

## REGULAR COUNCIL AGENDA

**C-03/2020**

**Tuesday, February 18, 2020**

**5:30 PM**

**Town of Pelham Municipal Office - Council Chambers**

**20 Pelham Town Square, Fonthill**

Doors will be open to the public at 5:15 pm. If you require any accommodation 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. Rules of Decorum apply to observers.

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**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**

**12. Unfinished Business**

**13. New Business**

**14. Presentation and Consideration of By-Laws**

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1. By-law 4202(2020) - Odourous Industries Nuisance By-Law - Being a by-law to regulate certain matters and nuisances related to odourous industrial facilities.

**15. Motions and Notices of Motion**

Mover – Councillor Lisa Haun

Seconded – Councillor Ron Kore

WHEREAS, The Rural Economic Development (RED) program offered by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) focuses on economic growth by offering cost-share funding to municipalities for outcome-based projects that will address barriers to economic development, enhance economic growth and attract investment to Ontario's rural communities; and

WHEREAS, there are two (2) funding streams available being:

1. The Strategic Economic Infrastructure stream of the program provides up to 30 per cent in cost-shared funding for minor capital projects that advance economic development and investment opportunities; and
2. The Economic Diversification and Competitiveness stream provides up to 50 per cent in cost-shared funding for projects that remove barriers to business and job growth, attract investment, attract or retain a skilled workforce, strengthen sector and regional partnerships and diversify regional economies; and

WHEREAS, The Niagara Central Dorothy Rungeling Airport is located in Pelham and is a municipally owned airport operated by a Commission representing the communities of Pelham, Welland, Port Colborne, and Wainfleet; and

WHEREAS, While the airport offers aviation fuel service per a contract negotiated by a previous Commission, this existing arrangement is not considered cost-effective by the current Commission as it does not allow for 24/7 access to fuel nor does the Commission receive maximum monetary benefit from fuel sales as it currently must pay for an external provider to operate the fuel pump; and

WHEREAS, Utilizing the RED (grant) program to assist in the purchase and installation of a pay-at-the-pump 24/7 self-serve fuel system will serve to increase revenue generated by fuel sales by a minimum of 50 per cent in addition to increasing the potential for new fuel sales by visiting aircraft that require fuel at any time day or night; and

WHEREAS, The purchase and installation cost of the fuel system in



estimated at \$33,659.95 plus tax; and

WHEREAS, If successfully awarded the RED grant funding could result in savings of 30 to 50 per cent for this initiative. Any remaining costs will be funded by the Commission; and

WHEREAS, The deadline for applying for this grant is Feb 24, 2020, and

BE IT RESOLVED THAT Staff be directed to investigate the RED grant and if feasible make required applications to be considered for the said grant; and

THAT Upon passing this motion by Pelham Council that the clerks in the municipalities of Welland, Port Colborne and Wainfleet be notified as soon as possible so that they can inform their respective councils of this decision.

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**
21. **Adjournment**

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## REQUEST TO APPEAR BEFORE COUNCIL FOR THE TOWN OF PELHAM

NAME: Tim NoharaADDRESS: PO Box 366 Fonthill, ONPOSTAL CODE: L0S 1E0TELEPHONE #: 905-329-1875E-MAIL ADDRESS: tnohara@accipiterradar.com

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: 1<sup>st</sup> and 3<sup>rd</sup> Monday of the month; 5:30 p.m. (except summer schedule)DATE: 18 Feb 2020 Council Meeting

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

1. Approval of odorous Industries Nuisance Bylaw presented at  
03 Feb 2020 Policy & Priorities Committee meeting.

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

**(Written presentation must accompany the request)**
1. The Cannabis Control Committee recommends that Council approve the  
odorous Industries Nuisance Bylaw.
2. I am here to answer any questions on behalf of The Cannabis Control Committee.

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](mailto:NJBozzato@pelham.ca) in accordance with the deadlines outlined above.

Tim Nohara  
 Signature

05 Feb 2020  
 Date



## Request to Appear Before Council for the Town of Pelham

Name: <u>ROMAN S. SHAPORAL</u>	
Address: <u>4 SADDLER ST FORTHILL ON</u>	
Postal Code: <u>L0S 1E4</u>	Telephone #: <u>905 687 2724</u>
Email Address: <u>rsshaporal@gmail.com</u>	

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: 1<sup>st</sup> and 3<sup>rd</sup> Monday of the month; 5:30 p.m. (except summer schedule)

DATE: February 18, 2020

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

A hearing of concerns re: implementation of 5g technology.

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


To raise awareness of health, climate, financial impacts of 5g tech and to dispel assurances of safety in wireless and LED streetlight.

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.

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

Signature 

Date 2/13/2020

Town of Pelham Clerk's Department



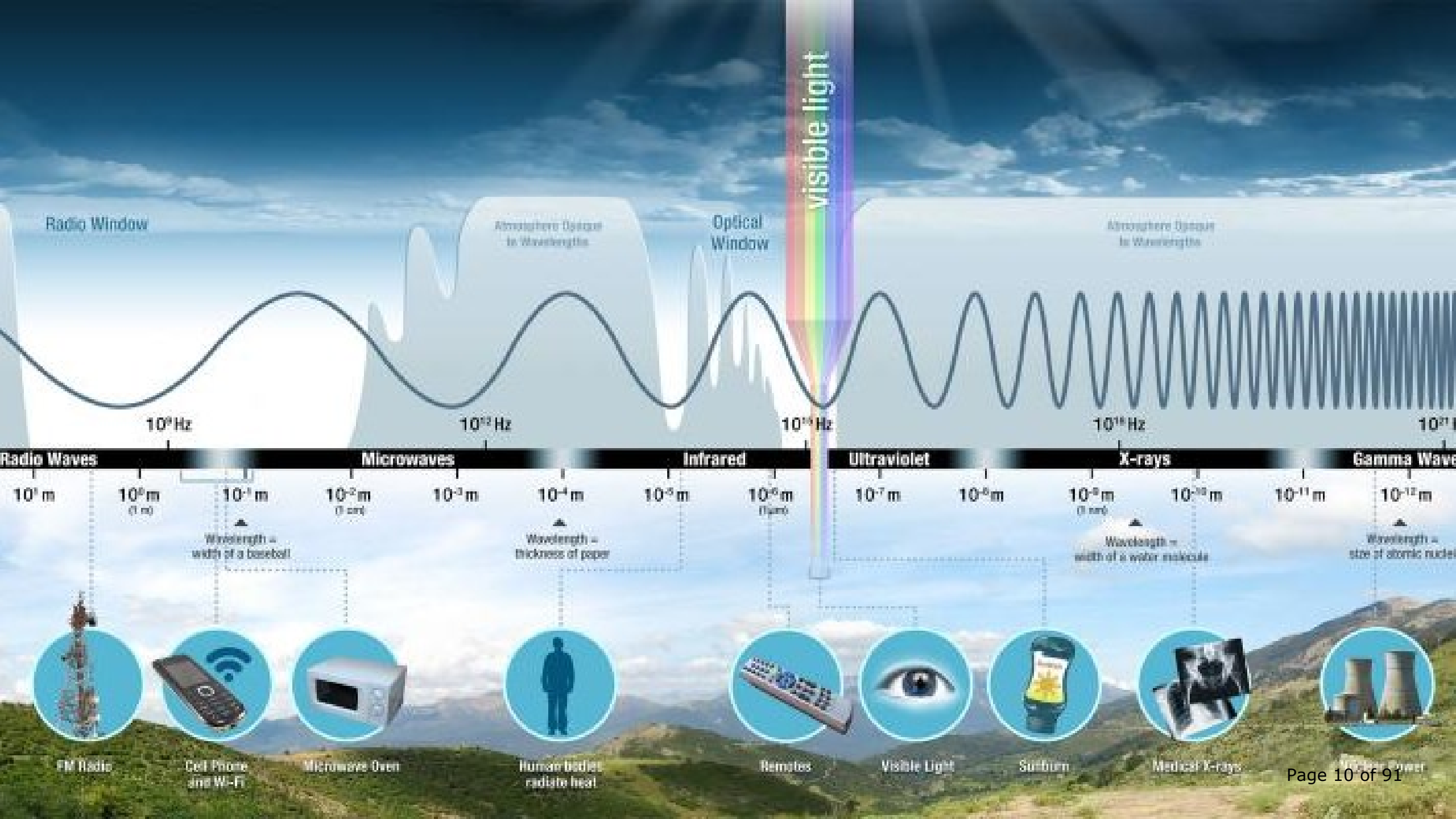
## Who Am I?

- Grew up in the Garden State
- Worked as Big Tech salesman for 12 years
- Married a native of Pelham
- Fell in love with the local agriculture of the region



## Brief History of Electromagnetic Fields

- Ptolemy 200AD
- Danish scientist – electromagnetism 1819
- Telegraph, Marconi 1844
- Radio 1890s
- Sonar – start of 20<sup>th</sup> century
- Microwaves 1946



## Thermal v. Non-Thermal Effects

- Safety Standards based on heating of tissue (Schwann, 1947)
- Non-thermal, biological effects of non-ionizing radiation
- Oxidative Stress leads to opening of voltage-gated calcium channels (Prof. Emeritus Martin Pall, PhD.)
- Harvard: FCC as a captured agency – no safety testing since 1995

## Harmful Effects of LEDs

- LEDs emit nonanalog 450nm pulse-modulated light that typically has excessive blue frequencies.
- When using LEDs, you might end up with increased cellular damage and decreased repair /regeneration - Alexander Wunsch, MD, PhD, Photobiologist Biophysicist
- Macular degeneration, cells in retina regenerate with infrared light and produce melatonin
- Mitochondria (engine) & ATP (energy molecule)
- Dopamine excitation, melatonin suppression & sleep
- Resources: <https://www.ncbi.nlm.nih.gov/pubmed/21164152> ; <https://articles.mercola.com/sites/articles/archive/2019/01/30/led-lights-health-risks.aspx>



## Health Conditions Exacerbated by 5G Tech

- Heart Arrhythmia – 2015 EMF Appeal by 240 scientists
- Cancer-linked to EMF at non-thermal levels: NTP Study-10 years to complete, \$30 million
- Neurodegeneration, Depression, Insomnia, from Microwave frequency – J Chemical Neuroanatomy 2015, Pall
- Suicide 2nd leading cause of death among 15 to 29 yr- olds - WHO 2016, CDC

## The Bees

- Exposure to cell phone radiations produces biochemical changes in worker honey bees — published Toxicology International, N. Kumar, S. Sangwan, P. Badotra 2011
- Radiation from the cell phone influences honey bees' behavior and physiology - reduced motor activity of the worker bees on the comb initially, followed by en masse migration and movement toward “talk mode” cell phone.
- Transient exposure to EMF reduces a bee's ability to learn, reduces their memory retention, affects flight and foraging behavior all of which could potentially reduce their ability to pollinate. — Nature, S. Shepherd 2018

# INTERNATIONAL APPEAL

## Stop 5G on Earth and in Space

Sign the Appeal: [www.5gSpaceAppeal.org](http://www.5gSpaceAppeal.org)



The deployment of 5G constitutes an **experiment on humanity and the environment that is defined as a crime under international law.**

More than 10,000 peer-reviewed scientific studies demonstrate harm to human health from RF radiation.<sup>[10] [11]</sup>

Effects include:

- [Alteration of heart rhythm](#)<sup>[12]</sup>
- [Altered gene expression](#)<sup>[13]</sup>
  - [Altered metabolism](#)<sup>[14]</sup>
- [Altered stem cell development](#)<sup>[15]</sup>
  - [Cancers](#)<sup>[16]</sup>
  - [Cardiovascular disease](#)<sup>[17]</sup>
  - [Cognitive impairment](#)<sup>[18]</sup>
    - [DNA damage](#)<sup>[19]</sup>
- [Impacts on general well-being](#)<sup>[20]</sup>
  - [Increased free radicals](#)<sup>[21]</sup>
  - [Learning and memory deficits](#)<sup>[22]</sup>
- [Impaired sperm function and quality](#)<sup>[23]</sup>
  - [Miscarriage](#)<sup>[24]</sup>
  - [Neurological damage](#)<sup>[25]</sup>
  - [Obesity and diabetes](#)<sup>[26]</sup>
  - [Oxidative stress](#)<sup>[27]</sup>
- Effects in children include [autism](#),<sup>[28]</sup> [\(ADHD\)](#)<sup>[29][30]</sup> and [asthma](#).<sup>[31]</sup>

## Economic Impact- 5G Could Hurt Property Owners

- The National Association of REALTORS® are urging the FCC to heed caution and ensure that its proposal to expand high-speed 5G networks nationwide doesn't violate property owners' rights.
- 5G small cell or other wireless infrastructure on a balcony or within a leased space to boost coverage and also transmit a signal to other customers of the telecom provider.
- The rule could allow a telecom carrier who already leases rooftop space from the property owner to be able to attach a 5G small cell or other wireless infrastructure on that existing equipment without having to change their agreement with the property owner.
- <https://magazine.realtor/daily-news/2019/06/24/nar-fcc-s-5g-plan-could-hurt-property-owners>
- ["Impact of Communication Towers and Equipment on Nearby Property Values"](#) prepared by Burgoyne Appraisal Company, March 7, 2017

## Additional Concerns

- Wireless vs Wired Performance & “Innovation”
- Reconsider Viability of Town, Health & Insurance Liability
- Climate Forecasting - <https://www.nature.com/articles/d41586-019-03609-x>
- Night sky & Climate Impacts of Wireless Device Production



# Sustainability





## **REGULAR COUNCIL MINUTES**

**Meeting #:** C-02/2020  
**Date:** Monday, February 3, 2020  
**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  
Marianne Stewart  
John Wink

**Regrets** Ron Kore

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

**Other:** T. Nohara, Item 5.2.1  
Interested Citizens  
Media

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### **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** John Wink

BE IT RESOLVED THAT the agenda for the February 3rd, 2020 Regular meeting of Council be adopted.

