

REGULAR COUNCIL AGENDA

C-18/2024

Wednesday, November 6, 2024

9:00 AM

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

The Town of Pelham is holding hybrid meetings of Council and Committee in accordance with Procedure By-law 4507(2022). Public access to meetings will be provided in-person at the location indicated on the agenda, via Livestream: www.youtube.com/townofpelham/live and subsequent publication to the Town's website at www.pelham.ca.

Pages

- 1. Call to Order and Declaration of Quorum**
- 2. National Anthem**
- 3. Land Recognition Statement**

The Town of Pelham is situated on treaty land, steeped in the rich history of the First Nations such as the Hatiwendaronk, Haudenosaunee and the Anishinaabe, including the Mississaugas of the Credit First Nation. This territory is covered by the Upper Canada Treaties and is protected by the Dish With One Spoon Wampum Agreement. Today, many First Nations, Métis, and Inuit people from across Turtle Island live and work in Niagara. The Town of Pelham stands in solidarity with all Indigenous peoples, past and present, acknowledging that our high standard of living is a result of the resources and lasting friendship of Indigenous peoples.

- 4. Approval of the Agenda**

5.	Disclosure of Pecuniary Interests and General Nature Thereof	
6.	Hearing of Presentation, Delegations, Regional Report	
6.1	Delegations	
6.1.1	Hospice Niagara - Make Hospice a Home Campaign Carol Nagy, Executive Director	7 - 18
6.1.2	Fonthill District Kinsmen - Compensation Request for 2024 Home Show Kevin Coyle, President Thom Hounsell	19 - 21
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7.	Adoption of Council Minutes	
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9.	Consent Agenda Items to be Considered in Block	
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2024-0253-Planning

- | | | |
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| 9.3.2 | Completion of Pilot Project for Personal Alcohol Consumption in Peace Park, 2024-0244-Clerks | 170 - 170 |
| 9.4 | Information Correspondence | |
| 9.4.1 | Good Roads Association, Establishment of an Ontario Rural Road Safety Program | 171 - 172 |
| 9.5 | Regional Municipality of Niagara Correspondence for Information or Action | |
| 9.5.1 | Niagara Region Waste Management 2025 Operating Budget and Requisition | 173 - 196 |
| 9.6 | Advisory Committee Minutes for Information | |
| 9.6.1 | Environmental and Climate Adaption Committee Minutes - August 26, 2024 | 197 - 201 |
| 9.6.2 | Pelham Active Transportation Committee Minutes - September 25, 2024 | 202 - 207 |
| 10. | Consent Agenda Item(s) Lifted for Separate Consideration, if any | |
| 11. | Resolution to Move In Camera 1 | |
| | BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following: | |
| | (b) personal matters about an identifiable individual, including municipal or local board employees; (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose - 1 item (Cannabis) | |
| 12. | Rise From In Camera 1 | |
| 13. | Presentation and Consideration of Reports | |
| 13.1 | Members of Council Reports | |
| 13.2 | Staff Reports Requiring Action | |

13.2.1	Regulation of Cannabis Odour in the Town of Pelham, 2024-0241-Town Solicitor	208 - 235
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13.2.7	AM-07-2024 - Forest Park ZBA - Recommendation Report, 2024-0237-Planning	330 - 343
13.2.8	Rooftop Solar Panel Installation at Meridian Community Centre, 2024-0256-Planning	344 - 349
13.2.9	Meridian Community Centre Adjacent Lands Implementation Plan, 2024-0225-Planning	350 - 354

14. Unfinished Business

15. New Business

16. Presentation and Consideration of By-Laws 355 - 374

1. By-law 71-2024 - Being a By-law to amend By-law No. 4507(2022), as amended, being a By-law to govern the proceedings of the Town of Pelham Council, its Committees, the conduct of its Members and the calling of Meetings, for the purpose of revising the Council Meeting Schedule.

2. By-Law 72-2024 - Being a by-law to authorize the Mayor and Clerk to enter into a Municipal Capital Facility Agreement and to exempt the lands described in the said agreement from taxation for municipal and school purposes.

3. By-Law 73-2024 - Being a By-law to amend Zoning By-law 4481(2022), as amended, for lands on the south side of Quaker Road, and east of Pelham Street, legally described as Part of Lot 237, Former Township of Thorold, in the Town of Pelham, Regional Municipality of Niagara, and municipally known as 729, 735, and 743 Quaker Road, from the Residential Development (RD) Zone to the Residential Two (R2) and Residential Multiple 1 Exception 167 (RM1-167) zones.

4. By-law 74-2024 - Being a by-law to amend By-law 13-2023, confirming various appointments to Advisory Committees of the Town of Pelham for the 2022-2026 Term of Council and to appoint a member to the Pelham Finance and Audit Committee.

17. Motions and Notices of Motion

17.1 Councillor Olson Motion re: Video Surveillance Records

Mover: Councillor Olson

Seconder: Councillor Hildebrandt

WHEREAS the Town of Pelham is committed to the protection of persons and property, including members of the public, employees, and municipal assets;

AND WHEREAS one of the methods used by the Town to enhance safety and security and mitigate risk is the operation of video surveillance cameras in public areas;

AND WHEREAS the Town recognizes the importance of safeguarding the privacy of persons whose images are obtained through video surveillance while ensuring the security of Town facilities;

AND WHEREAS the Town further recognizes that the collection, retention and custody of images obtained through video surveillance must adhere to all applicable privacy legislation, including the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Charter of Rights and Freedom (Charter), and the guidelines established by the Information and Privacy Commissioner of Ontario (IPC);

AND WHEREAS a policy for the management of video surveillance images is essential for the Town to balance personal privacy rights with public safety objectives and to comply with MFIPPA and Charter requirements, as well as direction from the IPC;

NOW THEREFORE BE IT RESOLVED THAT Council direct staff to complete an internal review of the current use, retention, custody, access, and destruction of images collected by the Town's video surveillance system taking into consideration all relevant legislation, including MFIPPA, the Charter, and the IPC Guidelines, and to identify to Council any recommendations for improvements and best practices in the Town's use, retention, custody, access, and destruction of collected images by the Town's video surveillance system.

AND THAT a report be presented to Council in Q1 of 2025.

18. Resolution to Move In Camera 2

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following:

(b) personal matters about an identifiable individual, including municipal or local board employees; (d) labour relations or employee negotiations - 1 item (Advisory Committee)

(c) a proposed or pending acquisition or disposition of land by the municipality or local board - 1 item (Ward 1)

19. Rise From In Camera 2

20. Confirming By-Law

375 - 375

21. Adjournment

Please fill out and return no later than 12 p.m. noon ten (10) days prior to the Meeting you wish to appear. Completed forms, including presentation materials are to be submitted to the Clerk’s department and can be dropped off or emailed to clerks@pelham.ca

Name or Organization or Firm: Hospice Niagara	
Name and Title of Presenter(s): Carol Nagy, Executive Director	
Address: 403 Ontario St. Unit 2, St. Catharines, ON L2N 1L5	
Telephone: 905-984-8766	Email: cnagy@hospiceniagara.ca

Date of Meeting Requested: Nov. 6th

How will you attend Council? In-person Electronically

*The delegate shall notify the Clerk at least five (5) business Days in advance.

Subject matter to be discussed:	'Make Hospice a Home' campaign for new facility being opened in Welland
If not for information, identify the desired action requested:	We are seeking the council's support for our "Make Hospice A Home" campaign, for the new hospice in Welland, set to open in Fall 2025. Our media campaign is designed to raise awareness about the facility and the services it will offer, while also soliciting donations to help cover the costs of furniture and equipment.

Have you previously spoken on this issue? Yes No

If a group or individual has previously appeared as a delegate, a further delegation from the same group or individual on the same topic will not be permitted, unless there is significant new information to be brought forward.

Do you have presentation material or speaking notes? Yes No

Delegations are required to provide the Clerk’s department presentation materials for publication in Council’s agenda package. Materials must be provided no later than 12 p.m. noon ten (10) days prior to the Meeting.

I have read and understand the Delegation Protocol attached to this form and understand that the information contained on this form, including any attachments submitted, will become public documents and listed on the Town’s meeting agenda and posted to the Town’s website. I also understand that as a participant of this meeting, I will be recorded and further understand that this recording will be posted to the Town of Pelham’s YouTube Channel.


Signature

10/21/2024
Date

Delegation Protocols

The Clerk shall list a maximum of four (4) delegations per meeting. Delegations will be considered on a first come first serve basis, unless prioritized otherwise at the discretion of the Clerk, in consultation with the Chief Administrative Officer.

The purpose of the delegation process is to allow residents to make their views known to Council, based on the requirements of the Town of Pelham Procedural By-law. The views of interested citizens are valued and input is welcome, along with comments and constructive suggestions. Council must consider a large number of issues and concerns at any given time, thus the following protocol is observed:

1. The delegate shall arrive to the meeting by 8:45 am.
2. A presentation by a delegate, who is a member of the public, shall be a maximum of five (5) minutes (whether the Delegation consists of an individual or a group). A presentation by a delegate, who is a member of Town or Regional staff, shall be a maximum of twenty (20) minutes.
3. Where the delegate is a group of persons, a primary speaker is to be assigned to address Council.
4. Discussion topics, other than the subject matter of the written request to appear as a delegation, will not be permitted. Subsequent delegations on the same topic, without significant new information, will not be permitted.
5. A delegate shall not speak disrespectfully, use offensive language and/or disobey the rules of procedure or a decision of the Chair. Remarks or questions concerning topics identified within Section 28.7 of the Procedural By-law shall be immediately ruled out of order. A subsequent offense during the same presentation will result in the speaker forfeiting their right to speak. The Chair reserves the right to immediately end the delegation if the remarks are considered severe.
6. Upon completion of remarks, the speaker(s) will remain in position to allow for any questions from Members. Members may ask questions for clarification purposes. After completion of any questions, the speaker will be asked to be seated or will be placed into the waiting room of the Zoom meeting.
7. Delegations will not be permitted on items that will be the subject of an upcoming or closed public meeting pursuant to the *Planning Act*, unless exceptional circumstances apply, which have been reviewed and approved by Council. Persons should present their concerns and opinions at the scheduled Public Meeting where their comments can be considered along with other submissions.



HOSPICE NIAGARA

Make Hospice a *home* 



HELP...Make Hospice a *home*



TIME
together ...

**Welland firefighter,
Captain Craig 'Opie' Bowman
dedicated his life to serving and
protecting the community he loved.**

HOSPICE NIAGARA

Page 10 of 375
helping you live well

HELP...Make Hospice a *home*



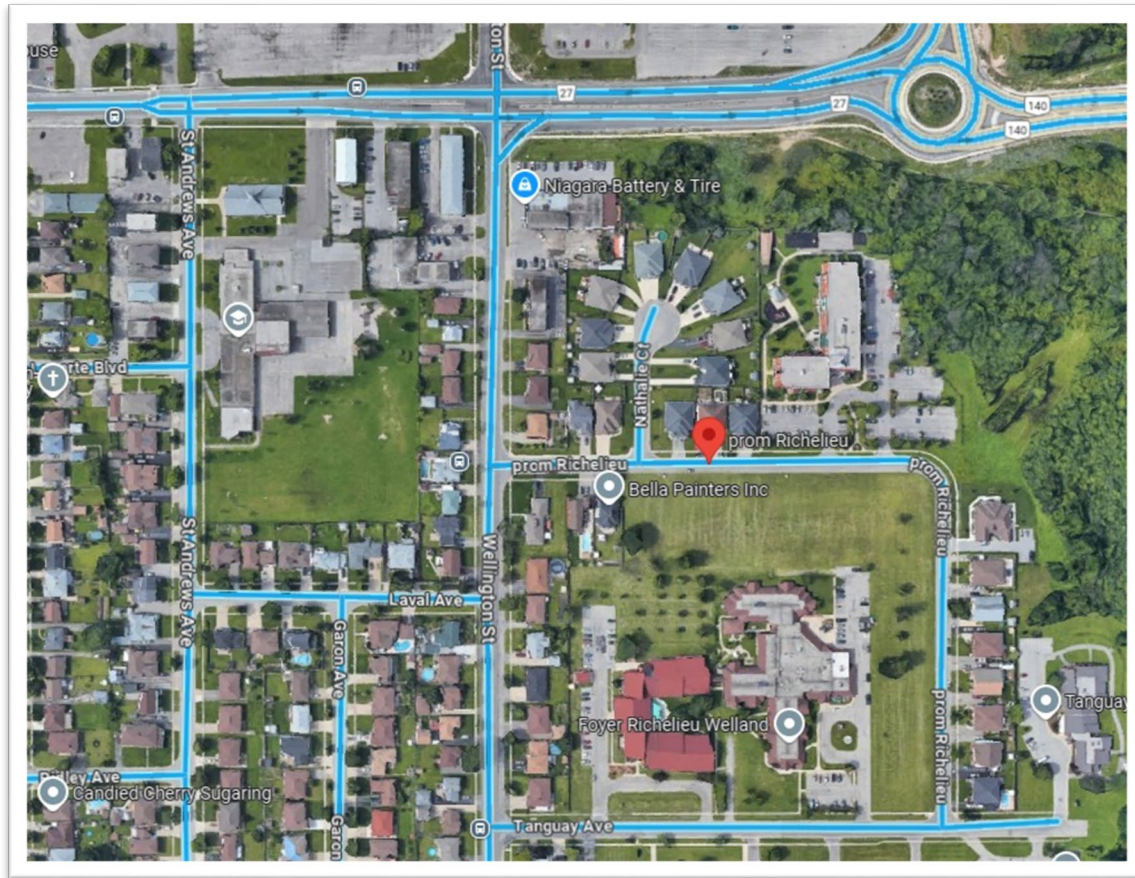
Walker House
WELLAND

COMING SOON

HOSPICE NIAGARA

helping you live well Page 11 of 375

HELP...Make Hospice a *home*



LOCATION

Promenade
RICHELIEU, WELLAND

HOSPICE NIAGARA

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helping you live well

HELP...Make Hospice a *home*



WELLAND
Residence Suite
Chambre



WELLAND
Family Changeroom/Shower
Vestiaire/douche pour les familles

HELP...Make Hospice a *home*



WELLAND
Spa/Tub Room
Salle des petits soins/baignoire



WELLAND
Family Dining/Living Room
Salle à manger/salon pour les familles



HOME IS WHERE YOU FIND...

WELCOME

WARMTH

TOGETHERNESS

SAFETY

PEACE OF MIND

KINDNESS

COMFORT

FRESH AIR

COMPASSION

HOSPICE NIAGARA

helping you live well

PROGRAMS and SERVICES



living well at HOSPICE

Care, compassion and dignity for people at end of life and their families.



living well at HOME

Support for people throughout their illness, improving quality of life and well-being.



living well with GRIEF

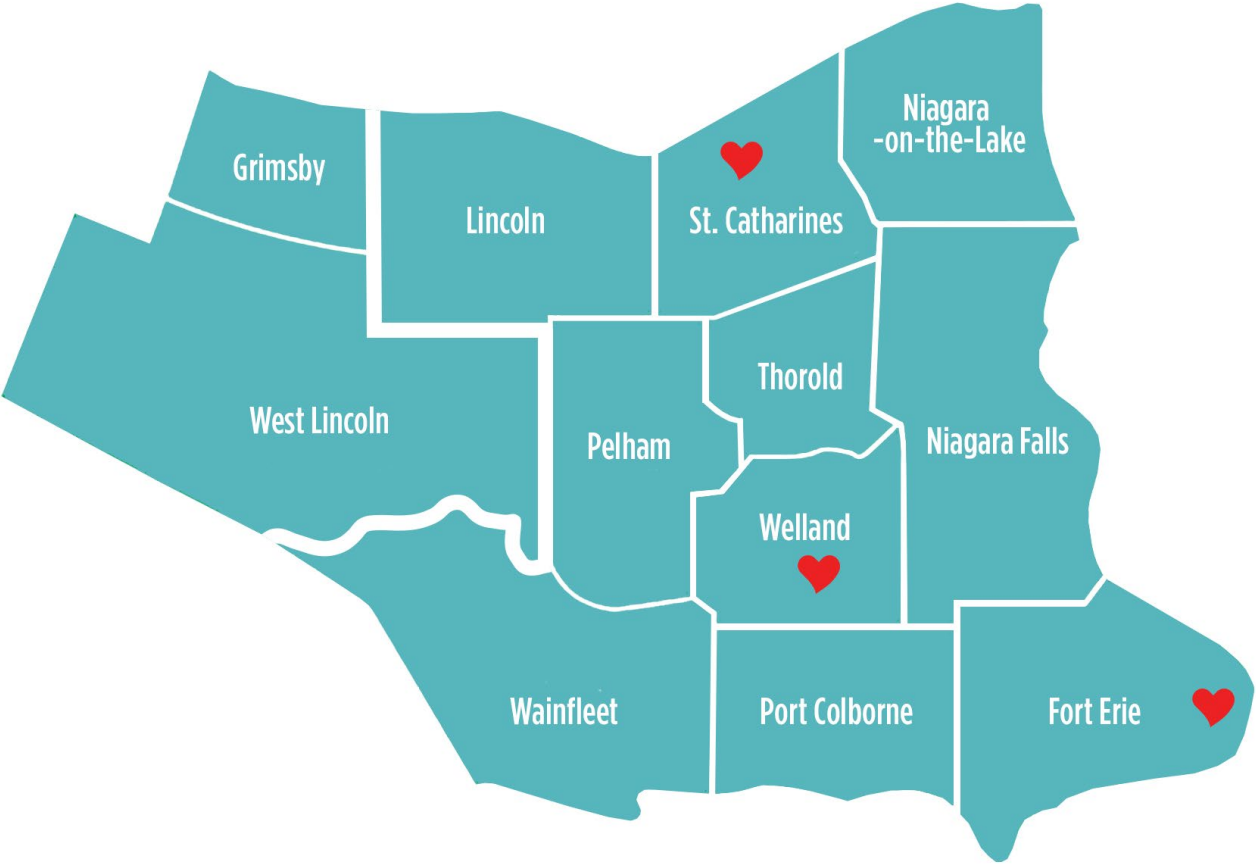
Children, youth and adults explore feelings of grief and loss, in a safe and supportive space.



living well as a CAREGIVER

Family caregivers learn healthy ways to cope and care for themselves, as they care for others.

EXPANDING ACROSS NIAGARA



Only a **20-30min drive** from anywhere in Niagara.

Hospice is **Closer to Home** FOR EVERYONE



DONATE NOW TO
Walker House
WELLAND
www.wellandhospice.ca



Please fill out and return no later than 12 p.m. noon ten (10) days prior to the Meeting you wish to appear. Completed forms, including presentation materials are to be submitted to the Clerk's department and can be dropped off or emailed to clerks@pelham.ca

Name or Organization or Firm: <u>Fonthill District Kinsmen</u>	
Name and Title of Presenter(s): <u>Kevin Coyle</u>	
Address:	
Telephone:	Email:

Date of Meeting Requested: Nov 7 - 24

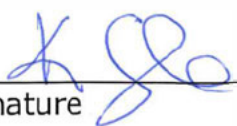
How will you attend Council? In-person Electronically
 *The delegate shall notify the Clerk at least five (5) business Days in advance.

Subject matter to be discussed:	<u>Compensation for lost revenue for 2023 Home Show</u>
If not for information, identify the desired action requested:	<u>A credit towards future show space rental.</u>

Have you previously spoken on this issue? Yes No
 If a group or individual has previously appeared as a delegate, a further delegation from the same group or individual on the same topic will not be permitted, unless there is significant new information to be brought forward.

Do you have presentation material or speaking notes? Yes No
 Delegations are required to provide the Clerk's department presentation materials for publication in Council's agenda package. Materials must be provided no later than 12 p.m. noon ten (10) days prior to the Meeting.

I have read and understand the Delegation Protocol attached to this form and understand that the information contained on this form, including any attachments submitted, will become public documents and listed on the Town's meeting agenda and posted to the Town's website. I also understand that as a participant of this meeting, I will be recorded and further understand that this recording will be posted to the Town of Pelham's YouTube Channel.


Signature

Oct 17 - 24
Date



Fonthill Kinsmen

Home Show Cancellation Impact Information

Summary

In April of 2024, equipment failures at MCC caused the Town of Pelham to call for the cancellation of the Kinsmen Home Show. Although there are many unknowns during any emergency situation, it is the position of the Fonthill Kinsmen that the town's efforts to avoid or remedy the situation were not proportional to the commercial impacts that resulted from the failure to provide the facilities as contracted.

Therefore, our goal with this document and presentation is to:

- a) make sure the town understands the full set of downstream impacts resulting from the cancellation;
- b) explore options for compensation; and,
- c) encourage the Town of Pelham to make appropriate commercial efforts when renting facilities.

Direct Losses

In preparation for the show, the Kinsmen spent more than \$8,000 on rentals and advertising - none of which was recoverable. More importantly, we lost approximately \$32,000 in expected revenues. These revenues are used to benefit the community as detailed later.

Vendor Losses

In conversations with our show vendors, we are hearing that the show usually accounts for between \$50-100k of business for each of them. There are 82 vendors - mostly local tradesmen and service providers. Their losses are tough to quantify, but the number would certainly be greater than one million dollars.

Reputational Losses

Successful trade shows like the Kinsmen Home Show demand consistency year-over-year. Changes in timing alone can greatly impact the show's success. Complete cancellations because our facility failed to deliver are an extreme blow to the show's on-going viability. We hope that we have built sufficient goodwill over years to weather this blow, but the facility failure has certainly impacted our reputation.

Membership Engagement Impacts

The Fonthill Kinsmen are uncommonly successful in attracting and maintaining the members that we have. But broadly, fraternal community organizations are dwindling in numbers, everywhere. Collectively our members spent well over 200 hours preparing for the Home Show. It's challenging enough to attract and retain members, but when busy people dedicate dozens and dozens of hours into a project only to have the project canceled at the last minute and without a natural disaster to blame, it's incredibly deflating.

Community Impacts

The Kinsmen are a non-profit organization. Our revenues are dispersed to a wide range of community interests. We support large charities like Pelham Cares and Wellspring. But we also support numerous other groups and individuals throughout the town. Our revenues help feed people. They help people go to university. They help celebrate citizenship and volunteering. Our revenues give poinsettias to seniors at Christmas and wreaths to honour our fallen heroes during Remembrance Day. Our revenues help schools purchase equipment. They help kids buy hockey equipment. They help fight Cystic Fibrosis. They help kids get dance lessons, play drums or play hockey. Our donations to the community are proportional to our revenues, so throughout this year, multiple organizations and individuals will have less help, less funding, less opportunity because of the MCC power failure.

Opportunities to Compensate the Kinsmen

Cover Our Costs

We would like the Town to compensate the Kinsmen for our unrecoverable costs for the show. These are approximately \$8,000 and details can be made available.

Waive Future Rental Costs

We understand that the Town provides grants to all community groups and doesn't want to be seen as giving preferential treatment to one group. However, we are not just another community group. We have a commercial relationship and we have suffered commercial damages that deserve commercial efforts of redress. Free rentals over and above the grants for a period of five years would help us recover our revenue losses.

Provide Preferential Date Selection

Generally, our show has enjoyed the greatest success when it can occur in the first week of April. A similar show in Thorold runs the 2nd weekend in April, so both shows suffer when our show is pushed into the 2nd week. As shown in the schedule below, the first weekend in April is the usual weekend for the show. Going forward, we would like the venue to be made available to us for the first weekend in April, each year (except in years where Easter occurs on the first weekend when the 2nd weekend is preferred.)

Conclusion

We greatly hope that this presentation will help the Town of Pelham understand that the Fonthill Kinsmen play an important role in the community, and that our home show is an important event in the community. We look forward to continuing our work with the community and with the Town of Pelham, but we hope we can do so with greater understanding of the importance that our commercial agreements with the town have and the impacts that occur when failures occur. And, of course, we hope the Town will agree that the compensatory actions proposed above are appropriate, fair and justified.

The Pelham-Greenbelt Natural Asset Management Project

November 6, 2024

Project Background

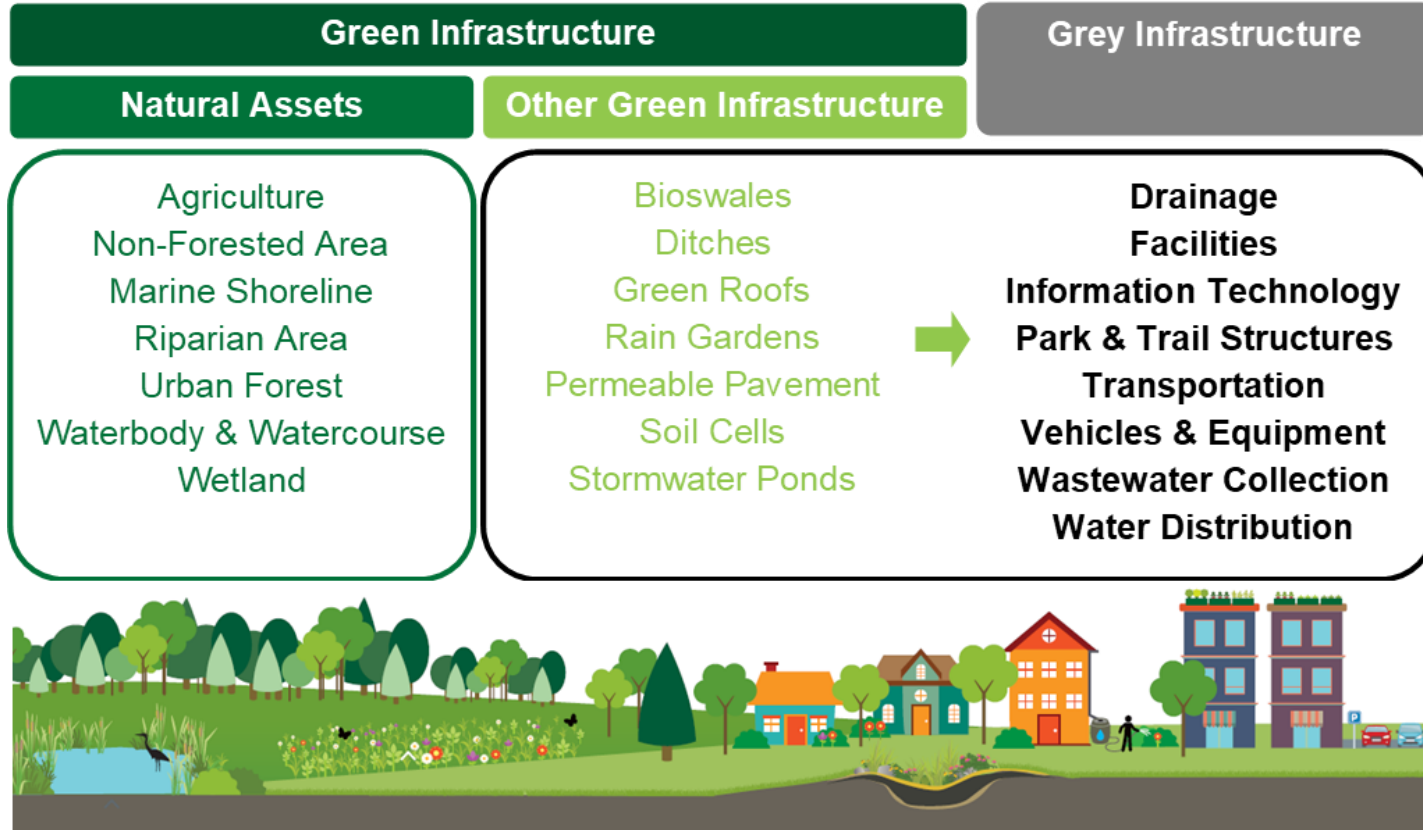


Possibility grows here.



- Environmental and Climate Adaptation is a key priority within the Town of Pelham's strategic plan.
- The Pelham-Greenbelt Natural Asset Management (NAM) project focused on integrating natural assets into the Town of Pelham's asset management and financial planning programs.
- The NAM project was completed with funding support from the Greenbelt Foundation and in partnership with the Natural Assets Initiative (NAI).

What are Natural Assets?



The term '*natural assets*' refers to the stock of natural resources or ecosystems that a municipality, regional district, Indigenous Nation or other form of local government could rely upon or manage for the sustainable provision of one or more local government services.

Source: District of Saanich

Project Goal



Ensure that natural assets in the Town of Pelham, and particularly those that overlap with Ontario's Greenbelt, are **identified, measured, valued,** and ultimately **managed** to protect their integrity, and ensure that services and benefits being provided continue for the long-term.

Objectives

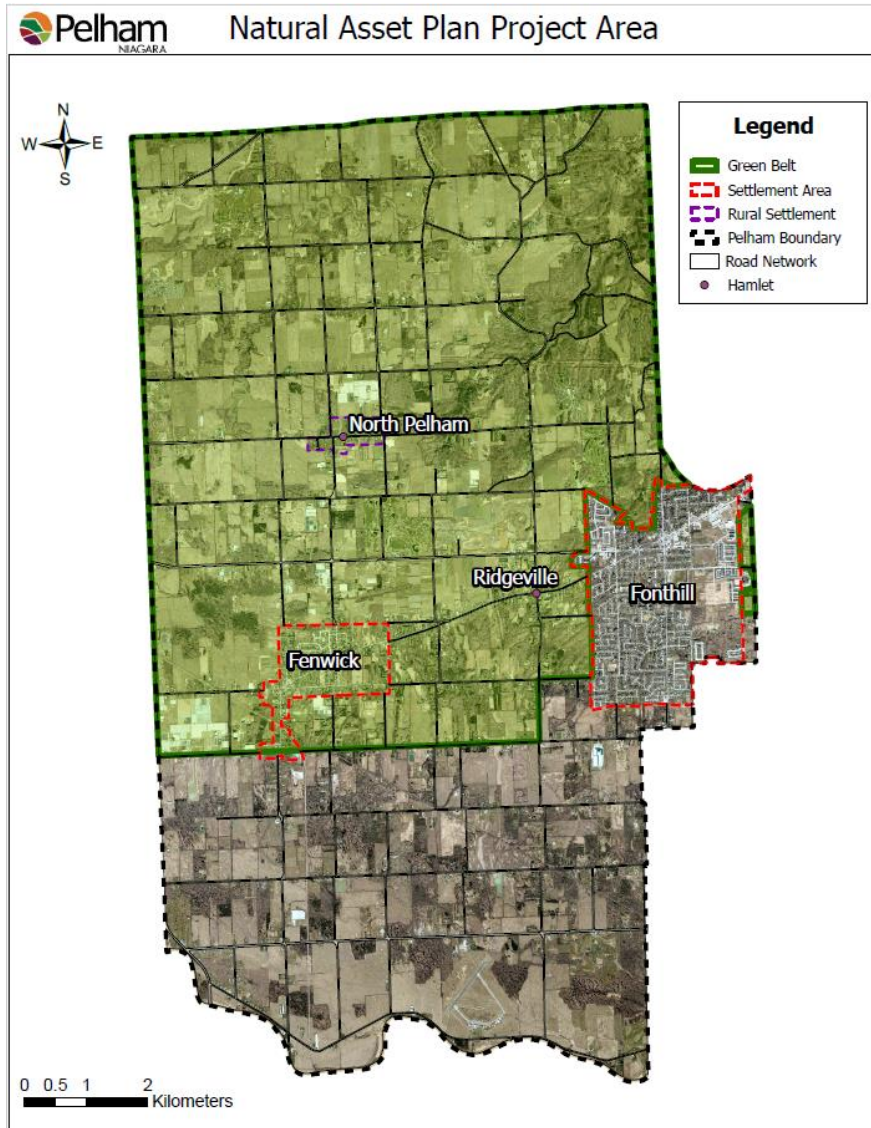


- **1/** Understand the current roles of natural assets in the project area in providing **stormwater management** and **flood mitigation** services to the residents of Pelham
- **2/** **Quantify the value** of natural assets in the project area in terms of service provision, including determining costs and benefits relative to engineered alternatives
- **3/** Develop **strategies for long-term management** of natural assets based on this understanding

Project Scope

To achieve these goals, the project was completed at two related scales:

Project Scope



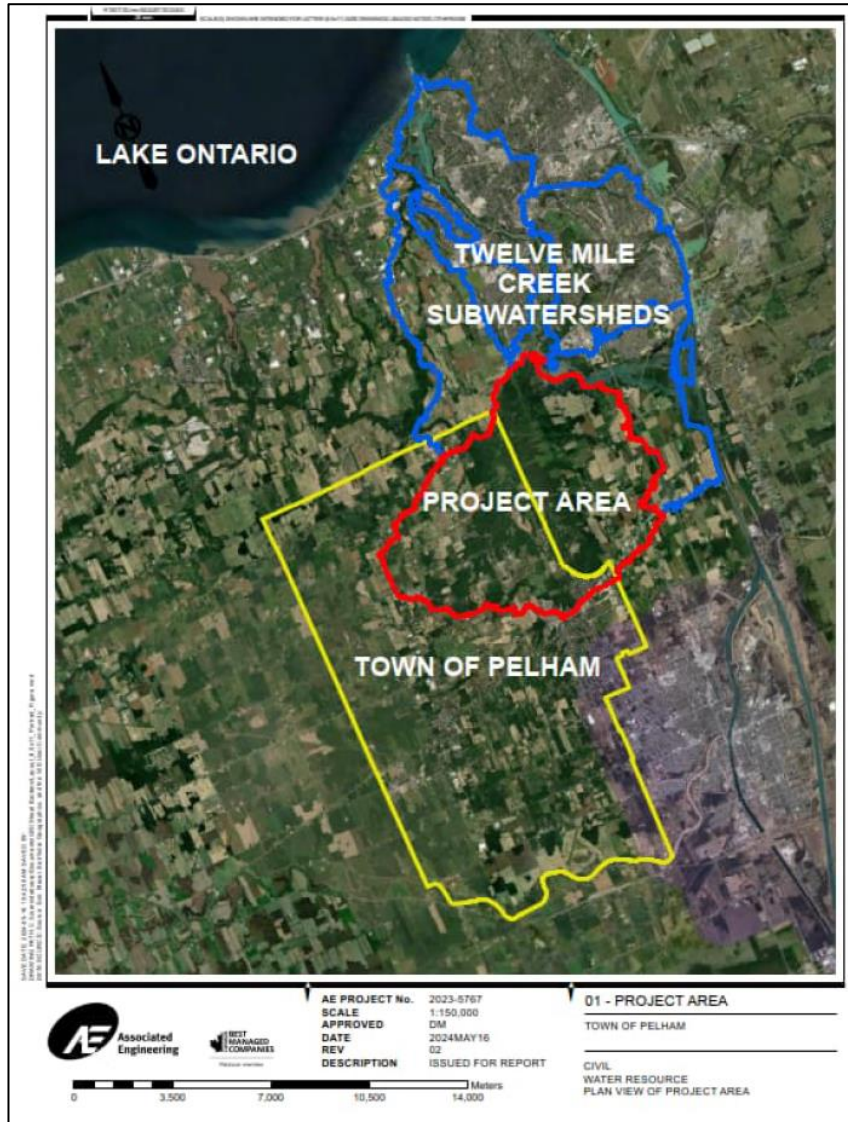
To achieve these goals, the project was completed at two related scales:

- **The Town of Pelham.** This broader scope was identified for natural asset management, which is completed at a **jurisdictional scale.**

Project Scope

To achieve these goals, the project was completed at two related scales:

- **The Town of Pelham.** This broader scope was identified for natural asset management, which is completed at a **jurisdictional scale.**
- The **ecological modelling** boundary of the project is the **Upper Twelve Mile Creek (UTMC) sub watershed.**




Key Findings

Inventory Assessment

- Defined **4,428 individual natural assets**, covering 10,458 hectares.
- Overall, about 26% of assets were in **very good condition**, and about 12% were assessed in **good condition**.

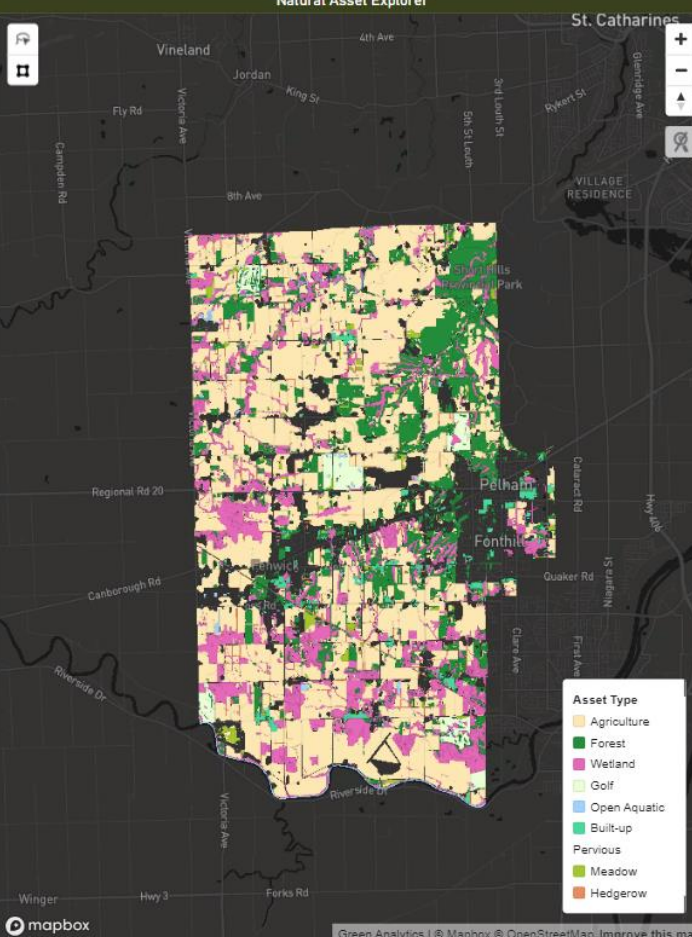


Interactive Online Dashboard


Town of Pelham | Natural Asset Inventory

Summary
Asset Registry
Condition
Condition Decomposition
Carbon

Natural Asset Explorer



Summary of Assets by Class

Asset Type	Sub-Asset Area (ha)	Count of Assets	Count of Sub-Assets
Agriculture and Undifferentiated Rural Land Use	5784.21	1575	1809
Forest	1929.01	817	1471
Deciduous Forest	959.14	300	482
Mixed Forest	387.95	129	193
Deciduous Thicket	156.87	125	158
Treed Agriculture	121.41	115	152
Deciduous Woodland	82.07	144	172
Coniferous Forest	74.83	104	128
Mixed Woodland	57.09	89	108
Mixed Thicket	30.66	5	12
Coniferous Savanna	26.90	15	20
Coniferous Woodland	24.83	32	41
Coniferous Thicket	3.72	2	2
Deciduous Savanna	2.26	2	2
Mixed Savanna	1.27	1	1
Wetland	1911.95	719	2151
Deciduous Swamp	1199.21	300	798
Mixed Swamp	231.93	57	92
Thicket Swamp	188.78	171	302
Meadow Marsh	155.44	186	235
Total	10458.64	4541	7068

Filters

Asset Type: All

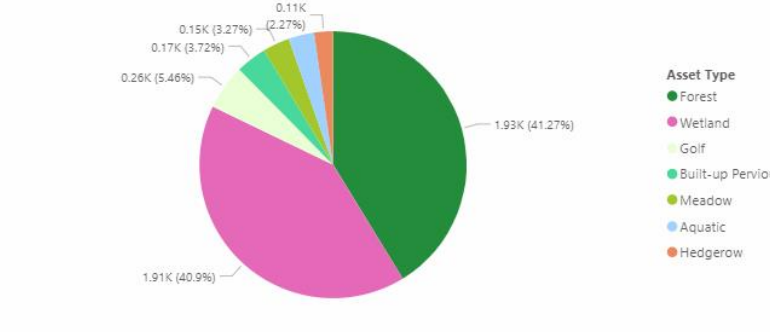
Sub-Asset ID: All

Subwatershed: All

Greenbelt Status: Asset is Within Greenbelt

Sub-Asset Intersects Public Land: No Yes

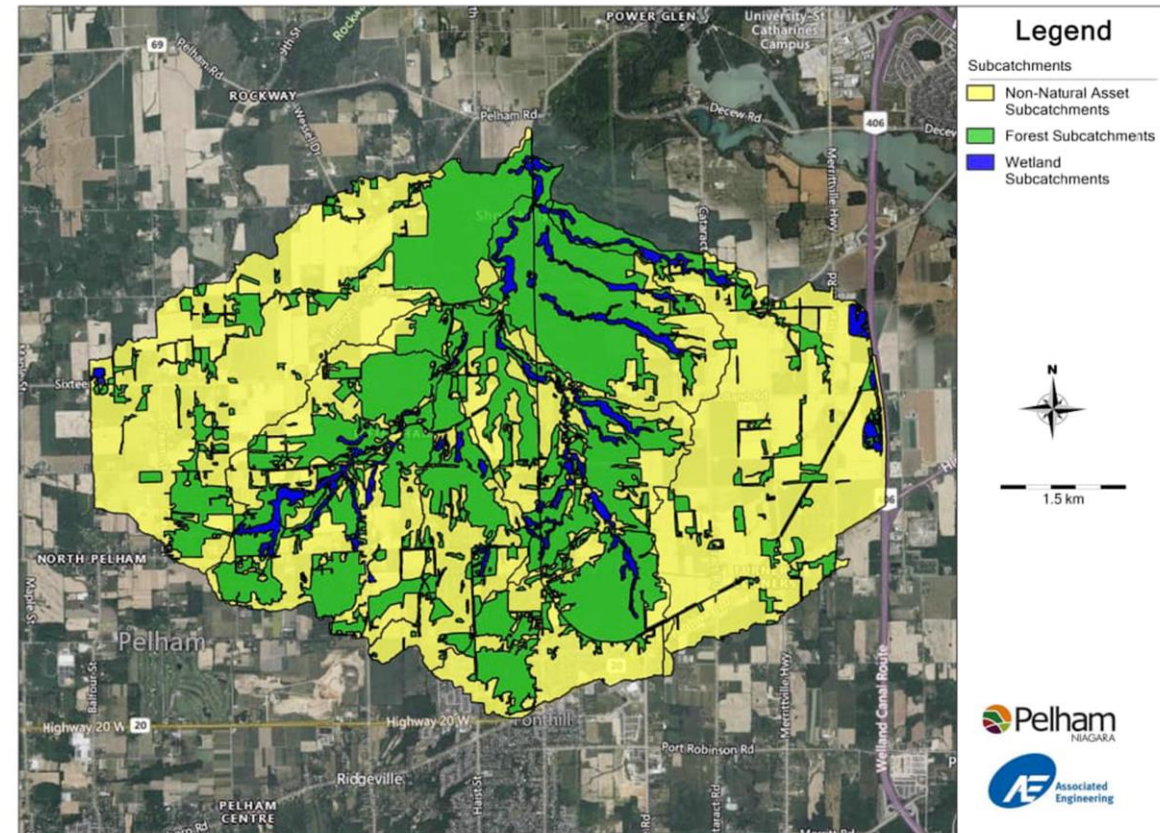
Summary of Non-Agriculture Assets (ha)



Stormwater Management

Stormwater management modeling found that...

- Our natural assets **significantly** contribute to preventing flooding and erosion.
- They provide approximately **\$6M** in **stormwater management services**.
- Built infrastructure has **mixed effectiveness** in reducing flow rate and is more costly long-term.



Valuation of Additional Services

Natural assets **support additional services** that benefit society and the environment more broadly.



Conclusion & Recommendations

Natural assets in Pelham are vital for sustainable service delivery and climate resilience.

Recommendations for next steps include:

A/ Continue to protect existing natural spaces

B/ Use evidence-based decision making to manage natural assets

C/ Build awareness and partnerships

C/ Build awareness and partnerships

- Build staff and council awareness and support for natural asset management.
 - **Current Priority**
- Support collaborative partnerships to advance natural asset management.
- Develop a long-term communications plan to build awareness of the value of natural asset management.

A/ Continue to protect existing natural spaces

- Review policies and By-laws to ensure natural areas are proactively management where possible.
- Identify priority areas for naturalization.
- Continue to secure or protect forests and wetlands.

B/ Use evidence-based decision making to manage natural assets

- Proactively monitor and manage erosion sites.
- Formalize invasive species management.
- Strengthen assessment of natural assets and related services.
- Include a costed lifecycle management strategy for natural assets in updates to Pelham's Asset Management Plan.

Thank you.

Samantha Witkowski, MS
Environmental Coordinator
switkowski@pelham.ca

REGULAR COUNCIL MINUTES

Meeting #: C-17/2024P
Date: Wednesday, October 16, 2024
Time: 9:00 AM
Location: Town of Pelham Municipal Office - Council
Chambers
20 Pelham Town Square, Fonthill

Members Present: Mayor Marvin Junkin
Councillor Bob Hildebrandt
Councillor Wayne Olson
Councillor John Wink
Councillor Kevin Ker
Councillor Shellee Niznik
Councillor Brian Eckhardt

Staff Present: David Cribbs
Bob Lymburner
Jason Marr
Jennifer Stirton
Vickie vanRavenswaay
Jodi Legros
Sarah Leach
Pamela Duesling
Sarah Conidi
Usama Seraj
Shannon Larocque

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 9:00 a.m.

2. National Anthem

3. Land Recognition Statement

Councillor Hildebrandt read the land recognition statement into the record.

4. Approval of the Agenda

Moved By Councillor Wayne Olson
Seconded By Councillor Kevin Ker

BE IT RESOLVED THAT the agenda for the October 16, 2024 Regular meeting of Council be adopted, as circulated.

Carried

5. Disclosure of Pecuniary Interests and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

6. Hearing of Presentation, Delegations, Regional Report

6.1 Tax Write-off Under Municipal Act, Section 357 & 358

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receive the Taxes Written-off Report from the Corporate Services Department; and

THAT Council approve the Taxes Written-off in the amount of \$56.16 as per the Municipal Act, Sections 357 and 358.

Carried

6.2 Delegations

6.2.1 Welland McMaster Family Health Team - Request for Rent Assistance for Education Purposes

Moved By Councillor Kevin Ker

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive the presentation from Jennifer Mueller from the Welland McMaster Family Health Team regarding a Request for Rent Assistance for Education Purpose, for information.

Carried

7. Adoption of Council Minutes

Moved By Councillor Shellee Niznik

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:

1. RC-16/2024 - October 2, 2024 - Regular Council

Carried

8. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration

9. Consent Agenda Items to be Considered in Block

Moved By Councillor Brian Eckhardt

Seconded By Councillor John Wink

BE IT RESOLVED THAT the Consent Agenda items as listed on the October 16, 2024, Council Agenda be received and the recommendations contained therein be approved:

9. Consent Agenda Items to be Considered in Block

9.1 Staff Reports of a Routine Nature for Information or Action

9.1.1 Q3 2024 Fire and By-law Department, 2024-0230-Fire Dept

BE IT RESOLVED THAT the Q3/2024 Fire and By-law Enforcement Department Report be received for information.

9.1.2 Q3 2024 Corporate Services Quarterly Report, 2024-0201-Corporate Services

BE IT RESOLVED THAT the Q3/2024-0201 Corporate Services Department Report be received for information.

9.1.3 Q3 2024 RCW Quarterly Report, 2024-0208-Recreation

BE IT RESOLVED THAT the Q3/2024 Recreation, Culture and Wellness Department Report be received for information.

9.1.4 Q3 2024 Planning and Development Quarterly Report, 2024-0228-Planning

BE IT RESOLVED THAT the Q3/2024 Community Planning and Development Department Report be received for information.

9.1.5 Q3 2024 Public Works COW Report, 2024-0218-Public Works

BE IT RESOLVED THAT the Q3/2024 Public Works Department Report be received for information.

9.1.6 Q3 2024 Clerks Quarterly Report, 2024-0238-Clerks

BE IT RESOLVED THAT the Q3/2024 Clerk's Report be received for information.

9.1.7 Memo re Town of Pelham Staff Appointee to the Joint Board of Management - Niagara Regional Courts, 2024-0231-Clerks

BE IT RESOLVED THAT Council receive the Memo entitled Town of Pelham Staff Appointee to the Joint Board of Management, Niagara Regional Courts, for information;

AND THAT Council remove Councillor Eckhardt as the Town of Pelham's appointee and substitute with Ms. Jennifer Stirton, Town Solicitor;

AND THAT Council direct the Town Clerk to advise of the said appointment prior to November 20, 2024.

9.1.8 Communities in Bloom Final Report, 2024-0222-Recreation

BE IT RESOLVED THAT Council receive Report #2024-0222-Communities in Bloom Final Report, for information.

9.2 Action Correspondence of a Routine Nature

9.2.1 Royal Canadian Legion Branch #613 - Poppy Campaign Request 2024

BE IT RESOLVED that Council receive correspondence dated September 24, 2024 from the Royal Canadian Legion Branch 613 regarding the 2024 Poppy Campaign;

AND THAT Council support the canvassing of businesses and citizens in Pelham through the placement of poppy boxes subject to business owner approval during the campaign period of November 1, 2024 to November 11, 2024.

9.2.2 Scouts 2024 Annual Apple Day Fundraiser

BE IT RESOLVED THAT Council receive the correspondence dated September 30, 2024 from Fonthill Community Scouting;

AND THAT Council endorse the Scouts Annual Apple Day fundraiser on October 19 and 20, 2024.

9.3 Information Correspondence

9.3.1 Notice of First Nation Traditional Deer Harvest in Short Hills Provincial Park 2024

BE IT RESOLVED THAT Council receive notice of the 2024 First Nation Traditional Deer Harvest in Short Hills Provincial Park, for information.

9.4 Regional Municipality of Niagara Correspondence for Information or Action

9.4.1 Niagara Region Incentive Policy Review

BE IT RESOLVED THAT Council receive Niagara Region's correspondence regarding a recommendation respecting Niagara Region's Incentive Policy Review, for information.

9.4.2 Niagara Region Motion Respecting Municipal Codes

BE IT RESOLVED THAT Council receive Niagara Region's correspondence regarding a motion passed respecting municipal codes of conduct, for information.

9.5 Advisory Committee Minutes for Information

9.5.1 Committee of Adjustment Minutes - August 6, 2024

BE IT RESOLVED THAT Council receive the Committee of Adjustment minutes dated August 6, 2024, for information.

9.5.2 Pelham Active Transportation Committee Minutes - June 26, 2024 and August 28, 2024

BE IT RESOLVED THAT Council receive the Pelham Active Transportation Committee minutes dated June 26, 2024 and August 28, 2024, for information.

9.5.3 Pelham Finance and Audit Committee Minutes - September 10 2024

BE IT RESOLVED THAT Council receive the Pelham Finance and Audit Committee minutes dated September 10, 2024, for information.

Carried

10. Consent Agenda Item(s) Lifted for Separate Consideration, if any

11. Presentation and Consideration of Reports

11.1 Members of Council Reports

11.2 Staff Reports Requiring Action

11.2.1 Proposed 2025 Council Meeting Schedule , 2024-0185-Clerks

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report #2024-0185 Proposed 2025 Council Meeting Schedule, for information;

AND THAT the 2025 Council Meeting Schedule as appended to this report be approved;

AND THAT Council direct Staff to publish the 2025 Council Meeting Schedule to the Town of Pelham website;

AND THAT Council direct the Town Clerk to prepare the necessary amendments to the procedural by-law, reducing the number of regular Council meetings in July and August from three to two, while scheduling no meetings during March Break, and eliminate the first regular meeting of Council in April, and present it to Council at the next regular meeting.

Amendment:

Moved By Councillor Brian Eckhardt

Seconded By Councillor Bob Hildebrandt

THAT the 2025 Council Meeting Schedule be amended to incorporate Option 1: 2 summer meetings in July and August, Option 2: no meetings during March Break, and Option 3: eliminate the first regular meeting of Council in April.

Carried

Motion as Amended:

Moved By Councillor Brian Eckhardt

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report #2024-0185 Proposed 2025 Council Meeting Schedule, for information;

AND THAT the 2025 Council Meeting Schedule as appended to this report be approved, as amended by Options 1, 2 and 3;

AND THAT Council direct Staff to publish the 2025 Council Meeting Schedule to the Town of Pelham website;

AND THAT Council direct the Town Clerk to prepare the necessary amendments to the procedural by-law, reducing the number of regular Council meetings in July and August from three to two, while scheduling no meetings during March Break, and eliminate the first regular meeting of Council in April, and present it to Council at the next regular meeting.

Carried

11.2.2 Status of Fees and Charges Update, 2024-0227- Corporate Services

As part of the fee review, Council directed staff to explore resident and non-resident rates.

Moved By Councillor Shellee Niznik

Seconded By Councillor Brian Eckhardt

THAT Council receive Report #2024-0227 – Status of Fees and Charges Update, for information;

AND THAT Council direct staff, following completion of the fee review by Watson & Associates Economists Ltd., to provide a further report making

recommendations for fees and charges to be imposed by the Town.

Carried

11.2.3 Cash Management and Debt Policy Updated, 2024-0223-Corporate Services

Moved By Councillor John Wink

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report #2024-0223 Cash Management and Debt Policy Updated, for information;

AND THAT Council approve the updated S400-07 Capital Financing and Debt Management Policy, as appended.

Carried

11.2.4 26T19-02-2024, AM-04-2024 - Recommendation Report - Maplewood Estates, 2024-0207-Planning

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receive Report #2024-207 -Recommendation Report – Applications for Draft Plan of Subdivision & Zoning By-law Amendment – Maplewood Estates, for information as it pertains to File Nos. 26T19-02-2024 & AM-04-2024;

AND THAT Council directs Planning staff to prepare the necessary Zoning By-law amendment for Council consideration at the next Regular Meeting of Council;

AND THAT Council approve the Draft Plan of Subdivision, attached as Appendix A, subject to the conditions in Appendix B.

Carried

11.2.5 Wellspring Niagara - Lease and Municipal Capital Facility Agreement, 2024-0232-Town Solicitor

Moved By Councillor Shellee Niznik

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive Report #2024-0232 Wellspring Niagara – Lease and Municipal Capital Facility Agreement to Provide property Tax Exemption, for information;

AND THAT Council approve the proposed Lease and Municipal Capital Facility Agreement between the Town of Pelham and Wellspring Niagara Cancer Support Foundation;

AND THAT if Wellspring Niagara Cancer Support Foundation requests revisions to the proposed agreement, Council authorize and direct staff to make such revisions provided that they are satisfactory to the Town Solicitor and that the Lease and Municipal Capital Facility Agreement remains substantially the same as the draft agreement attached hereto;

AND THAT the final Lease and Municipal Capital Facility Agreement and by-law exempting the lands municipally known as 50 Wellspring Way from taxation for municipal and school purposes be presented to Council for approval at the next regular meeting.

Carried

12. Unfinished Business

13. New Business

14. Presentation and Consideration of By-Laws

Moved By Councillor John Wink

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-law do now read a first, second and third time and do pass same, and

THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-law:

1. 69-2024 - Being a By-law to regulate animal care and control in the Town of Pelham and repeal By-law Nos. 462(1978), 1450(1992), 97-2010, 2174(2000), 2254(2001) and 3448(2013).

Carried

15. Motions and Notices of Motion

Councillor Olson provided a notice of motion to address the collection, retention and custody of images collected by surveillance.

16. Resolution to Move In Camera

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following:

(b) - personal matters about an identifiable individual, including municipal employees and (d) - labour relations or employee negotiations - 1 item (Consideration of Appointments to Advisory Committees)

(c) a proposed or pending acquisition or disposition of land by the municipality or local board - 2 items (Ward 1)

Carried

17. Rise From In Camera

Moved By Councillor John Wink

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council reconvene the regular meeting;

AND THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of October 16, 2024.

Carried

Moved By Councillor John Wink

Seconded By Councillor Shellee Niznik

BE IT RESOLVED that Council appoint the following individual to the Pelham Finance and Audit Committee:

1. Doug Wilson

AND THAT Council direct the Town Clerk to prepare and present the necessary appointment by-law at the following Regular Meeting of Council.

Carried

18. Confirming By-Law

Moved By Councillor Wayne Olson

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:

Being a By-law No. 70-2024 to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 16th day of October, 2024.

Carried

19. Adjournment

Moved By Councillor John Wink

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for November 6, 2024 at 9:00 am.

Carried

Mayor: Marvin Junkin

Acting Town Clerk: Sarah Leach

Recommendations of the Public Meeting under the *Planning Act* held October 9, 2024 – PCOW-07/2024

BE IT RESOLVED THAT COUNCIL HEREBY approves the following Recommendations Resulting from the Public Meeting under the *Planning Act* meeting of October 9, 2024:

- 1. THAT the agenda for the October 9, 2024, Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.**
- 2. THAT Committee receive Report #2024-221 Application for Zoning By-Law Amendment - Bauer Landing for information as it pertains to File No. AM-07-2024;**

AND THAT Committee direct Planning staff to prepare the Recommendation Report on this topic for Council's consideration.

- 3. THAT Committee receive the applicant's presentation for information.**
- 4. THAT Committee receive the verbal presentations made by the public.**
- 5. THAT this Special Committee of the Whole, Public Meeting Under the Planning Act, be adjourned.**

**Committee of the Whole Meeting
Public Meeting under the Planning Act
Minutes**

Meeting #: PCOW-07/2024
Date: Wednesday, October 9, 2024
Time: 5:30 PM
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present: Mayor Marvin Junkin, Councillor Bob Hildebrandt,
Councillor Wayne Olson, Councillor John Wink, Councillor
Brian Eckhardt, Councillor Shellee Niznik

Staff Present: Shannon Larocque, Sarah Leach, Pamela Duesling,
Sarah Conidi, Jodi Legros

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30 p.m.

2. Land Recognition Statement

The Councillor Eckhardt read the land recognition into the record.

3. Adoption of Agenda

Moved By Councillor Bob Hildebrandt

THAT the agenda for the October 9, 2024 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Carried

4. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

5. Planning Act Application: AM-07-24 - 701 and 717 Quaker Road

The Acting Town Clerk read the notice requirements into the record regarding the subject application.

5.1 Planning Report and Presentation

Shannon Larocque, Manager of Planning provided an overview of the application before Council. A copy of the presentation is appended to the agenda package and is available through the Clerk.

5.1.1 Information Report - Application for Zoning By-law Amendment - Bauer Landing , 2024-0221-Planning

5.2 Applicant's Presentation

Ethan Laman of Upper Canada Consultants provided an overview of the application before Council. A copy is available through the Clerk.

5.3 Public Input

Danny Kasunic raised concerns about whether the increase in traffic on Quaker Road had been adequately considered. He expressed further concerns related to road congestion, limited parking availability, and additional access points. D. Kasunic also questioned how the proposed development would connect with the neighboring subdivision.

Kyle Sager echoed D. Kasunic's concerns regarding traffic, expressing curiosity about how the two developers would collaborate. K. Sager emphasized the need for careful consideration of the connection between developments. Additionally, K. Sager requested an analysis of the current traffic flow on Quaker Road.

The Deputy Clerk stated she checked the clerks@pelham.ca email address at 6:04 p.m. and confirmed no e-mails had been received concerning the subject application. She indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and move to Committee input.

5.4 Committee Input

A Member of Council expressed hope that this proposal would be the final iteration, voicing concern about the upcoming Quaker Road reconstruction project. The Member stressed the importance of ensuring that servicing for the development is completed before the roadwork begins. In response, Ethan Laman, the Agent, confirmed that their engineering team is in contact with the Region to coordinate servicing ahead of the reconstruction.

A Member of Council asked for confirmation that the drainage system is designed to handle a 5-year storm event. Shannon Larocque, Manager of Planning, explained that the functional servicing report will be reviewed and approved by the Public Works department and will be required to meet all relevant engineering guidelines. The Member stated accommodation for a 5-year storm is insufficient.

A Member of Council inquired about the oil/grit separator and its maintenance plan. E. Laman responded that the condominium corporation would adhere to a scheduled maintenance plan. The Member also questioned whether the developer had a containment plan in place for refuse management on the site. S.

Larocque noted she would investigate further, mentioning the possibility of including a clause in the site plan agreement to address this issue.

A Member of Council asked if there had been any efforts to purchase 711 Quaker Road, which appears to be surrounded by the proposed development. E. Laman confirmed that attempts had been made but were unsuccessful. The Member also expressed concern about the aesthetics of 717 Quaker Road, requesting that the setback and configuration be reconsidered. However, the Member expressed satisfaction with the inclusion of smaller units, hoping they would offer more affordable housing options.

A Member of Council raised concerns about the potential for on-street parking, noting that the road appeared narrow. In response, S. Larocque explained that the development would include a fire route and would not feature on-street parking or sidewalks. She stated that parking would be limited to visitor spaces and individual driveways. The Member expressed disappointment in the lack of open park space. S. Larocque stated the adjacent development is in the secondary plan area and parkland remains a priority.

A Member of Council inquired whether the proposed infrastructure on Quaker Road would be sufficient to accommodate the additional units. E. Laman confirmed that the infrastructure design anticipates the development's expected yield. The Member then asked if a traffic study had been conducted. E. Laman responded that no traffic study had been conducted, as it was not required.

5.5 Presentation of Resolutions

Moved By Councillor John Wink

THAT Committee receive Report #2024-221 Application for Zoning By-Law Amendment - Bauer Landing for information as it pertains to File No. AM-07-2024;

AND THAT Committee direct Planning staff to prepare the Recommendation Report on this topic for Council's consideration.

Carried

Moved By Councillor Wayne Olson

THAT Committee receive the applicant's presentation for information.

Carried

Moved By Councillor Bob Hildebrandt

THAT Committee receive the verbal presentations made by the public.

Carried

6. Adjournment

The meeting adjourned at 6:18 pm.

Moved By Councillor Shellee Niznik

THAT this Special Committee of the Whole, Public Meeting Under the Planning Act, be adjourned.

Carried

Mayor: Marvin Junkin

Acting Town Clerk: Sarah Leach

Subject: Pelham-Greenbelt Natural Asset Management Project Summary

Recommendation:

BE IT RESOLVED THAT Council receive Report 2024-0253 Pelham-Greenbelt Natural Asset Management Project Summary, for information.

Background:

Town of Pelham Council identified a strategic priority of Environmental and Climate Adaptation as part of its 2023-2027 Strategic Plan. Town staff identified Natural Asset management as a key tool to achieve this strategic priority in late 2022 and submitted a grant application to the Greenbelt Foundation for the project. The Town was successfully awarded the grant and work on the project commenced in 2023.

To complete the work, the Town of Pelham, with the generous support of the Greenbelt Foundation, partnered with the Natural Assets Initiative (NAI) to undertake the Pelham-Greenbelt Natural Asset Management (NAM) Project. The aim of the project was to identify, measure, value, and ultimately provide recommendations for how we can preserve and manage Pelham's natural assets, therefore maintaining the essential services they provide.

Natural assets refer to the stock of natural resources or ecosystems that provide essential services to the community. This initiative recognizes that the natural environment, such as forests, wetlands, and watercourses which offer critical infrastructure services to the Town, including stormwater management and flood mitigation. Managing these natural assets is important because they provide a sustainable and cost-effective alternative to traditional built infrastructure solutions. While built infrastructure often requires high levels of capital investment, maintenance, and replacement costs, natural assets can deliver these services with minimal intervention when effectively managed. Additionally, natural assets offer many additional benefits, such as carbon storage, biodiversity support, and recreational opportunities, all of which contribute to community well-being and resilience.

The project focused on the portion of the Town within the Ontario Greenbelt (Figure 1), though assets were identified and valued across the Town and project results and recommendations can also be applied Town-wide. The modeling component of the project was scoped to the Upper Twelve Mile Creek sub-watershed, which intersects with the Ontario Greenbelt and the Town of Pelham's municipal boundaries, as shown in Figure 2.

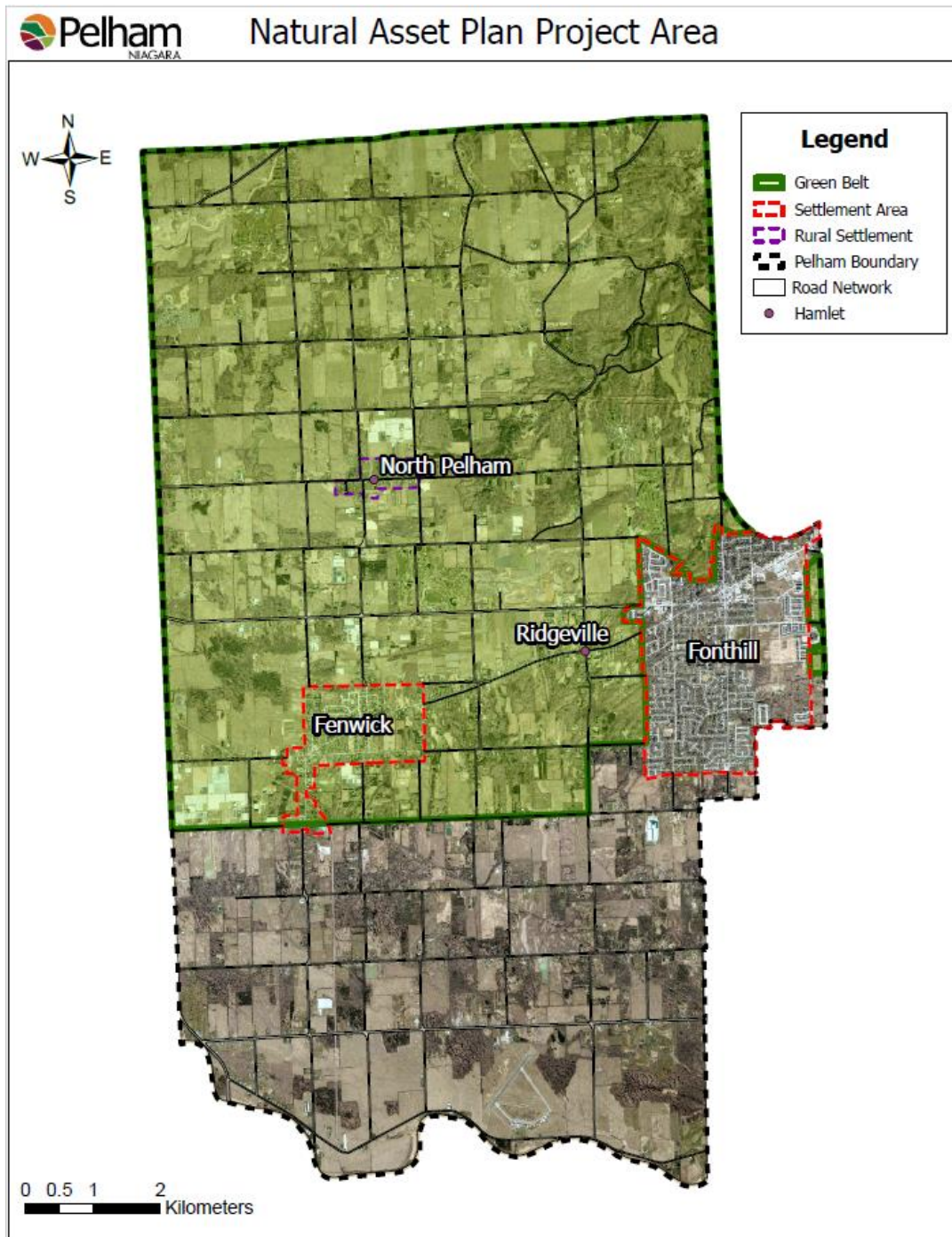


Figure 1. Natural Asset Plan Project Area.

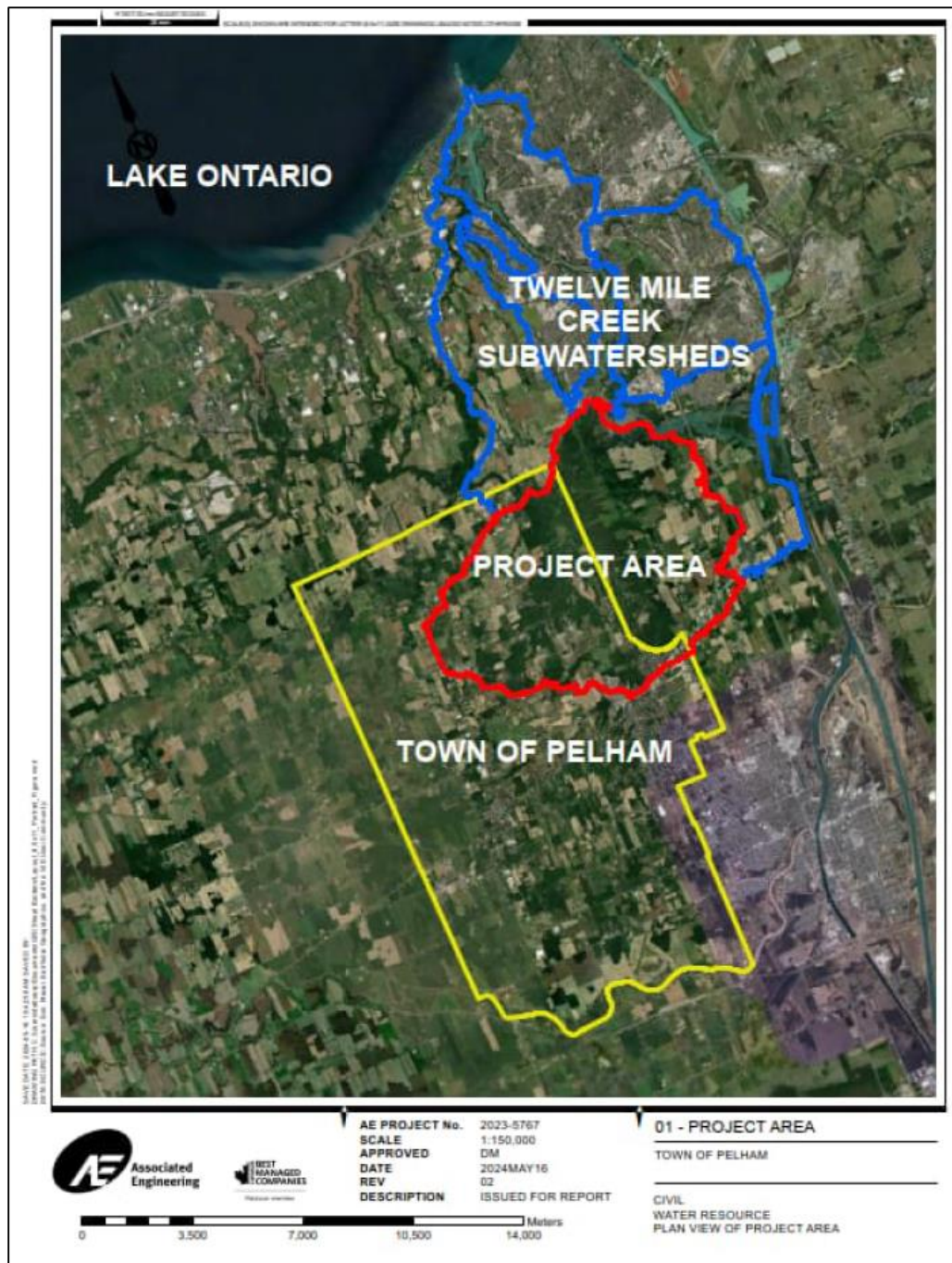


Figure 2. Upper Twelve Mile Creek Sub-Watershed Modelling Area.

Within this context, three objectives were identified for the project:

1. Understand the current roles of natural assets in the project area in providing **stormwater management** and **flood mitigation** services to the residents of Pelham;

2. **Quantify the value** of natural assets in the project area in terms of service provision, including determining costs and benefits relative to engineered alternatives; and
3. Develop **strategies for long-term management** of natural assets based on this understanding.

This project sets the foundation for integrating natural assets into the Town's financial and asset management planning, helping us address immediate needs and prepare for long-term sustainability. Additionally, this project is also assisting the Town in meeting the upcoming requirements under Ontario Regulation 588/17, which mandates municipalities to include natural assets in their asset management planning. By developing an inventory and valuation of our natural assets, the project is ensuring that the Town is well-prepared to integrate these assets into its asset management planning.

Analysis:

This section provides an overview of key results from the NAI project. Results are presented in three parts, corresponding to the objectives outlined above.

Part 1: Developing the Inventory and Outlining Current Roles of Natural Assets

Utilizing data from multiple sources, NAI first established the natural asset inventory, which identified 4,428 natural assets, covering 10,458 hectares within Pelham. These assets include forests, wetlands, meadows, and watercourses.

Next, the NAI underwent a process to assess the condition of these assets from an ecological perspective. The assessment found that approximately 38% of the Town's natural assets are in 'very good' or 'good' condition. However, some areas, particularly meadows and hedgerows, were found to be in fair to poor condition, indicating a need for enhanced management and protection.

The project also revealed that much of Pelham's stormwater management relies on these natural systems, with forests and wetlands playing a significant role in absorbing rainwater and reducing peak flows during storms. These areas also contribute to biodiversity and the health of the broader ecosystem, particularly in the Upper Twelve Mile Creek sub-watershed.

This information is available for viewing in an interactive dashboard available through <http://go.greenanalytics.ca/pelham>.

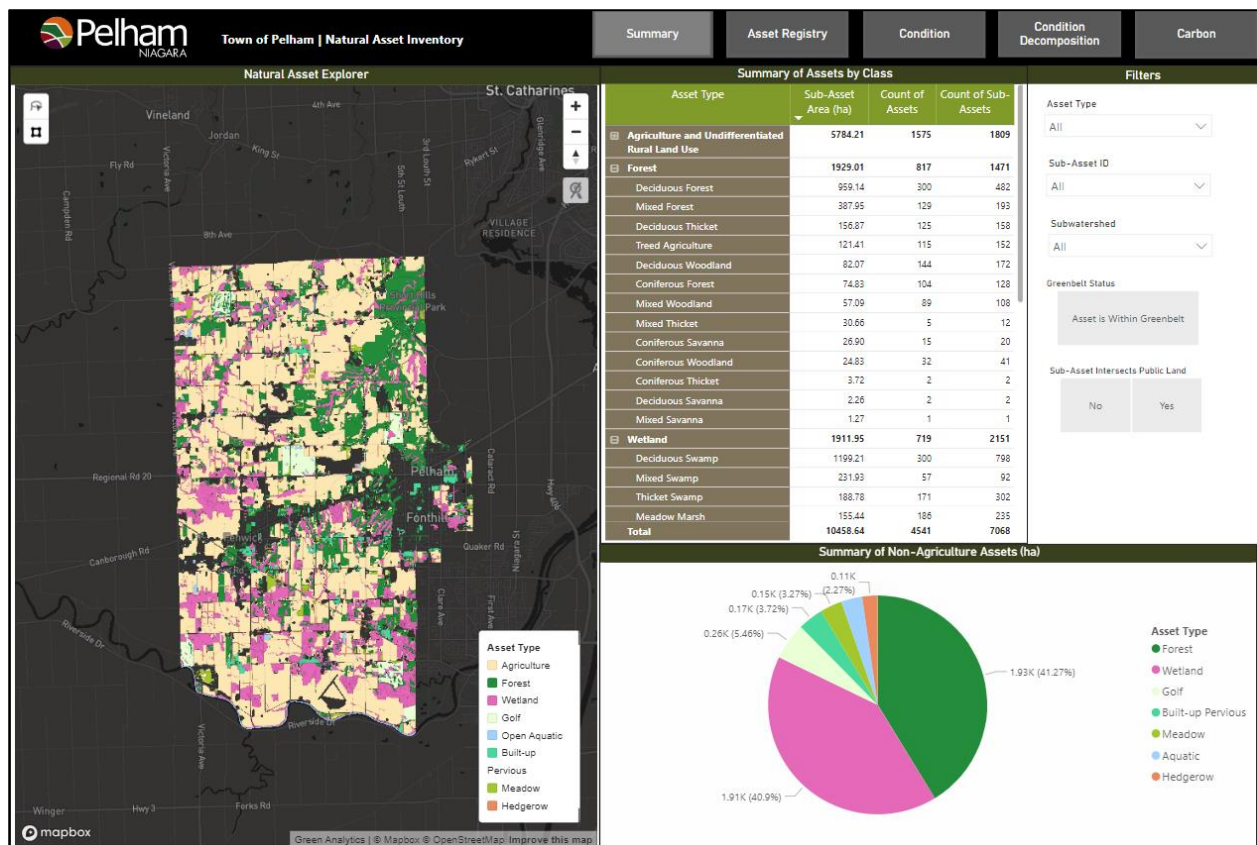


Figure 3. Interactive Online Dashboard – Town of Pelham’s Natural Asset Inventory.

Phase 2: Stormwater Modelling and Valuation of Services/Benefits

To develop a deeper understanding of the role that natural assets play in managing stormwater, the next phase of the project focused on assessing the stormwater management services provided by these natural assets. These results also allowed for a valuation of our natural assets, through a comparison of the estimated cost of replacing these ecosystem services with engineered stormwater management facilities.

Using hydrologic modelling, the project demonstrated that Pelham’s natural assets are crucial in reducing peak stormwater flows. More specifically, our natural assets, such as forests and wetlands, naturally reduce stormwater runoff and peak flows during storms. Without these assets, peak flows would increase by up to 486 percent, resulting in greater flooding, erosion, and infrastructure damage. In addition, replacing natural services with engineered solutions (i.e., stormwater management ponds and low-impact development units), would be more costly and less effective.

The NAM project also conducted a costing analysis of the Upper Twelve Mile Creek sub-watershed to determine the value of stormwater services provided by natural assets. Using hydraulic modelling, the project compared the performance of existing natural systems (i.e., forests, wetlands, watercourses) with engineered stormwater infrastructure (i.e., stormwater management ponds and low-impact development units). Through this analysis, it was determined that:

- The value of stormwater services is \$585,859,327.00, based on the capital cost to replace similar services with built infrastructure.
- Removal of the natural assets resulted in significant projected increase to peak flow and a significant projected increase to runoff depth.
- Built infrastructure was able to reduce runoff depth, but this solution comes with larger construction and maintenance costs, in addition to a loss of co-benefits provided by natural assets.

In addition to stormwater management, natural assets were also found to provide important co-benefits such carbon sequestration, supporting biodiversity, recreational opportunities, and fresh water. Taken together, the combined annual value of these benefits was estimated to range from \$22.1 M to \$24.7 M per year.

These findings indicate that maintaining natural assets offers a more cost-effective solution compared to constructing and maintaining engineered alternatives and can offer a range of additional benefits as well.

Phase 3: Planning and Strategies for Long-term Management

The planning phase of the Pelham-Greenbelt NAM Project focused on integrating natural assets into the Town's asset management system. Some key components include:

1. **Level of Service (LOS) Framework:** The project team developed an LOS framework to guide the decision-making related to natural asset management. The framework defines performance metrics for priority services, such as stormwater management, water supply, biodiversity, recreation, and climate mitigation. It aligns with Pelham's strategic goals, ensuring that natural assets are considered in Town-wide service delivery plans.
2. **Operations and Maintenance (O&M) Costing:** The project team evaluated the costs associated with maintaining natural assets, such as forests, wetlands, and watercourses. The analysis revealed that O&M costs for natural assets are generally lower than for traditional engineered infrastructure.

The planning phase laid the groundwork for integrating natural assets into Pelham’s broader financial and asset management systems, ensuring sustainable service delivery for the long-term.

Conclusion and Recommendations

The Project provides the Town of Pelham with insight into the state of natural infrastructure in its jurisdiction, with specific emphasis on lands within the Greenbelt. It has also estimated the value of stormwater services and other co-benefits the natural assets provide.

Natural asset management is an iterative process that requires continual improvement—in other words, ongoing, adaptive management. To this end, NAI provided 11 recommended next steps for Pelham to better protect and proactively manage natural assets, with consideration to the project results and the NAM roadmap that Pelham completed in 2023.

Each recommendation is detailed in the Technical Report and can be grouped into 3 overarching themes /key takeaways that can be applied to any community interested in progressing resilient, cost-effective service delivery through natural infrastructure:

1. Protect What You Can

It is more cost effective and beneficial to protect existing ecosystems than it is to rehabilitate them if degraded. Key actions can include:

- policy reviews/bylaws to ensure natural areas are proactively management where possible;
- naturalization of priority areas; and,
- continued efforts to secure or protect forests and wetlands.

2. Make Evidence-Based Decisions to Manage Natural Assets

Monitoring, management, and assessment activities are continuous, and local governments can benefit from using existing studies and increasing their capacity for regular data collection where possible. For Pelham, priority actions include:

- identifying risks to erosion sites; and
- formalizing invasive species management.

3. Build Awareness and Partnerships

Many of the natural assets that provide services to Pelham residents are not owned by the Town of Pelham, and it does not have direct control over their management. Collaborative partnerships with neighbouring jurisdictions (rightsholders and stakeholders) and building awareness of the benefits of

natural assets among its Council, staff, and the public is necessary to generate support and implement effective natural asset management strategies.

Town staff will be working toward implementation of the recommendations coming out of the projects with the assistance of the Environmental Coordinator.

Financial Considerations:

There are no specific financial implications as a result of this report. Any future project or undertakings with budget implications will be brought to Council through a future budget process or report.

Alternatives Reviewed:

This report is provided for information purposes. No recommendations are being made and therefore, no alternatives reviewed in the report.

Strategic Plan Relationship: Environmental and Climate Change Adaptation

This project furthers both infrastructure-related and environmental components of the strategic plan. This inventory will assist staff in planning future growth and being mindful of the pragmatic value of the Town’s extensive natural assets.

Consultation:

As part of the project activities, a Launch Workshop was held in March 2023 with external agencies to determine data sets that might exist that could be used in the project. A cross-departmental workshop was held with Town staff in February 2024 to receive input on implementation of the recommendations coming out of the project. A stakeholder engagement workshop was held in June 2024 with indigenous contacts, external agencies, interested community groups, advisory committees, members of Council and Town staff to share project results, recommendations and receive feedback. Town staff also received a report from Pelham Advocates for Trees and Habitat (PATH) in October 2024, endorsing the Natural Assets Initiative approach and supporting the project’s recommendations.

Throughout the project, a project page was maintained through the engaging pelham site: <https://engagingpelham.ca/mnamp>

Other Pertinent Reports/Attachments:

Appendix A – The Pelham – Greenbelt Natural Asset Management Project Technical Report

Appendix B – Pelham Advocates for Trees and Habitats’ Review of Town of Pelham
Natural Asset Management Project

Prepared and Recommended by:

Samantha Witkowski
Environmental Coordinator, Community Planning and Development

Prepared and Submitted by:

Pamela Duesling, PhD, MCIP, RPP, EcD, CMM3
Director of Community Planning and Development

Shannon Larocque, MCIP, RPP
Manager, Community Planning and Development



The Pelham Greenbelt

Natural Asset Management Project



Technical Report

June 2024



Invest in Nature

The Natural Assets Initiative (NAI) is a Canadian not-for-profit that is changing the way local governments, watershed agencies, and others deliver everyday services – increasing the quality and resilience of infrastructure at lower costs and reduced risk. The NAI team provides scientific, economic, and municipal expertise to support and guide local governments in identifying, valuing, and accounting for natural assets in their financial planning and asset management programs, and developing leading-edge, sustainable, and climate-resilient infrastructure.

Town of Pelham Land Acknowledgement

The Town of Pelham acknowledges the land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabe peoples, many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties and is within the land protected by the Dish With One Spoon Wampum agreement. Today this gathering place is home to many First Nations, Métis, and Inuit peoples and acknowledging reminds us that our great standard of living is directly related to the resources and friendship of Indigenous people.



Possibility grows here.

Acknowledgement

This project was generously supported by the Greenbelt Foundation.

Disclaimer

While reasonable efforts have been made to ensure the accuracy of the report's content, any statements made are made only as of the date of the report and such information and data are subject to uncertainties, inaccuracies, limitations and to changes based on future events. Natural Assets Initiative makes no representations, warranties or guarantees (express, implied, statutory or otherwise) regarding the data on which the information is based or the information itself, including quality, accuracy, usefulness, fitness for any particular purpose, reliability, completeness or otherwise, and assumes no liability or responsibility for any inaccuracy, error or omission, or for any loss or damage arising in connection with or attributable to any action or decision taken as a result of using or relying on the information in the report.

