



Report to: General Committee

Date Report Authored: May 16, 2012

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**SUBJECT:** York Downs Golf & Country Club Auxiliary Water Supply System Agreement Renewal

**PREPARED BY:** Soran Sito, Manager, Environmental Assets, Ext 2521  
Abdullah Hossain, Environmental Engineer, Ext 2628

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**RECOMMENDATION:**

- 1) That the staff report entitled “York Downs Golf & Country Club Auxiliary Water Supply System Agreement Renewal” be received;
- 2) That the renewal of the existing agreement between the Town of Markham and the York Downs Golf & Country Club for the supply of water from the York Downs Stormwater Management Pond ‘H’ for irrigation purposes be authorized for an additional five (5) year term;
- 3) And that the Mayor and Clerk be authorized to execute the renewal agreement in a form satisfactory to the Town Solicitor and the Director of Asset Management;
- 4) And that the Commissioner of Community & Fire Services be authorized and delegated the authority to approve and execute any future agreement renewals, if required by the York Downs Golf & Country Club, and subject to such terms and conditions deemed appropriate by the Commissioner, Community & Fire Services, the Commissioner, Corporate Services and the Town Solicitor;

And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to obtain Council approval to renew the existing agreement between the Town of Markham and the York Downs Golf & Country Club for the supply of water from the Town-owned York Downs Stormwater Management (“SWM”) Pond ‘H’ for irrigation purposes for an additional five (5) year term. This report also seeks approval from Council to authorize the Commissioner of Community & Fire Services to approve and execute any future agreement renewals, if required by the York Downs Golf & Country Club, and subject to such terms and conditions deemed appropriate by the Commissioner of Community & Fire Services and the Town Solicitor.

**BACKGROUND:**

The York Downs Golf & Country Club (the “Golf Club”), located north of 16<sup>th</sup> Avenue between Kennedy Road and Warden Avenue (refer to Attachment “A”), has been relying on wells and the Bruce Creek to supply water for irrigation purpose. Since the Golf Club experienced problems during past dry summer seasons in meeting their regular golf course irrigation demands from these two sources, they sought other sources of water supply to supplement demands. After exploring a number of options, in 2004 the Golf Club and their consultant Stantec Consulting Ltd. submitted a proposal to the Town to use water from the nearby York Downs Storm Water Management (“SWM”) Pond ‘H’

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which can offer a reliable, economical and environmentally sound alternative source of water supply for irrigation purposes. The proposal was reviewed and approved by the Town and the Toronto and Region Conservation Authority (“TRCA”) with the following conditions:

- water-taking from the SWM pond will be solely for the purpose of irrigating the golf course,
- draw-down in the SWM pond water will only be allowed down to a certain level, and
- that the York Downs Golf Club authority enter into an agreement with the Town to address financial, liability, maintenance, monitoring and other responsibilities to the satisfaction of the Town’s Solicitor and the Director of Engineering.

At the June 30, 2004 meeting, Town Council authorized the Mayor and Town’s Clerk to execute the above noted agreement allowing the Golf Club to use SWM Pond “H” as a source of water supply to irrigate their golf course (Council’s meeting minutes are included as Attachment “B”). On June 3, 2005, the Golf Club entered into agreement with the Town to use SWM Pond H as a water supply source for irrigation for a five (5) year term (the “Agreement”) (a copy of the Agreement is included as Attachment “C”). The Agreement expired in June, 2010. Stantec Consulting Ltd., on behalf of the Golf Club, has requested that the Town extend the Agreement for an additional period of ten (10) years.

### **OPTIONS/ DISCUSSION:**

As outlined in the original Agreement, the Golf Club constructed an auxiliary water supply system and has been using the water from SWM Pond “H” for irrigation purpose during dry summer seasons only. In the original Agreement (Section H), the Golf Club was required to conduct water quality and quantity monitoring for this auxiliary water supply system. On behalf of the Golf Club, Stantec Consulting conducted a five (5) year (2005-2009) monitoring program and concluded that the system is working properly without any adverse impact on SWM Pond “H”. Stantec Consulting prepared a consolidated report titled “Summary of 2005-2009 Monitoring of Auxiliary Water Supply System, York Downs Golf & Country Club” dated April 2010 and duly submitted the report to the Town for review. Town Staff reviewed the monitoring reports and are of the opinion that further quality and quantity monitoring of the auxiliary water supply system is not necessary. Since there are no future plans to change the existing auxiliary water supply system and the amount of water-taking from SWM Pond “H”, Town staff recommend that the water monitoring requirement be eliminated in the renewal agreement. Staff are also of the opinion that the requested water taking for an additional ten (10) year term is too long, and prefer to maintain any future renewal agreements to five (5) year intervals to allow the Town to be able to implement any future requirements and/or changes to Pond “H”, Bruce Creek and the catchment area draining to Pond “H”.

