

Regular Meeting, Presbytery of Waterloo-Wellington  
 Tuesday, Sept. 8 – 7:00 PM- Zoom Meeting Call

The Presbytery of Waterloo-Wellington met for its regular meeting online via Zoom on Tuesday, September 8, 2020, at 7pm.

Worship, with communion, was led by Moderator elect, Rev. Peter Bush of St. Andrew's Fergus. Opening Prayer and Constitution of the Court: Mr. Gib McIlwrath, moderator, constituted the Presbytery.

**Attendance:**

**Ministers:** Rev. Ed Charlton, Rev. Peter Bush, Rev. Michelle Yoon, Rev. Nick Pavel, Rev. Hugh Donnelly, Rev. John Borthwick, Rev. Johanne Olivier, Rev. Herb Gale, Rev. Scot Sinclair, Rev. Scott McAndless, Rev. Glen Soderholm, Rev. Mark Gaskin, Rev. Susan Clarke, Rev. Jane Swatridge, Rev. Frank Szatmari, Rev. Diane Boyd, Rev. Greg Smith, Rev. Alex MacLeod

**Representative Elders:** Janet de Groot, Doris Tubman, Andrew Foster, Gib McIlwrath, Vern Platt, Sue Senior, George Forsyth, Doug McCaig, Pauline Hall, Louise Sharpe-Berges, Bonnie Street, Ross Rowat, Janet MacDowell, Werner Kuebling, Alex McNabb, Peggy Lennox, Daewon Lee, Joanne Baxter

**Alt. Representative Elders:** Peter DeVries

**WMS:** Jean Godin

**Appendix:** Rev. Darrell Clarke, Rev. Wendy Paterson

**Treasurer:** George Myers

**Guests:** Pauline Tomlinson and Margie Warren, St. Andrew's, Kitchener.

**Regrets:**

Ministers: Rev. Kristine O'Brien, Rev. Kathy Morden, Rev. Bill Bynum.

Appendix: Rev. Kees Vandermay, , Rev. Walter MacLean,

Rev. Greg Smith introduced the guests from St. Andrew's, Kitchener.

Moved by Herb Gale/Ed Charlton that Pauline Tomlinson and Margie Warren be invited to sit and correspond.

Carried

**Agenda**

Moved by Ed Charlton/Sue Senior that the agenda as amended be approved. Carried.

**Minutes of Previous Meetings**

Moved by Nick Pavel/Susan Clarke that the minutes of the Regular Meeting June 16, 2020 and the Emergent meetings of July 21 and Sept 4, 2020, be approved. Carried

**Induction of the Moderator**

The Moderator, of the Presbytery, Mr. Gib McIlwrath, inducted the moderator elect, Rev. Peter Bush, as the moderator of Presbytery of Waterloo-Wellington for the term 2020-2021.

The moderator thanked the outgoing moderator, who had the longest moderator ship in the Presbytery's history, for his service and leadership.

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## **Committee Reports**

### **Business Committee – “Appendix A” - Rev. Peter Bush**

Moved by Ed Charlton/Greg Smith that the report of the business committee be received and considered.  
 Carried

Moved by Ed Charlton/Greg Smith that the actions of the Business Committee in assigning the correspondence be homologated. Carried

Moved by Ed Charlton/Greg Smith that the complaint brought before Presbytery at its regular meeting of March 10, 2020, be closed and the committee be dismissed with thanks. Carried

Moved by Ed Charlton/Greg Smith that the Rev. Karla Wubbenhorst be placed on the appendix of the Presbytery of Waterloo-Wellington, effective immediately. Carried

Moved by Ed Charlton/Greg Smith that the Rev. Brooke Ashfield be placed on the appendix of the Presbytery of Waterloo – Wellington effective September 30, 2020. Carried

Moved by Ed Charlton/Greg Smith that the Rev. Linda Ashfield be placed on the appendix of the Presbytery of Waterloo – Wellington effective September 30, 2020. Carried

The current and past moderator shared their appreciation for the dedication of Brooke and Linda to the Presbytery. Peter Bush noted Brook’s understanding of Presbyterian polity and the Book of Forms and Linda’s passion for people and the Presbytery. Greg Smith noted his appreciation for Brooke and Linda and Sue senior noted that she would convey the appreciation of the Presbytery to the Ashfield’ s, noting that they will be missed by the Presbytery and especially Knox, Waterloo.

Moved by Ed Charlton/Greg Smith That a minute of appreciation for Mike Wasyluk and his contribution as the Presbytery’s Emerging Generations Engagement Facilitator, be presented by the Mission and Outreach committee. Carried

Rev. Greg Smith, convenor of the Mission and Outreach committee, shared a minute of appreciation for the work of Mike Wasyluk, while he was the Presbytery’s Emerging Generations Engagement Facilitator.