Please cite as: NAI (2024). *The Pelham Greenbelt natural asset management project: Technical report*. Natural Assets Initiative. NaturalAssetsInitiative.ca

photos courtesy of the Town of Pelham

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Acronyms

AES	Atmospheric Environment Service
CVC	Credit Valley Conservation Authority
EC	Environment Canada
EPA	Environmental Protection Agency
ESRI	Environmental Systems Research Institute
GIS	Geographic information system
ha	Hectares
ICI	Commercial and Institution
IPBES	Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
IPCC	Intergovernmental Panel on Climate Change
LOS	Levels of Service
LID	Low impact development.
m	metre
NAI	Natural assets initiative
NAM	Natural asset management
NbS	Nature-based solutions
NDMNRF	Ontario Ministry of Natural Resources and Forestry
NEC	Niagara Escarpment Commission
NPCA	Niagara Peninsula Conservation Authority
O&M	Operations and Maintenance Plans
OP	Official Plan
PCSWMM	Personal computer storm water management model
SWM	Stormwater management
TMC	Twelve Mile Creek
TRCA	Toronto Region Conservation Authority
UTMC	Upper Twelve Mile Creek
WTP	Willingness to Pay



1.0 Executive Summary

Canadian local governments, conservation authorities, Indigenous and Métis Nations, and other entities face infrastructure and asset management challenges. Developing and acting on holistic evidence of nature's services and their value can create solutions to these issues, and opportunities to secure many other vital benefits from healthy, connected, and biodiverse ecosystems.

Within this context, the Town of Pelham, Ontario, with support from the Greenbelt Foundation, partnered with the Natural Assets Initiative (NAI), a Canadian non-governmental organization on the *Pelham Greenbelt Natural Asset Management Project*. The goal of this project is to ensure that natural assets in the Town of Pelham, and particularly those that overlap with Ontario's Greenbelt, are identified, measured, valued, and ultimately managed to protect their integrity, thereby ensuring a reliable flow of core services and diverse co-benefits across the municipality and the Greenbelt.

Three project objectives support this goal:

- 1/ Understand the current roles of natural assets in the project area in providing stormwater management and flood mitigation services to the residents of Pelham
- 2/ Quantify the value of natural assets in the project area in terms of service provision, including determining costs and benefits relative to engineered alternatives
- 3/ Develop strategies for long-term management of natural assets based on this understanding

The Project is unique to previous NAM projects in that it had specific considerations for the local government and the Ontario Greenbelt, which covers 2 million acres (> 80,000 ha) of protected farmlands, forests, rivers, wetlands, and lakes. Two study areas were required; the first analysis was completed in the Upper Twelve Mile Creek subwatershed, which intersects the Town and the Greenbelt, to assess stormwater management benefits. The second was the Town of Pelham's jurisdictional boundaries, which is a common scale for natural asset management assessments.

Over the course of the study, the Project produced data, modelling, and strategies for the Town of Pelham to protect and manage natural assets in order to enhance sustainable core services, and the sustainable delivery of co-benefits. These included:

- Developing an interactive, web-based inventory with information on location, size, and extent of natural assets in the Town of Pelham, and condition of natural assets.
- Scenario modelling to assess role of natural assets in stormwater management (peak flow attenuation and runoff) and consider future development alternatives.

- A valuation of natural asset service contributions to stormwater management, and well as an assessment and valuation of co-benefits (e.g., climate regulation, fresh water, and recreation services).
- An analysis of planning and management strategies, including operations and maintenance, to inform continual improvement.
- Outlining recommended next steps to advance comprehensive natural assets management efforts.

PROJECT OUTCOMES

The Project demonstrates that the natural assets in the Town of Pelham provide core ecosystem services that contribute to the community's well-being, ecosystem health, and mitigating infrastructure challenges.

Specifically, the stormwater modelling and analysis highlighted the significant stormwater management services provided by natural assets in Upper Twelve Mile Creek. While LID units and SWM ponds can partially replicate these functions, their implementation is significantly more expensive and less effective at reducing peak flow compared to maintaining natural assets.

The natural assets do face several risks including climate change, urbanization, and pollution, which can affect their ability to provide essential services in the Town. The Project provides a foundation of initial data and priorities on which the Town can expand efforts to further effective natural asset management, as well as policy strategies to support NAM implementation. Specific recommendations are provided for long-term management.

RECOMMENDATIONS

Detailed recommendations are listed in [Section 6](#).

- 1/ Review policies and governance to protect and manage natural assets
- 2/ Proactively manage and monitor erosion sites
- 3/ Formalize invasive species management
- 4/ Identify priority areas for naturalization
- 5/ Continue to secure or protect priority forests and wetlands
- 6/ Review opportunities to proactively manage riparian areas along watercourses
- 7/ Support collaboration and develop partnerships to advance natural asset management in the Town of Pelham
- 8/ Strengthen assessment of natural assets and related services in the Town of Pelham
- 9/ Include a costed lifecycle management strategy for natural assets in updates to the Town's asset management plan
- 10/ Develop a communications plan and presentation to build awareness of the value of natural asset management needs in the watershed
- 11/ Build staff and Council awareness of and support for natural asset management

2.0 Introduction

This section introduces the context for natural asset management (NAM) including: the rationale for NAM, the Pelham Greenbelt Natural Asset Management Project goals and objectives and the project limitations.

Canadian local governments, conservation authorities, Indigenous and Métis Nations, and other entities face infrastructure and asset management challenges. Many services these organizations provide, including water and wastewater, waste removal, transportation, flood attenuation, erosion control, and environmental services, depend on ageing engineered infrastructure assets that need renewal. Meanwhile, climate change places increasing pressure on the existing infrastructure stock.

The term ‘natural assets’ refer to the stock of natural resources or ecosystems that a municipality, regional district, or other watershed rightsholders or stakeholders could rely on or manage for the sustainable provision of one or more services.¹ Effective stewardship of natural assets helps these entities deliver more resilient services in a changing climate, reduce associated costs, and provides an alternative to “building their way out” of infrastructure challenges. Natural assets can provide both critical infrastructure services and numerous co-benefits that add to community quality of life. This practice has become known as a natural asset management (NAM), a subset of the broader field of nature-based solutions (NbS). NAM enables nature to be conceptualized, accounted for, restored, protected, and managed as a vital asset to ensure its long-term viability. NAM is based on standard asset management methods that Canadian public sector entities are increasingly required to adopt, methods which the Natural Assets Initiative (NAI) has adapted for the unique considerations of nature. NAM has evolved from a single isolated initiative in 2017 to action being taken by over 140 local governments across multiple provinces in 2024.

Natural asset management is highly relevant in addressing climate change. A 2021 report from the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES) and the Intergovernmental Panel on Climate Change (IPCC), for example, notes that “only by considering climate and biodiversity as parts of the same complex problem... can solutions be developed that avoid maladaptation ... ignoring the inseparable nature of climate, biodiversity, and human quality of life will result in non-optimal solutions to either crisis.”² The recently released IPCC Sixth Assessment Report includes a headline statement that stresses the fundamental importance of safeguarding biodiversity and ecosystems in the development of climate resilience.³ It goes on to advise that “maladaptation can be avoided by flexible, multi-sectoral, inclusive, and long-term planning

¹ MNAI (2017).

² *Pörtner et al. (2021).*

³ *IPCC AR6 WGII (2022).*

and implementation of adaptation actions with benefits to many sectors and systems”⁴. Nature based solutions are recognized as both a promising adaptation action that can help reduce some physical and socioeconomic risks from climate change, and a potential mitigation action to store and sequester carbon. Nature-based solutions — of which natural asset management is one — may also play a role in reducing liability risks.

The urgency to accelerate NAM is particularly acute in urban and peri urban areas; approximately 80% of Canadians live in the interface between natural and urban areas where nature is extremely important, but also highly vulnerable.⁵ This project addresses this need. The Town of Pelham is located within the Ontario Greenbelt — the world’s largest greenbelt at over 2 million acres. The Pelham Greenbelt Natural Asset Management Project (hereafter, “the Project”) is designed to integrate nature and its services into the Town’s financial planning and asset management programs. This report provides Project results to date.

2.1 Project Goal & Objectives

The Project’s goal is to ensure that the natural assets within the Town of Pelham, and particularly those that overlap the Town and the Greenbelt, are understood, measured, valued, and ultimately managed to protect their integrity, and thus ensure their reliable flow of core infrastructure services and diverse co-benefits.

Three objectives support this goal:

- 1/ Understand the current roles of natural assets in the project area in providing stormwater management and flood mitigation services to the residents of Pelham
- 2/ Quantify the value of natural assets in the project area in terms of service provision, including determining costs and benefits relative to engineered alternatives
- 3/ Develop strategies for long-term management of natural assets based on this understanding

These objectives required two study areas:

- 1/ Stormwater benefits were assessed for a subwatershed that intersects the Town and the Ontario Greenbelt using hydrological modelling. This analysis was completed at an appropriate ecological scale for assessing water-based services in the Upper Twelve Mile Creek subwatershed.
- 2/ Local government scale (i.e., the Town of Pelham’s jurisdictional boundaries), which is a common scale for natural asset management assessments.

⁴ IPCC AR6 WGII (2022, p. 35).

⁵ Brown et al. (2021).

These goals and objectives are laid out in a Service Agreement between NAI and the Pelham.

NATURAL ASSET MANAGEMENT METHODOLOGY

The methodology for the Pelham Greenbelt Natural Asset Management Project is based on standard asset management practices that Canadian local governments are increasingly required to adopt, and which are articulated by organizations such as Asset Management BC, based on global norms (see Figure 1). NAI has adapted methodologies to ensure that natural assets – which are complex in their role in service delivery, are context-specific, and present novel considerations – can be effectively integrated and considered in asset management.

Figure 1: Natural Asset Management Wheel



Source: NAI, 2017; Adapted from Asset BC, 2014

Why use an asset management-based methodology to understand the relationship between local governments and nature?

- Asset management is becoming ubiquitous among Canadian local governments, offering scope to make NAM a broadly based, scalable and comparable practice.
- Ontario is the first province in Canada to regulate asset management planning at the municipal level and to require consideration of both human-made and natural assets as part of this process.
- Asset management provides a useful and practical approach for conceptualizing nature not simply in narrow aesthetic terms, but as something upon which communities rely for a multiplicity of important services.
- Asset management is proving to be a mechanism that helps integrate nature-related considerations into core local government decision-making, thus broadening its relevance beyond departments that focus on environmental matters.

2.2 Limitations & Assumptions

The Project contains several limitations and assumptions. For this project, the following modelling limitations are noted.⁶

INCOMPLETE INFORMATION

Asset management is an *adaptive* management cycle, not a finite process. While this report is current at the time of its writing, many elements will evolve in response to data, feedback loops, actions taken by Pelham, and continuous improvement.

VALUATION

NAI estimated the value of some of the services from nature relevant to the beneficiaries in this project, including local governments and communities more generally. Together, these service values provide a composite figure that can be considered as a *minimum service value*.⁷ This composite figure can support and inform decision-making; however, it is only part of a broader understanding of what is meant by nature's "value". Furthermore, only a portion of the many services provided by the ecosystems are valued in the Project.

⁶ Assessment limitations are explained in further detail in sections 4.4 and 5.3 of this report.

⁷ It is also important to recognize these findings in terms of minimum service value because, unlike engineered assets that depreciate and decay, natural assets are often adaptable, providing services that become more valuable over time within a changing climate.

MODELLING

NAI undertakes detailed hydrologic modelling to assess the Levels of Service (LOS) that natural assets provide, and the value of those services, to allow for service-based comparisons with engineered assets. However, all environmental modelling simplifies systems and is limited by the assumptions required for generalization.

INDIGENOUS PEOPLES

The project has several limitations with respect to Indigenous peoples. Indigenous Traditional Knowledge and practices are based in a holistic and inherent understanding of nature, the benefits it provides, and the connections between all living things. All NAM initiatives, including the Pelham Greenbelt Natural Asset Management Project, will achieve better outcomes when they include Indigenous worldviews, knowledge, and perspectives.

This requires sustained, meaningful collaboration with Indigenous Nations. The Project provides an opportunity to learn from those who have lived in the region for millennia and determine ways in which their knowledge and perspectives can inform and be included in all resultant project programming.

There is little published literature specific to the uptake of NAM by Indigenous Nations, including First Nations.⁸ Therefore, an understanding of how best to engage, and of specific barriers they may face, is similarly limited, due to factors including lack of research and reporting with Indigenous Nations, and differences in definition, approaches to managing assets, and cultural relationships with nature.⁹ Long-term, culturally-appropriate engagement may be required to overcome this in the context of the Town of Pelham.

⁸ *Reed et al. (2022).*

⁹ NAI recognizes that not all asset management terminology and approaches may align with First Nations, Inuit, and Métis worldviews and perspectives. These factors must be considered in future Project stages.

3.0 Local context

This section introduces the local context for the Pelham project including: the geography, people of the area and the land uses.

3.1 Indigenous Peoples

The project area is located on the traditional territory of the Haudenosaunee and Anishinaabe peoples. The territory is covered by the Upper Canada Treaties and protected by the Dish With One Spoon Wampum agreement. Today, the project area is home to several First Nations, Metis, and Inuit people. The Project and related work respects their Rights and Title.

3.2 Geography

The modelling focus for the Pelham Greenbelt Natural Asset Management Project are the lands that intersect with Ontario's Greenbelt — a protected area of greenspace, farmland, forests, and wetlands — that surrounds much of the Golden Horseshoe region in the province. Wherever possible, results were provided for the entire Town of Pelham to accommodate the Town's desire to complete natural assets management for the Town.

The ecological modelling boundary of the project is the Upper Twelve Mile Creek (UTMC) subwatershed.

The Upper Twelve Mile Creek is a natural ecosystem largely untouched by human activity and provides a diverse landscape and unique ecosystem. The stewardship of this watershed is crucial for maintaining high-quality groundwater for the Town of Pelham while preventing erosion and providing flood control for the lower and middle Twelve Mile Creek.

The UTMC subwatershed spans approximately 51 km² and is part of the larger Twelve Mile Creek (TMC) watershed that spans 178 km² and drains into Lake Ontario. The natural assets of focus include forests, watercourses, and wetlands. It originates as a spring-fed tributary and spans 22 km. It flows through the municipalities of Pelham, Thorold, St. Catharines and Lincoln. The UTMC spans approximately $\frac{2}{3}$ of the Town (80 km²). Of this, 24 km² is within the Niagara Escarpment Plan area, which includes Fenwick, the Hamlet of North Pelham, and the Hamlet of Ridgeville. *Figure 2* shows the approximate location of the UTMC subwatershed in relation to the Town of Pelham and the TMC watershed.

The UTMC subwatershed has unique characteristics, including¹⁰:

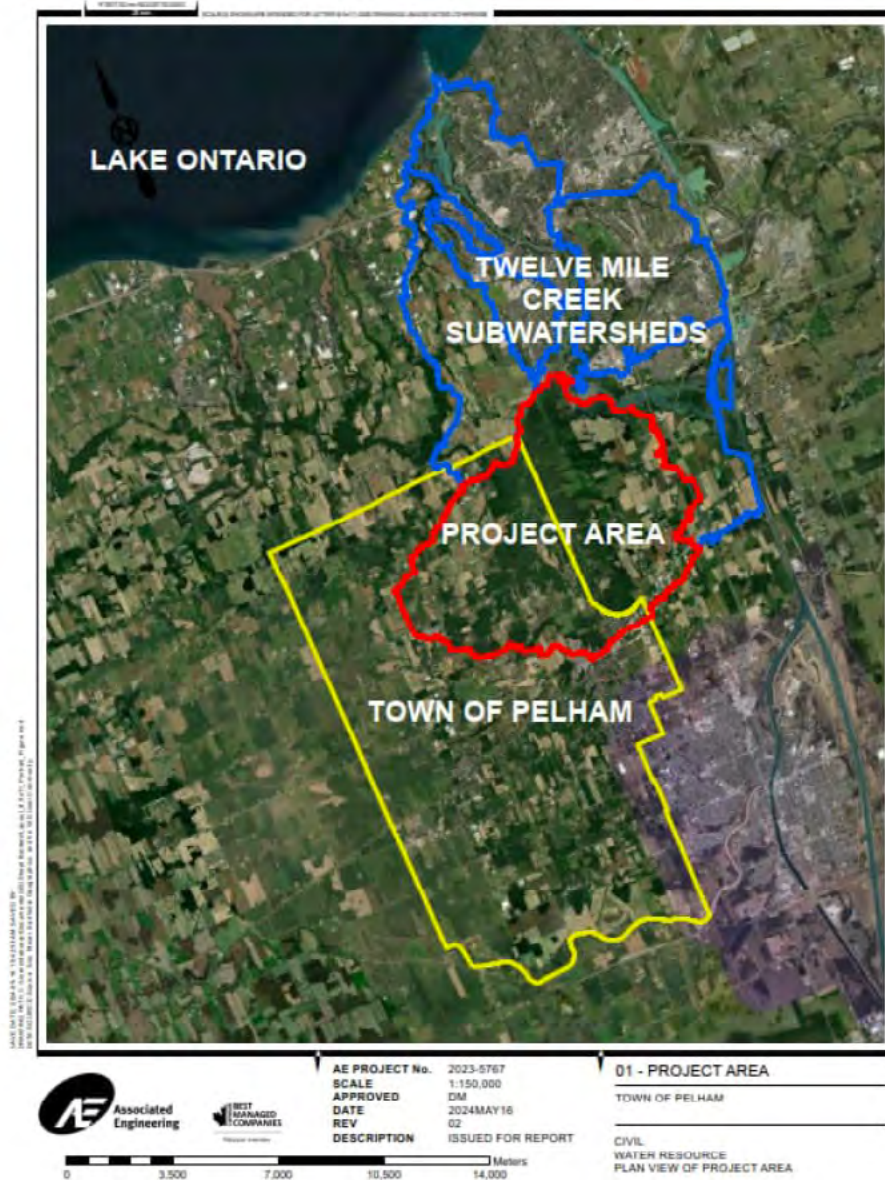
- The geology of the Fonthill Kame-Delta Complex. The porous Kame soils allow for rapid infiltration of precipitation and snowmelt and the pressure differential created by the underlying Haldimand clays allows for the release of constant, cold-water (18 degrees Celsius or less).

¹⁰ Baker, J.L. (2021).

- A self-sustaining population of Brook Trout. Brook Trout are the last remaining salmonid fish species in the Niagara region and their reproductive health is sensitive to change in creek conditions such as temperature increase, pollution, or increased turbidity.
- Diverse flora and fauna. Due to the moderated climate by the Great Lakes and unique land-formations, the UTMC contains the highest percentage of protected natural areas in Canada. Several at-risk bird species, such as the Hooded Warbler and the Acadian Flycatcher reside in the protected areas of the UTMC.
- Many natural features are intact, owing to sloping terrain, Fonthill Kame, numerous conservation areas, and Niagara Escarpment protections.

The Town of Pelham is the second, larger scope for the project. It is one of twelve municipalities of the Niagara Region, occupying a central location. This broader scope was identified for natural asset management, which is completed at a jurisdictional scale.

Figure 2: Project Area



3.3 Land Use

The land use in UTMC subwatershed is a mix of rural and urban communities with natural areas, including mixed forests. Rural is the dominant land class and are primarily agricultural lands (hosting greenhouses, nurseries, orchards, cash crops, and some livestock), but include estates and rural residents, a LaFarge quarry operation, and a few golf courses. The UTMC includes geological features such as the Niagara Escarpment and Fonthill Kame. Natural features include the last spring-fed cold-water stream in Niagara Region and several conservation areas.

The total built or impervious area is estimated at over 20%¹¹ of the total subwatershed area. If the total impervious area continues to increase, services provided by the subwatershed (water quality, erosion control) will degrade and the unique characteristics of the subwatershed will be at risk.

3.4 Governance, Policy and Structures

As in many communities, natural assets in the Town of Pelham are within a multi-owner, multi-jurisdiction, and multiuse area. Many entities including local governments, the Niagara Peninsula Conservation Authority (NPCA), the Niagara Escarpment Commission (NEC), and the Province of Ontario share governance responsibilities. Most of the land is in private ownership. A small percentage is in public ownership or stewardship (e.g., Nature Conservancy of Canada lands, Niagara Region public lands, Town public lands, NPCA lands and Short Hills Provincial Park.).

The **Town of Pelham** is in the heart of the Niagara Region in southwestern Ontario. It is 127 km² in size and houses a population of ~18,000. The Town has two urban areas — Fonthill and Fenwick — and two Hamlets — North Pelham and Ridgeville. The Town’s southern boundary is the Welland River. Pelham lies to the north of the Welland River, east of the Township of West Lincoln, west of the City of Welland and the City of Thorold, and south of the City of St. Catharines and the Town of Lincoln. The northeast section of Pelham contains the Short Hills Provincial Park. The Town is responsible for a range of public services provided by natural assets including stormwater and drinking water. Management of natural assets in the Town of Pelham may support downstream cities in their management of stormwater and mitigation of flood risk.

The **Niagara Region** (population ~448,000) is a regional government that comprises 12 lower-tier municipalities. It is the southern end of the “Golden Horseshoe”¹² and occupies most of the Niagara Peninsula. Lake Ontario lies to the north and Lake Erie to the south. They are responsible for the natural heritage system, source water protection and a water resource system.

¹¹ Ibid.

¹² A region in Ontario centered on Toronto and extending around western Lake Ontario

The **Niagara Peninsula Conservation Authority (NPCA)** is the relevant Conservation Authority providing watershed management services. NPCA is responsible for the delivery of programs and services that further the conservation, restoration, development, and management of natural resources within the watershed and matters related to flood risk.

The **Niagara Escarpment Commission (NEC)** is responsible for implementing the Niagara Escarpment Plan (NEP), Canada's first large-scale environmental land use plan. Together with the Ontario Ministry of Natural Resources and Forestry (NDMNR), NEC shares responsibility for ensuring development activities within the Niagara Escarpment Plan area comply with the Niagara Escarpment Planning and Development Act (NEPDA), NEP, and associated regulations. The NEP includes land use designations such as escarpment natural areas, escarpment protection areas, escarpment rural areas, escarpment recreation areas, escarpment urban areas, minor urban centre, and mineral extraction areas. The escarpment natural area, escarpment protection and escarpment rural area designations apply in Pelham.

ONTARIO ASSET MANAGEMENT REQUIREMENTS

The Regulation Asset Management Planning for Municipal Infrastructure (O. Reg. 588/17) requires Ontario municipalities to have had a comprehensive strategic asset management policy in place by July 1, 2024. O. Reg. 588/17 also requires municipalities to inventory, value, and integrate green infrastructure – including natural infrastructure and, by extension, natural assets – into their asset management planning.¹³

¹³ See mnai.ca/resource-to-help-navigate-and-implement-o-reg-588-17/ for additional details.

4.0 Current State of Natural Assets

This section describes the results of the NAM assessment phase for natural assets in the Town of Pelham, their condition, their service value, and options to continue enhancing understanding.

The NAM assessment phase¹⁴ provides a baseline understanding of the current services that natural assets provide, and some corresponding values. Below are the results, including:

- The approach to identify and inventory natural assets in the subwatershed
- The current condition of natural assets in the Watershed
- The value of a range of different services provided by the natural assets

4.1 Identification of Natural Assets

INVENTORY OVERVIEW

NAI’s natural asset inventories have two main components to express natural asset information: an asset registry (which is a tabular representation of the data) and an online dashboard. NAI provided the registry to the Town of Pelham in an Excel file and the dashboard as a website address. Information on the condition of the assets is a subset of the inventory and is depicted in both the registry and dashboard. This inventory is consistent with the Canada Standards Association (CSA) Group recently released W218:23 standard ‘Specifications for Natural Asset Inventories.’¹⁵

INVENTORY DATA

To establish the inventory and complete the condition assessment, NAI obtained data from several sources as shown in Table 1. NAI combined the spatial data layers to establish a comprehensive depiction of natural assets.

Table 1: Datasets Used to Create the Natural Asset Inventory

File Name	Descriptive Name	Source	Purpose
NPCA_ELC_20221121	Niagara Region Updated ELC (2021)	Niagara Peninsula Conservation Authority	The series description was used as the main landcover source for identifying natural areas.
2K_Hydropoly_NPCA.shp	2K Water	Niagara Peninsula Conservation Authority	Used to capture open water and wetlands not represented in the ELC or other datasets, given priority over ELC for water features.
Built_up_Area	Built-up Area	Ontario GeoHub	Used to fill in landcover where ELC not present (impervious and pervious areas).

¹⁴ See *Figure 1*

¹⁵ *CSA Group (2023).*

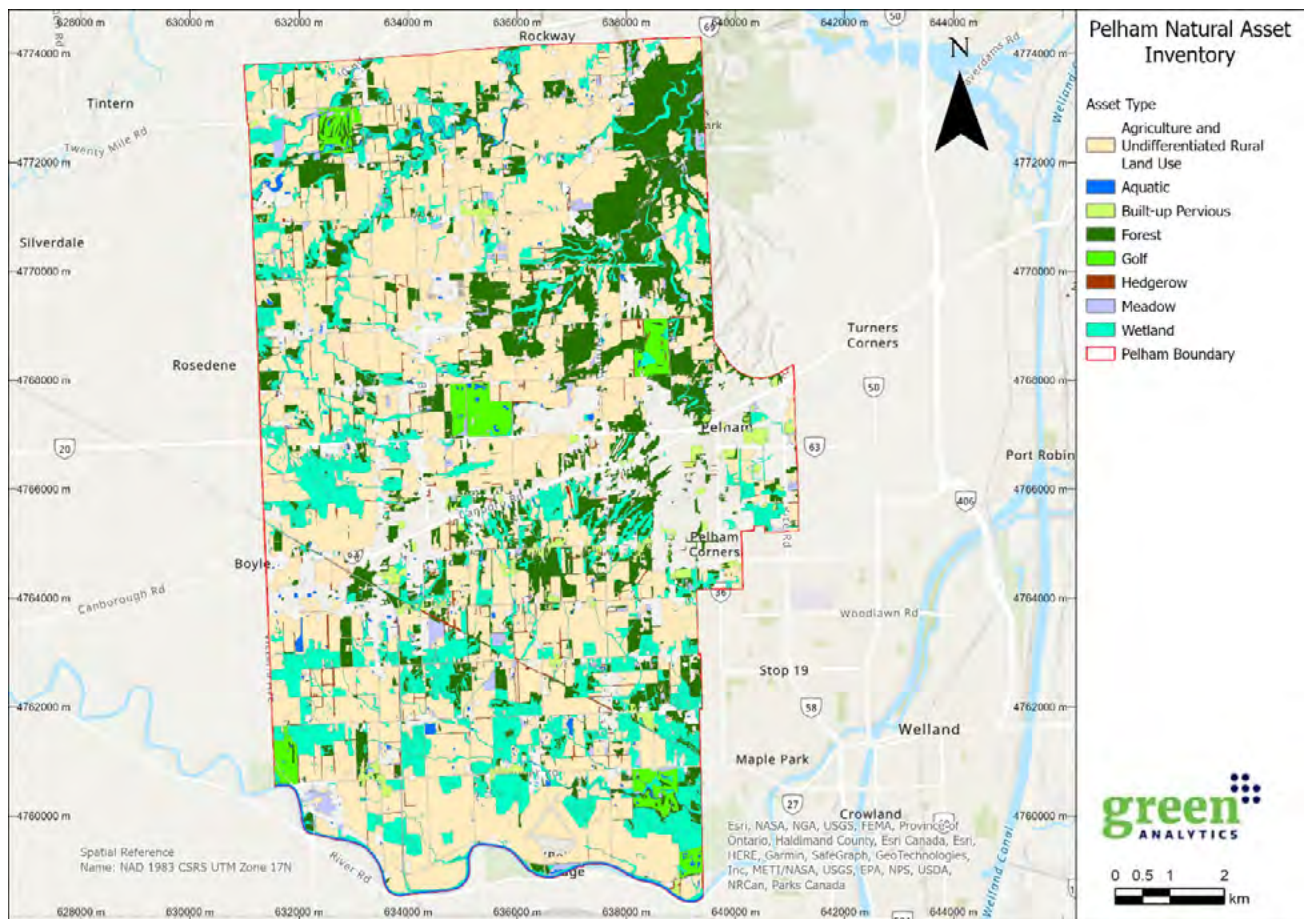
File Name	Descriptive Name	Source	Purpose
gis_osm_landuse_a_free_1.shp	OSM Land Use Data	Open Street Map (© OpenStreetMap, Available with Open Database license) (download.geofabrik.de/north-america/canada.html)	Used to help classify areas as Built-up Pervious in the study area.
gis_osm_pois_a_free_1.shp	OSM POIS Data	Open Street Map (© OpenStreetMap, Available with Open Database license) (download.geofabrik.de/north-america/canada.html)	Used to help classify golf courses in the study area.
gis_osm_traffic_a_free_1.shp	OSM Traffic Data	Open Street Map (© OpenStreetMap, Available with Open Database license) (download.geofabrik.de/north-america/canada.html)	Used to help classify parking lots in the study area.
SOLRIS_Version_3_0_LAMBERT	SOLRIS V3	Ontario GeoHub	Used to help identify the location of excavation sites to remove from the natural asset inventory.
UAB.shp	Urban Area Boundaries	Niagara Peninsula Conservation Authority	Used to help reclassify areas as Built-up Pervious in the urban centres.
17T_20220101-20230101.tif	ESRI Land Cover Data	ESRI	Used as base file for land cover classification.
NRN_ON_15_0_ROADSEG.shp	National Road Network	National Road Network - NRN - GeoBase Series - Open Government Portal (canada.ca)	Used to delineate roads from natural areas in the study area.
NRWN_ON_2_0_TRACK.shp	National Railway Network	National Railway Network - NRWN - GeoBase Series - Open Government Portal (canada.ca)	Used to delineate railways from natural areas in the study area.
OLCC_V2	Ontario Landcover Compilation	Ontario GeoHub	Used to fill in landcover where ELC not present (as an input for Built-up Pervious areas).
Municipal_Boundaries	Municipal Boundaries	Niagara Peninsula Conservation Authority	Used to split assets by municipality boundaries. Extent of Pelham polygon in this file was used for the study area boundary.
Sub watershed_Areas_2K_NPCA.shp	Subwatershed Areas	Niagara Peninsula Conservation Authority	Used to divide asset by subwatershed boundaries.
Watershed_Planning_Areas_NPCA.shp	Watershed Planning Area	Niagara Peninsula Conservation Authority	Used to split natural assets by watersheds and map/summarize natural assets by watershed in inventory dashboard
Conservation_Areas	Conservation Areas	Niagara Peninsula Conservation Authority	Used to subdivide assets by conservation area boundaries.

The inventory assessment defined a total of 4,428 individual assets, covering 10,458 hectares (ha), as noted in Table 2. An **asset** is defined as a continuous area of the same land cover type. For example, an intact forested area would be defined as one asset, but a forested area that is bisected by a road would constitute two assets. The majority of natural assets in Pelham are agriculture, followed by swamp and forest.

Table 2: Natural assets in the Town of Pelham

Natural Asset Type	Asset Count	Area (ha)
Agriculture	1,570	5,790
Built-up Pervious	192	173
Forest	816	1,930
Golf	31	258
Hedgerow	271	106
Meadow	167	153
Open Aquatic	663	135
Wetland	718	1,913
Total	4,428	10,458

Figure 3: Spatial Distribution of Natural Assets from the Online Registry



ASSET REGISTRY

Each asset within the inventory has a unique identification number that allows users to select and analyze individual assets and manipulate the corresponding data as required. For example, changes in condition can be noted for individual assets. Information on each asset is housed in an asset registry. Table 3 is an excerpt from Pelham’s online registry showing natural asset characteristics and details. Additional detail is provided in the online dashboard.

Table 3: Excerpt from the Town of Pelham’s Online Registry

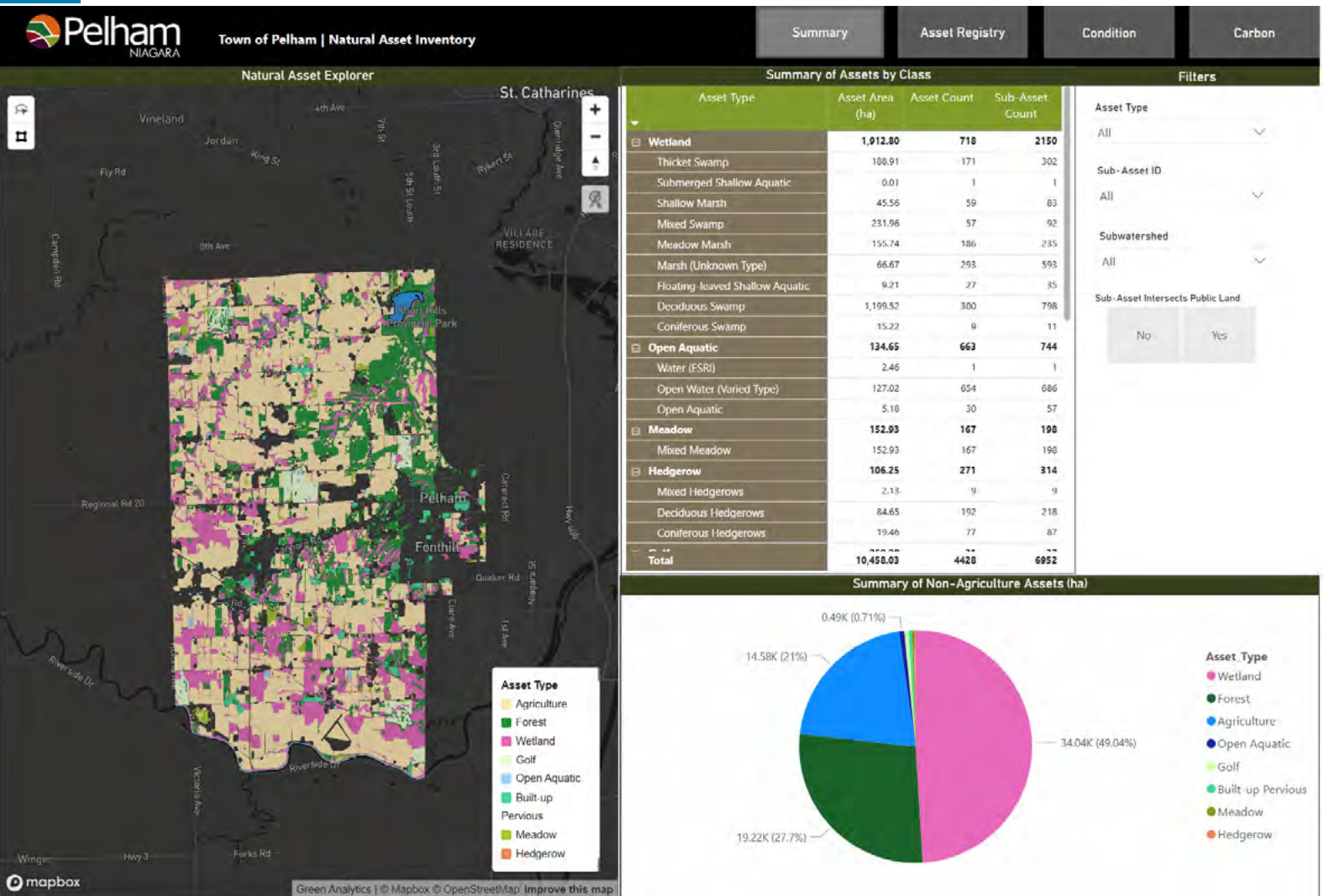
Natural Asset Registry						
Asset ID	Sub_Asset_ID	Asset Area (ha)	Asset Type	ELC Class	Subwatershed	Greenbelt Status
AGR(UNDF)1000	AGR(UNDF)1000-2	6.35	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1001	AGR(UNDF)1001-1	0.00	Agriculture	Agriculture and Undifferentiated Rural Land Use	FSEM Fifteen Mile Creek	Within Greenbelt
AGR(UNDF)1002	AGR(UNDF)1002-1	6.55	Agriculture	Agriculture and Undifferentiated Rural Land Use	FSEM Fifteen Mile Creek	Within Greenbelt
AGR(UNDF)1003	AGR(UNDF)1003-2	0.37	Agriculture	Agriculture and Undifferentiated Rural Land Use	FSEM Fifteen Mile Creek	Within Greenbelt
AGR(UNDF)1004	AGR(UNDF)1004-1	0.63	Agriculture	Agriculture and Undifferentiated Rural Land Use	FSEM Fifteen Mile Creek	Within Greenbelt
AGR(UNDF)1005	AGR(UNDF)1005-1	0.73	Agriculture	Agriculture and Undifferentiated Rural Land Use	FSEM Fifteen Mile Creek	Within Greenbelt
AGR(UNDF)1006	AGR(UNDF)1006-1	0.01	Agriculture	Agriculture and Undifferentiated Rural Land Use	FSEM Fifteen Mile Creek	Within Greenbelt
AGR(UNDF)1007	AGR(UNDF)1007-1	0.03	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1008	AGR(UNDF)1008-2	0.37	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1008	AGR(UNDF)1008-3	0.37	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1009	AGR(UNDF)1009-1	0.00	Agriculture	Agriculture and Undifferentiated Rural Land Use	FSEM Fifteen Mile Creek	Within Greenbelt
AGR(UNDF)1010	AGR(UNDF)1010-1	0.00	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1011	AGR(UNDF)1011-1	0.19	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1012	AGR(UNDF)1012-1	0.50	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1013	AGR(UNDF)1013-1	0.30	Agriculture	Agriculture and Undifferentiated Rural Land Use	FSEM Fifteen Mile Creek	Within Greenbelt
AGR(UNDF)1013	AGR(UNDF)1013-2	0.39	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1014	AGR(UNDF)1014-1	0.06	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1015	AGR(UNDF)1015-1	0.01	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1016	AGR(UNDF)1016-1	1.53	Agriculture	Agriculture and Undifferentiated Rural Land Use	FSEM Fifteen Mile Creek	Within Greenbelt
AGR(UNDF)1017	AGR(UNDF)1017-1	0.02	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1018	AGR(UNDF)1018-1	0.72	Agriculture	Agriculture and Undifferentiated Rural Land Use	FSEM Fifteen Mile Creek	Within Greenbelt
AGR(UNDF)1019	AGR(UNDF)1019-1	0.00	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1020	AGR(UNDF)1020-1	0.34	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1021	AGR(UNDF)1021-1	0.01	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1022	AGR(UNDF)1022-1	0.02	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1023	AGR(UNDF)1023-1	0.03	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1024	AGR(UNDF)1024-1	6.00	Agriculture	Agriculture and Undifferentiated Rural Land Use	FSEM Fifteen Mile Creek	Within Greenbelt
AGR(UNDF)1025	AGR(UNDF)1025-1	0.00	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1026	AGR(UNDF)1026-1	0.01	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1027	AGR(UNDF)1027-1	0.00	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1028	AGR(UNDF)1028-1	0.00	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1029	AGR(UNDF)1029-1	12.28	Agriculture	Agriculture and Undifferentiated Rural Land Use	FSEM Fifteen Mile Creek	Within Greenbelt
AGR(UNDF)1030	AGR(UNDF)1030-1	0.04	Agriculture	Agriculture and Undifferentiated Rural Land Use	FSEM Fifteen Mile Creek	Within Greenbelt
AGR(UNDF)1031	AGR(UNDF)1031-1	0.00	Agriculture	Agriculture and Undifferentiated Rural Land Use	TWEL Upper Twelve Mile Creek	Within Greenbelt
AGR(UNDF)1032	AGR(UNDF)1032-1	0.00	Agriculture	Agriculture and Undifferentiated Rural Land Use	FSEM Fifteen Mile Creek	Within Greenbelt
AGR(UNDF)1033	AGR(UNDF)1033-1	0.00	Agriculture	Agriculture and Undifferentiated Rural Land Use	FSEM Fifteen Mile Creek	Within Greenbelt
Total		41935.31				

ONLINE DASHBOARD

Inventories may provide more insights when characterized visually in a dashboard, which enables users to explore different aspects of the data. For instance, natural asset information can be quickly summarized by watershed area, or, if users want to dive into the specifics of forest assets, they can quickly filter the data to focus on that particular asset type. Figure 4 is a screenshot from the dashboard that NAI provided to Pelham. The full version can be accessed at: go.greenanalytics.ca/pelham

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Figure 4: Screenshot of Dashboard Inventory Summary



4.2 Natural Asset Condition Assessment

Documenting the condition of natural assets is a key aspect of natural asset inventories. A natural asset condition assessment provides an understanding of both the ecological integrity of natural assets, and their ability to provide services. This information, in turn, can support the effective management of natural assets, be reflected in the registry and the dashboard, and updated over time.

NAI completed a desktop-based condition assessment and built it into the inventory to provide an initial understanding of the status of the natural assets for Pelham. As part of a full natural asset management project, NAI would expand this assessment to include additional metrics related to condition (e.g., relative biodiversity, riparian and wetland health, soil condition, connectivity, and others) and employ site visits to confirm and verify the condition ratings. The desktop exercise completed as part of this inventory is a reasonable first step in assessing condition and can be used as a foundation for future work in this area.

The condition indicators described in this report can be applied at different levels (as in wider groupings) of the natural asset inventory. The three levels of Pelham’s inventory are presented in Tables 4 and 5 for natural assets and other land assets, respectively. Descriptions of the various levels are as follows:

Level 1 – all adjacent level 2 natural assets are merged based on common boundaries. In this case, the condition indicator is applied to a contiguous “asset” that is comprised of all adjoining level 2 assets.

Level 2 – all adjacent level 3 natural assets merged based on common boundaries. In this case, the condition indicator is applied to an uninterrupted area of level 2 asset types.

Level 3 – In this case, the condition indicator is applied directly to the individual areas of each level 3 asset type.

Table 4: Natural Assets Hierarchy

Level 1	Level 2	Level 3
Natural Areas	Forest	Coniferous Forest
		Coniferous Savanna
		Coniferous Thicket
		Coniferous Woodland
		Deciduous Forest
		Deciduous Savanna
		Deciduous Thicket
		Deciduous Woodland
		Mixed Forest
		Mixed Savanna

Level 1	Level 2	Level 3
Natural Areas <i>cont'ed</i>	Forest <i>cont'ed</i>	Mixed Thicket
		Mixed Woodland
		Treed Agriculture
	Hedgerow	Coniferous Hedgerow
		Deciduous Hedgerow
		Mixed Hedgerow
	Meadow	Mixed Meadow
	Aquatic	Open Aquatic
		Open Water (Varied Type)
		Water (ESRI)
	Wetland	Coniferous Swamp
		Deciduous Swamp
		Floating-leaved Shallow Aquatic
		Marsh (Unknown Type)
		Meadow Marsh
		Mixed Swamp
		Shallow Marsh
Submerged Shallow Aquatic		
Thicket Swamp		

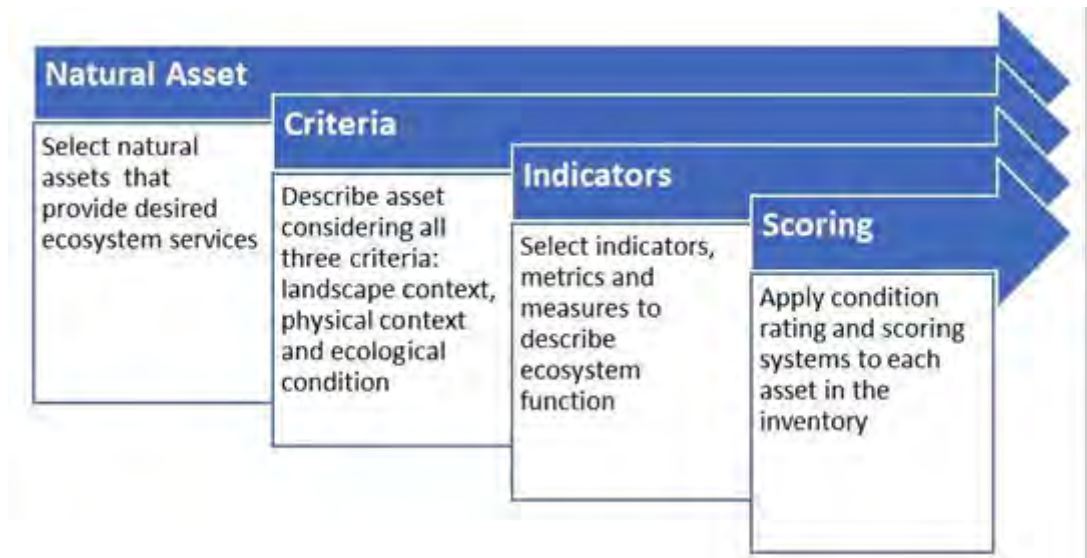
Table 5: Other Land Assets Hierarchy

Level 1	Level 2	Level 3
Agriculture	Agriculture and Undifferentiated Rural Land Use	N/A
Built-up Pervious	Built-up Pervious	Cemetery
		Mixed Grasses (grass f-code from OSM land use data)
		Mixed Pervious
		Mixed Pervious Surface (UAB)
	Parks	
	Golf	Golf

Note that the condition indicators (described below) employed in this condition assessment were applied to the natural assets defined in Table 4 only. The other land assets (built-up pervious and agricultural land) are included in the inventory to provide a complete picture of the land-based assets within Pelham and to recognize their important contribution to community services such as stormwater management, tourism, and recreation. For this class of assets (i.e., other land assets) condition ratings can be useful from a management perspective, however, such ratings require input from field staff on each individual property and is beyond the scope of the Project.

The framework and process used for the condition assessment in this project aligns with the framework and process outlined in the recently released Canada-wide standards and specifications for natural asset inventories (Figure 5).¹⁶

Figure 5: The Natural Asset Condition Assessment Process (Source: CSA 2023)



The condition indicators are noted below and categorized into two criteria (i.e., landscape context and physical context) to align with the CSA standard for natural asset inventories. Note there are currently no condition indicators for ecological condition due to limited data available. This should be noted as a gap for future research.

CRITERIA FOR PHYSICAL CONTEXT

- 1/ Natural area patch size and shape
- 2/ Natural asset proximity to watercourses
- 3/ Forest proximity to other natural assets
- 4/ Wetland proximity to other natural assets

CRITERIA FOR LANDSCAPE CONTEXT

- 5/ Extent of adjacent complementary land uses

The indicators employed in the desktop assessment are proxy metrics for broader ecological condition considerations. The underlying assumption for natural asset condition assessments is that an asset that is assessed as being in a “good” condition from an ecological perspective is anticipated to be able to provide a “good” level of ecological services. For example, larger asset size implies more connectivity of natural areas, higher road density implies more fragmentation and higher hydrologic impairment of water flows, and more permeability implies greater ability to store water which means more effective stormwater management. The indicators are described in detail in [Appendix B](#).

¹⁶ CSA 2023

CONDITION RESULTS

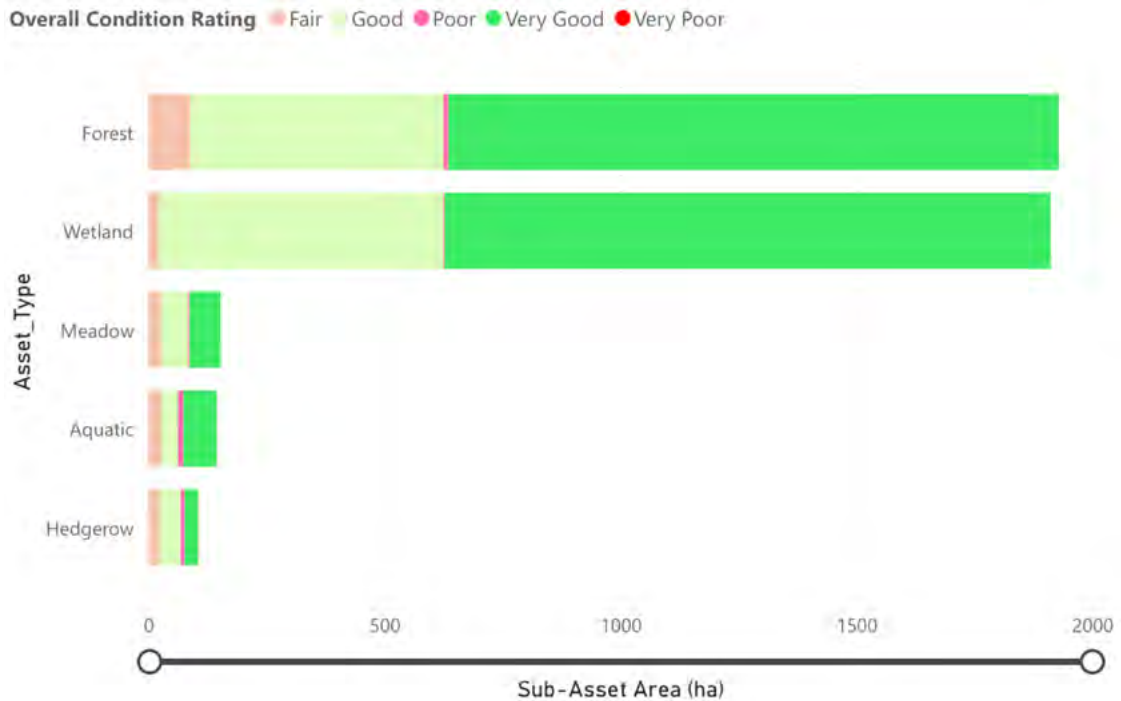
Overall, about 2,744 ha (or 26%) of natural assets were assessed in very good condition and 1,275 ha (or 12%) were assessed in good condition. Forest and wetland assets largely ranked good and very good, while meadow, aquatic, and hedgerow assets ranked across the full range of condition scores from poor to very good.

Table 6: Breakdown Of Condition Ratings by Area and Number of Assets

Condition Rating	Number of Assets	Area (ha)
Very Good	1,765	2,743.97
Good	2,206	1,274.79
Fair	767	190.38
Poor	240	35.16
Very poor	8	1.07
Total	4,986	4,245.37

Figure 6 shows the results of the condition assessment by asset type. These results signal the strong role natural assets have to provide or supplement long term services, as well as their role in addressing risks such as climate change and development pressure as a result of population growth.

Figure 6: Summary Of Condition Rating by Natural Asset Type



4.3 Value of Natural Asset Stormwater Services

STORMWATER REGULATION SERVICES

Associated Engineering Ltd. (Associated) was retained by the Town of Pelham as part of a multidisciplinary team lead by NAI to prepare a stormwater management (SWM) hydrologic modelling and costing analysis of the Upper Twelve Mile Creek subwatershed. The analysis evaluates the SWM services provided by the natural areas in the subwatershed and allow for a comparison of the estimated costs of replacing these ecosystem services with engineered stormwater management facilities. The full analysis was provided to the Town of Pelham. A summary is provided here.

RATIONALE FOR VALUATION STORMWATER REGULATION

The purpose of this valuation is to gain a better understanding of the current and future value of the natural assets in the Twelve Mile Creek subwatershed from a stormwater management perspective. This study uses stormwater management modelling to:

- (a) Apply a partial value to the natural assets by estimating the level of stormwater services they provide
- (b) Replicate those services with engineered solutions for which current costs are readily available

This valuation will be the first of its kind for Pelham and lay the foundation for further asset valuation studies which are expected to enhance its asset management program and allow for more informed decision-making regarding protection and management of the town's natural assets. There have been very few studies of this kind done, particularly in Ontario and of this scale. This study can serve as an example for other municipalities as they work to integrate natural assets into their asset management programs.

STORMWATER MODELLING

Background Information

The following sources provided background information including open GIS data and reports used to complete the models and this report:

- Town of Pelham – DEM, watershed boundaries, rainfall data and relevant costing information
- Niagara Peninsula Conservation Authority (NPCA) – ELCs, watercourse, soil classification, hydrology model (SWMHYMO, 2005)
- Niagara Region (NR) – municipality boundaries

Model Selection & Construction

PCSWMM (Personal Computer Storm Water Management Model) was selected as the hydrologic model because it can accurately simulate rainfall/runoff processes using the SWM Model (SWMM) engine. EPA SWMM is capable of accurately simulating rainfall runoff processes including runoff volume, peak

runoff and water quality in complex environments. The software has a flexible set of infiltration and hydraulic equations used for calculating runoff and routing drainage networks. The rainfall input can range from single design storms to long term continuous simulations. Recently, SWMM version 5.0, (SWMM 5.0) added a low impact development (LID) module capable of simulating the rainfall runoff process on single or grouped LID measures.

The base model is built as an approximation of site conditions rather than a calibrated model. Calibration was not completed because the focus of the results is the change in values, rather than the modelled value of the results at each scenario. Therefore, the peak flow, infiltration or any published result from the model should be carefully used and investigated before being used in future models or reports.

The model is run with a synthetic rainfall distribution to determine worst-case scenario results in the models. The 100-year return period for the 12-hour AES (Atmospheric Environment Service) distribution was used as the synthetic rainfall distribution.¹⁷

The 100-year return period storm is ideal because:

- The storm generates significant rainfall to maximize the infiltration capacity of the soil;
- the runoff generated can maximize the storage of the existing wetlands, and;
- it is typically recommended by municipalities to size stormwater infrastructure.

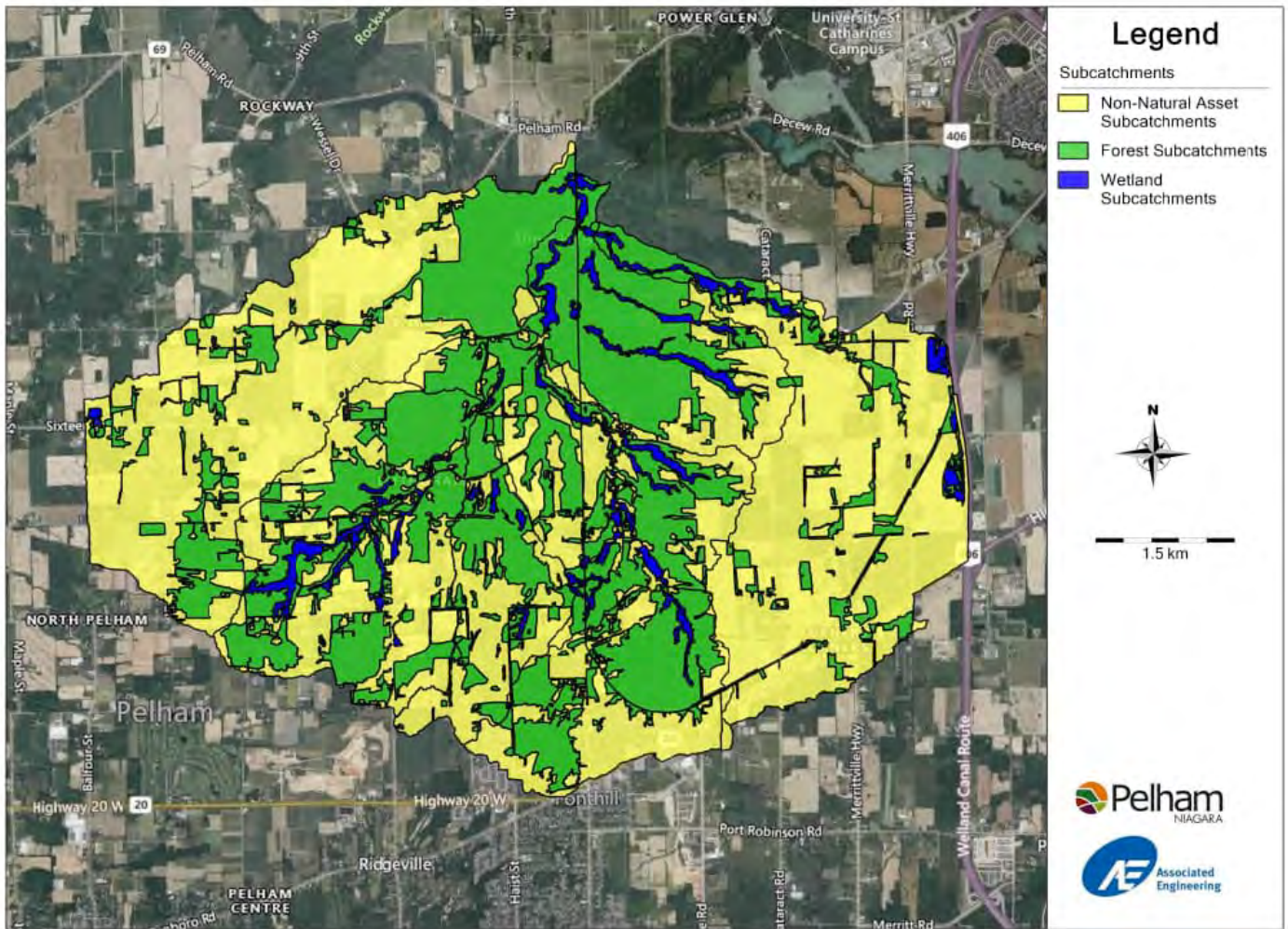
Subcatchment Delineation

The subcatchments were automatically delineated at a 200 ha level using a 2020 DEM from the Town of Pelham. The delineation produced 12 subcatchments and was compared to the municipal boundary of Pelham (provided by Niagara Region). It was determined 11 of the 12 subcatchments would be relevant in completing a natural asset inventory assessment for the Town.

The natural asset subcatchments were defined by overlaying the ELC layer (provided by NPCA) on the 11 delineated subcatchments. If the polygons from the ELC had an attribute of FO (forest) or SW (swamp) representing a forest or swamp (a type of wetland) and were inside the boundary of the subcatchments, they were created into new natural asset subcatchments. A total of 11 forest subcatchments and 11 wetland subcatchments were created (and these areas were deleted from the original subcatchment to prevent area overlap). Due to the size and spatial variability of some of the forest subcatchments, they were broken up further into two additional subcatchments, creating 13 forest subcatchments for a total of 35 subcatchments. Figure 7 below shows the delineated subcatchments.

¹⁷ The parameters to represent the 100-year return period were defined by the MTO IDF curve tool and can be found with the rainfall distribution in the modelling report.

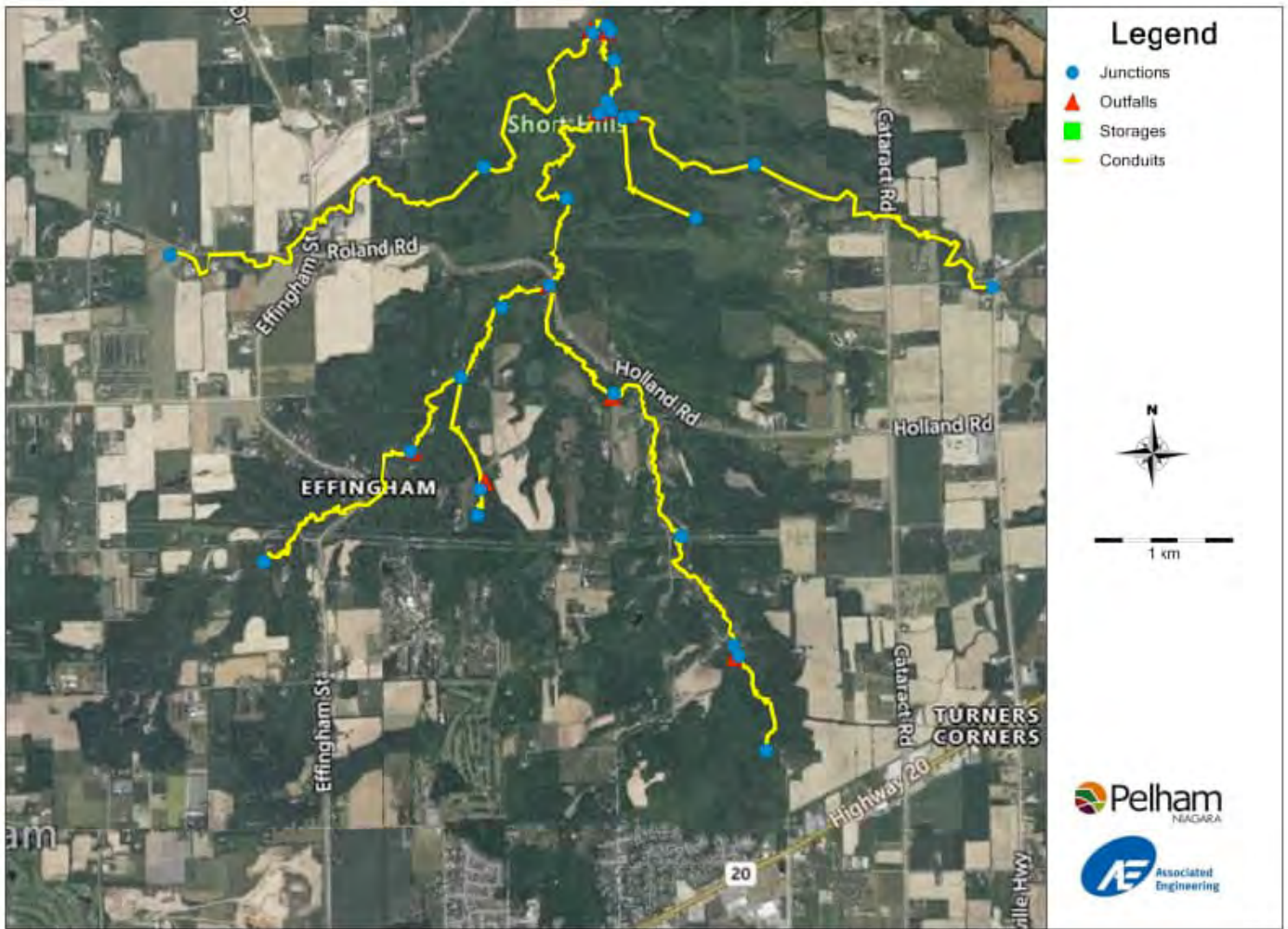
Figure 7: Subcatchment Delineation for the Upper Twelve Mile Creek Subwatershed



The overland flow path for the runoff generated by each subcatchment varied by catchment type. It was assumed the non-natural asset subcatchments (which have a primarily agricultural land use) would disperse runoff to forest natural asset subcatchments. Based on the spatial variability of the natural asset subcatchments, it was assumed both forest and wetland subcatchment would outlet directly to the watercourse.

The TMC tributaries were represented as a channel (nodes and conduits) in PCSWMM, as seen in [Figure 8](#).

Figure 8: Twelve Mile Creek Represented by Conduits and Nodes in PCSWMM



STORMWATER INFRASTRUCTURE MODELLING

The model was assumed to use typical stormwater management infrastructure to achieve the basic stormwater management functions and services that are currently provided by the natural assets. They were designed as:

- A simple SWM pond design to mimic the peak flow reduction of the wetland storage units.
- A low impact development (LID) unit designed as a bio-retention cell that can provide infiltration and storage of precipitation to match the runoff depth from the forest subcatchments of Scenario 1.

SCENARIO DEVELOPMENT

The model was constructed with scenarios to analyze changes in results, such as peak flow in the TMC and the volume of runoff leaving the subcatchments. The scenario analysis allows for results comparison between:

- The existing condition
- Removal of the natural assets
- Replacement of natural assets with stormwater strategies
- Other site-specific scenarios requested by the client

The PCSWMM model was divided into three scenarios listed below.

Scenario 1 - the existing conditions of the UTMC subwatershed with the natural assets distinguished separately into forest and wetland subcatchments.

Scenario 2 - the natural assets subcatchments from Scenario 1 are replaced with subcatchments that represents a 'natural area catastrophic loss' land-use.

Scenario 3 - stormwater infrastructure is added to Scenario 2 to match the infiltration and peak flow reduction achieved by the natural assets subcatchments in Scenario 1.

MODELLING RESULTS

The results are a summary of valuable comparisons compiled from the PCSWMM model result. These results compare the peak flow and runoff depth of each scenario. The peak flow is compared downstream of the storage units and the runoff depth is compared within the forest natural assets subcatchments.

Peak Flow

The peak flow is the maximum rate of discharge during the 12-hour 100-year AES storm event, often resulting in erosive forces and water level increases, such as flooding, scouring, and erosion of riverine and/or local drainage systems. Stormwater quantity controls are typically designed to limit a development's peak runoff rate to prevent downstream impacts (i.e., flooding, erosion, etc.) due to the increased runoff rate and volumes resulting from development.

The peak flow in the Twelve Mile Creek is compared across Scenario 1 (baseline conditions), Scenario 2 (removal of natural assets) and Scenario 3 (addition of stormwater management ponds and LID units) in Figure 9, Figure 10, and Figure 11 respectively. The peak flows are shown on a gradient from light blue (low) to dark red (high).

Figure 9: Peak Flow in the Twelve Mile Creek in Scenario 1

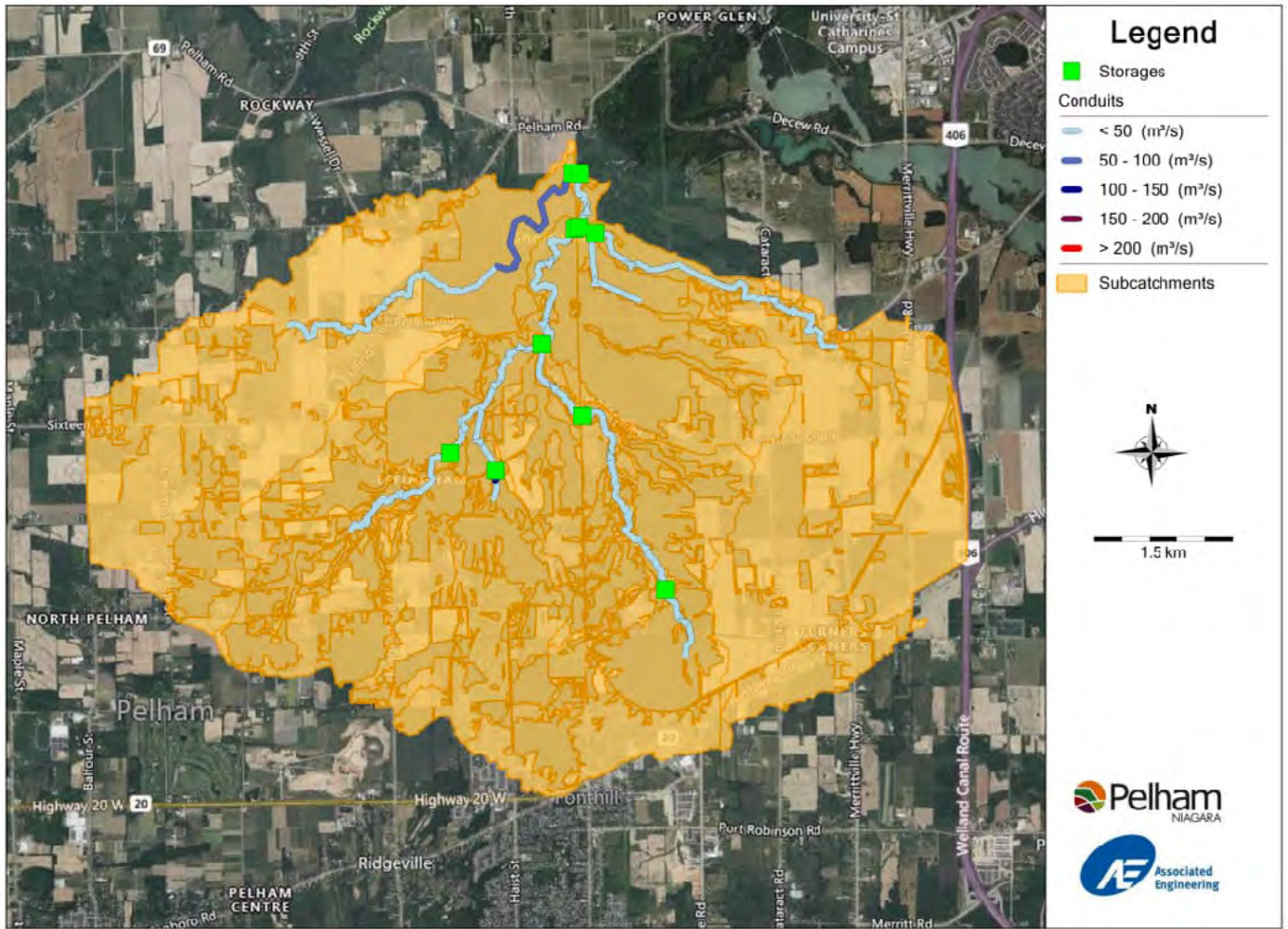


Figure 10: Peak Flow in the Twelve Mile Creek in Scenario 2

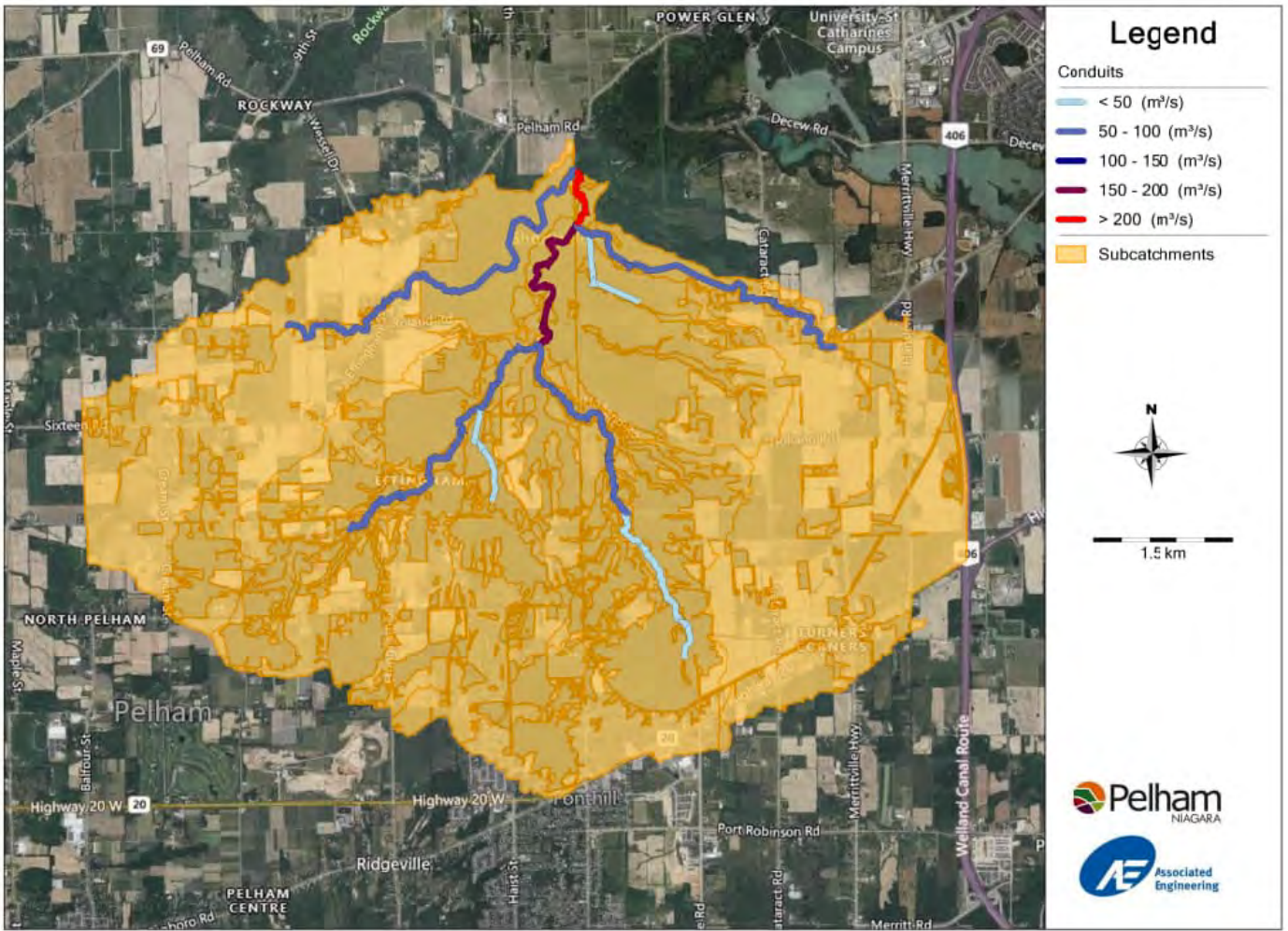
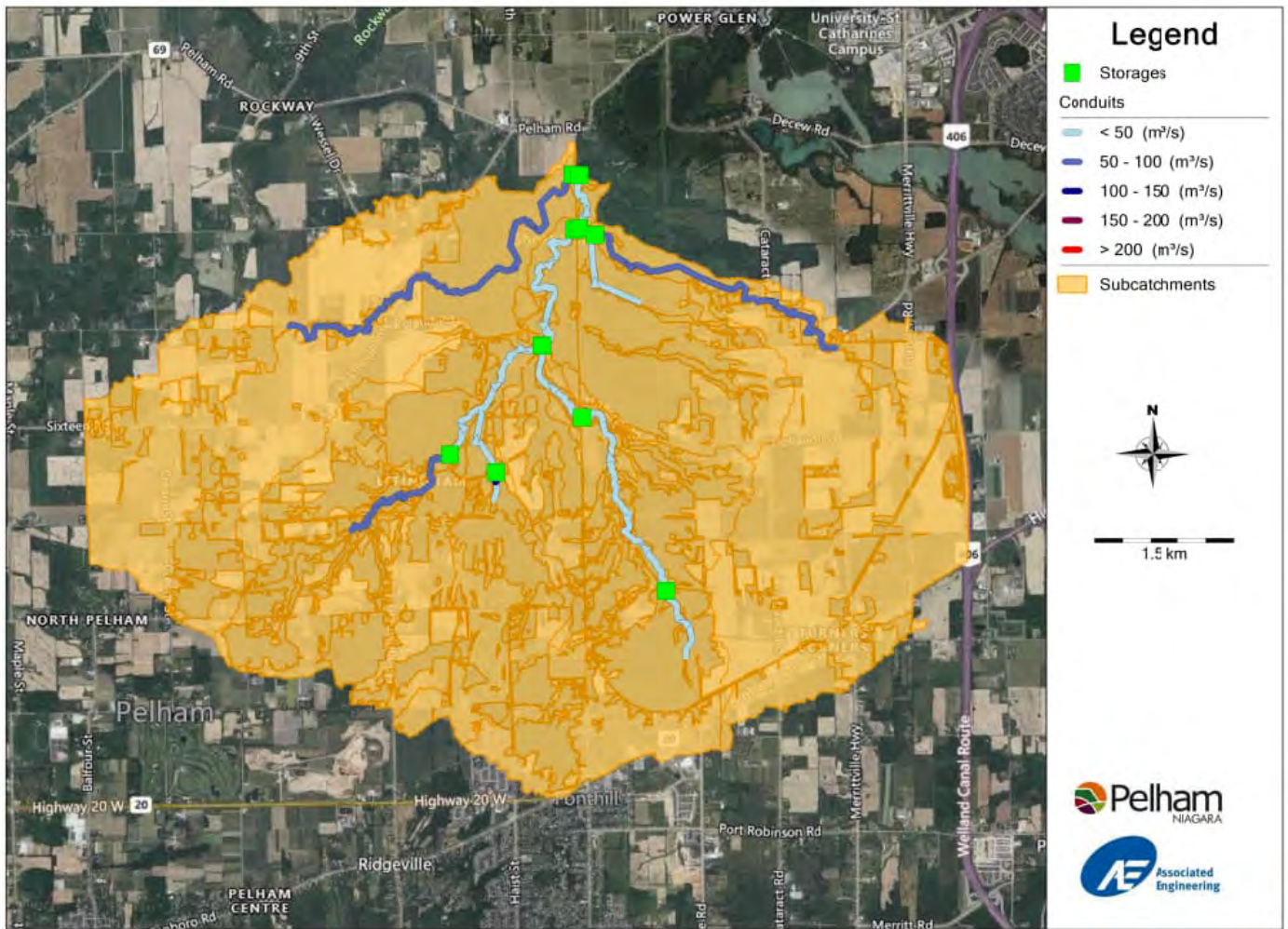


Figure 11: Peak Flow in the Twelve Mile Creek in Scenario 3



The Scenario 1 model demonstrates most peak flows in the Twelve Mile Creek are under 50 m³/s with a maximum peak flow near the outlet of 52.0 m³/s.

The removal of natural assets in the Scenario 2 model significantly increased the peak flow, with the majority of flows greater than 50 m³/s. The maximum flow in Scenario 2 near the outlet is 304.8 m³/s, an increase of 486% (six times the flow rate) over the maximum peak flow in Scenario 1.

The Scenario 3 model added LID units to the natural asset subcatchments and stormwater ponds to the TMC. The LID units did not have a significant impact on reducing peak flow, as the headwater streams of the TMC continued to experience an elevated peak flow greater than 50 m³/s caused by the removal of natural assets. The SWM ponds had a significant impact, reducing the peak by approximately 50-75% of the original peak flow as seen in Table 7. Most of the TMC experiences a peak flow under 50 m³/s with a maximum flow of 57.8 m³/s, located in the headwaters of the TMC.

Table 7: The Flow Results from Sizing Stormwater Ponds for Wetland Natural Assets

Subcatchment	Storage Unit	Scenario 1 Peak Outflow (m ³ /s)	Scenario 3 Peak Outflow (m ³ /s)	Flow Reduction Attained (%)	Flow Depth	SWM Pond (ha)
WET-01	S-01	35.081	16.979	51.6	1.96	2.39
WET-02	S-02	15.926	6.221	60.9	1.19	17.86
WET-03	S-03	5.59	2.058	63.2	1.16	2.97
WET-05	S-05	24.409	8.062	67.0	1.34	3.60
WET-06	S-06	22.196	10.026	64.1	1.82	6.34
WET-07	S-07	11.129	5.774	56.6	1.33	3.18
WET-08	S-08	11.627	2.836	75.6	0.99	9.66

Scenario 3 revealed that low impact development units had little impact on reducing peak flow if natural assets were removed, as Twelve Mile Creek's headwater streams continued to experience peak flow greater than 50 m³/s.

The stormwater ponds employed in Scenario 3 did have a significant impact in reducing peak flow.

Runoff Depth

Runoff depth (mm) is part of the water balance process and represents the excess water leaving a subcatchment after a rainfall event occurs. The water balance process includes the inputs such as:

- Precipitation
- Run-on from other subcatchments
- The hydrologic processes that occur on the subcatchment, including storage, infiltration, and evaporation

The hydrologic processes allow for groundwater recharge, infiltration for plants, and other natural process to occur. A high runoff depth may indicate a degraded ecosystem due to a lack of hydrologic processes and may cause erosion, flooding, and stress on the groundwater system.

The runoff depth was compared across Scenario 1 (baseline conditions), Scenario 2 (removal of natural assets) and Scenario 3 (addition of stormwater management ponds and LID units). The results for the subcatchments selected for infiltration comparison can be found in Figure 12, Figure 13, and Figure 14 respectively.

