
**Policy and Priorities
AGENDA**

P&P-07/2019 Immediately Following Council
October 7, 2019
Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

	Pages
1. Call to Order and Declaration of Quorum	
2. Adoption of Agenda	
3. Disclosure of Pecuniary Interest and the General Nature Thereof	
4. New Business	
4.1 Draft 2020 Council Meeting Schedule -2019-0091 Clerks	1
4.2 Execution of a Condominium Agreement for the Fonthill Yards - File No. 26CD19-01018 - 2019-0098-Planning	5
4.3 Pelham Street North Reconstruction Extension - 2019-0093-Public Works	22
5. Old Business	
6. Adjournment	

Subject: Draft 2020 Council Meeting Schedule**Recommendation:**

THAT Committee receive Report #2019-0091, and recommend to Council:

THAT the 2020 Council Meeting Schedule as provided in Appendix A to this Report be approved, with all suggested changes to be incorporated; and

THAT Staff be directed to publish the final schedule to the Town's website calendar following Council approval.

Background:

Council's Procedural By-law, 4107(2019) provides for Regular Meetings of Council and the Policy & Priorities Committee on the first Monday of every month, and for Regular Council and Committee of the Whole meetings on the third Monday of every month. Public Meetings under the *Planning Act* are to be scheduled on the second Monday of the month. The Procedural By-law provides for a summer schedule by reducing the meetings to one Council meeting per month, with no Committee meetings scheduled during July or August. There are provisions for the calling of special meetings and topic-specific public meetings.

During the summer of 2019, some concerns were expressed that there should be one month where no Council meetings are scheduled. A Council summer schedule survey was conducted which included the Niagara local area municipalities, showing the following results:

Municipality	July	August
Fort Erie	X	X
Grimsby	X	X
Lincoln	X	
Niagara Falls	X	X
Niagara-on-the-Lake	XX	

Pelham	X	X
Port Colborne	X	X
St. Catharines	X	X
Thorold	X	X
Wainfleet	XX	
Welland	X	X
West Lincoln	X	X

As can be seen, most municipalities continue to meet on a regular basis throughout the summer months. Where some municipalities might not meet during one of the months, in two of the three examples these municipalities met twice in one of the summer months (July) while taking August off. Council has the prerogative to determine what further changes to the summer schedule are preferred. For example, Council could direct staff to schedule two meetings in either July or August and eliminate meetings in the other summer month, or direct staff to cancel the regular meeting in either July or August. Staff does not have the authority to make this type of schedule change.

In order to ensure that Council meeting dates are published in advance of the meeting event and that a regular meeting schedule is established annually to accommodate Statutory Holidays and other known events of significance that can impact a meeting date, Council is presented a draft meeting schedule in the fall of each year.

Analysis:

The importance of business continuity is taken into consideration when scheduling meetings of Council that also recognize Statutory Holidays and significant municipal events. For example, the Summerfest and various conference events often require the attendance of Members of Council and the Senior Leadership Team. In order to ensure optimal attendance, the annual Council schedule anticipates these events and includes options for alternative meeting dates.

Financial Considerations:

Adopting the 2020 Council meeting schedule does not have direct financial implications.

Alternatives Reviewed:

The draft 2020 meeting schedule has been prepared in accordance with the Procedural By-law. Suggested revisions have also been made to accommodate the

Association of Municipalities of Ontario, Federation of Canadian Municipalities, and Rural Ontario Municipal Association conference dates, as well as Summerfest.

Strategic Plan Relationship: Communication and Engagement

Developing a meeting schedule well in advance of the calendar year allows staff to publish the dates and meeting types on the municipal website which increases transparency, communication and community engagement.

Consultation:

The draft 2020 Council Meeting schedule was reviewed by the Senior Leadership Team.