Rev. Herb Gale, Rev. Susan Clarke and Janet DeGroot shared their appreciation for Mike. Rev. Mark Gaskin closed with a note of appreciation for Mike.

Moved by Ed Charlton/Greg Smith that the Presbytery establish a task force on the Environmental footprint of the Presbytery, as per the terms of contained in the report of the business committee, and to report back at the September regular meeting 2021. Interim reports will be provided from time to time. It will be convened by the Moderator of Presbytery, with a representative from the Mission and Outreach Committee and a member from the Finance and property Committee, the Clerk of Presbytery, ex-officio; with the power to add members. Carried.

Moved by Ed Charlton/Greg Smith that the report as a whole be approved. Carried.

### **Treasurer’s Report – Appendix “B” – George Myers**

Darrell Clarke, Clerk – [clerkwatwell@gmail.com](mailto:clerkwatwell@gmail.com)

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Moved by Ed Charlton/Scott McAndless that the report of the Treasurer be received. Carried

The Treasurer provided a financial update to the Presbytery.

Moved by Ed Charlton/Scott McAndless that the report as a whole be approved. Carried

#### **Ministry Committee – “Appendix C” – Ed Charlton**

Moved by Ed Charlton/Peggy Lennox that the report of the Ministry Committee be received and considered. Carried.

Ed Charlton presented the report of the committee to the Presbytery. The report's contained a recommendation to sever the pastoral tie between St. Andrew's, Kitchener and Rev. Greg Smith and the related transition agreement.

Moved by Ed Charlton/Peggy Lennox that members of St. Andrew's in Kitchener be invited to speak to this.

Pauline Tomlinson, noted the decision to sever the pastoral tie was regretful and that Rev. Greg has made a significant contribution to St. Andrew's in his years of ministry, especially in the area of outreach, visitation and counselling. She thanked Greg for his service. Margie Warren, Clerk of Session, relayed the comments of the congregation and noted Greg's unique skills and contribution to the congregation.

Several members of the Presbytery including Scott Sinclair, Glen Soderholm, Johan Olivier, Darrell Clarke, Sue senior, Andrew Foster, Peter Bush, Scott McAndless, and Nick Pavel expressed their appreciation for Greg's friendship and dedication to the work of the Presbytery.

Moved by Ed Charlton/Peggy Lennox that the Presbytery of Waterloo-Wellington approve the Transition Agreement between Rev. Greg Smith, the Presbytery of Waterloo-Wellington, and the St. Andrew's in Kitchener. Carried.

Moved by Ed Charlton/Peggy Lennox That the Presbytery of Waterloo-Wellington dissolve the Pastoral Tie between Rev. Greg Smith and St. Andrew's Kitchener. Effective November 15, 2020. Carried

Moved by Ed Charlton/Peggy Lennox that the report as a whole be approved. Carried.

#### **Mission and Outreach Committee – “Appendix D” – Rev. Greg Smith**

Moved by Greg Smith/Scott Sinclair that the report of the Mission and Outreach committee be received and considered. Carried.

Greg Smith presented the report of the committee to the Presbytery requesting approval for an application of a grant from Canada Ministries to support the continuing ministry of Two Rivers Church in Guelph.

Moved by Greg Smith/Scott Sinclair that the Presbytery support the application of Two Rivers Church for a grant from Canada Ministries, requesting a grant of \$8,000 for the year 2021. Carried.

Moved by Greg Smith/Scott Sinclair that the report as a whole be approved. Carried.

#### **Congregational Health Committee – “Appendix “E” – Rev. Scott McAndless (PDF Attached)**

Moved by Scott McAndless/Mark Gaskin that the report of the Congregational Health Committee be received and considered. Carried

Darrell Clarke, Clerk – [clerkwatwell@gmail.com](mailto:clerkwatwell@gmail.com)

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Rev. Scott McAndless presented the report of the committee for information only as options for the congregation are still being explored. The final report on the congregation of Westminster-St. Paul's will be received at a later Presbytery meeting.

Moved by Scott McAndless/Mark Gaskin that the report as a whole be approved. Carried.

### **Other Business: Notices of Motion**

Moved by Herb Gale/Susan Clarke that the Presbytery pay half (50%) of the transition allowance and remuneration package for Rev. Wubbenhorst after the dissolution of the pastoral tie between the minister and congregation, and that Presbytery pay half (50%) of the transition allowance and remuneration package for Rev. Wubbenhorst after the dissolution of the pastoral tie between the minister and congregation, as a loan from the development fund.

