

# THE CORPORATION OF THE TOWN OF NEW TECUMSETH

## POLICY/PROCEDURE

Subject Title: **Accessible Customer Service Policy, Procedures and Practices** **HR-CO-09-02**

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### Town of New Tecumseth Accessible Customer Service Policy, Procedures and Practices

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## **Part I**

### **Chapter 1**

#### **Town of New Tecumseth Accessible Customer Service Policy, Procedures and Practices**

##### **1.0 Background**

The Accessibility for Ontarians with Disabilities Act (the "AODA") is a provincial act with the purpose of developing, implementing, and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises.

The Accessibility Standards for Customer Service: Ontario Regulation 429/07 came into force on January 1, 2008 under the AODA. The regulation establishes accessibility standards for customer service and applies to public sector organizations and other organizations that provide services to the public or other third parties. Designated public sector organizations, such as the Corporation of the Town of New Tecumseth must comply with this regulation by January 1, 2010.

##### **1.1 Purpose**

The Accessibility Standards for Customer Service under the AODA requires the development of policies, procedures and practices pertaining to the provision of services to the public. The policy, procedures and practices presented here have been developed for the purpose of fulfilling this obligation and address the following topics:

- The provision of services to persons with disabilities including the use of assistive devices
- The use of services animals by persons with disabilities
- The use of support persons by persons with disabilities
- Providing notice of temporary disruptions in services usually used by persons with disabilities to access Town services
- Training
- Customer feedback and complaints regarding the accessibility of Town services to persons with disabilities; and,
- Notice of the availability of the documents required by this regulation

##### **1.2 Guiding Principles**

The Town of New Tecumseth will make reasonable efforts to ensure that its policies, procedures and practices are consistent with the following principles:

- Respect for the dignity and independence of persons with disabilities;
- The provision of services to persons with disabilities and others must be integrated unless an alternative means is necessary to enable the person with the disability to obtain, use or benefit from the services; and,
- Persons with disabilities must be given an opportunity equal to that given to others to obtain, use and benefit from Town services.

### 1.3 Definitions

“Assistive devices”, shall mean a device that maintains or improves the functional capabilities of persons with disabilities.

“Disability” means,

- a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- b) a condition of mental impairment or a developmental disability,
- c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- d) a mental disorder, or
- e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997.

“Guide dog” means a guide dog as defined in section 1 of the Blind Persons Rights’ Act is a dog trained as a guide for a person who is blind and having qualifications prescribed by the regulations under the Blind Persons’ Rights Act.

“MFIPPA”, means the Municipal Freedom of Information and Protection of Privacy Act, and includes all amendments thereto.

“Nurse” means a Registered Nurse or Registered Practical Nurse who is a registered member in good standing with the College of Nurses of Ontario or by other nursing regulatory bodies.

“Physician” means, a physician who is a registered member, in good standing, with the College of Physicians and Surgeons of Ontario or by other regulatory bodies.

“Service animal”, means any animal used by a person with a disability for reasons relating to their disability. It may be readily apparent that the animal is used by the person for reasons relating to his or her disability or the person may provide a letter from a physician or nurse confirming that he or she requires the animal for reasons relating to his or her disability, or the person may provide a valid identification card or a certificate of training from a recognized guide dog or service animal training school.

“Support Person” means a person who accompanies a person with a disability for the purpose of assisting them with communication, mobility, personal care, medical needs or with access to services.

“Town” means The Corporation of the Town of New Tecumseth, including its boards and committees that are designated by Town Council.

## **Part II**

### **Chapter 2**

#### **Accessible Customer Service Policy**

##### **2.0 Application**

This policy applies to all persons who deal with the public or other third parties whether done so as an employee, volunteer, agent, student on placement, or otherwise and those who participate in developing policies, procedures and practices governing the provision of services to the public and other third parties.

##### **2.1 Policy Statement**

The Town of New Tecumseth is committed to accessibility for all members of the public in accordance with the Accessibility for Ontarians with Disabilities Act, 2005 (AODA).