Other Pertinent Reports/Attachments:

- Draft 2020 Council Meeting Schedule with Suggested Alternate Dates (attached)
- Procedural By-law #4107(2019)

Prepared and Recommended by:

Nancy J. Bozzato, Dipl.M.M., AMCT
Town Clerk

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

DRAFT 2020 Council Meeting Schedule According to Procedural By-law

Monday, January 13, 2020	Public Meeting, Planning Act
Monday, January 20, 2020 (ROMA)	Council & COW
Suggestion: Council on the 13th instead	<i>(Third Monday is ROMA)</i>
Monday, February 3, 2020	Council & P&P
Monday, February 10, 2020	Public Meeting, Planning Act
Monday, February 17, 2020 – Family Day	
Tuesday, February 18, 2020	Council & COW
Monday, March 2, 2020	Council & P&P
Monday, March 9, 2020	Public Meeting, Planning Act
Monday, March 16, 2020 (March Break)	Council & P&P
Suggestion: Monday, March 23, 2020 – there are 5 Mondays in March	<i>(Third Monday is March Break)</i>
Monday, April 6, 2020	Council & P&P
Monday, April 13, 2020 – Easter Monday	
Tuesday, April 14, 2020	Public Meeting, Planning Act
Monday, April 20, 2020	Council & COW
Monday, May 4, 2020	Council & P&P
Monday, May 11, 2020	Public Meeting, Planning Act
May 18, 2020 – Victoria Day	
Tuesday, May 19, 2020	Council & COW
Monday, June 1, 2020	Council & P&P
Monday, June 8, 2020	Public Meeting, Planning Act
Monday, June 15, 2020	Council & COW
Monday, July 13, 2020	Public Meeting, Planning Act
Summerfest July 16-19, 2020	
Monday, July 20, 2020 (Summerfest)	Council
Suggestion: Monday, July 27, 2020	<i>(Third Monday is Summerfest)</i>
Monday, August 10, 2020	Public Meeting, Planning Act
Monday, August 17, 2020 (AMO)	Council
Suggestion: Monday, August 24, 2020	<i>(Third Monday is AMO)</i>
Monday, September 7, 2020 – Labour Day	
Tuesday, September 8, 2020	Council & P&P
Monday, September 14, 2020	Public Meeting, Planning Act
Monday, September 21, 2020	Council & COW
Monday, October 5, 2020	Council & P&P
Monday, October 12, 2020 - Thanksgiving	
Tuesday, October 13, 2020	Public Meeting, Planning Act
Monday, October 19, 2020	Council & COW
Monday, November 2, 2020	Council & P&P
Monday, November 9, 2020	Public Meeting, Planning Act
Monday, November 16, 2020	Council & COW
Monday, December 7, 2020	Council & P&P
Monday, December 14, 2020	Public Meeting, Planning Act
Monday, December 21, 2020	Council & COW

ROMA: January 19-21, 2020
 March Break: March 16-20, 2020
 FCM: June 4-7, 2020
 Summerfest: July 16-19, 2020
 AMO: August 16-19, 2020

Draft: October 7, 2019

COMMITTEE REPORT
COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT

Monday, October 07, 2019

Subject: Report Regarding the Execution of a Condominium Agreement for the Fonthill Yards (File No. 26CD19-01018)

Recommendation:

THAT Committee receive Report # 98; and recommend that Council: approve the By-law, attached hereto as Appendix A, authorizing the Mayor and Clerk to execute the Condominium Agreement with Aiva Properties for the Fonthill Yards.

Background:

Council granted draft plan approval of the condominium on July 16, 2018 subject to the developer satisfying a number of conditions. The draft plan of condominium proposes 23 block townhouse dwellings with a common element roadway. The plan of condominium is shown on Figure 1.

Figure 1: Draft Plan of Condominium

legal agreements and therefore recommend that Council approve the by-law authorizing the Mayor and Clerk to execute the Condominium Agreement with Aiva Properties for the Fonthill Yards.

Financial Considerations:

There are no financial costs associated with the execution of the Condominium Agreement. The developer has provided an application fee which is intended to cover staff time and legal fees for registration.

Alternatives Reviewed:

Though not recommended, Council could choose not to approve the by-law to enter into the Condominium Agreement. This would result in the developer not being able to transfer the title of the units and draft plan approval lapsing on July 16, 2021.

In the further alternative, Council could choose to approve the by-law to enter into the Condominium Agreement with modification to the provisions contained in the agreement.

Strategic Plan Relationship: Strong Organization

Council is obligated to make a decision with respect to the condominium application by the *Planning Act*, R.S.O. 1990, C.P.13. While consideration of this request is not a specific action in the Strategic Plan, diversification of ownership options and housing types as well as redevelopment of an underutilized property within the urban area of the Town can assist in building a stronger community.

