

Meeting #: C-07/2018
Date: Monday, April 16, 2018
Time: 6:30 PM
Location: Town of Pelham Municipal Office - Council
Chambers
20 Pelham Town Square, Fonthill

Members Present: Dave Augustyn
Richard Rybiak
Catherine King
John Durley
Peter Papp
Gary Accursi
James Lane

Staff Present: Darren Ottaway
Barbara Wiens
Andrea Clemencio
Bob Lymburner
Nancy Bozzato
Vickie vanRavenswaay
Marc MacDonald
Teresa Quinlin

Others Present B. Gibson, Chair, Community Centre Oversight
Committee
Media
Interested Citizens

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 6:31 p.m.

2. Singing of National Anthem

Members of Council observed a moment of silence to honour members of the Humboldt, Sask. team and representatives of this team, recently killed in a bus crash. The National Anthem was then sung by those present to officially open the meeting.

3. Approval of Agenda

Moved By Catherine King
Seconded By Richard Rybiak

BE IT RESOLVED THAT the agenda for the April 16th, 2018 Regular Meeting of Council be adopted

Amendment:

Moved By Peter Papp

Seconded By John Durley

THAT Agenda Item 14.3, By-law 3990(2018), be referred to a future meeting of Council.

Carried

Amendment:

Moved By Richard Rybiak

Seconded By Catherine King

THAT an agenda addition, being a Councillor Report under Item 11.1 - Fire Station #3 Installation of Officers dinner be approved.

Carried

Moved By Catherine King

Seconded By Richard Rybiak

BE IT RESOLVED THAT the Agenda for the April 16, 2018 regular meeting of Council be adopted as amended.

Carried

4. Disclosure of Pecuniary Interests and General Nature Thereof

4.1 Gary Accursi - Presentation of Recommendations Arising from COW and SCOW, for Council Approval

Recommendation # 4 relating to the Port Robinson Road property as the Councillor's spouse owns the subject land.

There were no further disclosures by any of the members present.

5. Hearing of Presentation, Delegations, Regional Report

5.1 Tax Write-Off Under Municipal Act, Section 357 & 358

No one was present in the gallery regarding this item.

Moved By John Durley

Seconded By Catherine King

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

amount of \$6423.12 as per the Municipal Act, Sections 357 and 358.

Carried

5.2 Presentations

5.2.1 Community Centre Oversight Committee Update

Mr. Gibson, Chair of the Community Centre Oversight Committee

Moved By John Durley

Seconded By Catherine King

BE IT RESOLVED THAT Agenda Item 5.2.1, being an update report by the Pelham Community Centre Oversight Committee be received for information; and

THAT the Clerk be directed to post a copy to the community centre webpage.

Carried

5.4 Report of Regional Councillor

The Regional Councillor did not submit a report for this meeting.

6. Adoption of Minutes

Councillor Papp advised that he will withdraw the notice of motion, noted on page 26 of C-06/2018.

Councillor Papp advised that he consulted with his legal advisor and stated that he does not have a pecuniary interest regarding the item reviewed in SC-09/2018.

Moved By Catherine King

Seconded By Richard Rybiak

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

1. C-06/2018 - Council Meeting Minutes, April 3, 2018

2. SC-09/2018 - Special Council Meeting Minutes, April 9, 2018.

Carried

7. Business Arising from Council Minutes

None

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

Councillor Accursi requested that Recommendation #4 from the Public Meeting of April 9, 2018 be considered separately due to his previously disclosed pecuniary interest at that meeting.

Items 9.5.3 and 9.5.4 were lifted for separate consideration.

10. Items for Separate Consideration, if Any

10.1 Special COW Recommendation #4 from Planning Meeting of April 9, 2018

Councillor Accursi did not vote on this matter due to the previously disclosed pecuniary interest at the April 9th meeting.

Moved By Richard Rybiak

Seconded By Catherine King

BE IT RESOLVED THAT COUNCIL HEREBY approves the following recommendation resulting from the Public Meeting under the Planning Act meeting of April 9, 2018:

RECOMMENDATION #4: THAT Committee of the Whole receives this Department of Community Planning and Development Report for information as it pertains to application File No. AM-10-17, 163 Port Robinson Road; and

THAT Committee recommend that Council direct Planning staff to prepare the Recommendation Report on this rezoning application for consideration of its adoption.