Moved by Gib McIlwrath/Janet MacDowell that the motion and its proposed amendment be referred to the Finance and Property Committee and that the committee report back to the Presbytery at the November meeting of Presbytery. Carried

Moved by John Borthwick/Greg Smith that a minimum gift of 5% be directed to the Endowment Fund of the Ecumenical Campus Ministry at the University of Guelph from the proceeds of the sale of churches within the Presbytery be made whenever one of our church buildings is sold either as a result of dissolution or amalgamation.

Moved by Scott McAndless/Diane Boyd that the motion be referred to a special committee and that the moderator in consultation with the business committee appoint interested parties the committee and report back to the Presbytery. Carried.

### **The following notices remain on the table:**

1. Moved by Herb Gale/Linda Ashfield that the moderator of Presbytery in consultation with the Congregational Affairs Committee (aka, Congregational Health Team) appoint an Advisory Team (composed of the Interim Moderator of WSP, representatives from within the Presbytery and interested members and friends of WSP) to explore possible options for WSP's future as a congregation and/or to explore ways to use WSP's strategic site for ministry and mission initiatives in the growing community of northeast Guelph, and to report back to Presbytery, no later than November 2021 with any recommendations the Advisory Team may have.

Discussion followed. Moved by Brooke Ashfield/Sue Senior that current recommendation be tabled. Carried

### **Notice of Motion – Rev. John Borthwick (emergent meeting, June 10)**

That Presbytery pay the full amount (100%) of the transition allowance and remuneration package for Rev. Wubbenhorst after the dissolution of the pastoral tie between the minister and congregation. The motion was tabled.

### **Sale of Westminster-St. Paul's Presbyterian Church.**

DAVID CLARKE, CLERK – [clerkwatwel@gmail.com](mailto:clerkwatwel@gmail.com)

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That Westminster-St. Paul's Presbyterian Church, Guelph be permitted to ask for, receive, and review offers towards the purchase of the building. It being clearly understood that no sale would be completed until the Presbytery approves a sale. Moved by Peter Bush/Ed Charlton that this be tabled. Carried.

## 1. Next Meetings

### September 8 – Zoom Meeting

November 10 – St. Andrew's Fergus

#### 2021 Dates:

- Jan. 12 – MCC 50 Kent Ave.
- Mar. 9 – TBD
- May 11 – TBD
- June 15 (with dinner) – TBD

#### Upcoming Inductions:

Rev. Courtney Crawford at Knox, Waterloo: TBD

Rev. Megan Penfold at Doon, Kitchener: TBD

#### Business Committee (July and August as necessary via Zoom);

- Oct. 6 (Zoom), Nov. 3 (Zoom), Dec. 1 (Zoom), Jan 5, Feb 2 (Zoom), March 2, April 6 (Zoom), May 4, June 8

As the business of the Presbytery was complete, it was moved by John Borthwick that the meeting adjourn.  
Carried

The Moderator introduced to the Presbytery of the Presbytery study on Dietrich Bonhoeffer's Life Together.

The moderator closed with a historical fact – noting the work of Dr. Jean Dow of Fergus, as a medical missionary to China.

The meeting closed with prayer and a benediction.

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**Business Committee “Appendix A” – Rev. Darrell Clarke on behalf of the moderator.**