Consultation:

Public and agency consultation took place as part of the application processes for Official Plan and Zoning By-law amendment, Site Plan Agreement, Removal of the Holding Symbol and Draft Plan of Condominium. All agencies have issued clearance letters for final approval of the Condominium. No public consultation is required for final approval.

Legal Consultation, If Applicable:

The Condominium Agreement will be reviewed by external legal counsel as part of the registration process.

Other Pertinent Reports/Attachments:

Appendix A Condominium Agreement

Appendix B Clearance Letters

Prepared and Recommended by:

Shannon Larocque, MCIP, RPP
Senior Planner

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

APPENDIX A
THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. XXXX (2019)

Being a by-law to authorize the execution of a condominium agreement with Aiva Properties Ltd. and the Corporation of the Town of Pelham— Fonthill Yards.

Aiva Properties Ltd.

File No. 26CD19-01018

WHEREAS at the Council meeting held on October 7, 2019 the Municipal Council of the Town of Pelham approved the Report Regarding the Execution of the Fonthill Yards Condominium Agreement, authorizing the entry into a Condominium Agreement with Aiva Properties Ltd. (the ‘Developer’) and the Corporation of the Town of Pelham detailing certain land conveyances, payments and dedications, and the conditions whereby development can occur; and,

WHEREAS it is deemed desirable to enter into a Condominium Agreement for the Fonthill Yards with Aiva Properties Ltd. in order to control development of lands as described in Schedule ‘A’ of the Condominium 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** provided Aiva Properties Ltd. first satisfies the requirements mentioned in the Agreement attached to and forming part of this by-law that are to be satisfied prior to or at the time of execution of the Agreement by Aiva Properties Ltd. and the Corporation of the Town of Pelham, then the Mayor and Clerk are authorized to execute the Condominium 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 conveyances, payments, and dedications required

APPENDIX A

by the said Condominium Agreement, are authorized and approved.

3. **THAT** the Mayor and Clerk be and they are hereby authorized and directed to execute the Condominium Agreement attached to and forming part of this by-law.
4. **THAT** in the event minor modifications to the Condominium 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
21st DAY OF OCTOBER, 2019 A.D.

MAYOR MARVIN JUNKIN

CLERK NANCY J. BOZZATO

THIS AGREEMENT made this _____ day of _____, 2019

BETWEEN:

THE CORPORATION OF THE TOWN OF PELHAM

hereinafter called the “**Town**”

-AND-

AIVA PROPERTIES LTD.

hereinafter called the “**Condominium**”

WHEREAS the Corporation proposed to develop, under the Condominium Act, S.O. 1998, C19, as amended and Section 51 of the Planning Act, R.S.O. 1990 lands it owns;

AND WHEREAS by agreement, dated the 18th day of June, 2018, and registered in the Registry Office for the Land Titles Division of Niagara South on the 19th day of September, 2018, as Instrument No. SN565510 (the “Site Plan Agreement”), Aiva Properties Ltd. did covenant and agree with the Town to perform certain works on the lands and premises therein described upon the terms and conditions therein contained;

AND WHEREAS buildings are to be constructed on the said lands in accordance with Schedule “B”, “C”, “D”, “E”, “F” and “G” of the said Site Plan Agreement, and in accordance with site plans filed in the office of the Town;

AND WHEREAS by registration of a declaration and description on the XXth day of October, 2019, as Instrument No. SN XXXXXX in the Land Registry Office for the Land Titles Division of Niagara South, the Condominium was established;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of one dollar (\$1.00) now paid by each of the parties to each other (the receipt of which is hereby acknowledged), the parties hereto mutually covenant and agree as follows:

1. That every covenant, condition, provisio and stipulation contained in the Site Plan Agreement will apply and bind the Condominium in the same manner and with the same effect as if the Condominium had been a party to the said Site Plan Agreement and the Condominium covenants and agrees with the Town to do, observe, keep and perform every such covenant, condition, provisio and stipulation.
2. The Condominium shall obtain easement for services and road access that are necessary to service the Condominium but located on adjacent lands.