**Amendment:**  
**Moved By** Mike Ciolfi

**Councillor Ciolfi requested that item 5.2.1 Delegation of Tim Nohara, Chair of the Cannabis Control Committee be referred to the Policy and Priorities Committee agenda for February 3rd, 2020, for consideration.**

**Carried**

**Amendment:**  
**Moved By** Marianne Stewart

**Councillor Stewart requested that Council dispense with the Rules of Procedure as they relate to a Notice of Motion, so as to allow Council to consider a new Motion, at Agenda Item #15, relating to parking within the downtown core area of Fenwick.**

**Carried**

**Amendment:**  
**Moved By** Lisa Haun

**Councillor Haun requested that the agenda be amended to allow for the introduction of a Notice of Motion relating to the Niagara Central Dorothy Rungeling Airport, at Agenda Item 15.**

**Carried**

**Moved By** Mike Ciolfi  
**Seconded By** John Wink

**BE IT RESOLVED THAT the agenda for the February 3rd, 2020 Regular meeting of Council be adopted, as amended.**

**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**

**5.1 Presentations**

**5.2 Delegations**



**5.2.1 Tim Nohara - Chair of Cannabis Control Committee**

This item was referred to the Policy and Priorities Committee agenda.

**5.3 Report of Regional Councillor:** No Report.

**6. Adoption of Minutes**

**Moved By** John Wink

**Seconded By** Marianne Stewart

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

**1. SC-01/2020 Special Council Minutes January 13, 2020**

**2. C-01/2020 Regular Council Minutes January 13, 2020**

**Carried**

**7. Business Arising from Council Minutes**

None

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

Councillor Ciolfi requested that Item 9.3.1 - Sign By-law 2020 Update be lifted for separate consideration.

**9. Consent Agenda Items to be Considered in Block**

**Moved By** Lisa Haun

**Seconded By** Bob Hildebrandt

**BE IT RESOLVED THAT the Consent Agenda items as listed on the February 3rd, 2020 Council Agenda be received and the recommendations contained therein be approved, as applicable.**

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**9.1 Presentation of Recommendations Arising from COW or P&P, for Council Approval**

**BE IT RESOLVED THAT COUNCIL HEREBY approves the Recommendations Resulting from the following:**

**1. COW-01/2020 - Committee of the Whole - January 13 2020**

**9.2 Minutes Approval – Committee**

**9.2.1 COW-01/2020 Committee of the Whole Minutes January 13, 2020**

**BE IT RESOLVED THAT Council receive the COW-01/2020 Committee of the Whole minutes, dated January, 2020 for information.**

9.3 Staff Reports of a Routine Nature for Information of Action

~~9.3.1 BE IT RESOLVED THAT Council receive Report #2020-0010 ; and Council consider approval of the sign by-law forming part of February 3<sup>rd</sup> 2020 Council agenda (lifted)~~

#### **9.4 Action Correspondence of a Routine Nature**

##### **9.4.1 John Reiter, LIPA Park, Request for Community Festivals & Special Occasion Permits**

**BE IT RESOLVED THAT Council receive the correspondence from John Reiter, LIPA Park, being a request for Community Festivals & Special Occasion Permits; and**

**THAT Council approve the request to hold Community Festivals on the following dates:**

**May 18, 2020 - Slovenian Open House, part of Niagara Folk Art Festival; July 5, 2020 Summerfest; August 9, 2020 - Music-in-the-Park Festival; and**

**THAT the festivals outlined therein be and are hereby designated as Community events of Municipal Significance; and**

**THAT the Clerk be directed to advise LIPA Park.**

##### **9.4.2 Pelham Active Transportation Committee Comments re: Neighbourhood Traffic Management**

**BE IT RESOLVED THAT Council receive the comments submitted by the Pelham Active Transportation Committee (PATC) as they relate to proposed revisions to Policy S801-02 - neighbourhood Traffic Management; and**

**THAT the PATC comments be forwarded to Staff for consideration in the preparation of a recommendation report to Council.**

##### **9.4.3 Pelham Active Transportation Committee Comments re: Pedestrian Crossing on Pelham Street**

**BE IT RESOLVED THAT Council receive the comments submitted by the Pelham Active Transportation Committee (PATC) as they relate to the Pedestrian Crossing at Pelham Street and Church Hill; and**

**THAT the comments be forwarded to staff for consideration in the preparation of a recommendation report to Council.**

## **9.5 Information Correspondence Items**

### **9.5.1 Minister of Municipal Affairs and Housing Funding Announcements for Pelham Initiatives**

**BE IT RESOLVED THAT Council receive for information the following correspondence items from Minister of Municipal Affairs and Housing, Steve Clark:**

- 1. Award of Funding for Shared Services Review of Four Municipalities, Municipal Modernization Program re Pelham, Port Colborne, Wainfleet and Welland**
- 2. Award of Funding for Shared Services Review of IT Services in Pelham and Wainfleet**

### **9.5.2 Funding Announcement - Ontario Community Infrastructure Fund - MPP Oosterhoff**

**BE IT RESOLVED THAT Council receive for information the Ontario Community Infrastructure Fund Announcement that the Town of Pelham will receive \$485,112, as provided by MPP Oosterhoff**

### **9.5.3 Region of Niagara Report CSD 71-2019 - Water and Wastewater Operating Budget Rate Setting and Requisition**

**BE IT RESOLVED THAT Regional Report CSD 71-2019 - Budget - Water and Wastewater Operating Budget, Rate Setting and Requisition be received for information.**

### **9.5.4 Region of Niagara Report CSD 70-2019 Revised - Waste Management Services Operating Budget and Requisition**

**BE IT RESOLVED THAT Council receive Regional Niagara Report CSD 70-2019 Revised - Waste Management Services Operating Budget and Requisition, for information.**

### **9.5.5 Pelham Public Library Board Resolution**

**BE IT RESOLVED THAT Council receive the correspondence from the Pelham Public Library Board regarding the appointment of an Interim Acting Library Chief Executive Officer, for information.**

## **9.7 Committee Minutes for Information**

### **9.7.1 Cannabis Control Committee Meeting**

**BE IT RESOLVED THAT Council receive the Cannabis Control Committee minutes dated November 6, 2019, November 13, 2019 and November 27, 2019, for information.**

**Carried**

## **10. Items for Separate Consideration, if Any**

### **10.1 Sign Bylaw 2020 Update, 2020-0010-Fire Dept**

**Moved By** Lisa Haun

**Seconded By** Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report #2020-0010 ; and Council consider approval of the sign by-law forming part of February 3<sup>rd</sup> 2020 Council agenda.

**Moved By** Mike Ciolfi

**Seconded By** Lisa Haun

**THAT consideration of Report 2020-0010 regarding the sign by-law be postponed until April 6, 2020.**

**Carried**

## **11. Presentation & Consideration of Reports**

### **11.1 Reports from Members of Council:**

No Reports.

### **11.2 Staff Reports Requiring Action**

No Reports.

## **12. Unfinished Business**

None.

## **13. New Business**

None.

## **14. Presentation and Consideration of By-Laws**

On a request by Councillor Ciolfi, the proposed sign by-law was divided for separate consideration.

**Moved By** Marianne Stewart

**Seconded By** John Wink

**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 4191(2020) - Being a by-law to authorize the execution of a Site Plan Agreement for the lands located at 730 Tice Road. 1825115 Ontario Inc. (Greenfield Gardens). File No. SP-07-19**
- 2. By-law 4192(2020) - Being a by-law to authorize the execution of a Site Plan Agreement for the lands located at 1361 Maple Street. Slappendel Greenhouses Inc. File No. SP-08-19**
- 3. By-law 4193(2020) - Being a by-law to authorize the execution of a Site Plan Agreement for the lands located at 1010 Canboro Road. Slappendel Greenhouses Inc. File No. SP-09-19**
- 4. By-law 4194(2020) - Being a by-law to authorize the execution of a Development Agreement for the lands located at 997 Canboro Road. Jonathan & Amy Sinke. File No. DA-02-19**
- 5. By-law 4195(2020) - Being a by-law to authorize the sale of Town-owned lands to Fonthill Gardens Incl., or successors in title, the lands being described on Schedules A and B appended hereto; and to authorize the Mayor and Clerk to execute all necessary documents to complete the transaction; and to authorize the Mayor and clerk to enter into an Agreement with Fonthill Gardens Inc. for the burying of hydro service, hydro transmission lines and all other utilities along Regional Road 20 (Highway 20) as detailed in Schedule Be to the Agreement of Purchase and Sale dated January 13th, 2020; and to repeal and replace By-law #4167(2019)**
- 6. By-law 4196(2020) - Being a by-law to authorize the execution of an Encroachment Agreement for the lands located at 1423 Pelham Street. Barber Family Holdings. File No. D16-01-19**
- 7. By-law 4197(2020) - Being a by-law to remove the Holding (H) Provision executed by By-laws Nos. 3810 (2016) & 4074(2019) for the lands located on the south side of Acacia Road in the Saffron Phase 2 Subdivision; legally described as Parts 10, 12 & 13, Plan 59R-16039. Hert Inc. File No. AM-10-19**
- 8. By-law 4198(2020) - Being a by-law to authorize the execution of a subdivision agreement with Hert Inc. and the Corporation of the Town of Pelham— Saffron Meadows Phase 2**

**Subdivision. Hert Inc. and the Corporation of the Town of Pelham. File No. 26T19-02014**

~~9. By-law 4199 (2020) A By-law prohibiting and regulating Signs, and regulating the placing of Signs upon highways and Buildings, and to Repeal and Replace By-law 3310(2012) as amended by 3548(2014) and 3884(2017) divided~~

**10. By-law 4200(2020) Being a by-law authorizing the borrowing of money to meet current expenditures of the Council of the Corporation of the Town of Pelham; And to repeal and replace By-law #4122(2019), being a by-law authorizing borrowing.**

**Carried**

**Moved By** Mike Ciolfi

**Seconded By** John Wink

**THAT consideration of proposed By-law #4199(2020), being a by-law prohibiting and regulating signs, be postponed until the Council meeting scheduled for April 6, 2020.**

**Carried**

**15. Motions and Notices of Motion**

**15.1 Motion re Downtown Fenwick Parking**

**Moved By** Marianne Stewart

**Seconded By** John Wink

**BE IT RESOLVED THAT Staff be instructed to investigate the potential to acquire real property within the vicinity of the Fenwick Downtown Core with a goal toward development of increased parking availability in the Fenwick Downtown, and report back to Council by the last Regular Council meeting in March, 2020 with options to be considered.**

**Carried**

**15.2 Notice of Motion re NCDRA - Haun**

Councillor Haun provided Notice that she will bring forward a Motion at the next regular meeting scheduled for February 18, 2020 regarding a potential grant opportunity to seek funding for the installation of automatic gasoline dispensing or pay at the pump gasoline equipment at the Niagara Central Dorothy Rungeling Airport in order to derive increased revenues and

reduce reliance on the municipal tax base as it relates to this airport.

**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**

**Moved By** Mike Ciolfi

**Seconded By** John Wink

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

**Carried**

Following the recess, the Mayor called the meeting to reconvene at 6:40 p.m.

**Moved By** Lisa Haun

**Seconded By** Bob Hildebrandt

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

**Pursuant to the Municipal Act, Sections 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees and (f) advice subject to solicitor-client privilege, including communications necessary for that purpose (1 item)**

**Carried**

**19. Rise From In Camera**

**Moved By** Lisa Haun

**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** John Wink  
**Seconded By** Bob Hildebrandt

**BE IT RESOLVED** that the Chief Administrative Officer and the Clerk be and are hereby instructed to formally reach out to the Pelham Public Library board to negotiate a mutually agreeable evening meeting to be held at the Meridian Community Centre for the purpose of discussing issues relating to Library operations, such meeting to occur prior to the end of March, 2020.

**Carried**

**Moved By** Mike Ciolfi  
**Seconded By** Lisa Haun

**WHEREAS** the Town of Pelham officially wishes to achieve savings in the administrative costs of operating the Pelham Public Library system; and further

**WHEREAS** the Town of Pelham intends to seek solutions to increase the hours of Library operations and is not supportive of any reduction in front-line staff hours, other than Administrative staff hours, at this time;

**NOW THEREFORE BE IT RESOLVED THAT** any cost-savings achieved by this endeavour will be reinvested in Library operations or capital needs in support of the Library system.

**Carried**

## **20. Confirming By-Law**

**Moved By** John Wink  
**Seconded By** Marianne Stewart

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

**Being a By-law No. 4201(2020) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 3rd day of February, 2020.**

**Carried**



**21. Adjournment**

**Moved By** Marianne Stewart

**Seconded By** John Wink

**BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for February 18, 2020 at 5:30 pm.**

**Carried**

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Mayor: Marvin Junkin

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Town Clerk: Nancy J. Bozzato

# Recommendations of the Policy and Priorities Committee Meeting Held February 3, 2020 (P&P-01/2020)

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1. **THAT the agenda for the February 3, 2020 regular meeting of Committee be adopted as amended in Council;**
2. **THAT COMMITTEE receive Report #2020-0013 and recommend to Council:**  
  
**THAT Council approve a net expenditure of \$8,942 in spending authority, to engage in the five separate initiatives as outlined herein.**
3. **THAT this Regular Meeting of Committee be adjourned until the next regular meeting scheduled for February 18, 2020 following Council.**

## **POLICY AND PRIORITIES COMMITTEE**

### **MINUTES**

<b>Meeting #:</b>	<b>P&amp;P-01/2020</b>
<b>Date:</b>	<b>Monday, February 3, 2020</b>
<b>Location:</b>	<b>Town of Pelham Municipal Office - Council Chambers 20 Pelham Town Square, Fonthill</b>
<b>Members Present</b>	<b>Marvin Junkin, Mike Ciolfi, Lisa Haun, Bob Hildebrandt, Marianne Stewart, John Wink</b>
<b>Regrets</b>	<b>Ron Kore</b>
<b>Staff Present</b>	<b>David Cribbs, Nancy Bozzato, Bob Lymburner, Jason Marr, Teresa Quinlin, Barbara Wiens, Holly Willford, Marc MacDonald</b>
<b>Other</b>	<b>Interested Citizens; Media</b>

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#### **1. Call to Order and Declaration of Quorum**

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:57 p.m.

#### **2. Adoption of Agenda**

**Moved By Councillor** John Wink

**THAT the agenda for the February 3, 2020 regular meeting of Committee be adopted as amended in Council.**

**Carried**

#### **3. Declaration of Pecuniary Interest and General Nature Thereof**

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

#### **4. New Business**

##### **4.1 Cannabis Control Committee**

##### **4.1.1 Tim Nohara - Chair of Cannabis Control Committee**

Mr. T. Nohara, Chair of the Cannabis Control Committee, presented an update regarding their work on the proposed management of cannabis nuisances. He circulated hard copies of an updated report from the one initially submitted as part of the agenda.