##### **2.2 Communication**

When communicating with a person with a disability the Town will do so in a manner that takes into account the person's disability

##### **2.3 Correspondence, Invoices and other Documentation**

The Town of New Tecumseth is committed to providing accessible customer service including correspondence, invoices and public documents to all of our customers. These documents or the information contained in them will be made available to the public and provided in a format that takes into account the persons disability upon request, such as large print or reading the information to the customer.

##### **2.4 Assistive Devices**

Persons with disabilities may use their own assistive devices to obtain, use or benefit from Town services, or where they are available, the Town may provide other reasonable measures to assist persons with disabilities to do so.

It should be understood that it is the responsibility of persons with disabilities or, where applicable their support persons, to operate their assistive devices in a controlled manner at all times.

##### **2.5 Use of Service Animals by Persons with Disabilities**

Where the Town provides its services persons with disabilities may enter premises the Town owns or operates with their guide dog or other service animal, if the public or other third parties have access to these premises, and keep the animal with them unless the animal is excluded by law.

If the service animal is excluded by law, the Town will make reasonable efforts to accommodate the person with the disability so that they may obtain, use or benefit from the Town's services.

If it is not readily apparent that the animal is a service animal the Town may ask the person with a disability for a letter from a physician or nurse stating that they require the animal for reasons relating to a disability. The Town may also ask for a valid identification card or certificate of training from a recognized service animal training school.

It is the responsibility of the customer to ensure that their service animal is in control at all times.

## **2.6 Use of Support Persons by Persons with Disabilities**

Where the Town provides its services persons with disabilities may enter premises the Town owns or operates with their support person if the public and other third parties have access to these premises. The Town will not prevent the person with the disability from having access to their support person while on Town premises.

The Town may require that persons with disabilities be accompanied by a support person while on premises the Town owns or operates. This will occur if it is necessary to protect the health and safety of the person with the disability or others.

Where an admission fee is charged to support persons for Town services, events or in conjunction with the person's presence on Town premises, notice will be provided in advance.

## **2.7 Notice of Temporary Disruptions in Services and Facilities**

The Town is aware that the operation of its facilities and services is important to all customers. Persons with disabilities may require the use of particular facilities and services to assist them in accessing Town services. If a temporary disruption occurs in the services and facilities usually used by persons with disabilities to access Town services the Town will provide notice of this disruption to the public.

If the temporary disruption is planned, notice will be provided in advance. If the disruption is unexpected, notice will be provided as soon as reasonably possible.

Notice will be provided in a manner that is reasonable under the circumstances. Notices will include information about the reasons for the disruption, its expected duration, and a description of alternative services or facilities, if any, that may be used to access Town services.

## **2.8 Training**

The Town will ensure that the following persons receive training as required by the Accessibility Standards for Customer Service: Ontario Regulation 429/07:

- all persons who deal with the public or other third parties whether done so as an employee, volunteer, agent, student on placement or otherwise; and,
- those who participate in developing policies, procedures and practices governing the provision of services to the public and other third parties.

The content of the training will include:

- a review of the purposes of the AODA;
- the requirements of the Accessibility Standards for Customer Service: Ontario Regulation 429 / 07;

- instruction on the Town's policies, procedures and practices pertaining to the provision of services to persons with disabilities;
- how to interact and communicate with persons with various types of disabilities;
- what to do if a person with a disability is having difficulty accessing the Town's services;
- how to interact with persons with disabilities who use assistive devices or who require the assistance of a support person or service animal; and
- information about the equipment or devices available on the Town's premises or provided by the Town that may help with the provision of services to persons with disabilities.

Training will be provided to each person as soon as practicable after they have been assigned the applicable duties. Training will also occur on an on-going basis as changes are made to the Town's policies, procedures and practices governing the provision of services to persons with disabilities.

The Town will keep records of the training, including the dates on which training occurred and the number of individuals trained. The names of individuals trained will be recorded for training administrative purposes, subject to the Municipal Freedom of Information and Protection of Privacy Act. (MFIPPA).

