

Regular Council AGENDA

Doors will be open to the public at 5:15 p.m.

If you require any accommodations for a disability in order to attend and participate in meetings or events, please contact the Office of the Clerk at 905-892-2607 ext. 315 or 320. All cell phones, pagers, radios, etc. shall be switched off, set to non-audible, or muted upon entry to the Council Chamber. Taping and/or recording of meetings shall only be permitted in accordance with the Procedure By-law and rules of decorum apply to observers.

Regular Meeting of Council Agenda

C-15/2019 - Regular Council

Monday, September 16, 2019

5:30 PM

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Pages

1. Call to Order and Declaration of Quorum
2. Singing of National Anthem
3. Approval of Agenda
4. Disclosure of Pecuniary Interests and General Nature Thereof
5. Hearing of Presentation, Delegations, Regional Report

5.1 Presentations

5.1.1 Corporate Climate Change Adaptation

6 - 22

Deanna Allen, Climate Change Co-Ordinator

5.2 Delegations

5.2.1	Alzheimer Society of Niagara Foundation - Annual Coffee Break Campaign	23 - 27
5.2.2	Gord Marasco, Chair of Utilities Sustainability Advisory Committee	28 - 34
5.3	Report of Regional Councillor	
6.	Adoption of Minutes	
6.1	SC-30/2019 Special Council Minutes August 26, 2019	35 - 37
6.2	SC-31/2019 Special Council Minutes September 3 2019	38 - 40
6.3	C-14/2019 Council Minutes September 3, 2019	41 - 45
7.	Business Arising from Council Minutes	
	Verbal Update on Meeting with Fonthill Bandshell Committee - Chief Administrative Officer	
8.	Request(s) to Lift Consent Agenda Item(s) for Separate Consideration	
9.	Consent Agenda Items to be Considered in Block	
9.1	Presentation of Recommendations Arising from COW or P&P, for Council Approval	46 - 48
	1. P&P-06/2019 - September 3, 2019	
9.2	Minutes Approval - Committee	
9.2.1	P&P-06/2019 Minutes September 3, 2019	49 - 54
9.3	Staff Reports of a Routine Nature for Information or Action	
9.4	Action Correspondence of a Routine Nature	
9.4.1	Royal Canadian Legion Branch 613 - Poppy Campaign 2019	55 - 55
9.4.2	Request for Declaration of Municipal Significance	56 - 56
	Henry of Pelham Open Jumper Challenge, Effingham	

Stables

9.5 Information Correspondence Items

9.6 Regional Municipality of Niagara - Action Items

9.7 Committee Minutes for Information

9.7.1 Utility Sustainability Advisory Committee Minutes 57 - 60

July 2, 2019

9.7.2 Cannabis Control Committee Minutes 61 - 69

July 10, 2019

July 24, 2019

July 31, 2019

10. Items for Separate Consideration, if Any

11. Presentation & Consideration of Reports

11.1 Reports from Members of Council:

11.2 Staff Reports Requiring Action

11.2.1 The Town of Pelham's Corporate Climate Change Adaptation Plan (CCCAP) Update , 2019-0052-Public Works 70 - 80

11.2.2 Bylaw staffing 2020 - 2019-0058-Fire Dept, 2019-0058-Fire Dept 81 - 85

12. Unfinished Business

13. New Business

14. Presentation and Consideration of By-Laws 86 - 138

1. By-law 4130(2019) - Being a by-law to authorize the sale of Town-owned lands, Part Lot 14, Plan 717 Fonthill, Part 1 on 59R-15935 except Plan 59M-457, PIN 64063-0455 T own of Pelham, Town of Pelham to Michael Defazio, Frank Defazio and Francesco Grottola; and

to authorize the Mayor and Clerk to execute all necessary documents to complete the transaction.

2. By-law 4133(2019) - Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located at the northwest corner of Port Robinson Road and Lametti Drive, legally described as Part of Thorold Township, Lot 166; Part 2 of Plan 59R-13156 and Part 2 of Plan 59R-15596, Town of Pelham, Regional Municipality of Niagara, from the Agricultural (A) zone to a site specific Residential Multiple 1 (RM1-295) zone. Town of Pelham. File No. AM-02-19

3. By-law 4138(2019) - Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located on the south side of Port Robinson Road, west of Walker Road, Acacia Road and Swan Avenue, legally described as Part of Lots 171-172 and Part 1 on RP 59R-3218, in the Town of Pelham. The Zoning By-law Amendment rezones the lands from the Agricultural (A) zone to the following site specific zones - Hert Inc. File No. AM-04-18 :

Residential 2 – 290 (R2-290)

Residential Multiple 1 – 291 (RM1-291)

Open Space – 292 (OS-292)

Open Space – 293 (OS-293)

Environmental Protection – 294 (EP-294)

4. By-law 4139(2019) - Being a by-law to adopt an Amendment to the Official Plan for the Town of Pelham Planning Area. Amendment No. 08. File No. OP-AM-03-18.

5. By-law 4152(2019) - Being a by-law to amend By-law #4068(2019) confirming various appointments to Boards, Commissions, and Committees of the Town of Pelham; And to add members to the Pelham Beautification Committee (Schedule E).

6. By-law 4153(2019) - Being a by-law to declare the Town-owned lands described in Schedules "A" and "B" attached to and forming part of this By-law, surplus to the needs of the Municipality and therefore available for disposition (Park Lane and Highway 20 West).

7. By-law 4154(2019) - Being a by-law to authorize the execution of a development agreement with Lawrence Schilstra, 1334 Pelham Street

15. Motions and Notices of Motion

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

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

18. Resolution to Move in Camera

19. Rise From In Camera

20. Confirming By-Law 139 - 140

21. Adjournment



Vibrant • Creative • Caring

Climate Adaptation Plan



TOWN OF PELHAM

September 16th 2019



20 Pelham Town Square P.O. Box 400 • Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055

pelham.ca



Vibrant • Creative • Caring

AGEND

- Changing Climate and Extreme Weather
- Local Impacts and Future Projections
- Actions to Address Climate Change
- Pelham's Corporate Climate Change Adaptation Plan
- Supporting Documentation
- Niagara Adapts



Changing Climate and Extreme Weather

Climate vs Weather

Climate: The average atmospheric conditions of a specific place over a long period of time (usually 30 years)

Weather: The atmospheric conditions of a specific place over a short period of time (usually 24 hours)

Climate Change is this process in which both direct and indirect human activity alter the average temperature and weather patterns in a particular place. Climate change is currently occurring throughout the world, which is a result of global warming.



Changing Climate and Extreme Weather

Climate Adaptation:

“Managing the unavoidable” or “reducing damages that can’t be avoided”

- Any initiative or action that reduces the vulnerability of social, ecological, physical and economic systems to changing climate conditions, while also exploiting the beneficial opportunities.
- According to a study conducted by the National Roundtable on the Environment and Economy, costs associated with climate change will increase from \$5 billion per year to \$43 billion by the 2050’s
 - ✓ This includes greater health costs due to degraded air quality, economic losses from the frequency of invasive species and flooding from intense rain storms



Local Impacts and Future Projections

Current Impacts in Niagara

- Heat waves of 3 or more consecutive days
- More frequent episodes of rain and less snow during winter seasons
- Increase of thunderstorms with heavy rain, strong winds and hailstorm-like conditions
- Increase in average numbers of freeze-thaw cycles

Future Projections according to the Intergovernmental Panel on Climate Change (IPCC)

- Increase in average annual temperature of 3-4°C
- A 20% decrease in summer rainfall by the 2050's
- Increase in disease and pest outbreaks (i.e. West Nile virus and Lyme disease)



Pelham's Weather Modeling Projections

	Climate Variable	1976-2005	2021-2050 Projection	2100 Projection	
Temperature (°C)	Average/Yr	9°C	12°C	15°C	←
	Spring	7°C	8.8°C	10.7°C	
	Summer	20.5°C	22.6°C	24.8°C	
	Fall	10.8°C	13°C	15°C	
	Winter	-3.1°C	-0.8°C	1.5°C	
Extremes (°C)	Heat (max)	33°C	36°C	39°C	←
	Cold (min)	-20°C	-13°C	-8°C	
	Days/Yr +30°C	8	43	93	
Indices	Cooling Degree Days (CDD)	321	667	1192	←
	Heating Degree Days (HDD)	3399	2667	2022	
	Freeze-Free Days (>0°C)	3658	4489	5520	
Precipitation (mm)	Total Annual	884 mm	1046 mm	983 mm	←
	Average Spring	224 mm	247 mm	260 mm	
	Average Summer	221 mm	224 mm	222 mm	
	Average Fall	239 mm	246 mm	246 mm	
	Average Winter	208 mm	230 mm	246 mm	
Extreme Precipitation (mm)	Average Annual # of Wet Days (>10mm) / Yr	7 days/yr	9 days/yr	9 days/yr	←
	Average Annual # of Wet Days (>20mm) / Yr	7 days/yr	9 days/yr	9 days/yr	
	Maximum Precipitation On a Single Day / Yr	38 mm	40 mm	40 mm	
Frost (days)	Frost-Free Season (days)	168 days	207 days	229 days	←
	Date of Last Spring Frost	April 21	April 12	April 3	
	Date of First Fall Frost	Oct 29	Nov 8	Nov 21	
	Average Annual # of Ice Days (below 0°C)	48 days/yr	26 days/yr	6 days/yr	
Tropical Nights	Average Annual # of Tropical Nights (>18°C)	27 days/yr	64 days/yr	106 days/yr	←
	Average Annual # of Tropical Nights (>20°C)	10 days/yr	40 days/yr	85 days/yr	
	Average Annual # of Tropical Nights (>22°C)	1 days/yr	18 days/yr	60 days/yr	



Impacts in Pelham

AGRICULTURE

- ↑ in invasive weed species and other weed-related pests (i.e. Gypsy Moth, Emerald Ash Borer, Dog-Strangling Vine, etc.)
- ↑ in energy consumption and costs due to cooling requirements for greenhouse operators
- Damage to crops due to heavy down pours & drastic winds

ECOSYSTEMS

- Depleting ecosystem services (i.e. provisioning, regulating, supporting & cultural services)
- Threats to woodlands due to ↓ rainfall and ↑ heat, creating high vulnerability to forest fires
- Stress to urban ecosystems; difficulty to maintain or expand urban tree canopy

INFRASTRUCTURE

- ↑ in intense rainfalls on impermeable surfaces, causing likelihood of overland floods and contaminated water. Pollutants from the road, lawn & garden feces are likely to be released into a nearby stream or lake
- ↑ in strong winds, damaging Town-owned infrastructure (i.e. Pelham Arches)
- ↑ freeze thaw cycles, deteriorating concrete in roads

ELECTRICITY DEMAND, SUPPLY AND DISTRIBUTION

- ↑ demand for energy, leading to potential blackouts and/or brownouts
- Shift in distribution of electricity – intense storms can shut down electrical lines and discontinue services for long periods of time

TOURISM AND RECREATION

- Tourism is likely to have many **opportunities**, such as warmer weather, resulting with prolonged tourist seasons
- HOWEVER, much of the tourist industry in Niagara relies heavily on natural processes, which have adversely been affected by extreme weather

HUMAN HEALTH AND WELL BEING

- Heat stress and ↓ in air quality
- Disease outbreaks (i.e. West Nile virus and Lyme disease)
- More foodborne illnesses

ECONOMY

- ↑ in energy costs and consumption
- ↑ in insurance fees
- Downtime for businesses that are affected by power outages and/or floods
- ↑ in emergency response costs (i.e. police, fire and paramedic)
- In 2009 a tornado in Vaughn left \$730,000 worth of damages for the municipality, without including the \$88 million to both businesses and home owners

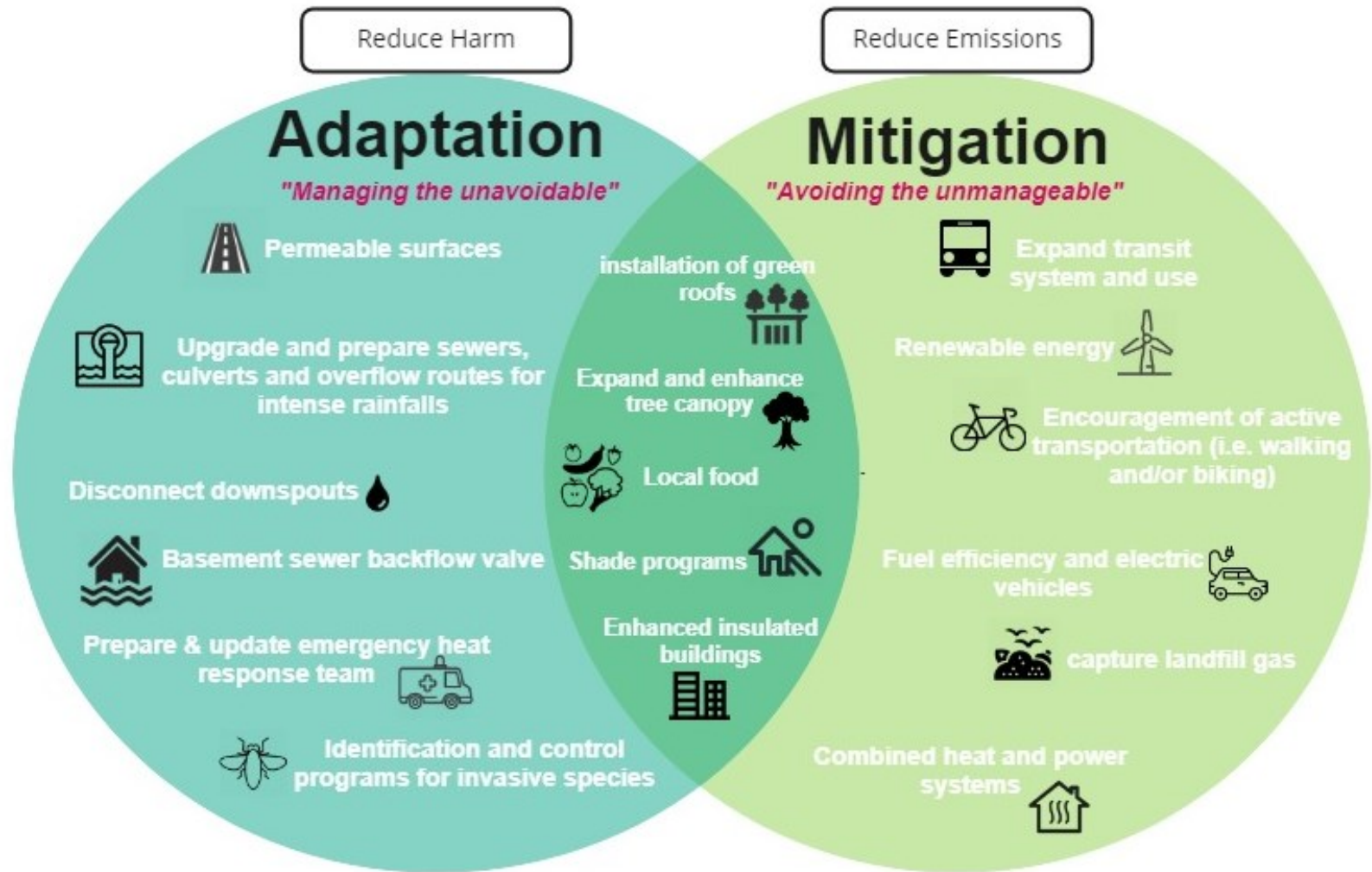


Impacts in 2019

- Windstorm – February 2019
 - Pelham Arches were destroyed due to southwest winds with frequent gusts of 100 to 110 km/h
 - \$110,000 to replace
- Gypsy Moth Infestation – May 2019
 - \$77,000 to spray only selected areas



Actions to Address Climate Change



Pelham's Climate Adaptation Plan

Purpose

- The purpose of the Corporate Climate Change Adaptation Plan is to increase the adaptive capacity and resiliency of the Town of Pelham's assets and services to current and future climate impacts, and to integrate climate change adaptation practices into day-to-day operations.

Outcome

- Staff will have sufficient knowledge on;
 - ✓ Climate change preparation,
 - ✓ Protection of property and;
 - ✓ A stronger understanding on the lifecycle, costs and conditions of the Town's current assets – an essential piece of knowledge for the Town's Asset Management Plan
 - ✓ The recommendations of this plan will also align with the corresponding elements within the Town's Engineering Design Manual, with a particular emphasis on storm water management and mitigation.

Scope

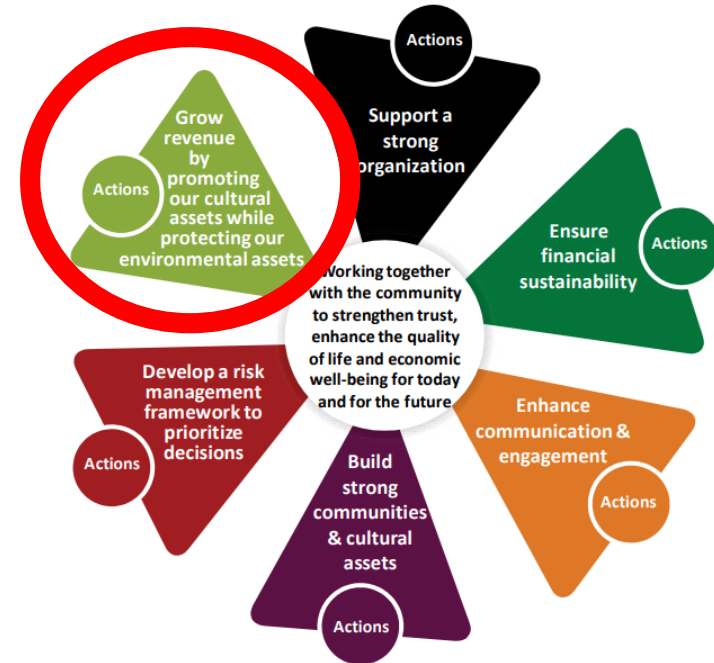
- The scope of this project is limited to the Town of Pelham and will recognize the adaptive capacities and resiliencies for Town-related operations and facilities.
 - ✓ It will integrate the activities and data drawn from Brock University's Niagara Adapts partnership



Supporting Documentation

Town of Pelham Strategic Plan 2019-2022

- Amongst the six main priorities stated in the Town's most recent strategic plan (2019), one states that;
 - ✓ The Town wishes to “grow revenue through the promotion of [their] cultural assets while protecting [their] environmental assets”
- To accomplish this priority, actions listed in the plan indicate that
 - ✓ The Town will “introduce best practices related to climate change and for the protection and preservation of environmental assets” as well as
 - ✓ “Educate and create community awareness in regards to [the] importance of environmental assets and climate change impacts”



Supporting Documentation

Pelham's Official Plan

- Indirectly mentions the need to understand the natural environment in order to manage climate risks. Components of the plan include the commitment to
 - ✓ “Maintain, enhance or restore ecosystem health and integrity”
 - ✓ “Protect natural resources” and
 - ✓ “Ensure that all infrastructure including sanitary sewers, water distribution and storm water management facilities, public services facilities, and roads meet the needs of present and future residents and businesses”

Pelham's Strategic Plans – 2011; 2014; 2015; 2016; 2017; 2019

- Preceding priorities mentioned in the Town's former strategic plans also support the development of a climate adaptation plan indirectly. Priorities such as
 - ✓ “Continu[ing] [to] develop sustainability programs for Town infrastructure (2011)
 - ✓ Protecting natural systems while maintaining the rural landscape (2014; 2015) and
 - ✓ “Determin[ing] the implications of severe storm events” (2015; 2016; 2017)evidently show that as a municipal government, it's the Town's responsibility to anticipate the severity of environmental patterns and extreme weather and to reduce the damages that cannot be avoided



Supporting Documentation

“Adopt-A-Road Program” (S701-11) and “Adopt-A-Trail Program” (S701-12)

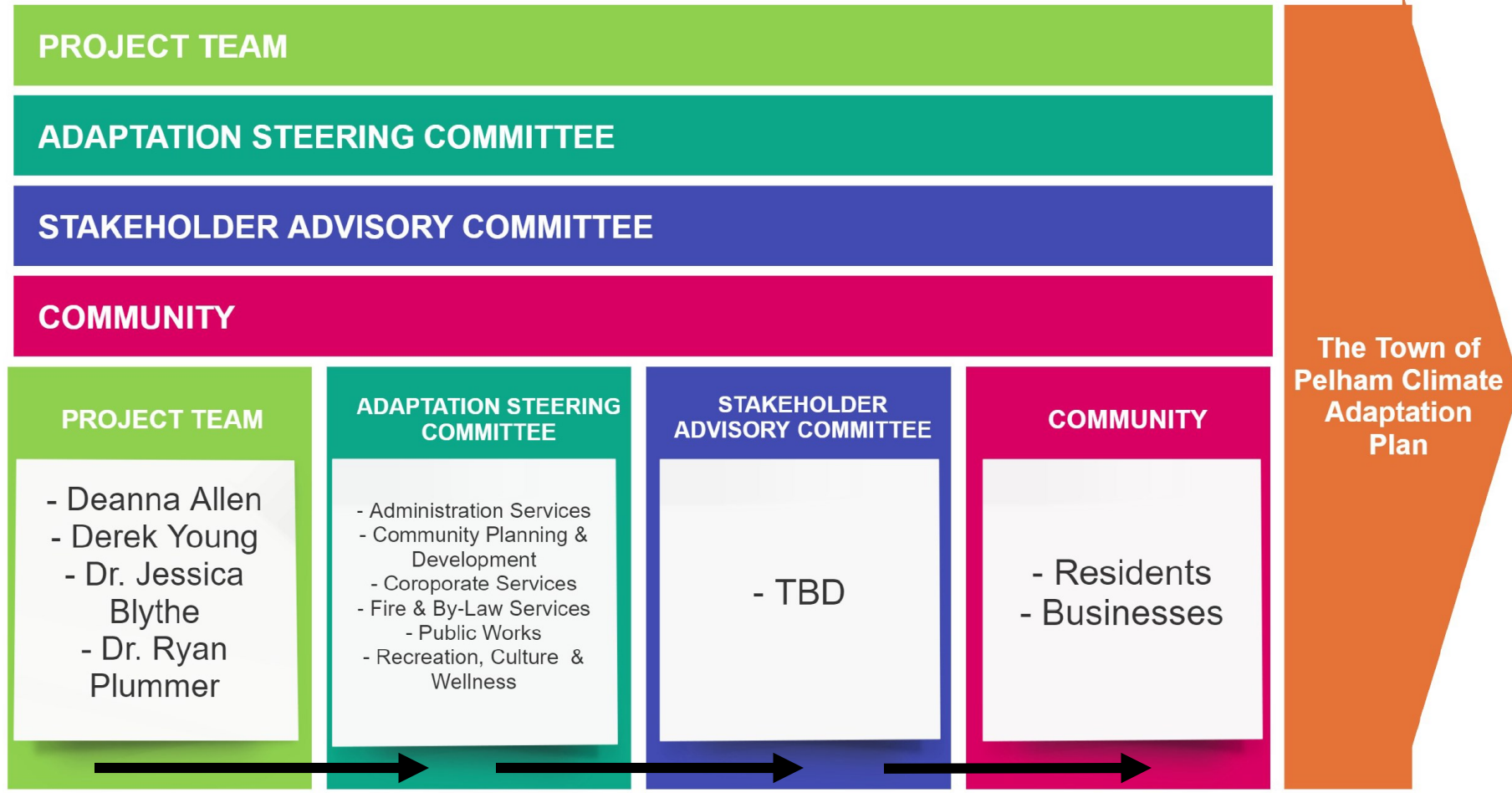
- Demonstrates commitment to creating a cleaner environment and more beautiful road, trail or park system within Pelham by
 - ✓ Adopting a section of land and periodically keeping it clean of litter and debris

“Tree Management Policy” (S802-01)

- Demonstrates commitment to strive for not net loss of trees on urban boulevards, and where practical and viable, in parks and rural areas
 - ✓ Every effort shall be made to increase tree planting and greening in the Town, barring conditions related to invasive pests or diseases
 - ✓ Strive to plant native species, while still increasing the species diversity of trees and avoiding monoculture plantings



Climate Adaptation Plan



Niagara Adapts Involvement with the Plan

- Brock will provide support in climate change analysis, risk and opportunity assessment, as well as the preparation and evaluation of an adaptation plan through interactive workshops and online learning platforms.
 - Other municipalities that are involved;
 - ✓ City of St. Catharines
 - ✓ Niagara Falls
 - ✓ Town of Grimsby
 - ✓ Town of Lincoln
 - ✓ Niagara-on-the-Lake
 - ✓ Welland

Upcoming Events

- Workshop 2 – Climate Change Impacts Analysis – August 16th 2019
 - Review the available climate change data for each municipality, downscaling, climate projections, and scope potential impacts



Meetings

Community Involvement

- Ongoing community engagement
- Method: online and in-person surveys, workshops, community booths, etc.

Senior Management Team (SMT) and Council

- Update SMT and Council on a quarterly basis
- Method: provide updates, discuss obstacles, request feedback



Proposed Timeline



REQUEST TO APPEAR BEFORE COUNCIL FOR THE TOWN OF PELHAM

NAME: Alzheimer Society Niagara Foundation
ADDRESS: 403 Ontario St., Unit 1, St. Catharines
POSTAL CODE: L2N 1L5 TELEPHONE #: 905-687-6856 ext. 562
E-MAIL ADDRESS: wnasmith@alzheimerniagara.ca

The Council Chambers Is equipped with a laptop and projector. Please Check your audio/visual needs:
☐ Laptop ☐ Speaker ☐ Internet Connection

PLEASE INDICATE THE DATE OF THE COUNCIL MEETING YOU WISH TO ATTEND AS A DELEGATION:
Regular Council: 1st and 3rd Monday of the month; 5:30 p.m. (except summer schedule)

DATE: September 16, 2019

Please identify the desired action of Council that you are seeking on this issue:

To encourage community to take part in this year's Coffee Break Campaign and to present Mayor Jankin with a Coffee Break Kit.

I have never spoken on this issue before. Key points of my deputation are as follows:
(Written presentation must accompany the request)

In accordance with the Procedure By-law, Requests to Appear before Council with respect to a matter already on Council's Agenda shall submit a written request to the Clerk no later than 12:00 noon, eight business days prior to the meeting of Council. Delegation requests to address Council on matters not already on the Agenda of Council must be submitted at least fourteen (14) days before the date and time of the Meeting of Council. Delegations shall only be heard at regular Meetings of Council, unless specifically invited by Council to a Meeting of a Committee of Council.

All requests must include a copy of the presentation materials as detailed in the deputation protocol. Failure to provide the required information on time will result in a deferral or denial. Delegations are limited to ten (10) minutes.

I have read and understand the deputation protocol included with this form; and, that the information contained on this form, including any attachments, will become public documents and listed on Town Meeting Agendas and on the Town's website.

I also understand that presentation materials must be submitted with this deputation form. Electronic presentations must be e-mailed to NJBozzato@pelham.ca in accordance with the deadlines outlined above.