**Moved By Councillor Lisa Haun**

**BE IT RESOLVED that Council receive the delegation by Tim Nohara, Chair of the Cannabis Control Committee, for information; and**

**THAT the proposed by-law be presented to Council at the next Regular Meeting of Council being February 18th for review and approval (Odourous Industries Nuisances By-law).**

**Carried**

**4.2 Funding for New Pelham Initiatives , 2020-0013-Chief Administrator Officer**

**Moved By Councillor Lisa Haun**

**THAT COMMITTEE receive Report #2020-0013 and recommend to Council:**

**THAT Council approve a net expenditure of \$8,942 in spending authority, to engage in the five separate initiatives as outlined herein.**

**Carried**

**5. Old Business**

None.

**6. Adjournment**

**Moved By Councillor Bob Hildebrandt**

**THAT this Regular Meeting of Committee be adjourned until the next regular meeting scheduled for February 18, 2020 following Council.**

**Carried**

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Mayor Marvin Junkin

---

Town Clerk, Nancy J. Bozzato

February 10, 2020

Email: [NBozzato@pelham.ca](mailto:NBozzato@pelham.ca)

Please reply to St. Catharines office  
**Sara J. Premi**  
905-688-8039 (Direct Line)  
[sjpremi@sullivanmahoney.com](mailto:sjpremi@sullivanmahoney.com)

Mayor Marvin Junkin and Members of Council  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

Dear Mayor and Members of Council:

**Re: Town of Pelham Proposed Odourous Industries Nuisance By-law**

We act as solicitors to CannTrust Inc.

This correspondence is provided in response to the “Draft Recommendation Report On Managing Cannabis Nuisances in the Town of Pelham” (the “Report”) prepared by the Cannabis Control Committee. The correspondence also deals with issues relating to the draft Odourous Industries Nuisance By-law (the “Draft By-law”). We would ask that this communication be provided to the Mayor and all Members of Council and that it form part of the municipal Council package for the February 18, 2020 meeting.

In our respectful submission there are serious procedural concerns with the Town’s process leading to the Report and the Draft By-law. These in turn have led to significant substantive issues relating to both the Report and the Draft By-law. The Report itself is replete with factual errors and misinformation. The Draft By-law is not only deeply flawed, it is both discriminatory and illegal.

Through this submission, **we are asking that Council press pause, and refer the Report and the Draft By-law to staff for consultation with all stakeholders to ensure that a proper review is conducted and a proper background report is prepared prior to finalizing a by-law.**

Our concerns are summarized below.

Client Committed. Community Minded.

40 Queen Street, P.O. Box 1360, St. Catharines, ON L2R 6Z2 t: 905.688.6655 f: 905.688.5814

4781 Portage Road, Niagara Falls, ON L2E 6B1 t: 905.357.3334 f: 905.357.3336

[sullivanmahoney.com](http://sullivanmahoney.com)

**A. PROCEDURAL ISSUES**

The Cannabis Control Committee (the “CCC”) is said to be a committee of the Town of Pelham *“created by Council as an advisory committee to provide advice to Council on opportunities to mitigate against adverse land use impacts of cannabis production facilities in the Town”*.

The CCC began its work in May of 2019. Only two members of the CCC (in addition to Council representative Mike Ciolfi) have toured our client’s facility, and that tour took place before the CCC was formed.

No member of the CCC has reached out to our client, or, to the best of our knowledge, to any other members of the industry to invite input on cannabis facilities or operations.

No member of the CCC has reached out to our client, or, to the best of our knowledge, to any other members of the industry, seeking input on proposed regulations that would directly impact the cannabis industry.

Simply put, there has been no communication or consultation with our client, or to the best of our knowledge, others in the industry relating to issues raised in the report, or matters raised in the Draft By-law. Communication and consultation are absolutely fundamental to understanding the cannabis industry and the land use issues the CCC is said to be studying. Without it, the CCC is acting in a vacuum.

The CCC is said to be a committee to advise Council “on opportunities to mitigate against adverse land use impacts” of these facilities. And it purports to do so with no knowledge of what is actually happening in terms of mitigation steps already taken by our client. The result is predictable – a flawed report leading to a fatally flawed Draft By-law.

Had even the most basic and minimal amount of consultation with our client been undertaken, the CCC would have learned of the extensive work and research CannTrust has done, including:

- Extensive testing on the effectiveness of the leading odour control products available, at a cost of tens of thousands of dollars;
- The use of active carbon filters at all exit points of greenhouse exhaust air;
- Smoke tests to study air flow in the facility; and
- Ventilation being adjusted to ensure that no air can escape the facility without filtration.

In addition, the CCC would have had the opportunity to base its Report on accurate facts, including that:

- CannTrust has become a leader in the industry in respect of odour control;
- CannTrust has spent hundreds of thousands of dollars on odour control, including the implementation of some 180 carbon filters; and has implemented full odour mitigation in a dry room which had previously been (erroneously) unmitigated; and

With respect to light control, the CCC could have also learned that:

- Winter ventilation has been upgraded to allow blackout light curtains to be closed during ventilation to mitigate light pollution in all flower zones, and that this has eliminated the escape of all “red” light which accounts for about 90% of CannTrust’s previous light pollution; and
- Special blackout curtains are currently being designed to be installed in the vegetative zones, which will completely stop all light leaks out of the greenhouse roofs.

Rather than referring the Report and Draft By-law to staff for review and report in the normal course, we understand that on February 3, 2020, the Draft By-law was put over to February 18, 2020 for review and **approval**. This is a stunning departure from what would be considered basic best practices, and leads to the conclusion that neither the CCC nor Council have any interest in acting in good faith in this entire matter.

That conclusion is supported by our review of the record from the February 3, 2020 meeting. That record discloses that not a single Council member spoke to the Report or the Draft By-law. There were no questions, there were no inquiries. This leads our client to the inescapable conclusion that Council had improperly pre-determined the outcome of this matter.

We urge Council to review and reconsider the process to date. It has been out of the ordinary and it has been unfair.

## **B. SUBSTANTIVE ERRORS**

### **(I) The Report**

The Report, or a draft version of it, was placed on-line in advance of the February 3, 2020 Council meeting. This draft was incomplete and contained several placeholders.

We have now obtained a copy of a revised report that was subsequently filed. It is still incomplete, devoid of analysis and full of inaccuracies and misstatements.

Our comments on the Report include:

1. A fundamental flaw in the Report is the mischaracterization of the cannabis cultivation. Section 3.2 of the Report is entitled “Cannabis Industry – Industrial or Agricultural?”

The Report cites the “North American Industry Classification System (NAICS) in an apparent attempt to classify the cannabis industry. That system in fact, identifies virtually all uses as meeting an industrial classification, including all types of agriculture, clothing stores, newspapers, postal services, sporting goods, transit systems, universities, etc.

What the Report ignores is the fact that the NAICS is intended to address economic conditions, not to regulate the use of land in any context.

With respect to MPAC, the Report appears to quote Ontario Regulation 282/98. That Regulation, however, contains no reference to cannabis. Further, the position that a use is industrial because some component falls with the *Assessment Act* classification would mean that every greenhouse that includes shipping or every orchard that provides warehousing is an industrial use

MPAC’s classification system is utilized for the purpose of assessing land value for property taxation, not to regulate the use of land.

The CCC’s interpretation of this Regulation found in the Report is simply wrong.

As set out below in some detail, Provincial planning policy envisions and permits the cannabis production as agriculture-related uses.

2. Section 3.3 of the Report speaks to the *Environmental Protection Act* and Provincial Guidelines and Regulations.

The report cites Section 14 of the *Environmental Protection Act, R.S.O. 1990*, but fails to acknowledge other relevant provisions of the legislation.

For example, the report identifies odour as a contaminant but does not address exemptions or the identification of contaminants as provided for in the Ontario Regulations.

*Ontario Regulation 419/05 – Air Pollution – Local Air Quality* twice (subsections 20(2.3) (a) and 20.3(a)) references agricultural operations as being exempt from contaminants in Schedules 2 and 3 under subsection 2(1) of the *Farming and Food Production and Protection Act*.

Further, subsection 2(1) of the *Farming and Food Production Protection Act*, 1998, R.S.O. 1998, c. 1 states:



***“When farmer not liable***

*2 (1) A farmer is not liable in nuisance to any person for a disturbance resulting from an agricultural operation carried on as a normal farm practice. 1998, c. 1, s. 2 (1).”*

The Act defines disturbance as:

*“odour, dust flies, light, smoke, noise and vibration”*

A normal farm practice is defined as:

*“a practice that,*

*(a) is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, or*

*(b) makes use of innovative technology in a manner consistent with proper advanced farm management practices: “*

The Report also cites NPC-300, “Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning”, but fails to point out the following:

*“3. Stationary sources addressed under the jurisdiction of the Ontario Ministry of Agriculture, Food and Rural Affairs*

*Part B and Part C of this guideline do not apply to the noise impact of stationary sources associated with agricultural operations during the course of normal farm practice which are addressed through the Farming and Food Production Protection Act, 1998, Reference 9. These sources do not require an MOE approval. Examples of such sources include, but are not limited to [in part]:*

*building heating, ventilation and air conditioning (HVAC) equipment used in livestock, greenhouse, horticultural and other facilities;*

*other noises from other stationary sources on agricultural operations during normal farm practice.”*

In addition, Subsection A6 of the NPC-300 provides the legislative background for the Guideline, stating specifically:

***“A6.6 Farming and Food Production Protection Act***

*The Farming and Food Production Protection Act, 1998, Reference 9, addresses, among other things, noise sources for agricultural operations. The NPC guidelines do not apply to noise sources from agricultural operations during the*

*course of normal farm practice, which are subject to the Farming and Food Production Protection Act, 1998.”*

3. Starting at item 3.4, the Report considers planning in the context of the Provincial Policy Statement (“PPS”).

However, the Report does not contain a proper (or in fact, any) planning analysis. It either cites policy without analysis, or simply inserts a placeholder.

As indicated above, a fundamental flaw in both the Report and the Draft By-law is a mischaracterization of our client’s land use.

The PPS provides the following definitions of uses:

*“Agricultural uses: means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment. “*

*“Agriculture-related uses: means those farm related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity”*

*“On-farm diversified uses: means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.”*

The lands are also identified as specialty crop area in the PPS. The PPS defines specialty crop area as:

*“areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:*

- a) *soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;*
- b) *farmers skilled in the production of specialty crops; and*

- c) *a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops."*

The above referenced policies make it clear that the PPS envisions the use of agricultural lands for a variety of agricultural purposes, including greenhouse crops, subject to the uses being considered a normal farm practice.

Our client's use is also clearly defined in the Town's planning documents

- Our client's lands are designated under the Town's Official Plan within the Specialty Agricultural designation. According to the Town's Official Plan, the principle use of land in the Specialty Agricultural designation shall be for the production of the full range of specialty crops identified in the Greenbelt Plan. The use as a cannabis production facility is permitted under the Town's Official Plan as an agricultural use, which is defined to include the growing of crops, including nursery and horticultural crops and associated on-farm buildings and structures.
- Policy B2.2.8 of the Specialty Agricultural designation specifically states "*Greenhouses and hoopouses are considered to be an agricultural use, ...*".
- "*Specialty Crop Area*" is defined in Appendix F to the Official Plan "*as Specialty Crop Areas means areas designated using evaluation procedures established by the province, as amended from time to time, where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from: a) Soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; and/or b) A combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops. (PPS, GP, PTGP)*"

4. Sections 3.6, 3.7, 3.7.1, 3.7.2, 3.7.3, 3.8 and 3.8.1 all indicate "to be completed".

Our client's use is permitted as an agricultural use in the Greenbelt Plan, the Region's Official Plan and, as described in detail above, the Pelham Official Plan and Zoning By-law.

5. Section 3.9 of the Report quotes Section 6.19 of the Zoning By-law which deals with obnoxious uses.

However, the Report fails to identify that the Pelham Zoning By-law 1136 (1987) at subsection 7.1(a) permits, *agricultural uses including greenhouses as a permitted use*, as of right. Subsection 5.5 of the By-law defines agricultural use as:

*“a use of land, building or structure for the purpose of animal husbandry, bee-keeping, dairying, fallow, field crops, forestry, fruit farming, horticulture, market gardening, pasturage, nursery, poultry-keeping, greenhouses, or any other farming use, and includes the growing, raising, packing, treating, storing and sale of farm products produced on the farm and other similar uses customarily carried on in the field of general agriculture and which are not obnoxious”.*

Subsection 7.3 of the By-law contains provisions for the development of lands for greenhouse use.

Further:

- Our client's lands are zoned Agricultural (A) Zone in the Town's Comprehensive Zoning By-law, which permits, inter alia, agricultural uses including greenhouses.
  - Section 5.5 of the Zoning By-law defines "AGRICULTURAL USE" as *“a use of land, building or structure for the purpose of animal husbandry, bee-keeping, dairying, fallow, field crops, forestry, fruit farming, horticulture, market gardening, pasturage, nursery, poultry-keeping, greenhouses, or any other farming use, and includes the growing, raising, packing, treating, storing and sale of farm products produced on the farm and other similar uses customarily carried on in the field of general agriculture and which are not obnoxious”.*
  - Section 5.61 defines "FARM" as *“a lot, with or without accessory buildings or structures, which is used for: (i) the tillage of soil; (ii) the growing of vegetables, fruits, grains or flowers including, but not necessarily limited to lettuce, carrots, tomatoes, mushrooms, beans, melons, and potatoes; (iii) woodlots; (iv) the raising of livestock including, but not so as to limit the generality of the foregoing, cattle, swine, sheep, goats, poultry, horses, ponies, donkeys, mules, mink, ducks, rabbits; (v) dairying; (vi) beekeeping; (vii) greenhouses; or (viii) the sale of farm products produced on the farm.”*
  - Section 5.190 defines "GREENHOUSE" means *“a structure used to cultivate or grow floral, vegetable or other horticultural produce in a climatically controlled environment and made primarily of translucent building material, usually plastic or glass.”*
  - Our client's lands are not site specifically zoned or designated in any direct way. The use is permitted because of it being considered an agricultural use.
6. Section 3.10 of the Report speaks to a municipality's power in Section 128 and 129 of the *Municipal Act* with respect to the prohibition and regulation of odour, light, nuisances and noise.

The *Municipal Act 2001, S.O 2001, c. 25* clearly affords municipalities opportunity to approve by-laws regulating actions within its borders. Our client does not dispute this fact. However, these by-laws cannot be considered in isolation and need to be addressed in the context of this use and other applicable legislation.