## **2.9 Notice of the Availability of the Required Documents**

The Town will provide notice to the public that the documents required by the Accessibility Standards for Customer Service regulation are available to the public upon request.

Notice may be posted in an obvious place on premises owned or operated by the Town, or on the Town's website, or another method considered reasonable under the circumstances.

## **2.10 Format of the Accessible Customer Service Policies, Procedures and Practices**

The required documents or the information contained in them, will be provided to the public in a format that takes their disability into account.

## Part III

### Chapter 3

#### Accessible Customer Service Procedures and Practices

##### Serving Customers with Disabilities including the Use of Assistive Devices

### 3.0 Application

Customers with disabilities may require certain accommodations or assistance to help them access services. These procedures and practices apply in situations where persons with disabilities require assistance to help them access the services provided by the Town or on behalf of the Town including the person's use of their own assistive device and the assistive devices or other reasonable measures that the Town may make available to them.

#### 3.1 Communicating with Customers with Disabilities

When providing services to persons with disabilities staff will communicate in a manner that takes the customer's disability into account. The Town will demonstrate awareness of how to interact and communicate appropriately with customers who use service animals, support persons and assistive devices.

#### 3.2 Accommodation Requests

The Town will give consideration to the customer's accommodation preferences, but the form of communication and delivery of services may not be in the customer's first choice, but the accommodation must consider the customer's disability and make reasonable efforts to adhere to the guiding principles of the Town's Accessible Customer Service Policy, Procedures and Practices.

##### a. Informal Accommodation Requests

Informal accommodations involve assistance that is easily and quickly provided. For example, informal accommodation may include, providing assistive devices that are readily available on Town premise such as offering to fill out a registration form for a customer or other simple forms of assistance.

Staff and others providing services on behalf of the Town will refer to the *Formal Accommodation Requests* section below if the requested accommodation is not within their approval authority and/or if it involves a request that cannot be readily provided.

##### b. Formal Accommodation Requests

Formal Accommodation Procedures should be followed for accommodations that cannot be readily approved or provided.

Formal Accommodation Requests require staff to:

- complete the Customer Accommodation Request Form; and
- forward the request form to the Clerk or their designate who will then notify the appropriate department and will liaise with the department manager in arranging the required accommodation.

#### Formal Accommodation Process

- review the request based on the criteria in section 3.5, *Considerations for Determining the Appropriateness of Accommodation* and other considerations that the Town views as applicable to the request;
- either approve, deny or research the request and potential solutions;
- where applicable, ensure that the department responsible for keeping the assistive device or equipment has been contacted about the request;
- where applicable, make certain that community specialists or service providers, such as the Canadian Hearing Society, have been contacted regarding the request; and,
- make certain the customer has been contacted about the status of the request.

### 3.3 Requests for Accommodation including Assistive Devices

#### a. Customer Responsibilities

In most situations persons with disabilities are expected to initiate a request for accommodation and should communicate this to Town staff in a timely fashion.

Wherever possible requests for accommodation should be made to staff in the department responsible for the service the customer is requesting. Where this is not possible, requests for accommodation may be made to the Clerk's Department by using the *Formal Accommodation Request Form*. Please see Section 3.2.b.

#### b. Town Responsibilities

At times a person's disability may interfere with their ability to communicate their need for accommodation. In situations where staff are aware that a customer has a potential need for accommodation, staff may ask them if they require assistance accessing Town services.

### 3.4 Information Required for Determining Accommodation

Staff may ask the customer about their accommodation needs and for suggestions on how to assist them in accessing Town services. A lack of information may result in a delay or denial of the accommodation request.

Where applicable, staff will refer to the Town's *Assistive Devices Resource List* for possible accommodation ideas.

### 3.5 Considerations for Determining the Appropriateness of an Accommodation

Considerations for determining appropriate accommodations include, but may not be limited to, the following:

- the cost of accommodation solutions;
- the likelihood that the accommodation or assistive device will alter the nature of the services provided by the Town or on behalf of the Town;
- the potential that the accommodation or assistive device will negatively affect the ability of others to obtain, use or benefit from Town services;
- the likelihood that the accommodation or assistive device will interfere with the confidentiality of Town matters or those of others;
- the potential of the accommodation or assistive device to pose a risk to the health or safety of the customer with the disability or others.