3. The Condominium shall ensure that all gas piping is installed prior to the commencement of site landscaping (including but not limited to: tree planting, Silva cells, and/or soil trenches) and/or asphalt paving. If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the Condominium. The Condominium will provide all easement(s) to Enbridge Gas Distribution at no cost that are required to service this development and any future adjacent developments. In the event a pressure reducing regulator station is required, the applicant is to provide a 3 metre by 3 metre exclusive use location that cannot project into the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Distribution's Customer Connections department.
4. The Condominium agrees to meet the requirements of Sections 6.6.4 and 6.6.5 of the Fire Code with respect to maintenance and testing of fire hydrant(s).
5. The Condominium agrees to grant the Town, its servants, agents and assigns permission to enter upon the lands for the purpose of the inspection and maintenance of all water meter chambers and ensure that the area in and around the water meter chamber is made free and clear of all encumbrances, at all times, which may interfere with such tasks.
6. The Condominium shall ensure that no storm, surface or roof water or weeping tiles be discharged into the sanitary sewer system.
7. The Condominium agrees to include a clause within all offers of purchase and sale advising prospective purchasers that private roadways are subject to a Condominium Corporation and agreements for maintenance, snow removal and garbage pick-up. The Condominium further agrees that all laneways are to be kept free and clear of vehicles to ensure that emergency service, snow removal and waste collection vehicles have continued access and that failure to comply with this clause will result in ticketing and potentially towing. In addition, all snow stockpiling must take place within the condominium property.
8. The owner agrees that servicing allocation for the condominium will not be assigned until the plan is registered.
9. Purchasers/Tenants are advised that waste collection for the townhouse development will be provided by the Niagara Region through curbside collection. Containers must be placed at the entrance located on the shared private road or assigned waste collection pad and each container must be marked with the appropriate unit number.

10. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the developer/owner for units 1-9 at the location on the thru street. The waste collection pads shall be constructed in accordance with details outlined in the Niagara Region’s Corporate Policy for waste collection.
11. That all Agreements of Purchase and Sale or Lease include a warning clause advising that due to the site layout, units 1-9 will be required to bring all waste to the designated collection pads in order to be eligible to receive Regional waste collection pick up.
12. The Condominium agrees that no condominium unit shall be conveyed and that no transfer of such unit shall be registered unless and until such time as this Agreement has been registered on title.
13. The Condominium shall pay the Town’s costs in connection with this Agreement for the preparation, processing, administration and supervision including, but not limited to, all administrative, legal, inspection and consulting expenses.
14. The Condominium consents to the registration of this Agreement against the title to the lands described in Schedule “A”.
15. This Agreement and everything herein contained shall enure to the benefit of and be binding upon the parties hereto and their successors and assigns and upon those persons or corporations hereafter acquiring title to all or any part of the lands described in Schedule “A”.

IN WITNESS WHEREOF the parties hereunto have executed this Agreement as of the date and year first above written.

WITNESS

AIVA PROPERTIES LTD.

(printed name)

(printed name)

(signature)

(signature)

(date)

(date)

☐ I have the authority to bind the Corporation

THE CORPORATION OF THE TOWN OF PELHAM

Mayor Marvin Junkin

Clerk Nancy J. Bozzato

DRAFT

SCHEDULE "A"

Legal Description

PIN 64063-0446 (LT)

PT BLK B PL 717 PART 1 ON PLAN 59R-15848; SUBJECT TO AN EASEMENT AS IN SN567518;
SUBJECT TO AN EASEMENT AS IN SN567617; TOWN OF PELHAM, REGIONAL MUNICIPALITY OF
NIAGARA;

DRAFT



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Memorandum

Public Works Department - Engineering

To: Shannon Larocque, Senior Planner

CC: Jason Marr, Director of Public Works; Derek Young, Manager of Engineering; Barb Wiens, Director of Planning and Development

From: Tolga Aydin, Engineering Technologist

Date: September 20, 2019

Subject: Fonthill Lumber Yard Final Clearance

Hi Shannon,

All conditions outlined in the draft plan of condominium agreements pertaining to Public Works (items 16-24) have been satisfied for the above development.