In respect to conflict between by-laws and statutes, Section 14 of the Act states:

*“14 (1) A by-law is without effect to the extent of any conflict with,*

*(a) a provincial or federal Act or a regulation made under such an Act; or*

*(b) an instrument of a legislative nature, including an order, licence or approval, made or issued under a provincial or federal Act or regulation. 2001, c. 25, s. 14.*

*Same*

*(2) Without restricting the generality of subsection (1), there is a conflict between a by-law of a municipality and an Act, regulation or instrument described in that subsection if the by-law frustrates the purpose of the Act, regulation or instrument. 2006, c. 32, Sched. A, s. 10.”*

7. The Report contains a number of erroneous statements. For example:

- (i) *“Immediately following the legalization of recreational marijuana in October 2018, major cannabis operations sprung up in the Town of Pelham overnight catching residents completely off guard as there was no requirement for public meetings; and finding Town staff unprepared as there was no guidance provided to municipalities on how to manage this new dynamic industry which was created overnight.”*

CannTrust’s Pelham facility was initially licensed on 2017-10-06, a year prior to legalization of recreational cannabis. CannTrust’s initial market was the medical patient.

Public meetings were not necessary because the use was appropriately zoned.

The Town was well aware of the presence of CannTrust, as any applicant for a license through Health Canada had to provide notice to the municipal government. The implication that the Town was not aware until the eleventh hour is both misleading and inaccurate.

- (ii) *“Loss of precious specialty crop agricultural lands”*

On the OMAFRA website hemp, tobacco and greenhouse crops are listed as specialty crops.

The use of the Subject Lands as a cannabis production facility is permitted under the Provincial Policy Statement, Greenbelt Plan and Regional Official Plan as well as the Town's Official Plan and Zoning By-law as an agricultural use

Councillors should ask themselves this question - Would there be criticism of a non-cannabis crop that was being grown when the operation employs 100 or more people?

- (iii) *"Industrial-like facilities disrupting their picturesque country street and neighbourhoods"*

Our client's use is a permitted agricultural use. There are many large-scale agricultural operations that have aspects that are akin to industrial-type facilities. Our client has taken steps to aesthetically improve its site. Over \$100,000 has been spent on planting 800 cedar trees, flower bulbs and landscaping upgrades

- (iv) *"Heavy traffic and noise disrupting their quiet country streets and neighbourhoods"*

CannTrust is located along a major highway, not a local road. Most access to the facility is via Highway #20 and not local roads.

- (v) *"Real estate agents now require disclosure if you live near a cannabis facility. Considering the fact that many of these properties that are affected are million-dollar retirement properties, even a 10% loss in value has significant economic ramifications'.*

January 2, 2020 article in Niagara This Week reported that "on the Ontario multi-listing system for real estate in December, the average price of a home listed for sale in Fenwick was \$799,400. That's up about 9 per cent since Ontario legalized cannabis."

- (vi) In respect to comments from the industry *"The CCC has considered these comments and has done its best to address them."*

This comment is baffling, given that there has been no consultation or communication by the CCC with the cannabis industry.

The above represents an overview of the issues with the Report. In our respectful submission, it is deeply flawed. Further, and as troubling, is that the report appears to be engineered in such a way as to cast our client in a negative light. For example, it includes photographs depicting light emissions taken before any light control or mitigation was installed. In addition, it infers our client removed soil from the property, which is factually incorrect.

The matters raised above do not constitute an exhaustive list of errors and omissions in the Report. The authors of the Report have chosen to ignore relevant facts, or did not take any steps to determine what those facts are, and either do not understand the relevant legal principles involved, or have chosen to ignore those principles. We believe that the Report needs significant revisions to be accurate both in fact and in law.

## **(II) The Draft By-law**

As we have indicated in the past, and above, while municipalities may have jurisdiction to regulate cannabis production facilities:

1. Municipal by-laws cannot conflict with federal legislation/regulations; and
2. Municipal by-laws cannot frustrate the purpose of a federal enactment.

In general terms, a municipality must ensure that its by-laws do not frustrate the operation of federally-licensed facilities and that its by-laws are not discriminatory. Further, by-laws should be carefully reviewed by Town staff and legal counsel to ensure they are lawful and to determine how they relate to administration and enforcement matters.

The CCC's process, including the quote by the CCC Chair Tim Nohara at the Policies and Priorities Committee on February 3<sup>rd</sup> that "The Odorous Industries Nuisance By-law is a cannabis by-law for sure, but we have learned from other heavy odour industries and have included them in the by-law" make it clear the Draft By-law targets Cannabis producers.

The Report itself indicates that the By-law is reactive as opposed to proactive and indicates that it is based on direct experience with the existing cannabis producers. It cites adverse effects with respect to noise and light. However, it contains no updated information with respect to the alleged adverse effects, and no information as to the extensive mitigation measures undertaken by our client.

The Report states "Perhaps the greatest indicator that this By-law is urgently needed is the fact that cannabis producers have not remediated the problems...". As indicated at the outset of this report, there have been significant and successful mitigation measures taken by our client.

Additional concerns with the Draft By-law include:

- What is the definition of "trivial impact"?
- The By-law purports to define "adverse impact" differently than it is defined provincially? A municipality cannot change a provincial standard.
- Why does "heavy odour operation" not include other agricultural uses?

- Why does “obnoxious odour” only apply in respect of a cannabis operation or the limited “heavy odour operation”?
- What justification does the municipality have to scope the application of this By-law?
- What is the justification for imposing site plan control outside the scope of the *Planning Act*?
- Does the By-law conflict with specific federal requirements?
- Does the municipality have the ability to enforce the By-law?
- How can powers of entry be applied in the context of a secure federal facility?
- The By-law’s sole purpose in targeting cannabis producers is also evidenced by the fact that the By-law, which is supposedly about (industrial) odour, inexplicitly adds provisions related to light and noise.

In our respectful opinion, the entirety of this Draft By-law is without jurisdiction, is discriminatory and is unenforceable. We urge the Town to carefully consider its jurisdiction and the specific regulatory provisions of any by-law that impacts a cannabis operation. The By-law as drafted creates potential for direct conflict with federal approvals and requirements.

### C. CONCLUSION

As indicated, the purpose of this correspondence is to point out the procedural and substantive irregularities in the Report and Draft By-law, and to ask that Council defer the matter to staff and its legal counsel for review and advice to ensure that its process is fair and that the by-law when enacted is lawful and appropriate.

Councillors should ask themselves the following questions:

- (a) Was there proper consultation with the industry in respect of this By-law?
- (b) Has Council received advice from its staff and/or solicitor with respect to the legality and appropriateness of this By-law? Is the By-law enforceable? Does the Town have the resources to properly administer and enforce the By-law as drafted?
- (c) Is Council confident that the report before it is well vetted, well researched, fair and reasonable?
- (d) Is Council prepared to treat all legitimate lawful industries in its community the same?
- (e) Is Council confident that this By-law can withstand a challenge?



From our review of the Report and the Draft By-law, we believe that the answer to each question would be a resounding “no”.

We would like to make one final point. Our client recognizes that some degree of municipal regulation is appropriate and warranted. It considers itself to be a contributing corporate member of the community, and it is prepared to work with the community, its neighbours and the Town to achieve an appropriate set of municipal regulations. That can only happen through true consultation and communication.

We would be happy to answer any questions or concerns of the Committee and/or Council and we look forward to an appropriate and inclusive consultative process.

Yours very truly

**Sullivan Mahoney LLP**

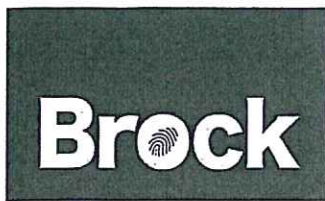
Per:

Sara J. Premi

SJP:bj

cc—client

cc – Mr. Callum Shedden, Town Solicitor



## Office of the President

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Jan 6, 2019

brocku.ca

Mayor Marvin Junkin  
Town of Pelham  
20 Pelham Town Square, PO Box 400  
Fonthill, ON L0S 1E0

Dear Mayor Junkin,

On behalf of Brock University, I would like to take this opportunity to thank you for the leadership you have demonstrated through the Town of Pelham's participation in the Niagara Adapts partnership and the work of Deanna Allen, your Climate Change Coordinator.

We were delighted to have Deanna participate in the panel discussion at the Launch Event, held on November 27, 2019, as it was a perfect opportunity to showcase the collaborative effort underway; letting the broader community know that we are collectively looking to identify innovative strategies to address how climate change is impacting Niagara.

As mentioned in the *Resilience* film, and reiterated during the panel discussion, an important first step in working toward climate change adaptation is simply talking about it. Thereby empowering residents to take action toward the betterment of our communities. Which is why Brock's Environmental Sustainability Research Centre (ESRC) was pleased to host this event, in order to encourage a broader conversation about climate change. Furthermore, why Brock is pleased to share its expertise as we collectively work toward climate change adaptation in Niagara.

We are all fortunate to call the Niagara Region home. When it comes to our mutual responsibility for the future well-being of our region, the threat of a changing climate exemplifies the need for joint action. By leveraging resources from your community, other partners in the Region, as well as Brock University, our organizations will be stronger together in finding solutions to the complex challenges that climate change poses for Niagara.

With supporting the vitality and health of Brock's surrounding communities being one of the most critical priorities of our strategic plan, Brock is proud to be partnering with you, and your fellow municipalities, through Niagara Adapts. We look forward to sharing expertise in order to work together toward the betterment of our communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Gervan Fearon", written over a horizontal line.

Gervan Fearon  
President and Vice-Chancellor  
Brock University

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CC: Deanna Allen, Climate Change Coordinator, Town of Pelham  
Dr. Ryan Plummer, Director, Environmental Sustainability Research Centre  
Dr. Marilyne Jollineau, Acting Director, Environmental Sustainability Research Centre  
Dr. Jessica Blythe, Assistant Professor, Environmental Sustainability Research Centre  
Amanda Smits, Centre Administrator, Environmental Sustainability Research Centre

## SUMMERFEST COMMITTEE MINUTES

---

MEETING DATE: Wednesday, October 30, 2019 – 5:30 PM  
Kinsmen Room, MCC, Town of Pelham, Fonthill

**Present:** Bill Gibson (PATC)  
Sally Jaeger (Special Events & Festivals Programmer)  
Remo Battista (Resident)  
Vickie vanRavenswaay (Director of Recreation, Culture & Wellness)  
Karen Blake (RCW Administrative Assistant)  
Bill Sheldon (Resident)  
Julie Milligan (Resident)  
Kelly Sauriol (Chamber of Commerce)  
Councillor John Wink  
Stephanie Yole (Community Enhancement Programmer)

**Absent with Regrets:** Marlene Ouwendyk (PBA)  
Candy Ashbee (PBA)  
Carolyn Mullin (Social Media Marketer)  
Bryan Lachapelle (Welland/Pelham Chamber of Commerce)  
Frank Adamson (Resident)

### 1 WELCOME

### 2 DECLARATION OF QUORUM AND CALL TO ORDER

The Chair, Bill Gibson, declared quorum and called the meeting to order at 5:37pm.

### 3 ADDITIONS TO THE AGENDA

- Advertising for 2020
- Trophies for Car Show

### 4 ADOPTION OF AGENDA

Moved by: Bill Sheldon  
Seconded by: Kelly Sauriol

THAT the agenda for the October 30, 2019 Summerfest Committee Meeting be approved, as amended.



## SUMMERFEST COMMITTEE MINUTES

---

MEETING DATE: Wednesday, October 30, 2019 – 5:30 PM  
Kinsmen Room, MCC, Town of Pelham, Fonthill

CARRIED

### 5 APPROVAL OF MINUTES OF PREVIOUS MEETING

Moved by: Julie Milligan

Seconded by: Remo Battista

THAT the Minutes of the September 25, 2019 Summerfest Committee meeting be approved, as presented.

CARRIED

### 6 FINAL REPORT & PRESENTATION TO COUNCIL

Sally reviewed the final report and PowerPoint presentation, which will be presented at the November 18th Council meeting. The Committee requested some additional details be included. Sally will revise the final report and presentation, and send out them for the Committee and Vickie to review before submission.

Sally encouraged all Committee members to be present at the Council meeting if they are available.

### 7 2020 GOALS & OBJECTIVE

Sally asked the Committee if they had any new ideas or suggestions for changes for Summerfest 2020. Discussion was had over the location of the stage, due to potential construction, and the other logistics that would be effective by this change. Bill Gibson will design three different options for stage locations for the next meeting to initiate conversation. Bill G asked that Bea Clark come to a subsequent meeting to talk the Committee about other layout options.

Discussion was had about Summerfest 2020 being the 10<sup>th</sup> anniversary and how a new layout may freshen it up.

The Committee also discussed the change in the Public Works department, the Kids Zone on Sunday, and waste management at the event. Staff ensured the Committee

From the Department of



**Recreation, Culture  
& Wellness**

## SUMMERFEST COMMITTEE MINUTES

---

MEETING DATE: Wednesday, October 30, 2019 – 5:30 PM  
Kinsmen Room, MCC, Town of Pelham, Fonthill

that the unionization of the public works department should not affect their role in Summerfest 2020. The Committee discussed the Kids Zone on Sunday including the potential to grow it. The interactive animal exhibits and roaming entertainers were added in 2019. The Committee agree to keep it similar to 2019 due to volunteer engagement and space limitations. Staff discussed the challenges with waste management in 2019 and the changes that will be made for 2020 including the expectations of the organization who collects beer cans, and contamination of recycling bins. Staff welcome new ideas in regards to waste management at Summerfest 2020.

Committee members will come with any new ideas for Summerfest 2020 to the subsequent meeting.

### 8 2020 ROLES & RESPONSIBILITIES

Bill G explained that in years past, Committee members took on specific roles and responsibilities, not only during the event but also in the planning process. Councillor Wink echoed this but expressed concern that there may be a need for more volunteers if Committee members were assigned to specific areas of the festival. There was discussion surrounding the recruitment of additional volunteers to ensure manpower, extending our reach of volunteers to outside of Pelham (ex. Service Clubs in Niagara Falls) and starting our volunteer search earlier. The Committee would like to see how many hours staff and Committee members worked during the event. Sally will bring these figures to the subsequent meeting.

Bill G encouraged the Committee to take on roles in 2020 but have the potential to switch roles in subsequent years to create a general knowledge for succession. Bill asked the Staff to create a list of role positions for Committee members to be sent out with the minutes for which Committee members can sign up for. Sally and Karen will create this list and send it out to the Committee with the minutes.

