

Meeting #: C-08/2018
Date: Monday, May 7, 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
Charlotte Tunikaitis

Others Present Members of the Pelham Panthers U16 Boys Soccer
International Champions
Members of the Mayor 's Youth Advisory Council
Martin vanZon together with donors to the
Meridian Community Centre:
Pelham Panthers Basketball, B. Bleich
Alfred Beam Ltd., M. Stack
Peter Pipers Pubhouse, P. Moore
T. Ferguson, Deloitte LLP
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.

Recognizing that this is the first Council meeting since the tragic events in Toronto that occurred on April 23rd, a moment of silence was observed for the 10 deceased and 15 injured in the event. Flags were lowered on municipal property as a result of this action.

2. Singing of National Anthem

The National Anthem was sung by those present to officially open the meeting.

3. Approval of Agenda

Moved By John Durley

Seconded By Catherine King

BE IT RESOLVED THAT the agenda for the May 7, 2018 Regular meeting of Council be adopted as circulated. Carried

4. Disclosure of Pecuniary Interests and General Nature Thereof

There were no disclosures of pecuniary interest from any of the members present.

5. Hearing of Presentation, Delegations, Regional Report

5.1 Presentations

5.1.1 Pelham Panthers U16 Boys Soccer - Agropoli International Soccer Tournament Champions

The Pelham Panthers U16 Boys Soccer team, who travelled to Italy for an Italian International Agropoli Soccer Tournament, having won the tournament overall were present to accept recognition from the Town of Pelham. Council congratulated the team and presented certificates of recognition to each of the players and to the coaches on behalf of Council, as follows:

- Corbin Atkinson
- Ryan Belovari
- Anthony Bevilacqua
- Drew Colangelo
- Antonio DeChellis
- Luca DeChellis
- Michael DiMaurizio
- Lucas D'Innocenzo
- Peter Fazari
- Brett Gregory
- Flopater Khozam
- Patrick Kirby
- Nicholas Longo
- Harmon Narbonne
- Kyle Ottley
- Andreas Pelaez
- Cole Smith
- Mason Sterr
- Jacob Succar
- Joel Tunikaitis

- Anthony DeChellis, Coach
- Dominic Longo, Assistant Coach
- Jean Peal Narbonne, Manager

5.1.2 Mayor's Youth Advisory Council Youth Forum Report

Emily Bonisteel, Prime Minister of the Mayor's Youth Advisory Council, presented the results of the Youth Forum 2018 held on March 1st, 2018. A copy of the presentation is available through the Clerk.

Moved By Peter Papp

Seconded By Gary Accursi

BE IT RESOLVED THAT Agenda item 5.1.2, being a youth forum report by the Mayor's Youth Advisory Council be received for information.

Carried

5.1.3 Meridian Community Centre Fundraising Update - M. VanZon

Mr. Van Zon, together with various donors to the Meridian Community Centre, provided comments regarding their pledges to the centre, as follows:

Alfred Beam Excavating, sponsoring a Men's Changeroom, represented by Melissa Stack;

Pelham Panthers Basketball, B. Bleich and members of the executive for the community centre corridor;

Peter Pipers Pubhouse, P. Moore, for a team change room.

The DiDevitiis Group was unavailable and will be rescheduled.

5.1.4 Deloitte Report on 2017 Audit

Ms. Quinlin presented the Treasurer's response to the Audit Results, a copy available through the office of the Clerk.

Mr. T. Ferguson of Deloitte, LLP, presented the results of the year-end 2017 audit of the Financial Statements.

Moved By Gary Accursi

Seconded By James Lane

BE IT RESOLVED THAT Council receive and approve the 2017 Financial Statements and the Auditor's Report dated April 30, 2018 prepared by the firm of Deloitte, LLP; and

THAT Council receive the Treasurer's Report dated May 7, 2018.

Carried

5.2 Delegations

There were no delegations scheduled.

5.3 Report of Regional Councillor

Moved By James Lane

Seconded By Peter Papp

BE IT RESOLVED THAT the April 12, 2018 report submitted by Regional Councillor Baty, be received for information.