Figure 12: Runoff Depth of the Forest Natural Asset Subcatchments in Scenario 1

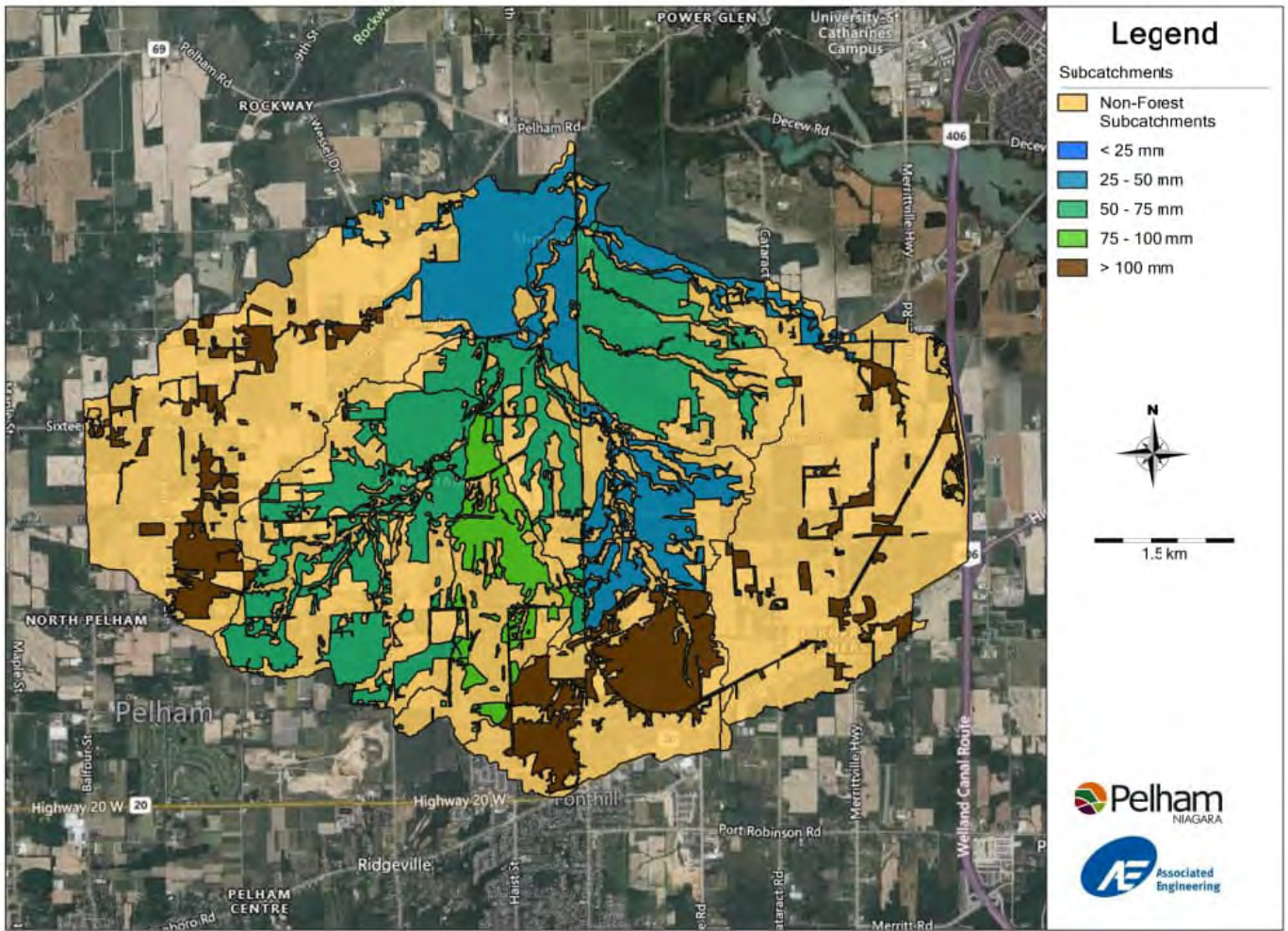


Figure 13: Runoff Depth of the Forest Natural Asset Subcatchments in Scenario 2

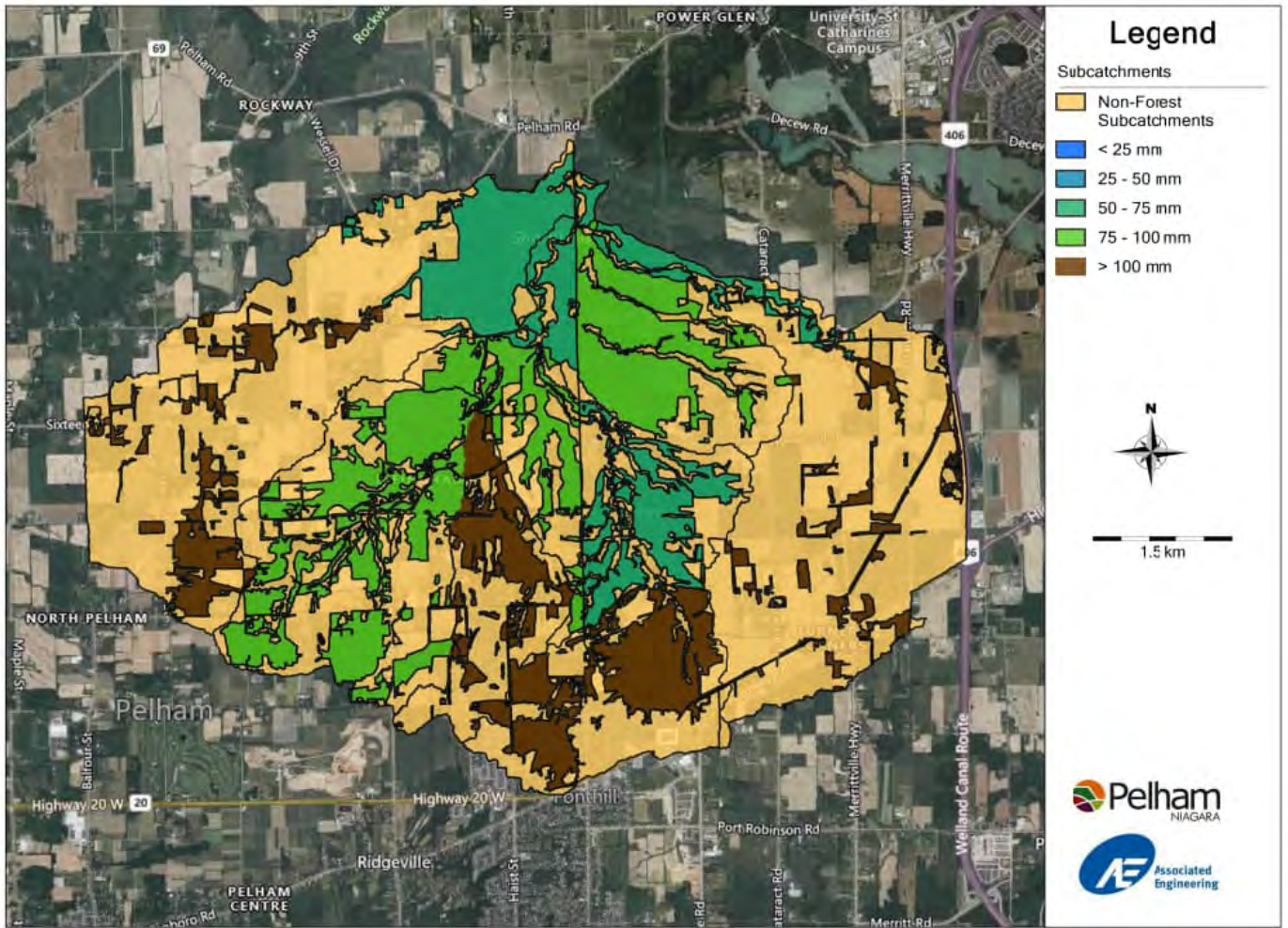
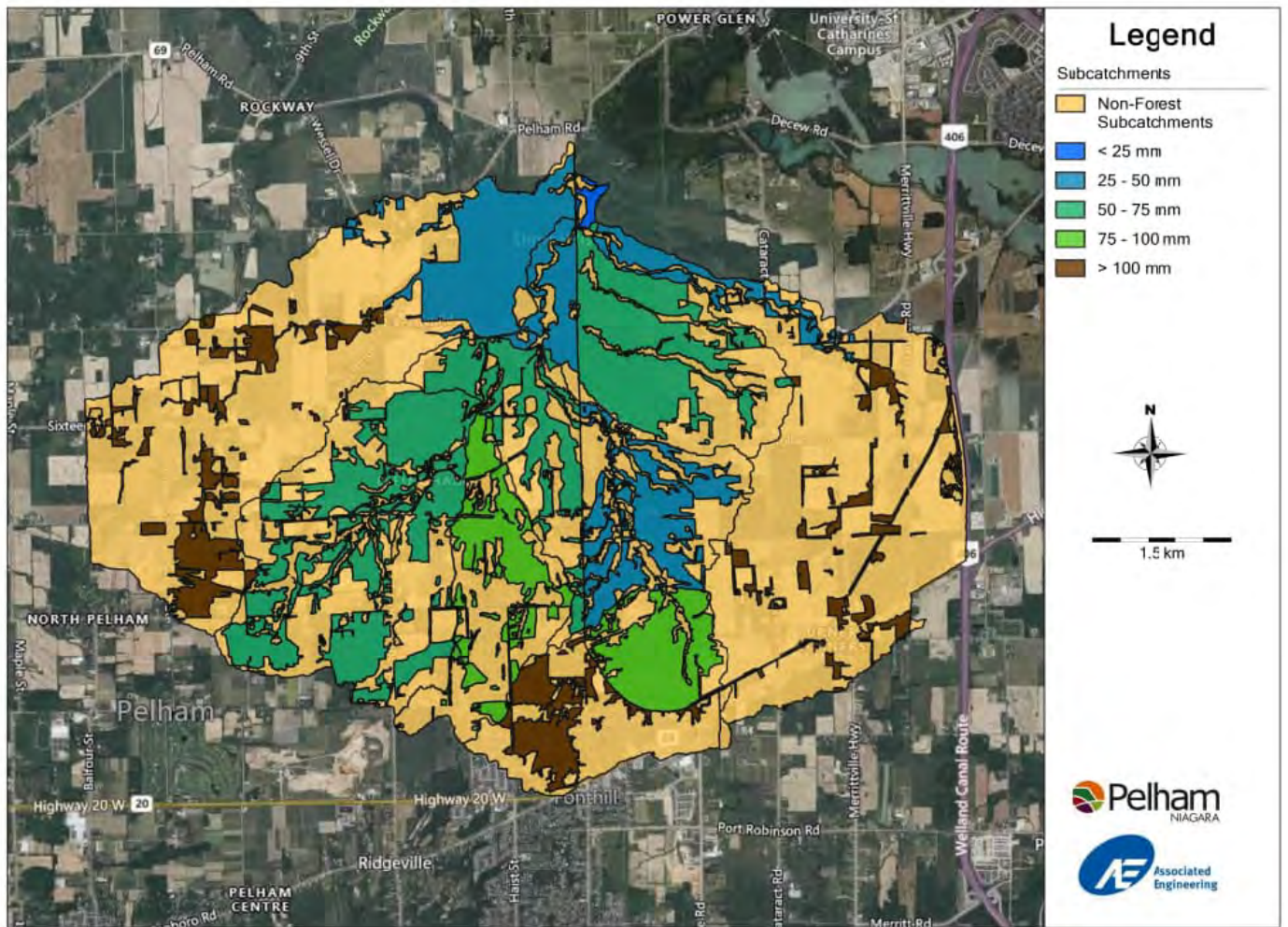


Figure 14: Runoff Depth of the Forest Natural Asset Subcatchments in Scenario 3



The runoff depth in Scenario 1 is used as the basis for comparison across the other scenarios. Since the non-natural asset subcatchments are routed onto the forest subcatchments, there is variable inflow (run-on and precipitation) to each, therefore a comparison between subcatchments would be ineffective.

Comparing Scenario 2 to Scenario 1, the runoff depth seems to increase across the watershed by approximately 25 mm. The removal of natural assets and reduction of the infiltration potential of the soil increased the amount of runoff leaving each catchment, creating higher peak flows in Twelve Mile Creek.

In Scenario 3, in comparison to Scenario 1, the LID units applied to the model were able to mimic the runoff depth of the natural assets. The LID units have approximately 700 mm of internal storage depth that can store and retain inflow and release it slowly over time as infiltration into the native soil layer.

VALUATION COSTING

This section estimates costs of the stormwater controls designed for Scenario 3 to mimic the peak flow and runoff depth of the Scenario 1 model. The purpose of this section is to provide the average cost per square metre to implement stormwater strategies, inclusive of LID units, which may conceptually replicate hydrologic functions of select natural assets within the watershed.

Methodology

The approximate costs of engineered infrastructure to manage stormwater were determined with recent construction tender prices for the construction of stormwater ponds and LID units local to Southwestern Ontario. The tender packages provide a list of tender items and unit prices supplied by contractors. The unit prices were averaged between the common tender items and a custom list of tender items was derived for stormwater ponds and LID units. The quantity of each tender item was assumed using quantities from tender packages based on their relative size and Associated Engineering's experience with SWM pond and LID unit construction projects.

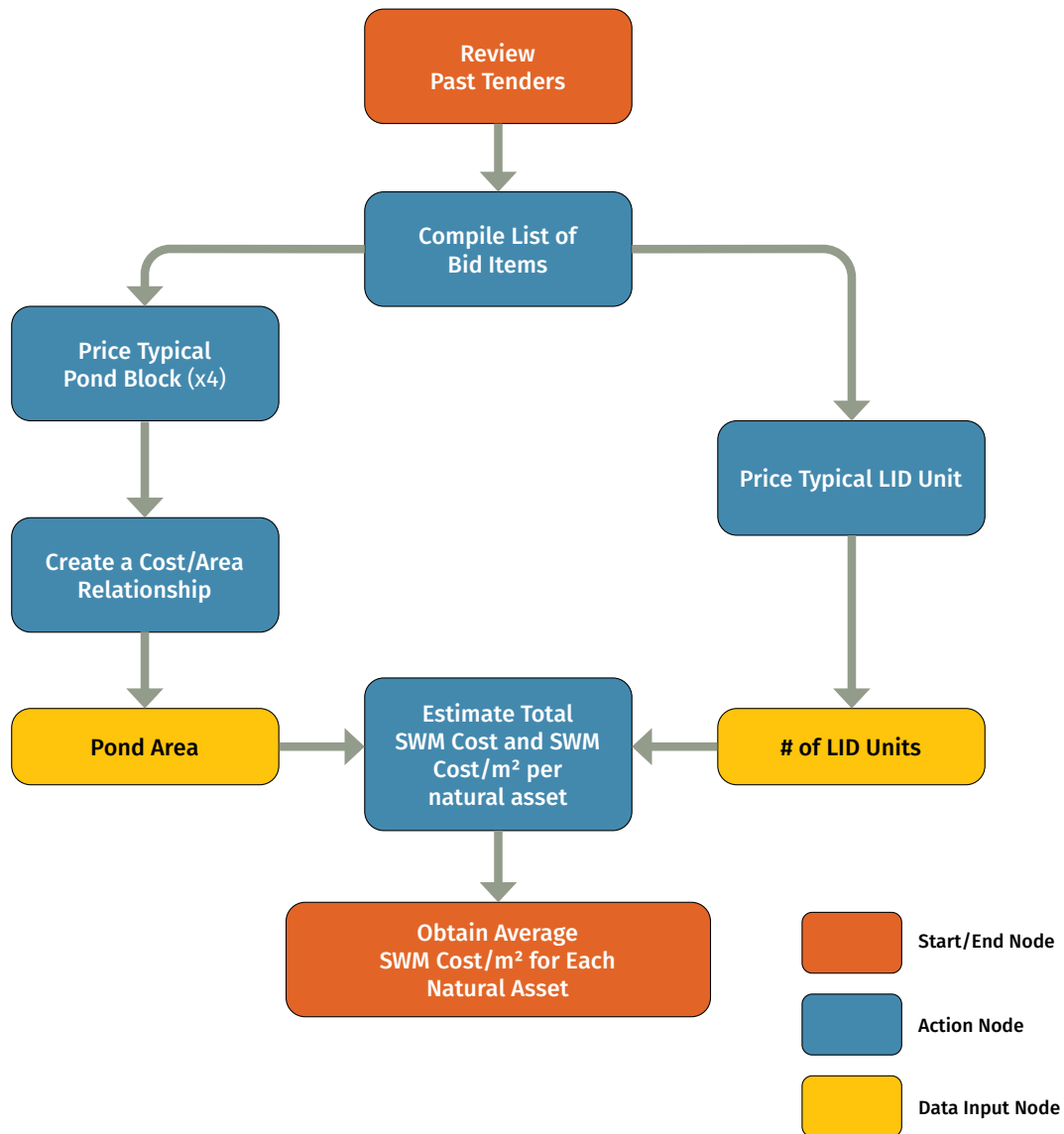
The cost of a stormwater pond was completed by defining quantities for four pond sizes (0.01 ha, 0.1 ha, 1 ha, and 20 ha) to produce a range of costs for ponds of varying sizes. Some quantities were scaled, and some quantities remained the same for each of the different pond sizes, resulting in four different SWM pond costs and four different costs per square meter. These four costs per square metre and the corresponding SWM pond size were plotted to obtain a line of best fit¹⁸ to relate the pond costs to area. The line of best fit produces an equation that can be used to convert the total area of the SWM ponds from the modelling in Scenario 3 to a SWM cost for each pond and total SWM cost per natural asset catchment.

The cost of a LID unit was completed by defining quantities for a 1 ha LID unit. All the quantities are scalable, creating a SWM cost per LID. The number of LID units required for each natural asset subcatchment from the modelling in Scenario 3 were multiplied by the SWM cost per LID to determine the total SWM cost per natural asset catchment.

The SWM pond and LID unit cost for each natural asset subcatchment are added to get the SWM cost. The SWM cost for the natural asset is divided by the natural asset area to get the SWM cost per square metre. The SWM cost per square metre is grouped into forest and wetland natural asset types and averaged to get a singular SWM cost per square metre for each natural asset type for the purposes of presentation to the stakeholders. The workflow for completing the cost evaluation is illustrated in the flowchart in [Figure 15](#) below.

¹⁸ The line of best fit refers to a straight line through the maximum number of points, providing the best approximation of a data set.

Figure 15: Cost Evaluation Workflow



VALUATION RESULTS

The following preliminary conclusions from the valuation are based on results of modelling completed to date.

- Value of stormwater services provided by natural assets is \$585,859,327, which is the capital cost to manage a similar capacity of stormwater with built infrastructure.
- Removal of the natural assets resulted in significant projected increase to peak flow and a significant projected increase to runoff depth.
- The SWM infrastructure in Scenario 3 was able to replicate the peak flow and runoff depth results from Scenario 1.

Based on the results of the costing analysis, the following preliminary conclusions have been made:

- The runoff depth produced from a forest natural asset may be replicated at an average value of \$18.54 per square metre up to a maximum value of \$28.72 per square metre with LID units.
- The peak flow reduction from a wetland natural asset may be replicated at an average value of \$197.49 per square metre up to a maximum value of \$242.73 per square metre with stormwater ponds.

Wetland natural assets cost more to replicate than the forest natural assets. The wetland natural assets provide peak flow reduction which is more difficult to replicate than a decrease in runoff depth due to the area and complexity of the stormwater infrastructure, resulting in a cost-difference that is ten times more than the forest natural assets.

While this study provides a quantifiable monetary value to a subset of natural asset services, this value should not be used as a method of replacing these natural assets. As noted, the natural assets provide many other benefits that cannot be replicated using stormwater infrastructure, including:

Water quality benefits – nitrogen and phosphorous exchange between groundwater and soil nourishment.

Stormwater conveyance – cold water flow suitable for trout habitat.

Air Quality – mature tree growth and vegetation communities remove carbon dioxide from the atmosphere.

Flora and fauna sustainability – unique habitat features associated with wetlands that enhance species biodiversity.

4.4 Value of Co-Benefits

NAM is about far more than assigning a financial value to their services. Nevertheless, valuations can be helpful tools to build awareness and inform decision-making when they are situated within a broader understanding of the importance of nature. Figure 16 provides an overview of potential benefits.

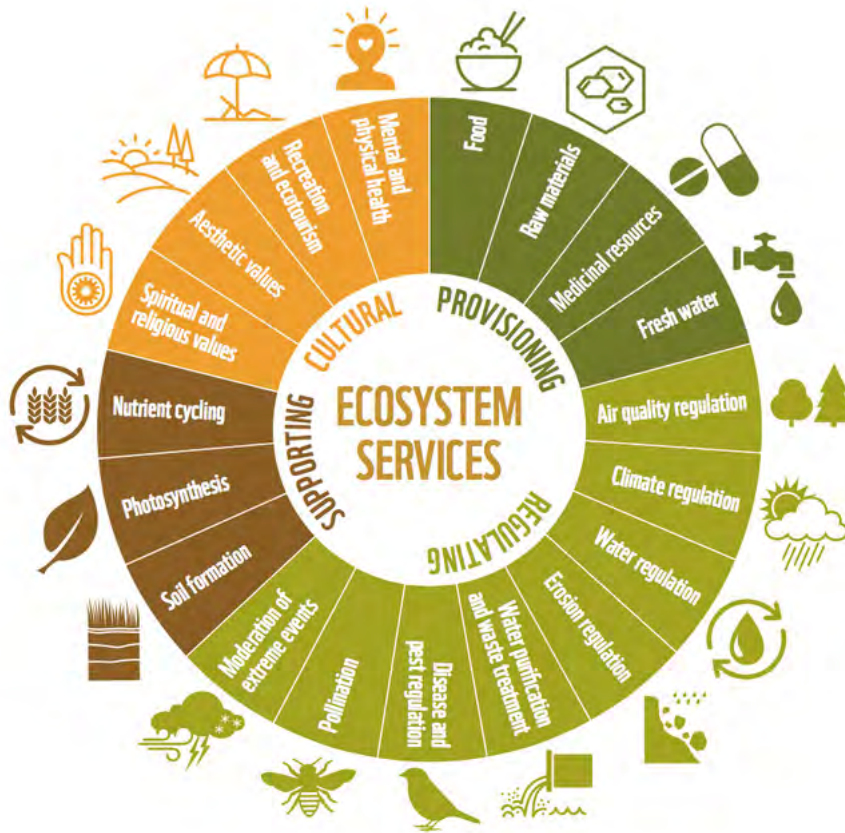
Natural Asset Type/ Service Objective	Water (Surface, Groundwater)	Riparian Areas	Forest Assets	Green Open Spaces	Wetlands	water-courses	Soils	Urban Green Infrastructure
Stormwater management	■	■	■	■	■		■	■
Drinking water	■	■	■	■			■	■
Wastewater		■			■			■
Transportation			■	■				
Recreation	■	■	■	■	■	■		■
Public Health	■	■	■	■	■	■	■	■
Biodiversity	■	■	■	■	■	■	■	■
Climate mitigation or adaptation	■	■	■	■	■	■	■	■
Local Economic Development	■	■	■	■	■	■	■	■
Culture and Heritage	■	■	■	■	■	■	■	■
Other?								

Figure 16: Example of Services by Natural Asset Type¹⁹

Natural assets provide numerous ecosystem services that benefit communities and their residents. Figure 17 depicts a range of ecosystem services categorized by the common themes of provisioning, regulating, supporting, and cultural. The ecosystems services summarized in Figure 16 align closely with the classification used by the Economics of Ecosystem and Biodiversity (TEEB) (2010).

¹⁹ Adapted from *Developing Levels of Service for Natural Assets guidebook* (p. 17), MNAI, 2022

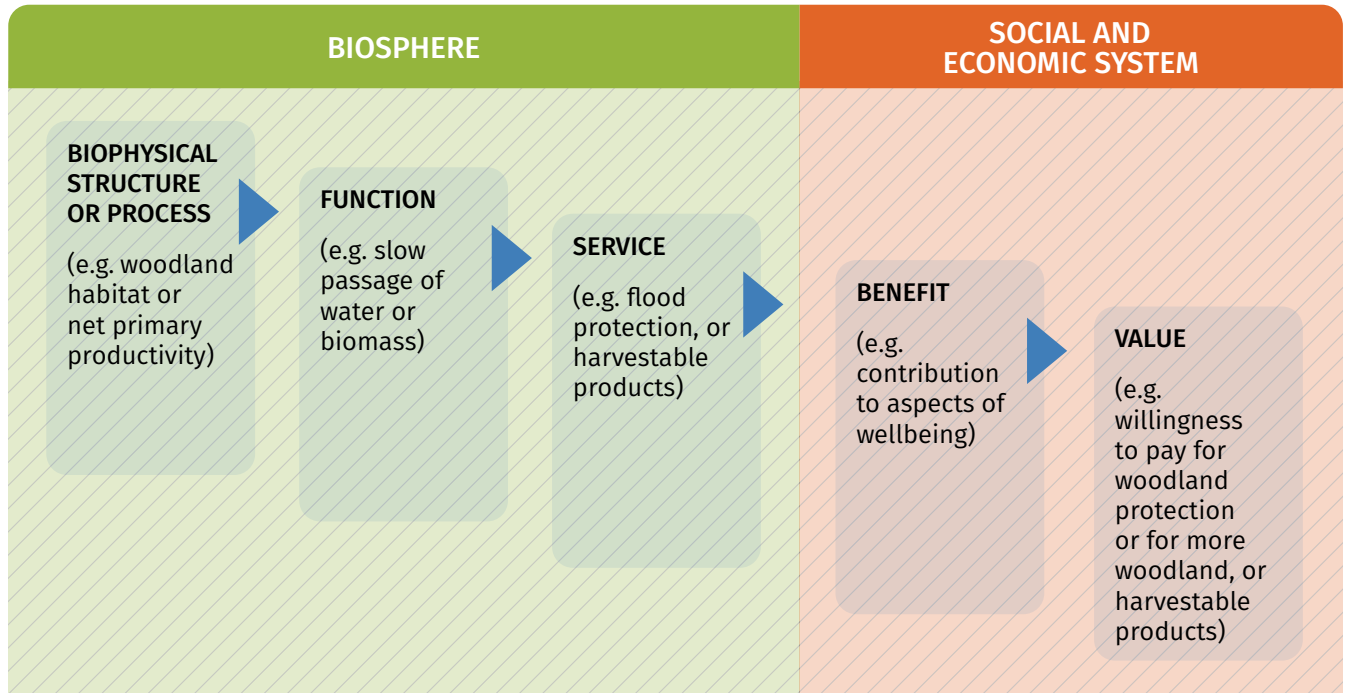
Figure 17: Ecosystem Services Diagram²⁰



Several services identified in the figure above were selected for valuation for the Town of Pelham. These include climate regulation (measured as the value of carbon [C] sequestration), fresh water, and recreation services. The value of habitat provision to support biodiversity was also explored. To value ecosystem services, the focus should be on the value of the final services provided to those who benefit from the services. Figure 18 demonstrates the model upon which the approach to valuing ecosystem services is built. As is demonstrated in the figure, natural assets have biophysical structures that provide functions that result in final services. Humans benefit from these services, and the benefits derived can be valued.

²⁰ From WWF Living Planet Report (2016)

Figure 18: The Cascade Model Depicts the Framework Used to Value Services from Natural Assets



To estimate the value of ecosystem services derived from Pelham’s natural assets, a few approaches were employed. For carbon sequestration from non-forest assets, carbon sequestration multipliers (which describe the tonnes of carbon sequestered per year by landcover type) were used to establish carbon sequestration rates by asset type. For forest assets, the federal government’s CBM-CFS3 model²¹ was employed to establish annual carbon stock and stock change estimates that could then be used to estimate annual carbon sequestration rates (the difference in the stock of carbon one year to the next). See *Appendix B* for details on the carbon stock and sequestration analysis.

For forest and non-forest assets, a carbon value per tonne (\$/tonnes) was then applied to the sequestration rates to estimate the monetary value of sequestration. For fresh water and habitat provision, a benefit transfer approach was employed. Specifically, willingness to pay (WTP) values for habitat protection and water provision were obtained from the literature and transferred to the Pelham context. WTP is commonly used to establish estimates of the value of ecosystem services.

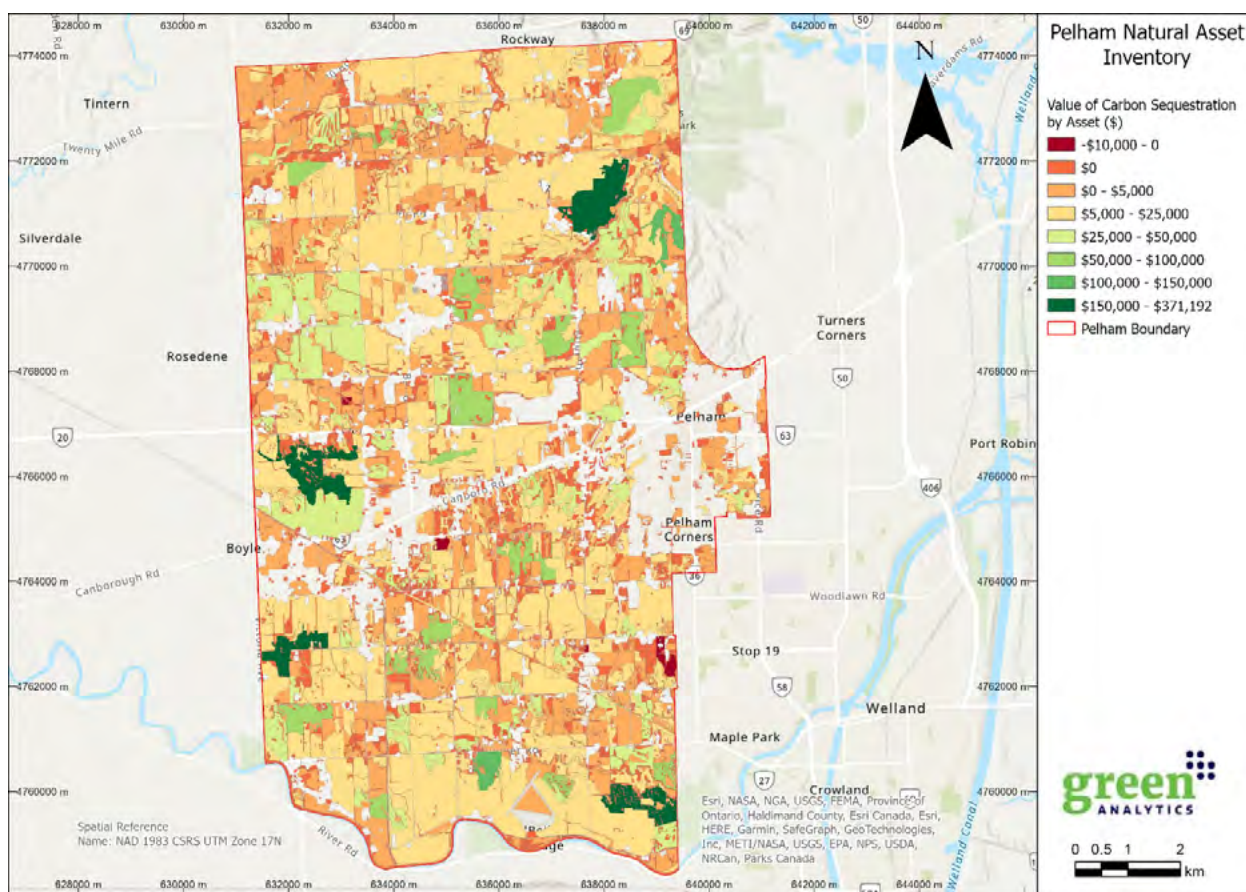
For recreation, the valuation approach relied on estimates of the number of recreation users (users per day) combined with expenditure values (spending per day). Additional details on the approaches employed to estimate the value of carbon sequestration, fresh water, habitat, and recreation, along with results of the valuation exercise, are provided in the sub-sections that follow.

²¹ <https://natural-resources.canada.ca/climate-change/climate-change-impacts-forests/carbon-accounting/carbon-budget-model/13107>

VALUE OF CARBON SEQUESTRATION

The value of carbon sequestration was estimated by applying the 2022 social cost of carbon (SCC) to the annual carbon sequestration rates by asset type (see [Appendix B](#) for details on calculating annual carbon sequestration by asset type) and then by the area of the asset. The 2022 SCC²², after converting to dollars per tonne of carbon, is \$939/tC²³ (2022 value of \$256/tCO₂e multiplied by 3.67, the conversion from CO₂ to carbon, resulting in a SCC value for 2022 of \$939/tC²⁴). As seen in Figure 19, most of the assets within Pelham are associated with carbon sequestration values. The few assets with negative values of carbon sequestration are young forests²⁵ and will, assuming no significant disturbances occur within those assets in the future, become positive contributors to the value of carbon sequestration over time. The total value of carbon sequestration within the Town of Pelham in 2022 was \$12.2M (CAD 2022).

Figure 19: Total Value of Carbon Sequestration by Asset in 2022



- 22 The social cost of carbon for 2022 was sourced from this dataset: www.canada.ca/en/environment-climate-change/services/climate-change/science-research-data/social-cost-ghg.html, in Table 1, column “SCC/SC-CO₂”, row 2022.
- 23 To calculate carbon from carbon dioxide, units of CO₂ are converted to units of carbon by multiplying 1 unit of CO₂ by 44/12 (3.67). The atomic weight of Carbon is 12.001115. The atomic weight of Oxygen is 15.9994. The weight of CO₂ is C+2*O=43.999915. The ratio of CO₂ to carbon is 43.999915/12.001115=3.6663 or 3.67.
- 24 To calculate carbon from carbon dioxide, units of CO₂ are converted to units of carbon by multiplying 1 unit of CO₂ by 44/12 (3.67). The atomic weight of Carbon is 12.001115. The atomic weight of Oxygen is 15.9994. The weight of CO₂ is C+2*O=43.999915. The ratio of CO₂ to carbon is 43.999915/12.001115=3.6663 or 3.67.
- 25 See [appendix A](#) for further explanation.

VALUE OF FRESH WATER

To estimate the annual value of fresh water for households, a willingness to pay (WTP) value for sustainable and reliable water from the Dupont and Renzetti (2008) publication was applied to the number of households in Pelham. Dupont and Renzetti estimated the average WTP for sustainable and reliable water at \$719 per household in 2005, which translates to \$1,120 per household in 2022 dollars. The value of the fresh water supply to households was estimated at \$7.9M, this is the product of 7,123 households²⁶ at \$1,120 per household.

To estimate the value of the water supplied to the industrial, commercial, and institution (ICI) sector within the Town of Pelham, the average water values for the primary industries and commercial sectors from the Dupont and Renzetti (2008) paper were used. According to that study, the value of the water supply to primary industries was \$0.33/m³ and the value of water supply to the commercial sector was \$0.55/m³, with the average of the two being \$0.44/m³ in 2005 dollars. Adjusting for inflation, the average value of water supplied to the ICI sector is \$0.69/m³ (CAD 2002). Applying this value to the volume of water consumed by the ICI sector (124,511m³ in 2022) results in a value of freshwater for the ICI sector of \$85,912. The sum of the value of the fresh water supplied to households and the ICI sectors within the Town of Pelham is thus estimated at \$8.1 million annually.

The value of water for irrigation was based on the Dupont and Renzetti (2008) study which provides a value of \$1.06/m³ (\$CAD adjusted to 2022). To estimate the value of water for irrigation, the Dupont and Renzetti value was applied to the volume of water consumed by vineyards and greenhouses. The consumption rate used for irrigation of vineyards within the Town of Pelham was based off a technical report developed by Stantec²⁷ (2005). It was assumed that the “South District” within the Stantec study was representative of the Town of Pelham region.²⁸ Drawing data from the Stantec report, the water consumption rates for irrigation of vineyards were back calculated. Tables 3-8 and 3-9 of the Stantec study provided the framework used to back-calculate the m³ per day rate. Vineyards were estimated to consume water at a rate of 876 m³/ha/yr. This rate was applied to the 5 ha of vineyards within the Town of Pelham for a total consumption rate estimated at 4,030 m³ in 2022. Applying Dupont and Renzetti’s value (\$1.06 per m³) to this consumption rate yields a total value of irrigation water supply for vineyards of \$4,272. Within the ICI consumption data provided by the Town of Pelham is a line-item for “Rice Road Greenhouses.” Although there are additional greenhouses in Pelham, only those on Rice Road use municipal water and are here considered for valuation. The associated consumption rate for Rice Road greenhouses is 1,990 m³ for 2022. This volume was applied to the Dupont and Renzetti value for irrigation (\$1.06/m³) to yield a

²⁶ As estimated by *StatsCan (2021)*

²⁷ Feasibility Study – Raw Water for Agricultural Irrigation Purposes. Project Report. Irrigation Demands. August 2005. Stantec.

²⁸ Specifically, Tables 3-8 and 3-9 of the Stantec study provide the data to back-calculate a m³ per day rate.

value of \$2,109 for Rice Road greenhouses. Taken together the estimated value of water for vineyards and greenhouses is \$6,381.

The value of the irrigation added to the ICI and residential sectors results in an estimate of the total value of the fresh water supplied to the town of Pelham of \$8.1 million per year.

VALUE OF RECREATION

The annual value of recreation was based on estimates of trail usage obtained or derived for the Town of Pelham. User data was provided by the Town for the Gerry Berkhout and Steve Bauer trails. Table 8 shows the lengths of a number of trails within the Town for which user data was not available.

Table 8: Trails In Pelham and their Distance in KM

Trail Name	Length (km)
Short Hills Trail	8.63
Swayze Falls Trail	5.96
Rice Road Multi Use Trail	1.80
Bruce Trail	1.57
East Fonthill Trail	1.00
Palaeozoic Path	0.99
Scarlet Tanager Trail	0.94
Bruce Trail - Niagara Section	0.93
Black Walnut Trail	0.87
Saffron Meadows Trail	0.80
Wetland Trail	0.66
Bruce Trail - Black Walnut Side Trail	0.65
St. Johns Ridge Trail	0.50
River Lookout Trail	0.34
Riparian Trail	0.29
Horseshoe Trail	0.20
Forest Tract	0.14
Lookout Trail	0.12
Sassafras Stroll Trail	0.11
Thorold-Fonthill Spur Trail	0.04
Total	26.54

For the 26.54 km of trails shown in the table above, user data was derived. To do this, user data for the Spencer Creek trail in the City of Hamilton²⁹ was employed. User data for the Spencer Creek trail indicate 1,758 users per kilometre of trail per year. Multiplying 1,758 by the number of kilometres of trail

²⁹ Green Analytics and C. Talbot & Associates, 2022. Cootes to Escarpment EcoPark System Ecosystem Service Valuation. 38 pp

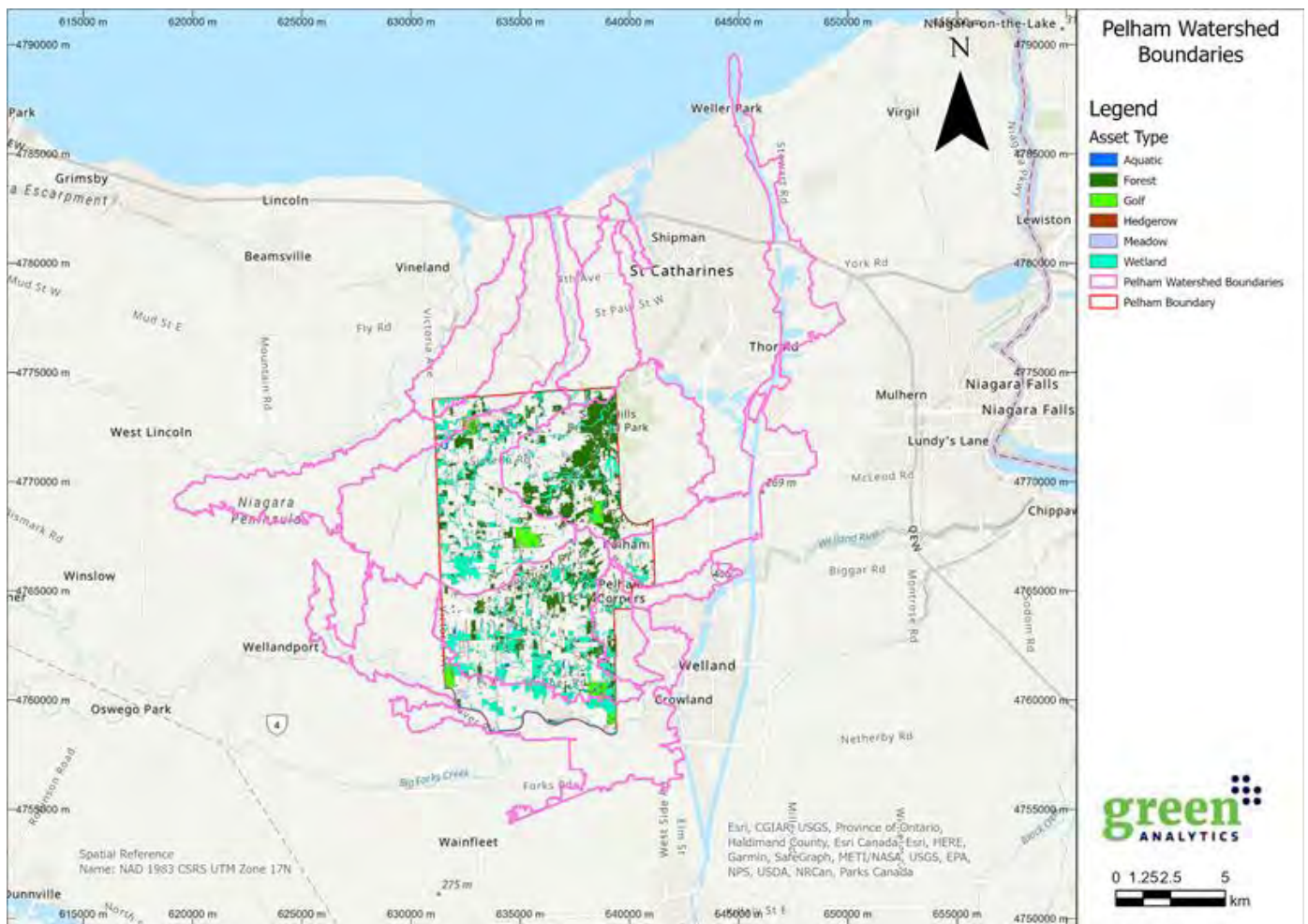
in Pelham for which user data was not available (26.54 km as per Table 8) results in an estimated 46,657 user days per year or about 127 users per day. This trail use is in addition to the Gerry Berkhout and Steve Bauer trails (for which user data was directly available from the Town). For these trails, there were an estimated 20,832 users throughout the summer months, which works out to an additional 57 users per day. The total user days for the trail networks in the Town was thus estimated at 67,489 (or 185 per day).

To derive an annual value for recreation, the estimated trail users per day (185) was multiplied by a cost per day. Two cost estimates were employed. The Canadian Nature Survey published a study in 2014 which, adjusted to current dollars, estimated a value per trail user per day of \$23 (CAD 2022). Rosenberger et al. (2012) published a similar study which, adjusted to current dollars, estimated a value of \$61 per user per day. Using these values, the value of recreation for the trails in Pelham is estimated to range from \$1.6M to \$4.1M per year.

VALUE OF HABITAT PROVISION

There are several relevant scientific articles on the WTP for biodiversity and habitat provision. This analysis uses WTP values that were originally calculated for two watersheds north of Hamilton, Ontario, based on methods established by Trenholm (2018). The methods outlined in Trenholm (2018) estimate a WTP value based on the number of households as well as the percent of habitat present within a given watershed. For the purposes of this study, asset classes that were deemed to provide habitat and biodiversity values were aquatic, golf courses, forests, hedgerows, meadows, and wetlands. The distribution of the assets providing habitat by watershed boundary is shown in Figure 20.

Figure 20: Habitat Assets Within the Town of Pelham's Watershed Boundaries



According to the Trenholm (2018) study, the WTP values per percent of watershed protected per year (\$/yr/household) for the Credit and Humber watersheds are \$1.63 and \$2.90 (CAD 2022), respectively. To determine the percent of protected habitat provided within the Town of Pelham, the total area of the assets providing habitat (4,488 ha), shown as the filled polygons in Figure 20 above, was divided by the total area of the watersheds (34,818 ha), shown as the hollow purple polygons in Figure 20. The resulting value — 13% — is the protected habitat provided within the Town of Pelham. Taking the Trenholm approach, the value of habitat is estimated as the product of 13%, the number of households (7,123) and the WTP per household (\$1.63 and \$2.90). The result is a value for habitat ranging from \$150,936 to \$268,537 annually ($\$1.63 \times 13 \times 7123 = \$150,936$ and $\$2.9 \times 13 \times 7123 = \$268,537$).

ECOSYSTEM SERVICE VALUE SUMMARY

This analysis estimated the value of several ecosystem services provided by the natural assets within the Town of Pelham. Taken together, the combined value of recreation, carbon sequestration, freshwater and habitat was estimated to range from \$22.1 M to \$24.7 M per year (Figure 21). Recreational values provided between \$1.6 M and \$4.1 M per year, though these should be considered conservative estimates given the likelihood of additional trails and recreational

activities for which data was unavailable. The water supply of the Town of Pelham was estimated at \$8.1 M per year. The value of carbon sequestration using the CAD 2022 value of the social cost of carbon was about \$12.2 M per year. Habitat Provision was also estimated between \$150,936 and \$268,537 (\$0.15 M and \$0.3 M).



Figure 21: Annual Ecosystem Service Values within the Town of Pelham

4.5 Assessment Phase Limitations and Gaps

NAI's assessment of the current state of natural assets contains limitations and knowledge gaps related to natural assets:

- There are currently no condition indicators for ecological condition due to limited available data.
- The PCSWMM was limited by the availability of observed data and was developed to be a relatively simplified surface hydrology model of the UTMC subwatershed. A fulsome review of model limitations is included in the modelling report and should be consulted prior to future studies.
- Ecosystem service values are based on the benefits transfer approach and as such, provide order-of-magnitude estimates.

4.6 Next Steps for Continuous Improvements in the Assessment Phase

As part of adaptive asset management and continuous improvement towards a full natural asset management project, next steps for the Town of Pelham include:

- Expanding the condition assessment to include additional metrics (e.g., relative biodiversity, riparian and wetland health, soil condition, connectivity, and others) and employ site visits to confirm and verify the condition ratings. In particular, ecological condition should be assessed as per CSA W218:23.
- Complete erosion modelling. This could be completed with the existing model by changing parameters for continuous modelling to identify erosion exceedance thresholds. Alternatively, Pelham could focus on a single site experiencing a high-level of erosion, using engineering expertise to develop a design for an erosion restoration project.
- Further detailed enhancement and expansion of the modelling analysis.
 - Calibrate the model with pollutant data to compare the water quality benefits provided by the existing natural assets and the stormwater controls.
 - Complete a detailed updated hydrologic model for the entire watershed to compliment the current study in the future and/or adjacent watersheds.
 - Use historical rainfall data from a rain gage station to create a continuous model and compare the peak flow and infiltration results.
 - Pair this model as a continuous model with a separate groundwater model.
 - Apply plans for future restoration projects to understand the impact to peak flow reduction at the subwatershed scale.
 - Modify in-stream works such as a widening a bridge or adding a dam to understand the impacts to peak flow at the subwatershed scale.
 - Pair this model with a separate hydraulic model (HEC-RAS) to understand floodplain impacts related to loss or replacement of natural assets.
 - Calibrate the model for sediment load and study the erosion impacts at a subwatershed level, including investigating the watercourse erosion thresholds.
 - Initiate separate study of wetland infiltration of watercourse overflow to further improve the accuracy and understanding of the groundwater recharge function of wetlands.
 - Incorporate climate change considerations into the model by projecting the rainfall in 2050 or 2100 and simulating the existing models with the new rainfall.
- Refinement of ecosystem valuation through primary studies, a meta-analysis or utility model for priority services.

5.0 Planning Phase of Natural Asset Management

Figure 22: Planning Phase in the Natural Asset Management Process



The NAM planning phase sets Levels of Service for natural assets and develops operations and maintenance costing. During this phase, scenarios may be explored through modelling, but was out of scope for this study. This section provides an overview of the approaches followed and describes planning phase results.

5.1 Level of Service Framework

The purpose of this section is to recommend a level of service framework for natural assets for the Town of Pelham to guide decision-making related to natural asset management.

Natural asset management touches many local government services and requires coordination and collaboration between multiple departments. Therefore, this proposed framework, and natural asset management more generally, should be considered within, and not separate from, the Town of Pelham's organization-wide approach to asset management.

This framework will evolve and be refined as the Town of Pelham strengthens its overall asset management practices. The framework includes a description of recommended corporate service objectives for natural asset management, as well as customer and technical levels of service measures that can be used to track progress on the management of priority services. It also outlines the data and information requirements for measuring progress on LOS.

The framework is based on defining levels of service for the following priority services identified in the project:

- Stormwater
- Water (for drinking and irrigation)
- Biodiversity
- Nature-based recreation
- Climate mitigation and adaptation

It was developed through:

- A review of key documents to identify the Town of Pelham's strategic service delivery objectives that depend on healthy natural assets and ecosystem services (see Section 2 below).
- One workshop with Town of Pelham staff through which the recommended performance metrics for priority services were reviewed and refined.

STRATEGIC DRIVERS OF NATURAL ASSET MANAGEMENT FOR THE TOWN OF PELHAM

Several of the Town of Pelham's guiding documents include goals, objectives or policy considerations for the protection and proactive management of natural assets, described below. These constitute Pelham's current drivers of natural asset management and the level of service framework was developed to be aligned with them.

Town of Pelham Official Plan (OP)

Pelham’s OP³⁰ contains several goals and objectives that natural asset management should align with and that should support prioritization of natural asset management activities.

Table 9: Town of Pelham’s Official Plan Goals and Objectives

Goal or objective ID	Description
A2.1.1 Goal	It is a goal of this Plan to maintain, enhance or restore ecosystem health and integrity.
A2.1.2 Objectives	To ensure that an understanding of the natural environment, including the values, opportunities, limits and constraints that it provides, guides land use decision-making in the Town.
	To make planning decisions that considers the health and integrity of the broader landscape as well as long term and cumulative impacts on the ecosystem.
	To make planning decisions that avoids negative environmental impacts as a first priority, with secondary priority given to mitigation of negative impacts.
	To restrict and regulate land uses which could impact the water quality and hydrological and hydrogeological characteristics of watercourses, aquifers and wetlands.
	To encourage the establishment of an open space system that links environmental and recreational resources both within and beyond the boundaries of the Town.
	To continue the development of an environmental data base and monitoring program to assist with decision making and public education.
b.1.5.1 Open Space Designation	access to a well-planned and accessible parkland system, which incorporates the principles of active transportation. Applies to the open space lands that are in public ownership and which are summarized as: The Steve Bauer Trail system; • All community parks in the settlements; • Passive and/or unimproved public parkland; and, • All NPCA lands Permitted uses in the Open Space designation outside of the settlement areas may include non-motorized passive and active recreational uses, festivals, special events, conservation uses, community gardens, forestry uses in accordance with good management practices and accessory uses.
B1.5.4.4	The protection of the watershed of Twelve Mile Creek and Coyle Creek is a major objective of this Plan. All NPCA lands are intended to be used on a passive basis, as most NPCA lands are characterized by environmentally sensitive features. It is the intent of this Plan to encourage the NPCA to maintain these lands in public ownership and to ensure their use is consistent with the ecological character and natural heritage features in the immediate area.
B1.66	To design a stormwater management system that is integrated with the open space system and which mitigates impacts on the natural environment

³⁰ Access Pelham’s OP at www.pelham.ca/en/business-and-development/official-plan.aspx

Goal or objective ID	Description
B3.4.4.1	Ecological connectivity noted; Where development or site alteration is proposed in proximity to lands in the Environmental Protection Two designation, efforts should be made, to maintain and where possible enhance linkages amongst lands designated Environmental Protection One, Environmental Protection Two, or Environmental Protection Three.
B1.7	East Fonthill Secondary Plan objective to provide a connected Greenlands System that comprises natural features, stormwater management facilities, streets, and varying sizes of public parks and parkettes. The integrated open space system shall provide access to the Steve Bauer Trail while also providing opportunities for exposure to the environmental assets of the community, while ensuring the conservation and enhancement of significant natural features. Natural heritage features include: a) Wetlands, b) Woodlands, c) Valleylands, d) Significant habitat of endangered species, threatened species and special concern species; e) Wildlife habitat; and, f) Fish habitat. ³¹
	Regarding buffer areas for land designated as Environmental Protection Two: adjacent lands are defined as all lands within 50 metres of designation
	Regarding buffer areas for lands adjacent to Environmental Protection One: Lands adjacent to a natural heritage feature within which impacts must be considered and within which the compatibility of the development proposal must be addressed. Defined as all lands within: 120 metres (393.7 feet) from the boundary of a Provincially Significant Wetland (PSW); 50 metres (164 feet) from the boundary of a Provincially Significant Life Science Area of Natural and Scientific Interest (ANSI); and, 50 metres (164 feet) from the significant habitat of endangered species and threatened species. No development or site alteration shall be permitted on adjacent lands unless an Environmental Impact Study (EIS) demonstrates that there will be no negative impact on the feature or its ecological functions.
B3 NATURAL HERITAGE DESIGNATIONS	<p>The Environmental Protection designations contained in this Plan are intended to comprise and reflect the natural heritage system in the Town. The following designations address the natural heritage policies of the Provincial Policy Statement, Niagara Escarpment Plan, Greenbelt Plan and the Regional Policy Plan:</p> <ul style="list-style-type: none"> ■ Niagara Escarpment Plan (refer to Section B3.1 for the applicable policies for this designation); ■ Environmental Protection One – Regional Environmental Protection Area (EPA) (refer to Section B3.2 for the applicable policies for this designation); ■ Environmental Protection Two – Regional Environmental Conservation Area (ECA) (refer to Section B3.3 for the applicable policies for this designation); and, ■ Environmental Protection Three – Greenbelt Plan Key Natural Heritage and Key Hydrological Feature (refer to Section B3.4 for the applicable policies for this designation).
B3.4.	Outlines the policies the Environmental Protection 3 designation, related to the Natural Heritage System in the Greenbelt Plan area.

³¹ During the level of service workshop, staff noted that the East Fonthill secondary plan includes policies around naturalization of stormwater ponds. Staff noted that additional policies on naturalization of stormwater ponds may be developed in future.

Goal or objective ID	Description
B3.4.4.3	Expansion of Buildings or Structures The expansion of agricultural buildings or structures and residential dwellings may be permitted on lands in the Environmental Protection Three designation provided the existing buildings or the proposed expansion does not occur in a Provincially Significant Wetland (PSW) or Life Science ANSI, or the significant habitat of endangered species, threatened species and special concern species.
B3.4.4.3	Transfer of Environmental Lands into Public Ownership Council will endeavour to work with the Region and other public agencies, such as the Province, to develop and implement a land securement strategy that would result in the transfer of environmental lands into public ownership. However, given the financial limitations of every level of government, this policy does not imply that all lands within the Environmental Protection Three designation will be purchased by the Town or any other public agency.

Northwest Fonthill Secondary Plan (part of the Town of Pelham Official Plan)

Pelham’s OP includes the Northwest Fonthill Secondary Plan, which defines general objectives for stormwater management:

- To maintain, and where possible, improve the health and condition of the receiving watercourses;
- The achievement of no net increase in stormwater run-off from the area to adjoining lands;
- To maintain, and where possible, improve the quality of stormwater entering surface and groundwater supplies; and,
- To promote the use of naturalized methods of stormwater management.

The Secondary Plan and related Subwatershed Study requires valuation of the Watercourse land dedication, including environmental buffers, and is subject to contributions from other benefiting landowners through front ending agreements, Development Charges By-law, or other developer’s group agreements as deemed appropriate by the Town.

The Secondary Plan also includes requirements for stormwater management related to groundwater recharge, erosion control, water quantity, water quality, and water temperature control.

The Plan also notes that the monitoring provisions set out in the Subwatershed Study and Environmental Impact Study (EIS) should be considered minimum requirements only.

Niagara Escarpment Planning and Development Act (NEPDA)

The NEPDA regulates watercourses and wetlands included in the Environmental Protection 1 and Environmental Protection 2 designation areas. The designation is intended to reflect key natural heritage features and key hydrologic features identified in the Natural Heritage System of the Provincial Greenbelt Plan (2005).

The NEPDA regulates watercourses and wetlands included in the Environmental Protection areas. The Greenbelt Natural Heritage Overlay designation is intended to reflect lands within the Natural Heritage System of the Provincial Greenbelt Plan (2005)

The Niagara Escarpment Plan area is located in the north-east corner of Pelham and is the site of three land use designations and a public lands designation overlay. These include the Escarpment Protection Area, Escarpment Natural Area, and Escarpment Rural Area designations and an overlay designation identifying public lands in the Niagara Escarpment Parks and Open Space System. The policies relating to these designations can be found in the Niagara Escarpment Plan. Changes to these designations or their related policies require an amendment to the Niagara Escarpment Plan in accordance with the provisions of the Niagara Escarpment Planning and Development Act. Lands designated Floodplain and Valley land constitutes regulated areas in accordance with the Conservation Authorities Act and Regulations.

Twelve Mile Creek Watershed Plan

The Twelve Mile Creek Watershed Plan (NPCA, 2006) includes the following targets set by Environment Canada:

- **Wetlands:** wetland habitat should constitute greater than 10% of each major watershed; greater than 6% of each subwatershed; or restore to original percentage of wetlands in the watershed.
- **Forest:** at least 30% of the watershed should be in forest cover.
- **Riparian:** 75% of stream length should be naturally vegetated.

Corporate Climate Change Adaptation Plan

The Vision statement in the Town of Pelham’s Corporate Climate Action Plan (2021) is:

“The Town of Pelham will reduce, respond to, and recover from, the unique climatic threats posed by climate change, and will embrace the opportunities that position the Town to support sustainable development by promoting cultural assets while protecting our environmental assets.”

The plan documents eight main goals, shown in the Figure 23 below.³²

³² Town of Pelham’s Corporate Climate Action Plan: www.pelham.ca/en/resourcesGeneral/Corporate-Climate-Change/Corporate-Climate-Change-Adaptation-Plan---CCCAP.pdf

Figure 23: Excerpt from the Town of Pelham Corporate Climate Change Adaptation Plan (p.27)



The following actions identified in the Plan are relevant to natural asset management and have been considered in the LOS measures for natural assets recommended in this project:

- 4.1** Assess the condition of the Town's stormwater management infrastructure and explore opportunities for upgrading or reinstalling infrastructure.
- 4.8** Legitimize the use of green infrastructure by incorporating the same in Capital Asset Management Plan and training the staff on the utility and benefits of green infrastructure
- 5.1** Map Town's tree cover to understand the spread of existing tree canopy and develop strategies for expanding the municipal tree canopy target.
- 5.2** Create a combined Forest Strategy and an Emergency Response Strategy to address the impacts of climate change on tree canopy cover and respond to such impacts (e.g. attack of invasive species like Gypsy Moth).
- 5.4** Support partnerships with local/national organizations to enhance preservation, protection and restoration of tree canopy cover and biodiversity.

- 5.5 Focus on Town's green infrastructure of parks and open spaces, green spaces, urban forests, natural heritage areas to explore opportunities to expand the use of similar nature-based solutions to adapt to climate change impacts (e.g., heat stress).
- 6.2 Promote the use of green infrastructure tailored to minimize the effects of flooding.

INTRODUCTION TO LEVELS OF SERVICE

What are Levels of Service?

Levels of Service (LOS) are objectives and performance measures that define the expected performance of assets and related services and are an essential pillar of asset management. They represent the service delivery commitment of a local government and inform asset management and financial plans and help local governments to prioritize capital and operational spending decisions.

Defining LOS enables municipalities to link strategic organizational objectives with technical and operational requirements of infrastructure, and is a way to guide a local government towards optimizing investments in infrastructure and service delivery.

It is the responsibility of a municipality's council to approve and monitor progress on LOS. Doing so enables them to be transparent and accountable for their decisions about service delivery. When councils share information about current LOS and associated costs with the public and other affected stakeholders, they are better able to communicate the social, environmental, and financial impacts of improving or reducing services and engage the community on their WTP for changes in service levels.³³

Types of LOS Measures

There are three main types of LOS measures that, taken together, show how day-to-day operational activities of infrastructure will be aligned with and support a local government's strategic objectives.

- 1/ **Corporate LOS Objective:** a high-level performance objective used to measure progress on service delivery and informs the development of multiple customer and technical levels of service linked to that objective. For example:
 - Manage natural areas to protect watershed(s), such that the quality and quantity of ground and surface water and ecosystem health is maintained or enhanced.
- 2/ **Customer LOS Objective/Measure:** a performance objective or measure that describes the service the community should expect to receive, expressed in terms that make sense to them. Customer LOS objectives tend to be more granular than corporate LOS objectives because

³³ Source: Developing Levels of Service for Natural Assets: A Guidebook for Local Governments, Natural Assets Initiative (2022), page 6.

they refer to specific aspects of service delivery such as accessibility, capacity, etc. Examples include:

- Qualitative statements that describe how the community should expect to receive the service, such as: Source water is protected and meets regulatory standards, and related indicators that measure the community's interests or experience related to the customer level of service objective (e.g., % times annually source water quality reported to fall below thresholds outlined in BC Government water quality guidelines).
- 3/ Technical LOS Measure:** a performance measure that describes the performance of the asset in relation to the service, or the operational requirements of infrastructure that will enable the local government to deliver the expected customer level of service. Examples include:
- A description of the ecosystem service provided by natural assets, such as runoff reduced by forests or water storage capacity of a wetland, and related indicators, such as volume of runoff reduced or m³ of storage capacity; or
 - A description of lifecycle management activities the municipality will undertake to manage natural assets, such as restoration of degraded natural areas, and related performance indicators, such as # hectares restored annually.

LOS Attributes

There are some key service attributes that are important to consider when developing performance indicators for natural assets. These include capacity, quality, and function:

- **Capacity:** Assets have enough capacity and are accessible to everyone
- **Quality:** Assets meet community needs while limiting impacts to health, safety, security, and nature
- **Function:** Assets perform their intended functions and are safe, secure, and sustainable

The additional attributes shown below are also important to consider when developing customer and technical LOS, because they encompass all aspects of service delivery. These are:

- **Safety:** the service is delivered safely, and risks are managed
- **Regulatory:** the service meets all regulatory requirements
- **Reliability:** the service is reliable
- **Accessibility:** the service is accessible
- **Sustainability:** the service is sustainable (social, environmental, and financial sustainability)
- **Cost/affordability:** the service is affordable
- **Customer Service:** the local government is responsive to questions or concerns about the service

RECOMMENDED LEVEL OF SERVICE MEASURES FOR NATURAL ASSETS FOR THE TOWN OF PELHAM

Overview of Natural Asset Services of Interest to the Town of Pelham

The Town of Pelham has identified priority services or co-benefits from natural assets to include storm water and flood management, water for drinking and irrigation, climate resilience services such as the mitigation of urban heat island effects, biodiversity services including habitat for species at risk, and recreation services. Below is a summary of how natural assets contribute to these services.

Storm Water and Flood Management

Natural assets play an important role in stormwater management, oftentimes at a lower cost than grey infrastructure solutions alone. Natural assets can be very effective in storing water, controlling peak flows, supporting groundwater recharge, and controlling erosion. By reducing stormwater runoff in urbanized areas, natural assets also contribute to the protection of source water and overall ecosystem health.

Drinking Water and Irrigation

Fresh water is essential for human survival and all local governments that provide drinking water services have an interest in protecting source water quality and quantity. The cleaner a community's source of drinking water, the more cost-effective service delivery will be through avoided costs of water treatment. Local governments also need to build an understanding of the *quantity* of source water available for the community (for potable use and non-potable uses, such as irrigation or firefighting) and take relevant actions to protect the supply of source water. There may be natural asset management activities (e.g., forest conservation) that support aquifer recharge for communities relying on groundwater. Taking measures to protect aquifers helps to manage the costs and risks of water service delivery and may lead to service delivery savings over the long-term. Local governments can also implement demand management programs and policies to help conserve water. With increased risk of drought from climate change, some local governments are looking into strategies to conserve drinking water, which has very stringent treatment requirements, and separate it from other uses such as emergency fire services and irrigation.

Climate Resilience Services

Ecosystems and the natural assets they contain are vital to the climate system through their role in the carbon cycle, the water cycle, and the maintenance of biodiversity. Land plays a key role in storing greenhouse gases. In Canada, the soils of the tundra, forests, wetlands, and grasslands are of heightened importance for carbon storage. However, once ecosystems are disturbed, carbon is released to the atmosphere. Ecosystems also play an important buffering role in reducing the severity of climate change, including through services such as flood attenuation, urban heat island reduction, and storm surge protection. Maintaining, restoring, and managing ecosystems to address climatic and non-climatic stressors are key strategies for reducing their vulnerability and the vulnerability of communities in the face of climate change, by enhancing their

resilience to changing conditions.

Biodiversity Services

Biodiversity is the diversity among living organisms. It is essential to support functioning ecosystems. Changes in biodiversity can influence the supply of ecosystem services, and for the Town of Pelham, can negatively impact agriculture and food production, important aspects of the Pelham's economy. Urbanization drives the loss of biodiversity, most directly through habitat loss and fragmentation and Pelham plays an important role in implementing solutions.

Nature-based Recreation Services

Recreation services play a vital role in fostering healthy, engaged and socially cohesive communities and is a primary service offered by the Town of Pelham. Natural assets provide opportunities for nature-based recreation activities and are critical to the local economy and health and well-being of the community. While the use of natural assets provides many benefits to the community, Pelham has an important role in balancing their use with their conservation and management to ensure ecosystem services can be provided sustainably over the long-term. To determine that balance, it needs to consider how risks like climate change, pollution, and land-use change from development pressure affect natural assets and their ability to provide ecosystem services to the community.

PROPOSED CORPORATE LEVEL OF SERVICE OBJECTIVES FOR NATURAL ASSETS

As mentioned, corporate LOS measures sit towards the top of the asset management hierarchy of decision making. They broadly describe the natural asset services the Town of Pelham aims to provide to the community. Municipalities typically document only a small number of corporate LOS measures for each service area or asset class. The six corporate LOS measures proposed below for the Town of Pelham are therefore high-level and encompass the key service objectives related to protection and management of natural assets.

Table 10: Proposed Corporate LOS Objectives

#	Proposed Corporate LOS Objectives
1/	Promote the use of naturalized methods to support stormwater management.
2/	Protect and enhance natural assets to support biodiverse natural habitats and ecosystems.
3/	Leverage natural areas to mitigate and adapt to climate change.
4/	Protect source water quality and quantity by sustaining hydrological and hydrogeological characteristics of watercourses, aquifers and wetlands (watershed protection).
5/	Control erosion to protect watershed health and property.
6/	Provide access to nature for passive recreation and cultural activities.

The next sub-sections include proposed customer and technical level of service measures for Pelham that can be used to prioritize and plan for natural asset management investments.

PROPOSED CUSTOMER LOS FOR NATURAL ASSETS

As mentioned, customer LOS measures are performance measures that describe how the community should expect to receive natural asset-related services, in terms that make sense to them. They refer to aspects of service delivery that are important to the community, such as accessibility to the service, reliability of the service, and quality of the service. In this LOS framework, the customer LOS measures recommended below relate to corporate LOS objectives # 3 and #6 that relate to climate mitigation and adaptation and recreation. All other LOS measures recommended are technical measures.

Table 11: Proposed Customer LOS Measures

Level of Service Measures	Service attribute	Indicators
C.1 Provide access to nature-based recreation	Capacity	C.1a # hectares natural areas accessible to the public
	Accessibility	C.1b % residents within a 15-minute walk of a publicly owned natural area
	Accessibility	C.1c # km sanctioned trails accessible to the public
C.2 Quality of nature-based recreation	Quality	Satisfaction with quality of nature-based recreation (survey, frequency TBD)
C.3 Value of nature-based recreation and tourism	Cost/value	\$ value of nature-based recreation and tourism ³⁴
C.4 Climate mitigation and adaptation benefits of natural assets	Sustainability	C.4a % tree canopy ³⁵
	Cost/ Sustainability	C.4b Value of stormwater services provided by natural assets

PROPOSED TECHNICAL LOS FOR NATURAL ASSETS

The technical LOS below are broken down into the categories of ecosystem service LOS (performance of the natural assets) and operational LOS (performance of the municipality).

³⁴ Consider using results of co-benefits valuation as the “current level of service”.

³⁵ Currently being tracked by the Town of Pelham.

ECOSYSTEM SERVICE LOS³⁶

Table 12: Proposed Ecosystem Service LOS Measures

Level of Service Measures	Service attribute	Indicators
T.1 Extent of the natural assets that provide ecosystem services	Function	# hectares natural assets, broken down by asset type and by location within or outside the Greenbelt ³⁷
T.2 Extent of protected natural areas	Function	# hectares natural heritage system under public ownership
T.3 Ecological condition of the natural assets	Quality	% of natural assets in very good or good condition, broken down by asset type in the inventory
T.4 Biodiversity of native species	Quality	Currently no monitoring program or data. Continuous improvement measure ³⁸
T.5 Annual carbon sequestration	Capacity	T.5a Kg/m ³ sequestered, broken down by natural asset type
	Cost	T.5b Value of carbon sequestered annually, broken down by natural asset type
T.6 Watershed protection: riparian buffers	Function/ Regulatory	% of watercourse length and wetlands with required buffer of natural riparian cover as per regulatory requirements (ENV protection zones 1, 2 and 3); potentially broken down to include naturalized stormwater ponds ³⁹
T.7 Stormwater services provided by natural asset sub-catchments	Capacity	Reduced peak flows from natural asset sub-catchments; Reduced runoff depth from natural asset sub-catchments ⁴⁰
T.8 Extent of pervious cover to support stormwater management	Capacity	% pervious cover in the Town ⁴¹
T.9 Source water quality	Function	% times annually source water quality reported to fall below regulatory thresholds

³⁶ LOS measures in this table focus on intact natural areas and do not naturalized stormwater ponds or low impact development installations in the urban area, except potentially T.6.

³⁷ Note: The Town of Pelham's natural asset inventory includes a layer showing natural assets within the Greenbelt.

³⁸ Could refer to NPCA assessment from 2009/2010, where biodiversity is part of the natural heritage inventory; however, data is outdated and did not consider diversity of fauna.

³⁹ During the LOS workshop with Pelham staff, there was interest in tracking vegetated buffers around naturalized stormwater ponds, some policies currently exist in the East Fonthill Secondary plan.

⁴⁰ These metrics were used to assess stormwater services provided by natural assets, so current LOS (2024) can be documented by referring to the study results.

⁴¹ Data may be limited to some parts of Pelham, to be determined. Included as a continuous improvement measure.

OPERATIONAL LOS

Table 13: Proposed Operational LOS Measures

Level of Service Measures	Service attribute	Indicators
0.1 Monitor change in extent and condition of natural assets	Function	Inventory updates; implementation and reporting on monitoring framework (annually? Every 5 years?)
0.2 Monitor change in extent of native species and biodiversity	Quality	Data limitations. Noted as an area for continuous improvement.
0.3 Town of Pelham-managed ecological habitat creation and/or restoration in priority areas.	Function/ Sustainability	# ha restored, broken down by type of restoration/ habitat creation; by location
0.4 Annual spending habitat creation and/or restoration in priority areas.	Cost	\$/hectare restoration, broken down by funding source
0.5 Monitoring and management of erosion sites	Safety/ Sustainability	0.5a total # priority erosion sites identified and mapped
	Safety/ Sustainability	0.5b # erosion sites reduced (rehabilitated). ⁴²
0.6 Targeted management of invasive species	Quality/ Sustainability	Data limitations; noted here as an area for continuous improvement.
0.7 Monitor change in level of stormwater services provided by natural asset sub-catchments	Function	Modelling update every 5 years. ⁴³
0.8 Natural areas stewardship program (Include description of programs, partnerships, stewardship activities)	Quality	Annual spending on stewardship program; results, where possible, e.g. # hectares maintained, restored or created
0.9 Public securement of priority habitat areas	Function	0.7a # hectares of priority habitat areas secured
		0.7b % change in priority habitat areas protected, broken down by public or privately owned land

DATA AND INFORMATION REQUIREMENTS TO TRACK LOS

A wide range of natural asset types provide services to communities. The level of detail of data and information required for NAM will depend on the Town of Pelham’s final selection of LOS to track for natural assets. Collecting, managing, and mapping natural asset data is integral to decision making. Well-defined and mapped indicators, such as the condition of a natural area, can help ensure decisions are evidence-based, and actions are targeted in priority areas to manage risks.

⁴² Staff noted that key erosion sites within 12 Mile Creek have been identified; areas in headwaters of 12 Mile Creek and five areas across town. Some have management plans. Pelham staff noted interest in tracking erosion sites and their management.

⁴³ Noted as realistic during the LOS workshop with Pelham staff.

The table below provides a summary of the data and information requirements to measure the LOS included in the framework.

Table 14: LOS Data and Information Requirements

Type of data	Details	Gaps
Natural asset inventory, by natural asset type, Spatial data needs include watercourses ⁴⁴ , land cover detailing natural features	<ul style="list-style-type: none"> ■ Include ownership layer ■ Include priority habitat area layer ■ Include priority restoration areas layer ■ Include Greenbelt layer ■ Include invasive species layer (e.g. polygons where invasive species dominate) 	<p>Priority restoration areas need to be mapped in the inventory</p> <p>Polygons where invasive species dominate could be added to the inventory as part of continuous improvement efforts.</p>
Condition of natural assets, by type	<ul style="list-style-type: none"> ■ As per condition rating system 	As per condition rating system
Erosion sites	<ul style="list-style-type: none"> ■ Priority erosion sites should be mapped and documented 	Priority erosion sites should be mapped and documented
Stewardship	<ul style="list-style-type: none"> ■ Track activities and cost of education, partnerships, stewardship program 	Track activities and cost of education, partnerships, stewardship program
Water storage capacity, reduced runoff	<ul style="list-style-type: none"> ■ Track for forests and wetlands ■ May require stormwater modelling that is updated periodically 	Study has provided initial data and current LOS; update how often?
Carbon sequestration data	<ul style="list-style-type: none"> ■ Track for all natural asset types 	Study provided current LOS
Water quality data	<ul style="list-style-type: none"> ■ As per monitoring framework 	What water quality data exists?
Monitoring data	<ul style="list-style-type: none"> ■ As per monitoring frameworks; set targets for monitoring ■ Biodiversity of native species 	Monitoring frameworks in place? Document established monitoring programs and protocols
Flood-related data	<ul style="list-style-type: none"> ■ Flood extent (or depth), digital elevation data 	Relevant for AM in general, less specific to natural assets role
O & M data	<ul style="list-style-type: none"> ■ Track activities and costs 	
Restoration data	<ul style="list-style-type: none"> ■ Track activities and costs 	
Recreation data	<ul style="list-style-type: none"> ■ Spatial mapping of trails, ■ Satisfaction survey, updates ■ Value of nature-based recreation 	

⁴⁴ A spatial analysis will determine how much of the watercourse has natural riparian areas.

The next step for the Town of Pelham will be to select which indicators in the framework to measure over the short-term, and which should be identified as part of continuous improvement when data becomes available. The Town of Pelham should document the following information related to each indicator it plans to track:

- Current LOS being provided
- Desired trend (increase or decrease)
- Desired LOS (target, if possible)
- Data and information gaps

Current and desired levels of service indicators are needed to inform the development of fully costed natural asset management plans that guide investment and operational decisions over a minimum 10-year period.

The Town of Pelham may wish to update its natural asset inventory to include LOS over time as part of continuous improvement efforts on natural asset management. Pelham should also document the following information:

- How the data will be stored and updated, and whether the data will be stored in one or multiple asset registers;
- Data management protocols (related to accountability for data, accessing and updating data, frequency of updates); and
- Description of financial data about natural assets, including valuation approach where a value has been placed on natural assets.

STAKEHOLDER ENGAGEMENT

Stakeholders and rightsholders are individuals or groups that can affect, be affected by, or perceive themselves to be affected by a Town of Pelham decision or activity. Desired or expected levels of service will be set by Council and should reflect stakeholder and rightsholder needs and interests in the services natural assets provide, while also considering the community's ability to pay for services. The Town of Pelham will be required to engage with multiple stakeholders and rightsholders to help meet its service delivery objectives.

Table 15 below shows specific stakeholder groups or rightsholders that should be consulted about or engaged in natural asset management. These groups include those who depend on or influence ecosystem services at the scale of the entire watershed(s) in and around Pelham. They were identified during the level of service workshop with Pelham staff.

The Town of Pelham has some information about the interests of the groups below through previous planning and engagement exercises. Existing policies and strategies reflect engagement conducted to date. Stakeholder engagement is an ongoing process and natural asset management plans should be updated periodically to reflect new information collected about the community's interests and needs, including their interests in natural asset management stewardship activities.

Table 15: LOS Stakeholders and Interests

Type of stakeholder group or rightsholder	Interests
Recipients	Residents, tourists, visitors, pedestrians, cyclists, swimmers, children, seniors, youth, adults, nature lovers, fish, wildlife, insects (flora and fauna)
Rightsholders ⁴⁵	Mississauga's of the Credit First Nation, Six Nations, Haudenosaunee Nation (Treaty rights are specific to water)
Regulatory Agencies	Province of Ontario, Federal Government, Niagara Region, Niagara Escarpment Commission, Town of Pelham, Niagara Peninsula Conservation Authority
Wider Community	business owners, farmers, Friends of 12 Mile Creek, Pelham Advocacy for Tree Health, private property owners (e.g., golf course owners), schools (e.g., green living classroom next to Short Hills provincial park), Nature Conservancy of Canada (own Lathrop Nature Preserve), Brock University, Niagara College
Neighbouring Municipalities	St. Catharines, Thorold, Region of Niagara, Town of Lincoln, Welland
Other Service Providers	Short Hills Provincial Park

5.2 Operations and Maintenance Costing for Natural Assets

“Most natural assets in an urban setting can be sustained for many decades, and longer, with the correct biophysical conditions and the adoption of appropriate management actions.”⁴⁶

Like engineered assets, natural assets need to be managed proactively to avoid deterioration of the services they provide. Operations and maintenance (O&M) costs for natural assets are frequently lower than engineered infrastructure since ecological functioning occurs independent of human assistance. With proper monitoring, maintenance, and rehabilitation today, natural assets can provide services for a period longer than that for engineered infrastructure, minimize service disruptions, provide a wide range of co-benefits, and promote long-term resilience.

O&M plans are an essential component of asset management and, in the case of natural asset management, may include monitoring, maintenance, acquisition, and restoration. Well-structured lifecycle management of natural assets should include:

⁴⁵ Indigenous Peoples are rights holders and not stakeholders. It will be important for the Town of Pelham’s natural asset management efforts to align with and support the UN Declaration on the Rights of Indigenous Peoples and, over time, interweave First Nations worldviews, knowledge and perspectives. There are early efforts in Canada that could inform this.

⁴⁶ Credit Valley Conservation, 2020.

- Monitoring of natural assets' hydrological and ecological functions to inform their condition, or the ability to provide services.
- Maintenance activities to ensure natural assets are intact and self-sustaining.
- Acquisition activities to balance natural assets for critical services and risks.
- Restoration activities to bring degraded assets to an intact ecological state.

APPROACH

To arrive at estimates, the following steps were completed:

- The Town of Pelham was provided with a template for O&M activities, to identify activities, their frequency, who is responsible for their completion (staff or contractors) and the level of effort required.
- Reviewed Credit Valley Conservation (CVC) lifecycle costing report and Pelham stormwater management needs report⁴⁷ to develop annual estimates for natural assets on public lands.
- Presented results of O&M costing during Implementation workshop.
- Refined estimates and provided to the Town of Pelham for review and feedback.

OPERATIONS AND MAINTENANCE ACTIVITIES

For the natural assets on public-owned land identified in this project, which include wetlands (both natural and constructed), forests (both urban and street trees) and watercourses, common O&M activities were estimated over a 10-year period for those assets on public lands. The estimates below provide ideal O&M costing to maintain natural assets in a high condition but will vary by ecosystem location and health. Table 16 below provides annual estimates for each natural asset class and described further below.

Table 16: Natural Asset O&M Activities and Costing

Type of Natural Asset	Sub-class	O&M Activities	Estimated Annual Cost
Wetland (natural and constructed)	N/A	<ul style="list-style-type: none"> ■ Sediment Cleanout ■ Design ■ Replace Clay Liner ■ Scour Removal/Outlet ■ Spillway Repair 	\$250,800

⁴⁷ Town of Pelham. (2023). Stormwater Management Facilities Needs Program Report. Prepared by Matrix Solutions.

Type of Natural Asset	Sub-class	O&M Activities	Estimated Annual Cost
Forest	Street trees	<ul style="list-style-type: none"> ■ Tree purchase and planting ■ Mulching & watering for first 3 years ■ Annual inspections ■ Pruning ■ Tree pest control⁴⁸ ■ Basic risk management⁴⁹ 	\$129,000 - \$160,000
	Urban forests	<ul style="list-style-type: none"> ■ Vegetation monitoring⁵⁰ ■ Forestry assessment⁵¹ ■ Tree pest control⁵² ■ Targeted invasive species management⁵³ ■ Targeted re-plantings⁵⁴ ■ Selective thinning⁵⁵ 	\$116,000 - \$977,000
Watercourses	Small stream rehabilitation	<ul style="list-style-type: none"> ■ Data collection for water level, flow and quality monitoring⁵⁶ ■ Channel form and morphology monitoring ■ Vegetation cover and structure monitoring⁵⁷ ■ Localized in-stream channel feature rehabilitation⁵⁸ ■ Localized bank stabilization⁵⁹ 	\$250 - \$25,000
Total			\$811,356 - \$1,726,867

⁴⁸ Tree pest control was estimated to address 1/3 of trees every 5 years

⁴⁹ Basic risk management was estimated for 1/3 of trees every 10 years

⁵⁰ Vegetative monitoring assumed to happen once every 5 years.

⁵¹ Forestry assessment assumed to occur once every 5 years.

⁵² Pest control is assumed to be applied to 50% of area every 10 years.

⁵³ Targeted invasive species management is assumed to be completed over a 5 year period, with 20% of public forest lands managed on year 1, 10% of forest in years 3 and 4, and 5% in year 5. This process is anticipated to occur every 20 years.

⁵⁴ Replanting is assumed to occur in 20% of area once every 10 years.

⁵⁵ Selective thinning is assumed to apply to 15% of area once every 10 years

⁵⁶ Water level, flow and quality monitoring; channel form and morphology monitoring; and vegetation cover and structure monitoring every 5 yrs

⁵⁷ Estimated to occur every 5 years

⁵⁸ Assumed rehabilitation required for 10% of length once every 10 years

⁵⁹ Assumed localized bank stabilization completed for 20% of stream length every 10 years.

WETLANDS

The Town of Pelham recently retained the services of Matrix Solutions Limited (Consultant) to determine sediment and maintenance requirements for 21 Stormwater Management Facilities. The assessment considered both wet ponds (i.e., ponds that provide a permanent pool volume to allow sediment to settle before moving through the stormwater facility) and dry ponds (i.e., ponds designed to drain completely when there is no inflow of stormwater). Pelham does not perform O&M activities on wetlands that are not managed for stormwater.

Annual O&M costing estimates were determined using Pelham’s 2024 budget forecast based on the recommendations provided in the Consultant’s report.

FORESTS

Annual O&M costs were estimated for street trees and upland forests.

- **Street tree** costs were tailored for planting in hardscapes (i.e., within sidewalks and boulevards), based on the estimated number of tree plantings per year, which was incorporated into annual costing. An estimate range is provided. The low end of the range is for the planting of 24 trees per year and the high end of the range is for 30 the planting of 30 trees per year.
- **Upland forests** estimates were based on the extent of forest assets on public lands (241 ha). The range in estimated annual O&M costs reflect a range of O&M options. It should be noted that it is unlikely that Pelham would manage all public forests each year. A more practical estimate may be based on managing a lesser percentage per year (e.g, 10 - 20% per year), targeting management activities to upland forests in fair or poor condition, or only those intersecting the Upper Twelve Mile Creek subwatershed. Table 17 below provides alternative options for consideration.

Table 17: Natural Asset O&M Options for Forests

Option	Annual cost
All forests on public lands	\$977,000
Forests on public lands in fair or poor condition	\$116,000
20% of forests on public lands managed / year	\$196,000
TMC forests that intersect with public lands	\$406,000

WATERCOURSES

- Annual O&M costs were estimated for small watercourses, given the vast majority of watercourses in Pelham are small. Estimates were completed for watercourses rehabilitation on public lands. The range in estimated annual O&M costs reflect a range of O&M options. Like the forest estimates, it is unlikely that Pelham would manage the full length of watercourses each year. A more reasonable estimate may be based on managing a lesser percentage of stream length per year (e.g., 10 - 20% per year), targeting management activities to watercourses in fair or poor condition or only those intersecting the Upper Twelve Mile Creek subwatershed.. Table 18 below provides alternative options for consideration.

Table 18: Natural Asset O&M Options for Small Watercourses

Option	Annual cost
All small watercourses on public lands	\$25,000
All small watercourses in fair or poor condition	\$2,000
TMC small watercourses that intersect with public lands	\$250

5.3 Planning Phase Limitations and Gaps

NAI’s Planning Phase of natural assets management contains limitations and knowledge gaps related to natural assets:

- Natural asset O&M costing incurred by Pelham should be consolidated and compared against engineered assets to inform future planning
- Natural asset O&M costing be refined through Pelham expenses associated with O&M activities

5.4 Next Steps for Continuous Improvements in Planning Phase

As part of adaptive asset management and continuous improvement, next steps may include:

- Expansion and refinement of the LOS framework as Pelham strengthens its overall asset management practices
- Select LOS indicators to measure over the short-term and identify data requirements (as per Table 14). The Town of Pelham should document the following information related to each indicator it plans to track:
 - Current LOS being provided
 - Desired trend (increase or decrease)
 - Desired LOS (target, if possible)
 - Data and information gaps

- Complete updates to the natural asset inventory to include LOS over time. The natural asset inventory should also document the following information:
 - How the data will be stored and updated, and whether the data will be stored in one or multiple asset registers;
 - Data management protocols (related to accountability for data, accessing and updating data, frequency of updates); and
 - Description of financial data about natural assets, including valuation approach where a value has been placed on natural assets.
- Engage with multiple stakeholders and rightsholders to help meet service delivery objectives
- Integrate O&M costing into the development of Natural Asset Management Plan.



6.0 Conclusions and Recommendations

Results from the Pelham Project are summarized here along with management actions for consideration.

The Project provided the Town of Pelham with insight into the state of natural infrastructure in its jurisdiction, with specific emphasis on the land within the Greenbelt. It has also estimated the value of stormwater services and other co-benefits the natural assets provide to the community. The recommendations below suggest next steps Pelham may wish to take to better protect and proactively manage natural assets. They take into consideration the project results as well as actions identified in a natural asset management roadmap the Town completed in 2023 (see [Appendix C](#)).

Recommendation #1: Review Policies and Governance to Protect and Manage Natural Assets

Nature-based solutions can build resilience to climate change impacts. Pelham should seek to ensure that large tracts of intact natural assets present in the Ontario Greenbelt are protected and proactively managed where possible, as they provide essential services such as stormwater management and source water protection, and many co-benefits of value to the community. It will be important for the Town of Pelham to ensure that future land use change considers the value of existing natural assets and their role in service delivery.

Pelham's zoning was updated in recent years to align with the current Official Plan, which means that natural heritage is better protected than it had been previously. That said, Pelham is in the process of updating its OP and in doing so is updating its policies to support protection and enhancement of natural assets in the town. It is recommended that Pelham review these policy updates before finalizing the new OP to ensure they are aligned with and support the project results and recommendations below. A future step will be to update zoning to align with the new OP. In addition, Pelham will need to develop a new Secondary Plan for its growth area in South Fonthill and complete the Secondary Plan for East Fenwick. Those plans should also seek to align with the recommendations from this project.