Sally and Karen will also list all dates for Summerfest 2020 and all Committee meetings in 2020.



## SUMMERFEST COMMITTEE MINUTES

MEETING DATE: Wednesday, October 30, 2019 – 5:30 PM  
Kinsmen Room, MCC, Town of Pelham, Fonthill

### 9 REBUILD THE ARCHES

Bill updated the Committee that about the cost of the Arches, an upcoming presentation at Council on November 4<sup>th</sup>, next steps in the process, and the design. Bill also discussed the partnership with the teaching facility and their commitment to the project.

Bill updated the Committee on the fundraising efforts by Frank Adamson and the Rotary Club including the Arches Social, Purse Bingo, the sponsorship of the Arches and the overall great response from the Community.

### 10 OTHER BUSINESS:

- **Advertising for 2020:** Sally noted that a Niagara the Week was looking to block out their banner ads for 2020 and asked if the Committee was interested in reserving the front page space again in 2020. The Committee agreed.
- **Car Show Trophies:** Bill asked the Committee for permission to build guitars for Car Show Trophies again. The Committee agreed.

### 11 NEXT MEETING

Next meeting: Wednesday November 27<sup>th</sup> at 5:30pm

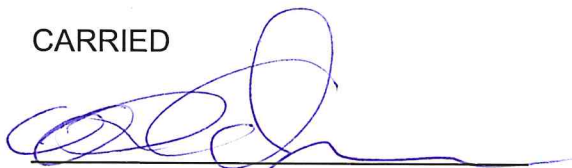
### 12 ADJOURNMENT

Moved: Remo Battista

Seconded: Kelly Sauriol

THAT the meeting of the Summerfest Committee, October 30, 2019 be adjourned at 6:51pm.

CARRIED



Chair of Summerfest Committee  
Bill Gibson



RCW Administrative Assistant  
Karen Blake

From the Department of



## SUMMERFEST COMMITTEE MINUTES

MEETING DATE: Wednesday, November 27, 2019 – 5:30 PM  
Kinsmen Room, MCC, Town of Pelham, Fonthill

**Present:**

✓ Bill Gibson (PATC)  
Sally Jaeger (Special Events & Festivals Programmer)  
✓ Remo Battista (Resident)  
Vickie vanRavenswaay (Director of Recreation, Culture & Wellness)  
Karen Blake (RCW Administrative Assistant)  
✓ Bill Sheldon (Resident)  
✓ Councillor John Wink  
Stephanie Yole (Community Enhancement Programmer)  
✓ Marlene Ouwendyk (PBA)  
✓ Frank Adamson (Resident)  
✓ Julie Milligan (Resident)

**Absent with Regrets:** Bryan Lachapelle (Welland/Pelham Chamber of Commerce)  
✓ Kelly Sauriol (Chamber of Commerce)

**1 WELCOME**

**2 DECLARATION OF QUORUM AND CALL TO ORDER**

The Chair, Bill Gibson, declared quorum and called the meeting to order at 5:33pm.

**3 ADDITIONS TO THE AGENDA**

-Outreach School Donation  
-Resignation of a Committee member

**4 ADOPTION OF AGENDA**

Moved by: Marlene Ouwendyk  
Seconded by: Remo Battista

THAT the agenda for the November 27, 2019 Summerfest Committee Meeting be approved, as amended.

CARRIED



## **SUMMERFEST COMMITTEE MINUTES**

---

**MEETING DATE: Wednesday, November 27, 2019 – 5:30 PM**  
**Kinsmen Room, MCC, Town of Pelham, Fonthill**

### **5 APPROVAL OF MINUTES OF PREVIOUS MEETING**

Moved by: Frank Adamson

Seconded by: Remo Battista

THAT the Minutes of the October 30, 2019 Summerfest Committee meeting be approved, as presented.

CARRIED

### **6 10<sup>th</sup> ANNIVERSARY**

Sally discussed revamping the colours and marketing for Summerfest's 10<sup>th</sup> anniversary in 2020. Sally will discuss different options with the Town's Marketing and Communications Officer and bring them back to the Committee in January. The Committee also spent time discussing new layouts for 2020. This is highlighted in item 10.

### **7 BUDGET**

Sally circulated the 2020 Summerfest budget. She spent time explaining the expenses and revenues, as well as what services or items would be included in each category. The Committee discussed areas where cost savings could be made. Sally explained the differences in expenses between 2019 and years prior. The Committee agreed to look into cost savings within the advertising and marketing budget.

### **8 2020 VENDOR FEES & APPLICATIONS**

Sally introduced Stephanie Yole, who is replacing Jodi Hendriks during her maternity leave. Sally explained that Staff would like to get the 2020 vendor applications out before the end of December. The early bird deadline would be February and all applications would be in by the end of March. The Committee discussed the fee structure and agreed to keep it the same as 2019. The Committee also discussed the potential new layout for the vendors. The Committee asked that a specific location for Saturday vendors not be noted in the application. The Committee agreed to update the dates and send out the applications

From the Department of



## SUMMERFEST COMMITTEE MINUTES

---

MEETING DATE: Wednesday, November 27, 2019 – 5:30 PM  
Kinsmen Room, MCC, Town of Pelham, Fonthill

before the New Year. There was also some discussion over the terms and conditions regarding food vendors.

### 9 2020 ROLES & RESPONSIBILITIES

Karen will send the list of roles and responsibilities for Summerfest 2020. These roles and responsibilities will be decided in January. The Committee discussed contracting a few of the roles out – such as an entertainment coordinator. Sally will rework the budget to reflect additional contracted services. Sally will reach out to local entertainment coordinators.

### 10 FESTIVAL/STAGE LAYOUT OPTIONS

Bill G displayed a map of the festival area detailing a potential new layout for Summerfest 2020. The Committee discussed the change in logistics where the stage and bar area were proposed, the Kids Zone layout, vendor locations for Saturday, the addition of a 'splash' area, how the road closure on Pelham Town Square would affect the businesses and the potential of a fireworks display. Sally will ask the Fire Chief about the fireworks. John will look into a new layout for the KidsZone. Bill suggested that the Committee consider the proposed layout before the next meeting and come back with comments, suggestions etc. Bill will send an electronic version of the map out to the Committee members.

### 11 REBUILD THE ARCHES

Frank updated the Committee on the fundraising efforts for the Arches. The Committee discussed the cost of the arches, next steps in the project, and the timeline of construction. Sally asked if the old shades would be able to be used for the new arches. Bill S stated that the old shades would not fit and new ones will have to be purchased.

### 12 OTHER BUSINESS:

**-Outreach School Donation:** Bill G asked the Committee about donating to the Outreach School. The Committee discussed it and decided that it was not in the mandate of the Committee to donate.

From the Department of



**Recreation, Culture  
& Wellness**

## SUMMERFEST COMMITTEE MINUTES

---

MEETING DATE: Wednesday, November 27, 2019 – 5:30 PM  
Kinsmen Room, MCC, Town of Pelham, Fonthill

**-Resignation of the Committee:** Sally updated the Committee that Candy Ashbee has resigned from the Committee.

### 13 NEXT MEETING

Next meeting: **Wednesday January 15<sup>th</sup> at 5:30pm**

### 14 ADJOURNMENT

Moved: Bill Sheldon

Seconded: Marlene Ouwendyk

THAT the meeting of the Summerfest Committee, November 27, 2019 be adjourned at 6:51pm.

CARRIED

  
\_\_\_\_\_  
Chair of Summerfest Committee  
Bill Gibson  
\_\_\_\_\_  
RCW Administrative Assistant  
Karen Blake

From the Department of





## SUMMERFEST COMMITTEE MINUTES

---

**MEETING DATE:** Wednesday, January 15, 2020 – 5:30 PM  
Kinsmen Room, MCC, Town of Pelham, Fonthill

**Present:** Bill Gibson (PATC)  
Sally Jaeger (Special Events & Festivals Programmer)  
Vickie vanRavenswaay (Director of Recreation, Culture & Wellness)  
Karen Blake (RCW Administrative Assistant)  
Bill Sheldon (Resident)  
Councillor John Wink  
Marlene Ouwendyk (PBA)  
Frank Adamson (Resident)

**Absent with Regrets:** Kelly Sauriol (Chamber of Commerce)  
Remo Battista (Resident)  
Julie Milligan (Resident)

**1 WELCOME**

Due to his absence from the last three Summerfest Committee meetings, Brian LaChapelle has been deemed to have resigned.

**2 DECLARATION OF QUORUM AND CALL TO ORDER**

The Chair, Bill Gibson, declared quorum and called the meeting to order at 5:39pm.

**3 ADDITIONS TO THE AGENDA**

Proposed new graphics for 10<sup>th</sup> Anniversary

**4 ADOPTION OF AGENDA**

Moved by: Frank Adamson

Seconded by: Bill Sheldon

THAT the agenda for the January 15, 2020 Summerfest Committee Meeting be approved, as amended.

CARRIED

From the Department of



**Recreation, Culture  
& Wellness**

## SUMMERFEST COMMITTEE MINUTES

MEETING DATE: Wednesday, January 15, 2020 – 5:30 PM  
Kinsmen Room, MCC, Town of Pelham, Fonthill

### 5 APPROVAL OF MINUTES OF PREVIOUS MEETING

Moved by: Bill Sheldon

Seconded by: Marlene Ouwendyk

THAT the Minutes of the November 27, 2019 Summerfest Committee meeting be approved, as presented.

CARRIED

### 6 TERMS OF REFERENCE

**6.1 PBA Status:** Sally reviewed the current Membership component of the Terms of Reference for the Summerfest Committee. Discussions with the Pelham Business Association (PBA) chair indicate that the dissolution of this group is imminent. The current Terms and Conditions provide for up to two representatives from the PBA on the Committee. The Committee discussed potential revisions to the Terms of Reference that would allow current members to continue to be on the Summerfest Committee.

**6.2 Potential New Members:** As well, Sally updated the Committee on community members who have indicated an interest in joining the Committee. The Committee continued to discuss adjustments to the member qualifications to allow for new members. Councillor Wink suggested that the Committee include members from local service clubs. The Committee recommended that, pending the dissolution of the PBA, the Terms of Reference be revised to increase the number of “community members at large” and add up to two members from Pelham service clubs in place of the PBA representatives. Sally & Vickie will follow up on this process.

### 7 2020 ROLES & RESPONSIBILITIES

**7.1 Entertainment Coordinator Position** – Sally updated the Committee about reaching out to four different people regarding the entertainment coordinator role for Summerfest. Of the four, two were not interested, one gave a reasonable quote and the last would like to offer their services voluntarily and potentially become a member of the Committee. The Committee discussed the different options and decided that Sally can pursue the voluntary option.

From the Department of



## SUMMERFEST COMMITTEE MINUTES

---

MEETING DATE: Wednesday, January 15, 2020 – 5:30 PM  
Kinsmen Room, MCC, Town of Pelham, Fonthill

Sally will set up a meeting with them next week to discuss the possibilities for joining the Committee and volunteering as Entertainment Coordinator.

**7.2 Sponsorship Coordinator** – The Committee discussed the job duties associated with sponsorship coordinator. The Committee felt that Remo, with his background in sales, would be a good fit for this. Kelly expressed interest in assisting with sponsorship coordination via an email prior to meeting. Sally will reach out to them to advise of Committee request.

**7.3 Marketing Coordinator** – The Committee discussed job duties associated with the Marketing Coordinator. Sally has taken on this role in the past. The Committee inquired about the Communications and Marketing Specialist at the Town to do general marketing for Summerfest. Vickie will follow up. The Committee agreed to contract out the social media coordinator's role as has been done in the past.

**7.4 Volunteer Coordinator** – Marlene Ouwendyk volunteered for this position.

**7.5 Sunday Breakfast Coordinator** – Bill Sheldon volunteered for this position.

**7.6 Car Show Coordinator** – Bill Gibson volunteered for this position.

**7.7 Kids Zone Coordinator** - John Wink and Julie Milligan volunteered for this position.

**7.8 Add Vendor Coordination role** – Sally suggested a new role during the meeting to assist with Vendor Coordination. Vickie stated that the Town will have a Brock Intern again for the summer. Sally suggested Lucas (Facility Support and past Brock Intern) help with this as he was involved last year.

## 8 BUDGET

**8.1 Revised Budget** – Sally distributed the revised budget and explained the changes that were made. The Committee discussed these changes and clarified a few line items.

Moved by: Marlene Ouwendyk

Seconded by: Frank Adamson

THAT the revised Summerfest 2020 Working Budget be approved, as presented.

CARRIED



## SUMMERFEST COMMITTEE MINUTES

---

MEETING DATE: Wednesday, January 15, 2020 – 5:30 PM  
Kinsmen Room, MCC, Town of Pelham, Fonthill

**8.2 Website Hosting Quote** – The Committee agreed to accept the quote from Ex Nihilo for website hosting, domain names & design for 2020.

### 9 FESTIVAL/STAGE LAYOUT OPTIONS

The Committee discussed different festival and stage layout options. The most viable location looks to be at the north end of the festival at Highway 20 and Pelham St. Sally will contact the business and building owners in the area as well as the Fire Chief to discuss this potential change in location.

The Committee discussed the Kids Zone and the layout changes that will need to be made. John was not concerned about rearranging the bouncers to fit. He inquired about the inflatable lagoon size. Sally will follow up with the service provider.

The Committee discussed different ideas to celebrate the 10<sup>th</sup> anniversary of Summerfest. Sally informed the Committee that she has reached out to the Fire Chief about fireworks for the festival and will let the Committee know his response. Vickie asked Bill G to add a discussion surrounding the splash pad to his meeting with the Director of Public Works in regards to the water requirements for this addition to the festival.

### 10 REBUILD THE ARCHES

Bill and Bill updated the Committee about a meeting they had with the Launch Centre and the Public Works Director. The new arches are being redesigned as a permanent structure. They also updated the Committee regarding the budget, materials to be used and the timeline for construction by the greenhouse company and the school. Bill G noted that, at the time of construction, plugs or conduits may be placed in the concrete blocks to have electrical plugs available for lighting and/or events under the arches.

Frank updated the Committee on the fundraising efforts for the arches.

## SUMMERFEST COMMITTEE MINUTES

---

MEETING DATE: Wednesday, January 15, 2020 – 5:30 PM  
Kinsmen Room, MCC, Town of Pelham, Fonthill

### 11 OTHER BUSINESS:

Sally passed around a couple of proposed designs for new graphics for Summerfest's 10<sup>th</sup> Anniversary. The Committee gave their feedback which Sally will pass along to the Communications and Marketing Specialist.