Wendy Nasmith
Signature

July 18/19
Date

Alzheimer Society of Niagara Region – 24th Annual Coffee Break

Town of Pelham, Mayor Marvin Junkin

Presenter: Barbara Rybiak

Alzheimer Society of Niagara Region

September 16, 2019 – 5:30 pm

Mayor Junkin, members of council, Town staff and members of the public, my name is Barbara Rybiak, a member of the Coffee Break Committee. Thank you for the opportunity to appear before you this evening and share information about our Annual Coffee Break campaign, now in its 24th year.

Coffee Break kicks off Friday, September 20th in St. Catharines at the Niagara Regional Headquarters with coffee and treats with this year's Honourary Chair, Jim Bradley, Regional Chair of Niagara. There will be an official flag raising and from 10 to 11 am you are invited to come enjoy a coffee and treats while supporting the Alzheimer Society of Niagara Region.

Alzheimer's disease, already the seventh-leading cause of death in Canada, continues to grow as a public health concern as the number of Canadians with dementia rises. The latest statistics from Alzheimer Canada indicate that as of today, there are over half a million Canadians living with dementia - plus about 25,000 new cases diagnosed every year. Roughly 56,000 Canadians with dementia are being cared for in hospitals, even though this is not an ideal location for care. The combined health-care system and out-of-pocket caregiver costs are estimated at \$10.4 billion per year to care for people living with dementia.

Dementia doesn't discriminate – it can affect anyone regardless of background, education, lifestyle or status. It is not a normal part of aging. It's one of the fastest-growing diseases of our time, but still has no cure or effective treatments. Dementia is also a health condition with important social implications that impacts our communities. There is often a lack of awareness and understanding of dementia, resulting in stigmatization and barriers to diagnosis and care.

In the Niagara Region, there are over 10,000 people experiencing a progressive dementia and the number of cases continues to grow. Last year, we saw 2,056 new referrals to our Society and educated more than 12,500 Niagara residents and frontline staff. Our service provision includes all individuals impacted by the diagnosis of dementia - spouses, families, children and friends who also need education and support to facilitate lifestyle, health and wellness changes for their family member.

The Alzheimer Society of Niagara Region is a recognized leader in the field of Dementia Care. Our vision is a community where individuals with dementia and their care partners are fully supported to maximize their quality of life and well-being. We enhance safety and independence within the home and community, strengthen resilience and coping capacity, and ensure that people living with dementia continue to participate in family and community life for as long as possible.

We offer people living with dementia a welcoming place where they can access information and support, as well as connect with others who share a similar experience. By accessing education, personalized in-home support services and wellness programs, families can better understand dementia, navigate the health system and access the resources they need when they need them at every stage of the dementia journey.

We have had wonderful success with our many programs and services offered out in the community such as Brain Wave Cafes, Support Groups, Minds in Motion, Friendly Visiting, Tele-care friendly visiting, Aging and Dementia Simulations and numerous other educational series. Our Family Support Counsellors do in-home visits in every municipality in the Niagara Region.

To support a large variety of programs that are provided at no charge to individuals or their families, our Society must raise over \$500,000 each year and Coffee Break is one of our biggest events.

Coffee Breaks are an opportunity to invite your friends, family, neighbours, co-workers, clients or customers to come together to enjoy a cup of coffee or other beverage and even treats at a break time or another social get-together in exchange for making a donation to support the work of your local Alzheimer Society.

Hosting a coffee break is easy to organize and provides a fun social opportunity. Our Society supplies each host with a free kit, while hosts supply the people and place. The kit includes coffee for that first pot, supplied locally by Barclay & Todd's, signage and literature, as well as a donation box to support each event and some promotional items from our sponsors Giant Tiger St. Catharines locations, J&L Flooring and Seniors on The Move.

September 21st is World Alzheimer Day and popular attractions across the country are "Going Blue For Alz". In Niagara, The Falls, The Peace Bridge and Welland Canal Bridge 13 are going to be illuminated blue. We invite you to wear blue that day in support of those living with dementia and perhaps even host your own Coffee Break on World Alzheimer Day.

Coffee Break events are held in homes, work places, community centres, schools, churches, city halls, stores, and businesses – just about anywhere you can imagine a social gathering taking place, and where coffee, other beverages, or food and goodies can be served and a donation collected. Some of the most successful events have been a result of doing something a little different. Whether it's a barbecue, open house, raffle, dress-down days, selling coffee cup cut outs or rounding up your bill at the cash register.

The campaign runs from September through to December, so you can choose an event date that is convenient for you. No Coffee Break event is too big or too small and each one truly makes a difference in the lives of those living with the effects of dementia in the Niagara Region!

Thanks to this Council and over 100 hosts including Lookout Ridge, Fenwick United Church and Fenwick Lioness, to name a few we raised close to \$60,000 last year.

Organizing or taking part in a Coffee Break event in your community not only raises much-needed funds, but it can raise awareness and encourage discussion about Alzheimer's disease and dementia. You ensure that individuals and their families – your loved ones, friends and neighbours, know that they are not alone in their journey.

Please consider hosting a Coffee Break event this year and 'make your coffee count'. It's a fun and easy way to show your support for the Alzheimer Society.

Anyone can register for a free Coffee Break kit by calling the Alzheimer Society of Niagara Region at 905-687-3914 or by visiting the website at www.alzheimerniagara.ca/coffeebreak

Thank you for your time this evening and your consideration in making a difference in your community today and making memories matter.

Mayor Junkin, may I please present you with your Coffee Break Host Kit? (present kit). Thank you.

REQUEST TO APPEAR BEFORE COUNCIL FOR THE TOWN OF PELHAM

NAME:

GORDON MARASCO

ADDRESS:

[REDACTED], Fonthill, ON

POSTAL CODE:

[REDACTED]

TELEPHONE #:

[REDACTED]

E-MAIL ADDRESS:

[REDACTED]

The Council Chambers Is equipped with a laptop and projector. Please Check your audio/visual needs:

☐ Laptop☐ Speaker☐ Internet Connection

PLEASE INDICATE THE DATE OF THE COUNCIL MEETING YOU WISH TO ATTEND AS A DELEGATION:
 Regular Council: 1st and 3rd Monday of the month; 5:30 p.m. (except summer schedule)

DATE:

Monday August 12th 2019

Please identify the desired action of Council that you are seeking on this issue:

- ① TO INTRODUCE THE UTILITY SUSTAINABILITY COMMITTEE &
 TO PRESENT AN UPDATED, REPORT
- ② TO REQUEST A ^{INTERIM} REVISION TO THE USC MANDATE

I have never spoken on this issue before. Key points of my deputation are as follows:

(Written presentation must accompany the request)

In accordance with the Procedure By-law, Requests to Appear before Council with respect to a matter already on Council's Agenda shall submit a written request to the Clerk no later than 12:00 noon, eight business days prior to the meeting of Council. Delegation requests to address Council on matters not already on the Agenda of Council must be submitted at least fourteen (14) days before the date and time of the Meeting of Council. Delegations shall only be heard at regular Meetings of Council, unless specifically invited by Council to a Meeting of a Committee of Council.

All requests must include a copy of the presentation materials as detailed in the deputation protocol. Failure to provide the required information on time will result in a deferral or denial. Delegations are limited to ten (10) minutes.

I have read and understand the deputation protocol included with this form; and, that the information contained on this form, including any attachments, will become public documents and listed on Town Meeting Agendas and on the Town's website.

I also understand that presentation materials must be submitted with this deputation form. Electronic presentations must be e-mailed to NJBozzato@pelham.ca in accordance with the deadlines outlined above.

Signature



Date

July 10, 2019

GREETINGS

Good evening, Mr Mayor, Members of Council, Town Staff and fellow citizens of the Town of Pelham.

The purpose of this presentation tonight is:

- To introduce to you and to the public your Utility Sustainability Committee

- To update everyone with the progress to date

- To itemize what we see as future initiatives

- To identify what we have achieved so far.

MANDATE

The mandate of the USC is **“to provide advice to Council on reducing utility costs in the Town of Pelham and its citizens, and operating clean, efficient and low cost buildings and facilities.”**

INTRODUCTION OF COMMITTEE MEMBERS

Our Committee consists of David Cano as Vice Chair, Jeff Fee, Councillor Hildebrandt, staff members Teresa Quinlan, Vicki Vanravenswaay, Jason Marr, Deanna Allen and myself, Gordon Marasco as Chair. Bios of David, Jeff and myself are in your information package.

The selections of Mr Cano and Mr Fee were excellent choices as they provide the expertise and technical knowledge that is so necessary with the complex issues before us.

Town Staff have been extremely cooperative with CAO David Cribbs being instrumental in getting our delegation to a round table with the Minister of Energy. He has also been very supportive of our Hydro One initiative. Mrs Quinlan has provided leadership along with her expertise financial matters, Mrs Vanravenswaay providing leadership and staff assistance and Jason Marr providing technical assistance. Miss Allen has been keeping Bob and I on track. Mayor Junkin has also been most supportive of our endeavours.

Councillor Hildebrandt is a tireless worker with an engineering education and an industrial management background that is second to no one. He is truly amazing and we in this Town are fortunate to have such a dedicated individual.

PRESENT AGENDA ITEMS

1. MERIDIAN COMMUNITY CENTRE

- Electricity Consumption.
- Oversized Power Feed
- Emergency Generator System
- Building Automation System
- Building Pressurization
- Electricity Power Factor and Peak Loads
- LED Lighting Fixtures
- Phase Balancing
- Commissioning Report
- Maintenance of the Main Power Transformer
- Operational Manuals
- Construction Drawings

2. REVIEW OF OPERATION PROCEDURES

3. LED STREET LIGHTING GRANT

4. RESIDENTIAL HYDRO ONE RATE CLASSIFICATION

FUTURE AGENDA ITEMS

1. MERIDIAN CENTRE

- Natural gas consumption
- Water Usage

2. TOWN OF PELHAM BUILDINGS

- LED Lighting
- Natural gas consumption

RESULTS TO DATE

We have achieved the following savings to date:

Hydro One has revised our **MCC RATE CLASSIFICATION** from General Service to Transmission Service and given us a **\$66,858** rebate from inception to now. In addition, with our new rate classification combined with our reduction in consumption our ongoing yearly hydro costs should be reduced from **\$542,000** to about **\$400,000** which is a savings of over 25%. **SAVINGS AGAINST THIS YEARS BUDGET IS OVER \$200,000. TOTAL ONGOING IS A REDUCTION OF OVER \$135,000 YEARLY WITH MORE OPPORTUNITIES AVAILABLE.**

We also have effectively shut down the Haist Street Arena for further gas and hydro savings of \$30,000

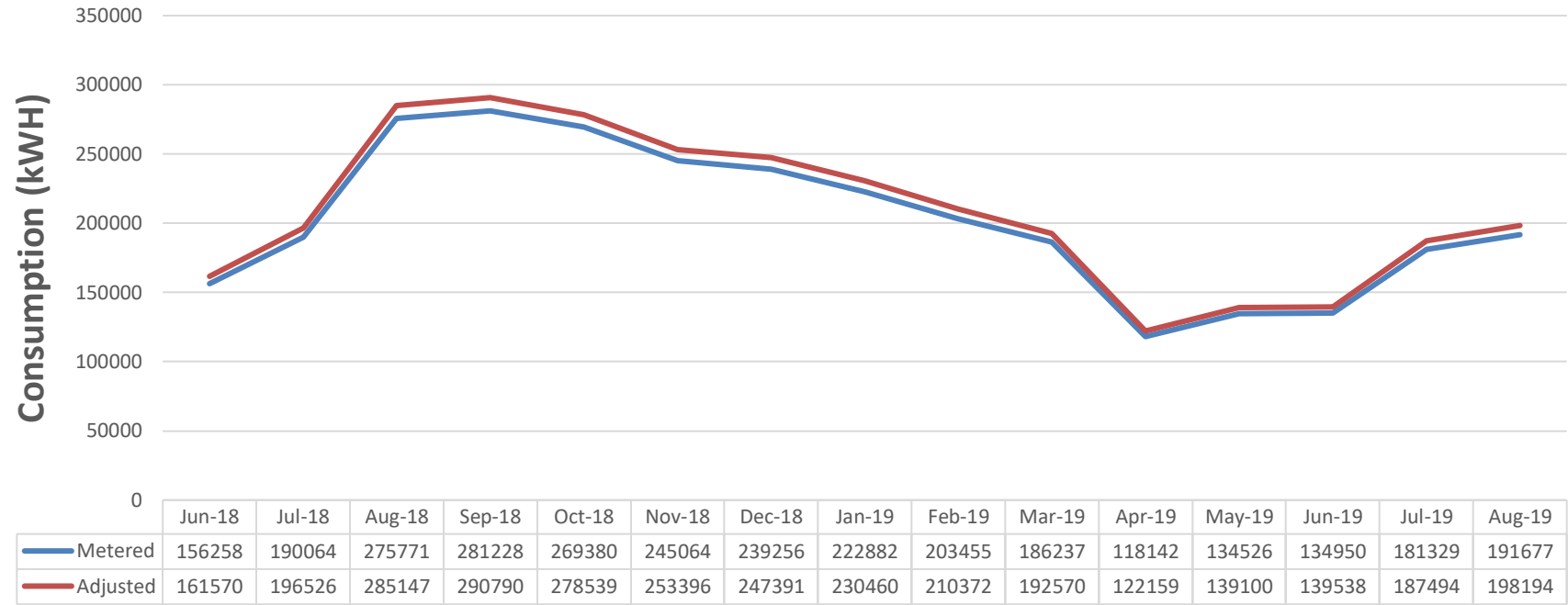
SUMMARY

The majority of our efforts so far have been around the energy consumption and operation of the MCC. There is more work to be done there, and there will be more savings.

We believe there will be more news shortly regarding the Hydro One Residential Rates but we must be cautious as there is some confidentiality required. We are depending upon support from our Provincial Government.

The USC will continue its excellent work will always be on the lookout for ways to reduce our energy footprint and to also monitor any government monies to assist us in our endeavours.

Monthly Consumption for Metered and Adjusted kWh



Month / Year

Personal Bio's for Utility Sustainability Advisory Committee

Gordon Marasco – Chair

Gordon graduated from the University of Waterloo with a degree in electrical engineering, where he worked as a professional engineer for Dofasco Inc. for 16 years as Manager of Electrical Construction and Power Distribution. Gordon has also played the role of Manager of Engineering for Atlas Steels, Manager of Project Development with ES Fox and has served as Chairman of the Board of Directors for Grimsby Power for 18 years. He has served as Chairman of the Board of Directors for Niagara Economic and Tourism for 9 years, and was a founding board member for Niagara Regional Broadband Network for 10 years. Gordon brings forth much experience in this field and is eager to accomplish many utility-related projects for the Town as Chair to the committee!

Dave Cano – Vice-Chair

Dave Cano is the Energy Solutions Manager at the Town of Oakville, where he is in charge of developing and implementing energy conservation projects, including retrofits on existing buildings and supporting the development of new buildings with more efficient technologies and renewable energy sources. Previously, Dave worked at Western University for 10 years, in the areas of energy, water, waste and sustainability management, as well as community engagement. Dave graduated with honours from the Tecnologico de Monterrey with a Bachelors in Electronics and Communications Engineering, as well as with a Master's in Technology Management. More recently, Dave graduated from the Masters of Environment and Business program at the University of Waterloo. Dave is a Project Management Professional (PMP), an Energy Manager in Training (EMIT) and a LEED® Green Associate. He has been elected a Vice-Chair to this committee and brings forth much experience in energy conservation projects!

Jeffrey Fee

Jeffrey has been a Pelham resident for 30 years and brings forth much experience to the committee. He has 34 years of experience as an engineering technician, where he has worked for multiple companies such as Atlas Steels, Anachemia Solvents and United Canadian Malt. His current employer, Ridley College, has titled Jeffrey as a Facilities Department Engineering Technician and has granted him with the responsibility of maintaining the facilities department and related equipment and systems. Ridley College has undergone vast and continual transformations over the years and its adaptation of new and efficient building systems technologies has made it a very interesting work environment for Jeffrey. Jeffrey is a TSSA certified Gas Fitter One as well as a 4th Class Power Engineer. He has also obtained a Building Environmental Systems Operator Class 2 certificate at Niagara College. Nonetheless he is honoured to be a part of this committee and is looking forward to working on upcoming projects for the Town!

Bob Hildebrandt – Council Representative

Councillor Bob Hildebrandt graduated with a degree in mechanical engineering and a minor in management science at the University of Waterloo. For 30 years he has worked at FWL the Canadian Division of FWEC, which after having undergone many changes, became part of the Woods Group in 2017 – the Woods Group are global leaders in the delivery of Engineering and Technical services to the Energy and Industrial Markets. Councillor Hildebrandt has worn many hats with this company, one being an Engineering Manager for offices in Canada and India, as well as a Manager of Manufacturing, where he managed approximately 500 employees. Bob retired in 2008 when the Canadian offices closed and further established the R. Hildebrandt Consulting services – a company which focuses on supporting charities and non-profit organizations. Additionally, Bob has spent 4 years on the Niagara Parks Advisory Board, 8 years on the Niagara Region Audit Compliance Committee as well as the Town of Pelham's Senior Advisory committee. He is very passionate about sustainability management, and more importantly, finding solutions that will benefit the Town and citizens!

Deanna Allen - Secretary

Deanna currently holds the position as a Climate Change Coordinator for the Town of Pelham, where she is responsible for the development and implementation of a Corporate Climate Change Adaptation Plan as well as the Town's Energy Conservation and Demand Management Plan. Deanna graduated from Brock University with a degree in environmental management in 2015 and in 2017 she acquired a Master's degree in environmental management and sustainability at Monash University in Melbourne, Australia. Deanna was selected as a recipient in Monash University's Green Steps Program, where she further enhanced her knowledge on sustainability and energy efficiency through the application of energy audits for the university as well as a local hospital. She is eager to apply her knowledge in this field and cannot wait to see what this committee will accomplish!

Meeting #: SC-30/2019 - Special Meeting of Council
Date: Monday, August 26, 2019
Time: 4:30 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Mike Ciolfi
Lisa Haun
Bob Hildebrandt
Ron Kore
Marianne Stewart
John Wink

Regrets Marvin Junkin

Staff Present David Cribbs
Nancy Bozzato
Teresa Quinlin
Barbara Wiens
J. Marr

Others Present C. Shedden
T. Wilson
B. Langohr

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, Deputy Mayor Ciolfi called the meeting to order at approximately 4:30 p.m.

2. Approval of the Agenda

Moved By Bob Hildebrandt

Seconded By John Wink

BE IT RESOLVED THAT the agenda for the August 26, 2019 Special Meeting of Council be adopted as circulated.

Carried

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. Resolution to Move in Camera

Moved By Bob Hildebrandt

Seconded By John Wink

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

Pursuant to Section 239(2)(c) and (f) of the *Municipal Act, S.O. 2001, c.25* as amended, - proposed or pending acquisition or disposition of land by the municipality and advice subject to solicitor-client privilege, including communications necessary for that purpose - File L07-2018-04-S

Pursuant to Section 239(2)(b), (d) and (f) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended - personal matters about an identifiable individual including municipal or local board employees; labour relations/employee negotiations; and, advice subject to solicitor-client privilege, including communications necessary for that purpose (1 item)

Pursuant to Section 239(2)(d) and (f) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended - labour relations/employee negotiations and advice subject to solicitor-client privilege, including communications necessary for that purpose (1 item)

Carried

5. Rise From In Camera

Moved By Lisa Haun

Seconded By Marianne Stewart

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

Carried

Moved By Bob Hildebrandt

Seconded By John Wink

BE IT RESOLVED THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of August 26, 2019.

Carried

6. Confirming By-law

Moved By John Wink

Seconded By 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. 4148(2019)(2019) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 26 day of August, 2019.

Carried

7. Adjournment

Moved By Marianne Stewart

Seconded By John Wink

BE IT RESOLVED THAT this Special Meeting of Council be adjourned until the next regular meeting scheduled for September 3rd, 2019 at 5:30 pm.

Carried

Deputy Mayor Mike Ciolfi

Town Clerk, Nancy J. Bozzato

Meeting #: SC-31/2019 - Special Meeting of Council
Date: Tuesday, September 3, 2019
Time: 4:30 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Marvin Junkin
Mike Ciolfi
Lisa Haun
Bob Hildebrandt
Ron Kore
Marianne Stewart
John Wink

Staff Present David Cribbs
Nancy Bozzato
Bob Lymburner
Jason Marr
Teresa Quinlin
Vickie vanRavenswaay
Barbara Wiens

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 4:30 p.m.

2. Approval of the Agenda

Moved By Mike Ciolfi

Seconded By Ron Kore

BE IT RESOLVED THAT the agenda for the September 3, 2019 Special Meeting of Council be adopted as circulated.

Carried

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. Resolution to Move in Camera

Moved By Bob Hildebrandt

Seconded By John Wink

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

Pursuant to Section 239(2)(c) and (f) of the *Municipal Act, S.O. 2001, c.25* as amended, - proposed or pending acquisition or disposition of land by the municipality and advice subject to solicitor-client privilege, including communications necessary for that purpose - File L07-2019-01-L

Pursuant to Section 239(2)(b) - personal matters about an identifiable individual (1 item - Committee Appointment)

Carried

5. Rise From In Camera

Moved By John Wink

Seconded By Bob Hildebrandt

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

Carried

Moved By Ron Kore

Seconded By Mike Ciolfi

BE IT RESOLVED THAT Council receive Report CPD-0060 2019; and

THAT Council declare Part 5, 59R-16424 surplus and that it merge in title with Part 1, 59R-16424, in exchange for ownership of Part 2, 59R-16424; and

THAT Council declare Part 6, 59R-16424 surplus and enter into a perpetual lease with the owner of Part 1, 59R-16424 for the use of 4 parking spaces; and

THAT Staff be directed to prepare the necessary by-law for Council consideration September 16, 2019.

Carried

Moved By Marianne Stewart

Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Vilma Moretti (Crick) be and is hereby appointed to the Town of Pelham Beautification Advisory Committee, and that staff be directed to prepare the necessary by-law for Council consideration at their next regular meeting.

Carried

6. Confirming By-law

Moved By Ron Kore

Seconded By Lisa Haun

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

Being a By-law No. 4150(2019) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 3rd day of September, 2019.

Carried

7. Adjournment

Moved By Mike Ciolfi

Seconded By Lisa Haun

BE IT RESOLVED THAT this Special Meeting of Council be adjourned until the next regular meeting scheduled for September 3rd, 2019 at 5:30 pm.

Carried

Mayor Marvin Junkin

Town Clerk, Nancy J. Bozzato

Meeting #: C-14/2019 - Regular Council
Date: Tuesday, September 3, 2019
Time: 5:30 PM
Location: Town of Pelham Municipal Office - Council
Chambers
20 Pelham Town Square, Fonthill

Members Present: Marvin Junkin
Mike Ciolfi
Lisa Haun
Bob Hildebrandt
Ron Kore
Marianne Stewart
John Wink

Staff Present: David Cribbs
Nancy Bozzato
Bob Lymburner
Marc MacDonald
Jason Marr
Teresa Quinlin
Vickie vanRavenswaay
Barbara Wiens
Holly Willford

Others Present Regional Councillor Huson
Members of the Fonthill Bandshell Committee
Interested Citizens
Media

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. Singing of National Anthem

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

3. Approval of Agenda

Moved By Mike Ciolfi

Seconded By Ron Kore

BE IT RESOLVED THAT the agenda for the September 3, 2019 Regular meeting of Council be adopted as circulated.

Carried

4. Disclosure of Pecuniary Interests and General Nature Thereof

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

5. Hearing of Presentation, Delegations, Regional Report

5.2 Delegations

5.2.1 Fonthill Bandshell Concerts

Gayle Baltjes, representing the Fonthill Bandshell Committee, presented their request for regrading work at Peace Park to facilitate better seating for the Thursday Night Concert events.

Moved By Mike Ciolfi

Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive the delegation by the Fonthill Bandshell Committee.

Carried

Moved By Mike Ciolfi

Seconded By Ron Kore

BE IT RESOLVED THAT Staff be directed to meet with the Fonthill Bandshell Committee to further explore and review the proposal; and

THAT staff report back to Council for September 16th, 2019 to substantially further the vision and direction of the Committee.

Carried

5.3 Report of Regional Councillor

Regional Councillor Huson presented her report, as included on the agenda.

Moved By Ron Kore

Seconded By Lisa Haun

BE IT RESOLVED THAT the September 3rd, 2019 report submitted by Regional Councillor Huson, be received for information.

Carried

6. Adoption of Minutes

MC - August 12 Section

Moved By Lisa Haun

Seconded By Ron Kore

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

1. SC-29/2019 Special Council Minutes August 12, 2019

2. C-13/2019 - Regular Council Minutes August 12, 2019

Carried

7. Business Arising from Council Minutes

None

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

No items were lifted.

9. Consent Agenda Items to be Considered in Block

Moved By Bob Hildebrandt

Seconded By John Wink

BE IT RESOLVED THAT the Consent Agenda items as listed on the September 3rd, 2019 Council Agenda be received and the recommendations contained therein be approved, as applicable.

--

9.5 Information Correspondence Items

9.5.1 2019 Investment Basics & Beyond Workshop

BE IT RESOLVED THAT Council receive the notice for the Investment Basics & Beyond workshop, for information.

9.7 Committee Minutes for Information

BE IT RESOLVED THAT Council receive the following Committee minutes for information:

1. Pelham Summerfest Committee - June 19, 2019; July 3, 2019; July 10, 2019; July 17, 2019
2. MCC Hospitality Committee - June 25, 2019
3. MCC User Group - June 27, 2019
4. Joint Accessibility Advisory Committee - June 13, 2019

Carried

10. Items for Separate Consideration, if Any

Not applicable.

11. Presentation & Consideration of Reports

11.2 Staff Reports Requiring Action

11.2.1 Part Lot Control (PLC-01-19) - Blocks 42, 43, 45-46 on 59M-456 - 2019-0055-Planning, 2019-0055-Planning

Moved By John Wink

Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report 2019-0055-Planning; and

THAT Council approve the Part Lot Control Exemption By-law for 120, 122, 124, 126, 128, 130 – 135, 137, 139, 141, 143, 145, 147 & 149 Acacia Road, and described legally as Blocks 42, 43, 45 & 46 on Plan 59M-456, and Parts 1 to 23 on RP 59R-16498.

Carried

12. Unfinished Business: None

13. New Business: None

14. Presentation and Consideration of By-Laws

Moved By Marianne Stewart

Seconded By Bob Hildebrandt

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 4147(2019) - Being a by-law to exempt Blocks 42, 43, 45 & 46 on Plan 59M-456, municipally known as 120, 122, 124, 126, 128, 130 – 135, 137, 139, 141, 143, 145, 147 & 149 Acacia Road, from part lot control. Saffron Meadows Phase 1 Subdivision [Hert Inc.] File No. PLC-01-19

2. By-law 4149(2019) - Being a by-law to amend by-law 4023(2018) respecting development charges.

Carried

- 15. Motions and Notices of Motion:** None
- 16. Matters for Committee of the Whole or Policy and Priorities Committee:** None
- 17. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee:** None
- 18. Resolution to Move in Camera**
No Closed Session scheduled.
- 19. Rise From In Camera**
Not applicable.
- 20. Confirming By-Law**
Moved By John Wink
Seconded By 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. 4151(2019) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 3rd day of September, 2019.