Carried

10.2 City of Port Colborne re NPCA Board Appointments

Moved By Richard Rybiak

Seconded By Catherine King

BE IT RESOLVED THAT Council receive correspondence from the City of Port Colborne dated, April 10, 2018 regarding a request to the Region of Niagara to immediately replace Board Members and establish guidelines for the future recruitment of Board Members to the Niagara Peninsula Conservation Authority (NPCA), for information.

Amendment:

Moved By John Durley

Seconded By Richard Rybiak

BE IT RESOLVED THAT Communication Item #9.5.3 be received; and

THAT the resolution contained therein passed by the Council of the City of Port Colborne regarding

Appointments to the Niagara Peninsula Conservation Authority be endorsed and supported; and

THAT this resolution be forwarded to the Region of Niagara, Local Area Municipalities, the Niagara peninsula Conservation Authority, Local MPPs, and the Honourable Nathalie Des Rosiers, Minister of Natural Resources and Forestry.

Carried

10.3 City of Welland - Development of NPCA Appointment Process

Moved By Richard Rybiak
Seconded By Catherine King

BE IT RESOLVED THAT Council receive correspondence from the City of Welland dated, April 9, 2018 regarding their resolution to establish a protocol/process that will implement municipally appointed NPCA representative, for information.

Amendment:

Moved By John Durley
Seconded By Richard Rybiak

BE IT RESOLVED THAT Communication Item #9.5.4 be received; and

THAT the resolution contained therein passed by the Council of the City of Welland regarding Appointments to the Niagara Peninsula Conservation Authority be endorsed and supported; and

THAT this resolution be forwarded to the Region of Niagara, Local Area Municipalities, and Niagara Peninsula Conservation Authority, Local MPPs, and the Honourable Nathalie Des Rosiers, Minister of Natural Resources and Forestry.

Carried

11. Presentation & Consideration of Reports

11.1 Reports from Members of Council:

11.1.1 Councillor Rybiak - Station # 3 Installation Dinner

Councillor Rybiak, Deputy Mayor, reported on the Chief Jim Phelps Fire Station #3 Installation of Officers dinner held this past Saturday. He highlighted the awards given at that event.

12. Unfinished Business

9. Consent Agenda Items to be Considered in Block

Moved By Richard Rybiak

Seconded By Catherine King

BE IT RESOLVED THAT the following Consent Agenda items be received and the recommendations contained therein be approved, as applicable:

9.1 Presentation of Recommendations Arising from COW and SCOW, for Council Approval

BE IT RESOLVED THAT Council approve the recommendations as presented:

1. COW-03/2018 – Committee of the Whole, April 3, 2018

2. SCOW-04/2018 – Special Committee of the Whole/Public Meeting under the Planning Act, April 9, 2018, save and except Recommendation #4.

9.2 Minutes Approval Committee

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

1. COW=03/2018 – Committee of the Whole Meeting Minutes, April 3, 2018

2. SCOW-04/2018 – Special Committee of the Whole/Public Meeting under the Planning Act, April 9, 2018.

9.4 Action Correspondence of a Routine Nature

9.4.1 National Day of Mourning – April 28, 2018

BE IT RESOLVED THAT the Corporation of the Town of Pelham does hereby proclaim April 28, 2018 as a Day of Mourning for workers killed or injured on the job in the hopes that the annual observance of this day will strengthen the resolve to establish safe conditions in the workplace for all; and **THAT** the Pelham arches be lit yellow on April 28th in support of National Day of Mourning.

9.5 Information Correspondence Items:

BE IT RESOLVED THAT the following Correspondence Items be received for information:

9.5.1 Regional Council – Report LNTC-C 7-2018, Moving Transit Forward – Interim Branding Strategy and Communications Approach

BE IT RESOLVED THAT Council receive correspondence from Regional Council dated, March 29, 2018 regarding Report LNTC-C 7-2018, Moving Transit Forward - Interim Branding Strategy and Communications Approach, for information.

9.5.2 Township of Wainfleet – Niagara Central Dorothy Rungeling Airport: Nominations to Committee

BE IT RESOLVED THAT Council receive correspondence from the Township of Wainfleet

dated, April 3, 2018 regarding Niagara Central Dorothy Rungeling Airport: Nominations to Committee, for information.