**a. Correspondence**

#	Received from	Topic	Referred to:
20	86 Rev. John Borthwick	Recording of Conversation on Church reopening with Dr. M. Tenenbaum, Wellington Public Health	Presbytery
20	87 Jessica Foy	"Embodied" Service Invitation	Presbytery
20	88 Jennifer Astop	Two Rivers Grant Application 2020	M & O Committee
20	89 Rev. Paul Wu	Receipt of Nomination for Principal, PC, B Bertrand	Clerk
20	90 Rev. Victor Kim Rev. Ian Ross	Statement on Anti-Asian Racism	Presbytery
20	91 Macdonald	National Indigenous People's Day Statement	Presbytery
20	92 Rev. Angus Sutherland	Availability of Hymn Books and CE Curriculum Knox's Galt	Presbytery
20	93 Henry Heidinga	Withdrawal of "The Pulse" Ministry Proposal	Special Comm on Palmerston, Bus. Comm.
	94 Omnya Nawor	Insurance Invoice for D & O Coverage Introductory Video from new Principal, St. Andrews Hall	Treasurer
20	95 Rev. Ross Lockhart	Extract of Minutes, St Andrew's, Kitchener	Presbytery
20	96 Margie Warren	2021 Minimum Stipend Schedule	Clerk
20	97 Terrie-Lee Hamilton	Letter and Recommendations re EGEF position	Presbytery
20	98 Rev. Mark Gaskin	Comments re Emergent Presbytery Meeting	Moderator/Clerk
20	99 Louise Sharpe-Berges	Decision of Special Committee to address a complaint	Clerk
20	100 Rev Ed Charlton	July 2020 Changes to the Roll	Presbytery
20	101 Kathryn Muir	Signed Transition Agreement	Clerk
20	102 Rev Peter Bush	Soc. Cdn. Pres. History Annual Meeting	Presbytery
20	103 Ian Mason	Call to Rev. Courtney Crawford (Knox Waterloo)	Presbytery
20	104 Rev. John Borthwick	Call to Rev. Megan Penfold (Doon)	Presbytery
20	105 Rev. Scott Sinclair	Request for funding, Spiritual Director training	E.I.F Committee
20	106 Robyn Ferrier	Overtures and Petitions 2020 GA Deadline	Presbytery
20	107 Kathryn Muir	Nominations for Moderator G.A. Deadline	Presbytery
20	108 Maggie Leung	Presbyterian Sharing, July 2020 Report	Presbytery
20	109 Sue Senior	The Revs. Ashfield's Retirement Celebration	Presbytery

**Recommendation #2: That the actions of the Business Committee in assigning the correspondence be homologated**

**b. Withdrawal of Complaint**

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The complaint brought before Presbytery at its regular meeting of March 10, 2020, with a committee struck to investigate consisting of Rev. Bill Bynum, Rev. Alex MacLeod, and Pauline Hall, has been withdrawn by the complainant.

**Recommendation #3**

Move that the complaint be closed and the committee be dismissed with Thanks.

**d. Removal of Ministers to the Appendix of Presbytery:**

**Recommendation #4**

That the Rev. Karla Wubbenhorst be placed on the appendix of the Presbytery of Waterloo-Wellington, effective immediately.

**Recommendation #5**

That the Rev. Brooke Ashfield be placed on the appendix of the Presbytery of Waterloo – Wellington effective September 30, 2020.

**Recommendation #6**

That the Rev. Linda Ashfield be placed on the appendix of the Presbytery of Waterloo – Wellington effective September 30, 2020.

**Recommendation #7**

That a minute of appreciation for Mike Wasyluk and his contribution as the Presbytery's Emerging generations engagement facilitator, be presented by the Mission and Outreach committee.

**e. Establishment of a Task Force of Presbytery on the Environmental footprint of the Presbytery.**

This committee would have a two-part mandate (Terms of Reference):

1. To develop a list of things congregations can do to reduce their footprint -- energy, water use, etc. As well as choosing to plant pollinator friendly plants in green spaces. This would include developing a list of contacts who would help congregations implement projects.
2. To work on a grants system to help congregations implement environmentally friendly projects. (this later piece would bring them into conversation with Property and Finance and the Mission Comm. as it develops plans for the use of building proceeds.)

**Recommendation #8:**

That the Presbytery establish a task force on the Environmental footprint of the Presbytery, as per the terms of reference above, and to report back at the September regular meeting 2021. Interim reports will be provided from time to time. It will be convened by the Moderator of Presbytery, with a representative from the Mission and Outreach Committee and a member from the Finance and property Committee, the Clerk of Presbytery, ex-officio; with the power to add members.

**Recommendation #9**

That the report as a whole be approved.

**Report of the Treasurer – Appendix “B” – Financial Statements attached.**

Darrell Clarke, Clerk – [clerkwatwell@gmail.com](mailto:clerkwatwell@gmail.com)

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## **TREASURER'S REPORT TO WATERLOO-WELLINGTON PRESBYTERY SEPTEMBER 2020**

### **Interim Financial Report to August 30, 2020**

The general fund monthly financial reports to August 30, 2020 is on the following pages. The General Fund operations are very much in line with budget, except for the savings of some non-used expenses, and there are no issues of concern. This report also shows the operations of the other funds, especially the Development fund.

Please note that the Development Fund, after transfers from the Prior Undistributed General Fund to the Development Fund, as per Standing Orders Appendix 'A' 3.1., has a balance of \$1,592,754 prior to market value adjustments. Of this \$656,164 is the balance of the remaining commitments as designated by the the Committee of the Whole Meeting held at Gale Elmira in March 2017. Most of these commitments support congregational planning for renewal, missional church planting or next generation ministry efforts. Also there is \$651,180 loaned out to congregations, leaving some \$285,410 available in the Development Fund, of which \$100,000 has already been committed by WW Presbytery, and needs to be available for pending needs of the Presbytery.