Carried

- 21. Adjournment**
Moved By Marianne Stewart
Seconded By Bob Hildebrandt

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for September 16, 2019 at 5:30 pm.

Carried

Mayor: Marvin Junkin

Town Clerk: Nancy J. Bozzato

Recommendations of the Policy and Priorities Committee Meeting Held September 3, 2019 (P&P-06/2019)

1. **THAT the agenda for the September 3rd, 2019 regular meeting of Committee be adopted, as circulated.**
2. **THAT Committee receive the Public Works Department Report for 1334 Pelham Street (File No. DA-01-19) and recommend;**

THAT Council approve the by-law authorizing the Mayor and Clerk to enter into a Development Agreement with Lawrence Schilstra regarding 1334 Pelham Street.
3. **THAT Committee receive Report # 2019-0026-Public Works and recommend:**

THAT Council approve the additional funds required to award the contract.
4. **THAT Committee receive Report # 2019-0032-Public Works and recommend:**

THAT Council approve the additional funds required for the costs associated with the Sanitary Sewer Diversion from the Wastewater Reserve.
5. **THAT Committee receives this Planning and Development report for information as it pertains to File Nos. 26T19-01-2019 & AM-02-19 relating to Martin's Nest Draft Plan of Subdivision and recommend:**

AND THAT, Council approve the By-law, as amended, attached hereto as Appendix D, amending the zoning of the subject property from the Agricultural (A) zone to the site specific Residential Multiple 1 (RM1-295,) zone.

AND THAT, Council approve the draft plan of subdivision subject to the conditions attached hereto as Appendix E.

(a) THAT the proposed by-law be amended by removing allowance for the reduction of the front yard setback distance, so as to maintain a 7.5 metre setback for this development.
6. **THAT Committee receives this Department of Community Planning and Development report for information as it pertains to File No. AM-05-19 and SP-05-17 relating to 1440 Pelham Street and recommend:**

THAT, Council approve the By-law, attached hereto as Appendix B, amending the zoning of the subject property from the General Commercial (GC) zone to the site specific General Commercial (GC-296) zone.

AND THAT, Council approve the By-law, attached hereto as Appendix C, authorizing the Mayor and Clerk to enter into the Site Plan Agreement with Colonnade 1440 Inc. on behalf of the Town.

DEFEATED

7. **THAT Committee receive Report CPD-030/2019 for information as it pertains to file numbers 26T19-02-18, OP-AM-03-18 & AM-04-18 and recommend:**

THAT Council approve the By-law, attached hereto as Appendix D, amending the Official Plan policies of the subject property.

AND THAT, Council approve the By-law, attached hereto as Appendix E, amending the zoning of the subject property.

AND THAT, Council approve the draft plan of subdivision, attached hereto as Appendix A, subject to the conditions attached hereto as Appendix F.

8. **THAT Committee receive Report CPD-0028/2019 and recommend:**

THAT Council not pursue the housing proposal by R. Hummel.

9. **THAT Committee receive Report RCW 2019-00016 and recommend:**

THAT Council approve the amendments to Municipal Alcohol Management Policy S100-01, as presented with amendments.

10. **THAT Committee Receive Report #2019-0054; and recommend:**

THAT Council support an Energy Assessment Grant application through Natural Resources Canada (NRCAN) for the Meridian Community Centre.

11. **THAT Committee receive Report #2019-0053-Public Works and recommends;**

THAT no final policy decision be made until after public feedback is received at the October 23rd, 2019 topic-specific public meeting starting at 6:30 pm.

- a. THAT the date and time of the Gypsy Moth Public Meeting be amended from October 15th at 5:30 pm to October 23rd at 6:30 pm to be held at the Meridian Community Centre, Accursi Room.**

12. **THAT Committee Receive Report #20190050; and recommend:**

THAT Council approve the Alcohol, Cannabis and Illicit Drugs in the Workplace Policy, P 100-02 as amended.

13. **THAT Committee Receive Report #2019-0057; and recommend:**

THAT Council approve the Medical Cannabis Accommodation Policy.

14. **THAT Committee receive Report 2019-0008-Clerks – Establishment of a Flag Policy; and**

THAT Committee recommend that Council approve the following recommendations:

THAT Staff be directed to include the purchase of two additional flag poles for installation at the Town of Pelham Municipal Building, 20 Pelham Town Square in the 2020 Facilities Budget; and

THAT, if budget approval is obtained, the third ranking flag pole be designated as the Community Flag Pole; and

THAT the Flag Policy as appended to this report be recommended to Council for approval; and

THAT Policy CLERK14, Flag Lowering at Municipal Building be repealed and replaced; and

THAT flag raising requests be suspended until such time as the community flag pole is in place.

- 15. THAT this Regular Meeting of Committee be adjourned until the next regular meeting scheduled for September 16, 2019 following Council.**

Policy and Priorities Committee**Minutes**

Meeting #: P&P-06/2019
Date: Tuesday, September 3, 2019
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Marvin Junkin
Mike Ciolfi
Lisa Haun
Bob Hildebrandt
Ron Kore
Marianne Stewart
John Wink

Staff Present David Cribbs
Teresa Quinlin
Nancy Bozzato
Bob Lymburner
Marc MacDonald
Jason Marr
Vickie vanRavenswaay
Barbara Wiens
Holly Willford

Other Interested Citizens
Media

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, Deputy Mayor Ciolfi called the meeting to order at approximately 6:33 p.m.

2. Adoption of Agenda

Moved By Ron Kore

THAT the agenda for the September 3rd, 2019 regular meeting of Committee be adopted, as circulated.

Carried

3. Disclosure of Pecuniary Interest and the General Nature Thereof

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

4. Old Business

**4.1 Development Agreement for 1334 Pelham Street (File No. DA-01-19)
Council Report, 2019-0025-Public Works**

Moved By Ron Kore

THAT Committee receive the Public Works Department Report for 1334 Pelham Street (File No. DA-01-19) and recommend;

THAT Council approve the by-law authorizing the Mayor and Clerk to enter into a Development Agreement with Lawrence Schilstra regarding 1334 Pelham Street.

Carried

4.2 Additional Funding Request for Pavement Condition Indexing - 2019-0026-Public Works, 2019-0026-Public Works

Moved By Lisa Haun

THAT Committee receive Report # 2019-0026-Public Works and recommend:

THAT Council approve the additional funds required to award the contract.

Carried

4.3 Report on Completing the Sanitary Sewer Improvements at Station St and Summersides Blvd - 2019-0032-Public Works, 2019-0032-Public Works

Moved By Bob Hildebrandt

THAT Committee receive Report # 2019-0032-Public Works and recommend:

THAT Council approve the additional funds required for the costs associated with the Sanitary Sewer Diversion from the Wastewater Reserve.

Carried

4.4 Recommendation Report for Draft Plan of Subdivision (Martin's Nest) and Zoning By-law Amendment Applications (File Nos. 26T19-01-2019 & AM-02-19), 2019-0011-Planning

Moved By John Wink

THAT Committee receives this Planning and Development report for information as it pertains to File Nos. 26T19-01-2019 & AM-02-19 relating to Martin's Nest Draft Plan of Subdivision and recommend:

AND THAT, Council approve the By-law, attached hereto as Appendix D, amending the zoning of the subject property from the Agricultural (A) zone to the site specific Residential Multiple 1 (RM1-295,) zone.

AND THAT, Council approve the draft plan of subdivision subject to the conditions attached hereto as Appendix E.

Moved By Lisa Haun

THAT the proposed by-law be amended by removing allowance for the reduction of the front yard setback distance, so as to maintain a 7.5 metre setback for this development.

Carried

Moved By John Wink

THAT Committee receives this Planning and Development report for information as it pertains to File Nos. 26T19-01-2019 & AM-02-19 relating to Martin's Nest Draft Plan of Subdivision and recommend:

AND THAT, Council approve the By-law, as amended, attached hereto as Appendix D, amending the zoning of the subject property from the Agricultural (A) zone to the site specific Residential Multiple 1 (RM1-295,) zone.

AND THAT, Council approve the draft plan of subdivision subject to the conditions attached hereto as Appendix E.

Carried

4.5 Recommendation Report for Zoning By-law Amendment and Site Plan Control Applications - 1440 Pelham Street (File no. AM-05-19 and SP-05-17), 2019-0013-Planning

Moved By Marianne Stewart

THAT Committee receives this Department of Community Planning and Development report for information as it pertains to File No. AM-05-19 and SP-05-17 relating to 1440 Pelham Street and recommend:

THAT, Council approve the By-law, attached hereto as Appendix B, amending the zoning of the subject property from the General Commercial (GC) zone to the site specific General Commercial (GC-296) zone.

AND THAT, Council approve the By-law, attached hereto as Appendix C, authorizing the Mayor and Clerk to enter into the Site Plan Agreement with Colonnade 1440 Inc. on behalf of the Town.

Defeated

4.6 Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment Application (26T19-02-18; OP-AM-03-18; & AM-04-18) – Recommendation Report, 2019-0030-Planning

Moved By Bob Hildebrandt

THAT Committee receive Report CPD-030/2019 for information as it pertains to file numbers 26T19-02-18, OP-AM-03-18 & AM-04-18 and recommend:

THAT Council approve the By-law, attached hereto as Appendix D, amending the Official Plan policies of the subject property.

AND THAT, Council approve the By-law, attached hereto as Appendix E, amending the zoning of the subject property.

AND THAT, Council approve the draft plan of subdivision, attached hereto as Appendix A, subject to the conditions attached hereto as Appendix F.

Moved By Lisa Haun

THAT the recommendation and draft by-law be amended to remove the allowance for a reduction of the minimum front yard setback so as to maintain the current front yard setbacks in the R2 and RM1 zone.

Defeated

Moved By Bob Hildebrandt

THAT Committee receive Report CPD-030/2019 for information as it pertains to file numbers 26T19-02-18, OP-AM-03-18 & AM-04-18 and recommend:

THAT Council approve the By-law, attached hereto as Appendix D, amending the Official Plan policies of the subject property.

AND THAT, Council approve the By-law, attached hereto as Appendix E, amending the zoning of the subject property.

AND THAT, Council approve the draft plan of subdivision, attached hereto as Appendix A, subject to the conditions attached hereto as Appendix F.

Carried

4.7 Affordable Housing Proposal by R. Hummel, 2019-0029-Planning

Moved By Bob Hildebrandt

THAT Committee receive Report CPD-0028/2019 and recommend:

THAT Council not pursue the housing proposal by R. Hummel.

Carried

4.8 Municipal Alcohol Management Policy S 100-01 Amendment - 2019-0016-Recreation, 2019-0016-Recreation

Moved By Bob Hildebrandt

THAT Committee receive Report RCW 2019-00016 and recommend:

THAT Council approve the amendments to Municipal Alcohol Management Policy S100-01, as presented with amendments.

Carried

5. New Business

5.1 Natural Resources Canada (NRCAN) - Proposed Energy Assessment Grant Application - 2019-0054-Recreation, 2019-0054-Recreation

Moved By John Wink

THAT Committee Receive Report #2019-0054; and recommend:

THAT Council support an Energy Assessment Grant application through Natural Resources Canada (NRCAN) for the Meridian Community Centre.

Carried

5.2 Town of Pelham Gypsy Moth Policy Development - 2019-0053-Public Works, 2019-0053-Public Works

Moved By Ron Kore

THAT Committee receive Report #2019-0053-Public Works and recommends;

THAT no final policy decision be made until after public feedback is received at the October 15, 2019 topic-specific public meeting.

Moved By Marvin Junkin

THAT the date and time of the Gypsy Moth Public Meeting be amended from October 15th at 5:30 pm to October 23rd at 6:30 pm to be held at the Meridian Community Centre, Accursi Room.

Carried

Moved By Ron Kore

THAT Committee receive Report #2019-0053-Public Works and recommends;

THAT no final policy decision be made until after public feedback is received at the October 23rd, 2019 topic-specific public meeting starting at 6:30 pm.

Carried

5.3 Alcohol, Cannabis and Illicit Drugs in the Workplace Policy - 2019-0050-Corporate Services, 2019-0050-Corporate Services

Moved By Lisa Haun

THAT Committee Receive Report #20190050; and recommend:

THAT Council approve the Alcohol, Cannabis and Illicit Drugs in the Workplace Policy, P 100-02 as amended.

Carried

5.4 Medical Cannabis Accommodation Policy - 2019-0057-Corporate Services, 2019-0057-Corporate Services

Moved By Bob Hildebrandt

THAT Committee Receive Report #2019-0057; and recommend:

THAT Council approve the Medical Cannabis Accommodation Policy, as amended.

Carried

5.5 Flag Policy - 2019-0008-Clerks

A motion was presented by Councillor Hildebrandt to maintain one flag pole only, however the motion was withdrawn.

Moved By John Wink

THAT Committee receive Report 2019-0008-Clerks – Establishment of a Flag Policy; and

THAT Committee recommend that Council approve the following recommendations:

THAT Staff be directed to include the purchase of two additional flag poles for installation at the Town of Pelham Municipal Building, 20 Pelham Town Square in the 2020 Facilities Budget; and

THAT, if budget approval is obtained, the third ranking flag pole be designated as the Community Flag Pole; and

THAT the Flag Policy as appended to this report be recommended to Council for approval; and

THAT Policy CLERK14, Flag Lowering at Municipal Building be repealed and replaced; and

THAT flag raising requests be suspended until such time as the community flag pole is in place.

Carried

6. Adjournment

Moved By Marianne Stewart

THAT this Regular Meeting of Committee be adjourned until the next regular meeting scheduled for September 16, 2019 following Council.

Carried

Mayor Marvin Junkin

Town Clerk, Nancy J. Bozzato



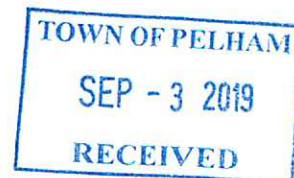
ROYAL CANADIAN LEGION

Branch 613 Talbot Trail

141 Hwy. 20 E., P.O. Box 42 Fonthill, ON L0S 1E0

Tel: 905-892-6293 Fax: 905-892-9470

Email: br613rcl@cogeco.net



August 29, 2019

Town of Pelham
20 Town Square
Box 400
Fonthill, ON
L0S 1E0

Dear Mayor Junkin:

Subject: 2019 Royal Canadian Legion, Branch 613 Poppy Campaign

The Royal Canadian Legion, Branch 613 will be conducting its annual Poppy Campaign during the period October 25, 2019 to November 11, 2019 inclusive. As in previous years, we are asking for Council's support so we may canvas businesses and citizens throughout the Town, via placement of Poppy collection boxes during the campaign period.

As part of the campaign, we are also planning to have Branch 613 cadets and our members including our veterans canvassing outside of businesses like Sobeys, Food Basics, the LCBO and the Beer Store with the advanced permission of the store franchisee and/or store manager.

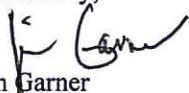
The Talbot Trail Branch has been a part of the community of Pelham for over 50 years and throughout this period, veterans and their families have been supported with funds generated from our Poppy Campaign. Donations are also regularly made to entities like the Niagara Health System and the Juravinski Cancer Center to purchase and upgrade critical equipment that is so vital to the patients of these hospitals, many of whom are residents of Pelham.

This year, we wish to officially kick off our campaign by pinning the first Poppy on you on October 25, 2019 at 10:00 am in the morning. Please have your Executive Assistant place this date and time in your calendar.

Dates and times are being finalized by the planning committee for this year's Remembrance services. What I can confirm at this time is that our November 11th service will begin at 10:45 am and we hope that you and other Council members will be able to attend the ceremony at Veterans Park on Legion grounds. As soon as I can, I will provide you the dates and times of the services to be held at Centennial Park in Fenwick, the Ridgeville cenotaph and at Peace Park.

In closing, we look forward to seeing Council members and Town staff at one or more of these services.

Yours truly,


Jim Garner
2019 Poppy Campaign Chairperson

LEST WE FORGET, LEST WE FORGET

From: [Jenny Jelen](#)
To: [Nancy Bozzato](#)
Subject: Request for letter of municipal significance
Date: Wednesday, September 4, 2019 3:05:44 PM
Attachments: [Screen Shot 2019-09-04 at 10.38.31 AM.png](#)

Hi Nancy

As discussed, here is some info about our upcoming jumper challenge. Attached is the screenshot outlining what the AGCO has requested.

Our event is, what we're hoping to be the first annual, is the Henry of Pelham Open Jumper Challenge at Effingham Stables. We're hoping for riders to come from southern Ontario (and beyond) to compete in a 1m-1.10m course of show jumps, attracting the community as a whole to the farm, for a fun afternoon of competitive show jumping. With HOP as our title sponsor, we're hoping to acquire a SOP for the day, to allow them to serve and sell wine by the glass.

Our organizing team is hoping to attract the community as a whole to take in the fun, and enjoy trade show booths set up by our sponsors, as well as enjoy the show (which we intend to run as much as an "event" as possible, engaging the crowd in public course walks prior the event beginning, and educating them on show jumping).

Attached is a link the FB event we've created
<https://www.facebook.com/events/944961269169996/>

Let me know if I can get you any more info!

Thanks!

--

Jenny Jelen

PELHAM UTILITY SUSTAINABILITY ADVISORY COMMITTEE MINUTES

MEETING DATE: Tuesday, July 2nd, 2019
6:05 p.m.
Accursi Room – MCC

1. Attendance:
Councillor Bob Hildebrandt
Jeffrey Fee
Gordon Marasco
Dave Cano
Vickie vanRavenswaay
Teresa Quinlin
Holly Willford
Deanna Allen

Absent: Jason Marr

2. Call to Order and Declaration of Quorum

The Deputy Town Clerk, Holly Willford, declared quorum and welcomed everyone to the meeting.

3. Adoption of the Agenda

THAT the Agenda for the July 2nd, 2019 Pelham Utility Sustainability Advisory Committee meeting be approved.

CARRIED

4. Disclosure of Pecuniary Interest and General Nature Thereof

No disclosure of pecuniary interest to declare.

5. New Business

- 5.1. Introduction

MINUTES – JULY 2 2019

5.2. Review of Terms of Reference

a) The committee has requested for Council to amend the following from the Utility Sustainability Advisory Committee Terms of Reference:

Solution Statement: That the following be added into the statement; “How might the Utility Sustainability Advisory Committee (USC) provide advice to Council on reducing utility costs **in the Town of Pelham and its citizens**, and operating clean, efficient, and low cost buildings and facilities.”

Objectives: “The Utility Sustainability Advisory Committee is an advisory committee that provides advice and recommendations to Council with the goal of reducing utility costs **for the municipality and its citizens** and operating clean, efficient, and low cost buildings and facilities. The objectives of the committee will include but may not be limited to:”

Moved by: Gordon Marasco

Seconded by: Dave Cano

CARRIED

5.3. Election of Chair and other delegated roles

a) Chair: Gordon Marasco nominated by Jeffrey Fee

Seconded by: Dave Cano

Thirded by: Dave Cano

Gordan Marasco has been declared as Chair.

b) Vice-Chair – Dave Cano nominated by Jeffrey Fee

Seconded: Gordan Marasco

Thirded by: Jeffrey Fee

Dave Cano has been declared as Vice Chair.

c) Secretary: Deanna Allen nominated by Bob Hildebrandt

Deanna Allen has been declared as Secretary.

MINUTES – JULY 2 2019

5.4. 2019-2022 Meeting Schedule

The meeting schedule for 2019 was discussed. It has been decided that for the month of July, the committee will meet every Tuesday from 6pm-8pm at the MCC Accursi Room. The next meeting will concern the ice plant and hydro rates relative to the Meridian Community Centre (MCC).

Motion to meet weekly for the month of July on Tuesdays at 6-8pm: Dave Cano

Seconder: Gordon Marasco

CARRIED.

5.5. Development of Committee's Goals and Priorities

The committee discussed the 4 year term and what the goals and priorities of 2019 will be. The movement to defer the agenda item until August meeting was suggested.

Moved by: Gordon Marasco

Seconded by: Jeffrey Fee

CARRIED.

5.6. Breakdown of Hydro One Bill

The hydro one bill was discussed. Dave Cano provided an explanation of the Global Adjustment Fee.

Dave Cano to suggest AMO to pay the off-peak rate to avoid the issues of paying the on-peak, mid-peak. \$0.2/kWh.

Gordon Marasco to suggest the delivery fee relative to residential bills be discussed at a later meeting

Deanna Allen to bring the 2017, 2018 and 2019 Utility Bills (Hydro and Gas) spreadsheet to the next meeting.

Deanna Allen to provide the most recent, up to date bills

MINUTES – JULY 2 2019

Deanna Allen to provide committee's contact information to everyone.

Gordon Marasco to bring forth proposed projects for discussion.

6. Next Meeting

USAC Regular Meeting scheduled for Tuesday July 9th 2019 at the MCC Meeting Room.

7. Adjournment

Time Adjourned: 7:22pm

Moved by: Dave Cano

Seconded by: Gordon Marasco

THAT the meeting of the Pelham Utility Sustainability Advisory Committee July 2nd is now adjourned.

Next meeting: Tuesday July 9th 2019

CARRIED.

Other Information

Upcoming Meeting Dates & Events:



Chair
Gordon Marasco



Secretary
Deanna Allen

Notes: The Chair is to help the Secretary compile the agenda, facilitate the meeting and bring forth recommendations to Council via correspondence

Gordon Marasco wishes to go to Council on August 12th and ask for amendments to the TOR. Committee members will also join in the audience.

Deanna to submit a delegation request and connect it with Gordon.

**Cannabis Control Committee
Town of Pelham**

**Minutes of Meeting
Wednesday, July 24th, 2019 - 5:00 p.m.**

Pelham Town Hall Council Chambers, 20 Pelham Town Square, Fonthill

- PRESENT:** Mike Ciolfi, Councillor - Town of Pelham
Tim Nohara (**Chair**)
Jim Jeffs
Bill Heska
Louis Damm
John Langendoen
Jim Steele
Carla Baxter
David Cribbs, CAO - Town of Pelham
Barbara Wiens, Director, Community Planning & Development - Town of Pelham
Shannon Larocque, Senior Planner, Community Planning & Development-Town of Pelham
(**Secretary**)
- OTHER:** nil
- REGRETS:** Jodi Legros, Administrative Assistant, Community Planning & Development – Town of Pelham
-

1. Declaration of Quorum

Chair declared quorum at 5:06 pm.

2. Approve Agenda

M. Ciolfi would like to add the recent sale of property on Balfour Street as item 6.1. T. Nohara would like to provide an update on the July 15, 2019 Council meeting as item 4.1. T. Nohara and B. Heska will provide an update on their discussions with Phil Gerard regarding odour monitoring as item 6.2.

Moved by C. Baxter, seconded by B. Heska that the agenda of July 24 as amended be approved.

Carried.

3. Callum Shedden Response to Minutes of June 26, 2019

B. Wiens advised that C. Shedden has not had an opportunity to provide a response. The item is deferred to the July 31, 2019 meeting.

4. Approve Minutes of Meeting of July 3 & 10, 2019

Discussion on the minutes of meeting of July 3, 2019. Members requested amendments and same were agreed to by all members.

T. Nohara requested an editable version of the July 10, 2019 minutes.

Moved by J. Jeffs, seconded by J. Langendoen that the minutes of July 3, 2019 be approved, as amended and that the approval of the July 10, 2019 minutes be deferred to the next meeting date of July 31, 2019.

Carried.

4.1 **July 15, 2019 Council Meeting**

T. Nohara advised that Council deferred the decision on extension of the Interim Control By-law until September 23, 2019 at the recommendation of D. Cribbs. B. Wiens advised that a public meeting date has been set for Tuesday September 10, 2019 at 6:00pm at the Meridian Community Centre in the Accursi Room. A special meeting of Council will be held on September 23, 2019 to consider the proposed policies and regulations relating to cannabis as well as the extension to the interim control by-law.

5. **Discussion with David Cribbs**

D. Cribbs advised that the Town must have an evidentiary record to demonstrate that it has acted in good faith prior to extending the Interim Control By-law if it is to withstand legal challenges. D. Cribbs indicated that Town staff will be coming forward with a number of policy and by-law amendments for discussion at the September 10, 2019 public meeting including an initial set of draft Official Plan and Zoning By-law Amendments, an amended Fence By-law, a Fortification of Land By-law and a Nuisance By-law. Town staff are not intending to disembowel the work of the Cannabis Control Committee, but rather to put forward complimentary things that the Committee is not yet working on. The Town would like constructive feedback from the Committee on these items as well as support if the proposed changes are agreeable to Committee members.

T. Nohara expressed concern that the Committee would not have time to adequately address the items staff are in the process of preparing including setbacks prior to the amendments being presented at the public meeting. D. Cribbs noted that the Official Plan and Zoning By-law can be amended again at a later date if Council deemed it necessary based on feedback from the Committee. L. Damm suggested that different setbacks be applied to different types of propagation facilities.

T. Nohara questioned whether the public would have to be consulted after the public meeting on further proposed amendments to draft by-laws presented at the public meeting, prior to Council considering their approval. B. Wiens and D. Cribbs indicated that would be dependent upon the degree of change and the desire of Council.

T. Nohara would like to understand the goals of the various policy and by-law amendments. Discussion ensued on potential results of the amendments. D. Cribbs indicated that Town staff will attempt to provide drafts to the Committee for discussion prior to the public meeting. B. Wiens advised that the by-laws will not be able to require items that contravene Health Canada requirements as the federal licence overrules local requirements. D. Cribbs advised that the by-laws cannot be so restrictive that they prevent a legal business from operating or establishing.

T. Nohara asked how the Committee would be able to address concerns about financial implications such as taxation. B. Wiens indicated that property tax classifications are under the jurisdiction of MPAC who is undertaking a review of cannabis facilities which may result in the creation of a new tax classification. Based on discussions with MPAC staff, their mandate is to have the review completed by the end of the year. There is the

ability to claw back 2 years of taxation after reassessment. The timing of this work is dependent on MPAC and they are aware of the urgency.

6. Review Proposed Zoning By-Law Amendments

S. Larocque provided an overview of the draft Zoning By-law Amendment prepared by staff and requested feedback from the Committee. T. Nohara to meet with S. Larocque and B. Wiens next week to have an in depth discussion and then report back to the Committee.

6.1 Property on East Side of Balfour Street

M. Ciolfi advised that a large property on the east side of Balfour Street has recently been sold and that cherry trees are being removed. Residents are concerned that the property will be used as a parking lot for CannTrust. B. Wiens and S. Larocque indicated that this would be in contravention of the Zoning By-law and that the Town would be able to take legal action against the property owner if a parking lot to service CannTrust were established in this location.

6.2 Phil Gerard

B. Heska advised that he was in receipt of technical information from Phil Gerard regarding odour monitoring. B. Heska and T. Nohara are working with Phil Gerard to scope information that will be presented to the Committee at a later date. B. Heska suggested that the presentation be deferred until after the September public meeting.