~~9.5.3 City of Port Colborne re NPCA Board Appointments~~

~~BE IT RESOLVED THAT Council receive correspondence from the City of Port Colborne dated, April 10, 2018 regarding a request to the Region of Niagara to immediately replace Board Members and establish guidelines for the future recruitment of Board Members to the Niagara Peninsula Conservation Authority (NPCA), for information. (lifted)~~

~~9.5.4 City of Welland – Development of NPCA Appointment Process~~

~~BE IT RESOLVED THAT Council receive correspondence from the City of Welland dated, April 9, 2018 regarding their resolution to establish a protocol/process that will implement municipally appointed NPCA representative, for information. (lifted)~~

9.5.5 Resolutions Re Authority – Approval of Landfill Projects in or Adjacent to Municipality

Be it resolved that Council receive correspondence from the City of Port Colborne dated, April 11, 2018 and the Township of Killaloe dated, April 3, 2018 regarding resolutions to request the Government of Ontario to grant Municipalities the authority regarding approval of landfill projects in or adjacent to their Municipality, for information.

9.5.6 Pelham Cares Inc. – Thank You Letter

BE IT RESOLVED THAT Council receive correspondence from Pelham Cares Inc. regarding a thank you for the kind donation of food collected on Family Day, for information.

9.7 Committee Minutes for Information

9.7.1 Pelham Library Board Minutes – February 28, 2018

BE IT RESOLVED THAT Council receive the Pelham Library Board minutes, dated February 28, 2018, for information.

9.7.2 Summerfest Committee Minutes – February 7; March 7; March 20, 2018

BE IT RESOLVED THAT Council receive the Summerfest Committee Minutes, dated February 7, March 7, and March 20, 2018, for information.

9.7.3 Pelham Seniors' Advisory Committee Minutes – March 7, 2018

BE IT RESOLVED THAT Council receive the Pelham Seniors' Advisory Committee Minutes, dated March 7, 2018, for information.

9.7.4 Committee of Adjustment Board Minutes – October 3, 2017

BE IT RESOLVED THAT Council receive the Committee of Adjustment Hearing Minutes, dated October 3, 2017, for information.

9.7.5 Pelham (Meridian) Community Centre Oversight Committee - March 13, 2018

BE IT RESOLVED THAT Council receive the Pelham (Meridian) Community Centre Oversight Committee meeting minutes, dated March 13, 2018, for information.

Carried

13. New Business

14. Presentation and Consideration of By-Laws

The By-law regarding Saffron Meadows Phase 1 Subdivision was referred to a future meeting.

Moved By Peter Papp

Seconded By John Durley

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-laws 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-laws:

1. By-law No. (2018) - Being a by-law to regulate Election Signs within the Town of Pelham; and to repeal Section 12.1 of the Town of Pelham's Sign By-law No. 3310(2012).

2. By-law No. (2018) - Being a by-law to amend Fire Route By-law No. 97-2030 being a by-law to designate private roadways as fire routes along which no parking of vehicles shall be permitted.

~~*3. Being a by-law authorize the execution of a subdivision agreement with Hert Inc. and the Corporation of the Town of Pelham – Saffron Meadows Phase 1 Subdivision. Hert Inc. and the Corporation of the Town of Pelham File No. 26T19-02014. Deferred to a future meeting.*~~

4. Being a by-law to authorize the execution of a site plan agreement for the lands known as Part of Lot 171, Pelham located on the southwest corner of Rice and Port Robinson Roads. Grey Forest Homes (Saffron Common Condominium) File No. SP-11-17.

Carried

15. Motions and Notices of Motion: Nil

16. Matters for Committee of the Whole or Policy and Priorities Committee: Nil

17. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee: Nil

18. Resolution to Move in Camera

Council reconvened at 8:45 p.m.

Moved By Gary Accursi

Seconded By James Lane

BE IT RESOLVED THAT Council recess the In Camera portion of the meeting and reconvene immediately following the Policy and Priorities Committee meeting scheduled for this evening.

Carried

Moved By James Lane

Seconded By Catherine King

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider a matter under the Municipal Act, as follows:

Section 239(2)(c) - proposed or pending acquisition or disposition of land by the municipality (File L07-2017-06-S).

Carried

19. Rise From In Camera

Moved By Gary Accursi

Seconded By James Lane

BE IT RESOLVED THAT Council adjourn the In Camera Session and that Council do now Rise: With Report.

Carried

Moved By James Lane; **Seconded By** Catherine King

BE IT RESOLVED THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of April 16, 2018.

Carried

20. Confirming By-Law

Moved By Gary Accursi; **Seconded By** James Lane

BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed: Being a By-law No. 3992(2018) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 16th day of April, 2018.

Carried

21. Adjournment

Moved By Peter Papp

Seconded By Gary Accursi

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for May 7, 2018 at 6:30 pm.

Carried

Mayor: Dave Augustyn

Town Clerk: Nancy J. Bozzato