Note also the Trust Fund has been topped up to \$20,000 with a transfer of \$11,414 from the Prior Undistributed General Funds as per Standing Orders Appendix 'B' 6.0, as approved by Presbytery at March 10, 2020.

### **PCC Consolidated Fund Investment**

After a very strong positive market revaluation at the end of 2019, there was a sharp drop in the 1<sup>st</sup> quarter of 2020, because the overall Covid-19 market scare, as reflected in the Q1-2020 report from the PCC Consolidated Fund. The Q2-2020 report reflected a rebound from the 1<sup>st</sup> quarter to close to Market revaluation at December 31, 2019. These market losses and gains may prevent the presbytery from using these gains until the market again settles into a steady growth pattern.

Respectfully submitted,  
George L Myers, Treasurer

671 Woolwich Street #709 Guelph ON N1H 3Y9 519-823-2378 glmyers1945@gmail.com

**Recommendation #1 Receive the Treasurer's Report**

**Recommendation #2 Approve the report as a whole.**

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## **Report of the Ministry Committee, - Appendix “C” - Rev. Ed Charlton,**

### **Ministry Committee Report, September. 8 2020**

#### **Recommendation 1**

**To receive the Ministry Committee Report for consideration.**

The Ministry Committee has been busy over the last few months. Within this report we have a number of items for information and one item for action with recommendations. During these difficult times ministry continues but changes have definitely come and are coming.

In late June the Convenor of the Ministry Committee was made aware a change in leadership structure at St. Andrew's in Kitchener. This change was to have one ordained Minister instead of two. The main thrust of this is due reduced financial ability. It was clearly stated that there were no outstanding issues with Rev. Smith. However, it was requested that this process be kept confidential.

Discussions were had about the next steps and looking at a Category 2 Dissolution of Pastoral Ties. It was decided that representatives from St. Andrew's Kitchener, Rev. Smith, Rev. Borthwick acting as an advocate for Rev. Smith, Rev. McAndless would moderate the meetings and the Rev. Charlton would represent the Ministry Committee of the Presbytery of Waterloo-Wellington. The meetings were well received and the discussion and listening were very helpful to all parties. Everyone treated each other with respect and grace. Along with these meetings email correspondence occurred to clarify some points of the Transition Agreement. The Agreement is Appendix A. An agreement was constructed that all parties were agreeable to. The Session of St. Andrew's Presbyterian Church in Kitchener was made aware of the details of the agreement in a special Session meeting held on August 27<sup>th</sup>, 2020 over Zoom. Rev. McAndless moderated this meeting while Rev. Charlton presented the details of the agreement that the Ministry Committee had also passed on August 17<sup>th</sup>, 2020.

The basics of the agreement are as follows: Rev. Smith began ministry at St. Andrew's in Kitchener on Feb. 14 2016, his last day in the pulpit will be September 20<sup>th</sup> 2020, with the Pastoral Tie to be dissolved on November 15<sup>th</sup>, 2020. Noting that Rev. Smith will be using some holiday and study leave time during this period ending on Nov. 15<sup>th</sup>, 2020. The transition allowance begins on November 16<sup>th</sup>, 2020 and will go for no less than March 15<sup>th</sup>, 2021 and go no later than June 15<sup>th</sup>, 2021. The standard housing allowance and deductions continue through the transition period, benefits will cease after Jan 10<sup>th</sup>, 2021 as per the guidelines. After the March 15<sup>th</sup>, 2021 date and 50% threshold to begin reporting of other remuneration and transition allowance equalization/claw back will begin. In other words, once Rev. Smith earns more than what is 50% of his transition allowance, Rev. Smith will need to report this to the presbytery and the transition allowance will be adjusted accordingly. Noting that the moneys for the transition allowance will be paid out bi-weekly as is the current pay structure at St. Andrew's in Kitchener

#### **Recommendation 2**

That members of St. Andrew's in Kitchener be invited to speak to this.

#### **Recommendation 3**

That the Presbytery of Waterloo-Wellington approve the Transition Agreement between Rev. Greg Smith, the Presbytery of Waterloo-Wellington, and the St. Andrew's in Kitchener.

#### **Recommendation 4**

That the Presbytery of Waterloo-Wellington dissolve the Pastoral Tie between Rev. Greg Smith and St. Andrew's Kitchener. Effective nov 15th

#### **For Information**

Darrell Clarke, Clerk – [clerkwatwell@gmail.com](mailto:clerkwatwell@gmail.com)

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The Ministry Committee will be doing two exit interviews in the coming weeks. One with Rev. Karla Wubbenhorst and the other with Rev. Greg Smith.