7. Items for Discussion at Next Meeting

L. Damm will present his research at the next meeting.

8. Adjournment:

Moved by J. Langendoen, seconded by J. Jeffs that the meeting be adjourned.

Carried.

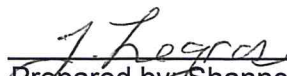
The meeting adjourned at approximately 7:31 p.m.

Next meeting: July 31, 2019 at 5:00 p.m.
Fire Station #1 - 177 Highway 20 W, Fonthill

Signed by:



Tim Nohara (Chair)



Prepared by Shannon Larocque, Senior Planner,
Community Planning & Development-Town of Pelham

**Cannabis Control Committee
Town of Pelham**

**Minutes of Meeting
Wednesday, July 31, 2019 - 5:00 p.m.
Fire Station #1 - 177 Highway 20 W, Fonthill**

PRESENT: Tim Nohara (Chair)

Jim Jeffs
Louis Damm
John Langendoen
Jim Steele
Carla Baxter
David Cribbs, CAO - Town of Pelham
Barbara Wiens, Director, Community Planning & Development - Town of Pelham
Shannon Larocque, Senior Planner, Community Planning & Development-Town of Pelham
Jodi Legros, Administrative Assistant, Community Planning & Development-Town of Pelham (Secretary)

OTHER: Gloria Katch, Media

REGRETS: Mike Ciolfi, Councillor - Town of Pelham
Bill Heska

1. Declaration of Quorum

Chair declared quorum at 5:10 pm.

2. Approve Agenda

Moved by J. Jeffs, seconded by J. Steele that the agenda of July 31 be approved.

Carried.

3. Callum Shedden Response to Minutes of June 26, 2019

Committee members reviewed and discussed C. Shedden's edits to the Minutes.

Moved by J. Langendoen, seconded by C. Baxter that the Minutes of June 26 be approved with questioner's names removed.

Carried.

4. Approve Minutes of July 10 & 24, 2019

T. Nohara and other members requested additional time to review the Minutes.

Moved by T. Nohara, seconded by C. Baxter that the approval of the July 10 and July 24 Minutes be deferred to the next meeting date of August 7, 2019.

Carried.

5. Overview of Research by L. Damm

L. Damm presented his research relating to the growing of medicinal cannabis and areas of focus including genetics, nutrition, environment, sanitation and records. Water quality and purification of water was a discussion due to the need to not permit heavy metal accumulation in the medicinal cannabis plants. Health Canada sets standards which cannabis producers must follow. It is unknown how the local producers are disposing of brine and by-products from water purification systems. The Town does not have jurisdiction relating to internal systems to a greenhouse. It was noted that Waste and Nutrient Management Plans could be required through the site plan control approval process.

6. Review Proposed Zoning By-Law Amendment

B. Wiens and S. Larocque provided a draft proposed zoning by-law amendment, noting a 150m setback requirement and advised that there are houses within the 150m of the production facility on Balfour. The parking coverage should be a maximum parking coverage, not minimum.

J. Langendoen noted he met with a Planner from another municipality to discuss setbacks, referencing the 300m setback in the Town of Norfolk and from all property lines and a minimum planting strip of 3.5m. D. Cribbs clarified that the 300m setback in Norfolk was for a facility without an odour mitigation system and 150m setback is for a facility with an odour mitigation system in Norfolk County. J. Steele and other committee members believe the public would not be supportive of the proposed setback. D. Cribbs advised that the Town cannot make a setback impossible to comply with, need to consider the context and setbacks cannot be so restrictive that they prevent a business from locating. There was concern about the amount of work within the given time-frame. Town staff noted that the Zoning By-Law and Official Plan could still be amended at a later date based on new information.

T. Nohara indicated that the committee has a lot of work to do before it can recommend any particular setback(s). As a result, he urged staff not to include setbacks in its draft zoning by-law proposed for the Public meeting because the Committee may have to come out against them. He also indicated that any setbacks proposed, had they been in place, should have caused CannTrust and Redecan to consider other Town locations for their operations, given the adverse impacts that have resulted with loss of enjoyment for neighboring residents.

T. Nohara is meeting with B. Wiens & S. Larocque later in the week to better understand the relationship of the zoning by-law to the official plan and to ask questions that will facilitate a presentation to the Committee. He will also review the setback maps requested for our two existing cannabis production facilities, CannTrust and Redecan.

7. Items for Discussion at Next Meeting

Zoning By-Law Amendment review to continue.

8. Adjournment:

Moved by J. Jeffs, seconded by J. Steele that the meeting be adjourned.

Carried.

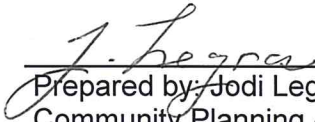
The meeting adjourned at approximately 7:10 p.m.

Next meeting: Wednesday, August 7, 2019 at 5:00 p.m.
Fire Station #1 - 177 Highway 20 W, Fonthill

Signed by:



Tim Nohara (Chair)



Prepared by: Jodi Legros, Administrative Assistant
Community Planning & Development-Town of Pelham

**Cannabis Control Committee
Town of Pelham**

**Minutes of Meeting
Wednesday, July 10th, 2019 - 5:00 p.m.
Fire Station #1 - 177 Highway 20 W, Fonthill**

PRESENT: Mike Cioffi, Councillor - Town of Pelham
Tim Nohara (**Chair**)
Jim Jeffs
Bill Heska
Louis Damm
John Langendoen
David Cribbs, CAO - Town of Pelham
Barbara Wiens, Director, Community Planning & Development - Town of Pelham
Shannon Larocque, Senior Planner, Community Planning & Development-Town of Pelham
Jodi Legros, Administrative Assistant, Community Planning & Development - Town of Pelham (**Secretary**)

OTHER: Gloria Katch, Media

REGRETS: Carla Baxter, Jim Steele

1. Declaration of Quorum

Chair declared quorum at 5:13 pm.

2. Approve Agenda

Moved by J. Jeffs, seconded by J. Langendoen that the agenda of July 10 be approved.

Carried.

3. Approve Minutes of Meeting of July 3, 2019

Members have not had sufficient time to review the July 3rd Minutes.

Moved by J. Langendoen, seconded by L. Damm that the approval of the July 3rd minutes be deferred to the next meeting date of July 24, 2019.

Carried.

Approve Minutes of Meeting of June 26, 2019

B. Wiens to amend minutes as agreed upon between members before providing to Callum Shedden, Solicitor, for his review and input.

Moved by J. Langendoen, seconded by L. Damm that minutes of June 26 be approved, as amended for review by Callum Shedden, Solicitor.

Carried.

4. Research Review of Committee Members

It was noted that Health Canada states no odour is permitted.

T. Nohara and B. Heska met with Mr. Phil Girard. P. Girard is currently retired from environmental engineering firm, Pinchin Ltd., where he specialized in odour monitoring and mitigation, however he has not worked in the cannabis industry. P. Girard is willing to put information together related to odour monitoring and make a presentation to the committee.

T. Nohara & B. Heska provided a summary of their meeting with P. Girard. Odour sampling is commonly performed by different industrial businesses. Odour levels can be tested and Odour Impact Studies could be completed for existing cannabis production facilities. M. Ciolfi advised that Pinchin reached out to a production facility that is willing to cooperate. T. Nohara suggested that odour dispersion models should be completed at the site plan application stage. B. Wiens noted that Niagara College has started odour monitoring.

J. Jeffs discussed traffic on Foss Road. B. Wiens noted that a Traffic Impact Study would be required for new facilities with 500 employees.

Carried.

5. Overview of Regulations from Other Jurisdictions

Many municipal by-laws were updated in 2001 when medical marijuana was legalized. A number of the by-laws permitted medical marijuana in industrial areas; few were permitted in agricultural areas. B.C. classified cannabis as farm use. L. Damm noted it is an agricultural product. B. Wiens stated that municipalities are trying to regulate through zoning.

Motion approved by J. Langendoen and J. Jeffs to receive information - Cannabis Production Facilities Zoning provisions, and June 2019 Zoning/Official Plan comparison of other municipalities.

Carried.

6. Proposed Official Plan and Zoning By-Law Amendments

One of the proposed amendments to the Official Plan are to prohibit outdoor growing and storage, otherwise a zoning by-law amendment would be required which would give the Town the ability to review applications on a case by case basis. Outdoor growing and storage of hemp was discussed and whether it can be included in the cannabis definition.

The other proposed amendment to the Official Plan would be to update greenhouses to include monitoring plans etc.

The Official Plan would provide very clear policies on information requirements for applications, rather than only amending the Zoning By-Law.

Site Plan Agreements are another tool and would include clauses relating to odour and light controls. It was noted during discussion that site plan approval process is not a public process, however staff does meet with anyone that comes and speaks with anyone that calls and that information is relayed to in the staff report regarding public comments.

Zoning By-Law Amendments to be discussed at the next meeting.

7. **Adjournment:**

Moved by J. Langendoen, seconded by B.Heska that the meeting be adjourned.

Carried.

The meeting adjourned at approximately 7:10 p.m.

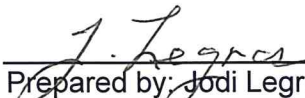
Next meeting: July 24, 2019 at 5:00 p.m.

Pelham Town Hall Council Chambers, 20 Pelham Town Square, Fonthill

Signed by:



Tim Nohara (Chair)



Prepared by: Jodi Legros, Administrative Assistant
Community Planning & Development-Town of Pelham

Subject: The Town of Pelham's Corporate Climate Change Adaptation Plan (CCCAP) Update

Recommendation:

BE IT RESOLVED THAT Council Receive Report #2019-0052-PW ; and

THAT Council endorses the development of a Corporate Climate Change Adaptation Plan (CCCAP) and;

THAT Council supports the creation of an internal Adaptation Steering Committee (ASC) and;

THAT Council supports the creation of an external Stakeholder Advisory Committee (SAC)

Background:

The Town has received funding from the Federation of Canadian Municipalities (FCM) in order to address climate change directly through the development of a Corporate Climate Change Adaptation Plan. The first phase of the grant is fulfilled by the development of a climate adaptation plan, followed by the second phase with the implementation of operational and institutional changes and the involvement of preparatory work leading to the implementation of climate adaptation initiatives in the third phase.

Amongst the six strategic priorities defined in the Town of Pelham's 2019 Strategic Plan, one particularly focuses on "grow[ing] revenue by promoting cultural assets while protecting environmental assets". To successfully accomplish this priority, actions listed in the plan indicate that the Town will "introduce best practices related to climate change and for the protection and preservation of environmental assets" as well as "educate and create community awareness in regards to [the] importance of environmental assets and climate change impacts". Other supporting municipal documents, such as the Town's Official Plan, also mention the need to understand the natural environment in order to manage climate risks. Components of the plan include the commitment to "maintain, enhance or restore

ecosystem health and integrity”, “protect natural resources”, and “ensure that all infrastructure including sanitary sewers, water distribution and storm water management facilities, public service facilities, and roads meet the needs of present and future residents and businesses”. These commitments, along with the aforementioned strategic priority stated in the Town’s 2019 Strategic Plan, address the concern to increase the Town’s capacity to adapt to climate change through the development and implementation a Corporate Climate Change Adaptation Plan (CCCAP).

Though the Town’s 2019 Strategic Plan aims to address climate awareness and encourage the implementation of adaptive initiatives, preceding priorities mentioned in the Town’s former strategic plans also support the development of a climate adaptation plan indirectly. Priorities such as “continu[ing] [to] develop sustainability programs for Town infrastructure” (2011), protecting natural systems while maintaining the rural landscape (2014; 2015), and “determin[ing] the implications of severe storm events” (2015; 2016; 2017) demonstrate that the Town has been concerned by climate change issues responsibility to anticipate the severity of environmental patterns and extreme weather, and to reduce the damages that cannot be avoided.

The sustainable principles within the Corporate Climate Change Adaptation Plan will increase the adaptive capacity and resiliency of the Town of Pelham’s assets and services to climate-related impacts through pragmatic and justifiable actions. In conjunction with the Town’s Asset Management Plan, these documents will provide a template and approach to “achieve the lowest lifecycle cost” for Town infrastructure.

Analysis:

Purpose: The purpose of the Corporate Climate Change Adaptation Plan is to increase the adaptive capacity and resiliency of the Town of Pelham’s assets and services to current and future climate impacts, and to integrate climate change adaptation practices into day-to-day operations.

Objective: the climate adaptation policy and plan will include the following objectives and will act as a reference for Town staff when required:

1. A clear vision, objectives and actions for the Town of Pelham’s Corporate Climate Change Adaptation Plan (CCCAP);
2. Council approval for the development and implementation of the plan;
3. Identification and assessment of the risks and vulnerabilities of a changing climate to Town assets, services and day-to-day operations;
4. Prioritization of the risks and vulnerabilities through adaptive options. These options aim to reduce the risk and vulnerability relative to climate change and extreme weather impacts and will involve extensive research on current best municipal practices.
5. An implementation schedule of adaptation measures that will include: a detailed timeline, estimated costs, required staff and their responsibilities, and a monitoring and



evaluation framework.

Scope

The scope of this project is restricted to the Town of Pelham and will focus on the adaptive and resilient capabilities of a changing climate to Town-owned assets (such as buildings, vehicles, street lights and traffic signals, bridges and culverts, sanitary sewer and storm sewer networks, water distribution networks and roads), Town-run programs and day-to-day operations. It will also withdraw data from the activities and reports produced by Brock University's Niagara Adapts partnership to further enhance the plan.

Once complete, the Corporate Climate Change Adaptation Plan will drive and support future changes to the Town's Asset Management Plan. The phase-in schedule of the Asset Management Plan listed below delineates the expected dates for an Asset Management Plan to be set in place:

- July 1, 2019 – Date for municipalities to have a finalized strategic asset management policy that promotes best practices and links asset management planning with budgeting, operations, maintenance and other municipal planning activities
- July 1, 2021 – Date for municipalities to have an asset management plan for core assets (i.e. roads, bridges and culverts, water, wastewater and storm water management systems) that identifies current levels of service and the cost of maintaining those levels of service
- July 1, 2023 – Date for municipalities to have an approved asset management plan for all municipal infrastructure assets that identifies current levels of service and the cost of maintaining those levels of service
- July 1, 2024 – Date for municipalities to have an approved asset management plan for all municipal infrastructure assets that builds upon the requirements set out in 2023. This includes an identification of proposed levels of service, what activities will be required to meet proposed levels of service, and a strategy to fund these activities.

The goal of *Asset Management Planning for Municipal Infrastructure Regulation, O.Reg. 588/17*, is to help improve the way municipalities plan for their infrastructure. Since the Corporate Climate Change Adaptation Plan is set to be completed by February 2021, the Town will be able to align its actions with the Asset Management Plan. It is also an opportunity for municipalities to commit to the consideration of climate change adaptation and mitigation activities, as well as to engage with the public. In addition to meeting the aforementioned commitments, the Town of Pelham's Corporate Climate Change Adaptation Plan will also enhance the low impact development (LID) guidelines for the Town's Engineering Design Manual, with a particular emphasis on storm water management and mitigation

"IN" Scope	"OUT" of Scope
<ul style="list-style-type: none"> • Council approval of a climate adaptation policy and plan, along with continual updates of the process • Consultation with an internal Adaptation Steering Committee (ASC) and an external Stakeholder Advisory Committee (SAC) during the development and pre-implementation phases of the project. The ASC will involve Town staff and the SAC will contain individuals with unique perspectives and various expertise from the Pelham community. • Identification of Town-owned assets, Town-run programs and day-to-day operations that will be included in the plan • Activities and data practiced and withdrawn from Brock University's Niagara Adapts partnership 	<ul style="list-style-type: none"> • A community adaptation plan • A mitigation plan, involving a greenhouse gas (GHG) inventory and set reduction targets • Implementation phase – i.e. following through with the adaptation options

Project Schedule

According to the Municipalities for Climate Innovation Program (MCIP) framework, the final draft of the Corporate Climate Change Adaptation Plan is set to be completed by February 2021. The framework consists of three main phases and is listed below:

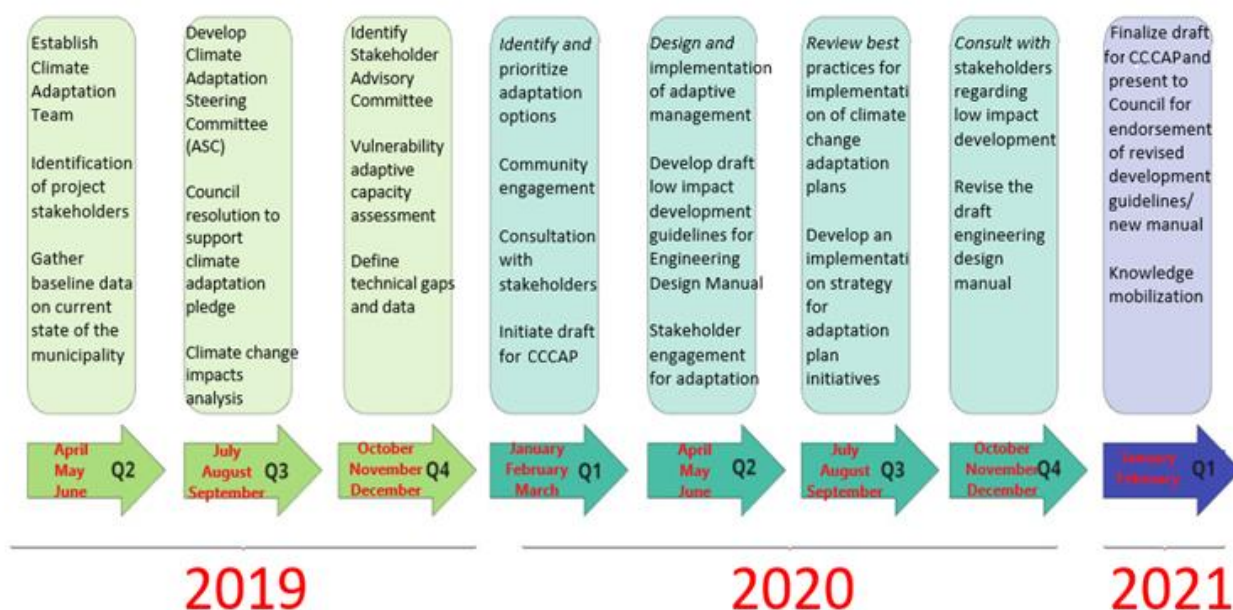
Phase 1: Develop a climate adaptation plan for the Town. The plan will identify climate change impacts, risks, and the best municipal climate adaptation practices;

Phase 2: Implement operational and institutional changes to ensure long-term climate adaptation and;

Phase 3: Conduct preparatory work leading to the implementation of climate adaptation initiatives.

The high-level milestones are tentative, however, they align with the schedule for Brock University's Niagara Adapts partnership.

High-Level Milestones	Target Completion Dates
1. Establish a Climate Adaptation Team 2. Identification of project stakeholders 3. Gather baseline data on current state of the municipality	Q2 <i>(April, May, June – 2019)</i>
4. Develop Climate Adaptation Steering Committee (ASC) 5. Council resolution to support climate adaptation pledge 6. Climate change impacts analysis	Q3 <i>(July, August, September – 2019)</i>
7. Identify Stakeholder Advisory Committee (SAC) 8. Vulnerability adaptive capacity assessment 9. Define technical gaps and data	Q4 <i>(October, November, December – 2019)</i>
10. Identify and prioritize adaptation options 11. Community engagement 12. Consultation with stakeholders 13. Initiate draft for CCCAP	Q1 <i>(January, February, March – 2020)</i>
14. Design and implementation of adaptive management 15. Develop draft low impact development guidelines (LID) for Engineering Design Manual 16. Stakeholder engagement for adaptation	Q2 <i>(April, May, June – 2020)</i>
17. Review best practices for implementation of climate change adaptation plans 18. Develop an implementation strategy for adaptation plan initiatives	Q3 <i>(July, August, September – 2020)</i>
19. Consult with stakeholders regarding low impact development 20. Revise the draft engineering design manual	Q4 <i>(October, November, December – 2020)</i>
21. Finalize draft for CCCAP and present to Council for endorsement of revised development guidelines/new manual 22. Knowledge mobilization	Q1 <i>(January, February – 2021)</i>



Project Risks

Risks	Response / Mitigation Strategies
<ul style="list-style-type: none">The Corporate Climate Change Adaptation Plan is not approved by Council in February 2021	<ul style="list-style-type: none">Plan will be presented to Council in Q3 2020 before the deadline in Q1 2021. This will provide opportunity for feedback from Council and time to modify any recommendations provided by Council

Assumptions & Constraints

Assumptions	Constraints
<ul style="list-style-type: none">Niagara Adapts will provide support to further enhance the Corporate Climate Change Adaptation PlanThe Adaptation Steering Committee and Stakeholder Advisory Committee meetings will be productive and provide enough input for the PlanSMT will continuously provide support for the development and implementation of the Plan	<ul style="list-style-type: none">FCM deadlinesNiagara Adapts deadlinesAdaptation Steering Committee (ASC) and Stakeholder Advisory Committee (SAC) are unable to attend meetings due to schedule conflicts and lack of knowledge on their department, thus the input is lower quality

Critical Success Factors

The final draft of a Corporate Climate Change Adaptation Plan in February 2021. Other success factors will be determined after the internal Adaptation Steering Committee (ASC) and external Stakeholder Advisory Committee (SAC) have provided input.

Project Team:

Team Member	Role on the Project	Required Involvement	
		Duration	Effort
Deanna Allen	Project Manager	23 months	High
Derek Young	Project Sponsor and Manager of Engineering	23 months	Medium-High
Dr. Jessica Blythe	Research Professor at Brock University and Niagara Adapts Lead	22 months	Low
Dr. Ryan Plummer	Research Professor at Brock University and Niagara Adapts Lead	22 months	Low

Project Governance:

The development and implementation of a Corporate Climate Change Adaptation Plan require three main teams: A Project Team, an internal Adaptation Steering Committee (ASC) and an external Stakeholder Advisory Committee (SAC).



From the Department of

**Public
Works**

The Project Team is responsible for the development of a Corporate Climate Change Adaptation Plan by providing research and consultation, synthesizing data from both the internal Adaptation Steering Committee (ASC) and the external Stakeholder Advisory Committee (SAC) into the final draft of the Plan.

The internal Adaptation Steering Committee (ASC) involves Town staff and provides strategic direction and input for the plan. Members will also complete key milestones, such as risk and vulnerability assessments as well as final endorsements of the Plan.

The external Stakeholder Advisory Committee (SAC) contains individuals with unique perspectives and various expertise from the Pelham community. Members will provide sector-specific knowledge, input and oversight from a community perspective during the developmental phase of the Plan.

Project Sponsor(s)	<ul style="list-style-type: none"> Derek Young
Steering Committee	<ul style="list-style-type: none"> Jason Longhurst - <i>Fire Prevention Officer</i> – Fire & By-Law Services Shannon Larocque - <i>Senior Planner</i> - Community Planning & Development Curtis Thompson – <i>Planner</i> – Community Planning & Development Tolga Aydin - <i>Engineering Technologist</i> – Public Works Mitch Holland – <i>Arborist</i> – Public Works Teresa Quinlin – <i>Director</i> – Corporate Services TBD – Recreation Culture and Wellness
Project Manager/Lead (s)	<ul style="list-style-type: none"> Deanna Allen – <i>Climate Change Coordinator</i> – Public Works
Project Team	<ul style="list-style-type: none"> Derek Young – <i>Manager of Engineering</i> – Public Works Deanna Allen – <i>Climate Change Coordinator</i> - Public Works Dr. Jessica Blythe – <i>Research Professor, Niagara Adapts Lead</i> – Brock University Dr. Ryan Plummer – <i>Research Professor, Niagara Adapts Lead</i> – Brock University
Other Stakeholders	<ul style="list-style-type: none"> Diana Huson – <i>Regional Councillor Town of Pelham</i> – Niagara Region More recipients TBD



Financial Considerations:

Budget – Estimates: To be determined.

Funding:

The Town has received \$125,000 from the Federation of Canadian Municipalities (FCM), offered through the Municipalities for Climate Innovation Program (MCIP) to complete this project. The grant was used to hire a staff member to implement initiatives that will increase the municipality's capacity to adapt to climate change.

There are no other sources of funding for this project at this time.

Alternatives Reviewed:

[Click here to enter text.](#)

Strategic Plan Relationship: Strong Organization

[Click here to enter text.](#)

Other Pertinent Reports/Attachments:

[Click here to enter text.](#)

Consultation:



Click here to enter text.

Legal Consultation, If Applicable:

Click here to enter text.

Prepared and Recommended by:

Deanna Allen, Climate Change Coordinator
Jason Marr, Director of Public Works

Approved and Submitted by:

David Cribbs, Chief Administrative Officer



Appendix B: Project Deliverables

a) Project Deliverables

It is important for the Participants to be able to assess the relevance of this MOU. Therefore, over and above the more general objectives it is expected that during the two years of implementation, the Participants shall undertake the following climate change adaptation planning process.

Adaptation planning workshops

A series of workshops facilitated by faculty at Brock University's Environmental Sustainability Research Centre (ESRC) and other relevant subject experts will serve key touchstones for the Niagara Adapts project, and specifically for initiating each phase of the climate change adaptation planning process (Table 1). The workshops are designed to: create a community of practice for climate change adaptation by municipalities in Niagara; support the successful achievement of a Climate Change Adaptation Plan tailored to each municipality; and, coincide with the Federation of Canadian Municipalities reporting requirements and project deliverables. The workshops will be supplemented with additional meetings and events. Importantly, workshops are designed to introduce key concepts with the intention that coordinators will work on tailoring and implementing each component for their own municipality in between the workshops. Table 1 sets out a preliminary schedule.

Table 1. Climate change adaptation planning process and tentative schedule

Workshop	Overview	Year 1
1. Introduction to Niagara Adapts (~June 15, 2019)	This introductory workshop will orient participants to our collaborative partnership. Activities will include introductions, informal needs assessment, confirmation of draft schedule, etc.	
2. Climate change impacts analysis (~August 15, 2019)	In this workshop, we will review the available climate change data for each municipality, downscaling, climate projections, and scope potential impacts.	
3. Vulnerability & adaptive capacity assessment (~Sept 15, 2019)	In workshop 3, we will introduce vulnerability and adaptive capacity assessment tools, review data collection, risk prioritization and stakeholder engagement strategies	
Niagara Adapts launch event (~October 15, 2019)		
4. Building adaptation plans (~Feb 20, 2020)	In this workshop, we will report-back on the baseline vulnerability data analysis, review adaptation planning principles, identify and prioritize adaptation options, etc.	