Carried

6. Adoption of Minutes

Moved By Richard Rybiak

Seconded By John Durley

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

- 1. C-07/2018 - Council Meeting Minutes, April 16, 2018**
- 2. SC-10/2018 - Special Council Meeting Minutes, April 30, 2018.**

Carried

7. Business Arising from Council Minutes: Nil

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

Item 9.5.2 - Ministry of Transportation Correspondence was lifted for separate consideration.

9. Consent Agenda Items to be Considered in Block

Moved By John Durley

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 P&P, for Council Approval

BE IT RESOLVED THAT Council approve the recommendations arising from the P&P-04/2018 – Policy and Priorities Committee Meeting, held April 16, 2018, as presented.

9.2 Minutes Approval Committee

BE IT RESOLVED THAT the following minutes be adopted as

printed, circulated and read:

1. P&P-04/2018 Policy & Priorities Committee Minutes, April 16, 2018.

9.4 Action Correspondence of a Routine Nature

9.4.1 NCDRA: Position regarding Niagara Region Uptake of Control and Governance of NCDRA and NDA

WHEREAS, the Regional Municipality of Niagara at its Regional Council meeting on September 22, 2016 approved the following motion and direction to staff; "Regional Council Motion: September 22, 2016.

THAT, Correspondence Item PWC-C 22-2016, dated September 6, 2016, being a memorandum from R. Walton, Regional Clerk, respecting Recommendations from the Transportation Steering Committee meeting held on July 26, 2016 for Consideration, BE RECEIVED and the following recommendations BE APPROVED:

1. THAT, Niagara Region SUPPORT IN PRINCIPLE adopting sole responsibility for operations and governance of Niagara District Airport (NDA) and Niagara Central Dorothy Rungeling Airport (NCDRA); AND

2. THAT, subject to completion of a phase 2 environmental assessment paid for by the current owners/operators, Regional staff BE AUTHORIZED to initiate detailed negotiations with the current funding partners of both the NDA and the NCDRA to transition responsibility to Niagara Region; AND

3. THAT, a transition plan BE DEVELOPED with the current funding partners, including transitional funding and budget implications for ongoing operations and capital requirements during the transition period for inclusion in the Regional budget deliberations, and a proposal for a new governance structure satisfactory to Regional Council; AND

4. THAT, a report BE PRESENTED to the Transportation Steering Committee summarizing the outcome of these negotiations and the transition plan prior to final approval by Regional Council; AND

5. THAT, notification of the Council-approved motions related to NDA and NCDRA BE PRESENTED to the twelve local municipalities, the Niagara District Airport Commission, the Niagara Central Dorothy Rungeling Airport Commission and Transport Canada.

The Regional Chair declared the vote, Carried". AND

WHEREAS, The Welland-Port Colborne Airport Act was assented to on May 7, 2006 and this act contains the following applicable section: Under Schedule B section 2 subsection 2 (b)

THAT the Commission shall not sell or otherwise dispose of the said airport Provided however, that the Commission may in its sole discretion sell, lease or otherwise dispose of the buildings on the said airport as the Commission may consider advisable and for sole benefit of the Commission; AND

FURTHER, under Schedule b subsection 2 (c)

THAT, the Commission shall not use or permit to be used the

said airport for purposes other than airport purposes and shall maintain and operate said airport as a public airport; AND WHEREAS, Schedule A of The Welland-Port Colborne Airport Act provides the following clauses governing the ongoing activities of the Commission as follows:

"And whereas pursuant to the provisions of the Municipal Act R.S.O. 1970 chapter 284, section 352, paragraph 9, bylaws may be passed for the establishment, operation, maintenance of air harbours or landing grounds, together with such other rights and powers as are contained therein; AND

WHEREAS, section 254 of the Municipal A, R.S.O 1970 chapter 284 provides for the passing of by-laws by a municipality for entering into and performing any agreement with any other Council for fulfilling, executing and completing at their joint expense and for their joint benefit, any undertaking or work within the jurisdiction of the Council; AND