Following the recommendation/request from the last Presbytery meeting, a small committee will be meeting with Rev. Nick Pavel helping to discern and look at his ministry in Palmerston and the wider ministry that he is involved in. This is part of a larger examination that Congregational Health will also be conducting with the wider congregation. With the summer months, holidays, and the changes that have been happening at Knox Palmerston, it was decided to meet with Rev. Pavel in September or October, thus being able to get a clearer picture of what is happening.

We have one person certified as a candidate for ministry as a student, Mr. Chris Clements, we will be meeting with him in the coming weeks to re-examine for possible recertification.

During these difficult times, please remember, you are not alone. We are here as sisters and brothers in Christ to listen and to assist.

### **Recommendation 5**

Report as a whole.

Respectfully submitted by:  
 Rev. Edward Charlton  
 Convenor of the Ministry Committee

### **Appendix A**

#### **SETTLEMENT AGREEMENT**

##### AGREEMENT BETWEEN:

The Presbytery of Waterloo-Wellington, The Presbyterian Church in Canada (hereinafter, the “Presbytery”, which term includes officers, directors, agents, employees, members, successors and assigns and all related and affiliated organizations and their officers, directors, agents, employees, members, successors and assigns)

##### OF THE FIRST PART;

-and-

The Congregation of St. Andrew’s Presbyterian Church, Kitchener (hereinafter, the “Congregation”, which term includes officers, directors, agents, employees, members, successors and assigns and all related and affiliated organizations and their officers, directors, agents, employees, members, successors and assigns)

##### OF THE SECOND PART;

-and

The Reverend Greg Smith (hereinafter, the “Minister”)

OF THE THIRD PART.

##### PREAMBLE

WHEREAS the Minister was called by the Presbytery of Waterloo-Wellington as minister of the Congregation and inducted into this ministry by the Presbytery on February 14, 2016, and  
 WHEREAS the Minister was and continues to be in good standing as a minister of Word and Sacraments within the government of The Presbyterian Church in Canada, and  
 WHEREAS at a regular meeting of the Presbytery held on September 8, 2020 wherein representatives from the Congregation, representative elders and other ministers were present (the “Meeting”), a resolution was

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adopted that dissolved the pastoral tie between the Minister and the Congregation effective November 16, 2020, and

WHEREAS the parties hereto wish to set out their obligations to each other as a result of the dissolution of the pastoral tie;

THEREFORE, in consideration of the obligations, covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The parties acknowledge, confirm and agree that the foregoing recitals are true.

#### GENERAL

2. The parties hereto confirm that sufficient notice of the Meeting was provided and that each person in attendance had sufficient opportunity to express his or her opinions and all procedures adopted at such Meeting were proper.
3. The parties further acknowledge and confirm that each party shall continue to be bound by the “Policy for the Dissolution of Pastoral Ties” published in the Acts and Proceedings of the General Assembly of The Presbyterian Church in Canada, 1998, as may be amended from time to time.
4. The parties confirm that the minutes of the Meeting attached hereto as Schedule “A” are an accurate record of the decision of the Presbytery that confirmed the dissolution of the pastoral tie between the Congregation and the Minister.
5. The parties confirm that the [Business Committee] of the Presbytery was under authority to prepare this agreement [in consultation with professional legal advisors].

#### RIGHTS AND OBLIGATIONS OF THE MINISTER

6. The Minister shall receive the following benefits – 1) A two month working notice period from September 16, 2020 until November 15, 2020 and 2) for the transition period commencing November 16 and terminating not earlier than Mar 15, 2021. [Note: The transition Period must be no less than 4 months] and not later than June 15, 2021 (the “Transition Period”).
  - (a) Subject to the terms set out in this paragraph and in paragraph 8, the stipend which the Minister has received on a biweekly basis during the 2020 calendar year shall continue until the end of the Transition Period. In addition, the Minister will receive his current 10% quarterly bonus to the end of the 2020 calendar year.
  - (b) The Minister shall continue to be paid his stipend by the Congregation on a biweekly basis, on the regular pay schedule
  - (c) There shall be deducted from the Minister’s stipend all standard deductions and remittances in the ordinary course.
  - (d) The Minister shall continue to be paid his housing allowance which includes the cost of utilities by the Congregation.
  - (e) The Minister shall continue to accrue increments of pensionable service, subject to the usual deductions from his stipend.
  - (f) Subject to approval by the plan provider and the terms and conditions of the applicable plan policies, the Minister and his spouse shall continue to be eligible to receive medical and dental insurance coverage issued through The Presbyterian Church in Canada during the transition period.