### 12 NEXT MEETING

Next meeting: **Wednesday January 29<sup>th</sup> at 5:30pm**

### 13 ADJOURNMENT

Moved: Frank Adamson

Seconded: Bill Sheldon

THAT the meeting of the Summerfest Committee, January 15, 2020 be adjourned at 7:00pm.

CARRIED



Chair of Summerfest Committee  
Bill Gibson



RCW Administrative Assistant  
Karen Blake







## MCC USER GROUP ROUNDTABLE COMMITTEE MINUTES

MEETING DATE: Thursday, October 10, 2019 – 5:00 PM  
Meridian Community Centre, Main Floor Meeting Room, Fonthill

**Present:** Vickie vanRavenswaay (Director of Recreation, Culture & Wellness)  
Julie Cook (Recreation and Wellness Programmer)  
Karen Blake (RCW Administrative Assistant)  
Councillor Mike Ciolfi  
Jessica Sackett (Niagara Centre Skating Club)  
Tim Toffolo (Jr.B Pelham Panthers)  
Doug Freeland (Service Club Representative)  
Brian Bleich (Pelham Basketball Association)  
James Allen (Facility Supervisor)  
Kevin Yochim (Southern Tier Admirals)  
Claire Todd (Minor Hockey Coach, Women's League)  
Trisha Poulin (Jean-Vanier)  
Glen (Jean-Vanier)

**Absent with Regrets:** Spencer Tanguay (Pelham Raiders Lacrosse Association), Byron Sinclair (Pelham Minor Hockey Association)

### 1 WELCOME

The Chair, Tim Toffolo, declared quorum and called the meeting to order at 5:01pm.

### 2 ADDITIONS TO THE AGENDA

### 3 ADOPTION OF THE AGENDA

Moved by: Brian Bleich

Seconded by: Kevin Yochim

THAT the agenda for the October 10, 2019 MCC User Group Roundtable Committee Meeting be approved, as presented.

CARRIED

### 4 APPROVAL OF MINUTES OF PREVIOUS MEETING

Moved by: Kevin Yochim

Seconded by: Brian Bleich





## MCC USER GROUP ROUNDTABLE COMMITTEE MINUTES

MEETING DATE: Thursday, October 10, 2019 – 5:00 PM  
Meridian Community Centre, Main Floor Meeting Room, Fonthill

THAT the Minutes of the September 12, 2019 MCC User Group Roundtable Committee meeting be approved, as presented.

CARRIED

### 5 BASKETBALL SCHEDULING CONFLICT

Brian Bleich exited the room during this discussion.

The Committee was updated on a scheduling conflict that occurred for the gyms on a Saturday in November. Tricia and Glen from Jean Vanier presented their correspondence and permit issued from 2018 regarding the OFSAA tournament they booked for November. They explained that OFSAA has strict regulations surrounding the changing of locations and let the Committee know that they were willing to switch some games around to try to accommodate the Basketball tournament starting at 2pm that day. The Committee had time to ask questions regarding their booking and the needs for their tournaments.

Jean Vanier representatives left the room.

Brian Bleich then came back into the room and presented his perspective of the booking, and his allocations and rights within his user agreement. He explained the difficulty and cost associated in moving his house league to an alternative location. He expressed his willingness to assist Jean Vanier to find alternative locations for OFSAA. The Committee had time to ask questions regarding Brian's needs for his house league on Saturday mornings. Brian Bleich left the meeting.

Committee discussed the different perspectives, contracts, permits, and accommodations that may need to be made. Staff gave some additional information in regards to the booking process. The Committee recommended that Town staff met with both parties together to discuss solutions that would best please both parties. The Committee does not feel comfortable making a final decision as it pertains to a contracts and agreements entered into by the Town. Town Staff will follow up with both parties and come to a solution.

### 6 FEMALE & GENDER NEUTRAL DRESSING ROOM DISCUSSION

Vickie explained the current Referees dressing rooms being a health and safety concern. However, by switching referees room with the female dressing room, this caused concern for the female players. James also explained that they are several non-binary and/or transgender players within the Niagara Region, which the MCC will have to accommodate. His suggestion is to designate the original Duliban referees room as gender-neutral player dressing rooms, dressing



**Recreation, Culture  
& Wellness**





## MCC USER GROUP ROUNDTABLE COMMITTEE

### MINUTES

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MEETING DATE: Thursday, October 10, 2019 – 5:00 PM  
Meridian Community Centre, Main Floor Meeting Room, Fonthill

room 14 as the Referee room and rooms 10 and 11 the female dressing rooms with the accommodation of curtains in the showers. Claire Todd came in as a reference as a Minor Hockey coach as well as a regular hockey player at the MCC. She gave a history of female dressing rooms in Pelham as well as current situations around the Niagara Region. She was satisfied with James' suggestion.

However, Jess Sackett (Niagara Figure Skating Club) mentioned that this would affect her figure skating participants, as the washroom of the dressing room could be shared with other genders. The Committee agreed to a short-term solution of room 14 for referees, rooms 10/11 for females and scheduling no minor hockey games right after figure skating in the Duliban arena.

Quorum was lost during this discussion.

#### 7 ROUND TABLE DISCUSSION

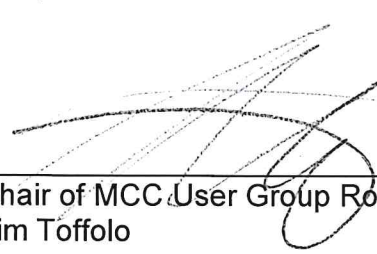
#### 8 OTHER BUSINESSES

#### 9 NEXT MEETING

Next meeting: At the Call of the Chair

#### 10 ADJOURNMENT

The meeting of the MCC User Group Roundtable Committee, September 12, 2019 adjourned at 7:03pm.

  
\_\_\_\_\_  
Chair of MCC User Group Roundtable Committee  
Tim Toffolo

  
\_\_\_\_\_  
RCW Administrative Assistant  
Karen Blake







## **MCC USER GROUP ROUNDTABLE COMMITTEE**

### **MINUTES**

**MEETING DATE: Tuesday November 12, 2019 – 5:00 PM**  
**Meridian Community Centre, Main Floor Meeting Room, Fonthill**

**Present:**

Vickie vanRavenswaay (Director of Recreation, Culture & Wellness)  
Julie Cook (Recreation and Wellness Programmer)  
Karen Blake (RCW Administrative Assistant)  
Councillor Mike Cioffi  
Jessica Sackett (Niagara Centre Skating Club)  
Tim Toffolo (Jr.B Pelham Panthers)  
Doug Freeland (Service Club Representative)  
James Allen (Facility Supervisor)  
Spencer Tanguay (Pelham Raiders Lacrosse Association)  
Byron Sinclair (Pelham Minor Hockey Association)  
Brian Bleich (Pelham Basketball Association)  
Kevin Yochim (Southern Tier Admirals)

**Absent with Regrets:**

**1 WELCOME**

The Chair, Tim Toffolo, declared quorum and called the meeting to order at 5:00pm.

**2 ADDITIONS TO THE AGENDA**

**3 ADOPTION OF THE AGENDA**

Moved by: Spencer Tanguay  
Seconded by: Jessica Sackett

THAT the agenda for the November 12, 2019 MCC User Group Roundtable Committee Meeting be approved, as presented.

CARRIED

**4 APPROVAL OF MINUTES OF PREVIOUS MEETING**

Moved by: Kevin Yochim  
Seconded by: Jessica Sackett



# MCC USER GROUP ROUNDTABLE COMMITTEE MINUTES



MEETING DATE: Tuesday November 12, 2019 – 5:00 PM  
Meridian Community Centre, Main Floor Meeting Room, Fonthill

THAT the Minutes of the October 10th, 2019 MCC User Group Roundtable Committee meeting be approved, as presented.

CARRIED

Vickie updated the Committee on the result of the Basketball discussion, the actions taken and the conclusion. Doug, on behalf of the Committee, wanted to thank the Pelham Panther's Basketball Association for adjusting their schedule to meet the needs of the other organization and the positive result that came with it.

## 5 SUNDAY FLOOD CONFLICT ON DULIBAN

Byron updated the Committee that Minor Hockey has been late getting on to the ice on Sunday afternoons due to the flood being late. Byron recommended that Minor Hockey start at 4:30pm on Sundays. Kevin stated that AAA would be able to start later as well. All Committee members agreed with this change and the new schedule will start this Sunday.

## 6 RENTAL UPDATES –JULIE COOK

Julie updated the Committee on the current rentals. She mentioned that the facility is busy and being used consistently. She stated that the prime time ice this Fall-Winter season is full and daytime ice is on par with the 2018-2019 season. Vickie updated the Committee about a report to Council regarding Summer ice. Staff reminded the Committee that the applications for Summer allocations will be distributed in January.

## 7 FEMALE & GENDER NEUTRAL DRESSING ROOM FEEDBACK

Jessica updated the Committee on a couple situations regarding the dressing rooms during NCSC sessions and explained the effect on their participants. The Committee discussed different solutions and James explained the reasoning behind the dressing room change. Jessica will send James the NCSC schedule with the number of participants and genders. The Customer Service staff will assigned specific rooms to the different NCSC programs. Jessica will send out an email to their membership to begin to check the dressing room assignment boards.

The Committee also discussed gender-neutral dressing rooms and their signage.

## 8 ROUND TABLE DISCUSSION

The Committee discussed the following topics during their round table discussion:

- Ice condition after JR B practices
- Staff on Weekends







## MCC USER GROUP ROUNDTABLE COMMITTEE

### MINUTES

MEETING DATE: Tuesday November 12, 2019 – 5:00 PM  
Meridian Community Centre, Main Floor Meeting Room, Fonthill

- Fitness Classes with outside organizations
- Parking
- Temperatures in the facility
- Dressing room supervision and vandalism
- Visitor behaviour in the facility

Julie will ask a school group to move their time earlier to allow for additional ice maintenance to be completed before Minor Hockey practices or games. James addressed the staffing concerns and the Facility Operators responsibilities during evenings and weekends. Councillor Cioffi and Vickie lead the discussion on where potential parking could be and a grant that would allow for this among other things to happen. James noted that Hockey Coaches will now be in Room 18.

#### 9 OTHER BUSINESS

#### 10 NEXT MEETING

Next meeting: December 10<sup>th</sup>, 2019 at 5pm.  
Second Tuesday of Every Month at 5pm.

#### 11 ADJOURNMENT

First: Spencer Tanguay  
Second: Kevin Yochim

The meeting of the MCC User Group Roundtable Committee, November 12, 2019 adjourned at 7:02pm.



Chair of MCC User Group Roundtable Committee  
Tim Toffolo



RCW Administrative Assistant  
Karen Blake







## **PELHAM PUBLIC ART ADVISORY COMMITTEE**

**MINUTES 19-09**

**4:30 PM**

**September 17, Meridian Community Centre Boardroom, Town of Pelham,  
100 Meridian Way**

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**Present:** Dianne Gibson  
Brian DiMartile  
Jodi Hendriks  
Bob Hildebrant  
Christina Drummond  
Barb Rybiak  
Vickie vanRavenswaay

**Absent with  
Regrets:** Jessica Sung  
Els Swart

### **FOR THE INFORMATION OF COMMITTEE:**

**(a) DECLARATION OF QUORUM AND CALL TO ORDER (Item 1)**

Dianne welcomed all members and called the meeting to order

**(b) ADOPTION OF AGENDA (Item 2)**

**(Christina Drummond/ Barb Rybiak)**

**THAT the agenda for the September 17, 2019 Pelham Public Art Advisory Committee meeting be approved as presented.**

**CARRIED**

**(c) DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF (Item 3)**

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

**(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(Brian DiMartile/ Christina Drummond)**

**THAT the Minutes of the August 13, 2019 Pelham Public Art Advisory Committee meeting be approved, as amended.**

**CARRIED**

**(e) PRESENTATIONS (Item 5)**

None

**(f) DELEGATIONS (Item 6)**

None

**(g) BUSINESS ARISING FROM MINUTES (Item 7)**

Motion to approve the goals & objectives as laid out by Bea Clark, the strategic plan facilitator; Barb Rybiak and Brian Dimartile

MCC art hanging system across from concession; discussion was had and committee decided to focus on the art walls on the second floor. Staff to follow up with the Town of Oakville in regards to which cable ties they prefer.

Motion to approve the art gallery system to replace the current art wall infrastructure; Brian Dimartile/ Barb Rybiak

Old Arena Wall Dedication; Two members of committee will be invited to a sub-committee meeting regarding the old arena wall.

MCC Art Hanging Application Review; application approved for November, staff to contact and schedule a set up time. Tina Drummond/Brian Dimartile

**(h) CORRESPONDENCE TO THE COMMITTEE (Item 8)**

- Dianne provided an update; Sarah Ferguson from Niagara This Week will come out to interview the artist of the month. Staff to keep a record of artist of the month and type of media they are displaying

**(k) CORRESPONDENCE FROM THE COMMITTEE (Item 9)**

- None

**(l) NEW BUSINESS (Item 10)**

Committee reviewed/updated terms of reference

Motion to approve Terms of Reference and send to Committee of the Whole for approval.

Brian/ Christina Drummond

Committee lost quorum at 6:15pm.

Agenda items to be discussed at next meeting.

Create and use consistent message about the Arts in Pelham;

Shirts for the Committee

(m) ADJOURNMENT (Item 12) 6pm

(n) Next Meeting:

October 16<sup>th</sup> @ 4:30pm – Meridian Community Centre

November 13<sup>th</sup> @ 4:30pm – Meridian Community Centre

December 11<sup>th</sup> @ 4:30pm – Meridian Community Centre



Chair

Dianne Gibson



Staff Representative

~~Jodi Hendriks~~ Stephane Yoh

## **PELHAM PUBLIC ART ADVISORY COMMITTEE**

### **MINUTES 19-10**

**4:30 PM**

**October 16, 2019, Meridian Community Centre Boardroom, Town of Pelham,  
100 Meridian Way**

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**Present:** Dianne Gibson  
Brian DiMartile  
Jodi Hendriks  
Stephanie Yole  
Christina Drummond  
Barb Rybiak  
Els Swart

**Absent with  
Regrets:** Bob Hildebrandt  
Jessica Sung  
Vickie vanRavenswaay

#### **FOR THE INFORMATION OF COMMITTEE:**

**(a) DECLARATION OF QUORUM AND CALL TO ORDER (Item 1)**

Dianne welcomed all members and called the meeting to order

**(b) ADOPTION OF AGENDA (Item 2)**

**(Christina Drummond/ Barb Rybiak)**

**THAT the agenda for the October 16, 2019 Pelham Public Art Advisory Committee meeting be approved as presented.**

**CARRIED**

**(c) DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF (Item 3)**

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

**(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

Stephanie Yole added to the attendance

**(Brian DiMartile/ Christina Drummond)**

**THAT the Minutes of the September 17, 2019 Pelham Public Art Advisory Committee meeting be approved, as amended.**

**CARRIED**

**(e) PRESENTATIONS (Item 5)**

None

**(f) DELEGATIONS (Item 6)**

Brian DiMartile – has been attending the SAY IT! Project and provided an update on SAY IT! On Stage progress.