WHEREAS, the Niagara Region is currently considering the longer-term opportunities to grow the economic impacts of these airports as Regionally managed and operated airports"; AND

WHEREAS, the Regional Municipality of Niagara (Niagara Region) has two municipally supported and funded airports, the Niagara District Airport and the Niagara Central Dorothy Rungeling Airport; AND

WHEREAS, the Niagara Central Dorothy Rungeling Airport has completed the terms of section 2, notably, "That, subject to completion of a phase 2 environmental assessment paid for by the current owners/operators, Regional staff BE AUTHORIZED to initiate detailed negotiations with the current funding partners of both the NDA and the NCDRA to transition responsibility to Niagara Region; AND

WHEREAS, there must be formal discussions between stakeholder municipalities and Niagara Region;

THEREFORE, THE TOWN OF PELHAM RESOLVES that representatives of the NDA and NCDRA stakeholder municipalities and the Region of Niagara commence formal discussions to finalize the assumption of the management/operational responsibilities of the NDA and NCDRA; AND

BY all stakeholder municipalities of NCDRA adopting this resolution, the stakeholder municipalities of the NCDRA approve the formal discussions with the Region of Niagara and the NDA to see both airports managed and operated as Regional airport facilities and that the, "Framework for the Memorandum of Understanding" attached to this motion be the basis of NCDRA stakeholder municipalities terms of reference for these discussions.

9.5 Information Correspondence Items:

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

9.5.1 Niagara Central Dorothy Rungeling Airport Commission – 1st Quarter Report

BE IT RESOLVED THAT Council receive correspondence from the Niagara Central Dorothy Rungeling Airport dated, April 12, 2018 regarding their First Quarter, for information.

~~9.5.2 Ministry of Transportation—Local Transit Project~~

~~BE IT RESOLVED THAT Council receive the correspondence from the Ministry of Transportation, dated April 30, 2018 regarding a confirmation of eligibility for the Local Transit Project, for information.
(Lifted)~~

9.5.3 Halton Region – Resolution Re: CN Truck-Rail Development

BE IT RESOLVED THAT Council receive correspondence from Halton Region dated, April 11, 2018 regarding support on the Court Application involving the CN Truck-Rail Development in the Town of Milton, for information.

9.5.4 Township of Southgate Support Resolution – Municipalities Right to Approve Landfill

BE IT RESOLVED THAT Council receive correspondence from the Township of Southgate, dated April 23, 2018 regarding a resolution to grant Municipalities the "Right to Approve" Landfill Developments, for information.

9.5.5 Niagara Region Council – 2018 Property Tax Policy, Ratios and Rates

Be it resolved that Council receive correspondence from the Niagara Region Council dated, April 13, 2018 regarding the 2018 Property Tax Policy, Ratios and Rates, for information.

9.5.6 Ronald McDonald House Charities – Thank you Letter

BE IT RESOLVED THAT Council receive correspondence from the Ronald McDonald House Charities dated April 23, 2018, regarding a thank you letter for the donation of proceeds from the staff dress down day fund, for information.

9.7 Committee Minutes for Information

9.7.1 Pelham Active Transportation Committee Minutes – March 20, 2018

BE IT RESOLVED THAT Council receive the Pelham Active Transportation Committee minutes, dated March 20, 2018, for information.

9.7.2 Mayor's Youth Advisory Council Minutes

BE IT RESOLVED THAT Council receive the Mayor's Youth Advisory Council Minutes, dated December 19, 2017, January 23, 2018, February 23, 2018, and March 27, 2018, for information.

9.7.3 Summerfest Committee Minutes – April 4, 2018

BE IT RESOLVED THAT Council receive the Summerfest Committee Minutes, dated April 4, 2018, for information.

9.7.4 Pelham Public Library Board Minutes – March 28, 2018

BE IT RESOLVED THAT Council receive the Pelham Public Library Board Minutes, dated March 28, 2018, for information.

9.7.5 Pelham Public Art Advisory Committee Minutes

BE IT RESOLVED THAT Council receive the Pelham Public Art Advisory Committee minutes, dated February 14th and March 22nd , 2018, for information.