In addition, the Town of Pelham's natural asset management roadmap ([Appendix C](#)) includes the following actions that Pelham plans to undertake to strengthen policy and governance related to natural asset management:

- Over the medium-term, the Town will update its asset management policy to include objectives to strengthen natural asset management;

- The Town will ensure that updates to strategic documents will include relevant objectives to strengthen natural asset management;
- The Town will ensure that roles and responsibilities for natural asset management are formalized and that a staff person with responsibilities for natural asset management will be included in the Town’s asset management group or committee; and
- The Town will formalize reporting to Council on natural asset management in its reporting on asset management.

Below are some examples of current supportive natural asset management-related policies being applied in other municipalities.

1/ EXPLICIT REFERENCE TO NATURAL ASSETS IN ASSET MANAGEMENT POLICIES

Some municipalities, like the City of Revelstoke, BC, have explicitly included natural assets within the scope of their overall asset management policy. This helps to ensure natural assets are considered as part of the municipality’s infrastructure system and are integrated into decision making about infrastructure investments. Asset management policies like Revelstoke’s establish formal governance and accountability for the practice of asset management. They define principles for asset management that should guide how the local government will deliver services with long-term sustainability and affordability in mind.⁶⁰

2/ SPECIFIC NATURAL AREAS POLICY

Some local governments have specific policies to support healthy ecosystems, conservation and biodiversity goals. The City of Edmonton has a Natural Area Systems Policy (C-531)⁶¹ that states that “The City of Edmonton will balance ecological and environmental considerations with economic and social considerations in its decision making and demonstrate that it has done so.” The City of Edmonton recognizes that it can accomplish the work required to achieve conservation more efficiently and effectively by supporting and developing partnerships to achieve effective conservation results. Therefore, Edmonton will lead by example — by engaging the public in natural area issues, and encouraging businesses, residents, and the community to secure new natural area systems and steward what they have effectively. The Policy is supported by a City Procedure, which outlines roles and responsibilities for its implementation by key city branches.

3/ SUPPORTIVE BYLAWS

Natural assets provide essential ecosystem services regardless of who owns them, and bylaws are a tool to support land stewardship and good practices natural asset management to achieve desired levels of service. Some examples include:

⁶⁰ See example on page 25 in *How to Develop and Asset Management Policy, Strategy and Governance Framework*, Federation of Canadian Municipalities, 2018.

⁶¹ See *Natural Area Systems Policy C-531 (edmonton.ca)*.

- **Urban forest or tree-protection bylaws:** Several local governments have policies or by-laws to protect or enhance the urban forest and tree canopy. The City of Ottawa Tree Protection By-Law⁶², adopted in 2021 and the Northumberland County Forest Conservation By-Law⁶³ are two examples. The City of Ottawa’s by-law came into effect in January 1, 2021, and consolidated two others: an urban tree Conservation By-Law and a Municipal Trees and Natural Areas Protection By-Law. The new bylaw provides protection to all City-owned trees, and all City-owned natural areas throughout the urban and rural area. The goal of Northumberland County’s bylaw is to promote good forestry practices and the maintenance of woodlands, and it applies to properties larger than one hectare. The bylaw notes that maintaining forest cover benefits the community by providing many ecosystem services such as: water retention and filtration, air filtration, beneficial insects and wildlife, and climate regulation. The bylaw helps ensure that forest resources are maintained throughout the community over the long-term. It is noted that the Region of Niagara does have a Regional Woodland Conservation By-law that does provide for the protection of trees on properties larger than 1 ha in area and Pelham is covered by that by-law.
- **Invasive species policies or bylaws:** The District of Squamish adopted two bylaws in 2021, an Invasive Species Management Bylaw and a Pesticide and Herbicide Use Bylaw.⁶⁴ These bylaws are designed to prevent the use and spread of invasive species and greatly reduce the use of cosmetic pesticides, thereby meeting objectives and policies within the District’s Official Community Plan.
- **Development cost charges bylaw:** The Town of Gibsons Development Cost Charges Bylaw⁶⁵ enabled the town to decrease the fees charged to developers to cover costs of municipal infrastructure to support their projects because the natural assets that provide stormwater services to Upper Gibsons do so at lower costs than engineered alternatives. As a result, the DCCs for drainage services were reduced by 74%.
- **Environmental reserve fund bylaw:** The District of West Vancouver’s Environmental Reserve Fund Bylaw⁶⁶ serves as a financing mechanism for actions to protect natural assets and ensure their sustainability. The Bylaw enables the District to collect an environmental levy as a proportion of annual property taxes collected. Any use of reserve funds must be included in the District’s financial plans.

⁶² See *Tree Protection By-law | City of Ottawa*.

⁶³ See *Forest Conservation Tree By-Law - Northumberland County*.

⁶⁴ See *Invasive Species and Pesticide Bylaws - District of Squamish - Hardwired for Adventure*.

⁶⁵ See *Town of Gibsons Development Cost Charges Guide*.

⁶⁶ See *Environmental Reserve Fund Bylaw | District of West Vancouver*.

4/ Procurement Policy

The City of Rossland, BC has begun to integrate natural asset management practices into overall planning, finance, and strategy efforts. In 2023, the City approved an innovative new procurement policy that specifically requires staff to consider climate action commitments and use a natural asset-based approach when they acquire products or services.⁶⁷

5/ Strengthen language and commitment to natural asset management in Official Plans

The City of Courtenay's new Official Community Plan⁶⁸ is a good example of a plan that sets natural asset-related goals. It states that natural assets will be recognized as powerful allies in climate action and essential to citizen quality of life and will therefore be protected, reclaimed, and expanded throughout Courtenay. It also states that nature will be invited into its neighbourhoods by making space for it, increasing opportunities for residents to recharge and connect.

The Official Community Plan commits to increasing green infrastructure, reclaiming, and restoring natural areas and the ecological connections between them, designing development to better fit the land (site adaptive design), as well as intentional urban design attention to increase human connection to and encourage an ethic of care of the natural world. The Plan also establishes priorities for collaboration with the K'ómoks First Nation. The KFN Chief, Council, and staff provided perspective, priorities, and guidance on numerous policy topics in the Plan, which also sets a priority to implement the United National Declaration on the Rights of Indigenous People as the framework for reconciliation.

Recommendation #2: Proactively Monitor and Manage Erosion Sites

The Town of Pelham is aware of erosion sites along its roadsides and trails. The erosion sites typically occur along watercourses adjacent to roads and can lead to road failures. Funding for geotechnical work to assess the sites has been approved by Council for 2024, however, Pelham has no dedicated funding to monitor erosion, nor does it have a management plan in place to restore the sites or manage erosion.

It is recommended that the Town of Pelham conduct a high-level risk identification to determine the extent to which the sites present risks to the natural assets themselves, or to the public and other infrastructure. Pelham should also seek ongoing budget support to monitor erosion sites on Town properties. Finally, Pelham would benefit from collaborating with NPCA on management of erosion sites. In some cases, the NPCA has requested Pelham to

⁶⁷ See NAI blog: [Accounting for nature: meet the champions leading natural asset management in Rossland, BC – NAI | Natural Assets Initiative \(mnai.ca\)](#)

⁶⁸ See [Official Community Plan | City of Courtenay](#).

undertake restoration of erosion sites, but it has not had the capacity or budget to undertake the work. NPCA and Pelham may wish to collectively seek funding opportunities for the necessary restoration work and develop an agreement that articulates which party will undertake the work when funding becomes available. It should be noted that NPCA does not have dedicated funding for restoration through its funding agreement with the Ontario Government.

Recommendation #3: Formalize Invasive Species Management

Invasive species has been identified as a high risk to natural assets in the Niagara Region, but Pelham does not yet have a comprehensive invasive species monitoring program or a biodiversity monitoring program, and invasive species management is done on an ad hoc basis. The focus to date has been on managing specific species such as spongy moth and oak wilt. For the past 4 years, the Town of Pelham has undertaken egg mass surveys of the spongy moth on public lands to monitor this invasive species. The data is fairly limited on prevalence of other invasive species.

It is recommended, as part of continuous improvement efforts, that Pelham make use of existing studies and monitoring programs in the region to support the management of invasive species. Over time, it should consider formalizing monitoring and proactive management of invasive species. The commitment of resources to undertake removal of invasive species will be required on an on-going basis. In addition, while the Town of Pelham does have a policy intended to limit the spread of invasive species, Pelham's 2023 natural asset management roadmap identified the need to update the policy over the medium-term.

Recommendation #4: Identify Priority Areas for Naturalization

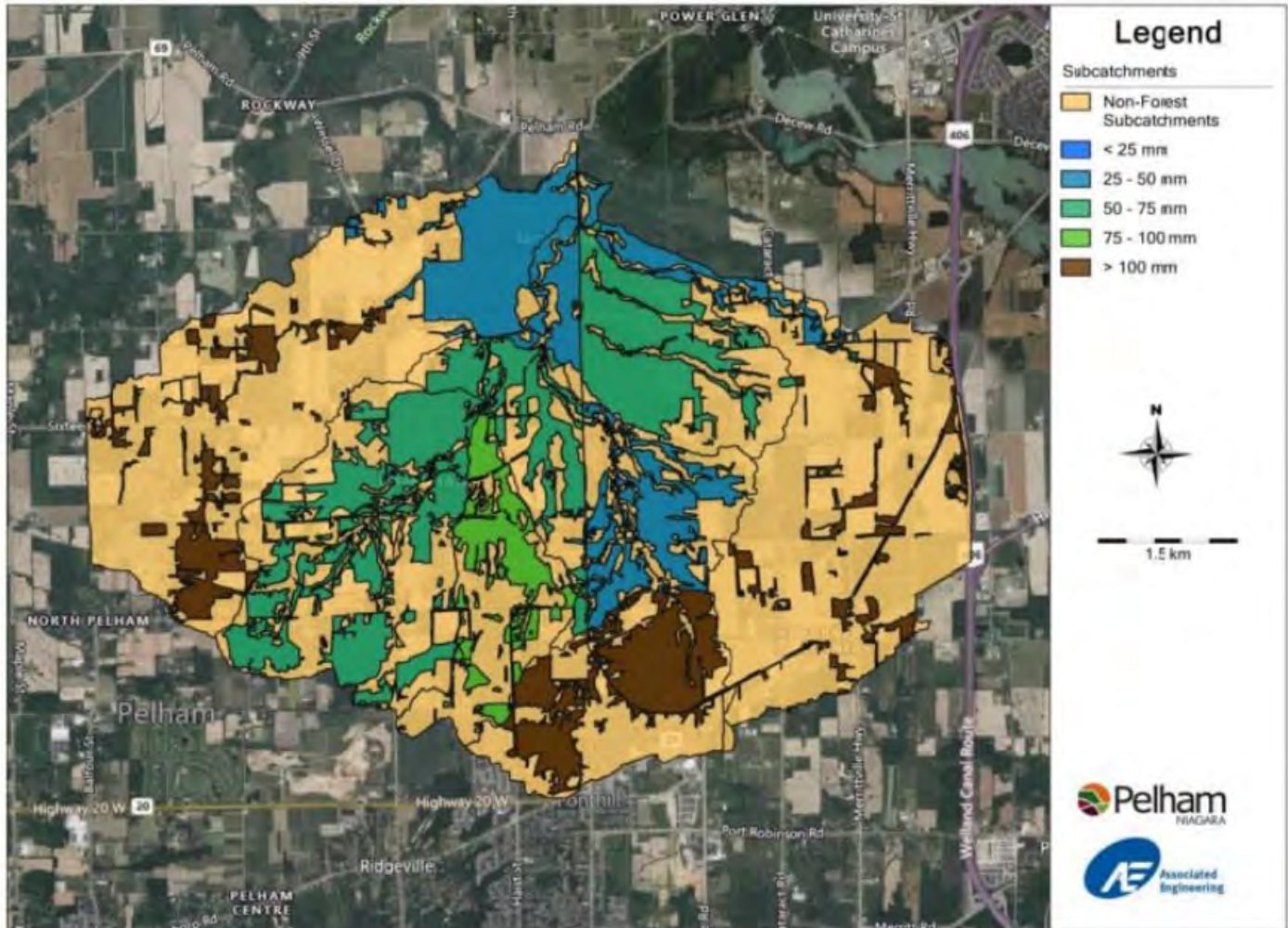
One of Pelham's corporate service objectives for natural assets is to protect and enhance natural assets to support biodiverse natural habitats and ecosystems. The Town of Pelham may wish to identify priority areas for naturalization, which would enhance the ecosystem services provided by natural areas. One consideration for determining priority areas should be local climate projections, which may indicate growing vulnerability in some areas. The modelling report for Scenario 3 showed areas with increased infiltration over the base case when LIDs are added to replace the loss of natural areas. This is because modelling of LIDs target an additional 5% of capacity for added resiliency. It may be possible for the Town to achieve the higher level of service provided in Scenario 3 by enhancing existing natural areas.

Staff identified the areas in brown above Highway 20 on the map below (from the modelling report) as areas characterized by steep slopes, valley lands, and some agricultural land, most of which is privately owned. Some of these areas may benefit from naturalization to enhance ecosystem services, or restoration

to limit erosion. The area in brown above north Pelham is primarily farmland and may or may not be suitable for naturalization.

Given most of the land suitable for naturalization may be privately owned, Pelham will need to develop land stewardship programs or partnerships with landowners to naturalize these areas, as well as develop policies to support best management naturalization practices on agricultural land.

Figure 24: Map of Subcatchment Areas



Recommendation #5: Continue to Secure or Protect Priority Forests and Wetlands

Land securement is an important way to ensure that ecosystem services will be sustained over the long-term. The Town of Pelham has already secured some land in the urban area through the development process, where lands have been designated for Environmental Protection. It is more challenging to secure land in the rural Greenbelt area because there are no mechanisms in place to acquire the land. Historically, all the development in the rural area has been agriculture-related, which limits the ability to secure land through the development process.

To protect additional land in the Greenbelt area, where public land securement is not possible, Pelham should explore mechanisms such as conservation easements and tax credits to property owners for implementing conservation measures. There may be opportunities to provide tax or other financial incentives to woodlot management organizations to better manage their woodlots.

Pelham also benefits from land securement undertaken by NPCA, so it should share the results of this study to determine whether there are priority areas that NPCA may be able to secure through its existing mechanisms. Recently (January 2024) the NPCA was successful in securing ownership of an 18-ha site containing a mix of ecological features include cold water fish habitat and significant woodlands with species at risk.

The Town of Pelham may also wish to work with the Province of Ontario to determine whether there are opportunities to expand Short Hills Provincial Park. In addition, the Nature Conservancy of Canada has already acquired some land north of Highway 20 and Pelham may wish to explore whether there are opportunities for the NCC to acquire additional land.

Recommendation #6: Review Opportunities to Proactively Manage Riparian Areas along Watercourses

One of the Town of Pelham's corporate service objectives for natural assets is to protect source water quality and quantity by sustaining hydrological and hydrogeological characteristics of watercourses. The NPCA currently regulates development around watercourses, and Pelham must ensure the required buffers are in place to support the health of riparian areas as part of the development application approval process. Currently, the NPCA does not maintain the watercourses themselves (e.g., clearing them of debris) or the adjacent vegetation in buffer areas. Pelham is only responsible to maintain the riparian areas on its owned lands, and private property owners are responsible to maintain these areas on private properties. The Town of Pelham has not typically had the capacity or resources to undertake the level of maintenance or restoration requested by the NPCA and particularly not on private property.

Through Ontario's Municipal Drainage Act (1990), Pelham can proactively designate certain watercourses as municipal drains, such that it gains access privileges to maintain watercourses in areas that are experiencing drainage issues. Pelham has municipal drains in the southern part of the municipality and where those exist, it can maintain the municipal drains. Twelve Mile Creek is not currently considered a municipal drain. It is recommended that Pelham engage in discussions with NPCA to determine how best to facilitate its management. Funding opportunities to support maintenance and restoration should also be explored. It should be noted that most natural assets are on private land so Pelham may, together with the NPCA and NGOs, need to focus on delivering education, stewardship programs and incentives on private property to support their management.

Recommendation #7: Support Collaboration and Develop Partnerships to Advance Natural Asset Management in the Town of Pelham

Many of the natural assets that provide ecosystem services to the community in the Town of Pelham are not owned by Pelham, and it does not have direct control over their management. To be effective, natural asset management will require a whole of community effort.

The table below shows the range of key individuals and groups in the community that have interests in nature and the services it provides. Some groups noted in the wider community may be able to support land stewardship or support data collection. For example, Brock University may be able to support data collection, and Niagara College has a restoration program and could be a beneficial partner supporting restoration work. Pelham can also leverage the studies conducted by community groups or non-profits such as Trout Unlimited, which identify actions needed to manage erosion and protect habitat in the Twelve Mile Creek. These groups can support Pelham in prioritizing natural asset management activities and help build the case for the necessary investments, particularly because capacity and resources in the municipality are limited to undertake natural asset management.

The Town of Pelham should consider how it might collaborate with the Mississaugas of the Credit First Nation, Six Nations, and the Haudenosaunee Nation on watershed protection.

Table 19: Key Entities with Interest in Natural Asset Services

Type of stakeholder group or rightsholder	Interests
Recipients	Residents, tourists, visitors, pedestrians, cyclists, swimmers, children, seniors, youth, adults, nature lovers, fish, wildlife, insects (flora and fauna)
Rightsholders ⁶⁹	Mississauga’s of the Credit FN, Six Nations, Haudenosaunee Nation (Treaty rights are specific to water)
Regulatory Agencies	Province of Ontario, Federal Government, Niagara Region, Niagara Escarpment Commission, Town of Pelham, Niagara Peninsula Conservation Authority
Wider Community	Business owners, farmers, Friends of 12 Mile Creek, Pelham Advocacy for Tree Health (PATH), private property owners (e.g., golf course owners), schools (e.g., green living classroom next to Short Hills provincial park), Nature Conservancy of Canada (own Lathrop Nature Preserve), Brock University, Niagara College, Trout Unlimited
Neighbouring Municipalities	St. Catharines, Thorold, Region of Niagara, Town of Lincoln, Welland
Other Service Providers	Short Hills Provincial Park

⁶⁹ Indigenous Peoples are rights holders and not stakeholders. It will be important for the Town of Pelham’s natural asset management efforts to align with and support the UN Declaration on the Rights of Indigenous Peoples and, over time, interweave First Nations worldviews, knowledge and perspectives. There are early efforts in Canada that could inform this.

Recommendation #8: Strengthen Assessment of Natural Assets and Related Services in the Town of Pelham

Through this project, Pelham completed a basic natural asset inventory that mapped the extent and condition of natural assets in the town. This was a high priority action it had identified in its 2023 natural asset management roadmap. As a next step, the Town of Pelham could improve its understanding of the condition of natural assets, the risks to them and the services they deliver to better inform natural asset management investments.

The condition of natural assets in Pelham has been documented based on a high-level desktop condition assessment. Pelham would benefit from ground truthing the condition of natural assets through field verification should resources become available. However, Pelham currently has limited resources to undertake annual monitoring of changes to extent and condition of natural assets, and changes to biodiversity of native species. For this to be a priority, additional resources, including staff resources and budget approvals, will be required.

Some monitoring is currently undertaken by the NPCA. The Town of Pelham could work together with the NPCA to develop a monitoring framework and a data sharing agreement to enable it to update its natural asset inventory and natural asset management plans. A five-year monitoring cycle is recommended for monitoring changes in extent and condition of natural areas and changes to biodiversity of native species. Over time, the natural asset inventory could be deepened with the addition of soils and groundwater recharge zones.

In terms of understanding risks to natural assets and services they provide, this study has considered the results of a natural asset risk identification exercise conducted by Niagara Region when it developed its own natural asset inventory. Those risks apply to the whole region, including the Town of Pelham. A recommended next step for Pelham is to review the region-wide risk identification and determine whether the same risks and risk scores apply to natural assets specifically in its jurisdiction. Conducting a risk identification and risk mitigation strategy for natural assets was identified as a short-term action to undertake, in Pelham's 2023 natural asset management roadmap.

The stormwater modelling done in this study was based on existing conditions and did not include a climate change scenario. Pelham may wish to better understand the impacts of climate change on stormwater management to help prioritize protection and management of natural assets. The Project also did not model water quality. In future, a model could be calibrated with pollutant data to compare the water quality benefits provided by the existing natural assets and the stormwater controls or calibrated for sediment load to explore erosion impacts.

Pelham's 2023 natural asset management roadmap also identified the need to update the design guidelines for design and maintenance of stormwater management facilities, over the medium-term.

Recommendation #9: Include a Costed Lifecycle Management Strategy for Natural Assets in Updates to the Town's Asset Management Plan

The Ontario asset management regulation (O. Reg 588/17) requires that municipalities document the lifecycle management requirements and current levels of service of all non-core municipal infrastructure assets, including green infrastructure assets, in their asset management plans by July, 2024. By July, 2025, the plans must also document proposed levels of service and a financial strategy to achieve levels of service.

It is recommended that the Town of Pelham include the information from this study about the state of natural infrastructure in the July 2024 asset management update to Council. It should seek to develop proposed levels of service for natural assets and a financial strategy to achieve levels of service by the July 2025 deadline. This recommendation is consistent with Pelham's 2023 natural asset management roadmap, which identified an action to incorporate natural asset management considerations into asset management plan updates. Pelham also identified an action to develop a specific natural asset management plan over the medium-term, including key performance measures (levels of service) to measure progress on natural asset management.

The study has estimated a range for operations and maintenance costs required to maintain wetlands⁷⁰ at approximately \$250,800 per year, and \$116,000 to \$977,000 to maintain an estimated 240 hectares of forests on public lands. For small watercourses, the cost estimate ranges from approximately \$250 to \$25,000 annually for rehabilitation of 1.4 hectares of publicly owned small streams.

Pelham does not currently have dedicated funding for natural asset management, other than approximately \$230,000 for tree planting, maintenance, hazard tree limb removal and invasive species monitoring and removal. Pelham's 2023 natural asset management roadmap identifies an action to develop a funding strategy to support the lifecycle management of natural assets. A first step will be to allocate some dedicated funding for proactive management of natural assets. The level of funding approved may be limited to begin with and could be phased in over time as funding becomes available.

⁷⁰ Internal priorities for wetland O&M provided by the Town of Pelham, based on Matrix Solutions recommendations.

Recommendation #10: Develop a Communications Plan and Presentation to Build Awareness of the Value of Natural Asset Management Needs in the Watershed

Pelham's natural assets, when managed proactively, can provide ecosystem services and benefits to the community and to downstream communities. It will be important for Pelham to communicate the results of this study and ongoing results of natural asset management activities throughout the region to build support for and collaborate on future initiatives to sustain the services they provide. To progress on natural asset management, resources and commitment will be required on an ongoing basis. As a starting point, the Town of Pelham should seek opportunities to present the results of this study across the region, which will also demonstrate its leadership in natural asset management.

Recommendation #11: Build Staff and Council Awareness of and Support for Natural Asset Management

Pelham's 2023 natural asset management roadmap identified a need over the short-term to strengthen staff and Council awareness of and support for natural asset management, because knowledge within the organization is currently limited. Actions identified include:

- Provide an introductory presentation to Council on the role of natural assets in service delivery (including the results of this report), to coincide with the July 2024 asset management update to Council;
- Allocate resources for natural asset management-related professional development and peer learning opportunities for staff with responsibilities for asset management generally or natural asset management specifically; and
- Disseminate new knowledge to staff about natural asset management, including the results of this report, and support ongoing related communications.

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Appendix A: Description of Natural Asset Indicators

Natural Area Patch Size

INDICATOR: The relative size and shape of contiguous natural asset areas, with larger patches that are more round or square rather than linear being considered of higher quality than smaller patches that are more linear with little or no “interior” habitat (i.e., all edge).

RATIONALE: The objective of this indicator is to create a proxy for condition based on the relative size and shape of contiguous patches of natural assets. In general, larger blocks of habitat (whether they be meadow, forest, and/or wetland) tend to support a greater diversity of plants and wildlife, including habitat specialists that require or benefit from conditions only found somewhat removed from a non-natural land cover type (e.g., roads, residential, institutional, or commercial development). In an urban or urbanizing context, as the distance from the edge of a natural area to the interior of that area decreases the penetration of noise and other human-related disturbances and encroachments that can negatively impact certain species associated with those habitats increases (*Environment Canada, 2013*).

Given this context and recognizing the landscape ecology principle that large “blocks” of habitat generally provide a greater range of habitats of better quality, it was proposed to develop a scoring system based on established federal guidance but tailored to allow for meaningful application in Pelham.

APPROACH: “Interior” habitat — at least in woodlands — is typically measured starting at 100 m inwards from the feature or “patch” edge (e.g., Environment Canada 2013). The first step is thus to establish the “patch” edge, which can be defined at level 1 (no distinction between asset types) or level 2 (distinguishing between asset types). In urban settings, level 1 is used because the distribution of land cover in such heavily segmented environments will result in smaller slivers of areas.

SCORING: Ratings were allocated as follows:

- **Very Good:** An asset within a habitat patch with an interior area measured 100 m from the feature edge
- **Good:** An asset within a habitat patch with an interior area measured 75 m from the feature edge and not already captured as “very good”
- **Fair:** An asset within a habitat patch with an interior area measured 50 m from the feature edge and not already captured as “very good” or “good”
- **Poor:** An asset within a habitat patch with an interior area measured 25 m from the feature edge and not already captured as “very good”, “good”, or “fair”

- **Very Poor:** Any asset with no interior area measured at 25 m from the feature edge

Natural Asset Proximity to Watercourses

INDICATOR: The distance between each asset and the nearest watercourse line was measured.

RATIONALE: In addition to a natural area's intrinsic size and shape, its location in relation to other natural assets, and features within a given area also influence the types of ecological functions it can provide. Proximity of a terrestrial natural asset to water, or having a hydrologic feature within a terrestrial asset, is generally considered positive. Environmental Canada's habitat guidelines for southern Ontario (EC 2013) and the Province's Natural Heritage Reference Manual (MNRF 2010) ascribe ecological significance to terrestrial habitats that contain or are close to hydrological features such as wetlands that occur within floodplains (which are associated with watercourses), woodlands with wetlands and/or watercourses within them, and grassland/meadow habitats adjacent or close to riparian and/or wetland habitats. Specific distances / thresholds cited in these documents as heightening feature functions are as follows:

- Naturalized riparian habitat within at least 30 m of a watercourse edge (i.e., top of bank) (EC 2013), and;
- Woodlands within 50 m of a watercourse (MNRF 2010).

In addition, 120 m is the standard distance used for considering adjacency to an identified natural asset in terms of the lands within which negative impacts to an asset may occur.

APPROACH: The closest distance between watercourse lines and level 3 assets was measured.

SCORING: Ratings were allocated as follows:

- **Very Good:** Asset directly intersects watercourse
- **Good:** Asset is within 30 m of a watercourse but does not directly intersect it
- **Fair:** Asset is within 30 - 120 m of a watercourse
- **Poor:** Asset is within 120 – 240 m of a watercourse
- **Very Poor:** Asset is greater than 240 m away from a watercourse

Forest Proximity

INDICATOR: A measure of the proximity of level 2 forest assets to other level 2 forest or wetland assets.

RATIONALE: According to research documented by Environment Canada (2013):

- For forest birds, habitats near other natural areas support more species than isolated habitats of the same size, and that some species with large home ranges may use several patches instead of one large area.
- In landscapes with relatively low forest cover overall, species diversity and survivorship increase when the remaining habitat patches are larger and more clumped or aggregated.
- Based on the limited available science, the isolation between forest patches for forest birds generally occurs at about five kilometres, but for amphibians at between one and two kilometres. For forest plants, some level of immediate proximity is required.

APPROACH: Each level 2 forest asset was buffered by the condition rating thresholds noted below and the appropriate rating applied based on the closest buffer where another level 2 forest or wetland asset was found.

SCORING: Based on the research noted by Environment Canada (2013) and the associated proximities, condition rating are:

- **Very good:** Level 2 forest assets < 1 km from any other level 2 forest or wetland asset
- **Good:** Level 2 forest assets within 1 to 2km from any other level 2 forest or wetland asset
- **Fair:** Level 2 forest assets within 2 to 3km from any other level 2 forest or wetland asset
- **Poor:** Level 2 forest assets within 3 to 5km from any other level 2 forest or wetland asset
- **Very poor:** Level 2 forest are > 5km from any other level 2 forest or wetland asset

Wetland Proximity

INDICATOR: A measure of the proximity of level 2 wetland assets to other level 2 wetland or forest assets

RATIONALE: According to research documented by Environment Canada (2013):

- Fragmentation of wetland habitats degrades their functions by reducing habitat for species that are less tolerant of disturbances, that require more contiguous habitat, or both.
- Some of these negative impacts of fragmentation can be offset, at least for some species, by maintaining concentrations of natural habitat fragments in close proximity.

- The importance of adjacent natural areas, as well as proximity between patches of wetland, has been recognized for several wildlife species.
- Proximity distances range depending on the species from less than 500 m for turtles and spotted salamanders to as large as 3 km for birds.

APPROACH: Each level 2 wetland asset was buffered by the condition rating thresholds noted below and the appropriate rating applied based on the closest buffer where another level 2 forest or wetland asset was found.

SCORING: Based on the research noted by Environment Canada (2013) and the associated proximities, condition rating are:

- **Very good:** Level 2 wetland assets < 0.5 km from any other level 2 forest or wetland asset
- **Good:** Level 2 wetland assets within 0.5 to 1 km from any other level 2 forest or wetland asset
- **Fair:** Level 2 wetland assets within 1 to 2 km from any other level 2 forest or wetland asset
- **Poor:** Level 2 wetland assets within 2 to 3 km from any other level 2 forest or wetland asset
- **Very poor:** Level 2 wetlands are > 3 km from any other level 2 forest or wetland asset

Extent of Adjacent Complementary Land Uses

INDICATOR: The extent of complementary land uses within 120 m of an asset was measured.

RATIONALE: How and the extent to which a given natural area is influenced by drainage in the adjacent landscape varies depending on factors such as local topography and soils, where the feature “sits” in the landscape (e.g., upland versus lowland) and the size and nature of the feature itself. However, it is well-established that the condition of a terrestrial natural feature (including wetlands) in an urban context tends to be negatively impacted when more of the surrounding land uses are impervious (i.e., paved, concrete or buildings) – this tends to alter pre-existing drainage and infiltration pathways, which can cause a natural area to receive more, or less, drainage than prior to being in the urban context. Urban runoff also typically carries a host of sediments and contaminants, and when such runoff is directed to natural areas and not properly treated, it can also negatively impact the feature and its functions.

Increases in the extent of impervious surfaces within a given watershed or catchment area are generally known to have negative impacts to natural features in that watershed or catchment area, particularly for features downstream of the impervious areas, resulting in a push towards planning that limits impervious surfaces and incorporates low impact development measures that facilitate local infiltration (e.g., Government of Ontario 2006, Government of Ontario 2018). Environment Canada’s (2013) guidance for streams/watercourses

in urbanized watersheds in southern Ontario states that “*impairment in stream water quality and quantity is highly likely above 10% impervious land cover and can often begin before this threshold is reached. In urban systems that are already degraded, a second threshold is likely reached at the 25 to 30% level*”.

However, land cover types with extensive pervious surfaces that are not “natural” per se but occur in the lands adjacent to natural areas, such as manicured parks/open spaces and agricultural lands, are recognized as potentially supportive of the functions of nearby natural areas in some regards by providing one or more of the following:

- Permeable surfaces (and therefore potentially supporting hydrologic regimes),
- temporary or permanent vegetation (e.g., isolated or small groupings of trees/landscaped areas, agricultural crops), and/or;
- intervening lands uses between natural areas and built areas that are used less frequently and/or less intensively by people.

Therefore, having, for example, a school ground between a wooded area and a high-density residential area is generally considered preferable to having the high-density residential area directly abutting the natural area.

APPROACH: A 120 m buffer (exclusive of asset area) was drawn around each natural asset “patch” at level 2 of the inventory. The extent of landcover associated with complementary land uses and natural assets was estimated in hectares within each buffer. Areas of complementary uses include Agriculture, Built-up Pervious, and Golf Course land cover. These areas have vegetated cover but are not natural in the true sense of the definition. The area of the 120 m buffer was estimated in hectares (excluding the area of the asset itself from counting towards this estimate), and the percentage of each buffer that consists of these natural area/complementary land uses was estimated. A ranking was then applied to each buffer and linked to the relevant natural assets.

SCORING: A rank was assigned to each asset based on what percentage of the asset’s adjacent lands (i.e., measured at 120 m) is composed of identified pervious and complementary land uses (e.g., passive parklands, golf courses, or agricultural lands) as per the following:

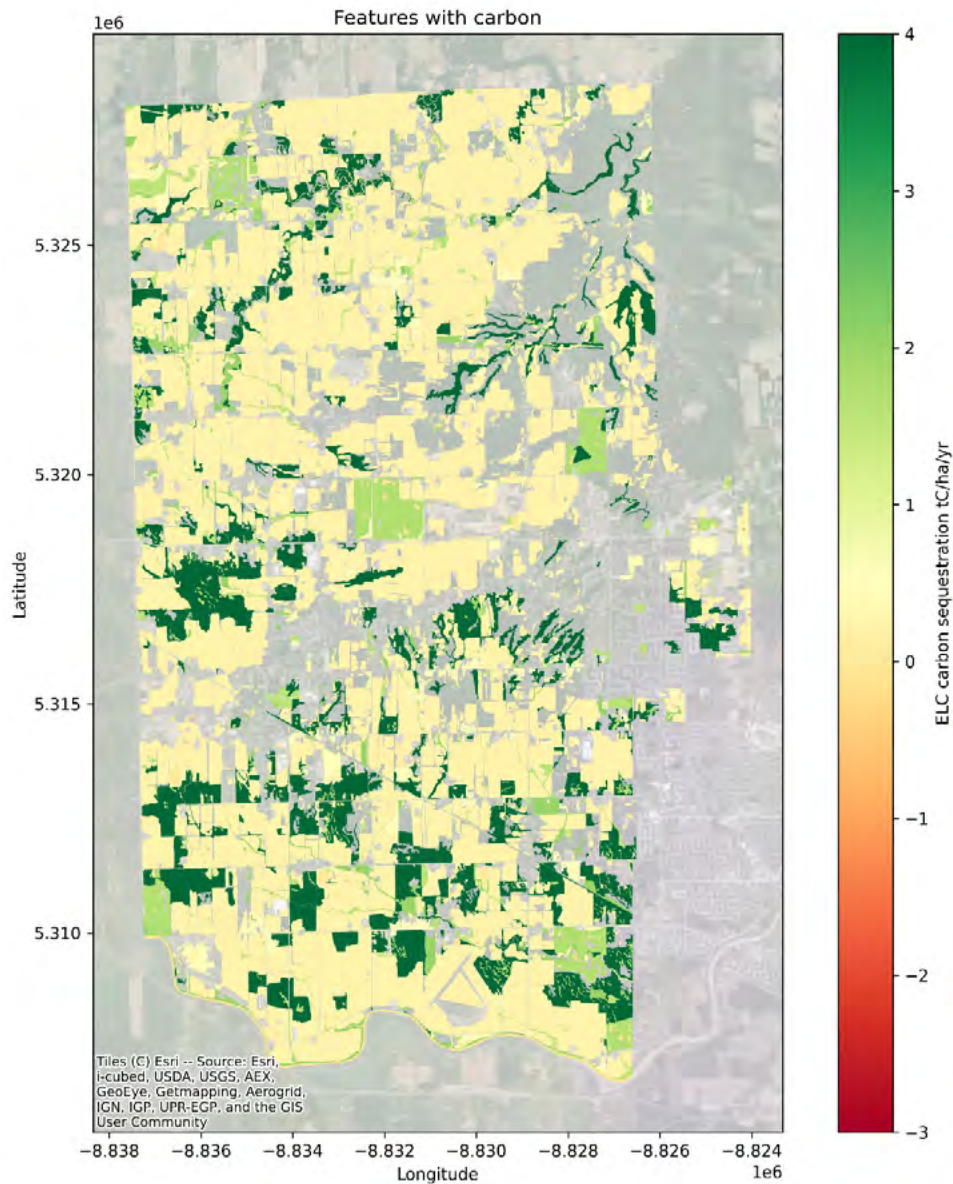
- **Very Good:** 51 to 100% complementary land uses
- **Good:** 31% to 50% complementary land uses
- **Fair:** 16% to 30% complementary land uses
- **Poor:** 1% to 15% complementary land uses
- **Very Poor:** 0% complementary land uses

Appendix B: Carbon Modelling

CARBON SEQUESTRATION IN NON-FOREST ASSETS

The carbon sequestration rates in the non-forest assets within the Pelham region were estimated by applying sequestration rates by land cover type as determined by several scientific publications. Figure B1 displays the carbon sequestration rates of the non-forest assets within the Town of Pelham.

Figure B1: Carbon Sequestration Rates in the Non-Forest Assets



For each of the ELC Classes which were present within the Town, a specific carbon sequestration rate was sourced from the literature. For example, all assets categorized as “Deciduous Swamp” were given a sequestration rate of 4.73 tC/ha/yr. This value was taken from Bernal and Mitsch, (2011) who found a sequestration rate of 473 gC/m²/yr (which converts to 4.73 tC/ha/yr) in *Quercus palustris* forest wetland communities. *Quercus palustris* is a swamp oak commonly found in southern Ontario.

CARBON SEQUESTRATION IN FORESTED FEATURES

The carbon sequestration rates of the forested features within the Town of Pelham were estimated using the Carbon Budget Model of the Canadian Forest Sector 3 (CBM-CFS3)¹. The table below describes the ELC classes which were included as forested assets.

Table B1: Forested Assets and their Area in Hectares

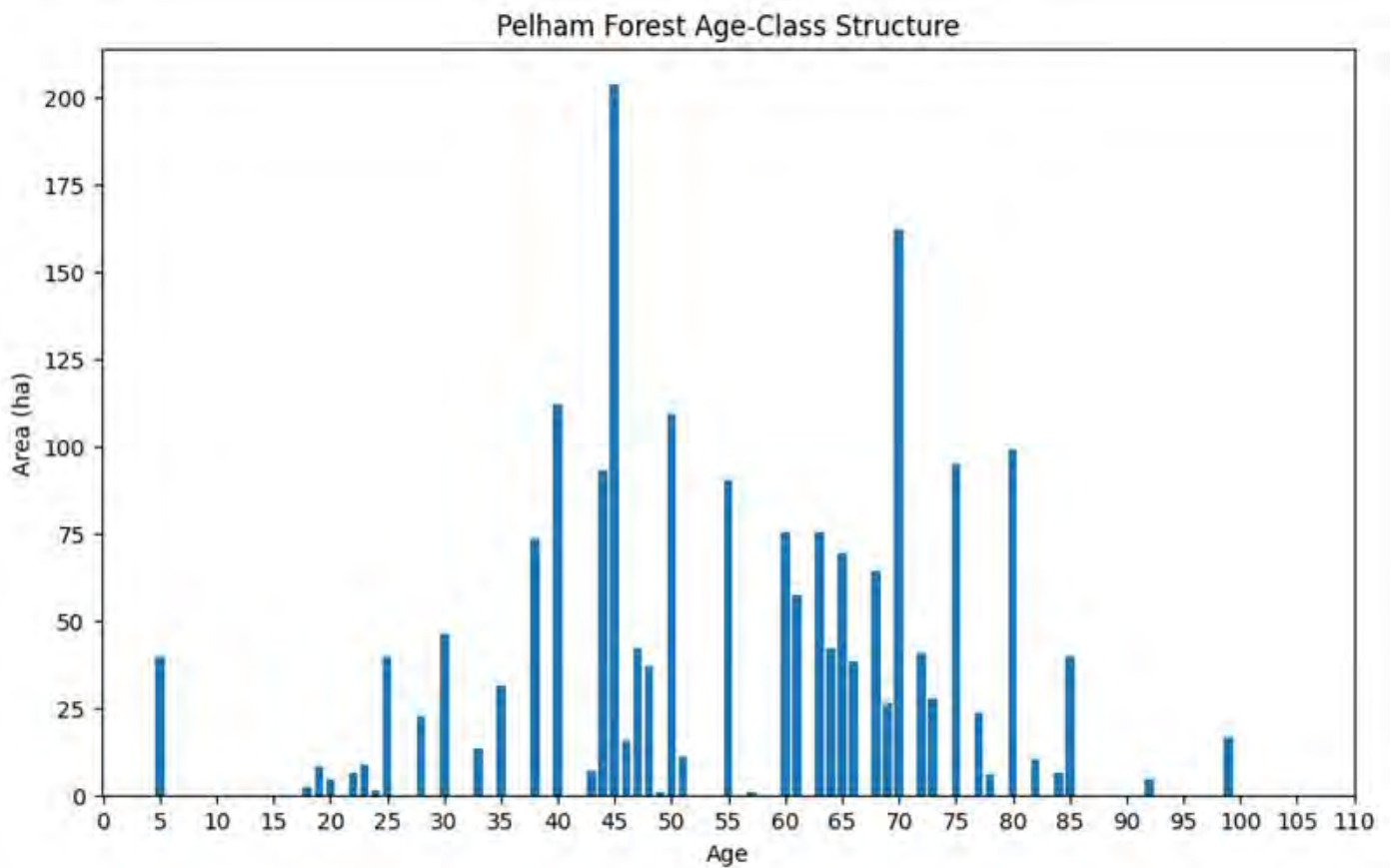
Forested ELC Class	Area (ha)
Deciduous Forest	959
Mixed Forest	388
Deciduous Thicket	157
Treed Agriculture	121
Deciduous Hedgerows	85
Deciduous Woodland	82
Coniferous Forest	75
Mixed Woodland	57
Mixed Thicket	31
Coniferous Savanna	27
Coniferous Woodland	25
Coniferous Hedgerows	19
Coniferous Thicket	4
Deciduous Savanna	2
Mixed Hedgerows	2
Mixed Savanna	1

The CBM-CFS3 is a stand-level model which estimates the carbon stocks and stock changes of forested stands. The estimates are defined by forest growth rates and species composition. Each forested asset within Pelham was associated with a volume yield expectation. As forests grow, the trees within forest stands get bigger and accrue volume. Each of the forested assets within the Town of Pelham inventory was assigned a specific yield table (volume growth over time). The maximum growth rate as expressed in m³/ha/yr in the region was 5.5 m³/ha/yr (meaning a 100-year-old forest feature would have 550 m³/ha). The minimum growth rates used were about 2 m³/ha/yr (200 m³/ha at age 100).

The CBM-CFS3 requires an age variable to simulate carbon values of forested assets. For the most part, the forest stands within the inventory had an estimated age value stored in the attribute “FRI_Age”. In instances with no data provided for the age of the stands we assigned an age of 75 which was based off randomly sampled satellite images of forested assets with no age attribute. *Figure B2*, displays the age and area of the forested features within the Town of Pelham.

¹ <https://cfs.nrcan.gc.ca/publications?id=29137>

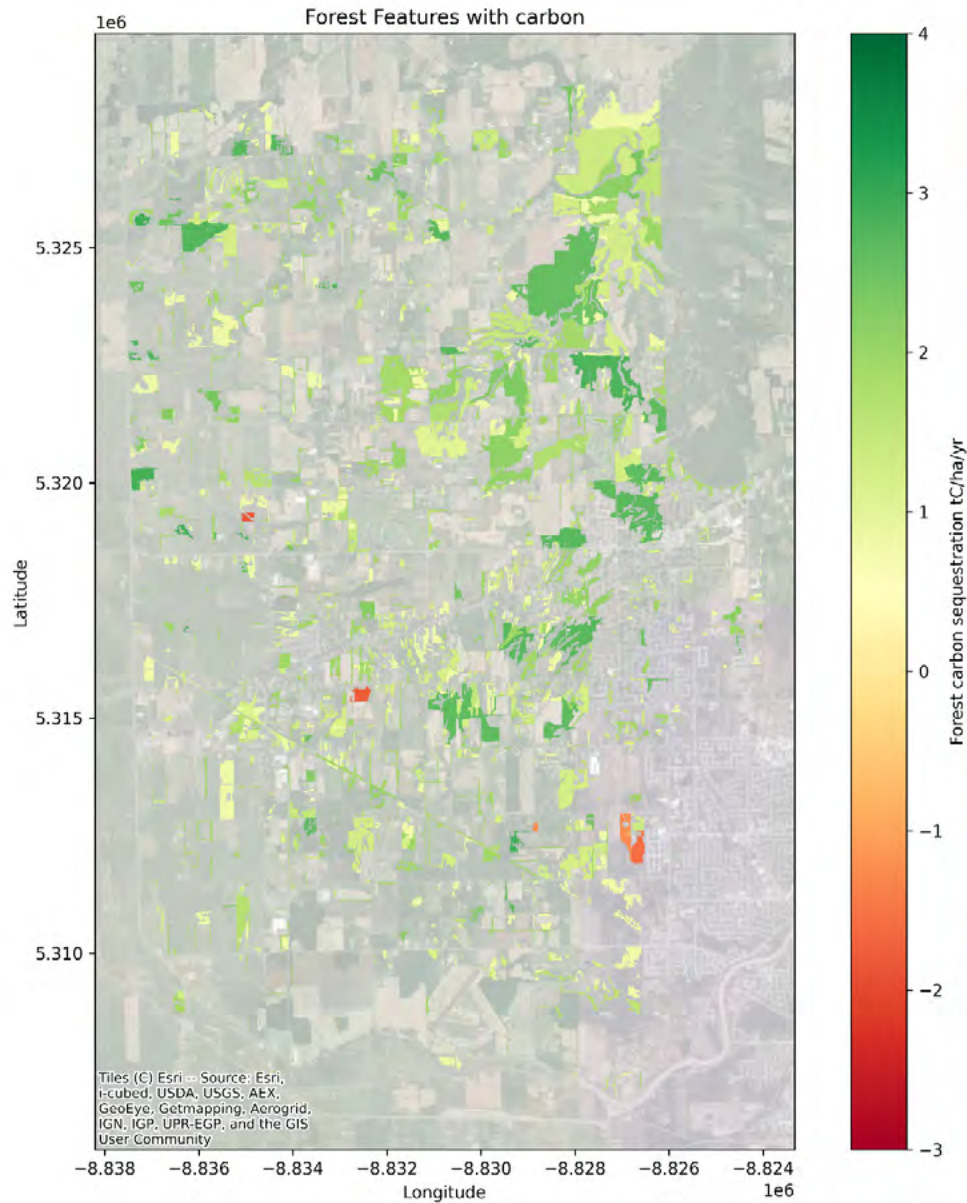
Figure B2: Age-Class Structure of the Forested Features Within the Town of Pelham



As seen in Figure B2 there was nearly 200 hectares of 45-year-old forest assets. The oldest of the forested assets was nearly 100 years old and the youngest patches were 5 years old. With the age of the forest assets, it was then possible to combine all these variables — species, age, and volume — as inputs to the CBM-CFS3. The CBM-CFS3 was then used to simulate the carbon dynamics of each of the forested assets.

The carbon sequestration rate was calculated as the difference between the Net Primary Production (NPP) (the net growth) and the Heterotrophic Respiration (Rh) (the net decomposition of organic matter) of each of the forested assets. The difference between the NPP and the Rh results in the rate of change in carbon within each of the assets. Positive values denote an actively sequestering forest feature, or a sink (meaning that growth outweighs decay). Negative values indicate forests which are releasing carbon, likely due to a young age (growth does not outweigh decay). Figure B3 displays the carbon sequestration rates of the forested features in tC/ha/yr.

Figure B3: Carbon Sequestration Rates in Forested Assets



Of note, perhaps, are the few forest features which are acting as carbon sources. The sequestration rates of each of the forested features is displayed in [figure B4](#), below. As the figure shows, the features with sequestration rates below 0, carbon sources, were all assets with an age value of 5 (young forests).

Figure B4: Carbon Sequestration Rate tC/ha/yr by Age of Feature

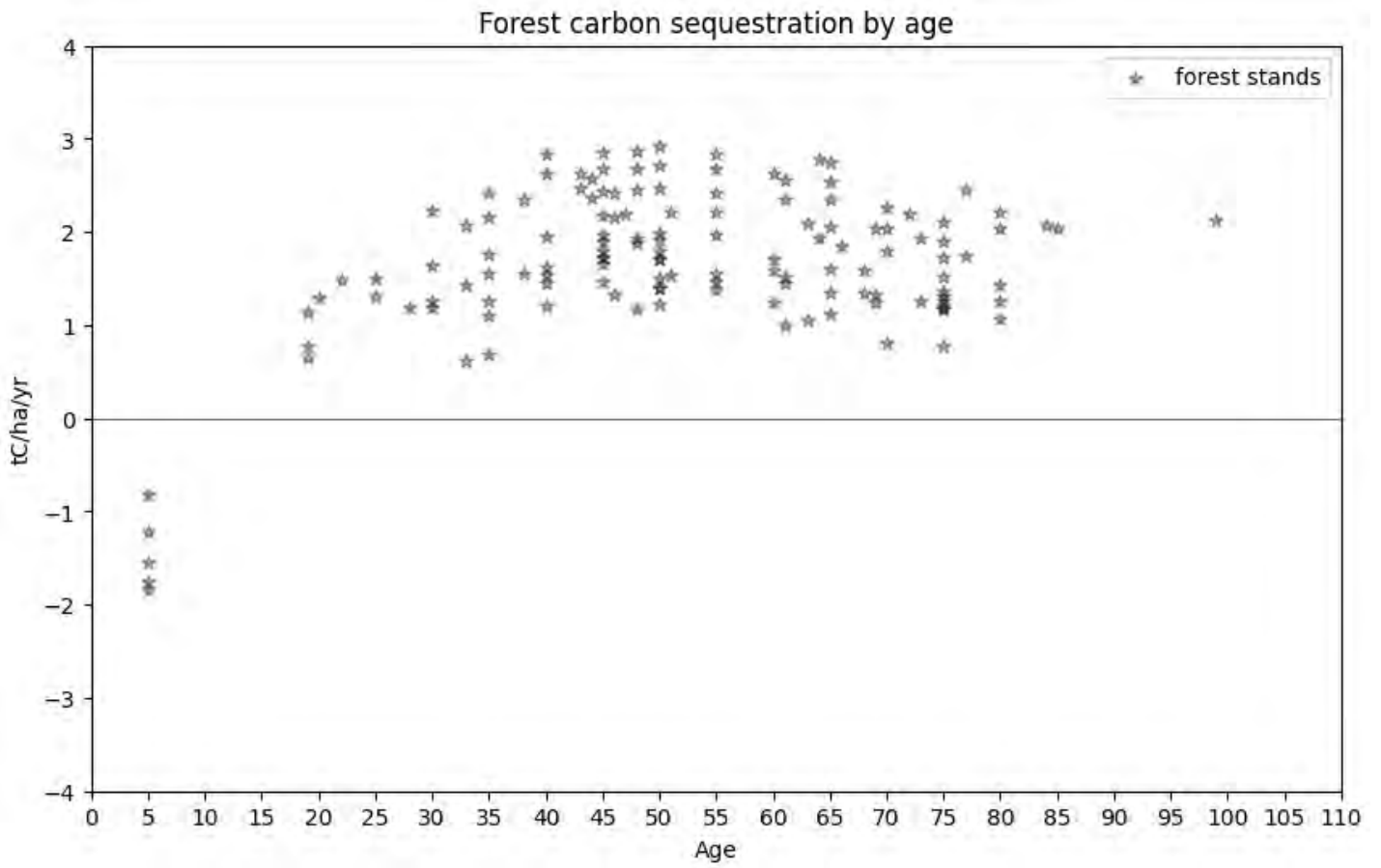
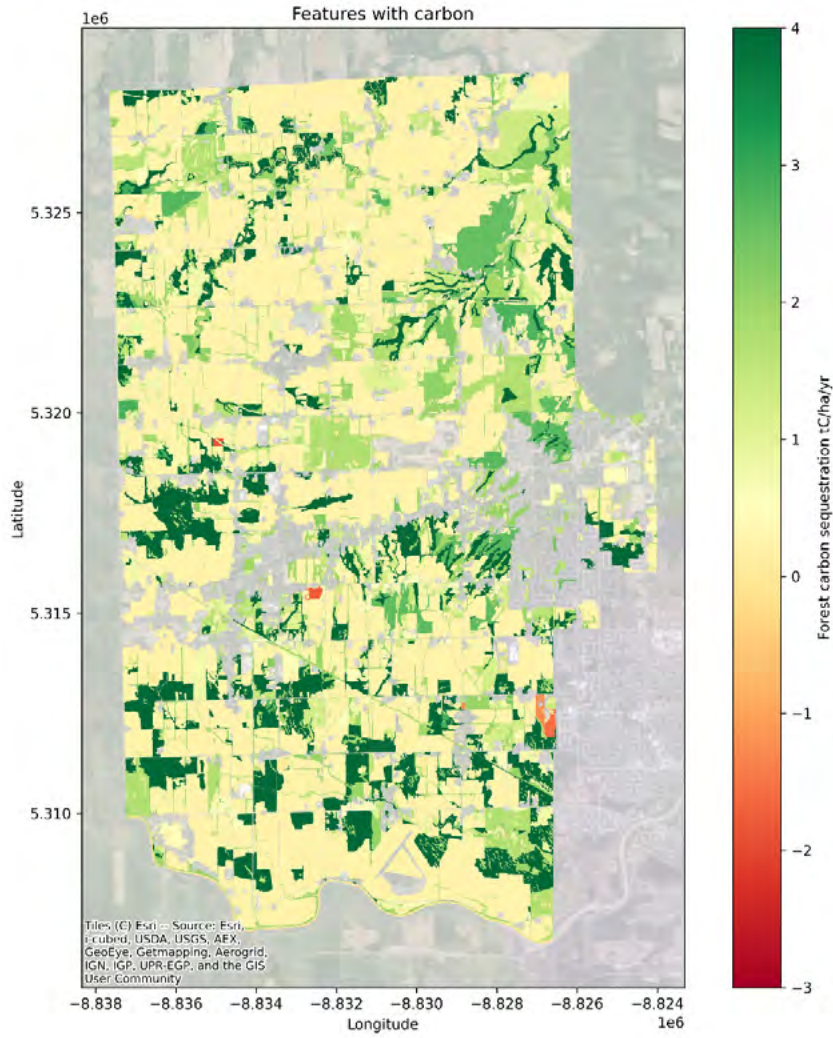


Figure B5, below, displays the carbon sequestration rate of all the assets, forested and non-forested, within the Town of Pelham.

Figure B5: Carbon Sequestration Rates in t C / ha / yr



Appendix C: Pelham Natural Asset Management Roadmap

List the actions that you identified in your workshop that you'll be including in your roadmap.

Note whether they are linked to other actions in the roadmap, who will be responsible for the action, who should be involved, and whether the action requires council approval.

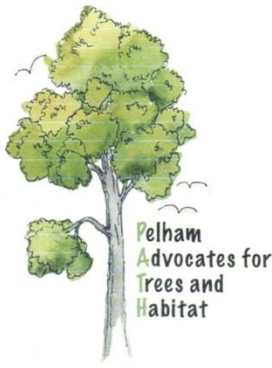
COMPETENCY 1: POLICY AND GOVERNANCE				
Recommended actions:	Priority H, M, L	Timing S-T or M-T	Responsible (bold) Involved (not bold)	Council approval (Y/N)
<p>1.1 Develop a natural asset management roadmap</p>	H	S-T	<p>Barbara Wiens, Shannon Larocque Derek Young, John Raso</p>	N
<p>1.2 Update an asset management policy to include objectives to strengthen natural asset management.</p>	H	M-T	<p>John Raso Barbara Wiens, Derek Young, Shannon Larocque</p>	Y
<p>1.3 Identify strategic documents that should include objectives for natural asset management when updated.</p>	H	M-T	<p>Barbara Wiens, Shannon Larocque Derek Young, John Raso</p>	N
<p>1.4 Include key performance indicators to measure progress on natural asset management in new or updated asset management strategies or plans. (see action 4.2)</p>	H	M-T		Y
<p>1.5 Formalize reporting on progress on natural asset management to Council.</p>	H	M-T		N

COMPETENCY 2: PEOPLE AND LEADERSHIP					
Recommended actions:	Priority H, M, L	Timing S-T or M-T	Responsible (bold) Involved (not bold)	Council approval (Y/N)	
<p>2.1 Include someone who is responsible for incorporating natural asset management considerations on your asset management group or committee, if one exists, or when you establish a formal group. This will ensure people responsible for managing natural assets are connected to the asset management process.</p>	H	M-T	Barbara Wiens, Shannon Larocque John Raso, Derek Young	N	
<p>2.2 Ensure responsibilities for incorporating natural asset management are included in the terms of reference for the asset management group or committee.</p>	H	M-T	John Raso, Derek Young	N	
<p>2.3 Develop a funding strategy for work required.</p>	M	M-T			
<p>2.4</p>					
<p>2.5</p>					

COMPETENCY 3: DATA AND INFORMATION					
Recommended actions:	Priority H, M, L	Timing S-T or M-T	Responsible (bold) Involved (not bold)	Council approval (Y/N)	
3.1 Identify key stakeholders in the community that should be part of consultation.	H	S-T	Barbara Wiens, Shannon Larocque	N	
3.2 Develop or strengthen asset data by incorporating it into an asset register/inventory. Includes high-level desktop condition assessment of natural assets to determine where additional field verification of natural assets	H	S-T	Barbara Wiens, Shannon Larocque with MNAI	N	
3.3 Conduct a risk identification exercise to estimate risks to natural assets and relevant service; develop a risk mitigation strategy.	H	S-T	Barbara Wiens, Shannon Larocque with MNAI	N	
3.4 Define level of service desired from natural assets to guide policies and guidelines and future capital investment required.	H	S-T	Barbara Wiens, Shannon Larocque with MNAI	N	
3.5 Update invasive species policy for monitoring performance and condition of natural assets.	M	M-T	Derek Young Barbara Wiens, Shannon Larocque	Y	
Update guidelines for design and maintenance of stormwater management facilities.	M	M-T	Derek Young Barbara Wiens, Shannon Larocque	Y	

COMPETENCY 4: PLANNING AND DECISION-MAKING				
Recommended actions:	Priority H, M, L	Timing S-T or M-T	Responsible (bold) Involved (not bold)	Council approval (Y/N)
<p>4.1 Integrate natural asset management considerations into asset investment plan updates or new plans across service areas.</p>	H	M-T	John Raso	Y
<p>4.2 Develop a specific natural asset management plan that considers multiple service areas, will inform budget process and enable it to be more proactive. Plan will support an organization-wide approach to managing natural assets, including a consistent approach to assessing condition</p> <p>4.3</p>	H	M-T	Barbara Wiens, Shannon Larocque John Raso Derek Young	Y
<p>4.4</p>				
<p>4.5</p>				

COMPETENCY 5: CONTRIBUTION TO ASSET MANAGEMENT PRACTICE					
Recommended actions:	Priority H, M, L	Timing S-T or M-T	Responsible (bold) Involved (not bold)	Council approval (Y/N)	
<p>5.1 Provide an introductory presentation to council to build awareness of the role of natural assets in service delivery. This should be included as part of the July reporting on asset management.</p>	H	S-T M-T	<p>Barbara Wiens Shannon Larocque John Raso</p>	N	
<p>5.2 Higher level of training for key individuals that support asset management. Allocate resources for training or professional development related to natural asset management to staff with natural asset management responsibilities <i>ie workshop in September</i></p>	H	S-T M-T	<p>Barbara Wiens Shannon Larocque John Raso Derek Young</p>	N	
<p>5.3 Disseminate new knowledge about natural asset management internally (e.g., the natural asset management roadmap). Potentially at an all staff meeting or email blast.</p>	H	M-T	Barbara Wiens, Shannon Larocque	N	
<p>5.4 Participate in peer learning groups to advance knowledge about natural asset management.</p>	M	S-T	<p>Barbara Wiens Shannon Larocque John Raso Derek Young</p>	N	
<p>5.5 Communication activities from MNAP work plan.</p>	H	S-T	Barbara Wiens Shannon Larocque with MNAI	N	



**Pelham Advocates for Trees and Habitat (PATH)
Head Quarters
44 Emmett Street
P.O. Box 1373, Fonthill, On., L0S 1E0**

Pelham PATH's Review of: Town of Pelham Natural Asset Management Project.

October 15, 2024

Pam Duesling
Director of Community Planning and Development,
Town of Pelham,

Greetings, Pam,

I am hope you had a wonderful Thanksgiving Holiday.

PATH (Pelham Advocates for Trees and Habitat) welcomes the release of the June 2024 document on the Pelham Natural Asset Management Project.

This report is the first accounting of Pelham's Natural Assets from the perspective of how they can be managed using the Non-Profit NAI's (Natural Assets Initiative) approach. NAI has experience locally, having previously worked with The Region of Niagara and the Municipality of Lincoln.

We read the report with great interest, we'd like to thank Shannon Larocque for her invitation to comment.

We encourage the council to embrace the NAI approach as it changes the way local governments and conservation authorities perceive their natural assets, such as forests, trees, streams, swamps, wetlands and watercourses. Leveraging natural assets can help the municipality deliver on infrastructure commitments with potentially lower costs and reduced risk.

The NAI report's initial valuation of our natural assets is a minimum of \$22 million. By comparison, the 2022 Town of Pelham budget was \$36 million.

This exciting news needs to be widely shared.

We have some observations:

1. It is important that all ten recommendations in the report are accepted and followed through diligently. New by-laws may be necessary.
2. We encourage a larger study of the entire municipality in the next iteration. This report covers only 25% of Pelham which is the upper 12 Mile Creek watershed.

3. Natural assets may be accompanied by natural liabilities. Amongst these are:

- Storm and Wildfire risk
- Pollution – Agricultural as well as Industrial
- Invasive species – emerald ash borer, spongy moth (FKA gypsy moth), oak wilt ,etc.
- Academic studies have urged more studies to avert repeating the 2021 Wheatley disaster which became a \$100-million class-action lawsuit against the Municipality of Chatham-Kent. The southern part of Pelham is at risk of carbon dioxide/methane leakage from uncapped water wells. Pelham Fire Service may have greater insights on how to monitor this public safety and climate concern.

4. Partnerships are essential.

- A. We encourage greater communication, and collaboration with local Aboriginal peoples.
- B. Private property owners in our community are critical stakeholders. Outreach and dialogue about NAI methods would be of mutual benefit.
- C. Support from and partnership with NPCA (Niagara Peninsula Conservation Authority) is essential.
- D. Nature Conservancy of Canada (owners of the Lathrop property)
- E. Trout Unlimited

We look forward to further developments and participation in the future.

Follow the PATH

Mike Jones

President of Pelham Advocates for Trees and Habitat (PATH)

Memo

To: Pelham Town Council

From: Sarah Leach, Acting Town Clerk

Date: November 06, 2024

RE: Completion of Pilot Project for Personal Alcohol Consumption in Peace Park

BE IT RESOLVED THAT Council receive the Memo 2024-0244 Completion of Pilot Project for Personal Alcohol Consumption in Peace Park, for information.

Council initially approved, in principle, a pilot project permitting personal alcohol consumption in Peace Park on April 17, 2024, with the subsequent by-law enacted on May 1, 2024. The pilot project was in effect from May 1, 2024, through October 31, 2024.

This memo serves as formal notification that the pilot project has concluded, and as of November 1, 2024, regulations have reverted to pre-project conditions. Alcohol consumption is now permitted only within licenced areas during events.

Staff will consult with affected parties to gather feedback on the effectiveness and outcomes of the pilot project. At the time of writing this memo, staff are unaware of any complaints or incidents involving alcohol consumption in Peace Park that required police intervention.

Allowing personal alcohol consumption, particularly sparkling wine during wedding events, has been a welcomed addition to the services offered by the Clerk's department in Peace Park. This change has fulfilled numerous requests received in previous years and has added to the overall experience.

A report summarizing these findings, along with any recommendations for future actions, will be provided to Council in Q1, 2025.

Sarah Leach

Subject: FW: establishment of an Ontario Rural Road Safety Program

From: Scott Butler <scott@goodroads.ca>
Sent: Tuesday, October 29, 2024 6:32 PM
To: Sarah Leach <SLeach@pelham.ca>
Subject: establishment of an Ontario Rural Road Safety Program

Wednesday, October 09, 2024

To: Town of Pelham Head of Council and Council Members

Sent via email to: sleach@pelham.ca

Subject: Establishment of an Ontario Rural Road Safety Program

Too many Ontarians are being seriously injured or killed on our roads.

In 2023, there were 616 people killed and 36,090 people injured. The number of fatalities is up nearly 20% in the last ten years.

In 2021, the most recent year of complete data from MTO's *Ontario Road Safety Annual Report* (ORSAR), there were 561 fatalities – 426 of which occurred on municipal roads. While rural Ontario only represents 17% of the province's population, 55% of these deaths occurred on rural roads. By any measure, Ontario's rural roads are disproportionately more dangerous.

At the same time, municipal insurance premiums continue to increase. With no plausible reform being considered for joint and several liability, municipalities need to find innovative means for managing risk, particularly on their roadways,

To deal with this crisis, Good Roads has designed a multifaceted rural road safety program and have been in discussions with the Ministry of Transportation to fund it. The program would target a municipality's most dangerous roads, perform road safety audits, and install modern safety infrastructure that prevents serious injuries and save lives. This program is designed to be cost effective while also providing rural municipalities with a direct means for addressing risk associated with their roadways.

Good Roads has proposed leading a five-year \$183 million program that leverages our 131 years of municipal road expertise and our industry partnerships to quickly put in place the solutions that will address some of Ontario's most dangerous roads.

Good Roads is seeking support to address these preventable tragedies.

If the Town of Pelham would be interested in pursuing this, a Council resolution similar to the example below should be adopted and sent to the Premier and the Minister of Transportation:

WHEREAS official statistics from the Government of Ontario confirm that rural roads are inherently more dangerous than other roads;

AND WHEREAS, despite only having 17% of the population, 55% of the road fatalities occur on rural roads;

AND WHEREAS, rural, northern, and remote municipalities are fiscally strained by maintaining extensive road networks on a smaller tax base;

AND WHEREAS, preventing crashes reduces the burden on Ontario's already strained rural strained health care system;

AND WHEREAS, roadway collisions and associated lawsuits are significant factors in runaway municipal insurance premiums. Preventing crashes can have a significant impact in improving municipal risk profiles;


THEREFORE, BE IT RESOLVED THAT the Town of Pelham requests that the Government of Ontario take action to implement the rural road safety program that Good Roads has committed to lead. It will allow Ontario's rural municipalities to make the critical investments needed to reduce the high number of people being killed and seriously injured on Ontario's rural roads; and

FURTHER THAT a copy of this resolution be forwarded to Premier Doug Ford, Hon. Prabmeet Sarkaria, Minister of Transportation, Hon. King Surma, Minister of Infrastructure, Hon. Rob Flack, Minister of Agriculture, Hon. Lisa Thompson, Minister of Rural Affairs, Hon. Trevor Jones, Associate Minister of Emergency Preparedness and Response, and Hon. Sylvia Jones, Minister of Health, and Good Roads; and

FURTHER THAT this resolution be circulated to all municipalities in Ontario requesting their support.

If you have any questions regarding this initiative please contact Thomas Barakat, Good Roads' Manager of Public Policy & Government Relations, at thomas@goodroads.ca at your convenience.

Sincerely,



Antoine Boucher
President
Good Roads Board of Directors

Scott R. Butler
Executive Director

October 28, 2024

CL 15-2024, October 24, 2024
BRCOTW 3-2024, October 17, 2024
CSD 44-2024, October 17, 2024

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

Waste Management 2025 Operating Budget and Requisition

CSD 44-2024

Regional Council, at its meeting held on October 24, 2024, passed the following recommendation of its Budget Review Committee of the Whole:

That Report CSD 44-2024, dated October 17, 2024, respecting Waste Management 2025 Operating Budget and Requisition, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Waste Management Services net operating budget increase (inclusive of program changes related to staffing resources for service delivery) of \$416,952 or 0.9% **BE APPROVED**;
2. That \$350,000 **BE TRANSFERRED** from the Waste Management Stabilization Reserve in order to fund one-time costs included in the 2025 Waste Management Services operating budget;
3. That the 2025 Waste Management Services gross operating budget of \$53,029,717 and net budget of \$45,584,715 as per Appendix 1 to Report CSD 44-2024 **BE APPROVED**;
4. That the net budget amount of \$45,584,715 **BE APPORTIONED** between the local area municipalities in accordance with the methodology approved in PWA 55-2011 and outlined in Appendix 2 to Report CSD 44-2024;
5. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration; and
6. That a copy of Report CSD 44-2024 **BE CIRCULATED** to the local area municipalities.

A copy of Report CSD 44-2024 is enclosed for your reference.

Yours truly,



Ann-Marie Norio
Regional Clerk

:ab

CLK-C 2024-111

cc: B. Brens, Associate Director, Budget Planning & Strategy
D. Carnegie, Acting Commissioner/ Treasurer, Corporate Services
K. Beach, Executive Assistant, Commissioner/ Treasurer, Corporate Services

Subject: Waste Management 2025 Operating Budget and Requisition

Report to: Budget Review Committee of the Whole

Report date: Thursday, October 17, 2024

Recommendations

1. That the Waste Management Services net operating budget increase (inclusive of program changes related to staffing resources for service delivery) of \$416,952 or 0.9% **BE APPROVED**;
2. That \$350,000 **BE TRANSFERRED** from the Waste Management Stabilization Reserve in order to fund one-time costs included in the 2025 Waste Management Services operating budget;
3. That the 2025 Waste Management Services gross operating budget of \$53,029,717 and net budget of \$45,584,715 as per Appendix 1 to Report CSD 44-2024 **BE APPROVED**;
4. That the net budget amount of \$45,584,715 **BE APPORTIONED** between the local area municipalities in accordance with the methodology approved in PWA 55-2011 and outlined in Appendix 2 to Report CSD 44-2024;
5. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration; and
6. That a copy of Report CSD 44-2024 **BE CIRCULATED** to the local area municipalities.

Key Facts

- The proposed Waste Management Services (WMS) net operating budget represents an overall increase of \$416,952, or 0.9% over 2024 as shown in Appendix 1 to Report CSD 44-2024.
- Key drivers to the 2025 budget include inflation, fuel pricing, increased contract pricing, people strategy support, inclusion of supplemental taxes revenue, and an updated reserve strategy.
- Approximately 80% of all services provided by WMS are being executed through external contracts, therefore the budget is subject to inflation volatility.

- Assessment growth for Niagara Region and Area Municipalities has not been finalized; however, estimated assessment growth of 1.5% is included in Appendix 2 to Report CSD 44-2024. The estimate of 1.5% for 2025 results in the net requisition decrease to be approximately 0.6% (0.9% less growth of 1.5%) with an estimated average typical annual residential decrease of \$0.32 per year.
- The net requisition amount has been allocated in accordance with the methodology approved in PWA 55-2011. The impacts by municipality in Appendix 3 to Report CSD 44-2024 are affected by the budget increase, growth in households by municipality and the enhanced services as requested and selected by each Local Area Municipality (LAM).

Financial Considerations

The gross operating expenditures are \$53.0 million, which net of revenues equates to a net requisition of \$45.6 million. This represents approximately \$0.4 million or 0.9% (0.9% for base operating and 0.0% for staffing program changes) increase over the 2024 net requisition as outlined in Appendix 1 to Report CSD 44-2024. A thorough review of operating needs and key contract assumptions has been completed which resulted in a reduction from the 2025 Budget Planning Strategy.

Table 1 – Summary of Proposed WMS Budget (in millions of dollars)

Waste Management 2025 Budget Summary	2024	2025	Increase (%)
Base Operating Expenses Net of Revenues	\$40.6	\$41.3	1.7%
Capital Transfers (Note 1)	4.6	4.6	
Transfers from Reserve for One-Time Costs	-	(0.3)	
Base Net Budget Requisition	\$45.2	\$45.6	0.9%
Program Changes	-	(0.0)	0.0%
Total Net Budget Requisition before Assessment Growth	\$45.2	\$45.6	0.9%
Total Net Budget Requisition after Assessment Growth			(0.6%)

Note 1 – Includes the annual base budget transfers to the Landfill Liability Reserve and the Capital Reserve of \$2.4 million and \$1.8 million, respectively.

A schedule providing the budgeted revenues and expenditures for 2024 and 2025 by type of expenditure is included as Appendix 1 to Report CSD 44-2024.

A contributing factor of the budget increase is inflation of the Consumer Price Index (“CPI”) and diesel fuel prices, both of which are components of the cost escalations of contracts administered by WMS. Another contributing factor to the budget increase relates to tenders awarded for operating contracts where increases have a direct impact on WMS operating budget. Further details are outlined in the Analysis section under Base Budget Increases, Pressures and Mitigations.

Through this budget process, staff updated the reserve strategy (last updated in 2018) considering the 2021 Asset Management Plan and updated capital data available on post closure costs of landfills. In late 2023, accounting standards changed to require the Asset Retirement Obligation (ARO) for the landfills to consider the full contaminating lifespans of the landfills instead of being capped at 40 years. As a result, post closure cost estimates were updated for the full post closure contaminating lifespan instead of a rolling 40 years and assumptions refreshed. Staff updated the financial funding model based on this newly available information with the goal of establishing a consistent annual contribution to reserve that would meet the post closure landfill needs over the landfill’s lifespan. This approach ensures the post closure landfill needs can be met while prioritizing annual stability of taxes to the ratepayers. The updated strategy supports the existing annual contribution of \$2.8 million to the Landfill Liability Reserve and aligns with the Average Annual Renewal Investment (AARI) concept for capital reserve needs.

Analysis

Base Budget Increases, Pressures and Mitigations

The 2025 operating and multi-year budgets are impacted by a number of operational challenges such as the EPR transition ending in 2025 and external factors, such as escalating fuel prices, CPI rates, and contracted services.

Approximately 80% of the operating-related costs are in the form of outsourced costs and are subject to contract escalations and conditions. The remaining operating-related costs are associated with program-related purchases, budgeted repairs and maintenance, utilities, labour related costs, program support, consulting, and other administration costs. Of the budgeted operating-related expenditures, approximately 3.0% are considered discretionary.

The pressures in operations that contribute to the operating increases are:

- \$0.2 million net increase in contract costs for organics processing, drop-off depots, household hazardous waste, and collections
- \$0.2 million increase in Niagara Road 12 landfill operations services due to award of a tendered contract approved by Regional Council through PW 21-2024
- \$0.2 million increase in labour related costs to support the people strategy
- \$0.2 million increase in corporate support costs
- \$0.2 million net increase in consulting costs to prepare for future collection contract
- \$0.2 million increase in leachate processing costs due to internal rate increases

The pressures noted above have been partially offset by favourable variances which are comprised of the following:

- \$0.7 million net reduction due to inclusion of supplemental taxes revenue
- \$0.1 million net increase in user fees

Program Changes

Included in the above base budget details are the program change requests to support staffing resources for service delivery outlined below. The net financial impact of these changes is fully offsetting and does not contribute to any budget increase. Business cases for these changes can be found in Appendix 5 to Report CSD 44-2024.

- Capital Coordinator required to support GIS database, asset management program, project deliverables, operational support for 12 closed and 2 open landfill sites - this represents an increase of 1 permanent full-time equivalent (FTE) funded 50% by capital.
- Waste Exemptions Representative required permanently to address the sharply increasing volume of waste exemptions applications (e.g. diapers, medical) that continue to grow annually – this represents an increase of 0.7 permanent FTE and decrease of 0.7 temporary FTE resulting in no net overall impact.
- Internal Allocations reduction from customer service division as a result of one less staffing resource required in the call center due to lower call volumes with the elimination of the blue/grey box program.

One-Time Expenditures

The 2025 Waste Management Services operating budget includes \$0.3 million for a one-time consulting engagement to conduct household waste composition studies which are essential for obtaining accurate data on the types and quantities of waste (garbage and green bin organics) being generated to enable informed decision-making regarding waste diversion strategies, program improvements, and the development of new initiatives. This will be funded by the Waste Management Stabilization Reserve and therefore has no overall impact on the proposed 2025 Waste Management Services net requisition for this one-time expenditure.

Reserve Strategy and Forecast

For 2025, the budget recommends maintaining the annual base budget transfers to the Landfill Liability Reserve and Capital Reserve in the amount of \$2.8 million and \$1.8 million, respectively. With the change to ARO and the updated Landfill Liability Reserve strategy, this reserve is now funded to align with the AARI over the contaminating lifespan of each landfill. The Capital Reserve remains funded to align with the 2021 Asset Management Plan with a 10-year AARI strategy.

As part of Niagara Region's Reserve and Reserve Funds Policy (C-F-013), minimum and maximum funding targets have been established for reserves. For stabilization reserves, such as the Waste Management Stabilization Reserve, the funding target is 10% to 15% of operating expenditures not including debt repayments. Based on the forecasted balance at the end of 2024 of \$8.9 million, the reserve balance will be deemed to be adequately funded based on 2024 operating expenditures.

Appendix 4 to Report CSD 44-2024 shows the forecasted Waste Management Reserve balances.

2025 Waste Management Requisition

The net requisition amount will be allocated to the LAMs in accordance with the methodology approved in PWA 55-2011. As such, base WMS costs will be apportioned based on the 2023 percentage of residential units in each municipality, with the enhanced collection of services and associated disposal costs to be apportioned to the requesting municipalities.

The year-over-year increase in requisition amount by municipality before assessment growth equates to a range of a 0.3% decrease to a 2.4% increase with an average

increase of 0.9% as outlined in Appendix 2 to CSD 44-2024. The net requisition change by municipality after the 1.5% forecasted assessment growth (as of October 3, 2024) equates to a range of a 1.6% decrease to a 1.4% increase with an average decrease of 0.6% as outlined in Appendix 2 to CSD 44-2024. The range is the result of the difference in household growth between LAMs as well as net assessment growth. The WMS levy is collected as a special levy with the Region establishing the tax rates for each municipality (with the exception of Niagara-on-the-Lake).

Appendix 3 to Report CSD 44-2024 provides the impacts of the WMS requisition for 2025 in comparison to 2024 on a cost per typical residential unit basis by area municipality. The 0.6% decrease on the budget net of assessment growth of 1.5% will impact the average annual residential property from a decrease of \$3.00 to an increase of \$2.85 depending on the municipality (average decrease of \$0.32 per year).

Multi-Year Forecast

2025 will be the second of the two years representing the transition period of the extended producer responsibility (EPR) which ends on December 31, 2025. The multi-year forecast to 2027 reflects this impact along with inflation, contract pressures, people strategy, and updated reserve strategies. The forecast reflects annual increases of 5.2% for 2026 and 2.8% for 2027. There are many assumptions and unknowns included in these forecasts, and staff will re-evaluate the long-term budget and reserve strategies with the budget cycle each year. Reports will be brought forward in Q4 2024 to the Public Works Committee and Council for consideration and deliberation as to whether recycling collection from non-eligible sources should continue following the end of the transition period. Financial impacts of this decision will be considered for the 2026 WMS operating budget as part of the annual budgeting process.

The key assumptions affecting the multi-year forecast are as follows:

- 2026
 - Reduced funding of \$0.6 million from Circular Materials Ontario (“CMO”) due to the end of EPR transition period
 - Increased pressures of \$0.7 million for inflation and fuel prices on the collection contract
 - Increased landfill operations contracted service pressures of \$0.5 million
 - Continued investment in the People Strategy of \$0.3 million

- 2027
 - Increased pressures of \$0.7 million for inflation and fuel prices on the collection contract
 - Continued investment in the People Strategy of \$0.2 million

Risk and Opportunities

The proposed budget, like any other budget, has a number of risk and opportunities. However, due to the EPR transition changes, the risks to post 2025 transition have yet to be estimated in the multi-year and will be based on future Council direction. The most significant risk to 2025 is the inflationary pressure of the collection contract, as well as several other contracts managed by WMS containing annual contract cost adjustments related to fuel prices and CPI. If these factors exceed the forecasted amounts, this could result in variances to the proposed budget. However, the adequately funded stabilization reserve would help address any variances that may occur.

Alternatives Reviewed

None.

Relationship to Council Strategic Priorities

The 2025 Waste Management Services proposed budget aligns with Niagara Region's 2023 – 2026 Council Strategic Priorities supporting an Effective Region, a Green and Resilient Region, and an Equitable Region.

Other Pertinent Reports

PWA 55-2011 Waste Management Services Financing Study
(Please contact the Niagara Region if a copy is required)

[PWC-C 24-2021 – Residential Blue Box Program – Final Producer Responsibility Regulation](#)

(<https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=9aa51b17-536f-4a78-a67f-8d4065f60dd1&Agenda=Agenda&lang=English>)

Confidential PW 37-2023 Recycling Collection from Non-Eligible Sources under Blue V Box Regulation (O.Reg 391/21)

[PW 21-2024 – Niagara Road 12 Landfill Site Operations Contract](#)

(<https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=bb190b0b-08e1-49d3-8ff8-b3c82ae14fe6&Agenda=Merged&lang=English>)

[CSD 29-2024 - 2025 Budget Strategy](#)

(<https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=5ea2c44e-e03a-4ef1-91b8-f5f6a188db45&Agenda=Agenda&lang=English>)

Prepared by:

Melanie Steele, MBA, CPA, CA
Associate Director, Reporting & Analysis
Financial Management & Planning

Recommended by:

Dan Carnegie
Commissioner / Treasurer
Corporate Services

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with Mackenzie Glenney, Program Financial Specialist and Renee Muzzell, Manager, Program Financial Support and reviewed by Beth Brens, Associate Director, Budget Planning & Strategy, Catherine Habermebl, Director, Waste Management Services and Terry Ricketts, Commissioner, Public Works.

Appendices

- Appendix 1 2025 Waste Management Schedule of Revenues and Expenditures by Object of Expenditure
- Appendix 2 Proposed 2025 Requisition by Municipality
- Appendix 3 2025 Waste Management Requisition for Typical Residential Property by Municipality
- Appendix 4 2024 to 2027 Forecasted Waste Management Reserve Balances
- Appendix 5 2025 Waste Management Services Operating Business Cases

2025 Waste Management Schedule of Revenues and Expenditures by Object of Expenditure

Object of Expenditure	2024 WMS Budget Total (\$)	2025 WMS Budget Base (\$)	2025 WMS Budget One Time (\$)	2025 WMS Budget Growth/New Programs (\$)	2025 WMS Budget Total (\$)	Total Variance (\$)	Total Variance (%)	Notes
Labour Related Costs	4,314,865	4,485,849	0	56,130	4,541,979	227,114	5.26%	(1)
Administrative	1,043,566	1,155,895	350,000	0	1,505,895	462,329	44.30%	(2)
Operational & Supply	37,810,488	38,228,895	0	0	38,228,895	418,407	1.11%	(3)
Occupancy & Infrastructure	1,038,272	1,133,800	0	0	1,133,800	95,528	9.20%	
Equipment, Vehicles, Technology	349,731	354,680	0	0	354,680	4,948	1.41%	
Partnership, Rebate, Exemption	238,619	235,263	0	0	235,263	(3,356)	-1.41%	
Financial Expenditures	0	153,692	0	0	153,692	153,692	0.00%	(4)
Transfers To Funds	4,581,105	4,602,930	0	0	4,602,930	21,825	0.48%	
Allocation Between Departments	437,590	485,117	0	(73,927)	411,190	(26,399)	-6.03%	
A_60260AC Allocation Within Departments								
Gross Expenditure Subtotal	49,814,236	50,836,121	350,000	(17,797)	51,168,324	1,354,088	2.72%	
Taxation	(45,167,763)	(46,416,394)	0	26	(46,416,368)	(1,248,605)	2.76%	(4)
By-Law Charges and Sales	(5,366,048)	(5,370,931)	0	0	(5,370,931)	(4,883)	0.09%	
Other Revenue	(1,000,561)	(892,418)	0	0	(892,418)	108,143	-10.81%	
Transfer from Funds	0	0	(350,000)	0	(350,000)	(350,000)	0.00%	(2)
Gross Revenue Subtotal	(51,534,372)	(52,679,743)	(350,000)	26	(53,029,717)	(1,495,344)	2.90%	
Net revenue before indirect allocations	(1,720,137)	(1,843,622)	0	(17,771)	(1,861,393)	(141,256)	8.21%	
Indirect Allocations	1,720,137	1,843,622	0	17,771	1,861,393	141,256	8.21%	
Capital Financing Allocation	0	0				0	#DIV/0!	
Allocation Subtotal	1,720,136	1,843,622				141,256	8.21%	
Net revenue after indirect allocations	0	0	0	0	0	0	0.00%	

FTE - Permanent	34.0	34.0	0.0	1.7	35.7	1.7	(1)
FTE - Temporary	0.7	0.7	0.0	(0.7)	0.0	(0.7)	(1)
FTE - Total	34.7	34.7	0.0	1.0	35.7	1.0	
Student	11.7	11.7	0.0	0.0	11.7	0.0	

(1) Increase is due to base annual increases to support the people strategy and program change requests related to support staffing resources for service delivery (addition of Capital Coordinator funded 50% by capital and Waste Exemption Representative required permanently when previously temporary).