5. Monitoring & evaluation (~April 15, 2020)	In workshop 5, we will review monitoring & evaluation indicators, progress tracking, and the design and implementation of adaptive management	Year 2
Annual report to all partners in Niagara Adapts		
6. Stakeholder engagement for adaptation (~June 15, 2020)	In this workshop, we will review best practices for building public awareness & engagement, climate adaptation communication tools, etc.	
7. Building a community of practice (~Sept 15, 2020)	In workshop 7, we will review best practices for building best practices for the implementation of climate change adaptation plans.	
8. Share lessons & innovations (~Jan 15, 2021)	In this workshop, each municipality will present their adaptation plan to share lessons, innovations, and challenges. We will also review best practices for sharing 'easy wins' with municipal departments and beyond.	
9. Knowledge mobilization (~March 15, 2021)	In our final workshop, we will reflect on how to connect the knowledge generated throughout the planning and partnership process with practice within the broader community to support climate resilience in Niagara.	
Annual report to all partners in Niagara Adapts		

Baseline assessment of vulnerability adaptive capacity for each municipality

Baseline vulnerability and adaptive capacity assessments will be developed by Dr. Jessica Blythe and Dr. Ryan Plummer in collaboration with municipal partners and members of the ESRC. Assessments will be administered electronically using Qualtrics Survey Software. The knowledge generated by the assessments will inform allocation of resources for climate change planning and adaptation and form the basis of ongoing monitoring and evaluation, which is an essential best practice in climate change adaptation planning.

Online learning network

In addition to the in-person community of practice, Brock's leading learning platform, Sakai, will be used to host an online learning network for all partners. Members will have the opportunity to interact with their peers and ESRC faculty to share ideas, resources, approach, and opportunities. Relevant resources will be posted regularly.

Monday, September 16, 2019

Subject: Bylaw staffing

Recommendation:

BE IT RESOLVED THAT Council receive Report #2019-0058-Fire; and THAT Council considers approving the salary increases to the 2020 Bylaw operating budget to accommodate requested staffing compliment.

Background :

In 2013 the Bylaw Division was transferred to the Fire Department at which time, the Division was comprised of one full time officer and seasonal student.

The Bylaw Division was then revamped by the Fire Chief, mainly to provide better customer service to residents. Bylaw officers are now required to wear uniforms and drive marked vehicles so residents can identify them during the performance of their duties.

Since 2013 the Bylaw Division has experienced a number of changes in daily duties and responsibilities, including but not limited to:

1. 2013 Sign permit responsibilities including; receiving applications, processing and inspection.
2. 2013 Pool permit responsibilities including, receiving applications, processing and inspection.
3. 2014 Weed inspector duties including training and certification as inspectors.
4. 2015 Crossing Guards responsibilities were assumed including, recruiting, training, scheduling and supervision.

5. 2015 Security and parking for Town events was assumed by bylaw including, planning, organizing, scheduling, and supervising of hired security staff.
6. 2015 An environmental By-law is developed and implemented in the town, an application, inspection and approval process are added to their duties.
7. 2015 the province down loaded prosecution and administrative of parking infractions from the POA Courts to municipalities. The Town then began to offer a hearing process under the new AMP program (Administrative Municipal Penalty) this is administered by the By-Law Department.
8. 2015 By-law student was permanently removed from the budget, leaving the department with one staff member.
9. 2016 By-law adds a part time officer to assist in the daily operations, this position works flex hours to a maximum of 20 hours per week.
10. 2017 commercial Cannabis operations start production within the Town, resulting in numerous complaints regarding odor and light.
11. A By-law amendment resulted in a prohibition on parking on any Town, road during sanding, salting or plowing operations. This change requires the By-law officers to patrol when the plows are working.
12. 2018 the Province down loads the Property Standards portion of the *Residential Tenancies Act*, 2006 to municipalities. By-law now received, investigates complaints related to property standards in rental situations.

Analysis:

Since 2013 the By-law Departments' responsibilities and work load has increased exponentially with zero increase in staffing. In 2013 the By-law Department had a compliment of 1 full time and 1 part time By-law Officer. In 2019 the staffing is the same as it was in 2013 in spite of a growing population resulting in the more than doubling of yearly By-law complaints and significant increases in parking citations, pool permits, sign permits and environmental fill permits. With the increase in population comes the growth of the urban areas, which will be continuing for a number of years to come, resulting in an increase of housing and roads. This increase will require more time spent on patrols for parking violations as well as a further increase to the complaints, and permit applications received. With such a large increase in the number of complaints, permit applications and parking violations, the administrative duties to process these issues has increased correspondingly. Outside of normal business hours, the By-law Department

responsibilities include Security Management at all Town events, Emergency Parking Enforcement for winter storm plowing operations, and School Crossing Guard Management, which results in excessive banking of days off in lieu time which can total up to several weeks of the year and leaves the By-law Department short staffed and in some cases unstaffed.

Add to this, a large number of the Town's By-laws are outdated and require updating, replacing or repealing, some being transferred to the AMP program as was completed for parking violations. This added work will require a significant number of hours in research, writing, review and editing for each by-law. With the updating of by-laws, the Officers would be in a better position for enforcement of such by-laws, which would be a benefit to the residents of the Town and the overall enjoyment of the community.

The current work load for the Department has reached a critical level. There is no other Municipality in Niagara which has such a small number of By-law Officers in relation to its population. The Department also handles tasks which in other municipalities are administered in their Public Works Department or Clerk's Department. These added responsibilities include the processing of Pool Permits, Sign Permits, Environmental Fill Permits, Security Management for Town events, and Crossing Guard Management. These added responsibilities are all above the normal day to day responsibilities of dealing with By-law complaints and parking issues.

By-law Complaints increasing exponentially :

<u>Year</u>	<u># of complaints</u>
2016	68
2017	77
2018	133
2019	120 Y-T-D (as of August 16/19)

Increased Parking Violations

<u>Year</u>	<u>Citations Issued</u>
2016	76
2017	71
2018	120
2019	104 Y-T-D- (as of August 16/19)

Proposed By-Law Student

The draft 2020 By-Law Department budget is requesting a student position. The student would work full time hours during the summer months, primarily on evenings and weekends, when call volumes are at their highest. The idea is that the student will provide backup to whichever full time officer is working evenings and weekends for both better coverage and safety issues. It is anticipated that each year the Department would hire a student from the Niagara College Police Foundations Program.

Financial Considerations:

Increasing the second Bylaw officer position from part time to full time will require an increase of 50,000 dollars, inclusive of benefit costs.

Adding a summer student from May 1st until august 31st will require an additional 11,000 dollars.

Alternatives Reviewed:

None

Strategic Plan Relationship: Strong Organization

The much needed staffing increase will allow the Department to provide the customer service expected by the residents of the Town, adding staffing will increase park patrols which will result in a decrease of vandalism, staff will be available on a broader schedule to respond to complaints and provide better customer service.

Other Pertinent Reports/Attachments:

None

Consultation:

Senior Leadership Team

Local Municipalities similar in size and population

Bylaw Staff

Legal Consultation, If Applicable:

None

Prepared and Recommended by:

Bob Lymburner, Director of Fire & By-law Services/Fire Chief

Approved and Submitted by:

David Cribbs, Chief Administrative Officer

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #4130 (2019)

Being a by-law to authorize the sale of Town-owned lands, Part Lot 14, Plan 717 Fonthill, Part 1 on 59R-16233 except Plan 59M-457, PIN 64063-0455 Town of Pelham, Town of Pelham to Michael Defazio, Frank Defazio and Francesco Grottola; and

To authorize the Mayor and Clerk to execute all necessary documents to complete the transaction.

WHEREAS Council for the Town of Pelham is the registered owner of the lands as described in Schedule "A" attached hereto;

AND WHEREAS Council has previously determined that the lands therein described are surplus to the Town's needs through the passage of By-law #4115(2019);

AND WHEREAS Council deems it desirable to effect the sale of said lands to Michael Defazio, Frank Defazio and Francesco Grottola;

AND WHEREAS the sale of said lands falls within the provisions of the Towns Sale of Surplus Land By-law,

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1) THAT the sale of lands described in Schedule "A" to Michael Defazio, Frank Defazio and Francesco Grottola be and is hereby authorized; and
- (2) THAT the Mayor and Clerk be and are hereby authorized to execute all documents necessary to complete the transactions for the sale of said lands.

ENACTED, SIGNED & SEALED THIS
16th DAY OF SEPTEMBER 2019

M. JUNKIN, MAYOR

NANCY J. BOZZATO, TOWN CLERK

SCHEDULE A
To By-law #4130 (2019)

Property Description:

Part of Lot 14, Registered Plan No. 717 Fonthill, Being Part 1 on 59R-16233, except Plan 59M-457, Town of Pelham, having a frontage of 137.89 metres and a depth of 6.12 metres, having a lot area of 842.4 square metres.

[illegible]

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW NO. 4133(2019)

Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located at the northwest corner of Port Robinson Road and Lametti Drive, legally described as Part of Thorold Township, Lot 166; Part 2 of Plan 59R-13156 and Part 2 of Plan 59R-15596, Town of Pelham, Regional Municipality of Niagara, from the Agricultural (A) zone to a site specific Residential Multiple 1 (RM1-295) zone.

Town of Pelham

File No. AM-02-19

WHEREAS, Section 34 of the Planning Act, RSO 1990, 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;

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 PELHAM ENACTS AS FOLLOWS:

1. **THAT** Schedule ‘A5” to Zoning By-law 1136 (1987) as amended, is hereby further amended by rezoning the lands identified on Schedule ‘A’ attached hereto and forming part of this By-law from Agricultural (A) to the site specific Residential Multiple 1 (RM1-295) zone.
2. **THAT** Section 30 of Zoning By-law 1136 (1987) as amended, is hereby amended by adding the following:

RM1-295

Notwithstanding the requirements of Section 16.3 of the Residential Multiple 1 zone, the following regulations shall apply:

- | | |
|-------------------------------|--|
| e) Minimum Exterior Side Yard | 6.0 metres |
| f) Minimum Interior Side Yard | 3.0 metres or 0 metres for a common wall |

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, RSO 1990, as amended.

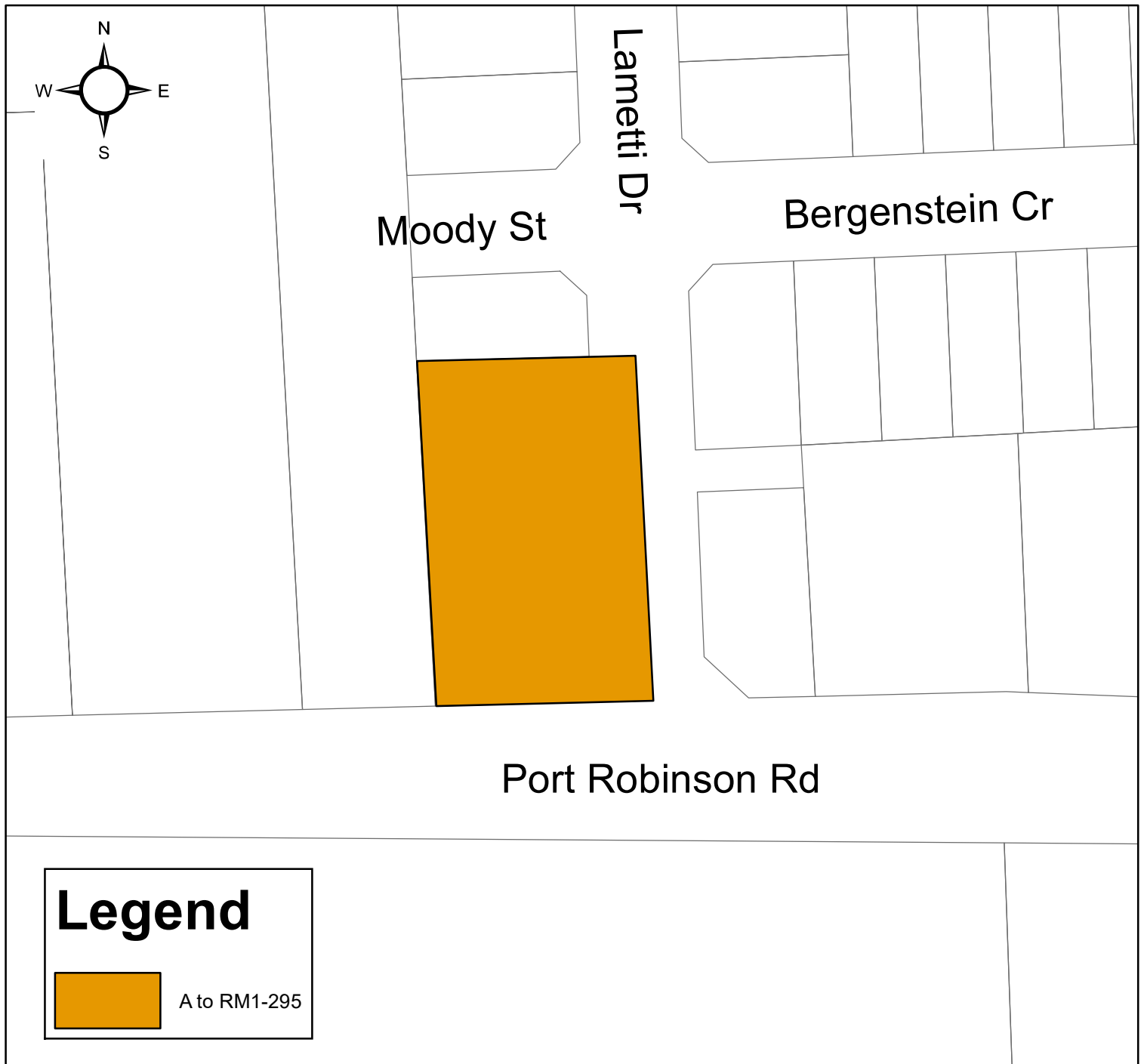
ENACTED, SIGNED AND SEALED THIS

16th DAY OF SEPTEMBER 2019 A.D.

MAYOR MARVIN JUNKIN

CLERK NANCY J. BOZZATO

Schedule 'A':



25 12.5 0 25 Meters

Prepared: June 2019

This is Schedule 'A' to By-law No. _____ (2019) passed the 16th day of September 2019.

Mayor: Marvin Junkin

Clerk: Nancy J. Bozzato

The Corporation of the
Town of Pelham
BY-LAW NO. 4138(2019)

Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located on the south side of Port Robinson Road, west of Walker Road, Acacia Road and Swan Avenue, legally described as Part of Lots 171-172 and Part 1 on RP 59R-3218, in the Town of Pelham. The Zoning By-law Amendment rezones the lands from the Agricultural (A) zone to the following site specific zones:

- Residential 2 – 290 (R2-290)
- Residential Multiple 1 – 291 (RM1-291)
- Open Space – 292 (OS-292)
- Open Space – 293 (OS-293)
- Environmental Protection – 294 (EP-294)

Hert Inc.

File No. AM-04-18

WHEREAS, Section 34 of the Planning Act, RSO 1990, 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;

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 PELHAM ENACTS AS FOLLOWS:

1. **THAT** Schedule ‘A5’ to Zoning By-law 1136 (1987), as amended, is hereby amended by rezoning the lands identified on Schedule ‘A’, attached hereto and forming part of this By-law from:
- | | |
|---------------------|---|
| Agricultural (A) to | Residential 2 – 290 (R2-290) |
| Agricultural (A) to | Residential Multiple 1 – 291 (RM1-291) |
| Agricultural (A) to | Open Space – 292 (OS-292) |
| Agricultural (A) to | Open Space – 293 (OS-293) |
| Agricultural (A) to | Environmental Protection – 294 (EP-294) |
2. **THAT** Section 30 – Exceptions of By-law No. 1136 (1987), as amended, be modified by adding the following:

Definitions	Section 5 of the Definitions is amended for the subject lands as follows:
-------------	---

Section 5.55

d) Second Dwelling Unit
Means a second dwelling unit on a lot with a principle dwelling that is created through converting part of, or adding on to the existing dwelling that maintains an independent entrance, or within a detached accessory building (e.g. in-law suite, basement suite, coach house).

General Provisions	Section 6 of the General Provisions is amended by deleting and replacing the following subsections as follows for the lands identified as R2-290 and RM1-291:
--------------------	---

Section 6.1 – Accessory Uses	
a) General	Where this By-law provides that a lot, building or structure may be erected or used for a purpose, that purpose shall include any accessory

building, structure or accessory use, but shall not include any occupation for gain or profit conducted within or accessory to a dwelling unit except as in this By-law is specifically permitted.

Only one second dwelling unit is permitted per lot in a single detached, semi-detached, or townhouse dwelling, or their accessory building provided:

- i) The maximum floor area does not exceed 60 m².
- ii) A maximum of one entrance is permitted to face a street, inclusive of the principle dwelling.
- iii) A minimum of one parking stall is required.
- iv) Compliance with the Ontario Building Code and Fire Code, as applicable.

c) Maximum Height

Except as otherwise provided herein, no accessory building shall exceed 3.7 m in height and no accessory building containing a second dwelling unit shall exceed 6 m in height.

Section 6.2 – Dwelling Units Below Grade

Deleted.

Section 6.16 – Parking Area Regulations

d) Ingress and Egress

i) Ingress and egress, to and from required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3 m wide, where only one-way traffic is permitted or if the number of residential units is three or less, and have a minimum width of 6.5 m, but not more than 7.3m in perpendicular width where two-way traffic is permitted.

All uses fronting Port Robinson Road and Street 'C' from a point no less than 220 m south of Port Robinson Road shall be accessed from a public or private laneway.

ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 7.3 m.

Section 6.35 – Yard Encroachments Permitted

c) Unenclosed Porches, Balconies, Steps & Patios

Notwithstanding the yard provisions of this By-law, unenclosed porches, balconies, steps and patios, covered or uncovered shall not be permitted within 2 m of the front lot line or exterior side lot line, and 4.5 m of the rear lot line provided that, such uses are not more than 1.3 m above ground. Uncovered patios

and decks shall not be permitted within 1.2 m of a rear or side lot line provided that, such uses are not more than 0.3 m above ground.

R2-290 Notwithstanding Section 14 of the Residential 2 (R2) zone, the following site-specific regulations shall apply:

Section 14.1 – Permitted Uses

- a) One single detached dwelling;
- b) Uses, buildings and structures accessory thereto;
- c) Home occupations.

Section 14.2 – Regulations

- | | |
|-------------------------------|---|
| a) Minimum Lot Area | 360 m ² |
| b) Minimum Lot Frontage | 12 m |
| | 13 m on a corner lot |
| c) Minimum Front Yard | 4 m to dwelling front face |
| | 6 m to garage |
| d) Maximum Front Yard | 5.5 m to dwelling front face |
| e) Minimum Interior Side Yard | 1.2 m on both sides |
| | where carport or garage is attached, or 1.2 m on one side and 3 m on the other side where there is no attached carport or garage. |
| f) Minimum Exterior Side Yard | 3 m to dwelling |
| | 6 m to garage |
| g) Minimum Rear Yard | 7.5 m |
| h) Maximum Height | 10.5 m |
| i) Max Attached Garage Width | 7.5 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less. |
| j) Max Driveway Width | 7 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less. |

RM1-291 Notwithstanding Section 16 of the Residential Multiple 1 (RM1) zone, the following site-specific regulations shall apply:

Section 16.1 – Permitted Uses

- a) Semi-detached dwellings;
- b) Duplex dwellings;
- c) Triplex dwellings;
- d) Fourplex dwellings;
- e) Converted dwellings;
- f) Street townhouse dwellings;
- g) Block townhouse dwellings;
- h) Uses, buildings and structures accessory thereto;
- i) Home occupations.

Section 16.2 – Regulations for semi-detached, duplex, triplex, fourplex and converted dwellings

- | | |
|-------------------------------|---|
| a) Minimum Lot Area | 150 m ² per dwelling unit |
| b) Minimum Lot Frontage | 16 m |
| c) Minimum Front Yard | 4 m to dwelling front face |
| | 6 m to garage |
| d) Maximum Front Yard | 5.5 m to dwelling front face |
| e) Minimum Interior Side Yard | 1.2 m on both sides |
| | where carport or garage is attached, or 1.2 m on one side and 3 m on the other side where there is no attached carport or garage. |
| f) Minimum Exterior Side Yard | 3 m to dwelling |
| | 6 m to garage |
| g) Minimum Rear Yard | 7.5 m |
| h) Maximum Height | 10.5 m |

- | | |
|------------------------------|---|
| i) Max Attached Garage Width | 7.5 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less. |
|------------------------------|---|

Section 16.3 – Regulations for street townhouse dwellings

- | | |
|-------------------------------|---|
| a) Minimum Lot Area | 180 m ² per dwelling unit |
| b) Minimum Lot Frontage | 6 m per dwelling unit
8 m per dwelling unit attached on one side only |
| c) Minimum Front Yard | 4 m to dwelling front face
6 m to garage |
| d) Maximum Front Yard | 5.5 m to dwelling front face |
| e) Minimum Interior Side Yard | 1.2 m |
| f) Minimum Exterior Side Yard | 3 m to dwelling
6 m to garage |
| g) Minimum Rear Yard | 7.5 m |
| h) Maximum Height | 10.5 m |
| i) Max Attached Garage Width | 7.5 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less. |

Section 16.4 – Regulations for block townhouse dwellings

- | | |
|--|---|
| a) Minimum Lot Area | 2000 m ² |
| b) Minimum Lot Frontage | 30 m
attached on one side only |
| c) Minimum Density | 20 units per hectare |
| d) Minimum Front Yard | 2.5 m on a street or internal laneway
6 m to garage on a street or internal laneway |
| e) Maximum Front Yard | 5 m on a street or internal laneway |
| f) Minimum Interior Side Yard | 1.2 m to dwelling, except where the rear of a building faces the side yard, the minimum side yard shall be 6 m
Detached garages shall have a 0 m setback with a shared masonry wall on one side and a 2.4 m setback on the other side. |
| g) Minimum Exterior Side Yard | 3 m on a street or internal laneway
6 m to garage on a street or internal laneway |
| h) Maximum Exterior Side Yard | 5 m on a street or internal laneway |
| i) Minimum Rear Yard | 6 m, except where the side of a building faces the rear yard, the minimum rear yard shall be 1.2 m
0.5 m to garage on internal laneway |
| j) Maximum Height | 10.5 m |
| k) Distance between buildings on the same lot: | |

A FACE of a building means, one or other of the longest walls of a building. Each building shall be deemed to have two faces.

A SIDE of a building means, one or other of the shortest walls on a building. Each building shall be deemed to have two sides.

Any face of one townhouse shall be no closer to any side of another townhouse than 7.2 m.

Any face of any townhouse shall be no closer than 11 m to any face of another townhouse.

Any side of any townhouse shall be no closer than 3 m to any side of another townhouse.

- l) Max Attached Garage Width 7.5 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less.
- m) Minimum Landscaped Area 25 %
- n) Amenity Area 5 m² of amenity area shall be provided for each unit in one location for recreational use of the residents.

OS-292 Notwithstanding Section 26 of the Open Space (OS) zone, the following site-specific regulations shall apply:

Section 26.1 Permitted Uses

- a) Public parkland
- b) Conservation and flood control projects;
- c) Recreational uses such as trails, fences, and picnic facilities; and
- d) Uses, buildings and structures accessory to the foregoing permitted uses.

Section 26.2 Regulations

- c) Minimum Lot Area 0.4 ha
- d) Minimum Lot Frontage 15 m
- e) Maximum Lot Coverage 10 %
- f) Minimum Front Yard 4 m
- g) Minimum Exterior Side Yard 4 m
- h) Minimum Side Yard 4 m
- i) Minimum Rear Yard 7.5 m
- j) Maximum Building Height 12 m

OS-293 Notwithstanding Section 26 of the Open Space (OS) zone, the following site-specific regulations shall apply:

Section 26.1 Permitted Uses

- j) Forest, fish and wildlife management uses;
- k) Conservation and flood control projects;
- l) Stormwater management facilities; and
- m) Small-scale passive recreational uses such as trails, fences, docks and picnic facilities that will have no negative impact on the natural heritage features or on the ecological functions of such features.

Section 26.2 Regulations

- k) Minimum Lot Area 0.4 ha
- l) Minimum Lot Frontage 15 m

EP-294 The lands identified as EP-296 shall be subject to the following site-specific regulations:

Permitted Uses

- a) Forest, fish and wildlife management uses;
 - b) Conservation and, flood control projects; and
 - c) Small-scale, passive recreation uses such as trails, fences, docks and picnic facilities that will have no negative impact on natural features or on the ecological functions of such features.
- a) **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, RSO 1990, as amended.

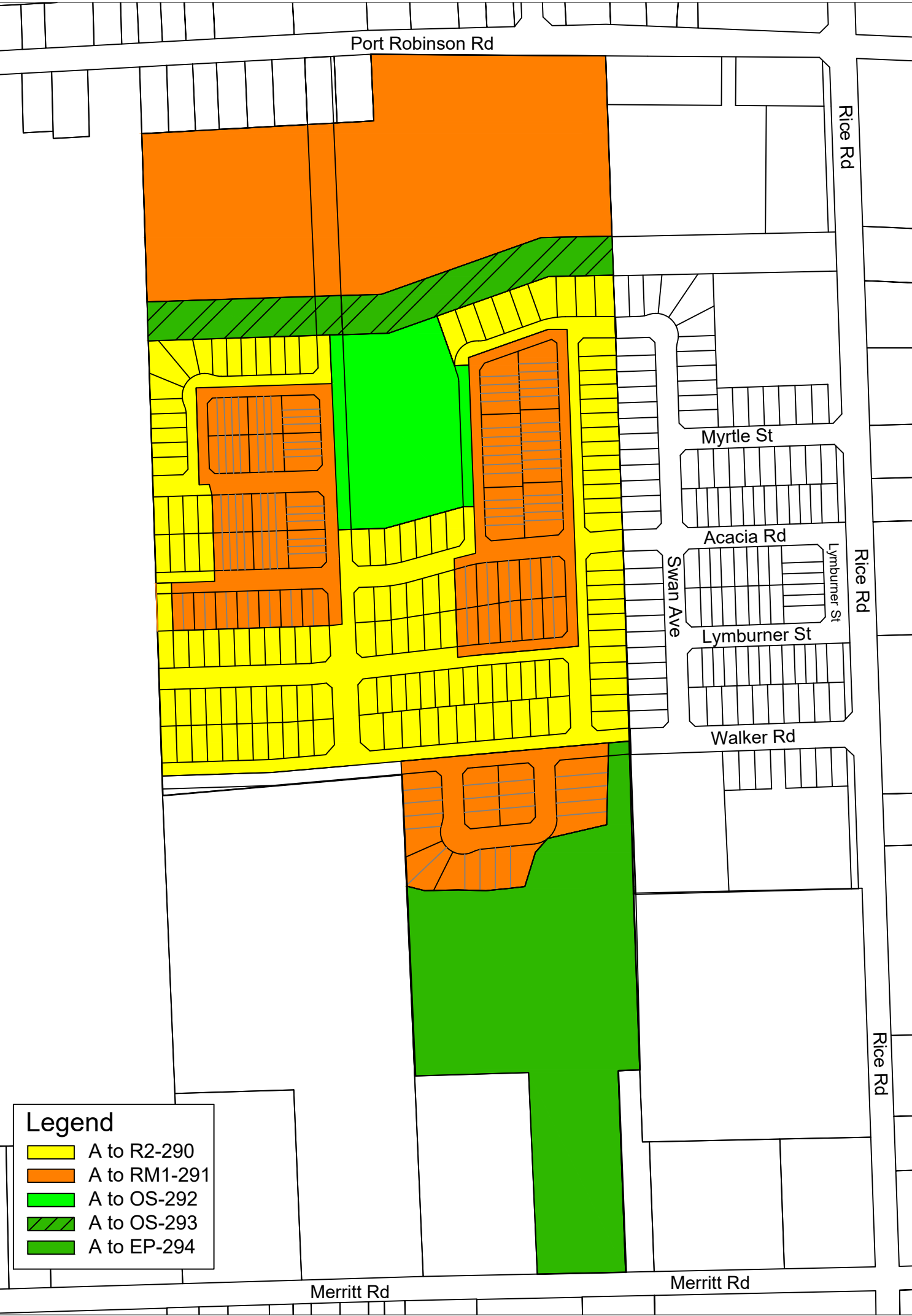
ENACTED, SIGNED and SEALED THIS

16th day of September, 2019.