9.7.6 Committee of Adjustment Hearing Minutes

BE IT RESOLVED THAT Council receive the Committee of Adjustment Hearing minutes, dated March 6, 2018 and April 10, 2018, for information.

Carried

10. Items for Separate Consideration, if Any

10.1 Ministry of Transportation - Local Transit Project

Moved By Peter Papp

Seconded By John Durley

BE IT RESOLVED THAT Council receive Communication Item #9.5.2, being correspondence from the Ministry of Transportation, dated April 30, 2018 regarding a confirmation of eligibility for the Local Transit Project; and

THAT a copy be sent to the Region of Niagara and to the Transportation Strategy Committee and appropriate local municipal partners.

Carried

11. Presentation & Consideration of Reports

11.1 Reports from Members of Council:

No Council reports presented.

11.2 Staff Reports Requiring Action

11.2.1 Niagara Investment in Culture

Moved By Peter Papp

Seconded By John Durley

BE IT RESOLVED THAT Council receive the concept sheet How might we update Council on our application for the NIC grant, and the recommendations contained therein be approved as follows:

THAT the Mayor and Town Clerk sign the letter of agreement from the Niagara Region attached to this report in order to secure the funding; and

THAT staff report to Council on the success of the Program at the end of 2018.

Carried

**11.2.2 Seniors Active Living Centres Program
Expansion 2018-19**

Moved By Peter Papp

Seconded By Gary Accursi

BE IT RESOLVED THAT Council receive the Seniors Active Living Centres Program Expansion 2018-19 concept sheet; and

THAT Staff be authorized to implement the Seniors Active Living Centre Program; and

FURTHER THAT Staff be authorized to apply to the Ministry of Senior Affairs for equipment under Special Grant Funding for programming.

Carried

12. Unfinished Business

12.1 Ombudsman Investigation Report re September 5, 2017

Moved By Gary Accursi

Seconded By James Lane

BE IT RESOLVED THAT Council receive correspondence from Paul Dube, Ombudsman of Ontario, Report - Office of the Ontario Ombudsman regarding an investigation into whether the Town of Pelham held an improper closed meeting and an illegal informal gathering on September 5, 2017; and

THAT staff be requested to forward a copy of the Ombudsman's Report to the Council of the Region of Niagara, Local Area Municipal Councils, the Minister of Municipal Affairs, all Niagara MPPs, and to Infrastructure Ontario; and

THAT a copy be posted to the Town of Pelham website.

Carried

**12.2 Ministry of Municipal Affairs - Local Request for Provincial
Municipal Audit**

Moved By James Lane

Seconded By Gary Accursi

BE IT RESOLVED THAT Council receive correspondence from the Minister of Municipal Affairs dated April 23, 2018, regarding the local request for a provincial municipal audit; and

THAT staff be requested to forward a copy of the correspondence to the Council of the Region of Niagara, Local Area Municipal Councils, the Ontario Ombudsman, and all Niagara MPPs.

Carried

13. New Business

14. Presentation and Consideration of By-Laws

Moved By Richard Rybiak

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 following By-laws:

1. By-law 3990(2018) - Being a by-law to authorize the execution of a subdivision agreement with Hert Inc. and the Corporation of the Town of Pelham - Saffron Meadows Phase 1 Subdivision. File No. 26T19-02014.

2. By-law 3994(2018) - Being a by-law to set the rates of taxation for the year 2018.

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: No regular closed session scheduled.

19. Rise From In Camera: Not applicable.

20. Confirming By-Law

Moved By Catherine King

Seconded By John Durley

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

Being a By-law No. 3995(2018) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 7th day of May, 2018. Carried

21. Adjournment

Moved By Catherine King

Seconded By John Durley

BE IT RESOLVED THAT this Regular Meeting of May 7, 018 be adjourned until the next regular meeting scheduled for Tuesday, May 22, 2018 at 6:30 pm.

Carried

Mayor: Dave Augustyn

Town Clerk: Nancy J. Bozzato