(2) Increase is primarily due to a one-time consulting engagement to conduct household waste composition studies which are essential for obtaining accurate data on types and quantities of waste being generated to enable informed decision-making regarding waste strategies. This one-time cost is fully offset by the increase in Transfer from Funds as it will be funded by the Waste Management Stabilization Reserve. The additional increase is due to consulting studies to prepare for the future collection contract.

(3) Increase is largely driven by increases in contract costs for landfill operations, drop-off depots, household hazardous waste, and collection services as well as increases to internal leachate processing costs.

(4) Increase in Financial Expenditures is due to budgeting for Waste Management's portion of tax write-offs which is fully offset by the budget for Waste Management's portion of supplemental taxes revenue included in Taxation of \$831,653 for a total net requisition reduction of \$677,961. The remaining increase in Taxation of \$416,952 equates to the increase in the total net requisition.

Proposed 2025 Requisition by Municipality

Municipality	2024 Requisition (\$000)	2025 Proposed Requisition (\$000)	2024 vs 2025 Increase/(Decrease) (\$000)	2024 vs 2025 Increase/(Decrease) (%)	Taxable Assessment Growth (%) (Note 1)	Net Increase/(Decrease) (%)
Fort Erie	\$ 3,415	\$ 3,435	\$ 20	0.6%	-1.4%	-0.8%
Grimsby	\$ 2,498	\$ 2,542	\$ 44	1.7%	-0.3%	1.4%
Lincoln	\$ 2,224	\$ 2,238	\$ 14	0.6%	-0.2%	0.4%
Niagara Falls	\$ 8,814	\$ 9,024	\$ 211	2.4%	-1.0%	1.4%
Niagara-on-the-Lake	\$ 1,963	\$ 1,959	\$ (4)	-0.2%	-0.7%	-0.9%
Pelham	\$ 1,589	\$ 1,608	\$ 19	1.2%	-1.1%	0.1%
Port Colborne	\$ 2,194	\$ 2,187	\$ (7)	-0.3%	-1.3%	-1.6%
St. Catharines	\$ 13,423	\$ 13,431	\$ 8	0.1%	-0.9%	-0.8%
Thorold	\$ 2,177	\$ 2,229	\$ 52	2.4%	-3.3%	-0.9%
Wainfleet	\$ 668	\$ 668	\$ (0)	0.0%	-0.1%	-0.1%
Welland	\$ 5,062	\$ 5,121	\$ 59	1.2%	-2.0%	-0.8%
West Lincoln	\$ 1,142	\$ 1,144	\$ 2	0.2%	-0.4%	-0.2%
Total	\$ 45,168	\$ 45,585	\$ 417	0.9%	-1.5%	-0.6%

Note 1 - Total taxable assessment growth percentage of 1.50% represents Niagara estimated growth for 2024 as of October 3, 2024.

Change in Residential Units - 2025 Budget over 2024 Budget

Municipality	Residential Units 2024 Budget	Residential Units 2025 Budget	Increase	Increase (%)
Fort Erie	16,545	16,690	145	0.9%
Grimsby	11,969	12,205	236	2.0%
Lincoln	10,592	10,618	26	0.2%
Niagara Falls	40,200	40,379	179	0.4%
Niagara-on-the-Lake	9,132	9,057	(75)	-0.8%
Pelham	7,535	7,657	122	1.6%
Port Colborne	10,450	10,452	2	0.0%
St. Catharines	62,244	61,639	(605)	-1.0%
Thorold	10,293	10,549	256	2.5%
Wainfleet	3,256	3,269	13	0.4%
Welland	24,645	24,918	273	1.1%
West Lincoln	5,680	5,704	24	0.4%
Total	212,541	213,137	596	0.3%

Source: Municipal Property Assessment Corporation (MPAC)

Estimated 2025 Requisition For Typical Residential Property by Municipality

Municipality	2024 Final CVA (Note 1)	2024 Final WM Tax Rate	2024 Final WM Taxes	2025 Draft CVA (Note 1)	2025 Draft WM Tax Rate (Note 2)	Estimated 2025 WM Taxes	Annual Increase/ (Decrease) (\$)	Annual Increase/ (Decrease) (%)	Net Monthly Increase/ (Decrease) (\$)
Fort Erie	234,434	0.00073584	\$ 172.51	234,434	0.00073023	\$ 171.19	\$ (1.32)	-0.8%	\$ (0.11)
Grimsby	449,251	0.00045422	\$ 204.06	449,251	0.00046057	\$ 206.91	\$ 2.85	1.4%	\$ 0.24
Lincoln	403,747	0.00049480	\$ 199.77	403,747	0.00049658	\$ 200.49	\$ 0.72	0.4%	\$ 0.06
Niagara Falls	283,758	0.00058209	\$ 165.17	283,758	0.00059003	\$ 167.43	\$ 2.25	1.4%	\$ 0.19
Niagara-on-the-Lake (Note 3)									
Pelham	400,278	0.00050702	\$ 202.95	400,278	0.00050763	\$ 203.19	\$ 0.24	0.1%	\$ 0.02
Port Colborne	200,914	0.00095517	\$ 191.91	200,914	0.00094025	\$ 188.91	\$ (3.00)	-1.6%	\$ (0.25)
St. Catharines	273,999	0.00073812	\$ 202.24	273,999	0.00073196	\$ 200.56	\$ (1.69)	-0.8%	\$ (0.14)
Thorold	279,950	0.00063876	\$ 178.82	279,950	0.00063349	\$ 177.35	\$ (1.48)	-0.8%	\$ (0.12)
Wainfleet	318,887	0.00061294	\$ 195.46	318,887	0.00061218	\$ 195.22	\$ (0.24)	-0.1%	\$ (0.02)
Welland	229,501	0.00082338	\$ 188.97	229,501	0.00081686	\$ 187.47	\$ (1.50)	-0.8%	\$ (0.12)
West Lincoln	385,958	0.00049959	\$ 192.82	385,958	0.00049849	\$ 192.40	\$ (0.42)	-0.2%	\$ (0.04)

Notes

Note 1 - 2024 and 2025 average CVA for typical household based on average value from 2024 tax policy study.

Note 2 - 2025 draft WM rates based on 2024 tax policy (except discount factors), 2025 draft requisition amounts and 2024 estimated returned roll assessment values.

Note 3 - NOTL charge to residents based on fixed household amount as calculated by NOTL and therefore not included in this analysis.

Forecasted Waste Management Reserve Balances
(in thousands of dollars)

Waste Management Stabilization Reserve	2024	2025	2026	2027
Opening Balance	\$ 7,562	\$ 8,910	\$ 8,738	\$ 8,913
Interest Allocation	189	178	175	178
Forecasted Year-End Surplus Transfe	1,159	-	-	-
One-Time Costs Funded from Reserve (Note 1)	-	(350)	-	-
Closing Balance (Note 2)	\$ 8,910	\$ 8,738	\$ 8,913	\$ 9,092

Funding Targets (Note 3)

Minimum Funding Target	\$ 4,690	\$ 4,837	\$ 4,996	\$ 5,146
Maximum Funding Target	\$ 7,035	\$ 7,256	\$ 7,494	\$ 7,719

Waste Management Capital Reserve	2024	2025	2026	2027
Opening Balance	\$ 24,577	\$ 24,911	\$ 25,659	\$ 27,040
Interest Allocation	439	498	513	541
Base Operating Budget Transfer to Reserve	1,779	1,779	1,779	1,779
Capital Budget Transfer from Reserve (Note 4)	(1,883)	(1,530)	(911)	(8,012)
Closing Balance	\$ 24,911	\$ 25,659	\$ 27,040	\$ 21,348

Funding Target

Adequately funded in alignment with 2021 Asset Management Plan

Landfill Liability Reserve	2024	2025	2026	2027
Opening Balance	\$ 5,398	\$ 3,908	\$ 5,370	\$ 8,302
Interest Allocation	108	78	107	166
Base Operating Budget Transfer to Reserve	2,802	2,824	2,824	2,824
Capital Budget Transfer from Reserve (Note 4)	(4,400)	(1,440)	-	(800)
Closing Balance	\$ 3,908	\$ 5,370	\$ 8,302	\$ 10,492

Funding Target

Adequately funded in Alignment with Average Annual Renewal Investment over the contaminating lifespan of each landfill

Note 1 - 2025 one-time consulting engagement to conduct household waste composition studies which are essential for obtaining accurate data on the types and quantities of waste being generated to enable informed decision-making regarding waste diversion strategies, program improvements, and the development of new initiatives.

Note 2 - 2024 forecasted balance will be impacted by any surplus/deficit relating to 2024 operations. Any surplus/(deficit) will be recommended to be transferred to/(from) the Waste Management Stabilization Reserve as part of the 2024 Year End Results and Transfer Report to be presented to Corporate Services Committee in Q1 2025.

Note 3 - As per Niagara Region's Reserve and Reserve Funds Policy (C-F-013), the funding target for the Waste Management Stabilization Reserve is 10% to 15% of operating expenditures not including debt repayments.

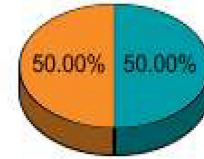
Note 4 - Budgeted transfer from reserve represents transfers out of the Waste Management Capital Reserve in order to fund capital projects.

BC003 - Growth / New Programs - Waste Exemptions Representative

CSD 44 2024
Appendix 5

FTE Scenario Temp To Perm
Department Waste Management Services
Committee Report #
Case Start Date 1/1/25

Effective Region Equitable Region
Green Resilient Region Prosperous Region



Alignment to Council Strategic Priorities

This business case supports Council's 'Equitable Region' and 'Effective Region' strategic priorities by ensuring the Region is inclusive and free of discrimination to those residents requiring collection of additional garbage based on reasonable eligibility criteria; and ensuring that delivered services reflect the needs of residents in an effective manner.

Description

A temporary part-time (0.7 FTE) Waste Exemptions Representative ("WER") for a two-year contract period ending March, 2025, is currently in place. Reporting to the Waste Management Collection & Diversion Program Manager, this role is responsible for supporting the Waste Management Services division with the administration, operating, processing and maintenance of the Region's waste exemption programs. This includes processing requests and renewals for the collection contract including diaper exemptions; medical waste exemptions; daycare exemptions; group home medical waste exemptions and set-out service exemptions. Further, the WER also maintains the garbage tag program for residents and Niagara Region's retail partners.

Business Reasons

Waste Exemptions:

The demand for waste exemptions which are subject to specific eligibility criteria has substantially increased with the start of every-other-week garbage collection in Oct. 2020.

Prior to the curbside service level changes in 2020, the processing and renewal of waste exemptions were handled by multiple staff over the work-from-home COVID-19 period. As a result of a sharp increase in the volume of applications received after the service level changes, a temporary part time role was approved to handle the workload.

In 2019 and 2020, 1,054 and 4,462 waste exemption applications were processed and/or renewed respectively, which represents a 323% increase in workload. The waste exemption program covers various forms of bag limit exemptions and currently includes over 250 special set out service exemptions.

The number of waste exemption applications received has continued to increase. Between Jan. and Apr. 2024, 1,838 applications have been processed and waste exemption applications and renewals are expected to exceed 5,500 by year end which represents a 423% increase from 2019.

Risk Assessment Description: Priority

The various forms of waste exemption and sale of garbage tags are Council approved initiatives and something that eligible/qualified households with the region have become accustomed to, therefore this dedicated role for processing waste exemptions will continue to be a necessity.

The increased volume of work related to waste exemption processing and renewal, and garbage tag sales has increased significantly since 2019. Exemption services have become increasingly important to Niagara region residents. A reduction in the operational and administrative need to support this work is not expected thus supporting the need for the current temporary part-time position to become a permanent part-time position.

Without a dedicated role to perform this work, the related activities will need to be added to other staff's existing duties. Processing backlogs will arise adversely impacting current level of service and difficulties in managing overall workload which can lead to difficulties for staff in completing their primary duties, a back log of overdue work and will adversely impact team morale. Further, it will result in a loss of the routine maintenance and upkeep of these programs, leading to complaints from the public, or the potential for the illegal dumping of the material.

BC003 - Growth / New Programs - Waste Exemptions Representative

CSD 44 2024
Appendix 5

Financial and Staffing Impacts

Category of Expenditure	2025	2026	2027
Labour Related Costs	-	-	-
Administrative	-	-	-
Operational & Supply	-	-	-
Occupancy & Infrastructure	-	-	-
Equipment	-	-	-
Partnership, Rebate & Exemption	-	-	-
Community Assistance	-	-	-
Financial Expenditures	-	-	-
Transfer To Reserve	-	-	-
Gross Expenditure	-	-	-
Other Revenue	-	-	-
Federal & Provincial Grants	-	-	-
By-Law Charges & Sales	-	-	-
Transfers From Reserves	-	-	-
Gross Revenue	-	-	-
Net Tax Levy Impact	-	-	-
Permanent FTEs	1	-	-
Temporary FTEs	(1)	-	-
Net FTEs	-	-	-

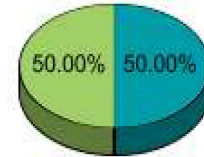
Prepared By: Lucy McGovern
Position: Program Manager, Waste Collection & Diversion

Reviewed By: Andrea Wheaton
Position: Program Financial Specialist

Approved By: Terry Ricketts
Position: Commissioner, Public Works

FTE Scenario New FTE
Department Waste Management Services
Committee Report #
Case Start Date 1/1/25

Effective Region Equitable Region
Green Resilient Region Prosperous Region



Alignment to Council Strategic Priorities

This business case supports Council's strategic priorities of being an 'Effective Region' and 'Green Resilient and Region' by ensuring that the Region strives and implements continuous improvement to Waste Management services and programs. Additionally, it ensures that Waste Management infrastructure is in a good state of repair to maintain resilience to the impacts of climate change, meets customer requirements and remains in complies with relevant regulations.

Description

Reporting to the Waste Management Project Manager, the Project Coordinator ("Coordinator") will be responsible for assisting in various day-to-day activities associated with managing capital projects and supporting waste disposal operations. The Coordinator's time will be evenly divided between capital projects and operations and will include the following responsibilities and tasks:

- Maintenance of the GIS asset management database.
- Assist with budgeting, financial processes and other documentation.
- Coordination of project schedule and managing resources to execute project deliverables.
- Responsible for project financial and administrative support, and project specific communication and collaboration.
- Contract Management – supporting Operations to enhance oversight and ensure contractual obligations are met e.g. administration of operating contract database.
- Due Diligence – coordinate due diligence items such as SOPs and Workplace Health and Safety (H&S) management systems.
- Administration of Waste Disposal Operations Workplace Health and Safety Program. Leads operational health and safety initiatives.
- Develops, implements, maintains and updates Standard Operating Procedures (SOPs) as required.
- Manages Tier 3 projects throughout the lifecycle: including initiation, planning, Environmental Assessment, design, construction, commissioning, and close-out.

The Project Coordinator role would be allocated 50% to capital projects and 50% to the operating budget.

Business Reasons

The business reasons for Project Coordinator are as follows:

- Capacity
- GIS/Technology – since 2023 the Waste Management Division has been required to implement and maintain a robust GIS system to track assets; current staff have limited capacity to manage the GIS database, which would be a critical function of the Coordinator.
- Asset Management Office (AMO) – the introduction of a comprehensive corporate asset management program in 2019 / 2020 has significantly added to the workload of the Project Manager. It is estimated that the Project Manager will be required to dedicate approximately 200–250 hours annually (15% of their overall annual work hours) to complete related asset management work. There are on-going long-term deliverables that the Coordinator position would support.
- Projects – Waste Management has one dedicated Project Manager that manages the majority of capital projects, especially projects of a greater complexity and/or value. In 2025, the Project Manager will have 19 active projects that are a mix of tier 2 and 3 projects. As per the Region's Project Management Toolkit, there should be 2 project managers for the number and tier currently being completed by the Project Manager. The addition of the Coordinator will assist the Project Manager to ensure that projects are completed within set timelines and required specifications.
- Site Customers – the number of customers visiting the Region's Residential Drop-off Depots and landfills has increased from 259,000 in 2020 to 324,000 in 2023. The Operations team requires support to assist with the ever-increasing use of the facilities.

Risk Assessment Description: Priority

The potential risks of not having a full-time Project Coordinator include:

- Annual Capital Program – the ability to effectively and efficiently complete the capital program may be compromised
 - o Currently limited to one Project Manager undertaking capital projects which potentially impacts the ability to react to urgent or emergency situations e.g. high voltage line repair
 - o No contingency within capital program e.g. in 2024 hired third party assistance to provide support for an on-going capital project due to workload
- Compliance – potentially lead to issues with both contractual and regulatory compliance
 - o E.g. ensuring corporate H&S policies and regulatory requirements are being met, conduct inspections / monitoring of contracted staff, etc.
- Schedule / Staff Support – project schedules may not be met e.g. capital projects, AMO deliverables, support and workload challenges, etc.
- Capacity – managing the GIS database would be impacted since there is limited capacity within the current Disposal team
 - o There is a developed GIS database however staff resources are required to maintain the database in order to manage assets, provide related deliverables to the AMO and assist with future capital planning
- Lowered Customer Service – inefficiencies and quality issues may result in delays and reduced service quality, negatively impacting customer satisfaction
 - o E.g. will support a good state of repair of sites that the public uses e.g. drop-off depots, naturalization sites

BC004 - Growth / New Programs - Waste Management Capital Coordinator

Financial and Staffing Impacts

CSD 44 2024
Appendix 5

Category of Expenditure	2025	2026	2027
Labour Related Costs	56,130	59,549	62,455
Administrative	-	-	-
Operational & Supply	-	-	-
Occupancy & Infrastructure	-	-	-
Equipment	-	-	-
Partnership, Rebate & Exemption	-	-	-
Community Assistance	-	-	-
Financial Expenditures	-	-	-
Transfer To Reserve	-	-	-
Gross Expenditure	56,130	59,549	62,455
Other Revenue	-	-	-
Federal & Provincial Grants	-	-	-
By-Law Charges & Sales	-	-	-
Transfers From Reserves	-	-	-
Gross Revenue	-	-	-
Net Tax Levy Impact	56,130	59,549	62,455
Permanent FTEs	1	1	1
Temporary FTEs	-	-	-
Net FTEs	1	1	1

Prepared By: Emil Prpic
Position: Associate Director, Waste Disposal Operations & Engineering

Reviewed By: Mackenzie Glenney
Position: Program Financial Specialist

Approved By: Terry Ricketts
Position: Commissioner, Public Works

Date: 26 August 2024
Time: 10:00a.m. – 11:30a.m.
Location: Council Chambers – Meeting Room

Attendance: Wayne Olson, Ward One Councillor
Mike Jones, Committee Member
Ryan Taylor, Committee Member
Sydney Van Leeuwen, Administrative Assistant
Gimuel Ledesma, Engineering Technologist
Jason Marr, Director of Public Works
Lindsay Richardson, Policy Planner
Samantha Witkowski, Environmental Coordinator
Mike Hoch, Committee Member
Natalie Seniuk, Committee Member

Regrets: Jackie Oblak, Committee Chair
Jordan Wilton, Committee Member

1. Call to Order and Declaration of Quorum

Noting that quorum was present, Vice Chair Mike Jones called the meeting to order at approximately 10:03 a.m.

2. Land Recognition Statement

Vice Chair Mike Jones recited the land recognition statement.

3. Approval of Agenda

Moved by: Mike Hoch
Seconded by: Ryan Taylor

BE IT RESOLVED THAT the agenda for the August 26, 2024, regular meeting of the Environmental and Climate Adaption Advisory Committee be adopted.

Carried

4. Approval of the July 22, 2024, Minutes

Moved by: Natalie Seniuk

Seconded by: Ryan Taylor

BE IT RESOLVED THAT the Minutes for the July 22, 2024, regular meeting of the Environmental and Climate Adaption Advisory Committee be approved.

Carried

5. Declarations of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

6. Welcome and Committee Member Introductions to New Member Jordan Wilton

Agenda item to be moved to the September 30, 2024, meeting.

7. ECAAC Budget

The ECAAC does not have a budget for 2024. Jason mentioned that he will bring this into the 2025 budget, with funds becoming available in January 2025.

Motion: To have Jason Marr bring forward a \$2500 budget ask during the 2025 Budget Discussions.

Mover: Natalie Seniuk

Secunder: Ryan Taylor

Carried

8. National Forestry Week Updates – Mike Jones

Mike Jones spoke to the significant tree project. PATH has a project that they host on their Facebook page where participants can submit an image of a significant tree on their property.

Mike Jones communicated with the committee that he would like to see the definition previously stated last meeting posted on the Town of Pelham website, and potentially host a similar project in future.

The committee asked staff if they have the ability to locate the significant trees residents identify and then are able to generate a map of all Pelham's significant trees. If so, the committee's end goal would be for this project to create a map and enhance community engagement and awareness of the Town's significant trees.

Jason Marr mentioned to the committee that there would have to be an investigation and research process to establishing a project like this prior to launching.

Committee members would like to see this as an approach to potentially creating a tree by-law.

Samantha mentioned that the Town of Lincoln has a project similar, and they have an active challenge going on for new trees.

Action: Samantha to speak at a future meeting regarding the process and methods the Town of Lincoln is using to run their tree project and how something similar might be able to be done in Pelham.

Committee members would like the Town to announce something during National Tree Week (September 23-26, 2024) and mention that there is a tree initiative on its way.

PATH plans to host a challenge on their Facebook page as a trial during National Forest Week, Mike Jones will report back about how well it went.

Motion: For Town staff to speak with the Communications, Legal, and IT departments on creating something similar to the Town of Lincoln challenge/project for establishing significant trees.

Mover: Ryan Taylor

Seconder: Natalie Seniuk

Carried

Motion: Advance of the Town, Mike Jones will submit a statement to the Town by email that he will submit to PATH followers on National Forest Week regarding a partnership for Significant Trees with the Town.

Mover: Ryan Taylor

Seconder: Natalie Seniuk

Carried

National Tree Day (September 25, 2024) – PATH will be leaving on the Woodstream Park at 4:00pm and they will be leaving on a walk that will be about 30 minutes. The walk will include discussing various trees along the way.

9. Action Items Updates from Committee & Staff

Committee members discussed some previously mentioned action items. There was limited discussion as there were two committee members unable to attending. This item will move to the September 30th, 2024, meeting for further discussion.

Action: Staff to discuss with the Clerks Department about a dropbox option for the committee.

10. Upcoming Items

Niagara Regional Transit Update from Councillor Olson - \$3.50 fee for all transit rides regardless of the type of transit that is being requested. Councillor Olson also mentioned that there are several new electric

vehicles in the upcoming budget. More information to follow from the upcoming meeting.

11. Adjournment


Moved by: Ryan Taylor

Seconded by: Natalie Seniuk

THAT this Regular Meeting of the Environmental and Climate Adaption Advisory Committee be adjourned at 10:42 a.m.

Next meeting is scheduled for Monday, September 30, 2024.

Carried



Chair, Jackie Oblak



Administrative Assistant, Sydney Van Leeuwen

Date: 25 September 2024
Time: 4:00pm to 5:30pm
Location: Meridian Community Centre – 100 Meridian Way –
Kinsmen Room

Attendance:

Brian Baty (Committee Chair)
Lori Lehne (Committee Member)
Frank Adamson (Committee Member)
Patrick O’Hara (Committee Member)
Thom Hounsell (Committee Member)
Diana Huson (Regional Councillor)
Jason Marr (Director, Public Works)
Brian Eckhardt (Councillor Ward Two)
Nicholas Palomba (Engineering Technologist, Public Works)
Erin McCormick (Administrative Assistant, Public Works)

Regrets: Adam Carter (Committee Member)

1. Call to Order and Declaration of Quorum

Chair Baty called the meeting to order at 4:01 pm

2. Land Recognition Statement

Chair Baty recited the land recognition statement.

3. Approval of Agenda

Moved by: Lori Lehne

Seconded by: Frank Adamson

BE IT RESOLVED THAT the agenda for the September 25, 2024, regular meeting of the Pelham Active Transportation Committee be adopted.

Carried

4. Declaration of Pecuniary Interest and General Nature

There were no pecuniary interests disclosed by any of the members present.

5. Approval of Minutes

BE IT RESOLVED THAT the minutes of the August 28, 2024, Pelham Active Transportation Committee be amended to strike the word "stolen" and be approved as revised.

Moved by: Thom Hounsell

Seconded by: Frank Adamson

Carried

6. Regular Business

6.1. Fonthill Spurline Rail Trail Project – Frank Adamson

Frank Adamson met with Tom Rankin to discuss the Spurline Rail Trail project. Rankin Construction will assess the trail and provide a cost estimate. They will also explore alternative paving methods to reduce expenses. Tom Rankin is expected to provide pricing within the next couple of weeks.

Frank was also informed about a potential Federal Tourism Grant offering \$250,000 in funding per project. Although it may be too late for this cycle, he believes the grant will be available again in the future.

Frank has been exploring funding sources, including the Trillium Foundation, Rotary Clubs, and the Branscombe Foundation. He proposed a funding model where each municipality contributes 20% of the overall costs, supplemented by grants from the Trillium Foundation, Rotary Clubs, and potential federal funding.

He suggested that the Rotary Club could manage the project, including tendering and oversight, with support from the municipalities.

Frank also noted a possible challenge with a Hydro transformer located in the middle of the trail east of Cataract Road but believes it can be worked around.

Jason Marr recommended the Committee attend the Open House on October 2, 2024, to present prioritized projects for the Capital Budget.

Motion: The Committee will send a delegate to the Open House to present its prioritized projects, including the Spurline Rail Trail.

Mover: Lori Lehne

Secunder: Thom Hounsell

Carried

6.2. PATC Banners – Discussion

The Committee will table this discussion until Adam Carter is able to attend.

6.3. Bicycle Signage- Summersides Boulevard

Frank Adamson suggested putting a "Do Not Pass" cyclists sign on both ends of the road, or alternatively allowing for cycling on sidewalks.

The Committee discussed adding both sharrows or signs, or both, as the pathway is too narrow for both cars and cyclists.

There was general discussion regarding using a "shared pathway" sign or making the sidewalk dual-purpose. It was determined that adding a sign would be the quickest and most

effective solution, but the Committee would eventually like to see both signs and sharrows added.

Jason Marr did not believe it would be improbable to add signage but will check with Ryan.

Motion: To have Public Works look into adding signs and sharrows to Summersides Boulevard.

Mover: Frank Adamson

Seconded: Patrick O'Hara

Carried

6.4. Bicycle Loop Signage

Agenda item was moved to next Committee Meeting

7. Other Business

7.1. Upcoming Agenda Items – Committee Discussion

Chair Brian Baty initiated a discussion regarding the application deadline for the Bicycle Friendly Communities Application through the Share the Road Coalition. The deadline is October 11, 2024. He suggested researching other communities with high ratings and proposed setting a goal of submitting the application by October 2025.

Brian also raised the idea of purchasing bike lights through the Share the Road Coalition. The lights are sold in packages of 250, priced at \$5.00 per light. He asked the Committee to consider purchasing 250 bicycle lights. The Committee agreed that this would be a good initiative to promote bicycle safety. There was further discussion about distributing the lights to migrant workers who ride at night without proper lighting.

Motion: To ask the Chair Brian Baty to get the lights and information to the Committee for the next meeting.

Mover: Patrick O'Hara

Seconded: Lori Lehne

Carried

Action: Frank Adamson will collect information on the number of migrant workers and bring his findings to the next meeting

Nicholas Palomba was asked to report on Bike Repair Stations – where are these being installed are they to be installed at the MCC & TH.

He listed the locations as: Centennial Park, Harold Black Park, North Pelham Park, and the Steve Bauer Trail parking lot off Port Robinson Road. There will also be one installed at MCC, along with a bike locker.

Chair Brian Baty inquired of Jason Marr about how Emergency Medical Services (EMS) would locate an injured person on the Steve Bauer Trail.

Jason Marr noted that there is an app available to assist in locating individuals.

Thom Hounsell suggested the possibility of adding "mile markers" along the trail, while Patrick O'Hara added that EMS can also locate injured individuals using cellphone GPS.

Action: Jason Marr will investigate and speak on mile markers and the app next meeting.

Chair Brian Baty inquired about the status of the proposal to lower the speed limit on the regional section of Effingham Road between Webber and River Road.

Jason Marr read the findings from the Region and informed the Committee that the proposal is on the agenda for the next Council meeting on October 2, 2024. They will consider lowering the speed limit to 70 kilometers per hour, but not to 60 kilometers per hour.

7.2. Next meeting is scheduled for October 23, 2024

8. Adjournment

Moved: Frank Adamson

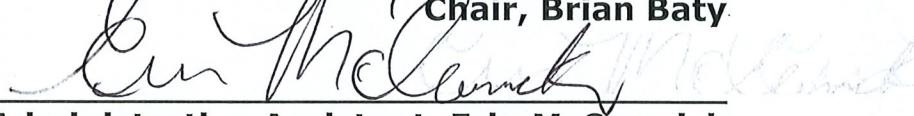
Seconded: Lori Lehne

THAT this Regular Meeting of the Pelham Active Transportation Committee be adjourned at 5:27 p.m.

Carried

Handwritten signature of Brian Baty in black ink.

Chair, Brian Baty

Handwritten signature of Erin McCormick in black ink.

Administrative Assistant, Erin McCormick

Subject: Regulation of Cannabis Odour in the Town of Pelham

Recommendation:

BE IT RESOLVED THAT Council receive Report #2024-0241 Regular of Cannabis Odour in the Town of Pelham, for information;

AND THAT Council determine its preferred approach to odour regulation in the Town of Pelham;

AND THAT Council approve, in principle, the proposed Odour Management By-law that corresponds to its preferred approach, being option _____;

AND THAT Council provide direction to staff on the administrative penalty amounts proposed for contraventions of the proposed Odour Management By-law;

AND THAT Council direct that the selected version of the proposed Odour Management By-law be presented to Council for consideration at the next regular meeting of Council.

Background:

In March 2020, Council passed the Odorous Industries Nuisance By-law (OINBL), which regulates odour produced by cannabis facilities and other heavy odour operations in the Town of Pelham. Staff and Council have received negative feedback from the community about the effectiveness of the OINBL. In August 2024, Council directed staff to undertake a comprehensive review of current odour thresholds in the OINBL and to investigate and report on the following related matters:

- Examine existing odour testing data
- Provide recommendations for revised odour limits that align more closely with community expectations while respecting industry standards
- Consult an odour expert for professional insights and recommendations on odour thresholds
- Investigate odour detection enforcement technologies to ensure Nasal Ranger is sufficient
- Maintain existing by-law, but provide analysis of potential odour threshold reduction options
- Review administrative penalties for odour emission and propose progressive penalty options

Staff have extensively investigated these matters and have consulted with odour expert Phil Girard. This report sets out the information gathered by staff and provides analysis and recommendations as requested by Council.

Analysis:

i. Review of Existing Test Data

The Town has been recording cannabis odour complaints since 2019 and conducting and recording cannabis odour readings with the Nasal Ranger device since 2021.

Complaints are submitted through an online system that is available 24 hours per day. By-law staff process and respond to complaints during business hours, which typically includes Nasal Ranger testing in the complaint area. By-law staff also conduct random Nasal Ranger testing almost daily from Monday to Friday at Redecan (182 Foss Road) and Thunder Spirit Ventures (1396 Balfour Street). Recently, By-law staff have also been testing odour at 1809 Underground (1760 Effingham Street). This is a new facility that is understood to have previously grown only cannabis seedlings that were shipped out before maturity; however, the business is now growing full-sized plants. The Town received a first odour complaint regarding this property in April 2024 and has been conducting odour readings with the Nasal Ranger since that time. In all cases, By-law staff test at the property line of the respective facility and record Nasal Ranger readings. In addition, during both complaint investigations and random testing, By-law staff note whether cannabis odour is detected in the ambient air.

Complaint and test data from January 2019 to July 2024 can be summarized as follows:

	2019	2020	2021	2022	2023	2024
Complaints	91	79	63	17	96	54
Nasal Ranger Detection	N/A	N/A	1	0	0	0
Ambient Air Detection	N/A	N/A	2	1	0	0
Random Tests	N/A	60	387	449	331	170
Nasal Ranger Detection	N/A	2	11	5	9	7
Ambient Air Detection	N/A	10	40	65	21	29

The OINBL provides odour strength thresholds in *odour units*, which is defined in part as the number of dilutions required to meet the detection threshold. The dilutions referred to here pertain to an odour measurement method known as *dilution-to-threshold (D/T)*. The Nasal Ranger allows the user to select a dilution ratio and when odour is detected, this is the D/T. The preset dilution ratios on the Nasal Ranger are 3, 5, 7, 15, 30 and 60. When the D/T is reached, the user adds a factor of 1 to arrive at the number of *odour units*.

The OINBL currently provides that odour strength measured at a facility property line must never exceed 6 *odour units*. A D/T reading of 5 on the Nasal Ranger constitutes 6 *odour units*. The chart above shows that the Nasal Ranger has detected odour in a small number of tests from 2021 to 2024. In all cases, however, the D/T was 3 or 5, which corresponds to 4 or 6 *odour units*. As the OINBL requires odour to exceed 6 *odour units*, there has never been a cannabis-related contravention.

This in a nutshell is the core of the problem: residents have experienced relatively strong odour issues, leading to the filing complaints, which in turn has led to testing. With the current OINBL requirements, none of the odour incidents which underlie the complaints have been significant enough to trip the *odour unit* threshold. Therefore, there have been multiple occasions where the OINBL has been inadequate to meet community expectations.

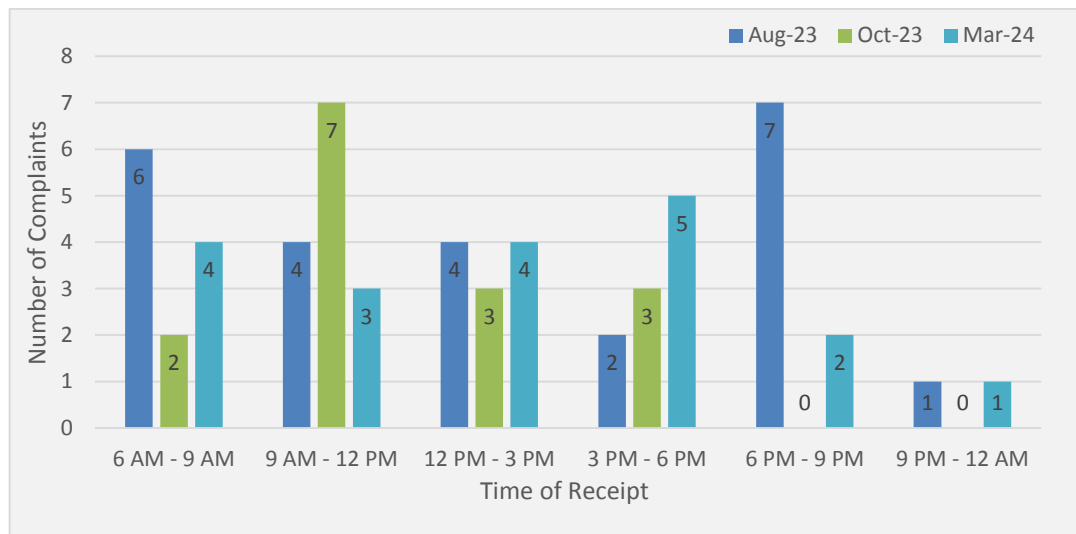
Staff have prepared a summary of monthly complaints, random test results with Nasal Ranger data, and ambient air detection data, from January 2019 to July 2024, which is attached as Appendix A to this report.

Staff have also reviewed individual complaint records for complaints received in August 2023, October 2023 and March 2024, which are the last three months with the highest complaint volume. The purpose of this review was to identify the number of complaints received from non-residents of the Town and to determine if there are peak hours for complaint frequency.

The breakdown of resident and non-resident complaints is as follows:

Month	Total Complaints	Number of Complainants	Resident Complaints	Non-Resident Complaints
August 2023	24	12	18	6
October 2023	15	10	13	2
March 2024	19	8	8	11

Complaint receipt times are as follows:



Complaints are generally made during the day and most are received during the regular operating hours of the By-law department.

ii. Recommendations for Revised Odour Limits

Cannabis cultivation is considered an agricultural use in Ontario. The *Farming and Food Production Protection Act, 1998* protects agricultural owners and operators from liability for nuisance disturbances resulting from normal farm practices and prohibits municipal by-laws from restricting them. The purpose of the legislation is to balance the needs of agriculture with health, safety and environmental concerns.

Normal farm practice is defined as a practice “conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances” or that “makes use of innovative technology in a manner consistent with proper advanced farm management practices”. Provided that a cannabis facility utilizes normal farm practices as defined in the statute, odour production is protected by the *Farming and Food Production Protection Act, 1998*.

The federal *Cannabis Regulations* require cannabis producers to equip buildings with a system to prevent odours escaping their facilities. There are no federal odour control requirements for outdoor production. Complaints can be made to Health Canada, but there is a general lack of enforcement at the federal level. In addition, Health Canada recently published guidance noting that although air filtration systems help limit odour intensity and how often it is noticed, there may still be cannabis odours from indoor production.

As discussed above, the Nasal Ranger uses D/Ts to quantify odour strength. The OINBL threshold of more than 6 *odour units* requires a D/T greater than 5. This is consistent with Canadian and American case law indicating that a D/T of less than 7 would not generally constitute an objectionable odour.

Staff recognize that residents impacted by cannabis odour would prefer a significant reduction of the odour threshold in the OINBL. However, given the statutory protections afforded to normal farm practices, the Health Canada guidance effectively acknowledging that cannabis odour cannot be prevented, and the case law, staff are unable to support a substantial reduction of the current threshold. However, staff do recommend that the threshold be described using D/Ts instead of *odour units* and that it be set at a preset dilution ratio on the Nasal Ranger rather than being required to exceed it. This would simplify testing and enforcement of odour complaints. In addition, case law indicates that odour units are not sufficiently reliable to be used as a compliance measure.

An alternative approach to odour regulation is to prohibit nuisance odours without using a specific odour threshold. For example, the Town of Leamington has a cannabis-specific by-law that requires producers to eliminate the migration of odour that is “*persistent or continuous and is likely to interfere with the ordinary enjoyment of other property in the vicinity*”. Similarly, the Town of Lincoln nuisance by-law prohibits the emission of odours that are likely to disperse to other properties and “*is of such emission that it causes a nuisance to a reasonable person*”. Cannabis producers in California must ensure that odours “*cannot be detected by a reasonable person of normal sensitivity*”. This is similar to the approach taken in the Noise Control By-law of the Town (By-law No. 4454(2022)), which defines *Clearly Audible* to include noise that is “*easily perceptible, without undue effort, to a disinterested person with no hearing disability*”.

To assist Council in determining its preferred approach to odour regulation, staff have prepared two draft by-laws for consideration. The draft by-law attached as Appendix B to this report relies on an odour threshold for enforcement purposes. The draft by-law attached as Appendix C to this report does not incorporate an odour threshold.

iii. Consultation with Odour Expert

Staff asked Phil Girard of PG Compliance Management Inc. to provide:

1. professional insights and recommendations on appropriate odour levels; and
2. information on odour detection enforcement technologies to ensure that the Nasal Ranger is adequate for the Town.

Mr. Girard prepared a confidential report in September 2024. He noted that Council and staff have expressed concern about legal enforceability of lower odour limits. Mr. Girard reviewed some case law in this area, which is referred to above, and opined that *"odour measurements and odour units as a compliance metric should be removed from the by-law and instead adopt a complaint based, adverse effect compliance approach"*. Mr. Girard made the following specific recommendations for the revised OINBL:

1. eliminate all references to dilution to threshold, odour unit measurements, and odour unit and impact frequency as compliance metrics
2. abandon odour measurements as an enforcement tool
3. eliminate references and requirements to conduct ambient odour monitoring programs monitored by the facility or otherwise
4. include revised and/or new definitions for odour unit, substantiated complaint, sensitive land uses, substantiated complaint trigger, contingency odour management plan
5. emphasize obligations of cannabis operations to comply with federal legislation
6. impose "non-detect" odour standards at all sensitive land uses
7. impose odour complaint recording and reporting to the Town
8. impose odour mitigation planning obligations and implementation timelines on the odorous facilities if the substantiated complaint trigger is met
9. impose continuous improvement odour mitigation if complaints persist

Many of these recommendations are incorporated into the proposed by-law attached as Appendix C to this report.

Mr. Girard further recommended that complaints be investigated while the odour event is occurring and proposed that the Town retain a trained and calibrated odour assessor to respond to complaints 24/7. Staff do not support this recommendation due to cost and because most complaints are received during the ordinary operating hours of the by-law department as noted above.

Mr. Girard noted that due to successful legal challenges against the use of odour units in British Columbia, it would seem prudent for the Town to adopt a different approach. He recommended the Town “*abandon the use of odour units as a compliance measurement and enforcement tool*” and instead adopt a “*community complaint based/adverse effect compliance process*”.

Mr. Girard recommended that the OINBL incorporate compliance tools from the Minutes of Settlement in the Redcan appeal such as odour emission reporting, odour abatement planning, and abatement implementation. Mr. Girard opined that proving adverse effect need not be difficult and stated:

“Adverse impact is established by the courts and based on my understanding the testimony of residents/complainants holds much weight. If the recommendations put forth are adopted by the Town, residents should be informed and encouraged to report odour impacts and hopefully be willing to testify should the need arise.”

Staff concur that the testimony of witnesses impacted by odour would be persuasive to a court. However, the Town generally prefers to enforce it by-laws via the administrative penalty system, which is much faster and more efficient than proceeding with charges. The administrative penalty system does not typically involve witness evidence and the hearing officer does not have jurisdiction to make a factual finding of adverse impact. These are important considerations in evaluating this proposed compliance approach.

With respect to odour measurement technology, Mr. Girard identified several equipment categories: laboratory olfactometers, field olfactometers that mimic laboratory devices by testing bottled air, field olfactometers that blend odorous and filtered air (the Nasal Ranger is of this type), and chemical sensors known as electronic noses.

Mr. Girard described the Nasal Ranger as being very portable, quick and easy to use. He noted that it measures D/Ts, which is not the same as odour units. He noted that some field olfactometers, like the Scentroid SM100, measure in odour units. Mr. Girard stated that the Scentroid SM100 tests bottled air and requires more training to operate than the Nasal Ranger. Mr. Girard did not recommend laboratory olfactometers or electronic noses for the Town. He concluded that the Nasal Ranger is a sufficiently reliable tool for the Town if odour measurements remain part of the OINBL.

iv. Odour Detection Enforcement Technologies

Based on Mr. Girard’s recommendations for suitable odour measurement technologies, staff obtained a quotation for the Scentroid SM100. The total quotation was \$12,658, which includes the following items:

- Scentroid SM100 Ultra-Portable Olfactometer
- On-Site Analysis Package
- N-Butanol Sensitivity Kit
- 3 User Masks

Training, maintenance and replacement costs would be in addition to the purchase cost.

v. Options for Progressive Administrative Penalty Options

The OINBL was amended by By-law No. 4263(2020) to bring it into the administrative penalty system. The amending by-law provides for an administrative penalty of \$250 for each day on which a contravention of the OINBL occurs or continues.

Section 434.1 of the *Municipal Act, 2001* provides that the amount of an administrative penalty cannot be punitive in nature and cannot exceed what is reasonably required to promote compliance with the by-law to which it relates. There is no prohibition against escalating penalties for successive by-law contraventions.

There is no case law or other guidance to establish what constitutes a punitive penalty amount. Consequently, staff have reviewed administrative penalty amounts imposed by the Town and other municipalities in Niagara Region for contraventions of a noise or nuisance by-law, which are the most analogous to odour by-laws. Not all municipalities use the administrative system for non-parking by-laws or set out their penalty amounts online. However, the available information can be summarized as follows:

Municipality	By-law Type	Escalating?	Low End	High End
Pelham	Noise By-law	Yes	\$250	\$750
		1 st contravention	\$250	\$250
		2 nd contravention	\$500	\$500
		3 rd contravention	\$750	\$750
Pelham	Nuisance By-law	Yes	\$250	\$1000
		1 st contravention	\$250	\$250
		2 nd contravention	\$500	\$500
		3 rd contravention	\$1000	\$1000
Fort Erie	Noise and Nuisance By-law	Yes	\$250	\$700
		1 st contravention	\$250	\$500
		2 nd contravention	\$350	\$600
		3 rd contravention	\$450	\$700
Port Colborne	Noise By-law	Yes	\$168	\$1340
		1 st contravention	\$168	\$335
		2 nd contravention	\$336	\$670
		3 rd contravention	\$672	\$1340
Thorold	Public Nuisance By-law	No	\$150	\$500
Wainfleet	Public Nuisance By-law	No	\$300	\$300
West Lincoln	Noise By-law	No	\$250	\$250

The administrative penalties imposed by the Town for contraventions of the nuisance by-law are generally comparable to those in other municipalities. Staff are of the view that imposing similar amounts for odour by-law contraventions is appropriate. Council may also wish to consider different penalty amounts for different by-law provisions, perhaps based on the overall frequency of contravention and/or the impact of same.

Should Council wish to impose a single administrative penalty scale for any odour-related by-law contravention, staff recommend the following:

Contravention	Amount
1 st contravention	\$250 for each day on which contravention occurs or continues
2 nd contravention	\$500 for each day on which contravention occurs or continues
3 rd contravention	\$1000 for each day on which contravention occurs or continues

Should Council wish to modify administrative penalty amounts according to frequency of contravention or severity of impact, staff recommend the following:

Frequency or Severity of Contravention	Contravention	Amount
Minor	1 st contravention	\$250 for each day on which contravention occurs or continues
	2 nd contravention	\$500 for each day on which contravention occurs or continues
	3 rd contravention	\$1000 for each day on which contravention occurs or continues
Moderate	1 st contravention	\$315 for each day on which contravention occurs or continues
	2 nd contravention	\$625 for each day on which contravention occurs or continues
	3 rd contravention	\$1250 for each day on which contravention occurs or continues
Major	1 st contravention	\$400 for each day on which contravention occurs or continues
	2 nd contravention	\$750 for each day on which contravention occurs or continues
	3 rd contravention	\$1500 for each day on which contravention occurs or continues

Staff support the use of a single administrative penalty scale for ease of administration but recognize that different penalty amounts may be effective to promote compliance with sections that are frequently contravened.

Financial Considerations:

Financial impacts associated with odour regulation will vary depending on the preferred approach selected by Council but may include costs to implement and enforce the odour management by-law and potential legal costs if the by-law is challenged.

Alternatives Reviewed:

The following alternatives are presented for consideration:

- Odour Regulation Options:
 - Odour threshold measured in odour units
 - Odour threshold measured in dilutions to threshold (D/T)
 - Odour threshold set at preset dilution ration for Nasal Ranger
 - No odour threshold
- Compliance Tool Options:
 - Odour assessor
 - Witness testimony
 - Nasal Ranger
 - Scentroid SM100
- Administrative Penalty Options:
 - Non-escalating penalty amount for all contraventions
 - Escalating penalty amounts consistent for all contraventions
 - Escalating penalty amounts based on frequency/severity of contravention
- Proposed By-law Options:
 - Approve proposed By-law Option 1 (Appendix B)
 - Approve proposed By-law Option 2 (Appendix C)
 - Refer proposed by-law(s) back to staff for revision

Strategic Plan Relationship: Community Development and Growth

Cannabis odour regulation is of substantial importance to the community.

Consultation:

The Senior Leadership Team and staff from the planning and by-law departments were consulted on and/or contributed to the preparation of this report.

Other Pertinent Reports/Attachments:

Appendix A – Complaint Summary

Appendix B – By-law Option 1

Appendix C – By-law Option 2

Prepared and Recommended by:

Jennifer Stirton, BSc(Hons), LL.B.
Town Solicitor

Approved and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

**Summary of Complaints and Random Test Results with Nasal Ranger Data:
January 2019 to July 2024**

	2019	2020	2021	2022	2023	2024
January						
Complaints	2	3	3	0	0	6
Nasal Ranger Detection	N/A	N/A	0	0	0	0
Ambient Air Detection	N/A	N/A	0	0	0	0
Random Tests	N/A	N/A	46	59	52	25
Nasal Ranger Detection	N/A	N/A	2	0	1	1
Ambient Air Detection	N/A	N/A	4	4	1	3
February						
Complaints	8	3	12	4	0	8
Nasal Ranger Detection	N/A	N/A	1	0	0	0
Ambient Air Detection	N/A	N/A	2	0	0	0
Random Tests	N/A	N/A	30	45	45	22
Nasal Ranger Detection	N/A	N/A	2	0	1	0
Ambient Air Detection	N/A	N/A	1	6	1	5
March						
Complaints	7	2	16	5	0	19
Nasal Ranger Detection	N/A	N/A	0	0	0	0
Ambient Air Detection	N/A	N/A	0	1	0	0
Random Tests	N/A	N/A	41	60	69	18
Nasal Ranger Detection	N/A	N/A	3	2	1	1
Ambient Air Detection	N/A	N/A	8	10	2	2
April						
Complaints	9	3	10	2	0	5
Nasal Ranger Detection	N/A	N/A	0	0	0	0
Ambient Air Detection	N/A	N/A	0	0	0	0
Random Tests	N/A	N/A	12	48	28	19
Nasal Ranger Detection	N/A	N/A	0	1	0	0
Ambient Air Detection	N/A	N/A	1	3	1	3

	2019	2020	2021	2022	2023	2024
May						
Complaints	8	4	2	3	1	6
Nasal Ranger Detection	N/A	N/A	0	0	0	0
Ambient Air Detection	N/A	N/A	0	0	0	0
Random Tests	N/A	N/A	11	42	16	40
Nasal Ranger Detection	N/A	N/A	0	1	1	1
Ambient Air Detection	N/A	N/A	0	7	1	10
June						
Complaints	9	2	5	0	15	5
Nasal Ranger Detection	N/A	N/A	0	0	0	0
Ambient Air Detection	N/A	N/A	0	0	0	0
Random Tests	N/A	N/A	3	31	17	23
Nasal Ranger Detection	N/A	N/A	0	0	0	2
Ambient Air Detection	N/A	N/A	1	5	0	3
July						
Complaints	4	2	2	2	12	5
Nasal Ranger Detection	N/A	N/A	0	0	0	0
Ambient Air Detection	N/A	N/A	0	0	0	0
Random Tests	N/A	N/A	8	33	13	23
Nasal Ranger Detection	N/A	N/A	1	1	3	2
Ambient Air Detection	N/A	N/A	3	8	2	3
August						
Complaints	6	6	4	1	24	-
Nasal Ranger Detection	N/A	N/A	0	0	0	-
Ambient Air Detection	N/A	N/A	0	0	0	-
Random Tests	N/A	N/A	20	49	22	-
Nasal Ranger Detection	N/A	N/A	1	0	1	-
Ambient Air Detection	N/A	N/A	1	5	1	-
September						
Complaints	21	23	3	0	9	-
Nasal Ranger Detection	N/A	N/A	0	0	0	-
Ambient Air Detection	N/A	N/A	0	0	0	-
Random Tests	N/A	10	39	28	23	-
Nasal Ranger Detection	N/A	0	0	0	0	-
Ambient Air Detection	N/A	0	9	3	1	-

	2019	2020	2021	2022	2023	2024
October						
Complaints	8	8	1	0	15	-
Nasal Ranger Detection	N/A	N/A	0	0	0	-
Ambient Air Detection	N/A	N/A	0	0	0	-
Random Tests	N/A	15	63	10	22	-
Nasal Ranger Detection	N/A	0	1	0	0	-
Ambient Air Detection	N/A	0	2	1	4	-
November						
Complaints	4	10	1	0	10	-
Nasal Ranger Detection	N/A	N/A	0	0	0	-
Ambient Air Detection	N/A	N/A	0	0	0	-
Random Tests	N/A	26	62	24	24	-
Nasal Ranger Detection	N/A	1	0	0	1	-
Ambient Air Detection	N/A	7	6	7	2	-
December						
Complaints	5	13	4	0	10	-
Nasal Ranger Detection	N/A	N/A	0	0	0	-
Ambient Air Detection	N/A	N/A	0	0	0	-
Random Tests	N/A	9	52	20	23	-
Nasal Ranger Detection	N/A	1	1	0	0	-
Ambient Air Detection	N/A	3	4	6	5	-
	2019	2020	2021	2022	2023	2024
Yearly Totals						
Complaints	91	79	63	17	96	54
Nasal Ranger Detection	N/A	N/A	1	0	0	0
Ambient Air Detection	N/A	N/A	2	1	0	0
Random Tests	N/A	60	387	449	331	170
Nasal Ranger Detection	N/A	2	11	5	9	7
Ambient Air Detection	N/A	10	40	65	21	29



The Corporation of the Town of Pelham

By-law No. XX-2024

Being a By-law to regulate odour in the Town of Pelham and repeal By-law No. 4202(2020).

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act, 2001*” or “the statute”) provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

AND WHEREAS section 11 of the *Municipal Act, 2001* provides that a lower-tier municipality has the authority to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property;

AND WHEREAS section 128 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to public nuisances;

AND WHEREAS section 129 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to odour;

AND WHEREAS sections 425 and 429 of the *Municipal Act, 2001* authorize a municipality to create offences for the contravention of its by-laws and to establish a system of fines for offences under its by-laws;

AND WHEREAS section 434.1 of the *Municipal Act, 2001* authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws;

AND WHEREAS section 436 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law, direction or order of the municipality;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides that where a municipality is satisfied that a by-law contravention has occurred, it may make an order requiring the person who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS section 447.1 of the *Municipal Act, 2001* provides that upon application of a municipality, the Superior Court of Justice may make an order requiring the closure of premises where activities thereon constitute a public nuisance that has a detrimental impact on nearby properties and the owners or occupants of the premises knew or ought to have known of the activities and did not take adequate steps to eliminate the public nuisance;

AND WHEREAS odours emitted by commercial and industrial operations in the Town may, without regulation, cause an adverse effect or constitute a public nuisance;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary and desirable to regulate with respect to management of odours emitted by industrial operations and to enact this By-law for that purpose;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. Purpose

- 1.1. The purpose of this By-law is to regulate odour emitted by various commercial and industrial operations in the Town of Pelham in order to mitigate odour impacts and promote the well-being of the Town and its inhabitants.

2. Definitions

2.1. In this By-law:

“Administrative Penalty” means an Administrative Penalty issued pursuant to Town of Pelham Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, as amended from time to time.

“Adverse Effect” means one or more of the following:

- i. impairment of the quality of the natural environment for any use that can be made of it;
- ii. injury or damage to property or plant or animal life;
- iii. harm or material discomfort to any Person;
- iv. an adverse effect on the health of any Person;
- v. impairment of the safety of any Person;
- vi. rendering any property or plant or animal life unfit for human use;
- vii. loss of enjoyment of normal use of property; and
- viii. interference with the normal conduct of business.

“Agricultural Operation” means an agricultural operation as defined in the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. C.1.

“Applicable Law” means all applicable by-laws of the Town and Niagara Region and all applicable provincial and federal statutes and regulations.

“By-law Enforcement Officer” means a by-law enforcement officer of the Town and includes the Director.

“Cannabis Operation” means a commercial or industrial operation that is engaged in activities authorized under the federal *Cannabis Regulations*, SOR/2018-144.

“Council” means the Council of the Town.

“Dilution-to-Threshold” or “D/T” means an odour measurement method in which an odour sample is diluted with odourless air in a series of decreasing dilutions until the odour detection threshold is reached.

“Enforcement Authority” means a By-law Enforcement Officer and any Person appointed or otherwise delegated the authority to administer and enforce this By-law.

“Fees and Charges By-law” means Town of Pelham By-law No. 4411 (2022), as updated or amended from time to time.

“Industrial Hemp Operation” means a commercial or industrial operation that is engaged in activities authorized under the federal *Industrial Hemp Regulations*, SOR/2018-145.

“Niagara Region” means the Regional Municipality of Niagara.

“Objectionable Odour” means odour emitted by an Odorous Facility that is detectable at the Property line of the Odorous Facility, disperses or is likely to disperse to one or more other Properties, and is of such strength that it causes a nuisance to a reasonable person of normal sensitivity.

“Odorous Facility” means any land, building or structure used to carry on a commercial or industrial operation, other than an Agricultural Operation, from which odour is produced or emitted. Odorous Facilities may include but are not limited to Cannabis Operations, Industrial Hemp Operations, landfills, slaughterhouses, and rendering operations.

“Odour Management Protocol” means a combination of methods, practices, equipment and technologies designed for the purpose of eliminating the emission and emanation of Objectionable Odour or odour that causes an Adverse Effect.

“Operator” means a Person that owns or operates an Odorous Facility.

“Order” means an Order issued to a Person under this By-law.

“Owner” means the registered owner of Property.

“Person” means an individual, corporation, partnership or association.

“Private Property” means Property Owned by a Person other than the Town, Niagara Region, the Province of Ontario or Canada.

“Public Property” means Property under the ownership or jurisdiction of the Town, Niagara Region, the Province of Ontario or Canada.

“Sensitive Land Use” means a school, daycare, playground, sporting venue, park, recreational area, residence, place of worship, community centre or any other place where people regularly gather or sleep.

“Substantiated Complaint” means a complaint received by the Town or an Enforcement Authority about odour produced or emitted by an Odorous Facility in relation to which the Enforcement Authority confirms that the Odorous Facility is the source of the odour and is satisfied that the odour constitutes Objectionable Odour or odour that causes or is likely to cause an Adverse Effect.

“Town” means the Corporation of the Town of Pelham or the geographic area of the municipality, as the context requires.

“Zoning By-law” means Town of Pelham Comprehensive Zoning By-law No. 4481(2022), as enacted and amended from time to time.

3. General Prohibition

3.1. No Person shall establish or operate an Odorous Facility except in accordance with this By-law and all Applicable Law.

4. Location and Authorization

- 4.1. No Person shall establish or operate an Odorous Facility except as permitted under the Zoning By-law.
- 4.2. Without limiting the generality of section 4.1, no Person shall establish or operate an Odorous Facility except in a zone designated for such use under the Zoning By-law or in accordance with a Zoning By-law amendment approved by Council.
- 4.3. No Cannabis Operation engaged in activities that involve the growing and harvesting of cannabis outdoors shall be established or operated within three hundred (300) metres of a Sensitive Land Use.
- 4.4. No Industrial Hemp Operation engaged in activities that involve the growing and harvesting of hemp outdoors shall be established or operated within three hundred (300) metres of a Sensitive Land Use.
- 4.5. No Person shall establish or operate an Odorous Facility in the Town without first obtaining any and all licenses, registrations, permissions and/or authorizations required by all Applicable Law.
- 4.6. An Odorous Facility shall produce for inspection any and all licences, registrations, permissions and/or authorizations at the request of the Town or an Enforcement Authority.
- 4.7. The Operator of an Odorous Facility shall maintain in good standing all required licenses, registrations, permissions and authorizations and shall update or renew them as required by all Applicable Law.
- 4.8. The Operator of an Odorous Facility shall promptly notify the Town of any changes or proposed changes to any of its licenses, registrations, permissions or authorizations, including changes or proposed changes initiated by the Operator and/or imposed by any level of government, government agency, regulatory authority, court, or tribunal.
- 4.9. The Operator of an Odorous Facility shall promptly notify the Town of any lapses or incidents of non-compliance with any of its licenses, registrations, permissions or authorizations and the action required or taken by the Odorous Facility to remedy the lapse or non-compliance.
- 4.10. An Odorous Facility shall operate in accordance with the conditions of all required licences, registrations, permissions and/or authorizations and any other requirements of any level of government, government agency, or regulatory authority.

5. Odour Management Protocol

- 5.1. An Odorous Facility shall develop, implement and operate with an Odour Management Protocol.
- 5.2. The Operator of an Odorous Facility shall ensure that the Odour Management Protocol is consistent with any relevant standards, guidelines and/or best practices.
- 5.3. An Odorous Facility shall produce for inspection any documentation pertaining to or maintained under the Odour Management Protocol at the request of the Town or an Enforcement Authority.

6. Cannabis Operations and Industrial Hemp Operations

- 6.1. Without limiting the generality of section 5, the Odour Management Protocol for all Cannabis Operations or Industrial Hemp Operations shall include:
 - (a) equipping all buildings where cannabis is produced with a system that filters air to prevent the escape of odours associated with cannabis plant material to the outdoors as required by the federal *Cannabis Regulations* SOR/2018-144;
 - (b) documenting odour complaints received by the Odorous Facility and reporting all such complaints to the Town within twenty-four (24) hours of receipt; and
 - (c) maintaining a complaint log that details the time of complaint, the location of the complainant if known, wind direction, and any abnormal operating conditions existing at the time of complaint.
- 6.2. A Cannabis Operation or Industrial Hemp Operation shall produce for inspection the documentation described in paragraphs 6.1(b) and 6.1(c) at the request of the Town or an Enforcement Authority.

7. Prohibited Odour Levels

- 7.1. No Person shall cause or permit an Odorous Facility to produce or emit Objectionable Odour.
- 7.2. Without limiting the generality of section 7.1, odour measured at the Property line of an Odorous Facility with a strength of 5 D/T or higher shall be deemed to be Objectionable Odour.
- 7.3. No Person shall cause or permit an Odorous Facility to produce or emit odour that causes or is likely to cause an Adverse Effect.
- 7.4. Without limiting the generality of section 7.3, odour measured at the Property line of an Odorous Facility with a strength of 7 D/T or higher shall be deemed to be odour that causes or is likely to cause an Adverse Effect.

8. Additional Odour Mitigation Measures

- 8.1. Where there are five (5) Substantiated Complaints about an Odorous Facility within a period of ninety (90) calendar days, the Town shall provide written notice to the Odorous Facility of the Substantiated Complaints and that the Odorous Facility is required to comply with the additional odour mitigation measures prescribed in this section.

- 8.2. Within ten (10) calendar days of a notice given under section 8.1, the Odorous Facility shall, at no cost and to the full satisfaction of the Town, provide:
- (a) a baseline source summary table consisting of:
 - i. a listing of all odour emission sources in operation at the Odorous Facility, including emission sources identification numbers;
 - ii. odour emission rates if available;
 - iii. exhaust parameters (flow rate, dimensions, release height above grade, etc.); and
 - (b) site plans consisting of:
 - i. PDF and electronic copies (AutoCAD) of floor plans;
 - ii. site and elevation drawings showing Property lines, building locations, building identifications, and building heights; and
 - iii. drawings showing odour emission sources with identification numbers that match the source summary table.
- 8.3. Within ninety (90) calendar days of a notice given under section 8.1, the Odorous Facility shall, at no cost and to the full satisfaction of the Town, provide:
- (a) a contingency odour management plan prepared, signed and stamped by a licensed engineering practitioner with experience in air dispersion modelling versions adopted by the Ministry of the Environment, Conservation and Parks ("MECP");
 - (b) a baseline source summary table that includes odour emission rates from each odour source before abatement;
 - (c) a baseline emission summary table showing the aggregate maximum off-Property odour impact before abatement;
 - (d) baseline Atmospheric Dispersion Modelling Files (electronic copy) showing predicted odour impacts before abatement with a radius of at least five (5) kilometres from the Odorous Facility, which shall use at least five (5) years of site-specific meteorological data or MECP regional data if site-specific data cannot be secured in a timely manner, and MECP terrain data;
 - (e) baseline odour concentration maps showing the location of the Odorous Facility, Sensitive Uses in the surrounding area, and the odour concentration lines (isopleths) before additional odour abatement is in place;
 - (f) an abated source summary table consisting of:
 - i. a listing of all odour emission sources in operation at the Odorous Facility, including emission sources identification numbers;
 - ii. odour emission rates;
 - iii. exhaust parameters (flow rate, dimensions, release height above grade, etc.);
 - (g) an abated emission summary table showing the aggregate maximum off-Property odour impact with the proposed abatement in place;

- (h) abated Atmospheric Dispersion Modelling Files (electronic copy) showing the predicted abated odour impacts with a radius of at least five (5) kilometres from the Odorous Facility;
- (i) odour concentration maps showing the location of the Odorous Facility, Sensitive Uses in the surrounding area, and the odour concentration lines (isopleths) before and after the odour abatement is in place; and
- (j) a Sensitive Use odour concentration frequency analysis setting out the before and after odour abatement odour impact in five (5) locations with the highest odour impact over the five (5) year modelling period described herein; and
- (k) if the Odorous Facility is a Cannabis Operation or an Industrial Hemp Operation, particulars of how the Odorous Facility will comply with the odour mitigation requirements of the federal *Cannabis Regulations*, SOR/2018-144, including but not limited to implementation timelines.

9. Enforcement

- 9.1. This By-law shall be administered and enforced by the Town and Enforcement Authorities.
- 9.2. An Enforcement Authority may, for the purpose of enforcing this By-law, exercise any power, authority or remedy granted to the Town pursuant to the *Municipal Act, 2001* or the *Provincial Offences Act*, R.S.O. 1990, c. P.33 ("*Provincial Offences Act*").
- 9.3. An Enforcement Authority may, at all reasonable times, enter upon and inspect any Property to determine if this By-law or any Order made hereunder is being complied with.
- 9.4. For the purposes of an inspection under section 9.3, an Enforcement Authority may require the production for inspection of documents or things relevant to the inspection, remove documents or things for the purpose of making copies or extracts, require information from any Person concerning a matter related to the inspection, and/or make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 9.5. An Enforcement Authority who is satisfied that a contravention of this By-law has occurred may make an Order requiring the Person who contravened the By-law, the Person who caused or permitted the contravention to occur, and/or the Owner of the Property where the contravention occurred to discontinue the contravening activity.
- 9.6. No Person shall obstruct or hinder, or attempt to obstruct or hinder, any Enforcement Authority in the exercise of a power or the performance of a duty under this By-law.

10. Penalty

- 10.1. Every Person who contravenes any provision of this By-law or an Order made hereunder is guilty of an offence and upon conviction is liable to such penalties as are provided for in the *Municipal Act, 2001* and the *Provincial Offences Act*.

10.2. Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each Administrative Penalty issued pursuant to this By-law.

10.3. Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an Administrative Penalty in accordance with that By-law.

11. General

11.1. The short title of this By-law is the "Odour Management By-law".

11.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.

11.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.

11.4. This By-law shall be read with all changes in number or gender as are required by context.

11.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.

11.6. The Town Clerk is hereby authorized to effect any minor modifications or corrections of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

12. Repeal and Enactment

12.1. By-law No. 4202(2020) is hereby repealed and replaced.

13. Effective Date

13.1. This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this XXst day of XXXX, 20XX.

Marvin Junkin, Mayor

Sarah Leach, Town Clerk



The Corporation of the Town of Pelham

By-law No. XX-2024

Being a By-law to regulate odour in the Town of Pelham and repeal By-law No. 4202(2020).

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act, 2001*” or “the statute”) provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

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AND WHEREAS section 128 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to public nuisances;

AND WHEREAS section 129 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to odour;

AND WHEREAS sections 425 and 429 of the *Municipal Act, 2001* authorize a municipality to create offences for the contravention of its by-laws and to establish a system of fines for offences under its by-laws;

AND WHEREAS section 434.1 of the *Municipal Act, 2001* authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws;

AND WHEREAS section 436 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law, direction or order of the municipality;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides that where a municipality is satisfied that a by-law contravention has occurred, it may make an order requiring the person who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS section 447.1 of the *Municipal Act, 2001* provides that upon application of a municipality, the Superior Court of Justice may make an order requiring the closure of premises where activities thereon constitute a public nuisance that has a detrimental impact on nearby properties and the owners or occupants of the premises knew or ought to have known of the activities and did not take adequate steps to eliminate the public nuisance;

AND WHEREAS odours emitted by commercial and industrial operations in the Town may, without regulation, cause an adverse effect or constitute a public nuisance;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary and desirable to regulate with respect to management of odours emitted by industrial operations and to enact this By-law for that purpose;

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1. Purpose

- 1.1. The purpose of this By-law is to regulate odour emitted by various commercial and industrial operations in the Town of Pelham in order to mitigate odour impacts and promote the well-being of the Town and its inhabitants.

2. Definitions

2.1. In this By-law:

“Administrative Penalty” means an Administrative Penalty issued pursuant to Town of Pelham Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, as amended from time to time.

“Adverse Effect” means one or more of the following:

- i. impairment of the quality of the natural environment for any use that can be made of it;
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“Niagara Region” means the Regional Municipality of Niagara.

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“Odorous Facility” means any land, building or structure used to carry on a commercial or industrial operation, other than an Agricultural Operation, from which odour is produced or emitted. Odorous Facilities may include but are not limited to Cannabis Operations, Industrial Hemp Operations, landfills, slaughterhouses, and rendering operations.

“Odour Management Protocol” means a combination of methods, practices, equipment and technologies designed for the purpose of eliminating the emission and emanation of Objectionable Odour or odour that causes an Adverse Effect.

“Operator” means a Person that owns or operates an Odorous Facility.

“Order” means an Order issued to a Person under this By-law.

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“Substantiated Complaint” means a complaint received by the Town or an Enforcement Authority about odour produced or emitted by an Odorous Facility in relation to which the Enforcement Authority confirms that the Odorous Facility is the source of the odour and is satisfied that the odour constitutes Objectionable Odour or odour that causes or is likely to cause an Adverse Effect.

“Town” means the Corporation of the Town of Pelham or the geographic area of the municipality, as the context requires.

“Zoning By-law” means Town of Pelham Comprehensive Zoning By-law No. 4481(2022), as enacted and amended from time to time.

3. General Prohibition

- 3.1. No Person shall establish or operate an Odorous Facility except in accordance with this By-law and all Applicable Law.

4. Location and Authorization

- 4.1. No Person shall establish or operate an Odorous Facility except as permitted under the Zoning By-law.
- 4.2. Without limiting the generality of section 4.1, no Person shall establish or operate an Odorous Facility except in a zone designated for such use under the Zoning By-law or in accordance with a Zoning By-law amendment approved by Council.
- 4.3. No Cannabis Operation engaged in activities that involve the growing and harvesting of cannabis outdoors shall be established or operated within three hundred (300) metres of a Sensitive Land Use.
- 4.4. No Industrial Hemp Operation engaged in activities that involve the growing and harvesting of hemp outdoors shall be established or operated within three hundred (300) metres of a Sensitive Land Use.
- 4.5. No Person shall establish or operate an Odorous Facility in the Town without first obtaining any and all licenses, registrations, permissions and/or authorizations required by all Applicable Law.
- 4.6. An Odorous Facility shall produce for inspection any and all licences, registrations, permissions and/or authorizations at the request of the Town or an Enforcement Authority.
- 4.7. The Operator of an Odorous Facility shall maintain in good standing all required licenses, registrations, permissions and authorizations and shall update or renew them as required by all Applicable Law.
- 4.8. The Operator of an Odorous Facility shall promptly notify the Town of any changes or proposed changes to any of its licenses, registrations, permissions or authorizations, including changes or proposed changes initiated by the Operator and/or imposed by any level of government, government agency, regulatory authority, court, or tribunal.
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5. Odour Management Protocol

- 5.1. An Odorous Facility shall develop, implement and operate with an Odour Management Protocol.

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- 5.3. An Odorous Facility shall produce for inspection any documentation pertaining to or maintained under the Odour Management Protocol at the request of the Town or an Enforcement Authority.

6. Cannabis Operations and Industrial Hemp Operations

- 6.1. Without limiting the generality of section 5, the Odour Management Protocol for all Cannabis Operations or Industrial Hemp Operations shall include:
 - (a) equipping all buildings where cannabis is produced with a system that filters air to prevent the escape of odours associated with cannabis plant material to the outdoors as required by the federal *Cannabis Regulations* SOR/2018-144;
 - (b) documenting odour complaints received by the Odorous Facility and reporting all such complaints to the Town within twenty-four (24) hours of receipt; and
 - (c) maintaining a complaint log that details the time of complaint, the location of the complainant if known, wind direction, and any abnormal operating conditions existing at the time of complaint.
- 6.2. A Cannabis Operation or Industrial Hemp Operation shall produce for inspection the documentation described in paragraphs 6.1(b) and 6.1(c) at the request of the Town or an Enforcement Authority.

7. Prohibited Odour Levels

- 7.1. No Person shall cause or permit an Odorous Facility to produce or emit Objectionable Odour.
- 7.2. No Person shall cause or permit an Odorous Facility to produce or emit odour that causes or is likely to cause an Adverse Effect.

8. Additional Odour Mitigation Measures

- 8.1. Where there are five (5) Substantiated Complaints about an Odorous Facility within a period of ninety (90) calendar days, the Town shall provide written notice to the Odorous Facility of the Substantiated Complaints and that the Odorous Facility is required to comply with the additional odour mitigation measures prescribed in this section.
- 8.2. Within ten (10) calendar days of a notice given under section 8.1, the Odorous Facility shall, at no cost and to the full satisfaction of the Town, provide:
 - (a) a baseline source summary table consisting of:
 - i. a listing of all odour emission sources in operation at the Odorous Facility, including emission sources identification numbers;
 - ii. odour emission rates if available;
 - iii. exhaust parameters (flow rate, dimensions, release height above grade, etc.); and

- (b) site plans consisting of:
 - i. PDF and electronic copies (AutoCAD) of floor plans;
 - ii. site and elevation drawings showing Property lines, building locations, building identifications, and building heights; and
 - iii. drawings showing odour emission sources with identification numbers that match the source summary table.
- 8.3. Within ninety (90) calendar days of a notice given under section 8.1, the Odorous Facility shall, at no cost and to the full satisfaction of the Town, provide:
- (a) a contingency odour management plan prepared, signed and stamped by a licensed engineering practitioner with experience in air dispersion modelling versions adopted by the Ministry of the Environment, Conservation and Parks ("MECP");
 - (b) a baseline source summary table that includes odour emission rates from each odour source before abatement;
 - (c) a baseline emission summary table showing the aggregate maximum off-Property odour impact before abatement;
 - (d) baseline Atmospheric Dispersion Modelling Files (electronic copy) showing predicted odour impacts before abatement with a radius of at least five (5) kilometres from the Odorous Facility, which shall use at least five (5) years of site-specific meteorological data or MECP regional data if site-specific data cannot be secured in a timely manner, and MECP terrain data;
 - (e) baseline odour concentration maps showing the location of the Odorous Facility, Sensitive Uses in the surrounding area, and the odour concentration lines (isopleths) before additional odour abatement is in place;
 - (f) an abated source summary table consisting of:
 - i. a listing of all odour emission sources in operation at the Odorous Facility, including emission sources identification numbers;
 - ii. odour emission rates;
 - iii. exhaust parameters (flow rate, dimensions, release height above grade, etc.);
 - (g) an abated emission summary table showing the aggregate maximum off-Property odour impact with the proposed abatement in place;
 - (h) abated Atmospheric Dispersion Modelling Files (electronic copy) showing the predicted abated odour impacts with a radius of at least five (5) kilometres from the Odorous Facility;
 - (i) odour concentration maps showing the location of the Odorous Facility, Sensitive Uses in the surrounding area, and the odour concentration lines (isopleths) before and after the odour abatement is in place; and
 - (j) a Sensitive Use odour concentration frequency analysis setting out the before and after odour abatement odour impact in five (5) locations with the highest odour impact over the five (5) year modelling period described herein; and

- (k) if the Odorous Facility is a Cannabis Operation or an Industrial Hemp Operation, particulars of how the Odorous Facility will comply with the odour mitigation requirements of the federal *Cannabis Regulations*, SOR/2018-144, including but not limited to implementation timelines.

9. Enforcement

- 9.1. This By-law shall be administered and enforced by the Town and Enforcement Authorities.
- 9.2. An Enforcement Authority may, for the purpose of enforcing this By-law, exercise any power, authority or remedy granted to the Town pursuant to the *Municipal Act, 2001* or the *Provincial Offences Act*, R.S.O. 1990, c. P.33 ("*Provincial Offences Act*").
- 9.3. An Enforcement Authority may, at all reasonable times, enter upon and inspect any Property to determine if this By-law or any Order made hereunder is being complied with.
- 9.4. For the purposes of an inspection under section 9.3, an Enforcement Authority may require the production for inspection of documents or things relevant to the inspection, remove documents or things for the purpose of making copies or extracts, require information from any Person concerning a matter related to the inspection, and/or make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 9.5. An Enforcement Authority who is satisfied that a contravention of this By-law has occurred may make an Order requiring the Person who contravened the By-law, the Person who caused or permitted the contravention to occur, and/or the Owner of the Property where the contravention occurred to discontinue the contravening activity.
- 9.6. No Person shall obstruct or hinder, or attempt to obstruct or hinder, any Enforcement Authority in the exercise of a power or the performance of a duty under this By-law.

10. Penalty

- 10.1. Every Person who contravenes any provision of this By-law or an Order made hereunder is guilty of an offence and upon conviction is liable to such penalties as are provided for in the *Municipal Act, 2001* and the *Provincial Offences Act*.
- 10.2. Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each Administrative Penalty issued pursuant to this By-law.
- 10.3. Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an Administrative Penalty in accordance with that By-law.

11. General

- 11.1. The short title of this By-law is the "Odour Management By-law".

- 11.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.
- 11.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.
- 11.4. This By-law shall be read with all changes in number or gender as are required by context.
- 11.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.
- 11.6. The Town Clerk is hereby authorized to effect any minor modifications or corrections of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

12. Repeal and Enactment

- 12.1. By-law No. 4202(2020) is hereby repealed and replaced.

13. Effective Date

- 13.1. This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this XXst day of XXXX, 20XX.

Marvin Junkin, Mayor

Sarah Leach, Town Clerk

Subject: Updated Council Correspondence Policy S201-19

Recommendation:

BE IT RESOLVED THAT Council receive Report #2024-0209 Updated Council Correspondence Policy S201-19, for information;

AND THAT Council approve the revisions to the Council Correspondence Policy S201-19, as appended.

Background:

The Council Correspondence Policy S201-19 was last presented to Council for review on April 15, 2019, with approval granted on May 6, 2019. This policy is designed to establish a clear and transparent procedure for managing correspondence directed to Council.

Analysis:

Given its nature, the Council Correspondence Policy requires continuous review and updates, as it is significantly impacted by advancements in technology, the need for greater efficiency and the emphasis on privacy. For instance, the pandemic led to a rapid adoption of new technology, influencing how the public, municipalities, and Council interact with each other.

At a high level, the revised policy includes additional content to document processes that were previously unrecorded, thereby increasing transparency in how the Clerk's office manages incoming correspondence.

Recently, there has been a noticeable increase in concerns regarding privacy. The Clerk's office has received numerous requests to retroactively amend agendas by redacting information, such as names and addresses, from correspondence or applications that were lawfully released. The updated policy now explicitly clarifies when information will be disclosed, and which elements will be redacted. This ensures correspondents are fully informed, and that staff consistently apply the policy.

A significant change to the policy is the recognition of technology in the petition process. Following the pandemic, the Clerk's Office began receiving petitions

through platforms like Change.org. Since electronic petitions were not previously permitted in the policy, the Clerk's Office developed a temporary workaround to accommodate them in a limited capacity. The policy revisions in Section 10 now officially recognize the legitimacy of electronic petitions while ensuring the privacy of individuals who sign these documents electronically.

While not procedurally outlined in Section 7, Council currently receives the Council Correspondence Listing (CCL) electronically via email. The Clerk's department is proposing an alternative process using the Town's agenda management system, eScribe. Through eScribe, the Clerk's office can compile the same CCL currently distributed by email and instead distribute it through eScribe, with the added benefit of publishing it to the Town's website.

This new process enhances transparency by allowing the public to view resolutions from municipalities and other government agencies, even if they are not selected for inclusion on a future Council agenda. The listing would be labeled "Council Correspondence Listing" and published bi-weekly through the Council Calendar. The proposed approach is less administratively burdensome and should present a more organized format for Members of Council. While this procedural adjustment does not require a formal Council resolution, feedback and direction from Council are welcome.

Financial Considerations:

None.

Alternatives Reviewed:

Recommended changes to the policy are highlighted in yellow. Council may choose to accept none, some, or all of the proposed amendments. While most of the proposed changes are administrative, the acceptance of electronic petitions is a significant update. Council could choose to accept only paper petitions moving forward; however, this approach would not align with the intent of embracing technological advancements.

Strategic Plan Relationship: Enhancing Capacity and Future Readiness

Enhancing the Council Correspondence Policy strengthens the Town's capacity and future readiness by improving both efficiency and transparency.

Key revisions include integrating technological advancements, such as the recognition of electronic petitions. This modernization acknowledges the evolving methods of public engagement.

Ongoing updates to the policy ensure that the Town remains adaptable to future changes and emerging technologies.

Consultation:

The Chief Administrative Officer and Town Clerk were consulted.

Other Pertinent Reports/Attachments:

Council Correspondence Policy S201-19

Proposed Council Correspondence Policy S201-19

- Information stricken is proposed to be removed
- Information highlighted in yellow is proposed to be added

Prepared and Recommended by:

Sarah Leach, BA
Acting Town Clerk

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer



Solution Title: COUNCIL CORRESPONDENCE		
Council Approved:	May 6, 2019	\$201-19

HOW MIGHT WE:

How Might the Town of Pelham ensure that Council is provided with Council correspondence communications in an appropriate, consistent, respectful and expedient manner?