From the Department of



Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

September 18, 2019

File No.: D.11.06.CD-19-016

Ms. Shannon Larocque, MCIP, RPP
Senior Planner
Town of Pelham
20 Pelham Town Square
Fonthill, ON L0S1E0

Dear Ms. Larocque:

**Re: Regional Clearance of Conditions
Draft Plan of Vacant Land Condominium- Fonthill Yards
Address: 105 Highway 20 East, Town of Pelham
Agent: Niagara Planning Group (NPG) Inc.
Town File No.: 26CD19-01018**

Regional Planning and Development Services staff has reviewed the information submitted with the request for clearance of conditions for the Draft Plan of Vacant Land Condominium for 105 Highway 20 East in the Town of Pelham. The request has been submitted for clearance for phase 1 of the development, consisting of 23 units at the north end of the site. The development in its entirety was approved through a Site Plan Agreement process, and the agreement was registered on title on September 19, 2018 as Instrument Number SN565510.

The Region is the clearance agency for conditions 26 to 32, inclusive, as outlined in attachment no. 01 of the Town's report. This letter summarizes the status of those conditions and provides final clearance for the purposes of proceeding with registration of this phase.

Condition 26- Site Plan Agreement

Condition 26 requires that the site plan agreement for the overall development be registered on title to address site access and stormwater management. The site plan agreement was registered on title on September 19, 2018, and sections 8 and 7 of the agreement address site access and stormwater management requirements respectively. **Condition 26 is cleared.**

Conditions 27 and 28- Servicing Allocation

Condition 27 requires that the owner provide a written acknowledge to Niagara Region stating that draft approval of the condominium does not include a commitment of servicing allocation, which will be assigned at the time of registration, by the Region and that pre-servicing is at the sole risk and responsibility of the owner. A letter from Aiva Properties (Tony Azzi) dated June 25, 2019 indicating same was submitted with the request for clearance. **Condition 27 is cleared.**

Condition 28 requires that the owner provide a written undertaking to the Region agreeing to include clause regarding servicing allocation into any Offers and Agreements of Purchase and Sale or Lease that may be negotiated prior to plan registration. A letter from Aiva Properties (Tony Azzi) dated June 25, 2019 indicating same was submitted with the request for clearance. Condition 28 also requires that a similar clause be included in the condominium/development agreement. This clause is included in the Site Plan Agreement; therefore, **provided the following clause is included in the Condominium Agreement, condition 28 can be cleared:**

“The owner agrees that servicing allocation for the condominium will not be assigned until the plan is registered.”

Condition 29 and 30- Waste Collection

Condition 29 requires that the owner comply with Regional waste collection policy and procedures, including entering into an Indemnity Agreement with the Region. Regional staff has reviewed the layout of the proposed phase and note that the internal roadway system will dead end at unit 1 unless the roundabout on the adjoining phase is constructed as part of this development. The agent has advised that the roundabout on the adjacent phase will not be constructed; therefore, waste collection pads will be required for units 1-9. Staff provided a marked up plan indicating the suggested location for these waste collection pads to Town staff by email on September 13, 2019. Additionally, Regional staff require that the following clauses be added to the Condominium agreement to allow for pads for the units labelled 1-9.

“That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the developer/owner for units 1-9 at the location on the thru street. The waste collection pads shall be constructed in accordance with details outlined in the Niagara Region’s Corporate Policy for waste collection.”

“That all Agreements of Purchase and Sale or Lease include a warning clause advising that due to the site layout, units 1-9 will be required to bring all waste to the designated collection pads in order to be eligible to receive Regional waste collection pick up.”

Provided the above noted clauses are included in the Condominium agreement, condition 29 can be cleared.

Condition 30 requires that a clause regarding waste collection be included in the Condominium Agreement, which is included in the draft Condominium Agreement in section 7; therefore, **condition 30 is cleared.**

Condition 31- Archaeological Warning Clause

Condition 31 requires that a clause regarding archaeological remains/resources be included in the condominium/development agreement. The requested wording is included in the Site Plan Agreement (SPA) as clause 2(j), and clause 1 of the draft Condominium Agreement states that the Condominium agrees to every covenant, condition, provision and stipulation contained in the SPA; therefore, **condition 31 is cleared.**

Condition 32- Noise Warning Clause

Condition 32 requires that a clause requiring implementation of the Noise Study be included in the condominium/development agreement. The requested wording is included in the Site Plan Agreement (SPA) as clauses 13(a) and (b), and clause 1 of the draft Condominium Agreement states that the Condominium agrees to every covenant, condition, provision and stipulation contained in the SPA; therefore, **condition 32 is cleared.**

Conclusion

In conclusion, conditions 26, 27, 30-32 inclusive are cleared for the development. Condition 28 and 29 can be cleared provided the following clauses are included in the Condominium Agreement:

“The owner agrees that servicing allocation for the condominium will not be assigned until the plan is registered.”