The Ministry of Environment (“MOE”) is responsible through the Permit-to-Take-Water (“PTTW”) to control the water withdrawn from surface and ground water. The MOE has

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already issued a permit allowing the Golf Club to take water from five (5) drilled wells, Bruce Creek and, as well, from SWM Pond “H” to irrigate the golf course. The PTTW will expire on December 31, 2015 (a copy of the PTTW is included as Attachment “D”). It should be noted that the MOE has also issued a Certificate of Approval (a copy is included as Attachment “E”) for the auxiliary water supply system to provide irrigation water from SWM Pond “H” to the golf club during dry summer seasons.

The water-taking from SWM Pond “H” will augment the supply of water from the other sources and will certainly reduce the reliance on the other two sources: groundwater through drilled wells and surface water from the nearby Bruce Creek. In addition, the use of stormwater management pond water for irrigation will recharge the groundwater through percolation which is consistent with the Town’s Green Print strategy. Considering these environmental benefits, Staff recommend allowing the Golf Club to withdraw water from SWM Pond “H” only for irrigation purposes as outlined in the original Agreement as well as the MOE Certificate of Approval.

Agreement Execution Authority:

The original Agreement was approved by Council on June 30, 2004 and was signed by the Mayor and Town Clerk. Staff recommend extending the Agreement for an additional five (5) year term with the exclusion of the water monitoring requirements. Staff recommend that the Mayor and Clerk be authorized to execute the renewal agreement in a form satisfactory to the Town Solicitor and the Director of Asset Management. Staff also recommend that the Commissioner of Community & Fire Services be authorized to approve and execute any subsequent agreement thereafter.

**FINANCIAL CONSIDERATIONS AND TEMPLATE:**

The Golf Club is responsible for all the following costs:

- a) A \$5,000.00 fee for Town staff time for reviewing and processing the application and amending the Agreement to be deposited into the Lifecycle Replacement & Capital Reserve Fund, and
- b) A lump sum fee of \$10,000.00 (\$2,000 per year x 5 years) as per Section 14 of the original Agreement. This amount was originally included by the Engineering Department due to the uniqueness of the project and to cover unexpected costs related to staff time that could be involved in site inspection, condition assessment, monitoring, etc. Staff are of the opinion that this fee should continue the same way in the renewal of the existing agreement and be deposited into Lifecycle Replacement & Capital Reserve Fund;
- c) A \$1,100 fee plus applicable tax for a legal fee for the preparation of this agreement and to be deposited to Legal Services Operating account 300-3008899;

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As per the terms and condition of the original Agreement, the Golf Club is also responsible for operation and maintenance of the auxiliary water supply system and decommissioning of the system at the termination of the Agreement.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

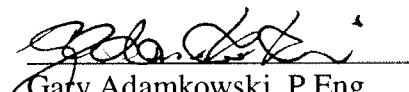
The current auxiliary water supply system is in-line with the Town's Environmental Focus goal. The system is also in line with the Town's Green Print strategy, by reducing the demand on water supply from groundwater and from Bruce Creek and by collecting and re-using runoff water from the existing SWM Pond H for irrigation purposes.

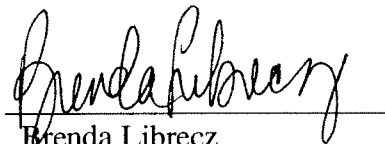
**BUSINESS UNITS CONSULTED AND AFFECTED:**

This report was circulated internally to the Legal and Finance Departments, and their comments have been incorporated.

**RECOMMENDED**

BY:

  
Gary Adamkowski, P.Eng  
Director, Asset Management

  
Brenda Librecz  
Commissioner, Community  
& Fire Services

**ATTACHMENTS:**

Attachments 'A': Location Map  
Attachments 'B': Council Meeting Minutes, June 30, 2004  
Attachments 'C': Copy of Original Agreement dated June 3, 2005  
Attachments 'D': MOE's Permit To Take Water (PTTW)  
Attachments 'E': MOE's Certificate of Approval (CoA)