KEY FACTS:

To ensure that correspondence directed to Council is provided in an appropriate, consistent, respectful and expedient manner, the following provisions shall apply:

1. Where the subject matter of a communication is properly within the jurisdiction of the Council or Council Committee, and if it is the intent of the author to have correspondence included on a Council Agenda, the following provisions shall apply:
 - 1.1. Correspondence shall be addressed to the Mayor and Council, to the attention of the Town Clerk;
 - 1.2. Correspondence received through Canada Post and addressed to Members of Council at the Pelham Municipal Office address will be opened, date stamped and distributed through the Council mail bins. Members who do not wish this mail to be opened shall advise the Clerk in writing, wherein mail will be date stamped on the unopened envelope only and placed in the Council mail bin(s). Envelopes marked "private" or "confidential" shall not be opened, but will be date stamped on the envelope and placed in the Council mail bin(s);
 - 1.3. Correspondence, including petitions, intended for inclusion in a Council agenda or to be otherwise considered by Council, shall be typewritten or legibly printed, addressed to the Mayor and Council, and shall include the name and signature of at least one person or agency, and may include the address, telephone numbers, and email addresses, and shall specifically state that the correspondence is intended to be placed on a Council agenda. Petitions shall be in the prescribed form, Appendix "A" appended hereto;
 - 1.4. Correspondence of this nature shall not contain any defamatory statements, allegations, inferences, impertinent, disrespectful or improper matter and where infractions are found, shall be either redacted by the Clerk in consultation with the Mayor and CAO, or returned to the author (see also Item 9);



Solution Title: COUNCIL CORRESPONDENCE		
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- 1.5. Correspondence not in compliance with Item 1.3 or 1.4, as deemed by the Clerk and in consultation with the Mayor and CAO where applicable, will be returned to the sender (if known) with an explanation as to why the material cannot be included in the Council agenda, and the correspondence will be withheld from inclusion on the agenda, with a copy maintained by the Clerk;
 - 1.6. Names and addresses contained within the correspondence will be included in the agenda package which is published to the Town's website; whereas telephone numbers and email addresses will be redacted so as not to appear on the published agenda, either on the written paper agenda, or on the internet publication, save and except on a petition wherein all information will be include on the public Council agenda;
 - 1.7. Correspondence intended for inclusion on a Council agenda shall be received in the Office of the Clerk in accordance with the Town's Procedural By-law;
 - 1.8. Communications received after the deadline as specified in the Procedural By-law shall be held over for consideration by Council at the next subsequent regular meeting;
 - 1.9. Council meeting agendas, minutes and all information presented at an open meeting, including correspondence or delegation materials, are public documents and are published on the Town of Pelham website as part of a Council agenda package, as well as in paper form upon request;
2. Correspondence provided to Council through the Council agenda package will be classified in one of the following sub-categories:
 - 2.1. Information Correspondence – included on the consent agenda;
 - 2.2. Correspondence to be received and referred to staff for action or report;
 - 2.3. Correspondence for Council direction.
 3. Resolutions from Other Municipalities regarding matters not yet considered by Pelham Council will be included on the next available Council consent agenda for information, and may be lifted by any Member of Council for separate consideration, support or endorsement;
 4. Resolutions from Other Municipalities that relate to matters which have already been considered by Council will be forwarded to Members of Council electronically, or placed in the Council mail bins, for information;



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5. Communications from members of the public directed to Council through the Clerk, received by electronic mail, shall be forwarded to Members of Council electronically and shall not be placed on a Council agenda, unless specifically requested to do so by the author or subsequently by a Member of Council, and if the correspondence is in compliance with Items 1.3 and 1.4 of this Policy;

6. Communications received in response to a Public Notice under the Planning Act, or any Act that requires a Public Meeting, addressed to the Mayor and Council, or to the Town Clerk, shall be placed on the pertinent Public Meeting agenda to be considered as part of the submissions relating to the application under consideration, and shall be received by resolution. Communications relating to a development application that are not specifically addressed to the Mayor and Council, or to the Clerk, shall not be included on the Public Meeting Agenda, i.e. correspondence between an individual and a member of staff relating to the development. Correspondence relating to a development application included on the agenda becomes part of a public record. Item 1.5 applies in relation to release of personal information.

7. Petitions addressed to Council shall be processed in accordance with the Town of Pelham Procedural By-law. Petitions shall be legibly written or printed and shall not contain any obscene or improper material or language, and shall be signed by at least one (1) person, and filed with the Clerk. Petitions will be included on a public agenda including any personal, identifiable information. Individual responses to persons included on a petition will not be issued unless specifically directed by Council. To avoid any perception of bias, Members of Council should avoid signing any petition addressed to Pelham Council. The form of petition shall be in accordance with Appendix "A";

8. All decisions of Council with respect to correspondence included in an agenda will be communicated to the author, generally in the same manner in which it was received, save and except individuals listed on a petition as noted in Item 7 wherein individual responses will not be provided;

9. Correspondence submitted in the form of a letter, memorandum, report, notice, electronic mail, fax, petition, etc. submitted anonymously or containing profanity, defamatory statements, allegations, inferences or disrespectful comments, as



Solution Title: COUNCIL CORRESPONDENCE		
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deemed by the Clerk and where necessary in consultation with the Chief Administrative Officer and/or the Mayor, will be returned to the author, with a copy filed, and will not be circulated;

10. Correspondence, including e-mail correspondence, intended for Council and/or committee is generally received as public information subject to the Municipal Freedom of Information and Protection of Privacy Act. The Clerk shall be advised of any confidential items, the general nature thereof, and will determine if the item meets identified criteria for confidential correspondence as to whether it will be included within the public agenda, circulated under separate cover, or included on a closed session agenda;

11. Questions relating to this Policy should be directed to the Town Clerk.

SOLUTION STATEMENT:

Council of the Town of Pelham will receive correspondence in various formats. To ensure that all correspondence is dealt with expediently, and in an appropriate manner, the "Council Correspondence" Policy will provide a guide to ensure that the opinions of the people of the community of Pelham are relayed to the Council, while ensuring that such correspondence is presented in a consistent and respectful manner.

This policy shall be administered by the Town Clerk.



Policy Name: Council Correspondence Policy	Policy No: S201-19
Committee approval date:	April 15, 2019
Council approval date:	May 6, 2019
Revision date(s):	November 6, 2025
Department/Division:	Council

1. Purpose

- 1.1. This policy applies to all Correspondence received by the Town of Pelham addressed to Council ~~and/or any correspondence~~ requested to be included on the Council Agenda. The objective of this policy is to guarantee that all communication and Correspondence are managed efficiently, consistently, and respectfully.

2. Policy Statement

- 2.1. The Town of Pelham is dedicated to fostering community engagement and supports the inclusion of Correspondence on the Council agenda.

3. Application

- 3.1. This policy applies to all ~~communication and~~ Correspondence received via direct mail, hand delivery, courier, facsimile, or electronic mail, including form requests and digital petitions.
- 3.2. This policy applies to Correspondence received for inclusion on a Council Agenda, a Public Meeting Agenda, and/or a Statutory or Advisory Committee Agenda.
- 3.3. The Town categorizes correspondence into two distinct streams: (1) residents and stakeholders, and (2) municipal corporations and other government entities. For more details on correspondence received from municipal corporations and other government entities, please refer to Section 7.

4. Definitions

“Agenda” means the order of business setting out the matters to be considered at a Meeting.



“Clerk” means the person appointed as Town Clerk of the Town of Pelham, or their designate.

“Correspondence” is any written communication received by direct mail, hand delivery, courier, facsimile, or electronic mail, including form requests and digital petitions. For greater clarity, correspondence excludes communication received through informal Social Media channels.

“Council” means the Town of Pelham’s elected representatives comprised of the Mayor, deputy mayor, and councillors.

“Mayor” means the head of Council for the Town of Pelham.

“Meeting” means any Meeting of Council, or of certain local boards or committees, where a quorum is present and where members discuss or otherwise deal with matters in a way that materially advances the business or decision-making of the relevant body.

“Public Meeting” means a statutory Meeting of Council or Committee of Council that is open to the public.

“Social Media” refers to any websites, and applications that enable users to create and share content, participate in social networking or communications, create or participate in online communities to share information, ideas, personal messages and other content.

“Town of Pelham” means The Corporation of the Town of Pelham.

5. General Communication

5.1. Correspondence shall be addressed to the Mayor and Council, to the attention of the Clerk.

5.2. Correspondence received through the mail and addressed to individual Members of Council at the Pelham Town Hall address will be opened, date stamped, and distributed through the Council mail bins. Members who do not wish this mail to be opened shall advise the Clerk in writing, wherein mail will be date stamped on the unopened envelope only and placed in the Council mail bin(s). Envelopes marked “private”, **“personal”** or “confidential” shall not be opened but will be date stamped on the envelope and placed in the Council mail bin(s).



- 5.3. Correspondence intended for inclusion in a Council Agenda shall be legible, addressed to the Mayor and Council, and shall include the name and signature of at least one person or agency. The Correspondence may further include personal contact information, which will appear redacted on the Council Agenda. For greater clarity, anonymous Correspondence will not be included on the Council Agenda, and shall specifically state that the correspondence is intended to be placed on a Council agenda.
- 5.4. Correspondence intended for inclusion on a Council Agenda shall be received in the Office of Clerk, per the Town's Procedural By-law.
- 5.5. Correspondence intended for inclusion on a Council Agenda received after the deadline as specified in the Town's Procedural By-law shall be included in the next regular meeting Council Agenda. However, if the Clerk deems the Correspondence to be time-sensitive and relevant to a matter on the current Agenda, the Clerk may include the correspondence as part of an addendum package.
- 5.6. Names, signatures, and street names contained within Correspondence will be included in the Agenda package published on the Town's website. Personal contact information, including telephone numbers, email addresses, and municipal addresses, will be redacted and will not appear on the published Agenda.
- 5.7. Notwithstanding section 5.6, in the case of petitions, all information will be included within the Council Agenda. Additionally, personal information may be published when a form directly alludes to the disclosure and the requestor signs an acknowledgment.
- 5.8. Correspondence shall not contain any defamatory statements, allegations, inferences, impertinent, disrespectful, or improper content. If such infractions are found, the Clerk, in consultation with the Mayor-Chief Administrative Officer, shall either redact the offending content or withhold the Correspondence from inclusion on the Agenda in full and return it to the author. If redactions are made for this purpose, the author shall be notified, generally in the same manner in which the Correspondence was received.
- 5.9. Council Meeting Agendas, minutes, and all information presented at an open Meeting, including Correspondence or delegation materials, are public documents and are published on the Town of Pelham website as part of a Council Agenda package.



- 5.10. Correspondence provided for inclusion on the Council Agenda will be added, for information.
- 5.11. Correspondence directed to the Mayor and Council through the Clerk, **and not intended for inclusion on a Council Agenda**, ~~received by electronic mail, shall be forwarded to Members of Council and shall not be placed on a Council Agenda. unless specifically requested to do so by the author or subsequently by a Member of Council, and if the correspondence is in compliance with Items 1.3 and 1.4 of this Policy;~~
- 5.12. All decisions of Council concerning Correspondence included in an Agenda will be communicated to the author, generally in the same manner in which it was received, save and except individuals listed on a petition.
- 5.13. Correspondence, intended for Council and/or Committee is generally received as public information subject to the *Municipal Freedom of Information and Protection of Privacy Act*. The Clerk shall be advised of any confidential items, the general nature thereof, and will determine if the item meets identified criteria for confidential Correspondence as to whether it will be included within the Council Agenda, circulated under separate cover, or included on a closed session Agenda.
- 5.14. **Correspondence received from persons other than public entities for inclusion on a Council Agenda which contains material (statement, email, letter etc.) from an individual other than the author will be redacted unless explicit permission to release is provided to the Clerk.**

6. Correspondence Received for Public Meetings

- 6.1. Correspondence received in response to a Public Notice under the *Planning Act*, or any Act that requires a Public Meeting, addressed to the Mayor and Council, or to the Clerk, shall be placed on the pertinent Public Meeting Agenda to be considered as part of the submissions relating to the application under consideration, and shall be received by resolution. Correspondence relating to a development application that is not specifically addressed to the Mayor and Council, or the Clerk, shall not be included on the Public Meeting Agenda, i.e. correspondence between an individual and a member of staff relating to the development. Correspondence relating to a development application included on



the Agenda becomes part of a public record.

7. Resolutions from Other Municipalities and Government Entities

7.1. All resolutions received from other municipalities and correspondence from government entities will be electronically distributed to Members of Council for informational purposes. This distribution will be referred to as the "Council Correspondence Listing."

7.2. Where a Member of Council has lifted an item from the Council Correspondence Listing, the item will be added to the next regular meeting Council Agenda, for information.

8. Proclamations

8.1. Requests for proclamation endorsement shall be placed on the consent Agenda of a Council meeting, for action. If approved, the Mayor shall sign the proclamation. A signed copy of the proclamation shall be forwarded to the requesting organization and placed on the Town's website.

9. Funding Requests

9.1. Budget Open House/Capital-Operating

- a. Annually Council holds a budget open house where members of the public are invited to address Council and request items be added to the upcoming municipal budget.
- b. Members of the public may either submit Correspondence outlining their said request, to be included on the Agenda or attend as a delegate. All submissions, written or requests to be a delegate, shall be submitted to the Clerk in accordance with the Town's procedural by-law.

9.2. Community Grant Requests

- a. Municipal grant requests will be processed in accordance with Municipal Grant Policy S400-04.

10. Petitions



- 10.1. Petitions submitted to Council will be handled in accordance with both the Town of Pelham Procedural By-law and the guidelines outlined in this policy.
- 10.2. Petitions shall be legibly written or printed and shall not contain any obscene or improper material or language and shall be signed by at least one person and filed with the Clerk.
- 10.3. The text outlining the purpose of the petition must be listed at the top of each page for multiple-page petitions.
- 10.4. The petition must clearly disclose on each page that it will become a public document belonging to the Town of Pelham and that all information contained within the petition, including personal information, will be available for viewing by the public and may be reproduced in a future Council agenda, available to the public. A sample is provided in Appendix "A".
- 10.5. Petitions will be included on the Council Agenda including any personal, identifiable information. For greater clarity, personal, identifiable information includes a name, street and numbered address, phone number, email address and/or signature.
- 10.6. Electronic petitions (ex. Change.org) may be accepted and presented to Council on a Council Agenda. Where an electronic petition is submitted, a screenshot of the petition details, including the number of signatures will be accepted and published on the Council Agenda. A live link to the petition will not be accepted or published on a Council Agenda. An electronic extract of signatories must be submitted to the Clerk by the petition administrator; however, the extract will not be included on a Council Agenda. The extract may be viewed by a member of Council in the Clerk's Office by appointment.
- 10.7. The Clerk shall refuse to list a petition on the Council Agenda where the subject matter involves:
 - a. Matters of litigation or potential litigation with the Town
 - b. Insurance claims;
 - c. Labour relations, union negotiations or employee relations;
 - d. Advertisements for products or services or for the sole purpose of publicity or promotion;
 - e. A bid or a potential bid on a tender that is currently open or being presented for approval;
 - f. Election campaign related;
 - g. Matters outside or beyond the Town's jurisdiction;
 - h. Matters which are the subject of a future statutory Public Meeting or of a statutory Public Meeting which has been closed;



- i. Matters which have been decided by Council within one year of the original decision;
- j. Matters which have been referred to staff for a report, until the matter is before Council for consideration; or
- k. Matters which are the subject of an education and training session of Council.

10.8. Petitions that meet the above standards will be presented to Council at its next regular meeting, or the meeting at which the subject of the petition is to be discussed.

10.9. The Clerk will evaluate all petitions to ensure the requirements of this policy are met. At the discretion of the Clerk in consultation with the CAO, petitions deemed to be in non-compliance will be redacted in full or in-part prior to inclusion on the Council Agenda.

10.10. Individual responses to persons included on a petition will not be issued unless specifically directed by Council.

10.11. To avoid any perception of bias, Members of Council should avoid signing any petition addressed to Town Council or Committee.

11. Attachments

11.1. **Appendix A – Standard Petition Form**



Appendix A – Sample Petition Form

To: Members of Council, Town of Pelham
C/o Town Clerk
20 Pelham Town Square, PO Box 400
Fonthill, ON L0S 1E0

I/We the undersigned, petition to Pelham Town Council as follows:

<**Petition text:** Enter a brief description of the matter being brought forward here, and include this text on every page of the petition>

Printed Name	Printed Address	Signature

By signing this petition, I hereby acknowledge that this petition will become a record belonging to the Town of Pelham and that all information contained in this petition, including personal information, will be available for viewing by the public and may be reproduced in a future Council Agenda, available to the public through the municipal webpage.

Subject: Special Event Permit and Vendor Licensing By-laws

Recommendation:

BE IT RESOLVED THAT Council receive Report #2024-0140 Special Event Permit and Vendor Licensing By-laws, for information;

AND THAT Council approve, in principle, the appended Special Event Permit By-law;

AND THAT Council approve, in principle, the appended Vendor Licensing By-law;

AND THAT Council direct the Town Clerk to prepare and present the Special Event Permit By-law and Vendor Licensing By-law for consideration at the next Regular Meeting of Council.

Background:

This report provides an overview and offers recommendations for developing a new Special Event Permit By-law alongside proposed enhancements to the Itinerant Sellers Licence By-law, which is proposed to be renamed the Vendor Licensing By-law. The primary objective is to refine and streamline the permitting process, regulation, and facilitation of special events and travelling vendors within the Town. This initiative aims to support and facilitate safe, enjoyable, and well-regulated events that enhance community engagement, prioritize public safety, and support economic growth.

Special events, including temporary markets and agritourism events, promote local culture and drive economic activity. As the demand for outdoor events has increased post-pandemic, these social gatherings are essential in supporting small businesses and leveraging the popularity of food trucks. Additionally, travelling vendors, such as food trucks and pop-up shops, make a valuable economic impact, contributing both through participation in special events and independent operation.

Analysis:

Special Event Permit By-law

The draft by-law establishes a permit system for special events held on public and private property within the Town. Currently, special events are managed through an internal process led by the Clerk's Department, which the proposed by-law seeks to formalize. The absence of a specific by-law has led to inconsistencies in permitting and enforcement, and ambiguity regarding when a permit is required.

Key provisions of the by-law include:

1. **Permit requirement:** The by-law requires obtaining a special event permit for events: (i) with a duration of five (5) consecutive calendar days; (ii) that augment the ordinary business or operations of the property where they are held; (iii) that are open to the public and/or invitees; and (iv) that are expected to attract more than two hundred (200) attendees and/or participants during their duration. Exemptions are granted for (i) Town special events; (ii) events that constitute normal farm practices; and (iii) events necessitating a temporary zoning by-law amendment or zoning by-law amendment.
2. **Application process:** Special event permits will be designated for staff approval and must be applied for at least 45 days in advance of the special event. The application requires standard documentation, including an event description, venue plan, and proof of insurance. Staff may impose additional application requirements as necessary.
3. **Duration:** The Town's Official Plan policy, currently under review, supports an annual agricultural-related exhibition. The proposed by-law allows for up to three (3) special events to be held on any public or private property within a calendar year. This aligns with current requests, which have not exceeded three (3) events annually, and is consistent with the scheduling of spring, fall, and winter markets. Although this provision contradicts the OP policy, the intention is for the new OP to rely on the Special Event Permit By-law for direction.

Additionally, this by-law applies only to events or functions with a duration of five (5) consecutive days. Extended events will need to pursue alternative options, such as a temporary zoning by-law amendment or a zoning by-law amendment, which will initiate the planning process and require Council approval.

4. **Fee:** There is no application fee for obtaining a Special Event Permit. However, the Special Event By-law serves as a blanket process to ensure that all relevant permits are identified and obtained. If the special event requires any additional permits or authorizations from the Town, applicable application

fees will be charged in accordance with the Fees and Charges By-law.

5. **Compliance and Penalty:** The by-law establishes a framework for enforcement and administrative penalties to ensure compliance.

Special Event By-law Consultation

The Agricultural Advisory Committee (AAC) was consulted for insight and expertise on special events and natural farm practices. Committee members provided valuable, experience-based recommendations, such as:

1. Clarifying the definition of a special event and determining what triggers the need for permits for “pick-your-own” establishments.
2. Requiring additional supporting documentation, such as a site remediation plan for events held on public property.
3. Identifying permit requirements for temporary food and refreshment vendors, which are now included in the proposed Vendor Licensing By-law.

The AAC emphasized that the by-law should not be overly restrictive, as it is important to support and encourage agritourism.

A copy of this report and the proposed by-laws has been circulated to all 2024 special event permit holders, inviting them to submit correspondence for consideration by Council at the November 20th meeting.

Vendor Licensing By-law

Currently, travelling vendors are regulated under the Itinerant Sellers By-law 3186(2011), which was originally crafted to address vendors operating within the Town for extended periods, such as seasonal chip trucks or cable company sales representatives. As a result, only three (3) licences were issued annually from 2011 to 2021.

However, By-law 3186(2011) no longer effectively meets the needs of modern travelling vendors. There has been a significant increase in vendors attending temporary special events, reflected by the 21 licences issued so far in 2024.

As the vast majority of travelling vendors now operate within the Town for short-term events rather than extended periods, the Clerk's department has received several complaints regarding the \$250.00 (food vendor) and \$200.00 (non-food vendor) licence fee. Although this fee is designed to cover a vendor's operation for a full year, many vendors are attending only a single event, making the fee appear disproportionately high and creating a deterrent for participation.

The proposed Vendor Licensing By-law introduces several significant updates to better manage the growing number of travelling vendors. Key provisions of the by-law include:

1. **Licensing System:** The by-law mandates a licensing system for all travelling vendors and food vendors, which includes refreshment vending carts and refreshment vending vehicles.
2. **Enhanced Compliance Requirements:** Safety certifications, including a Safety Standard Certificate from the Ministry of Transportation and an inspection certificate from the Technical Standards and Safety Authority (if applicable), are required.
3. **Insurance:** Vendors must maintain a commercial general liability insurance policy with a minimum coverage of \$3,000,000 per occurrence.
4. **Operating Conditions:** Specific locations for vending activities are regulated, prohibiting operations on highways, street allowances, and within daylighting triangles. Subject to obtaining a licence, vendors are now permitted to operate on Town property.
5. **Exemptions:** The by-law includes several exemptions, such as local resident farmers selling their own produce, local retailers selling directly from their own premises, non-food vendors with a valid permit participating in special events, and non-food vendors involved in a Town special event.
6. **Licensing Structure:** Two licensing structures are proposed: an Annual Vendor Licence and a Limited Vendor Licence. The Annual Vendor Licence, valid for the full calendar year, is ideal for vendors operating seasonally or consistently throughout the year, such as chip trucks or cable sales representatives. The Limited Vendor Licence, issued for the duration of a specific event, is designed to be more cost-effective for vendors seeking short-term operation within the Town.
7. **Fee:** The proposed fee structure will be provided in the forthcoming 2025 Town of Pelham Fees and Charges By-law. A tiered fee model is recommended, allowing short-term vendors to pay a reduced fee compared to the annual licence rate.

Once a comprehensive Special Event Permit and Vendor Licensing system is established, staff will develop dedicated webpages to clearly communicate expectations and the regulatory framework.

Financial Considerations:

Staff recommend proceeding without implementing a Special Event Permit fee. While fees are currently collected and allocated to the departments responsible for the relevant inspections, licences, and permits, introducing additional fees could discourage special event organizers from obtaining the permit. This reluctance in obtaining a permit by special event organizers due to additional fees could increase the Town's risk exposure. By maintaining the current fee structure, Pelham encourages compliance and ensures that all safety and regulatory measures are met, thereby protecting the Town from potential liabilities.

Implementing a reduced licence fee for Limited Vendor Licences may result in decreased revenue. However, this reduction is expected to incentivize more vendors and special event organizers to obtain the licence. This, in turn, ensures that their operations are properly regulated, and that the Town is protected from liability. The existing fee structure no longer accurately reflects a cost-recovery model, as the process has significantly been expedited and involves less staff. Encouraging compliance through a more affordable fee structure will likely enhance vendor participation and contribute to the overall success and safety of community events.

Alternatives Reviewed:

The structure for permitting special events varies across municipalities, clearly reflecting the unique characteristics of each community. Staff have dedicated considerable time to reviewing how the proposed definitions and practices impact the special events hosted in the Town. Staff believe that the proposed components effectively address our needs. However, staff remain open to direction from Council to adjust any of the proposed elements, including the fee structure, duration of events, and permit requirements.

Strategic Plan Relationship: Enhancing Capacity and Future Readiness

The proposed by-laws fulfill the strategic plan action item aimed at establishing a new system for special events. By developing a streamlined permit process, the Town is better equipped to manage higher volumes of event and vendor applications. This increase in capacity directly supports the efficient delivery of special events, ensuring organization and regulatory compliance.

Clear guidelines within the new processes provide transparency, making it easier for event organizers and vendors to understand their requirements and expectations. This clarity encourages applicants to submit complete and accurate application packages, which in turn expedites the permitting process.

Consultation:

Senior Leadership Team
Community Planning and Development Staff
Agricultural Advisory Committee

Other Pertinent Reports/Attachments:

By-law 3186(2011) Itinerant Sellers By-law
Proposed Vendor Licensing By-law
Proposed Special Event Permit By-law

By-laws Prepared and Recommended by:

Jennifer Stirton, BSc(Hons), LL.B.
Town Solicitor

Report Prepared and Recommended by:

Sarah Leach, BA
Acting Town Clerk

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

**THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW #3186 (2011)**

**Being a By-law to License and to
Regulate Various Businesses in the
Town of Pelham.**

WHEREAS Section 150 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, allows a local municipality to licence, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

AND WHEREAS s. 11(2) and 11(3) of the *Municipal Act* set out the purposes for which a municipality may pass by-laws including a by-law to license a business, those purposes including but not limited to health, safety and well-being of persons; and protection of persons and property, including consumer protection;

AND WHEREAS for the purpose of health and safety and consumer protection and to ensure that holders of licences comply with the requirements of the by-law it is necessary to license door to door and itinerant sellers, refreshment vehicles and those other businesses as provided for in this by-law;

AND WHEREAS the costs associated with preparation, issuance, inspections and enforcement of such by-law have been estimated;

AND WHEREAS the Council of The Corporation of the Town of Pelham deems it necessary to implement licensing and registration regulations with respect to door to door sales, itinerant sellers, refreshment vehicles and those other businesses as specified in this by-law and with regard to the provisions of the Municipal Act, 2001;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

1. **DEFINITIONS**

For the purposes of this by-law:

- (a) "**Corporation**" means the Corporation of the Town of Pelham;
- (b) "**Food Vending Vehicle**" or "**Refreshment Vehicle**" means a vehicle, as defined in the *Highway Traffic Act*, (including a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power including muscular power, but does not include a motorized snow vehicle or a street car), from which refreshments are sold for consumption by the public and includes but is not limited to a basket, wagon, cart or other motorized/non-motorized vehicle;
- (c) "**Highway**" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- (d) "**Itinerant Seller**," "**Door to Door Seller**", and/or "**Hawker**" or "**Peddler**" means a person who goes from place to place or to a particular place with goods, wares or merchandise for sale by retail, or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise for sale by retail that are to be delivered in the Town of Pelham afterwards;
- (e) "**Licence**" means a licence issued under the authority of this by-law;
- (f) "**Local Retailer**" shall mean any individual or business which provides for the selling or offering for sale of goods, wares, merchandise or services at a building or structure located within the Town of Pelham which building is subject to property tax in the Town of Pelham;
- (g) "**Municipal Law Enforcement Officer**" means the Municipal Law Enforcement Officer of the Corporation appointed to enforce this or any other by-law of the Corporation and includes a police officer;
- (h) "**Person**" means any individual, firm or corporation and the successors or other legal representatives thereof, unless the context indicates otherwise;
- (i) "**Place of Business**" means the physical building and/or property thereon situate;
- (j) "**Registered Charitable Organization**" means any charity that is registered or is eligible to be registered with the Federal Government and has a registered charity number that has been issued;
- (k) "**Special Event**", "**Registered Non-Profit Fund-raising Event**" shall mean an annual community event with all proceeds donated for charitable or not-for-profit purposes.

2. **LICENCE REQUIREMENTS**

- (1) The following businesses or activities shall require a license:
 - (a) Food Vending Vehicle/Refreshment Vehicle;
 - (b) Itinerant Seller.
 - (c) Door to Door Seller
 - (d) Hawker;
 - (e) Peddler.

- (2) Every person before carrying on any of the businesses or activities for which a licence is required under this by-law shall obtain a licence from the Corporation authorizing him/her so to do, for which that person shall pay to the Corporation a fee fixed by this by-law, as may be amended from time to time;

- (3) No such licence is required for selling goods, wares or merchandise:
 - (a) to wholesale or retail dealers in similar goods, wares or merchandise;
 - (b) by existing local farmers if the produce they are selling is being sold from their own property and has been grown and harvested by them, or as a participant in the Pelham Farmers' Market;
 - (c) by persons who enter into a written agreement with a registered non-profit charitable organization to sell their goods, wares or merchandise at a special event, show or fund-raising event organized by the registered non-profit charitable organization and only during the hours of operation of the organization's fund-raising event or show, provided such person(s) shall have obtained all relevant inspections and approvals including fire, building and health;
 - (d) by persons who participate in a consumer show open to the public or a trade show open by invitation or registration only, the primary purpose of which is the display of goods, wares or merchandise, which also includes a consumer show or trade show operating as an integral part of a convention or conference.

- (4) No licence is required for a Local Retailer selling his or her goods, wares, merchandise or services from his or her place of business in the Town of Pelham. Any Local Retailer wishing to carry on business outside of their place of business and for which such business requires

a licence under this by-law is subject to the requirements of this by-law.

3. **LICENCE FEES**

(1) The licence fees listed below shall be for a licence referred to in Section 2 for the year in which it is issued or any part thereof:

(removed
(By-law 3728(2016)) Itinerant Seller, Hawker, Peddler, Door to Door Seller \$200.00
Refreshment Vehicle & Food Vending Vehicle \$250.00

(2) Where a licence granted is revoked or cancelled and where a fee has been paid for the granting of the licence, such fee or any part thereof is non-refundable.

(3) Where a person who has obtained a licence ceases to operate and where a fee has been paid for the granting of the licence, such fee or any part thereof is non-refundable.

4. **POWER TO LICENCE AND ADMINISTRATION**

(1) Unless otherwise indicated, the administration of this by-law including approval of applications and issuance of licences shall be assigned to the Town Clerk who may delegate the performance of this function under this by-law from time to time as the occasion requires. This power to licence shall include renewal of a licence where the requirements and conditions of this by-law have been fulfilled.

(2) Any licence may be revoked by reason of a violation of this by-law, the failure of the person holding the licence to comply with any of the provisions of this by-law or the failure by such person to maintain the minimum standards and requirements necessary for licensing in the first instance.

5. **EXEMPTION AND ONUS**

In a prosecution for a breach of this by-law the onus of proving that a person does not require a licence under this by-law for any of the reasons mentioned in Section (2) shall be upon the person charged.

6. **BUSINESS PROHIBITED WITHOUT LICENCE**

(1) No person shall within the limits of the Town of Pelham carry on or engage in any trade, calling, business or occupation set out in Section 2(1) of this by-law until he or she has procured such license so to do.

- (2) Every licence issued pursuant to this by-law shall permit the licensee to carry on or engage in any trade, calling, business or occupation set out in Section 2 of this by-law only in the particular location for which the licence has been issued, and not in any other location unless a separate licence has been issued for said location.

7. **APPLICATION FOR LICENCE**

- (1) Applications for all licences issued under the provisions of this by-law and applications for renewal of such licences shall be made to the Town Clerk on the forms to be provided by the Office of the Town Clerk;
- (2) The Town Clerk, upon receipt of such completed application, shall make or cause to be made all investigations required by law or by the Corporation relative to such application by circulation to applicable officers for inspection and approval.
- (3) All persons applying for a licence must comply with all requirements as set out in the application.

8. **LICENCE – PROPERTY OF TOWN – TRANSFER PROHIBITED**

Every licence, at all times, is owned by and is the property of the Town and is valid only in respect of the person and the premises or of the person named therein and for the nature of business stated in the licence, and no licence may be sold, purchased, leased, mortgaged, charged, encumbered, assigned, pledged, transferred, seized, distrained or otherwise dealt with.

9. **LICENCE TO BE POSTED**

- No person holding a licence issued pursuant to this by-law shall fail to:
- (1) with respect to premises, display the licence in a conspicuous place in or on the said premises; or
 - (2) with respect to a vehicle, display the licence in a conspicuous place in or on said vehicle; or
 - (3) with respect to an individual, maintain the licence on their person while conducting the activity for which the licence was issued.

10. **COMPLIANCE WITH REGULATIONS**

Every person applying for or holding a licence under this by-law, or who is liable to be licensed under this by-law, shall in such application or in carrying on such business, observe, comply with and be governed by the regulations set out in this by-law which relate to such business.

11. **INSPECTION**

Any person duly authorized by the Town may at all reasonable times inspect as much of any place or premises on which the carrying on of any business in respect of which any person has or is required to have a licence.

12. **ENFORCEMENT**

The Enforcement of this by-law shall be primarily assigned to the Municipal Law Enforcement Officer for the Town.

13. **PENALITES**

Any person contravening any of the provisions of this by-law is guilty of an offence and liable on conviction to a fine as provided under the Provincial Offences Act, R.S.O. 1990, c.P. 33.

14. **HIGHWAYS AND MUNICIPAL PROPERTY**

The sale of refreshments, confections, goods, wares, merchandise, or effects of any kind is prohibited upon any highway or part of a highway or municipally-owned properties within the Town of Pelham.

15. **ZONING BY-LAWS**

Nothing in this by-law shall be deemed to authorize any activity in any place where such activity is not permitted by the applicable zoning by-law.

16. **SIGNS AND ADVERTISING DEVICES**

No person shall erect, construct or otherwise display or cause to be erected, constructed or otherwise displayed any sign or other advertising device except in accordance with the Town of Pelham Sign By-law in effect from time to time.

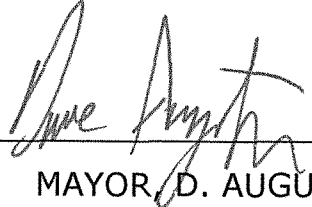
17. **DURATION OF LICENCE**

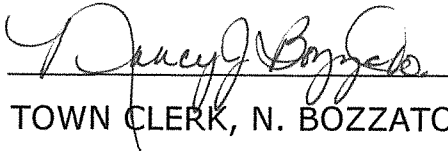
The licences for the trades, callings, business and occupations set out in this by-law shall expire in each year on the 31st day of December. Application must be made on a yearly basis if the business continues within the municipality.

18. **EFFECTIVE DATE**

This by-law shall come into force and effect on the day of passing.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
4th DAY OF APRIL, 2011.


MAYOR, D. AUGUSTYN


TOWN CLERK, N. BOZZATO



The Corporation of the Town of Pelham

By-law No. XX-2024

Being a By-law to licence and regulate travelling vendors operating in the Town of Pelham and to repeal By-law Nos. 3186(2011) and 41-2024.

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act, 2001*” or “the statute”) provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

AND WHEREAS section 11 of the *Municipal Act, 2001* authorizes a lower-tier municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality, the protection of persons and property including consumer protection, and business licensing;

AND WHEREAS section 151 of the *Municipal Act, 2001* authorizes a municipality to provide for a system of licences with respect to a business or any activity, matter or thing for which a by-law may be passed under sections 9 and 11 of the statute;

AND WHEREAS section 391 of the *Municipal Act, 2001* authorizes a municipality to impose fees and charges on persons for services or activities provided or done by or on behalf of the municipality;

AND WHEREAS sections 425 and 429 of the *Municipal Act, 2001* authorize a municipality to create offences for the contravention of its by-laws and to establish a system of fines for offences under its by-laws;

AND WHEREAS section 434.1 of the *Municipal Act, 2001* authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws;

AND WHEREAS section 436 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law, direction or order of the municipality;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides that where a municipality is satisfied that a by-law contravention has occurred, it may make an order requiring the person who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary and desirable to licence and regulate travelling vendors operating in the Town of Pelham and to enact this By-law for that purpose;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. Purpose

1.1. The purpose of this By-law is to provide for a system of licences for travelling vendors operating in the Town of Pelham to regulate such operations and thereby protect and promote public safety, consumer interests, and the economic well-being of the Town.

2. Definitions

2.1. In this By-law:

“Administrative Penalty” means an Administrative Penalty issued pursuant to Town of Pelham Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, as amended from time to time.

“Annual Vendor Licence” means a licence issued to a Vendor under this By-law that is valid for the balance of the calendar year in which it is issued.

“Applicable Law” means all applicable by-laws of the Town and Niagara Region and all applicable provincial and federal statutes and regulations.

“By-law Enforcement Officer” means a by-law enforcement officer of the Town and includes the Director.

“Clerk” means the Clerk of the Town or designate.

“Community Planning and Development” means the Community Planning and Development Department of the Town.

“Council” means the Council of the Town.

“Director” means the Director of Fire and By-law Services of the Town or designate.

“Enforcement Authority” means the Director, a By-law Enforcement Officer, and any Person appointed or otherwise delegated the authority to administer and enforce this By-law.

“Fees and Charges By-law” means Town of Pelham By-law No. 3728 (2016), as updated or amended from time to time.

“Fire and By-law Services” means the Fire and By-law Services Department of the Town.

“Food Vendor” means a Vendor that offers or provides any food or beverage for consumption, whether or not a Refreshment Vending Cart or Refreshment Vending Vehicle is used, and includes Vendors of food or beverages that operate from a tent or other temporary structure.

“Highway” means a highway as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8 (“*Highway Traffic Act*”).

“Hold” means to organize, host, present or operate a Special Event and **“Holding”** and **“Held”** have corresponding meanings.

“Limited Vendor Licence” means a licence issued to a Vendor under this By-law that is valid for the duration of a Special Event to be attended by the Vendor for the purposes of practicing, carrying on, conducting or soliciting for any trade, calling, business or occupation.

“Local Vendor” means a Person that occupies a Place of Business for the purposes of practicing, carrying on, conducting or soliciting for any trade, calling, business or occupation.

“Niagara Region” means the Regional Municipality of Niagara.

“Order” means an Order issued to a Person under this By-law.

“Owner” means the registered owner of Property.

“Person” means an individual, corporation, partnership or association.

“Place of Business” means all or part of a building or structure located in the Town, which is not a temporary building or structure and is subject to municipal property taxation, and that is used by a Local Vendor for the purposes of practicing, carrying on, conducting or soliciting for any trade, calling, business or occupation.

“Private Property” means Property owned by a Person other than the Town, Niagara Region, the Province of Ontario or Canada.

“Property” means any land or premises within the Town.

“Public Property” means Property under the ownership or jurisdiction of the Town, Niagara Region, the Province of Ontario or Canada.

“Refreshment Vending Cart” means a non-motorized wheeled wagon, trolley, cart or similar apparatus that offers or provides food or beverage for consumption and that may or may not be specially equipped for the purposes of food or beverage preparation.

“Refreshment Vending Vehicle” means a motorized vehicle that offers or provides food or beverage for consumption and that may or may not be specially equipped for the purposes of food or beverage preparation.

“Special Event” means a Special Event as defined in Town of Pelham Special Event Permit By-law No. XX-2024 as enacted and amended from time to time.

“Special Event Host” means the Person, organization or entity that Holds a Special Event.

“Special Event Permit” means a permit issued by the Town pursuant to Town of Pelham By-law No. XX-2024 to authorize the Holding of a Special Event.

“Town” means the Corporation of the Town of Pelham or the geographic area of the municipality, as the context requires.

“Town Special Event” means a Special Event that is Held by the Town and that is designated by the Clerk as a Town Special Event.

“Travelling Vendor” means a Person that travels from place to place, attends temporarily at a particular place, or attends a Special Event for

the purposes of practicing, carrying on, conducting or soliciting for any trade, calling, business or occupation.

“Vendor” means a Local Vendor or a Travelling Vendor.

“Vendor Licence” means an Annual Vendor Licence or a Limited Vendor Licence issued under this By-law.

“Zoning By-law” means Town of Pelham Comprehensive Zoning By-law No. 4481(2022), as enacted and amended from time to time.

3. General Prohibitions

- 3.1. No Travelling Vendor shall operate in the Town and no Person shall cause or permit a Travelling Vendor to operate in the Town except in accordance with this By-law and all Applicable Law.
- 3.2. No Local Vendor shall operate at a Property other than its Place of Business and no Person shall cause or permit a Local Vendor to operate at a Property other than its Place of Business except in accordance with this By-law and all Applicable Law.

4. By-law Application and Exemptions

- 4.1. This By-law applies to all Travelling Vendors operating on Private Property or Public Property in the Town unless otherwise provided for herein.
- 4.2. This By-law does not apply to Local Vendors while operating at the Place of Business of the Local Vendor. Local Vendors are subject to this By-law while operating at any other Private Property or Public Property unless otherwise provided for herein.
- 4.3. This By-law does not apply to any Person that carries on business as a farmer in the Town provided that the only products offered for sale are produce and/or meat raised and harvested by the Person and that the said products are offered for sale only at the Pelham Farmers Market and/or the Private Property of the Person.
- 4.4. This By-law does not apply to Travelling Vendors or Local Vendors that participate in a Special Event where:
 - (a) the Special Event Host has obtained a Special Event Permit;
 - (b) the Vendor is listed as a participating Vendor in the application for the Special Event Permit; and
 - (c) the Vendor is not a Food Vendor.
- 4.5. This By-law does not apply to Travelling Vendors or Local Vendors that participate in a Town Special Event where:
 - (a) the Vendor has applied to and been accepted by the Town as a Vendor for the Town Special Event; and
 - (b) the Vendor is not a Food Vendor.

5. Vendor Activities Requiring Licence

- 5.1. Subject to subsections 4.4, 4.5 and 5.2 of this By-law, no Travelling Vendor shall operate at any Private Property or Public Property in the Town without first obtaining an Annual Vendor

Licence.

- 5.2. Notwithstanding subsection 5.1, a Travelling Vendor that operates solely at one (1) or more Special Events or Town Special Events is not required to obtain an Annual Vendor Licence provided that the Travelling Vendor obtains a Limited Vendor Licence for each Special Event or Town Special Event it attends.
- 5.3. Subject to subsections 4.4, 4.5 and 5.4 of this By-law, no Local Vendor shall operate at any Private Property or Public Property in the Town other than the Place of Business of the Local Vendor without first obtaining an Annual Vendor Licence.
- 5.4. Notwithstanding subsection 5.3, a Local Vendor that operates solely at its Place of Business and at one (1) or more Special Events or Town Special Events is not required to obtain an Annual Vendor Licence provided that the Local Vendor obtains a Limited Vendor Licence for each Special Event or Town Special Event at which it attends.

6. Administration

- 6.1. This By-law shall be administered by the Clerk, who shall perform all administrative functions conferred under this By-law and without limitation may:
 - (a) determine if a Local Vendor or a Travelling Vendor requires a Vendor Licence and advise the Vendor accordingly;
 - (b) prepare forms to be used for applications under this By-law;
 - (c) receive and process all applications for Vendor Licences;
 - (d) require investigations to assess compliance with this By-law;
 - (e) confer and consult with other Town departments as required to assess compliance with this By-law;
 - (f) issue Vendor Licences in accordance with this By-law;
 - (g) impose terms and/or conditions on any Vendor Licence; and
 - (h) refuse, suspend or revoke a Vendor Licence where any requirement of this By-law or any term or condition imposed on a Vendor Licence is contravened.

7. Vendor Licence Application

- 7.1. An application for a Vendor Licence shall be made in writing by the Vendor in the prescribed form and shall be submitted not less than thirty (30) days prior to the commencement of the operations for which the Vendor Licence is required.
- 7.2. An application under subsection 7.1 shall be accompanied by the applicable fee established by the Fees and Charges By-law, which is non-refundable irrespective of the outcome of the application.
- 7.3. Where the applicant is a Travelling Vendor that is not a Food Vendor, the application shall contain the following:
 - (a) the name and contact details of the Vendor including address, telephone number and email address;
 - (b) a description of the business to be carried on including the

general nature of the products and/or services to be offered, days and hours of operation, and addresses for all Properties at which the Vendor will operate;

- (c) if the Vendor does not own a Private Property at which it will operate:
 - i. the name, address, telephone number and email address of the Owner(s) of the Property; and
 - ii. written permission from the Owner(s) of the Property for the Vendor to operate at the Property;
- (d) if the Vendor will operate on Public Property:
 - i. where the Town is not the Owner, written permission and confirmation from the Owner(s) of the Public Property that the operations of the Vendor do not contravene any Applicable Law; and
 - ii. an acknowledgment by the Vendor that its operations on Public Property shall comply with all applicable conditions set out in section 9 of this By-law; and
- (e) proof of general liability insurance with limits of not less than three million dollars (\$3,000,000) per occurrence.

7.4. Where the applicant is a Local Vendor that operates at any Private Property or Public Property other than its Place of Business and is not a Food Vendor, the application shall contain the following:

- (a) the name and contact details of the Vendor and its Place of Business including address, telephone number and email address;
- (b) the reason(s) that the Vendor will operate at a Property other than its Place of Business;
- (c) a description of the business to be carried on including the general nature of the products and/or services to be offered, days and hours of operation, and addresses for all Properties at which the Vendor will operate;
- (d) if the Vendor does not own a Private Property at which it will operate:
 - i. the name, address, telephone number and email address of the Owner(s) of the Property; and
 - ii. written permission from the Owner(s) of the Property for the Vendor to operate at the Property;
- (f) if the Vendor will operate on Public Property:
 - i. where the Town is not the Owner, written permission and confirmation from the Owner(s) of the Public Property that the operations of the Vendor do not contravene any Applicable Law; and
 - ii. an acknowledgment by the Vendor that its operations on Public Property shall comply with all applicable conditions set out in section 9 of this By-law; and
- (e) proof of general liability insurance with limits of not less than three million dollars (\$3,000,000) per occurrence.

- 7.5. In addition to the requirements of subsections 7.3 and 7.4, where the applicant is a Food Vendor, the application shall contain the following:
- (a) if the Food Vendor operates a Refreshment Vending Cart or Refreshment Vending Vehicle:
 - i. if the Food Vendor does not own the Refreshment Vending Cart or Refreshment Vending Vehicle, the name and contact details of the owner(s) including address, telephone number and email address;
 - ii. if applicable, a current and valid Safety Standard Certificate issued by the Ministry of Transportation;
 - (b) if a propane or gas-fired system is to be used, an inspection certificate from the Technical Standards and Safety Authority pursuant to the *Technical Standards and Safety Authority Act, 2000* S.O. 2000, c. 16, valid for the year in which the Vendor Licence will be issued;
 - (c) a record of inspection and approval by Niagara Region Public Health or, at the discretion of the Clerk, another public health authority in Ontario, within one (1) year of the date on which the application is made;
 - (d) a record of inspection by the Pelham Fire Department or, at the discretion of the Clerk, another fire department in Ontario, within one (1) year of the date on which the application is made; and
 - (e) in lieu of the insurance coverage required under subsections 7.3 and 7.4, proof of general liability insurance with limits of not less than five million dollars (\$5,000,000) per occurrence.
- 7.6. In addition to the requirements of subsections 7.3, 7.4 and 7.5, where a Vendor requires approval from any agency or authority other than the Town, the Vendor shall secure all such approvals and append them to the application.
- 7.7. Upon receipt of an application for a Vendor Licence, the Clerk shall review it for completeness and may require the applicant to provide such additional information or documents as the Clerk determines are reasonably necessary to complete the application.
- 7.8. Upon receipt of a complete Vendor Licence application, the Clerk shall circulate it to Community Planning and Development, Fire and By-law Services, any other required Town department, and any other relevant agency or authority for review and comment. Any reviewing Town department, agency or authority may request that conditions of approval be imposed.

8. Vendor Licence Issuance

- 8.1. Upon completion of the application process set out in section 7, the Clerk shall issue a Vendor Licence where the Clerk is satisfied that the Vendor meets the requirements of this By-law.
- 8.2. Notwithstanding subsection 8.1, the Clerk may impose such terms and conditions on a Vendor Licence as the Clerk considers to be appropriate in the circumstances.

- 8.3. The Vendor shall pay the fee established by the Fees and Charges By-law for the issued Vendor Licence. This fee is non-refundable in any event, including if the Vendor ceases operations or the Vendor Licence is suspended or revoked in accordance with this By-law.
- 8.4. The Clerk may refuse to issue a Vendor Licence or may suspend or revoke a Vendor Licence where the Vendor fails to comply with the requirements of this By-law, other Applicable Law and/or the terms and conditions of the Vendor Licence.
- 8.5. Where the Clerk refuses to issue a Vendor Licence or suspends or revokes a Vendor Licence, the Clerk shall provide written reasons. The decision of the Clerk is final.
- 8.6. Annual Vendor Licences issued pursuant to this By-law shall be valid from the date of issuance until the end of the calendar year, unless suspended or revoked in accordance with this By-law.
- 8.7. Limited Vendor Licences issued pursuant to this By-law shall be valid from the date of issuance until the end of the Special Event to which the Limited Vendor Licence pertains, unless suspended or revoked in accordance with this By-law.
- 8.8. Vendor Licences are not transferable.

9. Vendor Licence Conditions

- 9.1. The following conditions attach to every Vendor Licence issued under this By-law:
 - (a) the operations of the Vendor shall not obstruct or interfere with pedestrian or vehicular traffic or otherwise create a hazard;
 - (b) the operations of the Vendor shall not obstruct or interfere with the ordinary operations of the Town;
 - (c) the Vendor Licence shall be displayed in accordance with section 10 of this By-law; and
 - (d) the Vendor and all Persons for whom it is responsible shall comply with the requirements of this By-law, other Applicable Law and the terms and conditions of the Vendor Licence.

10. Display of Vendor Licence

- 10.1. Where a Travelling Vendor operates from a building or structure, including a temporary structure, the Vendor Licence shall be displayed in a conspicuous location on the building or structure.
- 10.2. Where a Local Vendor operates from a building or structure other than its Place of Business, including a temporary structure, the Vendor Licence shall be displayed in a conspicuous location on the building or structure.
- 10.3. Where a Vendor operates a Refreshment Vending Cart or Refreshment Vending Vehicle, the Vendor Licence shall be displayed in a conspicuous location on the Refreshment Vending Cart or Refreshment Vending Vehicle.
- 10.4. Where a Travelling Vendor does not operate from a building or

structure or operate a Refreshment Vending Cart or Refreshment Vending Vehicle, the Travelling Vendor shall retain and carry the Vendor Licence at all times while engaged in the operations for which it was issued.

11. Enforcement

- 11.1. This By-law shall be administered and enforced by the Town and Enforcement Authorities.
- 11.2. An Enforcement Authority may, for the purpose of enforcing this By-law, exercise any power, authority or remedy granted to the Town pursuant to the *Municipal Act, 2001*.
- 11.3. An Enforcement Authority may, at all reasonable times, enter and inspect any Property to determine if this By-law is being complied with and may, for the purposes of such an inspection, require the production of documents and/or require information from a Person concerning a matter related to the inspection.
- 11.4. An Enforcement Authority who is satisfied that a contravention of this By-law has occurred may make an Order requiring the Person who contravened the By-law, the Person who caused or permitted the contravention and/or the Owner of the Property where the contravention occurred to discontinue the contravening activity.
- 11.5. No Person shall obstruct or hinder, or attempt to obstruct or hinder, any Enforcement Authority in the exercise of a power or the performance of a duty under this By-law.

12. Penalty

- 12.1. Every Person who contravenes any provision of this By-law or an Order made under section 11.4 is guilty of an offence and upon conviction is liable to such penalties as are provided for in the *Municipal Act, 2001* and the *Provincial Offences Act, R.S.O. 1990, c. P.33*.
- 12.2. Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each Administrative Penalty issued pursuant to this By-law.
- 12.3. Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an Administrative Penalty in accordance with that By-law.

13. General

- 13.1. The short title of this By-law is the "Vendor Licensing By-law".
- 13.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.
- 13.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that

establishes the higher standard shall prevail.

13.4. This By-law shall be read with all changes in number or gender as are required by context.

13.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.

13.6. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

14. Repeal and Enactment

14.1. By-law Nos. 3186(2011) and 41-2024 are hereby repealed and replaced.

14.2. This By-law shall come into force on the date that it is enacted.

Marvin Junkin, Mayor

Sarah Leach, Acting Town Clerk



The Corporation of the Town of Pelham

By-law No. XX-2024

Being a By-law to establish a system of permits for special events held on public and private property within the Town of Pelham.

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act, 2001*” or “the statute”) provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

AND WHEREAS section 11 of the *Municipal Act, 2001* authorizes a lower-tier municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

AND WHEREAS section 151 of the *Municipal Act, 2001* authorizes a municipality to provide for a system of licences with respect to a business or any activity, matter or thing for which a by-law may be passed under sections 9 and 11 of the statute;

AND WHEREAS section 391 of the *Municipal Act, 2001* authorizes a municipality to impose fees and charges on persons for services or activities provided or done by or on behalf of the municipality;

AND WHEREAS sections 425 and 429 of the *Municipal Act, 2001* authorize a municipality to create offences for the contravention of its by-laws and to establish a system of fines for offences under its by-laws;

AND WHEREAS section 434.1 of the *Municipal Act, 2001* authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws;

AND WHEREAS section 436 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law, direction or order of the municipality;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides that where a municipality is satisfied that a by-law contravention has occurred, it may make an order requiring the person who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary and desirable to regulate special events in the Town of Pelham and to enact this By-law for that purpose;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. Purpose

1.1. The purpose of this By-law is to provide for a system of permits for Special Events held on Public Property and Private Property in the Town of Pelham to support and facilitate safe and enjoyable events for residents and the community at large.

2. Definitions

2.1. In this By-law:

"Administrative Penalty" means an Administrative Penalty issued pursuant to Town of Pelham Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, as amended from time to time.

"Agricultural Operation" means an agricultural operation as defined in the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1 ("*Farming and Food Production Protection Act, 1998*").

"AGCO" means the Alcohol and Gaming Commission of Ontario.

"Applicable Law" means all applicable by-laws of the Town and Niagara Region and all applicable provincial and federal statutes and regulations.

"Building Code Act" means the *Building Code Act, 1992*, S.O. 1992, c. 23.

"Building Code" means the *Building Code*, O. Reg. 332/12.

"By-law Enforcement Officer" means a by-law enforcement officer of the Town and includes the Director.

"Clerk" means the Clerk of the Town or designate.

"Community Planning and Development" means the Community Planning and Development Department of the Town.

"Council" means the Council of the Town.

"Director" means the Director of Fire and By-law Services of the Town or designate.

"Emergency Response Plan" means a document setting out all first aid services to be provided at a Special Event and providing a written plan to be followed in the event of any emergency including fire, extreme weather, criminal acts, personal injuries and medical incidents, and any other emergency preparedness information the Director may require.

"Enforcement Authority" means the Director, a By-law Enforcement Officer, and any Person appointed or otherwise delegated the authority to administer and enforce this By-law.

"Fees and Charges By-law" means Town of Pelham By-law No. 3728 (2016), as updated or amended from time to time.

"Fire and By-law Services" means the Fire and By-law Services Department of the Town.

"Fireworks" means fireworks regulated by Town of Pelham Fireworks By-law No. 2951 (2008).

"Food Vendor" means a Vendor that offers or provides any food or beverage for consumption.

"Highway" means a highway as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8 ("*Highway Traffic Act*").

"Hold" means to organize, host, present or operate a Special Event and **"Holding"** and **"Held"** have corresponding meanings.

"Liquor" means spirits, wine and beer or any combination of them and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter.

"Liquor Licence" means a licence or permit issued by the AGCO in accordance with the *Liquor Licence and Control Act, 2019*, S.O. 2019, c. 15, Sched. 22 ("*Liquor Licence Control Act, 2019*") for the purpose of serving Liquor at a Special Event.

"Lottery Licence" means a licence issued by the Town, on behalf of the AGCO, to a charitable or non-profit organization as defined by the AGCO for the purpose of holding a lottery event.

"Motor Vehicle" means a Motor Vehicle as defined in the *Highway Traffic Act*.

"Niagara Region" means the Regional Municipality of Niagara.

"Normal Farm Practice" means a normal farm practice as defined in the *Farming and Food Production Protection Act, 1998*.

"Official Plan" means the Town of Pelham Official Plan, as updated or amended from time to time.

"Order" means an Order issued to a Person under this By-law.

"Owner" means the registered owner of Property.

"Parking Plan" means a document and/or diagram detailing all parking to be provided for a Special Event including but not limited to location, number of parking spaces, designated accessible parking, entrances/exits, emergency access routes, signage and, if a Property other than where the Special Event is Held will be used to provide parking, a letter from the Owner of the Property authorizing such use.

"Person" means an individual, corporation, partnership or association and includes Private Clubs and Service Clubs.

"Private Club" means a member-based, non-commercial organization, whether incorporated or not, that carries on social, cultural, athletic or recreational activities generally available to members and their guests.

"Private Property" means Property owned by a Person other than the Town, Niagara Region, the Province of Ontario or Canada.

"Property" means any land or premises within the Town.

“Public Property” means Property under the ownership or jurisdiction of the Town, Niagara Region, the Province of Ontario or Canada.

“Service Club” means a volunteer-based, non-commercial organization, whether incorporated or not, that is dedicated to the growth and general welfare of its members and the community.

“Special Event” means an organized and time-limited event or function:

- i. with a maximum duration of five (5) continuous calendar days;
- ii. that augments the ordinary business or operations at the Property where it is Held;
- iii. that is open to the public and/or to invitees; and
- iv. that is reasonably expected to have more than two hundred (200) attendees and/or participants over its duration.

Functions that may constitute a Special Event include but are not limited to a fair, exhibition, carnival, bazaar, craft show, auction, concert, film screening, festival, sporting event, temporary agritourism offering, parade, neighbourhood block party, assembly for political, religious or cultural purposes, or other similar event.

“Special Event Host” means the Person, organization or entity that Holds a Special Event.

“Special Event Organizer” means the Person appointed or authorized by the Special Event Host to obtain the Special Event Permit, to obtain a Liquor Licence and/or Lottery Licence if required, and to be the primary contact for the Town in relation to the Special Event.

“Special Event Permit” means a permit issued by the Town pursuant to this By-law to authorize the Holding of a Special Event.

“Town” means the Corporation of the Town of Pelham or the geographic area of the municipality, as the context requires.

“Town Special Event” means a Special Event that is Held by the Town and that is designated by the Clerk as a Town Special Event.

“Traffic Management Plan” means a document and/or map providing a detailed plan for the control and management of traffic associated with the Special Event including the movement of Motor Vehicle, pedestrian and cyclist traffic to, from and within the Special Event.

“Vendor” means a Person that attends or participates in a Special Event for the purposes of practicing, carrying on, conducting or soliciting for any trade, calling, business or occupation.

“Venue Plan” means a diagram or sketch detailing the proposed layout of a Special Event or Extended Special Event including but not limited to the location of the Special Event or Extended Special Event, adjacent street names, parking areas, entrances/exits, emergency access routes, Food Vendor and Vendor location(s), location of all permanent and temporary structures, location of sanitary facilities (temporary or permanent), and location of fire suppression and first aid services.

“Zoning By-law” means Town of Pelham Comprehensive Zoning By-law No. 4481(2022), as enacted and amended from time to time.

3. General Prohibitions

- 3.1. No Person shall Hold a Special Event or cause or permit a Special Event to be Held on any Private Property or Public Property except in accordance with this By-law and all Applicable Law.
- 3.2. No Person shall Hold more than three (3) Special Events or cause or permit more than three (3) Special Events to be Held on any Private Property or Public Property in a calendar year.

4. By-law Application and Exemptions

- 4.1. This By-law applies to all Special Events Held on Private Property or Public Property in the Town unless otherwise provided for herein.
- 4.2. This By-law does not apply to Town Special Events or to Special Events that are Held in the Town by Niagara Region, the Province of Ontario or the Government of Canada.
- 4.3. This By-law does not apply to events or functions with a duration of more than five (5) continuous calendar days or to any Property at which more than three (3) Special Events will be Held in a calendar year. Such events and functions and such Property uses must be authorized by a temporary zoning by-law or Zoning By-law amendment.
- 4.4. This By-law does not apply to any activity that constitutes a Normal Farm Practice carried on as part of an Agricultural Operation. For the purposes of this By-law, a "Pick Your Own" activity at an agricultural Property is deemed to be a Normal Farm Practice carried on as part of an Agricultural Operation.

5. Special Events Requiring Permit

- 5.1. No Person shall Hold a Special Event that includes or involves any of the following matters or cause or permit such a Special Event to be Held without first obtaining a Special Event Permit:
 - (a) increased Motor Vehicle traffic on any Highway in the Town;
 - (b) traffic control requirements on any Highway or Property;
 - (c) any Highway closure, lane restriction or obstruction;
 - (d) use of Fireworks;
 - (e) operation of loudspeakers or sound amplification equipment;
 - (f) installation or placement of any tent or group of tents with a total area of sixty square metres (60m²) or more;
 - (g) construction or installation of a temporary stage or similar structure that is ten square metres (10m²) or larger and/or is more than one (1) metre high;
 - (h) Food Vendors;
 - (i) Vendors of any goods, merchandise or services;
 - (j) auctions for any goods, merchandise or services;
 - (k) amusement devices and inflatables regulated under the *Technical Standards and Safety Act, 2000, S.O. 2000, c. 16*;
 - (l) rides on a Motor Vehicle of any kind;

- (m) petting zoo or animal rides; and
 - (n) any other matter or activity for which any form of permit or authorization is required under Applicable Law.
- 5.2. Despite section 5.1 and subject to section 5.5, a Special Event Permit is not required for a Special Event that is Held by a Private Club exclusively on a Private Property of which the Private Club or any of its members are the Owner(s), provided that the Special Event complies with all Applicable Law.
 - 5.3. Despite section 5.1 and subject to section 5.5, a Special Event Permit is not required for a Special Event that is Held by a Service Club exclusively on a Private Property of which the Service Club or any of its members are the Owner(s), provided that the Special Event complies with all Applicable Law.
 - 5.4. Despite section 5.1 and subject to section 5.5, a Special Event Permit is not required for a Special Event that is Held solely and exclusively on Private Property and the Town is satisfied that the Special Event is permitted under the Zoning By-law and is part of the normal operations of a business or institution that ordinarily carries on business in the Town.
 - 5.5. In addition to section 5.1 and notwithstanding sections 5.2, 5.3 and 5.4, a Special Event Permit is required for any Special Event that:
 - (a) has the potential to strain emergency services in the Town;
 - (b) has a foreseeable impact on the regular flow of traffic;
 - (c) may adversely affect the community;
 - (d) presents an elevated risk to the health and safety of participants or the general public; or
 - (e) presents an elevated risk to the infrastructure of the Town.
 - 5.6. No Person shall Hold a Special Event for which a Special Event Permit is issued or cause or permit such a Special Event to be Held except in accordance with all terms and conditions of the Special Event Permit and in compliance with all Applicable Law.

6. Administration

- 6.1. This By-law shall be administered by the Clerk, who shall perform all administrative functions conferred under this By-law and without limitation may:
 - (a) determine if a proposed event is a Special Event that requires a Special Event Permit and advise the proponent accordingly;
 - (b) receive all applications for Special Event Permits;
 - (c) process all applications for Special Event Permits within thirty (30) days of receipt;
 - (d) require investigations to assess compliance with this By-law;
 - (e) confer and consult with other Town departments as required to assess compliance with this By-law;
 - (f) issue Special Event Permits in accordance with this By-law;
 - (g) impose terms and/or conditions on any Special Event Permit;

and

- (h) refuse, suspend or revoke a Special Event Permit where any requirement of this By-law or any term or condition imposed on a Special Event Permit is contravened.

7. Special Event Permit Application

- 7.1. An application for a Special Event Permit shall be made in writing by the Special Event Organizer in the form determined by the Clerk from time to time and shall be submitted not less than forty-five (45) calendar days prior to the commencement of the Special Event.
- 7.2. No application fee is payable to apply for a Special Event Permit. However, where the Special Event requires any other form of permit or authorization from the Town, application fees are payable in accordance with the Fees and Charges By-law.
- 7.3. An application under section 7.1 shall contain the following:
 - (a) the name and contact particulars of the Special Event Host including address, telephone number and email address;
 - (b) the name, telephone number and email address of the Special Event Organizer;
 - (c) the location of the Special Event, including the address of the Property where the Special Event will be Held;
 - (d) if the Special Event Host does not own the Property where the Special Event will be Held:
 - i. the name, address, telephone number and email address of the registered Owner(s) the Property; and
 - ii. written approval of the Special Event Permit application by the registered Owner(s) of the Property;
 - (e) the date(s) and time(s) of the Special Event;
 - (f) a description of the Special Event including but not limited to its nature and purpose, the activities and services to be offered, and the anticipated number of participants or attendees;
 - (g) a Venue Plan;
 - (h) a list of Vendors participating in the Special Event;
 - (i) proof of general liability insurance with limits of not less than five million dollars (\$5,000,000) per occurrence for a Special Event that includes or involves:
 - i. Food Vendors;
 - ii. the sale or service of Liquor;
 - iii. Fireworks; or
 - iv. games or sports that present an elevated safety risk such as axe throwing, archery, rock climbing and other similar activities; and
 - (j) proof of general liability insurance with limits of not less than three million dollars (\$3,000,000) per occurrence for a Special Event that does not include or involve any of the matters set out in paragraph (i).

- 7.4. In addition to the requirements of section 7.3, where a Special Event requires approval from any agency or authority other than the Town, including but not limited to the AGCO, Niagara Region and/or Niagara Region Public Health, the Special Event Organizer shall secure all such approvals and append them to the application.
- 7.5. Upon receipt of an application for a Special Event Permit, the Clerk shall review it for completeness and may require the Special Event Organizer to provide such additional information and/or documents as the Clerk determines are reasonably necessary to complete the application.
- 7.6. Without limiting the generality of section 7.5, the Clerk may require the Special Event Organizer to provide the following:
 - (a) Emergency Response Plan;
 - (b) Parking Plan;
 - (c) Traffic Management Plan;
 - (d) for a Special Event that is Held in whole or in part on Public Property, a site remediation plan to restore the Public Property to its prior condition;
 - (e) Liquor Licence;
 - (f) Lottery Licence;
 - (g) licence(s) held by any Vendor(s);
 - (h) permit(s) issued under Town of Pelham Fireworks By-law No. 2951 (2008);
 - (i) permit(s) issued under Town of Pelham Open Air Burning By-law #4223(2020);
 - (j) permit(s) issued under Town of Pelham Sign By-law No. 48-2023;
 - (k) permit(s) issued under the *Building Code Act* and the *Building Code* for the installation of temporary event tents; and/or
 - (l) temporary exemption(s) from Town of Pelham Noise Control By-law No. 4454(2022) issued thereunder.
- 7.7. Upon receipt of a complete Special Event Permit application, the Clerk shall circulate it to Community Planning and Development, Fire and By-law Services and any other required Town department for comment. The Clerk shall also provide the application to any other agency or authority impacted by the Special Event for review and comment.
- 7.8. Where necessary to complete or process a Special Event Permit application, the Clerk may require the Special Event Organizer to meet with Town staff. The Clerk may also require inspections by Community Planning and Development, Fire and By-law Services and/or Niagara Region Public Health.

8. Special Event Permit Issuance

- 8.1. Upon completion of the application process set out in section 7, the Clerk shall issue a Special Event Permit where the Clerk is satisfied that:

- (a) the Special Event conforms to the requirements of the Official Plan and Zoning By-law;
 - (b) the Special Event is compatible with surrounding land uses;
 - (c) any additional approvals, permits or authorizations required under Applicable Law have been obtained;
 - (d) subject to paragraph (e), the Town departments and any other agency or authority to which the application was circulated have no objection to the Special Event;
 - (e) where the objection of a Town department or other agency or authority is resolved by imposing additional requirements for the Special Event, that all such requirements have been or will be met; and
 - (f) the Special Event is beneficial to the community, residents and/or businesses in the Town.
- 8.2. Notwithstanding section 8.1, the Clerk may impose such terms and conditions on a Special Event Permit as the Clerk considers to be appropriate in the circumstances.
- 8.3. Any breach of the terms or conditions of a Special Event Permit by any Person shall render the Special Event Permit null and void.
- 8.4. Where the Clerk issues a Special Event Permit, it shall set out the date and time at which it expires, which shall be not more than twenty-four (24) hours after the end of the Special Event unless the Special Event Host satisfies the Clerk that more than twenty-four (24) hours is necessary to restore the Property on which the Special Event is Held, in which case the Special Event Permit may expire up to forty-eight (48) hours after the end of the Special Event.
- 8.5. Where the Clerk refuses to issue a Special Event Permit, the Clerk shall provide written reasons for the refusal. The decision of the Clerk to refuse a Special Event Permit is final.

9. Enforcement

- 9.1. This By-law shall be administered and enforced by the Town and Enforcement Authorities.
- 9.2. An Enforcement Authority may, for the purpose of enforcing this By-law, exercise any power, authority or remedy granted to the Town pursuant to the *Municipal Act, 2001*.
- 9.3. An Enforcement Authority may, at all reasonable times, enter and inspect any Property to determine if this By-law is being complied with and may, for the purposes of such an inspection, require the production of documents and/or require information from a Person concerning a matter related to the inspection.
- 9.4. An Enforcement Authority who is satisfied that a contravention of this By-law has occurred may make an Order requiring the Person who contravened the By-law, the Person who caused or permitted the contravention and/or the Owner of the Property where the contravention occurred to discontinue the contravening activity.

9.5. No Person shall obstruct or hinder, or attempt to obstruct or hinder, any Enforcement Authority in the exercise of a power or the performance of a duty under this By-law.

10. Penalty

10.1. Every Person who contravenes any provision of this By-law or an Order made under section 9.4 is guilty of an offence and upon conviction is liable to such penalties as are provided for in the *Municipal Act, 2001* and the *Provincial Offences Act, R.S.O. 1990, c. P.33*.

10.2. Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.

10.3. Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

11. General

11.1. The short title of this By-law is the "Special Event Permit By-law".

11.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.

11.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.

11.4. This By-law shall be read with all changes in number or gender as are required by context.

11.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.

11.6. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

12. Enactment

12.1. This By-law shall come into force on the date that it is enacted.

Marvin Junkin, Mayor

Sarah Leach, Acting Town Clerk

Subject: Asset Management Plan and Engineering Standards Update

Recommendation:

BE IT RESOLVED THAT Council receive Report #2024-0255 Asset Management Plan and Engineering Standards, for information;

AND THAT Council approves the award of the assignment to Update the Town's Asset Management Plan to comply with Ontario Regulation 588/17 to GEI Consultants Canada Inc. in the amount of \$87,091.30 (including non-rebated HST of 1.76%).

AND THAT Council approves the funding for the Update to the Town's Asset Management Plan from the Roads Capital Reserve in the amount of \$87,091.30.

Background:

Asset Management Plan (AMP)

On December 17, 2017, O.Reg. 588/17 (the "Regulation") was released to help municipalities better understand what important services need to be supported over the long term while identifying infrastructure challenges and opportunities and finding innovative solutions.

The Town has met the required milestones set out in the O.Reg. 588/17 to date and is now looking to complete the final AMP that will provide the Levels of Service and financial strategy to become a foundation document for future grant funding opportunities.

The Town currently has a Core AMP (2021) and a Non-Core AMP (2024), however, both Plans will need consolidating to comply with the July 1, 2025 requirement. In addition, the consolidated AMP is also required to include the Town's established and required Levels of Service and provide a financial strategy for making infrastructure investment decisions.

The AM Plan is a strategic document that states how the Town's assets are to be managed during the lifecycle of the asset.

The AM Plan describes the characteristics and condition of infrastructure assets, the level of service (LOS) expected from them, planned actions to ensure the assets are

providing the expected LOS, and financing strategies to implement the planned actions.

Analysis:

On January 1, 2018, Ontario Regulation 588/17: Asset Management Planning for Municipal Infrastructure came into effect. The regulation sets out requirements for municipal asset management planning to help municipalities more consistently identify asset management needs and inform asset management planning and investment decisions.

The July 2025 deadline includes the development of a comprehensive asset management plan, building on the two previous milestones, and combining the Town's core assets, non-core assets, and the Town's level of service expectations and lifecycle cost management strategy.

To meet the July 2025 deadline staff reached out to consulting firms specializing in asset management to obtain proposals to consolidate the AMPs including the Town's current Levels of Service and develop a lifecycle cost management strategy.

The preferred Consultant is GEI Consultants Canada Inc. GEI is ideally positioned to deliver this project because of their vast experience in asset management and the development of asset management plans, as well as their current involvement with the Town on numerous assignments that will contribute to the updated AMP. Currently, GEI is completing the following projects for the Town:

- Cemetery Data Transfer project
- CLI/ECA Operations and Maintenance Manuals (including levels of service)
- Water and Wastewater master plan review and modeling project

GEI understands the O.Reg.588/17 2025 regulatory requirements for municipal asset management planning and the Town's current asset management principles and practices. The project team identified in the proposal (See Appendix A) has completed, or is currently working on, the following AMPs in other LAMs within the Niagara Region:

- City of Welland AMP Update (2024 and 2025)
- City of Port Colborne Core AMP (2024 & 2025)
- City of St. Catharines Core AMP (2022); Remaining Asset AMP (2023)
- City of London AMP (2018-2019, 2022-2023)
- Town of Fort Erie Core and Facilities AMP (2019, 2024)

The assignment will include a Gap Analysis to ensure that all the Town's assets are included, review the existing Levels of Service provided by the Town, propose new enhanced Levels of Service, and provide a life cycle cost management strategy.

The Consultant would also consolidate the Core AMP (2021) and a Non-Core AMP (2024), including any additional data gaps, include the existing Levels of Service, and provide the Town with an Asset Management Plan that would comply with the Ontario Regulation 588/17.

A provisional item that the Consultant has included is the Introduction to Asset Management Planning and Proposed Levels of Service Workshops with Council. This is an optional item that is recommended to be completed under this assignment but could be completed once the existing Levels of Service are established and the requirements under O.Reg. 588/17 are met.

A detailed description of the consultant's action items under this assignment is provided in their proposal attached to this report as Appendix A.

In addition, Town Engineering and Public Works staff continue to review the Town's Engineering Standards and look forward to presenting a revised document to Council in 2025.

The current engineering standards were adopted by Council in 2017. Since that time there have been several changes in legislation and engineering design best practices (particularly around stormwater management as a result of climate change) which has resulted in the need to update the standards.

Staff have completed a full review of our current standards and are in the process of making recommendations for revision. This fall engineering staff intend to provide the industry (developer and consultants) an opportunity to engage with town staff to discuss the potential revisions to the engineering standards.

Once the revisions to the standards are updated staff will provide a report to Council for endorsement.

Financial Considerations:

The Project Items and Financial Summary for the Project are outlined below:

• Phase 1 and Phase 2 - Data and Data Gap Analysis	\$13,300
• Phase 3 - Levels of Service Review	\$ 5,270
• Phase 4 - Lifecycle Management Strategy	\$ 7,800
• Phase 5 - Develop Financial Strategy	\$12,870
• Phase 6 - Develop Comprehensive Asset Mgt Plan	<u>\$23,320</u>
Sub-Total	\$62,560
• Provisional - Workshops with Departments	\$19,865
• Provisional - Workshops with Council	<u>\$ 3,160</u>
Sub-Total Provisional	\$23,025

The total cost for the complete assignment is \$85,585.00 (\$87,091.30 including 1.76% non-rebates HST).

There are anticipated savings in capital project RD 07-24 - 2024 Roads Rehabilitation, that will be sufficient to fund the Asset Management Plan Update project.

Alternatives Reviewed:

As an alternative Council could choose not to award the provisional items which include departmental and council workshops to establish the levels of service and life cycle cost management strategies. If this is the Council's direction then the consultant will use best industry practices to determine the levels of service and life cycle cost management strategies. The amount of the assignment excluding the provisional items is \$62,560 (\$63,661.06 including 1.76% non-rebated HST).

Staff recommends awarding the complete assignment as the final product will include input from a variety of stakeholders including Council which will ultimately result in a more comprehensive customized AMP.

Strategic Plan Relationship: Enhancing Capacity and Future Readiness

By having a complete and comprehensive asset management plan including the Town's assets, levels of service, and life cycle cost strategies the Town will meet the requirements of the legislation O.Reg. 588/17 which will allow the Town to deliver high-quality infrastructure services to the community.

Consultation:

Consultation was undertaken with the Deputy Treasurer and the Manager of Public Works in the preparation of this report.

Other Pertinent Reports/Attachments:

Appendix A – GEI 2025 Asset Management Plan Proposal, dated October 11, 2024

Prepared and Recommended by:

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

October 11, 2024

GEI File: 2406518

Attn: Jason Marr
Town of Pelham
20 Pelham Town Square
Pelham, ON
L0S 1E0

RE: Town of Pelham Asset Management Plan Update - 2025

GEI Consultants Canada Inc. (GEI), formerly GM BluePlan, is pleased to submit this proposal to support the Town of Pelham (Town) for the update of their 2025 Asset Management Plan (AMP) in support of enhancing the Town's asset management practices and to comply with Ontario Regulation 588/17.

We believe GEI is ideally positioned to deliver this project because of our vast experience in asset management and the development of asset management plans, as well as our current involvement with the Town on numerous assignments that will contribute to the updated AMP. We are excited to have this opportunity to engage with additional Town staff and demonstrate our capabilities in this area. This project will be delivered from our Hamilton Office. We are prepared to start this assignment immediately.

Statement of Understanding

On January 1, 2018, Ontario Regulation 588/17: Asset Management Planning for Municipal Infrastructure came into effect. The regulation sets out requirements for municipal asset management planning to help municipalities more consistently identify asset management needs and inform asset management planning and investment decisions. We believe that through this assignment the Town will meet the requirements of the legislation related to the assets you own and which allow you to deliver high quality infrastructure services to your community.

GEI's approach will align with requirements of O. Reg 588/17. Overall, this project will accomplish the following key objectives:

- *Meet the O. Reg 588/17 regulatory timeframes for municipal asset management planning. Specifically, this project will result in a compliant Asset Management Plan for 2025 legislative requirements.*
- *Review and update the current State of the Local Infrastructure including asset inventory, cost and condition, identifying and filling gaps where required.*
- *Review and update the current Levels of Service, targets, and Key Performance Indicators (KPIs) to enable the Town to understand the services that it provides and measure them to support service-centric decision-making. Incorporate proposed levels of service, strategies and costs to meet these targets.*

- *Develop proposed Levels of Service for the 2025 AMP, that are financially tolerable, balance risk and are implementable in the long term.*
- *Review and update asset lifecycle management strategies that enable prediction of intervention requirements based on condition, asset performance, cost, level of service and risks. GEI is unique in the industry as we understand that asset maintenance plays a capital role in LOS and asset sustainability and not simplistic models that are asset replacement centric.*
- *Review and update the risk strategy to allow for risk-based prioritization of capital projects and evaluation of the risks that come with different intervention options.*
- *Identify the funding requirements to support levels of service and the lifecycle management strategy. Provide financial statements and projects for the next 10 years in support of the strategy.*
- *Assess growth and climate change to determine the future demands and impacts to the Town's asset management strategies.*
- *Development of the updated 2025 AMP, and the delivery of a presentations to Town Council.*

Work Plan

The following work plan leverages the Town’s Asset Management accomplishments over the past years and follows a streamlined version of the tasks to meet the 2025 O. Reg 588/17 requirements. A provisional AMP development phase and provisional workshops have been highlighted within the workplan below for context.

Phase 1 – Project Initiation, Project Management and Administration

GEI will coordinate a project initiation meeting with the Town’s project manager and project team. In this meeting, we will review the project scope, objective and timelines in detail. Any potential challenges, timelines and risks will be discussed and further documented at this meeting. Resource requirements will also be clearly outlined at this meeting. An immediate step following this meeting, GEI will prepare a Request for Information (RFI) for the Town to provide any relevant information.

This task includes an allowance for overall project management and administration including ongoing communications, weekly project status calls/meetings, schedule management and scope management.

Final Deliverables

- Kickoff Meeting
- Monthly Progress Update Meetings & Meeting Minutes

Phase 2 - Background Data and Gap Analysis & State of Assets

GEI will guide the Town through the process of collecting the necessary information required for the AMP. GEI will collect, review, and identify any missing requirements of O.Reg. 588/17. GEI will provide recommendations, determine where existing information can be leveraged to enhance the AMP to be provided for the Town to compile any missing required data. Using the information provided, a draft inventory will be developed.

The draft overview of the data and what will be included for the State of the Infrastructure will be sent to Town staff for review and comment. It is important to ensure that this inventory covers the full replacement cost, and includes condition, age and estimated service life. Any assumptions made in the absence of data will be established with Town staff and documented in the AMP. Any required gaps that cannot be worked through between GEI and the Town will be documented for recommendations for future initiatives.

Final Deliverables

- Gap Assessment
- Draft Inventory
- *Data Review Workshop – Provisional (1hr x 8 Workshops)*
- Finalized Inventory

Phase 3 & 4 - Levels of Service (Current and Proposed) & Lifecycle Management Strategy

Level of Service

GEI will develop a level of service framework for the assessment of the current levels of service to determine the current performance, and the proposed performance of the Town. The level of service framework will be developed based on GEI's extensive experience with municipalities within the Niagara Region, best practices and in accordance with O.Reg. 588/17.

All assumptions and methodology will be documented within the AMP document to ensure repeatable processes for the Town to follow for future iterations of the AMP.

Lifecycle Management Strategy

The lifecycle management strategy will be developed that addresses the Town's assets are managed throughout their lifecycle. The lifecycle management strategy is the set of planned activities to ensure that the infrastructure can achieve the level of service goals. The strategy is related to optimizing decisions with respect to replacement, rehabilitation, maintenance, disposals, and any asset strategies for renewal.

These lifecycle strategies and their costs, provide the basis for the financial strategy and the infrastructure gap.

GEI has provided provisional items, should the Town wish to include stakeholders in the development of the levels of service and lifecycle strategies that will be used within the AMP.

Deliverables

- *SOTI/LOS/LCM Workshops – Provisional (1hr x 8 Workshops)*
- *Proposed Levels of Service Workshops – Provisional (2hr x 8 Workshops)*
- Summary Report of Proposed Levels of Service
- Updated Lifecycle Management Scenario

Phase 5 - Financial Strategy

The financial strategy of an AMP sets out the approach to ensuring that the appropriate funds are available to support the delivery of infrastructure services. The financing strategy will provide commentary on the current planned financial expenditures, infrastructure spending needs, the funding shortfall, and financial strategies to overcome the infrastructure spending shortfall. This phase of the project will begin during the initial data request and review phase to ensure all data requirements are received and align for desired outputs. A workshop will be held to outline the key needs for this data.

The financial strategy will be finalized in a report from the outcomes of the two workshops that will be held for the review of the financial and LCM strategies.

If the Town wishes to draft the AMP document themselves, all deliverables will be provided to the Town in electronic format in excel.

Deliverables

- Financial Strategy Data Requirements Workshop (2hr Workshop)
- *Financial Calibration Workshops – Provisional (1hr x 4 Workshops)*
- Financial & LCM Review Workshop
- Summary Report of Financial Strategy

Provisional P1 - Draft and Final Asset Management Plan

Provided as a provisional item, the final task of the project will be to develop the draft and final version of the AMP document. Based on the regulations and the prior AMP, the key sections of the plan are proposed to include the prior phases:

- Introduction: Why we need a plan and the overall scope (including summary and updates) and methodology of the AMP.
- State of the Infrastructure: Inventory overview and condition (including condition, replacement value and average age, and all assumptions made for the development of the plan).
- Levels of Service: Performance of current levels of service and proposed levels of service.
- Lifecycle Management Strategy: The costs and activities associated with the management of Town assets throughout their lifecycle. Including Current Budget Scenario, Cost to Maintain Current LOS, Unconstrained Scenario and Proposed LOS.
- Financing Strategy: How much it will cost and how it will be paid for.

- Improvement Monitoring: Action items for improvement.

The asset management plan will incorporate key components of the project that have been previously completed.

Following receipt of comments on the draft AMP, GEI will develop the final AMP. The report will tie together all analysis completed under each project task, and clearly illustrate the integration and linkages of all strategies. All tools, templates and presentations will be provided to the Town to serve as the one-stop reference in the future.

Finally, GEI will coordinate to present the AMP to Council. Additional provisional workshops for Council include an introduction to the asset management plan and regulatory requirements and the development of proposed levels of service.

Deliverables

- Draft & Final Asset Management Plan
- Presentation for Council
- *Council Workshop (Intro to AMP) – Provisional*
- *Council Workshop (Proposed LOS) – Provisional*

Project Team and Qualifications

Our project team is ready to deliver the AMP. This team understands the O.Reg.588/17 2025 regulatory requirements for municipal asset management planning and the Town's current asset management principles and practices.

The project team identified in this quotation have completed, or are currently working on, the following AMPs in the Niagara Region:

- City of Welland AMP Update (2024 and 2025)
- City of Port Colborne Core AMP (2024 & 2025)
- City of St. Catharines Core AMP (2022); Remaining Asset AMP (2023)
- City of London AMP (2018-2019, 2022-2023)
- Town of Fort Erie Core and Facilities AMP (2019, 2024)

Please find below, the team organizational chart. For detailed resumes of each member of the proposed project team, please refer to Appendix A.