“That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the developer/owner for units 1-9 at the location on the thru street. The waste collection pads shall be constructed in accordance with details outlined in the Niagara Region’s Corporate Policy for waste collection.”

“That all Agreements of Purchase and Sale or Lease include a warning clause advising that due to the site layout, units 1-9 will be required to bring all waste to the designated collection pads in order to be eligible to receive Regional waste collection pick up.”

Regional staff has no objection to final approval and registration of this phase of the Condominium, provided the above noted clauses are included in the agreement. Please send a copy of the registered Condominium Agreement and plan for our files.

Should you have any questions related to the above comments, please feel free to contact me at 905-980-600 ext. 3432 or Lola Emberson, MCIP, RPP, Senior Development Planner, at 905-980-6000 ext. 3518.

Kind regards,



Britney Fricke, MCIP, RPP
Development Planner

cc: Lola Emberson, MCIP, RPP, Senior Development Planner, Niagara Region
Susan Dunsmore, P. Eng., Manager Development Engineering, Niagara Region
Taylor Boyle, Development Approvals Technician, Niagara Region

September 9, 2019

Shannon Larocque
Senior Planner
Town of Pelham
20 Pelham Town Square
PO Box 400
Fonthill, ON L0S 1E0

Dear Shannon,

Re: Draft Plan of Condominium - Clearance
Aiva Properties
105 Highway 20 East, Fonthill Yards
Town of Pelham
File No.: 26CD19-01018

The applicant has made arrangements to complete the draft conditions to the satisfaction of Enbridge Gas Inc.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Casey O'Neil'.

Casey O'Neil
Sr Analyst Municipal Planning
Long Range Network Analysis

—
ENBRIDGE GAS INC.
TEL: 416-495-5180
500 Consumers Rd. North York, Ontario, M2J 1P8

enbridge.com
Safety. Integrity. Respect.

Subject: Pelham Street North Reconstruction Extension

Recommendation:

THAT Committee recommend that Council receive Report #2019-0093 ; regarding the Pelham Street Reconstruction Extension for information.

Background:

This report is being provided to Council to identify a change in scope of a tendered reconstruction project.

This project originated from flooding concerns in the area of Pelham St and Hurricane. Monies were approved in 2015 to design and construct storm infrastructure to collect storm water along Pelham Street, replace existing storm sewer on Shorthill Place, and extend storm sewer on Hurricane Road. Design included the urbanization of Pelham Street to include curb, gutter and sidewalks. The purpose of the project was to resolve localized flooding approximately 30 metres east of Pelham Street.

The root cause of the flooding issues in the local area is the lack of a suitable road drainage system within the road allowance. As designs were being engineered, aging cast iron watermain, suitable storm outlet and traffic calming issues arose, and were subsequently addressed in the project scope. The proposed design recommended for construction, includes the installation of storm sewer along Pelham St. and Hurricane Road, replacement of storm sewer along Shorthill Place, upgrading of the storm outlet on Shorthill Place, replacement of cast iron water main on Pelham Street, and urbanization of Pelham St including curb and sidewalks.

This project was included in the 2019 capital budget but was red circled due to lack of funds. Since then, the Town of Pelham has received a one-time grant through the Ontario Community Infrastructure Fund (OCIF) in the amount of \$725,000 to be used towards capital infrastructure improvement projects. With this funding staff were able to redirect Federal Gas tax funds,

as well as, take advantage of additional gas tax funding allocated to other deferred projects to provide \$1,373,404 in total gas tax funding for the project. In April of 2019 staff presented a report to Council with a recommendation to lift the red circle and complete the project in 2019. Council approved the project and directed staff to commence the procurement process.

Staff tendered the project in July of 2019 and the project was awarded to the Charlton Group.

Analysis:

The change in scope is a result of the project coming in under budget, and the opportunity to address flooding concerns.

Upon completion of this project Pelham Street North will be fully urbanized from Hwy 20 to approximately 30m north of Shorthills Place. Once completed Pelham Street North will be urbanized including curb and gutter and accessible pedestrian sidewalks from Hwy 20 to the north limit of the urban boundary with the exception of a 95 m section of road extending from the proposed north limit of the Pelham Street North Reconstruction project to approximately 100 m south of the urban limit. (See Appendix A).