MAYOR: MARVIN JUNKIN

CLERK: NANCY J. BOZZATO

Schedule 'A':



This is Schedule 'A': to By-law No. _____(2019) passed the 16th day of September, 2019.

Mayor: Marvin Junkin

Clerk: Nancy J. Bozzato

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW NO. 4139(2019)

**Being a by-law to adopt an Amendment to the Official Plan for the
Town of Pelham Planning Area.**

Amendment No. 08

File No. OP-AM-03-18 (Saffron Meadows Phase 3)

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN
OF PELHAM IN ACCORDANCE WITH THE PROVISIONS OF SECTION
17 OF THE PLANNING ACT, R.S.O, 1990, AS AMENDED, HEREBY
ENACTS AS FOLLOWS:

1. **THAT** Amendment No. 08 to the Official Plan of the Town of Pelham
consisting of the attached explanatory text and schedules is adopted.
2. **AND THAT** the Clerk of the Town is authorized to effect any minor
modifications or correction solely of an administrative, numerical,
grammatical, semantical or descriptive nature to this by-law or its
schedules after passage of this by-law

ENACTED, SIGNED AND SEALED THIS

16TH Day of September, 2019.

Mayor Marvin Junkin

Clerk Nancy J. Bozzato

Amendment No. 08
to the Official Plan (2014) for the
Corporation of the Town of Pelham

CONTENTS

PART “A” – THE PREAMBLE

- Section 1 Title and Components
- Section 2 Purpose of the Amendment
- Section 3 Location of the Amendment
- Section 4 Basis of the Amendment
- Section 5 Implementation of the Amendment

PART “B” – THE AMENDMENT

- Introductory Statement
- Details of the Amendment
- Schedule A Location of Proposed Amendment

PART “A” – THE PREAMBE

SECTION 1

TITLE AND COMPONENTS

This document was approved in accordance with Section 17 and 21 of the Planning Act, R.S.O. 1990, as amended and shall be known as Amendment No. 08 to the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Town of Pelham Planning Area.

Part “A”, the Preamble does not constitute part of this amendment.

Part “B”, the Amendment, consisting of the following text constitutes Amendment No. 08 to the Official Plan adopted by By-law 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014 for the Town of Pelham Planning Area.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to amend Policy B.1.7.7.4.1(b) by replacing the number “15%”, with “30%”.

The policy currently reads, “In addition to the permitted uses identified above, single and semi-detached dwellings may be permitted but may not constitute more than 15% of the total number of dwelling units within any individual draft plan of subdivision;”

SECTION 3

LOCATION OF THE AMENDMENT

The lands that are subject to this Amendment are municipally known as 162 Port Robinson Road, located on the south side of Port Robinson Road, west of Walker Road, Acacia Road and Swan Avenue within the Fontheil Settlement Area and shown on Schedule A.

SECTION 4 BASIS OF THE AMENDMENT

The Planning Act, R.S.O. 1990, as amended, provides that amendments may be made to the Official Plan. Policies of the Official Plan have been considered in the preparation of this Amendment and the following factors:

1. The subject lands are located within the East Fonthill Secondary Plan Area with a Greenfield Overlay and are proposed to be developed for low and medium density residential, parkland, and open space / environmental protection uses.
2. The proposed use of lands is compatible with the existing and planned neighbourhood and represents an appropriate and compatible form of greenfield development by making effective use of urban land and infrastructure.
3. This Amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Niagara Official Plan.
4. The development will provide a diverse range of residential uses for the community.
5. The proposed development will maintain the policy requirement of a minimum density of 50 people and jobs per hectare.

SECTION 5 IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, of the Town of Pelham Planning Area shall apply to the implementation and interpretation of this Amendment.

PART “B” – THE AMENDMENT

Part “B” – The Amendment consisting of the following policies and attached map designated as Schedule ‘A’, identifies the subject lands that constitute Amendment No. 08 to the Official Plan adopted by By-law 3259 (2012) for the Pelham Planning Area, and confirmed by the Ontario Municipal Board decision of July 18, 2014.

The Official Plan, adopted by By-law 3259 (2012) for the Pelham Planning Area, and confirmed by the Ontario Municipal Board decision of July 18, 2014 is hereby amended as follows:

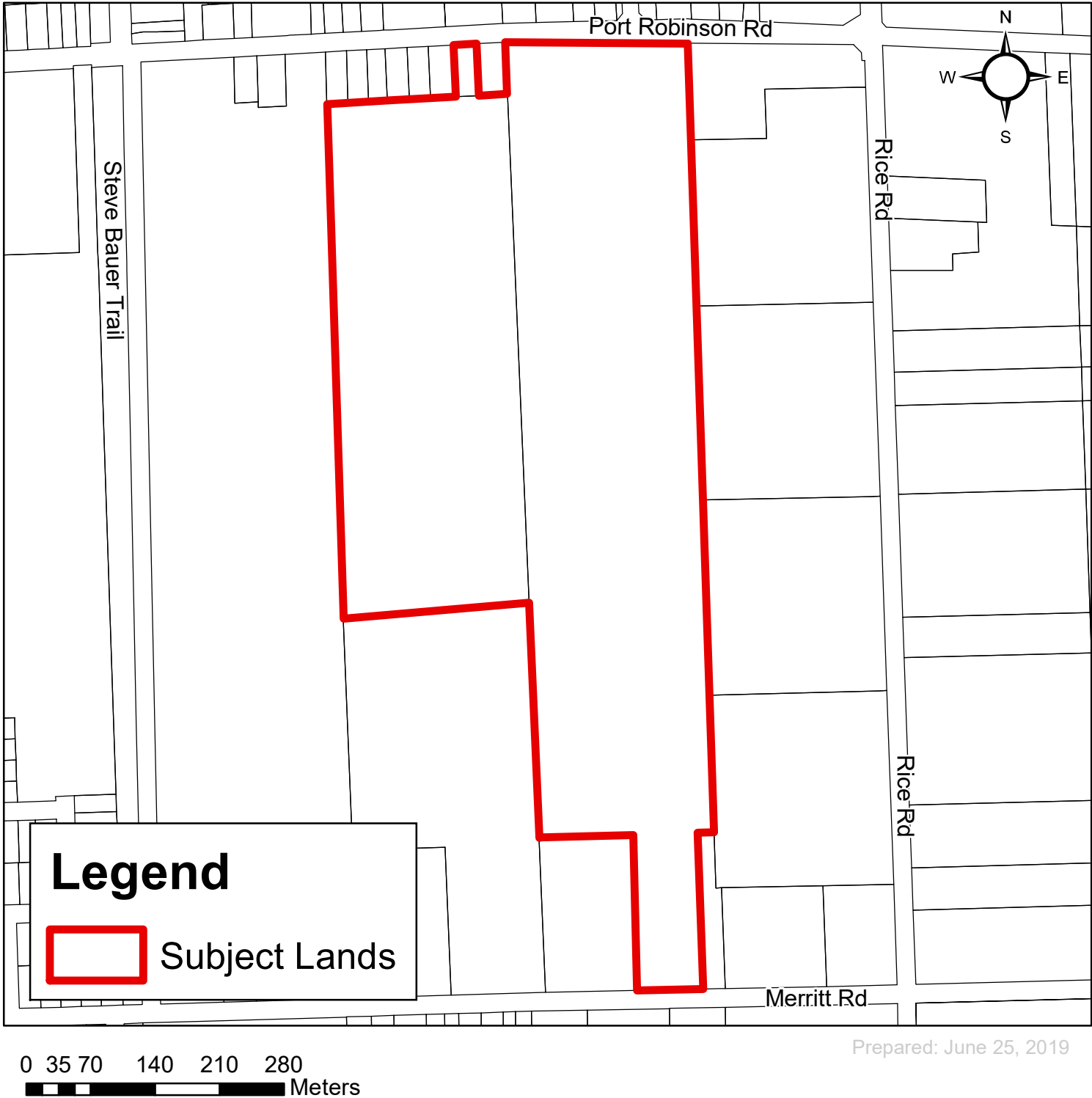
1. The revision of the following Policy:

B.1.7.7.4 EF-Medium Density Residential

B.1.7.7.4.1 Permitted Uses

b) Policy B1.7.7.4.1 b) is hereby revised from, *“In addition to the permitted uses identified above, single and semi-detached dwellings may be permitted but may not constitute more than 15% of the total number of dwelling units within any individual draft plan of subdivision;”* to *“In addition to the permitted uses identified above, single and semi-detached dwellings may be permitted but may not constitute more than 30% of the total number of dwelling units within any individual draft plan of subdivision;”*.

Schedule 'A':



This is Schedule 'A' to By-law No. _____ (2019) passed the 16th day of September, 2019.

Mayor: Marvin Junkin

Clerk: Nancy J. Bozzato

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #4152 (2019)

Being a by-law to amend By-law #4068(2019) confirming various appointments to Boards, Commissions, and Committees of the Town of Pelham;

And to add members to the Pelham Beautification Committee (Schedule E).

WHEREAS Council of the Corporation of the Town of Pelham deems it desirable and necessary to appoint members of Boards, Commissions, Committees and Municipal Positions;

AND WHEREAS By-law #4068(2019), provides for the appointment of individuals to various Boards and Committees;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. THAT By-Law #4068(2019) be amended to additionally include the appointments as follows, detailed in the attached schedules, as below listed:

Schedule E: Pelham Beautification Committee
 Vilma Moretti – Add (Citizen Appointee)

ENACTED, SIGNED & SEALED THIS
16th DAY OF SEPTEMBER, 2019 A.D.

MAYOR MARVIN JUNKIN

TOWN CLERK, NANCY J. BOZZATO

SCHEDULE E

Community Beautification Committee

Four Year Term Ending November 15, 2022 or until their successors are appointed:

Up to 8 residents

- i. Frances Kuypers - appointed by By-law #4082(2019)
- ii. Louise Morgan - appointed by by-law #4068(2019)
- iii. Jennifer Pilzecker - appointed by By-law #4068(2019)
- iv. Cynthia Roberts - appointed by By-law #4068(2019)
- v. Cathy Robins - appointed by by-law #4068(2019)
- vi. Lois LaCroix – appointed by-law #4124(2019)
- vii. Vilma Moretti - appointed by-law #4152(2019)

Council Representative: Councillor Mike Ciolfi

SCHEDULE Q

Town of Pelham Audit Committee

Four Year Term Ending November 15, 2022 or until their successors are appointed:

2 residents

- i. Michael Cottenden - appointed by By-law #4089(2019)
- ii. Bill Crumm - appointed by By-law #4089(2019)

Council Representative:

~~Mayor Marvin Junkin~~ -- removed by by-law 4124(2019)

~~Councillor Mike Cioffi~~ -- removed by by-law 4124(2019)

Councillor Marianne Stewart

Councillor Ron Kore

Councillor John Wink

~~Councillor Lisa Haun~~ -- removed by by-law 4124(2019)

~~Councillor Bob Hildebrandt~~ -- removed by by-law 4124(2019)

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #4153 (2019)

Being a by-law to declare the Town-owned lands described in Schedules "A" and "B" attached to and forming part of this By-law, surplus to the needs of the Municipality and therefore available for disposition (Park Lane and Highway 20 West).

WHEREAS the Corporation of the Town of Pelham is the registered owner of the lands as described in Schedule "A" and depicted in Schedule "B" attached hereto;

AND WHEREAS Council has determined that the lands therein described are surplus to the Town's needs;

AND WHEREAS Council deems it necessary and desirable to declare the Town-owned lands described in Schedules "A" and "B" attached hereto as surplus to the needs of the Municipality and therefore available for disposition,

AND WHEREAS Notice of this by-law has been published and provisions of the Municipal Act, 2001, S.O. 2001, c.25 and the Town's Sale of Real Property By-law #1942(1997) have been complied with;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1) THAT the lands described firstly in Schedule "A" and as depicted on Schedule "B" shown as Part 5 on Plan 59R-16424 be and are hereby declared surplus to the needs of the Municipality and therefore available for disposition in accordance with the Town of Pelham Sale of Real Property By-law #1942(1997), said lands to merge in title with Parts 1 and 3, Plan 59R-15424; and
- (2) THAT the lands described secondly in Schedule "A" and as depicted on Schedule "B" shown as Part 6 on Plan 59R-16424 be and are hereby declared surplus to the needs of the Municipality and therefore available for entering into a perpetual lease with the owner of Part 1, 59R-16424; and
- (3) THAT the Mayor and Clerk be and are hereby authorized to execute all deeds, undertakings, agreements and other documents necessary to effect the disposition and/or lease of the property and to affix the Corporate Seal as and when required.

ENACTED, SIGNED & SEALED THIS
16th DAY OF SEPTEMBER, 2019

MARVIN JUNKIN, MAYOR

NANCY J. BOZZATO, TOWN CLERK

SCHEDULE A
To By-law #4153 (2019)

Property Description:

Firstly – Lands to be Merged:

Part of Lot 55, Plan 717, Geographic Township of Pelham, now Town of Pelham,
being part of PIN 64065-0033(LT), being Part 5 on Plan 59R-16424;

and

Secondly – Lands Subject to Lease in Perpetuity:

Part of Lot 56, Plan 717, Geographic Township of Pelham, now Town of Pelham,
being part of PIN 64065-0033(LT), being Part 6 on Plan 59R-16424

[illegible]

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 4154 (2019)

Being a by-law to authorize the execution of a development agreement with Lawrence Schilstra, 1334 Pelham Street

Lawrence Schilstra

(Upper Canada Consultants)

File No. DA-01-19

WHEREAS the Report Regarding the Execution of the Development Agreement for 1334 Pelham Street, authorizing the entry into a Development Agreement with Lawrence Schilstra (the ‘Developer’) and detailing the conditions to develop the lot was approved at the Council meeting held on July 15, 2019;

AND WHEREAS it is deemed desirable to enter into a Development Agreement for 1334 Pelham Street with Lawrence Schilstra in order to control development of land as described in Schedule ‘A’ of the Development Agreement which is attached hereto and forms part of this by-law;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE TOWN OF PELHAM HEREBY ENACTS AS FOLLOWS:

1. **THAT** the Mayor and Clerk are authorized to execute the Development Agreement annexed hereto and once executed by all parties, the Agreement shall be registered upon the title to the lands described in Schedule ‘A’ of the said agreement.
2. **THAT** the Mayor and Clerk are hereby directed to execute the Development Agreement attached to and forming part of this by-law.
3. **THAT** in the event that minor modifications to the Development Agreement are necessary to effect the intent herein, the Clerk of the Town of Pelham is hereby authorized to complete same in consultation with the Town Solicitor.

ENACTED, SIGNED AND SEALED THIS

15th DAY OF JULY, 2019 A.D.

MAYOR MARVIN JUNKIN

CLERK NANCY BOZZATO

DEVELOPMENT AGREEMENT

LAWRENCE SCHILSTRA

1334 PELHAM STREET

TABLE OF CONTENTS

<u>Title</u>	<u>Page #</u>
1. DEFINITIONS	2
2. LANDS AFFECTED	5
3. GENERAL PROVISIONS	5
4. DESIGN AND SUPERVISION OF CONSTRUCTION OF SERVICES	7
5. CONSTRUCTION OF WORKS	8
6. CONTRACTORS	9
7. SANITARY SEWERS	9
8. SITE SERVICING AND GRADING PLAN	10
9. DRIVEWAYS	10
10. NATURAL GAS, ELECTRICAL, TELEPHONE AND CABLE TV DISTRIBUTION SYSTEMS	10
11. SOD, TREES AND LANDSCAPING	10
12. PRIMARY SERVICES AND CERTIFICATE OF COMPLETION OF PRIMARY SERVICES	10
13. SECONDARY SERVICES AND CERTIFICATE OF COMPLETION OF SECONDARY SERVICES	12
14. SECURITY DEPOSITS AND REFUNDS	113
15. BUILDING PERMITS AND OCCUPANCY	14
16. MAINTENANCE GUARANTEE	15
17. INHIBITING ORDER ON THE LANDS	15
18. DEFAULT	156
19. RESCISSION OF AGREEMENT	15
20. RIGHT OF ENTRY	167
21. WARNING CLAUSES	16
22. INDEMNIFICATION	16
23. COVENANTS THAT RUN WITH THE LAND	17
24. NOTICE	178
25. POSTPONEMENT AND SUBORDINATION	17
26. SCHEDULES	18
27. NUMBER AND GENDER	18
28. DEVELOPMENT CHARGES	189
29. BINDING EFFECT	18
SCHEDULE "A"	21
SCHEDULE "B"	22
SCHEDULE "C"	223
SCHEDULE "D"	234
SCHEDULE "E"	256

Director and may include engineering fees ancillary thereto.

- (k) **COUNCIL** means the Council of the Corporation of the Town of Pelham.
- (l) **DEVELOPER** means Lawrence Schilstra, its successors and assigns, and includes its successors in title to the Lands or a Lot shown on the Development Plan.
- (m) **DEVELOPER'S CONSULTING ENGINEER** means the person or persons registered with the Professional Engineers of Ontario who are employed by the Developer, at its expense, to provide engineering services.
- (n) **DEVELOPMENT CHARGES** means the development charges as prescribed by the *Development Charges Act*, R.S.O. 1997, S.O. 1997, c. 27, as amended, or any successor thereto.
- (o) **DEVELOPMENT PLAN** means the Development (Survey) Plan attached hereto as Schedule "A" over the Lands pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, or any successor thereto.
- (p) **DIRECTOR** means the Director of Public Works or Director of Community of Planning and Development or designate for the Town.
- (q) **FRONT LOT LINE** means the front lot line as defined in the Town's Zoning By-law No. 1136 (1987), as amended, or any successor thereto.
- (r) **GRADE CONTROL PLAN** shall mean a plan for the purpose of controlling the overall drainage pattern through the establishment of relative surface elevations in accordance with good engineering and drainage practices.
- (s) **LANDS** means the lands described in Schedule "A" hereto annexed.
- (t) **LETTER OF CREDIT** means a standby municipal, irrevocable Letter of Credit issued by a major chartered bank or credit union, posted with the Town pursuant to the terms of this Agreement. The Letter of Credit shall be in form satisfactory to the Town and shall contain a clause that automatically renews it from year to year, unless the Town gives written notice that it does not require the Letter of Credit to be renewed.
- (u) **LOCAL IMPROVEMENT** shall include utilities, fencing, sanitary sewers, storm sewers, sidewalks, curbs and gutters, pavements and such other local improvements as are defined by the *Municipal Act*, as amended, or any successor thereto.
- (v) **LOT** means a lot as defined in Town's Zoning By-law No. 1136 (1987), as amended, or any successor thereto.
- (w) **LOT FRONTAGE** means lot frontage as defined in Town's Zoning By-law No. 1136 (1987), as amended, or any successor thereto.
- (x) **LOT GRADING PLAN** means a drawing showing grades, swales and drainage patterns and may include catch basins and floor heights in relation to grades for each individual building Lot or Block in the Development Plan.
- (y) **MAINTENANCE GUARANTEE** means an undertaking by the Developer to the Town that all Works constructed under this Agreement will function as designed and will not fail in any manner whatsoever so as to cause a risk to public safety or private lands, building or structures within the Development Plan or immediately adjacent boundary lands, and that should the Works, or any of them, fail or not perform their intended function within the specified maintenance guarantee period, they will be replaced or repaired to the satisfaction of the Director by the Developer at its cost.
- (z) **MUNICIPAL ACT** means the *Municipal Act*, 2001, S.O. 2001, c.25, as

amended, and all regulations thereto.

- (aa) **ONTARIO LAND SURVEYOR** shall mean a surveyor commissioned by the Province of Ontario and qualified to establish monuments that define the boundaries of a parcel or parcels of land and to prepare all necessary reference plans and surveys for the purpose of the Agreement.
- (bb) **OWNER** means either Lawrence Schilstra or the applicant for a Building Permit for one of the Lots and includes the person on whose behalf an application for a Building Permit is made.
- (cc) **PLANNING ACT** means the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, and all regulations thereto.
- (dd) **PLANS** shall mean all drawings, plans, specifications, contracts and other documents providing for the installation, construction and erection of the Works approved by and filed in the office of the Director prior to execution of this Agreement by the Town.
- (ee) **PRIMARY SERVICES** means all private utilities and all municipal services including, without restricting the generality of the foregoing, storm sewers, sanitary sewers, sidewalks, fencing, watermain, roads (including base coarse asphalt and curbs and gutters), street lighting and drainage works and swales and/or such other works as detailed in Schedule "E" (Financial Obligations) attached to and forming part of this Agreement.
- (ff) **PRIVATE UTILITIES** means telephone, hydroelectric systems and natural gas systems and cable television systems.
- (gg) **REGION** means The Regional Municipality of Niagara.
- (hh) **REGIONAL PUBLIC WORKS DEPARTMENT** means the Region's Public Works Department.
- (ii) **SECONDARY SERVICES** means all works to be installed, constructed, or erected which are not Primary Services or private utilities and/or such other works as detailed in Schedule "E" (Financial Obligations) attached to and forming part of this Agreement.
- (jj) **SECTION**, when used in reference to a numbered part of the Agreement, means:
 - (i) a complete section including all its sections and subsections;
 - (ii) a particular subsection including its subsections; and
 - (iii) a particular subsection as the context may dictate or require.
- (kk) **STREET** means street as defined in the Town's Zoning By-law No. 1136 (1987), as amended, or any successor thereto.
- (ll) **STREET LINE** means Street Line as defined in Town's Zoning By-law No. 1136 (1987), as amended, or any successor thereto.
- (mm) **SUPERVISION** means the full-time inspection and scrutiny of all Works for the express purpose of enforcing the provisions of this Agreement and certifying that the Works have been performed and completed to Town standards in the form prescribed for this purpose and "SUPERVISE" means to carry out such Supervision.
- (nn) **TREASURER** means the Director of Corporate Services of the Town.
- (oo) **UTILITY SERVICES** means physical plant including but not limited to pipes, valves, conduits, cables, terminals, transformers, etc. owned and operated by communications, television, hydro, gas and oil companies or any other utility companies.

- (pp) **WORKS** shall jointly and severally mean and include all Services and all other matters, both internal and external, required to be completed or performed by the Developer pursuant to this Agreement.

2. LANDS AFFECTED

The Lands described in Schedule "A" attached hereto and the Development Agreement shall be registered against all of such Lands. The registered ownership of the Lands shall be confirmed by the Developer's solicitor by way of certificate in form satisfactory to the Town.

3. GENERAL PROVISIONS

- (a) Unless the context otherwise requires, where the Developer is obligated by this Agreement or the approved Plans to make any payments or install or construct or carry out any services or action the provisions therefore contained herein shall be deemed to include the words "at the sole expense of the Developer".
- (b) The Developer hereby covenants, warrants and agrees to save harmless and keep the Town indemnified from and against all manner of actions, causes of actions, suits, claims and demands that may howsoever arise through or from the terms of this Agreement, other than claims arising from negligence by the Town of Pelham, its servants and agents.
- (c) The Developer and the Town acknowledge and agree that it is their intent that all terms, conditions and covenants contained herein:
 - (i) shall run with the Lands;
 - (ii) shall be binding upon the Developer, its heirs, executors, administrators, assigns and successors in title, from time to time; and
 - (iii) the benefits of the said covenants shall ensure to the Town, its successors and assigns in title, of all roads, Streets and public Lands forming part of the Lands.
- (d) Any notices required or permitted to be given pursuant to the terms of this agreement shall be given in the manner set out in Section 25.
- (e) This Agreement and everything herein contained shall ensure to the benefit of and be binding upon the successors and assigns of the parties hereto and upon those persons and/or corporations hereafter acquiring title to all or any part of the Lands.
- (f) The Developer shall impose restrictions as set forth in Schedule "C" annexed hereto on all the Lands so that subsequent Owners will be made aware of and shall strictly adhere to the requirements of this Agreement.
- (g) The Schedules attached hereto are deemed to be a part of this Agreement and are to be interpreted as if the contents thereof were included in this Agreement.
- (h) The Developer agrees to be bound by the penalty provisions of the *Planning Act* including, but not limited to, Section 67 of said *Act*.
- (i) Notwithstanding the provisions of this agreement, the Developer shall be subject to all the By-laws of the Town and all provincial and federal government statutes and/or regulations and amendments thereto affecting the development of land and installation of municipal services.
- (j) If any term of this agreement shall be found to be ultra vires of the Town, or otherwise unlawful, such term shall conclusively be deemed to be severable

and the remainder of this agreement shall be and remain in full force and effect.

- (k) The Developer shall not call into question directly or indirectly in any proceeding whatsoever in law or in equity or before any administrative or other tribunal the right of the Town to enter into this agreement and to enforce each and every term, covenant and condition thereof and this provision may be pleaded by the Town in any such action or proceeding as a complete and conclusive estoppel of any denial of such right.
- (l) Time shall be of the essence of this agreement.
- (m) In the event that a Mortgagee(s) exercises any rights as to sale, possession or foreclosure or takes any other steps to enforce its security against the Lands then such Mortgagee(s) agrees on behalf of itself, its heirs, executors, administrators, successors and assigns not to deal with the Lands as a development or part thereof unless and until a new agreement in the same form, mutatis mutandis, as this Agreement has been entered into with the Town.
- (n) The Developer shall notify or cause to be notified, each and every purchaser of a Lot or Lots within the Development Plan, of all Works contracted by the Developer, the Developer's obligations to maintain the Works and all other conditions covered by this Agreement and shall cause such information to be fully recorded in any offer to purchase or agreement for sale entered into by the Developer.
- (o) The Developer shall pay, before final approval of the Development Plan is requested, all arrears of taxes and all taxes for the current year owing in respect of the Lands and the Buildings situate thereon.
- (p) The Developer shall commute and pay to the Town before final approval of the Development Plan is requested any and all Local Improvement rates assessed against the Lands.
- (q) The Town shall cause this Agreement to be Registered against the title to the Lands.
- (r) If, after this agreement is executed, the Town, the Ministry of the Environment, the Ministry of Natural Resources, the Minister of Housing or the Region shall impose any further condition or requirement which is not contained herein, then the Developer shall forthwith upon demand enter into such further Agreement or give such further assurances as the Town may require and the Developer shall not contravene any condition or requirement of the Minister of Housing or the Region notwithstanding that the same is not contained herein.
- (s) The Developer shall cause the final Development Plan, as approved by the Town of Pelham, to be registered within thirty (30) days after its approval.
- (t) The Developer shall reimburse the Town for all fees and disbursements incurred by it in connection with the preparation, approval, execution and registration of this Agreement and all related documentation in connection with the preparation and enactment of any by-law or registration of any subsequent Agreements which may be required to implement this Agreement.
- (u) All Streets and properties abutting on the Development Plan or used for access to the Lands during the installation or construction of the Works or during the construction of Buildings upon the Lots shall, at all times, be kept in a good, clean and useable condition and, if damaged or littered, shall be restored immediately to the Town's requirements.
- (v) All trucks making deliveries to or taking materials from the Lands included within the Development Agreement shall be adequately covered and not unreasonably loaded so as to scatter refuse, rubbish, dust or debris on abutting Streets or properties.