### **3.6 Customer Responsibilities for the Safe Operation of Assistive Services**

It is the responsibility of the person with the disability to ensure that his or her assistive device is operated in a safe and controlled manner at all times.

Where applicable, persons with disabilities are expected to safely transfer on and off of the assistive device independently or with the assistance of their support person.

### **3.7 When Assistive Devices are Not Permitted**

Assistive devices will not be permitted in situations where the Town has determined that they may create an unreasonable risk to the health and safety of the customer or others. Certain devices may be restricted on Town premises or in specified areas. In these situations the Town will make reasonable efforts to accommodate the customer in another manner.

### **3.8 Disagreements about the Use of Assistive Devices and Accommodation Decisions**

If staff and customers disagree about the use of assistive devices or other accommodation decisions staff may refer the matter to a senior staff member who may refer to the Town's *Feedback and Complaints Procedures and Practices*.

### **3.9 Storing and Releasing Accommodation Records**

Accommodation forms and reports that contain information about a particular customer are subject to the confidentiality restrictions of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

Personal information about a customer will be held by the Town for as long as it remains relevant to the delivery of services to the customer as per the guidelines in the Town's records management system.

## **Chapter 4**

### **The Use of Support Persons by Customers with Disabilities**

The Town of New Tecumseth welcomes persons with disabilities and their support persons where the Town provides services on premises that it owns or operates.

#### **4.1 Application**

Some customers with disabilities may require the assistance of support persons to help them obtain, use or benefit from Town services. Support persons may be family members, friends or trained professionals. These procedures and practices apply when the Town of New Tecumseth provides services on premises that it owns or operates and where the public or other third parties have access.

## 4.2 Support Person Responsibilities

If the Town offers a reduced admission fee to support persons who are on Town premises for the purpose of assisting a customer with a disability, support persons should identify themselves to Town staff for the purpose of receiving the reduced fee.

## 4.3 Town Responsibilities

### a. Granting Entrance and Access to Support Persons

Where the Town of New Tecumseth provides services on premises that it owns or operates, customers with disabilities are permitted to enter these premises with their support person. The Town will not prevent customers and their support persons from having access to each other while on these premises.

### b. Notice of the Fee Charged to Support Persons

The Town will provide advanced notice of the fee, if any, charged to support persons in relation to their presence on Town premises for the purpose of assisting a customer with a disability to access its services. The fee will be posted in a manner considered reasonable under the circumstances. For example the fee may be shown where fees are normally posted for events and services, such as promotional flyers and the Parks, Recreation and Culture Guide.

## 4.4 Confidential Matters

When the confidential matters of the Town or of the customer are to be addressed the support person may wait in a nearby area until the conclusion of the meeting. In situations where the customer prefers or requires their support person to be present when the customer's confidential matters are addressed the Town will require the customer to provide consent. If the customer is under age consent will be required from their parent or legal guardian.

## 4.5 Mandating Support Persons

### a. When the Town Requires a Customer to have a Support Person

In some situations a person with a disability may require the assistance of a support person in order to safely participate in and access Town services. The Town may require a customer with a disability to be accompanied by a support person if the support person is necessary to protect the health or safety of the customer or the health and safety of others while on Town premises.

The Town will address this matter with the customer and will base the decision to mandate a support person on the customer's specific disability.

### b. Disagreements about the Need for a Support Person

Where the customer and staff disagree about the customer's need for a support person the Town will refer the customer to its *Feedback and Complaints Procedures and Practices*.

### c. Customer Responsibilities

Some disabilities, as well as a person's need for a support person are not obvious. In addition a customer's need for a support person may be influenced by the services they wish to access. For this reason the Town requires customers to inform Town staff of their need for a support person.