It is important to note that this extended coverage excludes out-of-country emergency travel assistance. Insurance for life, dependent life, accidental death and dismemberment, and long-term disability, shall cease after a period of eight (8) weeks, ending January 10, 2021. The usual monthly deduction for the insurance noted above is taken off the Minister’s income continuance for this eight-week period.

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The Minister is advised that he may be able to convert his group life insurance to an individual policy without providing proof of good health. Information about this conversion privilege may be obtained directly from the plan provider. The request must be made within 31 days of the end of the Minister's group life insurance coverage.

- (g) The Minister shall be able to make use of study leave funds accumulated up to the beginning of the Transition Period pursuant to the regulations of the General Assembly of The Presbyterian Church in Canada for the portability of continuing education allowances, and must seek approval from the Presbytery, through the Interim Moderator, for the use of said funds.
  - (h) The Minister shall remove all personal effects from church premises and return any church property in the Minister's possession to the church by November 15, 2020 subject to the terms of section 6 (d).
7. It is understood and agreed that during the Transition Period, the Minister will exercise all diligence in obtaining another Call within The Presbyterian Church in Canada, or such other ministerial calling as he may choose, or a non-ministerial position. The Minister agrees immediately to notify the Presbytery in the event that he secures another position, ministerial or non-ministerial, at any time after the decision to dissolve the pastoral tie. The Congregation also allows the Minister, prior to the start of the Transition period, time off as needed to explore call opportunities or other employment such as to attend interviews.
  8. If, after the decision to dissolve the pastoral tie, the Minister secures another position in which, during the Transition Period, he receives new remuneration, or benefits in lieu of remuneration, which is considered permanent employment and which remuneration is the same as or exceeds the remuneration set out in paragraph 6 herein, the Minister agrees to notify immediately the Presbytery and all remuneration and benefits hereunder shall cease at the end of the month in which such other position commences, but in no case shall the remuneration and benefits outlined in this agreement be provided for less than four (4) months. The final payment of the remuneration set out in paragraph 6 herein marks the conclusion of the Transition Period. In no event shall the remuneration and benefits outlined in this agreement continue beyond the end of the Transition Period.
  9. If, after the decision to dissolve the pastoral tie, the Minister secures another position in which, during the Transition Period, he receives new remuneration, or benefits in lieu of remuneration, which remuneration exceeds 50% of the remuneration set out in paragraph 6 herein, the Minister agrees to notify immediately the Presbytery and all remuneration and benefits hereunder shall be reduced by the amount the remuneration exceeds the 50% threshold at the end of the month in which the new remuneration is received, but in no case shall the remuneration and benefits outlined in this agreement be provided for less than four (4) months. In no event shall the remuneration and benefits outlined in this agreement continue beyond the end of the Transition Period.
  10. For greater certainty, it is understood and agreed that the Minister shall not be disentitled to receive the remuneration and benefits outlined in paragraph 6 unless, during the Transition Period, the Minister receives remuneration or compensation/benefits outlined in paragraphs 8 and 9 herein.
  11. Upon receipt of a written request by the Presbytery, the Minister agrees to provide to the Presbytery an accounting of all amounts or benefits received by the Minister from ministerial or non-ministerial functions during the Transition Period. Such written request shall be given to the Minister by personal delivery, or by registered mail. The Minister agrees to provide such accounting within five (5) days following notification by the Presbytery to the Minister.
  12. During the Transition Period, the Minister shall not be required to perform any ministerial functions within the Presbytery nor on behalf of the Congregation.
  13. During the Transition Period, the Minister shall continue to be a member of the Presbytery and will be listed on the Appendix to the Roll of Presbytery [as "Without Charge"].
  14. The parties hereto agree to co-operate with each other in fulfilling their respective obligations herein.

#### ACKNOWLEDGEMENT AND RELEASE BY THE MINISTER

15. The Minister acknowledges and confirms the following:

- (a) this agreement has been prepared in accordance with the decisions made at the Meeting;

Darrell Clarke, Clerk – [clerkwatwell@gmail.com](mailto:clerkwatwell@gmail.com)