- (w) Any lands required to be conveyed by the Developer in accordance with the provisions hereof shall be in a neat and tidy condition, free of all debris and trash, and the Developer shall complete all services for the Lands in accordance with the terms of this Agreement.
- (x) The Developer shall ensure that adequate dust control and mud tracking control measures are carried out during the construction of all Works and Buildings upon the Lands.
- (y) The Developer shall, during construction, ensure all construction vehicles that are not carrying out the Works are parked on the Lands and are not parked within the municipal road allowance.
- (z) In the event that the Developer wishes to register more than one Development Agreement over the Lands, the Developer shall first obtain the written consent of the Town to do so, which consent shall be conditional upon the Developer registering such Development Agreement in such order as determined by the Town and upon registering such Development Agreement concurrently. The Developer shall not register a Development Agreement over part of the Lands without prior written consent of the Town.

4. DESIGN AND SUPERVISION OF CONSTRUCTION OF SERVICES

- (a) The Developer shall employ, at its cost, a competent and qualified consulting engineer approved by the Director, to:
 - (i) carry out all soil investigations required by the Director;
 - (ii) design all of the works required to be completed by this Agreement;
 - (iii) provide the Director of Public Works with an estimate of the cost of design, construction and maintenance of all works to be constructed under this Agreement to be used as the basis for determining the amount of security to be posted by the Developer prior to execution of this Agreement to guarantee the construction and maintenance of all works required under this Agreement;
 - (iv) prepare engineering drawings to include plans and profiles and specifications for the works and to submit detailed plans, profiles and specifications to the Director for approval prior to the installation or construction of such works;
 - (v) submit to the Director of Public Works the detailed plans for signing and provide the Director with two (2) sets of full-sized, signed hard copies and two (2) sets of signed hard copies reduced to 11" x 17" size;
 - (vi) obtain, in conjunction with the Town, all of the necessary approvals prior to installation or construction of the works;
 - (vii) call tenders for the installation and construction of the works;
 - (viii) obtain the approval from the Director of Public Works of the contractor employed to install or construct the works;
 - (ix) provide full-time resident supervision, inspection and contract administration of all works covered by this Agreement; or in the event that full-time inspection cannot or is not being provided, the Town will provide inspection services at a per diem rate of \$1100.00 per day;
 - (x) provide the Director of Public Works, or designate, forty-eight (48) hours' notice prior to commencing construction on the Works. Failure

to do so will result in a stop work order being placed on the Lands;

- (xi) have a pre-construction meeting with the Director of Public Works, or designate, prior to commencing construction on the Works. Failure to do so will result in a stop work order being placed on the Lands;
 - (xii) maintain all of the records of the installation or construction of the works and submit a copy of the same to the Director of Public Works and Utilities;
 - (xiii) supply to the Director "As Constructed" drawings of all of the works installed or constructed by the contractor in both hard copy and DWG digitized format (AutoCad 2010 or equivalent), at the time of completion of primary services;
 - (xiv) obtain from the Director of Public Works the details regarding the form and scale of these drawings prior to their presentation;
 - (xv) on the completion of the installation or construction of the works, to supply the Town with a certificate, in form satisfactory to the Director of Public Works, that the works were installed or constructed in accordance with the approved plans and specifications;
 - (xvi) provide the Director of Public Works with individual record sheets for all sewer and water service locations and depths;
 - (xvii) accompany the Director of Public Works on a final inspection of the works at the conclusion of the maintenance period herein specified and before the assumption of the works by the Town;
 - (xviii) supervise the construction of any remedial work which the Director of Public Works may direct;
 - (xix) provide building levels for construction purposes as hereinafter provided;
 - (xx) furnish the Director of Public Works with the preliminary lot grading certificate for each Lot for which an application for a building permit is made; and
 - (xxi) provide the Town with the final lot grading certificate for each lot.
- (b) The Developer shall not install Works prior to the receipt by it in writing of the approval of the Director of Public Works of the detailed Plans and specifications therefor.
 - (c) All of the works to be installed or constructed under this Agreement shall be installed or constructed under the direct supervision of the Developer's Consulting Engineer at the expense of the Developer.
 - (d) The Developer shall not close/restrict any public road allowance prior to receipt by it in writing of the approval of the Director of Public Works for such activity. In the event that construction works require lane restrictions and/or full road closures, a min of 48 hours' notice must be given to the Director of Public Works. In addition, the Developer must submit a traffic management plan and is responsible for notification of all affected emergency and non-emergency agencies.

5. CONSTRUCTION OF WORKS

The Developer agrees to construct and pay the whole cost of such construction and materials required for all of the works referred to in this Agreement and the Schedules attached, and in accordance with the conditions and specifications contained in said Agreement and Schedules.

6. CONTRACTORS

Before commencement of any works, the Developer shall show satisfactory proof to the Director of Public Works, that the proposed contractors or sub-contractors, whom the Developer has retained to construct works described in this Agreement, or any part of the works, have sufficient and valid liability insurance policies, indicating that the Town and its agents and servants are named insured; a certificate from the Workers' Safety Insurance Board showing that the contractor is in good standing; and satisfactory evidence that the contractor is qualified, experienced and has adequate equipment to successfully complete the Works. Any contractor employed by the Developer shall, as a condition of such employment, be approved by the Director of Public Works.

7. SANITARY SEWERS

- (a) The Developer shall, at no expense to the Town, except as hereinafter provided, construct and install all sanitary sewers to the 200 mm diameter PVC sanitary main, complete with manholes and other accessories both within and outside the development area which may, in the opinion of the Town, be required to serve the development area and that the servicing works shall include 1334 Pelham Street to be individually serviced with a sanitary sewer lateral to the property line, in accordance with Town standards and approved drawings by the Director of Public Works and filed in the Town's offices prior to the issuance of a Building Permit. The design of such services shall be approved by the Director of Public Works prior to commencing construction and installation of the services.
- (b) If required by the Town, and prior to the execution of this Agreement by the Town, the Developer shall undertake review of the existing downstream sanitary sewer system to ensure the capacity of the system is sufficient for the increase in flows from the Development Agreement. In the event the downstream system is inadequate for the flow increase from this development, upgrading of those facilities will be the financial responsibility of the Developer and the Work required and/or necessary to upgrade such facilities shall be completed by the Developer as part of development of this Development Agreement to the complete satisfaction of the Director of Public Works.
- (c) The Developer shall, at no expense to the Town, construct a sanitary sewer system, including service laterals from the sewer main to the property line and other appurtenances, to adequately service the Lands. All sanitary sewers, including upgrading of downstream facilities if deemed necessary by the Town, shall be constructed according to the approved Plans and specifications. Plans must be approved by the Director of Public Works, the Region of Niagara Public Works Department and the Ministry of the Environment and Climate Control, and the construction and materials used therein shall be in accordance with the Town's most recent specifications therefore.
- (d) After the installation of sewer main, all the main shall be flushed in a method acceptable to the Town to ensure that no debris has been left in the main during construction.
- (e) No storm, surface or roof water or weeping tiles shall be discharged into the sanitary sewer system. The sanitary sewer lateral shall be in accordance with the Town's Engineering Standards, as amended.
- (f) Domestic waste from any building constructed on any lot shall be discharged into the sanitary sewer system through a drain connected to the sanitary sewer system via a sanitary sewer lateral servicing each lot.

- (g) The location of the sanitary sewer laterals shall be illustrated on a detailed Site Servicing and Grading Plan including calculations and restoration of affected road and boulevard surfaces. The Site Servicing and Grading Plan shall be attached to this Agreement as Schedule "B".
- (h) After construction of individual dwelling unit service is connected, the Developer shall, at no cost to the Town, perform a video camera inspection on the connected sewer. Should the tested lines fail to meet the Town's standards as outlined in the Town's standards, the Developer shall be responsible for the repair and the necessary re-inspection to the satisfaction of the Town prior to issuance of the Construction Completion Certificate.

8. SITE SERVICING AND GRADING PLAN

The Developer shall be responsible for providing, at their expense, a Site Servicing and Grading Plan for the land described in Schedule "B" attached hereto; said plan to meet with the approval of the Director of Public Works. Building restrictions shall be imposed upon each Lot and included in each deed prohibiting a subsequent owner thereof from altering such flow or from impeding the same to an extent sufficient to cause ponding in another Lot or adjacent property. Said Site Servicing and Grading Plan shall be attached to this Agreement as Schedule "B". All elevations shown on Schedule "B" shall be maintained after construction of any building or structure upon the lands affected, and this provision shall be included in the Building Restrictions hereinbefore referred to. Minor changes to the storm drainage system may be permitted subject to the approval of the Director of Public Works and Utilities.

9. DRIVEWAYS

- (a) The Developer shall provide granular driveway access on the boulevard prior to occupancy of any Building. It shall be the responsibility of the Developer to ensure that driveway access is maintained at all normal times during the construction or maintenance of the Works.
- (b) All driveway approaches between the edge of the road and the sidewalk, or in the absence of a sidewalk between the edge of the road and the Street Line, shall be paved by the Developer by no later than the 1st day of November in the year after the year in which the buildings served by the driveway approaches are occupied.
- (c) All driveway approaches shall be constructed in accordance with Town standards to the satisfaction of the Director of Public Works.

10. NATURAL GAS, ELECTRICAL, TELEPHONE AND CABLE TV DISTRIBUTION SYSTEMS

- (a) The Developer shall be responsible for providing, at its sole expense, gas, electrical, telephone and cable TV service to the Lands in accordance with the approved Plans. All Utility Services shall be installed and constructed prior to the Director approving the Certificate of Completion of Primary Services.

11. SOD, TREES AND LANDSCAPING

- (a) The Developer shall grade and place a minimum of one hundred (100) millimetres of topsoil, together with No. 1 nursery sod on all portions of road allowances not covered by asphalt or sidewalks shown on the plans, as required, to the satisfaction of the Director of Public Works.
- (b) In order to maintain a high standard of amenity and appearance, the Developer, its heirs, executors, administrators, successors and assigns hereby undertake and agree to plant, maintain and replace trees, if, as, and when required, in accordance with Town standards and approved drawings.

- (c) In accordance with Schedule "E" affixed hereto, prior to execution of this Agreement by the Town, the Owner shall post with the Town security for the planting of trees at the rate of five hundred dollars (\$515.00) per tree to be planted.

The Developer shall be solely responsible for acquiring and planting trees at a rate of one per building lot in accordance with the terms of this Agreement. Tree species and planting location shall be to the satisfaction of the Director of Public Works. Written notice shall be provided to the Town that such work has been completed.

Provided, however, that in the event the Developer does not plant trees in accordance with the provisions of this Agreement or within the prescribed time or to the complete satisfaction of the Director of Public Works then the Town may, at its sole discretion, plant or replace or replant trees in accordance with the provisions of this Agreement and apply the above mentioned security against the Town's costs and/or collect such costs in like manner as municipal taxes.

12. PRIMARY SERVICES AND CERTIFICATE OF COMPLETION OF PRIMARY SERVICES

- (a) The Developer shall proceed with the installation or construction of the Works required hereunder with all reasonable dispatch and shall complete all of the Primary Services within one (1) year of execution of this agreement. The Director may extend the time for the completion of the Primary Services or any of them for such length of time as he may deem expedient upon the written application of the Developer.
- (b) The performance by the Developer of its obligations hereunder to the satisfaction of the Director shall be a condition precedent to the acceptance by the Town of the Works or any of them.
- (c) Prior to the issuance by the Director of the Certificate of Completion of Primary Services, the Developer shall:
 - (i) Supply to the Director "As Constructed" drawings of all of the works installed or constructed by the contractor prepared by a qualified consulting engineer approved by the Director in both hard copy and DWG digitized format (AutoCAD 2010 or equivalent), at the time of completion of primary services;
 - (ii) On the completion of the installation or construction of the works, supply the Town with a certificate, in form satisfactory to the Director of Public Works, that the works were installed or constructed in accordance with the approved plans and specifications;
 - (iii) Provide the Director with a Certificate signed by the Developer's Consulting Engineer certifying that the Primary Services have been fully completed, inspected, tested and maintained in accordance with the provisions hereof and the standards of the Town of Pelham and approved drawings;
 - (iv) Employ, at its cost, a competent and qualified consulting engineer approved by the Director to supervise the construction of any remedial work which the Director of Public Works may direct; and
 - (v) Employ, at its cost, a competent and qualified consulting engineer approved by the Director to accompany the Director of Public Works on a final inspection of the works at the conclusion of the maintenance period herein specified and before the assumption of

the works by the Town;

- (d) The Developer's Consultant shall furnish the Developer with a Certificate of Completion of Primary Services upon the completion by the Developer to the satisfaction of the Director of the installation or construction of the Primary Services and the receipt by the Director of the Maintenance Guarantee as required by Section 13 hereof, and the satisfaction by the Developer of all other requirements of this Agreement and the approved drawings.
- (e) The maintenance period for Primary Services will be one year following receipt of Certificate of Completion of Primary Services or following the expiration of the maintenance period for Secondary Services, whichever is longer.

13. SECONDARY SERVICES AND CERTIFICATE OF COMPLETION OF SECONDARY SERVICES

- (a) The performance by the Developer of its obligations hereunder to the satisfaction of the Director shall be a condition precedent to the acceptance by the Town of the Works or any of them.
- (a) Prior to the issuance by the Director of the Certificate of Completion of Secondary Services, the Developer shall:
 - (i) Supply to the Director "As Constructed" drawings of all of the works installed or constructed by the contractor prepared by a qualified consulting engineer approved by the Director in both hard copy and DWG digitized format (AutoCAD 2010 or equivalent), at the time of completion of secondary services;
 - (ii) On the completion of the installation or construction of the works, supply the Town with a certificate, in form satisfactory to the Director of Public Works, that the works were installed or constructed in accordance with the approved plans and specifications;
 - (iii) Furnish the Director with a statutory declaration in a form satisfactory to the Director that all accounts for the installation, construction and maintenance of the Secondary Services required to be installed or constructed hereunder have been paid and that there are no outstanding debts, claims or liens in respect of the Secondary Services or any of them; and,
 - (iv) Provide the Director with a Certificate signed by the Developer's Consulting Engineer certifying that the Secondary Services have been fully completed, inspected, tested and maintained in accordance with the provisions hereof and the standards of the Town of Pelham and approved drawings.
 - (v) Employ, at its cost, a competent and qualified consulting engineer approved by the Director to supervise the construction of any remedial work which the Director of Public Works may direct;
 - (vi) Employ, at its cost, a competent and qualified consulting engineer approved by the Director to accompany the Director of Public Works on a final inspection of the works at the conclusion of the maintenance period herein specified and before the assumption of the works by the Town;
- (c) The Developer's Consultant shall furnish the Developer with a Certificate of Completion of Secondary Services upon the completion by the Developer to the satisfaction of the Director of the installation or construction of the Secondary Services and the receipt by the Director of the Maintenance Guarantee as required by Section 17 hereof, and the satisfaction by the

Developer of all other requirements of this Agreement and the approved drawings.

- (d) The maintenance period for Secondary Services will be one year following receipt of Certificate of Completion of Secondary Services.

14. **SECURITY DEPOSITS AND REFUNDS**

The Developer shall be responsible for the full amount of the cost for the design, servicing and maintenance of the Development Plans together with all Town administrative and consulting fees and legal costs and shall be required to post security, in a form satisfactory to the Town, on accounts of aforesaid costs, charges and fees in accordance with Schedule "E" affixed hereto prior to execution of this Agreement by the Town.

Security to be posted for Services and to cover the Town administrative, engineering and legal costs shall be calculated on the basis of the Developer's estimated cost of design, construction and maintenance of all Works as set out in Schedule "E" annexed hereto. These costs will be subject to modification upon final approval of the details Plans and Specifications by the Director of Public Works.

(a) **CASH PAYMENTS**

Prior to the execution of this Agreement by the Town, for payment of services to be rendered by the Town, its servants and its agents as required by this Agreement, and for presently outstanding payments owing to the Town, the Developer shall, in accordance with Schedule "E" annexed hereto, deposit with the Town the following non-refundable cash amounts:

- (i) a cash amount to secure the Town's engineering, administrative consulting and legal costs for this Agreement, approval of the Plans, and enactment of by-laws calculated on the following basis:
 - (1) where the Cost of Construction of all Works is less than one hundred thousand dollars (\$100,000.00), the charge shall be ten thousand seven hundred and ninety dollars (\$10,790.00);
 - (2) where the Cost of Construction of all Works is less than four hundred thousand dollars (\$400,000.00) but in excess of one hundred thousand dollars (\$100,000.00), the charge shall be ten thousand seven hundred and ninety dollars (\$10,790.00) plus four percent (4.0%) of the cost of the works between one hundred thousand dollars (\$100,000.00) and four hundred thousand dollars (\$400,000.00);
 - (3) where the Cost of Construction of all Works is in excess of four hundred thousand dollars (\$400,000.00), the charge shall be twenty-three thousand four hundred and thirty-eight dollars (\$23,438.00) plus three and a half percent (3.5%) of the costs exceeding four hundred thousand dollars (\$400,000.00);
- (ii) a cash amount to cover all arrears of taxes, all taxes for the current year and all current Local Improvement charges assessed against the Lands; and

(b) **LETTERS OF CREDIT**

- (i) Before commencing any of the Works provided for in this Agreement, the Developer will deposit with the Town a Letter of Credit drawn upon a chartered bank in favour of the Town and in a form satisfactory to the Treasurer, in an amount approved by the Director, which Letter of Credit shall be sufficient to guarantee the satisfactory completion of the Works or any portion of the Works as established by the Town in its sole discretion, and payments or any part thereof required to be made by this Agreement, and will, without restricting the generality of the foregoing, guarantee the following:

- (1) payment of twenty percent (20%) of the approved estimated costs of the construction of the Primary Services to service the Lands, plus one hundred and twenty percent (120%) of the approved estimated construction costs of the Secondary Services upon the Lands as shown in Schedule "E" attached; and
 - (2) payment of one hundred percent (100%) of any other payments or Works as may be required of the Developer by the Town pursuant to this Agreement.
- (ii) The amount of the Letter of Credit required hereunder shall not be reduced unless all of the conditions of this Agreement are complied with and the estimated costs of rectifying any outstanding deficiencies, as estimated in the sole discretion of the Director, plus one hundred and twenty percent (120%) of the estimated costs of the completion of all outstanding Primary Services and Secondary Services plus all other outstanding costs payable under this Agreement, plus the Maintenance Guarantee as required under Section 14 of this Agreement, plus any *Construction Lien Act* requirements are all, in total, less than the amount of the Letter of Credit held by the Town. In such an instance, the amount of the Letter of Credit may, in the sole discretion of the Director be reduced from time to time to an amount equal to the total of all amounts set out above. Such reduction shall be based on the following:
- (1) progress certificates from the Developer's Consulting Engineer setting forth the cost of the Works completed and paid to date and the cost of unfinished Works; and
 - (2) a request for reduction in the amount of the Letter of Credit in a form approved by the Director; and
 - (3) proof of payment in a form satisfactory to the Director of the amounts paid on account of the completed Works to the date of the application for reduction.

Notwithstanding anything herein contained, the amount of the Letter of Credit shall at all times be sufficient to cover the balance of the costs of the completion of the unfinished Works, including Works deferred for extended periods and the requirements of the *Construction Lien Act*.

- (c) The Developer shall pay the cost of the Works and the fees of the Developer's Consulting Engineer and the Ontario Land Surveyor.

15. **BUILDING PERMITS AND OCCUPANCY**

- (a) The Developer agrees that no Building Permit shall be issued until the building drawings are approved to the satisfaction of the Chief Building Official.
- (b) The Developer agrees that, unless otherwise determined by Council, no Building Permits shall be issued on any parts of the lands until all Primary Services as defined elsewhere in this Agreement are completed and operational to the satisfaction of the Director of Public Works and soundness testing have been completed and results provided to and accepted by the Director of Public Works.
- (c) In addition to paying the building permit fee, the Owner of a lot shall:
 - (i) Pay the amount of the development charges which are applicable at the time of application for building permit; and

- (ii) Pay the amount of the cash-in-lieu of lands for parks purposes.

16. MAINTENANCE GUARANTEE

- (a) The Letter of Credit deposited by the Developer pursuant to Section 14 hereof may, upon the completion of the Primary Services, and prior to the assumption of the Primary Services by the Town, at the Director's discretion, be reduced to an amount equal to ten percent (10%) of the completed Works (Schedule "E") plus one hundred and twenty per cent (120%) of the value, as estimated by the Director, of any uncompleted Secondary Services and such Letter of Credit shall be retained by the Town as a Maintenance Guarantee to guarantee the workmanship and materials of the Works until such time as the Works are completed.
- (b) The Maintenance Guarantee as required under subsection 16(a) hereof, may be reduced further to five percent (5%) subject to the Developer meeting all requirements of the *Construction Lien Act*.
- (c) The Letter of Credit may be realized upon by the Town if the Developer defaults in any payment or condition contained herein.
- (d) The Developer shall be conclusively deemed to be in breach of the covenant contained in Section 15(c), if, in the case of the cost of the Works or the fees of the Developer's Consulting Engineer and the Ontario Land Surveyor, a lien against the Lands or any part thereof is preserved pursuant to the *Construction Lien Act* and if, in the case of any other payment required to be made under this Agreement, a notice to that effect is forwarded to the Developer by the Director in accordance with Section 22 hereof.

17. INHIBITING ORDER ON THE LANDS

The Developer shall not transfer or otherwise deal with the Lands or any part thereof and also acknowledges and agrees that the Town will register an inhibiting order pursuant to the *Land Titles Act*, R.S.O. 1990, c.L.5, preventing transfer of all or any part of the Lands until such time as the Director of Public Works and Utilities has issued the Completion Certificate for Primary Services for the Lands. The Developer also acknowledges that the Town may register an inhibiting order against all or any part of the Lands for other matters to ensure compliance with this Agreement.

18. DEFAULT

- (a) Upon breach by the Developer of any covenant, term, condition or requirement of this Agreement, or upon the Developer becoming insolvent or making an assignment for the benefit of creditors, the Town, at its option, may declare that the Developer is in default.
- (b) Notice of such default ("Notice of Default") shall be given by the Town and if the Developer does not remedy such default within such time as provided in the notice, the Town may declare that the Developer is in final default under this Agreement and shall then forthwith give notice of final default ("Notice of Final Default") thereof to the Developer.
- (c) Upon Notice of Default having been given, the Town may require all work by the Developer, their servants, agents, independent contractors and sub-contractors to cease (other than any work necessary to remedy such default) until such default has been remedied and in the event of final default, may require all work as aforesaid to cease.
- (d) Upon Notice of Final Default having been given to the Developer, the Town may, at its option, adopt or pursue any or all of the following remedies, but shall not be bound to do so:

- (i) Enter upon the Lands shown on the Plan by its servants, agents and contractors and complete any work, services repairs or maintenance wholly or in part required herein to be done by the Developer and collect the cost thereof from the Developer and/or enforce any security available to it;
- (ii) Make any payment which out to have been made by the Developer and upon demand collect the amount thereof from the Developer and/or enforce any security available to it;
- (iii) Retain any sum of money heretofore paid by the Developer to the Town for any purpose and apply the same in payment or part payment for any work which the Town may undertake;
- (iv) Assume any work or services at its option, whether the same are completed or not, and thereafter the Developer shall have no claim or title hereto or remuneration therefor;
- (v) Bring action to compel specific performance of all or any part of this Agreement or for damages;
- (vi) Add any costs incurred by the Town to the tax collector's roll for the Lands and collect such costs by action or in like manner as municipal real property taxes; or
- (vii) Exercise any other remedy granted to the Town under the terms of this Agreement or available to the Town in law.

19. RESCISSION OF AGREEMENT

- (a) In the event that the Development Agreement is not registered within one (1) year from the date hereof, then the Town may, at its option and on one (1) months' notice in writing to the Developer, declare this Agreement null and void and may Register against the title to the Lands included within the Development Plan a notice to that effect.
- (b) The Developer shall not sell or convey any Lot shown on the Development Plan until this Agreement is registered on title.

20. RIGHT OF ENTRY

The Developer shall obtain from any Purchaser of any of the Lots shown on the Plan, a written statement permitting the Developer and the Town to enter upon such Lands for a period of three (3) years after the transfer thereof in order to ensure compliance with the provisions of this Agreement and shall forward an executed copy of written statement to the Town upon demand therefor.

21. WARNING CLAUSES

- (a) The Developer acknowledges and agrees to insert into all offers and agreements of purchase and sale the following clause: "All Works within the Plan, including but not limited to storm sewers, storm water management facilities, sanitary sewers, watermain, roads, curbs and gutters, street lighting and drainage works and swales, are contracted by the Developer. The Developer is obligated to maintain the Works in accordance with the Agreement and Plans registered on title."
- (b) The Developer acknowledges and hereby agrees to insert into all offers and agreements of purchase and sale the following clause: "The lands in the Plan are subject to the payment of development charges which are payable prior to the issuance of a building permit."

(c) The Developer acknowledges and hereby agrees to insert into all offers and agreements of purchase and sale the following clause: "The lands in the Plan are subject to the payment of cash-in-lieu of the dedication of land for park purposes prior to the issuance of a building permit."

22. INDEMNIFICATION

Until the expiration of the Maintenance Guarantee, the Developer, on behalf of itself, its successors and assigns, including its successors in title of the Lands in the Development Plan, hereby releases and discharges and indemnifies the Town from and against all actions, causes of action, suits, claims and demands whatsoever which may arise by reason of:

- (a) Any alteration of the existing grade or level of any Street or Streets on the Plan to bring the said grade or level in conformity with the grade or level required by the Director of Public Works; and
- (b) Any damage to the Lands abutting on any Street or Streets shown on the Plan or to any Building erected thereon arising from or in consequence of any such alteration of grade or level; and
- (c) Any damages or injuries (including death) to persons or damage to property occurring or arising on any Street or Streets on the Plan however caused.