## Chapter 5

### The Use of Service Animals by Customers with Disabilities

#### 5.0 Application

These procedures and practices apply when service animals assist customers with disabilities in accessing Town services on premises the Town owns or operates. Service animals provide a wide range of assistance including, but not limited to, opening doors, retrieving items, as well as emotional support.

#### 5.1 Identifying Service Animals

Service animals may be any animal assisting a person with disability that is not excluded by legislation or Town of New Tecumseth by-law. Service animals include, but are not limited to, guide dogs, hearing alert dogs, seizure alert animals, special skills animals, and animals that provide emotional support.

##### a. Readily Apparent Service Animals

At times it is readily apparent that an animal provides assistance to a person with a disability. This occurs where:

- the animal is observed assisting the customer; or
- the customer's need for the animal is known to Town staff; or
- the animal is wearing a service animal vest or harness.

##### b. Acceptable Service Animal Identification

In situations where the customer's need for a service animal is not readily apparent, staff may ask the customer for one of the following:

- A letter from a physician or nurse stating that the customer needs the animal for reasons relating to a disability; or
- A valid identification card or training certificate from a recognized service animal training school.

#### 5.2 Town Responsibilities

The Town will:

- allow customers with disabilities to access the services provided by the Town on premises the Town owns or operates with their service animal and to keep the animal with them in areas where the public or other third parties have access unless the animal is excluded by law;
- find another method to provide services to customers if their animal is excluded by law; and
- recognize that service animals are working and should not be distracted.

#### 5.3 Customer Responsibilities

Customers are responsible for:

- keeping their service animals in control at all times;
- making certain their service animal is well behaved and is as unobtrusive as possible;
- ensuring that the service animal is not a threat to the health and safety of any person or other animals;
- ensuring that the service animal's immunizations are up-to-date

#### **5.4 Reasons for Removing Service Animals from Town Premises**

Service animals may be removed from Town premises for any one of the following reasons:

##### Disruptive Behaviour

Service animals may be removed for disruptive behaviour including barking, growling, or displaying other aggressive behaviour.

##### Damage

Service animals may be removed for causing damage to any person or property. Owners are responsible for any damage caused by their service animal.

##### Poor Health

A service animal with a contagious illness will not be permitted into areas where it risks spreading the illness to others.

#### **5.5 Areas Where Service Animals are Not Allowed**

Service animals may be prohibited from entering Town premises due to concerns for health and safety, or due to legislation or Town by-law or for reasons provided in Section 5.4, *Reasons for Removing Service Animals from Town Premises*.

Ontario Regulation 562 under the Health Protection and Promotion Act prohibits animals from places where food is prepared, handled, served, displayed, stored, sold, or offered for sale.

It is important to note that service dogs are exempt from this restriction and are permitted to go where food is served, sold or offered for sale, such as restaurants including buffets. However all animals, including service dogs, are not permitted to enter areas where food is prepared, such as kitchens.

#### **5.6 Accommodating Customers When Service Animals are Not Allowed**

In situations where service animals are not permitted on to Town premises, or in certain areas of Town premises, the Town will offer to accommodate the customer in another manner.

#### **5.7 Emergency Situations**

In the event of an emergency, staff will attempt to keep service animals and their owners together. It is understood that the health and safety of all persons is the greatest priority.

#### **5.8 Persons who are Allergic to or Afraid of Service Animals**

Under the AODA common allergic reactions to animals and fear of them are not considered disabilities. As a courtesy the Town may make reasonable efforts to accommodate persons who have common allergic reactions to animals or a fear of them.

In rare situations a person may have a severe and debilitating reaction to an animal, such as respiratory distress. In these situations accommodation will be necessary and may involve limiting exposure to the animal, or making reasonable efforts to provide services to the customer in another manner/location.

## **Chapter 6**

### **Providing Notice of Temporary Disruptions in Services and Facilities**

#### **6.0 Application**

These procedures and practices apply when there is a temporary disruption in the services or facilities provided by the Town that are usually used by persons with disabilities to access Town services. Examples of Town services and facilities that may be used by persons with disabilities include but are not limited to, elevators, ramps, and assistive devices.

