to carry out capital projects on the Mount Forest Dam. SVCA staff request notification should the Township of Wellington North undertake capital projects during the term of a Category 2 agreement.

The following items were identified in the D.M. Wills 2022 Inspection Report and are considered capital projects for the purposes of this agreement:

- Complete a dam safety assessment/review, in accordance with the Lakes and Rivers Improvement Act
- Complete a public safety risk assessment and prepare a public safety plan.
- Implement public safety measures based on public safety plan (i.e., railings, fencing, safety boom/buoys)
- Improvement to operator safety measures (i.e., railings and fall arrest system)
- Repair or replacement of the low flow gate system, when needed
- Downstream erosion protection measures and further investigation related to displacement of the concrete cable mat
- Repair to the scour pool downstream of the concrete apron



Schedule 'C' – Mount Forest Dam, Township of Wellington North

Category 2 Cost

Item	Description	Duration	Budget (5 year)
Signage	Design and installation	Once	\$4,000.00
Concrete repairs	Minor repairs	As needed, over 5 years	\$6,000.00
Debris removal	As needed	Over 5 year term	\$5,000.00
Vegetation control	As needed	Annual	\$5,000.00
Fencing repairs	As needed	Over 5 year term	n/a
Flushing	Internal	Annual	\$2,500.00
Maintenance summary	Internal	Annual	\$5,000.00
Inspections	Internal, with reporting	Bi-annual	\$15,000.00
Engineer inspection	External	Annual	\$15,000.00
5 YEAR TOTAL			\$57,500.00

Notes:

- The above cost estimates are based on the 2022 condition assessment undertaken by D.M. Wills Associates. Additional repair and/or maintenance work may be required within the five-year budget period.
- These estimates should be considered +/- 10% of actual costs.
- All costs will be billed annually on a time and materials basis.
- SVCA staff will seek written approval from the Township of Wellington North should external engineering costs be greater than 20% of the estimated cost.
- All maintenance and inspection costs shall be in accordance with SVCA's Purchasing Policy.
- Scheduling of maintenance and inspection activities is at the discretion of SVCA staff.
- Capital projects are not included in the cost estimates above and will not be undertaken by SVCA staff without SVCA Board of Directors approval.

Schedule 'D'

Saugeen Conservation Authority Board of Directors Motion to Execute Category 3 Agreements Pertaining to the Water Quality Program

November 30th, 2023

Motion # G23-113

THAT the SVCA Board of Directors authorizes staff to proceed with execution of all fifteen Category 3 Agreements pertaining to the Water Quality Program and associated communications, on behalf of the Authority.

Moved by: Jennifer Prenger, SVCA Director, Municipality of Kincardine.

Seconded by: Sue Paterson, SVCA Director, Town of Hanover.

CARRIED.

SAUGEEN VALLEY CONSERVATION AUTHORITY



Name: Erik Downing

Title: General Manager/Secretary-Treasurer (Acting)



Name: Barbara Dobreen

Title: Chair, SVCA Board of Directors

**THE CORPORATION OF THE
TOWNSHIP OF WELLINGTON NORTH**

BY-LAW NUMBER 096-2023

**BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF A
MEMORANDUM OF UNDERSTANDING WITH THE SAUGEEN
VALLEY CONSERVATION AUTHORITY (SVCA) FOR PROGRAMS
AND SERVICES**

WHEREAS the Township of Wellington North and the Saugeen Valley Conservation Authority wish to enter into a Memorandum of Understanding for the delivery of program and services.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP
OF WELLINGTON NORTH ENACTS AS FOLLOWS:**

1. That the Corporation of the Township of Wellington North enter into a Memorandum of Understanding with the Saugeen Valley Conservation Authority for the delivery of program and services in substantially the same form as the agreement attached hereto as Schedule "A"
2. That the Mayor and the Clerk of the Corporation of the Township of Wellington North are hereby authorized and directed to execute the said agreement and all other documentation required on behalf of the Corporation.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 23RD DAY OF OCTOBER, 2023**

ANDREW LENNOX, MAYOR

KARREN WALLACE, CLERK