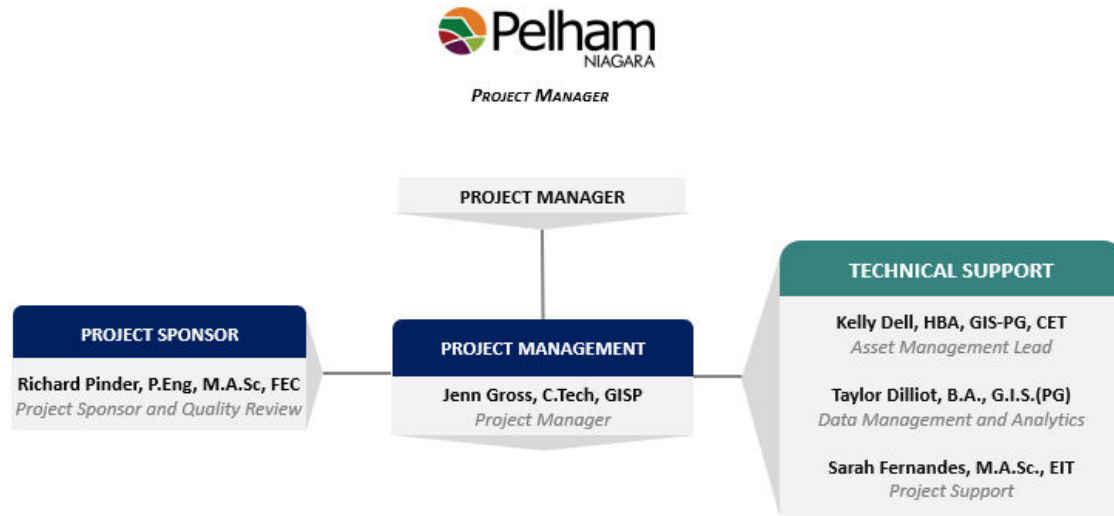


Figure 1. Project Team Organizational Chart

Project Manager

Jenn Gross, C. Tech, GIS (PG)

Jenn is an asset management and GIS professional with 17 years of diverse consulting and municipal experience. Within her time at GEI, she has led numerous asset management project for other municipalities within the Niagara Region, including Town of Fort Erie, City of Welland, and City of Port Colborne. She also has assisted with the development of The City of St. Catharines, City of London, and the City of Cambridge. She previously also led the Asset Management Program and GIS for the Town of Grimsby. This involved the creation and development of the asset management program, AM policy, AM Strategic Plan, governance structure, level of service frameworks, and Asset Management Plans for core infrastructure and facilities. She will serve as the Project Manager for the 2025 AMP.

Project Sponsor and Quality Review

Richard Pinder, M.A.Sc., P. Eng., FEC

Rich is Senior Project Manager at GEI with over 25 years of experience in providing solutions to client’s asset management challenges covering a broad range of infrastructure, facility assessments and AMPs. This includes providing consulting services related to the development of Asset Management Plans, including the City of St. Catharines Remaining Assets AMP in 2023, City of Windsor 2024 and 2025 AMPs, and the City of Cambridge 2025 AMP. Rich will bring this experience to this assignment and will support the project team in providing QA/QC oversight for all deliverables.

Asset Management Lead

Kelly Dell, HBA, GIS (PG), C.E.T.

Kelly is an asset management professional with prior experience in municipal asset management, engineering, GIS, data management, and urban planning settings. She works with diverse municipal teams developing and implementing asset management strategies with enhanced data management and information systems strategies. Kelly's proficiency in data management ensures quality and consistency across asset inventories and helps her lead and support Asset Management projects throughout the project lifecycle. She has liaised effectively with consultants, finance departments, and operational teams to integrate data into municipal systems, contributing to the overall success of asset management initiatives. Kelly has demonstrated her commitment to organizational capacity through her roles and skills and will be the Asset Management Lead on this team.

Data and Analytical Support

Taylor Dilliot, B.A., GIS (PG)

Taylor brings expertise in data analysis, data modelling, programming, and machine learning to all aspects of asset management. He has experience performing data analytics, systems optimization, and the development of in-house tools. Additionally, Taylor has experience with Levels of Service framework development and risk assessments. Taylor will support the project team with all facets of data management and analysis required to develop the AMP.

Technical Support

Sarah Fernandes, M.A.Sc., E.I.T.

Sarah brings diverse experience with a focus in asset management projects. Her technical and interpersonal skills along with her varied engineering experience in process, operations, and infrastructure management allow her to support these projects throughout the entire lifecycle of the project. Her strong coordination skills with multi-disciplinary teams enables her to support asset management projects with project coordination, data management, and technical writing. Sarah will serve as technical support for developing the AMP.

Project Assumptions

We have made the following assumptions in the development of this proposal:

- The Town will provide all relevant information requested in a timely manner.
- The Town's Project Manager will manage the Town's feedback on provided deliverables by reviewing, approving, and collating edits and comments before submitting them to GEI. This will ensure deliverables appropriately reflect staff feedback and are finalized in a timely and efficient manner.

Project Budget

The total proposed project budget is \$39,240 excluding HST and provisional items including the development of the asset management plan (\$23,320) and additional workshops with departments (\$23,025). The base budget and both provisional items come to a total project cost of \$85,585, excluding HST.

The detailed time-task breakdown is provided in **Appendix B**.

Project Schedule

We understand that the Town's requires the Asset Management Plan to be approved by Town Council prior to the July 1, 2025 O.Reg. 588/17 deadline, and we have allocated 34 weeks to complete the assignment. We will work with the Town's project team to adhere to the schedule detailed in **Appendix C**.

Closing

We trust the above proposal meets your needs and illustrates the strengths of the GEI team to support the Town with this assignment. Upon written approval, our team is available to commence work in November of 2024; with an anticipated project closure of June 2025. GEI will meet with the Town's project manager to review final deliverables for project sign off. Please do not hesitate to contact us should you have any questions regarding this proposal and or require additional information. Thank you for the opportunity to provide this quotation for services.

Yours truly,

Per:



Jenn Gross, C. Tech, GISP
Senior Project Manager



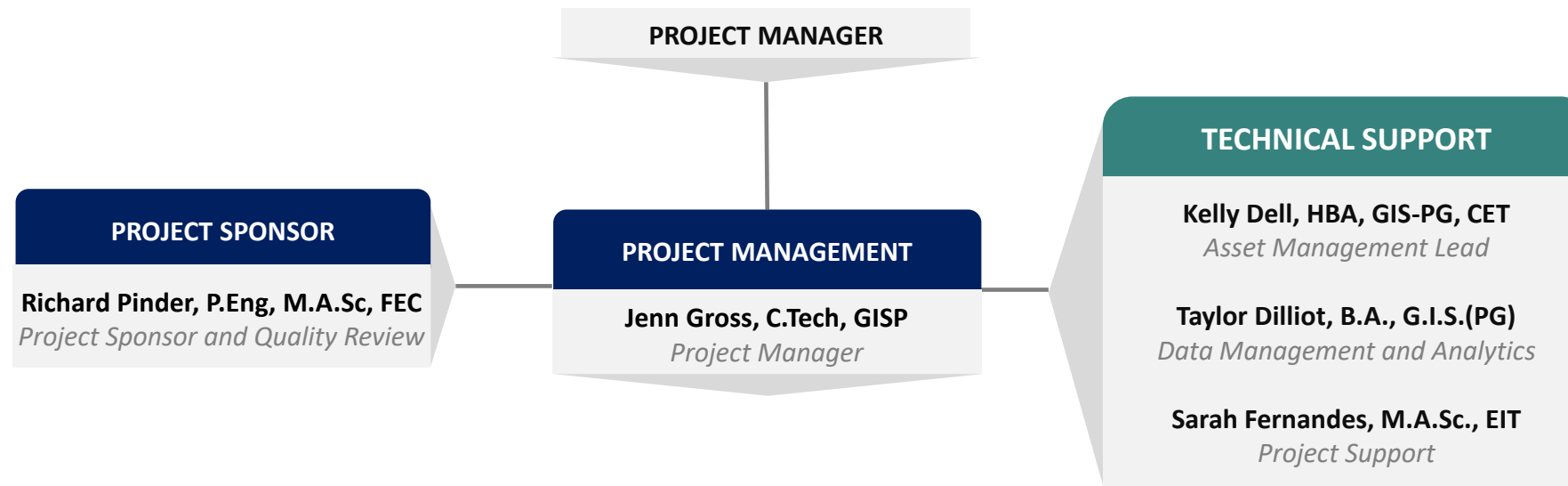
Richard Pinder, M.A.Sc., P.Eng., FEC
Hamilton Branch Manager

Appendix A

Team Resumes



PROJECT MANAGER



Contact Information for Senior Management Outside of Project Team:
CHRIS HAMEL, P.ENG.
EMAIL: CHAMEL@GEICONCONSULTANTS.COM
CELL: 416-577-2500

GEI Team Organizational Chart
GEI PROJECT NUMBER - 2406158

Jenn Gross, HBA, C.Tech., GISP

Asset Management Project Manager



Jennifer is an experienced asset management and GIS professional with a diverse background in consulting and municipal settings. She has accumulated 16 years of expertise in this field. Her recent work has involved project management and asset management advisory, collaborating with various municipalities such as the City of London, City of St. Catharines, Town of Fort Erie, City of Port Colborne and City of Welland, to develop their Asset Management Plans.

In her role, Jennifer is responsible for the facilitation of project teams, identifying necessary resources, and setting project objectives, timelines, and milestones. She also assists with the development, implementation, and enhancement of asset management programs. This includes designing condition assessment protocols, risk and criticality models, lifecycle management strategies, and level of service frameworks.

Jennifer engages with her clients to review business processes, asset management and corporate systems, including GIS applications, to provide needs assessments and recommendations on how to manage assets more efficiently and effectively. This is accomplished by building an environment of collaboration and teamwork to address challenges and assist clients in modernizing their services.

PROJECT EXPERIENCE

Corporate Asset Management Plan, City of Windsor, ON

Project Coordinator. GEI was retained to develop the municipality's Asset Management Plan that is compliant with the 2024 and 2025 O.Reg.588/17 requirements, including proposed levels of service, lifecycle management and risk management across the full spectrum of asset classes. (2023-Ongoing)

Asset Management Plan, City of Welland, ON. Project Manager. GEI was retained to develop the municipality's Asset Management Plan that is compliant with the 2024 and 2025 O.Reg.588/17 requirements, including proposed levels of service, lifecycle management and risk management across the full spectrum of asset classes. (2023-Ongoing)

Asset Management Plan, City of Port Colborne, ON. Project Manager. GEI was retained to develop the municipality's Asset Management Plan that is compliant with the 2024 and 2025 O.Reg.588/17 requirements, including proposed levels of service, lifecycle management and risk management across the full spectrum of asset classes. (2023-Ongoing)

GIS and Asset Management Resource Review, Implementation Plan and Roadmap, City of Port Colborne, ON. Project Manager. The City of Port Colborne, with the goal of modernizing GIS and AM within the Corporation, retained GEI to conduct a resource review, a GIS data gap analysis, a stakeholder engagement workshop and to develop an Implementation and Roadmap for GIS and AM. All

EDUCATION

B.A., Bachelor of Arts (Hons), Geography with a Concentration in GIS, Brock University
Graduate Certificate, Geographic Information Systems, Niagara College

EXPERIENCE IN THE INDUSTRY

17 years

EXPERIENCE WITH GEI

1 year

REGISTRATIONS AND LICENSES

Certified Technician (C.Tech), OACETT No. #850164
Geographic Information Systems Professional (GISP), GISCI

TRAINING AND CERTIFICATIONS

Professional Certificate in Asset Management Planning, IPWEA

recommendations were outlined and prioritized in an implementation and road map outlining recommended resources for the tasks. (2023)

Asset Management

Transit Asset Management Plan, York Region, ON. Asset Management Support. GEI was retained to develop an AMP for all transit assets. Provided asset management support to ensure compliance with O.Reg. 588/17. (2023)

Asset Management Plan, City of St. Catharines Library, ON. Asset Management Support. GEI was retained to develop an AMP for all library assets. Provided asset management support to ensure compliance with O.Reg. 588/17, project coordination and assisted in the development of the AMP. (2023)

State of Good Repair Backlog Analysis of Linear Infrastructure (Water & Sewer), City of Toronto, ON. Asset Management Advisor. The purpose of the project is to assess the condition and long-term investment requirements to sustain the watermains and sewer system infrastructure in a State of Good Repair. The project includes analysis of the backlog of linear infrastructure. (2023)

Infrastructure Needs Study, City of Port Colborne, ON. Asset and Data Management Advisor. There are multiple engagements being completed with the City on their infrastructure. Jennifer is responsible for packaging and presenting the data for the multiple projects to the client in a user-friendly dashboard. (2023)

PREVIOUS PROJECT EXPERIENCE

Corporate Asset Management Plan, City of St. Catharines, ON. Asset Management Support. GEI was retained to develop a Corporate AMP for core and non-core assets for a total estimated value of \$4.7 billion. Involved in the development of the non-core assets to meet O.Reg.588/17 requirements. Project tasks included reviewing the City's asset data and developing an asset hierarchy and compiling a comprehensive asset register. GEI documented the City's existing lifecycle activities and developed lifecycle deterioration models, and established intervention types, triggers, and costs. (2022-2023)

Corporate Asset Management Plan, City of London, ON. Advisor/Project Manager. The City of London retained GEI to provide consulting services to support the City in the development of their Corporate Asset Management Plan (CAM Plan) for the 2025 O.Reg. 588/17 requirements, including proposed levels of service. The project consisted of supporting the City to complete the asset lifecycle analysis, deliver workshops to staff, and prepare other components of the CAM Plan. (2022-2023)

Asset Management Plan for Core Infrastructure, Town of Grimsby, ON. Project Manager. The objective of this assignment was to develop an AMP for core infrastructure as per O.Reg. 588/17, including state of the infrastructure, levels of service and performance, lifecycle management strategy, and financing strategy. (2022)

Asset Management Program, Town of Grimsby, ON. Coordinator, Project Manager. Established the Asset Management Program for the Town of Grimsby, including the creation of the Asset Management Team, the development of the Asset Management Policy, Strategic Plan, and governance structure. (2017-2023)

Asset Management Team, Town of Grimsby, ON. Coordinator, Project Manager. Developed, implemented and grew the Town's asset management program, including condition assessment protocols, risk and criticality models, lifecycle management, and level of service framework. Provided awareness training to the Team and Council to expand Asset Management capacity within the Town. (2017-2023)

Richard Pinder, P.Eng, M.A.Sc, FEC

Project Sponsor

Richard Pinder is a professional engineer with over 20 years of project management experience. Mr. Pinder is experienced in leveraging business processes, engineering and data to help organizations maximize the value of their assets, programs and projects. During his career, Richard has successfully led several corporation-wide asset management implementations. Most recently, he led the successful implementation of the Regional Municipality of Niagara Water-Wastewater asset management program. As part of this program, he established asset management within the division, which included enhancing the asset management system, policy and strategy development, governance structure, level of service frameworks, risk frameworks, capital budget process, condition assessments, and decision support system implementations. Richard was also a member of the corporate asset management team.

Before the Regional Municipality of Niagara, Richard led the asset management program development at the Regional Municipality of Waterloo. This included the Asset Management Systems Implementation Program – Included the implementation of a Region-wide Work Management and Decision Support System (Development of RFP, Selection, Purchase and Implementation), developed the Corporate Asset Management Policy, Framework and Strategy, coordinated and delivered the Corporate Asset Management Plan enabling the Region to apply for Federal and Provincial Funding (100 yr. plan). Richard was also the Communication/Change Management Lead for Water Services for the Asset Management Program. He was responsible for delivering and implementing the initial Transportation and Environmental Services Asset Management Implementation Project (\$3M Consultant Assignment).

Richard's experience includes strategic and operations management in water and wastewater; however has been involved in stormwater, transportation, airports, facilities, social housing, information technology, parks, recreation, and fleet.

Richard is a professional engineer, has been recognized by engineering peers, and has been made a Fellow of Engineers Canada (FEC).



EDUCATION

M.A.Sc., Environmental Engineering,
University of Guelph
B.Sc., Environmental Engineering,
University of Guelph

EXPERIENCE IN THE INDUSTRY
20 years

EXPERIENCE WITH GEI
1 year

REGISTRATIONS AND LICENSES
Professional Engineer, Ontario

PROFESSIONAL AFFILIATIONS
Institute of Asset Management, Member
(MIAM)
Institute of Asset Management, Advanced
Asset Management Certificate
Institute of Asset Management, Advanced
Asset Management Diploma (In
progress)
PEMAC Asset Management Professional
Certification Program (In progress)

PROJECT EXPERIENCE

Corporate Asset Management Plan, City of Cambridge. Project Manager. GEI was retained to develop the municipality's Asset Management Plan, which is compliant with the 2024 and 2025 O.Reg.588/17 requirements, including proposed levels of service, lifecycle management, and risk management across the full spectrum of asset classes.

Corporate Asset Management Plan, City of Windsor. Project Manager. GEI was retained to develop the municipality's Asset Management Plan to comply with the 2024 and 2025 O.Reg.588/17 requirements, including proposed levels of service, lifecycle management, and risk management across the full spectrum of asset classes.

Transit Asset Management Plan, Region of York. Project Manager. This project is to produce the Asset Management Plan for the Region of York Transit Division. This will be compliant for 2024 and 2025 O.Reg. 588/17.

Corporate Asset Management Plan, City of Windsor. Project Manager. GEI was retained to develop the municipality's Asset Management Plan to comply with the 2024 and 2025 O.Reg.588/17 requirements, including proposed levels of service, lifecycle management, and risk management across the full spectrum of asset classes.

Asset Management Plan, City of St. Catharines Library, ON. Asset Management Support. GEI was retained to develop an AMP for all library assets. Provided asset management support to ensure compliance with O.Reg. 588/17, project coordination and assisted in the development of the AMP. (2023)

Asset Management Plan, City of St. Catharines Library, ON. Project Manager. GEI was retained to develop an AMP for all library assets. Provided asset management support to ensure compliance with O.Reg. 588/17, project coordination and assisted in the development of the AMP. (2023)

Corporate Asset Management Plan, City of St. Catharines, ON. Project Manager. GEI was retained to develop a Corporate AMP for core and non-core assets for a total estimated value of \$4.7 billion. Involved in the development of the non-core assets to meet O.Reg.588/17 requirements. Project tasks included reviewing the City's asset data and developing an asset hierarchy and compiling a comprehensive asset register. GEI documented the City's existing lifecycle activities and developed lifecycle deterioration models, and established intervention types, triggers, and costs. (2022-2023)

Corporate Asset Management Plan, City of London, ON. Advisor/Project Manager. The City of London retained GEI to provide consulting services to support the City in the development of their Corporate Asset Management Plan (CAM Plan) for the 2025 O.Reg. 588/17 requirements, including proposed levels of service. The project consisted of supporting the City to complete the asset lifecycle analysis, deliver workshops to staff, and prepare other components of the CAM Plan. (2022-2023)

Condition Assessments

Waste Management Facility Baseline Building Condition Assessment, Region of Peel, ON. Asset Management Support. Asset management support for the project to provide a baseline condition for the Region of Peel's Waste Management Facility. GEI developed a high-level condition assessment report based on the results of the inventory and condition assessment. (2023)

St. Andrews Booster Station Condition Assessment, Region of Waterloo, ON. Data Management Lead. Data management lead for the project to provide a condition assessment in accordance with the Region's Inventory, Condition, and Capital Planning Assessment (ICC) Protocol and corresponding templates. GEI developed a 10-year capital project plan based on the results of the inventory and condition assessment. (2023)

Kelly Dell, HBA, GIS(pg), C.E.T.

Asset Management



Kelly is a highly skilled professional with over 20 years of experience in municipal government, asset management, engineering, GIS, data management, and urban planning. Her extensive background includes developing and implementing asset management strategies, overseeing municipal asset maintenance and optimization, and leading teams of technologists and analysts to improve asset performance. She excels in monitoring and reporting on municipal assets including but not limited to: roads, drinking water systems, sewage collection, and stormwater drainage, while also being proficient in GIS and data management tools.

Kelly's proficiency in data collection, mapping, and analysis ensures data quality and consistency across asset inventories. She has developed protocols for asset data management, utilizing software like Safe Software's FME for data conversion. Her expertise extends to capital planning and infrastructure assessments, advising on RFP creation and conducting condition assessments for municipal networks.

A proven team leader, Kelly has trained and supervised asset management technologists and analysts, playing a key role in the development of asset management plans. She has liaised effectively with consultants, finance departments, and operational teams to integrate data into municipal systems, contributing to the overall success of asset management initiatives. Additionally, Kelly has demonstrated her commitment to organizational capacity by creating training materials, technical memorandums, and metadata standards for asset management planning.

PROJECT EXPERIENCE

Asset Management Registry, City of Niagara Falls, ON. Supervisor. Train and supervise all aspects of GIS activities associated with collecting, creating, managing, mapping, editing and analyzing asset data sets including but not limited to storm network, water network, sanitary network, and road network.

Data Conversion for TCA Financial Reporting, City of Niagara Falls, ON. Project Lead. Developed business process and data conversion process using Safe Software's FME for reporting assets from GIS to Citywide.

Corridor Planning Tool Development, City of Niagara Falls, ON. Project Manager. Implement and lead the integration of a tool to pull data from various City sources and formats to query based on criteria e.g. condition and risk factors to allow the AM team to complete comprehensive asset management planning and analysis at the corridor level and aide in the creation of the 10 year capital forecast. (2023-2024)

Capital Planning Database, City of Niagara Falls, ON. Project Manager. Lead the implementation of a capital planning database to house: budget allocations; funding sources; and resulting capital projects identified from planned interdepartmental consultations, workshops and concurrent implementation of the corridor management tool to aide in the creation of the 10 year capital forecast. (2023-2024)

Capital Project Mapping, City of Niagara Falls, ON. Project Manager. Complete and publish the Capital Project mapping layer for the 2022, 2023, 2024 capital programs. This project increases information sharing

EDUCATION

B.A., Bachelor of Arts (Hons), Geography & History
Brock University
Geospatial Management Post-Graduate Diploma, Geographic Information Systems, Niagara College

EXPERIENCE IN THE INDUSTRY
21 years

EXPERIENCE WITH GEI
<1 year

REGISTRATIONS AND LICENSES
Certified Engineering Technologist (C.E.T.), OACETT
No. #903859

TRAINING AND CERTIFICATIONS
Professional Certificate in Asset Management Planning, IPWEA

across departments and to aid in capital planning and budgeting efforts (corridor alignment, construction conflicts, project bundling). (2022 - 2024)

TCA Process Review & Optimization, City of Niagara Falls, ON. Project Manager. Facilitate the TCA Process Review & Optimization Project with Finance and Project Managers from across the city, to optimize/improve over current processes to minimize manual processes. (2022-2024)

Asset Management Plan for Non-Core Infrastructure, City of Niagara Falls, ON. Project Advisor. The objective of this assignment was to develop an AMP for core infrastructure as per O.Reg. 588/17, including state of the infrastructure, levels of service and performance, lifecycle management strategy, and financing strategy. (2022-2024)

Asset Management Program, City of Niagara Falls, ON. Project Lead & Program Supervisor. Establish Asset Management Program for the City, leverages data management tools like GIS for tracking and decision-making, ensures regulatory compliance, and engages stakeholders. Continuous improvement processes ensure that the program evolves with new data and community growth, maintaining infrastructure efficiency and service quality over time. (2022-2024)

Asset Management Team, City of Niagara Falls, ON. Project Lead. Developed, implemented and grew the City's asset management program, including condition assessment protocols, data standards, and operational frameworks. Provided awareness training to the Team and Operations to expand Asset Management capacity within the City. (2022-2023)

Asset Management Registry and Maintenance, Niagara Region, ON. Asset Management Support. Collaborated with internal and external teams to support the creation and maintenance of an Asset registry. Analyzed and provided comments to internal departments to identify potential conflicts or opportunities for capital projects (2021-2022)

Asset Management Plan for Core Infrastructure, City of Niagara Falls, ON. Asset Management Analyst and cross-functional Asset Management Team member. The objective of this assignment was to complete the asset management readiness scale and develop an AMP and policy for core infrastructure as per O.Reg. 588/17, including state of the infrastructure, levels of service and performance, lifecycle management strategy, and financing strategy. (2019-2021)

Asset Management Plan, Town of Fort Erie, ON. Asset Management Support. In support of the Asset Management Plan development specifically the Asset Registry to centralize the asset inventory and integration with several existing IT systems in place at the Town. Responsible for developing and providing GIS Training to Town Staff (2014-2015).

Collection Contract Data Management (CCDM), Regional Municipality of Niagara. Asset Management Support. Utilizing Safe Software's FME desktop to read and join ownership data from the Municipal Property Assessment Corporation (MPAC) in a SQL Server database, to the Region's GIS layers to create a single database repository for a web interface solution. Deliverable included a Configuration Manual that outlines the parameters of conversion (2014-2015).

GeoSpatial Database Model, City of Brantford, ON. Asset Management Support. Performed data conversion of City's existing GIS database and non-spatial LADR data to a single repository. The majority of these conversions and consolidations were completed using Safe Software's FME desktop. The project resulted in the consolidation of two key data sources for GIS and infrastructure information into a single asset repository (2015).

Taylor Dillioff, BA, PG-GIS

Senior Technical Specialist, Data Management & GIS



Taylor has gained valuable experience working in the field conducting various surveys with a variety of technologies including UAV. This experience is complemented by strong technical skills using a variety of GIS and DBMS software such as ESRI, AutoCAD, SQL Server, Microsoft Office Suite, QGIS and FME. Additionally, Taylor has experience with a variety of programming and scripting languages such as HTML, VBA, CSS, SQL and Python. Taylor holds certification from NASSCO in the PACP, MACP and LACP disciplines.

Taylor brings technical, analytical and problem-solving skills together to improve work quality and flow. Taylor's background in the humanities provides a strong set of communication skills when writing reports or technical memoranda.

PROJECT EXPERIENCE

Asset Management Plans

Corporate Asset Management Plan, City of St. Catharines, ON. Data Management, Data Cleanup, GIS Mapping. GEI was retained by the City of St. Catharines to develop the City's Corporate AMP for core and non-core assets for a total estimated value of \$ 4.7 billion. The plan included capital requirements and customer levels of services expectations, as well as the identification of technology requirements and the development of asset risk frameworks. In his role as Data Manager/Cleanup and GIS Taylor was responsible for ensuring data consistency and accuracy across all asset classes and the implementation of GEI's internal DSS to predict the condition of the asset groups over the next 25 years. (2020-2021)

Corporate Asset Management Framework and Core Asset Management Plan, City of Kingston, ON. Data Management. The purpose of this project was the development of an asset management plan and asset management policy for the City of Kingston core asset groups. The project scope included development of the plan in alignment with O. Reg 588/17, development of current and target levels of service, customer consultation on levels of service, and the development of risk management frameworks. Taylor was primarily responsible for the implementation of GEI's internal DSS to help predict budgetary requirements for the core assets moving forward to maintain levels of service. (2020-Ongoing)

Asset Management Systems Enhancement and CMMS Implementation, County of Oxford, ON. Data Management. GEI was retained by the County of Oxford to assist with the full implementation of the Cartegraph work management system for all major asset categories. In order to facilitate the transition of existing County data into Cartegraph, GEI was responsible for defining data management business processes, developing asset hierarchies, developing and implementing asset registers, developing level of service and lifecycle strategies, developing condition and capacity protocols,

EDUCATION

Post Graduate Certificate
GIS – Geospatial Management
Niagara College (2018)
B. A., Classical Archaeology
Brock University

EXPERIENCE IN THE INDUSTRY

11 years

EXPERIENCE WITH GEI

6 years

TRAINING AND CERTIFICATIONS

LACP/MACP/PACP
No. U-1219-70307951
Confined Space Awareness/Entry
Working at Heights/Fall Protection

capturing missing asset information, developing risk frameworks, and supporting ongoing data capture and information updates. As data management, Taylor was responsible for the translation of existing county data into cleaned, usable formats for upload into Cartegraph. (2020-2023)

Asset Management Program Update, Region of Halton, ON. Data Management, Data Cleanup. The Region of Halton retained GEI to oversee the development of an updated asset management strategy and asset management program & plan in compliance with upcoming O. Reg 588/17 deadlines. The scope of the project includes water and wastewater, waste management, transportation, stormwater, corporate facilities, long term care facilities, Halton Community Housing Corporation, Police, Fleet and Information Technology. As data manager Taylor assisted with the development of asset hierarchies and the implementation of a DSS to predict future budgetary needs to maintain level of service. (2020-2022)

Enhanced Lifecycle Modelling, Region of Halton, ON. Project Manager, Data Management. Following the successful implementation of Haltons Asset Management Plan, GEI was retained to continue to enhance their existing lifecycle models for use in capital planning and financial tracking. In-scope assets for this project included all core assets as well as public works equipment and fleets. As Project Manager Taylor is responsible for planning and leading meetings, tracking project budget, meeting deadlines and answering any client questions about asset lifecycle modelling. (2022-Ongoing)

Condition Assessments and Inventories

Cambridge Park Sports Light Inventory & Assessment, City of Cambridge, ON. Project Manager, Database Management. GEI was retained by the City of Cambridge to conduct a visual assessment of 137 light structures and provide a technical report detailing observations and recommendations for repairs. Daytime inspections assessed the condition of both the utility pole and luminaire. A database and related GIS contained all observations and recommendations and were provided as a final deliverable. For “high-mast” pole structures an aerial drone (RPA) was used to photograph and record issues flagged during the visual inspection. As Project Manager Taylor was responsible for coordination of field crews, client communication and budgetary monitoring. As database manager Taylor was responsible for ensuring the data collected in the field was complete and accurate. (2019)

Condition Assessment and Inventory Updates for Noise Walls and Acoustic Fences, Region of Halton, ON. Data Management, Database Programmer, Data Visualization. The Region of Halton owns and maintains an estimated 30 km of noise walls and acoustic fences abutting regional roadways and wishes to obtain an updated condition assessment and inventory for these fences to aid in the management and scheduled update of these assets. Taylor designed and maintained an MS Access based portable inspection database that allowed field staff to quickly assess and update the acoustic fence data for further analysis and recommendation. (2018)

CCTV Database Programming and Program Management

Zoom Camera Inspections, City of St. Catharines, ON. Data Management, Data Analytics, GIS and Mapping. The purpose of this project was to have zoom camera inspections completed for all manholes and pipes for both the sanitary and storm sewer systems for the City of St. Catharines. Taylor was responsible for the management, mapping and analysis of all inspection data being received as well as conducting video review spot checks to ensure quality of video. Using this information, Taylor assisted with the development of a proactive full-scale CCTV inspection program and rehabilitation model. (2018-2019)

Niagara Falls CCTV Sanitary Sewer Network Condition Assessment, Niagara Falls, ON. Data Management and Visualization, CCTV Review, GIS and Mapping. The City of Niagara Falls is undertaking a comprehensive State of Good Repair Program of the wastewater systems, gravity mains, across the entire City over the next 3 years. The intent of this project is to better understand the condition, both operating and structural, of the system through a comprehensive CCTV condition assessment. Using advanced data analysis, GEI Engineering staff will be better able to assist City employees with informed decision making regarding the creation of system rehabilitation and replacement program to ensure the system(s) continued operation and to decrease, where applicable, extraneous flow sources. (2018 – 2021)

Sarah Fernandes, M.A.Sc., E.I.T.

Asset Management

Sarah Fernandes is a detail-oriented worker with a background in civil engineering. She is a registered engineer-in-training with diverse experience in design, research and development, modeling, strategic planning, and assessment projects related to water, wastewater, and waste management infrastructure.

Ms. Fernandes' technical and interpersonal skills along with her varied engineering experience in process, operations, and infrastructure management allow her to lead and support various asset management projects throughout the entire lifecycle of the project. Her strong teamwork and collaboration skills with multi-disciplinary teams enables her to support Asset Management projects with field work, project coordination, data management, and technical writing.

PROJECT EXPERIENCE

Library Corporate Asset Management Plan, City of St.

Catharines, ON. Asset Management Support. Building on the 2021 Asset Management Plan GEI and 2023 Remaining Assets Asset Management Plan created for the City of St. Catharines, GEI developed the Library Corporate AMP for the 2024 and 2025 terms as two phases to meet the appropriate O.Reg.588/17 requirements for 10 asset categories including core and non-core assets. Project tasks included reviewing the City's asset data, developing an asset hierarchy, and compiling a comprehensive asset register. GEI documented the City's existing lifecycle activities and developed lifecycle deterioration models, and established intervention types, triggers, and costs. Levels of service were also analyzed for current service provisions and levied for development of proposed service with the needs for the O.Reg.588/17 requirements. Submission of these plans is in compliance with AODA customer service standards in compliance with the 2005 Act and all regulations emanating therefrom. (2023–2024)

Corporate Asset Management Plan, City of St. Catharines, ON.

Asset Management Support. GEI developed a Corporate AMP for core and non-core assets for a total estimated value of \$4.7 billion. Sarah was involved in the development of the non-core assets to meet O.Reg.588/17 requirements. Project tasks included reviewing the City's asset data and developing an asset hierarchy and compiling a comprehensive asset register. GEI documented the City's existing lifecycle activities and developed lifecycle deterioration models, and established intervention types, triggers, and costs. (2022–2023)

Asset Management Plan, City of Welland, ON.

Asset Management Support. GEI was retained to update the 2021 Asset Management Plan for the City of Welland for the 2024 terms as one phase to meet the appropriate O.Reg.588/17 2024 and 2025 requirements for 13 categories including core and non-core assets. Project tasks included reviewing the City's asset data, developing an asset hierarchy, and compiling a comprehensive asset register. GEI documented the City's existing lifecycle activities and developed lifecycle deterioration models,



EDUCATION

M.A.Sc, Master of Applied Science., Civil Engineering, McMaster University, Ontario, Canada

B.Eng., Bachelor of Engineering, Civil Engineering, McMaster University, Ontario, Canada

EXPERIENCE IN THE INDUSTRY

4 years

EXPERIENCE WITH GEI

2 years

REGISTRATIONS AND LICENSES

Engineer In Training (E.I.T),
Civil/Environmental Engineer, No.
100536703

and established intervention types, triggers, and costs. Levels of service were also analyzed for current service provisions and levied for development of proposed service with the needs for the O.Reg.588/17 requirements. Submission of these plans is in compliance with AODA customer service standards in compliance with the 2005 Act and all regulations emanating therefrom. (2023–ongoing)

Corporate Asset Management Plan, City of Windsor, ON. Asset Management Support. GEI developed a Corporate AMP for the City of Windsor for the 2024 and 2025 terms as two phases to meet the appropriate O.Reg.588/17 requirements for 10 asset categories including core and non-core assets. Project tasks included reviewing the City’s asset data and developing an asset hierarchy and compiling a comprehensive asset register. GEI documented the City’s existing lifecycle activities and developed lifecycle deterioration models, and established intervention types, triggers, and costs. Levels of service were also analyzed for current service provisions and levied for development of proposed service with the needs for the O.Reg.588/17 requirements. Submission of these plans is in compliance with AODA customer service standards in compliance with the 2005 Act and all regulations emanating therefrom. (2023–ongoing)

Asset Management Systems Enhancement, CMMS (Cartegraph) Implementation and AMP Development for O.Reg. 588/17 Compliance, Oxford County, ON. Technical Support. An innovative project that involves the full implementation of Cartegraph work management system and integrations between existing systems, Cartegraph and the County’s Asset Register. The project involved instituting initiatives to achieve the desired state for the County’s asset management program. The initiatives include defining data management business processes, developing an asset hierarchy, implementing the asset register, implementing their computerized maintenance management system, integrating their asset registers, developing level of service and lifecycle strategies, developing a condition and capacity protocol, capturing missing asset information, developing a risk framework, and supporting ongoing data capture and information updates. (2020–2023)

Condition Assessment of Eight Sewage Pumping Stations, Town of Georgina, ON. Technical Support. The Township of Georgina have retained GEI to complete a Condition Assessment for four (4) facilities in Keswick to identify and prioritize immediate, short, intermediate, and long-term needs for the stations. As a pilot, GEI deployed wireless vibration sensors to show the value of removing scheduled work with continuous monitoring technology. This project helps define the capital funding envelopes required for the future planning and is part of a 3-year process of developing condition assessments for all of the Town’s sewage pumping stations, aligned with their developed Asset Management Plan. (2023–2024; 2024 – ongoing)

Inventory, Condition, and Capital Planning Assessment for St. Andrews Booster Station, Region of Waterloo, ON. Technical Support. The Region of Waterloo obtained GEI to complete the inventory, condition assessment and capital planning needs for the St. Andrew’s Booster Station in Cambridge. This project required the identification and prioritization of capital projects in alignment with the Region’s operational and asset management teams and is to aid in the design of the Region’s water distribution system. (2023–2024)

Baseline Building Condition Assessment at the Peel Integrated Waste Management Facility, Region of Peel, ON. Project Coordinator. The Region of Peel retained GEI to develop a baseline building condition assessment for the purposes of completing a baseline Building Condition Assessment (BCA) to identify the current condition of the building system and components and present the required maintenance and repair at the facility. This helped define capital funding for future capital planning exercises conducted by the Region. (2023)

Niagara Water and Wastewater Billing & Compliance Flowmeter Audit, Niagara Region, ON. Technical Support. The result of the project was to review, confirm, and make recommendations for improvements for all processes that contribute to the volumes used for water billing and wastewater compliance and billing. The project involved staff interviews, field data collection, and overall recommendations based on best practices, suitability, and investment needs for 110 meters distributed in water and wastewater treatment plants and pumping stations in all three operational areas at the Region. The scope of this assignment included visual evaluation of the current systems to develop a comprehensive review of the existing state of the Region’s water and wastewater billing meters with respect to the physical installations, the hardware and software capabilities, and historical preventative maintenance and calibration reports. GEI and NLS developed various recommendations coupled with cost estimates and suggested replacement schedules. (2021–2022)

Appendix B

Project Time Task Matrix

Client Name: Town of Pelham
 Project: 2025 Asset Management Plan
 Subject: Request for Proposal # 2406518



GEI CONSULTANTS TIME TASK MATRIX

Description		Jenn Gross Project Manager	Richard Pinder Advisor & QA/QC	Kelly Dell Asset Management Lead	Taylor Dilliot Data Analytics	Sarah Fernandes Asset Management Support	Hours Subtotals	Disbursements	Cost Subtotals	
		\$180	\$230	\$155	\$150	\$120				
Phase 1 - Project Initiation, Project Management and Administration										
1.1	Project Initiation Meeting and prep (1x2-hour)	4		2		4	10	\$ 400.00	\$ 1,910.00	
1.2	Monthly Progress Update Meetings and prep (10 x 1/2 hour) (Virtual)	10		10			20	\$ -	\$ 3,350.00	
Hour Subtotal		14	0	12	0	4	30			
Cost Subtotal		\$2,520	\$0	\$1,860	\$0	\$480		\$400	\$5,260	
Phase 2 - Background Data, Gap Analysis, State of the Infrastructure										
2.1	Request and Review Background Documentation and Data	2			8			\$ -	\$1,560.00	
2.2	Gap Assessment	2			4			\$ -	\$960.00	
2.3	Draft Inventory	2			16			\$ -	\$2,760.00	
2.4	Finalize Inventory	2			16			\$ -	\$2,760.00	
Hour Subtotal		8	0	0	44	0	52			
Cost Subtotal		\$1,440	\$0	\$0	\$6,600	\$0		\$0	\$8,040	
Phase 3 - Levels of Service (Current & Proposed)										
3.1	Develop Levels of Service Metrics	2	2	8		8	20	\$ -	\$ 3,020.00	
3.2	Update Proposed Level of Service & Performance	2		6		8	16	\$ -	\$ 2,250.00	
Hour Subtotal		4	2	14	0	16	36			
Cost Subtotal		\$720	\$460	\$2,170	\$0	\$1,920		\$0	\$5,270	
Phase 4 - Lifecycle Management Strategy										
4.1	Develop Lifecycle Management Strategy	4			8	4	16	\$ -	\$ 2,400.00	
4.2	Run Models for Scenarios	4	2	4	24		34	\$ -	\$ 5,400.00	
Hour Subtotal		8	2	4	32	4	50			
Cost Subtotal		\$1,440	\$460	\$620	\$4,800	\$480		\$0	\$7,800	
Phase 5 - Financial Strategy										
5.1	Financial Strategy Data Requirements (1x2-hours) (Virtual)	2		6		4	12	\$ -	\$ 1,770.00	
5.2	Develop Financial Strategy	16	2	8		16		\$ -	\$ 6,500.00	
5.3	Financial & LCM Review (2x1-hour) (Virtual)	4		8	8		20	\$ -	\$ 3,160.00	
5.4	Final Revisions to Financial Strategy	8		16	16		40	\$ -	\$ 6,320.00	
Hour Subtotal		30	2	22	8	20	82			
Cost Subtotal		\$5,400	\$460	\$3,410	\$1,200	\$2,400		\$0	\$12,870	
Total Hours Per Position		64	6	52	84	44	250			
Total Cost Per Position		\$ 11,520.00	\$ 1,380.00	\$ 8,060.00	\$ 12,600.00	\$ 5,280.00		\$ 400.00	\$ 39,240.00	
									HST	\$ 5,101.20
									Grand Total	\$ 44,341.20

Client Name: Town of Pelham
 Project: 2025 Asset Management Plan
 Subject: Request for Proposal # 2406518



GEI CONSULTANTS TIME TASK MATRIX

Description	Jenn Gross Project Manager	Richard Pinder Advisor & QA/QC	Kelly Dell Asset Management Lead	Taylor Dilliot Data Analytics	Sarah Fernandes Asset Management Support	Hours Subtotals	Disbursements	Cost Subtotals
	\$180	\$230	\$155	\$150	\$120			

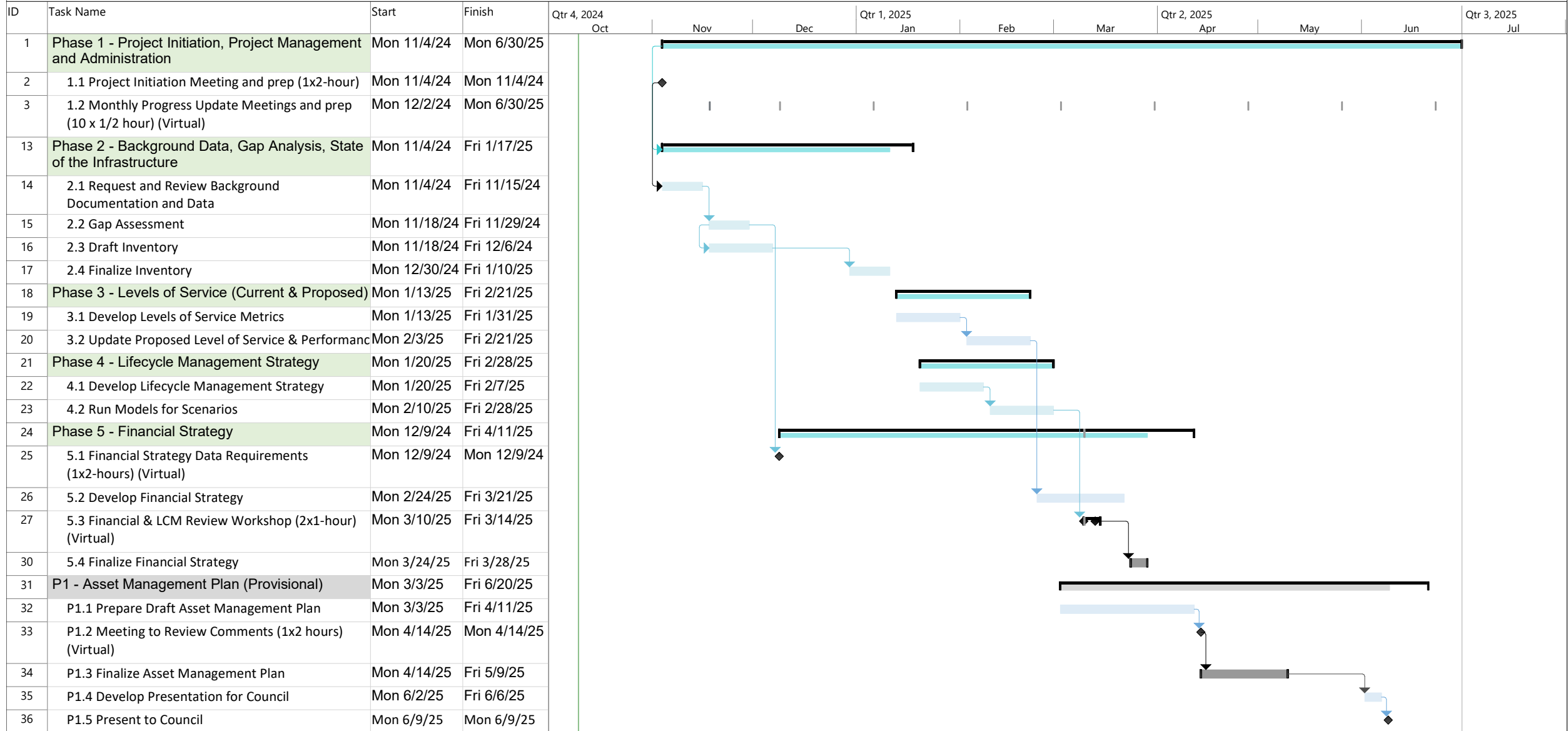
Provisional Item - Draft and Final Asset Management Plan									
P1.1	Prepare Draft Asset Management Plan	24	2	16		64	106	\$ -	\$ 14,940.00
P1.2	Meeting to Review Comments (1x2 hours) (Virtual)	4		2		4		\$ -	\$ 1,510.00
P1.3	Finalize Asset Management Plan	4	2	4		16		\$ -	\$ 3,720.00
P1.4	Develop Presentation for Council	2	2	2		4		\$ -	\$ 1,610.00
P1.5	Present to Council	4		4			8	\$ 200.00	\$ 1,540.00
	Hour Subtotal	38	6	28	0	88	160		
	Cost Subtotal	\$6,840	\$1,380	\$4,340	\$0	\$10,560		\$200	\$23,320
Provisional Item - Workshops with Departments									
P2.1	Data Review Workshops (1hr x 8)	10		10		4	24	\$ -	\$ 3,830.00
P2.2	SOTI/LOS/LCM Workshop (2hr x 8); Workshop Prep; Meeting Minutes	24		24		4	52	\$ -	\$ 8,520.00
P2.3	Proposed Levels of Service (1.5hr x 8); Workshop Prep; Meeting Minutes	15		15		2	32	\$ -	\$ 5,265.00
P2.4	Financial Calibration Workshops (1hr x 4); Workshop Prep; Meeting Minutes	6		6		2	14	\$ -	\$ 2,250.00
P2.5	Council Workshop (Intro to AMP); Workshop Prep; Meeting Minutes	4		4		2	10	\$ -	\$ 1,580.00
P2.6	Council Workshop (Proposed LOS); Workshop Prep; Meeting Minutes	4		4		2	10	\$ -	\$ 1,580.00
	Hour Subtotal	63	0	63	0	16	142		
	Cost Subtotal	\$11,340	\$0	\$9,765	\$0	\$1,920		\$0	\$23,025
	Total Hours Per Position	131	8	113	8	124	384		
	Total Cost Per Position	\$ 18,180.00	\$ 1,380.00	\$ 14,105.00	\$ -	\$ 12,480.00		\$ 200.00	\$ 46,345.00
								HST	\$ 6,024.85
								Grand Total	\$ 52,369.85

TOTAL PROJECT with Provisional Items \$ 85,585.00
 TOTAL PROJECT with Provisional Items & HST \$ 96,711.05

Appendix C

Project Schedule

**Town of Pelham
Asset Management Plan Update
Project Schedule**



Project: Town of Pelham - Asset Management Plan Update
Date: October 24

Task [Light Blue Bar] Milestone [Black Diamond] Task Summary [Black Bar]

Subject: Cemetery User Fees**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2024-0212 Cemetery User Fees, for information;

AND THAT Council adopt the recommendation to increase the Town of Pelham Cemetery User Fees for Plot Purchases and Interments by 10% for 2025.

Background:

The Town of Pelham owns and operates 3 municipal cemeteries: Fonthill Cemetery, Hillside Cemetery, and Hansler Cemetery. Fonthill Cemetery and Hillside Cemetery are the only two that are active and generate revenue.

The Town cemetery fees have been gradually increased by approximately 3% a year for the last several years. Public Works staff determined that previous increases have not sufficiently covered all costs of cemetery operations. Through recent research of like-size municipalities within the Niagara Region, staff have determined that the Town of Pelham is charging significantly less for plot purchases (resident and non-resident) and interments (full and cremation burial).

Analysis:

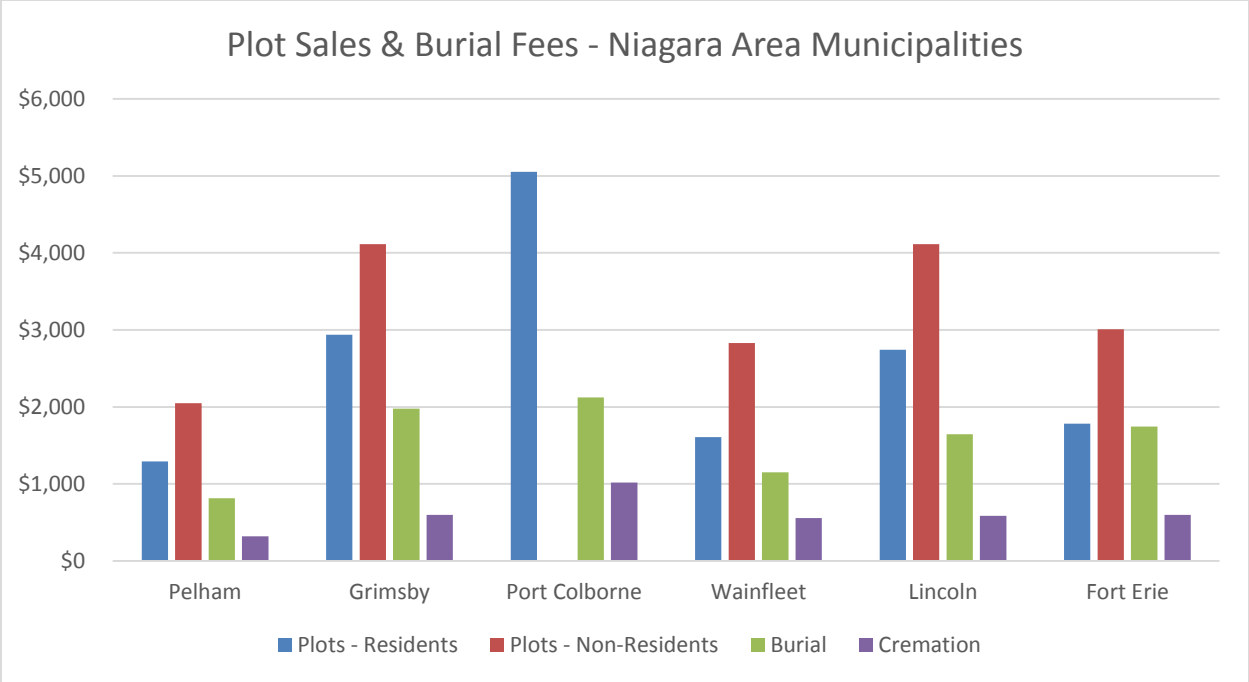
Over the course of the last few months, staff have evaluated and investigated the cost of running the Fonthill and Hillside Cemeteries with the anticipation of user fee review and approval nearing the 2025 calendar year. Staff reviewed the annual operating costs for cemeteries—including staffing, equipment, contracted services, supplies, and materials—and found that revenue from cemetery user fees does not fully cover these costs.

Revenue analysis for the last 5 years, indicates that revenue has been gradually increasing, however, the increases haven't been large enough to fully cover the operating costs. The user fee revenue from the last 5 years is listed below.

Town of Pelham Cemeteries Revenue				
Year	Total Revenue	Care & Maintenance	Licenses	Net Revenue
2019	94,328	16,015	1,028	77,285
2020	115,008	14,435	932	99,641
2021	104,858	4,823	1,032	99,003
2022	121,742	19,267	1,431	101,044
2023	147,789	44,743	1,303	101,743
Average	116,745	19,857	1,145	95,743

Public Works staff have reviewed five like-size municipalities within the Niagara Region. Below is a detailed graph comparison of plot sales and interment fee revenue from each municipality. Staff have compared both cremation and traditional (full) burial interments and plot purchases for residents and non-residents. The data indicates that the Town of Pelham’s fees are significantly less than each of these five municipalities and well below the average.

2024 Cemeteries User Fees Comparison				
Municipality	Sale of Plots		Interment (Opening & Closing)	
	Resident (incl. C&M + hst)	Non-Resident (incl. C&M + hst)	Traditional (Full) Burial (incl. hst)	Cremation Burial (incl. hst)
Pelham	\$1,292	\$2,049	\$812	\$319
Grimsby	\$2,935	\$4,115	\$1,976	\$599
Port Colborne	\$5,051		\$2,124	\$1,017
Wainfleet	\$1,606	\$2,829	\$1,148	\$556
Lincoln	\$2,742	\$4,113	\$1,645	\$584
Fort Erie	\$1,782	\$3,008	\$1,744	\$596
Average	\$2,568	\$3,223	\$1,575	\$612



It is understood by cemetery staff that several non-Pelham residents have purchased plots in Town cemeteries simply because of price as multiple purchasers have mentioned this during their transactions. While the Town does charge more to a non-resident purchaser, the amount is less than some like-size municipalities' resident rates. Staff are not opposed to sales to non-residents (who are frequently former residents who feel emotional ties to the community). However, land and cemetery space are finite and burials for non-residents should not be motivated by cost consideration. At a minimum, the non-resident rate should be the average of the rate paid at neighbouring municipalities.

The Town of Pelham is required by the *Funeral, Burial and Cremation Services Act, 2022*, which is administrated by the Bereavement Authority of Ontario (BAO) to have a trust account, referred to as a Care and Maintenance Fund (C & M). Specific fees have C & M listed. For each plot purchased within the town cemeteries, 40% of the fee is transferred into C & M. Both foundations and flat marker installations are charged between \$100-\$400 in addition to installation cost depending on the size of the monument (this fee is regulated by the BAO). The interest that this trust generates annually is required to be used solely to offset the cost of maintaining the cemeteries, such as monument repairs, existing municipal structure repairs, and regular turf maintenance.

Financial Considerations:

Staff recommends increasing plot purchase and interment fees by 10% for 2025. Increasing the fees will allow the Town to be more comparable to area

municipalities and generate additional revenue to offset cemetery operating costs. This increase will be reevaluated by staff in future budgets to bring them more in line with other municipality fees and until the Town can reach full cost recovery of cemetery operations from user fee revenue.

The increased fees will allow the Town to pay for cemeteries' operating costs more equitably by shifting part of the burden from property taxes to user fees.

A 10% increase would generate approximately \$6,600 in additional revenue from Plot sales and Internment Fees (based on the current 2025 draft budget).

Although the 10% increase is a higher than previous increases, the Town's cemetery user fees are still the lowest with other comparable municipalities in the Niagara Region and well below the average.

Alternatives Reviewed:

As an alternative, Council could increase the fees by more than 10%.

As a further alternative, Council can decline to increase fees by 10% for plot sales and interment user fees for the 2025 calendar year. Administrative and operational staff recommend moving forward with this increase to assist with covering the annual expenses to run the cemeteries within the Town of Pelham.

Strategic Plan Relationship: Financial Health

Increase in the Town of Pelham cemetery user fees would allow for less dependence on the tax levy to support staff, maintenance, and functions of our Town cemeteries.

Consultation:

Undertaken with the Supervisor of Beautification and Manager of Financial Services and Deputy Treasurer.

Other Pertinent Reports/Attachments:

Town of Pelham – Cemetery User Fees 2024

Prepared by:

Sydney Van Leeuwen, BA
Environmental Compliance Analyst

Recommend by:

Jason Marr, P. Eng.

Director of Public Works

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer



2024 CEMETERIES SCHEDULE OF RATES & FEES
 HILLSIDE CEMETERY, FONTHILL CEMETERY, FONTHILL COLUMBARIUM & MAUSOLEUM

1 SALE OF LOTS:	LAND	PERP. CARE	TOTAL COST	HST	TOTAL
Resident / Ratepayer Rate					
Adult- Single Grave	\$ 690.00	\$ 453.00	\$ 1,143.00	\$ 148.59	\$ 1,291.59
Columbarium Niche	\$ 2,486.00	\$ 439.00	\$ 2,925.00	\$ 380.25	\$ 3,305.25
Non-Resident or Ratepayer					
Adult- Single Grave	\$ 1,088.00	\$ 725.00	\$ 1,813.00	\$ 235.69	\$ 2,048.69
Columbarium Niche	\$ 3,099.00	\$ 547.00	\$ 3,646.00	\$ 473.98	\$ 4,119.98
2 INTERMENT FEES:	ADMIN FEE				
Standard Burial					
Adult					
- Opening & Closing - Weekdays	\$ 692.00	\$ 30.00	\$ 722.00	\$ 89.96	\$ 811.96
- Opening & Closing - Saturday Before 12:00pm	\$ 992.00	\$ 30.00	\$ 1,022.00	\$ 128.96	\$ 1,150.96
- Opening & Closing - Saturday 12:00pm to 3:00pm	\$ 1,044.00	\$ 30.00	\$ 1,074.00	\$ 135.72	\$ 1,209.72
Infant					
- Weekdays	\$ 325.00	\$ 30.00	\$ 355.00	\$ 42.25	\$ 397.25
- Saturday	\$ 661.00	\$ 30.00	\$ 691.00	\$ 85.93	\$ 776.93
Cremated Remains					
- Weekdays	\$ 256.00	\$ 30.00	\$ 286.00	\$ 33.28	\$ 319.28
- Saturday	\$ 503.00	\$ 30.00	\$ 533.00	\$ 65.39	\$ 598.39
Columbarium					
- Weekdays	\$ 307.00	\$ 30.00	\$ 337.00	\$ 39.91	\$ 376.91
- Saturday	\$ 514.00	\$ 30.00	\$ 544.00	\$ 66.82	\$ 610.82
Mausoleum					
- Weekdays	\$ 341.00	\$ 30.00	\$ 371.00	\$ 44.33	\$ 415.33
- Saturdays	\$ 513.00	\$ 30.00	\$ 543.00	\$ 66.69	\$ 609.69
3 DISINTERMENT FEES:					
Adult / Child disinterment only	\$ 1,049.00			\$ 136.37	\$ 1,185.37
Infant / Stillborn disinterment only	\$ 348.00			\$ 45.24	\$ 393.24
Cremated Disinterment only	\$ 758.00			\$ 98.54	\$ 856.54
Columbarium	\$ 307.00			\$ 39.91	\$ 346.91
4 FOUNDATION FEES:					
Foundation (per cubic foot)	\$ 46.00			\$ 5.98	\$ 51.98
Markers	\$ 101.00			\$ 13.13	\$ 114.13
Cornerstones	\$ 106.00			\$ 13.78	\$ 119.78
5 ADMINISTRATION FEES:					
Interment Rights Transfer (per transfer)	\$ 59.00			\$ 7.67	\$ 66.67
Interment Rights Exchange (per exchange)	\$ 59.00			\$ 7.67	\$ 66.67
Interment Rights Replacement / Duplicate	\$ 36.00			\$ 4.68	\$ 40.68
Cemetery Records Search (charge per hour)	\$ 31.00			\$ 4.03	\$ 35.03
6 MARKER CARE & MAINTENANCE					
Upright Marker (four (4) feet or less in height and length)	\$ 200.00			\$ 26.00	\$ 226.00
Upright Marker (more than four (4) feet in height or length)	\$ 400.00			\$ 52.00	\$ 452.00
Flat Marker (over 173 square inches)	\$ 100.00			\$ 13.00	\$ 113.00
7 OTHER FEES					
Columbarium Plate (excludes engraving to Town specifications)	\$ 79.00			\$ 10.27	\$ 89.27
Overtime Rate (per hour)	\$ 291.00			\$ 37.83	\$ 328.83
Archaeological Dig (per hour)	\$ 96.00			\$ 12.48	\$ 108.48

Subject: Proposed Membership in the Greening the Landscape Research Consortium

Recommendation:

BE IT RESOLVED THAT Council receive Report 2024-0250 Proposed Membership in Greening the Landscape Research Consortium, for information;

AND THAT Council direct staff to become members and collaborative partners within the Vineland Research and Innovation Centre's Greening the Landscape Research Consortium, including a \$5,000 membership for three consecutive years, to be funded through the Community Planning & Development Operating Budget.

Background:

The Town of Pelham has been invited to become a member of the Vineland Research and Innovation Centre's Greening the Landscape Research Consortium (herein referred to as 'Consortium'). The Consortium conducts scientific research, supports industry collaboration, and facilitates the transfer of knowledge to advance the collective capacity of key groups involved in urban forestry. Members of the Consortium define research priorities, drive the development of research studies, and collaborate closely with other key players and experts in urban forestry across Ontario. While the Consortium operates out of Vineland Research and Innovation Centre's central hub in Niagara, membership is open to organizations across all of Ontario.

This report outlines the benefits and advantages for the Town of Pelham in becoming members of the Consortium, particularly for contributing to and advancing the Town of Pelham's 2023-2027 Strategic Plan, as well as the Corporate Climate Adaptation Plan. The Town's Environmental Coordinator position, which was created as a shared role with the Town of Lincoln in May 2024, is closely aligned with this initiative. This role is responsible for advancing climate adaptation strategies and green infrastructure projects, making it well-suited to support and

integrate the Consortium’s research and collaborations into the Town’s environmental goals.

This report is written to endorse the Town of Pelham joining the Consortium as a member on a three-year trial basis. In return for a three-year \$5,000 annual membership, the Town of Pelham will advance their understanding of green/environmental initiatives and assist with various projects. This proposal does not contemplate or require any increase in staffing for the Town of Pelham.

Analysis:

The Consortium is a critical platform for fostering collaboration and addressing urban forestry challenges through scientific research and knowledge sharing. Since its inception in 2021, the Consortium has brought together 24 members, including numerous municipalities, conservation authorities, nurseries, landscape architects, and other key stakeholders, to tackle our shared challenges and urban forest needs.

The first phase of the Consortium’s research, spanning June 2021 through July 2024, centered on five research studies that addressed climate-resilient tree canopies, bridging connections and collaboration between tree producers and planters (e.g., nurseries and municipalities), influencing public perceptions of tree planting and management, establishing best practices for tree establishment and maintenance, as well as developing training and tools for tree planting and maintenance.

Because urban tree challenges are too big for one group to solve, the Consortium provided a unique opportunity for members of this important work to come together and build a unified approach to inform and support shared efforts in greening the landscape. The Consortium Research Team is currently working to set new goals and research priorities that will guide the development and growth of sustainable, resilient urban spaces through Phase 2 of the Consortium. The attached workplan outlines the strategic priorities and case studies for the next phase of research (2024-2027).

Key Benefits of Membership:

1. Supporting Strategic Priorities

The Town of Pelham’s Strategic Plan emphasizes key areas such as environmental sustainability, enhancing public spaces, and community well-being. Membership in the Consortium directly supports these strategic priorities through:

Environmental Sustainability and Climate Adaptation: Directly aligning with the Strategic Plan’s goal *to prioritize actions that continue to protect and conserve our*

natural environment, the Consortium's research will provide data and innovative solutions that will enhance Pelham's urban green spaces, improving the quality and functionality of our public spaces, while fostering long-term sustainability.

Additionally, the Town's Corporate Climate Adaptation Plan emphasizes the need to bolster local resilience to climate impacts. Membership in the Consortium will allow the Town of Pelham to leverage immediately applicable research and tools to enhance tree canopy, low-impact development solutions, etc., thereby mitigating heat island effects, flood risks, and community vulnerability.

Community Well-being: As part of the Strategic Plan's goal to *enhance quality of life*, the Consortium's focus on greening urban spaces will support the Town of Pelham's initiatives to create healthier public spaces. Increased green spaces which are healthy, resilient, and attractive can contribute to improved mental and physical health, air quality, access to shade, and more.

2. Demonstrating Leadership in Sustainability

Membership in the Consortium will position the Town of Pelham as a regional leader in sustainable urban development and environmental stewardship, reflecting Pelham's strategic emphasis on *innovation and leadership*. This membership will not only give staff access to current and innovative research in urban forestry, but it will also enhance our reputation as a municipality committed to leading by example in urban forestry and sustainable practices. This also aligns with the Town's Corporate Climate Adaptation Plan's vision to be proactive in addressing climate change, setting an example for neighboring municipalities and encouraging collaboration for broader environmental impact.

3. Accessing Expertise and Networking Opportunities

The Consortium provides access to leading research and expertise, offering opportunities to:

Learn from Experts: Staff can leverage the knowledge of specialists in sustainable urban forestry to guide and enhance our projects within the Consortium and the Town more broadly, directly supporting our commitment to innovative and effective solutions.

Collaborate and Network with Key Actors in Urban Forestry: The Consortium brings together all key players in urban forestry, including multiple municipalities within Niagara and beyond, professional associations, academic researchers, consultants, developers, suppliers, nurseries, non-governmental organizations, and other landscape professionals across Ontario. These relationships often extend beyond activities in the Consortium, allowing for opportunities to build strategic

partnerships, share resources, and collaborate on projects that advance mutual goals.

Stay Informed: Participation in industry workshops, tours, and seminars can help ensure our municipality remains at the forefront of best practices, research, and trends in urban forestry and green infrastructure.

Financial Considerations:

Becoming a standard member and collaborative partner with the Vineland Research and Innovation Centre's Greening the Landscape Research Consortium has a cost of \$5,000 per year with a 3-year commitment.

Alternatives Reviewed:

There is no obligation for the Town to participate in the Consortium; accordingly non-participation is a viable alternative.

Strategic Plan Relationship: Environmental and Climate Change Adaptation

This initiative has the chance to support environmental stewardship, support the larger connecting environment in the Region and increase Pelham's green/environmental profile. By working with other municipalities and local partners, Pelham can attain a greater understanding and increase professional support.

Consultation:

N/A

Other Pertinent Reports/Attachments:

Appendix A: Greening the Landscape Research Consortium Work Plan (2024-2027)

Prepared and Recommended by:

Samantha Witkowski
Environmental Coordinator, Community Planning and Development

Pamela Duesling, PhD, MCIP, RPP, EcD, CMM3
Director of Community Planning and Development

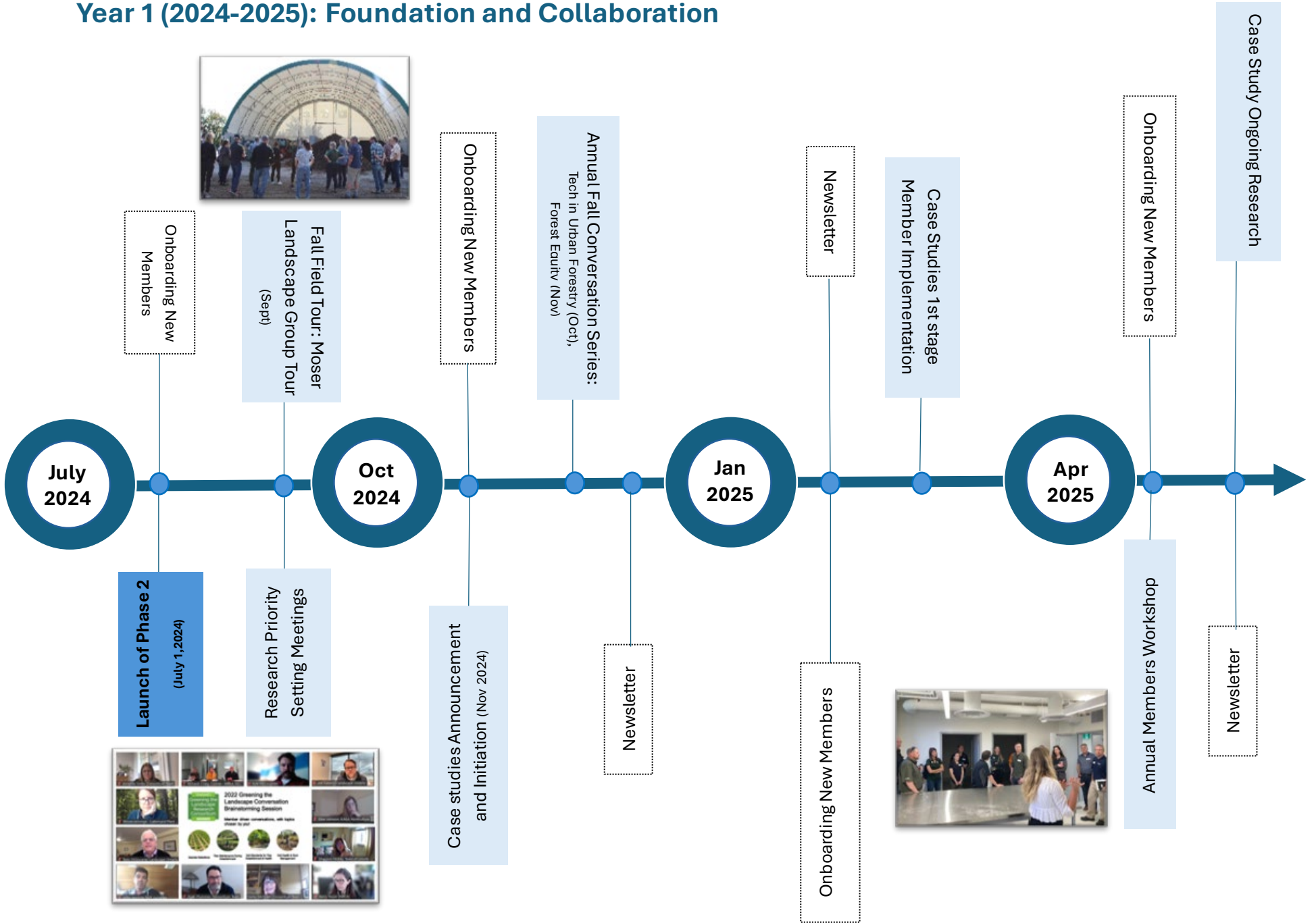
Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

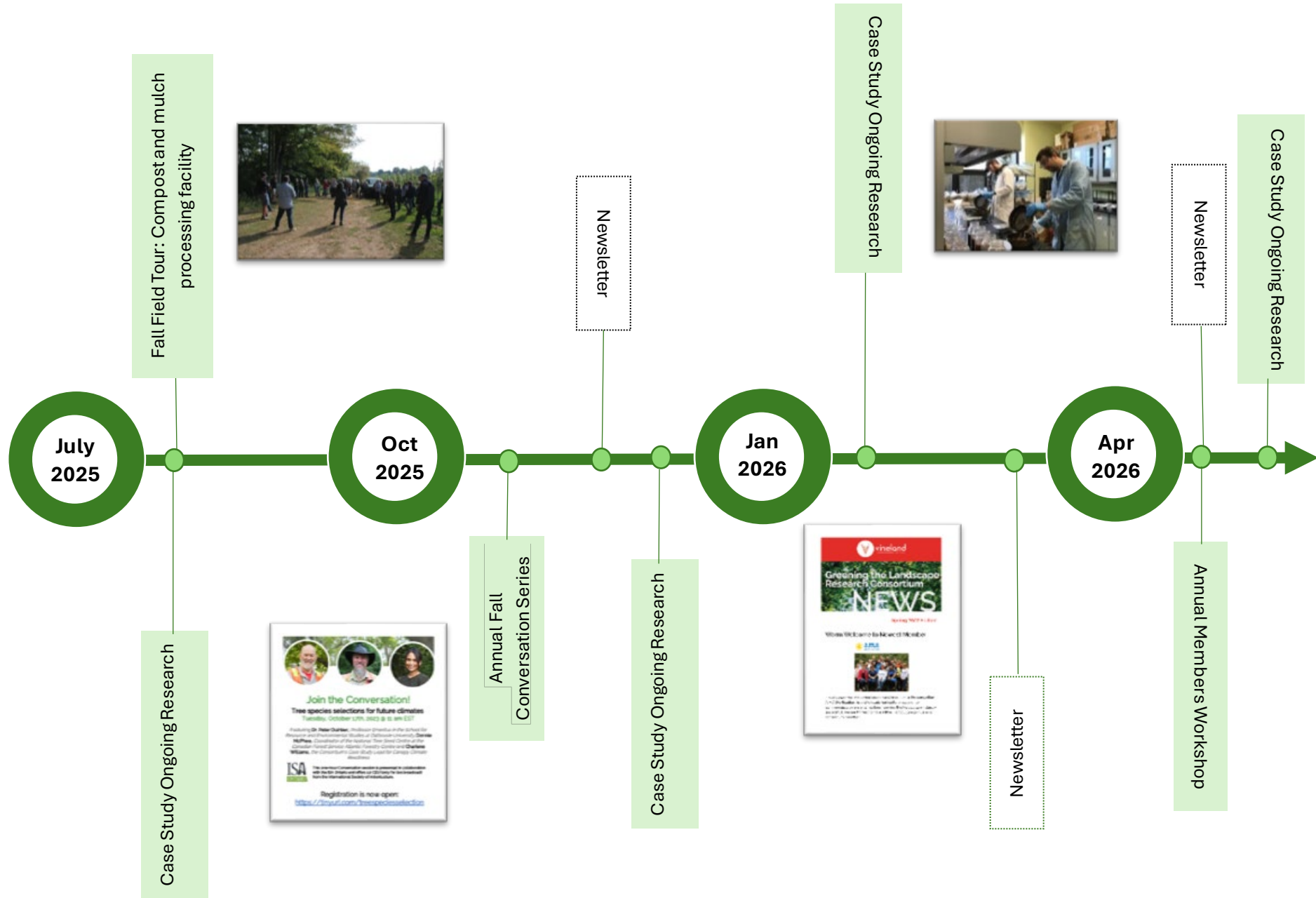
GREENING THE LANDSCAPE RESEARCH CONSORTIUM

A 3-Year Collaborative Timeline (2024-2027)

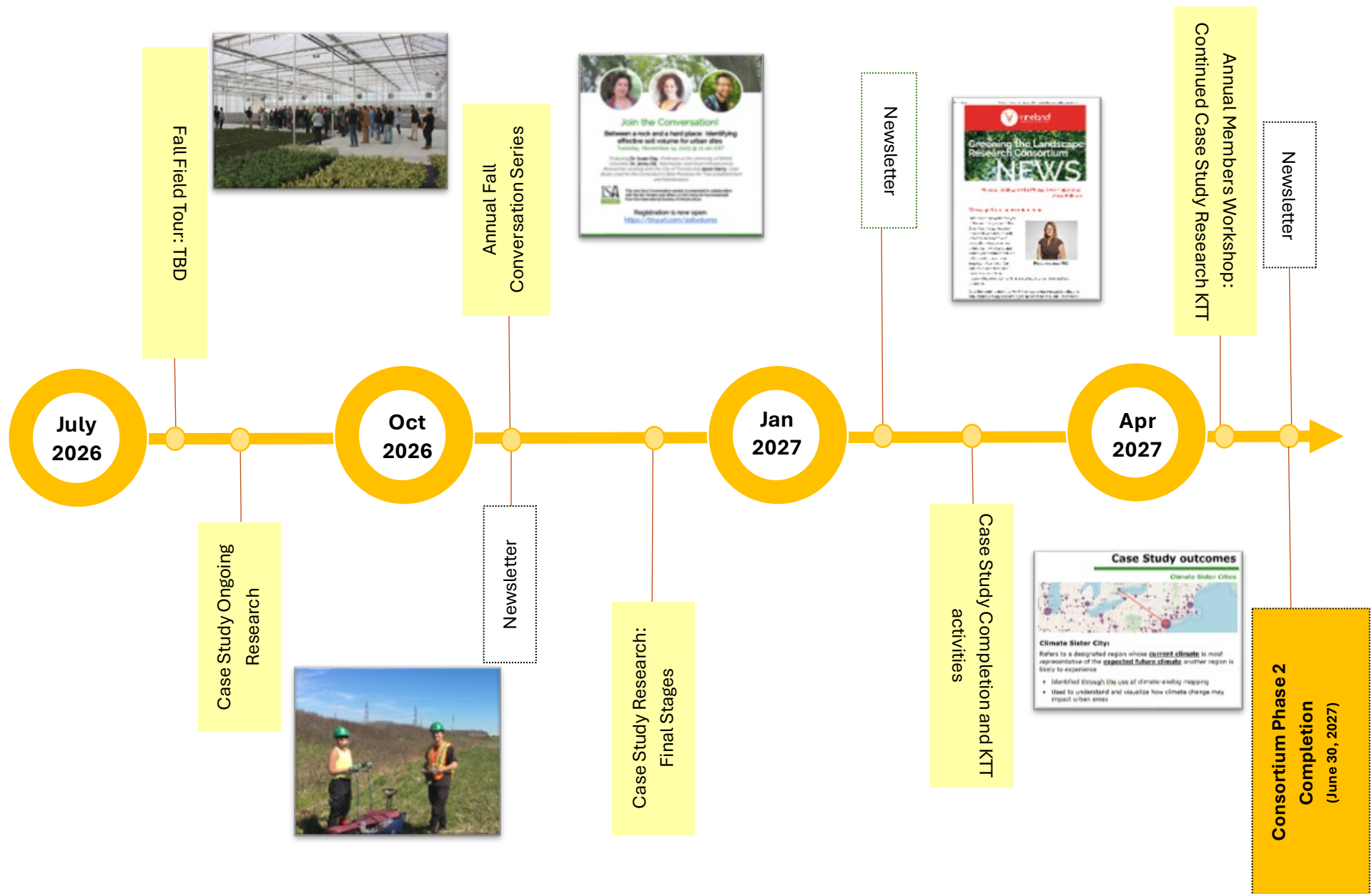
Year 1 (2024-2025): Foundation and Collaboration



Year 2 (2025-2026): Research Progress and Knowledge Sharing



Year 3 (2026-2027): Delivering Solutions and Measuring Impact



Subject: Recommendation Report – Application for Zoning By-law Amendment – Forest Park Single Detached Lot Regulations

Recommendation:

BE IT RESOLVED THAT Council receive Report # 2024-237 Recommendation Report – Application for Zoning By-law Amendment – Forest Park, for information;

AND THAT Council directs Planning staff to prepare the necessary Zoning By-law amendment for Council consideration at the next Regular Meeting of Council.

Executive Summary:

The purpose of this report is to provide Council with a recommendation regarding the application for Zoning By-law Amendment for the development known as Forest Park. The application pertains to the single detached lot zoning regulations.

The requested Zoning By-law Amendment would amend the existing site-specific Residential 2-129 (R2-129) zone for single detached dwellings within a portion of the plan of subdivision. The request pertains to only the single detached dwellings within the Forest Park Subdivision, namely Lots 1-71 in the southern portion of the lands.

The purpose of the requested revisions to the zone regulations is to allow for flexibility in building design related to driveway and garage widths for the single detached dwellings within the plan of subdivision, as well as to allow for flexibility in height for lots with basement walkouts.

Location:

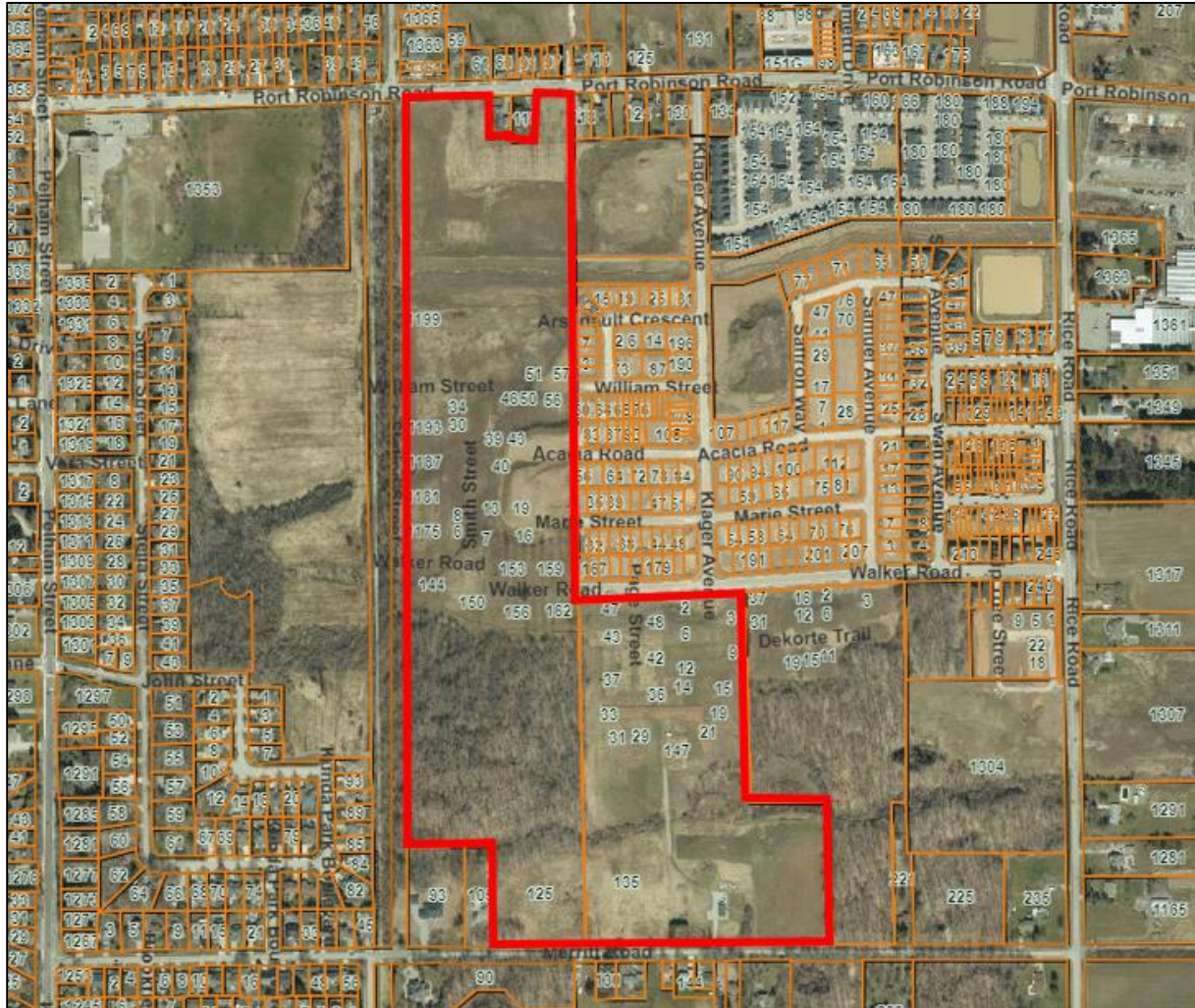
The property is located on the south side of Port Robinson Road east of the Steve Bauer Trail and north of Merritt Road (Figure 1). The lands are legally described as Part of Thorold Township Lots 171-172; Part 1 on RP 59R-728, Town of Pelham, Region of Niagara.

The request pertains to only the single detached dwellings within the Forest Park Subdivision along the east side of the future Station Street extension, the north and south sides of Walker Road, and the units on Page Street.

The subject property is currently vacant. Future surrounding land uses in the subdivision will be consist of a mix of single detached and townhouse dwellings,

environmental protection lands and the Steve Bauer Trail to the west. The subject lands are located within the East Fonhill Secondary Plan area.

Figure 1: Property Location



Project Description and Purpose:

The property received draft plan of subdivision approval (26T19-01-2020) and zoning by-law amendment (AM-02-2020) from Council in April 2022. Final approval of Phase 1 of the subdivision was granted in August 2024. Please see Figure 3 for the Final Phase 1 Plan of Subdivision.