#### **6.1 Providing Notice of Temporary Disruptions**

When a temporary disruption occurs in the services or facilities usually used by customers with disabilities to access Town services, the Town will provide notice of these disruptions.

#### **6.2 Content of Notices**

Notices of temporary disruptions will provide the following information:

- the reasons for the disruption;
- the expected length of the disruption; and,
- alternative means of accessing Town services, if they are available, such as alternative accessible routes or alternative services.

#### **6.3 Format and Placement of Notices**

The format and placement of notices will be provided in a manner considered reasonable in the circumstances.

- Notice may be placed in a conspicuous place on Town premises such as, the entrance of buildings, or the site of the temporary disruption, the Town's website, or in another reasonable manner.
- The placement and format of notices will give consideration to the type of disability(s) of customers who are affected by the disrupted service or facility. For example, staff will be mindful of placing notices where they will be noticeable by customers using wheelchairs and other assistive devices.

#### **6.4 Staff Responsibilities for Unexpected Disruptions**

When staff become aware of an unexpected disruption they will notify the department responsible for the service or facility so that they may follow the notification procedures and practices.

#### **6.5 Responsibilities for Providing Notice of Temporary Disruptions**

Managers of the department responsible for the facility or service experiencing the temporary disruption, or their designate will:

Determine the reasons for the disruption;

- Determine the expected length of the disruption;
- Identify alternative means, if any, of accessing Town services for customers with disabilities;

- Provide notice of the disruption in an appropriate format and location with consideration given to the type(s) of disabilities of customers who use the disrupted service or facility;
- Provide notice of unexpected disruptions as soon as reasonably possible;
- Determine when notice of planned temporary disruptions will be provided.; and,
- Make certain that notices contain the required information listed in *Content of Notices* (Section 6.2).

## **6.6 Situations where Notice will Not be Posted**

Where a service or facility is temporarily unavailable but can be restored quickly (before notice can reasonably be posted) notice may not be posted but customers in the area where the disruption has occurred will be informed where appropriate.

## **Chapter 7**

### **Feedback and Complaints Procedures and Practices**

The Town of New Tecumseth continuously strives to improve the services it provides to the public and the ability of all customers that we serve to access Town services. For these reasons the compliments, suggestions and complaints of our customers are important as they may contribute to service improvements.

## **7.0 How to Provide Feedback or Make a Complaint**

Feedback or complaints about the delivery of Town services may be given in person, by telephone, by mail, electronically, or through other means and will be reviewed for the purpose of service improvements.

To improve the Town's ability to effectively address feedback, the Town recommends that feedback be received as soon as possible. Ideally feedback or complaints should be given to the person directly involved in the situation. If this is not possible any staff member will advise customers on how to submit feedback so that it can be forwarded to the appropriate individual or department.

## **7.1 Complaints Resolution**

If customers are dissatisfied with Town services, or the manner in which they are delivered, or if customers with disabilities would like to make a complaint about their ability to access Town service or about the accommodation offered by the Town, they should address these issues with the staff member involved in the situation as soon as possible

If the customer is not satisfied with the outcome, staff will inform them of the option of making a formal complaint to the department manager or their designate.

## **7.2 Seeking Advice when Investigating Complaints**

In order to resolve disagreements about the manner in which services are provided to persons with disabilities the Town may require assistance from individuals or organizations with expertise on accommodating persons with disabilities, such as the Canadian National Institute for the Blind. Where outside experts are called upon to provide assistance in resolving a complaint or for other reasons, all information will be held in confidence and subject to MFFIPA.

## **7.3 Maintaining Confidentiality**

Information pertaining to a customer and their complaint, and where applicable, persons named in the complaint, will be held in confidence in accordance with MFIPPA.

### **Questions about the Accessible Customer Service Policy, Procedures and Practices**

Questions about the Accessible Customer Service policy and its related procedures and practices should be referred to

Gayla McDonald, Town Clerk

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