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- (b) he accepts the terms of this agreement and in consideration of the payments and benefits provided herein, he hereby releases and forever discharges the Presbytery and the Congregation jointly and severally from and against any and all manner of claims, demands, actions, causes of action, liabilities, complaints, damages and otherwise which he had, now has, or hereafter may have, arising from, out of, or in connection with his ministry to the Congregation or the dissolution of the pastoral tie, including without limiting the generality of the foregoing, any remedies which may subsist in law, equity or under legislation, including The Workplace Safety and Insurance Act, The Ontario Human Rights Code, The Employment Standards Act 2000 and in particular payments for "severance", "notice" and "termination pay" under that Act's sections 57 and 64;
- (c) he understands that if he should make any further claim or demand or commence or threaten to commence any action, proceeding or make any claim against the Presbytery and or the Congregation in respect of any matter contemplated by this agreement, this document may be raised as an estoppel and complete bar to any such claim, demand, action, proceeding or complaint;
- (d) he will not appeal to the Synod of Central, Northeastern Ontario, and Bermuda within The Presbyterian Church in Canada, nor to the General Assembly of The Presbyterian Church in Canada, nor to any branch of the Synod of Central, Northeastern Ontario, and Bermuda within The Presbyterian Church in Canada or the General Assembly of The Presbyterian Church in Canada;
- (e) he has been given an opportunity to obtain independent legal advice with respect to the contents of this agreement and has done so or failed to do so of his own volition; and
- (f) he acknowledges having read and understood the terms of this agreement, and he is signing this agreement freely, voluntarily, and without duress.

MISCELLANEOUS

- 16. Any notices or demands hereunder shall be deemed to be received on the date of personal delivery or facsimile transmission, or five (5) business days following the date of mailing.
- 17. This agreement constitutes the entire agreement between the Minister, the Presbytery and the Congregation with respect to the subject matter of this agreement.
- 18. This agreement may not be amended except by a written instrument signed by all parties hereto.
- 19. This agreement shall be binding upon all parties hereto, and shall ensue to the benefit of each of the parties, and their respective heirs, executors, administrators, trustees, successors and assigns.
- 20. This agreement shall be construed in accordance with and governed by the laws of the Province of Ontario.

Reverend Greg Smith	Signature	Date
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Name of Witness	Signature	Date
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I have authority to bind the Presbytery of Waterloo-Wellington, The Presbyterian Church in Canada.

Name of [officer]	Signature	Date
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Name of Witness	Signature	Date
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I have authority to bind the Congregation of St. Andrew's Presbyterian Church, Kitchener.

Darrell Clarke, Clerk – <a href="mailto:clerkwatwell@gmail.com">clerkwatwell@gmail.com</a>	Signature	Date
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**Congregational Health Committee – “Appendix E” – Rev. Scott McAndless**

The report, in PDF format, is attached to the minutes.

**Other Business: Notices of Motion – “Appendix F”**

**Notice of Motion(s) – H. Gale (emergent meeting, June 10)**

1. That Presbytery pay half (50%) of the transition allowance and remuneration package for Rev. Wubbenhorst after the dissolution of the pastoral tie between the minister and congregation

This motion was amended by the mover to now read as follows:

That Presbytery pay half (50%) of the transition allowance and remuneration package for Rev. Wubbenhorst after the dissolution of the pastoral tie between the minister and congregation, as a loan from the development fund.

The amended notice remains on the table.

2. Moved by Herb Gale/Linda Ashfield that the moderator of Presbytery in consultation with the Congregational Affairs Committee (aka, Congregational Health Team) appoint an Advisory Team (composed of the Interim Moderator of WSP, representatives from within the Presbytery and interested members and friends of WSP) to explore possible options for WSP’s future as a congregation and/or to explore ways to use WSP’s strategic site for ministry and mission initiatives in the growing community of northeast Guelph, and to report back to Presbytery, no later than November 2021 with any recommendations the Advisory Team may have.

Discussion followed. Moved by Brooke Ashfield/Sue Senior that current recommendation be tabled. Carried.

**Notice of Motion – Rev. John Borthwick (emergent meeting, June 10)**

That Presbytery pay the full amount (100%) of the transition allowance and remuneration package for Rev. Wubbenhorst after the dissolution of the pastoral tie between the minister and congregation. The motion was tabled.

**Sale of Westminster-St. Paul's Presbyterian Church.**

That Westminster-St. Paul's Presbyterian Church, Guelph be permitted to ask for, receive, and review offers towards the purchase of the building. It being clearly understood that no sale would be completed until the Presbytery approves a sale. Moved by Peter Bush/Ed Charlton that this be tabled. Carried.

**Notice of Motion: John Borthwick**

I will move or cause to be moved that a minimum gift of 5% be directed to the Endowment Fund of the Ecumenical Campus Ministry at the University of Guelph from the proceeds of the sale of churches within the Presbytery be made whenever one of our church buildings is sold either as a result of dissolution or amalgamation.

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Rev. Peter Bush, Moderator

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Rev. Darrell Clarke, Clerk

Darrell Clarke, Clerk – [clerkwatwell@gmail.com](mailto:clerkwatwell@gmail.com)