Figure 2: Final Forest Park Subdivision

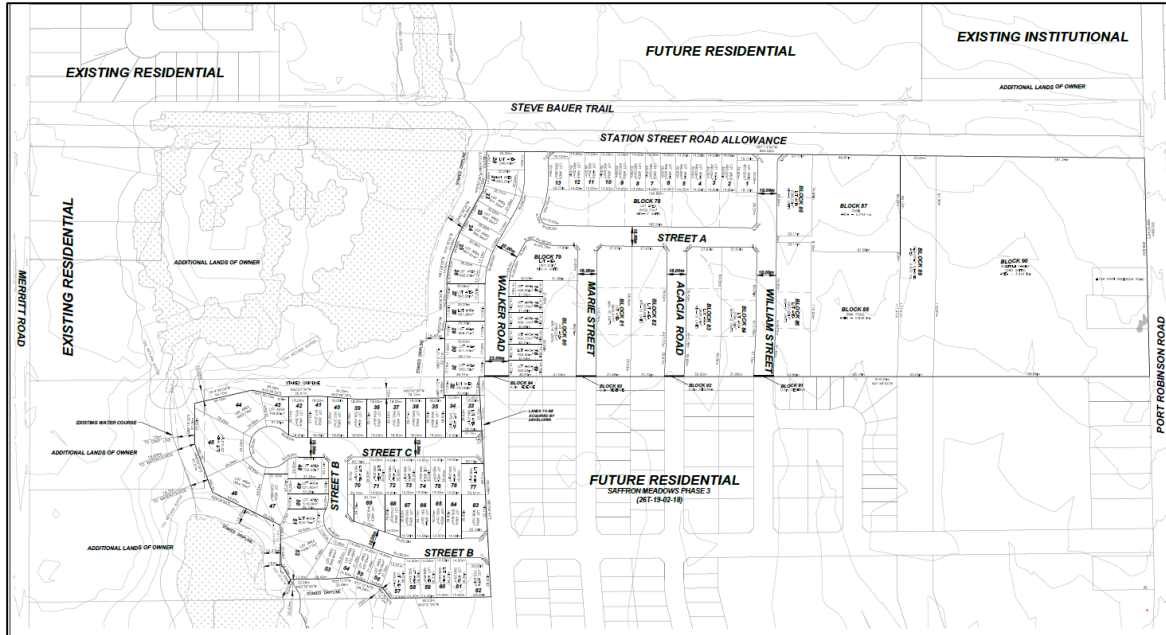
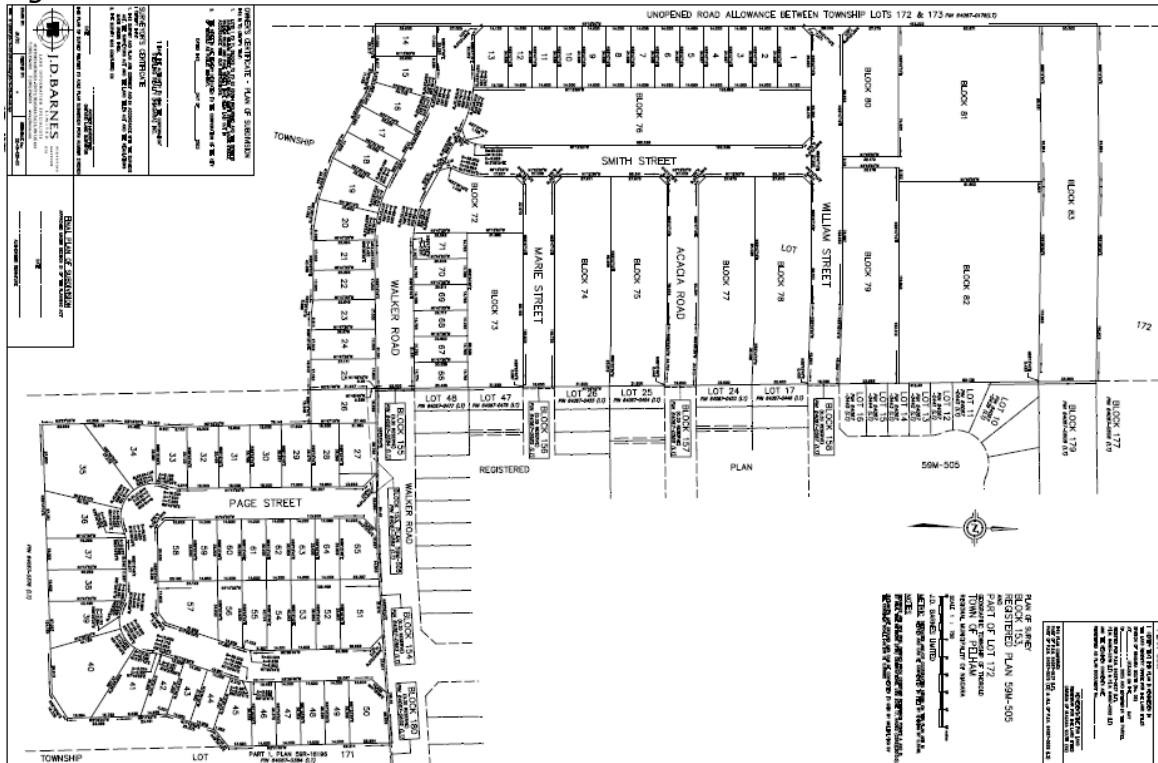


Figure 3. Phase 1 Forest Park Subdivision



The previous zoning by-law amendment application rezoned the subject lands from the Agricultural (A) zone to the Residential 2 – 316 (R2-316) zone in Zoning By-law 1136(1987) – now known as the R2-129 zone in Zoning By-law 4481(2022), as amended. The zoning change permitted the use of the subject property for single

detached dwellings as contemplated in the draft plan of subdivision. Currently, this portion of the plan is in the final stages of registration where the lots and blocks will be legally created.

The requested Zoning By-law Amendment would amend the existing site-specific Residential 2-129 (R2-129) zone for single detached dwellings within a portion of the plan of subdivision. The following revisions are requested:

- Revised definition of lot frontage: where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage is determined from the lot centre line to a point 7.5m back from the front lot line measured horizontally at 90 degrees from the lot;
- Minimum Front Yard: 4.0 metres to front face and 6.0 metres to garage (the garage of the dwelling shall be a minimum of 0.6 metres behind the front face of the dwelling or covered porch);
- Maximum Attached Garage Width: 50% of Lot Frontage;
- Maximum Driveway Width: 50% of Lot Frontage for the first 6 metres, 60% of lot frontage 6 metres behind the front property line;
- Revised definition of finished grade: when used in reference to a building or structure, the elevation of the finished surface of the ground adjoining the principal entrance of the structure; and,
- Minimum Rear Yard: 4 metres (only applicable for Lot 34).

The purpose of the revisions is to allow for flexibility in building design related to driveway and garage widths for the single detached dwellings within the plan of subdivision, as well as to allow for flexibility in height for lots with basement walkouts.

Policy Review:

Planning Act, 1990

Section 3 of the *Planning Act* requires that, in exercising any authority that affects a planning matter, planning authorities, i.e., decisions of Council, "shall be consistent with the policy statements" issued under the Act and "shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be".

Section 34 of the Act allows for consideration of amendments to the Zoning By-law.

Provincial Planning Statement, 2024

The Provincial Planning Statement (PPS), 2024 came into effect on October 20, 2024, and replaced the *Provincial Policy Statement (2020)* and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*. Now a single policy document, the 2024 PPS consolidates, revises, and introduces several new policies and definitions that were not contained in the previous PPS, 2020, and carries forward and modifies policies and definitions from both the PPS 2020 and Growth Plan. All decisions on

Planning Act applications must be consistent with the new policy direction of the PPS, 2024.

The 2024 PPS places an emphasis on managing growth in urban areas. It encourages compact and efficient land use to reduce urban sprawl and support sustainable development. This includes promoting higher-density development in designated growth areas and revitalizing underused properties within urban boundaries.

The subject lands continue to be located within a Settlement Area. Generally, the 2024 PPS encourages an appropriate range and mix of housing options and densities to meet projected and current needs.

The document states that patterns within settlement areas should be based on densities and a mix of land uses that make efficient use of land, optimize existing and planned infrastructure, support active transportation, and are transit supportive.

Section 2.9 of the 2024 PPS supports the achievement of compact, transit-supportive, and complete communities.

The requested zoning by-law amendment will allow for appropriate development and add to the range of housing options in the Town, while providing design flexibility for the single detached building lots. The requested zoning revisions do not change the lot fabric or layout of the existing subdivision, but rather will revise minor zoning regulations relating to driveway and garage widths, and definitions related to height and lot frontage. The development can be accommodated by existing and planned infrastructure and public service facilities.

Staff are of the opinion the proposed Zoning By-law Amendment is consistent with the 2024 Provincial Planning Statement.

Greenbelt Plan, 2017

The subject lands are in an identified settlement area that is outside of the Greenbelt Plan Area; therefore, the policies of the Greenbelt Plan do not apply.

Niagara Region Official Plan, 2022

The lands are Designated Greenfield Area within the Urban Area Boundary in the Niagara Region Official Plan.

Policy 2.2.2.25 states designated greenfield areas will be planned as complete communities by:

- a) ensuring that development is sequential, orderly and contiguous with existing built-up areas;
- b) utilizing proactive planning tools in Section 6.1 and Section 6.2, as appropriate;
- c) ensuring infrastructure capacity is available; and

- d) supporting active transportation and encouraging the integration and sustained viability of public transit service.

Policy 2.2.1.1 states that development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan (note: Pelham's intensification target is 25%);
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.

Policy 2.3.1 provides the direction with regards to a mix a housing options and specifically Policy 2.3.1.1 states that the development of a range and mix of densities, lot, and unit sizes, and housing types, including affordable and attainable housing, will be planned throughout settlement areas to meet housing needs at all stages of life.

Policy 2.3.1.4 also provides that new residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

- a) facilitating compact built form; and
- b) incorporating sustainable housing construction materials or practices, green infrastructure, energy.

The development will continue to contribute to a range and mix of densities, lot, and unit sizes, and housing types across the Town. Staff are of the opinion the requested zoning revisions conform with the Region's Official Plan.

Town of Pelham Official Plan, 2014

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect natural heritage features.

The local Official Plan designates the subject land as 'Secondary Plan Area' with a 'Greenfield Overlay.' More specifically, the East Fonthill Secondary Plan designates these lands as either EF – Medium Density Residential, EF – Low Density Residential, Environmental Protection One or Environmental Protection Two according to Schedule 'A5'. The lands subject to the applicant are within the EF – Medium Density Residential and EF – Low Density Residential designations. The draft plan of subdivision has been reviewed previously and received prior approval for both the lotting and road network.

Policy A2.3.2 Urban Character – stated objectives of this Plan include:

- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
- To encourage the intensification and use of the lands within the Fonthill Downtown core and to make every effort to improve its economic health by encouraging redevelopment and broadest mix of compatible uses.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that redevelopment is compatible with the scale and density of existing development.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.

Policy B1.7.3.1 outlines the General Development Objectives of East Fonthill. These include, but are not limited to the following:

- To ensure that the community is developed with a compact urban form and at an appropriate scale that is pedestrian-oriented and fosters community interaction;
- To create a sense of identity and continuity within the community through design treatments that residents and visitors can recognize as characteristic of the Secondary Plan Area;

Policy B.1.7.4.2 provides that all development within the secondary plan area be generally consistent with the Urban Design Guidelines. Generally, the Urban Design Guidelines are intended to promote an appropriate and attractive built form within the Secondary Plan Area. Design principles are intended to provide a full range and mix of housing types, design a variety of streetscapes that maintain compatibility with surrounding uses, and ensure a human scaled environment.

The following guidelines apply to the proposed zoning by-law amendment:

- *Policy 3.2.1 Single Detached & Semi-Detached Houses - The main building face should be appropriately setback by 4.5 to 6.0 metres from the edge of the right-of-way. The setback may include the main building face as a main wall, second floor room over or beside the garage, or significant architectural element such as a verandah or roofed porch.*
- *Entry features and other architectural elements shall be incorporated into the front elevation of the house to reduce the visual dominance of the garage and the front drive. These entrance features, such as porches, stairs, and canopies may project into the required setback.*
- *Where garages are provided in the front yard, they shall be set behind or flush with the main building face, and the garage door shall not exceed beyond the main face.*
- *Attached garages must be a natural extension of the design, massing, and materials of the main dwelling.*

Generally, the guidelines aim to prioritize landscaping and architectural features over driveways to ensure that driveways and garages do not dominate lot frontages, and that new development contributes positively to the streetscape. The requested zoning provisions are not anticipated to result in any negative impacts on the streetscapes. The proposed revisions are generally consistent with the urban design guidelines, in that the garage will continue to be setback from the main face of the dwelling, and the designs will contribute positively to the streetscape through the use of high-quality materials and landscaping.

Policy B1.7.7.3.2(d) Development Policies requires the maximum building height for any building within the EF-Low Density Residential designation to be 3 storeys, or 12.0 metres, whichever is less. The requested change to the definition of height will alter the way that height is measured on walk-out lots only. The dwellings will be 3 storeys or less.

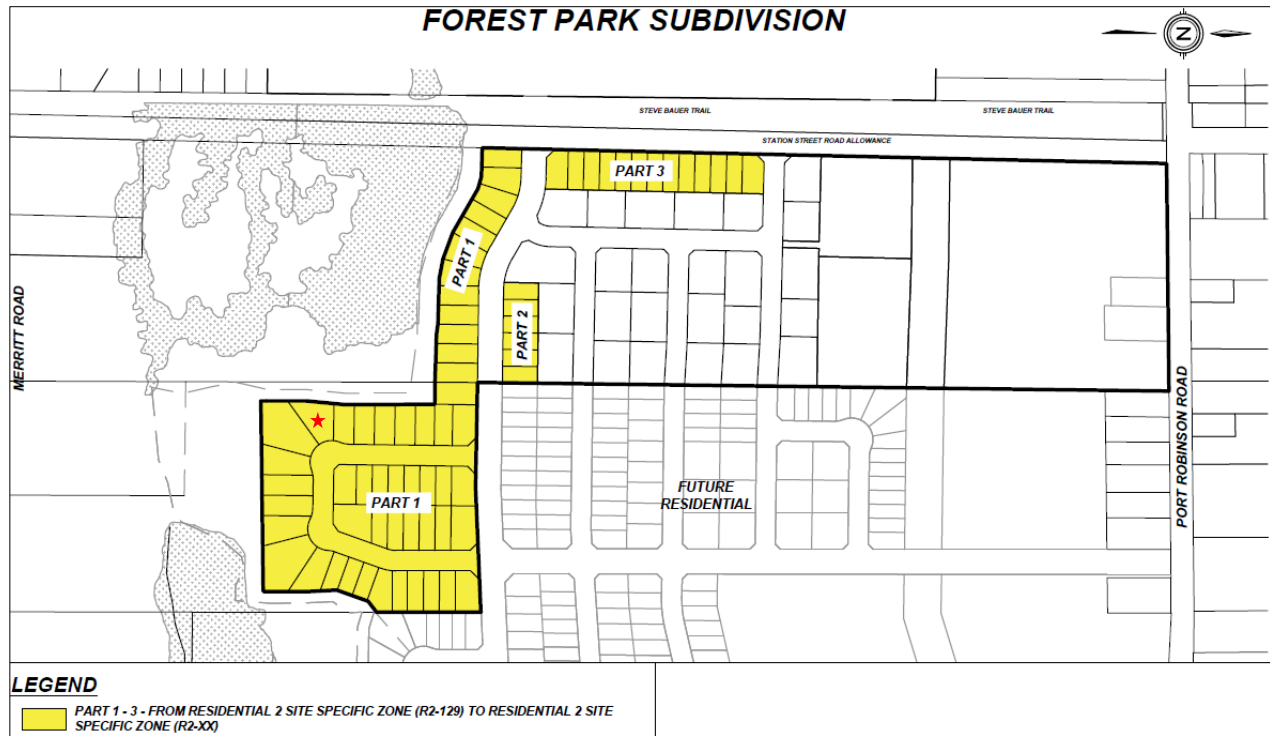
Based on this information, the amendment conforms to the Town's Official Plan.

Town of Pelham Zoning By-law 4481 (2022)

The lands subject to the application are zoned R2-129.

The application applies only to the single detached dwellings within the Forest Park subdivision. Please refer to Figure 4 for the draft zoning by-law amendment schedule that illustrates the lands subject to the application. As mentioned, the application applies only to the single detached dwellings within the subdivision, namely lots 1-71.

Figure 4. Draft Zoning By-law Amendment Schedule prepared by Applicant



The site-specific zoning requested as part of the proposed Zoning By-law Amendment is provided below:

Table 1. Proposed Zoning By-law Amendment

Regulations	R2-129 Regulation	Proposed Regulation
Minimum Rear Yard	6.0 metres	4.0 metres (for Lot 34 only).
Minimum Front Yard	4.0m to front face and 6.0m to garage	4.0 metres to front face and 6.0 metres to garage (the garage of the dwelling shall be a minimum of 0.6 metres behind the front face of the dwelling or covered porch).
Max. Attached Garage Width	7.0 metres, or 50% of the lot frontage, whichever is less	50% of the lot frontage.
Max. Driveway Width	7.0 metres, or 50% of the lot frontage, whichever is less	50% of Lot Frontage for first 6 metres; and, 60% of Lot Frontage 6m behind the front lot line.
Definitions	LOT FRONTAGE means the horizontal distance between the side lot lines of a lot measured along the front lot line. a) Where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage is determined from the lot centre line to a point 6.0m back	LOT FRONTAGE means the horizontal distance between the side lot lines of a lot measured along the front lot line. a) Where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage is determined from the lot centre line to a point 7.5m back

	from the front lot line measured horizontally at 90 degrees from the lot centre line between the side lot lines.	from the front lot line measured horizontally at 90 degrees from the lot centre line between the side lot lines.
	FINISHED GRADE means when used in reference to a building or structure, the average elevation of the finished surface of the ground adjoining the base of the longest exterior wall of such building or, where there are two or more such walls, the exterior wall having the lowest average elevation, exclusive of any artificial embankment at the base of such structure.	FINISHED GRADE means when used in reference to a building or structure, the elevation of the finished surface of the ground adjoining the principal entrance of the structure.

The applicant has indicated the purpose of the application is to allow for greater flexibility on the design of the single detached dwellings related to driveway and garage widths. Amending the requested zoning provisions will facilitate wider driveways and garages for lots with three car garages. Effectively, the zoning by-law amendment will remove the 7.0 metre cap on driveway and driveway width and change how frontage is defined. The 50% maximum width will remain in place to ensure garages and driveways do not dominate the streetscape, given the larger lot frontages in the subdivision.

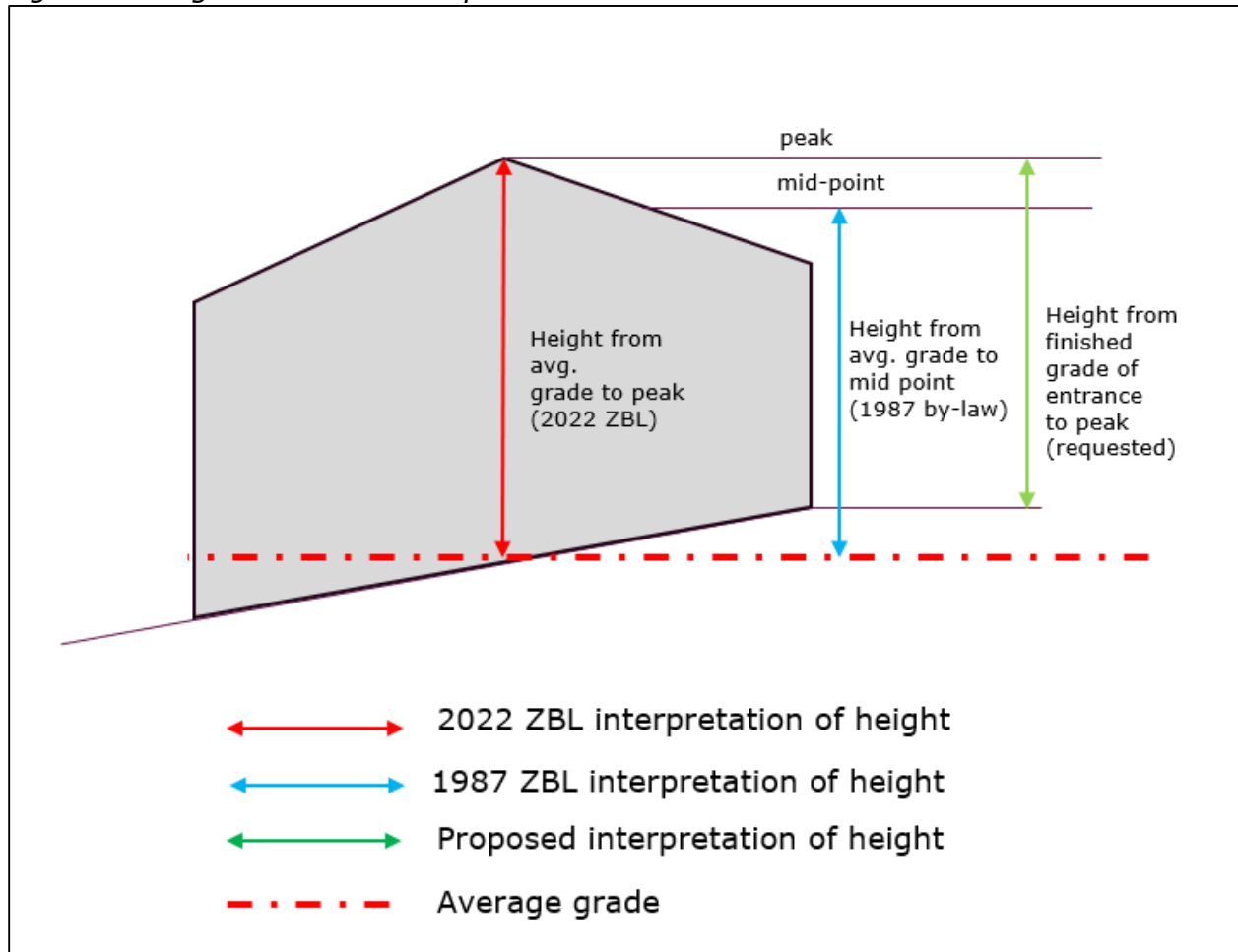
The requested amendment to the definition of height is made to address the revised definition of building height in the new comprehensive zoning by-law. When measuring the height of a structure, the new definition in the 2022 Zoning By-law entails measuring the height of the structure from a point at the average grade of the longest wall of the structure to the peak. Previously, under the Town’s 1987 Zoning By-law, height was measured from the average grade to the midpoint of the roof. This results in a situation where the two different definitions of height result in different calculations of height when calculating the height of the same structure, with the 1987 definition seemingly resulting in a lower height when compared to the 2022 definition. See Figure 5 for a visual comparison. From the streetscape, the height remains the same.

As height is currently measured from the average grade of a structure on the longest wall, the point from which the measurement is taken lower for walkout units as the average grade of the lot is below the street. As a result, walkout units are not able to meet the 12-metre height maximum. Given the new definition, the applicant originally requested additional height to address potential conflicts where units with walkouts exceed the height requirement of 12 metres. The applicant has revised the request to amend the definition of finished grade to measure height from the grade of the principal entrance of the structure to ensure conformity with B1.7.7.3.2(d) of the Official Plan

Staff would note that the height from the streetscape would not change as a result of the revised definition. Staff do not anticipate any issues in compatibility as a result

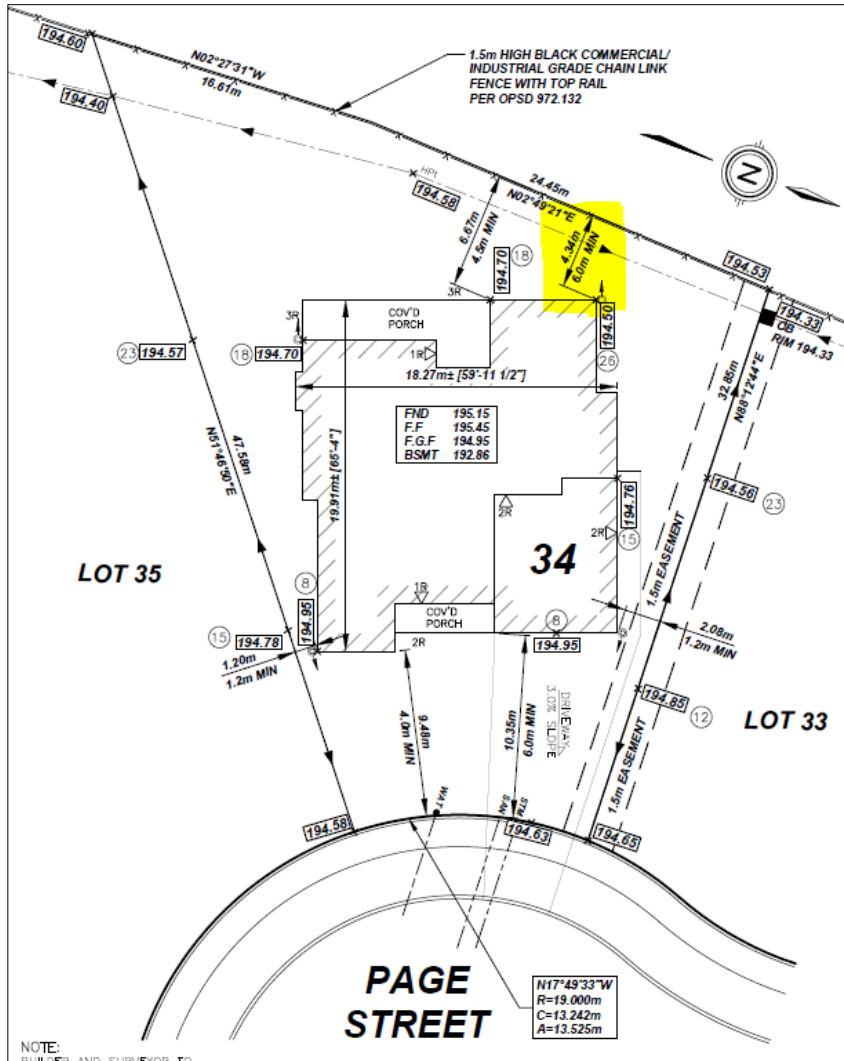
of the amended definition of finished grade. The proposed zoning by-law amendment will provide flexibility in design for lots with a walkout, while ensuring conformity with the Official Plan and being effectively unchanged from the permitted height currently contemplated in the zoning by-law.

Figure 5. Height Definition Comparisons



An additional site-specific provision has been included to address a rear yard pinch point for Lot 34, a pie-shaped lot (see Figure 6). The requested zoning relief is made to accommodate the proposed house on Lot 34, given its irregular dimensions. It is noted Lot 34 backs onto a natural area. Lot 34 is delineated with a red star on Figure 4 below. Lot 34 maintains a large rear yard amenity space, as it is a pie shaped lot. The lot backs onto a significant woodland and wetland that are zoned EP1, so issues related to privacy and compatibility are mitigated. Staff do not anticipate any issues in terms of compatibility of the reduction to the rear yard.

Figure 6: Lot 34 Lot Grading Plan



Given the analysis above, it is Planning staff's opinion that the requested site-specific zoning is appropriate and will not result in negative impacts to adjacent property owners.

Submitted Reports:

The applicant provided digital copies of the following reports and plans in support of the application:

- Planning Justification Report prepared by Upper Canada Consultants;
- Lot Grading Plan for Lot 34 prepared by Upper Canada Consultants;

Copies of the reports are available through: <https://engagingpelham.ca/forestpark>

Agency Comments:

The applications were circulated to commenting agencies and Town Departments. At the time of writing, the following comments have been received:

Community Planning and Development

- Recommend the applicant request a variation to the definition of height rather than a blanket increase for all single detached dwellings to ensure compliance with Official Plan policy.

Public Works

- No side yard walkways that impede side yard swales will be permitted.
- All drainage swales must be kept clear of obstructions.
- Water services cannot be located within driveways.
- Curb cut and driveway aprons cannot be widened further than the approved 50% lot frontage.

Building

- No comment at this time; however, building permits will be required at time of application.

Enbridge

- Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

Public Comments:

On August 16, 2024 a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries. In addition, a public notice sign was posted facing Port Robinson Road and Walker Roads.

The statutory public meeting was held on September 11, 2024. Three (3) members of the public attended the meeting. Members of the public provided no verbal or written comments.

Staff Comments:

As discussed above, staff are satisfied that the proposed revised zoning regulations will not have a negative impact on the streetscape and are generally consistent with the urban design guidelines for East Fonthill. The proposed revisions to the zoning do not negatively impact the ability of the subdivision to implement the urban design criteria in the Official Plan and urban design guidelines for East Fonthill. The revisions will provide for flexibility in design for larger lots in the subdivision, while maintaining space for landscaping, and contributing to an attractive streetscape. Given the larger frontages across the subdivision, staff are satisfied the larger garages and driveways will not dominate the streetscape. The housing designs are proposed to maintain covered front porches, and other attractive architectural and landscape features that contribute to an attractive streetscape. The single detached lots will continue to

allocate at least 50% of the frontage to landscaping. The garages and driveways will continue to be proportional to the frontage of the lot, when compared with garage and driveway widths to lots with smaller frontages.

From a policy perspective, the proposed development represents an efficient use of land and is in conformity with the East Fonthill Secondary Plan. The proposed zoning relief is generally consistent with the urban design guidelines, and is compatible and in keeping with the character of the surrounding area.

In light of the above analysis, it is Planning staff's opinion that the proposed zoning by-law amendment is consistent with Provincial policy and plans, conforms to the Regional and Town Official Plans and represents good planning and therefore, should be approved.

Alternatives:

Council could choose not to approve the amendment to the Zoning By-law.

Council could choose to approve the application subject to modifications.

Attachments:

None.

Prepared and Recommended by:

Andrew Edwards, BES, MCIP, RPP
Planner

Shannon Larocque, MCIP, RPP
Manager of Planning

Dr. Pamela Duesling, MCIP, RPP, EcD, CMM3
Director of Community Planning and Development

Reviewed and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Subject: Investigation of Rooftop Solar Panel Installation at the Meridian Community Centre

Recommendation:

BE IT RESOLVED THAT Council receive Report # 2024-0256 Investigation of Rooftop Solar Panel Installation at the Meridian Community Centre, for information;

AND THAT Council include the Meridian Community Centre (MCC) Rooftop Solar Panel Project of \$423,278.98 as a red circle item in the 2025 capital budget, pending successful feasibility and implementation grant applications.

Background:

In May 2024, Council passed a motion for staff to investigate the feasibility and benefits of installing rooftop solar panels and a parking lot solar canopy at the MCC. Specifically, the motion passed stated:

WHEREAS there is a growing need for sustainable and environmentally friendly energy solutions;

AND WHEREAS solar energy presents a viable avenue for reducing carbon emissions, alleviating energy costs, and generating revenue for the Meridian Community Centre (MCC), thereby offsetting operating costs, and advancing Council's green agenda;

AND WHEREAS Council identified Environmental and Climate Adaptation as a primary focus in the 2023-2027 Town of Pelham Strategic Plan;

AND WHEREAS the prospective installation of solar panels aligns with the Town's commitment to environmental stewardship and sustainability initiatives;

NOW THEREFORE BE IT RESOLVED THAT Council hereby directs staff to investigate the feasibility and benefits of installing rooftop solar panels and a parking lot solar canopy at the MCC and report back to Council in Q3 of 2024;

AND THAT this investigation include the suitability of the MCC's rooftop to host solar panels, an analysis of installation costs and potential return on investment, the environmental benefits, as well as an exploration of available incentives and grants for renewable energy projects;

AND THAT staff be further directed to share a draft of the report with the Utility Sustainability Working Group before its presentation to Council.

In response to Council's directive, Town staff have now investigated the feasibility of installing rooftop solar panels at the MCC in Fonthill. This investigation included a structural review of the MCC roof, an analysis of potential environmental and economic benefits, and exploration of various grant opportunities to minimize the financial burden of the potential project. A parking lot solar canopy at the MCC was not reviewed at this time.

This report outlines the findings of this investigation and provides a clear recommendation for the next step in advancing this project.

Analysis:

Structural Review of MCC Rooftop

Hallex Engineering Ltd. was hired by the Town to conduct a structural review to determine whether the MCC roof could support the additional load from solar panels. The review focused on the main trusses, columns, and footings and confirmed that the roof structure can handle the estimated load of 2 pounds per square foot (0.10 kPa).

While some trusses are near full capacity (up to 98% utilization), this is considered safe within standard engineering practices. The columns and footings are well within acceptable limits, ensuring the overall structure can safely support the solar panels. A more exhaustive analysis will be required at the design stage to assess the final panel layout, connection points, and distribution load.

Project Benefits

To better understand the potential impact of the rooftop solar panel installation, the Town hired a consultant, Knowenergy, to conduct a RetScreen analysis - a

necessary component of the funding applications detailed later in this report. RetScreen is a software tool used to assess the energy production, cost savings, emissions reductions, and overall financial viability of renewable energy projects.

The RetScreen analysis provided key data on the estimated greenhouse gas (GHG) emissions reductions, energy savings, and cost savings for this project. The main results from the RetScreen analysis are provided below:

Greenhouse Gas Emissions Reductions: The analysis projected that the installation of solar panels at the MCC would reduce GHG emissions by 15.4 tonnes of CO₂ annually, equivalent to a 3.8% reduction in the facility's total emissions. This supports Pelham's climate action targets and aligns with national efforts toward net-zero emissions.

Energy Savings and Electricity Consumption: The proposed solar panel system would generate energy that is used directly by the MCC, reducing the need to draw electrical power from the grid. The energy produced would be consumed on-site, powering the facility's operations, including lighting heating and other energy needs. From the RetScreen analysis, the proposed solar panel system is estimated to save approximately 573,342 kWh of electricity annually, reducing the MCC's electricity consumption by 44.4%, meaning nearly half of the facility's energy needs will be met by the solar panels, significantly reducing its reliance on external energy sources from the grid. This also equates to a 13.1% reduction in the facility's total energy usage.

Cost Savings: The project is expected to result in an annual savings of \$68,801 in electricity costs, representing a 20.9% reduction in overall energy expenses for the MCC. These savings stem from an estimated annual operations and maintenance cost of \$259,666 for the solar panel system, compared to the projected electricity cost savings of \$328,467, due to reduced reliance on grid electricity. This reduction in external energy use will provide long-term cost efficiency and contribute to a more sustainable operational budget for the facility.

In addition to the benefits outlined above, this project aligns with several of Pelham's strategic priorities. Specifically, it supports the **Environmental & Climate Adaptation** priority by contributing to the Town's goal of protecting natural resources and promoting sustainability through a reduction in greenhouse gas emissions and reliance on non-renewable energy sources.

The project also aligns with **Infrastructure Investment & Renewal**, ensuring that Pelham's community infrastructure incorporates innovative, energy-efficient technologies to meet future needs. Furthermore, it supports **Enhancing Capacity & Future Readiness** by leveraging renewable energy solutions that prepare the municipality for future environmental and economic challenges.

By integrating solar energy into a key community facility, the project also complements Pelham's **Financial Health** priority, as it has the potential to reduce long-term operational costs through significant energy savings.

Next Steps

A priority next step is to conduct a comprehensive feasibility study, which is crucial for validating the technical, structural, and financial aspects of the project. This study is essential to refine project details and design, as well as ensure a successful implementation. Pending successful grant applications, the feasibility study can begin in early 2025.

Financial Considerations:

The RetScreen analysis evaluated the financial viability of the MCC rooftop solar panel project based on an estimated initial investment of \$1.4 million. The analysis showed a negative cash flow of \$38,798 in Year 1 due to initial costs. However, cumulative savings grow over a 20-year lifespan of the project, gradually recouping expenses. The simple payback period is estimated at 20.3 years, indicating that the project will take longer to pay off its costs without grant support, emphasizing the importance of securing funding for financial viability.

To support the project, the Town has applied for two major grants:

Feasibility Study Grant: The Town has applied for a \$70,000 grant under the Green Municipal Fund's Adaptation in Action program, which would cover most of the \$90,000 feasibility study cost. The remaining \$20,000 would be funded by the Town. This grant will support a comprehensive analysis of the structural, technical, and financial aspects of the solar panel installation. The Town of Pelham is expected to receive a decision on this grant by February 2025.

Implementation Grant: For the installation phase, the Town has applied for the Green and Inclusive Communities Grant under Infrastructure Canada. The total cost for project implementation through this grant would be \$2,016,394.90. If successful, this grant would cover 80% of the eligible project costs, providing \$1,613,115.92 in funding. The Town's contribution to the project would be \$403,278.98. This includes a 30% contingency percentage to account for potential unforeseen costs during the project, which is why the costing is a higher amount than the initial project estimate. A decision on this grant is expected by Summer 2025.

Alternatives Reviewed:

Council could direct staff to hire a consultant to conduct a comprehensive feasibility study, regardless of whether the grant applications are successful. In this scenario, Council would need to include an additional \$70,000 in the recommended red circle item in the 2025 capital budget, to cover the full cost of the feasibility study.

Strategic Plan Relationship: Environmental and Climate Change Adaptation

This project strongly aligns with Pelham's **Environmental & Climate Adaptation** priority by reducing the Town's reliance on non-renewable energy and reducing greenhouse gas emission. The installation of solar panels directly contributes to environmental stewardship and climate resilience by generating clean energy on-site, lowering the carbon footprint of municipal operations and ensuring energy dependence. This approach not only minimizes the vulnerability to energy supply disruptions and price fluctuations, but also sets a sustainable example for the community, fostering a broader adoption of green practices and technology.

Additionally, this project supports the Town's **Infrastructure Investment & Renewal** priority by incorporating innovative, energy-efficient technology into a key community facility. By investing in solar energy, the Town ensures that its infrastructure is not only sustainable but also prepared to meet future energy needs, while contributing to **Financial Health** through potential long-term cost savings.

Consultation:

In preparation for this project, consultations were held with Hallex Engineering Ltd. for the structural review, and Knowenergy for the RetScreen analysis. Town staff have also consulted with municipal partners and relevant stakeholders to explore funding opportunities and ensure that the project aligns with broader community goals. Further consultations will be held during the feasibility study phase, including detailed design discussions with solar energy experts.

The Town of Pelham's Utility Sustainability Working Group was also consulted on this report. A verbal presentation of the report was provided to the Working Group in late October 2024, where members expressed support for moving forward with submitting the full report to Council.

Other Pertinent Reports/Attachments:

N/A

Prepared and Recommended by:

Samantha Witkowski
Environmental Coordinator, Community Planning and Development

Pamela Duesling, PhD, MCIP, RPP, EcD, CMM3
Director of Community Planning and Development

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Subject: Meridian Community Centre Adjacent Lands
Implementation Plan

Recommendation:

BE IT RESOLVED THAT Council receive Report 2024-0225 Meridian Community Centre Adjacent Lands Implementation Plan, for information;

AND THAT as staff have now executed the direction of Council to hire a land surveyor and a local realtor to complete a survey, severance and partial sale of lands adjacent to the Meridian Community Centre (MCC), as directed by Council on September 4, 2024, that By-law No. 73-2024, being a by-law to declare a portion of the severed lands to be surplus to the needs of the Town, be approved in principle;

AND THAT Council direct staff to complete the new MCC parking lot on the north portion of the severed lands project using Option _____;

AND THAT Council direct staff to include a 2025 capital budget(s) in accordance with the recommendations set out in Option _____ for the construction of the new MCC parking lot on the north portion of the severed lands;

AND THAT Council direct that upon completion of a reference plan to be deposited on title to the severed lands, that the Town Clerk prepare and present for Council's consideration a by-law to declare the south portion of the severed lands to be surplus to the needs of the Town and directing the surplus lands to be sold in accordance with By-law No. 1942(1997);

AND THAT Council direct the Town Clerk to provide notice that the subject land is to be declared surplus by advertising on the Town's website.

Background:

On October 4, 2023, Council provided direction to staff to engage in a community consultation process regarding the potential use of Town-owned lands that are located on the east of Hope Lane, north of Summersides Boulevard, and west of Rice Road adjacent to the Meridian Community Center (MCC) known as Part 4, Plan 59R-16105.

On May 29, 2024, Council was presented a report regarding the public engagement process and was provided options for moving forward including three conceptual plans as outlined:

1. the Town retaining all the lands and developing them for surface parking use for the MCC;
2. the Town selling all the lands for development purposes; and
3. a hybrid option of the Town retaining some of the land and developing that portion for parking and a small parkette and selling the remainder for residential development purposes.

Council passed a resolution to proceed with the third hybrid option to retain some of the lands and sell some of the lands. Staff were directed to report back on an implementation strategy for this option.

On September 4, 2024, staff presented to Council a hybrid implementation strategy from Colliers International including the retention of 0.90 acres (0.36 hectares) for establishing approximately 74 parking spaces at an estimated capital cost of \$850,000 and selling 0.71 acres (0.29 hectares) for residential development purposes of the 1.61 acres (0.65 hectares) parcel described as Part 4, Plan 59R-16105.

At this meeting, Council discussed the importance of a parkette on the retained proposed parking lot lands including a trail connection to the East Fonthill Park as well as a safe and aesthetically pleasing walkway from the new parking lot to the MCC.

Council confirmed proceeding with the future hybrid option and directed staff to retain some land for the development of a future parking lot and sell the remainder of the lands for future residential development purposes. Council also directed staff to take the necessary next steps to sever the lands, bring a by-law to surplus the proposed severed lands, and hire a local realtor to sell the south portion of the parcel for sale on the open real estate market.

Analysis:

As a result of the September 4, 2024, Council Meeting, staff have now hired Chambers and Associates Surveying Ltd. to complete the surveying works and Colliers International to sell the south portion of the lands known as Part 4, Plan 59R-16105.

A by-law to surplus the south parcel of the lands as per the deposited reference plan being issued is pending Council approval. It is anticipated that this surplus land by-law will come forward to Council on November 20, 2024.

It is also anticipated that the south portion of the lands will be posted on the open real estate market in November/ December 2024. Council will be kept apprised of future land offers for consideration.

There are three viable options to move forward with the project depending on Council's financial risk tolerance.

Option 1 – Approving the Design Assignment in the 2025 Capital Budget and Approving a Red-Circled project for Implementation pending sale of the south property using a Design, Bid, and Build Approach

In this option, the project would be delivered using a traditional design, bid, and build approach. In this alternative, the project would be divided into two capital projects one for design and one for implementation. It is estimated that the cost to complete the design and required permitting is \$80,000 (plus HST) and the cost of construction is \$770,000 (plus HST). Using this approach Council could approve the design assignment as part of the 2025 capital budget and approve the construction phase as a red-circled project pending the sale of the south property to fund the construction phase. By completing the project using this traditional delivery model staff would award an engineering assignment for the design of the new parking lot once the 2025 capital budget is approved and would issue a construction tender following the sale of the south property.

Option 2 – Approving the Full cost of the project in the 2025 Capital Budget including Design and Construction using a Design, Bid, and Build Approach

In this option, the project would be once again delivered using a traditional design, bid, and build approach; however, staff would include the entire project budget in the capital budget for \$850,000 (plus HST). In this alternative staff would move forward with a design assignment once the 2025 capital budget is approved and issue a tender for construction immediately following completion of the design. The project would not be red-circled and therefore would not be subject to the sale of the south property.

Option 3 – Approving project using a Design-Build Approach in the 2025 Capital Budget

In this option, the project would be completed using a design-build delivery model. In this Alternative, staff would include a project for \$850,000 (plus HST) in the 2025 capital budget for Council's consideration. Staff will issue an RFP for the design-build project once the 2025 capital budget is approved. Using this approach staff will award the design and construction project under one project to the successful proponent. A design-build delivery model may allow the project schedule to be accelerated and will provide the contractor with the ability to use ingenuity regarding the overall design of the parking lot. Using a design-build delivery model the Town will lose some amount of control over the final product.

Staff are recommending proceeding with Option 1 to include a capital project in the amount of \$80,000 (plus HST) in the 2025 Capital Budget for the design of the new MCC parking lot and proceed with the \$770,000 construction contract (plus HST) as a red-circled project in the 2025 capital budget pending the sale of the south property.

Although it is anticipated that the sale of the south property will be completed expeditiously once the property is placed on the market the above option provides more financial certainty for Council.

Financial Considerations:

It is anticipated that the sale of the south portion of the lands described as Part 4, Plan 59R-16105 for future residential development will more than accommodate the design and construction costs of the proposed new MCC parking lot on the north portion of the lands. Regardless of the option chosen by Council the Town has the capacity to finance the works and repay itself with the eventual sale proceeds of the new southern parcel.

Alternatives Reviewed:

Alternatives for land use options were reviewed through Reports 2024-130 and 2024-0192.

In addition, funding options and project delivery options for the implementation of the new parking lot have been presented in the analysis section of this report for Council's consideration.

Strategic Plan Relationship: Community Development and Growth

The implementation plan for the lands adjacent to the MCC for a new parking lot with a community parkette/ trail connection and opportunities for new residential development provide a balanced community approach for growth while also protecting the high quality of life presently enjoyed by Town of Pelham residents.

Consultation:

The Town Clerk, Solicitor and Deputy Treasurer were consulted in the preparation of this report.

Other Pertinent Reports/Attachments:

Not attached. For reference:

2024-0192 Meridian Community Centre Adjacent Lands Implementation Options, September 2024

2024-0188 Meridian Community Centre Adjacent Lands Implementation Strategy Options and Land Valuation (Closed Session), September 2024.

2024-0130 MCC Lands Options and Public Consultation Results, May 2024.

2023 – 0230 Strategic Use of Town Owned Lands, September 2023.

Prepared and Recommended by:

Jason Marr, P.Eng
Director of Public Works

Dr. Pamela Duesling, MCIP, RPP, EcD, CMM3
Director of Community Planning and Development

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer



The Corporation of the Town of Pelham

By-law No. 71-2024

Being a By-law to amend By-law No. 4507(2022), as amended, being a By-law to govern the proceedings of the Town of Pelham Council, its Committees, the conduct of its Members and the calling of Meetings, for the purpose of revising the Council Meeting Schedule.

WHEREAS section 238 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that a municipality shall establish a procedure by-law to govern meetings;

AND WHEREAS on January 30, 2023, Council of the Corporation of the Town of Pelham enacted Procedure By-law No. 4507(2022);

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it desirable to amend its Procedure By-law to optimize the Council meeting schedule;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. THAT Procedure By-law No. 4507(2022), be and is hereby amended as follows:

1.1. **THAT** Section 13.2 be repealed and replaced with the following:

"A Regular Meeting shall not be scheduled during the first full week of January, the week of March Break, or on the first Wednesday of April. For greater clarity, only one Regular Meeting of Council will be scheduled in April, which will take place on the third Wednesday of the month."

1.2. **THAT** Section 45.1 be repealed and replaced with the following:

"During the months of July and August there shall be two (2) Regular Meetings of Council to be held at 9:00 a.m. on a date determined by staff and approved by Council in advance."

1.3. **THAT** Section 49 be amended to add an additional Section, numbered 49.5, stating:

"Notwithstanding Section 49.3, if March Break coincides with the second Wednesday in March, a Public Meeting shall not be scheduled. In such cases, the revised date for the March Public Meeting shall be determined by staff and approved by Council in advance."

2. Effective Date

2.1. This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this 06th day of November, 2024.

Marvin Junkin, Mayor

Sarah Leach, Acting Town Clerk



The Corporation of the Town of Pelham

By-law No. 72-2024

Being a by-law to authorize the Mayor and Clerk to enter into a Municipal Capital Facility Agreement and to exempt the lands described in the said agreement from taxation for municipal and school purposes.

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*") provides that the powers of a municipality under statute shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its statutory authority;

AND WHEREAS section 110 of the *Municipal Act, 2001* provides that a municipality may enter into agreements for the provision of municipal capital facilities and may exempt the lands on which such facilities are located from taxes levied for municipal and school purposes;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it desirable to enter into such an agreement with Wellspring Niagara Cancer Support Foundation in relation to its use of lands municipally known as 50 Wellspring Way and to exempt the said lands from taxes levied for municipal and school purposes;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. That the lands municipally known as 50 Wellspring Way in the Town of Pelham ("the Lands") are hereby declared to constitute a municipal capital facility used for the provision of social and health services;
2. That the Lease and Municipal Capital Facility Agreement between the Corporation of the Town of Pelham and Wellspring Niagara Cancer Support Foundation ("the Agreement"), attached hereto and made part of this By-law, is hereby approved;
3. That the Agreement is hereby declared to be a municipal capital facility agreement for the purposes of section 110 of the *Municipal Act, 2001*;
4. That during the term of the Agreement, the Lands shall be exempt from taxes levied for municipal and school purposes;
5. That the Mayor and Clerk are hereby authorized and directed to execute the Agreement, and any other documents necessary to implement the intent of this By-law, and to affix the corporate seal thereto; and
6. That this By-law shall come into force on the date that it is passed.

Read, enacted, signed and sealed this 6th day of November 2024.

Marvin Junkin, Mayor

Sarah Leach, Acting Town Clerk

THIS LEASE AND MUNICIPAL CAPITAL FACILITY AGREEMENT dated this ____ day of _____, 2024 and made in pursuance of the *Short Forms of Leases Act*, R.S.O. 1990, c. S.11

B E T W E E N:

THE CORPORATION OF THE TOWN OF PELHAM

(“the Town”)

- and -

WELLSPRING NIAGARA CANCER SUPPORT FOUNDATION

(“the Foundation”)

WHEREAS the Town is the registered owner of certain lands in the Town of Pelham municipally known as 50 Wellspring Way and as illustrated in Schedule “A” (“the Lands”); and

WHEREAS the Foundation is a not-for-profit charitable organization that provides social and health services in the form of non-medical support for cancer patients and their families; and

WHEREAS on May 15, 2017, the Town and the Foundation entered into a lease agreement for the Lands pursuant to which the Foundation covenanted to pay all taxes levied for municipal and school purposes on or in relation to the Lands; and

WHEREAS the Foundation has requested that it be exempted from the foregoing covenant; and

WHEREAS the Lands are entirely occupied and used for a service or function that may be provided by the Town, namely, the provision of social and health services, and may therefore be the subject of a municipal capital facility agreement under the *Municipal Act, 2001*, S.O. 2001, c. 25; and

WHEREAS on June 19, 2024, By-law No. 43-2024 was passed by Council of the Town, authorizing the Town to enter into a municipal capital facility agreement to exempt the Lands from all taxes levied for municipal and school purposes on or in relation to the Lands and thereby exempt the Foundation from its covenant to pay all such taxes; and

WHEREAS the Town and the Foundation have agreed to terminate the prior lease agreement and replace it with this Lease and Municipal Capital Facility Agreement (“Agreement”);

WHEREAS the Foundation is a not-for-profit corporation duly incorporated pursuant to the laws of Ontario and has properly authorized the entering into of this Agreement;

NOW THEREFORE, IN CONSIDERATION of the covenants and agreements contained herein, the Town demises and leases unto the Foundation, and the Foundation leases from the Town, the Lands on the following terms:

1. TERM

- 1.1. The Town demises and leases the Lands to the Foundation for a term of twelve (12) years commencing on the first (1st) day of January 2025 and ending on the thirty-first (31st) day of December 2037 (“the Initial Term”), unless terminated earlier pursuant to the provisions of this Agreement.
- 1.2. At the end of the Initial Term, this Agreement shall automatically renew for an additional term of twenty (20) years, on the same terms and conditions as contained herein, and shall thereafter automatically renew for subsequent terms of twenty (20) years (each a “Renewal Term”), provided that at the time of each renewal, the Lands continue to be used as the Wellspring Niagara Cancer Support Centre in the Town of Pelham.
- 1.3. If the Foundation does not wish to renew this Agreement at the end of the Initial Term or any Renewal Term, it shall provide the Town with not less than twelve (12) months’ written notice of its intention not to renew the Agreement. Upon expiration of the term in which such notice is given, the provisions of section 2 shall apply.
- 1.4. If the Foundation continues to occupy the Lands after the expiration of this Agreement or after an earlier termination as provided for herein, there shall be no tacit renewal of this Agreement notwithstanding any statutory provision to the contrary.
- 1.5. If the Town consented in writing to the overholding as described in subsection 1.4, then the Foundation shall be deemed to be occupying the Lands as a monthly tenant and such tenancy may be terminated by either of the Town or the Foundation on thirty (30) days’ notice and otherwise on the same terms as contained herein. Any acceptance by the Town of the annual lease fee or other consideration shall not imply consent to any overholding by the Foundation.
- 1.6. Nothing herein shall limit the liability of the Foundation in damages or otherwise for any overholding and the Foundation shall indemnify and hold harmless the Town from and against any and all claims incurred by the Town as a result of such overholding.

2. LANDS AND IMPROVEMENTS

- 2.1. The Lands are illustrated in Schedule “A”, which is appended hereto and forms part of this Agreement. Subject to the terms and conditions of this Agreement, the Foundation accepts the Lands in the condition existing on the first day of the Initial Term.
- 2.2. All buildings and structures located entirely within the boundaries of the Lands that were constructed by or on behalf of the Foundation (“the Improvements”) are the property of the Foundation and, upon expiration or earlier termination of this Agreement, shall be administered as follows:
 - i. The Town shall have the option to purchase the Improvements for fair market value (“FMV”), as determined by a qualified real property appraiser jointly retained by the Foundation and the Town to determine the FMV of the Improvements, the FMV of the Lands only, and the FMV of the Lands and the Improvements combined.
 - ii. If the Town elects not to purchase the Improvements, then the Lands shall be listed for sale at the FMV as determined by the appraisal of the Lands and Improvements combined.

iii. Upon completion of the sale, the Town shall receive net sale proceeds equal to the FMV of the Lands only, over the FMV of the Lands with the Improvements, and the Foundation shall receive the balance of the net sale proceeds.

2.3. The absolute right of the Town to purchase the Improvements pursuant to subsection 2.2 takes priority over any other interest in the Improvements that may now or hereafter be created by the Foundation. For greater certainty, all dealings by the Foundation that may in any way affect title to the Improvements shall be made expressly subject to this right of the Town and the Foundation shall not assign, encumber or otherwise deal with the Improvements except as permitted under this Agreement.

3. LEASE FEE

3.1. The Foundation shall pay to the Town an annual lease fee in the amount of one dollar (\$1.00) plus any applicable taxes, payable in advance and in full on or before the first (1st) day of January in each year of the Initial Term and any Renewal Term(s).

4. MUNICIPAL CAPITAL FACILITY

4.1. For the purposes of section 110 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*"), this Agreement is deemed to be a municipal capital facility agreement, and the Lands are deemed to be a municipal capital facility used for the provision of social and health services.

4.2. Notwithstanding any other provision of this Agreement, the Town and the Foundation acknowledge and agree that the Lands constitute a municipal capital facility as defined in the *Municipal Act, 2001*. In the event that the Town enacts a by-law exempting the Lands from taxation for municipal and school purposes in accordance with section 110 of the *Municipal Act, 2001*, and the Lands are thus exempt from taxation in accordance with the said by-law, then the Foundation shall not be liable for the payment of municipal taxes in respect of the Lands during the Initial Term and any Renewal Term(s).

5. USE AND OCCUPANCY OF THE LANDS AND IMPROVEMENTS

5.1. The Foundation shall use the Lands and the Improvements to operate the Wellspring Niagara Cancer Support Centre in the Town of Pelham and for no other purpose. For greater certainty, the Foundation covenants that the sole use made of the Lands and the Improvements shall be the provision of non-medical support for cancer patients and their families.

5.2. Should the Foundation cease to operate the Wellspring Niagara Cancer Support Centre in the Town of Pelham on the Lands, the Foundation may seek the consent of the Town to assign this Agreement to another community service organization. The Town has sole discretion to grant or withhold its consent to any such request and/or to impose terms and conditions on the proposed assignment.

5.3. The Foundation further covenants that at all times the use made of the Lands and the Improvements shall comply with and conform to all requirements of the Town's zoning by-law and any other municipal, provincial and/or federal laws and regulations that may affect the Lands.

- 5.4. During the Initial Term and any Renewal Terms, the Foundation shall, at its sole cost and expense, keep in good order and condition the Lands and the Improvements, and all appurtenances and equipment thereof, both inside and outside, and shall make any and all necessary repairs, replacements, substitutions, improvements, and additions, foreseen or unforeseen, structural or otherwise, and shall ensure that all such repairs and maintenance are completed in a good and workmanlike manner.
- 5.5. The Foundation may make repairs, additions, alterations, or replacements (“Changes”) to the Improvements or any other part of the Lands provided that where such Changes materially affect the appearance or character of the exterior of the Improvements or exterior portions of the Lands, or will materially affect the structure of the Improvements, the Foundation shall first obtain the written approval of the Town, which shall not be unreasonably withheld. The Foundation shall construct Changes at its sole cost and in a good and workmanlike manner, using first-class materials.
- 5.6. In determining whether to grant approval to any Changes, the Town shall have regard to whether the Foundation has provided sufficient information to satisfy the Town that the Changes will comply with all applicable federal, provincial and municipal laws and regulations, will not weaken or compromise the structure of the Improvements, and will not materially adversely affect the FMV of the Lands and/or the Improvements.
- 5.7. Before requesting the Town’s approval of any Changes, the Foundation shall submit to the Town conceptual plans of the proposed Changes. Within thirty (30) calendar days after receiving such plans, the Town shall advise the Foundation in writing whether it approves the Changes, and if not, shall request modifications to the plans. Within thirty (30) calendar days after the Foundation receives such a request, it shall submit revised plans and other similar material for the Town’s approval. The Town and the Foundation agree to negotiate in good faith to modify the proposed Changes to secure the approval of the Town.
- 5.8. The Foundation shall not cause or permit any injury to the Lands or the Improvements and shall not use or occupy, or permit to be used or occupied, any part of the Lands or the Improvements so as to constitute a nuisance or for any illegal or unlawful purpose, nor in any manner that may contravene lawful restrictions on their use. The Foundation shall not damage or disfigure the Lands or the Improvements or any part thereof.
- 5.9. The Foundation shall, at its sole expense, keep the sidewalks, curbs and passageways adjacent to the Lands and the Improvements clean from rubbish, ice and snow at all times and shall not encumber or obstruct the same or allow the same to be encumbered or obstructed in any manner.
- 5.10. The Foundation shall construct or repair municipal and similar services with respect to the Lands and the Improvements as the Town or other relevant authority may require from time to time, and without contribution from the Town. For greater certainty, and notwithstanding any other term of this Agreement, it is understood that the Foundation shall be required to construct or repair required municipal services from the boundary line between the Lands and adjacent Town property.

- 5.11. The Foundation shall be solely responsible for and shall promptly pay to the appropriate utility suppliers all charges for water, gas, electricity, telecommunications, and all other utilities and services supplied to the Lands. In no event shall the Town be liable for, or have any obligation with respect to, any interruption or cessation of or a failure in the supply of any utilities, services or systems in, to or serving the Lands.
- 5.12. The Foundation shall not cause or permit any lien to be registered against the Lands for any work performed or claimed to have been performed on the Lands or the Improvements by or at the direction or sufferance of the Foundation. The Foundation shall have the right to contest the validity of, or the amount claimed under or in respect of, any such lien if such contesting shall involve no forfeiture, foreclosure or sale of the Lands or any part thereof and the Foundation shall not be required to cause such lien to be discharged and released until after a final determination of the contest, at which time the Foundation shall cause such lien to be discharged.
- 5.13. The Town and its employees, agents and contractors shall be entitled to enter upon the Lands and the Improvements at any time during normal business hours, on reasonable prior notice, purposes of inspecting the Lands or the Improvements. The Foundation shall not be entitled to compensation for any inconvenience, nuisance or discomfort occasioned thereby. The Town shall take reasonable precautions not to unreasonably interfere with the Foundation's operations and to minimize interference with its use and enjoyment of the Lands.
- 5.14. Upon expiration or earlier termination of this Agreement, the Foundation shall, within thirty (30) calendar days, remove its furniture, chattels and other usual tenants' fixtures not forming any part of the structure of the Improvements.
- 5.15. The complete or partial destruction of or damage to the Improvements by fire or other casualty shall not terminate this Agreement or entitle the Foundation to surrender the Lands or to have or demand any abatement or reduction of any amounts payable under this Agreement.
- 5.16. The Foundation covenants and agrees that following the complete or partial destruction of or damage to any of the Improvements, it shall repair, reconstruct or replace such Improvements to the standard set out in this Agreement. The Foundation shall first use the proceeds of insurance in accordance with subsection 6.2 and, should the insurance monies be insufficient to pay the entire cost, the Foundation shall pay the deficiency.

6. INSURANCE AND INDEMNITY

- 6.1. During the Initial Term and any Renewal Term(s), the Foundation shall, at its sole cost and expense, obtain and maintain in full force and effect the following insurance:
 - i. fire and extended perils coverage under a standard extended form of fire insurance policy, with standard extended coverage endorsements, with coverage to the full insurable value of the Lands and the Improvements, computed on a replacement cost basis and that names the Town as an additional insured; and
 - ii. comprehensive general liability and property damage insurance with limits of not less than five million dollars (\$5,000,000) per occurrence that names the Town as an additional insured with respect to this Agreement and contains cross-liability and severability of interest clauses and a waiver of any right of subrogation by the Foundation's insurers against the Town and its elected officials, employees and/or

agents, and that contains an undertaking by the insurer(s) to give thirty (30) days prior written notice to the Town of any material change to the coverages and/or the cancellation or expiry of the said policy or policies.

- 6.2. All proceeds of any insurance shall first be used by the Foundation for the costs of repairing, reconstruction or replacing, as the case may be, any damaged or destroyed portions of the Lands or the Improvements to the standard set out in this Agreement.
- 6.3. The Foundation shall provide the Town with proof of insurance upon request.
- 6.4. If the Foundation fails to obtain or maintain any insurance coverage required under this Agreement, the Town has the right to take out such insurance and pay the premium(s). The Foundation shall thereafter pay to the Town the premium amount(s) plus fifteen percent (15%), which shall be payable on the first day of the next month following the said payment by the Town.
- 6.5. The Foundation shall indemnify and save harmless the Town and its elected officials, employees and agents from and against all liabilities, claims, damages, interest, fines, penalties, monetary sanctions, losses, costs and expenses whatsoever arising from or in any way related to the use, occupancy or presence of the Foundation or any other person, firm, partnership or corporation at or upon the Lands or the Improvements.

7. ASSIGNMENT AND AMENDMENT

- 7.1. Other than as set out in subsection 5.2, the Foundation shall not assign this Agreement, in whole or in part, and shall not sublet any portion of the Lands or the Improvements without the prior written consent of the Town. The Town has sole discretion to grant or withhold its consent to any such request and/or to impose terms and conditions on the proposed subletting of any portion of the Lands or the Improvements.
- 7.2. Neither the Foundation nor any other person, firm, partnership or corporation acting on behalf of, or claiming under, the Foundation, including any assignee, subtenant or other occupant, shall register this Agreement or any other instrument related to it against the Lands. The Foundation may register a notice or caveat of this Agreement provided that a copy of the Agreement is not attached and the Town gives prior written approval of the proposed registration. Upon expiration or earlier termination of this Agreement, the Foundation shall immediately discharge or otherwise vacate any such notice or caveat.
- 7.3. Should the Town sell, transfer or dispose its interest in the Lands or any part thereof, or assign this Agreement, in whole or in part, the Town shall cause the purchaser, transferee or assignee to directly assume the covenants and obligations of the Town under this Agreement and the Town shall thereafter be freed and relieved of all liability for such covenants and obligations under this Agreement.
- 7.4. This Agreement may be amended only by consent of the parties. All amendments shall be made in writing, signed by the parties, and appended to this Agreement.

8. QUIET ENJOYMENT

- 8.1. The Foundation, upon payment of the annual lease fee and performing and observing all terms, conditions and covenants in this Agreement that are required to be performed or observed by the Foundation, shall be entitled to quiet enjoyment of the Lands during the Initial Term and any Renewal Term(s).

9. DEFAULT AND TERMINATION

- 9.1. Any of the following constitutes an event of default under this Agreement:
- i. the Foundation fails to pay the annual lease fee or any other amount payable under this Agreement on the appointed payment date(s) and fails to pay the said amount, with interest, within fifteen (15) calendar days of written notice to the Foundation;
 - ii. the Foundation fails to observe or perform any of other term, condition or covenant of this Agreement required to be observed or performed by the Foundation and fails to rectify the breach of, or non-compliance with, this Agreement, within thirty (30) calendar days of written notice to the Foundation of the matter complained of;
 - iii. the Foundation becomes bankrupt or insolvent or takes the benefit of any statute for bankrupt or insolvent debtors or makes a proposal, assignment or arrangement with its creditors, or any steps are taken by any person for the dissolution, winding-up or other termination of the Foundation's existence or the liquidation of its assets;
 - iv. a trustee, receiver, receiver/manager or other person acting in a similar capacity is appointed with respect to the assets of the Foundation;
 - v. the Foundation makes any assignment, transfer or sublet other than in compliance with this Agreement; or
 - vi. the Foundation abandons the Lands and/or the Improvements.
- 9.2. If an event of default described in subsection 9.1 occurs, then, without prejudice to any other rights arising under this Agreement, by statute or at common law, the Town shall have the following rights and remedies, which are cumulative and not alternative:
- i. to terminate this Agreement on ninety (90) calendar days' notice to the Foundation;
 - ii. to enter and repossess the Lands and/or the Improvements;
 - iii. to remove all persons and property from the Lands and the Improvements and to store such property at the risk and expense of the Foundation or to sell or dispose of such property as the Town sees fit and without notice to the Foundation;
 - iv. to relet the Lands and/or the Improvements on terms determined by the Town;
 - v. to make alterations to the Lands and/or the Improvements to facilitate reletting;
 - vi. to apply the proceeds of any sale of property or reletting, first, to the payment of expenses incurred by the Town with respect to such sale or reletting, second, to payment of any indebtedness of the Foundation to the Town other than the annual lease fee, and third, to the payment of any annual lease fee in arrears;
 - vii. to remedy or attempt to remedy any default of the Foundation and to enter on the Lands and/or the Improvements for this purpose;
 - viii. to remedy or attempt to remedy any default of the Foundation without notice to the Foundation of its intention to do so;

- ix. to recover from the Foundation all expenses incurred by the Town to remedy or attempt to remedy any default of the Foundation; and
 - x. to recover from the Foundation all damages, costs and expenses incurred by the Town as a result of any default by the Foundation.
- 9.3. The Town and the Foundation may terminate this Agreement at any time upon mutual agreement made in writing. In addition, the Town and the Foundation shall each have the option to terminate this Agreement by giving twenty-four (24) months' written notice to the other party.
- 9.4. Upon termination of this Agreement pursuant to subsection 9.1 or 9.2, the Foundation shall promptly, and in any event within thirty (30) calendar days, remove all furniture, chattels and other usual tenants' fixtures not forming any part of the structure of the Improvements and shall repair any damage to the Lands or the Improvements resulting from such removal. The parties shall thereafter proceed as set out in section 2 of this Agreement.
- 9.5. The termination of this Agreement by expiration or otherwise shall not affect the liability of either of the Town or the Foundation to the other with respect to any obligation under this Agreement which has accrued up to the date of such termination but has not been properly satisfied or discharged.

10. DISPUTE RESOLUTION

- 10.1. In case of any dispute between the parties during the Initial Term or any Renewal Term as to any matter arising under this Agreement, the party that disputes the other party's position or conduct shall immediately provide written notice to the other party.
- 10.2. Where a notice of dispute is received in accordance with section 10.1, the Town and the Foundation shall attempt to resolve the dispute through direct negotiation between the parties. If a dispute cannot be resolved through negotiation within ninety (90) days after the notice of dispute is delivered, it shall be arbitrated in accordance with this Agreement and the *Arbitration Act, 1991*, S.O. 1991, c. 17.
- 10.3. The Town and the Foundation shall jointly select an arbitrator who:
- i. holds a valid Chartered Arbitrator (C. Arb.) designation;
 - ii. is a member in good standing of the ADR Institute of Ontario; and
 - iii. has identified "Real Estate and Property" as an Area of Expertise in the Ontario Dispute Resolution Professionals Directory maintained by the ADR Institute of Ontario (<https://adr-ontario.ca/public-member-directory/#/cid/1468/id/201>).
- 10.4. In the event that the Town and the Foundation are unable to agree on an arbitrator who meets the requirements of subsection 10.3, the arbitrator with the earliest availability shall be selected.
- 10.5. The arbitrator's decision shall be final and binding on the parties.
- 10.6. The Town and the Foundation shall each bear their own costs associated with the determination of disputes arising under this Agreement, including but not limited to legal costs and arbitration costs.

11. GENERAL

- 11.1. Notwithstanding any other provision of this Agreement, in the event that either the Town or the Foundation should be delayed, hindered or prevented from the performance of its obligations under this Agreement by reason of an event beyond the reasonable control of the parties, including but not limited to strikes, inclement weather, or acts of God, but not including insolvency or lack of funds, then the performance of such obligation shall be postponed for a period of time equivalent to the time lost by reason of such delay.
- 11.2. Waiver by a party of any provision of this Agreement shall not constitute a waiver in any other instance and any such waiver must be made in writing. Moreover, any delay or failure on the part of either party to exercise or enforce any right, power or remedy conferred by this Agreement shall not constitute a waiver of same and shall not operate as a bar to that party exercising or enforcing such right, power or remedy at any subsequent time.
- 11.3. This Agreement constitutes the entire agreement between the Town and the Foundation in relation to the matters set out herein. There are no other representations, warranties, covenants, agreements or terms relating to the subject matter of this Agreement. This Agreement supersedes any prior discussions, understandings or agreements between the Foundation and the Town in relation to its subject matter.
- 11.4. The invalidity or unenforceability of any particular term of this Agreement shall not limit the validity or enforceability of the remaining terms of this Agreement, each of which is distinct and severable from all other terms of this Agreement.
- 11.5. This Agreement shall be binding upon and enure to the benefit of the Town and the Foundation and to their respective successors and permitted assigns.
- 11.6. This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein.
- 11.7. All communications or notices required under or contemplated by this Lease shall be considered to have been sufficiently given if delivered by hand, sent by registered mail or sent by email to the party to which such notice is directed as set forth below:

If to the Foundation: Wellspring Niagara Cancer Support Foundation
50 Wellspring Way
Fonthill ON L0S 1E6

Attention: Ann Mantini-Celima, Executive Director
ann@wellspringniagara.ca

If to the Town: The Corporation of the Town of Pelham
P.O. Box 400
20 Pelham Town Square
Fonthill ON L0S 1E0

Attention: Town Clerk
clerks@pelham.ca

or such other address of which either party has notified the other, in writing, and any such notice mailed or delivered shall be deemed good and sufficient notice under the terms of the Agreement.

- 11.8. Notices delivered or sent by prepaid registered mail are deemed to be effective on the date of receipt. Notices sent by email are deemed to be effective on the day the email is sent or, if sent after 4:00 p.m., on the following day.
- 11.9. This Agreement may be signed in counterpart, each of which is an original, and all of which taken together constitute one single document. Counterparts may be executed on different dates and in original or electronic form and may be exchanged by way of mail or PDF file delivered by email.

[signature page follows]

IN WITNESS WHEREOF the parties have executed this Agreement by their authorized representatives and agree to be bound thereby.

**WELLSPRING NIAGARA CANCER SUPPORT
FOUNDATION**

By: _____

Name:

Title:

By: _____

Name:

Title:

I/We have authority to bind the Corporation.

Date: _____

THE CORPORATION OF THE TOWN OF PELHAM

By: _____

Name:

Title:

By: _____

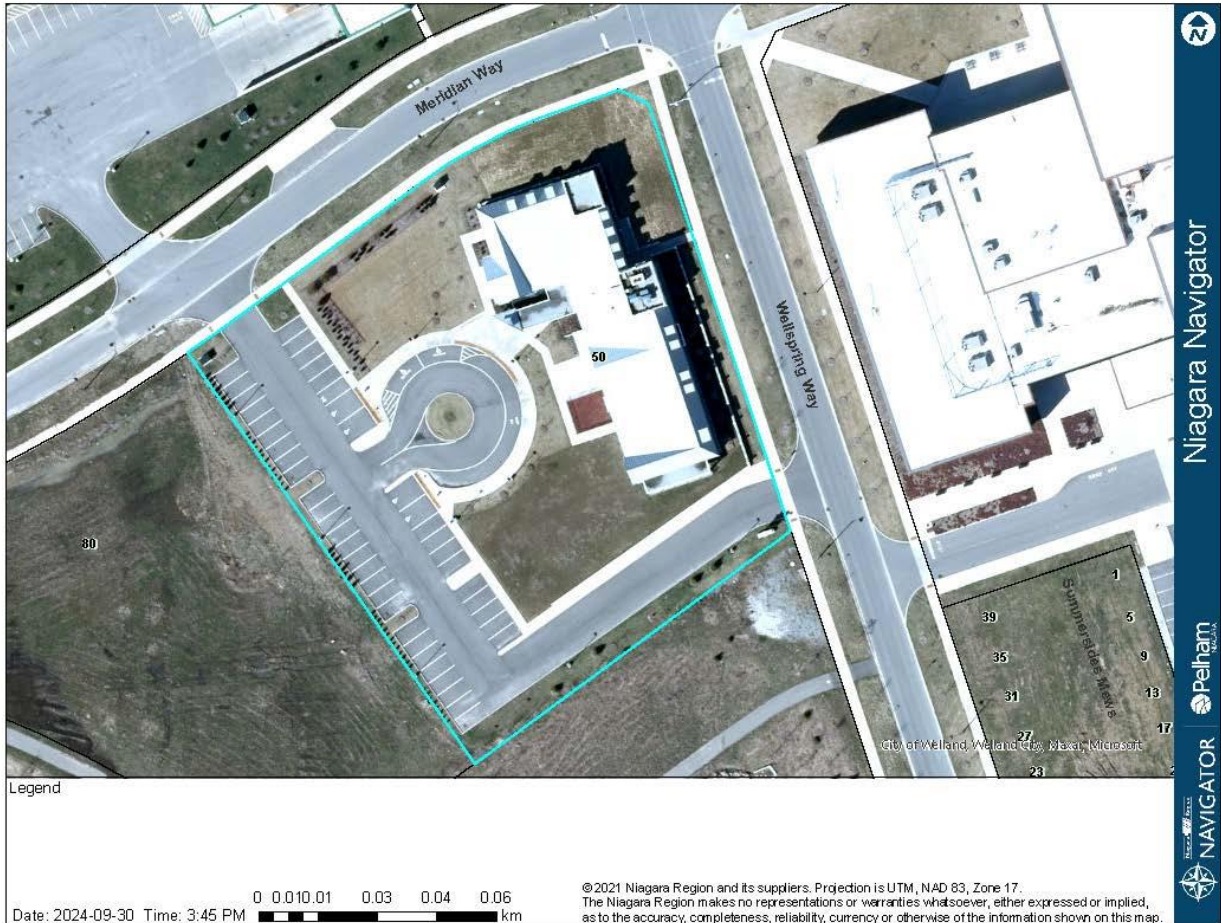
Name:

Title:

I/We have authority to bind the Corporation.

Date: _____

SCHEDULE "A"





The Corporation of the Town of Pelham

By-law No. 73-2024

Being a By-law to amend Zoning By-law 4481(2022), as amended, for lands on the south side of Quaker Road, and east of Pelham Street, legally described as Part of Lot 237, Former Township of Thorold, in the Town of Pelham, Regional Municipality of Niagara, and municipally known as 729, 735, and 743 Quaker Road, from the Residential Development (RD) Zone to the Residential Two (R2) and Residential Multiple 1 Exception 167 (RM1-167) zones.

Maplewood Estates
File No. AM-04-2024

WHEREAS section 34 of the Planning Act, RSO 1990, c. P. 13, as amended provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Council of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS the Council of the Town of Pelham has deemed it to be in the public interest that such a by-law be enacted;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

- 1. THAT Schedule 'C' to Zoning By-law 4481(2022) as amended, is hereby further amended by rezoning the lands identified on Schedule 'A' attached hereto and forming part of this By-law from the Residential Development (RD) Zone to the Residential Two (R2) and Residential Multiple 1 Exception 167 (RM1-167) zones.
- 2. AND THAT Section 10 of Zoning By-law 4481(2022) as amended, is hereby amended by adding the following section:

RM1-167: Maplewood Estates Subdivision

Section 6.4.3 – Zone Requirements for Street Townhouse Dwellings

Notwithstanding Minimum Lot Area, Minimum Lot Frontage and Landscape Strip requirements in Section 6.4.3 of the Residential Multiple 1 (RM1) zone, the following site-specific regulations shall apply:

Minimum Lot Area	200 m ² per dwelling unit
Minimum Lot Frontage	6.0 m per dwelling unit 7.3 m in the case of an interior lot containing a dwelling attached on one side only.
Landscape Strip	A landscape strip of 1.2m minimum in width shall be provided where

the boundary of a RM1 Zone abuts
an R1, R2 or R3 Zone

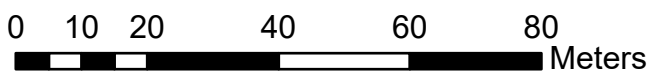
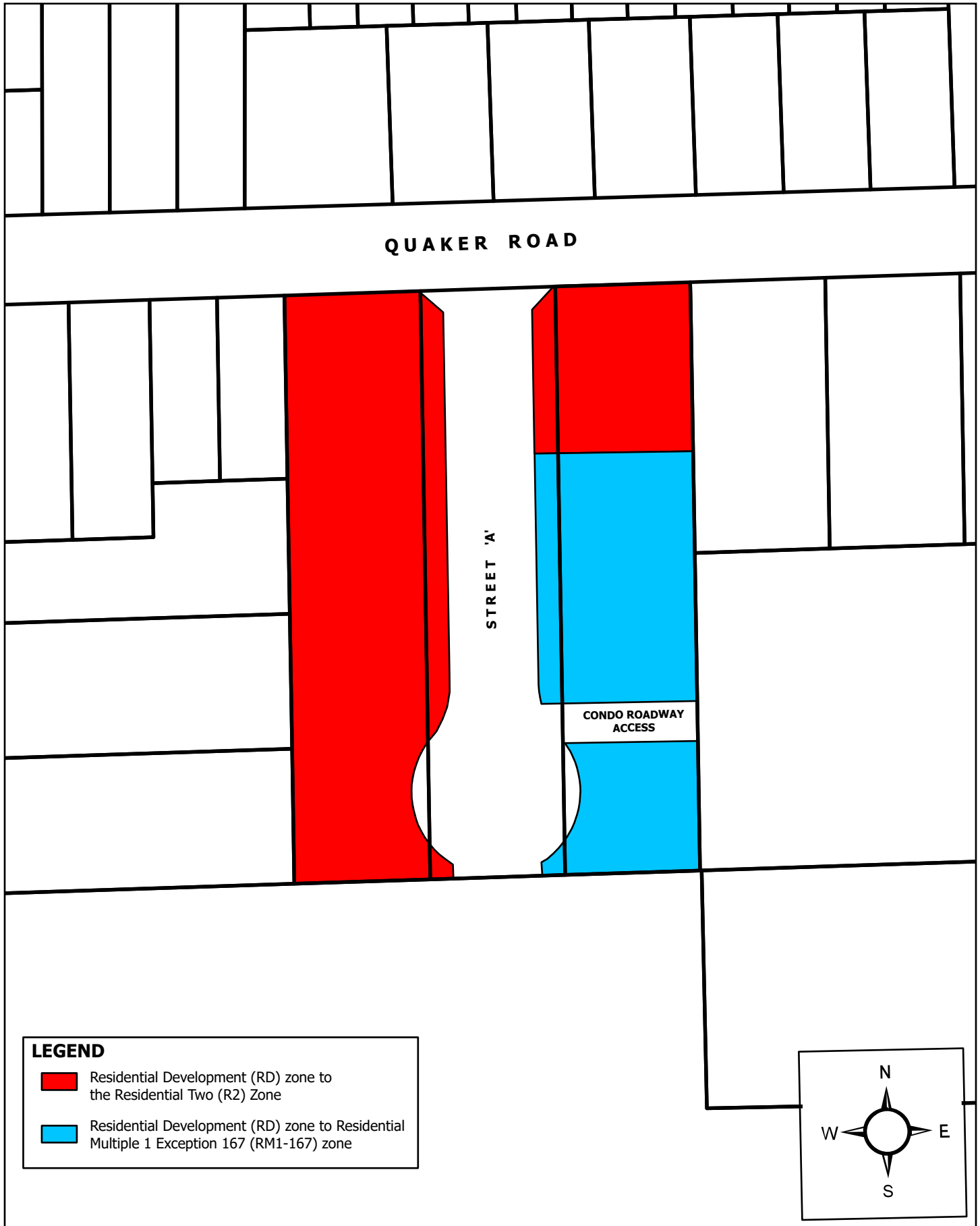
3. **THAT** this Bylaw shall come into effect and force from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the *Planning Act*, 1990, as amended.

Read, enacted, signed and sealed this 6th day of November, 2024.

Marvin Junkin, Mayor

Sarah Leach, Acting Town Clerk

Schedule 'A'



This is Schedule 'A' to By-law No. 73 (2024) passed the 6th day of November, 2024.

Mayor: Marvin Junkin

Acting Clerk: Sarah Leach



The Corporation of the Town of Pelham

By-law No. 74-2024

Being a by-law to amend By-law 13-2023, confirming various appointments to Advisory Committees of the Town of Pelham for the 2022-2026 Term of Council and to appoint a member to the Pelham Finance and Audit Committee.

WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary and desirable to appoint members to Advisory Committees;

AND WHEREAS on December 5, 2022, Council established the creation of the Pelham Finance and Audit Committee;

AND WHEREAS on February 21, 2023, Council passed By-law 13-2023 providing for the appointment of individuals to the Pelham Finance and Audit Committee;

AND WHEREAS from time to time, it is necessary to fill vacancies on such Advisory Committees;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts appointments as follows in the attached schedule, as listed below:

- 1. THAT** appointment to the Pelham Finance and Audit Advisory Committee shall be confirmed as listed in Schedule "A" attached hereto and forming part of this By-law.
- 2. THAT** from time to time, changes to Schedule "A" are necessary due to vacancies created for various reasons, it shall be deemed acceptable for Council to do so by resolution. The resolution be in effect only until the new appointments by-law is brought forward at the usual time at which Council strikes and confirms its appointments, and at which time a new by-law is enacted.

3. Effective Date

- 3.1. This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this 06th day of November, 2024.

Marvin Junkin, Mayor

Sarah Leach, Acting Town Clerk

Schedule "A" to By-law 74-2024

Advisory Committees

Pelham Finance and Audit Advisory Committee

Council Representative

Councillor Brian Eckhardt
Councillor Wayne Olson
Councillor John Wink

Public Representatives

Bill Crumm
~~Caroline Mann~~ Removed by By-law 61-2024
Michael Cottenden
Doug Wilson*



The Corporation of the Town of Pelham

By-law No. 75-2024

Being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 6th day of November 2024.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that, unless otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as Follows:

1. (a) The actions of the Council at its meeting held on the 6th day of November, 2024, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.

(b) The above-mentioned actions shall not include:
 - i. any actions required by-law to be taken by resolution; or
 - ii. any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
2. The Mayor and proper officials of the Corporation of the Town of Pelham are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
3. Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the Corporation of the Town of Pelham to all documents necessary to give effect to the above-mentioned actions.
4. This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this 6th day of November, 2024.

Marvin Junkin, Mayor

Sarah Leach, Acting Clerk