**(g) BUSINESS ARISING FROM MINUTES (Item 7)**

- Consistent message; We aim to encourage pride in our community by promoting creativity and cultural arts in Pelham. Showcasing the artistic talents of our residents of all ages and abilities both amateur and professional.
- Motion to approve – Brian Dimartile/ Els Swart
- Staff to bring samples of committee shirts for next meeting
- Pelham Old Arena Wall Update; Jodi provided an update on the wall project, it is tentatively slated to be installed by Nov. 1.
- Staff provided an update on the hanging system infrastructure installation, it will be installed prior to the next artist who is hanging on Sat. October 26 at 10am.

**(h) CORRESPONDENCE TO THE COMMITTEE (Item 8)**

- None

**(k) CORRESPONDENCE FROM THE COMMITTEE (Item 9)**

- None

**(l) NEW BUSINESS (Item 10)**

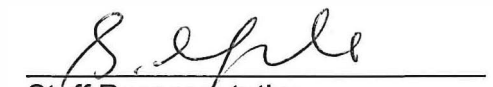
- Holiday Season Card; reviewed the project sent out by the CAO's office, judging will happen at the next committee meeting on Nov. 13, 2019.
- Dianne & Brian have agreed to make a presentation to Council on Monday Nov. 4 at 5:30pm and will meet with staff on Friday Oct 18 @ 10am to review the presentation
- Dianne motioned to apply for the Niagara investment in culture grant for trail markers, and working with the local schools and active transportation committee
- Staff to work with Marketing to create a committee page for the art advisory committee
- Staff to look into the cost of the mobile stage that was purchased for the meridian community centre
- Committee approved artists for hanging; Rebecca Hyatt(date TBD), Stuart Hendrie(Dec 2019), Dean Irvine(June 2020), E.L Crossley Students(January 2020)

**(m) ADJOURNMENT (Item 12) 6:30pm****(n) Next Meeting:**

\*Presentation to Council on Monday Nov. 4, 2019 @ 5:30pm  
November 13th @ 4:30pm – Meridian Community Centre  
December 11<sup>th</sup> @ 4:30pm – Meridian Community Centre



Chair  
Dianne Gibson



Staff Representative

~~Jodi Hendriks~~

Stephane Yde



## **PELHAM PUBLIC ART ADVISORY COMMITTEE**

### **MINUTES 19-11**

**4:30 PM**

**November 13, 2019, Meridian Community Centre Boardroom, Town of Pelham,  
100 Meridian Way**

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<b>Present:</b>	Dianne Gibson Brian DiMartile Stephanie Yole Christina Drummond Barb Rybiak Els Swart
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<b>Absent with Regrets:</b>	Bob Hildebrandt Jessica Sung
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#### **FOR THE INFORMATION OF COMMITTEE:**

**(a) DECLARATION OF QUORUM AND CALL TO ORDER (Item 1)**

Dianne welcomed all members and called the meeting to order

**(b) ADOPTION OF AGENDA (Item 2)**

**(Christina Drummond/ Barb Rybiak)**

**THAT the agenda for the October 16, 2019 Pelham Public Art Advisory Committee meeting be approved as presented.**

**CARRIED**

**(c) DISCLOSURE OF PENCUNIARY INTEREST & GENERAL NATURE THEREOF (Item 3)**

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

**(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**Amend minutes with approval of 3 artist**

**(Dianne / Christina Drummond approval of amended minutes)**

**THAT the Minutes of the October 16, 2019 Pelham Public Art Advisory Committee meeting be approved, as amended.**

**CARRIED**



From the Department of

**Recreation, Culture  
& Wellness**



**(e) PRESENTATIONS (Item 5)**

None

**(f) DELEGATIONS (Item 6)**

None

**(g) BUSINESS ARISING FROM MINUTES (Item 7)**

- Dianne provided an update on the presentation to council that took place Nov 4<sup>th</sup>; went extremely well, new TOR were approved
- Brian DiMartile thanked staff for work on the terms of reference and presentation
- Stephanie and Vickie gave an update on the arena wall dedication; provided description and photo of skinning design plans- everyone very pleased
- Stephanie provided pricing for additional risers and discussion was had about exploring opportunities for funding to purchase additional pieces.
- Stephanie and Vickie provided update on art wall lighting installation; electrician will be starting install in two weeks. Discussion had about tracking sales of art for commission purposes and tightening up procedure. Also discussed tear down dates of artist and set up of new artist; Current artist tear down Nov 29<sup>th</sup>, next artist set up Nov 30<sup>th</sup>. Discussion of larger case for pottery, jewellery, etc.
- Motion to approve Pelham Art Festival reserving wall hanging for April. (Barb/Dianne)
- Vickie provided samples of shirts; polo in blue and purple. Stephanie to retrieve sizes and look into other possible designs. Would like to place order as soon as possible
- Discussion of website ideas; basic info with message and terms of reference, photos and information about art wall, arches, SAYIT!, benches, any other projects

**(h) CORRESPONDENCE TO THE COMMITTEE (Item 8)**

- None

**(k) CORRESPONDENCE FROM THE COMMITTEE (Item 9)**

- None

**(l) NEW BUSINESS (Item 10)**

-Vickie addressed the possible issues with location of the art wall; public area, no warning of content, families and children must use the area and have no option to avoid

-Discussion had regarding the content of Dean Irvine's art. Vickie suggested giving Dean an opportunity to show his art in June (Brain Injury Awareness Month). Discussion of possibilities; guest speaker, dedicated night in Accursi room, use Art Festival panels to display art. Stephanie to set up meeting with Dianne, Vickie, and Dean

-Discussion of evaluating art and determining what area of the MCC is appropriate to display certain pieces

-Vickie spoke on Beautification Committee proposal of mural on Town Hall outer wall; explained that a project like this falls under the Art Committee terms of reference and the possibility of collaboration with beautification committee

-Vickie spoke about the idea of skinning art work on to outer wall at Town Hall, or skinning hydro boxes

-Described plans of addition on Town Hall if grant gets approved in February.

-Vickie spoke on the Hospitality Committee Terms of Reference, their responsibilities, interests, ideas, and how they may overlap with the Art Committee. Possibility of collaborating on events such as concerts was discussed. General feedback from committee; Art Committee is more community based, do not feel the need to be directly involved but could have a supportive roll. Concluded that their involvement with these types of events will be on a case by case basis

-Christmas card judging completed; 12 pieces selected for the Holiday Card

- Barb suggested the possibility of obtaining a grand piano for the community centre. Discussion was had about possible cost and storage

-Discussion on signage for the art wall being an issue

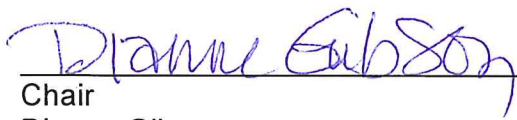
-Vickie explained future plans of digital sign in the atrium

-Stephanie to email committee with list of suggestions and pertaining costs to draw conclusion on where the remainder of the budget will be allocated

(m) **ADJOURNMENT (Item 12) 6:30pm**

(n) **Next Meeting:**

December 11<sup>th</sup> @ 4:30pm – Meridian Community Centre

  
Chair  
Dianne Gibson

  
Staff Representative  
Stephanie Yole

## **PELHAM PUBLIC ART ADVISORY COMMITTEE**

### **MINUTES 19-12**

**4:30 PM**

**December 11, 2019, Meridian Community Centre Boardroom, Town of Pelham,  
100 Meridian Way**

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**Present:** Dianne Gibson  
Brian DiMartile  
Stephanie Yole  
Christina Drummond  
Barb Rybiak  
Els Swart  
Bob Hildebrandt

**Absent with  
Regrets:**

Jessica Sung

#### **FOR THE INFORMATION OF COMMITTEE:**

**(a) DECLARATION OF QUORUM AND CALL TO ORDER (Item 1)**

Dianne welcomed all members and called the meeting to order

**(b) ADOPTION OF AGENDA (Item 2)  
(Barb/Brian)**

**THAT the agenda for the November 13, 2019 Pelham Public Art Advisory Committee meeting be approved as presented.**

**CARRIED**

**(c) DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF (Item 3)**

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

**(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)  
(Brian/Els)**

**THAT the Minutes of the November 13, 2019 Pelham Public Art Advisory Committee meeting be approved, as presented.**

**CARRIED**

From the Department of



**Recreation, Culture  
& Wellness**

**(e) PRESENTATIONS (Item 5)**

None

**(f) DELEGATIONS (Item 6)**

None

**(g) BUSINESS ARISING FROM MINUTES (Item 7)**

- Suggestion of "Arts Advisory Committee" instead of "PAAC" on shirt
- Tina gave example of hand crafted shirt for over top of black committee shirt
- Agreement to create white t-shirt over top of black polo shirts
- Suggestion of silk screen logo with splash 'Pelham Arts Advisory Committee' logo
- Brian motioned to design shirts with last years logo - silk screen splash, instead of embroidery with names on chest (Barb seconded)
- Els offered to reach out to Brain Injury Association about proposed idea of a dedicated event including Dean Irvine's art
- Reach out to Dean has had no response
- Art wall lighting update – electrician to return to finish

**(h) CORRESPONDENCE TO THE COMMITTEE (Item 8)**

- None

**(k) CORRESPONDENCE FROM THE COMMITTEE (Item 9)**

- None

**(l) NEW BUSINESS (Item 10)**

- New artist application discussed – how many pieces of art, possibly add into application a minimum, discussion of appropriateness for families
- Tina suggested informing artists need wires on back of art
- Vickie suggested adding step in process to meet with artist before hanging, also adding a liaison from committee to be the contact for artist– committee agreed
- Brian will be the liaison for Quinn
- Els to be liaison for Rebecca
- Stuart to tear down no later than January 6-8<sup>th</sup>, Crossley to hang after Silverstick tournament
- Discussion of creating a criteria for liaison to discuss with artist prior to hanging artwork
- Vickie discussed Wendy Palermo's feedback, as well as what was discussed during meeting with her
- Stephanie spoke on sequence of events that lead to the discovery of previous damage to art
- Els suggested having artist hang their own work – modify application to reflect this



- Tina gave suggestions based on her experience hanging Stuart Hendrie's art – always have a member of committee on site to assist, have measuring stick available or level, appropriate step ladder/ ladder needed, a book for signing in and comments, signage and lighting, new artist on website/facebook,
- Steph gave update on insurance issues with Stuart – pricing, stipulations on whether it is necessary to purchase insurance through us
- Agreed that application signatures need to be signed in person
- Stephanie distributed 'Portrait of Pelham' greeting cards
- Look into possibility of cultural mapping for future project
- Brian spoke about the 'Over to You' performance – ticket availability and update on the excitement around this project
- Tina suggested electrical box skinning – reach out to contact in Kitchener in regards to what steps to take for project, funding, etc.
- Els motioned to not hold meetings in July and August (Barb Rybiak/ Brian DiMartile)

**(m) ADJOURNMENT (Item 12) 6:30pm**

**(n) Next Meeting:**

January 15 @ 4:30pm – Meridian Community Centre  
 February 19 @ 4:30pm – Meridian Community Centre  
 March 18 @ 4:30pm – Meridian Community Centre  
 April 15 @ 4:30pm – Meridian Community Centre  
 May 20 @ 4:30pm – Meridian Community Centre  
 June 17 @ 4:30pm – Meridian Community Centre  
 September 16 @ 4:30pm – Meridian Community Centre  
 October 21 @ 4:30pm – Meridian Community Centre  
 November 18 @ 4:30pm – Meridian Community Centre  
 December 16 @ 4:30pm – Meridian Community Centre



Chair

Dianne Gibson



Staff Representative

Stephanie Yole

THE CORPORATION OF THE  
T O W N O F P E L H A M

BY-LAW NO. 4202(2020)

**Odourous Industries Nuisance By-Law**

**Being a by-law to regulate certain matters and nuisances related to odourous industrial facilities.**

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**WHEREAS**, Section 128 of the *Municipal Act, 2001*, R.S.O. 2001, .c 25 provides that a local municipality may prohibit and regulate with respect to public nuisances including matters that in the opinion of Council are, or could become, or cause public nuisances;

**AND WHEREAS** Section 129(a) of the *Municipal Act, 2001*, R.S.O. 2001, .c25 provides that a local municipality may prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors; and prohibit these matters unless a permit is obtained from the municipality and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans;

**AND WHEREAS** Section 429 of the *Municipal Act, 2001*, R.S.O. 2001, c.25 provides a municipality with the authority to impose fines for offences of a by-law of the municipality passed under the *Municipal Act, 2001*, R.S.O 2001, c.25;

**AND WHEREAS** Cannabis facilities are a new industry requiring municipalities to look to federal and provincial regulations, policies and legislation as a guide for how to regulate certain matters related to Cannabis production facilities;

**AND WHEREAS** Cannabis Regulations SOR/2018-144, Section 85 requires the building where Cannabis is produced to be equipped with a system that filters air to prevent the escape of odours;

**AND WHEREAS** The *Environmental Protection Act* R.S.O. 1990, Chapter E.19, Section 14 requires that no person shall discharge or cause or permit the discharge of a contaminant including an odour into the natural environment, if the discharge causes or may cause an adverse effect;

**AND WHEREAS** The Ministry of the Environment, Conservation and Parks D-6 Guidelines, O. Reg. 419/05 Odour Regulation and NPC-300 Noise Regulation provide a framework, standards and methods for assessing whether adverse effects are likely, whether proposed mitigations are likely to be adequate, and how to measure compliance;

**AND WHEREAS** Ontario Provincial Policy Statement 2014, 1.2.6.1 requires that major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other in order to prevent or mitigate adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety;