It is anticipated that the section of roadway that is not reconstructed and left in a semi-urban cross-section will continue to experience drainage issues. Further, with Council and Public Works facing critical roadway infrastructure improvements in upcoming budgets it is anticipated that this section of roadway would not be addressed with the next 10 years.

As a result, staff intend to extend the north limit of the Pelham Street North Reconstruction project to include the 95 m section. This will result in a fully urbanized Pelham Street North from Hwy 20 to the north limit of the urban boundary.

Staff intend to negotiate with the contractor to complete the work under the current contract at the approved unit prices that were provided as part of the competitive bid process. The estimated cost to complete this additional work is estimated at \$169,526 based on the unit prices in the tender.

Staff have already approved the removal and replacement of all the concrete sidewalks within the current project limits. The original scope of work only included the select removal and replacement of damaged sidewalk panels. The current sidewalks that exist are not compliant with accessibility standards with respect to sidewalk width. Because of the favorable pricing received through the tendering process staff have amended the scope of work to include for new sidewalk on the project. This estimated value of this additional work is \$69,738 based on the unit prices provided in the tender.

A financial analysis for the project is provided below for consideration.

Financial Considerations:

The Pelham Street North project RD 08-19 was approved by Council as part of the 2019 Capital Budget; however, it was red circled based on funding availability through the Ontario Community Infrastructure Funding Grant. The approved budget is \$2,436,055 with \$1,186,689 required from reserves and \$1,249,366 required through grant funding. Due to the critical state of repair of the water main on this section of Road a separate project was initiated and approved by Council as part of the 2019 Capital Budget (WTR 03-19). The approved budget for the replacement of the water main is \$250,000. The total budget for the Pelham Street North Reconstruction project including both projects is \$2,686,055.

The project was tendered in July of 2019 and was awarded to the Charleton Group at a contract price of \$2,043,138.10 (plus HST). This award amount included a \$220,000 contingency (approx. 10 percent) to be used in case of unforeseen circumstances that arise during construction.

In addition, the engineering assignment for engineering services including contract administration and inspection was awarded to Kerry T. Howe Engineering Ltd. In the amount of \$100,900 (plus HST).

The following is a financial summary of the total estimated project costs:

APPROVED BUDGET

Roads Budget (RD 08-19)	\$2,436,055
Water Budget (WTR 03-19)	\$250,000
Total Approved Budget	\$2,686,055

ESTIMATED PROJECT COSTS

Construction Tender Contingency)	\$2,043,138 (incl. \$220,000
Additional Sidewalk Replacement	\$69,738
Extension of approx. 95 m of Roadway	\$169,526
Total Revised Construction Value	\$2,282,402

Contract Administration & Inspection	\$100,900
Design for 95 m Roadway Extension	\$14,000
Geotechnical and Material Testing	\$25,000
Unrebated HST (1.76%)	\$42,632
Total Estimated Project Costs	\$2,464,934
Estimated Project Variance	\$221,121

Alternatives Reviewed:

The alternative is to not approve the additional extension. This alternative is not recommended by staff due to the fact that there will be a 95 m section of road network located within the urban boundary that will not be reconstructed to an urban cross section. This will result in increased drainage issues within this section of road, as well as, further pavement deterioration which may not be able to be addressed within the next 10 years.

Strategic Plan Relationship: Strong Organization

Providing safe, reliable and accessible movement of traffic and pedestrians supports a strong organization and community.

Consultation:

This report was prepared in consultation with Derek Young, Manager of Engineering and Xenia Pasiecznik, Engineering Technologist.