23. COVENANTS THAT RUN WITH THE LAND

- (a) The Developer and the Town acknowledge and agree that it is their intent that all the terms, conditions and covenants contained herein shall be covenants that run with the land and that the burden of such covenants shall be binding upon the Developer, their successors and assigns, and successors in title, from time to time, of the Lands described in Schedule "A" of this Agreement and any part or parts thereof and that the benefits of the said covenants shall enure to the Town, its successors and assigns in title of all roads, Streets and public lands forming part of or abutting on the Lands described in Schedule "A".
- (b) The Developer agrees that it shall, upon the sale or transfer by it of the Lands included within the Development Plan or any part or parts thereof, require the Purchaser or Transferee thereof as a condition of such sale or transfer to execute an Agreement satisfactory in form to the Town's Solicitor, agreeing to assume this Agreement and to be bound by and fulfil all of the terms, conditions and covenants herein set forth and containing a like covenant to this effect. The said Assumption Agreement shall be executed by the Town, the Developer and any such Purchaser or Transferee and may, at the Town's option, be registered upon title. Provided, however, that such Assumption Agreement shall not be required for the sale or transfer of a Lot as shown on the Development Plan for the purpose of construction.

24. NOTICE

All notices required or permitted to be given by one party to the other shall be given in writing either by prepaid registered mail or delivered personally addressed,

in the case of the Town to:

Clerk
Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill ON L0S 1E0

and in the case of the Developer to:

Lawrence Schilstra
2141 Highway 3 East
Haldimand, Ontario
N0A 1K0

or at such other addresses as may be given by either of them to the other in writing from time to time, and such notices shall be deemed to have been received, if mailed, on the third day following that on which it was so mailed and if delivered, on the day of such delivery.

25. POSTPONEMENT AND SUBORDINATION

The Developer covenants and agrees at its own expense, to obtain and register such documentation in form satisfactory to the Town's solicitor from all mortgagees or encumbrancers as may be deemed necessary by the Town to postpone and subordinate their interest in the Lands to the interest of the Town to the extent that this Agreement and all related documentation to be registered shall take effect and have priority as if they had been executed and registered before the execution and registration of the document or documents giving to the mortgagees and/or encumbrancers their interest in the Lands. The Developer acknowledges that it shall not be permitted to sell any lots within the Development Plan until such time as these postponements have been registered and that the Town shall be permitted to register an inhibiting order pursuant to the *Land Titles Act* to ensure compliance with same.

26. SCHEDULES

The Schedules attached hereto are a part of this Agreement. All Schedules are to be interpreted as if the contents thereof were included in the Agreement.

27. NUMBER AND GENDER

In this Agreement, unless there is something in the subject-matter or context inconsistent therewith:

- (i) Words in the singular number include the plural and such words shall be construed as if the plural had been used;
- (ii) Words in the plural include the singular and such words shall be construed as if the singular had been used; and
- (iii) Words importing the use of any gender shall include all genders where the context or party referred to so requires, and the rest of the sentence shall be construed as if the necessary grammatical and terminological changes had been made.

28. DEVELOPMENT CHARGES

The Developer agrees to provide notice to the first purchaser of any Lot in the Development, upon transfer of the Lots, of all Development Charges related to the Development, including Development Charges already paid by the Developer or Development Charges that may be payable in the future.

29. BINDING EFFECT

This Agreement shall be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

)	LAWRENCE SCHILSTRA
)	
)	
_____)	_____
Witness)	Signature
)	
_____)	_____
(Print Name))	(Print Name)
)	
)	<input type="checkbox"/> I have the authority to bind the Corporation
)	
)	THE CORPORATION OF THE TOWN OF PELHAM
)	
)	
)	_____
)	Marvin Junkin, Mayor
)	
)	
)	_____
)	Nancy J. Bozzato, Clerk

SCHEDULE "A"

LEGAL DESCRIPTION

PIN 64066-0737 (LT)

Part Lot 18 Plan 724 as in BB12706; PELHAM

SCHEDULE "B"

SITE SERVICING AND GRADING PLAN

1334 Pelham Street Site Grading Plan and Plan & Profile, Dwg. No. 1436, prepared by Upper Canada Consultants

1334 Pelham Street Sanitary Drainage Area Plan, Dwg. No. 1436 SANDA, prepared by Upper Canada Consultants

SCHEDULE "C"

SPECIAL PROVISIONS

1. Recognizing that the lands are primarily comprised of sand and silt surficial soils which, when disturbed or exposed, are susceptible to airborne and waterborne erosion mechanisms; therefore:
 - all areas of the land disturbed by servicing work and/or stripped of topsoil cover shall be hydroseeded immediately upon completion of constructions of works;
 - the Developer shall, throughout servicing and building phases of this development, construct and maintain siltation control ponds, as required, at locations determined acceptable by the Director of Public Works and Utilities;
 - airborne erosion of sands and silts from disturbed areas shall be controlled by application of water as required in the sole discretion of the Director of Public Works and Utilities;
 - the Developer agrees to implement, as required, other reasonable measures as determined by the Director of Public Works and Utilities for purposes of controlling and mitigating air and/or water borne sand and/or silt erosion;
 - the Developer shall immediately remove waterborne sands and silts which may be carried from the lands and restore such off-site impacted lands;
 - silt control devices, including silt fences shown on approved engineering drawings and as may be further installed or constructed at the request of the Director of Public Works and Utilities, shall be continuously inspected and maintained by the Developer throughout all servicing and residential building development; and
 - the Developer shall ensure that house building activities do not encroach upon the road allowance. This includes the storage of excavated materials and house building materials.

SCHEDULE "D"

BUILDING RESTRICTIONS

(To be included in all Deeds)

The Developer shall cause to be registered against all Lots in the Development Plan the transfer restrictions and restrictive covenants outlined below.

According to the nature of the annexed instrument, the words "Vendor", "Purchaser" and "Land" shall have the following meaning:

- (a) "VENDOR" means and includes also a grantor, transferor or seller and the heirs, successors and assigns of the Vendor.
- (b) "PURCHASER" means and includes also a grantee, transferee or buyer and the heirs, successors and assigns of the Purchaser.
- (c) "LAND" means and includes the land intended to be sold, conveyed or transferred by such instrument.

The Purchaser shall, in respect of the herein described land, adhere to and comply with the Grade Control Plan attached to the Agreement registered in the Land Titles Office for Niagara South and, in particular, shall do nothing to interfere with or impede the drainage patterns shown thereon. All grade elevation shown on the said Grade Control Plan shall be maintained after construction of any Building or structure upon the herein described land in accordance with the Town's Lot Grading Control Policy. In the event that the Purchaser fails to maintain such elevations, or to maintain the proper grades and levels herein referred to, or in the event that the Purchaser impedes any drainage system or pattern on the herein described Lands or neighbouring lands, the Purchaser shall be responsible for the immediate rectification and alteration of the land to conform with the drainage system or patterns laid out in the Agreement for any consequential damages, costs, expenses or other loss caused by the failure to maintain such grades or drainage patterns.

The Purchaser shall, in the event of requiring a different driveway entrance from that installed by the Vendor, relocate services/utilities at Purchaser's expense, cut and reconstruct the concrete curb where necessary on the roadway adjacent to the land herein described. He shall install, keep and maintain his driveway entrance or entrances from the traveled portion of the roadway to the Street line in good condition until the concrete sidewalk, concrete curbs and/or asphalt roadways for the said Development are constructed.

The Purchaser shall, within twelve (12) months of being able to occupy the home in accordance with the *Ontario Building Code* and to the satisfaction of the Chief Building Official, sod the lot.

The Purchaser shall maintain the road allowance between the Street line and the edge of the road in good condition and free from weeds and shall cut the grass thereon at frequent intervals.

The Purchaser will not remove any topsoil or strip the Lot of vegetation prior to commencing construction of a Building unit on the Lot. Only then will the Purchaser strip and excavate to the limit approved by the Town.

The Purchaser shall not occupy the dwelling on the Lot concerned until the Chief Building Official for the Town has certified that such of the following services as are applicable to the property have been installed and are operating adequately to serve the dwelling, or in the case of telephone services, are at least available to houses within the Development Plan: hydro, gas, water services, sanitary sewers and telephone.

SCHEDULE "D"

BUILDING RESTRICTIONS

(To be included in all Deeds)

(Continued)

The Purchaser shall not impede by the placing of fill, Buildings or other structures or Works any natural watercourse, swale, ditch, etc. which exists on the Lands.

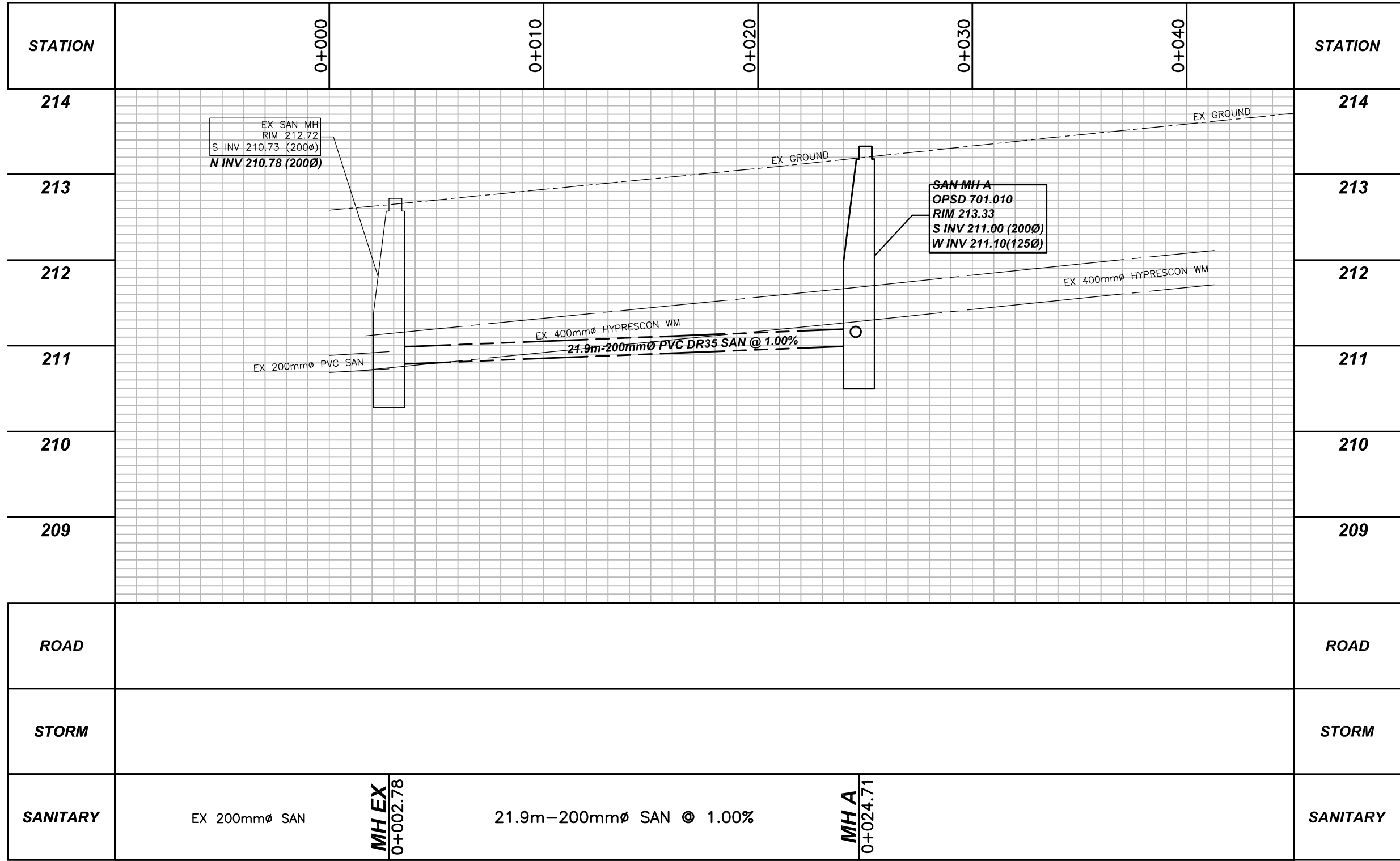
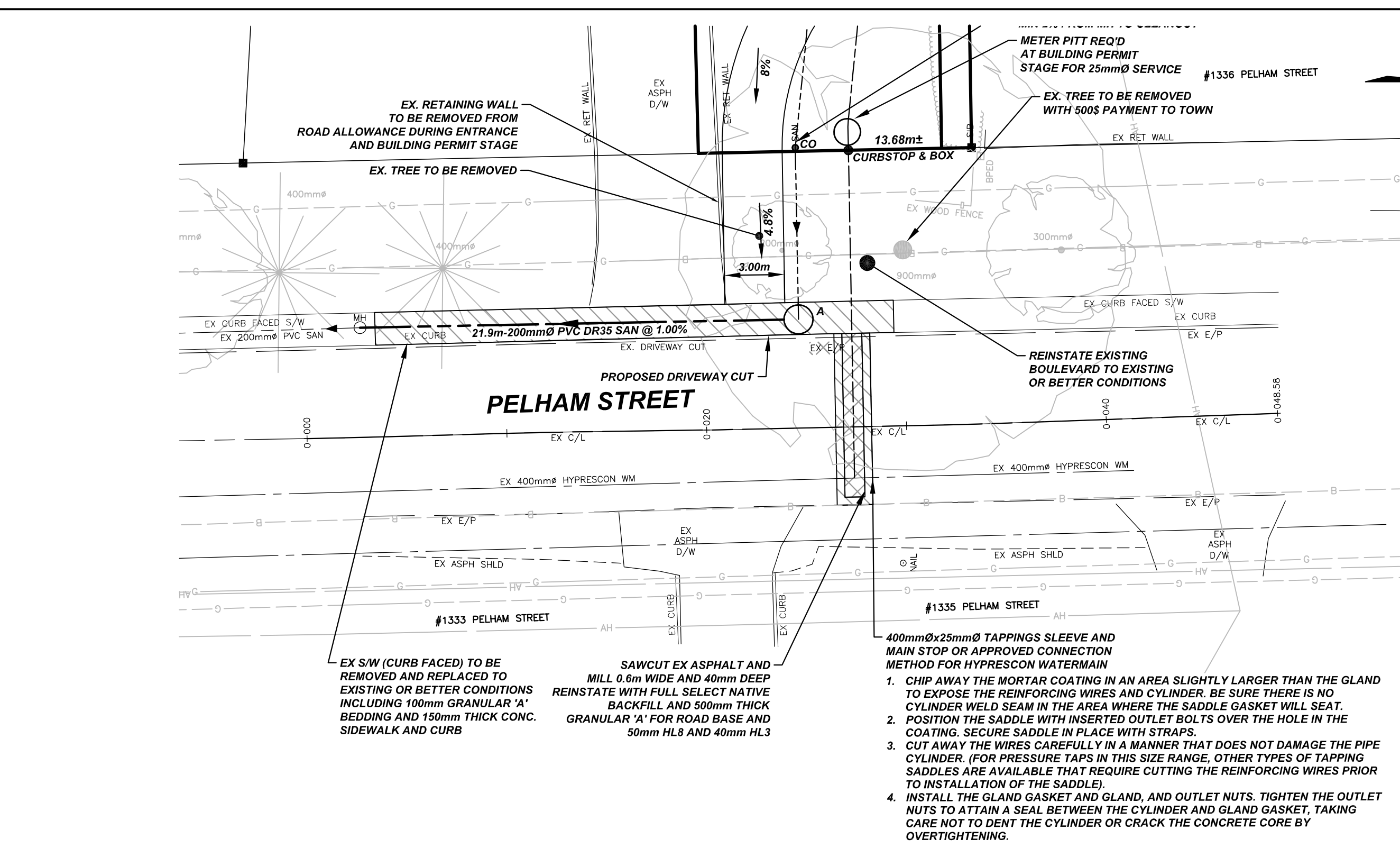
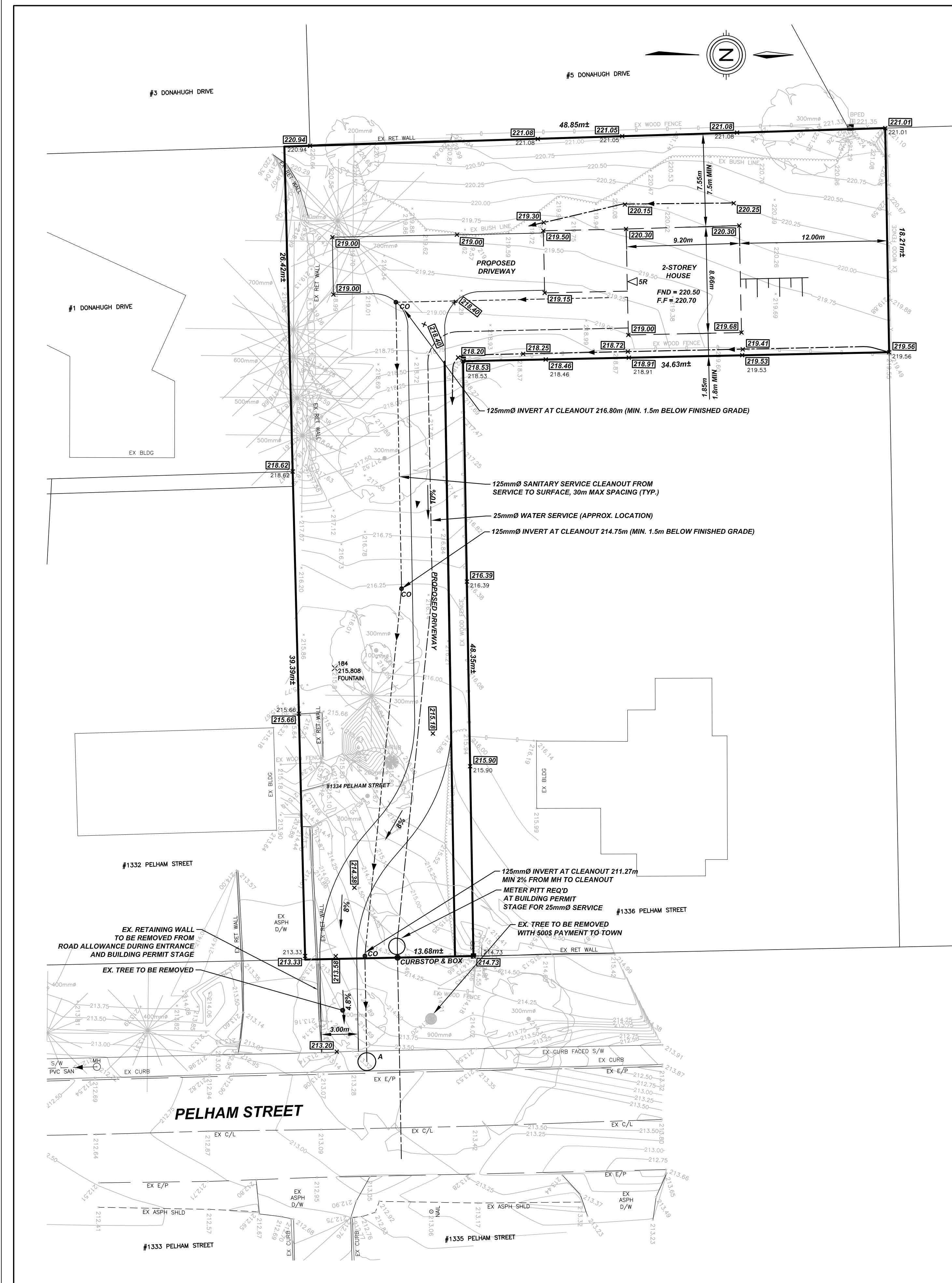
The Purchaser shall not discharge by direct connection to a sanitary or storm sewer any discharge from eavestroughing, downspouts or swimming pools.

The Purchaser shall not erect any free standing tower, radio antenna, communication tower or similar structure.

SCHEDULE "E"

FINANCIAL OBLIGATIONS AND COST OF CONSTRUCTION

SUMMARY		QTY.	UNIT	UNIT PRICE	COST
SECTION A	SANITARY SYSTEM (200 dia.)				
a)	extend sewer	60 m	250	\$	15,000.00
b)	manhole	1 ea	5500	\$	5,500.00
c)	service	2 ea	3000	\$	6,000.00
d)	moe appilication	1 ea	1200	\$	1,200.00
e)	design (ucc)	1 ea	5000	\$	5,000.00
f)	Town fees	1 ea	2000	\$	2,000.00
SECTION B	WATER SERVICES	2 ea	2500	\$	5,000.00
SECTION C	ASPHALT DRIVEWAY APRONS	2 ea	2000	\$	4,000.00
SECTION D	ESTIMATED SURVEY COSTS			\$	2,000.00
SUBTOTAL					\$ 45,700.00
10% ENGINEERING & 5% CONTINGENCY					\$ 6,855.00
SUBTOTAL					\$ 52,555.00
5% GST					\$ 2,627.75
TOTAL					\$ 55,182.75
20% SECURITY TOTAL					\$ 11,036.55
agency clearance fees, hydro and utilities not inlcuded					



LEGEND	
HYD	EX HYDRANT
SAN	EX SANITARY MANHOLE
MH	PROP SANITARY MANHOLE
CO	PROP SANITARY CLEANOUT
+	EXISTING ELEVATION
x	PROPOSED ELEVATION
---	EX WATERMAIN
---	PROP WATER LATERAL
---	EX SANITARY SEWER
---	PROP SANITARY LATERAL WITH CLEANOUT
---	PROP SANITARY SEWER

SANITARY NOTES:

- SANITARY SERVICE LATERAL TO BE 125mm \varnothing PVC DR28, @ 2.0% MIN.
- BEDDING FOR SANITARY SEWER PER OPSD 802.010.
- SANITARY SEWER SHALL BE PVC DR35 CSA 182.7 AND FITTINGS PER CSA 8182.2.
- SANITARY MANHOLE SHALL BE 1200mm \varnothing PER OPSD 701.010 FRAME & GRATE PER OPSD 401.010 (CLOSED) AND BENCHING PER OPSD 701.021 AND KOR'N SEAL BOOTS FOR SEWER AND LATERAL CONNECTIONS.

WATER NOTES:

- WATER SERVICE MATERIAL MUST CORRESPOND TO CURRENT SPECIFICATIONS FOR THE MUNICIPALITY.
- WATER SERVICE TO HAVE MINIMUM COVER OF 1.7m WITH A MINIMUM VERTICAL SPACING OF 0.5m FROM OTHER SERVICES.
- WATER SERVICE TO BE 25mm \varnothing TYPE "K" INCLUDING MAIN @ CURB STOP & BOX. BEDDING FOR WATER SERVICE PER OPSD 802.010.

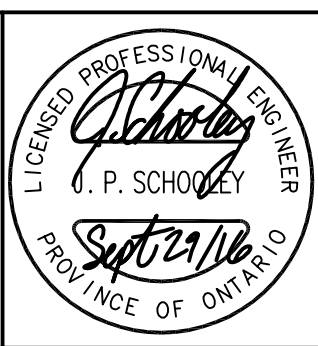
GENERAL NOTES:

- THE POSITION OF ALL POLE LINES, CONDUITS, WATERMAINS, SEWERS, AND OTHER UNDERGROUND UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN, AND WHERE SHOWN, THE ACCURACY OF THE LOCATION SHOWN OF SUCH UTILITIES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL CONTACT ALL SUCH UTILITIES INVOLVED AND INFORM THEMSELVES AS TO THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME LIABILITY FOR DAMAGE TO THEM.
- DIMENSIONS ARE IN METERS UNLESS OTHERWISE NOTED.
- ALL TRENCHES, EXCEPT IN DRIVEWAYS AND ROADWAYS, TO BE BACKFILLED WITH SELECT NATIVE BACKFILL UNLESS OTHERWISE NOTED. ALL TRENCHES IN DRIVEWAYS AND ROADWAYS SHALL BE BACKFILLED WITH GRANULAR 'A'.
- ALL GRANULAR MATERIAL TO BE COMPACTED TO 100% STANDARD PROCTOR DENSITY AND ALL NATIVE BACKFILL TO BE COMPACTED TO 95% SPD UNLESS OTHERWISE NOTED.
- ALL WORK SHALL BE IN ACCORDANCE WITH THE RELEVANT SECTIONS OF THE NIAGARA PENINSULA STANDARD CONTRACT DOCUMENT, THE ONTARIO PROVINCIAL SECTIONS SPECIFICATIONS AND ONTARIO PROVINCIAL STANDARD DRAWINGS UNLESS OTHERWISE NOTED.
- WHERE DISTURBED OR DAMAGED, EXISTING ROADS TO BE REINSTATE WITH 450mm GRANULAR 'A' BASE, 50mm HL8 HOT MIX ASPHALT BASE COURSE. PAVEMENT REINSTATEMENT SHALL COMPLY WITH OPSD 509.070 AND TYPICAL DETAILS SHOWN.
- REMOVE AND REINSTATE STREET FURNITURE, SIGNS, MAIL BOXES, GUIDE RAILS, CULVERTS, HEADWALLS, ETC. AS NECESSARY. REINSTATEMENT TO BE TO EXISTING CONDITION OR BETTER, AND TO THE SATISFACTION OF THE ENGINEER.
- SHOULDERS OF ROADS SHALL BE REINSTATE WITH MIN. 75mm GRANULAR 'M' TO THE SATISFACTION OF THE OWNER. THIS MAY INCLUDE SCARIFICATION AND PLACEMENT OF NEW GRANULAR MATERIAL WHERE SURFACE IS CONTAMINATED.
- CONTRACTOR TO ASSUME RESPONSIBILITY FOR PROTECTION OF ALL UTILITY POLES ALONG ALIGNMENT INCLUDING COST OF SUPPORT OF POLES BY THE UTILITY COMPANY OR BY OTHER PARTY ACCEPTABLE TO THE UTILITY, AS REQUIRED.

NO.	REVISION	DATE	INIT.
3	REVISED PER TOWN COMMENTS	2016-09-29	J.S.
2	REVISED PER TOWN COMMENTS	2016-07-29	T.A.
1	PER TOWN COMMENTS	2014-07-30	T.A.
0	ISSUED FOR APPROVAL	2014-06-11	J.S.

NOTES/LEGEND	
1.	THE POSITION OF POLE LINES, CONDUITS, WATERMAINS, SEWER AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
2.	PROPERTY LINES WERE PLOTTED USING REGISTERED PLANS AND BARS LOCATED IN THE FIELD. TO VERIFY THE ACCURACY OF THESE PROPERTY LINES, A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION.
3.	ALL CONSTRUCTION MUST COMPLY WITH THE NIAGARA PENINSULA STANDARD CONTRACT DOCUMENT.

DRAFTING	T.A.
DESIGN	J.S.
CHECKED BY	J.S.
APPROVED BY	J.S.



#1334 PELHAM STREET
SITE GRADING PLAN AND
PLAN & PROFILE
LAWRENCE SCHILSTRA

CONSULTANT FILE No. 1436	DATE 2016-09-29
SCALE Hor : 1:200 m Ver : 1:50 m	REF. No. -
DWG No. 1436	REV. 3

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #4155(2019)

Being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 16th day of September 2019.

WHEREAS Section 5 (3) of the Municipal Act, S.O. 2001, Chapter M.25, as amended, provides that, except if 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 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 16th day of September, 2019, 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) THAT this by-law shall come into force on the day upon which it is passed.

READ, ENACTED, SIGNED AND SEALED

THIS 16th DAY OF September, 2019 A.D.

MAYOR MARVIN JUNKIN