**AND WHEREAS** The *Planning Act* R.S.O. 1990, CHAPTER P.13 requires that a municipality's Official Plan and Zoning By-laws are consistent with Provincial Policy statements;

**AND WHEREAS** The Town of Pelham's Zoning Bylaw 1136 (1987) Section 6.19 requires that no land shall be used and no building or structure erected, altered or used for any purpose which is obnoxious, for any purpose that creates or is likely to become a nuisance or offensive, or both by reason of the emission of objectionable odour;

**AND WHEREAS** without proper regulation, the activities regulated by this By-law, especially in the absence of sufficient regulation and enforcement by another level of government, could become or cause public nuisances;

**AND WHEREAS** The residents of the Town of Pelham have filed numerous complaints which clearly indicate their strong dislike of the Cannabis odour they have been subjected to and the adverse effects it and other Cannabis nuisances are having on them;

**AND WHEREAS** The aforementioned complaints have highlighted the need to update by-laws to address the negative impacts of Cannabis and other odorous industrial facilities that may wish to locate in Pelham;

**AND WHEREAS** the Council of the Town of Pelham has deemed it to be in the public interest that such a By-law be enacted;

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

Interpretation

1. In this By-law:

- a) "Adverse Effect" means an effect that has greater than a trivial impact, including effects such as (i) loss of the ordinary enjoyment or use of one's property including for Sensitive Uses; (ii) loss in property value; (iii) a negative health impact on a resident; (iv) a negative impact on the environment including soil, ground water and septic system contamination; (v) loss of agricultural lands and hazards to sensitive nearby crops; (vi) a negative ecological impact including habitat loss; and (vii) increase in noise or traffic or the creation of unusual traffic patterns.
- b) "Authorized Cannabis Operation" means a Cannabis Operation authorized by an issued license or registration by the federal Minister of Health, pursuant to the Cannabis Regulations SOR/2018-144 or the Access to Cannabis for Medical Purposes Regulations SOR/2016-230, and in compliance with the *Cannabis Act* S.C. 2018, C.16 and the *Controlled Drugs and Substances Act*, SC 1996, c 19, as amended from time to time, or any successors thereto, and operating in accordance with relevant provincial regulations and all municipal bylaws and regulations including this bylaw.
- c) "Cannabis" shall have the same meaning as cannabis as defined in the *Cannabis Act* (Canada) S.C.2018, c.16 as



amended from time to time, or any successors thereto.

- d) "Cannabis Cultivation Operation" means the growing of Cannabis for medical or recreational purposes, subject to regulations under the *Cannabis Act*, as amended.
- e) "Cannabis Operation" means any of the following: a Cannabis Cultivation Operation, a Cannabis Processing Operation, a Cannabis research operation, a Cannabis analytical testing operation, or a Cannabis drug production operation, each which is subject to regulations under the *Cannabis Act*, as amended.
- f) "Cannabis Processing Operation" means the extraction of Cannabis oil for the purpose of producing or manufacturing Cannabis oils, gels or other edibles, carried out subject to regulations under the *Cannabis Act*, as amended.
- g) "Council" means the Council of the Municipality.
- h) "Enforcement Officer" means the By-law Enforcement Officer appointed by the Council of the Municipality for the purpose of the enforcement of Town by-laws; or any Police Officer as defined by the *Police Service Act*, R.S.O. 1990 c.p. 15 as amended.
- i) "Glare" means light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, or to produce a sensation of discomfort.
- j) "Heavy Odour Operation" means a landfill operation, slaughter house operation, or rendering operation.
- k) "LEP" means a licensed engineering practitioner who is a person who holds a licence, limited licence or temporary licence under the *Professional Engineers Act Ontario*.
- l) "Light Trespass" means the shining of light by a luminaire beyond the boundaries of a property on which it is located.
- m) "Luminaire" means a complete lighting system including a lamp or lamps enclosed in a housing complete with reflectors or refractors.
- n) "MECP" means the Ministry of the Environment, Conservation and Parks, Ontario.
- o) "Municipality" means The Corporation of the Town of Pelham.
- p) "Obnoxious Odour" means an odour of Cannabis or an odour from an Odourous Industrial Facility that:
  - a. emanates from a property and disperses or is likely to disperse to one or more other properties; and

- b. is of such strength that it causes or is likely to cause an Adverse Effect.
- q) "Odour Unit" or "Odour Threshold Value" is a measure of the number of dilutions required to render a sample to the detection threshold, commonly expressed as an odour concentration (OU/m<sup>3</sup>). One odour unit is defined as the point where 50% of a normal population could just detect that an odour is present. Measurement of the strength of an odour in odour units is facilitated using a laboratory or field olfactometer.
- r) "Odourous Industrial Facility" means the property, including all its lands, buildings, structures and improvements on the lands, associated with:
  - a) a Cannabis Operation, including an Authorized Cannabis Operation, but shall not mean any property used exclusively for the legal personal cultivation of up to four Cannabis plants per household in accordance with the *Cannabis Act* (Canada) S.C.2018, c.16; or
  - b) a Heavy Odour Operation.
- s) "Person" means a natural person, a corporation, partnership or association and their heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.
- t) "Public Nuisance" means a nuisance as defined in Section 128 and 129 of the *Municipal Act, 2001*, R.S.O. 2001, c.25.
- u) "Sensitive Use" or "Sensitive Receptor" means a school, day care, playground, sporting venue, park, recreational area, residence, place of worship, community centre or any other place where people regularly gather or sleep.
- v) "Vicinity" means the region formed between the inner polygon defined by the property lines of an Odourous Industrial Facility and an outer polygon separated by 2 km from the inner polygon, wherein every point in the region is a distance of no more than 2 km from the nearest point on the inner polygon.
- w) "Zone" means an area delineated on a zoning map schedule and established and designated by the Comprehensive Zoning By-law 1136(1987), or any amendment or subsequent comprehensive Zoning By-law duly enacted, for a specific use or group of uses.

#### Prohibitions

##### 2. No person shall:

- a) operate an Odourous Industrial Facility except in accordance with the provisions of this By-Law;

- b) operate an Odourous Industrial Facility that releases a substance or contaminant that may be harmful to the public or the environment;
- c) operate an Odourous Industrial Facility that causes an Adverse Effect; or
- d) operate an Odourous Industrial Facility, in the case of a Cannabis Operation, except as one maintained as an Authorized Cannabis Operation.

#### Licences

- 3. The owner, occupier and/ or operator of an Odourous Industrial Facility shall produce for inspection all licences, registrations and other forms of authorization which permit the Authorized Cannabis Operation or the Heavy Odour Operation, as the case may be, on the property.

#### Odourous Industrial Facility Regulations

- 4. An Odourous Industrial Facility shall:
  - a) promptly inform the Municipality of any lapses, non-compliances, changes or proposed changes to its licences and operating authorities from Canadian governments and agencies including Health Canada and Canada Revenue Agency, the Province of Ontario including the MECP, the Municipality and any other competent authority;
  - b) operate indoors except with Council approval where it can be demonstrated that the regulations of this by-law will be satisfied;
  - c) prepare at no cost to the Municipality a contingency odour mitigation plan signed/sealed by an LEP, for use in the event of substantiated complaints so that the plans can be immediately implemented as necessary. The odour mitigation plan shall be in the form of an MECP Emission Summary and Dispersion Modelling report detailing the odour inventory and mitigation that will be employed, off-property odour impact predictions, implementation timelines, and a signed/sealed statement by the LEP that (i) the off-property odour impact will not cause an adverse effect at any sensitive use in the Vicinity, and (ii) the odour strength will not exceed two odour units at any sensitive use in the Vicinity (where the standard of compliance is that two odour units will only be exceeded at any given sensitive use up to 0.5% of the time on an annual basis as per MECP Technical Bulletin “Methodology for Modelling Assessment of Contaminants with 10-Minute Average Standards and Guidelines”, September 2016);
  - d) prepare at no cost to the Municipality a contingency light mitigation plan with implementation timelines signed/sealed by

an LEP, for use in the event of substantiated complaints so that the plan can be immediately implemented as necessary;

- e) prior to the issuance of any building permit for new construction or alteration, or if no construction or alteration is required then prior to commencing operation associated with any change in land use, obtain site plan approval and enter into a Site Plan Agreement with the Municipality pursuant to Section 41 of the *Planning Act, R.S.O. 1990, c.P.13*. Site plan approval will require, at no cost to the Municipality with independent peer review on behalf of the Municipality, site plans and designated Section 41(7) studies, and may include additional studies if requested in support of a zoning bylaw amendment application such as on-site monitoring plans and contingency mitigation plans signed/sealed by an LEP which demonstrate that the odour, noise and light requirements of this by-law will be met;
- f) operate only in a Zone designated for such use or in accordance with a zoning by-law amendment approved by the Council of the Municipality;
- g) employ systems, including air filtration systems, throughout the Odourous Industrial Facility where Cannabis or other odour is present to prevent the escape of obnoxious odours and to ensure that:
  - i. at all sensitive uses within the Vicinity, the odour strength measured from the Odourous Industrial Facility never exceeds two odour units more than 44 times per year;
  - ii. at all sensitive uses within the Vicinity, the odour strength measured from the Odourous Industrial Facility never exceeds four odour units; and
  - iii. the odour strength measured at any point on any property line of the Odourous Industrial Facility never exceeds six odour units;
- h) ensure that all security and parking lot lighting are shielded, directed downward and do not spill over onto adjacent properties or create a Light Trespass or Glare so as to cause a nuisance to any adjacent property;
- i) ensure that structures that require interior supplemental lighting for the growing of Cannabis or for another purpose employ a light control plan and light blocking systems to prevent skyglow at night so as to not cause a nuisance to neighbours and the general public;
- j) ensure that noise generated by the Odourous Industrial Facility, including noise from the use of power generators as a primary power source, does not result in sound levels that exceed the limits set out in MECP's NPC-300 guidelines;

- k) operate in a manner to avoid becoming a public nuisance, including implementing pro-active measures to mitigate potential Adverse Effects, and acting quickly and in good faith by implementing contingency measures and additional mitigation measures as needed if complaints arise;
- l) document, and report to the Municipality all complaints received from neighbours and residents and detail the corrective action that will be implemented, including a timeline to prevent further adverse impacts;
- m) report to the Municipality any corrective action taken within five days of commencement of such action and again within five days following completion of such action;
- n) pay for an ongoing neighbourhood, ambient odour monitoring program conducted by independently trained and competent odour practitioner(s) selected by the Municipality with results simultaneously delivered to the Municipality and the Odorous Industrial Facility operator and posted online for public access; and
- o) in the case of a Cannabis Operation, cultivate and process Cannabis solely for the Health Canada licence holder associated with the Odorous Industrial Facility.

#### Penalty

5. The following penalties would apply to any contravention of this By-law:

- a) any contravention of a provision of this By-law can be designated as a continuing offence, pursuant to Section 429 (2)(a) of the *Municipal Act, 2001*, R.S.O. 2001, c.25;
- b) any Person who contravenes any provision of this By-law is guilty of an offence and upon conviction, is liable to a fine, including the fines set out in this By-law and such other penalties as provided for in the *Provincial Offences Act*, R.S.O., 1990 c.P.33, and the *Municipal Act, 2001*, R.S.O. 2001. c.25;
- c) every Person who contravenes any provision of this By-law is guilty of an offence and on conviction, is liable to a fine not exceeding \$5,000 per day that the offence continues;
- d) notwithstanding paragraph (a) and (c) above, every Person who is a corporation that contravenes any provision of this By-law is guilty of an offence and upon conviction, liable to a fine not exceeding \$10,000 per day that the offence continues.

#### Continuing Offence

6. Each calendar day a violation of Section 2, Section 3 or Section 4 continues is deemed to be a separate offence.

### Enforcement

7. In addition to any other penalty or remedy available to the Municipality, the Council may apply to the Superior Court of Justice for an order requiring all or part of an Odourous Industrial Facility to be closed for a period not exceeding two (2) years if it be proved on a balance of probabilities that:
- a) activities or circumstances on or in the premises of an Odourous Industrial Facility constitute a public nuisance or cause or contribute to activities or circumstances constituting a public nuisance in the Vicinity;
  - b) the public nuisance has a detrimental impact on the use and enjoyment of property in the Vicinity;
  - c) the owner, operator or occupants of the Odourous Industrial Facility or part of the facility knew or ought to have known that the activities or circumstances constituting the public nuisance were taking place or existed and did not take adequate steps to eliminate the public nuisance; or
  - d) a conviction for a contravention of this By-law by a court of competent jurisdiction of a public nuisance in respect to the Odourous Industrial Facility has been entered, and the conviction is not currently under appeal.

### Powers of Entry

8. Pursuant to Section 436 of the *Municipal Act, 2001*, R.S.O. 2001, c. 25 and in addition to any other powers of entry granted to the Municipality, the Municipality, by its employees or agents, may enter on the premises of an Odourous Industrial Facility at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a) this By-law or any other by-law passed by the Municipality;
  - b) any direction or order of the Municipality made under the *Municipal Act, 2001*, R.S.O. 2001, c.25, or this By-law;
  - c) a condition of a license issued by the Municipality; or
  - d) an order to discontinue or remedy a contravention of this By-law for which a conviction has been entered by a court of competent jurisdiction.

### Powers of Inspection

9. The Municipality may do any of the following for the purpose of an inspection under Section 8:
- a) require the production for inspection of documents or things relevant to the enforcement of this By-law



- b) inspect and remove documents or things relevant to the enforcement of this By-law for the purpose of making copies or extracts;
- c) require information from any person concerning the matter relevant to the enforcement of this By-law; and
- d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, sample or photographs necessary for the purposes of the inspection; and
- e) conduct a lawful inspection under this By-law by an Enforcement Officer without interference, obstruction or hinderance by any person.

Severability

- 10. If a Court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be remain in force.

Effect

- 11. This By-law shall take effect and be in force upon enactment.

ENACTED, SIGNED AND SEALED THIS  
18<sup>th</sup> DAY OF FEBRUARY, 2020

\_\_\_\_\_  
MAYOR MARVIN JUNKIN

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CLERK NANCY J. BOZZATO

THE CORPORATION OF THE  
T O W N O F P E L H A M  
BY-LAW #4203(2020)

**Being a by-law to adopt, ratify and confirm the actions of  
the Council at its regular meeting held on the 18th day of  
February 2020.**

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 18th day of  
February, 2020, 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 18th DAY OF FEBRUARY 2020 A.D.

\_\_\_\_\_  
MAYOR MARVIN JUNKIN

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TOWN CLERK, NANCY J. BOZZATO