Other Pertinent Reports/Attachments:

Pelham Street North Reconstruction Project Update – April 15th, 2019

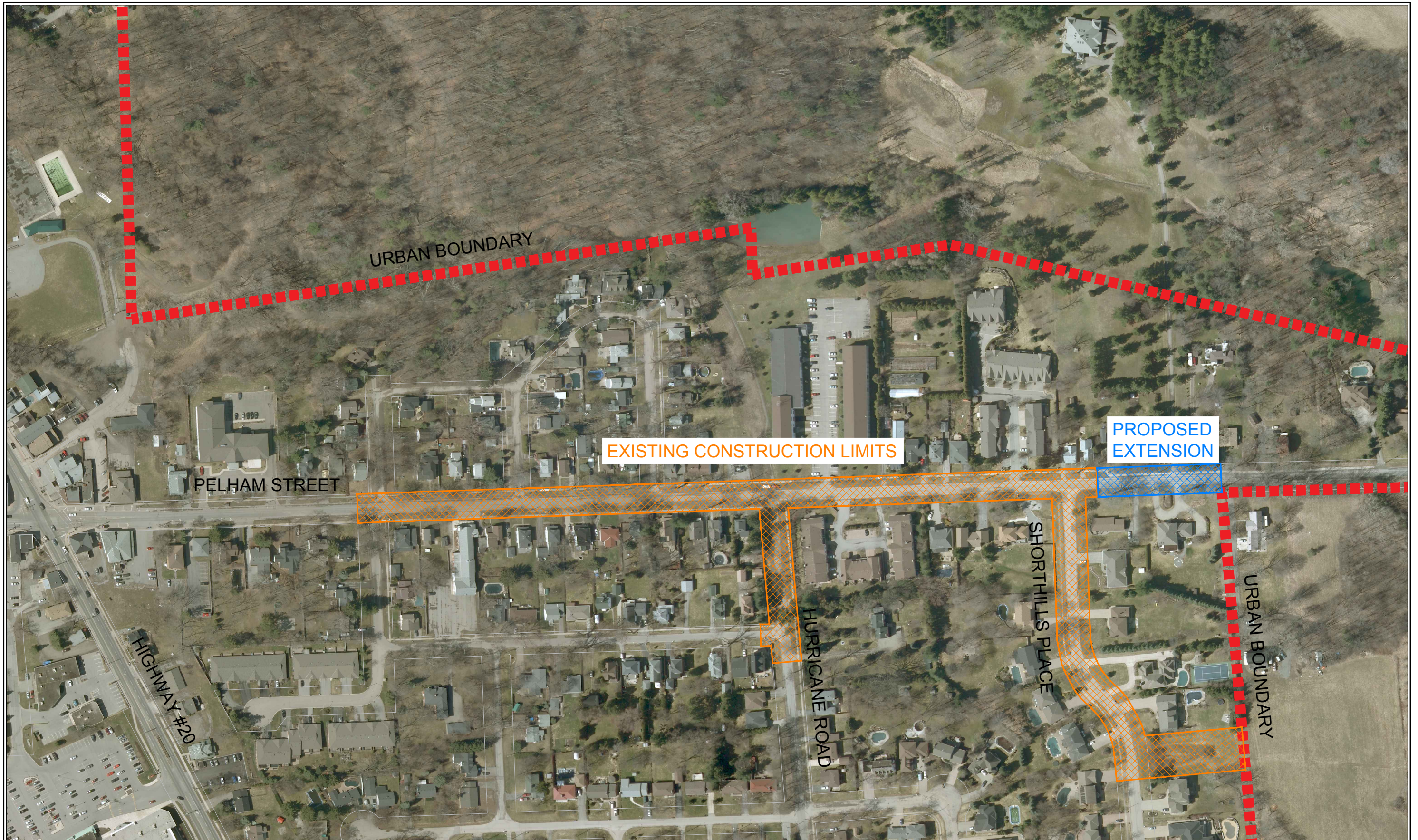
Appendix A – Pelham Street North Proposed Reconstruction Extension

Prepared and Recommended by:

Jason Marr, P. Eng.,
Director of Public Works

Approved and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer



NOTE:
 1. THE POSITION OF POLE LINES, CONDUITS, SEWERS, WATERMANS AND OTHER UNDERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONSTRUCTION DRAWINGS. WHERE SHOWN THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED.
 2. BEFORE STARTING WORK, THE CONTRACTOR SHALL CHECK WITH ALL UTILITIES INVOLVED AND INFORM HIMSELF/HERSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.

LEGEND:

Drawn	DY
Design	KTH
Checked	JM
Reviewed	JM

Location	TOWN OF PELHAM
Project Name	PELHAM STREET NORTH RECONSTRUCTION EXTENSION

Sheet Title	APPENDIX 'A'	Date:	SEPT 2019
Scale	N.T.S.	Sheet	1
	N.T.S.	of	1
		Drawing No:	PW-08